

**St. Charles Parish
Department of Planning & Zoning**

LAND USE REPORT
CASE NUMBER: 2021-3-R

GENERAL INFORMATION

- ◆ **Name/Address of Applicant**
Cecil Sumners & Edith Sandoz
Sunset Ridge Development, LLC
317 N. Freemont Street
Matthews, NC 28105
(504)-617-0675; acsumners@mindspring.com
 - ◆ **Location of Site**
Approximately 146 acres in Sunset Drainage District #1, southeast of the intersection of Bayou Gauche Road and Grand Bayou Road, Bayou Gauche.
 - ◆ **Requested Action**
Change of zoning from R-1B, Single Family Residential to O-L, Open Land.

SITE INFORMATION

- ◆ **Size of Parcel**
The subject area consists of approximately 146 acres.
- ◆ **Current Zoning and Land Use**
R-1B; the area is vacant and mostly cleared, with wooded areas in the north-east corner.
- ◆ **Surrounding Zoning and Land Use**
The north side of the subject area consists of O-L zoning; the south side consist of R-1B and O-L zoning; Wetland zoning is adjacent to the east; O-L zoning is located to the west.

The Sunset Ridge La Pature and Grand Bayou subdivisions are to the north; open pasture and wooded land is to the south; wetlands are to the east; additional open pasture is to the west.
- ◆ **Future Land Use Recommendation**
Low Density Residential: (from 4 up to 8 dwellings per gross acre) this category includes the Parish's predominantly single family detached subdivisions, including those developed consistent with the R-1A (6,000 sq. ft. minimum lot size) and R-1B (10,000 sq. ft. minimum lot size) zoning districts. It also allows accessory units and individual mobile homes on small platted lots zoned R-1AM. Neighborhood-serving uses such as neighborhood parks, churches and servitudes may also be included in this land use category.

Wetlands: Although a natural wetland is not considered a human use of land, substantial portions of the Parish are designated as wetlands. Most are likely to remain as such due to existing regulatory limitations on their development. The wetlands land use designation, which applies to these area, acknowledges these limitations, but most importantly, highlight the value of wetlands to St. Charles Parish.
- ◆ **Traffic Access**
Access to the Sunset Ridge development site is available from Grand Bayou Road, but the majority of the large lots do not have street frontage.
- ◆ **Utilities**
Representatives from the Department of Public Works/Wastewater and Waterworks had no comments for this request.

APPLICABLE REGULATIONS

Appendix A. Section XV. - Amendment procedure

D. *Rezoning guidelines and criteria:* Before the Commission makes a recommendation or the Council rezones property; there should be reasonable factual proof by the proponent of a change that one or more of the following criteria are met:

1. The proposed rezoning conforms to land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zoning that is incompatible with the surrounding neighborhood.
2. The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property. One or more of following examples may be used in evaluating reasonableness:
 - a. Consideration of uses on adjacent properties that would limit the use of the site under consideration.
 - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
 - c. Consideration of changes in land value, physical environment or economic aspects which can be shown to limit the usefulness of vacant land or buildings.
3. Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.

The Planning Staff shall base rezoning analyses on these criteria but shall not be prohibited from factoring unique circumstances of the application into the analysis. The Planning and Zoning Commission may state in its recommendations to the Council: its concurrence with, or rejection of, any or all of the proponents' case for the suggested amendment, and/or its position relative to proponents' statements on the case. Planning Staff analyses and recommendations shall be forwarded to the Council along with the Commission's recommendations.

E. *Rezoning approval criteria:* Before the Council votes to approve a rezoning, there should be reasonable factual proof by the applicant that:

1. The proposed map amendment is in compliance, or is not in conflict, with the goals and recommendations of the St. Charles Parish Comprehensive Plan and Future Land Use Map. and
2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

[I.] O-L. Open Land District:

Policy statement: This district is composed mainly of large open unsubdivided land that is vacant or in agricultural, forestry or residential use. The regulations are designed to protect the open character of the district, and to allow residents to retain their traditional ways of living, by prohibiting the establishment of scattered business, industrial and other uses that are unrelated to any general plan of development and that might inhibit the best future utilization of the land. It is intended that land in these districts will be reclassified to its appropriate residential, commercial or industrial category in accordance with the amendment procedure set forth in the St. Charles Parish Code.

1. Use Regulations:
 - a. A building or land shall be used only for the following purposes:
 - (1) Farming.
 - (2) Animal husbandry.
 - (3) Farm family dwellings.
 - (4) Tenant dwellings.
 - (5) Site-built, single-family detached dwellings.
 - (6) Additional dwellings for family and relatives on unsubdivided property on a non-rental basis, and which meet the criteria outlined in Special Provisions [subsection 3].
 - (7) Manufactured housing.
 - (8) Mobile homes.
 - (9) Accessory buildings.
 - (10) Family subdivisions, provided that they conform to the St. Charles Parish Subdivision Regulations [appendix C].
 - (11) Farmer's market, provided that the criteria outlined in Special Provisions [subsection 3] is met.
 - (12) Any permitted uses under subsection 1.a. items (1) through (9) on a lot or property without frontage provided that a permanent right of passage to access the structure exist or is provided for, is recorded into the deed of the property, and is filed with the Clerk of Court.
 - b. Special exception uses and structures include the following:
 - (1) Religious institutions.
 - (2) Golf courses and golf practice ranges.
 - (3) Public parks and recreational areas.
 - c. Special permit uses and structures include the following:
 - (1) Child care centers.
 - (2) Public and private academic institutions (trade, business and industrial schools shall be located in the appropriate commercial or industrial zoning district).
 - (3) Cemeteries and mausoleums, provided that they meet the criteria outlined in Special Provisions [subsection 3].
 - (4) Extraction of oil and gas, minerals and other natural resources provided that criteria set forth by the St. Charles Parish Coastal Zone Management Section of the Planning and Zoning Department are met.
 - (5) Public stables and kennels.

- (6) Cellular installations and PCS (personal communication service) installations.
 - (7) Green markets upon review and approval by the Planning Commission and supporting resolution of the Council. Such sites must possess frontage on a hard-surfaced public collector or arterial street.
 - (8) *Reserved.*
 - (9) Fire stations with or without firefighter training facilities.
 - (10) Nonresidential accessory buildings.
 - (11) Accessory dwelling units upon approval by the Planning Commission and supporting resolution of the Council.
2. Spatial Requirements:
- a. Minimum lot size shall be twenty thousand (20,000) square feet; minimum width fifty (50) feet.
 - b. Minimum yard sizes:
 - (1) Front—Thirty-five (35) feet.
 - (2) Side—Ten (10) feet.
 - (3) Rear—Twenty (20) feet.
 - (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right-of-way, notwithstanding any other more restrictive setbacks, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999.
 - c. Accessory buildings: Minimum rear and side setbacks shall be ten (10) feet.
 - d. Permitted encroachments:
 - (1) Overhangs projecting not more than twenty-four (24) inches excluding gutter.
 - (2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into the required front or rear yard.
3. Special Provisions:
- a. Additional dwellings on unsubdivided property:
 - (1) Additional dwellings on unsubdivided property referred to in 1, a(11) above, will be permitted at the rate of one (1) dwelling unit for each ten thousand (10,000) square feet of lot area.
 - (2) The applicant for any additional dwellings on unsubdivided property shall submit a copy of all subdivision restrictions (covenants) which govern the property in order to protect the integrity of the neighborhood.
 - (3) Under no circumstances will the total number of dwellings per unsubdivided lot permitted under these provisions exceed four (4).
 - (4) Permits issued under this provision will be issued for a two-year period. At the expiration of this time, an investigation will be conducted by the Planning and Zoning Department to determine if this Code is complied with. Non-compliance will result in the revocation of the permit.
 - b. All manufactured housing and mobile homes shall be secured according to the Federal Emergency Management Agency's Sept. 1985 publication *Manufactured Housing Installation in Flood Hazard Areas*.
 - c. All dwelling units shall be connected to utility systems which provide for health and safety under all conditions of normal use. Home utility services shall only be connected to the supply source by means of approved materials, and shall be inspected by the appropriate agency.
 - d. Farmer's market:
 - (1) All products must be sold on the premises on which they were grown or produced, from either a truck, stand, display table, or other means of display which has been inspected and approved by the Parish Health Unit.
 - (2) No structure, vehicles or signs may be located closer to any property line than the general setback requirements of the O-L District with the exception of one (1) on-premises sign which contains the name of the market. This sign shall be located approximate to the entrance drive directing attention to the market. The sign shall conform with acceptable commercial standards regarding quality and aesthetics. No temporary signs will be allowed. If the sign is to be illuminated, lighting shall be arranged as not to interfere with traffic safety or cause a nuisance to abutting properties.
 - e. Cemeteries and mausoleums:
 - (1) All cemetery or mausoleum sites must have a minimum street frontage of one hundred (100) feet.
 - (2) All cemetery or mausoleum sites must have a fence or screen planting six (6) feet high along all property lines adjoining all districts.
4. Prohibited Use: Medical waste storage, treatment or disposal facilities.

REZONING GUIDELINE EVALUATION

Before the Commission makes a recommendation or the Council rezones property; there should be reasonable factual proof by the proponent of a change that one or more of the following criteria are met:

1. *The proposed rezoning conforms to the land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zoning that is incompatible with the surrounding neighborhood.* Plan 2030 recommends designations of *Low Density Residential* and *Wetlands* across the subject area. These designations provide for a potential land use pattern consisting

of single-family subdivisions while protecting any wetlands located to the west. O-L zoning would allow for agricultural uses and residential dwellings on large lots. It does not permit residential development at a density of 4 to 8 dwelling units per acre. O-L zoning is present in the area, so the request would not result in a spot zone, but it does not conform to the development pattern anticipated by the Comprehensive Plan. **The request does not meet the first guideline.**

- 2. *The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property.* Single family residential development has been active in Bayou Gauche over the past 5 years. In the more developed neighborhoods in the immediate area, three (3) houses have been permitted along adjacent Grand Bayou Road and ten (10) along Luke Drive to the south. Beau Place Estates subdivision, located about one mile south and originally platted in 2001, is now filling in. Fifteen (15) new single family houses were permitted there in 2019, and another ten (10) in 2020. These numbers reflect demand for new housing in Bayou Gauche, and indicates the existing R-1B zoning, which is suitable to this development, allows reasonable use of the property. **The request does not meet the second guideline.**
- 3. *Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.* The O-L zoning district permits agricultural uses and single family dwellings (site-built and manufactured) at a density of two dwelling units per acre. These uses would be compatible with the existing neighborhood, which consists of single family houses on large lots along Grand Bayou Road and cattle grazing in the undeveloped areas, including the subject site. Development permitted in O-L zoning would be less impactful to infrastructure compared to that of the existing zoning due to a development patter consisting of lower densities. **The request meets the third guideline.**

ANALYSIS

The applicant requests a change of zoning of a 146-acre area in Sunset Drainage District #1 from R-1B, Single Family Residential to O-L, Open Land. All the proposed lots meet the spatial requirements for lots in the OL zoning district; few of the lots are arranged on a developed street, but the entire rezone site would have access to Grand Bayou Road.

The acreage is part of a larger holding, approximately 350 acres, much of it rezoned from OL to R-1B in 2006 in preparation for a major subdivision (Ord 06-1-16; PZR 2006-02). Only 22 lots have been developed in the acreage, along Grand Bayou Road; the remaining acreage is undeveloped. In October 2019, the applicant requested a rezone of approximately 322 acres to OL with a companion application for mineral extraction for soil on that area and additional 74 acres that is zoned OL. The Department recommended approval of the rezone, and approval of some of the proposed extraction locations with stipulations. Both requests were denied (2019-20-R; 2019-13-SPU). There is no companion application for mineral extraction with this request.

The request meets the third evaluation guideline.

O-L zoning and development patterns are present in the area, and the uses permitted in the district will not be incompatible with the existing neighborhood or overburden infrastructure. The first guideline is not met since O-L zoning does not fit the Low Density Residential FLUM designation. The second guideline is not met since the existing R-1B zoning does not deprive reasonable use of the property.

Because the site is more than three (3) acres, approval will require an amendment to the Future Land Use Map.

DEPARTMENT RECOMMENDATION

***Approval.**

***This application was made one day after Ordinance No. 20-12-4 was adopted (which would require two criteria to be met for a recommendation for approval**

from the Department), but prior to the ordinance's effective date. The application is reviewed under the ordinance as effective at the time of application.