

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2020-15-R

GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 7/30/2020**
Rhino Enterprises, Inc.
817 Hickory Avenue
Harahan, LA 70123
(504)-460-8546; frstdraw@aol.com
- ◆ **Location of Site**
Lots G-1-A and G-1-B of Almedia Plantation, behind Charlestown and between Almedia Road and Riverview Drive, St. Rose.
- ◆ **Requested Action**
Rezoning of approximately 46.5 acres on Lots G-1-A and G-1-B, Almedia Plantation Subdivision from R-3, Multi Family to R-1A, Single Family Residential.

SITE INFORMATION

- ◆ **Size of Parcel**
Approximately 46.5 acres.
- ◆ **Current Zoning and Land Use**
R-3; undeveloped and mostly wooded
- ◆ **Surrounding Zoning and Land Use**
R-3 zoning is adjacent to the River Road and Almedia Road sides. C-2 zoning is also adjacent to the Almedia Road side. M-1 and R-1A(M) zoning is adjacent to the rear. R-1A zoning is adjacent to the Riverview Drive side.

Multi-family dwellings are adjacent to the River Road and Almedia Road sides in the Charlestown Subdivision. Undeveloped and mostly wooded property is also adjacent to the Almedia Road side Railroad tracks are adjacent to the rear. Riverview Estates, a developed single family subdivision, is adjacent to the Riverview Drive side.
- ◆ **Future Land Use Recommendation**
Moderate Density Residential: (8 dwellings per gross acre and greater) this category includes single family detached dwellings developed consistent with the R-1AM zoning district; attached dwellings such as duplexes, patio / zero-lot line homes and townhomes consistent with the R-2 zoning district; multifamily housing developed consistent with the R-3 zoning district; and accessory units. Neighborhood-serving uses such as parks, churches, easements and ancillary neighborhood commercial uses permitted under the CR-1 zoning district or permitted subject to special exceptions or special permits.
- ◆ **Traffic Access**
The site can be reached by East Club Drive, which connects to River Road.
- ◆ **Utilities**
The representative from the Departments of Waterworks had no comments regarding the rezoning. Representatives from the Department of Public Works and Wastewater stated that they are working with the property owner and their engineer to resolve issues regarding sewer and drainage. At this time both sewer and drainage are not adequate to accommodate significant development on this property.

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.] R-1A. Single family residential detached conventional homes—Medium density.

1. Use Regulations:
 - a. A building or land shall be used only for the following purposes:
 - (1) Site-built single-family detached dwellings
 - (2) Accessory uses
 - (3) Private recreational uses
 - b. Special exception uses and structures include the following:
 - (1) Parks, public libraries, fire stations, police or sheriff's stations or substations, and sewer pumping stations.
 - (2) Showing the operation of historic buildings and/or sites and their related activities, provided a certificate from the United States Department of Interior is furnished by the owner verifying that the building and/or site is on the National Register of Historic Places.
 - c. Special permit uses and structures include the following:
 - (1) Child care centers.
 - (2) Public and private schools (except trade, business, and industrial).
 - (3) Golf courses (but not miniature courses or driving ranges) and country clubs with a site of at least five (5) acres and with all parking at least fifty (50) feet from rear and side property lines.
 - (4) Educational, religious and philanthropic institutions. These buildings must be set back from all yard lines a distance of at least one (1) foot for each foot of building height.
 - (5) Modular, panelized and precut homes, provided that they are placed on a permanent foundation.
 - (6) Reserved.
 - (7) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council.
 - (8) Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council.
2. Spatial Requirements:
 - a. Minimum lot size: Six thousand (6,000) square feet per family; minimum width—sixty (60) feet
 - b. Minimum yard sizes:
 - (1) Front—Twenty (20) feet
 - (2) Side—Five (5) feet
 - (3) Rear—Twenty (20) feet
 - (4) For lots with less than one hundred (100) feet depth, front setback and rear setback shall be twenty (20) percent of lot depth respectively with a minimum of ten (10) feet to the front lot line and five (5) feet to the rear lot line.
 - (5) 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:
 - (1) An accessory building may occupy no more than twenty-five (25) percent of the required rear yard.
 - (2) The accessory building shall not exceed two-story construction.
 - (3) Minimum setback of accessory buildings including overhangs, shall be three (3) feet.
 - (4) Nonresidential accessory buildings shall not be permitted.

d. Permitted encroachments:

- (1) Overhangs projecting not more than twenty-four (24) inches, excluding gutter. For accessory buildings, overhangs shall not be closer than three (3) feet to any property line.
- (2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into required front or rear yard.

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.* The Future Land Use Map (FLUM) designates this site as Moderate Density Residential, which calls for a mix of residential uses built to densities of at least eight (8) dwelling units per gross acre as permitted in the R-1A(M), R-2, and R-3 zoning districts. These districts allow for standard single family development as permitted in the proposed R-1A district. The request would not be considered a spot zoning as it would expand existing R-1A zoning in the adjacent Riverview Estates Subdivision. **The request meets 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.* The land-use character in this area of St. Rose has remained mostly the same over the past 30 years. The most prominent development adjacent to the subject site is Riverview Estates Subdivision which was platted in 1983, and Charlestown which was developed between 1972 and 1985. Activity along Almedia Road is consistent with a light industrial corridor. R-3 zoning permits reasonable use of the property, and is compatible with the surrounding neighborhood. **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 proposed zoning would allow single family development on a large tract bounded by Charlestown and the railroad tracks, and compatible with adjacent single family Riverview Estates Subdivision. The representative from the Department of Waterworks had no comments regarding the rezoning. The representatives from the Department of Public Works and Wastewater stated while they have no objection to the rezoning itself, conversations with the property owner to address existing sewer and drainage conditions are ongoing. At this time both sewer and drainage facilities cannot adequately handle any significant development on this site, but a downzoning from R-3 to R-1A would significantly lower the its development potential from up to 810 dwelling units down to 337. The sewer and drainage issues that do exist could be more adequately addressed as a result. **The request meets the third guideline.**

ANALYSIS

The applicant requests a change of zoning from R-3, Multi-Family to R-1A, Single Family Residential on a property consisting of approximately 46.5 acres and designated as Lots G-1-A and G-1-B of Almedia Plantation.

The request meets the third guideline for rezoning. The permitted development would be compatible with the adjacent single family subdivision, Riverview Estates. And while sewer and drainage facilities cannot currently handle any significant development on this site, representatives from the Department of Public Works and Wastewater are working with the property owner to address infrastructure concerns in the anticipation that the site would eventually be developed. The downzoning from R-3 to R-1A would help in addressing the impact to both existing and improved infrastructure as it would significantly decrease the development potential of the property.

The site is over three acres, requiring a corresponding change to the FLUM from Moderate Density Residential to Low Density Residential if the rezoning is approved.

DEPARTMENT RECOMMENDATION

Approval, based on meeting the first and third guidelines.