



## Department of Planning & Zoning Staff Report – Map Amendment Case No. 2023-14-R

### APPLICATION INFORMATION

- **Submittal Date:** 8/7/2023
- **Applicant / Property Owner**

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- **Request**

Change of zoning from C3, *Highway Commercial District* to R-1A, *Single family residential detached conventional homes* – Medium density

### SITE INFORMATION

- **Location**

The site is located between Ashton Plantation Boulevard and the I-310 Off-Ramp, and is adjacent to the senior living center at 270 Ashton Plantation Boulevard.
- **Size:** approximately 719,442 sq. ft. (16.5 acres)
- **Current Use:** vacant but cleared
- **Surrounding Zoning**

R-1A zoning is located to the Ashton Plantation Boulevard side; C-3 zoning is to the I-310 and Lac Calcasieu Drive sides; MS-Medical Service District zoning is adjacent to the Luling Avenue side.
- **Surrounding Uses**

The site is within Ashton Plantation, which has undergone phased development as a single family subdivision since 1999. Specifically, Ashton Plantation Phase 1-C is located across Ashton Plantation Boulevard, a senior living center is adjacent to the Luling Avenue side, the I-310 off-ramp is adjacent to the rear, and the portion of property adjacent to the Lac Calcasieu Drive side is vacant but cleared.
- **Zoning History**

Most of the existing C-3 zoning was established in 1981, but a portion was created under PZR-99-23; Ord. 99-8-8 to make all land west of Ashton Plantation Boulevard C-3.
- **Flood Zone & Minimum Building Elevation**

1992 Flood Insurance Rate Map: X zone  
2013 Digital Flood Insurance Rate Map: AE +4

The effective Flood Insurance Rate Map (1992) shows the entire site in a shaded X-zone. This is not a Special Flood Hazard Area; property owners would not be required to have flood insurance for a federally-backed mortgage. The Parish requires a building to be 1 ft. above the centerline of the nearest street in this flood zone. The Digital Flood Insurance Rate Map sets the minimum building elevation *when it is more restrictive* or higher than the 1992 map. It shows the majority of the site in an AE zone with the base flood estimated to reach +4 ft. NAVD 88.

In order to permit a structure, a developer will have to submit a grade certificate prepared by a licensed engineer or surveyor so staff can determine which elevation requirement is greater.

▪ **Future Land Use Recommendation**

*Low-to-Moderate Residential – Single-family detached dwellings; attached dwellings such as duplexes, patio/zero-lot line homes and townhomes; and accessory units. Neighborhood retail, services, offices and institutions are also permitted in appropriate locations such as along transportation corridors or at intersections. (over six dwellings per acre)*

*Recommended Zoning Districts: R-1A (6,000 sf. min. lot size), R-1B (10,000 sf. min. lot size), R-1AM (accessory units and individual mobile homes)*

▪ **Traffic Access**

The site fronts Ashton Plantation Boulevard. The preliminary plat submitted with a corresponding major subdivision application shows access provided via an extension of Lac Calcasieu Drive off Ashton Plantation Boulevard.

▪ **Utilities**

The Parish GIS map shows public water and sewer facilities along Ashton Plantation Boulevard.

This request was submitted with a corresponding major subdivision application. As part of the major subdivision process the Parish reviews a Drainage Impact Analysis and construction plans to ensure drainage is not adversely affected by the development and all utilities are built according to Parish specifications.

**APPLICABLE REGULATIONS**

**Appendix A. Section VI. – Zoning District Criteria and Regulations**

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

*Policy statement:* This district is composed of areas containing one-family dwellings constructed on a permanent foundation, connected to public utilities and which meet the architectural standards of a permanent residence. The district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the areas by requiring certain minimum yard and area standards to be met.

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.
    - (3) Accessory uses to golf courses and country clubs limited to the following:
      - art studios
      - churches and religious institutions
      - commercial recreation facilities
      - commercial schools
      - personal service businesses, examples include but are not limited to beauty shops and barber shops, acupuncture, and massage services
      - professional offices, examples include but are not limited to doctors, dentists, engineers, architects, landscape architects, plan services, realtors, insurance
      - restaurants and cafeterias
  - 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), country clubs, and accessory commercial uses on such properties.
    - (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.
    - (9) Garden Home Developments in accordance with Section VII Supplemental Regulations upon review and recommendation of the Planning Commission and supporting resolution of the St. Charles Parish 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, not withstanding 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.

#### **Appendix A. Section XV. - Amendment procedure**

D. Rezoning guidelines and criteria: The proponent for a change should present reasonable factual proof that two 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 zone 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, and that the proposed zoning does. In order to determine what is reasonable use of the property, the proponent for the zoning change should consider one or more of the following:
  - 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, also
2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

<b>REZONING GUIDELINE &amp; CRITERIA EVALUATION</b>
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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 subject site is within an area designated *Low-Moderate Residential*, which anticipates development of those residential uses typically permitted in the R-1A, R-1B, and R-1A(M) zoning districts. The request would not be considered a spot zone since it covers a large area and expands on an adjacent R-1A district. The proposed R-1A zoning does conform to the land development pattern established by the Future Land Use Map and furthers the goal of the Comprehensive Plan. **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 and the proposed zoning does.*

The existing C-3 zoning was established in 1981 and reorganized in 1999 (PZR-99-23; Ord. 99-8-8) so the land west of what would be Ashton Plantation Boulevard was zoned exclusively commercial. The land use pattern has changed with each

successive phase of Ashton Plantation Subdivision, which has reduced the C-3 zoning in favor of expanding residential development. The 1999 rezone referenced above made way for the 2006 and 2007 dedications of Ashton Plantation Phases 1-A, 1-B, and 1-C. And a 2007 rezone from C-3 to R-1A (PZS-2007-15; Ord. 07-8-15) made way for the first residential expansion to the west side of Ashton Plantation Boulevard, with Phases 2-A and 2-B dedicated in 2018 and 2020. Despite the reductions to the commercially zoned areas, the commercial zoning that remains may still be excessive for the area. The subject site is also approximately 2,500 ft. from River Road and lacks any other direct access to the kind of high-traffic roadway making commercial development feasible. The proposed R-1A zoning allows for a more reasonable use of the property that is in keeping with the changes in land-use pattern detailed above. **The request meets 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 R-1A zoning would be more compatible with the surrounding neighborhood character, which has become primarily single family residential with the development of each phase of Ashton Plantation Subdivision. Additional residential development of this area is to be expected. The current zoning allows more intensive land uses including single-use commercial, retail, office and service uses. Therefore, rezoning the site to R-1A would not result in an overburden of public facilities and infrastructure. Additionally, this request is a companion to a major subdivision application where adequacy of existing and proposed infrastructure will be reviewed in greater detail. **The request meets the third guideline.**

<b>DEPARTMENT RECOMMENDATION</b>
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**Approval, based on meeting all rezoning criteria.**

**This request will be forwarded with the Planning Commission's recommendation to the Parish Council for a second public hearing and final determination.**