

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: 2020-6-R

### GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 4/29/2020**  
Fashion Plantation Estates, LLC  
P.O. Box 1440  
Paradis, LA 70080  
(985)-785-8481; louis@lglaw.com
- ◆ **Location of Site**  
Near 900, 901, 959, & 960 S. Fashion Boulevard, Hahnville
- ◆ **Requested Action**  
Rezoning of Parcels F and I, and portions of Parcels G and J (Proposed G-1, F-1, I-1 and I-2), Fashion Plantation Subdivision from R-3, Multi-Family Residential to R-1A, Single Family Residential.

### SITE INFORMATION

- ◆ **Size of Parcel**  
Approximately 609,850 square feet (14 acres).
- ◆ **Current Zoning and Land Use**  
R-3; undeveloped and wooded
- ◆ **Surrounding Zoning and Land Use**  
O-L zoning is adjacent to the upriver and downriver sides; R-1A zoning is adjacent to the River Road side; C-3 zoning is adjacent to the Hwy. 3127 side.

The surrounding area consists primarily of wooded and undeveloped land, with the only development in the vicinity the adjacent Fashion Plantation single family subdivision.

- ◆ **Future Land Use Recommendation**  
Residential/Mixed Use: This land use designation applies in areas appropriate for large scale, creatively planned developments where the predominant use is residential, but where a variety of housing types at varying densities are encouraged, as well as compatible, local serving commercial and service uses. Development under this land use category is anticipated to take the form of Planned Developments (PD's) as well as Traditional Neighborhood Developments (TND's).
- ◆ **Traffic Access**  
Access is provided from S. Fashion Boulevard which connects to Highway 3127.
- ◆ **Utilities**  
Existing water and sewer lines do not extend beyond the residences located at 846/847 S. Fashion Boulevard, and must be extended in order for to serve future development.

### 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 designates the subject site as Residential/Mixed Use, which provides for a variety of housing types, including those permitted in the proposed R-1A zoning district. The rezoning would not be considered a spot zone as it would expand an existing R-1A zoning further down S. Fashion Boulevard towards Hwy. 3127. **The request meets the first criteria.**
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 pattern near the subject property has changed with each successive phase of the Fashion Plantation Subdivision, beginning in 1998 with the first rezoning to R-1A near River Road, and then expanded further towards Hwy. 3127 by rezonings in 1999 and 2003. Also in 2003, the existing R-3 zoning was established on the subject parcels, along with adjacent C-3 zoning fronting Hwy. 3127. A zoning pattern in which the permitted land uses would increase in intensity as they neared the highway was established. This is an ideal land use pattern in which the increased development potential from the R-3 zoning would help the viability of the adjacent highway commercial zoning while minimizing any traffic impact on the single family neighborhood. The existing zoning still allows reasonable use of the property. **The request does not meet the second criteria.**
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 single family residential uses permitted in the R-1A district are compatible with the existing single-family neighborhood, and allow for further expansion of Fashion Plantation Subdivision further towards Hwy. 3127. Representatives from the Department of Waterworks and Department of Public Works & Wastewater stated facilities are available in the area, but would need to be extended in order to serve future development on the subject parcels. The zoning change would also reduce the development potential of the site, resulting in a decreased burden on existing infrastructure. **The request meets the third criteria.**

## ANALYSIS

The applicant requests a change of zoning from R-3, Multi-Family Residential to R-1A, Single Family Residential on Parcels F and I, and portions of Parcels G and J (Proposed Parcels G-1, F-1, I-1 and I-2), Fashion Plantation Subdivision, a 14 acre area on S. Fashion Boulevard, approximately 650 feet from Hwy. 3127.

This is a companion application to 2020-6-MIN, a minor subdivision proposing dividing Parcel I into two lots, I-1 and I-2.

The request meets the first and third rezoning criteria. The proposed R-1A zoning is compatible with the FLUM designation of Residential/Mixed Use, and would not be a spot zone as it would extend adjacent R-1A zoning further down S. Fashion Blvd. The single family houses permitted in the proposed district would also be compatible with the Fashion Plantation Subdivision and not overburden existing infrastructure.

The site is over three acres, but the uses permitted in the R-1A zoning district are already provided for in the Residential/Mixed Use designation, so a change to the Future Land Use Map is not necessary.

## DEPARTMENT RECOMMENDATION

**Approval, based on meeting the first and third rezoning criteria**