

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2020-13-R

GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 7/7/2020**
Victoria Estates, LLC
550 Bienville Street
New Orleans, LA 70130
(504)-224-2241; susangbrennan@gmail.com
- ◆ **Location of Site**
14296 River Road, between Ormond Meadows Drive and Van's Lane, New Sarpy
- ◆ **Requested Action**
Rezoning of approximately 83 acres on portions of a tract designated as Lot 3106, Victoria Plantation Subdivision from O-L, Open Land to R-1A, Single Family Residential and C-2, General Commercial.

SITE INFORMATION

- ◆ **Size of Parcel**
Approximately 83 acres.
- ◆ **Current Zoning and Land Use**
O-L; undeveloped and partially wooded
- ◆ **Surrounding Zoning and Land Use**
O-L, R-1A, and C-2 zoning is adjacent to the upriver side; R-1A and R-3 zoning is adjacent to the downriver side. R-1A(M) is adjacent to the Airline side, while B1 batture zoning abuts across River Road.

The subject site is surrounded primarily by single family development, specifically the neighborhoods comprising the Victoria Acres Subdivision across Vans Lane, and the Ormond Meadows Subdivision directly adjacent on the downriver side. The Ormond Meadows subdivision also consists of some multi-family development, while some commercial uses are located along River Road.

- ◆ **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**
The site has frontage on both River Road, a two-lane state highway and Vans Lane, a 30-foot wide local street with open swale drainage.
- ◆ **Utilities**
Representatives from the Departments of Waterworks and Public Works and Wastewater have no objection to the rezone as water, sewer, streets, and drainage can accommodate development of the tract to the density the proposed zoning allows.

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, 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.

[III.] C-2 General commercial district— Retail sales:

1. Use Regulations:
 - a. A building or land shall be used for the following purposes:
 - (1) All uses allowed in C-1 District.
 - (2) Retail sales (except auto and mobile home sales), usage, and storage
 - (3) Hotels, motels and apartment hotels
 - (4) [Repealed by Ord. No. 92-9-14, 9-8-92.]
 - (5) Restaurants (including drive-in restaurants) and cafeterias. Specific land use requirements for restaurants serving alcoholic beverages are contained in subsection III.59. of these regulations, with further details contained within Chapter 3 of the St. Charles Parish Code of Ordinances.
 - (6) Animal hospitals where all animals are kept inside the building
 - (7) Service station
 - (8) Commercial recreation facilities
 - (9) Commercial greenhouses and nurseries
 - (10) Commercial schools
 - (11) Shops not to exceed two thousand five hundred (2,500) square feet of floor area for the repair and servicing of the following: Bicycles, Radios, Televisions, Stereos and recorders, Household appliances, Locksmith, Typewriters, Other similar uses
 - (12) Shops not to exceed two thousand five hundred (2,500) square feet of floor area may also include the following uses: Dressmakers, Millinery, Tailors, Baking goods sales, Laundry and dry cleaners, Theatres (but not the drive-in type)
 - (13) Laboratories
 - (14) Customary accessory uses incidental to the above uses when located on the same lot
 - (15) Funeral homes (provided that a petition of no objection signed by a majority of property owners within a three hundred foot radius of the site and one hundred (100) percent of the property owners on the same street within the same block be filed with the Planning Zoning Department
 - (16) Cemeteries and mausoleums, provided however that such uses shall be located on sites of at least twenty (20) acres, all graves shall be set back at least fifty (50) feet from all property lines, shall have a minimum street frontage of one hundred (100) feet and a fence or screen planting six (6) feet high shall be provided along all property lines adjoining all districts Cellular/communication towers.
 - (17) Other uses of similar intensity.
 - (18) Mini-storage facilities (limited to one-story construction in C-2 district).
 - (19) Historic home site bed and breakfast.
 - b. Special exception uses and structures include the following:
 - (1) Dwelling units contained within the office building
 - (2) Reserved
 - (3) Reserved
 - (4) Churches
 - (5) Movie theaters
 - (6) Temporary on-site construction buildings for a period of one (1) year upon approval of the Planning Director.
 - c. Special permit uses and structures include the following:
 - (1) R-1A and R-1B uses upon review and approval by the Planning Commission.
 - (2) R-3 uses upon review and approval by the Planning Commission and supporting resolution of the Council.
 - (3) Office buildings for gaming operations, excluding all gaming activities, upon review and approval by the Planning Commission and supporting resolution of the Council.
 - (4) Motor vehicle repair. Automobile sales and service on designated federal and state highways; body repair activities being strictly prohibited in the C-2 zoning district.
 - (5) Heating and air conditioning service.
 - (6) Sheet metal shops
 - (7) Plumbing shops.
 - (8) 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.
 - (9) Bingo halls, video bingo parlors, and off-track betting establishments upon review of the planning commission and ordinance of the St. Charles Parish Council.
2. Spatial Requirements:
 - a. Minimum lot size: Six thousand (6,000) square feet, minimum width - sixty (60) feet.
 - b. Minimum yard sizes:
 - (1) Front - twenty (20) feet
 - (2) Side - five (5) feet
 - (3) Rear - ten (10) 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.
3. Transportation Requirements: Arterial

4. Special Provisions:
 - a. Where any commercial use in a C-2 zoning district abuts any residential district or use, a six-foot high solid wood fence or masonry wall shall border the same and there shall be a buffer strip ten (10) feet wide designated and maintained on the site planted with plant materials acceptable for buffer zones.

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 Residential/Mixed Use, which calls for large-scale, creatively planned developments consisting predominately of residential uses of varying densities, along with neighborhood serving commercial development. The proposed zoning pattern, which focuses C-2 River Road with R-1A residential zoning to the rear would help foster the kind of development anticipated by the FLUM designation. Expanding existing C-2 and R-1A zoning districts would not be an instance of spot zoning. **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.* O-L zoning is specifically designed to allow use of large tracts until a development proposal is presented. The land-use character in this area of New Sarpy has not changed to the point that OL zoning prohibits low-density residential development or agricultural uses of the land. The upriver side of the tract is divided into 26 lots, most of which are an acre in size and fronted on Vans Lane. OL zoning permits houses and agricultural uses on these lots. **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 development of a large tract bounded by River Road and the railroad consistent and compatible with the existing neighborhood character, with neighborhood commercial uses located on the arterial, River Road, to serve residential neighborhoods that reach to the railroad. The uses permitted in the proposed C-2 and R-1A zoning districts would also be compatible with the existing development served by Vans Lane. While the Victoria Acres Subdivision was platted with acre-sized lots, many have been subdivided and, or developed with more than one dwelling. Representatives for Parish utilities, water, sewer, streets, and drainage, have indicated that they have no objection to the proposed rezoning as it would not overburden public facilities or infrastructure. **The request meets the third guideline.**

ANALYSIS

The applicant requests a change of zoning from O-L, Open Land to C-2, General Commercial and R-1A, Single Family Residential on a property consisting of approximately 83 acres and designated as Lot 3106, and several lots of Victoria Plantation Subdivision.

The request meets both the first and third guidelines for rezoning. The new zoning pattern, which would allow for both commercial and residential uses as part of a large scale development, would fit the FLUM designation of Residential/Mixed Use. This pattern would also be more compatible with the existing neighborhood character and would not overburden public facilities and infrastructure based on input from the Departments of Waterworks and Public Works and Wastewater.

The site is over three acres, but a change to the FLUM would not be necessary as the current Residential/Mixed Use designation captures the type of development permitted by the proposed zoning.

DEPARTMENT RECOMMENDATION

Approval, based on meeting the first and third guidelines.