

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2019-15-SPU

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 10/8/19**
Kenneth and Diandray Martin Jr.
P.O. Box 11
Kenner, LA 70063
(504)-610-5000; misssd@deluxebuilders.com
- ◆ **Location of Site**
Proposed Lot L1-A-1, Riverview Estates Subdivision; 87 Riverview Drive, St. Rose
- ◆ **Requested Action**
Single-family dwelling in a CR-1 zoning district

SITE-SPECIFIC INFORMATION

- ◆ **Size of Parcel(s)**
The site is 7,799 square feet
- ◆ **Current Zoning and Use**
CR-1, Residential/Commercial Transitional

The property is cleared but vacant. A site-built single family house was demolished in 2017 (project 29312)
- ◆ **Surrounding Zoning and Land Uses**
CR-1 zoning is adjacent across Riverview Drive and toward railroad or north; C-2 zoning abuts to the rear or toward Charlestowne Boulevard; B1 zoning is across River Road.

Site-built single family houses are adjacent to the west/upriver and north, across and along Riverview Drive; general retail, a dollar store, abuts to the rear or northeast and River Road and the levee abut on the southeast.
- ◆ **Utilities**
Representatives from the Departments of Waterworks and Public Works & Wastewater stated water and sewer facilities are available to service single family development.

APPLICABLE REGULATIONS

[I.] *CR-1 Residential/commercial transitional (Commercial in Residential Neighborhood):*

1. Use Regulations:
 - a. A building or land shall be used only for the following purposes:
 - (1) Office buildings, provided that no goods, wares or merchandise shall be prepared or sold on the premises. Office buildings in this district cannot service gambling operations.
 - (2) Branch banks and branch savings and loan associations.
 - (3) Personal service shops such as beauty shops and barber shops, small schools or studios such as arts and craft schools, conducted by resident members of families provided that no goods or merchandise, except those needed for instruction purposes, or offered for purchase by students only; and, provided that such use shall not occupy more than five hundred (500) square feet of floor area.
 - (4) Studios of artists and photographers.
 - (5) Antique shops not to exceed five hundred (500) square feet of floor area with no goods or merchandise to be stored or displayed outside the building.
 - (6) Parking lots, provided that the parking area shall be used for passenger vehicles only and in no case for sales, repair work, storage, dismantling, or servicing of any vehicles, equipment, materials, or supplies; no signs or advertising of any character except traffic directional signs painted on pavement shall be allowed; the parking area and connecting driveways shall be surfaced with concrete, asphaltic concrete asphalt, or any other type of permanent, dust-free paving and the parking area and connecting driveways shall be maintained in good condition and free of all weeds, dust, trash, and other debris. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from the adjacent residential district. Required front yards shall be landscaped and maintained in good condition.

- (7) Professional and sub-professional offices, including doctors, dentists, engineers, architects, landscape architects, plan services, realtors, insurance, and other similar uses not involving the sale of merchandise.
- b. Special exception uses and structures: As approved by the Planning Commission.
- c. Special permit uses and structures:
 - (1) **All uses allowed in an R-1A Zoning District, upon review by the Planning Commission.**
 - (2) Multifamily dwellings, including duplexes, apartments, apartment houses, townhouses, condominiums, boarding, and lodging houses, upon review by the Planning Commission and supporting resolution of the Council.
 - (3) Nonresidential accessory buildings.
 - (4) Mobile homes in accordance with the provisions set forth in the R-IA(M) zoning district upon review and approval by the Planning and Zoning Commission and supporting resolution of the Parish Council.
- 2. Spatial Requirements: See respective uses under C-1a.
 - a. Minimum lot sizes: Six thousand (6,000) square feet; minimum width - sixty (60) feet. (Ord. No. 86-9-25, 9-22-86)
 - 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 System Requirement: None.
- 4. Special Provisions:
 - a. Where any commercial use in a CR-1 zoning district (CR-1) abuts any residential zoning 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.

Appendix A. Section IV.

A. *Evaluation Criteria* – those uses requiring approval for either a *Special Exception* or a *Special Permit Use* shall be evaluated by the criteria below. These criteria are to be considered illustrative and not restrictive. Other criteria may be considered though not specifically listed below if said criteria affect the general health, safety, and welfare of the public.

- 1. Compliance with the current St. Charles Parish Comprehensive Plan.
- 2. Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.
- 3. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
- 4. Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.
- 5. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
- 6. A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:
 - a. Required yards and open space
 - b. Ingress and egress to property
 - c. Parking and loading areas
 - d. Location of garbage facilities
 - e. Landscaping, buffering, and screening
 - f. Signage
 - g. Height and bulk of structures
 - h. Location and direction of site lighting

SPU & ADU CRITERIA COMPLIANCE

The proposal meets the criteria as follows:

1. *Compliance with the current St. Charles Parish Comprehensive Plan*

The Future Land Use Map (FLUM) recommends Low Density Residential, which accounts for single family development with densities up to 8 dwellings per gross acre (1 dwelling every 5,445 sf.). A single family dwelling fits this FLUM designation.

Complies

2. *Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.* The CR-1 zoning permits commercial uses by right, but the site has long been used for single-family purposes, having been occupied with a historic single family house until its demolition in 2017. The site is part of the Riverview Estates Subdivision, which consists entirely of single-family houses. A single-family residence would be more compatible with the established single family residential subdivision than the commercial uses currently permitted by right. **Complies**

3. *Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.* The house will include garage space and a 16.5' wide driveway capable of accommodating the required two (2) parking spaces for a single-family dwelling. No loading facilities are required. **Complies**
4. *Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.* The site is zoned CR-1 which permits commercial uses such as office buildings, banks, and small personal service shops by right. These uses would require parking and loading and generate higher traffic volumes than a single-family dwelling, which would be significantly less impactful. **Complies**
5. *Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.* Building code approval requires fire protection. Drainage review would occur during permitting. Noise impacts are not expected from this type of development but the noise ordinance will provide for the enforcement of any noise issues that may result. **Complies**
6. *A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:*
 - a. *Required yards and open space;* the Riverview Drive front setback, and the side and rear setbacks are met. A portion of the proposed house will extend 11.5 feet into the required 20 foot setback on the River Road side. **Does Not Comply**
 - b. *Ingress and egress to property;* a driveway will provide access from Riverview Drive, **Complies**
 - c. *Parking and loading areas;* single-family dwellings require two (2) parking spaces. The site has adequate parking to accommodate a single-family dwelling. No loading areas required. **Complies**
 - d. *Location of garbage facilities;* **N/A**
 - e. *Landscaping, buffering, and screening;* **N/A**
 - f. *Signage;* **N/A**
 - g. *Height and bulk of structures;* a portion of the building will extend into the River Road front yard setback. **Does Not Comply**
 - h. *Location and direction of site lighting;* **N/A**

ANALYSIS

The request is for a single-family dwelling on property zoned CR-1, Residential/commercial transitional. This request was submitted in conjunction with a minor subdivision to separate the property into three new lots and two other special permits for single family houses.

The development pattern which could be established if all four applications are approved would match that of the existing subdivision. It would be more consistent than any previous development built or proposed on Lot LR-1, or the commercial uses permitted by right in the CR-1 zoning district.

The proposed use meets the majority of the evaluation criteria for a special permit use, except items 6.a and 6.g. concerning required yards and bulk of structures.

The proposed house extends 11.5 feet into the required 20 foot front yard along the River Road side of the property. The lot line follows the direction of River Road, making it irregularly shaped. The majority of the structure either meets or exceeds the required setback, being approximately 50 feet from the property line at its furthest point. There would still be approximately 40 feet between the house and the edge of River Road.

DEPARTMENT RECOMMENDATION

Approval, contingent on waiving the front yard setback requirement, and approval of minor subdivision 2019-20-MIN