

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZR-2016-12

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date:** 7/28/16
JCJR Enterprises, LLC
13726 River Road
Destrehan LA 70047
985.764.9911; joelchaisson@aol.com
- ◆ **Location of Site**
Abuts the western side of Hidden Oaks Subdivision, between the Boutte Canal and for a distance to the north of approximately 2,204.67 feet to the LP&L 150-foot wide right-of-way.
- ◆ **Requested Action**
Change of zoning from R-1A(M) to R-1A on 13.68 acres

SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**
596,053 sq. ft. (13.68 acres).
- ◆ **Current Zoning and Land Use**
Vacant and zoned R-1A(M)
- ◆ **Surrounding Land Uses and Zoning**
To the north: a 150-foot wide LP&L right-of-way is zoned R-1A; across the right-of-way, the south end of the Gassen Subdivision is vacant but graded on the west side of the street; the east side of Gassen Street is developed with houses including a two-unit town house zoned R-3.

To the east: Hidden Oaks Subdivision is a zoned R-1A and developed with single-family site-built houses.

To the south: Boutte Canal abuts the site on the south; King's Estates Subdivision, zoned R-1A, is developing across the canal.

To the west: Property is vacant but graded and zoned R-1A; this land is expected to develop with a phase of Ashton Plantation Estates Subdivision.
- ◆ **Plan 2030 Recommendation**
Mixed Use Corridor: St. Charles Parish has several corridors which have become, or have the potential to become, mixed use corridor activity centers. The following corridors have been identified in this Comprehensive Plan as warranting this designation. Others may be identified in future updates. Mixed Use Corridors will be implemented through the adoption of "special character" overlay zoning districts, and may include particular use mixes and densities (consistent with the FLUM), and distinct standards or guidelines for private development, public realm / urban design, and/or architectural design.
- ◆ **Traffic Access**
The 66 proposed lots will be accessed by Ashton Oaks Lane, a 50 foot wide right of accessed only by Caesar Court and Meg Lane, two 200' long streets connecting to Allie Lane.

APPLICABLE REGULATIONS

Zoning Ordinance, 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.

Zoning Ordinance, Section VI. B [1]. 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.
 - 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. (Ord. No. 88-5-6, 5-16-88; Ord. No. 95-4-8, § II, 4-3-95)
 - (7) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council. (Ord. No. 92-10-9, § I, 10-5-92; Ord. No. 92-12-9, §§ I, II, 12-7-92)
 - (8) Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council. (Ord. No. 15-7-5).
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. (Ord. No. 97-9-3; 9-8-97)
 - (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. (Ord. No. 08-8-9, § III, 8-18-08)
- 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. (Ord. No. 82-2-3, § II, 3-1-82)
 - (4) Nonresidential accessory buildings shall not be permitted. (Ord. No. 12-7-4, § III, 7-2-12)
- 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.

ANALYSIS

The applicant requests a change of zoning district from R-1A(M) to R-1A in proposed Ashton Oaks Subdivision, a 66 lot subdivision. All proposed lots meet or exceed the spatial requirements for R-1A lots. The St. Charles Parish Zoning Ordinance has three guidelines for evaluating rezoning requests. In order to receive a recommendation for approval, an applicant must demonstrate that the request meets at least one of the three guidelines.

The first guideline states that a rezoning request must conform to the parish's Future Land Use Map (FLUM) and not create a spot zone which is incompatible with the surrounding neighborhood. As an expansion of an R-1A zoning district and meets the FLUM recommendation of Mixed Use Corridor, **the first guideline is met.**

The second guideline states that a rezoning should be considered if the land use pattern or neighborhood character has changed to the point the existing zoning no longer allows reasonable use of the subject property. Rezoning the site to R-1A would make it similar in character to surrounding zoning and land use. For example, Hidden Oaks Subdivision abuts one side, vacant land for a future phase of Ashton Plantation Estates abuts the opposite side. There are residential uses directly opposite to the proposed cul-du-sac and King's Estates is across the Boutte Canal from the opposite end of proposed Ashton Oaks Lane. **Thus, second guideline is met.**

The third guideline states that a rezoning request may be considered if the uses permitted by the proposed zoning are not incompatible with existing neighborhood character and will not overburden public infrastructure. The Public Works and Wastewater Department and Waterworks Department have reviewed the submitted Construction plans for the subdivision, and have submitted letters of no objection to the development, which verifies compatibility, . The subdivision will have direct access to existing Hidden Oaks subdivision, **meeting the third guideline.**

The rezoning request exceeds three acres which normally triggers a corresponding change to the Future Land Use Map. If the request is approved, the FLUM designation of the subject site should be updated as follows so that it is consistent with the single use allowed in R-1A: from Mixed Use Corridor to Moderate Density Residential.

DEPARTMENT RECOMMENDATIONS

Approval of the rezoning and the corresponding change to the FLUM designation