

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZR 2018-05

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date:** June 7, 2018
JCJR Enterprises, LLC
13726 River Road
Destrehan, LA 70047
985.764.9911; joelchaisson@aol.com
- ◆ **Location of Site**
The site is in Destrehan between the CN Railroad yard, the I-310/LA 48 interchange, Harry Hurst football field, and Red Church Estates subdivision/ South Destrehan Avenue.
- ◆ **Requested Action**
Rezone from M-1 to R-1B on 16.2 acres

SITE-SPECIFIC INFORMATION

- ◆ **Size of Parcel**
16.2 acres
- ◆ **Current Land Use and Zoning**
The site is zoned M-1; it is vacant and wooded. The ready for reuse determination of the Louisiana Department of Environmental Quality (Agency Interest number 4356) identifies the property as Area of Interest-A and Area of Interest-B (AOI-A & AOI-B), described as follows:
AOI-A: This AOI comprises 3 acres located north of Harry Hurst Middle School (HHMS) and west of the I-310 Right of Way (ROW). Access to this site is currently limited by private residences on the west, Rail Road Right of Way (RROW) on the north, I-310 ROW on the east and HHMS on the south. There was one crude oil storage tank site identified as Site 52 in the AOI. Two locations were sampled during the RI. Ten samples were collected from three locations during the Risk Evaluation Corrective Action Program (RECAP) investigation. Contaminants in AOI-A Soil That Exceed Non-Industrial Screening Standard: Contaminant TPH-ORO; Max. Concentration: 210 mg/kg; SS 180 mg/kg Limiting Standard 1800 mg/kg. **This AOI meets non-industrial RECAP criteria.**

AOI-B comprises 13.7 acres in the northwest corner of the AI. Access is limited by residences to the west, RR to the north, I-310 ROW to the east and HHMS on the south. This AOI was unused during the operation of the facility. This AI was not sampled during the RI. Seventeen samples were collected from six locations during the RECAP investigation. **This AOI meets non-industrial RECAP criteria.**

- ◆ **Surrounding Land Uses and Zoning**
To the north, the CN railroad yard is zoned M-1; to the east, the I-310 interchange and Plantation Business Campus are zoned M-1, to the south and west, both the Harry Hurst School site and Red Church Estates are zoned R-1A and in educational and residential use.
- ◆ **Future Land Use Recommendation**
The future land use designation for the site is Low-Density Residential with Plantation Civic/Town Center overlay.

The low-density residential category, from 4 to up to 8 dwellings per gross acre, includes the Parish's predominantly single-family detached subdivisions, including those developed consistent with the R-1A (6,000 sf minimum lot size) and R-1B (10,000 sf minimum lot size) zoning districts. It also allows accessory units and individual mobile home on small platted lots zoned R-1AM. Neighborhood-serving

uses such as neighborhood parks, churches, and servitudes may also be included in this land use category.

Plantation Civic/Town Center overlay: located at the base of the Hale Boggs Bridge on the East Bank, this approximately 165 acre site (which houses the Parish's East Regional Library) lends itself to becoming a future concentration of civic facilities and other community-serving activities and functions; it is centrally located and has high accessibility to I-310.

◆ **Traffic Access**

Traffic access is proposed as an extension of St. Paul Street. The proposed extension does not meet geometric standards for streets. The applicant has requested a waiver.

◆ **Utilities**

Standard utilities are available in the area and representatives of Public Works, Wastewater and Drainage as well as Waterworks indicate the existing infrastructure can accommodate the proposed development.

APPLICABLE REGULATIONS

Appendix A. Section VI.

[III.] R-1B. Single family residential detached conventional homes—Light to medium density.

1. Use Regulations:

a. A building or land shall be used only for the following purposes:

- (1) Single family detached dwellings
- (2) Accessory uses
- (3) Gardening
- (4) 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 and 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 (minimum lot size—20,000 square feet)
- (2) Public and private schools (except trade, business, and industrial)
- (3) Religious institutions
- (4) Golf courses (but not miniature courses or driving ranges) and country clubs (non-profit) with a site of at least five (5) acres and with all parking at least fifty (50) feet from rear and side property lines
- (5) Educational, religious and philanthropic institutions, provided, however, that such uses shall be located on sites of ten (10) acres or more, that buildings shall not occupy more than ten (10) percent of the site area, and that buildings be set back from all yard lines a distance of at least one (1) foot for each foot of building height.
- (6) Reserved.
- (7) Reserved.
- (8) Private commercial access roads, upon review by the Planning Commission and
- (9) Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council.

2. Spatial Requirements:

a. Minimum lot size: Ten thousand (10,000) square feet per family; minimum width - eighty (80) feet.

b. Minimum yard sizes:

- (1) Front - twenty-five (25) feet
- (2) Side - eight (8) feet
- (3) Rear - twenty-five (25) 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

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 rear and side setbacks of a detached accessory building shall be five (5) feet.
 - (4) Accessory buildings shall be located on the same parcel of land as the main structure.
 - (5) Nonresidential accessory buildings shall not be permitted.
 - d. Permitted encroachments:
 - (1) Overhangs projecting not more than twenty-four (24) inches, excluding gutter.
 - (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.
3. Transportation System: Local and collector streets only.

Appendix A. Section XV. - Amendment procedure.^[7]

- A. The Council may amend this Ordinance when amendments are properly introduced as outlined in Section XIV. No such amendment shall be effective unless:
 - 1. The Planning Commission has received a full analysis report from the Planning and Zoning Department on the merits of the proposed amendment and the Commission has held a public hearing on the proposed amendment offering standard public notice according to the Commission rules; and
 - 2. The Council has received a full analysis which includes a recommendation from the Planning and Zoning Department on the merits of the proposed amendment and including a recommendation from the Commission contained within a verbatim transcript of the portion of the Commission meeting relating to the proposed amendment; and
 - 3. The Council has held a public hearing on the proposed amendment offering standard public notice according to the Council rules.
- B. Following review by the Planning and Zoning Department, a public hearing will be held by the Planning and Zoning Commission. The Planning and Zoning Department shall post a sign on the affected property which calls attention to the public hearing at least ten (10) days prior to that hearing date. Similar notification shall also be posted at the principal office of the Department of Planning and Zoning. The public hearing shall be advertised in the official journal of the parish at least three (3) times on at least three (3) separate weeks, and at least fifteen (15) days shall elapse between the first publication and the date of the hearing. Notice of the time and place of the public hearing shall be sent by certified mail not less than ten (10) days in advance of the hearing to all abutting property owners. Following this public hearing, the recommendation of the Planning and Zoning Commission shall be forwarded to the Parish Council by the Planning and Zoning Department.
- C. A Planning Commissioner making a motion which differs from the Planning Staff recommendation may render a written statement in suitable form, for transmittal by the Secretary with the Commission and Staff reports to the Council. In addition, any other member may submit a written opinion on the matter, which shall be transmitted to the Council by the Secretary along with the Commission report.
- 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.
- F. *Withdrawal of applications:*
 - 1. Any application which the applicant wishes to withdraw from a Planning Commission public hearing must be withdrawn by written notice to the Department of Planning and Zoning not later than the Wednesday at noon preceding the Commission meeting, and following such withdrawal will not be accepted for readvertisement for six (6) months, except on majority vote by the Commission.
 - 2. When application is duly advertised and not withdrawn as set forth above, a public hearing shall be held by the Commission and a report forwarded to the Council along with any application received.

Said application may be withdrawn from Council action only by written request to the Council Secretary before Thursday at noon preceding the public hearing. Any such application withdrawn in this manner shall not be accepted for readvertising for one (1) year.

3. Any rezoning application withdrawn after Commission action but prior to Council action may be refiled with the Commission in less than one (1) year provided that the Commission approves a written request showing there is evidence not previously considered or extenuating circumstances.
4. Any rezoning application denied by Council shall be prohibited for applying for the same map amendment for a period of one (1) year from the date of denial.

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 request is to expand residential zoning eastward where M-1 zoning exists. The Future Land Use designation for the subject site is low-density residential with a civic or town center overlay. R-1B conforms to that land development pattern and although R-1B requires a larger lot than the adjacent R-1A zoning district, the lots immediately adjacent meet R-1B area, width, and building setbacks. **The request meets this criterion.**
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 of has not changed to the extent that M-1 zoning does not allow reasonable use of the property. The site was zoned M-1 in 1981, most likely because it was owned by the Pan Am Refinery that was dismantled in 1958. This Red Church Plantation Estates was built in the mid 80s and developed with houses quickly; the Hale Boggs Bridge was dedicated in October 1983; the Canadian National railyard has existed at this location since the 80s as well—the site could be developed with industrial uses. **The request does not meet this criterion.**
3. *Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.* As a request to reduce the development potential on the property from light-industrial uses to low-density residential, which is compatible with the adjacent residential development, the request is likely to reduce the burden on water, drainage, and sewer. Rezoning to R-1B is most likely to reduce negative impacts of the traffic that might be generated by light industrial development. **The request meets this criterion.**

ANALYSIS

The applicant requests a rezone of 16.7 acres of land in order to develop large residential lots in a major subdivision. The request meets both the first and third criteria for rezoning.

The property is part of a refinery site that was dismantled in 1958. The site has been developing quickly in recent years. The subject site has been identified by the Louisiana Department of Environmental Quality as ready for reuse and not restricted to industrial development.

DEPARTMENT RECOMMENDATION

Approval.