

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2019-21-R

GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 11/05/19**
Highway 18, LLC
13386 Highway 90
Boutte, LA 70039
(985)-785-8411; brandtd@fnbusa.com

JCJR St. Charles, LLC
13726 River Road
Destrehan, LA 70047
(985)-764-9911; joelchaisson@aol.com
- ◆ **Location of Site**
Lots L-1, L-2, & L-3 (Formerly Lot A of a subd. of Lots 16-18 of Fashion Plantation)
Portion of Lots 19 & 20 of Fashion Plantation all between River Road and the Union
Pacific Railroad near 14785 & 14855 River Road, Hahnville.
- ◆ **Requested Action**
Rezoning from O-L, Open Land to R-1A, Single-Family Residential

SITE INFORMATION

- ◆ **Size of Parcel**
The site consists of approximately 35 acres
- ◆ **Current Zoning and Land Use**
O-L, Open Land; Lots 19 and 20 are in agricultural use. Lot L-1 is developed with a
single family residence. Lots L-2 and L-3 are cleared and vacant.
- ◆ **Surrounding Zoning and Land Use**
O-L zoning is on the upriver and downriver side and also across the Union Pacific
Railroad; R-1A zoning is located across River Road.

The surrounding land uses consist primarily of large tracts in agricultural use with low-density residential development near River Road. The property directly across River Road from the site is vacant but cleared.

- ◆ **Future Land Use Recommendation**
Low Density Residential: (from 4 up to 8 dwellings per gross acre) this category includes the Parish's predominantly single family detached subdivisions, including those developed consistent with the R-1A (6,000 sq. ft. minimum lot size) and R-1B (10,000 sq. ft. minimum lot size) zoning districts. It also allows accessory units and individual mobile homes 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.

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 474 feet of frontage on River Road.

◆ **Utilities**

Representatives of Waterworks indicate water is available and adequate to serve residential development.

Representatives of the Department of Public Works/Drainage have stated they have no concerns for roads or drainage.

Representatives for the Department of Public Works/Wastewater stated sewer facilities in the area cannot serve the subdivision without upgrades. Staff and representatives for sewer met with developers on November 12 to discuss the issues.

APPLICABLE REGULATIONS

Appendix A. [1.] 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.

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.

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 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 Comprehensive Plan recommends Low Density Residential for approximately the first 850 feet of the subject site and Residential/Mixed Use for the remainder. R-1A zoning complies with both FLUM designations and would not be a spot zone, as R-1A zoning and single-family uses can be found in the vicinity. **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.* While the O-L zoning district is meant to be reclassified to a zoning district that supports the Comprehensive Land Use Plan, the land use pattern in the area has not changed in such a way that OL zoning no longer allows reasonable use of the property. O-L zoning in this area allows for agricultural uses to continue, or a low-density residential subdivision with 20,000 square foot lots. Residential development at low density might be more appropriate considering the sewer capacity in the area. **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 R-1A zoning district permits medium density residential development, which would be compatible with the existing neighborhoods of Fashion Estates and Fashion Terrace. However, development to R-1A density could overburden existing infrastructure, specifically wastewater facilities. Rezoning this site to R-1A creates the potential for as many as 200 houses. The developers have submitted a Preliminary Plat showing 54 residential lots, but several of the lots are large enough to be subdivided further. Representatives of the Department of Wastewater are working with developers to find ways to increase the wastewater capacity in area, however, until the issues are resolved, rezoning this area may result in development that overburdens the public infrastructure. **The request does not meet the third guideline.**

ANALYSIS

The applicant requests a change of zoning from O-L, Open Land to R-1A, Single-family Residential on approximately 35 acres in order to develop a single-family subdivision.

The request meets the first guideline for rezoning because R-1A zoning would conform to the land development pattern recommended in the Future Land Use Plan and does not create a spot zone. However, the Department cannot recommend approval of the rezone until it can be shown that sewer infrastructure can handle the amount of wastewater a rezone issues in the area are resolved.

DEPARTMENT RECOMMENDATION

Postpone until sewer capacity issue is addressed.