## ST. CHARLES PARISH PLANNING BOARD OF COMMISSIONERS September 5, 2024 6:00 P.M.

#### CALL TO ORDER

#### PLEDGE OF ALLEGIANCE

- 1 <u>2024-12-MIN</u> requested by Shirley and James Madere Jr., ROCRYN, LLC for a resubdivision of two lots into five, <u>100 block of Early Street, Paradis.</u> Zoning District R-1A(M). Council District 4. **Requires Planning Commission approval.**
- 12 <u>2024-16-R</u> requested by Suzanne Imbraguglio for a change of zoning from O-L to R-1A on two undesignated tracts consisting of approximately 2.25 acres, <u>201 Joe</u> <u>Louis Lane, Hahnville</u>. Council District 1. **Requires Planning Commission recommendation and Parish Council approval.**
- 21 <u>2024-17-R</u> requested by Melissa & Craig Perrier for Bayou Bahamas, LLC for a change of zoning from R-1A(M) and O-L to R-1M on Lot DZ-1, <u>10577 River Road,</u> <u>Ama.</u> Council District 2. Requires Planning Commission recommendation and Parish Council approval.
- 32 <u>2024-18-R</u> requested by Malcolm Darensbourg, III, MAD, III, LLC for a change of zoning from R-1A to R-1A(M) on Lot 31A, Square 1, St. Charles Terrace Annex Subdivision, <u>175 Annex Street, New Sarpy.</u> Council District 6. Requires Planning Commission recommendation and Parish Council approval.

<u>UNFINISHED BUSINESS</u>-<u>NEW BUSINESS</u>-<u>MINUTES</u> – (August 1, 2024, Minutes) <u>ADJOURN</u>



## Department of Planning & Zoning Staff Report – Minor Resubdivision Case No. 2024-12-MIN

## **APPLICATION INFORMATION**

- Submittal Date: 7/15/24
- Applicant / Property Owner Shirley and James Madere ROCRYN, LLC P.O. Box 3563 Paradis, LA 70080 504.559.3387; shirley.madere@gmail.com
- Request Resubdivision of property designated Blocks 20 and 21 (including portions shown as Parcel 1-1, Parcel 1-2, and former Bayou Crocodile), Town of Paradis, into Lots 20A, 20B, 20C, 21A, and 21B.

## SITE INFORMATION

- Location: 100 block of Early Street, Paradis
- Size of Proposed Lots
  - Lot 20A: 8,169 sq. ft.; 50 ft. wide
  - Lot 20B: 13,830 sq. ft.; 100 ft. wide
  - Lot 20C: 11,395 sq. ft.; 100 ft. wide
  - $\circ$  Lot 21A: 7,986 sq. ft.; 100 ft. wide
  - o Lot 21B: 6,084 sq. ft.; 50 ft. wide
- Current Zoning: R-1A(M)
- **Current Use:** vacant; a slab is located on proposed Lot 20A.
- Surrounding Zoning: R-1A(M)
- Surrounding Uses: single family homes
- Flood Zone & Minimum Building Elevation 1992 Flood Insurance Rate Map: X 2013 Digital Flood Insurance Rate Map: AE5

## Plan 2030 Recommendation

Low-to-Moderate Residential – Single-family detached dwellings; attached dwellings such as duplexes, patio/zero-lot line homes and townhomes; and accessory units. Neighborhood retail, services, offices and institutions are also permitted in appropriate locations such as along transportation corridors or at intersections. (over six dwellings per acre)

## Traffic Access

Block 20 and 21 have 400 ft. of frontage on Early Street. Each proposed lot will have frontage on Early Street.

## Utilities

The Parish GIS shows water, sewer, and drainage facilities along Early Street.

Department Representatives from Waterworks, Wasterwater and Public Works provided no objection to the resubdivision. The Director of Wastewater did state that new sewage taps would have to be placed for development on each.

### **Development History**

Blocks 20 and 21 are shown on a plat of the Sunset Drainage District dated December 1, 1925, and again with more clarify on an H.E. Landry map of the Town of Paradis dated March 10. 1940.

The slab of an accessory structure is shown on proposed Lot 20A. No other development history could be located.

In 2016 the owners entered into an Easement/Servitude Agreement with the Lafourche Basin Levee District as a part of the West Bank Hurricane Protection Levee, establishing a "perpetual and assignable right, servitude and easement in the described lands identified as Parcels 1-1 &1-2 to locate, construct, maintain, repair, operate, patrol and replace a levee ... "

Ownership of the area shown as Bayou Crocodile fell to the adjacent landowners as per the letter from the State of Louisiana Division of Administration State Land Office dated August 20, 2004. Portions of Bayou Crocodile have subsequently been incorporated into adjacent property as per PZS-2003-69 and PZS-2004-84.

#### **APPLICABLE REGULATIONS**

#### Appendix A. Section VI. Zoning District Criteria

[II.] *R-1A(M). Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes*— Medium density.

- 2. Spatial Requirements.
  - Minimum lot size: Five thousand (5,000) square feet per family; minimum width-fifty (50) feet. a. b.
    - Minimum yard sizes:
      - Front—Fifteen (15) feet. (1)
      - Side-Five (5) feet. (2)
      - Rear-Five (5) feet. (3)
      - (4) For lots with less than one hundred (100) feet depth, front setback shall be fifteen (15) percent of lot depth with a minimum of ten (10) feet to the front lot line and five (5) feet to the rear lot line.
      - Whenever property abuts a major drainage canal as defined by the Subdivision regulations (5) 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.

### Appendix C. Section II. Subdivision Procedure

- Minor Resubdivisions.
  - In instances where a net increase of five (5) or fewer lots is proposed by subdivision or resubdivision and no new or additional public improvements are required, no formal preliminary plat shall be required. The plan of resubdivision shall comply with requirements outlined in section II.C.3 of this section, and with all relevant land use regulations, including the St. Charles Parish Zoning Ordinance and Subdivision Regulations. The Planning and Zoning Commission may approve or deny the application. The basis for denial shall be stated at the meeting and on the record of the Planning and Zoning Commission.
  - 2. Traffic Impact Analysis. A Traffic Impact Analysis, including all required documentation, shall be submitted in accordance with the Parish's Traffic Impact Analysis Policy.
  - Consecutive Minor Subdivisions. The Minor Resubdivision process is not intended to create major subdivisions from multiple minor subdivisions. Whenever a minor subdivision results in a net increase of lots, 3. parcels, or tracts, no application for a further increase of lots shall be considered by the Planning Commission for a period of two years from the date of recordation unless a majority of the Planning Commission votes to consider the consecutive request to resubdivide into additional lots. This restriction shall not prohibit a property owner from changing boundary lines by administrative resubdivision.
  - Subdivisions and resubdivisions which meet the guidelines contained in Section II.C. of these regulations shall 4 be presented to the Department of Planning and Zoning in the form of a plan which conforms to the laws of the State of Louisiana governing surveying, platting, and subdivision of land. The proposed subdivision shall contain the following information;
    - Location of the property. a.
    - Name(s) and address(es) of the owners. b.
    - Name and address of the Land Surveyor preparing the plan as well as the date the survey was c. prepared. The survey shall be dated within one (1) year of the subdivision application date.
    - Existing property lines and lot numbers, including names and width of adjoining streets. d.
    - Proposed property lines and revised numbers of proposed lots. e.
    - f. Location and dimensions of existing buildings.
    - Layout and dimensions of all existing, proposed, and required servitudes and rights-of-way, including g. but not limited to servitudes for sidewalks, utilities, access, drainage ditches, and canals.
    - Existing lakes and ponds. h.
    - North arrow and scale.
    - The following note shall be added to all resubdivision maps: All necessary sewer, water and/or other j. utility extensions, relocations or modifications shall be made solely at the lot owner's expense.
    - k. Stormwater Pollution Prevention Plan. For Minor Subdivisions that involve more than one (1) acre, the MS4 Administrator may require the submittal of a Stormwater Pollution Prevention Plan and/or Post Construction Stormwater Permit, including all required documentation, in accordance with Chapter -Stormwater Management and Erosion and Sedimentation Control.

I. The following note shall be added to resubdivision maps that result in a net increase of lots: No lot created by this act of subdivision shall be divided in such a way that another net increase in the number of lots occurs for a period of two years.

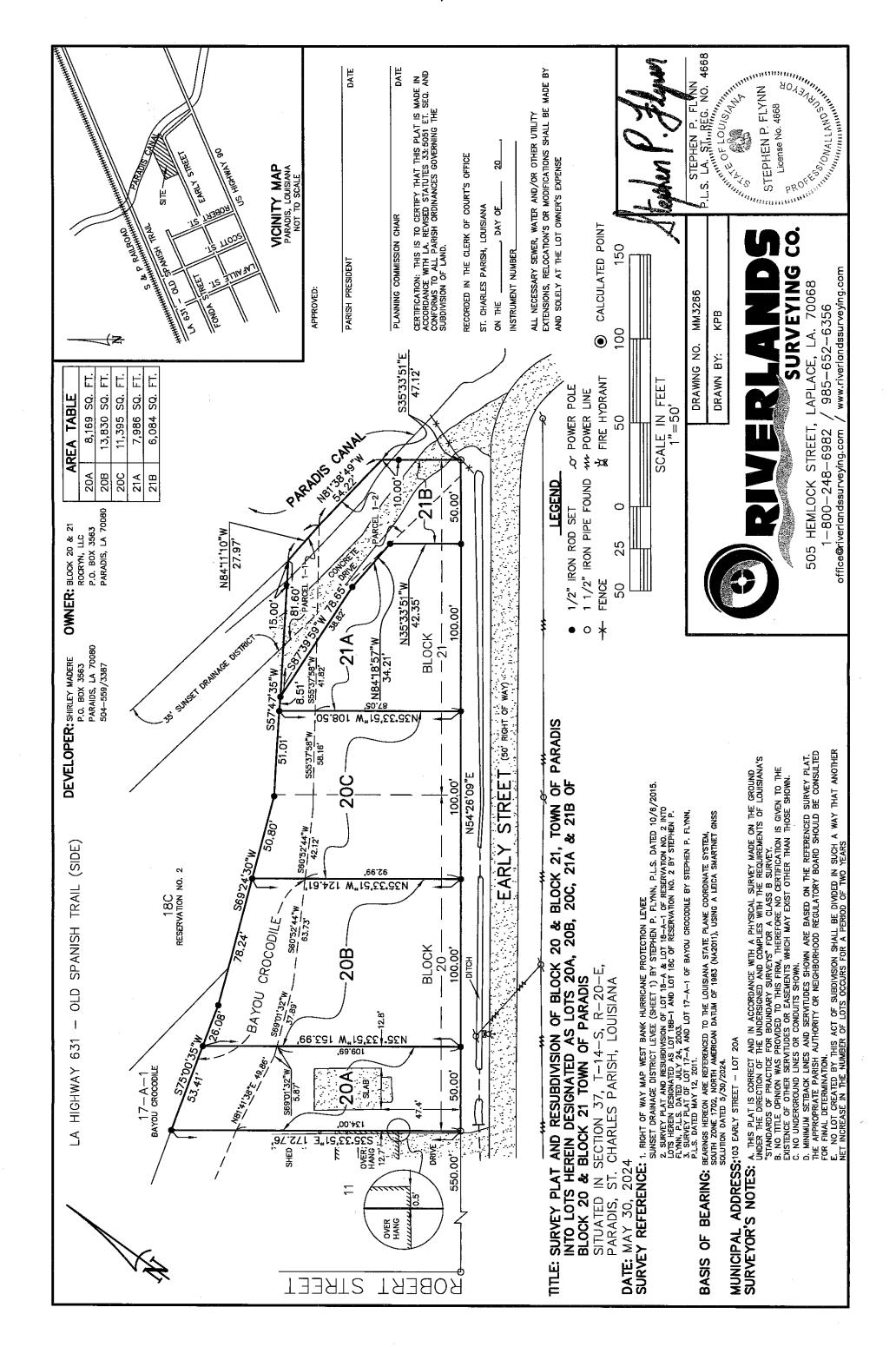
### FINDINGS

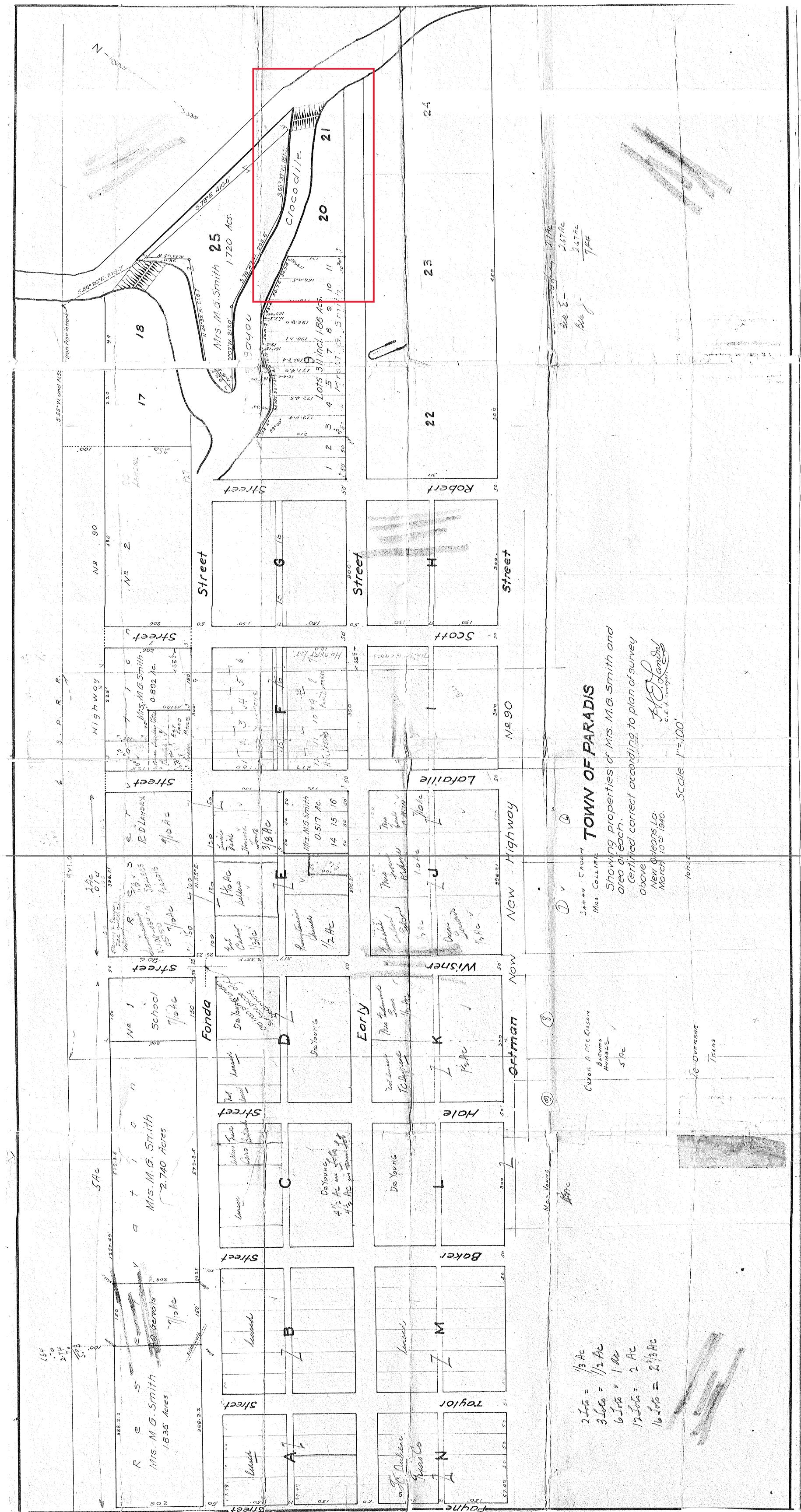
The applicant requests resubdivision of Blocks 20 and 21, Town of Paradis, into Lots 20A, 20B, 20C, 21A, and 21B.

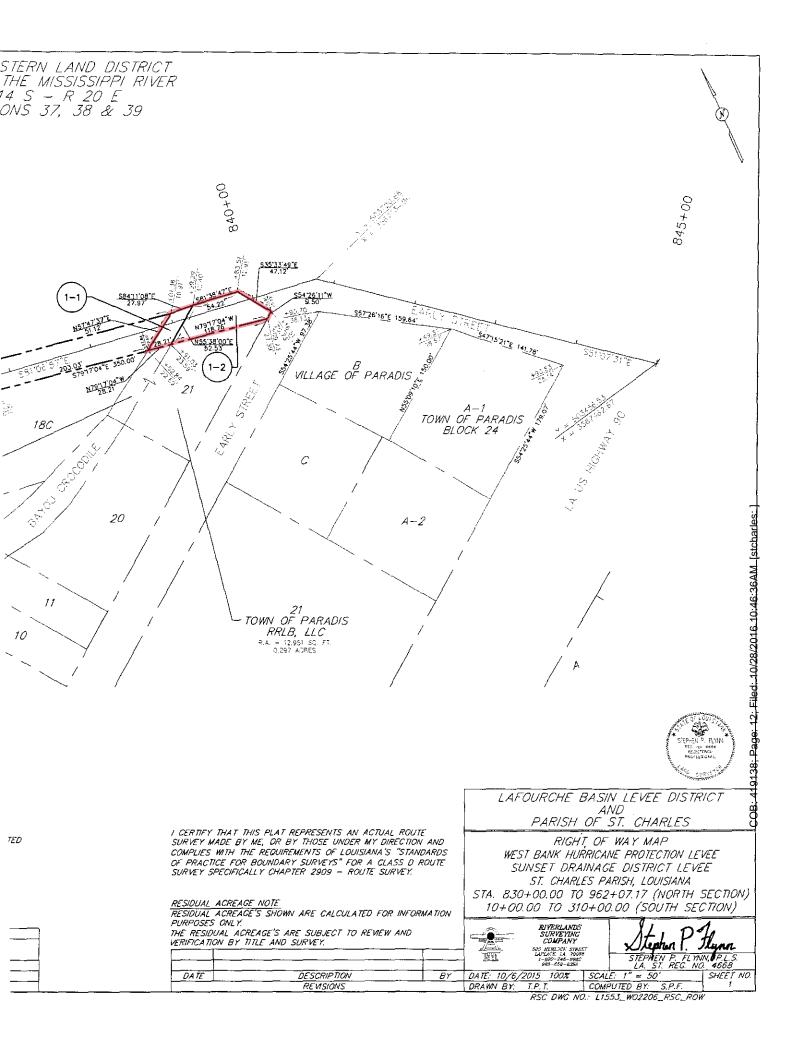
Each proposed lot meets the minimum area and width requirements for the zoning district, as well as geometric standards.

DEPARTMENT RECOMMENDATION

Approval.









Kathleen Babineaux Blanco GOVERNOR State of Louisiana Division of administration

STATE LAND OFFICE

August 20, 2004

Jerry Luke LeBlanc COMMISSIONER OF ADMINISTRATION

COB: 300862; Page: 6; Filed: 10/28/2004 1:00:00AM [stcharles: ]

Mr. Richard McCarter 848 Barber Road Paradis, La 70080

Re: State claim to Bayou Crocodile Located within Section 37, T14S-R20E St. Charles Parish, Louisiana

Dear Mr. McCarter:

In accordance with your request, I am providing this letter to clarify information contained in my letter of August 12, 2004 and other information I gave you from our office files.

I am attaching a certified copy of the Official U.S. Government Survey Plat of T14S-R20E. The original survey of T14S-R20E shows that Sections 37 and 39 were private claims separated by Bayou Crocodile. The manner in which Bayou Crocodile is shown on the survey plat indicates that the U.S. Deputy Surveyor believed that Bayou Crocodile was a navigable waterway at the time of his survey.

Article 9, Section 3 of the Louisiana Constitution states as follows: "The legislature shall neither alienate nor authorize the alienation of the bed of a navigable water body, except for purposes of reclamation by the riparian owner to recover land lost through erosion..." This is the basis of the claim of ownership to Bayou Crocodile indicated in the attached letter by Mr. H. Glen Kent, Jr., Deputy Director of the State Land Office, dated September 11, 1984.

In October of 1984, The State Land Office received an Affidavit signed by 15 local residents stating that over a period of years, Bayou Crocodile had filled to the extent that the bayou was no longer in existence. I am attaching a copy of the Affidavit for your review.

Mr. Hatley N. Harrison, Jr., C.E., P.L.S. was contacted by the State Land Office in October of 1984 and asked to provide a historical review and field examination of Bayou Crocodile. Mr. Harrison concluded that Bayou Crocodile should not be claimed by the State as a navigable waterway. I am attaching a copy of Mr. Harrison's letter dated November 24, 1984 for your review.

> STATE LAND OFFICE • P.O. BOX 44124 • BATON ROUGE, LA 70804-4124 (225) 342-4578 • FAX (225) 342-5458 • www.doa.louisiana.gov/slo AN EQUAL OPPORTUNITY EMPLOYER

Mr. Richard McCarter August 20, 2004 Page 2

Article 499 of the Civil Code of Louisiana states as follows: "Accretion formed successively and imperceptibly on the bank of a river or stream, whether navigable or not, is called alluvion. The alluvion belongs to the owner of the bank, who is bound to leave public that portion of the bank, which is required for the public use. <u>The same rule applies to</u> dereliction formed by water receding imperceptibly from a bank of a river or stream. The owner of the land situated at the edge of the bank left dry owns the dereliction."

The State Land Office is satisfied that Bayou Crocodile has filled by the process of accretion and dereliction. Therefore, in conformity with Article 499 of the Civil Code of Louisiana, the State Land Office no longer claims the bed and water bottom of Bayou Crocodile as a navigable waterway. Since title to the bed and water bottom of Bayou Crocodile passed to the riparian landowners by virtue of Article 499 of the Civil Code of Louisiana, no additional Patent from the State Land Office is required.

ery truly yours,

John P. Evans, Jr. P. L. S. Chief, Titles, Surveys & GIS

Cc:

Mr. Charles R. St. Romain Mr. Gus C. Rodemacher

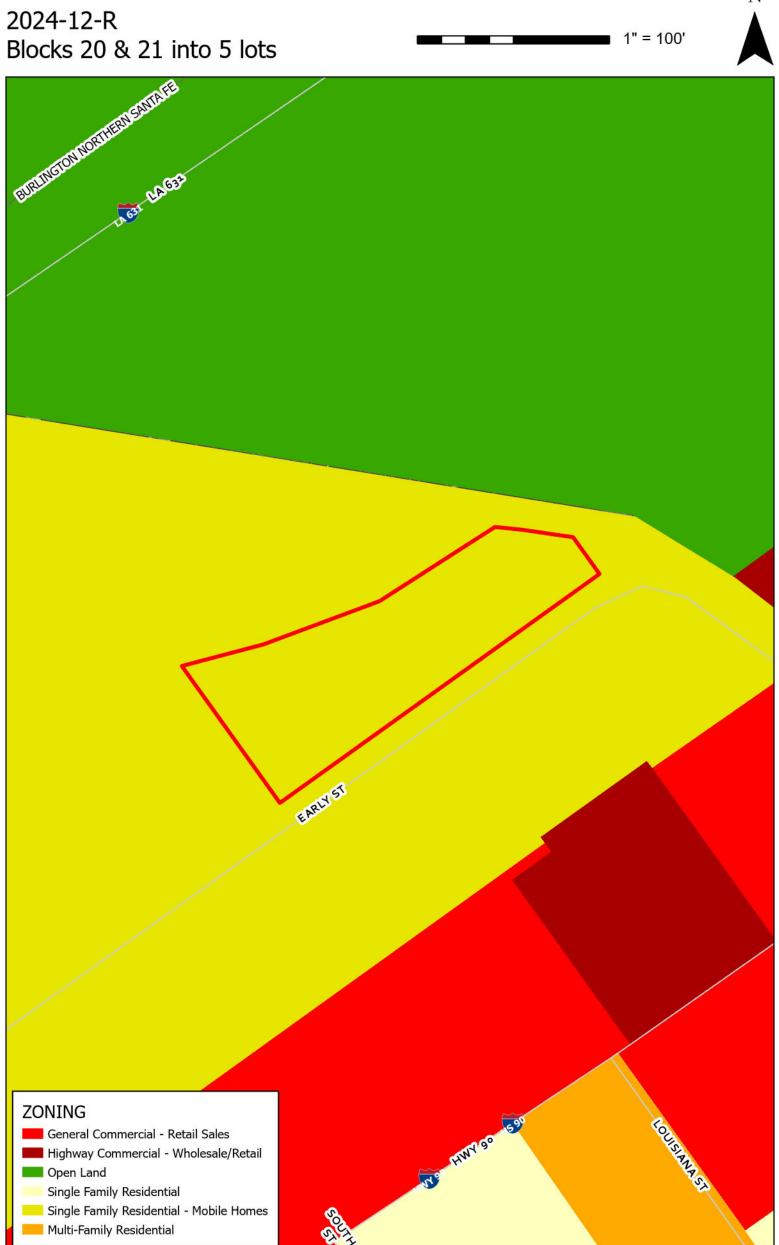
# 2024-12-R Blocks 20 & 21 into 5 lots



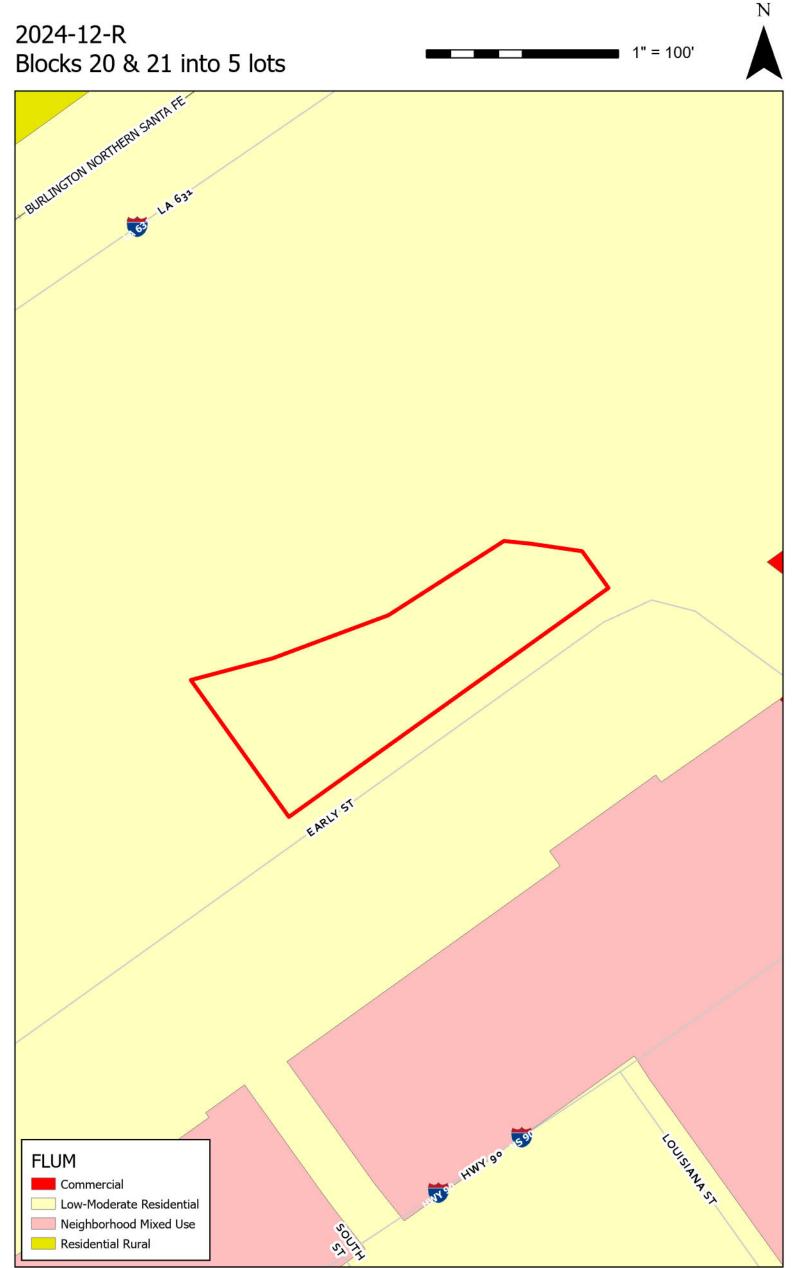
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1" = 100'



Ν





## Department of Planning & Zoning Staff Report – Map Amendment Case No. 2024-16-R

## **APPLICATION INFORMATION**

## • Submittal Date: 8/6/2024

 Applicant / Property Owner Suzanne Imbraguglio 201 Joe Louis Lane Hahnville, LA 70057 504.442.4929; kimberleyrwood@yahoo.com

## Request

Change of zoning:

- Current O-L, Open Land District
- <u>Proposed</u> R-1A, Single Family Residential Detached Conventional Homes— Medium density

## SITE INFORMATION

- Location Tract 1 and 2, Flaggville Subdivision; 201 Joe Louis Lane, Hahnville
- Size: 2.224 acres
- Current Use: manufactured home (Permit No. 19442-06)

## Surrounding Zoning

C-1 and R-1A are located to the Joe Louis Lane (River Road) side; O-L is adjacent to the Lee Lane (downriver) side; R-1A is adjacent to the Courthouse Lane side and rear.

## Surrounding Uses

The site is located in an area of Hahnville developed primarily with St. Charles Parish government facilities and single-family homes. Large undeveloped portions of land are also prominent in the area. Specifically, single family homes are located across Joe Louis Lane and the former Fashion Golf Club is adjacent to the Courthouse Lane side and rear.

## Zoning History

The O-L district was established in 1981.

## Future Land Use Recommendation

Low-to-Moderate Residential – Single-family detached dwellings; attached dwellings such as duplexes, patio/zero-lot line homes and townhomes; and accessory units. Neighborhood retail, services, offices and institutions are also permitted in appropriate locations such as along transportation corridors or at intersections. (over six dwellings per acre)

Recommended Zoning Districts: R-1A (6,000 sf. min. lot size), R-1B (10,000 sf. min. lot size), R-1AM (accessory units and individual mobile homes)

### Flood Zone & Minimum Building Elevation 1992 Flood Insurance Rate Map: X 2013 Digital Flood Insurance Rate Map: X

## Traffic Access

The site has frontage along Joe Louis Lane, where it terminates at its intersection with Bethlehem Street.

### Utilities

The Parish GIS map shows drainage, water, and sewer facilities along Joe Louis Lane. Additional drainage facilities are also depicted along the Lee Lane side of the site and the Union Pacific Railroad.

Representatives with the Departments of Public Works, Wastewater, and Waterworks stated they have no objections to the rezoning.

### **APPLICABLE REGULATIONS**

### Appendix A. Section VI. – Zoning District Criteria and Regulations

[I.] 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.

- Use Regulations: 1.
  - A building or land shall be used only for the following purposes: а.
    - Site-built single-family detached dwellings (1)
    - Accessory uses (2)
    - Private recreational uses (3)
  - Special exception uses and structures include the following: b
    - Parks, public libraries, fire stations, police or sheriff's stations or substations, and sewer (1) 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. (3)
      - Accessory uses to golf courses and country clubs limited to the following:
        - art studios
        - churches and religious institutions
        - commercial recreation facilities
        - commercial schools
          - personal service businesses, examples include but are not limited to beauty shops and barber shops, acupuncture, and massage services
        - professional offices, examples include but are not limited to doctors, dentists, •
          - engineers, architects, landscape architects, plan services, realtors, insurance
        - restaurants and cafeterias
  - Special permit uses and structures include the following: C.
    - Child care centers. (1)
    - Public and private schools (except trade, business, and industrial). (2)
    - Golf courses (but not miniature courses or driving ranges), country clubs, and accessory (3)commercial uses on such properties.
    - (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.
    - Modular, panelized and precut homes, provided that they are placed on a permanent (5)
    - foundation. (6)Reserved.
    - Private commercial access roads, upon review by the Planning Commission and supporting (7)resolution of the Council.
    - (8) Accessory dwelling units upon approval by the Planning Commission and supporting resolution of the Council.
    - Garden Home Developments in accordance with Section VII Supplemental Regulations upon (9) review and recommendation of the Planning Commission and supporting resolution of the St. Charles Parish Council.
  - 2 Spatial Requirements:
    - Minimum lot size: Six thousand (6,000) square feet per family; minimum width-sixty (60) feet. a.
    - Minimum vard sizes: b.
      - (1)Front—Twenty (20) feet.
      - Side—Five (5) feet. (2)
      - (3) Rear-Twenty (20) feet.
      - For lots with less than one hundred (100) feet depth, front setback and rear setback shall be (4) 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.
    - Accessory buildings: C.
      - An accessory building may occupy no more than twenty-five (25) percent of the required rear (1) yard.
      - The accessory building shall not exceed two-story construction. (2)
      - (3) Minimum setback of accessory buildings including overhangs, shall be three (3) feet.
      - (4) Nonresidential accessory buildings shall not be permitted.
    - d. Permitted encroachments:
      - Overhangs projecting not more than twenty-four (24) inches, excluding gutter. For accessory (1)buildings, overhangs shall not be closer than three (3) feet to any property line.
      - Stairs and landings not more than three (3) feet in height, projecting no more than four (4) (2) feet into required front or rear yard.

- D. Rezoning guidelines and criteria: The proponent for a change should present reasonable factual proof that two 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 zone 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, and that the proposed zoning does. In order to determine what is reasonable use of the property, the proponent for the zoning change should consider one or more of the following:
    - 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, also
  - 2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

## **REZONING GUIDELINE & CRITERIA EVALUATION**

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 proposed zoning conforms to the Future Land Use Map designation of *Low-to-Moderate Residential*, which anticipates development of those residential uses typically permitted in the R-1A, R-1B and R-1A(M) zoning districts. The request is not a spot zone since it expands upon R-1A zoning adjacent to the Courthouse Lane side and rear and is done in furtherance of the Comprehensive Plan. **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 and the proposed zoning does.

This particular area of Hahnville, situated between River Road and the Union Pacific Railroad and bounded downriver by Avalon Place and upriver by Highway 3160, had long been defined by a rural character. Development was focused primarily along River Road, while anything off River Road consisted of open, undeveloped tracts in agricultural use and homes along unimproved private drives. The earliest instance of a residential subdivision is Flaggville, located approximately 375 ft. upriver along Courthouse Lane and shown on a map dated to 1872.

Modern residential development was introduced starting in the late 1950s with development of Fashion Terrace from 1956 to 1965 (56 lots), followed by Homeplace Plantation Estates in 1979 (93 lots). In total, 149 residential lots would be created starting with the development of Avalon Place Phases 1 & 2 between 1997 and 2001 (70 lots) and Fashion Plantation Estates Phase 1 in 1999 (78 lots). Subdivision development resumed with River Place Estates Phase 1 in 2021, with the preliminary plat for Phase 2 approved in March of 2024.

Most recently the adjacent 50 acres of the former Fashion Golf Club site were rezoned from O-L to R-1A (2024-10-R; Ord. 27-7-9).

Site-built single-family homes can be permitted under the current O-L zoning, just at lower density. The proposed R-1A zoning would be more reasonable as it would allow for a continuation of the developing land-use pattern and character detailed above

while eliminating use types permitted under O-L zoning that could be detrimental to the growing residential development (manufactured homes, farming, animal husbandry, etc.). **The request meets 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 site-built single-family homes permitted in the proposed R-1A zoning is compatible with the surrounding character. Single-family homes are located across Joe Louis Lane along Bethlehem Street, and the Flaggville Subdivision is located approximately 375 ft. away along Courthouse Lane. And with the recent rezoning of the Fashion Golf Club site, significant single-family development could occur immediately adjacent to the subject site.

R-1A zoning would allow residential development at a higher density compared to O-L (6,000 sq. ft. lot minimum vs. 20,000 sq. ft. lot minimum), so impact to existing public facilities could be expected and must be addressed as part of any resulting development. **The request meets the third guideline.** 

### DEPARTMENT RECOMMENDATION

Approval, based on meeting all rezoning criteria.

This request will be forwarded with the Planning Commission's recommendation to the Parish Council for a second public hearing and final determination.

## Case # 2024-16-R

#### REASONS FOR ZONING CHANGE (your answers below should make a case on the merits of your request)

How does the proposed zoning conform to the Comprehensive Plan Future Land Use Map designation?

zoning will conform to the comprehensive Dronsed land use map by rezoning the property tron Isw to reodorate R1-A residential to preserve 70 DOPA land character of the neighborhood. oriented How does the proposed zoning serve the best interest of the community? rezoning from open land to RJ-A low to moderate the residential will best serve the community by allowing dwelling to Purther enhance the quality, property Sinale tamily and character of the neighborhood by preventine incompatible land uses. Do uses on adjacent properties limit the use of your property under current zoning?  $\cap \cap$ Do unique physical or environmental limitations affect the use of your property under current zoning?  $\Omega \Omega$ Have changes in land value, physical environment, or economic aspects limited the use of your property under current zoning? <u>^</u>O Are the uses permitted under the proposed zoning compatible with existing neighborhood character? yes\_

14996 River Road / P.O. Box 302, Hahnville, LA 70057 • Phone: (985)-783-5060 • stcharlesparish.gov

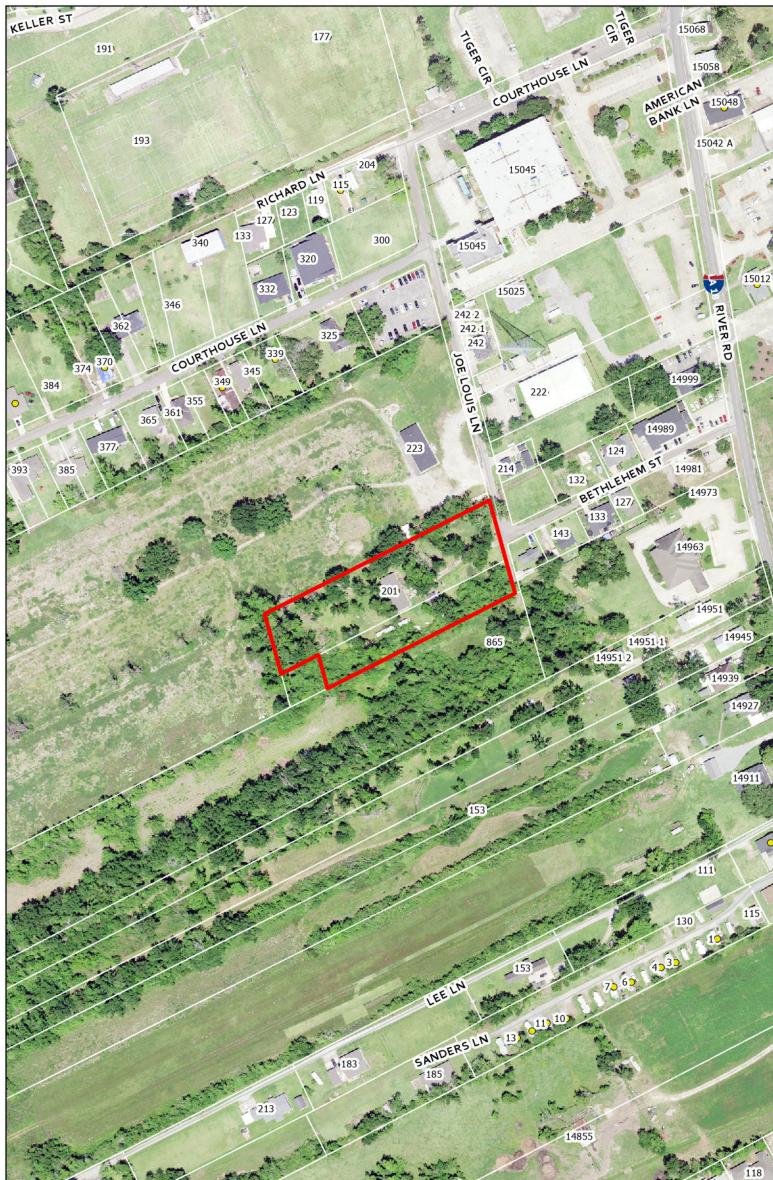
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## 2024-16-R O-L to R-1A



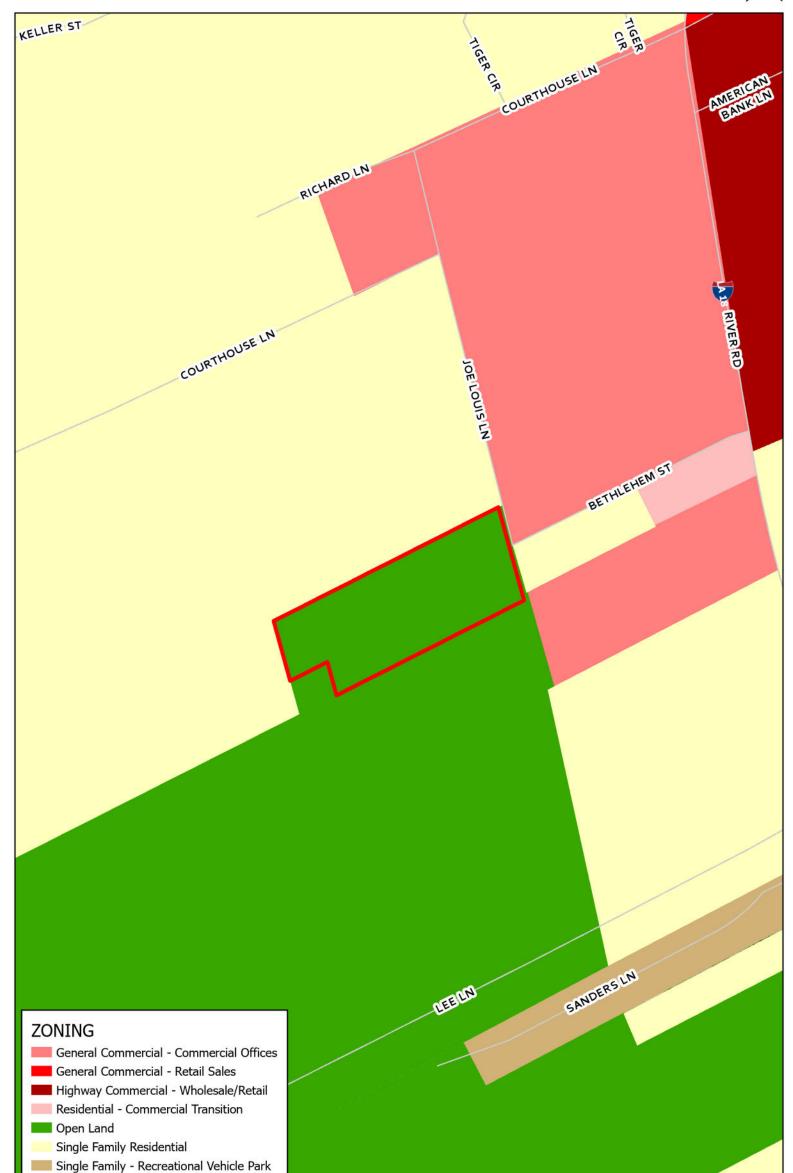
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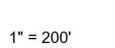
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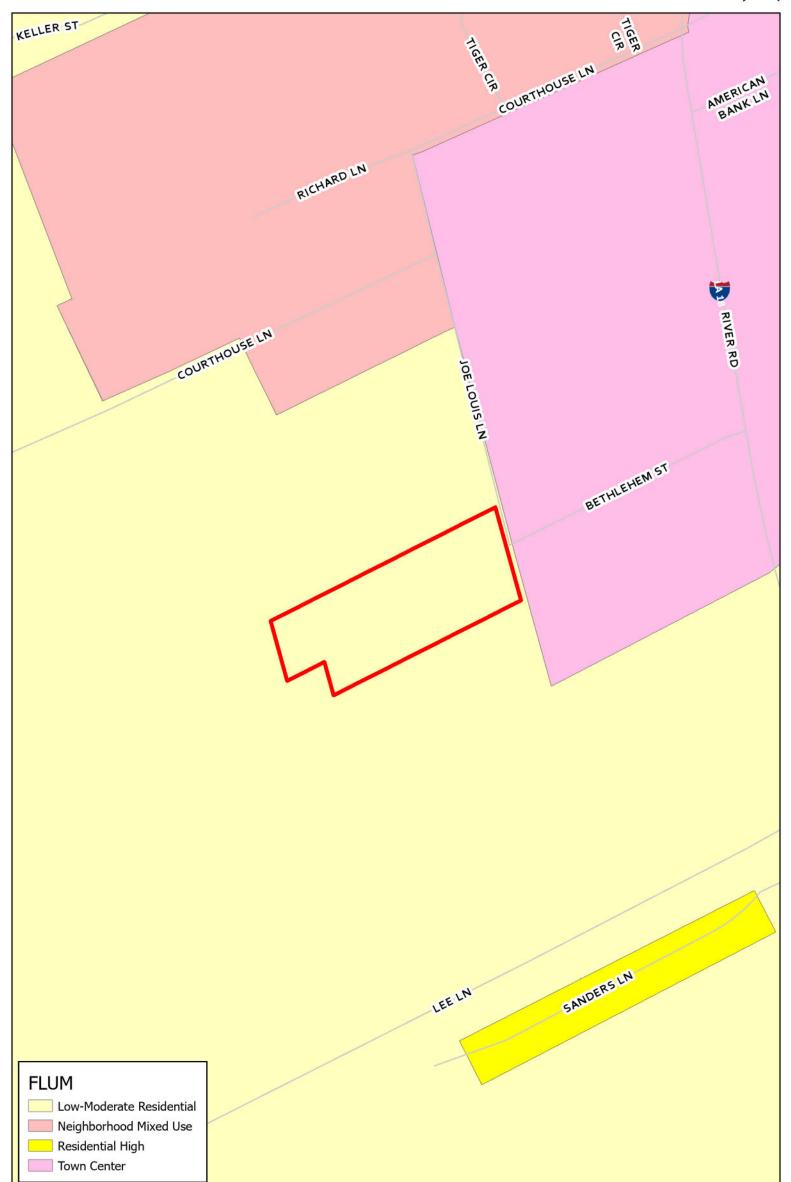
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# 2024-16-R O-L to R-1A



N





## Department of Planning & Zoning Staff Report – Map Amendment Case No. 2024-17-R

## **APPLICATION INFORMATION**

## • Submittal Date: 8/5/2024

 Applicant / Property Owner Craig & Melissa Perrier Bayou Bahamas, LLC 154 Villere Drive Destrehan, LA 70047 504.315.8704; coachcraigperrer@gmail.com

## Request

Change of zoning:

- <u>Current</u> R-1A(M), Single Family Residential Detached Conventional Homes, and O-L, Open Land District
- Proposed R-1M, Manufactured home/recreational vehicle (RV) park

## SITE INFORMATION

- Location: Lot DZ-1; 10577 River Road, Ama
- Size: Approximately 18 acres

## • Current Use:

The front of Lot DZ-1 is improved with a single-family house and accessory structure. The remainder is undeveloped and partially wooded.

## • Surrounding Zoning:

C-2 and R-1A(M) are adjacent to the Triche Street side; C-2, R-1A(M), R-1M, and O-L zoning is adjacent to the Michael Street side. The C-2 and W zones that cover portions of the subject site and not subject to this request abut to the front and rear.

## Surrounding Uses:

A residential neighborhood is adjacent to the Triche Street side; single-family homes and an RV park are adjacent to the Michael Street side; the remaining portions of abutting properties are undeveloped and wooded.

## Zoning History:

The R-1A(M) and O-L districts were established in 1981. The C-2 zoning was established as part of the 2008 Ama area rezoning (PZR-2008-14; Ord.08-9-10).

## Future Land Use Recommendation

 Commercial: This category includes single-use commercial, retail, office and service uses, Commercial areas should seek to strengthen existing retail and service uses, encourage the introduction of new uses, and introduce complementary adjoining uses such as public facilities and moderate-density residential, to reinforce the retail base and support the continued health of these uses. Commercial uses must be consistent with the surrounding area and compatible with adjacent uses.

Recommended Zoning Districts: CR-1 (residential/commercial transitional), C-1 (commercial office) zoning, C-2 (general commercial retail), C-3 (highway commercial), MS (medical service), B-1 (batture, non-industrial)

 Low-to-Moderate Residential: Single-family detached dwellings; attached dwellings such as duplexes, patio/zero-lot line homes and townhomes; and accessory units. Neighborhood retail, services, offices, and institutions are also permitted in appropriate locations such as along transportation corridors or at intersections. (Over six dwellings per acre)

Recommended Zoning Districts: R-1A (6,000 sf. min. lot size), R-1B (10,000 sf. min. lot size), R-1AM (accessory units and individual mobile homes)

 Residential Rural: Low-density large lot residential development and agricultural land. The rural residential land use is the least intensive in terms of density and is intended to help preserve the Parish's rural character.

Neighborhood retail, services, offices, and institutions are also permitted in appropriate locations such as along transportation corridors or at intersections. (Less than one dwelling unit per acre)

Recommended Zoning Districts: O-L (open land), CR-1 (residential/commercial transitional)

 Wetlands: Constrained lands due to wetlands and flood zones. Allowable land uses in areas designated as wetlands are limited to low impact uses, such as eco-tourism and recreation (e.g., boating, hiking, hunting, fishing), wildlife observation, environmental education, environmental research, compatible agriculture (e.g., periodic haying and grazing), managed timber harvest, and other uses that may be permitted by special exception or special permit by the Louisiana Department of Natural Resources, the U.S. Army Corps of Engineers or the St. Charles Parish Coastal Zone Advisory Council.

Recommended Zoning Districts: W (wetland district).

- Flood Zone & Minimum Building Elevation
   1992 Flood Insurance Rate Map: X, AE4
   2013 Digital Flood Insurance Rate Map: X, AE 0.5
- Traffic Access

Lot DZ-1 has approximately 169.6 feet of frontage on River Road where it is accessed via a gravel driveway.

Utilities

Per the Parish GIS, standard utilities are available along River Road and the Union Pacific Railroad.

Representatives of Public Works have no objections to the rezone. Representatives of Wastewater stated that there may be a requirement for downstream improvements to sewer which would be at the expense of the property owner. Representatives of Waterworks stated that the only water available is at River Road and developers would have to tie in there for any future development.

### APPLICABLE REGULATIONS

#### Appendix A. Section VI. – Zoning District Criteria and Regulations

[IV.] *R-1M. Manufactured home/recreational vehicle (RV) park: Policy statement:* This district is established to allow single-family residential usage of manufactured housing and recreational vehicles (RV) in a specially designed community or park with public and private amenities provided by the park developer as opposed to the park tenants. This district will allow a greater density of single-family residences to locate in an aesthetically pleasing environment by requiring certain spatial and buffer requirements.

- 1. Use Regulations:
  - a. A building or land shall be used only for manufactured home and RV parks and accessory uses.
    b. Special exception uses and structures include clubhouses, laundry facilities, rental offices,
  - managers' homes, and/or accessory recreational facilities for park residents only.
- Special permit uses:
  - a. Include RV parks of one-half acre provided 1) the Special Provisions for RV Parks [subsection 4 below], other than the minimum site requirement, are met, and 2) the request receives review and approval by the Planning Commission and a supporting resolution of the Council.
  - b. Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council.
- 3. Spatial Requirements: Shall conform to the Manufactured Home Park or RV Park regulations and design standards outlined as Special Provisions [subsection 4] below.
  - a. 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.

- 4 Special Provisions: Shall conform to either the Manufactured Home Park of [or] RV Park regulations and design standards noted below as they pertain to the total park use. Manufactured home park:
  - Location, space and general layout: a
    - The manufactured home park shall be located on a well-drained site [and] shall be so located (1) such that its drainage will not endanger adjacent property and water supply.
    - (2) Any lot or portion of ground proposed to be used for a manufactured home park shall have sufficient frontage for construction of entrances and exits properly designed for safe movement of park traffic.
    - Each manufactured home space shall contain a minimum of three thousand one hundred fifty (3) (3,150) square feet, shall be at least thirty-five (35) feet wide and eighty (80) feet long, and shall have its boundaries clearly defined. The space shall abut on an access drive which shall have unobstructed access to a public street or highway.
    - A patio slab of at least one hundred eighty (180) square feet shall be provided on each (4) manufactured home lot and conveniently located at the entrance of each manufactured home
    - A minimum site of two (2) acres is required for a manufactured home park. (5)
    - Manufactured homes shall be parked on each space to conform to the following minimums: (6)Twenty-five (25) feet clearance between coaches. (a)
      - Five (5) feet clearance between each coach and its respective site line. (b)
      - Ten (10) feet between coaches and any adjoining property lines. (c)
      - Twenty (20) feet between coaches and any public street right-of-way. (d)
      - Twenty-five (25) feet between coaches and any building or structure not used for (e) accessory purposes.
      - Accessory buildings must be a minimum of ten (10) feet from any manufactured (f) home.
      - Nonresidential accessory buildings shall not be permitted. (g)
  - ſb. Reserved 1
  - Parking: Sufficient paved parking shall be provided for the parking of at least one (1) motor vehicle C. for each manufactured home space plus an additional paved parking space for each three (3) lots to provide for guest parking for two (2) car tenants and for delivery and service vehicles.
  - d. Recreation: Not less than ten (10) percent of the gross area of the manufactured home park is to be set aside, designed, constructed and equipped as a recreational area. Recreation area design and equipment shall be approved by the St. Charles Parish Recreation Department Director.
  - Transportation system: All streets and access drives within the manufactured home park shall be e. constructed to required parish specifications as outlined in Subdivision Regulations [appendix C].
  - Sewage Disposal: Each manufactured home site shall be provided with a sanitary sewer f. connection, and each manufactured home park shall be provided with a collection and treatment system and public water supply in compliance with the standards of the Parish Health Unit and the State Health Department.
  - Garbage: If garbage hoppers are to be provided, then two (2) shall be provided for each twenty (20) g. manufactured home sites, and each hopper shall be screened from view by wood or masonry fencing.
  - Screen fences, walls and buffer screening: Fences should be installed where necessary for h. screening purposes such as around outdoor areas, laundry yards, refuse collection points and playgrounds. A six (6) feet opaque fence or masonry wall shall border the park, 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.
  - General: Individual manufactured home sites may be leased or rented but not subdivided or sold. i.
  - All improvements required in this section must be completed prior to the placement of any j. manufactured home on the site.
  - RV Park:

a

- Location, space and general lavout:
  - The RV park shall be located on a well-drained site [and] shall be so located such that is [its] (1)drainage will not endanger adjacent property and water supply.
  - (2)Any lot or portion of ground proposed to be used for an RV park shall have sufficient frontage for construction of entrances and exits properly designed for the safe movement of park traffic.
  - (3)Each RV space shall contain a minimum of fourteen hundred (1,400) square feet, shall be at least thirty-five (35) feet wide, and shall have its boundaries clearly defined. The space shall abut on a driveway.
  - A minimum site of one (1) acre is required for an RV park. (4)(5)
    - RV's shall be parked on each space to conform to the following minimums:
      - Twenty-five (25) feet clearance between RV's. (a)
      - (b) Five (5) feet clearance between each RV and its respective site line.
      - Ten (10) feet between RV's and any adjoining property lines. (c)
      - Twenty (20) feet between RV's and any public street right-of-way. (d)
      - (e) Twenty-five (25) feet between RV's and any building or structure not used for accessory purposes.
      - Accessory buildings must be a minimum of ten (10) feet from any RV. (f)
      - (g) Nonresidential accessory buildings shall not be permitted.
- Parking: Sufficient area shall be provided for the parking of at least one (1) motor vehicle for each b. RV space plus an additional car space for each three (3) lots to provide for guest parking, two (2) car tenants and for delivery and service vehicles.
- Transportation system: c.
  - Streets and access drives: All streets and access drives within the RV park shall be (1) constructed to required parish specifications as outlined in subdivision regulations [appendix Cl
  - Driveway: All driveways within the RV park shall be designed and surfaced with appropriate (2)materials which will provide adequate and safe means of transit for park residents.

- d. Recreation: Not less than ten (10) percent of the gross area of the RV park is to be set aside, designed, constructed and equipped as a recreational area. Recreation area design and equipment shall be approved by the St. Charles Parish Recreation Department Director.
- e. Utilities: Each RV site shall be provided with a sanitary sewer connection, and each RV shall be provided with a collection and treatment system and public water supply in compliance with the standards of the Parish Health Unit and the State Health Department.
- f. Garbage: If garbage hoppers are to [be] provided, then two (2) shall be provided for each twenty (20) RV sites, and each hopper shall be screened from view by wood or masonry fencing.
- g. Screen fences, walls and buffer screening: Fences should be installed where necessary for screening purposes such as around outdoor areas, laundry yards, refuse collection points and playgrounds. A six (6) feet opaque fence or buffer strip ten (10) feet wide designated and maintained on the site planted with plant materials acceptable for buffer zones.
- General: Individual RV sites may be leased or rented but not subdivided or sold.
- i. All improvements required in this section must be completed prior to the placement of any RV on the site.

#### Appendix A. Section XV. - Amendment procedure

D. Rezoning guidelines and criteria: The proponent for a change should present reasonable factual proof that two 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 zone 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, and that the proposed zoning does. In order to determine what is reasonable use of the property, the proponent for the zoning change should consider one or more of the following:
  - 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:
  - 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, also
  - 2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

### **REZONING GUIDELINE & CRITERIA EVALUATION**

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.

A long tract extending from River Road, Lot DZ-1 is designated *Commercial, Low-to-Moderate Residential,* and *Residential Rural.* It also has a *Wetlands* designation falling outside of the subject area. The designation covering the majority of the subject area is *Low-to-Moderate Residential,* which anticipates development of those residential uses typically permitted in the R-1A, R-1B, and R-1A(M) zoning districts. The proposed R-1M zoning district is considered under the *High-Density Residential* Future Land Use designation. The requested rezone does not conform to the land development pattern established by the Comprehensive Plan.

The proposed zoning would not be considered a spot zone as it covers a large area (18 acres) and would expand on an adjacent R-1M zoning district. But it must be done in furtherance of the Comprehensive Plan. **The request does not meet 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 and the proposed zoning does.

Lot DZ-1 is a long narrow tract, with the subject portion measuring approximately 135 ft. wide and nearly 5,400 ft. deep from River Road to the Union Pacific Railroad.

Separately owned and developed properties are adjacent to each side for nearly half of this depth, including an older residential neighborhood to the Triche Street side and an RV park along Michael Street.

The most significant change to the land use patter/character of the entire Ama area occurred in 2008 with the changes adopted by Ord. 08-9-10, resulting in large areas of R-1A(M) zoning converting to R-1A and reducing the permitting of manufactured homes. The changes recommended and approved with that effort only affected the front portion of the subject area with the creation of the C-2 district along River Road. Otherwise the R-1A(M) and O-L zoning covering the subject site and adjacent properties remain as established in 1981.

The most significant change to the land-use pattern/character in the immediate vicinity was the development of the adjacent Ama RV Park, permitted upon approval of a similar rezoning in 2005 (PZR-2005-22; Ord. 05-12-23). With this development a new use type was introduced, but most notably a row of separately owned but contiguous undeveloped tracts was disrupted, which under the right conditions and coordination had the potential for future subdivision development. Lot DZ-1 was isolated and its development footprint largely confined to its own 135 ft. width. At this size and shape additional residential development is possible, but accommodating a 50 ft. wide road right-of-way to do so would result in wide, shallow lots which are not ideal for typical residential development. This is magnified when considering the primary O-L zoning requires 20,000 sq. ft. lots. At this time, the proposed R-1M zoning can be considered more reasonable given the limited development options of this long and narrow lot. And the less permanent nature of the uses permitted under R-1M still maintains the potential for incorporation of the site into future development should it ever occur. **The request meets 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 neighborhood character is defined by the single-family residential neighborhood adjacent to the Triche Street side consisting of a mix of site-built and manufactured homes, and the Ama RV Park adjacent to the Michael Street side. The neighborhood predates any current development regulations and consists of extremely narrow streets and uncertain property boundaries. The proposed R-1M zoning district is specific to the permitting of Manufactured Home Parks and RV Parks, which should not result in a significant shift away from the existing character.

This rezoning would significantly increase the development potential, so impact to existing public facilities could be expected and must be addressed as part of any resulting development. Specifically, as referenced in the Utilities section of this report, representatives from Wastewater stated downstream improvements may be required in order to sufficiently handle sewerage. **The request meets the third guideline.** 

### DEPARTMENT RECOMMENDATION

Approval, based on meeting two of the three rezoning criteria.

This request will be forwarded with the Planning Commission's recommendation to the Parish Council for a second public hearing and final determination.

REASONS FOR ZONING CHANGE (your answers below should make a case on the merits of your request)

How does the proposed zoning conform to the Comprehensive Plan Future Land Use Map designation?

The SCP 2030 Comprehensive Plan calls for promoting the diversification of the

housing stock in St. Charles Parish. Housing Section 1.2 seeks to identify opportunities to provide workforce and alternative housing in appropriate locations compatible with zoning and the character of existing neighborhoods. With the current neighborhood being a mixture of R-1AM and R-1M, our proposed use will match the existing area seamlessly. There is currently an existing RV Park next door.

How does the proposed zoning serve the best interest of the community?

<u>The proposed zoning of R-1M will provide much needed safe and stable</u> <u>housing opportunities for St. Charles Parish. With the dramatic decrease in</u> affordable housing Post-Hurricane Ida, the R-1M designation will increase the availability of residential housing in St. Charles Parish.

Do uses on adjacent properties limit the use of your property under current zoning?

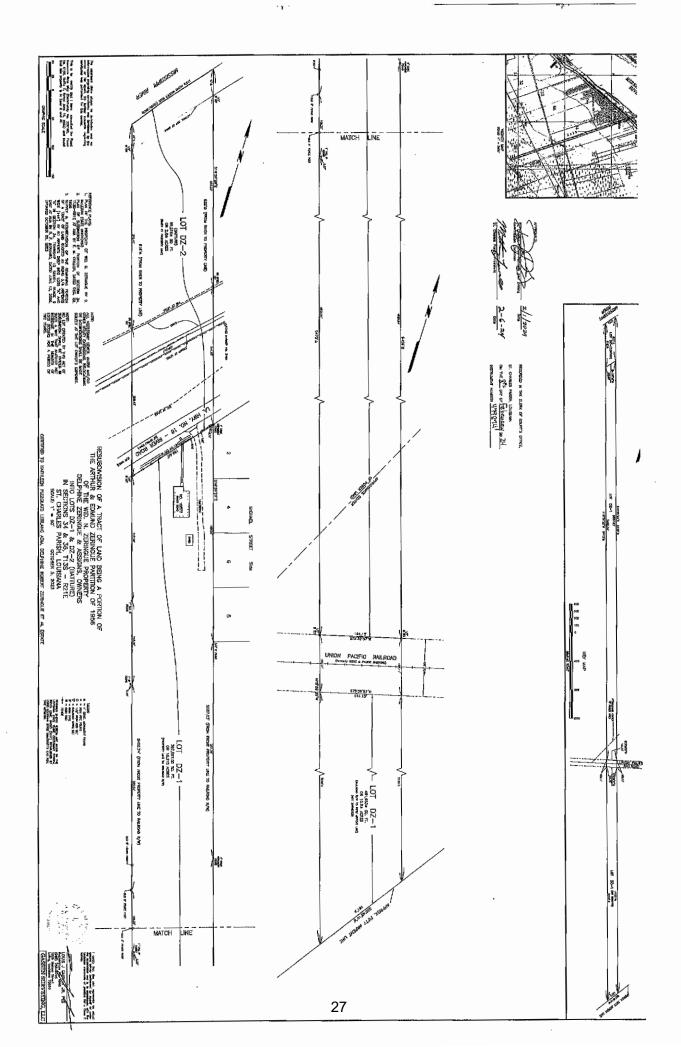
Currently the 2 adjacent properties are zoned R-1AM Single Family Residential - Mobile Homes and R-1M Single Family - Recreational Vehicle Park, as well as OL Open Land. Open Land is intended as an interim district, thus we are requesting to be in line with our neighbors in order to best utilize the property. Do unique physical or environmental limitations affect the use of your property under current zoning? Although it is 31 acres in total, the narrow nature of the property (144 feet wide) limits the development opportunities for this location. In order to best utilize the long and narrow parcel, we are requesting R-1M

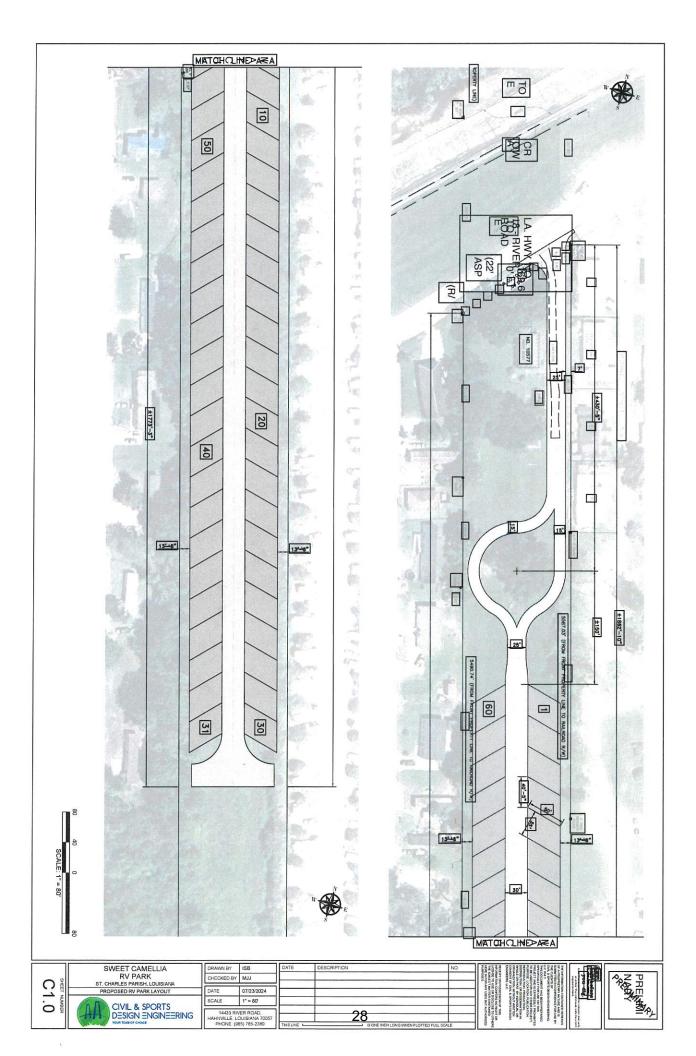
designation.

Have changes in land value, physical environment, or economic aspects limited the use of your property under current zoning?

The neighboring property to the East is an existing RV Park. In order to best utilize our property in compatibility with the existing neighborhood, we are requesting R-1M zoning.

Are the uses permitted under the proposed zoning compatible with existing neighborhood character? <u>The proposed use of the rezoning is not only compatible with, but</u> <u>also beneficial to the existing neighborhood. The neighboring property</u> <u>to the West is currently manufactured homes, and the neighbor to</u> <u>the East is currently an RV Park, similar to the one we're proposing.</u>





# 2024-17-R R-1A(M) & O-L to R-1M



Ν

1" = 500'

# 2024-17-R R-1A(M) & O-L to R-1M







# 2024-17-R R-1A(M) & O-L to R-1M



Ν

1" = 500'



## Department of Planning & Zoning Staff Report – Map Amendment Case No. 2024-18-R

## **APPLICATION INFORMATION**

- Submittal Date: 8/7/24
- Applicant / Property Owner Malcolm Darensbourg, III M.A.D. III, LLC 318 Devon Road Laplace, LA 70068 504-231-7079; malcolmfab@gmail.com

## Request

Change of zoning:

- <u>Current</u> R-1A, Single Family Residential Detached Conventional Homes -Medium density
- <u>Proposed</u> *R*-1*A*(*M*), Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes

## SITE INFORMATION

- Location Lot 31A, Square 1, St. Charles Terrace Annex; 175 Annex Street, New Sarpy
- Size: 5,200 sq. ft. (0.119 acres)
- Current Use

Lot 31A was previously improved with a manufactured home. It was removed sometime between 2021-2023.

• Surrounding Zoning: R-1A

### Surrounding Uses

The site is located in a developed residential neighborhood characterized by a mix of site-built and manufactured single-family homes.

Specifically, the subject site is located on a portion of Annex Street with a concentration of non-conforming manufactured homes, including directly adjacent to the River Road side and immediately opposite Annex Street. Vacant lots previously improved with site-built homes are adjacent to the Short Street side and rear.

## Zoning History

The R-1A district was established in 1981.

### Future Land Use Recommendation

Low-to-Moderate Residential – Single-family detached dwellings; attached dwellings such as duplexes, patio/zero-lot line homes and townhomes; and accessory units. Neighborhood retail, services, offices and institutions are also permitted in appropriate locations such as along transportation corridors or at intersections. (over six dwellings per acre)

Recommended Zoning Districts: R-1A (6,000 sf. min. lot size), R-1B (10,000 sf. min. lot size), R-1AM (accessory units and individual mobile homes)

 Flood Zone & Minimum Building Elevation 1992 Flood Insurance Rate Map: A99 2013 Digital Flood Insurance Rate Map: X

## Traffic Access

Lot 31A has 50 ft. of frontage on Annex Street with an existing aggregate driveway.

Utilities

Per the Parish GIS drainage, sewer, and water facilities are available along Annex Street.

Representatives from the Departments of Public Works, Wastewater, and Waterworks have no objections to the rezoning.

### APPLICABLE REGULATIONS

#### Appendix A. Section VI. – Zoning District Criteria and Regulations

[II.] *R*-1*A*(*M*). Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile 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 and aesthetic standards of a permanent residence. Additionally, mobile homes which meet the special provisions below are allowed.

1. Use Regulations:

b.

- A building or land shall be used only for the following purposes:
  - (1) Site-built, single-family detached dwellings.
  - (2) Manufactured homes.
  - (3) Mobile homes.
  - (4) Accessory uses.
  - (5) Private recreational uses.
  - (6) Farming on lots of three (3) acres or more and at least one hundred fifty (150) feet frontage.
  - Special exception uses and structures include the following:
  - (1) Additional residences for family and relatives on unsubdivided property on a non-rental basis, and which meet the criteria outlined in Special Provisions [subsection 3].
  - (2) Parks, public libraries, fire stations, police or sheriff's stations or substations, and sewer pumping stations.
  - (3) 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.
  - (4) Accessory uses to golf courses and country clubs limited to the following:
    - Art studios
      - Churches and Religious Institutions
      - Commercial recreation facilities
      - Commercial schools
      - Personal service businesses, examples include but are not limited to beauty shops and barber shops, acupuncture, and massage services
      - Professional offices, examples include but are not limited to doctors, dentists,
      - engineers, architects, landscape architects, plan services, realtors, insurance
      - Restaurants and cafeterias
- 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), country clubs, and accessory commercial uses on such properties.
  - (4) Educational, religious and philanthropic institutions. These buildings must be set back from all property lines a distance of at least one (1) foot for each foot of building height.
  - (5) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council.
  - (6) Accessory dwelling units upon approval by the Planning Commission and supporting resolution of the Council.
  - (7) Garden Home Developments in accordance with Section VII Supplemental Regulations upon review and recommendation of the Planning Commission and supporting resolution of the St. Charles Parish Council.
- Spatial Requirements.

2

- a. Minimum lot size: Five thousand (5,000) square feet per family; minimum width-fifty (50) feet.
- b. Minimum yard sizes:
  - (1) Front—Fifteen (15) feet.
  - (2) Side—Five (5) feet.
  - (3) Rear—Five (5) feet.
  - (4) For lots with less than one hundred (100) feet depth, front setback shall be fifteen (15) percent of lot depth 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) The accessory building shall not exceed two-story construction.
    - (2) Minimum setback of accessory buildings shall be three (3) feet.
    - (3) 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 yard.
- 3. Special Provisions:
  - a. Additional dwellings on unsubdivided property:
    - (1) Additional dwellings on unsubdivided property referred to in 1.b(1) above will be permitted at the rate of one (1) dwelling unit for each seven thousand (7,000) square feet of lot area.
    - (2) The applicant for any additional dwellings on unsubdivided property shall submit a copy of all subdivision restrictions (covenants) which govern the property in order to protect the integrity of the neighborhood.
    - (3) Under no circumstances will the total number of dwellings per unsubdivided lot permitted under these provisions exceed four (4).
    - (4) Permits issued under this provision will be issued for a two-year period. At the expiration of this time, an investigation will be conducted by the Planning and Zoning Department to determine if this Code is complied with. Non-compliance will result in the revocation of the permit.
  - b. All manufactured housing and mobile homes shall be secured according to the Federal Emergency Management Agency's Sept. 1985 publication *Manufactured Home Installation in Flood Hazard Areas*.
  - c. Reserved.
  - d. All dwelling units shall be connected to utility systems which provide for health and safety under all conditions of normal use. Home utility services shall only be connected to the supply source by means of approved materials, and shall be inspected by the appropriate agency.

#### Appendix A. Section XV. - Amendment procedure

D. Rezoning guidelines and criteria: The proponent for a change should present reasonable factual proof that two 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 zone 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, and that the proposed zoning does. In order to determine what is reasonable use of the property, the proponent for the zoning change should consider one or more of the following:
  - 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, also
  - 2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

## **REZONING GUIDELINE & CRITERIA EVALUATION**

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 subject site is in an area designated *Low-to-Moderate Residential*, which primarily anticipates development of those detached residential uses typically permitted in the R-1A, R-1B, and R-1A(M) zoning districts. While the requested zoning falls into the appropriate Comprehensive Plan designation it must be considered a spot zone as it is limited to a single small site within a larger, established R-1A zoning district. **The request does not meet 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 and the proposed zoning does.

The St. Charles Terrace Annex Subdivison is shown on plat maps dated to 1930 and the R-1A zoning district encompassing most of the neighborhood was established in

1981. The neighborhood character/land-use pattern is defined by older site-built houses, manufactured homes, and vacant lots.

This area is shown on a 1973 zoning map as R-1 single-family residential. Per the Code of Ordinances adopted in 1970, the Single-family dwelling use type permitted in R-1 did not differentiate between a site-built and manufactured (mobile) structure, perhaps explaining the mix of older, now nonconforming manufactured homes amongst the site-built houses. With the changes in 1981 the Parish created the R-1A(M) district, establishing where manufactured homes may be permitted by right, and the subject area was zoned R-1A. Since then, there have been eight successful rezonings from R-1A to R-1A(M) in St. Charles Terrace Annex from 1986 to 2016. But these requests are relatively infrequent and concentrated on the opposite side of Short Street. The prevalence of nonconforming manufactured homes predating current zoning along with the rezonings to R-1A(M) is not indicative of a shift away from the overall site-built character intended for and developed in St. Charles Terrace Annex.

The biggest impact to the character/land-use pattern in St. Charles Terrace Annex is the growth of vacant lots resulting from an industrial buy-out program. Valero Refining – New Orleans, LLC, operator of the facility bordering the neighborhood upriver, has acquired 175 individual lots in St. Charles Terrace Annex. The majority of their acquisitions are concentrated along St. Charles and Terrace Streets but the footprint extends across the entire neighborhood. This includes the four vacant lots previously developed with a site-built home to the rear of the subject site. While this may not necessarily render the R-1A zoning unreasonable, records show there have been more permits for demolitions than construction of permanent site-built structures in this area. Coupled with a manufactured home previously occupying Lot 31A, the presence of manufactured homes in the immediate vicinity, and a lot size fitting the requirements of the R-1A(M) district, the requested R-1A(M) zoning could allow for more reasonable use. **The request meets 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.

St. Charles Terrace Annex Subdivision as bounded by River Road, the CN Railroad, St. Charles Street, and Clement Street has been zoned R-1A since 1981 and developed as a residential neighborhood. The sporadic R-1A(M) spot zones and nonconforming manufactured homes have created a considerable mix of housing types, especially in the immediate vicinity of the subject site. But they should still be considered an exception to the overall neighborhood character defined primarily by site-built houses.

The area is improved with Parish drainage, sewer, and water facilities and representatives from the departments maintaining those facilities do not object to the zoning change. **The request does not meet the third guideline.** 

DEPARTMENT RECOMMENDATION

Denial, due to only meeting one of the three rezoning criteria.

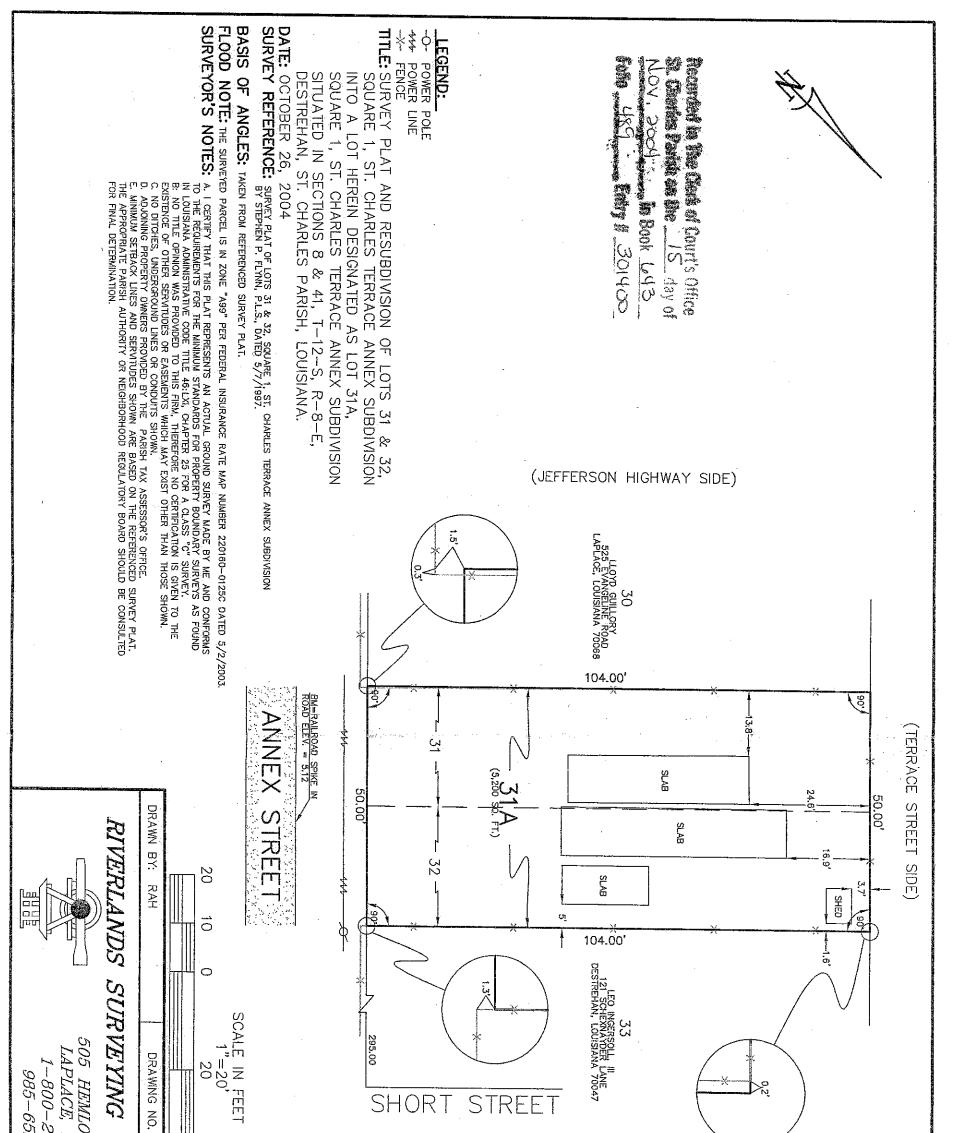
This request will be forwarded with the Planning Commission's recommendation to the Parish Council for a second public hearing and final determination.

### REASONS FOR ZONING CHANGE (your answers below should make a case on the merits of your request)

How does the proposed zoning conform to the Comprehensive Plan Future Land Use Map designation?

Jh Padh to purchase the lane Kney) OUN Druder On LONCE How does the proposed zoning serve the best interest of the community? PU readin PVEra Vai 00 BS LONTHC 9 n ra n anning ning Do uses on adjacent properties limit the use of your property under current zoning? Mobile to put Want a Do unique physical or environmental limitations affect the use of your property under current zoning? lot that an aware off. Have changes in land value, physical environment, or economic aspects limited the use of your property under current zoning? Not that am aware off. Are the uses permitted under the proposed zoning compatible with existing neighborhood character? an aware off. Not that

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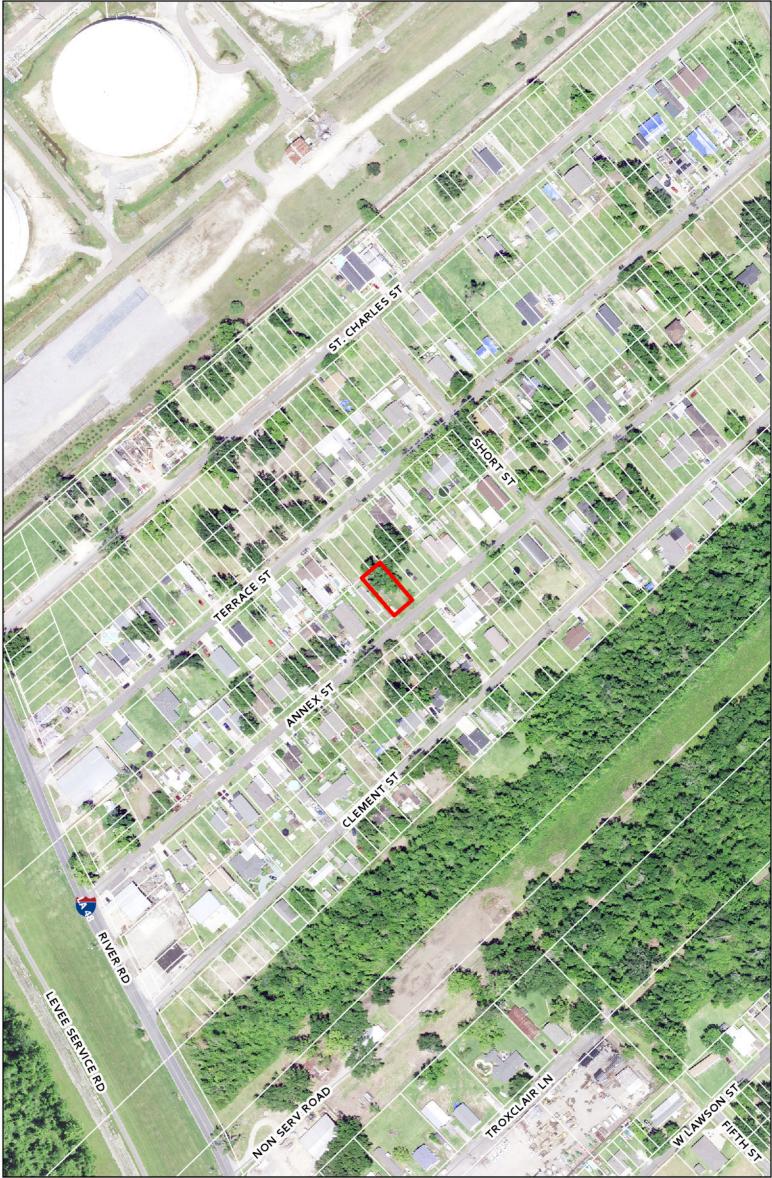
52-6356 248-6982 LA. 70068 OCK STREET COMPANY M6600 40 DEVELOPER, JEAN M. SNITH VICINITY MAP DESTREMAN, LA NOT TO SCALE APPROVED: PARISH PRESIDEN 뉟 2006 SILE 60 ROAD RIVER walk The P.L.S. and the second se CHARLES STREET 985-307-0281 ICKNON 1 LA. ST. REG. NO. 4668 ZONING V. & M.V. RAUROAD 3

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# 2024-18-R R-1A to R-1A(M)



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