

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: PZR-2016-10

### GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date:** 5/11/16  
Lloyd J. Frickey  
152 Bayou Estates Drive  
Des Allemands, LA 70030  
(985)-758-2936; [lfrickey2@cox.net](mailto:lfrickey2@cox.net)
- ◆ **Location of Site**  
Lot 77-A1, located on the north side of J.B. Green Road between Highway 90 and Old Spanish Trail, Des Allemands
- ◆ **Requested Action**  
Change of zoning from M-1 to R-1A(M).
- ◆ **Purpose of Requested Action**  
The purpose of the rezoning request is to bring existing mobile homes located on Lot 77-A1 into zoning compliance and prepare the lot for subdivision into additional lots that can be developed with mobile homes.

### SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**  
Lot 77-A1 is an irregularly-shaped corner lot of approximately 134,787 sq. ft. (3.09 acres), with 563.98' of frontage on J.B. Green Road and an additional 170' +/- on Old Spanish Trail. The lot exceeds the minimum lot size and frontage requirements of the R-1A(M) zoning district.
- ◆ **Current Zoning and Land Use**  
M-1, Light Manufacturing. Lot 77-A1 is developed with three mobile homes and a site-built house. The mobile homes appear to be occupied; the site-built structure appears to be vacant. A large portion of the lot is undeveloped.
- ◆ **Plan 2030 Recommendation**  
*Light Industrial:* This designation includes such uses as warehouse and distribution activities, as well as office uses, repair facilities, light assembly and light manufacturing activities that do not involve emissions of odors, dust, fumes or excessive noise, consistent with the uses in the M-1 Light Manufacturing and Industrial zoning district.
- ◆ **Surrounding Land Uses and Zoning**  
The surrounding neighborhood consists primarily of undeveloped land and mobile homes. Undeveloped land and mobile homes are located to the north; mobile homes and recreational space is located across J.B. Green Road to the south; undeveloped land and a St. Charles Parish water tower is located to the east; and undeveloped land is located across the railroad tracks to the west.  
  
The area consists of several zoning districts. M-1 and R-1A(M) is located to the north; R-1A(M) is located across J.B. Green Road to the south; M-1 is located adjacent to the east; W, Wetland zoning is located across the railroad tracks to the west.
- ◆ **Traffic Access**  
Lot 77-A1 is a large corner lot with 563 feet of frontage on J.B. Green Road, a Parish street connecting Hwy 90 and LA 631. The lot also has 170 feet on Old Spanish Trail (LA 631), a substandard two-lane state east-west roadway.

## **APPLICABLE REGULATIONS**

### **Appendix A, Zoning Ordinance, Section XV Amendment Procedure:**

D. Rezoning Guidelines and Criteria: Before the Commission makes a recommendation or the Council rezones property; there should be reasonable factual proof by the proponent of a change that one or more of the following criteria are met:

1. The proposed rezoning conforms to land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zoning that is incompatible with the surrounding neighborhood.
2. The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property. One or more of following examples may be used in evaluating reasonableness:
  - a. Consideration of uses on adjacent properties that would limit the use of the site under consideration.
  - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
  - c. Consideration of changes in land value, physical environment or economic aspects which can be shown to limit the usefulness of vacant land or buildings.
3. Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.

The Planning Staff shall base rezoning analyses on these criteria but shall not be prohibited from factoring unique circumstances of the application into the analysis. The Planning and Zoning Commission may state in its recommendations to the Council: its concurrence with, or rejection of, any or all of the proponents' case for the suggested amendment, and/or its position relative to proponents' statements on the case. Planning Staff analyses and recommendations shall be forwarded to the Council along with the Commission's recommendations.

### **AND:**

*[II.] R-1A(M). Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile 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) 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.
  - b. 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.
  - 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 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. (Ord. No. 92-10-9, § II, 10-5-92)
    - (6) Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council. (Ord. No. 15-7-5)
2. Spatial Requirements.
  - a. Minimum lot size: 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. (Ord. No. 99-8-6, 8-2-99)
  - (5) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right-of-way, notwithstanding any other more restrictive setbacks, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999. (Ord. No. 08-8-9, § IV, 8-18-08)
  - 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. (Ord. No. 12-7-4, § IV, 7-2-12)
  - 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. Skirting or foundation plantings as approved by the Zoning and Regulatory Administrator in accordance with the manufacturer's installation instructions to ensure aesthetic compatibility with the residential character of the neighborhood. The entire underfloor of the home shall be completely enclosed, except for the required openings.
- Editor's note— The enforcement of this subparagraph c. was placed on a one-year moratorium expiring Sept. 5, 1990.
- 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.

<b>ANALYSIS</b>
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The applicant requests a change of zoning district from M-1 to R-1A(M) on Lot 77-A1, located on the northeast corner of the intersection of J.B. Green Road and Old Spanish Trail. The lot exceeds the area and frontage requirement for the R-1A(M) district. It contains some existing residential uses, mostly mobile homes. The change would bring existing residential structures into zoning compliance and allow the applicant to further develop the site into 50 feet wide, 5,000 square foot lots for residential uses.

The applicant states the rezone will bring the existing mobile homes into zoning compliance and will also allow resubdivision for additional mobile home development that is "completely compatible" with the existing neighborhood and also in "great demand" in the housing market. Planning staff agree and find that the request meets rezoning criteria as described below.

The St. Charles Parish Zoning Ordinance establishes three guidelines for evaluating rezoning requests. In order to receive a recommendation for approval, an applicant must demonstrate that the request meets at least one of the three guidelines.

The first guideline states that a rezoning request must conform to the parish's Future Land Use Map (FLUM) and not create a spot zone which is incompatible with the surrounding neighborhood. This request would not create a spot zone as there is R-

1A(M) zoning adjacent to the north and south of the subject site, but the request does not meet the FLUM recommendation of Light Industrial. **The first guideline is not met.**

The second guideline states that a rezoning should be considered if the land use pattern or neighborhood character has changed to the point where the existing zoning no longer allows for reasonable use of the subject property. The existing M-1 zoning has not been developed for industrial purposes, and from 1998 to 2012, 22% of the district has been rezoned to less intense, primarily residential zoning. The zoning amendments along with additional R-1A(M) zoning to the south of J.B. Green Road demonstrate a different and changing land use pattern which is not compatible with the existing M-1 zoning, and the existing zoning does not allow for reasonable use of the subject property. **The second guideline is met.**

The third guideline states that a rezoning request may be considered if the uses permitted by the proposed zoning are not incompatible with existing neighborhood character or overburden existing public infrastructure. The St. Charles Parish Public Works and Wastewater Department and Waterworks Department stated that services are available in the area and there is no objection to the rezone, but further input would be necessary when the applicant moves forward with the development of the property. Uses permitted in the existing M-1 zoning district are more intense than those permitted in the R-1A(M) district and could put more of a burden on public infrastructure. The area does not consist of industrial uses and primarily consists of residential uses compatible with the proposed zoning district. **The third guideline is met.**

The rezoning request exceeds three acres which triggers a corresponding change to the Future Land Use Map. If the request is approved, the FLUM designation of the subject site will be updated from Light Industrial to Moderate Density Residential.

<b>DEPARTMENT RECOMMENDATIONS</b>
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**Approval of the rezoning based on meeting criteria two and three of the rezoning guidelines and changing of the FLUM designation of the subject site.**