

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: 2021-9-R

### GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 3/10/2021**  
James Dugas III  
110 Blouin Street  
Raceland, LA 70394  
(985)-713-8574; hacksawproductions@gmail.com
- ◆ **Location of Site**  
228 Twin Bridge Road, Des Allemands
- ◆ **Requested Action**  
Rezoning from C-3, Highway Commercial to R-1A(M), Single Family Residential (manufactured homes)

### SITE INFORMATION

- ◆ **Size of Site**  
0.646 acres
- ◆ **Current Zoning and Land Use**  
C-3; vacant and mostly wooded.
- ◆ **Surrounding Zoning and Land Use**  
C-3, Highway Commercial zoning is adjacent to each side.

A legally nonconforming mobile home abuts to the north, between a portion of the lot and Twin Bridge Road. The rest of the surrounding area is vacant and wooded.

- ◆ **Future Land Use Recommendation**  
*General Commercial:* The General Commercial category includes sites for commercial uses that provide a mix of business activities and that serve the community as a whole. These uses provide for comparison shopping and services which are ordinarily obtained on an occasional rather than daily basis. In general, this designation applies to most commercial uses that are permitted in the C-2 (General Commercial – Retail) and all of the uses permitted in the C-3 (Highway Commercial) zoning districts.

- ◆ **Traffic Access**  
The site has limited access. Approximately 56 ft. of the lot fronts Twin Bridge Road, a substandard, one-way eastbound local road within the Highway 90 right-of-way. Vehicles existing the site must turn right onto Twin Bridge Road which is an access drive onto Highway 90 eastbound. Turning left onto Twin Bridge Road would be to go against the flow of traffic. In order to reach the property, a vehicle must get onto Twin Bridge Road eastbound, which is possible from surface streets. Twin Bridge Road has low clearance.

The Louisiana Department of Transportation and Development (DOTD) has approved a Project Permit (permit no. 02018572) “to install a culvert and construct an access connection on DOTD right-of-way that connects to a local road”, with a condition that “There is no truck access allowed to this access connection without special traffic control provided by the property owner.” This is because large vehicles will have to access the site by crossing the Des Allemands bridge on eastbound US Hwy 90, stopping on the shoulder after they cross the bridge and backing down Twin Bridge Road to the site.

◆ **Utilities**

A representative of the Department of Waterworks stated water is available and can be provided with a standard residential connection at the front of the site.

A representative of the Department of Public Works and Wastewater deferred to DOTD regarding access and traffic and Louisiana Department of Health and Hospitals regarding sewer, but stated they have no drainage concerns.

Community sewer is not available. Sewer would need to be handled by private treatment, which must be approved by the Louisiana Department of Health and Hospitals (DHH) during the permitting process. The applicant has been notified of the lack of public sewer and was provided the contact information for the local DHH representative.

<b>APPLICABLE REGULATIONS</b>
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**Appendix A. Section VI. – Zoning District Criteria and Regulations**

**[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.

(Ord. No. 06-12-6, § II, 12-4-06)

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.
- (6) Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council.

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.
- (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) 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. 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.
- 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.

<b>REZONING GUIDELINE EVALUATION</b>
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Before the Commission makes a recommendation or the Council rezones property; there should be reasonable factual proof by the proponent of a change that two or more of the following criteria are met:

- 1. *The proposed rezoning conforms to the land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zoning that is incompatible with the surrounding neighborhood.* The proposed R-1A(M) district is not considered a spot zoning. The R-1A(M) zoning permits both site-built and manufactured homes, which would be compatible with what uses are in the immediate area. The proposed zoning would conflict with the FLUM designation of the site which is General Commercial. **The request fails 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 subject site along with several other properties along the Highway 90 right-of-way are zoned C-3, which was established in 1981. C-3 developments have not occurred in this area. The development that does exist consists of residences, both site-built and manufactured. The access/traffic needs of a single residence would be more suitable compared to that of commercial uses in C-3. LA DOTD District 02 has already issued a project permit for the subject site, allowing access to its right-of-way via Twin Bridge Road. The current C-3 zoning does not allow reasonable use of the property, and R-1A does. **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.* Public facilities would not be overburdened by the single family development permitted in the proposed zoning district. The Department of Waterworks stated a water line runs along the front of the site and standard residential service can be provided. The Department of Public Works & Wastewater stated there are no concerns regarding drainage, but public sewer is not available. Sewer must be handled by private treatment upon approval by DHH during the permitting process. The site-built single family houses and manufactured homes permitted in the R-1A(M) zoning district would be compatible with the development that does existing in the area, which consists of a manufactured home on an adjacent site and a mix of manufactured and site-built homes further down Twin Bridge Road. **The request meets the third guideline.**

#### **ANALYSIS**

The applicant requests a change of zoning from C-3, Highway Commercial to R-1A(M), Single Family Residential (Manufactured Homes) on a 0.646 acre property located at 228 Twin Bridge Road, Des Allemands. The applicant purchased the property in March 2021.

The requested change meets the second and third rezoning guidelines. The location on Highway 90 near the Des Allemands Bridge has limited access, which would be exacerbated by commercial uses. The uses permitted in the proposed R-1A(M) district would also not overburden existing public infrastructure and would be more compatible with the development in the area which consists of a mix of manufactured and site-built homes.

The site is under three (3) acres, so approval would not require a corresponding change to the Future Land Use Map.

#### **DEPARTMENT RECOMMENDATION**

**Approval.**