

Mr. Gibbs: Next item on the agenda is PZR-2014-05 requested by William Dempsey III for a change in zoning from R-1A to OL at Lot G-4-A (26,447 sq. ft.) 295 & 297 St Marks Ave, Ama Council District 2. Mr. Romano.

Mr. Romano: Thank you sir. The applicant is requests a rezone of vacant property off of an undeveloped portion of St Marks Avenue from R-1A to OL, for the purpose of building a home. The site totals approximately 26,446.93 sq. ft., exceeding the minimum square foot requirements for the requested zoning district. It abuts 289 St Marks Ave and is the first lot beyond the edge of the hard-surfaced portion of St Marks Avenue. The standards in both R-1A and OL zoning allow for the development of a single family home; but, in OL zoning, hard surface frontage is not required, so long as a recorded right-of-passage exists. This right-of-passage exists via St. Marks Avenue. By rezoning to OL the applicant bypasses the hard-surface requirement and enables other allowable OL uses.

R-1A zoning surrounds the site with the exception of the lots directly to the south which were rezoned to OL in 2013 (PZR-2013-06, Ord # 13-5-6). On the River Road side of St Marks Avenue, there are houses and mobile homes and on the upriver side of St Marks is a recreation park.

In 2008 the Parish completed an area-wide zoning analysis for the Ama community which resulted large scale changes to the zoning patterns. Prior to completion of the study, the subject site was OL. Through the public hearing process, this zoning in this general area was requested to be changed to R-1A in an effort to promote site-built single family residential uses, which the council approved. Since that approval, very little development has occurred in the community.

A rezoning request must meet all of the tests of at least one of three criteria listed in applicable regulations if a recommendation for approval is stated. **This request does not appear to meet any of the three.**

It falls short of the first criteria because the character of land use patterns has not significantly changed since the zoning change in 2008. Three sides of the property are still surrounded by R-1A zoning. Existing zoning does allow a reasonable use of the proponent's property and adjacent properties. The Department is not aware of any environmental or physical constraints on the property that would necessitate a change in the zoning to OL. The site is not served by a developed street; however, that should not limit the usefulness of the property. Residential development, as a whole, has decreased in the Parish due to larger economic issues; however, the community of Ama is now part of a larger hurricane protection levee system which could make residential development in the area more desirable.

It falls short of the second criteria because it would conflict with the intent of the approved community wide zoning changes. Much effort went into addressing the concerns of the Ama community. To rezone this site back to OL would not comply with those goals and intents. For the St. Marks Avenue area, the intent is to transition the street to site-built, single family use. Approving the applicant site to OL would contradict that desire and potentially promote development that is or would become incompatible with the surrounding properties.

It falls short of the third criteria because it would extend a spot zone that resulted with approval of Ord # 13-5-6. This could adversely affect the surrounding property owners' reliance on the existing zoning. The property is surrounded on 3 sides by similar R-1A zoning; and, as previously stated the zoning change for the community of Ama was undertaken with several public meetings, hearings and opportunities for public input. The community as a whole identified the type of zoning and development that should occur over time. There have been no significant changes in the area that would suggest a change back to the previous zoning for this property.

The department recommends denial.

Mr. Gibbs: Thank you Mr. Romano. This is a public hearing for PZR-2014-05 is there anyone in the audience who cares to speak in favor or against?

My name is William Dempsey, 124 Thoroughbred Ave., Montz, LA. The reason I want to rezone this land to open land is I would like to build a home and as you now it's undeveloped. The only

way I can afford to put a home on this land is to rezone it to open land. The 5 lots behind me was just recently rezoned by a family member who also is building a home on those lots as well. This land has been in my family for many generations, this is where I grew up and this is where I would like to raise my family too.

Mr. Gibbs: So your family owns the lots behind it as well, all the OL lots?

Mr. Dempsey: Yes.

Mr. Gibbs: Thank you Mr. Dempsey. This is a public hearing for PZR-2014-05.

Tracy Plaisance, 406 Ellen Street. A year ago I came to yall to rezone the 5 lots behind where he is asking and yall did rezone. My son is building a house on that land. Without that land being rezoned these kids cannot afford to build, there's no water, no power, no sewer, no electricity, no road. They can't afford to put a paved road with it being R-1, so really this is the only way they can afford to build on the property, by putting a shell road, less costly. It's land that's been in the family from generations all the way to the track. The parish owns to the right of it, they developed the road as far as they are going to develop it. So we're trying to just continue to develop the property as far as we can go and this is the most affordable way.

Mr. Gibbs: Thank you Ms. Plaisance. This is a public hearing for PZR-2014-05.

My name is William Dempsey, 139 St. Mark Ave. This gentleman is correct, Ama was put together to change all the zoning from open land to R-1A because somebody snuck in an RV park behind the old Ama grocery so everybody got together and had a bunch of meetings about it and the reason it was snuck in was because the sign was put in the back of the street and nobody was able to see it, so that's why everybody put in a big push to change the zoning so this would not happen again. Thank you.

Mr. Gibbs: Thank you Mr. Dempsey. Anyone else care to speak in favor or against PZR-2014-05? Any comments? Mr. Booth.

Mr. Booth: This was open land previously and for the reasons just stated, Mr. Dempsey was kind of pushed and forced into this zoning and I don't see a problem going back to open land. Everything behind it is open land and I don't think it would adversely affect the parish or the community.

Mr. Gibbs: Thank you Mr. Booth. Any other questions or comments? Seeing none cast your vote please.

YEAS: Pierre, Booth, Gibbs, Galliano, Frangella

NAYS: Loupe

ABSENT: Foster

Mr. Gibbs: And that passes with Mr. Loupe voting nay. Good luck to you guys and May 19th you got to come back to the Council meeting same venue, pretty much the same format. It will be at 6:00 and good luck.
