

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: 2020-15-R

### GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 10/29/2021**  
Michelle Petit  
112 Pine Street  
Des Allemands, LA 70070  
(504)-812-1924; michellepetit77@yahoo.com
- ◆ **Location of Site**  
A portion of land within "Lot 2" or the Curtis Petit property served by Palmer Lane
- ◆ **Requested Action**  
Rezoning a 5,100 sq. ft. portion of a property from R-1A, Single Family Residential to R-1A(M), Single Family Residential (Manufactured Homes).

### SITE INFORMATION

- ◆ **Size of Parcel**  
The area requested for rezone is 5,100 sq. ft. (100 ft. wide on Palmer Lane and 51 ft. deep). The 5,100 sq. ft. is within the Curtis Petit Property which is approximately 28,223 sq. ft. (421.24 ft. by 67 ft. deep with 17 ft. of the depth shown to contain Palmer Lane).
- ◆ **Current Zoning and Land Use**  
R-1A; there appears to be a shed on a portion of the 5100 sq. ft. requested for rezone.
- ◆ **Surrounding Zoning and Land Use**  
C-2 zoning abuts toward River Road. R-1A zoning abuts each side and to the rear.

The predominant land use in the surrounding area is single-family residential in site-built construction style. There are two site-built houses on Palmer Lane, and site-built houses are on properties fronting River Road from Amelia Street to Michael Street. There is one single-family use in mobile home construction style on Palmer Lane and one between Victoria Lane and Michael Street. Griffin Drive has several mobile homes.

- ◆ **Future Land Use Recommendation**  
Low Density Residential: (from 4 up to 8 dwellings per gross acre) this category includes the Parish's predominantly single family detached subdivisions, including those developed consistent with the R-1A (6,000 sq. ft. minimum lot size) and R-1B (10,000 sq. ft. minimum lot size) zoning districts. It also allows accessory units and individual mobile homes on small platted lots zoned R-1AM. Neighborhood-serving uses such as neighborhood parks, churches and servitudes may also be included in this land use category.
- ◆ **Traffic Access**  
The subject site fronts Palmer Lane, which is 17 ft. wide and approximately 740 ft. long from River Road. It is surfaced with asphalt that is approximately 10 ft. wide and lined with Parish water, sewer, and drainage, as well as overhead electricity lines. The 17 ft. wide area is over private property, but the infrastructure is maintained by the Parish for public use.

Palmer Lane does not meet the minimum geometric or design standards for a local street (50 ft. right-of-way, 22-27 ft. wide paving) or even an alley (20 ft. right-of-way). It is also a dead-end street without a cul-de-sac. Passenger vehicles have

limited maneuverability on the street; larger vehicles like garbage trucks can be seen backing down Palmer Lane to River Road.

◆ **Utilities**

Representatives from the Department of Waterworks and Department of Wastewater stated Parish water and sewer are available on Palmer Lane.

A drainage ditch runs along the downriver side of Palmer Lane. It is graded to convey water away from River Road.

<b>APPLICABLE REGULATIONS</b>
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**[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.
    - (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.
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.

- 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, and also:
  - 2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

#### **REZONING GUIDELINE EVALUATION**

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

- 1. *The proposed rezoning conforms to land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zoning that is incompatible with the surrounding neighborhood.* The Future Land Use Map designates this site as Low Density Residential. Although this future land use aligns with the uses permitted in the R-1A(M) zoning district, a change to

R-1A(M) would create a spot zone within an R-1A district and a split zone of a tract of land. There is a mobile home on Palmer Lane and a few more within the surrounding neighborhood; these are non-conforming uses located in an R-1A zoning district that was created in 2008 as a result of the Ama Rezone (ord. 08-9-10). **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.* The area requested for rezone is within a property that is currently in residential use with two single-family dwellings, one a site-built house, the other a mobile home. Permit data and aerial photography suggest the residential density in the area may have decreased slightly in the vicinity and also that few mobile homes have been permitted or placed in the area since the Ama Rezone. However, the 28,233 sq. ft. property is currently in use, so the change in the land-use pattern cannot be said to have deprived the property of reasonable use. The existing zoning allows for reasonable use of the property. **The request fails 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 primarily defined by site-built houses on individual lots or large tracts. Of 24 dwellings within 500 ft. of the subject site, 22 are site-built houses. The manufactured home that would be permitted if the property is rezoned would be incompatible with this neighborhood character.

In addition, the surface of Palmer Lane is too narrow for vehicles to pass each other and provides no safe turn around. With an asphalt surface that's only 10-12 ft. wide, and over 700 ft. long, one additional dwelling could overburden the roadway. **The request fails the third guideline.**

#### **ANALYSIS**

The applicant requests a rezoning from R-1A to R-1A(M) on 5,100 sq. ft. of a property that's approximately 28,223 sq. ft. with approximately 7150 sq. ft. reserved for a road.

The request does not meet any of the three guidelines for rezoning as detailed in the previous section. It would create a spot zone; the existing R-1A district does not deprive the property of reasonable use; the use permitted in the district would be incompatible with existing neighborhood character, and the sub-standard street could be overburdened by additional development and use.

If the site is rezoned, the result will be a split-zoned, un-subdivided property. With two single-family residential uses already present on the R-1A property, the zoning ordinance does not permit an additional residence on the 5,100 sq. ft. spot even if it is rezoned (Zoning ordinance Section IV.1-3. & Section IX.C.2). In order to permit a mobile home, the property will have to be resubdivided; the lots would not be arranged with frontage on a street that meets geometric standards, so they would have to be approved by both the Planning Commission and the Parish Council with waivers from the subdivision regulations.

#### **DEPARTMENT RECOMMENDATION**

**Denial, due to not meeting any of the rezoning guidelines.**