

Commissioner Frangella: Next on the agenda 2020-5-Rezoning requested by Paul Hogan for a change in zoning district from C-2 to R-1M on approx. 3.2 acres of land in the Coteau De France or Ranson Tract southwest of JB Green Rd, near 16630 and 16644 Hwy. 90, Des Allemands (Proposed Lot 69-A-2A). Council District 4.

Mr. Welker: Thank you Mr. Chair. The applicant requests a rezoning from C-2 (General Commercial) to R-1(M) (Manufactured Home/RV Park) on Lot 69-A-2A which consists of 3.197 acres. The request does not meet any of the 3 criteria for rezoning. R-1(M) zoning district does not conform to the Future Land Use Map and it will be considered a spot zone. The existing C-2 zoning does not prevent reasonable development or development of the property and the uses permitted in the proposed district which are only a manufactured home park or RV park would be incompatible with the single family uses and development of the area. The site is part of an area that's almost 200 acres bounded by Old Spanish Trail, JB Green Road, Highway 90 and Lorraine Drive that was zoned R-1A(M) in 1981. Approximately 4 acres of the area along Highway 90 was zoned C-2. Wenger Road approximately which is in the area was rezoned to R-1A in 2004 by Ord. 04-11-7. The applicant rezoned approximately 6 acres within this R-1A(M) zoning district to C-2 in 2005, Ord. 05-11-4 and 05-11-5. The 6 acres is cleared but there has never been any developed with any commercial uses. The subject site is within a 6-acre area, earlier this month the applicant resubdivided a parcel within this C-2 area. The request is to rezone the now new Lot 69-A-2A from C-2 to R-1(M). If the request is approved, the result would be Lot 69-A-2B and Lot 69-A-2C, 1.8 acres zoned C-2, Lot 69-A-1A split zone .03 acres R-1A(M) and 1.55 acres C-2 and then the subject Lot 69-A-2A just over 3-acres which would be R-1(M). Approving the request would result in changing only a portion of this C-2 area, the result would be an R-1(M) spot zone abutting 2 C-2 spot zones, 1 on Highway 90 and the other landlocked with its only access through an R-1A(M) zoning district which requires a special permit use for development. The site is over 3-acres so if the rezoning is approved a corresponding change to the Future Land Use Map designation to Manufactured Home/Recreational Vehicle Park must also be approved. The department does recommend denial for not meeting any of the criteria for rezoning. Thank you.

Commissioner Frangella: Thank you. Is the applicant present, if so press *9 and state your name and address for the record.

Paul Hogan, 222 Down the Bayou Road, Des Allemands. Good evening Commissioners. This request is to rezone a relatively isolated 3.2-acres lot from C-2 (Commercial) to R-1 (Residential). Each of you should have 7 drawings to show this cleared lot primarily surrounded by heavily, wooded undeveloped land zoned R-1A(M) along with a vacant C-2 lot which I own. You should also have pictures showing the lot line and its surrounding. The residences in the area are primarily manufactured homes with a few site built family homes, none of which are adjacent to this lot. Access is from Highway 90 with 125 ft. of frontage. The lot is served by all utilities which run across the frontage. The Land Use Report notes the Future Land Use Map designates this area as general commercial. This is due to the zoning when the map was adopted and the report knows this, C-2 does not provide for manufactured homes or RV homes and further suggests that changing to R-1M would be a spot zone since it would not expand upon an adjacent R-1A(M) zoning. Any change would give privileges to this lot that adjacent properties do not have. Neither of these 2 points are factors or part of any guidance or criteria provided for in the code. If they were, lots could only be rezoned to whatever zoning already exists adjacent to it. There is no C-2 in this area to be zoned C-2 following the recommendation of the department and ultimate approval of the Council. The C-2 bring privileges that the adjacent properties do not have. This happens often, it's the norm, it's expected and it's not an exception, otherwise the rezoning of development and the development of property would be limited to only that which is adjacent to the lot that is being developed. The Council would never be able to approve a rezoning change like what's done if the C-2 is approved if that was the case. Planning & Zoning where the lot next to it does not have the same zoning is done regularly and is done on numerous cases throughout the history of the parish. The report notes that C-2 was approved 15 years ago to provide opportunity for commercial development in this area. Your report notes that commercial development remains mostly stagnant and that's why the lot remains vacant til this day. That is in spite of it being on a commercial zone in a prime location on a major highway. The reason is the adoption of the parish's advisory base flood elevation of 5 by the parish, changed the character of the area with respect to development, not only with this lot but throughout the community. A portion of the C-2 lot was for sale in 2017, it was not sold due to having to disclose to the interested buyer that they had to build 7 ft. above the ground or put 7 ft. of fill near the highway since the ground there is at a -2. The R-1(M) zoning is being requested since the advisory base flood elevation has little effect and allow the lot to be in commerce and increase the parish's tax base. With regards to potential uses the permitted by proposed zoning will not impact being compatible and the existing character of the neighborhood or overburden the infrastructure, there will be no overburden of facilities as noted in the report. The potential uses in R-1M are solely residential as with

the adjacent R-1A(M) district. Both allow for manufactured homes which are trailers making R-1M not incompatible with the surrounding neighborhood with that respect. A portion of the adjacent lot to the west faces Old Spanish Trail is practically R-1M and that's because there are several trailers on an unsubdivided lot with multiple families on family property. Regarding R-1M allowing RV's, this is a residential use that would not infringe on the community located on Old Spanish Trail or impact adjacent uses. Even if it abutted the community, R-1M next to R-1A(M) exists in the parish and exist in harmony, this is evident by the R-1M zone just 1000 ft. away on the other side of the highway which abuts R-1A and one in Mozella and one in Boutte which abuts R-1A(M) as this would. The ones in Mozella and Boutte were both expanded in recent years further into the R-1A(M) district with no resulting issues. This in and of itself is evidence that the 2 zonings are not incompatible. This request does not encroach in to the R-1A(M) district like those did. It's simply a down zone from commercial abutting residential to residential abutting residential. It would not inhibit the ability of any lot to be used for a single family dwelling or mobile home development just as the department noted with the application pertaining to the R-1M zoning expansion next to the R-1M district in Mozella. So the potential use in the case would be single family uses which is what is allowed in the adjacent zoning. The only difference is it would allow for multiple of these uses on a single piece of land like what exists next to the particular property. The bottom line is residential is not incompatible with residential as which is evident in R-1A(M) 1000 ft. away and 2 cases of R-1M next to R-1A(M) in Boutte and Mozella. In closing I ask for your support in this request and I'm available to answer any questions that you may have. Thank you.

Commissioner Frangella: Mr. Hogan I have one. So if you change it to this does it still have to be built up or it's going to take a boat to get to the houses?

Mr. Hogan: No sir, it would not have to be built up and that's the reason for it, it allows me to build at the ground level and you don't raise RV parks 8 ft. up in the air. So that's the reason for this, you give the property the zoning that would have some use despite the base flood elevation.

Commissioner Frangella: Ok. Any other questions for Mr. Hogan while we have him on the line? Seeing none, thank you Mr. Hogan. Now we're going to open the public hearing 2020-5-Rezoning. Chris did we have any comments that were sent in?

Mr. Welker: Yes we did receive several comments either by phone call or email in opposition to this request. Let me go over those 1 by 1.

Via phone call we received opposition from:

Ms. Carolyn Simmons,
Dawn Scott,
Walter Bass
Shirley Bass

We received an email from:

Ms. Barbara Scott stating that she is not in favor of the rezoning on the property owned by Mr. Hogan from C-2 to R-1M, she mentioned that there was no notification sent directly to her, it was sent to a family member. Her concern is that there are young children and senior citizens nearby, why would anyone want to live with the uncertainty of what might be placed next to their home. Paradis has an RV park why do we need 1 in Des Allemands? How does this enhance the community of Des Allemands? As part owner of the abutting property I humbly ask that this request be denied. Thank you for your time. Sincerely Ms. Barbara W. Scott. She then added that my siblings would also like to be included in opposing the rezoning request. They are Stafford E. Williams, Jr.; Rudolph A. Williams; and Maxine Hankerson.

Charles Temple – hello I'm opposed to agenda item #30 for a future RV home park that is planned on property in Des Allemands, La. We have immediate family members living next to that property. My main concern is for their safety, my wife is an adjacent property owner.

August Paul, Sr. – signed off by Mrs. Lillie Paul and Joshua Young. This note is in regards to the rezoning of Paul Hogan's property listed on the agenda. We oppose the rezoning of this property. It has always been a family oriented area and we live here and we don't want this kind of business operated in this residential area. We are the heirs to the property located at 16651 which is next to Paul Hogan's property and we oppose the rezoning. Thank you.

Another email that is signed off by Mrs. Lillie M. Williams Paul, Audrey Williams Cannon, Betty Williams Murray, Janice Williams, Wendy Williams, Jeraline Williams, Lorraine Williams Temple and Michael Williams stating this notice is in regards to Paul Hogan's property listed on the agenda. We own Lot 65R and the south half of Lot 67 in Coteau De France, Lot 63R in the Sunset Drainage District. This property is next to Paul Hogan's property and we oppose rezoning this property to become a mobile home RV park. Our family has owned this property since the early 1900's and it's always been a family oriented residential area. Our property is next to this property and again we're opposed to having a mobile home/RV park being put here. We fear not knowing who will be in and out of this mobile home/RV park, most of us live here and continue to call it home. So to continue our safe way of life we oppose the rezoning of this property.

Tomeka Hills – signed off as well by Ms. Brenda Hills, Bernadette Bolden, Iris Clark Smith and Deborah James. This email is to protest item 30 on the agenda which would allow for a mobile home/RV park in the neighborhood. The residents next to this property are elderly and or ill and we protest this item.

Lorien Coleman – signed off by Glenda Williams Richards, Steven Williams, Torin Williams Thomas, Geralyn Williams, William P. Scott and Malcolm Williams, Jr. My name is Lorien Williams Coleman. I and my siblings are in opposition of item #30 requested by Paul Hogan for an RV park or mobile home on said property. We are adjacent property owners and we would not like seeing the property being developed in that manner, there are too many strangers that have the opportunity to come and go and conduct whatever kind of crime, pick up and leave. Instead of putting mobile there why do you try to subdivide it and make permanent home structures to build up the community and not tear it down by making another trailer park which would not enhance the community at all. Thank you. Even though we are not present, we are speaking our opposition and we pray that it is forwarded to the appropriate people that is a part of the record.

Ms. Mary White – I oppose item #30. I'm not in favor of turning the property next to my family property into a trailer park or camp ground park. I am against this item on the agenda.

Judy Riley – I'm against this property being rezoned to be allowed to place transient/mobile home park adjacent to the bordering James Lane in Des Allemands.

Another phone call in which we spoke with a Ms. Tania Joseph. She stated her mom and some other elderly residents are against the rezoning.

That concludes all the public comments we received regarding this request. Thank you.

Commissioner Frangella: Thank you. Is there anyone that wants to speak for or against please press *9, once unmuted please state your name and address for the record, thank you. Hearing none, we will close the public hearing for 2020-5-Rezoning. Any questions from the Commissioners?

Commissioner Richard: Chris the examples Mr. Hogan gave, so in the past, scenarios like this have been approved with the examples he gave us right?

Mr. Welker: I'm not sure about those specific examples but there are a lot of mobile home and RV parks in the parish that have been around long enough to where they are essentially acting as grandfathered, nonconforming uses or legal nonconforming uses. We have had a recent run I would say, what I could comment on rezoning request to R-1M that anyone on the board can attest that have not been approved and not recommended approval for, so that's what I can limit my comment on that question.

Commissioner Richard: Thank you.

Commissioner Frangella: Alright any other questions? called for the vote.

YEAS: None

NAYS: Ross, Petit, Granier, Richard, Dunn, Frangella, Galliano

ABSENT: None

Motion fails.
