

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZR-2018-06

GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 07/02/18**
Lelechie Jackson
P.O. Box 392
New Sarpy, LA 70078
(985)-224-9486
- ◆ **Location of Site**
Lot 30A, Block 4, St. Charles Terrace Annex Subdivision; 237 Annex Street, New Sarpy
- ◆ **Requested Action**
Rezoning of Lot 30A from C-2, General Commercial-Retail Sales to R-1A(M), Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes —Medium density

SITE INFORMATION

- ◆ **Size of Parcel**
7,800 square feet; 75 feet wide
- ◆ **Current Zoning and Land Use**
C-2; undeveloped
- ◆ **Surrounding Zoning and Land Use**
The site is surrounded by R-1A zoning; site built single family homes are located across Annex Street to the front and adjacent on both sides. The properties adjacent to the rear are cleared but undeveloped.

St. Charles Terrace Subdivision was platted and developed in the 1930s as two main streets serving six squares or blocks with 25' x 110' lots. St. Charles Terrace Annex Subdivision was developed alongside several years later adding two main streets and a similar lot and block pattern (most lots are 25' x 104'). The predominant land use is site-built single-family houses.

Approximately 10% of the housing stock is legally non-conforming mobile homes. In addition to the legally nonconforming mobile homes, there are six single-site R-1A(M) zoning districts in the neighborhood, five of which developed with mobile homes. Notably, a site of five contiguous lots that was rezoned to R-1A(M) in 2009 DID NOT result in a mobile home being developed on the site; that property remains developed with a site-built house. While there appear to be 11 mobile homes on Annex Street, properties abutting the subject site along and across Annex Street are developed with site-built houses.

- ◆ **Future Land Use Recommendation**
General Commercial: 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.

The report for the previous rezoning attempt on this property (PZR-2016-03) recommended amended the Future Land Use designation to *Low Density Residential*.

◆ **Traffic Access**

The site has 75' of width at the north end of Annex Street, a local road that connects to River Road, a collector.

◆ **Utilities**

Representatives of Public Works & Wastewater, Waterworks, and MS4 indicate existing utilities can accommodate the uses permitted proposed zoning district.

APPLICABLE REGULATIONS

[[I.] 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.
 - (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.

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.

Appendix A. 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.

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
- 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.* Plan 2030 recommends this site for *General Commercial* for this specific lot. The surrounding neighborhood land use designation is *Low-Density Residential*. While rezoning to R-1A(M) may actually be a better fit with the Future Land Use recommendation of the neighborhood, it would create a spot zone that is incompatible with the surrounding zoning and uses, as the majority of the subdivision is zoned R-1A and developed with site-built construction. **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 site is more suitable for residential use than for C-2 uses; however, site-built construction would be more compatible with abutting properties and the neighborhood. The C-2 zoning designation allows the applicant to request a Special Permit for a site-built single-family house. Rezoning to R-1A(M) would permit both site-built and manufactured homes by right. A mobile home is out of character with the community. **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.* While a manufactured home on the site would not overburden public facilities or infrastructure, it would be out of character with the existing neighborhood. **The request fails the third guideline.**

ANALYSIS

The applicant requests rezoning Lot 30A at 237 Annex Street, New Sarpy from C-2 to R-1A(M) in order to permit a mobile home. The site is situated between two site-built houses near the northern end of Annex Street. The site was rezoned from R-1A to C-2 in 1988 in order to permit a fast food diner "with the stipulation that the zoning revert back to R-1A in the occurrence of any one or more of the following (1) the use of the property changes from that of the proposed fast food diner; (2) The property is sold or changes ownership; (3) the use ceases operation for any period of time; (4) the use is managed by anyone other than the applicant or his immediate family" (ordinance 89-12-9). These types of conditions on a rezone have been found to be unenforceable, and the zoning did not revert back to R-1A when the conditions occurred. The site currently has no structure or use. A previous rezoning from C-2 to R-1A(M) was attempted in 2016 (PZR-2016-03) but was denied due to not meeting any of the three rezoning criteria. The current rezoning attempt is permitted since it has been more than one calendar year since the last attempt.

The St. Charles Terrace and Annex Subdivisions were zoned R-1A in 1981. Since then a total of ten (10) requests for R-1A(M) rezoning have been processed by the Department; the Department recommended for denial in each case; seven (7) of those received approval by the Council; three (3) mobile homes have been permitted as a result.

In order to receive a recommendation for approval, an applicant for rezoning must show that the request meets at least one of three criteria. The request fails all criteria as it would create a spot zone and uses permitted in the district (manufactured homes) would be largely incompatible with the surrounding neighborhood. The predominant land use in the community is single-family site-built houses and the majority of properties are zoned R-1A.

Code violations were apparent during a visit performed on 7/23/18 as several abandoned vehicles are being stored at the site. Code Enforcement is working with the property owner regarding these violations which must be resolved regardless of the outcome of the rezoning request.

At 7,800 sf, the site is below the three acre threshold that mandates a corresponding Future Land Use Map amendment; therefore, if the zoning is changed, the map need not be amended. However, a change from the Commercial FLUM designation to Low-Density Residential is scheduled as part of the 2020 FLUM Update.

DEPARTMENT RECOMMENDATION

Denial