

Commissioner Booth: The last item on our agenda is PZR-2016-16 requested by Lynette Lane for Shirley Lane for a change in zoning classification from R-1A to R-1A(M) at Lots 63 & 74 of a Subdivision of Lot 10 Prospect Plantation, 226 Clement Street, New Sarpy. Council District 6. Mr. Romano.

Mr. Romano: The applicant requests a change of zoning district from R-1A to R-1A(M) on (the application states Lots 63 & 74, but we believe it's 64 and I'll get into that in a little bit. The address is between 224 & 228 Clement Street, New Sarpy. At the time of writing this report, staff are trying to help resolve a problem with the legal description of the property. The applicant states that her mobile home will replace one that was once on the property and will fit in with the other mobile homes recently placed in the neighborhood

We've had a total of 8 requests in the neighborhood of R-1A(M) rezoning and the department has recommended denial of each case, 4 of those received approval by the Council and resulted in only 3 mobile homes being placed. The rest of the mobile homes you might see in the area are grandfathered. In other words, they were there before zoning was implemented. So any of the mobile homes you see in the neighborhood are 1 of the 3 that were permitted or grandfathered, but the primary land use in the area is single family residential.

In order to receive a recommendation for approval, an applicant for rezoning must show that the request meets all the criteria of at least one of three guidelines.

The first guideline states that a rezoning must follow the future land use recommendations of Plan 2030 and also not create a spot zone—"give to a single lot or small area privileges not extended to other land in the vicinity." Plan 2030 recommends this site for Low Density Residential, which includes the Parish's predominantly single family detached subdivisions, and individual mobile homes on small platted lots zoned R-1A(M). But since rezoning to R-1AM would create a spot zone, it will conflict with one of the criteria of the first guideline. The request fails the first guideline.

The second guideline states that a rezoning should be considered if the land use pattern or neighborhood character has changed to the point that the existing zoning no longer allows reasonable use of the applicant's property. The site is more suitable for site-built construction. It abuts a single-family residential home on its River Road side, is located in a neighborhood zoned R-1A, and a majority of development in the neighborhood consists of site built single family residential uses. So if the rezoning request is approved it will result in a land use incompatibility, which fails the second guideline.

The third guideline states that a rezoning may be considered if the permitted uses will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure. A mobile home on the site would likely not overburden public facilities or infrastructure but would be out of character with the existing neighborhood that consists primarily of site-built single-family residential homes. It is for this reason that the department concludes that the request fails the third guideline.

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 does not need to be amended.

The department recommends denial but I need to expand on the situation we have. The deed that was turned in to us, we believe it has a misprint. Lot 74 was supposed to be indicated as Lot 64, but for whatever reason that was never corrected so the owners of the lots, understanding that they own 2 lots together, Lots 63 and 64, actually what the deed shows is that they own Lot 63 and Lot 74, which when you look at the subdivision map, it's across the street, but it's actually in a different subdivision so there was a mistake somehow. The point being, an Act of Correction of some kind needs to be drawn up so that this can get corrected and filed at the Clerk's office so that we don't end up zoning a 30 ft. wide piece of land and putting a zoning change on another piece of land somewhere else, not next to where the property is situated.

So we recommend that until this Act of Correction is generated, signed and filed in the Clerk's office, that the case not be forwarded to the Council. I hate to use an analogy, but it's not having all the ducks in a row. So that's our recommendation.

Commissioner Booth: Public hearing for PZR-2016-16 rezoning Lots 63 & 64 from R-1A to R-1A(M), this is a public hearing is anyone here to speak for or against? State your name and address for the record please.

My name is Lynette Lane, I live at 5 Jasmine Lane in St. Rose.

Commissioner Booth: You understand that we have a little problem with the legal description of the property and you need to work with Mr. Romano to see if you can get that resolved and filed with the Clerk. You want to put 2 trailers?

Ms. Lane: Just one.

Commissioner Booth: Alright. Any questions for the applicant? Thank you ma'am. Anyone else here to speak for or against this particular issue? We'll call for the vote with the stipulation that before this goes to Council the proper legal description is filed with the Clerk and then Planning & Zoning can move forward with trying to do something and it will be up to the Council.

Commissioner Granier: This map for rezoning to R-1A(M) is not for the entire subdivision? In other words, there's a lot more between the end of the map and the street right?

Mr. Romano: About 150 ft.

Commissioner Granier: So how many more, or are there any other rezones in that area or is that it?

Mr. Romano: there were a few, I mentioned earlier, I believe there were 8 that were requested and 4 that were granted. We always recommend the denial, the Council ultimately approved 4 of them that resulted in 3 new permitted mobile homes.

Ms. Stein: You might remember last month the Council approved Keesler Payne's request for a rezone, that's not reflected on the map yet because we made the map before the ordinance passed, but that's close to that little cluster of orange that you see on the zoning map.

Commissioner Booth: Any other questions or comments? We'll call for the vote and if there is a positive vote, before it goes to Council the legal description issue has to be resolved and filed with the Clerk. Call for the vote.

YEAS: Loupe, Granier, Richard, Booth, Galliano

NAYS: None

ABSENT: Frangella

Commissioner Booth: That passes unanimously. You need to work with Mr. Romano and he will explain how to get that done.