

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2021-1-R

GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 12/8/2020**
CLDW, LLC / Donnie White
805 Fonda Street
Paradis, LA 70080
(504)-508-1098; donniwhite@gmail.com
- ◆ **Location of Site**
Lot 7-C, Leona Heights Subdivision; 312 Griffin Drive, Ama
- ◆ **Requested Action**
Rezoning from R-1A, Single Family Residential to R-1A(M), Single Family Residential-Manufactured Homes

SITE INFORMATION

- ◆ **Size of Site**
6,450 sq. ft.
- ◆ **Current Zoning and Land Use**
R-1A; vacant but cleared
- ◆ **Surrounding Zoning and Land Use**
R-1A zoning is adjacent on each side and across Griffin Lane. O-L zoning is adjacent to the rear.

The site is in a single-family residential neighborhood. The neighborhood is a mix of site-built houses and manufactured homes; the site is near a concentration of manufactured 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 site is 75 ft. wide on Griffin Drive, a local road with 14 ft. wide asphalt surface within a 20 ft. wide right-of-way. The submitted survey shows the street lined by a ditch that appears to be about 5 ft. in the street right-of-way and 4 ft. into the front of the lot.
- ◆ **Utilities**
At the time of this writing Planning & Zoning has requested comments from representatives of Department of Waterworks and the Department of Public Works & Wastewater.

APPLICABLE REGULATIONS

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.

[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.
- (Ord. No. 06-12-6, § II, 12-4-06)
- 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.

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 the 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 proposed R-1A(M) zoning does not specifically conflict with the FLUM designation of Low Density Residential, but it would create a spot of R-1A(M) zoning within an R-1A zoning district. Griffin Drive is a local street, approximately 2,400 ft. long, serving 48 lots. There are 10 mobile homes and 23 site-built houses. Half of the existing mobile homes are near the end of the street, in the vicinity of the subject site.

In 2007, residents of Ama requested a land use and zoning study to determine if the zoning at the time supported community goals. The resulting *Ama Land Use Study* recommended that much of the R-1A(M) zoning in the Ama community be changed to R-1A. The Parish Council implemented most of the zoning recommendations in September 2008, and *The Comprehensive Land Use Plan* recommended keeping the zoning that had been established in 2008, to promote a land development pattern of site-built housing.

A spot of R-1A(M) would permit single-family use in modular, manufactured, and mobile home construction styles, which do not fit the land development pattern established by the Ama Land Use Study and the Comprehensive Land Use Plan, and are incompatible the neighborhood. **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.* Griffin Drive is a residential neighborhood that has not changed to the extent that R-1A zoning does not allow reasonable use of the property. R-1A zoning permits single-family use in site-built construction, so the zoning allows reasonable use of the property.

Permit data suggests that properties on Griffin Drive area being maintained and upgraded with accessory buildings, patio covers, solar panels, and home occupations (17 permits issued since the 2008 rezone to R-1A), so the neighborhood does not appear to be in decline or in a condition that it would make it unreasonable for a new house to be built in the neighborhood or on the subject 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.* R-1A(M) zoning permits single-family uses of manufactured or mobile

home construction style on at moderate density (5,000 sq. ft. minimum lot area/50 ft. minimum width), only slightly more dense than the current R-1A zoning (6,000 sq. ft. minimum lot area/60 ft. minimum width). A manufactured home on Lot 7-C would not overburden public water, sewer, drainage, or street capacity, but it would be incompatible with the Griffin Drive neighborhood, which is 70% site-built houses. **The request fails the third guideline.**

ANALYSIS

The applicant requests a change of zoning from R-1A to R-1A(M) on one lot, 7-C, 6,475 sq. ft., near the end of Griffin Drive, Ama. Griffin Drive was originally "First Street," in Ama. It was renamed in 1992 to facilitate the Enhanced 911 system. It appears to have developed in several phases over time. Lots closer to River Road vary in width; the portion where the subject lot is located is shown on a 1968 plat of "Leona Heights Subdivision" which shows 26 lots, 75-ft. wide x 86-ft. deep on a 20-ft. wide street. At least eight (8) of the lots are platted beyond the asphalt surface of the street.

The request does not meet any of the rezoning guidelines. Granting the request would create a spot zone. The existing R-1A district permits reasonable use of the property. The uses permitted in the R-1A(M) district would be incompatible with the site-built residential neighborhood character that residents hope to expand upon.

DEPARTMENT RECOMMENDATION

***Denial because the request does not meet any of the three rezoning guidelines.**

***This application was made one day after Ordinance No. 20-12-4 was adopted (which would require two criteria to be met for a recommendation for approval from the Department), but prior to the ordinance's effective date. The application is reviewed under the ordinance as effective at the time of application.**