

Mr. Gibbs: Next item on the agenda is PZR-2015-09 requested by Roxanne Comardelle for a change in zoning classification from W1 to OL on a 1.139 acre portion of Lot 36 Coteau de France (Proposed 519 Ridge Rd), Des Allemands, Council District 4. Mr. Romano.

Mr. Romano: Thank you Sir. This request is being made to change the zoning of a 1.139 acre portion of a 17-acre tract of land from W-1 to OL. The applicants stated intent is to build a home. The site is situated in an undeveloped area in Des Allemands, along a public, unpaved portion of Ridge Road and is over 2,000 feet from where the pavement ends at Folse Street. The applicants have received a wetlands determination from the US Army Corp of Engineers (USAOE) which has determined all but approximately 1.139 acres (approx. 49,615 square feet) of the tract as jurisdictional wetlands. This means that the only developable portion of their property is the portion approximately 49,615 square feet.

Recommendation for rezoning approval requires that an application must meet the tests of one of three criteria listed above.

The first criteria addresses whether or not the land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property.

Guidance is given to the Department in determining this criterion by evaluation of:

- a. Evaluation of surrounding Land Use – The St. Charles Parish Comprehensive Plan shows the entire area north of Old Spanish Trail designated as the Wetlands Future Land Use. The proposed zoning of OL is recommended for land designated under the Rural Residential Land Use. The Department finds that the Land Use pattern has not changed nor is the proposed zoning appropriate under the current Wetland Land Use designation.
- b. Consideration of unique physical features of the land – The applicant has presented documentation showing that the requested area is not jurisdictional wetland. However, this would permit the owner to build a house under the current Wetland zoning as a Special Exception Permit. The need for a zoning change is not tied to the physical features of the land.
- c. Consideration of changed in value or environment which limit the usefulness of vacant land – The applicant has not provided information that would support this consideration.

The site is surrounded by hundreds of acres of vacant, wooded, wetlands and is at least 2,000 feet from the nearest existing residential area. For these reasons, **the first criterion is not met.**

The second criteria addresses whether the proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare.

Guidance is given to the Department by examples of potential impacts that would not be in the public interest:

- a. Undue congestion of streets and traffic – The proposed change will not result in undue traffic impacts.
- b. Overcrowding of land or overburden on public facilities – There is a potential impact on public facilities by virtue of the length, scope, and intensity of services that must be provided along Ridge Road. While these are to be borne by the applicant, there is a substantial extension of services required to serve a single dwelling.
- c. Land or building use that may be incompatible with existing neighborhood character – While the applicant is proposing only a single home, the potential for up to three units on the portion requested is real. Further, farming and open land uses would be permitted and may have an impact on the surrounding wetland.
- d. An oversupply of types of land or zoning in proportion to the population – The applicant has not presented an argument supporting this and the Department supports the adopted Comprehensive Plan for guidance on this matter.

Approving the development of this site at the end of a 2,000 foot gap of vacant undeveloped land is an example of “leap-frog development” and potentially taxes the existing infrastructure in the area. Further, the proposed use is incompatible with the surrounding zoning and the Future Land Use Map according to the adopted Comprehensive Plan. This does not comply with the general public interest and welfare and thus **the second criterion is not met.**

The third criteria addresses whether the proposed zoning change is in keeping with zoning law and precedent.

Guidance is given to the Department by examples of potential conflicts with zoning laws and precedent:

- a. Whether the change in zoning is capricious or arbitrary – The applicant’s request is not capricious. The determination that the land is not wetland allows for a consideration of the zoning change.
- b. It does not limit the value or usefulness of neighboring properties – The applicant’s request, if approved, would not limit the value or usefulness of neighboring properties.
- c. It does not adversely affect the reliance of neighboring property owners have placed upon existing zoning patterns – The proposed rezoning could potentially seriously injure the existing zoning pattern. There are potentially numerous instances of non-wet portions of this massive contiguous area of wetland. Allowing any or all of these portions to be rezoned would erode the nature and character of the surrounding wetland. The Parish, by virtue of its adopted Comprehensive Plan and the Future Land Use Map has demonstrated careful consideration of its desire to protect these areas.
- d. It does not create a spot zone that is incompatible with adjacent properties – This request is a clear example of spot zoning and may affect negatively the maintenance and enjoyment of surrounding land.

The third criterion is not met. The rezoning would result in a spot zone is counter to one of the goals of zoning: an orderly, manageable development pattern.

The Future Land Use Map for Ridge Road is **Wetlands**. Amending the Future Land Use Map is not required in this case as the site being developed is less than 3 acres. Therefore, no change to the FLUM will be required if the rezoning is approved.

The Department recommends Denial because we feel like it doesn’t meet any of the 3 criteria.

Mr. Gibbs: Thank you Mr. Romano. This is a public hearing for PZR-2015-09. Is there anyone in the audience that would care to speak in favor or against?

My name is Rory Comardelle, 128 Carlon Drive, Des Allemands, La. Me and my wife are requesting the rezone. I guess I’m a little blindsided about this. I went to the Zoning and they recommended this to me. There’s beautiful oak trees in front of this place and it’s being used as a garbage dump right now. We have to put a gate to keep people from dumping trash. We’ve been spending money to build a nice home. We went to Planning & Zoning and they recommended that we get it zoned to OL and didn’t think it was an issue and then I got this letter. We’re just asking for your help to understand. You can see the property it goes 2000 ft., the graveyard is across the track, there is a house you can see from the property, but it’s not in the picture. If you move it you can see the house across the street and across the track, by the graveyard, Carlon where the street turns and go back there’s a graveyard, there’s electricity right there. I already checked with the power company, we can cross the track with it.

Mr. Gibbs: To the left side of the property. Is that where the graveyard is?

Mr. Comardelle: It’s a little bit lower, the graveyard is right there and there is electricity right there. I talked to the power company about crossing the track and they said it was fine.

Mr. Gibbs: This property has been deemed non wetlands? His acreage?

Mr. Romano: Yes there is a 1.139 has been determined non-wetland and therefore he can develop on it.

Mr. Comardelle: And that was it, Planning & Zoning told me to get the Jurisdiction to be able to do that so I basically paid for it. I was fortunate to find it and buy it and I didn’t think I would run into this problem. I would like to move to a nice quiet area and they are hard to find not way out in the booney’s.

Mr. Gibbs: I didn’t catch your address. Are you currently in St. Charles Parish?

Mr. Comardelle: I live in the subdivision across the street.

Mr. Gibbs: Any questions for Mr. Comardelle? Thank you Mr. Comardelle. This is a public hearing for PZR-2015-09 is there anyone else in the audience that would care to speak in favor or against?

Mr. Booth: Looks like the land use map that we're using is the main problem. So we have Mr. Comardelle against the system. I think he's trying to do the right thing. Having utilities right there across the track.

Mr. Gibbs: Any other comments? Cast your vote please.

YEAS: Pierre, Loupe, Gibbs, Booth

NAYS: Frangella

ABSENT: Foster, Galliano

Mr. Gibbs: That passes with Mr. Frangella voting Nay. Good luck. This will go in front of the Council on June 1 at 6 pm.
