

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: PZS-2018-54

### GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 11/01/18**  
Bayou Fleet Partnership, LLC  
P.O. Box 446  
Hahnville, LA 70057  
(985)-783-6403; rbd@bayoufleet.com
- ◆ **Location of Site**  
The southern portion of Pecan Bayou Subdivision; Oak Street, near Butternut Street, Hahnville.
- ◆ **Requested Action**  
Resubdivision of Lots 4, 5, 6, Block 5, Lots 1 thru 7, Block 7, unimproved Walnut Street and unimproved Butternut Street, Pecan Bayou Subdivision, into Parcel A.

### SITE INFORMATION

- ◆ **Size of Parcel**  
Proposed Parcel A: 84,519 square feet, 413.92 feet wide on Oak Street.
- ◆ **Current Zoning and Land Use**  
R-1A, Single Family Residential – Detached Conventional Homes; site is cleared but undeveloped.
- ◆ **Surrounding Zoning and Land Use**  
R-1A, Single Family Residential zoning is adjacent to the front, rear, and Hickory Street sides; O-L, Open Land zoning is adjacent to the Butternut Street side.  
  
Site built single family houses are developed adjacent to the rear and Hickory Street sides; the land to the front across Oak Street and adjacent to the Butternut Street side is cleared but undeveloped.
- ◆ **Plan 2030 Recommendation**  
Low Density Residential: 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**  
Frontage and access for the proposed lot is provided from Oak Street.
- ◆ **Utilities**  
Standard utilities are available and adequate to serve proposed Parcel A along Oak Street. There are no public utilities along the undeveloped portions of Walnut Street or Butternut Street that are within proposed Parcel A.

### APPLICABLE REGULATIONS

#### **Appendix C. Section II. Subdivision Procedure** C. *Minor Resubdivisions.*

1. In instances where a net increase of five (5) or fewer lots is proposed by subdivision or resubdivision and no new or additional public improvements are required, no formal preliminary plat shall be required. The plan of resubdivision shall comply with requirements outlined in section II.C.3 of this section, and with all relevant land use regulations, including the St. Charles Parish Zoning Ordinance and Subdivision Regulations. The Planning and Zoning Commission may approve or deny the application. The basis for denial shall be stated at the meeting and on the record of the Planning and Zoning Commission.
3. Subdivisions and resubdivisions which meet the guidelines contained in Section II.C. of these regulations shall be presented to the Department of Planning and Zoning in the form of a plan which

conforms to the laws of the State of Louisiana governing surveying, platting, and subdivision of land. The proposed subdivision shall contain the following information:

- a. Location of the property.
- b. Name(s) and address(es) of the owners.
- c. Name and address of the Land Surveyor preparing the plan as well as the date the survey was prepared. The survey shall be dated within one (1) year of the subdivision application date.
- d. Existing property lines and lot numbers, including names and width of adjoining streets.
- e. Proposed property lines and revised numbers of proposed lots.
- f. Location and dimensions of existing buildings.
- g. Layout and dimensions of all existing, proposed, and required servitudes and rights-of-way, including but not limited to servitudes for sidewalks, utilities, access, drainage ditches, and canals.
- h. Existing lakes and ponds.
- i. North arrow and scale.
- j. The following note shall be added to all resubdivision maps: All necessary sewer, water and/or other utility extensions, relocations or modifications shall be made solely at the lot owner's expense.
- k. Stormwater Pollution Prevention Plan. For Minor Subdivisions that involve more than one (1) acre, the MS4 Administrator may require the submittal of a Stormwater Pollution Prevention Plan and/or Post Construction Stormwater Permit, including all required documentation, in accordance with Chapter 25—Stormwater Management and Erosion and Sedimentation Control.

### **III. - Geometric standards.**

#### **C. Lots:**

1. Size. The width, depth, area, and minimum building setback line shall conform to the St. Charles Parish Zoning Ordinance for the type of development.
  - a. Corner Lot. Corner lots shall have extra width to permit setback lines on the side of the lots adjacent to a side street. The extra width shall be sufficient to allow the lot to meet the minimum zoning requirements of the St. Charles Parish Zoning Ordinance excluding the side street setback distance.
  - b. Width. The lot width at the minimum building setback line shall not be less than that specified by the St. Charles Parish Zoning Ordinance.
2. Lot Lines. All lot side lines shall be at right angles to straight street lines or radial to curved street lines unless a variation is approved in writing by the Commission.
3. Large Lots. When a parcel of land is subdivided into large lots, the Commission may require the shape and dimensions of the lots arranged so that resubdivision of any lots will meet the requirements of these Regulations and the St. Charles Parish Zoning Ordinance.

#### **[I.] R-1A. Single family residential detached conventional homes—Medium density.**

2. Spatial Requirements:
  - a. Minimum lot size: Six thousand (6,000) square feet per family; minimum width—sixty (60) feet
  - b. Minimum yard sizes:
    - (1) Front—Twenty (20) feet
    - (2) Side—Five (5) feet
    - (3) Rear—Twenty (20) feet
    - (4) For lots with less than one hundred (100) feet depth, front setback and rear setback shall be twenty (20) percent of lot depth respectively 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) An accessory building may occupy no more than twenty-five (25) percent of the required rear yard.
    - (2) The accessory building shall not exceed two-story construction.
    - (3) Minimum setback of accessory buildings including overhangs, shall be three (3) feet.
    - (4) Nonresidential accessory buildings shall not be permitted.
  - d. Permitted encroachments:
    - (1) Overhangs projecting not more than twenty-four (24) inches, excluding gutter. For accessory buildings, overhangs shall not be closer than three (3) feet to any property line.
    - (2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into required front or rear yard.

#### **Administrative Code, Sec. 2-4. - Procedure to dedicate, or revoke dedication of street, canal, etc.**

- (a) A formal act of dedication shall be filed by any person requesting the parish council to accept for maintenance streets and drainage using the following format:
  - (1) The act shall state the name of the person dedicating the street or drainage.
  - (2) The act shall contain a description of the property in which the street or drainage is located.
  - (3) The act shall state the name of the street, the width and length to be accepted.
  - (4) All drainage ditches shall be properly marked with widths shown. The dedication shall spell out the width and length of each ditch.

- (5) Two (2) updated maps shall be submitted to accompany each act of dedication. These maps shall give a description of the area including section, tract and range lines; name of subdivision, if applicable; date; civil engineer or surveyor; title; north point of compass and scale of map.
- (b) Prior to a request for the parish to assume for maintenance any street or drainage, it shall be necessary for the parish engineers to certify that the street or drainage meets parish specifications.
- (c) Acts of revocation on streets, drainage ditches or canals shall contain the same information as requested for acts of dedication and shall be accompanied by the submission of a subdivision plan which shall be executed through the local subdivision process, formally incorporating revoked properties into adjacent parcels.

## **ANALYSIS**

The applicant proposes a minor resubdivision to create one parcel, Parcel A, out of nine (9) lots and a portion of unimproved Walnut Street and Butternut Street. Parcel A exceeds the area and width requirements for the R-1A zoning district and meets geometric standards for lots.

The property was laid out as Pecan Bayou in the late 60s. The roads and portions of Pecan Bayou Subdivision closer to the river were developed with houses. The streets in this area, Walnut Street and a portion of Butternut Street, were not built, so the lots were never developed.

In 2004, Bayou Fleet requested a different layout of five (5) larger lots under proposed Parcel A all fronting Oak Street (as well as five larger lots under Parcel B proposed in PZS 2018-53 fronting both Oak Street and the developed portion of Butternut Street). The Preliminary Plat of the new lot layout was approved. While this conceptual layout of new lots, *including* the revocation of the streets, was approved, the subdivision was proposed with open-swale drainage which was denied (PZS-2004-58).

The applicant appealed and received a judgement by the 29<sup>th</sup> Judicial District Court, filed on August 12, 2005, which granted approval of the subdivision, as laid out, with the revocation of streets and the open swale drainage. A Preliminary Plat expires after six (6) months if it does not request construction approval, final plat approval, or has no other activity. The Department has found no record of either request in that time frame. As a result, the formal revocation of the streets did not occur.

In order to create Parcels A and B as presented, with the portions of the undeveloped but dedicated street rights-of-way within them, the revocation process has to be completed through this process of resubdivision with an ordinance revoking the streets.

## **DEPARTMENT RECOMMENDATION**

**Approval.**