

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: PZS-2014-37

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant/Owner:** Angelo Puglise
6 W. Levert Dr.
Luling, LA 70070
- ◆ **Application date:** July 8, 2014

- ◆ **Location of Site:**
Portion of Lot F, 13.75 acres near 14031 US Hwy 90

- ◆ **Requested Action:**
Resubdivision of 13.75 acres into four developable sites and a remainder with a waiver from the required frontage on an improved public street for the developable lots.

SITE-SPECIFIC INFORMATION

- ◆ **Size of Parcels:**
The Portion of Lot F south of US Hwy 90 is over 13.75 acres proposed to be resubdivided into:
Lot F-1 = 34,975 sq. ft.
Lot F-2 = 23,996 sq. ft.
Lot F-3 = 23,991 sq. ft.
Lot F-4 = 93,512 sq. ft.
Lot F-5 = 9.546 acres
- ◆ **Existing Land Use and zoning:**
Proposed lots F-1, F-2, F-3, and F-4 are zoned C-3 and vacant, but cleared and graded; proposed Lot F-5 is vacant/wooded and likely contains some wetland areas.
- ◆ **Surrounding Land Uses and Zoning:**
C-3 zoning and uses abut along Hwy 90. To the east, south and west, property is zoned OL, vacant and wooded. Bordering the western property line is a 200' wide Entergy right of way built with electrical transmission lines; the site of Hahnville High School borders the power line right-of-way further to the west.
- ◆ **Plan 2030 Future Land Use Category on the property:**
- ◆ Moderate Density Residential; however a FLUM amendment is not required due to the property size (less than 3 acres) and because the applicant proposes a use consistent and compatible with existing adjacent uses.
- ◆ **Utilities:**
Water is not available to In order to permit a structure and use on the property, a developer would have to build access from Hwy 90, and extend a water main 450' feet or more. Description of sewer and drainage facilities in the area were not submitted to the Department, as of writing this report.
- ◆ **Traffic Access:**
Only Lot F-1 would have frontage on an improved street (250' on Hwy 90). Proposed Lots F-2, F-3, and F-4 are oriented to be accessed by a "50' Access Road."

APPLICABLE REGULATIONS

Subdivision Ordinance, Section II. Subdivision Procedure E. 4.

C. Minor Resubdivisions.

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. However, the presented plan of resubdivision shall conform to requirements outlined in section II.C.3. of this section. The Planning and Zoning Commission has the authority to approve or disapprove such resubdivisions without Council action, provided the required public notice and public hearing actions have occurred. The proposal shall be in compliance with all relevant land use regulations, including the St. Charles Parish Zoning Ordinance and Subdivision Regulations, as amended. This authority shall not exceed the limits herein. (and)

Subdivision Ordinance Section V(B)(1) *Variations and Exceptions*. The regulations contained herein may be varied or modified where the literal enforcement of one or more provisions of the ordinance (i) is impracticable, or (ii) will exact undue hardship because of peculiar conditions pertaining to the land in question. Financial hardships shall not be considered as valid criteria for any such waiver or modification of existing regulations. The Planning Commission, with a supporting resolution of the Council, may grant such a waiver or modification of these regulations only when such requests meet the conditions of this subsection and are not detrimental to the public interest.

ANALYSIS

The applicant requests resubdivision of a property that is over 13.75 acres such that approximately 4.25 acres of developable land is divided into four lots (F-1, F-2, F-3, F-4) and the remaining 9.564 acres, which is predominantly wet and encumbered by a 200' wide servitude, is designated Lot F-5. Lot F-1 has 250' of frontage on US Hwy 90 and is currently developed as 2 auto repair businesses. Lots F-2, F-3, and F-4 show their frontage on a "50' Access Servitude" and are currently vacant.

The applicant purchased the subject property, the Portion of Lot F of the Collier Subdivision of the Northeast Quarter (NE1/4) of Section 2, Township 14 South, Range 20 East, lying south of US Hwy 90, in 1983. It was encumbered with a 200' LP&L/Entergy right of way in 1969. The automotive repair at 14031 Hwy 90 was built in 1998 (permit# 12736-98). In May 2014, a portion of Lot F that is proposed for resubdivision was rezoned from OL to C-3.

The applicant proposes this subdivision without installation of public infrastructure. The proposed lots, with the exception of proposed Lot F-1, would have frontage on a private "access servitude" or driveway. As such the developers will be responsible for the installation and maintenance of all required utilities including water, wastewater, drainage, and drive ways to further develop the lots. This request does require that a waiver be granted, by the Planning Commission and supporting resolution of the St. Charles Parish Council.

The property in question is unique because so much of it is encumbered by a large power line right of way. Development and dedication of a street in the R.O.W. may eventually be possible, but that will involve the local utility and will require careful consideration of the public body with respect to the fact that the property that would contain the infrastructure would also be subject to a private utility right of way. Additionally, if the proposed access were to be developed as a public street, it is unlikely that it would serve to benefit other properties in the area and because of the proximity to wetlands would not be able to be extended to improve access to neighboring properties.

DEPARTMENTAL RECOMMENDATION

The department recommends APPROVAL of the proposal with the required waiver.