

St. Charles Parish

Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: PZS-2018-32

GENERAL INFORMATION

- ◆ Name/Address of Applicant

MHI Investments LLC  
10557 Airline Highway  
St. Rose, LA 70087  
504.737.1600; garyjr@mdi-dredging.com

Application Date: 12/10/18
- ◆ Location of Site

Tract X-1, eight (8) acres of land north of the Ormond Plantation Mansion at west of Oak Alley Lane.
- ◆ Requested Action

"Waiver from the requirement for frontage on a developed public street"

SITE INFORMATION

- ◆ Size of Parcel

Tract X-1 is 8 acres (348,480 square feet)  
Proposed Lot 1 is 33,009 square feet  
Proposed Lot 2 is 53,663 square feet  
Proposed Lot 3 is 48,514 square feet  
Proposed Lot 4 is 50,629 square feet  
Proposed Lot 5 is 140,250 square feet
- ◆ Current Zoning and Land Use

The bulk of the site is zoned C-2, General Commercial. Proposed lot 1 is predominantly zoned R-1B, single-family low-density.
- ◆ Surrounding Zoning and Land Use

R-1B zoning and single-family uses are located on the west, southwest and northwest. C-2 Zoning developed with the Ormond Plantation Manor House.
- ◆ Future Land Use Recommendation

*Neighborhood Commercial:* Neighborhood Commercial areas accommodate retail sales and services for the daily self-sufficiency of residents of a neighborhood or neighborhoods, such as convenience shopping, dry cleaners, hair salons and barber shops, day care centers, coffee shops, professional and business service offices, etc. Uses permitted in the C-1 (Commercial Office) zoning district are allowed in this district. Some uses that are permitted in the C-2 zoning district are also appropriate (e.g., bakeries, tailors, etc.). On the Future Land Use Map, Neighborhood Commercial areas are shown conceptually as nodes around major intersections or segments along roadways where commercial uses serve on or multiple adjacent neighborhoods, or where the development of new commercial uses to serve adjacent neighborhoods is intended. The size of a Neighborhood Commercial area ranges between 2-5 acres, and its service/trade area is approximately 1 mile.
- ◆ Traffic Access

The applicants request retaining ownership of the roadway surface and width.
- ◆ Utilities

This subdivision received construction approval from the Planning Commission on September 6, 12018; Council approval of waivers on September 17, 2018; and Notice to Proceed with construction from the Director of Public Works/Wastewater on September 26, 2018. Utilities are under construction as approved. The

applicants wish to continue with construction in order to dedicate the water, sewer, and drainage utilities.

## **APPLICABLE REGULATIONS**

### **Subdivision Ordinance, Section II. Subdivision Procedure.**

- D. *Major Resubdivisions.* For any subdivision or resubdivision resulting in six (6) or more lots, including any remainder of the original lot, plat, tract, parcel, and/or any subdivision or resubdivision requiring dedication of public improvements, approval shall consist of preliminary plat approval and construction approval by the Planning and Zoning Commission, and final approval by the Parish Council.
- E. *Preliminary Plat Requirements.*
1. When Required. A formal preliminary plat shall be required for all subdivisions except where no street, drainage, or sewer improvements are required. (See Section II.C.).
  2. Mandatory Submission Requirements. The preliminary plat shall conform to the laws of the State of Louisiana governing surveying, platting, and subdivision of land. The preliminary plat shall contain the following mandatory information:
    - a. The name(s) and address(es) of the owner(s) and subdivider(s).
    - b. The seal of the land surveyor preparing the plat and the date of preparation. The plat shall be dated within one (1) year of the subdivision application date.
    - c. A title block containing the subdivision name, location of the property, a true north arrow, and the required scale for the preliminary plat, both written and graphic. The preliminary plat shall be drawn to a scale of one (1) inch equals one hundred (100) feet for a subdivision of one hundred and sixty (160) acres and less. If the subdivision contains more than one hundred and sixty (160) acres, the preliminary plat may be drawn to a scale of one (1) inch equals two hundred (200) feet.
    - d. Existing property lines, including width and names of bounding streets.
    - e. Section and township lines.
    - f. Zoning district boundary lines, only when such boundary lines bisect the proposed subdivision.
    - g. Location and dimensions of existing improvements, including municipal numbering where applicable.
    - h. Qualifying statement, as follows: "St. Charles Parish land use regulations, including setback standards, supersede private subdivision covenants where parish regulations are more restrictive."
    - i. Existing drainage ditches and canals and their respective servitudes.
    - j. Existing lakes and ponds.
    - k. Name(s) and address(es) of adjoining property owner(s) as they appear on the tax assessor's roles.
    - l. Name(s) of adjoining subdivisions.
    - m. Layout and dimensions, including area, of all proposed lots which shall be numbered consecutively.
    - n. Layout and dimensions of servitudes and rights-of-way, including sidewalks.
    - o. Existing bridges, culverts, watermains, sanitary and storm sewers, and other underground structures indicating pipe sizes, grades, and manholes.
    - p. Existing contours at one-foot intervals using mean sea level datum for ground slope within the subdivisions.
    - q. Proposed method and source of sewage disposal and/or treatment.
    - r. Proposed method and plan for drainage.
    - s. Location and size of any proposed school sites, park sites, playgrounds, or other special uses of land.
    - t. A composite road plan with graphic alignment, proposed street names, right-of-way widths, curve radii and tangent length, intended type of surfacing material, street lighting plan, and the location and type of any proposed railroad crossing(s) for subdivision access.
    - u. Vicinity map at a scale of one (1) inch equals two thousand (2,000) feet.
    - v. Statement of Dedication. Submission of the Preliminary Plat shall be accompanied by a written "Statement of Dedication," Indicating the subdivider's intent to submit a final "Act of Dedication" prior to approval of the Final Plat.
  3. Preliminary Plat/Additional Submission Requirements.
    - a. Drainage Impact Analysis. A Drainage Impact Analysis shall be completed by a Civil Engineer registered with the State of Louisiana for all subdivisions of property of one (1) acre or greater. The said Drainage Impact Analysis shall be prepared pursuant to the guidelines specified in these regulations. (Ord. No. 00-11-12, § III, 11-20-00)
    - b. Preliminary Subdivision Stormwater Pollution Prevention Plan. A Stormwater Pollution Prevention Plan, including all required documentation, shall be submitted in accordance with Chapter 25—Stormwater Management and Erosion and Sedimentation Control, Section 25-14.
  4. Preliminary Plat Procedure.

- a. Submission Procedure. An application for subdivision approval and the Preliminary Plat shall be submitted to the Director of Planning and Zoning from the record owner(s) of the property being subdivided. If the property is in the name of a corporation, a resolution authorizing the subdivision or authorizing an individual to request such approval shall be submitted. One (1) Mylar or film reproducible copy, five (5) original copies, and one (1) 11" × 17" Mylar or film reproducible copy of the Preliminary Plat shall accompany the application. Upon submission, the Preliminary Plat shall be stamped with the date of filing, and with an acknowledgment that the required filing fees have been paid.
- b. Departmental Review. The Director of the Department of Planning and Zoning shall then review the Preliminary Plat for conformance with the relevant land use regulations. The Director of Planning and Zoning shall inform the subdivider in writing within fifteen (15) calendar days of the date of receipt of the Preliminary Plat the data submitted does or does not meet the objectives of these subdivision regulations. If the data submitted does not meet the objectives of these regulations, the reason(s) shall be so stated. When the Preliminary Plat is found to conform to these regulations, the Commission, through the Department of Planning and Zoning, shall schedule a public hearing on the proposed subdivision.

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

- e. Public Hearing/Decision Process. The subdivider or his representative shall be present at the public hearing to explain the proposal and to answer questions. Following the public hearing, the Commission shall either:
  - (1) Approve the Preliminary Plat as submitted.
  - (2) Conditionally approve the Preliminary Plat with conditions stated in writing.
  - (3) Disapprove the Preliminary Plat within sixty (60) calendar days of the date of the public hearing unless the time is extended by mutual agreement between the Commission and the subdivider.

The reason(s) for disapproval shall be stated in writing to the subdivider. Approval or conditional approval shall be evidenced by the Commission Chairman's signature on the Preliminary Plat. Any conditions or requirements shall be referenced and attached to the Preliminary Plat and application. The Commission, through the Department of Planning and Zoning, shall notify the Parish President and the Parish Council of the decision regarding the presented Preliminary Plat. Approval or conditional approval shall be valid for a period of six (6) months from the date of the Commission decision, unless extended by the Commission. Preliminary Plat approval of any successive phase of an approved subdivision expires when construction is interrupted on any such phase for a period of six (6) months or more.

**Subdivision Ordinance, Section III. Geometric Standards**

**III. - Geometric standards.**

- A. Streets. Streets shall be arranged to conform to the St. Charles Parish Street Plan and shall provide for continuation of existing and recorded streets in the area.
1. Classification. Streets shall be classified as one of the following:
  - a. Arterial. Streets, including freeways and expressways, which are primarily for through traffic. Property which abuts arterial streets should not front onto the roadway unless separated by a service road.
  - b. Collector. Streets which provide a route between an arterial street and a local street and should be arranged to discourage through traffic.
  - c. Local. Streets which provide direct access to lots. Local streets shall be arranged to discourage through traffic.
2. Right-of-Way. Street right-of-way width shall conform to the following minimum requirements.
  - a. Arterial. In curb and gutter subsurface drainage subdivisions, the requirement shall be eighty (80) feet for two-lane roadways and one hundred (100) feet for four-lane roadways. If a waiver to the required subsurface design is obtained, the requirement for open-swale designed subdivisions shall be seventy (70) feet for two-lane roadways and one hundred (100) feet for four-lane roadways.
  - b. Collector and Local. In curb and gutter subsurface drainage subdivisions, the requirement shall be fifty (50) feet. If a waiver to the required subsurface design is obtained, the requirement for open-swale designed subdivisions shall be sixty (60) feet.
  - c. Alley. Twenty (20) feet.
  - d. Existing Streets. Subdivisions developed along one (1) side of existing streets shall dedicate one-half (½) of the minimum right-of-way for the street classification. Subdivisions developed along both sides of an existing street shall dedicate the minimum right-of-way for the street classification.
  - e. Dead End Street. Permanent dead end streets shall have a turning circle (cul-de-sac) at the street terminus with a minimum right-of-way radius of sixty (60) feet. The turning circle shall contain a minimum pavement radius of forty-five (45) feet. The entrance to a permanent dead end street shall be posted with a sign stating "No Through Street".
  - f. Boulevards. One hundred (100) feet.
3. Street Names: omitted

4. Utilities. Space within the street right-of-way shall be designated for the construction of sub-surface or open-swale drainage, sanitary sewers and public facilities and shall be in accordance with the typical sections.
  - a. Water lines located in the street right-of-way shall be placed on the opposite side of the street from sanitary sewer lines unless a variation is approved by the Parish Engineer.
  - b. Street light standards may be located on either side of the street or in the center of the median on boulevards.
5. Intersections. Street centerlines shall intersect as nearly as possible at a ninety (90) degree angle, but in no case shall the angle of intersection be less than seventy-five (75) degrees or greater than one hundred five (105) degrees.
6. Railroad Crossings. All railroad crossings shall conform to the standards and specifications set out in the Louisiana Manual of Uniform Traffic Control Devices, as well as all Parish, State, Federal, and railroad requirements.
- B. *Blocks*:
  1. Length. No block shall be longer than one thousand five hundred (1,500) feet nor less than five hundred (500) feet between street centers. Block separation, including stub outs, shall be paved to provide a minimum of two (2) ingresses and egresses to the proposed subdivision or accommodation for future access may be approved. (Ord. No. 06-1-23, § IV, 1-23-06)
  2. Width. The width of blocks should normally be sufficient to provide for two (2) tiers of lots except for lots abutting arterial streets, railroad rights-of-way, etc.
  3. Arrangement. All lots shall possess frontage on a street or roadway that meets the specifications of these regulations. When the subdivision of a parcel of land does not permit a normal street arrangement due to size or location of the land, there may be established a street with a cul-de-sac or turning circle which provides proper access to all lots. A cul-de-sac or turning circle, as described in Section III.A.2.e., shall be required at the end of dead end streets when the length of the dead end street exceeds the width of two (2) lots.
- 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.
- D. *Servitudes and Rights-of-Way*:
  1. Utility Servitudes. Public utility servitudes shall be provided where necessary for poles, wires, conduits, sanitary sewers, and other utilities. The minimum width of servitude[s] shall be fifteen (15) feet.
  2. Drainage Servitude. Whenever a drainage channel, stream, or water course exists or is provided for in a subdivision, a servitude or right-of-way shall be dedicated on each side of such facilities to provide for maintenance and construction. The minimum width shall be the top bank width of the drainage ditch plus twenty (20) feet on one (1) side and ten (10) feet on the opposite side.
- E. *Building Lines*. Building setback lines shall meet the minimum requirements of the St. Charles Parish Zoning Ordinance for the type of development.
- F. *Parks, Playgrounds, School Sites, Etc.* In order that open space and sites for public use may be properly located and preserved as the parish develops, and in order that the cost of providing the public school, park and recreation sites necessary to serve the additional families brought into the community by residential subdivision development may be more equitably proportioned on the basis of the additional need created by the individual residential subdivision developments, the following provisions are established.

<b>ANALYSIS</b>
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The applicant requests a waiver from the lot arrangement requirement: "All lots shall possess frontage on a street or roadway that meets the specifications of these regulations." Oak Alley lots would be accessed by a private street, however, the developers intend to dedicate the water, sewer, and drainage improvements.

Dedication is the third phase of subdivision development which generally occurs as an act of the Parish Council after the construction is approved and does not require action by the Planning Commission. In this case, if the waiver is approved, the final plat will

need to show the street as a lot or parcel in and of itself and servitudes for the utilities to be dedicated will need to be shown and described.

**DEPARTMENT RECOMMENDATIONS**

The Department has no objection.