

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: 2021-6-MIN

### GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 4/6/2021**  
Cecil Sumners & Edith Sandoz  
Sunset Ridge Development, LLC  
317 N. Freemont Street  
Matthews, NC 28105  
(504)-617-0675; acsumners@mindspring.com
- ◆ **Location of Site**  
Sunset Drainage District #1, near 350 Grand Bayou Rd., Bayou Gauche
- ◆ **Requested Action**  
Resubdivision of five (5) lots into six (6) with waivers from geometric standard that requires lots to be arranged with frontage on a developed street.

### SITE INFORMATION

- ◆ **Size of Lots (proposed)**  
Lot 1: 224,605.88 sq. ft. (5.156 acres), 150 ft. wide  
Lot 2: 235,486.90 sq. ft. (5.406 acres), 150.01 ft. wide, no frontage  
Lot 3: 233,061.85 sq. ft. (5.350 acres), 150.01 ft. wide, no frontage  
Lot 4: 230,973.46 sq. ft. (5.302 acres), 150.01 ft. wide, no frontage  
Lot 5: 229,045.80 sq. ft. (5.258 acres), 150.01 ft. wide, no frontage  
Lot 26A-1: approximately 29.7 acres, no frontage
- ◆ **Current Zoning and Land Use**  
O-L; the area is vacant and mostly cleared, with wooded areas in the north-east corner.
- ◆ **Surrounding Zoning and Land Use**  
Zoning to the north, south, and west of the site consist is O-L; Wetland zoning is adjacent to the east.

The Sunset Ridge La Pature and Grand Bayou subdivisions are to the north; open pasture and wooded land is to the south; wetlands are to the east; additional open pasture is to the west.

- ◆ **Plan 2030 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.

*Wetlands:* Although a natural wetland is not considered a human use of land, substantial portions of the Parish are designated as wetlands. Most are likely to remain as such due to existing regulatory limitations on their development. The wetlands land use designation, which applies to these area, acknowledges these limitations, but most importantly, highlight the value of wetlands to St. Charles Parish.

◆ **Traffic Access**

At a traffic-scoping information meeting held on March 17, the Director of Public Works and Wastewater determined that a traffic impact analysis is not required for the proposed resubdivision.

The property owner submitted an Access Connection Permit Certificate approved by the Louisiana Department of Transportation and Development (DOTD) in August 2020 for access from Grand Bayou Road (Hwy 632). The permit certificate indicates “farm road for access to cattle operation.” Staff advised the applicant to clarify the proposed use of the property to DOTD. DOTD indicates that the applicant submitted a traffic generator permit for 10 houses and DOTD has requested plans from the applicant.

The subdivision plat shows a limestone drive within a proposed 75’ Access & Utility Servitude extending southward from Grand Bayou Road. Proposed Lot 1 would be the only lot with frontage on Grand Bayou Road. Anyone wishing to access proposed lot 26A-1 would travel 600 ft from Grand Bayou Road across Lots 1-5. This would be the route for vehicular access and utilities access.

◆ **Utilities and services**

A representative from the Department of Public Works indicated that future drainage flows from the limestone access drive to Grand Bayou Road by sheet flow would be acceptable; however, the plan should include drainage servitudes indicating specifically where drainage would be directed if not to the limestone drive. Proposed Lots 1-5 extend approximately 1500 ft. from the limestone drive.

A representative from the Department of Public Works and Wastewater indicated that sewer is not available for this location. The Louisiana Department of Health and Hospitals would have to permit wastewater.

A representative from the Department of Waterworks indicated that property owners would be responsible for water from the point of water meters in the Grand Bayou Road right-of-way to their lots (over 480 ft. to proposed lot 5; over 600 ft to proposed Lot 26A-1).

A representative from the Contract Monitor indicated that garbage service would pick up on Grand Bayou Road.

**APPLICABLE REGULATIONS**

**Appendix A. Section VI. Zoning District Criteria. A.[I.] O-L. Open Land District:**

1. Use Regulations:
  - a. A building or land shall be used only for the following purposes:
    - (1) Farming.
    - (2) Animal husbandry.
    - (3) Farm family dwellings.
    - (4) Tenant dwellings.
    - (5) Site-built, single-family detached dwellings.
    - (6) Additional dwellings for family and relatives on unsubdivided property on a non-rental basis, and which meet the criteria outlined in Special Provisions [subsection 3].
    - (7) Manufactured housing.
    - (8) Mobile homes.
    - (9) Accessory buildings.
    - (10) Family subdivisions, provided that they conform to the St. Charles Parish Subdivision Regulations [appendix C].
    - (11) Farmer's market, provided that the criteria outlined in Special Provisions [subsection 3] is met.
    - (12) Any permitted uses under subsection 1.a. items (1) through (9) on a lot or property without frontage provided that a permanent rite of passage to access the structure exists or is provided for, is recorded into the deed of the property, and is filed with the Clerk of Court.
  - b. Special exception uses and structures include the following:
    - (1) Religious institutions.
    - (2) Golf courses and golf practice ranges.
    - (3) Public parks and recreational areas.
  - c. Special permit uses and structures include the following:
    - (1) Child care centers.
    - (2) Public and private academic institutions (trade, business and industrial schools shall be located in the appropriate commercial or industrial zoning district).

- (3) Cemeteries and mausoleums, provided that they meet the criteria outlined in Special Provisions [subsection 3].
  - (4) Extraction of oil and gas, minerals and other natural resources provided that criteria set forth by the St. Charles Parish Coastal Zone Management Section of the Planning and Zoning Department are met.
  - (5) Public stables and kennels.
  - (6) Cellular installations and PCS (personal communication service) installations.
  - (7) Green markets upon review and approval by the Planning Commission and supporting resolution of the Council. Such sites must possess frontage on a hard-surfaced public collector or arterial street.
  - (8) Reserved.
  - (9) Fire stations with or without firefighter training facilities.
  - (10) Nonresidential accessory buildings
  - (11) Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council.
2. Spatial Requirements:
- a. Minimum lot size shall be twenty thousand (20,000) square feet; minimum width fifty (50) feet.
  - b. Minimum yard sizes:
    - (1) Front—thirty-five (35) feet.
    - (2) Side—ten (10) feet.
    - (3) Rear—twenty (20) feet.
    - (4) 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, not withstanding 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: Minimum rear and side setbacks shall be ten (10) feet.
  - 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 the required front or rear yard.
3. Special Provisions:
- a. Additional dwellings on unsubdivided property:
    - (1) Additional dwellings on unsubdivided property referred to in 1, a(11) above, will be permitted at the rate of one (1) dwelling unit for each ten thousand (10,000) 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 Housing Installation in Flood Hazard Areas*.
  - c. 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.
  - d. Farmer's market
    - (1) All products must be sold on the premises on which they were grown or produced, from either a truck, stand, display table, or other means of display which has been inspected and approved by the Parish Health Unit.
    - (2) No structure, vehicles or signs may be located closer to any property line than the general setback requirements of the O-L District with the exception of one (1) on-premises sign which contains the name of the market. This sign shall be located approximate to the entrance drive directing attention to the market. The sign shall conform with acceptable commercial standards regarding quality and aesthetics. No temporary signs will be allowed. If the sign is to be illuminated, lighting shall be arranged as not to interfere with traffic safety or cause a nuisance to abutting properties.
  - e. Cemeteries and mausoleums:
    - (1) All cemetery or mausoleum sites must have a minimum street frontage of one hundred (100) feet.
    - (2) All cemetery or mausoleum sites must have a fence or screen planting six (6) feet high along all property lines adjoining all districts.
4. Prohibited Use: Medical waste storage, treatment or disposal facilities.

#### **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.
  - l. The following note shall be added to resubdivision maps that result in a net increase of lots: No lot created by this act of subdivision shall be divided in such a way that another net increase in the number of lots occurs for a period of two years.

#### **Appendix C. Section III. Geometric Standards**

##### **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.
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.

#### **ANALYSIS**

The applicant requests a minor subdivision of five (5) large tracts into six (6) lots in the O-L zoning district. Each proposed lot exceeds the minimum 20,000 sq. ft. area required for lots in the O-L zoning district; however, five (5) of the proposed lots are not arranged with the required 50-ft width on a developed street (Subdivision Regulations, Section III.B.3.). The applicant has requested a waiver from the requirement.

The plat shows a 75-ft-wide “access & utility servitude” extending south from the curve of Grand Bayou Road through proposed Lots 1-5. Proposed lots 2-5 would be 150-ft. “wide” on the servitude and proposed Lot 26A-1 would be at the end of the servitude. The servitude is not developed with a permanent surface or infrastructure for water, gas, electricity, or telecommunications services. Community sewer is not available in the area.

The proposed lots are 150 ft. X 1500 ft. more or less, totaling over 220,000 square feet each. Each of the proposed lots could be divided into 11 lots that like these, meet the required area but not the arrangement on a developed street (134 ft x 150 ft). The result would be 55 lots with inadequate access to infrastructure like streets, water, gas, electricity, and telecommunications all served by individual sewer treatment.

O-L zoning permits additional dwellings for family and relatives on unsubdivided property at the rate of one dwelling for each 10,000 sq. ft. of lot area, not to exceed four (4), and it also permits dwellings without street frontage if a permanent access servitude to the dwellings is recorded. Considering these provisions, the current development

potential, without resubdividing, is 20 dwelling units. *If the subdivision is approved*, the development potential for the proposed lots under this provision increases only slightly to 24 dwelling units.

If this subdivision is approved and future owners request the same waivers to divide their lots to allow resubdivision into the maximum number of lots, the development potential is 132 dwelling units. 132 dwelling units on 25 acres, the area comprised by proposed lots 1-5, is approximately 5 dwelling units per acre. That density is comparable to the Future Land Use recommendation, but land should not be divided without the infrastructure to support the permitted uses.

The Parish Council recently adopted a rule that will prohibit any of the six (6) proposed lots from being divided further for a period of two years without special consideration of the Planning Commission. If the subdivision is approved, the area could not be divided further, even by different owners, before 2023 without special consideration by the Planning Commission.

The Department cannot recommend approval of subdividing land without adequate infrastructure to support the potential development.

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| <b>DEPARTMENT RECOMMENDATION</b> |
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**Denial.**