

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2021-5-MIN

GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 5/4/2021**
Salvador Puglise
213 Short Street
Boutte, LA 70039
(504)-417-0057; spuglise@bellsouth.net

Amber Hospitality, LLC
282 West 40th Street
Cut Off, LA 70345
(985)-637-2983; garyhotels@yahoo.com
- ◆ **Location of Site**
14039 Highway 90, Boutte
- ◆ **Requested Action**
Resubdivision of Lot F-5 into Lots F-5A, F-5B, and F-6 (one lot into three), with a waiver from the arrangement requirement for proposed Lot F-5A and the width requirement for Lot F-6.

SITE INFORMATION

- ◆ **Size of Lots (proposed)**
Lot F-5A: 373,561.43 sq. ft. (8.57 acres), 150 ft. wide, no frontage
Lot F-5B: 25,109.12 sq. ft. (0.57 acres), 138.66 ft. wide on Highway 90
Lot F-6: 17,941.20 sq. ft. (0.41 acres), 70 ft. wide on Highway 90 (less than 70 ft. wide at the front setback line).
- ◆ **Current Zoning and Land Use**
The existing lot, F-5, is split-zoned C-3, Highway Commercial for approximately 360 ft. from Highway 90 and O-L, Open Land past the C-3. Proposed Lot F-5B and the "50' Access Tract" would be located entirely within the C-3 zoning. Proposed lot F-5A would be split-zoned with a portion in the C-3 zoning district and the remainder in the O-L zone.

A 200-ft.-wide Entergy right-of-way along the west side of Lot F-5 is developed with transmission lines. The remainder of the lot in the rear is vacant and wooded.
- ◆ **Surrounding Zoning and Land Use**
C-3 zoning is located along Highway 90 in the area. C-3 and O-L zoning is adjacent on the east side; C-2 and C-3 zoning is adjacent on the west side; O-L zoning is adjacent to the rear.

An automotive and equipment repair shop is adjacent to the east side; a medical office and Hahnville High School are adjacent to the west side. The remainder of the surrounding land to the east and rear is vacant and wooded.
- ◆ **Plan 2030 Recommendation**
Moderate Density Residential: (8 dwellings per gross acre and greater) This category includes single family detached dwellings developed consistent with the R-1AM zoning district; attached dwellings such as duplexes, patio / zero-lot line homes and townhomes consistent with the R-2 zoning district; multifamily housing developed consistent with the R-3 zoning district; and accessory units. Neighborhood-serving uses such as parks, churches, easements and ancillary neighborhood commercial

uses permitted under the CR-1 zoning district or permitted subject to special exceptions or special permits.

General Commercial: The General Commercial category includes sites for commercial uses that provide a mix of business activities and that serve the community as a whole. These uses provide for comparison shopping and services which are ordinarily obtained on an occasional rather than daily basis. In general, this designation applies to most commercial uses that are permitted in the C-2 (General Commercial – Retail) and all of the uses permitted in the C-3 (Highway Commercial) zoning districts.

◆ **Traffic Access**

Proposed Lot F-5B has 138.66 ft. of frontage on Highway 90; proposed Lot F-6 has 70 ft. of frontage on Highway 90. Proposed Lot F-5A does not have frontage on an improved, public street.

The applicant created a 50-ft-wide private access servitude 2014 resubdivision Lot F-5, along with Lots F-1, F-2, F-3, and F-4. Lots F-3 and F-4 also utilize this access servitude to reach Highway 90.
(PZS 2014-37; Council Resolution 6099)

◆ **Utilities**

Parish water is available from Highway 90.

Sewer is not available to the site. The nearest manhole with connection to a Parish gravity line is located approximately 450 ft. down Highway 90 towards Paradis. A Parish force main is located across Highway 90 from the subject site.

The “50’ Access Tract” shown as Lot F-6 is a private servitude for access, utilities, and drainage for Lots F-1A-1, F-3, F-4, and proposed lot F-5A).

◆ **Development History**

In 1969, LP&L (Entergy) acquired a 200-ft wide right-of-way, a perpetual servitude to “construct, operate, and maintain one or more lines, each consisting of a single or multiple line of poles and/or towers...for the purpose of transmitting electric energy and/or communications...” through Lot F of the Young’s Estate (COB 92/pages 566, 587, and 630).

In 1974 the applicant’s company (P & L Investment Corp) purchased Lot F with the 200-ft servitude in effect. Department records suggest the building on Lot F-1 was constructed in 1992; the permit database shows that the building has been in continuous use with auto-service businesses since the early 90s.

In September 2014, Lot F was subdivided into Lots F-1, F-2, F-3, F-4, and F-5. The subdivision was approved with a waiver from the required street frontage for lots F-2, F-3, and F-4 (PZS 2014-37; Council Resolution 6099)

In December 2014, Amber Hospitality, LLC, co-applicant, purchased Lots F-3 and F-4 as well as a portion of ground described as “50’ ACCESS TRACT.” The portion of ground entitled “50’ ACCESS TRACT” was described by metes and bounds in the deed (it is entirely within Lot F-5 and also within the 200-ft wide Entergy servitude). This created a conflict between the ownership lines and the approved parcel or lot lines.

In May 2018 Lots F-1 and F-2 were resubdivided, increasing the depth of Lot F-1 in order to accommodate a new use for the existing building. This boundary adjustment resulted in Lots F-1A and F-2A.

In April 2021, Lots F-1A and F-2A were resubdivided, resulting in their consolidation into Lot F-1A-1 in order again accommodate the use from the previous resubdivision.

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.

[IV.] C-3. Highway commercial district—Wholesale and retail sales:

- 1. Use Regulations:
 - a. A building or land shall be used for the following purposes.
 - (1) All uses allowed in the C-2 District.
 - (2) Commercial auditoriums, coliseums or convention halls
 - (3) Retail manufacturing
 - (4) Motor vehicle sales and service
 - (5) Wholesale uses
 - (6) Warehouses (less than 10,000 sq. ft.)
 - (7) Bus, railroad, passenger and truck terminals (without video poker gaming facilities)
 - (8) Bottling works
 - (9) Dog pound
 - (10) Building supply
 - (11) Heating and air conditioning service
 - (12) Plumbing shops
 - (13) Motor vehicle repair
 - (14) Glass installation
 - (15) Fabrication of gaskets and packing of soft metal material
 - (16) Creameries
 - (17) Parcel delivery service
 - (18) Reserved.
 - (19) Frozen food lockers
 - (20) Public stables
 - (21) Bulk dairy products (retail)
 - (22) Animal hospitals
 - (23) Gymnasiums
 - (24) Sheet metal shops.
 - (25) Upholstery
 - (26) Other uses of similar intensity
 - (27) Customary accessory uses incidental to the above uses when located on the same lot.
 - b. Special exception uses and structures:
 - (1) Temporary construction facilities for a period of one (1) year upon approval of the Planning Director.
 - c. Special permit uses and structures include the following:
 - (1) Barrooms, night clubs, lounges, and dancehalls upon review and approval by the Planning Commission and supporting resolution of the Council.
 - (2) R-1A and R-1B uses upon review and approval by the Planning Commission.
 - (3) R-3 uses upon review and approval by the Planning Commission and supporting resolution of the Council.
 - (4) Reserved.
 - (5) Cellular installations and PCS (personal communication service) installations.
 - (6) Reserved.
 - (7) Warehouses (non-hazardous materials) over ten thousand (10,000) square feet.
 - (8) 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.
 - (9) Bingo Halls, Video Bingo Parlors, and Off-Track Betting Establishments upon review of the Planning Commission and Ordinance of the Parish Council.
 - (10) Outdoor storage, when accessory to an otherwise permitted use in the district.
- 2. Spatial Requirements:

- a. Minimum lot size: Seven thousand (7,000) square feet, minimum width - seventy (70) feet.
 - b. Minimum yard sizes:
 - (1) Front - twenty (20) feet
 - (2) Side - five (5) feet
 - (3) Rear - ten (10) 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, 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.
 3. Transportation System: Arterial, local industrial, rail, water.
 4. Special Provisions:
 - a. Where any commercial use in a C-3 zoning district abuts any residential district or use, a six-foot high solid wood fence or masonry wall shall border the same and there shall be a buffer strip ten (10) feet wide designated and maintained on the site planted with plant materials acceptable for buffer zones unless the Planning and Zoning Department shall require a greater or lesser buffer strip.
- [V.]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.
2. Traffic Impact Analysis. A Traffic Impact Analysis, including all required documentation, shall be submitted in accordance with the Parish's Traffic Impact Analysis Policy.
3. Consecutive Minor Subdivisions. The Minor Resubdivision process is not intended to create major subdivisions from multiple minor subdivisions. Whenever a minor subdivision results in a net increase of lots, parcels, or tracts, no application for a further increase of lots shall be considered by the Planning Commission for a period of two years from the date of recordation unless a majority of the Planning Commission votes to consider the consecutive request to resubdivide into additional lots. This restriction shall not prohibit a property owner from changing boundary lines by administrative resubdivision.
4. 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.

ANALYSIS

The applicant requests a minor subdivision of one (1) lot, F-5, into three (3) lots, F-5A, F-5B, and F-6:

- Proposed Lot F-5A is split-zoned C-3 and O-L. It meets the area requirement for both zoning districts, but it does not have frontage on a developed public street. The applicants have requested a waiver from the Arrangement requirement (Appendix C., Section III.B.3).
- Proposed Lot F-5B meets the area and width requirements for the C-3 zoning district and geometric standards for lots.
- Proposed Lot F-6 meets the area requirement for the C-3 zoning district but not the width requirement. It is approximately 65 ft. wide at the front setback line

where 70 ft is required. The applicants have requested a waiver from the width requirement (Appendix A., Section VI.C.[IV.].2.a.)(Appendix C., Section III.C.1.b).

Proposed Lots F-6 and F-5B are entirely within a 200-ft wide Entergy right-of-way developed with transmission wires and structures. Development and use of these lots requires Entergy review and approval.

The connection to US Highway 90 for the building on Lot F-1A-1 (not a part of this subdivision) is on proposed Lot F-6.

If the subdivision is approved, the area could not be divided further, even by different owners, for a period of two (2) years from the date of approval unless special consideration by the Planning Commission is granted.

DEPARTMENT RECOMMENDATION

Approval, with waivers from the required width for proposed Lot F-6 and from the arrangement requirement for proposed lot F-5A.
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