

St. Charles Parish Department of Planning & Zoning

CASE NUMBER: PZS-2017-22

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 3/24/17**
James J. Lemmon et al
400 Wade St.
Luling LA 70070
504.701.5253
jake@lemmonlawfirm.com
- ◆ **Location of Site**
East of undeveloped River Oaks Drive, south of the dead ends of Oak Lane, Wade Street, and west of Lagattuta Estates Subdivision (Section 58, T13S-R21E).
- ◆ **Requested Action**
Resubdivision of a portion of Section 58 into two lots 1-A and 2-A with a waiver from the required 60 foot frontage on a developed, dedicated street.

SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**
Section 58 is approximately 16.5 acres. A portion of Section 58 is in the right-of-way for River Oaks Drive, a gravel road that leads to a drainage pump station.

Proposed Lot 1-A is approx 1.5 acres with 200 feet of width on undeveloped River Oaks Drive & 247 feet on its opposite side where Oak Lane could be extended.

Proposed Lot 2-A is the remainder of Section 58, approximately 15 acres with approximately 418 feet on undeveloped River Oaks Drive.
- ◆ **Current Zoning and Land Use**
The site is zoned R-1A and is vacant and wooded.
- ◆ **Surrounding Zoning and Land Use**
R-1A zoning surrounds site; land uses to the north are predominantly single-family with one large wooded tract; land uses to the east are single-family residential; to the south: undeveloped; to the west: undeveloped with the exception of a recreational facility.
- ◆ **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.
- ◆ **Traffic Access**
River Oaks Drive, a 40 foot wide right of way with gravel surface and limited infrastructure.
- ◆ **Utilities**
Water, sewerage, drainage, and private utilities such as gas and telecommunications would have to be extended at a developer's expense. All are available at Fern Drive. Sewerage disposal may require a lift station in addition to the extension.

APPLICABLE REGULATIONS

Subdivision Ordinance, Section II. Subdivision Procedure

C. Minor Resubdivisions. 2. In instances where a net increase of more than five (5) lots is proposed by subdivision or resubdivision and no 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. Approval requires certification by the planning and zoning commission, determination and mitigation of impacts to public improvements, ordinance by the Council, and certification by the Parish President.

AND

Subdivision Ordinance, Section II. Subdivision Procedure. E4.

c. Waiver or Modification of Specific Subdivision Regulations. Should the Director discover that specific aspects of the submitted Preliminary Plat fail to conform to the regulations contained in this ordinance, he may choose to forward the proposal for formal consideration by the Planning Commission and Parish Council if 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. Any application for Preliminary Plat approval which contains a request for a waiver or modification of any subdivision regulation shall contain a specific reference to the request and state the reasons that the request be granted. The Planning Commission, with a supporting resolution of the Council, may grant a waiver or modification of these regulations only when such requests meet the conditions of this subsection (i, ii) and are not detrimental to the public interest.

ANALYSIS

The applicant requests a resubdivision of a Portion of Section 58, T13S-R20E into Lot 1-A (approximately 1.5 acres) and Lot 2-A (the remaining 15 acres) in an R-1A zoning district. Both proposed lots exceed the minimum 6,000 square foot area for the zoning district, and meet geometric standards for lots, but neither lot has frontage on a developed street.

River Oaks Drive is a 50 foot wide right of way which terminates at Fern Drive, shown as "Fifth Street" on a 1967 subdivision plat entitled *Addendum # 2 to "River Oaks Subdivision"* by E.M. Collier, PLS. In 1999, the Parish purchased a 50 foot wide right of way shown on a survey by M. D. Bernard dated 1/28/99 to continue River Oaks Drive southward for access to Kellogg Pump Station (ordinance 99-3-5). This continuation of the road is surfaced with limestone and appears to lack water, sewer, and drainage infrastructure and also likely lacks gas and telecommunications. Electricity appears to be available along the right-of-way.

The applicant has formally requested a waiver to the requirement for frontage on a developed street. Approval of the resubdivision with a waiver requires approval by the Planning and Zoning Commission and Supporting Resolution by the Parish Council.

The subdivider has been made aware that if a waiver from the requirement to develop the street is granted, all utilities that serve the must be installed at the developer's expense. The subdivider has also been advised that services such as mail and garbage collection may be required to locate at Fern Street.

DEPARTMENT RECOMMENDATIONS

The Department cannot recommend approval of the resubdivision without approval of a waiver from the required frontage on a developed street for both lots, 1-A and 2-A.