

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: PZS-2015-40

### GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicants:** Application Date: 11/10/15  
Troy and Lynn Waguespack  
629 Giacomo St  
Norco LA 70079  
504.415.6554  
troywag@att.net
- ◆ **Location of Site:**  
240 Rue Landry (Lot 49, Riverbend Estates, Phase I) St. Rose.
- ◆ **Requested Action:**  
Revocation of portion of Parish Right-of-Way fronting Lot 49 & resubdivision of Lot 49 into Lot 49-A.

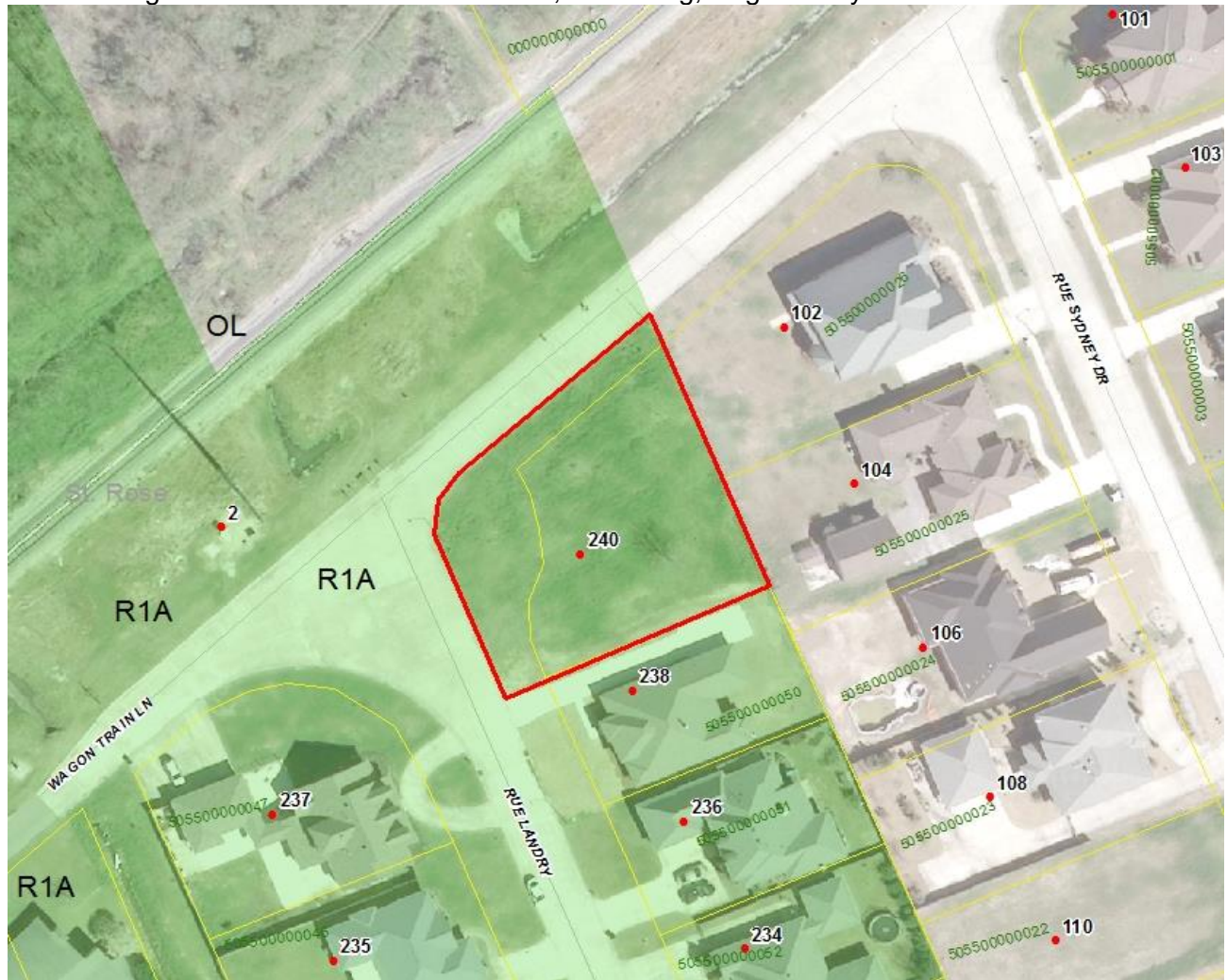
### SITE-SPECIFIC INFORMATION

- ◆ **Size of Parcel:**  
Lot 49: 11,779.74 sq. ft.  
Right-of-way: approx. 1,379.41 sq. ft.
- ◆ **Zoning and Current Use:**  
R-1A zoning, currently vacant.
- ◆ **Plan 2030 Recommendation:**  
Low-Density Residential



◆ **Surrounding Land Uses and Zoning:**

R-1A zoning and land uses surround 3 sides; OL zoning, single-family land uses to rear of site.



◆ **Utilities:**

All utilities serve site

◆ **Traffic Access:**

Rue Landry and Wagon Train Lane.

**APPLICABLE REGULATIONS**

**St. Charles Parish Code of Ordinances. Chapter 2.**

Sec. 2-4. Procedure to dedicate, or revoke dedication of street, canal, etc.

(a) A formal act of dedication shall be filed by any person requesting the parish council to accept for maintenance streets and drainage using the following format:

- (1) The act shall state the name of the person dedicating the street or drainage.
- (2) The act shall contain a description of the property in which the street or drainage is located.
- (3) The act shall state the name of the street, the width and length to be accepted.
- (4) All drainage ditches shall be properly marked with widths shown. The dedication shall spell out the width and length of each ditch.
- (5) Two (2) updated maps shall be submitted to accompany each act of dedication. These maps shall give a description of the area including section, tract and range lines; name of subdivision, if applicable; date; civil engineer or surveyor; title; north point of compass and scale of map.

(b) Prior to a request for the parish to assume for maintenance any street or drainage, it shall be necessary for the parish engineers to certify that the street or drainage meets parish specifications.

(c) Acts of revocation on streets, drainage ditches or canals shall contain the same information as requested for acts of dedication **and shall be accompanied by the submission of a subdivision plan** which shall be executed through the local subdivision process, formally incorporating revoked properties into adjacent parcels.

(Code 1970, § 17-01; Ord. No. 93-12-4, § I, 12-6-93)

**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 and shall have spaces provided for the signature of the Council Chairman and the Parish President. Approval requires a recommendation to the Council by the Planning & Zoning Commission, an ordinance by the Council, and certification by the Parish President. 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.

## ANALYSIS

In 2002, R Bend Estates LLC received final approval Riverbend Estates Phase I Subdivision by the Parish Council. Lot 49 was then purchased by the applicant but never built upon. The main street, Rue Landry, was originally designed to end in front of Lot 49 with a curve that flared in half of a cul-du-sac toward the interior of Lot 49 before turning toward Bar None Ranch Estates and connecting an extension of Wagon Train Lane. This resulted in Lot 49 becoming an irregularly shaped lot that, although exceeding the minimum square foot requirements for R-1A, a future home built on the lot would be set back further from Rue Landry than other homes along Rue Landry.

In early 2005, R Bend Estates, LLC applied for preliminary plat approval of Riverbend Estates Phase II. This subdivision is accessed by an extension of Wagon Train Lane along the side line of Lot 49 and intersects with Rue Sydney, which extends to a cul-du-sac parallel to Rue Landry. During construction of Phase II, the Rue Landry / Wagon Train Lane intersection was reconfigured by changing the corner in front of Lot 49 from a cul-du-sac curve to a more typical curve of a street corner. There was also a streetlight within the curve that was relocated. However, the public right-of-way was never officially revoked by the parish, nor was the private right-of-way for other utilities. This means that the front lot line for Lot 49 remained as if the cul-du-sac still existed and that the 10-foot utility servitude and the underground Entergy utilities follow that lot line.

In the summer of 2015, the applicant found an interested buyer of Lot 49 and consulted with Planning & Zoning to discuss the required setbacks. It was then confirmed that the corrective measures described above were not undertaken by the developer. This meant that the required setback is not as close to the street edge as was presumed but much further to the interior of Lot 49 than other Rue Landry homes. The interested buyer has indicated a desire for the lot to be aligned along Rue Landry as are the neighboring lots. Thus, the only option the applicant has is to have the Entergy utilities relocated, **but this cannot be undertaken because they would encroach within the parish right-of-way.** Thus, the applicant is requesting that the parish revoke the portion of right-of-way that is configured as if the cul-du-sac still exists, and align it along the street corner built for Phase II. This portion of ground, which measures approximately 1,379.41 square feet, is then to be subdivided with Lot 49, which measures 11,779.04 square feet, resulting in Lot 49-A, which will measure 13,159 square feet. A letter of no objection has been received by Entergy stating their intention to relocate their facilities once the changes in right of way are complete. The letter also states that a utility easement will also need to be acquired from the land owner.

Letters of no objection to the revocation have been received by the Director of Public Works and by the Director of Waterworks. The submitted resubdivision plat indicates that the new parish right-of-way will parallel the street edges of Rue Landry and Wagon Train Lane. The plat also denotes that the 10-foot utility servitude will parallel the parish right-of-way; this is where the Entergy service will be relocated subsequent to final approval of this application. Lot 49-A will exceed the requirements of the Subdivision and Zoning Ordinances, including minimum frontage and lot sizes. The Department offers no objection to approval of this revocation and resubdivision.

## DEPARTMENTAL RECOMMENDATION

**Approval.**