

St. Charles Parish

Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: 2021-01-MIN

GENERAL INFORMATION

- ◆ Name/Address of Applicant

Julie & Billy Baker
135 & 145 Olivia Drive
Hahnville, LA 70057
(504)-669-8393; jbaker61068@icloud.com

Application Date: 12/8/2020
- ◆ Location of Site

Olivia Drive, Taft, the Leon Heurtin Tract
- ◆ Requested Action

Resubdivision of the Leon Heurtin Tract, into Lots 1A, 2A, & 3A (one lot into three), with a waiver from the required lot arrangement for proposed Lots 2-A and 3-A.

SITE INFORMATION

- ◆ Size of Lots (proposed)

Lot 1A: 47,044 sq-ft. (1.08 acres), approximately 93-ft. wide on River Road
Lot 2A: 21,780 sq-ft. (.5 acres), approximately 233 feet wide on a private drive
Lot 3A: approximately 27 acres accessible by Oliva Drive a 30-ft wide private access servitude, approximately 790 ft. long.
- ◆ Current Zoning and Land Use

O-L from River Road to the T&P Railroad, M-1 for the remainder; the front portion of the site is developed with multiple residential structures, including two mobile homes shown on proposed Lot 1A, and a site-built house shown on proposed Lot 2A. The remainder of the site, which extends past Highway 3127, would consist of Lot 3A and is vacant and mostly wooded.
- ◆ Surrounding Zoning and Land Use

B-2 zoning is located to the front; O-L zoning is adjacent to the rear; R-1A zoning is adjacent on the downriver side; M-2 zoning is adjacent on the upriver side.

The site is located in the sparsely developed area of Taft, situated between Hahnville and chemical plat located within the Union Carbide Industrial Area. The properties to each side are undeveloped and mostly wooded.

- ◆ 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.

Rural Residential: (less than 4 dwelling units per gross acre) This category includes low-density residential development that is consistent with the O-L, Open Land zoning district, and conservation subdivisions which retain large amounts of open space. The Rural Residential land use category is intended to help preserve the Parish’s rural character, which residents, in the Vision Statement, expressed a desire to see retained. For this reason, this designation also allows for the continuation of agricultural activities and related uses, since agriculture is an important part of the community’s rural heritage and identity.

Business Park: Although office uses are permitted within the Light Industry land use category and the associated M-1 zoning district, this zoning classification also permits a variety of industrial uses that would be incompatible with the development of a quality, planned corporate office, research or technology park. Therefore, this new land use category (and the zoning district that should be developed to implement it) would provide for the development of planned business, office, technology and research activities, with uses limited to these and directly related ancillary uses, such as shipping offices, office supply, hotels and restaurants. Business parks should be planned to incorporate consistent standards of development quality.

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.

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**

The improvements on the tract utilize Olivia Drive, a private road, to access River Road. The tract also has frontage on Highway 3127.

The subdivision would result in the following arrangements:

- Lot 1A: frontage on River Road; main access to the two mobile homes via Olivia Drive.
- Lot 2A: no frontage; access to River Road via Olivia Drive.
- Lot 3A: frontage on Highway 3127; a portion of the new Lot is located on the River Road side of the T&P Railroad, effectively separating it from its Highway 3127 frontage.

The plat shows a 30-ft. access and utility servitude beginning at River Road, running through proposed Lots 1A and 2A, and terminating at Lot 3A.

◆ **Utilities**

Representatives from the Departments of Public Works & Wastewater and Waterworks have no concerns or objections to the proposed subdivision.

The representative from the Department of Waterworks stated that the structures located on the site have water meters, and tie into the Parish water line at River Road.

The representative for the Department of Wastewater stated that Parish sewer is not available down Olivia Drive. The homes located on the site utilize private lines which tie into Parish sewer on River Road. The representative advised adding the location of the private lines to the plat.

◆ **Development History**

The Leon Heurtin Tract is currently developed with four (4) single-family structures. Two mobile homes were permitted in 1998 (Permit No. 12663 and 12860). A modular home was permitted in 2016 (Permit No. 29907). One of the structures has been described on a separate “Lot 2,” since at least 1949. Lot 2 is a legally non-conforming lot that is 40 ft. by 160 ft. within the Tract; it does not have frontage on an improved, public street (Permit No. 14109).

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, 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.
 - 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.

ANALYSIS

The applicant is re-applying for a minor subdivision of the Leon Heurtin Tract into three lots, 1A, 2A, and 3A with a waiver from the requirement that all lots be arranged on a developed, public street. The tract is developed with two mobile homes and a modular home served by Olivia Drive, a private servitude with gravel surface. OL zoning permits up to four dwellings on an unsubdivided large tract like this for family members on a non-rental basis. One additional house on Lot 2, is served by Olivia Drive. The lot was created in 1949, and the applicant has revised the plat to provide a servitude of access through Lot 1A to the house on Lot 2.

Each proposed lot exceeds the minimum 20,000 sq. ft. area required for lots in the O-L zoning district. Proposed Lots 2A and 3A do not meet geometric standards for lots because they are not arranged with frontage on an improved public street (Subdivision Regulations, Section III.B.3.).

The tract is approximately 93-ft. wide at River Road (96.5 ft. of frontage on skew) and 40-arperents deep or long, extending past Highway 3127. A 40-ft x 160-ft. area called Lot 2 was divided from it by a 1949 transfer or act of sale. Olivia Drive, a private gravel

driveway, provides access to the house on Lot 2 and to the three dwellings on the tract, including the one closest to River Road. Parish sewer and water serve the dwellings from River Road tie-ins via private lines down the servitude. The plat shows a swale on the north or up-river side of the gravel driveway within the 30-ft servitude which may be used for drainage.

The O-L zoning district permits up to four dwellings for family on unsubdivided property at a rate of one (1) dwelling per 10,000 sq. ft. If the proposed resubdivision is approved, these provisions would permit up two (2) more dwellings on Lot 1A, one more dwelling on Lot 2A and four (4) more dwellings on Lot 3A. If the subdivision is approved, the zoning provisions would allow a total of ten (10) dwelling units. Permitting additional dwellings on Lots 1A and 2A may be unlikely considering how those proposed lots are already developed. Lot 3A has approximately 750,000 square feet between Lot 2A and the railroad where up to four dwellings could be permitted.

DEPARTMENT RECOMMENDATION

Approval provided a waiver from the required arrangement on a public street is approved.