

**ST. CHARLES PARISH
PLANNING BOARD OF COMMISSIONERS
November 7, 2024
6:00 P.M.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

- 1 **2024-15-MIN** requested by Theadra Alexander and Tiffany Hall for a resubdivision of one lot into six, **303 & 308 Tinney Street, Boutte**. Zoning District R-1A(M). Council Districts 1 & 7. **Requires Planning Commission approval.**
- 23 **2024-16-MIN** requested by Charles Kurzweg Jr. for Diamond Paper Co., LTD for a resubdivision of one lot into two, **100 Campus Drive East, Destrehan**. Zoning District M-1. Council District 2. **Requires Planning Commission approval and a supporting resolution from Council.**
- 32 **2024-17-MIN** requested by Jamie Doster for JDK Construction for a resubdivision of two lots into one requiring a waiver, **465 Mary Street, Norco**. Zoning District R-1A. Council District 6. **Requires Planning Commission approval and a supporting resolution from Council.**
- 42 **2024-40-ADM** requested by Tara Dufrene for Gisclair Properties, LLC for a resubdivision of three lots into two requiring a waiver, **12621 & 12625 River Road, Luling**. Zoning District O-L. Council District 2. **Requires Planning Commission approval and a supporting resolution from Council.**
- 51 **2024-20-R** requested by Robert V. Gilbert, Jr. on behalf of Nancy Reese Bush, et al. for a change of zoning from R-3 & R-1A to C-3 & O-L on a 40.25 acre property designated Tract 1, Lakewood West, **Lakewood Drive, Luling**. Council District 7. **Requires Planning Commission recommendation and Parish Council approval.**

UNFINISHED BUSINESS-
NEW BUSINESS-
MINUTES – (September 5, 2024, Minutes)
ADJOURN



Department of Planning & Zoning Staff Report – Minor Resubdivision Case No. 2024-15-MIN

APPLICATION INFORMATION

- **Submittal Date:** 9/24/2024
- **Applicant / Property Owner**
Theadra Alexander and Tiffany Hall
821 S. Fashion Blvd.
Hahnville, LA 70057
504.232.6553; tiff.favored@gmail.com
- **Request**
Resubdivision of a Port. of the Janvier Alexander Estate into Lots 1, 2, 3, 4, 5, and 6.

SITE INFORMATION

- **Location:** 303 and 308 Tinney Street, Boutte
- **Size of Proposed Lots**
 - Lot 1: 11,326.94 sq. ft.; 80 ft. wide on Tinney St., 144.4 ft. wide on Alexander St.
 - Lot 2: 10,096.34 sq. ft.; 72.91 ft. wide
 - Lot 3: 9,357.43 sq. ft.; 72.57 ft. wide
 - Lot 4: 10,506.45 sq. ft.; 89.45 ft. wide on Tinney St., 121.75 ft. wide on Alexander
 - Lot 5: 6,362.65 sq. ft.; 64 ft. wide
 - Lot 6: 6,108.38 sq. ft.; 70.08 ft. wide
- **Current Zoning:** R-1A(M)
- **Current Use**
The site has been developed with multiple homes, including an existing site-built home addressed as 303 Tinney Street. This home would be located on proposed Lot 4.

Other home sites shown on recent aerials have since been demolished. The remaining proposed lots would be undeveloped and cleared.
- **Surrounding Zoning:** R-1A(M), R-3
- **Surrounding Uses**
The site is located in a residential neighborhood with a mix of site-built structures and manufactured homes. Some large undeveloped tracts are also present.
- **Traffic Access**
The site is bisected by Tinney Street, where each lot will have frontage. Lots 1 and 4 will have additional frontage on Alexander Street.

Lots 3 and 4 have aggregate driveways providing access to Tinney Street. Lot 1 has an aggregate driveway providing access to Alexander Street.
- **Utilities**
Per GIS water and drainage facilities are available along Tinney Street. Water and sewer facilities are also available along Alexander Street.

A sewer line runs along Tinney Street across the front of the proposed lots. But per the information available in Parish GIS and the Wastewater Director this is a force main which cannot be tapped into directly from a line extending from a home. This was likely not an issue for previous improvements on the subject site due to direct access to the gravity line along adjacent Alexander Street. But this resubdivision

would result in lots 2, 3, 5, and 6 without direct access to Alexander Street. Any extensions required to access the nearest gravity sewer line from those lots must be done at the developer/property owner's expense and in coordination with the Department of Wastewater.

▪ **Development History**

The department's permitting history for this Portion of the Janvier Alexander Estate shows the following:

- In 2000, a 12x47 mobile home was placed in the area shown as proposed Lot 1, municipal address 366 Alexander Street (Permit No. 14482-00).
 - In 2023, the mobile home at 366 Alexander Street was demolished (Permit No. 46753-24)
- In 2001, a 16x80 mobile home was placed in the area shown as proposed Lot 3, municipal address 308 Tinney Street (Permit No. 15267-01).
 - In 2023, the mobile home was moved to 346 Alexander St. (Permit No. 46732-24)

Adequate permitting history could not be located for the site-built structure at 303 Tinney Street, proposed Lot 4.

▪ **Flood Zone & Minimum Building Elevation**

1992 Flood Insurance Rate Map: AE 5 and X
2013 Digital Flood Insurance Rate Map: AE 5

▪ **Coastal Program/EMU**

EMU-8 Westbank Community (pages 6-39 through 6-46, St. Charles Parish Local Coastal Program, Ordinance 15-10-12; Appendix B to this agenda)

▪ **Plan 2030 Recommendation**

High-Density Residential: Appropriately located semi-attached and attached multifamily dwelling units, townhomes, duplexes and small lot detached houses. Neighborhood retail, services, offices and institutions are also permitted in appropriate locations such as along transportation corridors or at intersections.

Recommended Zoning Districts: R-2 (two-family residential district), R-3 (multi-family residential district), C-1 (commercial office), R-1M (single-family residential detached mobile home/manufactured home/recreational vehicle park)

APPLICABLE REGULATIONS

Appendix A. Section VI. Zoning District Criteria

[II.] R-1A(M). Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes—Medium density.

2. Spatial Requirements.
 - a. Minimum lot size: Five thousand (5,000) square feet per family; minimum width-fifty (50) feet.
 - b. Minimum yard sizes:
 - (1) Front—Fifteen (15) feet.
 - (2) Side—Five (5) feet.
 - (3) Rear—Five (5) feet.
 - (4) For lots with less than one hundred (100) feet depth, front setback shall be fifteen (15) percent of lot depth with a minimum of ten (10) feet to the front lot line and five (5) feet to the rear lot line.
 - (5) 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:
 - (1) The accessory building shall not exceed two-story construction.
 - (2) Minimum setback of accessory buildings shall be three (3) feet.
 - (3) Nonresidential accessory buildings shall not be permitted.
 - 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 required front yard.

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.
 - 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.

FINDINGS

This request divides a previously unsubdivided portion of land into six lots, three on each side of Tinney Street (net increase of five lots per the definition of a Minor Subdivision).

Each lot meets the minimum area and width requirements for the R-1A(M) zoning district and all building setbacks are met for the existing structure shown on proposed Lot 4.

The site is bisected by Tinney Street, which has not been officially dedicated as a public right-of-way despite the roadway and underlying utilities being maintained by the Parish for some time. Through multiple meetings and conversations with the applicants and Parish personnel, including consultation with Parish Legal Services, it was determined the portion of Tinney Street bisecting the subject site can be considered "tacitly dedicated".

A tacit dedication is considered when the requirements of Louisiana Revised Statutes 48:491, item B.(1)(a) are met, which states:

All roads and streets in this state which have been or hereafter are kept up, maintained, or worked for a period of three years by the authority of a parish governing authority within its parish, or by the authority of a municipal governing authority within its municipality, shall be public roads or streets, as the case may be, if there is actual or constructive knowledge of such work by adjoining landowners exercising reasonable concern over their property.

A similar situation, and how a determination of a tacit dedication can be reached, is further detailed in Supreme Court of Louisiana case No. 95-C-2571, St. Charles Parish School Board v. P & L Investment Corporation.

The applicants have agreed with the determination of a tacit dedication of Tinney Street. A separate signature line for the applicants/owners is provided on the plat for their acknowledgment of the following language under General Survey Note #3 which states:

The right-of-way of streets shown hereon is hereby tacitly dedicated to the perpetual use of the public. All areas shown as servitudes are granted to the public for use of utilities, drainage, sewage removal, or other proper purpose for the

general use of the public. No building, structure, or fence shall be constructed, nor shrubbery planted within the limits of any servitude so as to prevent or unreasonably interfere with any purpose for which the servitude is granted.

With this conclusion the applicants may resubdivide and develop this property without the need for formal dedication and the major subdivision process, while the ambiguity as to the status of this portion of Tinney Street is removed.

As noted under the utilities section of this report, there are questions as to what may be necessary to provide sewer connections to Lots 2, 3, 5, and 6. Any necessary improvements must be done at the expense of the developer/property owner and in coordination with the Department of Wastewater.

DEPARTMENT RECOMMENDATION

Approval.

Chris Welker

From: Dawn Higdon
Sent: Tuesday, September 3, 2024 2:32 PM
To: Chris Welker
Subject: RE: Tinney Street resubdivision

Chris,

I discussed that language with Corey and he is good with that language on the survey which as we said before needs to be signed by the property owners. D

Dawn H. Higdon
Paralegal II
St. Charles Parish
Department of Legal Services
Corey M. Oubre, Parish Attorney
Robert L. Raymond, Assistant Parish Attorney
15058 River Road
Hahnville, LA 70057
(985)783-5013
dhigdon@stcharlesgov.net

From: Chris Welker <cwelker@stcharlesgov.net>
Sent: Friday, August 30, 2024 10:52 AM
To: Dawn Higdon <dhigdon@stcharlesgov.net>
Subject: RE: Tinney Street resubdivision

Thanks Dawn. Would it be appropriate to use our final plat language for standard dedication, just reworded for a tacit dedication (see below)? Or something simply acknowledging the roadway shown on the plat is tacitly dedicated as per La. R.S. 48:491?

- *The right-of-way of streets shown hereon, ~~if not previously dedicated~~, is hereby tacitly dedicated to the perpetual use of the public. All areas shown as servitudes are granted to the public for use of utilities, drainage, sewage removal, or other proper purpose for the general use of the public. No building, structure, or fence shall be constructed, nor shrubbery planted within the limits of any servitude so as to prevent or unreasonably interfere with any purpose for which the servitude is granted.*

Thanks,

Chris Welker, AICP
Senior Planner, St. Charles Parish
P (985) 783-5060 | D (985) 331-3783
P.O. Box 302 | Hahnville, LA 70057
Please be aware that receipt of and/or response to this email may be considered a public record.

From: Dawn Higdon <dhigdon@stcharlesgov.net>
Sent: Thursday, August 29, 2024 4:27 PM

To: Chris Welker <cwelker@stcharlesgov.net>
Cc: Miles Bingham <mbingham@stcharlesgov.net>; Lee Zeringue <lzingue@stcharlesgov.net>; Stacey Rogers <srogers@stcharlesgov.net>; Corey Oubre <cmoubre@stcharlesgov.net>; Sara Raney <sraney@stcharlesgov.net>
Subject: FW: Tinney Street resubdivision

Chris,

I have spoken to Corey who in turn spoke with the Parish President. It is the Legal Department's opinion that the portion of Tinney Street in question was tacitly dedicated to SCP. We would agree to putting language to that affect on the survey and require that the owners sign the survey indicating their approval of the tacit dedication of that portion of Tinney Street fronting their property. D

Dawn H. Higdon
Paralegal II
St. Charles Parish
Department of Legal Services
Corey M. Oubre, Parish Attorney
Robert L. Raymond, Assistant Parish Attorney
15058 River Road
Hahnville, LA 70057
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From: Sara Raney <sraney@stcharlesgov.net>
Sent: Monday, August 12, 2024 1:12 PM
To: Dawn Higdon <dhigdon@stcharlesgov.net>
Subject: FW: Tinney Street resubdivision

Sara F. Raney

Paralegal I
Dept. of Legal Services
P.O. Box 302
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sraney@stcharlesgov.net



From: Chris Welker <cwelker@stcharlesgov.net>
Sent: Monday, August 12, 2024 1:03 PM
To: Miles Bingham <mbingham@stcharlesgov.net>
Cc: Lee Zeringue <lzingue@stcharlesgov.net>; Stacey Rogers <srogers@stcharlesgov.net>; Corey Oubre <cmoubre@stcharlesgov.net>; Sara Raney <sraney@stcharlesgov.net>
Subject: Tinney Street resubdivision

Miles,

Please see the attached information regarding a subdivision proposal along Tinney Street in Boutte. We advised the applicant to submit what they have to start a formal review and take in review comments.

We all understand the submittal is incomplete.

I have Legal Services copied. We want to include them as part of this review and get their input regarding our Tinney Street inquiry within the allotted 15 day review window.

Please reach out to Michael or myself with any questions or concerns.

Thank you,

Chris Welker, AICP

Senior Planner, St. Charles Parish

P (985) 783-5060 | D (985) 331-3783

P.O. Box 302 | Hahnville, LA 70057

Please be aware that receipt of and/or response to this email may be considered a public record.

SUPREME COURT OF LOUISIANA

NO. 95-C-2571

ST. CHARLES PARISH SCHOOL BOARD

V.

P & L INVESTMENT CORPORATION

ON WRIT OF REVIEW TO THE COURT OF APPEAL, FIFTH CIRCUIT
PARISH OF ST. CHARLES, STATE OF LOUISIANA

MARCUS, Justice

The issue in this case is whether a private road is subject to public use.

P & L Investment Corporation (P & L) owned 45 acres of land abutting Highway 90 in St. Charles Parish. In November 1972, the St. Charles Parish School Board (School Board) purchased 35 of the 45 acres for construction of a new high school leaving P & L with a small parcel of land fronting Highway 90, a 50 foot wide strip of land along the western boundary of the School Board's property, and a small parcel of land in back of the School Board's property. The 50 foot wide strip of land was approximately 1,700 feet long and connected P & L's two small parcels. The School Board began construction of the new Hahnville High School on its thirty-five acres. Two public streets, First Street and Second Street, provided access to the School Board's property from Highway 90. The builders of the high school used Second Street to reach the School Board's property during construction.

In March 1973, the St. Charles Parish Police Jury (Police Jury) exchanged Second Street, a dedicated roadway, for a comparable strip of land which abutted Highway 90 and was owned by P & L. The strip of land connected Highway 90 to the 50 foot wide strip of land owned by P & L along the western boundary of the School Board's property. The strip of land the Police Jury received in the exchange became a dedicated roadway known as Tiger

Drive. When the Police Jury built and paved Tiger Drive with asphalt, the Police Jury also paved at least 200 feet of the strip of land still owned by P & L. P & L did not protest the paving by the Police Jury of this portion of its fifty foot wide strip of land. The parish then placed shells on a further 500 feet of the strip of land owned by P & L and placed shells in the parking area of Hahnville High School, which was on School Board property. The School Board refers to the dedicated roadway and the continuation of the road on P & L's property as Tiger Drive. After school officials installed a gate across Tiger Drive at the property line where P & L's strip of land began, P & L asked the School Board not to lock the gate because P & L wanted access to its property in the back.

In 1977, the Police Jury or the School Board paved an additional 500 feet of P & L's property with concrete when the parking lot for Hahnville High School was paved. The shells, which had covered the road and the parking lot prior to the paving, were relocated from the parking lot and Tiger Drive to a portion of the fifty foot wide strip which remained unpaved. The concrete paving and placement of the shells on the fifty foot strip were done with the consent of P & L. Thus, 700 feet of P & L's 50 foot wide strip were partially paved with either asphalt or concrete and the remaining 1000 feet were partially covered with shells.

Although P & L intended to dedicate its portion of Tiger Drive, it never formally dedicated the strip of land to the public or sold the strip to the School Board. School officials were aware that the strip of land along the western boundary of the campus was not school property, but thought that the School Board had an agreement with P & L that the school would have access to its parking lot from Tiger Drive. From 1975 to the early 1980s, St. Charles Parish maintained the asphalt portion of Tiger Drive including the section owned by P & L. The School Board performed maintenance on the concrete and shell portions of Tiger Drive.

In 1990, P & L¹ claimed ownership of 1,700 feet of Tiger Drive in a letter to the St. Charles Parish School Board. In the letter, P & L demanded that the School Board cease using the portion of Tiger Drive owned by P & L and informed the School Board that it planned to run sewer and water lines down the middle of Tiger Drive. The School Board then filed suit seeking a declaration that Tiger Drive was a public street and an injunction to prevent P & L from interfering with the public's use of Tiger Drive. The School Board contended that P & L's portion of Tiger Drive had been dedicated to public use.² After a trial on the merits, the trial judge declared Tiger Drive to be the property of P & L and denied the School Board's petition for an injunction. The court of appeal affirmed finding that P & L had not dedicated its portion of Tiger Drive.³ Upon the School Board's application, we granted certiorari to review the correctness of that decision.⁴

The issue presented for our review is whether the portion of Tiger Drive owned by P & L is subject to public use.

A road may be either public or private. La. Civ. Code art. 457. A public road is one that is subject to public use. Id. The public may own the land on which the road is built or may only have the right to use it (a servitude of passage). Id. When a private person owns the land on which a public road is built and the public merely has the right to use it, the land is a private thing subject to public use. A.N. YIANNOPOULOS, PROPERTY § 96, at 206 (2 LOUISIANA CIVIL LAW TREATISE 3d ed. 1991). The public may acquire an interest

¹ P & L Investment Corporation was dissolved in 1984. Each of its shareholders, Salvatore J. Puglise, Angelo Puglise, and Richard Warren Landry, received an undivided one-third interest in P & L's land holdings. This opinion continues to refer to the owners of the property in dispute as P & L.

² Richard Warren Landry intervened as a defendant in the lawsuit. The School Board subsequently filed an amended petition, naming Angelo Puglise, Salvatore Puglise, and Landry as co-defendants.

³ 95-192 (La. App. 5th Cir. 9/26/95); 662 So. 2d 47.

⁴ 95-2571 (La. 1/26/96); 666 So. 2d 659.

in the land on which a road is built or in the use of a road through purchase, exchange, donation, expropriation, prescription or dedication. YIANNOPOULOS, PROPERTY § 96, at 207.

Neither the School Board nor the Police Jury ever purchased the fifty foot wide strip of land from P & L. The Police Jury exchanged property with P & L creating ownership in the public of only the front portion of Tiger Drive. P & L did not donate its portion of Tiger Drive to the Police Jury or School Board. No public entity ever expropriated P & L's portion of Tiger Drive.

The School Board did not obtain a servitude of passage on P & L's portion of Tiger Drive through acquisitive prescription. A servitude of passage, an apparent servitude, may be acquired through acquisitive prescription. La. Civ. Code arts. 707, 742. An apparent servitude may be acquired by peaceable and uninterrupted possession of the right for ten years in good faith and by just title; it may also be acquired by uninterrupted possession for thirty years without title or good faith. La. Civ. Code art. 742. The School Board does not have thirty years possession of the right of passage over P & L's portion of Tiger Drive. The School Board does have ten years possession of the right, but does not have just title. Just title is a juridical act sufficient to transfer ownership or another real right. It must be written, valid in form, and filed for registry in the conveyance records of the parish in which the immovable is situated. La. Civ. Code art. 3483. The "boilerplate language" included in the deed of sale⁵ for the thirty-five acres from P & L to the School Board is too ambiguous and imprecise to establish a servitude of passage over the fifty foot wide strip of land. Palomeque v. Prudhomme, 95-0725 (La. 11/27/95); 664 So. 2d 88. For a servitude to be created by title, the instrument must be express as to the nature

⁵ The Act of Sale conveys "A CERTAIN PORTION OR TRACT OF GROUND, together with the improvements thereon, and all rights, ways, privileges, servitudes and advantages thereunto." This language merely transfers all rights which existed prior to the sale.

and extent of the servitude. Therefore, the public did not acquire an interest in the use of P & L's portion of Tiger Drive through prescription. The only remaining method by which the public could have acquired an interest in the land or in the use of the street is dedication.

Louisiana has never enacted a comprehensive scheme of dedication to public use. Garrett v. Pioneer Production Corporation, 390 So. 2d 851, 854 (La. 1980). However, Louisiana courts have recognized four modes of dedication: formal, statutory, implied, and tacit. A landowner may make a formal dedication of a road by virtue of a written act, such as a deed of conveyance to the police jury of the parish. Frierson v. Police Jury of Caddo Parish, 160 La. 957, 107 So. 709 (1926). The written act may be in notarial form or under private signature. YIANNOPOULOS, PROPERTY § 95, at 204-205. A formal dedication transfers ownership of the property to the public unless it is expressly or impliedly retained. YIANNOPOULOS, PROPERTY § 95, at 208-209. If the landowner retains ownership of the property, the public acquires a servitude of public use.

Statutory dedication occurs when a landowner subdivides real estate in accordance with the requirements of La. R.S. 33:5051. In order to effect a statutory dedication, complete and detailed compliance with the statute is not required; substantial compliance will suffice. Garrett, 390 So. 2d at 856. La. R.S. 33:5051 provides for the subdivision of real estate into squares or lots with named streets and for the dedication to public use of all streets, alleys, and public squares on the map. A statutory dedication vests ownership in the public unless the subdivider reserves ownership of streets and public places and grants the public only a servitude of use. Arkansas-Louisiana Gas Co. v. Parker Oil Co. Inc., 190 La. 957, 183 So. 229, 238 (1938)(on rehearing).

Implied dedication is a common law doctrine recognized by the

courts of this state. Ford v. City of Shreveport, 204 La. 618, 16 So. 2d 127, 128 (1943). A dedication by implication consists of the assent of the owner, use by the public, and maintenance by the municipality. Wyatt v. Hagler, 238 La. 234, 114 So. 2d 876, 878 (1959). Because implied dedication lacks the formalities and safeguards of formal or statutory dedication, courts have required "a plain and positive intention to give and one equally plain to accept." Carrollton Rail Road Co. v. Municipality No. Two, 19 La. 62, 71 (1841). Courts have also found an implied dedication when the owner of a tract of land subdivides it into lots, designates streets or roads on a map, and then sells the property or any portion of it with reference to the map. James v. Delery, 29 So. 2d 858, 859 (La. 1947). An implied dedication establishes a servitude of public use. Arkansas-Louisiana Gas Co. Inc., 183 So. at 240; Becnel v. Citrus Lands of Louisiana, Inc., 429 So. 2d 459 (La. App. 4th Cir.), writ denied, 437 So. 2d 1147 (La. 1983). See, Missouri Pacific Railroad Co. v. City of New Orleans, 46 F.3d 487 (5th Cir. 1995).

A tacit dedication of a strip of land for use as a public road occurs when the requirements of La. R.S. 48:491 are met. La. R.S. 48:491 provides, in pertinent part,

B. (1)(a) All roads and streets in this state which have been or hereafter are kept up, maintained, or worked for a period of three years by the authority of a parish governing authority within its parish, or by the authority of a municipal governing authority within its municipality, shall be public roads or streets, as the case may be, if there is actual or constructive knowledge of such work by adjoining landowners exercising reasonable concern over their

property.

If a road is maintained for a period of three years by authority of the parish governing authority, the public acquires a servitude of passage by tacit dedication. Robinson v. Beauregard Parish Police Jury, 351 So. 2d 113, 115 (La. 1977). Token maintenance or an occasional brushing up of a road is insufficient to establish a tacit dedication for public use. Robinson, 351 So. 2d at 115.

Of the four modes of dedication, formal dedication and statutory dedication clearly do not apply. In February of 1976, the president of P & L, Richard Warren Landry, wrote to the Administrative Assistant for Operations of the St. Charles Parish School Board and indicated P & L's intention to formally dedicate to the Police Jury the fifty foot street along the western property line of the new Hahnville High School. The Police Jury accepted a recommendation from the St. Charles Parish Planning and Zoning Commission to accept the dedication. Although the Police Jury asked its attorney to prepare a formal act of dedication for P & L, no formal act of dedication of P & L's portion of Tiger Drive to the public was executed.

Statutory dedication of P & L's portion of Tiger Drive did not occur. P & L did not subdivide its land in compliance with La. R.S. 33:5051.

Implied dedication also does not apply. While the public has used the road and the parish has maintained the road, the owner has not assented to the dedication of the road. Warren Landry testified at trial that P & L would have agreed to dedicate its portion of Tiger Drive only if the parish had paved the entire strip of land. Nor does the second type of implied dedication apply. While the 1972 Collier survey indicates a fifty foot street along the western boundary of P & L's land prior to the sale to the School Board, P & L was not subdividing its land into lots and did

not sell the land with reference to the Collier survey. Furthermore, the School Board knew that the strip of land belonged to P & L and had not been dedicated to public use at the time of the sale.

Finally, we must determine whether P & L made a tacit dedication to public use of its portion of Tiger Drive under La. R.S. 48:491. From the testimony of school officials, it appears that the School Board filled both its land and part of P & L's land in order to build the high school and to provide a base for the road. The parish then delivered five or six truck loads of shells to Hahnville High School to build up the street. After the exchange of property between the Police Jury and P & L in 1973, the Police Jury paved the public portion of Tiger Drive and 200 feet of P & L's portion of Tiger Drive with asphalt. A few years later, either the School Board or the Police Jury paved the parking lot of Hahnville High School and an additional 500 feet of Tiger Drive with concrete. Eventually, shells were placed along the unpaved portions of Tiger Drive. P & L does not claim to have participated in or funded any of these road construction activities on its land.

After Hahnville High School and Tiger Drive were built, the parish opened, cleaned out, and drained ditches along the street. Larry Sesser, St. Charles Parish School Board's Chief of Physical Plant Operations, testified that the parish repaired potholes on the asphalt section of Tiger Drive from the fall of 1975 until the early 1980s. The foreman of the blacktop crew for the parish testified that his crew performed maintenance on Tiger Drive by overlaying the street with blacktop. School Board employees repaired and maintained the shell portion of Tiger Drive by using a tractor to grade the road and fill potholes. Although the School Board maintained the shell and concrete portions of Tiger Drive rather than the Police Jury, the School Board was operating under the authority of the Police Jury and was using public funds.

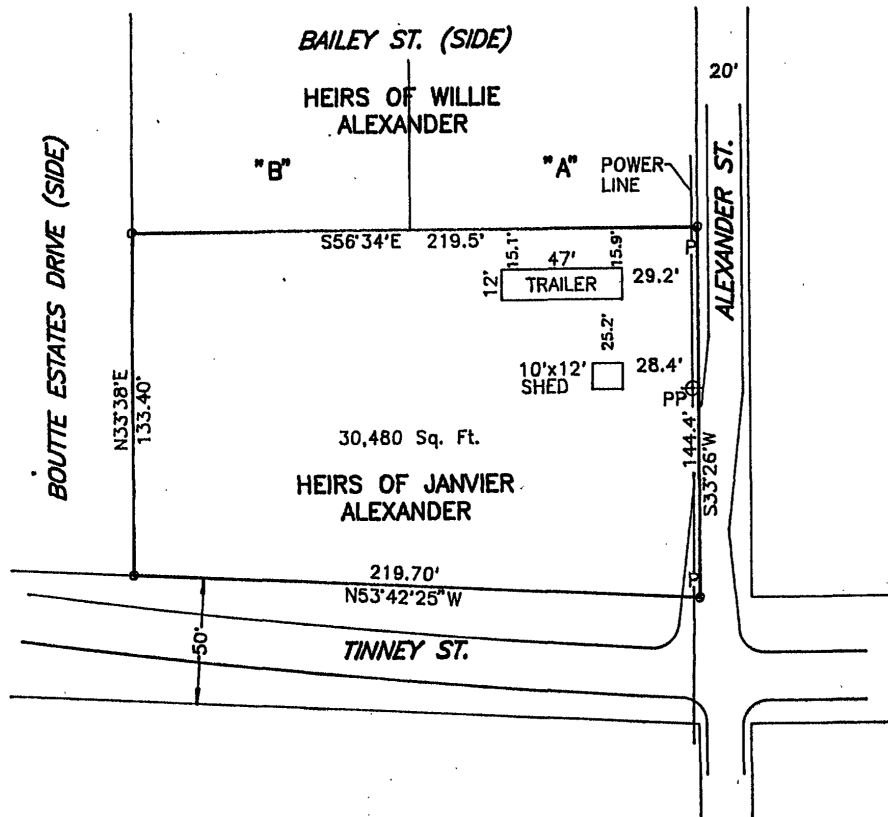
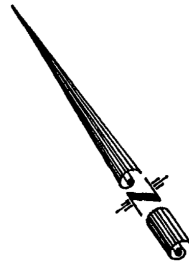
P & L had actual knowledge of the construction and maintenance

of Tiger Drive by the Police Jury and School Board. Warren Landry testified by deposition that the School Board, not P & L, had maintained the paved portion of Tiger Drive. P & L used Tiger Drive to access its parcel of land in back of the school. P & L never claimed to have performed its own maintenance on the portion of Tiger Drive that it owned. Because P & L's portion of Tiger Drive was built, maintained, and worked by authority of the parish governing authority for a period of at least three years with P & L's actual knowledge of such work, we find that P & L tacitly dedicated the asphalt, concrete, and shell roadway located on P & L's property under La. R.S. 48:491. The portion of Tiger Drive owned by P & L is a private street dedicated to public use. The trial judge was clearly wrong in holding otherwise. The court of appeal erred in affirming the judgment of the trial court. Accordingly, we must reverse.

DECREE

For the reasons assigned, the judgment of the court of appeal is reversed. Judgment is rendered in favor of the St. Charles Parish School Board and against P & L Investment Corporation, Angelo Puglise, Salvadore Puglise and Richard Warren Landry declaring the asphalt, concrete, and shell roadway located on P & L's property and commonly known as Tiger Drive to be a private street dedicated to public use, as per survey by Roland P. Bernard, surveyor, dated October 4, 1990, attached and made a part of this opinion. All costs are assessed against defendants.

This is to certify that I have consulted the Federal Insurance Administration Flood Hazard Boundary Maps and found that the surveyed property as shown hereon is not in a special flood hazard area. The property lies in a Zone X as per sheet 150 of said maps, having an effective date of June 16, 1992.



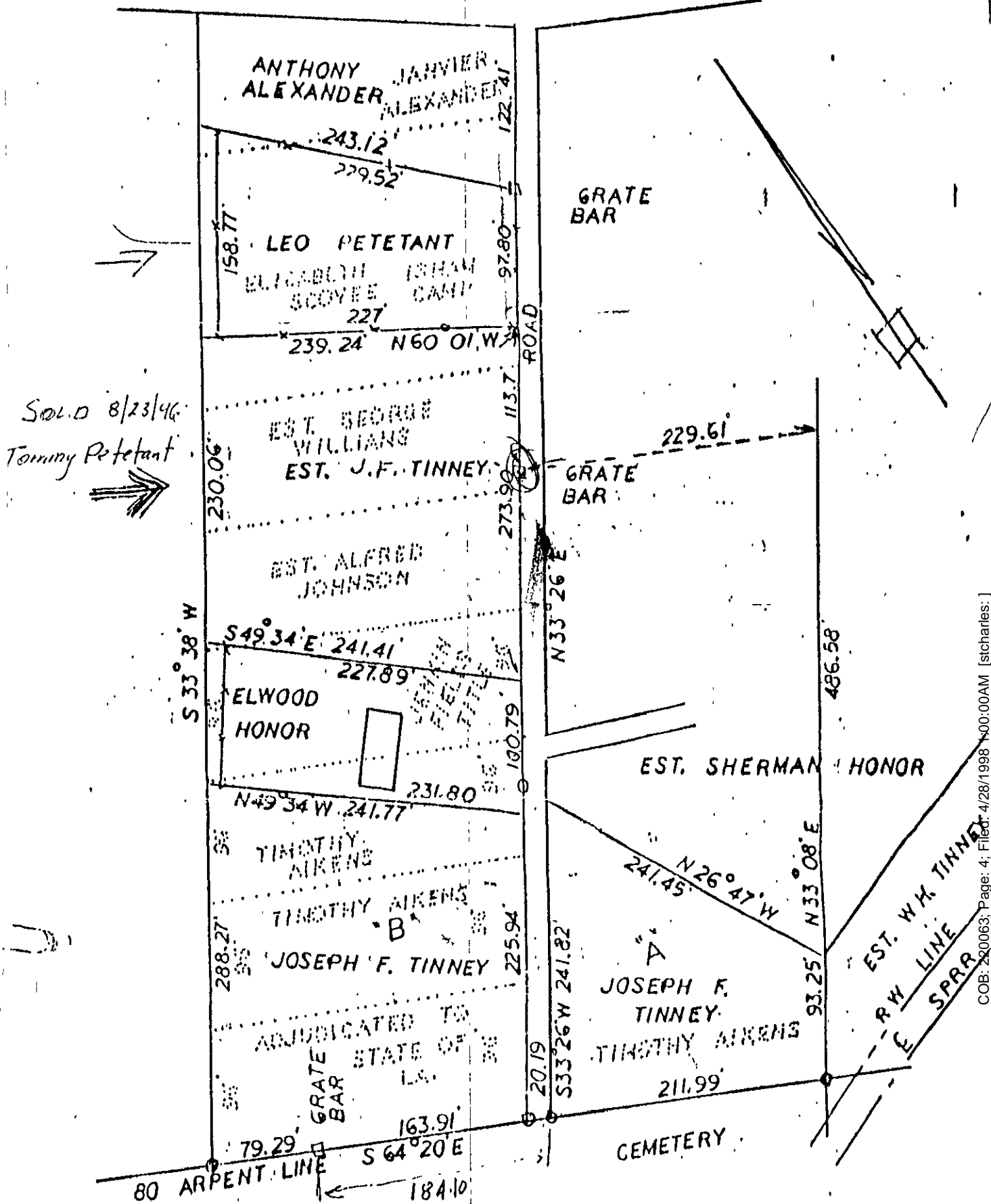
LOCATION OF A TRAILER BY AN HEIR OF JANVIER ALEXANDER AS PER ORDINANCE NO. 81-10-6 LOCATED IN SECTION 90, TOWNSHIP 13 SOUTH, RANGE 20 EAST AT BOUTTE, ST. CHARLES PARISH, LA.

FILE #	00K016
SCALE:	1" = 60'
DATE:	2/16/00

SURVEYED IN ACCORDANCE WITH THE LOUISIANA "MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS" FOR A CLASS "C" SURVEY.

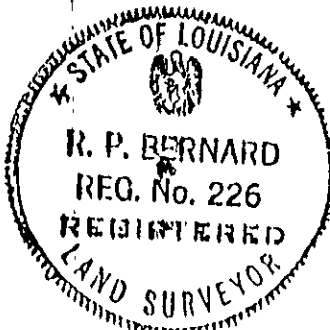
R.P. Bernard
 SURVEYOR
 R.P. BERNARD, PLS
 LA. REG. #226

"EXHIBIT A"



"SURVEY OF 2 TRACTS OF THE W.H. TINNEY ESTATE, AND 3 TRACTS OF THE JOSEPH F. TINNEY ESTATES IN SECTION 119, T13S R20E, AT BOUTTE, ST. CHARLES PARISH, LA."

SCALE :
DATE :
0 : Denotes Iron rods set



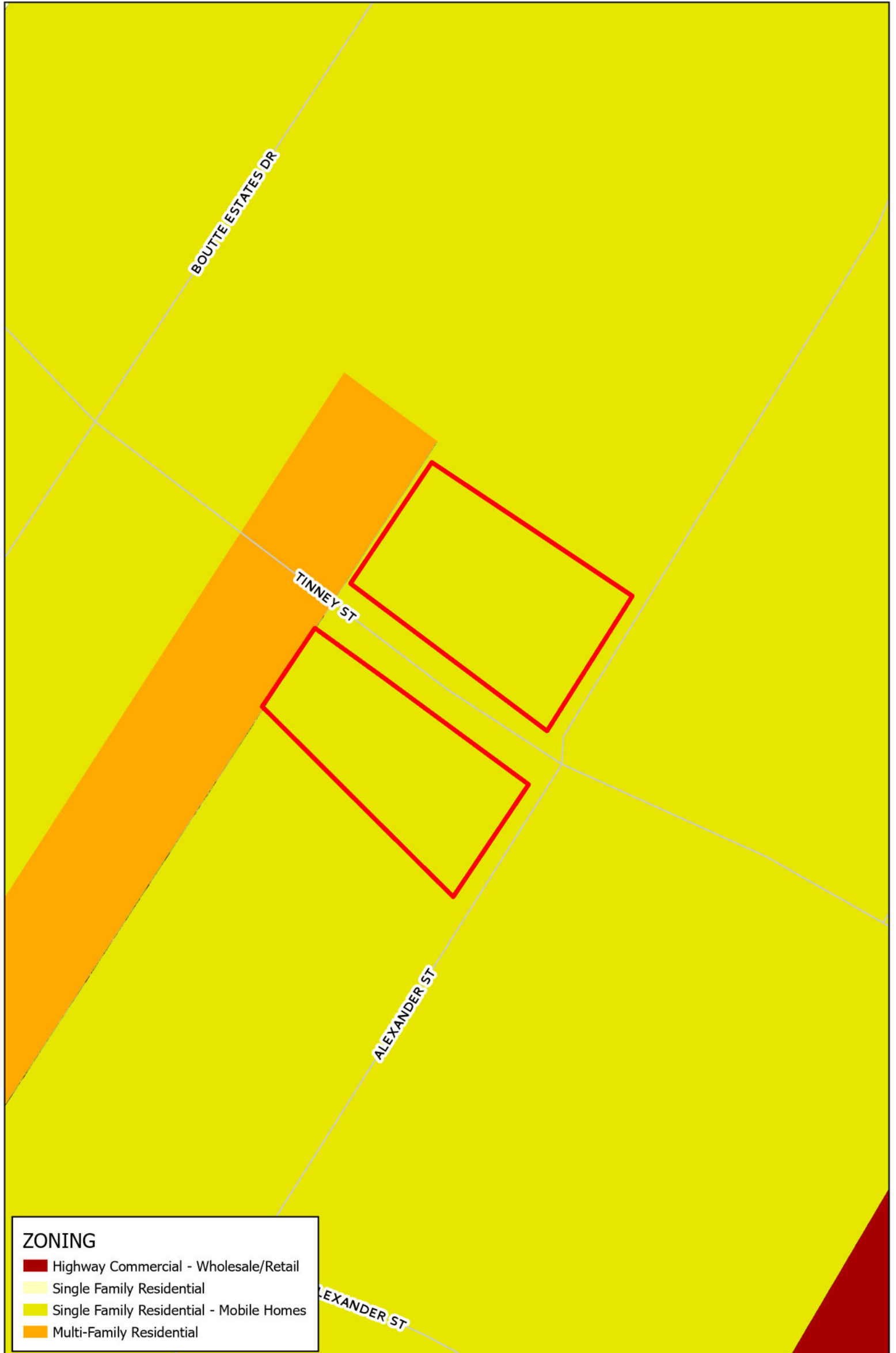
R.P. Bernard
SURVEYOR

Prepared by the office of
R.P. Bernard Inc., Boutte,
St. Charles Parish, La.

2024-15-MIN
1 lot into 6 lots

1" = 100'

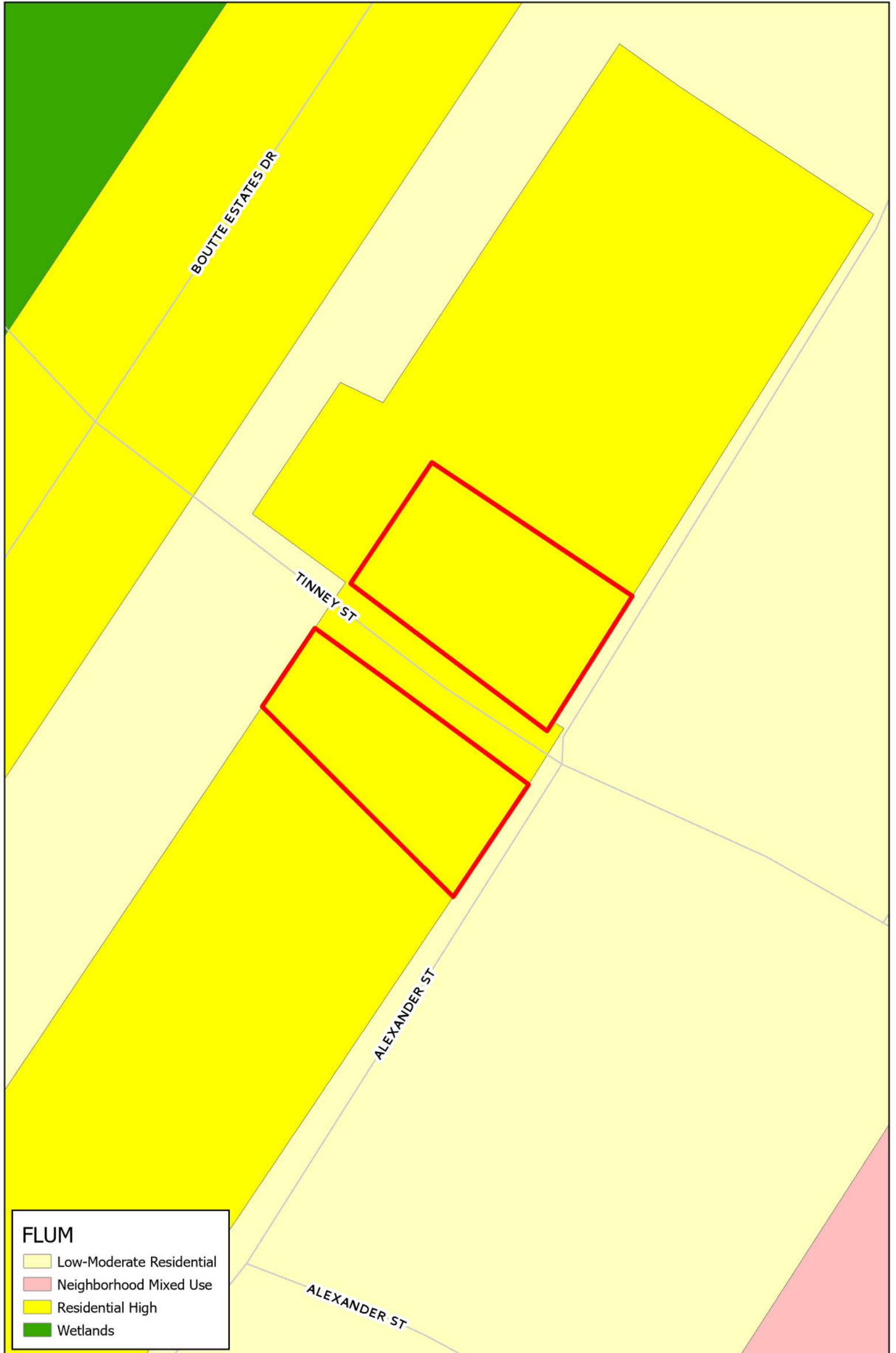
N



2024-15-MIN
1 lot into 6 lots

1" = 100'

N





Department of Planning & Zoning Staff Report – Minor Resubdivision Case No. 2024-16-MIN

APPLICATION INFORMATION

- **Submittal Date:** 10/3/24
- **Applicant / Property Owner**
Charles Haynes Kurzweg Jr.
Diamond Paper Co., Ltd.
100 Campus Drive East
Destrehan, LA 70047
504.913.2687; ckurzweg@diamondpaperltd.com
- **Request**
Resubdivision of a property designated Portion of Tract C of Plantation Business Campus “American Hospital Supply Site” into Lots C-1 and C-2
 - Waiver required from the *Appendix C. – Subdivision Regulations, Section III.B.3 Arrangement* for Lot C-1.

SITE INFORMATION

- **Location:** 100 Campus Drive East, Destrehan
- **Size of Proposed Lots**
 - Lot C-1: 4.11 acres; 382.75 ft. – 519.08 ft wide
 - Lot C-2: 8.64 acres; 341.51 ft. wide
- **Current Zoning:** M-1
- **Current Use**
A portion of the site is developed with the Diamond Paper Company office and warehouse/distribution facility, associated parking lot, and access road to Alpha Drive. These improvements will be located on Proposed Lot C-2.

The remainder of the site is undeveloped and wooded. This portion is located within the boundaries of proposed Lot C-1.
- **Surrounding Zoning**
The site is located in an area consisting primarily of industrial zoning, including M-1 and M-3. B-2 batture zoning is located to the River Road side. R-1A and C-2 zoning is located to the Campus Drive East side.
- **Surrounding Uses**
The site is within a developing industrial park consisting of various office, warehousing, and manufacturing facilities. The ADM grain elevator site is adjacent to the downriver side, and a single family home is at the corner of River Road and Campus Drive East.
- **Traffic Access**
Proposed Lot C-2:
 - 341.51 ft. of frontage on Campus Drive East. Access provided via a paved driveway. This frontage and access will be confined to Lot C-2.
 - 34.98 ft. of frontage on Alpha Drive. Access provided via a paved drive terminating at the rear loading docks of the Diamond Paper warehouse. This frontage and access will be confined to Lot C-2, but will act as the primary means of ingress/egress for Lot C-1.
 - 963.81 ft. of frontage on River Road. No driveway access exists from River Road.

Proposed Lot C-1:

- A landlocked lot without frontage on an improved public street, access is proposed via a servitude through Lot C-2, utilizing the drive providing ingress-egress from the Diamond Paper loading dock to the 34.98 ft. of frontage on Alpha Drive.

▪ **Utilities**

The Parish GIS shows water facilities along River Road, Campus Drive East, and Alpha Drive. Sewer facilities are located along Campus Drive East.

The representative from the Department of Waterworks stated a waterline runs along Campus Drive but water is not currently available to Lot C-1. The Department of Public Works offered no objection, and no comments were provided by the Department of Wastewater.

Any extensions or improvements necessary to provide utilities to landlocked Lot C-1 must be done at the property owner/developers expense and with coordination with the necessary departments.

▪ **Development History**

The current layout of this portion of Tract C is shown on a plat by Surveys Incorporated dated September 24, 1979, revised October 23, 1980.

Permitting history could not be located for the structure located at 100 Campus Drive East.

▪ **Flood Zone & Minimum Building Elevation**

1992 Flood Insurance Rate Map: X

2013 Digital Flood Insurance Rate Map: X

▪ **Coastal Program/EMU**

EMU-1 Eastbank Community (pages 6-4 through 6-9, St. Charles Parish Local Coastal Program, Ordinance 15-10-12; Appendix C to this agenda)

▪ **Plan 2030 Recommendation**

Business Park: This category provides for the development of planned business, office, technology, warehouse and research activities, as well as related ancillary uses, such as shipping offices, office supply, services, hotels and restaurants. Business parks should incorporate design standards such as screening, landscaping and site location criteria.

APPLICABLE REGULATIONS

Appendix A. Section VI. Zoning District Criteria

[I.] *M-1 Light manufacturing and industry district:*

2. Spatial Requirements:

a. Minimum lot size: Ten thousand (10,000) square feet.

Minimum width: One hundred (100) feet.

b. Minimum yard sizes:

(1) Front - twenty-five (25) feet

(2) Side - fifteen (15) feet

(3) Rear - twenty-five (25) 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.

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.
 - 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

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.

Appendix C. Section V. Administrative

B. Variations and Exceptions.

1. The regulations contained herein may be varied or modified where 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. The Planning Commission, with a supporting resolution of the Council, may grant such a waiver or modification of these regulations only when such requests meet the conditions of this subsection and are not detrimental to the public interest.

FINDINGS

The applicant requests resubdivision of a Portion of Tract C into Lots C-1 and C-2.

Each proposed lot meets the minimum area and width requirements for the zoning district. Improvements shown on proposed Lot C-2 meet setbacks.

Proposed Lot C-1 does not have direct access from a street and is landlocked, failing to meet the requirement as detailed in Appendix C., Section III.B.3. Arrangement, which states:

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.

The applicants have submitted a waiver request from the Arrangement requirement.

The Department does not object to the waiver from the Arrangement requirement for the following reasons:

- This portion of the site is already isolated and surrounded by private development, including a long private drive looping around the rear and providing ingress-egress to the Diamond Paper loading-unloading facility.
- An arrangement establishing frontage for Lot C-1 at Alpha Drive would still require a waiver due to inadequate width (34.98 ft. vs 100 ft. required under M-1 zoning).

- Access is addressed through a servitude over the existing hard surface drive used by Diamond Paper for ingress-egress at Alpha Drive.

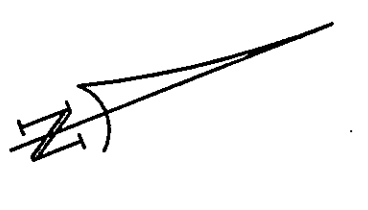
The “No Objection” from the Department is limited to this resubdivision and establishment of Lot C-1. Establishing access on a dedicated public right-of-way will be re-evaluated if a proposal further resubdividing Lot C-1 comes forward.

If the Commission does not support the waiver and finds it important for each lot to have direct access from a public right-of-way, an alternative layout accomplishes this by incorporating the access servitude portion of Lot C-2 into Lot C-1. Lot C-1 would have direct frontage and access from Alpha Drive while C-2 would maintain frontage and access from Campus Drive East and River Road. An access servitude could then be established through Lot C-1 in favor of maintaining the existing ingress-egress for the Diamond Paper loading-unloading dock.

DEPARTMENT RECOMMENDATION

Approval.

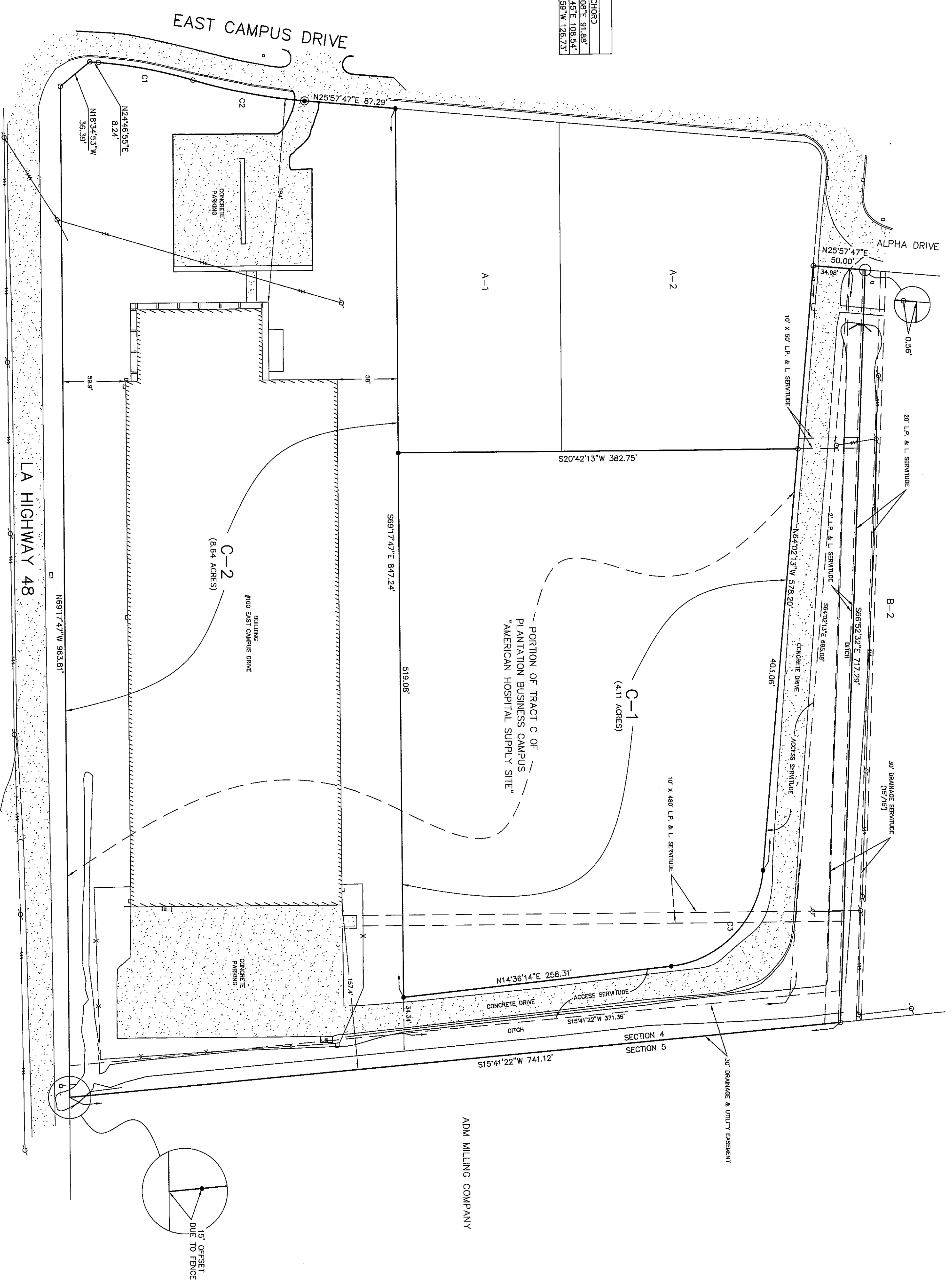
If the Planning Commission approves this request, it will be forwarded to the Parish Council for consideration of a supporting resolution.



**SURVEY PLAT AND RESUBDIVISION OF A
PORTION OF TRACT C OF PLANTATION BUSINESS CAMPUS
INTO LOTS HEREIN DESIGNATED AS
LOT C-1 & LOT C-2
OF TRACT C OF PLANTATION BUSINESS CAMPUS
SITUATED IN SECTION 4, T-13-S, R-8-E,
DESTERREHAN, ST. CHARLES PARISH, LOUISIANA**

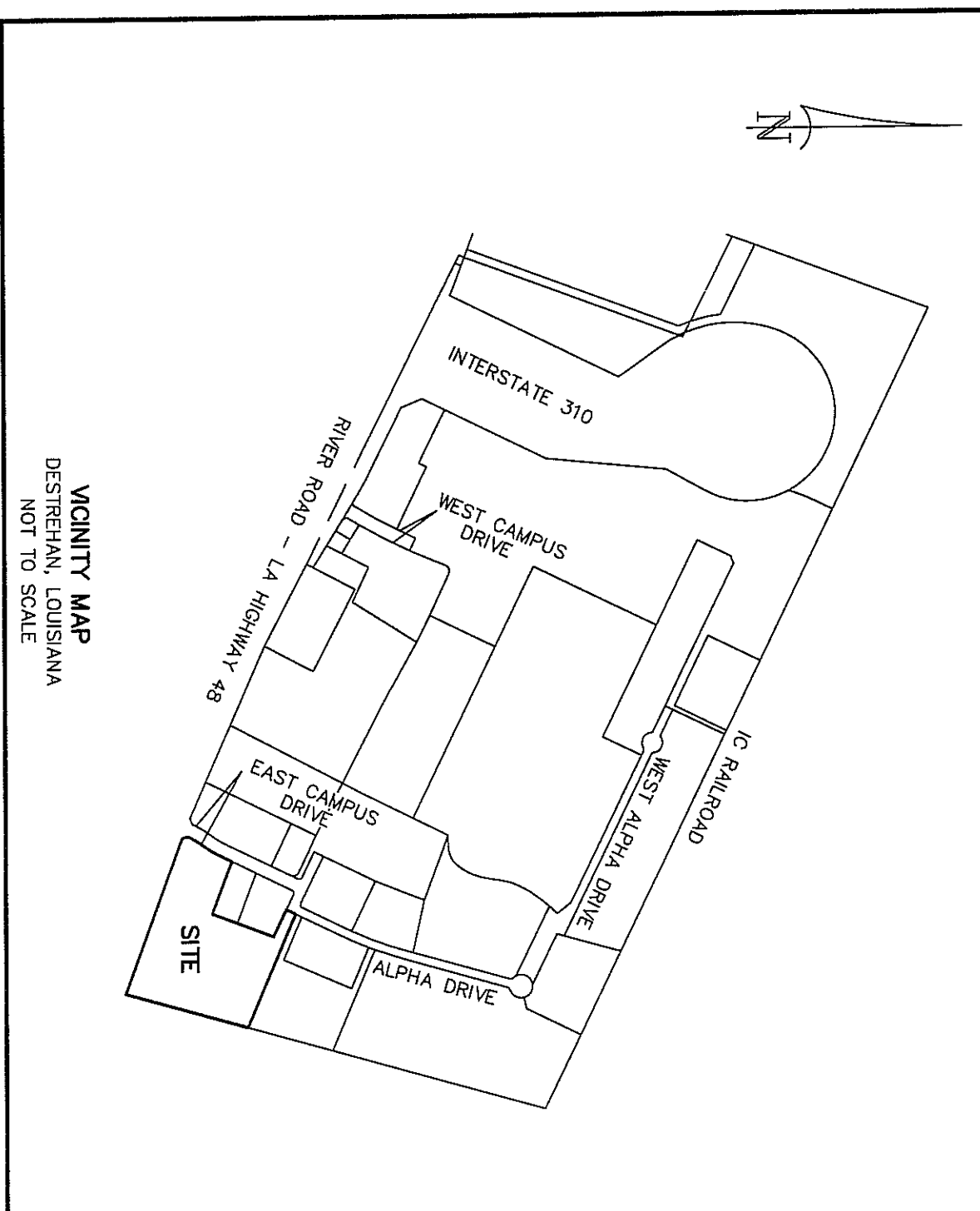
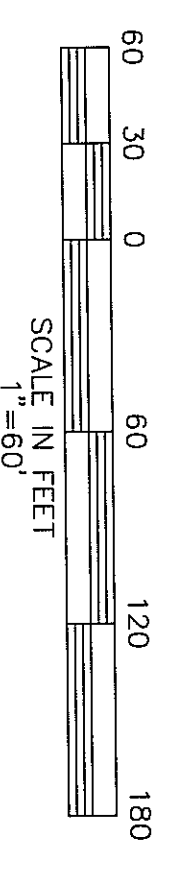
Y & MV RAILROAD (SIDE)

CURVE	LENGTH	RADIUS	CHORD
C1	92.04'	457.45'	N31°44'08"E 91.88'
C2	109.73'	532.95'	N31°48'45"E 108.54'
C3	137.25'	100.00'	N24°42'59"W 128.73'



SURVEY REFERENCE: PLANTATION BUSINESS CAMPUS COMPLETE PLAN BY JOHN F. MARSHALL, P.L.S., DATED JULY 20, 1988.
BASIS OF BEARING: BEARINGS HEREON ARE REFERENCED TO THE LOUISIANA STATE PLANE COORDINATE SYSTEM, ZONE 1702, NORTH AMERICAN DATUM OF 1983 (NAD83), USING A LOCAL SWANNEK CROSS SECTION DATED 04/20/2004.
MUNICIPAL ADDRESS: 100 EAST CAMPUS DRIVE
SURVEYOR'S NOTES:

A. THIS PLAT IS CONDUCTED AND IN ACCORDANCE WITH A PERSONAL SURVEY MADE BY THE SURVEYOR AND HIS ASSISTANTS ON THE GROUND. THE SURVEYOR HAS PERSONALLY RECONSIDERED THE ACCURACY OF HIS SURVEY AND HAS FOUND IT TO BE CORRECT. THE SURVEYOR HAS ALSO RECONSIDERED THE EXISTENCE OF OTHER SURVEYS OR EASEMENTS WHICH MAY EXIST OTHER THAN THOSE SHOWN.
B. THE SURVEYOR HAS PERSONALLY RECONSIDERED THE EXISTENCE OF OTHER SURVEYS OR EASEMENTS WHICH MAY EXIST OTHER THAN THOSE SHOWN.
C. NO ADJACENT LANDS AND SURVEYS ARE SHOWN AND THE SURVEYOR HAS NO KNOWLEDGE OF ANY ADJACENT SURVEYS OR EASEMENTS.
D. THE SURVEYOR HAS PERSONALLY RECONSIDERED THE EXISTENCE OF OTHER SURVEYS OR EASEMENTS WHICH MAY EXIST OTHER THAN THOSE SHOWN.
E. NO LOT CREATED BY THIS ACT OF RESUBDIVISION SHALL BE DIVIDED IN SUCH A MANNER THAT ANOTHER LOT INCLUDES IN THE NUMBER OF LOTS DESIGNATED FOR A TRACT OF THE SAME.



OWNER: DIAMOND PAPER COMPANY, LTD.
100 CAMPUS DRIVE EAST
DESTERREHAN, LA 700247

APPROVED:
ST. CHARLES PARISH PLANNING AND ZONING COMMISSION CHAIRMAN _____ DATE _____

ST. CHARLES PARISH COUNCIL CHAIRMAN _____ DATE _____
ST. CHARLES PARISH PRESIDENT _____ DATE _____

RECORDED IN THE CLERK OF COURTS OFFICE
ST. CHARLES PARISH, LOUISIANA
ON THE _____ DAY OF _____ 20____
INSTRUMENT NUMBER _____

ALL NECESSARY SEWER, WATER AND/OR OTHER UTILITY EXTENSIONS, RELOCATIONS OR MODIFICATIONS SHALL BE MADE BY AND SOLELY AT THE LOT OWNER'S EXPENSE.

NO.	DATE	DESCRIPTION	BY

REVISIONS

DATE: SEPTEMBER 24, 2024
SHEET NO. 1 OF 1
DRAWING NO. 11568.W05418
DRAWN BY: KPB

STEPHEN P. RYAN
P.L.S., I.A., ST. REG. NO. 4688

RIVERLANDS SURVEYING CO.
505 HEMLOCK STREET
LAPLACE, LA, 70068
1-800-246-8992
601-883-6322-6330
www.riverlandsurveying.com

STATE OF LOUISIANA
STEPHEN P. RYAN
Licenses No. 4688
PROFESSIONAL LAND SURVEYOR

Name: Diamond Paper Co.

Address: 100 Campus Drive East, Destrehan

Case Number: 2024- 16 -MIN

Members of the St. Charles Parish Planning Commission:

This minor resubdivision request does not meet all requirements of the St. Charles Parish Subdivision Regulations of 1981, specifically:

- **Section III.B.3. Arrangement. All lots shall possess frontage on a street or roadway that meets the specifications of these regulations.**

The literal enforcement of these provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question, which includes:

The configuration of the site does not allow street frontage for the smaller parcel but the existing private drive can service both parcels

Please consider this waiver request with my application.

Thank you.

Applicant Signature:  _____
DocuSigned by:
Charlie Kurzyweg
F4F9B7A647A9471...

Date: 10/21/2024

2024-16-MIN
1 lot into 2 lots

1" = 200'



2024-16-MIN
1 lot into 2 lots

1" = 200'

N



FLUM

- Business Park
- Commercial
- Heavy Industrial



Department of Planning & Zoning Staff Report – Minor Resubdivision Case No. 2024-17-MIN

APPLICATION INFORMATION

- **Submittal Date:** 10/7/2024
- **Applicant / Property Owner**
Jamie Doster
JDK Construction
402 Honeysuckle Drive
Norco, LA 70079
504.606.4339; jdoster@jdkconstruction.net
- **Request**
Resubdivision of the South Half of Lot 12, Mule Subdivision Number One, Section Two, Square J and Lot 13, Square 9, Mule Subdivision Number Two, Section Two into Lot 13A.
 - Waiver required from the *Appendix A, Section IX. Nonconformities, item A.(2)* (related to the common ownership of adjacent nonconforming Lot 14).

SITE INFORMATION

- **Location:** between 460 & 470 Giacomo Drive and behind 598 Fifth Street, Norco
- **Size of Proposed Lots**
 - Lot 13A: 8,229 sq. ft.; 35 ft. wide at Giacomo Drive, 62.50 ft. wide on Mary Street
 - Adjacent Lot 14 measures 62.5 ft. wide but 5,275 sq. ft.
- **Current Zoning:** R-1A
- **Current Use:** undeveloped, cleared
- **Surrounding Zoning:** R-1A
- **Surrounding Uses:** The site is located in a developed residential neighborhood.
- **Traffic Access**
Frontage and access is broken down as follows:
 - South Half of Lot 12 has 35 ft. of frontage on Giacomo Street, an approximately 14 ft. wide road within a 50 ft. right-of-way. Driveway access is not currently developed but drainage is subsurface.
 - Lot 13 has 62.50 ft. of frontage on Mary Street, an approximately 11 ft. wide road within a 50 ft. right of way. Driveway access is not currently developed. Drainage is open swale along the front of the lot so a culvert will be necessary.

The frontage as described above will remain unchanged, but the resubdivision will result in a through lot between Giacomo Drive and Mary Street. The applicant intends on limiting access to Lot 13A from Mary Street, requiring driveway improvements over the open swale drainage.

- **Utilities**
Per Parish GIS water, sewer, and subsurface drainage facilities are along Giacomo Drive. Sewer and open swale drainage facilities are along Mary Street.

The Department of Waterworks offered no objection to the resubdivision but did note the lack of water facilities along Mary Street.

No objections were received from the Department of Public Works but they did raise concerns over the lot arrangement creating a through street between Giacomo Drive and Mary Street. It is the Department's understanding this is not the intention of the resubdivision and any connections between the streets will be limited to private driveways providing access for a home.

No comments were received from the Department of Wastewater.

Any necessary utility extensions is the responsibility of the property owner/developer and should be coordinated with the necessary Parish departments.

▪ **Development History**

Mule Subdivision Number One, Section Two was platted in 1950 on a plan by E.M. Collier, Land Surveyor. Number Two, Section Two was shown in 1966 as per plan #G.D1266 by Zummo Realty Co.

Permit history could not be found on either lot.

▪ **Flood Zone & Minimum Building Elevation**

1992 Flood Insurance Rate Map: A99

2013 Digital Flood Insurance Rate Map: AE +5

▪ **Coastal Program/EMU**

EMU-1 Eastbank Community (pages 6-4 through 6-9, St. Charles Parish Local Coastal Program, Ordinance 15-10-12; Appendix C to this agenda)

▪ **Plan 2030 Recommendation**

Low-to-Moderate Residential: Single-family detached dwellings; attached dwellings such as duplexes, patio/zero-lot line homes and townhomes; and accessory units. Neighborhood retail, services, offices, and institutions are also permitted in appropriate locations such as along transportation corridors or at intersections. (Over six dwellings per acre)

APPLICABLE REGULATIONS

Appendix A. Section VI. Zoning District Criteria

[I.] *R-1A. Single family residential detached conventional homes*—Medium density.

Policy statement: This district is composed of areas containing one-family dwellings constructed on a permanent foundation, connected to public utilities and which meet the architectural standards of a permanent residence. The district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the areas by requiring certain minimum yard and area standards to be met.

2. Spatial Requirements:

a. **Minimum lot size: Six thousand (6,000) square feet per family;** minimum width—sixty (60) feet.

b. Minimum yard sizes:

(1) Front—Twenty (20) feet.

(2) Side—Five (5) feet.

(3) Rear—Twenty (20) feet.

(4) For lots with less than one hundred (100) feet depth, front setback and rear setback shall be twenty (20) percent of lot depth respectively with a minimum of ten (10) feet to the front lot line and five (5) feet to the rear lot line.

(5) 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.

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.
 - 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.

Section IX. Nonconformities

Purpose: The purpose of this section is to outline provisions whereby nonconforming lots, structures, and uses are gradually upgraded to conform to the spirit and intent of this ordinance or are eliminated.

A. *Nonconforming lots:*

- (1) Any lot of record in existence before October 19, 1981 which does not meet the minimum width and/or area requirements for the zoning district in which it is located shall be considered a nonconforming lot of record.
 - a. Any portion of ground that does not meet the minimum width and/or area requirement for the zoning district in which it is located resulting from government action shall be considered a nonconforming lot of record.
- (2) **If two (2) or more nonconforming lots of record or two (2) or more portions of lots with continuous frontage in common ownership, and if one (1) or more of the lots does not meet the minimum width and/or area requirements for zoning district in which it is located, the land involved shall be required to resubdivide into a single lot for development or permitting.**
- (3) No portion of the land described immediately above shall be conveyed by sale or transfer if it does not meet the minimum width and/or area requirements for the zoning district in which it is located; however, the entire holding may be conveyed to a single owner. Nor shall any division of land lot be made which leaves remaining any portion of ground that does meet the minimum width and/or area requirements of the zoning district in which it is located.
- (4) A non-conforming lot of record may be developed if the proposed use and/or structure is permitted within the zoning district and if the proposed development meets all standards of the Zoning Ordinance.

Appendix C. Section III. Geometric Standards

C. *Lots*

1. **Size. The width, depth, area, and minimum building setback line shall conform to the St. Charles Parish Zoning Ordinance for the type of development.**
 - a. Corner Lot. Corner lots shall have extra width to permit setback lines on the side of the lots adjacent to a side street. The extra width shall be sufficient to allow the lot to meet the minimum zoning requirements of the St. Charles Parish Zoning Ordinance excluding the side street setback distance.
 - b. Width. The lot width at the minimum building setback line shall not be less than that specified by the St. Charles Parish Zoning Ordinance.

Appendix C. Section V. Administrative

B. *Variations and Exceptions.*

1. The regulations contained herein may be varied or modified where 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. The Planning Commission, with a supporting resolution of the Council, may grant such a waiver or modification of these regulations only when such requests meet the conditions of this subsection and are not detrimental to the public interest.

FINDINGS

This request consolidates 2 lots, the South Half of Lot 12, Mule Subdivision Number One, Section Two, Square J and Lot 13, Square 9, Mule Subdivision Number Two, Section Two into Lot 13A.

At 8,229 sq. ft., 62.50 ft. wide along Mary Street, and with frontage on both Mary Street and Giacomo Drive, proposed Lot 13A meets the minimum area and width requirements for the R-1A district along with geometric standards.

A resubdivision resulting in no net increase of lots is typically processed administratively. But this request comes before the Planning Commission due to adjacent Lot 14 being nonconforming and under common ownership.

At 5,275 sq. ft. Lot 14 is nonconforming to the required 6,000 sq. ft. minimum area of the R-1A district. Being contiguous and under common ownership with subject Lot 13 the St. Charles Parish Zoning Ordinance requires consolidation into a single lot. This is detailed further under Appendix A, Section IX. Nonconformities, item A(2) which states:

If two (2) or more nonconforming lots of record or two (2) or more portions of lots with continuous frontage in common ownership, and if one (1) or more of the lots does not meet the minimum width and/or area requirements for zoning district in which it is located, the land involved shall be required to resubdivide into a single lot for development or permitting.

While not directly a part of this resubdivision, approving the consolidation resulting in Lot 13A formalizes the nonconforming area of Lot 14, allowing it to remain as originally platted at 5,275 sq. ft. and developable.

In order to facilitate this aspect of the request a waiver from Appendix A, Section IX. Nonconformities, item A(2) is necessary, and the applicants submitted the corresponding waiver request form.

The Department does not object to the waiver, but does want to ensure the following items are noted:

- Under the Utilities sections of this report, Giacomo Drive is improved with water, sewer, and subsurface drainage. Mary Street is improved with sewer facilities and open swale drainage but lacks water. If Lot 14 is allowed to remain as it currently exists, it would not have direct access to Parish water along with any other private utilities not available along Mary Street. If approved, ensuring any resulting development on Lot 14 has access to the necessary public and private utilities is at the responsibility of the property owner-developer. The applicant states the plan is to utilize Lot 13A and its frontage on Giacomo Drive to provide utility connections to Lot 14. If this is the case, and if this resubdivision is approved, the Department requests a revised resubdivision plat showing a utility servitude through Lot 13A in favor of Lot 14.
- Under the Traffic Access section of this report, access to Lot 13A is proposed through a new driveway connection on Mary Street. Lot 14 currently has access from Mary Street via an unpaved driveway culvert. If the resubdivision is approved creating 13A and allowing Lot 14 to remain, a new home could be developed on each lot. While Mary Street is improved across Lots 13 and 14, its pavement width is approximately 11-12 feet wide with open swale drainage along one side. This minimal width and lack of space to pull over creates a situation where only one vehicle can traverse Mary Street at a time. This situation is amplified considering the church at 626 Fifth Street has a rear parking lot taking ingress-egress from Mary Street. If adding width to a culvert to mitigate the roadway width is considered with subsequent development, this must be coordinated with the Department of Public Works.

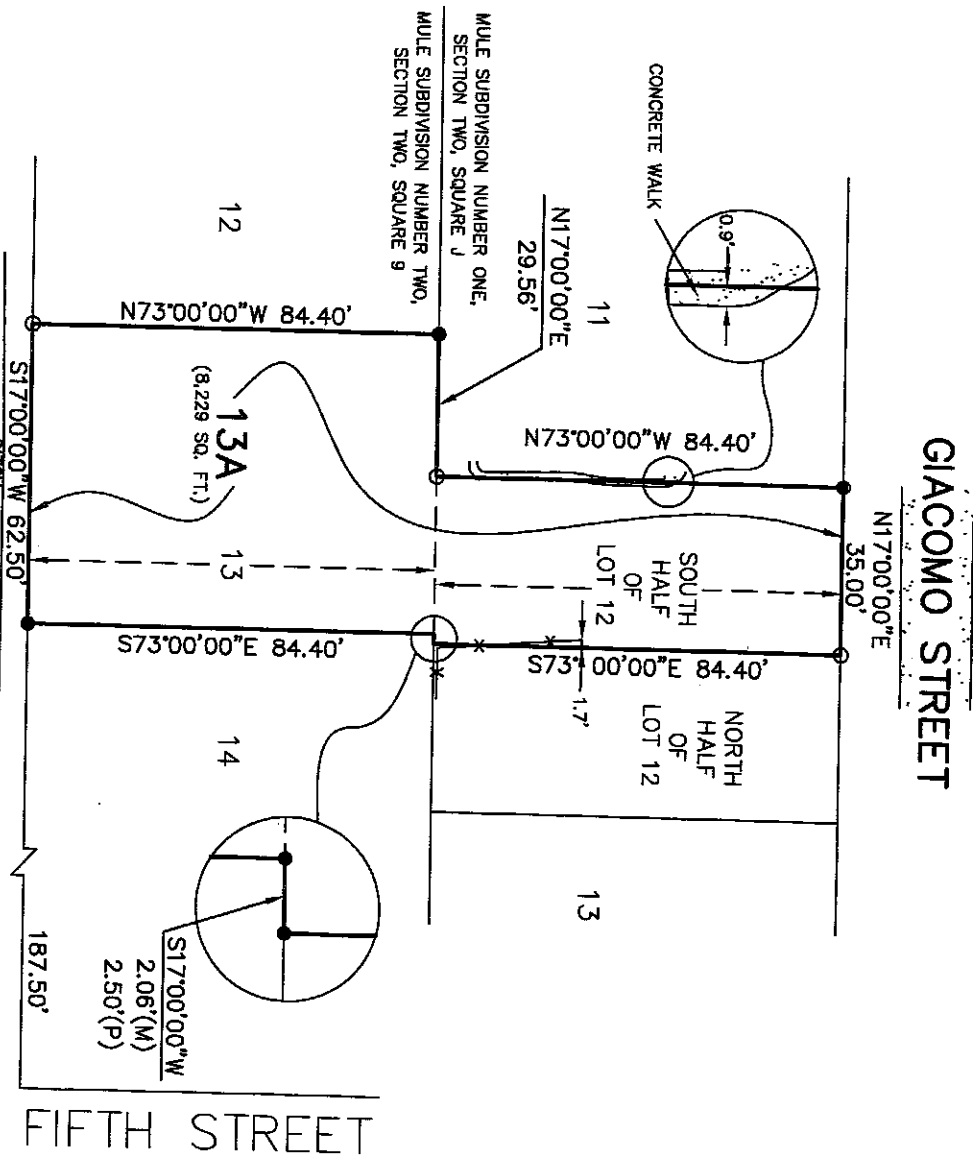
DEPARTMENT RECOMMENDATION

Approval, contingent on receipt of a revised resubdivision plat showing a Utility Servitude through Lot 13A in favor of Lot 14.

If the Planning Commission approves this request, it will be forwarded to the Parish Council for consideration of a supporting resolution.



FOURTH STREET (SIDE)

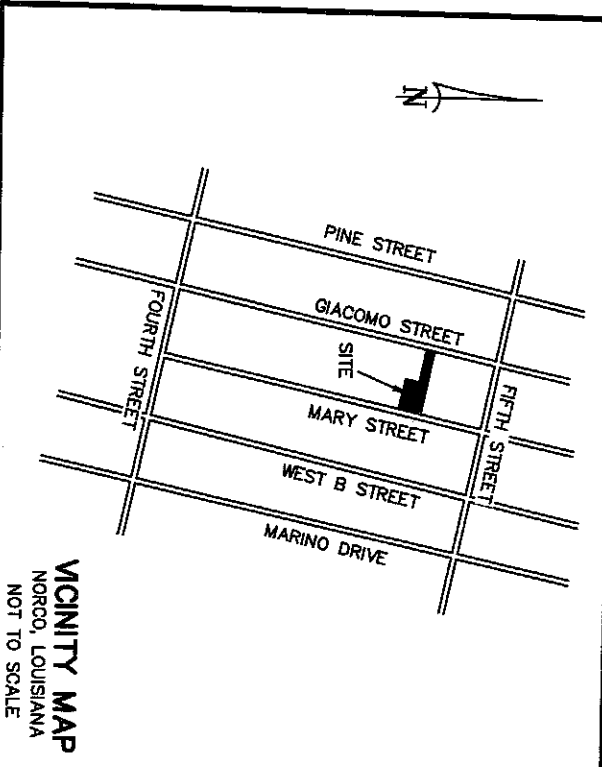


GIACOMO STREET
N17°00'00"E
35.00'

MARY STREET
DITCH

FIFTH STREET

OWNER: LOT 13
JDK CONSTRUCTION, LLC
402 HONEYSUCKLE DRIVE
NORCO, LA 70079
SOUTH HALF OF LOT 12
JOSEPHINE M. MULE
2919 GARDEN LANE
SUGAR LAND, TX 77479



VICINITY MAP
NORCO, LOUISIANA
NOT TO SCALE

APPROVED:

PARISH PRESIDENT _____ DATE _____

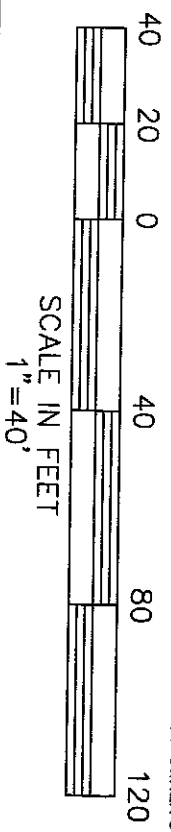
PLANNING COMMISSION CHAIR _____ DATE _____

COUNCIL CHAIR _____ DATE _____

CERTIFICATION: THIS IS TO CERTIFY THAT THIS PLAT IS MADE IN ACCORDANCE WITH LA. REVISED STATUTES 33:5051 ET. SEQ. AND CONFORMS TO ALL PARISH ORDINANCES GOVERNING THE SUBDIVISION OF LAND.

RECORDED IN THE CLERK OF COURT'S OFFICE
ST. CHARLES PARISH, LOUISIANA
ON THE _____ DAY OF _____ 20____
INSTRUMENT NUMBER _____

ALL NECESSARY SEWER, WATER AND/OR OTHER UTILITY EXTENSIONS, RELOCATIONS OR MODIFICATIONS SHALL BE MADE BY AND SOLELY AT THE LOT OWNER'S EXPENSE



DRAWING NO. MM3344
DRAWN BY: KP8

Stephen P. Flynn
STEPHEN P. FLYNN
P.L.S. LA. ST. REG. NO. 4668

TITLE: SURVEY PLAT AND RESUBDIVISION OF THE SOUTH HALF OF LOT 12, MULE SUBDIVISION NUMBER ONE, SECTION TWO, SQUARE J AND LOT 13, SQUARE 9, MULE SUBDIVISION NUMBER TWO, SECTION TWO INTO A LOT HERIN DESIGNATED AS LOT 13A, MULE SUBDIVISION NUMBER TWO, SECTION TWO SITUATED IN SECTION 6, T-12-S, R-8-E, NORCO, ST. CHARLES PARISH, LOUISIANA.
DATE: OCTOBER 3, 2024
SURVEY REFERENCE: MULE SUBDIVISION NUMBER ONE, SECTION TWO BY E.M. COLLIER DATED SEPTEMBER 1950.
BASIS OF BEARING: TAKEN FROM REFERENCED SURVEY PLAT.
SURVEYOR'S NOTES:

- A. THIS PLAT IS CORRECT AND IN ACCORDANCE WITH A PHYSICAL SURVEY MADE ON THE GROUND UNDER THE DIRECTION OF THE UNDERSIGNED AND COMPLES WITH THE REQUIREMENTS OF LOUISIANA'S STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS FOR A CLASS B SURVEY.
- B. NO TITLE OPINION WAS PROVIDED TO THIS FIRM, THEREFORE NO CERTIFICATION IS GIVEN TO THE EXISTENCE OF OTHER SERVITUDES OR EASEMENTS WHICH MAY EXIST OTHER THAN THOSE SHOWN.
- C. NO UNDERGROUND LINES OR CONDUITS SHOWN.
- D. MINIMUM SETBACK LINES AND SERVITUDES SHOWN ARE BASED ON THE REFERENCED SURVEY PLAT. THE APPROPRIATE PARISH AUTHORITY OR NEIGHBORHOOD REGULATORY BOARD SHOULD BE CONSULTED FOR FINAL DETERMINATION.



RIVERLANDS SURVEYING CO.

505 HEMLOCK STREET, LAPLACE, LA. 70068
1-800-248-6982 / 985-652-6356
office@riverlandsurveying.com / www.riverlandsurveying.com

Name: Jamie Doster for JDK Construction

Address: 465 Mary Street, Norco

Case Number: 2024- 17 -MIN

Members of the St. Charles Parish Planning Commission:

This minor resubdivision request does not meet all requirements of the St. Charles Parish Subdivision Regulations of 1981, specifically:


- **Section III.C.1. Size. The width, depth, area, and minimum building setback line shall conform to the St. Charles Parish Zoning Ordinance for the type of development.**

The literal enforcement of these provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question, which includes:

South half of Lot 12 to be used to run
Utilities to Lot 13 A & Lot 14
Water, Sewage & Gas

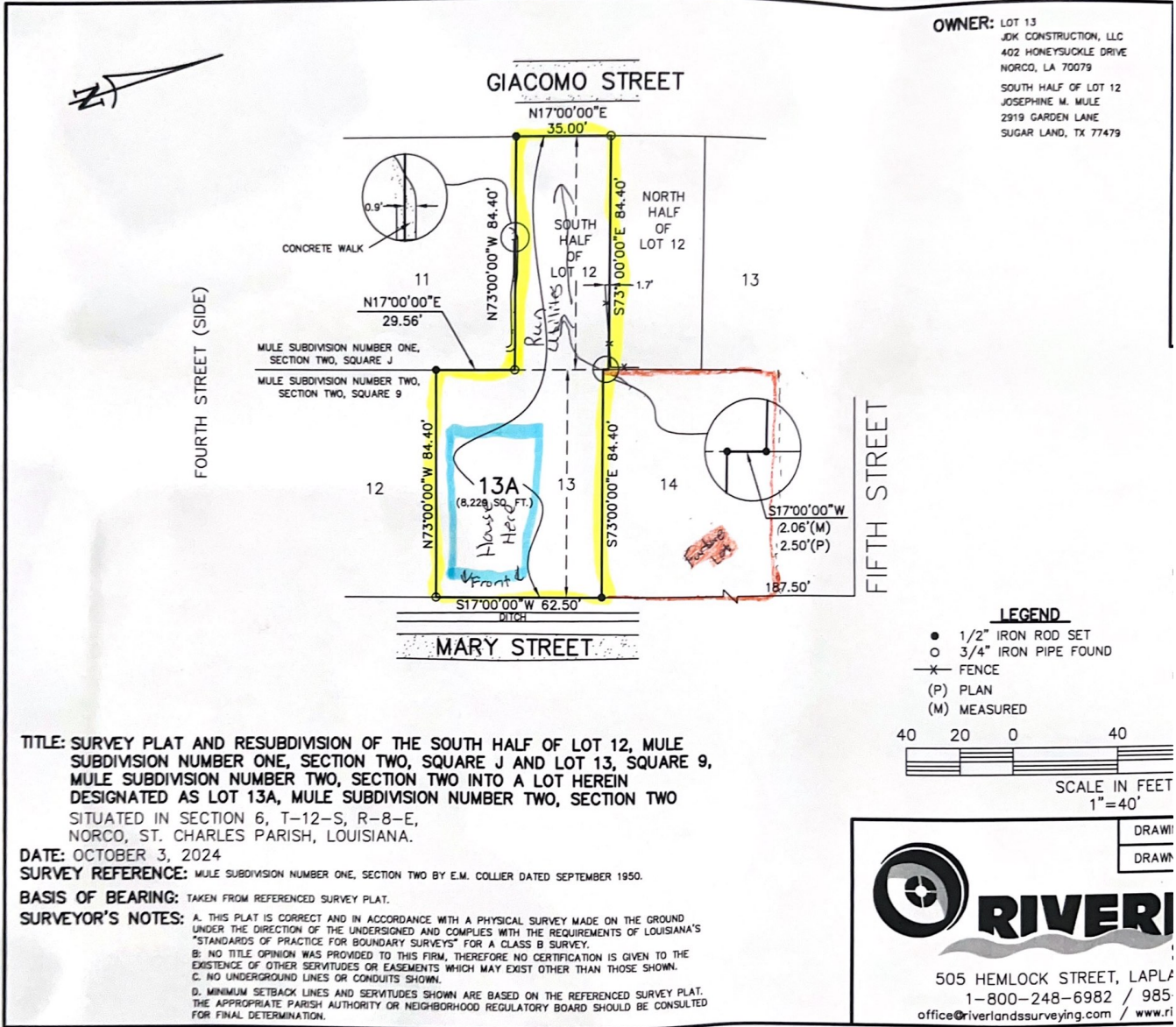
Please consider this waiver request with my application.

Thank you.

Applicant Signature: 

Applicant Signature: _____

Date: 10-21-24



TITLE: SURVEY PLAT AND RESUBDIVISION OF THE SOUTH HALF OF LOT 12, MULE SUBDIVISION NUMBER ONE, SECTION TWO, SQUARE J AND LOT 13, SQUARE 9, MULE SUBDIVISION NUMBER TWO, SECTION TWO INTO A LOT HEREIN DESIGNATED AS LOT 13A, MULE SUBDIVISION NUMBER TWO, SECTION TWO SITUATED IN SECTION 6, T-12-S, R-8-E, NORCO, ST. CHARLES PARISH, LOUISIANA.

DATE: OCTOBER 3, 2024
SURVEY REFERENCE: MULE SUBDIVISION NUMBER ONE, SECTION TWO BY E.M. COLLIER DATED SEPTEMBER 1950.

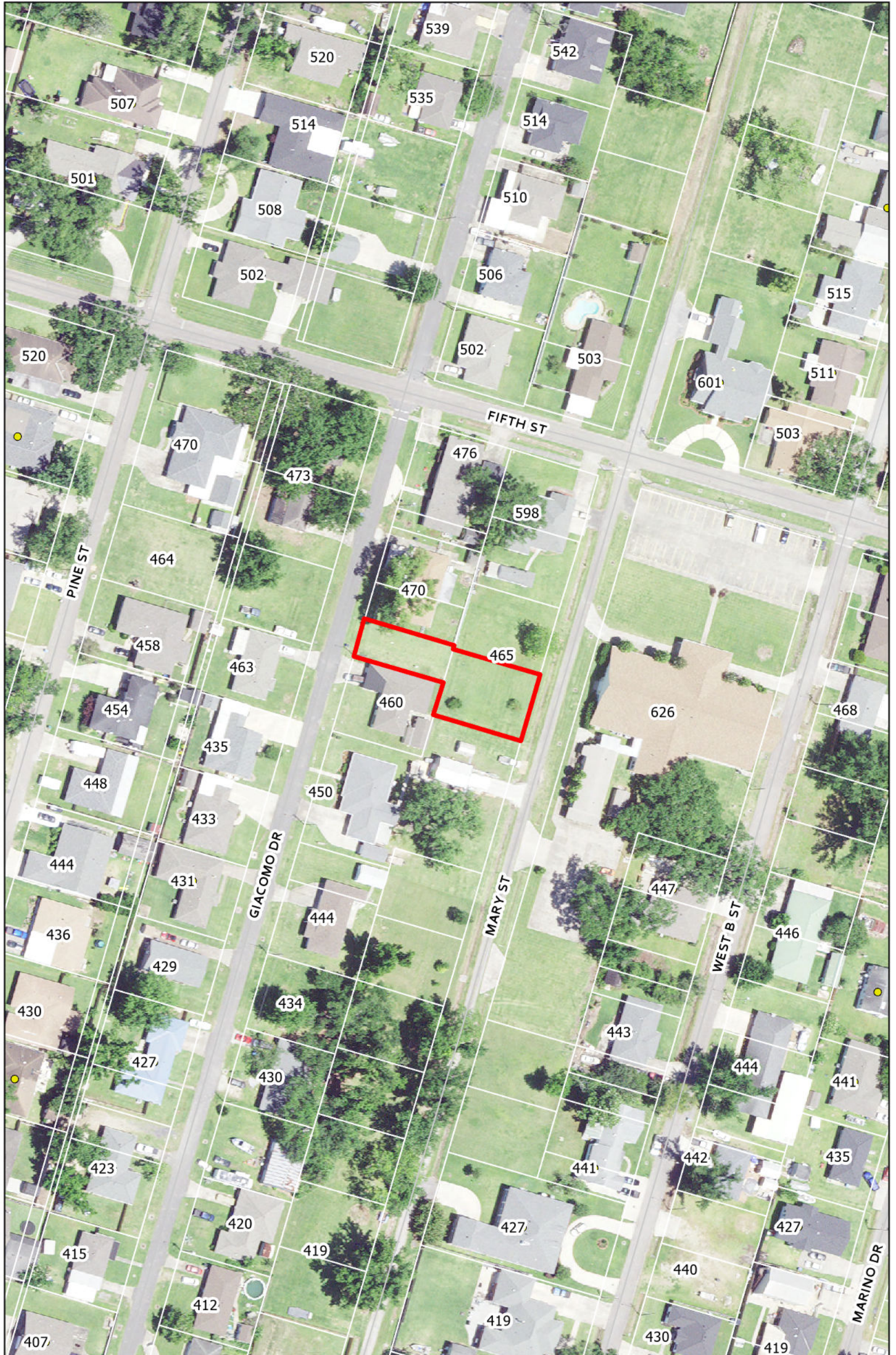
BASIS OF BEARING: TAKEN FROM REFERENCED SURVEY PLAT.

SURVEYOR'S NOTES:

- THIS PLAT IS CORRECT AND IN ACCORDANCE WITH A PHYSICAL SURVEY MADE ON THE GROUND UNDER THE DIRECTION OF THE UNDERSIGNED AND COMPLIES WITH THE REQUIREMENTS OF LOUISIANA'S "STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS" FOR A CLASS B SURVEY.
- NO TITLE OPINION WAS PROVIDED TO THIS FIRM, THEREFORE NO CERTIFICATION IS GIVEN TO THE EXISTENCE OF OTHER SERVITUDES OR EASEMENTS WHICH MAY EXIST OTHER THAN THOSE SHOWN.
- NO UNDERGROUND LINES OR CONDUITS SHOWN.
- MINIMUM SETBACK LINES AND SERVITUDES SHOWN ARE BASED ON THE REFERENCED SURVEY PLAT. THE APPROPRIATE PARISH AUTHORITY OR NEIGHBORHOOD REGULATORY BOARD SHOULD BE CONSULTED FOR FINAL DETERMINATION.

2024-17-MIN
2 lots into 1 lot with waiver

1" = 100'

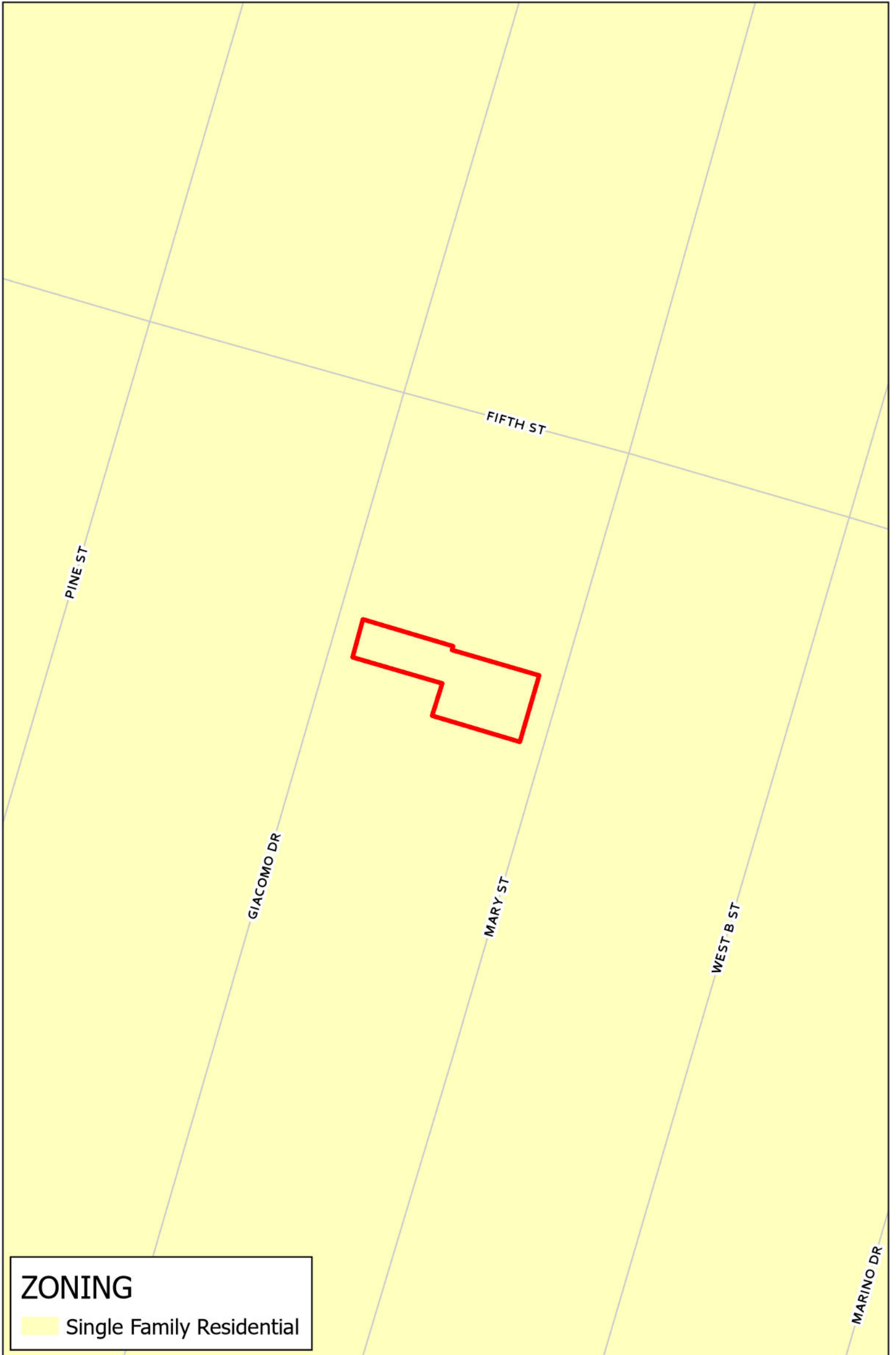


2024-17-MIN
2 lots into 1 lot with waiver



1" = 100'

N

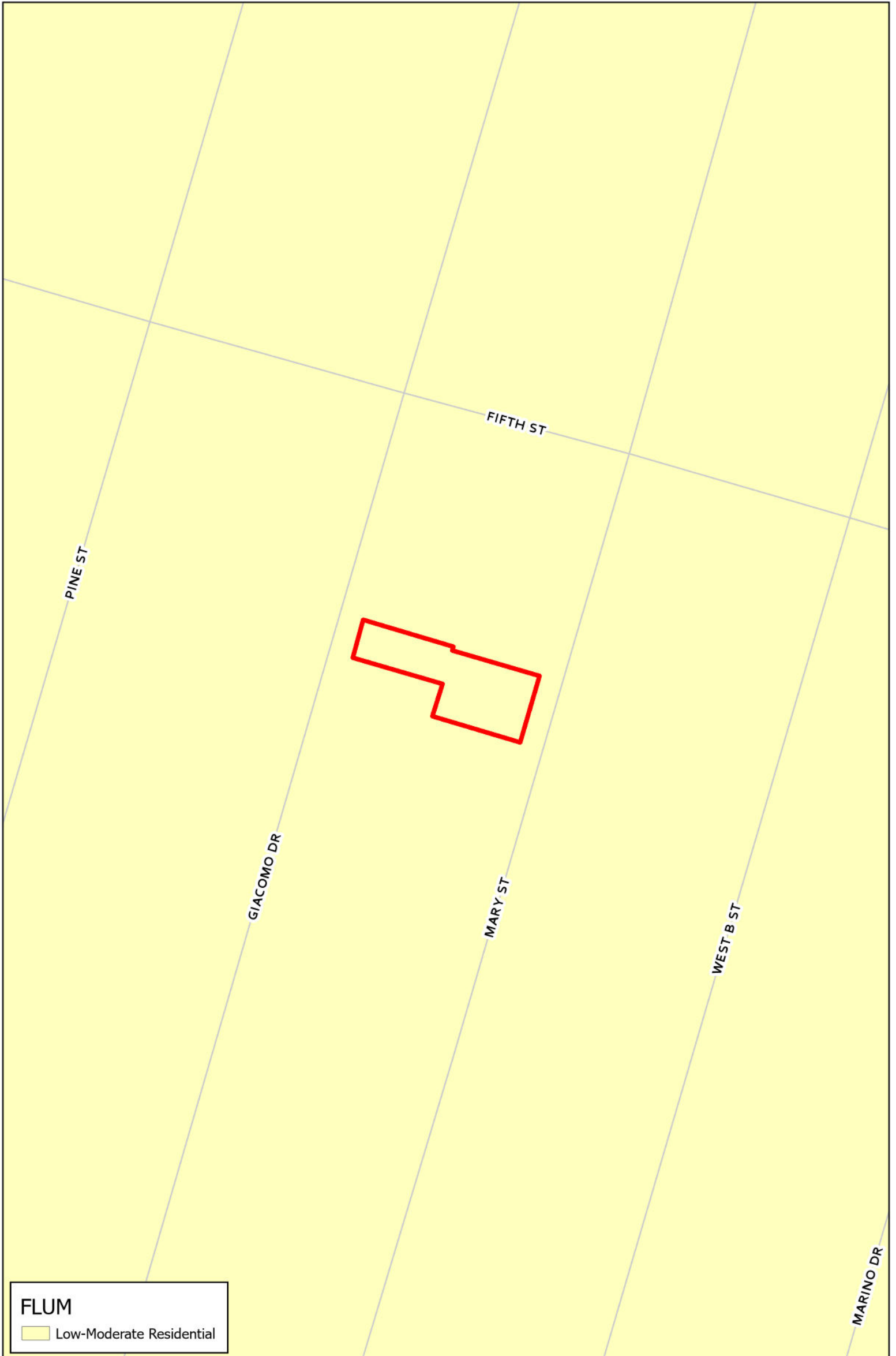


ZONING

Single Family Residential

2024-17-MIN
2 lots into 1 lot with waiver

1" = 100'





Department of Planning & Zoning Staff Report – Minor Resubdivision Case No. 2024-40-ADM

APPLICATION INFORMATION

- **Submittal Date:** 10/9/2024
- **Applicant / Property Owner**
Tara Dufrene
Gisclair Properties, LLC
100 Cove Pointe Drive
Luling, LA 70070
- **Request**
Resubdivision of Lots 4-C, 5-C, and 6-C, Ellington Plantation, into Lots 4-C-1 and 6-C-1.
 - Waiver required from *Appendix C. – Subdivision Regulations, Section III.C.1 Size.*
 - Waiver required from *Appendix C. – Subdivision Regulations, Section III.E. Building Lines*

SITE INFORMATION

- **Location:** 12621 & 12625 River Road, Luling
- **Size of Proposed Lots**
 - Lot 4-C-1: 143,748 sq. ft.; 100.69 ft. wide
 - Lot 6-C-1: 12,987 sq. ft.; 50.34 ft. wide
- **Current Zoning:** O-L, Open Land
- **Current Use**
Site-built home across Lots 4-C and 5-C and various accessory structures. An additional single-family home and shed is located on Lot 6-C.

The single-family home crossing the lot lines of Lot 4-C and 5-C is addressed 12625 River Road and will be located within proposed Lot 4-C-1. The home confined to Lot 6-C at 12621 River Road will be located within proposed Lot 6-C-1.
- **Surrounding Zoning:** O-L, C-2, and M-2
- **Surrounding Uses**
The area is situated between River Road and the Union Pacific Railroad, where the primary use includes single-family homes on long tracts extending off River Road, with rear yards backing up to the railroad/Bayer facility.
- **Traffic Access**
The site has frontage on River Road. The home at 12625 River Road is improved with a concrete driveway. This access will be maintained for Lot 4-C-1. The home at 12621 River Road is improved with an aggregate driveway. This access will be maintained for Lot 6-C-1.
- **Utilities**
According to Parish GIS, water, sewer, and drainage facilities are along River Road.

No comments of note or objections were received from the Departments of Public Works, Wastewater, and Waterworks.

- **Development History**
Lots 4-C, 5-C, and 6-C are shown on the map titled Sub-Division of a Portion of Ellington Plantation by E.M. Collier, PLS dated August 1947.
- **Flood Zone & Minimum Building Elevation**
1992 Flood Insurance Rate Map: X Zone
2013 Digital Flood Insurance Rate Map: X Zone
- **Coastal Program/EMU**
EMU-8 Westbank Community (pages 6-39 through 6-46, St. Charles Parish Local Coastal Program, Ordinance 15-10-12; Appendix B to this agenda)
- **Plan 2030 Recommendation**
Low-to-Moderate Residential: Single-family detached dwellings; attached dwellings such as duplexes, patio/zero-lot line homes and townhomes; and accessory units. Neighborhood retail, services, offices, and institutions are also permitted in appropriate locations such as along transportation corridors or at intersections. (Over six dwellings per acre)

APPLICABLE REGULATIONS

Appendix A. Section VI. Zoning District Criteria

[I.] O-L. Open Land District:

Policy statement: This district is composed mainly of large open unsubdivided land that is vacant or in agricultural, forestry or residential use. The regulations are designed to protect the open character of the district, and to allow residents to retain their traditional ways of living, by prohibiting the establishment of scattered business, industrial and other uses that are unrelated to any general plan of development and that might inhibit the best future utilization of the land. It is intended that land in these districts will be reclassified to its appropriate residential, commercial or industrial category in accordance with the amendment procedure set forth in the St. Charles Parish Code.

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.

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.
- 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

C. Lots

- 1. **Size. The width, depth, area, and minimum building setback line shall conform to the St. Charles Parish Zoning Ordinance for the type of development.**
 - a. Corner Lot. Corner lots shall have extra width to permit setback lines on the side of the lots adjacent to a side street. The extra width shall be sufficient to allow the lot to meet the minimum zoning requirements of the St. Charles Parish Zoning Ordinance excluding the side street setback distance.
 - b. Width. The lot width at the minimum building setback line shall not be less than that specified by the St. Charles Parish Zoning Ordinance.

E. Building Lines. Building setback lines shall meet the minimum requirements of the St. Charles Parish Zoning Ordinance for the type of development.

Appendix C. Section V. Administrative

B. Variations and Exceptions.

- 1. The regulations contained herein may be varied or modified where 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. The Planning Commission, with a supporting resolution of the Council, may grant such a waiver or modification of these regulations only when such requests meet the conditions of this subsection and are not detrimental to the public interest.

FINDINGS

The applicants request resubdivision of Lots 4-C, 5-C, and 6-C into two lots, 4-C-1 and 6-C-1.

Each lot meets the minimum 50 ft. width, and proposed Lot 4-C-1 meets the minimum 20,000 sq. ft. area required under O-L zoning.

Geometric Standards are not fully met on proposed Lot 6-C-1, necessitating what could normally be an administrative lot consolidation to receive Planning Commission consideration and approval of waivers. The requirements not met per Appendix C., Section III include:

- o *C.1. Size. The width, depth, area, and minimum building setback line shall conform to the St. Charles Parish Zoning Ordinance for the type of development.*
- o *E. Building Lines. Building setback lines shall meet the minimum requirements of the St. Charles Parish Zoning Ordinance for the type of development.*

At 12,987 sq. ft. Lot 6-C-1 does not meet the minimum 20,000 sq. ft. area requirement of the O-L district. Additionally, the home shown on Lot 6-C-1 is developed with an attached patio cover extending to the common lot line with proposed Lot 4-C-1. A 10 ft. side yard setback is required under O-L zoning.

The applicants signed a waiver request from the above requirements.

The Department does not support the waiver from the Size (minimum lot area) requirement for the following reasons:

- o This requirement is currently met by existing Lot 6-C, and with proposed Lot 4-C-1 consisting of 143,748 sq. ft. space is available to maintain compliance with this minimum requirement for Lot 6-C-1.
- o There's no apparent hardship or peculiar condition identified by the Department nor applicant necessitating the proposed lot arrangement and resulting deficiency.
 - Extending the rear line of 6-C-1 back to provide the 20,000 sq. ft. would encompass an existing accessory structure, but this accessory structure already shares Lot 6-C with the existing residence shown on 6-C-1. The building arrangement would be unchanged. If this shift is required to meet the minimum area, there would be a setback deficiency but as detailed in the following section, the Department would not object.

The Department does not object to the waiver from the Building Line (setbacks) requirement for the following reasons:

- This is an existing nonconformity which will not increase as a result of this resubdivision.
- Space is available between the existing structures to shift the common lot line and provide the required 10 ft., but doing so would split the existing hard surface driveway and access to River Road for the home on 4-C-1 across the two lots.

Due to objecting to the waiver needed from the minimum area requirement, the Department cannot support this resubdivision.

DEPARTMENT RECOMMENDATION

Denial.

If the Planning Commission approves this request, it will be forwarded to the Parish Council for consideration of a supporting resolution.



LEGEND

- 1/2" IRON ROD SET
- 1/2" IRON ROD FOUND
- ⊙ 3/4" IRON PIPE FOUND
- ⊕ POWER POLE
- POWER LINE

LOT #	AREA
4-C-1	3.30 ACRES
6-C-1	12,987 SQ. FT.

LINE	BEARING	DISTANCE
L1	S26°00'04"W	256.80'
L2	S63°59'56"E	50.00'
L3	S26°00'04"W	777.62'
L4	N74°01'56"W	152.33'
L5	N26°00'04"E	1049.22'
L6	S70°41'47"E	100.69'

LINE	BEARING	DISTANCE
L8	N70°41'47"W	50.34'
L1	S26°00'04"W	256.80'
L2	S63°59'56"E	50.00'
L7	N26°00'04"E	262.68'

OWNER:

4-C & 5-C
 SYLVIA KELLER
 ESTATE OF GISCLAIR
 100 COVE POINT DRIVE
 LULING, LA 70070

B-C
 GISCLAIR PROPERTIES, L.L.C.
 100 COVE POINT DRIVE
 LULING, LA 70070

APPROVED:

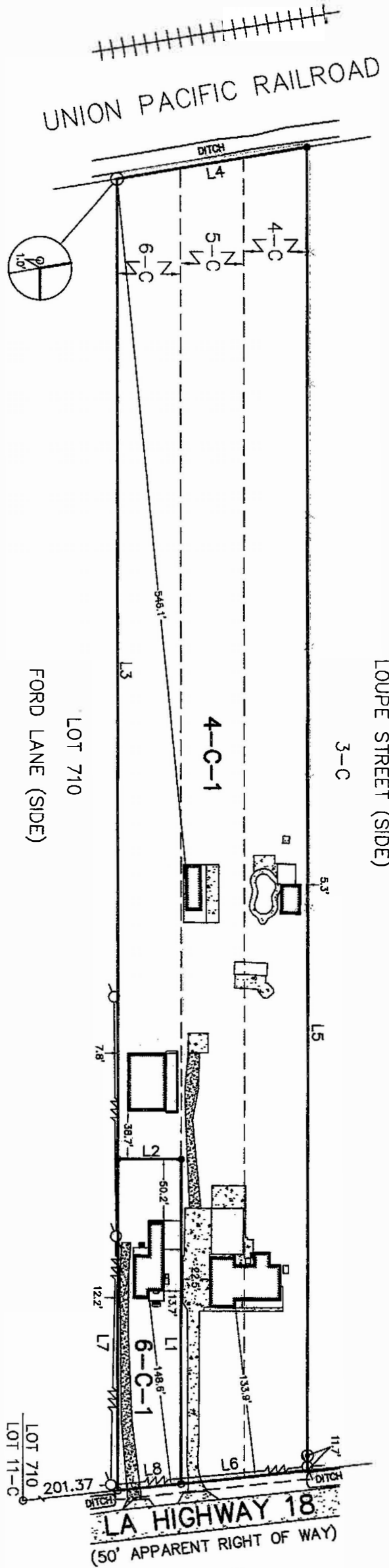
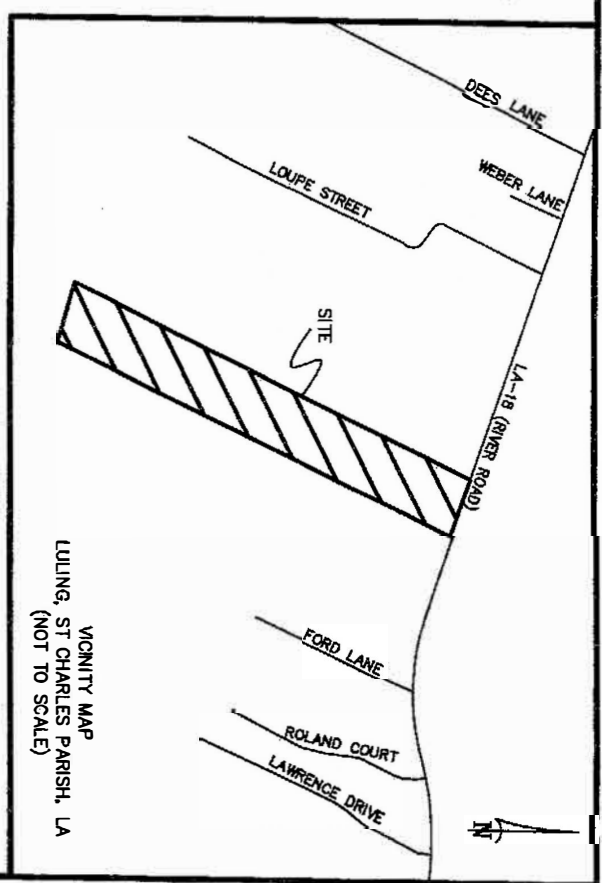
PARISH PRESIDENT	DATE

COUNCIL CHAIR	DATE

COMMISSION CHAIR	DATE

CERTIFICATION: THIS IS TO CERTIFY THAT THIS PLAT IS MADE IN ACCORDANCE WITH LA. REVISED STATUTES 33:5051 ET. SEQ. AND CONFORMS TO ALL PARISH ORDINANCES GOVERNING THE SUBDIVISION OF LAND.

RECORDED IN THE CLERK OF COURT'S OFFICE
 ST. CHARLES PARISH, LOUISIANA
 ON THE _____ DAY OF _____ 20____
 INSTRUMENT NUMBER _____
 ALL NECESSARY SEWER, WATER AND/OR OTHER UTILITY
 EXTENSIONS, RELOCATION'S OR MODIFICATIONS SHALL BE MADE BY
 AND SOLELY AT THE LOT OWNER'S EXPENSE



TITLE: RESUBDIVISION OF LOTS 4-C, 5-C AND 6-C OF ELLINGTON PLANTATION INTO LOTS 4-C-1 AND 6-C-1 OF ELLINGTON PLANTATION.

SITUATED IN T-13-S, R-21-E,
 LULING, ST. CHARLES PARISH, LOUISIANA.

DATE: JUNE 18, 2024

SURVEY REFERENCE: 1. SURVEY PLAT OF A PORTION OF ELLINGTON PLANTATION BY STEPHEN P. FLYNN, PLS DATED 8/2/2008.
 2. RESUBDIVISION OF LOTS 7-C, 8-C, 9-C & 10-C SUBDIVISION OF A PORTION OF ELLINGTON PLANTATION INTO LOT 710 BY LIJEN C. GASSEN, PLS DATED 4/14/2003.
 3. SUB-DIVISION OF A PORTION OF ELLINGTON PLANTATION BY E.M. COLLIER, SUR. DATED AUGUST 1947.

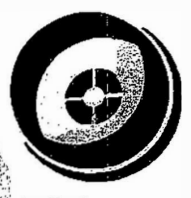
BASIS OF BEARING: BEARINGS HEREON ARE REFERENCED TO THE LOUISIANA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE 1702, NORTH AMERICAN DATUM OF 1983 (NAD2011), USING A LEICA SMARTNET GNSS SOLUTION DATED 5/14/2024.

FLOOD NOTE: THE SURVEYED PARCEL IS IN ZONE "X" PER FEDERAL INSURANCE RATE MAP NUMBER 220160-0150C DATED 6/16/1992.

SURVEYOR'S NOTES:

- A. THIS PLAT IS CORRECT AND IN ACCORDANCE WITH A PHYSICAL SURVEY MADE ON THE GROUND UNDER THE DIRECTION OF THE UNDERSIGNED AND COMPLES WITH THE REQUIREMENTS OF LOUISIANA'S "STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS" FOR A CLASS B SURVEY.
- B. NO TITLE OPINION WAS PROVIDED TO THIS FIRM, THEREFORE NO CERTIFICATION IS GIVEN TO THE EXISTENCE OF OTHER SERVITUDES OR EASEMENTS WHICH MAY EXIST OTHER THAN THOSE SHOWN.
- C. NO UNDERGROUND LINES OR CONDUITS SHOWN.
- D. MINIMUM SETBACK LINES AND SERVITUDES SHOWN ARE BASED ON THE REFERENCED SURVEY PLAT.

THE APPROPRIATE PARISH AUTHORITY OR NEIGHBORHOOD REGULATORY BOARD SHOULD BE CONSULTED FOR FINAL DETERMINATION.



RIVERLANDS SURVEYING CO.

505 HEMLOCK STREET, LAPLACE, LA. 70068
 1-800-248-6982 / 985-652-6356
 office@riverlandssurveying.com / www.riverlandssurveying.com

DRAWING NO. MM3281
 DRAWN BY: KPH

Stephen P. Flynn
 STEPHEN P. FLYNN
 P.L.S. LA. ST. REG. NO. 4668

Name: Gisclair Properties, LLC

Address: 12625 & 12621 River Road, Luling

Case Number: 2024-40-ADM

Members of the St. Charles Parish Planning Commission:

This minor resubdivision request does not meet all requirements of the St. Charles Parish Subdivision Regulations of 1981, specifically:

- **Section III.C.1. Size. The width, depth, area and minimum building setback line shall conform to the St. Charles Parish Zoning Ordinance for the type of development.**
 - **Proposed Lot 6-C-1 does not meet spatial requirements of 20,000 sq. ft. as per Appendix A. Section VI. A. [I.]2.a.**
 - **Proposed Lot 6-C-1 shows a structure that does not meet setback requirements of 10 feet as per Appendix A. Section VI. A.[I.]2.c.**

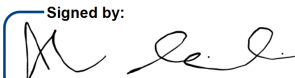
The literal enforcement of these provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question, which includes:

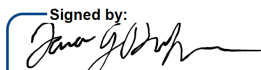
Please consider this waiver request with my application.

Thank you.

Applicant Signature:  Signed by: CE192DCD823D465...

Date: 10/10/2024

 Signed by: C9444B8FCE3A429...

 Signed by: 249AEFDB22BD4C4...

2024-40-ADM
3 lots into 2 lots with waiver

1" = 200'

N





1" = 200'



ZONING

-  Batture—Industrial
-  General Commercial - Retail Sales
-  Heavy Manufacturing
-  Open Land
-  Single Family - Recreational Vehicle Park



1" = 200'

N



FLUM

- Commercial
- Heavy Industrial
- Industrial Buffer
- Low-Moderate Residential



Department of Planning & Zoning Staff Report – Map Amendment Case No. 2024-20-R

APPLICATION INFORMATION

- **Submittal Date:** 10/14/2024
- **Applicant / Property Owner**
Robert V. Gilbert, Jr.
11 Azalea Court
Luling, LA 70070
504.382.9096; robbyg@pedalvalve.com

FOR

Nancy Reese Bush, et al
200 Dominican Drive, Apt. 4208
Madison, MS 39110

- **Request**
Change of zoning:
 - Current - R-3, Multi-family residential; R-1A, Single family residential detached conventional homes - Medium density
 - Proposed - C-3, Highway commercial district -Wholesale and retail sales; O-L, Open Land District

SITE INFORMATION

- **Location**
44.5 acre tract, “Lot 1”, off Lakewood Drive, Luling
- **Size**
The site totals 44.5 acres
 - Approximately 12.5 acres are zoned R-3, where C-3 is proposed
 - Approximately 32 acres are zoned R-1A, where O-L is proposed
- **Current Use:** undeveloped and wooded
- **Surrounding Zoning**
The predominant zoning in the area is R-1A, which is adjacent to the Lakewood Drive and Barrett Drive sides. W zoning is adjacent to the Willowdale Boulevard side.

Towards the front of the site R-3 and C-1 zoning is adjacent to the Lakewood Drive and Apartment Drive sides. C-2 is the primary commercial district, focused along Highway 90. The nearest C-3 district covers the Winn-Dixie at 12125 Highway 90.
- **Surrounding Uses**
The primary use in the area and abutting the subject site is that of a developed single-family residential neighborhood.

A mix of uses are centralized around the front of the site closer to Highway 90. This includes small scale commercial businesses and offices, townhomes, and apartments. Higher impact commercial fronts Highway 90 itself, including hotels, gas stations, automotive repair, and a supermarket.

Institutional uses found in the vicinity include the St. Charles Parish West Regional Library, New LIFE Community Church, and Holy Family Catholic Church.

▪ **Zoning History**

The R-3 and R-1A zoning districts were established in 1981.

▪ **Traffic Access**

The site does not have existing driveway access but there are two areas where it may be arranged:

- Approximately 64 ft. of frontage near 131 Lakewood Drive
- 50 ft. along an unimproved street-stub between 153 & 155 Lakewood Drive, in alignment with Birch Street.

Providing access to this site must negotiate the following:

- A small berm/levee encloses the site. This must be traversed in order to develop driveway access from either of the above frontage points.
- The Birch street stub extension is unimproved. Improvements to this portion of right-of-way to Parish standards may be needed to attain access.

▪ **Utilities**

The Parish GIS map shows drainage, water, and sewer facilities along Lakewood Drive.

The street stub referenced in the previous section is unimproved, with no extensions of public facilities present. A developer of this site, either under the current or proposed zoning, would be responsible for the extension of necessary facilities.

▪ **Flood Zone & Minimum Building Elevation**

1992 Flood Insurance Rate Map: X Zone & AE4

2013 Digital Flood Insurance Rate Map: AE5 & AE6

▪ **Coastal Program/EMU**

EMU-8 Westbank Community (pages 6-39 through 6-46, St. Charles Parish Local Coastal Program, Ordinance 15-10-12; Appendix B to this agenda)

▪ **Future Land Use Recommendation**

Low-to-Moderate Residential – Single-family detached dwellings; attached dwellings such as duplexes, patio/zero-lot line homes and townhomes; and accessory units. Neighborhood retail, services, offices and institutions are also permitted in appropriate locations such as along transportation corridors or at intersections. (over six dwellings per acre)

Recommended Zoning Districts: R-1A (6,000 sf. min. lot size), R-1B (10,000 sf. min. lot size), R-1AM (accessory units and individual mobile homes)

APPLICABLE REGULATIONS

Appendix A. Section VI. – Zoning District Criteria and Regulations

[I.] O-L. Open Land District:

Policy statement: This district is composed mainly of large open unsubdivided land that is vacant or in agricultural, forestry or residential use. The regulations are designed to protect the open character of the district, and to allow residents to retain their traditional ways of living, by prohibiting the establishment of scattered business, industrial and other uses that are unrelated to any general plan of development and that might inhibit the best future utilization of the land. It is intended that land in these districts will be reclassified to its appropriate residential, commercial or industrial category in accordance with the amendment procedure set forth in the St. Charles Parish Code.

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 and uses.
- (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 right of passage to access the structure exist or is provided for, is recorded into the deed of the property, and is filed with the Clerk of Court.
- (13) Lawn Care Service subject to the requirements of Section VII.

- (14) Historic Home Site Bed and Breakfast.
- 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.
 - (12) Transmission towers.
 - (13) Solar Energy System, Large (LSES), in accordance with Section VII, Supplemental Use and Performance Regulations 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.

[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) Automobile 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) Automotive repair, minor and major
 - (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.
 - (11) Automobile Fleet Services: Examples include rental car facilities, overnight truck parking, dispatch locations, and any use related to the temporary or periodical parking of operative motor vehicles.
- 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, 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.
 - 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 A. Section XV. - Amendment procedure

- D. Rezoning guidelines and criteria: The proponent for a change should present reasonable factual proof that two or more of the following criteria are met:
 - 1. The proposed rezoning conforms to land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zone that is incompatible with the surrounding neighborhood.
 - 2. The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property, and that the proposed zoning does. In order to determine what is reasonable use of the property, the proponent for the zoning change should consider one or more of the following:
 - a. Consideration of uses on adjacent properties that would limit the use of the site under consideration.
 - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
 - c. Consideration of changes in land value, physical environment or economic aspects which can be shown to limit the usefulness of vacant land or buildings.
 - 3. Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.

The Planning Staff shall base rezoning analyses on these criteria but shall not be prohibited from factoring unique circumstances of the application into the analysis. The Planning and Zoning Commission may state in its recommendations to the Council: its concurrence with, or rejection of, any or all of the proponents' case for the

suggested amendment, and/or its position relative to proponents' statements on the case. Planning Staff analyses and recommendations shall be forwarded to the Council along with the Commission's recommendations.

- E. Rezoning approval criteria: Before the Council votes to approve a rezoning, there should be reasonable factual proof by the applicant that:
 - 1. The proposed map amendment is in compliance, or is not in conflict, with the goals and recommendations of the St. Charles Parish Comprehensive Plan and Future Land Use Map, also
 - 2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

REZONING GUIDELINE & CRITERIA EVALUATION

1. *The proposed rezoning conforms to the land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zoning that is incompatible with the surrounding neighborhood.*

The site is under the *Low-to-Moderate Residential* Future Land Use Map designation, which primarily anticipates development of those residential uses typical of the R-1A, R-1B, and R-1A(M) zoning districts. Some consideration for small-scale neighborhood commercial is provided, but only in appropriate locations such as along transportation corridors and/or at intersections. Neither the C-3 nor O-L district fit the development pattern anticipated by this designation and do not further the goals of the Comprehensive Plan. **The request does not meet the first guideline.**

2. *The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property and the proposed zoning does.*

The existing R-3 and R-1A zoning was established in 1981 and the surrounding area has been developed in alignment with the zoning pattern on site. This includes multi-family townhomes, apartments, and neighborhood commercial along the R-3 portion and site-built single family homes along the R-1A portion. This zoning and development pattern has remained consistent for several decades and no changes or shifts have occurred which would somehow impact reasonable use of the property under current zoning.

Specifically, the location of the R-3 zoned portion of this site is appropriate and ideal. It abuts existing townhomes and apartments, the housing type it permits would fill a need, and a higher concentration of residents near Highway 90 would benefit the businesses located along that portion of the corridor. Similarly, the R-1A zoned portion of the site abuts similar single-family development, permitting compatible, low-impact residential uses appropriate for those areas further back from the highway. **The request does not meet the second guideline.**

3. *Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.*

C-3 uses, which includes wholesale, warehousing, manufacturing/fabrication, and various trades, are not compatible with the existing neighborhood, which is developed with apartments, single-family homes, religious institutions, and low intensity, neighborhood scale businesses. Additionally, the transportation requirements detailed under the C-3 district calls for access on arterial streets (highways). Lakewood Drive is considered a collector street and is not appropriate for the type of traffic generated by C-3 uses. While not as much of a departure compared to C-3, the proposed O-L district could permit uses such as farming, animal husbandry, and manufactured homes, none of which are compatible with the surrounding area. **The request does not meet the third guideline.**

DEPARTMENT RECOMMENDATION

Denial, due to not meeting any rezoning criteria.

This request will be forwarded with the Planning Commission's recommendation to the Parish Council for a second public hearing and final determination.

How does the proposed zoning conform to the Comprehensive Plan Future Land Use Map designation?

Changing the zoning from R-3 to C-3 and R-1 to OL conforms well to the map designation upon review. It shows a desire to have a mixture of commercial and multifamily homes followed by single family residences to keep a low moderate residential area. Our proposed zoning conforms to this. We want to build one office building for Pedal Valves, Inc. with minimal to no customers visiting the property. Face to face customer meetings happen on site. We want to use the OL property to construct no more than 4 family residences, leaving a large part of the property wooded. In keeping with the goal of the parish's plan to improve drainage in the parish, we have already spoken to officials and agreed to cooperate to develop a drainage program that will work with and possibly improve existing drainage infrastructure. Along with this we are submitting a drainage impact survey that will help us make this happen.

How does the proposed zoning serve the best interest of the community?

Rather than building a complex to house many families residing on the property, we would be building an office that would operate from 8am to 5pm Monday through Friday. There would be minimal face-to-face customer interaction at the office building and very little traffic. Likewise, turning the current R-1 designation to OL would allow us to reduce a possible large subdivision to a family plot of land where no more than 4 houses would exist and would leave a large portion as wooded area. This would serve in the best interest of the community by using the land in a way that would not strain existing services beyond their capacity. It would also help to keep additional noise, traffic, or drainage issues to a minimum due to the lower population density in this scenario versus a much higher increase in population density if the property were used to build multi-family housing and another subdivision.

Do uses on adjacent properties limit the use of your property under current zoning?

Currently, the R-3 designation would greatly limit the use of the property due to adjacent properties. One adjacent property, in particular is a 76-unit apartment complex. This large amount of units reduces the probability of being able to build and operate a successful multifamily complex on the R-3 property due to supply and demand. Keeping this land R-3 / R-1 would limit the use of the property in an area already saturated with multifamily housing. Also, the subdivisions bordering multiple sides of the property leaving it with very little road frontage makes building a large subdivision very difficult and full of potential traffic, utility, and drainage problems.

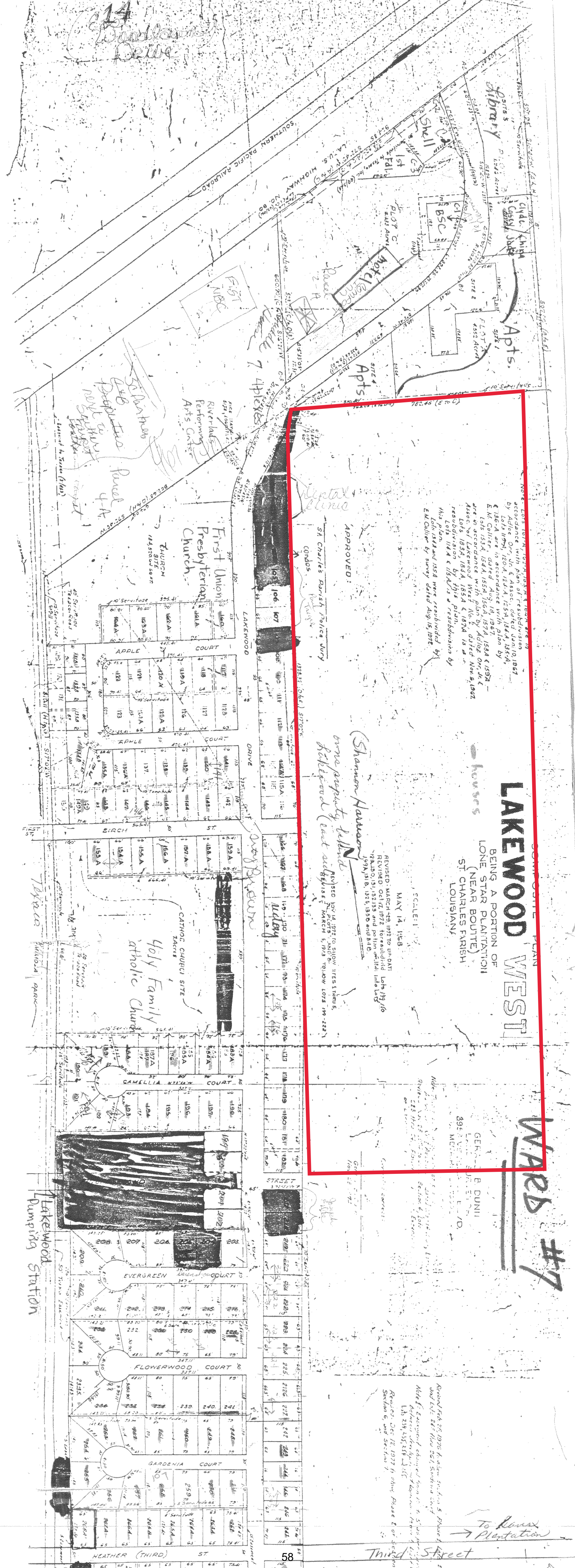
Have changes in land value, physical environment, or economic aspects limited the use of your property under current zoning?

There is a new residential neighborhood with newly built homes sitting unsold thus remaining on the market within a mile of this property. The developer has lots that have also not been sold, and there is still another phase of the neighborhood that has not started. When homes sit on the market unsold, home prices lower which is felt economically by all homeowners in the area. Another residential development

would not work in this area. The supply is high, the demand for new homes and new neighborhoods is currently low.

Are the uses permitted under the proposed zoning compatible with existing neighborhood character?

There is already a mixture of businesses, multi-family homes and single-family homes in the existing neighborhood. The proposed zoning would fit better into this neighborhood as it would keep its current character while not adding a larger population density that another large neighborhood and another large multifamily complex would add.



c14 Woodlawn Drive

Shell 1st Fdl
Plot C
Noted
Apts
Apts

Libraries
Child King
Library
Apts
Flats

First NBC
Suburban
Performing Arts Center
Riverland
Church
THURCH

APPROVED:
St Charles Parish Police Jury
Condos

APPROVED:
Shannon Hanson
Home property held
Revised 10/14/1972 to show street lines
Revised 02/17/1972 for additional lots 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

APPROVED:
St Charles Parish Police Jury
Condos

LAKEWOOD WEST
BEING A PORTION OF
LONE STAR PLANTATION
(NEAR STAR BOULE)
ST CHARLES PARISH
LOUISIANA

SCALE: 1" = 100'
MAY 14, 1968
REVISED: MARCH 29, 1972 TO UP-DAT
REVISED: OCT 17, 1972 FOR ADDITIONAL
REVISED: MARCH 5, 1973 TO SHOW LOTS 199-222

Ward #7

To Runax
Plantation

Third Street

Lakewood Pumping Station

Holy Family Catholic Church

First Union Presbyterian Church

Apple Court

Flowerwood Court

Gardenia Court

Heather (Third) St

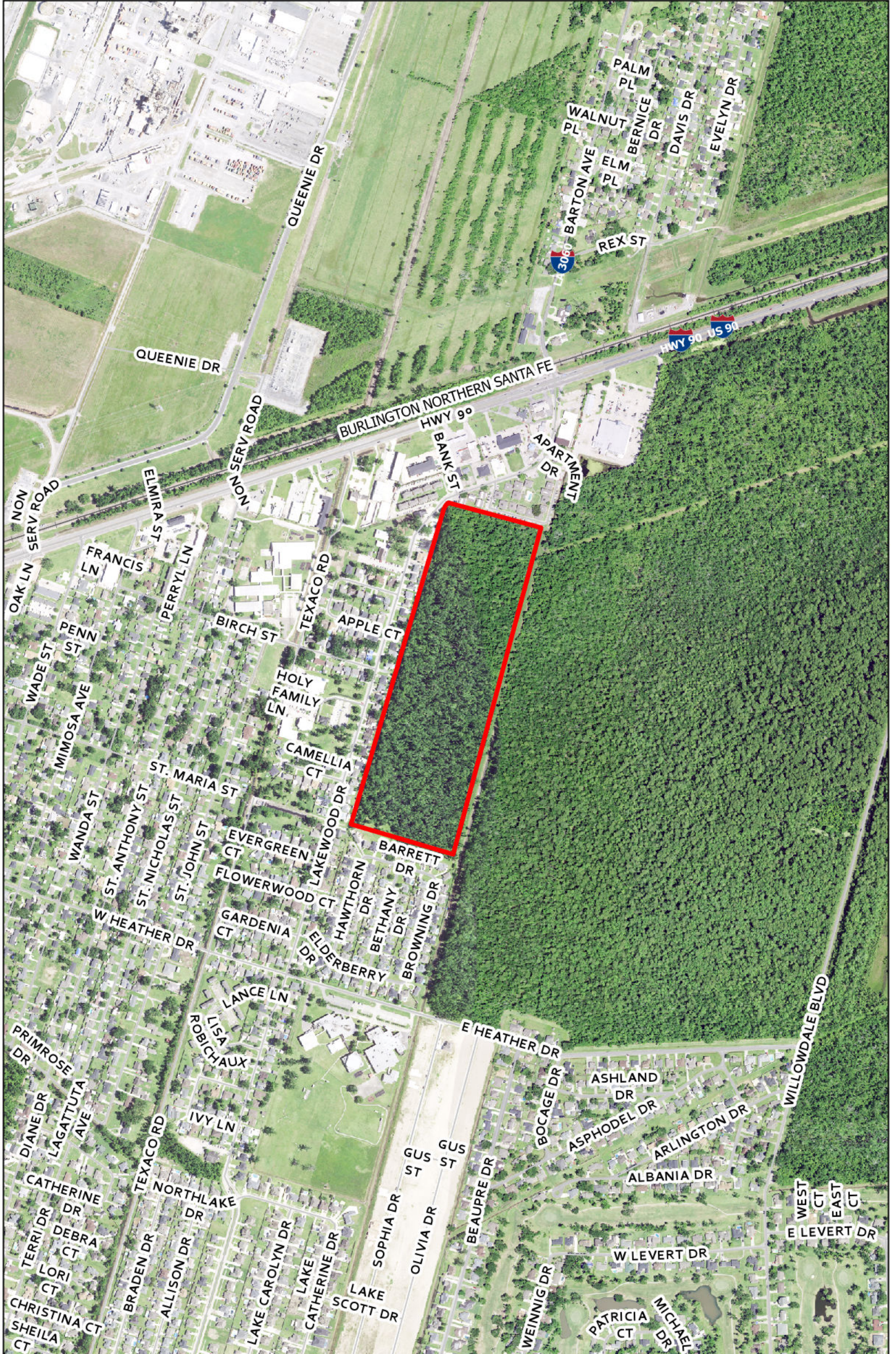
158

2024-20 R
R-1A and R-3 to O-L and C-3



1" = 800'

N



2024-20-R
R-1A and R-3 to O-L and C-3



1" = 800'

