

**St. Charles Parish
Department of Planning & Zoning**

LAND USE REPORT
CASE NUMBER: PZR-2017-13

GENERAL APPLICATION INFORMATION

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| <p>◆ Name/Address of Applicant
 MHI Investments, LLC
 10557 Airline Highway
 St. Rose, LA 70087
 504-737-1660; paulaadams113@gmail.com</p> | <p>Application Date: 8/8/17</p> |
| <p>◆ Location of Site
 Lot 1 and 26A, Almedia Plantation, municipal address 10511 Airline Drive, St. Rose</p> | |
| <p>◆ Requested Action
 Change of zoning district from C-2, General Commercial to M-2, Heavy Manufacturing for the purpose of permitting a concrete mixing yard.</p> | |

SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel(s)**
 Lot 1: 86 x 575 feet; 49,450 square feet; 86 feet of frontage on Airline Drive
 Lot 26-A: 100 x 575 feet; 57,500 square feet; 100 feet of frontage on Airline Drive

The two parcels must be subdivided into one lot of record if developed as intended.

- ♦ **Current Zoning and Land Use**
C-2, General Commercial; the site is undeveloped

- ◆ **Surrounding Zoning and Land Uses**
M-1, Light Manufacturing zoning is located to the front across Airline Drive and to the rear; the zoning to the east side is C-3, Highway Commercial and to the west side is C-2, General Commercial.

This section of the Airline Drive corridor is primarily zoned M-1. No M-2 zoning is located in the area.

The properties to the front across Airline Drive are developed with a trucking company and pile driving company; the railroad and undeveloped land is located to the rear; a truck dealership is located adjacent to the east side; a wrecking yard is located to the west side.

The majority of this section of the Airline Drive corridor contains heavy equipment sales or rentals businesses, trucking distribution centers, gas stations, and truck stops. There is one concrete mixing plant located approximately 5,500 feet down Airline Drive but it exists as a non-conforming use in M-1 zoning.

- ◆ **Plan 2030 Recommendation**
- General Commercial:** This category includes sites for commercial uses that provide a mix of business activities and that serve the community as a whole. These uses provide for comparison shopping and services which are ordinarily obtained on an occasional rather than daily basis. In general, this designation applies to most commercial uses that are permitted in the C-2 (General Commercial – Retail) and all of the uses permitted in the C-3 (Highway Commercial) zoning districts.

- ◆ **Traffic Access**
Combined, the site has 186 feet of frontage on Airline Drive. A subdivision must occur to develop the two lots as one site. Driveway access will have to be permitted by LA DOTD and reviewed for compliance with site design standards.

APPLICABLE REGULATIONS

[II.] M-2. Heavy manufacturing and industry:

1. Use Regulations:
 - a. A building or land shall be used for the following purposes:
 - (1) All uses permitted in the M-1 district (and subject to M-1 regulations)
 - (2) Petroleum refining and/or chemical processing
 - (3) Solid fuel handling, transfer, and storage facilities not associated with energy generation facilities
 - (4) Energy generating facilities
 - (5) Reserved
 - (6) Any other similar manufacturing or industry establishment which shall adhere strictly to all state and federal mandates whereby, therefor, normal operations will not be injurious to employees and the general public because of health and safety factors.
 - (7) Concrete mixing or batching plants.
 - (8) Accessory uses.
 - (9) Junkyards.
 - b. Special permit uses and structures:
 - (1) Type II and Type III Landfills, upon review and approval of the Planning Commission and supporting Resolution of the Parish Council:
 - a. Permit Required. Notwithstanding any other provisions of this Ordinance no landfill shall hereafter be constructed, enlarged, altered, or placed into operation until a special permit use for said landfill has been heard by the Planning and Zoning Commission and then approved by ordinance of the Parish Council.
 - (1) The Commission shall schedule and hold a public hearing to consider the application. The Department of Planning and Zoning shall post a sign on the affected property which calls attention to the public hearing at least ten (10) days prior to that hearing date. All applications will be advertised at least three (3) times in the official journal of the Parish on three (3) separate and at least Fifteen (15) days shall elapse between the first publication and the date of the hearing. All property owners within five hundred (500) feet of the subject property shall be notified by certified mail of the public hearing.
 - (2) The Special Permit Use shall be valid for a period of one calendar year. If after one calendar year, the applicant has not received a permit by LDEQ, the applicant shall file a new Special Permit Use application if an extension is needed.
 - (3) A completed application form and three sets of the required supplemental application requirements data as set forth in the following section:
 - (a) The site plan shall show: the area dedicated to the landfill; identify the total site acreage and amount of acreage that will be used for processing and disposal; show all vehicular access points to the site; identify and buffer areas; describe any landscaping, or fencing proposed.
 - (b) A drainage plan prepared by a Louisiana licensed engineer shall be submitted to the parish. At a minimum, the plan shall show the drainage-flow patterns, show all major drainage systems and indicate the point of discharge. The Parish Engineer may require additional drainage information.
 - (c) If located in a floodplain, it must be demonstrated that the facility will not restrict the flow of the 100-year base flood or significantly reduce the temporary water-storage ability of the floodplain integrity.
 - (d) The types, maximum quantities (wet tons/week), and sources (percentage of the on-site or off-site generated waste to be received) of the waste to be processed or disposed by the facility.
 - (e) Identify the geographic area to be serviced by the facility.
 - (f) Indicate the days of operation per week and hours per day.
 - (g) Identify the maximum expected height of the waste pile.
 - (h) Describe provisions that will be employed to control dust, litter and odor.
 - (i) Provide the projected year of final closure and include a discussion of the long-term use of the facility after closure as anticipated.
 - (j) The site shall be screened with fencing, planting or other methods as approved, to block onsite views from the public. A landscape/screening plan shall be submitted with the Special Permit Use application and approved by the Planning Commission.
 - (4) Additional Procedural Requirements:
 - (a) Provide the Planning Department a copy of the official order to proceed issued by the LDEQ.
 - (b) Upon issuance of the permit by the Louisiana Department of Environmental Quality (LDEQ), a copy shall be submitted to the Planning Department. This includes all permits issued by the LDEQ to the site, (i.e., waste, water, air, etc.). The permit shall include the final approved site plan by LDEQ. This

shall also include any necessary federal or state approvals from agencies other than LDEQ.

- (c) The owner shall submit to the parish's planning department a copy of the solid waste annual report that is submitted to the LDEQ, Office of Management and Finance. The report shall be submitted to the planning department on August 1st of each year.
 - (5) The Parish Planning and Zoning Department, Planning Commission and/or the Parish Council may require additional data where deemed necessary before taking final action or issuing a permit. Conditions of approval may be placed on the Special Permit Use by either the Planning Commission or the Parish Council.
 - (2) Temporary construction facilities for a period of one (1) year upon approval of the Planning Director.
 - (3) Cellular installations and PCS (personal communication service) installations.
 - (4) Truck terminals (with video poker gaming facilities) upon review and approval of the Planning Commission, and supporting resolution of the Council. Truck terminals with video poker gaming facilities shall conform to the regulations set forth by the state of Louisiana and to the following regulations:
 - (1) Frontage shall be on a median-divided, major arterial with a minimum of 4-roadway lanes, and having federal or state designation.
 - (2) Minimum lot size of site shall be ten (10) acres.
 - (3) Truck terminals with video poker gaming facilities shall also have all of the following amenities:
 - a) A separate truckers' lounge
 - b) A full-service laundry facility located in a convenient area for truckers' use
 - c) Private showers for men and women and not located in an area open to general public restroom facilities
 - d) A travel store with items commonly referred to as truckers' supplies (items commonly used only by commercial motor vehicles)
 - e) Truck scales
 - f) Separate truckers' telephones
 - g) Permanent storage facilities for fuel
 - (4) Notwithstanding any other provisions of law, these regulations shall have no force or effect on any truck terminal with video poker gaming facilities which have received a Special Permit Use prior to the effective date of this ordinance.
 - (5) 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.
 - (6) Towing Yards. Towing yards upon review and approval by the Planning Commission and supporting Resolution of the Parish Council shall conform to the following regulations:
 - (1) Site plan approval. All tow yard operators must secure approval of a site plan. The site plan shall include:
 - a) The storage layout and the maximum number of vehicles proposed to be stored. All storage parking spaces shall open directly to an access drive. Vehicles shall not be stored on top of each other. All vehicles shall be stored on an aggregate parking surface;
 - b) A seven-foot solid, opaque fence will enclose such yards and shall be maintained in a constant state of good repair. Entrances will be constructed of the same material as the fence. All entrances shall remain closed when not in use;
 - c) A ten-foot buffer zone when abutting a C-3 or lesser intensive use or zoning district. The buffer shall be planted with acceptable trees and shrubs;
 - d) All buildings and structures to be located on the site and the required off-street parking layout.
 - (2) Towing yard operators shall maintain records of each vehicle and its storage period. These records shall be available upon request of the planning department.
 - (3) Towing yards shall also adhere to state and local licensing requirements.
 - (4) Any change of permitted plan will result in a cease and desist order being placed on the towing yard.
2. Spatial Requirements:
- a. Minimum lot size: Fifteen thousand (15,000) square feet, Minimum width: One hundred (100) feet.
 - b. Minimum yard size for offices and accessory use spaces:
 - (1) Front - twenty (20) feet
 - (2) Side - thirty-five (35) feet
 - (3) Rear - fifty (50) feet.

- (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right-of-way, notwithstanding any other more restrictive setbacks, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999.
3. Transportation Requirements: Arterial, rail or water
4. Special Provisions:
 - a. Must maintain a buffer zone to insure the protection and well-being of neighboring areas.
 - b. Major operations must be located two thousand (2,000) feet from the nearest R, CR-1 or C-2 District or located a lesser distance if clearly dictated safe by industry standards and approved by the Board of Adjustments. Accessory uses of lesser intensity may be developed in this buffer area. Examples include office buildings, parking facilities, substations, and storage areas (including open storage of solid fuels for energy generating facilities) as well as uses identified in the M-1 District and subject to any required restrictions established in that M-1 District.
 - c. New construction within the confines of existing industrial developments shall provide adequate buffer areas near R and C Districts in accordance with industry standards, national fire code regulations, and those standards established in the M-1 District under "Other Industrial Uses."

AND

Appendix A., Zoning Ordinance, Section XV Amendment Procedure:

D. Rezoning Guidelines and Criteria: Before the Commission makes a recommendation or the Council rezones property; there should be reasonable factual proof by the proponent of a change that one 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 zoning 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. One or more of following examples may be used in evaluating reasonableness:
 - 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.

ANALYSIS

The applicant requests rezoning of two lots from C-2, General Commercial to M-2, Heavy Manufacturing in order to permit a concrete mixing yard. Each lot meets the minimum area requirement of the M-2 zoning district; however, Lot 1 does not meet the minimum 100' width for the proposed M2 zoning district. The applicant has indicated that if the property is rezoned, it will be resubdivided into one lot that meets both the minimum area and width.

The Zoning Ordinance establishes three guidelines for evaluating rezoning requests. In order to receive a recommendation for approval, an applicant must demonstrate that the request meets at least one of the three guidelines, or describe unique circumstances that justify the change of zoning district. While this request does not meet the three guidelines, there are unique circumstances. Considering the development trends on the Airline corridor, industry safety standards provided by the proposed tenant, the concrete plant that has operated on Airline Drive since _____, that the site is much too small to accommodate another M2 use, and that the applicant is formally requesting a variance from the required M2 buffer (ZBA 2017-_____), the Department does not object to rezoning the property to M2.

The first guideline states that a rezoning request must conform to the parish's Future Land Use Map (FLUM) and not create a spot zone which is incompatible with the surrounding neighborhood. The Future Land Use designation for the property is General Commercial which lists the C-2 and C-3 zoning districts as compatible in this future land use category. Rezoning the property to M-2 would not conform to the future land use recommendation and would create a spot zone. **The request does not meet the first guideline.**

The second guideline states that a rezoning should be considered if the land use pattern or neighborhood character has changed to the point where the existing zoning no longer allows reasonable use of the subject property. The applicant considers the proposed use compatible with the neighborhood because Airline Drive in St. Rose is developed with heavy commercial and light industrial uses. He finds that C-2 zoning does not allow reasonable use of the property. C-2 uses do exist on Airline Drive and C-2 allows uses like convenience stores, restaurants, and hotels, all of which support the Airline corridor. With a restaurant under construction in the vicinity, it cannot be shown that C-2 zoning does not allow reasonable use of these properties. Even if there were no C-2 uses on the corridor, this guideline could not be used to show that the M-2 is the appropriate zoning district for the property. **The request does not meet the second guideline.**

The third guideline states that a rezoning request may be considered if the uses permitted by the proposed zoning are not incompatible with existing neighborhood character and will not overburden existing public infrastructure. Representatives for public infrastructure have indicated that M2 uses **on this specific site** would not overburden public infrastructure; and Airline Drive will not be overburdened by development of this property to an M2 use. However, the Airline corridor (neighborhood) is a light industrial corridor developed with heavy equipment sales and rental and construction materials sales, light commercial business that support those uses and a few residential uses. M2 zoning allows heavy industry such as petroleum refining, chemical processing, solid fuel handling, and energy generation, which are certainly not compatible with the corridor. **The request does not meet the third guideline.**

Although a rezone to M2 at this location does not meet any of the three criteria, the unique circumstances of this rezone should be factored into the recommendation. The Department does not object to the rezone because the **specific** proposed use would support a light-industrial corridor; the applicant has shown how nuisances will be mitigated; because approval requires Planning Commission, Parish Council, and Board of zoning Adjustment approvals; and because it is extremely unlikely that any other M-2 use would develop on the site (see supplemental map).

A concrete plant may be considered to be compatible, even to support the light industrial uses on the corridor. Concrete mixing is listed as an M-2 use because it generates noise and dust with regular operations and also because there is a risk of environmental damage from accidental spills. A concrete mixing facility has operated on the opposite side of Airline Drive near James Business Park since 1990 with no complaints on file or incidents reported to the Planning Department. The applicant has submitted a development proposal and industry best practices that describe how nuisances would be mitigated on the site, and has applied for the required variance from the 2000 foot M2 buffer requirement.

DEPARTMENT RECOMMENDATIONS Approval, because of the unique circumstances of the application.
