

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZR-2015-03

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:**
Metro Investments, LLC
10557 Airline Drive
St. Rose, LA 70087
- ◆ **Location of Site:**
Lot CM-1 and portions of CM-2 and CM-3 totaling approximately 13 acres north of airline near Riverbend Drive.
- ◆ **Requested Action:**
Change of land use zone from C-3 to M-1 in order to permit a warehouse complex with a sound stage and offices.

SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel:** Approximately 13 acres
- ◆ **Existing Land Use and Zone:** Vacant/C-3
- ◆ **Surrounding Land Uses and Zoning:**
To the north, the hurricane protection levee is zoned C-3; To the east, property is vacant, wooded and zoned C-3. To the south, property is zoned M-1 and developed with a truck stop and a distribution warehouse. To west, property is zoned M-1 and provides access to a construction business.
- ◆ **Future Land Use Designation:**
The Airline frontage has a future land use designation of light industrial. The northern portion of the site has a future land use designation of commercial.
- ◆ **Utilities:**
Water and sewer are available on the south side of Airline. Drainage outfalls will have to comply with the MS4 requirements.
- ◆ **Traffic Access:**
The site has 450' frontage on Airline Drive. The signalized intersection of Riverbend Drive with Airline Drive would intersect the property in the middle of the frontage. The site also has access to a 60'-110' wide access servitude used for the hurricane protection levee.

APPLICABLE REGULATIONS

Appendix A, Zoning Ordinance. Section VI.

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

1. Use Regulations: A building or land may be used for the following purposes if in accordance with the special provisions outlined below.

a. A building or land shall be used only for the following purposes:

- (1) Those uses identified as items 2 through 27 as listed in the C-3 District.
- (2) Office parks which shall include groups or clusters of administrative, professional, and other business offices as well as individual banks and restaurants.
- (3) Agriculture and other general farming uses.
- (4) Warehousing and storage of nonhazardous material.
- (5) Assembly plants.

- (6) Bottled gas sales and/or service.
- (7) Food processing plants.
- (8) Cellophane products manufacturing.
- (9) Cold storage or refrigerating plants.
- (10) Electrical parts manufacturing and assembly.
- (11) Fiber products manufacturing (previously prepared fiber).
- (12) Garment manufacturing.
- (13) Glass products manufacturing.
- (14) Ironwork (no foundry, drop hammer, and no punch presses over twenty (20) tons capacity).
- (15) [Repealed by Ord. No. 92-1-1, § I, 1-21-92.]
- (16) Leather products manufacturing (previously prepared leather).
- (17) Machinery equipment sales and service.
- (18) Millwork.
- (19) Paint mixing and treatment (not employing a boiling process).
- (20) Paper products manufacturing (previously prepared material).
- (21) Plastic products manufacturing (previously prepared material).
- (22) Sheet metal products manufacturing (light).
- (23) Sign manufacture.
- (24) Open storage of building material, lumber, machinery and pipe, provided the material is enclosed within a solid fence at least six feet high within required building lines when the storage area is adjacent to or across the street from an A, R, or C District.
- (25) Railroad freight terminals, switching and classification yards, repair shops, roundhouse, power houses and fueling, sanding and watering stations.
- (26) Television and radio broadcasting transmitters.
- (27) Textile products manufacturing.
- (28) Toy manufacturing.
- (29) Well drilling services.
- (30) Wood products manufacturing (assembling work and finishing).

b. Special exception uses and structures (variation):

- (1) Temporary construction facilities for a period of one (1) year upon approval of the Planning Director. (Ord. No. 88-9-9, 9-6-88)

c. Special permit uses and structures include the following:

- (1) Office buildings for gambling operations, excluding all gaming activities, upon review and approval by the Planning Commission and supporting resolution of the Council. (Ord. No. 94-1-9, § V, 1-10-94)
- (2) Operations which store or utilize hazardous materials identified through guidelines contained in subsection VI.D.I.4.b. of these regulations upon review and approval of the Planning Commission and supporting resolution of the Council. (Ord. No. 96-5-17, § II, 5-20-96)
- (3) Cellular installations and PCS (personal communication service) installations. (Ord. No. 97-74, § V, 7-7-97)
- (4) Truck terminals (with video poker gaming facilities) upon review and approval of the Planning Commission, and supporting resolution of the Council (Ord. No. 98-4-17, § IV, 4-20-98). 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) These regulations shall not be applied to any truck stops with video poker gaming facilities which have received a Certificate of Zoning Compliance previous to the date of this

ordinance, notwithstanding any other provisions of this ordinance. (Ord. No. 01-5-18, § IV, 5-21-01)

(5) Towing yard. Towing yards 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 (10) 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. (Ord. No. 99-3-15, § II, 3-22-99)

(6) 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. (Ord. No. 03-1-12, § V, 1-21-03)

(7) Barrooms, night clubs, lounges and dancehalls. (Ord. No. 08-5-5, I, 5-19-08)

(8) Automotive racing tracks and strips upon receiving a recommendation of the Planning and Zoning Commission and an ordinance granting approval by the Parish Council. (Ord. No. 11-5-2, 5-2-11)

(9) Disposal and/or deposition of directional boring slurry upon receiving a recommendation by the planning and zoning commission and an ordinance granting approval by the parish council. The requirement for a special permit shall not apply to directional boring associated with oil and gas production, nor shall it apply to the incidental or accidental deposition at the site of the boring. (Ord. No. 12-4-16, § II, 4-23-12)

2. Spatial Requirements:

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

Minimum width: One hundred (100) feet. (Ord. No. 99-2-4, § I, 2-1-99)

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. (Ord. No. 08-8-9, § XIII, 8-18-08)

3. Transportation System: Arterial, rail, water.

4. Special Provisions:

a. No manufacturing operations within the M-1 zoning district shall emit odors, gas or fumes beyond the lot line or produce a glare beyond the lot line. All facilities shall be dust-proofed including walkways, driveways and parking areas. All operations must be conducted within a building or within an area enclosed on all sides by a solid fence or wall no less than six (6) feet in height. (Ord. No. 89-2-13, 2-20-89; Ord. No. 05-5-2, 5-2-05)

b. Where any industrial or commercial use in an M-1 zoning district abuts any residential district or use, a six-foot high solid wood or vinyl fence or masonry wall shall border the same and there shall be a buffer strip fifteen (15) 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 buffer strip. (Ord. No. 05-5-2, 5-2-05)

c. The use(s) shall not receive, process, or create hazardous materials which are listed on the latest National Toxicology Programs Annual Report on Carcinogens, SARA Title III section 302 (EHS), and/or SARA Title III Section 313 (toxicity) without a special permit as identified in section VI.D.[I].1.c of this ordinance. Whenever a proposed development or expansion involves chemical processing or storage on a site in an M-1 zoning district and the uses do not require a

special permit as identified in section VI.D.[I].1.c of this ordinance, certification shall be furnished by a chemical engineer, registered in the State of Louisiana and approved by the Parish of St. Charles, that materials associated with the enterprise do not appear on cited hazardous material lists. Those chemicals or materials which are permitted under this regulation either by special permit or certification of compliance, shall be stored in accordance with the National Fire Protection Association Flammable and Combustible Liquids Code (NFPA 30 1990), or amended version. With regard to placement of allowable materials on site, the minimum distance in feet from property line which is or can be built upon, including the opposite side of a public roadway, shall be two times the minimum distances required by NFPA 30. In the event the distances required by this paragraph exceed the minimum distances required by NFPA 30, then the requirements of this paragraph shall govern.

AND

Rezoning Guidelines and Criteria: Before the Planning & Zoning Commission recommends or the Parish 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. Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. Reasonableness is defined as:
 - a. Land use the same as, or similar to that existing on properties next to, or across the street from 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 tend to limit the usefulness of vacant land or buildings.
2. The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:
 - a. Undue congestion of streets and traffic access.
 - b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.
 - c. Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.
 - d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
3. The proposed zoning change is in keeping with zoning law and precedent, in that:
 - a. It is not capricious or arbitrary in nature or intent.
 - b. It does not create a monopoly, or limit the value or usefulness of neighboring properties.
 - c. It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.
 - d. It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

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ANALYSIS

This is a request to rezone approximately 13 acres from C-3 to M-1. The site was acquired in three different purchases since 2005: four acres with 450' of frontage on Airline in 2005; 2 adjacent acres north of the property in 2012, and 6.873 acres extending the site to the hurricane protection levee in 2014. The stated purpose is to build a complex of warehouses and offices for use as a sound stage and warehousing for a film studio.

Adjacent developed property is zoned M-1 and in M-1 use. Adjacent undeveloped property to the east is zoned C-3 but vacant and wooded.

The second test is designed to protect the character of a neighborhood, public infrastructure, and the public welfare. Rezoning the frontage of the site to M-1 is consistent with the future land use map and would allow for development that is in character with neighborhood along and across Airline Drive. A large portion of the site has a future land use designation of general commercial; staff recommend changing the future land use designation consistent with this rezone request and the larger general commercial future land use designation in the area is under review for the scheduled 2016 future land use map amendment.

Water and sewer infrastructure have been determined to be able to serve the site and any M-1 development that occurs. Likewise, the signalized intersection of Riverbend Drive and Airline Drive will accommodate traffic generated by the proposed M-1 use or any other M-1 use that develops on the site. Therefore, the rezoning would not create congestion, overcrowding or land uses that are incompatible with adjacent properties.

DEPARTMENTAL RECOMMENDATION

Approval of the rezone and also the required amendment to the future land use map.