

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZR-2017-03

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date:** 12/15/16
Joseph Attardo & Henry Sill for TD Industries
4412 Craig Avenue
Metairie, LA 70003
(504)-382-2001; christmasvillage@cox.net
- ◆ **Location of Site**
Lot K-2A3, of Almedia or Patterson Plantation; 221 Almedia Road, St. Rose
- ◆ **Requested Action**
Change of zoning from C-2, General Commercial -Retail Sales to M-1, Light Manufacturing.
- ◆ **Proposed Use**
Storage yard for construction equipment including bobcats, vehicles, containers, and trailers.

SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**
Lot K-2A3; 25,906 square feet, 248 foot frontage
- ◆ **Current Zoning and Land Use**
C-2; vacant but cleared.
- ◆ **Surrounding Zoning and Land Use**
To the north and east, the property located on the right side and across Almedia Road is zoned M-1; the area located to the south and west, or left and rear, is zoned C-2. Property abutting both sides is vacant but cleared; abutting to the rear property is vacant and wooded; across Almedia Road, property is has light industrial uses.
- ◆ **Development History**
The Department has no record of building permits or permitted uses on Lot K-2A3, which was subdivided out of Lot K of Almedia or Patterson Plantation. The parent lot had 104' of frontage or width on the Mississippi River and stretched 3000' toward the lake. In 2005, a property owner divided the batture portion from inside the levee system from the portion outside the levee system creating a 104' x 2150' lot with frontage on Almedia Road (PZS 2005-58). KD Development purchased the long lot that year and began development. TFD Industries purchased K-2A3 was subdivided and purchased by TD Industries in 2007.
- ◆ **Plan 2030 Recommendation**
General Commercial: The General Commercial category includes sites for commercial uses that provide a mix of business activities and that serve the community as a whole. These uses provide for comparison shopping and services which are ordinarily obtained on an occasional rather than daily basis. In general, this designation applies to most commercial uses that are permitted in the C-2 (General Commercial – Retail) and all of the uses permitted in the C-3 (Highway Commercial) zoning districts.
- ◆ **Traffic Access**
Lot K-2A3 has 248 feet of frontage on Almedia Road, a state that connects River Road and Airline Highway.

APPLICABLE REGULATIONS

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.

AND:

Zoning Ordinance, Section VI. D. [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.
- 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.
 - (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.
 - (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 (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.
 - (5) Towing yard. Towing yards, upon review and approval by the Planning Commission and supporting resolution of the 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 (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.
 - (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.
 - (7) Barrooms, night clubs, lounges and dancehalls upon review and approval by the Planning Commission and supporting resolution of the Council.
 - (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.
 - (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.

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.
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.
 - 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.

ANALYSIS

The applicant requests an extension of an existing M-1 zoning district onto Lot K-2A3, Block 12, Almedia Plantation Subdivision, 221 Almedia Road, St. Rose. The lot is currently zoned C-2. The proposed use is an outdoor storage yard.

The St. Charles Parish 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.

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 FLUM designation for the property is General Commercial which does not include industrial zoning or uses. While an extension of the existing M-1 zoning district does not create a *spot* of M-1 zoning, changing the zoning on *this particular property* would not comply with the Future Land Use Map. **The request fails 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 for reasonable use of the subject property. Almedia Road has had six rezonings to M-1 since 1985 resulting in approximately 2,010 feet of the corridor

frontage (east and west side of the street) zoned M-1 and developed with M-1 uses. While Almedia Road appears to be developing as a light-industrial corridor, it also has general commercial and residential uses. Even if the area is in transition, with a strip mall and adjacent to the lot and general retail at the corner of River Road, the current C-2 zoning has not deprived the property of all reasonable use. **The request fails 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 or overburden existing public infrastructure. Representatives from Public Works and Waterworks determined that the proposed M-1 zoning and possible uses are will not overburden water, sewer, drainage, or road capacity. With the amount of M-1 zoning and uses on the corridor, a rezone to M-1 and an M-1 use on this site will not be out of character with the neighborhood. The uses permitted in the M-1 zoning district would not be incompatible with what currently exists along this stretch of Almedia Road. **The request meets the third guideline.**

The property is less than three acres, and the combined area of rezones to M-1 are also less than three acres. Rezoning would not require an update to the future land use map.

DEPARTMENT RECOMMENDATIONS

Approval.