

# St. Charles Parish

## Department of Planning & Zoning

### LAND USE REPORT

#### CASE NUMBER: PZR-2017-14

#### GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 9/12/17**  
Gulf South Pipeline Company, LP  
9 Greenway Plaza, Suite 2800  
Houston TX 77046  
kimberly.tarr@bwpmpl.com; 713.479.8069
- ◆ **Location of Site**  
A 2.70 acre portion of land situated at the rear of Lots 6A, 12A, 18A, 24A, and 30A, of Square 1 of Evangeline City Subdivision, Montz. The developers also own 36A, and 42A of Square 1 of Evangeline City Subdivision, Montz.
- ◆ **Requested Action**  
Rezone from OL and R-1A to M-1 with a Special Permit Use for a gas compressor station (an operation that stores hazardous materials).

#### SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**  
The proposed rezone area is 2.7 acres and outlines the footprint of proposed facilities and a 22' wide, 290' long access drive leading to the area.
- ◆ **Current Zoning and Land Use**  
Each of the lots involved is currently split-zoned R-1A/OL and is vacant/wooded.
- ◆ **Surrounding Zoning and Land Uses**  
This area of Evangeline City is zoned R-1A near Evangeline Road and OL "behind" the street frontage on both sides of the street. The area is parceled into large lots (2 to 3 acres), on the northwest side of the road and smaller lots (6,000 to 10,000 sf) on the southeast side of the road. The large lots are split-zoned R-1A/OL; the smaller lots are zoned R-1A. Single-family development is occurring on the smaller lots across the street from the subject site.  
  
To the rear of the lots on the northwest side of the street, adjacent property in St. John the Baptist Parish is currently vacant and wooded.
- ◆ **Plan 2030 Recommendation**  
**Rural Residential (less than four dwelling units per gross acre)** This category includes low-density residential development that is consistent with the OL, Open Land zoning district, and conservation subdivision which retain large amounts of open space. The Rural Residential land use category is intended to help preserve the Parish's rural character, which residents, in the Vision Statement, expressed a desire to see retained. For this reason, this designation also allows for the continuation of agricultural activities and related uses, since agriculture is an important part of the community's rural heritage and identity.
- ◆ **Traffic Access**  
The site has 1050 feet of width on Evangeline Road, a 50 foot wide collector street that connects River Road to Airline Hwy. The applicants propose one driveway to the facility site and have prepared a traffic control plan for the construction period.

## **APPLICABLE REGULATIONS**

### **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.

AND

### **Zoning Ordinance, Section VI. D. [I.] M-1 Light Industrial Manufacturing and industry districts—**

The regulations in these districts are as follows.

#### **[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 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 regulation.
    - (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.
  - 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 a change of zoning district from R-1A/OL to M-1 on 2.7 acres of land that cuts through seven large lots in an irregular shape. The applicant owns 19.97 acres, but requests rezoning of only the area intended for development of a gas compressor and the access drive. The request is accompanied by a Special Permit Use application for the gas compression station, an operation that stores or utilizes hazardous materials. On July 31, 2017, the St. Charles Parish Council "postponed indefinitely" file no. 2017-0229, a similar request to rezone approximately the same area. Because this is considered an action, but not a final action, the Zoning Ordinance allows the property owner to apply for the rezone again according to Section XIV.C.3.

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 Future Land Use designation of the area is rural residential. Neither M1 zoning nor the proposed uses conforms to the rural residential designation. Furthermore, the request is to rezone only the proposed development area for a specific use rather than the full 19.97-acre area the applicant owns. The result would be split zoning on seven lots in such and irregularly-shaped area that it must be considered a "spot" zone—*rezoning...which gives to a single lot or a small area privileges not extended to other land in the vicinity and which is not done in furtherance of the comprehensive plan or to serve the best interest of the community.*  
**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 reasonable use of the subject property.* The land use pattern in this area is changing from vacant to single-family residential. Much of the neighborhood is vacant and wooded; however, two single-family houses were completed across the street from the subject site in March and about half of the lots in this portion of Evangeline City have transferred from the developer to individual owners including housing developers. This suggests more property owners will build more houses and more families will come to the area.

The subject site is on the west side of Evangeline Road where lots are 2-3 acres and split zoned R-1A at the near the street and OL in the rear. The R-1A/OL zoning pattern promotes high-quality residential development along the street and allows agricultural uses and housing large animals. This type of development is particularly suited to parcels of this size, abutting the Parish line, that are unlikely to ever be

further divided by additional streets. While these large lots are not developing at the same pace as the smaller lots across Evangeline Road, the zoning is not depriving the lots of all reasonable use. Neither the land use pattern nor the neighborhood character has changed to the point that existing zoning does not allow reasonable use of the subject property. **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 and will not overburden existing public infrastructure.* Representatives for Parish infrastructure have stated that M-1 development on the rezone site would not overburden the existing public infrastructure. They have commented that the *specific use* proposed in the companion application, a gas compression station with two to three employees on an average work shift, would likely have less impact on existing infrastructure than the uses that could be permitted under the current zoning.

While M-1 uses generally are incompatible with R-1A zoning and residential neighborhoods, the applicant requests rezoning of approximately 13% of their total land holding, 19.97 acres, approximately 290 feet from the front of the property and 70' from the Parish line—to protect a drainage canal.

The area designated in the rezoning request is buffered by substantial amounts of land in a natural state on three sides and the proposed development isolated by approximately 14 acres of mostly OL zoning (with R-1A near the road); rezoning the designated site area to M-1 will not be incompatible with the existing neighborhoods that lay beyond the extent of the 19 acre site. **The request meets the third guideline.**

The applicants have indicated that they will combine all the lots into a one 19.97 acre parcel so that the resulting M-1 spot zone will not permit development of any additional M-1 uses. The result will be a 2.7 acre development site within a 19.97 area left largely vacant and wooded. Approximately 87% of the applicant's property will remain undeveloped.

<b>DEPARTMENT RECOMMENDATIONS</b>
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**Because the request meets the third guideline, approval of the rezoning request. Because the area is less than three acres, there is no change to the Future Land Use Map.**