

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2021-6-R

GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 1/5/2021**
Darin Helm Jr.
Helm Developments, LLC
105 Lac Claiborne Court
Luling, LA 70070
(985)-210-9131; dhelm@rivins.com
- ◆ **Location of Site**
Lot J-2A, Plantation Business Campus; corner of River Road and Campus Drive East, Destrehan
- ◆ **Requested Action**
Rezoning from M-1, Light Manufacturing and Industrial to R-1B, Single Family Residential

SITE INFORMATION

- ◆ **Size of Site**
130,697 sq. ft.
- ◆ **Current Zoning and Land Use**
M-1; vacant, but cleared.
- ◆ **Surrounding Zoning and Land Use**
M-1 zoning is located to the Campus Drive East and Destrehan Boulevard sides; R-1B zoning is adjacent to the Audubon Place side; B-2 zoning is located to the River Road side.

Lot J-2A is within Plantation Business Campus, located at its entrance on the corner of Campus Drive East and River Road. The business campus consists of office/warehouse development consistent with what is permitted in the M-1 zoning district, including facilities receiving and sending deliveries from large trucks. The area was primarily defined by these industrial as well as institutional uses until the development of Destrehan Plantation Estates Subdivision, a 30 lot residential subdivision, in 2018. This subdivision is adjacent to the rear of the subject site.

- ◆ **Development history**
The property is located in Plantation Business Campus, a light-industrial park developed in the 1970s in the "southern portion" of the Pan American Southern Refinery site. The refinery operated from the early 1900s until 1958 when it was dismantled. The site is a corner lot with frontage on River Road as well as on East Campus Drive, the only street into the park.

The Louisiana Department of Environmental Quality (LDEQ)—Remediation Services Division (RSD) monitors the entire site of the former refinery as Agency Interest Number 4356.

In October 2016, P & L Investments, IX, LLC purchased the refinery site from BP Products, North America. In 2017, the area adjacent to the west or up-river of the subject site, indicated "UNDEVELOPED" on maps of the former refinery site submitted to LDEQ in reuse determinations, was rezoned to R-1B and developed with Destrehan Plantation Estates subdivision, 30 residential lots served by Audubon Place street (PZR 2017-05; Ord 17-3-7; PZS 2017-07; Ord 18-7-7). Although the site appeared to have been cleared for residential development, LDEQ required additional sampling before offering no objection to residential use.

Since that time, proposals for two other residential developments on the western portion of the former refinery site have failed to obtain clearance from LDEQ.

◆ **Future Land Use Recommendation**

Business Park: Although office uses are permitted within the Light Industry land use category and the associated M-1 zoning district, this zoning classification also permits a variety of industrial uses that would be incompatible with the development of a quality, planned corporate office, research or technology park. Therefore, this new land use category (and the zoning district that should be developed to implement it) would provide for the development of planned business, office, technology and research activities, with uses limited to these and directly related ancillary uses, such as shipping offices, office supply, hotels and restaurants. Business parks should be planned to incorporate consistent standards of development quality.

◆ **Traffic Access**

Lot J-2A has 525 ft. of frontage on East Campus Drive and 196 ft. of frontage on River Road. Access to river Road would require DOTD review and permit. Ingress and egress from East Campus Drive is limited by a median.

◆ **Utilities**

Representatives for Parish utilities have not objected to the proposed rezoning.

APPLICABLE REGULATIONS

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

[III.] R-1B. Single family residential detached conventional homes—Light to medium density:

1. Use Regulations:

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

- (1) Single family detached dwellings
- (2) Accessory uses
- (3) Gardening
- (4) Private recreational uses.

b. Special exception uses and structures include the following:

- (1) Parks, public libraries, fire stations, police or sheriff's stations or substations, and sewer pumping stations
- (2) Showing and operation of historic buildings and/or sites and their related activities, provided a certificate from the United States Department of Interior is furnished by the owner verifying that the building and/or site is on the National Register of Historic Places.

c. Special permit uses and structures include the following:

- (1) Child care centers (minimum lot size—20,000 square feet)
- (2) Public and private schools (except trade, business, and industrial)
- (3) Religious institutions
- (4) Golf courses (but not miniature courses or driving ranges) and country clubs (non-profit) with a site of at least five (5) acres and with all parking at least fifty (50) feet from rear and side property lines
- (5) Educational, religious and philanthropic institutions, provided, however, that such uses shall be located on sites of ten (10) acres or more, that buildings shall not occupy more than ten (10) percent of the site area, and that buildings be set back from all yard lines a distance of at least one (1) foot for each foot of building height.
- (6) Reserved.
- (7) Reserved.
- (8) Private commercial access roads, upon review by the Planning Commission and
- (9) Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council.

2. Spatial Requirements:

a. Minimum lot size: Ten thousand (10,000) square feet per family; minimum width - eighty (80) feet.

b. Minimum yard sizes:

- (1) Front - twenty-five (25) feet
- (2) Side - eight (8) 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.

c. Accessory buildings:

- (1) An accessory building may occupy no more than twenty-five (25) percent of the required rear yard.
- (2) The accessory building shall not exceed two-story construction.
- (3) Minimum rear and side setbacks of a detached accessory building shall be five (5) feet.
- (4) Accessory buildings shall be located on the same parcel of land as the main structure.
- (5) 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 or rear yard.
3. Transportation System: Local and collector streets only.

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 EVALUATION

Before the Commission makes a recommendation or the Council rezones property; there should be reasonable factual proof by the proponent of a change that two or more of the following criteria are met:

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.* Granting the request would expand an R-1B district established in 2017, but it does not conform to the Business Park designation of the Future Land Use Map, which does not provide for residential uses. **The request fails 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 M-1 zoning allows reasonable use of the site. The land use pattern immediately upriver has changed to a residential neighborhood which does impact the site—permitting M-1 uses on the site will require fencing and landscape buffering. However, the site is also adjacent to an office building, and within a business park that that is expanding with additional street, lots, structures, and uses. With over 130,000 square feet of area, frontage on both East Campus Drive and River Road close to I-310, the site is suitable for M-1 uses and the existing M-1 zoning does not deprive the property owner of use of the lot. **The request fails 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.* The proposed rezoning would permit single-family residential lots that are 80 ft. wide on a developed street and at least 10,000 sq. ft. in area. Staff estimate that up to eight (8) lots could be designed on the existing streets if the zoning is changed. The applicant has prepared a resubdivision plat for six (6) lots. While development of 6-8 houses and residential use of the property is not likely to overburden streets, drainage, sewer, or water, it is out of character with the existing business park. Residential development on this site would not be incompatible with Destrehan Plantation Estates; however, the site is adjacent to the residential

subdivision and within—in fact, front corner lot of, the business park. **The request fails the third guideline.**

ANALYSIS

The applicant requests a change of zoning from M-1, Light Manufacturing and Industry to R-1B, Single Family Residential on Lot J-2A of Plantation Business Campus in Destrehan. The lot is within a light-industrial business park, and it is bounded by River Road, south-bound East Campus Drive, an office building, and a residential subdivision. The applicant purchased the lot in November 2020.

The requested change to R-1B zoning does not meet any of the three rezoning guidelines.

It fails the first guideline because it does not conform to the Business Park designation of the Future Land Use Map. It fails the second guideline because the existing M-1 zoning has not deprived the property of use. The corner lot is over 130,000 square feet and located within Plantation Business Campus which recently expanded and is developing with more light-industrial structures and uses (2019-7-MAJ; Ord 20-6-13). It fails the third guideline because residential uses are incompatible with light industrial uses, especially at the only point of egress for business park traffic which can be high volumes of daily traffic including heavy trucks. This creates safety concerns.

The applicant submitted several documents from the LDEQ EDMS system for AI # 4356 (over 150 pages). Some of the documents, described below, suggest that LDEQ may not object to residential use of the property; however, none of the documents is specific to the proposed rezone:

1. Doc # 11046023
Letter dated March 26, 2018. Re: Former Pan American Refinery Additional Site Investigation Report for the 30 Lot Development Destrehan, Louisiana, Atlantic Richfield- A BP Affiliated Co; AI Number 4356, Former Pan American Refinery Site, Land between La Hwy 48 (River Road) & Railroad Switch Yard, Destrehan, St. Charles Parish, LA
2. Doc # 11036536
Report dated March 20, 2018. Re: P&L Investments IX, LLC, Destrehan, Louisiana, Former Pan American Refinery, Additional Site Investigation for the 30 Lot Development, Agency Interest No. 4356, CK Project No. 14316
3. Doc # 11005280
Email dated February 23, 2018. Re: Final Workplan for Additional Investigation of the 30 Lot Area (AI 4356); Attachments: Sampling Workplan_30 Lot Area_Final.PDF
4. Doc # 10993419
Letter Dated February 22, 2018. Re: P&L Investments IX, LLC, Destrehan, Louisiana, Former Pan American Refinery, Workplan for Additional Investigation of the 30 Lot Area, Agency Interest No. 4356, CK Project No. 16143
5. Doc # 10999441
Email dated Feb 12, 2018 Re: Former Pan American Refinery/30 Lot Area
6. Doc # 5945735
Letter dated October 12, 2007. Re: No Further Action Notification, Areas of Investigation (AOI) and Named Sites, Former Pan American Refinery, Agency Interest Number (AI) 4356
7. Document No. 5087145
Letter dated September 30, 2005. Re: Former Pan American Refinery, Agency Interest Number 4356, Results from Undeveloped Area Sampling, Destrehan; St. Charles Parish
8. Document #5020797
Letter dated August 15, 2005. Re: Results from Undeveloped Area Sampling, Undeveloped Area Surrounding Destrehan Plantation, Former Pan American Refinery; Destrehan, Louisiana, Agency Interest No. 4356.
9. Document #2776559
Letter dated July 1, 2005. Re: Request for No Further Action, Undeveloped Area Surrounding Destrehan Plantation, Former Pan American Refinery; Destrehan, Louisiana, Agency Interest No. 4356
10. Document No. 2398174
Letter dated August 3, 2004. Re: MO-1 Summary; Former Pan American Refinery, Agency Interest Number 4356; Destrehan; St. Charles Parish

The site is three (3) acres, so approval **would** require a corresponding change to the Future Land Use Map.

The applicant has been advised that if the rezone is approved, resubdivision into six or more lots is a major subdivision, and that under Ordinance 20-8-18 (a moratorium on major subdivisions), an application for a major subdivision would not be considered before February 2022 unless the Parish Council adopts the drainage study for the community of Destrehan.

DEPARTMENT RECOMMENDATION

Denial, due to not meeting any of the rezoning guidelines.