

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2022-12-SPU

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 7/1/2022**
Dirt Worx Rentals, LLC
4234 Highway 90
Des Allemands, LA 70030
(985)-306-0024; cherie@dirtyworxrentals.com

Triple MBM Properties
820 Industry Road
Kenner, LA 70062
- ◆ **Location of Site**
15207 Highway 90, Paradis (Lot 5A)
- ◆ **Requested Use**
Special Permit for equipment rental and repair which would entail outdoor storage of a fleet of equipment in a C-3 zoning district (companion application to 2022-11-R requesting change from C-2 to C-3, approved by the St. Charles Parish Council at their September 19, 2022 meeting).

SITE-SPECIFIC INFORMATION

- ◆ **Size of Site**
Lot 5A is 24,650.79 sq. ft. (0.56 acres)
264.21 ft. frontage Highway 90 and 93.3 ft. frontage on Wisner & Cadow Streets.
- ◆ **Current Zoning and Land Use**
C-3 (approved by the St. Charles Parish Council at their September 19, 2022 meeting); the site is currently vacant with no structures or permitted use. It is developed with a parking lot with driveway aprons to both Wisner Street and Cadow Street. A restaurant building on the site was demolished in March 2022 (permit #42163). The building slab has not been removed.
- ◆ **Surrounding Zoning and Land Use**
The site is within a C-2 zoning district that was established in 1981 to cover lots fronting both sides of Highway 90 from the Paradis Canal to Bayou Gauche Road.

Legally non-conforming site-built houses are located across Highway 90 and across Cadow Street. Manufactured Homes abut on the rear line of Lot 5A; a commercial building with a small warehouse is located across Wisner Street side.
- ◆ **Flood Zone and Elevation**
Current flood zone X / DFIRM AE 5.
- ◆ **Future Land Use 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**
The site has frontage on U.S. Highway 90, Wisner Street, and Cadow Street. Existing improvements include driveway access to the two Parish streets. Reuse or redevelopment of the site will be subject to the traffic impact analysis requirements of Chapter 6 of the Code of Ordinances (Section 6-14.(n).)

◆ **Utilities**

Parish personnel for water, sewer, and drainage had no concerns regarding this special permit, and the Senior Parish Engineer stated a traffic impact analysis would not be required at a pre-application meeting.

The MS4 Coordinator stated machinery washing facilities must utilize equipment designed to keep excessive sediment from entering parish drainage.

APPLICABLE REGULATIONS

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

[IV.] C-3. *Highway commercial district*—Wholesale and retail sales:

1. Use Regulations:
 - c. Special permit uses and structures include the following:
 - (1) Barrooms, night clubs, lounges, and dancehalls upon review and approval by the Planning Commission and supporting resolution of the Council.
 - (2) R-1A and R-1B uses upon review and approval by the Planning Commission.
 - (3) R-3 uses upon review and approval by the Planning Commission and supporting resolution of the Council.
 - (4) *Reserved*.
 - (5) Cellular installations and PCS (personal communication service) installations.
 - (6) *Reserved*.
 - (7) Warehouses (non-hazardous materials) over ten thousand (10,000) square feet.
 - (8) 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.
 - (9) Bingo Halls, Video Bingo Parlors, and Off-Track Betting Establishments upon review of the Planning Commission and Ordinance of the Parish Council.
 - (10) Outdoor storage, when accessory to an otherwise permitted use in the district.
 - (11) **Automobile Fleet Services: Examples include rental car facilities, overnight truck parking, dispatch locations, and any use related to the temporary or periodical parking of operative motor vehicles.**
 2. Spatial Requirements:
 - a. Minimum lot size: Seven thousand (7,000) square feet, minimum width - seventy (70) feet.
 - b. Minimum yard sizes:
 - (1) Front - twenty (20) feet
 - (2) Side - five (5) feet
 - (3) Rear - ten (10) 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, not withstanding 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, local industrial, rail, water.
 4. Special Provisions:
 - a. Where any commercial use in a C-3 zoning district abuts any residential district or use, a six-foot high solid wood fence or masonry wall shall border the same and there shall be a buffer strip ten (10) 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 or lesser buffer strip.
- [V.] *Prohibited use*: Medical waste storage, treatment or disposal facilities.

Appendix A. Section IV.

A. *Evaluation Criteria* – those uses requiring approval for either a *Special Exception* or a *Special Permit Use* shall be evaluated by the criteria below. These criteria are to be considered illustrative and not restrictive. Other criteria may be considered though not specifically listed below if said criteria affect the general health, safety, and welfare of the public.

1. Compliance with the current St. Charles Parish Comprehensive Plan.
2. Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.
3. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
4. Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.
5. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
6. A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:
 - a. Required yards and open space
 - b. Ingress and egress to property
 - c. Parking and loading areas
 - d. Location of garbage facilities
 - e. Landscaping, buffering, and screening
 - f. Signage
 - g. Height and bulk of structures
 - h. Location and direction of site lighting

SPU CRITERIA COMPLIANCE

The proposal meets the criteria as follows:

1. *Compliance with the current St. Charles Parish Comprehensive Plan.* The Comprehensive Plan recommends *General Commercial*. This designation provides for “a mix of business activities and that serve the community as a whole”, “services which

are ordinarily obtained on an occasional rather than daily basis”, and applies to “all of the uses permitted in the C-3 (Highway Commercial) zoning districts”. **Complies**

2. *Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.* Existing uses on abutting sites primarily consist of single family residences, including across Highway 90, immediately adjacent to the rear, and to each side. The activity and usage of this site for the proposed use, which is most appropriate for the M-1, Light Industrial zoning district, would be an increase of intensity of this commercial site, and be more incompatible with what is primarily a residential area. **Does Not Comply**
3. *Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.* The use requires one (1) parking space for every two (2) employees plus a space for each vehicle kept and maintained on site. The applicant states they will have five (5) employees at most, requiring three (3) spaces. The site plan shows five (5) parking spaces on the Wisner Street side of the proposed building. The site plan also shows an area dedicated for the parking of vehicles kept and maintained on-site. This area is appropriately located along the front property line, away from the existing residences. A loading area is also designated within the parking slab, between the building and the Cadow Street property line. This area is large enough to accommodate a typical 12 ft. by 50 ft. loading space. The building plans originally showed motion sensor flood lighting on each corner of the new building. The lighting in the rear has been revised to include recessed soffit lighting to reduce impact to the abutting residences. **Complies.**
4. *Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.* Given the proximity to abutting residential uses, it cannot be said this use would be any more impactful than those permitted by right in the C-3 district, which includes automobile sales/service, warehouses, dog pounds, public stables, automotive repair (major and minor), and various manufacturing operations. **Complies**
5. *Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.* This use involves the storage, rental, and maintenance of construction equipment which would include maneuvering equipment around the site, loading and unloading for transport, and general maintenance work including washing. This could present hazardous impacts, specifically in regards to noise, for abutting residential homes within close proximity to these operations. **Does Not Comply**
6. *A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:*
 - a. *Required yards and open space;* the site plan shows the new building complies with C-3 setbacks. **Complies**
 - b. *Ingress and egress to property.* The proposed use will utilize existing ingress/egress points from Cadow Street and Wisner Street. These existing driveways were used for a restaurant. Subject to permit by DOTD and review for compliance with the Traffic Impact Analysis requirements of Chapter 6-14(n), this ingress and egress may be approved again. **Complies**
 - c. *Parking and loading areas.* The use requires one (1) parking space for every two (2) employees plus a space for each vehicle kept and maintained on site. The applicant states they will have five (5) employees at most, requiring three (3) spaces. The site plan shows five (5) parking spaces on the Wisner Street side of the proposed building. The site plan also shows an area dedicated for the parking of vehicles kept and maintained on-site. This area is appropriately located along the front property line, away from the existing residences. A loading area is also designated within the parking slab, between the building and the Cadow Street property line. This area is large enough to accommodate a typical 12 ft. by 50 ft. loading space. **Complies**
 - d. *Location of garbage facilities.* The site plan shows a dumpster located near one of the Cadow Street driveway entrances, immediately adjacent to the front yard of a residential property. This dumpster location cannot be approved due to proximity to the residences and being within what would typically be the required 10 ft. residential buffer. **Does Not Comply.**

- e. *Landscaping, buffering, and screening.* With the exception of approximately 800 sq. ft., the site is almost entirely hard-surfaced and nonconforming to current landscaping and buffer requirements. The applicability section of the Parish's site design requirements states:

"For existing sites and redevelopment the requirements of this section shall apply to all additions of fifty (50) percent or more to the floor area".

This redevelopment includes construction of a new commercial/industrial building in place of one demolished due to Hurricane Ida damage (Permit No. 42163, 2/14/22). Due to this being a new building for a higher intensity use, the full site design requirements apply as detailed above, including:

- Designating a minimum of ten (10) percent of the site for designed landscaping, or 2,465 sq. ft.
- One (1) tree planting for every five thousand (5,000) square feet of site area, or five (5) trees.
- Where any commercial use in a C-3 zoning district abuts any residential district or use, a six-foot high solid wood fence or masonry wall shall border the same and there shall be a buffer strip ten (10) 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 or lesser buffer strip).

The submitted site plan includes areas shown for landscaping, including three (3) trees. But the effectiveness of the landscaping is questionable. Specifically the areas shown along the front property line and likely within the DOTD right-of-way. If this is the case, these areas cannot be counted towards the landscaping requirements. Additionally, the location of the labelled trees may be inadequate. One near the south-west corner of the building may not have enough space to survive. The other is shown in an area primarily consisting of concrete and potentially obstructing the Cadow Street driveway and designated equipment parking. As for the required buffer along the rear property line, the site plan does show a 6 ft. wood fence as required by the C-3 district, but not the planted 10 ft. area. Providing the required buffer plantings is inhibited by the majority of the rear property line consisting of hard surface concrete. Due to this existing site condition, the Department can allow for the lesser buffer strip as shown on the site plan, with the omission of the required plantings. The Department does not endorse eliminating the buffer altogether, which must be kept free of any equipment or business activity. **Does Not Comply**

- f. *Signage.* The business is utilizing an existing on-premises sign which complies with current sign requirements. **Complies**
- g. *Height and bulk of structures.* The site plan shows a 5,000 sq. ft. building with office and industrial shop as well as a wash rack all within the buildable area, meeting all required setbacks for a C-3 lot. Structures are not located within the required 10 ft. wide landscaped buffer. **Complies**
- h. *Location and direction of site lighting.* The building plans originally showed motion sensor flood lighting on each corner of the new building. The lighting in the rear has been changed to include recessed soffit lighting in the rear in order to reduce impact to the abutting residences. **Complies**

ANALYSIS

The applicants requests a special permit for outdoor storage of a fleet of construction equipment for rent in addition to repair services for privately owned equipment at 15207 Highway 90, Paradis. This is a companion application to 2022-11-R requesting a zoning change from C-2 to C-3, which was approved by the Parish Council at their meeting on September 19, 2022.

The applicant indicates that the equipment available is listed on their website, dirtworxrentals.com, which as of 7/22/2022 shows the following:

- Skid Streets (T550, T62, T64, 323E, T740)
- Excavators (E32, E50)
- Stand-Up Mini Skid Steers (Mt85, Mt100)
- Trailers (Tilt trailer, Dump trailer, Mini trailer for Mt machines)
- Attachments (Auger, Concrete breaker, Grapple buckets, Dirt buckets, Forks, Sweeper)

The department has found the request meets the majority of the review criteria as detailed in the previous section. But it should be noted criteria 2 and 5, which address compatibility and potential hazards to abutting sites, are not met. In an effort to ensure impact on the abutting residential uses is minimized, the Department recommends approval, but with stipulations as detailed in the Department Recommendation section below.

DEPARTMENT RECOMMENDATION

Approval, with the following stipulations:

- 1. The equipment kept and maintained on-site is limited to what is currently shown on the company's website, as detailed in the analysis section of this report.**
- 2. The required 10 ft. buffer along the rear property line is kept free of vehicles and equipment, garbage facilities, and business activities.**
- 3. Approval of a waiver from the required landscaping, with supporting resolution from the Parish Council.**