

St. Charles Parish

Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: 2022-5-R

GENERAL INFORMATION

- ◆ Name/Address of Applicant

MHI Investments, LLC  
10557 W. Airline Drive  
St. Rose, LA 70087  
(504)-737-1600

Application Date: 3/8/2022
- ◆ Location of Site

A tract fronting on Airline Drive designated as CM-2A, Fairview Plantation (approximately 168 ft. west of 10390 Airline Drive).
- ◆ Requested Action

Rezoning a 26.464-acre portion of a tract designated as CM-2A from C-3, Highway commercial district—Wholesale and retail sales to M-1, Light manufacturing and industry district.

SITE INFORMATION

- ◆ Size of Site

The total area of the proposed zoning is approximately 1,152,804.69 sq. ft. (26.464 acres)
- ◆ Current Zoning and Land Use

The first 2,500 feet of tract CM-2A from Airline Drive is zoned C-3; the remainder is zoned W-1. The 26 acres requested for rezone is located entirely within the C-3 zone. The Planning Supervisor indicates that the wetlands in the area have been mitigated and cleared.
- ◆ Surrounding Zoning and Land Use

M-1 zoning is located to the front across Airline Drive and adjacent to the east side; W zoning is adjacent to the rear; C-3 zoning is adjacent to the west side.

The site is located on the Airline Drive corridor in St. Rose, which is developed with a mix of commercial and industrial uses, along with large vacant tracts. Specifically, a truck freight distribution facility is located across Airline Drive, and a paintball facility is adjacent to the east side. The parcel adjacent to the west side is vacant and wooded.
- ◆ Flood Zone and Elevation

The site is in a current flood zone A99 / DFIRM X. The required construction elevation is 1 ft. above the centerline of Airline Drive.
- ◆ Zoning History

The existing C-3 zoning was established in 1981.
- ◆ Future Land Use Recommendation

Light Industrial: This designation includes such uses as warehouse and distribution activities, as well as office uses, repair facilities, light assembly and light manufacturing activities that do not involve emissions of odors, dust, fumes or excessive noise, consistent with the uses in the M-1 Light Manufacturing and Industrial zoning district.

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 565.60 ft. of frontage on Airline Drive.

◆ **Utilities**

The Parish GIS map shows water and sewer facilities along the south side/across Airline Drive. Airline drive is lined with roadside drainage on both sides.

<b>APPLICABLE REGULATIONS</b>
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**Appendix A. Section VI. – Zoning District Criteria and Regulations**

[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.
    - 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.

#### **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.*  
The site has two Future Land Use designations. The Light Industrial Future Land Use designation encompasses approximately 6 acres abutting Airline Drive and applies to uses such as warehouse and distribution activities, office uses, repair facilities, light assembly and light manufacturing activities that do not involve emissions of odors, dust, fumes or excessive noise, consistent with the uses in the M-1 Light Manufacturing and Industrial zoning district. The Commercial Future Land Use designation encompasses the remaining approximately 20 acres and 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. The proposed rezone does not create a spot zone. **The request meets 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 C-3 zoning allows for a reasonable use of property. The 26.464-acre site meets minimum requirements of the zoning district and can be developed with commercial uses permitted in C-3. Properties to the west and southeast along Airline Drive are zoned and developed with C-3 uses. **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 M-1 zoning would allow for the permitting of a truck sales and service business. The properties to the east, west, and south are zoned M-1. The change of zoning is compatible with surrounding uses; there are truck sales business located in the vicinity along Airline Drive. **The request meets the third guideline.**

**ANALYSIS**

The applicant is requesting a rezoning from C-3 to M-1 on a 26.464-acre portion of a tract designated as CM-2A, Fairview Plantation.

The request meets the first and third rezoning guidelines; as an expansion of an existing M-1 zone, it would not create a spot zone and permitting the proposed use as a truck sales and service business does not conflict with the character of the surrounding area consisting of uses of similar intensity in both C-3 and M-1 zoning districts.

The request does not meet the second guideline; the existing C-3 zoning allows for reasonable use of the land.

**DEPARTMENT RECOMMENDATION**

**Approval, due to meeting the first and third guidelines.**