

St. Charles Parish

Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: PZR-2012-13

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:** **Application Date: 9/27/12**
Gerald Cannon, Amelia Cannon, Anthony Cannon
3724 East Louisiana Street Drive
Kenner, LA 70065

Tri-Logistics Construction
9605 Jefferson Highway Suite 132
River Ridge, LA 70123
- ◆ **Location of Site:**
10422 Airline Drive, St. Rose
- ◆ **Requested Action:**
Rezoning from C-2 and C-3 to M-1
- ◆ **Purpose of Requested Action:**
Corrective action for current unpermitted uses/activities on Portions of Lot 31;
speculative for Portion Lot 30-A

SITE-SPECIFIC INFORMATION

- ◆ **Size of Parcel:**
Approximately 272,000 square feet—6.25 acres/
- ◆ **Existing Zoning and Land Use:**
The front portion, Portion of Lot 30-A is zoned C-3. It is graded, but vacant other than access to the other parcels.

The rear portion is two properties, Portions of Lot 31 and is split-zoned C-2 and C-3. The entire site primarily used as outdoor storage for a heavy equipment/vehicle rental.
- ◆ **Surrounding Land Uses and Zoning:**
To the north, zoning is C-3 and developed with a hurricane protection levee
To the east, property is zoned C-3 and developed with a levee-construction road; a site fronting Airline Drive is graded, but the majority of land adjacent to the east is wooded.
To the south, across Airline Drive, property is zoned M-1 and developed with tractor trailer sales and services.
To the west of the frontage (Portion of Lot 30-A) property is zoned M-1 and developed with truck rental; to the west of the rear lots (Portions of Lot 31) Fox Place Subdivision, zoned R-1A(M), and developed with single-family residences.
- ◆ **Future Land Use Map Designation:**
Portion of Lot 30-A (the front portion) is indicated Light Industrial.
The rear portions are indicated General Commercial.
- ◆ **Utilities:**
Sewer is available, but would need to be extended from Fox Lane and Airline at the developer's expense. Water service is available from Airline.
- ◆ **Traffic Access:**
M-1 zoning requires 100 feet of width or frontage. Therefore, if the properties are rezoned to M-1, each would require 100 feet of frontage on a developed roadway. The front lot, Portion of Lot 30-A, is approximately 186 feet wide; while it exceeds the minimum width, it is not wide enough to provide required frontage for two M-1 lots.

Portions of Lot 31 are currently accessed by a gravel driveway through the front lot. They were platted in 1920 on a 16' wide road that intersects Fox Lane. Much of that road on the west side of Fox Lane has been revoked. Staff have found no record of revocation of the 16' road east of Fox Lane. A 16' right of way is too narrow to develop a road to current subdivision standards; the owners propose to continue accessing the rear lots through the front lot and formalizing a servitude of passage.

Insufficient frontage (200' minimum) exists on lot 30A to establish code complaint lot frontage for the rear portions of Lot 31.

APPLICABLE REGULATIONS

Section VI.C.[IV.] C-3. Highway commercial district -Wholesale and retail sales:

1. Use Regulations:

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

- (1) All uses allowed in the C-2 District. (Ord. No. 88-5-5, 5-16-88)
- (2) Commercial auditoriums, coliseums or convention halls
- (3) Retail manufacturing
- (4) Motor vehicle sales and service
- (5) Wholesale uses
- (6) Warehouses (less than 10,000 sq. ft.)
- (7) Bus, railroad, passenger and truck terminals (without video poker gaming facilities) (Ord. No. 98-4-17, § II, 4-20-98)
- (8) Bottling works
- (9) Dog pound
- (10) Building supply
- (11) Heating and air conditioning service
- (12) Plumbing shops
- (13) Motor vehicle repair
- (14) Glass installation
- (15) Fabrication of gaskets and packing of soft metal material
- (16) Creameries
- (17) Parcel delivery service
- (18) Reserved. (Ord. No. 97-7-4, § VIII, 7-7-97)
- (19) Frozen food lockers
- (20) Public stables
- (21) Bulk dairy products (retail)
- (22) Animal hospitals
- (23) Gymnasiums
- (24) Sheet metal shops
- (25) Upholstery
- (26) Other uses of similar intensity
- (27) Customary accessory uses incidental to the above uses when located on the same lot.

b. Special exception uses and structures:

- (1) Temporary construction facilities for a period of one (1) year upon approval of the Planning Director. (Ord. No. 88-9-9, 9-6-88)

c. Special permit uses and structures include the following:

- (1) Barrooms, night clubs, lounges, and dancehalls.
- (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. (Ord. No. 01-5-18, § II, 5-21-01)
- (5) Cellular installations and PCS (personal communication service) installations.
- (6) Reserved. (Ord. No. 01-5-18, § III, 5-21-01)
- (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.

(Ord. No. 92-9-14, 9-8-92; Ord. No. 94-1-9, § IV, 1-10-94; Ord. No. 94-6-6, § II, 6-6-94; Ord. No. 97-7-4, § IV, 7-7-97; Ord. No. 98-4-17, § III, 4-20-98; Ord. No. 99-12-24, § I, 12-20-99; Ord. No. 03-1-12, § IV, 1-21-03; Ord. No. 07-10-10, § II, 10-15-07; Ord. No. 09-2-6, § 1, 2-16-09)

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, 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. (Ord. No. 08-8-9, § XII, 8-18-08)

(Ord. No. 82-6-6, § 1, 6-7-82)

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.

(Ord. No. 82-6-9, § III, 6-7-82; Ord. No. 98-1-3, § IV, 1-5-98)

5. Prohibited use: Medical waste storage, treatment or disposal facilities. (Ord. No. 90-9-4, § II, 9-4-90)

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).
- (Ord. No. 87-6-13, 6-15-87; Ord. No. 88-11-20, 11-28-88)

b. Special exception uses and structures (variation):

- (1) Temporary construction facilities for a period of one (1) year upon approval of the Planning Director. (Ord. No. 88-9-9, 9-6-88)

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. (Ord. No. 94-1-9, § V, 1-10-94)
- (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. (Ord. No. 96-5-17, § II, 5-20-96)
- (3) Cellular installations and PCS (personal communication service) installations. (Ord. No. 97-74, § V, 7-7-97)
- (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. (Ord. No. 01-5-18, § IV, 5-21-01)

(5) Towing yard. Towing yards 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. (Ord. No. 99-3-15, § II, 3-22-99)

(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. (Ord. No. 03-1-12, § V, 1-21-03)

(7) Barrooms, night clubs, lounges and dancehalls. (Ord. No. 08-5-5, I, 5-19-08)

(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. (Ord. No. 11-5-2, 5-2-11)

2. Spatial Requirements:

a. Minimum lot size: Ten thousand (10,000) square feet. Minimum width: One hundred (100) feet. (Ord. No. 99-2-4, § I, 2-1-99)

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. (Ord. No. 08-8-9, § XIII, 8-18-08)

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. (Ord. No. 89-2-13, 2-20-89; Ord. No. 05-5-2, 5-2-05)

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.

(Ord. No. 96-5-17, § III, 5-20-96; Ord. No. 87-6-13, 6-15-87; Ord. No. 99-8-15, § I, 8-16-99; Ord. No. 05-5-2, 5-2-05)

AND

Rezoning Guidelines and Criteria: Before the Planning & Zoning Commission recommends or the Parish 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. Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. Reasonableness is defined as:
 - a. Land use the same as, or similar to that existing on properties next to, or across the street from 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 tend to limit the usefulness of vacant land or buildings.
2. The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:
 - a. Undue congestion of streets and traffic access.
 - b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.
 - c. Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.
 - d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
3. The proposed zoning change is in keeping with zoning law and precedent, in that:
 - a. It is not capricious or arbitrary in nature or intent.
 - b. It does not create a monopoly, or limit the value or usefulness of neighboring properties.
 - c. It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.
 - d. It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

ANALYSIS

The property owners request rezoning to M-1 of three lots owned by the family: the larger portion of Lot 31 since 1995; the smaller portion of Lot 31 since 2000, and the frontage—the Portion of Lot 30-A since 2003. The stated intent is to permit the activity/use—heavy equipment rental and storage—occurring in the rear portion and to market the front portion.

The C-2/C-3 zoning dates to 1981. The C-3 zoning district extends east to the 60 acres landfill site. The C-2 zoning appears to have been provided as a transitional zoning buffer for adjacent residents of Fox Place.

In order to receive a recommendation for approval, a rezoning request must meet all of the criteria of at least one of the tests listed in applicable regulations. While the request meets the tests for

rezoning the front, Portion of Lot 30-A, to M-1, it does not meet the criteria for rezoning the rear portions to M-1 as they are adjacent to an established residential neighborhood.

The first test provides relief when land use character in an area has changed to the extent that current zoning no longer allows reasonable use of the property. The changes to the area have occurred in the front, along Airline Hwy. It could certainly be argued that the surrounding truck & heavy equipment rental and service business on adjacent properties discourage C-3 uses from developing on the front portion. It is also unlikely that C-2 uses would develop in the area, as the residential density of Fox Place would not support a neighborhood commercial business and the rear lots do not have frontage on Airline Highway. However, M-1 zoning is discouraged adjacent to residential zoning districts as it could promote incompatible land uses.

The second test is designed to protect public infrastructure, public welfare, and the character of a neighborhood. Rezoning the front portion to M-1 would not create congestion, overcrowding or land uses that are incompatible with adjacent properties; however, rezoning the rear Lots to M-1 would create the potential for land uses that are incompatible with the established residences of Fox Place.

The third test is to ensure that zoning decisions are consistent with law and precedent. As a request to extend an M-1 zoning district developed with M-1 uses, to a lot that is surrounded by M-1 uses and vacant C-3 zoning, the request to rezone the front lot is not a spot zone and likely would not adversely affect the reliance neighboring property owners have on existing zoning. However, even as it is contiguous with the front portion (ignoring the 16' road) the rear properties both abut R-1AM zoning and uses to the west. Rezoning these lots to M-1 would likely adversely affect the reliance neighboring property owners have on existing zoning.

Rezoning of the smaller Portion of Lot 31 (measuring 112.5' on the 16' road by 300') to C-3 and rezoning the larger portion of Lot 31 such that it is C-3 in its entirety is more desirable than rezoning all three portions of ground to M-1.

DEPARTMENTAL RECOMMENDATIONS

Approval for Portion of Lot 30-A (rezone to M-1).

Denial for both Portions of Lot 31 to rezone to M-1.

Rezoning such that both Portions of Lot 31 are entirely C-3.