

Commissioner Booth: Next item on the agenda is PZR-2017-13 requested by MHI Investments, LLC for a zoning reclassification from C-2 to M-2 at 10511 Airline Highway, St. Rose. Council District 5. Ms. Stein.

Ms. Stein: Thank you Mr. Chair. The applicant requests rezoning of two lots from C-2, General Commercial to M-2, Heavy Manufacturing in order to permit a concrete mixing yard. Each lot meets the minimum area requirement of the M-2 zoning district; however, Lot 1 does not meet the minimum 100' width for the proposed M2 zoning district. The applicant has indicated that if the property is rezoned, it will be resubdivided into one lot that meets both the minimum area and width.

The 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, or describe unique circumstances that justify the change of zoning district. While this request does not meet the three guidelines, there are unique circumstances. Considering the development trends on the Airline corridor, industry safety standards provided by the proposed tenant, the concrete plant that has operated on Airline Drive since 1990, that the subject site is unlikely accommodate a more intense M2 use, and that the applicant is formally requesting a variance from the required M2 buffer for the proposed use (ZBA 2017-21), the Department does not object to rezoning the property to M2.

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 for the property is General Commercial which lists the C-2 and C-3 zoning districts as compatible in this future land use category. Rezoning the property to M-2 would not conform to the future land use recommendation and would create a spot zone. **The request does not meet 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 applicant considers the proposed use compatible with the neighborhood because Airline Drive in St. Rose is developed with heavy commercial and light industrial uses. He finds that C-2 zoning does not allow reasonable use of the property. C-2 uses do exist on Airline Drive and C-2 allows uses like convenience stores, restaurants, and hotels, all of which support the Airline corridor. With a restaurant under construction in the vicinity, it cannot be shown that C-2 zoning does not allow reasonable use of these properties. Even if there were no C-2 uses on the corridor, this guideline could not be used to show that the M-2 is the appropriate zoning district for the property. **The request does not meet 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 public infrastructure have indicated that M2 uses **on this specific site** would not overburden public infrastructure; and Airline Drive will not be overburdened by development of this property to an M2 use. However, the Airline corridor (neighborhood) is a light industrial corridor developed with heavy equipment sales and rental and construction materials sales, light commercial business that support those uses and a few residential uses. M2 zoning allows heavy industry such as petroleum refining, chemical processing, solid fuel handling, and energy generation, which are certainly not compatible with the corridor. **The request does not meet the third guideline.**

Although a rezone to M2 at this location does not meet any of the three criteria, the unique circumstances of this rezone should be factored into the recommendation. The Department does not object to the rezone because the **specific** proposed use would support a light-industrial corridor; the applicant has shown how nuisances will be mitigated; because approval requires Planning Commission, Parish Council, and Board

of zoning Adjustment approvals; and because it is extremely unlikely that any other M-2 use would develop on the site (see supplemental map).

A concrete plant may be considered to be compatible, even to support the light industrial uses on the corridor. Concrete mixing is listed as an M-2 use because it generates noise and dust with regular operations and also because there is a risk of environmental damage from accidental spills. A concrete mixing facility has operated on the opposite side of Airline Drive near James Business Park since 1990 with no complaints on file or incidents reported to the Planning Department. The applicant has submitted a development proposal and industry best practices that describe how nuisances would be mitigated on the site, and has applied for the required variance from the 2000 foot M2 buffer requirement.

Under the circumstances we recommend approval and we recommend approval as presented.

Commissioner Booth: Thank you Ms. Stein. Public hearing for PZR-2017-13 for MHI Investments for the zoning reclassification from C-2 to M-2 at 10511 Airline Hwy. in St. Rose. Anyone here to speak for or against? State your name please ma'am and your address.

Paula Ates, 10557 Airline Hwy, St. Rose, La. Representing Magnolia Investments, LLC. We are in favor of this development for this site for this particular use. I don't know if you've had the opportunity, but this is right next to Mac's junkyard, would you like me pass this around? Our corporate offices are right down the street. We would not want to put any type of business on this location that would affect or in some way detract from our corporate offices. The proposed site also complies with all of the beautification programs the parish is working on Airline Highway to beautify the whole strip right there. So if you have any questions, I'm sorry, I'm a little under the weather right now, but if you have any questions, I'm happy to answer.

Commissioner Booth: Anyone has any questions or comments? Thank you ma'am. Anyone else here to speak for or against this particular issue? This is in my area, the St. Rose area and right down the street on Airline Mr. Ditta has a concrete business also and I don't see a problem with it.

Commissioner Frangella: I have a question for Ms. Stein. You refer to in here as "because of the specific proposed use" but it's not limited to that correct?

Ms. Stein: It is not limited to the specific proposed use which is concrete mixing, which is relegated to the M-2 zoning district, but what we are saying is that the size of the property makes it so unlikely that any other M-2 use would develop on this property. What came to light for us was M-2 zoning might not be the right place for concrete mixing, we're looking into that and coming back with a change to the ordinance to move that up to M-1 with a special permit use, we just didn't have time, we kind of got caught off guard and have to catch up and do the research and see if that's appropriate.

Commissioner Booth: Thank you Ms. Stein. Any other questions or comments?

Mr. Matherne: If I may address that question. Michael asked me to point out, he knew that specific question would come up. Because of the size of the site and its location there's no way to build an M-2 site without a waiver. So while the M-2 zoning is not specific, the waiver is specific to this project. So say the concrete plant doesn't happen, they would have to go back and get a waiver specific to the project they are trying to build in the M-2. The other point is that waiver will be heard before this appears before the Council so the Council will make the decision with both the recommendations of the Commission and the Zoning Board of Adjustment, so it kind of is specific in this case.

Ms. Stein: So just to be clear, the requirement that they are requesting a waiver from is the 2000 ft. buffer between any residential uses and I think also C-2 or lower uses.

Commissioner Frangella: Are we voting on this with the stipulation that they will be resubdivided into one lot?

Ms. Stein: That will be fine but that's just a procedural thing, we would demand that actually.

Commissioner Booth: I've had no complaints, I'm the St. Rose representative and no one has approached me about this. We're about to cast our vote and as was stated as part of this process it will become one lot. Cast your vote.

YEAS: Gordon, Petit, Granier, Richard, Booth, Frangella, Galliano

NAYS: None

ABSENT: None

Commissioner Booth: That passes unanimously. In this room at 6:00 on October 2nd the Council will hear this issue. Thank you.
