

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: PZSPU-2013-17

GENERAL APPLICATION INFORMATION

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| ◆ Name/Address of Applicant:
Pintail Contracting Services LLC for 310 Investments LLC
205 Beau Place
Luling, LA 70070
504.329.2668 | Application Date:
11/5/13 |
| ◆ Location of Site:
579 Judge Edward Dufresne Parkway, Luling | |
| ◆ Requested Action:
Special Permit Use | Purpose of Requested Action:
Heliport, helistop, and hangars |

SITE-SPECIFIC INFORMATION

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| ◆ Size of Parcel:
Approximately 4 acres | Plan 2030 Recommendation:
Mixed Use Corridor |
| ◆ Existing Land Use and Zoning:
M-1, (proposed AV-1), Vacant | |
| ◆ Surrounding Land Uses and Zoning:
Site is situated at end of Judge Edward Dufresne Parkway in Esperanza Business Park so commercial and light industrial development is anticipated. Presently the surroundings are in agricultural use. A C-3 use is in place approximately 800 feet from site. Satellite Center is approximately 1,500 feet away. I-310 borders rear side. | |
| ◆ Utilities: Water only | |
| ◆ Traffic Access:
Judge Edward Dufresne Parkway | |

APPLICABLE REGULATIONS

Appendix A, Zoning Ordinance

J. AV-1 Aviation District.

Policy statement: This district provides for airports, airfields, airstrips, aviation-related facilities and compatible industrial operations of all types. Certain aviation-related uses and other uses, which may require compliance with certain conditions to ensure compatibility with other land uses in the district and in St. Charles Parish as a whole, are permitted only conditionally, as provided herein. No use permitted in an AV-1 district shall cause injury or damage to adjacent land uses, property or the public health, safety or welfare. Compliance with all applicable safety and operational standards and regulations of the Federal Aviation Administration and other applicable federal aviation regulatory authorities shall be deemed in compliance with this subsection's requirements, as applied to navigational and flight operational uses.

1. Use Regulations:

- a. Only the following uses are authorized as permitted uses within land specified as AV-1 (Aviation District):

- (1) All uses permitted in the C-3 zoning district, subject to C-3 regulations.
- (2) Airports, exclusive of any use listed or described in subsection J.2. of this section as a special permit use and the following facilities and services when developed, maintained, and/or operated as components of an airport:

[a.] Airport terminals, including concourses;

- [b.] Uses within an airport terminal and/or concourse that are compatible with and appropriate to the general purpose of such a facility;
 - [c.] Food service;
 - [d.] Beverage service;
 - [e.] Vehicle rental;
 - [f.] Hotels, retail shops;
 - [g.] Bus stops;
 - [h.] Parking lots and garages (not including connections to or intersections with parish streets, roads and/or other parish public ways outside the airport perimeter);
 - [i.] Airport fences;
 - [j.] Interior airport roads (not including connections to or intersections with parish streets, road and/or other parish public ways outside the airport perimeter);
 - [k.] Warehouses;
 - [l.] Airport fire prevention, suppression, and training facilities; and
 - [m.] Airport administration and security offices.
- (3) Metal works and machine shops.
 - (4) Welding shops.
 - (5) Cold storage warehouses.
 - (6) Produce warehouses and other warehouses if their use is related to air transportation.
 - (7) Major roadway construction approved by the parish council.
 - (8) Electrical power plants, light and power substations, and other public utilities drainage, sewage, waterworks, sewerage treatment plants and similar facilities, when mandated by the Parish of St. Charles or its governing authority.
 - (9) Pumping stations, exclusive of fuel pumping stations.
 - (10) Relay stations.
 - (11) Utilities, roadways, lighting, and signage intended or designed to serve as or be an accessory to the uses listed in this subsection.
 - (12) Monopoles, aerials, antennas, transmission towers, masts, and communications equipment shelters subject to the requirements and restriction found in Appendix A, Section X, Subsection G. *Exceptions and modifications to all Provisions for Construction and/or Operation of Cellular and Personal Communication Service Installations Within the Parish of St. Charles, State of Louisiana.*
- b. Signs: on-premise signs are permitted in the AV-1 Aviation District and shall comply to Appendix A, Section XXI. Subsection G. *Requirements for On-Premise Signs.*
- c. Prohibited Uses:
- (1) Residential uses, except for airport hotel facilities and overnight facilities on the premises for employed public safety personnel, watchmen and/or caretakers; M-3 uses.

2. Special Permit Uses.

The following uses are prohibited unless and until specifically authorized by a special permit use granted pursuant to approval of the St. Charles Planning and Zoning Commission with a supporting resolution of the Parish Council:

- (1) Taxiways, or any extension thereof.
- (2) Airfields, or any extension thereof.
- (3) Runways, or any extension thereof.
- (4) Aviation aprons, or any extension thereof.
- (5) Airstrips, or any extension thereof.
- (6) Airport terminals not existing as of the effective date of the ordinance by which this amendment was first adopted; and any change to an airport terminal, the effect of which may result in an alteration to its footprint, an increase in its square footage, and/or an increase in the height of its structural elements.
- (7) Concourses not existing as of the effective date of the ordinance by which this amendment was first adopted; and any change to a concourse, the effect of which may result in an alteration

to its footprint, an increase in its square footage, and/or an increase in the height of its structural elements.

(8) Rail terminals.

(9) Connections or intersections of the exits and/or entrances of garages and/or parking lots and/or of airport interior roads with parish roads, streets, and/or other parish public ways.

(10) Tramways.

(11) Intermodal transportation facilities.

(12) Air cargo facilities.

(13) Hangars.

(14) *Heliports.*

(15) Helistops.

(16) Railroads, railway yards and other related appurtenances.

(17) Fuel gas storage, if the use is developed in accordance with, and complies fully with all state and federal regulations.

(18) Fuel gas distribution stations, if the use is developed in accordance with, and complies fully with all state and federal regulations.

(19) Gasoline storage and distribution, if the use is developed in accordance with, and complies fully with all state and federal regulations.

(20) Any use which is permitted in an M-1 and M-2 District; applicable buffer requirements within the respective zoning district shall apply.

(21) Any utilities, roadways, lighting, signage, drainage and/or fuel facilities intended to or designed to serve or be an accessory to any other use listed in this Section.

(22) Electrical power plants, light and power substations, and other public utilities, drainage, sewage, waterworks, sewerage treatment plants and similar facilities, when not mandated by St. Charles Parish or its governing authority.

(23) Use, or designation, or preparation for use of any area of an airport for emergency purposes that may have the potential to affect the health, welfare and safety of person inside and/or outside the perimeter or an airport.

(24) Red label chemicals and products as defined by O.S.H.A. production and storage, if the use is developed in accordance with, and complies fully with all state and federal regulations regarding hazardous or obnoxious uses.

(25) Any other use which may, by ordinance be specially authorized as a hazardous and obnoxious use in an M-1 Light-Industrial District (Appendix A, Section VI, Subsection D [1], 4. a.), provided that such hazardous and obnoxious uses comply fully with all state and federal regulations regarding hazardous or obnoxious uses.

3. Height and Area Regulations.

a. Lot Area: A lot in the district shall be a minimum of ten thousand (10,000) square feet (as in M-1 district) with a minimum width of one hundred (100) feet).

b. Structures: No structure shall be constructed, placed, or extended within one hundred (100) feet of any public way or within one hundred (100) feet of any boundary of the AV-1 Zoning District. Such a 100-foot buffer area shall be maintained in turf and/or plant material, or as landscaped, dust-free off-street parking area. This provision shall not apply to any uses or structures allowed in C-3 zoning districts,

c. Parking: For each use permitted within the AV-1 Aviation District, adequate off-street parking shall comply with the regulations set forth in Appendix A, Section VIII of the Zoning Ordinance of 1981. Such parking shall not be located within 100 feet of any boundary of the AV-1 District, unless a compact hedge or row of shrubbery of at least four (4) feet in height is provided between such parking area and district boundary. In no case shall such parking area be located closer to district boundary than ten (10) feet.

d. Notwithstanding any other provision to the contrary, height restrictions in and around the AV-1 Aviation District shall conform to all applicable state and/or federal regulations.

e. Prior to receipt of a Certificate of Zoning Compliance for any building or structure within the AV-1 District, the plat or site plan for such building or structure, in conformity with all applicable zoning requirements, shall be filed with the Department of Planning and Zoning.

4. Transportation System: All uses within the AV-1 Aviation District shall be served by and have access only from interior access roads located within said district to carry vehicular traffic to and from major entrances and exits serving the airport, and designated and constructed according to plans approved by the parish engineer. The AV-1 Aviation District location shall be served by a federal or state highway, or by any form of passenger carrying rail transit.

5. Special Provisions:

a. In addition to complying with the regulations of this amendment, all uses of property within the AV-1 Aviation District shall comply with all applicable and enforceable FAA regulations.

b. In the event of any conflict between the provisions of this ordinance and FAA regulations, the stricter regulations shall prevail, except to the extent that federal law may require otherwise.

c. Where a conflict exists between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

d. Notwithstanding any other provision to the contrary, except as otherwise provided in this ordinance, the Parish Council, within its sound discretion, may in an ordinance approving a conditional use, require subdivision or resubdivision as a condition precedent to the effectiveness of a special use permit.

e. Notwithstanding any provisions within this amendment, no airport, airfield, and/or similar aviation use, any structure associated with such a use or located within the AV-1 Aviation District shall be permitted unless they comply with state and/or federal regulations.

6. Severability: If any section, subsection, sentence, clause, word, or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

(Ord. No. 99-12-3, § I, 12-6-99)

AND

Appendix A, Zoning Ordinance, Section IV.

9. Review and evaluation criteria/special permit use and special exception use: The appropriate decision-making agent and/or body shall review and evaluate each application based upon the following relevant criteria:

a. Comparison with applicable standards established by the Comprehensive Land Use Plan as applied to the proposed use and site.

b. Compatibility with existing or permitted uses on abutting sites, in terms of building construction, site development, and transportation related features.

c. Potentially unfavorable effects or impact on other existing conforming or permitted uses on abutting sites, to the extent such impacts exceed those impacts expected from a standard permitted use in the applicable zoning district.

d. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and uses in the area.

e. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

f. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.

g. Conformity with the objectives of these regulations and the general purposes of the zone in which the site is located.

h. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the

proposed use with existing or permitted uses in the same district and the surrounding area.

The above criteria listed in a--g is to be considered illustrative and not restrictive, and other criteria may be considered although not specifically listed above if said criteria affects [affect] the general welfare and safety of the public at large.

ANALYSIS:

As the Applicable Regulations detailed above indicate, the applicants must receive rezoning approval of AV-1 zoning before specific special permit uses can occur. The applicants have requested a rezoning of the site at 579 Judge Edward Dufresne Parkway from M-1 to AV-1 and also requesting a special permit for heliport, per the special permit use requirements in the AV-1 Zoning District. This request is pending approval of the rezoning request to AV-1.

If the site is rezoned to AV-1 and the Special Permit Use approved by the Commission and Council, the applicants intend to relocate an existing heliport from River Road in Luling, situated between Monsanto and a residential area, to the lot on 579 Judge Edward Dufresne Parkway. Approval allows the owner an opportunity for expansion and provides a greater separation from residential land uses.

Heliports, as defined by the Federal Aviation Administration are *any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities*. So as defined, the proposed heliport will include several of the uses listed as special permit uses in AV-1 and consideration of this application includes allowing those other uses associated with heliports to occur as well.

Approval of a Special Permit Use is site specific and tied to the application submitted. Any potential concerns expressed the Commissioners can be adequately addressed through specific stipulations or conditions of approval. In order to receive a recommendation for approval, a special permit use application must meet a majority of the eight criteria (a-h) before the Department recommends approval. This request meets the following criteria:

- a. *Comparison with applicable standards established by the Comprehensive Land Use Plan as applied to the proposed use and site.* The zoning designation for the surrounding area is light-industrial. Many of the uses allowed in AV-1 are also allowed in M-1. The Mixed Use Overlay at this location is consistent with light industrial and civic land uses.
- b. *Compatibility with existing or permitted uses on abutting sites, in terms of building construction, site development, and transportation related features.* The site is located in a business park, zoned M-1. No conflicts exist between the allowable uses from each zoning districts.
- c. *Potentially unfavorable effects or impact on other existing conforming or permitted uses on abutting sites, to the extent such impacts exceed those impacts expected from a standard permitted use in the applicable zoning district.* The site plan submitted with the application shows one helipad, a hanger and an office. Impacts from the proposed heliport should not create conflicts with existing or future surrounding land uses which are consistent with the M-1 zoning designation.
- d. *Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and uses in the area.* There appears to be adequate vehicular parking on the site. A more thorough review and parking analysis will be completed at the time the permit is submitted. Adequate space exists on the site to provide more parking if it is warranted.
- e. *Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts, AND;*

- f. *Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.* At minimum, all buildings are required to meet International Building Codes and FAA regulations. Both well-exceed minimum requirements spelled out in the Zoning Ordinance. Lighting of the site above and beyond aviation requirements will be carefully evaluated at permitting to ensure that excessive glare is not produced. The Department also presumes that any such glare generated would be mitigated with FAA restrictions as well, making the issue moot. The submitted site plan shows that the facility has more than the required parking for terminals and associated office space.
- g. *Conformity with the objectives of these regulations and the general purposes of the zone in which the site is located.* All required buffering of aviation uses from other uses are shown on the site plan.

The application meets at least 7 of the 8 special permit use criteria.

DEPARTMENTAL RECOMMENDATIONS

Approval