

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZR-2017-15

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 9/25/17**
Tim Mayeux
12611 River Road
Luling LA 70070
985.785.9688; tjmyu@cox.net
- ◆ **Location of Site**
Lot 3, Sq. 13, Esperanza Business Park (579 Judge Edward Dufresne Pkwy.), Luling
- ◆ **Requested Action**
Change of zoning district from AV-1 Aviation District to M-1, Light Manufacturing and Industry District.

SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**
Approximately 4 acres
- ◆ **Current Zoning and Land Use**
AV-1 Aviation District; the site is vacant, but cleared and graded.
- ◆ **Surrounding Zoning and Land Uses**
Site is situated at end of Judge Edward Dufresne Parkway in Esperanza Business Park. Presently the surroundings are in agricultural use but the business park is developed for commercial and light industrial uses. To the northeast, approximately 520 feet toward River Road, a C-3 use (Lamar Construction) is situated. Also, the Satellite Center is approximately 1,500 feet away toward River Road. The rear side of the applicant site borders I-310. Across I-310 is a future phase of Ashton Plantation Estates subdivision.
- ◆ **Plan 2030 Recommendation**
Business Park: Although office uses are permitted within the Light Industry land use category and the associated M-1 zoning district, this zoning classification also permits a variety of industrial uses that would be incompatible with the development of a quality, planned corporate office, research or technology park. Therefore, this new land use category (and the zoning district that should be developed to implement it) would provide for the development of planned business, office, technology and research activities, with uses limited to these and directly related ancillary uses, such as shipping offices, office supply, hotels and restaurants. Business parks should be planned to incorporate consistent standards of development quality.

Judge Edward Dufresne Parkway, which is planned to be extended and connected to LA 3127, already accommodates a number of important governmental and community facilities. The development of these facilities has been incremental, rather than as part of a cohesive concept.

As a designated Mixed-Use Corridor, the completed parkway, with landscaped median and streetscape elements, will have the opportunity to develop as a well-planned concentration of civic activities serving the entire Parish. Future uses should complement the existing Satellite Center, School District Operations Building, Sheriff Department Headquarters, nearby Bridge Park, and the future Community Center. Urban design guidelines will be established with the intent to encourage and celebrate the corridor's civic focus.

◆ **Traffic Access and utilities**

The site has approximately 471 feet of frontage on Judge Edward Dufresne Parkway, a 35-foot wide collector street that connects to River Road. The street is developed with water, open drainage, and overhead utility lines. Community sewer is not available.

APPLICABLE REGULATIONS

Appendix A. Zoning Ordinance, Section XV Amendment Procedure:

D. Rezoning Guidelines and Criteria: Before the Commission makes a recommendation or the 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. 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 zoning 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. One or more of following examples may be used in evaluating reasonableness:
 - 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.

Appendix A. Zoning Ordinance, 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).
- 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. (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.

ANALYSIS

The applicant requests rezoning from AV-1 (aviation uses) to M-1 (light manufacturing and industry). The lot exceeds the required 100 foot width and 10,000 square foot area for the proposed zoning district.

310 Investments purchased the lot from Esperanza Land, LLC in 2006 and requested a rezone from M-1 to AV-1, for a heliport, in 2013 (PZR 2013-23). After rezone was approved in 2014 (Ord. 14-2-6), 310 Investments sold the lot to MYU Investment, LLC, who would develop the heliport.

Esperanza Land considered a heliport a violation of the Building Restrictions for Esperanza Business Park and sued. In August 2017, the parties settled with a Consent Judgement which orders, among other things, "that 310 Investments, LLC be and is hereby ordered and compelled to make application to the St. Charles Parish Department of Planning and Zoning...to re-zone Lot 3 of Esperanza Business Park from

AV-1 zoning to M-1 zoning and, further to pursue such zoning change with reasonable diligence and in good faith." The application was submitted on September 25.

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.

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 Business Park with a special Judge Edward Dufresne Parkway Mixed Use Corridor overlay. M-1 zoning corresponds to the Future Land Use designation. M-1 zoning is also the predominant zoning district in Esperanza Business Park. Rezoning from AV-1 to M-1 would not create a spot zone nor would it result in zoning that is incompatible with the surrounding neighborhood. **The request meets 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. Esperanza Business Park is developing with light industrial uses and Preliminary Plat for Phase II of the park was approved earlier this year. The land use pattern and neighborhood character is changing from agricultural to light industrial; however, this is not the reason that AV-1 uses cannot develop on the property. Legal actions have prevented any owner of Lot 3 to develop AV-1 uses of the property. Although no reasonable use can be developed under the existing zoning, it is the building restrictions of the business park rather than the zoning district that prevents AV-1 uses from developing. **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. M-1 uses are compatible with the uses that exist in the neighborhood and also with uses that could be developed in Phase II of the business park considering the size of the lots and the that the majority of them are zoned M-1. It is unlikely that rezoning the site to M-1 would overburden the street, water, or drainage capacity. Community sewer is not available in the area. **The request meets the third guideline.**

DEPARTMENT RECOMMENDATIONS

Because the request meets the first and third guidelines, approval.