

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2021-12-R

GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 8/4/2021**
Darin Helm Jr.
Helm Developments, LLC
105 Lac Claiborne Court
Luling, LA 70070
(985)-210-9131; dhelm@rivins.com
- ◆ **Location of Site**
Lot J-2A, Plantation Business Campus; corner of River Road and Campus Drive East, Destrehan
- ◆ **Requested Action**
Rezoning from M-1, Light Manufacturing and Industrial to R-1B, Single Family Residential and C-2, General Commercial-Retail Sales

This application was submitted in conjunction with minor subdivision 2021-9-MIN. The proposed R-1B zoning would be located on 41,188 sq. ft. (0.94 acres) of Lot J-2A, in the area shown as Lots J-2A-1 and J-2A-2 according to the subdivision survey by KLS Group, Inc. The proposed C-2 would be located on the remaining 89,507 sq. ft. (2.05 acres), on proposed Lots J-2A-3, J-2A-4, J-2A-5, and J-2A-6.

SITE INFORMATION

- ◆ **Size of Site**
130,697 sq. ft. (3 acres)
- ◆ **Current Zoning and Land Use**
M-1; vacant, but cleared.
- ◆ **Surrounding Zoning and Land Use**
M-1 zoning is located to the Campus Drive East and Destrehan Boulevard sides; R-1B zoning is adjacent to the Audubon Place side; B-2 zoning is located to the River Road side.

Lot J-2A is within Plantation Business Campus, located at its entrance on the corner of Campus Drive East and River Road. The business campus consists of office/warehouse development consistent with what is permitted in the M-1 zoning district, including facilities receiving and sending deliveries from large trucks. The area was primarily defined by these industrial as well as institutional uses until the development of Destrehan Plantation Estates Subdivision, a 30 lot residential subdivision, in 2018. This subdivision is adjacent to the rear of the subject site.

- ◆ **Development history**
The property is located in Plantation Business Campus, a light-industrial park developed in the 1970s in the "southern portion" of the Pan American Southern Refinery site. The refinery operated from the early 1900s until 1958 when it was dismantled. The site is a corner lot with frontage on River Road as well as on East Campus Drive, the only street into the park.

The Louisiana Department of Environmental Quality (LDEQ)—Remediation Services Division (RSD) monitors the entire site of the former refinery as Agency Interest Number 4356.

In October 2016, P & L Investments, IX, LLC purchased the refinery site from BP Products, North America. In 2017, the area adjacent to the west or up-river of the subject site, indicated "UNDEVELOPED" on maps of the former refinery site

submitted to LDEQ in reuse determinations, was rezoned to R-1B and developed with Destrehan Plantation Estates subdivision, 30 residential lots served by Audubon Place street (PZR 2017-05; Ord 17-3-7; PZS 2017-07; Ord 18-7-7). Although the site appeared to have been cleared for residential development, LDEQ required additional sampling before offering no objection to residential use.

Since that time, proposals for two other residential developments on the western portion of the former refinery site have failed to obtain clearance from LDEQ.

◆ **Future Land Use 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.

◆ **Traffic Access**

Lot J-2A has 525 ft. of frontage on East Campus Drive and 196 ft. of frontage on River Road. Access to River Road would require DOTD review and permit. Ingress and egress from East Campus Drive is limited by medians.

◆ **Utilities**

Parish water and sewer facilities are located across the front of both the River Road and East Campus Drive sides of the site.

APPLICABLE REGULATIONS

Appendix A. Section VI. – Zoning District Criteria and Regulations

[III.] R-1B. Single family residential detached conventional homes—Light to medium density:

1. Use Regulations:
 - a. A building or land shall be used only for the following purposes:
 - (1) Single family detached dwellings
 - (2) Accessory uses
 - (3) Gardening
 - (4) Private recreational uses.
 - b. Special exception uses and structures include the following:
 - (1) Parks, public libraries, fire stations, police or sheriff's stations or substations, and sewer pumping stations
 - (2) Showing and operation of historic buildings and/or sites and their related activities, provided a certificate from the United States Department of Interior is furnished by the owner verifying that the building and/or site is on the National Register of Historic Places.
 - c. Special permit uses and structures include the following:
 - (1) Child care centers (minimum lot size—20,000 square feet)
 - (2) Public and private schools (except trade, business, and industrial)
 - (3) Religious institutions
 - (4) Golf courses (but not miniature courses or driving ranges) and country clubs (non-profit) with a site of at least five (5) acres and with all parking at least fifty (50) feet from rear and side property lines
 - (5) Educational, religious and philanthropic institutions, provided, however, that such uses shall be located on sites of ten (10) acres or more, that buildings shall not occupy more than ten (10) percent of the site area, and that buildings be set back from all yard lines a distance of at least one (1) foot for each foot of building height.
 - (6) Reserved.
 - (7) Reserved.
 - (8) Private commercial access roads, upon review by the Planning Commission and
 - (9) Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council.
2. Spatial Requirements:
 - a. Minimum lot size: Ten thousand (10,000) square feet per family; minimum width - eighty (80) feet.
 - b. Minimum yard sizes:
 - (1) Front - twenty-five (25) feet
 - (2) Side - eight (8) 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.

- c. Accessory buildings:
 - (1) An accessory building may occupy no more than twenty-five (25) percent of the required rear yard.
 - (2) The accessory building shall not exceed two-story construction.
 - (3) Minimum rear and side setbacks of a detached accessory building shall be five (5) feet.
 - (4) Accessory buildings shall be located on the same parcel of land as the main structure.
 - (5) Nonresidential accessory buildings shall not be permitted.
 - d. Permitted encroachments:
 - (1) Overhangs projecting not more than twenty-four (24) inches, excluding gutter.
 - (2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into required front or rear yard.
3. Transportation System: Local and collector streets only.

[III.] C-2 General commercial district— Retail sales:

- 1. Use Regulations:
 - a. A building or land shall be used for the following purposes:
 - (1) All uses allowed in C-1 District.
 - (2) Retail sales (except auto and mobile home sales), usage, and storage
 - (3) Hotels, motels and apartment hotels
 - (4) [Repealed by Ord. No. 92-9-14, 9-8-92.]
 - (5) Restaurants (including drive-in restaurants) and cafeterias. Specific land use requirements for restaurants serving alcoholic beverages are contained in subsection III.59. of these regulations, with further details contained within Chapter 3 of the St. Charles Parish Code of Ordinances.
 - (6) Animal hospitals where all animals are kept inside the building
 - (7) Service station
 - (8) Commercial recreation facilities
 - (9) Commercial greenhouses and nurseries
 - (10) Commercial schools
 - (11) Shops not to exceed two thousand five hundred (2,500) square feet of floor area for the repair and servicing of the following:
 - Bicycles
 - Radios
 - Televisions
 - Stereos and recorders
 - Household appliances
 - Locksmith
 - Typewriters
 - Other similar uses
 - (12) Shops not to exceed two thousand five hundred (2,500) square feet of floor area may also include the following uses:
 - Dressmakers
 - Millinery
 - Tailors
 - Baking goods sales
 - Laundry and dry cleaners
 - Theatres (but not the drive-in type)
 - (13) Laboratories
 - (14) Customary accessory uses incidental to the above uses when located on the same lot
 - (15) Funeral homes (provided that a petition of no objection signed by a majority of property owners within a three hundred foot radius of the site and one hundred (100) percent of the property owners on the same street within the same block be filed with the Planning Zoning Department
 - (16) Cemeteries and mausoleums, provided however that such uses shall be located on sites of at least twenty (20) acres, all graves shall be set back at least fifty (50) feet from all property lines, shall have a minimum street frontage of one hundred (100) feet and a fence or screen planting six (6) feet high shall be provided along all property lines adjoining all districts Cellular/communication towers.
 - (17) Other uses of similar intensity.
 - (18) Mini-storage facilities (limited to one-story construction in C-2 district).
 - (19) Historic home site bed and breakfast.
 - b. Special exception uses and structures include the following:
 - (1) Dwelling units contained within the office building
 - (2) Reserved
 - (3) Reserved
 - (4) Churches
 - (5) Movie theaters
 - (6) Temporary on-site construction buildings for a period of one (1) year upon approval of the Planning Director.
 - c. Special permit uses and structures include the following:
 - (1) R-1A and R-1B uses upon review and approval by the Planning Commission.
 - (2) R-3 uses upon review and approval by the Planning Commission and supporting resolution of the Council.
 - (3) Office buildings for gaming operations, excluding all gaming activities, upon review and approval by the Planning Commission and supporting resolution of the Council.
 - (4) Motor vehicle repair. Automobile sales and service on designated federal and state highways; body repair activities being strictly prohibited in the C-2 zoning district.
 - (5) Heating and air conditioning service.
 - (6) Sheet metal shops

- (7) Plumbing shops.
 - (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 St. Charles Parish Council.
2. Spatial Requirements:
 - a. Minimum lot size: Six thousand (6,000) square feet, minimum width - sixty (60) 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.
 3. Transportation Requirements: Arterial
 4. Special Provisions:
 - a. Where any commercial use in a C-2 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.

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.* Granting the request would expand an R-1B district that was established in 2017 for Destrehan Plantation Estates subdivision, so it would not technically create a spot zone. The requested C-2 zoning, however, could be considered a spot zone because C-2 zoning in the area is located only on the opposite side of the residential subdivision.

The future land use designation specifically anticipates “business, office, technology and research activities” and “directly-related ancillary uses, such as shipping offices, office supply, hotels, and restaurants”. R-1B zoning does not permit uses consistent with the future land use designation. While C-2 zoning permits *some* uses listed as ancillary in the Business Park future land use designation, specifically restaurants and hotels, rezoning would not conform to future land use designation because C-2 also

permits uses that are *incompatible* with the surrounding business park, including service stations, small repair shops, small services shops, funeral homes, and cemeteries, for example. The Parish’s business parks are zoned primarily M-1 with some areas zoned C-3 to accommodate ancillary uses and in some cases, institutional uses. **The request fails 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 M-1 zoning allows reasonable use of the site. The land use pattern immediately upriver has changed to a residential neighborhood which does impact the site—permitting M-1 uses will require fencing and landscape buffering. However, the site is also adjacent to an office building, and it is located within a business park that is expanding with an additional streets, lots, structures, and uses. With over 130,000 square feet of area, frontage on both East Campus Drive and River Road, and proximity to I-310, the site is suitable for M-1 uses and the existing M-1 zoning does not deprive the property owner of use of the lot. **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.* If the rezoning is approved, it would permit subdivision of the lot into two or more lots for single-family development houses and four or more lots for C-2 uses. While development of R-1B and C-2 uses at the allowable densities is not likely to overburden drainage, sewer, or water, it may overburden the existing street and cause congestion as customers try to access C-2 uses through the median-divided street. The minimum width for lots in the R-1B and C-2 zoning districts are 80-ft. and 60-ft., respectively. If the rezone is approved, it may allow development of so many driveways that the street becomes congested. Further residential uses are incompatible with the existing business park and many C-2 uses are also incompatible. **The request fails the third guideline.**

ANALYSIS

The applicant requests a change of zoning from M-1, Light Manufacturing and Industry to R-1B, Single Family Residential and C-2, General Commercial-Retail Sales on Lot J-2A of Plantation Business Campus in Destrehan. The lot is within a light-industrial business park and is bounded by River Road, south-bound East Campus Drive, an office building, and a residential subdivision. The applicant purchased the lot in November 2020.

This is a companion application to minor subdivision 2021-9-MIN, which proposes to divide Lot J-2A into six (6) lots (net increase of five).

The request for both the R-1B and C-2 zoning districts does not meet any of the three rezoning criteria as detailed in the previous section.

The site in total is three (3) acres, so if the rezoning is approved, the Future Land Use Map must be amended.

DEPARTMENT RECOMMENDATION

Denial, due to not meeting any of the rezoning guidelines.