

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZR-2017-05

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 1/05/17**
Paul Joey Murray, III for P&L Investments IX
Destrehan Plantation Development, LLC
13760 River Road
Destrehan LA 70047
985.764.7275
joey@murrayarchitects.net
- ◆ **Location of Site**
Approximately 200 feet west of East Campus Drive, Destrehan.
- ◆ **Requested Action**
Change of zoning classification from M-1 to R1-B

SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**
Approximately 12.75 acres
- ◆ **Current Zoning and Land Use**
M1/C2. The property does not have buildings or a permitted use, but it has some infrastructure from previous uses.
- ◆ **Surrounding Zoning and Land Uses**
C2 and M1 zoning abuts the west side. Bed and Breakfast cottages for Destrehan Plantation are on the C2 site. M1 zoning abuts the east and rear of site. Across River Road, the batture is zoned B-2, or industrial batture. Barges are moored along the river, and mid-stream loaders serving the grain elevator operate in the river near the site.
- ◆ **Development history**
The property is in the "southern portion" of the Pan American Southern Refinery site. The refinery operated from the early 1900s until 1958 when it was dismantled. Plantation Business Campus purchased the site in the early 1970s and redeveloped the southeast corner of the refinery site after receiving environmental clearance from LDEQ. Amoco Oil, which had acquired Pan American Refinery, purchased land back from Plantation Business Campus. The majority of the refinery site has been reviewed by the Louisiana Department of Environmental Quality (LDEQ)—Remediation Services Division (RSD) and determined to be "Ready for Reuse" (LDEQ Agency Interest 4356).

The site proposed for rezoning is within "UNDEVELOPED AREA" and "LICENSED AREA" on the "Site Layout" map attached to the Ready for Reuse letter. The documents state that the areas were developed with "offices, open areas, and sports fields" (ready for reuse letter, enclosure 1) and have been deemed "non-impacted" by the refinery which makes them suitable for residential development and use.

The previous owner, BP Products North America, was proactive encouraging redevelopment of the site with particular focus on a civic or town center. The Comprehensive Land Use Plan indicates the area as "Plantation Civic/Town Center," anticipating a future concentration of civic facilities and other community-serving activities and functions due to a central location and proximity to I-310.

◆ **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. – St. Charles Parish 2030 Comprehensive Plan, 64.

Plantation Civic/Town Center: Located at the base of the Hale Boggs Bridge on the East Band, this approximately 165 acre site (which houses the Parish's East Regional Library) lends itself to becoming a future concentration of civic facilities and other community serving activities and functions; it is centrally located and has high accessibility to I-310. – St. Charles Parish 2030 Comprehensive Plan, 68.

◆ **Traffic Access**

Tract 4-II-A-2A has 392 feet of frontage on River Road.

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.

AND:

Zoning Ordinance, Section VI. B. [III] R-1B. Single family residential detached homes

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.
- (3) Accessory uses to golf courses and country clubs limited to the following:
 - Art studios
 - Churches and Religious Institutions
 - Commercial recreation facilities
 - Commercial schools

- Personal service businesses, examples include but are not limited to beauty shops and barber shops, acupuncture, and massage services
 - Professional offices, examples include but are not limited to doctors, dentists, engineers, architects, landscape architects, plan services, realtors, insurance
 - Restaurants and cafeterias
- c. Special permit uses and structures include the following:
- (1) Child care centers (minimum lot size—twenty thousand (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), country clubs, and accessory commercial uses on such properties.
 - (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 supporting resolution of the Council. (Ord. No. 92-10-9, § III, 10-5-92)
 - (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) sf 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 25% 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.

ANALYSIS

The applicant requests to rezone from M1, Light Industrial and C-2, general commercial, to R-1B, "light to medium density residential" on Tract 4-II-A-2A (6.27 acres), a 7,298 sq. ft. portion of a parcel designated as The Whirlpool Property, and a large portion of Undesignated Tract C of Plantation Business Campus all totaling approximately 12.75 acres. The applicant also requests Preliminary Plat Approval for a major subdivision of the property into 30 residential lots and one median parcel into Destrehan Plantation Estates, a low-density, or "large-lot" residential subdivision. The representative has suggested a redevelopment plan for the areas that are "ready for reuse" is being developed; however, plans for the site were not submitted with this application.

The St. Charles Parish 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.

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 FLUM designation for is a Civic/Town Center overlay on a Business Park, and the R-1B zoning district is correlated to only the Low Density Residential future land use category. Abutting immediately to the east, upriver Plantation Business Park is zoned M-1 and developed with six buildings and with permitted uses that involve wholesale distribution and associated heavy vehicle traffic. The request does not comply with the Future and Use recommendation and would be a

spot zone that is incompatible with the light and heavy industrial land uses adjacent to the site. **The request fails 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 subject site is zoned M-1 and C-2. The M-1 zoning was established with the 1981 parish wide zoning ordinance. Portions of the larger site area were changed to C-2 in 2015 in an effort to reinforce the "zone of protection" around the Destrehan Plantation (PZR 2015-07; Ord. 15-3-9). The zone of protection for the H zoning district requires a Special Permit for any use other than residential or C-2 within 1000'.

The proximity to River Road, I-310, and the CN railroad exchange yard support light industrial development. C-2 zoning allows commercial development that can provide services, offices, banks, restaurants, retail, hotels, gas stations, etc. that would support a business park. The subject site is vacant; however, the current M-1 and C-2 zoning does not deprive the property of reasonable use. **The request fails 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 of Public Works and Waterworks indicate that existing public infrastructure should not be overburdened by the addition of 30 new houses or families in the area. However, as suggested the discussions of the first and second guidelines, 30 single-family houses on large lots would be out of character with the existing light industrial and heavy industrial uses in the area and with the surrounding M-1 zoning. Large residential lots abutting M-1 zoning may cause conflict between the potentially competing uses in the neighborhood if other development activity is not pursued or realized. **The request fails the third guideline.**

DEPARTMENT RECOMMENDATIONS

The request fails the three guideline tests established by the ordinance, and thus the recommendation is for denial. However, there are "unique circumstances" of this application that must be considered as part of the analysis.

The 2030 Comprehensive Land Use Plan recognized the development potential of the area in question. At the time, the Future Land Use Map identified the area for wide scale redevelopment with the concept based around a mix of commercial and industrial activities.

The Applicant has stated that the intended pattern for development has changed since then and that the proposed concept for the area is now a mix of commercial and residential activities. The regional library, expanded historical site, and medical offices in the area support this idea.

In the Planning Commission's task of making a recommendation to Council or in the Council's final determination on the request, it should be considered that the nature of the Planned Civic/Town Center overlay has evolved and that this proposal is in line with the future development trends of the area.

The Department recommends that any action to approve the request should be followed with a subsequent revision to the land use map based upon findings attached to an approval motion.