

**St. Charles Parish
Department of Planning & Zoning**

LAND USE REPORT
CASE NUMBER: 2022-14-R

GENERAL INFORMATION

- ◆ **Name/Address of Applicant**
Andy St. Romain, Jones Walker LLP for
Bunge Chevron AG Renewables, LLC
1391 Timberlake Manor Parkway
Chesterfield, MO 63017
(225)-248-2118; astromain@joneswalker.com
 - ◆ **Location of Site**
Squares 3, 6, 7, 9, and 10, Destrehan Park Subdivision, near 12480 River Road,
Destrehan
 - ◆ **Requested Action**
Change of zoning from C-2, C-3, and R-1A to M-2, Heavy Manufacturing and
Industrial on approximately 23 acres in Destrehan Park Subdivision.

SITE INFORMATION

- ◆ **Size of Site**
1,012,872 sq. ft. (23.25 acres)
- ◆ **Current Zoning and Land Use**
Square 3 is zoned C-2 and R-1A. The C-2 zone is developed with a large office building; the R-1A zone is largely vacant and cleared.
Square 6 is zoned R-1A. It is vacant and cleared. The last houses on this square were demolished in 2014 & 2015 (demolition permits 28075 & 28441).
Square 7 is zoned R-1A and C-3. It is vacant and cleared.
Squares 9 & 10 are zoned R-1A; they are vacant and wooded.
- ◆ **Surrounding Zoning and Land Use**
R-1A - Single family residential detached conventional homes; M-1, Light manufacturing and industry district; M-3, Heavy manufacturing; B-2, Industrial Batture district

Industrial Batture district zoning (B-2) exists to the south across River Road. Heavy manufacturing (M-3) zoning exists to the east. Light manufacturing and industry district zoning exists to the north, across the Canadian National Railroad. Single family residential (R-1A) zoning exists to the west.

The site is located between two grain elevators along River Road. The surrounding area consists of industrial uses except for the single-family residential houses to the west of the site. Destrehan Park Subdivision was platted in the 1950s. In 1961, Bunge located the grain elevator to the east of the site. ADM Milling, Co. located to the west of Bunge and Destrehan Park Subdivision in 1963. Over the years, Bunge has accumulated parcels in the subdivision blocks near their facility which comprise the proposed site. The neighborhood between the two grain elevators remains residential.

- ◆ **Zoning History**
In 1981 Destrehan Heights was zoned R-1A and the Bunge site was zoned M-3. In with the Comprehensive Zoning of 1981.
- ◆ **Future Land Use Recommendation**
Rural Residential: (less than 4 dwelling units per gross acre) this category includes low-density residential development that is consistent with the O-L, Open Land zoning district, and conservation subdivisions which retain large amounts of open space. The Rural Residential land use category is intended to help preserve the Parish's rural character, which residents, in the Vision Statement, expressed a desire to see

retained. For this reason, this designation also allows for the continuation of agricultural activities and related uses, since agriculture is an important part of the community’s rural heritage and identity.

Low Density Residential: (from 4 up to 8 dwellings per gross acre) this category includes the Parish’s predominantly single family detached subdivisions, including those developed consistent with the R-1A (6,000 sq. ft. minimum lot size) and R-1B (10,000 sq. ft. minimum lot size) zoning districts. It also allows accessory units and individual mobile homes on small platted lots zoned R-1AM. Neighborhood-serving uses such as neighborhood parks, churches and servitudes may also be included in this land use category.

◆ **Traffic Access**

The site has frontage on River Road, a state highway and substandard local streets including Jonathan Street, Modoc Street, Amie St, and Jean St.

◆ **Utilities**

Standard utilities are available to the site and expected to be able to accommodate M-2 uses.

APPLICABLE REGULATIONS

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

[II.] *M-2. Heavy manufacturing and industry:*

1. Use Regulations:
- a. A building or land shall be used for the following purposes:

(1) All uses permitted in the M-1 district (and subject to M-1 regulations)

(2) Petroleum refining and/or chemical processing

(3) Solid fuel handling, transfer, and storage facilities not associated with energy generation facilities

(4) Energy generating facilities

(5) *Reserved*

(6) Any other similar manufacturing or industry establishment which shall adhere strictly to all state and federal mandates whereby, therefor, normal operations will not be injurious to employees and the general public because of health and safety factors.

(7) Concrete mixing or batching plants.

(8) Accessory uses.

(9) Junkyards.

(10)Reserved.
- b. Special permit uses and structures:

(1) Type II and Type III Landfills, upon review and approval of the Planning Commission and supporting Resolution of the Parish Council:

a. Permit Required. Notwithstanding any other provisions of this Ordinance no landfill shall hereafter be constructed, enlarged, altered, or placed into operation until a special permit use for said landfill has been heard by the Planning and Zoning Commission and then approved by ordinance of the Parish Council.

(1) The Commission shall schedule and hold a public hearing to consider the application. The Department of Planning and Zoning shall post a sign on the affected property which calls attention to the public hearing at least ten (10) days prior to that hearing date. All applications will be advertised at least three (3) times in the official journal of the Parish on three (3) separate and at least Fifteen (15) days shall elapse between the first publication and the date of the hearing. All property owners within five hundred (500) feet of the subject property shall be notified by certified mail of the public hearing.

(2) The Special Permit Use shall be valid for a period of one calendar year. If after one calendar year, the applicant has not received a permit by LDEQ, the applicant shall file a new Special Permit Use application if an extension is needed.

(3) A completed application form and three sets of the required supplemental application requirements data as set forth in the following section:

(a) The site plan shall show: the area dedicated to the landfill; identify the total site acreage and amount of acreage that will be used for processing and disposal; show all vehicular access points to the site; identify and buffer areas; describe any landscaping, or fencing proposed.

(b) A drainage plan prepared by a Louisiana licensed engineer shall be submitted to the parish. At a minimum, the plan shall show the drainage-flow patterns, show all major drainage systems and indicate the point of discharge. The Parish Engineer may require additional drainage information.

(c) If located in a floodplain, it must be demonstrated that the facility will not restrict the flow of the 100-year base flood or significantly reduce the temporary water-storage ability of the floodplain integrity.

(d) The types, maximum quantities (wet tons/week), and sources (percentage of the on-site or off-site generated waste to be received) of the waste to be processed or disposed by the facility.

(e) Identify the geographic area to be serviced by the facility.

(f) Indicate the days of operation per week and hours per day.

(g) Identify the maximum expected height of the waste pile.

(h) Describe provisions that will be employed to control dust, litter and odor.

(i) Provide the projected year of final closure and include a discussion of the long-term use of the facility after closure as anticipated.

(j) The site shall be screened with fencing, planting or other methods as approved, to block onsite views from the public. A landscape/screening plan shall be submitted with the Special Permit Use application and approved by the Planning Commission.

(4) Additional Procedural Requirements:

- (a) Provide the Planning Department a copy of the official order to proceed issued by the LDEQ.
 - (b) Upon issuance of the permit by the Louisiana Department of Environmental Quality (LDEQ), a copy shall be submitted to the Planning Department. This includes all permits issued by the LDEQ to the site, (i.e., waste, water, air, etc.). The permit shall include the final approved site plan by LDEQ. This shall also include any necessary federal or state approvals from agencies other than LDEQ.
 - (c) The owner shall submit to the parish's planning department a copy of the solid waste annual report that is submitted to the LDEQ, Office of Management and Finance. The report shall be submitted to the planning department on August 1st of each year.
 - (5) The Parish Planning and Zoning Department, Planning Commission and/or the Parish Council may require additional data where deemed necessary before taking final action or issuing a permit. Conditions of approval may be placed on the Special Permit Use by either the Planning Commission or the Parish Council.
- (2) Temporary construction facilities for a period of one (1) year upon approval of the Planning Director.
- (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, § V, 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) Notwithstanding any other provisions of law, these regulations shall have no force or effect on any truck terminal with video poker gaming facilities which have received a Special Permit Use prior to the effective date of this ordinance.
- (5) 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.
- (6) Towing Yards. Towing yards upon review and approval by the Planning Commission and supporting Resolution of the Parish 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-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.
- 2. Spatial Requirements:
 - a. Minimum lot size: Fifteen thousand (15,000) square feet,
Minimum width: One hundred (100) feet.
 - b. Minimum yard size for offices and accessory use spaces:
 - (1) Front - twenty (20) feet
 - (2) Side - thirty-five (35) feet
 - (3) Rear - fifty (50) 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, rail or water
- 4. Special Provisions:
 - a. Must maintain a buffer zone to insure the protection and well-being of neighboring areas.
 - b. Major operations must be located two thousand (2,000) feet from the nearest R, CR-1 or C-2 District or located a lesser distance if clearly dictated safe by industry standards and approved by the Board of Adjustments. Accessory uses of lesser intensity may be developed in this buffer area. Examples include office buildings, parking facilities, substations, and storage areas (including open storage of solid fuels for energy generating facilities) as well as uses identified in the M-1 District and subject to any required restrictions established in that M-1 District.
 - c. New construction within the confines of existing industrial developments shall provide adequate buffer areas near R and C Districts in accordance with industry standards, national fire code regulations, and those standards established in the M-1 District under "Other Industrial Uses."

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:

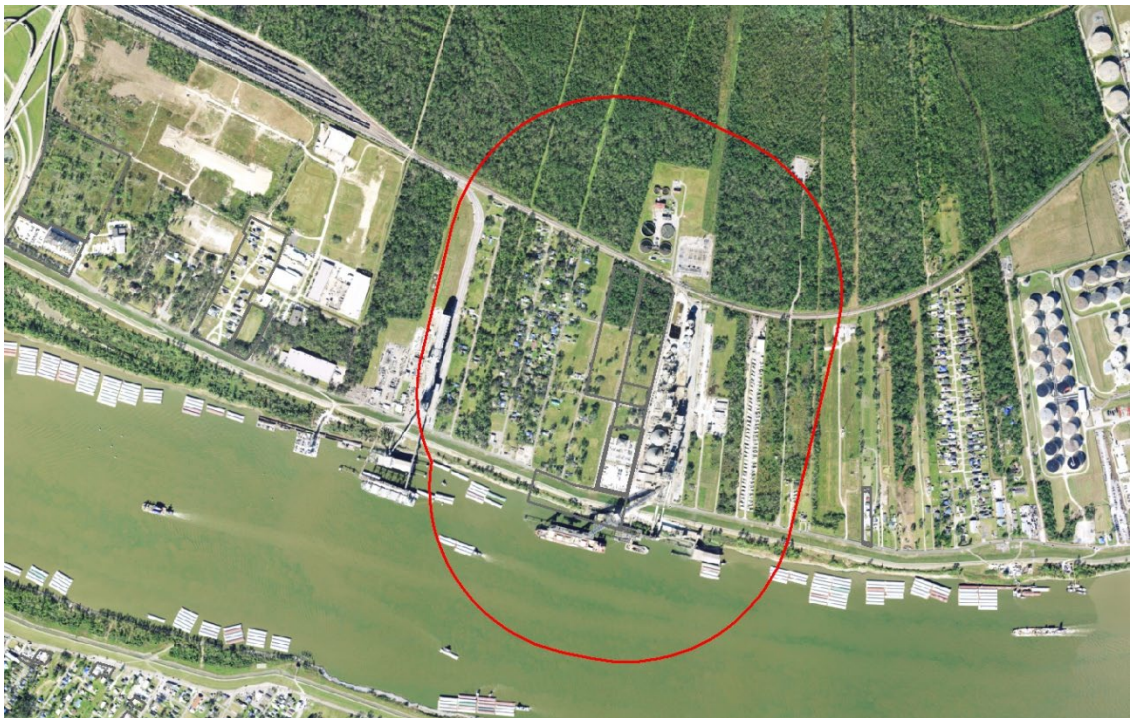
1. *The proposed rezoning conforms to the land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zoning that is incompatible with the surrounding neighborhood.* Squares 3, 7, and 10 have a future land use designation of Rural Residential and Squares 6 and 9 have a future land use designation of Low Density Residential. M-2 zoning permits heavy industrial uses that do not conform to Rural Residential or Low Density Residential. The land use pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map.

The staff report for the 2013 request to rezone the bulk of Square 3 from R-1A to C-3 states “Given the number of vacant properties near the Bunge facility, the area on either side was designated as Rural Residential.” The report goes on to recommend “If approved, the St. Charles Comprehensive Plan Future Land Use Map should be changed to General Commercial, and in fact, the ordinance approving the rezone from R-1A to C-2 included “Section III. To authorize the Department of Planning and Zoning to change the Future Land Use Map, in the Comprehensive Land Use Plan adopted under ordinance 11-6-11 from Rural Residential to General Commercial on the subject property. **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.* With regard to the C-2 zoning on Square 3, the site is developed and in use with an office building and parking area, so the C-2 zoning does allow reasonable use of the property. Likewise, the C-3 zone in Square 7 would allow all C-2 uses and additional commercial uses, so it too does allow reasonable use of the property. However, those areas would be constrained by the changes to adjacent zoning districts in isolation, which allows for consideration of them in the request.

The land-use pattern and character of the area may have changed to the extent that the R-1A zoning no longer allows reasonable use of the other properties in this request. Building permit records suggest that no new houses have been permitted on Pelican, Modoc, Aime, or Jean Street since 2011, and in the same time, permit data shows that at least 15 houses have been demolished on those streets in that time. M-2 zoning, extending from the adjacent M-3 zoning allows reasonable use of the property that may be limited by the specific operations of the proposed site due to buffering requirements. **The request meets 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.* M-2 zoning permits heavy industrial uses such as petroleum refining, chemical processing, solid fuel handling, transfer, & storage, energy generating facilities, concrete mixing plants, and junkyards. Representatives for Parish utilities have indicated that M-2 uses at this location would not overburden public infrastructure.



The compatibility of M-2 uses with the existing single-family residential character of the neighborhood is currently in question. If M-2 uses involving “Major Operations” were developed on Squares 3, 6, 7, 9, and 10, there would not be sufficient space or distance between the residential zoning or existing residential uses to meet the special provisions for M-2 buffering.

Specific relief from this requirement is possible with approval of the Zoning Board of Adjustment. The applicant took that request to the Board in August and the initial proposal was not authorized. The applicant intends to engage residents of the area and re-apply with the Board. Additionally, the applicant is seeking to rezone its own residentially zoned property to commercial, which would mitigate many compatibility challenges.

Pending the decision of the Board of Adjustment, Staff cannot find that the third criteria is met at this time. However, with the revisions to the buffer plan and a quantifiably stronger discussion of safety standards and distancing requirements it is reasonable to view the request as suitable to the future development of the area. If the buffer reduction is approved, the request would meet this criteria. Further, regardless of the buffer determination, lower intensity M-2 uses, not classified as “Major Operations,” would be permissible and potentially compatible with the adjacent zoning.

The applicant has presented better information and justification of the distancing required for the specific proposed use planned for this industrial area when compared with the last reporting on this application.

ANALYSIS

The applicant requests rezoning from R-1A, C-2, and C-3 to M-2 on five blocks or squares in Destrehan. The proposed change currently meets one of the guidelines for rezoning.

Although Bunge corporations limited residential development within and around the proposed rezone area by buying out properties fronting on Modoc Street and Pelican Street and demolishing the houses, approximately 70 households remain within 2000 ft. or the required buffer area, of most M-2 permitted uses.

A final recommendation on the proposal is dependent upon Criteria 3 and the compatibility requirement. If the 2,000-foot buffer is reduced in accordance with accepted industry standards, then 2 out of the 3 criteria for the request would be met. Due to the unique circumstances of this redevelopment proposal and the planned outreach, the Department cannot make a recommendation until the possible buffer reduction issue is resolved.

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| DEPARTMENT RECOMMENDATION |
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The Department cannot make a final recommendation based on finding two of the three criteria at this time. However, the Department is not limited to those criteria exclusively and absent a specific use, which cannot be mandated through a zoning change, we note that with appropriate safety controls as demonstrated or through the lower intensity uses of M-2, not counting as “Major Operations,” the requested change may be viewed as a compatible, lower intensity use than the existing M-3 zoning that currently abuts the residential properties in question.

***This request will be forwarded to the Parish Council for a public hearing on October 17, 2022 with the Planning Commission’s recommendation.**