



Department of Planning & Zoning Staff Report – Map Amendment Case No. 2023-4-R

APPLICATION INFORMATION

- **Submittal Date:** 2/7/23
- **Applicant / Property Owner**
Conrad Frey
Elitestor, LLC
141 I-310 Service Road
St. Rose, LA 70087
(504)-452-1337
cfrey@threecs.biz
- **Request**
 - Change of zoning from C-2, General Commercial District – Retail Sales and C-3, Highway Commercial District – Wholesale and Retail Sales to M-1, Light Manufacturing and Industry
 - Change of zoning from C-2, General Commercial District – Retail Sales to C-3, Highway Commercial District – Wholesale

SITE INFORMATION

- **Location**
10436 Airline Drive, St. Rose; Lot P-A & Tract 33-A, Almedia Plantation
- **Size**
In total the site consists of 255,668 sq. ft. (5.87 acres). Specifically the request covers the following portions of the property:
 - C-2/C-3 to M-1 on the rear portion Lot P-A & all of Tract 33-A, approximately 246,564 sq. ft. (5.6 acres)
 - C-2 to C-3 on the front portion of Lot P-A, approximately 9,104 sq. ft. (0.20 acres)
- **Current Use**
Lot P-A is developed with a convenience store and warehouse. Tract 33-A is vacant and cleared.
- **Surrounding Zoning**
R-1A(M) zoning is located to the Fox Place side; C-3 zoning is located to the Fox Place side and rear; M-1 zoning is located to the front and I-310 side.
- **Surrounding Uses**
A commercial truck storage yard and single family homes are adjacent to the Fox Place side; a construction equipment sales and service business and liquid nitrogen transportation business is adjacent to the I-310 side; a vacant convenience store is located to the front across Airline Drive.
- **Zoning History**
The C-2 and C-3 districts were established in 1981.
- **Future Land Use Recommendation**
Business Park – This category provides for the development of planned business, office, technology, warehouse and research activities, as well as related ancillary uses, such as shipping offices, office supply, services, hotels and restaurants. Business parks should incorporate design standards such as screening, landscaping and site location criteria.

▪ **Traffic Access**

Lot P-A has 100 ft. of frontage on Airline Drive where access is provided from an existing concrete driveway. Tract 33-A does not have frontage on a public street and utilizes Lot P-A for access to Airline Drive.

Any improvements made on Lot P-A that involves Tract 33-A will require an administrative resubdivision combining both properties into a single development site.

▪ **Utilities**

Standard utilities are located along Airline Drive, including water and sewer along the front of Lot P-A.

Improvements will warrant additional drainage review during the permit process.

APPLICABLE REGULATIONS

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

[IV.] C-3. *Highway commercial district*—Wholesale and retail sales:

1. Use Regulations:

a. A building or land shall be used for the following purposes.

- (1) All uses allowed in the C-2 District.
- (2) Commercial auditoriums, coliseums or convention halls
- (3) Retail manufacturing
- (4) Automobile sales and service
- (5) Wholesale uses
- (6) Warehouses (less than 10,000 sq. ft.)
- (7) Bus, railroad, passenger and truck terminals (without video poker gaming facilities)
- (8) Bottling works
- (9) Dog pound
- (10) Building supply
- (11) Heating and air conditioning service
- (12) Plumbing shops
- (13) Automotive repair, minor and major
- (14) Glass installation
- (15) Fabrication of gaskets and packing of soft metal material
- (16) Creameries
- (17) Parcel delivery service
- (18) *Reserved.*
- (19) Frozen food lockers
- (20) Public stables
- (21) Bulk dairy products (retail)
- (22) Animal hospitals
- (23) Gymnasiums
- (24) Sheet metal shops.
- (25) Upholstery
- (26) Other uses of similar intensity
- (27) Customary accessory uses incidental to the above uses when located on the same lot.

b. Special exception uses and structures:

- (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) Barrooms, night clubs, lounges, and dancehalls upon review and approval by the Planning Commission and supporting resolution of the Council.
- (2) R-1A and R-1B uses upon review and approval by the Planning Commission.
- (3) R-3 uses upon review and approval by the Planning Commission and supporting resolution of the Council.
- (4) *Reserved.*
- (5) Cellular installations and PCS (personal communication service) installations.
- (6) *Reserved.*
- (7) Warehouses (non-hazardous materials) over ten thousand (10,000) square feet.
- (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 Parish Council.
- (10) Outdoor storage, when accessory to an otherwise permitted use in the district.
- (11) Automobile Fleet Services: Examples include rental car facilities, overnight truck parking, dispatch locations, and any use related to the temporary or periodical parking of operative motor vehicles.

2. Spatial Requirements:
 - a. Minimum lot size: Seven thousand (7,000) square feet, minimum width - seventy (70) 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 System: Arterial, local industrial, rail, water.
 4. Special Provisions:
 - a. Where any commercial use in a C-3 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 unless the Planning and Zoning Department shall require a greater or lesser buffer strip.
- [V.] *Prohibited use:* Medical waste storage, treatment or disposal facilities.

[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) Commercial vehicle and heavy 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).
 - (31) Automobile Fleet Services: Examples include rental car facilities, overnight truck parking, dispatch locations, and any use related to the temporary or periodical parking of operative motor vehicles.
 - 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, not withstanding 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.
 - 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.

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 & CRITERIA EVALUATION

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.*

The subject site is within an area designated *Business Park*, which provides for planned developments with office and warehouse space related to various business, technology, and research activities. The designation also takes into account uses intended to supplement industrial parks, such as retail and service shops, hotels, and restaurants. Guidance from the Comprehensive Plan Update advises creating a new zoning district related to this category, with a focus on those uses permitted in the Commercial zoning districts and "some M-1 uses." This indicates M-1 uses should be located in areas designated Business Park in a limited capacity, and the requested change to M-1 does not conform this development pattern. **The request does not meet 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 subject site is located on Airline Drive in St. Rose, which has been undergoing a transition from a commercial to an industrial corridor. Since 1982 there have been 13 zoning changes to M-1, Light Manufacturing and Industrial on properties fronting Airline Drive affecting approximately 195 acres of land. A request to M-1 would allow for a more reasonable use of the property that is in line with the industrialization of abutting sites and along Airline Drive in St. Rose as a whole.

Additionally, the most of the existing commercial zoning is found to be unreasonable based on the layout of the subject site. The majority of the commercial zoning is located on the 5.08 acres of Tract 33-A which is located behind Lot P-A and lacks direct frontage on and access to Airline Drive. Commercial uses, especially those permitted in the C-2 zoning district, are most appropriate where street frontage is available, enhancing the visibility and convenience of those business intended to provide services to the general public. The rezoning would address this issue by establishing M-1 zoning where it is more appropriate in the rear while retaining a portion of commercial zoning in an area that is directly accessible and visible from Airline Drive. **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.*

Uses permitted in the M-1 district include warehousing, various fabrication and manufacturing operations, open storage, and heavy equipment sales and service. With the exception of the residences on adjacent Fox Place, these uses would be compatible with the bulk of the existing neighborhood character, which includes businesses involved in the sale and maintenance of construction equipment, the storage and/or sale of heavy commercial trucks, and other various warehousing and industrial uses. This zoning change is also not expected to result in development that would overburden public infrastructure. The site is currently developed with a convenience store connected to with Parish sewer and water facilities located along Airline Drive. **The request meets the third guideline.**

DEPARTMENT RECOMMENDATION

Approval, based on meeting the second and third rezoning criteria.

This request will be forwarded to the Parish Council for a second public hearing with the Planning Commission's recommendation.

While the subject area exceeds 3 acres, staff do not recommend a corresponding change to the Future Land Use Map from Business Park to Industrial.