



## Department of Planning & Zoning Staff Report – Map Amendment Case No. 2024-11-R

### APPLICATION INFORMATION

- **Submittal Date:** 5/7/2024
- **Applicant / Property Owner**  
Dominick J. Fazio  
Southern Recovery Management Inc.  
2000 South Kenner Road  
Avondale, LA 70094  
504.436.1288
- **Request**  
Change of zoning:
  - Current – W-1, Wetlands
  - Proposed – M-2, Heavy Manufacturing and Industry

### SITE INFORMATION

- **Location**  
Lot designated 4286 located approximately 450 ft. north of Highway 90 at the St. Charles/Jefferson Parish line, Luling.
- **Size:** approximately 93 acres
- **Current Use:**  
No permitted uses occupy the site, which is largely undeveloped and partially wooded.
- **Surrounding Zoning**  
W-1 zoning is adjacent to each side; the abutting zoning in Jefferson Parish is U1S, Unrestricted Suburban District.
- **Surrounding Uses**  
A swamp tour operation is adjacent to the Highway 90 side; River Birch Landfill is adjacent to the Jefferson Parish side; wetlands are adjacent to the north and west sides.
- **Zoning History**  
The W-1 district was established in 1981.
- **Future Land Use Recommendation**  
*Wetlands: Constrained lands due to wetlands and flood zones. Allowable land uses in areas designated as wetlands are limited to low impact uses, such as eco-tourism and recreation (e.g., boating, hiking, hunting, fishing), wildlife observation, environmental education, environmental research, compatible agriculture (e.g., periodic haying and grazing), managed timber harvest, and other uses that may be permitted by special exception or special permit by the Louisiana Department of Natural Resources, the U.S. Army Corps of Engineers or the St. Charles Parish Coastal Zone Advisory Council.*
  - *Recommended Zoning Districts: W (wetland district)*
- **Flood Zone & Minimum Building Elevation**  
1992 Flood Insurance Rate Map: AE4  
2013 Digital Flood Insurance Rate Map: X
- **Traffic Access**  
The subject parcel is landlocked, but access within St. Charles Parish is gained via an unpaved drive through adjacent, separately owned property fronting Highway 90. The

site is also accessed from the Jefferson Parish side through the Highway 90 entrance of the adjacent landfill.

▪ **Utilities**

Parish infrastructure is limited along this portion of Highway 90. No drainage or wastewater facilities are present and water terminates at the Sellers Canal.

The Department of Public Works has no objection to the rezoning.

<b>APPLICABLE REGULATIONS</b>
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**Appendix A. Section VI. – Zoning District Criteria and Regulations**

D. Manufacturing and industry districts—The regulations in these districts are as follows.

[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. 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.

<b>REZONING GUIDELINE &amp; CRITERIA EVALUATION</b>
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- 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 under the *Wetlands* Future Land Use Map designation, which anticipates low impact uses such as eco-tourism and recreation, wildlife observation, environmental education, environmental research, compatible agriculture, and managed timber harvest. The recommended zoning district under this designation is W-1, Wetlands, which does not contain a traditional list of by right, special exception, or special permit uses, but similarly emphasizes "low intensity" uses as permitted by the Louisiana Department of Natural Resources, U.S. Army Corps of Engineers, and the St. Charles Parish Coastal Zone Advisory Committee. The M-2 district does not conform to this designation.

While the proposed zoning would cover a large area, it must be considered a spot zone due to the lack of industrial zoning in the vicinity and not being done in

furtherance of the comprehensive plan. **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 off Highway 90 at the St. Charles/Jefferson Parish line where Parish services are limited and development is minimal. The character is that of an undeveloped stretch of highway traversing through wetlands and bridging the developed areas of Avondale/Waggaman and Luling. There is no development pressure here and changes in zoning have not occurred allowing development to deviate from the existing land use pattern or character. This is due to the area consisting primarily of wetlands under W zoning. To ensure protection of these wetlands development under W zoning is highly restricted. There are no by right uses. Any use of land zoned W must be considered "low intensity" or "coastal dependent", be reviewed and approved by either the Louisiana Department of Natural Resources, U.S. Army Corps of Engineers, or St. Charles Parish Coastal Zone Advisory Committee, and receive local approval as a Special Exception or Special Permit Use.

Outside of wetlands the most significant feature of this area is the River Birch Landfill in adjacent Jefferson Parish, which the subject site is connected to and accessible from. Along with being connected to the larger landfill site it is also indicated the subject area is not actually a part of adjacent wetlands. Aerial imagery shows a distinct boundary between the subject site/landfill and area wetlands. This is reinforced by the DFIRM flood map which places the subject area in an X zone while the adjacent wetlands are under a lower AE3 zone. The boundary between the two zones aligns with the boundary that can be observed on aerial imagery. While the presence of any jurisdictional wetlands must be accounted for within the subject site as part of any potential development, the development restrictions of the W zoning district can be considered unreasonable since the subject area itself is not part of the larger protected wetlands. A zoning change would allow use of the subject area that is in alignment with the larger parent property. **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.*

There is no explicit neighborhood character in this part of St. Charles Parish. The general area consists of large sections of undeveloped wetlands. The primary use in the area is the adjacent River Birch Landfill primarily located within Jefferson Parish. The nearest residential areas in Ama are over a mile away. The proposed uses permitted in the proposed M-2 zoning, which includes agriculture and general farming uses in addition to high intensity industrial uses, would not be incompatible with this existing character, especially considering the adjacent landfill connected to the subject site. It cannot be said the uses permitted specifically in the M-2 district would place any more of a burden on public facilities since existing public facilities are already limited in this part of the Parish. Any significant development in this area, regardless of zoning, would have to address extensions and connections to public facilities. **The request meets the third guideline.**

<b>DEPARTMENT RECOMMENDATION</b>
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**Approval, based on meeting two of the three rezoning criteria.**

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