

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2021-2-R

GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 12/8/2020**
Double R & J Trucking Service, Inc.
10510 Airline Highway
St. Rose, LA 70087
(504)-255-8457; naviramsarup@yahoo.com
- ◆ **Location of Site**
Lot "B", Plot 43, Almedia Plantation; 150 Almedia Plantation Drive, St. Rose
- ◆ **Requested Action**
Rezoning from C-3, Highway Commercial to M-1, Light Manufacturing and Industry

SITE INFORMATION

- ◆ **Size of Site**
81,016.82 sq. ft.
- ◆ **Current Zoning and Land Use**
C-3; the site is improved with a metal fence along the front property line and appears to be used for the storage of a few vehicles, but permit data does not show an actual permitted use. Older aerial images and street view show it was previously used as a junkyard.
- ◆ **Surrounding Zoning and Land Use**
C-3 zoning abuts to each side and the rear. M-1 zoning is located across the street.

A multi-tenant metal building is adjacent to the east. Tenant uses include motor vehicle storage, sale, and repair. The property adjacent to the west is undeveloped with no permitted use or structures. A parking lot for a rental car company is located across Almedia Plantation Drive. Canadian National Railroad tracks are adjacent to the rear.
- ◆ **Future Land Use Recommendation**
General Commercial: The General Commercial category includes sites for commercial uses that provide a mix of business activities and that serve the community as a whole. These uses provide for comparison shopping and services which are ordinarily obtained on an occasional rather than daily basis. In general, this designation applies to most commercial uses that are permitted in the C-2 (General Commercial – Retail) and all of the uses permitted in the C-3 (Highway Commercial) zoning districts.
- ◆ **Traffic Access**
The site is 248-ft. wide on Almedia Plantation Drive, a 40-ft-wide street ROW with asphalt surface approximately 23-ft. wide, lined by open swale drainage on the south side and poles with overhead utilities on the north side.
- ◆ **Utilities**
At the time of this writing Planning & Zoning is waiting for input from the representatives for the Department of Waterworks and Department of Public Works & Wastewater regarding the availability of facilities that can accommodate the uses permitted in the proposed zoning district.

APPLICABLE REGULATIONS

Appendix A. 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.

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. and
2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

[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) Machinery 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).
 - 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.1.4.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. 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.

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 one 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.* The proposed M-1 district would not be a spot zoning as there is M-1 zoning in the area, including on the property directly across Almedia Plantation Drive. But the district does not conform to the FLUM designation of General Commercial. **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.* The residential neighborhood further west on Almedia Plantation Drive was platted in the early 1970s and built-out soon after. The residential character of that area has not changed since. This commercial area of Almedia Plantation Drive has changed in recent years, but not to the point that C-3 zoning no longer allows reasonable use. Since 2006, the area has been developed with a multi-tenant office warehouse, a large parking lot with access from, and a single tenant office/warehouse building. The existing C-3 zoning permits similar reasonable use of the subject site. **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.* The zoning ordinance requires frontage on an arterial street, a well-connected thoroughfare that can handle high traffic volumes and large vehicles and equipment. Almedia Plantation Drive is a local street, not an arterial street. It is a two-way road with 12 ft. wide travel lanes and open swale drainage close to the travel lane. M-1 zoning on this 81,000 sq. ft. property would permit the types of uses that exist on US 61/Airline Drive. These types of uses might overburden the street, and they are incompatible with the residential neighborhood that relies on the street. **The request fails the third guideline.**

ANALYSIS

The applicant requests a change of zoning from C-3, Highway Commercial to M-1, Light Manufacturing and Industry on a property they purchased in August 2020: Lot B, Plot 43, 81,016.82 sq. ft. on Almedia Plantation Drive, St. Rose. Lot B is the former site of a junkyard. The Department's permit and code complaint/inspection database has no record of any permitted structure or use on the property nor record of any complaints or violations against the property or person who owned the property from 1942 to 2020. However, aerial photographs suggest some light use—several vehicles—on the lot in 1992 and increasing coverage of the lot 2000s until, in 2017, the lot was completely filled with junked vehicles stacked 3-4 high on top of each other and trees growing between the stacks. Today, the site does not contain any junked vehicles.

The requested change to M-1 zoning does not meet any of the rezoning guidelines.

The proposed M-1 zoning conflicts with the General Commercial FLUM designation for the site. The existing C-3 zoning is not unreasonable and would permit reasonable use of the site. The more intense uses could bring heavier equipment and vehicles to a roadway which cannot support them, and could be a detriment to the residents of the nearby subdivision whose only means of accessing River Road and Airline Drive is via Almedia Plantation Drive. The uses proposed in the M-1 district would also be incompatible with the existing neighborhood, as it would permit industrial uses in an area which begins to transition from a light-industrial/commercial corridor to a residential neighborhood via Almedia Plantation Drive.

The site is under three (3) acres, so approval would not require a corresponding change to the Future Land Use Map.

DEPARTMENT RECOMMENDATION

***Denial because the request does not meet any of the three rezoning guidelines.**

***This application was made one day after Ordinance No. 20-12-4 was adopted (which would require two criteria to be met for a recommendation for approval from the Department), but prior to the ordinance's effective date. The application is reviewed under the ordinance as effective at the time of application.**