

# St. Charles Parish Department of Planning & Zoning

## LAND USE REPORT CASE NUMBER: PZR-2018-09

### GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 11/07/18**  
Jacob Fruchtnicht  
405 30<sup>th</sup> Street  
New Orleans, LA 70124  
(504)-214-6424; jbtruckingla@yahoo.com
- ◆ **Location of Site**  
Lot K-2A2-3, Almedia or Patterson Plantation Subdivision; Almedia Road, St. Rose
- ◆ **Requested Action**  
Rezoning of Lot K-2A2-3 from C-2, General Commercial-Retail Sales to M-1, Light Manufacturing and Industry

### SITE INFORMATION

- ◆ **Size of Parcel**  
13,580 square feet; 130 feet wide
- ◆ **Current Zoning and Land Use**  
C-2; vacant but cleared
- ◆ **Surrounding Zoning and Land Use**  
M-1 zoning is adjacent to the north side and across Almedia Road; C-2 zoning is adjacent to the River Road side and rear.

Automotive repair is located across Almedia Road; a storage yard is adjacent to the north side; a Special Permit Use for automobile sales was approved for the adjacent lot on the River Road side; vacant and wooded land is adjacent to the rear.

- ◆ **Future Land Use Recommendation**  
General Commercial: 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 has 130 feet of width along Almedia Road, a state highway providing access between River Road and Airline Hwy.
- ◆ **Utilities**  
Representatives of Public Works & Wastewater and Waterworks indicate existing utilities in the area can accommodate M-1 uses.

### APPLICABLE REGULATIONS

#### [1.] *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, 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, 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.[1].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.[1].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:* 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.

## 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 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.* Plan 2030 recommends *General Commercial* for this site, which does not provide for uses permitted in the industrial zoning districts. This would not be a spot zoning as it is an extension of adjacent M-1 zoning, but due to non-conformance with the *General Commercial* Future Land Use designation, **the request fails the first criteria.**
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.* Almedia Road has had seven (7) rezonings to M-1 since 1985 resulting in approximately 2,260 feet of corridor frontage zoned M-1. While Almedia Road is developing as a light-industrial corridor, it still maintains a commercial and residential character on the River Road end, near the subject site. Even with the area is in transition, the current C-2 zoning does not deprive the property of all reasonable use. **The request fails the second criteria**
3. *Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.* Representatives from Public Works and Waterworks determined the proposed M-1 zoning and uses will not overburden water, sewer, drainage, or road capacity. With the amount of M-1 zoning and uses on the corridor, a change to M-1 permitting M-1 uses will not be out of character with the development pattern of the Almedia Road corridor. **The request passes the third criteria**

## ANALYSIS

The applicant requests a change of zoning for Lot K-2A2-3, located on Almedia Road, from C-2, General Commercial to M-1, Light Manufacturing and Industrial, for the purpose of developing a workshop and storage for a trucking company.

The first rezoning criterion is not met as M-1 zoning does not comply with the General Commercial Future Land Use designation from the Comprehensive Plan. It does not meet the second criteria as the development pattern along Almedia Road does not create a situation in which the existing C-2 zoning prohibits reasonable use of the lot.

The request meets the third criteria as the proposed M-1 zoning and permitted uses in the district would be compatible with adjacent M-1 zoning and industrial uses which continue up the corridor to Airline Highway.

Since the Zoning Ordinance of 1981 was established, Almedia Road has undergone seven (7) changes to M-1 zoning. Three changes occurred from 1985 to 1994 over 231,000 sf. (PZR-1985-18/Ord. 85-10-1, PZR-1985-20/Ord. 86-3-3, PZR-1994-13/Ord. 94-12-13). Another four changes occurred from 2013 to 2017 over 149,087 sf. (2013-11/Ord. 13-8-1, 2015-05/Ord. 15-1-6, 2015-08/Ord. 15-3-7, 2017-03/Ord. 17-2-1). This pattern signals a change from what was planned as a commercial corridor to a predominately industrial corridor. This is in addition to the downriver side of Almedia

Road, approximately 85% of which is zoned M-1, and reflected in the uses, which consist of fabrication shops, construction equipment and general open storage yards, warehouses, etc.

The property is less than three acres and the combined area of continuous lots to undergo rezones to M-1 are also less than three acres. Rezoning would not require an update to the future land use map.

Lot K-212-3 meets the 10,000 square foot area and 100 foot width requirements for the M-1 zoning district. Any future development must meet the more limiting setback requirements for the M-1 zoning district.

<b>DEPARTMENT RECOMMENDATION</b>
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**Approval, due to meeting the third rezoning criteria.**