

Mr. Gibbs: Good Evening and welcome to the April Planning & Zoning Commission meeting. This is a public hearing so everyone in the audience will have the opportunity to speak for or against the items coming before us and as with all of our meetings we would like to begin with a moment of silence and the Pledge of Allegiance please.

Mr. Gibbs: First item on the agenda tonight is PZSPU-2014-04 requested by Lisa Carey for a special permit for a multifamily (R-3 use) for 2 units in a C-2 zoning district with a waiver of the required parking at 309A and 309B Paul Maillard Road, Luling. Council District 2. Ms. Stein.

Ms. Stein: Thank you Mr. Chair. We did make a change to this report from our last meeting, the recommendation last time mentioned going down to 2 parking stalls, there are 0 available. The property owner/applicant requests a Special Permit to complete renovations of a two story building with a footprint of approximately 330 square feet into two single family dwelling units.

Electrical permit 24175 was issued for service to the second floor apartment in 2011. However additional renovations began without a permit. The applicant filed for a renovation permit (#24894) which is pending complete building code review and land use approval through this special permit use process. Because only two parking stalls serve the building, it was anticipated that the owner would re-occupy the building as it had been occupied in the past—with a commercial use on the ground floor and a residence above, and that a variance would be required when a commercial use for the bottom unit was determined.

The owner decided in 2013 that the building is best converted to two residential units which is less intense than a two-story mixed-use building. The process to permit a duplex use is a Special Permit from the Planning and Zoning Commission with a supporting resolution and waiver from the required parking by the Parish Council.

Generally, in order to receive a recommendation for approval, a Special Permit Application must meet a majority of the eight evaluation criteria a-h.

*a. Comparison with applicable standards established by the Comprehensive Land Use Plan as applied to the proposed use and site.* The request does not conflict with the recommendations of the Comprehensive plan for the Paul Maillard Road mixed use corridor.

*b. Compatibility with existing or permitted uses on abutting sites, in terms of building construction, site development, and transportation related features.* As the property has been developed this way since 1959 or earlier, it is compatible with existing and permitted uses on abutting sites in terms of building construction, site development and transportation related features. Likewise, this request is compatible with existing and permitted uses on abutting sites which are a mix of small commercial and residential.

*c. Potentially unfavorable effects or impact on other existing conforming or permitted uses on abutting sites, to the extent such impacts exceed those impacts expected from a standard permitted use in the applicable zoning district.* According to the International Transportation Engineer's trip generation estimates, a two-unit residential building generates eighteen trips per day by various modes (personal vehicle, transit, bicycle, walking). Commercial uses permitted in the C-2 zoning district, even at the square footages available here generate more trips. Therefore, with regard to traffic impacts, two residential uses will generate fewer trips per day. Other uses on this site would more likely cause congestion.

*d. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and uses in the area.* Safety and convenience of vehicular traffic in the area is more likely to be protected by residents who drive into and out of this site on a daily basis and who are not new to the particular traffic patterns in the area.

*e. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.* As a request for two residences in a two-unit building that has been developed for decades, the request should not affect erosion, flood or water damage. As renovations are being held to the standards of the Louisiana State uniform Construction Code, threat of fire should be lower. Considering the orientation of the building, glare is unlikely. Excessive noise is prohibited by the noise ordinance.

*f. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.* With 0 code compliant on-site parking stalls, the request fails this criterion. However, there are two functional/historic parking stalls in the front of the structure to serve the building.

*g. Conformity with the objectives of these regulations and the general purposes of the zone in which the site is located. The use of this structure as a duplex provides a low intensity use within a mixed use area. Creating two small dwelling units generally conforms to the general purpose of the zone.*

*h. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.*

The waiver or variance to zoning regulations for special permit uses offers relief when the enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. The land in question was developed and sold as an 847 square foot portion of a lot since 1959 or earlier, long before the development standards of the 1981 Zoning Ordinance was adopted.

One single-family dwelling would be the least intense use of the property. However, the two units of the building are developed such that requiring them to be combined could be considered an undue hardship on the property owner. Likewise, with regard to parking, two parking stalls are required for a single family dwelling—whether it's 3000 square feet or 330 square feet. It certainly could be argued that each proposed dwelling unit is of such a size that requiring the same number of parking stalls per unit that would be required for a 3000 square foot house exacts an undue hardship on the property owner. Permitting of two dwelling units with a reduction of parking stall should not create neighborhood congestion or other negative impacts considering the square footage of the dwelling units.

It should be noted that renovations to this building have been underway for almost three years. If a Special Permit Use is approved, renovations must be approved by the building official and underway within twelve months under the expiration clause for a Special Permit Use.

The Department recommends Approval of a Special Permit Use for two dwelling units in a C2 zoning district with a waiver from the required parking from four to zero.

Mr. Gibbs: Thank you Ms. Stein. This is a public hearing for PZSPU-2014-04 is there anyone in the audience care to speak in favor or against? Is the applicant here? Would you care to come up? Can you state your name and address please?

Lisa Carey, 166 Laroussini Street, Westwego. I have the property at 309 and 311 Paul Maillard Road, Luling.

Mr. Gibbs: any questions or concerns for Ms. Carey? It's pretty straight forward and we wish you luck. Thank you.

Ms. Carey: Thank you sir I really appreciate that.

Good Evening, Paul Hogan, Councilman District 4, 222 Down the Bayou Road, Des Allemands. This is a decision based solely upon the Commission it doesn't come to the Council for approval. As a Councilman though, I kind of see a problem and I don't want to see a problem created for this Council or for future Councils. What's there right now is apparently being served by whatever parking exists at this time which whatever it is. Is this activity increasing the requirements for parking from what's there right now?

Ms. Stein: Right now it's not in commerce.

Mr. Hogan: What was the site?

Ms. Stein: It was an eye doctor's office with an apartment on the second floor.

Mr. Hogan: And what's the plan now?

Ms. Stein: 2 dwelling units.

Mr. Hogan: No more commercial?

Ms. Stein: No more commercial.

Mr. Hogan: The concern that I have is the parking. We're going from 4 down to 0 and if they can get an agreement, I know that we've done that in the past where there's joint use of adjacent parking, I think it would be in order here or if it's in the state right of way, getting the state to issue an agreement letting them park in the state right of way, but to put something here where they have no parking, I don't know it think it would cause a problem and that's for you all to consider and decide.

Mr. Gibbs: Thank you Mr. Hogan. Ms. Carey you can come back up. Please state your name again.

Lisa Carey, I had received last year permission to park at Mr. Bosco's, one on the side of Paul Maillard Road where my actual property sits and one across the street from me. I thought there was parking on the side that I was able to use.

Ms. Stein: There is space for two cars to park there that would appear reasonable but they are not on the property, they are not within the property line, the building seems to exceed the property line. So yes there is space for a couple of cars to park in front of the building but under our requirement the way we look at parking it doesn't qualify.

Mr. Gibbs: You park there now?

Ms. Carey: Yes. I park there now and I park on the side of the building as well.

Mr. Gibbs: Thank you Ms. Carey. Is there anyone else to speak in favor or against PZSPU-2014-04? Any questions or comments? Cast your votes please.

YEAS: Pierre, Loupe, Gibbs, Foster, Frangella, Galliano

NAYS: Booth

ABSENT: None

Mr. Gibbs: And that vote passes with Mr. Booth voting nay.

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