

# St. Charles Parish

## Department of Planning & Zoning

### LAND USE REPORT (REVISED 10/22/12) CASE NUMBER: PZSPU-2012-06

#### GENERAL APPLICATION INFORMATION

◆ **Name/Address of Applicant:**

Shane M. Bailey  
119 Sammy Court  
Edgard, LA 70049  
504.234.3460

◆ **Location of Site:**

737 Paul Maillard Road, Suite F

◆ **Purpose of Requested Action:**

Operate a barroom/lounge

#### SITE – SPECIFIC INFORMATION

◆ **Size of Parcel:**

Approximately 18,000 sq. ft.

◆ **Existing Zoning and Land Use:**

737 Paul Maillard Road, Suites F, G, and H are zoned C-3 (court-ordered as a result of BD Grand v St. Charles Parish). All three suites are currently vacant.

◆ **Surrounding Land Uses and Zoning:**

To the north, or left, C-2 property is developed with a strip mall (which appears to join the building) that is fully occupied by a cosmetology shop, a drug store, a gymnastics studio, the Workforce Investment Act office, and a community outreach center.

To the east, or rear, R-1A-zoned property is developed with a vacant child day care facility and single family houses.

To the south, or right, C-2-zoned property is developed with a bank.

To the west, or across the parking lot, C-2-zoned property is developed with an automotive repair shop.

◆ **Comprehensive Plan Specifications:**

The Future Land Use Map indicates the property for **the Paul Maillard Road Mixed Use Corridor** which is intended to:

Encourage redevelopment and revitalization of existing commercial sites with a mix of local-serving retail and service-oriented offices, as well as provide for infill and redevelopment (as opportunities arise) of higher density residential (apartments and townhomes) to serve those employed [in] the nearby hospital and put in place development guidelines to reinforce walkability with an improved streetscape.

◆ **Utilities:**

Standard utilities are available for the site.

◆ **Traffic Access:**

The site has a driveway onto Post Road and is contiguous with the parking lot for the larger, adjacent strip mall.

#### APPLICABLE REGULATIONS

**Appendix A, Section IV. 9.: *Review and evaluation criteria/special permit use and special exception use:***

- a. Comparison with applicable standards established by the Comprehensive Land Use Plan as applied to the proposed use and site.

- b. Compatibility with existing or permitted uses on abutting sites, in terms of building construction, site development, and transportation related features.
- 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.
- 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.
- e. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
- f. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
- g. Conformity with the objectives of these regulations and the general purposes of the zone in which the site is located.
- 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.

## ANALYSIS

The applicant requests a Special Permit to operate a barroom at 737 Suite F. The location is the site of *BD Grand v St. Charles Parish*, a lawsuit that resulted in a judgment requiring the property to be considered zoned C-3. In order for a barroom to be permitted in a C-3 zoning district, the location must be more than 500 feet as a person would walk from the front door to the nearest property line of any protected use (in this case, a church). In addition, the location must have one parking stall for every 100 square feet of floor area, and a Special Permit Use must be approved by the Planning and Zoning Commission. In an instance where required parking is being provided through an agreement with another property owner, that agreement must be approved by the Parish Council. The applicant submitted a Parking Agreement signed by the adjoining property owner the day of the last Planning Commission meeting. The submission of that agreement has necessitated a revised staff analysis, as presented in this report. However, additional information regarding the shared Parking Agreement is required, and has been requested of the applicant. This revised Parking Agreement must be submitted before the Agreement can be approved by the Parish Council.

Staff have requested a sketch prepared by a LA licensed surveyor showing that there is 500' as a person would walk between 737 Suite F and nearby churches. As of writing this report, the survey has not been submitted.

Staff have requested a written agreement detailing exactly what parking the neighboring property, is offering for shared use. The neighboring property has paved area that could accommodate more than 150 passenger vehicles. Much of the striping is faded. The applicant has been advised that those stalls that will be shared must be striped clearly before the barroom will be permitted to occupy Suite F.

In order to receive a recommendation for approval, a Special Permit Use generally must meet the requirements for the zoning district and also must be found to meet a majority of eight (8) additional evaluation criteria (criteria a-h). In the past year, the building that contains 737 Paul Maillard Road Suites F-H has had only one permitted use (a restaurant in suite G). Suite F has not had electrical service since November 29, 2011. The site has not had a permit to operate a barroom, nightclub, or lounge for over six months. For these reasons, the site has lost its legally non-conforming status with regard to the number of parking stalls required for a barroom (1 parking stall required for 100 sq. ft. of gross floor area). Only 18 parking stalls are available in the front of the building. The rear is developed to provide the required loading zone and customer parking is discouraged in the rear.

With a gross floor area of approximately 3700 sq. ft. the requirement *for suite F alone* is 37 parking stalls which cannot be developed on the site. Assuming an agreement detailing which parking stalls the neighboring property will offer and the terms of the parking agreement is submitted, the request meets a majority of the evaluation criteria.

With regard to the Special Permit evaluation criteria, **criterion “a”** requires comparison to applicable standards of the Comprehensive Land Use Plan. The Future Land Use Map shows the property in the Paul Maillard Road Mixed Use Corridor. The Plan’s guidance for the corridor does not specifically mention barrooms, rather as it encourages “local-serving retail and service-oriented offices,” a barroom could be considered to be a neighborhood place; therefore **criterion “a” is met.**

**Criterion “b,”** regarding compatibility with the surrounding neighborhood in terms of building construction **is met.** The building was built to fit with the larger strip mall. The site has been developed this way for decades and is therefore part of the neighborhood.

**Criterion “c”** regarding impacts to neighbors expected to be generated by the proposed use, depends largely on how the business is managed. The applicant indicates his business will have no negative impact to the neighborhood. Without the survey showing 500’ as a person would walk between the barroom and protected uses in the area, **criterion c is not met.**

The owner of the neighboring strip mall has indicated a willingness to provide the required parking; at the time of writing this report, a more detailed agreement has been requested. Assuming that agreement is completed, **criterion “d”** regarding vehicular and pedestrian circulation on the site, and **criterion “f,”** whether parking is sufficient for all activities permitted on the site **should both be met.**

**Criterion “e”** seeks to ensure protection of adjoining properties from adverse impacts including noise and glare. The proposed barroom may create impacts to adjoining properties with regard to noise. Enforcement of the noise ordinance by the Sheriff ensures this criterion **is met.**

**Criterion “g,”** regarding general conformance with Special Permit and C3 requirements **is met** when other criteria are met, assuming the stipulations listed below are met.

**Criterion “h”** encourages special conditions or stipulations to prevent negative impacts to the neighborhood. Staff recommends the following stipulations:

1. The parking agreement must be sufficient to enable restaurant and office uses to be permitted in Suites G and H. The parking agreement shall include but not be limited to: the number of parking stalls made available to the subject use; the location of the parking stalls as depicted on a site plan; the times of day the parking stalls shall be available; and the duration that the parking stalls will be available for the barroom use.
2. The required survey by a LA licensed surveyor showing that there is 500’ as a person would walk between 737 Suite F and nearby protected uses.
3. The rear of the building be designated a loading zone.
4. Boards be removed from the front windows on Suites G and H and replaced with glass, if necessary.
5. Portable reader board is removed from the site and use of a portable reader board by any business in the building is prohibited.
6. Parking of cars under repair at the adjacent automotive repair shop be prohibited from using the available parking.
7. Any parking on the adjacent property granted through the Parking Agreement, shall be striped into code-compliant parking stalls prior to the business receiving a Certificate of Occupancy.

## **DEPARTMENTAL RECOMMENDATIONS**

### **Approval with the following stipulations:**

1. The parking agreement must be sufficient to enable restaurant and office uses to be permitted in Suites G and H. The parking agreement shall include but not be limited to: the number of parking stalls made available to the subject use; the location of the parking stalls as depicted on a site plan; the times of day the parking stalls shall be available; and the duration that the parking stalls will be available for the uses in Suites G and H.
2. The required survey by a LA licensed surveyor showing that there is 500’ as a person would walk between 737 Suite F and nearby protected uses.
3. The rear of the building be designated a loading zone.

4. Boards be removed from the front windows on Suites G and H and replaced with glass, if necessary.
5. Portable reader board is removed from the site and use of a portable reader board by any business in the building is prohibited.
6. Parking of cars under repair at the adjacent automotive repair shop be prohibited from using the available parking.
7. Any parking on the adjacent property granted through the Parking Agreement, shall be striped into code-compliant parking stalls prior to the business receiving a Certificate of Occupancy.