

**St. Charles Parish
Department of Planning & Zoning**

LAND USE REPORT

CASE NUMBER: PZR 2015-06

GENERAL APPLICATION INFORMATION

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| ◆ Name/Address of Applicant:
Triniece Davis
1306 Paul Fredrick Street
Luling, LA 70070
504.228.7205; cecedavis@yahoo.com | Application Date: 1/6/15 |
| ◆ Location of Site:
1500 Paul Maillard Road, Luling
Lots 18 and 19 of the C. Natis Tract (proposed Lot 19A= 8,034 sq. ft. with 100' frontage) | |
| ◆ Requested action
Change of land use zone from CR-1 to C-2 | |
| ◆ Purpose of Requested Action
To renovate an existing single-family house for use as a cosmetology shop. | |

SITE – SPECIFIC INFORMATION

- ◆ **Size of parcel**
8,034 square feet
- ◆ **Existing Land Use and Zoning**
The site is currently CR-1 and developed with a single-family house.
- ◆ **Surrounding Land Uses and Zoning**
To the north, south, and west (sides and rear) property is zoned CR-1 and developed with single-family houses. To the east, across Paul Maillard Road, Monsanto Subdivision is zoned R-1A and built out with low-density single-family houses.
- ◆ **Traffic Access and parking**
The property has 100' of frontage on Paul Maillard Road, which exceeds the required 60' width for a C-2 lot.
- ◆ **Future land use designation**
The future land use designation for this property is Paul Maillard Road Mixed Use Corridor.

APPLICABLE REGULATIONS

Appendix A., Zoning Ordinance, Section IV.9:

Rezoning Guidelines and Criteria: Before the Planning & Zoning Commission recommends or the Parish 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. Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. Reasonableness is defined as:
 - a. Land use the same as, or similar to that existing on properties next to, or across the street from 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 tend to limit the usefulness of vacant land or buildings.
2. The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:
 - a. Undue congestion of streets and traffic access.

- b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.
 - c. Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.
 - d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
3. The proposed zoning change is in keeping with zoning law and precedent, in that:
- a. It is not capricious or arbitrary in nature or intent.
 - b. It does not create a monopoly, or limit the value or usefulness of neighboring properties.
 - c. It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.
 - d. It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

Appendix A, Zoning Ordinance, Section VI. C. [III] C-2 General commercial district:

[III.] C-2 General commercial district— Retail sales:

- 1. Use Regulations:
 - a. A building or land shall be used for the following purposes:
 - (1) All uses allowed in C-1 District. (Ord. No. 88-5-5, 5-16-88)
 - (2) Retail sales (except auto and mobile home sales), usage, and storage
 - (3) Hotels, motels and apartment hotels
 - (4) [Repealed by Ord. No. 92-9-14, 9-8-92.]
 - (5) Restaurants (including drive-in restaurants) and cafeterias. Specific land use requirements for restaurants serving alcoholic beverages are contained in subsection III.59. of these regulations, with further details contained within Chapter 3 of the St. Charles Parish Code of Ordinances.
 - (6) Animal hospitals where all animals are kept inside the building
 - (7) Service station
 - (8) Commercial recreation facilities
 - (9) Commercial greenhouses and nurseries
 - (10) Commercial schools
 - (11) Shops not to exceed two thousand five hundred (2,500) square feet of floor area for the repair and servicing of the following: bicycles, radios, televisions, stereos and recorders, household appliances, locksmith, typewriters, other similar uses
 - (12) Shops not to exceed two thousand five hundred (2,500) square feet of floor area may also include the following uses: dressmakers, millinery, tailors, baking goods sales, laundry and dry cleaners, theatres (but not the drive-in type)
 - (13) Laboratories
 - (14) Customary accessory uses incidental to the above uses when located on the same lot
 - (15) Funeral homes (provided that a petition of no objection signed by a majority of property owners within a three hundred foot radius of the site and one hundred (100) percent of the property owners on the same street within the same block be filed with the Planning Zoning Department
 - (16) Cemeteries and mausoleums, provided however that such uses shall be located on sites of at least twenty (20) acres, all graves shall be set back at least fifty (50) feet from all property lines, shall have a minimum street frontage of one hundred (100) feet and a fence or screen planting six (6) feet high shall be provided along all property lines adjoining all districts
 - (17) Other uses of similar intensity.
 - (18) Mini-storage facilities (limited to one-story construction in C-2 district).
 - (19) Historic home site bed and breakfast. (Ord. No. 13-7-6, § II, 7-1-13)
 - b. Special exception uses and structures include the following:
 - (1) Dwelling units contained within the office building
 - (2) Reserved
 - (3) Reserved
 - (4) Churches
 - (5) Movie theaters
 - (6) Temporary on-site construction buildings for a period of one (1) year upon approval of the Planning Director. (Ord. No. 88-9-9, 9-6-88)
 - c. Special permit uses and structures include the following:
 - (1) R-1A and R-1B uses upon review and approval by the Planning Commission.
 - (2) R-3 uses upon review and approval by the Planning Commission and supporting resolution of the Council.

- (3) Office buildings for gaming operations, excluding all gaming activities, upon review and approval by the Planning Commission and supporting resolution of the Council.
- (4) Motor vehicle repair. Automobile sales and service on designated federal and state highways; body repair activities being strictly prohibited in the C-2 zoning district.
- (5) Heating and air conditioning service.
- (6) Sheet metal shops
- (7) Plumbing shops.
- (8) 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.
- (9) Bingo halls, video bingo parlors, and off-track betting establishments upon review of the planning commission and ordinance of the St. Charles Parish Council.
2. Spatial Requirements:
 - a. Minimum lot size: Six thousand (6,000) square feet, minimum width - sixty (60) feet.
 - b. Minimum yard sizes:
 - (1) Front - twenty (20) feet
 - (2) Side - five (5) feet
 - (3) Rear - ten (10) 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
4. Special Provisions:
 - a. Where any commercial use in a C-2 zoning district abuts any residential district or use, a six-foot high solid wood fence or masonry wall shall border the same and there shall be a buffer strip ten (10) feet wide designated and maintained on the site planted with plant materials acceptable for buffer zones.

ANALYSIS

The property was not likely to be able to provide required parking. In October 2013, Ms. Davis purchased the subject property, 1500 Paul Maillard Road, two adjacent lots zoned CR-1 totaling 8,034 sq. ft. developed with a 1,100 sq. ft. single-family house served by a wide driveway and 58' side yard.

In October 2014, the applicant inquired about permitting a hair salon in the house: four styling stations, four wash bowls, and up to 7 dryers. She planned to live in the house and have additional stylists work in the salon.

While a hair salon is a permitted use in CR-1, (a personal service shop), it is subject to the following restrictions:

Personal service shops such as beauty shops and barber shops, small schools or studios such as arts and craft schools, conducted by *resident members of families* provided that no goods or merchandise, except those needed for instruction purposes, or offered for purchase by students only; and, provided that such use *shall not occupy more than five hundred (500) square feet of floor area* [emphasis added].

These restrictions prohibit a beauty shop from having staff and/or the leasing chairs to certified cosmetologists; it also may limit the floor area to less than the applicant requires. The required parking for the live-work unit she envisioned is 2 for the residence plus 1.5 spaces per chair plus 1 per employee (at least 8). Considering the number of wash and dry stations, it seemed likely that the number of people in the shop would often exceed the available parking.

She was advised to contact the building official regarding requirements to upgrade a single-family house to a live-work unit. She was also advised that personal services shops (hair dressers, cosmetology, beauty, or barber shops or spas) are permitted in C-2, General Commercial district (considered a "use of similar intensity," #17). She decided to pursue a permit for a beauty shop without the residence, which requires the rezoning.

The zoning change is consistent with Future Land Use Map as the Paul Maillard Road Mixed Use Corridor is expected to permit neighborhood-serving business. The zoning change is also consistent with the Paul Maillard Road Revitalization Plan. While the proposed future land use

map for Paul Maillard Road recommends this property moderate density residential, a mixed-use node centered around Canal Street and encompassing the dentist office 100’ south of this property from this subject property. Between the subject property and the mixed use node is an unoccupied house and one occupied house.

In order to receive a recommendation for approval, a rezoning request must meet all criteria of one of three tests. Because this area of Paul Maillard Road has seen commercial renovation in recent years, and because the property is located on a proposed mixed use corridor, proximal to C-3 zoning, vacant land, and distressed housing, and also because it can be developed with the required parking, loading, and landscaping for the proposed use, **this request meets the criteria of the second test.**

The second test is designed to prevent stress on public infrastructure and land uses that are incompatible with the surrounding neighborhood. Congestion of streets and traffic access and overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities is not likely to occur from the proposed use or any C-2 use on this site. Likewise, C-2 use of the building and land is compatible with the nearby land uses. Finally, the change to C-2 would not create an oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood because the current zoning permits a very similar use, a hair salon in a residence; however, the costs associated with upgrading the existing house to meet current building code requirements for a live-work unit make that project unfeasible.

DEPARTMENT RECOMMENDATIONS <u>Approval.</u>
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