

St. Charles Parish

Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: PZR-2014-17

GENERAL APPLICATION INFORMATION

- ◆ Name/Address of Applicant/Owner:

Robert Monti

350 Evelyn Drive

Luling, LA 70070

Paul Muller

240 Wanda Street

Luling, LA 70070

Joey Bosco

406 Maryland Drive

Luling, LA 70070

Application date: 10/7/2014

Greg Mollere

PO Box 186

Luling, LA 70070
- ◆ Location of Sites:

100, 200, 202, 204, 208, 220, 300, 301, 302, 304, & 310 Paul Maillard Road and 105 Luling Avenue
- ◆ Requested Action:

Rezone of most lots on the west or upriver side of Paul Maillard Road from River Road to Luling Avenue (the Union Pacific Railroad crossing) from C-2 and R-1A(M) to C-3

SITE – SPECIFIC INFORMATION

- ◆ Size of Parcels:

Approximately four acres combined
- ◆ Existing Land Use and zoning:

This section of Paul Maillard Road is one of the few examples of a mixed use corridor –where residential and neighborhood commercial uses exist on the same street—in St. Charles Parish. While the uses are mixed *vertically* in only one structure and are in separate buildings elsewhere, there is a history of property containing both a family residence and the family businesses in this area.
- ◆ Surrounding Land Uses and Zoning:

To the west or upriver, properties on Ristroph Street are developed with seven (7) single family houses and mobile homes (zoning is R-1AM); upriver on River Road is a hair salon (zoning is C2). To the east or downriver, Ellington Avenue is developed with 11 site-built residences (zoning is R-1A). The wider neighborhood on both sides is mostly built-out single-family site-built homes in R-1A zoning.
- ◆ Plan 2030 Future Land Use Category on the property:

Mixed Use corridor
- ◆ Utilities:

Standard utilities serve the site.
- ◆ Traffic Access and parking:

Most of the lots have frontage on Paul Maillard Road, a two-lane state highway. As the sites currently are designed, parking is congested in the area. In the 50s and 60s, when the foot of Paul Maillard Road was a passenger ferry landing, businesses benefitted from angled on street parking in much of the street right of way. It appears that some parking in the vicinity uses at least a portion of the street right of way, but current code requirements require on-site parking which can be a burden on older commercial corridors.

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.

[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
- Cellular/communication towers. (Ord. No. 95-9-11, 9-18-95)
- (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.

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.

AND

[IV.] C-3. Highway commercial district— Wholesale and retail sales:

1. Use Regulations:

- a. A building or land shall be used for the following purposes.
 - (1) All uses allowed in the C-2 District. (Ord. No. 88-5-5, 5-16-88)
 - (2) Commercial auditoriums, coliseums or convention halls
 - (3) Retail manufacturing
 - (4) Motor vehicle sales and service
 - (5) Wholesale uses
 - (6) Warehouses (less than 10,000 sq. ft.)
 - (7) Bus, railroad, passenger and truck terminals (without video poker gaming facilities)
 - (8) Bottling works
 - (9) Dog pound
 - (10) Building supply
 - (11) Heating and air conditioning service
 - (12) Plumbing shops
 - (13) Motor vehicle repair
 - (14) Glass installation
 - (15) Fabrication of gaskets and packing of soft metal material
 - (16) Creameries
 - (17) Parcel delivery service
 - (18) Reserved. (Ord. No. 97-7-4, § VIII, 7-7-97)
 - (19) Frozen food lockers
 - (20) Public stables
 - (21) Bulk dairy products (retail)
 - (22) Animal hospitals
 - (23) Gymnasiums
 - (24) Sheet metal shops
 - (25) Upholstery
 - (26) Other uses of similar intensity
 - (27) Customary accessory uses incidental to the above uses when located on the same lot.
- b. Special exception uses and structures:
 - (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) Barrooms, night clubs, lounges, and dancehalls.
 - (2) R-1A and R-1B uses upon review and approval by the Planning Commission.
 - (3) R-3 uses upon review and approval by the Planning Commission and supporting resolution of the Council.
 - (4) Reserved. (Ord. No. 01-5-18, § II, 5-21-01)
 - (5) Cellular installations and PCS (personal communication service) installations.
 - (6) Reserved. (Ord. No. 01-5-18, § III, 5-21-01)
 - (7) Warehouses (non-hazardous materials) over ten thousand (10,000) square feet.
 - (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 Parish Council.

(10)Outdoor storage, when accessory to an otherwise permitted use in the district.

ANALYSIS

The property owners request rezoning to C3 in order to increase the number of permitted uses at their properties. Several of the applicants submitted a similar application in 2013 (PZR 2013-03); the department's recommendation was for denial; several letters of objection were submitted; the Planning Commission tabled the case at the applicants' request; the applicants withdrew the request on April 11.

This request expands the area for rezoning from approximately 1.75 acres to approximately 4 acres by including a large site on the west side of the intersection with River Road (Mollere property). Like the 2013 request, this request does not propose specific C3 use for the areas that are requested for rezoning. It is not uncommon for C3 rezones to be granted in this C2 zoning district which originally covered both sides of Paul Maillard Road from to Post Drive to River Road and also River Road from Sugarhouse Road to Bradwall Street. The department generally recommends *approval* of rezones to C3 in this zoning district when the specific use can be found not to negatively impact neighbors (PZR 1989-10; 2006-07; 2009-02).

When a request to rezone comes with no proposed use, planning staff is forced to consider the impacts that any and all permitted uses might have on the surrounding neighborhood. In this case, the areas requested for rezoning are so large that we have to consider almost all the C3 uses. For that reason, the staff analysis from the previous rezoning request, PZR 2013-03, still applies. It should be noted, however, that the applicants have submitted several letters of support from neighbors. Neighborhood opposition seemed detrimental to the last rezoning request.

Quality Wholesale moved main operations from 300 Paul Maillard Road several years ago and the property owner has been unable to lease the building. This rezoning request is largely to facilitate leasing or selling this vacant property. For the sites of Advanced Air, Luling Cleaners, and AM/PM Staffing Services, the request is largely speculative; the property owners want more options for leasing or selling their properties in the future.

The applicants request rezoning of approximately four (4) acres in a large C2 zoning district that was established in 1981. The zoning district has four C3 spot zones—all of which are smaller areas fronting River Road.

- Ordinance 89-3-14 was approved to permit continued use of an automobile repair shop at 13425 River Road (currently the site a frame shop) (PZR 89-10; department recommended approval).
- Ordinance 06-6-3 was approved with a companion Special Permit Use to permit a barroom at the corner of River Road and Paul Maillard Road (the development did not occur; the Special Permit expired; zoning remains C3—PZR 2006-07; department recommended approval).
- Ordinance 09-1-9 was approved with a companion Special Permit Use for a bar at 13527 River Road to operate independently of the restaurant in the same building. The bar had been considered to be a part of the restaurant (2009-02 Department recommended approval).
- Ordinance 12-8-5 was approved to permit a contractor to locate at 13559 with the possibility for permitting outdoor storage in the future (2012-06; department recommended denial).

In order to receive a recommendation for approval, a rezoning request must meet all of the criteria of at least one of three tests. The applicants argue that the request meets all three tests. The Planning and Zoning Department finds the following:

The **first test** is to provide relief when land-use pattern or character has changed in an area “to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property.” The request fails this test in that most of the properties are in use today with C2 uses. Further, although Luling Cleaner recently acquired the neighboring house at 310, it could be either rented to a residential tenant today or redeveloped for parking or other expansion of the cleaners under the current zoning. These properties seem to have successful uses under the C2 zoning that would continue to be permitted in the C2 zoning district.

Nor does it appear that C2 zoning makes it impossible for a reasonable use for the vacant lot at 220 Paul Maillard or the former site of Quality Wholesale—many uses are still permitted under the current zoning; it appears that the site development and building style may appeal more to C3 uses than C2, but

C2 uses are certainly possible at the location. In other words, it does not appear that the land use character of the area has changed to the extent that no C2 use can be permitted.

The **second test** seeks to protect the public interest by preventing zoning that would permit land use changes that are not in the general public interest and welfare. The request fails this test because this area of Old Luling is a mix of residential and neighborhood commercial uses. Highway commercial uses would likely increase the noise and traffic in the neighborhood. In other words, rezoning 4 acres to C3/highway commercial would likely result in “land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.” Therefore, the request fails the second test.

The **third test** seeks to prevent spot zoning, or incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties. Although this request comes from more than one property owner for more than one lot, for an area of approximately 4 acres, the potential for intense C3/highway commercial uses to be developed increases with the larger size of the property. Residents of the single-family houses adjacent to the vacant lot, across Paul Maillard Road, and to the rear of the site might not be able to continue to enjoy their properties as they have with the C2 uses that currently exist on the site. Therefore, the request fails the third test.

This analysis considers the effect that rezoning four (4) acres of property to highway commercial might have on the surrounding neighborhood which is a mix of residential and neighborhood commercial uses. The applicants have submitted several letters of support for the rezoning to counter this argument.

DEPARTMENTAL RECOMMENDATION

Because the request fails the three tests, the Department recommends denial.

Should the Planning Commission be compelled by community support for the rezoning request, the applicants arguments for rezoning follow on page 7 of this supplement. The argument regarding the first and third tests is compelling for vacant buildings on the site at the corner of River Road, for the vacant building and adjacent vacant lot at 300 Paul Maillard Road (which over time has developed such that a C3 use may be more likely to be attracted than a C2 use), and also for the house at 310 Paul Maillard Road (non-confirming as a single-family house) and the adjacent 105 Luling Avenue (zoned R-1A(M), but perhaps more likely to redevelop commercial).

The Paul Maillard Road Revitalization Plan recommends that Paul Maillard Road from River Road to Luling Avenue/Union Pacific railroad crossing—be encouraged to redevelop as a neighborhood main street with mixed residential and commercial uses. A strong trend in land use planning is away from separation of land uses at any cost into agricultural, residential, commercial, and industrial zones and toward mixed use zones. History suggests that neighborhoods are more stable when a greater mix of land uses is provided to support them. The challenge is to maintain a neighborhood feel when more intense uses are part of the mix and also to maintain the right balance of land uses.

In order to address these issues, the revitalization plan effort produced the draft Paul Maillard Road Overlay Zone (PMOZ), a set of architectural and site design standards with a special review process for new commercial construction, 50%+ commercial renovations, and some commercial changes of occupancy. An overlay zone like the PMOZ is rooted in the idea that as long as properties are built to certain site design standards and architectural standards, then a greater mix of uses can co-exist without the types of conflicts that cause neighborhood complaints. The plan recommends an overlay like the PMOZ on several locations of Paul Maillard Road where the recommended future land use is mixed use. While further discussion and refinement of the PMOZ is required, it does propose a planning tool that is widely used to maintain a neighborhood character or to foster a sense of place when redevelopment is underway.

Generally an overlay zone lists design standards that apply over a “base zoning district” or the regular zoning district. This means that usually, the permitted uses of the base zoning remain intact and the special design standards of the overlay zone supersede the design standards of the base zoning district. However, considering the need to modernize the permitted uses listed in St. Charles Parish’s C2 and C3 zoning districts, the revitalization plan recommends “work with technical advisors/partners to define list of permitted and exempt uses” (next steps 2.1.2 PMLU #2). The applicants have indicated an interest in advising the Planning Department on this next step to refine the PMOZ for adoption.