

**2023-6-SPU** revocation of the special permit use permitting automobile sales in a C-2 zoning district on Lot 1, Autin Subdivision, **16830 Highway 90, Des Allemands**. Council District 4.

**Mr. Welker** – yes, so this is probably I think our first special permit revocation that's come before this board kind of a unique situation but just to summarize basically how we got here. Back in October of 2023 just over a year ago we or we reviewed and sent to you guys a special permit use for a used car lot at Hwy. 90 Des Allemands at the corner of Hwy. 90 and Autin Lane in our report we did note we didn't typically see any issue with conformance with the surrounding area the site was zoned for it pending a special permit use it had been used for commercial purposes in the past it can be used for your standard commercial purposes again so kind in a vacuum at face value we didn't see that they would be a significant issue but our report did try to get ahead of potential issues that could come we made it a point to say all vehicle storage should be confined to the parking area, customer parking should be accounted for and confined to the parking area site design requirements should be met that insures adequate traffic circulation for the cars that are there for sale, customers, employees, that all things are met and I do want to point out that there wasn't a specific cap on amount of vehicles but basically once you factor in customer parking, customer and employee parking traffic circulation and all that stuff it would provide a natural cap there's only so much space there that you can put vehicles so it would be anticipated that it would be a relatively small scale operation. So that was approved in October, there were a few stipulations that were added. It took a little bit to finally get those going but they were accomplished especially a fence along one of the side property lines along some residences and a few other things. But as it being operating one of the main things we noticed initially was a kind of swelling of a significant amount of vehicles within the lot that's mostly demonstrated by the pictures you can see the entire center drive isle that's meant for people to come in and out was completely blocked. There're vehicles in the adjacent grassy lot which is zoned single family and was not part of the special permit use so that's essentially a zoning violation that part was never meant to be touched by this use. So, our code enforcement people really try to work with whether it's a simple grass case or this or something even bigger they really try to work with residents in the parish before anything gets escalated too far you know give people a change to address the violation, address the issues and go from there. So that's basically what happened, a violation was officially created in May but the idea was we try and get things cleaned up and you can see there were attempts they did do that the drive isle is cleared as of May 15<sup>th</sup>, the side yard is clear but as the months moved on we're back in the same space, vehicles in the side lot vehicles blocking the where traffic circulation get in and out of the site so that's August 1<sup>st</sup> and again we kept saying you got to get this cleaned up or we going to get to this point there were additional attempts to do so and where we are right now if you go out to the site today it looks good it's where we expect it to be aside from I was out there today there were a few vehicles parked on side of the building which is basically the Autin right of way if that's for the business it really shouldn't be there because that's not off street parking but most recently as November 8<sup>th</sup> it's not as egregious as some of the first photos but you do see a couple of vehicles in the side lot which as mentioned it's big problems because straight up it was not part of the special permit use and it's not part of this site. So, we had a lot of back and forth with the applicant there's obviously been a back and forth with cleaning it up and getting it back to where we were we had to make a decision to kind of go through this revocation process and not continue to have this kind of yo going back and forth of you have a problem it's fixed when's it going

to come back so that's where we are now this is since we never had one of these before just to kind of summarize how it would go where a special permit use is basically approved or denied by this board sometimes that needs a resolution that goes to the Council in this case a revocation is an ordinance of the Council so we would treat this almost like a rezone where you issue a recommendation and that gets forwarded to the Council with all the findings and they make the final determination so that's what you essentially will be doing tonight after weighing public hearing, applicant or property owner input. So, that's it would go to the Council, and they would ultimately weigh everything to revoke it or not so

**Owner - Mike Nabut 1104 Primerose Boutte** I'm not the applicant I'm the property owner. Just a couple of points, I'm glad Planning and Zoning put up that picture I own that property, I have tenant there and we did get the special permit use he knew to keep it confined to that area. There's a residential lot behind that red car right there I don't have access to as the property owner it doesn't go off of Hwy. 90 so when he drew up his plan originally and he did ask me he said can I use the lot cause I don't have access to it off of 90 my only access is through the commercial side I was informed maybe a month ago I should make it one big commercial piece at the time I did tell him he could park cars there I didn't see an issue with it they did pass by and we did correct the issue. I say we only as the landlord that I'm sending him letters and he did correct the issue. The thing about car sales is you get a big truck and it holds 10 vehicles and I understand the residents that don't want something there the day that we got the special permit use I met with the people right across the street I went there and said if you really don't want this here just tell me and I have someone that wants to lease it doesn't have to be I don't need a special permit I only needed that for the car lot I don't need that for the other tenant and they told me oh that's great and they said what is it and I told them it's a convenient store and they said no we just want it to stay closed well that's unfair and that's why I knew I didn't have a neighbor that would be neighborly you know you can't just tell me you want it to be vacant it just doesn't work that way. I will get it rezoned to be C-2 if you guys end up voting to get this gentleman out of the business that's fine, I respect that, but it will be opened as another business, the building can't stay closed. The thing I was telling you about a car lot if I dislike something you do and I know this car truck pulls up and it has 10 vehicles it has to unload and there is one driver in this big truck and he has to unload 10 cars they will be scattered and if your calling planning and zoning right then and there when that truck comes they will show up and there's 10 cars parked all over, it will happen that's what happens. Now grant it when I'm with the gentlemen anyway, convenient store, I'm in the convenient store business I said there's 3 to 400 customers that are going to show up there is 7 trucks, a Coke truck, a Pepsi truck, Crescent Crown, Budweiser that will be in and out that's more of an impact I think than a car lot they refuse to see it that way and I just said we got the permit anyway so I'll just do the car lot. I'm ok however you guys vote, I just want the residents to know that the next option might not be the best option so if it's a matter of trying to get I can pick out something you do wrong and point it out every single time or we can work together neighborly and say you know what this is higher zoning but it's less impact for the neighborhood because he gets 5 customers a day if that most of his sales are done online people come in sign and pay their note I just, it's not going to remain vacant and whatever you guys decide to do I respect that but there is a residential lot and he did ask me if they can use it the tenant and I thought it would be no problem since I had no access to it off of 90. That's my piece, and by the way

I believe this lot when you look to the right there's a huge building that does boat mechanic stuff boat's all over not hating great gentlemen runs a great business there's a machine shop right next door to this gentleman and then they own the lot next door to put storage so I mean you're on Hwy. 90 facing Hwy. 90 it's going to be commercial. Thank you, oh any questions.

The public hearing is now open.

**Brian Arthur 120 Autin St.** – across the street from the parking lot. Ok so what Mike is saying is half-truths and almost all lies just to be upfront and honest about it. The place on, I got it all kind of stuff here but on the website, it says it's open from 10 to 5, close Sunday, 12-5 on Saturday. Ok, the guy that leases this car lot has another one in Kenner he works that one during the day and this one on a I'd say on a 6 day week 4 days a week when he is open, it opens up at 5 o'clock in the afternoon, Saturdays people come in during the day to pay whatever but almost I'm not gonna say every night but 3 nights a week he has cars delivered. So what they do because for whatever reason is easier for them to get the cars off the trailer we talking 18 wheeler trucks they come down Autin, stop, drop the gates drive around and go in you know a couple of time we talked to the drivers and they did back out onto the highway and park on Hwy. 90 and then get the trucks down and then go in but um they have to make a sharp curve in there and the guys just like going on Autin cause they can just make a U and you know this happens anywhere from 9 o'clock at night 10:30, 11 a couple weeks ago it was 1:30 in the morning so this does not happen during the day during the day he has another driver that comes with a single trailer I guess to move them around I guess back to his other place he comes during the day and that also takes place on Autin you know so there is always something going on there you know and the apartment adjacent to it there's been two cars parked there people was living there I don't know what the situation is they left the cars there just sitting there on the side of the building they been there for over a year so you know, we don't know what to do. If you can go back to the plot plan that was agreed upon they have 10 spaces away from Autin so right there if you look on the left picture on the left side they have 10 parking spots to park the used cars on the right side of that that is customer parking and if you can look on any of those pictures at all that the planning and zoning took or we sent to them they full all the time 24/7 and whenever it is cleaned up like Mike says that's when they get a call saying hey you got 30 days to do this then they run out there on the 29<sup>th</sup> day move them and soon as they make the report saying your now compliant they bring the cars right back so the whole time they have been there they have never not one time been compliant, never.

**Commissioner Keen** – thank you sir.

**Mr. Arthur** – one more lil thing that when they mechanic on these cars on the side under trees by the lot the residential lot on the other side after they work on these cars and repair them they use Autin St. for the test lane they pull that on there, there's police reports where they been reported they think it's a drag strip you know they trying them out people come look at a car they go on a test drive they don't take them up on the highway they take them down Autin and of course what they do is mash the gas to see how fast they can go to the bottom of the street and this is all the time you know and it's just really getting old. We have bus drivers here that will say that the kids won't even get on the bus there anymore, it's dangerous, you know, but thank you for your time.

**Mike Nabut 1104 Primrose** – nothing that he just said since he called me a liar nothing you said sir contradicted anything I said. My whole point is it's easy to see the truck pull up and go out there and take pictures send to planning and zoning but anything else and I have a the councilman in that area we have a meeting next week because I want to do this the right way like I said I live in this parish I want to make sure everybody happy but it's unrealistic to say a commercial property remain vacant cause you don't want to look at it that's just not fair and I'm saying again because that was really the worst thing you can tell me because the one thing I went to him and I'll work with everybody because like I said I live here but I don't like bully's and I don't like people that are willing to set you up, wait for a delivering you know the type of business it is you know the guys gonna, he just said it it's a lot easier for the truck driver to pull up on Autin Lane well one truck verses 7 trucks a week and you seen these trucks Coke, Budweiser these are this is going to be a lot it's less zoning I don't need to come here for the special permit for that but this is a lot less traffic the guy shows up at 5, the first complaint he said was the hours if the guy shows up at 5 and then 10 and there's no noise what's bothering you if a truck delivery comes then tell me this is the first time you said something came at 1 am if you would say that, you never told me that sir he's never mention that and then he complains. If it's delivery times, then it's fine but you don't want the guy showing up to his office at 5 p.m. that's a little unrealistic. Thank you.

**Kandy Arthur 120 Autin St.** – when they park, they don't park along the fence they park they park in front my driveway when we try to pull in and out, we cannot do it an now owner is making a point of him parking right there on the edge of the street in front my driveway. So, if I hit him who's in the wrong me or him? There's no courtesy at all with us down our street, at all everybody's complaining about it. I got a petition right now saying everybody wants it gone. I got 2 letters stating they want it gone. This is you know we have courtesy it would be alright. I don't work a 9 to 5 job. I work from 4 am to 4 pm. I work at Bayer where I do shift work so at 9:30 at night when he's delivering in front my house, he's waking me up I got to be to work for 4, I wake up at 2 o'clock. If he would have courtesy, it would be alright, but he doesn't have courtesy you talk to him tell him to do stuff, oh I can park any where's I'm renting this place that's his outlook that he can park anywhere along the fence anywhere along the place that he's renting cause he feels like (inaudible). We talk to him, fine we talk to him, we try to be a good neighbor but he don't want to be a good neighbor. So everybody down the street wants it gone, like I said they testing those cars they going fast they got kids they got elderly at the end of the street and you know it's very dangerous, couple people almost got hit from them driving.

Commissioner Keen – yes mam, you said you had a petition?

Mrs. Arthur – yes sir

Commissioner Keen – please pass that to the to your right.

Mrs. Arthur – they got 3 letters, the letter too? It would be ok if they had the place looking like this (pointing to monitor) but looking at that trash in front my house. No. He promises the car would be nice, decent, half of those cars have to be jumped to get off the trailers, no bumpers, flat tires and plastic on the windshields. Now that's not decent we got to look at all this trash like a junk yard pretty much. Thank you.

Mr. Nabut 1104 Primrose – just for the record like when she said he was rude, I know she wasn't referring to me she's referring to the tenant.

Commissioner Keen – sir, you can only speak once.

Mr. Nabut – oh I'm sorry. Thank you, I didn't hear you say that. Just once per.

Commissioner Keen – yes once. That's the rule. So, um the public hearing continues anyone wants to speak in favor or opposition at this time.

Tyra Robinson – and I'm here to oppose it for the simple reason that I'm a bus driver for St. Charles Parish. My route is on Autin for my elementary well when they first came well before they came, we was using the parking lot as a turn around that pick up our students that lived on Murphy Lane because we not able to go down Murphy Lane so they would either walk to Autin or be driven by their parent to Autin. Well, when they first, when they came um it was where I could maneuver the bus around where they didn't have cars parked there but once they seen that I was using the parking lot to pick up my students and to drop off then that's when they blocked it where I couldn't I couldn't even pick up or drop off. So, my parent I wasn't able to pick up the kid so I told her, I said well maybe if you meet me at another bus stop which is on Maloney that's fine well it happened a couple of times then she was like my parent was like she didn't feel comfortable, she didn't feel safe you know parking in somebody else's driveway or on side the road to wait for the bus so I said ok well that turned into her having to bring her child to elementary he was a car rider afternoon and morning because the bus stop that was designated for him it was no longer there anymore. So um and now while we got it where he started riding the bus this year well just started maybe couple of months ago and um our router at work she, she put it where he's being picked up at 120 which is Ms. Kandy's address because it's all about safety we're not allowed to pick up at businesses we're not allowed to drop off at businesses so we use her address for him to get on the bus because we not able to use that parking that was originally there. That's it.

The public hearing is closed.

Mike Nabut 1104 Primrose – um feel bad about the bus driver not being able to use a private parking lot for her to turn around but like I said that doesn't whether that business there or someone else it doesn't give the school board the right to just pull into someone else's lot so I don't know if that necessarily can be blamed on me or the tenant. I wish you guys would just think about this, like I said it's a viable legitimate business in St. Charles Parish, the concerns have been addressed at for at least the past month and half two months it's been perfect there and I'm sure the parish can verify that. But like I said at any point when those trucks do deliver twice a week anyone can come out there and take a picture and try to hold us to that, but they do get cleared up and the tenants been following the letters that we sent him. Thank you.

Commissioner Frangella – I have a question for Chris when we set hours that it was the time it was open that includes delivery and everything else should happen in that period. Right? Now I understand if the guy is going to do business or whatever. Is that something that is done during operating hours.

Mr. Welker – we, I don't even think we set actual hours for this, unless it's a really specialize thing it's kind of something we try to stay out of overall because at the end of the day that's I feel like that

maybe over stepping so I would say if we're talking about business operational hours that's different from when I think a delivery can be take, yea so don't want to get to in the weeds there so yea.

Commissioner Keen – any other questions or comments from the commissioners? Having not heard any at this time do we have a motion to move for revocation of the special permit for 2023-6-SPU. Movement, second.

Commissioner Price made a motion to revoke the special permit, second by Ross.

YEAS: KEEN, PRICE, FRANGELLA, FOLSE, PETIT, ROSS

NAYS: NONE

ABSENT: KRAJCER

**PASSED**