

2022-11-R requested by Dirt Worx Rentals, LLC for Triple MBM Properties, LLC for a change of zoning from C-2 to C-3 on Lot 5A, Paradis Farm Lots, 15207 Highway 90, Paradis. Council District 4.

Chris Welker: This is a rezoning application requesting a change from C-2 to C-3 on lot 5A property has frontage on Hwy. 90 and is bounded by Wisner St. and Cadow St. in Paradis. This is companion application to a special permit request which is also on this agenda so it kinda goes hand and hand with that in order to permit the business that this rezoning could allow for. During our review we found the request does meet any of the guidelines for a rezoning, the request would create a spot zone, it's a C-2 zoned area pretty much along this entire stretch of Hwy. 90 and Paradis between the canal and Bayou Gauche Road and there's really no other presence of C-3 in the area until you get outside those boundaries so we found to be a spot zone and then so the current zoning does really inhibit the use of the property it was a commercial business before that's permitted in a C-2 zoning district we really don't see much that has changed in a way that would really prevent that from being viable again and we also found that the uses that are permitted in the C-3 zoning district which kinda goes above your standard neighborhood commercial kinda day to day retail, restaurant, stuff like that wouldn't be as compatible in the area especially given the sites proximity to residences which abut to the rear and also located on each side, so for those reasons the department recommends denial.

The public hearing was opened.

David Muskavich 4234 Hwy. 90 Des Allemands. First of all there is two pieces of property that are C-3 starting at the canal the lawn mower repair shop and at Bayou Gauche Road the one for sale. I don't know what to ask or say at the meeting the recommendation for the change was from Chris so we, basically I'm confused on why he asked us to ask for a change of zoning but never communicated back and forth some of the requirements that he wrote in his report so basically I'm here to answer any questions or concerns for the building part, my son and wife own the business I'll be doing the development the building, the construction that's basically the only reason I'm here. If anybody got some concerns, questions, I'm not really sure if it was explained properly of what we do in the size of the business. Yes, it was a restaurant before which had a multitude of complaints were not in a restaurant business were in the rental business so we cant use it for a restaurant that it is. That's basically all I have to say, I'll just come back up if anyone has any questions or concerns.

Mark Edwards 125 Wisner St. I'm on the back side of it. I'm not saying I'm against it, I have questions about why doesn't have its own entrance and exit off of Hwy. 90 because when the restaurant was there, they would park in my driveway you got, it's just traffic in the neighborhood that I don't think is necessary every other business on Hwy. 90 has it's own entrance, exit so how do we revisit and make that happen. I mean I'm not against the business at all, but yea, so do we have a picture of the plan that they, the building that they want to put up how is that being set up.

Chris Welker: we have that available which will be part of the next request we don't really consider that as part of the rezoning.

Commissioner Petit: I guess Chris to answer that question looking at the next one it still doesn't change anything to come off and on Hwy. 90. Correct?

Chris Welker: Correct. The layout is unchanged.

Mark Edwards: the front door of the building I'm totally against. There's parking, a parking lot next door to my driveway basically plus the streets terrible I mean it's pitiful and can't get anybody out there to fix the street Public Works right yea I don't understand the Paradis fire department that's the street they take to get to the highway. Like I said I'm not against the business, I'm against, I just want for them to have their own entry and exit don't come on Wisner, don't come on Cadow and if that's the case put a fence up on Wisner on the back side and on Cadow and open up to the highway that's your business, not us, not the residence, you don't have to advertise to us you advertising the people passing, right. So, that's my gripe, my concern about the business, so how we visit that DOTD, or I know that's the highway correct. The parish has anything to do with that.

Chris Welker: we don't want to get to out of this request, we can talk a lot about on the next request, but I guess to just kinda go with it the parish does not have a requirement that they take access from Hwy. 90 if they do or if it's required as part of the next application that's something that is DOTD, DOTD can deny that they can say you have access to Cadow and you have access to Wisner and we don't really want another opening to the highway, so it's just a lot of other different things that.

David Muskavich: same thing, I'm gonna make it real simple if that was a problem we don't have a problem doing that, that's very easy to fix I don't think it's required because we have a one way in and a one way out drawn out on the layout if you put an exit from Hwy. 90 into this property, someone has to stop on Hwy. 90 and turn right now the flow is easier going into that street and coming out of the other street as far as the traffic is concerned I can't control that I mean you know we deliver to area all the time, I have customers in that area all the time that are going there I know for a fact lots of the residents on Wisner come up Wisner take a left into the man's parking lot that he just bought cross over to make a u-turn on 90 so basically the people in the subdivision might want to think about what they do there also. However, I'm just here to tell you we have to put a driveway in, we will put a driveway in, it's not a problem.

John Ford 107 Cadow St. Paradis, La. I guess so I'm clear this part about it is about zoning, correct. So just like this gentleman said I'm confused as well, what was the reason to go change the zoning.

Michael Albert: I know we have some new board members here and this question comes up on occasion. When an applicant wants to do a certain business on a site, it may require a zoning change this business would not be permissible in the current zoning district, so in order to do

the business C-3 or greater is required. So our staff will tell the applicants what they need in terms of the zoning application but that does not mean that the recommendation is going to be for it, we have to get the application see what's in it and see what the applicant argues makes their case and respond in kind. So sometimes the necessity that is recommended is not necessarily something the department can support but we do not stop, and we cannot stop anyone from asking for their due process through the zoning process.

John Ford: so I guess yall said we are going to cover the other part of it next or further down on the agenda, but just to voice the concern I have echoes my neighbor I live on Cadow so the plan for the in on Wisner and out on Cadow so think about I understand they already said that there are not going to be any 18 wheelers but let's just say you have a 20 ft. trailer now you going out of that driveway to get onto Cadow there's hardly any room right there, it's probably might be 20 ft., 25 ft. now if you got to go westbound now what are you doing, you going up on 90 with the new neutral ground you going to have to go right eastbound on 90 to get there. So you know what they are gonna do they gonna exit on Cadow go straight down my street where they got at least two families with small children playing and go over on Barber all the way over on Barber to get up to Hwy. 90 to take the red light to go, that's how they gonna do it, I guarantee it. So that's my concern and they said that there's only going to be 3-5 deliveries and things a day but when you add that up in a week, in a month it just drives up an opportunity for some kind of accident to happen or undue wear and tear on our street. I'll wait till the next part.

Public hearing was closed.

Commissioner Petit: I guess a comment from me, my concern is the equipment I mean it's a restaurant and people drive normal vehicles onto those public streets to get into the parking area is one thing but taking equipment in and out on those two residential streets is not something that's going to be feasible given the condition of them now, I don't know the rest of the neighboring properties all C-2 it just feels like there may be a better place for this somewhere else.

Commissioner Keen: Alright yes, verify you have as it stands right now granted the plans are flexible until you get everything approve and everything else we understand that your attentive plan is to come in one street and come out the other nothing set in stone, if you need to adjust it you could push the building back make it wider need to go in and out of one road or to make it adjustments so everything came in and out of 90 you can accommodate that, is that correct. You could make adjustments to your plans because nothing is certified yet, and you could make it to where everything comes in out and out 90.

David Muskavich: We will put a driveway in.

Commissioner Keen: And if so, that's a process of course that would go through the state, correct on that granted you can make adjustments to the plans. And I have a question for the Planning and Zoning people, so one of the requirements for C-3 is automobile sales and services

caddy corner from that is Torres Service Center, it's been there for 35 plus years industrial and residential mechanical services, welding services, automotive everything else but they still C-2.

Michael Albert: It's exactly like you said at 35 years it's grandfathered.

Commissioner Keen: It's C-2.

Michael Albert: It' C-2 because that whole strip was probably made C-2 as part of the original zoning ordinance.

Commissioner Keen: And they not required to go back to doing a request to change it.

Michael Albert: No there not, it's a whole section in the zoning code about non-conforming uses, sites and structures and if that business were to add a new building, then they would not be allowed to do that or they would have to go to the board of adjustments.

Commissioner Keen: But would it be an accurate statement as they currently operate, they currently operating as a C-3.

Michael Albert: In a way that you describe it, it sounds like it, yes. Also, there has been a code update with regards to heavy machinery, so we did the update a few months ago that makes it completely permissible in M1 and as a special permit use which is the next application in C-3. So, clearly M-1 would have been something no one would support in this location which is why C-3 plus the special permit use was really the only valid path to have this approved if it is going to be.

Commissioner Frangella: So, going back to what Jack mention earlier about possible changes in all that so I don't feel comfortable voting in saying, I can't vote, I have to vote on what we see tonight I can't vote and say well we might change this we might change that because it may not happen after is passes, it gets passed. But it does go from us this is a recommendation, it does go from us to the Council, so that's um my part on that.

Commissioner Petit made a motion to consider, second by Commissioner Keen.

YEAS: Keen

NAYS: deBruler, Frangella, Petit, Krajcer, Ross

ABSENT: Price

FAILED