

Commissioner Frangella: Next item PZR-2018-07 requested by Steven and Anne Hafkesbring for a change in zoning classification from OL to C-3 at 12254 River Road, St. Rose. Council District 5.

Mr. Welker: This is a rezoning application to take the first 550 ft. portion of Lot 14B to change the zoning from OL Open Land to C-3 Highway Commercial. This would be in order to properly permit and continue the operation of Greenway Services which is a landscaping business permitted as a home occupation in 2011 at this site. Greenway Services uses heavy equipment and has employees that do come to the residential site for business purposes which is not permitted based on the home occupation requirements. Lawn care and maintenance service businesses are not permitted in the OL zoning district so an attempt to rezone to a commercial zone or to allow it to operate as a more traditional commercial business site is being attempted.

The proposed rezoning to C-3 would not meet any of the three rezoning guidelines. C-3 zoning is not compatible with the Low Density Residential Future Land Use designation and meets the definition of a spot zone, the existing zoning and changes in land use pattern did not create an unreasonable use of the site, and while existing infrastructure is capable of supporting uses permitted in the C-3 zoning district, these would be incompatible with neighboring residents. So the department does recommend denial due to the request not meeting any of the rezoning criteria.

Commissioner Frangella: Ok we're going to open the public hearing for PZR-2018-07. Is the applicant here? Come forward and state your name and address.

My name is Anne Hafkesbring, I live at 12250 River Road, St. Rose. I have owned Greenway for almost 30 years and have resided on River Road for the past 8-9 years and have had a home occupation license. I ran my business before in a different area of the parish with a home occupation license without having any issues. I'm asking for a zoning change for a small section of the 2 adjoining properties that we own, which is Lot 14A and Lot 14B. Lot 14B has the address 12254 River Road. This section would be utilized to park 1 truck, a trailer with the lawn equipment inside and my 2 employees that come. They come in the morning, they leave with the truck and the trailer and they come back in the evening and they leave. None of the work that Greenway does is done on our property. My daughter also works with me in the office, these subtle actions have no impact to the area as some other areas do. The entire property is registered farm land with the US Department of Natural Resources and has been so for over 75 years before we purchased the land. I'm presently farming the land and do have that right as stated by law. I have chickens, ducks, pig, a fully stocked fish pond with bass and perch, a crawfish pond, beehives and more to come. I've recently had an electrical meter installed and in the process of adding a shade house and a greenhouse to that area in the back. I do intend to grow native Louisiana plants such as irises, lilies, milkweed and microgreens. Bobcats, tractors, excavators and trailers, which I do own, is the type of equipment that I'm using on my property and I will need help to have that done, you know a lot of hands need to be used. Also, my daughter has recently joined us to learn the business and farm at our sides. She recently applied for her growers permit from the Louisiana Department of Agriculture and Forestry to be able to sell our plants. The property is next to Gulf South Pipelines, my property was dormant for many years and left to vegetate but now has fencing, landscaping for beautification and a renovated home instead of an eyesore. Our property is always maintained. As things are now, they will not be any impact to the area of River Road. So we seek the zoning changes for Greenway and my family's future. I believe the people there opposed to this change are misinformed about what farm work is going on and confusing it with Greenway. I do hope you will approve this change. Thank you.

Commissioner Frangella: Once again this is the open hearing for PZR-2018-07. Is there anyone here wanting to speak in favor or against? Please state your name and address for the record.

My name is Amy Hingle, I live at 236 River Point Drive in Destrehan. I'm Anne and Steve's oldest daughter. I plan to take over Greenway and the farm when my parents retire. I have a degree in environmental biology and recently applied for my growers

permit from the LA Dept. of Ag and Forestry, my mom has told yall. My mom and I have started to farm the land and also begun to propagate native plants this year. I have more ideas for the future of the farm that will utilize the land to its full potential, but I plan to continue these efforts after I have my first baby this upcoming spring. I currently work for Greenway Inc. to support myself and my family but also take the time to work on the farm when I can. The zoning change requested is to allow for a small section of the front of the property to be changed from OL to C-3 so that 3 employees including myself can park while at work. Being a farm, we're allowed to have that equipment and employees and with the C-3 would not impact or change the area or surrounding areas. I want our farming operations to succeed and flourish throughout the years. I also want to continue to be a part of Greenway, Inc. in order to provide for my growing family as well as learn from my parents about taking over the property in the future. I'm hoping that you please consider to approve this change not only for my future but for the farms future to be an optimal, self-sustaining unit. Thank you.

Commissioner Frangella: Ok once again this is an open hearing, anyone here to speak in favor or against? Come forward.

Hi, my name is Daniel Nelson, I live at 243 Destrehan Drive. I'm the future heir to the land in St. Rose that's adjacent to the property they're trying to zone commercial. My parents, Glen and Margaret, actually live next door on the adjacent property, as do my brother, Glen Jr. and his wife Anna. Glen Jr. actually spoke on this once before but unfortunately he's out of town for work right now, so he asked me to speak on his behalf. To start with, by no means do we want this property rezoned to commercial. I have a lot invested in this property, I've lived on the property most of my life and I currently still do a lot of things on the property. As a child I grew up on the property hunting and riding 4-wheelers and such with my entire family. It was a great place to grow up, raise a family and help kids learn about the outdoors. I would like to have the same experiences with my children. This property has lots of wood and open land perfect for these activities, however zoning would eventually put a stop to all of that. Also, there's no telling what the future may hold for the members of my family. I have various brothers and sisters and my mom and dad have various grandchildren. They may want to build a house and live on the property and they certainly do not want to live next to a commercial business, it is our home, it is not a business park. My brother used to operate a business out of his house and parked his equipment on the property. For years my grandparents had bulldozers and such on the property so we didn't think it was a problem, we never had any issues in the past. When the Hafkesbring's first moved in, borrowing some of the equipment that they later complained about, you know it started to be an issue. So my brother installed a road all the way from the front of our house all the way to the back which is approximately a quarter mile from River Road, by the railroad tracks, he used to park some of his equipment. The Hafkesbring's kept complaining so Planning and Zoning told my brother he had to move his equipment or rezone it to commercial. He did not want to rezone our property to commercial because people lived there and he wanted to live it residential. So he purchased a piece of property, had it rezoned and moved all of his equipment. What they're trying to do, they're starting off small just as my brother did, but now he's a full blown contractor. He does everything from landscaping to concrete. All of his job titles and occupations are listed on his commercial truck and trailer that he parks there. All the equipment that he says that he's using for farming are to maintain his property, that is far from the truth. He has multiple bobcats, excavators, fork lifts, batwing mowers and flat bed trailers, dump trucks and commercial goose neck trailers. There is nothing that he farms there, simply a few ducks and chicken does not constitute a farm. He has multiple pieces of equipment that he uses for his business. Simply because they are smaller than what my brother uses for his business does not make it any different. He is simply operating on a smaller scale with similar equipment, all the equipment is being used commercially. He cuts the land with a large tractor which we understand, we also have one and do the same thing to maintain the property, by no means are we trying to stop him from maintaining that same property. Employees are coming and going at all hours of the day, parking their cars there. He has equipment coming and going and operating on the property at all times. He also fixes cars in the back and eventually he puts them on the road for sale. He has multiple sheds and buildings on the property for working on all the equipment and storing the supplies. If this is the case, in my opinion, he's already trying

to run it as a commercial business and there is no reason for so many buildings to be on the property. The fences they mentioned earlier are actually, they built them so tall we believe he's trying to conceal what he's already doing there, running his commercial business. He's also brought vegetation debris in the past back on the property that he sometimes burn back there. He leads you believe all this equipment is for the farming, this is far from the truth. With a little investigation it will prove that all I'm saying is accurate. My brother was shut down for the same operation. Our neighbors on the other side were shut down for selling horse feed and supplies. The neighbors adjacent to that were shut down for storing roofing supplies. Everybody decided to move because nobody wanted to have their property rezoned commercial because that could open up many ideas for industrial projects in the area. We all live there so everyone moved the companies. He is trying to get permission for the same thing that we were shut down for. In our opinion, this is absurd. A few months back he was trying to get a home occupation license which was rejected. In our opinion, he's trying to get a rezone because he's already running the business and he's just trying to comply. We do not believe that he should gain special permission to run these businesses when everybody else in the area has moved because we want to the property to stay residential. In conclusion, as I said, we want to keep it residential because we don't want any future businesses there and like I said it could open up a can of worms in the future with other possible industrial ventures. Thank you.

Commissioner Frangella: Once again this is an open hearing for PZR-2018-07. Anyone in the audience care to speak in favor or against?

Good evening my name is Glen Nelson, I live at 12244 River Road in St. Rose. I'm two houses over from Steven Hafkesbring. To rezone to C-3, I have 5 children and 9 grandchildren that have interest in our property. My wife Margaret has lived here all of her life, it's been a great place to live and to raise children with the country atmosphere and the good schools that we have in this parish. I think it's a grave mistake to rezone the property to C-3 and clutter our residential areas with businesses. I don't know what their plans are for C-3, that can be anything from public stable to gas stations. In the past, my son, Glen Jr. who lives next door had problems with parking equipment on the property. At that time we had talked about rezoning the property to commercial property, we decided against it. We didn't want to change it to commercial so we made other arrangements to keep the equipment somewhere else. I think my children and grandchildren would have second thoughts about building a home on the property with commercial entities next door. Who knows what could end up being done on the commercial piece of property if the Hafkesbring's are allowed to change their Open Land to C-3, we also should be able to change ours to C-3. What's good for one should be good for everyone. We would rather not do that. By no means is anyone in our family trying to be vindictive or trying to shut down our neighbor's business, but I think that we all should have to abide by the same rules and regulations. This is nothing personal against Steve and his family, however, if Steve ever decides to sell his property to an outside party, the commercial zoning would already be in place for any commercial business to move in. For years, various businesses have approached us and have tried to buy our property for commercial entities, such as PepsiCola, grain elevators, towing companies. We turned them all down because we all wanted this property to remain residential and be a place our family can live for a very long time. In the past 6 months since we were here the last time, when Steve and Anne applied for a home occupation license and he was denied, nothing has changed. I personally think he's trying to make a fool out of us and this Council. Again, I think it would be grave mistake to approve a rezoning to C-3 and clutter our residential areas. Let's keep our area residential with a clean country atmosphere. Thank you.

Commissioner Frangella: Once again this is an open public hearing for PZR-2018-07, anyone here to speak?

Good evening, my name is Steven Hafkesbring, I live at 12250 River Road, St. Rose. I'm only applying for this C-3 because that's what Planning & Zoning told me the zoning needed to be if I was going to get a zoning change. Originally all I wanted to do was my home occupation, which I've been in business for 30 years, I've had a home occupation in St. Charles for 20 years. I never had any problems anywhere I lived before until now.

I purchased this property in 2009 and I invested everything I had into it. It was a vacant property, it was well overgrown, it was an eyesore for the neighborhood and the parish. Now it's a nice, clean, maintained property. I think Mr. Nelson said it, if it's good for him, for everybody to be the same. The fact of the matter is that DNR, Nelson RV Park, they just did it, it's right up the street, it's in my neighborhood and within the last year, yall changed the zone over there from OL to M-1/R-3, so if they can change the zone right there in my neighborhood from OL to M-1/R-3, which is just a couple hundred feet up the River Road, it's a stone's throw, the address is 12235 and I'm 12250, so it's not even a hundred block away and they changed the zone there to M and not only is it a spot zone, it's a split zone, a triple split zone. You have to drive through an OL to get to an M with an R-3 in the front with about 50 trailers. So my argument is the neighborhood can support that complete with a bus stop with permanent residents living in there because why would there be a school bus stopping there every day twice there? What's good for the goose is good for the gander, that's what's going on in my neighborhood. Furthermore, if you want to call it a neighborhood, the paper shows, that I got from Planning and Zoning, it's mostly M-1, OL, commercial, they got the split zone, spot zone for the Nelson's that yall approved right there. Bunge which is right next to them bought up all the properties around them which is in my neighborhood also. The area is not really going towards residential, that area is going towards commercial and industrial, is what it's going towards. Bunge just bought all the property to the left, all the properties on the right which used to be residential homes and yall changed the zone from R to C to accommodate Bunge and Bunge is planning to expand to the right towards their trailer park. So they bought all the property on James Drive East and James Drive West and I know they plan to expand there. There's one residential house between me and Bunge, one, the rest is either pipelines or businesses, two trailer parks and 1 house. Towards IMTT, there's only, besides my house there's only 5 other houses all the way to IMTT which is about a 1/2 of a mile to IMTT. Most of those businesses in there, there's Gnots Tugboats, the Legion Hall, IMTT, River Road Auto Body all within 3/4 of a mile either way of my house there's DNR, there's the trailer park, there's Cristina's Trailer Park and there's about 5 or 6 pipelines running across that area. That area is expanding commercially, industrially is what it's expanding into now the way it's going. It's not going residential. My house sat vacant, the property I bought sat vacant for almost 40 years, it stood vacant for almost 40 years because nobody wants to buy it and use it residentially because that's not the way it's going. If it was a commercial zone, the property might be able to be put into commerce and be used if it was commercial, but nobody wants to buy it and Bunge owns the one next to them, to the right of them and it just sits vacant because nobody is going to use it residentially. Nobody wants to put a house in between IMTT Tank Farm and Bunge Grain Elevator with trailer parks and businesses running all up and down the River Road and it's my opinion that's what that neighborhood is going to. Like I said before, initially I didn't want to change to C-3 that was not my goal. I just wanted to get a home occupation and be left alone because my property is a farm property, it's been a farm property for 75 years, she's got the paperwork to prove it and the things that are permitted on my property now are the equipment is all permitted, the use is permitted to do the farm, I can have employees on my farm. The impact of my farm is going to be no different because we're going to expand the farm regardless of the outcome tonight, the farm is going to be expanded. The farm will have employees, the farm will have tractors, the farm will have bobcats, it will have excavators, it will have trailers, we're going to row up crops, we might have horses, cows, who knows how far we're going to go with it. What I'm asking for, I have 2 employees that come and park over there, all I want do, I'm not looking to build a gas station, I don't want a gas station next to my house either. All I want is for my employees to be able to park on the OL zone. My property is 100 feet wide, my residence is 100 ft. wide, it's subdivided so for them to say they are right next to it is not true because I offer 100 ft. of buffer zone, 100 ft. so when my employees come down the driveway and park I can't see what disturbs them. They come down, they park, they get out of their vehicle, they get in my truck and go somewhere else to go to work. When they come back with the truck they drive it down the driveway, they park it, they get out, they get in their vehicles and they leave. What part of that is disturbing and upsetting to the neighborhood, I don't understand. It's my understanding that I can have these same employees come there and work on my farm, I can have them work on the farm, as a matter of fact I do have them doing farm chores, they feed chickens, they feed the pig, the clean-up and they do farm chores when they come there, but

regardless of what they do or don't do is beside the point, the fact of the matter is the use as a farm for employees, for all my vehicles which are all in my name, Greenway owns nothing, Greenway owns no equipment, Greenway doesn't own any bobcats, any trucks, any trailers or lawnmowers. Greenway doesn't, I own that and it's all parked on my farm which is 10 acres by the way, 10 acres, 100 ft. buffer one for them, I have an 8 ft. fence 500 ft. long that cost me \$10,000 to build and still I can't get them off my back. I don't know what else direction to go but this is what I need to do. I need to be able to just earn my living and go about my business because this is how I provide for my family, pay my bills and take care of business.

Commissioner Frangella: I got a question for you. I'm getting a little confused here because it seems like you're talking about 2 individual, separate companies: One you have a permit to operate Greenway Services and the other one is you're operating a farm and the employees and the equipment goes back and forth between the 2.

Mr. Hafkesbring: Yes.

Commissioner Frangella: You own it all but you have to lease it or something to do the services correct or no?

Mr. Hafkesbring: No.

Commissioner Frangella: I'm just trying to figure out and can you understand that if this doesn't work for you then you go to do something else with the property or sell it, anything can go there in C-3.

Mr. Hafkesbring: I didn't want it to be C-3. That was not my intention, I didn't want to be C-3. When I went to Planning and Zoning and said what do I do, they said for you to have your equipment stored there you need to apply for C-3. I understand it's intense or whatever you want to call it but it's not unlike anything else going on in the neighborhood like down the street, it's a spot zone, triple split zone, yall just approved it recently, approved it and that was fine, which if it's good for the goose, it's good for the gander, you know what I'm saying. I don't understand why if they can put that which is super intense of activity going on in the neighborhood, why I just can't have my little Greenway? All it is, is a lawn maintenance company at the end of the day, that's what it is a lawn maintenance company, why I can't have it?

Commissioner Frangella: Ok. Thank you. Once again open public hearing for PZR-2018-07, anyone else have anything to say? Please state your name and address for the record.

I'm Margaret Nelson, I live at 12244 River Road, St. Rose. Let me first of all say that we too have never had any problems until the Hafkesbring's moved in. I have lived on that property all of my life, for 70 years and we all did the same things. We had no problem with what they were doing, they had no problem with what we were doing. Then all of a sudden my son's equipment was too big, too this, too noisy, too that. He too built a concrete driveway from the River Road all the way to the back to his shed. That wasn't acceptable, we were complained about, everything was wrong that we did and then my son was forced to move. He did not build that trailer park because he wanted it as a trailer park, he built it to move his equipment because we could no longer keep it at 12244 River Road in St. Rose. Again as was stated, what's good for the goose is good for the gander because it's the same kind of equipment except in a little bit smaller nature. As far as his house being vacant for 40 years that is no so, that house was rented several times like I said I have lived there all my life and nobody could afford to buy the property at the time. My son does not have any permanent residents living in that trailer park, the reason the school bus stops there is because there are people who move their family's with them when they work turnarounds or whatever, they could be in this area for a year to 2 years. So if they're there that long, they bring their children and their families with them, therefore they go to school, that's why the school bus stops there. Thank you.

Commissioner Frangella: Again, open public hearing for PZR-2018-07, anyone else like to speak? Alright, I'll close the hearing. Do any of the Commissioners have any questions for the applicant's or Planning and Zoning?

Commissioner Gordon: I have a question. I guess I'm a little bit confused my own self because it's stating ground maintenance but then the daughter stated about the chickens and everything so exactly is it a ground maintenance or?

Mr. Hafkesbring: I'm just making the point about the farm to let you know the use that's permitted now about the farm. The use that's permitted now on the farm is the farm activities to raise crops, to have livestock, to build fencing, to build ponds, that use is permitted. The use that my daughter wants to expand on the property is with the farm is growing her plants. Greenway Lawn Maintenance only want 550 ft. from the River Road to be zoned 550 ft. back, not the entire property to be changed to Greenway Lawn Maintenance, just the 550 ft. It's really simply so my employees can park and to satisfy I think Planning and Zoning called it storage of equipment for the lawn maintenance company. The equipment is stored inside an enclosed trailer, you can't hear it or see it. The equipment is 2 zero turn mowers inside an enclosed trailer is what we're talking about. Greenway Lawn Maintenance is a small operation, like I said it's 2 employees, 1 truck, they go out, they cut grass, they park, they come, they go, nothing for Greenway happens on the farm. I think the mistake that's being made is that the farm activity is being confused with Greenway just like you're confused about it, I think they're confused about it too because I am permitted to run the bobcats. All during the day I can row up crops, I can have green houses and I can also have employees on that farm to do all of these things, they are permitted. The thing I'm trying to drive home is that there is going to be no increased impact to that piece of land by giving me this C-3 because the things that are going on on the farm are already permitted, they are permitted and allowed as of now.

Ms. Stein: It might help clear up on page 62 there's a survey of the property, it's actually upside down in the agenda. If you orient it to the north the red box corresponds to the blue text saying OL to C-3 and the house that the Hafkesbring's live in is on Lot 14A on the survey, it's not shown. Lot 14B is the remainder that is not subject for the C-3 rezoning is where the farming takes place and it's just about 10 acres.

Commissioner Petit: If my memory serves me correctly, when we looked at the home occupation permit or request, there were multiple violations on the site, were those rectified or is this an attempt to rectify that?

Ms. Stein: This would be the next effort to correct so no the home occupation was in violation for employees and for equipment and remains.

Commissioner Frangella: And this is the only way to get these corrected?

Ms. Stein: This is the only thing that we've come to. C-3 zoning would permit outdoor storage, they would have to come back for a special permit to keep the equipment if it goes outside of the buildings.

Commissioner Frangella: So if it's like he said, it's stored in a trailer and not in there, it's still the same?

Ms. Stein: Yes generally we recommend a C-3 for any type of business that require heavy equipment, just because of the nature of the intensity, but it's not uncommon to have a landscaper or lawn service come in and say it's just an office, that's all we do, all the work occurs other places. We still have to provide the right zoning for the equipment to be kept and maintained which generally means it runs on the property some times which is loud.

Commissioner Frangella: Ok. I was just asking because if I got it correct it's a couple of mowers inside of a trailer that's not associated with anything with the farm correct?

Ms. Stein: I'm not exactly sure what Greenway's equipment is, what their equipment inventory is but what we've observed on the site, what Code Enforcement has observed on the site and they listed it for us, it led us to C-3 zoning.

Commissioner Frangella: And I guess that's because technically none of the equipment is owned by Greenway.

Ms. Stein: Yes.

Commissioner Frangella: So you don't know exactly, you can't be specific on what they would actually own.

Ms. Stein: Well we generally would not require an inventory of equipment, we leave that to the Assessor.

Commissioner Frangella: Anyone else have any questions? Ok. We'll close the public hearing. If there are no more questions then we'll call for the vote.

YEAS: None
NAYS: Gordon, Petit, Granier, Richard, Frangella
ABSENT: Booth, Galliano

Commissioner Frangella: Motion fails unanimously.

Ms. Stein: Just to be clear, this application and also the accessory dwelling unit for the White's will go forward to the Parish Council on November 26th.
