

Next item on the agenda is PZR-2014-17 requested by Robert Monti, Paul Muller, Joey Bosco and Greg Mollere for a change of zoning classification on several properties from C-2 and R-1A(M) to C-3 at 100, 200, 202, 204, 208, 220, 300, 301, 302 304 and 310 Paul Maillard Road, and 13513, 13505 River Road, and also 105 Luling Avenue, all in Luling. Council District 2. Mr. Albert.

Mr. Albert: Thank you Mr. Chair. You have a long report in front of you so I'm going to do my best to summarize part of it. The property owners request rezoning to C3 in order to increase the number of permitted uses at their properties. You saw a similar application in 2013 and the applicants eventually withdrew the request.

This request would expand the area of that former rezoning from 1.75 acres to approximately 4 acres by including a large site on the west side of the intersection with River Road. This request does not propose specific C3 uses at this time. It is not uncommon for C3 to be within this area of the corridor especially when those zoning requests has not been shown to have a negative impact on surrounding properties.

When a request to rezone comes with no proposed use attached to it, 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, in large part, still applies, you can see some of that summarized in the report. It should be noted, however, that the applicants have come with support from some of the surrounding neighbors, that will be in the report for review as well.

In order to receive a recommendation for approval from the staff, 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." In this instance staff could not view the changes in the area to be significant enough to make the C-2 use not applicable.

In regards to 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. This area of Old Luling is a mix of residential and neighborhood commercial uses. Highway commercial with the potential rezoning change would potentially increase noise and traffic uses within the neighborhood areas and there's a conflict between the existing neighborhood character and what could come from that C-3 use. So it does not meet the second test according to staff review.

The **third test** seeks to prevent spot zoning, or incompatible or unrelated classification to prevent the normal maintenance and enjoyment of adjacent properties. The potential for intense C3/highway commercial uses to develop with the larger size of the properties, basically pits potential large development against residents in single family houses adjacent to these lots and across Paul Maillard Road. According to the third test, staff did not find that it met that one either.

So the ultimate recommendation on this is for denial. However this is an area in flux and that is what the Paul Maillard plan has shown. So the staff is required to evaluate these based primarily on these things, but there's more to it and your report actually has a good deal after the recommendation for denial. So if you disagree with that, if you think perhaps there is something more to this that needs to be evaluated, the discussion after that talks about upcoming changes to the zoning code and the Paul Maillard plan and what these would do would kind of nullify some of the potential conflicts for more intense uses being in these neighborhoods. So there are opportunities to look at this in a different fashion based upon the potential changes to the zoning code. So I just wanted you to be aware of it. While we do have a recommendation for denial, there are other ways to look at this in order to context this to planning. Thank you.

Mr. Gibbs: Thank you Mr. Albert. This is a public hearing for PZR-2014-17 is there anyone in the audience that would care to speak in favor or against?

Alex Glaser on behalf of the applicants herein. I'm going to speak for a little bit about the department's recommendation for denial that you have in front of you and we believe, the applicants believe that the denial is arbitrary and inconsistent with the test that they just described and set forth. Briefly, the first and keep in mind that the applicants only have to meet one of these three tests in order for a recommendation for approval instead of denial. So we believe that we can easily meet the first test, that's what the land use pattern is so inconsistent that a zoning change should go through. Let me describe some of the surrounding area for you that are currently consistent to the C-3 use and even an industrial use: a laydown yard, an energy plant, a hospital, the Monsanto yard, auto repair shops, on top of that Commissioners, there are currently four C-3 spot zones that the department itself pointed out in its denial recommendation. So a lot of this area is already C-3 spot zoned. On top of that Mr. Monti was running his Quality Wholesale business, which is a business consistent with a C-3 usage, out of his spot on a property for years before he moved 2 years back and Mr. Muller operated Advanced Air Conditioning which is a C-3 which he has a Special Permit to use C-3 on a C-2 spot zone. Simply put the neighborhood is consistent already with a C-3 zone and we believe that having the request to zoning to C-3 is not inconsistent with the current use of the neighborhood. Secondly, the second the test that it's in the general public interest to change this zone. The applicants, especially Mr. Monti and Mr. Bosco, cannot rent out their properties right now because all interested tenants are only interested in having a C-3 zone. Now we can't come before you with any specific usage because the tenants are already saying I need it to already be zoned C-3, I can't wait for the department or the Commission to change to C-3, I'm going to take my business to Jefferson Parish or Lafourche Parish or another parish because they have zones that are consistent with what the business is. So to address the department's point that we didn't come with a specific proposed use tonight, we had tenants interested in these properties that we want to put them back into commercialization and put tax money back into St. Charles Parish's pocket but were unable to do so simply because potential tenants are scared off because of the current zoning pattern. Thirdly and I think this is the strongest argument. The third test seeks to prevent spot zoning. The applicants herein take up 4 acres of the total acreage on Paul Maillard Road, that's virtually 100% of one side of the road and a large block on the other side of the road. So previously when the department denied the application 2 years ago, they said oh well you're spot zoning. Here we have virtually every one on that swath of Paul Maillard Road behind us. This is not a spot zone, it would be a complete C-3 zone, and I do want to stress that it's not that we're asking for a C-3 zone and every single one of the applicants is going to end his currently operated business on that zone. You're not going to see Advanced Air go anywhere, you're not going to see Bosco Cleaners go anywhere, they intend to stay there for the near future, however there are some properties on there that are consistent with C-3 uses and some of the applicants would like to rent those properties, but they are unable to do so and put this back into commercial use because of the current zoning. We have 31 signatures in support, I would like to point that out, those are in your packets, we'd also like to point out that we provided under "TAB 1" exhibits A-1 through A-9, pictures for you all of what Paul Maillard currently looks like. This is the current state of Paul Maillard Road right now. The applicants here tonight believe that we can change the neighborhood and improve the neighborhood for everybody. Instead of having blighted yards, blighted houses, blighted buildings, we have tenants that are ready to move into a C-3 zone currently but they won't do so because it's currently zoned C-2. So we don't want Paul Maillard Road to look like this, we don't think the department wants Paul Maillard Road to look like this and certainly believe the Commissioners don't want Paul Maillard Road to look like this and we know for a fact that a change to C-3 would put a large swath of this area back into commerce. To address a few other points briefly Commissioners brought up by the department. I do want to say that we believe that our plan is consistent with the revitalization plan. In fact, part of the revitalization plan on page 32 says that "to broaden the number of permitted uses within the specific zone". So the plan itself even admit that this can's all be zoned C-2, we need to expand the number of permitted uses and permitted zone. So that's coming directly from the plan, so we believe that the rezoning to C-3 is completely consistent with the Paul Maillard revitalization and completely consistent with the governing laws. Again, our goal here tonight is to put money back into St. Charles Parish's coffers, put some properties back into commerce and turn around these pictures of blight and put those properties back into commercialization. I can address any questions.

Mr. Gibbs: I would like to ask you one quick one. Do you have any examples of some of the clients that potentially could be renting some of this property.

Mr. Glaser: Yes I do. We had interest from a Rent Zone, we've had interest from an automobile dealership for Mr. Monti's property. So we've had at least 2 potential tenants come up ready to sign a lease but then say oh it's not zoned C-3 I can't go there. When a special permit use permit was suggested they said oh that's too much trouble, we don't want to deal with months and months of haggling with the department. So again, we can't come to you with a specific proposed use but I can tell you we've had interest from at least those 2.

Mr. Gibbs: Thank you Mr. Glaser. Any other questions for Mr. Glaser? Appreciate your presentation.

Mr. Glaser: Thank you.

Mr. Gibbs: This is a public hearing for PZR-2014-17.

Gregory Mollere, I'm one of the owners of the biggest part of the corner. Gentlemen, ladies let us work with the revitalization and I was on that committee. Let us work with them to put property into their plan. That's all we'd like is to be able to work with them in any way. I just think that they let us as business people try to put that back into commerce and do what's best for the community.

Mr. Gibbs: Thank you.

Joey Bosco. I have 4 pieces there and I had 2 construction companies that just wanted a laydown yard. One of them was a home builder and the other was a construction company but it's not like they are going to be there all hours of the night. I make more noise with the dry cleaners than they probably would. Like he said trying to get some tax money back into the parish. Thank you.

Mr. Gibbs: Thank you. Anyone else care to speak in favor or against PZR-2014-17?

I'm Debra Broussard and I live at 209 Paul Maillard and I totally disagree with you. I'm not in favor of this change. I cannot see how this would benefit my neighborhood or how this zone change fits in the future plans of Paul Maillard. Also, looking at these 30 signatures I only see 2 that are adjacent to these properties. The other signatures live behind me, they live on the side street, they are not adjacent to those properties. So as far as I'm concern, the other 28 should not be included in your decision. The pictures that are provided in your package shows 2 properties in the zoning change and they are both vacant properties, that's at 101 and 205 Paul Maillard. All the other pictures are on the other side of the railroad track, it has nothing to do with the zoning change. I'm just a little upset that I think what you're doing is misleading, but they failed to show their properties at 202 and 310 Paul Maillard that are neglected. So I think your little presentation is very misleading. Thank you. I'll answer any questions.

Mr. Gibbs: No ma'am. I think you made it pretty clear. Thank you Ms. Broussard. Again this is a public hearing for PZR-2014-17 anyone else in the audience care to speak in favor or against?

Alex Glaser. Mr. Monti spends about \$20,000 a year on keeping his property on Paul Maillard Road, so the property for the applicants are not blighted, we included pictures of the entire surrounding neighborhood including the requested rezoning area because we believe as you all know once you put one property back into commerce, it's like a domino effect, it has an effect on the entire neighborhood. By putting one property back into commerce, puts another property back into commerce, puts the entire road back into commerce. Again, we're just trying to give you a complete overview. With respect to the signatures, part of the department's decision is based on the entire surrounding neighborhood, not just adjacent properties, so the applicants went across the neighborhood and obtained wide spread support for this rezoning change and of course you can consider signatures that aren't adjacent property but the entire neighborhood because that's what the department's denial is based on.

Mr. Frangella: Mr. Glaser I did the same thing. I went and Googled every single address and I found 3 of them that was adjacent, a couple of them were duplicates and most of them didn't live anywhere near the area, they lived in Des Allemands. So did you go and talk to the residents that were there?

Mr. Glaser: To my knowledge Mr. Commissioner yes we did. I think we can get further proof, evidence but to my knowledge, those signatures are from the adjacent properties in the surrounding neighborhood.

Mr. Frangella: If you look at the addresses it doesn't take much that most of them are blocks away and most of them are even further than that so that's the only thing I had questioned.

Mr. Glaser: Again I think we're considering the entire neighborhood because for the department's consideration is based on the entire surrounding neighborhood.

Mr. Frangella: I think Des Allemands and Lakewood is a little outside of the neighborhood.

Mr. Gibbs: Thank you Mr. Glaser.

Ms. Broussard: Can I say something.

Mr. Gibbs: You have to direct it to us. We're not going to get into it.

Debra Broussard, 209 Paul Maillard. I don't have a problem with them putting something on their property, I have a problem because they are selling it and once you change it to C-3 then something can come there. If they were putting something on it and they came here and said I want put whatever, that's one thing and I understand it's their property and they have the right to sell it. I'm just concerned what might be put there and I don't see how it fits into this little plan of Paul Maillard from River Road to the railroad track. It looks so nice on paper, I love it, I think it's a wonderful plan, but I'm just scared of what might go there.

Mr. Gibbs: Thank you Ms. Broussard. This is a public hearing for PZR-2014-17.

My name is Butch Ockman I work with Robert Monti with Quality Wholesale and Supply. I know all of the guys up here, they all are outstanding citizens of St. Charles Parish. Most of them are born and raised in St. Charles. I don't think they would put anything in that neighborhood that would hurt the neighborhood. I think every one of them is with the revitalization, they really like it and want to go along with it in the right perspective.

Mr. Gibbs: Thank you Sir. Anyone else care to speak?

My name is Paul Muller. I own Advanced Air at 309 Paul Maillard Road. Y'all took the picture down of the property but you're saying adjacent property owners. There are very people that's really adjacent to that property. You put the map back up, directly behind from the railroad tracks all the way to where Vernon Higgins place is, he's the only person behind that property. That stretch of land right there, there are a lot of people in New York City that own that property. We can't get in touch with these people. My daughter is an adjacent property owner to this right here. I'm just trying to figure anybody else around there. When I got signatures, I didn't go to Des Allemands, I didn't go to places like that, I went to the people that are very close to that. They can see it from their house. They can see exactly what's going on, on Paul Maillard Road. I'm talking a block off of it. Thank y'all.

Mr. Gibbs: Thank you. Anyone else care to speak in favor or against PZR-2014-17? Mr. Albert.

Mr. Albert: Neither for or against I just wanted to let you know, the report does have the list of the C-3 uses if you do decide to approve, you will have a clear understanding of what is added to the permitted use list right now. So that is in your report for your consideration.

Mr. Gibbs: Right. Thank you for that.

Commissioners my name is Robert Monti. The problem has been I still think of myself as a very good neighbor to the community. I've maintained that property well. It was in blight, terrible blight when I took it over in sections. I cleaned it up and maintained it, the last two years since we relocated our company to the highway, I've been trying numerous times to either sell, lease or rent, build to suit, but it always comes down to whatever wants to go there, the most recent was a dog groomer, they wanted outside kennel storage, that falls under C-3. Nobody wants to go up to the Planning & Zoning Department like numerous other ones said start doing months of back and forth. That property, that street, that end of the street, I've been on it for 30 years, it's

always been a gas station, it was gas bottling, Diamond Welding was located there, there's been numerous barrooms and restaurants. I'm not proposing on putting anything like that. I still live here in St. Charles Parish. I am going to put something that is going to be feasible for that. When it's sold, something is going to go on with the plan, but right now I have no takers. You guys are my last resort for some help. Everybody that comes in here doesn't want to participate, you got this you got that. I need C-3 and I think it makes good sense, you've got 4 men that own 95% of that side of the street, just like Mr. Muller just said, no one abuts us but Mr. Beasley and there's another gentlemen in the rent house. Matter of fact, two of the families living in houses on that section, one is owned by Mr. Bosco and the other is owned by Mr. Mollere. All the rest of the residents are on the other side. Any questions?

Mr. Frangella: I was just thinking that if somebody came to me and said that they didn't want to go through that process for a Special Permit, I would kind of wonder if they had alternative motives of after they got in that they would move it to something else that may not have been approved under the special permitting process. That's the only thing that gets me when you get this much property in that one.

Mr. Monti: Here the thing Mr. Carmine, I've been approached about the empty lot. I'm afraid to sell the empty lot because of the fact I need to find a home for the builder, because each one I have it divided into lots 3X and 4X and each one is approx.  $\frac{3}{4}$  of an acre. It would be my luck, which I have none, that someone would obtain and need more square footage for the building part of the property and I would have sold that off for a house or something and then I would be stuck again, that's my dilemma. I will do a built to suit, do a lease or do a sale, but I'm not going to put anything that's going to be detrimental to that area or to their plan. I don't care if it was a restaurant, whatever we can get there, but just trying to get something there. Right now we have a whole street where we got 2.7 miles of dilapidated property, blighted property, empty buildings and right now we got another corner store, that's shut down. I'm looking for help.

Mr. Gibbs: Thank you Mr. Monti. Again, this is a public hearing for PZR-2014-17 anyone else care to speak in favor or against? Mr. Booth.

Mr. Booth: We're just recommended the LA 52 Paul Maillard Revitalization Plan which may take years because of funding. You got to have a lot of money to do this and we're going to get some grant money, we're going to do some things, but it's not going to be tomorrow. This is a plan, it's not an execution. These people have money, have property and have a want to spend money today and revitalize that section as part of this plan with the money they got in their pocket. So I think we should support this now.

Mr. Gibbs: Thank you Mr. Booth. Any other questions/comments? I don't know these 4 gentlemen, I don't have a personal relationship with any of them. I do know them through other acquaintances and I know they are stand up people, they reside in this parish, they are for this revitalization and what they want to do is take what is generating zero tax money to our parish and develop it to where we can start generating some revenues, these revenues will certainly help, not directly, with this revitalization plan but it certainly can't hurt. They live here, I'm willing to bet they are going to retire here and end their lives here. I don't think they want anything to happen to Paul Maillard Road as much as I don't but the simple fact that they want to increase the availability and open it up to some businesses that would come in and create revenues and perhaps bring in families and bring other businesses in because they are successful. It makes a lot of sense to me. I do support this, I do ask the Commissioners to take a couple of seconds to think about it and perhaps support it as well. Any other comments or questions?

Mr. Booth: Call for the vote.

Mr. Loupe: I know all these men who are applying for this and I think they are trying to do a good thing. I appreciate if you help them out.

Mr. Gibbs: Thank you. Any other questions? Cast your vote please.

YEAS: Pierre, Loupe, Gibbs, Booth, Galliano  
NAYS: Frangella  
ABSENT: Foster

Mr. Gibbs: That passes with Mr. Frangella voting Nay. Gentlemen this is going to go before the Council on Dec. 1<sup>st</sup> same venue. Good luck.

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