

Commissioner Booth: Next item on the agenda is 2019-3-R requested by Max & Company, LLC to change the zoning classification from C-2 to C-3 on approximately 20,500 square feet at 16806 Hwy. 90, Des Allemands. Council District 4. Yes Sir.

Mr. Welker: Yes this is essentially the same request as the previous case so we can kind of touch on this briefly, it's for the adjacent property at the corner of Norman and Hwy. 90. In this case the subject site, the existing C-2 zoning has been in place since the 1981 zoning ordinance adopted. Millennium Industrial Services was permitted to use an existing building on the site back in 2007. The permit identify the intended use as offices. In 2015 expansion to include a sheet metal shop was approved by special permit and then the business operation at the site includes outdoor storage which is present on aerials as far back as 2009 and was around at the time of the special permit use approval. Outdoor storage does require special permit use approval in the C-3 zoning district, it's not straight permitted in the C-2 by right, at this point the situation would be considered non-conforming and grandfathered. The request does not meet any of the 3 criteria for rezoning similar to the previous application. History has shown a resistance to C-3 zoning in the area, business in C-3 has a lack of compatibility with the larger residential nature in the area and it would be considered a spot zoning due to there not being a presence of C-3 along this stretch so the department recommends denial.

Commissioner Booth: Thank you Sir. Public hearing for 2019-3-R for Max & Co. rezoning from C-2 to C-3, anyone here to speak for or against? Yes Sir. State your name and address please Sir.

Ryan Dufrene, 105 Choctaw Drive, Luling. We saw how the previous statement went with Mr. Sigmon. Like I said we got together and thought we had a better chance at passing the C-3 with both of us together rather than 1 at a time. I'm just here, we wanted to expand our business as well. Mr. Sigmon and I got together, we tried to do it together but as you can see his motion failed. So that's all I have to say.

Commissioner Booth: Yes Sir. Anyone else here to speak for or against this issue?

Billy Woodruff, 615 Down the Bayou Road. Here again is another business that would like to expand, he's got some stuff that he'd like to do to where he can put an overhead crane to handle some of the heavier stuff that he has to unload. Again if he expands his business, he'd be hiring more people. So this is all good for St. Charles Parish. I think it could use some consideration. Thank you.

Commissioner Booth: Yes Sir. State your name and address please.

My name is Alvin Meyer, Jr. I live at 16760 Hwy. 90. It's hard to go against your own district councilman but I'm going to do it again. So I live nearby 16806 and for clarification that's my first cousin ok. We posted this property to be rezoned to C-3, it's a spot zoning and there is no C-3 zoning in our residential neighborhoods from JB Green to Des Allemands. A few commercial properties in the area are all zoned C-2 as of now. Some attempts were made in the past to rezone to C-3, they were all denied. The issues possible with C-3 zoning will allow for changes in ownership in the future to create entirely different businesses specifically according to regulations those could include barrooms, nightclubs, lounges and manufacturing. All these would greatly affect the surrounding neighborhood. Once given a C-3 classification there would be very little a resident could do to object to these problems that naturally arise from these types of business. Also the parking issue I did not want to bring up at the beginning, the people that live on Norman and Autin Streets, basically all those that signed the petition complain about not seeing the oncoming traffic at times, not all the time because of vendors and trailers parked on side the road. Technically every business is supposed to have all their business inside of their property, inside a fenced type area, enclosed where the neighbors cannot see it. I know it's temporary they may have to back in and stop but they should not be doing any business on state highways and if you go back and look into DOT regulations, you cannot store and customers cannot be parked on the state right of way legally anywhere in this parish, it's done all over the place, enforcement is never going to solve it, but I'm just saying a business when they give out from Planning and Zoning it should be followed to a "t" and customers should be able to go into their parking lot and park inside their property not on a state right of way but that's a whole different ball game which I did not want to bring up right now. But the rest of it, that C-3 zoning for them could also lead to C-3 zoning for 2 close by properties that tried a while back to get it and they were unsuccessful and they are going to go back and do it again, so we're going to have all C-3. I own 3 acres next to them if they want to expand, I'll do C-3, they can buy it \$800,000, they can expand all they want. At this place that they are talking about they cannot expand anymore, they may be able to put an overhead crane but that property is jam packed. It's just a matter of they can continue doing their business there all they want, they

cannot expand anymore unless they buy more land or go to the property that he has next door on Norman Avenue and have that rezoned and then he's really going to start with more issues with those neighbors but Paul Hogan tried to get that rezoned a while back to make a storage facility but it didn't go through, so thank you.

Commissioner Booth: Thank you. Anyone else here to speak for or against? State your name and address.

Julie Hebert, 14433 River Road, Hahnville, La. Good evening ladies and gentlemen. I think we just heard the reason that this gentleman is opposed, he has property that he would love to sell these guys if he can get it rezoned to C-3 and that's why he's hassling them and we're denying a business to conduct business in our parish where they can go right down the road in Lafourche Parish, open up and give their tax dollars there. There's 1 guy against businessmen who get up every day, go to work, feed their families, provide for their children, supply jobs in our parish and we're going to deny them the right to do so because the special permits gives this 1 man the ability to absolutely harass him, that's what's going on here, it's pretty plain to everyone in this audience. Thank you.

Commissioner Booth: State your name and address please.

Good evening ladies and gentlemen. I'm Danny Hebert, with Civil Environmental Consulting Engineers. I was actually here for another reason and I'm not familiar with this situation, I was not planning to speak but when I heard the comments of this gentleman I'm just appalled. I don't know how many of you are business owners or have ever been business owners but it's not easy and these gentlemen work hard, I know them, I frequent the business, I know the kind of people they are and I'm just amazed at the comments that I've heard from 1 neighbor who is trying to shut this down. We have to be a business friendly parish, this is a commercial corridor and I would just ask that you consider doing the right thing here and not let 1 resident who is disgruntled who sold the property to the gentlemen, who still thinks he still has some ownership in perpetuity to be able to control that property. It's just not right and I hope if you don't that the Council does the right thing here. Thank you.

Commissioner Booth: Thank you Sir. Mr. Frickey state your name and address please.

My name is Mr. Frickey I live in a double wide trailer on Bayou Estates Drive. Ladies and gentlemen I'm here for another matter but I can't take this anymore. I've been doing business in the parish for many, many years, I've been handling real estate for many, many years and let me tell you this one thing I can't quite understand how in 1981 when we passed comprehensive zoning that all of a sudden there was magic wand waved and people's property arbitrarily and capriciously got rezoned, automatically. Some study was done and we decided that we were going to make this a C-2, we're going to make this R-1A(M) and those kinds of things like that. I want to remind you staff that this is America and the reason we have a process is that times have changed, if you don't think times change Mr. Billy Booth you probably have been married as long as I have and if you'll go back and look at your marriage pictures Mr. Booth you will not recognize that guy that got married. I've been married to my wife for 51 years and I found marriage book the other day and I went who is that? Times change. As Mr. Hebert alluded to Hwy. 90 is a major corridor, it's a major business corridor and where these 2 property owners are requesting a change for the better, change for the positive. There is a property close by this that's zoned M-1 which I own, it's already zoned M-1, arbitrarily and capriciously zoned M-1 in 1981. So it's M-1 then it goes to C-2, so my M-1 property is a spot zone? It was automatically done in 1981. So these people are up for change being that we are living in a new time. So I would support and ask you tonight to support this request, re-evaluate and let's go on, let's be willing to change. Mr. Sigmon has been a client of mine for many, many years and let me tell you what, this is the American way, this man and his lovely wife do nothing but work that they may achieve what we all want to do, so they really need to have this and I trust tonight that you will support this second request which will open it up to support the first request. I rest my case.

Commissioner Booth: Thank you Sir. Anyone else here to speak for or against? Any questions or comments from the Commission?

Commissioner Frangella: First of all it's nothing personal against the owners but all you talk about is business, business, business, not the people who have lived here for all those years. And we do support business but we support a quality of life for homeowners that live around there. This is not just about businesses coming in and going. No I'm not because we got a list up here and there's a lot of names that live around there that signed this. So unless you can prove to me that nobody signed it then I'm going to have to go with the data that's in front of me. So if these people signed it and they didn't want it I just can't believe that we're going to be here

and we're going to forget about the little people that live there, that have lived there for years. I don't know if I would want that to change in my area where I live in my house, we have to go with the times because I like my house, I like my area I live and to say oh now we have to change it because of business. We're more than money in St. Charles Parish, we have a quality of life that people love to move here for that quality of life.

Commissioner Booth: Yes Sir state your name again.

My name is William Sigmon and as far as business goes and quality of life, I don't know what you're trying to get at but I don't even know what to say, it blows my mind.

Commissioner Frangella: It's not about you, it's about the comments that came.

Mr. Sigmon: Yes but if I had known that we needed people to support it, I thought it was just the surrounding area well I could go get half of Des Allemands to support it. So if you were talking about the signatures and names on there I know for a fact that some of the ones that signed it were harassed just to get him to leave, so if you want that, let me see the names and I'll go get you double the amount of names to support it in the parish in the surrounding area. So if that's how you want to go with it I'll have that for you tomorrow morning.

Commissioner Booth: Any other questions or comments?

Commissioner Granier: Yes I do have a comment and then another question. There was a comment that we were trying to shut somebody's business down and nothing on the floor tonight was about shutting anyone's business down so my apologies if that vote reflected any of that, that certainly wasn't the case but, the past case is the past but there is no difference is what he can do today than what he can do in the future is what I got from it. So now I'll ask my question on this second case. You talked about a crane they can use, they cannot use it in C-2? I'm just trying to clarify some points that they want to grow the business and they can only be grown in C-3, I don't understand what those comments mean, I want to understand what that means. That comment was used in the past case and it's been used in this one, that the only way they can grow their businesses is if it gets zoned to C-3. So I will ask again in this one because I want to be fair to everyone is what can happen in C-3 for them to grow their business that cannot happen in C-2?

Ms. Stein: I'm not really sure about the crane generally M-1 is where we would want to see heavy equipment. What we have here is a sheet metal shop that was approved with a special permit. In terms of growth, again I'm just not sure. I don't know what other services they want to provide.

Commissioner Granier: And that wasn't necessarily for you. What can you do gentleman that you can do in C-3 that you can't do in C-2? I don't understand that. What kind of crane that you're looking for that can increase your business, anything you can add to help me understand would be very, very helpful. I am not trying to shut your business down. I want that to be known for everyone that's in here because that has been accused and that is not the case.

Ryan Dufrene: 105 Choctaw Drive, Luling. It's a case of the special permitting. If we go in the get cover up, eventually if we get big enough we need more place for people to work out of the sun, out of the weather. We want to put up a canopy, right now we use forklifts to get materials around. The overhead crane would just be under there so it could undo it. I think the issue is the permitting, with a C-3 you can put that in I don't think you need any special permits for that kind of equipment, if I'm wrong or correct, can you tell me the difference between a C-2 and C-3.

Ms. Stein: We can read off the differences in the permits, but I think probably if you came in and requested a canopy and it was considered to be an expansion of the special permit then the permit section would have told you that you needed to go back to the Planning Commission to add more structures to the property.

Mr. Dufrene: Right, under C-3 would I have to do that?

Ms. Stein: For outdoor storage if you have outdoor storage on the site yes.

Mr. Dufrene: Even with the C-3 we're looking at special permits

Ms. Stein: M-1 is heavy equipment and outdoor storage permitted.

Mr. Dufrene: What's the heavy equipment?

Ms. Stein: Whatever the crane was

Mr. Dufrene: It's an overhead crane, ok. That's clear. That's the only explanation I have. We were trying to get some things done without having to every time we turn around go to Planning and Zoning and showing up in a meeting like this and waiting a month. We've put up a separate building on our property already, we ordered a piece of equipment in February, we had to take delivery of it in November because we didn't get approval for the building until September. So we ordered a piece of equipment in February didn't receive it until November because we couldn't get our permits until September. I don't understand how it took that long but that's what we face. Every time we decide that we're going to do an addition to a building, add a building, add a canopy, add a crane, we have to go through the steps and like I said I don't understand what happened with that last one we did but it goes through Council and you put it in and somebody doesn't get it in time and you have to wait a couple of more months before another meeting when the equipment is already bought. So that's the only thing we're trying to avoid with the C-3 zoning. And again she's telling me I need a permit for that too. You need a permit for everything basically.

Commissioner Booth: Any other questions or comments? Thank you Sir. Seeing no other questions or comments the public hearing is closed. Call for the vote.

YEAS: Gordon, Booth, Galliano
NAYS: Granier, Frangella
ABSENT: Petit, Richard

Commissioner Booth: That fails with Mr. Granier and Mr. Frangella voting Nay. That will go to the Council you can plead your case with them.
