

Mr. Gibbs: Next item on the agenda is PZR-2015-01 requested by Errol J. Falterman for a change in zoning classification from C-2 to C-3 at Lots 13 & 14 of Block 2 of Lot D Subdivision of Goodhope, 53 Barreca St, Norco. Council District 6. Mr. Romano.

Mr. Romano: Thank you Mr. Gibbs. Mr. Falterman is seeking to rezone the property, located at the corner of Barreca Street and First Street in Norco from C-2 to C-3. The site has been cleared and prepared for occupation by a roofing business but at present a change of use permit has not been submitted to the Department. This potential tenant has equipment that will need outdoor storage but current zoning does not allow this. Furthermore, under requested rezoning to C-3, storage of outdoor equipment also requires special permit use approval.

In order to receive a recommendation for approval, a rezoning request must meet all of the criteria of at least one of three evaluation tests.

The first test is to determine if there are land-use patterns or character in the vicinity that have changed to the extent that the site in question cannot be used. In this case, the abutting non-residential zoning and land uses around the site is C-2. There is no evidence of land use patterns developing to C-3 or greater other than those “grandfathered.” But just because there may be similar uses, rezoning this site to C-3 would create even greater dissimilarity with neighboring residential uses. Because there is no evidence of changing land use patterns that would prevent C-2 usage of this site, **the tests of the first criteria are not met.**

The second test is to determine if rezoning a site complies with the greater public interest. In this case, the site abuts residential zoning and land uses on two of its sides. Current zoning and land use of the site is already in direct conflict with those residential sites, likely legal nonconforming uses. So rezoning this single lot to allow even more intense activity creates an even further incompatibility, meaning **the second criteria is not met.**

The third test is to determine whether the rezoning creates a spot zone or is otherwise capricious or arbitrary as such a rezoning would inhibit the maintenance and enjoyment of neighboring properties. Rezoning this site to C-3 will make it the sole lot within a nearly 700-foot radius within Norco with C-3 zoning. The surrounding and nearby areas are either zoned R-1A or C-2. So to rezone this site to C-3 not only creates a spot zone, but as stated above, residents abutting the site can rightfully conclude that the site will have a more intensive use than what could occur there presently. Therefore, the Department feels **the third criteria is not met.**

We recommend rezoning denial.

Mr. Gibbs: Thank you Mr. Romano. This is a public hearing for PZR-2015-01 anyone in the audience care to speak in favor or against?

Good evening Council. My name is Milton Lash I am the roofing business owner at this property. I currently rent right now from Errol Falterman. In the past, that corner lot was owned by the Norco Construction Company. It was used there as a laydown yard, it had heavy equipment in it for years; anybody that grew up in Norco 25 years or longer remember this. They’ve had trucks, trailers, excavators, heavy equipment again in and out of usage at this property which was also C-2 at the time, but it was never brought up. Also, after Errol Falterman purchased the property in 2005 from the Norco Construction, he leased it to Shell Oil/Motiva. They used the property as a laydown yard for equipment and so on and so forth the same way as Norco Construction Company used it and they were allowed special use for storage. It was never a problem in the community. Also, he leased it to the AME Janitorial Service Construction Division which also used it for outside storage where they had trucks, vans, heavy equipment, laydown yard which presently that’s the same thing I’m doing here. I have trucks, trailers that’s organized in there. Also I’ve made contact with all the adjoining property owners over there to place my business for operational. We don’t work at night, we’re not there on the weekend causing any disruption in the community. I’ve made friends with all these people since I’ve been there in July. We have surveillance equipment up on that entire block over there which covers basically covers 4 streets; everybody loves that idea. Also, one of the property owners directly behind the building has surveillance equipment. Also there is a former St. Charles Parish Detective lives directly behind the fence and he has surveillance equipment, they all love it. We haven’t had a single debate on that corner since I’ve been there since July of last year and we continue to make improvements to the property.

Mr. Gibbs: Have you met any opposition?

Mr. Lash: No one whatsoever and I'm just asking the Council to rezone the property to C-3 so I can continue my business there. I primarily hire mostly St. Charles Parish residents, employ them and I'd like to keep things going there. I've been in business in the parish for over 20 years. My business was previously located at 720 Good Hope Street where I lease the property from the late Mr. Bruce Rodrigue for over 15 years and he was a dear friend of mine, when he passed away last year I was served an eviction notice like that and relocated because they were selling the property. So I was lucky to find this location in Norco to continue my business and serve the community.

Mr. Gibbs: Thank you sir, any questions?

Mr. Frangella: I guess the only thing is it can't be a special permit use with C-2, my only thing is going to C-3 and what can be there if you decide to move or relocate then we're in that position with all these other things that can be put in there and that's my only opposition with this is what can and can't be.

Mr. Lash: I'm in Norco, you know me and I intend to buy this property, me and Errol Falterman have already made arrangements for me to purchase this property. Once I purchase that property I'm going to be there until the day I'm gone.

Mr. Frangella: Once we change it to C-3 then in the future if you plan on selling it and those guys can do what they want to do with in C-3. That's the only concern I have.

Mr. Lash: I just need the special permit for outside storage.

Mr. Gibbs: Over the years, it's basically been used like you're using it.

Mr. Lash: Yes exactly.

Mr. Gibbs: the equipment that you are going to be storing

Mr. Lash: is not going to be the stuff that's been there in the past.

Mr. Gibbs: Right.

Mr. Lash: I've got 2 dump trailers, 2 flatbed trailers, I got a delivery boom truck there and the rest of it is organized – ladders and materials.

Mr. Gibbs: Right. Any other questions? Thank you Sir. This is a public hearing for PZR-2015-01 is there anyone else in the audience care to speak in favor or against? Seeing none. Cast your vote.

YEAS: Gibbs, Foster, Booth

NAYS: Pierre, Frangella

ABSENT: Loupe, Galliano

Mr. Gibbs: That fails we have to have 4 Yeas, we only have 3 out of the 5. This will go to the Council for their final.

Mr. Lash: Across the street is Atmos Gas Company also have a warehouse with a laydown yard, they have heavy equipment and a lot of things over there. It's also on that corner. Of course, they're probably grandfathered in.

Mr. Gibbs: That's what I was going to tell you. Bring that to the Council, what you just discussed on the 26th. Do we go to the next item?

Mr. Romano: It's your discretion. To be honest we struggled with having a report for a special permit for a rezoning that hasn't been approved. Rezone fails but the special permit use gets approved, what comes first the chicken or the egg. It's your discretion. We recommend it be tabled.

Mr. Albert: If the Council approves it then it will be heard in February.
