

Mr. Gibbs: Next item on the agenda is PZR-2014-02 requested by Stacey Williams for zoning reclassification from R-1A(M) to C-3 on lots 20 and 21 of Booker T. Washington Subdivision at 404 South Kinler Street, Boutte. Council District 1. Ms. Stein.

Ms. Stein: Thank you Mr. Chair. The applicant requests a rezone from R-1A(M) (Single-family Residential mobile homes permitted) to C-3 (Highway Commercial) on two lots that total 8,340 square feet as the first step in reestablishing a nonconforming barroom that was closed in the first quarter of 2013 due to inadequate liquor licensing. Since the building has been closed for a period greater than six months, the establishment lost its nonconforming status. The process to reestablish a barroom at this location is a rezone to C-3 and approval of a Special Permit Use (PZSPU-2014-03). The Sheriff's Office is opposed to rezoning the property and granting the Special Permit.

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

The first test is designed to provide relief when land use character has changed to the extent that no reasonable use of the property exists under the current zoning which is defined by similar surrounding land uses, consideration of unique land characteristics, and consideration of changes in land value or other aspects that limit the usefulness of vacant land or buildings. The surrounding buildings are comparable in size and occupied with residential uses. The surrounding neighborhood is an established residential area which seems to be holding its land value. The property and/or building at 404 South Kinler could be converted for residential use. Therefore, the current R-1A(M) zoning is not obsolete and the request fails the first test.

The second test is designed to protect the public interest by preventing traffic congestion and overburdening public infrastructure and utilities, to ensure compatible land uses, and to maintain a balance of particular zoning districts in proportion to the population. C-3 zoning permits a number of uses that are not compatible with the residential zoning and uses that surround this site in a dense development pattern. Many permitted C-3 uses would cause congestion on South Kinler Street because it is a narrow residential street that is not designed to handle commercial traffic. Furthermore, it is unlikely that the site as established can be upgraded to meet current fencing and buffering requirements where the proposed C-3 zoning abuts a residence on the northwest. Because of the potential for incompatible land uses, the request fails the second test.

The third test is designed to evaluate the proposed request with zoning law and precedent and to review existing zoning patterns. This site is entirely surrounded by R-1AM zoning and residential uses on three sides. Rezoning to C-3 is likely to adversely affect the reliance these neighboring property owners have placed on existing zoning patterns. Therefore, the request is for a spot zone, and it fails the third test.

This analysis considers the effect that rezoning property that is surrounded by single-family zoning and residences to highway commercial may have on the neighborhood. While the stated intent of the property owner is to reestablish a barroom that operated for many years, changing the zoning to highway commercial in the middle of a residential neighborhood creates the potential for negative impacts on the neighborhood and is not recommended. The Department recommends denial.

Mr. Gibbs: Thank you Ms. Stein. This is a public hearing for PZR-2014-02 is there anyone in the audience care to speak in favor or against?

Bradley D. Meyer, 2617 Virginia Colony, LaPlace, La. I'm also the agent for Blacke's Corner Bar, Inc. and here urging your approval. First I would like to say that I personally spoke to the Sheriff in December of last year and he said that so long as we satisfy all of the requirements and all the procedural requirements they have to get approval that he would indeed support this. Also, I have my principle Ms. Berley Gilbert who also personally spoke to the Sheriff at his office approximately 9 months ago and which he also assured her that he would support this endeavor. Also have a petition from people in the community, primarily from Boutte all within a block or two of the proposed bar and more than a dozen of them are from S. Kinler Street where the bar is proposed at 404 S. Kinler St. I'd like to present that to Ms. Stein. Would any of the board members like to review said petition? I have several copies. I also have the original as well.

Mr. Gibbs: Mr. Meyer the proposed barroom are these the original owners or new owners want to re-establish it?

Mr. Meyer: These are new owners. It's presently owned by Ms. Stacey Gilbert she purchased the property through a succession approximately 6-7 years ago, about 2006 or 2007. Also, she can give you additional information on it in that she is here in person. I'd like to speak to specifically requirement 3 that Ms. Stein mentioned concerning fencing. Obviously there is some truth, some merit in what she said that it can't be wholly satisfied but I have one of the neighbors that live directly next to the bar and she's here and will urge your approval for the bar being opened. Also Ms. Stacey Williams who lives on the other side of the bar, she's the bar owner, the property owner and she's here to urge that. Although Rule 3 isn't satisfied by the letter of the law, we do have people here who are in support of, whose homes would have to be buffered if it was approved. We do have people here that say hey I want it, I'd like to have a corner bar that I can walk to I don't have to get in my car, I don't have to risk drinking and driving and all of the bad things that go along with that. Also, I would like to go ahead and reserve the rest of my statement until after you hear from the several people from the neighborhood and surrounding community that would also urge their support.

Mr. Gibbs: Thank you Mr. Meyer.

Mr. Booth: You have anything in writing from the Sheriff or just a verbal report.

Mr. Meyer: Just his verbal report. However, if it would satisfy the board, I would be more than willing to prepare an affidavit and submit my statement in sworn testimony.

Mr. Gibbs: Thank you sir. This is a public hearing for PZR-2014-02 is there anyone in the audience care to speak in favor or against?

My name is Ulysses Green, I live at 402 E. Heather Drive, Luling. I own a house right there across the street from where the bar at and when the bar was operating we couldn't even sleep at night. People parked and blocked our driveway. Emergency vehicles had a problem trying to get in there and I had a family that was living in my house and they moved out because they said that they just couldn't take it no more because it was just too bad, the traffic and kids don't have nowhere to play, we're scared for our kids and we got elderly people, that live on that street. A lot of us was able to move and so we moved but then there's others that were not as fortunate as we so they can't move, they're trapped. I wish you'd consider how they're being trapped and victim in their homes. Thank you.

Mr. Gibbs: Thank you Mr. Green. Again, this is a public hearing for PZR-2014-02 anyone care to speak in favor or against?

Ryan Robinson, 216 Bailey Street and I support this owner. The previous owners they didn't take care of this place and I know these people and my granddaddy built this place. So I give them our support.

Mr. Gibbs: Were you around when they had the old bar? It was pretty wild?

Mr. Robinson: Yes the previous owners they didn't take care of it. I recently went inside and it looks nice and I support it.

Mr. Gibbs: Thank you Mr. Robinson. Public hearing for PZR-2014-02.

Good evening I'm Patricia Baptist and I live right next door to the bar and a lot people ask me if the noise worry me and I said no. I've been there for maybe 10 years or longer and I've never had any problem.

Mr. Gibbs: Were you there with the prior bar?

Ms. Baptiste: I lived there. I think it would be okay to have another bar open. When I get off from work I want to go walk next door and get me drink.

Mr. Gibbs: Can I have your address one more time please we didn't get that.

Ms. Baptiste: 378 S. Kinler Boutte

Mr. Gibbs: Thank you ma'am. Anyone else care to speak in favor or against PZR-2014-02?

Bradley D. Meyer, 2617 Virginia Colony, LaPlace, La. Also, I'm formerly from Hahnville, LA I grew up a mile away from here on the corner of what was Smith and Pine Street, Hahnville High School Class of '89, I have deep roots within the community. I am concerned about the safety and welfare of the citizens as the gentleman spoke against opening the bar. You've heard from 2 people from the community, the gentleman and the lady lives directly adjacent the proposed bar. The lady mentioned that she had no problem whatsoever and this is the lady that I mentioned concerning the buffering issue and also I would like to point out in the inconsistencies of conflicts of what Ms. Stein presented. She mentioned that the property could be renovated so that it could be a residential building, but if Ms. Stacey Williams is going to be required to take on the expense of converting into a residential building, she could fully dedicate those funds, those resources to buffering. Additionally I would like to tell you a little bit about what my principle has planned for the bar. I did a little bit of research on Helen's Bar and its previous occupant at this location. The owner before Ms. Williams and they didn't run it correctly, they had a lot of young people in it, knuckleheads, run amuck and this is not at all what my principle have planned for it. She plans to have people 28 or above, we will check ID's. The issue of the sound, excessive noise, we have a noise ordinances here in the parish and again I went to our Sheriff who said that if you go ahead and approve it he would be in support, however he mentioned that he would vigorously check the place out and make sure that things were consistent with the local rules and laws and that everything was as it should be. Also, we've already mentioned that this was a bar previously it's been operating as a bar for decades and although the zoning laws are frustrated by it being operated as a bar, it's not inconsistent with what's gone on in the community for years and years and years. It's been closed since 2013 that's just a year ago. So if we opened it would not be inconsistent with what has been going on there in the community thus far and again, I would like to mention I have a petition from approximately 55 people in the community in support of the bar opening and I'd like you to take that into consideration. Also, regarding Rule 3, if my client, Ms. Williams, can go ahead and recondition that building to residential, she should be afforded an opportunity to spend those resources on conforming to satisfy Rule 3 and Rule 1.

Mr. Gibbs: Are we to assume that she is going to do that then? Is she going to spend the resources to renovate?

Mr. Meyer: I don't want to answer for her because she's right here, but right now she has the property leased to my principle and right now she is enjoying an income from the proposed facility and not having it approved frustrates that, it frustrates her ability to go ahead and engage in commerce as well as my principle. I think that maybe we should have her come and speak for herself.

Mr. Gibbs: Let me ask you one more question about your petition. These are all residents of this area on the streets around the proposed bar?

Mr. Meyer: I reviewed some of the addresses about a dozen or 12 of 55 are people that live on S. Kinler Street and then you have people from Bailey Street, people from Boutte Estates, people from Good Children, all of these streets, if I were standing in front of the bar right now, walking I can get to most of these addresses except for the ones in Luling within a 10 minute walk. So we're talking 95% of these names are all within walking distance of the bar.

Mr. Gibbs: Thank you Mr. Meyer. Do you know the hours of business?

Mr. Meyer: Yes. The hours of business we're closed on Monday-Thursday, it would be from noon to midnight and then on weekends Thursday, Friday and Saturday it would be from noon to 2 o'clock.

Mr. Gibbs: You're closed when did you say?

Mr. Meyer: It would be closed on Monday.

Mr. Gibbs: Oh just Monday.

Mr. Meyer: Mondays I believe, but I will say this the hours of operation as far as the days are a little influx but the hours of operation are noon to midnight and then noon to 2 o'clock on the weekends.

Mr. Gibbs: Thank you Mr. Meyer.

Mr. Meyer: You're welcome. Ms. Williams

Mr. Gibbs: Mr. Meyer, Mr. Foster wants a question please.

Mr. Foster: Mr. Meyer did you see the letter from Lucien Gassen, Surveyor?

Mr. Meyer: No sir, I'm not familiar with that.

Mr. Foster: Would you like to comment on it?

Mr. Meyer: Can I see it? Regarding this, if it's encroaching upon that gentleman's property I think that's a legal issue and I don't know how old that building is and when that was put there and obviously if this is in fact the case, then the property owner and Mr. Gassen would have to go ahead and negotiate something to alleviate this, but if it's a problem let's work it out. Ms. Williams.

My name is Stacey Williams I live at 414 S. Kinler Street right on the other side of the property. Ms. Berley has been renting the bar from me for a year now, this month and if you all allow her to open I think she would be a good tenant, she's not going to go in the same order that Mr. Leroy Hensley did. I think we been having some problems before this, but I think we had got to an understanding where it's going to be her that's running the bar and she understand the policies and I think she's going to follow the rules. I hope you all agree to let her open.

Mr. Gibbs: Ms. Williams seeing this correspondence from Mr. Gassen I'm compelled to request or maybe recommend that you table this for a month until the next meeting because this could have some repercussions that I don't think you really want to have to come back and deal with if this is approved or disapproved. I don't know if a month would upset your calendar but I think you might want to address this before we and it's just a recommendation, I'm not telling you that you should or shouldn't do this, but it might be a good idea.

Ms. Williams: Address the property, I mean the building?

Mr. Gibbs: Where the encroachment, he's recommending maybe a new survey be done. It's just a recommendation you do not have to

Ms. Williams: It's on my property line because there is a fence right by the bar, the neighbor, the lady right here she has a fence on her property line and the building is way before her fence.

Mr. Gibbs: No problem.

Ms. Williams: But he's saying that you could table this for one month.

Mr. Gibbs: That would be your call. That would be totally up to you.

Ms. Williams: Yes you can table it.

Mr. Gibbs: Ok. Do we have a motion to table?

Mr. Foster: Motion.

Mr. Meyer: May we request that it be held open and we be allowed if necessary to make further comment ?

Mr. Gibbs: On the public hearing?

Mr. Meyer: Yes

Mr. Gibbs: Sure, we're going to table this though.

Mr. Foster: I have a question for Ms. Kim, is this considered a spot zoning?

Ms. Marousek: That was part of the recommendation.

Mr. Foster: For a spot zoning we've had problems in the past this would be considered a spot zoning.

Mr. Gibbs: Thank you Ms. Williams. We have to vote to table but I don't want to close the hearing if they still want to have people to speak. We have a motion.

Mr. Foster: I withdraw my motion to table

Mr. Gibbs: We only had one motion we don't have two, so the public hearing is still opened and this is a public hearing for PZR-2014-02 is there anyone else in the audience to speak for or against? Seeing none.

Ms. Marousek: You either have to move to table, move to approve it or move to deny it because the motion to table was withdrawn.

Mr. Gibbs: That's correct we don't have a motion to table any longer.

Mr. Booth: This fails all 3 and it almost passed the 3rd one, I really can't see how we can circumvent all the rules that we have and go against this denial that has been recommended, personal opinion.

Mr. Gibbs: Thank you Mr. Booth. The public hearing is still opened Mr. Meyer.

Mr. Meyer: With what's been presented to me by the board, I urge you to please table the matter for a month in the interest of equity.

Mr. Gibbs: Thank you Mr. Meyer.

Mr. Galliano: I motion to table it.

Ms. Pierre: Second.

Mr. Gibbs: Cast your votes please, this is the motion to table PZR-2014-02 Cast your votes please.

YEAS: Pierre, Loupe, Gibbs, Booth, Frangella, Galliano

NAYS: Foster

ABSENT: None

Mr. Gibbs: And that passes with Mr. Foster voting nay.
