

Commissioner Booth: Next item on the agenda 2019-2-R requested by William Sigmon to change the zoning classification from C-2 to C-3 on approximately 34,000 square feet at 16780 Hwy. 90, Des Allemands. Council District 4. Yes Sir.

Mr. Welker: This is a request to rezone 2 separate lots, both which has 2 different zoning districts and used by a single business. The first lot is Lot WC-1, it fronts on Hwy. 90 and is zoned C-2 and is the primary location of the business which is on site, which is Outcast Marine, they provide boat repair services, this portion is zoned C-2 and they are looking to change it to C-3. The other property involved is directly behind it and is part of the business, it is zoned R-1AM and they are also looking to change that to C-3 so the entire business site is zoned C-3. The area that comprises Lot WC-1 which is the front lot, this was rezoned from R-1A to C-2 in April 2004. The applicant submitted a companion application for a special permit for a repair shop, this would be the boat repair shop, this was considered compatible to automotive repair and was approved. Shortly after the rezone and special permit were granted the current applicants purchased the property, it was resubdivided to create the current lot and they permitted Outcast Marine with the stipulation that air boats could not run at the site. Another rezone was requested in 2007, this was the change of zoning to C-3, the application was withdrawn from consideration by the Planning Commission at the applicant's request. In 2008 the owners purchased Lot A which is the rear lot which is currently R-1A(M) and part of this rezoning request. This lot has 20 ft. of frontage on Norman Avenue which is its main access point and it also appears to be accessible to the building on the front lot. It's developed with 2 large metal canopies which seem to be for covered storage. We found that the request doesn't meet any of the guidelines for rezoning, we found that the current C-2 zoning allows for reasonable use of the properties and the current use was permitted with a rezoning of C-2 and associated special permit. The area consists mostly of single family residences unlike several other portions of Hwy. 90 which is primarily C-2 or C-3, most of this has remained residential and the uses reflect that. We found that there is a history of rezoning that have been attempted along this stretch of Hwy. 90 and they've only gone as far as C-2 when usually the request is for C-3 it hasn't been supported either by the department or the commission or the council, it's always stopped at C-2, so based on that and C-3 uses not really being compatible with the largely residential makeup of the area and the limitations of C-2, it doesn't meet any of the criteria for rezoning and the department does recommend denial.

Commissioner Booth: Ok. Thank you Sir, this is a public hearing for 2019-2-R a reclassification from C-2 to C-3 at 16780 Hwy. 90, Des Allemands, anyone here to speak for or against this particular matter? Yes Sir, please step forward, state your name and address for the record please?

Yes Sir, it's William Sigmon, 16780 Hwy. 90, Des Allemands. Pretty much looking to rezone to get out of the special permit because we would like to further improve the business and like to grow it but on the other hand we don't want to have the carrot in front of our face with we're having trouble with our neighbor and he can pretty much call at any time and we don't want to have our permit pulled and shut us down just because he feels like it or whatever, so we've been spending more time lately with him and Paul Hogan dealing with trying to shut me down than actually doing business. So we didn't know any other way to go about it than to just go to C-3 and everything would be fine. So I don't know of any way with C-2 without a special permit or whatever but we've been doing business there for, I don't know, since '05 without any issues except for the 1 complaint and it's getting old.

Commissioner Booth: Yes Sir.

Mr. Sigmon: I don't know what else to say, I guess yall will see it very shortly.

Commissioner Booth: Thank you Sir. Anyone else here to speak for or against this particular issue please step forward. Please state your name and address for the record.

My name is Alvin Meyer, Jr. I live at 16760 Hwy. 90 in Des Allemands. I'd like to make a note of what he just said, I am not trying to shut him down. I would not attempt to, but there has been some issues only with the airboat situation that could cause some problems in the neighborhood, but I'm just going to read what I have written right here. I own and live on property next to 16780 Hwy. 90. Part of that property he wants to rezone goes deep into the neighborhood section. We are opposed to this property being rezoned to C-3, this amounts to spot zoning as there is no C-3 zones in any of the residential neighborhoods from J.B. Green Street west to the business district in Des Allemands. The few commercial properties in this section are all zoned C-2. Some attempts were made in the past to rezone to C-3 but they were all denied. The issues possibly with C-3 zoning allows for changes for ownership in the future to create entirely different business. 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. Our surrounding neighborhood has had a bar that tried to open under the C-2, it was not successful, however the C-3 zoning request currently granted here could result in that bar again trying to reopen. The property at 16780 that is now zoned C-2 has a stipulation that airboats cannot be run, if C-3 zoning is allowed this stipulation is no longer in effect, airboats can then be run on the property. Airboats are very loud, they cannot be run quietly, most of us have heard them being used in our wetlands and bayous and they can be heard miles away. Imagine them being started up and ran in your neighborhood while being worked on. No one who signed this petition wants this to become a reality that they have to deal with. Residents signed this petition in objection to C-3 zoning change. A neighborhood should be a peaceful place to live and raise children. A C-2 zoned business is a better fit in our neighborhood. Again as stated, C-3 property has the potential vastly changing business affecting the surrounding properties of nearby families. Please consider these residents when making your decision and also I would like to say I would never try and shut him down. He's been there since 2004, I owned the lot, I rezoned it for him, I've been knowing him a long time and technically I could not shut him down, I think that's an impossibility, it would take years to go through legal because they can't shut down barrooms in New Orleans, they'd get a lot of trouble, it's a matter of issues and years so 1 person, Paul Hogan and I can't do it and there's no attempt, it's just once you give a C-3, it don't ever come off and people don't live forever, people retire, they move away, businesses change, the business next to him is in the 3rd ownership, so you don't ever know what's going to come there. He may be there 20 years, he may be there 1 year, and that C-3 whoever wants to come in really we can't stop it then. So I appreciate it and I hope yall can make yall decision considering the neighborhood itself. Thank you.

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

My name is Ryan Dufrene, 105 Choctaw Drive, Luling. I actually own the business adjacent to Mr. Sigmon. In the past couple of years I've noticed there's been a lot of police phone calls coming into our properties for vehicles being parked on the side of the road and cars being parked on the side of the road and that kind of stuff. We both have businesses, Will has boats, we have trailers and trucks, we load stuff out. We have to have access to the side roads so that we can safely get our trucks and trailers and stuff within the boundaries of our property. I know for a fact, I can't say that I know for a fact that he's the one calling but I do know that we've been reprimanded several times for leaving a vehicle parked on the side of the road for a very short time just to unload. It's becoming an issue, I believe I'm on the agenda tonight as well, we were moved to go to C-3 as well with Will, we thought it would be easier for both of us to get the C-3 zone and that's all I have to say.

Commissioner Booth: Thank you Sir, anyone else here to speak for or against this particular issue? Yes Sir. State your name and address please Sir.

Cory Dufrene, 218 Matherne, Bayou Gauche, Des Allemands. That's my brother, we're partners in the business next door to Will, we're there all day long. I'm here to comment on the noise issue, we don't see any ridiculous, loud noises coming from there. I mean, he works on boats, you have to start a boat here and there but it's not like it's real loud or anything. I second what my brother said, we have issues where we park a trailer right close between the ditch and the highway, we park a trailer right along the ditch which is not blocking anybody's view but the police come and make us move it and stuff like that, we'd like to get that to stop, but that's pretty much it, I just second what my brother said and the noise issue to me is not even an issue.

Commissioner Frangella: I got a question for you right now, it's not a noise issue but if it started using airboats do you think it may be an issue?

Mr. Dufrene: I don't know, I don't think he's going to be like an airboat mechanic, I see an airboat there once in a while. If he work on something you got to crank it up for a second, you have an airboat, it's loud, you start the airboat, it's like a car, like a truck I guess. If he's working on an airboat, you don't drive to the bayou to see if it starts, you work on an airboat you start it, it starts and then you can go test drive. Obviously I wouldn't want anyone running and revving their airboat next to my house for sure, but I don't think that's something he's trying to do.

Commissioner Galliano: What are yall business hours, hours of operation?

Mr. Dufrene: Probably 6 am to 5:30 at the most, unless we got some emergency stuff and we work at night but it's not too often.

Commissioner Frangella: So that's Monday-Friday or weekends too?

Mr. Dufrene: Monday-Thursday we try but Friday's sometimes, we work on weekends if we have to but it's not very often.

Commissioner Booth: Thank you Sir.

Mr. Dufrene: Thanks.

Commissioner Booth: Anyone else to speak for or against? State your name again.

William Sigmon. First of all I want to let you know we don't work on airboats. So the one time we worked on an airboat was for one of the hurricanes so it was a national disaster and that was the Sheriff's Department, they brought it in there, they started it up, he complained and that was to save people in Ormond so I did what I had to do to fix it so they could go back to saving lives. Recently one of my good friends just brought an airboat over, didn't even run it at the facility because I'm not there to make noise, my family lives there so what does he do on the way back to the pasture to run the airboat he stops me, confronts me, says I'm not supposed to work on it so I told him I could work on whatever I want I just can't run it, he's like no that's not it, so he says I need to contact him and get approval first to see if it's okay with him if I can work on it, that's the kind of stuff that we're dealing with. We're not running airboats, I live there, my kids live there, so I'm not looking to do anything out of the norm and as far as barrooms and everything it still has to get through yall, Planning and Zoning to get approved. So I'm not looking to do anything than what we're doing today.

Commissioner Booth: So if we rezone this and put a stipulation that there are no airboats there, there wouldn't be a problem for you?

Mr. Sigmon: No it wouldn't be a problem but it's not fixing the problem because he's still, whether one shows up or somebody pulls up on the side of the road to get a part for their not airboat but outboard he's automatically assuming that we're working on it just because something pulls up in the driveway it don't mean that I'm working on it. My business is not airboats, it's outboard.

Commissioner Booth: If we stipulate no airboats would be powered up or run on the property.

Mr. Sigmon: I have no complaint with that but we have outboards today that have the same exact engine that's in an airboat and that gets run and it's not making any noise, that's the only thing I don't want to have to video it every time I start up an outboard.

Commissioner Booth: Yes Sir, Ms. Stein.

Ms. Stein: I just wanted to point out the report says the department does feel that the correct way to proceed with these businesses is to keep them at their C-2 zoning which does allow us to put stipulations on them because it requires a special permit. The zoning will not allow stipulations. A change of zoning district to C-3 is a change of zoning district to C-3 which would allow automotive repair, we would consider boat repair comparable and there would be no restrictions on what they could start up. So the businesses exist now with C-2 zoning and a special permit.

Commissioner Frangella: But the stipulation is for a barroom it would have to come back for a special permit for it to be approved.

Ms. Stein: In the C-3 zoning district a barroom does require a special permit approved not only by the Planning Commission but also the Parish Council.

Commissioner Booth: Ok. Anyone else to speak for or against? State your name and address please Sir.

Billy Woodruff, 615 Down the Bayou Road, District 4 Councilman. I'd like to see both of these businesses expand. The C-3 zoning would give them the chance to expand and know that when you expand like that it creates jobs. These people as their business grows, they add on more people and I would like to think that we encourage business rather than discourage business. Any time you're hiring more people, local people, that's a good thing, you're getting local people back to work, their getting good jobs and all. I actually went for a walk through the neighborhood, knocked on a couple of doors and I asked the people that live around there is

there a problem with noise and they all told me no. I asked them if they would have problem with them expanding their business they said not a bit. So I ask for your consideration in changing to C-3. Thank you.

Commissioner Booth: Yes Sir, thank you. Yes Sir. State your name again please Sir.

My name is Alvin Meyer, Jr. I do not want to get into he said he said so all I can tell you is we have the petition, I went down to the neighborhood, we're concerned about potential issues in the future, working on airboats is fine and I have it recorded when he ran the airboat a while back and I asked him if he was running an airboat and he said he had to run it a couple of more times and then he was finished, I said that was fine. I didn't remember exactly what we had on the stipulation so I went talked to Mr. Earl about it and he told me he's not supposed to do it, if I would file a written complaint it would have to go to the legal department, I did not do that, I do not want to hurt his business, I didn't want to shut him down but I didn't want the C-3 in my neighborhood and all those 50-60 people agree we do not need future problems with the C-3. Yes they can expand their business, they can expand it in C-2, they can do just about everything they want except maybe manufacturing boats, I'm not sure about all that but he's been in business since 2004, he's full time, at one time he was part time and now he's full time so we don't need more issues, our neighborhood is basically residential. Both of these people 20 years from now may not be around and there will be other businesses that could be worse for the neighborhood. Right now that is compatible for the neighborhood and surrounding neighborhood. They can say what they want an airboat is not an outboard engine. When you crank that baby up, you're going to hear it and I don't care how far you are in that neighborhood. He may never work on them, he don't have to work on them, he's got a good enough business with the boats, that was just for protection for my father in law who lives about 20 ft. from his property. My father in law died, technically he wants to run one once in a while, talk to me, I don't have a big issue with that but I wouldn't want that worked on every day and running every day and the neighbors don't want it. If all of them could come here and say the same thing they would. The parking issue cannot be solved, it's dead weight, the state don't care how they park, they can use the highway shoulder, they can use the right of way, sometimes they can park as much as they want, they're really not concerned about it anymore so it doesn't look good for the neighborhood but I let it go so what yall go ahead and park. I did not call the cops on them, it doesn't affect me getting out of my driveway, other people on the other 2 streets, they may have. I'm not going to call the cops on them every time they have a car on the road, it's impossible to do that. Thank you.

Commissioner Booth: Thank you Sir. Anyone else here to speak for or against this issue? Hearing none, the public hearing is closed, any questions or comments from the Commission? Yes Sir.

Commissioner Granier: Can you sum up the differences the C-2 and C-3 would mean for them? I'm a little confused I guess.

Ms. Stein: The permitted uses, the permitted activities on the property, the things that they can do on the property increase the number of things and the intensity of the things. In terms of building, with the exception of building out the rear where the canopies are, this portion of property is currently zoned R-1A(M). When know when Outcast Marine purchased it, we're not sure when they put the canopies up on this little piece here, the access goes between two different residences so rezoning this portion to C-3 would allow the activities and things that happen currently up here in the red to move back into the yellow, but in terms of building more things frankly I cannot imagine where they would put anything else in terms of a structure.

Commissioner Granier: So it was said that going to C-3 would help the business grow. What going to C-3 would help grow that can't do to C-2? That's what I'm a little confused on.

Commissioner Booth: If you're going to speak you'll have to come to the mic so we can have this on record. Your name again.

William Sigmon: The part with growing is right now we want to invest in our business, that's pretty much my retirement. So to put money into it I don't want to have a special permit or something special that something can happen in the parish, someone can dislike us or whatever and cause problems and then we wind up getting our business license pulled from us. So all we're looking to be able to do is basically protect ourselves so we don't get shut down because this is my only job and this is my life. We're not looking to change anything except just be more secure at night, that's it.

Commissioner Frangella: I'm kind of a little confused with that also because if you're abiding by that special permit it's never going to be taken away.

Mr. Sigmon: Not according to what we've been told. And just like he said if you would just come ask me to run something, I know I can't run an airboat, so I don't need that but if I start up a boat motor and he's having a bad day I don't need somebody else hounding me and they're always taking away, we're spending more time fighting to stay open right now than actually getting work done, so that's what I'm trying to relieve because it's not worth keeping up with all of this basically because you can't get any work done. It is what it is.

Commissioner Frangella: So it's by police coming there, is it Planning and Zoning or is there documentation?

Mr. Sigmon: Police, Planning and Zoning, I mean it's pretty much everybody. We went talk to all the surrounding neighbors, they never heard us, they don't have any complaints. The only one complaint is the guy here today, the people that live right door to door where my window meets their window, none of them have anything to say, they don't have anything to complain. If you want a petition with 100 people saying they want the business, we can get that just as well but whenever we ask the people that surround us, who the letters went out not one person had a problem with it. We're just trying to sleep at night knowing somebody is just going to flip the light switch and then we're shut down after we've hired people or tried to invest in our business, that's all.

Commissioner Booth: Ok. Thank you Sir.

Commissioner Galliano: So you're looking to get C-3 basically as an insurance policy to keep your business open.

Mr. Sigmon: Yes or C-2 without, I don't know how it goes, C-2 you can't have a mechanic shop there so I guess that's why I have a special permit.

Commissioner Galliano: I know you have a very successful outboard motor business, so airboat is not in your future at all.

Mr. Sigmon: No.

Commissioner Galliano: I don't think he has a problem with you occasionally working on an airboat and your business hours are normal business hours, I mean you shut down at 5:30 it's not like you're working on stuff at 10:00 at night.

Mr. Sigmon: Even if I work at night I know better than to run a motor. I live there, my kids live there so I'm not going to wake them up by doing something like that, we live there.

Commissioner Booth: Any other comments or questions?

Commissioner Granier: What have the complaints been? Has there been anything filed with Planning and Zoning?

Ms. Stein: I think Mr. Meyer may have come in and spoke to people on staff but that didn't result in a complaint that was lodged or logged into the database.

Mr. Sigmon: We've been harassed by the state, by Planning and Zoning.

Commissioner Granier: By state who?

Mr. Sigmon: State DOTD because a boat, big boat, if you pass by you can see, the guys were parked on the shoulder of the road coming to see where they need to go, block traffic, back them down to try to get them in safely. Somebody didn't like that because it was an eyesore so they kept calling DOTD, state came out. So we're trying to improve all of this stuff and that's why we were trying to include the back so if we could park in the back or move more boats just in the back and use it for storage basically then we could relieve more stuff in the front to make more parking for bigger things and stuff like that. It's been weekly every month something has been coming up with Planning and Zoning, state, all that stuff, it's getting very old.

Commissioner Frangella: Would that solve the issue of changing the R-1A(M) to C-2?

Mr. Sigmon: Yes because now state says it's over with, it's done.

Commissioner Frangella: I said C-2 not C-3 because you're still going to have the complaints if you do that with the boat and you block the road and all of that, it doesn't change with zoning, it has nothing to do with your zoning and what you're doing, it's about obstructing the highway.

Mr. Sigmon: That's right, we're nitpicking right now so it goes from that to oh you don't have the right parking, oh you need this, oh you need that, I'm just giving you an example.

Commissioner Frangella: So how does C-3 change that about parking and interfering with Hwy. 90?

Mr. Sigmon: The only thing we can say with parking is we're going to try to put more stuff in the back.

Commissioner Frangella: That's what I'm saying, if you just change the rest of it to C-2 that would allow you to park back there without having to change it to C-3.

Mr. Sigmon: Alright can you get rid of the special permit?

Commissioner Frangella: No

Mr. Sigmon: Well then that's why I want C-3 because you can still come in and say oh you ran an airboat and come in and shut me down so I don't want to keep investing money into my business whenever you can pull the plug.

Commissioner Granier: But you said you weren't going to do airboats, that's why I'm

Mr. Sigmon: We're not. What I'm trying to say is if I'm running something and he says oh it's an airboat, he's having a bad day, I don't work on airboats so that's what I'm trying to get at. I don't know where all of this is coming from, if yall pass in front of my place yall will see I don't work on airboats.

Commissioner Frangella: How long has the special permit been in effect?

Mr. Sigmon: Since '04, '05 something like that.

Commissioner Frangella: Ok. So fourteen years and you've never come before us or never had anything posted from Planning and Zoning on your business in violation of the special permit correct? It's been here say this and that. Ok.

Commissioner Booth: Ok. Thank you Sir. Any other questions or comments? Call for the vote.

YEAS: Gordon, Booth, Galliano

NAYS: Granier, Frangella

ABSENT: Petit, Richard

Commissioner Booth: That fails, it did not get enough votes to pass. This will go before the Council, you can plead your case before them.
