

Mr. Gibbs: Next item on the agenda is PZHO-2015-07 requested by Kelvin Gros for a home occupation – “Haulin’ Tails Seafood & Catering, LLC” – a seafood wholesaler at 105 Thoroughbred Avenue, Montz. Zoning District R-1A. Council District 6. Mr. Pfeifer.

Mr. Pfeifer: The applicant completed an application for a home occupation to operate “Haulin’ Tails Seafood & Catering” on March 30, 2015. According to the Louisiana Secretary of State’s Office, Haulin’ Tails Seafood & Catering LLC has been licensed to Kelvin Gros at 105 Thoroughbred Ave since May 8, 2009.

The applicant indicated he wishes to use the existing driveways on the property for the business, including three (3) trucks, and an ice machine/cooler. Such a business requires a LA Wildlife & Fisheries license for each refrigerated truck. The applicant has been advised that issuance of a Home Occupation permit does not negate restrictive covenants.

The applicant’s proposed business is not in compliance with the following Home Occupation Operational Regulations:

1. *All products produced for sale must be hand manufactured or grown on the premises using only hand tools or domestic mechanical equipment. Such domestic mechanical equipment shall not exceed two (2) horsepower per piece of equipment, and the sum total of all such equipment shall not exceed six (6) horsepower. A single kiln shall not exceed eight (8) kilowatts or the equivalent in a gas-fired fixture.* Crawfish, as a product, is not hand manufactured or grown on the premises.
3. *There shall be no signs posted which indicate the existence of the home occupation.* Two of the trucks to our knowledge double as business signs for Haulin’ Tails.
4. *No licensed vehicle in excess of one (1) ton (manufacturer's rating), and no more than one (1) licensed motorized vehicle, shall be utilized by any resident of the premises in connection with the home occupation.* Applicant requests to use three (3) licensed motor vehicles in connection with home occupation.
9. *The home occupation shall not cause any external effect associated with the home occupation, such as increased noise, excessive traffic, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential zone, or in violation of the revisions of any applicable governmental code. There shall be no illegal discharge of materials, fluids, or gases into the sewer system, or any other manner of discharging such items in violation of any applicable governmental code.* Trucks are visibly noticeable and may be undesirable in the residential subdivision.

The Department of Planning & Zoning has also received several neighborhood complaints about the trucks and the business. A Cease and Desist (C&D) notification was placed on the property on April 17, 2015. This C&D pertained to Haulin’ Tails operating without a home occupation permit and business license.

According to Section XXII – Regulations for home occupation, *a home occupation is an accessory use of a dwelling unit, conducted by one (1) or more persons who reside at the property in question. The home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.* The proposed application for Haulin Tails describes a business use that is beyond the scope of a home occupation. The presence of three large commercial trucks on one residential property surrounded by similar properties is changing the character of the permitted uses in the district. Therefore the Department of Planning & Zoning recommends this home occupation for denial.

Mr. Gibbs: Thank you Mr. Pfeifer. This is a public hearing for PZHO-2015-07 anyone in the audience care to speak in favor or against? Is the applicant here? State your name and address please.

Kelvin Gros, 105 Thoroughbred Lane, Montz, LA 70068.

Mr. Gibbs: Mr. Gros it looks like we have a big mountain to climb here.

Mr. Gros: Yes Sir. I did make some changes. Since they’ve come out I’ve actually added another slab to park a truck behind the gate. I moved one truck to one of my dealer’s locations in Henderson and the truck on the right hand side is also behind the fence. So it should be no longer

noticeable unless you're actually physically in front of my house. Signs, I didn't know you couldn't have signs on the vehicles, I thought it was signage in the yard.

Mr. Gibbs: A lot of times it acts as both.

Mr. Gros: Yes I didn't know that, so we'll remove the signs off the trucks if necessary, if that's what it takes.

Mr. Gibbs: Have you had the opportunity to speak to any of your neighbors?

Mr. Gros: I actually have some here that have no objection to it.

Mr. Gibbs: Ok. Any questions for Mr. Gros?

Mr. Frangella: Do you wash your trucks out or anything at the property?

Mr. Gros: Not at the property.

Mr. Frangella: Where do you clean them at?

Mr. Gros: When we pick up and drop off, the only thing done at the house is the trucks are stored there. We leave like at 5:30 in the morning, we go deliver at all our locations. From there the trucks go to the docks to pick and start loading up. When we get to our last customer we actually hose out the trucks, because the trucks are going back on the road to pick up from some other docks.

Mr. Gibbs; Mr. Gros how long have you been in business?

Mr. Gros: Since '09.

Mr. Gibbs: And you've been working out of your home since then or this situation just arose?

Mr. Gros: I actually approached Planning & Zoning when I first started. I was told from what I was doing a license was not necessary. I spoke to you (speaking to Ms. Stein) I think it was.

Mr. Albert: Mr. Chairman it was my understanding the business was operating across the street prior to this.

Mr. Gros: I was parking my vehicles at my in-laws house, yes.

Mr. Albert: Code Enforcement has had a difficult time addressing the situation and we still know the extent of what refrigeration operations are required to keep the seafood there.

Mr. Gros: No refrigeration at all. I have refrigeration on a truck, on one truck just to keep the seafood cool, that's all. Crawfish is required to be around 40 degrees. We keep it on the truck but that truck has air conditioning. I spoke to Ms. Stein, I thought it was you. When I first bought the business from Ward Aucoin, the other guy, who lived in Bayou Gauche, I think she pulled up a letter that stated at the time that there was no license required or needed for the business.

Ms. Stein: But Ward Aucoin did receive a home occupation permit from this board. So there was a misunderstanding.

Mr. Gros: Ok. I'm sorry.

Mr. Gibbs: This is how you make your living?

Mr. Gros: Yes Sir. Me and my wife.

Mr. Gibbs: Is there an alternate plan in the event this does not get approved here?

Mr. Gros: I'll move out the parish. I don't know, I really don't know. I got a lot of money invested in my company and my trucks.

Mr. Gibbs: And you'll be parking your trucks on the premises at least two of them?

Mr. Gros: Two of the trucks yes, I had the other one moved, I need both trucks. Like I said we both run. Like I said I poured another slab last week so I could try to get that truck out of sight. The truck on the right hand side is behind a gate and you can't see any signs or anything on the truck.

Mr. Gibbs: I still got a problem with the trucks being parked there. You know they have to come and go and this is highly unusual for a residential neighborhood. I understand your predicament, I'm very pro-business here. I'm trying to figure out in my mind how this can work out, but a seafood process, a seafood sales organization in a neighborhood.

Mr. Gros: My sales are at another location.

Mr. Gibbs: Right.

Mr. Gros: We sell to retailers, we're wholesale so we actually sell offsite. Nothing will be done physically at the home.

Mr. Gibbs: Any other questions for Mr. Gros? Thank you. This is a public hearing for PZHO-2015-07 is there anyone else in the audience care to speak in favor or against? State your name and address please.

Kevin Marchese, 172 Thoroughbred. I have no problems with the trucks there. I pass his house every morning and every afternoon. He's done everything he can do. If we're going to talk nasty neighborhood, you go to the end of Thoroughbred and you see Mr. Doug.

Mr. Gibbs: Let's stay focused on what we have before us.

Mr. Marchese: At least his trucks are clean, they're well taken care and half the time I don't see them. He's trying to do what he's trying to do and I'm all for it. I don't have much to say about it, if yall have questions for me I'll be more than happy to answer it. But I really don't see a problem with the trucks.

Mr. Gibbs: Ok Mr. Marchese I appreciate it, thank you. Anyone else care to speak in favor or against PZHO-2015-07? Seeing none. Any questions?

Mr. Booth: I have a comment. It looks like this gentleman is trying to do the right thing, all the violations and problems that have been mentioned it looks like he's addressed them by moving his trucks out of the way, off the street, behind a fence. I think he's trying to do the best he can to follow the regulations.

Mr. Gibbs: Mr. Pfeifer how many residents contacted you?

Mr. Pfeifer: 3

Mr. Gibbs: They were against right?

Mr. Pfeifer: Right.

Mr. Gibbs: Alright.

Mr. Frangella: Mr. Pfeifer are any of these trucks over 1 ton that they are not allowed to be over and parked at the residence.

Mr. Pfeifer: There is only 1 vehicle allowed for the business. He has two and one is off site.

Mr. Frangella: So if we do this and he decides to add another truck what happens with that? Is it limited to nothing more than two?

Ms. Stein: You have the authority to place any conditions on a home occupation.

Mr. Gibbs: Revocation would be one Ms. Stein?

Ms. Stein: The code of ordinances does have a 3 strikes in the policy so we would monitor this for violations. One of the issues I'm having with this particular home occupation is it is registered with the Secretary of State as Haulin' Tails Seafood & Catering, LLC. That raises a red flag with the Sanitarian. The business is not permitted by them for on site preparation of food. So if you're going to talk about restrictions that might be one that would really help us to not stumble into violation in the future.

Mr. Gibbs: Mr. Gros can you come back up please. I'm going to need you to state your name address again for the record.

Kelvin Gros, 105 Thoroughbred Ave., Montz, 70068. When we first purchased the business to start operation, we did build a boiling trailer to boil onsite. I don't have time for it, so I sold the trailer. So when we did the name, that's why it's in the name. If that's an issue, I can go back and have it changed through the Secretary of State, take the catering out, but that's the only reason we did that was for the boiling trailer.

Mr. Gibbs: It would eliminate the red flag, but we're trying to figure out how we can get this done and there are going to be more stipulations clearly. It sounds like the trucks are probably the biggest issue. I see a second and third issue is the cleanliness of the trucks and then the oversight if you happen to forget a bag of crawfish in there over a weekend or something, you know what would happen.

Mr. Gros: I know and that never happens, that's money in the bank.

Mr. Gibbs: These are just some of the concerns that I'm trying to think about the neighbors.

Mr. Gros: Like I said I've been doing this for a long time and that's the red flag to me why all of a sudden I'm having problems.

Mr. Gibbs: It is a compliance issue so I'm sure you see that.

Mr. Gros: Yes, it's all good.

Mr. Albert: I have two questions for Mr. Gros while he's up here. Who is employed by Haulin' Tails?

Mr. Gros: Just me and my wife.

Mr. Albert: But there are three trucks.

Mr. Gros: One's a backup and that's why I went ahead and moved that one from the premises.

Mr. Albert: Just the understanding that there can be no outside employees.

Mr. Gros: Yes I understand. The third truck was an old '97 Ford with 380,000 miles on it so it's just a backup truck.

Mr. Albert: Where is the product stored when it's not in transit?

Mr. Gros: In the truck.

Mr. Albert: So the truck stays running? The refrigerator unit stays running?

Mr. Gros: The one that has the unit we keep everything in that truck and it has a regular 110 plug on it. The truck doesn't stay running it's the unit on the truck.

Mr. Albert: What is the structure behind the fence showing on the report?

Mr. Gros: That's a container with the ice machine on it.

Mr. Albert: So it's conceivable that the product could be stored in the cooling container in the back yard and not in the truck.

Mr. Gros: It could be.

Mr. Gibbs: Since 2009 have you ever done that?

Mr. Gros: No I use it for the ice.

Mr. Gibbs: Ok.

Mr. Gros: And that's not even all the time when we have the ice, mainly its two days a week and then other times it's off.

Mr. Gibbs: Right. Any other questions for Mr. Gros? The catering thing is going to be in the stipulation as well. I think if you went to the Secretary of State and got it removed it probably will help. This is a public hearing for PZHO-2015-07 is there anyone else in the audience that would care to speak in favor or against? Any other questions?

Mr. Booth: Stipulations?

Mr. Gibbs: In the event that it passes I would like to have a couple of stipulations. I propose that we put no catering. If there is a third truck it would immediately revoke the license.

Mr. Albert: That 3rd vehicle, because if they're taking the markings off the truck, the situation becomes difficult for the Inspectors. If they have 3 pickup trucks there is that a cause for a revocation.?

Mr. Gibbs: Three marked Haulin' Tails Seafood trucks.

Mr. Frangella: I was wondering if that would be two because there are only two people involved in the business. He's going to park one off site.

Mr. Gibbs: they'll have two onsite with proper storage of the vehicles. So no catering and a third vehicle would immediately revoke the license.

Mr. Albert: We go through a process of violation.

Mr. Gibbs: Please correct me, we'll go through the proper channels.

Mr. Albert: You can stipulate that and we can pull it immediately, that's up to you.

Mr. Gibbs: Are we in agreement with this? No catering and immediate revocation.

Mr. Pfeifer: May I suggest that there is no cleaning of the truck on premises.

Mr. Gibbs: Also no cleaning of the vehicles on premises.

Mr. Pfeifer: And no storage of product if it's not in the truck.

Mr. Gibbs: And no storage unless in truck.

Mr. Pfeifer: And that's strictly a resident concern.

Mr. Gibbs: Gotcha. Everybody is understanding? Cast your vote please.

YEAS: Pierre, Loupe, Gibbs, Booth, Frangella

NAYS: None

ABSENT: Foster, Galliano

Mr. Gibbs: That passes unanimously. Mr. Gros good luck.

Mr. Gros: I can wash the truck just not wash the back out.

Mr. Gibbs: Yes.

Mr. Gros: I just wanted to make sure.

Mr. Gibbs: This is going to go before the Council on June 1, same venue and it starts at 6:00pm.
