

Commissioner Booth: Next item on the agenda PZO-2019-02 requested by Paul J. Hogan, PE, Councilman At Large, Div. B to amend the Zoning Ordinance to allow landscaping services in OL as a permitted use with supplemental regulations. Mr. Hogan.

Good evening Commissioners and Happy New Year, Paul Hogan, 222 Down the Bayou Road in Des Allemands. Yall should have in front of yall tonight a revised version that should have been passed out to yall. What it does is adds the definition and it changes the word from the standard permit use from landscaping service to lawn care/landscaping business and then adds a definition that describes exactly what that is. This is to allow the standard permitted use in the Open Land zoning district. The equipment that's used in that type of business is the same stuff that is used in farming which is a standard permitted use in the Open Land zoning district. If yall have any questions, I'll be glad to answer them.

Commissioner Booth: Any questions or comments from the Commission for Mr. Hogan?

Commissioner Frangella: I guess my dilemma with this is there's a huge difference between lawn care and landscaping. The amount of equipment that you use for lawn care service is completely different from landscaping and you don't need the heavy equipment or anything else. So it's kind of lumping these two together it doesn't sit well with me because you're trying to put 2 things together, like 2 separate businesses.

Mr. Hogan: It was written to make it where it's land [lawn] care and landscaping business where you go and put in the stuff that a landscaper would take care of. The equipment that you use to do that is the same type of equipment that's used in farming, tractors, excavators, whatever people use for a farming operation. So you wouldn't see anything different on the property than you can with farming and I also put a provision in there that there would be no signage on the property, you can't put a sign saying you got a business and if there is anything on your equipment or on your truck that would be ok but you can't have a sign saying I got a business here.

Commissioner Frangella: But still if there's a business, it's a home occupation

Mr. Hogan: I don't think it's a home occupation.

Commissioner Frangella: Apparently it is to change it to a permitted use

Ms. Stein: in the OL zoning district

Commissioner Petit: For me I find this very different from farming, when you're farming on your own property. This would be basically a commercial operation to allow people to keep equipment on one piece of property and do work on another, so it's not something I support.

Commissioner Booth: Anyone else with a question or comment?

Commissioner Granier: Are there any other businesses permitted to operate in Open Land? Was there something that triggered this? Are we having a lot of folks that are wanting to do this? Are there any issues? I really don't understand but anyway...

Mr. Hogan: There's one situation that's coming up now that we're trying to put something in the code to address and allow a standard permitted use. As far as the existing permitted uses farming, animal husbandry and dwellings, site built structures, manufactured homes, accessory buildings, farmer's markets and stuff like that is all permitted uses in the zoning district.

Commissioner Booth: Any other questions or comments for Mr. Hogan? Thank you Sir.

Mr. Hogan: Thank you.

Commissioner Booth: This is a public hearing for PZO-2019-02 for landscaping services in Open Land as a permitted use and supplemental regulations that go along with it, anyone here to speak for or against this?

Commissioner Granier: Mr. Booth, I think Ms. Stein has some services that aren't listed.

Ms. Stein: We have the Open Land zoning district, so the permitted uses are farming, animal husbandry, farm family dwellings, tenant dwellings presumably for farm workers, site built single family detached dwellings, additional dwellings for family and relatives, manufactured housing, mobile homes, accessory buildings, family subdivisions, and the first business would be a farmer's market and something about frontage. The other types of businesses or the only businesses listed are special exceptions or special permits and those are religious institutions, golf courses, public parks and recreational uses. Special permit uses are child care centers, academic institutions, cemeteries and mausoleums, oil extractions, public stables and kennels, cell towers and farmer's markets, fire stations and accessory buildings. So not a lot of businesses.

Commissioner Booth: Thank you. Would you state your name and address for the record please.

My name is Glen Nelson, 12244 River Road, St. Rose. I live next door to this property. To start with I believe this whole thing is biased and prejudicial against all other businesses that have Open Land. Just in the nature of what they are saying, that it's a landscape business, businesses belong on commercial as far as I feel. I'm just curious on the first page of this thing here it listed under background, it was saying like it was making the business for one person, you know where they added all this other stuff where we just got notice of that today, but it says landscape professionals such as landscape architects, landscape horticulturist, arborist, irrigation contractors, and other professionals. Well other professionals can be anything I guess. My question is say you're an arborist, does that mean you can keep all your equipment on that property, if you're an arborist because an arborist uses a lot of different equipment and if that's the case my son has been an arborist since 2006, he's licensed, he's a licensed arborist in the State of Louisiana, he does work for FEMA, the federal government, he actually has a contract with the parish for after the storms to cut down all the trees and all that stuff. To me it's real confusing, this whole deal here to be able to take and put a business on open land when it should be going on a commercial property, that's why they denied changing it to commercial property and I think businesses should be on commercial property and my son is licensed with the Louisiana Agricultural Forestry, he has a business, D & R Group in this parish and if that's the case, I think this is just going to open up a can of worms in the parish for everyone that owns Open Land and have a business and I don't know if the parish really wants to go for that, it just seems like it's too broad in respect for what they are listing when they come out with this amendment and they start listing everything, it's like the guy who's trying to get this done wrote it himself, it completely describes his business and I'm just strictly against it and if the Council sees to pass this, they should pass it for anybody they listed on there. Am I looking at that right? That arborist do their business on open land?

Commissioner Booth: Mr. Albert do you have a comment?

Mr. Hogan: can I address? Apparently he has a version that's not the version that's in front of yall tonight and with that I'd rather yall not take this up tonight being that there might be some other people that might not have what's in front of you, so I'd like to make a motion that yall table this and bring it up at the next meeting with the revised version that would be in your agenda which would have exactly what's in there. The items and the businesses that he was talking about are items or businesses that are not allowed. Those are any businesses that require permitting by Louisiana Horticulture Commission are strictly prohibited, those that he listed are strictly prohibited and that's what's in the definition that's in front of yall tonight. So I think to make it clearer and easier and better for everybody, I'd like yall to make a motion to table it and just take it up at the next meeting.

Mr. Nelson: I'd like to say also that Horticulturist Commission I think that was just put in there to eliminate anybody else from doing it because my son is not licensed by the Horticulturists, it's the Forestry, it's Louisiana Agricultural and Forestry it has nothing to do with Horticulture. In other words the business before was Nelson Tree Service, he changed the name to D & R because he's got a lot of businesses going on. My son actually moved all of his equipment off of the property because Planning & Zoning said he needed to do it. He went and spent \$1.4 million and bought a piece of property and built a trailer park on it to pay for the property. He did all of that to put his equipment. If that's the case we should have just come before the committee and say why don't we go ahead and let us keep our equipment there too because we're arborist which they're saying here in this first part that it's part of this landscaping business and landscaping business again to me just means that it should be a commercial property. Questions?

Commissioner Booth: Thank you Sir.

Mr. Nelson: Thank you.

Mr. Albert: Mr. Chairman can I please clarify something that Mr. Nelson was speaking about?

Commissioner Booth: Yes Sir.

Mr. Albert: His comments were related to the staff report and not to the text of the actual ordinance so I believe there is some confusion there. I don't think there is any need to readvertise or take this up at a separate meeting. The advertisement only spoke to the fact that this section was proposed and none of the actual targeted portions in the code are changing. It's only the descriptions in the text that Mr. Hogan changed.

Commissioner Booth: Thank you Sir. Any questions or comments from the Commission?

Commissioner Granier: So what's going on? He's asking to table. Maybe I shouldn't speak, what are we doing right now? Are we going to table? Are we going to move on?

Mr. Albert: Your public hearing is still open.

Commissioner Booth: I think we can move on because the ordinance is clear in front of us and I feel like others, if you're going to do a commercial business you need a commercial property. I you have open land you should use as open land as defined by the ordinance, it's my personal opinion. If someone wants to make other motions I'll listen to those.

Commissioner Granier: If it's still open I do have a question for Ms. Stein about the businesses that are permitted just so I'm clear. So how many businesses are permitted without special use permits in open land?

Ms. Stein: To a certain extent we can say farming if that's a business and that would be 1.

Commissioner Granier: So there's 1 business

Ms. Stein: One type of

Commissioner Granier: One type of business that is permitted without any special permit and that's farming.

Ms. Stein: Yes.

Commissioner Granier: Everything else would require a special permit.

Ms. Stein: yes.

Commissioner Granier: Thank you.

Ms. Stein: And those are kind of limited.

Commissioner Petit: So this would allow someone to open a commercial operation of landscaping and allow employees to park on it if it were adopted, equipment and work off site at other locations.

Ms. Stein: It would and it kind of might put us in a trick bag about whether that means commercial building, that's where we were going with the landscaping. We're talking about the revised version now – lawn care services, but when it was landscaping services, if that's a landscape architects, like Dana Brown and Associates who was here earlier, she's a professional, she works in an office does that mean we have to permit an office building in open land to accommodate this type of business and it was very sticky for us.

Commissioner Booth: Ok to be clear where we are right now we need a motion to say that we are considering the revised ordinance. Do I hear a motion?

Commissioner Richard: Motion

Commissioner Booth: And a second?

Commissioner Granier: Second

Commissioner Booth: And we can cast our vote to consider the new ordinance and not what was written originally.

Commissioner Granier: But we're going to vote on the new one?

Commissioner Booth: Yes but we have to say that we're considering it

YEAS: Gordon, Petit, Granier, Richard, Booth, Frangella, Galliano  
NAYS: None  
ABSENT: None

Commissioner Booth: We are now considering the new revised ordinance that is written by Planning and Zoning. Any other questions or comments on the new revised ordinance?

Mr. Albert: It's Mr. Hogan's revisions, not the department.

Commissioner Booth: It's Mr. Hogan's, I'm sorry, my mistake. If there are no comments or questions we can call for the vote.

YEAS: None  
NAYS: Gordon, Petit, Granier, Richard, Booth, Frangella, Galliano  
ABSENT: None

Commissioner Booth: That fails.

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