

Commissioner Booth: Next item on the agenda PZS-2018-53 requested by Bayou Fleet Partnership LLP for revocation of Walnut Street west of Oak Street and resubdivision of the revoked street, Lots 5, 6 & 7, Blk. 6, Lots 1-6, Blk. 8, Pecan Bayou into Parcel B, Pecan Bayou Subdivision, St. Charles Parish, La. Zoning District R-1A. Council District 1. Ms. Stein.

Ms. Stein: Thank you Mr. Chair. This application and the next application would create 2 large parcels on what we would call a paper subdivision in Hahnville. This property was laid out as Pecan Bayou in the late '60's. The roads and portions of the subdivision closer to the river were developed and houses got built. The streets in this area were not built and that's Walnut Street and a portion of Butternut Street. The lots were subdivided but not built with houses since they didn't have a street in front of them. In 2004 Bayou Fleet requested a different layout than the Pecan Bayou Subdivision was laid out with in 1964. It had 5 lots on this parcel, Parcel B, would have had 5 lots that all came off of, sorry 3 lots that would have come off of Oak Street and 2 lots that would have used frontage from Butternut Street. That preliminary plat was approved in 2004, it included a revocation of Walnut Street but it also requested that the subdivision be allowed to go forward with open swale drainage. It was something that the parish was maybe pushing to discourage although it was recommended approval by the Department of Public Works with open swales, they had no objection to it and was approved as a preliminary plat by the parish Planning and Zoning Commission at the time with open swale. When it went forward to the parish council, the open swale was denied. That did not necessarily kill the preliminary plat, it just killed the ability to develop the subdivision with ditches instead of subsurface drainage. The developer can tell you his side of the story but he wanted to move forward with open swales and he sued the parish and was awarded a judgement that I have here that said the subdivision is approved with open swale and the revocation of the streets, in this case it would just be a portion of Walnut Street that we were talking about. The developer for, there's a long story to it but the subdivision went to construction plan or construction plans were being prepared, those construction plans after the judgement just never got to a point that they were approved. As a result of all of this back and forth, and the construction of the subdivision not being approved, the revocation of the streets that were ordered in the judgement never went through its final processes. The owner now wants to sell the entire parcel, is what we understand, he's creating one single parcel out of it. If anything else were to happen on this property, obviously it would have to come back to you if he wants to cut any additional lots on it or develop it in any way other than putting one single family house on it, that is what can happen on Parcel B if it is created. Enact the recommendation of the judgement or get the judgement finalized and get everything done, we recommend approval of the resubdivision into Parcel B, with the revocation of Walnut Street as it's shown on a revised plat that has very minor changes to what's in your agenda, it's added in the vicinity map and a note about extension of utilities.

Mr. Albert: Mr. Chairman, just to summarize for the audience because there's a lot of background there and for you all as well. This application is taking 9 parcels plus an undeveloped street and consolidating it into one parcel, so it's rewinding the clock on everything that's there, so in the end if this is approved, there will be one piece of ground under one ownership there, which is to simplify it a little bit.

Commissioner Booth: Thank you Sir. Public hearing for PZS-2018-53, Bayou Fleet Partnership, for revocation of Walnut Street west of Oak Street and resubdivision of the revoked street, Lots 5, 6 & 7, Blk. 6, Lots 1-6, Blk. 8, Pecan Bayou into Parcel B, Pecan Bayou Subdivision, anyone here to speak for or against this particular issue? Would you state your name and address for the record please?

Evening, my name is Lawrence Zeringue I live at 619 Aquarius. I'm an adjacent land owner to the rear of these lots. I have no objection to the revocation of this portion for the combination, the only concerns I have is what will happen to this lot in the future. I have had severe problems over the years with flooding coming off of my neighbor's lots and this property here. I have a photo here, hopefully yall can see it, this is my backyard 2 days after a rain. As I said, I have no objection to this, I would just like to know, to make sure that once this thing moves forward that something is put in to be able to help with the drainage of all the people on Aquarius and to actually help me,

because I had to dig a 6 ft. wide shallow ditch through my property to make sure I alleviated all that standing water.

Commissioner Booth: Thank you Sir. Anyone else here to speak for or against this issue? Will you state your name and address for the record please ma'am.

My name is Clara Daigle, I live at 633 Aquarius St., I live beside Mr. Lawrence. We've had a problem for the last few years of flooding, rain coming from the property. We only ask that some kind of drainage be put in between us because our water is going to Aquarius and their water is supposed to go to Oak but it's all coming behind Lee's yard and Mel Faucheux's yard and we just got dirt in February or March in there and dug a ditch and we're trying to get the water out because there is nowhere for it to go and if they put more dirt on that property, it's going to come our way some more. So we're just asking for some kind of drainage between Aquarius and Pecan Bayou to get that water from us. Thank you.

Commissioner Booth: State your name and address for the record please.

My name is James Williams, 111 Hickory Street, Hahnville. I have as the other people have mentioned, no problem with the man developing his property, the only concern we do have is that of drainage. I have a little statement here that I would like to read to the Planning and Zoning. It says we, James and Demica Williams, residents of 111 Hickory Street, Hahnville adjacent to the adjacent subdivision and I'm concerned of the following issues and how the property owner, Bayou Fleet, intends to clearly identify and correct drainage issues before proceeding or advancing the planned subdivision. Prior to this request, Bayou Fleet has been contacted and requested to rectify standing water on the back side of our property that occurs either after heavy rainfalls or several days of rain, with the understanding that the subdivision will have to meet Planning and Zoning requirements to build. Unfortunately in the past, the landowner has made their own attempt to circumvent the drainage issue by proposing to take matters into their own hands, leading to our concern for this, their integrity and their lack of concern for the current homeowners adjacent to the property. Several years ago, Bayou Fleet relocated a culvert filled ditch which in turn affected the drainage to the adjacent property owners on Hickory and Oak Streets. Upon neighbors noticing the flow of water backfilling the ditch and not draining, brought their concerns to the council at that time, voicing their concerns it was decided in the former council hearing under former Councilmember Desmond Hillaire, Bayou Fleet was required to put the culvert ditch back into its original state. A couple of years following Bayou Fleet decided to take another approach by filling the property once again having a negative affect on the adjacent property owner, the fill was full of bottles, cans, plastics and other trash particles that was not conducive to environmental cleanliness. We gave respect and did not cross the property line incurring an injury. This current situation still affects us today with stagnated water which can be breeding grounds for one of the most disease carrying mosquitoes. These foregoing actions leave us to question Bayou Fleet's integrity, concern for the community standard of the parish, the type of housing proposed and the type of circumventing actions that are not transparent. I hope tonight's Council will review further before voting in favor of proposed subdivision and provide answers back to us, the existing owners, I would be remiss if I did not close and say Bayou Fleet has cut down some of the grass, kept the area clear whereas rodents and other things would not come upon the property owners, we thank them for that but our concern mainly is the drainage. If they do what they're going to do or build whatever, we want to know as property owners would it come back on us. Thank you.

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

John Pechon, 122 Hickory Street. Good evening, I'll try to make this brief. I'm sure that they would like to develop the property and that would be their right, but right now the ground is low and saturated, they're going to have to build the property up. Already the ditches can't support the drainage whenever it rains. The electrical grid back there, we lose electricity at least twice a month, you ask the workers why, antiquated grid and too many people on it. Right now unless they would be willing to come in and put new

sewer systems, drainage systems and update the grids, there's no room for development back there.

Commissioner Booth: Thank you Sir. Anyone else? State your name and address for the record please.

My name is Robin Durant, I'm Bayou Fleet, the owner of the property. First of all we don't want to develop anything we just want to sell it. We had some time ago requested dividing the property up but demands of the parish made it uneconomical to do it for us at that time. We did litigate over the revocation of the streets. My position with the parish is either revoke them or put them in and Judge St. Pierre agreed with me. He said hold the parish to either put the streets in or revoke them and he decided to revoke them and the parish, Bobby Raymond, was the attorney at the time, agreed to revoke the streets and since the open swale ditches had been in existence since 1964 the judge agreed they shouldn't have to now be covered. What's basically happened, the difficulty these people are referring to is particularly on Aquarius and on Hickory Street is that the people have built their houses and the regulations require that you grade your property from the rear to the front lot. So all these people that have water in their back yard is because they've turtle backed their lots and all of the water that falls on the back side or their back yard comes down to my property because they're not graded forwarded and that is something that would have to be dealt with by some future developer. Like I said all I want to do is establish this resubdivision. The only thing I'm trying to address is the revocation of the streets, which we have a judgement from Judge St. Pierre, he directed the parish to revoke the streets. I didn't realize that we had to go through the process of resubdivision and going in front of the Council to get approval of his judgement but apparently we do, which is what we're trying to do now. I just want to sell the property, I don't want to develop it, I don't want to divide it up into 5 lots or cut it up into 10 lots, you know all I want to do is sell it. The only way we can do that and get a clear title is to go through this resubdivision and revocation of the streets. The complaints that the people have will be something that they should bring up in front of the Council or the Planning and Zoning when whoever buys the property from me comes in and want to develop it or build something. My belief is that what I had suggested to the parish that I do is to fill the lots in order that they properly drain in accordance with the regulations from the rear to the front ditch which is what all these other people should be doing. If they've turtle backed their lots to where they have no place for the water that falls in their backyards to get out to the front, then they need to deal with that. They shouldn't ask me to deal with the problem developed by the turtle backing of their lots, but irrespective for some future developer to deal with, all I want to do is sell my property and the only way I can do it, the only way I can get a clear title is by going through this resubdivision which effectively just revokes the streets in accordance with the judgement we have. That's all I really have to say.

Commissioner Booth: Thank you Sir.

Mr. Durant: Thank you.

Commissioner Booth: Anyone else here to speak for or against this issue? Any questions or comments from the Commission?

Commissioner Gordon: One question, Administration, if the lot sells and whoever the buyer is and he or she wants to build, would they have to do a Drainage Impact Analysis on the lot?

Ms. Stein: Likely if they build 1 single family residence which again is what would be permitted outright, that's it. What he's doing is reducing on this particular parcel 9 lots to 1, 1 structure is permitted per lot, we'd be looking at 1 house that would not necessarily require a drainage impact. Should the purchaser wish to subdivide these properties further, yes, most likely that would require a Drainage Impact Analysis unless they come back to you with any more than 1 lot, anyway, but it may not be a major subdivision.

Mr. Albert: Drainage Impact Analysis is an element of construction approval for when you're building a major subdivision and occasionally some minor subdivisions. It's

something that's submitted to Public Works, they review it, it's part of the set of letters that you get when a subdivision is brought before you. The times that we consider drainage are during those processes and when structures are built when we look at the drainage patterns, not a drainage impact analysis, that's looking at the whole area where all the water is going to move between the properties and how. When we look at the drainage pattern on any individual lot or building that's going up, it's looking to make sure that it matches the drainage pattern that was approved as part of that analysis during the subdivision process. So if the assumption is that there is an issue with water out there right now the only way for that to actually be fixed would be to move forward with the process and for other structures to go up to start managing the water in an appropriate and modern way.

Commissioner Booth: Ok. Any other questions or comments?

Commissioner Granier: So what are the options to be able to satisfy the judgement but also protect the residents from them being able to or the concern of the drainage being able to be addressed with the next property owner?

Mr. Albert: Not being dismissive at all of the concerns, the process is already established to protect them because that drainage would be reviewed. If someone came in and wanted to do 6 new lots there, that major subdivision is going to get reviewed and have a drainage impact analysis as it comes before you, so that process is already there. If it's 2 or 3 homes then each one of those are going to be evaluated in the permitting process when we check to make sure that they are draining towards I'm assuming it would be Oak Street in this instance. So like I said, not to be dismissive of it but you really only have to act on this thing tonight because the drainage question is something you would deal with at a later time when that other application comes in.

Commissioner Granier: Unless it's only 1.

Mr. Albert: Unless it's only 1, correct, but they could build that 1 right now without coming here

Commissioner Granier: I understand.

Mr. Albert: And I don't think they'd go through all of this for one.

Commissioner Booth: Any other questions or comments? Call for the vote.

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

Commissioner Booth: That passes, Mr. Frangella is not here tonight. That goes to the Council, the final approval will be done by the Parish Council.
