

Commissioner Frangella: Next up, 2020-20-R requested by Brennen & Melisa Friloux and Kourtne & Kris Donnaud for a change of zoning district from R-1A to O-L on approximately four acres at the end of Terri Dr., Lot 3061, Block 5, Luling. Council District 7.

Mr. Welker: The applicant requests a change of zoning from R-1A, Single Family Residential to O-L on land that they intend to purchase. The area under consideration is located south of the terminus of Terri Drive and appears to be approximately 2.35 acres. The applicant submitted a 1976 property record and a 1999 resubdivision survey. Planning staff did not find record of the resubdivision being approved. The survey appears to be for a resubdivision which ultimately did not occur. The applicant also submitted a wetland delineation map showing a land in same immediate vicinity, but with different boundaries. At the time of writing this report, Planning Staff are working with the applicant to try to make sure the area they wish to rezone can be identified accurately in an ordinance that the Council can consider.

All that being said, the request fails all three rezoning guidelines. It does not further the goals of the Comprehensive Land Use Plan which calls for Low Density Residential development of the area similar to the surrounding neighborhood. It is requesting a spot zoning given there is no O-L zoning or uses in the area. The current R-1A zoning doesn't prevent reasonable use of the property, and the uses permitted in the O-L zoning district would be incompatible with the typical single-family residential neighborhoods immediately adjacent to this site.

The subject area does not appear to exceed three (3) acres, and if approved would require a corresponding change to the Future Land Use Map designation from Low Density Residential to Rural Residential.

The department does recommend denial based on not meeting any of the 3 rezoning criteria.

Commissioner Frangella: Ok. Are the applicants present and do they wish to come forward and speak? State your name and address for the record.

Melissa Friloux, 225 Lake Catherine Drive in Luling.
Brennen Friloux, 225 Lake Catherine Drive, Luling

Commissioner Frangella: Anything that you'd like to add?

Ms. Friloux: Melissa Friloux and my husband Brennen, we plan to purchase this property together with our friends, Kourtne and Kris Donnaud. The current zoning for the property is R-1A which is residential, we have no problem at all with the current zoning. It actually matches our purpose which is to build a single family home for each of us, two homes total, that's it. We're only rezoning the portion that we plan to build on and leaving the rest of the property as is, as the current zoning is. After working with a consultant to confirm that the area that we wanted to build on behind Terri Drive was uplands, we went to Planning and Zoning to make sure we met the criteria to build. We were told we could not build on it as is because we don't have 60 ft. of road frontage. Planning and Zoning recommended that we rezone the portion of the land that we want to build on to Open Land because we would not need 60 ft. of road frontage if it was Open Land. This is the only reason we are here today. They are now recommending denial which is confusing since they were the ones that recommended this zoning change. Many abutting land owners have contacted me asking if I would be interested in selling them the area behind their homes to ensure that they can continue to use the land as they have been. We just wanted to let all the neighbors know that we would absolutely do that pending the parish approves it. As it is, we do plan to build in a manner that would not disturb anyone's views. We're leaving tree lines behind every single home and we do appreciate that the neighbors enjoy how quiet and pretty it is in Lagattuta Subdivision, our plan is to keep it that way and enjoy it as well. We will not build a subdivision, we are buying the entire 42 acres that is being sold, we will not build a subdivision that is not our purpose. I do think there are some misconceptions about that, that is not at all what we plan to do, we will build 2 homes. We just wanted to point out that this land is for sale to the public, someone

will purchase it, if it is not us, it will be a developer that will come in and make it into a subdivision. One local developer already has the legwork done on that and produced a plot plan drawn up breaking the land into 113 lots that can be built on. The legwork is now done and we've worked with the Corp of Engineers over 6 months finding out details of this beautiful 42-acre parcel. The land is a gold mine for a developer honestly, like the one that will be here tonight interested in moving forth with Heather Oaks Subdivision. It's zoned for a residential neighborhood already so honestly, there's nothing that can really stop them. So I ask to the neighbors and also to the board would it be better for us to build 2 homes or a developer to clear everything and build 113? Our purpose is clear to protect the integrity of the land, raise our family's there. Since this partial rezone is the only way to build our family homes according to Planning and Zoning we would hope that you would decide to approve us. That's it for us.

Mr. Friloux: Our driveways wouldn't be rock roads, it would be actually be like a hard surface driveway, kind of matching the road. The only reason why we're here like I said is because we can't get back there, we need the 60 ft. of road frontage and we can't extend the street right now with the moratorium and that's it. I mean we're building nice 2 homes back there.

Ms. Friloux: Honestly for us, we're the smaller people, right, we just want to build 2 homes so we can't go back there and really spend a ton of money developing this property, that's not something we can do, we don't have the funds and we don't even have the initiative to want to do that. We plan to just have the 2 homes like I said and that's our goal, we plan to keep the rest of the property exactly how it is and my thing is like I told them at Planning and Zoning, they know more than me but you know if it was up to me I would like to have some type of special permission to go ahead and put really nice driveways down from Terri Drive, build our homes, leave the tree line and that would be it for us but we were told we can't do that. So that's why we're here. I think the Open Land zoning is kind of silly honestly but that's where we're at.

Commissioner Frangella: Ok. Thank you. Open public hearing for 2020-20-Rezoning, anyone here to speak for or against? Please state your name and address for the record.

Thomas Faucheux, 612 Diane Drive, Lagatutta. By looking at the property like I said and what they have seems to be a good deal for them and you know regardless, it looks like the property is going to be sold so we really have no say so in the sense of who really purchases the property and what's done with it. Being the 2 houses or a full subdivision but it's hard to put in writing that it's going to stay as is, not sold at a later date by the one's who's wanting to purchase the property now. So I don't know how yall are going to handle this with Planning and Zoning. We'd like to hear some kind of feedback from yall.

Commissioner Frangella: I guess for clarity that if this is spot zoned in this, the rest of it still can be developed as residential, correct? There's no stipulations that we can put on the property to ensure that it stays as is, it's up to that.

Mr. Welker: The zoning allows for it now and the zoning based on what we understand of the area to be rezoned would allow for it still. There's still another street, Diane Drive that I don't believe the OL would extend to and even then you can still develop the OL with single homes with just bigger lots so short answer, yes it can still be developed as a neighborhood.

Mr. Faucheux: So whether the Friloux's buy it or another developer, you know it's their property to do what their wishers are, so Lagattuta residents we come here just to see what's it all about because really we don't have a whole lot of say so on this and its progress, so it's like the highest bidder wins, it's like I can purchase the property, anyone can purchase, you can purchase it. That's all I have to say on it.

Commissioner Frangella: Thank you, anyone else here to speak for or against? Michael you have anything to add to this?

Mr. Albert: just to add something to this, the request for Open Land zoning is to allow for access to the property without street frontage. The reason it's being asked for is to

circumvent that frontage requirement on the street, it's the only zoning district that will allow them to take access the way they're asking to. So that's the situation here. The road being an issue with the moratorium, anytime a minor subdivision has infrastructure that has to be dedicated as part of that application it elevates it to a major subdivision which would be subject to the moratorium at this point. Just to clarify a few points on weighing in on either.

Commissioner Petit: That means the road can be extended, it just can't be extended at this point because of the moratorium.

Mr. Albert: Correct.

Commissioner Frangella: Go ahead sir, state your name and address for the record.

My name is Eugene Hall, I live at 101 Sheila Court in the Lagattuta Subdivision. I definitely have issues with Open Land. From my reading of the codes, it says it's primarily for agricultural purposes and I know it's been extended to different others special uses such as railroads and cemeteries and other things but it looks like it was primarily for agricultural use. I think this leaves a big hole in most of our minds, the residents there in the subdivision, could something else be used for this land in the future. It may not be these people here but next year when they go to sell it or whatever, could this be used for livestock, could a pig farm be put right there by the Lagattuta Subdivision? All these things would bring our property values down, we've worked pretty hard for our property there and that subdivision's been there some 50 years and it has a distinct feel and look to the people that live there, could that all change here with this? That's the biggest concern that I've heard from my neighbors and others was that we spent a fortune on this property, our livelihoods are invested there and could this all be changed radically by somebody coming in buying property, getting it zoned Open Land and next thing we know there's a pig farm, there's cattle, there's a horse stable, there's all these things on our property that are undesirable to us. Open Land that stays with the property regardless of the owner. That's it in a nutshell for most of us. We don't know what protections we have when this happens and could there be something done, we're unsure but we just don't like the idea of this. We prefer residential, the area be residential as it was originally zoned and be maintained that way. That's about it.

Commissioner Frangella: Alright thank you sir. Ok. Open hearing for 2020-20-Rezoning, anyone else to speak for or against.

Eddie Zeringue, 614 Terri Drive, Luling. My property is going to be bordering the proposed rezoning. I'm going to be really quick because I get nervous speaking here in front of people. But I will say that I'm against the rezoning, I'd like to leave it as residential. I think the Open Land zoning allows for too much uncertainties for the future. If there would be guarantees that that property would only be like it's proposed for 2 houses for those 4 acres I probably wouldn't have much of a grievance on it but you never know what the future holds and that's my concern. Thank you

Commissioner Frangella: What we're talking about is, I'm trying to think in the analysis it says 2.35 acres then in the other part it says 4 acres so how much of this is actually being rezoned?

Mr. Welker: I believe the 2.35 number is the more accurate number because it's based on the delineation map that we received that shows which area of the lot property is wet and which is dry, the dry portion is that 2.35. Initially it started out at the 4 but that got dialed down as we got more information.

Commissioner Frangella: Ok so

Commissioner Keen: the area that's been deemed wetlands is already protected as not being able to have residences there correct?

Ms. Stein: It can be mitigated but yes

Commissioner Keen: As it stands right now.

Ms. Stein: Well its wet, this is a wetlands delineation map from the Corp

Commissioner Frangella: Once again this is open public hearing for 2020-20-Rezoning, anyone else here to speak for or against?

Hi my name is Robin Begue, I live at 108 Christina Court in Lagattuta Subdivision. Hearing the proposal, not realizing the hoops that they had to go through, it's either residential what it is now or for them to build 2 houses which to me is preferable to a hundred houses because we have a quiet bedroom community, not all subdivisions are that way, that's what keeps us in Lagattuta, very quiet, you know your neighbors. The only choice they have to be able to build their 2 houses back there is to reclassify it Open Land because of the moratorium having to do with the roadway, is that correct? Am I understanding this correct? And this moratorium was put in place to protect citizen's subdivisions in St. Charles Parish from overdevelopment without proper infrastructure I think, ok that's my understanding, I'm just an average person in an average neighborhood but I'm just trying to understand. I would rather see these 2 who are passionate about it get it but the concern of Open Land and the intent now is 2 houses, but once it is zoned Open Land like the other neighbors said, anything can go, that's not their intent but there's nothing stopping the pig farm or things like that at that's not conducive to our neighborhood. Is there nothing else that can be done? More on that moratorium, I think if we understood better and I know that's a recent development that was passed maybe in August that might be 18 months moratorium until the process is vetted for proper infrastructure, drainage, things of that nature. So perhaps the answer is not to rezone to buy it as is, wait a couple of years, once that moratorium is lifted up to 18 months, maybe less depending, what that be a better solution for yall and for us? I don't know I'm just asking that, I came here opposed to it from the get go just the whole concept of Open Land. So it's either residential or Open Land? Is there no in-between for cases like this?

Mr. Welker: There's really 2 options and 1 of them is why we're here tonight. In order to build on this lot the way it's zoned, the right of way has to be extended by at least 60 ft., that dedicated and then it gets its 60 ft. front on the public street, the only way to try to get around that is to zone Open Land which it does have a bit more looser restrictions and what not as far as frontage on a public road. It's easier to rezone it and they can build without having to get the frontage on a public road or it doesn't get rezoned and they have to wait essentially.

Ms. Begue: Would there be any kind of variance for the 60 ft. roadway?

Mr. Welker: No.

Ms. Begue: And it has to be 60 ft. because based on the size

Mr. Welker: Yes the minimum lot width in this zoning district is 60 ft.

Ms. Begue: Even at the 2.35 acres as opposed to 4 acres? That 60 ft. is what is needed for that?

Mr. Welker: At least 60 ft. on a roadway.

Ms. Begue: Ok. Question answered and the whole moratorium thing, is that correct that it's an 18 month moratorium until the processes have been vetted for drainage and all that kind of stuff correct?

Ms. Stein: It's actually drainage studies that are being completed and once the drainage study for a community in this case, Luling, if the drainage study for the community of Luling is adopted by the Council prior to 18 months then Luling comes out of the moratorium restrictions.

Ms. Begue: So once the moratorium is up after this then perhaps it can stay residential or would that 60 ft. still be required or is that strictly a moratorium thing?

Ms. Stein: 60 ft. is required for frontage to create a lot of record in this zoning district, 60 ft. is required.

Ms. Begue: So moratorium or not we need 60 ft.

Ms. Stein: If it remains R-1A

Ms. Begue: Well that answers my questions thank you.

Commissioner Frangella: Ok. Anyone else here to speak for or against 2020-20-
Rezoning?

Just wanted to respond by saying that

Commissioner Frangella: Name and address again for the record.

Melissa Friloux, 225 Lake Catherine Drive, Luling
Brennen Friloux, 225 Lake Catherine Drive, Luling

Ms. Friloux: Just wanted to reply to the neighbors and tell them that we absolutely understand their concerns, my parents actually live on Diane Drive and through the case of all of this I told several people at Planning and Zoning that I understand they're trying to help us accomplish what we're trying to do but I can understand as well why the neighbors do have an issue with this. It is definitely 2.35 acres, whatever it was of uplands, no more than 2.5. The homes, the driveways and the garages we build those sort of things will take up most of that. Also, of that 2.5 acres we are leaving a really big tree line because the reason that I'm moving is not to be able to see a ton of people, that's why I'm buying 42 acres. So a lot of this will be taken up. I have 3 boys so it's kind of like a farm at my house already, but we will not be doing a farm. I do understand if we were to sell or change our minds or anything like that why the neighbors feel like they do. Also I feel the same, I do think it's silly, I'm into real estate, we buy homes, we're very, very big in this parish in caring about what's going on in the neighborhoods, born and raised here so I would also look at this and go this is kind of interesting and wishy washy and be concerned with it, I get it. I just don't think there's another way. I do wish there was another way, but I don't understand how there would be another way and then my other concern would be because I've been told a couple of different things, like, so let's say, well first of all we will not purchase this property and wait a couple of years, I'll definitely back out, someone else can have it because we're trying to get this done right now, we have a son who will graduate and going to college in a few years so we want to make sure he has this as his family home as well, so we're either staying where we're at or buying it and build right away and that's just where we're at. So if it doesn't go through Open Land, what are we looking at? Is the moratorium going to last the full 18 months? Like do we know if it can possibly come earlier? How are the drainage studies going? Do yall have any information?

Ms. Stein: We don't have any information.

Ms. Friloux: Ok and if we did have to extend the road I know that with residential you're allowed to extend the road, I get it, but what hoops do I have to jump through to get that done, like what department would I have to deal with to make sure that we can actually do that once the moratorium is up?

Mr. Albert: At that point it would be a major subdivision if you're talking about extending the road.

Ms. Friloux: So when you guys did this moratorium, it's a flat moratorium, anything that's outside of that in case we have somebody that needs to do this to progress forward

Mr. Albert: the moratorium applies to the approval of any preliminary plats, a preliminary plat is required for a major subdivision.

Ms. Friloux: Yes so there is no other way basically. That's all I got to say.

Commissioner Frangella: I guess I have one question while you're up here, looking at the lot size for the road, are you going to plan on this Open Land splitting the lot? Because you've said you're building 2 houses.

Ms. Friloux: Say that one more time.

Commissioner Frangella: You talked about building 2 houses and what I'm looking at and seeing what's wetlands, you got approximately 100 ft. on one side and then it kinda pie shape over

Ms. Friloux: It's interesting

Commissioner Frangella: So how would you, you're not showing anything about splitting this property into 2, how would you even get access to the other lot?

Mr. Friloux: We would split it into to 2, the survey would cost so much so we didn't want to go that route but we you would have to split it into 2.

Ms. Friloux: You have to be able to know what you're doing, I mean we have a couple of drawings that we've been working but we would come off of Terri Drive with 2 driveways, leave a tree line and each of us would build there. Now the property is already split into 2, it's an X and Y Parcel so if you have to move the lot line over or something like that to be able to put the houses where they need to go, you know we have to be creative with all that of course but the goal here honestly is just to build 2 homes on the uplands so we're going to have to get creative when we get to that point, because I'm not going to dish out any more money to set someone else up to come and buy this for sure.

Commissioner Frangella: Alright, thank you. Once again, open public hearing for 2020-20-Rezoning, anyone else here to speak for or against? Seeing none, we'll close public hearing 2020-20-Rezoning. Any questions from the Commissioners for the Friloux's or for Ms. Stein or Mr. Welker?

Commissioner Galliano: Let's be clear with this, if they extend the road and mitigate that wetland they could build lots of homes back here, right? They can develop the whole 47 acres right?

Mr. Albert: I couldn't comment on that until we have more information. If you're asking if the zoning allows for residential development, yes. With the amount of wet area back there and everything else that it would take to develop it, I can't answer that question without more information.

Commissioner Frangella: Which that would be the same thing without the 4 acres or the 2.35 acres, that can still take place with the development, correct? Any other questions or comments?

Commissioner Petit: For me I would like to see this wait until after the moratorium where there's a more comprehensive plan. Even if we were to allow for this to pass it would create a spot zone but also create an area in the neighborhood that looks drastically different from the rest of the neighborhood so this is not something that I can support at this point.

Commissioner Frangella: Any other comments or questions?

Just to respond, Melissa Friloux, 225 Lake Catherine Drive. So honestly it wouldn't look differently from anything to be honest with you. If you've been to the back of the neighborhood, you go to the back of Terri Drive and Diane Drive, Sheila Court, you see trees, we're keeping it the same way, that will be our plan. We would have our driveways off of Terri Drive. Like if you go this way on the map, you know off of Terri Drive, you go this way and you have the majority of your uplands there, that's where we would build

and so honestly the impact of the way that this would look or what it would change in the subdivision would be zero to none to be honest with you.

Commissioner Petit: You're telling that to us today but there is no way with this rezoning for us to keep those constraints in place. As some of the public mentioned you can do anything at that point, you can come back and split it into 2 lots, 3 lots, potentially even more and for me to support something like this I would want to see that comprehensive plan, I recognize you can't do that today because of the moratorium but I think one of the reasons the moratorium is here is to prevent something like this.

Ms. Friloux: So my question, let's pretend the moratorium lifts tomorrow what do I have to do? What do I then have to do to extend the road?

Commissioner Frangella: that is not for us to determine, with that information you would have to go to

Ms. Friloux: Well he's saying let the moratorium go and to revisit this, but the thing is I may not be able to extend the road anyway unless I'm one of these big developers that's got the money to come in, mitigate and do what I want to do with it. There's a lot of them out there, you're going to see one of them in a little while so it's a very good chance that everybody's got their hands in this right now and they've been calling the agent and saying hey just let me know if you got a contract, you've been under contract for 7 months. I know what's going to happen with this as soon as we back out, I'm just letting you guys know. We also had a lot of trouble dealing with Planning and Zoning with this and letting know what we're going through and we didn't think this is the way. So there's no other way, we're back up to a corner and that's just where we're at with it. Thank you.

Commissioner Frangella: thank you. Last call, any other comments or questions. Seeing none, we'll call for the vote.

YEAS: None

NAYS: Ross, Petit, Schexnaydre, Keen, Dunn, Frangella, Galliano

ABSENNT: None

Commissioner Frangella: That fails.
