

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 forward 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.

Commissioner Booth: Next item on the agenda PZS-2018-54 requested by Bayou Fleet Partnership, LLP for the revocation of Walnut Street east of Oak Street and the revocation of a portion of Butternut Street east of Oak Street and resubdivision of the revoked streets, Lots 4, 5, & 6, Blk. 5 Lots 1-6, Blk. 7, Pecan Bayou Subd. into Parcel A, Pecan Bayou Subd. St. Charles Parish, La. Zoning District R-1A. Council District 1. Ms. Stein.

Ms. Stein: Thank you Mr. Chair. This application is very similar to the last application, the only difference is that it revokes both an undeveloped portion of Walnut Street with the addition of an undeveloped portion of Butternut Street. The plat that you have in your agenda on page 38, at the 11th hour we noticed that the entire right of way of Butternut was not being dissolved into Parcel A. We got with the applicant, he was extremely accommodating. He owns huge, vast amounts of land on the opposite side of Butternut Street but did and intended to keep that 16 ft. of Butternut Street, that's procedurally difficult, it doesn't really meet the letter of the law, we asked him to please put it in with Parcel A which he did and we recommend approval again. Thanks.

Commissioner Booth: Thank you. Public hearing for PZS-2018-54 for Bayou Fleet, same as the last one we had but this one is the revocation of Walnut Street east of Oak Street and Butternut Street east of Oak and the lots have been stated. Anyone here to speak for or against.

Lawrence Zeringue, 619 Aquarius. Currently and has happened in the past along Butternut Street there is a drainage structure, an 18 inch culvert existing now, it used to be open many years ago. That culvert to my knowledge and from looking at it this morning is actually still within the right of way and is still draining most of Oak Street and to some extent probably some of Aquarius. I would also ask since the applicant requested a change for the drawing, Marny did he respond that he knew that Mr. Durant was going to revoke the entire right of way of Butternut?

Ms. Stein: Yes, that is the application, the entire right of way.

Mr. Zeringue: Currently Butternut Street has been gated off. Public Works has been unable for the past several years to get in there and do any maintenance to the culvert. The culvert does drain Oak Street and in my opinion is needed by the parish. Also, the original drawing here would show just a 16 ft. remaining dedicated for Butternut. I believe if the parish were to maintain that culvert and get in there that is not a big enough of an area to run heavy equipment, dump trucks without running it over the catch basins and culvert itself. For the remainder of the property, I personally have no objection. I think it was also recommended many, many, years ago that Butternut not be revoked and it's generally because of this because if this right of way were to be removed, anyone, the next property owner could remove that pipe and severely hamper the drainage for area and this would send all of the water coming down Oak Street almost all the way to River Road coming down Butternut and down through Aquarius. There has been issues I've noticed where high water and flooding just along Butternut because of something like this. At the intersection of Oak Street and Butternut there's 2 24 in. pipes coming in and there's 1 18 in going out. In my opinion the parish does need at least Butternut to at least maintain drainage for the area. Thank you.

Commissioner Booth: Anyone else to speak for or against this issue? State your name and address again please.

My name is Robin Durant, I live on River Road in Hahnville. I really would just like to address a few of the comments that the gentleman made.

Commissioner Booth: Yes.

Mr. Durant: The culvert that he's referring to is for the most part on my private property, it runs about 400 ft. I spent about \$150K putting it in, the last thing I want to do is remove it. Since I've been in this parish everything I've done has been a dramatic improvement to the parish and to my business and to several residences that I rebuilt on River Road, my farm property, what was back there was just a fallow, horrible, ex-cane field that was used as dump by the neighborhood, it's a beautiful farm now and the last thing that I want to do is to flood my own property. The implication that I'm doing things to damage or to harm, to flood is just ludicrous, everything I've done has improved the flow of water. The simple fact of the matter is that the judgement was 7 or 8 years ago, revoked the street and the right of way and you can't revoke part of the street, it's either revoked or it's not revoked. If the parish had wanted to retain ownership of some part of the street they could have appealed the judgement but that was 7 or 8 years ago. I think we're beyond whether or not the parish needs the right of way or needs the drainage but irrespective of all that I have no intention of doing anything to drainage, frankly the drainage back there is very good. That culvert is the subject of I hate to even mention it, but other litigation that I've had with the parish and there's a settlement agreement which was entered in between my company and the parish when St. Pierre was Parish President and it covers that ditch and the agreement I have with the parish concerning not that ditch, the culvert and a number of other ditches. I just ask that you approve my request here and let me go ahead and sell my piece of property in accordance with the judgement that was issued 6, 7, 8 whatever it was years ago. Thank you.

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

Commissioner Granier: I'm going culvert crazy I guess. So what is exactly on his private property and what's part of a right of way that may or may not exist after tonight, I'm confused about the culvert.

Mr. Zeringue: Exactly what's the question pertaining?

Commissioner Granier: You have a concern about the culvert being removed, so what is the question about the culvert?

Mr. Zeringue: The main issue I have is whether or not because it does handle public drainage and I just like to make sure that the parish actually has the ability to go in there on its own volition to clean it if they need to, if they so deem that it needs to be larger, it would be on their nickel to go in and replace it, that's the main thing. We have actual drainage that's on public right of way and we've never been able to determine if it's 100% on or off the servitude, I mean the right of way, I'm sorry.

Commissioner Granier: So this culvert we're discussing he's saying is on his private property.

Mr. Zeringue: That is the 18 inch culvert that I was referring to when I was speaking. Historically the water would come down Oak Street and would turn towards Julia Street and then from there I imagine that it did go through Mr. Durant's property to actually get to the Crawfish Canal in the back, way in the back to the properties. Crawfish Canal is also considered the 40 Arpent Canal. As I've said I don't have any objections to it, I just like to make sure that the parish is actually able to have access to maintain as needed.

Commissioner Booth: Any other questions or comments?

Mr. Durant: Part of the litigation that I had with the parish was looking at servitudes. The parish did come to the conclusion that they got no servitude on any of this property back there. There was a drainage servitude on one side or both sides of Butternut Street, just like there's a drainage servitude on the side of every street, but when the street's revoked, that's revoked and it was revoked 7 or 8 years ago. The culvert that I put in is along where the right of way used to be, but when I put it in the judgement for the revocation had already been issued, technically yes I hadn't gone in front of the Council or in front of you to get the judgement confirmed or whatever you want to call it, the resubdivision but I considered it my property when I put in the culvert and like I say the culvert that I put in runs not only on that little piece, I guess it's about 200 ft. on Butternut, where Butternut Street is about 200 ft. from Oak to the section he's talking about, the culvert I put in runs all the way 100 ft. past Julia Street and then runs about 250-300 ft. right through the middle of my property at a right angle to Butternut Street tying into a farm, sugar cane field, ditch that I tied the culvert into. It was created because the parish years ago came on my property without permission, without a servitude, without any right of way or anything and they cut the ditch and it was their position that since it had been there for so many years that it was their ditch but what happened is the ditch ran along Butternut Street and then it made a right angle and when the water would run and it would rain real hard, it was creating a big swirl, a big cut out and all of my property was beginning to cave in and then it was getting washed away and then as it ran down the ditch towards the back of my property, it was creating some other problems where it went underneath another road that I wanted to tie into so what was happening is I had a fence that was slowing eroding away and falling into the ditch, I had a big swirl back at the end on my property and I had the right angle at the end of Julia Street which is why I spent \$150K putting in the culvert, but I put it in on my own property, didn't ask for the parish to pay for it, didn't ask for any of that. As far as his comment about that parish being able to get in there, if the parish wants to get in to my property, they can come in, they have keys to the locks on my gates. I don't stop them from coming in, but frankly I maintain my property, they don't need to come in. I think the last time the parish came in, Chris Tregre, asked if I wanted him to come in

and I had just cleaned out the ditches and kept the grass all cut but I don't have one of those bush hogs that can cut on the ditch on an articulated arm that will cut along the ditches and he asked would you like me to come in and cut the brush out of the ditch and I said that would be great, yeah, and so 2 days later they came and the parish cut the trash out of the ditch, cleaned it up, but I don't stop the parish from coming in and maintaining drainage ditches, that would be stupid, it's draining my property too. I just think the gentleman doesn't understand the situation and once again all I'm really trying to do is get the judgement formalized so I can sell this little piece of property and I'm not going to plug up the ditch.

Commissioner Granier: I do have another question in general, I'm sorry. So that subdivision drainage goes through his culvert, am I getting that right or am I totally lost?

Mr. Durant: There was one other thing, the gentleman said that all the water that comes down Oak Street goes into that culvert, down Butternut, over pass Julia and onto my property, that's half true. One side of Oak Street drains that way. The master drainage plan provides for the other side of Oak Street to go down Butternut in the other direction over to Aquarius and tie into the other end, another ditch that runs perpendicular to it. I can show you on this drawing right here that Oak Street comes down here and half of the water on the up side of Oak Street, the water should run this way and on the down side of Oak Street it should go into the culvert then onto my property and then over to the Hahn Street ditch. So half of the water comes down Oak Street is supposed to go on the up river side of Oak Street to a ditch towards Aquarius and on the other side it can go onto my property. That's the way it is today.

Commissioner Granier: That's the way it's going to be

Mr. Durant: until somebody else changes it because I'm not going to change it.

Commissioner Richard: You're talking about the culvert, not an open swale ditch

Mr. Durant: The culvert I put in, I put the culvert in because of the right angle turn because it was digging a huge big hole on my property.

Commissioner Richard: If you sell the property though, who owns the culvert then? I'm getting confused where the culvert is laying on the property line.

Mr. Durant: About 100 ft. section of the culvert will be on the block and there is no servitude, there is no parish servitude, it's my ditch, it's my culvert and I'm not going to tear it up, why would I do that?

Mr. Zeringue: I have a slight rebuttal. I do know the master drainage plan very well. There is no discernable information as to which way the water goes one way or the other. At one time there was in my opinion a relatively large ditch that Mr. Durant had with the 18 in. pipe put in and naturally some of the water probably does come towards Aquarius, I'm not going to deny that that is possibly existing. So my thing is I just want to make sure that the parish is able to maintain it as I said if we need to.

Commissioner Booth: Thank you Sir. Anyone else with comments or questions? State your name and address again please.

John Pechon, 122 Hickory Street. I'll make this brief. It seems like and I understand you want to sell your property but he's saying all the neighborhood drainage comes and just trust me I'm not going to do anything to impede that or tear it up or anything else, that's fine but he wanting to sell the property, what about the next guy? Shouldn't there be some type of stipulation?

Commissioner Booth: It's been stated earlier that drainage or drainage study would be done if any construction would take place. Anyone else have a comment or question? Call for the vote.

Mr. Albert: Just to clarify that was closing the public hearing.

Commissioner Booth: Yes the public hearing is now closed.

YEAS: Gordon, Petit, Granier, Richard, Booth Galliano

NAYS: None

ABSENT: Frangella

Commissioner Booth: And that goes to the Council, Mr. Frangella is not here tonight.