

2024-20-R requested by Robert V. Gilbert, Jr. on behalf of Nancy Reese Bush, et al. for a change of zoning from R-3 & R-1A to C-3 & O-L on a 44.5-acre property designated Lot 1, Lakewood West subdivision, Luling. Council District 7.

Mr. Welker – For the department to recommend approval on a rezoning the request must meet two of the three rezoning criteria in this case our findings found this request does not meet either of the three rezoning criteria resulting in a recommendation of denial. To summarize those findings on the first criteria whether or not the rezoning conforms to the land development pattern of the comprehensive plan future land use map the designation of this site is low to moderate residential on the future land use map this designation anticipates your typical single family development as permitted in R-1A, R-1B and R-1AM zoning districts there is some consideration for small scale neighborhood commercial but only in certain circumstances such as along transportation corridors and intersections neither C-3 nor OL district fit the development pattern anticipated by this designation and would not be considered furthering the goal of the comprehensive plan so that criteria is not met. On criteria two, land use pattern and character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property and proposed zoning does the existing R-3 and R-1A zoning was establish in 1981. The surrounding areas have been developed in alignment with the zoning pattern, there's multifamily, town homes, apartments, and neighborhood commercial along the R-3 portion and site bult single family homes along the R-1A portion this zoning and development pattern has remained consistent for some time and no changes or shifts have occurred which would somehow impact reasonable use of the property under its current zoning, so specifically the R-3 zone portion is appropriate it abuts existing town homes and apartments the housing type that permits would fill a need and a higher concentration of residents near the commercial corridor would benefit businesses located there. Similarly, the R-1A zoned portion of the site abuts similar single-family development permitting compatible low impacted residential uses appropriate for those areas further back from the highway. So, the department finds that the second criteria is not met for those reasons. Regarding criteria three whether the potential uses permitted by the proposed rezoning will not be incompatible with the existing neighborhood character or overburden public facilities C-3 uses include wholesale, warehousing, some manufacturing and fabrication, various trades which we find are not compatible with the existing neighborhood which is developed with apartments, single family homes, religious institutions and low intensity neighborhood scaled businesses additionally the transportation requirements detailed under the C-3 district calls for access on arterial streets basically highways Lakewood Dr. is considered a collector street is not compatible with for the type of traffic generated by C-3 uses why not as much departure from the C-3 being requested proposed OL district could permit uses such as farming, animal husbandry and manufactured homes none of which we find compatible with the surrounding areas so we find the request does not meet that criteria for those reasons and as I mentioned for not meeting any of the three criteria we would have to recommend denial.

Applicant – Robert Gilbert 11 Azalea Ct. Luling – it's kinda behind this subdivision that's there, I don't know what animal husbandry is, I'm not marrying any animals I promise y'all.

What I'm requesting is to rezone this piece of property that's there into a place where I can put Pedal Valves in the front and the section, the northernmost section closest to Hwy. 90, the property is divided into two pieces right now. The back section I'm requesting to go to open land. The reason for that is I want to put Pedal Valves, in the front section I want to put Pedal Valves, Pedal Valves has been here for it's been in Luling for 31 years we're a big member of the community we support everything that the community puts on from charity events to every sporting events that's out there we sponsor all the teams Pedal Valves is an office building. The notation of C-3 is something that we talked a lot about I'm no expert on that stuff, we don't have any customers that come there we basically an engineering office so the people that come in we have about 20 folks that come there you guys have seen Pedal Valves on River Road that last ever, right. The reason we need to move is simply we've outgrown the building we got in terms of parking, we got about 8 parking spots in the front and we're trying to park in the back we got a gravel little area that's fenced in back there, we just don't have any room anymore we tried parking on the back side right there and the parish don't really like us to do that and we need a little more room. So, this property is a very convenient place for a lot of us, a lot of us live in that community that we are talking about right here I live in the back of it, the apartments that it abuts up to I own those apartments that are in the front side of it and so it's a great space for Pedal Valves. I don't see it having any more traffic than the orthodontist building that's there, the accounting business that's there, my apartments that are right there, the daycare that's right over that's been in and out of there for a long time I don't see us using having any more traffic than those places do, it's not a we're not an unknown business to you, I'm not asking you to put a business there and next then thing you know we're this big manufacturing plant we been right there for 31 years since 93 alright we're the same business that we were all of our construction is in other stated we operate out of warehouses in those places whenever we have a project going on there, here we just house the managers and the IT folks and the engineers that are there. The 2 houses that I want to put in the back call me sentimental selfish whatever it is I want to move my 2 boys right there you know I got 2 sons one of them just graduated from LSU is an engineer working for me he wants to move back to Luling he's living in Baton Rouge right now when his fiancé graduates from vet school they want to move back over here and I want them close so maybe I have a grandkid one day and I can drive my golfcart over there a see em alright so that's one of them the other one is at LSU still hopefully he's not watching anything on here but he maybe at LSU for the next 50 years he's having a really good time over there. So, that's the 2 houses that we gonna build back there. This, so if this is approved is this zone change is approved that's what we'll have an office building in the front and 2 houses that are in the back. It's been for sale as most people know that are here and I'm really hoping that everybody in the community is kind of listening to what's going on. I tried my best to get the word to them. The property's been for sale for a very very long time. It is now very aggressively for sale they have a real estate agent they have, their trying to sell this property I negotiated with them on pricing they would like for this property to sell. It's zoned for an apartment complex upfront and a subdivision in the back. I know about subdivisions coming in the areas that you never thought would be a subdivision to well, Heather Oaks backs up right to my house and what I use to have of 40 acres of woods I now have wide open field that's got sand and houses being built on it so there's not a lot of space left in this area

so it's potential that this property that's there if I don't buy it my purchase agreement with them is contingent on this rezoning if I do not buy the property then um you know the neighbors that live along this area are very likely looking at an apartment complex on one side in the northern section and a neighborhood in the southern section. I've spoke to quite a few of them, I put out, I put out signs up in the front um I was told that I went through a whole lot of this stuff but where y'all out y'all sign I put my big billboard up there where they can everyone see what we we're doing I don't want to hide from this I live in the community I don't want it to be a big secret I want everybody to know what's going on. I also sent letters to every one of them, I put fliers to every one of them to tell exactly what our plans were in that area. I've spoken to quite a few of them there are some people who own townhomes I talked to Debbie Vial that owned some and she had no problems with what we were doing over there, Troy Barrios owns the barber shop and what not, I spoked to him and Ryan the barber that has that barber shop both of them were perfectly fine with it I went over where were going to enter the subdivision passes right off of Birch St. and the people that live right there the only ones I was able to talk to were Dan and Ellen Orr I was at their house a few days ago and talked to them about what we were doing their big concern was that I leave some woods along the back of their houses that's been brought up to me tonight as well which I fully intend to do if there was some way Michael that I could write that into the specs I would be more than happy to say that I'm going to leave a buffer between the property that is that I'm looking at purchasing and all the people's land that goes all the way around this, I have no problem with that at all. You know so they mentioned the same thing to me. I've talked to people that live on both sides of Lakewood Dr. some of them I think are here in support of it, some that couldn't be here think you may have even received an email today from Claude Adams that lives right next to it and his support of what's going on and I think the reason for support is if everyone had their if they can say in a perfect world that it would all just stay all woods for the rest of time they would say, {am I going to long Randy? No no your good) if they could go in a perfect world and say theirs never going to be anything back there then you know they would probably pick that, but given the chance that there might be a neighborhood and an apartment complex they choose they choose two houses and an office building on it and so I think that's the reason for the people, some of the people I spoken to that supported it. I spoke to people on Lakewood as well as the people that live in that subdivision that abuts up to it, you know I certainly don't want to give a commercial about myself, no one wants to do that but you know I've lived here a very very long time everything that I've done I've tried to do in what was the betterment of the community some of you may know about the golf course that was gonna be sold and turned into townhomes along that golf course I'm the guy that bought that and revived it the apartments that were there I don't know if you remember what they looked like or if the people along that area remember what they looked like prior to me purchasing them you know this was them (holding up photos) and this is them now. So, I'm not going to do anything that live in that community, I mean I'm not going to do anything in there that's going to be negative to the community so I, because I live right here I don't live in, the developer that built the area by me lived in Lafayette area, I don't live in Texas, I don't live in Arkansas I live right down the street my two kids are going to be living in this area. So you can call Pedal Valves C-1, C-2, C-3 call it C-A doesn't matter to me Pedal Valves has been the same business it has been

for 30 years it's going to be the same business over there so whatever we gotta call it the only thing that's going in that area is Pedal Valves. I'm not trying to develop that into a commercial area I'm just trying to move my business that has run out of room for parking and trying to move it to this 40 acres that are over there and that kinda what I'm asking for I know that not everybody that's um lives in that area is comfortable enough to from hear me to say that I'm going to leave trees along that area I think that's a big concern of everyone you know and I would understand it I'd feel the same way I'm more than willing to sign something put something in this agreement that say I have to leave a certain level of buffer if that doesn't work I asked Louis and he said a can put a covenants or something of my own neighborhood covenant in the thing that would be a legal document that would pass along with me that says there has to be woods left all away around this deal so I'm certainly willing on that. The only other question that I had really that came up to me was one of my other businesses is a company call R & K it's a dump truck business I own 12 dump trucks, I also own dozers and some stuff like that go along with it the property it's on it's currently next to the school board planning the Learning Center that's over there in that little shopping center perfect place for it, I'm not pulling it out of there and moving it to this property the zoning of C-3 is what that is currently zoned but when I was looking to move there I was told that I could not move my dump trucks business there and I said ok then I don't want to buy this property and so then I was told you can have it there if you get a special permit right, I had to you know there is a little letter that says that from y'all that just says you know you have to have a special permit in order to have transportation services on C-3. I think that's extremely important in this deal because if I lived on Lakewood, my dump trucks I use to keep it at my golf course and on my own behalf I said this is a terrible place for this it doesn't need to be here and no one came over and said Robbie move these dump trucks it was were they were but it was not a good move it was not a good move for the community truck would have dirt on them they would drop it on the street and I'd be out there shoveling it up cause I was embarrassed my dump trucks were dropping dirt or a dog could run out in front of it or god forbid a kid runs out in front of it these dump trucks going up and down Willowdale Blvd. right there in that area same thing for Lakewood Dr. I would be majorly opposed to that in that area, so I think it's very important that C- 3 does not give me permission to put my dump trucks on this property. I would have to come back to this board and ask you to give me permission to do it at which time you would say no because it's right there, it's on Lakewood Dr. it not in a commercial parking lot like my current request was and was passed and given to me. So, um it's important to me I need a place to move my business. I want my business to stay right here in St. Charles Parish I don't want to have to look else where to move Pedal Valves, it's important to me, my kids are going to be right there you know it matters, I'm going to do a good job in developing this thing and I'm hopeful that you guys are ok with that. Thank you.

The public hearing was open.

Rosario Termine 105 Barrett Dr.- I actually back up to this property that he's talking about the biggest concern I have is not the houses it's not the business what is the buffer? It's going to be deemed as open land that we can go out in the backyard and see eagles in the

trees we can do this we can do that there is nothing stopping him from cutting all them trees once they say it's open land. That is my concern why, why can't we rezone this as wetlands behind us to guarantee that this aint going no where's, you know that is my question. If you not gonna do it then rezone it as wetlands it's already got wetlands back there give us that guarantee. That's pretty much what I got.

Steve Romano 219 Browning Dr. Luling – umm hopefully I won't go over the three minutes I have some notes that I wrote with all due respect for Mr. Gilbert the thing that's important here is that when you zone a piece of property a certain way you can make all the guarantees in the world your going to do it but what does the future land owner do once you sell to someone else. The only protection that the citizens of the parish have is the zoning ordinance so that's something that needs to be kept in mind um as presented I'm extremely concerned about the zoning request because of the potential destruction of this pristine wooded tract of land a portion of which is jurisdictional wetlands I believe it's 25 of the 40 acres. I'm also concerned about the potential increase in land use intensity of the portion that is requested for C-3 this increase will directly abut existing residential land uses without adequate protections the impacts to the existing neighborhood will be too intense in my opinion this will negatively impact the safety and welfare of St. Charles Parish and particularly the citizens of Lakewood. I'm also concerned that approval of the C-3 portion to C-3 would result in a spot zone which is something that the zoning ordinance discourages. Regarding the proposed rezoning to O-L the zoning ordinance will not prohibit the site from being clear cut any allowable O-L land uses just because the applicant stated the intention to place only 2 homes on the site it does not mean future O-L development would not result to the site rather if the rezoning is approved O-L zoning would allow additional homes or mobile homes or clear cutting for agricultural uses now I don't believe the total prohibition of the owner to develop his or her land provided it does not negatively effect the health, safety and welfare of the surrounding neighborhoods as present I believe the rezoning request will have this negative effect rezoning this many acres of land from residential to C-3 is too much of an increase in land use intensity the zoning ordinance provides no protection of this pristine site from being cleared cut for further C-3 development. I'd like to offer some alternatives that I believe would minimize the impacts to the surrounding community and provide a win win to the applicant as well as the future landowners and to the public as well. First with the exception of the 2 homes sites um the requested rezoning from R-1A to OL should instead be from R-1A to W which is zoned wetlands that provides protection that provides a good bit if not total assurance that those portions will never be clear cut for timber or what not it would stay in the current condition that it's in wooded and wetland.

Commissioner Petit- ok if you can wrap it up your out of time, if you can close out if you don't mind.

Mr. Romano – I need about 2 extra minutes if I may.

Commissioner Petit – are speaking on behalf of yourself? Just you?

Mr. Romano – yes, well yea these are my thoughts um.

Commissioner Petit – ok well a couple of more seconds. There a 3-minute time limit.

Audience member yells he can have my time.

Commissioner Petit – ok thank you.

Mr. Romano – what I was going to offer an alternative which is, well let me just cut to that chase. What I'm suggesting is this the portion that is zoned C-3 move that line northward to where it only covers where Pedal Valves will occur um I speak for several people in the audience their concern there is too much of that that is being rezoned C-3, the C-3 zoning could expand and would have too much of an impact to that area it would actually be a bigger spot zone than what's being proposed unless the rezoning district line is moved up northward. The portion of land that's being proposed for residential my suggestion is to rezone that portion OL, that way the only part that gets developed residential you know light intensity residential would be the portion where the homes would be built and again in closing the rest of the land zoned wetlands so that um we have assurances that future clear cutting and future development of the site would not result. Thank you.

Sidney Stablie 159 Cottage Dr. Luling – I with everything that Steve said. I had talked to Robbie earlier and I like to see him get some of what he wants I think the C-3 amount of land that is trying to be rezoned is way too much if he is using it for one small business and I spoke to Planning and Zoning and from what my understanding is this could possibly be done under C-2 with a special use permit with what he does. I'd rather see the amount of land shrunk to accommodate his business and leave the rest of it what it's zoned now. As far as the open land I'm totally against anything to do with open land because it leaves it wide open for any future buyers everybody says oh we never gonna sell but things happen in life and things get sold. I'm totally for him building 2 house for his kids. Nobody wants to stop that I hope he can do that I just think if it's gonna be built it needs to stay in R-1A build the 2 houses. In fact I talked to him earlier and I said let's see if we can table this meet with Planning and Zoning and see if we can come out with a different plan and make something happen it's happy with everybody, but as far as to do a stretch of land in a middle of a subdivision to leave it open and in the future to have trailers, farmers, sheep's, goats, cattle, whatever I just can't see that in my backyard on the property that I have and the industrial or commercial part across the street from the townhomes that I own and I'd like to see him do what he wants to do with some adjustments but not the way it is. If we can work together and come to an agreement, I think that would be the best for everybody. That's all I have to say.

Eric Walker 145 Lakewood Dr. – this the first house I bought. I bought it because there's nothing back there and I just fell in love with the neighborhood and when I saw this note on the door my heart just sunk and I tell my kids there going to start building behind us and there's no proof that this is what's going to happen. I just want to come up and say that my

house is like the little bit of peace, I was an Army Ranger, and I come here to like start this family. I have 2 kids they both went to Mimosa and Lakewood, and this is their home and changing it is just is kinda taking away my dream, so that's all I got to say.

Galen Guidry 207 Barrett Dr., - and I back up against this property. I'm happy to see that everybody kind of has the same idea. I certainly don't want to see anything develop back there, I'm (inaudible) Robbie here, but I don't want to see homes built back there, I don't want to see anything else built we have plenty. Look I own a business in that area so the more people would help me but we have plenty enough developments back there what I don't want to see in my backyard is apartment complexes or a thousand home development back there so it sounds like everybody is kind of in agreement and if there is some way we can work with Robbie personally I don't care what the things zoned at as long as we can keep developments from happening. One of the things we were talking about also there's along Lakewood behind the houses there's powerlines and lately every storm we get or heavy rain a tree falls against the powerlines and the powers out for a day, day and a half. So, what's going on right now nobody's taking care of it, now Robbie we talked about it possibly clearing some of the trees out that would fall on, you know the older trees that could fall on the powerlines I also think that having a buffer of some sort is important to the people (inaudible) the just talked about having woods in your backyard is nice, I enjoy that. So, it sounds like everyone is in support of Robbie so if there's anything we can do to make this project happen for him I'm in full support of that.

Brad Theriot 125 Birch St. – from my perspective take a look at this entire project it makes a lot of sense. If you spend any time on Birch St. that connection street it's almost like I-55 it's a constant barrage of traffic so I feel like if we deny Robbie this potential to put a business and 2 houses someone's going to buy it, development is coming we might not like it but it is what it is, someone will come in here build an apartment complex and jam as many house as they can I own property at the end of River Park Dr. you go a little further west of that they just put a huge subdivision in off of River Road and you could touch houses on each side that will be coming. So, in my perspective I'm in support of what Robbie's doing because I think that would alleviate a lot of the traffic and flow in that area.

Edward Palahang 147 Lakewood Dr. – Look I'm not as articulate like the rest of you guys so I'm just going to read from this. My main concern is drainage 9/11 between 5 and 8 am water came up on my lawn halfway up my l lawn so I guess the biggest concern I have was that even though the drainage there had been so called developed I'm not sure it would in fact support or any other commercial development would support the already packed drainage system we have in Lakewood. So, I think that needs to be addressed because commercial is gonna be hard surfaced there's not gonna be any absorption there. The other thing the guys mentioned was the power grid right along Lakewood we often have power outage that last a day so I don't know where that powers gonna come from but I image that somewhere along the line if we got Energy to take a look at you know on the power grid for that area I think maybe we could support the development in that area. So those are my 2 main concerns that I think that unless they are addressed, I feel that I'm in opposition for the project.

The public hear was closed.

Commissioner Petit – any questions from the Commissioners?

Commissioner Frangella – I have 2 for Chris. I've worked with engineers before what are engineers doing in a building that it needs to be C-3 there's nothing in a C-1 or what just for this building if that's all that is is engineers and office space that could be a special permit in a lower class.

Mr. Welker – um I mean potentially but we would have to get a pretty good description of what exactly is going to go on I think we kind of been lacking that.

Commissioner Frangella – so you just have to know exactly.

Mr. Welker and Mr. Frangella speaking at the same time (inaudible)

Mr. Welker – if it's an office space maybe with some warehousing space.

Commissioner Frangella – warehousing space would cause it to go up?

Mr. Welker – that kind of one main trigger.

Commissioner Frangella – cause I was reading what was posted it says for just office space doesn't say anything about warehouse and storage.

Mr. Welker – yea if we thought we were dealing with exclusively just an office building then obviously yes the 2 even C won't be appropriate.

Commissioner Frangella – yea the other thing is we were talking about C-3 is what actually is the R-3 now.

Mr. Welker – yep.

Mr. Gilbert – just to kind of elaborate on that. Is this appropriate?

Commissioner Petit – yes go-ahead Mr. Gilbert.

Mr. Gilbert – So some of the things that everybody said and kind of goes along with your question was shrinking the C-3 area and maybe changing it to C-2 change it to, we are literally I welcome anyone who want to come into Pedal Valves it's gonna be tomorrow it's gonna be the same thing were doing over there, there's just office space in there. The warehouse that I have in the back um we finished a job somewhere we just recently did St. Charles Parish we finish a job and got some gaskets leftover we got some fitting left over we

put them in there when were done you when we have another job that uses the same kind fittings same kind of gaskets we send them with that crew over to the next project that they go to that's kind of what we store in there so it's not a large warehouse no it's not a bunch stuff that goes into it. It's important to us I don't want to build a building without the warehouse so if it's like you going to build a building you got to have a warehouse then it's got to be C-3 then it's got to be C-3 cause we got to have that back there. I got one guy that works their part time and he's the one that maintains that warehouse, so I don't have like Amazon it's some small stuff. So, I'm perfectly fine with changing that if we could do it quickly. I'm ok to changing to C-2, C-1 whatever it might fall into. Can I address a couple of the other things. The tree part, I sure would like it if there's some way, we could right that into my deal.

Commissioner Petit – from my understanding that's not a stipulation we could but in the zoning request, so that would have to be done some other way it's not something we could do tonight. That's part of the rezoning request right.

Mr. Gilbert – then what I can offer to the homeowners that live over there is, I'll write a legal document and we'll get a, I couldn't write I have a hard time writing an email but we will get somebody, Louis to write a legal document that goes in there that says there's got to be that and I'll write it up as a covenant if the property is sold this covenant passes along and there has to be a buffer along that property. I don't have any secret intentions of this property so whatever I can do on that front and ill have that ready before the Planning and Zoning um before the Council meeting. So that was one of the big things I heard. So shrinking it is fine with me, the only reason I did it was based on this line that's there based on how it is currently zoned R-3, R-1 and R-1A that it's currently zoned, if we wanted to move that little line up this way don't bother me at all its ugh we don't need, there 30 acres right there and I only play to use about 2, so um the rest of it it's gonna stay woods so I can move that up I'm fine with that I don't when the timing of that could be. The last 2 things was drainage and power. I'm here I'm willing to work with everybody I got some of my own equipment so if the community said Rob we get a power outage every time the doggone wind blows, well guess what over there in Willowdale along the golf course they get a power every time the wind blows so I got rid along the trees that were all along the power lines any of the dead one and cleaned up the branches etc. I'll do the same thing right here if they say look lets get 20 feet of this stuff, one-time y'all had a meeting in here or they has a meeting in the Council chambers were people were the weed certain weed, blood weed something like that was growing in peoples yard and they were tired of it nobody was maintaining it. So, if you want me to maintain it and push it back, we can have a meeting outside of this meeting, I like cold beer we can one somewhere and all the residents can come tell me what to do in the area and I'm perfecting fine with working with everybody on that part for the power. The drainage I thought that might be a question that would come up tonight I spoke to Miles the Public Works Director today, I spoke to him a couple of times I will be required to complete M1, M3 some sort of study they tells everybody what the drainage is gonna do he says I'll probably have to put a pond in there for retention and he also talked about some that would help the water get into Peterson Canal that's right there. It's going to be pretty low impact on what

we're doing on it but I'll have to have that to get a permit is what he told me it doesn't that doesn't go into the planning and zoning zone changes it goes into the permit that's getting issues by planning and zoning in order for me to get that I will have to have that study by an engineering firm to do that.

Commissioner Petit – I guess I have one question, so as far I know this is kind of but on building size, height one story, two story have you thought that far I know it's not part of tonight have you thought that far ahead.

Mr. Gilbert – one story right now we probably we probably going to be one story again it may go two, we certainly going to have more bathrooms I can tell you that, that one right now we fight over it constantly.

Commissioner Petit – were not looking at a tall building?

Mr. Gilbert – no.

Commissioner Petit – if Mr. Gilbert was to make changes and this currently scheduled for December 16th Council meeting can that be done in time for that or what would that look like.

Mr. Albert – we would need to bring it back to the Commission with the revision.

Commissioner Petit – ok

Mr. Albert – it would be....

Commissioner Petit – that means that would happen in December and that would delay the Council vote until January.

Mr. Albert – yes

Commissioner Petit – so that's a decision you need to make if you plan to make changes you can request for up to postpone, and if you want to keep it as is we move forward. It's up to you.

Mr. Gilbert – nah lets keep it as is I just don't have a lot of time.

Commissioner Price – that's what I was going to ask what's your time frame for closing on the property ow whatever I've been doing this now for a couple of years and this is the first time I've seen where people are for and against at the same time so I would like to be able to see you guys table it and work it out with everybody with Planning & Zoning, with you and the people with concerns and clean it up so that we could make an inform decision on it.

Mr. Gilbert – yea my issue is time for parking that we have going on there, if it make, you know there's some things that I can't change that open land part that's gonna stay the way that it is cause I don't want to have to build certain streets through there and I'm not sure what the open land requires allow me to do something some things that I want to be able to do potentially, um we talked about that horse earlier, yea so I'm certainly willing to talk about all of that have a meeting to discuss what my plans are on it all I'm doing it putting, I have zero things to hide I'm putt Pedal Valves in the front and 2 houses in the back. If I buy it that's the only thing that will be there if I don't buy it, I don't know what will happen. Thank you

Commissioner Frangella – so Chris if I'm correct Birch St. is the only street that connects to this property or is there other streets that connect.

Mr. Gilbert – there's another street that can access it, it's ugh

Commission Frangella – I was just asking could a section of it be (inaudible Frangella and Welker talking at the same time) and the other parts left be R-1A and you could develop that and do whatever after a period of time divide part of it to the people against it, I don't know. Just coming with ideas to help.

Mr. Gilbert – I could buy it right now and we only change the front to C-3 so I can put Pedal Values and we could leave the back as it is, but if I'm living on that street I do not want that. This open land I'm getting a little bit feedback you know if we really understand it, I'm taking away the ability to build a subdivision out there. By changing this from R-1A to open land I can no longer build a subdivision. If I live on this street id be like change it to open land, change it to open land don't put it as R-1A. There are 2 places and the only 2 places I plan to enter are on Birch St. that's where the current dry land is and so I want to go in right there and there are other areas I could go into but I have to go into some areas that according to the delineation study as some wetlands on it and I don't plan to mediate I don't plan to do that to any of the property that's in that area I plan to leave as it is, I think there's just a little confusion on what can happen with all of that. So I'm willing to have a town hall meeting between now and the Planning and Zoning, I keep saying that, the Council meeting. I'm more that willing to have a town hall and we all discuss it but I really would like to move forward with the project if we could.

Commissioner Frangella – so we back to the same thing Michael if we can't change the lines cause our paperwork doesn't show where any lines are it only shows the C, the R-1A and R-3.

Mr. Albert – it's my position we have to act on what was advertised.

Mr. Welker – and I just want to highlight in the report.

Commissioner Petit – it does say the report says from one section to another, right. Any final questions for Mr. Gilbert?

Commissioner Folse made a motion to approve, second by Keen.

YEAS: KEEN, PETIT, ROSS
NAYS: FRANGELLA, FOLSE, PRICE
ABSENT: KRAJNER
FAILED