

First item on the agenda is a tabled item. Do we have a motion to remove from the table please?

Mr. Booth: I so move.

Mr. Frangella: Second.

Mr. Gibbs: Cast your vote please.

YEAS: Pierre, Booth Gibbs, Frangella, Foster

NAYS: None

ABSENT: Loupe, Galliano

Mr. Gibbs: That passes unanimously. First item is PZS-2014-50 requested by Jack Cali, III for resubdivision of Lot 10-A Acadian Trace Subdivision and Lot H-1 of a portion of Tract 1 Ormond Plantation into Lots 1-H-1, 2-H-1, 3-H-1, 4-H-1 and 5-H-1 located near 115 Valcour Lane, Destrehan. Zoning District R-3. Council District 3. Ms. Stein.

Ms. Stein: Thank you Mr. Chair. You've got a new set of plats. The request you have is for a resubdivision in an R-3 zoning district, submitted in November on the 26th. Since that time, the applicant has submitted the required drainage impact analysis (review comments from the Parish Engineer) and has indicated that he is obtaining the notarized endorsements of all property owners which include heirs and also additional property owners who purchased an interest in Lot H-1 in 1984. As staff does not find record of a resubdivision action creating a lot of record that corresponds to the area of ground described in the act of sale, we consider the owners to have an interest in the whole of Lot H-1.

The property is zoned R3, multi-family residential, that's the reason the resubdivision proposal can come before you with a private servitude of access. The total square footage to be divided is approximately 150,000 square feet. R3 zoning permits lots to create without street frontage, and it also permits residential development at a density of one unit per 2,500 square feet.

Using the R3 development restrictions (80% lot coverage and 2,500 sq. ft. area per family) up to 43 residential units could be permitted on the site. The proposal is only to develop 3 lots on this property. Because the property is zoned R-3, the zoning dictates how many housing units can be built. You'll probably hear from the applicant that the proposal is for single family houses on each lot, but what's important for us is that's not what the zoning says it's limited to. This would be apartment-style development. R-3 zoning also permits townhouse-style development. The maximum number of townhouses would not exceed 43.

We recommend that you open the public hearing, what is proposed meets the subdivision requirements for the 3 lots that he's creating, a waiver would be required for lot 2-H-1 and we recommend that if you recommend approval that Lot 2-H-1 requires a waiver.

Mr. Albert: I'll just add that in the course that you should decide to approve this and whatever recommendation you make to the Council, I would recommend that you do a few things – first as Ms. Stein said the waiver would be necessary for any approval that you would grant. I would also request that you condition the approval on the plat recording how these lots are going to be configured and developed if they are intended for single family use, let's go ahead and put that restriction on the plat so when they come for building permits it's recognized. Because we are still waiting for all the signatures, I would request that any recommendation for approval have a caveat that my office to not forward to council until all of those signatures are provided to us.

Mr. Gibbs: Is there any reason that we don't have them signed yet? We tabled this in December, we knew we had to get signatures for this meeting. Is there any reason why?

Ms. Stein: You'll have to ask the applicant.

Mr. Gibbs: Ok. This is a public hearing for PZS-2014-50 is there anyone in the audience that would care to speak in favor or against? State your name and address please.

Gilbert Schexnaydre, 269 Schexnaydre Lane, I'm partial owner of the property. The reason for the signatures, we're waiting on three signatures. Mr. Cali has some that are out of the area and it takes a while for them to get their signature notarized and brought back to him. We've been trying to develop the property for years. My grandfather was the original owner, he never wanted to sign an agreement to let someone develop it that had multi homes on it, he wanted it residential only. The property that is up against the C&N railroad is a small strip and it was originally purchased from him to set up an east west road that never happened and that's why that property is still as it is today. Other than that we ask that yall approve this so this young man, Mr. Cali can develop his home and the other two homes with it.

Mr. Gibbs: Thank you Mr. Schexnaydre. This is a public hearing for PZS-2014-50 anyone else care to speak?

Hi my name is first name Joel Poirrier , my wife Lisa and I are here, we live at 113 Valcour Lane, right next door to 115. We are against this repurpose of this land. We question whether that really is a private servitude that's going to be going through there. This amount to basically another street going off of our cul-de-sac. If that's not a street, if it's a driveway in fact, where will the trash cans go? Where will the mailboxes go? And anything that is erected anywhere around that cul-de-sac for 3 or 4 separate homes will be an eyesore and will lower our property values. We also question, we're not against development of that land, it should be developed with an entrance from Plantation Road just like the rest of the ones. This proposal violates the covenants of Acadian Trace Subdivision that states that it should remain a cul-de-sac at all times and like I said we don't agree that this is a private servitude, this amounts to an extension of the road to the cul-de-sac.

Mr. Gibbs: Thank you Mr. Poirrier.

My name is Peter Miser, I'm speaking on behalf of my mother, Shirley Hyde, who is a resident at 109 Valcour Lane. Mr. Poirrier refers to the restrictive covenants and I have a copy with me and I'll be happy to provide it to you, however it's in the public record, it's dated November 2, 1999. I don't have the conveyance book and page, but I do want to make specific reference to restrictive covenant #22, referring to streets and this is as clear as it can get "No street public or private except Plantation Road shall be allowed to connect Valcour Lane and Valcour Lane shall remain a dead end cul-de-sac street. There shall be no vehicular ingress or egress of any kind to or from any property outside of Acadian Trace Subdivision through any parcel of land within Acadian Trace Subdivision". So this is explicitly addresses what is about to happen here, what Mr. Cali would like to have happen, to have property from outside of Acadian Trace Subdivision, which is the one street, 18 lots, to have the property outside of Acadian Trace connected to Valcour Lane. Now I realize the parish likely doesn't perhaps, never does enforce restrictive covenants, but I can tell you the restrictive covenants also go on to say that these restrictions have a lifetime of 25 years, unless you have a 90% agreement among the 18 owners. So if you have 2 owners who say no and that's it. Do you want a copy of the covenant?

Mr. Gibbs: I'm aware of the covenant I don't know if my fellow members are but I do know also that if you went through that whole subdivision and this is my district, that there are so many covenants that have been shall we say relaxed and to say that we couldn't do this street/driveway whatever we're calling it because of the covenant, it's not consistent with what has been going on for the last few years or several years. It's not going to sway my decision either way but I just know that that's out there, that the covenants haven't been held to at a real strict manner.

Mr. Miser: I've read through these covenants and I'm familiar with the neighborhood and the subdivision, I certainly don't disagree with you at this point, but I don't see that there's been any evident violation.

Mr. Gibbs: Nothing this dramatic, that's for sure, but they have been.

Mr. Miser: Alright, thank you.

Mr. Gibbs: Thank you Mr. Miser.

Good evening my name is Melissa Bourdonnay, I live at 114 Valcour Lane. My property is exactly straight when you walk out on the street. I own two homes in St. Charles Parish, I also

own a home in Bar None Estate and I'm kind of shocked that this is even being considered. I purchased my property 17 years ago with the understanding that it would be a cul-de-sac, at the time I had one child, since then I have 4. My littlest one is 3 so imagine that my cul-de-sac, why I purchased my land, would not remain and have 18 lots, it's supposed to be 18 homes. I had to tussle when I heard 43 properties because if this was condos/apartments which it's zoned for, but even that, having the extra trash like Joel said, if the mailboxes had to be across, every time I made that circle, I would have to say my tax dollars would probably go to another parish if this happens. I think everyone has the right to develop their land, but as our covenant says that needs to go to Plantation Road. So just cut all the trees down and take it straight to Plantation. I don't care what they develop, but I don't want them to access it there and like I said when I purchased my land it was based on the cul-de-sac, based on streets coming off of streets, that's not what I go to work every day for to live by, it's just not a part of it. So I'm totally against it and I would hope that you guys not approve something like this because that would say that everyone could start having streets wherever there is open land to develop land and it's not acceptable and it's not why I purchased my land and like I said I pay taxes for 2 homes in St. Charles Parish and I'm just shocked that this is being considered. Take it to Plantation, that's wonderful. Thank you.

Mr. Gibbs: Thank you.

My name is Delaney Mitchell, I actually just relocated to St. Charles Parish from Houston. I live at 100 Laura Lane which is actually one of the streets, I guess I would call it a sister street. Just a section of what I actually heard, I guess shocked would be my word, I heard you mention how the rules hadn't been adhered to previously in that area. The thing I would caution is that if we approve this, if we approve it, the reasons why we're approving should be something binding, something concrete, because you would have to ask yourself, some of the statements she said is when do you say no, under what circumstances right? I just basically moved into Laura, I know very few people here, but the people that live there knows that the home I moved into was vacant for a year, year and a half, it's the big castle home that sits on the corner of Laura and Plantation and immediately when I moved into the home there were things that I wanted to do, i.e. close that ditch, the big huge ditch that sits in the front of my home. I called the parish, talked to different people in Planning & Zoning and there are reasons why I was not allowed to close the ditch. I also have small children, I have a 2 year old and a 1 year. That ditch measures 20 ft. in width and it's about 10 ft. in depth. I caution that if we approve this, the reason that I was not allowed to close the ditch makes perfect engineering sense, which I do for a living by the way, it's drainage and it's used for different purposes, it's a gateway for the reservoir for water during flooding, so that made concrete sense to me. I let that issue die. Again if we approve this one, you have to have concrete reasons as to why you're going against the covenant other than it's been done before is what I would ask.

Mr. Gibbs: Thank you Mr. Mitchell.

Good evening my name is Leslie Foret, I live at 111 Valcour, 2 houses to the right of this driveway. Everyone here has done a great job of summing it up, it's exactly what they've said, it's exactly how it's going down. Nobody wants this. They want to come in through Plantation like the rest of the neighborhood great, they want to develop it, great. We just don't want it all coming through our property. I agree with the rest of them.

Mr. Gibbs: Thank you Ms. Foret.

Good evening my name is John Hebert, I live at 116 Valcour which is right next to 115. I'm also against having the private driveway put in here also for the same reasons mentioned before me. But then I also ask the property to the right that's not inside the red rectangle if that were to be developed, what would stop the approval from allowing other private drives to go through and add another 10, 15, 20, 30 homes and have another 15-30 mailboxes and trash cans sitting in front of their cul-de-sac. It's one thing if they're going to allow the 3 houses, but what will stop him from putting other private drives through there and making another cul-de-sac? I still have my 3 children that live in the neighborhood also they are young. We bought this property, we were secluded. If we allow the first one to happen, what's to stop it from continuing on all the way through? Again, perfectly fine with developing the land but not having a private access through the middle of two houses. Thank you.

Mr. Gibbs: Thank you Mr. Hebert. This is a public hearing for PZS-2014-50 is there anyone in the audience care to speak in favor or against?

My name is Jack Cali, I live in Prairieville currently, I grew up in Destrehan on Schexnaydre Lane. It kinda makes you not want to move there, this many people don't want you to live around them, but unfortunately there is a huge elephant in the room and it's not really being told of the real problem, because there is an argument when it comes to privacy. I went talk to all these people personally. I offered solutions such as I'm buying this land, what would you guys like me to do for you? I want it to be convenient for you when I build here. I was shown their backyards, beautiful places, the pool was like an Olympic size pool right against my property line. I understand that these people want their privacy, we're going to put acre lots right here. We're going to be so far away from them, they won't know that we're there. To address the situation in the cul-de-sac, I guess that's valid, I understand that, we're talking 3 lots, one is already supposed to be there, so really we're only talking about 2, so if they're going to get into the numbers, then all we're adding is 2 homes not 3, because one should have been there already because that's the way it was originally set up. I'd just like to talk about what's really happening and that we're not fabricating stuff, because when you start fabricating it does start to look bad and I would probably be on their side if it looked like what they are saying, it doesn't look that way at all. Yes there will be 2 more mailboxes there, if our mail lady has trouble with that, then we need a new mail lady. The garbage cans, once again, 2 garbage cans, arm comes down, puts it in, that's an almost entire piece of property, you're not talking about, like this other fellow just said, what's going to stop another 2-3 people or whatever and 100 garbage cans, no one would ever allow that, you guys would never allow that, I wouldn't allow that. They think that I'm going to have someone cutting through my property to access this other property, so really I don't understand where that argument came from, because if the other side was developed, then why wouldn't we just go through Plantation Road? So I think that is pretty much voided right there. The other person asked why don't we just go through Plantation Road? Well if that had been an option we would have taken it, there's about another 36 plus somewhat owners that own, where this is one portion, to a group the Schexnaydre family got together and said let's do this right way. The other group for across the river didn't see it that way, I don't know family dispute, whatever, money, you name it, it could be all sorts of things, I don't know. There's about 30 somewhat owners to the rest of that property, which may never get developed, we're looking into it. We would like to acquire some of that as well, merely to stop any crazy development, just like all these guys are worried about. I don't like the idea of the R-3, yes it plays into a benefit for what we're doing, but when we first put in that application, and everything started happening and everyone started getting letters, I was shocked, I was shocked because I didn't know it was R-3 to begin with. It wound up playing into our favor because of the private drive, but to even consider putting multi-family homes there, not in my interest, not in my friend's interest and in fact as a long term resident of St. Charles Parish, I've witnessed my dad, my family and several other people in the parish fight against development that may hurt other people. So I'm completely against that. At first I was very upset which I am a little bit about all the people against it, but then I think on the other hand if I do live there then I'll have all these people on my side hopefully if someone does try to do something silly on those other pieces of property, I get this gang to come with me and stop anything going on, because the truth is I am really on their side when it comes to that. I don't really know what more to say. I do have to live next to these people, I figure I'm building nice homes just like you guys, my property conforms as far as zoning. They're all in R-3, they didn't know until now, so I'm really doing exactly what they are doing. I understand the argument and I would never argue with them about coming in through the back way, that is not the most convenient for us, but as you've stated earlier, many covenants have been broken and I don't think they actually realize that. If you're going to follow a covenant which at this point is kind of moot because you guys don't really play by those particular rules, but if you're going to follow it, you have to follow it and the neighborhood has to police it and you have to upkeep it. It's been broken 7 times, I don't think they realize that, he just read from Section 22 on the street just like we did, maybe he wasn't as familiar with it, because he came from another neighborhood into St Charles Parish thinking he knew what was going on here, but 7 other streets attach Plantation Road that should not be there. There are dual driveways coming out from a lot of those homes, I know it's not as extreme, but it is what it is and we're not doing anything that someone else hasn't done and our intention is just for 3 nice homes and that's it and I appreciate your time.

Mr. Gibbs: Mr. Cali I live on Ormond Boulevard. I know the area extremely well and I have been struggling with this since we tabled it, you have a good argument, the folks in that

neighborhood have a very, very good argument. My big issue that I've been struggling with is it's R-3, it may not happen today, it may not happen 2 years from now, I don't know when it's going to happen, but that property can easily be developed into apartments into condominiums that will look over into these beautiful homes as opposed to 3 homes that will fit right into that neighborhood and have a street/driveway connecting. That's the big issue we're all struggling with.

Mr. Cali: I definitely understand that.

Mr. Gibbs: I know that I don't want the condos and I know I don't want the townhouses and I can probably speak for all these people that they don't want it either looking into their homes. So we are struggling here with do we approve this, do we not approve this today and wait down the line and have these condominiums eventually go up. So it's quite a struggle here.

Mr. Cali: I know it is I understand that.

Mr. Gibbs: And I totally understand what the folks of the neighborhood are saying.

Mr. Cali: If I can say one more thing to the neighbors, my aunt and several of her friends live back there and my folks live down the street, it does affect the whole area when you do condos, it doesn't just affect a certain area, it affects you too.

Mr. Gibbs: Correct.

Mr. Cali: I know I can say I would be trying to fight that other land, in fact again we're already have, it's tough, it's like 38 people, but we're already trying to step up outside of them to protect me from having condos behind me because someone can do it here and they all know this.

Mr. Gibbs: But it's not happening now.

Mr. Cali: And that's one of the things we posed to Planning & Zoning was what is the maximum we can do, deed restrictions, covenants restrictions, whatever we can do and don't give us any permit unless it's for a single family homes and something else they had mentioned. I don't remember who it was in Planning & Zoning, but they said all in all for me I don't think anyone can be issued for multi-family homes there because it would not even support the project with all the vehicles coming through that cul-de-sac plus the drainage, plus everything else. I mean it's a serious infrastructure in order to put 43 condos, it would be massive planning.

Mr. Gibbs: But it's zoned for it and that's my struggle. I don't want it there.

Mr. Cali: We're only in agreement, I don't want it there either, I only want single family homes. So I understand it's a tough decision but everyone else there is living on the R-3, good thing it never happened. I'm in agreement. We're all saying the same things. If that was the problem, and we're all living in this parish together, there must be a way, if that's the big deal, what can we do to make darn sure nothing goes there?

Mr. Gibbs: Obviously the answer is the street going straight from...

Mr. Cali: Question, let's say I owned all the property, then what? Can you stop anyone from developing?

Mr. Gibbs: Now we're going to start talking hypotheticals, we can do that all night.

Mr. Cali: Which is what we're doing, we're talking hypothetically, because I'm saying..,

Mr. Gibbs: No I'm telling fact, R-3 you can develop apartments and that's what I'm trying to avoid. The other thing that I'm trying to avoid as well is a makeshift driveway or street or whatever you want to call it to develop three beautiful homes, it's quite a dilemma.

Mr. Cali: The great thing is, I've always said from the first moment all of this started brewing, tell me what has to be stated, said, putting deed restrictions, put it on a plot plan, you tell me what I have to do to make these neighbors feel secure, because again, I have to ride next to them.

Even if the street quit the other way, they're still in my backyard, I can't have that, that would be a miserable way to live. So that's why I've said from day 1, that's why I went to the folks along the back property and said this is your chance now, let's do something together here. Tell me what you want, tell me how much space you want between your homes. I'm going to have acre lots, I don't need to be next to you. One lady said I bought on this side because my neighbor across the street, you can see the fences, they're all neck and neck and I said yeah I would hate to live that way, well that's why I bought on this side, well lets solve this now for the rest of your life. Let's put a nice boundary back there, let's add more trees and together let's work at putting a border back there. I thought they were like that sounds like a good idea but what more could you want than the other property owner saying look I got a lot of land, you're already on my property line, if I really wanted to go to the fence dead up against you that would be horrible. I would never do that whether I was in this meeting today, whether I was arguing this point or not, it's just not something I wouldn't do then you're tied to neighbors that hate you for the next 50-60 years however long you live. So I guess I understand your point, I really don't know what to say other than we're doing what we're proposing to do and what we should all be worried about is the other piece of land because that is the concern. Not the fact that I'm going to absolutely put 3 single family homes here and I'll tell it to them, I'll tell you guys, don't give me the permit. The moment someone comes out there and you see anything going on and 3 single family homes that will all be approved because I'm pretty sure it works like all of the other parishes, I have to bring my plans, I have to bring site plan, square footage, the whole 9 yards. What I don't understand is how can I even do it if the parish says I'm not allowing this guy to do this, when I come and bring my set of plans and you roll it out and you say this is not 3 single family homes.

Mr. Gibbs: I don't think that's the case.

Mr. Cali: And yes I know it's hypothetical, but we are working on the other piece of land, because I'll be darned if we go put, I think these houses cost between \$300-\$500 and \$600 thousand dollar range and we're going to be right in that range as well. No one here in their right mind is going to build houses like that and allow condos to come right behind you, so it's not like I have something planned and I have 3 nice homes and make extra money on condos on the property on the side of me, I just soon shoot my own self in the foot. It just doesn't make sense, that particular argument, but I do understand.

Mr. Gibbs: Thank you Mr. Cali.

Mr. O'Malley: Just from a school system's perspective I guess my question is for Planning & Zoning, the width of that drive and the diameter of the cul-de-sac as far as being accessible to code for busses.

Ms. Stein: I don't think so, the straight part is 20 ft. and honestly we didn't analyze the diameter because it's a little bit of a moving target. So we just got these plats today.

Mr. O'Malley: I would like that to be considered, I believe that is a reasonable request to meet that and it sounds like something Mr. Cali would probably be willing to.

Ms. Stein: A bus turnaround?

Mr. O'Malley: For access by school busses to that cul-de-sac.

Mr. Albert: It's a private drive.

Mr. O'Malley: In that event realizing that those 3 residents will not be accessible to the school bus travelling to that point.

Mr. Gibbs: It was my understanding that they would have to walk where the mailboxes are.

Mr. O'Malley: That's fine and that's the reality of it. Thank you.

Mr. Gibbs: This is a public hearing for PZS-2014-50.

Gilbert Schexnaydre, 269 Schexnaydre Lane. If it would please the committee and if this was to go through and be approved we would be in agreement to go ahead in it where no other

residential homes, it would just be the 3 it would be single dwelling family homes that would be in the contract at the bill of sale, that way it would prevent him from building anything else, if that would help.

Mr. Gibbs: That would definitely help but I thought that was their understanding anyway.

Mr. Schexnaydre: That's his understanding but it's not written and the way it's zoned, it can be.

Mr. Gibbs: Right in know that.

Mr. Schexnaydre: But if we can put that in the bill of sale it would be binding. My grandfather has done that in the past as far as mobile homes for the properties that he's sold.

Ms. Stein: I just want to clarify a deed restriction or a note like that on the plat doesn't require us, it doesn't force us to do what the applicant says which is say no. It does not require us to deny the permit, so if anything happens to this land that's different, they can't just point to that plat and say these are the deed restrictions, it has to be a single family house, it's the zoning that guides what we have to permit.

Mr. Gibbs: We're not changing R-3.

Peter Miser. After the December meeting we must have spent an hour and a half of so talking to Mr. Cali and one of the topics why don't we just rezone it R-1A. Why don't we make this private drive a public street, do something that would ensure that you're going to do what you keep saying you're going to do and he would not do it. He wouldn't agree to do it, he wouldn't say that there was any reason to do it. We're not in agreement here with Mr. Cali, we're not saying the same things. Mr. Cali can take these restrictive covenants and pretend they say something, but there has been no violations of recent of the restrictions that I'm aware of and specifically contrary to what Mr. Cali said it's not about streets or driveways attaching to Plantation Road, this has nothing to do with Plantation Road, it has to do with Valcour Lane, there will be no street or private drive to attach to Valcour Lane except Plantation Road which of course was already there. Mr. Cali has property that is worth virtually nothing. Mr. Schexnaydre is part owner of property that is worth virtually nothing unless somehow they find out how to attach it to a public street. Mr. Cali bought this property or acquired it however he acquired it knowing exactly what these restrictive covenants said because they are part of the public record and Mr. Cali should not be given any better position or any more protection or leeway than anyone else who is here who came and bought their property in a cul-de-sac street, I wish my street would run cul-de-sac, they bought because of the added protection that it affords. So now take that away from the property owners I think would be unconscionable, but specifically as I said before Mr. Cali knew what he was getting into, now he's taking a shot in the dark hoping that you will turn worthless property into something else.

Mr. Gibbs: Mr. Miser you do understand what my dilemma is, our dilemma?

Mr. Miser: I certainly do. I believe I do. You understand it better than I do.

Mr. Gibbs: I don't know when it will happen but I would hate to see these homes on Valcour have condominiums and apartments behind them.

Mr. Miser: You bring up a good point, whether it's 3 or 43, we don't know.

Mr. Gibbs: But we have a good idea now that it will be three homes.

Mr. Miser: Why do we know that though?

Mr. Gibbs: I tend to take the man's word that he's going to put 3 homes there, because that's the way I do, I believe people. I could not imagine if you look me in the eye him doing that in our neighborhood, saying he's going to put 3 and all of a sudden condominiums go up, I do take him for his word.

Mr. Miser: Ms. Stein had an excellent point. Whether it's a deed restriction, or as you pointed out a restrictive covenant, it's not for you people to enforce, it's for the owner of that subdivision

to enforce and I can think of a scenario and I don't know Mr. Schexnaydre and I really don't know Mr. Cali so please don't take anything I say to be impugning their character in any way. But what if just one hypothetical, what if Mr. Schexnaydre and the other owners sell to Mr. Cali and in that deed there is the restriction "you shall not build more than 3" and low and behold there are 43 lots going up and Mr. Schexnaydre says ok, I don't see a thing and guess what I'm the only one who can enforce that, you can't enforce it.

Mr. Gibbs: You're correct.

Mr. Miser: The Valcour Lane, Acadian Trace people can't enforce it, so the gesture is symbolic but it means nothing. The only thing at this point that can be enforced are the Acadian Trace Subdivision restrictive covenants, enforced by the Acadian Trace owners. I guess we'll wait and see.

Mr. Gibbs: Thank you Mr. Miser.

Excuse me Joel Poirrier, 113 Valcour Lane and my wife Lisa. We live right next door to the property and I am home 90% of the time during the day. I did not receive any visit from Mr. Cali at all to discuss anything. I did want to reiterate what everybody else said, it's not that we don't want him in the neighborhood, it's not that we don't him building a house, it's the access that is the issue. We do have some concerns about the R-3, it's the access. If he would like to build a house on that road and add a mailbox that's perfectly fine by us, we would welcome you to the neighborhood, but when you add I don't care however many more, it's not really supposed to be there, it's supposed to be a single family home with one mailbox, one garbage can and that amount of traffic in front of it.

Lisa Poirrier, and this would be right on the side of our home.

Mr. Gibbs: I hear you.

Ms. Poirrier: I don't want 3 garbage cans and 3 mailboxes outside of my home.

Mr. Gibbs: Just for the sake of discussion, I still am struggling with the eventuality of an R-3 in your back yard and condominiums and apartments going up behind your house as opposed to 3 homes that I'm reasonably confident that that's what's going to go up at this point, it's the lesser of 2 evils here.

Mr. Poirrier: Well let's put the 3 homes there but let's have them access the proper way.

Mr. Gibbs: That's the other dilemma.

Mr. Poirrier: We'll worry about R-3 later, we'll come back and have that rezoned.

Mr. Gibbs: I don't want to visit that. I don't.

Mr. Poirrier: We have to deal with the issue on the table now.

Mr. Gibbs: Right.

Ms. Poirrier: We're not talking about condominiums at this time, this is the issue.

Mr. Gibbs: But the eventuality that we can't stop it.

Mr. Poirrier: Right.

Mr. Gibbs: But right now we have an opportunity to have 3 homes that fit right into the beautiful neighborhood.

Ms. Poirrier: We really don't know that for sure.

Mr. Poirrier: Until it's rezoned, how would we know?

Mr. Gibbs: It's not going to be rezoned, it's staying R-3.

Ms. Poirrier: So there's no chance that it will ever be rezoned and why is that?

Mr. Gibbs: That would be a question for the owner.

Ms. Stein: There are a couple of ways that a rezoning can be brought about. One is by the majority of property owners, the other is by Council.

Mr. Poirrier: Thank you.

Mr. Gibbs: Thank you.

Mr. Cali: Very quick there are 2 things addressed once again. I forgot his name. He stated about the whole access with the rezoning I think they're missing it and the other folks in the cul-de-sac. The cul-de-sac is a private driveway, the parish knows that, everything including all my services they can't do anything for us, we have to maintain all the way to the road. Yes it is a cul-de-sac, yes we will be breaking into it like that, but it's not like anyone is going to be coming through there other than to our homes. It's not like a cul-de-sac is not a secure place for kids. I also live in a cul-de-sac now. I am also the last house like the lady mentioned in Prairieville where I am now in a gated community. So I like the idea and I don't like how it's being looked at but that's actually my property so nobody has to go in there and it's still a cul-de-sac, instead of that driveway going to one home, well the driveway is going to 3 homes. So I don't think it's a problem and I apologize to the last lady who was up here. She's right I did not visit them. I only visited the 3 people that went oh Jesus and that was Ms. Shirley, Ms. Leslie and I didn't visit the other but I probably should have, but I don't want to be all up in their butt if you don't mind me saying with a fence either. I would like those folks to have some nice boundaries, some tree areas, I'm literally willing to give up land, there's a lot of land there. I don't need a lot of grass to cut. I'm willing to give it up so these folks can have better than what the people across the street have, which is the reason they bought against the woods which unfortunately they were told it's undevelopable. He said it was worthless, wow, not so. It's only worthless because no one could get together until now and those people are coming together. If you don't mind me saying I hope this doesn't hurt me but we've already acquired 2 more strips. Why? Because of the same reason you guys don't want it, we don't want to take a chance at leaving enough land available for there to be condos there. No way I'm going to go put my money and two of my best friend's money into a property and then sell them out so that way all 3 of us along with my aunt, pretty much across from Leslie on the other side, maybe one house up. She has a pool too, I think it's 111. 111 that's my aunt's house, same situation like Leslie.

Mr. Gibbs: Mr. Cali I think we got you. I'm pretty sure we got you.

Mr. Frangella: Mr. Cali.

Mr. Gibbs: Mr. Cali can you come back to the podium?

Mr. Frangella: Which 2 parcels have you already purchased?

Mr. Cali: One right next to it so that way and Leslie doesn't know this now, she was the one talking a lot about privacy, which is when the whole conversation got started and we're trying to push our homes as far as we can to the other side so we can have large buffer zones, large back yard buffer zones from our neighbors which is again Ms. Shirley and Leslie both said we love the trees, we love the birds, we love the rabbits. I'm like I do to but my home needs to go here but we can work at this together, we can definitely put a nice buffer I promise you guys would be happy with it. I even told them whatever trees they wanted to do let's sit down whatever, get some lunch, see what we're going to spend on some trees. I'm willing to put my own money up to do this for these folks. Again, naïve as I was I thought they would actually welcome me and say that's pretty generous.

Mr. Gibbs: I think there are 2 arguments here. The driveway and what we see day in and day out in the news about being double crossed. I think they are worried about you not being a man of your word.

Mr. Cali: If you did that to somebody would you want to live next to them?

Mr. Gibbs: Well you wouldn't be, you'd be putting condominiums up and you'd be getting out of here.

Mr. Cali: My point is I told Leslie I said we are going to do our best to try to capture some of this other land. I would like to catch a piece right in the middle and it would destroy any other development that we built other than single family homes because I would be with these guys standing strong staying no one is going to do it there. Why? Because I hold the key to that piece of property and I'm not selling to you if you don't do single family homes. That would be my stance because again I would shoot myself in the foot. I don't even understand why this fellow here doesn't see this.

Mr. Gibbs: Everybody has a very valid argument here.

Mr. Cali: True, true, true.

Mr. Gibbs: This is a public hearing but I think we got you though.

Mr. Frangella: One other quick question, you keep saying that you have all of this property you won't be right against this, it's only 138 wide it's showing on this plot plan.

Mr. Cali: I want to follow you carefully.

Mr. Frangella: From the red fence line coming back on one of those lots, if I'm seeing correctly it says 138 ft.

Mr. Cali: It's way deeper than that.

Mr. Frangella: Unless I'm looking at something wrong.

Mr. Cali: What I mentioned earlier, let me say something, because I think I know where you're going with this. What I was referring to Leslie's issue about her privacy, which we're concerned about it too, that's why I didn't just shove her off when she said that. I'm like that's a very valid, out of all these arguments, I think it's valid, the privacy issue. But by trying to acquire a couple more pieces which again, it's not done at the moment, we're going to perhaps and obviously we're going to have to come back to Planning and do some adjustments. What we're talking about is pushing these lots and swiveling them and pushing us all the way against the canal, not all the way against, my point is this just came up. The reason it's not here now, this just came up over the last 2 weeks when I said what can I do extra to ensure these people would love the privacy that it would offer them. I talked to my guys, I talked to my guys today, if might be possible that what we can do is instead of having 3 houses this way, let's just swivel them this way and push ourselves back because the elephant in the room. I understand the blockage comes from don't let him build here because of covenant. Do let him come here because of this. The elephant in the room is we don't want you up against our back yard. That what was stated from day 1 when I did do the visits and that's what I came with guns loaded. I said hey no problems guys, I'll give you all the area you want back there. As the other fellow said this is at the last minutes, a whim, a shot in the dark. It's not a shot in the dark, we had our plans, but I didn't read their covenant so that was a little bit of a whoa, didn't realize that was there, but then when we read it we said wait, these other streets are attaching to Plantation and to Valcour and dual driveways coming in and out. I know it's kind of a gray area and you're not interested in hearing that I can understand that.

Mr. Frangella: So I guess with the other one if you switch the houses like that it would be more like a drive and no longer a cul-de-sac.

Mr. Cali: There's probably 9 million ways to skin the cat.

Mr. Frangella: You don't know exactly how you're going to do it or what you're going to do.

Mr. Gibbs: The drive is going to be a drive. There's no question about that.

Mr. Frangella: I'm talking about when it comes back, if he turns the houses that way, he's going to have to turn the driveway into the neighborhood.

Mr. Cali: The point is we're not 100% sure, I'll admit that, but the only reason for this thought process, if you can understand where we're coming from, is because of our neighbors. We're trying to look at a way so that we can all have privacy. Every person told me and I said it was only 3, I'm sure they feel the same way. They bought these properties because it enticed them, they were like no one will be able to build behind us, we have all this tree area back here. They told that to me to my face.

Mr. Gibbs: Right.

Mr. Cali: I said don't get nervous guys, we're building acres lots not .25 or .375. If I did come this whole hypothetical thing the other fellow was saying. If I do come to the front, that would be a lot of money to recover and even though I'm totally against condominiums, even if I did buy or could buy all that property I would have to recoup that money and the best way to do it is to butt up homes against each home in the back. That's the way we do it. It's almost like you got to choose what ammunition you want to fight me with. You want me to Plantation Road? Now you got no privacy. You don't want to let me come in the other way but if you do now you get all this privacy. So it's like choose your weapon. I don't know how to make them happy to be honest with you.

Mr. Gibbs: Thank you.

Craig Berry, 101 Gabrielle Lane a couple of streets over. When I noticed this I went ahead and jumped online and I checked the FEMA flood map zoning and read the zoning information. I noticed the one street I do live on is R-1 and everything else around it R-3. I don't understand why, it's one of those weird things. It's kind of believe that you wouldn't go in there and try to get it all zoned R-1 in the first place. You're already 1 street in that direction, why can't we get the whole neighborhood that way. That would be something nice to see in that direction, but the biggest thing that I noticed there is a 45 ft. servitude that runs the whole back side of the property on the canal, that's made for a road. Everybody doesn't mind having Mr. Cali living there. They want the big beautiful homes and everything. There's a 45 ft. servitude that is meant to have a road so why take the easy route and do that? But then again, we're going to run into the same situation that it's zoned R-3. Like you said, you can only take the man for his word that he's going to put the houses there even if he did go off of Plantation. But that's their biggest concern, the biggest concern is coming off of Valcour. That's my \$.02 and I think going R-1 and getting a road off of Plantation would be the best route for him.

Mr. Gibbs: Thank you Mr. Berry.

Greg Bourdonnay, 114 Valcour, which is right across from the driveway. I'm not here against the subdivision. I'm here really against the driveway. That's the real issue. It's not whether they can build a subdivision or not. It's whether they can put a driveway through somebody's property to access whatever is over there. I don't even care what's over there. I live on the other side of the street. My concern is the driveway. Just so happens that lot, somebody bought 2 lots and centered their house just perfect off to the side to allow access for a driveway that just fits. You can look, I can't think of anybody else in the neighborhood who has two lots. So the scenario just planned it perfect for access, any other street, this would not be an option, there would be a house there. This is a subdivision and our expectation is we don't have driveways just going through somebody's property to access something else. I'm really here against the driveway, I got small children; I don't like that. I'm all for the subdivision but access it from Plantation Road and you can build as many houses as you want.

Mr. Gibbs: Alright Mr. Bourdonnay. Thank you. This is a public hearing for PZS-2014-50 anyone else in the audience care to speak in favor or against? Any comments?

Mr. Frangella: Ms. Stein, I got a question about utilities. So the utilities are coming they are going to have to go in the road because that's all you have is 20 ft. correct?

Ms. Stein: No, what he drew up originally was a road parcel to the separate property that's what you saw last month. What he's done now is the road parcel is just a servitude through all the lots

which helps it conform, that road parcel never conformed, but the plan would be to run utilities down that servitude. The tie in for any utilities would be at Valcour.

Mr. Frangella: Right so the water meters, clean outs, everything...

Ms. Stein: Public Works talked about a sewer lift station probably being required, they would have to find locations for all that stuff, one or more sewer lift stations.

Mr. Frangella: The services will handle the 3 houses that are there?

Ms. Stein: Public Works said that water and sewer can handle that. Like we said there's a drainage impact analysis and Public Works has made comment on the drainage impact analysis, everything else is private; Entergy will run down there, Cox of course is a little different.

Mr. Frangella: Ok.

Mr. Gibbs: Thank you Ms. Stein. Anyone else? Alright cast your vote please.

YEAS: Pierre
NAYS: Booth, Gibbs, Frangella, Foster
ABSENT: Loupe, Galliano

Mr. Gibbs: That fails with Ms. Pierre voting yes. This is going to go to the Council regardless and that will be on January 26. Mr. Albert.

Mr. Albert: Correct if they have the signatures. I wasn't sure if you're caveating approval or denial with the items we addressed earlier, but they will have to have those signatures.

Mr. Gibbs: On the plat.

Mr. Albert: On the application. Final approval is at the Council presumably on the 26th if the application is ready.