

**OFFICIAL MINUTES
PLANNING AND ZONING BOARD
January 12, 2005**

Members Present: Clay Breaud, Bert Boquet, Melvin Adams, Sheard Ber and Marguerite Erwin
Members Absent: None
Also Present: Kermit Kraemer, Jr., Acting Zoning Administrator , Errol Price, Inspector, Councilmen Dee Richard and Chad Mire and Ruby Maggio, Secretary

The meeting began at 6:00 P.M. with a motion by Ms. Erwin to accept the minutes of the special Planning & Zoning Commission meeting on October 13, 2004. The motion was seconded by Mr. Ber, all members were in favor.

The first item on the agenda is to have a public hearing on the Master Transportation Plan proposed by the City of Thibodaux Public Works Director. Mr. Kraemer, you want to give us a little presentation? Mr. Kraemer came forward and stated for the last several months we have been attempting to put together a series of roads, highways, arterials and collector streets for the City of Thibodaux into the, for this decade you might say or beyond. What I presented to you and the public is a plan that we have talked about, we had a hearing on it last time and I have attempted to follow the instructions that you asked of me last time with respect to delineating the colors and the right of ways necessary for those roads and what we have here are four-lane roadways which are delineated in green, they are 200 foot right a ways that would be reserved for these particular roads if they are not already constructed. You have two lane collectors which are in orange which would require an a -foot right a way and we have two lane arterials in red and we have two of those which you see on, as a continuation to the 40 Arpent Road and also LA 3107 to the city limits and we can extend that out even to the bypass on the South of Thibodaux. We have the couplet, of course, which is delineated in the center when and if that will be or come to be, that's relative to two state highways. This is of course a Public Hearing for the public to speak and make any recommendations and for your recommendations and adoption of this transportation plan for the City. Now I do know, although we have left it pretty much as it was, we are certainly not going to cut through the Acadia Woods Subdivision but we left it as it was last month and we can adjust that route after this meeting for a final map when and if this plan is adopted or if there are any changes. Certainly this is by no means any stroke of genius it's merely lines on paper. What it attempts to do is to have two circuitous paths around the city on the North and three circular drives on the South for people to move in and around the City of Thibodaux as well as the LA 1/308 corridors which are in the center of the city basically. There are some local streets that we did not attempt to put in here which would have clouded up the issue, which connects the streets in both directions, both North and South. Mr. Breaud stated, how about bridges Kermit, we... Mr. Kraemer replied we have in here the two interior bridges which were proposed as a result of the couplet provided that goes through and prior to the couplet being activated. Along with that there are improvements that are planned for Tiger Drive, also for Canal Blvd. bridges as well which will make them accessible and put turning lanes, etc., to try to clear up some of the traffic problems that exist on the St. Mary side, basically the West side of the City, Jackson St. improvements to that bridge and also to the Canal Street bridge wherein we will put a turning lane on that bridge for traffic going to the East. So, those are all parts of the plan and are delineated in red basically, kind of red and yellow across the couplet. But that's the basic Master Transportation Plan, it's obviously a grandiose plan for the City and he thought it would allow for the movement of traffic through the first couple of three decades of this century provided we can get them all done. Mr. Boquet then asked what's the time factor on getting done? Mr. Kraemer replied there is no time factor, it is just a plan that we hope that we can share with the parish since obviously some of these roads are definitely outside the City of Thibodaux, in Lafourche Parish; there are even some that are in Terrebonne Parish. But, basically the City of Thibodaux sits on the edge of Terrebonne and the edge of Lafourche and we could not very easily put a circular route around the City without going outside of the parish and outside of the City. Mr. Breaud stated and Bert, what we are trying to use this for is a guide pretty much, when development comes into the City we want to look at this map, we will all have a copy once it is adopted and make sure that we reserve these corridors that we don't have a development encroaching over them and that's one of the reasons for having the Master Transportation Plan. Any other comments by the commission? If not, any public comments? Nobody cares about our roads? Anybody feels as though we should add anything or delete any streets? Mr. Adams stated he had a question and maybe Kermit may be able to answer that. Mr. Kraemer replied sure. Mr. Adams stated in reference to the golf course and that big subdivision up in that area, do you think the people will vote to be annexed into the City? Do you think that will ever get passed? Mr. Kraemer replied he couldn't speak to that, the feeling is that from some of the discussions that have been had by others, not necessarily by me, is that that particular area is not wanting to come into the City at this point. Now, that was several months ago when I received that through conversations with others. I mean, that's hearsay and I mean we've never put it to a vote and we have never tried to coerce them in any way to come into the City. Certainly that's their option, there are some benefits and there are some drawbacks but, certainly none of which can't be overcome in some way, shape or form. But presently their wish is to remain outside of the City. Mr. Adams asked if he thought the City 's sewer system could handle that if they would be annexed? Mr. Kraemer replied they would require some improvements, that was part of the discussion that they were having at the time; they would need to build some facilities to get their sewerage to the City's facilities. It would also require us to do a lot of exploratory work into their existing sewer collection system to see in what condition that particular system is in and it might necessitate them doing some other improvements other than some type of lift station, etc. in order to bring their sewerage in. Gas and water, they already take from other individuals, the Water District provides them water and a private corporation provides them natural gas so they would be no benefit to the City with regard to that. Mr. Adams stated if the City takes it over, it's the City's responsibility to improve all the sewerage wouldn't it be? Mr. Kraemer replied he would not recommend that it be the City's responsibility to

improve the existing facilities, I would think that there would have to be some type, in my opinion, again we are beyond the City's opinion and that would be a decision for the Council and the Mayor actually as to what they would actually require of the Country Club prior to annexation. It's not a one-way street, you can't just desire to come in and be in, you have to be voted in by the City Council and ultimately ratified by the Mayor plus you have to have some other, I mean the majority of your citizens and the assessment also have to be inclusive into that as well. So there is more than just having a desire and I'm sure, let me re-phrase that, there could possibly be some stipulations that the people in the Country Club would have to meet prior to being annexed. Mr. Bread stated Kermit just a quick update on the couplet system, I saw something in the paper the last couple of weeks, what's the status on of that right now? Mr. Kraemer replied the status of it right now is that it is still on hold, the City Council has requested that the legislators which represent this area appear before a meeting to discuss their willingness to see this project go forward. If I'm not mistaken he thought that's scheduled for or requested at the next Council Meeting. Councilman Mire stated Kermit that will be the February 1st meeting. Mr. Kraemer replied ok, I'm sorry, February 1st, I apologize, I could have...Mr. Bread stated and some of the funding is still in place as we know right now? Mr. Kraemer replied yes until August the 1st. Mr. Ber asked if he could make a recommendation to you? Mr. Kraemer replied yes sir. Mr. Ber stated he thought his printing in there is a little small for an old man to see it. Mr. Kraemer replied it was pretty small for some of us young people too Mr. Ber, I got my glasses on. Mr. Ber replied you're a little close to read them. Mr. Kraemer stated well I was not trying to delineate this. Mr. Ber stated he thought it would do a whole lot better if just they would size the letters up a bit for a person to read and we wouldn't have as much trouble trying to read it. Mr. Kraemer replied yes sir, we're just trying to fit it all, we trying to fit the City on a piece of paper that's manageable. Mr. Ber stated I have to get a magnifying glass to see it. Mr. Kraemer replied he could appreciate that sir. Mr. Ber replied and he would appreciate you're having it a little larger if we're suppose to read it. Mr. Bread then asked if there were any further comments, any public comments? Mr. Gary LeBouef stated he had a question. Mr. Bread replied go ahead. Mr. LeBouef replied yes, the 40 Arpent road extension that's kind of coming through the subdivision Rienzi and extending, it looks like, they will be cutting through 12 Cedars as well looks like maybe. I'm not sure what the purpose of that road, that would just bring cars/traffic through residential subdivisions. I'm not sure what benefit that would be, it probably would stir up a lot of hornets with bringing any traffic through these subdivision like that, that's my only comment. Mr. Bread stated yes, those concerns were expressed already through a residential street, the problem is that we already had that road lined up, the 40 Arpent Road lines up with Glenwild so our two options right now are to put some kind of S-curve either terminate it at Canal or eliminate it from this drawing completely with the intentions that it never gets to make the loop. Whatever the preferences of the Commission is it's open to me or the public, anyone would like to see that line removed or leave it in place. That orange line is a 2 laned arterial with a 120' right of way, we could never get a 120' right a way in that residential, we would have to buy a bunch of homes. Mr. Boquet replied I say leave it in place for the time being, if it becomes impractical when we start the plan. Mr. Kraemer stated and it's just a line on paper, it certainly can be moved back, forward, wherever it may be necessary. **Mr. Bread stated okay, he would entertain a motion to adopt the map as presented to us as the official Master Transportation Plan for the City of Thibodaux. The motion was made by Mr. Boquet and seconded by Mr. Adams, all members were in favor. Motion carries.** So we didn't make any changes tonight so we all can keep these maps in our folders and we will use this as a guide. Mr. Kraemer stated yes, the only change we are probably going to make is to move that 4 laned in Devil's Swamp Road down to the bottom. Ms. Erwin replied right, that was noted. Mr. Bread stated if you ever get any revised maps, is something that the Council is going to adopt or is this a Planning Commission function. Dee, is this something that ya'll want to adopt as a master or Chad? Councilman Mire replied he didn't think they had to. Mr. Bread replied ok, well once you get any revised maps lets distribute them. Mr. Kraemer replied yes, we are going to have a big blow up as well. Mr. Bread stated and if you can make a full size for Mr. Ber so he can read the streets. Mr. Kraemer replied he would attempt to do so.

The next item on the agenda is to review the City of Thibodaux Sign Ordinance 1593, Article XXI, Division 1, Section 2005, relative to on-premise signs. Supposedly we got a request from Tony Carrere to address the Planning Commission, is he in the audience tonight? Mayor Caillouet came forward and stated he got a call from a number of businesses and he in particular is one with Rally's over on North Canal, Carroll Dantin with Dantin Chevrolet and a lot of people about the issue and I advised them all of the meeting tonight and the idea was to come up and at least start some discussion with the fact that since the City is enforcing the ordinance as it exists today, all of these illegal temporary signs, pretty much, have been taken down. Their businesses are much – a little different feature in terms of they're national concerns, they get a lot of advertisement that they have to pay for that is sent to them that is illegal signs under our law. So they can't put them up but they are paying for them and that was it, all of them pretty much had the same complaint. They all say, for the most part, as long as everybody else has to abide by it, we will, except, in one particular incidence and Carroll Dantin would be the one, he says, you know, it's tough for us not to put up these signs and the Chrysler place right next door not to put up the sign, but Robichaux Ford, right out the city limits, can put up all these signs. So obviously they are competing to some extent, and I just think that it is an issue that needs to be addressed. Unfortunately, you know, the people that need to come in here and address the issue don't show up. Now after you change something or do something and we tell them to take it down then they will be here in mass forces to tell you that you did it wrong. So, again I don't know if they are not going to show up tonight or I don't know what else to say, but I notified the and he actually went to the Chamber Board Meeting Monday and advised them of the same thing and Kathy was supposed to send out an email to all the business people. To change what's in the ordinance has to come through you and be changed through the City Council, so that was the reason, that's what he told me. He did call Tommy Eschete and I guess that's why it got put on here but obviously if he didn't come, nobody came. Mr. Bread stated last month we discussed the off...Mr. David Biondo came forward and stated he didn't really have a whole lot to say about he issue other than to echo what he just said as for as signage that comes to us from national and I'm in the same situation. The only thing I would like to ask if maybe we could form some kind of committee to study what is set in place and if we can maybe lax the issue a little bit where we can kind of have a happy medium between the zoning and the merchants. That's all I would like to do is to is just get a group of people...Ms. Erwin replied we would be more than happy to add your name to the committee that's being formed. Mr. Bread stated last month David we discussed off-premise signs and Marguerite was Chairman of that committee and she came back with some recommendations on off-premises. At that same meeting the Mayor asked us to address the on-premise signs, so with the holidays she didn't have a chance to meet, so we are not going to take any action on this tonight. She will have some more meetings to discuss the on-premise signs and hopefully at the next meeting she will come back

with a recommendation for both the on and off-premise signs. So like you said, if you're interested, she will give you a call. Mr. Biondo replied yes, definitely. Ms. Erwin stated your telephone number? Mr. Biondo replied 446-5324. Mr. Boquet stated he so moved that we table it till that time, the motion was seconded by Mr. Adams, all members were in favor. Mr. Breaud replied question, Ms. Marguerite? Ms. Erwin replied you can say opposed. Ms. Erwin stated well I just, you tabled the request to address us. Mr. Breaud asked if she wanted to delay it, you want to...Ms. Erwin replied no, I mean, he didn't appear. Mr. Kraemer replied to review the ordinance. Ms. Erwin stated are you, which one are you tabling? Mr. Breaud replied he was tabling the first part to make revisions to the sign ordinance. Ms. Erwin replied all right, fine. Mr. Breaud stated if Mr. Tony Carrere, we are going to have a next month...Ms. Erwin stated she just wanted to make sure which one, the question was, which one are you tabling. Mr. Breaud stated I mean if he wants to address the Commission next month again will have a Public Hearing again next month. Okay, are you are opposing or are you for it? Ms. Erwin replied no that's fine, I'm for it, it was a question. Mr. Breaud then replied motion carries.

The next item on the agenda is to have a Public Hearing on the zoning of the Rienzi Plantation Home as well as Nicholls State University property under consideration for annexation to the City of Thibodaux. Mr. Breaud stated does anybody wants to address it, he spoke to Tommy about this, back in the 90's, 1990 I think, Rienzi land's North and East of Canal Blvd. was incorporated into the City. At that time the Rienzi house and the track of land West of it was eliminated out of the City limits together with that strip along the road. That's one area and the other area is along Bowie Rd. adjacent to Nicholls, there is a strip of property between those two areas that never was incorporated. There is a request right now by Nicholls to get incorporated into the city limits. The area by Nicholls is already zoned an R-4 and they are requesting to come in as an R-4. The area around the Rienzi house is not zoned right now and they're requesting to come in as an R-4 also. The deal back in the 90's or whatever is that they were left out of the City limits and they didn't have to pay the taxes in the City limits right now, so the request is to come into the City limits. I don't see a problem with it, were there any comments by the Commission, it's adding some property, we're not losing anything as for as infrastructure, the infrastructure is in place already, we wouldn't be adding any infrastructure. It's just kind of cleaning up the boundaries a little bit rather than leaving a strip out of Bowie Rd. we would bring that property in and rather than leaving these two tracks out of the whole City cause these two tracks by the Rienzi house is surrounded by the City per say, so it would include that into the City limits. The Council introduced an ordinance the other day and they are waiting for our recommendation before they act on it at their next meeting. Any comments by the Commission? Mr. Adams asked if he thought an R4 would be a good residential district for that area? Mr. Breaud stated which one, the Rienzi house? Mr. Adams replied the Rienzi house. Mr. Breaud stated well Nicholls has their training school or whatever in that area and they're proposing to continue to use that. The track on the other side right now is still owned by Levert but there is some talk about Nicholls possibly buying that also. Their request is to come in R-4, if they can't come in as an R-4 they may stay out of the City limits. So, I don't, I'm opening for public comments tonight if anybody's got any opposition from the public. Mr. Andy Andolsek came forward and stated just as a point of reference, we donated the Rienzi house to Nicholls. Nicholls is a university which has to function in R-4, if anything less it would be prohibited so their plans with the Rienzi house as for as we understood in the donation, they would use it as a museum and a reception type facility, incorporate maybe a studio for the culinary school. But to bring it in any lower than that would prevent Nicholls from using that facility, it would not be permitted in the zoning, if you read the zoning, so we are bringing in our parcel on the side and we just ask to bring it the same. But again, as Clay stated today it is not zoned, so today we could utilize that facility at any use we would like. So, we will have some controls on it when it comes in, in fact everybody sees fit to bring it in. We are not looking, our intention is to maintain the prestige and the mystique of the Reinzi property, we have always kept the batture clear and the property around it open and hopefully we will continue that but again without R-4 Zoning Nicholls will not be able to use it in the City. Mr. Adams stated the reason he was questioning it is because you can put just about anything in an R-4 and it would have to be set down with Nicholls and decide what they wanted to put it before you really grant them permission, you can put a trailer park there if you want in an R-4, you can put just about anything in an R-4. Mr. Boquet stated well I think that's the idea behind the university in that you can put housing there, they could conceivably put a dormitory there, but the whole idea is that you have university property. Ms. Erwin replied right across the street it's C...? Mr. Andolsek replied C-3. Ms. Erwin replied ok, that's what I thought. Mr. Boquet stated but basically I think an R-4 is not too broad for where that property is particularly for university property as I say, you can't restrict a university to, if they decide to put a student union there or dormitories. They have to have the ability to do that on their property and if we don't take them in we are not getting tax and basically then they can still do whatever they want to do with it. In fact they can put a pipe rack on it right now, they really could. Ms. Erwin stated at least R-4 has some restrictions. Mr. Breaud replied yes, it's more restricted then what it is now. Mr. Boquet replied sure. Ms. Erwin stated she moved to approve it, Mr. Boquet replied he seconded it. Mr. Breaud then asked if there were any public comments first, anybody from the public? **If not, I have a motion by Ms. Erwin to recommend that we bring in these two locations into the city as an R-4 designation, the motion was seconded by Mr. Boquet, all members were in favor . Motion carries.**

The next item on the agenda is to consider a request by Acadia Land Surveying on behalf of J.B. Levert Corp. for final plat approval of Rienzi Business Park consisting of the re-divisions of Lot 2 and 3 into Lots A,B,C,D,E and F located on the North side of Highway 308 approximately 600 feet east of the intersection of St. Patrick and Highway 308 in Section 115 and 117, T15S – R16E, City of Thibodaux. Mr. Breaud stated it has been brought to my attention that you want to pull this off the agenda because it's not complete. I just have a few comments I want to make about this. This is a subdivision that is incomplete, it's not an approved subdivision because it hasn't come in front of the Planning Commission, City Council or been recorded in the City Clerk's Office; but, I've been out there this week and I noticed that we've got construction going on on a couple of lots in the subdivision. So, what I would like to do right now is just read the regulations again because it is our duty as Planning Commission members to, well let me just read what the law says and then we'll go from there. Section 18-15 of the subdivision regulations says, "It shall be the duty of the Planning Commission to enforce these regulations and to bring to the attention of the City Council any violations or lack of compliance herewith." We have the Chairman and Co-Chairman of City Council here so we are bringing it to their attention, I'm just going to read the laws. It says –"No owner, or agent of the owner, of any parcel of land located in the proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Planning Commission in accordance with the provisions of these regulations accepted by the City Council and filed with the Parish Clerk of

Court. The subdivisions of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in these regulations. No building permit shall be issued for the construction of any building or structure located on a lot or a plat subdivided or sold in violation of the provisions of these regulations. Section 1816 - Violations & Penalties, Any person, firm or corporation who fails to comply with, or violates, any of these regulations shall be subject to the penalty pursuant to the provision of the Louisiana Revised Statute Section 33:114. Section 18-17 is Civil Enforcement. Appropriate actions and proceeding may be taken by law or as in equity to prevent any violations of these regulations to prevent unlawful construction to recover damages to restrain, correct or abate a violation, and these remedies shall be in addition to the penalties described above. These included the following, refusal of connection of any utilities as directed by the city to any subdivision development occurring without review by the Planning Commission and/or without meeting the standards pursuant to these regulations upon review by the Commission. Written notice of the reasons for this action shall be forwarded to developer at the time of this action by the Department of Public Works or designee. Refusal by the city to construct, maintain, or accept into the city system any road, drainage, water, sewerage, utility, or other public service facilities in an unapproved subdivision, such refusal must be through the city's designated agent, the Planning Commission. The formal flagging of unapproved and substandard subdivision development pertain to these regulations at the Clerk of Courts Office where they a dated notice warning prospective buyers of lots in the subdivision of the unavailability of public services facilities or maintenance by the city or the public utility company or special district having jurisdiction. Such notice shall be filed after a developer has been notified in writing by the Department of Public Works or designee that he has violated these regulations and either has refused to submit his development for review or failed to submit within 10 days after notification." Section 18-5 is Jurisdiction. The subdivision regulation shall apply to all subdivisions of land as defined herein, located within the incorporated areas of the city. It says, "No land shall be subdivided within the incorporated areas of the city until: the subdivider or his agent has submitted a sketch plat of the parcel to the planning commission; has obtained approval of the sketch plat and preliminary and final approval of the plat itself by the planning commission; the city has formerly accepted all offers of dedication for perpetual maintenance and operation; the approved plat is filed with the parish clerk of court." It says, "No development permit shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformance with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations." So as planning commission members I just wanted to go on record by saying we have done our part. We are going ahead and bringing to the attention of the council some possible violations. That's basically all I'm going to say at this time. This subdivision still has to come in front of the planning commission for approval at a later date. It is not ready to do that at this time, but if I have no other comments, I will move on to the next item on the agenda. Councilman Dee Richard stated he had a comment that you just submit that in writing to the council, also, not just in the minutes. Mr. Breaud replied Ruby, if you would pull out that section, if you don't mind, and if you want me to sign a letter and submit it to the council, I will be glad to do that. Ms. Erwin stated and, Clay, she was sorry, what violation did you see? Mr. Breaud replied they started construction before final subdivision approval. Ms. Erwin replied okay. Mr. Breaud replied you're not supposed to start any construction on the land. Ms. Erwin stated that's what she was asking, was it construction or was it just land development. It was actually construction? Mr. Breaud replied we have two, we're talking about building construction, we have two buildings that are being constructed in the subdivision right now. Ms. Erwin replied that's what I wanted to know. Mr. Breaud stated Mr. Toups? Mr. Jules Toups with Acadia Land Surveying came forward and stated the two buildings he's talking about are on J.B. Levert property and at present they are on individual lots of record. This subdivision was brought to you all in 2001 where it was approved into a three lot subdivision, one lot is Gaubert Oil, the other two lots were empty property. The Hibernia Bank parcel, where Hibernia is building is falling on Lot 2; where the other lot, the other construction is, is being built by J.B. Levert on Lot 3. So, as the ordinance states, you know if you follow the ordinance, we are not in any violations. Mr. Breaud stated the subdivision plat that you are presenting right here shows four lots, it shows no roadway dedication, no utilities through the site. Once you have presented another sketch to us...Mr. Toups replied no, this subdivision that was approved has utilities, it has sewerage, it has frontage, it has water and gas. Mr. Breaud replied that's correct but the layout of that subdivision has changed. We are no longer conforming to that subdivision, are we? Are we going to end up with 4 lots or are we going to end up with 6 lots with a road through the middle? Mr. Toups replied as far as the record stands at this day, the record stands at this date, this is the lot that's out there. Yes, it is coming, we are having a new subdivision that is coming, but when you read the letter of the law, as you read it, we are on individual lots, one of them J.B. Levert is building. J.B. Levert can go on anywhere on any of their property and build without coming here. Mr. Breaud replied so it's your interpretation at this point in time that you are, they are constructing buildings in an approved subdivision? Mr. Toups replied they are constructing buildings in an approved subdivision. Mr. Breaud replied ok and the sketched plat that was presented to us and the preliminary plat that's being presented to us has nothing to do with the plat that you are referring to? Mr. Toups replied no, he was not saying that it is not, we are doing a re-subdivision of this. But, you know as you read it, these/this is on individual lots. Mr. Breaud stated so it's your contention that your building in an approved subdivision? Mr. Toups replied they are building in an approved...Mr. Breaud replied it was his contention that you are not in an approved subdivision. Mr. Toups replied they are building in an approved subdivision. Mr. Breaud replied okay, we'll address that when you come back to us for final approval for that subdivision and we'll see what it is. If we start a precedence right here of allowing development to go on before the City accepts final acceptance of a road and drainage we are opening a can of worms for every developer in the town to go ahead and start construction on lots before it's being accepted by the City. Mr. Toups replied he was just addressing as what you read. Mr. Breaud replied he was telling you what precedence we setting right here, when we allow this to go on, okay, there's a reason for this law in place. Mr. Toups replied there is, I agree with you. Mr. Breaud stated there's a purpose for it and the purpose is that we can have a developer go bankrupt tomorrow and this guy is going to turn around that's building something and sue the City or sue the developer because he don't have a road in front of his business, he has no utilities to tie in and that's the purpose of having all the infrastructure in place before you allow construction. There is no other way to interpret this law, I've read it 100 times, it's not only the City regulations, subdivision regulations; it's the state law. Mr. Toups replied he was not arguing that what you read is incorrect, all I'm stating is that where these building fall, where they lie are in approved lots with utilities. That's the only point I'm making. Mr. Boquet replied they were approved prior to this time? Ms. Erwin replied it was, they just, they haven't come back to, they have future plans to sub-divide it more.

Mr. Toups replied when they did the subdivision we created these lots, right, so there are plans to sub-divide it more but at present, Hibernia is on lot 2, the new construction J.B. Levert is doing is on Lot 3, they have access on Rue Loudon, they have access on Highway 308. They have sewer, have water and have gas and they have power. Ms. Erwin replied as it sits Clay. Mr. Toups replied as it sits now, it does. Ms. Erwin replied as it sits. Mr. Breaud replied but we were presented with another sketch plat that over-turned this layout. Mr. Toups replied we are not overturning it. Mr. Boquet stated those lots were included in that sketch plat. Mr. Breaud replied it's all been subdivided, they've got 6 lots now and they've got a road going through the middle of it. Mr. Toups replied they were resubdividing it and when it's done these lots are going to fall you know, as a division of this, but as it stands now we are...Mr. Breaud replied that's your opinion and that's fine, I think... Mr. Toups replied he just wanted to make sure that I go on the record as stating that. Mr. Breaud stated as far as the duty of the Planning Commission, I am bringing it to the attention and we will do it by letter to the City Council and if the City Council needs interpretation from the legal attorney, let it be, but I, if the laws were broken, I don't want this commission to be liable or to break the laws, so I am bringing it to the attention right now, we can not allow this to go on, we can not have construction in unapproved subdivisions. And that's where I'm leaving it tonight. Mr. Toups replied he was just making sure that this Council, this Board understands that the construction that is going on is inside of an approved subdivision. That is the only point; he just wanted to make sure. Mr. Boquet replied let's submit it to the City Council. Mr. Breaud replied well we're going to do that, we are going to...Ruby will draft the minutes and submit it to the Council. Mr. Ansolsek replied that subdivision will come back to you later. Mr. Breaud replied ok. Councilman Mire stated can I ask one question? Mr. Breaud replied go ahead Chad. Councilman Mire replied these two buildings that are going up, they were issued building permits? Mr. Kraemer replied yes. Mr. Breaud replied yes they were. Councilman Mire stated in order to issue building permits don't they have to be a lot of record? Mr. Kraemer replied that was correct. Councilman Mire replied okay, thank you. Mr. Kraemer replied they are on lot two & three. Councilman Mire replied okay, that's all I wanted to know. Mr. Kraemer replied not to mention they have also signed both, both parties have also signed waivers not holding the City responsible and they will not be issued occupancy permits until such time as the re-subdivision takes place. Mr. Breaud stated and the State law says...Councilman Mire replied we will discuss it at the Council. Mr. Breaud stated State law says nothing about acceptance of waivers prior to issuing building permits. Bring it to your attention that's something that you all have to act on, we are going to have to act on it again when it comes in front of us for final approval. Ms. Erwin replied, Mr. Chairman, Clay, I'm just trying to understand it, so excuse the ignorance, but had, is it because the sketch plat approval has already been submitted that you are having the problem with...Mr. Breaud replied we are changing a lot of record. The process that already and that plat that is on record right now is being changed and it's already started through the process. Ms. Erwin replied okay, that's what I'm asking, is it because the process has already been started. Mr. Breaud replied that's correct. Ms. Erwin stated otherwise had that process not been started then they could construct what they are constructing right now because that is a law. Mr. Breaud replied as long as they are accessing off the two public roads and they are tying into the utilities off the two private roads, but the access to these lots are not going to be on a private road, they are going to be off the newly constructed road that's being built now; that is the intent and correct me if I'm wrong, but that will be the public access. Mr. Kraemer stated they have public access off of the public roads that presently exist. Mr. Breaud replied yes, well we are going to see when its all constructed where the intent is Kermit. Where is the intent of the driveway? The curve has already been left off for the bank to come in from the side road, that's where the interest is, that's the intent. Mr. Kraemer replied the lot fronts on a public road. Mr. Breaud replied okay, he was not going to argue the point, I'm just, I'm protecting this Commission from the laws, we are appointed to do a job here, all right, it's to follow the laws and that's what I intend on doing. I'm not going to bend them, if the law says it's red, I'm going to call it red okay and I want to bring it to the attention, if the Council sees that they need a legal interpretation let it be, but I have no intention on breaking the laws, that's the point I want to make at this point. I started to go a bit further with this thing but I'm dropping it right here and we, I guess next month it will come before us for final acceptance. **Okay, so there's no action to be taken on this item.**

The next item on the agenda is consider a request by Acadia Land Surveying, on behalf of J.B. Levert Land Corporation for preliminary plat approval of Lots 6 and 7 of the J.B. Levert Commercial Park Subdivision located on the South side of Glenwild Dr. approximately 550 feet West of the intersection of Westover Dr. and N. Canal Blvd. in Sections 42 and 43, T14S-R16E City of Thibodaux. Mr. Gary LeBouef with Duplantis Design Group came forward and stated tonight we are here for a preliminary plat approval for the subdivisions of lots 6 and 7 of the J.B. Levert Commercial Park Subdivision. This is the remaining portion of property located between Walmart and the new Lowe's under construction right now, there is a piece of property left there that we are proposing to divide the two lots there. You are aware that the utilities have been extended, the water and gas utilities have been extended as part of the Lowe's project so those utilities have been installed already, drainage was also installed as part of the Lowe's project to accommodate this parcel that we are, three cross drains crossing the Westover Dr. that we are going to bring this drainage, this lot 6 and 7 into the regional pond system and Westover Dr. is also part of the project for Lowe's that was extending Westover Dr. to the West till it got to the north/south drainage ditch. So roads, drainage, and water and gas are in place at this time or in the process of being put in place. We propose to extend the sewer line from the Glenwild Dr. sewer point and bring it on out to lot 6 and 7 to serve sewer. This area does fall under the J.B. Levert Master Drainage Plan, so the detention has been accounted for this piece of property in the regional detention pond. Mr. Breaud stated okay, what they are asking for is preliminary plat approval tonight so with the approval of this development the construction of the sewer line to the site together with utilities, the drainage and the road can take place. Do we have any comments by the Commission? Mr. Adams asked if that was by the end of Westover Dr. where it ends right now and start/entrance? Mr. Gary LeBouef replied yes, it is right past the retail center where Hibbett Sports and Radio Shack is, we propose to extend it from that point straight out to the West until we get to the drainage ditch at this time. I guess in the future it is possible to eventually go to St. Patrick if there is a need for it. Mr. Adams stated an extension...Mr. LeBouef replied right. Mr. Breaud then asked if there were any other comments? Any comments from the public, if not, **I will entertain a motion for preliminary plat approval of lots 6 and 7 of the J.B. Levert Commercial Park Subdivision. The motion was made by Ms. Erwin, seconded by Mr. Boquet, all members were in favor. Motion carries.**

The next item on the agenda is to consider a request by Acadia Land Surveying on behalf on J.B. Levert Corporation for sketch and preliminary plat approval of Lot 8 of the J.B. Levert Commercial Park

Subdivision located on the West side of N. Canal Blvd. approximately 535 feet North of the intersection of N. Canal Blvd. and Glenwild Dr. in Section 44, T14S-R16E City of Thibodaux. Mr. Gary LeBouef came forward and stated this about a point .6 acre tract of land being proposed to be sub-divided, this is North of the Popeye's lot along Canal Blvd. here in Thibodaux. It's, I guess water was extended as part of the City's waterline project a year ago. So, we propose to extend sewer and gas from the existing Popeye's to the North along Canal Blvd. to service this lot. Drainage, there is a ditch located just North of this tract that drains into the regional pond system so we propose to tie into that ditch and bring drainage into that existing ditch North of this tract for the time being. We'll grant a temporary servitude along that existing ditch at this time and in the future there is a plan, potential road located South of this tract where a permanent drainage servitude will be given at that time. Mr. Breaud replied okay, once again, he is asking for sketch and preliminary plat approval. Approval tonight would allow construction of the utilities to the site. There is no roadway improvements proposed at this time. Once again, the utilities need to be brought to the site and approved before construction can theoretically start. Any comments by the Commission? They even got "Y"s showing instead of "T"s on the sewer services, did you noticed that? Were there any comments by the public? Mr. Adams stated how about the sewer system, is it adaptable Mr. Kraemer? Mr. Kraemer replied as it is proposed, it is, as they propose to build it. There is a sewer lift station in close proximity to there. Ultimately as this tract continues to develop they will have to seek alternative methods for transporting sewer, but not this particular lot. Mr. Breaud stated and as far as all the other services it's adequate to provide to the site? Mr. Kraemer replied certainly. **Mr. Breaud then asked if there were any other comments, if not, I'll entertain a motion for sketch and preliminary plat approval for lot 8 of the J.B. Levert Commercial Park Subdivision. The motion was made by Ms. Erwin, seconded by Mr. Adams, all members were in favor. Motion carries.**

The next item on the agenda is to consider a request by Acadia Land Surveying on behalf of Acadia Agricultural Holdings, LLC for sketch plat approval of re-subdivision of a portion of Tract II-A of Acadia Plantation into Phase One – Village One, Acadia Plantation located on the west side of Percy Brown Rd., south of the intersection of South Acadia Rd. and Percy Brown Rd. in Section 36, T15S-R16E, City of Thibodaux. Mr. Gary LeBouef came forward and stated we are here tonight for sketch plat approval on the remaining 10 acres of land located at the intersection of South Acadia Rd., Percy Brown Rd. here in Thibodaux. This is a piece of property that was recently purchased by Ronald Adams and Jake Giordina as part of the Acadia Plantation property. It is currently in the City of Thibodaux. It currently has sewer, water, and gas available as well as roads, adjacent roads to tie into. We propose to tie into South Acadia Rd. at this time and I handed you guys a plat earlier, a revised road layout. I know the plat shows a tie in at South Acadia and looping it and tying it into Percy Brown. We've since had conversation with DOTD, the State about making this tie in at that point on Percy Brown and they weren't too thrilled about that location due to the curve in the Percy Brown Rd. and the speed limit. They say that's going to be a rear end nightmare for people leaving, traveling to the left of this subdivision, people come around from the Terrebonne Parish side will not be able to see in time to slow down and there will be a number of rear end accidents if we make that tie in at that location. So, the plan I gave you earlier was showing just to put a turning "T" at this location and we think that is less of a risk on a daily basis to have a turning "T" to go back out on South Acadia than having to tie into Percy Brown. We have left, we do want to leave a right of way for in the future if for some reason that tie in can be made in a safe manner, but at this time with the two laned road and the speed limits it's just not a good deal based on my conversations with the State. So, I guess we do have availability of water, gas, sewer for this subdivision; it's going to be a mixture of single family residential and some commercial related properties. Mr. Ber stated does your plan propose to be 24" x 36"? Mr. Breaud replied you've got one, you've got one bigger like this, there was a small little change. This tract of land is already zoned an R-4, it is not part of the T & D District that was proposed last month on the tract. So we are following R-4 zoning requirements. Correct? Mr. LeBouef replied right at this time we are, that is correct. Mr. Breaud stated the drainage servitude on the back property lines of the tract, I see you are proposing to put a 10', no 15' drainage servitude. I'm not sure how big that ditch is back there but the subdivision requirements is that we have at least 10' from the top banks, I'm not sure if 15' is adequate for the ditch and the access, so I would ask that you look into that. Mr. LeBouef replied alright, we'll check on that in preliminary plat. Mr. Breaud stated he would also remind him that you have to do a drainage impact study and present that to us. Mr. LeBouef replied right, correct. Mr. Breaud stated I lost all my notes, I don't remember what else I had but I guess that's, any other comments by the Commission? Mr. Adams stated yes, I see he's taking in that extra piece of land between Percy Brown and Lea Rutter's Subdivision, the map shows...the big lot on this map, that's part of Lea Rutter's Subdivision? Ms. Erwin stated you're talking about Block 3, Block 3 is? Mr. Boquet stated Block 3. Mr. LeBouef replied yes, Block 3 is Lea Rutter's Subdivision, that's correct. Mr. Adams stated and that's an R-1 area and you're throwing in an R-4? Mr. LeBouef replied actually, it's R-4 right now. Ms. Erwin replied it's already R-4. Mr. Adams stated that area here? Mr. LeBouef stated it was brought it in, at the time the Plater's brought it in, it came in as an R-4. Mr. Breaud stated what you talking about, the Lea Rutter side? Mr. Adams stated he thought it was R-1. Mr. Kraemer stated they petitioned to have that changed to R-1 and it was granted. Ms. Erwin stated yes, Lea Rutter is R-1, but it's already an R-4. Mr. Kraemer stated but there's no zoning change with this particular one. Ms. Erwin stated it's got to comply to R-4 regulations. Mr. Breaud stated we're not re-zoning anything tonight, we're not changing anything. Mr. Adams replied okay, I was thinking when it was annexed into the City it was set up as an R-4? Mr. Breaud stated that piece is R-4 and like Kermit says, when Lea did his, they came back and petitioned for an R-1 and we allowed the R-1 change. Mr. Adams replied he remembered that, he sure did. Mr. Breaud stated but he's still R-4 adjacent to this. Has all of the property owners been contacted or sent letters to – on the sketch plat? Ms. Erwin replied they have one right here. Mr. Breaud stated that's supposed to be done in the sketch plat, what is the time line on this? Is this a problem to come back on the agenda next month for a sketch plat again with the – Mr. LeBouef replied we were actually going to try to come back for preliminary with the engineering plans, we wanted to have the sketch plat to get comments from the public so we can address it in our design, but ...Mr. Breaud stated the only thing I can say is we need to contact them and you would be doing it at your own risk because we got to get public input on this and contact all the owners. Ms. Erwin stated that's what they requested from us. Mr. LeBouef stated do we have to contact or does the City contact, I mean we provided the land owners to the City but...Mr. Breaud then asked who is responsible for doing that, Ruby, you all are? Ms. Maggio acknowledged that was correct. Mr. Breaud replied he would request that in the next submittal, I mean this is the point that Lea Rutter brought out last month and we need to follow the rules, we talked about laws tonight and he wanted to follow the laws. Ms. Erwin stated and this was the one request that we were asked to adhere to, that all of these property

owners were notified. Mr. LeBouef replied right, I agree. Ms. Erwin stated especially if there was any resubdivision right there. Mr. Breaud stated so what I would say is next month come back with sketch and preliminary for that. Mr. LeBouef replied yes, we'll have to do it that way, right. Mr. Breaud stated Ruby will send out notices to everyone and we'll take the sketch plat first and then hear input, then we can act on the preliminary. Ms. Erwin replied it's just too important that we... Mr. LeBouef stated and we have the names of all adjacent owners and we even have a few extra ones just to make sure that the ones that are near this are contacted, so we have...Mr. Breaud stated we've got to remember in the sketch plat where we are abutting the other property owners, that we need to contact these guys. The other deal with Jake and them's property, there were no adjacent property owners, the phases that they were proposing to construct, they were surrounded by their own property. Mr. LeBouef replied by themselves, right, in this case there's none. Mr. Breaud then asked if there were any other comments? Mr. Boquet stated the only thing I have, Clay, is I want to be sure that the potential road extension does exist because right now we have a dead end street with only one... and you know how I feel about that, only one entrance and egress, and so any approval that we have I want to be – particularly when I look at what could conceivably occur after this initial development, I want to be sure that that extension is left free. I want to make real sure that's left free, if things change we can... Mr. Breaud stated yes, we made Mr. Rutter go through a traffic count to justify --- he wanted to come with two dead end streets and we made him come back with a traffic study and he agreed to make the loop. One possible thing is that we can come along and connect these two streets together with this one some kind of way along the bayou side. Mr. Boquet replied he wished we could. Mr. Breaud stated he would ask you to take a look at that, I agree with the State, you know, this is probably a poor intersection in the curve, but there's a possibility that we could come back in and tie into these other streets back on this side back here. Mr. LeBouef replied Acadia Point Drive, is that what you're referring to, back on Acadia Point? Mr. Breaud replied yes, Acadia Point Drive, correct. You could just take that extension you've got and bring it back round and loop it back over here possibly and have a return. Mr. Boquet stated but he really thought particularly here, now once you get the rest of the development that you have a problem because that's a pretty big development to carry just one street. Ms. Erwin stated except that there's probably a chance that the speed limit on Percy Brown is going to be reduced. Mr. LeBouef replied he doubted it from what the State was saying of the Cherette, they said had no intentions of lowering the speed limits on Percy Brown. We asked the question and they said they don't want to slow anything, their job is to get the traffic though fast, not slow them down. Ms. Erwin replied interesting. Mr. Boquet stated let's see if you can find, work with them and see if you can find me an exit, another alternate. Mr. LeBouef stated well he knew Acadia Point expressed at the Cherette for Ronald and Jake, they did say they did not want the roads tied into, any roads tied into Acadia Point Subdivision. But again, the City governs over what they're asking for and the Planning Commission so we can look at that and see. Mr. Clarence Savoie stated Clay, that wasn't the thing, they were going to extend our subdivision and make a larger loop and that is what you all agreed to at the Cherette. Mr. LeBouef replied he was sorry, I can show you this. Mr. Savoie stated what he was saying is that we don't want any roads tied into Acadia Point. Mr. LeBouef replied right. Mr. Savoie stated because you're talking about an R-4 right now would be tied in, filling to an R-1. Mr. Kraemer replied he didn't think that would be a good idea. Mr. Boquet stated that's not a factor so far as the R-4 or R-1 tying into street, I don't see that that has a...Mr. Savoie stated they agreed that they would extend Acadia Point and benefit from the lots, selling or extending our subdivision. Mr. Adams stated and they've got it proposed going back toward Percy Brown Rd, now you're going through Acadia Point. Mr. Savoie stated he knew but you mentioned tying into Acadia Point Dr. Mr. Breaud stated the way they originally proposed, the State didn't want them to do that so they are looking for other options right now. Mr. Boquet stated he could see what the State was talking about on that end of it but see what you can do about giving me another exit, if that's at all feasible. Mr. LeBouef replied the only two choices at this time is Percy Brown or Acadia Point Dr. there are no other roads near here to tie into. Mr. Adams stated let me ask you another question, do you have any idea what they are going to do with Lot 2, is that going to be some more subdivisions... more residential area? Mr. LeBouef replied Lot 1 and Lot 2 of Block 2? Mr. Adams replied yes. Mr. LeBouef stated currently there was several interests, I mean, one was at one time like an assistant living facility, which would be like a care home for elderly people. That was one option and they also have...Mr. Adams stated there are more and more people at that intersection all the time, that's why he why he was trying to help. Mr. LeBouef replied there's no concrete plans at this time for Block 2, it's just open and out in the market at right now, nobody has signed on the dotted line at this point and time. Mr. Breaud stated will the access to those two lots be off the proposed roadway or off of Percy Brown and South Acadia? Mr. LeBouef stated they were proposing off of the proposed road but they could, I guess if these people wanted to get a drive cut they could petition the State to get a curb cut but that's not our intent to do that at this point in time. Mr. Breaud stated Mr. Richard you had some comments? Councilman Dee Richard replied that was my concern what he brought up was that the road, if your intentions were to connect it to...He had two questions and the second was for Gary, but as far as getting this approved Gary, does this have anything to do...do you need this before this cooperative endeavor can be looked at also? Mr. LeBouef replied he didn't think so because this part is in the City already and what we are doing is going to meet the current city requirements, it's already in the City limits. Councilman Richard replied that was fine. Mr. Breaud stated yes, this is not part of the T&D District right now...this is separate and in the City limits and has it's own R-4 zoning. Ms. Erwin stated that setbacks and everything right now have to be complied with on that section. Mr. LeBouef replied he understood. Mr. Kraemer stated he didn't think the residents of Acadia Point would be very happy to have this connected. I think there's got to be some other alternative to having this come back through Acadia Point as an alternative exit or entrance into the adjacent subdivision. I don't think – I'm speaking for the residents, I don't live there, but I don't think that they would be very interested in having a connection. Mr. Boquet stated it wasn't going to carry that much more traffic, it really won't. You're going to have the bulk coming out the easy way and this way, but basically the way you have it tied here, particularly if that back section gets developed, you've got a real problem with a whole bunch of property that has only one exit. The amount of traffic that will go down into the other subdivision, I think is negligible, when you consider what you have here, it just seems like we could ... Ms. Erwin replied there's 24 residential and that's also the proposed and future, is that proposed for residential? Mr. LeBouef replied future phase, that would be more residential. Ms. Erwin stated more residential? Mr. LeBouef replied right. Ms. Erwin stated so there's the potential for 24 lots. Mr. LeBouef replied 24 lots, correct, plus the two... Ms. Erwin replied plus the two commercial, but you would ...Councilman Richard stated excuse me, Mr. Boquet, what was your comment again? I didn't hear what you said about that? Ms. Erwin stated her only, if these two commercials, I mean I would agree with Acadia Point, if these two commercial lots have exits on that that they can also go through there then as a residential – if I was a property owner in Acadia Point, I wouldn't want them. Councilman Dee Richard stated he knew one thing, if that comes before like that, and after what they were

told at the churette, you're going to have a few people in here. Mr. Savoie stated before you get started you're breaking your master plan from the churette. Ms. Erwin stated don't look at this proposed plan because that's not what he is proposing, so we're only talking about one, two, three, four, five...13, right, right now? Mr. LeBouef replied correct 13 residential lots. Ms. Erwin stated I know, but you've got all of this rest that will have to come up with another possible plan. Mr. LeBouef stated they would have to come back with another plan to do the rest of the subdivision. Ms. Erwin stated instead of this, that they will probably need to have an entrance and an exit right here, so is 13 too much to have just, I don't think 13 residential on a dead end is all that, and I'm not a transportation expert by any means. Mr. Kraemer stated there is a stipulation that you can't – I don't know exactly how many feet you can extend a cul-de-sac, I'm not exactly sure. Mr. Breaud replied it was 1,500' without a cross over. Ms. Erwin stated so is that, I mean unheard of to have 13 residential having just a Mr. Breaud stated you know, right now, if you want we can act on this first phase which is 13 lots and when he comes to develop this back part, at that time, we can address the traffic problems and maybe make some kind of tie in or something right there. Ms. Erwin stated why can't we do sketch and preliminary plat approval together and request before we approve this? Mr. Breaud stated because we need to get the input of... Ms. Erwin replied because she thought it was only fair to get the property, the adjacent property owners at least notified even though it complies with everything. Mr. Breaud then asked if any wetland determination been made of all this back stuff being pretty low... Mr. LeBouef replied they weren't touching the back stuff, I am not aware...Mr. Breaud stated in the future, you are showing proposed extensions in the future back in there. Mr. LeBouef replied that was possible in the future and he guessed at that time they may or it may never happen. Ms. Erwin stated they probably have some property to mitigate that. Mr. LeBouef replied yes they could probably do that, but at this time they have 900 acres to develop, they probably are not going to mess with this property for a long time, that's on the other side of the ditch. Mr. Breaud stated and we have no problems with utilities at this site Mr. Kraemer? Mr. Kraemer replied no, sir. Mr. Breaud stated it sounds like the wills of the Commission is to delay action on sketch plat approval until next week and we will act on the sketch and preliminary plat, is that the motion on the floor? Ms. Erwin stated that's the motion but till the next meeting, not next week. Mr. Breaud stated to the next meeting, sorry. The motion was made by Ms. Erwin, seconded by Mr. Adams. All members were in favor, motion carries.

Mr. Breaud then asked if there was any other business to be discussed. Mr. Kraemer stated you had asked me before the meeting, many of you have noted that Mr. Portier is not at the Planning Commission meetings any longer. In his interim absence Mr. Errol Price, who is presently the plumbing and electrical inspector for the City, will be acting on my behalf with respect to serving the commission. Mr. Portier is presently appealing a decision that was made by the department with respect to his employment. Until such time as that is completed, Mr. Price will be serving in that capacity for me. I'm glad to have Errol doing the work; he does an excellent job. Mr. Breaud stated so you're the man, we've got new meat to pick on. You got any comments you want to make Errol? Mr. Price replied no. Mr. Breaud replied all right. Mr. Boquet stated there's no comment, he just wants to hand in his resignation. Ms. Erwin stated what was the letter from Hibernia asking for a building permit. Mr. Kraemer replied that was the letter that they signed with respect to the building permit that was issued on that lot that they are presently occupying.

Mr. Breaud then asked if there were any further comments, if not, meeting adjourned.