



**OFFICIAL MINUTES  
PLANNING & ZONING COMMISSION  
April 14, 2010**

Members present: Clay Braud, Melvin Adams, Marguerite Erwin and Mark Kearns  
Members absent: Robert Mire

Also present: Eric Fauchaux, Public Works Director, Errol Price, Zoning Administrator and Ruby Maggio, Secretary

**The first item on the agenda was to consider a request by Leonard Chauvin, Inc. on behalf of Roger Braud for final plat approval of division of a 9.136 acre tract of land into Lots C, D, E, F, G, H & I situated on the south side of Gerald Peltier Dr. approximately 250' south of intersection of Gerald Peltier Dr. and Ledet St. in Section 27, T15S-R16E, City of Thibodaux, Lafourche Parish, Louisiana.** This is a subdivision that was presented to the commission a few months back whereby the family owned this tract of land on Ledet St. and they wanted to divide it into different lots. We got approval to do that contingent upon installing sewer taps for each lot which over the past few months we have been in the process of doing and now we're completed and we've submitted all of that information to the city and I believe it has been inspected and approved by the city and we're asking for final approval on the plat. Mr. Braud stated Leonard those sewer taps were extended all the way across the road so that each lot has its sewer tap. Mr. Chauvin replied that is correct. Mr. Braud stated I don't see that there are any utility servitudes across the front of these lots, is there any reason why we're not including that servitude. Mr. Chauvin replied well I don't there would be a problem with putting it but all the utilities are street ward of the property line. Mr. Braud stated the only problem I see is that if sometime in the future and this specific servitude is not only for the city, you've got cable TV, telephone, electric and possibly sometime in the future the city may decide they want to change out that gas line and it would be nice to have that servitude. I think it is needed and we ought to require it, we require it on all other lots to put in a servitude and I think we ought to require a 12' servitude. These are fairly big lots, I mean it is 350' deep and I see we've got arrows on each lot and I would assume that those arrows represent either the slope of property or the drainage. Mr. Chauvin replied access for drainage. Mr. Braud stated access for drainage and I guess I would ask and none of these lots have been graded out or cleared out at this time and it is not in the plans to do that under this development. Mr. Chauvin replied that is correct. Mr. Braud stated I guess I would ask Errol if you get a building permit request for Lot F where a guy who wants to pave all of this lot and build some kind of commercial development, what is your stance on drainage or what should we do as far as looking at drainage to make sure this thing works. In a normal subdivision we would have, we would grade the lots and slope to the road and right here we're subdividing lots and we're not doing anything on drainage, what would happen if somebody does come to you for a building permit to build on this lot. Mr. Price replied basically all I would look at is that he doesn't drain on his neighbor's property. Mr. Braud stated and we'd try to comply with these four arrows with everything from the back lot would come to the roadside ditch along Ledet Street, is that.... Mr. Price replied you can shoot for that but most of the time you're going to end up, people are going to turtle back their lots and you will have some water probably flowing to the rear but as long as they don't drain on the neighbor of the rear property. If we slope to the back, how would we not cause problems along the back, the city has no servitude and we don't want any drainage servitudes on the back property line. Mr. Price stated the only thing we can control is that they have to leave enough room, basically I judge 5 to 10 feet on the sideline property if they add no fill is basically what you have right now. Mr. Braud stated in your building permit phase you could make sure that the side lot lines can include some kind of swale to get the water from the back of the lot. Mr. Price stated we look at that now on all projects that you don't drain on your neighbor, but all you're allowing is not to add the fill along the property line now as far as saying that the water is going to drain to the front or to the public ditch along Ledet Street, the lots are, whatever situation the lots are in right now is the way they are going to stay, but the thing is we have no control if somebody comes in and wants to haul dirt in there and not even do any construction, we don't even see it. They can come and elevate the lot at 12" and the city is not involved. Mr. Braud stated well they've got to come to you for a building permit. Mr. Price replied no, but if he's not going to build, he just wants to fill the lot. Mr. Braud stated if we get a commercial guy, if we get McDonald's that wants to build on Lot F and he's going to raise the lots and he is going to slope the back half of the parking lot off to the back property line, we're going to allow him to do that, I mean we've got an opportunity to make provisions here if we need to put something on this plat we can do it. You know as soon as this happens and we start trapping water and these are deep lots, that is why I

am really raising the question, it is kind of hard to bring water 350' from the back to the front but if that does happen and we start trapping water in between the back property lines you're going to have every developer and every neighbor calling up the city because we've got a problem and you have no way to correct it right now. Right now we've a situation where we can do something about it and I am asking you what is the best way for you all to handle it. Mr. Price stated well I think that would have to be for the Public Works Director, I hate to dump it on him, I can work with him as far the building department but that is... Mr. Fauchaux, Public Works Director replied the point is valid, ok but we don't have the engineering or surveying license but that needs to be presented and be recommended by the Board and I think if they did that... Mr. Breaud replied I can understand the guy wanting to develop or subdivide the property and not going out there and clear and grade the whole lot, we probably can put some kind of wording on the plat here that any development along these lots shall be engineered to drain the lots to the ditch along Ledet Street or something to that effect before any kind of development to make them drain to the roadside ditch. But other than that if we just let them turtleback the lots and slope to the back we're going to have a tremendous problem along this back property line. They're going to be coming to the City for the correction and you're not going to have a way to correct it. Mr. Kearns stated you know they're not going to be able to build enough for 300' feet. Mr. Breaud stated they could make it slope but I mean there is the chance that he could put the swale like Errol is talking about, he could put a swale along the property line and slope the swale to drain into the ditch. Mr. Chauvin stated I think we could propose to put a note on here that would say that, maybe explain the drainage arrow, that it indicates that the drainage for that lot when developed have to be designed to drain to the front ditch along the front ditch along Ledet St. I don't think there would be a problem with that if that is ok with the City or you can even take it further that the plan has to be submitted by a professional engineer or something to that extent. Mr. Breaud stated so I mean when it goes to Errol for review when he comes and gets his building permit if that note is on here well then Errol has got something, some teeth to make this guy slope the property to the front ditch or something. Mr. Fauchaux replied I'm not opposed to even marking on the drawings you know drainage swale, Levert Land on some of their developments they have drainage as private drainage servitudes and you know by putting that on there so that fences don't get constructed on it and they block the drainage but it serves the purpose and as deep as those lots are it needs to be perfected somehow and maybe it could be on the left side of every lot to where five fourths or what have you at least one person is going to have to provide or not put a fence on it. Mr. Breaud stated and that becomes a problem if you put a fence on that property line it is hard to get a swale to drain but if we put the note on the plans I think that forces the developer that is going to get a building permit to do something to make sure that the property will drain adequately and I think that we can handle it that way if everybody is satisfied. Mr. Price stated the thing about it is you can't stop him from putting a fence on it even if you've got a swale. Mr. Fauchaux stated but if it is noted with a dashed line - servitude and it is specified... Mr. Price stated even right now with our private servitudes we still allow them to put a fence on it, we never stopped them from putting a fence down, we just don't allow a permanent structure a servitude. Mr. Chauvin stated we really don't know what they're going to do on these lots and we're kind of trying to pre-engineer that you know we want to put a swale on the side, it would be better just to require them to come in with a drainage plan by an engineer I think that could be approved by the City. Mr. Breaud stated I'd like to see that, if you can put that wording on this plat - that would be satisfactory to me so at least when he is reviewing the building permit he can go back to the guy and say based upon this plat you've got to engineer the drainage to make sure that the water is going to come to the front. However he decides to do it, if he decides to put sub-surface drainage or put a swale down the middle of the lot but at least he is not trapping all the water on the back property line and he is getting it to where it is supposed to go; so I would be ok with that. Are there any other comments? Mr. Chauvin stated no, that is really what I wanted to hear I think that is the better idea. Mr. Breaud then asked if there were any public comments on this particular item, if not, a motion was made to accept final approval of the survey of the division of lots with the condition that a 12' utility servitude along the front those lots be included on the plat and that a note be designated that the drainage for these lots shall be engineered drainage plans approved by the City prior to the issuance of a building permit was made by Mr. Kearns and it was seconded by Ms. Erwin, all members were in favor, motion carried.

**The second item on the agenda was to consider a request by T. Baker Smith, Inc. on behalf of Jaron Land Development Co., L.L.C. for sketch and final plat approval of subdivision of Tract C within the Audubon/South Acadia Park Subdivision situated on the south side of S. Acadia Road approximately 25' south/east of Preferred Place in Section 32, T15S-R16E, City of Thibodaux, Lafourche Parish, Louisiana.** Mr. Matt Ledet of T. Baker Smith, Inc. came forward and stated that he was there representing Jaron and they were looking to get final approval of Tract "B" there was a typo and it we called it Tract C but it will be Tract "B" filled and recorded. This tract sits right next to Preferred Place which is an accepted road by the City, there is sewer tap and also drainage that services the property, also water and gas, telephone, all utilities provided and also there is a street light. Mr. Breaud stated ok, as you all recall we approved the dedication of Preferred Place several months ago I guess and this is an adjacent tract. Matt, I would ask the same question I asked previously, I see we've got all these drainage arrows sloping to Preferred Place and when you go out there and you look at the land right now, it hasn't been graded to slope to the road and I'm assuming that when the building permit is applied for it would be the same thing, that when Errol reviews it this property would have to be graded to

slope to Preferred Place. I guess it is engineered to do that, all the arrows are sloping to Preferred Place and not to South Acadia Road and it is the intended drainage pattern that it does slope to Preferred Place. Mr. Matt Ledet stated again, it is the same issue - it is not knowing exactly what they'll do, they will put in some sub-surface at some point and it will tie into the existing drainage, it is all part of the master plan. Mr. Breaud stated I don't know if it is necessary that we put a condition on this one because the slope arrow shows that. Mr. Kearns stated can we put the same wording that we put... Mr. Breaud stated that is what I am hoping, you know it makes a difference if it slopes to South Acadia we could be causing problems on South Acadia, this whole tract of land was designed to slope or drain to a certain location and we want to make sure it does, so we can put the same type of wording as before. Mr. Breaud asked Ms. Erwin if she had a problem with it... Ms. Erwin replied no, I just thought we had a master drainage plan for this whole development. Mr. Breaud then asked Mr. Price if he had any comments on that. Mr. Price replied not really, I mean it has a master plan but there is still nothing permanent on how they're going to divide up the thing and all I can do is when I go to inspect it is to see that everything goes to Preferred Place. Mr. Breaud stated if the master plan shows that let's make sure that happens. Mr. Breaud then asked if anybody else had any other comments, Errol, any further comments... Mr. Fauchaux...; are there any public comments or a motion? Ms. Erwin stated she moved to accept the final plat approval of the subdivision of Tract B of the Audubon/South Acadia Park Subdivision with the stipulation that the drainage be sloped to Preferred Place. Mr. Breaud stated with one further clarification, on the original plats we have it was Tract C, the tract is really designated as Tract B, the motion was seconded by Mr. Kearns, all members were in favor, motion carried.

**The third item on the agenda was to consider a request by Milford & Associates, Inc. on behalf of Gambetta, L.L.C. for final plat approval of Colonel's Courtyard town home development – Phase I to be located on the west side of Louise St. approximately 113' south from corner of Wolfe St. located in Sections 18 & 19, T15S-R16E, City of Thibodaux, Lafourche Parish, Louisiana.** Mr. Gene Milford of Milford & Associates came forward and stated he was there on behalf of Gambetta, these are the four lots that are on Louise St., two of which were advertised as a reserved section that are going to be Phase II, the next item on the agenda. The property has been marked and the only thing I'm currently aware of is that the sewer taps have not been installed as of now and there has been no information supplied by them. Mr. Breaud stated you're request tonight is for final approval, I think two months ago or something we gave you sketch and preliminary approval for these phases and in that approval we had designated a couple of things that we wanted changed and I think there was a private drainage servitude and I think you have shown that on this plat, one other request that I guess we had made that I don't think has been addressed is the access from the rear lots and I know that is on the agenda later tonight, we didn't enforce that on that, I just wonder if you had any communication with the owner and if he is expected to do anything with that. Mr. Milford replied we did and we discussed it at length, these two lots have access to public, the rear will have access to the public street, so therefore on these four lots it really becomes a moot issue because each lot side would be like that so in Phase II there are I think three structures each on each side of the road, maybe four, where it would be an issue. I know we sat down at length and discussed that and I believe they are probably going to something dealing with cross access from yard to yard, how they're intend on exactly accomplishing that I am not aware of. Mr. Breaud stated with approval of Phase I there would be a division of four lots and in between those four lots there would be a street that you're dedicating under Phase II, Phase II may not get built immediately, so we could end up with two lots which I guess have all the utilities other than a sewer service, is there any reason why the sewer service hasn't been installed. Mr. Milford replied I cannot answer that, I don't know why they have not physically been done; I believe they would like to do it at the same time as they construct the structures themselves but as far as I know they have not been installed. Mr. Breaud is it planned to go ahead and start Phase II and install the sewers immediately, do you know? Mr. Milford stated I believe that is the case. Mr. Breaud stated any approval of these lots would have to include sewer service - we could do a conditional approval that sewer services get installed but we can't sign off on the plat until the service is actually in place. Mr. Breaud then asked if there were any comments from the commissioners. Mr. Kearns stated that was also my concern, the sewer. Mr. Milford stated the sewer line is on the other side of the street, it is not a complex or tedious, it is right across the street. Mr. Kearns replied but it still is not there. Mr. Milford replied that is correct, yes, sir. Mr. Breaud stated none of those servitudes are showing on the deal, where is like water service and all, they're on the opposite side, the water lines and the water main? Mr. Milford replied I believe it is on the same side, if I recall the fire hydrant is on the same side of the street that we're on. Mr. Breaud then asked Mr. Price if he had any problem with this. Mr. Price replied no, as long as we have a condition for the sewer service. Mr. Breaud stated Mr. Fauchaux, do you have any comments. Mr. Fauchaux replied I have a question, where is the road going to stop, it said proposed street. Mr. Breaud stated under Phase I there would be no road, under Phase II it is going to dead end at the two in the back; that is the next item on the agenda is to discuss Phase II which would be the street. Mr. Breaud then asked if there were any public comments. Mr. Brian Fontenot came forward and stated he was there on behalf of Sternfels & Berthelot, we're going to be the contractor for Gambetta Properties, let your records reflect we have reached a contractual agreement with LA Construction to go ahead and put the four sewer taps for the phase that we're starting now and I anticipate that being in place within fifteen days. Mr. Breaud replied ok, we'll call you back for Phase II in a little while. Mr. Breaud then asked if anybody wanted to make a motion. Ms. Erwin stated I'll move to approve final plat approval of

Colonel's Courtyard town home development Phase I with the provision that the sewer taps are to be constructed before final approval by administration, the motion was seconded by Mr. Kearns, all members were in favor, motion carried.

**The fourth item on the agenda was to consider a request by Milford & Associates, Inc. on behalf of Gambetta, L.L.C. for preliminary plat approval of Colonel's Courtyard town home development – Phase II to be located on the west side of Louise St. approximately 113' south from corner of Wolfe St. located in Sections 18 & 19, T15S-R16E, City of Thibodaux, Lafourche Parish, Louisiana.** Mr. Gene Milford of Milford & Associates representing Gambetta, L.L.C. came forward and stated this serves as Phase II for the Colonel's Courtyard. As with Phase I, I think we have addressed the terms that you had and brought up and discussed in Phase I and like we had talked on the last item there was considerable discussion regarding the egress and ingress for the rear of those lots. There was additional private drainage that was added to the rear lots that we were addressing some of the concerns that you had, it is not public drainage to the rear of the lots, it will be private and it will not be something that the City is asked to take over. I think we have addressed all the other comments that you had and we ask that grant preliminary approval. Mr. Breaud stated the difference in his request I guess is from Phase I and Phase II, Phase I was a final request, so upon installation of sewer services they can go ahead and start construction on those lots. On Phase II he's asking for a preliminary approval which would allow them to go to construction to install the infrastructure and roadway and utilities and come back to us for final approval before they can actually start building anything on the lots. So as you recall a couple of months ago we had requested about this drainage servitude, the City doesn't want any servitude on the back property lines and we requested you add a private drainage servitude so they can maintain their own drainage. A while back we had requested that the fence be taken off the back of the development so that they City could have access to that main drainage artery because there is a main drainage canal behind it and they could maintain that ditch. Mr. Breaud then asked if there were any comments by the commissioners. Mr. Kearns stated let me ask you this, because I'm looking on the back and it says public utilities drainage and maintenance servitude. Ms. Erwin stated that is on the back of the development. Mr. Breaud stated that is an existing ditch, there is a public ditch next door, is that the parish line? Mr. Milford replied that is the rear of the Thibodaux High stadium. Mr. Breaud stated it is between the stadium and this development and there is not much room on the other side to maintain it because they have a tree line that you can't hardly get through and I think all of those other developments are pretty much like that with dead end streets on the back side. Mr. Breaud then asked Mr. Price if he had any further comments. Mr. Price stated the only question I had, I know you all had discussed that "T" turnaround, when you have that parking, the fourth parking, how much do you have left where a car can actually turn around? Mr. Milford replied I'd have to look into it. Mr. Price stated I just want to bring this up and go on record as saying this is going to be our second or third one that we're doing this or that Planning and Zoning is doing and the last one that was done, you go down there and you can't turn around because the person that bought the last town house puts his boat on it. So I just want to go on record saying that this does not work for a turn around, they use it as a private parking spot. Mr. Breaud replied well is that part of the development or is that more of a policing operation where... Mr. Kearns stated let me ask you this question, if the boat was not there, could you turn around. Mr. Price replied correct but he issue on the last one was it was a private drive. Mr. Breaud stated this is public dedication, this whole triangle back over here is publicly dedicated, you've got a 50' servitude plus the two turn a rounds in the back so legally nobody is supposed to be parking on the roadway and it sound like it is more of a policing item that a subdivision regulation. Mr. Price replied I just noticed that sometimes you go to turn around and it is not working. Mr. Breaud stated let me ask you, Gene, we've got in our subdivision regulations that the turn around can either be a cul-de-sac type or it can be a "T" turn around, the "T" turn around is supposed to meet ASCO regulations, are we meeting those turning radiuses and all as far as you know. Mr. Milford replied as far as I know, yes sir. Mr. Breaud stated I think we're reference it in the subdivision regulations we meet the ASCO regulations and we've got a minimum turning radius and a minimum "T", I've never gone back and checked it. It looks like a 23' radius, is that what I'm looking at Gene, that would be 23', I mean a car or a bus would have to back up there is no such thing as they're just going to turn around or they're going to have to make a turn to get out. Mr. Milford replied there is a multi turning movement which is what all "T" turn a rounds are. Mr. Breaud stated and I don't know if this will accommodate a bus turning lane. Mr. Milford stated I wouldn't expect a school bus going down it is such a short street. Mr. Eric Fauchaux stated what about a garbage truck how is that going to, is there going to be a common collection point for the garbage or will it be curb side or...? Mr. Breaud stated how these things have been operating on these other short streets Errol, I know we've got some on Canal Boulevard with these little short turn a rounds. Mr. Price replied they're actually trying to back down the street, that is a problem and that is why I'm bringing it up on record. These large garbage trucks are trying to, like when they're backing on Plantation to get to Plantation Ridge, they've got to block the whole traffic to try and back down there. Mr. Breaud replied I know one of the thing we need to do is review our regulations if we see a problem let's go ahead and change the regulations to require, if we don't want to mess with "T" turn a rounds lets take them out and just go with a cul-de-sac so we can have a proper turning radius. I know what you're talking about, this started a while back in Rienzi where we accepted a couple of these "T" turn a rounds and now we've got double in the city, let's revisit the ordinance and see if we should allow it and if it is not working, let's change the ordinance. If he is complying tonight I don't think we can do anything else, does anybody else

have any comments; are there any public comments? Mr. Kearns stated I'll make a motion that we accept the preliminary plat for Phase II of the Colonel's Courtyard, the motion was seconded by Ms. Erwin, all members were in favor, motion carried.

**The fifth item on the agenda was to consider a request by Errol Price, Zoning Administrator for the Planning and Zoning Commission to determine the correct district classification placement for a recycling business.** Mr. Price stated that is one of the businesses that we don't have in any district and I'm asking the board to decide where they want to put one, if they want one. I have somebody that inquired about opening up a recycling business full fledged, he's looking at vehicles, boats, anything that he could buy and refurbish or re-sell. Mr. Breaud stated right now don't we have a couple of people doing some recycling in the city? Mr. Price stated one that I am aware of, on the corner of Plantation and Canal. Mr. Breaud stated that is the only place in town that is doing any kind of recycling. Mr. Price replied that I'm aware of, that is correct. Mr. Breaud stated that is not to aesthetic to have that on your main roadway coming through town, so I'm not in favor of that location personally. I looked through there and I know that in an "M-1" or an "M-2", in an "M-2" they talk about raw materials and in M-1 they talk about transfer and storage as an activity and that is the only place that I can see it could possibly exist if we want to allow it at all. You know we're talking about recycling, this could be something more massive than just aluminum cans, it could be any kind of steel structure, I don't know if that would happen in the city but once you classify or put it. Mr. Kearns stated well my concern is what about items with contaminant, they could recycle transformers or anything else, what happens if he brings in, if he recycles automobiles what is he going to do with that oil? Mr. Price replied I don't have that answer because the thing is it is a business and you all need to decide if you want a certain type of recycling, do you want it at all or do you want; I don't want to, I told this gentleman that I was not going to give his name or anything because it is not his particular business, this is a zoning request for anybody that would want to put recycling in the city. Mr. Kearns I understand, yes he is not asking for a variance... Mr. Price stated no, what he is asking for is if he would get it, he's asking to recycle everything and he said it will probably look like a dump yard. Ms. Erwin stated I think it is very important that we have a definition of recycle before we get involved with saying which district that we want it in, I think recycling can be just left up to interpretation and I think we need to be specific. Mr. Kearns replied I agree, think we need to define recycling. Mr. Fauchaux came forward and stated I think Lafourche Parish right now, Byron Talbot is in the process of building a recycling plant and they have some pretty strict requirements as far as containment, nothing can touch the ground but you are absolutely correct, it needs to be defined if there was to be any recycling allowed, there are various forms of recycling, it could be scrap metal, plastic containers, and so on. Ms. Erwin stated in lieu of the review of our zoning ordinance, I move to table, Mr. Kearns replied I second that. Mr. Breaud replied ok, it has been moved, and let's clarify that that is a good point and later on the agenda today the City has hired South Central Planning to do a study of the zones in the city so I think this the perfect opportunity for South Central Planning to add this to their task, to come up with some definition of recycling and like I said they've got some strict recycling rules in containment and fence coverage where things are hidden, maybe we would consider it but I think the starting point would be let's get the definition of the recycling. Do we want that to come back to this board or just delay action until South Central Planning makes their report, can we hold off that long? Mr. Price replied correct, he is aware of all of the issues and the last I spoke with him it is leaning more on it not happening and I figured since he brought it up I brought the issue up anyway. Ms. Erwin stated I think it is a valid issue. Mr. Kearns stated there are several important issues that are connected with it, like we're talking right now about, well if you allow recycling, what type of recycling would you allow within the city limits and then what restrictions would you put on that recycling process, so it is not just so much as it takes an M-1 or M-2 and say yes, you can recycle there but it is to define what are we going to call a recycling processing plant or yard or whatever the case may be and then what would you allow to happen in there. So we need to look at what the parish, their restrictions and get some sort of guidelines, South Central Planning is going to come in with some sort of guidelines so. Mr. Breaud stated ok, Ms. Erwin your motion was to table, do you want to table until the next meeting or do you want to table it to defer action until South Central Planning comes back with their... Ms. Erwin stated I move to defer action until the review is complete by South Central Planning, the motion was seconded by Mr. Kearns, all members were in favor, motion carried.

**The sixth item on the agenda was to consider a request by Errol Price, Zoning Administrator for the Planning and Zoning Commission to review suggested revisions to Article VIII, Town House Developments, Section 18-192 (4) Separation requirements with the addition of (4)-"c. No town house shall be constructed without a rear yard exit discharge. The exit discharge shall provide a direct and unobstructed access to a public way. (Definition for exit discharge and public right of way: refer to Chapter 10 Means of Egress in the IBC 2006 Code Book) The exit discharge shall be at least five (5) feet wide, level and paved to the public way."** Mr. Price stated this was basically brought up because when were looking at town houses back to back, there is a possibility that someone can get trapped along the rear yards and that is why I want to see this board have a little discussion on it to get some input. Mr. Breaud stated and what does the IBC code say, does it say that it is a requirement, do they talk about town houses or how is that described in the IBC? Mr. Price replied no, the IBC code, that is the definition, it just gives you the definition exactly from leaving, let's say the exit would be the door or the entrance to the house through a public right of way, a street or alley, a public exit, not private

and it basically just says it has to be level and 5' wide. Mr. Breaud stated you're not saying hard surfaced. Mr. Price stated the IBC does not say that, I made the recommendation that it be paved. Mr. Breaud stated this problem was discussed at our last meeting, we do require that when we've got back to back town houses we end up with a 5' strip in between two fences and nobody maintains it, so with this wording here, they would have to pave that strip of property in between those two fences where it wouldn't have to be maintained and they would have access out. Mr. Price replied that is correct. Mr. Breaud asked if there were any comments by the commission. Mr. Andy Andolsek of J. B. Levert Land Company came forward and stated I think Errol, I know I talked to him about this before and we've been tossing this around a lot and put a lot of thought into it and I think it is a good thing. Although discharges to the paved public way would be difficult if it were backed up, let's say if we put a project on the bayou side, so you would have to run a sidewalk all the way from the back yard to the bayou side even if you had separation between the units, let's say we do duplexes and each one had a side exit, we still would have to pave the passageway to the street. I mean it can happen in any subdivision, town house or apartment complex, even a single family residential if somebody put a brick fence, you limit access to other people and do you need to pave a public access to the street. So I agree that access needs to be provided, you know maybe not to the public alleyway, just to provide them access to be free, a clear access or egress and I don't know what language might be used but I think what he is doing is the right thing. Mr. Breaud replied Andy I guess suppose we've got two developers doing town houses, two different developers and one developer comes in and does his town house, he would have to, the way we've got it written now, he would have to offset his, the first developer would have to offset his fence 5' in order to provide for that passage. Mr. Andolsek replied right, he would pay for it, one person would pay for the entire servitude, the issue came up with one of our developments, we had a 5' drainage servitude in the rear so it was provided but access wasn't provided and a situation arose where the developer of the units just didn't want to provide access and that is where this came from and I mean the guy should have had access but pave it to the public way is one thing on those where it ties into a street it is easy but just imagine it along the back of that canal by Thibodaux High is where the exist is and you left room for them to get out and get around without getting into the ditch but would you have to pave it all the way back to the street. Mr. Breaud stated we could require that it cross his development whenever he is developing it at that time. Mr. Breaud stated the only problem I see is you know with you not wanting to pave it... Mr. Andolsek replied no, I'm not saying I don't want to pave it, I'm just saying do you want a sidewalk on the side of your house in case you've got a fire and you want to get out from the back fence, you know you'd have a sidewalk in everybody's back yard, so I think you need to, when you put a yard exit discharge I think it is great, I just think we need to come up with a better method in all circumstances for how you want to grant it and I don't have an answer, I'll be happy to help some of it but I don't know if this is the answer in all circumstances. It is the answer when you've got a street on the side, that is easy but when it backs up to a bayou or ditch that is something else. Mr. Breaud stated once we call it a public access or right of way does this mean that this developer is dedicating this alleyway to the city. Mr. Price replied this is not a public, no, it is going to a public way. Mr. Breaud stated it has to go to a public way, so this would still be a private type servitude not dedicated to the city and it would be up to that developer to maintain and take on the liability, he's taking on the liability of other people that is coming out. Mr. Andolsek stated well technically what would happen in my opinion they'll get easement on the lot so you would actually buy it so if you actually own that strip in the back of your house and someone else trips in the back yard they could probably sue you. You're bringing up a lot here, somebody is going to have the liability, normally in a servitude it is split on both sides, I guess that is still the method to do but if you're backing up to somebody's property that is not a developer it is not the same. Mr. Breaud stated and you know we're calling this an emergency access and we know what is going to happen in that alley way you're going to have everybody walking on the back of your property to access their property. Mr. Breaud stated what Errol is saying is good. Mr. Andolsek stated it is just a discharge, to give Errol some opportunity to make decisions when he give a permit, I mean just to allow discharge is that too vague, Errol, I mean if they've got a way to get out of the back yard is what you're looking for, so I mean as long as they provide that. Mr. Breaud stated if they don't put a high fence you can jump over it. Mr. Andolsek replied but again, I don't have the answer and I don't know if tonight is the night to answer it but I don't know if you can write everything down you need to write. Mr. Price stated but even if you take away paved...Mr. Andolsek replied I'm ok with paved, it is just paved to the public way, oh, an access to the public way, that would be better because you can have access on grass and get to the public way. Mr. Price replied you'd still have the liability though for crossing on your neighbor's property. Mr. Andolsek replied hopefully as long as you can define it, I don't even know if it has to be a servitude, as long as they have access to the public way; as long as you prove that they can get out of the back yard and get to the public way. Now if somebody does restrict it with a fence I mean that would be up to you to not allow a fence to be put across it or some obstruction because if a fire breaks out at Clay's house they're probably going to go through the neighbor's yard to get to his back yard anyway. Mr. Price replied but you see there is no way for me to control it and force somebody puts a fence after the building has been completed, six months after and we're not around there, they could actually put a fence across it and we're not going to be aware of it. Mr. Breaud replied there is one place I'm thinking right now that we've got this in Rienzi. Mr. Andolsek replied it is on Rienzi but look, the ones that back up to the Western Sizzlin have no way out, I mean every apartment in Thibodaux doesn't have back way out so this started because of two guys that had a feud and I understand them wanting access and if the man would have got it the

feud wouldn't have started but legally he didn't have to provide anything and look I would like to see them have it but how do you do it in a manner that is fair to everybody. You don't want him walking out in your back yard either when you're doing something. Mr. Breaud stated at this point what is the difference between the townhouses and an apartment complex, why are we addressing this only in townhouses, the same problem could exist in an apartment complex, they could have the problem with access. Mr. Andolsek replied yes, if you've got a two story unit and you have little pad and you can get under it and wait for the fireman to pick you up. Mr. Breaud stated that is all good comments and I think this probably needs a little bit more work, does anybody else have comments? Mr. Kearns replied it needs some refining, it need some clarification. Mr. Breaud stated how about public comments, we must have some public people in the public that must have an opinion on this. Mr. Kearns replied I'm not the public? Mr. Breaud stated anybody else, other than us. Mr. Fauchaux replied I would be concerned about even if it was paved, after 20 years you know people may plant trees or something like that in their courtyard, the roots go out and it starts cracking and it may become a regular public access and someone may trip and I believe it does open the way for liability issues but also if it is not paved then it is the same thing, someone may not maintain it and then it has causes restrictions. Mr. Breaud stated is this a zoning regulation or a subdivision regulation. Mr. Price replied you can pick the one you want. Mr. Breaud stated because we've got somebody doing a review of our zoning ordinance right now I would suggest that we table this item until such time as the review is completed, does anybody want to make that motion? Motion to table item was made by Mr. Kearns and seconded by Ms. Erwin, all members were in favor, motion carried.

**The seventh item on the agenda was to consider a request by Errol Price, Zoning Administrator for the Planning and Zoning Commission to review suggested clarifications to rear yard setback in Article VIII, Town House Developments, Section 18-192 “(5) Yards. There shall be a twenty-five (25) foot yard along sides and rear of each town house site wherever it adjoins a lot containing detached single family dwellings in R-1, R-2, R-3 and R-4 or vacant lots in R-1, R-2, R-3 and R-4 districts. This twenty-five (25) foot yard setback shall not apply where the adjoining vacant property in R-2, R-3 and R-4 districts has deed restrictions in place prohibiting the construction of a detached single family dwelling on the vacant property. and a A five (5) foot side and ten (10) foot rear yard setback shall apply in any other circumstances not addressed herein.”** Mr. Price stated this is trying to clear up the ordinance that is on the books already, the issue was that if you had a set of townhouses that are actually sold as individual units would that be considered a single family dwelling. This is some kind of language to straighten that up to say two things, if you have a vacant property next to it and it falls into an “R” zone and if there is a restriction in the deed saying that they cannot build a single family dwelling well then they'd be allowed to go with the lesser of the yard setback. Mr. Breaud stated a townhouse is not permitted in an R-1 right. Mr. Price replied no but if you have an R-1 vacant lot, they could build a single family dwelling so then it would affect the townhouse on their rear yard. Mr. Kearns stated if there was another “R” district... Mr. Price stated at the boundary if you had an R-1 District next to an R-2 and the rear of those townhouses would face, the rear of the townhouses would be against an R-1. Mr. Kearns replied I follow you, it would be butting up against it. Mr. Price stated you'd have to have 25'. Mr. Andy Andolsek of J. B. Levert Land Company came forward and stated that what Errol has in this clarification is that you are now putting detached because once you build a townhouse the way it was written you couldn't build another set next to them even if it was zoned for town homes but I agreed with these setback regulations and I talked to him before about this. The only issue I have is what about undeveloped property, when it adjoins undeveloped, so it is difficult to try to clarify that and put it in because it could be R-1 undeveloped that could be changed to an R-3 or to a C-2 later but if it is undeveloped should you keep the 25' setback. Like in my instance, Errol is telling me I can't build townhouses next to my other townhouses because it is undeveloped and I guess if we go and develop it it would be developed but as long as it is undeveloped it does not qualify. So I guess my question is you can't answer every question but would you all allow variances in places where in cases you have a cane field on the side of it would you allow units to be closer than 25', if that is the case and a variance can be granted well then I think that is acceptable but if variances ever become taboo then we have to put more into these ordinances. Mr. Breaud then asked Mr. Andolsek if he had any other suggestions on how we can fix it. Mr. Andolsek replied well you can put undeveloped property but you know again, like Errol stated what happens if somebody goes and builds a house but the only thing is if it is undeveloped property, he knows what is there before. This language was put in to protect somebody who had a subdivided lot already who was planning on building their dream home and if somebody puts a commercial building right on the side of it, that is what it is there to protect, not an open lot that has no utilities and it is undeveloped, I mean if the unit is there first then well at least you knew what was there first. So if you include undeveloped in here it would satisfy me on that but if it would later develop into a residence you would be closer than 25'. Mr. Breaud stated how are you defining undeveloped property, if it is a lot of record. Mr. Andolsek replied if it is a lot of record it is developed, I mean I'm talking about raw land, if you want to call it raw land. Mr. Price stated the location that you have right now, a can field like you say... Mr. Andolsek replied it is zoned R-3. Mr. Price stated it is zoned R-1. Mr. Andolsek replied well no, some of it is zoned R-3. Mr. Price stated some of it by the church in the back of it. Mr. Andolsek replied well the church is zoned R-3 too but it still give you the... Mr. Price stated but right in back of the doctor in back of the property behind the fire station is zoned R-1, correct? Mr. Andolsek replied that is R-3, everything on that section, all the way from the ditch all the way to the... Mr.

Price started so the only thing that would be R-1 would be far in the back towards Rosedown. Mr. Andolsek stated way across right, so anyway I'm ok with it if we add undeveloped and I'm just going to ask again, can a variance be granted I mean do I get a yes or a no or is it not definite. Mr. Breaud stated the only one that can ask for a variance, the type of variance you would be granted is not a lot line offset your request for a variance would be to allow this in a particular district depending upon... Mr. Andolsek stated if I built a subdivision and I want to include duplexes and single family mixed because I am considering it, could you grant a variance so I don't have to be 25' assuming if I left enough room, more than a normal development you know it is that type of thing but it would be within a development and you knew what you were getting in to before. Mr. Kearns stated so you can actually be penalized for having undeveloped land. Mr. Andolsek replied oh yes, but these regulations are here to protect the people of the city and I was for it when this thing was written, I mean I was all for leaving 25' in between lots of condos but if you build duplexes or smaller units you would be penalized so that is where you almost need to be able to come and ask for a variance if you're not building something massive. Mr. Kearns stated I hate to throw it onto a variance though. Mr. Andolsek replied but every situation is different. Mr. Breaud stated there are only two entities that can grant a variance this board can grant certain variances and the Board of Adjustments are the only ones who can grant variances on side lot line offsets, we can't grant that but neither one of us can guarantee you that you can ever grant you a variance, there are a lot of things that come into play on granting a variance. Mr. Andolsek replied correct, I understand but getting back to this, if we can undeveloped property I would be ok, thank you. Mr. Breaud then asked if there were any further public comments, commissioners, Errol are you ok with adding undeveloped? Mr. Price replied if you add undeveloped the only thing is the one that goes first would have the benefit of saying I want to put townhouses and if you want to put single family you're just going to have to live with it; that is the only thing I can see it is going to affect. Mr. Breaud stated my feeling is if it is there... Mr. Andolsek replied unless you left it, you took out the R-1, undeveloped in anything in R-1. Mr. Fauchaux stated well that is the way it reads right now. Mr. Andolsek replied no because you've got R-2, R-3... Mr. Price replied no, I'm adding the R-1. Mr. Fauchaux stated right but... Mr. Andolsek stated or undeveloped in R-1, anything but R-1, because if it was in R-1 it would be single family but if it was in R-2 then it could be multi-family. Mr. Kearns stated like Errol was saying you can have an R-2 butting against and R-1 so. Mr. Andolsek replied but then again if you put in undeveloped property in R-2, R-3, and R-4 and it was abutting an R-1 undeveloped you couldn't do it. Mr. Price stated then you couldn't do it. Mr. Breaud stated I'm ok with that wording - Errol does that work for you? Mr. Price replied yes that would work so that way if is R-1 you definitely can't build it, I follow that. Mr. Breaud asked Mr. Kearns if he wanted to make that motion. Mr. Kearns stated read it, say it as it should be. Mr. Breaud replied do you want me to do that? Mr. Kearns replied yes. Mr. Breaud stated we're saying I think Andy you've got the wording in front of you, we want to take off vacant lots and put undeveloped lots. Mr. Andolsek stated adjoining vacant property in R-2, R-3 and R-4, and raw property or undeveloped property in R-2, R-3, and R-4 right? Mr. Breaud replied all right. Mr. Andolsek replied yes and then district and then go on from there. Mr. Breaud so we're talking about the fifth line and taking R-2, R-3, R-4 and undeveloped property, scratch R-1 and put R-2, R-3, R-4. Mr. Andolsek replied or you can put you are right, adjoining vacant property or undeveloped property. Mr. Fauchaux replied all you need to say undeveloped it is already going to be in a zone. Mr. Price stated take the R-1 that is basically all you have to do. Mr. Andolsek replied well it is already there, then you are right, I just killed time. Mr. Breaud stated all right, I would entertain a motion to adopt the wording and leave out the R-1 district. Mr. Price stated after the vacant lot. Mr. Breaud stated after the vacant lot. Mr. Kearns stated after the vacant lot, I so move. Mr. Breaud stated it has been moved by Mr. Kearns and seconded by Ms. Erwin, all members were in favor, motion carried.

**The eighth item on the agenda was to have a Town Hall meeting with local developers to discuss the City of Thibodaux's Zoning Ordinance. On October 8, 2009 the City of Thibodaux awarded the South Central Planning and Development Commission (SCPDC) a contract to assist in the review of the City Zoning Ordinance. As part of this contractual agreement, SCPDC will meet with members of the Planning Commission, City Administration, Developers, and the general public to review concerns and determine issues that are relevant in the Thibodaux Zoning Ordinance.** Mr. Breaud stated I only see one developer here tonight, we have Mr. Kevin Belanger with South Central Planning that is going to explain and give us a presentation on what their mission is. Mr. Kevin Belanger came forward and stated thank you Mr. Chairman, I am the C.E.O. of South Central Planning Commission. Thank you for having us here tonight we are going to conduct a little bit of a public hearing, I would ask if it is not too much of a problem for the members of the commission to maybe take yourself and bring yourself out here to the public and if you want maybe we could just adjourn your meeting and just conduct the open meeting afterwards if that would be preferable to you all or do you want to do it under the guise of your meeting. Mr. Belanger stated we have some boards way out here that we would like you to see and you won't be able to see them seated up there. Mr. Breaud stated we'll continue the public meeting and we'll go sit down in the audience and come back and convene up here in case there is any other action or anything that we want to do. So we'll turn it over to you right now and we'll go sit in the audience. Mr. Belanger replied ok, well thank you again we're going to take just maybe two minutes just to be able to spread out the boards and the reason for this meeting is to hear comments from you all as well as the public on issues that you feel are a problem within the existing zoning ordinance and just being here tonight we've heard

several of which those we will content with and those that we hope to hear by the comments that we will received, so I'll help distribute these boards. Mr. Belanger stated I know they are a little difficult to see, with me tonight is Ms. Simone Caesar, she is a planner who is heading up the rezoning. Part of what we wanted to do is give you food for thought of what other communities of like size and development patterns for liking what they're doing in the hierarchy of the zoning and what we want to do is to be able to what I'd like to do is maybe take 4 or 5 minutes for you to be able to just come out and look at the maps, get a feel for what they are, we tried to choose these locations because of their population, their population make up, they are university towns, etc. We're not here tonight, I want to preference all of this, we're not here tonight to talk about specifics of conflict, what we want to hear are generalities, we want to be able hear that you feel that maybe there should be more, instead of I heard it called today undeveloped land, in many other areas they are called open land and vacant agricultural property, maybe that could help to define your problems in some of your issues on open land or what we call undeveloped property. So it we could for just 4 or 5 minutes, just get up and look at these maps, try to look at the hierarchy and the types of differences of the hierarchy and then what we will do is try to look into some comparisons as what Thibodaux has and then we'll ask questions and stimulate a little discussion. Mr. Kearns stated Kevin what you don't have is a description... Mr. Belanger we actually have it, there is no way we would have put it on a board but if you want to look at some of those descriptions of the hierarchies of the zoning, we have it. Mr. Kearns replied yes. Mr. Belanger stated we can forward that to you. Mr. Kearns replied yes I'd be curious to see how they are defining what those zones. Mr. Belanger replied ok, let's go ahead and get started, what I'd like to do at this point is call up Ms. Simone, she is going to stimulate some of the discussion, first of all there are no dumb questions, we want to hear all of your input, if you can't make it tonight, you can please email it to us and we will give out a pamphlet so that you can kind of follow along, does everybody have access to that. Ms. Simone Caesar came forward and stated good evening everyone, my name is Simone Caesar and I am the lead planner on the zoning review for the City of Thibodaux. I'm going to open the floor up so you can just open discussion but before I do that I wanted to give a little back ground as to what you might expect, last year, about the 2<sup>nd</sup> of last May, the local chamber of commerce did an informal survey where they went to the R-1, R-2 and R-3 areas to identify non-conforming uses and they found several I believe there was like about 104 properties and it caused some concerns to them and they brought that to the City and the concern became what happens when these grandfathered non-conforming uses become vacant, how would that impact the City economically and so with that the City asked us, South Central Planning to come in and do a zoning review. Part of that review will require us to look at the ordinance and identify I guess some vagueness in there and see if there, look at clarity and hierarchy of the zone, also compare it to other places that we were looking at the maps here, what are other people doing. Just bringing up similar issues based on ways to build on something that is successful, can that be replicated here, will that work here in the City of Thibodaux. In addition and the reason it brings us here tonight is that we're holding several meetings to get your input as developers, as the planning commission, as the administrators here in the City and as the public at large. Now each of you received a booklet and it is just a booklet of discussion questions and it is not meant to be everything but it just meant to browse through it is to generate thought and conversation and like I said you can go through and read every page or you may come across one question that really generates some thought and compassion to you and we can discuss that. As Kevin mentioned earlier I put my card on the book so maybe there's things after the meeting that you'll remember and say "ah" here's a thought and you can email that information to me as well. What I wanted to do is as I mentioned is open the floor up for discussion and as Kevin touched on the purpose of tonight's meeting is not to speak about your specific issue, what is happening at your house on your lot but what is happening in zoning around the City; how is it impacting you as a resident here and if there was a change made to this zoning how will it not just affect you but the residents at large, will it change the quality of life for all citizens or what. We admit zoning issues may cause problems but if we could just improve it, just fix this quality of life here would improve significantly. So those are the kind of issues that we're looking at to address them and as I said also the thing to identify is that there wasn't enough buffer so there are some areas that didn't have buffers between residential and commercial and so that was a concern also so with that I'm going to open the floor up, does anyone have any issues that they would like to discuss? I also have the maps here, these maps were, as our team drove around we looked at some of the areas and identified areas where we thought maybe some conflicting uses, we're not quite sure what was happening, so we blew those areas up and put those on a map and so I'd like, these big maps, I have 10 here because as we talk we could also identify locations that you all are targeting and that would help us better understand the issue of what is happening. So with that I'd like to open the floor up, if anyone has anything they would like to discuss. Mr. Kearns asked do you still have the other maps that you had shown me that already had the writing on them. Ms. Caesar replied not with me. Mr. Kearns stated but you do have them. Ms. Caesar replied I do, yes, they're in my office, I've still got those, that's my working maps that I work from so for this meeting I though I'd have some much cleaner maps. Mr. Andolsek stated I have a question or comment I guess, zoning in my opinion is the biggest contributor or detractor of property value so if something is zoned R-1 it is the most restricted use so the property values are the lowest and we you get into the 2's of course the values of the use increases so by changing zoning on people who own property that are already established you could punish them greatly and I don't know what the plan is if you're going through and do an apprehensive change on what is there but keep in mind if that happens I mean it could be detrimental to some and it can enhance others. If you sold a piece of property the way I look at it, to somebody for what the value

was today and then the zoning is changed tomorrow and Wal Mart bought it, wouldn't you feel shorted that you weren't able to take advantage of that new zoning so whatever happens we've got to always keep in mind that you're affecting people's livelihood one way or the other if we change zoning. Ms. Caesar replied well this is a zoning review and it is not an empty shell study and we're not going to be changing zoning, what we're doing is taking in information, listening to the citizens, hearing what the issues are for zoning, going out and doing a look ourselves, not a detailed land use study but just hearing the issues. We'll be bringing that back and make recommendations and the recommendations may be that further study is needed, many of the citizens identified this as an issue, this is a concern and we recommend further study be done because we see the issues that the residents are bringing up. So, no zoning change will come from this it is just recommendations that will come from our view of the next steps that should be taken. Mr. Andolsek stated meaning like a non-conforming use should you allow them to stay in that use. Ms. Caesar replied and what other cities are doing to address those issues. Mr. Andolsek asked well do you have any, can you give an example of what other places are doing because that is another factor that these people got a zoning change coming on and they may have to spend a lot of money to open a facility and then the building code says if they closed down for six months, Errol is that right then that use is terminated, I mean what are other places doing. Mr. Belanger stated what we're wanting to do really is to evaluate the uses that are allowed within each one of the categories or the hierarchy as we call it, we heard tonight that there were some issues or conflict with one of the classifications that isn't specifically identified of today's uses, 25 years ago they don't have some of those uses that are out there today, computer repair facilities, I know Errol adjusted it in our zoning right now but there are some other examples. What we want to do is here you all as developers have come to this planning commission or have gone to the zoning commission for re-zoning, what have you found to be the biggest hindrances in achieving some of the things that you've been trying to do. What were those conflicts? We heard tonight the setback requirements of the R-1 versus the open land issue, that is a concern and we're going to evaluate is that relevant to all the other areas and how can we address it through zoning, it may not be able through zoning so. Mr. Andolsek stated I'm used to the old zoning and I know it was enhanced a while back but it used to carry forward and I always thought that was the way it should go because if it was allowed in R-1, it should be allowed in R-2 and R-3 should have had R-1 and R-2, that way you've covered every base I think with everything and you try to prevent the specifics that I think they're all specific as far as leaving out a use. Mr. Belanger replied well that is called up zoning and down zoning, some areas don't allow that, like for example you can't build a residential home in a commercial. Mr. Andolsek replied well I think that stops at that point though. Mr. Belanger stated some areas do allow it. Mr. Price stated now you actually can. Mr. Andolsek stated but if you can, then you don't have the issue with bar playing music. Mr. Belanger stated well what it does is it presents other problems in the future that if somebody builds a residence and sells it and it is going to another family then it becomes a quality of life issue. That comes into developing a comprehensive plan as to where do you want to see your town grow and how you want to developments to occur, where do you want that growth to occur. What we're focusing on right now is the zoning ordinance and what is inside of it and what is holding back development today or conflicting development; that is what we're trying to focus on. Ms. Erwin stated well the problems that we are normally faced with are non-conforming use and our ordinance that only allows them to upgrade or to repair, that not only becomes a problem but on the opposite end of that is residents, the residents from this area are very happy I guess is a good word to keep their residential districts residential and so I think it is having to not hinder economic development and development for businesses while also making sure that we don't have blighted properties in a non-conforming use and that is the trouble. Ms. Caesar stated and that is where our study could come in because there are basic buildings that used to be commercial but they weren't used six months so now they can't be used at all in neighborhoods so the result is an entire neighborhood having these problems. Mr. Kearns stated but in the same token you have a demand for those mom and pop locations, there is a demand for people that want to come in and put light commercial in residential areas, grocery stores. Mr. Andolsek stated you can do that in R-4. Mr. Kearns stated in R-4 but you cant' do that in other areas so now you have a building that is going to enter a state of disrepair, there is nothing that you can do with it, economically there is absolutely nothing you can do with it, so what does it do to the property values of the adjoining property, it going to naturally bring those property values down and yet at the same time there is a demand for that building. If someone would come in and put something in there that would enhance that neighborhood that is one of the things that we saw when we did that study. Ms. Erwin stated what if the residents of that particular neighborhood don't want the gas station or the convenience store right across the street. Mr. Kearns stated well maybe in some of those areas they don't but in other areas they do. Ms. Erwin replied and granted but there are a lot of them that don't, we've heard that numerous times that is all I'm saying. Mr. Belanger stated well the focus again to evaluate the hierarchy, are there enough is there specificity with each one of these that indicate enough uses for this particular town and we talked tonight about manufacturing or industrial, I heard recycling, manufacturing and recycling these are all particular uses that you want to be able to allow for but can you allow for and where so when you look on here in your M-2's, you have one site, ok, you have a few more right here, are these, are the permitted uses reasonable and do you want to maybe break it out even more and say ok we're going to allow these uses to continue but maybe we should create an industrial an I-1, I-2 and I-3 and maybe reclassify some of those particular areas by allowing those uses but expanding other particular uses in areas that you want these to be allowed in because right now you had a conflict tonight I heard Errol who asked

about the recycling, is that something that we want to allow. Mr. Price stated the other one since we're talking about that one is an RV park, where do you want an RV park at. Mr. Belanger replied these are the things, the types of uses that you have today are not relevant to today's times and what we're going to be doing, we're going to be recommending to you food for thought for consideration for future zoning changes, not zoning changes but code changes to the ordinance so that you can maybe allow for those permitted uses but then you could create RV park with it tied with a RV-1, let's say we call it a RV-1, you're not going to have it on the map, that's not going to happen until a zoning revision is done but you won't be able to approve any because you don't have any type for it, do you get what I'm saying but at least you would have put it into your ordinance as a prelude to coming with a full fledged revision to the zoning ordinance to the zoning plan. So what we're trying to do right now is put together the map, the allowable uses not to say that they are allowed today on this zoning map, they aren't certainly but where are you going to be five or ten years from now. Mr. Tommy Eschete stated Kevin when you focus on the insides of what you're doing now, identify areas and I'm going to bring one that comes to mind, South Thibodaux, along what I call South Canal Boulevard, that area may be in a position I guess where you have blighted property, you have vacant property and soon to be more vacant property and you have residential uses, are you going to identify areas like that that really need to be re-developed or that you would expand the restriction so that it would be conducive to re-development because an area like that really needs to be re-developed. Mr. Belanger replied that would be through your zoning update, your zoning... Mr. Eschete stated what I am asking is would you identify a weak area like that, what the zone should be now, do you identify an area like that and say this is something really is kind of glaring at us and we need to look and see what would make this conducive to re-development. It may be a hodge-podge of mixed commercial uses but you know.... Mr. Belanger stated you may add a commercial use inside of the... Mr. Eschete replied right, what can we do or would you identify a tract like that would say you know a different scenario we would use to focus on the re-development that we need specifically concerned about we do in that particular area. Mr. Belanger stated there is no doubt in my mind by looking at what you have in other areas now that you don't have enough variety, enough variation and what we need to do is expand those hierarchies and variations to allow you for the potential recycling but make sure that when you go through that zoning process that you allow for it in suitable locations. What we're talking about doing is creating a game plan on how you would go through setting up what will be allowed in the city of Thibodaux, we're not saying where because it is already done for right now; what we're saying is what do we want to see, what uses do you want to see total. I've seen that challenge all over this country, every time places don't have it listed, they loose; I'm just saying that is just one particular thing, I see nightclubs kind of like a gentleman's club and stuff like that popping up in a very unsuitable location, you have to address those types of issues. You can't be, you can't restrict people from coming in and doing things like that. Now when we talked about the recycling, it may be killed based on the criteria by DEQ that would prohibit it from being within 4 or 5 miles of a residence. There are some other restrictions that would prohibit it so what we're going to have to be very careful about what we say what we want to see if we know it is within whatever given district that the city of Thibodaux has. So what we want to know tonight, have any of you experienced and I know you have, have you experienced the lack of ability to be able to do things in one of these particular zoning classifications that you would have liked to have done but it just didn't allow you. Mr. Andolsek stated I mean but there are many of times. Mr. Belanger stated what is it. Mr. Andolsek stated I'll give you an example, I think it's in C-3 you may be able to have a garage, a repair shop but you can't maybe have a cabinet shop. So if you've got things that are very related unless you can tell me why, is there a difference in noise or what but if you look at it, sometimes it just doesn't make any sense to me why one is in there and one is not in there. Mr. Price stated can I address that and the reason you can have a cabinet shop in one, what I looked at when I presented it to the board was how much traffic was coming in, if you're going to build cabinets the noise of the trucks making deliveries and if you just have a plumbing or electrical business the people leave to do their work and that's the way I addressed it. Mr. Kearns stated but you can't have roofers in that same R zone and they leave everyday. Mr. Price stated actually a roofer would fall under... Mr. Kearns stated it's in R-2, R-3. Mr. Price stated no we had plumbers and electricians in R-2, you have to go all the way to R-4 but you've got the cabinets and roofers because they could actually build their valleys with sheet metal in their shop and that is why it is similar to your mechanical guys because they do all their duct work in the shop and it is the noise and all, your electricians and your plumbers are the only two that we actually let go in an R-3 area because they can't plumb there, they have to go out. Mr. Belanger stated good point. Mr. Andolsek stated well that actually clarified it but when you read it and you say well this one can go and this one can't, they do look like the same thing sometimes but I guess one does a little bit more but if there was a method. Mr. Kearns stated basically we have an area where we have an M zone and a C zone and in between these two we've got an R district and like we talked about earlier there's no buffer, no logical buffer that we say well wait, we've got industrial on one end and we've got commercial on the other end, we ought to start stepping this thing down. Mr. Kearns stated right, you would do a rezoning and that should get cleaned out, now the R-2 may become non-conforming but over time you would hope that that would get cleaned out or flushed out. Mr. Braud stated I'd like to make some comments, I think we've got a very successful zoning and planning ordinance in place right now, can it be tweaked to actually make it better, it think it can be tweaked. This zoning ordinance has been in existence since the '70's and it is established and everybody knows the districts and what is allowed in the districts. When you sit and look at our zoning map right here and you compare that to these zoning maps on this side of the room with

Hammond, you see we've got massive areas that are zoned different classifications. You go in here and every block or lot, they're going in and they're changing zoning because of people's requests ok; I like our zoning, we've got blocks, massive blocks and we're saying we allow residential here we're allowing commercial here and everybody that has been in the city this has been in existence for 70 something years and if we start changing zoning right now we open up a can of worms. The main thing that we've got to agree on is I think is a philosophy and I'm going to read this paragraph under the first thing of zoning, it talks about characteristic of use, which were lawful before this ordinance was passed or amended but which was prohibited, regulated or restricted under the terms of this ordinance or future amendments, it is the intent of this ordinance to permit these non-conformities to continue until they are removed but not to encourage their survival and that is the philosophy we've got to go with. If we want to start changing what exists now and allowing these non-conforming and I understand what we're talking about, we'd don't want to deter development but we've got to look at the times right now and a lot of this development is because of the time and the economy, it doesn't have anything to do with the zoning, we could zone this thing open zone for anything and it doesn't mean you're going to attract any more businesses that are in here now. I really feel we could increase the ordinance but if we start changing our zoning masses I think we're asking for trouble. Personally I don't think we have a big problem with zoning in this town, I think we are ahead of the game, we are ahead of a lot of these other guys, that when you see these types of zoning maps that is after thoughts and they went back and they changed things after things were done. We've designated those areas, there is probably some stuff that we can do in classifications to clear them up to make sure that we've got everything accounted for but we need to read in the plot what do we want, do we want zoning in the city you know, if we want to allow different things in every part that we've got right now well let's just get rid of the zoning ordinance. The zoning ordinance has been in existence and it is working well I think, yes we've got some isolated stuff, now and then the Chamber will come back and say this is not working, well let's look at those classifications and tweak those items but to go back and change zoning, personally and I'm just one member of this thing but I am totally against it. Yes, we're going to make recommendations, I know it slipped up a couple of times we're talking about re-zoning, we're not re-zoning, we're changing classifications, this recommendation is going to go in front the Council and it is going to be tweaked but I guarantee you this board is going to make a recommendation or South Central Planning is going to make a recommendation and that is going to go in front of the Council and the chances are that is going to influence the decisions of the Council and I just wanted to express my concerns on this thing and I'm sure I've got some opposition that doesn't but I've been on this commission now for 20 years I think it is and believe you me I go to many other planning commissions in other parishes in other cities and I think we're well ahead of the game. So I encourage you all not to slip behind and not to start re-zoning everything like you see on this map here, that's my comments. Mr. Belanger stated if I can just comment to clear a little more what you said, you're absolutely right as a zoner, as a planner, you're dream is to zone huge blocks, not spot zone, that is something you always try never to do. When you're taught in college because you can sustain those developments a lot better and Clay is absolutely right, the city of Thibodaux has ducks but the problem is the city of Thibodaux doesn't have a fence around it, people are coming in and putting pressures upon you asking you to do certain uses, I'm not saying you re-zone but I think you revive your ordinance to allow for more particular uses that are relevant to today's times. The economies have changed and the activities have changed and that is what we're focusing on. Our recommendation I can assure you is not going to be to go to your Council just to ask for a re-zoning, that is not what our effort is all about but our effort is to evaluate whether or not the availability of existing uses today can be permitted within the existing confinement of the hierarchy that you have. We talked today about some of the things that we put on hold because it wasn't addressed in the zoning ordinance and those are the things that we're going to have to focus on and hopefully make a recommendation as to how to address it, we will make a recommendation on how to address it. So, I'm not thinking that we need to do a flat out re-zoning because I think there are some areas that I see personally as a planner, as a transportation planner that if you had to evaluate it from a conceptual standpoint there are some main corridors that in my opinion don't have enough "usable properties for commercial activities." Now that is my opinion but that is not going to be reflected in this report so I think the best example we can use is what just came up tonight, the manufacturing/recycling, where do you put it, how does it get categorized in there, I hadn't read the zoning too much lately but is it in M-2, does it have more to do with M-2 or do you really want to put it out of your permitted uses or do you want to allow that in M-2 and create maybe another zone that you may consider in the future. Mr. Breaud stated now some of that non-conforming and I think it was mentioned tonight about if 50% of a building is damaged well then he's got to conform to the guidelines, it is easy to go in there and change that 50% to 80% you know it is not the intent - we rezoned the doctor's offices the other day because if we had a hurricane or if he had a fire he couldn't rebuild his doctor's office, well that is not our intent. You know we can change the 50% to 80% or 90%, we can change the time frame from six months to twelve months. We can change the dollar value, I think we've got a thousand dollars in here and it has probably been in here since 1970, we can change the dollar value to something else. So those things are the type of stuff that I'm talking about tweaking and we won't fall into these problems that we're falling into and I think that is a simple fix to the problem. We're pretty stringent and I have to give the credit to Marguerite I guess on this in our sign ordinance, Marguerite has been steadfast since day one about not allowing billboards down Canal Boulevard and all those electronic signs, now a lot of people may think that is attractive and they want it and that is it. You know we've been told and Andy comes to us many

times, McDonald's is not coming to your town because they can't put this big 100' sign up there, well we've got two McDonald's in town right now you know and they're going to come, if they want to be here they're going to come. When I first started I didn't quite agree with Marguerite but I go to Houma everyday and I go down Martin Luther King and it is a hodgepodge of signs and messages and it really distracts from the city. So I think we've got a clean Canal Boulevard and me and Marguerite don't always agree on stuff but I've got to give her some credit on that. Ms. Kathy Benoit of the Chamber of Commerce stated I think a big concern ought to be those properties that were grandfathered in when the sign ordinance was adopted in 1979 that have been vacant now and abandoned for 25 years and how much longer are they going to continue to be vacant and abandoned, it's a lot of that. Mr. Andolsek stated I agree with you saying not changing but I think the city had changed the uses and that is kind of where we got everybody looking at some of these issues because they changed and that is what I think they need to look at is what was there before, what we've got today, I'm not saying that any side is right but it put some people in financial difficulty and maybe that is what we've got to balance between a C-2 or C-3, an address that got kicked out of one and you know and let them submit it. That is where the issue came, before that we never really had anybody complain because the zoning was in place for so long but when it changed about three or four years ago is where... Mr. Breaud stated I'm sure we could give them the old classifications but I think where the problem came in with Errol is we had so many vague classifications, we didn't know what classification...Mr. Andolsek stated but I think if they look at the old and the new together it would maybe make all of that clear, I thought Errol had done such a good thing but it wasn't. Mr. Breaud stated we were having the Board of Adjustments coming here and granting variances and we don't want to be like that, we want to have a classification for everything and that is what Errol attempted to do and there were some disputes with even our own commissioners about how many square foot or how many parking spots and all in these different classifications and that is something else you all may want to look at. Mr. Andolsek stated no, I think what they did was good but you just can't think of everything at one time, I mean it is impossible. Mr. Breaud stated we've still got a moratorium in place now too, right Errol, on the trailers that we looked at. Mr. Kearns stated but you've got other stuff going on too and Jo Ann Mathews was explaining to us, they had to go in for a variance after Gustav to do repairs on the elementary school because it was the National Guard Armory and the swimming pool and all of that is in a different zone and somehow or another the school itself got caught in between two residential zones and she found that she couldn't do the repairs, she had to go before the variance board. Now they came back in there and essentially rezoned. Mr. Price stated no, those two lots were rezoned because they wanted to build a new school and that was no issue. The armory is not in an "R" district it is the other one. Mr. Kearns stated the school was... Mr. Price replied no that was the armory. Mr. Kearns stated the armory, the swimming pool and she's not I don't know this; this is what she is telling me. Mr. Price stated no the armory had issues with the government; we don't even go in that place we aren't allowed. Mr. Gene Richard stated Errol what is the issue with the moratorium with the trailers, you are waiting for... Mr. Price stated for you all to make a recommendation because what was happening in an R-2 and R-3, they were conditionally permitted but when we changed the district regulations we put prohibited in R-2 and permitted in R-3. Then the storm came, people didn't want them having it in R-3 so they put a moratorium for 6 months and that expired... Mr. Belanger stated we need to make a decision on where that hierarchy, where that placement needs to be. Mr. Price replied that is correct and so they gave another 90 days. Mr. Andolsek stated so the conditionally permitted thing that is a thing of the past. Mr. Price replied yes. Mr. Belanger asked what wait, was the square footage issue? Mr. Breaud stated on the number of parking spaces required based upon the classification they were in. Mr. Belanger stated have they ever been put, probably not. Mr. Breaud stated well we attempted to tweak them and it was tabled because of your study. Mr. Belanger stated ok, so you all had started to undertake it. Mr. Breaud stated Errol had presented some stuff to us and we made some recommendations to change some numbers and when it went in front of the council the council decided to table it until your evaluation was done. Mr. Belanger stated I'd like to get a copy of that if you don't mind. Mr. Fauchaux stated I have a comment I know that you have a list of questions that you put together it talks about population growth, economic development and this is all information that you all have. Mr. Belanger replied yes, we have it. Mr. Fauchaux stated all right based on that information relative to grants and... Mr. Belanger stated oh, you're talking about the arrow money. Mr. Fauchaux replied yes. Mr. Belanger replied ok. Mr. Fauchaux stated so there is all of this information in all of that so with all that information you should be incorporating that information so that rather than tweaking maybe recommend a specific zone be created and you know you can create, I understand you might be developing a new zone and it may not be on the map but at least you'll have it in the ordinances so that it can be considered. Mr. Belanger replied right. Mr. Fauchaux stated and the next step is ok that may not be possible to be done within the existing city limits but perhaps new land that might be annexed could be considered. Mr. Belanger stated some of the terminology and you hit it right on the head, some of the terminology in C-1 will likely all be kept, we will expand on that. We will expand on the C-2, we may say hey you need a C-4 but you don't have any and these are the things that probably should be allowed and it is going to be a recommendation, it is not going to be something that you're going to adopt and keep. All it is going to do is give you food for thought and say you know it did work over here, it worked over there we ought to consider it. We're not talking about rezoning, don't mix the too up, it is permitted uses within the hierarchy, ok. Now, you may have to lessen up some of the zoning here in this large block by allowing a little more with the C-3, you might have a C-4 in it. Mr. Fauchaux stated but that would be rezoning that you're not recommending. Mr. Belanger stated

but we're not recommending but once you would rezone it, it would be allowed. Mr. Fauchaux stated if we had a C-4. Mr. Belanger stated if you had a C-4. Mr. Fauchaux stated perhaps we might have some new infrastructure or business that you want to provide. Mr. Belanger stated it is going to be two parts of our recommendation, one is going to be to amend what you have right now as a recommendation and two will be for new considerations of other zones. You don't have open land, you just have undeveloped you know, open land you could put cattle on it, can you put cattle on open land right now in your zone, undeveloped property. Mr. Fauchaux stated well cattle might be defined. Mr. Belanger stated but you have some open land, I mean I know of several, can you put cows there, can you put pigs, can you do that? Mr. Price stated in an R-1 you can put chicken pens. Mr. Andolsek stated you can put chicken pens in R-1 and R-2. Mr. Belanger stated but my point is can you put agricultural uses on undeveloped property. Mr. Fauchaux replied hopefully we'll allow that in there. Ms. Erwin stated unfortunately you'd have to have a zone for undeveloped property I mean that is what would probably need to be done. Mr. Belanger stated so everything in the city limits has been developed or... Mr. Andolsek and Ms. Erwin replied no. Mr. Belanger stated why would you have a zone for undeveloped or open land. Mr. Andolsek stated well your master plan so that is why it is zoned like that so you can look to the future because is open and undeveloped hoping it will be later. Someone asked if that would include green space. Mr. Belanger stated well green space and open land are two different things, green spaces are devised for parks and things like that, open land is open land that we can have agriculture. Mr. Breaud stated like Andy said when we look at the master plan for zoning, when we got the Nicholls property on Levert Land annexed into the city, we looked at the master plan and we said we want this side the east side of Canal Boulevard to be residential and we want the west side to be commercial and the road is going to be the buffer so we encouraged that kind of development, it was part of the master plan that is what we wanted to do. We didn't want that piece on the west side to be raw land or pasture land and then we started having mixed uses in there and that was all part of the zoning plan, the long term planning of saying this is what is going to be residential and Andy came back to us and we rezoned that stuff a couple of times because the uses changed on it but I think it is better to do it that way than just to open it up to anything and then we've got a lot of mixed uses in it. Ms. Benoit stated yes but that was being developed but in the old parts of town that have been here for like 150 years. Mr. Breaud stated do you want to go back and change all of the stuff that has been there for a 100 years. Mr. Belanger stated so what we want you to think about, you don't need to comment tonight, this is going to be probably ongoing for the next month and a half or two months before we make a recommendation for you and hopefully we'll get that done by the end of June and we'll submit it to the council but between now and then feel free to call, feel free to come by and discuss it with us or send us an email. She's been trying to meet with the individual planning commissioners and administration and hear some their concerns but we wanted to open it up to the general public as well. Mr. Eschete stated when you're talking about uses and reviewing uses to see whether we need to change them and I agree with Clay saying there's no need to really change the zoning graphic per say but are you going to look at all at the administration of the zoning ordinance from the standpoint that we hear people say it is so cumbersome to go before the Board of Adjustments and go through the variance process and so on and so forth. I've heard that in other jurisdictions they actually consolidate and merge their zoning into one board so that you don't have to go through all of these obstacles to get something as simple as a variance for a side yard setback or something like that. Is that something that you're going to look at? Mr. Belanger replied we're going to look at that, that's not a problem and I'd say I'm pro that. Mr. Eschete stated you said this was written over the years and that is one of the things that have caused problems and it may be that it is to our advantage to actually have a board that handles variances and zoning so that you don't have the issues that come up when you have a Board of Adjustments that is dictating actually what is going on in zoning as opposed to just granting variances and maybe if you do away with and eliminate all of these conditional permitting, the need for a separate variance board kind of goes away. I don't know if Errol has really thought about it or not. Ms. Becnel stated what has been problematic for us too is that you can have two very similar situations and one person will be given a variance and the other won't. Mr. Breaud replied not at this board I guarantee you that, I know what you're talking about but it is not this board I don't believe, I think we're pretty uniform with our decision making and we've been to court and were successful in defending that. That is the biggest thing is being uniform in your decision making and I agree, I know exactly what you're saying. Mr. Belanger stated you know the terms of arbitrary you can enter get into a problem of capricious, those are the issues. Mr. Breaud stated I think maybe you're not aware so much as Tommy there's a different board for the Board of Adjustments and normally I think the state law and you may want to check into this Kevin is the zoning and planning commission is supposed to be at two separate meetings, we do planning and zoning together, Terrebonne Parish it is the same board but they convene as one and then start another one but they do have a different Board of Adjustment, I'm not sure that is a requirement. You may, you said you're going to make a recommendation to the Council and... Mr. Belanger replied no actually it is to this Board. Mr. Breaud stated well that is wanted to you to say because I'd invite you to read the amendments that it has got to come to this board. Mr. Belanger replied no, it comes to this board, I apologize. Mr. Belanger stated all right are there any other comments, if no we appreciate your time for being here tonight, please call us.

Mr. Breaud stated the meeting is adjourned.