

MINUTES
HOUMA-TERREBONNE REGIONAL PLANNING COMMISSION (HTRPC)
ZONING & LAND USE COMMISSION
MEETING OF APRIL 15, 2010

- A. The Chairman called the meeting of April 15, 2010 of the HTRPC, convening as the Zoning and Land Use Commission, to order at 6:02 p.m. in the Terrebonne Parish Council Meeting Room with the Invocation led by Dr. L.A. "Budd" Cloutier, Jr. and the Pledge of Allegiance led by Mr. James Erny.
- B. Upon Roll Call, present were: Mrs. Beryl Amedée; Mr. Daniel Babin, Chairman; Dr. L.A. "Budd" Cloutier, Jr., Vice-Chairman; Mr. Richard Elfert; Mr. James Erny; Mr. Keith Kurtz; Mr. John Navy; Mr. Alex Ostheimer; and Mrs. Marsha Williams, Secretary/Treasurer. Absent at the time of Roll Call were: None. Also present were Patrick Gordon, Director, and Jennifer Robinson, Senior Planner, Department of Planning & Zoning, and Laddie Freeman, Legal Advisor.
- C. Mr. Ostheimer informed Staff of an error on Item E.1.(g) with regard to Dr. Cloutier breaking the tie vote and voting yea for the motion to be adopted.
1. Mr. Ostheimer moved, seconded by Mr. Erny: "THAT the HTRPC, convening as the Zoning & Land Use Commission, accept the minutes, as corrected, for the Zoning and Land Use Commission for the regular meeting of March 18, 2010."
- The Chairman called for a vote on the motion offered by Mr. Ostheimer. THERE WAS RECORDED: YEAS: Mrs. Amedée, Dr. Cloutier, Mr. Elfert, Mr. Erny, Mr. Kurtz, Mr. Navy, Mr. Ostheimer, and Mrs. Williams; NAYS: None; ABSTAINING: Mr. Babin; ABSENT: None. THE CHAIRMAN DECLARED THE MOTION ADOPTED.
- D. COMMUNICATIONS:
1. Mrs. Robinson read a memo from Paul Labat, Council Clerk, dated March 25, 2010, informing everyone that the Terrebonne Parish Council concurred with their recommendation and approved the rezoning request for 5351 & 5357 Highway 311.
- E. PUBLIC HEARING:
1. The Chairman called to order the Public Hearing for an application by Willie Newton requesting to rezone from R-1 (Single-Family Residential) to C-2 (General Commercial); Tract A-B-C-D-A in the possession of the Estate of Isaac Newton.
- a) Mr. Ken Rembert, Keneth L. Rembert Land Surveyors, representing the applicant, discussed the rezoning request and stated Mr. Newton would like to utilize the property for his masonry business.
- b) The Chairman recognized Willie Newton, 243 McKinley Street, applicant, who discussed his business which has been in existence for 38 years on the same street just two (2) lots away and never had any problems.
- c) The Chairman recognized Barbara Boudreaux, 115 Hackberry Street, who expressed concerns regarding chunks of cement coming over her fence ruining her greenhouse, cement dust, depreciation of property values, high traffic, etc.
- d) The Chairman recognized John Soloman, 221 Antoine Street, who expressed appreciation of Mr. Newton and his father and all they do with the community but expressed concern of other businesses following suit in the area.
- e) The Chairman recognized Ezekial Calloway, 1775 Main Street, cement mixer for Mr. Newton's business and stated no cement dust was able to fly around due to the equipment used. He requested the rezoning request be approved.
- f) Dr. Cloutier moved, seconded by Mr. Erny: "THAT the Public Hearing be closed."
- The Chairman called for a vote on the motion offered by Dr. Cloutier. THERE WAS RECORDED: YEAS: Mrs. Amedée, Dr. Cloutier, Mr. Elfert, Mr. Erny, Mr. Kurtz, Mr. Navy, Mr. Ostheimer, and Mrs. Williams; NAYS: None; ABSTAINING: Mr. Babin; ABSENT: None. THE CHAIRMAN DECLARED THE PUBLIC HEARING CLOSED.
- g) Mrs. Robinson discussed the Staff Report and stated five (5) calls were received in support of the request and eight (8) calls in opposition. She stated Staff recommended approval of the rezoning request due to their belief that the request meets the definition of a personal service, as defined in the zoning ordinance.

- h) Discussion was held with regard to a commercial business amongst mostly residential.
- i) Mr. Elfert moved, seconded by Mr. Erny: “THAT the HTRPC, convening as the Zoning and Land Use Commission, recommend denial of the request to rezone from R-1 (Single-Family Residential) to C-2 (General Commercial); Tract A-B-C-D-A in the possession of the Estate of Isaac Newton to the Terrebonne Parish Council for further consideration.”
- j) Discussion was held with regard to provisions due to the business having existed in the immediate area for so long, the applicant continuing to use the property as a non-conforming use until his lease was up and wished to relocate to another piece of property, non-conforming uses, etc.

The Chairman called for a vote on the motion offered by Mr. Elfert. THERE WAS RECORDED: YEAS: Mrs. Amedée, Dr. Cloutier, Mr. Elfert, Mr. Erny, Mr. Ostheimer, and Mrs. Williams; NAYS: Mr. Kurtz and Mr. Navy; ABSTAINING: Mr. Babin; ABSENT: None. THE CHAIRMAN DECLARED THE MOTION ADOPTED.

F. NEW BUSINESS:

1. Home Occupation:

The Chairman stated the next item on the agenda was a home occupation application by Sandra and Dean Johnson requesting a proposed massage therapy business at 204 Carolyn Avenue.

- a) The Chairman recognized Sandra and Dean Johnson, 204 Carolyn Avenue, who discussed their request for a home occupation.

The Chairman acknowledged Councilman Alvin Tillman at this time.

- b) Mrs. Robinson discussed the Staff Report and stated Staff recommended approval of the request.
- c) The Chairman recognized Councilman Alvin Tillman, District 1, who stated he was not opposed to the home occupation but have received calls about it. He requested the matter be tabled in order to allow the Johnson’s to meet with their neighbors and inform them of their intentions as well as a petition in favor to be signed.
- d) Mr. Ostheimer moved, seconded by Mr. Navy: “THAT the HTRPC, convening as the Zoning and Land Use Commission, table the home occupation application for a proposed massage therapy business at 204 Carolyn Avenue until the next regular meeting of May 20, 2010 as per the request of Councilman Alvin Tillman.”
- e) Discussion was held with regard to the applicant meeting all of the requirements to establish a home occupation, creating unnecessary havoc by circulating a petition, using careful verbiage of the petition, etc.

The Chairman called for a vote on the motion offered by Mr. Ostheimer. THERE WAS RECORDED: YEAS: Mrs. Amedée, Dr. Cloutier, Mr. Elfert, Mr. Erny, Mr. Kurtz, Mr. Navy, Mr. Ostheimer, and Mrs. Williams; NAYS: None; ABSTAINING: Mr. Babin; ABSENT: None. THE CHAIRMAN DECLARED THE MOTION ADOPTED.

2. Planned Building Group:

- a) The Chairman stated the next item on the agenda was a planned building group application by ABCC Storage requesting the placement of two (2) additional storage units at 113 Cottage Drive.
- b) The Chairman recognized Mr. Alec Breaux, 1133 Cottage Drive, who stated his request for planned building group approval.
- c) Mrs. Robinson discussed the Staff Report and stated Staff recommended approval of the request.
- d) Discussion was held with regard to the original application and if it met all landscaping, aesthetics, etc. as previously promised.
- e) Mr. Breaux stated all landscaping, bricks, etc. would be continued with the new units.

- f) Mr. Elfert moved, seconded by Mr. Erny: “THAT the HTRPC, convening as the Zoning and Land Use Commission, grant approval of the planned building group application for the placement of two (2) additional storage units at 1133 Cottage Drive.”

The Chairman called for a vote on the motion offered by Mr. Elfert. THERE WAS RECORDED: YEAS: Mrs. Amedée, Dr. Cloutier, Mr. Elfert, Mr. Erny, Mr. Kurtz, Mr. Navy, Mr. Ostheimer, and Mrs. Williams; NAYS: None; ABSTAINING: Mr. Babin; ABSENT: None. THE CHAIRMAN DECLARED THE MOTION ADOPTED.

3. Preliminary Hearing:

- a) Dr. Cloutier moved, seconded by Mr. Navy: “THAT the HTRPC, convening as the Zoning and Land Use Commission, call a Public Hearing to rezone from R-1 (Single-Family Residential) to R-2 (Two-Family Residential) Lots 23 & 24, Block A, Mechanicville; 210 Acklen Street; Rev. Saul Thomas, applicant, for May 20, 2010 at 6:00 p.m.”

The Chairman called for a vote on the motion offered by Dr. Cloutier: THERE WAS RECORDED: YEAS: Mrs. Amedée, Dr. Cloutier, Mr. Elfert, Mr. Erny, Mr. Kurtz, Mr. Navy, Mr. Ostheimer, and Mrs. Williams; NAYS: None; ABSTAINING: Mr. Babin; ABSENT: None. THE CHAIRMAN DECLARED THE MOTION ADOPTED.

- b) Dr. Cloutier moved, seconded by Mrs. Williams: “THAT the HTRPC, convening as the Zoning and Land Use Commission, call a Public Hearing to rezone from R-1 (Single-Family Residential) to R-2 (Two-Family Residential) Catherine Subdivision; 8958 Norman Street; David W. Henthorn, applicant, for May 20, 2010 at 6:00 p.m.”

The Chairman called for a vote on the motion offered by Dr. Cloutier: THERE WAS RECORDED: YEAS: Mrs. Amedée, Dr. Cloutier, Mr. Elfert, Mr. Erny, Mr. Kurtz, Mr. Navy, Mr. Ostheimer, and Mrs. Williams; NAYS: None; ABSTAINING: Mr. Babin; ABSENT: None. THE CHAIRMAN DECLARED THE MOTION ADOPTED.

- c) Dr. Cloutier moved, seconded by Mrs. Amedée: “THAT the HTRPC, convening as the Zoning and Land Use Commission, call a Public Hearing to r Rezone from O-L (Open Land) to R-1 (Single-Family Residential) Lot 13, Block 1, Imperial Park Subdivision; 4852 Imperial Drive; Fritz and Denise Dryden, applicant, for May 20, 2010 at 6:00 p.m.”

The Chairman called for a vote on the motion offered by Dr. Cloutier: THERE WAS RECORDED: YEAS: Mrs. Amedée, Dr. Cloutier, Mr. Elfert, Mr. Erny, Mr. Kurtz, Mr. Navy, Mr. Ostheimer, and Mrs. Williams; NAYS: None; ABSTAINING: Mr. Babin; ABSENT: None. THE CHAIRMAN DECLARED THE MOTION ADOPTED.

G. STAFF REPORT:

1. The Chairman stated the next item on the agenda was the discussion and possible action with regard to requiring certified plats for zoning and land use application submittals.
- a) Mr. Freeman stated Administration already has the authority to determine if plats submitted are adequate and would just need better enforcement of the same.
- b) Dr. Cloutier stated he would like to see the site plans be to scale and see how in relationship to neighboring properties, streets, etc.

H. COMMISSION COMMENTS:

1. Planning Commissioners' Comments:
- a) Mr. Ostheimer questioned Staff with regard to permitting and ramifications if not obtained, etc. Mr. Gordon stated “cease and desist” orders are made and/or meters are pulled until necessary permits are obtained.
2. Chairman's Comments: None.

I. PUBLIC COMMENTS: None.

- J. Dr. Cloutier moved, seconded by Mrs. Williams: “THAT there being no further business to come before the HTRPC, convening as the Zoning and Land Use Commission, the meeting be adjourned at 7:06 p.m.”

The Chairman called for a vote on the motion offered by Dr. Cloutier. THERE WAS RECORDED: YEAS: Mrs. Amedée, Dr. Cloutier, Mr. Elfert, Mr. Erny, Mr. Kurtz, Mr. Navy, Mr. Ostheimer, and Mrs. Williams; NAYS: None; ABSTAINING: Mr. Babin; ABSENT: None. THE CHAIRMAN DECLARED THE MOTION ADOPTED.

Daniel J. Babin, Chairman
Zoning & Land Use Commission

Becky M. Becnel, Minute Clerk
Zoning & Land Use Commission

CERTIFICATION

CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE PROCEEDINGS OF THE ZONING AND LAND USE COMMISSION MEETING OF APRIL 15, 2010.

**PATRICK GORDON, DIRECTOR
PLANNING & ZONING DEPARTMENT**