

MINUTES
HOUMA-TERREBONNE REGIONAL PLANNING COMMISSION (HTRPC)
ZONING & LAND USE COMMISSION
MEETING OF JANUARY 15, 2009

- A. The Chairman called the meeting of January 15, 2009 of the HTRPC, convening as the Zoning and Land Use Commission, to order at 6:07 p.m. in the Terrebonne Parish Council Meeting Room with the Invocation led by Dr. L.A. “Budd” Cloutier and the Pledge of Allegiance led by Ms. Marsha Williams.
- B. Upon Roll Call, present were: Ms. Beryl Amedée; L.A. “Budd” Cloutier, Vice-Chairman; Daniel Babin, Chairman; Mr. Richard Elfert; Mr. James Erny; Keith Kurtz; Mr. John Navy; Mr. Alex Ostheimer; and Ms. Marsha Williams, Secretary/Treasurer. Absent at the time of Roll Call were: None. Also present were Patrick Gordon, Planning & Zoning Director and Laddie Freeman, Legal Advisor.
- C. Dr. Cloutier moved, seconded by Ms. Williams: “THAT the HTRPC, convening as the Zoning & Land Use Commission, accept the minutes, as written, of the Zoning and Land Use Commission for the regular meeting of December 18, 2008.”

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

- D. COMMUNICATIONS: None.
- E. OLD BUSINESS:

Dr. Cloutier moved, seconded by Ms. Williams: “THAT the HTRPC remove Item E1 from the table to be considered at this time.”

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

1. Public Hearing:

- a) The Chairman called to order the Public Hearing for an application by Dixie Rice Agricultural Corporation, Inc. to rezone from R-2M (Two-Family Residential District, High Density) to C-2 (General Commercial District) 3.719 acre tract, property belonging to Dixie Rice Agricultural, Inc., Section 101, T17S-R17E, Terrebonne Parish, Louisiana.
- b) 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: Ms. Amedée, Dr. Cloutier, Mr. Elfert, Mr. Erny, Mr. Kurtz, Mr. Navy, Mr. Ostheimer, and Ms. Williams; NAYS: None; ABSTAINING: Mr. Babin; ABSENT: None. THE CHAIRMAN DECLARED THE PUBLIC HEARING CLOSED.
- c) Mr. Gene Milford, Milford & Associates, Inc., discussed the property and requested approval of the rezoning application.
- d) Mr. Gordon discussed the staff report; whereas, Staff recommended approval due to the conditions in the neighborhood and surrounding land uses have changed to warrant change in the zoning classification. He stated that the railroad property was already zoned C-2.
- e) The Chairman discussed the application with regard to the amendment policy where “error” was checked off with the explanation of, “The applicant had no proper notice of the adoption of the ordinance in its present form and was therefore denied due process and equal protection of the law relative to such adoption,” and signed by Mr. McCollam. The Chairman further discussed the extensive process of when the said property was initially zoned and the numerous public hearings that were held with no objections in this area.
- f) Discussion was held with regard to the acreage of the property to be rezoned excluding the railroad property and revising the application of the same.

- g) Mr. Ostheimer moved, seconded by Dr. Cloutier: “THAT the HTRPC, convening as the Zoning and Land Use Commission, recommend approval of the application to rezone from R-2M (Two-Family Residential District, High Density) to C-2 (General Commercial District) 3.232 acre tract, property belonging to Dixie Rice Agricultural, Inc., Section 101, T17S-R17E, Terrebonne Parish, Louisiana to the Terrebonne Parish Council conditioned that they correct the application and show that what they are intending to get rezoned.”
- h) Discussion was held with regard to the C-2 designation and the allowance of sexually-oriented businesses and the required 1000’ distance from residential districts. Discussion ensued with regard to the property being rezoned to C-2 and that being the existing district in the surrounding area.

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

F. PUBLIC HEARINGS:

1. The Chairman called to order the Public Hearing for an application by Harry H. & Ann S. Green to rezone from R-1 (Single-Family Residential District) to C-3 (Neighborhood Commercial District) Lot 1, Block 1, Lisa Park Subdivision, 6601 West Park Avenue.
 - a) The Chairman recognized Clarence Price, 106 Everette Drive, who expressed concerns of a bar to the rear of the his home and trucks going down the street to area businesses. He also stated he opposed because he didn’t know what the intentions for the property were.
 - b) The Chairman explained to Mr. Price that his concerns were not relevant to the rezoning of the property and that the request was to rezone to commercial, for which a business already existed on the said property.
 - c) Mr. Harry Green, applicant, addressed the Commission and stated he agreed with Mr. Price’s concerns and that he has been in business at that same location for 21 years.
 - d) 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: Ms. Amedée, Dr. Cloutier, Mr. Elfert, Mr. Erny, Mr. Kurtz, Mr. Navy, Mr. Ostheimer, and Ms. Williams; NAYS: None; ABSTAINING: Mr. Babin; ABSENT: None. THE CHAIRMAN DECLARED THE PUBLIC HEARING CLOSED.
 - e) Discussion was held with regard to addressing the issues Mr. Price brought up concerning the trucks going down the street and enforcing the 10-ton limit along the street.
 - f) Mr. Gordon suggested drafting a letter to the Sheriff’s Office requesting they enforce the existing 10-ton weight limit on those residential roadways behind the furniture store and copy the Terrebonne Parish Council.
 - g) Discussion was held with regard to other commercial classifications that were more restrictive than C-3.
 - h) Mr. Green stated they wished to rezone their property to represent what is already existing.
 - i) Discussion ensued with regard to the C-4 zoning district, Transition-Commercial District, which would be more restrictive and satisfy Mr. Price and accommodate Mr. Green at the same time.
 - j) Mr. Ostheimer moved, seconded by Dr. Cloutier and Mr. Erny: “THAT the HTRPC, convening as the Zoning and Land Use Commission, recommend approval of the application to rezone from R-1 (Single-Family Residential District) to C-4 (Transition-Commercial District) Lot 1, Block 1, Lisa Park Subdivision, 6601 West Park Avenue to the Terrebonne Parish Council.”
 - k) Mr. Gordon stated Staff was in favor of the rezoning to C-4.
 - l) Mr. Green concurred with the property being rezoned to C-4.

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

2. The Chairman called to order the Public Hearing for an application by John L. Saia to rezone from R2-M (Two-Family Residential District, High Density) to C-2 (General Commercial District) Tract A consisting of 3.621 acres along LA Highway 311, Section 101, T17S-R17E, Terrebonne Parish, Louisiana.

- a) Dr. Cloutier moved, seconded by Ms. Amedee: “THAT the Public Hearing be closed.”

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

- b) Mr. Gene Milford, Milford & Associates, Inc., discussed the property and requested approval of the rezoning application.
- c) Mr. Gordon discussed the staff report; whereas, Staff recommended approval based on the conditions in the neighborhood and surrounding land uses having changed to warrant change in the zoning classification.
- d) Discussion was held with regard to this application also noting the same reason for amendment as Item E1(a) had.
- e) Mr. Ostheimer moved, seconded by Mr. Kurtz: “THAT the HTRPC, convening as the Zoning and Land Use Commission, recommend approval of the application to rezone from R2-M (Two-Family Residential District, High Density) to C-2 (General Commercial District) Tract A consisting of 3.621 acres along LA Highway 311, Section 101, T17S-R17E, Terrebonne Parish, Louisiana to the Terrebonne Parish Council.”

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

- G. STAFF REPORT: None.
- H. COMMISSION COMMENTS:
1. Chairman’s Comments: None.
2. Planning Commissioners’ Comments: None.
- I. PUBLIC Comments: None.
- J. Dr. Cloutier moved, seconded by Ms. Williams: “THAT there being no further business to come before the Zoning and Land Use Commission, the meeting be adjourned at 6:50 p.m.”

The Chairman called for a vote on the motion offered by Dr. Cloutier. THERE WAS RECORDED: YEAS: Ms. Amedée, Dr. Cloutier, Mr. Elfert, Mr. Erny, Mr. Kurtz, Mr. Navy, Mr. Ostheimer, and Ms. 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 JANUARY 15, 2009.

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