



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

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

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

Mr. Breaud stated we've been furnished with the minutes from our April 14th meeting and I'd entertain a motion to adopt or modify. Mr. Mire stated my name is on the present list of the April meeting and I was absent that meeting. Mr. Breaud stated all right so we'd like to get that name removed off of there because Mr. Mire wasn't there, are there any other corrections or additions? Mr. Mire replied that is it, if not do you want to make the motion with that correction. Mr. Mire stated I'll make that motion. Mr. Breaud stated moved by Mr. Mire and seconded by Mr. Kearns, all members were in favor, motion carried. Mr. Breaud stated we've also received a copy of the minutes for the May 12, 2010 meeting I'd entertain a motion to adopt or revise. Mr. Mire made a motion to adopt the minutes and it was seconded by Mr. Kearns, all members were in favor, motion carried.

Item #4 on the agenda was to consider a request by David A. Waitz Engineering & Surveying on behalf of PWJ, L.L.C. for lot line shift with variance requested for a zero lot line on survey and re-division of Lots 2 and 3 and the southern one foot strip of Lot 1, Block 5 of Ridgefield Heights into Lot 2-A and 3-A located on the west side of Canal Boulevard in Sections 158 & 159, T15S-R16E, City of Thibodaux, Lafourche Parish, Louisiana. Mr. James Templeton with David A. Waitz Engineering & Surveying came forward and stated he was there representing Mr. Jones and Pamela Jones, Earl and Pamela Jones who want to move some lots if you want to call it, selling a one foot strip of lot and we're creating two. Basically what we're trying to do is create a zero lot line between the Showcase which is a night club and where the Dollar General Store used to be in the old IGA building. You can see where the original lot line is, we're shifting it, I have it up here, lot 2 and Lot 3 basically I think it is making the whole situation a little bit better the way we're doing it anyhow. We do have 52' on one side on Canal Boulevard and we have 48' on the other side towards Ridgefield and I think that reaches the stipulations that are needed here, the square footage is there. The one thing that Mr. Errol Price had mentioned to me that there might be some sewer considerations but Mr. Jones is pretty sure that he has separate sewer systems on each building, I have really actually checked that yet and I don't know if there are any as built or anything like that, there are sewer mains on Ridgefield Avenue I think is where everything goes to. Mr. Kearns stated you're saying you have separate taps for each... Mr. Templeton stated we believe there are separate taps but I can't confirm that for sure. Mr. Breaud stated we could make that a condition I guess today with verification by the City or whatever that those taps are installed. Mr. Adams stated I'm trying to follow you, you're subdividing those 2 and 3 that was one lot and you're making it two lots. Mr. Templeton stated no sir, it was two lots, we're making 2 lots out of 3, if you look at the northern portion on the top part of the map, "The remaining portion of Lot 1, that is actually a 1' strip that was taken out many years back and I am supposing to accommodate something like Papa's Deli or something like that maybe it was a consideration back then but that is owned by Mr. Jones also, it was purchased I think 4 or 5 years ago when he purchased this, maybe in 2006. So it is three lots, of course I wouldn't consider that one foot strip a lot obviously but in any case you could say maybe two lots to two lots it is basically a lot line shift, we're not creating any new lots at all. Mr. Breaud stated so you're eliminating that one foot strip. Mr. Templeton stated we're eliminating it also and you can see there was a land hook on the details to the right, land hooking that one foot strip into the new lot which is Lot 2-A of Block 5. Mr. Adams stated where is the one foot strip. Mr. Breaud stated on the blow up detail of both of those corners, in that one foot strip you've got a note a saying upon approval, whose approval are we talking about. Mr. Templeton replied your approval, upon approval of the City of Thibodaux. Mr. Breaud stated we're not talking about additional landowners, Mr. Jones owns that strip as well as the rest of the tract then. Mr. Templeton replied he owns it, yes he does. Mr. Breaud stated and on the bottom of Lots 4 and 10 where is the separation between Lot 4 and 10 on the south, is the southern line that you're creating already there; we're not changing that line, right? Mr. Templeton replied correct, no we're not changing that line, this was already, it is a survey that we did probably 5 or 6 years ago to just obtain the boundary of these particular properties and it was before Mr. Jones acquired the property. As far as where Lot 4 and 10 separate, I'm not quite sure about that,

I'd have to look through my mapping I guess, I think I might have seen a legal that maybe called that out, it was originally, I do have some mapping but I don't know if that original 1940's or 1950's Ridgefield map shows that particular site, I can definitely look into that. Mr. Breaud stated I guess it is not a problem because we've got access from both sides to access these lots, it is not an access issue. Mr. Breaud asked what is the intended use of these two lots. Mr. Templeton replied Mr. Jones. Mr. Earl Jones of 501 Levert Dr. came forward and stated well actually I'm already in the Showcase building and then there are future plans to renovate what was formerly the I.G.A. so I may be selling a portion of the I.G.A. to Dollar General and that is why I needed a separate building because I wanted to maintain the Showcase which is the nightclub right now. So for future reference I may sell or may not sell the other but if I do so I wanted to have it separated for that reason just in case I do. Mr. Adams stated let me ask you something, the Dollar General, it operates right now as it is on Lot 2 and 3 combined, isn't it? Mr. Templeton stated as it is now before we split the lot, it does. Mr. Jones replied yes. Mr. Breaud stated Papa's Deli is also connected to this building but we're just going to be striking the line right through it. Mr. Templeton stated well it originally was, it has been separate. Mr. Breaud stated the request for the zero lot line is the portion of the building in the back where we're subdividing between 2-A and 3-A and we're right up against the building is what you're looking at or the whole building really. Mr. Templeton replied yes. Mr. Breaud stated it is the same thing that exists now on the other one. Mr. Templeton stated and that zero lot line is basically the face of that building, the Southern face of that particular building that line is where it is represented, straight through, you can see there is not a bearing change and that is one of the reasons why we have slightly different distances on Lot 3-A because of that but it is straight on the edge of that building. If you would take the building down that line would be the flat face of the outside of the building if you take the Showcase out of there. Mr. Adams stated so he's going to have to put a firewall where you've got Lot 2 and 3 that whole, firewall that whole building, separate those buildings. Mr. Jones stated there is already a firewall that separates each building as of now, they are firewalls already there. Mr. Adams stated but that building is not separated right now. Mr. Jones stated all of the buildings are separated, the I.G.A. building is what is in the middle has a firewall which is next to the Showcase and there is a firewall in between the Dollar General and the I.G.A. building. Mr. Templeton stated they are all legally separated. Mr. Adams stated but the Dollar store is not operating on Lot 2 and 3, then, they have a firewall there already. Mr. Jones stated well I'm confused because I already explained that they do have a firewall. Mr. Adams stated I was under the impression that Dollar General was operating on Lot 2 and 3. Mr. Templeton stated as it is right now Dollar General is operating on Lot 2 and a portion of Lot 3. Mr. Adams stated there's no firewall between there. Mr. Templeton stated there is a present firewall at that zero lot line - that is correct. Mr. Kearns stated I think you're mistaking that original lot line is a wall. Mr. Breaud stated there is no wall here. Mr. Adams stated well that is what I'm trying to find out because if he separated it he would have to put a firewall. Mr. Breaud stated he's not separating it. Mr. Adams replied oh, he's not. Mr. Breaud stated the separation is going to be right here, so this is all going to be one building, separated between here. Mr. Kearns stated ok, he's moving that lot line to the wall. Mr. Adams replied ok. Mr. Breaud then asked if there were any other comments by the commissioners, administration, Errol? Mr. Price stated the only question I had and that is why I wanted Mr. Jones to come in and Jim, ok, I know the ordinance says that you've got to have 50' frontage, this has two fronts, Ridgefield Avenue and Canal Boulevard, if he meets one does that meet the criteria? Mr. Breaud replied yes, the 50' criteria is for access and we've got the main access on Canal, if we wanted to make it legal we could grant him a variance for that 48' which is a few feet short if you want to do that but I think as long as we've got it on one main access point that meets the ordinance because this lot could theoretically close down all the way to the back, you know some of the shapes of these lots do that. Mr. Price stated I basically wanted you to clear that up for me in the future that way I know if we set a precedence today that I can judge it next time just saying as long as he has one and my other question was Mr. Earl did with me and he is willing to let me and I would like to, before we do a final, I would like to go and inspect the firewall to make sure it is a 2 hour fire rated wall and he has agreed to do that with me. Mr. Breaud stated that is more I guess on the building permit side than the subdivision of the property though I mean if we subdivide the property before you will issue him a building permit to do anything or will he be doing anything. Mr. Price stated he doesn't need a permit. Mr. Breaud stated so you want to make that a condition of this division that a firewall does exist. Mr. Price stated that is what I'm asking the board to do. Mr. Breaud asked Mr. Templeton if he had a problem with that. Mr. Templeton replied no. Mr. Breaud stated Eric, do you have any comments, we're looking at two issues right now I guess one is the condition that the sewer connection either be provided or exist presently and that a firewall either exist or be installed along that division of property. Mr. Kearns stated a two hour fire rated wall. Mr. Breaud stated whatever the Fire Marshall requires. Mr. Fauchaux stated I do have a question, do they have sprinkler systems in that old I.G.A. store. Mr. Jones replied no. Mr. Fauchaux stated or fire lines that go into the buildings. Mr. Jones replied no. Mr. Breaud asked what are your feelings on this 48' do you want to leave it like this or do you want to grant or allow a variance. Mr. Kearns stated well you've got access the other way. Mr. Breaud stated I think the future as long as you've got 20' I wouldn't want to see this thing go down where you wouldn't have an access point on the back of it but as long as you meet the frontage on the lot, I think if you go back and read the regulations it says you've got to provide 50' frontage on an access point and theoretically he's done that. Mr. Price replied I agree, I just didn't know because I have different boards that rule different ways because when we go to the Board of Adjustments if you have two frontages, they count it as two fronts like if you're putting up a fence or whatever, I wanted to come in front of you all and let you

clear it up and see how you all wanted to interpret that. Mr. Adams stated if he'd use Ridgefield as the front then you've got some problems and we'd have to make him change this parking area. Mr. Breaud stated the main access to this is obviously in the front because that is where all of the parking and all is. Mr. Jones replied that is correct. Mr. Breaud asked what else is going on in the front with all of the car cleaning, is that a business or what? Mr. Jones replied that is my son and that is a part time job for him. Mr. Breaud stated that is just a temporary status, we're not considering this. Mr. Price replied yes, he's got his occupational license, he followed all the rules and got all of his inspections, the Fire Marshall approved everything, it is a legit business in the front. Mr. Breaud stated he is on the same land as the other building - he is not on a separate... Mr. Jones replied no, he is up front from me. Mr. Breaud stated I guess it is not a problem you can have two establishments on a lot. Mr. Price replied correct, Mr. Jones this new property line won't pass or affect his business, correct? Mr. Jones replied no. Mr. Price stated he is on the north side of it, all right, I would be concerned too if it would be splitting right through the business but I don't think it does. Mr. Breaud then asked if there were any other comments. Mr. Templeton stated I have a question, as far as the sewer line, what is our responsibility, do we camera it, do we get as built, how do we establish that as far as locations of laterals or services. Mr. Breaud stated Errol do you want to answer, both buildings are serviced with sewer right now? Mr. Jones stated I would think so because I.G.A. was separate from the drug store, there were two different businesses so that is why I'm certain that they both have their own sewer system that would be there. Mr. Breaud stated are they serviced off of Ridgefield or Canal. Mr. Jones replied Ridgefield. Mr. Breaud stated what kind of requirements you want. Mr. Price stated well what I would do, we could actually go out there and locate the taps, I know we had an issue with Lot 10, he does have his separate, that was camera'd we did do building and plumbing inspections when this, when the Showcase was renovated and they had definitely plumbing tied into a sewer system. There is the possibility that it could be tied in with the old store between the Dollar General - all I can do is actually camera down Ridgefield and show them where the tap is at and if they would have one in the area I feel it would be tied into it, but I don't have 100% proof on it. Mr. Breaud stated Jim once we make the condition that either an existing sewer service exists or be provided well when they make their inspection if it doesn't exist, this plat becomes null and void until such time that service is installed, that would be a condition that we're making on this approval. Mr. Price stated the only possibility I'm looking at is that when the old store was there the Showcase, the old part, could be tied in with the old store. Mr. Breaud stated and it has got to be separate, what Errol is saying is has to be separate services for each structure. Mr. Templeton stated and there definitely can be no kind of variance let's say that there is no separation, then that would be pretty much of a hardship to separate that I would think, it takes a little bit monies to do that, there is definitely no kind of variance that we could apply for, or is that ever... Mr. Price stated he though that would have to be addressed over here because that is into the... Mr. Breaud stated suppose the sewer service is tied in under the building and it comes out as one service. Mr. Adams stated yes, it depends if it was put under concrete or if it was tied in behind the building. Mr. Price stated that would be something you all would have to address as a variance. Mr. Breaud stated do you have a problem with it if it is tied in as one service as long as it is functional. Mr. Price stated the problem you run into is if he sells the property and the line goes through these new people's property and they have a blockage or break in the line in the new, on Lot 3 right now, they could cut it off and he has no way to get sewer there. Mr. Breaud stated well I think you all need to work that issue out. Mr. Jones stated well I don't see that as being a problem with the person that I probably will sell it to because I would in turn lease that particular building back from them so in all actuality I'll be in both buildings. Mr. Breaud stated but you never know, that guy may turn around tomorrow and sell what you sold. Mr. Jones replied I doubt it, not with the deal I'm going to make him, no. Mr. Breaud stated well we'll put the condition on it then, you'll have to work it out and see how, if it is it would have to be separated on the back side or something if nothing. Mr. Price stated just looking at the plumbing on what we inspected in the past, I feel it is probably going to be on it's own, I have no proof of it but there is no plumbing on the North side, there is no plumbing going towards Lot 3, all the plumbing is hugging Lot 10 and if you'd ask me today and say well are they tied in with Lot 10 I would have said maybe so but no, there's was camera'd, they had an issue, theirs is separate and nobody else is tied in with them. So we can go out and try to find the tap, I've got a map on all of that area, I can't promise you but I do feel that, I think he is tied in separate. Mr. Breaud stated we'll go in with the condition that if something happens, if not you can come back for a hardship and come back to us again and maybe we'll grant it and maybe we won't. Mr. Adams stated are there no bathroom fixtures in the Dollar General Store? Mr. Jones replied yes, the Dollar General as well as the former I.G.A. as well as the Showcase, all of them have their own bathroom or what have you. Mr. Price stated and Dollar General's plumbing is tied in further North towards Pa Paws, we investigated all of this a while back when we put that big 36" line across on the side of Pa Paws so that is why I'm a little familiar with the sewer in here. Mr. Kearns stated so there is a good chance this will be on separate taps. Mr. Price stated I feel there is a 90% chance that he is tied in separate but I would like to see it proved, though. Mr. Kearns replied ok, all right. Mr. Breaud stated ok, I'll entertain a motion. Mr. Kearns stated I would make the motion that we approve the lot line change subject to verification of separate sewer taps for each establishment and then secondly subject to verification of a two hour fire wall rating between each establishment. Mr. Breaud stated I think you would want to state that not only the verification but if it doesn't exist that those provisions be made for a two hour fire wall and a service. Mr. Kearns stated for approval. Mr. Breaud replied for approval, yes, we'll give you conditional approval provided those two things are met, if those two things are not met then the approval doesn't exist. Mr. Kearns

stated until they are met. Mr. Breaud replied now that verification needs to come before I sign off and the Mayor signs off on this plat, you know we've got our names down here so when Errol calls me to sign the plat I'm going to ask him if he has verified that these two conditions have been met, if they haven't been met I'm not going to sign the plat and the Mayor won't sign it either, so those two conditions have to be met before. Mr. Templeton stated we'll be in touch with Errol from here on out. Mr. Breaud stated is that your motion, Mr. Kearns. Mr. Kearns replied that is my motion, the motion was seconded by Mr. Adams, all members were in favor, motion carried.

Mr. Breaud asked if there were any other items to be discussed, if not , meeting adjourned.