

**MINUTES OF THE
WEST BATON ROUGE PARISH
PLANNING AND ZONING COMMISSION
880 North Alexander Avenue, Port Allen
Wednesday, July 5, 2023
5:30 PM**

The Following Minutes Are Summarized For Brevity, For Precise Meeting Information Please Refer To Meeting Audio Or Video.

ZONING

1. CALL TO ORDER

A Regular Meeting of the West Baton Rouge Parish Zoning Commission was held on Wednesday, July 5, 2023 and called to order at 05:30 PM.

2. SILENCE ALL CELL PHONES AND ELECTRONIC DEVICES

Chairman Curtis Ducote asked that all electronic devices be placed on silent.

3. PLEDGE OF ALLEGIANCE

Chairman Ducote led everyone in an opening prayer. Chairman Ducote then recognized Commissioner Brown, who led everyone in the Pledge of Allegiance.

4. ROLL CALL

The following members were recorded as being present: Sidney Blanchard, Ray Rivet, Curtis Ducote, Joycelyn Green, Todd Plauche, Russell Vallet, Gary Leblanc, and Justin Brown.

Absent: Mr. Alfreda Jackson

Also present were, Mr. Kevin Durbin, Public Works Director, Mrs. Mallorie Davis, Secretary.

5. APPROVE MINUTES OF PREVIOUS MEETING

A. Approve Minutes of from June 6, 2023.

A motion was made by Gary Leblanc, seconded by Todd Plauche to Approve Minutes of from June 6, 2023.

The vote was recorded as follows:

YEAS: 8 (Sidney Blanchard, Ray Rivet, Curtis Ducote, Joycelyn Green, Todd Plauche, Russell Vallet, Gary Leblanc, Justin Brown)

NAYS: 0 (None)

ABSENT: 1 (Alfreda Jackson)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

6. CORRESPONDENCE:

Chairman Ducote recognized Mr. Kevin Durbin.

Mr. Durbin explained to the Commissioners that there were advertising errors regarding the three zoning and one subdivision case coming before them this afternoon. He stated the certified letters and advertisements in the Westside Journal all had the correct date but the wrong day. The advertisement showed Tuesday July 5, 2023 instead of Wednesday July 5, 2023. Mr. Durbin informed the Commissioners that Secretary Mallorie Davis contacted Lou Delahaye, Parish Attorney, for guidance after the error was brought to her attention on Monday, July 3, 2023. Mr. Durbin read into record the following email correspondence from the Parish Attorney, Lou Delahaye to Mrs. Davis. (See below correspondence) Mr. Durbin explained that he would ask each applicant prior to their public hearing if they would like to move forward with the public hearing or defer.

Mallorie:

I researched your question below. This email is a follow up to my conversation with you and Kevin today regarding this matter.

I researched your question using my online law library. I specifically searched for an AG Opinion on point (public notice stated the incorrect day of week but the correct date) and could find no AG opinion on point. I also searched LA Case law and the LA Revised statutes and likewise could find no case or statute on point.

You advised that the letters sent to neighbors included the mistake described below as did the newspaper ad advertising the P & Z meeting. You also advised that the signs placed on the properties coming before the P & Z Commission and the agendas posted at the Parish Council office and doors only listed the correct date, July 5, 2023.

After researching what I did find regarding the notice of P & Z meetings advertised notices, I cannot give you a definitive answer to your question.

However, the law requires reasonable notice of the P & Z meetings. The fact that the posted agendas and the signed posted on the properties on the agenda only listed July 5 as the date of the meeting and did not specify a day of the week. These facts are factors in favor of WBR that reasonable public notice was given. The additional fact that Tuesday was July 4TH and that all state and local governmental office statewide were closed on Tuesday, any reasonable person should realize that citing Tuesday instead of Wednesday was a mistake.

After stating all of the above reasons why I believe that stating in the newspaper ad “Tuesday, July 5, 2023” is not a fatal flaw and does convey reasonable notice to the public of the P & Z meeting date, I cannot predict how a judge might rule if this question is before a judge in district court. With that said, I recommend that Kevin announce at the P & Z meeting, before any item is taken up by the commission, explain fully what happened with the advertisement and letters sent to adjourning land owners and have the applicants make the decision on the record whether or not the applicant wants to move forward with his/her request to the P & Z Commission or postpone to the next meeting of the P & Z after the required advertisements run.

I suggest Kevin make this announcement so that each applicant is aware of the situation and the applicant makes an informed decision whether or not to move forward or postpone the application consideration by P & Z. Another reason for the announcement is because if an “aggrieved person” files suit and is successful in convincing a judge that the public notices/letters to neighbors were misleading and confusing and did not constitute valid public notice of the meeting. If that would happen, the meeting would be invalid as would any action taken by the P & Z Commission. If one of the applicants goes forward and is approved by P&Z, thereafter begins construction of a building on the rezoned property, suit is file to challenge the public notice, a favorable ruling is received by the “aggrieved person”, then the Parish would be open to a suit for damages by the applicant and the applicant’s desire to move forward would after being informed of the notice issue would not be an absolute defense for the Parish against a suit by applicant.

Kevin, I spoke to Pee Wee and he does not want to cancel the meeting but suggests you speak to the applicant you believe has a potentially controversial request of the P & Z to postpone the application.

*Louis W. Delahaye Assistant
District Attorney*

*Tony Clayton
District Attorney, 18th JDC 58156
Court Street
Plaquemine, Louisiana 70764
(225) 687-8340 ext. 101- Telephone
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ldelahaye@canovadelahaye.net – Email*

7. **PUBLIC HEARING:**

A. **An Ordinance Amending Chapter 104 Zoning to Incorporate Amended Zoning Designation Map (Zoning Plan) under Section 104-3 Establishment of Districts, Official Zoning Map For Rezoning Request. And Chapter 111 Administration and Enforcement, Article IV Zoning Enforcement, Section 111-78 Special, Conditional Use Requirements and Procedures For Nicholas Lamotte. Property Located at 2959 Jackson-Lamotte Ln. Port Allen, La 70767. File #2023-12. Described By The WBR Assessors Office As: 4.85 AC IN SEC 89 T7S R12E 44-26. Special Use in AG-3 for Residential Duplexes.**

The Chairman opened a public hearing for the purpose of receiving comment regarding the aforementioned item. Mr. Durbin was recognized and gave a brief explanation of the request. Mr. Lamotte was present to represent his Special Use request, informing the Commissioners of his plans for multiple duplexes. Mr. Durbin questioned Mr. Lamotte on whether he would like to move forward with the public hearing or defer due to the advertisement error. Mr. Lamotte stated he wanted to move forward. Chairman Ducote questioned why he did not apply for proper zoning of R-2F. Mr. Lamotte understood that he had the option, but he felt this route was less trouble than the rezoning. There was discussion as to: the size of the structures, rental property, upkeep of the property, single vs. multi-family residential, and rezoning. Public comments were heard from Dorothy Collar and Justin Friddle. No other public comments for or against said ordinance were presented. No written protests opposing the ordinance were received. The Chairman at this point declared the Public Hearing closed.

A motion was made by Todd Plauche, seconded by Justin Brown, to **recommend denial** of An Ordinance Amending Chapter 104 Zoning to Incorporate Amended Zoning Designation Map (Zoning Plan) under Section 104-3 Establishment of Districts, Official Zoning Map For Rezoning Request. And Chapter 111 Administration and Enforcement, Article IV Zoning Enforcement, Section 111-78 Special, Conditional Use Requirements and Procedures For Nicholas Lamotte. Property Located at 2959 Jackson-Lamotte Ln. Port Allen, La 70767. File #2023-12. Described By The WBR Assessors Office As: 4.85 AC IN SEC 89 T7S R12E 44-26. Special Use in AG-3 for Residential Duplexes.

The vote was recorded as follows:

YEAS: 8 (Sidney Blanchard, Ray Rivet, Curtis Ducote, Joycelyn Green, Todd Plauche, Russell Vallet, Gary Leblanc, Justin Brown)
NAYS: 0 (None)
ABSENT: 1 (Alfreda Jackson)
ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

B. **An Ordinance Amending Chapter 104 Zoning To Incorporate Amended Zoning Designation Map (Zoning Plan) Under Section 104-3 Establishment Of Districts, Official Zoning Map For Rezoning Request Of Dale Dupont. Regarding Property Owned by Moore Betty Ruth Dupont Etals, Located At 59410 Hwy 1148 Plaquemine, La 70764, File #2023-13: Described by the WBR Assessor as: TRACT A- 3-A CONT 35.393 AC IN SECS 83 & 76 T8S R12E 49-1. Rezoning from AG-3 (Agricultural Large Scale) to AG-2 (Agricultural Moderate Scale).**

The Chairman opened a public hearing for the purpose of receiving comment regarding the aforementioned item. Mr. Durbin was recognized and gave a brief explanation of his zoning analysis. Mr. Dale Dupont was present to represent his request and explained his reason for the rezoning. Mr. Durbin questioned Mr. Dupont on whether he would like to move forward with the public hearing or defer due to the advertisement error. Mr. Dupont stated he wanted to move forward. No public comments for or against said ordinance were presented. No written protests opposing the ordinance were received. The Chairman at this point declared the Public Hearing closed.

A motion was made by Gary Leblanc, seconded by Ray Rivet to **recommend approval** for An Ordinance Amending Chapter 104 Zoning To Incorporate Amended Zoning Designation Map (Zoning Plan) Under Section 104-3 Establishment Of Districts, Official Zoning Map For Rezoning Request Of Dale Dupont. Regarding Property Owned by Moore Betty Ruth Dupont Etals, Located At 59410 Hwy 1148 Plaquemine, La 70764, File #2023-13: Described by the WBR Assessor as: TRACT A-3-A CONT 35.393 AC IN SECS 83 & 76 T8S R12E 49-1. Rezoning from AG-3 (Agricultural Large Scale) to AG-2 (Agricultural Moderate Scale).

The vote was recorded as follows:

YEAS: 8 (Sidney Blanchard, Ray Rivet, Curtis Ducote, Joycelyn Green, Todd Plauche, Russell Vallet, Gary Leblanc, Justin Brown)
NAYS: 0 (None)
ABSENT: 1 (Alfreda Jackson)
ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

- C. **An Ordinance Amending Chapter 104 Zoning To Incorporate Amended Zoning Designation Map (Zoning Plan) Under Section 104-3 Establishment Of Districts, Official Zoning Map For Rezoning Request Of DTB Properties LLC. /Caleb LeBlanc. Regarding Property Located At Sarco Lane, Port Allen, La (Lots 1–17), File #2023-14: Described as Seventeen (17) certain lots or parcels of ground, together with all buildings and improvements located thereon or in anywise appertaining, situated in the Parish of West Baton Rouge, State of Louisiana in Section 92, T7S, R12E. Rezoning from C-1.2 (Community Scale Commercial) to C-1.3 (Regional Scale Commercial).**

The Chairman opened a public hearing for the purpose of receiving comment regarding the aforementioned item. Mr. Durbin was recognized and gave a brief explanation of his zoning analysis. Mr. Caleb LeBlanc was present to represent his request. He stated that he was grandfathered in under C-1.2 with a total of 130 units when he purchased the subdivision. He would now like to expand his business by constructing more mini-storage units throughout the subdivision. Mr. Durbin questioned Mr. LeBlanc on whether he would like to move forward with the public hearing or defer due to the advertisement error. Mr. LeBlanc stated he wanted to move forward. No public comments for or against said ordinance were presented. No written protests opposing the ordinance were received. The Chairman at this point declared the Public Hearing closed.

A motion was made by Todd Plauche, seconded by Russell Vallet to **recommend approval** for An Ordinance Amending Chapter 104 Zoning To Incorporate Amended Zoning Designation Map (Zoning Plan) Under Section 104-3 Establishment Of Districts, Official Zoning Map For Rezoning Request Of DTB Properties LLC. /Caleb LeBlanc. Regarding Property Located At Sarco Lane, Port Allen, La (Lots 1–17), File #2023-14: Described as Seventeen (17) certain lots or parcels of ground, together with all buildings and improvements located thereon or in anywise appertaining, situated in the Parish of West Baton Rouge, State of Louisiana in Section 92, T7S, R12E. Rezoning from C-1.2 (Community Scale Commercial) to C-1.3 (Regional Scale Commercial).

The vote was recorded as follows:

YEAS: 8 (Sidney Blanchard, Ray Rivet, Curtis Ducote, Joycelyn Green, Todd Plauche, Russell Vallet, Gary Leblanc, Justin Brown)
NAYS: 0 (None)
ABSENT: 1 (Alfreda Jackson)
ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

8. **ADJOURN**

A motion was made by Ray Rivet, seconded by Russell Vallet to adjourn the Zoning meeting.

The vote was recorded as follows:

YEAS: 8 (Sidney Blanchard, Ray Rivet, Curtis Ducote, Joycelyn Green, Todd Plauche, Russell Vallet, Gary Leblanc, Justin Brown)
NAYS: 0 (None)
ABSENT: 1 (Alfreda Jackson)
ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

PLANNING

A Regular Meeting of the West Baton Rouge Parish Planning Commission was held on Wednesday, July 5, 2023 and called to order at 06:08 pm.

9. **APPROVE MINUTES OF PREVIOUS MEETING**

- A. **Approve Minutes from June 6, 2023.**

A motion was made by Joycelyn Green, seconded by Gary Leblanc to Approve Minutes from June 6, 2023.

The vote was recorded as follows:

YEAS: 8 (Sidney Blanchard, Ray Rivet, Curtis Ducote, Joycelyn Green, Todd Plauche, Russell Vallet, Gary Leblanc, Justin Brown)
NAYS: 0 (None)
ABSENT: 1 (Alfreda Jackson)
ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

10. CORRESPONDENCE

11. PUBLIC HEARINGS:

- A. File # 2023-10: 6824 SOUTH RIVER ROAD, MELISSA TRAYLOR CHITTOM, FINAL PLAT SHOWING SURVEY & CONSOLIDATION OF LOT C OF ARTHUR ALLAIN PROPERTY & LOT D OF J. OLIVIER PROPERTY INTO LOT D-1 LOCATED IN SECTION 23, T8S-R12E SOUTHEASTERN LAND DISTRICT WEST OF THE MISSISSPPI RIVER WEST BATON PARISH, LOUISIANA. *WITH WAIVERS.*

The Chairman opened a public hearing for the purpose of receiving comment regarding the aforementioned item. Mr. Durbin was recognized, explaining the consolidation plat shows an existing home within the 10 foot setback and Addis servitude. Mr. Melissa Chittom Traylor was present to represent her plat. Mr. Durbin questioned Mrs. Traylor on whether she would like to move forward with the public hearing or defer due to the advertisement error. Mrs. Traylor stated she wanted to move forward. Commissioner Rivet questioned how far into the servitude the existing home is. Secretary Davis stated 1.58 feet. No public comments for or against said ordinance were presented. No written protests opposing the ordinance were received. The Chairman at this point declared the Public Hearing closed.

A motion was made by Ray Rivet, seconded by Justin Brown to **recommend approval** with waiver/s for File # 2023-10: 6824 SOUTH RIVER ROAD, MELISSA TRAYLOR CHITTOM, FINAL PLAT SHOWING SURVEY & CONSOLIDATION OF LOT C OF ARTHUR ALLAIN PROPERTY & LOT D OF J. OLIVIER PROPERTY INTO LOT D-1 LOCATED IN SECTION 23, T8S-R12E SOUTHEASTERN LAND DISTRICT WEST OF THE MISSISSPPI RIVER WEST BATON PARISH, LOUISIANA. *WITH WAIVERS.*

The vote was recorded as follows:

YEAS: 8 (Sidney Blanchard, Ray Rivet, Curtis Ducote, Joycelyn Green, Todd Plauche, Russell Vallet, Gary Leblanc, Justin Brown)
NAYS: 0 (None)
ABSENT: 1 (Alfreda Jackson)
ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

12. OTHER BUSINESS:

- A. Upcoming Public Hearings:

- Council: July 13, 2023 at 5:30 pm
- Planning and Zoning: July 18, 2023 at 5:30 pm

13. ADJOURN

There being no further business, a motion to adjourn was made by Todd Plauche and was adopted by acclamation at 06:14 PM.

Curtis Ducote, Chairman

Mallorie Davis, Secretary

