

**MINUTES OF THE IBERIA PARISH ZONING COMMISSION MEETING CONDUCTED ON
THURSDAY, JANUARY 17, 2013 AT 5:30PM IN THE IBERIA PARISH COUNCIL CHAMBERS
300 IBERIA STREET, NEW IBERIA, LOUISIANA 70560**

CALL TO ORDER: Chairman Dana Dugas determined there was a quorum and called the meeting to order.

MEMBERS PRESENT: Dana Dugas, Barbara Laviolette, Butch Bourgeois, David Fangué, Perry Judice and Lanie Borel.

MEMBERS ABSENT: Ronald Fremin, Nathaniel Mitchell and Jane Braud.

OTHERS PRESENT: John Raines, Carmen Judice, Sally Johnson and Julie Armentor

APPROVAL OF MINUTES: Butch Bourgeois made a motion to approve the December 20, 2012 minutes which was seconded by David Fangué; the vote was unanimous.

RECLASSIFICATION REQUESTS: Melissa D. Rogers, etal/James Kirk Farrelly dba Dollar General Located on Hwy 14 – Requested reclassification from Mixed Residential (R-2) to Commercial (General Business) C-2. Mrs. Barbara Laviolette recused herself from this issue.

John Raines explained the location of the property and the zoning surrounding it. Mr. Raines said that they wanted to construct a Dollar General in that area and from the proposed layout there would be no difficulties except they would have to put up a fence if this request was approved. Mr. Raines explained also that this Dollar General requested a Commercial (General Business (C-2) classification for the sale of liquor, wine and beer.

Burt Cestia spoke and said he was representing Dollar General. Mr. Cestia showed the Commission a large map of the zoning area and showed commercial sites at random and said there was no consistency on Hwy 14 to US Hwy 90. Mr. Cestia said there were private homes that were raised and some that are not raised. Mr. Cestia spoke about the DOTD landing as it hits Hwy 14 and said that it has been approved by Department of Transportation and the site will be altered according to engineers, it will be better lined up with the crossover.

James Farrelly addressed the Commission and explained that the request was for Commercial-General Business (C-2) instead of Commercial – Neighborhood Shopping District (C-1) because of the square footage limit of 3500 square feet.

John said he understood about the C-1 classification having a limit on the square footage. He spoke about a Commercial – Neighborhood Business Center on Coteau Road and said a C-1 could be accomplished and even if the Commission votes to give the C-2 classification and even

if the Parish Council votes to give them a C-2 classification, the guarantee of a liquor license or the sale of liquor is not guaranteed. He said the zoning does not automatically give you a liquor license.

Mrs. Barbara Laviolette said that this was an example of spot zoning. She said one day you have a Dollar General next to your house and it fails, the spot becomes a bar. She said they wanted to keep their residential neighborhood. She said she had a letter signed by the Mayor of Delcambre and action taken by the City Council of Delcambre that shows they oppose the zone change. Mrs. Laviolette said she had signatures from the majority of the neighborhood showing they oppose the zone change. Mrs. Laviolette said setting up a Dollar General next to a residential zone does do harm to the property value. She also spoke of other Dollar General stores within a 2-6 mile radius east and west. Mrs. Laviolette said there was a matter of this Dollar General requesting a liquor and tobacco license which does not usually occur at Dollar General Stores and should not occur near residential neighborhoods.

Mr. Todd Dore addressed the Commission and said he was representing the family selling the property. Mr. Dore said there were other businesses negotiating with the Town of Delcambre to locate inside the city. He also said that the bank would lend money for other purposes. He commented about Mrs. Laviolette's explanations.

Mr. Burt Cestia commented that the houses were far apart and not in a subdivision and they had commercial all around. He also said that the Mayor and the City Council should not have any weight on this rezoning.

After further deliberation, David Fangué made a motion to deny as per spot zoning, which was seconded by Lanie Borel; the vote was four yeas, one nay, and one abstained.

SPECIAL USE/CONDITIONAL USE PERMIT: David and Suzanne Luke – Located in the 11800 Block of Old Jeanerette Road across from Roland Lane - Cell Tower.

John Raines explained the location of the property and that it was on the agenda before but a request was made to take it off the agenda. Mr. Raines said the deciding factor for this cell tower would have to come from the Airport Authority and whether or not it will be a safety hazard to the flights.

Andy Rotenstreich, represented Mr. Luke and American Towers Corp., addressed the Commission and said that they first asked for a 250' tower and they are now asking for a 145' monopole which was a requirement from the FAA. Mr. Rotenstreich said they tried to fill in a gap for AT&T in coverage for downtown Jeanerette area for businesses. He said this sight would be latest technology from 3G upgradable to 4G and also be able to connect to 911. Mr. Rotenstreich said the first thing they do is look for existing AT&T towers in the area and said in

this case there were no towers within a mile to hang antennas. Mr. Rotenstreich said this tower would not emit any noise, it would not be lit and there would be no odor coming from the tower. Mr. Rotenstreich also showed them a letter from an appraiser that did a study to see what happened to the value of properties when a cell tower was installed and the appraisal said, based on his research it is his professional opinion that the proposed structure will have no discernible negative impact on the values, market ability, or the rates of appreciation of the properties in the surrounding areas.

Mr. Rotenstreich had a document from FAA called a determination of no hazard to air navigation and he said the heights shows 148 feet and they will be below that.

Mr. Rotenstreich said Mr. Jamie Scott who is the adjacent land owner had requested that they move the tower off of the property line to get it away from his property line in case the tower would fall, so they moved it back. He explained how the tower was designed and how it would fall in case of weather so it would not fall on Mr. Scott's property.

Mrs. Johanna Bourgeois addressed the Commission and said she went door to door and had a petition opposing the cell tower. Mrs. Bourgeois also said she went on the internet to look up the dangers of having a cell tower near and what the causes could be. She also said she spoke to a banker and they said a tower would have an effect on the value of their property and she said she never had any problems with her cell phone connections.

Several neighbors were in opposition of the cell tower due to dangers, decreasing value of property and also some thought it was not necessary since everyone already has phone service in that area.

Commission made no motion on the decision of this request which was unanimous; no action no recommendation made.

DIRECTOR'S REPORT: None at this time.

ADJOURNMENT:

There being no further business, Lanie Borel made a motion to adjourn which was seconded by Butch Bourgeois; the vote was unanimous.

**Submitted by John R. Raines
Director of Permitting, Planning and Zoning Department**

