

**MINUTES OF THE IBERIA PARISH REGIONAL ZONING COMMISSION MEETING CONDUCTED ON
THURSDAY MARCH 17, 2011 AT 5:30PM IN THE IBERIA PARISH COUNCIL CHAMBERS
300 IBERIA STREET, NEW IBERIA, LOUISIANA 70560**

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

MEMBERS PRESENT: Bruce Dupray, Tommy Granger, Jane Braud, Barbara Laviolette, Perry Judice and David Fangué

MEMBERS ABSENT: Dana Dugas, Lanie Borel and Ronald Fremin

OTHERS PRESENT: Dean Wattigny, Julie Armentor and John Raines

APPROVAL OF MINUTES: Bruce Dupray made a motion to approve the February 17, 2011 minutes which was seconded by Jane Braud; the vote was unanimous.

RECLASSIFICATION REQUESTS:

Agenda Item #1: Carroll James Gravois, Jr. – Reclassification from Agricultural (A-1) to Industrial (I-1). John Raines explained that the property is located at 6814 East Admiral Doyle. The site is an existing facility and has been operating as a boat manufacturing company for many years and they have several buildings on the site. Mr. Raines stated that when zoning went through, this area was zoned Agricultural but was being used industrially and considered a non-conforming use and cannot be expanded. The applicant would like to expand and has requested a reclassification to Industrial (I-1). No public comments.

A motion was made by Bruce Dupray to reclassify the property from Agricultural (A-1) to Industrial (I-1) which was seconded by Barbara Laviolette; the vote was unanimous.

SPECIAL USE/CONDITIONAL USE PERMIT: Application for a cell tower located at 7901 Old Jeanerette Road – Thomas G. Duhe. John Raines explained that the applicant is requesting this permit to construct a 250 foot telecommunications tower. Mr. Raines said that they have submitted all required documents and no complaints were received. John also stated that we received a statement from Jason Devillier from the Airport indicating that no problems were foreseen with the proposed tower. He also said that in the future there will be an FAA form given to all applicants when they come in for special use/conditional use permit. No public input.

Bruce Dupray made a motion to approve the Special Use/Conditional Use Permit which was seconded by Barbara Laviolette; the vote was unanimous.

TEXT AMENDMENT #1: Process for Review, Consideration and Correction of Zoning Issues. Mr. Raines suggested that the audience be taken care of first and Tommy Granger said that this issue may affect other requests so the amendment was continued. John Raines spoke of other properties that were zoned incorrectly and suggested that parameters be set and go before the commission for discussion. Jane Braud said that they already have a process in place that works very well. She said there was a year lapse for the land use study and Dr. Earhart visited all areas plus there was a six month grace period for property owners that were not zoned correctly to come in and change the zoning. She said Dr. Earhart may have had good reason to classify something as he did. Tommy Granger said his reasoning for having this process is that there were four properties on the airport that were zoned incorrectly. They would like to discuss this further.

TEXT AMENDMENT #2: Expansion of Required Notice to Adjacent Property Owners. Mr. Raines explained that the Zoning Ordinance requires that we notify adjoining property owners. Under certain circumstances in the past, the adjoining property owner was also the applicant. Mr. Raines said he would like to propose an amendment which would require that the adjoining property owner be notified and the adjoining to the adjoining property owners be notified (including across the street and/or across the bayou).

Jimmy Landry said he would rather it say non-family members because if there are three or four family members that are all looking to do a project together and they all live around each other than that family can justify doing it. He said adjacent to adjacent means two properties over.

David Fangué said if you have adjacent property even if it is a relative at some point you have to have a limit.

Jane Braud made a motion to approve the notification requirements to adjacent property owners as submitted. Perry Judice seconded the motion and the vote was unanimous.

DIRECTOR'S REPORT #1: Consideration of Revised Site Plan for Proposed Development at Sugar Hill Estates Intersection with Hwy 88 (Coteau Rd.) John Raines explained that Sugar Hill went before the Commission before and submitted a site plan in response to concerns that were expressed by area residents and concerned expressed by our office also. He showed the site plan where the accesses were on Sugar Hill Dr. and Coteau Rd. The Commission had denied the zoning request from Mixed Residential (R-2) to Commercial (C-2). The applicant's attorney suggested a new site plan be submitted with access only on Coteau Road. It went to Parish Council and was sent back to the Commission due to the updated site plan.

Brandon Barrilleaux said he did not know why this went back to the Commission and wondered why they were there for the meeting since it was already denied at a previous meeting.

Mr. John Mouton addressed the Commission and said they were there because the Parish Council suggested the new site plan. He said it was not restricted property and should not have been zoned Residential and that it was zoned in error. He said that the plat did not show that it was Commercial but the restrictive covenants specifically excluded lot 1 and lot 2, block 1 from the covenant and since it is unrestricted you should be able to build whatever you want on it. Brandon Barrilleaux then brought up the restrictive covenants and said that this was brought up at a previous meeting and the Commission said that they had nothing to do with the subdivision covenants only zoning.

Richard George said he purchased his property because he thought it was residential.

John Raines then told them that this was sent back to talk about the site plan since the Commission had not seen the revised site plan.

Jane Braud explained the reason why the request was denied. She said it had to do with the zoning of the property from Mixed Residential (R-2) General Business (C-2). C-2 permits many different uses for the property other than a Dollar General Store. She said it permits a liquor store, drive thru, tobacco store, open kennels and other things that were not conducive to a residential area. She also stated that this Commission has no jurisdiction over subdivision restrictions. The Commission only addressed the zoning of the property which was denied.

Mr. Lloyd Brown explained that there were no reasons stated as to why the request was denied. That is why it was sent back to the Commission. He also asked about a special Use/Conditional Use Permit if the Dollar General would back out.

Tommy Granger closed the meeting to the public and asked if there were any comments from the Commission. Mr. Bruce Dupray said that the site plans did not make any difference on their decision. Mr. David Fangué said that there was a lot of talk about commercial area but he stated that this particular area had a bank and the rest was pretty much residential in that area. Mr. Granger said he tried to understand why the Parish Council sent it back to the Commission and said that the Commissioner's were not "developer friendly" which was pretty upsetting to them. Mr. Granger said they are there to do a job that is requested by them and they act on them accordingly.

Dean Wattigny said that they had discussions about some of the legal issues involved in this particular decision. He said one of which was whether the minutes were adequate and there was more to it than that. The Parish Council did not have the information from the Zoning Meeting as to why this request was denied. He also said that there were a number of subdivisions prior to zoning that exempted corner lots as commercial and not as part of the subdivision. This is not the only one like this. There are several areas in Iberia Parish that where C-2 designations about R-2 designations. He said to be cautious about how we approach this particular property when we have others in that same situations. These are some issues that Legal will have to work out with the Parish Council. Mr. Wattigny said it only came back to the Zoning Commission because of the site plans.

Jane Braud said she understood that there are other situations where C-2 may about an R-2. She also stated that they had a discussion when Amy Romero shared with the Commission that she had not made a decision as to what type of business would be on that lot. As the December minutes reflect, it stated that she had been in discussion with a pharmacy, a Dollar General and other businesses as well. She also stated that they had a lengthy discussion about a C-1 zoning and that C-1 zoning would allow for a convenient store at that location so the zoning would be appropriate. Most of the neighbors spoke in opposition and the Zoning Commission listened to their concerns. They also spoke about creating a buffer zone for a C-1. Then in one of the other meetings the specifics about the Dollar General Store came out. C-1 zoning limits the maximum square footage to 3500 square feet and Ms. Romero said that the Dollar General Store was three times that size so a C-1 would not be appropriate. So the Zoning Commission took that under consideration. She also said that a C-2 Zoning would open the door to other different types of business in case something would happen and the Dollar General would back out of the deal. She also said that the permitted uses are extensive located on that lot.

John Raines said that no action needed to be taken and that they would report back to the Parish Council that the Commission reviewed the site plans and that the decision was reaffirmed.

DIRECTOR'S REPORT #2: Clarification of Spot Zoning Utilization John Raines requested that the Director's Report be deferred until the March 17, 2011 meeting.

DIRECTOR'S REPORT #3: Update of Traffic Analysis – David Funeral Home. John Raines explained that the David's Funeral Home, as part of the approval process, where it was conditional rezoned for a funeral home had requested a Traffic Analysis Study which was provided. It stated that there would be no significant impact from the funeral home on the

traffic in the area through the Coteau curve and made a recommendation about the turn lane into the school. Mr. Ron Fremin had made a comment that the Traffic Study was based on 2008 calculations and he felt that the information was too old. It was approved contingent upon an updated Traffic Study. John spoke to Dean Tekell who prepared the Traffic Study for David's and he said he had a letter coming forth stating that when he prepared his study he did take into account the traffic counts of that date with the improvements of the overpass. Mr. Tekell said that the study was up to date and the traffic numbers were good. It will be sent to the Parish Council.

OTHER BUSINESS: None

ADJOURNMENT: David Fangué made a motion to adjourn which was seconded by Bruce Dupray; the vote was unanimous.

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