

**MINUTES OF THE IBERIA PARISH REGIONAL ZONING COMMISSION MEETING CONDUCTED ON
THURSDAY MAY 19, 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, Dana Dugas, Ronald Fremin and David Fangue

MEMBERS ABSENT: Lanie Borel and Perry Judice

OTHERS PRESENT: Dean Wattigny, Julie Armentor and John Raines

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

Mr. Dean Wattigny introduced Mr. Jacque Cousin, an Assistant District Attorney, to the Commission.

RECLASSIFICATION REQUESTS:

Agenda Item #1: Amy Romero – Reclassification from Mixed Residential (R-2) to Neighborhood Shopping District (C-1) as a Special Use/Conditional Use with Waiver of Maximum Permitted Building Square Footage. Mr. Wattigny addressed the Commission and explained about the Parish Council's position on this reclassification request.

Tommy Granger asked Mr. Dean Wattigny to give the Commission an update of the last Council meeting. Mr. Granger wanted to know the Actions taken, and the Council's requested direction. Mr. Wattigny addressed the Commission and explained the Parish Council's position on this reclassification request.

John Raines explained that the Commission did not approve the request for Amy Romero and it went to the Parish Council. There was a question about if they adjust the site plan can the Commission then accept it and say ok, but it was not accepted. John stated that nothing was passed. All prior dealings were with the first request of reclassification to a C-2. The applicant's legal representation requested a reclassification of a C-1 with a waiver of maximum permitted building size which is why it was on the agenda again for the Iberia Parish Zoning Commission.

Dean Wattigny explained that they were asked to give an opinion on what position would allow the best defense if a suit were brought by the applicant. He said they responded to that. He explained that the court would have to determine if the applicant was treated fairly or not. He also said they were not telling them what to do. He said they were asked what would be the best possible defense for them.

Jane Braud said that they had a number of zoning items on the agenda and they have had since the Zoning Ordinance was adopted. She wanted to know if every time the commission made a decision relative to zoning did this much time and effort go into every decision because it may or may not go into Court. Mr. Wattigny said that were requested to give an opinion and sometimes it does. He said they had several of them that they are spending quite a bit of time on now.

Mr. David Fangué asked if the layout of this request had any changes in regards to the access of traffic. There were no changes. They also spoke about fencing and landscaping around the building as a buffer.

Mr. John Mouton addressed the Commission and explained that the variance that they are requesting is a reasonable request in terms of what would happen. It said it would be used as a Dollar General and nothing else. Mr. Mouton also stated that the variance that they are seeking is to allow a single use in a building of 9500 square feet. He said with a C-1 zoning classification a person could build a 10,000 square foot building and have three users in it and it would be permissible. He said having one user is not drastically different from having three users in that area. He showed the Commission photographs of other large buildings up and down Hwy. 88 in regards to the Dollar General being out of scale. He said with reference to spot zoning he said he believed to force this property to be residential when everything around it that has been developed is either commercial or industrial with the exception of a few houses would be spot zoning in the opposite direction. He said that they were keeping a property that logically should be zoned in accordance with the uses around it from being used in the same fashion. He also said he understood that a lot of the properties out there are zoned residential but are in fact commercial. He requested that they grant the recommendation that the property be rezoned C-1 with the site plan that was given to the Commission and grant the variance to allow a single use when ordinarily there would be three users.

Jimmy Landry spoke on behalf of his son and said everything in that area was a non-conforming use. He said all of that area is zoned R-2.

Mr. Ray Gary spoke about the length of the process for this reclassification. He said nothing has changed since the December meeting. They are still trying to put a Dollar General at the end of a subdivision.

Mr. Brandon Barrilleaux said he went to the last Council meeting and he thinks a bunch of votes were misinterpreted. He told the Commission that whatever they did that night was no doubt going to be overturned by the Parish Council. Due to the letter that came from the DA's office saying what they thought had happened, basically telling the council how to vote. He said they were even told by one of the legal firms that they would rather be sued by the residents instead of the Dollar General. He said the Commission could vote it down tonight but he said it will probably be voted for at the Parish Council Meeting.

He requested options that the neighbors would like if this was approved. He said he would like to see a fence all around the building with shrubbery all around it. He said they were talking about a brick facade; he would like to see something like stucco instead of a metal building so it would fit in the neighbor. He also said he would like for Mrs. Romero to spend some of that money on the subdivision in accordance to a gated subdivision due to traffic. If he had a choice he would not want it there at all.

Dana Dugas asked Mr. John Mouton if they had ever made an attempt to get with the neighborhood to see if they could come up with some compromise. Mr. Mouton said he has heard what they have said and they did make adjustments to the site plan. Dana Dugas said it was his understanding that these homeowners had bought residential property with a mindset that this was a residential area. Mr. John Mouton said the first two lots in question were excluded from the restrictions and could have been used for anything. Mr. Mouton said he was open if anyone wanted to speak to him.

Mr. Fangué asked if they had looked at any other lots in the area. Mr. Mouton said he did not work for Dollar General he was working for the Romero's.

After accepting all public input and due deliberation, Ronald Fremin made a motion to deny the request as the proposed building was too large for the area and its proposed use would have an adverse impact on the adjacent neighborhood. The motion was seconded by Jane Braud; the vote was unanimous.

Dana Dugas made a substitute motion that they table the matter and give all the homeowners and the Romero's to get together and come to a compromise and if necessary call a special meeting so it would not be delayed again. Barbara Laviolette seconded the motion; Ron Fremin

said this has been going on for so long that he doesn't think it's going to make a difference. He also said that if the Parish Council was going to overrule their decision than they should give the homeowners any opportunity to get what they want. There were three votes for and four votes against so this substitute motion was denied. The original motion to deny stayed.

Agenda Item #2: Robert & Sherdell Breaux – Reclassification from General Business (C-2) to Industrial (I-1). John Raines explained that the property is located at Hwy 90 Frontage Road North of Hwy 675. He said when the zoning ordinance was originally implemented in 2009 this site was zoned residential. Mr. Breaux was one of the first to come to get this property rezoned to (C-2). He came by and said he had a potential buyer who wants to do metal wholesale distributorship and he was requesting to do a reclassification if needed.

David Zimmerly addressed the Commission and explained the proposed use of the building, both short term and long term, and based upon that explanation a motion was made by Dana Dugas to deny the request because they felt the proposed utilization of the property as a metal wholesale distribution facility did not need an Industrial Zoning Classification and could be operated within the existing General Business Zoning Classification. The motion was seconded by David Fanguie; the vote was unanimous.

Agenda Item #3: Mark D. Martin – Reclassification from Mixed Residential (R-2) to General Business (C-2). John Raines explained that Mr. Martin has an existing building. Mr. Raines stated that Mr. Martin came in to get a building permit for an extension on his building and it was discovered that the site was zoned Mixed Residential. It appeared that it may have been an error on the zoning so Mr. Raines suggested to Mr. Martin to request a reclassification. At that time Mr. Martin also said he had another facility on the opposite side of Hwy 90 which will be another request.

After accepting all public input and due deliberation, Dana Dugas made a motion to approve the request as the site had an existing operation commercial location and use and the Mixed Residential Zoning was inappropriate. The Commission felt the General Business Zoning Classification was appropriate to allow the continued utilization and potential expansion of the existing viable commercial enterprise. The motion was seconded by Ronald Fremin; the vote was unanimous.

Agenda Item #4: Mark D. Martin – Reclassification from Agricultural (A-1) to General Business (C-2). John Raines explained that he has a storage facility there where he stores his campers,

boats, etc. and he may in the future want to add to the storage facility and will not be able to unless the site is rezoned.

Ms. Olena Arrington addressed the Commission indicating that she lives across from this facility and has lived there for 64 years. She asked if this would affect the individuals living on the East side of College Road if the zoning were changed. Dana Dugas explained that it would only affect that one piece of property. If anyone else wanted to change the zoning they would have to come in and do so on their own.

A motion was made by Dana Dugas to approve the reclassification which was seconded by Jane Braud; the vote was unanimous.

Agenda Item #5: Larry Cherry - Reclassification from Mixed Residential (R-2) to Manufactured Mobile Home Park (R-4). Mr. Cherry requested a deferral until next month. No action was taken.

Agenda Item #6: Doyle Copell & Don Romero – Reclassification from Agricultural (A-1) to Neighborhood Shopping District (C-1). John Raines explained that this was at the intersection of Center Street and Curtis Lane and that the site is now being used for storage sheds. He also stated that someone was interested in purchasing the property for a car wash. John advised that we would not be able to give the permit for the car wash because of the zoning.

A motion was made by Ronald Fremin to approve the reclassification; which was seconded by Dana Dugas; the vote was unanimous.

TEXT AMENDMENT #1: Process for Review, Consideration and Correction of Zoning Issues - No action was taken.

DIRECTOR'S REPORT #1: Clarification of Spot Zoning Utilization – No action was taken.

DIRECTOR'S REPORT #2: Wildlife and Fisheries located on Darnall Road at Hwy 90 – No action was taken.

OTHER BUSINESS: None

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

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