

Mr. Gibbs: Next item on the agenda is PZR-2014-08 requested by AT&T Mobility for Hill Heights Country Club, Inc. for a change in zoning classification from C-2 to OL (Open Land) on a 20,000 square foot portion of Parcel A-1, Hill Heights Subd (312 Murray Hill Drive, Destrehan.) Council District 3. Mr. Romano.

Mr. Romano: Thank you Mr. Chairman. This is a request to rezone a 20,000 square foot portion of Hill Heights Country Club to OL in order to meet the zoning requirements for installation of a cellular tower. The site is situated between the outfield portion of a baseball diamond and the clubhouse building, and over 250-feet from a wooded portion of property owned by a nursing home. It is also hundreds of feet from the nearest residential structure.

Rezoning approval is the first step in obtaining approval for the cellular tower. Approval of a special permit use from the Planning Commission is also required. That application has been submitted for consideration as case number PZSPU-2014-09. But because the rezoning case requires Council approval, the special permit, if granted, will not be effective until the request to rezone is by Council.

A rezoning request must meet all of the tests of at least one of three criteria listed in applicable regulations if a recommendation for approval is stated. **This request meets the second criteria.**

Rezoning a 20,000 square foot portion of the applicant site for the proposed use adds little to the total amount of traffic the current land uses generate. No traffic, other than the occasional service vehicle, is generated by cellular towers. Furthermore, the highest and best use allowable in the proposed zoning is less intensive than how the site is zoned and is currently used. So overcrowding or overburdening of infrastructure is not an issue.

Regarding consideration of land use incompatibility, the land is being used in a low density manner consistent with the proposed rezoning. In fact, the highest and best use of the site under current zoning has the potential to result in greater impacts than with a down zone to OL. Finally, approving the site for OL zoning will have a minimal impact to the neighborhood because it only consists of a single 20,000 square foot piece of ground that is already surrounded by vacant and recreationally used land.

The Department recommends Approval.

Mr. Gibbs: Thank you Mr. Romano. This is a public hearing for PZR-2014-08. Anyone in the audience care to speak for or against?

Good Evening, Chip Leyens, 201 St. Charles Avenue, New Orleans here on behalf of AT&T. We have two applications this evening. First is the zoning change for this property and then second the special permit use for the cell tower. Just by way of background, and I'm going to address some of the cell tower issues now, try to combine the two applications. The tower companies, the cell phone providers are working feverishly to increase the demand in residential and other areas throughout the parish, the state and the country. Right now 40% of households in the U.S. do not have a land line anymore and from 2012-2013 there was an 80% increase in mobile data usage and that trend is continuing. For better or worse, people now spend more time per day using their cell phones or tablets than watching television. So in this area, the AT&T engineers have identified a gap in coverage and this map shows current coverage. The red is actually the best meaning you can get coverage in a building, yellow is the second best in a vehicle and the green would be the least amount of coverage or capacity which would be outdoors. This is the location that we are proposing to put the tower which is the Hill Heights Country Club. It works from an engineering perspective because to the east/southeast is residential, on the other side is residential area, this area is relatively undeveloped so we're putting the tower in a place where it can serve the capacity but have the least impact on anyone in the area. So this is the coverage before the tower goes in, after the tower goes in that increases the coverage in that area. Prior to filing the application, we went and knocked on doors, left flyers with neighbors on Nottaway Drive. We had an open house at the country club where neighbors were invited to come by and get additional information. We sent information to people on civic association and we also met with parish Planning and Councilmembers to let them know what we were doing and try to address any concerns they had. I can answer any questions that any of the members may have.

Mr. Gibbs: How was this received by the general public?

Mr. Leyens: We're not aware of any opposition and Jim Dupuy who is the Manager of Hill Heights Country Club is here to speak and he can also attest to that, but to my knowledge there hasn't been and we haven't received any opposition.

Mr. Gibbs: This is my district and I haven't heard a peep from anyone regarding this so that's why I was wondering if you had heard anything that I hadn't and obviously you haven't so ok. My Leyens I appreciate it. Does anyone else have any questions for Mr. Leyens? Thank you. This is a public hearing for PZR-2014-08 is there anyone else that would care to speak in favor of or against?

I'd like to speak out against this. I live at 248 Murray Hill Drive. The gentleman that just spoke said he spoke to everyone in the neighborhood, they spoke to no one on Murray Hill Drive. Zero.

Mr. Gibbs: Sir can I get your name real quick for the record.

Robert Weiler. They spoke to no one on Murray Hill Drive. I received from Mr. Romano a very nice package, 160 pages of information, I read through it very carefully, I'm an engineer also and I understand what he's trying to do. He's trying to cover Ormond and have better communication, but he wants to put a 16 story tower on that piece of land. Sixteen stories in a residential neighborhood. The country club which I was a member of many years ago has expanded their footprint and they subdivided and rezoned from R-1 to C-2 to the piece of property that they now want to make Open Land a small slice. They are operating a commercial enterprise right now in an R-1 zoning, Hill Heights Fitness which is not associated with the club, they are renting that property out and now there's traffic on our street from that. I don't know how they are getting away with that in an R-1 and the plot plan which I have right here that I got from Mr. Romano says very clearly that the country club is R-1 and there is a commercial enterprise operating in an R-1, now they want to take this slice and put this cell tower in there and they say it's going to be a monopole and they are trying to cover Ormond only, that's the only increase he's getting from his chart is to cover Ormond. If you go in Jefferson Parish, you go on Clearview Parkway, you go on Transcontinental Drive there's multiple cell towers, they're all about 40 ft. high, they got a nice top base on it and it's got an antenna and it covers the area, why does he need one that's 180 ft. tall? Because he's going to expand his area using it more so than what he's saying he's doing. He's using that to be able to expand out possibly all the way over to Norco to compete with other cell companies. He's not doing it just for the benefit of Ormond, if he was doing it for the benefit of Ormond and the people in the community, he could use that 40 ft. tower just like they use in Jefferson Parish. I'm voicing my opinion, we're not being told the full truth about what they are doing. They did not contact one person on Murray Hill Drive, I'm the third house from the end and I spoke to all 10 houses from the railroad track back and we could not see this sign because it's posted on the land and conveniently it's behind the train track, so you would have to go behind there to even know that this meeting took place tonight. I realize it was advertised in the Herald, but few people get the Herald. Thank you.

Mr. Gibbs: Thank you Mr. Weiler.

Mr. Foster: What is your main opposition to the cell tower?

Mr. Weiler: Being 180 ft. tall, it can be seen from my house.

Mr. Foster: So it's a visual hazard.

Mr. Weiler: It's a visual thing and what is to stop them once they get the permit later to say we don't like this monopole, now we're going to put a tri-pod like there is across the street here. What keeps them like you did with the trailer that you ruled on, once it's rezoned open land they can do what they want as long as it's within the definition of open land. There's a nice ball field there, the parish rents the ball field and it's helping the community, the country club helps the community, except for the health club which I think is operating illegally. I don't think this is right. There are other ways for them to give the service that they are trying to provide as I mentioned like the cell towers in Jefferson Parish, why do we need a 180 ft. tower in a community to cover such a small area?

Mr. Gibbs: Thank you Mr. Weiler. This is a public hearing for PZR-2014-08.

My name is Janera Diaz, I live at 206 Stanton Hall Drive, Destrehan. If you look up at the map, we're on the other side of the canal. I'm concerned about the height of the pole 180 ft. I'm also concerned about the rezoning of the land. As the gentleman stated before me, is that other stuff can be placed in open land. My ultimate concern is it can be seen from my house. If you look at this, the dark line along Nottaway, there's not much coverage to hide a pole that large, we are adjacent to that on the other side of the canal. I've lived there since 2005 and I've noticed that this parish has grown a lot in that time. We are across from Panther Run so we've seen a major improvement to residential homes being placed in this area. It's not to say that the areas that are shaded with trees will not become residential area, also this area over here which is currently vacant was planned as a residential area I don't know why that never went forward but I am in opposition to this.

Mr. Gibbs: Thank you Ms. Diaz. This is a public hearing for PZR-2014-08 anyone care to speak?

Good Evening, I'm Jim Dupuy, Chairman of the Board of Hill Heights Country Club. We're at 312 Murray Hill Drive, Destrehan. I personally live at 121 Panther Run Drive which is the street where the black line runs (looking at map). Our club was approached by AT&T about a proposal to build this cell tower on our property in 2013. Since that time we've discussed how and where this tower would be built. A little background, Hill Heights Country Club has been in existence since 1968 and it's member owned and we are a non-profit corporation. Our individual members in good standing are the owners of the over 8 acres of developed and undeveloped property in the middle Ormond Subdivision. We have a board of directors that are elected by the membership and are authorized into negotiations and agreements on the club's behalf. Since our initial contact from AT&T, we've discussed the specifics of the cell tower's construction and the specifics have been presented to our membership. We had a general membership meeting on April 6 of this year and our members were encouraged to ask questions and they were explained all the specifics of the construction of the tower and we had a vote by general membership so that they would have full say of what would happen on their property. We had unanimous approval from our membership. We had 110 members, we had a quorum at that meeting, we didn't have all our members but we did have proper quorum in order for the decision that we made at that meeting. Additionally we reached out to the neighbors who owned adjoining property, so we looked at the map and I walked the street personally with the AT&T representative and knocked on doors. Specifically we looked at the homes that would be just behind our property to the south and east of the development along Stanton Hall and Nottaway Drive. Every single person that we spoke to had no opposition, most of them said yes, we would love to have our cell phones have better coverage especially with the heavy data usage. We did touch base with all the property owners that about our property including the commercial property on the other side, Jesse Duplantis ministries owns part of that, the Shriners and the nursing home I think were sent registered letters. We feel that the community will benefit from the improved cellular service I have 4 kids that are constantly using their cell phones and tablets and we're AT&T customers and like the commercial says you can never have too much coverage. We would like you to approve this, we feel that it's beneficial to the community, we feel that as far as sighting within the community of Ormond there are very few locations that are locations that are relatively isolated from directly the view of poles or commercial businesses along Ormond Blvd. for example. We've gone through this from a technical stand point with AT&T and we feel comfortable with the equipment that is going to be in place. The question was asked could multiple towers be built in the future and the answer to that is no. We have an agreement with AT&T and it is for the specific design that they've indicated. We will not allow them to go outside that. It will be a monopole it will not be a tripod style structure and frankly the position that we look at, we tried to tuck it away into this heavily wooded area, beneath the large trees, 40-50 ft. trees and the cell tower would be tucked up against those. For the site lines outside of our property which is 8 over acres I think that there will be a limited number of views of the tower, at least the base of it, and to be honest these things fall into the woodwork when you see them day in and day out. Any questions?

Mr. Frangella: You said that you will not do that, you're speaking on the current board will not do that but in the future then once this is rezoned they can do whatever?

Mr. Dupuy: As part of the agreement it's exclusive this would be the only structure that would be built.

Mr. Frangella: With this agreement, but as soon as it's changed then all it takes is another agreement.

Mr. Dupuy: If that would be the case sometime in the future after term of this cell tower another generation from now, they would be standing before the Commission like yourself.

Mr. Gibbs: You guys have by-laws with your country club?

Mr. Dupuy: We do.

Mr. Gibbs: Is this anywhere in your by-laws that they can't do anything to expand on the monopole?

Mr. Dupuy: No, the board of directors is authorized to enter into agreements and negotiations and contracts with subcontractors, but we felt as the leadership of our club that our members had say in it, so that's why we brought it in front of them and explained the specifics of it.

Chip Leyens, 201 St. Charles Ave., New Orleans. Just in response to the specific concerns about replacing a monopole with the self-supported lattice work tower, that would require a separate special permit act application in front of this board just like we're in front of you today for the rezoning and the separate application for monopole. If someone in the future wanted to change the design, I don't know if they had to get approval from the country club, they may be back in front of planning and this board to get the design approved.

Mr. Gibbs: Thank you Mr. Leyens.

Mr. Leyens: While I'm here to respond to some of the gentleman's concerns from a height perspective, that's generally dictated by engineering requirements in order to meet the coverage and capacity requirements essentially if you have 40 people tying into a particular tower it might work, but if you have 400 people trying to tie into the same tower, it might not work, and the companies are doing balancing acts where you're trying to provide as much coverage as you can from a particular location and that's an engineering analysis and that's led to the tower assigned at this height, again, I'm not an engineer but personally if you have a much lower tower it's going to cover a much smaller area, you'll not need the coverage gap that's required here and you end up with a larger number of towers instead of a higher tower which has been pointed out and it's relatively in an area that's generally naturally screened by the trees that are there.

Mr. Gibbs: Just for my edification and curiosity what is the projected total footprint that this tower might be able to cover?

Mr. Leyens: That depends on usage at a particular time.

Mr. Gibbs: Potential.

Mr. Leyens: I would say the effective range is ½ mile and a mile, it depends on other towers in the area that is part of the network, so as you are driving your call is on one tower and it gets passed to the next. As more people use it the effective range increases so when AT&T engineers go they identify a gap in coverage, they then identify a search ring within which the site acquisition people look to put a tower if there is not another tower already in the area where they can put an antenna, there wasn't so based on that search ring, those are relatively small, maybe .2 miles, .3 miles radius. They then try to find a site where the zoning works or the zoning can work, they're not in the middle of a residential neighborhood, but as I mentioned before, you're in an area close to where the demand is and the engineering works and based on that this was the site that seemed the best solution to the coverage.

Mr. Gibbs: What's this radius that we're projecting right now?

Mr. Leyens: For this particular I think the projected coverage would probably be a ½ mile to a mile from this particular tower and then there are a few other towers that the signal would pass on to.

Mr. Gibbs: Thank you Mr. Leyens. This is still a public hearing. Mr. Dupuy could you come back to the podium for me please.

Mr. Weiler: I was on the board of directors for Hill Heights and they always have a hard time getting a quorum and they are cash starved for years. I left that club because they couldn't maintain it and didn't have enough funds that's why Hill Heights expanded and it think it illegally have a rental inside of their building to have cash flow and they are doing this to get cash flow, this gentleman brought some very good information. He says he's only going travel ½ of a mile with that 180 ft. tower, look at all the other towers that are around here that are covering, is he going to spend all that money to put that in there to cover just one spot and these are all the cell towers that are in the area? That tower is not going to cover 1.8 miles sir, that tower is going cover maybe 5-7 miles because right now we have service where we are right now, here are all the towers in the zone. If you needed one every 1.2 miles they would be looking like Christmas trees so that's a falsehood and there's no way that they are going to be able to be stopped by a contractor AT&T or a board of directors with Hill Heights to not use that land once it is reclassified open land, because once it's open land just like those house trailers, they can do what they want and you won't be able to stop them. I'm still against it.

Mr. Gibbs: Thank you Mr. Weiler.

Mr. Dupuy: Are there any questions?

Mr. Foster: On your community walk through were people advised just how massive this tower would be or did they look at it as being a normal cell tower? It's a pretty big tower.

Mr. Dupuy: It is. Driving around, I've been doing this a lot, we're noticing cell towers in places that we've never seen them before, but it's just part of the landscaping.

Mr. Foster: Yes. I agree with you there. I agree with the other gentleman. I've seen cell towers, I've not seen one so massive, if we have cell towers why do we need them this large?

Mr. Dupuy: There's one at the foot of 310 off ramp at Airline if you're going towards the Racetrack, you've probably passed it several times and not notice it, but it's exactly like this.

Mr. Foster: Where at?

Mr. Dupuy: When you drop, there are towers that you pass all the time, there's another one right next to it that's a big tripod one with other carriers so there are two right next to each other. I think I kind of falls into the background.

Mr. Gibbs: This is generating revenue for Hill Heights. It's pretty clear so that's another interest that you guys have added.

Mr. Frangella: What is in your charter? What is needed for a quorum and do you allow proxies to vote.

Mr. Dupuy: One third of our in good standing membership has to be present for a vote to be a proxy. Our Fall 2013 meeting, we approved email proxies so we did have 3 proxy votes.

Mr. Frangella: By their proxy votes they send in their vote yes or no on each individual subject or do they give somebody permission to use that proxy to vote the way they want?

Mr. Dupuy: We already had that this topic was supposed to be a topic that we would be voting on at this meeting and it was unanimous approval by the membership.

Mr. Gibbs: Thank you Mr. Dupuy. This is a public hearing for PZR-2014-08.

Mr. Weiler: Hill Heights charter has 350 shares of stock. Each person owns a share of stock, I owned one. There's another issue, more than 250 shares and this gentleman just stated he has 110 people, cash flow was pushing this, not interest in the community. They don't have the cash to keep that club running and that's why they are doing this. You have 350 shares of stock that you can issue.

Mr. Dupuy: I don't know the original number stock.

Mr. Gibbs: Let's not have this discussion, let's keep it to the agenda.

Mr. Weiler: Also, I'd like to ask him did he talk to anybody on Murray Hill. I went from the train track and I'm 3 houses from the train track and I talked 10 houses down, not one person.

Mr. Gibbs: I think he had stated the footprint that they did go down. So Murray Hill wasn't on it.

Mr. Weiler: We're facing right at the top.

Paul Hogan, 222 Down the Bayou Road, Des Allemands. I agree, we're getting off the subject it has nothing to do with membership, it has nothing to do with financials, it's a rezoning case.

Mr. Gibbs: That's correct, thank you Mr. Hogan.

Janera Diaz, 206 Stanton Hall Drive, Destrehan. My concern is why was this proposed for an area that was nonresidential such as along Airline Hwy., there is a tower right near the east bank park near the bridge, so why wouldn't you propose an area that was nonresidential?

Mr. Gibbs: Thank you Ms. Diaz.

Chip Leyens: Just briefly in response to the coverage and capacity issues. When any service provider identifies a problem with dropped calls and there not being enough capacity to service the demand the easiest and most cost efficient thing for them to do is to put another antenna on an existing tower. Building an antenna like this is not the course of action for the company because of the cost, so companies only do this is they are not able to meet the demand through existing facilities in the area, it's a network, towers have to be within a certain distance of each other in order to pass calls from one to another so the fact that there may be one cell tower and there's another one a mile away, this may not be relevant to the demand of other people using the devices in that area.

Mr. Gibbs: Thank you Mr. Leyens. This is a public hearing for PZR-2014-08 is there anyone else in the audience that care to speak in favor or against? Mr. Booth.

Mr. Booth: We can restrict what he puts on this property by rezoning it and having a stipulation that only this particular tower can be put there. I think that we can have that as a recommendation with this if we approve it.

Ms. Marousek: I actually recommend that you put that stipulation on the special permit use.

Mr. Booth: Alright we'll do that on the special permit. Thank you. I read an article where it says 2 years from now we may not be offered home phone service, we might want to think about having coverage at our home if we want to talk from our house.

Mr. Gibbs: Thank you Mr. Booth. Any other questions? Cast your vote please.

YEAS: Loupe, Gibbs, Booth, Frangella, Galliano  
NAYS: Foster  
ABSENT: Pierre

Mr. Gibbs: That passes with Mr. Foster voting nay.