

CALL TO ORDER
PLEDGE OF ALLEGIANCE

MEMBERS PRESENT: Jack Keen, Marilyn Ross, James Krajcer, Jr., Ryant Price, Michele deBruler, Carmine Frangella

MEMBERS ABSENT: Randy Petit

ALSO PRESENT: Michael Albert, Chris Welker, Zoe Vittur and Donya Hebert of the Planning Department. Corey Oubre, Director of Legal Services.

2023-12-R requested by Arthur and Barbara Blue for a change of zoning from C-2 to R-3 on Lots M-1, M-2, and M-3, Tracts 8, 9, and 10, Elkinsville Subdivision, near the intersection of Turtle Creek Lane and Adams Drive, St. Rose. Council District 5.

The applicant requested to withdraw the case.

Commissioner Frangella made a motion to withdraw, seconded by Price.

YEAS: Price, Krajcer, Keen, deBruler, Ross, Frangella

NAYS: None

ABSENT: Petit

WITHDRAWN

2023-15-MIN requested by Lorna Bourgeois for BMB Real Estate, LLC for a resubdivision of two lots into four, 10362 Airline Drive, St. Rose. Zoning District M-1. Council District 5.

The department requested to postpone the case.

The public hearing was open and closed, no one spoke for or against.

Commissioner Frangella made a motion to postpone, seconded by Ross.

YEAS: Price, Krajcer, Keen, deBruler, Ross, Frangella

NAYS: None

ABSENT: Petit

POSTPONED

2023-21-HOP requested by Daretta Wilson & Kevin Joseph for a home occupation – “Daretta Catering on Wheels” – at 509 Mockingbird Lane, St. Rose. Council District 5.

Ms. Vittur- read the land use report and the department recommends approval with stipulations.

Daretta Wilson 509 Mockingbird Lane, St. Rose stated her case.

The public hearing was open and closed, no one spoke for or against.

Commissioner Price made a motion to consider with stipulations, seconded by deBruler.

YEAS: Price, Krajcer, Keen, deBruler, Ross, Frangella

NAYS: None

ABSENT: Petit

PASSED

2023-15-R requested by 3 C Riverside Properties, LLC for a change of zoning from O-L to M-2 on approximately 317.13 acres across portions of Lot B-1, a property designated Lot A, and Parcels H-3, and L-3, near 18545 River Road, Killona. Council District 1.

Mr. Welker- yea this request from OL to M2 received a denial recommendation from the department due to only meeting one of the three rezoning criteria, two of the three are needed in order to get a recommendation of approval. So to kind of summarize those criteria the request to M2 would not be considered a spot zone cause it's surrounded by M2 on either side but it does not comply with the comprehensive plan designation for this particular piece of ground which is wetland so it needs at least that to meet criteria one and because it doesn't meet that part of it, it does not meet that guideline. It does not meet criteria two that needs to determine if the existing OL zoning deprives the property of any kind of reasonable use the OL zoning permits things like agriculture, low intensity things that are kind of in line with the future land use designation their agricultural fields around there adjacent to it so in keeping with what's actually around it still allows for reasonable use. It did meet the third guideline which has to do with compatibility with the surrounding area once it again it's mostly agriculture fields, open land, but there is some industrial use on the other side of the railroad, specifically a land fill that front on 3127 so the industrial and agricultural uses that are permitted in the M2 zoning district would actually fit with the character in the area, so it meets criteria three. But due to only meeting one of the three criteria, like I said we recommended denial.

Louis Authement 13919 River Road Ste. 300, Luling – Appearing on behalf of the applicant 3 C Riverside Property. This is a rather unique situation in that we simply applying for permission to go back to the zoning classification that existed before Hurricane Katrina. So, what happen is after Katrina as yall know the levees were impacted and there was a lot of levee restoration work going on and the corp. of engineers was looking for suitable fill material so this land owner voluntarily applied to zone his property from M2 down to OL simply because that's the zoning district you had to be in order to excavate fill material so that was the sole purpose of the re-zoning. All that excavation work has finished, it played out in 2021, between 2019-2021, so the objective now is to simply go back to the way things were before Katrina now that the need has been met. The property in the application would meet two out of the three criteria had the land use plan had not changed. The land use plan changed to redesignate this property as wetlands, it's not wetlands, the corp. of engineers has even said it's not wetlands it's just the land use plan says it's use would be suitable as wetlands but the same landowner on his own had 1200 acres of dry land converted into wetlands in order to mitigate the destruction of wetlands in other areas. So, the wetland nature of this property has been fully satisfied by the landowner taking 1200 acres of dry land and converting it into wetlands. This particular area, and the wetland section is on the west, southwest side of the railroad tracks, this is on the northeast side of the railroad tracks. So to call this wet when even the corp. of engineers is saying it's not wet is kind of a bit of a contradiction, page, I think it's 47 of the land use plan also says Killona as a general geographical area is suited for manufacturing and industrial use which is the zoning classification that the land owner is applying to go back to. So nothing in historical sense is changing here, we're going back to the way it use to be and again the only reason why it changed was to meet that limited Hurricane Katrina levee restoration objective which has now been met. The landowner has been very generous, very supportive of Killona there have been quite a few separate land donations made over a series of years for the park, for the cemetery, for community center, I think there is even an area set aside for a church, so 3 C Riverside has been a very good neighbor to the town of Killona. The other thing about this is at it was mentioned by Chris, the entire area surrounding this parcel is zoned M2, so you can see it, right now where the green part is surrounded by the purple part, the purple part is M2 we just trying to get that green part back to being purple. There is no deal on the table there is no development that's coming as a result of this re-zone, it's just to put that segment of the property consistent with the surrounding zoning so that the property can be marketed as an M2 zone property, without it you kinda got, it's almost like a donut and the hole is pulled out of it and that's going to be difficult to market the rest of the area when the middle part is zoned OL. The batture just across the River Road from this is owned by Southern Recycling, major metal recycling company it had plans of relocating it's recycling plant to that batture and to this area, but that plan has changed, but this is probably one the most prime areas in St. Charles Parish for industrial development and right now there is an inconsistent zoning area or patch that we would like to go back to the original M2 zoning. So, I appreciate your support and available to answer any questions you may have.

Commissioner Keen – yes quick question for you, 1200 acres?

Mr. Authement – yes.

Commissioner Keen – that was donated, where was that at?

Mr. Authement – no. no, not 1200 acres donated, 1200 acres permanently dedicated as wetlands and that's on the southwest side of the whole tract. The area donated, is on the east side of the highway, the Hwy. is 3141? 3161? It's the Killona Hwy. the property, the property donated is on the east side of that where you see the recreational park the community center, all that was donated by this applicant.

Commissioner Keen – alright, thank you.

Commissioner deBruler – approximately when was that last used as the land fill, I know you said Katrina, but what year, after Katrina.

Mr. Authement – so it was re-zoned in 2010 from M2 to OL, and then in 2019 – 20-21, that's when the excavation work ended. And just to correct, the landfill is not apart of this, the landfill is owned by a separate entity and that's on the southwest side of the railroad track. You can see it in the first image right below the red line, that's the landfill.

The public hearing was open.

Wendy Greyson 205 Lorraine St. Destrehan – My question is in accordance with the excavation that yall did. Is it still a donut? And you have all this M2 property or industrial around it, so potentially is all their drainage going into this so-called donut. What problems is that going to cause? Any potential? Are they planning on filling it back in to bring it back up to elevation?

Mr. Authement – not much of it has actually been excavated into a pond, there is a pond there portion of it is kind of hard to see, but the intention is to leave it exactly the way it is, because if there is an industrial use that pond can be used for storm water retention, it also can use for recycling gray water and be part of the cooling operation of whatever development goes there, but it is not a giant the whole 300 and some odd acres that were talking about is not a hole in the ground, it's not even close to that there is a confined area that was excavated the rest of it is land like the rest of the surrounding land.

Ms. Greyson – is the recycling close enough to this to run off into it?

Commissioner Keen – at this time that is going to be a separate case.

Mr. Albert – Mr. Chairman, the site development specifics would be contingent upon whatever's happening there at the time, this is a land use matter it's purely about whether or not you believe the surrounding areas have changed in the sensation of the special permit use is at its end warranting it going back to M2. We are required to recommend denial by code, we don't have any specific actual objection to this proposed change. If that special permit had been done under the department's current tenure, we probably would have put some kind of sunset clause in there for when they were done with the borough pit to explore what change in zoning should happen after that fact, so I just wanted to clarify that for the moment.

The public hearing was closed.

Commissioner Frangella made a motion to consider, seconded by Price.

YEAS: Krajcer, Keen, deBruler, Ross, Frangella

NAYS: Price

ABSENT: Petit

PASSED

2023-1-REV requested by Bunge North America, Inc. and Bunge Chevron AG Renewables, LLC for the revocation of Jonathan Street, Modoc Street, and portions of Pelican Street, Amie Street, and Jean Street, Destrehan. Council District 2.

Mr. Welker- And just to summarize this request again this is for a revocation of the following rights away in Destrehan, Jonathan St. in its entirety from River Road up into unimproved Noel St. along the railroad tracks, Modoc St. in its entirety from River Road to unimproved Noel St. along the railroad tracks, Pelican St. from Amie St. to unimproved Noel St. along the railroad tracks, Amie St. from Jonathan to Lorraine St., and Jean St. from Jonathan to Lorraine St. To kind of summarize the process after receiving a recommendation from the Planning Commission this request be prepared for forwarding to the parish council. The documents forwarded to the parish council would include a finalized act of revocation as reviewed and accepted by parish legal services and a finalized resubdivision plan depicting how the revoked right away will be consolidated and combined as per state law. Some examples of the street layout and what would be revoked can be seen on page 44 of your agenda and how that potential resubdivision plan could look could be seen on page 46 and that would be kind of ironed out more as it gets forwarded to sending it to the council. As part of the revocation request we do seek comments from other departments such as Public Works, Waster Water, and Water Works regards to the infrastructure and what not that might be within these rights of way and the continuing public need, there are memos and replies, comments from each of those departments about what they expect what they have in the right away and what will be necessary in order to effectively close off some of that infrastructure as part of this revocation, so that's all part of your agenda and on pages 49-52 I also want to point out that we did receive some additional input from Water Works yesterday through email dated November 1st, actually its dated October 30th, it was sent out November 1st it just contains more information from Water Works Department. So, we don't have a specific recommendation on this, but the request would be forwarded with your recommendation to the parish council where they will make a final determination on the ordinance to revoke the streets.

Mr. Alblert – Mr. Chairman I just to follow up on Mr. Welker's summary we have parish's legal council here as well as the various agencies that are commenting on this, so if there are any specific questions about the process or the agency involvement everyone is on deck to assist you with that.

Applicant – Jay Robicheaux 200 Mistletoe Dr. Norco, Louisiana I 'am the community and governmental relations manager for Bunge. Good evening and thank you for serving on this board for the betterment of St. Charles Parish. I'm here representing Bunge, which is a grain elevator in Destrehan, Bunge is celebrating its 100th year in the United States. They have been a part of St. Charles Parish since 1962, as you are aware Bunge is about to start a very large investment in St. Charles Parish at its Destrehan facility while preparing for this expansion and keeping our neighbors in mind, they purchased most of the homes between Jonathan St. and Lorriane St. Since the purchase they cleared the land of all the residential structures leaving the area consisting primarily of vacant land. We are here asking yall and then the council for revocation of Jonathan St. and Modoc St. from River Road to Noel St. Pelican St. between Amie and Noel, Amie and Jean St. between Lorraine and Jonathan St. these streets and portions thereof should be revoked by the parish as they are no longer needed for public purpose, all of the property abutting the proposed streets to be revoked is owned by Bunge there is no need for the public to utilize these roads. All of these streets are listed as poor condition by the parish administration, and I think it was two council meetings ago the Parish President explained about the streets being rated every street in the parish and there going to start fixing them from the worst to the best streets all of these streets are in very poor condition and on the streets to be taken care of pretty soon if this does not happen. There's no reason for the parish to expend funds for the improvement and repair of these roads all are which are currently on the maintenance schedule. Our goal is and always has been to protect the communities where we operate, through all our expansion work we will be focused on safety and environmental protection. We believe revocating of these streets is a site security issue. Thanks for your time and consideration, please let me know if you have any questions.

The public hearing was open.

Wendy Greyson 205 Lorraine St. Destrehan directly across from Bunge. They say that they want these streets but we want to know what is the purpose of wanting these streets and the ground under. Do you want to excavate these streets? If you do, that is going to affect our drainage we are a no flood zone, I have continuously monitored their land and the trees and all the different things on it that is not maintained. These streets are used daily by everyone in the neighborhood, we walk our dogs, we have kids, everyone uses these, water department uses them that's why they came in and have their comments. Also, we would like to know how the parish has obtained the right of way or ownership of these streets. How legally can you give these streets, we would like to know legally where is the information that says that you do have ownership of the dirt under these streets to give to Bunge to use. There are other comments, and yes that haven't maintained, the parish has not maintained in over 3 years which from I understand LSU Law says that if you have not maintained them and Bunge has not maintained them either then the rights are relinquish back to the original owner of the subdivision. If it is not implied specifically that the ownership of the dirt under the ground is given to the parish then it is not theirs. They also have some problems that I reported to EOC with a big sheet of metal coming off of one of their stacks, it is that way today and I reported it on the 20th. Thank you.

Jeff Greyson 205 Lorraine St. Destrehan – Mr. Robichaux was wrong stating that all those roads are in disrepair, Jonathan St. beautiful I go down it every day, parish Water Works goes down it every day, Entergy goes down it every day, it's heavily traveled it's in very nice shape. Um now they want to shut down Jonathan St. and open up Noel St. which isn't even a street, it's nothing, they want to put it out on to Lorraine St. which is a no truck through way and put all these trucks, 18 wheelers down this street I measured it this morning it's 18 feet wide you can barely pass 2 cars down it now so what's going to happen when an 18 wheeler or a school bus gets on there somebody gonna have to back up. During Hurricane Ida we use all the streets they asking for to get in and out of the neighborhood because we had power poles in the street, we had power line in the street, we had trees in the streets, now sense they have bought most of that property removed all the houses there was less debris to move out the way to get in and out of the neighborhood you got 70 families living back there. Now if you take these streets away another storm comes along and God knows it will you gonna potentially block 70 families back there with no way to get in and out if you give them these streets cause they said they gonna build a wall across them and we not gonna be able, um Mr. Greer said they gonna put a 20 ft. concrete wall up there's no way we gonna be able to get pass that and get out so I mean you putting a lot of people's lives, you know that stay trapping back in this neighborhood cause Bunge wants to build a wall and expand their grain elevator which they not even suppose to be able to do. I mean this is ludacris man, I think this out to be gone back and looked at, you gonna put a lot of people in danger especially when they close off Jonathan St. and you gonna put, this is very heavily traffic traveled road, you gonna put all that traffic on Lorraine St. they got kids playing, you got people walking dogs, people walking around the neighborhood I mean if you gonna put a 18 wheelers on a street that's only 18 ft. wide imagine that's why they repaved it for us they had another plan and they didn't tell us about. Well, I'd like yall to take that into consideration cause it's gonna be dangerous what you're fixing to do.

Corey Oubre, Parish Attorney – to speak to it, there is no formal agreement in place just yet that's going to be something that the council of course will have to approve, if the council determines under the revised statues the guidelines whether the parish wants to revoke one or all of the roads in this situation those would be contingent upon certain collective, cooperative endeavor agreements being agreed to as well by the parish, specifically to give you an example is one subject to the revocation between the revocation and the well being fully constructed the parish, the private entity, I know the parish is a public entity but there an entity, St. Charles Parish, Entergy Louisiana and one other owner would be given the right of servitude to access perpetually down Jonathan which protect the parish's interest at that point, once Noel is

constructed, Noel would be another access as well, at that point as well the, my understanding is that the goal for any heavy trucks to continue to use Jonathan but all other traffic diverted to the Noel access to cross over the tracks to the sewage facility, Entergy facility's at the rear, in addition agreement for servitude agreements would be specific for all of our other utilities, water and sewage primarily and how those would be affected, with regard to the revocation itself state law (in audible) governs, council for Bunge can actually speak more in depth to that if needed but the parish is only making a determination that they no longer need public use these roads they take into consideration liability, up keep, cost, all that to analyze by the council, if the council make a decision to revoke ownership goes by state law at that point really not the parish's concern at that point who owns at that issue, per my understanding I researched and that's been provided that point the neighboring land owners own to the center of the road, in this situation all the vacant land is owned by Bunge so in that situation the ownership would convert to the middle of the road subject to those specific CA's for utilities and right of servitudes for the parish and Entergy and the other owner which is actually, known as grandpaw's HAW farm it's an acronym, LLC who are from my understanding from Bunge are all in agreement to having a servitude while Noel gets constructed. And Noel would have to be constructed to parish standard from Public Works.

Commissioner Keen – right and that was of concern to address, and I know it's not finalized as of yet, but Noel is intended to be a widen road, is that correct under the plan assumption from street I know that there not here present but maybe one of you two can alleviate some of that.

Mr. Albert – yes, the conversation thus far without locking anyone in anything is that Noel would be constructed to parish standards as part of the cooperative endeavor agreement and whatever is needed to happen on the corner lots coming from Lorraine would be arranged so that the road could be constructed and have the proper turning radius to come into that existing right away.

Commissioner Keen – appreciate that. Also, at this time.

Mr. Albert – Mr. Chairman one more thing, and in general look the code for revocation is not super broad ok, what the council has to do is a formal action, your providing a recommendation based on the zoning, the land use, the activities that have happened on the site, the ownership, whether are not that you look at the street network and find that it's of continuing public need or not your making a recommendation in terms of like being land use experts for the area.

Commissioner Frangella – so basically to the center of the street all of it becomes zoned just like, it stays the same zoning because it's R1A the street is R1A it all stays the same.

Mr. Albert – the majority.

Commissioner Frangella – you got from Lorraine to Pelican.

Mr. Albert – a lot of this was rezoned M2 already.

Commissioner Frangella – no no no, I'm talking about down Lorraine St. all that stays the same we not changing anything.

Mr. Albert -yes, correct.

Commissioner Keen – alright just to highlight it's only those streets as of right now Bunge does own the property East or West of each of those roads, correct.

Mr. Albert – yes.

Commissioner Keen – at this time were not here to discuss what they going to be doing, the other issues, at this time the focus of this conversation at this point is to do the revocation of the said roads and areas at this time.

Mr. Albert – all of the proposed areas are within Bunge owned property or Bunge Chevron.

The public hearing was closed.

Commissioner Price – so all of these recommendations being made by the various different departments Bunge understands this and is in compliance with all of this, I would imagine.

Mr. Robicheaux – we’ve been in numerous conversations in the last 3-4 months if not longer with many of the parish administration and we’ve been in many many conversations and we’ve hammered out everyone of these um so yes yes all those that were not totally answered yet will be answered before it hits the council, and it’s been discussed.

Commissioner Frangella made a motion to consider, seconded by Price.

YEAS: Price, Krajcer, Keen, deBruler, Ross, Frangella

NAYS: None

ABSENT: Petit

PASSED

Unfinished/Old Business-
New Business- Training in Lafayette
Minutes- APPROVED (October 12, 2023)

Adjourn