

Commissioner Booth: The final 2 items on the agenda PZR-2017-14 requested by Gulf South Pipeline Company, LP for a change in zoning classification from R-1A and OL to M-1 on approximately 3 acres on portions of Lots 6A, 12A, 18A, 24A and 30A of Sq. 1. of Unit 7 of Evangeline City, (919 through 959 Evangeline Road), Montz. Council District 6.

Commissioner Granier: Chairman Booth do we need to make a motion to bring them both up together and vote on them separately?

Commissioner Booth: Mr. Albert.

Mr. Albert: I think considering them at the same time since they're so intricately linked. Like holding public hearings and taking subsequent votes would be the proper thing to do.

Commissioner Booth: Do I hear a motion to do that.

Commissioner Granier: Yes I'd like to make a motion to bring them up for public discussion.

Commissioner Gordon: Second.

Commissioner Booth: We have a motion and a second, cast your vote to hear these 2 items verbally and presentation wise together and then vote separately when we come to the actual decision.

YEAS: Gordon, Petit, Granier, Richard, Booth, Frangella

NAYS: None

ABSENT: Galliano

Commissioner Booth: So the discussion we're about to have is not only for PZR-2017-14 but also PZSPU-2017-08 Ms. Stein.

Ms. Stein: Thank you Mr. Chair. This applicant is requesting a change of zoning district from a split zone of R-1A single family residential and Open Land to M-1. It's on a 2.7 acre parcel of land that cuts through 7 extremely large lots, they are 2.5 to 3 acres each at a very irregular shape. The applicant owns a total of 19.97 acres but requests rezoning of only the area intended for redevelopment of a gas compressor and one single access drive to the site. The request is accompanied by a special permit use application for the gas compression station an operation that uses and stores hazardous materials. On July 31st the Parish Council postponed a very similar rezoning indefinitely and the request appears before you tonight with some modifications. This request is super similar to PZR-2017-10 which was not decided in July. The rezone site has been reduced slightly and the accompanying special permit use has been amended to include a sound barrier inspection of the existing pipeline with very special equipment and the applicants have submitted documentation for a traffic control plan and restrictive covenants on the property. We find that the request like the previous request meets the third criteria for rezoning. The third criteria states that a rezoning request may be considered if the uses permitted by the proposed change of zoning are not incompatible with the existing neighborhood character and will not overburden existing public infrastructure. Representatives for parish infrastructure has stated that M-1 development on this particular 2.7 acre site is unlikely to overburden public infrastructure. They've commented further that the specific use proposed in the companion application, a gas compression station, with 2-3 employees on an 8 hour shift is likely to have less impact on the existing infrastructure than the residential uses that could be permitted, up to 4 per lot, for a total housing count of 24. What's proposed is less likely to impact existing infrastructure and while M-1 uses are generally incompatible with R-1A Zoning and residential neighborhoods, the applicant requests rezoning of approximately 13% of their total land holding which is almost 20 acres. Approximately 290 ft. from the front property line and 70 ft. from the rear property line and that's to protect a parish drainage feature. The area designated in the rezoning request is buffered by substantial amounts of land in a natural state on 3 sides and a

proposed development is isolated by approximately 14 acres of land that is zoned OL with R-1A near the road. Rezoning this designated area to M-1 will not be incompatible with the existing neighborhoods that lay beyond the extent of the 19 acres. The request meets the third guideline for that reason. The applicants have indicated that they will combine all of their lots into one single lot so that the resulting M-1 spot zone cannot permit the additional development of M-1 uses and that was at the neighborhood's request. The result will be a 2.7 acre development site within a 19.97 acre area that is largely vacant and wooded. Approximately 87% of the applicants property will remain undeveloped and because the request meets the third guideline we recommend approval of the rezoning and the area is less than the 3 acres that are required to make a change to the Future Land Use Map, the neighborhood was concerned about changes to the Future Land Use Map and this request will not require a change to light industrial. With regards to the specific development site in the special permit use, we find that the project as proposed meets a majority of the criteria for a special permit use particularly because it is subject to numerous stipulations so I'd rather if it's alright with you focus on the stipulations which there's been a lot of public input to this project and the stipulations are about 2 pages long so I'm just going to go to those. We recommend approval of the special permit use subject to the following –

Procedural and Site Conditions:

1. **The facility area of the site is rezoned M-1.**
2. **An Administrative Re-subdivision combining the lots is completed and depicts the meets and bounds of the potentially rezoned area.**
3. **The property owner shall provide a copy of recorded restrictive covenants or deed restrictions which prohibit new industrial and/or commercial facilities on the remainder of the site.**
4. **Gulf South will examine the existing 16-inch pipeline using an inline inspection tool or 'smart pig' prior to placing the Montz Compressor Station in service.**

Access and Traffic

1. **A construction traffic control plan shall be submitted to the Department of Planning and Zoning for approval. The plan shall detail the transit of workers, any staff or employees or officials who will be traffic, and schedule of coordination local schools or other agencies to avoid conflicts.**
2. **Construction access and traffic flow during construction activities must be directed from and to Airline Drive (US 61).**
3. **The permanent access drive from Evangeline Road must be hard surfaced to at least 150' from the road intersection, beyond this point the applicant may choose to utilize appropriate surfacing materials of their choice.**
4. **Temporary and construction access drives shall be returned to natural conditions post-construction. At a minimum, the developer must stabilize the ground with flocking or sod and plant 1 tree per 3000 S.F. of disturbed area.**
5. **Evangeline Road shall be kept free of dirt and debris during construction activities at the developer's expense.**
6. **If determined by the Department of Public Works that excessive wear or damage has occurred to Evangeline Road during the course of construction, the Developer shall agree to fund all necessary repairs or improvements to return the road to serviceable conditions.**

Noise and Buffering

1. **Construction hours shall be limited to Monday through Saturday, 7 A.M. through 8 P.M. Special consideration of extended hours may be granted through written request to the Parish President's Office. Construction will not occur on federal holidays, Lundi Gras, Mardi Gras, or Good Friday.**
2. **A post construction noise survey to validate that operations are in compliance with Federal Energy Regulatory Commission (FERC) and Local Ordinance noise limits. If not, additional noise measures shall be implemented to bring operations into compliance. If additional construction measures are necessary to meet compliance, the Parish Planning Commission shall be advised of the proposed revisions at their next regularly scheduled meeting.**

3. **The natural vegetation and trees beyond the facility area for this project are to remain in their natural state and must be replanted or restored as necessary to ensure buffering from adjacent properties.**
4. **The developer shall commission a noise study that documents the pre and post development noise levels for neighboring residential areas. Following this documentation, the developer shall implement any necessary improvements to the site and/or building to ensure that the receiving residential areas are below the 55 decibel threshold.**
5. **Gulf South will incorporate additional acoustic insulation to the Montz Compressor Station compression building.**
6. **Gulf South will construct an acoustic sound wall within the station yard that is 100 feet long and 15 feet high to further reduce the noise level at Evangeline Road.**

Drainage

1. **Culverts are to be sized and spaced to allow minimum restriction to the sheet flow across the property.**
2. **The facilities must be located no closer than 20' to the major drainage servitude on the northwest portion of the site. The site plan must be revised to reflect compliance with all setback requirements as well as distance requirements from the servitude.**

So we recommend approval of the rezoning and the special permit use with the stipulations.

Commissioner Booth: Thank you Ms. Stein. Public hearing for PZR-2017-14 Gulf South Pipeline rezoning from OL and R-1A to M-1 and we'll also find out about the request for their special permit. Anyone here to speak on behalf. State your name and address for the record please.

Good evening, my name is Shelly Cormin, 9 Greenway Plaza, Houston, TX. I'm Vice-President for customer service for Gulf South and I'm responsible for service for Entergy at the new St. Charles power station. I would like to thank the Planning & Zoning Committee for allowing this extra time for outreach and to develop the enhancements to our application. I would like to speak with you tonight for a few minutes about why the Montz compressor station is needed and the enhancements in our revised rezoning and special permit application based on the input we received from the community. Gulf South has operated natural gas pipelines safely in Louisiana and in St. Charles Parish for many years. We operate over 3800 miles of pipeline in Louisiana and 102 here in St. Charles Parish. We may not be a household name to you but we transport natural gas from where it is produced to your local gas company and to many of the industrial companies and employers in the area. Compressors are used to move natural gas through pipelines. Here in the Montz community, Gulf South already operates a 16 in. pipeline to serve the Little Gypsy power plant. This pipe is fed through a larger Gulf South main pipe, you can see here on the diagram. The new St. Charles power station needs more natural gas than the 16 in. pipeline can currently deliver. A compressor station is needed to move this additional gas from the main pipe onto the pipeline lateral. Compressor stations are common across the natural gas pipeline industry. They keep gas moving from one place to another. Often they are located in developed areas because there is where the gas demand is located. Over half of Gulf South compressor stations are in non-rural areas. Compressor stations are not huge structures, they are about the size of a gymnasium. The picture on the right shows a Gulf South compressor station in Mississippi that's of comparable size to the Montz station. The compressor building houses 2 compressor engines. These engines push the gas through the main pipe onto the lateral. Either or both of these compressors can be shut down locally or remotely when gas is not needed in the area, such is when a power plant is not running at full load. The station also have sophisticated monitors that can detect unusual conditions that require the automatic shutoff at this station. These automatic systems operate to completely shut down the station within a minute or so. While Gulf South purchased a 20 acre site to provide a buffer, the compressor station layout only uses 2.7 acres and we're only asking for rezoning and a special permit use for that 2.7 acres. We're not asking to rezone the 20 acres. Gulf South has agreed to the restrictive deed covenant that will prevent commercial development on the balance of this site and this

obligation will continue in place for any future owners of the land. This will ensure that the surrounding area will remain an undeveloped vegetation and tree buffer for the community. This is an artist's rendition of what the compressor station will look like once completed. The 2.7 acre developed site is buffered and only the permanent driveway will be visible from Evangeline Road. A number of stakeholder issues were raised and addressed in the original application and before this committee, these conditions remain in the new application and many of them were discussed a minute ago so I won't go into them in great detail, the restrictive covenant, the traffic control plan which includes coordinating with local schools to ensure that there are no heavy vehicles on the road during bus pick up and drop off times, limited construction hours, our vegetation and tree barrier, culverts and of course the post construction noise study. Based on the continued outreach and discussions, Gulf South has agreed to additional enhancements in the revised application and these include the additional sound installations, the sound barrier wall and the pipeline inspection of the existing 16 in. line using the smart pig and while it's not part of the rezoning process, we've heard the community's concerns about drainage and Gulf South together with Entergy have committed to assist with the drainage projects in Montz. In the original design, Gulf South showed that the projected sound levels would be below the 55 decibel sound threshold, about the level of a conversation. This picture shows the projected sound levels measured at the distances from the compressor station from a few reference points. These calculations do not include the impact of the tree buffer, the vegetation, they also don't include additional mitigation from the insulation and the sound wall. When Gulf South does its post construction noise verification study, it performs those calculations at all noise sensitive areas, not just these few reference points, that includes any new houses. Of course, if we do not meet any of those sound thresholds corrections must be made. As part of the revised application, Gulf South has committed to these additional noise barriers. We've increased the insulation in the compressor building from 8 to 12 inches thick. There's additional insulation in our above ground facilities and we have, we will place a sound absorbing wall on the Evangeline Road side of the property, the drawing shows what this wall will look like and it will extend 100 ft. from the compressor building and will be 15 ft. tall. Gulf South has already begun the process to make the pipeline ready for internal inspection. We were out in the community talking to the adjacent landowners before we started this preparatory work. This ILI tool or smart pig is a sophisticated electronic tool that passes through the pipeline and takes extensive readings on the geometry and the condition of the pipeline. The ILI identifies for example whether there has been any external pipeline dents such as from digging from the pipeline right of way. This tool will verify the continued good condition of the pipeline. We will complete the permitting and the preparatory work in the spring of 2018 and we will run the smart pig in May 2018. Thank you for the additional time to talk to the community and to approve our application. Over the past few months, we've reached out and we want you to know that we've heard the concerns of the local community and in that spirit we submitted the revised application with these additional enhancements. We ask that you vote yes on the request for the rezoning and the special permit use for the 2.7 acres for the Montz compressor station. Thank you.

Commissioner Booth: Thank you ma'am. We'll continue the public hearing for this compressor station and the special use permit. Anyone else here to speak for or against this particular issue? State your name and address for the record please sir.

My name is Bob Fisher, 100 Scarlett Lane, Montz, La. I am the District 6 Zoning Board of Adjustment Commissioner and I thank you for your time tonight. Two and a half years ago when this project was proposed by Entergy and it had to come before the ZBA for buffer allowances and a few things, there were no inklings or mentioning about supply for a compressor gas station. Of course Entergy is a great customer, great to the parish, no problem, we'd like to develop and we'd like to have it. When approached by mail 3 years ago about a possible compressor gas station, excuse me, in July of last year, all paperwork that came to the residents of Montz and the surrounding area said it was going to be in St. John Parish. We've all heard the story, you guys have it on record with the parish with the confusion with the maps. Nobody from Montz is here to say that we don't need this, we don't want Entergy, we want Entergy to be successful. If Entergy is successful we're all successful, we want to have our stuff. The problem we all have is this is a residential developed neighborhood, 2004 developed subdivision, pull the map

back up you can see all the lots were already done as a residential neighborhood. There is plenty of M-1 spacing available on CC Road that Gulf South said it's not convenient to us, we don't want to deal with the Corp of Engineers. They approached Bayou Steel in the original proposal, Bayou Steel owns all the adjacent property from River Road to Airline Hwy. They're a thriving business in St. John Parish. They're going to expand one day and they are going to use all that and low and behold when all this comes out we find out that Bayou Steel bought one of those lots that abut Evangeline Road that ends at their property. What they are going to use it for? We don't know. Gulf South made a swap with them, Gulf South now owns the piece of property, adjacent to that tract Bayou Steel owns that. We grant the M-1 variance changing, we're going to open it up. They broke ground on the 5th house on Evangeline this week. Five people have already committed to living in that neighborhood. Our parish Council in 2004 gave approval to the subdivision and the development of Evangeline Estates between the railroad tracks as a residential neighborhood. Gulf South has been a great neighbor, don't get me wrong, I've lived in Montz 12 years and never had a problem with their pipeline, awesome, the company I work for we get supply. I'm asking them to take the time and the research to move this compressor station to an M-1 location that is located 1500 ft. to the east, establish on the property, get it out of the residential neighborhood, continue with the development of the Montz community as residential. We don't need to change our land use progress. If we do it, we're going to open it up to all kinds of stuff. We're not going to get the residential feel that we all want in St. Charles Parish. Yes, we've got to live with industry and industry has been a good partner but we have to be able to control our growth. By you guys denying this and giving your denial to the parish council, we can go before the parish council again and show them that it's not the right thing for Montz. There is availability that they need to take a look at, they've been told this in 3 meetings with the residents of Montz and they still chose not to listen because this is their plan and they've went ahead with it. We've already heard about the cost of the delays to Entergy and how Entergy wants to be a good neighbor, I love Entergy being a good neighbor, I like my lights working, I hope yall like yall's too. I love having 2 power plants in St. Charles Parish, it's awesome. My neighbors are Entergy employees, I love the fact that they have a job and be able to do that. I'm not here to tell you we're against it, we're against the location of it in a residential development that is going to stymy the residential development of Montz, that's what it all boils down to. Noise, we understand that, they are going to be good, they're all regulated by the federal government to provide this noise stuff. They have to inspect their pipelines, it's all provided by the energy commission. The Montz residents are opposed to the fact that it's going to be a spot zoning and we're going to open up the ball game to somebody else to come in and say hey, they got an M-1, I want an M-1 and then we're screwed. So again I'll ask you to deny it like you did last time, send it to the parish council recommendation denied, we'll go to the parish council, we'll plead the same case. We need to make sure this development happens in an area that's already zoned for it that it will also feed Entergy's needs and it will be good for the Montz development. Thank you.

Commissioner Booth: Thank you sir, is there anyone else to speak for or against this particular issue? State your name and address for the record please.

John Sanchez, 946 Evangeline Road. I'm an Entergy employee for the past 15 years and has worked to provide electrical service to our customers in the river parish area including the community of Montz. Within the past year I've decided to make Montz my permanent residence. Roughly 3 months after the completion of my home I was made aware of this proposed compressor station site which happens to be directly across the street from my residence. At that time I attended the first Planning & Zoning meeting and expressed my concerns on the negative impact of the project. Since then I have worked with Entergy and Gulf South to address those concerns of safety, noise and construction traffic and most importantly drainage. I truly believe this project will have a positive impact on our entire region for the next 30+ years and is worth the temporary inconvenience. By approving the project to move forward this evening it will ensure that our biggest investment, our homes, will be save from future flooding and will continue to appreciate in value. Thank you.

Commissioner Booth: Thank you sir. Anyone else here to speak for or against this issue? State your name and address for the record please.

Dina Songy, I live at 454 Evangeline Road in Montz, La. The gentleman just told you that we have 5 new homes going up for construction between the tracks on Evangeline Road. We also have 2 lots that sold over there for \$225,000 for those lots so that being said why is nothing be brought up about our houses going down into depreciation, the cost of this project, why have you changed your mind when he said it's going to affect his brand new houses depreciation? I'm just saying if you vote for this, you're going to see a change, you're going to see more E-5's wanting to do that. If it was your house, your house, your house, your house, your house, you wouldn't want it on your street either. The depreciation of our homes will go down. I bought my house there because I want to live there. I was the last house on my side of the street when we bought there nearly 40 years ago. I don't want this to happen to Evangeline, I don't want this to happen to our neighborhood and I don't understand how money can buy people's happiness, how money can buy drainage, how money can buy raises, how money can buy our parish. I just don't understand it. I hope you vote against it. I really do. It's my home, it's been my home for 40 years. I wouldn't want that to happen to your homes. I wouldn't want it to happen. Thank you.

Commissioner Booth: Anyone else here to speak for or against this measure? State your name and address for the record please.

My name is Thomas Lorio, I live at 107 Panther Run Drive in Destrehan, in Ormond. I've been an Entergy employee for 5 years and I will be one of the controlling operators at St. Charles power station. I'm originally from Baton Rouge although I have a lot of distant relatives, I'm related to a lot of Lorio's here in the parish. My wife grew up in St. Rose and went to Destrehan High, we have a lot of other family members that live in the area so I have many close ties to the area. I went to Nicholls State, I played football at Nicholls for a few years, got my coaching degree there, got my first coaching job at Destrehan for a year, moved on went to East St. John for a year, Thibodaux for a few years then decided to do something a little different for the family and support my family a little better. Went to the PTEC school right here in Reserve, got my PTEC degree and started applying of jobs in the area. Luckily the first job that I got was with Entergy right in Killona at Waterford 1 & 2, worked there for 5 years, really amazing few years, really enjoyed it, really great company, then this opportunity came up to work at St. Charles power station so I transferred there, a brand new facility, state of the art, much more efficient, much more cleaner plant and an opportunity for me to work at a brand new place that I can retire from and finish my career which is very important to me. Another great thing about working for Entergy and living in the area is their community involvement, it's really important to me because I live here which we just sent 2 teams to the Battle for the Paddle, we had a jambalaya team and a gumbo team competing in that unfortunately we didn't win but it was a good time. Those few things with Entergy is important to me being a member of the community and how they're a good company to work for and good with the community so please approve the compressor gas station to allow me to be able to still live and work in the community for a good company. Thank you.

Commissioner Booth: Thank you sir. Anyone else here to speak on this issue? State your name and address for the record please.

Richard Songy, 454 Evangeline Road. I'm not a very good public speaker but the last several meetings we had they've had lots of people from Evangeline out here to show their support to block this. Well they are not here tonight, I don't know why. Gulf South had a party for them a month or so ago, maybe that had something to do with it. But one thing I noticed, the notification for the meeting was put in a pile of weeds where you had to literally stop, dead stop on the road and look between the weeds to read it. So the parish or whoever puts that down didn't take the courtesy to weed eat around it to clean it up so people could notice, but when they had the party, they had signs literally littering the highway up and down the highway. A technical question I got with them is the fact that the pipe that they want to put this compressor to jack this pressure in is 30 years old, I'm no (inaudible) but it seems to me, and I think the pipe is rated for 1000 lbs. or

something like that 1200 lbs. and they are going to pump in 900 to 1000 lbs. something like that, I don't remember all the details, but a 30 year old pipe, you're going to pump in all this pressure, jack it up, that just doesn't make good common sense to me and I guess that's about all I have to say. Like the first gentleman said about the residential area and I feel the same way about it that it was a residential area for all these years and now it's to be rezoned to industrial, that doesn't make a lot of sense to me either but that's all I have to say.

Commissioner Booth: Thank you sir. Anyone else here to speak for or against this? Anyone from Gulf South want to talk about the pipeline?

Perhaps 2 things, Shelly Cormin again. I just want to clarify that party that we're talking about is the promise that we made to have an open house for more information, we gave largely the presentation that we gave tonight. We hope that the reason that some folks are not here is because we answered their questions, clearly there are other folks that we still need to address the questions and you know, if we could put up the slide with the artist's drawing. So what I hear is that we've answered questions that noise, drainage and traffic and really it comes down to us as a neighbor. We're trying to be the best possible neighbor we can, we have a site plan that is going to be buffered that folks on Evangeline Road aren't going to know it's there. It's back behind this tree buffer and it's needed to serve the power station that is going to serve the customers in this area. We appreciate the extra time you've given us, we hope we've answered questions, we understand that there are people, there'll always be people that don't want additional development in their neighborhood and we're here to answer any other questions we can, but I think it really comes down to there's not a lot of questions left, we've just gotten to the place where we're discussing that folks just don't want us to be their neighbor. We have in good faith tried to answer every question and address the question to the community. We're obliged to serve our customer, Entergy, and get this additional gas to the power station for the customers for their local gas use, for the power use in the neighborhood and that's what we're doing, we're just trying to be a good neighbor. One of my colleagues can answer the pipeline integrity questions.

Commissioner Booth: State your name and address for the record please.

Tony Risk, 9 Greenway Plaza, Houston, TX. I have a Master's Degree in Civil Engineering, I'm a Registered Professional Engineer in 11 states. I've been involved in pipeline integrity for 28 years. I'm the Vice President of Technical Services for Gulf South Pipelines. I run that tool in 16,000 miles of pipe. I understand pressure, I understand what it takes to keep the pipeline safe, I've been doing it for a very long time. The age of the pipeline does not equate its condition. We have pipelines in this country that were built in the 1930's and still serve gas and oil today. These tools that you see are very sensitive, expensive and very good tools. If there is any defect in this pipeline that this tool will find, we will cut it out, we will remove it and we will restore this pipeline. The pressure issue is not an issue with this pipeline. This pipeline is rated hydro-tested and rated for a much higher pressure than it will ever see under these conditions. Thank you.

Commissioner Booth: State your name and address for the record please ma'am.

Melanie Stewart, 4512 Hessmer Avenue in Metairie and I'm the Director of Customer Service for Entergy. I'd like to thank St. Charles Parish for the additional time to work with the Montz community, Gulf South and the Parish to develop a revised application. The revised application took some time to develop because we were meeting with all of the stakeholders in the community. We've met with the Councilmembers, we've met with the residents of Montz, we've held a town hall meeting and we tried to work individually to hear the concerns of each of those members and to address those concerns and as you've heard here today, there were changes to the application based on what we heard from the community and an enhanced application has been submitted. The most successful communities and the most trusted relationships are built when all the stakeholders work together and that's what we've done, we've worked with all the stakeholders in the community to develop a revised application. I respectfully

ask for your approval of Gulf South's application for rezoning and special permit use. Thank you.

Commissioner Booth: Anyone else here to speak for or against this issue? Any questions from the Commission? Who would you like to address it to.

Commissioner Gordon: I need to have the gentleman from Gulf South to come up.

Commissioner Booth: Ok the technical man.

Commissioner Gordon: You stated about the defect in the pipe that you would shut it down? What did you say in reference to it?

Mr. Risk: If any defects are found by this tool, those defects will be cut out.

Commissioner Gordon: So how often would have for it to be inspected in order to know if there is a defect?

Mr. Risk: The federal regulations, it's a 7 year cycle basically, that's what the federal regulations state.

Commissioner Gordon: So every 7 years that pipe is going to be inspected?

Mr. Risk: Ok, inspected is a general term, the pipeline is inspected every month, certain parts, for example, external corrosion systems are inspected every year. Railroad and road crossings are inspected 4 times a year. So there is a lot inspection activity that happen on the pipeline, this specific tool runs once about every 7 years, but every patrol, we patrol the pipeline, we walk the pipeline, we sniff the pipeline, we inspect the right of way, we mow the right of way, there's a lot inspection activity that happens on this pipe weekly, monthly, quarterly, yearly, but for that specific tool it runs every 7 years.

Commissioner Gordon: Ok. I guess my next question would be also to Gulf South, Mr. Fisher had stated that, he asked a question that moving it 1500 ft. to the east, is there a reason why it can't be moved 1500 ft.?

Mr. Risk: That's outside my pipeline...

Commissioner Booth: Gulf South stated at the last meeting the federal government told them that this was the best place to put it, you might address that.

Thank you, my name is Mike McMann, I'm also from Houston, TX. You're right, the Federal Energy Regulatory Commission last week issued a certificate of public convenience and necessity and selected the location that we're here tonight discussing. So that's what we filed, there were 2 alternatives that were considered in the application, our regulator selected this as the best alternative. The location that has been suggested by the community would require a couple of things, one is extensive work with the Corp of Engineers for them to even approve us to build in that area, but second if you look at this diagram, you'd be moving down the page where it says index 270, so in order for us to get the gas back to the lateral going back to Entergy's facility, we would have to build another pipeline to run parallel to that pipeline to move the gas back, so we would have a lot more environmental disturbance by laying another pipeline, we'd also have the Corp of Engineers issue and as we stand here today we have the federal authority who said you should build it at this location. Does that answer your question ma'am?

Commissioner Gordon: Yes.

Commissioner Booth: Any other questions?

Commissioner Petit: Question on the new sound wall, you showed the rendering. Does the rendering include the addition of the sound wall because I don't see it on the

diagram? I'm just curious this one shows it at the street, is it actually going to be set back in the trees next to the compressor station?

Mr. McMann: Yes, it will actually be, you got the compressor building where you see the gray engines so coming away kind of going back towards 24A we'll put the sound wall across there because you've got some facilities that are outside of the building and the idea is the sound wall would absorb any sound from those buildings in addition to the steps we've already taken with insulation of pipes and other things.

Commissioner Petit: Ok. So it will be set back in the rezoned area.

Mr. McMann: Yes sir.

Commissioner Petit: and the special permit use area and it will not be visible from the street.

Mr. McMann: That's correct.

Commissioner Petit: Thank you.

Commissioner Richard: Can Mr. Fisher come back up? I got a question for you.

Mr. Fisher: Yes sir.

Commissioner Richard: The Bayou Steel thing, that stuck in my mind. What lot did Bayou Steel buy?

Mr. Fisher: You see the servitude right there, I think it's Lot 83A, it's a lot now that they've swapped, that Bayou Steel now owns that. Bayou Steel owns that lot from Evangeline Road to the property line of St. John Parish. That lot is owned, you can look at the tax records, by Bayou Steel. So again if we set a classification of M-1 zoning, we open it up to anyone in St. Charles Parish along Evangeline Road that owns that piece of property to apply for the same variance and guess what? We already set a precedent. We all know about precedent, we've all lived in St. Charles Parish all our lives, we've seen the changes and everything that's happened. As far as we talked about what Mr. Mike said about the Corp of Engineers, I understand it, but we started development on this project with Entergy 3 years ago. The original project with Entergy was to be a petroleum coke project, something that would help with affordable energy, it got scrapped, it's not good for the environment, we all know that. These natural gas turbines, they are awesome, 9 Mile Point is great. This one over here, I'm saving, we talked about the savings, I'm glad for that. My whole concern is the fact that we're going to put this thing in the middle of a residential development. Now, when we started 3 years ago, those lots on Evangeline were just in the hey stages, construction wasn't good, but again we talked about 5 houses. Mr. Sanchez decided to build his house right there, that's fine, but 12 years in Montz, I want to see development in St. Charles Parish, I'm going to do my retirement, I'm staying here, I'm not going any place. There are alternatives, they presented their stuff to the federal government, the federal government said you know what it looks great. What they didn't tell them was the fact that there is availability on property on the other side. Yes it's a pain in the behind to deal with the Corp, we all know that. Everybody's been here since Katrina, we all know it. If you work in the industry around here, we know what it's like, you got to dig a hole some place. Three years ago we had time to do all of this, when all of this was proposed, had we done what we were supposed to do, we wouldn't be sitting her tonight, everybody in Montz would be happy, we got good energy prices, we got good neighbors and the development of Montz would continue. We're going to stymy the development of Montz. They have 20 acres and it's 5 lots they own, that's 20 acres of homes, yeah one acre home sites, awesome, they stymied it, may have shut it down. I don't know what the rest of them are, I know Mr. Noel's bought a couple of lots with Reve has a few houses, I know Ms. Townsend's building a couple of houses, what's the affect? What's the long term effect of residents of St. Charles Parish that's going to come in and contribute to the parish and tax base? We've all heard the numbers of what Gulf South is going to contribute, what it's going to be, man that's great. Industry has to

pay its part, that's fine. What we all say is it shouldn't be in the middle of a residential neighborhood. Thank you. Any more questions?

Commissioner Booth: Any more questions from the Commission?

Commissioner Frangella: I have one for Ms. Cormin actually a few of them. I think originally when this came before us it was 9 lots and now it got dropped down to the 8 lots which pushed the end of changing the zoning right almost on the property line. Is there a reason for that change? Because now you don't have that buffer area that was once there.

Ms. Cormin: It's the same plot that we proposed before, I'm not sure what you're looking at...

Ms. Stein: It may be the swap of the lot with Bayou Steel. Since now, you had lots on the opposite side of Bayou Steel's ownership, you can talk about that.

Ms. Cormin: the size of our foot print down to 2.7 acres is really been through the outreach, the request that we proceed with this restrictive covenant and that's why we've been shrinking.

Commissioner Frangella: Right but you can understand the concern is opening Pandora's box and I'm never a proponent of doing that spot because then it opens up down the future if other people want it and if we don't hold steadfast then you will have another change on another lot, then another lot, and then it will end up consuming the whole corridor because who's going to want to buy property or have a house next to it? That's one of the main concerns. I think the safety concerns are addressed with most of the people that are here.

Ms. Cormin: On the point that you asked about, it's my understanding that Bayou Steel has owned a lot for a long period of time and I guess they haven't asked for any other use for it before. It's not a new circumstance that they own a lot in this area.

Commissioner Frangella: Ok. Thank you.

Commissioner Richard: So if we do M-1 and Bayou Steel would come in and say they want M-1 too. That's where I'm stuck at right now.

Mr. Albert: The concern is one over precedent and there is a reason why the applicant was directed to reduce the foot print of the rezoning to the awkward shape shown which encapsulates the site that everyone is talking about. And that was to bring the entire rezoning under a 3 acres threshold. So typically when a rezoning is larger than 3 acres we change the land use if you're going against what is in there. The reason the rezoning was proposed like that in that shape at that size was so that a required Future Lane Use Map revision would not be required if this were approved. The reason that's important is because any other rezoning evaluation that are done are going to be evaluated as rural residential so all of the precedent things that you're talking about are within the first criteria of the rezoning reports and a change to M-1 similar to what this proposal got would not meet that criteria. So this proposal didn't meet the criteria for part 1 and any other M-1 zoning would also not meet the criteria for M-1. So the way this was proposed and put forward and articulated was to limit any opportunity or instance for setting a precedent by the decision made because it was such a specific use on that part.

Commissioner Richard: Ok.

Commissioner Booth: If I understand you by not changing the land use map, people in the future that would apply for something would be applying for something that would be very difficult to accomplish.

Mr. Albert: Correct

Commissioner Booth: Because there is no change to the land use map.

Mr. Albert: Correct so the Comp Plan is being used in that regard. Of course the Council can act in any way they see fit, it could be recommendations for or against and they can go their own way on it. The action as proposed here should not establish the kind of precedent that is being discussed or questioned.

Commissioner Booth: Good, thank you.

Commissioner Frangella: The restrictive covenants in a sale? They will hold true under a sale or are there legalities and loop holes in there?

Mr. Albert: I can't speak to that specific question but we are requiring the limitations on the remainder of the property to be recorded and submitted so that any attempt at sale or subdivision of the property would find that in the records and limit any opportunity to parcel it out in the future.

Commissioner Booth: Is that it? Everybody's had their say?

Mr. Albert: Mr. Chairman please don't forget to close the public hearing, it's still open.

Commissioner Booth: How about we close the public hearing on these two issues and start for the 2 votes. The first vote is the M-1 rezoning classification and I think we all understand that. I guess we're ready to cast our vote for the rezone.

YEAS: Gordon, Petit, Granier, Richard, Booth
NAYS: Frangella
ABSENT: Galliano

Commissioner Booth: That passes with 1 Nay vote. The next vote is the special use permit. Yes sir, Mr. Albert.

Mr. Albert: If there is a motion for approval, it should be contingent on the rezoning being approved at Council.

Commissioner Booth: Yes. The rezoning if approved at Council, this vote, if it's a positive vote, would then go forward. If not, it's a moot point. Cast your vote.

YEAS: Gordon, Petit, Granier, Richard, Booth
NAYS: Frangella
ABSENT: Galliano

Commissioner Booth: Once again that passes with 1 Nay vote. Thank you for your time tonight.
