April 22, 2008

Dear Director, Commissioners and Staff, St. Charles Parish Department of Planning & Zoning

It is our belief that the attached Land Use Report, dated 4/3/08, submitted for Case Number PZR-2008-04 in the Planning and Zoning Commission's published, 4/7/08 meeting agenda, is fundamentally flawed and is in error in its support of a recommendation for approval.

The primary flaw is that the use regulation, referenced in the Applicable Regulations section of the Land Use Report, is not applicable to the Bunge application. The uses listed in Section VI, D, I, a, 25, "Railroad freight terminals, switching and classification yards, repair shops, roundhouse, power houses and fueling, sanding and water stations." do not apply to this case. The project can not be evaluated as a separate, independent facility but must be considered as an expansion of its existing railcar unloading facility.

The operation of a grain elevator involves only a few fundamental activities. At its core, this operation is the loading and unloading of grain transport containers, including barge, ship and railcar. Therefore, the unloading of railcars is an activity fundamental to the operation of a grain elevator and as such, must be considered part of the grain elevator operation as a whole and not as an independent, ancillary activity. Section VI, D, III (3), M-3 Heavy Manufacturing, states that the M-3 district "shall be used only for grain elevators and associated milling operations including **uses related to the principle use**".

A grain elevator can only operate in an M-3 district therefore all fundamental activities associated with its operation are also limited to an M-3 district. The consequence of this is that the activity of unloading railcars at a grain elevator is only a compatible use for an M-3 district and is therefore incompatible with an M-1 district; hence the proposed expansion of the railcar unloading facility is incompatible with an M-1 district.

The two attached St. Charles Parish Government documents serve to establish St. Charles Parish Planning & Zoning precedents concerning this issue. The letters pertain to a previous proposal for the exact property currently under consideration.

Referencing the attached letter, dated 11/9/79, from Alfred Green, Administrative Assistant, Office of Zoning to Leon Vial, Bunge

attorney. This letter advises Bunge of a determination, by the Administrator, Office of Zoning, Kevin Friloux, concerning a Bunge construction proposal. Essentially, it states that property, upon which an auxiliary function of a grain elevator is being constructed, should be zoned the same as the grain elevator. The auxiliary function being referenced was a drainage/treatment lagoon project proposed for the property. If the railcar unloading facility is not considered a fundamental activity of grain elevator operation, it must certainly be considered an auxiliary function and be subject to this precedent.

This resulted in a rezoning request by Bunge. Referencing the attached letter dated, 8/26/80, from Richard Felter, Director of the Dept. of Planning & Zoning, to the St. Charles Parish Council. The department's recommendation was for denial of the proposed rezoning of the property from R-1 to M-3 and further recommends that Bunge negotiate to acquire the remaining R-1 properties. The Parish Council subsequently denied the proposal.

Other flaws in the land use report are:

Though the comprehensive land use plan specifications are listed, the report makes no attempt at explaining how approval of this proposal would serve those specifications. In fact, it is obvious that approval of this proposal would actually undermine the comprehensive land use plan specifications listed. In particular, this proposal does **not** serve to maintain the residential character or encourage future residential land uses. It will **not** limit industrial uses to services that support the residential community. It will **not** discourage future industrial uses or future expansion of industrial uses. The fact is there is **nothing** in this proposal that serves to fulfill the comprehensive land use plan specifications.

The land use report analysis section is also flawed or at the least, biased. It is true that many of the residents initially welcomed the grain elevators, however, for most, this was short lived. Complaints about dust and noise began almost immediately and have been ongoing for the 46 years since. Due to this dust and noise, as well as explosions in the early 1970's, one requiring the rebuilding of the entire facility, most of the original residents moved away in order to improve their quality of life. Those that remain or who have chosen to reside in the adjacent neighborhoods must suffer the daily impacts to their quality of life.

While the fact that the Bunge grain elevator employs around 133 employees is a positive contribution to the community, stating this fact without also

considering the negative impact the elevator's operation has on the hundreds of residents in the community, is extremely biased.

To reiterate, the proposal constitutes an expansion of the existing railcar unloading facility, which is an incompatible use for an M-1 district. In addition, a precedent has been established that all activities associated with a grain elevator must take place on property zoned M-3; therefore, the Planning and Zoning Commission should vote for denial of case number PZR-2008-04.

Sincerely,

Ravel J. Lament, Jr Carolyn V. Laurent Ravel Lange

Raoul J. Laurent, Jr Carolyn V. Laurent Raoul J. Laurent III P.O. Box 372 121 Pelican St. Destrehan, LA. 70047 (985) 764-7737 (225) 294-9366

Attachments:

Case Number PZR-2008-04 Land Use Report, dated 4/3/08, Planning and Zoning Commission's published 4/7/08 meeting agenda

Letter, dated 11/9/79, from Alfred Green, Administrative Assistant, Office of Zoning to Leon Vial, Bunge attorney

Letter, dated 5/20/80, from Harry O'Brien, Personnel Director, Bunge Corporation to Kevin Friloux, St. Charles Parish Police Jury

Letter, dated 8/26/80, from Richard Felter, Director of the Dept. of Planning & Zoning, to the St. Charles Parish Council

Addressees:

Director, Department of Planning and Zoning Kimberly Marousek P.O. Box 302 Hahnville, La 70057

Development Review Planner, Department of Planning and Zoning Steve Romano P.O. Box 302 Hahnville, La 70057

Zoning and Regulatory Administrator, Department of Planning and Zoning Rhys Kinler P.O. Box 302 Hahnville, La 70057

Commissioner District 1 Yvonne Wolfe 514 Courthouse Lane Hahnville, La 70057

Commissioner District 2 Neal Clulee P.O. Box 849 Luling, La 70070

Commissioner District 3 Dick Gibbs 2420 Ormond Blvd. Destrehan, La 70047

Commissioner District 4 Richard Bordner P.O. Box 1421 Paradis, La 70080 Commissioner District 5 Billy Booth 192 Rue Landry St. Rose, La 70087

Commissioner District 6 Patrick Poche 505 Alleman St Norco, La 70079

Commissioner District 7 Morris Becnel 324 Wanda St Luling, La 70070

Councilwoman District 3 Wendy Benedetto 13 Ashland Drive Destrehan, La 70047

Councilman District 5 Larry Cochran 114 Oaklawn Ridge St. Rose, La 70087

Councilwoman-At-Large Division A Carolyn K. Schexnaydre 269 Schexnaydre Lane Destrehan, La 70047

Councilman-At-Large Division B Terry Authement P.O. Box 516 102 Angel Drive Boutte, La 70039

PZR-2008-04 requested by Bunge North America, Inc. for a change in zoning classification from R-1A to M-1 at Lots 14-34, Pecan Grove School Lot and portions of the revoked James Street and a 40 ft. street across the rear. Council District 5.

LAND USE REPORT CASE NUMBER: PZR-2008-04

GENERAL APPLICATION INFORMATION Name/Address of Applicant:

C. J. Jones, Administrative Manager for Bunge North America, Inc 12441 River Rd Destrehan, La 70047 985.764.6516

Location of Site:

Approximately 400' of the end of James Street West in Destrehan to the Kansas City Southern Railroad including the former Pecan Grove School Site; immediately east of the Bunge grain elevator.

Requested Action:

Rezoning from R-1A to M-1 of property adjacent to Bunge grain elevator site.

Purpose of Requested Action:

This is a companion application with PZR 2008-04. The intent is to install additional rail for loading from the grain elevator.

SITE-SPECIFIC INFORMATION

Existing Land Use and Zoning: The site zoned R-1A. Most of the site is vacant except for the abandoned Pecan Grove School site and a developed portion of James Street West which the applicant requests be revoked under File PZS-2008-17.

Surrounding Land Uses and Zoning:

Property to the west or upriver is the Bunge grain elevator site, zoned M3. Property north of the railroad is undeveloped land zoned M-1. Property abutting on the east is undeveloped land zoned R-1A and south is developed with James Street East and James Street West with eight single-family residences.

Comprehensive Plan Specifications:

Maintain the residential character and encourage future residential land uses. Limit commercial/industrial uses to services that support the residential community.

Encourage the preservation and protection of roads and highways which have scenic, cultural, natural and/or historic characteristics worth preserving for future generations.

Control commercial expansion and discourage future expansions of industrial uses.

Discourage future industrial uses.

Utilities:

A drainage ditch and water and sewer lines exist within the proposed revocation. The Parish is working with the applicant to relocate the ditch and tie off the lines.

Traffic Access:

The site can be accessed through the Bunge site, via the Kansas City southern Railroad and also by James Street West.

APPERCARE INCOMPANIONS

Appendix A., Zoning Ordinance, Section IV.9:

Rezoning Guidelines and Criteria: Before the Planning & Zoning Commission recommends or the Parish Council rezones property, there should be reasonable factual proof by the proponent of a change that one or more of the following criteria are met:

- Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. Reasonableness is defined as:
 a. Land use the same as, or similar to that existing or properties next to, or across the street
 - from the site under consideration.b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
 - c. Consideration of changes in land value, physical environment or economic aspects, which tend to limit the usefulness of vacant land or buildings.
- The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:
 - a. Undue congestion of streets and traffic access.
 - b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.
 - c. Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.
 - d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
- 3. The proposed zoning change is in keeping with zoning law and precedent, in that:
 - a. It is not capricious or arbitrary in nature or intent.
 - b. It does not create a monopoly, or limit the value or usefulness of neighboring properties.
 - c. It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.
 - d. It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

AND

Appendix A. Section VI. D.

- [I.] M-1 Light manufacturing and industry district:
- Use Regulations: A building or land may be used for the following purposes if in accordance with the special provisions outlined below.
- a. A building or land shall be used only for the following purposes:
- (1) Those uses identified as items 2 through 27 as listed in the C-3 District.
- (2) Office parks which shall include groups or clusters of administrative, professional, and other business offices as well as individual banks and restaurants.
- (3) Agriculture and other general farming uses.
- (4) Warehousing and storage of non-hazardous material.
- (5) Assembly plants.
- (6) Bottled gas sales and/or service.
- (7) Food processing plants.
- (8) Cellophane products manufacturing.
- (9) Cold storage or refrigerating plants.
- (10) Electrical parts manufacturing and assembly.
- (11) Fiber products manufacturing (previously prepared fiber).
- (12) Garment manufacturing.
- (13) Glass products manufacturing.
- (14) Ironwork (no foundry, drop hammer, and no punch presses over twenty (20) tons capacity).
- (15) [Repealed by Ord. No. 92-1-1, § I, 1-21-92.]
- (16) Leather products manufacturing (previously prepared leather).
- (17) Machinery equipment sales and service.
- (18) Millwork.
- (19) Paint mixing and treatment (not employing a boiling process).
- (20) Paper products manufacturing (previously prepared material).
- (21) Plastic products manufacturing (previously prepared material).
- (22) Sheet metal products manufacturing (light).
- (23) Sign manufacture.

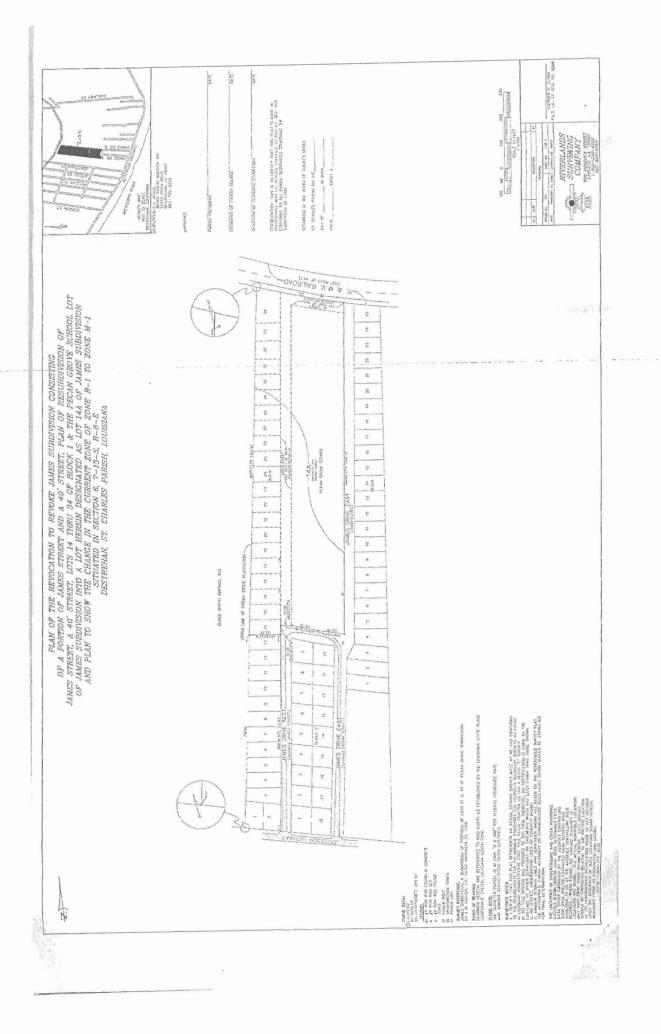
- (24) Open storage of building material, lumber, machinery and pipe, provided the material is enclosed within a solid fence at least six feet high within required building lines when the storage area is adjacent to or across the street from an A, R, or C District.
- (25) Railroad freight terminals, switching and classification yards, repair shops, roundhouse, power houses and fueling, sanding and watering stations.
- (26) Television and radio broadcasting transmitters.
- (27) Textile products manufacturing.
- (28) Toy manufacturing.
- (29) Well drilling services.
- (30) Wood products manufacturing (assembling work and finishing).
- (Ord. No. 87-6-13, 6-15-87; Ord. No. 88-11-20, 11-28-88)

ANALYSIS Bunge North America opened at this site in 1961. The Comprehensive Land Use Plan suggests that residents of Destrehan welcomed both grain elevators in Destrehan in the 60s after the American Oil Company closed. More recently, residents near the elevators have complained about dust. Both of the grain elevators have been acquiring properties in the immediate area for decades.

A recent report by the St. Charles Parish Council indicates that 133 people are employed at Bunge; approximately 50% of whom are Parish residents.

In order to receive a recommendation for approval, a request for rezoning must meet all of the criteria of at least one test. This application meets all criteria of the first and second test. The first test is designed to provide relief when land use character has changed to the extent that no reasonable use of property is left under current zoning. The only residential development between I-310 and the IMTT site in St. Rose in since 1981 has been Oak Lawn Ridge, approximately ½ mile east of the Bunge site. The permit database indicates only six single-family residences and nine mobile homes have been permitted between Bunge and I-310; 55 single-family permits have been issued in Oak Lawn Ridge. Considering permit data and the fact that Bunge owns the property, it is extremely unlikely that there will be residential development on this site.

DEPARTMENTAL RECOMMENDATIONS Approval.



St. Charles Harish Office of Zoning Administrator P. O. Box 302 Hahnbille, Aouisiana 70057

November 9, 1979

Mr. Leon C. Vial III Attorney At Law & Notary Public P. O. Box 321 Hahnville, La. 70057

RE: Bunge Corporation Destrehan, La.

Dear Mr. Vial:

Kevin Friloux, the Administrator has determined, that since/ the treatment lagoon system will be an auxillary function of the Bunge Corporation all of the area should be zoned the same. Therefore, a zoning change is required.

Also, we have some questions concerning the construction of the eight (8) inch diameter main along James Street.

Perhaps, we could meet with a representative of the Corporation to discuss these questions.

Sincerely,

Ran Alfred Administrative Assistant

AG:bd



P. O. BOX 156 RIVER ROAD DESTREHAN, LOUISIANA 70047

TELEPHONE 504/721-6281

May 20, 1980

Mr. Kevin Friloux St. Charles Parish Police Jury P. O. Box 302 Hahnville, LA 70057

Dear Kevin:

In reply to your telephone call regarding the disposition of the drainage project, the following is supplied for your information.

The proposed project plans and specifications were prepared and construction bids received for project completion.

Through our attorneys we were informed that a zoning change would be necessary to construct the facility north of our schoolhouse property on James Street. Opposition to any zoning change from residents of the area was seemingly evident, which caused us to investigate the possibility of constructing the project on our existing plant property. After an engineering study including soil borings, etc. it was determined that this plan was not as feasible as the original proposal.

We are now back to the original plan of constructing the project on the property north of our schoolhouse property. It is necessary now to seek a zoning change to secure permits to proceed with the project.

Appreciate the assistance of the police jury.

Best regards.

Sincerely, Narr Harry O'Brien

Harry O'Brien Personnel Manager

HOB/jm



ST. CHARLES PARISH

DEPARTMENT OF PLANNING & ZONING P.O. BOX 302 • HAHNVILLE, LOUISIANA 70057 783-6246 729-4449 (N.O. Line)

August 26, 1980

KEVIN M. FRILOUX PARISH PRESIDENT

RICHARD H. FELTER DIRECTOR

> St. Charles Parish Council P. O. Box 302 Hahnville, Louisiana 70057

Gentlemen:

STAFF RECOMMENDATIONS

BUNGE CORPORATION R-1 TO M-3

Planning and Zoning staff recommendation is that the proposed zoning change be denied. The Bunge Corporation and the remaining residents should begin serious negotiations pertaining to the ultimate acquisition of all remaining properties.

CHARLES S. LAGARDE-RESUBDIVISION

Planning and Zoning Staff recommendation is that resubdivision to 10,000 sq. ft. parcels be granted. This recommendation concurs with original deed restrictions that any one acre parcel be subdivided into parcels no smaller than 7500 sq. ft. The staff would however request that the captioned parcels when and if resubdivided be limited to 50% mobile homes via a new deed restriction.

EISMAN, EVELYN R-1 TO C-1

Planning & Zoning Staff recommendation is that R-1 to C-1 zoning change be granted. This recommendation is based on the following.

- 1. This property is in an area on Paul Maillard Road that is increasing, if not dominated, in non-residential land uses at present.
- 2. This property due to its proximity to the hospital is suited for a medical clinic.

Page 2 St. Charles Zoning August 26, 1980

ST. CHARLES CONSTRUCTION CO.-RESUBDIVISION

Planning and Zoning Staff recommendation is that resubdivision of this tract into 8 or 10 lots, zero lot line be granted. This recommendation is based on the following:

- 1. Property is presently zoned R-2 and could accomodate a 20 unit apartment building.
- 2. Fee simple sale of eight or ten units will have less of a detrimental effect on the neighborhood than a 20 unit apartment building.

MORRIS WHITE-R-1 TO R-2

Planning and Zoning Staff recommendation is that R-1 to R-2 zoning change be granted. These 5 lots (substandard in size individually) can be combined into one lot in an area that there is a need for apartments. A small apartment building will not be a detriment to the area.

DUFRENSE, EDWARD, A-1 TO M-3

Planning and Zoning Staff recommendation is that A-1 to M-3 zoning change be granted. This parcel presently has M-3 zoning nearby and is an area that is better suited to industry than other parts of the parish. A map was not prepared for this site due to its size and proximity to undeveloped property.

LEMOINE, STEPHEN-RESUBDIVISION

Planning and Zoning Staff recommendation is that resubdivision be denied. This recommendation is based on the following:

- 1. Property to be subdivided has access from River Road via a ll' asphalt roadway with room adjacent to the post office for a potential widening of only 5' plus or minus.
- 2. Subdivided parcels will have a narrow access roadway at best and will not have ease of access for emergency vehicles. There is not room available for a 50' right of way roadway or an 80' diameter cul-de-sac as required in the subdivision regulations.

Sincerely, Richard H. Felter

Director

RHF:bd

PLANNING-& ZONING-CASE SUMMARY 🌶

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MEETING-AUGUST 21, 1980

	CASE	P&Z BOARD ACTION*	P&Z STAFF RECOM.**
1.	CHARLES LAGARDE- Resub. of 2 lots	GRANT	GRANT
2.	EVELYN EISMAN- Reclass. from R-1 to R-2	GRANT ·	GRANT
8.	BUNGE CORPORATION-	DENY	DENY
4.	ST. CHARLES CONSTRUCTION CO Resubdivision	GRANT	GRANT
5.	MORRIS WHITE- Reclass. from R-l to R-2	GRANT	GRANT .
6.	STEPHEN LEMOINE- Resubdivision	GRANT	DENY
7.	EDWARD DUFRESNE, SR Reclass. from A-1 to M-3	GRANT	GRANT