

Commissioner Frangella: Next up 2021-6-R requested by Helm Developments, LLC for a change of zoning district from M-1 to R-1B on 130,697 sq. ft. Lot J-2A, Plantation Business Campus, Campus Drive East and River Road, Destrehan. Council District 2.

Mr. Welker: The applicant requests a change of zoning from M-1 Light Manufacturing and Industry to R-1B Single Family Residential on Lot J -2A of Plantation Business Campus in Destrehan. The lot is within a light industrial business park and is bounded by River Road and the southbound lane of East Campus Drive, an office building and a residential subdivision. The applicant purchased the lot in 2020. The requested change to R-1B does not meet any of the 3 rezoning guidelines. It fails the first guideline because it does not conform to the business park designation on the Future Land Use Map. It fails the second guideline because the existing M-1 zoning has not deprived the property of use, the corner lot is over 130,000 sq. ft. and located within Plantation Business Campus which recently expanded and is developing with more light industrial structures and uses. It fails the third guideline because residential uses are incompatible with light industrial uses especially at the only point of access to the business park currently, this particular property fronts only on the one lane of the split boulevard street and it's pretty much just an exit at this point so this also creates some safety concerns considering there's a lot of businesses in the park that take deliveries and what not through large tractor trailers and trucks. There is a summary in your report of some documents that were provided by the applicant going over a lot of the LDEQ information, obviously on this site there is a lot of different things going on with DEQ being that was a former refinery site but he has submitted several documents which are summarized in your report going over those items. The site is 3 acres so if it is approved it would require a corresponding change to the Future Land Use Map. The applicant has been advised if the rezone is approved, resubdivision into 6 or more lots would be a major subdivision and under Ord. 20-8-18, an application for a major subdivision will not be considered before February 2022 unless the parish council adopts a drainage study for the community of Destrehan, that's referring to the moratorium so the department does recommend denial due to not meeting any of the rezoning guidelines.

Commissioner Frangella: Thank you. Is the applicant present and wishes to speak? State your name and address for the record.

Darin Helm, I live at 105 Lac Claiborne Ct., Luling. Thank you, I thank the Commission, I really thank yall for having me here, giving me the opportunity to present in front of yall. I know yall have a thankless job so thank each and every one of you. I want to thank the Planning Department especially Marny and Chris, you can't find better people to work with in the community. Every question you asked, any concern they are always there to answer it for you. As far as the property, we purchased it in 2020. It was a property I'd drive by every day to work. It's a property that's never been in commerce in St. Charles Parish, there's never been anything built on it, it's been completely vacant. So I drive by and when there was an opportunity to buy it, I looked at it and took it as a challenge and I said can I take this property and find the best use for it and bring it into St. Charles Parish tax roll, bring it into the community. So with that we had the opportunity to purchase the property, I didn't take that lightly, I knew it was a questionable property, I met with residents in the community, hours of time meeting with people, discussing over the phone, I met with the six adjacent lot owners specifically that back this property. I met with the adjacent business, I met with Commission members, Council members to try to find the best use for this property, that was important for me. We looked at it, it's currently zoned M-1, there's a lot of things in the report, it's a tough property and I commend them because it's very hard to come up with the best solution for this property. M-1 zoning, there's a lot of different zoning that are included in that, I'm going to rattle off a few – assembly plants, bottle, gas and or services, cellophane products manufacturing, glass products manufacturing, iron works, millworks, paint mixing and treatment, plastic products manufacturing, well drilling services, so these are just some of the items that are permitted on this property. There's a thirty lot development that was developed in 2018 just adjacent to it. That property was denied on the same Planning & Zoning guideline that they are denying today. What we're asking for is the human element, if these were your properties, how would you feel about living next to some of the things that we discussed here today. With that I met with all these homeowners and I wanted to find the best use, I feel R-1B is that, it would bring the tax roll into the parish, 6 new

residential lots, there's a lot of people that want to move here, Destrehan specifically and this would bring in the tax roll, right now the taxes on this is \$5000 roughly. You may be able to increase that to \$25,000 and finally bring the property into St. Charles Parish. Finally, when I met with those property owners, in my opinion, residents of St. Charles Parish have the ultimate voice and I wanted to make sure they were happy with what I was doing on the property. I have 13 signatures here, I think you have 12 that I submitted, I also got another one, it's 5 out of the 6 lots that back the property, it's also every property across the street, I could have went further but I felt that it was enough to the Commission that these residents are asking you for something. I'm going to read that statement, this letter, if that's fine, from those homeowners.

Dear Planning and Zoning Department, Planning and Zoning Commission, Parish Council, Parish President Matt Jewel and all other Parish Officials. I am in 100% agreement and support the following proposal by Helm Developments, LLC for Lot J-2A of Plantation Business Campus Destrehan, La. The rezoning of the lot from M-1 to R-1B, subdividing into 6 residential lots.

The rezoning and subdividing of this property will ensure the Audubon Place community quality of living standards and property values for the future. The current zoning of M-1 "light industrial" poses a high risk to our community (Audubon Place) including potential noise, air quality, and safety for residents and especially for children living in our adjacent community. I therefore support the Helm Developments, LLC plan and encourage the Planning and Zoning Department, Planning and Zoning Commission, Parish Council, Parish President Matt Jewell and all other parish officials to consider and accept the proposal for rezoning and subdividing of Lot J-2A per the Helm Developments, LLC submitted plan, Please take this endorsement into your consideration.

With that I open up for questions, but I do want to say one thing, I hope that any question or concern here today, that nothing holds more weight than these letters from these residents, they didn't have to sign them, they volunteered to do that, they asked questions, they were concerned and I hope each and every one of you can look at it and look at it as if you backed this property what would you want, how would you feel if this was your property. So with that I appreciate it again and any questions I would be glad to answer them.

Commissioner Frangella: Ok Mr. Helm we'll open public hearing and see if anybody has any questions after.

Mr. Helm: Thank you.

Commissioner Frangella: We'll open public hearing for 2021-6-R anyone here to speak for or against? Seeing none, we'll close the public hearing for 2021-6-R. Any questions?

Commissioner Keen: Has LDEQ had any violations on the well monitoring in that area since they were a black site at one time behind it?

Mr. Albert: I don't believe we have record of any, Marny has the file.

Ms. Stein: Not that I'm aware of

Mr. Albert: The question can be fielded by the applicant.

Mr. Helm: Thank you, appreciate it, so just so you know I live here, work here, I have family here so I would never want to do anything on a property that would endanger somebody or somebody's kid so that was something that I really wanted to look into, I did a lot of studying, put together a 7-page document documenting this property all the way back so to your question, absolutely nothing ever documented on this property, it's been cleared multiple times by LDEQ for ready for reuse, for non-industrial use, there was a well, soil drilling hole in 2005 that was drilled directly in the middle of this property and that was also cleared. In that document, I documented a lot of EDMS files that go back over many years but from 2005 up until now there's been multiple tests, multiple

land use, recap standards put out and to show that the property has been cleared, not just once but multiple times.

Commissioner Frangella: Mr. Helm when you approach the neighborhood, they knew when they bought that property that it was M-1 correct?

Mr. Helm: Possibly, yes, I believe I'm sure some of them did do that, realize it was there. Did everybody know 100% what M-1 meant, did they know that could have been a business or did they really read that M-1 thing? I'm not 100% sure. I just know the problem exists today and there is a solution for that problem that we feel, whether they decide hey maybe it's their fault if somebody can blame a resident, maybe they didn't look into it far enough, but I feel that there's a solution today. What happened when they purchased their property shouldn't reflect on the solution that we can come up with today.

Commissioner Frangella: When I read your report, the way it says that you would have protests from the neighbors on being able to put something there but anything that falls in that category right now, you just build and that's it, you don't have to go and come here and file and ask for a public hearing to build anything that's within that M-1.

Mr. Helm: Absolutely

Commissioner Frangella: I just wanted to make sure it seemed like it was different in the report.

Mr. Helm: Yes, sir.

Commissioner Frangella: Thank you.

Commissioner Petit: I guess a question for me, so the analysis from Planning and Zoning says that none of the DEQ documentation that says that it's reuse basically that was done with it as M-1. So the soil bore and all of that stuff, if we were to approve this zoning would you be prepared to go to DEQ to get an approval for the piece of property for residential use? Is that something you would be willing to do and I guess a question for Michael is that even required in a major subdivision?

Mr. Albert: It's not specifically required in the code, it's not something that says we need clearance in that regard. Our experience with the other site is it's a higher level authority they could restrict a specific type of activity on the property according to state law. When DEQ says cleared for non-industrial use, our conversations with them did not say that it was approved for residential use so like I'm not saying it is or isn't I'm just saying I can't comment affirmatively on whether a residential is ok per the state.

Commissioner Petit: And that's not nothing we can require as part of this rezoning but it is something that we can require as part of the preliminary plat process if that were to come before us eventually.

Mr. Albert: Yes

Commissioner Petit: Ok.

Mr. Helm: And to answer your question I'm willing to work with anybody that's LDEQ, if people feel more comfortable with a statement from LDEQ, whatever we have to do to do that we're willing to do.

Commissioner Petit: Ok.

Commissioner Frangella: Any other questions?

Commissioner Galliano: The only thing I have a problem with this property is they got a lot of heavy traffic coming out of there, it's not like Audubon Place where it's all

residential so you have just basically cars. This property is going to have 18 wheelers and large vehicles passing right in front the homes, it's really the only thing.

Mr. Helm: Yes and I'll comment on that. Obviously safety is always a concern for every property in St. Charles Parish and I definitely hear that concern and it is warranted. I look at the property and see a 10 mph zone or 15 mph or they are going extremely slow in this area, but there is that concern on River Road, if you own a property on River Road that's a big concern if you have a family or kids. Same thing like Ormond Boulevard, every resident has to make that decision if the property is right for them. I think that's more, it is a concern, but it is something we're not trying to trick residents here. We want to make sure they know what they're buying and I'm willing to do things in the deed of the properties that we would put in there that

- a. that they are aware of business traffic and they would have to sign off on that so nobody doesn't have a clue of what's going on there. We would also mandate that there is no on street parking at any time whatsoever just to make the ingress and egress always work and then finally we would make sure they are aware of ADM and that there's a possibility of grain dust situation every now and then so we're not trying to trick them or anybody into buying the property. That is a concern and it is something that every family that would look to purchase the property has to say just like on Ormond Blvd. or River Road that is this property the right property for our family?

Mr. Albert: A question for the record. Are you aware if any of this property is actually in AOI10?

Mr. Helm: yes good question. In my report it breaks down the LDEQ report, it breaks the property into two sections, I broke it down into 2 sections. Ninety percent of the property was in unused, undeveloped property, it's been cleared multiple times. Ten percent of the upper portion of the north side of the property just meets I think it's sixty yards in AO10. AO10 was tested on the 2018 30 lot subdivision within 30 yards or 40 yards from the property. There is a well on that report called TK100, that well was drilled literally right north of our property and that was also cleared in AOI10 was also cleared for ready for reuse for non-industrial use and in some of the documents it even states, can be used for any legal purpose, not just ready for reuse, non-industrial use, I know that's come up but it also says that it can be used for any legal purpose. Like I said I just want to make sure the property is safe too so if further testing would be warranted, if it were to be accepted I'm willing to do that with LDEQ.

Commissioner Frangella: I'm kind of skeptical because one of the last ones that came up behind us they went and added more testing done and found out that they had to close it down because it tested positive for that. So it's just like Audubon Place at the end of that, it's strictly commercial only, so those people in that residential, they bought that, the property behind them that they left a little cul-de-sac thing is strictly commercial only so now you got a subdivision with commercial property behind it so that's the other concern.

Mr. Helm: Your concern is warranted. If you look at the plot, I researched all the way back to 1933 when the property was developed. If you really look at that plot there was never really anything built on 90% of this property. As you go further back it's where you start to see some of the drilling sites and things that they used to do back there, but that's why Audubon Place was able to get passed with LDEQ because they were on the front side of the property and they didn't go further into that area that as deemed not usable for residential use.

Commissioner Frangella: Ok. Any other questions or comments?

Ms. Stein: Do you all have a copy of the letter from Ed Renton? Edward Renton? We received that last week.

Mr. Albert: There should be several pieces of desk correspondence

Commissioner Frangella: I don't have it on mine.

Commissioner Petit: We have the P&L Investments one.

Mr. Helm: We do have a resident that wants to speak when that is appropriate.

Commissioner Petit: Did we close the public hearing?

Commissioner Frangella: Yes, we can do a motion to reopen it.

Commissioner Keen: How often is the sampling done of the test wells in that area? Do we have that on record? Is it once a year, is it once a quarter?

Mr. Albert: We do not have that on record.

Commissioner Keen: Ok, troubling.

Commissioner Frangella: Anymore questions for Mr. Helm? We do see that there is a property owner who didn't speak earlier so I would have to ask for a motion to reopen public hearing to allow her to speak, correct?

Mr. Albert: If that's the Commission's pleasure.

Commissioner Frangella: Do I have a motion?

Commissioner Keen: Yes

Commissioner Schexnaydre: Second

Commissioner Frangella: Call for the vote.

YEAS: Ross, Petit, Schexnaydre, Keen, Frangella, Galliano

NAYS: None

ABSENT: Dunn

Commissioner Frangella: So that passes and we'll open public hearing for 2021-6-R anyone here to speak for or against? State your name and address for the record.

Michelle O'Daniels, my residential address is 11130 River Road, St. Rose, LA, business address I'm a member of Shadow Properties LLC, 105 Campus Drive East, Destrehan, LA. We are the commercial property adjacent to this particular property. We're here not to specifically deal with a lot of the statements concerning the environmental standards and the environmental status of this property and to answer any questions that you might have concerning the status of area of interest 10 and that's a few questions that came up. We purchased this property in 2011, put it back in commerce because St. Charles Parish after doing extensive research concerning the historical use of this particular piece of property. The hydrological studies as well has determined that none of the contaminants that may have been concerned to some of the residents have migrated to the site. We also drilled, had a phase 1 and a phase 2 because as a matter of background I'm an environmental attorney and we were not going to take on a piece of property that had contamination. It has been cleared for all legal uses – residential, daycare you name it. In March 2018 an additional sample was taken in that well and it's a t-well, a temporary well, taken solely for the purpose of clearing it again because the LDEQ wanted to just double, triple check. So we're just here to clear this up because every time this particular piece of property comes up, everybody is very concerned about contaminants that might have been on the property, but historically, the areas were divided into certain types of uses and the uses in this area was either undeveloped or area of interest 10 which was a tank. So they identified what was involved in that particular area and they have cleared this property for years and it's not there to continue to rehash something that has already been cleared. If there are any additional things to put residential on the property that's fine, he's willing to do it, but we're taking a hit here by everybody continuing to perpetuate rumor concerning this particular section of the property. We have a big investment, we pay large amounts of taxes and on the record I want to state that we've done our due diligence that has been confirmed no less than 4

times and it might be confusing in all the paperwork that you have, so if you have any other questions I'll be inclined to answer them for you.

Commissioner Frangella: Ma'am I think it's just because it's going residential and we ran into some things, we want to make sure that we're thorough in it. It hasn't come before me since I've been here before, so that's why I just want to be thorough on it.

Ms. O'Daniel: I don't have a problem with that, it's just some terminology can be extremely confusing.

Commissioner Frangella: I agree.

Ms. O'Daniel: I want to make sure that this is completely cleared up and if anybody has any additional questions because I've done the research as well and we've hired environmental specialists that I may be able to help out in that regard. Thank you for listening.

My name is Michael Maloz, my address is also 11130 River Road. My wife and I own Shadow Properties which is the property she spoke of. Again, our reason for being here is this environmental issue keeps coming up here, the property is clear, plain and simple, that area is clear. Joey Murray had it cleared when he built those houses in Audubon Place. We're here to protect our interest because we have an investment, we have the property right next to this gentleman. Another question brought up earlier I'd like to address that were these people aware of the zoning behind this property. They were aware of the zoning but they were also told there would be an office building there. We realize the zoning could go either way, but when those people bought those properties they were told there was going to be an office building there, big insurance one thing, that's a big difference than some of the things Mr. Helm mentioned earlier. While we're not here in exact approval or acceptance or in support of, there's a lot of good things this guy is trying to do and I to protect our interest I just have to say those 2 things, so thank you for hearing me.

Commissioner Frangella: Thank you sir. Floor is open 2021-6-R

Good evening Commissioners, Paul Hogan, 222 Down the Bayou Road, former councilman. This property came up in front of us when I was on the council. If you all would give an approval, what I would recommend that you approve it conditional upon DEQ saying it's good, that way the hat is on them not on yall. Thank you.

Commissioner Petit: Mr. Hogan I don't think we can do that on a rezoning request, we can't put any stipulations correct Michael?

Mr. Albert: you can't put any stipulations on it, they can withhold voting on something requiring more information but it's not conditional.

Commissioner Frangella: Alright we'll close public hearing for 2021-6-R any other questions or comments from the Commission?

Commissioner Petit: I have a question now, thanks for the environmental clarification, that helps a lot. Now I have a question on the letter from Renton. It states that downzoning this to R-1B could negatively impact some of the existing businesses in M-1 because of the approximate distance between those current business activities and now a new residential house. Has the department done an analysis or do we know if that would negatively impact those businesses? Because that would be a big concern if changing these into residential lots would all of a sudden make one of these businesses viable.

Ms. Stein: Property value is not necessarily one of the criteria but criteria 2, criteria 3, criteria 1 all discuss compatibility

Commissioner Petit: Ok.

Ms. Stein: the future land use map is about compatibility in the future, criteria 2 is as the neighborhood would change to the point that the zoning doesn't allow a reasonable use considering the surrounding neighborhood. Criteria 3 asks will it overburden infrastructure and is it compatible, so no probably residents there would not overburden the infrastructure but again it's not compatible so when we talked about that in the analysis and report, financial considerations, no we don't do a financial analysis but we do think about the ability of these 2 types of uses of land to co-exist.

Commissioner Petit: Ok. Marny does that go deep into what each of these currently exist, like 104 Campus and 105 the lady and gentleman that just talked to us, what those businesses actually conduct. Do they have to be a certain distance?

Mr. Albert: I took your question differently. I think I was focusing on what you were asking. The business to the north if it were not there, it would have to do some things in locating next to residential, it's going to be there already, the ones across the street would not abut residential so they wouldn't have to do any specific buffer or anything. You're talking about the physical aspect of the site, are they going to have to do anything special because they're adjacent to residential?

Commissioner Petit: Are there operations at the site? Are any of them doing an activity that needs to be a certain distance?

Mr. Welker: In the M-1 zoning district there is a kind of buffering section that's common in commercial and multifamily where usually it's solid wood fence and 10 ft. landscape buffer. At the very least that would come into play, say if the M-1 property immediately adjacent, that building was completely demoed and they built something brand new, they would have to then do that if this was zoned residential. In the M-1 zoning district, I don't know the details off the top of my head, but there are a few things that are restricted or limited based on distance to residential or saying you can't put off certain odors, fumes, what not so something like that could be affected, but I don't believe that there's anything like that in the business park at the time, it's usually pretty intense stuff that you're trying to protect against.

Mr. Albert: In all fairness this is much smaller than Audubon was when it came in, but it's the exact same situation.

Commissioner Petit: This is a little bit closer like 100 and 104 but not necessarily the stuff. Thank you

Commissioner Frangella: Any more questions or comments? Call for the vote

YEAS: Ross, Petit, Schexnaydre, Keen Galliano
NAYS: Frangella
ABSENT: Dunn

Commissioner Frangella: That passes with Frangella voting nay. That will go to Council.