



ST. TAMMANY PARISH
 DEPARTMENT OF PLANNING
 P. O. BOX 628
 COVINGTON, LA 70434
 PHONE: (985) 898-2529
 FAX: (985) 898-3003
 e-mail: planning@stpgov.org

Kevin Davis
 Parish President

Appeal #1

THE PETITIONER OR ANY AGGRIEVED PERSON HAS TEN (10) DAYS TO APPEAL THE DECISION OF THE ZONING COMMISSION. APPEALS MUST BE FILED WITH THE ST. TAMMANY PARISH DEPARTMENT OF PLANNING. A COPY OF THE APPEAL REQUEST IS PROVIDED BELOW.

APPEAL REQUEST

DATE: 1-6-09

CP08-12-187 - Use: Non-Processing Waste Transfer Station

Zoning: M-2 (Intermediate Industrial) District
 Use Size: 10,500
 Petitioner: Jeffrey D. Schoen
 Owner: IESI LA Corporation
 Location: Parcel located at the end of Coastal Blvd, east of LA Highway 25, S20 ,T6S, R11E, Ward 3, District 2
 Council District: 2

We are hereby appealing to the St. Tammany Parish Council at its next appropriate regular scheduled meeting on the above referenced matter of an adverse decision of the St. Tammany Parish Zoning Commission.

This letter shall serve as official notice to put the above referenced matter on the Parish Council agenda.

Sincerely,

PLEASE PRINT NAME, MAILING ADDRESS AND PHONE NUMBER BELOW
 SIGNATURE

James Nesvill
 (SIGNATURE)

NW St. Tammany Councilman
PO Box 486
St Bernard La 70537

PHONE #: *624-7006*



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DATE: 1/7/09

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Sincerely,

PLEASE PRINT NAME, MAILING ADDRESS AND PHONE NUMBER BELOW
 SIGNATURE

 STEVE SMITH
 (SIGNATURE)

IT. STRAPS, ON
74525 OIL ROW
COV. LA. 70435
 PHONE #: 985-895-0080

PLANNING
 DEPT.
 JAN 07 2009
 RECEIVED



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APPEAL REQUEST

DATE: January 2009

(Reference Case Number)

CP08-12-187
IESI LA CORPORATION: Non-Processing Waste Transfer Station

* See Below

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Sincerely,

PLEASE PRINT NAME, MAILING ADDRESS AND PHONE NUMBER BELOW
SIGNATURE

(SIGNATURE)

JEFFREY D. SCHOEN

P.O. Box 1810

Covington, LA 70434

PHONE #: 985-892-4801

CP08-12-187 - Use: Non-Processing Waste Transfer Station
Zoning: M-2 (Intermediate Industrial) District
Use Size: 10,500
Petitioner: Jeffrey D. Schoen
Owner: IESI LA Corporation
Location: Parcel located at the end of Coastal Blvd, east of LA Highway 25, S20, T6S, R11E, Ward 3, District 2
Council District: 2

* Petitioner/Appellant is satisfied with the recommendation of the Zoning Commission but requests modifications with regard to the following "Conditions":

- 11. Garbage trucks shall make their last delivery to the facility in time to insure that last transfer truck leaves before 4:00 p.m.
- 14. Make reasonable efforts to remove of all remaining waste must occur every day, before closure of the facility.
- 15. The transfer station must be fully enclosed except the entry/exit points.
- 16. Retractable doors must remain closed at all time, except when trucks are coming to pick up and/or drop off.

Petitioner agrees to remove all waste from the site the same day of arrival, but no later than the next business day. Also, only the two (2) transfer trailer entry/exit points shall have retractable doors, which shall remain closed unless they need to be open to allow the

CONDITIONAL USE PERMIT STAFF REPORT

Meeting Date: January 6, 2008
Determination: Approved with staff comments

Date: December 22, 2008
CASE NO.: CP08-12-187
Prior Action: Tabled (12/02/08)
Posted: 10/12/08

PETITIONER: Jeffrey D. Schoen
OWNER: IESI LA Corporation
PROPOSED USE: Non-Processing Waste Transfer Station
PREVIOUS/CURRENT USE: Undeveloped
SQ. FT. OF USE: 10,500
GROSS AREA LOT SIZE: 11,082 Acres
ZONING CLASSIFICATION: M-2 (Intermediate Industrial) District
LOCATION: Parcel located at the end of Coastal Blvd, east of LA Highway 25 ; S20 , T6S, R11E; Ward 3, District 2

SITE ASSESSMENT

Road Surface: 2 lane asphalt

Condition: Good

ACCESS ROAD INFORMATION

Type: Private

LAND USE CONSIDERATIONS

Surrounding Land Use and Zoning:

Direction Land Use

North

Vacant & Industrial

South

Vacant

East

Undeveloped

West

Vacant

Zoning

M-2 (Intermediate Industrial), A- 2(Suburban), A-3 (Suburban) & SA (Suburban Agricultural) Districts

M-2 (Intermediate Industrial) District

M-2 (Intermediate Industrial) District

M-2 (Intermediate Industrial) District

Multi occupancy development? No

Existing development? No

STAFF COMMENTS:

Petitioner originally submitted a conditional use permit application for a Non-Processing Waste Transfer Station (CP06-11-199). Following the public hearing before the Zoning Commission, on November 8, 2006, the Zoning Commission approved the Conditional Use Permit, subject to Staff Comments and Staff Recommendations. Subsequently, a request for an extension of the previously approved Conditional Use Permit was placed on the Zoning Commission's February 6, 2008 and granted by the Zoning Commission. After a lawsuit was filed in October 2008, St. Tammany Parish was ordered by the court to rescind and cancel the conditional use permit (CP06-11-199), any extensions, as well as any permits issued pursuant to that conditional use permit.

The petitioner is now submitting a new application form requesting a Conditional Use permit for a Non-Processing Waste Transfer Station, on the same site. The operation will consist of waste being delivered to the site and transferred into a container, within the enclosed facility. No waste will be handled outside of the closed facility nor will it ever touch the ground/slab, as it is transferred from the truck to the containers. The containers are hauled each day or the next business day, to a registered landfill. No recycling and/or processing will be taking place on the site. A maximum of 6 garbage trucks (Coastal Waste Services) will be servicing the facility and a maximum of 4 employees will be working at the site. The facility will be open Monday to Saturday 6AM til 6PM.

It has been estimated that approximately 140-150 tons of garbage will be delivered the site each day. A maximum of 3 transfer trailers will remove the garbage from the site, each business day, and take it to a landfill (out of parish). The first transfer trailer will be going out early in the morning, and the other transfers (one or two) will be leaving early and/or mid-afternoon, but no later than 4:00 p.m.

As required, a traffic study has been provided, considering that the site exceeds 8 acres in size. After further review of the traffic study by the Engineering Department, the study shows that the development will not decrease the existing level of service "D" on Hwy. 25, and the intersection of Hwy. 25 and the access driveway (Coastal Blvd) will not operate below a level of service "D", as required by ordinance. Therefore, no traffic improvements will be required.

As stated under the M-2 (Intermediate Industrial) Zoning District, before a building permit can be issued by the Parish Department of Permits and Inspections, it is the responsibility of the applicant or owner of the property to provide written approval for construction or written verification from the Louisiana Department of Environmental Quality. Currently, the Louisiana Department of Environmental Quality does not issue permits for non-processing transfer stations. Pursuant to R.S. 33:509A(4), "Collection facilities and non-processing transfer stations at which no solid waste is processed or disposed of are not required to secure a permit. Note that written approval or notification from the Department of Environmental Quality must be provided before application for building permit.

Also, in accordance with St. Tammany Parish Code of Ordinances, Section 9-039.00 Pick-Up and Transfer Stations, a site-plot plan, engineering plans and a copy of the approved operational report submitted to the Department of Environmental Services, must be provided before the building permit can be approved. Note that the originally submitted documents including a new operational report will have to be resubmitted for further review, before permit to construct, establish and operate a non-processing transfer station can be issued.

While located near existing industrial uses, the proposed facility is located immediately adjacent to residentially zoned property along its northern property line. The subject property is also located within 900' of St. Gertrude Subdivision with the dirt pile being placed on the property to elevate the facility visible from some backyards.

Staff is definitely concerned with the anticipated noise from the facility and the potential impact on the air quality. After further research it appears that potential emissions of dust and odors from on-site operations can be reduced by improving the design the facility. However even if the design of the facility is improved and all the wastes are removed before closure of the facility, on a daily basis, the odor produced by the facility could have a negative impact on the quality of life of the nearby residences. The potential for any odors generated by the facility is exacerbated by the fact that most nearby residences, particularly along St. Gertrude Road, are located north of the proposed use. According to the National Oceanic and Atmospheric Administration "Climatic Wind Data for the United States" (Nov. 1998) the prevailing winds in southeast Louisiana are from the south during the eight months from May through December placing the nearest residences down wind of the facility for 2/3 of the year.

Also, transfer stations are typically loud operations. Trucks may drop loads onto the concrete tipping floors while they are still encased in a steel dumpster. The force of these drops can cause adverse vibration to the nearby structures located along St. Gertrude Road and the residences along River Road. Finally, even if the proposed facility is directly abutting industrially zoned properties, most of the abutting industrial businesses are conducted in enclosed buildings, which do not create any danger to health and safety in surrounding areas which do not create any offensive noise, vibration, smoke, dust, lint, odor, heat or glare.

STAFF RECOMMENDATIONS:

The staff recommends denial of this proposal.

If the Commission wishes to recommend approval, it should be subject to all applicable regulations and the following conditions:

1. Provide an elevation plan. Note that the building must not exceed 45'.
2. All buildings must be located 200' from the property line. The facility is located closer than 200' from the south property line. However, as required, a Notarized Affidavit has been provided from the abutting property owner, allowing the reduction of the required 200' setback.
3. Provide a copy of the notification from the Louisiana Department of Environmental Quality & a revised operational report to the Department of Environmental Services.
4. There should be no access to the facility to the general public or other garbage pick up providers. Facility must have control measures that prevent unauthorized ingress or egress during business hours and after the facility is closed.
5. The hours of operation must be limited to 6AM til 6 PM, Monday to Saturday.
6. No processing, sorting or recycling of the garbage, on the site.
7. Disposal and/or permanent storage of Hazardous Waste are prohibited on the site. (as defined in the Louisiana Statute 30:1133)
8. Landfills for the disposal of hazardous and/or toxic substances are prohibited on the site.
9. All transfer operations must be taking place inside the building.
10. A maximum of 6 garbage trucks will be servicing the facility.
11. Garbage trucks shall make last delivery to the facility in time to ensure that last transfer truck leaves before 4PM.
12. 1 employee on site at all time, with responsibility to pick up any garbage on the site and wash down the transfer building on a daily basis.
13. Containment system must be installed for washdown water. No water shall enter the retention ponds or drainage system.
14. Make reasonable efforts to remove of all remaining waste must occur every day, before closure of the facility.
15. The transfer station must be fully enclosed except the entry/exit points.
16. Retractable doors must remain closed at all time, except when trucks are coming to pick up and/or drop off.
17. An independent firm shall be engaged to provide rodent and insect control. Control Plan must be submitted and approved by Staff.
18. Odor - Odorous matter released from any operation or activity in a M-2 District shall not exceed the odor threshold concentration beyond lot lines, measured at ground level or habitable levels.
19. Water Quality - No industry shall emit harmful substances into a waterway or water disposal system, in compliance with the Federal Water Pollution Control Act and Louisiana Water Control Law.
20. Noise - No industry shall emit noise level above 70 decibels (dB-A) at the lot boundary line measured at ground level or habitable elevation. Applicable measurement standards shall be taken by an independent lab institute at the expense of the applicant or legal property owner.
21. Fire and Explosive Hazards - All uses in a M-2 District shall comply with the applicable standards set forth in the rules and regulations of the State Fire Marshall.
22. Radiation - No operation in a M-2 District involving radiation hazards shall be conducted which violates the standards of the Nuclear Energy and Radiation Control Law regulated by the Louisiana Department of Environmental Quality.
23. All loads coming in and out of the facility must be secured: load of material must be tied, tarped, secured or covered in the vehicle in a manner that will prevent any material from leaving the vehicle while the vehicle is in motion.
24. Containers shall provide complete containment of waste, thereby preventing litter, discharges, odor, and other pollution of adjoining areas.
25. All facility records shall be maintained and available for inspection within 24 hours of request.
26. The property owner shall be responsible for the maintenance and the replacement of the required plant materials.
27. During construction, planting or open ground areas surrounding preserved trees shall be wired off with a properly flagged, reinforced & rolled wire mesh.
28. Provide an exterior lighting plan so all exterior lighting shall be shaded or inwardly directed in such a manner so that no direct lighting or glare is cast beyond the property line. The intensity of such lighting shall not exceed one foot candle as measured at the abutting property line. Outdoor lighting illumination shall follow the recommended guidelines for the luminescence as established in the IESNA Lighting Handbook.

NOTE TO PETITIONER

There is a 10 day appeals period following the Zoning Commission decision. If the request is approved, permits will not be issued until this 10 day period has elapsed. The petitioner shall have one year to obtain the appropriate building permits or occupy the site from the date of approval of the St. Tammany Parish Zoning Commission, unless otherwise stipulated by the St. Tammany Parish Zoning Commission.

APPENDIX A
CASE NO.: CP08-12-187

LANDSCAPE CHART
FOR COMMERCIAL/INDUSTRIAL/INSTITUTIONAL/MULTI-FAMILY USES ONLY

Affected Area	Minimum Requirements	Petitioner Provided	Staff Recommends
Street Planting 82 ft.	200' building setback 35' planting area 3 Class A 3 Class B 8 Shrubs	35' planting area	Provide 3 Class A & 3 Class B trees & 8 Shrubs
North Perimeter Planting 742.99 ft.	200' building setback 25' planting area 24 Class A 24 Class B 8' opaque fence	50' planting area 24 Class A 24 Class B	Provide an 8' opaque fence where abutting residential
East Perimeter Planting 559.09 ft.	200' building setback 10' planting area 19 Class A 19 Class B	10' planting area Existing trees to remain	As petitioner proposes
South Perimeter Planting 1025 ft.	200' building setback 10' planting area 35 Class A 35 Class B	10' planting area 35 Class A 35 Class B	As petitioner proposes
Parking Planting 10 Spaces Required, 8 Spaces Provided	1 Class A in island at the end of each row	1 Class A in island at the end of each row	Provide 2 additional parking spaces

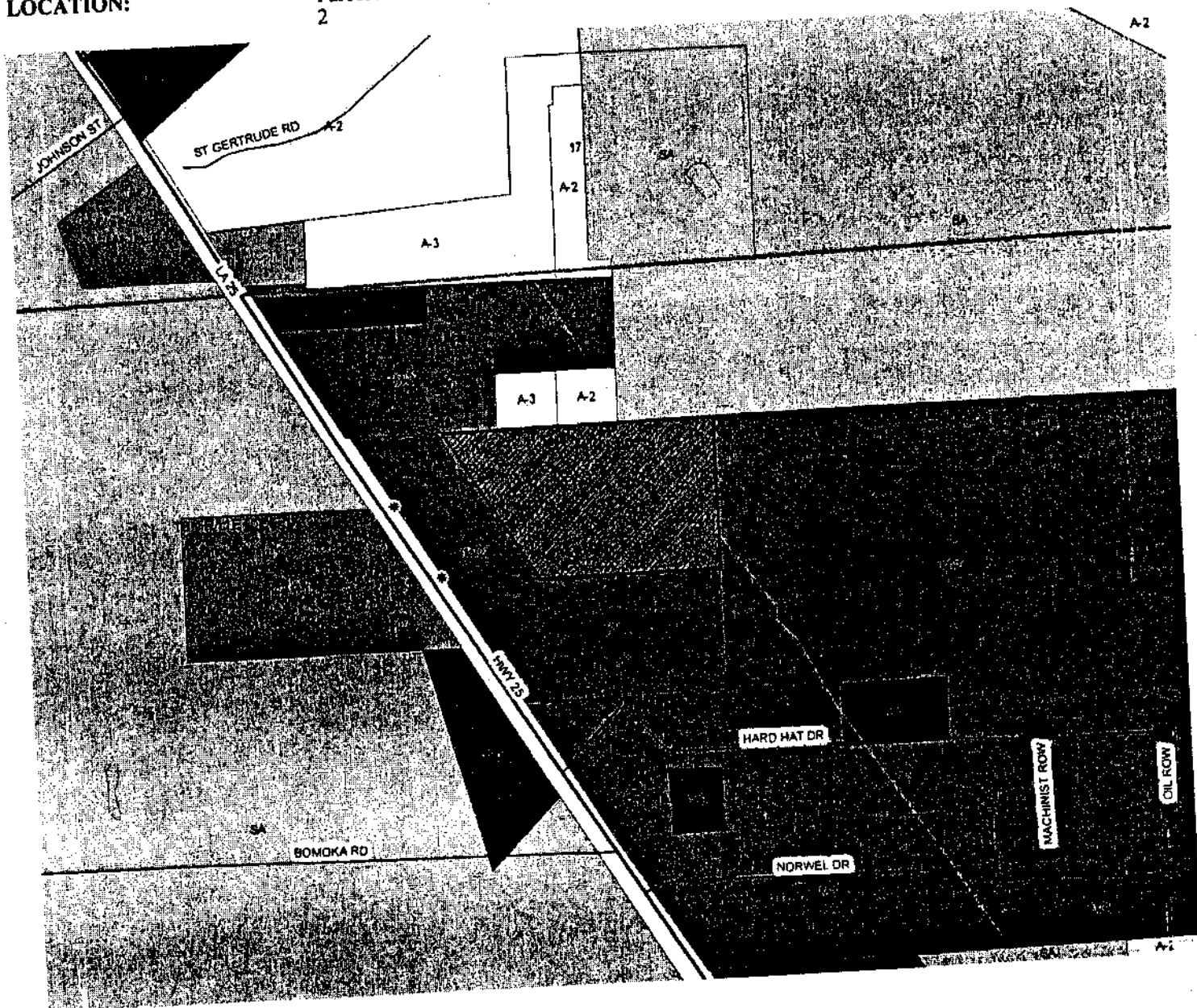
Other Considerations:

Hours of Operation: 6AM til 6PM Monday to Saturday

Number of Employees: 10

CASE NO.:
PETITIONER:
OWNER:
PROPOSED USE:
PREVIOUS/CURRENT USE:
SQ. FT. OF USE:
GROSS AREA LOT SIZE:
ZONING CLASSIFICATION:
LOCATION:

CP08-12-187
Jeffrey D. Schoen
IESI LA Corporation
Non-Processing Waste Transfer Station
Undeveloped
10,500 sq.ft.
11.082 Acres
M-2 (Intermediate Industrial) District
Parcel located at the end of Coastal Blvd, east of LA Highway 25 ; S20 ,T6S, R11E; Ward 3, District
2



* Indicates location where property was posted

CR08-12-187

PLANT LIST

NO.	SYMBOL	DESCRIPTION	QUANTITY	SIZE	TYPE	NOTES
1	○	4" PVC SCHEDULE 40	100	4"	PIPE	FOR TRUNK LINE
2	○	2" PVC SCHEDULE 40	200	2"	PIPE	FOR BRANCHES
3	○	1" PVC SCHEDULE 40	400	1"	PIPE	FOR BRANCHES
4	○	1/2" PVC SCHEDULE 40	800	1/2"	PIPE	FOR BRANCHES
5	○	3/4" PVC SCHEDULE 40	400	3/4"	PIPE	FOR BRANCHES
6	○	1" PVC SCHEDULE 40	200	1"	PIPE	FOR BRANCHES
7	○	1/2" PVC SCHEDULE 40	400	1/2"	PIPE	FOR BRANCHES
8	○	3/4" PVC SCHEDULE 40	200	3/4"	PIPE	FOR BRANCHES
9	○	1" PVC SCHEDULE 40	100	1"	PIPE	FOR BRANCHES
10	○	1/2" PVC SCHEDULE 40	200	1/2"	PIPE	FOR BRANCHES
11	○	3/4" PVC SCHEDULE 40	100	3/4"	PIPE	FOR BRANCHES
12	○	1" PVC SCHEDULE 40	50	1"	PIPE	FOR BRANCHES
13	○	1/2" PVC SCHEDULE 40	100	1/2"	PIPE	FOR BRANCHES
14	○	3/4" PVC SCHEDULE 40	50	3/4"	PIPE	FOR BRANCHES
15	○	1" PVC SCHEDULE 40	25	1"	PIPE	FOR BRANCHES
16	○	1/2" PVC SCHEDULE 40	50	1/2"	PIPE	FOR BRANCHES
17	○	3/4" PVC SCHEDULE 40	25	3/4"	PIPE	FOR BRANCHES
18	○	1" PVC SCHEDULE 40	12.5	1"	PIPE	FOR BRANCHES
19	○	1/2" PVC SCHEDULE 40	25	1/2"	PIPE	FOR BRANCHES
20	○	3/4" PVC SCHEDULE 40	12.5	3/4"	PIPE	FOR BRANCHES

GENERAL NOTES

1. ALL PIPING TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE M.P.I.C. CODES.
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LANDSCAPE SITE CALCULATIONS

Plant area: 11 sq. ft.

Plant spacing: 10' x 10'

Plant density: 1 plant per 100 sq. ft.

Plant quantity: 11 plants

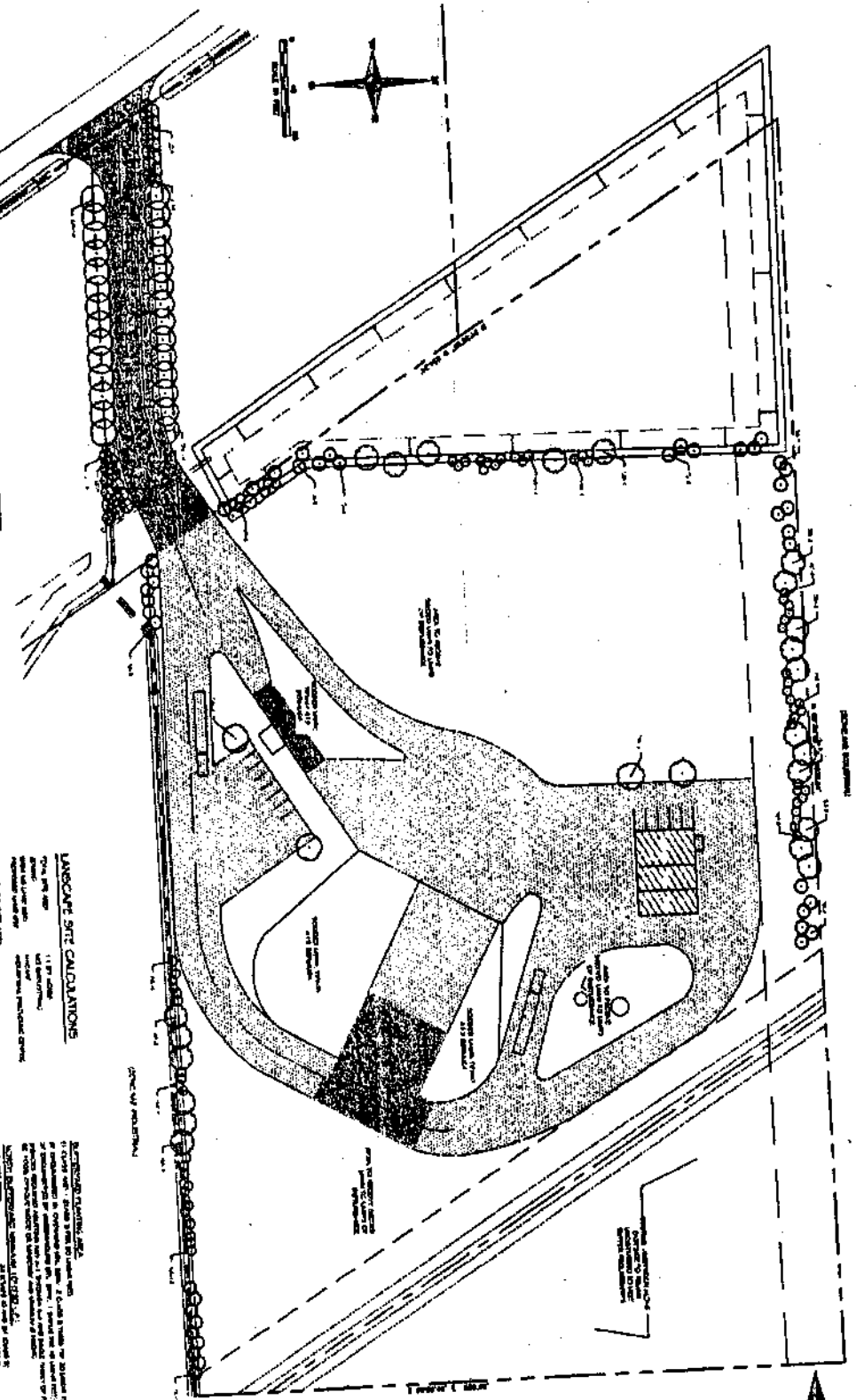
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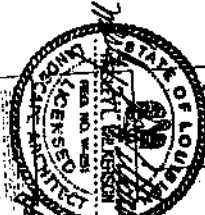
NOTES TO CONTRACTOR

1. ALL PIPING TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE M.P.I.C. CODES.
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REVISIONS

NO.	DATE	DESCRIPTION
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NEW OFFICE WAREHOUSE BUILDING FOR
IESI WASTE TRANSFER STATION

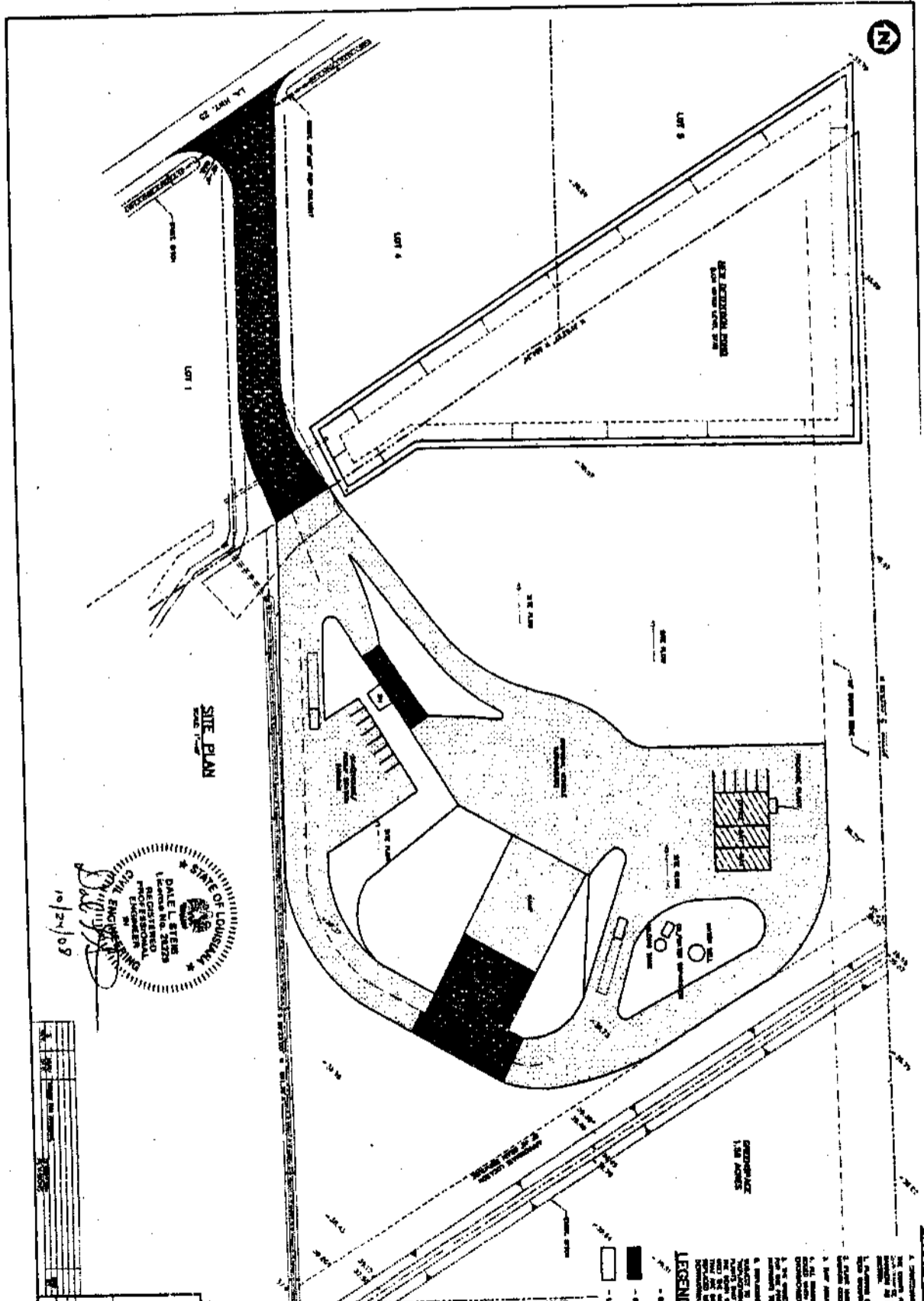


DESIGN: KERRILL, TAYLOR & ASSOCIATES, INC.



Sheet No. 10-1-19

C708-12-187



SITE PLAN

STATE OF LOUISIANA
 DALE STEIN
 LICENSE NO. 28278
 REGISTERED PROFESSIONAL ENGINEER
 CIVIL ENGINEERING
 10/24/08

NO.	DATE	DESCRIPTION
1	10/24/08	ISSUED FOR PERMITTING

CONNECTION, LA
GRSA-SIGMA
 (ENGINEERS AND ARCHITECTS)
 OCTOBER 27, 2008
 NEW ORLEANS, LA
 TRANSMISSION STATION
 PROPOSED SITE PLAN

ISSUED FOR PERMITTING

LEGEND:
 - EXISTING CONCRETE DRIVEWAYS
 - EXISTING PAVEMENT
 - EXISTING GRAVEL OR GRAVEL CONCRETE DRIVEWAYS

1. THE OWNER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ENGINEER.
 2. THE ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE OWNER.
 3. THE ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE PERMITTING AGENCY.
 4. THE ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE PERMITTING AGENCY.
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 9. THE ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE PERMITTING AGENCY.
 10. THE ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE PERMITTING AGENCY.

AFFIDAVIT

STATE OF LOUISIANA §

PARISH OF *St. Tammany* §

BEFORE ME, the undersigned authority, on this day appeared CHRISTOPHER JEAN, in his capacity as managing member of Cat-4, LLC, a Louisiana limited liability company, who being by me first duly sworn, deposed and stated under oath as follows:

1. My name is CHRISTOPHER JEAN. I am over the age of eighteen (18) years, of sound mind, and am competent to make this Affidavit. I am currently the managing member of Cat-4, LLC, a Louisiana limited liability company (the "Company"). I make this Affidavit to provide the Louisiana Department of Environmental Quality proof of consent pursuant to Section 33:VII.508.B of the Louisiana Administrative Code.

2. The Company is an adjacent property owner of that certain parcel of real property with the legal description Lot 2 of Section 20, T-6-S, R-11-E in St. Tammany Parish, Louisiana, and currently owned by IESI LA Landfill Corporation, a Delaware corporation.

3. As managing member, for and on behalf of the Company, the Company has given permission and waiver, and do hereby give permission and hereby waive that certain requirement that the buffer zone, as required by the above referenced Louisiana Administrative Code provision, be present between the facility located on the property and the property line, and hereby consent to any reduction in said buffer zone as is necessary for IESI LA Landfill Corporation's operations.

[Signature]
Christopher Jean

Sworn and subscribed to before me this
18th day of *July*, 2008.

[Signature]
Notary or other officer authorized to administer oaths

MARLENE C. BAJON
My commission expires **NOTARY PUBLIC - ID # 80976**
Parish of St. Tammany, State of Louisiana
My commission is issued for Life



APPENDIX A
CASE NO.: CP08-12-187
LANDSCAPE CHART

FOR COMMERCIAL/INDUSTRIAL/INSTITUTIONAL/MULTI-FAMILY USES ONLY

Affected Area	Minimum Requirements	Petitioner Provided	Staff Recommends
Street Planting 82 ft.	200' building setback 35' planting area 3 Class A 3 Class B 8 Shrubs	35' planting area	Provide 3 Class A & 3 Class B trees & 8 Shrubs
North Perimeter Planting 742.99 ft.	200' building setback 25' planting area 24 Class A 24 Class B 8' opaque fence	50' planting area 24 Class A 24 Class B	Provide an 8' opaque fence where abutting residential
East Perimeter Planting 559.09 ft.	200' building setback 10' planting area 19 Class A 19 Class B	10' planting area Existing trees to remain	As petitioner proposes
South Perimeter Planting 1025 ft.	200' building setback 10' planting area 35 Class A 35 Class B	10' planting area 35 Class A 35 Class B	As petitioner proposes
Parking Planting 10 Spaces Required, 8 Spaces Provided	1 Class A in island at the end of each row	1 Class A in island at the end of each row	Provide 2 additional parking spaces

Other Considerations:

Hours of Operation: 6AM til 6PM Monday to Saturday

Number of Employees: 10