

**JOINT LAND USE STUDY IMPLEMENTATION
NAS JRB NEW ORLEANS**



---MEETING MINUTES---

Technical Group Meeting

June 24, 2014, 4:00pm – 5:30pm

Plaquemines Parish Library, 8442 Louisiana 23, Belle Chasse, LA

Participants:

- Diana Alfortish | Pivach Real Estate
- Allen Hero | Hero Lands Co.
- Bruce Keller | NAS JRB New Orleans
- Jim Woodard | PPG, Planning, Zoning and Permitting Board
- Terri Wilkinson | Jefferson Parish Planning
- Suzanne Farrar | Stonebridge Neighborhood Association
- Ken Dugas | PPG Engineer
- Belinda Hazel | PPG Assessor's Office
- Bonnie Buras | Realtor, Coldwell Banker TEC Realtors

Absent:

- Tiffany Scot Wilken | JP, Director of Code Enforcement
- Michael Stack | LaDOTD
- Nancy Fridge | Pleasant Ridge Estates Neighborhood Association
- Robert Spears | PPG, GIS Dept
- Leo Palazzo | PPG, Parish Attorney
- Jeff DiMarco | PPG, Planning, Zoning and Permitting Board
- Todd Eppley | PPG, Planning, Zoning and Permitting Board
- Hilda Lott | PPG
- Ametra Rose | PPG, Planning, Zoning and Permitting

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- Tyler Antrup | GCR Inc.
 - Michael Lauer | PlanningWorks

Discussion:



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RE: June 24, 2014 Technical Committee Meeting Minutes [DRAFT]

1) Review and approve meeting minutes from 5/7/14

T. Antrup asked the committee to review the minutes from the May 7, 2014 meeting. B. Keller asked if the documents for review at this meeting reflected the changes that were suggested at the May 7th meeting. T. Antrup confirmed. On the motion of A. Hero and a second by D. Alfortish the minutes were approved without opposition.

2) Review of most recent MIPD Overlay Draft

M. Lauer asked the group to look at the most recent draft of the MIPD Overlay for discussion. B. Keller stated that he had prepared some written comments and asked if he should share them. M. Lauer replied that the group would go through the entire document line-by-line and his comments could be shared that way. D. Alfortish asked that the group look to section 1(d) and noted that she appreciated all of the work that's been done to take comments into consideration, but that she still feels like the document is attempting to restrict the use of land, clarifying that using the phrase "reasonable use" still reflects a diminished use of property. B. Keller noted that he generally agreed but it would only regulate a few things though, not the actual land use. M. Lauer asked if the sentence was changed to read "allows for the reasonable use of private property." D. Alfortish replied by asking what "reasonable" means and stated that if the Navy doesn't want things happening on the property, they should buy it.

B. Keller gave a brief overview of the ability of local governments to regulate land uses in the interest of the health and welfare of their communities adding that the Louisiana constitution empowers local communities to regulate private property. D. Alfortish replied that she understands that the government is allowed to do it, but still feels like this process is a way for the base to take property without purchasing it. She further explained that she is still concerned that this process will affect almost the entirety of Belle Chasse and is scared of opening the door in case it just keeps expanding. B. Keller stated that governments say they want land use regulations and property owners say they don't and it will go back and forth. M. Lauer asked if there was a change that could be made to section 1(d) that could act as a counterpoint to land use regulations. D. Alfortish replied, "to allow for the use of private property that would benefit the military and the community." Adding that she prefers statements that are clear, without any ambiguity.

M. Lauer asked if the group had any objections with section 3 regarding the creation of the subdistricts. There was a general discussion about the necessity of the subdistricts, but M. Lauer explained that the land use portion was now only advisory. He then explained the options available to the group in section 4 and how option 1 regarding conditions to rezoning may cause potential conflicts with the way Jefferson Parish works with reference to conditional zoning. T. Wilkinson explained how Jefferson Parish handles zoning. He then addressed option 2 which would allow the parish council to consider property owner's voluntary deed restrictions to limit incompatible uses. D. Alfortish stated that she felt that this clause would lead to further restrictions down the road. T. Wilkinson explained that Jefferson Parish is never a party to a private deed restriction but also said that if a property owner voluntarily offered to do it that would be fine. D. Alfortish replied that the parish already takes concessions in exchange for zoning approval and preferred that the option be removed from the document. She further reiterated her concern that writing this process into an ordinance would only lead to more regulations in the future.

M. Lauer then offered that the third option would be to strike section 4(c) in its entirety. There was no objection to removing section 4(c). J. Woodard then asked about section 4(b) and the way the



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statement is worded and the group agreed to change the language to emphasize the land owner's ability to use the tables for their own informational purposes.

M. Lauer then moved on to section 4(d) and pointed out that B. Keller had suggested adding noise back into 4(c)iii. M. Lauer asked if there was any objection to adding "and/or noise" to section 4(c)iii. D. Alfortish asked if he would ask if anyone objected to the entire paragraph. A. Hero replied that it was only meant for guidance. B. Keller expressed consideration for what a big change the parish would be going through if the MIPD Overlay would be adopted, but also that the document would need to work. D. Alfortish said that it is difficult to be asked as a group if they object to something if they're not sure what they're objecting to, especially if they've been told it would apply only to height and light and other factors but land use is still included. M. Lauer asked if the group thought that the land use component should be removed completely or if it should still be included only in an informational way. D. Alfortish replied that she liked B. Keller's suggestion to alter it to address only height, light, and electronic interference. B. Keller suggested that the group set aside the entire MIPD Overlay for the time being and begin to discuss what the group is willing to regulation to build it back up. M. Lauer agreed that that could be done relatively quickly.

He then asked if there was any objection to including the height restrictions based on the conical projections, there was none. He also asked if there was any objection to the lighting restrictions. D. Alfortish asked for clarification that it didn't mean no lighting, just that the lights aren't pointing up to blind the pilots. M. Lauer agreed and there was no objection from the group. M. Lauer also addressed the electronic interference memo he had sent out. T. Wilkinson then pointed out that the draft also included steam and smoke. D. Alfortish asked how that is defined and he clarified that it would pertain to smokestacks and other heavy smoke and steam uses. D. Alfortish then asked if it could be defined so it was specific about what was being restricted. A. Hero commented that there are many air quality restrictions for constructing new chimneys and smokestacks. M. Lauer replied that he wanted to go over the electronic transmission interference. He then outlined how when a new tower or satellite dish were installed there would typically be a permit filed at the parish. A. Hero commented that typically this kind of approval would go through the FCC and the parish wouldn't know what to do with any technical requirements. M. Lauer replied that it would just direct the permitting office if a tower or satellite or similar project came through they would just put the applicant in touch with the base so they could sort it out. B. Hazel asked if it would apply to the whole parish and it was clarified that it would only apply to the MIPD. J. Woodard asked how it would work logistically in terms of figuring out which applications to send to the base. M. Lauer clarified that any application that would have to do with communications would just get passed on to the base to figure out if it's a problem. There was then a general discussion about how the base is currently notified of any new communications projects and B. Keller explained that he has not had to deal with such an issue yet.

T. Wilkinson then brought up a thought that with the limited scope of a potential new draft that only addresses the specific height, light and other metrics wouldn't necessarily rise to the level of an overlay district and it could just be included as an amendment in the existing zoning ordinance. M. Lauer expressed that the remaining document would include a few pages of very specific requirements which would end up being a very simple to implement overlay district. He also asked again if the land use tables should be included for informational purposes. There was a general discussion about the feasibility of implementing the MIPD as an overlay. T. Wilkinson discussed the way the approval process might work in Jefferson Parish for the MIPD overlay and MOU and expressed her support for an MOU but that the MIPD overlay may not work for Jefferson Parish. M. Lauer then pointed out that the way that the way the MIPD is going with only addressing height and



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light and the other metrics that it could just be incorporated into the MOU. D. Alfortish then asked if height and light was important in all MIPD subdistricts or if it could be reduced. B. Keller replied that the MIPD is the airspace that they fly in, so it would all be important. D. Alfortish clarified that it is not only inside APZ 1 and 2. B. Keller replied that those are only for accident potential and the others are primarily for noise. D. Alfortish then asked why they are still included if noise is not being included. B. Keller explained that some of what is being considered protects the pilots and some protect the citizens below and the height and light address the pilots and plane safety. D. Alfortish still questioned why the MIPD 4 and 5 are included if noise is not considered. T. Antrup addressed the conical projection map which would set the height limits throughout the district at varying levels. A. Hero stated that the districts could be eliminated and it could just be one single district. D. Alfortish expressed that including areas that may not be necessary could lead to more restrictions in those areas. She asked if the conical projections applied to the MIPD subdistricts 4 and 5. M. Lauer replied that it would likely only restrict very tall towers but they would have limits. He again asked if there were objections to stripping land use information from the document. B. Keller replied that the land use component is the whole point of this process even if it's only advisory. D. Alfortish replied that the base would have to do the same thing everyone else does by appearing at zoning meetings to object. B. Keller stated that he feels that process is not formal enough. T. Wilkinson stated that the MOU completely covers all the formal aspects of notifications. D. Alfortish stated that she thought the group wasn't talking about the MOU anymore. T. Wilkinson said she was also confused with why notifications were being included in the MIPD as well, that it deludes the independent purposes of each document.

There was then some confusion about whether the group was discussing the MOU or the MIPD overlay district. T. Antrup clarified that the meeting has discussed how the MOU and MIPD overlay could work together, but had not begun to discuss the MOU in earnest. He then asked the group if they could come to a quick agreement about a revised MIPD overlay as this was intended to be the last technical committee meeting in the interest of time. He suggested that M. Lauer over the next few weeks would put together a revised MIPD overlay addressing only lighting, height, smoke/glare (with specifics) and electronic interference and the group could give their approval for movement to the Policy committee via email. B. Keller expressed concern and also stated that he thought the group had made great progress in building the document back up from where the meeting started. He also expressed that the MIPD Overlay could be eliminated but that the technical officials at the planning office and others need some kind of guidance that they can work with. M. Lauer then asked if they should include the notifications portion in the ordinance. J. Woodard stated that the notifications process is key because then the base could comment directly to the zoning board on any issues that concerned them. B. Keller stated that it would be ideal if the land use tables would appear in the ordinance but he understands that if the community is not willing to accept that at this time it would have to be that way. T. Wilkinson further stated that the table is still essentially included in the MOU, it is just up to the base to use it, not on the planning officials.

D. Alfortish again questioned the size of the MIPD area. T. Wilkinson replied that it was very much based on science off of the process taken in the last JLUS process. D. Alfortish stated that she didn't understand how the JLUS process could produce the maps and lay out the zones but then build dense housing close by on base. T. Antrup expressed that the group should wrap up on the MIPD overlay as the meeting was approaching 2 hours. He then asked for clarification that B. Keller had stated that he was willing to let the MIPD overlay go as long as the MOU could continue. B. Keller stated that what it comes down to is where the community is willing to go in 2014. M. Lauer stated that he felt that the group had agreed to an MIPD overlay that didn't include land use. A. Hero and D. Alfortish



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both agreed. T. Antrup then suggested that M. Lauer could prepare the MIPD Overlay based on the group's feedback and the group could meet again in about 2 weeks to discuss the revised document and the MOU. B. Hazel asked about T. Wilkinson's concerns about the overlay. T. Wilkinson stated that she felt that politically it would be difficult to get an overlay passed, but that if there is support from the land owners and the committees that it might. She also said that they feels that the MOU would be the best way to get a lot of the things the committee has discussed. D. Alfortish stated that she thought the MOU would only apply to height, light and other things specifically but not land use. It was determined that there was confusion about which document was being discussed at the beginning of the meeting. T. Antrup clarified the purpose of the MOU and suggested that the committee meet again to discuss it as the effectiveness of the meeting was degrading.

D. Alfortish expressed concerns with the MOU language referring to the use of land being up to the base.

3) Next Steps

T. Antrup committed to producing a revised MIPD overlay that addresses height, light, electronic interference and specific smoke/steam in a single MIPD district. Additionally, a slightly altered MOU based on comments from the committee as well as some real estate disclosures that were suggested by D. Alfortish for the real estate disclosure and purchase agreement forms. B. Keller asked if there was a local organization that would support the real estate disclosures. D. Alfortish and B. Buras clarified that the state board would just need to add it. It was then agreed to push back the policy committee meeting and to hold the final technical committee meeting on July 15th.

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Name	Organization	Email
Tyler Arthur	GCB INC	
Maris C. Taylor	PPG Legal	
Devin C. Gooden	PP Zoning Board	
Allen Street	HERO LANDS Co.	
Liam Capri	Pivach Real Estate	
BRUCE KILMER	NAS JRB NEW ORLEANS	
Doraine Dunne	Qualtrics	
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