On motion of Mr. Johnston, seconded by Ms. Lee-Sheng, the following ordinance was offered:

SUMMARY NO. 25089 ORDINANCE NO. 25678

An ordinance submitted under Docket No. FL-5-17 approving the establishment of a Special Permitted Use facility for the storage, processing, packaging, and canning of petroleum lubricants and additives with variances to the spacing requirements for Safety-Kleen Systems, Inc. located at 2900-3000 Airline Dr., bounded by Labarre Rd., Lausat St., and Causeway Blvd., zoned M-1 Industrial District. (Council District 2)

WHEREAS, Safety-Kleen Systems, Inc. has petitioned to establish a Special Permitted Use to store, process, package, and can petroleum lubricants and additives with variances to the spacing requirements for Safety-Kleen Systems, Inc. located at 2900-3000 Airline Dr., on Lot D-1 and an undesignated portion of land (Proposed Lot D-1A), Lot D-2, and Lot D-3, Harlem Subdivision, Jefferson Parish, LA bounded by Labarre Rd., Lausat St., and Causeway Blvd.; and

WHEREAS, though the M-1 Industrial District does not allow the processing, refining or bulk storage of flammable and combustible liquids, as the petitioned property has continuously operated as an industrial site since at least 1946, the tank/oil storage, storage of petroleum lubricants and additives, processing limited to blending and compounding, packaging and canning, and warehousing services including loading operations and transfer of product for automotive and industrial lubricants is considered a legal non-conforming use on the site; and

WHEREAS, as a use that entails the processing, refining, or bulk storage of flammable and combustible liquids as defined by National Fire Protection Association Flammable and Combustible Liquids Code (NFPA 30), the Safety-Kleen facility is subject to the regulations set forth in Ch. 13, Fire Prevention and Protection, Article VIII, Processing or Storage of Hazardous Materials in Bulk, which requires a Special Permitted Use; and

WHEREAS, Chapter 40, Zoning, of the Jefferson Parish Code of Ordinances, Article XXXI, Industrial District, M-2, Section 40-582(31), Permitted Uses and Article XL Special Permitted Uses, requires that approval be obtained from the Jefferson Parish Council in accordance with Article XL; and

WHEREAS, as an existing facility, the existing tanks do not meet the tank spacing and setback requirements of the M-2 and require a variance to the spacing requirements; and

WHEREAS, in deliberating on the application of Safety-Kleen Systems, Inc., the Council finds that because of the facility's unique characteristics and potential impacts on adjacent land uses, this special permitted use can satisfy the General Criteria of Sec. 40-762 under appropriate standards and conditions set forth in this ordinance and on the master site plan; and

WHEREAS, these standards and conditions aim to ensure that the Safety-Kleen Systems, Inc. facility can be appropriately accommodated on Lots D-1A, D-2, and D-3; that it will conform to the Comprehensive Plan; that it can be operated in a manner that is compatible with the surrounding and nearby land uses and overall character of the community; and that the public interest, health, safety, and general welfare will be promoted; and

WHEREAS, the Planning Director of this Parish has caused to be duly advertised, as prescribed by law, a public hearing of the special permitted use of said lots under Docket No. FL-5-17; and

WHEREAS, a public hearing was held by the Planning Advisory Board, in accordance with the law:

NOW, THEREFORE, THE JEFFERSON PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Special Permitted Use (SPU) for tank/oil storage, storage of petroleum lubricants and additives, processing limited to blending and compounding, packaging and canning, and warehousing services including

loading operations and transfer of product for automotive and industrial lubricants for the Safety-Kleen Systems, Inc. facility, including the requested variance to the tank spacing and setback requirements, be and is hereby approved subject to the following standards and conditions.

1) That Safety-Kleen Systems, Inc. shall take whatever measures are necessary to control odors from any and all processes, structures, vessels, and vehicles, including during truck loading and unloading operations. These odor control measures shall be in accordance with measures described in the Odor Identification and Control Plan submitted by Safety-Kleen, dated October 8, 2018, and approved by the Jefferson Parish Department of Environmental Affairs, as amended thereafter with approval of the Department of Environmental Affairs; and in accordance with such measures as may hereafter be imposed as set forth below. If at any time during an interval of six consecutive months, Jefferson Parish or the Louisiana Department of Environmental Quality (LDEQ) confirms six (6) or more separate odor incidents attributable to Safety-Kleen, the company shall take measures to prevent further odors as required by Jefferson Parish. For the purposes of this ordinance, an incident shall be limited to the twenty-four (24) hour period, i.e., the period of twenty-four (24) consecutive hours, immediately following the manifestation of an odor incident; an incident persisting beyond the twenty-four- (24-) hour period shall be a separate incident. Any action taken will be at the approval of the Jefferson Parish Departments of Hazardous Materials, Environmental Affairs, and the Eastbank Consolidated Fire Department;

2) That Safety-Kleen Systems, Inc. shall take whatever measures are necessary to prevent and control the risk of fire and fire damage resulting from its use of the facility. These fire prevention measures shall be in accordance with measures described in the Fire Protection Narrative submitted by Safety-Kleen, dated August 23, 2018 and approved by the Eastbank Consolidated Fire Department, as amended thereafter with approval by the Eastbank Consolidated Fire Department. Fire prevention measures shall include but not be limited to:

a. A third party 24-hour monitored fire and smoke detection system for all locations on the property. This coverage will include all interior and exterior locations.

b. Two trailers that will contain 1000 gallons of 3% AFFF concentrate. The trailers will have both a fixed monitor and two 150 foot hand lines.

c. A service vehicle available to move the trailers.

d. A lightning strike protection system for the entire property.

This system shall be installed and its operation demonstrated to the Jefferson Parish Department of Hazardous Materials and Eastbank Consolidated Fire Department within one (1) year of the effective date of this ordinance. Demonstration of the fire protection system operation shall be verified by the Jefferson Parish Department of Hazardous Materials and Eastbank Consolidated Fire Department with each two (2) year SPU renewal.

SECTION II. That the Eastbank Consolidated Fire Department may enter into a “Mutual Fire Fighting Assistance Agreement” with Safety Kleen Systems, Inc. regarding certain features of the approved Fire Protection Narrative, namely the availability of the Foam Fighting trailers for use by the Eastbank Consolidated Fire Department as needed elsewhere in the parish, and the training of one or two Eastbank Consolidated Fire Department firefighters each year in fighting flammable and combustible liquid fires.

SECTION III. That the Site Plan prepared by Gandolfo Kuhn, LLC identified as Site Plan of the Metairie Facility of Safety-Kleen, Sheet 1 of 2 and Sheet 2 of 2, last revised August 22, 2018, be and is hereby approved and accepted subject to the following condition: within 60 calendar days of the approval of this ordinance, Safety-Kleen shall submit to the Jefferson Parish Planning Department a revision to the Site Plan of the Metairie Facility of Safety-Kleen, Sheet 1 of 2 and Sheet 2 of 2, last revised August 22, 2018. The revised site plan shall include the exact wording of the standards and conditions of Section I of this ordinance as notes on the site plan and have the date of approval of this ordinance as the most recent revision date.

SECTION IV. That if Safety-Kleen does not submit the revised plan in accordance with Section III, then this ordinance is declared null and void and approval of the Special Permitted Use for the tank/oil storage, storage of petroleum lubricants and additives, processing limited to blending and compounding, packaging and canning, and warehousing services including loading operations and transfer of product for automotive and industrial lubricants for the Safety-Kleen facility is vacated and the Planning Director shall submit an ordinance to the Parish Council that cancels this ordinance and effectuates this section.

SECTION V. That in accordance with Section 40-764, this ordinance is valid for two (2) years from its effective date and must be renewed biennially, except that review of the application for renewal shall be done by the Jefferson Parish Department of Property Maintenance Zoning/Quality of Life, which shall coordinate review with the Jefferson Parish Departments of Hazardous Materials and Environmental Affairs and the Eastbank Consolidated Fire Department before renewing the permit, and that should said permit be denied an appeal of said denial may be made to this Council.

SECTION VI. That if Safety-Kleen is to have a closure or abandonment of the facility or any part of the facility, it shall submit notification and/or a closure plan in electronic format to the Jefferson Parish Departments of Hazardous Materials and Environmental Affairs and the Eastbank Consolidated Fire Department at least 30 days prior to the scheduled closing.

SECTION VIII. That the Parish of Jefferson has not examined or reviewed the title of any portion of land shown, or any restrictive covenants or restrictions placed on said property, and that the action of the Parish in this matter does not imply (1) that the applicant's or owner's title or ownership is valid, (2) that there are or are not any restrictive covenants or other restrictions on said property, or (3) that any restrictive covenants or restrictions that may be on said property are enforceable or are not enforceable.

SECTION IX. That the Chairperson of the Parish Council of Jefferson Parish, or in his absence the Vice Chairperson, is hereby authorized, empowered, and directed to sign all documents and acts necessary and proper in the premises to give full force and effect to this ordinance.

This ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: 6 NAYS: None ABSENT: None ABSTAIN: (1) Van Vrancken

This ordinance was declared to be adopted on the 10th day of October, 2018, and shall become effective as follows, if signed forthwith by the Parish President, then (10) days after adoption; thereafter, upon the signature by the Parish President, or, if not signed by the Parish President, upon expiration of the time for ordinances to be considered finally adopted without the signature of the Parish President, as provided in Section 2.07 of the Charter. If vetoed by the Parish President and subsequently approved by the Council, this ordinance shall become effective on the day of such approval.

THE FOREGOING IS CERTIFIED
TO BE A TRUE & CORRECT COPY

Eula A. Lopez

EULA A. LOPEZ
PARISH CLERK
JEFFERSON PARISH COUNCIL