

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4982

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: BINDER/BRISTER

PROVIDED BY: DEVELOPMENT

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

ON THE 4 DAY OF APRIL , 2013

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF ST. TAMMANY PARISH, LA, TO RECLASSIFY A CERTAIN PARCEL LOCATED ON THE WEST SIDE OF LA HIGHWAY 437, SOUTH OF NORTH FITZMORRIS ROAD AND WHICH PROPERTY COMPRISES A TOTAL 5.34 ACRES OF LAND MORE OR LESS, FROM ITS PRESENT NC-4 (NEIGHBORHOOD INSTITUTIONAL DISTRICT) TO AN HC-2 (HIGHWAY COMMERCIAL DISTRICT), (WARD 3, DISTRICT 2). (ZC13-03-013)

WHEREAS, the Zoning Commission of the Parish of St. Tammany after hearing in accordance with law, Case No. ZC13-03-013, has recommended to the Council of the Parish of St. Tammany, Louisiana, that the zoning classification of the above referenced area be changed from its present NC-4 (Neighborhood Institutional District) to an HC-2 (Highway Commercial District) see Exhibit "A" for complete boundaries; and

WHEREAS, the St. Tammany Parish Council has held its public hearing in accordance with law; and

WHEREAS, the St. Tammany Parish Council has found it necessary for the purpose of protecting the public health, safety and general welfare, to designate the above described property as HC-2 (Highway Commercial District).

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, in regular session convened that:

SECTION I: The zoning classification of the above described property is hereby changed from its present NC-4 (Neighborhood Institutional District) to an HC-2 (Highway Commercial District).

SECTION II: The official zoning map of the Parish of St. Tammany shall be and is hereby amended to incorporate the zoning reclassification specified in Section I hereof.:

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 2 DAY OF MAY, 2013; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

\_\_\_\_\_  
JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA L. FORD, COUNCIL CLERK

\_\_\_\_\_  
PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: MARCH 28, 2013

Published Adoption: \_\_\_\_\_, 2013

Delivered to Parish President: \_\_\_\_\_, 2013 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2013 at \_\_\_\_\_

**EXHIBIT "A"**

**ZC13-03-013**

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, together with all buildings, and improvements thereon, and all right, privileges, prescriptions, servitudes, or advantages thereon belonging or in anywise appertaining, situated in Section #10 Township 6 South, Range 11 East, St. Tammany Parish, Louisiana, and described as follows:

From the section corner common to Sections 2, 3, 10 and 11 of said Township and Range, run South 15 minutes East a distance of 838.6 feet to the Point of Beginning of the property herein conveyed.

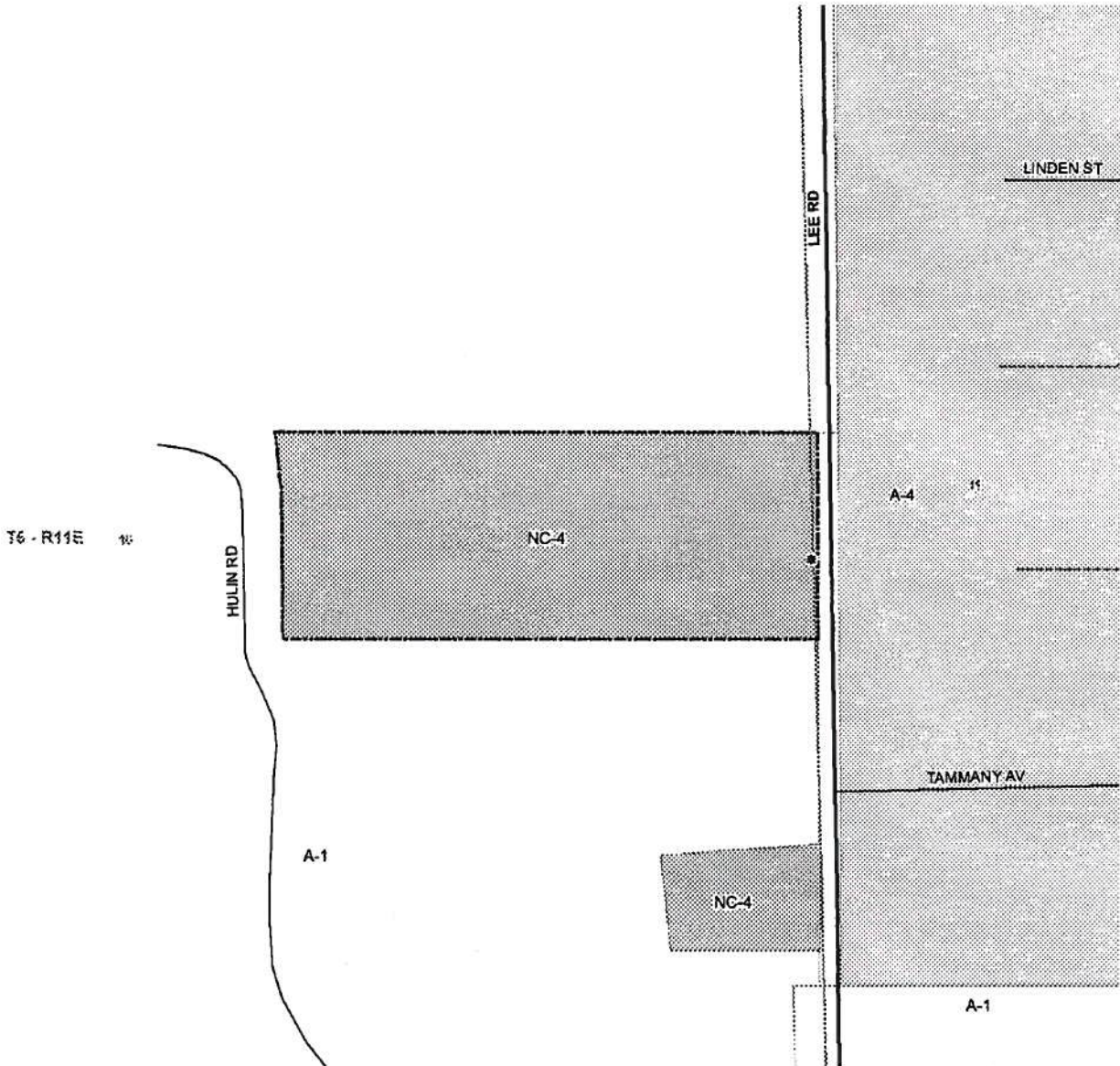
Thence continue South 0 degrees 15 minutes East, a distance of three hundred (300) feet; thence run West a distance of seven hundred seventh-four (774) feet; thence run North 0 degrees 07 minutes East a distance of sixty-two and 8/10 (62.8) feet more or less.

Recommence at the point of beginning, thence run West a distance of seven hundred eighty-four (784) feet; thence run South 0 degrees 05 minutes East, a distance of eighty-three (83) feet more or less, to intersection of line above set.

This sale is made and accepted subject to the existing servitude of Lee Road as presently loca

The above being the same property acquired by Marie P. Hunt by judgment of possession rendered in the succession of Elance Hunt recorded in C.O.B. folio of the records of St. Tammany Parish.

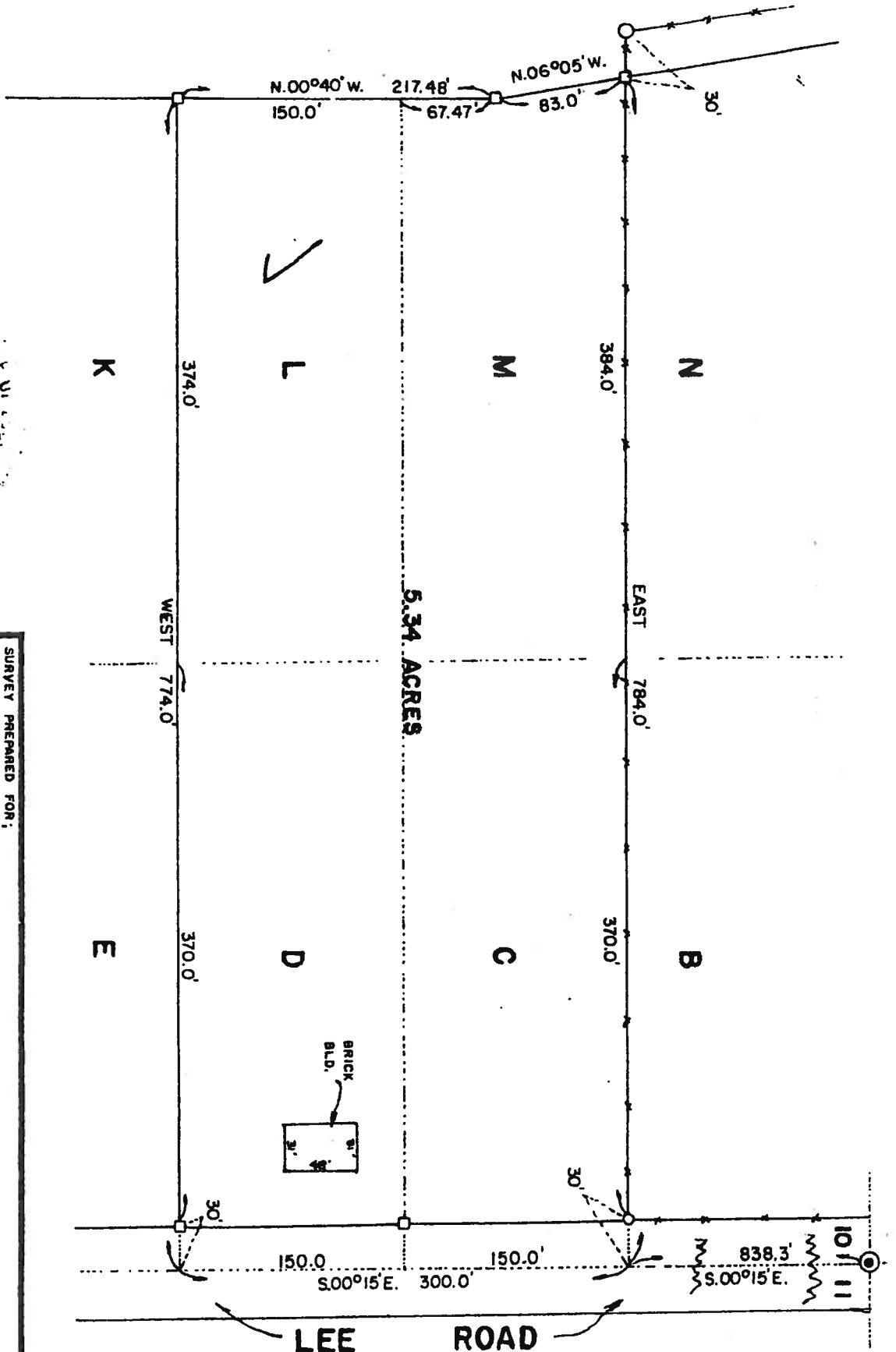
**CASE NO.:** ZC13-03-013  
**PETITIONER:** Stephen J. Plescia  
**OWNER:** Stephen J. Plescia  
**REQUESTED CHANGE:** From NC-4 (Neighborhood Institutional District) to HC-2 (Highway Commercial District)  
**LOCATION:** Parcel located on the west side of LA Highway 437, south of North Fitzmorris Road; S10,T6S,R11E; Ward 3, District 2  
**SIZE:** 5.34 acres



ZC13-03-013



- 3/4" IRON PIPE FOUND
- 1/2" IRON PIPE FOUND
- 1/2" SQ. ROD SET



SURVEY PREPARED FOR:

**STEVE PLESCIA**

APPROVED BY:

*Lowell E. Cummings*

DRAWN BY JGC

REVISED

SCALE: 1" = 100'

DATE: 8-20-86

A SURVEY OF PROPERTY IN SECTION 10, TOWNSHIP 6 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA.

LOWELL E. CUMMINGS, REG. SURVEYOR S-135, 214 E. 33rd AVE., COVINGTON, LA.

DRAWING NUMBER

86-42

**Administrative Comment**

**ZONING STAFF REPORT**

**Date:** February 25, 2013  
**Case No.:** ZC13-03-013  
**Posted:** 2/15/13

**Meeting Date:** March 5, 2013  
**Determination:** Approved

**GENERAL INFORMATION**

**PETITIONER:** Stephen J. Plescia  
**OWNER:** Stephen J. Plescia  
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**SITE ASSESSMENT**

**ACCESS ROAD INFORMATION**

**Type:** State **Road Surface:** 2 lane Asphalt **Condition:** Fair

**LAND USE CONSIDERATIONS**

**SURROUNDING LAND USE AND ZONING:**

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Residential	A-1 Suburban District
South	Undeveloped/Residential?	A-1 Suburban District
East	Residential	A-4 Suburban District
West	Residential	A-1 Suburban District

**EXISTING LAND USE:**

**Existing development?** Yes **Multi occupancy development?** No

**COMPREHENSIVE PLAN:**

**Residential** - Areas that provide for dwelling units. Such areas may vary in site design, structure design, and in the density of units per acre. Certain areas such as "village or town residential" may include mixed uses and would have the highest number of units per acre, while "Rural residential" would have the lowest number of units per acre, and may include agricultural or open space uses as well. In between these two types of residential areas would be varying levels of single-family detached dwellings, multi-family attached residential, and planned subdivisions for manufactured homes.

**STAFF COMMENTS:**

The petitioner is requesting to change the zoning from NC-4 (Neighborhood Institutional District) to HC-2 (Highway Commercial District). The site is located on the west side of LA Highway 437, south of North Fitzmorris Road. The 2025 Future Land Use Plan shows the area to be developed with residential uses. However, there is an existing commercial use on the property. The parcel was previously zoned C-1 Highway Commercial District and rezoned to NC-4 under the Comprehensive Rezoning. Staff feels that NC-4 is the appropriate zoning for this property, which is surrounded by residentially zoned property. Staff does not support the request for rezoning.

**STAFF RECOMMENDATION:**

The staff recommends that the request for a HC-2 (Highway Commercial District) designation be denied.