

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5157                      ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: FALCONER/BRISTER                      PROVIDED BY: DEVELOPMENT

INTRODUCED BY: MR. GOULD                      SECONDED BY: MR. GROBY

ON THE 6 DAY OF FEBRUARY , 2014

ORDINANCE TO AMEND ORD. C.S. NO. 01-0303, ADOPTED MAY 3, 2001, REGARDING A MAJOR AMENDMENT TO THE PUD PLANNED UNIT DEVELOPMENT OVERLAY FOR A 161 ACRE PARCEL LOCATED AT THE NORTHWEST CORNER OF INTERSECTION OF I-12 AND LA HIGHWAY 1088 ,WARD 4, DISTRICT(S) 5 & 7 (ZC01-03-028)

Whereas, on March 6, 2001, the St. Tammany Parish Zoning Commission approved an application to rezone 161 acres of land located at the northwest corner of intersection of I-12 and LA Highway 1088 to a PUD ; and

Whereas, an application for a major amendment to the original PUD plan was filed and the St. Tammany Parish Zoning Commission approved the major amendment at another public hearing November 12, 2013; and

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the Parish Council amends Ordinance C. S. No. 01-0303, adopted May 3, 2001, regarding a major amendment to the PUD which is a complete reconfiguration of the originally approved plan consisting of a 57 lot commercial and industrial subdivision for a 161 acres located at the northwest corner of intersection of I-12 and LA Highway 1088, as per attached Exhibit "A".

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.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 6 DAY OF MARCH , 2014 ; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

\_\_\_\_\_  
R. REID FALCONER, AIA, COUNCIL CHAIRMAN

ATTEST:

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

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

Published Introduction: February 20 , 2014

Published Adoption: \_\_\_\_\_, 2014

Delivered to Parish President: \_\_\_\_\_, 2014 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2014 at \_\_\_\_\_

## EXHIBIT "A"

ZC01-03-028

A certain piece or portion of ground situated in the State of Louisiana, Parish of St. Tammany, located in Section 33, Township 7 South, Range 12 East, comprised of the Northwest Quarter of Section 33, designated as Wadsworth Subdivision and being more fully described as follows:

Commence at the northwest corner of Section 33, Township 7 South, Range 12 East for the point of beginning; measure thence from the point of beginning, along the northerly line of Section 33, S89°31'47"E, a distance of 2720.46' to a point; thence S01°55'27"W a distance of 2545.68' to a point on the northerly right of way line of Louisiana State Highway No. 1088; thence along said northerly line, S86°04'23"W, a distance of 155.88' to a point; thence continue along said northerly line, S83°28'18"W, a distance of 56.81' to a point; thence N89°55'26"W a distance of 2073.72' to a point on the northerly right of way line of Interstate Highway No. 12; thence along said northerly line, along the arc of a curve to the right, having a radius of 22768.31', an arc length of 421.25', a chord bearing of N59°30'11"W and a chord distance of 421.23' to a point on the westerly line of Section 33; thence along said westerly line, N00°06'55"W, a distance of 2438.64' to the northwest corner of Section 33, the point of beginning;

Said portion of ground contains 161.1150 acres, more or less.





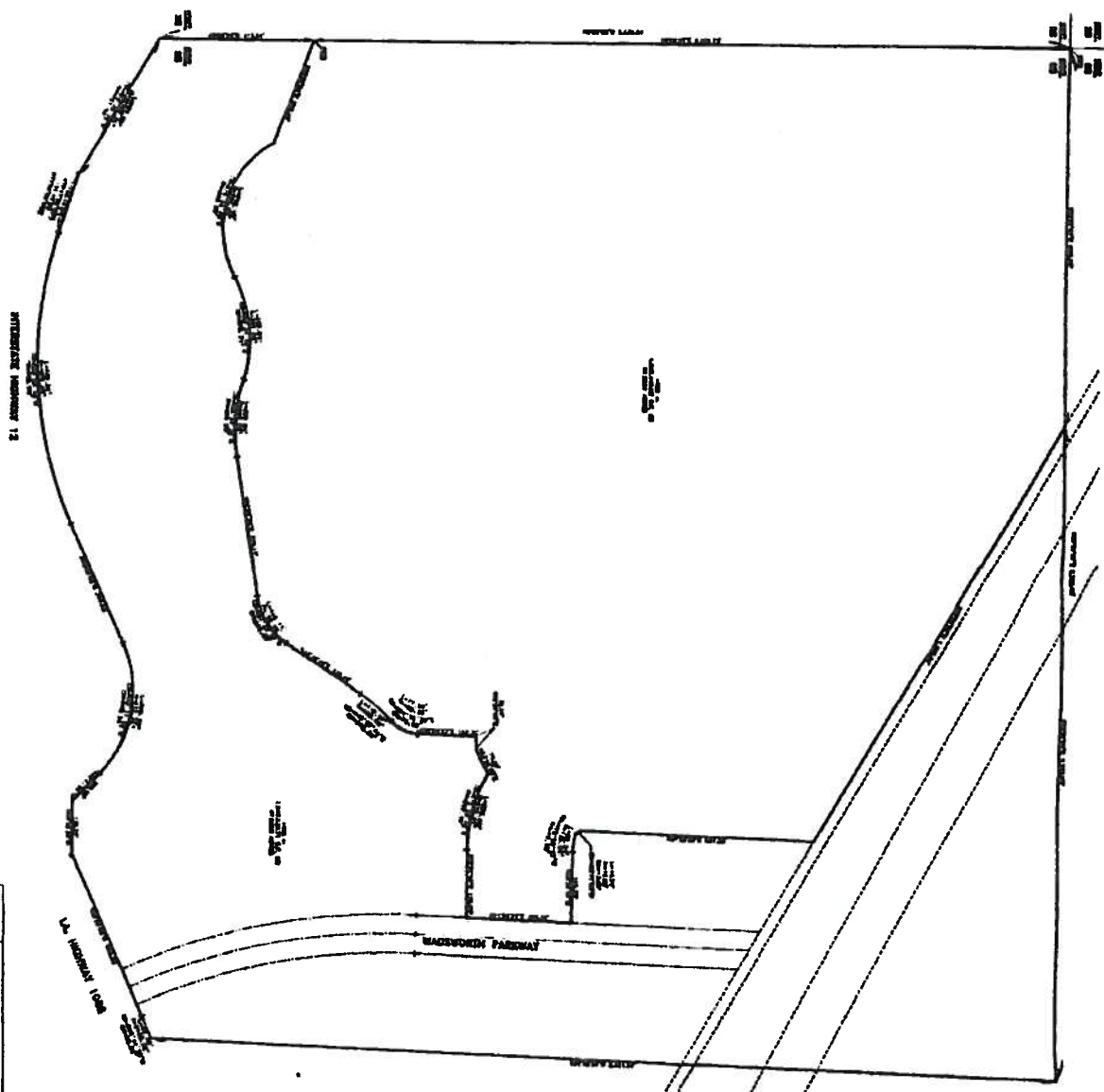


EXHIBIT F

WORKSHEET FOR  
WADSWORTH - AZBY  
SEC. 31, 77S - R12E  
ST. TAMMANY PARISH, LA.

DATE	REVISION	CHANGES
1/27/2013	1	1.00
1/27/2013	2	1.00
1/27/2013	3	1.00
1/27/2013	4	1.00
1/27/2013	5	1.00
1/27/2013	6	1.00
1/27/2013	7	1.00
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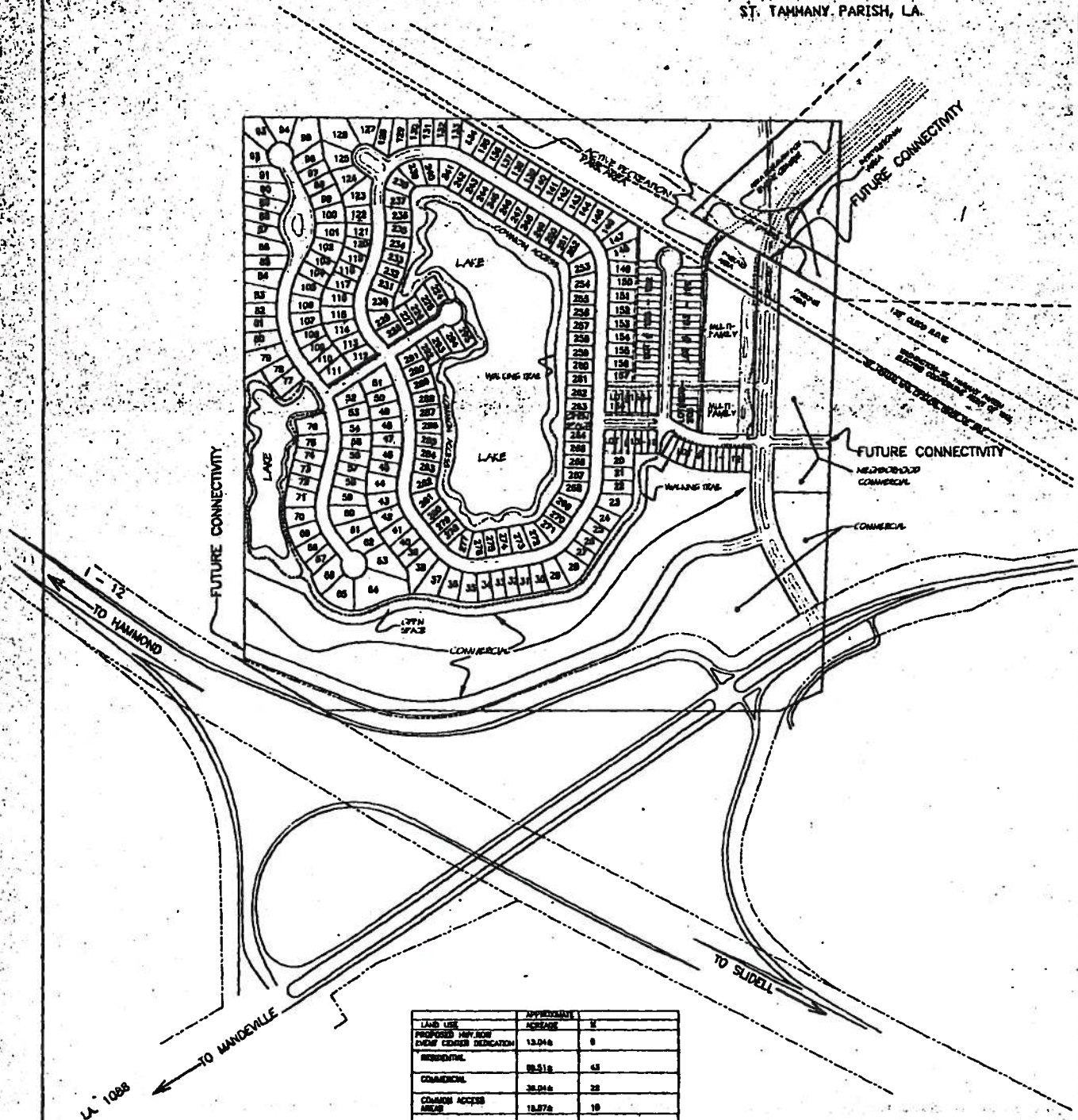
WORKSHEET FOR  
WADSWORTH - AZBY  
SEC. 31, 77S - R12E  
ST. TAMMANY PARISH, LA.



Originally Approved POD PLAN

2001-03-028

**WADSWORTH**  
A TRADITIONAL NEIGHBORHOOD EXPERIENCE  
ST. TAMMANY PARISH, LA.



LAND USE	APPROXIMATE ACREAGE	#
PROPOSED HIGHWAY RIGHT-OF-WAY DESIGNATION	13.046	0
RESIDENTIAL	88.512	45
COMMERCIAL	20.046	22
COMMON ACCESS AREAS	18.872	10
LAKE	16.132	0
OPEN SPACES PARKS/RECREATIONAL	10.382	0
PARKING	2.202	1
INSTITUTIONAL	1.232	1

AVERAGE LOT SIZE	APPROX. TOTAL ACREAGE	NUMBER OF LOTS	LAND USE
60' X 140'	24.512AC	70	SINGLE FAMILY HOMES
60' X 120'	21.152AC	135	SINGLE FAMILY HOMES
30' X 120'	8.612AC	90	TOWNHOMES
30' X 140'	3.442AC	14/2	MIXED-FAMILY

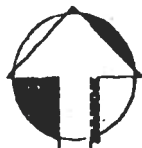
TOTAL LINEAR FEET OF STREETS = 13000 FT.  
MAX. BUILDING HEIGHT = 45 FT.



**Krebs, LaSalle, LeMieux**  
Consultants, Inc.

ENGINEERING • PLANNING • SURVEYING • HYDROLOGY • ENVIRONMENTAL

**SITE PLAN**  
**EXHIBIT**  
**#6**



200 100 0 200 100

DATE: ORIGINAL 1/22/01  
DATE: REVISED 1/31/01

## **EXHIBIT A-2**

### **PERMITTED LAND USES: WADSWORTH SUBDIVISION**

#### **W-1: Parcels 1-43**

- Adult Secondary Education Classes
- Aerobic/ Weight-Loss Studios
- Antique Shops
- Art and School Supply Store
- Art Galleries
- Assisted Living Facilities
- Automotive Parts Stores
- Bakeries
- Barber and Beauty Shops
- Book or Stationery Store
- Business College or Business School operated as a business enterprise
- Cafeteria and food preparation.
- Car Wash
- Catering Establishments
- Child Day Care Centers
- Clinics, limited to 100 outpatients per day or less
- Clubs, Lodges, Fraternal and Religious Institutions, Meeting Halls
- Commercial Recreation – excluding riverboat gaming and associated facilities – outdoor (no lights)
- Community Centers
- Community College
- Convalescent Homes
- Convention and Conference Centers
- Custom Dressmaking and Sewing Shops
- Dance Studios
- Day Care, Nursery School, Pre-School, Kindergarten, and Karate/Dance/Gymnastics Schools
- Delicatessens
- Department Stores
- Dry Cleaning Pick-up/Drop-off (No dry cleaning equipment)
- Educational Learning Centers
- Educational, Scientific, and Research Activities
- Elementary or Middle Schools, Public or Private
- Enclosed Plumbing, electrical and home building supply showrooms and sales centers associated assembly processes.
- Entertainment which typically consists of live or programmed performances
- Farmers Market



- Fire Safety and security facilities (private and public)
- Florists
- Fraternal and Religious Institutions
- Garden Supply Centers and Greenhouses
- General, multi-use office buildings
- Gift Shops
- Government Maintenance Facilities
- Hardware Stores
- Health Clubs
- High School
- Hobby Shops
- Hospices not to exceed 100 beds for overnight stay.
- Hospitals, clinics, medical offices, and other treatment facilities used in the care and treatment of humans.
- Housing and support facilities for resident staff, as part of a permitted medical research.
- Ice Cream Shops
- Indoor Recreational Facilities including a Restaurant w/o Lounge
- Indoor Recreations Establishments, such as bowling alleys, skating rinks and movie theaters.
- Institution of Fine Arts
- Instruction of Fine Arts
- Interior Decorating Shops
- Jewelry Stores
- Liquor Stores
- Medical, surgical, and dental production and supply businesses both wholesale and retail
- Mini-Warehouses
- Music Studios
- Nursing Homes
- Office buildings: medical, government, general office and professional
- Office Warehouse
- Outdoor Display Area of Pre-Assembled Building, Pool and Playground
- Outdoor Display Pre-Assembled Building, Pool & Playground Equipment
- Outdoor Retail and Storage Yards
- Parcel Post Delivery Stations
- Parks and Playgrounds
- Passive Recreational Facilities
- Pavilions, displays, and similar structures accessory to the above-mentioned uses used to enhance environmental education programs.
- Photography Shops and Studios
- Physical Culture & Health Establishments
- Portable Storage containers used for storage
- Post Office
- Printing, lithography and publishing establishments
- Professional Offices
- Professional Training Campuses
- Public or Private Auditoriums

- Public Parking Lots and Garages
- Public Safety Facilities
- Radio and Television Studios and Broadcasting Stations
- Religious Educational Facilities
- Satellite College Campus
- Shoe Stores and Repair Shops
- Sporting Good Stores
- Sports or Gymnasiums
- Television and Radio broadcasting transmitters
- Toy Stores
- Utility Collection Office
- Veterinary Clinics (no outdoor kennels)
- Vocational Schools
- Warehouses and distribution centers associated uses such as offices and retail sales.
- Wearing Apparel Shops
- Wholesale merchandise broker/agent including associated offices and indoor storage facilities.
- Single family and multi-family dwellings, townhouses and condominiums
- Maximum building height of 60 feet
- Maximum building size of 250,000 square feet
- Minimum lot size of 21,780 square feet (1/2 acre)

## **W-2: Parcels A - F**

The permitted uses listed in W-2, and those that are similar and/or compatible, are, and are intended to be, non-exclusive.

- Permitted uses include all those listed in W-1 and the following: hotels, motels, apartment hotels, public safety facilities, health and medical facilities, places of entertainment, specialty retail shops and services, general retail, shopping centers, shopping malls, grocery stores, drug stores, pharmacy, banks, parcel post centers, catering establishments, automotive refueling stations, maintenance facilities, warehouses, restaurants, lounges, light manufacturing and assembly, mini-warehouses, outdoor and enclosed storage facilities, warehouse and distribution facilities.
- Maximum building height of 100 feet.
- Maximum building size of 250,000 square feet
- Minimum lot size of 65,340 square feet (1.5 acres)

## **W-3: Parcels G - N**

- All of the uses listed in W-1 and W-2, but with a maximum building height of 200 feet and a maximum building size 400,000 square feet

## **W-5: Parcel P1, P2 and P3 - Institutional**

- P1 - Waste Water Treatment Plant
- P2 - Public Safety Facilities
- P3 - Water Well
- Other uses which are similar and compatible thereto.

## DEDICATION OF RESTRICTIVE COVENANTS

BY

**THE AZBY FUND**

**AND**

**WADSWORTH ESTATES, L.L.C.**

企 业 事 业 单 位 人 员 工 作 调 动 表

**\* UNITED STATES OF AMERICA**

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\* STATE OF LOUISIANA

市

\* PARISH OF ST. TAMMANY

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BEFORE the undersigned, Notaries, duly commissioned and qualified in and for the Parishes and State hereinafter named, and on the dates and at the places hereinafter named and in the presence of the witnesses hereinafter named:

**PERSONALLY CAME AND APPEARED:**

The Azby Fund, a Louisiana Non-Profit Corporation, herein represented by Patrick W. Fitzmorris, its Assistant Managing Director, duly authorized.

**Mailing Address:** 650 Poydras Street, Suite 2521  
New Orleans, Louisiana 70130

and

(hereinafter, "Azby")

**Wadsworth Estates, L.L.C., a Louisiana limited liability company, herein represented by Ashton J. Ryan, Jr. and Warren G. Tremé, its duly authorized members and managers.**

**Mailing Address:** c/o Warren G. Tremé  
3916 Wheat Street  
Metairie, Louisiana 70002

(hereinafter, "Wadsworth")

**who declared before us, Notaries, that they agree as follows:**

Azby and Wadsworth, for the mutual consideration herein recited, the mutual benefits and advantages accruing to Azby and Wadsworth, and other good, valuable and serious consideration, the adequacy and receipt of which are hereby acknowledged, agree as follows:

1. Azby is the owner of the following described property, to-wit:

**The Northwest Quarter of Section 33, Township 7 South, Range 12 East, St. Tammany Parish, Louisiana.**

AND

Parcel 17-2, LA 1088 Interchange / Route I-12, F.A.P. No. 5204(504), S.P. No. 852-11-0004

St. Tammany Parish 2231  
Instrument #: 1910359  
Registry #: 2249111 bdp  
08/05/2013 9:31:00 AM  
NB CB Y MI UCC



Commence at the point of intersection of the east line of Section 33, T7S-R12E and the northerly right of way line of Interstate Highway 12, said point lying on a curve to the left having a radius of 22,768.31 feet, a chord bearing of S59°30'11"E and a chord of 421.23 feet; Thence along the arc of said curve in a southeasterly direction a distance of 421.25 feet at a point, the Point of Beginning; Thence S89°55'25"E along the south line of Wadsworth Subdivision a distance of 940.18 feet (plan), 942.63 feet (actual) to a point which is the point of intersection of the said south line of Wadsworth Subdivision and the northerly right of way line of the west bound on-ramp for Interstate Highway 12; Thence S65°59'03"W along said right of way line a distance of 24.15 feet to the point of curve of a curve to the right having a radius of 1075.92 feet, a chord bearing of S86°55'18"W and a chord of 768.96 feet; Thence along the arc of said curve in northwesterly direction a distance of 786.34 feet to the point of tangent; Thence N70°47'00"W (plan), N71°04'06"W (actual) a distance of 159.14 feet (plan), 161.45 (actual) to a point, the Point of Beginning.

Said parcel of ground contains 64,576.15 square feet or 1.482 acres.

LESS AND EXCEPT:

A CERTAIN PORTION OF GROUND, situated in the State of Louisiana, Parish of St. Tammany located in Section 33, Township 7 South - Range 12 East, comprised of a portion of the Northwest Quarter of Section 33, designated as WADSWORTH SUBDIVISION, and being more fully described as follows:

BEGIN at the northwest corner of Section 33, Township 7 South - Range 12 East; THENCE, proceed along the northerly line of the aforesaid Section 33, S89°31'47"E a distance of 996.86 feet to a point; THENCE, proceed along the southerly line of a 30' United Gas Pipeline R.O.W., S59°04'50"E a distance of 1,286.84 feet to a point; THENCE, proceed S01°55'27"W a distance of 627.38 feet to a point of curve; THENCE, proceed along a curve to the left, in a southeasterly direction, with a radius of 12.00 feet, having an arc length of 14.71 feet, along a chord bearing of S33°11'50"E a distance of 13.81 feet to a point of continuous curve; THENCE, proceed along a curve to the left, in a southeasterly direction, with a radius of 135.61 feet, having an arc length of 50.21 feet, along a chord bearing of S78°55'27"E a distance of 49.92 feet to a point of tangent; THENCE, proceed S89°31'47"E a distance of 185.33 feet to a point located on the westerly right-of-way line of Wadsworth Parkway (a 100' R.O.W.); THENCE, proceed along the aforesaid right-of-way line, S01°55'27"W a distance of 280.09 feet to a point; THENCE, proceed N89°31'47"W a distance of 178.22 feet to a point of curve; THENCE, proceed along a curve to the right, in a northwesterly direction, with a radius of 415.61 feet, having an arc length of 209.40 feet, along a chord bearing of N75°05'46"W a distance of 207.19 feet to a point; THENCE, proceed S63°55'43"W a distance of 70.82 feet to a point; THENCE, proceed N89°31'47"W a distance of 32.41 feet to a point; THENCE, proceed S01°55'27"W a distance of 157.30 feet to a point of curve; THENCE, proceed along a curve to the right, in a southwesterly direction, with a radius of 100.00 feet, having an arc length of 77.96 feet, along a chord bearing of S24°15'30"W a distance of 76.00 feet to a point of reverse curve; THENCE, proceed along a curve to the left, in a southwesterly direction, with a radius of 490.00 feet, having an arc length of 110.57 feet, along a chord bearing of S40°07'41"W a distance of 110.34 feet to a point of tangent; THENCE, proceed S33°39'49"W a distance of 239.42 feet to a point of curve; THENCE, proceed along a curve to the right, in a southwesterly direction, with a radius of 180.00 feet, having an arc length of 149.11 feet, along a chord bearing of S57°23'37"W a distance of 144.88 feet to a point of tangent;

THENCE, proceed S81°07'26"W a distance of 373.17 feet to a point of curve;  
 THENCE, proceed along a curve to the right, in a northwesterly direction, with a radius of 440.00 feet, having an arc length of 206.82 feet, along a chord bearing of N85°24'38"W a distance of 204.92 feet to a point of reverse curve;  
 THENCE, proceed along a curve to the left, in a southwesterly direction, with a radius of 340.00 feet, having an arc length of 280.61 feet, along a chord bearing of S84°24'40"W a distance of 272.71 feet to a point of reverse curve;  
 THENCE, proceed along a curve to the right, in a northwesterly direction, with a radius of 260.00 feet, having an arc length of 410.10 feet, along a chord bearing of N74°02'45"W a distance of 368.89 feet to a non-tangent point;  
 THENCE, proceed N68°32'54"W a distance of 292.49 feet to a point on the common section line of Sections 32 and 33, Township 7 South - Range 12 East;  
 THENCE, proceed along the aforesaid section line, N00°06'55"W a distance of 2,022.74 feet to the POINT OF BEGINNING.

The above described portion of ground contains 92.5034 acres more or less.

(such property hereinafter referred to as the "Azby Property ")

2. Wadsworth is the owner of the following described property, to-wit:

A CERTAIN PORTION OF GROUND, situated in the State of Louisiana, Parish of St. Tammany located in Section 33, Township 7 South - Range 12 East, comprised of a portion of the Northwest Quarter of Section 33, designated as WADSWORTH SUBDIVISION, and being more fully described as follows:

BEGIN at the northwest corner of Section 33, Township 7 South - Range 12 East;  
 THENCE, proceed along the northerly line of the aforesaid Section 33, S89°31'47"E a distance of 996.86 feet to a point;  
 THENCE, proceed along the southerly line of a 30' United Gas Pipeline R.O.W., S59°04'50"E a distance of 1,286.84 feet to a point;  
 THENCE, proceed S01°55'27"W a distance of 627.38 feet to a point of curve;  
 THENCE, proceed along a curve to the left, in a southeasterly direction, with a radius of 12.00 feet, having an arc length of 14.71 feet, along a chord bearing of S33°11'50"E a distance of 13.81 feet to a point of continuous curve;  
 THENCE, proceed along a curve to the left, in a southeasterly direction, with a radius of 135.61 feet, having an arc length of 50.21 feet, along a chord bearing of S78°55'27"E a distance of 49.92 feet to a point of tangent;  
 THENCE, proceed S89°31'47"E a distance of 185.33 feet to a point located on the westerly right-of-way line of Wadsworth Parkway (a 100' R.O.W.);  
 THENCE, proceed along the aforesaid right-of-way line, S01°55'27"W a distance of 280.09 feet to a point;  
 THENCE, proceed N89°31'47"W a distance of 178.22 feet to a point of curve;  
 THENCE, proceed along a curve to the right, in a northwesterly direction, with a radius of 415.61 feet, having an arc length of 209.40 feet, along a chord bearing of N75°05'46"W a distance of 207.19 feet to a point;  
 THENCE, proceed S63°55'43"W a distance of 70.82 feet to a point;  
 THENCE, proceed N89°31'47"W a distance of 32.41 feet to a point;  
 THENCE, proceed S01°55'27"W a distance of 157.30 feet to a point of curve;  
 THENCE, proceed along a curve to the right, in a southwesterly direction, with a radius of 100.00 feet, having an arc length of 77.96 feet, along a chord bearing of S24°15'30"W a distance of 76.00 feet to a point of reverse curve;  
 THENCE, proceed along a curve to the left, in a southwesterly direction, with a radius of 490.00 feet, having an arc length of 110.57 feet, along a chord bearing of S40°07'41"W a distance of 110.34 feet to a point of tangent;  
 THENCE, proceed S33°39'49"W a distance of 239.42 feet to a point of curve;

THENCE, proceed along a curve to the right, in a southwesterly direction, with a radius of 180.00 feet, having an arc length of 149.11 feet, along a chord bearing of S57°23'37"W a distance of 144.88 feet to a point of tangent;  
THENCE, proceed S81°07'26"W a distance of 373.17 feet to a point of curve;  
THENCE, proceed along a curve to the right, in a northwesterly direction, with a radius of 440.00 feet, having an arc length of 206.82 feet, along a chord bearing of N85°24'38"W a distance of 204.92 feet to a point of reverse curve;  
THENCE, proceed along a curve to the left, in a southwesterly direction, with a radius of 340.00 feet, having an arc length of 280.61 feet, along a chord bearing of S84°24'40"W a distance of 272.71 feet to a point of reverse curve;  
THENCE, proceed along a curve to the right, in a northwesterly direction, with a radius of 260.00 feet, having an arc length of 410.10 feet, along a chord bearing of N74°02'45"W a distance of 368.89 feet to a non-tangent point;  
THENCE, proceed N68°32'54"W a distance of 292.49 feet to a point on the common section line of Sections 32 and 33, Township 7 South - Range 12 East;  
THENCE, proceed along the aforesaid section line, N00°06'55"W a distance of 2,022.74 feet to the POINT OF BEGINNING.

The above described portion of ground contains 92.5034 acres more or less.

(such property being hereinafter referred to as the "Wadsworth Property ")

3. Azby and Wadsworth are developing a subdivision on the Azby Property and the Wadsworth Property known as Wadsworth (the "Wadsworth Subdivision"), in accordance with the Planned Unit Development ("PUD") approved by the Parish of St. Tammany (the "Parish") for the Wadsworth Subdivision, as set forth in Exhibits D1, D2 and D3 annexed hereto, as such PUD and/or other zoning classification and regulatory revision may be amended and approved from time to time by the Parish after the mutual consent of Wadsworth and Azby to apply for such amendment to the PUD.

4. Azby and Wadsworth desire to provide for the preservation of the values and amenities in the Wadsworth Subdivision and to this end they desire to subject the Wadsworth Subdivision to the land uses and restrictions on land uses hereinafter set forth in this dedication of restrictive covenants, and further, in accordance with the plans that form a part of the PUD, as amended by Gulf Engineers & Consultants, Inc. (formerly Krebs, LaSalle, Lemieux, Inc.) ("GEC"), recorded in the official records of the Parish, which shall inure to the benefits of the Wadsworth Subdivision and the subsequent owners thereof.

5. Azby and Wadsworth further declare and agree that the Wadsworth Subdivision shall be held, conveyed, hypothecated and encumbered, sold, used, occupied and improved subject to the restrictions hereinafter set forth, all of which are

declared and agreed to be in aid of a general plan of improvement and development of the Wadsworth Subdivision in accordance with the PUD, as amended, and shall be deemed to be covenants running with the land and shall be binding restrictive covenants on the Wadsworth Subdivision and shall be binding upon Azby and Wadsworth, their successors, assigns and liquidators and shall inure to the benefit of and be enforceable by Azby and Wadsworth, their successors, assigns and liquidators, and further shall be binding upon and enforceable by any person acquiring or owning any part or parcel of the Wadsworth Subdivision.

6. The Wadsworth Property is restricted to the land uses set forth on Exhibit A-2 annexed hereto and made a part hereof (the "Wadsworth List"). Notwithstanding anything to the contrary contained herein, or in the PUD, as amended, the permitted uses designated as the W-1 Permitted Uses on Exhibit A-2 that apply to the Wadsworth Property are, and are intended to be, exclusive. Should Wadsworth, its successors or assigns, desire to add to the Wadsworth List by the appropriate submittal to the Parish, it or they, as the case may be, must first submit in writing to Azby, its successors and assigns, and any other owners of the Wadsworth Property, the proposed added use and a precise description thereof. Unless Wadsworth obtains the written approval of the owners of the Azby Property who own more than fifty (50%) percent of the Azby Property ((the "Majority Azby Owners") to such additional land use on the Wadsworth Property, the proposed additional land use shall be deemed rejected, and Wadsworth shall not be permitted to add such additional land use to the Wadsworth List. No proposed change to the Wadsworth List may be submitted to the Parish for approval unless and until prior written approval is secured from the Majority Azby Owners. Should the Majority Azby Owners disapprove of such additional land use, their action shall be final and no submission to the Parish may be made by Wadsworth, its successors and assigns. If the Majority Azby Owners approve of such additional land use, Wadsworth, its successors and assigns, after obtaining the prior written approval of the owners of the Wadsworth Property who own more than fifty (50%) percent of the Wadsworth Property, may proceed, at their sole cost and expense, to amend the PUD to add such additional land



use, Azby, its successors and assigns, shall cooperate in such amendment of the PUD, at no cost and expense to Azby, its successors and assigns, and Wadsworth, its successors and assigns, and Azby, its successors and assigns, shall amend this Dedication of Restrictive Covenants to include such additional land use on the Wadsworth List.

7. The Azby Property is restricted to the land uses set forth on Exhibit A-2 (the "Azby List"). Notwithstanding anything to the contrary contained herein, or in the PUD, as amended, the permitted uses designated as the W-2 Permitted Uses, the W-3 Permitted Uses, the W-4 Permitted Uses, the W-5 Permitted Uses and the W-6 Permitted Uses on Exhibit A-2 that apply to the various parcels that make up the Azby Property are, and are intended to be, exclusive. Should Azby, its successors or assigns, desire to add to the Azby List by the appropriate submittal to the Parish, it or they, as the case may be, must first submit in writing to any other owners of the Azby Property, the proposed added use and a precise description thereof. Unless Azby obtains the written approval of the Majority Azby Owners to such additional land use on the Azby Property, the proposed additional land use shall be deemed rejected, and Azby, its successors and assigns, shall not be permitted to add such additional land use to the Azby List. No proposed change to the Azby List may be submitted to the Parish for approval unless and until prior written approval is secured from the Majority Azby Owners. Should the Majority Azby Owners disapprove of such additional land use, their action shall be final and no submission to the Parish may be made by Azby, its successors and assigns. If the Majority Azby Owners approve of such additional land use, Azby, its successors and assigns, may proceed, at their sole cost and expense, to amend the PUD to add such additional land use, Wadsworth, its successors and assigns, shall cooperate in such amendment of the PUD, at no cost and expense to Wadsworth, its successors and assigns, and Azby, its successors and assigns, and Wadsworth, its successors and assigns, shall amend this Dedication of Restrictive Covenants to include such additional land use on the Azby List.

8. Wadsworth has agreed that it shall complete (a) the construction of the lift stations on the Wadsworth Property at the locations shown on Exhibits D-1, D-2 and D-3,

(b) the construction of a 700 gallons per minute water well on the Azby Property at the location shown on Exhibit A-1, (c) the installation of a 215,000 gallons per day wastewater treatment plant on the Azby Property at the location shown on Exhibit A-1, (d) the necessary remedial work to the lakes and drainage system on the Wadsworth Property at the location shown on Exhibits D-1, D-2 and D-3, as approved by Azby and its consultants and as set forth in the scope of work and attendant schedule designed by GEC (the "Scope of Work") set forth on Exhibit G, (e) the depositing of twenty thousand (20,000) cubic yards of dirt from the spoil taken from the Wadsworth Property in connection with the construction of the lakes, which spoil is to be placed on the Azby Property on Parcel A as shown on Exhibit A-1 at the direction of Azby, at the sole cost and expense of Wadsworth, and (f) the repairing of Wadsworth Parkway located on the Wadsworth Subdivision (together the "Remaining Infrastructure Improvements"). The Remaining Infrastructure Improvements are to be commenced by Wadsworth within thirty (30) days of the Parish approval of the amendment of the PUD that is to be filed jointly by Azby and Wadsworth (the "PUD Amendment"), which land use review application for the PUD Amendment is annexed hereto as Exhibit F. The Remaining Infrastructure Improvements shall be completed by Wadsworth within six (6) months of the Parish approval of the PUD Amendment, follow the Scope of Work, and the completion of the Remaining Infrastructure Improvements is to be approved by Azby and its consultants. It is specifically understood and agreed by Wadsworth that the land use changes on the Wadsworth list shall be limited to single family and multi-family dwellings, townhouses and condominiums until Wadsworth completes the Remaining Infrastructure Improvements on a timely basis in accordance with the Scope of Work and receive final approval from Azby and its consultants, as hereinabove set forth. Notwithstanding anything to the contrary contained herein, in the event Wadsworth fails to complete the Remaining Infrastructure Improvements on a timely basis in accordance with the Scope of Work and receive final approval from Azby and its consultants, as hereinabove set forth, the land uses for the Wadsworth Property shall be limited to single family and multi-family dwellings, townhouses and condominiums , irrespective of any additional land use

changes approved by the Parish in accordance with the PUD Amendment.

9. No certificate of occupancy shall be issued before the sewerage and water systems are installed and operable or otherwise connected to a community (central) sewerage and/or water system(s), all as approved by the Department of Environmental Services of the Parish. Whenever the Wadsworth Subdivision is served by a community (central) water system (supply), no private water supply may be drilled or otherwise constructed on any lot for the purpose of supplying potable water to any building or structure, and in no event shall there be a physical connection between any such source and any element of the community (central) water system (supply).

10. Construction of any nature is prohibited in Parish drainage or street easements.

11. No noxious or offensive action shall be carried on upon any lot nor shall anything be done thereon that may or may not become an annoyance or nuisance to the Wadsworth Subdivision, particularly the use of lots as trash dumps or junk vehicle storage.

12. The maximum height for buildings on the Wadsworth Property shall be sixty (60) feet.

13. On the Azby Property the front yard setbacks shall be fifteen (15) feet, the side yard setbacks shall be ten (10) feet, and the rear yard setbacks shall be fifteen (15) feet.

14. On the Wadsworth Property the front yard setbacks shall be fifteen (15), the side yard setbacks shall be ten (10) feet, and the rear yard setbacks shall be fifteen (15).

15. The street planting area width on the roadside/street side of each lot on the Azby Property and the Wadsworth Property shall be the first fifteen (15) feet. With respect to corner lots, the street planting area width for the first fifteen (15) feet of each lot shall apply to both streets on which the lot fronts. Such street planting area width shall be a landscaped green area in accordance with the applicable landscape ordinances of the Parish.

16. No lot will be further resubdivided without the prior approval of the Parish Planning Commission and any other necessary governmental body.

17. Driveways on corner lots, where a driveway is to be established along the width or smaller dimension of the lot, shall not be closer than thirty-five (35') feet from the corner of the property closest to the intersection as measured from the corner of the property where the two streets intersect. In cases where a driveway on a corner lot is established along the depth or larger dimension of a lot line, the setback shall be sixty (60') feet from a corner of said property closest to the intersection as measured from the corner of the property where the two street rights-of-way intersect.

18. No parking will be permitted on Mallard Run in the Wadsworth Subdivision.

19. Azby and Wadsworth acknowledge that among the remedies available to each party hereto, their successors and assigns, as a result of a violation of this Dedication of Restrictive Covenants, an action for injunctive relief may be the only effective remedy. Accordingly, Azby and Wadsworth, on behalf of each other and their successors and assigns, hereby agree that an injunction to enforce their respective rights hereunder is an acceptable and permissible remedy and hereby both waive any defense to an injunction action. Such injunctive relief shall be in addition to any and all other remedies, such as damages, available under Louisiana law.

20. In the event a lawsuit is filed by either party to enforce their rights hereunder, the attorney's fees and court costs of the prevailing party shall be paid for by the other party.

21. This Dedication of Restrictive Covenants shall be governed and construed in accordance with the laws of the State of Louisiana, in all respects, including construction, validity and performance.

22. Except in the case of additions of land uses to the Azby List and the Wadsworth List, as set forth in Paragraphs 6 and 7 hereinabove, in order to amend this Dedication of Restrictive Covenants, it will be required that the owners who own greater than seventy-five (75%) percent of the combined total interests in the Wadsworth Subdivision provide their prior written consent to such amendment.



STATE OF LOUISIANA

PARISH OF ORLEANS

THUS DONE AND PASSED, in multiple originals in my office at New Orleans,  
Louisiana on the 1 day of August, 2013, in the presence of the undersigned  
competent witnesses, who hereunto sign their names with the said appearers, and me,  
Notary after reading of the whole.

WITNESSES:

AZBY:

THE AZBY FUND

BY:

Patrick W. Fitzmorris  
PATRICK W. FITZMORRIS  
ASSISTANT MANAGING  
DIRECTOR

Minerva Scott Liebaert  
Minerva Scott Liebaert

Michael Saville Liebaert  
Michael Saville Liebaert

James R. Morton  
NOTARY PUBLIC

JAMES R. MORTON  
NOTARY PUBLIC  
Parish of Orleans, State of Louisiana  
Notary Number: 4246  
My Commission is issued for Life.

STATE OF LOUISIANA

PARISH OF Orleans

THUS DONE AND PASSED, in multiple originals in my office at New Orleans, Louisiana on the 1 day of August, 2013, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearers, and me, Notary after reading of the whole.

WITNESSES:

WADSWORTH:

WADSWORTH ESTATES, LLC

BY: Ashton J. Ryan Jr.  
ASHTON J. RYAN, JR.  
ITS: MEMBER AND MANAGER

BY: Warren G. Tremé  
WARREN G. TREMÉ  
ITS: MEMBER AND MANAGER

Michael S. Wehner  
MICHAEL S. WEHNER  
Michael S. Wehner  
MICHAEL S. WEHNER

James R. Morton  
NOTARY PUBLIC

JAMES R. MORTON  
NOTARY PUBLIC  
Parish of Orleans, State of Louisiana  
Notary Number: 4246  
My Commission is Issued for Life.

ZC01-03-028

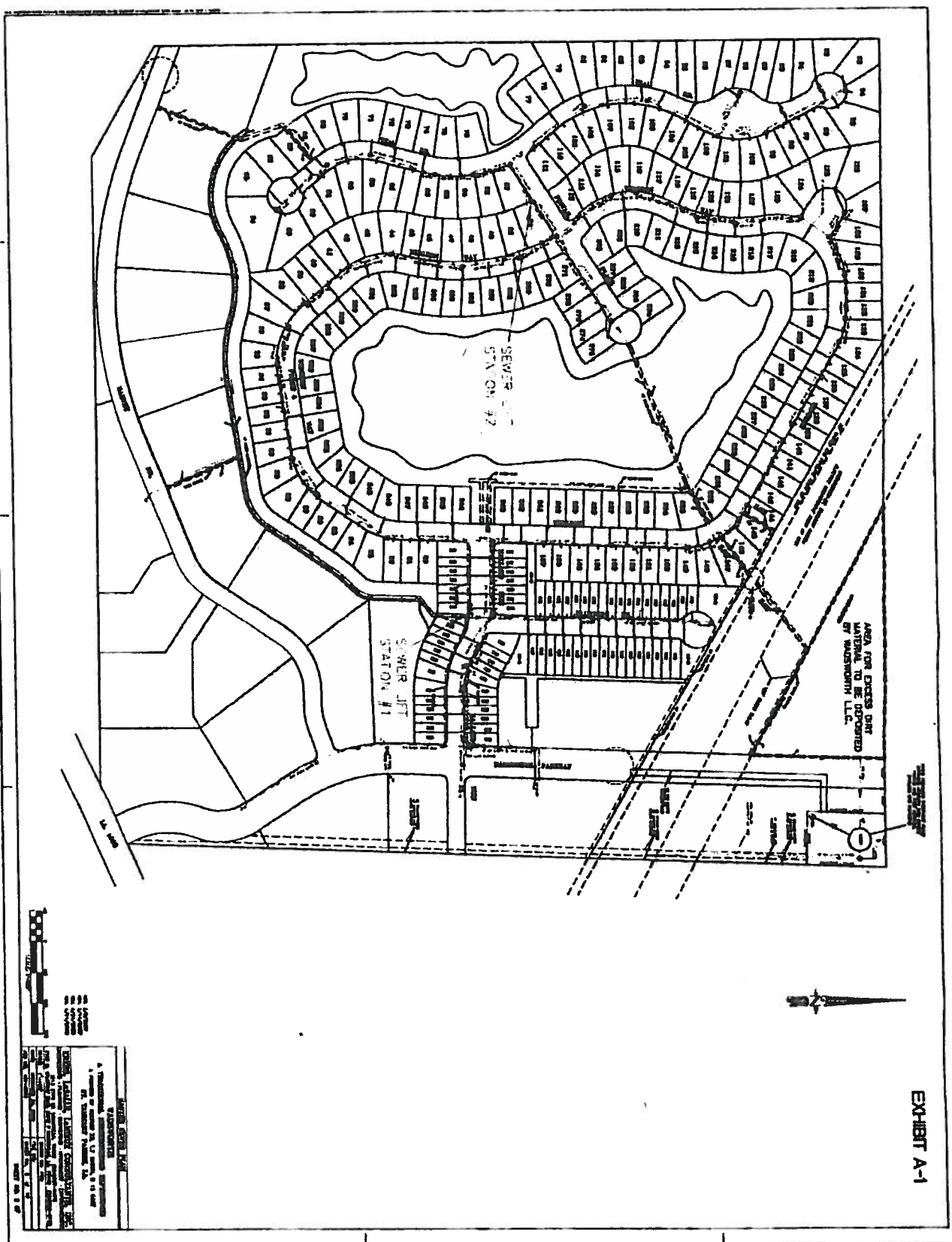


EXHIBIT A-1

800-3-01032

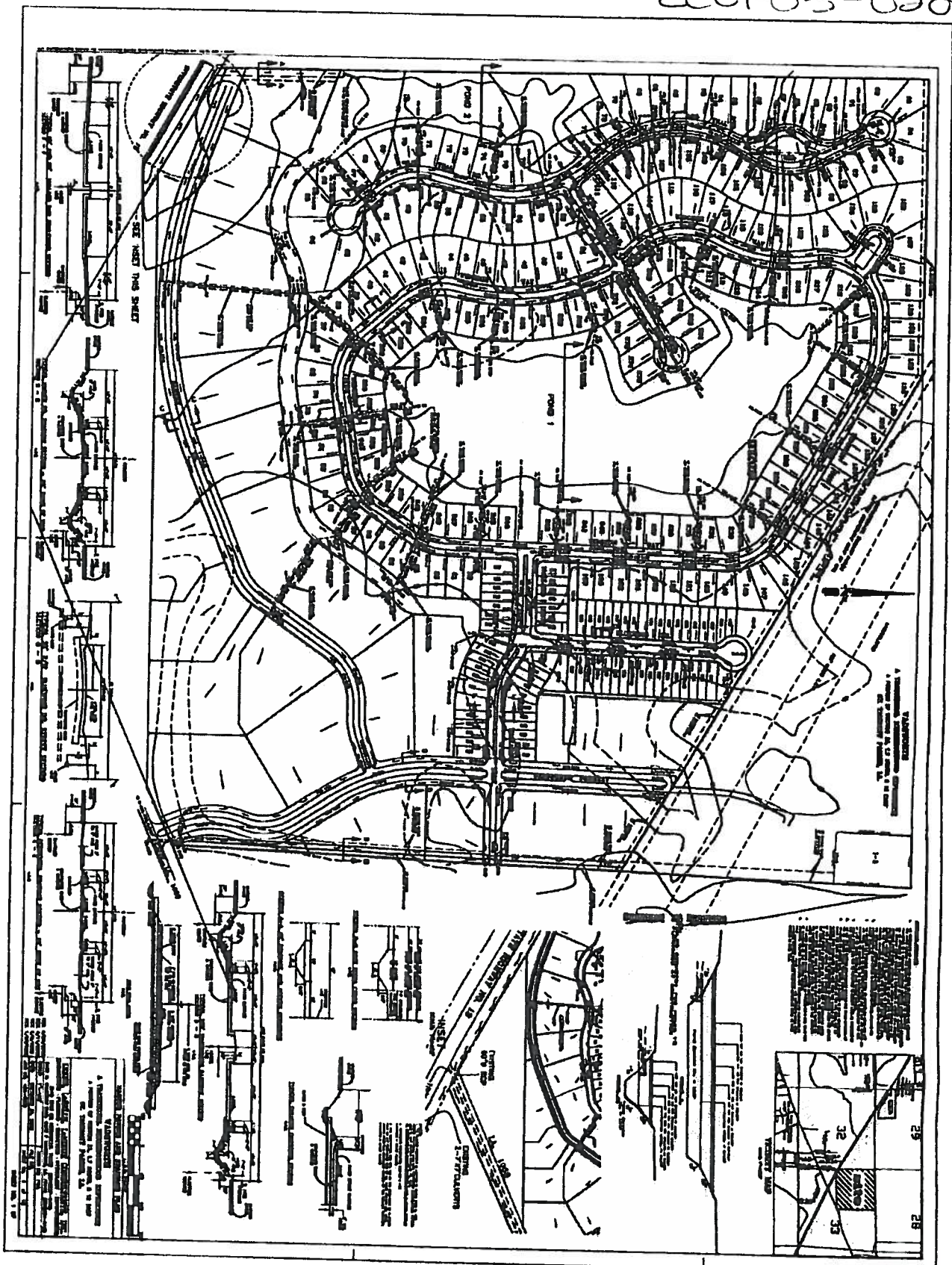
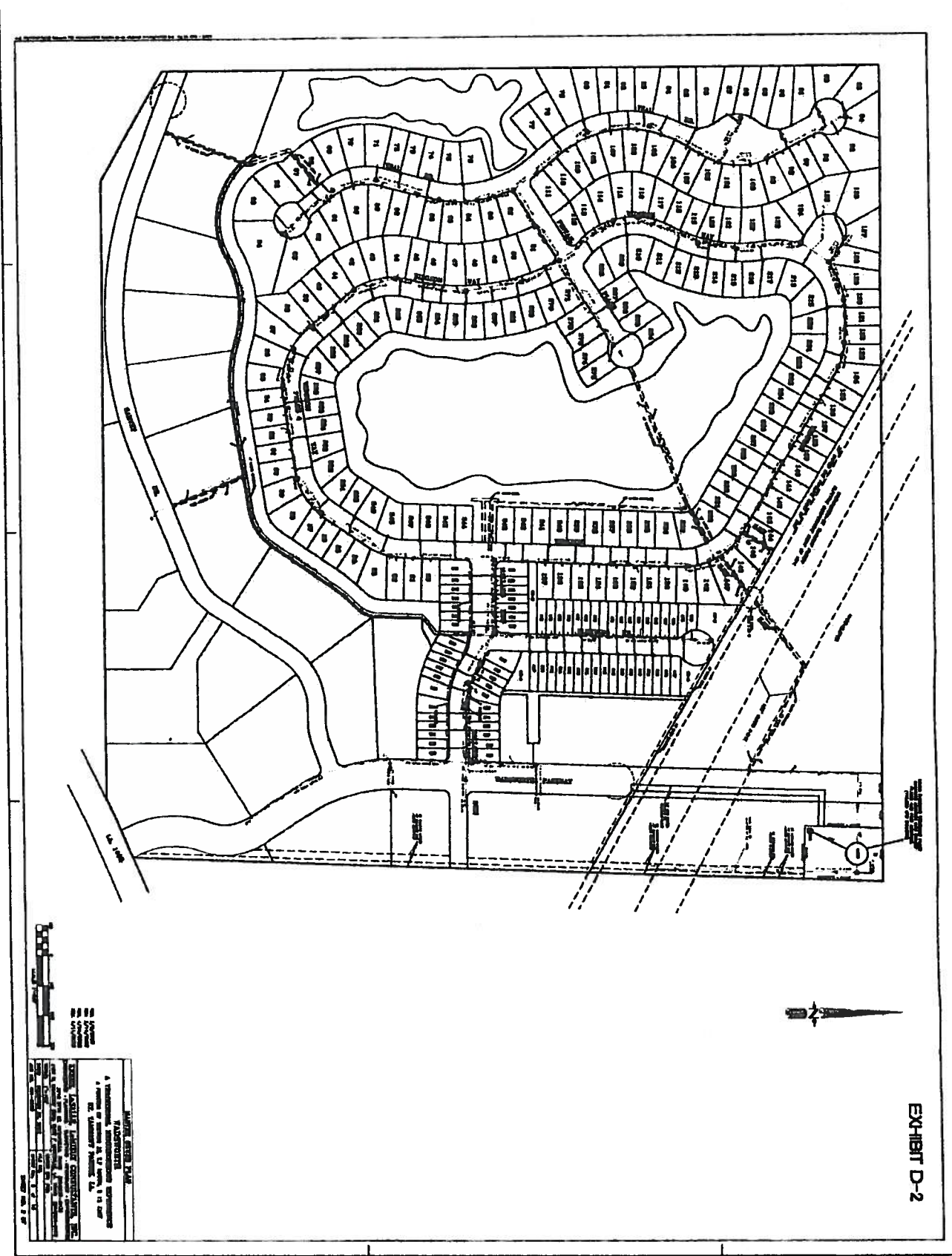


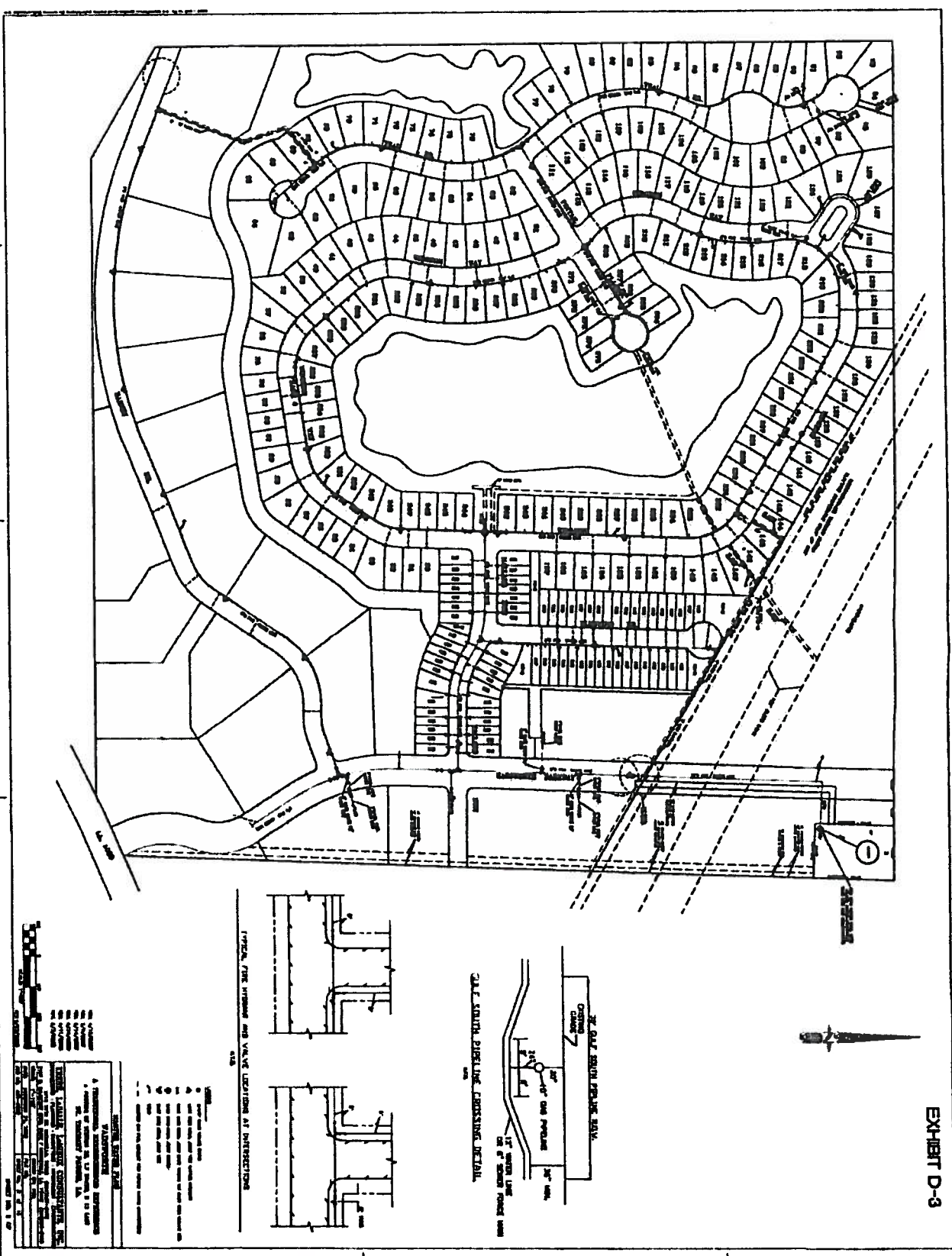
EXHIBIT D-1



820-03-028



201-03-028



2001-03-028

**ENVIRONMENTAL ASSESSMENT DATA FORM**

Applicant's Name: THE AZBY FUND (ATT: PATRICK FITZMORRIS)

Developer's Address: 650 POMPAS ST. SUITE 2521, H.O.L.A. 70130  
Street City State Zip Code

Developer's Phone No. 504-561-2549 504-329-9296  
(Business) (Cell)

Subdivision Name: WADSWORTH

Number of Acres in Development: 160 Number of Lots/Parcels in Development: 43 LOTS / 14 PARCELS

Ultimate Disposal of Surface Drainage: TWO DETENTION PONDS ON SITE AND I-12/1088 RIGHT OF WAY

Water Surface Runoff Mitigation Proposed: DETENTION PONDS (Two)

(Please check the following boxes below, where applicable:)

- Type of Sewerage System Proposed: ☒ Community ☐ Individual
- Type of Water System Proposed: ☒ Community ☐ Individual
- Type of Streets and/or Roads Proposed: ☒ Concrete ☐ Asphalt ☐ Aggregate ☐ Other
- Land Formation: ☒ Flat ☐ Rolling Hills ☐ Marsh ☐ Swamp ☐ Inundated ☐ Tidal Flow
- Existing Land Use: ☐ Undeveloped ☒ Residential ☒ Commercial ☐ Industrial ☐ Other
- Proposed Land Use: ☐ Undeveloped ☐ Residential ☒ Commercial ☒ Industrial ☐ Other
- Surrounding Land Use: ☒ Undeveloped ☐ Residential ☐ Commercial ☐ Industrial ☐ Other
- Does the subdivision conform to the major street plan? ☒ Yes ☐ No
- What will the noise level of the working development be? ☐ Very Noisy ☐ Average ☒ Very Little
- Will any hazardous materials have to be removed or brought on-site for the development? ☐ Yes ☒ No
- If yes, what are the hazardous materials? N/A
- Does the subdivision front on any waterways? ☐ Yes ☒ No
- If yes, what major streams or waterways? N/A

- Does the subdivision front on any major arterial streets? ☒ Yes ☐ No

If yes, which major arterial streets? INTERSTATE 12 (I-12) & LA HWY. 1088

- Will any smoke, dust or fumes be emitted as a result of operational construction? ☐ Yes ☒ No

If yes, please explain? N/A

- Is the subdivision subject to inundation? ☐ Frequently ☐ Infrequently ☒ None at all

- Will canals or waterways be constructed in conjunction with this subdivision? ☒ Yes ☐ No

(Does the proposed subdivision development...)

- |  |   |
|--|---|
| a.) have or had any landfill(s) located on the property?                                 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| b.) disrupt, alter or destroy any historical or archeological sites or district?         | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| c.) have a substantial impact on natural, ecological recreation, or scenic resources?    | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| d.) displace a substantial number of people?   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| e.) conform with the environmental plans and goals that have been adopted by the parish? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| f.) cause an unwarranted increase in traffic congestion within or near the subdivision?  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| g.) have substantial esthetic or adverse visual impact within or near the subdivision?   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

h.) breach any Federal, State or Local standards relative to:

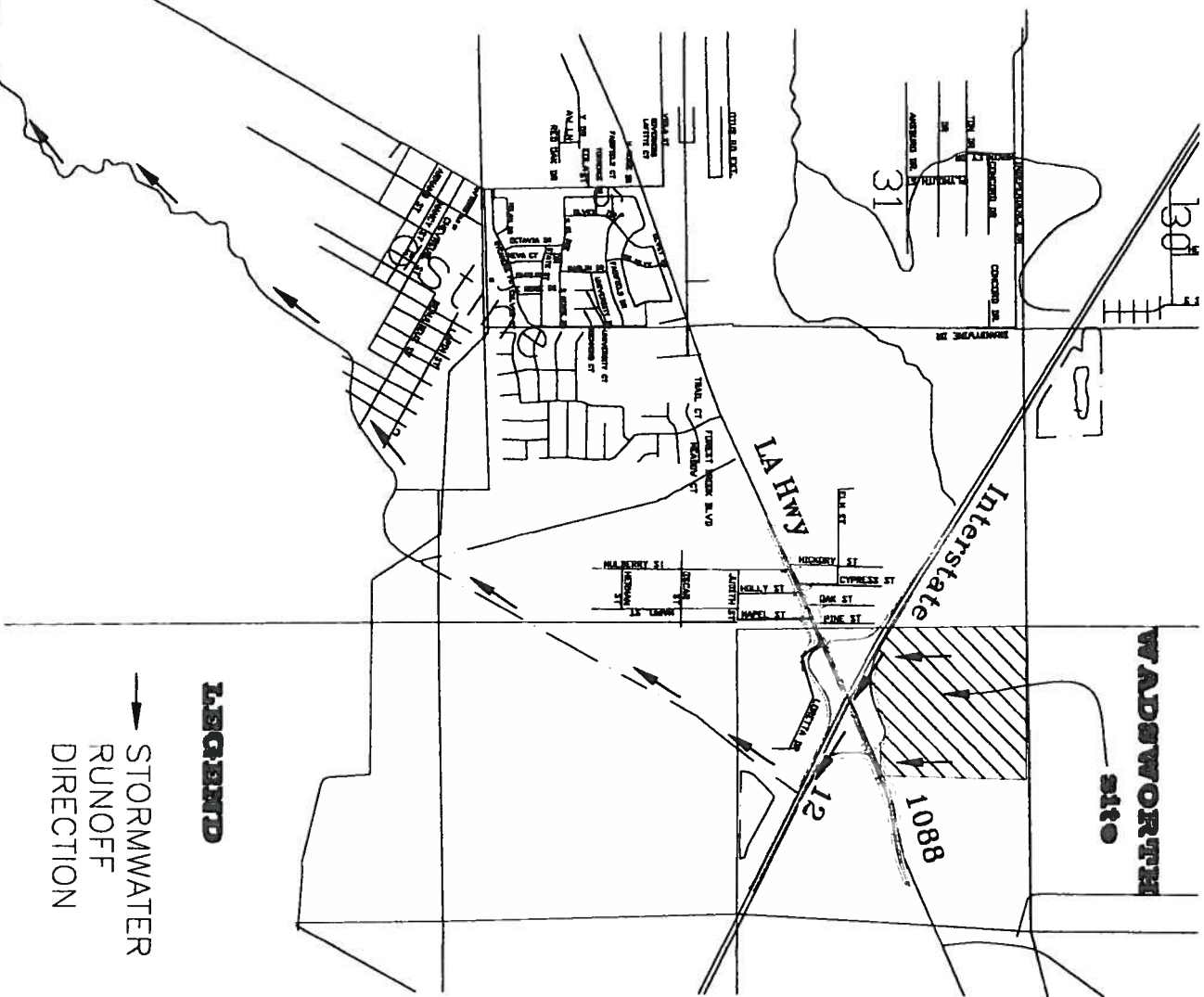
- |  |   |
|--|---|
| • air Quality .....  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| • noise .....  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| • water Quality .....  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| • contamination of any public or private water supply .....                          | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| • ground water levels .....  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| • flooding/inundation .....  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| • erosion .....  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| • sedimentation .....  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| • rare and/or endangered species of animal or plant habitat .....                    | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| • interfering with any movement of resident or migratory fish or wildlife species .. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| • inducing substantial concentration of population .....                             | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| • dredging and spoil placement .....   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

*I hereby certify to the best of knowledge and ability, that this subdivision development will not adversely impact the surrounding environment, inclusive of all the information contained herein; and further, said information provided and answered above is accurate, true and correct.*

  
\_\_\_\_\_  
ENGINEER/SURVEYOR/OR DEVELOPER  
(SIGNATURE)

9/3/13  
\_\_\_\_\_  
DATE

Lake  
Ponchartraine



LEGEND

→ STORMWATER  
RUNOFF  
DIRECTION

VICINITY MAP



2001-03-028

EXHIBIT AA - CORPS OF ENGINEERS (COE) PERMIT



DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO  
ATTENTION OF

FEB 15 2011

Operations Division  
Eastern Evaluation Section

SUBJECT: MVN 2004-3421 EBB

The Azby Fund  
650 Poydras Street  
Suite 2521  
New Orleans, Louisiana 70130

Gentlemen:

As requested in your letter dated January 10, 2011, the authorization granted by the Secretary of the Army in permit dated March 20, 2006, from the District Engineer at New Orleans, Louisiana, to clear, grade, excavate and deposit fill to develop Wadsworth commercial and residential subdivision with associated roads, utilities and retention ponds, located in Section 33; T7S-R12E, adjacent to the intersection of LA Highway 1088 and Interstate 12, in Mandeville, Saint Tammany Parish, Louisiana, is specifically extended to March 31, 2014.

The conditions to which the work is made subject, excepting the time limit for completion, remain in full force and effect.

If the structure or work authorized is not completed on or before the date herein specified, this authorization, if not previously revoked or specifically further extended, will cease and become null and void.

A copy of this permit approval letter must be conspicuously displayed at the project site. Also, you must keep a copy of this signed letter at the project site until the work is completed.

This is the last extension of time, which will be granted for this permit without full permit reprocessing. If the work is not completed by the date granted under this letter, it will be necessary for you to reapply for a permit to perform any work after that date. You then must submit a new completed application form, permit drawings indicating work completed and remaining, and request new letters of no objection. It is possible that, as a result of the new evaluation, your request for a time extension could be denied or the authorization for the portion of your project not completed could be significantly modified.

The New Orleans District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete and return the attached Customer Service Survey or go to the survey found on our web site at <http://per2.nwp.usace.army.mil/survey.html>. Your input is important to us, thank you for your time.

Should you have any further questions concerning this matter, please call Jennifer Burkett of this office at (504) 862-2045

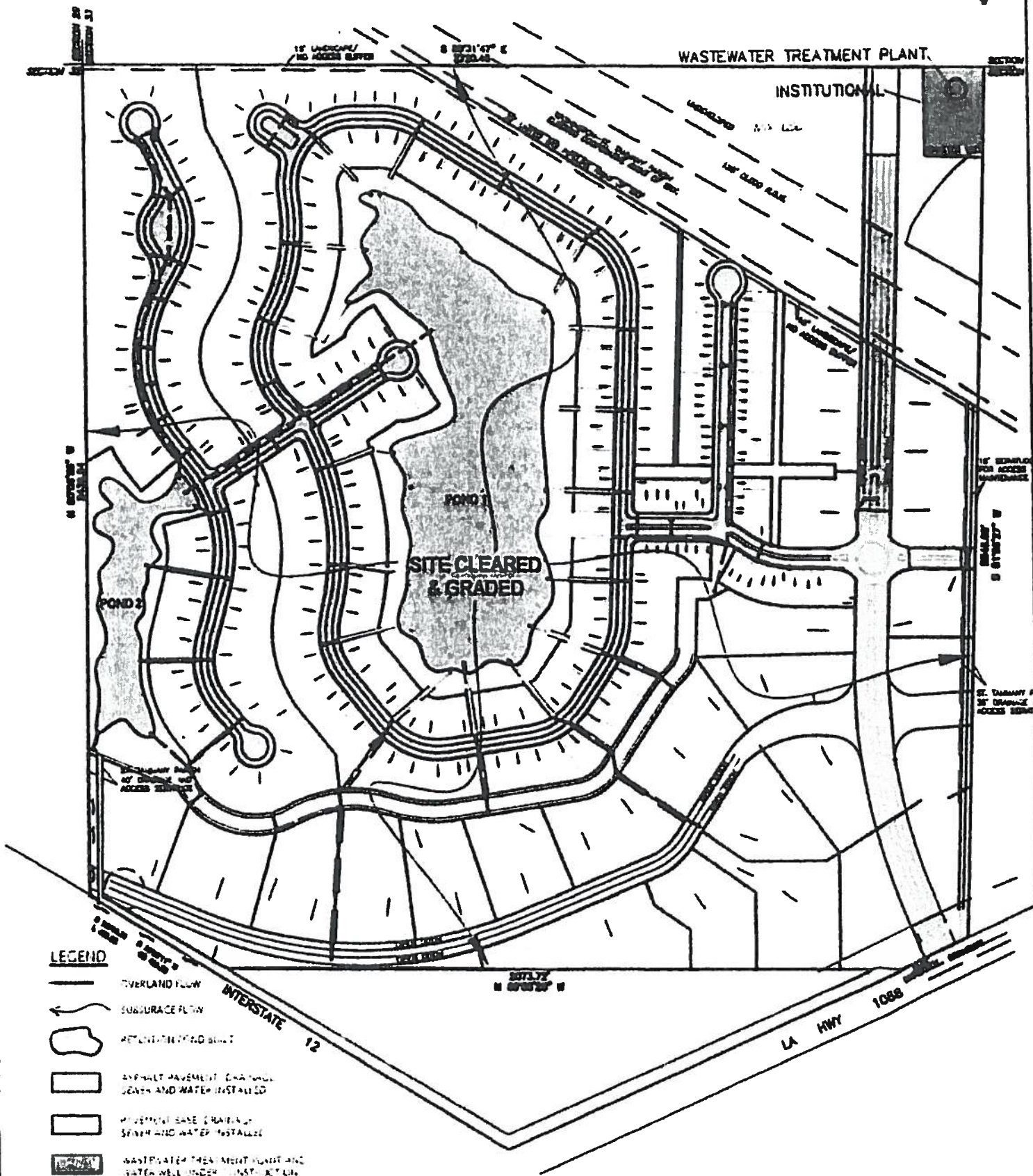
BY AUTHORITY OF THE SECRETARY OF THE ARMY:

A handwritten signature in black ink, appearing to read "Pete Serio".

Pete J. Serio  
Chief, Regulatory Branch  
for  
Edward R. Fleming  
Colonel, US Army  
District Commander

2201-03-028

**WADSWORTH**  
**A TRADITIONAL NEIGHBORHOOD EXPERIENCE**  
SECTION 33, TOWNSHIP 7 SOUTH, RANGE 12 EAST  
**ST. TAMMANY PARISH, LA.**  
MAY 20, 2004  
REVISED JANUARY 24, 2011



**KREBS, LeSALLE, LAMIRUX CONSULTANTS, INC.**  
ENGINEERING • PLANNING • SURVEYING • HYDROLOGY • ENVIRONMENTAL

200 0 200 400  
SCALE: 1"=400'

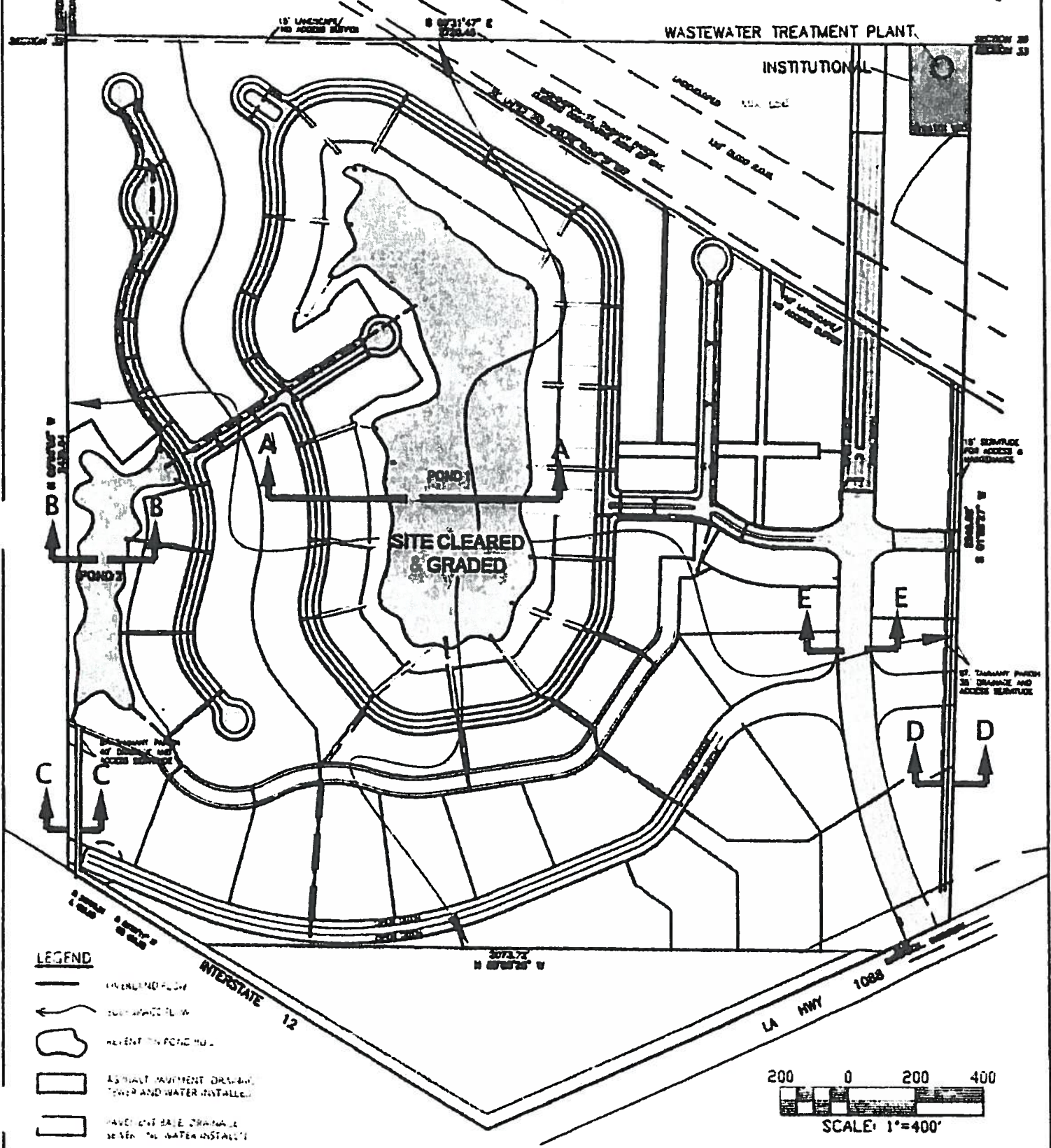
**DRAINAGE MAP**  
**EXHIBIT NO.2**



2001-03-028

WADSWORTH  
A TRADITIONAL NEIGHBORHOOD EXPERIENCE  
SECTION 33, TOWNSHIP 7 SOUTH, RANGE 12 EAST  
ST. TAMMANY PARISH, LA.

MAY 20, 2004  
REVISED JANUARY 24, 2011



KREBS, LASALLE, LAMIEUX CONSULTANTS, INC.  
ENGINEERING • PLANNING • SURVEYING • HYDROLOGY • ENVIRONMENTAL

CROSS SECTION LOCATIONS  
EXHIBIT NO.3

Source: Wadsworth Exhibit 002 1-24-2011 View Point Exhibit 00200000.dwg (A-0000) Exhibit 3 Feb 07, 2011 - 1:14 PM  
P.L.C. & J.M.C. (001)

**A TRADITIONAL NEIGHBORHOOD EXPERIENCE**  
SECTION 33, TOWNSHIP 7 SOUTH, RANGE 12 EAST  
ST. TAMMANY PARISH, LA.  
MAY 20, 2004

[illegible]

# CROSS SECTIONS EXH NO.4

700103-038



2001-03-028

## DEPARTMENT OF THE ARMY PERMIT

Permittee: The Azby Fund

Permit No. MVN 2004-3421 ESB

Issuing Office: New Orleans District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Clear, grade, excavate and deposit fill to develop Wadsworth commercial and residential subdivision with associated roads, utilities and retention ponds, in accordance with drawings enclosed in five sheets, undated and revised.

Project Location: Located at Latitude 30°23'51" North, Longitude 90°00'10" West, approximately two (2) miles northeast of Mandeville, Louisiana, in St. Tammany Parish.

### Permit Conditions:

#### General Conditions:

1. The time limit for completing the work authorized ends on MARCH 31, 2011. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

FILE COPY

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: Page 4.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 328.4 and 328.6. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

X Pat 2 - THE Arby Fund  
(PERMITTEE) PATRICK FITZMAKIE'S

X 3-20-2006  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Pete J. Serio  
Pete J. Serio, Chief Eastern Evaluation Section

20 March 2006  
(DATE)

for Richard P. Wagenaar, District Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

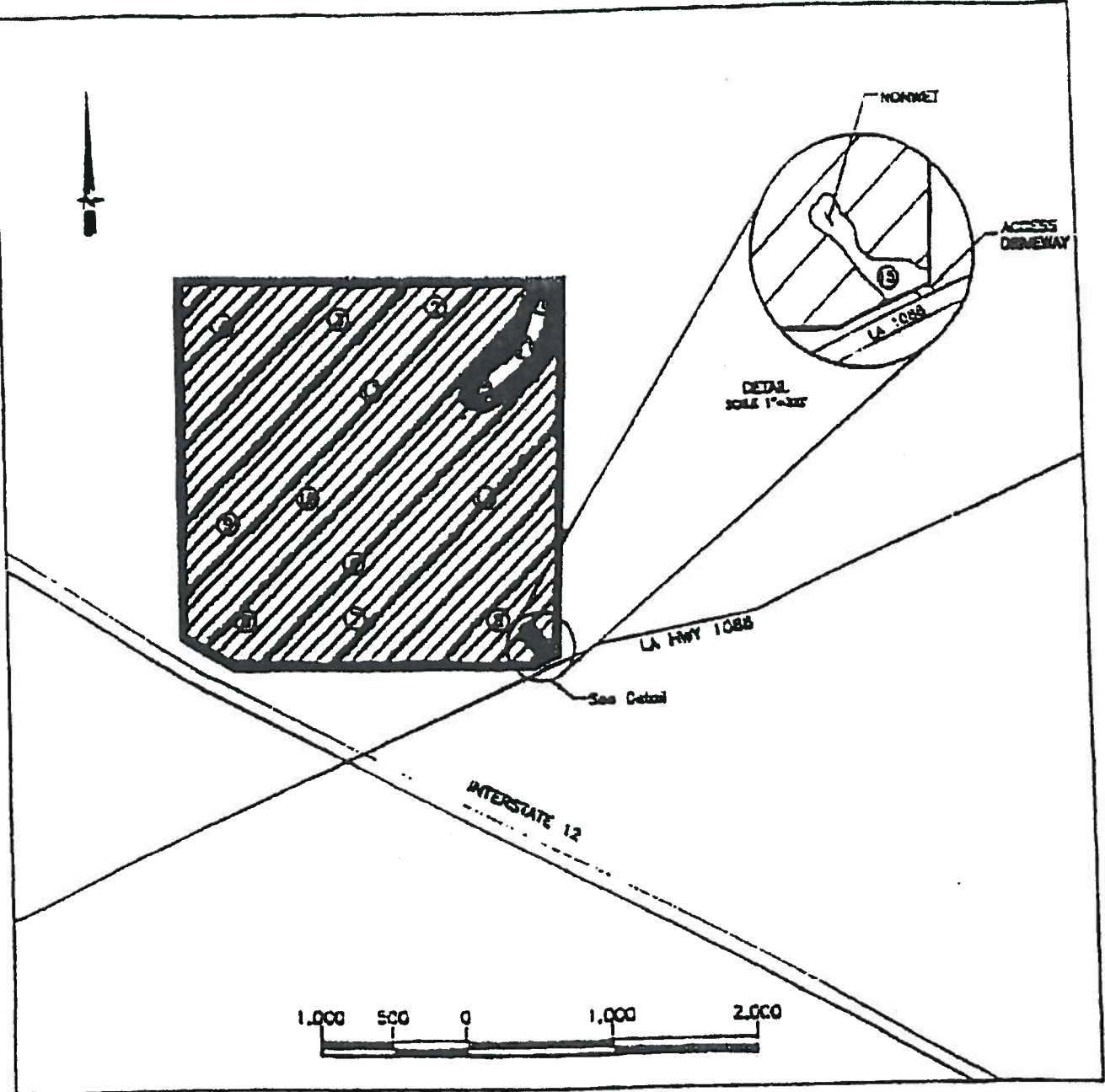
(TRANSFeree)

(DATE)

**SPECIAL CONDITIONS: MVN 2004-3421 EBB**

7. As compensatory mitigation, the permittee has agreed to contract with St. Tammany Mitigation Services, L.L.C., for the restoration of pine flatwood/savannah on 265 acres managed and operated in accordance with the Bayou Lacombe Mitigation Bank Interagency Agreement. The contract shall stipulate that the required longleaf pine seedling plantings and the initial enhancement and management measures shall be completed during the spring of 2006. Once the contract has been executed, the responsibility to complete the compensatory mitigation requirements of this permit becomes that of St. Tammany Mitigation Services, L.L.C., as per the interagency agreement.
8. The permittee shall provide the Corps of Engineers, Regulatory Branch with written verification from St. Tammany Mitigation Services, L.L.C. that the financial arrangements needed to perform the initial plantings have been made. This verification shall be provided by August 1 following permit issuance or prior to commencement of the work authorized in this permit, whichever comes first.
9. The compensatory mitigation identified above has been determined to be a necessary part of this permit approval. Failure by the permittee to perform the compensatory mitigation, in accordance with the permit conditions, is considered grounds for permit suspension, permit revocation, and/or restoration of the work performed under this authorization.
10. Many local governing bodies have instituted laws and/or ordinances in order to regulate dredge and/or fill activities in floodplains to assure maintenance of floodwater storage capacity and avoid disruption of drainage patterns that may affect surrounding properties. Your project involves dredging and/or placement of fill, therefore, you must contact the local municipal and/or parish governing body regarding potential impacts to floodplains and compliance of your proposed activities with local floodplain ordinances, regulations or permits.

2001-03-028



USACE

\_\_\_\_\_

\_\_\_\_\_

FOR \_\_\_\_\_

(# \_\_\_\_\_ )

■ WETLAND

■ NON-WETLAND

EXHIBIT 4  
AZBY TRACT  
PLAT SHOWING THE PROPOSED  
WETLAND / NONWETLAND

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## ADMINISTRATIVE COMMENT

### ZONING STAFF REPORT

**Date:** November 4, 2013

**Case No.:** ZC01-03-028

**Prior Action:** Approved (03/06/01), postponed (10/01/13)

**Posted:** 10/22/13

**Meeting Date:** November 12, 2013

**Determination:** Approved

#### GENERAL INFORMATION

**PETITIONER** G. E.C., INC  
**OWNER** Azby Fund  
**REQUESTED CHANGE:** Major Amendment to PUD (Planned Unit Development) District  
**LOCATION:** Parcel located at the northwest corner of the intersection of I-12 and LA Highway 1088; S33, T7S, R12E; Ward 4, District 5 & 7  
**SIZE:** 161 acres

#### ASSESSMENT

##### ACCESS ROAD INFORMATION

**Type:** State

**Road Surface:** 2 lane asphalt

**Condition:** Good

##### LAND USE CONSIDERATIONS

##### SURROUNDING LAND USE AND ZONING:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Undeveloped	A-2 (Suburban) District
South	I-12 & Undeveloped	HC-2 (Highway Commercial) District
East	Undeveloped	A-3 (Suburban) District
West	Undeveloped	A-4 (Single Family Residential) District

##### EXISTING LAND USE:

**Existing development?** No

**Multi occupancy development?** Yes

##### COMPREHENSIVE PLAN:

**Agriculture (nursery, sod)** - Use of land for horticulture, floriculture, and the necessary or associated uses for packing, treating, storing the produce or using it for education.

**Planned Districts** - Coordinated development on several parcels, usually at a higher density – but not in all cases - than other parcels in the proximity, planned in an integrated fashion as single units including residential, commercial and possibly other (institutional, recreational, *e.g.*) uses, as well as the supporting infrastructure and public services they will require (*See “Small Area Plans,” below*). Generally, such developments improve environmental qualities, preserve natural environments, provide for open space and recreational uses, and for residential as well as commercial uses, and are equipped with central utility systems and efficient and effective internal and external transportation access in multiple modes.

**Mixed Use – Commercial – Conservation** - These planned districts would include mixed uses, except for residential uses, – at varying densities - and conservation areas, following a Small Area Plan, and providing for balance, compatibility and integration of uses and all supporting infrastructure.

##### STAFF COMMENTS:

The petitioner is requesting a major amendment to the PUD (Planned Unit Development Overlay). A plan was originally approved in 2001 for the site to be developed as a commercial, residential and institutional PUD (see attached plan identified as Exhibit 6). A complete reconfiguration of the originally approved plan (see attached) has been submitted, consisting of a 57 lot commercial and industrial subdivision to be developed with 5 different types of zoning districts: W-1, W-2, W-3, W-4 & W-5. Since last month’s submission a revised list of permitted uses for each zoning district (see attached) has been provided, including the maximum building size, maximum building height and minimum lot size is provided. The design criteria regarding the landscaping, parking, signage and lighting requirements have also been provided as required, and listed on the plan.

One of the major concern of the previously submitted plan, was the incompatibility between the proposed layout and the list of uses. A list of approximately 123 permitted uses had been submitted, that resulted in a repetition of uses and a number of inherent conflicts. The revised list of proposed uses, which excludes residential uses, is compatible with the proposed plan more compatible and the purpose and objectives of the PUD.

GENERAL PUD CRITERIA

Required information	Staff Comments
Title of the project, name of the developer, legal description	Provided as Required
Existing Land Use within 500' of all boundaries on the plan	Provided as Required
Minimum front, side, & rear setbacks & maximum height, minimum lot size of each zoning district.	Provided as Required.
Restrictive Covenants	Provided as Required
Water & Sewer facilities	Provided as Required (to be located on site)
Wetland Delineations	Provided as Required
Flood Zone Demarcation Lines	Provided as required
Ultimate Disposal of Surface Drainage	Provided as required.
Environmental Assessment Data Form	Provided as required.

GREENSPACE

A total of 40.84 acres (25.5%) of greenspace is proposed to be provided, including 14.09 acres dedicated to existing lakes and 26.75 acres dedicated to passive recreation (walking trail and park). Staff feels that the proposed walking path should be extended around Lake 1, in order to make it more functional & accessible to the potential users.

COMPREHENSIVE PLAN ANALYSIS

The 2025 land use plan designates the area as Planned District-Mix use-Commercial-Conservation, to be developed with a mix of commercial uses at varying densities, including open spaces and the preservation of natural environments. The proposed development meets the 2025 future land use plan by proposing a variety of commercial & industrial uses and open space, which allows for some diversity through the subdivision.

STAFF RECOMMENDATION:

The staff recommends that the request for a major amendment to the PUD be approved.