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Kevin Davis
 Parish President

Appeal #6

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

APPEAL REQUEST

DATE: November 2, 2005

ZC 05-10-071

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

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

Sincerely,

PLEASE PRINT NAME, MAILING ADDRESS AND PHONE NUMBER BELOW

SIGNATURE

(SIGNATURE) JEFFREY D. SCHOEN

Attorney for MICHAEL H. FITZPATRICK

P. O. Box 1810

Covington, LA 70434

PHONE #: 985-892-4801



ZC05-10-071

Existing Zoning:	SA (Suburban Agricultural) District
Proposed Zoning:	PUD (Planned Unit Development) District
Acres:	14.5 acres
Petitioner:	Michael H. Fitzpatrick
Owner:	Maxulus Properties, LLC
Location:	Parcel located on the west side of Rapatel Street, north of US Highway 190, S45 & 46, T8S, R12E, Ward 4, District 7
Council District:	7

ZONING STAFF REPORT

Date: October 21, 2005

Meeting Date: November 1, 2005

Case No.: ZC05-10-071

Determination: no action

Posted: 10/06/05

GENERAL INFORMATION

PETITIONER: Michael H. Fitzpatrick
OWNER: Maxulus Properties, LLC
REQUESTED CHANGE: From SA (Suburban Agricultural) District to PUD (Planned Unit Development) District
LOCATION: Parcel located on the west side of Rapatel Street, north of US Highway 190; S45 & 46, T8S, R12E; Ward 4, District 7
SIZE: 14.5 acres

SITE ASSESSMENT

ACCESS ROAD INFORMATION

Type: Parish 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	Single Family Residential	A-4 (Single Family Residential) District
South	Single Family Residential	City of Mandeville
East	Single Family Residential	SA (Suburban Agricultural) District
West	Single Family Residential	A-2 (Suburban) District

EXISTING LAND USE:

Existing development? Yes Multi occupancy development? Yes

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

CHARACTERISTICS OF THE PROPOSED SUBDIVISION

The petitioner is requesting to change the zoning from SA (Suburban Agricultural) District to PUD (Planned Unit Development) District. The site is located on the west side of Rapatel Street, north of US Highway 190. A new garden home (100 units) development is being proposed for the site. The lots will be approximately 3515 square feet and the density will be of approximately 6.9 lots per acre. The site is proposed to be accessed through a gated entrance from Rapatel Street.

GREENSPACE

A total of 2.5 acres (17.2%) of green space is proposed to be provided for the development. The passive recreational area will consist of a total of 93 % and the active recreational area will consist of 7 % of the total greenspace provided. A park is proposed to be provided at the end of the subdivision as an active amenities. Staff feels that formal accesses to the greenspaces and picnic tables should be provided, in order to formally integrate the water features to the site and the open spaces. Considering the close proximity of the site to Pelican Park and the small size of the green space area, pool and cabana, gazebo and walking trails would be more beneficial and functional for the development, in order to meet the passive and active recreational requirements.

GENERAL PUD CRITERIA

The title of the project, name of the developer, legal description, and the existing land use within 500 feet of all boundaries have been provided on the plot plan. The minimum front, side, and rear setbacks and maximum height of the buildings are indicated on the proposed site plan, as required.

A copy of the restrictive covenants has been provided as required. Central water and sewerage underground facilities will be provided on site, as stated on the plan. The applicants have submitted a copy of the environmental assessment data form and information as to the ultimate disposal of surface drainage, as required by the PUD guidelines. The flood demarcation lines and the wetlands delineation have been provided as required.

The subdivision is proposed to be developed in approximately 2 phases as identified on the plan. The approximate date when construction of each phase will be taking place has also been provided on plan.

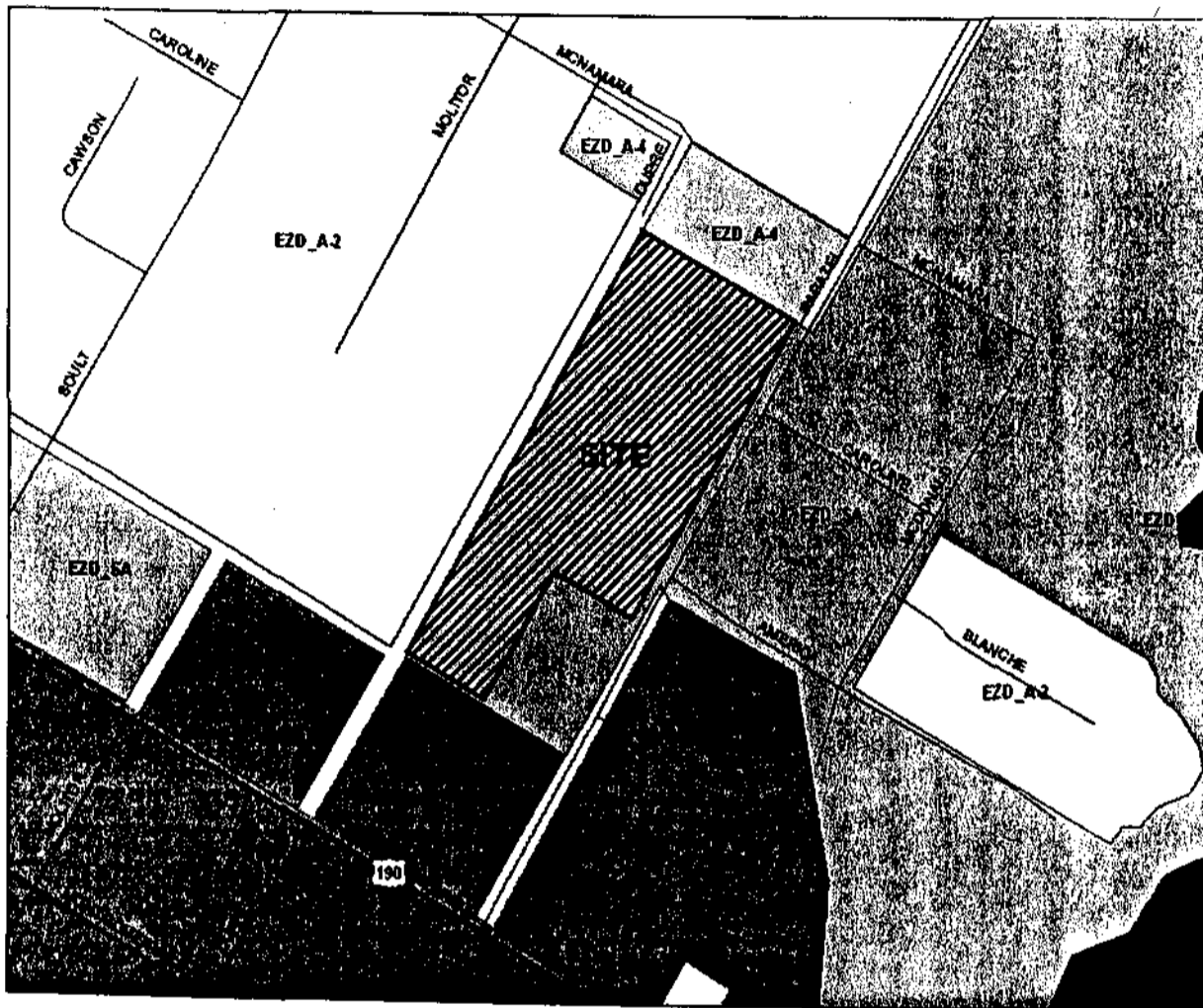
COMPREHENSIVE PLAN ANALYSIS

The 2025 land use map designates this area for residential development. The proposed PUD meets the definition of this land use classification, considering that it provides a high number of residential units per acre. The proposed development will also provide a different type of housing in the area and definitely improve the quality of the site.

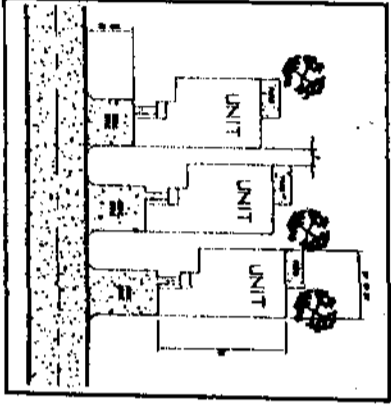
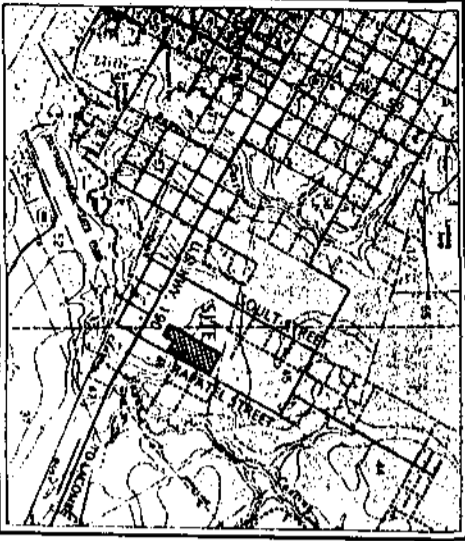
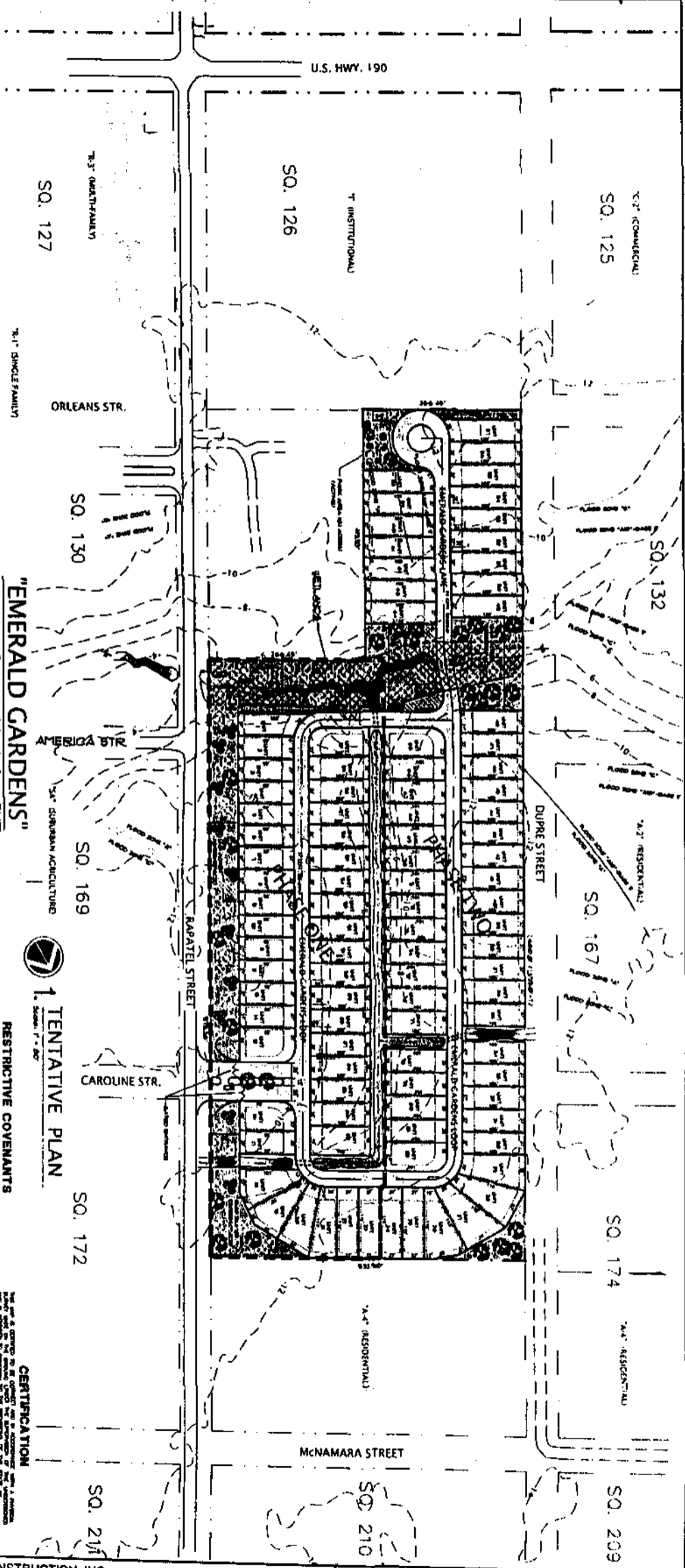
STAFF RECOMMENDATION:

The staff recommends that the request for a PUD (Planned Unit Development) District designation be approved. However, staff feels that additional passive and active recreational amenities should be provided.

CASE NO.: ZC05-10-071
PETITIONER: Michael H. Fitzpatrick
OWNER: Maxulus Properties, LLC
REQUESTED CHANGE: From SA (Suburban Agricultural) District to PUD (Planned Unit Development) District
LOCATION: Parcel located on the west side of Rapatel Street, north of US Highway 190; S45 & 46, T8S, R12E; Ward 4, District 7
SIZE: 14.5 acres



2005-10-071



**"EMERALD GARDENS"
A PLANNED UNIT DEVELOPMENT**

BEING SQUARE 168, A PORTION OF SQUARES 131 & 173 AND A PORTION OF ORLEANS & AMERICAN STREETS (CLOSED), TOWN OF MANDEVILLE (NOT IN CORPORATE LIMITS), SECTIONS 45 & 46, TOWNSHIP 8 SOUTH, RANGE 12 EAST, ST. TAMMANY PARISH, LOUISIANA

4. PROJECT DATA

- 1) TOTAL ACREAGE = 4.5
- 2) EXISTING ZONING = SA (SUBURBAN AGRICULTURE)
- 3) PROPOSED ZONING = PUD (PLANNED UNIT DEVELOPMENT)
- 4) NUMBER OF UNITS = 108
- 5) 1, 2 & 3 BEDROOM UNITS AVAILABLE
- 6) SINGLE CAR GARAGE
- 7) 123 SF PATIO AREA
- 8) CENTRAL SEWER & WATER
- 9) UNDERGROUND UTILITIES
- 10) STREETS = 200' WIDE CONC. ETC.
- 11) CURBS & GUTTER AND SURFACE ON AVENUE
- 12) GATED SECURITY ENTRANCE
- 13) 33 ACRES RESERVED IN GREEN SPACE (IN 7.2% OF TOTAL AREA)
- 14) CLOSE TO OUTSTANDING SHOPPING
- 15) INDICATES AREA OF WETLANDS
- 16) ANTICIPATED START OF PHASE ONE = W/4/07/06

1. TENTATIVE PLAN

RESTRICTIVE COVENANTS

1. EACH LOT WILL HAVE MORE THAN ONE ENCLAVE.
2. FRONT SETBACK WILL NOT BE LESS THAN 20 FEET FROM THE PROPERTY LINE.
3. SIDE SETBACK WILL NOT BE LESS THAN 10 FEET FROM THE PROPERTY LINE.
4. REAR SETBACK WILL NOT BE LESS THAN 10 FEET FROM THE PROPERTY LINE.
5. THERE SHALL BE NO SIGNAGE ON THE PROPERTY.
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CERTIFICATION

I, the undersigned, being a duly licensed Professional Engineer in the State of Louisiana, do hereby certify that the above is a true and correct copy of the original as shown to me by the applicant.

EMERALD GARDENS
 PROJECT NO. 05-001
 DATE: 07/27/06
 DRAWN BY: JAC
 CHECKED BY: JAC
 APPROVED BY: JAC

APPROVAL

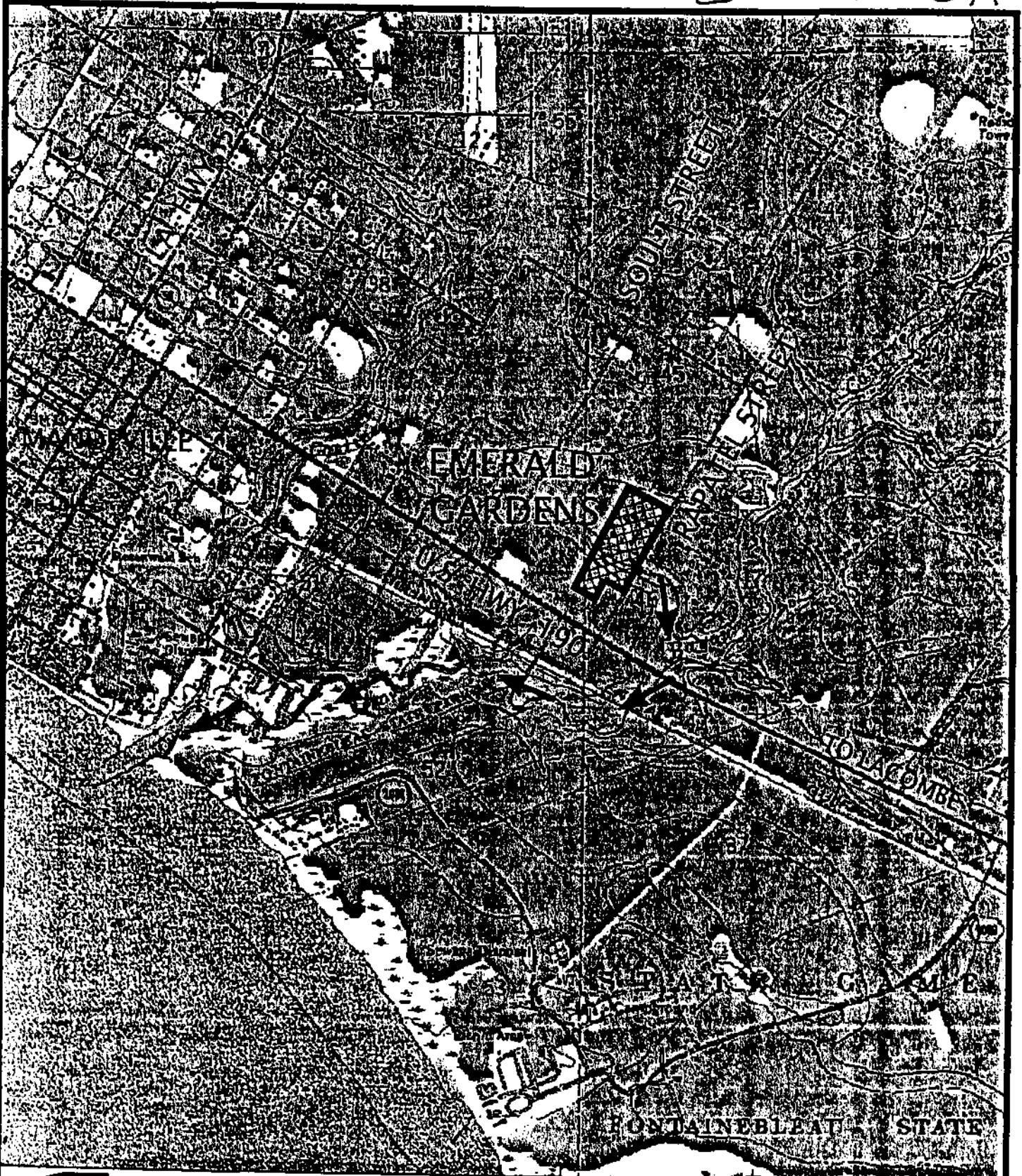
NO.	DATE	BY	FOR
1	07/27/06	JAC	DESIGN
2	07/27/06	JAC	REVISION
3	07/27/06	JAC	REVISION
4	07/27/06	JAC	REVISION
5	07/27/06	JAC	REVISION
6	07/27/06	JAC	REVISION
7	07/27/06	JAC	REVISION
8	07/27/06	JAC	REVISION
9	07/27/06	JAC	REVISION
10	07/27/06	JAC	REVISION

CLIENT: FIRST CONSTRUCTION, INC.

PROJECT DESCRIPTION: A PLANNED UNIT DEVELOPMENT IN SQUARES 168, A PORTION OF SQUARES 131 & 173 AND A PORTION OF ORLEANS, AMERICAN & CAROLINE STREETS (CLOSED), TOWN OF MANDEVILLE (NOT IN CORPORATE LIMITS), ST. TAMMANY PARISH, LOUISIANA

Scalfano ENGINEERING, INC.
 28661 Recreational Road, Lake Charles, Louisiana 70645-3361
 Ph: (985) 882-6364 Fax: (985) 882-6322
 Email: dev@scalfano-eng.net

2005-10-071



Scalfano

ENGINEERING, INC.

28661 Krentel Road, Lacombe, Louisiana 70445

Ph.: (985) 882-6363-Fax (985) 882-6322

Email: david@northlake-eng.net

ULTIMATE DISPOSAL OF
SURFACE DRAINAGE

Gentlemen:

I have completed the attached Environmental Impact Assessment Data Form and hereby certify that the information shown thereon is accurate and is based on a thorough study of the environmental impact by this development named:

EMERALD GARDENS "A PLANNED UNIT DEVELOPMENT"

David Scottano

DATE: 8/23/05

TITLE: ENGINEER

I have reviewed the data submitted and concur with the information with the following exceptions:

I recommend the following: _____

DATE: _____

PARISH ENGINEER: _____

I have reviewed the data submitted and concur with the information with the following exceptions:

I recommend the following: _____

DATE: _____

PARISH PLANNER: _____

I have reviewed the Environmental Assessment Data Form and concur with the information submitted with the following exceptions:

I recommend the following: _____

DATE: _____

POLICE JUROR: _____

WARD _____

2005-10-071

ENVIRONMENTAL ASSESSMENT DATA FORM

Description of Project

Applicant's Name FIRST CONSTRUCTION INC.

Address 1344 VILLEGE ST. MANDEVILLE, LA. 70448

Attach area location Map showing the proposed development

Name of Development EMERALD GARDENS

Section 45 & 46 Township 8 SOUTH Range 12 EAST

Number of acres in Development 14.5

Type of streets 24' CONCRETE (6" THK.)

Type of water systems CENTRAL

Type of sewerage system CENTRAL

Ultimate disposal of wastes LAKE PONTCHARTRAIN

Ultimate disposal of surface drainage BAYOU CASTINE TO LAKE PONTCHARTRAIN

Land form: Flat Rolling _____ Marsh _____
Swamp _____ Inundated _____

Existing land use: Rural _____ Residential
Commercial _____ Industrial _____

Proposed land use: Rural _____ Residential
Commercial _____ Industrial _____

Conforms to Major Road Plan: Yes No _____

Water frontage: Yes _____ No if so how much _____

Name of Stream _____

Major highway frontage: Yes _____ No

Name of Highway _____

Is development subject to inundation in normal high rainfall and/or tide?

Yes _____ No

Will canals be constructed into rivers or lakes?

Yes _____ No

ANSWER ALL QUESTIONS BY A CIRCLE AROUND YES OR NO

1. Does the proposed development
 - a. Disrupt, alter or destroy an historic or archeological site or district. YES NO
 - b. Have a substantial impact on natural, ecological recreation, or scenic Resources YES NO
 - c. Displace a substantial number of people YES NO
 - d. Conform with the environmental plans and goals that have been adopted by the parish. YES NO
 - e. Cause increased traffic, or other congestion YES NO
 - f. Have substantial esthetics or visual effect on the area YES NO

Condt:

ANSWER ALL QUESTIONS BY A CIRCLE AROUND YES OR NO

- g. Breach national, state or local standards relating to
- | | | |
|--|---------------------------|-------------------------------------|
| (1) Noise | YES <input type="radio"/> | NO <input checked="" type="radio"/> |
| (2) Air Quality | YES <input type="radio"/> | NO <input checked="" type="radio"/> |
| (3) Water Quality | YES <input type="radio"/> | NO <input checked="" type="radio"/> |
| (4) Contamination of public water supply | YES <input type="radio"/> | NO <input checked="" type="radio"/> |
| (5) Ground water levels | YES <input type="radio"/> | NO <input checked="" type="radio"/> |
| (6) Flooding | YES <input type="radio"/> | NO <input checked="" type="radio"/> |
| (7) Erosion | YES <input type="radio"/> | NO <input checked="" type="radio"/> |
| (8) Sedimentation | YES <input type="radio"/> | NO <input checked="" type="radio"/> |
- h. Affect rare or endangered species of animal or plant habitat or such a species
- YES NO
- i. Cause substantial interference with the movement of any resident or migratory fish or wildlife species
- YES NO
- j. Induce substantial concentration of population
- YES NO
- k. Will dredging be required
- YES NO

If yes, denote the area proposed for spoil placement and the anticipated volume in cubic yards.

2. Attach specifications on the following, if applicable

- a. What types of materials will be disposed of as a result of the production of manufacturing process. If applicable explain where and in what manner disposal will occur. N/A
- b. What will be the average noise level of the development during working hours. N/A
- c. Will any smoke, dust or fumes be emitted as a result of the operational process, if so explain fully. N/A

Explain in detail the items marked YES above indicating how you propose to reduce or eliminate the environmental problems caused by your development and explain how you will ultimately dispose of the surface water generated by your development including the route of the surface water into a major stream and if you propose a center sewerage system the ultimate disposal of the effluent produced.

EXISTING WETLANDS WILL REMAIN UNTOUCHED.
2.5 ACRES OF LANDSCAPED GREENSPACE WILL BE PROVIDED W/A DIVIDED ENTRANCE BLVD.

A TRAFFIC STUDY WILL BE PERFORMED BY DEVELOPER W/ RECOMMENDATIONS IMPLEMENTED AT/BEFORE FINAL APPROVAL.

ULTIMATE DISPOSAL OF SURFACE WATER & EFFLUENT PRODUCED WILL BE LAKE PONTCHARTRAIN. (SEE ATTACHED)