



**ST. TAMMANY PARISH**  
**DEPARTMENT OF PLANNING**  
 P. O. Box 628  
 COVINGTON, LA 70434  
 PHONE: (985) 892-8229  
 FAX: (985) 892-8008  
 e-mail: [planning@stpgov.org](mailto:planning@stpgov.org)

*Kevin Davis*  
*Parish President*

*Appeal #3*  
*zc denied 3/1/2005*  
*Tabled 4/7/05*

**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:** March 2, 2005

**ZC04-06-047**

Existing Zoning: R (Rural) and SA (Suburban Agriculture) Districts  
 Proposed Zoning: PUD (Planned Unit Development) District  
 Acres: 78.7 acres  
 Petitioner: Leroy J. Cooper  
 Owner: Ruelle du Chene Developers, L.L.C.  
 Location: Parcel located on the west side of LA Highway 1077, north of the intersection of LA Highway 1077 and US Highway 190, S17, T6S, R10E, Ward 1, District 1  
 Council District: 1

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)

Paul J. Mayroux

P.O. Box 1610

Covington, LA 70434

**PHONE #:** 985/892-4801



## ZONING STAFF REPORT

Date: February 22, 2005  
Case No.: ZC04-06-047  
Prior Action: Tabled indefinitely (06/01/04)  
Posted: 02/11/05

Meeting Date: March 1, 2005  
Determination: Denied

### GENERAL INFORMATION

**PETITIONER:** Leroy J. Cooper  
**OWNER:** Ruelle du Chene Developers, L.L.C.  
**REQUESTED CHANGE:** From R (Rural) and SA (Suburban Agriculture) Districts to PUD (Planned Unit Development) District  
**LOCATION:** Parcel located on the west side of LA Highway 1077, north of the intersection of LA Highway 1077 and US Highway 190; S17, T6S, R10E; Ward 1, District 1  
**SIZE:** 78.7 acres

### SITE ASSESSMENT

#### ACCESS ROAD INFORMATION

Type: State Highway                      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 and undeveloped	SA (Suburban Agriculture) District
South	undeveloped	R (Rural) District
East	single family and undeveloped	SA (Suburban Agriculture) District & PUD (Planned Unit Development) District
West	undeveloped	R (Rural) 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.

#### STAFF COMMENTS & ANALYSIS:

The petitioner is requesting to change the zoning from R (Rural) and SA (Suburban Agriculture) Districts to PUD (Planned Unit Development) District. The site is a parcel located on the west side of LA Highway 1077, north of the intersection of LA Highway 1077 and US Highway 190. The petitioner was originally proposing a new residential subdivision of 160 units on a 78.7 acre parcel. A revised plan has been submitted reducing the number of garden homes from 57 to 46 (average lot size 5638 square feet) and the number of single family homes from 103 to 55. The single family residential portion of the subdivision is proposed to be developed with 31 Estate Lots (average lot size 16,092 square feet) and 24 Premier Lots (average lot size 10,300 square feet). The overall project density will then be reduced to 1.28 lots per acre instead of 2.03 units per acre. Staff commends the applicants on revising the site plan, considerably reducing the number of lots and increasing the size of the lots. The revised site plan satisfactorily meets the PUD requirement for residential diversity, by providing an impressive variety of lot sizes and unit types. Also, the various forms of housing are well-interspersed throughout the development.

Staff also commends the applicants on designing a context-sensitive subdivision that responds to the unique natural conditions of the site. All designated wetlands on the site and all portions of the site that lie within flood zone A are set aside for active and passive recreational uses. This design clearly responds to the PUD regulations' call for an "environmentally sensitive design."

#### GREENSPACE

The proposed development meets the required percentage of greenspace area (50.20 acres or 64%). The active recreation will occupy 5 % of the total greenspace provided and the remaining 59% will be dedicated for passive recreation. Children playground areas and gazebos have been provided

on dedicated greenspace area through the development. However, no passive amenities are being provided. Staff feels that, considering that 50 of the 78 acre development is dedicated for greenspace, additional passive and active amenities must be provided. Considering that one of the objective of the PUD, is to provide "functional and beneficial uses of open space areas", the total greenspace area provided, shall be redesigned.

#### **GENERAL PUD CRITERIA**

The title of the project, name of the developer, legal description has been provided on the plot plan. The existing land use within 500 feet of all boundaries, the maximum height of the commercial and residential buildings and the minimum front, side and rear yard for each different lot sizes have also been provided as required.

A copy of the restrictive covenants has been provided as required. Central water and sewerage facilities will be provided on site, in the northwestern corner of the subdivision. The location of the facilities has been identified on the site plan. A 20' buffer will be provided in order to adequately buffer the facility from the surrounding residences.

A copy of the environmental assessment data form and the required information as to the ultimate disposal of surface drainage have been provided. Also, the flood demarcation lines and the wetlands delineation are indicated on the plan as required.

The project is proposed to be constructed in two phases. Construction of the first phase is expected to begin in October 2005 and the second phase is expected to begin in October 2007. Note that the phases must be shown on the plan.

#### **COMPREHENSIVE PLAN ANALYSIS**

Staff has serious concerns with the proposed development. In staff's view, the crux of the problem is that the proposed development runs entirely counter to the 2025 Land Use Plan's vision for this part of the Parish. The PUD regulations call for a PUD development to be use "for horticulture, floriculture, and the necessary or associated uses for packing, treating, storing the produce or using it for education." Given that the Land Use Plan unambiguously designates the subject area for agricultural uses, staff cannot see how a 101 unit subdivision at the proposed density could possibly be construed and being compatible with the Land Use Plan's "timber" designation.

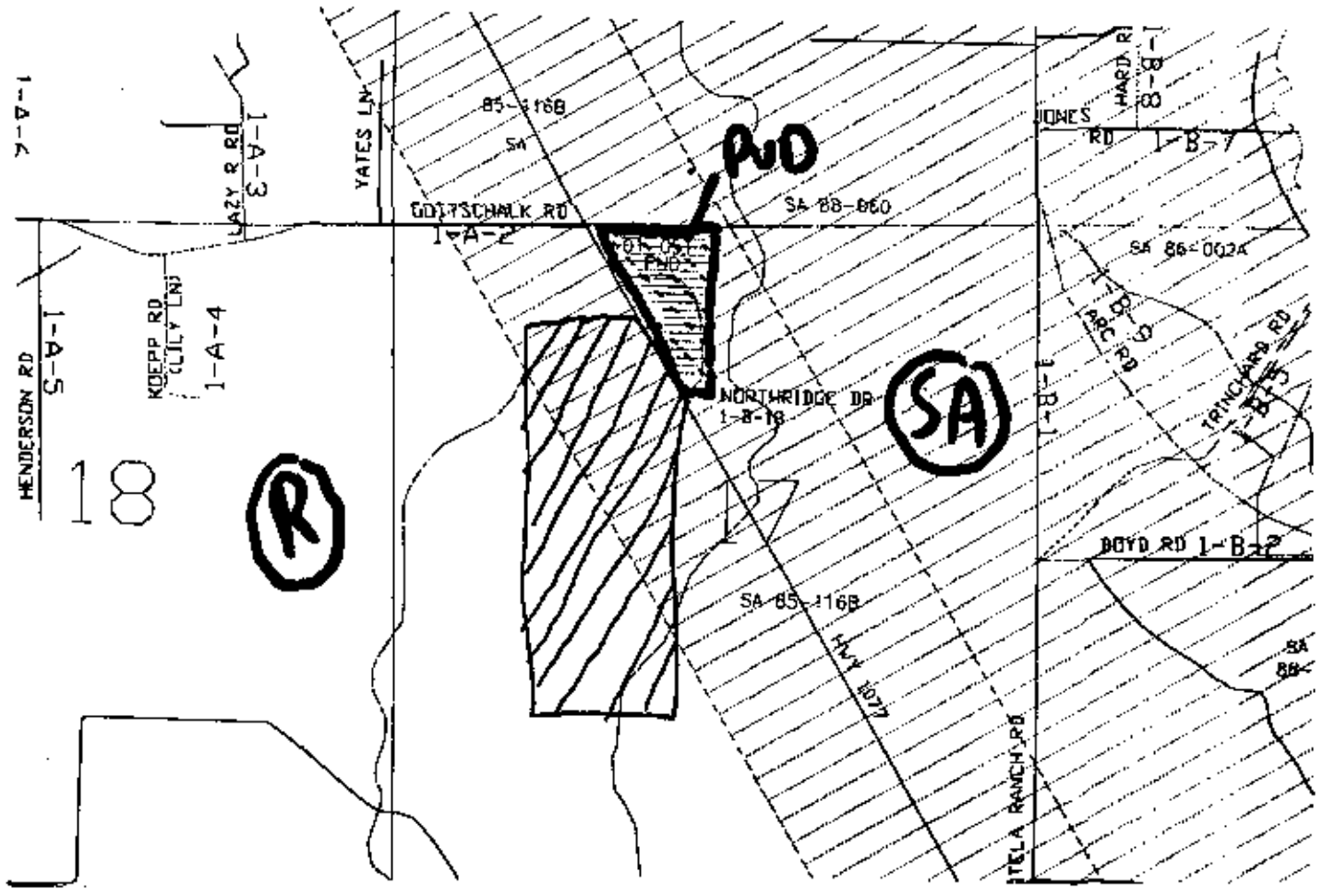
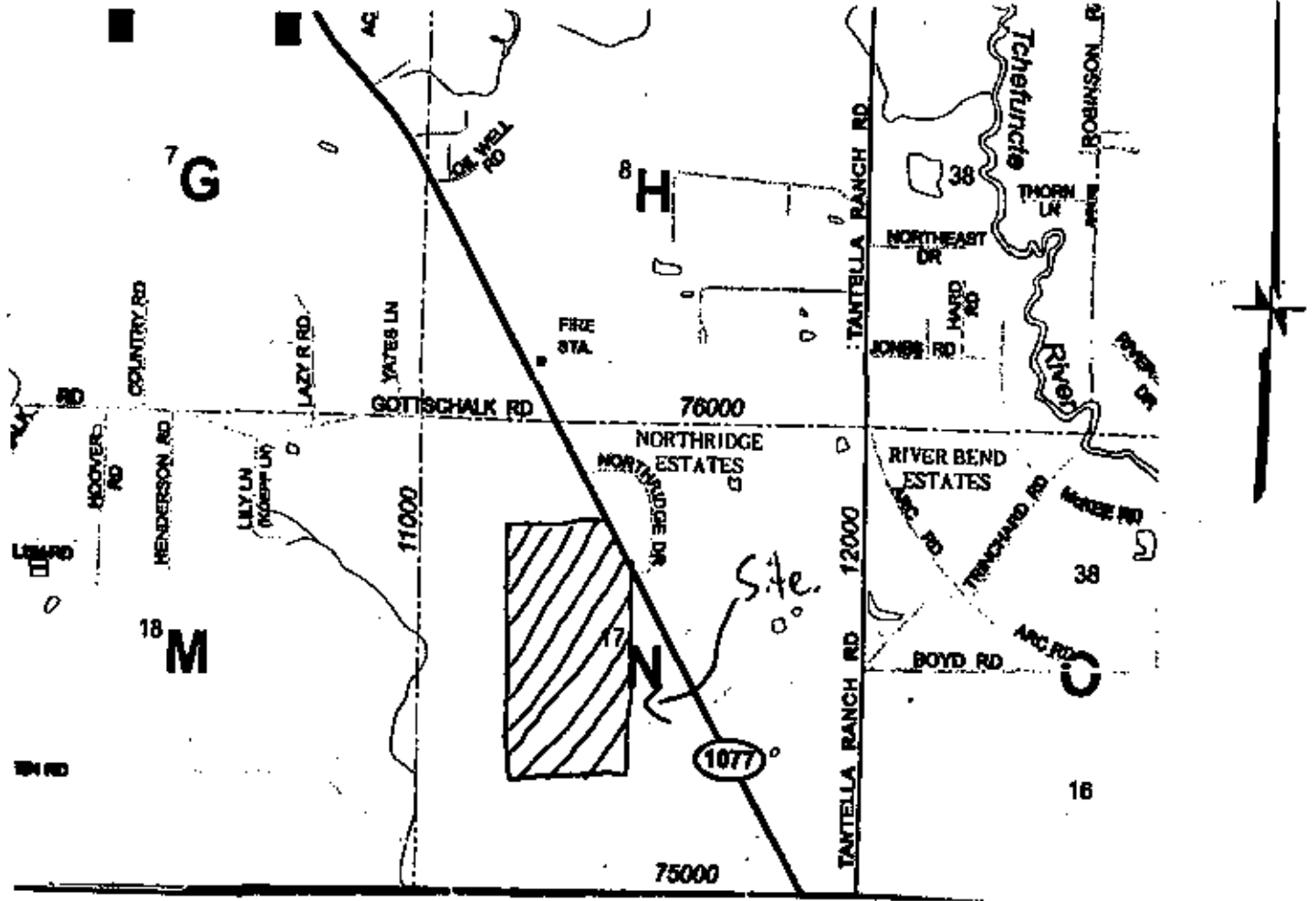
Staff is not *ideologically* opposed to residential development in this part of the Parish, but staff feels that the correct avenue for pursuing the kind of development that is being proposed is to first suggest an amendment to the land use plan through the comprehensive planning process. Residents, land owners, and other interested parties may participate in revisiting the long range land use vision for this part of the Parish. In the absence of such a public process, staff sees the proposed rezoning as a classic case of spot zoning, as defined as follows in the Comprehensive Plan: "The rezoning of a single parcel or a small area to benefit one or more property owners rather than to carry out an objective of the comprehensive plan."

As long as the comprehensive plan designates this area for agricultural uses, staff sees the proposed development as an exemplary subdivision design in an inappropriate location.

#### **STAFF RECOMMENDATION:**

The staff recommends that the request for a PUD (Planned Unit Development) District designation be denied.

**CASE NO.:** ZC04-06-047  
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**SIZE:** 78.7 acres

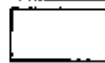

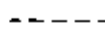
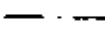


**DEVELOPER:**

RUELLE DE CHEHE DEVELOPERS, LLC  
 17 WINTER DRIVE  
 MANDEVILLE, LA. 70471  
 (885) 792-1007

PROVIDED GREEN SPACE & POND ACREAGE: (ACTIVE - 5%, PASSIVE - 50%)	±50.20 ACRES	- 64%
LOTS ACREAGE (ESTATE & PREMIER):	±17.12 ACRES	- 21%
GARDEN HOMES ACREAGE:	±5.95 ACRES	- 8%
DEDICATED RIGHT OF WAY ACREAGE:	±4.03 ACRES	- 5%
PRIVATE ROAD ACREAGE:	±1.40 ACRES	- 2%
<b>TOTAL ACREAGE:</b>	<b>±78.7 ACRES</b>	<b>- 100%</b>

**LEGEND:**

-  GREEN SPACE
-  WETLANDS
-  SETBACKS
-  FLOOD ZONE "A"
- EST. ESTATE LOTS
- PRE. PREMIER LOTS

**MINIMUM LOT (ESTATE & PREMIER) BUILDING SETBACKS:**

FRONT: 25'  
 REAR: 15'  
 SIDE STREET: 15'  
 SIDES: 5'

**MINIMUM GARDEN HOME BUILDING SETBACKS:**

FRONT: 20'  
 REAR: 5'  
 SIDE: 0' & 10'

**EXISTING ZONING:**

S-A & R-RURAL

**F.L.R.M. MAP:**

PANEL # 225205 0125C  
 FLOOD ZONE "A" & "C"  
 OCTOBER 17, 1988

ALL LOTS & GARDEN HOMES LOCATED IN FLOOD ZONE "C".

AVERAGE SIZE ESTATE LOTS:  
 ±16,092 sq ft (±3.37 ACRES)

AVERAGE PREMIER SIZE LOTS:  
 ±10,300 sq ft (±2.33 ACRES)

AVERAGE SIZE OF GARDEN HOME LOTS:  
 ±5,438 sq ft (±1.13 ACRES)

RESIDENTIAL DENSITY:  
 ±1.28 LOTS/ACRE

LANDSCAPING:  
 ALL EXISTING TREES ARE TO BE SAVED WITHIN THE GREEN SPACES.

EXISTING CONDITIONS:  
 RURAL

COMMUNITY SEWER & WATER:  
 COMMUNITY SEWER & WATER.

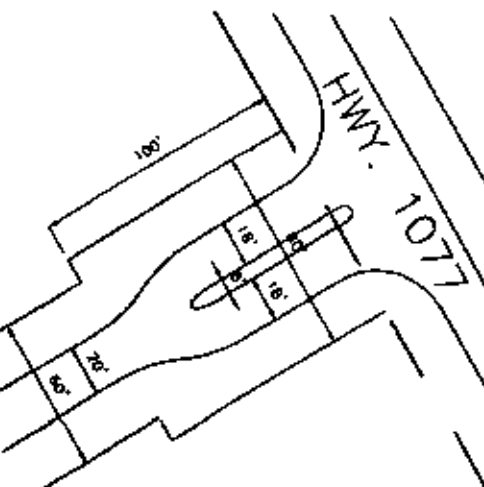
APPROXIMATE LENGTH OF DEDICATED ROADWAY: ±.34 MILES  
 APPROXIMATE LENGTH OF PRIVATE ROADWAY: ±.41 MILES

PERCENTAGE OF GREEN SPACE & LAKES: 64%

TOTAL MAX. NUMBER OF ESTATE LOTS: 31  
 TOTAL MAX. NUMBER OF PREMIER LOTS: 24  
 TOTAL MAX. NUMBER OF LOTS: 55  
 TOTAL MAX. NUMBER OF GARDEN HOME LOTS: 46

MAXIMUM HEIGHT OF BUILDINGS: 35'

**PHASES:**  
 THIS PROJECT WILL BE DIVIDED INTO APPROXIMATELY 2 PHASES.  
 PHASE 1 - OCTOBER 2005  
 PHASE 2 - OCTOBER 2007



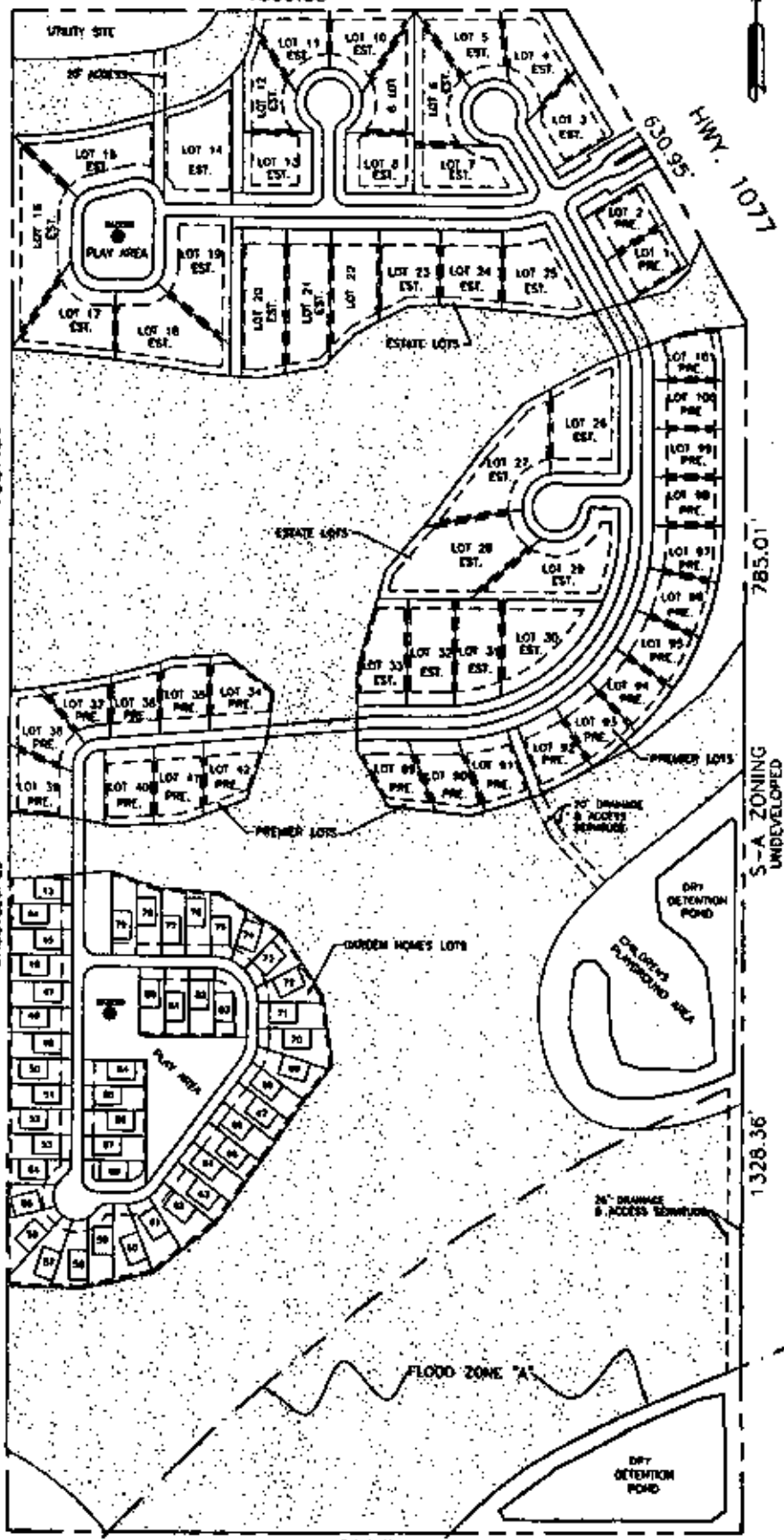
**BOULEVARD GEOMETRIC**

SCALE: 1" = 60'

**ZONING PLAN**

SCALE: 1" = 240'

S-A ZONING  
 UNDEVELOPED  
 1000.38'



R-RURAL ZONING 1322.78'

ZC04-06-047

03-074

**Z-1**

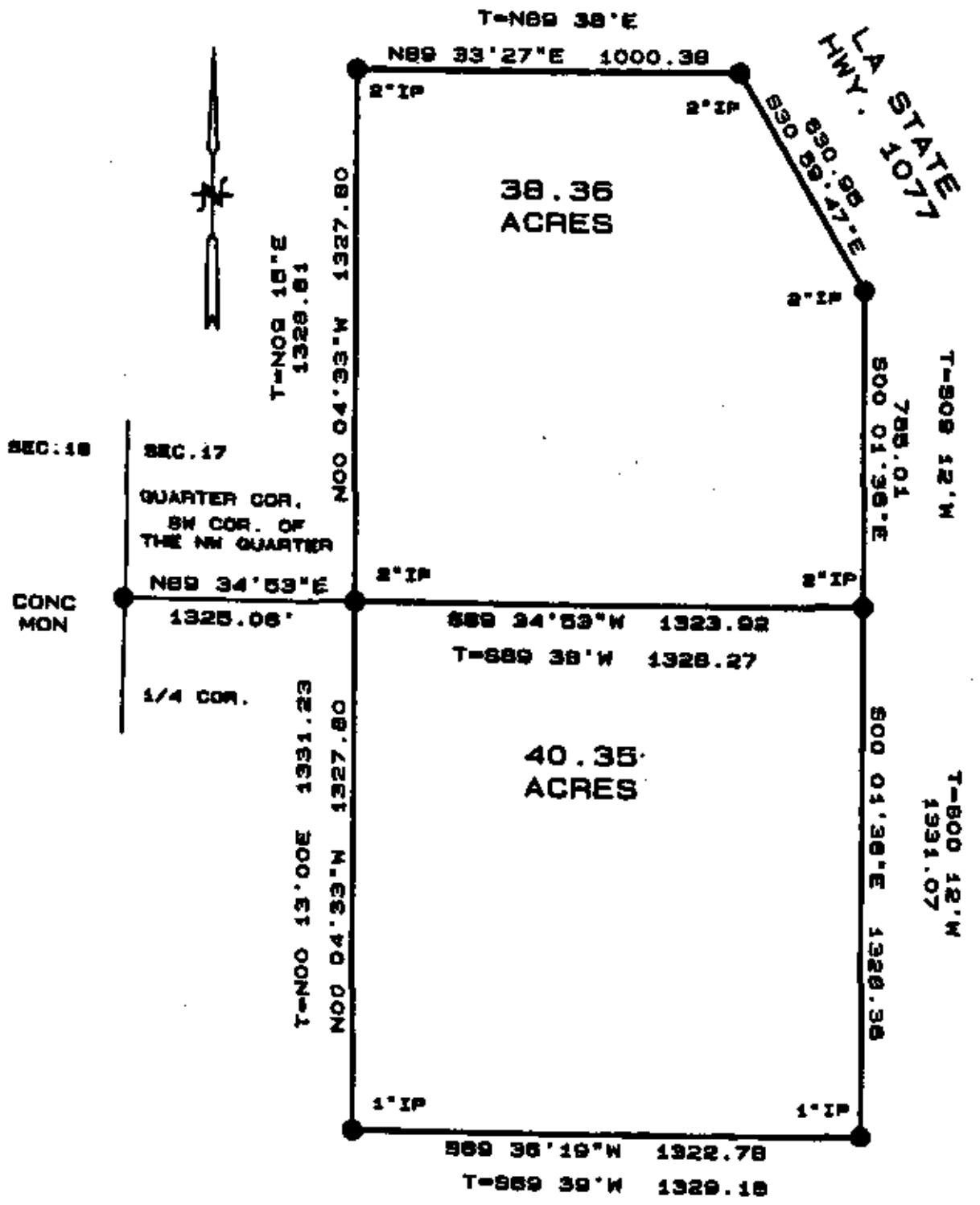
REV 01-20-05  
 04-13-04

HWY. 1077 SUBDIVISION  
 SECTION 17, TOWNSHIP 6 SOUTH, RANGE 10 EAST  
 ST. TAMMANY PARISH, LOUISIANA

**CEI COOPER ENGINEERING, INC.**  
 Civil Engineering • Planning • Environmental  
 P.O. Box 570 Oakridge, Louisiana 70054 (888) 445-0005

**LEGAL DESCRIPTION:**

TWO PARCELS of land located in Section 17, Township 8 South, Range 10 East, St. Tammany Parish, Louisiana, as per survey by Robert A. Berlin dated 8 OCT 84, Job #J-84-978.



2004-06-047

**CERTIFIED TO:**  
**RUELLE DU CHENE DEVELOPERS, L.L.C.**  
**WINTERS TITLE AGENCY, INC.**

**LEGEND:**  
 O SET 1/2" IRON ROD  
 ● FOUND IRON ROD  
 ● FOUND OLD WOOD  
 FENCE ---X---X---  
 BEARINGS: RECORD  
 SETBACK LINES ---  
 FRONT SIDE  
 REAR STREET

PRIOR TO CONSTRUCTION, OWNER OR BUILDER MUST VERIFY SETBACK LINES AND BASE FLOOD ELEVATIONS WITH THE APPROPRIATE CITY/PARISH GOVERNING OFFICIALS.

This survey is based upon the description furnished by the client. There may be other restrictions not shown on this plat that may exist in the public records. There are no visible encroachments existing except where shown hereon. If not otherwise noted, elevations refer to NGVD 1929 datum.

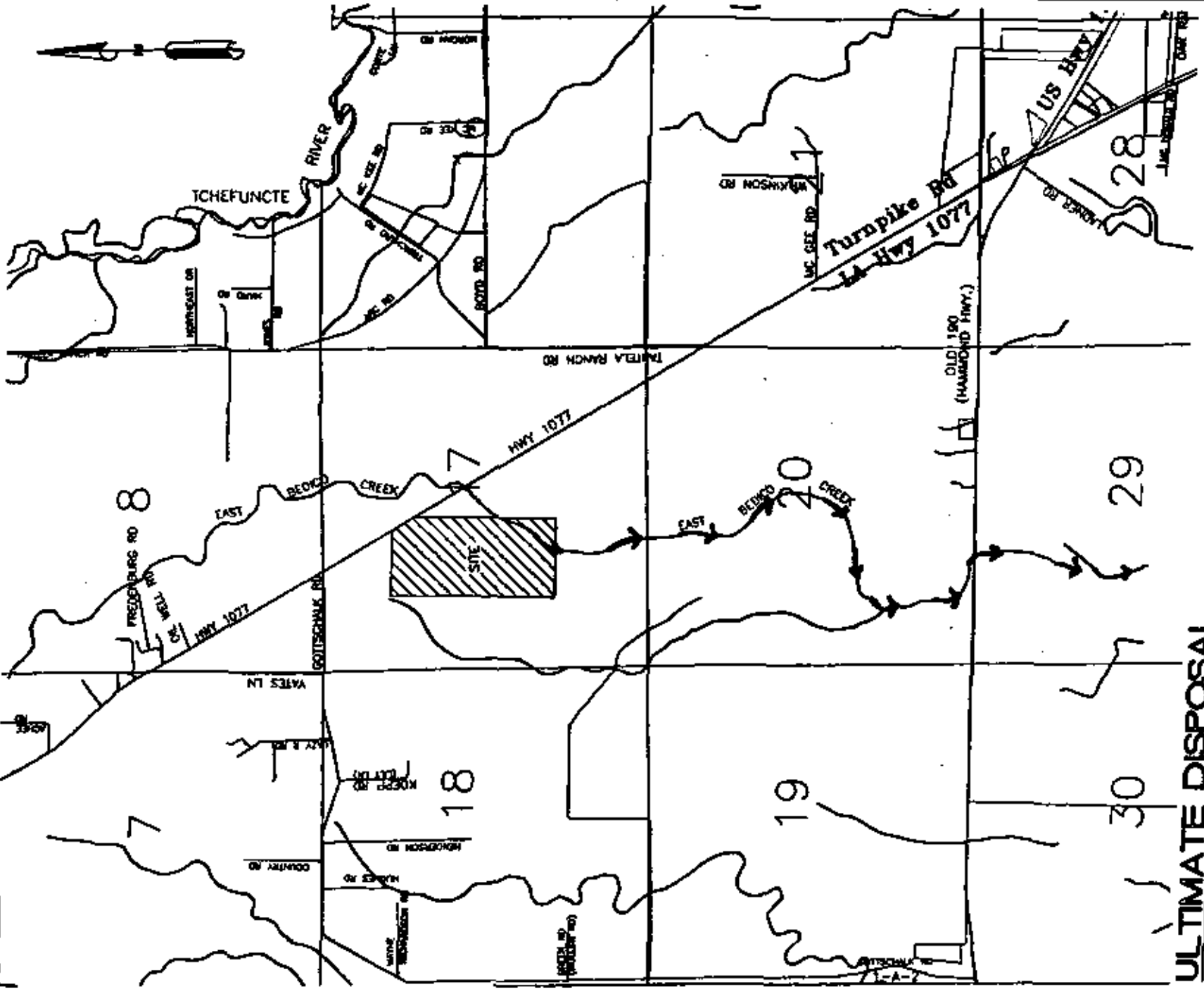
I, hereby certify that this plat is based on a physical survey made on the ground and in accordance with the standards of a PROFESSIONAL SURVEY and the applicable standards of practice of the State of Louisiana. Signature must be in ink and signed by the undersigned for this plat to be certified correct.

**BRUCE W. POPE, II**  
 REG. No. 4672  
 REGISTERED PROFESSIONAL

**WILSON-POPE, INC.**

LOUISIANA CERTIFIED LAND SURVEYORS

LABS/TYPE	"0"	CPN: 225205 0125 C
BOUNDARY	21 NOV 03	FIRM DATE: 17 OCT 89
ORNBORDS		FIRM ZONE: "A/C"
LAB TIE		BASE FLOOD:



**ULTIMATE DISPOSAL**

NOT TO SCALE

03-074	PLAN FOR HWY. 1077 SUBDIVISION	<b>CEI COOPER ENGINEERING, INC.</b>
U-1	SECTION 17, TOWNSHIP 8 SOUTH, RANGE 10 EAST	Civil Engineering • Planning • Environmental
04-13-04	ST. TAMMANY PARISH, LOUISIANA	P.O. Box 870 Orange, Louisiana 70064 504-383-0000

2104-06-017

## **RESTRICTIVE COVENANTS**

1. Each lot will not have more than one dwelling.
2. Front setbacks will not be less than 30 feet from the property line. Side building setbacks will not be less than 10 feet from the interior side of the property line. Side street building setbacks will not be less than 30 feet from the property line. Rear building setbacks will not be less than 25 feet from the rear property line.
3. 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 St. Tammany Parish Department of Environmental Services. Whenever a subdivision is served by a community (central) sewerage and/or 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, except for the purpose of irrigation, and in no event shall there be a physical connection between any such source and any element of the community (central) water system (supply).
4. No noxious or otherwise activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
5. Construction of any nature, including fences, is prohibited in Parish drainage servitude's and street easement.
6. No mobile homes will be permitted in this subdivision.
7. No lot shall be further subdivided without the approval of the St. Tammany Parish Planning Commission.
8. The front of each lot shall be subject to a 10-foot utility easement along all streets.
9. Driveways on corner lots shall not be located any closer than sixty (60) feet from a corner of said property closest to the intersection as measured from the corner of the property where the said two street right-of-ways intersect.
10. The Homeowners Association will be responsible for maintaining the green space areas within this development.
11. In addition to the foregoing minimum restrictive covenant, the developers have created by separate act recorded in original instrument No. \_\_\_\_\_ additional restrictive covenants which are applicable to the property being subdivided. The foregoing shall be a covenant running with each title and reference shall be made thereto in each title.
12. Roadside ditches must remain, subsurface drainage will not be allowed anytime in the future.
13. The minimum elevation for the lowest floor of all residences shall be determined from the latest revised FEMA flood insurance rate maps. The minimum elevation of the lowest floor in Flood Zone "A" shall be obtained from the Parish Engineering Department.
14. Lots may not be used for the storage of trash or junk vehicles.

ZC04-06-047



Description of Project

Applicant's Name Ruelle du Chemin Developers, L.L.C.

Address 17 Minter Drive, Mandeville, LA 70471

Attach area location Map showing the proposed development

Name of Development Highway 1077 Subdivision

Section 17 Township 6 South Range 10 East

Number of acres in Development 78.7 Acres

Type of Streets Asphalt

Type of water system Community

Type of sewerage system Community

Ultimate disposal of wastes East Badico Creek, ultimately to Lake Pontchartrain

Ultimate disposal of surface drainage East Badico Creek, ultimately to Lake Pontchartrain

Land form: Flat xx Rolling \_\_\_\_\_ Marsh \_\_\_\_\_  
Swamp \_\_\_\_\_ Inundated \_\_\_\_\_

Existing land use: Rural xx Residential \_\_\_\_\_  
Commercial \_\_\_\_\_ Industrial \_\_\_\_\_

Proposed land use: Rural \_\_\_\_\_ Residential xx \_\_\_\_\_  
Commercial \_\_\_\_\_ Industrial \_\_\_\_\_

Conforms to Major Road Plan: Yes xx No \_\_\_\_\_

Water frontage: Yes \_\_\_\_\_ No xx If so how much \_\_\_\_\_

Name of Stream \_\_\_\_\_

Major highway frontage: Yes xx No \_\_\_\_\_

Name of Highway LA Highway 1077

Is development subject to inundation in normal high rainfall and/or tide?  
Yes \_\_\_\_\_ No xx

Will canals be constructed into rivers or lakes?  
Yes \_\_\_\_\_ No xx

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 aesthetic or visual effect on the area? YES NO

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ANSWER ALL QUESTIONS BY A CIRCLE AROUND YES OR NO

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

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

2. Attach specifications of 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.
- None
- b. What work will be the average noise level be of the development during working hours.
- Negligible
- c. Will any smoke, dust or fumes be emitted as a result of the operational process. If so, explain fully.
- No

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.

2004-06-047

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



DATE: April 16, 2004

TITLE: Larry J. Cooper, P.E.

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: \_\_\_\_\_

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