



ST. TAMMANY PARISH
 DEPARTMENT OF PLANNING
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 COVINGTON, LA 70434
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Tabled 1/5/06

*Kevin Davis
 Parish President*

Appeal 3

A PETITIONER OR ANY AGGRIEVED PROPERTY OWNER HAS TEN (10) DAYS IN WHICH TO FILE AN APPEAL REGARDING A DECISION OF THE PLANNING COMMISSION. APPEALS MUST BE FILED WITH THE ST. TAMMANY PARISH DEPARTMENT OF PLANNING ON OR BEFORE THE TENTH DAY.

(NOTE: FINAL SUBDIVISION APPROVAL CANNOT BE APPEALED EXCEPT BY THE DEVELOPER)

APPEAL REQUEST LETTER

DATE: 12-16-2005
 TO: ST. TAMMANY PARISH COUNCIL
 FROM: Freddy Falgaust
 RE: AGGRIEVED BY DECISION MADE BY THE ST. TAMMANY PARISH PLANNING COMMISSION

I, Freddy Falgaust, hereby request that the St. Tammany Parish Council review the below mentioned case and consider reversing the decision made by the St. Tammany Parish Planning Commission at their 12-13-2005 meeting.

The case for which I am aggrieved by, as depicted on the docket of the Planning Commission is as follows:

REV05-12-004

Proposed temporary road closure of a portion of Pine Avenue, Whispering Timbers Subdivision, Ward 1, District 1
 Petitioner: Whispering Timbers Homeowners Association Surveyor: Randall Brown & Associates, Inc.
 Parish Council District Representative: Hon. Mary Dean

I therefore, respectfully request that the St. Tammany Parish Council consider my appeal at their next appropriate regularly scheduled meeting.

This letter shall suffice as official notice to be placed on the docket of the next appropriate regularly scheduled meeting of the St. Tammany Parish Council; whereby, I shall give truthful testimony and present evidence to support my appeal request.

(PLEASE PRINT THE FOLLOWING INFORMATION)

APPELLANT'S NAME: Freddy Falgaust

ASSOCIATION TO CASE (PLEASE CHECK ONE): Developer Neighbor Group

ADDRESS: 209 Whispering Lane

CITY: Madisonville STATE: LA ZIP: 70447 PHONE NO: (985) 630-8833

SIGNATURE: *Freddy Falgaust*

XC: ALL ST. TAMMANY PARISH PLANNING COMMISSIONERS



REVOCATION STAFF ANALYSIS REPORT

CASE NO.: REV05-12-004

NAME OF STREET OR ROAD: Pine Avenue (Temporary Street Closure)

NAME OF SUBDIVISION: Whispering Timbers

WARD: 1 PARISH COUNCIL DISTRICT: 1

PROPERTY LOCATION: The property is at the intersection of LA Highway 1085 and Pine Avenue, west of Madisonville, Louisiana

ZONING IN THE AREA: A-2 Suburban

PETITIONER/REPRESENTATIVE: Whispering Timbers Homeowners Association

STAFF COMMENTARY:

Overview:

The petitioner is requesting to close Pine Avenue to the general public. The primary reason given for the requested closing is to eliminate non-resident traffic that is using said street as a "short cut" to and from Brewster Road and LA Highway 1085.

It should be noted that without a formal revocation, the street in question can only be closed on a temporary basis, albeit for an indefinite period of time. Therefore, any recommendation to the parish council should be in the form of a temporary street closure.

Recommendation:

Although the staff can appreciate the petitioner's request to have the street closed for the reason as stated above in paragraph one, the staff contends that traffic circulation would best be served, as well as providing emergency response access, if the street were to remain opened.

Additionally, the petitioner has not provided signatures of all the property owners that live or own lots within the subdivision that may utilize Pine Avenue. However, the signatures of all owners of property on Pine Avenue have been submitted with application.

If the commission decides to recommend approval for the temporary closure of the street to the parish council, then the staff recommends that the following conditions apply:

1. The street shall be closed for an indefinite period of time and can be reconsidered for

opening at any time hereafter at the request of the petitioner and or any other interested party.

2. An aesthetically pleasing barricade shall be erected and maintained at the closure point at the petitioner's expense.
3. The petitioner shall coordinate the construction and location of the barricade with the Department of Public Works and/or Engineering.
4. A turnaround of some sort should be provided in front of the barricade. The construction and maintenance of said turnaround should be at the petitioner's expense, and said construction should be coordinated with the Department of Public Works and/or Engineering.

INTER OFFICE



Kevin Davis
Parish President

MEMORANDUM

**ST. TAMMANY PARISH GOVERNMENT
DEPARTMENT OF ENGINEERING**

Date: November 19, 2005
To: Mr. Ron Keller
From: Jean M. Thibodeaux, P.E./Director of Engineering, Parish Engineer
Re: Whispering Timbers Subdivision

JMT

Reference is made to your memo dated November 9, 2005 regarding the "temporary" closure of Pine Avenue.

The DOE has no objection to the "temporary" closure provided that a temporary turn around is constructed after being reviewed and approved by this office. The description of the "Temporary Road Closure" attached to your memo is for a five (5) foot wide area across Pine Avenue which would act as a dead end.

The letter from Eric Brewster and Ross Hebert dated July 30, 2004 doesn't read as a TEMPORARY closure but a permanent closure to prevent outside traffic from passing through the subdivision. If it is a permanent closure the cul de sac should be hard surfaced.

JMT/ak

xc: Honorable Marty Dean
Mr. Earl Magner, P.E.

*Whispering Timbers
Homeowners Association*

July 30, 2004

Mr. Ron Keller
P.O. Box 626
Covington, LA 70434

Mr. Keller:

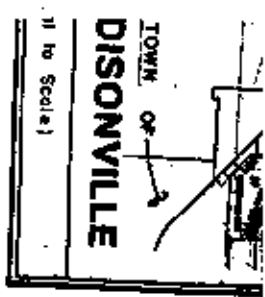
The Whispering Timbers Homeowners Association would like to submit a request to close off the Pine Avenue entrance/exit between Highway 1085 and our beautiful subdivision. The closing of the Pine Avenue access route would provide us with a more private and secure neighborhood by reducing the traffic of nonresidents needlessly passing through our subdivision and deterring potential criminals from entering our subdivision.

Enclosed you will find a check for the \$150 processing fee required by your office, along with a survey of our subdivision plat highlighting the Pine Avenue entrance/exit, a legal description of the road to be closed, and a petition signed by all the Whispering Timbers residents.

Thank you for your time and consideration.

Sincerely,

Eric Brewster and Ross Hebert
Whispering Timbers Homeowners Association

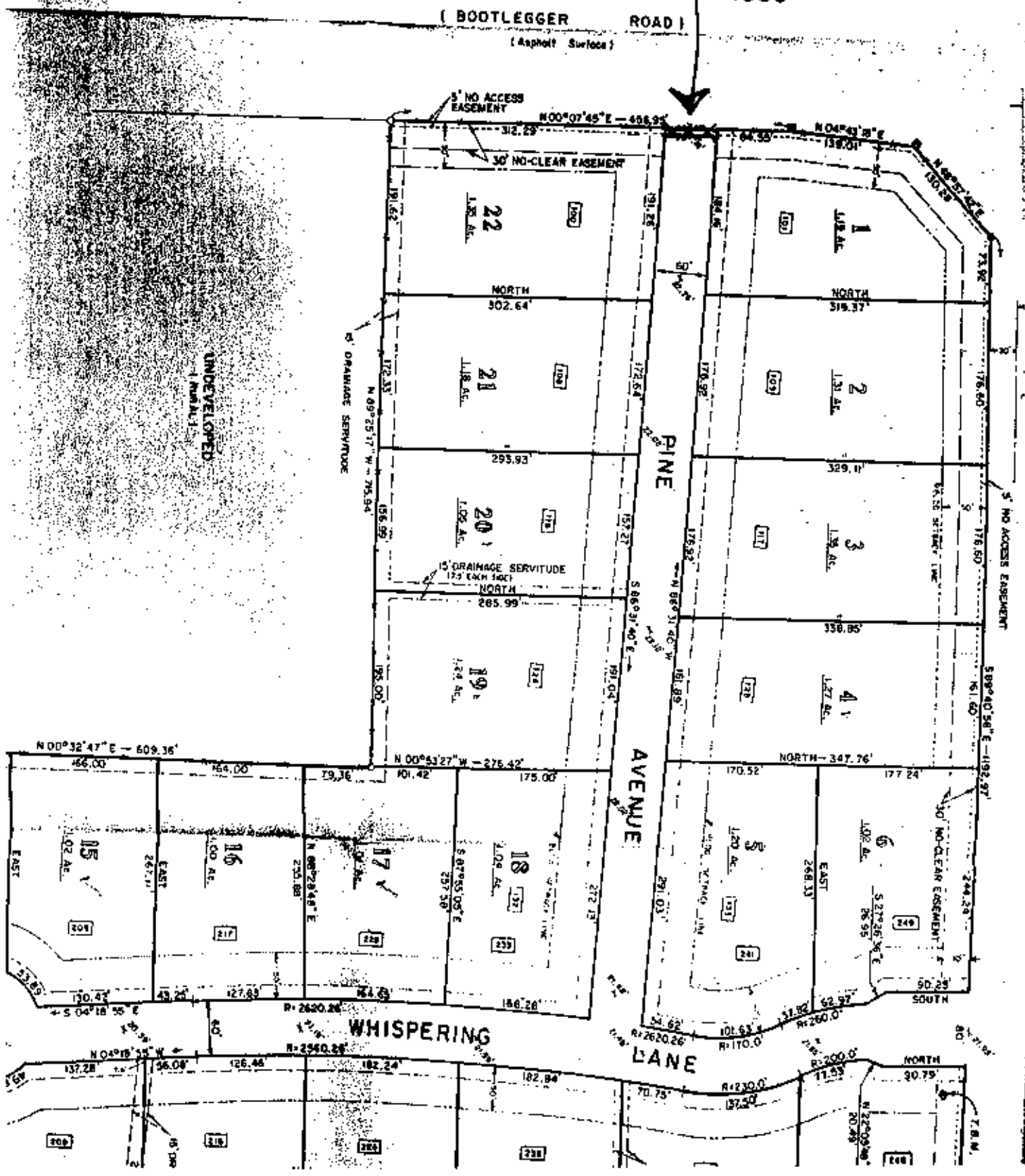


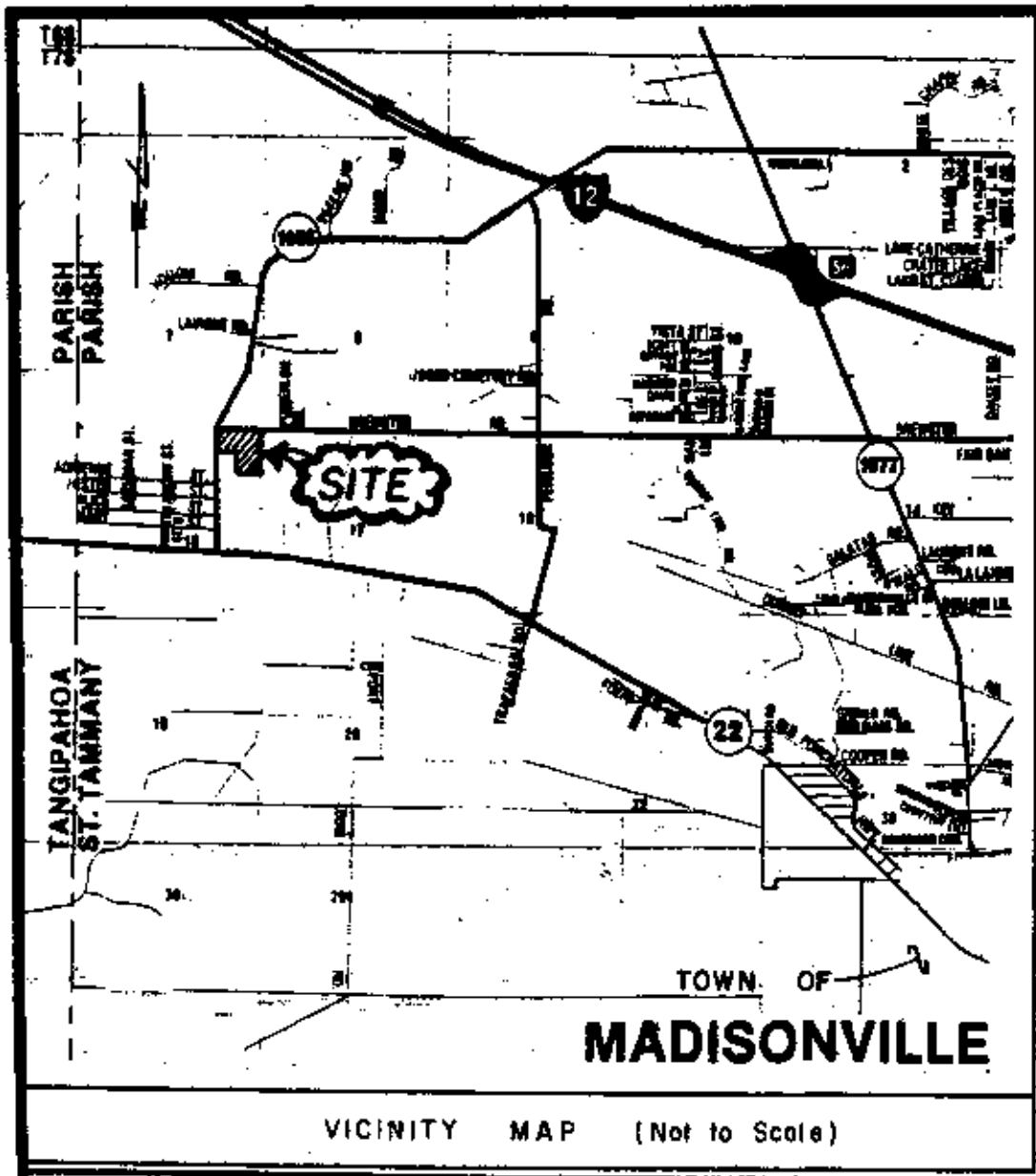
APPROXIMATE
LOCATION OF
STREET CLOSURE

LA. HWY. NO. 1085
(BOOTLEGGERS ROAD)

SECTION 16, 17B-N10E, MEASURE SOUTH,
PLATON OF
NO. 118888

Quoted in the Northwest Quarter of the
10E, 8E, Tameany Parish, La., and being
Section 16, 17B-N10E, measure South,
Six South, 7, 297.40 feet to a point;
seconds West, 693.04 feet to a point;
seconds East, 608.35 feet to a point;
seconds West, 715.94 feet to a point;
seconds East, 458.86 feet to a point;
seconds East, 139.01 feet to a point;
seconds East, 130.28 feet to a point;
seconds East, 1, 192.87 feet back to the
tree.





HWY. NO. 1085

TLEGGER ROAD)

Appeal # 3

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. _____ ORDINANCE COUNCIL SERIES NO. 06-

COUNCIL SPONSOR _____ PROVIDED BY: PLANNING

INTRODUCED BY _____ SECONDED BY _____

ON THE ____ DAY OF _____ 2006

**ORDINANCE TO TEMPORARILY CLOSE A PORTION OF
PINE AVENUE FOR AN INDEFINITE PERIOD OF TIME,
LOCATED IN WHISPERING TIMBERS SUBDIVISION,
WARD 1, DISTRICT 1**

WHEREAS, the Whispering Timbers Homeowners Association, hereinafter referred to as "the petitioner", who owns property or has interests abutting the aforementioned Parish street right-of-way, has petitioned the St. Tammany Parish Council to temporarily close a portion of Pine Avenue located in Whispering Timbers Subdivision for an indefinite period of time; and

WHEREAS, the primary reason for the request is to prohibit non-residents of the subdivision from using Pine Avenue for "cut-through" traffic to and from LA Highway 1085 and Brewster Road; and

WHEREAS, the Departments of Public Works, Engineering, and Planning have reviewed and researched said request and have reported their findings to the St. Tammany Parish Planning Commission; and

WHEREAS, the St. Tammany Parish Planning Commission, upon review of said petition, and after having considered all of the facts relevant to this request, has concluded that the request to temporarily close Pine Avenue for an indefinite period of time is justified, and therefore recommends to the Parish Council the adoption of the proposed street closure, subject to stipulations.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, that the Parish Council concurs with the findings of the Planning Commission, and their recommendations, and therefore grants approval of the temporary street closure subject to said Planning Commission recommendations as referenced to below:

1. The street shall be closed for an indefinite period of time and can be reconsidered for opening at any time hereafter at the request of the petitioner and or any other interested party.
2. An aesthetically pleasing barricade shall be erected and maintained at the closure point at the petitioner's expense.
3. The petitioner shall coordinate the construction and location of the barricade with the Department of Public Works and/or Engineering.
4. A cul-du-sac shall be provided in front of the barricade. The construction and maintenance of said cul-du-sac must be at the petitioner's expense, and said construction must be coordinated with the Department of Public Works and/or Engineering.
5. A "no outlet" sign shall be posted in at the intersection of Whispering Lane and Brewster Road.
6. A letter of no objection from the St. Tammany Parish School Board must be obtained before the petitioner can proceed with any construction of the barricade or cul-du-sac.

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

SEVERABILITY: If any provision of this Ordinance is held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provisions, 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 _____ DAY OF _____, 2006; AND BECOMES
ORDINANCE COUNCIL SERIES NO. 06-

STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHEN, COUNCIL CLERK

KEVIN C. DAVIS, PARISH PRESIDENT

Published introduction _____, 2006
Published adoption _____, 2006

Delivered to the Parish President _____, 2006 at _____
Returned to the Council Clerk on _____, 2006 at _____