ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3419 ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR MR. DEAN PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. DEAN SECONDED BY: MR THOMPSON

ON THE 5TH DAY OF OCTOBER 2006

An Ordinance amending the official zoning map of St. Tammany Parish, La., to reclassify a certain parcel located on the east side of La. Hwy. 1077, west side of Tantella Ranch Road, situated in Sections 8, 17 and 20, T6S, R10E, which property comprises a total of 206.437 acres of land more or less, from its present SA (Suburban Agriculture) District to a PUD (Planned Unit Development) District, Ward 1, District 1. (ZC04-07-055)

WHEREAS, the Zoning Commission of the Parish of St. Tammany, after public hearing in accordance with law, held on August 4, 2004, Case No. ZC04-07-055, recommended to the Council of the Parish of St. Tammany, Louisiana, that the application to change the zoning classification of the above referenced area, from its present SA (Suburban Agriculture) District to a PUD (Planned Unit Development) District (see Exhibit "A"), be denied; and

WHEREAS, the Parish Council received an appeal of the decision of the Zoning Commission and, after hearing the appeal, adopted Resolution C-1421, concurring in the recommended denial; and

WHEREAS, on October 19, 2005 a lawsuit entitled "Lonesome Development, L.L.C., et al vs. St. Tammany Parish Council and St. Tammany Parish", 22nd Judicial District Court No. 2005-14491 "G", was filed against the St. Tammany Parish Council and St. Tammany Parish, challenging the Council's decision to deny the requested zoning change and seeking damages due to said denial and the establishment of a moratorium that precluded development of the property; and

WHEREAS, after considering the facts and merits of the litigation, and the recommendation of the St. Tammany Parish District Attorney, at its regularly scheduled meeting of October 5, 2006, the Council determined by resolution that it was in the best interest of the Parish that the requested change in zoning be granted pursuant to a consent judgment issued by the Court effectuating the change in zoning of the subject property from the SA Zoning District to a PUD District, per the attached plan dated September 19, 2006 (Exhibit A).

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, in regular session convened, that it has reevaluated the requested change in zoning and found it necessary, for the purpose of protecting the public health, safety and general welfare, and in accordance with the Judgment granted by the 22nd Judicial District Court, proceedings No. 2005-14491, it designates the above described property as PUD (Planned Unit Development) District.

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 upon adoption.

ORDINANCE CALENDAR NO. 3419

ORDINANCE COUNCIL SERIES NO._____

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. _____.

_____
STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

_____
DIANE HUESCHEN, COUNCIL CLERK

_____
KEVIN DAVIS, PARISH PRESIDENT

Published Introduction:_____, 2006

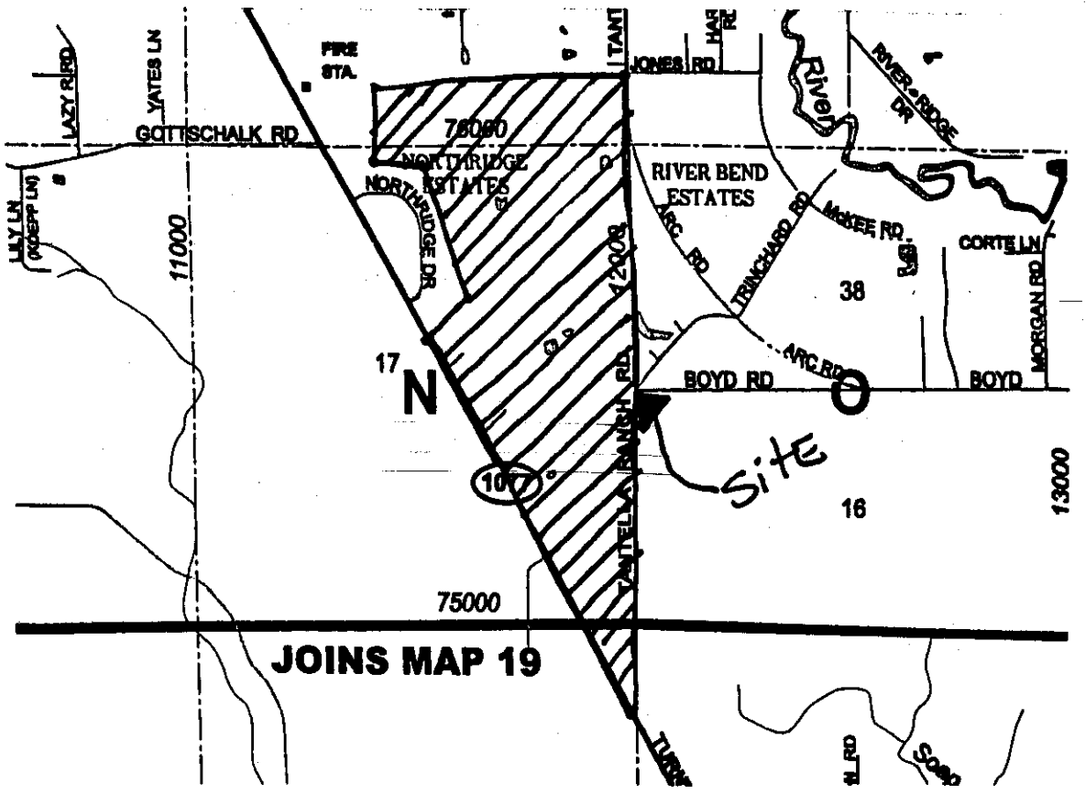
Published Adoption:_____, 2006

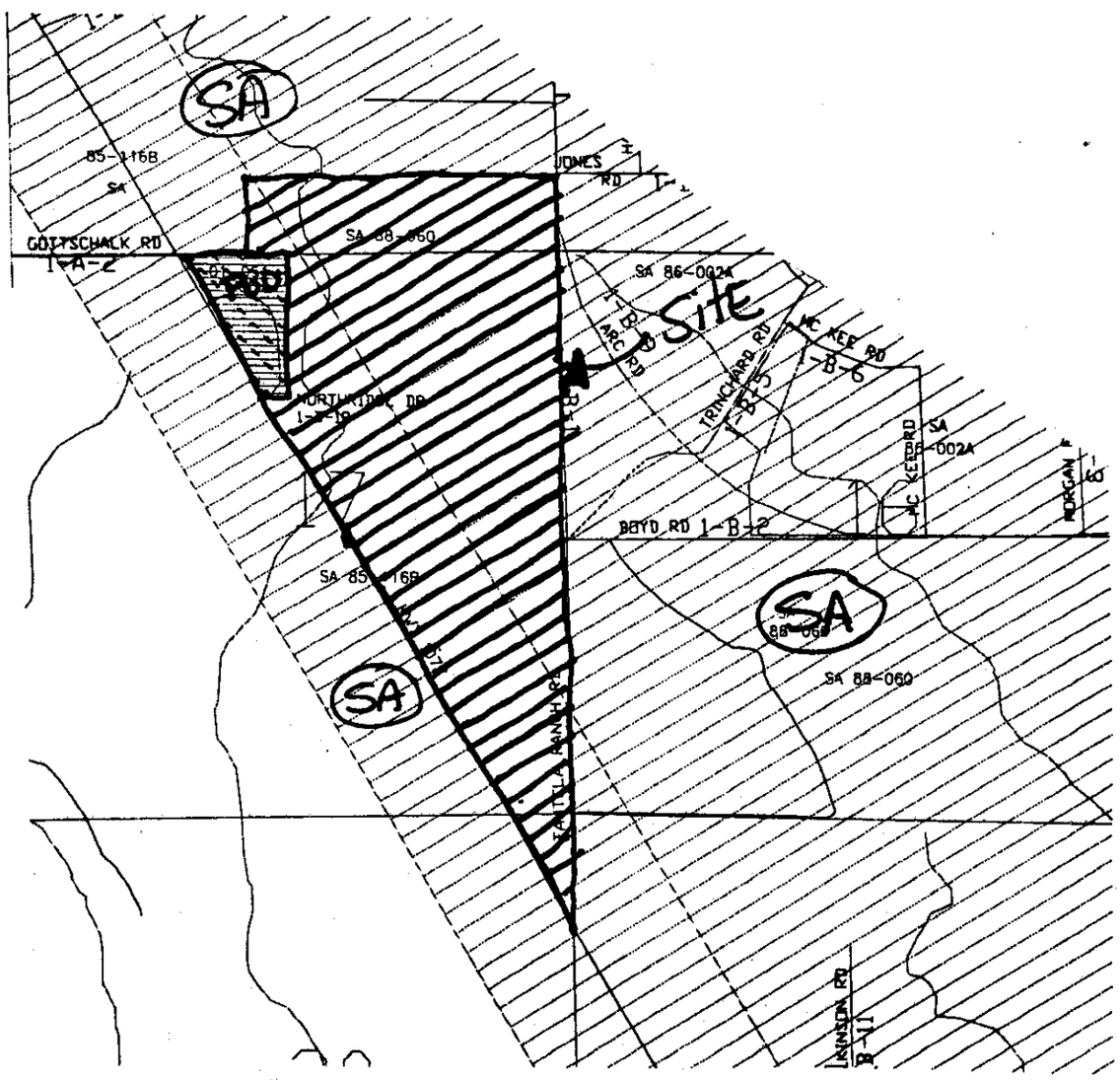
Delivered to Parish President:_____, 2006 at _____

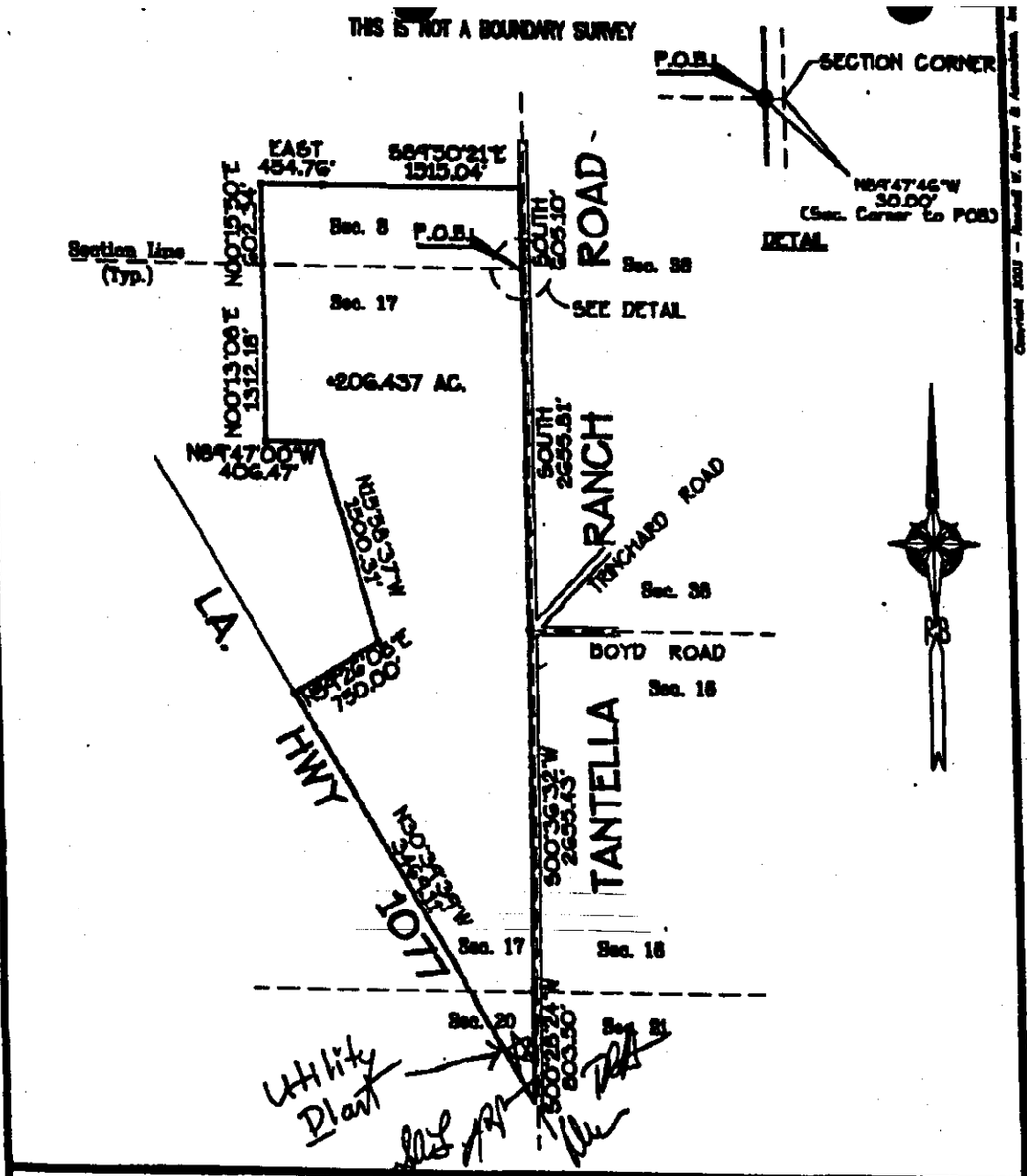
Returned to Council Clerk: _____, 2006 at _____

3419

CASE NO.:	ZC04-07-055
PETITIONER:	Lonesome Development, L.L.C., c/o Tim Henning
OWNER:	Lonesome Development, L.L.C., et al.
REQUESTED CHANGE:	From SA (Suburban Agriculture) District to PUD (Planned Unit Development) District
LOCATION:	Parcel located west of Tantella Ranch Road, east of LA Highway 1077, north of the intersection of Tantella Ranch Road and LA Highway 1077; S8, 17, & 20, T6S, R10E; Ward 1, District 1
SIZE:	206.437 acres







Sketch of

A ±206.437 ACRE PARCEL OF GROUND LOCATED IN SECTIONS 8, 17 AND 20, TOWNSHIP 6 SOUTH, RANGE 10 EAST ST. TAMMANY PARISH, LOUISIANA

THIS IS NOT A BOUNDARY SURVEY

Randall W. Brown & Associates, Inc.
Professional Land Surveyors
Planners • Consultants
228 W. Causeway App. Mandeville, LA 70448
(985) 624-5368 FAX (985) 624-5309

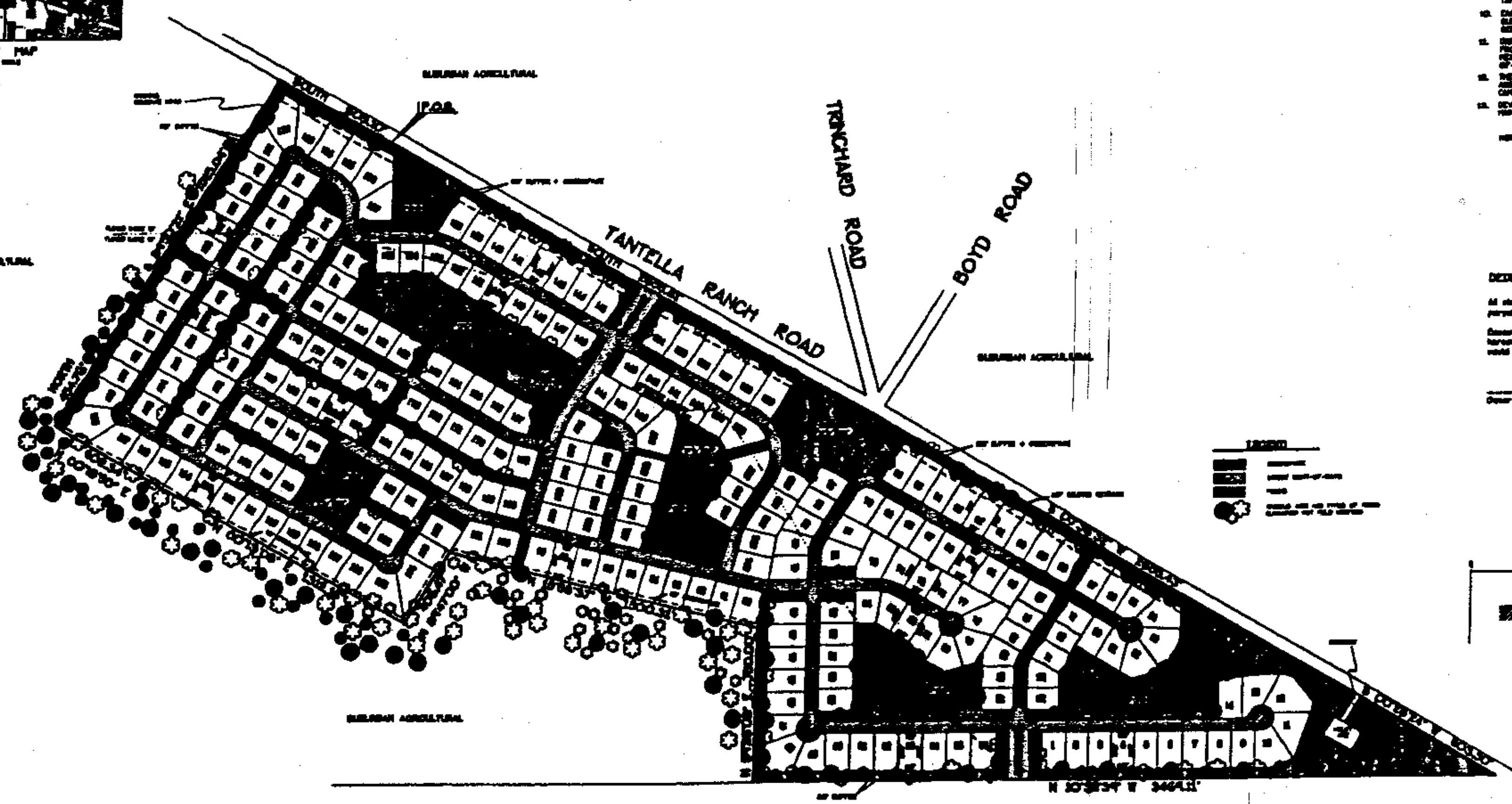
Date: OCTOBER 13, 2003

Scale: 1"=1000'±

ZC04-07-055

BEDICO RANCH
A PLANNED UNIT DEVELOPMENT
SECTIONS 8, 17 & 20, TOWNSHIP 8 SOUTH – RANGE 10 EAST
ST. TAMMANY PARISH, LOUISIANA


VICINITY MAP



ZC04-07-055

LEGEND

RESTRICTIVE COVENANTS

DEDICATION

TYPICAL CONCRETE ROADWAY SECTION
ENTRANCE

LEGAL DESCRIPTION

APPROVAL

FOR

LORRAINE DEVELOPMENT
DEVELOPER

RANDALL W. BROWN & ASSOCIATES, INC.

BEDICO RANCH
A PLANNED UNIT DEVELOPMENT
SECTIONS 8, 17 & 20, TOWNSHIP 8 SOUTH – RANGE 10 EAST
ST. TAMMANY PARISH, LOUISIANA

REVISED DATE:

DRAWN BY:
CHECKED BY:
DATE:
JUNE 24, 2004
SCALE:
1"=300'±
SURVEY No.

SHEET

ENVIRONMENTAL ASSESSMENT DATA FORM

Description of Project

Applicant's Name LONESOME DEVELOPMENT

Address P.O. Box 67 MANDEVILLE, LA. 70470

Attach area location Map showing the proposed development

Name of Development BEDICO RANCH

Section 8, 17, 20 Township 6-S Range 10-E

Number of acres in Development 206.437

Type of streets ASPHALT

Type of water systems CENTRAL

Type of sewerage system CENTRAL

Ultimate disposal of wastes ON SITE TREATMENT PLANT

Ultimate disposal of surface drainage TCHEFUNCTA RIVER / LAKE PONTCH.

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 LA. HWY. 1077

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 (NO)

(2) Air Quality — YES (NO)

(3) Water Quality — YES (NO)

(4) Contamination or 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 — 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.

b. What will be the average noise level of the development during working hours.

c. Will any smoke, dust or fumes be emitted as a result of the operational process, If so explain fully.

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.

Gentlemen:

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

BELICO RANCH

DATE: 5-18-04 TITLE

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 From and concur with the information submitted with the following exceptions:

I recommend the following:

DATE: POLICE JUROR:
WARD

ZONING STAFF REPORT

Date: July 23, 2004
Case No.: ZC04-07-055
Prior Action: Tabled (07/06/04)
Posted: 07/15/04

Meeting Date: August 4, 2004
Determination: Denied

GENERAL INFORMATION

PETITIONER:	Lonesome Development, L.L.C., c/o Tim Henning
OWNER:	Lonesome Development, L.L.C., et al.
REQUESTED CHANGE:	From SA (Suburban Agriculture) District to PUD (Planned Unit Development) District
LOCATION:	Parcel located west of Tantella Ranch Road, east of LA Highway 1077, north of the intersection of Tantella Ranch Road and LA Highway 1077; S8, 17, & 20, T6S, R10E; Ward 1, District 1
SIZE:	206.437 acres

SITE ASSESSMENT

ACCESS ROAD INFORMATION

Type:	**Road Surface:**	**Condition:**
Parish	2 lane asphalt	fair
State	2 lane asphalt	good

LAND USE CONSIDERATIONS

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Undeveloped	SA (Suburban Agriculture) District
South	Undeveloped	SA (Suburban Agriculture) District
East	Undeveloped	SA (Suburban Agriculture) District
West	Undeveloped	SA (Suburban Agriculture) District

EXISTING LAND USE:

Existing development? N **Multi occupancy development?** Y

COMPREHENSIVE PLAN:

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.

Single Family Residential – Conservation - These planned districts would include clustered single family residential uses, at a density – within the overall tract – which is similar to that of adjoining residential uses, and conservation areas, following a Small Area Plan, and providing for balance, compatibility and integration of uses and all supporting infrastructure. Such individual Planned Residential – Conservation developments should aim to achieve contiguity among adjoining conservation areas in adjacent developments.

STAFF COMMENTS:

The petitioner is requesting to change the zoning from an SA (Suburban Agriculture) District to a PUD (Planned Unit Development) District. The site is a parcel located west of Tantella Ranch Road, east of LA Highway 1077, north of the intersection of Tantella Ranch Road and LA Highway 1077. The surrounding area is entirely rural and undeveloped save for a small Planned Unit Development approximately half a mile north along Highway 1077 from the subject site. In December of 2003,

the petitioners submitted an application to change the zoning classification of the subject property from SA to A-4 (ZC03-12-082). Although it was never submitted as an official component of the rezoning application, the original, conceptual development plan would have consisted of 260 single family home sites on 206 acres. In response to staff criticism and meetings with neighboring residents, the petitioners have submitted a revised plan in the form of a PUD.

The revised plan is unquestionably an improvement upon the previous plan. The new conceptual plan provides minimum 50' buffers along the entire road frontage, thereby making the development less visually obtrusive than a conventional subdivision. It also provides for ample greenspace (although it is not clear that the plan meets the minimum 25% greenspace requirement, as much of the greenspace is "limited use" land). Finally, the overall subdivision design displays a much greater degree of creativity and aesthetic sensitivity than a conventional subdivision design.

The developers have clearly attempted to provide a more attractive, more harmonious version of their original development concept, and they have succeeded. However, staff's principal concern with the original rezoning application was less with the details of the development (which the revised plan has adequately addressed) and more with the overall development concept, from which the petitioners have not deviated. Indeed, the new plan calls for the exact same number of lots as the original plan, resulting in an overall site density of 1.26 units per acre. It was precisely the density and scale of the development that concerned staff at the time of the initial rezoning application. Although the proposed density is less than the median density of newly approved subdivisions within the Parish (1.55 units per acre) and less than the *potential* density of the A-4 zoning classification, staff still feels that the size of the parcel and the proposed density of development would constitute a profound change in the landscape and the overall character of this portion of the Parish. Staff also feels that a development of this scale would dramatically affect the natural hydrology, the traffic patterns, and the infrastructure needs of the surrounding area.

When staff initially expressed similar misgivings in response to the original rezoning application, it did so without the benefit of the 2025 Comprehensive Plan. At that point, staff's concerns were based on a more nebulous standard of "compatibility" with the surroundings. Now that the 2025 Land Use Plan and accompanying land use map have been adopted by Council, staff has a more concrete basis for judging the appropriateness of zoning changes. Unfortunately, the proposed PUD runs counter to much of the language within the Comprehensive Plan as well.

The 2025 land use map designates this area for "Single Family Residential - Conservation" use. The proposed PUD fails to meet the definition of this land use classification in two ways. First, it fails to provide true conservation areas that could potentially be linked with future conservation subdivisions or recreation areas. The greenspace that the petitioners have provided is merely interstitial greenspace rather than large, preserved swaths of nature that could "achieve contiguity among adjoining conservation areas in adjacent developments." The Comprehensive Plan also defines this land use designation as one that "results in the placement of buildings and improvements on a part of the land to be subdivided in order to preserve the natural and scenic quality of the remainder of the land." With the vast majority of its designated open space consisting of narrow spindles of greenspace and engineered detention ponds, the proposed development plan would fall short of any reasonable interpretation of this land use objective.

The second way in which the proposed PUD fails to conform to the "Single Family Residential - Conservation" classification is that this designation calls for "a density – within the overall tract – which is similar to that of adjoining residential uses." A cursory examination of the surrounding area would undoubtedly yield the conclusion that the proposed density of development is grossly out of scale with the surroundings; but to examine more precisely the extent to which the Bedico Ranch development deviates from the surrounding density, staff conducted a field count of extant housing units within the 12 square miles that include and surround the development site. This field count yielded a total of 398 units in 7,680 acres for an overall density of 0.052 units per acre or, stated inversely, an average parcel size of roughly 19 acres. The Bedico Ranch PUD would, therefore, have a density *24 times* that of the immediate surroundings. It is difficult to see under what reasonable interpretation a 2,323% increase in density qualifies as a density that is "similar to that of adjoining residential uses."

There are a number of other less egregious yet still significant ways that the proposed development runs counter to the spirit and the language of the Comprehensive Plan. The

comprehensive plan states that

> The Parish should encourage redevelopment within existing cities and towns, villages and hamlets, whether incorporated or not, both as a means to efficiently accommodate growth where infrastructure currently exists or can be installed or expanded efficiently, and to serve market segments which prefer proximity to associated uses and required services.

Staff would argue that the kind of development precedent that Bedico Ranch would establish in an area that is currently *completely* undeveloped does not conform with this goal. Future petitioners would doubtlessly cite the density standard established by the Bedico Ranch development in applying for rezonings in this area; and the scale and density of development that would ensue would run entirely counter to the above stated goal. Of course, it is instructive to examine the alternatives to the proposed development as well. Under the Parish's subdivision and zoning regulations, the petitioners could create up to three new lots in any given year along an existing public road. Each new lot could be as small as 22,500 square feet (roughly ½ acre) and as narrow as 100' in width. Because of the density that would be permitted (albeit over a longer time horizon) and because of the safety hazard that could result from laying multiple driveways along Highway 1077 and Tantella Ranch Road, staff considers this to be unappealing development scenario as well. The potential for this kind of development suggests that the Parish should perhaps re-examine the subdivision and zoning standards for the SA zoning district. Nevertheless, staff's preeminent concern is that, under the proposed PUD scenario, a precedent for density within this region would be established that would perhaps facilitate the large-scale subdivision of large swaths of undeveloped properties that are located off of public roads.

Furthermore, the Comprehensive Plan enumerates a number of factors that should guide future residential growth. The proposed development fails on a number of counts, including "proximity to employment centers," "the actual (market-based) need for new residentially-zoned areas, given the existing surplus of available appropriately zoned areas," and preserving the "towns, villages and hamlets separated by rural areas and green space" that are characteristic of the historical pattern of development in St. Tammany Parish.

In conclusion, staff sincerely commends the applicants on submitting a revised development plan that is more attractive and creative than the original design. However, in exercising its judgement as to the fitness of a proposed development, whether the proposal merits a change of zoning, and whether the proposal conforms to the goals of the Comprehensive Plan, staff finds much in this proposal that runs entirely counter to the general objectives and the specific language of the recently adopted 2025 Land Use Plan. Staff feels that the proposed PUD is entirely incompatible with the surrounding area.

STAFF RECOMMENDATION:

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