

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3516

ORDINANCE COUNCIL SERIES NO. 07-

COUNCIL SPONSOR MR. THOMAS

PROVIDED BY: PLANNING

INTRODUCED BY: MR. THOMAS

SECONDED BY: MR. BURKHALTER

ON THE 1ST DAY OF MARCH 2007

Ordinance to amend Ord. C.S. No. 83-682, adopted September 15, 1983 amending the official zoning map of St. Tammany to reclassify 324.4 acres located west side of U. S. Highway 90, south of LA 433 and north of the Rigolets Pass, from A-2 Suburban to Planned Unit Development PUD, to provide major amendments to original PUD plan, Ward 8, District 13. (ZC83-07-076)

Whereas, on September 15, 1983, the St. Tammany Parish Zoning Commission approved an application to rezone 324.4 acres located west side of U. S. Highway 90, south of LA 433 and north of the Rigolets Pass, from A-2 Suburban to Planned Unit Development PUD; and

Whereas, an application for a major amendment to the original PUD plan was filed and the St. Tammany Parish Zoning Commission denied the major amendment at a public hearing January 3, 2007; and

Whereas, upon appeal the St. Tammany Parish Council deemed it necessary and appropriate to override the recommendation by the Zoning Commission and grant approval of the major amendments to the original PUD; and

Whereas, said amendments are reflected on a plan identified as the Conceptual Land Use Plan for the Rigolets Estates PUD, dated March 19, 2007, by Krebs, LaSalle, LeMieux, Consultants.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the Parish Council amends Ordinance C. S. No. 83-682, adopted September 15, 1983, which amended the official zoning map of St. Tammany Parish to reclassify 324.4 acres located west side of U. S. Highway 90, south of LA 433 and north of the Rigolets Pass, from A-2 Suburban to Planned Unit Development PUD, to provide major amendment to original PUD plan, as reflected in the plan identified as the Conceptual Land Use Plan for the Rigolets Estates PUD, dated March 19, 2007, by Krebs, LaSalle, LeMieux, Consultants and supporting documents, as per attached Exhibit "A" - Plan and Exhibit B-Standards.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.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

Ord. Cel. 3516

Appeal 1

JONES FUSSELL, L.L.P.

ATTORNEYS AT LAW

NORTHLAKE CORPORATE PARK, SUITE 103
1001 SERVICE ROAD EAST, HIGHWAY 190
P.O. BOX 1810
COVINGTON, LOUISIANA 70434

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WILLIAM J. JONES, JR.
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MARGARET H. KERN
WILLIAM J. CRAIN*
LELAND R. GALLASPY
CALVIN P. BRASSEAU
PAUL J. MAYRONNE
*ALSO LICENSED IN TEXAS

March 1, 2007

Via Hand Delivery

The Honorable Joe "Coach" Thomas
Councilman District No. 13
St. Tammany Parish Council
P.O. Box 628
Covington, Louisiana 70434

Re: Rigolets Estates PUD

Dear Coach Thomas:

As you are aware, we have been working for some time with you and the residents in the Louisiana Highway 433 and U.S. Highway 90 area regarding our proposed amendment to the Rigolets Estates PUD. While the reception to our revised plan has been generally well received, one component has drawn negative reaction from some of those of residents. In particular, Parcel P-10 on our Conceptual Land Use Plan attached hereto is currently proposed for a Waterfront Multi-Unit Residential building. This use as currently proposed could result in a high rise, multi-unit residential tower of not more than 150 feet. It has become clear to us through our conversations with you and the residents in the area that this use raises concerns to the point of creating opposition to our amended proposal.

As a result of the foregoing, we hereby officially and expressly amend our Conceptual Land Use Plan attached hereto by deleting in its entirety the current proposed use and criteria for Parcel P-10. In doing so, the Waterfront Multi-Unit Residential building will no longer be a permitted use for Parcel P-10. Rather, Parcel P-10 shall have the use as follows:

Single family residential homes shall be a permitted use within Parcel P-10, with any other proposed use thereon being subject to review and approval by the St. Tammany Parish Zoning Commission under a Conditional Use Application to be duly filed, noticed and decided at a public hearing of said Commission in accordance with the current procedures and parameters established for a conditional use, in effect at the time of this letter.

The Honorable Joe "Coach" Thomas

March 1, 2007

Page 2

Prior to submittal for Tentative Subdivision Review of any portion of Rigolets Estates, Phase III, an amended Conceptual Land Use Plan consistent with the contents of this letter will be submitted to your Planning Staff in order to update their files in accordance with this amendment.

We earnestly believe that the amendments to the Planned Unit Development for Rigolets Estates embodied in this letter, and the Conceptual Land Use Plan attached hereto, will result in an overall improvement of the development of this tract of land. Moreover, in removing the Waterfront Multi-Unit Residential component, we have attempted to address the concerns of the residents in the area and to provide a project that is not only commercially viable, but palatable to the residents in the area.

We thank you for your tireless efforts with regards to this project and look forward to working with you in the future.

Sincerely,



Paul J. Mayronne

PJM:tm

cc: Mr. Sidney Fontenot, Planning Director
Mr. John Canty
Mr. Fred Sigur



P. O. Box 628
Covington, LA 70434
Phone: (504) 835-4222
Fax: (504) 835-6000
e-mail: planning@stlsgov.org

Kevin Davis
Parish President

Ord Cal 3516

Appeal #1

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: 11/4/07
ZC83-07-076

(Refer to) Existing Zoning: Major Amendment to the PUD (Planned Unit Development) District
Acres: 188.54 Acres
Petitioner: Fred Sigur
Owner: Estate of Mr. Frederick J. Sigur
Location: Parcel located on the south side of LA Highway 433, west of
S37,T6S,R14E, Ward 8, District 13
Council District: 13

(TABLED FROM 12/5/06 MEETING)

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. Mayronne

P.O. Box 1810

Covington LA 70434

PHONE #: 892-4801



ZONING STAFF REPORT

Date: December 22, 2006
Case No.: ZC83-07-076
Prior Action: Tabled (12/05/06)
Posted: 12/14/06

Meeting Date: January 3, 2007
Determination: Denied

GENERAL INFORMATION

PETITIONER: Fred Sigur
OWNER: Estate of Mr. Frederick J. Sigur
REQUESTED CHANGE: Major Amendment to the PUD (Planned Unit Development) District
LOCATION: Parcel located on the south side of LA Highway 433, west of US Highway 90, north of Lake Pontchartrain; S37, T6S, R14E; Ward 8, District 13
SIZE: 188.54 acres

SITE 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	SA (Suburban Agricultural) District
South	Lake Pontchartrain	
East	Commercial	C-2 (Highway Commercial) District
West	Single Family Residential	PUD (Planned Unit Development) District

EXISTING LAND USE:

Existing development? No **Multi occupancy development?** Yes

COMPREHENSIVE PLAN:

Residential Infill – New residential uses developed on undeveloped tracts within existing residential districts that are compatible with, or improve upon, those existing uses. Such uses may be allowed a greater density of use, in exchange for public benefits that would be provided.

STAFF COMMENTS:

The petitioner is requesting a major amendment to the PUD (Planned Unit Development) District. The site is located on the south side of LA Highway 433, west of US Highway 90, north of Lake Pontchartrain. The site has already been rezoned to PUD in 1983. However, the site has never been developed. A new commercial and residential subdivision is proposed to be developed on the site. The site is proposed to be accessed through three different accesses from LA Highway 433. Considering that the proposed development is directly abutting Lake Pontchartrain, the site will also be accessible through navigable waterways, as shown on the plan. In fact, the creation of navigable canals through the development and the connection of the canals to Lake Pontchartrain, considerably promote the features of the site.

GREENSPACE

A total of 172.99 acres (45.8%) of greenspace/waterway is proposed to be provided on the site. As stated under the PUD ordinance, no more than 50% of the required greenspace shall be satisfied using limited use land. Limited Use Land shall mean land which is inundated by water for a period of greater than four (4) months within each calendar year. Two (2) acres of Limited Use Land are required to satisfy one (1) acre of required open space. The navigation canals through the subdivision are considered as active amenities considering that they are going to be used for enjoyment.

COMPREHENSIVE PLAN ANALYSIS

The 2025 land use plan designates the area as Residential Infill. The proposed development meets the future land use plan by providing some new residential uses, compatible with the surrounding. The density of the proposal is greater than the surrounding developments. However, It will provide a diversity of commercial & residential uses.

STAFF RECOMMENDATION

The staff recommends that the major amendment to the PUD (Planned Unit Development) District be approved.

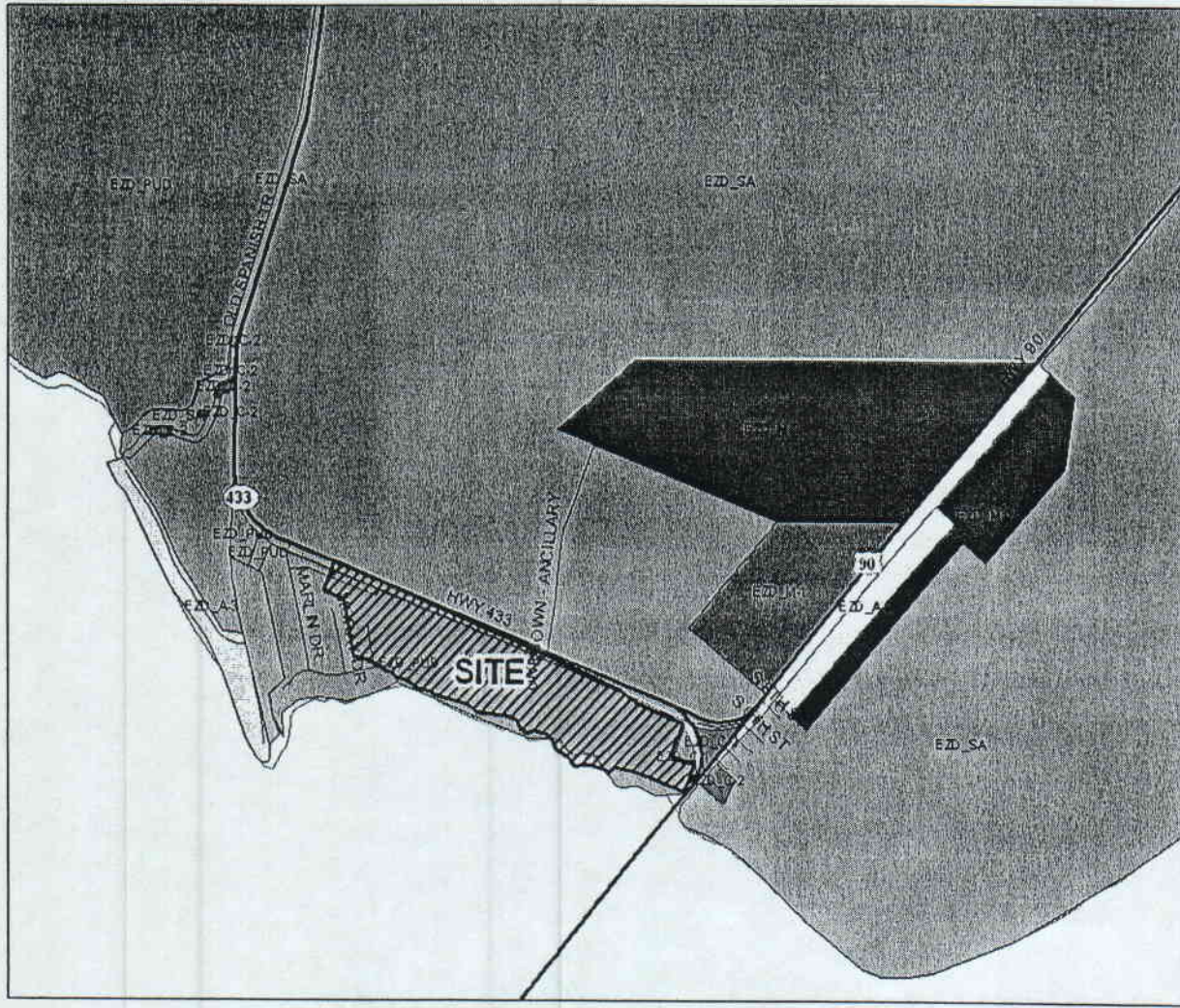
Summary of Proposed Residential & Commercial Uses

Residential & Commercial Uses	Lot Size, Density & Number of Lots	Permitted Uses
Single Family Homes	16,182 square feet/ 2 units per acre Total of 129 lots	single family houses
Waterfront Villa Homes	3000 square feet total of 100 lots 7 units per acre	townhomes, condominiums & multi Family
Waterfront Multi-Unit Residential	20,000 square feet/acre on 20.34 acres 656 units per acre	townhomes, condominiums & multi Family
Marina Commercial	20,000 square feet/ acre on 28.20 acres 656 units per acre	Marina, boat service, retail & service , office restaurant, lounge, health club, yacht club, multi family, hotel , motel, boarding & lodging

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 for Residential	Provided as Required for Residential
Minimum front, side, & rear setbacks & maximum height for commercial& multi family development	Commercial Development will meet all Parish Parking, setbacks and landscaping requirements, or as indicated on plan
Restrictive Covenants	Provided as Required
Water & Sewer facilities	Provided as Required (to be located off site, as identified on plan)
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
Phasing	Provided as Required

CASE NO.: ZC83-07-076
PETITIONER: Fred Sigur
OWNER: Estate of Mr. Frederick J. Sigur
REQUESTED CHANGE: Major amendment to the PUD (Planned Unit Development) District
LOCATION: Parcel located on the south side of LA Highway 433, west of US Highway 90, north of Lake Pontchartrain; S37, T6S, R14E; Ward 8, District 13
SIZE: 188.54 acres



RESTRICTIVE COVENANTS FOR WATER FRONT MULTI-UNIT RESIDENTIAL, MARINE
COMMERCIAL & WATER FRONT VILLA HOMES

1. 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 systems. all as approved by department of environmental services of st. tammany parish. water and sewer will be serviced by utilities incorporated of Louisiana.
2. construction of any nature including fencing, is prohibited in parish drainage easements or street right of way.
3. no noxious or offensive activity shall be carried on upon any lot, nor shall anything be done there on which may be become an annoyance or nuisance to the neighborhood, particularly the use of lots as dumps or junk car storage.
4. no mobile homes will be permitted in this subdivision.
5. no lot will be further resubdivided without the prior approval of the planning commission of st. tammany parish.
6. each residence or establishment within the subdivision shall subscribe and be subject to the water, sewerage and sanitation (garbage and refuse disposal) services provided.
7. the developer and/or association of property owners shall be responsible for the maintenance of all green space and detention ponds. the parish in not responsible for operation and maintenance of the detention ponds.
8. the minimum floor elevation shall be established by national flood elevation criteria(fema) and/or st. tammany parish.
9. landscaping to meet all st. tammany parish code.
10. the phasing of the planned unit development is based on market conditions at the time of development. this phasing plan, as shown, is approximate and is subject to change. required phasing plan to be provided.
11. all streets and associated right of ways in the entire pud development shall be constructed pursuant to st. tammany parish street construction design standards, and shall be dedicated to st. tammany parish.
12. all building separation is per st. tammany parish code.
13. 50% of lake acreage is included in open space calculations.
14. internally illuminated signs are allowed creating a negative contrast, i.e. light lettering against a dark, opaque background.
15. lighting will meet all st. tammany parish requirements.

RESTRICTIVE COVENANTS FOR SINGLE FAMILY DWELLINGS

1. 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 systems. all approved by department of environmental services of st. tammany parish. water and sewer will be serviced by utilities incorporated of Louisiana.
2. construction of any nature including fencing, is prohibited in parish drainage easements or street right of way.
3. each residence or establishment within the subdivision shall subscribe and be subject to the water, sewerage and sanitation (garbage and refuse disposal) services provided.
4. the developer and/or association owners shall be responsible for the maintenance of all green space and water-ways. the parish is not responsible for operation and maintenance of the water-way.
5. the minimum floor elevation shall be established by national flood elevation criteria (fema) and/or st. tammany parish.
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8. 50% of lake acreage is included in open space calculations.
9. lighting will meet all st. tammany parish requirements.

RESTRICTIVE COVENANTS FOR WATER FRONT MULTI-UNIT RESIDENTIAL, MARINE
COMMERCIAL & WATER FRONT VILLA HOMES

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2. construction of any nature including fencing, is prohibited in parish drainage easements or street right of way.
3. no noxious or offensive activity shall be carried on upon any lot, nor shall anything be done there on which may be become an annoyance or nuisance to the neighborhood. particularly the use of lots as dumps or junk car storage.
4. no mobile homes will be permitted in this subdivision.
5. no lot will be further resubdivided without the prior approval of the planning commission of st. tammany parish.
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9. landscaping to meet all st. tammany parish code.
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OMES

PRIVATE GARAGE AND

FEET.

SETBACK FROM

10(2) SPACE PER EACH

FAMILY DWELLINGS IS 2 UNITS

WATERFRONT VILLA HOMES (P11, P12 & P14)

* TOWNHOMES, CONDOMINIUMS AND OTHER SUCH USES WHICH ARE SIMILAR AND COMPATIBLE WITH THE PERMITTED USES

* MAXIMUM BUILDING HEIGHT IS 45 FEET.

* THERE IS NO BUILDING SETBACK FROM BULKHEAD/WATERS EDGE.

* PARKING SHALL BE AT LEAST TWO(2) SPACE PER EACH FAMILY DWELLING UNIT.

* MAXIMUM DENSITY USES SHALL BE 7 UNITS PER ACRE.

* * * * *

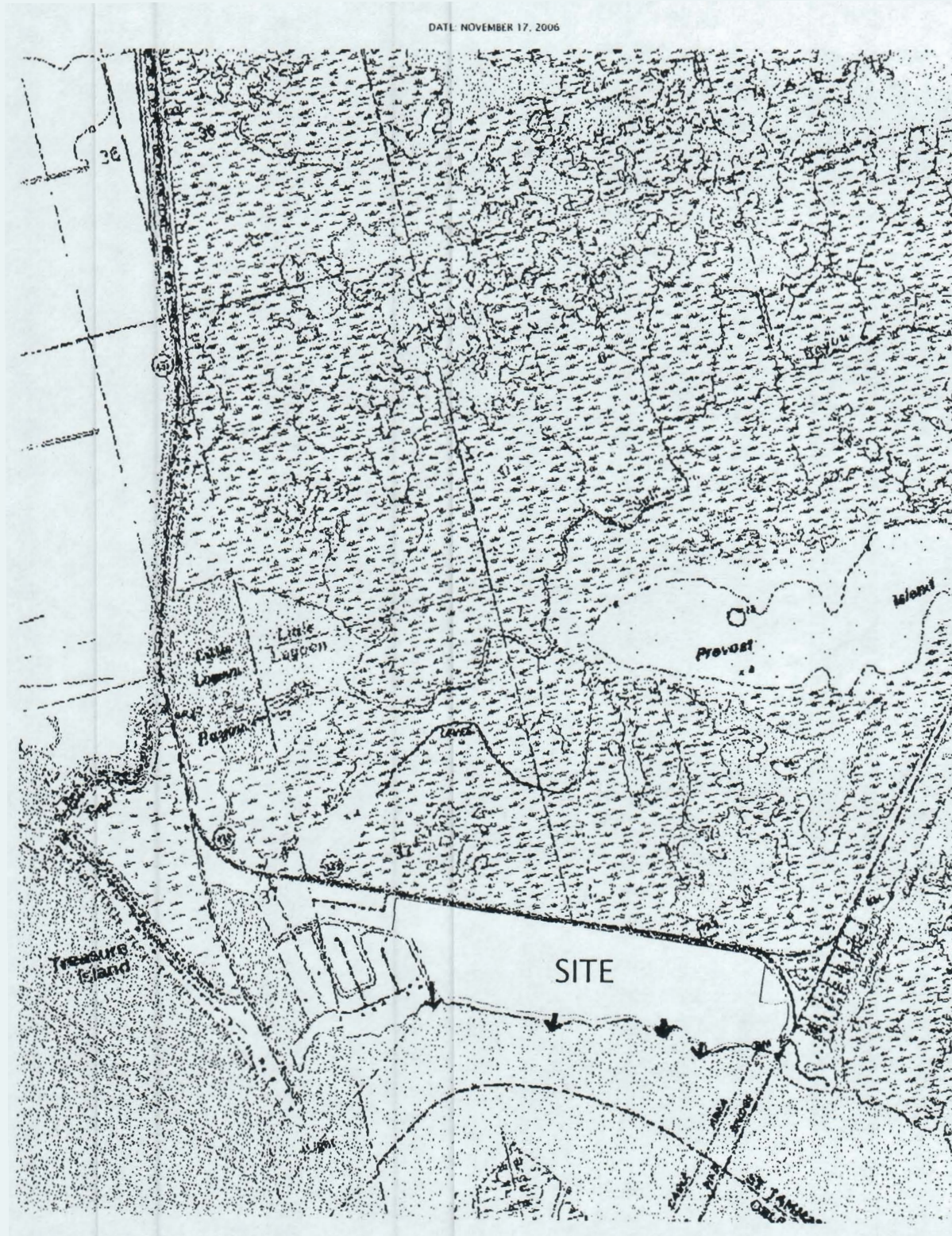
RIGOLETS ESTATES PHASE 3 PUD

35/16

IN SECTIONS 37, T10S-R14E

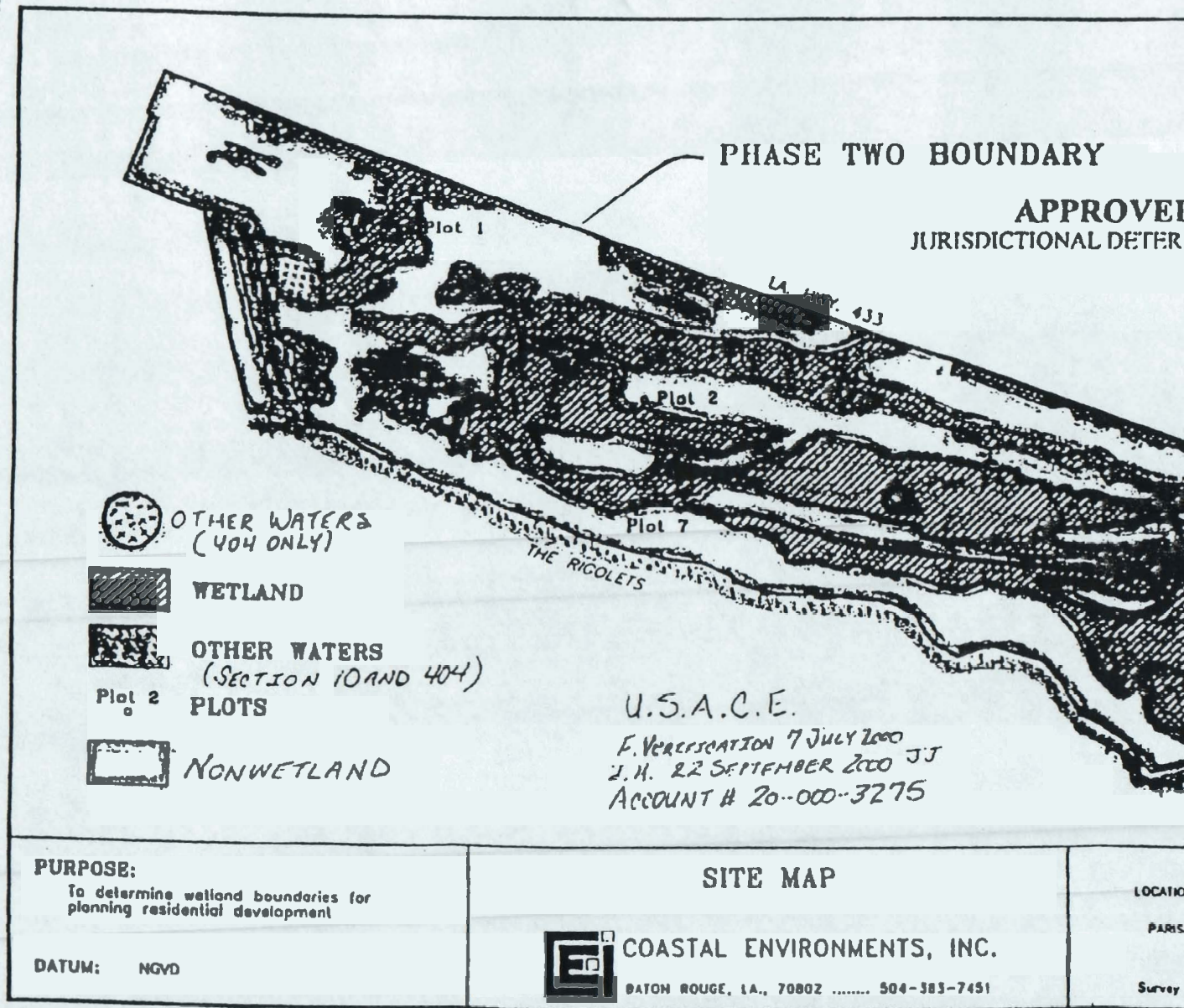
DISTRICT 13 WARD 9
ST. TAMMANY PARISH, LA.

DATE: NOVEMBER 17, 2006



 = DRAINAGE OUTFALL

Figure 2. Location of sample sites and wetlands on the Rigolets Estates Phase 2 Tract located in Section 37, T-10-S, R-14 and 15-E, St. Tammany Parish, Louisiana (CEI 2000).



9/5/6

96060-3832

3516

ENVIRONMENTAL ASSESSMENT DATA FORM

Description of Project

Applicant's Name The Estate of Fredrick J. Sigur

Address P.O. Box 27, Arabi, LA 70032-0027

Attach area location Map showing the proposed development

Name of Development Rigolets Estates

Section 37 Township 10 South Range 14 East

Number of acres in development 188.5471

Type of streets Concrete Pavement

Type of water systems Central

Type of sewerage system Central

Ultimate disposal of wastes Private Contract

Ultimate disposal of surface drainage Lake Pontchartrain

Land form: Flat X Rolling Marsh
Swamp Inundated

Existing land use: Rural Residential X
Commercial Industrial

Proposed land use: Rural Residential X
Commercial X Industrial

Conform to Major Road Plan: Yes X No

Water frontage: Yes X No If so how much

Name of Stream Lake Pontchartrain

Major highway frontage: Yes X No

Name of Highway Highway 433

is development subject to flooding in normal high rainfall and/or tide?

Yes No X

Will canals be constructed into rivers or lakes?

Yes X No

cont'd

ANSWER ALL QUESTIONS BY A CIRCLE AROUND YES OR NO

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

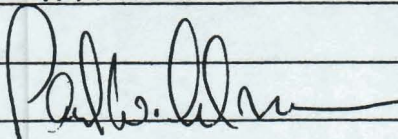
- c. Will any smoke, dust or fumes be emitted as a result of the operational process.
If so, explain fully.

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

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:

RIGOLETS ESTATES



DATE:

NOV. 15, 2006

TITLE:

Paul W. Anderson

Project Manager

Krebs, LaSalle, LeMieux Consultant, Inc.

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