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Kevin Davis
Parish President

Appeal # 2
referred back to ZC 4/5/07 with instructions attached
Tabled 7/5/07

**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: 6/12/07

ZC07-01-001

Existing Zoning: SA (Suburban Agricultural) District & C-1 (Neighborhood Commercial) District
Proposed Zoning: PUD (Planned Unit Development) District
Acres: 28 acres
Petitioner: James E. Shields, Sr.
Owner: James E. Shields, Sr.
Location: Parcel located on the south side of LA Highway 1088, east of Trinity Drive, west of Forest Brook Boulevard, S5 & 6, T8S, R12E, Ward 4, District 5 & 7
Council District: 5 & 7

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**

Paul A. Lea, Jr.
(SIGNATURE)

Paul A. Lea, Jr.
527 E. BOSTON - Ste 201
COVINGTON, LA 70433

PHONE #: 985-292-3500



ZONING STAFF REPORT

Date: May 25, 2007

Case No.: ZC07-01-001

Prior Action: Denied (02/02/07)

Referred back from Council (04/05/07)

Tabled (05/01/07)

Posted: 05/17/07

Meeting Date: June 5, 2007

Determination: Denied

GENERAL INFORMATION

PETITIONER: James E. Shields, Sr.
OWNER: James E. Shields, Sr.
REQUESTED CHANGE: From SA (Suburban Agricultural) District & C-1 (Neighborhood Commercial) District to PUD (Planned Unit Development) District
LOCATION: Parcel located on the south side of LA Highway 1088, east of Trinity Drive, west of Forest Brook Boulevard; S5 & 6, T8S, R12E; Ward 4, District 5 & 7
SIZE: 28 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	ID (Institutional) District
South	Residential	A-4 (Single Family Residential) District
East	Residential	A-4 (Single Family Residential) District
West	Residential	A-4 (Single Family Residential) District

EXISTING LAND USE:

Existing development? No

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:

The petitioner is requesting to change the zoning from SA (Suburban Agricultural) District & C-1 (Neighborhood Commercial) District to PUD (Planned Unit Development) District. The proposed development consists of 114 single family residential lots and 6 condo units to be located behind an existing sport complex, located along Hwy 1088. The size of the proposed lots will vary from 2700 sq.ft. to 6000 sq.ft, and the density will be of approximately 2.3 lots/acre. An existing building, located at the entrance of the residential subdivision, is proposed to be converted into a 6 condo apartment-units.

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	Must be Provided as Required
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	Must be Provided as Required
Environmental Assessment Data Form	Provided as Required
Phasing	Provided as Required

GREENSPACE

A total of 10.930 acres (39%) of greenspace is proposed to be provided on the site. Note that additional information must be provided concerning the percentage and acreage of active and passive recreational area provided on the site. Also, additional information shall be provided concerning the accessibility to the existing sport complex, located on the site, for the residents of the subdivision.

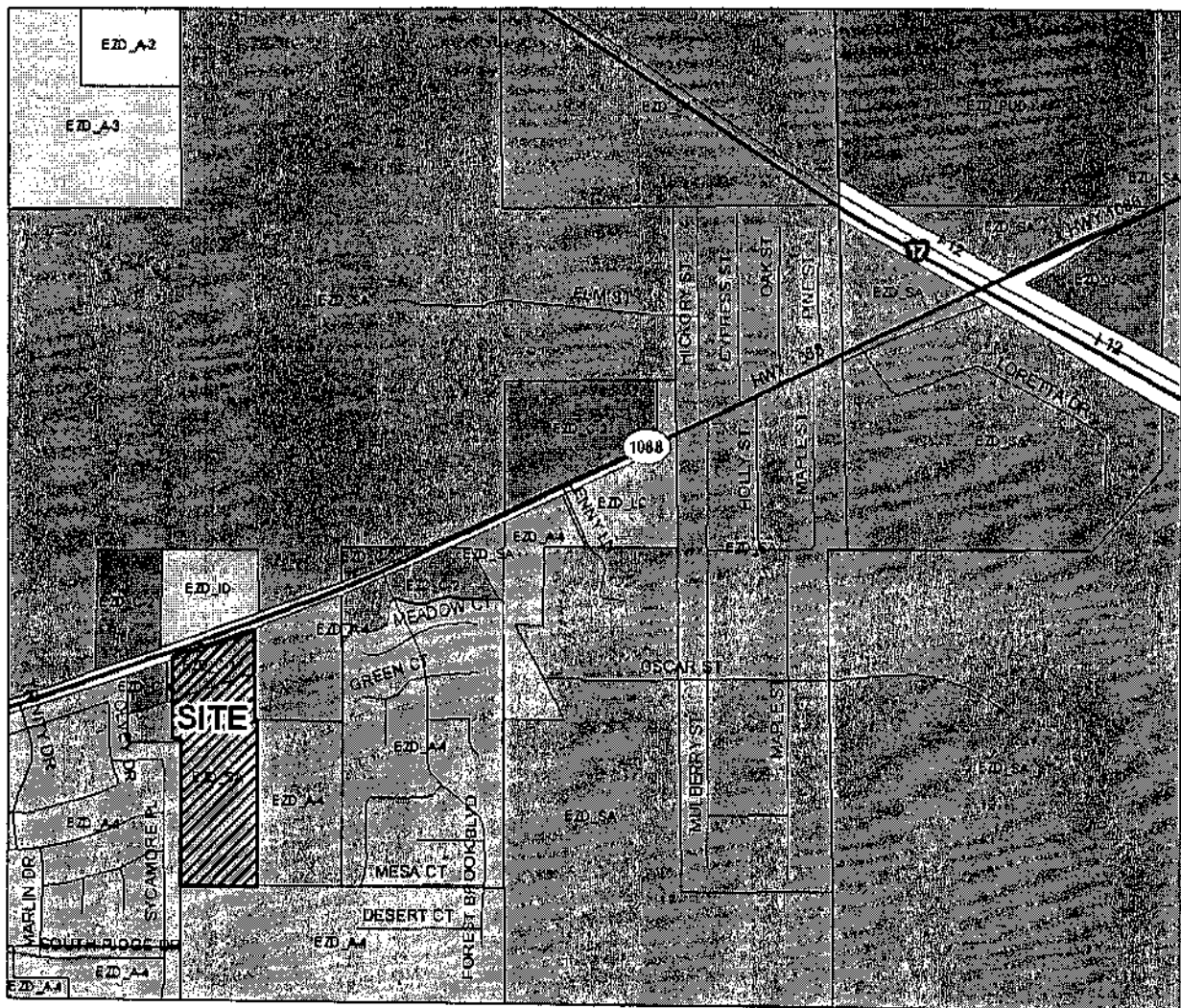
COMPREHENSIVE PLAN ANALYSIS

The 2025 land use plan designates the area to be developed with residential uses. The proposed development meets the future land use plan by providing some new residential uses, compatible with the surrounding. Also, the density of the proposal of 2.3 lots/ acre, is similar to the surrounding developments zoned A-4 (Single Family Residential) District. In fact, the proposal is similar to a regular single family residential development, however it lacks some of the creative design that should be provided within a PUD. Staff is not completely opposed to the development, but would be in favor of a cluster arrangement of lots, instead of a typical linear development, as proposed. Also, staff feels that the PUD should be reconfigured in order to relocate some of the lots outside the wetlands area.

STAFF RECOMMENDATION:

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

CASE NO.: ZC07-01-001
PETITIONER: James E. Shields, Sr.
OWNER: James E. Shields, Sr.
REQUESTED CHANGE: From SA (Suburban Agricultural) District & C-1 (Neighborhood Commercial) District to PUD (Planned Unit Development) District
LOCATION: Parcel located on the south side of LA Highway 1088, east of Trinity Drive, west of Forest Brook Boulevard; S5 & 6, T8S, R12E; Ward 4, District 5 & 7
SIZE: 28 acres



PELICAN POINTE SECTIONS 3 & 6, T-4S, R-12E BT, TAMMANY PARISH, LA.																					
<table border="1"> <tr> <td>NO.</td> <td>DATE</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	NO.	DATE																			KELLY & WALTON & ASSOC., INC. ONE GERRARD & LIND SECTIONS 606 GERRARD ST. - WARRICKVILLE, LA. TEL. 333-1111 FAX 333-1111 MAIL STOP 700 BOX 100 WARRICKVILLE, LA. 70093
NO.	DATE																				

2001-001

Servitudes, Privileges and Restrictions of
Pelican Pointe Proposed PUD

1. Any building, additions, fences, improvements... must, without exception, be submitted for approval in writing to the Architectural Control Committee of the Board of Directors.
2. No maintenance, keeping, boarding and/or raising of animals, livestock or poultry. The Board has the right to notify a member if a pet is a nuisance.
3. No burning of trash. No accumulation of litter, lumber, building materials, etc.
4. No trailers, house trailers, mobile homes, junk vehicles, etc. shall be kept on the property. Recreational vehicles and boats on trailers are excluded if enclosed within a 6' fence.
5. No repairs, except in emergency, on any vehicles.
6. Garbage containers will be permitted to remain in public view only on days of trash collections.
7. No mining, boring, dirt removal quarrying, etc.
8. No signs or advertising devices on any property. Only one real estate sign may be placed on the property for sale or rent.
9. Nothing may damage or interfere with the servitude or retard direction or flow of drainage.
10. No dwelling shall fall in disrepair. All shall be maintained in good condition (including lawn and landscaped areas).
11. The discharge of firearms; or the use or operation of motor bikes, motorcycles, two, three or four wheel vehicles upon the Common Areas is prohibited.
12. 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 Environmental Services Department of St. Tammany Parish. Whenever a subdivision is served by a community (central) water system (supply), no private water supply may be drilled or otherwise constructed 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).

13. Minimum building site setbacks are:
From building site to street R.O.W. - 15'
From building site to rear property line - 25'
14. Construction of any nature, including fences, is prohibited in drainage or street easements.
15. No noxious or offensive activity shall be carried on upon any building site, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood, particularly the use of building sites as dumps or junk car storage.
16. The minimum elevation for the lowest floor of all residences shall be determined from the latest FEMA flood insurance rate maps. This property located in Flood Zone C, F.I.R.M. No. 225205 0220 C, Revised 04-02-1991.
17. St. Tammany Parish Planning Commission. The minimum restrictive covenants cited above are as per Section 7.08 of Parish Ordinance No. 499 (Subdivision Regulations). Additional building restrictions and covenants are recorded in COB ___ Folio ___.
18. No building site will be further resubdivided without the prior approval of the St. Tammany Parish Planning Commission.
19. The maintenance of the "Open Space" shall be the responsibility of the Homeowner's Association.

ENVIRONMENTAL ASSESSMENT DATA FORM

Description of Project

Applicant's Name JAMES E SHIELDS SR.
 Address #30 NEW ENGLAND COURT, GRETNA LA. 70053

Attach area location Map showing the proposed development

Name of Development PELICAN POINTE

Section 5 Township 8 Range 12

Number of acres in Development 28.0 AC.

Type of streets ASPHALT

Type of water systems CENTRAL

Type of sewerage system CENTRAL

Ultimate disposal of wastes _____

Ultimate disposal of surface drainage 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 LA. Hwy 1088

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 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

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.

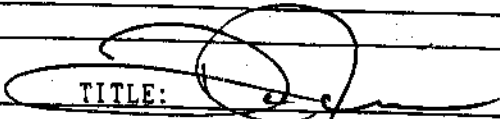
b. What will be the average noise level of the development during working hours.

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 based on a thorough study of the environmental impact by this development named:

DATE: 11-13-04 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 Form and concur with the information submitted with the following exceptions:

I recommend the following: _____

DATE: _____ POLICE JUROR: _____
WARD _____

ST. TAMMANY PARISH COUNCIL OFFICE

MEMO

FROM BARRY D. BAGERT
COUNCIL CHAIRMAN

Highway 59 Complex
21490 Koop Drive
Mandeville, LA 70471

Phone: 985-898-2770
Fax: 985-898-2593

To: Emile Lombarde, Chairman
Planning/Zoning Commission

Date: April 13, 2007

Re: Appeal ZC07-01-001

Appeal #3 on the April 5, 2007 Council agenda was referred back to the Zoning Commission with specific instructions per extract of minutes as follows:

3) Applicant James E. Shields appealing the Zoning Commission DENIAL on February 6, 2007 to rezone 28 acres of land on the south side of Highway 1088, east of Trinity Drive, west of Forest Brook Boulevard, from SA Suburban Agricultural & C-1 Neighborhood Commercial to a PUD (Planned Unit Development). (Ward 4, Districts 5 & 7) (ZC07-01-001)

Note: To concur with Zoning denial, a simple majority vote is required and adoption of a resolution.

Note: To override Zoning denial, a majority vote of the entire Council is required and introduction of an ordinance.

Gould advised property is in his district and there was concern and confusion at Zoning Commission hearing. Some meetings were held since but no resolution was reached and he would like to send the case back to the Zoning Commission with the following specific instructions:

1. Establish a working committee consisting of at least two commissioners, five residents, the developer, his assistant and the project engineer.
2. Establish the acreage being used at present for the Mandeville Sports Complex.
3. Determine the new acreage being put to use.
4. Determine the average density of Quail Creek and Forest Brook in relation to the total acreage, including detention ponds and other facilities.
5. Establish density of new area to be developed based on the average density determined in Item 4.
6. Address parking issues associated with events held at Mandeville Sports Complex.
7. Provide 50 ft. buffers on eastern, western and southern boundaries.
8. Develop a single family layout taking into account impacts on adjacent properties excluding drainage and traffic. Those are to be addressed at the appropriate planning stage if the case gets passed zoning.
9. Avoid wetlands if possible.
10. Ensure that a collection mechanism is established if a home owners association is to be responsible for maintaining the common grounds.

Gould - Moved to refer appeal back to Zoning Commission with specific instructions, second by Hamauei. Unanimous with 1 absent (Fitzmorris).

Please keep all parties advised as to when this case will go before the Zoning Commission.

xc: Sidney Fontenot
Helen Lambert
Marty Gould
Neil Hall
Mike Sevante
Diane Hueschen