

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3712 ORDINANCE COUNCIL SERIES NO. \_\_\_\_\_

COUNCIL SPONSOR MR. HAMAUEI PROVIDED BY: PLANNING

INTRODUCED BY: MR. HAMAUEI SECONDED BY: MR. GOULD

ON THE 6TH DAY OF DECEMBER, 2007

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF ST. TAMMANY PARISH, LA, TO RECLASSIFY A CERTAIN PARCEL LOCATED ON THE SOUTH SIDE OF LA HIGHWAY 1088, EAST OF TRINITY DRIVE, WEST OF FOREST BROOK BOULEVARD AND WHICH PROPERTY COMPRISES A TOTAL OF 28 ACRES OF LAND MORE OR LESS, FROM ITS PRESENT SA (SUBURBAN AGRICULTURAL) DISTRICT & C-1 (NEIGHBORHOOD COMMERCIAL) DISTRICT TO A PUD (PLANNED UNIT DEVELOPMENT) DISTRICT, WARD 4, DISTRICT 5 & 7. (ZC07-01-001)

Whereas, the Zoning Commission of the Parish of St. Tammany after hearing in accordance with law, Case No. ZC07-01-001, has recommended Denial to the Council of the Parish of St. Tammany, Louisiana, that the zoning classification of the above referenced area remains SA (Suburban Agricultural) District & C-1 (Neighborhood Commercial) District.

Whereas, the St. Tammany Parish Council has held its public hearing in accordance with law:

Whereas, the St. Tammany Parish Council has found it necessary for the purpose of protecting the public health, safety and general welfare, to designate the above described property as PUD (Planned Unit Development) District.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS, in regular session convened that:

SECTION I: The zoning classification of the above described property is hereby changed from its present SA (Suburban Agricultural) District & C-1 (Neighborhood Commercial) District to a PUD (Planned Unit Development) District (see Exhibit "A") for complete boundaries.

SECTION II: The official zoning map of the Parish of St. Tammany shall be and is hereby amended to incorporate the zoning reclassification specified in Section I hereof.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.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

EXHIBIT "A"

ZC07-01-001

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, together with all the buildings and improvements thereon and all the rights, ways, means, privileges, servitudes, prescriptions, appurtenances and advantages thereunto belonging or in anywise appertaining thereto, situated in Sections 5 and 6, Township 8 South, Range 12 East, St. Tammany Parish, Louisiana described as follows:

From the Northwest corner of Section 5, Township 8 South, Range 12 East, St. Tammany Parish, Louisiana go South 00 degrees 15 minutes 00 seconds East 829.01 feet to the point of beginning.

From the point of beginning go North 71 degrees 43 minutes 08 seconds East 624.08 feet to a point; thence go South 89 degrees 41 minutes East 21.65 feet to a point; thence go South 00 degrees 15 minutes East 1304.00 feet to a point; thence go North 89 degrees 51 minutes 35 seconds West 617.40 feet to the quarter corner set by Pugh Surveying between Sections 6 and 5, of said township and range; thence go North 00 degrees 15 minutes West 1148.04 feet to a point; thence go South 89 degrees 53 minutes 48 seconds West a distance of 66.98 feet to a point; thence go North 00 degrees 18 minutes 17 seconds West a distance of 655.28 feet to a point on the south right of way for Louisiana Highway 1088; thence go North 72 degrees 13 minutes 01 seconds East 70.90 feet back to the point of beginning.





**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 B 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
- 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 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.

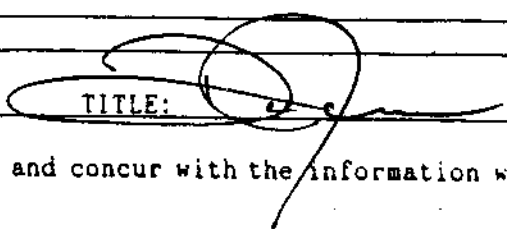
Explain in detail the items marked YES above indicating how you propose to reduce or eliminate the environmental problems caused by your development and explain how you will ultimately dispose of the surface water generated by your development including the route of the surface water into a major stream 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: 11-13-06 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**  
**DEPARTMENT OF PLANNING**  
 P. O. Box 628  
 COVINGTON, LA 70434  
 PHONE: (985) 898-2529  
 FAX: (985) 898-3003  
 e-mail: planning@stpgov.org

*Kevin Davis*  
**Parish President**

*referred back to CC 7/5/07 with instructions attached  
 dated 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.**

*7/5/07  
 8/14/07  
 11/1/07*

**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

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### 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

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### 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**

<b>Required information</b>	<b>Staff Comments</b>
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	<b>Must be Provided as Required</b>
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	<b>Must be Provided as Required</b>
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.

**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