



ST. TAMMANY PARISH

DEPARTMENT OF PLANNING

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Kevin Davis

Parish President

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.

CP09-07-062 - Use: Pond

Zoning: R (Rural) District
 Use Size: 8 Acres
 Petitioner: Matt Franklin
 Owner: James S. Fleming
 Location: Parcel located on the southeast side of Old Highway 11, west of I-59, S31, T7S, R12E, Ward 8, District 6
 Council District: 6

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)

MATTHEW P. FRANKLIN

185 SHANNON DR

MANDEVILLE LA 70448

PHONE #: 985-788-7400

PLANNING
DEPT.
JUL 17 2009
RECEIVED

CONDITIONAL USE PERMIT STAFF REPORT

Date: June 29, 2009
CASE NO.: CP09-07-062
Posted: 06/17/09

Meeting Date: July 7, 2009
Determination: Approved with staff comments

PETITIONER: Matt Franklin
OWNER: James S. Fleming
PROPOSED USE: Pond
PREVIOUS/CURRENT USE: Vacant
SQ. FT. OF USE: 8 Acres
GROSS AREA LOT SIZE: 136.28 Acres
ZONING CLASSIFICATION: R (Rural) District
LOCATION: Parcel located on the southeast side of Old Highway 11, west of I-59; S31, T7S, R12E; Ward 8, District 6

SITE ASSESSMENT

ACCESS ROAD INFORMATION

Type: Parish

Road Surface: 2 lane asphalt

Condition: poor/narrow

LAND USE CONSIDERATIONS

Surrounding Land Use and Zoning:

Direction	Land Use	Zoning
North	Commercial	R (Rural) District
South	Undeveloped	R (Rural) District
East	Interstate	R (Rural) District
West	Undeveloped	R (Rural) District

Existing development? No

Multi occupancy development? No

STAFF COMMENTS:

Petitioner is requesting a Conditional Use permit for a Pond/Land Excavation. A site plan has been provided showing the size of the pond, the setbacks, and the depth of the pond. The location where the dirt is proposed to be placed is also shown on the site plan. The site is located inside the Pearl River City Limits. According to the petitioner all the required permits have been obtained from the Corp of Engineers to fill the site shown on the plan. The pond is proposed to be completed within one year. The hours of operation will be limited to 6AM to 6PM, Monday to Saturday.

STAFF RECOMMENDATIONS:

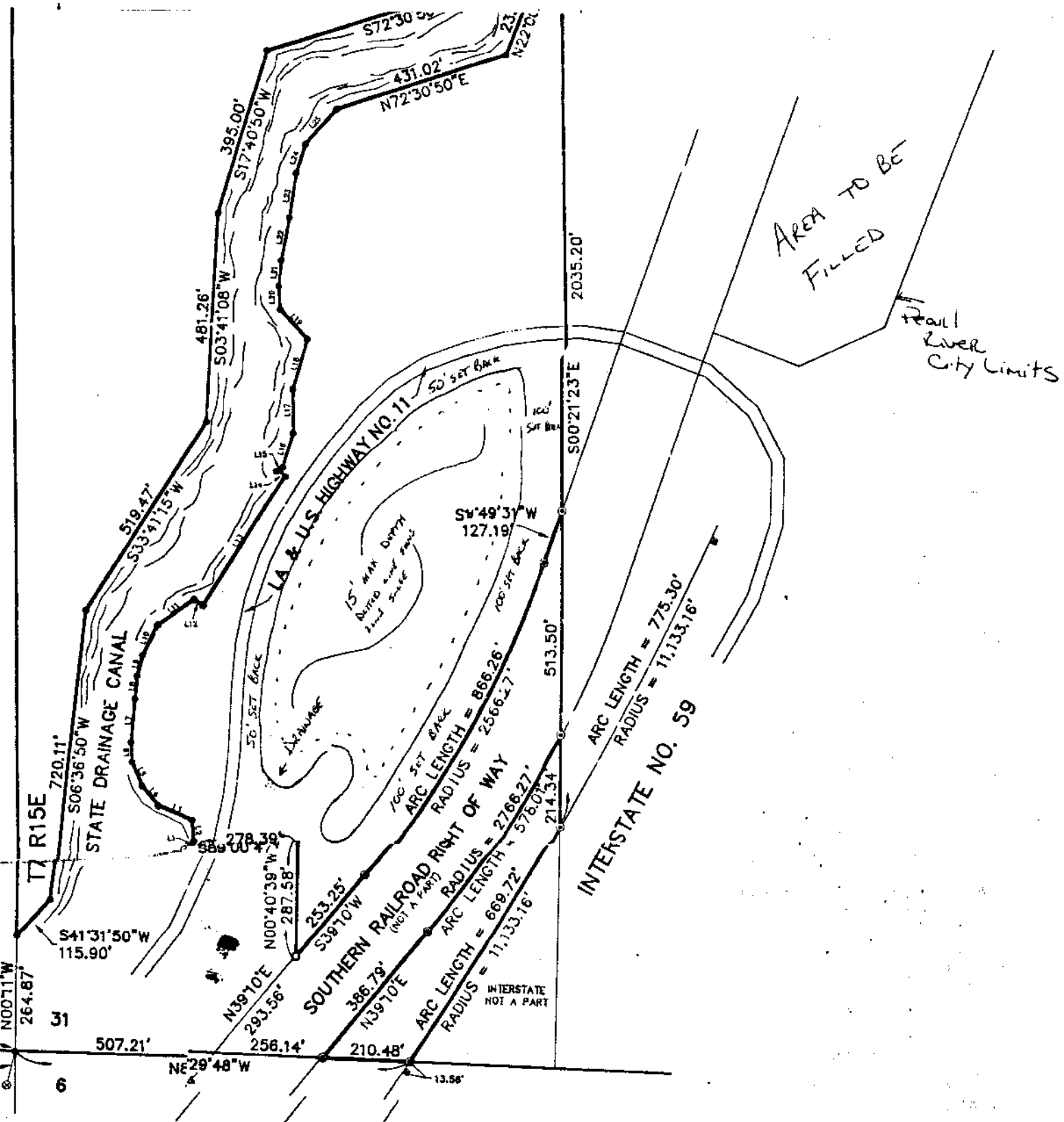
The staff recommends approval of this proposal, subject to all applicable regulations and the following conditions:

1. Provide a copy of the permit obtained by the Corp of Engineers. Must be provided before the operations start taking place.
2. Obtain letter from the Parish Engineering Department stating that the placement of the fill, on the site shown on the drawing, will not have an adverse effect on the drainage in the Parish. Must be provided before the operations start taking place.
3. Days and hours of operations will be limited to Monday to Saturday from 6AM to 6PM.
4. Work will completed within 1 year of approval.
5. The perimeter of the excavations shall not be nearer than two hundred (200') feet to the front, sides and rear property lines. Petitioner is requesting to reduce the perimeter of the excavation to 50' and 100' as shown on the plan. If a conditional use permit is granted for the excavation use, the use shall be inspected and monitored at least once annually.
6. The property shall be kept posted with warning signs set no further than fifty (50') feet apart and clearly visible.
7. The perimeter of the land containing the excavation site shall be fenced by a wire mesh fence or as determined by the Department of Development of not less than four (4') feet in height and all gates or entrances shall be locked when not in use.
8. In all districts inside the Growth Management Area where temporary and/or commercial extraction of dirt, soil, clay, sand, gravel and/or earth may take place according to this ordinance, all excavations must either be made to a water producing depth, or graded or backfilled. Excavations made to a water producing depth shall have a minimum depth of at least six (6") inches.
9. In all districts inside the Growth Management Area where filling of dirt, soil, clay, sand, gravel and/or earth may take place according to state regulations. Backfilling of excavations not made to a water producing depth, shall be made with non-toxic, nonflammable, noncombustible soils including materials exempt from DEQ regulations, such as concrete, stumps, etc.. The graded or backfilled area(s) shall not collect and permit stagnant water to remain thereon. The peaks and depressions of the area shall be reduced to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding in order to minimize erosion due to rainfall. The graded or backfilled area(s) shall be sodded or surfaced with soil of a quality at least equal to the topsoil of the land area immediately surrounding and to a depth of not less than the depth of the topsoil on surrounding land. Such topsoil shall be planted with trees, legumes, or grasses, upon the parts of such area where revegetation is possible.
10. As per the Engineering Department, all the dirt must be removed from the site considering that the property is located within the 100 year flood plain.
11. Road bond must be secured prior to excavation, if required by the Parish Department of Public Works.

NOTE TO PETITIONER

There is a 10 day appeals period following the Zoning Commission decision. If the request is approved, permits will not be issued until this 10 day period has elapsed. The petitioner shall have one year to obtain the appropriate building permits or occupy the site from the date of approval of the St. Tammany Parish Zoning Commission, unless otherwise stipulated by the St. Tammany Parish Zoning Commission.

CP09-07-062



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250 125 0 Feet

