

#### MICHAEL B. COOPER 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 & DEVELOPMENT. A COPY OF THE APPEAL REQUEST IS PROVIDED BELOW.

#### APPEAL REQUEST

DATE:

03/03/2021



## 2020-2143-ZC

Existing Zoning: A-4 (Single-Family Residential District)

Proposed Zoning: A-4 (Single-Family Residential District) & PUD (Planned Unit

Development Overlay)

Location: Parcels located on the north and south sides of MP Planche Road, west of Louisiana Highway 25; Covington; S17, S18, S19, S20, T6S, R11E, Ward 3, District 3.

Acres: 134.73 acres

Petitioner: Corie Herberger Owner: Dawn Kane

Council District: 3

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 SIGN YOUR NAME, PRINT NAME UNDERNEATH THAT AND PUT MAILING ADDRESS AND PHONE NUMBER BELOW PRINTED NAME.

PRINT NAME: Corie Herberger

22161 Marshal Road, Suite C, Mandeville, LA 70471

PHONE #: 985-966-0549

#### ZONING STAFF REPORT

Date: February 22, 2020 Meeting Date: March 2, 2021 Case No.: 2020-2143-ZC Determination: Denied

Posted: December 25, 2020 Prior Determination: January 5, 2021 – Postponed February 2, 2021 - Postponed

#### **GENERAL INFORMATION**

**PETITIONER:** Corie Herberger

OWNER: Dawn Kane

REQUESTED CHANGE: From A-4 Single-Family Residential District to A-4 Single-Family Residential District

and PUD Planned Unit Development Overlay

LOCATION: Parcels located on the north and south sides of M P Planche Road, west of Louisiana Highway 25;

Covington

SIZE: 134.733 acres

### GENERAL INFORMATION

#### **ACCESS ROAD INFORMATION**

Type: Parish Road Surface: 2 Lane Asphalt

Condition: Poor

#### LAND USE CONSIDERATIONS

#### SURROUNDING LAND USE AND ZONING:

Direction Surrounding Use Surrounding Zone North Undeveloped A-2 Suburban District and RO Rural Overlay South Residential and Undeveloped A-1 Suburban District, A-2 Suburban District, and RO Rural Overlay A-1 Suburban District, A-2 Suburban District, A-4A Single East Residential Family Residential, and RO Rural Overlay A-1 Suburban District, A-2 Suburban District, and RO Rural West Undeveloped

Overlay

## EXISTING LAND USE:

Existing development: No Multi occupancy development: No

#### 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/ SUBDIVISION INFORMATION:

The petitioner is requesting to add the Planned Unit Development Overlay (PUD) to the 134.733-acre subject property. The River Park Estates, Phase 3 subdivision is proposed to be developed with 384 lots with an average lot size of  $60^{\circ}$  x  $120^{\circ}$ , or .165 acres.

A concurrent application to rezone the 134.733-acre site from A-1 and A-2 Suburban District to A-4 Single-Family Residential District has also been submitted (Case No. 2020-2142-ZC). The zoning change is requested to establish the underlying density of the proposed residential subdivision.

#### ACCESS:

The site is proposed to be accessed through the existing M P Planche Road, which is a 16 ft. wide Parish maintained road.

### **GENERAL INFORMATION**

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
Setbacks & Maximum height	Provided as Required  Revisions Required:  Accessory Structure Setbacks Required
Restrictive Covenants	Revisions Required:  1. Minimum culvert size used for driveways must be stated
Water & Sewer facilities	Magnolia Water Utility Operating Company – Confirm capacity to provide services
Wetland Delineations	Revisions Required:  Wetlands delineation shows two eastern areas as "possible wetlands". Revise the delineation to show as indicated wetlands. Note the applicant may need to reconfigure the PUD layout based on the outcome of the Jurisdictional Determination.
Flood Zone Demarcation Lines	Provided as Required
Ultimate Disposal of Surface Drainage	Provided as Required
Environmental Assessment Data Form	Provided as Required

## DENSITY

Per the UDC, Section 130-1674(4), the net density shall be provided, based upon the underlying zoning classification, utilizing the formula (Total Area  $\times$  .75 = X maximum net density = X lots (units)), or the number of lots/units may be established by a yield plan.

Existing Zoning	Zoning	Acreage	Max. Density	Net Density
	Existing A-1	59.053 acres	1 unit per 5 acres	8.86 units
	Existing A-2	75.68 acres	1 unit per acre	56.76 units
	Total Net Density			66 units
Proposed Zoning	Zoning	Acreage	Max. Density	Net Density
	Requested A-4	134.733 acres	4 units per acre	404 units
		Total Net Density		404 units

The proposal is for 384 residential lots, which is 95% of the maximum allowable density of the PUD per the requested A-4 Single-Family Residential designation (2020-2142-ZC).

## **GREENSPACE**

Per the UDC, Section 130-1674(a)(8), a minimum of 25% of open space is required for all PUD subdivision. The petitioned PUD consists of 134.733 acres, requiring 33.68 acres of open space. The River Park Estates Phase 3 PUD plan provides a total of 36.20 acres of greenspace.

Amenities	Acreage	Type of Amenities
Passive	32.62 acres (97%)	Wetlands and Retention Ponds
Active	1.08 acres (3%)	Basketball Court and Playground

### Comments:

a. A complete Recreational Development Plan shall be submitted depicting the proposed amenities, a time schedule for development, and the entity whom shall be responsible for the liability and maintenance of the recreational amenities and greenspace areas.

## Sec. 130-1672 - Purpose

- 1. Environmentally sensitive design that is of a higher quality than would be possible under the regulations otherwise applicable to the property.
  - The PUD plan shows 30.68 acres of wetlands to be maintained. Additionally, the plan is providing 11.72 acres of retention ponds.
  - Informational Item: The Parish may adopt FEMA's Freeboard standard of BFE + 1 Foot by January 1, 2021. The applicant of this PUD may be required to implement the new standard after January 31, 2021.
- 2. Diversification and variation in the relationship of residential uses, open space and the setbacks and height of structures in developments intended as cohesive, unified projects.
  - The proposed PUD plan provides for lots of similar size to be developed with single-family residential dwellings. The setbacks provided are uniform for all development. There is little diversification or variation of residential uses provided.
  - The proposed PUD plan shows a majority of the 384 residential lots requiring a 25 ft. servitude
    within the entire rear yard from the building setback to the rear property line. As structures are not
    permitted within servitudes, this would result in no allowable fences, pools, sheds, play grounds or
    other typical structures found within a common backyard area.
- 3. Functional and beneficial uses of open space areas.
  - Almost 99% of the greenspace provided is passive in nature and is comprised of areas labeled wetlands. A total of 1.08 acres of usable open space areas labeled "basketball court" and "playground" is proposed to be provided. Considering the high density of the proposed subdivision, additional active areas and amenities should be provided.
  - Per Sec. 130-1674(1)(8)(4), no more than 50% of the required open space shall be satisfied using land which is inundated by water more than four months out of the year. The applicant is proposing to use a majority of the existing wetlands to satisfy greenspace requirements. These wetlands are not programed for any form of recreation and have little formal access for the residents.
- 4. Preservation of natural features of a development site.
  - Placing the greenspace areas and stormwater management ponds into a conservation easement
    would permanently limit the use of the land and ensure the public benefit of open space is
    maintained. The applicant has submitted a letter to the Department of Planning and Development
    which states no objection to placing the preserved wetlands at the north end of the project into a
    conservation easement prior to the recording of this section of the final plat.
- 5. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
  - The 5.37-acre retention pond and park area to the northeast of the proposed PUD plan aligns with an existing 3.5-acre pond and park area to the west of River Park Estates Phase 1. The existing pond that was approved in River Park Estates Phase 1 and the proposed pond for River Park Estates Phase 3 are both dedicated to be maintained by St Tammany Parish. The applicant has submitted a letter of no objection to remove the berm along either retention ponds where they connect to combine the ponds and park space with input from the Parish Engineering Office. Merging the two ponds to form a larger, semi-regional retention pond could benefit stormwater management to reduce flood risk, facilitate maintenance, and maintain higher water quality. Additionally, merging the two ponds and park space could provide greater recreational opportunities and unified access to greenspace for residents.
- 6. Rational and economically sound development in relation to public services.
  - The applicant has stated that the proposed 384 home subdivision will be serviced by central sewer
    and water. Magnolia Water Utility Operating Company has stated that this capacity is beyond what
    is currently in place and any additional capacity could require a second treatment plant to expand.
  - The section of the existing M P Planche Road is approximately 12 ft. wide where the proposed PUD is shown. While widening this section of the roadway will be required to match the existing approximately 16 ft. width of the eastern half of M P Planche Road, this is still substandard compared to the current Parish requirements for new roadways of a 20 ft. width.
- 7. Efficient and effective traffic circulation, both within and adjacent to the development site.
  - The proposed traffic circulation consists of one collector type road known as M P Planche Road which provides service to River Park Estates Phases 1 and 2, and River Park Crossing Phases 1 & 2. The proposed PUD plan shows forty-seven 60-foot-wide lots fronting this main access road. Allowing home sites to have direct access on M P Planche Road will requires residents to back onto a substandard collector road that is proposed to carry an additional capacity of 384 home sites, resulting result in adverse traffic circulation for the development.
- 8. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.
  - The applicant has submitted a concurrent request to change the underlying zoning designation of the 134.733-acre subject site from A-1 and A-2 Suburban District to A-4 Single-Family Residential

- District (2020-2142-ZC). If approved, this will create an increased allowable gross density of 404 additional homesites to the area.
- The surrounding subdivisions along M P Planche were developed without the PUD overlay and conform to the site and structure provisions of their respective underlying zoning designations as follows:

	Surrounding Subdivisions Located Along M P Planche Road			
Subdivision Name	Acreage	Underlying Zoning Classification	Required Lot Width	Total # of Lots
River Park Estates Phase 1	26.037 acres	A-2 Suburban District	150 ft.	81 lots
River Park Estates Phase 2	18.2 acres	A-2 Suburban District	150 ft.	79 lots
	2.03 acres	A-4A Single-Family Residential	60 ft.	
River Park Crossing Phase 1	21.27 acres	A-4A Single-Family Residential	60 ft.	49 lots
River Park Crossing Phase 2	18.26 acres	A-4A Single-Family Residential	60 ft.	79 lots

#### **COMPREHENSIVE PLAN ANALYSIS**

The 2025 Future Land Use Plan designates the site to be developed with residential uses that aim to achieve contiguity among adjoining conservation areas in adjacent developments. The proposed River Park Estates Phase 3 is meeting the site's comprehensive plan designation by insuring 30.68 acres of existing wetlands is preserved as greenspace.

### **SUMMARY**

Per Sec. 130-1674(c), the Zoning Commission shall hold a formal public hearing on the zoning overlay request. The Zoning Commission reserves the right to add stipulations and conditions to its approval and shall determine if the applicant has met all or part of the PUD parameters including:

- 1. The tract for the proposed PUD is suitable in terms of its relationships to the Parish comprehensive plan and that the areas surrounding the purposed PUD can continue to be developed in coordination and substantial compatibility with the PUD proposed.
- That the desirable modifications of general zoning regulations as applied to the particular case, justify such
  modifications of regulations and at least an equivalent degree the regulations modified, based on the design
  and amenities incorporated in the site development plant
- 3. That increased open space over conventional development is provided for the occupants of the proposed PUD and the general public, and desirable natural features indigenous to the site in accordance with the open space parameters as follows:
  - Open spaces shall be required within the PUD and should be devoted to active and/or passive recreational purposes
  - b. Protects all floodplains and wetlands in accordance with parish regulations pertaining to fill
  - c. Preserves and maintains mature woodland and buffers
  - d. Protects rural roadside character and improves public safety by minimizing development fronting and accessing directly onto the public road
  - e. Provides for pedestrian circulation between properties and features of the site and continuity of open spaces where possible.

#### Staff has determined the following:

- The applicant is proposing to utilize Magnolia Utilities to satisfy sewer and water connection requirements.
   Additional capacity is beyond what is currently in place and may require a second treatment plant to expand.
   This potential growth of the service area will require an engineering evaluation to determine modifications, cost, and timelines.
- 2. The proposed 3.13-acre retention pond located in the southwestern corner of the proposed PUD appears to discharge into Horse Branch near its confluence with the Upper Tchefuncte River. This waterway is currently overburdened and stormwater runoff from this proposal may require a reduction of 25% for a 100-year storm event, pre-development.
- 3. Staff has determined that adverse traffic impacts may be created. Based on data sets provided by the Trip Generation Manual, 10<sup>th</sup> Edition Supplement, it appears that the proposed density of this development will generate over 3,500 new vehicle trips a day to the area with one approximately 16 ft. two-way access road servicing the development.
- 4. The proposed density for this development is above the existing density in a majority of the surrounding area. Staff has determined that the proposal for 384 homes could create negative impacts on traffic, drainage, and safety. Additionally, the lot layouts that allow traffic to back onto M P Planche Road could cause traffic issues and safety concerns.
- 5. The proposed drainage servitudes will interfere with the useable portion of a majority of the lot's backyard
- 6. The applicant has stated no objection to placing the wetlands and retention ponds into a conservation easement.
- 7. The applicant has stated no objection to combining the 5.37-acre retention pond and park area to the northeast of the proposed PUD with the existing 3.5-acre pond and park area to the west of River Park Estates Phase 1 with input from the Parish Engineering office.

Case No.: 2020-2143-ZC

PETITIONER: Corie Herberger

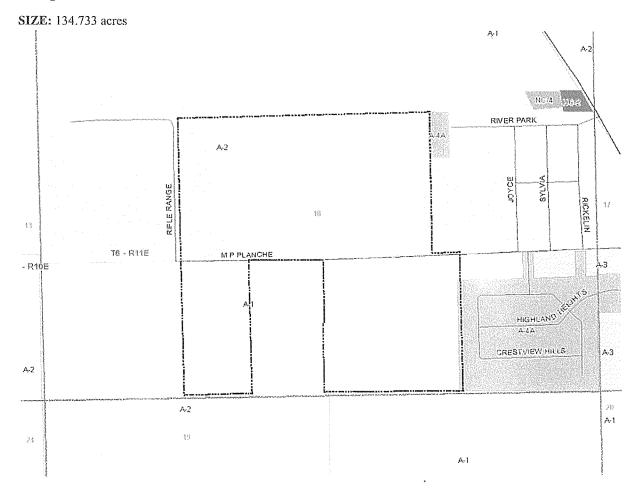
OWNER: Dawn Kane

REQUESTED CHANGE: From A-4 Single-Family Residential District to A-4 Single-Family Residential District

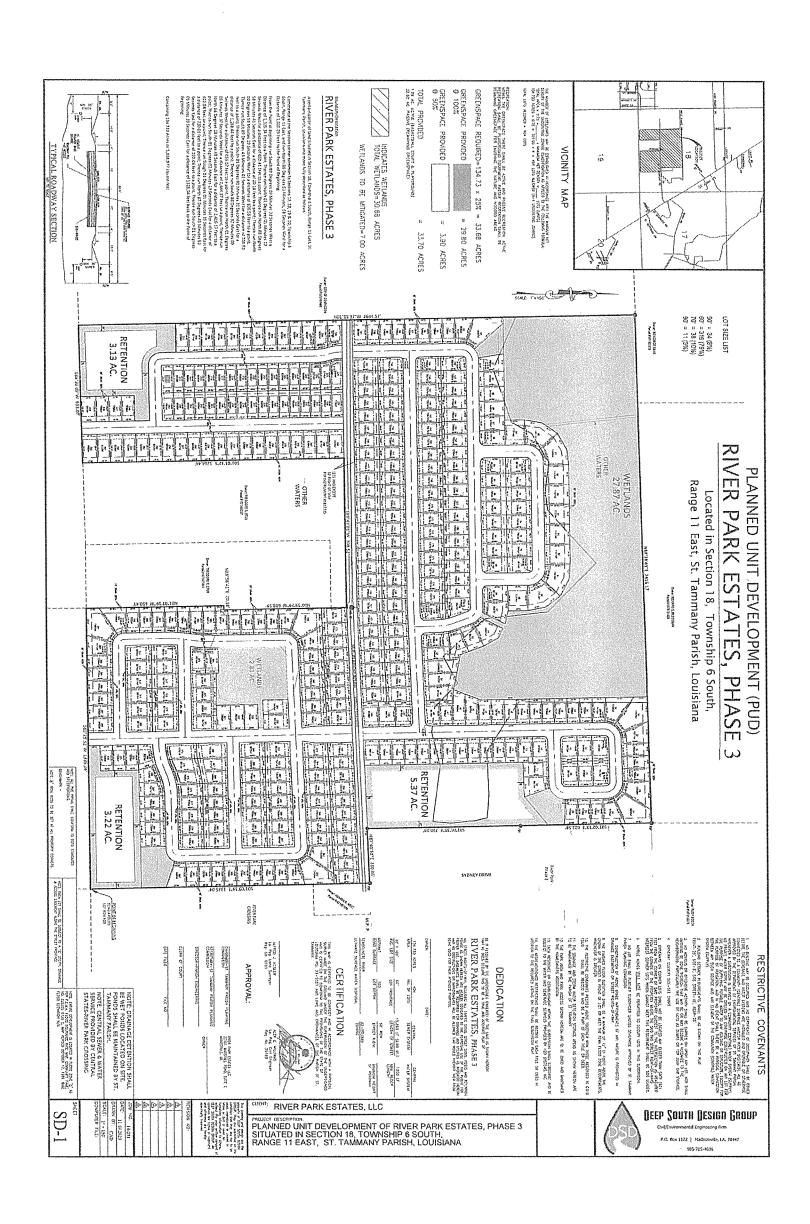
and PUD Planned Unit Development Overlay

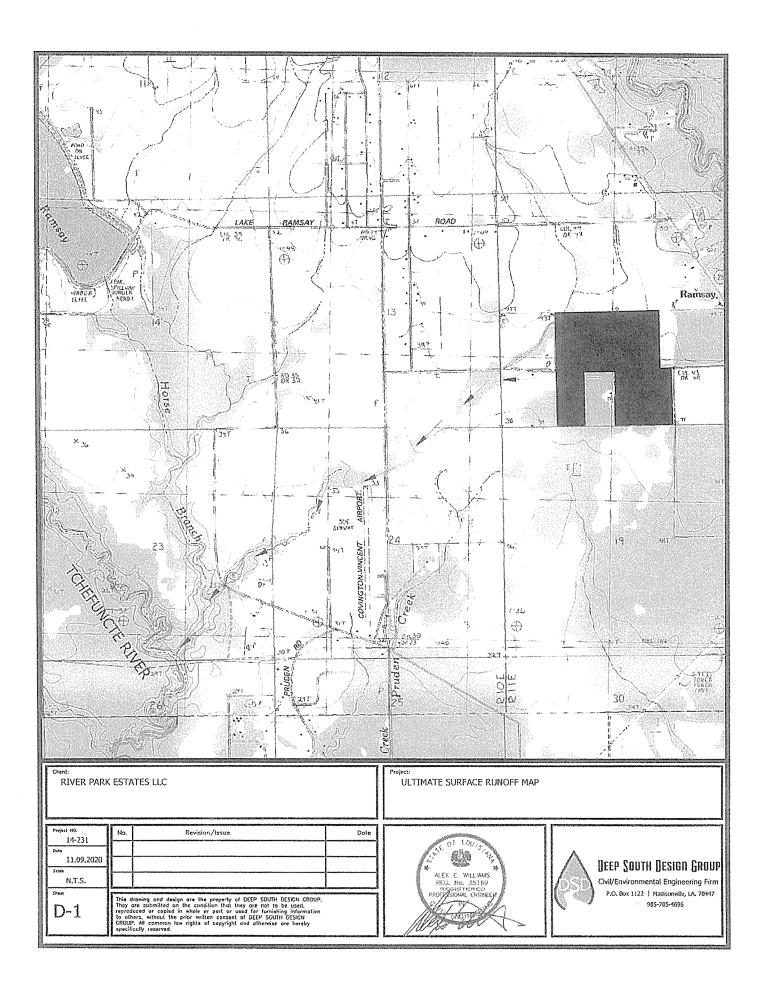
LOCATION: Parcels located on the north and south sides of M P Planche Road, west of Louisiana Highway 25;

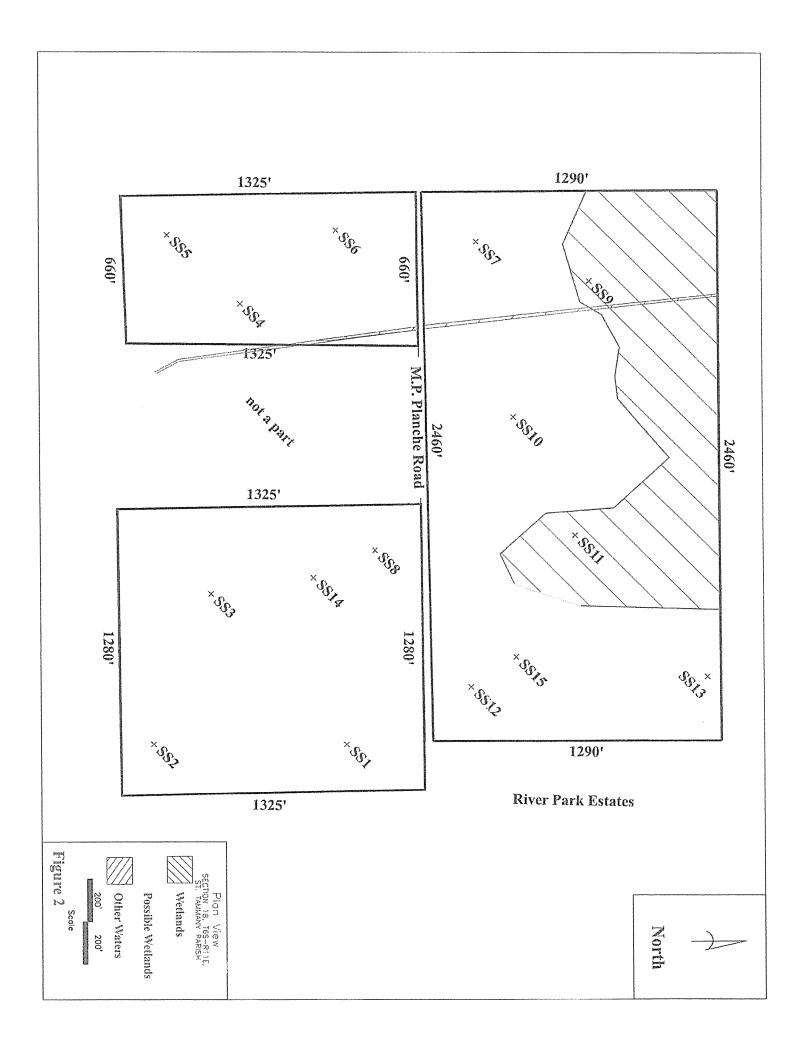
Covington











# ENVIRONMENTAL ASSESSMENT DATA FORM

Applicant's Name: Ri	iver Park Estates, LL	.C		· Yannin
Developer's Address:	22161 Marshall Roa	ad Suite C	Mandeville, LA 7047	1
	Street	City	State	Zip Code
Developer's Phone No.	985-966-0549			
	(Business)		(Cell)	· · · · · · · · · · · · · · · · · · ·
Subdivision Name: _R	iver Park Estates Ph	iase 3		
Number of Acres in De	velopment: 134.73	_ Number of Lo	ts/Parcels in Development	: _404
Ultimate Disposal of Si	urface Drainage: <u>Tch</u>	efuncte River		
Water Surface Runoff I	Mitigation Proposed:	On Site Reten	tion Pond	Manus Paris
(Please check the following	owing boxes below, who	ere applicable:	)	
- Type of Sewerage Sy	vstem Proposed: ဩ Con	nmunity 🛭 Ind	ividual	
- Type of Water System	m Proposed: 🗔 Commu	nity 🗆 Individ	uai	
- Type of Streets and/o	or Roads Proposed: 🗆 (	Concrete 🖫 As	ohalt 🗆 Aggregate 🗆 Ot	her
- Land Formation: 📮	Flat	□ Marsh □ S	wamp 🗆 Inundated 🗅 T	itle Flow
- Existing Land Use:	☑ Undeveloped ☐ Rea	sidential 🗆 Co	mmercial 🏻 Industrial [	☐ Other
- Proposed Land Use:	☐ Undeveloped ☐ Re	esidential 🗆 C	ommercial 🏻 Industrial	☐ Other
- Surrounding Land Us	e: 🛘 Undeveloped 🗗	Residential	Commercial   Industria	al 🗆 Other
- Does the subdivision	conform to the major str	reet plan? Di Y	es 🗆 No	
- What will the noise le	evel of the working deve	lopment be?	Very Noisy 🗵 Avera	ge 🛘 Very Little
- Will any hazardous m	naterials have to be remo	ved or brought o	on-site for the development	? □ Yes 図 No
If yes, what are the ha	azardous materials?			***************************************
- Does the subdivision	front on any waterways?	?□Yes DiNo	)	
If yes, what major stro	eams or waterways?			

- Does the subdivision front on any major arterial streets?   Yes  No	
If yes, which major arterial streets?	
- Will any smoke, dust or fumes be emitted as a result of operational construction?	s ௴No
If yes, please explain?	
- Is the subdivision subject to inundation? $\square$ Frequently $\boxtimes$ Infrequently $\square$ None at all	1
- Will canals or waterways be constructed in conjunction with this subdivision?	Dt No
(Does the proposed subdivision development)	
<ul> <li>a.) have or had any landfill(s) located on the property?</li> <li>b.) disrupt, alter or destroy any historical or archeological sites or district?</li> <li>c.) have a substantial impact on natural, ecological recreation, or scenic resources?</li> <li>d.) displace a substantial number of people?</li> <li>e.) conform with the environmental plans and goals that have been adopted by the parish?</li> <li>f.) cause an unwarranted increase in traffic congestion within or near the subdivision?</li> <li>g.) have substantial esthetic or adverse visual impact within or near the subdivision?</li> </ul>	Yes Di No
h.) breach any Federal, State or Local standards relative to:	
<ul> <li>air Quality</li> <li>noise</li> <li>water Quality</li> <li>contamination of any public or private water supply</li> <li>ground water levels</li> <li>flooding/inundation</li> <li>erosion</li> <li>sedimentation</li> <li>rare and/or endangered species of animal or plant habitat</li> <li>interfering with any movement of resident or migratory fish or wildlife species</li> <li>inducing substantial concentration of population</li> <li>dredging and spoil placement</li> </ul>	☐ Yes ☒ No
I hereby certify to the best of knowledge and ability, that this subdivision developme adversely impact the surrounding environment, inclusive of all the information conherein; and further, said information provided and answered above is accurate, to correct.	ntained