



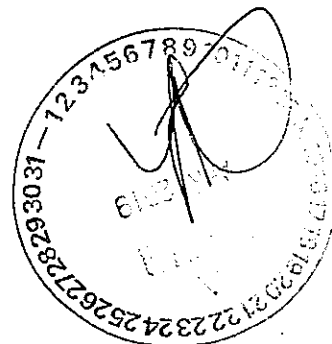
ST. TAMMANY PARISH

PATRICIA P. BRISTER
PARISH PRESIDENT

A PETITIONER OR ANY AGGRIEVED PROPERTY OWNER HAS TEN (10) DAYS IN WHICH TO FILE AN APPEAL REGARDING A DECISION OF THE PLANNING COMMISSION. APPEALS MUST BE FILED WITH THE ST. TAMMANY PARISH DEPARTMENT OF DEVELOPMENT ON OR BEFORE THE TENTH DAY. (NOTE: FINAL SUBDIVISION APPROVAL CANNOT BE APPEALED EXCEPT BY THE DEVELOPER)

APPEAL REQUEST LETTER

DATE: 04/22/2019
TO: ST. TAMMANY PARISH COUNCIL
FROM: Willard O. Lape, III (Trey)
RE: AGGRIEVED BY DECISION MADE BY THE ST. TAMMANY PARISH PLANNING COMMISSION



I, Woodlands Property Owners' Association, Inc., hereby request that the St. Tammany Parish Council review the below mentioned case and consider reversing the decision made by the St. Tammany Parish Planning Commission at their 04/09/2019 meeting.

The case for which I am aggrieved by, as depicted on the docket of the Planning Commission is as follows:

2019-1424-MRP - Resubdivision Review

The Woodlands Property Owners' Association, Inc. owns property adjacent to the property involved in the resubdivision review. The resubdivision was not in accordance with the Code of Ordinances. Please see attached for additional information

I therefore, respectfully request that the St. Tammany Parish Council consider my appeal at their next appropriate regularly scheduled meeting.

This letter shall suffice as official notice to be placed on the docket of the next appropriate regularly scheduled meeting of the St. Tammany Parish Council; whereby, I shall give truthful testimony and present evidence to support my appeal request.

(PLEASE PRINT THE FOLLOWING INFORMATION)

APPELLANT'S NAME: Woodlands Property Owners' Association, Inc.

ASSOCIATION TO CASE (PLEASE CHECK ONE): Developer Neighbor Group

ADDRESS: 1966 N. Highway 190, Suite B

CITY: Covington STATE: LA ZIP: 70433 PHONE NO: (985) 246-7933

SIGNATURE: Willard O. Lape III
Willard O. Lape, III (Trey), attorney for the Woodlands Property Owners' Association, Inc.

XC: ALL ST. TAMMANY PARISH PLANNING COMMISSIONERS

Appeal Request
Case File No. 2019-1424-MRP

Upon information and belief, McInt, LLC submitted an application for resubdivision review to the St. Tammany Parish Planning Department. The application was for the following:

Parcels designated as Squares 310, 327, 340, 341 & 360 Town of Mandeville-Kingswood Subdivision & portions of Joans, Louvois, Colbert, Nelson, Albert and Armand Streets to be resubdivided to create a 47 lot subdivision, Town of Mandeville – Kingswood Subdivision.

The request was given number 2019-1424-MRP. The application was heard and passed at a meeting held by the St. Tammany Parish Planning Commission on April 9, 2019. As the owner of property adjacent to the property involved in the resubdivision review, the Woodlands Property Owners' Association respectfully appeals the decision of the St. Tammany Parish Planning Commission.

Pursuant to the St. Tammany Parish Code of Ordinances, appeals must be filed within ten (10) days of the Planning Commission's meeting. The St. Tammany Parish Code of Ordinances provides for computation of time as follows:

Sec. 1-2. Rules of construction and definitions.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall not be counted in computing the time, but the day on which such proceeding is to be had shall be counted, unless it is a legal holiday, in which event the period runs until the end of the next day which is not a legal holiday. A half-holiday is considered as a legal holiday. A legal holiday is to be included in the computation of a period of time allowed or prescribed, except when:

- (1) It is expressly excluded;
- (2) It would otherwise be the last day of the period; or
- (3) The period is less than seven days.

The Planning Commission meeting occurred on April 9, 2019. The deadline for filing the appeal would have been April 19, 2019. But, pursuant to the St. Tammany Parish Code of Ordinances, because April 19, 2019 was a legal holiday, the deadline for filing the appeal is April 22, 2019.

As for the basis of the present appeal, the St. Tammany Parish Code of Ordinances provides in relevant part:

Sec. 125-23. – General provisions.

- (a) A subdivision or resubdivision of land must be compatible with the major street plan adopted by the planning commission. Necessary rights-of-way for any proposed roads or streets shown

on the major street plan or **rights-of-way for construction and maintenance of necessary proposed or existing drainage channels**, through the proposed subdivision, must be formally dedicated in perpetuity to the public through the parish council. No The building of any sort may be erected upon rights-of-way so dedicated.

Sec. 125-215. – Resubdivision review.

A resubdivision of a lot or lots in **existing subdivisions** that are recorded for public record and inspection must receive the approval in accordance with the following procedures before any parcel is sold. . .

As stated in the above-quoted ordinance, resubdivision is the division of lots in existing subdivisions. However, Kingswood is not an existing subdivision, and the subdivided lots are not located in an existing subdivision. The resubdivision process is inappropriate for their division. The appropriate process is through the major subdivision review process. Therefore, the resubdivision plan should not have been approved because exceeds what is permitted by the St. Tammany Parish Code of Ordinances.

Additionally, the requested and approved resubdivision plan goes beyond resubdividing lots in that it also creates new roads. A resubdivision is a request to create new lots from existing lots in an existing subdivision. While the submitted resubdivision plan does create new lots (61 lots from 5), it also adds new roads. This is not part of the resubdivision process. The creation of new roads is part of the Major Subdivision review process – not resubdivision. Therefore, again, the resubdivision plan should not have been approved in that it goes beyond what is permitted by the St. Tammany Parish Code of Ordinances.

Furthermore, the resubdivision which was recently approved by the St. Tammany Parish Planning Commission does not include necessary rights-of-way for construction and maintenance of necessary proposed or existing drainage channels as is required by the above-quoted ordinance. More specifically, Square 328 is owned by the parish. The Parish applied to FEMA for money to help fund drainage improvements referred to as the Little Bayou Castine Drainage Project. Upon information and belief, the parish received FEMA money for the Little Bayou Castine Drainage Project. As part of this drainage project, the parish is to construct a 5-acre detention pond on Square 328. In addition to the 5-acre pond, other work to be done include expanding capacity of undersized culverts and ditches, constructing a broad-crested weir, and channel improvements for the upper stretch of Little Bayou Castine and Woodlands Subdivision ditch.

Prior to the January 8, 2019 revocation of Albert St., Nelson St., and Armand St. (REV18-12-005 and Ordinance Calendar No. 6136), the parish could access these areas for construction and maintenance of the drainage channels by way of Albert St., Nelson St., and Armand St. However, the January 8, 2019 revocation of the rights-of-way removed those access points. Moreover, the approved resubdivision does not provide any rights-of-way for the construction and maintenance of these drainage channels. In fact, the revocation and resubdivision leave these drainage channels land-locked with no viable routes of access. Therefore, the recently approved resubdivision plan is not in conformance with the St. Tammany Parish Code of Ordinances.

Respectfully submitted,

The Lape Law Firm, LLC



Willard O. Lape (Trey) (La. Bar No. 31494)

1966 N. Highway 190, Suite B

Covington, Louisiana 70433

Phone: (985) 246-7933

Fax: (985) 590-5112

Email: trey@lapelawfirm.com

Attorney for the Woodlands

Property Owners' Association, Inc.

RESUBDIVISION STAFF ANALYSIS REPORT

(As of April 1, 2019)

CASE FILE NO: 2019-1424-MRP

NAME OF SUBDIVISION: Town of Mandeville – Kingswood Subdivision

LOTS BEING DIVIDED: resubdivision of Squares 310, 327, 340, 341 & 360 & portions Joans, Louivois, Colbert, Nelson, Armand Streets

SECTION: 44 WARD: 4
TOWNSHIP: 8 South PARISH COUNCIL DISTRICT: 7
RANGE: 12 East

PROPERTY LOCATION: The property is located west of Joans Street, north of Preval Street & Marigny Trace Subdivision, Mandeville

ZONING: A-4 Single Family Residential District

PROPERTY OWNER: McINT, LLC –Gregory Intravia

STAFF COMMENTARY:

The owner is requesting to create 61 lots within some existing undeveloped squares, being part of Town of Mandeville Subdivision. Note that the process of revocation of the streets shown on the plat is underway.

The reason for the public hearing requirement is that the proposal involves the creation/adjustment of more than five (5) lots.

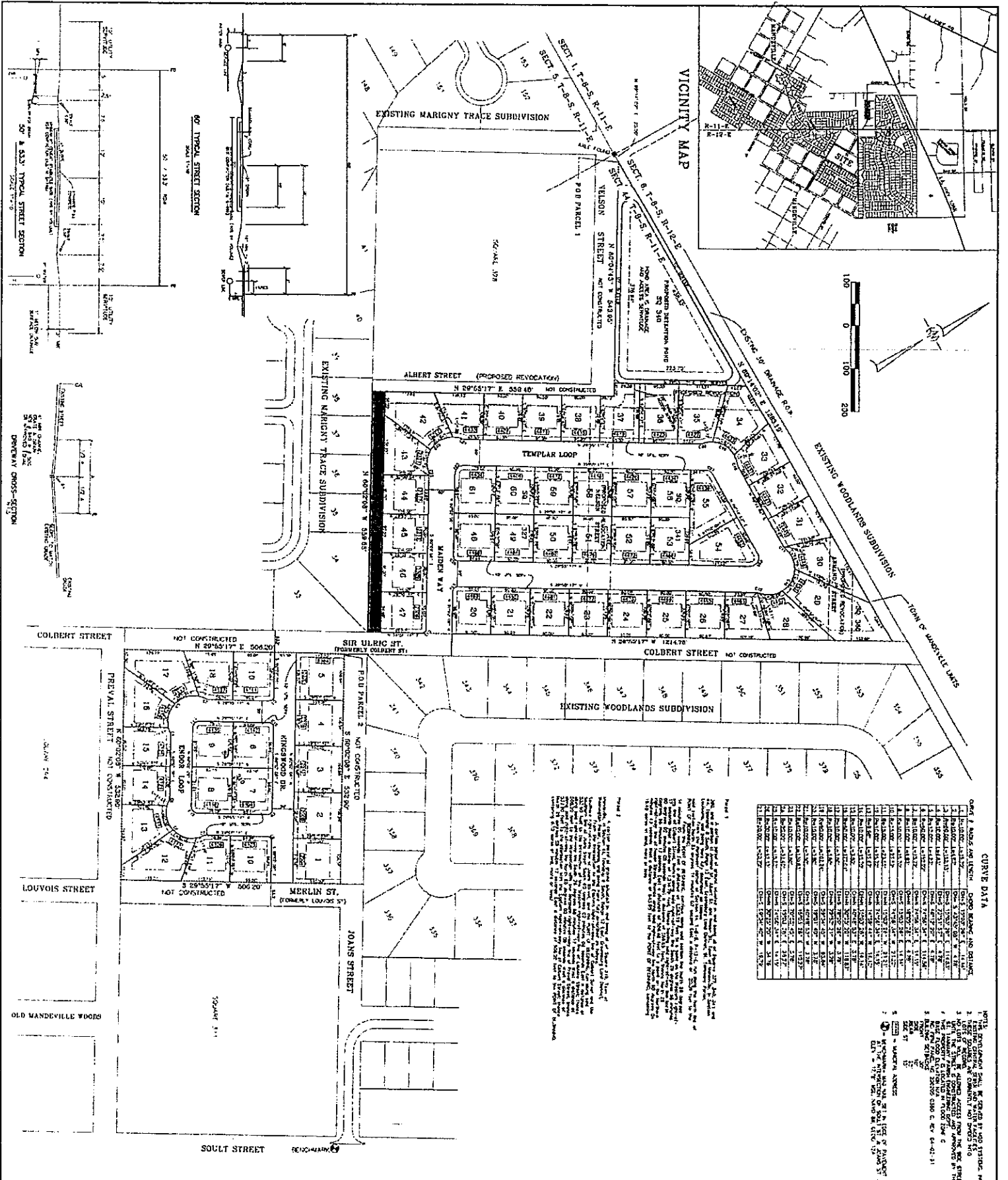
Recommendation:

Staff does not have any objection to the creation of the 61 lots, subject to the following:

1. No work order shall be issued and/or signature of plats, until approval of the revocations of the streets, included in the proposed development, are completed.
2. All infrastructures shall be constructed before plats can be signed.
3. A \$10,000 maintenance obligation shall be provided.

Note that the revocation of the streets was approved at the 04/04/19 Council meeting.

Note that revised drawings will not be accepted for review or placement in the packet prior to the April 9, 2019 Planning Commission Meeting to ensure that any additional comments at the meeting can be incorporated into the revised plans.



CURVE DATA

Curve No.	Stationing	Radius (ft)	Delta (deg)	Length (ft)	Chord (ft)	Offset (ft)
1	1+00.00 - 1+10.00	100.00	90.00	157.08	141.42	15.71
2	1+10.00 - 1+20.00	100.00	90.00	157.08	141.42	15.71
3	1+20.00 - 1+30.00	100.00	90.00	157.08	141.42	15.71
4	1+30.00 - 1+40.00	100.00	90.00	157.08	141.42	15.71
5	1+40.00 - 1+50.00	100.00	90.00	157.08	141.42	15.71
6	1+50.00 - 1+60.00	100.00	90.00	157.08	141.42	15.71
7	1+60.00 - 1+70.00	100.00	90.00	157.08	141.42	15.71
8	1+70.00 - 1+80.00	100.00	90.00	157.08	141.42	15.71
9	1+80.00 - 1+90.00	100.00	90.00	157.08	141.42	15.71
10	1+90.00 - 2+00.00	100.00	90.00	157.08	141.42	15.71

NOTES

1. THE INFORMATION SHOWN ON THIS PLAN IS BASED ON THE RECORD DRAWING AND SURVEY DATA PROVIDED BY THE CLIENT.
2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO OBVIOUS DISCREPANCIES BETWEEN THE RECORD DRAWING AND THE ACTUAL CONDITIONS.
4. THE DESIGNER HAS ASSUMED THAT ALL UTILITIES SHOWN ON THE RECORD DRAWING ARE ACCURATE AND DEPTHS ARE AS SHOWN.
5. THE DESIGNER HAS ASSUMED THAT ALL EXISTING STRUCTURES AND UTILITIES ARE SOUND AND IN GOOD REPAIR.
6. THE DESIGNER HAS ASSUMED THAT ALL EXISTING EASEMENTS AND RIGHTS-OF-WAY ARE ACCURATE AND VALID.
7. THE DESIGNER HAS ASSUMED THAT ALL EXISTING ZONING AND REGULATORY REQUIREMENTS HAVE BEEN MET.
8. THE DESIGNER HAS ASSUMED THAT ALL EXISTING ADJACENT PROPERTY OWNERS HAVE BEEN NOTIFIED OF THE PROJECT.
9. THE DESIGNER HAS ASSUMED THAT ALL EXISTING RECORD DRAWINGS AND SURVEY DATA ARE ACCURATE AND COMPLETE.
10. THE DESIGNER HAS ASSUMED THAT ALL EXISTING RECORD DRAWINGS AND SURVEY DATA ARE UP-TO-DATE AND CORRECT.

REVISIONS

No.	Description	Date
1	ISSUED FOR PERMITTING	01/15/2024
2	REVISED PER PERMITTING COMMENTS	01/25/2024
3	REVISED PER CLIENT COMMENTS	02/05/2024
4	REVISED PER CLIENT COMMENTS	02/15/2024
5	REVISED PER CLIENT COMMENTS	02/25/2024
6	REVISED PER CLIENT COMMENTS	03/05/2024
7	REVISED PER CLIENT COMMENTS	03/15/2024
8	REVISED PER CLIENT COMMENTS	03/25/2024
9	REVISED PER CLIENT COMMENTS	04/05/2024
10	REVISED PER CLIENT COMMENTS	04/15/2024
11	REVISED PER CLIENT COMMENTS	04/25/2024
12	REVISED PER CLIENT COMMENTS	05/05/2024
13	REVISED PER CLIENT COMMENTS	05/15/2024
14	REVISED PER CLIENT COMMENTS	05/25/2024
15	REVISED PER CLIENT COMMENTS	06/05/2024
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18	REVISED PER CLIENT COMMENTS	07/05/2024
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33	REVISED PER CLIENT COMMENTS	12/05/2024
34	REVISED PER CLIENT COMMENTS	12/15/2024
35	REVISED PER CLIENT COMMENTS	12/25/2024

PROFESSIONAL ENGINEER'S CERTIFICATE

I, the undersigned, being a duly licensed Professional Engineer in the State of Louisiana, do hereby certify that the above is a true and correct copy of the original drawing as filed in my office, and that the same conforms to the requirements of the Louisiana Professional Engineering Act of 1967, as amended.

DATE: 01/15/2024

ENGINEER: KELLY J. McINTOSH, P.E.

OFFICE: KELLY J. McINTOSH & ASSOC., INC., 645 CALVEZ ST., WABDEVILLE, LA 70087

PROJECT INFORMATION

CLIENT: McINTOSH, LLC

PROJECT: KINGSWOOD, A MINOR RESUBDIVISION OF SQUARIES 310, 327, 340, 341, & 380 & PORTIONS OF JOANS ST., LOUVOIS ST., COLBERT ST., MERLIN ST., ARMAND ST. (UNINCORP. GREENBURG LAND DISTRICT, ST. TAMMANY PARISH, LA)

DESIGNER: KELLY J. McINTOSH & ASSOC., INC., 645 CALVEZ ST., WABDEVILLE, LA 70087

DATE: 01/15/2024

SCALE: AS SHOWN

PROJECT NO.: 24-001

DATE PLOTTED: 01/15/2024

SCALE: AS SHOWN

PROJECT NO.: 24-001