



ST. TAMMANY PARISH

DEPARTMENT OF PLANNING

P. O. Box 628

COVINGTON, LA 70434

PHONE: (985) 898-2529

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APPEAL # 3

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P61

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 PLANNING ON OR BEFORE THE TENTH DAY.

(NOTE: FINAL SUBDIVISION APPROVAL CANNOT BE APPEALED EXCEPT BY THE DEVELOPER)

APPEAL REQUEST LETTER

DATE: November 10, 2010
TO: ST. TAMMANY PARISH COUNCIL
FROM: Lee Laporte, Jr., Covington Place Cottages, LLC
RE: AGGRIEVED BY DECISION MADE BY THE ST. TAMMANY PARISH PLANNING COMMISSION

I, Leroy J. Laporte, Jr., 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 November 9th meeting.

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

Covington Place Cottages, Phase 1 (Final Subdivision Review)
Denied at November 9, 2010 Planning Commission Meeting

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: Leroy J. Laporte, Jr.

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

ADDRESS: 950 W. Causeway Approach

CITY: Mandeville, STATE: LA ZIP: 70471 PHONE NO: 985-674-5477

SIGNATURE: [Signature]

XC: ALL ST. TAMMANY PARISH PLANNING COMMISSIONERS

Department of Engineering

1. Periodic inspections have been made by this office during construction and the second final inspection was made on September 30, 2010 after receiving the revised subdivision plat and grading/drainage plan on September 29, 2010. No additional drawings were submitted subsequent to the October 12, 2010 meeting.

The second final inspection disclosed that all concrete roads within the footprint of Phase 1 have been constructed and the subsurface drainage is functioning. The detention pond needs to be certified by the design engineer.

2. The following uncompleted items existed at the time of the second final inspection:

A. Subdivision Plat - All comments have been addressed.

B. Engineering Drawings (AS-BUILTS)

- (1) All drawings need to be stamped and signed by the design engineer;
- (2) Detention Pond and outfall structure have not been constructed in accordance with the approved drainage study and drainage drawings as follows:
 - (a) The footprint of the As-Built pond does not conform to the approved design;
 - (b) The outfall structure As-Built is a concrete weir when the hydrologic design was a 12" PVC and a 15" B.C.C.S.P.;
 - (c) The design grade of the pond bottom is elevation 12.5 when the As-Built grades average elevation is 15.0;
 - (d) The design grade of the detention berm is elevation 20.0 when the As-Built grades average elevation is 19.5;

The pond and outfall structure must be constructed in accordance with the approved hydrologic study and drawings or the design engineer must certify with calculations that the As-Built conditions conform to Subdivision Ordinance #499;

- (3) Construct swale in vicinity of 7th Street in accordance with approved drainage plan;
- (4) 9th Street must be constructed between Hendry Street and new Craftsman Court; detailed drawings need to be furnished for review and approval;
- (5) Remove the word "REQ'D" since the drawing is AS-BUILT;
- (6) 10th Street ditch side slopes need to be sloped in accordance with typical x-section;
- (7) Barricades need to be installed after 9th Street has been constructed;
- (8) The elevation of the downstream ditch that receives the flow from the detention pond needs to be shown and must provide invert elevations so that pond will drain as designed;
- (9) Show a revision date on all drawings.

- C. Need base test results indicating acceptable values;
- D. Need concrete test results for 28 day values;
- E. Street name signs need to be yellow lettering with blue background; the signs that are installed are the wrong color.
- F. Need As-Built signage plan;
- G. Remove concrete "wash out" from road shoulder of 10th Street;
- H. Need "Floppy Disk" after all construction is complete and the revised As-Built drawings are furnished;
- I. Need street plantings within the 15 foot areas;
- J. Sidewalks need to be constructed;
- K. Furnish the D.O.E. with a copy of the "Stormwater Pollution Prevention Plan" as required in our letter dated 2/26/10 to the developer.
- L. As required by the Planning commission at the September 14, 2010 meeting a meeting was held at the site on September 26, 2010 with the developer, concerned property owners and commissioner (s). The developer agreed to lower the large stockpile and construct a fence on the north line of the subdivision. The developer has not notified the Department of Engineering that this work has been accomplished.

Arrangements have been made with the Department of Public Works to construct roadside drainage ditches on unimproved N. Harrison Street to provide drainage improvements at the intersection of Sunset St. and N. Harrison St.

- 3. Should the Planning Commission approve the request for final approval a Warranty Obligation will be required for the infrastructure in the amount of 1093 linear feet x \$15.00 per linear foot = \$16,400 for a period of one (1) year.
- 4. The staff recommends approval of the proposed final subdivision request subject to the developer complying with all comments and no plats to be signed until all items are satisfactorily completed.
- 5. No mandatory developmental fees are required in accordance with attached Ordinance No. 08-1751 and memorandum from Mr. Neil Hall dated 10/15/09.

Department of Environmental Services

Inspection by the Department revealed that the fire hydrant located at lot 29 needs to be raised.

- 1. Inspection revealed that the gravity sewer line between N. 11th Street and N. 12th Street has not been installed and the interconnection to the existing sewage collection system has not been accomplished.
- 2. A letter of acceptance and responsibility for the perpetual maintenance and operation of the water and sewer system has not been issued by the utility provider as required.

If the Planning Commission grants approval of this Final Subdivision request, no plats will be signed until all items are satisfactorily completed.

Department of Planning

Based on the revised final subdivision plat dated October 28, 2010, the follow deficiencies still exist:

1. Since this development has some commercial lots, a developmental land clearing permit should be required and obtained through the Department of Planning before the final plats are recorded, that is if the commercial lots have not yet been cleared or improved.
2. To further augment revised notation Number 6 within the "Notes" legend on the final subdivision plat, the developer should provide this office with a letter establishing the initial specific construction date for the proposed "recreation\playground area" and the completion date thereof before the final subdivision plats are signed and recorded.

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3730 ORDINANCE COUNCIL SERIES NO. 08-1751

COUNCIL SPONSOR: MR. THOMPSON PROVIDED BY: LEGAL COUNSEL

INTRODUCED BY: MR. STEFANCIK SECONDED BY: MR. THOMPSON

ON THE 17TH DAY OF JANUARY, 2008

ORDINANCE CONCURRING IN THE DE-ANNEXATION ORDINANCE OF THE CITY OF COVINGTON, DESCRIBING THE AREA TO BE ANNEXED INTO UNINCORPORATED ST. TAMMANY PARISH AND THE NEW BOUNDARIES THEREOF, AND ALSO CLASSIFYING THE ANNEXED PROPERTY AS A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT. (WARD 3, DISTRICT 3)

WHEREAS, the Parish of St. Tammany has received on file the petition of COVINGTON PLACE COTTAGES, L.L.C. (attached as Exhibit "A"), the owner of the immovable property to be annexed into the unincorporated boundaries of St. Tammany Parish. COVINGTON PLACE COTTAGES, L.L.C. purchased said immovable property by Act of Sale from Janet Hall wife of and Dale A. Stram and R4 Holdings, L.L.C. on June 29, 2006, St. Tammany Parish Clerk of Court Instrument No. 1561705; and

WHEREAS, the City of Covington has received on file a petition of COVINGTON PLACE COTTAGES, L.L.C., the owner of the immovable property described herein, requesting the de-annexation of said property out of and from the corporate limits of the City of Covington and that it shall be the intent of the Petitioner/Owner and the City of Covington that said de-annexation occur simultaneously with the annexation into the Parish of St. Tammany, to the extent possible; and

WHEREAS, the Zoning Commission of the City of Covington recommended City Council approval of an ordinance to de-annex the herein described property; and

WHEREAS, on December 18, 2007 the City Council unanimously adopted Ordinance Number 2007-41, which was approved by the Mayor on December 20, 2007. Pursuant to said Ordinance (attached as Exhibit "B"), the Mayor and City Council of the City of Covington, Louisiana, ordained that the property described herein after be and is hereby de-annexed and removed from the municipal and corporate limits and boundaries of the City of Covington, Louisiana; and

WHEREAS, the Mayor and the City Council of the City of Covington, Louisiana, further ordained that in order to avoid there being any time period whereby the described property is not within a described boundary, the removal of the above described property from the municipal and corporate limits and boundaries of the City of Covington shall be conditioned upon and effective simultaneously with the annexation of the described property into the boundaries of the Parish of St. Tammany; and

WHEREAS, COVINGTON PLACE COTTAGES, L.L.C. is hereby requesting the annexation of the following described immovable property into the Parish of St. Tammany and that the annexation become effective immediately upon final adoption of this ordinance.

LEGAL DESCRIPTION OF IMMOVABLE PROPERTY

Lot 38, Alpine Village Estates Subdivision, Phase 1, and a parcel of land located in Section 42, Township 7 South, Range 11 East, St. Tammany Parish, Louisiana, and more fully described as follows:

Commencing from the 4th mile post from the Southwest corner of Township 6 South, Range 11 East, Thence South 40 degrees 59 minutes 57 seconds West 3470.16 feet to a 3/4 inch iron pipe found on the Southern Side of 7th Street and the Eastern Side of Ruby Street and being the POINT OF BEGINNING.

Thence North 75 degrees 40 minutes East 300.64 feet along the southern side of 7th Street to 1/2 inch iron rod set. Thence North 14 degrees 42 minutes 48 seconds West 40.37 feet along the Western Line of Lot 38, Alpine Village Estates, Phase 1, to a 1/2 inch iron rod set. Thence North 75 degrees 37 minutes 43 seconds East 279.91 feet along the northern line of said lot to a 1/2 inch iron rod set. Thence South 14 degrees 40 minutes East 109.42 feet along the eastern line of said lot to a 1/2 inch iron rod found. Thence North 75 degrees 35 minutes 43 seconds East 233.26 feet along the southern line of Lot 36, Alpine Village Estates, Phase 1, to a 1/2 inch iron rod found. Thence South 14 degrees 28 minutes 43 seconds East 765.53 feet to a 1/2 inch iron rod found on the North Side of an Existing 601 Right of Way. Thence South 75 degrees 26 minutes 26 seconds West 834.00 feet along the northern side of said right of way to a 1/2 inch rod found on the eastern side of Ruby Street. Thence North 14 degrees 28 minutes 43 seconds West 837.37 feet along the eastern side of said street to the POINT OF BEGINNING, containing 15.86 Acres.

WHEREAS, pursuant to City of Covington Ordinance No. 2001-41, Ordinance 2001-24, and City of Covington Zoning Ordinance No. 01-05-03ZA, the herein above mentioned and described property was zoned and designated as PD - Planned District pursuant to the Covington Code of Ordinances, Appendix B Zoning Section 1.1.04. Said classification is consistent with and identical to Parish of St. Tammany zoning classification PUD - Planned Unit Development District and said property shall be designated as such upon execution of this Annexation; and

WHEREAS, the Parish of St. Tammany has been submitted a certificate by the duly appointed Registrar of Voters for the Parish of St. Tammany, State of Louisiana, showing that there are no registered voters residing within the property described above as of the date of the certificate (attached as Exhibit "C"); and

WHEREAS, COVINGTON PLACE COTTAGES, L.L.C. has signed the herein above mentioned petition for the annexation; and

WHEREAS, the City of Covington and Parish of St. Tammany having been submitted a certificate of the duly elected and qualified Assessor for the Parish of St. Tammany, State of Louisiana, showing the above described property owner, COVINGTON PLACE COTTAGES, L.L.C., to be the current owner of this property (attached as Exhibits "D" and "E"); and

WHEREAS, notice of the filing of this petition by the above described property owner and opportunity for a public hearing was given by publication in the St. Tammany Farmer, the official journal of St. Tammany Parish, Louisiana; and

WHEREAS, no written objection and/or opposition to the proposed annexation has been received; and

WHEREAS, the St. Tammany Parish Council found that it is necessary for the purpose of protecting the health, safety, and general welfare of the Parish of St. Tammany, as well as to maintain the character of the use of the property being annexed into the unincorporated limits of the Parish of St. Tammany, that the property above described be designated in accordance with the zoning classification of Planned Unit Development (PUD) District; and

WHEREAS, the Charter of the Parish of St. Tammany requires that any property annexed into the boundaries of the Parish of St. Tammany be designated within a specific Parish Council district; and

WHEREAS, there are no registered voters residing within the above described property, it is deemed appropriate to comply with said requirement.

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

SECTION I. The Parish of St. Tammany hereby concurs with City of Covington Ordinance Number 2007-41, de-annexing the property described therein and decreasing the boundaries of the City of Covington to exclude the property previously annexed into the City of Covington by Ordinance No. 2001-24, which de-annexation was ordained to become effective simultaneously with the annexation of said property into the boundaries of the Parish of St. Tammany.

SECTION II. The following described property is hereby annexed into the unincorporated boundaries of the Parish of St. Tammany, Louisiana. Accordingly, the boundaries of St. Tammany Parish are hereby increased to include the following described annexed property, to-wit:

Lot 38, Alpine Village Estates Subdivision, Phase 1, and a parcel of land located in Section 42, Township 7 South, Range 11 East, St. Tammany Parish, Louisiana, and more fully described as follows:

Commencing from the 4th mile post from the Southwest corner of Township 6 South, Range 11 East, Thence South 40 degrees 59 minutes 57 seconds West 3470.16 feet to a 3/4 inch iron pipe found on the Southern Side of 7th Street and the Eastern Side of Ruby Street and being the POINT OF BEGINNING.

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SECTION III. The zoning classification of the herein above described property is hereby designated as a Planned Unit Development (PUD) District, in accordance with St. Tammany Parish Land Use Zoning Ordinance 523. Accordingly, the official zoning map of the Parish of St. Tammany shall be and is hereby amended to incorporate the zoning classification specified in this Section.

SECTION IV. Prior to applying for a building permit for the construction of any structure within the boundaries of the herein above described property, COVINGTON PLACE COTTAGES, L.L.C., or any subsequent owner, shall obtain Final Plat approval from the St. Tammany Parish Planning Commission.

SECTION V: The herein above described property shall be a part of Council District 3 of the Parish of St. Tammany, consistent with the property surrounding the property described herein above.

SECTION VI: All state and parish roads and/or rights of ways within the above described property shall be annexed into the boundaries of the Parish of St. Tammany and revert back to the jurisdiction of the State of Louisiana and/or Parish of St. Tammany.

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 immediately upon final adoption.

MOVED FOR ADOPTION BY: MR. THOMPSON, SECONDED BY: MR. STEFANCIK

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: DEAN, COOPER, THOMPSON, FALCONER, GOULD, CRAWFORD-HOWELL, HAMAUEI, CANULETTE, BELLISARIO, BILLIOT, STEFANCIK, BINDER, ARTIGUE (13)

NAYS: (0)

ABSTAIN: (0)

ABSENT: BURKHALTER (1)

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 14TH DAY OF FEBRUARY 2008; AND BECOMES ORDINANCE COUNCIL SERIES NO. 08-1751.

ATTEST:


JERRY BINDER, COUNCIL CHAIRMAN


DIANE HUESCHEN, COUNCIL CLERK


KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: January 10, 2008

Published Adoption: February 26, 2008

Delivered to Parish President: February 20, 2008 at 1:15pm

Returned to Council Clerk: February 20, 2008 at 2:26pm

WYNNE, GOUX & LOBELLO

ATTORNEYS AT LAW

A LIMITED LIABILITY COMPANY

417 N. THEARD STREET
COVINGTON, LOUISIANA 70433

(985) 898-0504

FAX (985) 898-0840

REPLY TO: Covington Address

EXHIBIT "A"

MANDVILLE OFFICE
2045 HIGHWAY 59
MANDVILLE, LA 70448
(985) 626-1900
FAX (985) 727-9983

Ord. Cnt 3730

VINCENT R. WYNNE, JR.*
JEREMY D. GOUX*
VINCENT J. LOBELLO**
MARTHA D. BOWDEN*
SHANNON K. LOWRY*
*Limited Liability Company
**Professional Law Corporation

Of Counsel
SILVIA G. MULLER

November 26, 2007

St. Tammany Parish Counsel

Attn: Mr. Neil Hall

P.O. Box 628

Covington, LA 70434

neil@stpgov.org

Re: Covington Place Cottages, LLC
Petition for Annexation

Dear Neil,

On behalf of Covington Place Cottages, LLC, I am formally requesting the annexation of the property described herein Attachment 1. This legal description is taken from the Act of Sale. I understand the actual annexation into the City of Covington from the Parish, and now, the de-annexation from the City to the Parish has a few differences that are of no substance, I will supplement this correspondence with the actual legal description that should be transposed into any proposed Ordinance.

As you know, Covington Place Cottages, LLC owns immovable property that is a Planned District or PUD as is defined by the Parish of St. Tammany. By Ordinance No. 2001-24 and Zoning Case No. 01-05-03ZA, the Covington Place property is zoned and designated a PD - Planned District pursuant to the Covington Code of Ordinances, Appendix B Zoning Section 1.1.04, and said classification is proper without further requirements. The PD has received tentative approval pending the acceptance of the engineering for water and sewer. It is the applicant's intent to execute agreements with UIL for water and sewer services as they are the nearest utility company to the site. This will satisfy any condition related to water and sewer.

In addition, as per our discussion, Covington Place is willing to carry out any road improvements made within the PUD along 10th street and connecting to the current paved roadway. If you visit the site, you will note there to be at least one block and possibly more that is not paved and is presently surfaced only by gravel. Covington Place will create ditches along 10th street and install culverts where necessary to assist in the drainage of the 10th street area, which is not part of this development, to the present

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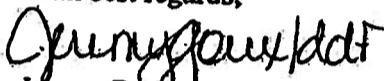
drainage area. Of course, any and all development or improvement to the property described in Attachment 1 will have incorporated therein its own drainage plan whereby it will drain to its retention pond.

Covington Place's proposed ordinance for de-annexation was introduced to the City of Covington Council on November 6, 2007. Covington Place's Petition for De-Annexation is set to be heard before the City of Covington Planning and Zoning Meeting on 12/17/07. Subject to their approval or disapproval, the matter will be heard by the City of Covington Council on December 18, 2007. According to the City attorney, the ordinance does not take effect until January 18, 2007 or thirty days after the date the ordinance passed.

As such, please take the necessary action to schedule the proposal of an ordinance for the annexation of this property within the Parish of St. Tammany. I would greatly appreciate it if it were possible to introduce the ordinance within your January meeting and request approval by the Council within your February meeting. Furthermore, I would like to know the earliest possible time the projects engineers, Richard Lambert and Associates could begin meeting with the Parish in order to prevent any further delays in development. I would like to get any meetings with the Parish engineers out of the way so that when the final ordinance becomes effective the landowner can begin to pull permits and work.

I thank you for your time and attention in this matter. Please advise if you need anything else from me, my office, or my client.

With best regards,



Jeremy D. Goux

JDG.dff

Attachments

Colleen H. Hattaway

From: Neil Hall
Sent: Thursday, October 15, 2009 11:30 AM
To: Colleen H. Hattaway
Cc: Kevin Davis
Subject: FW:

Attachments: city of covington annexation.pdf; city of covington exhibit A.pdf

Earl, attached is the adopted Ordinance and the letter that was attached to the ordinance approving the de-annexation of Covington Place Cottages. Further, this will confirm our conversation this morning wherein I advised you that prior to taking this subdivision into the parish, the Subdivision had received approval as a Planned Development from the City of Covington. The only outstanding issue with Covington was over the ability/inability to connect to the central sewerage. Therefore, Covington agreed to the deannexation and the Parish agreed that the Subdivision would be taken in as an approved PUD, with the only requirement being that the developer must receive Final Plat approval from the Planning Commission. Since the subdivision was being taken in as an approved Planned Development by the City (streets, etc), and only needed Final Plat approval by the Parish, it was understood that the TIA that is required at Tentative or Preliminary would not be required. Also, since no impact fees would be due in Covington, it was also understood that no impact fees would be due the Parish. However, it was also understood and agreed that the developer would be required to improve ~~16th~~ ^{9th} Street (the unpaved portions), which included creating ditches and installing necessary culverts to assist drainage in the ~~16th~~ ^{9th} Street area. Finally, the drainage was to be reviewed by Engineering.

To conclude, as I advised you this morning, I spoke to President Davis this morning to confirm that the above was his understanding and that it was okay for me to provide you with this confirmation to resolve any issues that are related to this matter.

If you have any questions, please call.

Thanks,

Neil

From: Kay Koppenol
Sent: Thursday, October 15, 2009 9:48 AM
To: Neil Hall
Subject:

Kay J. Koppenol
Assistant to the Council
St. Tammany Parish Council
 (985) 898-3068
kayk@stpgov.org

10/15/2009