

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5799

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: STEFANCIK/BRISTER

PROVIDED BY: PLANNING DEVELOPMENT

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

ON THE 4 DAY OF MAY , 2017

(2017-545-ZC) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF ST. TAMMANY PARISH, LA TO RECLASSIFY A CERTAIN PARCEL OF LAND LOCATED THE SOUTH SIDE OF LA HIGHWAY 435, EAST OF MURPHY SINGLETARY ROAD AND WHICH PROPERTY COMPRISES A TOTAL OF 2.879 ACRES OF LAND MORE OR LESS, FROM ITS PRESENT NC-6 PUBLIC, CULTURAL AND RECREATIONAL DISTRICT AND A-2 SUBURBAN DISTRICT TO AN NC-4 NEIGHBORHOOD INSTITUTIONAL DISTRICT, (2017-545-ZC), (WARD 6, DISTRICT 6).

WHEREAS, the Zoning Commission of the Parish of St. Tammany after hearing in accordance with law, Case No. 2017-545-ZC, has recommended Denial to the Council of the Parish of St. Tammany, Louisiana, that the zoning classification of the above referenced area remain the same, and

WHEREAS, the St. Tammany Parish Council has held its public hearing in accordance with law; and

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 NC-4 Neighborhood Institutional District (see Exhibit "A") for complete boundaries.

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 NC-6 Public, Cultural and Recreational District and A-2 Suburban District to an NC-4 Neighborhood Institutional District..

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REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.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

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 1 DAY OF JANUARY , 2017 ; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_.

\_\_\_\_\_  
STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA L. FORD, COUNCIL CLERK

\_\_\_\_\_  
PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: \_\_\_\_\_, 2017

Published Adoption: \_\_\_\_\_, 2017

Delivered to Parish President: \_\_\_\_\_, 2017 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2017 at \_\_\_\_\_

## Exhibit "A"

### **2017-545-ZC**

All that certain square or parcel of ground together with all the buildings and improvements thereon, and all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, prescriptions, advantages, and appurtenances thereunto belonging or in anywise appertaining thereunto, including adjacent portions of streets the dedications of which may have been revoked, situated in the Town of Talisheek, Parish of St. Tammany, State of Louisiana, described as follows:

Square Number Fifteen (15) bounded by Covington, Howard, Spring, and Ozone Streets, containing fourteen (14) lots, numbered One to Fourteen, inclusive and being approximately 300 x 418 feet in measurement, consisting of 2.879 acres, more or less.

Case No.: 2017-545-ZC

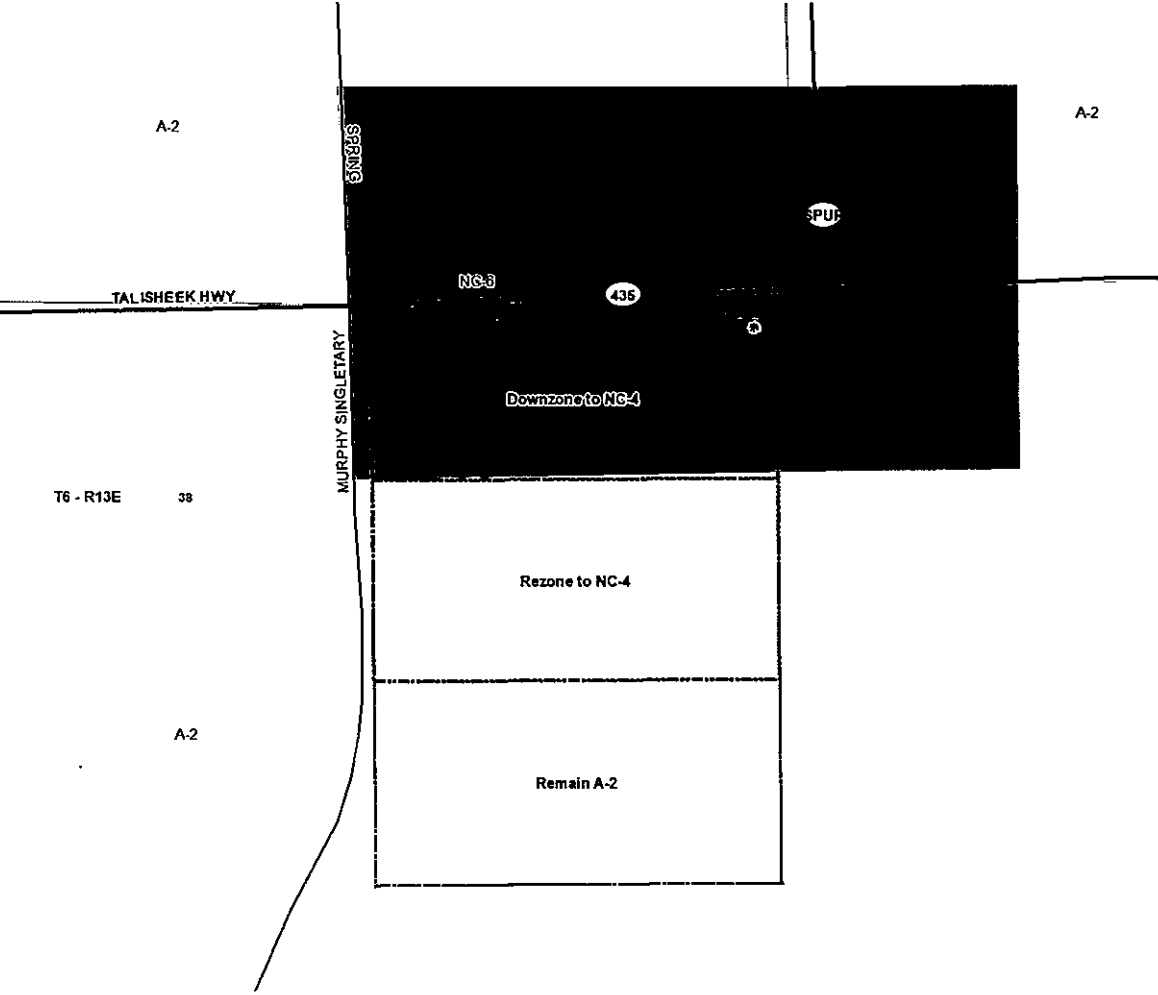
PETITIONER: Jeff Schoen

OWNER: Hazel Fogg

REQUESTED CHANGE: From NC-6 Public, Cultural and Recreational District and A-2 Suburban District to NC-4 Neighborhood Institutional District

LOCATION: Parcel located on the south side of LA Highway 435, east of Murphy Singletary Road ; S38, T6S, R13E; Ward 6, District 6

SIZE: 2.879 acres









jds@jonesfussell.com

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**From:** jds@jonesfussell.com  
**Sent:** Friday, March 31, 2017 9:30 AM  
**To:** Marty Dean (mdean2799@gmail.com); Dennis Sharp (dsharp5520@yahoo.com); Red Thompson; Rykert Toledano (Rykert@ToledanoLaw.com); Richard Tanner (External Email) (ret1186@charter.net); Chris Canulette; Maureen O'Brien; Steve Stefancik; Jerry Binder (jerry.district12@gmail.com); Michele Blanchard (smb Blanchard@stpgov.org); Thomas J. Smith (tsmith@stpgov.org); Michael Lorino; Jake Groby; Gene Bellisario  
**Cc:** Sidney Fontenot (sfontenot@stpgov.org); Helen Lambert (hlambert@stpgov.org)  
**Subject:** April 6, 2017 St. Tammany Parish Council Appeal Hearing for Case No. 2017-545-ZC: 2.879 Acres on La. Hwy. 435 (Talisheek): from NC-6 and A-2 to NC-6  
**Attachments:** #1.pdf; #2.pdf; #3.pdf; #4.pdf

I represent Dorsey Development Co., LLC (Developer on behalf of Dollar General Stores) in connection with the above referenced matter on your April 6 Agenda as a Zoning Case Appeal Item.

The Developer intends to purchase the 2.879 acres from Hazel Fogg, the current owner, and thereafter construct a 9,100 s.f. prototype Dollar General Store in Talisheek.

The existing zoning (for a depth of 120 feet south of La. Hwy. 435) is NC-6, with the remainder (southerly portion) of the property being zoned A-2.

My clients' petition was to rezone the entire 2.879 acres all to NC-6.

The Zoning Staff Report clearly indicated that, despite the recommendation of denial, ..."Staff does not completely object to the request; however, the rear portion of the property should remain zoned A-2, considering the rural character of the area and the proximity to some existing residences."

Nevertheless, the Zoning Commission denied the request and accordingly my clients have filed this Appeal.

In light of the foregoing, after meeting with both Staff and Councilman Tanner to further discuss and re-examine the issues, we have revised the Site Plan and at the Appeal Hearing, I will further amend the zoning request as follows:

1. The existing NC-6 zoning (running to a depth of 120 feet from La. Hwy. 435) shall be downzoned to NC-4.
2. The rear 150 feet (of the total 418 feet of depth) of the 2.879 acres shall remain zoned A-2 (as suggested/recommended by Staff).
3. The area south of the current NC-6 (to be downzoned to NC-4) and north of the 150 feet of A-2 would be rezoned NC-4.
4. The area east of the Site Plan (but south of the proposed NC-4 area) shall remain zoned A-2.
5. An 8 foot Fence would border the western boundary of the building along Murphy Singletary Road as well as the southern boundary (abutting the A-2) of the Site Plan.

In summary, we have decreased the zoning request from NC-6 to NC-4, substantially decreased the area to be zoned NC-4 keeping a large portion of the 2.879 acres zoned as A-2, and fenced the areas to further shield the building from view.

We believe that the above modifications make the request even more reasonable, compatible with existing land uses, and protective of the concerns of the residents in the area.

I have attached four (4) sheets that demonstrate the above for your review as well.

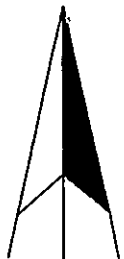
I ask that you consider and support an override of the Zoning Commission recommendation of denial but based on an amended petition as outlined above and shown on the attachments hereto.

Please give me a call if you have any questions or concerns about the foregoing.

I appreciate your consideration of this matter.

Thanks, Jeff

Jeffrey D. Schoen  
Jones Fussell, L.L.P.  
Northlake Corporate Park  
1001 Service Road E., Highway 190, Suite 103 P.O. Box 1810 Covington, Louisiana 70434  
Telephone: 985.892.4801  
Facsimile: 985.892.4925



REFERENCE BEARING:  
Iron Rod A to Iron Rod B  
Astronomic North  
determined by  
GPS Observations

2017-545-ZC

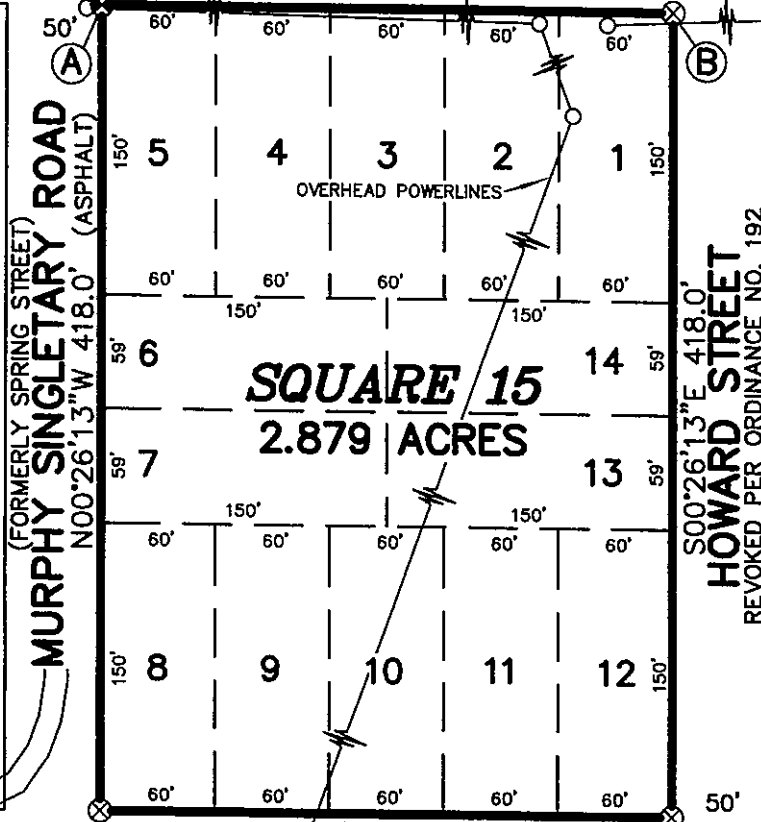
LA HWY 41 SPUR

SQ. 14

SQ. 17

(FORMERLY COVINGTON AVE.)  
LOUISIANA HIGHWAY NO. 435  
N89°37'26"E 300.0'

SQ. 6



SQ. 16

REVOKED BY ST. TAMMANY PARISH  
POLICE JURY, RECORDED OCTOBER  
18, 1954 IN INSTRUMENT # 118551.

OZONE STREET

NOTES:

1. This property is located in Flood Zone C,  
per F.E.M.A. Map No. 225205 0175 C, dated  
October 17, 1989.

2. Building Setback Lines must be determined  
by St. Tammany Parish Planning Department.

LEGEND

- = 1/2" IRON ROD FOUND  
⊗ = 1/2" IRON ROD SET  
○ = POWERPOLE

THERE IS NO REPRESENTATION THAT ALL APPLICABLE SERVITUDES AND/OR  
RESTRICTIONS HAVE BEEN SHOWN HEREON. ANY SERVITUDES AND/OR  
RESTRICTIONS SHOWN ON THIS PLAT ARE LIMITED TO THOSE SET FORTH  
IN THE DESCRIPTION AND/OR INFORMATION FURNISHED THE UNDERSIGNED.  
A TITLE OR PUBLIC RECORD SEARCH FOR SUCH INFORMATION WAS NOT MADE  
BY THE UNDERSIGNED IN COMPILING DATA FOR THIS SURVEY.

REFERENCE SURVEY:

Plat of the Town of Talisheek by Howard Burns,  
Surveyor, dated July & August, 1911, filed St. Tammany  
Parish Clerk of Court Map File No. 361B.

(985) 892-1549

**John G. Cummings and Associates**  
PROFESSIONAL LAND SURVEYORS

FAX (985) 892-9250

503 N. JEFFERSON AVENUE

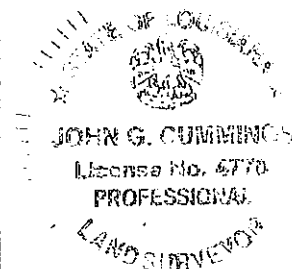
COVINGTON, LA 70433

PLAT PREPARED FOR: **Dollar General**

SHOWING A SURVEY OF: SQUARE 15, TOWN OF TALISHEEK, LOCATED IN  
SECTION 38, TOWNSHIP 6 SOUTH, RANGE 13  
EAST, ST. TAMMANY PARISH, LOUISIANA.

THIS PLAT REPRESENTS A PHYSICAL SURVEY MADE ON  
THE GROUND BY ME, OR THOSE UNDER MY DIRECTION,  
AND IS IN ACCORDANCE WITH THE APPLICABLE  
STANDARDS OF PRACTICE AND BEARS A CLASS C  
SURVEY.

PROFESSIONAL LAND SURVEYOR



SCALE: 1" = 100'

JOB NO. 17006

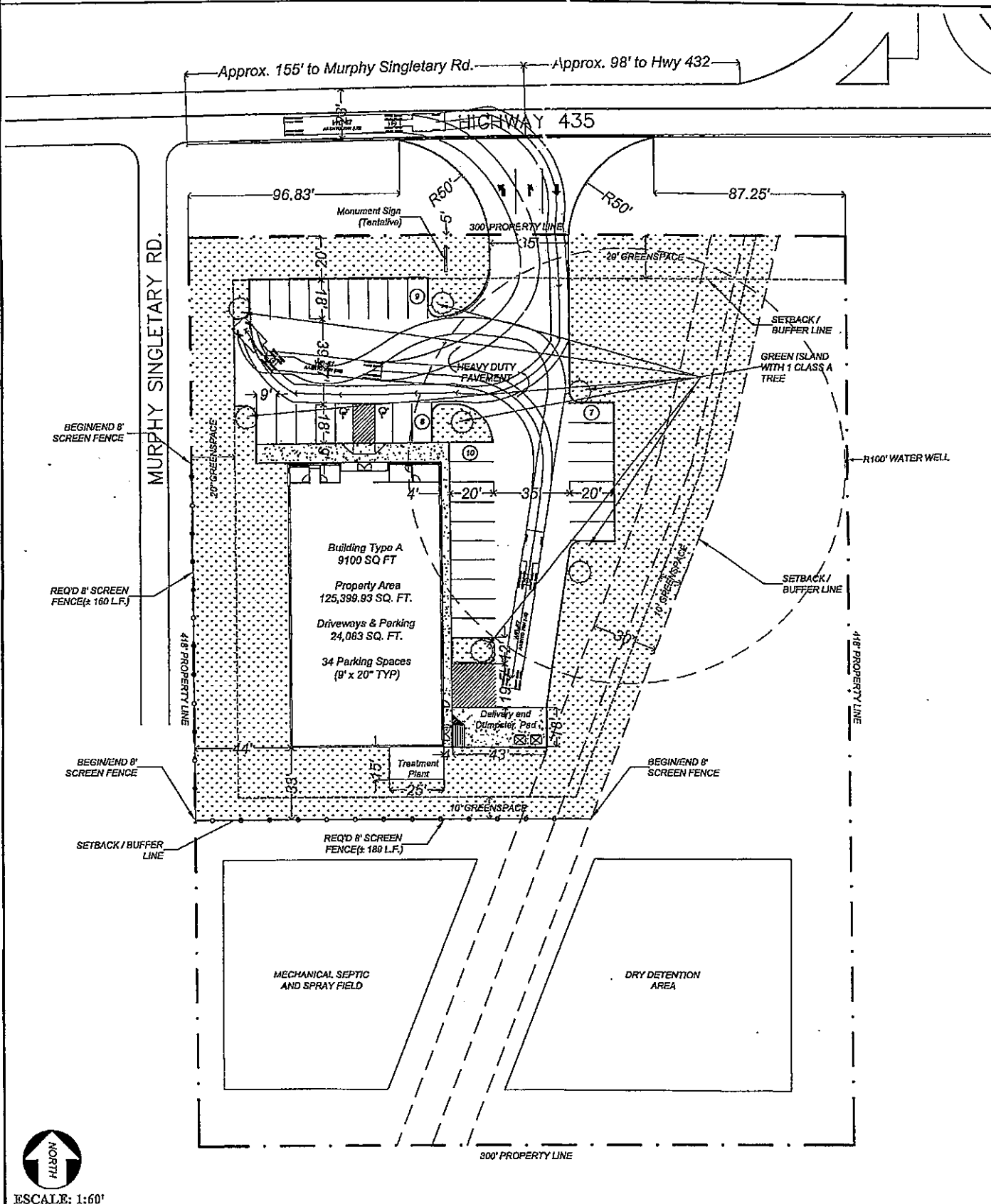
DATE: 1-16-2017

REVISED:



CITY, STATE - STREET:  
TALISHEEK, LA - HWY 435

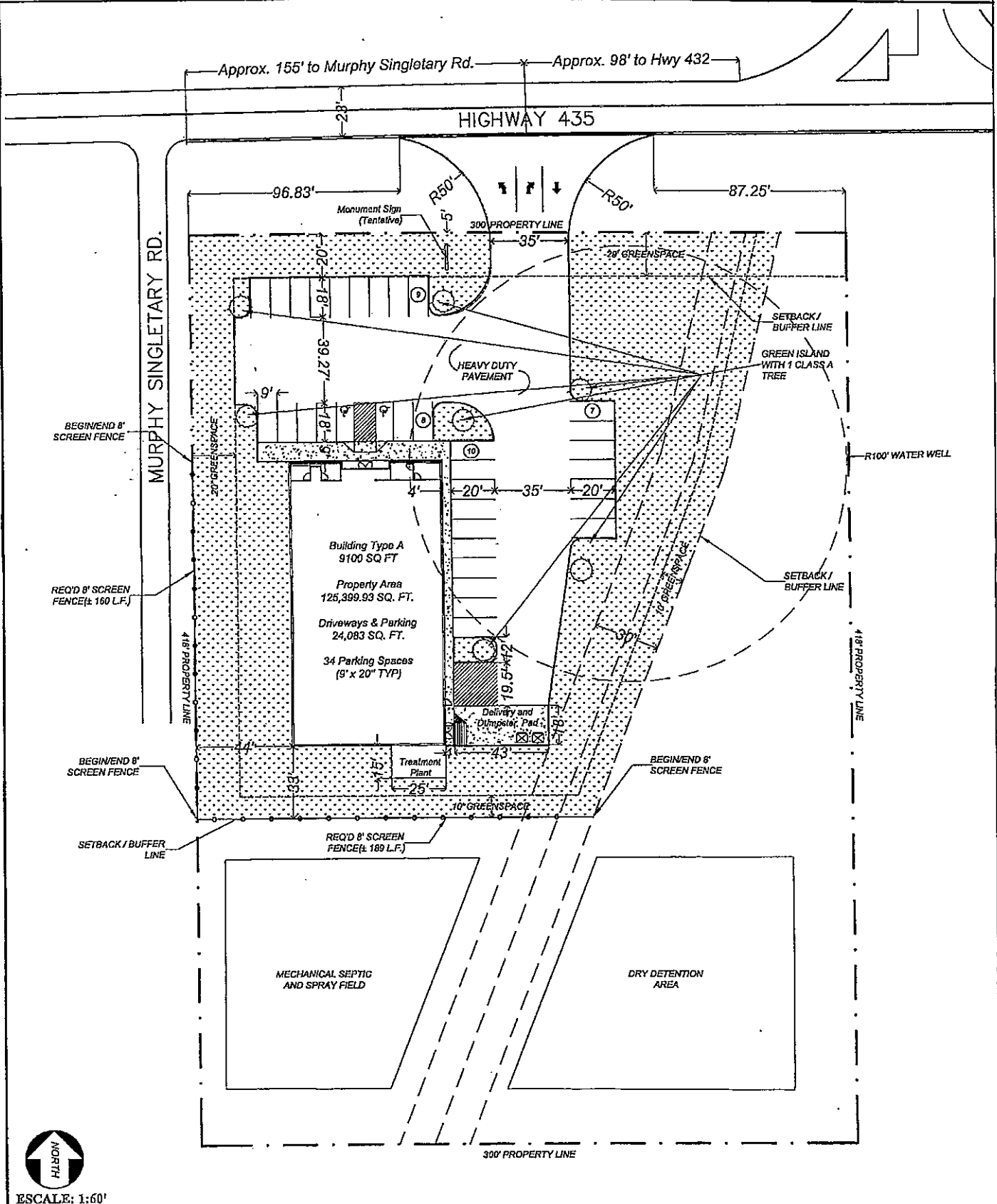
PROTOTYPE:		TYPE A		DEVELOPER		DESIGNER		DATE:	
BLDG/SALES SF: 9,026 /7,220		COMPANY: DORSEY DEVELOPMENT COMPANIES, LLC		COMPANY: DORSEY DEVELOPMENT COMPANIES, LLC				3-30-17	
ACREAGE: 2.82		NAME: PAUL DORSEY		NAME: JAY WOOD					
PARKING SPACES: 34		PHONE #: 504-220-4123		PHONE #: 225-291-0339					



CARROLL SPENCER and GEOFFREY WOODS (P) TOLSON, LA - JUNE 4, 1967

CITY, STATE - STREET:  
TALISHEEK, LA - HWY 435

PROTOTYPE:	TYPE A	DEVELOPER	DESIGNER	DATE:
BLDG/SALES SF: 9,026 /7,220		COMPANY: DORSEY DEVELOPMENT COMPANIES, LLC	COMPANY: DORSEY DEVELOPMENT COMPANIES, LLC	3-30-17
ACREAGE: 2.82		NAME: PAUL DORSEY	NAME: JAY WOOD	
PARKING SPACES: 34		PHONE #: 504-220-4123	PHONE #: 225-291-0339	





HIGHWAY 435

Murphy Singletary & Co.

Murphy Singletary Ra

CULBERTSON, W. S. A Documental Study of the VAWA and the WOODROW WILSON L.A. - May 4, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593

Log Saved by: ESTIMOSA on March 24, 2017

NAME	SIGNATURE	DATE

*Not For Construction*

**SITE PLAN ON AERIAL**  
**ISSUE DATE:** March 30, 2017  
**DRAWN BY:** GE  
**CHECKED BY:** \_\_\_\_\_  
**SCALE:** 1"=60'  
**SHEET NUMBER**

5

## ZONING STAFF REPORT

**Date:** 2/24/2017  
**Case No.:** 2017-545-ZC  
**Posted:** 02/13/17

**Meeting Date:** 3/7/2017  
**Determination:** Denied

## GENERAL INFORMATION

**PETITIONER:** Jeff Schoen

**OWNER:** Hazel Fogg

**REQUESTED CHANGE:** From NC-6 Public, Cultural and Recreational District, A-2 Suburban District to NC-6 Public, Cultural and Recreational District

**LOCATION:** Parcel located on the south side of LA Highway 435, east of Murphy Singletary Road ; S38, T6S, R13E; Ward 6, District 6

**SIZE:** 2.879 acres

## GENERAL INFORMATION

### ACCESS ROAD INFORMATION

Type: State Road Surface: 2 lane asphalt Condition: Good

## LAND USE CONSIDERATIONS

**SURROUNDING LAND USE AND ZONING:**

<b><u>Direction</u></b>	<b><u>Surrounding Use</u></b>	<b><u>Surrounding Zone</u></b>
North	Vacant Commercial Building	NC-6 Public, Cultural and Recreational District
South	Undeveloped	A-2 Suburban District
East	Commercial & Residential	NC-6 Public, Cultural and Recreational District & A-2 Suburban District
West	Undeveloped & Residential	A-2 Suburban District

**EXISTING LAND USE:**

**Existing development: No** **Multi occupancy development: No**

### COMPREHENSIVE PLAN:

**Residential/ Agricultural** - Agricultural and related or other active or passive uses that use or preserve the countryside, forests and other areas and rural residential uses – widely ranging in dwelling size or type, siting and organization; both of which are generally located some distance from more intense land uses. Permitted uses include single-family residential, and uses ancillary to either of these primary uses. Other uses require a change in zoning.

**STAFF COMMENTS:**

The petitioner is requesting to change the zoning from NC-6 Public, Cultural and Recreational District, A-2 Suburban District to NC-6 Public, Cultural and Recreational District. This site is located on the south side of LA Highway 435, east of Murphy Singletary Road. The 2025 future land use plan calls for the area to be developed with agriculture and residential uses. Staff does not completely object to the request; however, the rear portion of the property should remain zoned A-2, considering the rural character of the area and the proximity to some existing residences.

**STAFF RECOMMENDATION:**

The staff recommends that the request for a NC-6 Public, Cultural and Recreational District designation be denied.