

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4909

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

COUNCIL SPONSOR: GOULD/BRISTER

PROVIDED BY: DEVELOPMENT

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

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

ON THE 1 DAY OF NOVEMBER , 2012

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF ST. TAMMANY PARISH, LA, TO RECLASSIFY A CERTAIN PARCEL LOCATED ON THE NORTH SIDE OF LA HIGHWAY 1085, WEST OF TALLOW CREEK BLVD AND WHICH PROPERTY COMPRISES A TOTAL 53.5 ACRES OF LAND MORE OR LESS, FROM ITS PRESENT A-3 (SUBURBAN DISTRICT) & PF-2 (PUBLIC FACILITIES DISTRICT) TO AN A-3 (SUBURBAN DISTRICT), PF-2 (PUBLIC FACILITIES DISTRICT) & PUD (PLANNED UNIT DEVELOPMENT OVERLAY). (WARD 1, DISTRICT 3)

WHEREAS, the Zoning Commission of the Parish of St. Tammany after hearing in accordance with law, Case No. ZC12-10-104, has recommended to the Council of the Parish of St. Tammany, Louisiana, that the zoning classification of the above referenced area be changed from its present A-3 (Suburban District) & PF-2 (Public Facilities District) to an A-3 (Suburban District), PF-2 (Public Facilities District) & PUD (Planned Unit Development Overlay) see Exhibit "A" for complete boundaries; 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 A-3 (Suburban District), PF-2 (Public Facilities District) & PUD (Planned Unit Development Overlay).

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 A-3 (Suburban District) & PF-2 (Public Facilities District) to an A-3 (Suburban District), PF-2 (Public Facilities District) & PUD (Planned Unit Development Overlay).

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REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.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 6 DAY OF DECEMBER, 2012; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

\_\_\_\_\_  
MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

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

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

Published Introduction: OCTOBER 25, 2012

Published Adoption: \_\_\_\_\_, 2012

Delivered to Parish President: \_\_\_\_\_, 2012 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2012 at \_\_\_\_\_

## EXHIBIT "A"

### ZC12-10-104

20-0460.MIS

A ± 53.5 ACRE PARCEL OF GROUND LOCATED IN SECTION 2, TOWNSHIP 7 SOUTH RANGE 10 EAST

ST. TAMMANY PARISH, LOUISIANA

A CERTAIN PARCEL OF LAND comprising 23.389 acres of land situated in Section 2, Township 7 South, Range 10 East, St. Tammany Parish.

Commence at the quarter corner between Sections 1 and 2 of the above noted township and range and thence along the north line of Bootlegger Road North 88 degrees 59 minutes 43 seconds west run 258.53 feet to the point of beginning.

Thence run along the northern edge of Bootlegger Road North 88 degrees 59 minutes 43 seconds west and run 743.95 feet (Title 743.47 feet).

Thence run North 01 degrees 19 minutes 39 seconds East 656.0 feet;

thence run North 89 degrees 38 minutes 50 seconds West, 85.2 feet;

thence run North 00 degrees 02 minutes 09 seconds west, 657.70 feet to the northwest corner of the property; thence run South 89 degrees 59 minutes 13 seconds East, 811.31 feet (Title 813.27 feet) along Union Road (not constructed).

Thence run South 00 degrees 02 minutes 45 seconds west, 1326.84 feet to the point of beginning.

A CERTAIN PARCEL OF LAND comprising 1.165 acres of land situated in Section 2, Township 7 South, Range 10 East, St. Tammany Parish.

Commence at the quarter section corner common to Sections 1 and 2 of the above noted township and range and thence along the north line of Bootlegger Road North 88 degrees 59 minutes 43 seconds west run 1010.00 feet to the point of beginning.

Thence North 01 degree 19 minutes 39 seconds east run 656.00 feet;

thence North 89 degrees 38 minutes 50 seconds run west 85.2 feet;

thence North 00 degrees 02 minutes 09 seconds west run South 655.13 feet;

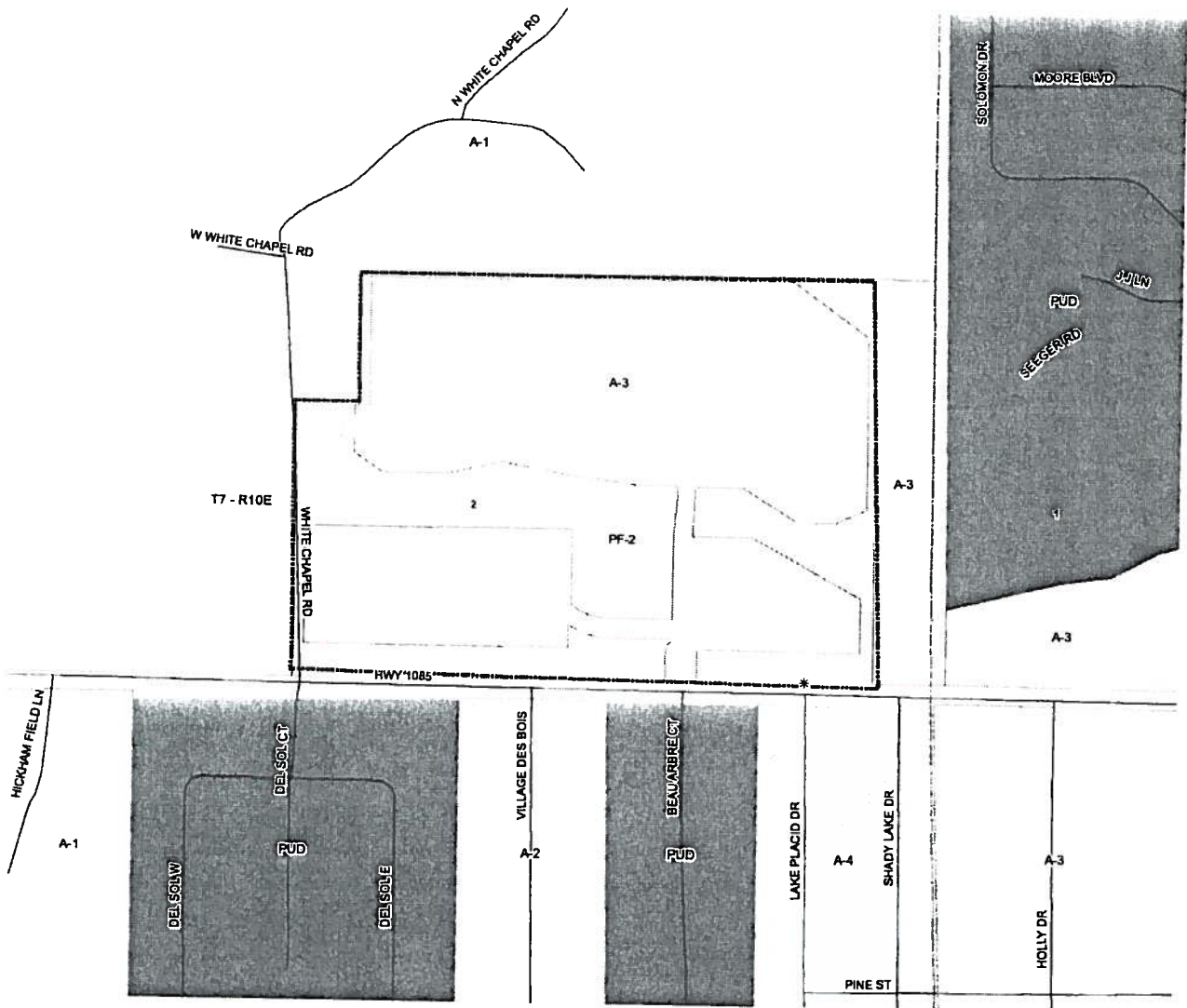
thence run along the northern edge of Bootlegger Road North 88 degrees 59 minutes 43 seconds west and run east 69.00 feet to the point of beginning.

A CERTAIN PIECE OR PARCEL OF LAND, together with all the buildings and improvements thereon, and all rights, ways, means, privileges, servitudes, prescriptions, appurtenances and advantages thereunto belonging or in anywise appertaining thereto, comprising 29.98 acres of land situated in Section 2, Township 7 South, Range 10 East, St. Tammany Parish.

Commence at the quarter section corner common to Sections 1 and 2 of the above noted township and range and thence along the north line of Bootlegger Road North 88 degrees 59 minutes 43 seconds west run 1057.75 feet to the point of beginning.

Thence run along the northern edge of Bootlegger Road North 88 degrees 57 minutes 18 seconds west and run 1067.94 feet; thence North 00 degrees 02 minutes 21 seconds West run 876.93 feet along White Chapel Road; thence North 89 degrees 59 minutes 13 seconds East run 208.71 feet; thence North 00 degrees 10 minutes 21 seconds West run 417.42 feet; thence North 89 degrees 59 minutes 13 seconds east run 860.08 feet along Union Road (not constructed); thence South 00 degrees 02 minutes 09 seconds East run 1314.08 feet to the point of beginning

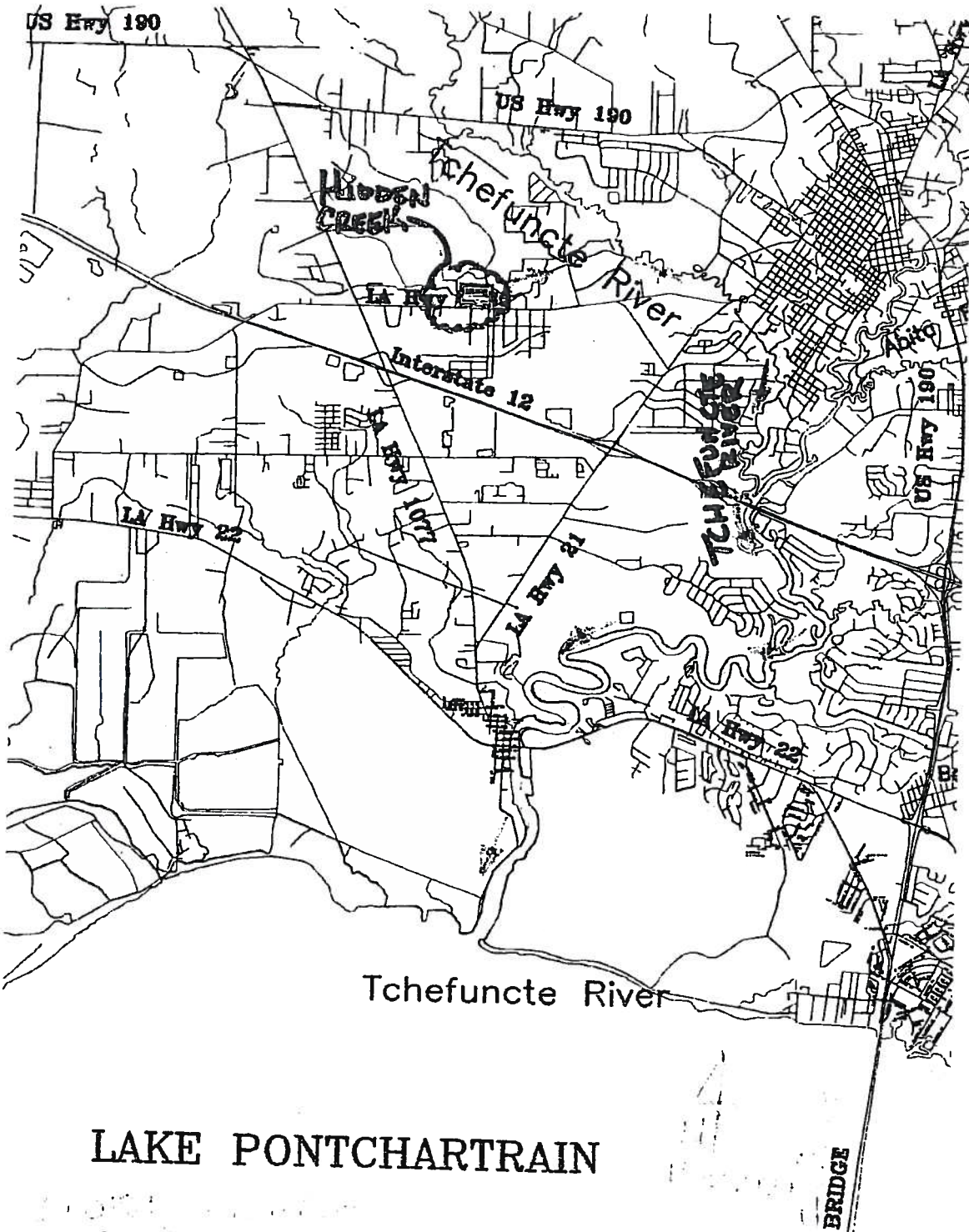
**CASE NO.:** ZC12-10-104  
**PETITIONER:** Hidden Creek , LLC  
**OWNER:** Joseph Mistich  
**REQUESTED CHANGE:** From A-3 (Suburban District) & PF-2 (Public Facilities District) to A-3 (Suburban District), PF-2 (Public Facilities District) & PUD (Planned Unit Development Overlay)  
**LOCATION:** Parcel located on the north side of LA Highway 1085, west of Tallow Creek Blvd; S2,T7S,R10E; Ward 1, District 3  
**SIZE:** 53.5 acres





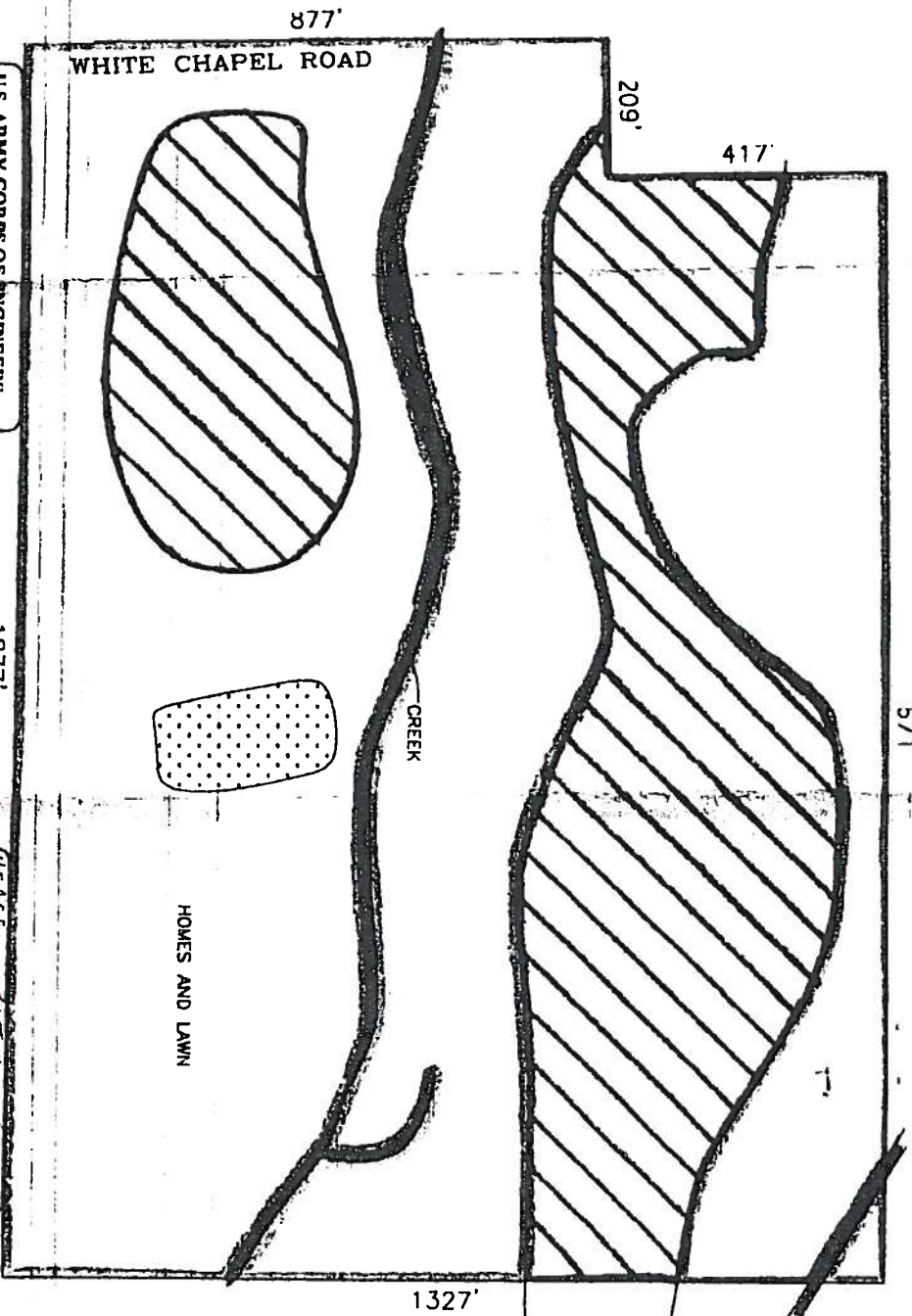


2012-10-104



LAKE PONTCHARTRAIN

2012-10-104



U.S. ARMY CORPS OF ENGINEERS  
**APPROVED**  
 JURISDICTIONAL DETERMINATION

1877'

HWY. 1085

ASAC  
 Wetland  
 Non-Wetland  
 Water  
 1976 200, 1 Rowler HWY-205-4114-SZ

2012-10-104



**DEPARTMENT OF THE ARMY**

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P.O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO  
ATTENTION OF:

December 19, 2006

Operations Division  
Surveillance and Enforcement Section

Mr. David Brunet  
Brunet's Wetland Consulting  
312 South Jefferson  
Covington, Louisiana 70434

Dear Mr. Brunet:

Reference is made to your request, on behalf of Meyer Engineering, for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Section 2, Township 7 South, Range 10 East, St. Tammany Parish, Louisiana (enclosed map). Specifically, this property is identified as a 55-acre tract on and north of Highway 1085 and east of White Chapel Road.

Based on review of recent maps, aerial photography, soils data, information supplied with your request, and a site investigation conducted on October 31, 2006, we have determined that part of the property is wetland and subject to Corps' jurisdiction. The approximate limits of the wetland are designated in red on the map. A Department of the Army (DA) permit under Section 404 of the Clean Water Act will be required prior to the deposition or redistribution of dredged or fill material into this wetland. Additionally, a DA permit will be required if your client proposes to deposit dredged or fill material into Soap and Tallow Branch or its tributary on the property.

You and your client are advised that this approved jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision prior to the expiration date.

Should there be any questions concerning these matters, please contact Mr. Furcy Zeringue at (504) 862-2099 and reference our Account No. MVN-2005-4114-SZ. If you have specific questions regarding the permit process or permit applications, please contact our Eastern Evaluation Section at (504) 862-2766.

Sincerely,

A handwritten signature in black ink that reads "Ronald J. Ventola".

Ronald J. Ventola  
Chief, Regulatory Branch

Enclosures



2010-104



**DEPARTMENT OF ENVIRONMENTAL QUALITY**

KATHLEEN BABINEAUX BLANCO  
GOVERNOR

MIKE D. McDANIEL, Ph.D.  
SECRETARY

RECEIVED

NOV 21 2007

November 15, 2007

Meyer Engineers, Ltd.  
P.O. Box 763  
Metairie, LA 70004

Attention: Matthew Falati, Agent for Manti Resources, Inc.

RE: Water Quality Certification (WW 070112-04/AI 149429/CER 20070001)  
Corps of Engineers Permit (MVN-2006-4534-EKK)  
St. Tammany Parish

Dear Mr. Falati:

The Department has received your application on behalf of Manti Resources, Inc. for a Corps of Engineers permit to clear, grade and fill for the construction of a residential subdivision in the vicinity of Covington, Louisiana, St. Tammany Parish.

The requirements for Water Quality Certification have been met in accordance with LAC 33:IX.1507.A-E. Based on the information provided in your application, we have determined that the placement of the fill material will not violate the water quality standards of Louisiana provided for under LAC 33:IX Chapter 11. Therefore, the Department has issued a Water Quality Certification.

Sincerely,

A handwritten signature in cursive script that reads "Thomas R. Griggs".

Thomas R. Griggs  
Engineer Manager

TRG/cww

c: Corps of Engineers, New Orleans, LA

**ENVIRONMENTAL SERVICES**

: PO BOX 4313, BATON ROUGE, LA 70821-4313

P:225-219-3181 F:225-219-3309

WWW.DEQ.LOUISIANA.GOV

ZC12-10-104



DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO  
ATTENTION OF  
Operations Division  
Eastern Evaluation Section

Subject: Mitigation Requirements  
MVN 2006-4534 EKK

Manti Resources, Inc.  
c/o J.V. Burkes & Associates  
1805 Hwy 190 E-Fremaux Ave.  
Slidell, Louisiana 70458

Gentlemen:

This is in reference to your subject Department of the Army (DA) permit application to develop Hidden Creek subdivision in Covington, Louisiana, within St. Tammany Parish.

In order to satisfy the requirements of our regulations, and comply with our 1990 Memorandum of Agreement with the US Environmental Protection Agency (EPA), it has been determined that compensatory mitigation will be required for unavoidable impacts to jurisdictional wetlands.

At this time, you must provide a mitigation plan which provides full compensation for these impacts. You always have the option to develop and submit your own mitigation plan within the basin of impact. However, if you choose to utilize an approved mitigation bank for your compensation, you will be required to contract with one of the bank sponsors for the acreage specified on the enclosure. If contracting with a mitigation bank is your preference, it will be important that you contact the bank sponsors to ensure the availability of the prescribed acreage, and advise us of your selection.

Please advise your project manager, within 15 days of the date of this letter, as to your intent to contract with a mitigation bank or submit a mitigation plan of your own design. If you have any questions, please contact Angie D. Lacoste of this office at (504) 862-2281 or by e-mail at [Angie.D.Lacoste@MVN02.USACE.ARMY.MIL](mailto:Angie.D.Lacoste@MVN02.USACE.ARMY.MIL).

Sincerely,

Pete J. Serio  
Chief, Regulatory Branch

Enclosure

ZC 12-10-104

**Approved Mitigation Banks for**  
**MVN 2006-4534 EKK**

- 1. The Louisiana Nature Conservancy Pine Flatwood/Savanna Mitigation Bank**  
**Nelwyn McInnis**  
**Post Office Box 1497**  
**Covington, Louisiana 70434**  
**Ph: 985.809.1414 Fx: 985.809.5795**  
**22.0 Acres Pine Flatwood/Savanna restoration**

2012-10-104

From: Access Construction

9858675615

08/13/2012 11:44

#040 P.003/004

**ENVIRONMENTAL ASSESSMENT DATA FORM**

Applicant's Name: HIDDEN CREEK, LLC

Developer's Address: 21245 SMITH RD, COVINGTON, LA. 70435  
Street City State Zip Code

Developer's Phone No. 985-875-9395 985-867-5615  
(Business) (Cell)

Subdivision Name: HIDDEN CREEK

Number of Acres in Development: ±535 Number of Lots/Parcels in Development: 81

Ultimate Disposal of Surface Drainage: SOAP AND TALLOW BRANCH

Water Surface Runoff Mitigation Proposed: DETENTION

*(Please check the following boxes below, where applicable:)*

- Type of Sewerage System Proposed:  Community  Individual
- Type of Water System Proposed:  Community  Individual
- Type of Streets and/or Roads Proposed:  Concrete  Asphalt  Aggregate  Other
- Land Formation:  Flat  Rolling Hills  Marsh  Swamp  Inundated  Tidal Flow
- Existing Land Use:  Undeveloped  Residential  Commercial  Industrial  Other
- Proposed Land Use:  Undeveloped  Residential  Commercial  Industrial  Other
- Surrounding Land Use:  Undeveloped  Residential  Commercial  Industrial  Other
- Does the subdivision conform to the major street plan?  Yes  No
- What will the noise level of the working development be?  Very Noisy  Average  Very Little
- Will any hazardous materials have to be removed or brought on-site for the development?  Yes  No
- If yes, what are the hazardous materials? \_\_\_\_\_
- Does the subdivision front on any waterways?  Yes  No
- If yes, what major streams or waterways? \_\_\_\_\_



2012-10-104

From: Access Construction

9858675615

08/13/2012 11:44

#040 P.004/004

- Does the subdivision front on any major arterial streets?  Yes  No

If yes, which major arterial streets? HWY 1085

- Will any smoke, dust or fumes be emitted as a result of operational construction?  Yes  No

If yes, please explain? \_\_\_\_\_

- Is the subdivision subject to inundation?  Frequently  Infrequently  None at all

- Will canals or waterways be constructed in conjunction with this subdivision?  Yes  No

*(Does the proposed subdivision development...)*

- a.) have or had any landfill(s) located on the property?  Yes  No
- b.) disrupt, alter or destroy any historical or archeological sites or district?  Yes  No
- c.) have a substantial impact on natural, ecological recreation, or scenic resources?  Yes  No
- d.) displace a substantial number of people?  Yes  No
- e.) conform with the environmental plans and goals that have been adopted by the parish?  Yes  No
- f.) cause an unwarranted increase in traffic congestion within or near the subdivision?  Yes  No
- g.) have substantial esthetic or adverse visual impact within or near the subdivision?  Yes  No

h.) breach any Federal, State or Local standards relative to:

- air Quality .....  Yes  No
- noise .....  Yes  No
- water Quality .....  Yes  No
- contamination of any public or private water supply .....  Yes  No
- ground water levels .....  Yes  No
- flooding/inundation .....  Yes  No
- erosion .....  Yes  No
- sedimentation .....  Yes  No
- rare and/or endangered species of animal or plant habitat .....  Yes  No
- interfering with any movement of resident or migratory fish or wildlife species .....  Yes  No
- inducing substantial concentration of population .....  Yes  No
- dredging and spoil placement .....  Yes  No

*I hereby certify to the best of knowledge and ability, that this subdivision development will not adversely impact the surrounding environment, inclusive of all the information contained herein; and further, said information provided and answered above is accurate, true and correct.*

Watt Adelt  
ENGINEER/SURVEYOR/OR DEVELOPER  
(SIGNATURE)

8/13/12  
DATE

# ADMINISTRATIVE COMMENT

## ZONING STAFF REPORT

**Date:** October 2, 2012

**Case No.:** ZC12-10-104

**Posted:** 9/14/12

**Meeting Date:** October 2, 2012

**Determination:** Approved

### GENERAL INFORMATION

**PETITIONER:** Hidden Creek , LLC  
**OWNER:** Joseph Mistich  
**REQUESTED CHANGE:** From A-3 (Suburban District) & PF-2 (Public Facilities District) to A-3 (Suburban District), PF-2 (Public Facilities District) & PUD (Planned Unit Development Overlay)  
**LOCATION:** Parcel located on the north side of LA Highway 1085, west of Tallow Creek Blvd; S2,T7S,R10E; Ward 1, District 3  
**SIZE:** 53.5 acres

### SITE ASSESSMENT

#### ACCESS ROAD INFORMATION

**Type:** State

**Road Surface:** 2 lane asphalt

**Condition:** Good

#### LAND USE CONSIDERATIONS

##### SURROUNDING LAND USE AND ZONING:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Residential & Undeveloped	A-1 Suburban District
South	Residential	PUD Planned Unit Development Overlay, A-2 Suburban District & A-4 Single Family Residential District
East	Undeveloped	A-3 Suburban District
West	Residential & Undeveloped	A-1 Suburban District

#### EXISTING LAND USE:

**Existing development?** No

**Multi occupancy development?** Yes

#### 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:

The petitioner is requesting a PUD (Planned Unit Development Overlay). The site is proposed to be developed as an 80 lot single family residential subdivision. The minimum lot size will be of approximately 14,300 sq.ft. Note that the underlying zoning (A-3 Suburban District & PF-2 Public Facilities District) has already been approved through the Comprehensive Rezoning.

**ADMINISTRATIVE COMMENT  
ZONING STAFF REPORT  
Case No.: ZC12-10-104 CONT'D**

**GENERAL PUD CRITERIA**

<b>Required information</b>	<b>Staff Comments</b>
Title of the project, name of the developer, legal description	Provided as Required
Existing Land Uses within 500' of all boundaries on the plan	Provided as Required
Minimum front, side, & rear setbacks & maximum height	Provided as Required
Restrictive Covenants	Provided as Required
Water & Sewer facilities	Provided as Required (offsite)
Wetland Delineations	Provided as Required
Flood Zone Demarcation Lines	Provided as Required
Ultimate Disposal of Surface Drainage	Provided as Required
Environmental Assessment Data Form	Provided as Required
Phasing	Provided as Required (2 phases)

**DENSITY**

As required under Section 6.0103 A.4. of the Planned Unit Development Overlay, the net density shall be provided, based upon the underlying zoning classification, utilizing the formula (Total Area x .75 = \_\_\_\_\_ x maximum net density = \_\_\_\_\_ lots (units)), or the number of lots/units may be established by a yield plan.

The current gross density of this property is at 2 units per acre. According to the A-3 zoning, the net density of the site would allow for 80 units. The proposal is for 80 units with a net density of 1.5 units per acre.

**GREENSPACE**

A total of 14.2 acres of the entire 53.5 acre development is proposed to be designated as open space. The open space is currently zoned PF-2 Public Facilities District, which will restrict the development of the 14.2 acre portion of the site as greenspace and conservation area. The plan shows a walking path and benches along the Soap & Tallow Creek, as a passive amenity, and a kiddie tot lot/adult fitness area as an active amenity. Staff feels that the proposed walking path should be extended to provided formal access from Cottonwood Creek Lane and from Spruce Creek Court. The access would make the path more functional and beneficial to the residents of the subdivision.

**COMPREHENSIVE PLAN ANALYSIS**

The 2025 land use plan designates the area as “Planned District” which calls for the site to be developed at a density similar to the adjoining residential uses. The density of the proposed subdivision is similar to the existing surrounding residential developments to the south (Del Sol) and to the east (Tallow Creek).

The 2025 future land use plan also designates the area as “Single Family Residential - Conservation”. The PUD meets the definition of this land use classification considering that it is proposed to be developed as a single family residential subdivision. It also meets the conservation designation, considering that the design of the subdivision allows for the preservation of the natural environment and provides large open space, particularly along the Soap & Tallow Creek.

**STAFF RECOMMENDATION:**

The staff recommends that the request for a PUD (Planned Unit Development Overlay) designation be approved.