

MINUTES OF ST. TAMMANY PARISH SPECIAL COUNCIL MEETING

WEDNESDAY, SEPTEMBER 23, 2020 AT 7:00 P.M.

ST. TAMMANY GOVERNMENT COMPLEX

21490 KOOP DRIVE, MANDEVILLE, LA.

Call to Order by Honorable Michael R. Lorino, Jr., Chairman

Roll Call: Marty Dean ABSENT
David Fitzgerald
Martha Jenkins Cazaubon
James "Jimmie" Davis, III
Cheryl Tanner
Rykert O. Toledano, Jr.
Michael R. Lorino, Jr.
Christopher Canulette ABSENT
Michael "Mike" Maxwell Smith
Maureen "MO" O'Brien
Steve Stefancik
Jerry Binder
Jacob "Jake" Airey
Thomas (T.J.) Smith, Jr. ABSENT

PUBLIC COMMENT: a three (3) minute time limit is established for each member of the public wishing to speak (for or against) an item on the Agenda, except Appeals.

SPECIAL ITEMS

ORDINANCES FOR INTRODUCTION

(Public Hearing October 1, 2020)

Lorino - 1. Ord. Cal. No. 6483 - Ordinance to officially name the 20 foot Right of Way/Private Road identified on the attached survey as Beau Lac Lane. (District 4) (Lorino)

Toledano – moved to introduce, seconded by Fitzgerald.

Lorino - 2. Ord. Cal. No. 6484 - Ordinance to officially name the Parish Right of Way shown on the attached survey to S Ochsner Blvd. (District 1) (Dean)

Fitzgerald – moved to introduce, seconded by Toledano.

Lorino - 3. Ord. Cal. No. 6485 - Ordinance to officially name the Private Road identified on the attached drawing and survey as Romans Road. (District 2) (Fitzgerald)

Fitzgerald – moved to introduce, seconded by O'Brien.

APPEALS: Speaking time per side – 10-minute; 3-minute rebuttal; 2-minute conclusion.

APPEALS

Lorino - 1. Stephen Mott appealing the Zoning Commission APPROVAL on March 3, 2020 to rezone 98 acres located on the east side of LA Highway 1081, south of Smith Road, north of Thibodeaux Road, Covington from A-1 (Suburban District) to A-2 (Suburban District). (Ward 3, District 2) (Petitioner: Kenneth Lopiccoco, Sr.) (2019-1753-ZC) (Postponed 5/27/2020) (Postponed 7/9/2020) (Postponed 8/26/2020)

NOTE: To concur with Zoning APPROVAL, a simple majority vote is required and introduction of an ordinance.

NOTE: To override Zoning APPROVAL, a majority vote of the entire Council is required and adoption of a resolution.

Fitzgerald – moved to postpone (pending traffic study), seconded by Toledano. Unanimous with 3 absent (Dean, Canulette, T. Smith)

Lorino - 2. Stephen Mott appealing the Zoning Commission APPROVAL on March 3, 2020 to rezone 141 acres located on the east side of LA Highway 1081, south of Smith Road, north of Thibodeaux Road, Covington from A-2 (Suburban District) to PUD (Planned Unit Development Overlay). (Ward 3, District 2) (Petitioner: Kenneth Lopiccoco, Sr.) (2019-1754-ZC) (Postponed 5/27/2020) (Postponed 7/9/2020) (Postponed 8/26/2020)

NOTE: To concur with Zoning APPROVAL, a simple majority vote is required and introduction of an ordinance.

NOTE: To override Zoning APPROVAL, a majority vote of the entire Council is required and adoption of a resolution.

Fitzgerald – need to postpone this one as well until traffic study is complete.

Edwin Miltenberger – against the postponement.

Fitzgerald – moved to postpone, seconded by Toledano. Unanimous with 3 absent (Dean, Canulette, T. Smith).

Lorino – will move up # 4 & #5.

Lorino - 4. Jeffrey D. Schoen appealing the Zoning Commission DENIAL on June 23, 2020 to rezone 47.43 acres located on the west side of Carrol Road, south of Devon Drive and north of Viosca Street, Slidell from A-3 (Suburban District) to A-4 (Single-Family Residential District). (Ward 9, District 12) (2020-1816-ZC) (Petitioner: CKB Development, LLC-Kyle Bratton) (Postponed 8/26/2020)

NOTE: To concur with Zoning DENIAL, a simple majority vote is required and adoption of a resolution.

NOTE: To override Zoning DENIAL, a majority vote of the entire Council is required and introduction of an ordinance.

Binder – Petitioner sent an email submitting a withdrawal.

Binder - moved to remove, seconded by Stefancik. Unanimous with 3 absent (Dean, Canulette, T. Smith).

Lorino - 5. Jeffrey D. Schoen appealing the Zoning Commission DENIAL on June 23, 2020 to rezone 47.43 acres located on the west side of Carrol Road, south of Devon Drive and north of Viosca Street, Slidell from A-4 (Single-Family Residential District) to A-4 (Single-Family Residential District) & PUD (Planned Unit Development Overlay). (Ward 9, District 12) (2020-1817-ZC) (Petitioner: CKB Development, LLC-Kyle Bratton) (Postponed 8/26/2020)

NOTE: To concur with Zoning DENIAL, a simple majority vote is required and adoption of a resolution.

NOTE: To override Zoning DENIAL, a 2/3 majority vote of the entire Council is required and introduction of an ordinance.

Binder – again, the petitioner sent an email to withdraw.

Binder – moved to remove, seconded by Stefancik. Unanimous with 3 absent (Dean, Canulette, T. Smith).

Lorino - 3. Eric Penton appealing the Zoning Commission DENIAL on June 24, 2020 to rezone 1.38 acres located on the east side of Blueberry Loop, north of Archie Singletary Road, Pearl River from A-2 (Suburban District), MHO (Manufactured Housing Overlay) & RO (Rural Overlay) to A-3 (Suburban District), MHO (Manufactured Housing Overlay) & RO (Rural Overlay). (Ward 6, District 6) (2020-1849-ZC) (Petitioner: Eric Penton) (Postponed 8/26/2020)

NOTE: To concur with Zoning DENIAL, a simple majority vote is required and adoption of a resolution.

NOTE: To override Zoning DENIAL, a majority vote of the entire Council is required and introduction of an ordinance.

Tanner – will speak on behalf of Mr. Penton. Her husband previously worked with Mr. Penton on this. She is in favor of this.

Pat & Janet Fisher – ruling on subdivision is a covenant and can not be overridden without going to the Supreme Court. The covenant should stand. This should benefit the whole subdivision, not just one person.

Ashley Poche' (call-in) – is against the rezoning. She lives on the other side of the property. Other neighbor is also opposed. Doesn't feel like one person's financial gain should be more important than everyone else's. She was also at the zoning meeting opposing this.

Troy Greene – 69335 Blueberry Loop. He is against the zoning change.

REBUTTAL

Airey on behalf of Mr. Penton – Mr. Penton was working on this before the pandemic. He spoke with Mr. Penton when Mr. Tanner was sick. He bought the land with the intention of dividing it.

Fisher – there are no houses around like what he is trying to put in. Don't have a problem with a mobile home. The problem is that there is going to be 2.

Poche' – purchased property before the pandemic and because of its current zoning. He must be well connected to have people speak for him.

Greene – Penton told him he was going to put 1 trailer. Just remodeled his home and doesn't want property value to go down. Doesn't want the wrong crowd in the neighborhood.

Cazaubon – will concur with what Ms. Tanner decides.

Davis – could have 2 mobile homes in A-2 anyway. Will go with what Ms. Tanner decides.

Lorino – asked Couvillion her opinion regarding covenants.

Couvillion – Council does not really address covenants. Zoning is what is in question.

Tanner – moved to override the Zoning denial, seconded by Davis. Unanimous with 3 absent (Dean, Canulette, T. Smith).

Tanner – moved to introduce an ordinance, seconded by Davis; becomes Ordinance Cal. No. 6521.

Lorino - 6. Art Lancaster appealing the Zoning Commission DENIAL on August 4, 2020 to rezone 175.13 acres located on the west side of Louisiana Highway 59, south of Dove Park Road and Campbell Avenue, Mandeville from A-1 (Suburban District) & HC-2 (Highway Commercial District) to A-3 (Suburban District), A-4 (Single-Family Residential District) & A-5 (Two-Family Residential District). (Ward 5, District 5) (Petitioner: A. J. Vallon, III) (2020-1852-ZC)

NOTE: To concur with Zoning DENIAL, a simple majority vote is required and adoption of a resolution.

NOTE: To override Zoning DENIAL, a majority vote of the entire Council is required and introduction of an ordinance.

Leanne Batson – on behalf of Mr. Lancaster. Request if for a Planned Unit Development. They are asking for the zoning change so the property owners can have a reasonable use for the land. A-1 only allows 1 residence for 10 acres. With a PUD, the Council can have control with a comprehensive plan. The PUD benefits not only his development, but also surrounding areas. There will be future steps where they will come back to the Parish. This is just the first step. This land will not stay undeveloped.

Toledano – asked if both were being addressed at one time or separately.

Lorino – one at a time.

OPPOSED

Submitted a card, but left before item was addressed: Wagner, Hebert, Vicknair-Prey, Chassion

Bruce Nuss – 26 Jamie Ln. Lives on the westside of the development. Has a 3 minute statement. Request for high density zoning is in contrast to comprehensive rezoning. The wetlands in the area serve as a critical drainage area. Should be placed on moratorium until the comprehensive plan can be reviewed.

Mike Smith – 1910 Garon Dr. on behalf of Tammany Oaks Church of God in Christ. Every map and aerial picture shows that the development is going to use some of their property. They are not planning to sell any of their property. Water just sits on that land. There is a reason for 1 house per 5 acres.

Robert Racine – 15 Jamie Ln. Wants to remind everyone of 2008, '09, '10 about the comprehensive plan they went through. The change then was ultimately rejected. Have to make a decision that is not a placeholder as the comprehensive plan was.

Robert Trancosa – defer to #7.

Ambrose Ramsey – concede time.

Charlie H. – 266 Deval Dr. Has Judge Tanner to Hwy 59 been approved?

REBUTTAL

Batson – Beautiful Pine Savannah Habitat or wetland. If the Parish wants to set it aside as such, the Parish needs to buy it. 1 house per 5 acres is not reasonable. The developer is willing to put a regional pond for the surrounding area. This is just the 1st step.

Racine – the problem with the PUD is it takes maximum use of the land which will increase the density.

Nuss – this needs to be evaluated.

Lorino – asked Toledano if he wanted to speak on #6 and #7 together.

Toledano – will reserve his time on both until after discussions are complete.

****Discussion for #7 heard before the following motions.**

Toledano – moved to concur with the Zoning denial, seconded by Fitzgerald. Unanimous with 3 absent (Dean, Canulette, T. Smith)

Toledano – move to adopt a resolution, seconded by Fitzgerald. Unanimous with 3 absent (Dean, Canulette, T. Smith); becomes Resolution C.S. No. C-6347.

Lorino - 7. Art Lancaster appealing the Zoning Commission DENIAL on August 4, 2020 to rezone 220.22 acres located on the west side of Louisiana Highway 59, south of Dove Park Road and Campbell Avenue, Mandeville from A-3 (Suburban District), A-4 (Single-Family Residential District) & A-5 (Two-Family Residential District) to A-3 (Suburban District), A-4 (Single-Family Residential District) & A-5 (Two-Family Residential District) and PUD Planned Unit Development Overlay. (Ward 5, District 5) (Petitioner: A. J. Vallon, III) (2020-1853-ZC)

NOTE: To concur with Zoning DENIAL, a simple majority vote is required and adoption of a resolution.

NOTE: To override Zoning DENIAL, a majority vote of the entire Council is required and introduction of an ordinance.

Tim Deano – 379 Orchard Rd. (Deval Inc.—subject property landowners) Deval Inc agreed to build the pond as long as the Fairway was built. In 2014 the Parish returned the property right-of-way. In 2018, Lancaster agreed to buy Deval property. He had problems speaking with Mr. Toledano. Trancoso and Toledano killed his project and will affect the property owners. He has been stood up by Toledano and told several times to withdraw the appeal. This has gone through 3 administrations and they have refused to help Deval.

Batson –They have been working on this for over a year. This was not rushed. This was designed to mitigate. Asking for consideration and support in overturning the Commission’s decision.

OPPOSED

Matthew Allen – 13058 Major Ln. They did not submit required documents. They did not submit wetland and flood documents. A lot of green space is not buildable because it is a tributary to the Tchefuncte. Leaving the property as A-1 is protecting citizens. There is a sewage issue. How will they treat sewage for 600 homes? The Council has kicked this down the road for 8 years. Please look at the staff comments.

Jocelyn Lowe – defer to Chris.

Chris Jourdan – 272 Holland Dr. There are a lot of concerns with development. The whole area is A-1 or HC-2, A-4 doesn’t make sense. It is a critical flood drain area. No one has talked to anybody in the subdivision.

Leslie Jeanfreau – 408 Sparrow St. In opposition because of drainage, sewage, traffic.
Bought land when it was zoned something else.

Mary Beth H. – opposed

John Dericks – opposed

Robert Trancoso – 230 Lockmere Dr. Mr. Toledano asked the residents to work with him
and the developer on a plan. He is not anti-developer.

REBUTTAL

Mickey/Project engineer – Regional detention pond does encompass the entire area. Has
spoken with Tammany Utilities regarding expanding utilities.

Batson – finer points come at the next step.

Trancoso – area needs further study. No only Mr. Deano's property, but the other also.
There's also a traffic issue. Submitted rain event document regarding Lochmere
subdivision. Can't handle any more water.

Ambrose Ramsey – opposed

Toledano – Mr. Deano did not attend all of the meetings. Knows of nobody that will say he
will not talk until after the election. He doesn't guide anyone in their decisions. He doesn't
stand people up for meetings. The project has been vetted. Has spend an untold number
of hours on this project. Did not feel he could vote for this project in good conscious. Told
Paul Mayronne this and suggested withdrawal. Something would work there, but
somethings would not. There are traffic, sewage, and drainage concerns. There are also
density concerns. This project went from 43 homes to over 600 homes. They didn't
propose extending Judge Tanner, he did. He told them the developer should take care of
this, not the Parish. As the project stands, it is unsuitable for the area. The project needs
to be re-examined.

Toledano – moved to concur with the Zoning denial, seconded by Fitzgerald. Unanimous
with 3 absent (Dean, Canulette, T. Smith)

Toledano – move to adopt a resolution, seconded by Cazaubon. Unanimous with 3 absent
(Dean, Canulette, T. Smith); becomes Resolution C.S. No. C-6348.

Lorino - 8. Tammy Wimmer appealing the Zoning Commission DENIAL on August 4, 2020
to rezone 1 acre located on the north side of Louisiana Highway 1078, west of Roubion Road;
being 12555 Louisiana Highway 1078, Folsom from A-1 (Suburban District & RO (Rural
Overlay) to A-1 (Suburban District), RO (Rural Overlay), & MHO (Manufactured Housing
Overlay). (Ward 3, District 3) (Petitioner: Tammy Lynne Wimmer) (2020-1914-ZC)

NOTE: To concur with Zoning DENIAL, a simple majority vote is required and
adoption of a resolution.

NOTE: To override Zoning DENIAL, a majority vote of the entire Council is required
and introduction of an ordinance.

Tammy Wimmer – Trying to replace a mobile home that burned down. Didn't know there
was a deadline. Just wants a safe place to live. Can only afford a mobile home that is a safe
home.

Jean Anne Smith Mayhall – Oak Ridge Rd. Representing a lot of people. Has a petition with
150 names on it. They have been put in a box where they have to oppose their neighbor. It
is a beautiful property that was zoned correctly. Don't set a precedent.

Frank Richerand – Oak Ridge Rd. Opposing the overlay. At least 150 people don't want
the zoning change. Doesn't know of any other alternative.

REBUTTAL

Wimmer – There are several mobile homes already in the area. Neighbors don't have a problem with the mobile home, they just don't want the zoning change. Maybe she can be grandfathered in.

Mayhall – The mobile homes that Tammy mentioned need to be put in perspective. They were grandfathered in. Again, don't set precedent. Please uphold what zoning said.

Cazaubon – When first approached, she didn't see a problem with the mobile home. Explained why other mobile homes are in the area. There have been no mobile homes since comprehensive rezoning. Tried to see if something could be done to grandfather her in, but the DA said not legally.

Davis made a comment.

Cazaubon – moved to concur with the Zoning denial, seconded by O'Brien. Unanimous with 3 absent (Dean, Canulette, T. Smith).

Cazaubon – moved to adopt a resolution, seconded by O'Brien. Unanimous with 3 absent (Dean, Canulette, T. Smith); becomes Resolution C.S. No. C-6349.

Lorino - 9. Terry P. Ryan appealing the Zoning Commission APPROVAL on August 4, 2020 to rezone 1.83 acres located on the east side of Boyd Road, east of Tantela Ranch Road, Covington from A-1 (Suburban District) to A-2 (Suburban District). (Ward 1, District 3) (Petitioner William Sifert) (2020-1919-ZC)

NOTE: To concur with Zoning APPROVAL, a simple majority vote is required and introduction of an ordinance.

NOTE: To override Zoning APPROVAL, a majority vote of the entire Council is required and adoption of a resolution.

****Appellant not present.**

Cazaubon – this is land on the river. The man wants to put a home on stilts which wont affect drainage

William Sifert – prepared to respond to appellant.

Cazaubon – moved to concur with the Zoning approval, seconded by Davis. Unanimous with 3 absent (Dean, Canulette, T. Smith).

Cazaubon – moved to introduce an ordinance, seconded by Binder; becomes Ordinance C.S. No. 6522.

10. Sam Markovich appealing the Zoning Commission DENIAL on August 4, 2020 to rezone 1 acre located at the northwest corner of US Highway 190 and Chinchuba Gardens Road; being Lot 29 of Chinchuba Gardens, Mandeville from NC-1 (Professional Office District) to HC-1 (Highway Commercial District). (Ward 4, District 10) (2020-1831-ZC)

NOTE: To concur with Zoning DENIAL, a simple majority vote is required and adoption of a resolution.

NOTE: To override Zoning DENIAL, a majority vote of the entire Council is required and introduction of an ordinance.

****Appellant not present.**

Kevin Coleman – 111 Chinchuba Gardens. Had a conversation with O'Brien. 4 lots undeveloped going from a very light use to heavy commercial. Has been quiet for over 60 years and zoned the way it is supposed to be.

Robin Platt-This is a unique neighborhood. Has been here 4 times and Markovich was not here. Need to preserve this area.

Stephen Matthews – Everyone helps each other. Prefers to leave it as it is.

Deana Jacob – didn't want to speak.

Doris Bobadilla – 133 Chinchuba Gardens. Development was against this. Gentleman isn't here. Asks that you vote against.

Robert Thomson – Nice to let kids ply in the street. Have a community. Don't need that type of change.

Monica Thomson – So much empty retail space. No need to rezone this property.

Valerie Carpenter – 102 Chinchuba Gardens. Bought house many years ago. Grandchildren won't be able to play if this becomes a gas station or strip mall.

Ron Blappert – Doesn't want their bit of heaven spoiled. 100% unanimous against.

June Platt, III – not present.

O'Brien – reads uses of zoning.

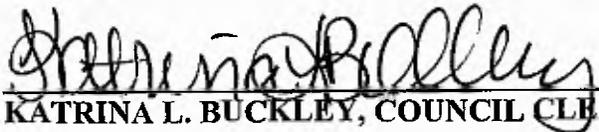
O'Brien – moved to concur with the Zoning denial, seconded by Stefancik. Unanimous with 3 absent (Dean, Canulette, T. Smith).

O'Brien – moved to adopt a resolution, seconded by Cazaubon. Unanimous with 3 absent (Dean, Canulette, T. Smith); becomes Resolution C.S. No. C-6350.

There being no further business, meeting adjourned at the call of the Chairman.



MICHAEL R. LORINO, JR., COUNCIL CHAIRMAN



KATRINA L. BUCKLEY, COUNCIL CLERK

ADJOURN