BY COUNCILMAN Messina (Case No. PUD-4-15)

CITY OF CENTRAL
ORDINANCE NO. 2016-02

TO GRANT A REZONING OF 6.1 ACRES FROM R1 TO R2 AND A CONDITIONAL USE PERMIT AND PRELIMINARY PLAN APPROVAL FOR A PLANNED UNIT DEVELOPMENT CONSISTING OF A 92,000 SQUARE FOOT ASSISTED LIVING FACILITY AND 32 SINGLE FAMILY HOMES ON APPROXIMATELY 19.4 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF SULLIVAN ROAD NEAR THE BRENT AVENUE INTERSECTION
(THE SETTLEMENT ON SHOE CREEK PUD)

WHEREAS, application has been made by Shoe Creek, LLC, for a rezoning of 6.1 acres of the Subject Property and a Conditional Use Permit and approval of a Preliminary Site Plan for a Planned Unit Development consisting of 32 single family homes and a 92,000 square foot assisted care living facility (Ground Floor Area: 70,500 sq. ft.) on the Subject Property; and

WHEREAS, a public hearing was held on December 17, 2015 before the City of Central Zoning Commission; and

WHEREAS, the Zoning Commission recommended approval of the Preliminary Plan subject to certain conditions many of which are shown on the plans identified in this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Central, State of Louisiana as follows:

Section 1: That the entire property that is the subject of this Ordinance ("Subject Property") is legally described in Exhibit A attached hereto and made a part hereof and the 6.1 acre parcel rezoned from R1 to R2 is legally described in Exhibit B attached hereto and made a part hereof.

Section 2: That the 6.1 acres legally described in Exhibit B is hereby rezoned R2 and the Subject Property is hereby granted a Conditional Use Permit and approval of the Preliminary Plan for the Planned Unit Development, subject to the terms and conditions set forth in this Ordinance. Such documents and modifications thereto which condition this approval and to which the development is subject are the following:

1. Preliminary Plan for the Settlement On Shoe Creek, dated December 30, 2015, Sheets 1-4, by Southern Lifestyle Development Co., LLC.
2. Claiborne at Shoe Creek Sheets 1-3, by D-2 Architecture.
3. Attachment B DRC Comments and Applicant Response from Prescott Bailey to Woodrow Muhammad dated December 8, 2015.

Section 3: Approval of the conditional use permit and preliminary plan is further subject to the following terms and conditions:

1. A fully constructed access point to the PUD must be constructed across the adjacent Tract 1 to Sullivan Road north of Tract 2 (Pat's Hardware) as required by the Fire Department.
2. The gated emergency drive (as shown on Sheet 3) shall be designed as a stub out to the existing 30' private servitude of access that may be expanded if necessitated by final traffic and engineering studies associated with the Final Development Plans or any other development connecting to the TND.
3. Parking for the assisted living facility shall meet all code requirments.
4. Final Plans shall show sufficient buffering for the residences along the South of the PUD as if the private servitude of access will be fully constructed as a public roadway in the future..
5. The portion of the private servitude on applicant's property along the South property line shall be dedicated as public right-of-way.
6. The single family homes in the PUD shall be fully incorporated as part of the master property owners association for the Shoe Creek TND (the "TND") and shall be part of any sub-association for single family homeowners such that the PUD's homeowners have full access to the TND's amenities and the maintenance responsibilities for landscaping, ponds, lighting and private roadways in the single family home section of the PUD shall be borne by the entire TND and PUD or the appropriate subset thereof.
7. Landscaping, lighting, building materials and architecture shall be consistent with that required in the TND.

Section 4: The specific terms and conditions of this Ordinance shall prevail against other ordinances of the City to the extent that there may be any conflict. Except for the foregoing, the development of the subject property is subject to the terms of all applicable ordinances and regulations of the City of Central, including any amendment thereto.

Section 5: Severability. If any section, subsection, sentence, clause or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part declared invalid. The remainder of the Ordinance shall not be affected by the declaration of invalidity and shall remain in force and effect.

Section 6. Effective Date. This Ordinance shall be effective upon publication.

Introduced before the Council on January 12, 2016.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

For:	Evans, Fralick, Messina, Vance
Against:	None
Absent:	None
Recused:	Ellis

Adopted the 26th day of January, 2016.

Signed the 1st day of February, 2016.

Delivered to the Mayor on the 1st day of February, 2016.

Mark Miley, City Clerk

Approved:

I.M. Shelton, Jr. Mayor

Received from Mayor on the 1st day of February, 2016:

Mark Miley, City Clerk

Adopted Ordinance published in The Advocate on the 2nd day of February, 2016

EXHIBIT A

(insert legal description)

Legal Description:

All or part of three certain tracts of land situated in Section 68, Township 6 South, Range 2 East, City of Central, East Baton Rouge Parish, Louisiana, containing 14.44 acres, being labeled as The Settlement on Shoe Creek PUD and being more fully described as follows:

Parcel No. 1, All of a 15.61 acre tract of property designated as Tract A-4-A owned by Frances W. Hutchinson, being a portion of the Hutchinson & William Property Subdivision located in Section 68 , T6S-R2E, and being shown on a map by Carl A. Jeansonne, Jr. PLS dated August 1, 2001 and recorded as EBRP Original 223, Bundle 11255;

Parcel No. 2, A 2.5 acre portion of the 12.54 acre tract shown as Tract A-1-B owned by CBW Properties LLC, located in Section 68 , T6S-R2E, Tract A-1-B being shown on a map by William L. Bowman, P.L.S., and recorded as EBRP Original 399 Bundle 10738;

Parcel No. 3, A 1.19 acre portion of Tract-1 owned by Shoe Creek LLC, situated in Section 68, T6S-R2E, G.L.D., East Baton Rouge Parish, State of Louisiana, and being a portion of the Quentin Bourke Tract, more particularly shown by that map of survey entitled "Map Showing Subdivision of A Certain 20.90 Acre Tract, Formerly The Quentin Bourke Tract into Tracts 1 & 2, Located in Section 68, T6S-R2E, G.L.D. ;City of Central, East Baton Rouge Parish, Louisiana for Darrin Vince" dated July 9, 2013 by Alvin Fairburn, Jr., P.L.S., a copy of which is filed and record as EBRP Original 129 Bundle 12513.

Legal Description of property to be Rezoned:

All of a 15.61 acre tract of property designated as Tract A-4-A owned by Frances W. Hutchinson, being a portion of the Hutchinson & William Property Subdivision located in Section 68 , T6S-R2E, and being shown on a map by Carl A. Jeansonne, Jr. PLS dated August 1, 2001 and recorded as EBRP Original 223, Bundle 11255; said property being partially zoned on 9.5 acres +/- by the City of Central as Single-Family Residence District (R-2) and 6.1 acres +/- by the City of Central as Single Family Residence District (R-1).

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