

CITY OF CENTRAL

BY COUNCIL MEMBER FRALICK (Case RZ-05-15)

ORDINANCE NO. 2016-12

TO REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL ONE) TO B-1 (NEIGHBORHOOD BUSINESS ONE) FOR A CONVENIENCE STORE PROPERTY LOCATED AT 14348 FRENCHTOWN ROAD WHICH IS LOCATED SOUTH OF THE WINTERSSET INTERSECTION ON LOT 2 OF THE RIDGEWOOD SUBDIVISION IN SECTION 51, T6S, R2E, GLD, EBR, LA AND TO PROVIDE FOR RELATED MATTERS

BE IT ORDAINED BY the Council of the City of Central, State of Louisiana as follows:

Section 1: The Council for the City of Central hereby approves rezoning 14348 Frenchtown Road which is located south of the Wintersset intersection on Lot 2 of the Ridgewood Subdivision in Section 51, Township 6 South, Range 2 East, Greensburg Land District, Parish of East Baton Rouge, as per the provided site plan, from R-1 (Single Family Residential One) to B-1 (Neighborhood Business One) for a convenience store with the following conditions:

- a. Remove the gas canopy
- b. The site shall comply with the Development Code with respect to landscaping and parking resurfacing.

Section 2: Conflicts. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 3: 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 4: Effective Date. This Ordinance shall be effective upon publication in the Official Journal.

Approved by the Zoning Commission on January 28, 2016.

Introduced at the regular Council Meeting held on February 23, 2016.

Notice of public hearing was published in The Advocate on the 4th day of March, 2016.

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

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

Adopted on this 8th day of March, 2016.

Signed this 9th day of March, 2016.

Delivered to Mayor on the 9th day of March, 2016:



Mark Miley, City Clerk

Approved:



I. M. Shelton, Jr., Mayor

Received from Mayor on the _____ day of _____, 2016:



Mark Miley, City Clerk

Adopted Ordinance published in The Advocate on the 22nd day of March, 2016.



Mayor
I. M. Shelton, Jr.

Council members
Kim Fralick, Pro-Tem
Jason Ellis
Shane Evans
Wayne Messina
John Vance



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March 9, 2016

At the March 8, 2016 Council Meeting, ordinance RZ-05-15 was passed with 4 yeas and 1 nay. This ordinance was to rezone a piece of property located on Frenchtown Road from R1 to B1 purportedly for the intent of locating a convenience store. Much discussion ensued following a neighbor objecting because it would "allow any use in the B1 category." The applicant stated he wanted the flexibility to place a business in that location with any use permitted by the B1 zoning. That request was contrary to the applicants own indication on his rezoning application. It was stated the use was for a convenience store. Staff commented that the ordinance states that only a convenience store could be located there and not any other use in B1. The reliance upon that condition led the council to the vote that ensued.

On the morning on March 9, 2016, I contacted Mark Balkin, Central's Planning and Zoning Attorney and discussed this situation at length. His opinion is that indeed any use stated in the B1 classification could locate at that site. Based upon that opinion and the council's reliance on misinformation, I am hereby vetoing the Ordinance RZ-05-15.

The council assured citizens that only a convenience store could be located at that site. Knowing that any use in the B1 category can be located there, I have contacted each council member and have been assured that they relied upon "bad" information to make their decision. By vetoing this ordinance, the applicant can reapply if he so chooses and be reheard.

This action comes after much thought and deliberation. The ordinance will be returned to the City Clerk marked VETO.

Sincerely

A handwritten signature in blue ink, appearing to read "I. M. Shelton, Jr.", is written over the word "Sincerely".

Jr. Shelton
Mayor
City of Central