BY COUNCILMAN SHANE EVANS (Case No. CUP-1-16)

CITY OF CENTRAL
PROPOSED ORDINANCE NO. 2016-____

GRANTING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A DAIQUIRI SHOP IN THE SUITE 106 OF THE WAX POINTE SHOPPING CENTER (14790 WAX ROAD)

WHEREAS, application has been made by Brian Clovatre, for a conditional use permit to operate a daiquiri shop in an existing shopping center that is currently zoned B3, but is designated Medium Density Residential in the Master Plan; and

WHEREAS the proposed operation will use not more than 1600 square feet of existing commercial space within the existing Wax Pointe Shopping Center; and

WHEREAS, subject to the conditions set forth in this ordinance, the proposed daiquiri shop is consistent with the zoning and uses of surrounding properties and is suitable for the purposes for which it is proposed to be used; and

WHEREAS, a public hearing was held on April 28, 2016 before the City of Central Zoning Commission; and

WHEREAS, the Zoning Commission failed to recommended approval of the conditional use permit.

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

Section 1: That the property that is the subject of this Ordinance is legally described in Exhibit A attached hereto and made a part hereof.

Section 2: That the subject property is hereby granted a conditional use permit subject to the terms and conditions set forth in this Ordinance. Such documents and modifications thereto which condition this approval and to which the conditional use permit is subject are the following:

1. Line Drawing of the Wax Pointe Shopping Center, including suite divisions/sizes and parking layout dated 7/25/12.
2. Floor Plan showing a 1350 sq. ft. daiquiri bar, undated, submitted to Central City Services.

MB 5-3-16

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

1. Hours of Operation: The hours of operation of the establishment are limited to 12:00 p.m. – 10:00 p.m. Sunday through Thursday and 12:00 p.m. – 12:00 a.m. Friday and Saturday.

2. No Entertainment: This conditional use permit does not include the performance of live entertainment (including karaoke) and/or dancing at the subject property.

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 May __, 2016.

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

For:
Against:
Absent:

Adopted the _____ day of _____, 2016.

Signed the _____day of _____, 2016.

Delivered to the Mayor on the _____ day of _____, 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 _____ day of _____, 2016

EXHIBIT A

(insert legal description)

4818-4245-7649, v. 1

Coconut Willy's Daiquiri Shop Re-Zone Legal Description

Wax Pointe Shopping Center – 14790 Wax Road, Suite 106

ONE CERTAIN AREA OR PORTION OF LAND CONTAINING 1,600 SQUARE FEET (.003+/- ACRES), BEING A PORTION LOT Y, OF THE BRIAN TRACT, LOCATED IN SECTIONS 8 & 9, T-6-S, R-2-E, GREENSBURG LAND DISTRICT, CITY OF CENTRAL, EAST BATON ROUGE PARISH LOUISIANA, SAID AREA BEING A PORTION OF THE WAX POINTE SHOPPING CENTER DEVELOPMENT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing a corner being the Northwest most corner of Lot Y being marked by a ½" iron pipe, said point being located along the Wax Road Public Right of Way, thence leaving said Right of Way proceed South 46°55'56" East a distance of 188.34' to a point and corner, said point being the "POINT OF BEGINNING",

Thence proceed South 86°29'00" East a distance of 20.00 feet to a point and corner;

Thence proceed South 03°31'00" West a distance of 80.00 feet to a point and corner;

Thence proceed North 86°29'00" West a distance of 20.00 feet to a point and corner;

Thence proceed North 03°31'00" East a distance of 80.00 feet to a point and corner, said point being the "POINT OF BEGINNING".

STATE OF LOUISIANA
ROBERT W. OVERALL
License No. 4935
PROFESSIONAL
LAND SURVEYOR
2/26/16

ATTACHMENT A