



# MUNICIPAL SERVICES CENTER

6703 Sullivan Road ♦ Central, Louisiana 70739 ♦ p: 225-262-5000 ♦ f: 225-262-5001

## MEMORANDUM

TO: Planning Commission

FROM: Woodrow Muhammad AICP, Planning and Zoning Director

SUBJECT: **SS-23-13 Subdivision of Tract 8 of the Mary Alice Thibodeaux Property**

LOCATION This property is located on the north side of Planchet Road east of the Alice Louise Drive intersection in Section 49, T6S, R2E, GLD, EBR, LA.

MASTERPLAN LAND USE	Rural/Agriculture
PRESENT ZONING	Rural
LOT ID NUMBER	631420015
ENGINEER/LAND SURVEYOR	Lester A. McLin, Jr./McLin & Associates
APPLICANT	Brett Martin

## STAFF COMMENTS

1. **Size** of subject property is approximately 2.933 acres.
2. **Background** The applicant is proposing to subdivide a 2.933 acre tract into 2 tracts for single family residential land use.
3. **Access** Public Road and Private Servitude of Access
4. **Master Plan Statement** The subject property is designated as Rural/Agriculture. The proposed use is consistent with the Master Plan, but the proposed lot size is not.
6. **Planning Commission Staff Recommendation** Staff notes that this subdivision is not consistent with the Master Plan and the new Zoning Ordinance. Staff further notes that this subdivision is not compatible with existing lots and could set a precedent for future requests. However, this subdivision does meet current subdivision regulations. **(See Legal Opinion)** If this subdivision is approved, the attached review comments shall apply.
7. Scheduled for Planning Commission Meeting on **January 23, 2014**.



BASE BEARING: N19°17'28"E (REF. #1)  
 FLOOD ZONE: "X" & "AE" BASE FLOOD ELEVATION: 48.5'  
 F.E.M.A. F.I.R.M. PANEL NO. 220060 0280 E DATE: 5/02/08

DRAWN BY: BJM  
 CREW CHIEF: BMH  
 TECHNICIAN: BJM  
 CHECKED BY:  
 CHECKED BY:

A WETLANDS INVESTIGATION WAS NOT REQUESTED AND IS NOT A PART OF THIS SURVEY.

**NOTES:**

TOTAL AREA: 2.933 Acres  
 TOTAL NO. LOTS: 2  
 SEWAGE: INDIVIDUAL APPROVED SEWER SYSTEM ARE PREDOMINATE.  
 WATER: PARISH WATER COMPANY  
 ELECTRICITY: DEMCO  
 TELEPHONE: A T & T  
 GAS: ENTERGY  
 SCHOOL DISTRICT: CENTRAL  
 FIRE DISTRICT: CENTRAL FIRE DISTRICT # 4  
 ZONING: RURAL  
 CENTRAL MASTERPLAN: RURAL AGRICULTURE

OPEN EFFLUENT DITCHES ARE PREDOMINANT IN THIS AREA. ACCORDING TO HEALTH DEPARTMENT STANDARDS, PROPOSED RESIDENCES CONSTRUCTED ON THIS SITE SHALL BE A MINIMUM OF 24" ABOVE THE BOTTOM OF THE ADJACENT ROADSIDE DITCH. HOWEVER, FINAL DETERMINATION OF THE PROPOSED FLOOR ELEVATION SHALL BE DETERMINED ACCORDING TO CITY/PARISH ORDINANCES.

**RECOMMENDED FOR APPROVAL:**

CHIEF SANITARIAN \_\_\_\_\_ DATE \_\_\_\_\_  
 EAST BATON ROUGE PARISH HEALTH UNIT

THE CITY OF CENTRAL AND PARISH OF EAST BATON ROUGE DOES NOT ENFORCE PRIVATE DEED AND/OR SUBDIVISION RESTRICTIONS. HOWEVER, THE APPROVAL OF THIS PLAT DOES NOT RELEASE THE OWNER AND/OR CONTRACTOR/BUILDER FROM COMPLYING WITH ANY SUCH RESTRICTIONS THAT MAY BE ATTACHED TO THE PROPERTY ON THIS PLAT.

THE APPROVAL OF THIS PLAT OR MAP DOES NOT RELIEVE THE IMMEDIATE PROPERTY OWNER OR FUTURE PROPERTY OWNER FROM COMPLYING WITH ALL APPLICABLE FEDERAL, STATE AND CITY-PARISH LAWS AND ORDINANCES GOVERNING THE SALE AND DEVELOPMENT OF THE PROPERTY. IN PARTICULARLY, NO FILLING OF THE PROPERTY SHALL BE COMMENCED UNTIL ALL APPLICABLE PROVISIONS OF CHAPTER 15 OF THE UNIFIED DEVELOPMENT CODE ARE ADDRESSED.

**CITY OF CENTRAL APPROVED:**

DAVID BARROW \_\_\_\_\_ DATE \_\_\_\_\_  
 CHIEF ADMINISTRATIVE OFFICER

WOODROW MUHAMMAD \_\_\_\_\_ DATE \_\_\_\_\_  
 PLANNING & ZONING DIRECTOR

THIS SURVEY WAS PREPARED AT THE REQUEST AND FOR THE EXCLUSIVE USE OF:  
RAY AND RUTH DEVAL

THIS FIRM WAS NOT CONTRACTED TO PERFORM A COMPLETE TITLE ABSTRACT OF THE PROPERTY SHOWN HEREON. BE AWARE THAT SERVITUDES SHOWN HEREON WERE TAKEN FROM REFERENCE DATA AND THAT OTHER SERVITUDES, ENCUMBRANCES OR RESTRICTIONS, EITHER VISIBLE OR NOT VISIBLE, MAY AFFECT THE SUBJECT PROPERTY.

**CERTIFICATION:**

THIS IS TO CERTIFY THAT THIS MAP IS MADE IN ACCORDANCE WITH LOUISIANA REVISED STATUTES 33:5051 AND CONFORMS TO ALL PARISH ORDINANCES GOVERNING THE SUBDIVISION OF LAND. THIS MAP IS MADE IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS FOR CLASS "C" SURVEYS AND IT WAS THE INTENT TO SUBDIVIDE THE TRACT INTO THE PLATTED SUBDIVISION.

THIS CERTIFICATION IS SPECIFICALLY RESTRICTED TO THE CLIENT FOR THE REQUIRED SUBDIVISION OF PROPERTY ONLY, AND DOES NOT EXTEND TO THIRD PARTIES UNLESS THE PLAT IS PROPERLY REVISED BY THE CERTIFIER TO REFLECT SAME.

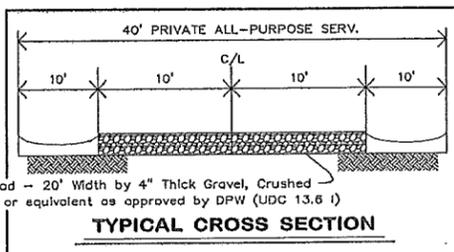
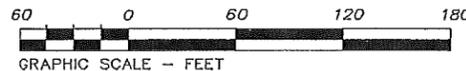
**PRELIMINARY**

LESTER A. McLIN, JR.  
 PROFESSIONAL LAND SURVEYOR  
 REG. # 4470  
 McLIN & ASSOCIATES, INC.

1/7/14  
 DATE

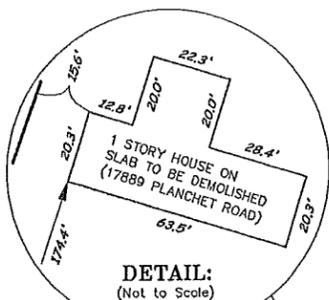
**REFERENCE:**

1. SURVEY PLAT OF THE SUBDIVISION OF TRACT G OF THE PARTITION OF THE MARY ALICE THIBODEAUX PROPERTY LOCATED IN SECTIONS 27, 48, & 49, T6S-R2E, EAST BATON ROUGE PARISH, LOUISIANA, ..., BY JAMES R. JOFFRION, C.E., DATED 03/18/1965
2. MAP SHOWING RESUBDIVISION OF TRACT 6 AND TRACT 7 OF THE PROPERTY OF CC. GULINO INTO TRACT 6-A AND TRACT 7-A, ..., BY P. DANIEL WIGGINS, C.E. & P.L.S., DATED 02/24/1978



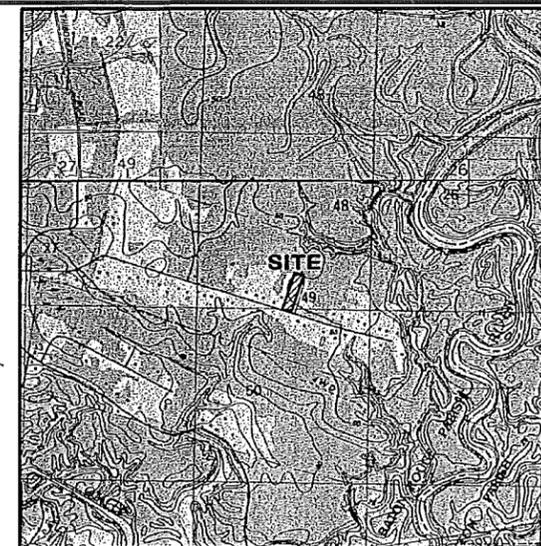
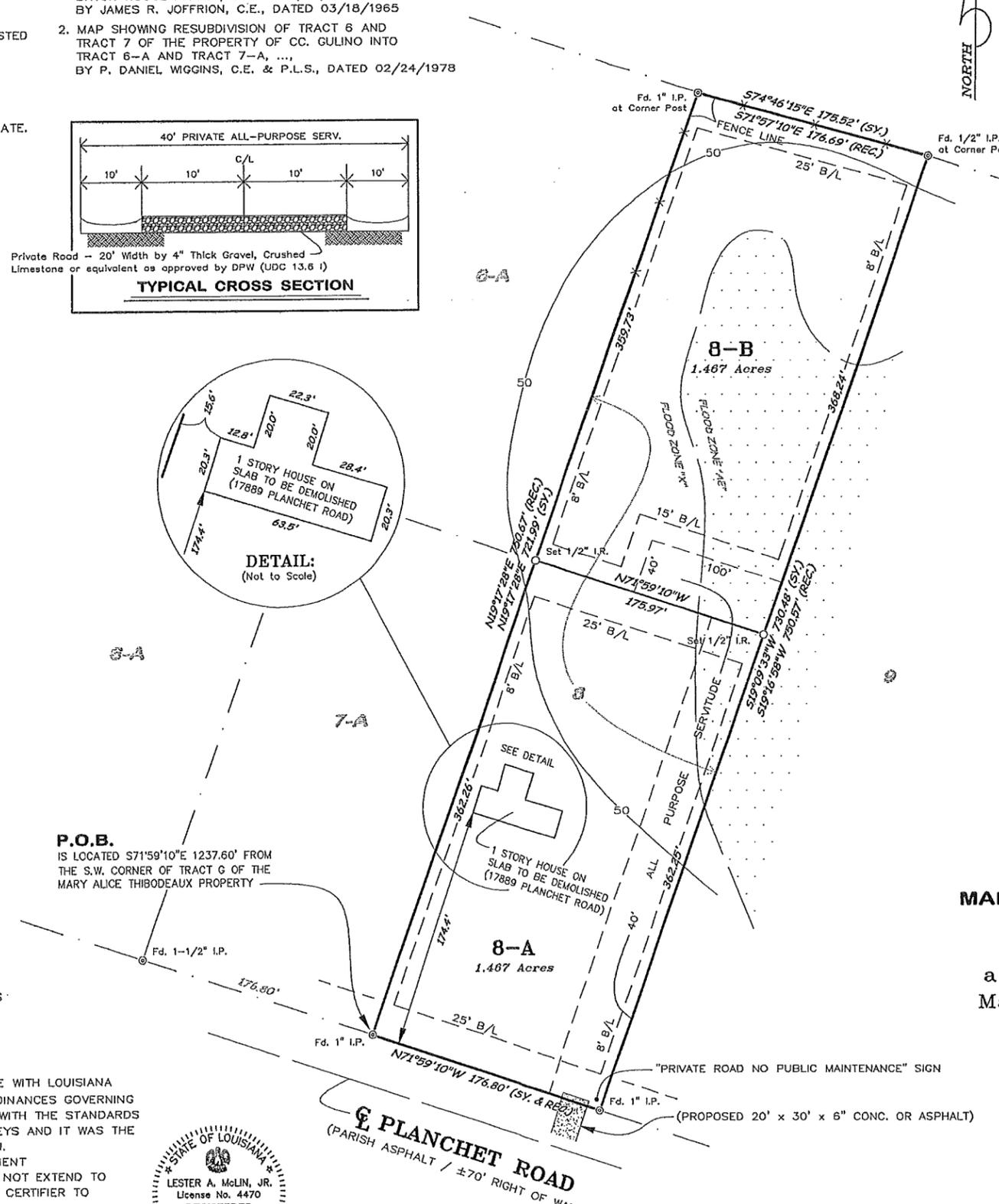
Private Road - 20' Width by 4" Thick Gravel, Crushed Limestone or equivalent as approved by DPW (UDC 13.6 i)

**DETAIL:**  
(Not to Scale)



**P.O.B.**

IS LOCATED S71°59'10"E 1237.60' FROM THE S.W. CORNER OF TRACT G OF THE MARY ALICE THIBODEAUX PROPERTY



**VICINITY MAP**  
 SCALE: 1" = 2000'

**STORMWATER MANAGEMENT:**

AS PART OF CONSTRUCTION, IT SHALL BE THE RESPONSIBILITY OF THE OWNER TO COMPLY WITH STORM WATER MANAGEMENT AND DRAINAGE REQUIREMENTS SET FORTH IN THE UNIFIED DEVELOPMENT CODE, LATEST REVISION.

**SEWAGE DISPOSAL:**

NO PERSON SHALL PROVIDE A METHOD OF SEWAGE DISPOSAL, EXCEPT CONNECTION TO AN APPROVED SANITARY SEWER SYSTEM, UNTIL THE METHOD OF SEWAGE TREATMENT AND DISPOSAL HAS BEEN APPROVED BY THE HEALTH UNIT OF EAST BATON ROUGE PARISH.

AS PART OF CONSTRUCTION, IT SHALL BE THE RESPONSIBILITY OF THE OWNER TO COMPLY WITH REQUIREMENTS FOR SEWAGE TREATMENT AND EFFLUENT DISCHARGE SET FORTH IN THE EAST BATON ROUGE PARISH UNIFIED DEVELOPMENT CODE AND TITLE 51, PART XIII OF THE LOUISIANA ADMINISTRATIVE CODE.

**PRIVATE DEDICATION:**

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OF THE LAND SHOWN HEREON. "THE PRIVATE SERVITUDE OF ACCESS SHOWN HEREON IS HEREBY DEDICATED AS A MEANS OF ACCESS TO LOT 8-B. NO TREES SHRUBS OR OTHER PLANTS MAY BE PLANTED, NOR SHALL ANY BUILDING, FENCE, STRUCTURE, OR IMPROVEMENTS BE CONSTRUCTED OR INSTALLED WITHIN OR OVER THIS PRIVATE SERVITUDE SO AS TO PREVENT OR UNREASONABLY INTERFERE WITH THE PURPOSE FOR WHICH THE SERVITUDE IS GRANTED. THE PARISH OF EAST BATON ROUGE HAS NO RESPONSIBILITY FOR THE MAINTENANCE OF THIS PRIVATE DRIVEWAY SERVITUDE."

RAY / RUTH DEVAL, OWNER \_\_\_\_\_ DATE \_\_\_\_\_

**NOTE:**

ALL LOTS THAT USE THE PRIVATE SERVITUDE OF ACCESS ARE JOINTLY RESPONSIBLE FOR THE COST TO MAINTAIN THE ENTIRE PRIVATE ROAD OR SERVITUDE OF ACCESS CREATED BY THIS SUBDIVISION. EACH LOT'S RESPONSIBILITY SHALL BE PRO-RATED BASED UPON EACH LOT'S FRONTAGE ON THE PRIVATE SERVITUDE OF ACCESS." (CENTRAL ORDINANCE 2007-03)

**MAP SHOWING SURVEY & DIVISION OF**

**LOT 8**

a portion of Tract G from the Mary Alice Thibodeaux Property

**INTO**

**TRACTS 8-A & 8-B**

LOCATED IN SECTIONS 49, T 6 S-R 2 E GREENSBURG LAND DISTRICT CITY OF CENTRAL EAST BATON ROUGE PARISH, LOUISIANA FOR

**RAY AND RUTH DEVAL**



28339 FROST ROAD LIVINGSTON, LA. 70764 (225)686-1444

SS-23-13 Revised



# PUBLIC HEARING

CITY OF CENTRAL

PLANNING & ZONING BOARD

Date: JAN. 23, 2014 Time: 6pm

Location: Kristenwood 14025 Greenwell Springs Rd.

Case Number: SS-23-13

REQUEST TO REZONE

FROM: \_\_\_\_\_

TO: \_\_\_\_\_

OTHER REQUEST

SUBDIVISION INTO 2 LOTS

For More Information Contact  
City of Central 262-5000

12/20/2013 15:03

## Woodrow Muhammad - COC

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**From:** David Barrow - CoC  
**Sent:** Monday, January 13, 2014 11:19 AM  
**To:** Woodrow Muhammad - COC  
**Subject:** Case SS-23-12

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

David:

Interesting issue. The statute (La.R.S. 33:101.1) specifically provides that approving or denying a subdivision plat is a legislative act by the Plan Commission:

"Except as otherwise provided in this Subpart, the act of approving or disapproving a subdivision plat is hereby declared a legislative function involving the exercise of legislative discretion by the planning commission, based upon data presented to it; provided that any subdivision ordinance enacted by the governing authority of a parish or municipality or the acts of the planning commission, or planning administrator shall be subject to judicial review on the grounds of abuse of discretion, unreasonable exercise of police powers, an excessive use of the power herein granted, or denial of the right of due process."

In theory, this means that the Planning Commission has discretion to deny the subdivision based on the fact that the subdivision is not in compliance with the Master Plan (so long as that "data" is presented to them). Would a court rule in our favor or would they say the Master Plan is not law and since the proposed subdivision met the current law, you must approve the subdivision? I believe that a court should rule in favor of the City. But really, I don't know how a court would rule. There is very little case law on subdivision denials and none of which I am aware based on non-compliance with the Master Plan.

I want to note that even if the Planning Commission approve the subdivision, if the owner does not apply for building permits prior to the adoption of the zoning map (assuming this property is zoned R/A), they would not be able to build on the two lots without a variance. Indeed, as the current lot 8 is not 3 acres, the current house would be a legal nonconforming use.

HARDY, CAREY, CHAUTIN & BALKIN, LLP

ATTORNEYS AT LAW

Mark A. Balkin  
1080 West Causeway Approach  
Mandeville, Louisiana 70471

David Barrow  
Chief Administrative Officer  
City of Central  
13421 Hooper Rd Ste 9

**From:** Matt Zyjewski - CoC  
**Sent:** Monday, December 30, 2013 3:25 PM  
**To:** brett@mclinandassociates.com  
**Cc:** mjones@drhorton.com; Woodrow Muhammad - COC  
**Subject:** SS-23-13 Subdivision of Lot 8 of the Mary Alice Thibodeaux Property

Mr. Martin-

Our comments are as follows:

- 1) Extend private servitude of access to allow turnaround on Lot 8-B (A "T" or "L" turnaround will be required as part of the construction and must be extended to include each lot and/or tract of the proposed development. (UDC 13.2D and 13.6.I.4))
- 2) Show 8' side setbacks
- 3) Show contours
- 4) In the Vicinity Map, please highlight the site better (hatching/shading)
- 5) Add signature block for the property owner
- 6) Label Planchet Road right-of-way dimension
- 7) The first 30 feet of the private servitude of access must be constructed of six (6) inches of concrete or asphalt at least twenty (20) feet wide within the thirty (30) foot wide servitude of access (UDC 13.6.J.4). The proposed 40' wide servitude exceeds the minimum requirement.
- 8) The private servitude of access must be improved to the UDC standards as a minimum prior to approval of the map. A 30' servitude of passage is required, with a 20' road within the servitude which may be constructed of gravel, crushed limestone, or equivalent four (4) inches thick as approved by the Department of Public Works. Show cross section of private servitude of access. (UDC 13.6 I)5.
- 9) At each entrance to the development, a "Private Road, No Public Maintenance", street name and stop signs will be required by the developer/owner. This will be part of the inspection of the construction of the private servitude of access. (UDC 13.6.J.5).
- 10) Construction plans may be required by DPW.
- 11) The above construction requirements must be constructed and inspected by the Planning Commission staff prior to approval/signature of the map. (UDC 13.6.J). Contact the Planning Commission office for inspection of the private servitude of access after completion. If the servitude meets the above requirements, the map will be recommended for approval.
- 12) The following note needs to be added to the map: "All lots that use the private servitude of access are jointly responsible for the costs to maintain the entire private road or servitude of access created by the subdivision. Each lot's responsibility shall be pro-rated based upon each lot's frontage on the private servitude of access." (Central Ordinance 2007-03).
- 13) All submittals must be signed, sealed, and dated by a registered professional engineer or land surveyor.

If you have any further questions, please do not hesitate to contact me. We'd appreciate your revisions within a week.

Thank you,



**Vlatt Zyjewski**  
Assistant Planning & Zoning Manager