

UNITED STATES OF AMERICA
STATE OF LOUISIANA
PARISH OF ASCENSION



Tommy Martinez
Parish President

ORDINANCE NO. ZM10-07

ZONING CHANGE ID 2082.10, CHANGING THE OFFICIAL ZONING DESIGNATION OF 1.250 ACRES IDENTIFIED AS TRACT A-1-A-2-C OF THE VALIOLLAHI PLAT FROM MEDIUM INTENSITY RESIDENTIAL (RM) TO MIXED USE (MU), PROVIDES FOR SEVERABILITY, AND AN EFFECTIVE DATE.

PURPOSE: This ordinance amends the official zoning designation of Lot A-1-A-2-C of the Valiollahi Plat located on the north side of Tommy Moore Road approximately 350' east of Airline Highway, and more described in exhibit A, from Medium Intensity Residential (RM) to Mixed Use (MU) at the request of the Zoning Commission.

WHEREAS: Ascension Parish is a local governmental subdivision as defined by Article VI, Section 44 of the Louisiana Constitution of 1974, and

WHEREAS: The Parish of Ascension is the governing and responsible body over the zoning and regulations within this jurisdiction, and

WHEREAS: Article VI of the Home Rule Charter of Ascension Parish, adopted May 4, 1993, identifies the process and manner in which to adopt ordinances regulating the lands of this Parish, and

WHEREAS: The official zoning map for Ascension Parish was last adopted on June 30, 2009, and

WHEREAS: The Parish Council reserves the authority to make changes to the official zoning map by ordinance, and

WHEREAS: The adjacent lot (A1A2B) was rezoned to MU on July 15, 2010, and

WHEREAS: The Zoning Commission requested this parcel be rezoned from RM to MU to be consistent with the overall intent of the zoning around and adjacent to this parcel, and

**ORD: ZM10-07
EXHIBIT A**

Zoning Review ID 2082.10 Tract A-1-A-2-C for Parish of Ascension

Located on the north side of Tommy Moore Road approximately 350' east of Airline Highway to amend the Ascension Parish Zoning Map from Medium Intensity Residential (RM) to Mixed Use (MU) and being more particularly described as follows:

One (1) certain tract or parcel of land, together with all buildings and improvements thereon, situated in Section 7, Township 9 South, Range 3 East, Southeastern Land District of Louisiana, Parish of Ascension, and designated as TRACT A-1-A-2-C according to a plan of survey, entitled "Map Showing the Division of Tract A-1-A-2 into Tracts A-1-A-2-A, A-1-A-2-B & A-1-A-2-C Located in Section 7, T-9-S, R-3-E, S.E.L.D. Parish of Ascension, Louisiana for Mehdi Valiollahi prepared by R. L. Bennett, P.L.S. dated March 3, 2004, a copy of which is recorded in the official records of the Clerk of Court for said parish and state. Said Tract A-1-A-2-C contains approximately 1.250 acres and has such dimensions and measurements along such bearings and is subject to such servitudes, building lines, dedications and restrictions as more fully shown on said survey.

ORD: ZM10-07
EXHIBIT C



PARISH OF ASCENSION
OFFICE OF PLANNING AND DEVELOPMENT
ZONING DEPARTMENT



MEMORANDUM

TO: Zoning Commission Members

FROM: Lance Brock

SUBJECT: Review ID – 2080.10

LOCATION: Located on the north side of William Ficklin Road approximately 350' east of Airline Highway

PRESENT ZONING: Medium Intensity Residential (RM)

REQUESTED ZONING: Mixed Use (MU)

APPLICANT: Parish of Ascension

STAFF COMMENTS:

1. Applicant is asking: To amend the Ascension Parish Zoning Map from Medium Intensity Residential (RM) to Mixed Use (MU)

2. Existing Land Use is: Medium Intensity Residential (RM)

Surrounding Land Use: Music Business, Retail, Single Family & Vacant Land

3. Existing Zoning is: Medium Intensity Residential (RM)

4. Size of Subject Property: 1.250 acres

5. Ascension Parish Land Use Plan Statement:

Medium Intensity Residential (RM) District The district has some access to large volume highways. The infrastructure in this district is not so developed, however, that it can support high intensity commercial or residential development

Mixed Use is designed to concentrate the most intensive residential and commercial development along the major arteries of the parish. By encouraging concentrated, cluster development, the Commission will minimize the infrastructure costs and manage public safety risks most appropriately. In addition, commercial development should use shared access to parking lots and shared parking lots in order to minimize traffic congestion and sprawl along the parish roadways. While this district allows many varied uses, the district should develop with adequate buffering, careful traffic planning, and appropriate lighting plans to minimize any nuisance between uses.

6. Rezoning Criteria: The owner of the adjacent lot petitioned for a rezone from Medium Intensity Residential (RM) to Mixed Use (MU) (May). At that time it was requested by the Zoning Commission to rezone the adjacent tract (Tract A-1-A-2-B). The property has frontage along Tommy Moore Road and is adjacent to Woodrun and Brentwood Subdivision.

7. Staff Recommendations: Based on the property being adjacent to a residential subdivision (Woodrun & Brentwood) and not fronting Airline Highway, Staff recommends to deny (MU) but to accept Mixed Use 2(MU2) designation.

MINUTES
Zoning Commission
May 12, 2010

The Zoning Commission of the Parish of Ascension held a Regular Meeting on Wednesday May 12, 2010, at 7:35 p.m. in the Courthouse Annex Council Meeting Room 2nd Floor, 828 S. Irma Blvd. Gonzales, Louisiana for the following:

a. **Zoning Review ID 2082.10 Tract A-1-A-2-C for Parish of Ascension**

Located on the north side of Tommy Moore Road approximately 350' east of Airline Highway to amend the Ascension Parish Zoning Map from Medium Intensity Residential (RM) to Mixed Use (MU)

The property owner was not present at the meeting. This rezone was added to the agenda by the Commission. At last month's meeting the property owner stated that she would like her property zoning changed to Mixed Use. Her neighbor, Brian Dubuc, also made the same request.

Mr. Jeff Aucoin, adjacent property owner, was representing 32 people who signed a petition in Brentwood Estates and other single family residences Lot 1 of Woodrun Estates. The residents had concerns on the types of businesses that could be allowed in the Mixed Use and Mixed Use 2 designation. His personal concern was the possibilities of afterhours loud noises and how they would disrupt his family's life.

Commission Action: A motion was made by Mr. Julio Dumas, second by Mr. Steve Barrow, to recommend approval to the Parish Council, to rezone Tract A-1-A-2-C from Medium Intensity Residential (RM) to Mixed Use 2 (MU2)

Commission Action: A substitute motion was made by Mr. Michael Marchand second by Mrs. Robert Nance, to recommend approval to the Parish Council, to rezone Tract A-1-A-2-C to its previous zoning prior to the Parish-Wide Rezone. The pervious zoning was Mixed Use (MU)

A "Yea" and "Nay" vote was called and resulted as follows:

Yeas: Messrs: Michael Marchand, Robert Nance and Howard Dalton

Mmes: Beverly Barre'

Nays: Steve Barrow and Julio Dumas

Absent: Alan Krouse

The Vice Chairman did not vote.

4 Yeas, 2 Nays, 1 Absent, and the substitute motion carried.

PARISH OF ASCENSION
OFFICE OF PLANNING AND DEVELOPMENT
ZONING DEPARTMENT



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WHEREAS: The Parish Council reserves the authority to make changes to the official zoning map by ordinance, and

WHEREAS: The adjacent lot (A1A2B) was rezoned to MU on July 15, 2010, and

WHEREAS: The Zoning Commission requested this parcel be rezoned from RM to MU to be consistent with the overall intent of the zoning around and adjacent to this parcel, and

WHEREAS: This request has been processed in compliance with the procedures set forth.

BE IT ORDAINED by the Ascension Parish Governing Authority that the official Zoning Map of Ascension Parish Louisiana is amended to reflect the property identified in Exhibit A as "Mixed Use" (MU) as the official zoning designation.

SEVERABILITY: In the event that any portion of this Ordinance is ever held invalid or unconstitutional for any reason by any court of competent jurisdiction over it, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portions of the Ordinance.

EFFECTIVE DATE: This ordinance shall be in full effect as permitted by law.

EXHIBITS: (Exhibits available for review in Office of Parish Council Secretary,
208 E. Railroad St., Gonzales, LA 70737)

- A. Legal Description
- B. Plat Map
- C. Aerial / Zoning Map

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

Yeas: Oliver Joseph, Dempsey Lambert, George Valentine, Randy Clouatre, Chris Loar, Todd Lambert, Dennis Cullen, Kent Schexnaydre & Benny Johnson

Nays: None

Not Voting: Pat Bell

Absent: Adrian Thompson

And this ordinance was passed on this 19th day of August 2010.


Suzanne Patterson
Attest: Parish Council Secretary


Tommy Martinez, Parish President

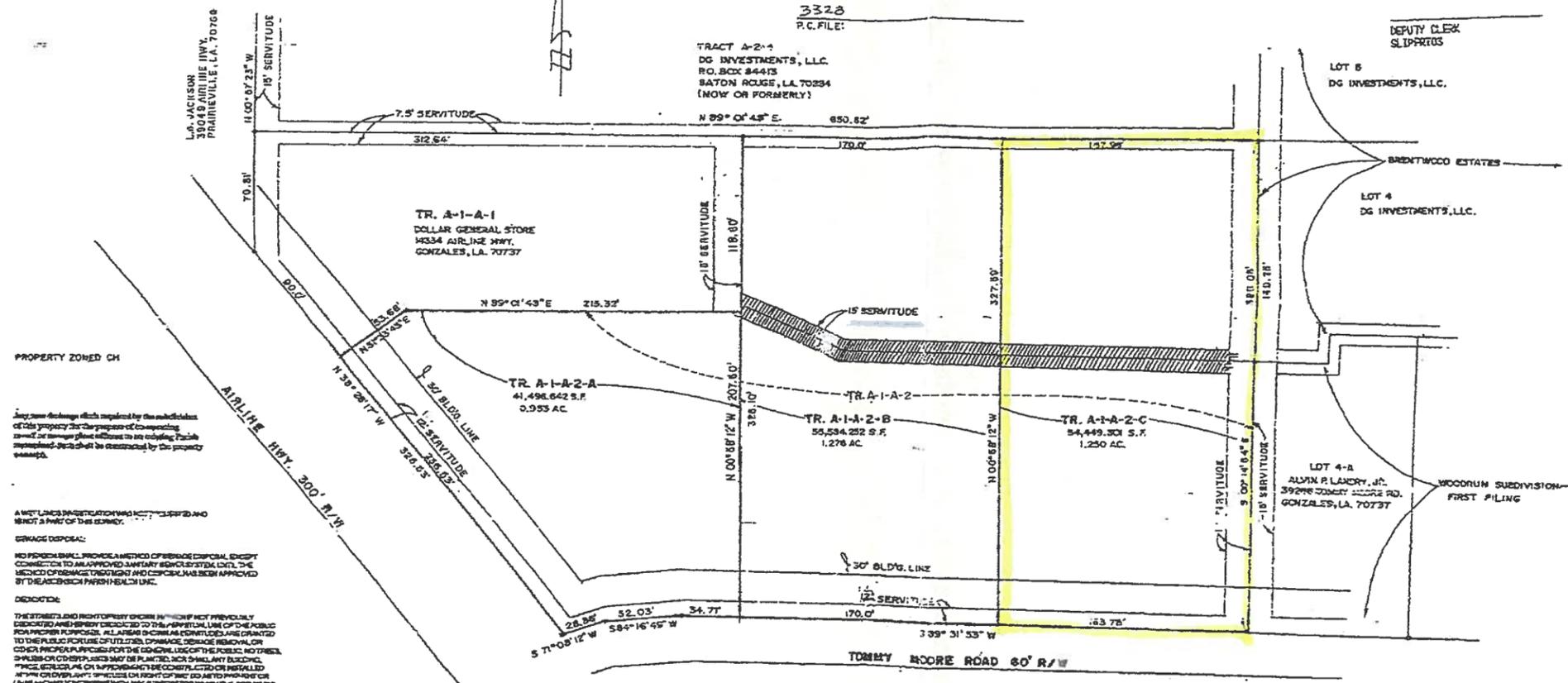
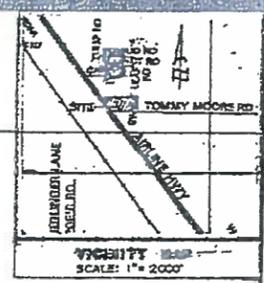
REFERENCE MAP:
 1. RESUB MAP OF TRACT A-1 BY LESTER A. MALIN, N. P.L.S.
 DATED: 9-25-94 RECORDED MAP #196004
 2. BRENTWOOD ESTATES, BY: MALIN & ASSOCIATES
 DATED: 12-19-94
 3. WOODRUM, FIRST FILING, BY: MALIN LAND SURVEYING, INC.
 DATED: 6-2-94
 4. RESUB TRACT A-1-A, BY: R.L. BENNETT ENGINEERING & SURVEYOR, INC.
 DATED: 1-19-03

Note: No attempt has been made by R. L. BENNETT ENG. & SURV., INC., to verify the actual legal ownership, servitudes, easements, rights-of-way, or other encumbrances on this property other than those furnished by the owner or his representative.

PROPERTY CONVEYED FOUND
 OR IDEALLY CORRECT
 ALL CONVEYED FROM FIRST
 UNLESS OTHERWISE NOTED.

15' SERVITUDE REVOKED BY PARISH COUNCIL 11-04-04
 APPROVED BY:
 ASCENSION REG. PLANNING COMMISSION
 DATE: 3-22-04
 DATE: 3-23-04
 P.C. FILE:

INSTRUMENT # 00354724
 FILED AND RECORDED
 ASCENSION CLERK OF COURT
 2004 DEC 28 01:53:02 PM
 COE / NOB / OTHER
 S. Labno
 DEPUTY CLERK & RECORDER
 CERTIFIED TRUE COPY BY
 DEPUTY CLERK
 SLIPPIKOS



PROPERTY ZONED CH
 Any new drainage ditch required by the subdivision of this property the responsibility of constructing same, or having plans drawn to do so, shall be the responsibility of the property owner.
 A METEOROLOGICAL RECORDATION HAS BEEN MADE AND IS A PART OF THIS SURVEY.
 SEWERAGE DISPOSAL:
 NO SPECIAL SMALL SEWERAGE SYSTEMS OR SPECIAL ENERGY CONNECTION TO AN APPROVED SANITARY SEWER SYSTEM, UNTIL THE METEOROLOGICAL RECORDATION AND SPECIAL HAS BEEN APPROVED BY THE PARISH HEALTH DEPARTMENT.
 DEDICATION:
 THE SETBACK AND FRONT YARD SETBACKS IF NOT PREVIOUSLY DEDICATED AND APPROVED TO THE AIRPORT LINE OF THE PUBLIC ROAD FOR PUBLIC PURPOSES. ALL ALLEYS OR CORRIDORS ARE DEDICATED TO THE PUBLIC PURPOSES OF TRAFFIC, DRAINAGE, SEWERAGE REMOVAL OR OTHER PROPER PURPOSES FOR THE GENERAL USE OF THE PUBLIC. NO TREES, SHRUBS OR OTHER PLANTS MAY BE PLANTED, NOR SHALL ANY BUILDING, FENCE, STRUCTURE OR IMPROVEMENT BE CONSTRUCTED OR INSTALLED AT ANY CORNER, INTERSECTION OR RIGHT-OF-WAY CORNER TO PREVENT OR INTERFERE WITH THE PROPER OPERATION OF THE AIRPORT LINE OR RIGHT-OF-WAY.

M.H. Val-lll 8-3-04

Date of Landmark, Parish of Ascension
 I do hereby certify that the above described property was surveyed and located on the 22nd day of December, 2004.
 [Signature]

CONVEYANCE:
 THIS IS TO CERTIFY THAT THIS PLAN CONFORMS TO LA. REVISED STATUTES CHAPTER 33, SECT. 1 AND CONFORMS TO ALL PARISH ORDINANCES GOVERNING THE SUBDIVISION OF LAND.

APPROVED BY:
 ASCENSION REG. PLANNING COMMISSION
 [Signature]
 DATE: 3-23-04
 DATE: 3-23-04
 P.C. FILE:

To all whom these presents shall come, I hereby certify that the above described survey was actually made on the ground as per record description and is correct and that no encumbrances exist other than those property lines UNLESS NOTED OTHERWISE. This survey was done in accordance with the Minimum Standards of Practice for Land Surveyors and the necessary and positional references are in accordance with CLASS C SURVEYS.
 According to the U.S. Department of Housing and Urban Development Flood Insurance Rate map Flood Zone 100 (100 Year Flood) and Special Flood Hazard Zone 100, this property is located in Zone 100 OUTSIDE the 100 year Flood zone area.

MAP SHOWING THE DIVISION OF TRACT A-1 INTO TRACTS A-1-A-1, A-1-A-2-A, A-1-A-2-B & A-1-A-2-C LOCATED IN SECTION 7, T-8-S, R-3-E, S.E.L.D. PARISH OF ASCENSION, LOUISIANA FOR MEHDI VALIOLLAHI



R.L. Bennett
 R.L. BENNETT, ENGINEER & SURVEYOR, INC.
 PRAIRIEVILLE, LA.
 PHONE: 225-873-3474 OR 225-782-5239

GONZALES, LA.
 MUNICIPAL NO.: AIRLINE HWY. & TOMMY MOORE ROAD
 DATE: MARCH 3, 2004



594-124

