



St. Charles Parish

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Legislation Text

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2019-0025

INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN-AT-LARGE, DIVISION B RESOLUTION NO.

A resolution to rescind Resolution No. 6392 providing supporting authorization to endorse a waiver from the geometric standards regarding lot arrangement.

WHEREAS, on January 22, 2019, the St. Charles Parish Council adopted Resolution No. 6392 providing supporting authorization to endorse a waiver from the geometric standards regarding lot arrangement; and,

WHEREAS, Resolution No. 6392 actually waived the subdivision regulation requirement that a right-of-way be provided for a public street in which it and all utilities are to be located and dedicated to the Parish; and,

WHEREAS, what was advertised on the January 22nd agenda did not give any indication to the public that this waiver would allow for a private street located on private property with lots to be served by public utilities; and,

WHEREAS, the advertisement on the January 22nd agenda was improper in that it did not describe what development the waiver was to be granted to; and,

WHEREAS, Mr. Joey Murray of Murray Architects, representing MHI Investments, LLC, advised the Council at the council meeting that what the developer is planning on doing is dedicating servitudes in full for water, sewerage, and drainage and that the street would remain private; and,

WHEREAS, the subdivision regulations do not provide for street right-of-ways to be waived in order to create a private street served by public utilities at taxpayer's expense for maintenance and repairs; and,

WHEREAS, the Council was incorrectly informed as evidenced by members stating at the meeting that the proposed street was not to have a cul-de-sac, a cul-de-sac of which proof of its existence is provided in the subdivision construction plans that were approved by the Planning & Zoning Commission; and,

WHEREAS, at the Council meeting, Planning Administrator Earl Matherne incorrectly advised the Council that "There's nowhere in there (the codes) that says you have to create a public street" when the codes actually require dedication of the street right-of-ways to the Parish along with the utilities being located within it; and,

WHEREAS, the subdivision regulations provide for waivers if the literal enforcement of the regulation (i) is impracticable, or (ii) will exact undue hardship because of peculiar conditions pertaining to the land in question; and,

WHEREAS, the subdivision regulations state that the Planning & Zoning Commission, with a supporting resolution of the Council, may grant a waiver or modification of these regulations only when such requests meet the conditions of this subsection (i, ii noted above) and are not detrimental to the public interest; and,

WHEREAS, the segment of street being constructed is an extension of a an existing public street, and whereby having this extension be public as required by the subdivision regulations,

(i) is not impracticable, and (ii) will not exact undue hardship because of peculiar conditions pertaining to the land in question; and,

WHEREAS, having this street be private and served with public utilities is detrimental to the public interest in that the public's tax dollars would be responsible for maintaining these public utilities serving a private subdivision development; and,

WHEREAS, Planning & Zoning Director Michael Albert stated at the Council meeting that the "Literal enforcement of the provisions of the code may be impracticable because of the nature of Oak Alley dead ending into the subdivision as existing"; and,

WHEREAS, dead end streets are provided for in the subdivision regulations by means of providing a cul-de-sac at the end of such streets which are to be dedicated to the Parish as many have in numerous subdivisions throughout the Parish; and,

WHEREAS, the relative provisions of the subdivision regulations makes any claim that this dead end street being public would be "impracticable", or it being public would "exact undue hardship because of peculiar conditions pertaining to the land in question" totally spurious; and,

WHEREAS, Ormond Center, which was mentioned at the Council meeting, was private development created by permit applications, unlike by means of a subdivision development as is Oak Alley Subdivision; and,

WHEREAS, an action of the Council in 2014 approved a resolution providing mandatory supporting authorization to endorse the resubdivision of the private development known as Ormond Center into lots with waivers to the required 60' width on a developed public street and to the requirements that all side lot lines be at right angles to straight street lines; and,

WHEREAS, the Council was told at the January 22, 2019 Council meeting that precedent had been set when this 2014 action was taken; and,

WHEREAS, Ormond Center was a private development that was requesting to be subdivided such that it would be allowed to have its own private street to which adjacent lots were to be created in order to be sold and which were to be accessed by means of access servitudes given by the private street owner, unlike the action provided for in Resolution No. 6392; and,

WHEREAS, the Home Rule Charter provides for the Parish President to have the ability to veto resolutions; and,

WHEREAS, Parish President Cochran failed to veto the supporting resolution approved by the Council despite it not meeting the criteria required in order for the resolution for the waiver to be approved; and,

WHEREAS, attached to this resolution are relevant documents which provides the basis for which this resolution commands approval; and,

WHEREAS, as the Parish-Wide Elected Official from Division B who took an oath of office to faithfully uphold our laws as did all Councilmembers and Parish President Cochran, it is our duty to rescind Resolution No. 6392 which was approved based upon being provided misinformation and it not meeting any of the requirements needed for the waiver to be granted.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby rescind Resolution No. 6392 providing supporting authorization to endorse a waiver from the geometric standards regarding lot arrangement.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

And the resolution was declared adopted this _____ day of _____, 2019, to become effective five (5) days after publication in the Official Journal.

2019-0025 Rescind Reso. 6392 support authorization lot arrangement-Oak Alley Subd. (1-25-19) (I_2-4-19) revised PH 1-27-19 1016 2.doc

CHAIRMAN:

SECRETARY:

DLVD/PARISH PRESIDENT:

APPROVED: DISAPPROVED:

PARISH PRESIDENT:

RETD/SECRETARY:

AT: RECD BY: