

ST. TAMMANY PARISH COUNCIL

RESOLUTION

RESOLUTION COUNCIL SERIES NO. C-2616

COUNCIL SPONSOR MR. GOULD PROVIDED BY COUNCIL ATTORNEY

RESOLUTION TO VACATE, IN PART, THE SIX (6) MONTH MORATORIUM ESTABLISHED BY ORDINANCE C.S. NO. 05-1173, AND ANY SUBSEQUENT EXTENSION THEREOF, ON THE ISSUANCE OF PERMITS FOR CONSTRUCTION OR PLACEMENT OF BUILDING STRUCTURES ON PROPERTY THAT ABUTS LOUISIANA HIGHWAY 59, OR IS LOCATED WITHIN A DISTANCE OF TWO HUNDRED (200') FEET OF THE CENTERLINE OF THE HIGHWAY, AND WHICH PROPERTY, BEING SITUATED ALONG SAID HIGHWAY, IS IN THE AREA BETWEEN THE NORTH SIDE OF LOUISIANA HIGHWAY 1088 AND THE SOUTH SIDE OF I-12, (WARD 4, DISTRICT 5).

WHEREAS, pursuant to Ordinance C. S. No. 05-1173, in order to protect and preserve the health, safety and property interests of residents from the adverse impacts of traffic resulting from continued development along the heavily congested Louisiana Highway 59 corridor, particularly in the area that is situated between its intersection with Louisiana Highway 1088 and I-12, the Parish Council determined that it was necessary to impose a six (6) month moratorium on the issuance of permits for the construction or placement of building structures on any lot or parcel of property that abuts Louisiana Highway 59, or has its nearest boundary line located within a distance of two hundred (200') feet of the centerline of the highway, and which lot or parcel of property, being situated along said highway, is in the area located between the north side of Louisiana Highway 1088 and south side of I-12, Ward 4 District 5; and

WHEREAS, pursuant to Ordinance C.S.No. 09-2005, adopted February 5, 2009, the Parish Council determined that it was necessary to extend the moratorium for an additional six (6) months in order to address the adverse impacts of traffic resulting from continued development along the heavily congested Louisiana Highway 59 corridor, particularly in the area that is situated between its intersection with Louisiana Highway 1088 and I-12; and

WHEREAS, Aphelion Holdings, L.L.C., the current owner of the herein below described property, has committed to developing the property for use as a mini-storage facility. A traffic study, provided by Cooper Engineering, Inc. And reviewed by the Parish Traffic Engineer, confirms that a mini-storage facility is a very low volume traffic generator and long term it greatly reduces traffic from that which would be otherwise allowed under the property's existing zoning. Additionally, pursuant to the attached plans (**Exhibit A**), which depict a one-way entrance from Highway 59, vehicles will not be allowed to exit the property directly onto Highway 59; Said plan and proposed use will serve to mitigate long term traffic impacts; and

WHEREAS, Aphelion Holdings, L.L.C. has agreed to donate and dedicate a part or portion of said property, measuring twenty-five (25') feet in width along and abutting the existing boundary line of the Louisiana Highway 59 right of way, all as more particularly shown on the attached "Site Plan" (**Exhibit A**). The dedication of said portion of property, for the purpose of widening the Highway 59 right of way, will serve to mitigate the existing traffic problems and expedite the Parish's efforts to resolve the adverse impacts resulting from continued development along the heavily congested Louisiana Highway 59 corridor and, therefore, the Parish Traffic Engineer concurs in the determination that the herein below described property be released from the moratorium; and

THE PARISH OF ST. TAMMANY HEREBY RESOLVES that the Parish Council vacates, in part, the moratorium established by Ordinance C.S. No. 05-1173 and extended by Ordinance C.S.No. 09-2005, and any subsequent extension thereof, on the issuance of permits for the construction or placement of building structures within the designated area of unincorporated St Tammany Parish, Ward 4, District 5, to remove therefrom the restrictions established by the moratorium on the following described property, to-wit:

A certain piece or portion of ground situated in the Parish of St. Tammany, State of Louisiana, designated as 4.3596 acres, being a portion of Lot 2 of the Winnfield F. Beaujeaux Acreage Subdivision (Win M. Beaujeaux Acreage Subdivision - Title), location in SECTION 1,

TOWNSHIP 8 SOUTH, RANGE 11 EAST, and being more fully described on a survey of M and N Land Surveying, L.L.C., Ronald Clement, P.L.S. La. Reg. No. 4622, dated December 19, 2006, a copy of which is attached hereto and made a part hereof as **Exhibit B**.

BE IT FURTHER RESOLVED that this Resolution, removing the herein above described property from the restrictions established by the moratorium, is subject to the following: the execution of an instrument dedicating a twenty-five (25') foot right of way along and abutting the existing boundary line of the Louisiana Highway 59 right of way; the issuance of a building permit shall be limited to development of the property for use as a mini-storage; and the issuance of a certificate of occupancy shall be subject to confirmation that no driveway has been constructed for the purpose of allowing vehicles to exit directly onto Highway 59, only a one-way entrance into the property from Highway 59.

BE IT FURTHER RESOLVED that the moratorium shall continue to be in full force and effect for the remainder of the area as established by Ordinance C.S. No. 05-1173, and any extensions thereof.

THIS RESOLUTION HAVING BEEN SUBMITTED TO A VOTE, THE VOTE THEREON WAS AS FOLLOWS:

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS RESOLUTION WAS DECLARED ADOPTED ON THE 7th DAY OF MAY 2009 AT A REGULAR MEETING OF THE PARISH COUNCIL, A QUORUM OF THE MEMBERS BEING PRESENT AND VOTING.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA FORD, COUNCIL CLERK