



Internal Memorandum

*Development & Planning Department
Development Division (9010)*

TO: Veronica L. Williams

DATE: January 24, 2022

FROM: Mary Sliman

**SUBJECT: Appeal of City Planning Commission Action
Fair Oaks Subdivision, Resubdivision of Lot 11
Case No. HE2021-0135**

Please find enclosed an appeal of City Planning Commission Action concerning Fair Oaks Subdivision, Resubdivision of Lot 11. The City Planning Commission granted Preliminary Plat approval to the development on December 20, 2021. A group of homeowners, represented by one homeowner, have appealed the decision of the Planning Commission. The following information is included in your packet:

- Council Appeal Application
- City Planning Commission Appeal Action Letter
- City Planning Commission Minutes
- Hearing Examiner Action Letter
- Hearing Examiner Staff Report

It is my understanding that the City Council will hear this appeal February 1, 2022. This office will notify all necessary property owners of the City Council Meeting date to hear the appeal.

Should you have any questions, or need any further information, please let me know.

Sincerely,

Mary Sliman
Director

APPLICATION FOR APPEAL
PLANNING COMMISSION
DEVELOPMENT AND PLANNING DEPARTMENT

Fee \$500.00

DEVELOPMENT AND PLANNING USE ONLY
Date of Application: <u>12-30-2021</u>
Received by: <u>[Signature]</u>

Case Name: HE 2021-0135 Appeal of Preliminary Plat Approval

Case Number: _____ Planning Commission Meeting Date: Dec. 20, 2021

Planning Commission Action
Being Appealed: GRANT of Preliminary Plat Lot 11 Farm Oaks Subdivision

Name of Appellant: John N. Chappuis, individually and on behalf of the neighborhood owners

Address: 121 Hillside Drive

Telephone # 337.278.1465 Fax # _____ Cell # _____

Appellant's Standing: Owner () Developer () Adjacent Property Owner () Other ()
(Please Check One)

If "Other" Checked,
Please Explain: _____

Reason(s) for Appeal: Preliminary Plat wrongly approved.
Subdividing lot 11 and, if allowed, other such small
lots will result in the destruction of a classic, appropriate
urban neighborhood.

Appellant's
Signature: [Signature] Date: 30 December 2021

Note that this appeal will be placed on the next available City or Parish Council Agenda.



December 22, 2021
Dev Rev 21-534

John N. Chappuis
121 Hillside Drive
Lafayette, LA 70503

**RE: Fair Oaks Subdivision, Resubdivision of Lot 11 (HE2021-0135)
Results of Appeal of Hearing Examiner Action to City Planning Commission**

Dear Mr. Chappuis:

Please be advised that on Monday, December 20, 2021, the Lafayette City Planning Commission voted to deny the above referenced appeal.

Should you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Neil T. LeBouef". The signature is written in a cursive style with a large, prominent "N" and "L".

Neil T. LeBouef
Development Manager

C: Tenique Briscoe
Travis Smith
Troy Stelly
Jason Miller
Jim Moore
Mike Deblanc

**Terry Ortego
M. P. Mayeux Surveying
P. O. Box 1834
Scott, LA 70583**

**Miles Thomas
101 Hillside Drive
Lafayette, LA 70503-2816**

**LAFAYETTE CONSOLIDATED GOVERNMENT
CITY PLANNING COMMISSION
PUBLIC HEARING
DECEMBER 20, 2021**

MINUTES OF THE DECEMBER 20, 2021 MEETING OF THE LAFAYETTE CONSOLIDATED GOVERNMENT PARISH PLANNING COMMISSION HELD AT 5:00 P.M., 220 WEST WILLOW STREET, BUILDING B, TOWN HALL , LAFAYETTE, LOUISIANA.

STAFF PRESENT

Mary Sliman
Neil LeBouef
Tenique Briscoe

MEMBERS PRESENT

Blair Green
Jared Doise
Mark Pritchard
Steven Hebert

LEGAL COUNSEL

Paul Escott

MEMBERS ABSENT

Alzina Dural

I. CALL TO ORDER

Steven Hebert called the meeting to order at 5:01 p.m.

II. APPROVAL OF MEETING MINUTES

November 15, 2021

MOTION: Mark Pritchard moved to approve the November 15, 2021 meeting minutes.
SECOND: Jared Doise
VOTE: 4-0-0-1
AYES: Doise, Green, Hebert Pritchard
NAYS: None
ABSTAIN: None
ABSENT: Dural

MOTION CARRIES

III. DEVELOPMENT REVIEW

1. Ratification of Hearing Examiner Actions

- Leo Burleigh & Associates Property, Lots 4-A & 5-A
- Holy Family Catholic School

MOTION: Jared Doise moved for approval of the Hearing Examiner actions.
SECOND: Blair Green
VOTE: 4-0-0-1
AYES: Doise, Green, Hebert Pritchard
NAYS: None
ABSTAIN: None
ABSENT: Dural

MOTION CARRIES

2. Fair Oaks Subdivision, Appeal on the Resubdivision of Lot 11 (HE 2021-0135)

Mark Pritchard recused himself from this case. Chairman Hebert explained to the audience that there are now three commissioners reviewing the appeal so any vote on this appeal must be unanimous. Neil LeBouef presented the staff report regarding the requested appeal of the preliminary plat approval to subdivide Lot 11 of Fair Oaks Subdivision into two lots. The applicant for the appeal, Mr. John Chappuis, is requesting the Commission overturn the action because it goes against the intent of Lafayette Development Code (LDC) regulations and the character of the neighborhood. Mr. LeBouef cites LDC regulation found in Article 3 Section 89-38(c)(12) and found that the applicant for the development, Mr. Miles Thomas, met all standards for development review.

Miles Thomas 101 Hillside Drive- feels he has followed the regulations and wants to be able to build a second residence that he will live in and intends to sell the existing residence

John Chappuis-121 Hillside Drive- against the development sites the proposed development goes against the LDC and the character of the neighborhood. He also sites that there are several lots in subdivision that could be subdivided into smaller lots. He asked that Commission to consider the potential ramifications of this on their neighborhood.

Barbara Stevens -124 Hillside Drive- is against the development. Spoke about the construction of the apartments came before the Planning Commission was established. She asked the Planning Commission to reconsider the effects of allowing these smaller lots in their neighborhood.

Colleen McDaniel-121 Hillside Drive-is against the development. States that allowing this division of property to violate their subdivision restrictions.

Chairman Hebert explained to the audience that LCG cannot enforce private subdivision restrictions.

Jonathon Lister -321 Bacque Crescent Drive- is against the development. He says the intent of the regulation is to keep lots from being divided. Says this

development will negatively impact the drainage in within the area.

Miles B. Thomas stated this development will meet all the regulations noted in the LDC.

Neil LeBouef-Development Manager- explained the appeal process for the Planning Commission action.

MOTION: Jared Doise moved to deny the Appeal of Preliminary Plat approval
SECOND: Blair Green
VOTE: 3-0-1-1
AYES: Doise, Green, Hebert
NAYS: None
ABSTAIN: Pritchard
ABSENT: Dural

MOTION CARRIES

3. Townhomes at Marblehead (PC2021-0083)

Chairman Hebert recused himself from this case Mark Prichard Vice-Chairman continued the meeting for this case. Tenique Briscoe presented the staff report. Jimmy Ricks-engineer of record explained the purpose of the development. Mr. Ricks explained that requiring Street B to tie into Brown Fortier Dr and serve as a cross-access easement to the property to the north would prevent the developer from creating a gated development As part of final plat approval the Developer is dedicating right of way for Brown-Fortier Drive and Marblehead Avenue.

Commissioner Green asked if there were any concerns about the requested waivers. David Landry –Traffic Roads & Bridges stated his department is against the waivers due to emergency response concerns.

Mr. Phil Davies-developer for the adjacent property to north- does not want cross-access to their property.

MOTION: Blair Green moved for Preliminary Plat approval waiving Conditions 17-18 subject to the following conditions.

1. Owner/Developer shall install underground electric facilities at his/her expense prior to final plat approval by LUS.
2. Provide 10' utility servitudes along all lots bordering public roadways and 15' utility servitudes along all lots bordering private roadways and servitude niches at all property corners including typical utility niche diagram.

3. Plot existing electric facilities (cabinets, transformers, manholes, streetlights, electric lines, down guys) and provide required 10' utility easements around these facilities.
4. Owner/Developer shall install LUS approved water and wastewater facilities prior to final plat approval or provide a letter of credit after substantial construction has been completed.
5. Submittal of complete construction plans to LUS for review and approval is required.
6. Submittal of complete construction plans to the Department of Public Works will be required. Construction plans shall include, but not be limited to, a site grading, drainage and erosion control plans and details of all tie-ins to public infrastructure. Submittal may take place at the time of building permit application.
7. The construction plans shall include geotechnical recommendations for all roadway typical sections, including sub-base material, within the development. The recommendations shall be based on site specific soil borings, properties of any borrow material, and anticipated traffic loading(s). Submittal may take place at the time of building permit application.
8. The construction testing/inspection results are to be submitted to Public Works at the time of final inspection. The Final Plat may not be recorded nor building permits issued until the construction plans have been approved and constructed or Submittal may take place at the time of building permit application.
9. Submittal of a drainage impact analysis to the Department of Public Works for review and approval is required. Drainage impact analysis shall include, but not be limited to, a drainage area map for existing and proposed conditions, methodology, computations, lot grading plan, and summary, and if applicable, the capacity of roadside ditches and pipe sizing chart. Please note, a drainage impact analysis shall be submitted in the format noted in Public Infrastructure Design Standards which can be obtained from the Department of Public Works. Building permits shall not be issued until the analysis has been approved.

Please note, all residential and commercial development greater than 2.5 acres in size that results in a post development runoff that exceeds the development areas pre-development runoff rate shall be required to mitigate the increase and reduce the pre-development runoff rate by 15% through drainage improvements. The development drainage design shall be based on a five (5) year storm event for residential developments and a ten (10) year storm event for commercial developments. The retention/detention facility shall retain the runoff for a 25-year design storm.

10. If applicable, any public street light relocation needed for improvements, i.e. site storm water drainage system, driveway installation, landscaping, etc. is the

responsibility of the developer. LUS Arterial Street Light Standards manual current edition requirements must be met. The developer is required to submit a street lighting analysis performed by an Electrical Engineer licensed in the State of Louisiana to certify that the minimum average maintained horizontal illumination, as set forth in the Illuminating Engineering Society of North American (IES) publication number RP-8, (American National Standard Practice for Roadway Lighting) latest edition, are met for any street light(s) required to be relocated. Additional street light standards, pending review/approval of the above street lighting analysis, may be necessary to meet IES requirements. This policy shall pertain to all street lights shown to be relocated on the developer's plans whether or not noted by LCG. Omission of any public street lighting on the construction plans does not relieve developer responsibility to relocate street lights at his expense.

11. If applicable, all Subdivision Improvements Agreements associated with the construction of sidewalks shall be based on a minimum of \$20.00 per linear foot of sidewalk. Therefore, with the required additional 25% for Cost of Supervision, Contingencies and Inflation included within the Subdivision Improvements Agreements, the total minimum cost per linear foot of sidewalk construction required will be \$25.00. This cost should be included within the development construction costs and will be required to be included within a Subdivision Improvements Agreement associated with all development sidewalks.
12. Any sidewalk panels damaged during construction must be replaced by the owner/developer in full as a condition for the release of the certificate of occupancy.
13. Sidewalks are required along all public streets.
14. A traffic impact analysis is required if anticipated trips are greater than 100 in one hour.
15. Marblehead Avenue is required to be dedicated to Lafayette Consolidated Government and constructed.
16. Brown Fortier Drive is required to be dedicated to Lafayette Consolidated Government and constructed.
17. Plat approval is conditional upon a successful re-zoning from CH to CM-1(B). Once re-zoned, this project must be in compliance with all CM-1(B) zoning regulations mentioned in the Lafayette Development Code (LDC) which includes density, open-space, building set-back and bulk-place requirements at time of final plat approval.
18. Complete plans and specifications of the Water Distribution and Sewage Collection Systems need to be submitted to DHH-OPH, Engineering Section for approval before construction is begun. Submit plans to: Office of Public Health, Acadian Regional Office, 825 Kaliste Saloom Road, Suite 100, Lafayette, LA 70508.

PLAT REVISIONS:

1. Amend the vicinity map to show the correct property boundaries.
2. Ensure that the roadways labeled as Street A, Street B & Street C are assigned approved names submitted through the standard procedure.
3. Ensure that the roadway labeled as “Proposed Extension of Brown Fortier Drive” continues to rise in numerical sequence from the existing portion of this roadway. If this is not possible then the roadway will need to be assigned an approved name submitted through standard procedures.
4. Ensure that the roadway labeled as “Proposed Extension of Marblehead Avenue” continues to rise in numerical sequence from the existing portion of this roadway. If this is not possible then the roadway will need to be assigned an approved name submitted through standard procedures.
5. Please note the following addresses:

Street B						Brown-Fortier Drive		Street C				Street A	
Lot	No	Lot	No	Lot	No	Lot	No	Lot	No	Lot	No	Lot	No
34	102	20	212	1	301	CA	116	59	100	58	101	82	101
33	104	19	214	2	303	35	200	60	102	57	103	81	103
32	106	18	216	3	305	36	202	61	104	56	105	80	105
31	108	17	218	4	307	37	204	62	106	55	107	79	107
30	110	16	300	5	309	38	206	63	108	54	109	78	109
29	112	15	302	6	311	39	208	64	110	53	111	77	111
28	114	14	304	7	313	40	210	65	112	52	113	76	113
27	116	13	306	8	315	41	212	66	114	51	115	75	115
26	200	12	308			42	214	67	116	50	117	74	117
25	202	11	310			43	216	68	118	49	119	73	119
24	204	10	312			44	218	69	120	48	121	72	121
23	206	9	314			45	220	70	122	47	123	71	123
22	208	CA	316			46	222					CA	102
21	210												

6. Verify plat geometry and label private right of passage as a “Private Street/ Utility Easement.
7. Add to final plat: “Private streets are not maintained by Lafayette Consolidated Government.” Additionally, a private street maintenance agreement must be signed prior to Final Plat approval.
8. Please remove Atmos Energy Gas as a service provider.

OTHER COMMENTS/SUGGESTIONS:

1. All work to be performed within the public right-of-way must be permitted. Public Works right-of-way permits may be obtained (no charge) at 1515 East University Avenue. For more information contact 337-291-5634. For State Highway information or for LA-DOTD permit, contact 337-262-6100, P.O. Box 3648, Lafayette, LA 70502.
2. The owner will coordinate with the Lafayette Utilities System for all required service connections.
3. Any relocation of existing electric facilities will be at the owner/developer's expense.
4. Provide and show on the final plat, any additional utilities easements needed for required utilities facilities.
5. All work to be performed within public right-of-way must be permitted. Public Works right-of-way permits may be obtained (no charge) at 1515 East University Avenue.
6. It is recommended that the finish floor elevation of any structure enclosed on three or more sides be at minimum 1' (one) foot higher than the centerline of the adjacent road.
7. Proposed street extensions are public and must comply with LDC regulations regarding acceptance of perpetual maintenance.
8. If developing: A Storm Water Pollution Prevention Plan (SWPPP) is needed if more than one acre of land will be disturbed or if site is part of a larger development. If a SWPPP is required prior to final plat approval, EQ must receive, review and approve the SWPPP before final plat will be approved. In compliance with the Louisiana Pollution Discharge Elimination System (LPDES) permit, a Notice of Intent (NOI) is needed if five acres or more of total land area is disturbed or if site is part of a larger development. If a NOI is required prior to final plat approval, EQ must receive a copy of the NOI before final plat will be approved. Erosion control measures should be installed immediately once clearing and grading commences. All sites, regardless of size, are subject to stormwater pollution provisions in Lafayette Consolidated Government Code of Ordinance No. O-237-2007, § 2, 10-16-07. Violation of these provisions can result in a Cease and Desist Order being issued.
9. The Postal Service has determined that centralized delivery is the most efficient, cost effective and safest method of providing service to our customers. Specifically, all new delivery points should have determined Cluster Box Units (CBUs) as the mode of delivery established in the planning stages of a new delivery (development). All new delivery must be established in the following order: CBU delivery to the maximum extent possible, followed by curbside and sidewalk. Please contact LaTasha L. Lewis with the USPS at 225-339-1023

SECOND: Jared Doise
VOTE: 3-0-1-1
AYES: Doise, Green, Pritchard
NAYS: None
ABSTAIN: Hebert
ABSENT: Dural

MOTION CARRIES

4. Moss BMW, Lot 1 (PC2021-0085)

Chairman Steven Hebert continued the meeting for this case. Tenique Briscoe presented the staff report. Andre Montagnet – surveyor of record- explained the purpose of the development

David Landry –Traffic Roads & Bridges opposes the waiver of the 10’ additional right of way and the sidewalks along Touchet Road. As part of the Comprehensive Traffic Plan, Rue du Belier is scheduled to extend to Touchet Road. He further stated that sidewalks would be built as part of the project.

Chairman Hebert asked for an explanation of the request for waivers. Andre stated if they build the sidewalks, they would be torn up and re-built with the extension of Rue du Belier and if they dedicate the right of way for the widening of Touchet Road they owner will not be compensated.

MOTION: Jared Doise moved for Preliminary Plat approval subject to the following conditions.

1. Provide 10’ utility servitudes along all lots bordering public roadways and 15’ utility servitudes along all lots bordering private roadways and full servitude niches at all property corners including typical utility niche diagram.
2. Plot existing electric facilities (cabinets, transformers, manholes, street lights, electric lines, down guys) and provide required 10’ utility easements around these facilities.
3. Show existing utility servitude
4. Coordinate with LUS for Wastewater capacity.
5. Owner/Developer shall install LUS approved water and wastewater facilities prior to final plat approval or provide a letter of credit after substantial construction has been completed.
6. Submittal of complete construction plans to the Lafayette Utilities System for review and approval is required. Construction plans shall include plans for any

additional fire protection required by the Fire Official of Jurisdiction. Submittals may take place at the time of Codes permit application. Building permits shall be issued until construction plans have been approved.

7. Contact LUS to determine if the following note on the final plat that satisfies water and wastewater requirements: "LUS and wastewater facilities are not located on "Name of Lots/ Tracts". The Owner/ Developer of " Name of Lots/ Tracts" shall install LUS approved water and wastewater facilities prior to issuance of building permits. LCG/LUS is not responsible for the cost if any required improvements"
8. Submittal of complete construction plans to the Departments of Public Works and Traffic, Roads, and Bridges and LA DOTD will be required. Construction plans shall include, but not be limited to, a site grading, drainage and erosion control plans and details of all tie-ins to public infrastructure. Submittal may take place at the time of building permit application.
9. Submittal of a drainage impact analysis to the Department of Public Works and LA DOTD for review and approval is required. Drainage impact analysis shall include, but not be limited to, a drainage area map for existing and proposed conditions, methodology, computations, lot grading plan, and summary, and if applicable, the capacity of roadside ditches and pipe sizing chart. Please note, a drainage impact analysis shall be submitted in the format noted in Public Infrastructure Design Standards which can be obtained from the Department of Public Works. Building permits shall not be issued until the analysis has been approved.

Please note, all residential and commercial development greater than 2.5 acres in size that results in a post development runoff that exceeds the development areas pre-development runoff rate shall be required to mitigate the increase and reduce the pre-development runoff rate by 15% through drainage improvements. The development drainage design shall be based on a five (5) year storm event for residential developments and a ten (10) year storm event for commercial developments. The retention/detention facility shall retain the runoff for a 25-year design storm.

10. No construction of any development components which are the subject of any Preliminary or Final Plat approval by the Planning Commission shall be commenced until a favorable written approval of the drainage impact analysis has been made by the Public Works Director (or his/her designee). Violation of this provision can result in a cease and desist order being issued for the development.
11. Upon reviewing the drainage impact analysis, private and/or public drainage servitudes may be required to achieve proper storm water management. Areas of particular interest include the adjacent Lot 1-A Gustave Trahan Partition, the unplatted Carl and Deborah Klem and Parcel A. Walter J. Daspit, Sr. Property.

12. Since the water course, drainage way, channel, or stream that traverses the property is identified on the Official Drainage Map, language for the coulee that traverses the property must read “30 drainage servitude from apparent high bank and inclusive of channel” on both sides of channel. Revise final plat to indicate the applicable distance between the 30 foot servitude dimension from the channel top bank and the platted property boundary.

13. If applicable, any public street light relocation needed for improvements, i.e. site storm water drainage system, driveway installation, landscaping, etc. is the responsibility of the developer. LUS Arterial Street Light Standards manual current edition requirements must be met. The developer is required to submit a street lighting analysis performed by an Electrical Engineer licensed in the State of Louisiana to certify that the minimum average maintained horizontal illumination, as set forth in the Illuminating Engineering Society of North American (IES) publication number RP-8, (American National Standard Practice for Roadway Lighting) latest edition, are met for any street light(s) required to be relocated.

Additional street light standards, pending review/approval of the above street lighting analysis, may be necessary to meet IES requirements. This policy shall pertain to all street lights shown to be relocated on the developer’s plans whether or not noted by LCG. Omission of any public street lighting on the construction plans does not relieve developer responsibility to relocate street lights at his expense.

14. If applicable, all Subdivision Improvements Agreements associated with the construction of sidewalks shall be based on a minimum of \$20.00 per linear foot of sidewalk. Therefore, with the required additional 25% for Cost of Supervision, Contingencies and Inflation included within the Subdivision Improvements Agreements, the total minimum cost per linear foot of sidewalk construction required will be \$25.00. This cost should be included within the development construction costs and will be required to be included within a Subdivision Improvements Agreement associated with all development sidewalks.

15. A 10-foot enhanced building setback is required along Touchet Road.

16. A 1-foot reserve strip shall be dedicated to the Lafayette Consolidated Government along Touchet Road.

17. Sidewalks are required along Johnston Street.

18. Complete plans and specifications of the Water Distribution and Sewage Collection Systems need to be submitted to DHH-OPH, Engineering Section for approval before construction is begun. Submit plans to: Office of Public Health, Acadian Regional Office, 825 Kaliste Saloom Road, Suite 100, Lafayette, LA 70508.

PLAT REVISIONS:

1. Please note the following address: 6652 Johnston Street.
2. All proposed buildings for this development must be shown prior to Final Plat approval (LDC, Article 10).

OTHER COMMENTS/SUGGESTIONS:

1. The owner is required to contact LUS Commercial design division (337-291-5846) prior to the construction regarding installation of underground facilities.
2. Any relocation of existing electric facilities will be at the owner/developer's expense.
3. Provide and show on the final plat, any additional utilities easements needed for required utilities facilities.
4. All work to be performed within public right-of-way must be permitted. Public Works right-of-way permits may be obtained (no charge) at 1515 East University Avenue. For more information, call (337) 291-5634. For state highway information or for LA-DOTD permit, call (337) 262-6100, P.O. Box 3648, Lafayette, LA 70502.
5. If developing: A Storm Water Pollution Prevention Plan (SWPPP) is needed if more than one acre of land will be disturbed or if site is part of a larger development. If a SWPPP is required prior to final plat approval, EQ must receive, review and approve the SWPPP before final plat will be approved. In compliance with the Louisiana Pollution Discharge Elimination System (LPDES) permit, a Notice of Intent (NOI) is needed if five acres or more of total land area is disturbed or if site is part of a larger development. If a NOI is required prior to final plat approval, EQ must receive a copy of the NOI before final plat will be approved. Erosion control measures should be installed immediately once clearing and grading commences. All sites, regardless of size, are subject to stormwater pollution provisions in Lafayette Consolidated Government Code of Ordinance No. O-237-2007, § 2, 10-16-07. Violation of these provisions can result in a Cease and Desist Order being issued.
6. The Postal Service has determined that centralized delivery is the most efficient, cost effective and safest method of providing service to our customers. Specifically, all new delivery points should have determined Cluster Box Units (CBUs) as the mode of delivery established in the planning stages of a new delivery (development). All new delivery must be established in the following order: CBU delivery to the maximum extent possible, followed by curbside and sidewalk. Please contact LaTasha L. Lewis with the USPS at 225-339-1023.

7. Submit preliminary construction plans showing compliance with the Lafayette Development Code to the Development Division for review prior to application for commercial plan review/building permits.

SECOND: Mark Pritchard
VOTE: 4-0-0-1
AYES: Doise, Green, Hebert Pritchard
NAYS: None
ABSTAIN: None
ABSENT: Dural

MOTION CARRIES

5. McKinley Apartments (PC2021-0087)

Tenique Briscoe presented the staff report. Neil LaBeouf –Development Manager-further clarified the intended density use of the MN-2 (A) which has no density requirements with a 4-story maximum height.

Chairman Hebert asked if a TIA is required at this time. Tenique Briscoe advised that without knowing the number of units a TIA is undetermined at this time.

David Landry TRB requested that the TIA remain as a condition should the development meet the minimum unit requirement.

Owner/Applicant, Carlos Riera, advised that he is here and will answer any questions

Chairman Hebert asked if he was okay with the modified comment "or as worked out with TRB" for the TIA condition. Mr. Riera stated he was ok with the amendment to the condition.

MOTION: Blair Green moved for Preliminary Plat approval subject to the following conditions

1. Owner/Developer shall install underground electric facilities at his/her expense prior to final plat approval by LUS.
2. Provide 10' utility servitudes along all lots bordering public roadways and 15' utility servitudes along all lots bordering private roadways and full servitude niches at all property corners including typical utility niche diagram.
3. Plot existing electric facilities (cabinets, transformers, manholes, streetlights, electric lines, down guys) and provide required 10' utility easements around these facilities.

4. Coordinate with LUS for wastewater capacity.
5. Show LUS as electric provider.
6. Owner/Developer shall install LUS approved water and wastewater facilities prior to final plat approval or provide a letter of credit after substantial construction has been completed.
7. Submittal of complete construction plans to the Lafayette Utilities System for review and approval is required. Construction plans shall include plans for any additional fire protection required by the Fire Official of Jurisdiction. Submittals may take place at the time of Codes permit application. Building permits shall be issued until construction plans have been approved.
8. Contact LUS to determine if the following note on the final plat satisfies water and wastewater requirements: "LUS and wastewater facilities are not located on "Name of Lots/ Tracts". The Owner/ Developer of" Name of Lots/ Tracts" shall install LUS approved water and wastewater facilities prior to issuance of building permits. LCG/LUS is not responsible for the cost if any required improvements."
9. Sidewalks are required along all public streets.
10. Traffic impact Analysis is required if anticipated vehicle trips are greater than 100 in one hour or as worked out with the Department of Traffic Roads & Bridges.
11. Submittal of complete construction plans to the Department of Public Works will be required. Construction plans shall include, but not be limited to, a site grading, drainage and erosion control plans and details of all tie-ins to public infrastructure. Submittal may take place at the time of building permit application.
12. Submittal of a drainage impact analysis to the Department of Public Works for review and approval is required. Drainage impact analysis shall include, but not be limited to, a drainage area map for existing and proposed conditions, methodology, computations, lot grading plan, and summary, and if applicable, the capacity of roadside ditches and pipe sizing chart. Please note, a drainage impact analysis shall be submitted in the format noted in Public Infrastructure Design Standards which can be obtained from the Department of Public Works. Building permits shall not be issued until the analysis has been approved.

Please note that all residential and commercial development that results in a post development runoff that exceeds the development areas pre-development runoff rate shall be required to mitigate the increase through drainage improvements. The development drainage design shall be based on a five (5) year storm event for residential developments and a ten (10) year storm event for commercial developments.

13. No construction of any development components which are the subject of any

Preliminary or Final Plat approval by the Planning Commission shall be commenced until a favorable written approval of the drainage impact analysis has been made by the Public Works Director (or his/her designee). Violation of this provision can result in a cease and desist order being issued for the development).

14. Upon reviewing the drainage impact analysis, private and/or public drainage servitudes may be required to achieve proper storm water management. Areas of particular interest include the adjacent Kevin Wilder, Cheryl Landry, ECG Enterprises, Love Management, Will & Samuel Menard, Richard Nelda, and Andree Harris properties.
15. If applicable, any public street light relocation needed for improvements, i.e. site storm water drainage system, driveway installation, landscaping, etc. is the responsibility of the developer. LUS Arterial Street Light Standards manual current edition requirements must be met. The developer is required to submit a street lighting analysis performed by an Electrical Engineer licensed in the State of Louisiana to certify that the minimum average maintained horizontal illumination, as set forth in the Illuminating Engineering Society of North American (IES) publication number RP-8, (American National Standard Practice for Roadway Lighting) latest edition, are met for any street light(s) required to be relocated. Additional street light standards, pending review/approval of the above street lighting analysis, may be necessary to meet IES requirements. This policy shall pertain to all street lights shown to be relocated on the developer's plans whether or not noted by LCG. Omission of any public street lighting on the construction plans does not relieve developer responsibility to relocate street lights at his expense.
16. If applicable, all Subdivision Improvements Agreements associated with the construction of sidewalks shall be based on a minimum of \$20.00 per linear foot of sidewalk. Therefore, with the required additional 25% for Cost of Supervision, Contingencies and Inflation included within the Subdivision Improvements Agreements, the total minimum cost per linear foot of sidewalk construction required will be \$25.00. This cost should be included within the development construction costs and will be required to be included within a Subdivision Improvements Agreement associated with all development sidewalks.
17. Any sidewalk panels damaged during construction must be replaced by the owner/developer in full as a condition for the release of the certificate of occupancy.
18. According to the Federal Emergency Management Agency, Flood Insurance Rate Map (F.I.R.M.) Panel 22055C0160J dated December 21, 2018, this property is located in Flood Zone X, which is not considered a Special Flood Hazard Area.
19. Complete plans and specifications of the Water Distribution and Sewage Collection Systems need to be submitted to DHH-OPH, Engineering Section for approval before construction is begun. Submit plans to: Office of Public Health, Acadian Regional Office, 825 Kaliste Saloom Road, Suite 100, Lafayette, LA 70508.

OTHER COMMENTS/SUGGESTIONS:

1. All work to be performed within public right-of-way must be permitted. Public Works right-of-way permits may be obtained (no charge) at 1515 East University Avenue.
2. It is recommended that the finish floor elevation of any structure enclosed on three or more sides be at minimum 1' (one) foot higher than the centerline of the adjacent road.
3. If developing: A Storm Water Pollution Prevention Plan (SWPPP) is needed if more than one acre of land will be disturbed or if site is part of a larger development. If a SWPPP is required prior to final plat approval, EQ must receive, review and approve the SWPPP before final plat will be approved. In compliance with the Louisiana Pollution Discharge Elimination System (LPDES) permit, a Notice of Intent (NOI) is needed if five acres or more of total land area is disturbed or if site is part of a larger development. If a NOI is required prior to final plat approval, EQ must receive a copy of the NOI before final plat will be approved. Erosion control measures should be installed immediately once clearing and grading commences. All sites, regardless of size, are subject to stormwater pollution provisions in Lafayette Consolidated Government Code of Ordinance No. O-237-2007, § 2, 10-16-07. Violation of these provisions can result in a Cease and Desist Order being issued.
4. The owner will coordinate with the Lafayette Utilities System for all required service connections.
5. Any relocation of existing electric facilities will be at the owner/developer's expense.
6. Provide and show on the final plat, any additional utilities easements needed for required utilities facilities.
7. The Postal Service has determined that centralized delivery is the most efficient, cost effective and safest method of providing service to our customers. Specifically, all new delivery points should have determined Cluster Box Units (CBUs) as the mode of delivery established in the planning stages of a new delivery (development). All new delivery must be established in the following order: CBU delivery to the maximum extent possible, followed by curbside and sidewalk. Please contact LaTasha L. Lewis with the USPS at 225-339-1023.

SECOND: Jared Doise
VOTE: 4-0-0-1
AYES: Doise, Green, Hebert Pritchard
NAYS: None
ABSTAIN: None

ABSENT: Dural

MOTION CARRIES

6. Alteo Townhouses, (2017-0055)

Chairman Steven Hebert recused himself from this case. Vice-Chairman Mark Pritchard continued the meeting for this case. Tenique Briscoe presented the staff report.

MOTION: Jared Doise moved for the approval of the 1-yr Preliminary Plat extension

SECOND: Blair Green

VOTE: 3-0-1-1

AYES: Doise, Dural, Green, Pritchard

NAYS: None

ABSTAIN: Hebert

ABSENT: Green

MOTION CARRIES

IV. OTHER BUSINESS

Chairman Hebert continued with the meeting.

1. Approval of 2022 City Planning Commission Calendar

MOTION: Jared Doise moved for the approval of the 1-yr Preliminary Plat extension

SECOND: Blair Green

VOTE: 4-0-0-1

AYES: Doise, Dural, Green, Pritchard

NAYS: None

ABSTAIN: None

ABSENT: Green

MOTION CARRIES

2. Proposed Lafayette Development Code (LDC) Amendments for Approval
Mary Sliman presented the presentation. Chairman Hebert gave a brief synopsis on the purpose of the ordinance

Mike Bass

203 Iris Lane - Created an Airbnb alliance and explained the history of Airbnbs and its economic impact in the area. Approximately 220 properties in Lafayette. Important part of local tourism housing. Majority of visitors are families visiting families. Will to address the issues the neighbors have expressed about the negative impact of Airbnb's. He cited City Attorney Daniel Gauthier, stating that Lafayette is an example

how Airbnbs have thrived. Majority of the Airbnb's are in the Single Family (RS-1) zoning district

Stephanie Cornay Dugan

101 Myrtle Place Blvd - gave a detailed explanation that Airbnbs are hotels and do not belong in RS-1 zoning district. Requesting a conditional use permit for Airbnb's in RS -1 zoning district. Wants to require owner proof of ownership and liability insurance. Certificates of occupancy cannot transferred to the next owner if the property is sold. 24/7 on call availability. Owner shall provide a floor plan for safety; owner shall not discriminate against any potential renter. Owners are responsible for the actions of their guests. No events banquets, parties, luncheons, meetings, weddings or fundraisers . Any violations would be heard through the Bureau of Adjudication. No retroactive status.

Colby Langlinais

316 Myrtle Place - lives next to an Airbnb. Wants to know what the Airbnb application will be. Asks for a condition use permit for operating in RS-1.

Gordari Schoeffler

100 Oleander St – opposed. Provided a packet of complaints of Airbnbs from all council districts. Compromise for owner occupied would be conditional use permit requirement.

Andrew Hill

117 Myrtle Place - stated he wants to see a conditional use of owner occupied. States the regulations more restrictive for Bed and Breakfast. This is a hotel operating in an RS-1 zoning districts

Jill Kramer

117 Myrtle Place. Conditional use. Pays taxes like any other hotel. Orleans Parish allows short-term rentals. Requires 1million dollars in commercial liability insurance. Requires 24/7 on-call availability. Jefferson Parish prohibits short-term rental in single family districts

Greg Dugan

101 Myrtle Place Boulevard - requesting conditional use only in single family residential areas.

Chairman Hebert explains the purpose of the review by the Planning Commission to the city council.

Commissioner Green asked what does the application process look like and who handles any violations of said application.

Mary Sliman states the application is forthcoming. Info will be verified through the application process. LDC allows for certificates of occupancy to be rescinded.

Mark Pritchard notes the extensive research Ms. Dugan and Ms.Kramer and wants us to research and come up with a workable document. He mentioned a 16-member task force

City Planning Commission Meeting – December 20, 2021

in Charleston, SC after a year evaluation presented a report outlining Airbnb's in their city. He suggests that we form a similar committee to study all points of view of this issue thoroughly.

Chairman Hebert would like to see a task force to discuss the Airbnb regulations.

Paul Escott-City Attorney stated this commission has the opportunity to make recommendations and the reasons why you are making the recommendations to the council. If we choose not to respond, the Council can move forward within 45 days after tonight's meeting.

Commissioner Pritchard asked Mr. Escott about the possibility of having a special meeting to discuss Airbnbs.

Commission Green asked how to word the motion to move this recommendation forward. Mr. Escott stated the recommendation should be whatever the majority of commissioners agree upon with a general explanation to offer guidance to the council.

1. 24/7 on-call availability
2. RS-1 owner occupied /or conditional use
3. Allow for some special consideration for short-term rentals

1st MOTION: Blair Green moved to recommend the adoption of the Council's Ordinance with the following recommendations:

1. Convening of a Short-term Rental Task Force to
2. Outline the Regulations and Violations Structure that will come with the Certificate of Occupancy

SECOND: None

MOTION DIES FOR LACK OF A SECOND

2nd MOTION: Mark Pritchard moved to defer the discussion of the Short Term Rental Ordinance until the next scheduled Planning Commission Meeting in January 24, 2022.

SECOND: Jared Doise
VOTE: 4-0-0-1
AYES: Doise, Green, Hebert, Pritchard
NAYS: None
ABSTAIN: None
ABSENT: Dural

MOTION CARRIES

V. PUBLIC COMMENTARY: GENERAL

VI. ADJOURNMENT

Steven Hebert moved to adjourn the meeting at 7:47 p.m.

Submitted by,



Neil LeBouef

Development Manager

Community Development and Planning Department



November 9, 2021
443/2021 Dev-Rev

Terry J. Ortego
M. P. Mayeux Surveying
P. O. Box 1834
Scott, LA 70583

Dear Terry:

**RE: Fair Oaks Subdivision, Resubdivision of Lot 11 (HE 2021-0135)
ACTION LETTER**

Please be advised that at a hearing held on **November 5, 2021** the Hearing Examiner granted Preliminary Plat Approval on the above-mentioned project, subject to the LDC Regulations for the City of Lafayette and the following conditions:

CONDITIONS OF DEVELOPMENT:

1. **A lot/site grading plan will be required to be submitted to the Public Works Department for review and approval prior to final plat approval and recordation or permits being issued.** Furthermore, adequate provisions shall be made such that development activities do not adversely affect the adjacent properties. These provisions should include an evaluation of existing and proposed conditions, capacity of roadside ditches and required drainage pipe diameter. All building permits and construction activities must be completed such that the adjacent properties are not impacted from alteration of the historical drainage patterns.
2. Upon reviewing the lot/site grading plan, private and/or public drainage servitudes may be required to achieve proper storm water management. Areas of particular interest include the adjacent Donald & Rhonda Thornton, Conley Pomeranke, and Michael & Sharee Hunter properties.
3. Complete plans and specifications of the Water Distribution and Sewage Collection Systems need to be submitted to DHH-OPH, Engineering Section for approval before construction is begun. Submit plans to: Office of Public Health, Acadian Regional Office, 825 Kaliste Saloom Road, Building 3 – Suite 100, Lafayette, LA 70508.
4. Owner/Developer shall install underground electric facilities at their expense prior to final plat approval by LUS or as worked out with LUS.

5. Owner/Developer shall install LUS approved wastewater facilities prior to final plat approval by LUS or provide a letter of credit after substantial construction has been completed or as worked out with LUS.
6. Submittal of complete construction plans to LUS for review and approval is required.
7. A twenty-five foot (25') right-of-way radius must be dedicated to Lafayette Consolidated Government at the intersection of Hillside Drive and Bacque Crescent Drive.
8. A ten-foot (10') rear setback is required for the house and the new rear lot line. A five-foot (5') rear setback is indicated. The rear lot line will need to be adjusted to provide the required rear setback.
9. The existing wooden shed cannot be located on a residentially zoned lot in the City of Lafayette without the principal structure (house). It will need to be relocated onto Lot 11A prior to final plat approval and recordation.

The Hearing Examiner waived the Condition of Development requiring that Americans with Disabilities Act (A.D.A.) compliant sidewalks be constructed along Hillside Drive and Bacque Crescent Drive prior to final plat approval and recordation or to provide a letter of credit for the construction of the sidewalks.

PLAT REVISIONS:

1. Remove from the final plat, the statement about the effluent will drain to Bacque Crescent Drive & Hillside Drive, public streets maintained by the City of Lafayette.
2. Put the Zoning Classification on the final plat.
3. Final plat must include the surveyor's name, address, signature, stamp/seal.
4. Put the assigned address of 322 Bacque Crescent Drive for Lot 11B on the final plat.

OTHER PLAT COMMENTS/SUGGESTIONS:

1. **Note:** All work to be performed within public right-of-way must be permitted. Public Works right-of-way permits may be obtained (no charge) at 1515 East University Avenue. For more information, call (337) 291-5634.
2. **Note:** It is recommended that the finished floor elevation of any structure enclosed on three or more sides be at minimum one-foot (1') higher than the centerline of the adjacent road.
3. If developing the property, erosion control measures should be installed immediately once clearing and grading commences. All sites, regardless of size, are subject to stormwater pollution provisions in Lafayette Consolidated Government Code of Ordinance No. O-237-2007, § 2, 10-16-07. Violation of these provisions can result in a Cease and Desist Order being issued.
4. The Owner/Developer will coordinate with LUS for all required service connections.

5. Existing utility easements/servitudes have not been abandoned and are not affected by this platting.
6. Any abandonment of existing utility easements/servitudes or relocation of existing utility facilities will be at the Owner/Developer's expense.
7. Provide and show on the final plat, any additional utility servitudes needed for the required utility facilities.
8. This property is located in an RS-1(Residential Single-Family) Zoning District and is subject to the requirements and regulations of this Zoning District as per the Lafayette Development Code Regulations.

This approval will be placed on the Consent Agenda for ratification at the Lafayette Planning Commission meeting on **December 20, 2021**. **Final plats will not be recorded until ratified by the Planning Commission.** The Preliminary Approval is in effect for a period of **six (6) months**. This approval will expire on **May 5, 2022**.

To request Final Plat Approval, please submit an electronic version of the corrected Preliminary plat to **kfaber@lafayettela.gov**. After all Departments have approved the corrected plat, you will then be notified as to when **twenty-five (25) copies of the corrected plat, the completed Act of Dedication of Servitudes and any additional fees due** may be submitted to the Hearing Examiner Staff for recordation.

Please note, additional fees may be incurred at the time of final plat recordation. Any additional recordation fees will be billed to the Owner, Applicant, Developer, or Surveyor. **Recorded plats will not be sent to surveyor until all fees have been paid.**

The action of the Hearing Examiner may be appealed by any interested party within five (5) working days of the date of this letter to the Planning Commission. Should you have any questions, do not hesitate to contact this office.

Sincerely,



Kyle Faber
Planner II

C: **Miles B. Thomas**
101 Hillside Drive
Lafayette, LA 70503-2816

Mike DeBlanc
Jason Miller
Jim Moore
Travis Smith
Troy Stelly

LAFAYETTE PLANNING COMMISSION
HEARING EXAMINER REVIEW

Date: November 5, 2021

H.E. Name: Fair Oaks Subdivision, Resubdivision of Lot 11

H.E. Review Number: HE 2021-0135

Plat Location: City of Lafayette

ASSIGNED ADDRESS: **Lot 11-A 101 Hillside Drive (Existing Address)**
Lot 11-B 322 Bacque Crescent Drive

Owner: Miles B. Thomas

Applicant: Miles B. Thomas

Surveyor: Terry J. Ortego

Zoning: RS-1 (Residential Single-Family)

Applicable Regulations: Lafayette Development Code

Requested Action: Preliminary Plat Approval

Number of Lots 2

Total Area438 Acres

CONDITIONS OF DEVELOPMENT:

1. **A lot/site grading plan will be required to be submitted to the Public Works Department for review and approval prior to final plat approval and recordation or permits being issued.** Furthermore, adequate provisions shall be made such that development activities do not adversely affect the adjacent properties. These provisions should include an evaluation of existing and proposed conditions, capacity of roadside ditches and required drainage pipe diameter. All building permits and construction activities must be completed such that the adjacent properties are not impacted from alteration of the historical drainage patterns. (Public Works)(LDC Art.3, 89-42 (b))
2. Upon reviewing the lot/site grading plan, private and/or public drainage servitudes may be required to achieve proper storm water management. Areas of particular interest include the adjacent Donald & Rhonda Thornton, Conley Pomeranke, and Michael & Sharee Hunter properties. (Public Works)(LDC Art. 3, 89-30 (d) & (e))
3. Complete plans and specifications of the Water Distribution and Sewage Collection Systems need to be submitted to DHH-OPH, Engineering Section for approval before construction is

No. 4

begun. Submit plans to: Office of Public Health, Acadian Regional Office, 825 Kaliste Saloom Road, Building 3 – Suite 100, Lafayette, LA 70508. (Lafayette Parish Health Unit)

4. Owner/Developer shall install underground electric facilities at their expense prior to final plat approval by LUS. See attached Residential Procedures. (LUS)(LDC 89-46 (e)(1))
5. Owner/Developer shall install LUS approved wastewater facilities prior to final plat approval by LUS or provide a letter of credit after substantial construction has been completed. (LUS)(LDC 89-46 (c)(d))
6. Submittal of complete construction plans to LUS for review and approval is required. (LUS)(LDC 89-46 (c)(d))
7. A twenty-five foot (25') right-of-way radius must be dedicated to Lafayette Consolidated Government at the intersection of Hillside Drive and Bacque Crescent Drive. (Traffic, Roads & Bridges-Traffic Engineering)(LDC 89-44 (a) (2))
8. Americans with Disabilities Act (A.D.A.) compliant sidewalks are required to be constructed along Hillside Drive and Bacque Crescent Drive. The A.D.A. compliant sidewalks are required to be constructed prior to final approval and recordation or provide a letter of credit for the construction of the sidewalks. (Traffic, Roads & Bridges-Traffic Engineering)(LDC 89-44 (e))
9. A ten-foot (10') rear setback is required for the house and the new rear lot line. A five-foot (5') rear setback is indicated. The rear lot line will need to be adjusted to provide the required rear setback. (Development)(LDC 89-38 (c)(6)(g))
10. The existing wooden shed cannot be located on a residentially zoned lot in the City of Lafayette without the principal structure (house). It will need to be relocated onto Lot 11A prior to final plat approval and recordation. (Development)

PLAT REVISIONS:

1. Remove from the final plat, the statement about the effluent will drain to Bacque Crescent Drive & Hillside Drive, public streets maintained by the City of Lafayette. (Development)
2. Put the Zoning Classification on the final plat. (Development)(LDC 89-301(b)(14))
3. Final plat must include the surveyor's name, address, signature, sta,p/seal. (Development)(LDC 89-301(b)(2))
4. Put the assigned address of **322 Bacque Crescent Drive** for **Lot 11B** on the final plat. (Development)(LDC 89-301(b)(5))

OTHER PLAT COMMENTS/SUGGESTIONS:

1. **Note:** All work to be performed within public right-of-way must be permitted. Public Works right-of-way permits may be obtained (no charge) at 1515 East University Avenue. For more information, call (337) 291-5634.

No. 4

2. **Note:** It is recommended that the finished floor elevation of any structure enclosed on three or more sides be at minimum one-foot (1') higher than the centerline of the adjacent road.
3. If developing the property, erosion control measures should be installed immediately once clearing and grading commences. All sites, regardless of size, are subject to stormwater pollution provisions in Lafayette Consolidated Government Code of Ordinance No. O-237-2007, § 2, 10-16-07. Violation of these provisions can result in a Cease and Desist Order being issued.
4. If applicable, all Subdivision Improvements Agreements associated with the construction of sidewalks shall be based on a minimum of \$20.00 per linear foot of sidewalk. Therefore, with the required additional 25% for Cost of Supervision, Contingencies, and Inflation included with the Subdivision Improvements Agreements, the minimum cost per linear foot of sidewalk construction required will be \$25.00. This cost should be included with the development construction costs and will be required to be included within a Subdivision Improvements Agreement associated with all development sidewalks.
5. The Owner/Developer will coordinate with LUS for all required service connections.
6. Existing utility easements/servitudes have not been abandoned and are not affected by this platting.
7. Any abandonment of existing utility easements/servitudes or relocation of existing utility facilities will be at the Owner/Developer's expense.
8. Provide and show on the final plat, any additional utility servitudes needed for the required utility facilities.
9. This property is located in an RS-1(Residential Single-Family) Zoning District and is subject to the requirements and regulations of this Zoning District as per the Lafayette Development Code Regulations.

NOTE: The above are recommendations and requirements necessary to receive Preliminary Plat Approval. The above items will be discussed at the Hearing Examiner's Meeting. Please do not correct your plats based on the above. The Final Plats need to be corrected **after** the meeting.