

October 17, 2017

The Land Use Commission of the City of Sulphur, Louisiana, met in regular session at its regular meeting place located at 500 N. Huntington Street, Sulphur, Louisiana, at 5:30 p.m., on the 17th day of October, 2017, after full compliance with the convening of said meeting with the following members present:

LENORE CARROLL, Land Use Commission District 1  
PHYLLIS WILSON, Land Use Commission District 2  
MIKE MOORE, Land Use Commission District 3  
BILL McMULLEN, Land Use Commission District 4  
GERRIT LAWRENCE, Land Use Commission of District 5

After the meeting was called to order and the roll called with the above results, prayer was led by Mr. Lawrence followed by the reciting of the Pledge of Allegiance led by Mr. McMullen. Motion was then made by Mrs. Carroll seconded by Mr. Lawrence that the minutes of the previous meeting stand as written. Motion carried unanimously.

Motion was then made by Mrs. Carroll seconded by Mr. Lawrence that the agenda stand as written. Motion carried unanimously.

The first item on the agenda is a resolution granting an Exception to Darrell Fenner, 1701 East Napoleon Street, to allow for living in a Business District. Mr. Lawrence asked if the wall had been installed that separates the business from the residence. Mr. Berry stated that if they decide to put the business in the same structure as the residence then they'll have to put the wall. They want to move in another building for that to be the office. The office will have to be ADA compliant and have its own restroom separate from the residence. Mr. Fenner stated that he'd like to open a used car dealership with cars ranging in the \$1,500.00. He also stated that they cleaned up all the junk by Monday morning just like Mrs. VanderHey asked us to do. Our business will not be a nuisance to the neighborhood. Mr. Daigle, Land Use Administrator, stated

that if Mr. Fenner puts another building on the property for his business it'll have to be compliant with all ordinances and he'll need a permit. Mr. Daigle also stated that every person in the room needs to understand that if Mr. Fenner generates a non-compliance then action can be taken to take the residence out of the business district. Motion was then made by Mr. Lawrence seconded by Mr. McMullen that the following resolution be adopted to-wit:

### RESOLUTION

Resolution granting an Exception to Darrell Fenner, 1701 East Napoleon Street, to allow for living in a Business District.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant an Exception to Darrell Fenner, 1701 East Napoleon Street, to allow for living in a Business District, in accordance with Article IV, Part 3, Section 4 (3) of the Land Use ordinance for the following property description:

LOT 20 SIMON ELLENDER SUB OF LOCK MOORE CO SUB OF SW NE  
35.9.10

This Exception is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said Exception interfere with the rights and privileges owned by the City of Sulphur pursuant to a pre-existing right of way, servitude or easement. If withdrawn, any improvements constructed thereon shall be removed at the expenses of owner thereof.

Grantee hereby agrees and contracts to hold Grantor harmless from any damages created and/or caused by the granting of this Exception, including, but not limited to, litigation defense, litigation costs, violation of subdivision restrictive covenants, building code violations or any other damages, property and/or monetary or otherwise, relating thereto.

If City Council does hereby approve this Exception the owner of this Exception shall be responsible for the recordation thereof, with the Clerk of Court, Calcasieu Parish, Louisiana, and shall provide the City of Sulphur a receipt evidencing recordation within 10 days of the effective date of this Exception.

**No work shall commence until all applicable permits are obtained. In the event work is commenced prior to obtaining all applicable permits, this Exception shall be withdrawn and considered null and void.**

A vote was then called with the results as follows:

YEAS: Mrs. Carroll, Mrs. Wilson, Mr. Moore, Mr. McMullen, Mr. Lawrence

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 16<sup>th</sup> day of October, 2018.

ATTEST:

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ARLENE BLANCHARD, Secretary

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MIKE MOORE, Chairman

The next item on the agenda is a resolution granting a rezone to Audrey Duplechain, et al, 229 Prater Road, from Residential to Commercial. James Martin, Stephanie Drive, addressed the Commission and stated that he opposes the rezone. Mike Daigle, Land Use Administrator, stated that this is a spot zone and recommends that it stay Residential. Motion was then made by Mr. Lawrence seconded by Mrs. Carroll that the following resolution be adopted to-wit:

RESOLUTION

Resolution granting a Rezone from Residential to Commercial to Audrey Duplechain et al for property located at 229 Prater Road.

WHEREAS, Audrey Duplechain, Rosalind Duplechain, Cynthia Richardson and Theophile Duplechain, has submitted application to Rezone from Residential District to Commercial District.

NOW THEREFORE, BE IT RESOLVED BY THE LAND USE COMMISSION OF THE CITY OF SULPHUR, LOUISIANA, IN REGULAR SESSION CONVENED THAT:

The Land Use Ordinance of the City of Sulphur is hereby amended to grant a Rezone to Audrey Duplechain, Rosalind Duplechain, Cynthia Richardson and Theophile Duplechain from Residential to Commercial for the following described property to wit:

COMMENCING AT A POINT 57.8 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF NORTHWEST QUARTER (SE/4 OF NW/4) OF SECTION 32, TOWNSHIP 9 SOUTH, RANGE 9 WEST, THENCE NORTH 89°37' WEST 238.4 FEET, THENCE NORTH 208.7 FT THENCE SOUTH 89° 37' EAST 238.4 FEET, THENCE SOUTH 208.7 FEET TO POINT OF COMMENCEMENT, SUBJECT TO ROAD RIGHT OF WAY OF 30 FEET ON EAST SIDE THEREOF.

COMMENCING 266.5 FEET NORTH AND 236.4 FEET WEST OF THE SOUTHEAST CORNER OF SOUTHEAST QUARTER OF NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 9 SOUTH, RANGE 9 WEST; THENCE SOUTH 1°28'14" EAST A DISTANCE OF 206.7 FEET; THENCE SOUTH 89°27'03" WEST A DISTANCE OF 209 FEET; THENCE NORTH 1°28'14" WEST A

DISTANCE OF 206.7 FEET; THENCE NORTH 89°27'03" EAST A DISTANCE OF 209 FEET TO POINT OF COMMENCEMENT CONTAINING 1.0 ACRES MORE OR LESS.

This Rezone is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said Rezone interfere with the rights and privileges owned by the City of Sulphur pursuant to a pre-existing right of way, servitude or easement. If withdrawn, any improvements constructed thereon shall be removed at the expenses of owner thereof.

Grantee hereby agrees and contracts to hold Grantor harmless from any damages created and/or caused by the granting of this Rezone, including, but not limited to, litigation defense, litigation costs, violation of subdivision restrictive covenants, building code violations or any other damages, property and/or monetary or otherwise, relating thereto.

If City Council does hereby approve this Rezone the owner of this rezone shall be responsible for the recordation thereof, with the Clerk of Court, Calcasieu Parish, Louisiana, and shall provide the City of Sulphur a receipt evidencing recordation within 10 days of the effective date of this re-zone.

**No work shall commence until all applicable permits are obtained. In the event work is commenced prior to obtaining all applicable permits, this Rezone shall be withdrawn and considered null and void.**

A vote was then called with the results as follows:

YEAS: None

NAYS: Mrs. Carroll, Mrs. Wilson, Mr. Moore, Mr. McMullen, Mr. Lawrence

ABSENT: None

And the said resolution failed on this 16<sup>th</sup> day of October, 2018.

ATTEST:

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ARLENE BLANCHARD, Secretary

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MIKE MOORE, Chairman

The next item on the agenda is a resolution zoning property to Residential for Bel Commercial, LLC, for property located on the SW corner of Wright Road and Patch Street.

Motion was made by Mr. Lawrence seconded by Mrs. Carroll that the following resolution be adopted to-wit:

RESOLUTION

Resolution zoning property to Residential for Bel Commercial, LLC, for property located on the SW corner of Wright Road and Patch Street.

WHEREAS, in December, 2013, Bel Commercial, LLC, petitioned the City of Sulphur for annexation; and

WHEREAS, at time of annexation said property did not get zoned.

NOW THEREFORE, BE IT RESOLVED BY THE LAND USE COMMISSION OF THE CITY OF SULPHUR, LOUISIANA, IN REGULAR SESSION CONVENED THAT:

The Land Use Ordinance and Map of the City of Sulphur is hereby amended to zone property for Bel Commercial, LLC, to Residential for property located on the SW corner of Wright Road and Patch Street for the following described property to wit:

ZONE #3 - RESIDENTIAL

A CERTAIN TRACT OR PARCEL OF LAND, CONTAINING APPROXIMATELY 55.192 ACRES OR 2,404,166 SQUARE FEET, SITUATED IN THE CITY OF SULPHUR, PARISH OF CALCASIEU, STATE OF LOUISIANA, LOCATED IN THE SOUTHWESTERN LAND DISTRICT IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 10 WEST, BEING AN UNDIVIDED PORTION OF A LARGER TRACT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY LINE OF MCNAIR ROAD AND THE ESTERN RIGHT OF WAY LINE OF RUTH STREET (LA 1256), SAID POINT BEING THE "POINT OF COMMENCEMENT";

STARTING FROM SAID "POC" AND PROCEEDING ALONG THE SOUTHERN RIGHT OF WAY OF MCNAIR ROAD AT A BEARING OF SOUTH 89 DEGREES 33 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 1,287.60 FEET TO A POINT WHICH SHALL BE DESIGNATED AS THE "POC";

BEGINNING FROM SAID "POC" AND PROCEEDING AT A BEARING OF NORTH 00 DEGREES 50 MINUTES 01 SECONDS EAST FOR A DISTANCE OF 1,439.40 FEET TO A POINT;

THEN, PROCEEDING AT A BEARING OF SOUTH 89 DEGREES 36 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 400.00 FEET TO POINT;

THEN, PROCEEDING AT A BEARING OF NORTH 00 DEGREES 50 MINUTES 01 SECONDS EAST FOR A DISTANCE OF 521.80 FEET TO A POINT;

THEN, PROCEEDING ALONG THE SOUTHERN RIGHT OF WAY OF PATCH STREET AT A BEARING OF SOUTH 89 DEGREES 36 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 935.00 FEET TO A POINT;

THEN, PROCEEDING AT A BEARING OF SOUTH 01 DEGREES 00 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 1,962.50 FEET TO A POINT;

THEN, PROCEEDING AT A BEARING OF NORTH 89 DEGREES 33 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 1,328.80 FEET TO A POINT DESIGNATED AS THE "POC."

SAID PROPERTY IS AN UNDIVIDED PORTION OF A LARGER TRACT SHOWN ON A SURVEY PLAT PREPARED BY BARRY J. BLEICHNER, PE, PLS, L.L.C., DATED 12-06-13, AND TITLED "PLAT SHOWING BEL COMMERCIAL & BELLE SAVANNE DEVELOPMENT PROPERTY TO BE ANNEXED LOCATED IN SECTIONS 10 & 15, T-10-S, R-10-W, CALCASIEU PARISH, LOUISIANA."

If City Council does hereby approve this Zoning the property owner shall be responsible for the recordation thereof, with the Clerk of Court, Calcasieu Parish, Louisiana, and shall provide the City of Sulphur a receipt evidencing recordation within 10 days of the effective date of this Zoning.

A vote was then called with the results as follows:

YEAS: Mrs. Carroll, Mrs. Wilson, Mr. Moore, Mr. McMullen, Mr. Lawrence  
NAYS: None  
ABSENT: None

And the said resolution was declared duly adopted on this 16<sup>th</sup> day of October, 2018.

ATTEST:

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ARLENE BLANCHARD, Secretary

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MIKE MOORE, Chairman

The next item on the agenda is a resolution zoning property to Commercial for Bel Commercial, LLC, for property located on the east side of Hwy. 1256, south of Carlyss Blvd.

Motion was made by Mr. Lawrence seconded by Mrs. Carroll that the following resolution be adopted to-wit:

RESOLUTION

Resolution zoning property to Commercial for Bel Commercial, LLC, for property located on the east side of Hwy. 1256, south of Carlyss Blvd.

WHEREAS, in December, 2013, Bel Commercial, LLC, petitioned the City of Sulphur for annexation; and

WHEREAS, at time of annexation said property failed to be zoned.

NOW THEREFORE, BE IT RESOLVED BY THE LAND USE COMMISSION OF THE CITY OF SULPHUR, LOUISIANA, IN REGULAR SESSION CONVENED THAT:

The Land Use Ordinance and Map of the City of Sulphur is hereby amended to zone property for Bel Commercial, LLC, to Commercial for property located on the east side of Hwy. 1256, south of Carlyss Blvd. for the following described property to wit:

ZONE #1 – COMMERCIAL

A CERTAIN TRACT OR PARCEL OF LAND, CONTAINING APPROXIMATELY 4.223 ACRES OR 183,954 SQUARE FEET, SITUATED IN THE CITY OF SULPHUR, PARISH OF CALCASIEU, STATE OF LOUISIANA, LOCATED IN THE SOUTHWESTERN LAND DISTRICT IN SECTION 10, TOWNSHIP-10-SOUTH, RANGE-10-WEST, BEING AN UNDIVIDED PORTION OF A LARGER TRACT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY LINE OF MCNAIR ROAD AND THE EASTERN RIGHT OF WAY LINE OF RUTH STREET (LA 1256), SAID POINT BEING THE “POINT OF COMMENCEMENT”;

STARTING FROM SAID “POC” AND PROCEEDING ALONG THE EASTERN RIGHT OF WAY OF RUTH STREET (LA 1256) AT A BEARING OF SOUTH 00 DEGREES 53 MINUTES 58 SECONDS WEST FOR A DISTANCE OF 2,659.68 FEET TO A POINT WHICH SHALL BE DESIGNATED AS THE “POC”;

BEGINNING FROM SAID “POC” AND PROCEEDING AT A BEARING OF NORTH 00 DEGREES 53 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 614.49 FEET TO A POINT;

THEN, PROCEEDING AT A BEARING OF SOUTH 89 DEGREES 06 MINUTES 02 SECONDS EAST FOR A DISTANCE OF 300.00 FEET TO POINT;

THEN, PROCEEDING AT A BEARING OF SOUTH 00 DEGREES 53 MINUTES 58 SECONDS WEST FOR A DISTANCE OF 611.87 FEET TO A POINT;

THEN, PROCEEDING AT A BEARING OF NORTH 89 DEGREES 36 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 300.01 FEET TO A POINT DESIGNATED AS THE "POC."

SAID PROPERTY IS AN UNDIVIDED PORTION OF A LARGER TRACT SHOWN ON A SURVEY PLAT PREPARED BY BARRY J. BLEICHNER, PE, PLS, L.L.C., DATED 12-06-13, AND TITLED, "PLAT SHOWING BEL COMMERCIAL & BELLE SAVANNE DEVELOPMENT PROPERTY TO BE ANNEXED LOCATED IN SECTIONS 10 & 15, T-10-S, R-10-W, CALCASIEU PARISH, LOUISIANA."

If City Council does hereby approve this Zoning the property owner shall be responsible for the recordation thereof, with the Clerk of Court, Calcasieu Parish, Louisiana, and shall provide the City of Sulphur a receipt evidencing recordation within 10 days of the effective date of this Zoning.

A vote was then called with the results as follows:

YEAS: Mrs. Carroll, Mrs. Wilson, Mr. Moore, Mr. McMullen, Mr. Lawrence

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 16<sup>th</sup> day of October, 2018.

ATTEST:

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ARLENE BLANCHARD, Secretary

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MIKE MOORE, Chairman

The next item on the agenda is a resolution zoning property to Mixed Residential for Bel Commercial, LLC, for property located on the east side of Hwy. 1256, southwest of Carlyss Place Apartments. Motion was made by Mr. Lawrence seconded by Mr. McMullen that the following resolution be adopted to-wit:



RESOLUTION

Resolution zoning property to Mixed Residential for Bel Commercial, LLC, for property located on the east side of Hwy. 1256, southwest of Carlyss Place Apartments.

WHEREAS, in December, 2013, Bel Commercial, LLC, petitioned the City of Sulphur for annexation; and

WHEREAS, at time of annexation said property failed to be zoned.

NOW THEREFORE, BE IT RESOLVED BY THE LAND USE COMMISSION OF THE CITY OF SULPHUR, LOUISIANA, IN REGULAR SESSION CONVENED THAT:

The Land Use Ordinance and Map of the City of Sulphur is hereby amended to zone property for Bel Commercial, LLC, to Mixed Residential for property located on the east side of Hwy. 1256, southwest of Carlyss Place Apartments for the following described property to wit:

ZONE #2 – MIXED RESIDENTIAL

A CERTAIN TRACT OR PARCEL OF LAND, CONTAINING APPROXIMATELY 8.741 ACRES OR 380.743 SQUARE FEET, SITUATED IN THE CITY OF SULPHUR, PARISH OF CALCASIEU, STATE OF LOUISIANA, LOCATED IN THE SOUTHWESTERN LAND DISTRICT IN SECTION 10, TOWNSHIP-10-SOUTH, RANGE-10-WEST, BEING AN UNDIVIDED PORTION OF A LARGER TRACT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY LINE OF MCNAIR ROAD AND THE EASTERN RIGHT OF WAY LINE OF RUTH STREET (LA 1256), SAID POINT BEING THE “POINT OF COMMENCEMENT”;

STARTING FROM SAID “POC” AND PROCEEDING ALONG THE EASTERN RIGHT OF WAY OF RUTH STREET (LA 1256) AT A BEARING OF SOUTH 00 DEGREES 53 MINUTES 58 SECONDS WEST FOR A DISTANCE OF 2,659.68 FEET TO A POINT;

THEN, PROCEEDING AT A BEARING OF SOUTH 89 DEGREES 36 MINUTES 04 SECONDS EAST FOR A DISTANCE OF 300.01 FEET TO A POINT WHICH SHALL BE DESIGNATED AS THE “POINT OF BEGINNING”;

BEGINNING FROM SAID “POINT OF BEGINNING” AND PROCEEDING AT A BEARING OF NORTH 00 DEGREES 53 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 611.87 FEET TO A POINT;

THEN, PROCEEDING AT A BEARING OF SOUTH 89 DEGREES 06 MINUTES 02 SECONDS EAST FOR A DISTANCE OF 625.05 FEET TO POINT;

THEN, PROCEEDING AT A BEARING OF SOUTH 00 DEGREES 53 MINUTES 58 SECONDS WEST FOR A DISTANCE OF 606.41 FEET TO A POINT;

THEN, PROCEEDING AT A BEARING OF NORTH 89 DEGREES 36 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 625.07 FEET TO A POINT DESIGNATED AS THE "POINT OF BEGINNING."

SAID PROPERTY IS AN UNDIVIDED PORTION OF A LARGER TRACT SHOWN ON A SURVEY PLAT PREPARED BY BARRY J. BLEICHNER, PE, PLS, L.L.C., DATED 12-06-13, AND TITLED, "PLAT SHOWING BEL COMMERCIAL & BELLE SAVANNE DEVELOPMENT PROPERTY TO BE ANNEXED LOCATED IN SECTIONS 10 & 15, T-10-S, R-10-W, CALCASIEU PARISH, LOUISIANA."

If City Council does hereby approve this Zoning the property owner shall be responsible for the recordation thereof, with the Clerk of Court, Calcasieu Parish, Louisiana, and shall provide the City of Sulphur a receipt evidencing recordation within 10 days of the effective date of this Zoning.

A vote was then called with the results as follows:

YEAS: Mrs. Carroll, Mrs. Wilson, Mr. Moore, Mr. McMullen, Mr. Lawrence  
NAYS: None  
ABSENT: None

And the said resolution was declared duly adopted on this 16<sup>th</sup> day of October, 2018.

ATTEST:

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ARLENE BLANCHARD, Secretary

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MIKE MOORE, Chairman

There being no further business to come before the Commission, the Chairman declared the meeting adjourned.

ATTEST:

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ARLENE BLANCHARD, Secretary

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MIKE MOORE, Chairman

9/18/17 6:30 P.M.