

April 19, 2010

The Land Use Commission of the City of Sulphur, Louisiana, met in regular session at its regular meeting place located at 500 North Huntington Street, Sulphur, Louisiana, at 5:30 p.m., on the 19th day of April, 2010, after full compliance with the convening of said meeting, with the following members present:

TROY DARBY, Land Use Commission of District 2
JOHNNY PEEL, Land Use Commission of District 3
LAWRENCE DAVID, Land Use Commission of District 4
GERRIT LAWRENCE, Land Use Commission of District 5

RESIGNED: EARL DORMAN, Land Use Commission of District 1

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. Darby.

The Chairman asked if there were any changes to the agenda. He then stated that the three items below needed to be added to the agenda since the agenda was already published. With no one from the public to speak for or against the items being added, motion was made by Mr. Darby seconded by Mr. Peel that the items below be added to the agenda.

Resolution endorsing Vision Sulphur.

Resolution amending Article II, Section 2 of the Land Use Ordinance of the City of Sulphur to provide for the definition of Agriculture Use, Small Scale.

Resolution amending Article IV, Part 3, Section 2 (1) of the Land Use Ordinance of the City of Sulphur to provide for Agriculture Use, Small Scale.

Motion carried.

Motion was then made by Mr. Lawrence seconded by Mr. Darby that item #3 and #4 be removed from the agenda and item #6 be moved up to item #1. Motion carried.

The first item on the agenda is a resolution endorsing Vision Sulphur. After Mrs. Tower read the resolution in full, motion was made by Mr. Lawrence seconded by Mr. Darby that the following amendment be made:

Replace the word “tool” with “reference guide” in the below paragraph:

BE IT RESOLVED by the Land Use Commission of the City of Sulphur that Vision Sulphur will be used as a **tool** by the Land Use Commission to help guide future planning activities, meetings and efforts that seek to develop a comprehensive land use plan for our City.

Motion carried.

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

RESOLUTION

Resolution supporting the vision and goals for planning and growth as outlined in the Vision Sulphur document of 2010.

Whereas the purpose of the Land Use Commission is partly to plan for growth and development in the City of Sulphur;

Whereas the Vision and Goals outlined in the Planning for Growth and Development section of Vision Sulphur are conducive to the Land Use Commissions objectives;

Whereas the Land Use Commission recognizes and appreciates the input of the citizens in creating this plan;

BE IT RESOLVED by the Land Use Commission of the City of Sulphur that Vision Sulphur will be used as a reference guide by the Land Use Commission to help guide future planning activities, meetings and efforts that seek to develop a comprehensive land use plan for our City.

A vote was then called with the results as follows:

YEAS: Mr. Darby, Mr. Peel, Mr. David, Mr. Lawrence

NAYS: None

ABSENT: Representation from District 1 (resigned)

And the said resolution was declared duly adopted on this 19th day of April, 2010.

ATTEST:

ARLENE BLANCHARD, Secretary

LAWRENCE DAVID, Chairman

The next item on the agenda is a resolution granting a rezone to Jai Ambe Maa, LLC, 307 Garrett Drive, from Mixed Residential to Commercial to allow for a hotel. Mr. Patel addressed the Commission and stated that he originally wanted to open a hotel but could not get the rezone. The reason I want to open a hotel and not apartments is because in a hotel you can stay for a shorter time. We can go into hotel rooms but we can't go into apartments. Mrs. Blanchard, secretary, stated that one of the residents of Garrett Drive told her that if someone occupying an apartment was caught doing drugs then they would have to go through the whole eviction process which may take a while. If it is a hotel then the owner could make them leave that day. The residents of Garrett Drive would prefer it be a hotel if that's the case. Mr. Peel asked Mr. Patel what makes him think that the Commission would rezone the property now, when they wouldn't rezone it a year ago.

Danny Dupre, Fire Chief, stated that when Fire Marshal first reviewed Mr. Patel's plans it looked like a hotel. Upon second review they said it was apartments. The Fire Marshal told Mr. Dupre that the Inspector's would have to monitor how the structure was being used and if they were using it as a hotel then the Inspector's could enforce the code. Currently, there is no way of stopping this project with the laws that are on our books now. Mr. Darby asked, how do we protect the neighborhood and the City? We can't stop development until we get a comprehensive plan. Mr. Bruce, Land Use Administrator,

stated that there are two options: (1) a long range comprehensive plan (2) make amendments to the ordinances.

Mr. Dupre asked the Commission what signal will they be giving if they rezone Mr. Patel's property after it was already built. If you do it for him then you're going to have to do it for the next person. Motion was then made by Mr. Lawrence to table. After discussion, Mr. Lawrence removed his motion.

Mr. Darby stated that if the Commission rezones this property to allow for a hotel the neighborhood will be less vulnerable with bad intentions. He also stated that he doesn't agree with Mr. Patel how this was handled. Mr. Patel stated that he will put a 6 foot fence on east side of property and also an 8' fence to block the transients. Motion was made by Mr. Darby seconded by Mr. Lawrence that an 8' fence be constructed the entire length of property line on the north and east side of his property. Motion carried. Mr. Berry stated that there is a water main on the north side of the property and they needed to be cautious with drainage. Mr. Patel stated that the owner of 409 Garrett may not want an 8' fence. It may block his view. Mr. Darby stated that if Mr. Patel could get a letter from the owner stating that he would rather a 6' fence rather than an 8' fence the City Council can amend the resolution.

After discussion, motion was made by Mr. Darby seconded by Mr. Lawrence that the following resolution be adopted to-wit:

Resolution granting a rezone to Pinu Patel, vacant property on north side of Garrett Drive, from Mixed Residential District to Commercial District to allow for a hotel.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a rezone from Mixed Residential District to Commercial District to Pinu Patel, vacant property on north side of Garrett Drive, to allow for a hotel with the following stipulation:

1. An 8' privacy fence shall be constructed on the entire length of property on the north and east side of property.

A vote was then called with the results as follows:

YEAS: Mr. Darby, Mr. Lawrence

NAYS: Mr. David, Mr. Peel

ABSENT: Mr. Dorman – resigned

And the said resolution failed on this 19th day of April, 2010.

ATTEST:

ARLENE BLANCHARD, Secretary

LAWRENCE DAVID, Chairman

The next item on the agenda is a resolution granting a rezone to Richard Cole, property located between 2731 Ruth Street and 421 Southgate, from Business and Residential to Commercial. Richard Cole addressed the Council and stated that he would maybe like to market his property for hotels. Mr. David asked if the restrictions were still in place for Southgate subdivision. Mr. Cole stated that the corner property is in metes and bounds and the east parcel isn't in Southgate Subdivision, it's in South Acres. There was once a car repair shop that was on Southgate Street. Mr. Bruce stated that he did not recommend the lot where the car repair shop once was to be rezoned. After discussion, the following residents of Southgate Street spoke in opposition of the rezone:

Gerald Hanson presented a signed petition from the entire neighborhood in opposition of the rezone. He stated that the entire neighborhood would only want 200' from Ruth Street going east to be rezoned to Commercial. They know they can't stop economic growth on Ruth Street. They would like an 8' fence in the back and ingress/egress must be from Ruth Street only.

Bill Williams stated that Southgate Street is a quiet street and it is a dead-end street.

Doug Delpapa agreed with Mr. Hanson to only rezone the 200' from Ruth going east.

After much discussion, motion was made by Mr. Darby seconded by Mr. Lawrence that this item be tabled until May Land Use agenda so Mr. Darby and other representatives from the City can get with Mr. Cole and the residents of Southgate Street for a meeting.

Motion carried.

The next item on the agenda is a resolution amending Article IV, Part 3, Section V of the Land Use Ordinance to provide for exceptions by Land Use and City Council for recreational facilities. Mr. Bruce stated that currently there is no unused commercial zoned property. With this amendment this will prevent recreational facilities (mainly RV parks) from developing in commercial districts. This amendment will also require a public hearing to allow recreational facilities in a commercial district. Motion was made by Mr. Lawrence seconded by Mr. Peel that the following resolution be adopted to-wit:

RESOLUTION

Resolution amending Article IV, Part 3, Section V of the Land Use Ordinance to provide for exceptions by Land Use and City Council for recreational facilities.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby amend Article IV, Part 3, Section V of the Land Use Ordinance to read as follows:

Section 5 COMMERCIAL DISTRICT (C)

(1) Purpose:

This district is intended to provide an area of commercial activity devoted to a healthy economic development while managing impact on more fragile areas.

(2) Permitted Uses:

- (a) All uses as permitted in business district classification except single family detached residence.
- (b) Kennels
- (c) Hotels & motels
- (d) Light manufacturing, wholesaling and warehousing
- (e) Institutions
- (f) Bars (Only on Major Arterial Streets and Interstate Highways)
- (g) Entertainment (Establishment whose gross receipts for the sale of alcoholic beverages constitutes 50% or more of their overall gross receipts) (On Major Arterial Streets and Interstate Highways)

(3) Permitted as Exceptions by Land Use Commission and City Council

- (a) Recreational facilities
- (b) The procedure for Permitted as Exceptions by Land Use Commission and City Council shall be in accordance with Article III, Part 2, Section 1.

(4) Development Standards

- (a) No front foot dimension of a lot shall be less than 50 feet. The total area of a lot shall not be less than 6,000 square feet.
 - a. Exception. No front foot dimension of any lot in a cul-de-sac shall be less than 30 feet and a total area of a lot shall not be less than 10,000 square feet. In a cul-de-sac with a front foot of 50 feet or more the lot shall not be exempt from the requirement of (b) of Article IV, Part 3, Section 5 (3).

(b) All development in the Commercial District shall conform to the development standards set out in the following table:

Distance measured from front, side and rear lot lines shall be measured from the overhang/eve of structure.

USE	DENSITY	LOT SIZE	FRONT SETBACK	SIDE SETBACK	REAR SETBACK	HEIGHT
Multi-Family	18 du/a	6000 sf	20 ft	5 ft	10 ft	50 ft
Retail & Service	FAR .5	5000 sf	20 ft	5 ft	10 ft	50 ft
Offices, Restaur.& Entert.	FAR 1	5000 sf	20 ft	5 ft	10 ft	50 ft
Wholesaling, warehousing, light-manufacturing Inst. & Public Use	FAR 1	10000 sf	20 ft	5 ft	10 ft	50 ft
Hotels & Motels	FAR 1	25000 sf	20 ft	5 ft	10 ft	50 ft
Schools, Churches, Kennels	-----	10000 sf	20 ft	5 ft	10 ft	50 ft
Bars	FAR 1	5000 sf	20 ft	5 ft	10 ft	50 ft
Rec. Facil.	FAR .5	10000 sf	20 ft	5 ft	10 ft	50 ft

A vote was then called with the results as follows:

YEAS: Mr. Darby, Mr. Peel, Mr. David, Mr. Lawrence

NAYS: None

ABSENT: Representation from District 1 (resigned)

And the said resolution was declared duly adopted on this 19th day of April, 2010.

ATTEST:

ARLENE BLANCHARD, Secretary

LAWRENCE DAVID, Chairman

The next item on the agenda is a resolution amending Article II, Section 2 of the Land Use Ordinance of the City of Sulphur to provide for the definition of Agriculture Use, Small Scale. Mr. Bruce stated that this amendment will allow someone to have a small scale garden and sell their products off-site. Currently, you can only have agriculture in an agriculture district. We had someone apply for a rezone from Mixed Residential to Agriculture to grow a garden and sell the produce off-site. Instead of rezoning the property to Agriculture (something we didn't want to do) we recommend making an amendment to Mixed Residential District to allow for Agriculture Use, Small Scale. On next month's Land Use agenda we are planning to come back with an amendment to this ordinance to put an exception clause in so the Land Use Commission and Council will have to vote each time someone will want to have a garden and sell the produce off-site. Motion was made by Mr. Lawrence seconded by Mr. Peel that the following resolution be adopted to-wit:

RESOLUTION

Resolution amending Article II, Section 2 of the Land Use Ordinance of the City of Sulphur to provide for the definition of Agriculture Use, Small Scale.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby amend Article II, Section 2 of the Land Use Ordinance to provide the definition as follows:

Agriculture Use, Small Scale

Premises primarily devoted to the cultivation or storage of plants such as flowers, shrubs and trees intended for ornamental or landscaping purposes and if sold or transferred to others, sold or transferred off site; or Premises primarily devoted to the cultivation of agricultural products grown in regular or scattered patterns intended to provide food for direct human consumption and if sold or transferred to others, sold or transferred off site. Excluded are such crops as field, forage, and other plant crops not intended to provide food for direct human consumption. Items included in the list of permitted cultivation or storage uses shall be collectively termed "permitted crops" herein. Specifically excluded uses include but are not limited to: animal production, animal waste processing, aquaculture, packing and processing.

A vote was then called with the results as follows:

YEAS: Mr. Darby, Mr. Peel, Mr. David, Mr. Lawrence

NAYS: None

ABSENT: Representation from District 1 (resigned)

And the said resolution was declared duly adopted on this 19th day of April, 2010.

ATTEST:

ARLENE BLANCHARD, Secretary

LAWRENCE DAVID, Chairman

The next item on the agenda is a resolution amending Article IV, Part 3, Section 2 (1) of the Land Use Ordinance of the City of Sulphur to provide for Agriculture Use, Small Scale. (This amendment coincides with the amendment made above). Motion was made by Mr. Peel seconded by Mr. Darby that the following resolution be adopted to-wit:

RESOLUTION

Resolution amending Article IV, Part 3, Section 2 (1) of the Land Use Ordinance of the City of Sulphur to provide for Agriculture Use, Small Scale.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby amend Article IV, Part 3, Section 2 (1) of the Land Use Ordinance to read as follows:

Section 2 MIXED RESIDENTIAL DISTRICT

(1) Permitted Uses

(a) All uses as permitted in Residential Land Use Classifications

(b) Multi-Family

(c) Day Care

(d) Manufactured housing units/mobile home units,
provided that:

(1) All mobile units shall be securely fastened, anchored or tied down with a minimum of four (4) placements at the corner in a suitable fashion consistent with normally acceptable standards in mobile home industry.

(2) All mobile home units shall provide for two (2) parking spaces per unit off street.

(e) Neighborhood Commercial Uses

(f) Agriculture Use, small scale, provided that:

(1) There shall be no outdoor storage of machinery, equipment, supplies or materials.

(2) There shall be no on site bulk storage of fertilizers, pesticides or herbicides.

(3) Minimum lot size shall be 30,000 square feet.

(4) Dumpsters shall be screened on all sides

(5) There shall be no production of noxious, offensive or hazardous effects or conditions by reason of vehicular traffic, noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions.

(6) Permitted crops shall not be considered to be weeds or noxious growth, as provided for in Chapter 12 of the Ordinances, during the conventional growing season, contingent upon continued operation of this use as evidenced in part by all permitting,

licensing and utility payments being current.

(7) Crops shall not be located within 20 feet of the side or rear property line or within 25 feet of any property line which coincides with a street right of way line.

A vote was then called with the results as follows:

YEAS: Mr. Darby, Mr. Peel, Mr. David, Mr. Lawrence

NAYS: None

ABSENT: Representation from District 1 (resigned)

And the said resolution was declared duly adopted on this 19th day of April, 2010.

ATTEST:

ARLENE BLANCHARD, Secretary

LAWRENCE DAVID, Chairman

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

ATTEST:

ARLENE BLANCHARD, Secretary

LAWRENCE DAVID, Chairman

4/19/10
6:50 p.m.