

May 17, 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 17<sup>th</sup> day of May, 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

ABSENT - GERRIT LAWRENCE, Land Use Commission of District 5  
VACANT SEAT, Land Use Commission District 1

After the meeting was called to order and the roll called with the above results, prayer was led by Mr. Peel followed by the reciting of the Pledge of Allegiance led by Mr. David.

The Chairman asked if there were any changes to the agenda. With no changes made, motion was made by Mr. David seconded by Mr. Peel that the agenda stand as written. Motion carried.

The first item on the agenda is a resolution granting a rezone to Richard Cole, property located between 2731 Ruth Street and 421 Southgate, from Business/Residential to Commercial. Motion was made by Mr. Peel seconded by Mr. Darby that the following resolution be adopted to-wit:

#### RESOLUTION

Resolution granting a rezone to Richard Cole, 2731 Ruth Street, from Business and Residential to Commercial.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a rezone to Richard Cole, 2731 Ruth Street, from

Business and Residential to Commercial to market and sell property for economic development with the following stipulations:

1. Construct a wooden privacy fence, eight feet in height. Fence shall be placed along the south property line from the east right of way of Ruth Street to a point twenty-five feet west of the parcel's east property line (approximately 389 feet in length); along a line parallel to the parcel's east property line, located twenty-five feet west of that line, for the full length of that line; and along the north property line from a point 135 feet east of the east right of way line of Ruth Street to a point twenty-feet west of the parcel's east property line (approximately 254 feet in length). Fence shall be constructed upon completion of building construction.
2. Provide a buffer strip, twenty-five feet in width, along the full length of the parcel's east property line.
3. Permissible uses do not include casinos or bars.
4. Any points of ingress and egress connecting to Southgate Street must be entirely located between a point defined by the intersection of the east right of way line of Ruth Street and the north right of way line of Southgate Street to a point on the north right of way line of Southgate Street, located 175 feet east of the east right of way line of Ruth Street. The locations of said right of way lines shall be as defined as of the date of this rezone.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mr. Lawrence, representative from District 1

And the said resolution was declared duly adopted on this 17<sup>th</sup> day of May, 2010.

ATTEST:

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ARLENE BLANCHARD, Secretary

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TROY DARBY, Chairman

The next item on the agenda is a resolution granting a rezone to Benerich Enterprises LLC, 302 Garrett Drive, from Mixed Residential to Business to allow for the expansion of Taco Bell. Mr. Reagan, Garrett Drive resident, stated that there is already too much noise in the middle of the night coming from Taco Bell. He presented signatures from the neighborhood in opposition of the rezone. James Morris, resident of

Garrett Drive, stated that Taco Bell is very active with teenagers in the early morning hours. Taco Bell wants to reduce the number of seating but make their parking lot bigger. Why would they want to make more parking if they're reducing the number of seats? The police department has visited this site many times.

Shelia Peterson, agent for Taco Bell, stated that in the subdivision restrictions is states that lots A, B, 1, 2, 3, 4, 5, 6 and 7 could be used for commercial use. Lot #7 is 302 Garrett Drive. Mr. Peterson, Taco Bell manager, stated that Taco Bell has been located here for 31 years and it needs to be upgraded. The building will be similar in size to the existing one except it will have 5-8 less seats. The parking lot will have 1 more parking space. The parking on Garrett Drive will be eliminated. The drive-thru will be wider so big trucks (i.e. dually's) can fit. The outside speaker will be facing Garrett Drive instead of facing the neighborhood. The lighting will be self-contained to Taco Bell property only. Mr. Peterson also stated that he is 99.9% sure that the dumpster could be emptied later in the morning. On the east and south side of property there will be a privacy fence with shrubs. Mr. Chism asked that the wind-blown trash also be addressed. After discussion, motion was made by Mr. Peel seconded by Mr. David that the following resolution be tabled until a meeting could be scheduled with Taco Bell representative and Garrett Drive residents:

Resolution granting a rezone to Benerich Enterprises, LLC, 302 Garrett Drive, from Mixed Residential to Business/Residential to Commercial.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a rezone to Benerich Enterprises, LLC, 302 Garrett Drive, from Mixed Residential to Business/Residential to Commercial with the following stipulations:

1. 6' privacy fence along south and east property lines
2. Maintain a 6' wide buffer yard along south and east property lines

3. Develop a drainage plan and have it approved as part of the permit process
4. Containers for solid waste shall be located no closer than fifteen feet to an adjacent property line and screened with a 6' tall, gated, masonry or lumber fence
5. Exterior, electronic speakers shall be installed in a manner to minimize nuisances to adjacent property.

And the said resolution was tabled on this 17<sup>th</sup> day of May, 2010.

ATTEST:

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ARLENE BLANCHARD, Secretary

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TROY DARBY, Chairman

The next item on the agenda is a resolution granting a variance to Stoney and Mandy Martin, corner of South Huntington and Avenue D, to allow for two sets of duplexes to be located on two 5,000 sq. ft. lots instead of the required 7,260 sq. ft. lots. Motion was made by Mr. David seconded by Mr. Peel that the following resolution be adopted to-wit:

#### RESOLUTION

Resolution granting a variance to Stoney and Mandy Martin, corner of South Huntington and Avenue D, to allow for two sets of duplexes to be located on two 5,000 sq. ft. lots instead of the required 7,260 sq. ft. lots.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a variance to Stoney and Mandy Martin, corner of South Huntington and Avenue D, to allow for two sets of duplexes to be located on two 5,000 sq. ft. lots instead of the required 7,260 sq. ft. lots.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mr. Lawrence, representative from District 1

And the said resolution was declared duly adopted on this 17<sup>th</sup> day of May, 2010.

ATTEST:

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ARLENE BLANCHARD, Secretary

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TROY DARBY, Chairman

The next item on the agenda is a resolution granting an exception to Redmarque Construction, LLC, property located on west side of Ellender Street, to allow for three sets of duplexes. Motion was made by Mr. Peel seconded by Mr. David that the following resolution be adopted to-wit:

RESOLUTION

Resolution granting an exception to Redmarque Construction, LLC, property located on west side of Ellender Street, to allow for three sets of duplexes.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant an exception to Redmarque Construction, LLC, property located on west side of Ellender Street, to allow for three sets of duplexes.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mr. Lawrence, representative from District 1

And the said resolution was declared duly adopted on this 17<sup>th</sup> day of May, 2010.

ATTEST:

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ARLENE BLANCHARD, Secretary

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TROY DARBY, Chairman

The next item on the agenda is a resolution granting a variance to Redmarque Construction, LLC, property located on west side of Ellender Street to allow for lots 17, 18 and 19 to be less than 6,000 sq. ft. Motion was made by Mr. David seconded by Mr. Peel that the following resolution be adopted to-wit:

## RESOLUTION

Resolution granting a variance to Redmarque Construction, LLC, property located on west side of Ellender Street to allow lots 17, 18 & 19 to be less than 6,000 sq. ft.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a variance to Redmarque Construction, LLC, property located on west side of Ellender Street to allow lots 17, 18 & 19 to be less than 6,000 sq. ft.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mr. Lawrence, representative from District 1

And the said resolution was declared duly adopted on this 17<sup>th</sup> day of May, 2010.

ATTEST:

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ARLENE BLANCHARD, Secretary

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TROY DARBY, Chairman

The next item on the agenda is a resolution amending Article IV, Part 3, Section 2 (1) of the Land Use Ordinance to provide for “exception clause” to allow for agriculture use, small scale in Mixed Residential. Motion was made by Mr. Peel seconded by Mr. David 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 “exception clause” to allow for Agriculture Use, Small Scale in Mixed Residential.

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

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

##### (a) 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

NAYS: None

ABSENT: Mr. Lawrence, representative from District 1

And the said resolution was declared duly adopted on this 17<sup>th</sup> day of May, 2010.

ATTEST:

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ARLENE BLANCHARD, Secretary

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TROY DARBY, 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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TROY DARBY, Chairman

5/17/10  
6:15 P.M.