

February 22, 2023

The Land Use Commission of the City of Sulphur, Louisiana, met in regular session at its temporary meeting place located at 1551 East Napoleon Street, Sulphur, LA, held at 5:30 p.m., on the 22nd day of February, 2023, after full compliance with the convening of said meeting with the following members present:

LENORE CARROLL, Land Use Commission District 1
TROY DARBY, Land Use Commission District 2
JONATHAN BRAZZELL, Land Use Commission of District 5

ABSENT - VERONICA ALLISON, Land Use Commission District 3
ROBIN BAUDOIN, Land Use Commission District 4

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

Motion was then made by Mr. Brazzell seconded by Mr. Darby that the minutes from the previous Land Use and Board of Zoning Adjustment meetings stand as written. Motion carried unanimously.

Motion was then made by Mr. Brazzell seconded by Mr. Darby that item #5 be amended to read as follows:

Resolution amending Appendix B, Article IV, Part 2, Section 2 of the Code of Ordinances of the City of Sulphur – Development Standards.

Motion carried unanimously.

Motion was then made by Mr. Darby seconded by Mr. Brazzell that the agenda stand as amended.

Motion carried unanimously.

The first item on the agenda is a resolution granting a rezone to ALK Properties, 2616 Lena Street, from Residential to Business to allow for expansion of current business located at

317 Patton Street. Mr. Marburger, owner, addressed the Commission and stated that the two houses on 2616 Lena and 2606 Allen Street are rentals and will be torn down to expand their business. He walked the neighborhood last week and explained to the neighbors exactly what he wants to do. He will have a 26 ½ foot buffer (6 ½ more than required) on the north side of the property. The 6-foot privacy fence will match the one that's currently there. He'll have evergreen hedges if needed. He's currently doing warehousing and production. He'll construct the same style of building as existing one. He'll have no outlet to the north. There will be no additional traffic on Allen or Lena. He'll have more parking and drainage plans have been submitted to the city. There will be no negative impact to the neighborhood. The water will flow to the west of Lena Street.

Cynthia Jones addressed the Commission and stated that her son lives at 405 Patton Street, and he has some concerns. This is a residential area. What will happen to the property values. There isn't a buffer for his home which is across the street on the east side. The business leaves the sliding doors open and it's very noisy. He's also concerned about what's in the tanks in the front of the business. On Kim Kool's website it says they manufacture heat exchangers. This is considered a manufacturing business so why isn't it being rezoned to Industrial District. There are potholes on the north side of Patton Street and every time one of the big trucks hit these holes it's extremely loud.

Mr. Darby asked the owner if they manufacture, and the owner stated, yes. The property has always been zoned business since 2004. As far as the tanks on the property, he has to report them to the state annually with a Tier 2 report. The first tank is a water storage tank in case the city has to turn off the water for any reason. The second tank is a liquid nitrogen vessel. It's a quench gas for their furnace. The third tank is an expansion chamber for the liquid nitrogen.

There's another small tank that's a 50/50 mix of ethylene glycol for cooling water for their furnace. The tanks belong to Air Liquide, so they do all the maintenance on them.

Chris Higginbotham, 251 Allen Street, addressed the Commission and stated that there's noise, traffic and air pollutants in the neighborhood. When there's a south wind, they can smell fumes from the trucks that idles. Sometimes they have trouble getting through their road with equipment/vehicles stopping traffic. We have slow drainage throughout the neighborhood. He stated that his biggest concern is the pollution.

After discussion, motion was made by Mr. Brazzell seconded by Mr. Darby that this item be postponed until the March 20, 2023, Land Use meeting so Administration can review the application to make sure he doesn't need to be rezoned to Commercial or Industrial.

A vote was then called with the results as follows:

YEAS: Mrs. Carroll, Mr. Darby, Mr. Brazzell

NAYS: None

ABSENT: Mrs. Allison, Ms. Baudoin

And the said resolution was declared postponed on this 22nd day of February, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

LENORE CARROLL, Vice-Chairman

The next item on the agenda is a resolution granting a rezone to ALK Properties, 2606 Allen Street, from Residential to Business to allow for expansion of current business located at 317 Patton Street. Motion was made by Mr. Darby seconded by Mr. Brazzell that the following resolution be postponed until the March 20, 2023, Land Use meeting:

RESOLUTION GRANTING A REZONE TO ALK PROPERTIES, 2606 ALLEN STREET, FROM RESIDENTIAL TO BUSINESS TO ALLOW FOR EXPANSION OF CURRENT BUSINESS LOCATED AT 317 PATTON STREET.

A vote was then called with the results as follows:

YEAS: Mrs. Carroll, Mr. Darby, Mr. Brazzell

NAYS: None

ABSENT: Mrs. Allison, Ms. Baudoin

And the said resolution was declared postponed on this 22nd day of February, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

LENORE CARROLL, Vice-Chairman

The next item on the agenda is a resolution granting a rezone to RDF Holdings, LLC, 333 North Beglis Parkway, from Business to Commercial to allow for a wholesale/distribution business. David Haines addressed the Commission and stated that they will be wholesaling alcohol for Yellowfin Vodka. It'll be a small operation in the beginning but hoping they'll grow. He stated that there won't be any 18-wheelers, only smaller trucks. Motion was then made by Mr. Darby seconded by Mr. Brazzell that the following resolution be adopted to-wit:

RESOLUTION

Resolution granting a rezone to RDF Holdings, LLC, 333 North Beglis Parkway, from Business to Commercial to allow for a wholesale/distribution business.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a rezone to RDF Holdings, LLC, 333 North Beglis Parkway, from Business to Commercial to allow for a wholesale/distribution business for the following described property:

COM AT SE COR OF NE NW 35-9-10, TH N 453.58 FT, TH W 37.77 FT TO
CURRENT W R/W OF NORTH BEGLIS PKWY/HWY 27; TH N 394.22 FT TO
POB; TH W 300.34 FT; TH N 101.85 FT; TH E 299.68 FT TO W R/W OF N
BEGLIS PKWY/HWY 27; TH S 99.07 FT TO POB

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.

Upon approval of 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 rezone.

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.

BE IT FURTHER RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a rezone to RDF Holdings, LLC, 333 North Beglis Parkway, from Business to Commercial to allow for a wholesale/distribution business.

A vote was then called with the results as follows:

YEAS: Mrs. Carroll, Mr. Darby, Mr. Brazzell

NAYS: None

ABSENT: Mrs. Allison, Ms. Baudoin

And the said resolution was declared duly adopted on this 22nd day of February, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

LENORE CARROLL, Vice-Chairman

The next item on the agenda is a resolution repealing Appendix B, Article 1, Section 4 of the Code of Ordinances of the City of Sulphur - Grandfather. Mr. Abrahams, Land Use Administrator, stated that this will get rid of the grandfather clause. We have a non-conforming ordinance, and this is what we'll follow moving forward. The grandfather clause is in conflict with the non-conforming ordinance. Motion was then made by Mr. Darby seconded by Mr. Brazzell that the following resolution be adopted to-wit:

RESOLUTION

RESOLUTION REPEALING APPENDIX B, ARTICLE I, SECTION 4 OF THE CODE OF ORDINANCES OF THE CITY OF SULPHUR – GRANDFATHER.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby repeal the following Appendix B, Article I, Section 4 of the Code of Ordinances of the City of Sulphur – Grandfather:

Section 4. Grandfather.

How structures to be built on previously grandfathered property must meet equal or stricter restrictions and begin construction no later than two (2) years from date that the previous structure was determined to be unusable.

A vote was then called with the results as follows:

YEAS: Mrs. Carroll, Mr. Darby, Mr. Brazzell

NAYS: None

ABSENT: Mrs. Allison, Ms. Baudoin

And the said resolution was declared duly adopted on this 22nd day of February, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

LENORE CARROLL, Vice-Chairman

The next item on the agenda is a resolution amending Appendix B, Article IV, Part 2, Section 2 of the Code of Ordinances of the City of Sulphur – Development Standards. Mr. Abrahams stated that the first part of this amendment will prohibit tents, travel trailers, motor homes or portable buildings etc. from being used a dwelling. The problem we've been seeing is people buy a premanufactured building and they run electricity to it, and they want to live in it. The second part to this ordinance deals with minimum square footage of dwellings/accessory structures. Sheila Broussard, 316 Pecan Street, addressed the Commission and asked that if you have a primary structure then the additional residential structure must be at least 600 sq. ft. but can still only be a percentage of the primary? Mr. Abrahams stated, yes. Motion was then made by Mr. Darby seconded by Mr. Brazzell that the following resolution be adopted to-wit:

RESOLUTON

RESOLUTION AMENDING APPENDIX B, ARTICLE IV, PART 2, SECTION 2 OF THE CODE OF ORDINANCES OF THE CITY OF SULPHUR – DEVELOPMENT STANDARDS.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby amend Appendix B, Article IV, Part 2, Section 2 of the Code of Ordinances of the City of Sulphur to read as follows:

Section 2. Development standards.

- (1) *General.* All development shall meet or exceed the standards as specified in the specific land use district in which the structure or use is located.
- (2) *Prohibited Uses.* No shipping container, tent, travel trailer, motor home, portable buildings, or any other similar use shall be used as a dwelling.
 - (a) Exception. For the purpose of this article, portable buildings shall mean any prefabricated buildings except manufactured/modular home units.
- (3) *Corner Clip.* With the exception of existing nonconforming structures, no structure, parking lot or landscaping, other than mowed grass and traffic and street signs, shall be erected, placed or maintained within the triangular area formed by the intersecting street rights-of-way and a straight line adjoining the right-of-way lines at a point set forth as twenty-five (25) feet from the point of intersecting rights-of-way.
- (4) *Curb Cuts.* No structure shall be constructed or established on any parcel, built, moved, remodeled, reconstructed, occupied or used on any parcel of land unless access from the parcel to public roadways complies with the following standards:
 - (a) No curb cut shall exceed thirty (30) feet in width for residential driveways and thirty-five (35) feet in width for commercial driveways.
 - (b) Radii or flare of driveways shall be a minimum of three (3) feet and a maximum of fifteen (15) feet.
 - (c) Each curb cut serving a land use shall be spaced a minimum of twenty (20) feet apart.
- (5) *Calculation of Permitted Density.* In calculating the amount of development permitted on a parcel of land, density or intensity shall be based on the net area of any parcel, excluding installed on site improvements, such as roads, provided however, that the gross area of any parcel of land shall be utilized for the calculation of permitted density or intensity in the event that on-site improvements have not been installed at the time the application for development approval is filed.
- (6) *Required Front Yard for Developed Areas.*
 - (a) Notwithstanding any provision in this ordinance regarding required front yards, if fifty (50) percent or more of the structures fronting on the block face are already improved with buildings with less than the required front yard for the applicable district, the required front yard shall be consistent with the predominant setbacks in the area.

- (b) The front yard of a corner lot may be designated by the landowner in his application for development approval. In making such designation, consideration shall be given to the predominant front yards in the immediate vicinity. The minimum required yard on any other side of a corner lot which adjoins a public street shall be one-half (1/2) of the minimum front yard required for the use proposed to be located on the lot.
- (7) *Minimum Building Setback.* Notwithstanding any other provision of this ordinance, no building or portion thereof shall hereafter be constructed, moved, reconstructed, or enlarged within a distance of eight (8) feet from the edge of pavement or roadway of any public street or highway.
- (8) *Activities Limited to Authorized Structures.* Except as otherwise permitted for an approved temporary use, no equipment or device which is designed for use primarily as a conveyance or for the transportation of persons or moveable property, shall be placed on any parcel of land for the purpose of providing shelter or enclosure for the storage or sale of goods, the conduct of services, the housing of persons, or any other activity normally conducted within a building or structure.
- (9) *Building Materials.*
- (a) *Business and Commercial Districts.* Exterior veneer finishes on primary street front of buildings shall include:
- Approved non-metal finishes shall be brick, stone, architectural block, fiber cement siding (such as "hardie board"), stucco, wood or glass.
- Exclusions for non-metal finishes include, but not limited to, vinyl siding.
- Approved metal finishes shall be architectural metal panels with concealed fasteners set in multi-directional positions. Exposed fastener panels are to be of architectural design, which can include multi-directional panels.
- Exclusions for metal finishes include standard metal panels with exposed fasteners of the R-panel and M-panel type.
- (b) *Residential and Mixed Residential Districts.* Exterior veneer finishes on dwellings shall include:
- Approved finishes shall be brick, stone, architectural block, fiber cement siding (such as "hardie board"), stucco, wood, vinyl siding and metal (metal to be on sides and back of dwelling only).
- Exclusion shall be no metal on front exterior of dwelling. Front of dwelling shall be of one (1) of the approved non-metal finishes.
- (10) *Minimum Square Footage of Dwellings.* No dwelling shall hereafter be occupied, and no structure of any nature be used as a dwelling if the total floor area is less than the following:
- | | |
|---|-------------------|
| (a) <u>Residential District</u> | <u>1,000 s.f.</u> |
| 1. <u>Exception. Accessory Dwelling Unit</u> | <u>600 s.f.</u> |
| (b) <u>Mixed Residential District</u> | <u>600 s.f.</u> |
| (c) <u>Business District (permitted by Exception)</u> | <u>600 s.f.</u> |

BE IT FURTHER RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby amend Appendix B, Article IV, Part 2, Section 2 of the Code of Ordinances of the City of Sulphur – Development Standards.

A vote was then called with the results as follows:

YEAS: Mrs. Carroll, Mr. Darby, Mr. Brazzell

NAYS: None

ABSENT: Mrs. Allison, Ms. Baudoin

And the said resolution was declared duly adopted on this 22nd day of February, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

LENORE CARROLL, Vice-Chairman

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

ATTEST:

ARLENE BLANCHARD, Secretary

LENORE CARROLL, Vice-Chairman

2/22/23

6:20 P.M.