

November 15, 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 15th day of November, 2010, 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 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

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. Lawrence.

The Chairman asked if there were any changes to the minutes of the previous meeting. With no changes being made, motion was made by Mr. Lawrence seconded by Mrs. Carroll that the minutes stand as written. Motion carried.

The Chairman asked if there were any changes to the agenda. Motion was made by Mr. Lawrence seconded by Mr. Peel that the following words on item #3 be removed from the agenda:

(and related variances)

Motion carried.

The first item on the agenda is a resolution granting a temporary variance to Donna Little, 613 North Irwin Street, to allow for temporary housing in RV. Mrs. Little stated that she will be retiring in November, 2011 and asked for the Commission's

permission to live in RV until then. Upon retirement she will be selling the property. Mr. Peel asked why the RV was hard-piped for utilities. It should not have been since the Land Use and Council hasn't voted on it. Mrs. Little stated that they ran the piping when the RV was moved there. Mr. Berry stated that this will not be inspected until it's adopted by Council. After discussion, motion was made by Mr. David seconded by Mr. Lawrence that the following resolution be adopted to-wit:

RESOLUTION

Resolution granting a variance to Article IV, Part 3, Section 2 (1) of the Land Use ordinance to allow Donna Little, 613 North Irwin Street, to live in an RV temporarily.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a variance to Article IV, Part 3, Section 2 (1) of the Land Use ordinance to allow Donna Little, 613 North Irwin Street, to live in an RV temporarily with the following stipulation:

- Temporary use shall expire November 30, 2011.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 15th day of November, 2010.

ATTEST:

ARLENE BLANCHARD, Secretary

TROY DARBY, Chairman

The next item on the agenda is a resolution accepting the preliminary plans for the subdividing of lots located at 109 Garden Street and related variances. Mr. Finnie gave the same powerpoint presentation as he did at the last Land Use meeting and his wife, Bo, recapped what she also said at the last meeting. Several residents of Garden Street spoke

in opposition of the subdividing of lots and variances. Also a petition was turned in with opposition. One gentleman spoke in opposition of the home being located 50' from the front lot line rather than 100' like the rest of the homes in the neighborhood. Another gentleman spoke in opposition of subdividing the lots. After discussion, motion was made by Mr. Lawrence seconded by Mr. Peel that the following resolution be adopted to-wit:

Resolution accepting the preliminary plans for the subdividing of lots located at 109 Garden Street and related variances.

WHEREAS, Thomas Finnie has submitted an application for the subdividing of lots and related variances located at 109 Garden Street which action shall be taken by the Land Use Commission of the City of Sulphur for the following:

1. In accordance with Article II, Part I, Section 1 (6) (e) of the Land Use ordinance application was received to subdivide a lot into two 11,200 sq. ft. lots to allow for two single family dwellings.
2. In accordance with Article IV, Part 3, Section 1 (2) (b) of the Land Use ordinance application was received to allow for front foot dimension of lots to be less than the required 50 feet.
3. In accordance with Article IV, Part 3, Section 1 (2) (d) of the Land Use ordinance application was received to allow for side setback on north side of home on west lot to be less than required 5 feet.

WHEREAS, the following described property located in the City of Sulphur, State of Louisiana, is owned by Thomas Finnie, 109 Garden Street, Sulphur, Louisiana 70663, to-wit:

LOT 26 BLK 1 HOLLYWOOD SUB

WHEREAS, no variance shall be valid for a period longer than 6 months unless a building permit is issued and construction has commenced, or unless a Certificate of Occupancy is issued and a use commenced within such period; and

WHEREAS, said variance is valid only to property owner issued to.

This subdivision and variance is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said subdivision and variance 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 subdivision and variance, 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.

That the owner of this subdivision and variance 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 variance.

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

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

The subdivision and variances of the lot located at 109 Garden Street submitted by Thomas Finnie, is hereby granted.

A vote was then called with the results as follows:

YEAS: Mr. Darby

NAYS: Mrs. Carroll, Mr. David, Mr. Peel, Mr. Lawrence

ABSENT: None

And the said resolution failed on this 15th day of November, 2010.

ATTEST:

ARLENE BLANCHARD, Clerk

TROY DARBY, Chairman

The next item on the agenda is a resolution accepting the preliminary plans for Maplewood Estates Phase III. With several residents from Sherry Street and Jody Drive speaking against the Phase III restrictions, City Attorney, Mitch Redd, stated that this Phase can have different restrictions than Phase I and II.

Mr. Hyatt, Sherry Street, stated that when Phase I and II were sold, Phase III was presented to the buyers with the lot sizes being much bigger than they are presenting now.

Mr. Ellender, Jody Drive, stated that drainage is a problem and how can administration consider a detention pond. Residents are concerned over the lot sizes and the aesthetics of the detention pond. Eric Conner, Engineer for Phase III, stated that the detention will be a dry detention pond. The homeowners of Phase III will have to mow the grass in the dry pond.

Mr. Darby asked if there was any other way besides the detention pond to alleviate the drainage problem. Mr. Bruce, Public Works Director, stated that they could put subsurface drainage.

Kenny Bouillion, Janice Drive, stated that Janice Drive floods. What's going to happen when this subdivision is built.

Mayor Duncan stated that if the Commission approves the preliminary plans they are also approving the covenants. Mr. Redd, City Attorney, stated that the City doesn't need to approve the covenants. They will be treading on thin ice if they do that. The interest of the City is to make sure these preliminary plans follow the city's codes and not worry about the covenants. After discussion, motion was made by Mr. David seconded by Mr. Peel that the following resolution be adopted to-wit:

RESOLUTION

Resolution accepting the preliminary plans for Maplewood Estates Phase III.

WHEREAS, Lee Marsalise has submitted preliminary plans for Maplewood Estates Phase III which action shall be taken by the Land Use Commission of the City of Sulphur for the following:

1. In accordance with Article II, Part I, Section 1 (6) (e) of the Land Use ordinance plans were received to subdivide lots for Maplewood Estates Phase III.

WHEREAS, the following described property located in the City of Sulphur, State of Louisiana, is owned by Lee Marsalise, Sulphur, Louisiana 70663, to-wit:

9.8 ACRES, MORE OR LESS, BEING PHASE 3 OF MAPLEWOOD ESTATES; A SUBDIVISION OF THE CITY OF SULPHUR, LOUISIANA, SITUATED IN THE SOUTHEAST QUARTER OF NORTHWEST QUARTER AND NORTHEAST QUARTER OF SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 9 SOUTH, RANGE 9 WEST ALL IN CALCASIEU PARISH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT NORTH 00°20'30" EAST, 50.0 FEET; SOUTH 89°30'00" EAST, 144.3 FEET; AND NORTH 57°42'40" EAST, 6.7 FEET FROM THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 9 SOUTH, RANGE 9 WEST, CALCASIEU PARISH LOUISIANA; THENCE NORTH 00°44'41" WEST FOR A DISTANCE OF 208.4 FEET; THENCE NORTH 89°56'01" EAST FOR A DISTANCE OF 731.6 FEET; THENCE SOUTH 00°31'45" WEST FOR A DISTANCE OF 212.2 FEET; THENCE SOUTH 89°52'90" EAST FOR A DISTANCE OF 97.4 FEET; THENCE SOUTH 00°40'52" WEST FOR A DISTANCE OF 149.3 FEET; THENCE SOUTH 03°38'43" WEST FOR A DISTANCE OF 50.1 FEET; THENCE SOUTH 00°31'51" WEST FOR A DISTANCE OF 480.7 FEET; THENCE SOUTH 89°53'21" WEST FOR A DISTANCE OF 133.5 FEET; THENCE SOUTH 00°03'41" EAST FOR A DISTANCE OF 76.0 FEET; THENCE NORTH 89°41'47" WEST FOR A DISTANCE OF 189.9 FEET; THENCE NORTH 00°28'44" EAST FOR A DISTANCE OF 411.4 FEET; THENCE NORTH 00°28'01" EAST FOR A DISTANCE OF 147.7 FEET; THENCE NORTH 12°38'05" WEST FOR A DISTANCE OF 19.6 FEET; THENCE NORTH 17°55'50" WEST FOR A DISTANCE OF 40.7 FEET; THENCE SOUTH 89°44'23" WEST FOR A DISTANCE OF 121.1 FEET; THENCE NORTH 00°11'06" WEST FOR A DISTANCE OF 40.2 FEET; THENCE SOUTH 89°48'46" WEST FOR A DISTANCE OF 184.6 FEET; THENCE NORTH 00°14'20" WEST FOR A DISTANCE OF 112.7 FEET; THENCE NORTH 88°19'28" WEST FOR A DISTANCE OF 58.2 FEET; THENCE SOUTH 58°25'12" WEST FOR A DISTANCE OF 89.0 FEET; THENCE NORTH 48°31'15" WEST FOR A DISTANCE OF 52.3 FEET TO THE POINT OF COMMENCEMENT; CONTAINING 9.8 ACRES, MORE OR LESS.

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

The Preliminary plans for Maplewood Estates Phase III submitted by Lee
Marsalise, is hereby granted.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 15th day of November, 2010.

ATTEST:

ARLENE BLANCHARD, Secretary

TROY DARBY, Chairman

The next item on the agenda is a resolution supporting the proposed amendments providing for the variances for setbacks on Lots, 1, 6, 10, 16, 27, 28, 34, 40, 41, 47, 48 and 50 to Monet Estates Phase II. Mr. Bruce stated that the Council subdivided this property last year after the homes were built. Once the lines were on paper the developer realized that some of the accessory structures were too close to the property lines. They are now asking for variances on these 12 lots. After discussion, motion was made by Mr. Peel seconded by Mr. Lawrence that the following resolution be adopted to-wit:

RESOLUTION

Resolution supporting the proposed amendments providing for the variances for setbacks on Lots 1, 6, 10, 16, 27, 28, 34, 40, 41, 47, 48 and 50 to Monet Acres Phase II.

WHEREAS, on January 11, 2010 the Sulphur City Council adopted Ordinance No. 961, M-C Series which granted the subdividing of lots located in Monet Acres Subdivision Phase II; and

WHEREAS, AAmagin Property Group, LLC has submitted application for variances for building setbacks for the following:

- Lot 1 - Overhang of storage building encroaches 2.4 feet over west building setback line
- Lot 6 – Overhang of building encroaches 1.7 feet over west building setback line
- Lot 10 – Overhang of building encroaches 1.5 feet over south building setback line
- Lot 16 – Overhang of building encroaches 1.2 feet over north building setback line
- Lot 27 – Overhang of building encroaches 1.6 feet over south building setback line
- Lot 28 – Overhang of building encroaches 0.8 feet over south building setback line
- Lot 34 – Overhang of building encroaches 1.6 feet over north building setback line
- Lot 40 – Overhang of building encroaches 0.2 feet over east building setback line
- Lot 41 – Overhang of building encroaches 1.0 feet over north building setback line
- Lot 47 – Overhang of building encroaches 1.2 feet over south building setback line
- Lot 48 – Overhang of building encroaches 0.3 feet over west building setback line
- Lot 50 – Overhang of building encroaches 1.2 feet over north building setback line

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby support the proposed amendments providing for the variances for the above mentioned lots.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 15th day of November, 2010.

ATTEST:

ARLENE BLANCHARD, Secretary

TROY DARBY, 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 definition of Regulated Development. Motion was made by Mr. Lawrence seconded by Mr. David 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 definition of Regulated Development.

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 read as follows:

Regulated Development

The use of land, including the change or enlargement of any use or disturbance of any land and the performance of any building or mining operation which has the characteristics, nature, suggestion or appearance of a development containing publicly owned and maintained infrastructure within its boundaries. Regulations for Regulated Development are included in the Ordinance governing subdivisions.

In addition to any development having the previously described characteristics, the following shall be considered a Regulated Development:

1. A development which includes a drive providing access to two or more structures which are not accessory structures.
2. A development which includes a utility providing services to two or more structures which are not accessory structures.
3. A development which includes drainage infrastructure providing services to two or more structures which are not accessory structures.

A vote was then called with the results as follows:

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

NAYS: None
ABSENT: None

And the said resolution was declared duly adopted on this 15th day of November, 2010.

ATTEST:

ARLENE BLANCHARD, Secretary

TROY DARBY, Chairman

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

ATTEST:

ARLENE BLANCHARD, Secretary

TROY DARBY, Chairman

11/15/10
7:17 P.M.