

July 21, 2008

The Land Use Commission of the City of Sulphur, Louisiana, met in regular session at its regular meeting place at City Hall, Sulphur, Louisiana, at 5:30 p.m., on the 21st day of July, 2008, after full compliance with the convening of said meeting, with the following members present:

JAY SHELTON, Land Use Commission of District 1  
TROY DARBY, Land Use Commission of District 2  
LAWRENCE DAVID, Land Use Commission of District 4  
GERRIT LAWRENCE, Land Use Commission of District 5

ABSENT - JOHNNY PEEL, Land Use Commission of District 3

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

The Chairman asked if there were any changes to the agenda. Motion was made by Mr. Darby seconded by Mr. David that the agenda stand as written.

The first item on the agenda a resolution authorizing the extension of a six month temporary permit which allows for temporary placement of travel trailers and/or mobile homes on residential property for living purposes during reconstruction of damages caused by Hurricane Rita for the following addresses:

<u>Address</u>	<u>Council District</u>
939 Alice	3
751 S. Crocker	2
805 W. Burton	1
702 Live Oak	1
214 Lightening	2
306 Parish	2
1413 Weekly	2
931 Alice	3

626 Dave	3
220 Oak	3

Motion was made by Mr. Darby seconded by Mr. Shelton that these addresses be placed on the next City Council agenda for their ratification. Motion carried.

The next item on the agenda a resolution granting a variance to Dennis Bergeron, 824 Mathew Street, to allow for an awning to be located 4 feet 7 inches from the rear property line instead of the required 10 feet. Mr. Bergeron stated that he had a 9x18 patio and would like to put an awning over it. There will be no enclosures. He also stated that he had a letter of no objection from his neighbor. Motion was made by Mr. Darby seconded by Mr. David that the following resolution be adopted to-wit:

#### RESOLUTION

Resolution granting a variance to Dennis Bergeron, 824 Mathew Street to allow for awning to be located 4 feet 7 inches from rear property line.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a variance to Dennis Bergeron, 824 Mathew Street to allow for awning to be located 4 feet 7 inches from rear property line instead of the required 10 feet.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mr. Peel

And the said resolution was declared duly adopted on this 21<sup>st</sup> day of July, 2008.

ATTEST:

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ARLENE BLANCHARD, Secretary

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GERRIT LAWRENCE, Chairman

The next item on the agenda a resolution granting a variance to KAP Electric, 4408 Maplewood Drive, to allow 24 apartments per acre instead of the required 18

apartments per acre (total apts. = 48). Mr. Portie stated that he wants to build 48 apartments instead of the required 36 so he can get a return on his investment within the year the apartments are built. If the Land Use Commission and City Council vote against this variance, he will be forced to build lesser quality apartments. They will be vinyl instead of brick. Mr. Lawrence stated that if they are built of vinyl that will be a maintenance nightmare.

Mr. Portie stated that there are approximately 170 apartments in this area on Maplewood Drive. He has tried to sell the property but has had no luck. The School Board nor Sulphur Parks and Recreation are interested in purchasing it. If he can't build the 48 apartments the lot west of the apartments will still be used to house the storage containers. Mr. Shelton stated that if the Land Use Commission does grant the variance there is still no guarantee that the better quality apartments (brick) will be built. Mr. Darby stated that the City is in the process of obtaining information from a professional planner to address areas of this sort.

Rod Ducote addressed the Commission and stated that each apartment should have 2 parking stalls just like he had to do with his apartments. There is enough congestion at Maplewood Middle School as it is. Where are all these tenants going to park? Where is the company going to park? They will end up parking on the road, at the school or at the park. This is a liability for the City. If Mr. Portie wants a quick return on his investment then he needs to build a mobile home park. He'll get his money back in 3 years. Mr. Portie is threatening the City that he will build cheaper apartments if he doesn't get the variances. Mr. Ducote stated that he opposes this variance.

David Ritchie addressed the Commission and stated that Mr. Portie doesn't care about their neighborhood. Mr. Portie sold his home in this area so now he wants to build apartments. The dumpsters that are located on this lot are ugly and are always filled with debris. He could have put the dumpsters on Beglis Parkway. Mr. Portie is trying to squeeze every dollar out of that lot. Mr. Ritchie also stated that he was insulted by what Mr. Portie is trying to sell the Commissioners.

Paul, Jackson Avenue, addressed the Commission and reiterated what Mr. Ritchie and Mr. Ducote stated. He also stated that he had no problem with the apartments if they were built to city code.

Scott Mosely addressed the Commission and stated that Mr. Portie paid too much for this property and now is asking for the City to bail him out. Mr. Mosely also stated that the police have been to the park two times because a boy had a gun and a knife. Also his son's bike was stolen from their yard. The City administration and Council are allowing these things to happen in our neighborhood. Motion was then made by Mr.

Darby seconded by Mr. David to adopt the following resolution:

Resolution granting a variance to KAP Electric, 4408 Maplewood Drive, for a variance to allow 24 apartments per acre instead of the required 18 apartments per acre.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a variance to KAP Electric for a variance to allow 24 apartments per acre instead of the required 18 apartments per acre (total apts. = 48).

A vote was then called with the results as follows:

YEAS: None

NAYS: Mr. Shelton, Mr. Darby, Mr. David, Mr. Lawrence

ABSENT: Mr. Peel

And the said resolution failed on this 21<sup>st</sup> day of July, 2008.

ATTEST:

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ARLENE BLANCHARD, Secretary

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GERRIT LAWRENCE, Chairman

The next item on the agenda a resolution granting a variance to KAP Electric, 4408 Maplewood Drive, to allow apartments to be located 8.8 feet from rear property line instead of the required 10 feet. At this time Mr. Portie asked that this resolution be removed from the agenda. Motion was made by Mr. Darby seconded by Mr. David that this item be removed from the agenda. Motion carried.

The next item on the agenda a resolution granting a variance to KAP Electric, 4408 Maplewood Drive, to allow for all parking spaces to be 9x18 instead of the required 10x20. Mr. Portie addressed the Commission and stated that each apartment will have two parking spaces. If they build 48 apartments, both sections will be gated. The apartments will be gated so Maplewood School will not be allowed to park at the apartments when they have school functions. Janet Ritchie addressed the Commission and stated that most people drive large vehicles now and there will not be enough room for these vehicles. They will take up two spaces and then people will have to start parking on the road.

Rod Ducote addressed the Commission and stated that on Mr. Portie's plans he has 34 apartments but only 46 parking spaces. Are all the parking spaces going to be within the gates? If the City allows the parking spaces to be 9 feet wide there will be car doors that will get banged. If there aren't enough spaces or if someone takes up two spaces with big vehicles, then the spill-over parking will be on the road or in the school parking lot. Will he have the proper façade for Maplewood? He feels Mr. Portie should build to City standards.

David Ritchie addressed the Commission and stated that the City has 10x20 parking spaces for a reason. If the City allows this variance it will lower the quality of the apartments. He asked the Commission not to lower the standards for Mr. Portie.

Scott Mosely addressed the Commission and stated that the City needs to provide safety for this neighborhood. He warned the City that if anything happened in this neighborhood it would be the City's fault.

Don Thompson addressed the Commission and stated that Mr. Portie built a huge building in his back yard and promised the neighbors he would not bring his business onto his lot. The next thing you know, Mr. Portie is having 18-wheelers, big trucks, etc. in and out of his back yard. Mr. Thompson called the City many times and nothing was done. He finally went to Mr. Drost, City Attorney, and Mr. Drost took care of the situation. There is enough traffic on Maplewood Drive. Mr. Portie needs to build his apartments smaller to accommodate for the 10x20 parking spaces. Motion was then made by Mr. Darby seconded by Mr. David that the following resolution be adopted to-wit:

#### RESOLUTION

Resolution granting a variance to KAP Electric, 4408 Maplewood Drive, for a variance to allow all parking spaces for apartments to be 9x18 instead of the required 10x20.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a variance to KAP Electric for a variance to allow all parking spaces for apartments to be 9x18 instead of the required 10x20.

A vote was then called with the results as follows:

YEAS: None

NAYS: Mr. Shelton, Mr. Darby, Mr. David, Mr. Lawrence

ABSENT: Mr. Peel

And the said resolution failed on this 21<sup>st</sup> day of July, 2008.

ATTEST:

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ARLENE BLANCHARD, Secretary

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GERRIT LAWRENCE, Chairman

The next item on the agenda a resolution amending Article IV, Part 3, Section 1 (2) of the Land Use Ordinance to allow for only 1 single family dwelling per lot. Mrs. Tower addressed the Commission and stated that some of the members of the Council and herself thought that the ordinance was already interpreted to read only one single family detached dwelling per lot. In 2005 there was a resident on St. Joseph Street that was not allowed to put two dwellings on one lot and now it is allowed. She supports this amendment to the Land Use Ordinance to protect property value.

Marcus Young also addressed the Commission and was in favor of the amendment.

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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GERRIT LAWRENCE, Chairman

7/21/08  
6:27 P.M.