

November 16, 2020

The Land Use Commission of the City of Sulphur, Louisiana, met in regular session at its regular meeting place located at 500 N. Huntington Street, Sulphur, Louisiana, held at 5:30 p.m., on the 16th day of November, 2020, after full compliance with the convening of said meeting with the following members present:

LENORE CARROLL, Land Use Commission District 1  
VERONICA ALLISON, Land Use Commission District 3  
ROBIN BAUDOIN, Land Use Commission District 4  
JONATHAN BRAZZELL, Land Use Commission of District 5

ABSENT - PHYLLIS WILSON, Land Use Commission District 2

After the meeting was called to order and the roll called with the above results, prayer was led by Ms. Baudoin followed by the reciting of the Pledge of Allegiance led by Mrs. Allison.

Motion was made by Mr. Brazzell seconded by Mrs. Carroll that the minutes from the previous meeting stand as written. Motion carried unanimously.

Motion was then made by Mrs. Carroll seconded by Mr. Brazzell that the agenda stand as written. Motion carried unanimously.

The first item on the agenda is a resolution granting an Exception to Joseph Smith III, 1808 Ruth Street, to allow for living in a Business District. Billy Loftin, Asst. City Attorney, stated that an Exception was granted in 2015 for duplex cabins. Since Mr. Smith wants to build apartments rather than duplex cabin rentals, he must get approval again. This is a technicality since the ordinance specified exactly what he wanted to build.

Mr. Smith stated that in 2015 he was approved for 28 duplex cabins. Gravity Drainage has a ditch on the south side of the property, and they won't allow him to build anything on the south side so he wants to change his plans to maximum his space. He wants to build a strip of

apartments on the north side. He also stated that since the hurricane he needs to fix the fencing that is leaning. Some of the fencing is salvageable.

Ms. Baudoin stated that prior to the hurricanes the fence was leaning onto adjacent property owners fence causing theirs to lean. She has received many complaints about the fencing. After discussion, motion was made by Mrs. Allison seconded by Mrs. Carroll that the following resolution be adopted to-wit:

**RESOLUTION GRANTING AN EXCEPTION TO JOSEPH SMITH III, 1808 RUTH STREET, TO ALLOW FOR LIVING A BUSINESS DISTRICT.**

WHEREAS, on August 10, 2015, City Council adopted Ordinance No. 1320, M-C Series which granted an Exception to Joseph Smith, 1808 Ruth Street, to allow for duplex cabin rentals in a Business District; and

WHEREAS, since applicant revised his plans from duplex cabin rentals to another type of structure, it is required that the applicant re-submit the application for an Exception; and

WHEREAS, application has been received from Joseph Smith III, 1808 Ruth Street, to allow for living in a Business District.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant an Exception to Joseph Smith III, 1808 Ruth Street, to allow for living in a Business District., in accordance with Article IV, Part 3, Section 4 (3) of the Land Use ordinance for the following described property:

THE WEST 220 FEET AND THE EAST 220 FEET OF LOT 24 OF A SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 9 SOUTH, RANGE 10 WEST, AND THE WEST HALF OF THE EAST HALF OF SECTION 3, TOWNSHIP 10 SOUTH, RANGE 10 WEST, AS PER PLAT RECORDED IN PLAT BOOK 3, PAGE 141, RECORDS OF CALCASIEU PARISH, LOUISIANA, TOGETHER WITH ALL IMPROVEMENTS SITUATED THEREON, AND,

COMMENCING 220 FEET EAST OF THE NORTHWEST CORNER OF LOT 24 OF A SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 9 SOUTH, RANGE 10 WEST, AND THE WEST HALF OF THE EAST HALF OF SECTION 3, TOWNSHIP 10 SOUTH, RANGE 10 WEST, AS PER PLAT RECORDED IN PLAT BOOK 3, PAGE 141, RECORDS OF CALCASIEU PARISH, LOUISIANA, THENCE SOUTH 100 FEET; THENCE EAST 5 FEET; THENCE NORTH 100 FEET; THENCE WEST 5 FEET TO THE POINT OF

COMMENCEMENT, TOGETHER WITH ALL IMPROVEMENTS SITUATED THEREON, AND,

COMMENCING 225 FEET EAST OF THE NORTHWEST CORNER OF LOT 24 OF A SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 9 SOUTH, RANGE 10 WEST, AND THE WEST HALF OF THE EAST HALF OF SECTION 3, TOWNSHIP 10 SOUTH, RANGE 10 WEST, AS PER PLAT RECORDED IN PLAT BOOK 3, PAGE 141, RECORDS OF CALCASIEU PARISH, LOUISIANA, THENCE SOUTH 100 FEET; THENCE EAST 75 FEET; THENCE NORTH 100 FEET; THENCE WEST 75 FEET TO THE POINT OF COMMENCEMENT, TOGETHER WITH ALL IMPROVEMENTS SITUATED THEREON, AND,

COMMENCING 300 FEET EAST OF THE NORTHWEST CORNER OF LOT 24 OF A SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 9 SOUTH, RANGE 10 WEST, AND THE WEST HALF OF THE EAST HALF OF SECTION 3, TOWNSHIP 10 SOUTH, RANGE 10 WEST, AS PER PLAT RECORDED IN PLAT BOOK 3, PAGE 141, RECORDS OF CALCASIEU PARISH, LOUISIANA, THENCE SOUTH 100 FEET; THENCE EAST 80 FEET; THENCE NORTH 100 FEET; THENCE WEST 80 FEET TO THE POINT OF BEGINNING, TOGETHER WITH ALL IMPROVEMENTS SITUATED THEREON. (SAID PROEPRTY DESCRIPTIONS DESCRIBING ALL OF LOT 24), BEING THE SAME PROEPRTY AS DESCRIBED IN AFFIDAVIT OF CORRECTION OF CASH DEED, DATED JANUARY 20, 2010, RECORDED JANUARY 21, 2010, BEING CLERK'S FILE NO. 2949526, RECORDED IN CONVEYANCE BOOK 3630, PAGE 365, RECORDS OF CALCASIEU PARISH, LOUISIANA.

THIS SALE IS MADE SUBJECT TO ANY RESTRICTIONS, MINERAL OR ROYALTY RESERVATIONS, MINERAL LESSES, RIGHTS OF WAY OR ANY OTHER SERVITUDE OR EASEMENT WHICH MAY APPEAR OF RECORD OR BEAR UPON THE PROPERTY HEREIN CONVEYED, ALL OF WHICH IS SPECIFICALLY EXCLUDED FROM THE GENERAL WARRANTY OF TITLE HEREIN CONTAINED.

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

If City Council does hereby approve this Exception the owner of this Exception 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 Exception.

**No work shall commence until all applicable permits are obtained. In the event work is commenced prior to obtaining all applicable permits, this Exception 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 an Exception to Joseph Smith III, 1808 Ruth Street, to allow for living in a Business District.

A vote was then called with the results as follows:

YEAS: Mrs. Carroll, Mrs. Allison  
NAYS: Ms. Baudoin, Mr. Brazzell  
ABSENT: Mrs. Wilson

And the said resolution failed on this 16<sup>th</sup> day of November, 2020.

ATTEST:

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ARLENE BLANCHARD, Secretary

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ROBIN BAUDOIN, Chairman

The next item on the agenda is a resolution zoning property to Business District for Kenny Phipps, 2747 East Napoleon Street. *(This parcel was erroneously not zoned at the time Zoning was adopted in 2003)*. Motion was made by Mrs. Allison seconded by Mr. Brazzell that the following resolution be adopted to-wit:

RESOLUTION

Resolution granting the zoning of property to Business District owned by Kenneth Phipps, for property located at 2747 East Napoleon Street.

WHEREAS, at the time City Council adopted zoning in 2003, said parcel failed to be zoned.

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

The Land Use Ordinance of the City of Sulphur is hereby amended to zone property for Kenneth Phipps, 2747 East Napoleon Street, to Business District for the following described property to wit:

COM ON E/L SE NW SEC 36.9.10, WHERE IT INTERSECTS N/L HWY 90, TH W ALONG N/S HWY, 100 FT, N T S/L RR R/W OF S P R R 170 FT M/L ETC "OFFC COMPLEX"  
E 50 FT OF – COM 100 FT W OF E/L SE NW 36.9.10, ON N/S HWY 90, TH W 300 FT, N TO R/W OF S P R R 170 FT M/L ETC

If City Council does hereby approve this Zoning, applicant 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 Zoning.

A vote was then called with the results as follows:

YEAS: Mrs. Carroll, Mrs. Allison, Ms. Baudoin, Mr. Brazzell

NAYS: None

ABSENT: Mrs. Wilson

And the said resolution was declared duly adopted on this 16<sup>th</sup> day of November, 2020.

ATTEST:

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ARLENE BLANCHARD, Secretary

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ROBIN BAUDOIN, 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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ROBIN BAUDOIN, Chairman

11/16/20  
6:00 P.M.