

September 16, 2013

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, at 5:30 p.m., on the 16th day of September, 2013, 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
LAWRENCE DAVID, Land Use Commission District 4
GERRIT LAWRENCE, Land Use Commission of District 5

ABSENT - JOHNNY PEEL, Land Use Commission District 3 (surgery)

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

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

The Chairman then asked if there were any changes to the agenda. Motion was made by Mr. Lawrence seconded by Mr. David that items 3, 4 & 5 be removed from the agenda. Motion carried.

Motion was then made by Mr. Lawrence seconded by Mr. David that the agenda stand as changed. Motion carried.

The first item on the agenda is a resolution granting a rezone to K-5 Enterprises, 1319 Cypress Street, from Residential to Business. Mr. Darby stated that this was a house-keeping issue. Motion was made by Mr. David seconded by Mr. Lawrence that the following resolution be adopted to-wit:

RESOLUTION

Resolution granting a rezone to K-5 Enterprises, LLC from Residential to Business.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a rezone to K-5 Enterprises, LLC from Residential to Business with the following stipulation:

1. Solid waste bins (dumpsters) shall be located no closer than fifteen feet to an adjacent property line of any Residential parcel and screened with a 6' tall, gated, masonry or lumber fence.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mr. Peel

And the said resolution was declared duly adopted on this 16th day of September, 2013.

ATTEST:

ARLENE BLANCHARD, Secretary

TROY DARBY, Chairman

The next item on the agenda is a resolution granting a variance to John and Bonita Delome, 507 Frederick Street, to allow for front foot dimension to be 30 feet rather than 50 feet.
(agenda should have been amended for front foot dimension to be -0- feet rather than 50 feet).

Motion was made by Mr. David seconded by Mrs. Carroll that the following resolution be adopted to-wit:

RESOLUTION

Resolution granting a variance to John and Bonita Delome, 507 Frederick Street, to allow for front foot dimension to be -0- feet rather than the required 50 feet.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby grant a variance to John and Bonita Delome, 507 Frederick Street, to allow for front foot dimension to be -0- feet rather than the required 50 feet with the following stipulations:

A right of access easement be executed and filed at the Clerk of Court granting a right of access along the projection of Frederick Street right of way to the north. Dimensions shall be approximately 30'x175' *(see attached right of access easement).*

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mr. Peel

And the said resolution was declared duly adopted on this 16th day of September, 2013.

ATTEST:

ARLENE BLANCHARD, Secretary

TROY DARBY, Chairman

The next item on the agenda is a resolution accepting petition from Sulphur Group, LLC for the annexation of property located off Arena Road adjacent to West Calcasieu Community Center. Motion was made by Mr. Lawrence seconded by Mr. Peel that the following resolution be adopted to-wit:

RESOLUTION

Resolution accepting petition from Sulphur Group LLC for the annexation of property located west of West Calcasieu Community Center.

WHEREAS, said property shall be zoned Commercial with a pending exception for multi-family use for approximately 9 acres along southern-most boundary of the following described property:

A TRACT OF LAND CONTAINING 39.45 ACRES MORE OR LESS LOCATED IN SECTION 3, TOWNSHIP 10 SOUTH, RANGE 10 WEST, CALCASIEU PARISH, LOUISIANA, AND BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY OF INTERSTATE 10 AND THE EAST RIGHT OF WAY OF THE SABINE RIVER AUTHORITY DIVERSION CANAL, THENCE SOUTH 00°36'54" WEST A DISTANCE OF 120.8 FEET, THENCE SOUTH 00°36'54" WEST CONTINUING ALONG SAID EAST RIGHT OF WAY OF THE SABINE RIVER AUTHORITY DIVERSION CANAL A DISTANCE OF 602.4 FEET; THENCE SOUTH 02°31'32" WEST CONTINUING ALONG SAID RIGHT OF WAY A DISTANCE OF 155.59 FEET; THENCE SOUTH 02°32'37" WEST ALONG SAID RIGHT OF WAY A DISTANCE OF 51.9 FEET TO THE POINT OF BEGINNING; THENCE EAST A DISTANCE OF 1279.63 FEET; THENCE SOUTH 00°53'00" WEST A DISTANCE OF 1357.20 FEET; THENCE NORTH 89°01'41" WEST A DISTANCE OF 1245.80 FEET TO A POINT ON THE EAST RIGHT OF WAY OF THE SABINE RIVER AUTHORITY DIVERSION CANAL; THENCE NORTH 06°41'43" WEST A

DISTANCE OF 111.95 FEET; THENCE NORTH 04°25'27" WEST CONTINUING ALONG SAID RIGHT OF WAY A DISTANCE OF 184.29 FEET; THENCE NORTH 00°36'54" EAST CONTINUING ALONG SAID RIGHT OF WAY A DISTANCE OF 949.18 FEET; THENCE NORTH 02°32'37" EAST CONTINUING ALONG SAID RIGHT OF WAY A DISTANCE OF 91.94 FEET TO THE POINT OF BEGINNING.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby accept petition from Sulphur Group LLC for the 25 acres located west of West Calcasieu Community Center.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mr. Peel

And the said resolution was declared duly adopted on this 16th day of September, 2013.

ATTEST:

ARLENE BLANCHARD, Secretary

TROY DARBY, Chairman

The next item on the agenda is a resolution enlarging and extending the boundaries of the City of Sulphur for the annexation of property located off Arena Road adjacent to West Calcasieu Community Center. Motion was made by Mr. Lawrence seconded by Mr. David that the following resolution be adopted to-wit:

RESOLUTION

RESOLUTION ENLARGING AND EXTENDING THE BOUNDARIES OF THE CITY OF SULPHUR FOR THE ANNEXATION OF SULPHUR GROUP LLC FOR 25 ACRES LOCATED WEST OF WEST CALCASIEU COMMUNITY CENTER.

WHEREAS, the City of Sulphur has received a petition from Sulphur Group LLC for the annexation of certain property which is adjacent to and contiguous to the existing corporate limits of the City of Sulphur, which said property is generally described as lying on the south side of I-10, west of West Calcasieu Community Center; and

WHEREAS, this resolution will serve as the introduction of ordinance proposing to enlarge and extend the boundaries of the City of Sulphur, Louisiana, to include the said property; and

WHEREAS, a Public Hearing will be held in accordance with State law and will be duly advertised with Public Notice to enlarge and extend the boundaries to include said property. At time of Public Hearing a complete description of the geographic boundaries of the City of Sulphur will be included; and

WHEREAS, said property shall be zoned Commercial with a pending exception for multi-family use for approximately 9 acres along southern-most boundary of the property description below.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, the governing authority thereof, that the boundaries of the City of Sulphur, Louisiana, be and the same are hereby enlarged and extended to include the following described property situated in the Parish of Calcasieu, State of Louisiana, to-wit:

A TRACT OF LAND CONTAINING 39.45 ACRES MORE OR LESS
LOCATED IN SECTION 3, TOWNSHIP 10 SOUTH, RANGE 10 WEST,
CALCASIEU PARISH, LOUISIANA, AND BEING MORE PARTICULARLY
DESCRIBED AS COMMENCING AT THE INTERSECTION OF THE SOUTH
RIGHT OF WAY OF INTERSTATE 10 AND THE EAST RIGHT OF WAY OF
THE SABINE RIVER AUTHORITY DIVERSION CANAL, THENCE SOUTH
00°36'54" WEST A DISTANCE OF 120.8 FEET, THENCE SOUTH 00°36'54"
WEST CONTINUING ALONG SAID EAST RIGHT OF WAY OF THE
SABINE RIVER AUTHORITY DIVERSION CANAL A DISTANCE OF 602.4
FEET; THENCE SOUTH 02°31'32" WEST CONTINUING ALONG SAID
RIGHT OF WAY A DISTANCE OF 155.59 FEET; THENCE SOUTH
02°32'37" WEST ALONG SAID RIGHT OF WAY A DISTANCE OF 51.9
FEET TO THE POINT OF BEGINNING; THENCE EAST A DISTANCE OF
1279.63 FEET; THENCE SOUTH 00°53'00" WEST A DISTANCE OF 1357.20
FEET; THENCE NORTH 89°01'41" WEST A DISTANCE OF 1245.80 FEET
TO A POINT ON THE EAST RIGHT OF WAY OF THE SABINE RIVER
AUTHORITY DIVERSION CANAL; THENCE NORTH 06°41'43" WEST A
DISTANCE OF 111.95 FEET; THENCE NORTH 04°25'27" WEST
CONTINUING ALONG SAID RIGHT OF WAY A DISTANCE OF 184.29
FEET; THENCE NORTH 00°36'54" EAST CONTINUING ALONG SAID
RIGHT OF WAY A DISTANCE OF 949.18 FEET; THENCE NORTH
02°32'37" EAST CONTINUING ALONG SAID RIGHT OF WAY A
DISTANCE OF 91.94 FEET TO THE POINT OF BEGINNING.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mr. Peel

And the said resolution was declared duly adopted on this 16th day of September, 2013.

ATTEST:

ARLENE BLANCHARD, Secretary

TROY DARBY, Chairman

The next item on the agenda is a resolution amending Article IV, Part 2, Section 6 of the Land Use Ordinance – Home Business/Occupations. *(One of the amendments to this ordinance was that the Land Use Commission will vote on every Home Business/Occupation rather than the Land Use Administrator).* Mr. Bruce stated that if a breezeway is added to primary structure is should look like original structure and part of foundation of the home. Mr. Redd stated that it's hard to write an ordinance that addresses every scenario. The Land Use Commission will have to take these Home Businesses cases by case. Motion was then made by Mr. Lawrence seconded by Mrs. Carroll that the following amendment be made:

- Add the word “or” at the end of (a).
 - (a) Appealed by any party to the City Council within ten calendar days of Land Use Commission action. Appeal shall be in writing, submitted to the Council Secretary, or
 - (b) An Exception is required in accordance with Section 6 (5) herein.

Motion carried.

Motion was then made by Mr. Lawrence seconded by Mr. David that the following resolution be adopted to-wit:

RESOLUTION

RESOLUTION AMENDING ARTICLE IV, PART 2, SECTION 6 OF THE LAND USE ORDINANCE – HOME BUSINESS/OCCUPATIONS.

BE IT RESOLVED by the Land Use Commission of the City of Sulphur, Louisiana, that they do hereby amend Article IV, Part 2, Section 6 of the Land Use ordinance as follows:

Section 6. Home business/occupations.

- (1) *Authority.* Home occupations shall be permitted in any residential dwelling unit provided that the home occupation complies with the lot size, bulk regulations and

parking requirements of the land use district in which the home occupation is located. Decision of Land Use Commission shall be final unless:

- (a) Appealed by any party to the City Council within ten calendar days of Land Use Commission action. Appeal shall be in writing, submitted to the Council Secretary, or
- (b) An Exception is required in accordance with Section 6 (5) herein.

(2) *Purpose.* The regulations of this Section are designed to protect and maintain the residential character of established neighborhoods while recognizing that particular professional and limited business activities are traditionally carried on in the home and are compatible with the long term of integrity of a residential neighborhood.

(3) *Application.*

- (a) Application shall be submitted to the Council Secretary and reviewed for completeness. If complete, application shall be placed on the agenda for consideration.
- (b) Application must be complete with floor plan illustrating:
 - (1) Internal use of the building for business
 - (2) Layout and square footage of the portion of the building used for non-business related activities.
 - (3) Conditions existing at the time of application unless accompanied by an executed building permit. Said permit shall acknowledge the intended use.
- (c) Application must include photographs showing all sides of the principle structure.
- (d) Upon acceptance of a complete application, the City shall provide notice as required in Article III, Part 2, Section 1 (3).

(4) *Particular Home Occupations Permitted.* Permitted home occupations are:

- (a) Homebound employment of a physically, mentally, or emotionally handicapped person who is unable to work away from home by reason of his disability;
- (b) Office facilities for salesmen, sales representatives, or authorized agents of firms or companies;
- (c) Studio or office of an artist, musician, photographer, craftsman, writer, tailor, seamstress, accountant, architect, beautician, broker, doctor, engineer, lawyer, insurance agent, realtor or member of similar profession or similar person provided that the existence of the home occupation will not increase the number of average daily automobile trips generated by the residence in which the home occupation is located;
- (d) Outdoor activities which have no discernible off-site impact and are

conducted in a backyard and are totally enclosed within an accessory building, wall or fence and are clearly subordinate to the principal structure.

(5) Home Occupations Permitted as Exceptions by Land Use Commission and City Council.

- (a) Recreational instruction, day care facilities and fine arts and crafts instruction, provided:
 - (1) Applicant must obtain all applicable permits and licenses required by state regulatory agencies.
 - (2) Hours of operation, except for day care, shall be limited to 9:00 a.m.—4:30 p.m., Monday through Friday.
 - (3) All parking shall be off-street parking, on a paved driveway.
 - (4) The home occupation shall be conducted entirely within the enclosed principal structure or within a surrounding wall or fence.
 - (5) Outdoor storage of equipment or material is limited to that normally supporting a residential outdoor activity being conducted on the premises.
 - (6) For day care facilities, no more than six (6) children are on the premises at any time, not including those related to the caregiver.
 - (7) All use limitations in (6) "Use Limitations", below, not modified in this section, (5)(a), shall be met.
- (b) Any business generating any activity or storage conducted in an accessory building
- (c) The procedure for Permitted as Exceptions by Land Use Commission and City Council shall be in accordance with Article III, Part 2, Section 1.

(6) Use Limitations. In addition to the requirements of the land use district in which it is located, all home/business occupations shall comply with the following restrictions subject to the exceptions set forth in Subsection 6(5).

- (a) The home occupation shall be conducted entirely within the enclosed principal structure, and shall not be visible from any residential structure or a public way; For purposes of this Section, "principle structure" shall mean a structure used for the principle use of the property as opposed to an accessory use and shall be a single, independent structure supported by a common foundation and having all portions connected by contiguous walls.
- (b) The home occupation shall not occupy more than ten (10) percent of the floor area of the dwelling unit;
- (c) There shall be no outdoor storage of equipment or materials used in the home occupation;

- (d) No mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall used;
- (e) No home occupation shall be permitted which is noxious, offensive or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions;
- (f) No more than one (1) employee shall be permitted other than a resident of the dwelling;
- (g) No sign shall advertise the presence or conduct of the home occupation, other than a non-illuminated name plate, which does not exceed two (2) square feet in size.
- (h) The home occupation will not increase the number of average daily automobile trips generated by the residence in which the home occupation is located.
- (i) All business activities conducted upon the premises are conducted within the dwelling by a member or members of the immediate family by blood or marriage residing in the dwelling and such business activities are incidental and secondary to the use of the dwelling for dwelling purposes. The dwelling used for the home occupation must be the principal residence of the resident conducting the home occupation, evidenced by voter registration or driver's license registration at that location.
- (j) No commercial vehicle exceeding one and one-half (1½) tons rating shall be parked upon any residentially zoned lot or parcel except while in the process of making a pickup or delivery. Not more than one (1) commercial vehicle associated with the home occupation (a vehicle registered in the name of a business or used in the conduct of a business) may be parked upon a residentially zoned lot or parcel. This restriction shall not apply to automobiles, in which case the limit shall be two (2).

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mr. Peel

And the said resolution was declared duly adopted on this 16th day of September, 2013.

ATTEST:

ARLENE BLANCHARD, Secretary

TROY DARBY, Chairman

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

ATTEST:

ARLENE BLANCHARD, Secretary

TROY DARBY, Chairman

9/16/13

5:45 P.M.