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The meeting was called to order by Planning Chairwoman Karen Gautreaux and read the paragraph stating it was being held on the Zoom platform, as allowed by Executive Proclamation 6 JBE 2021 by Governor John Bel Edwards and was in compliance with LA.R.S. 42:17.1. Stating that the matters included on this agenda are critical to the continuation of the business of the Commission and should not be delayed and therefore, meet the requirements of LA.R.S. 42:17.1(A)(2).

The secretary called the roll.

Commissioners Present: Nixon Adams, Ren Clark, Brian Rhinehart, Jeffrey Lahasky, Karen Gautreaux, Mike Pierce and Simmie Fairley

Absent: None

Also Present: Louissette Scott, Director, Planning Department; Cara Bartholomew, Planner; Elizabeth Sconzert, City Attorney; and Councilmembers Present: Dr. Skelly Kreller, and Jill McGuire

Since there was no new business on the Planning Commission, Ms. Gautreaux turned over the meeting to Mr. Adams so he could commence the Zoning Commission Public Hearing.

Mr. Adams moved to adjourn the Planning Commission meeting and move into the Zoning Commission session, Ms. Gautreaux seconded, all were in favor.



Alex Weiner, Secretary



Karen Gautreaux, Chairwoman
Planning Commission

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Mr. Nixon Adams called to order the Zoning Commission meeting.

Mr. Adams moved to vote that all of the matters included on the agenda are critical to the continuation of the business of the Commission and should not be delayed, and therefore, meet the requirements of La.R.S. 42:17.1(A)(2).

Ms. Gautreaux made a motion to vote, Mr. Fairley seconded, and all were in favor.

Mr. Adams announced we will be hearing variances and any records or decisions we make will be filed in our offices at City Hall tomorrow morning and any applicable appeal time will run from that point.

Mr. Adams called for a vote to move forward with the discussion of agenda items and voted on approval.

New Business:

Ms. Scott presented the first case, V21-02-05 Mark and Windy Muller requests a variance to CLURO Sec. 7.5.1.3 R-1 Single - Family Residential District – Site Development Regulations, Sq. 12, Lot 4B, 1909 Jefferson St. *Set back encroachments for construction of new residential dwelling on non-conforming lot of record.*

The property owners are proposing to construct a new residential dwelling on a portion of Lot 4, Sq 12. The property is zoned R-1, Single family Residential. It is located on the north side of Jefferson St between Gerard St. and Marigny Ave. in Square 12. The lot has a frontage on Jefferson St. of 70.3' and a depth of 68.7' and contains 4,740 square feet. The lot is currently improved with a duplex and has not been occupied since post Katrina, 2005. The lot is a legally non-conforming lot of record in accordance with CLURO Sec. 4.2.4.5:

4.2.4.5. Provisions for Legally Non-Conforming Lots-of-Record

If lot dimensions do not meet minimum standards and the lot has been in separate ownership from adjacent property continuously since passage of this CLURO, such lot may be used as a building site for a permitted use in conformance with the requirements of district in which the site is located.

The applicant is proposing to demolish the existing duplex, a non-conforming use. The existing structure is slab on grade and does not meet the minimum Base Flood Elevation (BFE). The existing structure is setback approximately 14' from the front property line, 5' from the west property line, 13' from the east property line and 21' from the rear property line. The existing footprint is approximately 34'x51' (1,734 sq ft.)

The property owners are proposing a 1,750 sq ft single-family residence. Due to the lot size the applicants are requesting variances to the R-1 Single-Family site development regulations. The buildable footprint within regulations allows for a 13'x46' area (598 sq ft).

The requests are in accordance with plans submitted by KVS Architecture (Sheets A1.0, A1.1, A2.0, A2.1, A2.2) dated 12.18.2020. The applicants are requesting a variance to the front yard setback of 15' from the required 25' to the front setback providing a 10' setback, a 3.5' variance from the required 8.5' setback and a 13' variance from the required 30' rear setback, providing 17' setback (12.5 in area of the stairs). The R-1 District requires a maximum impervious site coverage of 45% (2133 sq ft). The applicant is requesting an impervious site coverage of 53% instead of maximum 45% (2,133 sq. ft.).

7.5.1.3. **R-1 Site Development Regulations**

Each development site in the R-1 Single-Family Residential Zoning District shall be subject to the following site development regulations in addition to any regulations applicable under the provisions of Article 8. The Planning Director may grant exceptions to the following standards pursuant to section 4.3.5.

1.	Minimum lot area	10,800 Square feet (except for legal non-conforming lots as provided)
2.	Minimum building area (Square feet per unit)	1,200 Square feet
3.	Minimum lot width	90'
4.	Minimum lot depth	120'
5.	Minimum Yard Setback Requirements	
a.	Front yard	25'
b.	Interior side yard*	
i.	Frontage up to 50'	8' each side
ii.	Frontage between 51' – 60'	10' each side
iii.	Frontage between 61' – 75'	12' each side
iv.	Frontage between 76' – 80'	13' each side
v.	Frontage between 81' – 90'	15' each side
vi.	Frontage between 91' – 100'	16' each side
vii.	Frontage between 101' – 110'	18' each side
viii.	Frontage between 111' +'	20' each side
c.	Street side yard	15'
d.	Rear yard	30'
6.	Maximum Height of Structures	35'
7.	Maximum Impervious Site Coverage	45%

*The side yard setbacks of the site may be shifted into the opposite yard up to 30% so long as the area lost in one required side yard is provided in the opposite side yard and the total minimum setback of the site is provided.

111. Impervious Cover. Impervious coverage of a site shall include the total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways, and driveways. Pools of water including but not limited to swimming pools, reflecting ponds and fountains are excluded from this calculation.

112. Impervious Surfaces. Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surfaces shall include graveled driveways and parking areas.

Discussion:

Mr. Lahasky commented that he appreciates the overlay slide and that you can see how in relation to the houses on either side of it and how much green space is in between. He likes it better and is content with it.

Public comments:

Mark Tremblay, a neighbor on the North and on the East part of the lot, was on the conference and stated that he thought it looked good to him on his end.

Mr. Lahasky motioned to approve V21-02-05 as requested for the reasons as discussed. Mr. Fairley seconded, and the motion was approved 6-1.

Ms. Scott presented the second case V21-02-06 Lisa Schwartzberg requesting a variance to CLURO Sec. 8.1.1.4 (4) Allowed Setback Encroachments, Mechanical Equipment, City of Mandeville, Sq. 9, Lot 11A, 250 Marigny Ave., R-1 Single Family Residential District.
Placement of generator on street-side yard

Ms. Scott made mention that the contractor misunderstood what the permit payment he had made meant so he put the generator in, but without plumbing hooked up.

The property is located on the south west corner of Marigny Ave. and Jefferson St, zoned R-1 Single Family Residential District. The lot is a non-conforming lot of record, measuring 63.95'x 87.5'. The property was previously granted variances for setbacks in 2014 (V14-01-10), to allow for the construction of a single-family dwelling. The existing residence is compliant with the variances granted.

The existing house is located 16' from the front property line, 10' from the Jefferson street side, 25' from the interior side and 16' from the rear property line. The applicant is requesting to place a generator within the street side setback. The existing mechanical equipment is located on the opposite side of the house and is compliant with setbacks. The required street side setback is 15', the residence is located 10' from the property line and the request is to place the generator 6' from the property line. Due to required specifications, the applicants cannot place the generator in the rear, or within the interior side setback adjacent to the existing mechanical equipment.

	Required	Proposed	Deficient
Jefferson St. Setback – Generator	15'	6'	9'
Jefferson St. House – Existing	15'	10'	5'

The property is in flood zone AE EL10, the generator must be elevated to a minimum 12' MSL to be complaint with the City's 2' freeboard requirement.

Applicant Submitted the following:
Due to the generator 5' setback rules from any window or door opening and limited rear yard and side yard discrepancies my customer/contractors are asking permission to encroach on the side street setback. Looking for permission to encroach approximately 4' into the 10' setback of the property line. This places the generator 18" off hardi plank veneer and 6'0" from property line.

CLURO Section 8.1.1.4. Allowed Setbacks Encroachments

Every part of a required setback shall be open to the sky and unobstructed by accessory structures except:

- 4. Mechanical Equipment.** Except as authorized for the elevation of existing structures, or where there is existing mechanical equipment located within the side setback, heating, ventilation, air conditioning, generator, or pool equipment shall not encroach into any required front or side setback.

Lisa Schwartzberg, the applicant was on the call along with her husband Glen Schwartzberg. Ryan Whitfield, the contractor, was also on the call. Lisa Schwartzberg said they have a safety concern by having the generator exhaust go to the side porch or the front porch and they would have to cut down the citrus tree to install it.

The applicant, Ryan Whitfield, (contractor for owner) submitted the following:
There are a couple of reasons why it wouldn't work:

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- On the south side opposite where we proposed she has an AC platform with two units, electrical and gas utilities covering the entire stretch of that side, in addition she has windows, and a huge outdoor patio overlooking her garden/landscaping. The generator if faced south would exhaust onto her patio, and if turned 90 degrees would exhaust into her AC units.
- To the west towards the rear of the house is completely off street parking with several windows that the 5' rule would place it in the middle of the driveway. Behind that is a detached covered carport that blocks the rest of the yard.
- That side street yard is her only area as it will be the minimum placed of her exterior veneer, between two spaced out windows behind foliage beyond the generator where it isn't that visible from the side street anyway.
- Please give this variance consideration based that it is camouflaged in foliage, complies with all spacing/setback codes from windows, doors, and even if it were a (non-side street lot). There are no neighbors on that side of the house to conflict with a setback variance between lot lines.

Ryan Whitfield explained why it is not a good place to put the generator where the other mechanical units are in place. She has a utility meter and a 200 amp breaker panel, that you can't see in the photo. He stated that the concern was if it was set 5' from the house they would have no yard on Jefferson Street side as well as there would be no ventilation for the toxic gases and fumes versus putting it where it is proposed where there aren't any porches or neighbors.

Mr. Adams said he felt better on an interior placement but regardless there needs to be a vegetation screening of some type.

Glen Schwartzberg is concerned on the toxic gases in the range of the porches. Whereas on the other side of the house there are no porches to worry about the gases. Lisa Schwarzberg commented that there are no neighbors on that side either as they are on the mechanical side. They are on board with having the vegetation screening and gave the example of adding bamboo as well as the existing shrubs such as magnolias which will get bigger and continue to grow.

Mr. Rhinehart wanted clarification why it wasn't decided to be put in the back?

Ms. Scott said if it were placed on the West side it would have to be placed 5' away so that would place it in the middle of the driveway.

Ms. Gautreaux recommends the screening also since it is very visible from the street, and since it will be a while before the bushes grow. She is happy to hear the customer will add more vegetative screening.

Glen Schwartzberg did not have a problem with that at all.

Mr. Pierce inquired how much of an easement was there.

Ms. Scott responded 15' from the property line.

Mr. Lahasky had mixed feelings. He indicated the ideal location would be on the other side but understands about the reasons to not put it by the gas meters and electrical panels and about the venting issues. He doesn't like the street side but does like the easement. He likes that it is not close to the road and is approximately 20' away from the road and said it would be nice if there was a way to screen it to make it look a little nicer.

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Mr. Clark said this seems to be a new normal and thinks we need to get ahead of it. If people understand it is a convenience to them and not up to the City to make this convenience happen. Going forward we need to look at the rules already in place. We either have rules or we don't. He said we owe it to the citizens of the City of Mandeville to give them a set of certain rules.

Mr. Rhinehart made a comment that it could be moved since it is not completely installed.

Lisa Schwartzberg said they are willing to do whatever it takes to make it acceptable pertaining to barriers. She said noise would be an issue if out in the yard.

Marc Tremblay, the neighbor, said he would like to vouch for their ability to make a nice landscape screen and is certain they would make it look great based on their immaculate landscaping they do.

Mr. Adams commented that it is an exception not a hardship as shown.

Mr. Pierce commented that regarding the new ordinance if this generator is granted then by rights they can put anything there.

Mr. Rhinehart agreed.

Mr. Fairley had second thoughts.

Mr. Lahasky indicated we can't be ok with it being there just because it's already installed.

Ryan Whitfield stated he applied for the permit then 4 days later came back and a temp working there and said she was entering it right then. He took it as everything was approved. He didn't know it still had to go through Planning and Zoning. He said he was unaware of the process and jumped the gun.

In Summary:

The applicant is requesting to place a generator within the street side setback. The existing mechanical equipment is located on the opposite side of the house and is compliant with setbacks. The required street side setback is 15', the residence is located 10' from the property line and the request is to place the generator 6' from the property line.

A motion was made by Mr. Lahasky to approve V21-02-06 based on the fact that the rear is going to encroach with the driveway and with the other side being awkward if placed in the middle of the yard and other equipment such as the electrical panel and the gas meter, and with the understanding that the vegetative screening will be worked on with staff to an approved level before everything is finalized. Mr. Fairley seconded and the variance was approved 5-2.

Case V21-02-07 was WITHDRAWN due to a variance that was not needed. Mr. Adams moved to remove it from the agenda, Ms. Gautreaux seconded, and all were in favor.

Ms. Scott presented the last case SUP21-02-02 Layton Fernandez requesting a Special Use Permit for CLURO Section 6.4.67 Restaurant - Sit down with Lounge, & CLURO Sec. 6.4.73 Tavern – Bar or Lounge, City of Mandeville, Sq. 47, Lot 47-C-1A, 2032 Woodrow St. TC Town Center District. *Approval for sit-down restaurant with lounge and tavern in mixed-use development*

The applicant is requesting to build a mixed-use development at 2032 Woodrow, within the TC – Town Center District. The property is located within Square 47, Lot 47-C-1A. The Lot measures 64.81'x105.79' (6,856 sq. ft.). The proposed development includes three (3)

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dwelling units on the upper floor and on the ground floor, one (1) sit down restaurants with lounge and one (1) tavern. The applicant is also requesting a reduction or exception to four (4) parking spaces.

The proposed tavern compromises 867 sq ft of the first floor and the restaurant – Sit down Lounge is 1,386 sq ft of the first floor (2,253 sq ft total).

The proposed Restaurant and Tavern require approval of a Special Use Permit in the TC Town Center zoning District.

Section 6.4.73. Tavern - Bar or Lounge

Any premises where the principal business is the sale of alcoholic beverages at retail for consumption on the premises, where minors are excluded therefrom by law, and where incidental service of food may or may not occur, provided an excess of 25% of the patron area is used for the consumption of alcoholic beverages. Typical uses include cocktail lounges and piano bars.

The stated purposed of the Town Center zoning District is as follows:

7.5.18.1. Purpose of the Town Center District

1. The purpose of the Town Center District (TC) is to develop an identifiable center of the City of Mandeville with the Trailhead as its nucleus. Its intent is to further define a sense of community and to promote and develop the culture, history, and environment of Mandeville for the betterment of the City. This fully realized Town Center will incorporate a planned and architecturally enhanced area, including, but not limited to, building orientation, scale and human relationship, streetscape, vehicular and pedestrian movement, services and utilities, and uses necessary to develop the overall fabric of a Town Center.

Additionally, the site development criteria, as stated under CLURO Section 7.5.18.3, provides for review of the B-3 regulations, Town Center and Visual Performance Standards and where a conflict exists between these, the TC and Visual Performance Standards shall supersede the B-3 regulations and standards. This allows for more flexibility for site planning, with a focus on the architectural enhancements as stated in the Purpose of the TC.

The applicant submitted the plans with the application, A site plan (A1.0), floor plans (A2.0, A2.1 & A2.2) and building renderings have been submitted by KVS Architecture dated December 18, 2020, rev. 2.5.21, that indicate the following:

Site Development Criteria:

The building façade is setback 10' from the property line, which is consistent with the Visual Performance Standards. The building includes a canopy over the sidewalk which is consistent with the desired architectural elements. The east side of the building sits at the property line and the west side is setback back 4', to allow for the utility servitude. The setbacks proposed are all consistent with the Visual Performance Standards.

Parking:

The TC District requires the following:

1. All on-site parking shall be located to the rear of the structure, and should be designed to be shared with adjacent property with shared access.
2. Access drives and alleyways shall be accessible to adjacent properties.
3. All on-street parking (parallel or angle) immediately adjacent to the site can be counted by right.

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Residential Parking:

The applicant is proposing 3 residential units, 2 spaces for each unit for a total of 6 spaces, all proposed on-site located in the rear of the structure – compliant with the TC District requirements.

Commercial Parking:

The TC District states that Parking shall be in accordance with CLURO Section 6.4.70.1, Shopping Center, Neighborhood Commercial: 4 parking spaces per 1,000 sf (1:250). Additionally, the on-street parking spaces immediately adjacent to the site can also be counted towards the minimum requirement.

The site plan indicates the first-floor commercial space is a total of 2,253 sq ft, requiring 9 total spaces. There are five (5) on-street parking spaces existing immediately adjacent to the front of the property, leaving a deficiency of four (4) parking spaces.

The TC District includes the following language in regard to parking reduction or waiver for the TC District for non-residential uses:

b. Parking Reductions by Exception. In the T-C District, parking requirements for non-residential uses may be reduced or waived by the Zoning Commission in conjunction with a Special Use Permit application and based on the findings of the Zoning Commission that the reduction or waiver does not adversely affect surrounding commercial or residential uses and:

(1) Existing public parking within the area is sufficient to accommodate the proposed use.

The applicant is requesting a waiver of the on-site required parking in conjunction with the Special Use Permit request. The request is for a reduction in parking for four (4) spaces. The applicant indicated there are approximately 244 public parking spaces within the Town Center.

In summary, the applicant is requesting the following:
Special Use Permit to allow for:

1. Tavern compromising of 867 sq ft of the first floor.
2. Restaurant – Sit down Lounge consisting of 1,386 sq ft of the first floor (2,253 sq ft total).
3. Reduction/waiver of four (4) parking spaces for the commercial uses.

Mr. Lahasky said it looks terrific and is an enhancement to the community. And the fact that they are shared parking makes the reduction waiver acceptable.

Mr. Pierce likes the project. Questioned the parking...He asked for clarification if all patrons and employees would fit in 9 parking spaces?

Ms. Scott replied there is enough public parking available and that most of it is off street and trying to keep parking in the entire district adequate.

Mr. Pierce asked if its use would conflict with the market on the weekends?

Ms. Scott responded that people come to the market and walk around and are there for many different reasons and not necessarily having people just going to the restaurant. There should be plenty of parking since there are different peak demand times.

Mr. Adams said this is exactly the type of project that was hoped for the City to have.

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Mr. Rhinehart commented about people may not want to live above a tavern.

Vaughn Sollberger commented they will be doing landscaping on this project. Concentrated energy is to fit all of the components. He stated that it is one of the more difficult projects he has done in Mandeville, but promised it will be absolutely perfect.


Mr. Lahasky asked if there was a barrier between the 1st floor space and the residential upstairs. Vaughn said yes there is between all the tenants and also has a 1 hour fire separation requirement and another 3rd floor unit where piping for the wastewater is insulated.

A motion was made by Mr. Rhinehart to grant the supplemental use permit SUP21-02-02 as submitted, seconded by Mr. Adams and was unanimously approved.

Mr. Adams motioned to adjourn the meeting at 7:08p.m., seconded by Mr. Lahasky and was unanimously approved.



Alex Weiner, Secretary



Nixon Adams, Chairman
Zoning Commission