

**Planning Commission
Public Hearing
December 8, 2020**

The meeting was called to order by Planning Chairman Karen Gautreaux and the secretary called the roll.

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

Absent: None

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

The first case discussed was P20-06-04 Adoption of Resolution 20-02 approving the 2020-2021 Short Term Work Program

Ms. Scott said the document represented what the commission had requested and the Resiliency Plan was Task Number 1 primarily because the commission indicated it made sense to get the data to make good land use plans that would come out of the Comprehensive Plan. Much of the discussion was that a vision of resiliency was developed. Many of the projects previously addressed were sustainable practices, living with water, green infrastructure and parts of the Hazard Mitigation Plan would come out as part of the Resiliency Plan.

Ms. Scott said the Short Term Work Program also included:

- an update of the Comprehensive Plan, reviewing zoning of north of Monroe Street, the Historic District, the Four Corners for redevelopment of older areas and aging shopping centers, and the rezoning and development of Mariner's Village. This list was a carryover from the items in the Short Term Work Program.
- Harbor Field was included because the City recently purchased the property for area recreation.
- Master Tree Plan should be updated.
- Retail development/retail development – in conjunction with the Four Corners, incentivize reuse of existing retail areas.

Ms. Scott said the remaining items on the Short Term Work Program dropped to priority 2 and the commission could decide after the Resiliency Plan and beginning the Comprehensive Plan what should move forward either as a tie-in to the Comprehensive Plan or evaluation of the remaining items.

- Former State Hospital property was discussed as needing a Master Plan.
- Hazard Mitigation Plan must be updated again in 2025. The past three updates had been a Multi-Jurisdictional Plan and a decision could be made whether to pull out and do a plan for the City.
- Public Art Plan – if the City wanted to pursue Public Art a Master Plan would be needed.
- West Wetland Plan was wetland area owned by the City and there had been discussions about developing a plan for opportunities.
- List of continuing projects:

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- berm to connect the lakefront that was left on the list until implementation,
- protection of a 3 mile area on the west side of the City (shoreline) from wave erosion and subsidence
- land acquisition,
- Little Bayou Castain watershed,
- through the Resiliency Plan to develop a list of land acquisition for areas that were not suitable for development,
- annexation of Priority 1 areas which had been ongoing,
- review and coordination of Development Standards with the Parish,
- CLURO amendments including sign regulations, zoning land use classifications, development fees, natural water bodies versus manmade water bodies (ponds), fill provision review, hard surfaces, pervious/impervious site coverage, landscaping (protection of trees besides live oak trees), contiguous lot laws in R-1, Marina regulations (discussed that those regulations had not been tested)

The resolution reflected what was captured and discussed with the commission.

Mr. Adams moved to adopt Resolution 20-02, seconded by Ms. Gautreaux.

Ernest Burguières, 241 Wilkinson Street, said in referenced to the Resiliency Plan when he was on the City Council they had spoken with David Waggoner, Waggoner and Ball, about a drainage study. He had recently spoken with Mr. Waggoner who would be agreeable to working with the City which would change the way the City performed reviews and handled trees. He was asking for the commission to endorse Mr. Waggoner to help answer questions like how much water comes from the north side that affects the drainage system in Mandeville, the tree canopy issue, and why would we want to minimize and not increase density. He suggested getting Mr. Waggoner on board soon than later and it would help set the stage for large Public Works projects.

Mr. Adams said the commission should follow the process for hiring consultants. Mr. Clark asked if Waggoner and Ball were still connecting with the Dutch. Ms. Gautreaux said she agreed with their approach with the Living With Water study, but how to hire consultants was the question. Mr. Rhinehart agreed and he felt in the Comprehensive Plan review with a committee would be the time to have them on the short list of consideration.

The vote was taken and was unanimously approved.

Ms. Gautreaux moved to adjourn the meeting, seconded by Mr. Rhinehart and was unanimously approved.

Lori Spranley, Secretary

Karen Gautreaux, Chairwoman
Planning Commission

**Zoning Commission
Public Hearing
December 8, 2020**

The meeting was called to order by Chairman Nixon Adams and the secretary called the roll.

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

Absent: None

Also Present: Louisette Scott, Director, Planning Department; Cara Bartholomew, Planner; Elizabeth Sconzert, City Attorney; and Council Members Jason Zuckerman, Dr. Skelly Kreller and Jill McGuire

Mr. Adams announced that written notice of decisions regarding variances will be filed in the Board's office the following day of this meeting at which time applicable appeal time will begin to run.

The first case discussed was V20-12-32 Ashland Property Group, LLC requests an exception to Section 4.2.3, Provisions for Legally Non-Conforming Development Sites, a portion of ground in Section 45, T8S, R11E, 493 Live Oak Street, zoned R-1

Mr. Rhinehart moved to remove the case from the agenda, seconded by Mr. Lahasky and was unanimously approved.

The last case discussed was Z20-12-06 Recommendation to the City Council regarding Ordinance 20-30, an ordinance of the City Council of the City of Mandeville effecting the rezoning of certain property designated as lots 101 and 103, Square 40, City of Mandeville, St. Tammany Parish, Louisiana; designating and assigning this property for purposes of zoning as B-2, Highway Business District; and providing for other matters in connection therewith

Ms. Scott presented that the applicant submitted a petition to rezone Lots 101 and 103 in Square 40 from R-1, Single Family Residential to B-2, Highway Business District. The City Council introduced Ordinance 20-30, at their meeting held on November 19, 2020 to rezone this property, in accordance with the survey prepared by Randall W. Brown & Associates, Inc. dated September 8, 2020.

The property was located on the northeast corner of Wilkinson and Montgomery Streets with a frontage of 60' on Wilkinson Street and depth of 120' along Montgomery Street and contains 7,200 square feet.

The property was zoned B-2, Highway Business District, under the Official Zoning Map adopted with the CLURO in 1993. In 1995, the property owner at the time, requested to rezone these lots from B-2, Highway Business District, to R-1, Single Family Residential, which was adopted under Ordinance 95-22. The purpose of the request to rezone to R-1, Single Family, was to allow the construction a single family dwelling. The single family dwelling was never constructed and the lot remains vacant.

The current property owner purchased the lot in September 2020, based on the current city's zoning map, which indicated the lots were zoned B-2, Highway Business District. The owner had plans prepared to construct a hair salon, a permitted use by right in the B-2 zoning district, but it was a use not allowed in the R-1, Single Family zoning district. It was discovered that the digital zoning map was in error, not reflecting that the property had been rezoned to R-1, in 1995, under Ordinance 95-22. Lots

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101 & 103 were the only lots within Square 40 that were zoned R-1, with all other lots in Square 40 being zoned B-2, Highway Business District, consistent with the zoning adopted in 1993.

There was a neighbor's question about whether the property had been rezoned when the staff that the map was never updated. The west side of Ramon Street was zoned B-2.

As a background to the case, Ms. Scott presented there was a comprehensive rezoning in 1993 and the property was zoned B-2. In 1995, there was a petition by a commercial property owner to build a single family resident. The property was not sold to the proposed property owner and the property remained vacant.

The proposed development was a small hair salon on keeping with the character of the neighborhood. The elevations were approved by the Historic District Commission.

Ms. Sconzert said from the legal perspective, the zoning map was a legal document that the public could rely on to determine the appropriate zoning. In the case where there was an inconsistency between the ordinance and the map, the zoning map under the CLURO should be amended. Because it was not amended at the time, the zoning map must stand. In a case before the First Circuit Court, they had determined that the property owners had relied on the zoning map and the property owner had the right to the permit in accordance with the map. The City must tidy up the map going forward.

Ms. Scott said to reconcile the ordinance and map there must be an ordinance to go back to the B-2, Highway Business District. The recommendation would be to rezone the two lots from R-1 to B-2 to be consistent with the map.

Mr. Clark said he would also recommend to remove the map so it would no longer be published and people would discuss the zoning with the staff. Ms. Scott said the City was working to reconcile all ordinances from 1993 to check it against the map. Mr. Lahasky asked how long the map had been published. Ms. Scott said there had been different versions of the map, but there had always been a map on the website or available to the public. Mr. Lahasky asked if there had been other discrepancies. Ms. Scott said no, this was the first time someone had relied on the map and moved forward on the property purchase. The staff had found inconsistencies and had corrected the map. There was a disclaimer on the map and it encouraged the public to discuss it with the staff. Mr. Lahasky said mistakes happen in life whether looking at the map or discussing information with the staff. The bottom line was to recommend the rezoning.

Mr. Lahasky moved to recommend adoption on the ordinance from R-1 to B-2, Highway Business District, seconded by Mr. Rhinehart.

Cheryl Starns, 799 Wilkinson Street, adjacent neighbor, said in the presentation of how it was zoned residential may not be correct. It was changed to residential by the two owners of Wilkinson Oaks which was a "retirement" community to preserve the land value. It was then sold to the owner of the seafood business who then later sold it. She did not know how the present owner did not know it was residential. The properties at 839 and 825 Wilkinson Street were zoned commercial but used as a residence. The only commercial property was 823 Wilkinson Street which was a residence and it was

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rezoned to commercial. She would not like to see it rezoned and have more commercial property. There was existing traffic with Our Lady of the Lake and Mandeville Junior High schools. There was also a special needs child on the block.

Ernest Burguières, 241 Wilkinson Street, said he had no opinion because there were legal considerations to making the zoning relief. He suggested that the City Council in the CLURO require the map change be part of the check off list. Ms. Scott said that was an existing regulation.

Robert Bohne, 823 Wilkinson Street, said the neighbor who spoke was correct that the street was geared to residential uses. There were rental houses adjacent to his property. Approximately two years ago, he contacted the owner and he decided not to purchase the property because he was told that it was zoned for residential uses only. He found it interesting that the seller may not have told Mr. Brown of the zoning requirement. Mr. Brown may have felt it would be easy to have the property rezoned. The zoning did not matter to him. He was a business owner and enjoyed operating in this area. It had taken some time for the adjacent owners to accept him operating a business in their neighborhood. The area did have charm and was quiet.

John DiLeo, 800 Ramon Street, said he was located behind this property and that his wife practiced law in their building for the last 15 years. The lot was overgrown and any traffic would not affect their property. He and his wife had no problem with a hair salon use.

The motion passed 6-1 with Mr. Clark voting against the rezoning ordinance.

Ms. Gautreaux moved to adjourn the meeting, seconded by Mr. Rhinehart and was unanimously approved.

Lori Spranley, Secretary

Nixon Adams, Chairman
Zoning Commission

**Planning Commission
Work Session
December 8, 2020**

The meeting was called to order by Chairman Nixon Adams and the secretary called the roll.

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

Absent: None

Also Present: Louisette Scott, Director, Planning Department; Cara Bartholomew, Planner; Elizabeth Sconzert, City Attorney; and Council Members Jason Zuckerman, Dr. Skelly Kreller and Jill McGuire

Mr. Adams announced that any additional information determined to be needed by the Commission in order to make a decision regarding a case shall be required to be submitted to the Planning Department by the end of business on the Friday following the meeting at which the additional information was requested or the case will automatically be tabled at the next meeting.

The first case discussed was P21-01-01 Recommendation to the City Council regarding Ordinance 20-29 with respect to Parcel P-7-1 and P-7-2B, consisting of 1 and 0.485 acres zoned as PCUD, Planned Combined Use District, located in North Corporate Village, property situated in Section 46, T8S, R11E, City of Mandeville, in St. Tammany Parish, Louisiana, approving the site plan, conceptual landscape plan and conceptual Architectural Elevations; and providing for further matters in connection therewith

Ms. Scott presented that Parcels P-7-1 and P7-2B were located in the subdivision of North Corporate Village, forming the "point" of the intersection of East Causeway Approach and Florida Street Extension. The property was currently developed with a medical office building and the applicant was proposing an addition to the existing medical office which would cross both parcels. The property was zoned PCUD and required approval by Ordinance. Ordinance 20-29 was introduced at the City Council meeting on November 19, 2020 and referred to P&Z for recommendation.

This property was zoned PCUD, Planned Combined Use District under Ordinance 04-45, which outlined the permitted uses within the PCU District. The ordinance stated approval of a site plan shall be granted in accordance with the standards and procedures as required under Section 4.3.3 Procedures and Fees for Conditional Use Permits and Planned District Zoning. The site plan and architectural elevations are required to be approved by the City Council with a recommendation from the Planning Commission.

The site plan for the existing medical office was approved by Ordinance 14-11 with plans prepared by Ritter Maher Architects dated April 22, 2014. A variance was granted as a part of the site plan approval for the greenbelt to be located within the CLECO servitude along Florida Extension. There was a 50' Cleco servitude along the corridor and many properties had been granted variances to allow for the parking to be located within the greenbelt. Cleco had also allowed the planting of Class B trees and shrubs. In addition to the approved variance, the site plan depicted 854 square feet of greenbelt mitigation, a reduction of parking spaces and 4 banked parking spaces, all allowed by right. The parking bank was still in existence.

The applicant was requesting to expand the existing medical office building by 3,921 sf, from 6,400 square feet to 10,321 square feet in accordance with the plans prepared by Greenleaf Lawson Architects.

Development Site

The property owner purchased Parcel P-7-1 in 2014, where the existing building was located. In 2019, Parcel P-7-2, to the west of parcel P-7-1, was resubdivided into Parcels P-7-2A, adjacent to Florida Extension, & P-7-2B, adjacent to East Causeway Approach in accordance with the resubdivision plat prepared by J. V. Burkes & Associates, Inc. dated May 29, 2019. The applicant purchased Parcel P-7-2B for the expansion of the existing business. The applicant proposed to construct the improvements on both lots, Parcel P-7-1 (1.00 acres) & P-7-2B (.47 acres). The two parcels, consisting of a single development site now comprises 1.47 acres, measuring 436.12' along Florida St. Extension, 680.12' along E. Causeway Approach. The site was compliant with the B-2 Site development criteria.

LANDSCAPING:

Greenbelt

The property was located in the point of the intersection of East Causeway Approach and Florida Street Extension. The East Causeway Approach frontage required a 25' greenbelt. The Florida Street Extension frontage required a 15' greenbelt.

East Causeway:

The Gateway Overlay District requires a 25' greenbelt. Per *Sec. 9.2.5.5 landscape Requirements in Districts other than Low-Density Residential (b) Flexibility of Greenbelt Depth*, the applicant may encroach into the required Greenbelt subject to the area of encroachment be mitigated in an area that was adjacent to the greenbelt but not required interior landscape areas. The East Causeway Approach Greenbelt was 25' in depth along the frontage of Parcel P-7-2B is 191.28' & Parcel P-7-1 is 488.84' for a total of 680.12' - 25' access drive = 655.21' frontage. The total area of the required greenbelt was 25' x 655.21' = 16,378' sq ft of required greenbelt area.

The applicant was proposing to expand the building by 3,921 square feet. The proposed expansion encroached into the required 25' greenbelt by 3,515 square feet, this encroachment included the existing building, proposed expansion, relocated mechanical equipment and sidewalks. The proposed site plan, Sheet A1.2 dated 12.02.20, provided a total of 3,525 square feet of mitigated greenbelt area. Included in the mitigation area was the previously 854 square feet of mitigated area.

Florida St. Extension:

In 2014, as part of the original development of the site, a variance was granted to allow the greenbelt to be placed within the CLECO servitude on the Florida Street Extension frontage. The proposed site plan did not include any additional greenbelt encroachment into this required greenbelt – there was no change in the site plan in this area from what was approved in 2014, therefore no additional variance requests for the greenbelt adjacent to Florida Extension were being requested.

INTERIOR LANDSCAPE AREAS & IMPERVIOUS SITE COVERAGE

Sec. 9.2.5.5. Landscape Requirements in Districts Other than Low-Density Residential (3) Site Interior Planting Regulations required that 8% of the vehicular use areas be landscaped. The interior landscape areas must be a minimum of 100 square feet outside of required greenbelts and/or mitigated greenbelt areas. An area of 5,119 square feet was required to be interior landscaped areas. The site plan provided 14.9% for a total of 9,533 square feet. The site was compliant for interior landscape areas.

The site development criteria required that 25% of the site be pervious coverage. The site plan provided 42.6% pervious coverage and 57.4% impervious coverage and was compliant.

PARKING

CLURO 6.4.56 - Medical Services requires 1 Space per 150 sq ft of gross building area. The total square footage of the existing building and the proposed expansion is 10,357 square feet requiring 68 spaces. However, due to the property being located with the Gateway Overlay District the applicant may reduce the parking by right. **CLURO 7.6.2.6 G-O Site Development Regulations - Minimum off-street parking requirements may be reduced by right in order to allow for the same density of development utilizing the following formula: $10 \times \text{frontage of property} / 162$.** The formula had not provided a problem.

Reduction by right – $10 \times 680.12 = 6801.2 / 162 = 41$ spaces, $69 - 41 = 29$ required. The applicant was providing 29 spaces with an additional 3 spaces being banked for future use. The provided parking spaces equated to approximately 1 space per 323 square feet.

Mr. Adams asked that the traffic movement would not change. Ms. Scott said the existing driveway would be aligned on the interior to accommodate the new parking. Access on East Causeway Approach to Florida Street Extension would remain the same. Mr. Pierce said the mitigation for the original construction was built on the new addition and asked would the new calculation include what was lost on the new build. Ms. Scott answered yes.

The next case discussed had a corresponding zoning case and both cases were discussed in conjunction. The planning case was R21-01-01 Patricia J. Carbajal, Henrietta and Kevin Moore Independent Testamentary Co-Executors/Conbeth Development LLC requests a resubdivision of lots 1 and 2, Pine Place, Square A into lots 1A and 2A, 2731 Villere Street, zoned R-1. There was also a corresponding zoning case being V21-01-01 Patricia J. Carbajal, Henrietta and Kevin Moore Independent Testamentary Co-Executors/Conbeth Development LLC requests and exception to Section 7.5.1.3, R-1 Site Development Regulations, Pine Place, Square A, lots 1 and 2, 2731 Villere Street, zoned R-1 and both cases were discussed in conjunction.

Ms. Scott presented that the applicant was requesting to resubdivide Lots 1 and 2, in Square A of Pine Place Subdivision located on the northeast corner of Park Avenue and Villere Street. Currently, Lots 1 and 2, together measured 100' frontage on Park Ave. with a depth of 200' on Villere Street and was

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improved with a single family dwelling (mun # 2731) constructed across existing lots 1 and 2. The dwelling faced Villere Street and met all minimum setback requirements.

The applicant had a purchase agreement on the property and was requesting to resubdivide Lots 1 and 2 into Lots 1A and 2A. The proposed reconfiguration would create both lots facing Villere Street.

The applicant was also requesting a variance (exception/no hardship) to CLURO Section 7.5.1.3, R-1 Site Development Regulations to the following:

Proposed Lot 1A: *110' frontage on Villere St; 100' depth on Park Ave; Area 11,000 square feet.

- A deficiency of 20' to allow a depth of 100' instead of the minimum required depth of 120'
* CLURO defined frontage of a lot as smallest dimension – so by definition frontage is on Park Avenue. The house currently faced Villere Street.

Proposed Lot 2A: 90' frontage on Villere; 100' depth; 9,000 square feet

- A deficiency of 20' to allow a depth of 100' instead of the minimum required depth of 120'
- A deficiency of 1,800 square feet for Lot area from the minimum required of 10,800 square feet to 9,000 square feet.

LOT AREA	Required Lot Area	Proposed	Variance Requested
Prop. Lot 1A	10,800	11,000	+200 SQ FT
Prop. Lot 1B	10,800	9,000	-1,800 SQ FT

Lot FRONTAGE / Depth	Required Lot Frontage / Depth	Proposed	Variance Requested
Prop. Lot 1A	90'x120'	110x100	20' in depth
Prop. Lot 1B	90x120'	90x100	20' in depth

The existing structure was proposed to remain on Lot 1A. The lot size was proposed as to keep the residence in compliance with the minimum setbacks from R-1.

LOT 1A	Required Front	Proposed	(30% Flex)	+/-
Front	25'	34.1'	n/a	+9.1'
Street Side	15'	29.8'	15' + 5.4' = 20.4'	+9.4'
Interior Side	18'	12.6'	18 - 5.4' = 12.6'	0
Rear	30'	30.7'	n/a	.7'

Historically, when the commission has granted the exception the minimum lot area was met.

Mr. Adams stated there was no hardship in this request. In many cases approved, usually one dimension was not met. An exception usually provided something to the community.

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Ms. Spranley read a letter of opposition from Gerald and Linda Gibson, 806 Park Avenue. The letter would be attached to the minutes.

Mr. Lahasky stated he did not have a problem with someone renovating a property for profit and then leaving the area. Conbeth did great work and would make the neighborhood nicer, but the problem was that the square footage did not fit. When exceptions approved, the square footage met the requirement and in this instance it was not met. The depths of the lots on Carondelet Street and Park Avenue all met the depth requirement as one lot. This would be the only property on the block splitting the lot in half and that was not best for the neighborhood.

Mr. Rhinehart said catacorner across the street, Ms. Bossier told him she did not want to see the resubdivision. Mrs. Duplantier at 711 Park Avenue also told him that she was in opposition. The proposed new lot was deficient by 1,800 square feet and he was not in agreement with taking a conforming property and creating a lot that had a square footage deficiency.

Ernest Burguières, 241 Wilkinson Street, said there should not be an increase in density. Secondly, in agreement with Mr. Rhinehart a substandard lot should not be created.

Amanda Moore, owner, said it was her sister's property and they were selling it to help her nephew that was 34 years old and autistic. They had left their lives in Lafayette to help take care of Lionel. The purchasers would enhance the property and neighborhood. The existing house would be renovated and the proposed new construction was a cottage.

James Fabacher, 2743 Villere Street, neighbor across the street, said he moved to Mandeville 22 years ago because of the large lot sizes, space between houses and abundance of trees. At that time, the minimum lot size was 15,000 square feet. He had researched the CLURO and within the Pine Place Subdivision for one block on all sides of the property the minimum lot sizes were 23,000 square feet. So to allow for a 9,000 square foot lot would not be in keeping with the neighborhood. In order to build a homesite trees would be cut down which was not preserving vegetation which was the commission's charge. This would set a dangerous precedent as there were several properties that could make the same request and the approval would enable the placement of two homes where one sits today. He requested the request be denied.

Susan Meyer, applicant, Conbeth, said their company did a superb job of construction. The plans would improve the area, the existing house and the new construction. They would renovate the existing house and construct a cottage on the new lot. There would be no tree removal. The submitted letter addressed parking, and she stated that the existing house could fit seven cars on the site and adequate parking would be provided for the new construction.

Mr. Adams said the commission was specifically prohibited from granting approval for final reason. The only way for approval would be a benefit for the City through character.

Mike Billingsley 646 Park Avenue, asked how it would benefit the citizens and would this set a precedent with other similar properties in the area. There would be drainage issues, a 20% reduction on

one of the lots, and it would double the density on the property. He understood Lionel's position, but there appeared to be intense interest in the property.

Justin Sullivan, Conbeth, said he did not know how the neighbor's could speak for extreme interest in the house without it being said by the homeowner. He responded to the letter that he lived two blocks from the house and he was not going anywhere. There was no reasonable argument that it would benefit the neighborhood. They would renovate a dilapidated house and invest approximately \$400-500,000 in the new construction. The zoom meetings were usually the people in opposition. He had a 5,000 square foot house on a lot the same size as the proposed lot. This was a unique situation with the location of the house built to the side of the lot rather than the center of the lot. The benefit would be a family in need with a grown autistic child, renovation of a dilapidated house, and construction of a new house. This would not be a precedent because of the house location on the lot.

Lindsay Antoine, 2726 Villere Street, said there had been interest in the property. She was outside often and had seen people taking pictures of the house. She also had people stop her to ask about the house. The proposed lot size was a concern and she was 88' from the street. Villere Street was a busy street and she was concerned about parking especially with an existing sidewalk. She was also concerned about the house renovation. She was not for approval of the request.

Ms. Meyer said lot sizes were getting smaller, but that did not mean they were getting worse. They were creative and the future was neighborhood development. The 90' x 120' lots were outdated.

Mr. Sullivan said he did not understand how people could speak about a lot of house interest. Because there were pictures taken and questions asked did not mean people were interested in buying it. That question should be for the owner to answer. Ms. Gautreaux said that was not under the commission's purview.

Mr. Lahasky said he liked Conbeth and they did great work. They would do a good renovation job and building a new house would look nice for the neighborhood. He was in favor of small lot, but in certain areas where there were small lots, it was agreeable. In neighborhoods of larger lots, that was the expectation for that neighborhood. There were numerous resubdivisions approved in the last two years, but he could not remember the approval of a lot less than 10,800 square feet. The lot did not dictate lots of this size.

Ms. Gautreaux moved to adjourn the meeting, seconded by Mr. Rhinehart and was unanimously approved.

Lori Spranley, Secretary

Nixon Adams, Chairman
Zoning Commission

**Zoning Commission
Work Session
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The meeting was called to order by Chairman Nixon Adams and the secretary called the roll.

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

Absent: None

Also Present: Louisette Scott, Director, Planning Department; Cara Bartholomew, Planner; Elizabeth Sconzert, City Attorney; and Council Members Jason Zuckerman, Dr. Skelly Kreller and Jill McGuire

The first case discussed had a corresponding planning case and both cases were discussed in conjunction. The planning case was R21-01-01 Patricia J. Carbajal, Henrietta and Kevin Moore Independent Testamentary Co-Executors/Conbeth Development LLC requests a resubdivision of lots 1 and 2, Pine Place, Square A into lots 1A and 2A, 2731 Villere Street, zoned R-1. There was also a corresponding zoning case being V21-01-01 Patricia J. Carbajal, Henrietta and Kevin Moore Independent Testamentary Co-Executors/Conbeth Development LLC requests and exception to Section 7.5.1.3, R-1 Site Development Regulations, Pine Place, Square A, lots 1 and 2, 2731 Villere Street, zoned R-1 and both cases were discussed in conjunction.

Ms. Scott presented that the applicant was requesting to resubdivide Lots 1 and 2, in Square A of Pine Place Subdivision located on the northeast corner of Park Avenue and Villere Street. Currently, Lots 1 and 2, together measured 100' frontage on Park Ave. with a depth of 200' on Villere Street and was improved with a single family dwelling (mun # 2731) constructed across existing lots 1 and 2. The dwelling faced Villere Street and met all minimum setback requirements.

The applicant had a purchase agreement on the property and was requesting to resubdivide Lots 1 and 2 into Lots 1A and 2A. The proposed reconfiguration would create both lots facing Villere Street.

The applicant was also requesting a variance (exception/no hardship) to CLURO Section 7.5.1.3, R-1 Site Development Regulations to the following:

Proposed Lot 1A: *110' frontage on Villere St; 100' depth on Park Ave; Area 11,000 square feet.

- A deficiency of 20' to allow a depth of 100' instead of the minimum required depth of 120'
* CLURO defined frontage of a lot as smallest dimension – so by definition frontage is on Park Avenue. The house currently faced Villere Street.

Proposed Lot 2A: 90' frontage on Villere; 100' depth; 9,000 square feet

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LOT AREA	Required Lot Area	Proposed	Variance Requested
Prop. Lot 1A	10,800	11,000	+200 SQ FT
Prop. Lot 1B	10,800	9,000	-1,800 SQ FT

Lot FRONTAGE / Depth	Required Lot Frontage / Depth	Proposed	Variance Requested
Prop. Lot 1A	90'x120'	110x100	20' in depth
Prop. Lot 1B	90x120'	90x100	20' in depth

The existing structure was proposed to remain on Lot 1A. The lot size was proposed as to keep the residence in compliance with the minimum setbacks from R-1.

LOT 1A	Required Front	Proposed	(30% Flex)	+/-
Front	25'	34.1'	n/a	+9.1'
Street Side	15'	29.8'	$15' + 5.4' = 20.4'$	+9.4'
Interior Side	18'	12.6'	$18 - 5.4' = 12.6'$	0
Rear	30'	30.7'	n/a	.7'

Historically, when the commission has granted the exception the minimum lot area was met.

Mr. Adams stated there was no hardship in this request. In many cases approved, usually one dimension was not met. An exception usually provided something to the community.

Ms. Spranley read a letter of opposition from Gerald and Linda Gibson, 806 Park Avenue. The letter would be attached to the minutes.

Mr. Lahasky stated he did not have a problem with someone renovating a property for profit and then leaving the area. Conbeth did great work and would make the neighborhood nicer, but the problem was that the square footage did not fit. When exceptions approved, the square footage met the requirement and in this instance it was not met. The depths of the lots on Carondelet Street and Park Avenue all met the depth requirement as one lot. This would be the only property on the block splitting the lot in half and that was not best for the neighborhood.

Mr. Rhinehart said catacorner across the street, Ms. Bossier told him she did not want to see the resubdivision. Mrs. Duplantier at 711 Park Avenue also told him that she was in opposition. The proposed new lot was deficient by 1,800 square feet and he was not in agreement with taking a conforming property and creating a lot that had a square footage deficiency.

Ernest Burguières, 241 Wilkinson Street, said there should not be an increase in density. Secondly, in agreement with Mr. Rhinehart a substandard lot should not be created.

Amanda Moore, owner, said it was her sister's property and they were selling it to help her nephew that was 34 years old and autistic. They had left their lives in Lafayette to help take care of

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Lionel. The purchasers would enhance the property and neighborhood. The existing house would be renovated and the proposed new construction was a cottage.

James Fabacher, 2743 Villere Street, neighbor across the street, said he moved to Mandeville 22 years ago because of the large lot sizes, space between houses and abundance of trees. At that time, the minimum lot size was 15,000 square feet. He had researched the CLURO and within the Pine Place Subdivision for one block on all sides of the property the minimum lot sizes were 23,000 square feet. So to allow for a 9,000 square foot lot would not be in keeping with the neighborhood. In order to build a homesite trees would be cut down which was not preserving vegetation which was the commission's charge. This would set a dangerous precedent as there were several properties that could make the same request and the approval would enable the placement of two homes where one sits today. He requested the request be denied.

Susan Meyer, applicant, Conbeth, said their company did a superb job of construction. The plans would improve the area, the existing house and the new construction. They would renovate the existing house and construct a cottage on the new lot. There would be no tree removal. The submitted letter addressed parking, and she stated that the existing house could fit seven cars on the site and adequate parking would be provided for the new construction.

Mr. Adams said the commission was specifically prohibited from granting approval for final reason. The only way for approval would be a benefit for the City through character.

Mike Billingsley 646 Park Avenue, asked how it would benefit the citizens and would this set a precedent with other similar properties in the area. There would be drainage issues, a 20% reduction on one of the lots, and it would double the density on the property. He understood Lionel's position, but there appeared to be intense interest in the property.

Justin Sullivan, Conbeth, said he did not know how the neighbor's could speak for extreme interest in the house without it being said by the homeowner. He responded to the letter that he lived two blocks from the house and he was not going anywhere. There was no reasonable argument that it would benefit the neighborhood. They would renovate a dilapidated house and invest approximately \$400-500,000 in the new construction. The zoom meetings were usually the people in opposition. He had a 5,000 square foot house on a lot the same size as the proposed lot. This was a unique situation with the location of the house built to the side of the lot rather than the center of the lot. The benefit would be a family in need with a grown autistic child, renovation of a dilapidated house, and construction of a new house. This would not be a precedent because of the house location on the lot.

Lindsay Antoine, 2726 Villere Street, said there had been interest in the property. She was outside often and had seen people taking pictures of the house. She also had people stop her to ask about the house. The proposed lot size was a concern and she was 88' from the street. Villere Street was a busy street and she was concerned about parking especially with an existing sidewalk. She was also concerned about the house renovation. She was not for approval of the request.

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Ms. Meyer said lot sizes were getting smaller, but that did not mean they were getting worse. They were creative and the future was neighborhood development. The 90' x 120' lots were outdated.

Mr. Sullivan said he did not understand how people could speak about a lot of house interest. Because there were pictures taken and questions asked did not mean people were interested in buying it. That question should be for the owner to answer. Ms. Gautreaux said that was not under the commission's purview.

Mr. Lahasky said he liked Conbeth and they did great work. They would do a good renovation job and building a new house would look nice for the neighborhood. He was in favor of small lot, but in certain areas where there were small lots, it was agreeable. In neighborhoods of larger lots, that was the expectation for that neighborhood. There were numerous resubdivisions approved in the last two years, but he could not remember the approval of a lot less than 10,800 square feet. The lot did not dictate lots of this size.

The next case discussed also had a corresponding request on the same property and both cases were discussed in conjunction. The first case discussed was CU21-01-01 Recommendation to the City Council regarding Ordinance 20-26 approving a Conditional Use Permit designated under CLURO Section 6.4.42.3, Lodging (Transient) Short Term Rental: Whole House Rental, located at 131 Lafitte Street, square 1, a portion of lot 12, zoned B-3, Old Mandeville Business District, approving site plan, floor plan and providing for other matters in connection therewith

Ms. Scott presented that the applicant had applied for a Conditional Use Permit to operate a Short-Term Rental – Whole House located at 131 Lafitte Street with two (2) guest rooms, two (2) baths and a maximum guest occupancy of six (6) guests. All in accordance with the site plan and floor plan prepared by the applicant submitted October 23, 2020.

The applicant was requesting a Conditional Use Permit to operate a Short-Term Rental – Whole House, in a single-family dwelling unit, located at 131 Lafitte Street. The dwelling unit was located on a parcel of ground zoned B-3, Old Mandeville Business District measuring 53.3' on Lafitte Street by a depth of 200'. The residence is located ~6.8' from the front property line, 6' side yard and ~15' south side yard, adjacent to the driveway, and 100+' from the rear property line.

The residence was 1,708 square feet based on the floor plan, there are 2 bedrooms "guest rooms" and 2 baths. The applicant was proposing to utilize this property solely as a Short-Term Rental, specifically Whole House Rental, for a total of 2 guest rooms and up to six (6) occupants.

Parking:

9.1.4. Minimum Off-Street Parking Requirements by Use

Lodging (Transient)— Short-term 1 per guest room but no less than 2 spaces for resident Rental: Whole House Rental occupants

Location requirements: *Parking shall be provided in accordance with Article 9, and shall be provided in side or rear yards and shall not be located in front yards.*

With 2 guest room proposed for the Whole House rental, the Parking requirement, *1 per guest room but no less than 2 spaces*, requires 2 parking spaces. The residence was elevated and the site plan indicated two parking spaces located under the structure.

The applicant had submitted the attestation portion of the Short – Term rental permit. Should the Conditional Use application be approved, the property will be inspected by the Mandeville Fire Chief before the administrative Short-Term rental permit is issued.

8.2.3.5. Lodging (Transient) – Short Term Rentals

B. STANDARDS

Short-term rentals, as defined in Article 6, shall be subject to the following general requirements in addition to the parking requirements as provided in Article 9 and the district regulations for the district in which the facility is located:

1. Short-term rentals shall meet all applicable building, health, fire, and related safety codes at all times as well as:
 - a. That the property has current, valid liability insurance of \$500,000.00 or more that covers use as a short-term rental property.
 - b. That each short-term rental has working smoke alarms in every bedroom, outside each sleeping area, and on all habitable floors. If the rental unit has either natural gas service, or a propane system for cooking or heating, the unit must also have working carbon monoxide alarms in each bedroom, outside each sleeping area, and on every habitable floor. Combination smoke/carbon monoxide alarms are acceptable; and
 - c. That each short-term rental has a properly maintained 2A10BC rated ABC type fire extinguisher in each short-term rental unit.
2. Common bathroom facilities may be provided rather than private baths for each guestroom.
3. Residence kitchens shall not be refitted to meet health department requirements for food preparation. Only continental breakfast food service, with foods purchased from a licensed food seller and served “as is” or only warmed at the bed and breakfast residence and/or inn may be allowed. No cooking facilities shall be permitted in the individual guestrooms.
4. A common dining area may be provided but cannot be leased for social events.
5. No exterior signage shall be permitted except in accordance with the regulations of Article 10 for the district in which the facility is located.
6. Short-term rentals shall not be operated outdoors or in a recreational vehicle.
7. Parking shall be provided in accordance with Article 9 and shall be provided in side or rear yards and shall not be located in front yards.
8. Only one party of guests shall be permitted per Whole House Rental. A “party” shall mean one or more persons who as a single group rent a Whole House Rental pursuant to a single reservation and payment.
9. The owner/operator of the Short-Term Rental: Bed & Breakfast Residence shall be present during the guest’s stay.

10. The operator of the Short-Term Rental: Bed & Breakfast Inn shall be present during the guest's stay.

The applicant had submitted all required information listed on the Conditional Use Application, this information includes a completed application & ordinance, site plan, floor plan, deed of the property, site photographs and fee.

The applicant had submitted the Administrative Short Term rental application and attested and acknowledgment of the requirements. Should the application for conditional use be approved, the property will be inspected by the Mandeville Fire Chief to verify all safety requirements.

The next case discussed was the corresponding case being CU21-01-02 Recommendation to the City Council regarding Ordinance 20-27 approving a Conditional Use Permit designated under CLURO Section 6.4.42.3, Lodging (Transient) Short Term Rental: Whole House Rental, located at 131 Lafitte Street, Unit B, square 1, a portion of lot 12, zoned B-3, Old Mandeville Business District, approving site plan, floor plan and providing for other matters in connection therewith

Ms. Scott presented the applicant had applied for a Conditional Use Permit to operate a Short-Term Rental – Whole House located at 131”B” Lafitte Street with three (3) guest rooms, two (2) baths and a maximum guest occupancy of 8 guests. This was the second unit on the site, noted as the “barn”. The floor plan indicated there are 2 guestrooms downstairs and 1 guestroom upstairs, for a total of 3 guest rooms, all in accordance with the site plan and floor plan prepared by the applicant submitted October 23, 2020.

The applicant was requesting a Conditional Use Permit to operate a Short- Term Rental – Whole House, in a single-family dwelling unit, located at 131”B” Lafitte Street which was a barn located to the rear of 131 Lafitte Street. The dwelling unit was located on a parcel of ground zoned B-3, Old Mandeville Business District measuring 53.3’ on Lafitte Street by a depth of 200’. The residence was located behind the primary residence and approximately 170’ from the front property line, 5’ side yard and 8’ side yard, and 5’ from the rear property line.

The residence is 888 square feet based on the floor plan, there are three “guest rooms” and 2 baths.

The applicant was proposing to utilize this property solely as a Short-Term Rental, specifically Whole House Rental, for a total of 3 guest rooms and up to eight (8) occupants.

Parking:

9.1.4. Minimum Off-Street Parking Requirements by Use

Lodging (Transient)— Short-term 1 per guest room but no less than 2 spaces for resident Rental: Whole House Rental occupants

Location requirements: *Parking shall be provided in accordance with Article 9, and shall be provided in side or rear yards and shall not be located in front yards.*

With 3 guest room proposed for the Whole House rental, the Parking requirement, *1 per guest room but no less than 2 spaces*, requires 3 parking spaces, one per guest room. The site plan indicated three parking spaces are provided on an existing concrete pad, located between the primary structure and the “barn”, meeting the minimum parking requirements.

The applicant had submitted the attestation portion of the Short – Term rental permit. Should the Conditional Use application be approved, the property will be inspected by the Mandeville Fire Chief before the administrative Short-Term rental permit is issued.

B. STANDARDS

Short-term rentals, as defined in Article 6, shall be subject to the following general requirements in addition to the parking requirements as provided in Article 9 and the district regulations for the district in which the facility is located:

11. Short-term rentals shall meet all applicable building, health, fire, and related safety codes at all times as well as:
 - a. That the property has current, valid liability insurance of \$500,000.00 or more that covers use as a short-term rental property.
 - b. That each short-term rental has working smoke alarms in every bedroom, outside each sleeping area, and on all habitable floors. If the rental unit has either natural gas service, or a propane system for cooking or heating, the unit must also have working carbon monoxide alarms in each bedroom, outside each sleeping area, and on every habitable floor. Combination smoke/carbon monoxide alarms are acceptable; and
 - c. That each short-term rental has a properly maintained 2A10BC rated ABC type fire extinguisher in each short-term rental unit.
12. Common bathroom facilities may be provided rather than private baths for each guestroom.
13. Residence kitchens shall not be refitted to meet health department requirements for food preparation. Only continental breakfast food service, with foods purchased from a licensed food seller and served “as is” or only warmed at the bed and breakfast residence and/or inn may be allowed. No cooking facilities shall be permitted in the individual guestrooms.
14. A common dining area may be provided but cannot be leased for social events.
15. No exterior signage shall be permitted except in accordance with the regulations of Article 10 for the district in which the facility is located.
16. Short-term rentals shall not be operated outdoors or in a recreational vehicle.
17. Parking shall be provided in accordance with Article 9 and shall be provided in side or rear yards and shall not be located in front yards.
18. Only one party of guests shall be permitted per Whole House Rental. A “party” shall mean one or more persons who as a single group rent a Whole House Rental pursuant to a single reservation and payment.

19. The owner/operator of the Short-Term Rental: Bed & Breakfast Residence shall be present during the guest's stay.
20. The operator of the Short-Term Rental: Bed & Breakfast Inn shall be present during the guest's stay.

The applicant has submitted all required information listed on the Conditional Use Application, this information includes a completed application & ordinance, site plan, floor plan, deed of the property, site photographs and fee.

The applicant had submitted the Administrative Short Term rental application and attested and acknowledgment of the requirements. Should the application for conditional use be approved, the property will be inspected by the Mandeville Fire Chief to verify all safety requirements.

There was a discussion that one application was requesting two locations using two permits. To date, there had been eight applications out of ten potential permits. There was not a concern that one person would try to grab all of the permits. Several people were applying now to use the permit later. The City Council had agreed to ten permits and would review a request for an increase.

Mr. Clark asked on the front house if the owner would leave to rent the house or could he still live in the house. Ms. Bartholomew said the owner could still live in the house, but if he rented one room, it would be considered a bed and breakfast. Mr. Clark asked if the rear parking was existing and Ms. Bartholomew stated the parking was existing. Ms. Scott said the owner could live in the rear barn if the front house was rented.

Mr. Pierce asked in a three-story house, would the first floor be the owners residence. Ms. Bartholomew said the first floor was non-compliant with FEMA and the plumbing was required to be removed on the first floor and it could only be used for storage. The first floor would not be part of the application. The house was now compliant.

Ms. Gautreaux moved to adjourn the meeting, seconded by Mr. Rhinehart and was unanimously approved.

Lori Spranley, Secretary

Nixon Adams, Chairman
Zoning Commission