

Planning Commission
Public Hearing
March 10, 2020

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

Present: Bill Sones, Nixon Adams, Ren Clark, Simmie Fairley, Brian Rhinehart, Jeff Lahasky, and Rebecca Bush

Absent: None

Also Present: Louiseette Scott, Director, Planning Department; Cara Bartholomew, Planner; Council Member Mike Pulaski; and Mayor Donald Villere

The only planning case also had a corresponding zoning case and both cases were discussed in conjunction. The planning case discussed was R20-03-01 Jason and Ashley Collier request a resubdivision of lot C-1, square 34, into lots C-1A and C-1B, 426 Lafitte Street, zoned B-3 and the corresponding zoning case was V20-03-10 Jason and Ashley Collier request an exception to Section 7.5.10.3, B-3 Site Development Regulations, lot C-1, square 34, 426 Lafitte Street, zoned B-3

Ms. Scott presented that the applicants purchased the property at 426 Lafitte Street, Lot C-1, Square 34 in April 2015. The lot had a frontage of 113.21’ on Lafitte St, depth of 212.45’ on the north side, 124.63’ across the rear and a depth of 214.69’ on the south side. The lot contained 25,355.2 square feet and was improved with a single family residence. Square 34 was a double square and the property was located on the west side between Madison and Monroe Streets and was zoned B-3 Old Mandeville Business District.

The applicant was requesting to resubdivide Lot C-1 into two lots, C-1A and C-1B to allow for the construction of a new home to the rear of the property. Proposed lot C-1A was a flag lot configuration.

Proposed lots C-1A and C-1B measure as follows:

Proposed Lot	Frontage Required(R-1)	Proposed Frontage	Deficiency	Required /proposed Depth	Area Require	Proposed Area
C-1A	60’	18’	42’	214.69’ south side/flag 82.39’	7200	12,524*flag portion included
C-1B	60’	95.21’ Lafitte 102.12’ rear	0	130.06’ north 130.37’ south	7200 sf	27,850

The B-3 Old Mandeville Business district allowed for Two Family residential on a single lot, permitted by right. However, the supplemental use criteria in article 8, section 8.2.1.2 states that they were not eligible for subdivision into two separate parcels unless each meets all the site development criteria.

The proposed resubdivision, creating a flag lot, did not meet the subdivision regulations and zoning regulations for minimum lot frontage. Creating remnant portions of a lot and not meeting min. lot frontage.

8.2.1.2. Two-Family Residential Criteria

Two-family residential developments shall not be eligible for a subdivision of the two residences into two separate development parcels unless each individual parcel and the building situated thereon meets all the site development regulations including lot dimensions and required yards of the district in which the development is located.

A flag lot is defined under CLURO Section 3.3 (127) lot, Flag:

127. **Lot, Flag.** A lot having access to a street by means of a private driveway, access easement, or parcel of land not meeting the requirements of this Land Use Regulations ordinance for lot width but having a dimension of at least fifteen (15) feet at its narrowest point.

Waiver: CLURO Section 13.2.1.1:

The applicant was also requesting an Exception to the minimum lot frontage of 60' in the B-3 Zoning District to allow for a minimum lot frontage of 18' (flag) – a deficiency of 42'.

Additionally, a waiver to the subdivision regulations 13.2.1.1 Lot Arrangement, creating a lot that does not conform to lot requirements.

13.2.1. Lot Layout and Improvements **13.2.1.1. Lot Arrangement**

1. No remnants of property shall be left **which do not conform to lot requirements, which are not required** for a private or public utility purpose, or which are not accepted by the City and/or any other appropriate public body for an appropriate use.

Wayne Collier, representing the Colliers, said the reason for the second lot was to house the growing family and stay in the same area. The only information requested was from Fire District #4 who had no objections.

Mr. Adams said it was a long flag lot. There was nothing to stop a house from being built since two families were allowed. Ms. Bush said there was a letter dated March 9, 2020, from Jay Seastrunk (1815 Lakeshore Drive) which was read into the record of objection to the request.

Charles Goodwin, 2075 Lakeshore Drive, said there were mature trees that would have to be removed. He asked if two houses were allowed, why was there a resubdivision request.

Mr. Collier said the intent was simple. The owners lived there with their four children, and they wanted to stay on the property that was their home site. The resubdivision was not for financial reason. The only reason for the request was the configuration of the existing front house that would not change the impact of the existing development to the street frontage or the street scene. It would be accessible by a side driveway.

Mr. Lahasky said the applicant lived in the front house and asked who would live in first house. Mr. Collier said probably a family member would live in the front house and the Collier's would live in the rear house on a larger structure. Mr. Adams said if the land was not resubdivided they could still have a second house. Mr. Collier said it could not be accessed the same way. Mr. Adams said anyone could come over your property. Mr. Collier said he did not understand the argument of preventing the land reconfiguration since the land could now provide for two families. Mr. Adams said the CLURO and the Comprehensive Plan discouraged flag lots. Mr. Collier said the situation was clearly an opportunity to address the overall issue and benefit the people on Lafitte Street. The opposing person lived on Lakeshore Drive with the surrounding neighbors being in favor of the request.

Mr. Rhinehart said if the commission denied the application, the owners could still build the house but it would not have new addresses. Ms. Scott said it would not be two lots but there would be two addresses. Mr. Lahasky said the future financial risk of a second house would be that the property would be sold all as one piece. Mr. Collier said the benefit of the resubdivision was for mortgages and lenders to use the equity in the house.

Planning Commission
Public Hearing
March 10, 20203
Page 3

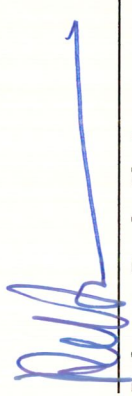
Ms. Scott said the two cases were dependent upon each other.

Mr. Adams moved to deny the resubdivision and exception to allow approval of a flag lot, seconded by Mr. Clark and was unanimously approved to deny the request.

Mr. Clark moved to adopt the minutes of October 22 and December 10, 2019 and January 28 and February 11, 2020, seconded by Mr. Fairley and was unanimously approved.

Mr. Adams moved to adjourn the meeting, seconded by Mr. Lahasky and was unanimously approved.

Lori Spranley, Secretary



Rebecca Bush, Chairwoman
Planning Commission

**Zoning Commission
Public Hearing
March 10, 2020**

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

Present: Nixon Adams, Ren Clark, Simmie Fairley, Bill Sones, Brian Rhinehart, Jeff Lahasky and Rebecca Bush

Absent: None

Also Present: Louisette Scott, Director, Planning Department; Cara Bartholomew, Planner; Mayor Donald Villere and Council Member Mike Pulaski

Mr. Adams announced that written notice of decisions regarding zoning 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 zoning case also had a corresponding planning case and both cases were discussed in conjunction. The planning case discussed was R20-03-01 Jason and Ashley Collier request a resubdivision of lot C-1, square 34, into lots C-1A and C-1B, 426 Lafitte Street, zoned B-3 and the corresponding zoning case was V20-03-10 Jason and Ashley Collier request an exception to Section 7.5.10.3, B-3 Site Development Regulations, lot C-1, square 34, 426 Lafitte Street, zoned B-3

The only planning case also had a corresponding zoning case and both cases were discussed in conjunction. The planning case discussed was R20-03-01 Jason and Ashley Collier request a resubdivision of lot C-1, square 34, into lots C-1A and C-1B, 426 Lafitte Street, zoned B-3 and the corresponding zoning case was V20-03-10 Jason and Ashley Collier request an exception to Section 7.5.10.3, B-3 Site Development Regulations, lot C-1, square 34, 426 Lafitte Street, zoned B-3

Ms. Scott presented that the applicants purchased the property at 426 Lafitte Street, Lot C-1, Square 34 in April 2015. The lot had a frontage of 113.21' on Lafitte St, depth of 212.45' on the north side, 124.63' across the rear and a depth of 214.69' on the south side. The lot contained 25,355.2 square feet and was improved with a single family residence. Square 34 was a double square and the property was located on the west side between Madison and Monroe Streets and was zoned B-3 Old Mandeville Business District.

The applicant was requesting to resubdivide Lot C-1 into two lots, C-1A and C-1B to allow for the construction of a new home to the rear of the property. Proposed lot C-1A was a flag lot configuration.

Proposed lots C-1A and C-1B measure as follows:

Proposed Lot	Frontage Required(R-1)	Proposed Frontage	Deficiency	Required /proposed Depth	Area Require	Proposed Area
C-1A	60'	18'	42'	214.69' south side/flag 82.39'	7200	12,524*flag portion included
C-1B	60'	95.21' Lafitte 102.12' rear	0	130.06' north 130.37' south	7200 sf	27,850

The B-3 Old Mandeville Business district allowed for Two Family residential on a single lot, permitted by right. However, the supplemental use criteria in article 8, section 8.2.1.2 states that they were not eligible for subdivision into two separate parcels unless each meets all the site development criteria.

The proposed resubdivision, creating a flag lot, did not meet the subdivision regulations and zoning regulations for minimum lot frontage. Creating remnant portions of a lot and not meeting min. lot frontage.

8.2.1.2. Two-Family Residential Criteria

Two-family residential developments shall not be eligible for a subdivision of the two residences into two separate development parcels unless each individual parcel and the building situated thereon meets all the site development regulations including lot dimensions and required yards of the district in which the development is located.

A flag lot is defined under CLURO Section 3.3 (127) lot, Flag:

127. Lot, Flag. A lot having access to a street by means of a private driveway, access easement, or parcel of land not meeting the requirements of this Land Use Regulations ordinance for lot width but having a dimension of at least fifteen (15) feet at its narrowest point.

Waiver: CLURO Section 13.2.1.1:

The applicant was also requesting an Exception to the minimum lot frontage of 60' in the B-3 Zoning District to allow for a minimum lot frontage of 18' (flag) – a deficiency of 42'. Additionally, a waiver to the subdivision regulations 13.2.1.1 Lot Arrangement, creating a lot that does not conform to lot requirements.

13.2.1. Lot Layout and Improvements **13.2.1.1. Lot Arrangement**

1. No remnants of property shall be left **which do not conform to lot requirements, which are not required** for a private or public utility purpose, or which are not accepted by the City and/or any other appropriate public body for an appropriate use.

Wayne Collier, representing the Colliers, said the reason for the second lot was to house the growing family and stay in the same area. The only information requested was from Fire District #4 who had no objections.

Mr. Adams said it was a long flag lot. There was nothing to stop a house from being built since two families were allowed. Ms. Bush said there was a letter dated March 9, 2020, from Jay Seastrunk (1815 Lakeshore Drive) which was read into the record of objection to the request.

Charles Goodwin, 2075 Lakeshore Drive, said there were mature trees that would have to be removed. He asked if two houses were allowed, why was there a resubdivision request.

Mr. Collier said the intent was simple. The owners lived there with their four children, and they wanted to stay on the property that was their home site. The resubdivision was not for financial reason. The only reason for the request was the configuration of the existing front house that would not change the impact of the existing development to the street frontage or the street scene. It would be accessible by a side driveway.

Mr. Lahasky said the applicant lived in the front house and asked who would live in first house. Mr. Collier said probably a family member would live in the front house and the Collier's would live in the rear house on a larger structure. Mr. Adams said if the land was not resubdivided they could still have a second house. Mr. Collier said it could not be accessed the same way. Mr. Adams said anyone could come over your property. Mr. Collier said he did not understand the argument of preventing the land reconfiguration since the land could now provide for two families. Mr. Adams said the CLURO and the

Comprehensive Plan discouraged flag lots. Mr. Collier said the situation was clearly an opportunity to address the overall issue and benefit the people on Lafitte Street. The opposing person lived on Lakeshore Drive with the surrounding neighbors being in favor of the request.

Mr. Rhinehart said if the commission denied the application, the owners could still build the house but it would not have new addresses. Ms. Scott said it would not be two lots but there would be two addresses. Mr. Lahasky said the future financial risk of a second house would be that the property would be sold all as one piece. Mr. Collier said the benefit of the resubdivision was for mortgages and lenders to use the equity in the house.

Ms. Scott said the two cases were dependent upon each other.

Mr. Adams moved to deny the resubdivision and exception to allow approval of a flag lot, seconded by Mr. Clark and was unanimously approved to deny the request.

The next case discussed was V20-03-08 Rockwell Builders LLC requests an exception to Section 7.5.1.3, R-1 Site Development Regulations, lots 24, 30, 40 and 49, Woodstone Subdivision, zoned R-1

The applicant, Rockwell Builders LLC, is requesting an exception to CLURO Section 7.5.1.3, R-1 Site Development Regulations regarding minimum side yard setbacks for four (4) lots located within the Woodstone Subdivision Ph. 2-C,, zoned R-1, Single Family Residential.

Rockwell Builders LLC, purchased four lots as follows:
Lot 49 on August 31, 2007
Lot 30 on September 30, 2011
Lot 24 on September 16, 2014
Lot 40 on January 3, 2018

These are the last four remaining unconstructed lots in the subdivision with Lot 40 was adjacent to the front park area.

When the subdivision plat was approved for Woodstone Subdivision the minimum side yard setbacks were 15' total combined with a minimum side yard setback of 5'. This subdivision had reversed the front and rear setbacks.

In May 2018, Ordinance 18-09 was adopted, increasing the minimum side yard setback requirements based on the frontage of the property for Residential Zoning Districts. Under the current regulations, the minimum side yard setback for Lots 24, 30, 40 & 49 are as follows:

<u>Lots:</u>	<u>Frontage</u>	<u>min. required</u>
Lots 24	90',	min. 15' each side (30' total)
Lot 30	90.03'	min. 15' each side (30' total)
Lot 49 -	90.53'	min. 15' each side (30' total)
Lot 40 -	95.90'	min. 16' each side (32' total)

The applicant was requesting an exception to allow the reduction of the minimum side setbacks from 15' each side for lots 24, 30 and 49 and 16' each side for lot 40, to the setbacks that were approved when the subdivision was platted, which was a total combined side yard setback of 15' and minimum side yard of 5'. These lots were the last remaining undeveloped lots.

**Zoning Commission
Public Hearing
March 10, 2020
Page 4**

Mr. Adams said this would allow construction to be consistent with the subdivision. Ms. Bush said if not granted these would be the only four lots in the subdivision that would be different. Mr. Adams said the rationale was to have a consistent character of the neighborhood. Mr. Rhinehart said the lots were in conformance when platted.

Robbie Rockwell, 89 Mark Smith Drive, applicant, said there was also a new requirement for the setback for mechanical equipment in the side yard setback. Most of the homes were located in the side yard setback.

Mr. Lahasky moved to approve the exception for the side yard setbacks for new construction and the location of the mechanical equipment to be located in the side yard setback for consistency, seconded by Ms. Bush and was unanimously approved.

The last case discussed was V20-03-09 Tom and Jan Hunter request and variance to Section 7.5.1.3, R-1 Site Development Regulations, square 26, 220 Carroll Street, zoned R-1

Ms. Scott presented that the applicants purchased the property at 220 Carroll Street on June 12, 2015. The property was located on the west side of Carroll Street between Claiborne and Jefferson Streets and was zoned R-1, Single Family Residential. The parcel measured 106' x 176' (18,656 sf/.41 acres), and was improved with a single family residence. The house had been vacant for quite a few years. It was adjacent to the parking lot for the church across the street.

The existing structure was listed as a Contributing property on the Mandeville Historic Resource Survey, constructed between 1895 and 1905. The applicants were proposing to elevate and construct an addition to the rear of the existing structure. The proposed addition was in line with the existing south side elevation and created an "L" shape toward the northern property line. The south side property line was adjacent to an existing parking lot associated with a non-residential use (church parking).

The existing structure was located 7' 7" from the southern property line and ~ 66' on the north.

Side yard setbacks were as follows:

106' frontage requires a minimum side yard setback of 18' each side. The CLURO allowed for the setback to be shifted up to 30% (5.4') which allowed the south side to have a setback of 12' 6" and increasing the north side to 23.4'. The applicant was requesting a variance to the south side setback of 4' 11" to allow for a shift in order to continue the existing footprint of the structure. The north side addition was setback 55' from the property line.

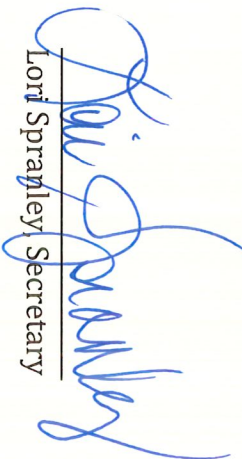
Elevations had been presented to the Historic District Commission which was approved. The commission encouraged the additions to be in the same line as the house and not be offset.

Ms. Bush moved to approve the exception to allow the addition to be in the same line as the house, seconded by Mr. Sones, and was unanimously approved.


Mr. Clark moved to adopt the minutes of October 22 and December 10, 2019 and January 28 and February 11, 2020, seconded by Mr. Fairley and was unanimously approved.

**Zoning Commission
Public Hearing
March 10, 2020
Page 5**

Mr. Adams moved to adjourn the meeting, seconded by Mr. Lahasky and was unanimously approved.



Lori Spranley, Secretary



Nixon Adams, Chairman
Zoning Commission

**Planning Commission
Work Session
March 10, 2020**

The meeting was called to order by Chairwoman Rebecca Bush and the secretary called the roll.

Present: Nixon Adams, Bill Sones, Ren Clark, Simile Fairley, Brian Rhinehart, Jeff Lahasky, and Rebecca Bush

Absent: None

Also Present: Louiseette Scott, Director, Planning Department; Cara Bartholomew, Planner; Mayor Donald Villere; and Council Member Mike Pulaski

The first case discussed had a corresponding zoning case and both cases were discussed in conjunction. The planning case discussed was R20-03-02 David Rathe requests a resubdivision of a portion of square 100 into lots A and B, zoned PM-1, and the zoning case discusse3d was V20-03-13 David Rathe requests an exception to Section 7.6.1.3(4), Areas Within the Drainage Overlay District, Section 13.2.3.1(4) and (5), Stormwater, General Requirements, and Section 12.1.7.2 Guidelines for Approving Resubdivisions, a portion of square 100, zoned PM-1

Ms. Scott presented that the applicant owned the southern portion of Square 100, located between Molitor Street on the West, Dupre Street on the east, Tammany Trace on the north and Bayou Castain on the South. The property measured 181.60’ on unimproved Dupre Street, 532.90’ on the north side and 181.60’ on the east side/Molitor Street and contained 1.75 acres (~75,000 sf). The property was improved with a single family dwelling unit, currently under construction, permit #18-4702 issued on July 18, 2019. The property was zoned PM-1, Planned Marina District (water frontage). Non-commercial development followed the R-2, two family site development criteria.

A significant portion of this property was jurisdictional wetlands based on the “Preliminary Jurisdictional Determination” prepared by the Corps of Engineers dated September 14, 2018. The approximate limits of the wetlands and non-wetland waters are designated on the map in red and blue.

The applicant was requesting to resubdivide this parcel into two lots, Lot A and Lot B in accordance with the proposed resubdivision plat prepared by Randall W. Brown and Associates dates January 7, 2019, as follows:

Proposed Lot A:

R-2 Site Development	Required	Proposed	Deficient
Frontage	75’	84.25’ Molitor	0
Depth	120’	159.50 N 178.07’ S	0
Area	9,000 sf	35,950	
Area above 5’ contour	9,000 sf	2,100 sf	6,900 sf

Proposed Lot B:

R-2 Site Development	Required	Proposed	Deficient
Frontage	75’	181.60’ unimproved Dupre Street	
Depth	120’	337.39’ N ~335’ S	
Area	9,000 sf	39,832 sf	
Area above 5’ contour	9,000 sf	1,570 sf	7,430 sf

This property was located within the Drainage Overlay District (D-O District) outlined under CLURO Section 7.6.1.3 (4):

No new lot shall be created with a buildable area located below five (5) feet MSL, referred to hereafter as the area of periodic inundation, unless the Zoning Commission finds that the lot can be safely accessed and developed in accordance with the provisions of this CLURO.

Proposed Lot B had frontage on unimproved Dupre Street. The CLURO prohibits subdivision of lots on unimproved streets. Additionally, the CLURO prohibited areas of periodic inundation (area below the 5' contour) to be included in the calculation of required lot area for resubdivision. Proposed Lot A was deficient by 6,900 square feet (only 2,100 square feet above the 5' contour) and proposed Lot B was deficient 7,430 square feet with only 1,570 square feet above the 5' contour.

The Drainage Overlay District contains a provision for **Construction in Buildable Area of Lot** when a lot has previously been created or if it is a single undivided parcel of land and the lot/parcel does not meet the lot/buildable area requirements above the 5' contour, that allows for the construction of a single family dwelling. It was based on this section that a building permit for the residential dwelling was issued for this parcel (located on proposed lot 1A). Should the property be resubdivided, it will allow further development on the proposed Lot 1B.

Additionally, the subdivision regulations contain the following provisions regarding resubdivision in areas of periodic inundations (below 5' contour).

CLURO Section 12.1.7.2 (3)(4):

3. No lots may be resubdivided or created which front only on an existing dedicated but unimproved street unless the street is improved in accordance with these regulations.

4. Areas of periodic inundation as defined herein shall not be included in the calculation of required lot area for purposes of resubdivision.

The applicant had discussions with Public Works.

The applicant is requesting:

- Exception to Section 7.6.1.3(4), Areas Within D-O Drainage Overlay Districts
- Waiver to CLURO Section 13.2.1.1 Lot Arrangement

13.2. SUBDIVISION LAYOUT DESIGN

13.2.1. Lot Layout and Improvements

13.2.1.1. Lot Arrangement

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits or Corp of Engineers or coastal management authority permits to build on all lots in compliance with these regulations and parish health regulations, and in providing driveway access to buildings on such lots from an approved street.

- Waiver to CLURO Section 13.2.1.2(1) Lot Area, Dimensions and Width to Length Ratio, specifically lot area shall not include areas of periodic inundation.

13.2.1.2. Lot Area, Dimensions and Width-to-Length Ratio

1. The lot area square footage requirements of these regulations shall not include any dedicated rights-of-way, drainage easements or areas of periodic inundation.

- Section 12.1.7.2 (3) (4) Guidelines for Approving Resubdivisions, specifically no lots shall be approved without public street frontage and areas of periodic inundation shall not be included in calculation of required lot area.

To access Dupre Street, it would require going through the jurisdictional wetland. There was a large live oak that was not included in the survey which would require additional information on the tree location. There was a single family residence under construction which would become legally non-conforming if the resubdivision was approved. Fire District #4 has responded that they have no objection to the request.

Mr. Adams said both lots had 3,700 square feet above the 5' contour.

Ms. Scott there was multiple CLURO sections for periodic inundation, drainage, and the 5' contour to be considered in the resubdivision request and to evaluate that the property would be safe from flooding.

David Rathe, 1123 Montgomery Street, applicant, stated he was constructing a short term rental house. He had lived two blocks away for 35 years. He dealt with Old Mandeville and along the bayou which he liked to keep natural. Ten years ago he began trying to acquire the parcel that was in an estate. Finally the estate called and he purchased the property. In the abstract he realized that he only owned 40%. He had not requested in his previous resubdivision requests any variances for less than the 5' contour. He saw another case on the agenda making a request to elevate the slab. When he obtained a clear title, he resubdivided the front half of the property into three lots for a whole city block without any variances. He lived two blocks away and did not want density in the neighborhood. At this time, he was developing the lower half of square 100. He was not asking for anything that would give him an advantage to what he wanted to do on lot B. He tried to purchase the northern piece from the Parish which was 1.3 acres dug out for the bridge on the Trace. It would not be sold. He received his wetland determination from Corps. The objection letter from the neighbor who had also made three complaints to the Corps. Lot B was 15,000 square feet above the wetlands. Lot A was under construction and contained 11,000 square feet that was not wet. Lot B could not be accessed from Molitor Street. There was a little creek under the Trace so he met with Cliff Siverd and the City Engineer on how to extend the roadway. The only reason he was before the commission was that the only logical legal explanation to separate two lots from a swamp between them, was to get a legal description for lot B otherwise the hardship the commission was creating was if he had to incorporate lot B into the total development of lot A to market it as a single use, he would have to do things not in the best interest of anyone. Lot B needed to be a single family home site and he needed a legal description. He was not asking for anything that he didn't already have except for a building permit.

Mr. Adams said the request did not meet the code. Mr. Rathe said the whole parcel was grandfathered in. Mr. Adams said it was one lot. Mr. Rathe said there could be two addresses on two separate streets. Dupre Street was the only way to get to lot B. He did not think he was asking for anyone to have a hardship especially in a marina district with single family on lot B.

Mr. Adams said Mr. Rathe was asking for an exception which would be large. He said by nature what Mr. Rathe was requesting as two different lots would not be the commission's purview. Ms. Scott said it was one lot. Mr. Rathe said it was not about law but logic. There were 2 acres with a wetland between the lots. Lot B would monetize his investment and have access from Dupre Street. Mr. Lahasky asked if it was a known fact with the resubdivision approval that the City would extend Dupre Street. Mr. Rathe said it would be his expense to extend Dupre Street and he had the right since it was a dedicated street. He would like to revoke it, but there must be a perpetual easement because he could not be denied access to his property. Rather than that, he discussed the roadway with Mr.

Silverd to improve it with a gravel road to a private driveway that was 15,000 square feet of buildable space. He could show five homes building on less than 5,000 square feet that had nothing above the 5' contour.

Mr. Adams said there were rules for granting exceptions, one being not changing the character of the neighborhood. Another was if it was a benefit to the City and not just for the applicant. Mr. Rathe said it would be a single family development rather than a marina opportunity. Ms. Scott said it was already single family in the PM1 zoning, but the majority of the lot was below the 5' contour. The CLURO limited the available buildable area and lot area above the 5' contour. The zoning of the entire parcel was above the 5' contour Mr. Rathe could do almost anything he wanted. Being below the 5' contour, the CLURO had provisions in the Drainage Overlay District to build single family residence on the entire parcel. He was in the process of doing that.

Mr. Rathe asked what was the purpose of the 5' contour. Mr. Adams said it was an easy way to identify what areas were wet without a detailed study to tell the commission where critical and sensitive areas were located. An expert suggested a 5' contour as a benchmark. Mr. Rathe said he understood the wetland determination was 3', 4' and 5' and 15,000 square feet above the wetland as defined by the Corps. He did not understand the logic in the past and there were seven homes that could have zero feet above the 5' contour and allowed to build. He pointed out that Alex Gonzales was approved with a corner above 5'. Ms. Scott said that property was an existing lot of record so the owner was allowed to build a single family residence. The commission was looking at creating a new lot of record, proposed lot B, and that was where the provisions kicked in.

Mr. Adams said it was the law. There was a parcel of land at this time. Mr. Rathe said he did not think he could be denied a building permit. Ms. Scott said the department could not issue a permit. Mr. Rathe said there was 15,000 square feet above the wetlands, and there were some homes not containing 5,000 square feet and were under the 5' contour. He was trying to bring this into a logical way of using 2 acres with two accesses. He did not think asking for the resubdivision with that square footage that he could be denied on the two acres. He had seen exceptions with the CLURO. He asked for common sense and suggested he could build two houses on two acres of land. He would make it all R-1 zoning. Other than that what was the value of the property. He wanted to hear from the commission of his logic not making sense aside from the CLURO. He was low density, single family homes.

Mr. Clark said it set a poor precedent. Up and down the bayou the commission would hear the same thing. He looked at it with LIDAR data and there was less than 5 % of the property above the 5' contour. There was no 15,000 square feet. Mr. Rathe said there was 15,000 square feet above the wetlands. Mr. Clark said there were two different soils on the property and it was interesting what the Corps said were wetlands. He was building a house, the lot was almost entirely below the 5', and the 5' contour was taken off of the map from the vertical datum of 1929. He thought there was access of land on Molitor Street. Mr. Rathe said there were wetlands between the land.

Mr. Adams asked what other information was needed. Mr. Lahasky said he wanted a survey or wetland determination of buildable area, and Mr. Rathe said it was provided. Ms. Scott said there was an area ruled jurisdictional wetlands by the Corps and the CLURO addressing the resubdivision. Mr. Lahasky asked what was the total square footage of lot B, and it was answered that it was an acre. Mr. Lahasky said the non-wet area according to the Corps was 15,000 square feet. He wanted more education on the 5' contour before the next meeting. Ms. Scott said to clarify there were policy statements, especially under #4 which read:

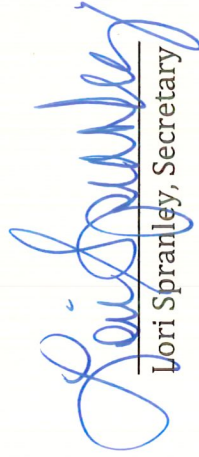
**Planning Commission
Work Session
March 10, 2020
Page 5**

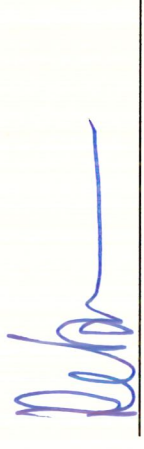
The Planning Commission shall not approve the subdivision of land if, following adequate investigation conducted by all public agencies concerned, it has been determined that the site is not suitable for platting and development purposes of the kind proposed. Land that is subject to periodic inundation or deemed to be topographically unsuitable shall not be platted for residential occupancy, or for other uses that may increase flood hazard, endanger health, life or property, or aggravate erosion. Such land within the plat shall be set aside for conservation and passive land uses that would not be endangered by periodic or occasional inundation. In applying these provisions, land below the flood elevations as established by the State Coastal Management Division of the Department of Natural Resources (currently the five (5) foot MSL contour) shall be considered prima facie as the minimum area subject to flooding, not to be included in the buildable area of any development plan and land determined by the Corp of Engineers to be subject to Section 10 of the Rivers and Harbors Act or Section 404 of the Clean Water Act may only be included in the buildable area of any development plan subject to the provisions of these Land Use Regulations and issuance of any permits required by the Corps of Engineers or state Coastal Management.

Ms. Scott stated that it basically meant the area was going to flood. If a resubdivision was approved, it would be developed as a dwelling and there would be at risk for flooding. CLURO discouraged the creation of lots and this policy stated “should not” approve. The commission should consider that a lot of record becomes a buildable lot which was how Mr. Rathe was able to obtain a permit for a parcel of land. It was her understanding if the property was not resubdivided no further permits would be issued. If the resubdivision was granted to create Lots A and B, an additional building permit could be issued. Mr. Rathe said there were two acres and the City was issuing permits under the 5’ contour. Ms. Scott said those lots were already created and were legal lots of record.

Mr. Lahasky would like to review as much information as possible. Ms. Bush said for the record there were two letters for the record and was referenced.

Mr. Adams moved to adjourn the meeting, seconded by Mr. Lahasky and was unanimously approved.


Lori Spranley, Secretary


Rebecca Bush, Chairwoman
Planning Commission

**Zoning Commission
Work Session
March 10, 2020**

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

Present: Nixon Adams, Bill Sones, Ren Clark, Simmie Fairley, Brian Rhinehart, Jeff Lahasky, and Rebecca Bush

Absent: None

Also Present: Louisette Scott, Director, Planning Department; Cara Bartholomew, Planner; Mayor Donald Villere; and Council Member Mike Pulaski

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 had a corresponding zoning case and both cases were discussed in conjunction. The planning case discussed was R20-03-02 David Rathe requests a resubdivision of a portion of square 100 into lots A and B, zoned PM-1, and the zoning case discussed was V20-03-13 David Rathe requests an exception to Section 7.6.1.3(4), Areas Within the Drainage Overlay District, Section 13.2.3.1(4) and (5), Stormwater, General Requirements, and Section 12.1.7.2 Guidelines for Approving Resubdivisions, a portion of square 100, zoned PM-1

Ms. Scott presented that the applicant owned the southern portion of Square 100, located between Molitor Street on the West, Dupre Street on the east, Tammany Trace on the north and Bayou Castain on the South. The property measured 181.60' on unimproved Dupre Street, 532.90' on the north side and 181.60' on the east side/Molitor Street and contained 1.75 acres (~75,000 sf). The property was improved with a single family dwelling unit, currently under construction, permit #18-4702 issued on July 18, 2019. The property was zoned PM-1, Planned Marina District (water frontage). Non-commercial development followed the R-2, two family site development criteria.

A significant portion of this property was jurisdictional wetlands based on the "Preliminary Jurisdictional Determination" prepared by the Corps of Engineers dated September 14, 2018. The approximate limits of the wetlands and non-wetland waters are designated on the map in red and blue.

The applicant was requesting to resubdivide this parcel into two lots, Lot A and Lot B in accordance with the proposed resubdivision plat prepared by Randall W. Brown and Associates dates January 7, 2019, as follows:

Proposed Lot A:

R-2 Site Development	Required	Proposed	Deficient
Frontage	75'	84.25' Molitor	0
Depth	120'	159.50 N 178.07' S	0
Area	9,000 sf	35,950	
Area above 5' contour	9,000 sf	2,100 sf	6,900 sf

Proposed Lot B:

R-2 Site Development	Required	Proposed	Deficient
Frontage	75'	181.60' unimproved Dupre Street	
Depth	120'	337.39' N ~335' S	
Area	9,000 sf	39,832 sf	
Area above 5' contour	9,000 sf	1,570 sf	7,430 sf

This property was located within the Drainage Overlay District (D-O District) outlined under CLURO Section 7.6.1.3 (4):

No new lot shall be created with a buildable area located below five (5) feet MSL, referred to hereafter as the area of periodic inundation, unless the Zoning Commission finds that the lot can be safely accessed and developed in accordance with the provisions of this CLURO.

Proposed Lot B had frontage on unimproved Dupre Street. The CLURO prohibits subdivision of lots on unimproved streets. Additionally, the CLURO prohibited areas of periodic inundation (area below the 5' contour) to be included in the calculation of required lot area for resubdivision. Proposed Lot A was deficient by 6,900 square feet (only 2,100 square feet above the 5' contour) and proposed Lot B was deficient 7,430 square feet with only 1,570 square feet above the 5' contour.

The Drainage Overlay District contains a provision for **Construction in Buildable Area of Lot** when a lot has previously been created or if it is a single undivided parcel of land and the lot/parcel does not meet the lot/buildable area requirements above the 5' contour, that allows for the construction of a single family dwelling. It was based on this section that a building permit for the residential dwelling was issued for this parcel (located on proposed lot 1A). Should the property be resubdivided, it will allow further development on the proposed Lot 1B.

Additionally, the subdivision regulations contain the following provisions regarding resubdivision in areas of periodic inundations (below 5' contour).

CLURO Section 12.1.7.2 (3)(4):

5.

No lots may be resubdivided or created which front only on an existing dedicated but unimproved street unless the street is improved in accordance with these regulations.
6.

Areas of periodic inundation as defined herein shall not be included in the calculation of required lot area for purposes of resubdivision.

The applicant had discussions with Public Works.

The applicant is requesting:

- Exception to Section 7.6.1.3(4), Areas Within D-O Drainage Overlay Districts
- Waiver to CLURO Section 13.2.1.1 Lot Arrangement

13.2. SUBDIVISION LAYOUT DESIGN
13.2.1. Lot Layout and Improvements
13.2.1.1. Lot Arrangement

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits or Corp of Engineers or coastal management authority permits to build on all lots in compliance with these

regulations and parish health regulations, and in providing driveway access to buildings on such lots from an approved street.

- Waiver to CLURO Section 13.2.1.2(1) Lot Area, Dimensions and Width to Length Ratio, specifically lot area shall not include areas of periodic inundation.

13.2.1.2. Lot Area, Dimensions and Width-to-Length Ratio

1. The lot area square footage requirements of these regulations shall not include any dedicated rights-of-way, drainage easements or areas of periodic inundation.

- Section 12.1.7.2 (3) (4) Guidelines for Approving Resubdivisions, specifically no lots shall be approved without public street frontage and areas of periodic inundation shall not be included in calculation of required lot area.

To access Dupre Street, it would require going through the jurisdictional wetland. There was a large live oak that was not included in the survey which would require additional information on the tree location. There was a single family residence under construction which would become legally non-conforming if the resubdivision was approved. Fire District #4 has responded that they have no objection to the request.

Mr. Adams said both lots had 3,700 square feet above the 5' contour.

Ms. Scott there was multiple CLURO sections for periodic inundation, drainage, and the 5' contour to be considered in the resubdivision request and to evaluate that the property would be safe from flooding.

David Rathe, 1123 Montgomery Street, applicant, stated he was constructing a short term rental house. He had lived two blocks away for 35 years. He dealt with Old Mandeville and along the bayou which he liked to keep natural. Ten years ago he began trying to acquire the parcel that was in an estate. Finally the estate called and he purchased the property. In the abstract he realized that he only owned 40%. He had not requested in his previous resubdivision requests any variances for less than the 5' contour. He saw another case on the agenda making a request to elevate the slab. When he obtained a clear title, he resubdivided the front half of the property into three lots for a whole city block without any variances. He lived two blocks away and did not want density in the neighborhood. At this time, he was developing the lower half of square 100. He was not asking for anything that would give him an advantage to what he wanted to do on lot B. He tried to purchase the northern piece from the Parish which was 1.3 acres dug out for the bridge on the Trace. It would not be sold. He received his wetland determination from Corps. The objection letter from the neighbor who had also made three complaints to the Corps. Lot B was 15,000 square feet above the wetlands. Lot A was under construction and contained 11,000 square feet that was not wet. Lot B could not be accessed from Molitor Street. There was a little creek under the Trace so he met with Cliff Siverd and the City Engineer on how to extend the roadway. The only reason he was before the commission was that the only logical legal explanation to separate two lots from a swamp between them, was to get a legal description for lot B otherwise the hardship the commission was creating was if he had to incorporate lot B into the total development of lot A to market it as a single use, he would have to do things not in the best interest of anyone. Lot B needed to be a single family home site and he needed a legal description. He was not asking for anything that he didn't already have except for a building permit.

Mr. Adams said the request did not meet the code. Mr. Rathe said the whole parcel was grandfathered in. Mr. Adams said it was one lot. Mr. Rathe said there could be two addresses on two separate streets. Dupre Street was the only way to get to lot B. He did not think he was asking for anyone to have a hardship especially in a marina district with single family on lot B.

**Zoning Commission
Work Session
March 10, 2020
Page 4**

Mr. Adams said Mr. Rathe was asking for an exception which would be large. He said by nature what Mr. Rathe was requesting as two different lots would not be the commission's purview. Ms. Scott said it was one lot. Mr. Rathe said it was not about law but logic. There were 2 acres with a wetland between the lots. Lot B would monetize his investment and have access from Dupre Street. Mr. Lahasky asked if it was a known fact with the resubdivision approval that the City would extend Dupre Street. Mr. Rathe said it would be his expense to extend Dupre Street and he had the right since it was a dedicated street. He would like to revoke it, but there must be a perpetual easement because he could not be denied access to his property. Rather than that, he discussed the roadway with Mr. Siverd to improve it with a gravel road to a private driveway that was 15,000 square feet of buildable space. He could show five homes building on less than 5,000 square feet that had nothing above the 5' contour.

Mr. Adams said there were rules for granting exceptions, one being not changing the character of the neighborhood. Another was if it was a benefit to the City and not just for the applicant. Mr. Rathe said it would be a single family development rather than a marina opportunity. Ms. Scott said it was already single family in the PM1 zoning, but the majority of the lot was below the 5' contour. The CLURO limited the available buildable area and lot area above the 5' contour. The zoning of the entire parcel was above the 5' contour Mr. Rathe could do almost anything he wanted. Being below the 5' contour, the CLURO had provisions in the Drainage Overlay District to build single family residence on the entire parcel. He was in the process of doing that.

Mr. Rathe asked what was the purpose of the 5' contour. Mr. Adams said it was an easy way to identify what areas were wet without a detailed study to tell the commission where critical and sensitive areas were located. An expert suggested a 5' contour as a benchmark. Mr. Rathe said he understood the wetland determination was 3', 4' and 5' and 15,000 square feet above the wetland as defined by the Corps. He did not understand the logic in the past and there were seven homes that could have zero feet above the 5' contour and allowed to build. He pointed out that Alex Gonzales was approved with a corner above 5'. Ms. Scott said that property was an existing lot of record so the owner was allowed to build a single family residence. The commission was looking at creating a new lot of record, proposed lot B, and that was where the provisions kicked in.

Mr. Adams said it was the law. There was a parcel of land at this time. Mr. Rathe said he did not think he could be denied a building permit. Ms. Scott said the department could not issue a permit. Mr. Rathe said there was 15,000 square feet above the wetlands, and there were some homes not containing 5,000 square feet and were under the 5' contour. He was trying to bring this into a logical way of using 2 acres with two accesses. He did not think asking for the resubdivision with that square footage that he could be denied on the two acres. He had seen exceptions with the CLURO. He asked for common sense and suggested he could build two houses on two acres of land. He would make it all R-1 zoning. Other than that what was the value of the property. He wanted to hear from the commission of his logic not making sense aside from the CLURO. He was low density, single family homes.

Mr. Clark said it set a poor precedent. Up and down the bayou the commission would hear the same thing. He looked at it with LIDAR data and there was less than 5 % of the property above the 5' contour. There was no 15,000 square feet. Mr. Rathe said there was 15,000 square feet above the wetlands. Mr. Clark said there were two different soils on the property and it was interesting what the Corps said were wetlands. He was building a house, the lot was almost entirely below the 5', and the 5' contour was taken off of the map from the vertical datum of 1929. He thought there was access of land on Molitor Street. Mr. Rathe said there were wetlands between the land.

Mr. Adams asked what other information was needed. Mr. Lahasky said he wanted a survey or wetland determination of buildable area, and Mr. Rathe said it was provided. Ms. Scott said there was an area ruled jurisdictional wetlands by the Corps and the CLURO addressing the resubdivision. Mr. Lahasky asked what was the total square footage of lot B, and it was answered that it was an acre. Mr. Lahasky said the non-wet area according to the Corps was 15,000 square feet. He wanted more education on the 5' contour before the next meeting. Ms. Scott said to clarify there were policy statements, especially under #4 which read:

The Planning Commission shall not approve the subdivision of land if, following adequate investigation conducted by all public agencies concerned, it has been determined that the site is not suitable for platting and development purposes of the kind proposed. Land that is subject to periodic inundation or deemed to be topographically unsuitable shall not be platted for residential occupancy, or for other uses that may increase flood hazard, endanger health, life or property, or aggravate erosion. Such land within the plat shall be set aside for conservation and passive land uses that would not be endangered by periodic or occasional inundation. In applying these provisions, land below the flood elevations as established by the State Coastal Management Division of the Department of Natural Resources (currently the five (5) foot MSL contour) shall be considered prima facie as the minimum area subject to flooding, not to be included in the buildable area of any development plan and land determined by the Corp of Engineers to be subject to Section 10 of the Rivers and Harbors Act or Section 404 of the Clean Water Act may only be included in the buildable area of any development plan subject to the provisions of these Land Use Regulations and issuance of any permits required by the Corps of Engineers or state Coastal Management.

Ms. Scott stated that it basically meant the area was going to flood. If a resubdivision was approved, it would be developed as a dwelling and there would be at risk for flooding. CLURO discouraged the creation of lots and this policy stated "should not" approve. The commission should consider that a lot of record becomes a buildable lot which was how Mr. Rathe was able to obtain a permit for a parcel of land. It was her understanding if the property was not resubdivided no further permits would be issued. If the resubdivision was granted to create Lots A and B, an additional building permit could be issued. Mr. Rathe said there were two acres and the City was issuing permits under the 5' contour. Ms. Scott said those lots were already created and were legal lots of record.

Mr. Lahasky would like to review as much information as possible. Ms. Bush said for the record there were two letters for the record and was referenced.

The next case discussed was Z20-03-01 Recommendation to the City Council regarding Ordinance 20-03 to rezone lot 232, The Sanctuary Subdivision, Phase 3B, City of Mandeville, St. Tammany Parish, State of Louisiana, from R-1, Single Family Residential, to O, Open Space/Recreation; and providing for further matters in connection therewith

Ms. Scott presented that The Preserve, LLC was the owner of Lot 232 in the Sanctuary Subdivision and was requesting to rezone lot 232 from R-1, Single Family Residential to O, Open Space/Recreation District. Lot 232 was located in Phase 3-B, of the Sanctuary Subdivision as per the final subdivision plat prepared by Krebs, LaSalle, LeMieux Consultants, inc. dated June 21, 2001, revised through February 2, 2002. (as recorded on February 22, 2002 with the St. Tammany Parish Clerk of Court under Map file #2237). Lot 232 measured 143.63' frontage on Preserve Lane by a depth of 1091' (1054's) and contains 5.5539 acres.

The City Council introduced Ordinance 20-03 at their meeting held on February 13, 2020, to rezone lot 232, from R-1, Single Family Residential to O, Open Space/Recreational for the purpose of preserving the lot as open space.

The petition requesting the rezoning states the following:

On behalf of The Preserve LLC, I am writing to request initiation of proceedings to rezone the above referenced lot from R-1 to Open Space/Recreation District. This particular lot contains a wetland configuration and experiences periodic inundation, which would make it difficult for someone to build on without excessive amount of fill and destruction of wetlands. By rezoning this lot, the Preserve will decrease overall density of our development, increase green space, and provide an additional area for natural habitat and wildlife.

The request for rezoning was consistent with the Comprehensive Land Use Plan - Natural Resources Goal 7, to retain valued natural resource and safely include natural areas throughout the city, Policy 7.2 designate and protect critical drainage area to protect water quality and reduce flood hazards.

The next two cases were discussed in conjunction and were SUP20-03-01 Kimberly Villere requests a Special Use Permit to Section 6.4.4.2, Lodging (Transient) Bed and Breakfast Residence, lots 8 and 9, square B, Pine Place Subdivision, 611 Park Avenue, zoned R-1 and V20-03-11 Kimberly Villere requests a variance, square B, lots 8 and 9, 611 Park Avenue, zoned R-1.

Ms. Scott presented that the applicant owned the property at 611 Park Avenue being Lots 8 and 9 in Square B, Pine Place Subdivision. The property measured 100' x 250' with frontage on Park Avenue and contained 25,000 square feet. The property was improved with a single-family residential dwelling unit and attached garage. The property was zoned R-1, Single Family Residential and was located within the Historic Preservation District. A Bed and Breakfast Residence was allowed within the R-1 zoning district when it was located within the Historic Preservation District with approval of a Special Use Permit. The applicant was requesting approval of a Bed & Breakfast Residence with two guestrooms.

The existing house was setback approximately 120' from the front property line and 3' on the north side. There was an existing gravel driveway located on the north side of the site accessing the existing garage. There was no vehicular access to the side or rear yard on the north side where the driveway is located due to the existing location of the house.

Parking:

CLURO Section 8.2.3.6 (5) Lodging - Bed and Breakfast Residence Criteria states: *(5) Parking spaces provided for guests, in accordance with the requirements of Article 9, shall be provided in side or rear yards and shall not be located in required front yards.*

Two parking spaces for the residential dwelling unit were provided immediately in front of the existing garage. The two parking spaces for the guest rooms are proposed in the front yard, proposed to be improved with grass pavers. They were accessible from the driveway near the existing house. The house was setback ~120' and the proposed parking spaces were located within the front yard, but outside of the required front yard setback, well beyond the required 25'. The CLURO states "shall be provided in side or rear yards and shall not be located in required front yards." These spaces were not located in the required front yard, (25' from property line"). A variance was advertised, but the plan interpreted as compliant.

Mr. Rhinehart said it was a 100' driveway and asked if they could park enough cars legally. Ms. Scott said the spaces must be accessible. The applicant could not access the side or rear yard from the north side of the property. They were proposing two guest spaces in front of the house, but they were located outside of the front yard setback. If the commission agreed, the variance request could be removed from the agenda. Mr. Clark asked to correct the language in the CLURO since it stated required front yard and not "setback".

Ms. Scott said with the adoption of the Short Term Rental, the criteria did not change, but the application would apply administratively for a Bed and Breakfast Administrative permit. The criteria for review did not change and there was no limit on the number of bed and breakfast residence permits.

The next case discussed was V20-03-12 EREP Northlake I, LLC requests a variance to Article 10, Sign Codes, particularly Section 10.5.3.4, Attached Signage, Table 10.5.3.6: Rules for Attached Signs in Combined Use and Non-Residential Districts for Fresh Market signage, a parcel of land designated as Northlake Shopping Center containing 15.406 acres, 50' Servitude of Passage and Servitude Estate, zoned B-2, Highway Business District.

Ms. Scott presented that the Fresh Market was located in the Northlake Shopping Center and were in the process of updating the front façade of the building and replacing the existing signage with the new, updated Fresh Market logo.

Ms. Bush asked what was the difference in this signage compared to Chipotle. Ms. Scott said Chipotle was a jog in the frontage and this was a different façade.

The Fresh Market occupied the corner bay, with the front façade facing the parking lot and the side façade facing Highway 22. A sign permit was issued in 2005 for the existing signage.

The CLURO allowed for attached signage per linear store front, calculated at 1.25 X the linear façade up to a maximum sign of 120 square feet. Additionally, the CLURO allowed for one sign per street façade with a customer entrance.

Currently, Fresh Market signage consisted of the following (issued 2005 sign permits)

<u>Installed S/F</u>	<u>Linear Store Front</u>	<u>Allowable S/F</u>	
Facade facing parking lot	150	187	137
Facade facing Highway 22	169	211	73.33

At the time of initial permitting in 2005, signs were allowed on both building facades and the regulations did not include a limitation on the maximum area of attached signage. Under the current sign regulations (adopted 2015), there was a maximum allowable signage of 120 square feet. The regulations also stipulate that one attached sign per street facade with a **customer entrance** per premises was allowed. This regulation made the existing sign facing Hwy 22 a legally non-conforming sign. Once removed, it was not allowed to be replaced.

The applicant was requesting two exceptions, the first to the maximum allowable square footage for the sign facing the parking lot and the second was to allow the sign facing Highway 22 to be replaced on the façade with no entrance. It was a legally non-conforming sign.

The following outlined the proposed new signage:

<u>Proposed S/F</u>	<u>Linear Store Front</u>	<u>Allowable S/F</u>	
Facade facing parking lot	154'6"	193 sf/120 max	150.87
Facade facing Highway 22	169	0	84.56

*13.49 square feet larger than the existing sign facing parking lot (137sf)

*11.23 square feet larger than existing sign facing Highway 22

Should the Highway 22 sign be allowed, then the total allowable square footage equal (120 square feetx2) 240 square feet. The applicant was proposing a total combined square footage of 235.43 square feet or 4.57 square feet less than the 240 square feet combined.

Additionally, the application included a breakdown of the new logo with and without the “lines” over the words “The” and “Market”.

Without lines:

The = 10.33 sf
Fresh = 72.92 sf
Market = 22.25 sf
Total = 105.50 sf

With Lines:

The = 20.83 sf
Fresh = 72.92 sf
Market = 44.50 sf
Total = 138.25 sf

Total length of sign: 37’ 8 5/8”

Height	4’
Total sf	150.87 sf

50. Sign Area. The area of a sign shall be defined as the square foot area enclosed within the perimeter of the sign face with each face contributing to the aggregate area of any sign. **With respect to signs which are composed of individual symbols, letters, figures, illustrations, messages, forms, or panels, the sign area shall be defined as that area enclosed by one continuous line connecting the extreme points or edges of the advertising message.** In cases where there is no definable simple geometric shape, the simplest geometric shape or rectangle enclosing the outer edges of the advertising message shall determine the sign area. In cases of backlighted awnings with advertising messages, the entire area of the awning shall be considered as the sign area.

51. Sign Face. Sign face is the part of the sign that is or can be used to identify, advertise, communicate, inform or convey a visual representation that attracts the attention of the public for any purpose. "Sign face" includes any background material, panel, trim, frame, color and direct or self-illumination that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure, unless it is outlined in neon.

The sign was installed before the 2015 code change. A similar request was granted as an exception to J. Jill. Mr. Adams said the geometry of the sign size was a lengthy discussion in the creation of the original sign regulations. The purpose was to stop the visual eye pollution and the lines did not add anything negative to the sign.

Barbin Graham, Permits Plus, representing the sign company, said the sign to the size of the building was not an issue. The sign on the side was the main entrance to the business. Mr. Adams said this was a main anchor of the center. Mr. Clark said Mandeville lived and died by retail. The logo was changing; there would be upgraded painting and they were creating a better experience for the customer. The Highway 22 sign was mainly blocked by Chipotle, and the sign brightened up the area at night.

Mr. Lahasky said he understood the reasoning for not being allowed, but it was already existing, it was matching the signage for conformity, it was the side of the center there, and this request had been approved before. Ms. Bush said until a few years ago, the signage was allowed.

Carolyn Montieth, 321 Coffee Street, said it was reasonable and was an effective request. But, it should be denied because cases like Racetrack had requested many variances. The rationale was that it was a national standard. Mr. Adams said the case was denied because of the oak trees. Ms. Montieth said the applicant had referenced previously approved cases. Mr. Adams said each case stood on its own. Ms. Montieth said the applicants always referenced the previously granted variances.

The next case discussed was V20-03-14 Lynne and Jay Feece request an exception to Section 5.2.3.2, Drainage Overlay District, Fill Sub-Area A, lots 1, 2 and 30, West Beach Parkway Subdivision, zoned R-1

Ms. Scott presented that the applicant purchased lots 1, 2 and 30 in block 5 of the West Beach Parkway Subdivision on July 16, 2019 and were proposing to construct a single-family dwelling consisting of 3,507 square feet with a parking slab under the house. The property was inundated by water several times each year due to weather events. The site was subject to tidal flooding from the water of Lake Pontchartrain. When the water level exceeded the elevation of the property, the property becomes inundated with water.

Based on this, the applicant was requesting a variance to CLURO Section 5.2.3.2 Drainage Overlay District, Fill Sub Area A, specifically to allow an additional 2' of fill under the parking slab, to allow the top of slab to be at an elevation of 4.5' msl. Fill in Sub Area A was limited to 6 inches of fill material under a structure. Slab counted as part of the 6".

A Fill Report, prepared by Cypress Engineering, LLC dated February 21, 2020, was submitted with the application. Additionally, a Fill Plan prepared by Cypress Engineering was submitted.

In summary, the report provides the following information:

- The boundary survey indicates the existing ground elevations at the building footprint vary from elevation 2.1' to 2.6' msl and the existing elevation of West Beach Parkway and South Street adjacent to the property vary with the highest elevation being 3.4'.
- Water Stage Data Source - the relevant water stage elevations have been obtained (NAVD88 datum). The data indicates the lake water elevation reached 3.0' or above 4 days in 2016, 7 days in 2017, 2 days in 2018 and 1 day in 2019.
- Weather conditions, including rising lake water combined with rainfall also causes the property to become inundated – expected to occur at least several times per year and more so with climate change and other variables.

Summary of Recommendation of Cypress Engineering:

- With numerous inundations expected per year, standing water above the top of concrete slab foundation is considered to be a nuisance and a hardship of the property owner. Consider this and also that the property drains to catch basins connected to the city's storm drainage systems, Cypress recommends that the top of concrete slab elevation be set at 4.5' msl, which also matches the top of slab at the neighboring property (variance granted in 2017).
- This proposed elevation would be an increase of about two feet and calculates to a volume of approximately 7,450 cubic feet, which divided by the area encompassed by Fill Sub-Area A (conservative estimate) equates to a negligible rise in elevation (less than 1/200th of an inch).
- Engineer's conclusion: the proposed top of concrete elevation at 4.5' msl would not have an adverse effect on the neighborhood.

Mr. Rhinehart asked if all new houses would be allowed to build up so the cars would not be flooded. Ms. Scott said there were some exceptions granted that 4.5' was reasonable with the existing street drainage and catch basins. There were several variance

requests below Monroe Street that had been denied for the additional height. This was one of the lowest lots in the city. The staff could pull the other houses with slab heights.

The last case discussed was V20-03-15 301 Girod LLC, Paul Rees LLC Manager requests an exception to Section 7.5.10.3, B-3 Site Development Regulations and Article 9, Parking and Landscaping, lot 1, square 12, 301 Girod Street, zoned B-3

Ms. Scott presented that the applicant owned the property located at 301 Girod Street, which is lot 1, Square 12 located on the northeast corner of Girod and Jefferson Streets. The property was previously improved with a bank building that was severely damaged in Hurricane Katrina and was ultimately demolished. The property had remained vacant. The property measured 63.95' on Girod Street and a depth of 202.5' along Jefferson Street and consisted of 12,949 square feet.

The applicant was proposing to construct a new mixed-use building, consisting of professional office, retail and, up to two apartments, all in accordance with the plans prepared by Piazza Architecture dated February 12, 2020.

The property was zoned B-3, Old Mandeville Business District and under *CLURO Section 7.5.10.2 B-3 Permitted Uses (1) Attached Residences. Unless it is part of a mixed-use development, no new townhouse, condominium, or other multi-family residence shall be established: (b) On a corner lot within the B-3 zoning district.*

The proposed uses are allowed by right within the B-3, Old Mandeville Business District.

The applicant was requesting an exception for the encroachment of the proposed ADA ramp on the north side, 4' into the minimum required 12' interior side yard.

Additionally, the applicant was requesting an exception for the encroachment of the front wrap around porch and the side porch to allow a 5' encroachment within the 15' street side yard setback.

The applicant submitted the following with the application:

Request for 4' exception to interior side yard setback for handicapped ramp

An exception is requested to allow a handicapped accessible ramp to be built in the interior side yard setback, along the north side of the building.

Due to narrow lots along Girod Street it is difficult to accommodate handicapped ramps in the front of buildings. They are not desirable from a building appearance standpoint unless they are substantially hidden from view. Due to current FEMA and Mandeville Base Flood Elevation requirements, the ramp must be some 60' long or raise the user approximately 15' to the first floor level.

If the ramp were to be built in the front of the building it would cross back and forth two or three times across the front elevation view.

The attached diagram shows the planned location of the ramp highlighted in blue. It encroaches 4' into the required 23' interior side setback. The interior yard side of the new building is already shielded from the neighboring property by a fence for much of the property line, and the area in front of the fence will be shielded by additional fencing and plantings.

Request for 5' Exception to Side Street Setback for Front Porch

An exception is requested to allow a wraparound front porch to extend 5' into the 15' side

street setback along the Jefferson Street side of the proposed building.

The purpose of the exception is to accommodate a corner entrance to the building at the intersection of Girod and Jefferson Streets, and a 10' deep wrap around porch from Girod Street to continue along the Jefferson Street side. This will allow the building to have a more residential appearance. A corner entrance would be awkward without an equally sized porch on each side. The yellow highlighted on the diagram reflects the 5' exception area of the front and side entry porches.

The 5' exception is matched on the interior by the owner absorbing half of the 10' porch into the interior space of the building. The design as proposed on this prominent corner lot would result in the building appearing like a "shotgun" row house with a two story shear wall along Jefferson Street. The 10' setback is also consistent with most other commercial properties along Jefferson Street on the opposite side of Girod such as Nuvolari's (exterior wall on Jefferson at 10' setback), the barbershop building (no setback-zero lot line on Girod) and other buildings.

Parking:

The proposed use is mixed use as follows:

Administrative Office: req'd. 1:250
Residential dwelling: 2 per unit/required to be on-site.

Parking calculations:

1 st floor:	Admin. Office 2418 sf	10 space required
2 nd floor:	1 dwelling unit (rear)	2 spaces required (on-site)
2 nd floor:	1 dwelling unit <u>or</u>	2 spaces on site
	Admin. Office 1,750 sf	7 spaces

Total: 13 if 2nd dwelling unit or
19 spaces if Admin. Office

The site plan proposed 12 parking spaces on site and 10 parking spaces on the street, for a total of 22 parking spaces provided if there was angle parking. Two of the proposed on-site parking spaces encroach into the 15' required greenbelt on Jefferson St by ~ 8'. An exception is being requested for this encroachment.

Additionally, the CLURO allows for on-street **parallel** parking to be counted toward minimum requirements. The site plan/existing conditions, shows the existing parking pattern on the north side of Jefferson St., is either 90 d or 45 degree angle from the street. The applicant is requesting an exception to allow angle parking to continue and to count the additional spaces captured by angle parking towards the minimum parking requirement.

The site plan proposed 2 parallel parking spaces on Jefferson Street near the corner of Girod Street. The remaining parking spaces along Jefferson were being requested to allow the 45 degree angle. Additionally, there is a large live oak within the Jefferson Street ROW and the site plan indicated the removal of existing parking under the tree and only parking spaces provided outside of the drip line within the street ROW.

The applicant submitted the following statement with the application:

Request exception for parking

UP to 19 parking spaces are required for the proposed building.

**Zoning Commission
Work Session
March 10, 2020
Page 12**

There are 12 spaces provided on site, plus 6 abutting parallel parking spaces on Jefferson, leaving 1 needed based on the proposed on-site parking configuration.

However, in practice the parking on Jefferson is not parallel but “head in” in 90 degree parking, which provides not 6 but many more spaces (16 presently and at least 10 if 45 degree parking is marked). So if the actual parking pattern is considered there are more than adequate parking and no shortage, rather there is an excess of spaces.

Applicant desires that the current parking pattern or 45 degree parking pattern be considered in lieu of parallel parking as a basis for granting an exception of 1 space for this property.

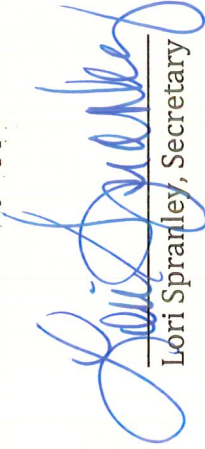
Paul Rees, applicant, said the proposed building would be his office as he was a lawyer, property developer, entrepreneur, and represented several hundred companies. The administrative offices would be located on the second floor with light retail or offices on the first floor. The total square feet was under 8,000 square feet and they were trying to fit as many spaces on site as possible. The parking was now consumed so there was no reason to change the parking patterns except in front of the oak tree by Girod Street to prevent cars from being on top of the front steps. They would mark the spaces to force parallel parking.


Mr. Adams asked if he would need all of the parking. Mr. Rees said they would provide parking for all of the people in the building. Mr. Clark asked if this was day time activity and it was answered yes except for the upstairs residence. There would be a private parking sign. Mr. Clark said Old Mandeville was developing, but parking would become a premium.

Ginger Fortson, 2036 Monroe Street, asked about the law of corner lots. Mr. Adams said it was previously prohibited parking. Ms. Scott said the multi-family changes were adopted in 2007. There was a discussion that a change to only a multi-family use would require submittal of approval to the commission which would not be able to be approved. The neighbors were not happy with the greenbelt intrusion and angle parking covering up the sidewalks. Mr. Clark said that was happening all over town. Ms. Fortson said Girod Street parking was parallel. Mr. Clark said protection of the oak tree was important and it needed impervious surfacing.

Mr. Rees said at this time there was concrete and blacktop within 1’ of the tree trunk and had been that way for 20 years.

Mr. Adams moved to adjourn the meeting, seconded by Mr. Lahasky and was unanimously approved.


Lori Spranley, Secretary


Nixon Adams, Chairman
Zoning Commission

