

**Zoning Commission
Public Hearing
September 10, 2019**

The meeting was called to order by Chairman Michael Blache and the secretary called the roll.

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

Absent: None

Also Present: Louise Scott, Director, Planning Department; and Cara Bartholomew, Planner

Ms. Bush 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.

Election of Chairman

Mr. Fairley moved to nominate Mr. Adams as Zoning Chairman, seconded by Mr. Sones and was unanimously

The first case discussed was P19-08-07/Z19-08-07 Recommendation to the City Council regarding Ordinance 19-23, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO EFFECT THE ANNEXATION OF A PORTION OF SQUARE 114, CITY OF MANDEVILLE, ST. TAMMANY PARISH, LOUISIANA INTO THE CORPORATE LIMITS OF THE CITY OF MANDEVILLE DESIGNATING AND ASSIGNING THE PROPERTY FOR PURPOSES OF ZONING AS A B-2, HWY BUSINESS DISTRICT AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. With associated planning and zoning cases, both cases were discussed in conjunction.

Ms. Scott presented that the City Council introduced Ordinance 19-23 at their meeting held on August 22, 2019 to annex 1.059 acres of land in Square 114 as shown on the survey prepared by Duplantis Design Group PC dated August 9, 2019. The site was currently improved with two structures, a 1 story concrete block building and a 1 story metal building. These two structures will be demolished as part of redevelopment of the site.

The property was located on the northwest corner of Hwy 190 and Hwy 59 and was contiguous to the present boundaries of the city. The site would be redeveloped with a new commercial building. The proposed site plan was in compliance with the CLURO. Ordinance 19-23 stated upon annexation the site would be designated as B-2, Hwy Business District. This was consistent with the City's land use plan. The redevelopment would be a retail center.

This area was identified under the City's Comprehensive Land Use Plan as a target area for annexation and also under the Agreement amending the 1990 Sales Tax Enhancement Plan as a portion of land in "Infill Area 1", where the City receives 80%-20% of the Sales Tax Revenue. It would be designated as being located in Council District 3.


Mr. Adams said since this was located in the Priority 1 area, were there any Public Works issues and it was answered no.

Mr. Adams moved to recommend the annexation and zoning, seconded by Mr. Lahasky. The motion was unanimously approved.

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


Lori Spranley, Secretary


Rebecca Bush, Chairwoman
Planning Commission

Planning Commission
Work Session
September 10, 2019

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

Present: Nixon Adams, Ren Clark, Simmie Fairley, Michael Blache, Rebecca Bush, and Jeff Lahasky

Absent: None

Also Present: Louise Scott, Director, Planning Department; and Cara Bartholomew, Planner

Ms. Bush 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 R19-09-05 The Platinum Holding Group LLC, John Cerniglia, requests the resubdivision of lots 14, 15 and 16, square 8, into lots 16A and 16B, zoned R-1 and V19-09-32 The Platinum Holding Group LLC, John Cerniglia, requests an exception to Section 7.5.1.3, R-1 Site Development, more specifically for lot frontage, lots 14, 15 and 16, square 8, zoned R-1. Since this was a planning and zoning case, both cases were discussed in conjunction.

Ms. Scott presented that The Platinum Holding Group LLC purchased lots 14, 15 and 16, Sq 8 in old Mandeville in August 2019. The property was located on Marigny Avenue and formed the SE corner of Marigny and Jefferson Streets. Each lot measured 63.95' on Marigny by a depth of 202.5' and contained 12,949 sf. The property was zoned R-1, Single Family Residential. The property was previously developed with a single family residential structure (Maylie) that was demolished after Hurricane Katrina. The site currently included the "old house" and "old shed" located on the center lot, lot 15.

The applicant, Mr. Cerniglia, was proposing to resubdivide the three (3) lots, Lot 14, 15 and 16 into two (2) lots, 16-A and 16-B in accordance with the Resubdivision Plat prepared by Land Surveying LLC dated 6-13-2019. In accordance with CLURO Section 4.2.4.5, Provision for legally non-conforming lots of Record, these lots of record were considered an undivided parcel and cannot be separated without meeting the R-1 Site development criteria (90'x120' or 10,800 square feet).

Proposed lot 16-B combined lots 15 & 16 but also creates a 30.5' "flag lot" access to Jefferson St for access, located behind proposed lot 16-A. The Plat indicated Lot 16-B with a frontage of 127.90' on Marigny Avenue by a depth of 202.5' on the south side and 172' on the north side and a square footage of 27,850 square feet.

Proposed Lot	Frontage Required(R-1)	Proposed Frontage	Deficiency	Required /proposed Depth	Area Require	Proposed Area
16-A	90'	63.95'	26.05'	120'/172'	10,800	10,999
16-B	90'	127.90'	0'	120'/202.5	10,800	27,850
		30.50'	59.5'	and 172'		

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.

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.

Proposed lot 16-A formed the corner of Marigny Avenue and Jefferson Street and measured 63.96' frontage on Marigny by 172' depth and contains 10,999 square feet. The lot depth was reduced by 30.5' from the original lot of record depth of 202.5' to provide the "flag lot" access to Jefferson St. The applicant was requesting an exception to the minimum lot frontage for proposed Lot 16-A, in the amount of 26.05', from the minimum required under the R-1 Single Family of 90' to 63.95'.

The property was currently improved with an "old house" and "old shed" located on the center lot (lot 15) and the structure of the "old house" was listed as Contributing on the Historic District Survey.

In July 2019, the applicant applied for a COA (HC19-07-25) to the Historic Preservation District Commission for the demolition of the two existing structures on the property.

The applicant stated the following on the application for the COA to demolish the structures: *Due to the hardship of a structure considered historic on the property and located in the center of the 3 lots we own we are unable to create two lots of record and meet the City's required setbacks. We also do not have the funds to relocate the structure elsewhere on the property and have no resources to help with that task. We pray that you grant our request as the proposed two lots do meet the required square footage and setbacks.*

The Historic District Commission denied the applicants request. The decision was based on the following stated COA review and evaluation criteria:

1. *The demolition or partial demolition of a building or structure that is of historic importance or adds to the overall character of the property or district is not allowed unless there is no prudent alternative.* The commissioners and the public offered strong evidence that the primary house is associated with Bernard de Marigny, being the founder of Mandeville. The information presented was that the primary house was built with the materials from Bernard de Marigny's barn, which evidence shows, was located on this site. The site is the location of the Market Square in the original plan for Mandeville. The location of the large well on the site underscores the significance of the site. The Commission found there are prudent alternative options to the demolition that should be explored, including relocation, rehabilitation or redesign of the proposed site plan to preserve the structures.

2. *The historic and/or architectural significance of the building or structure.* In addition to the house being listed as a Contributing property both by the Sally Reeves survey (2009) and the Cox McClain Survey (2015), evidence indicates the house was built with the materials from Bernard de Marigny's barn that was located on this site, known as Market Square.

3. *The importance of the building to the collective character and function "tout ensemble" of the District.* The house contributes to the overall character, scale and historic context

1. of the streetscape and neighborhood.
2. *The difficulty or impossibility of reproducing such a building because of its design, texture, material or detail.* Due to the house being constructed with materials from the founding era of Mandeville, the structure cannot be reproduced.

The future utilization of the site. The application indicates that the site consists of three lots of record, lots 14, 15, & 16, each measuring 63.95' x 202.5' and consisting of 12, 949 square feet each. The house and barn requested to be demolished are located on the center lot, lot 15, toward the rear half of the lot. The proposed future utilization of the site is to subdivide a portion of the corner lot, lot 14, for sale and to develop the proposed new residence on the remaining 2 lots, lots 15 & 16. These two lots, together, measure 127.9' x 202.5' and contain 25,899 square feet. The application indicated the proposed new construction will consist of approximately 2400-2900 square feet. Due to the large lot area and the proposed 2400-2900 square feet proposed house, the Commission requested a redesign of the propose new house, to incorporate these existing historic structures into the site plan so they could be preserved. This request was rejected.

3. *The condition and structural viability of the building or structure.* The Commissioners found the structure was in such a condition that renovation can be accomplished. Additionally, the site is large enough to work around the structures.

There was no site plan submitted and the request was to resubdivide the lot. One of the concerns was the flag lot dead ended into the shed. Mr. Adams asked why not make it two frontages on Jefferson Street and it was answered that the flag lot was for access.

John Cerniglia, 2015 Scotchpine Lane, said his interpretation of a flag lot was that there was no access to a road but to make access to a side road to get to a dead-end lot. There would be a front access, but he wanted a second access for service and guests which would not technically be a flag lot. Mr. Adams said this was a flag lot. Ms. Scott said a flag lot would be created if that was the only way to access a lot and there was access on Marigny Avenue.

Mr. Lahasky asked the reason for wanting to create a flag lot if two lots could be created on Marigny Avenue. Mr. Cerniglia wanted to build a home for his daughter and the other two lots would be his home. Since his daughter would have a smaller house, it would be more appropriate for her to have the smaller lot.

Ms. Scott said as clarification, the lot would become sellable. With the property being zoned R-1, they could only build one structure. Mr. Cerniglia said the three lots was large enough area to subdivide the property into two compliant lots of record. The fact was the "historic" structure. He had found the original building plans designed by Mr. Maylie as a rental cottage designed to look old and it was built in 1948. There was nothing in his opinion from Bernard de Marigny. Since the Historic District Commission denied his request he could not meet the side yard setbacks. Mr. Cerniglia said his neighbor had an impressive house and he would like to face Marigny Avenue. He met the minimum square footage. Mr. Clark said the whole point was to have sufficient frontage.

Mr. Cerniglia said 232 Marigny Avenue was a home on its own lot. Next to it was 239 Marigny Avenue so there was a lot with a house that was destroyed by Hurricane Katrina. It had different addresses and was separate lots, but the staff and commissioners were considered it as one lot since the structure was destroyed. Mr. Clark said the commissioner's

job was to plan with health, safety and welfare considerations. It was impinged by the floods from too intense a use of pervious surfaces which was the reason for the 90' frontage. Mr. Cerniglia said B-3 could have 60' frontage which was across the street. Mr. Clark said what Mr. Maylie did had no bearing on today. He was curious what kind of caveats were given about this property. Mr. Cerniglia said there was nothing special about it. It was a shed not on the historic registry, but his case was denied for his demolition request because it was on the property. He had moved on making plans for a takeoff of the Nottoway Plantation that would be one story. If he moved his daughter's house to the middle, it would be a small house between two large lots. He did not see the sense of facing Jefferson Street. Mr. Adams said one house could face Marigny Avenue. Mr. Cerniglia said there was 200' in depth and the minimum was 120' that would reduce the lot to a 100' depth facing Marigny Avenue with a 25' front setback.

Ms. Scott said the orientation of the lots on Marigny faced Marigny Avenue was a variety of lot sizes. Generally flag lots were not created. Mr. Cerniglia asked if it was more the flag lot than the resubdivision. Ms. Scott said for compliance, the commission discouraged remnant portions of lots. The lot could be sold at some time; and people might not want to have access behind their property. If the flag portion of the lot was removed, the commission would look at the separation of lots. The commission could allow the separation of lot 14 without going through the resubdivision process since it was a legal lot of record. Under the regulations, it was treated as a unified site.

Mr. Cerniglia said his goal was to have a nice lot with enough room for their house and a lot to build for their daughter. He would be agreeable to giving up the "flag" portion. He said the building would be converted into an art studio. Ms. Scott said the construction plans would be submitted to the Historic District Commission. Mr. Adams said it would be a large house and the small structure would not be visible.

Leonard Rohrbough, 2525 Lakeshore Drive, asked what was the buildable area of lot 14 facing Marigny Avenue. It was a 30% reduction from the 90' frontage requirement and he did not think it was acceptable. If Mr. Cerniglia moved the large house to the corner it would be more palatable with the larger house on the corner.

Mr. Adams suggested moving the lot line to make a larger frontage. Mr. Lahasky asked about the width of the adjacent lot. Ms. Scott said the lots were platted at 63.95'. He did not disagree with other lots measuring 63.95'. Ms. Scott said there was a variety of sizes which brought the variety of character to the street. Historically the commission considered the context of the neighborhood and if the request met the required square footage.

Thomas Keiffer, 219 Marigny Avenue, owner of the adjacent three lots, said he sat in Mr. Maylie's house often. He thought the shed was rotten. Having two houses facing Jefferson Street with a side yard facing Marigny Avenue made no sense. His wife had stated she would like the large house next to their property. He was in support of the request. There was a lot with the same width across Marigny Avenue that looked nice.


Rebecca Rohrbough, 2525 Lakeshore Drive, said she attended the Historic District Commission meeting and she agreed with the commission's conclusion. She had seen structures restored that were charming and viable. She felt the request was the cat before the horse because the new construction plans must be approved which could change the planning commission's decision.

Mr. Adams and Mr. Lahasky requested evaluating the shed to create a larger corner lot.

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


Lori Spranley, Secretary


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Absent: None

Also Present: Louisette Scott, Director, Planning Department; and Cara Bartholomew, Planner

The first case discussed was V19-09-32 The Platinum Holding Group LLC, John Cerniglia, requests an exception to Section 7.5.1.3, R-1 Site Development, more specifically for lot frontage, lots 14, 15 and 16, square 8, zoned R-1, and R19-09-05 The Platinum Holding Group LLC, John Cerniglia, requests the resubdivision of lots 14, 15 and 16, square 8, into lots 16A and 16B, zoned R-1. Since this was a planning and zoning case, both cases were discussed in conjunction.

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Rebecca Rohrbough, 2525 Lakeshore Drive, said she attended the Historic District Commission meeting and she agreed with the commission's conclusion. She had seen structures restored that were charming and viable. She felt the request was the cart before the horse because the new construction plans must be approved which could change the planning commission's decision.

Mr. Adams and Mr. Lahasky requested evaluating the shed to create a larger corner lot.

The next case V19-08-30 5000 N. Claiborne LLC and 5030 N. Claiborne LLC requests an exception to Section 7.5.1.3, R-1 Site Development Regulations and Section 8.1.1.4(4), Setback Encroachment Mechanical Equipment, a portion of square 5, 1635 Lakeshore Drive, zoned R-1.

The owner had a request to defer discussion until the next meeting.

The next case discussed was V19-09-31 EREP Northlake I, LLC requests a variance to Article 9, Parking and Landscaping, more specifically to Sections 9.1.2, Construction Design Standards for Parking and Loading, 9.2.5.5, Landscape Requirements to Districts other than Low Density Residential, 9.2.5.7, Live Oak Protection Requirements, and 7.5.9.3, B-2, Highway Business District, Site Development Regulations, 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 applicant owned Northlake Shopping Center and was proposing to reconfigure the boulevard entrance into the center, restripe/reconfigure the parking lot and develop a new building in the NE corner of the parking lot. Northlake Shopping center was located in the SW quadrant of LA Hwy 22 and North Causeway Boulevard. The primary access was provided from LA Hwy 22, with a secondary access on the North Causeway service road. The property was zoned B-2, Hwy Business District. The shopping center was classified under CLURO Section 6.4.70.2 Shopping Center – Major (greater than 100,000 square feet).

The property was a legally non-conforming development site, with variances granted in 2002 for B-2 Site Development Regulations, including Maximum Impervious Site coverage, parking and landscaping. The applicant had submitted conceptual site plans, identified as Sheet P-3.1, Conceptual Site Plan, Sheet P-3.2 Proposed Conditions; Sheet P-6.1 Conceptual Site Plan, Sheet P-6.3 Proposed Conditions(outparcel); Sheet P-7 Conceptual Site Plan and Sheet P-7.1 Proposed Conditions (out parcel). The applicant was requesting approval of each plan, with various configurations (for either outparcel or ground lease) for expansion of the site with a new building. They were requesting approval of the revised site plans and with associated variances.

The request was to approve all options to help them determine how to move forward. The plans varied from a fast food to a site down restaurant. The numbers would change with the site plan. They were reconfiguring the boulevard entrance, restructuring the landscape islands, and restriping the entire parking lot for 90 degree angle parking. They would be losing space, but there was consistency in all of plans for a variance for an 18' space and a 24' back of aisle which was functional. The staff looked in the standards not to lose functionality. They had discovered there was no drainage within the site and it all being. All of the islands were built on top of the concrete without punching any holes. They were proposing to add new islands and create real islands cutting through the concrete creating landscape beds. The site was not losing any impervious site coverage, and with each plan the pervious coverage would increase. The site interior landscaping would increase overall. In each plan with the outparcels, those pieces were compliant with the pervious/impervious coverage, site interior and landscaping.

Mr. Adams said over 50% of the spaces were empty most of the time. Ms. Scott said one plan was a 1,000 square foot outparcel, and another plan was a 4,000 square feet sit down restaurant. A part of the request was removal of trees in the boulevard that were Bradford pears or over 6" live oak trees. Some islands did not have any planting. It was proposed to remove the trees installing new landscape islands for replanting. If there was an ability to move the live oaks, the applicant would relocate them to the greenbelt or some other area off site. The Consulting Arborist was out of town and would evaluate it for a report.

Mr. Clark asked if the project was started from scratch on this 14 acre site, how much would be previous. Ms. Scott stated there was a 25% requirement and they were offering 5.8% which was 2% better than what was existing. Mr. Adams said in the last case around 2003, the purchaser installed a new facade and planted new landscaping. He asked if they wanted to

keep all of the parking and it was answered yes. Ms. Bush asked about traffic concerns with the surface roads having the right of way.

Blair Bontucelli, director, said they bought the center three years ago. They do this around the country buying older shopping center and bringing them into modern times. They bought Northlake Shopping Center to backfilling the vacancies and updating the facades. His first thought was that the boulevard needed to be modified. Their first thought was to update the façade, but that was not enough to attract new tenants. The leasehold restrictions only allowed the plan presented without a complete redevelopment. There was a concrete parking lot that was long lasting and expensive to remove. It was verified that there were no flooding issues because it was old shells under the lot with a ¼" rise. The landscape islands were the highest elevations. They wanted to open up the entrance because it was chaos when entering the center. They wanted to make a statement of their investment of capital in Mandeville.

Ms. Bush said 2-3 years ago the adjacent parcel was redeveloped which was a nice addition to the area. Mr. Bontucelli said working with Fresh Market they would get a refresh and they were hesitant on the outparcel development. Their company did not underwrite the redevelopment of the parking lot and the fast food parcel would underwrite the cost. The center had a ratio of 4.5 parking spaces and it would increase to 4.62 parking spaces. The new development had a 61% impervious ratio and if they developed the outparcel with a 4,000 square foot restaurant it would be 52%. There were catch basins flowing to the service road. There would be added irrigation to the islands.

Jay Weil, adjacent outparcel owner, said the bigger issue for him with the recently developed outparcel was that the traffic in the area had changed. There were three food places in 1810 N. Causeway and adding another 4,000 square foot restaurant would become a worse bottleneck. They had not seen any drainage issues.

Mr. Lahasky was in agreement with the redevelopment, but he was concerned about the traffic. Ms. Scott said it was zoned B-2 and the use was allowed. She would get updates on the Highway 22 improvements in regard to circulation and traffic impacts. Part of the problem may be the present construction.

Mr. Bontucelli said their grocer restricted the restaurant uses. They were looking for a 2,000 square footage coffee and/or smoothie drive thru. The pad was underutilized and never used. He understood about the 1810 development, but his redevelopment would not affect Mr. Weil with the pad location. Mr. Adams suggested directing exit traffic by the rear of Fresh Market. Mr. Botticelli said this was a restricted access point. The uses were permitted in the zoning district. He was not allowed to construct a burger or taco quick service.

Ms. Bush said the main traffic issue was going onto the Service Road and a driver be allowed onto the road. He was not sure how to address it. Ms. Scott said that was a DOTD issue. Ms. Scott said the goal was redevelopment and to achieve the most compliance possible.

The next case discussed as V19-09-33 Benjamin and Jennifer Boudreaux request an exception to Section 7.5.1.3, R-1 Site Development Regulations and Article 9, Parking and Landscaping, more specifically to Section 9.2.5.2, Vegetative Protection Requirements, a portion of lot 1, square 90, 2603 Lakeshore Drive, zoned R-1

Ms. Scott presented that the applicant was proposing to build a 7,552 square foot residence on a portion of lot 1, Sq 90, which was the northwest corner of Lakeshore Drive and Wilkinson Street. The lot measured 90' x 375'. The property was a total of 33,570 square feet (.77 acres). The property was the site of the Lange House until it was moved to its current

location on Carroll Street. It was currently improved with an accessory dwelling which will be renovated as part of the redevelopment of this site.

There were 3 significant live oaks on the property:

1. 48" Live Oak located in the front yard on west side of the property,
2. 72" Live oak at the center of lot toward west side just in front of the existing accessory structure
3. 38" Live Oak located on the east side of the property with canopy extending toward the rear north side of accessory structure.

CLURO Section 9.2.5.2 stated: The Vegetation Protection Zone for live oaks will be a circle with a radius which is eighty-two (82) percent of the canopy of the tree, measured from the trunk to the drip line.

Plans were submitted to Historic District Commission which was approved. At the time, the site plan did not include the live oak tree locations. They thought the live oak trees were outside of the site plan areas of the structure. Ms. Bartholomew said the cottage design was re-reviewed and then learned where the dripline of the trees were located. Ms. Scott said when the staff learned the structure was encroaching into dripline they met with the designer on site and felt at that discussion to move the house forward and over to get out of the dripline of the tree. That was the last time the arborist was involved. The owner decided not to move it too close to the lake and requested the variance.

Based on the plan prepared by Smoketree landscape dated 9.5.19 the following information is offered: (site plan prepared by MV Studio revised through 8.21.19 differs from Smoketree plan – doesn't show pool, pool decking, additional driveway areas, entry court)

The front steps encroached into the 82% of the dripline. The Building Official would review the specifications for the front column for possible root damage. The 72" live oak tree was to the south side of the existing cottage. The back half of the house contained pool decking in the 82% encroachment. The garage was below the master suite above which encroached with stepping stones, fire pit, concrete cobble paving, pool decking and an entry for the accessory building. The 38" live oak encroached with cobble parking, guest parking, a driveway outside of the dripline, access to the garage in the dripline and additional brick columns along the property line.

The front yard setback was 21.5' greater than the required 25', the west side interior requirement was 15' and they were proposing 21.4' by pushing over to stay away from the tree, the street side yard requirement was 15' which was reduced to 12.9' and 10.3'. The CLURO allowed an exception and reduction for the interior setback when there was tree preservation. The original plans did not include the paver work and other encroachments.

Matt Voelkel, Studio MV, said when they designed the house it was with the idea to build the larger portion of the house in reference to Lakeshore Drive and the front elevation relating to the street not being too close to the street. The right wing designed to stay away from the oak trees. He had a site survey as a general circle. When they were applying for the permit requiring the size of the canopy that they realized the canopy was such an oblong shape. Originally they would have torn down the cottage, but found out the structure was contributing. They decided to save the structure to make it more appropriate to what it was originally on the site. Smoke Tree got involved with the landscaping suggesting there not be as much impervious coverage. The stepping stones and curved path could be removed. He met with Dr. Guidry about shifting the house to right and forward. The owners were worried about being too close to the street. The dripline of the tree of the house was at 24' and the branch

was 36' as measured with Dr. Guidry. They have been respectful to the oak trees. He desired the house to look nestled in the trees. The right wing parking would be screened from the road.

Dr. Ben Boudreaux, 209 Chateau de Brie, said the oak tree over the house when the City moved the Lang House that was where the pool was located under the oak tree. He had three arborists look at the trees and provided a plan and suggested root cleaning.

Ms. Scott said the site plan prepared by Mr. Voelkel did not include the pavers. The house placement was the only plan reviewed and the staff was not aware of the pool location for review and comment. When Smoke Tree submitted the plans, it was large encroachment prohibited and she needed clarification. Dr. Boudreaux said there was a previously existing pool on the site.

Mr. Adams said the roots were the problem. The history of live oak protection requirements was sacred but the City was trying protecting the roots. There had been discussion about not banning construction under the canopy but developed a plan not constructing under 2/3rd of the tree. The important part was not to hurt the roots. Mr. Voelkel said Bayou Tree Company had reviewed the site and gave recommendations on the roots. Dr. Boudreaux said the landscape plan could be changed and he was more concerned about the closeness to the street. Mr. Voelkel said the middle tree was the question for the location of the house. The decking of the pool was an issue. They could work with Smoke Tree for a better solution.

Mr. Clark said Sheet A3A had notes of elevations. He asked if a GPS survey was used which could be used on Google Earth to move the house around. Mr. Voelkel said he had not, but he could. Mr. Clark said it could move the footprint in current time of the building and the trees. The landscape discussion would become less ambiguous.

Mr. Lahasky asked about the contents of the other arborist letters. Jennifer Boudreaux met with Bayou Tree Service since they were recommended by the Live Oak Society who proposed aero spading and root planning prior to construction and after construction to fertilize the trees. They were willing to do it as they wanted to preserve the trees. They would perform any extra requirements as needed to preserve the tree during construction. They were working around the cottage and trying to redesign to fit everything together.

Mr. Lahasky asked for a copy of the Bayou Tree Service letter and if the City Arborist would review the site and give a proposal with additional information of what was previously existing under the tree.

Leonard Rohrbough, 2525 Lakeshore Drive, asked why a drawing submitted to the Historic District Commission with the largest tree on the property depicted as the smallest tree on the property. He asked what the elevation of the roof was and would the canopy need to be cut out. The encroachment that everyone agreed upon that the feeding roots were beyond the dripline. The orange fencing was not adequate to protect a tree. When he elevated he was told to put up a fence around the dripline. He placed it 40' outside of the dripline. His tree was so healthy that he lost an 18" branch because it was too heavy. He did not think the fencing would adequately protect the trees especially the front trees. The sidewalk and fountain were inside of the dripline which was lost feeder roots. He was concerned that over the years more of the canopy with the house location. There was much intrusion on the driveway area.

Mr. Voelkel said they were not cutting any limbs and would rely on the arborist for the feeder roots. This was about the corner of the house. The walkway was gravel. He had previously constructed in Old Metairie and built with the strict live oak tree requirements. His intent was to take care of the trees.

Jack McGuire, 129 Lamarque Street, said he authored the live oak tree protection ordinance. It was the first live oak tree ordinance in the state of Louisiana and was often copied. Northlake Shopping Center was a live oak forest. The developers committed to a 40' buffer around all four sides of the center for avenues of oak trees and the City relied on the good faith of the developers. Nine weeks later, the developers cut down every live oak tree. Any exceptions on this site with trying to preserve the site, and not bump the residence forward being out of line with the neighboring houses, they would take off the gallery on the cottage which interfered with the branches of the live oak tree. The Boudreaux's had dealt with three arborists and had specific plans for protection. The best example of the commitment was their home and the surgery center. They were good citizens, caring property owners, and they want to do the right thing and cooperate. In this instance, it would not significantly impact the trees so long as the plans were carried out and made part of the approval. He urged the commission to work with the Boudreaux's for approval.

Rebecca Rohrbough, 2525 Lakeshore Drive, said there were several factors for consideration. This was a large corner lot affording several opportunities. The owners had chosen to use the Wilkinson street side moving their bedroom quarters back for privacy and left the front open for appearance and enjoyment. It was a good decision to set the house back over the usual requirement. This discussion was to lessen the encroachment. The Historic District Commission reviewed the scale and setback. If the commission agreed to move the house 1", it would invalidate decision the Historic District Commission's decision.

The arborist they used could see their tree had grown considerably in one season. With the removal of the pool on the Boudreaux's property and the roots had also spread out. The trees would be incredibly stressed with the construction even outside of the dripline. They lost sight of the three huge mature live oak trees living in an undisturbed state for 200 years. The modifications to the Lang House were done over time and incrementally. Everywhere without an orange fence guaranteed the contractor would destroy it. She was concerned they could lose two and maybe three trees with the construction. She suggested that the board have the broader vision. She was totally opposed to any encroachment other than the ordinance.

Mr. Voelkel said today when purchasing property of that value and working closely with the Historic District Commission, they were positive about the residence. It was the owner's right to design the house with the purpose of protecting the trees. The builder will respect the property as proven in the past.

The next case discussed was SUP19-09-05 Jefferson Holding Co., LLC/Charissa and Anthony Lovecchio requests a Special Use Permit to Section 6.4.73, Tavern, Bar or Lounge, a portion of lots 4 and 5, square 11, 2013 Jefferson Street, zoned B-3.

Ms. Scott presented that the Grapeful Ape, a retail wine shop is currently located at 528 Girod Street. The applicant was proposing to relocate the retail wine shop and expand the business to include a bar. The application states: *To include a casual piano bar/lounge offering meats and cheeses available to compliment the beverage service.* The proposed use was classified under CLURO Section 6.4.73 Tavern, Bar or Lounge and requires a Special Use Permit in the B-3 Old Mandeville Business District.

The site was located on the north side of Jefferson St, between Girod and Lafitte Streets and was a portion of lots 4 & 5 in Square 11. This was an irregularly shaped lot with 40' frontage, 33' across the rear, 102' depth and contains 3,742 square feet.

The site was currently improved with two existing structures, a concrete block building (1,937.2 square feet) with an attached rear storage area (1,003.2 square feet). The primary structure was constructed approximately 70 years ago and was located on the front property line with side and rear yard setbacks between 1' and 3'. This was a legally non-conforming development site. The most recent use at this location was the retail business "Antiques Décor." Previous tenants included a health fitness studio and an art gallery.

Proposed Use:

The applicant was proposing the following land uses:

General Retail Sales (Convenience) as defined under CLURO Section 6.4.38. is a permitted use by right.

Tavern - Bar or Lounge as defined under CLURO Section 6.4.73:

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

The Floor Plan submitted indicated a total square footage of the building with 1,798 square feet with an open floor plan. The property owner submitted a letter dated August 12, 2019, stating:
I am the manager/member of Jefferson Holding Co., LLC which owns the property located at 2013 Jefferson Street, Mandeville, LA. The building is currently a large open space. I intend to subdivide the interior of the building to provide for two separate spaces with different addresses – 2013 Jefferson Street, Suites A and B.

The applicant was proposing to create two suites. Suite A will include 1,259 square feet as the bar "Ape Cave A Vin, LLC and Suite B, will include 510 square feet for the retail wine business, The Grapeful Ape.

The block contained a mixture of residential and commercial uses. There are two (2) residential uses adjacent to this site at 2013 Jefferson Street. On the west side was a residence addressed 2017 Jefferson Street. On the northeast and rear there was a residence addressed 308 Girod Street. Additionally, Nuvolari's Restaurant was across the street and a boutique dress shop was located next door to the east.


Mr. Clark asked why would it not be allowed. Ms. Scott said the commission needed to look at the site and compatibility. The site required 12 parking spaces. Through the Special Use Permit process if it was found that there was adequate parking in the area and did not present an adverse impact on the existing adjacent property. There was one site on site. Angle spaces were approved although the code required parallel parking.

Mr. Lovecchio said the neighbors were excited for the business. This was a wine bar and would be low energy closing at 10 p.m. on the weekdays and 11 p.m. on the weekends.

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


Lori Spranley, Secretary


Rebecca Bush, Chairwoman
Planning Commission