

**Planning Commission  
Public Hearing  
August 27, 2019**

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

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

Absent: Bill Sones

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

The first planning case also had a corresponding zoning case and both cases were discussed in conjunction. The planning case discussed was R19-08-04 Bruce Burglass, Jr. requests a resubdivision of lots 3, 4,5, 6 and 7 into lots 3A, 4A, 5A, 6A, 7A and 9A, zoned R-1. The zoning case discussed was V19-08-29 Bruce Burglass, Jr. requests a variance to Section 7.5.1.3, R-1 Site Development Regulations, lots 5A, 6A and 9A, Albert Street, zoned R-1

Ms. Scott presented a resubmittal of a resubdivision in square 81 that created seven residential lots. This request was to reconfigure the lots to create one additional residential lot within the existing zoning boundaries. The north half of the square was zoned B-1 and the south half of the square was zoned R-1. They were requesting to resubdivide lot 3-7 into 5A, 6A and 9A of with a frontage of 84.37' which was a variance of 5.63' and the lots exceeded the depth requirement by 19.74' and was over the square footage by 989 square feet.

| LOT NUMBER | REQUIRED AREA | PROPOSED AREA | REQUIRED FRONTAGE | PROPOSED FRONTAGE | DEFICIENCY |
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Mr. Adams moved to approve the resubdivision and grant an exception with the findings that the lots met the area requirements, and was consistent with the neighborhood, seconded by Mr. Lahasky. Mr. Clark said there was no hardship and he requested the staff to look at it geospatially because it was not a linear gain or loss in impervious area, and it would increase the loss of impervious area. There was also a slew down the middle of the flood zone. The maximum height was 10' and 6.5' was in the watershed. The City would lose all of the trees and would create flooding on all sides. Mr. Adams agreed there would be a loss, but it needed to be developed correctly. Mr. Clark said the city was losing over 1/10<sup>th</sup> of an acre, 5,700 square feet. The motion was unanimously approved. Mr. Adams requested Mr. Clark's comments be included in the decision letter.

Update of proposed Short Term Rental ordinance

Jeffery Goodman, City Consultant, discussed Short Term rentals. Ms. Scott summarized that they had met with a focus group and discussed some of the issues from the ordinance.



Mr. Goodman said in discussions that the bed and breakfast rules were followed and that did not cause a problem. It was consistently heard about all having a level playing field. The meetings concluded that everyone did not compete with the bed and breakfast, with other types of rentals due to popularity and the desire to capture some of that market. It was agreed there should be a different category of short term rentals with listings of Bed and Breakfast Inn, Bed and Breakfast residence and vacation rental moving away from the whole home wording. The idea was the operating side, insurance, safety, equipment, and emergency plans similar across the board. It was identified this is what good hosts do.

The only difference would be not having to come to the permit window and get 50 questions. The idea was to have people follow the easy rules. The general idea was that the vacation rental did not have an owner or operator on site. The tradeoff was built-in accountability for the bed and breakfast operators. The discussion was that the major idea was to lower the accountability as a higher barrier to get a permit and establish a limit on what could be done with outside investors. The City could set a permit limit for everyone to understand the potential of maximum consequences. Bed and Breakfast Inn and Residences were granted approval by special use permits, and vacation home approval would require a conditional use permit.

Mr. Adams asked if there would be a review and evaluation criteria. Ms. Scott said there would be a standard for review. Mr. Clark said it would be e-commerce and he asked how the taxes would be collected for a substantial financial benefit. Mr. Goodman said the bed and breakfast operators had a different method for calculating taxes and who it was paid to. Property taxes were being billed differently. Ms. Richardson said she had been talking to the Parish requesting the type of documentation needed. Other cities created online tools to make these payments. Mr. Clark asked how it would be monitored. Ms. Richardson was working with the tax collector to establish the monitoring and collection. Mr. Clark said it was reasonable to require the use of "xxx" exclusively. Ms. Scott said the City could not tell a business how to market their business. Mr. Blache said third party compliance companies could handle this.

Mr. Goodman said his company had worked with companies that set up an online audit on a local platform. This would require the vendor to declare the revenue collected have it become an auditable system. The City could ask to identify which platforms were being used. Mr. Clark said the Parish was trying to create a bike rental that identified one platform.

Mr. Goodman said the City would want it to be auditable at the end of the year. Mr. Clark said the company used should be included as part of the application. Mr. Goodman said it was also good check for enforcement.

Mr. Adams asked for a definition of a short term rental. Ms. Scott said it was a rental less than 30 days and there should be a definition. Mr. Lahasky asked how to determine the number of permits to be granted in a certain area. Mr. Goodman said at this time, the bed and breakfast operators would have no limit. Vacation rentals were different numbers. There were about 60 listings in Mandeville and of those listings 10-15 did not appear to be operational and some mentioned Mardi Gras. About 15-20 were licensed bed and breakfast operators which left 20-30 listings or 15-20 units operating without permits. It was more of an art than a science. If the allowed permits were lower, the number could always be increased. Mr. Adams said previously Mr. Goodman had made the point that there were many reasons for regulation. He asked if there would be a mission statement. Mr. Goodman said it would be included in the whereas portion in the ordinance. The theme was people loved their neighborhoods, but at the same time there was a push to think about how to do accommodations today.

Mr. Adams said this would be taking away property rights by regulation and there



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should be a health, safety and welfare reason. Mr. Goodman said the statement would be helpful for enforcement since the use was a privilege and not a right. Mr. Clark said there should be a procedure so a group could not buy up Old Mandeville for vacation rentals. Mr. Goodman said the number of permits for vacation rentals was not set in stone, but it was a potential option to add to the types of lodging. Ms. Scott said some of the rental listings were duplicates. There were about 8-10 permitted bed and breakfast locations and it a question of how many listings were whole house units. Mr. Goodman said it was also seasonal. Some of the feedback from the bed and breakfast operators was the desire to purchase other property and legally they could not do that because it was not their residence.

Mr. Blache suggested limiting a permit to one entity per permit. Mr. Clark said there was nothing stopping the permit for a bed and breakfast for 60 days in the summer. Mr. Adams said some citizens were doing vacation rentals. He asked what were the health, safety and welfare reason. Mr. Adams said the permit would be a conditional use controlled by the City Council with a list defining where it becomes a hazard.

Mr. Lahasky said capitalism would take care of it. There would not be thousands of units in Mandeville because there were not enough visitors to Mandeville. He was not opposed to limiting the number of permits with protections in place. To completely say it was not permitted was giving government too much power and taking too many rights away from the citizens.

Mr. Clark asked how do you get through a gated communities. Ms. Scott said when the commission created the amendment for the bed and breakfast residence locations, an item was created for bed and breakfast residences could only be located within the boundaries of historic district. The draft was based on using the same boundaries. Mr. Goodman said the information was based on the data and there were two listings on the west side of town. Mr. Lahasky said people want to stay in walkable areas to the restaurants, bars and the lake. Ms. Scott said it was discussed to expand the area to the marina district on the bayou that would be appropriate. On the east side of Jackson Avenue in the R-1 district was not allowed.

Mr. Blache asked how to get around vacation rental by leasing houses for 31 days but there could be an escape clause that would be cancelled after two weeks. Mr. Goodman said it would be set on the calendar for 31 days which would block out the calendar for that month. The listing should include a permit number. Mr. Blache said some platforms were resisting posting permits. Mr. Goodman said it was easier to require the permit holder to cut and paste the license number into the advertising.

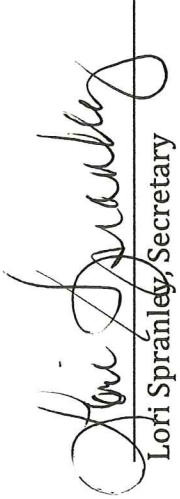
Mr. Clark asked about house swaps. Mr. Goodman said there was no exchanging of money so it would not require a permit. The permit would be renewable each year. Ms. Scott said that was the reason for the conditional use permits. She asked about the 15 permit for vacation rentals. There was a discussion that the number was established by the number of listings available. It was discussed a public notification could be created. There were about ten bed and breakfast locations in Mandeville. There was a discussion on what should be the allowable number of approved permits. Mr. Goodman said options could be first come first serve basis and some cities set a number and then auction the rest. Permit fees would be a tool. Mr. Lahasky said he was in agreement with 15 permits being open ended with the right to increase or decrease it pending the market. There was a need to contact the people already advertising as a courtesy. The notification would reduce the owners saying they did not know and anticipate a few of those notified would apply and those not serious would take their information down. This would still provide room for other owners. Ms. Scott said the staff would get a better handle on how many already existed.



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Jeff Lyons said there was a need to show a homestead exemption. Then you would not need to worry about the number of rentals. It was the only way to prevent a business operating 24/7, 365 days per year next to a home.

Mr. Blache moved to adjourn the meeting, seconded by Mr. Fairley and was unanimously approved.

  
Lori Spranley, Secretary

  
Rebecca Bush, Chairwoman  
Planning Commission



**Zoning Commission  
Public Hearing  
August 27, 2019**

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

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

Absent: Bill Sones

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

Mr. Blache 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 first zoning case also had a corresponding planning case and both cases were discussed in conjunction. The planning case discussed was R19-08-04 Bruce Burglass, Jr. requests a resubdivision of lots 3, 4,5, 6 and 7 into lots 3A, 4A, 5A, 6A, 7A and 9A, zoned R-1. The zoning case discussed was V19-08-29 Bruce Burglass, Jr. requests a variance to Section 7.5.1.3, R-1 Site Development Regulations, lots 5A, 6A and 9A, Albert Street, zoned R-1

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Mr. Adams moved to approve the resubdivision and grant the exception with the findings that the lots met the area requirements, and was consistent with the neighborhood, seconded by Mr. Lahasky. Mr. Clark said there was no hardship but before voting he requested the staff to look at geospatial because it not a linear gain or loss in impervious area, and it would increase loss of impervious area. There was also a slew down the middle of the flood zone. The maximum height was 10' and 6.5' in the watershed. The City would lose all of the trees and would create flooding on all sides. Mr. Adams agreed, but it needed to be developed correctly. Mr. Clark said the city was losing over 1/10<sup>th</sup> of an acre, 5,700 square feet. What would happen in the AE EL9 flood zone would be that the trees would be removed and fill added causing adverse effects on the neighbors. The motion was unanimously approved. Mr. Adams requested Mr. Clark's comments be included in the decision letter.



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The next case discussed was V19-08-28 Christa W. Belesimo/Antoinette Warren (Usufruct) requests a variance to Section 8.1.5, Supplemental Regulations of Accessory Buildings and Structures, part of lot 1, square 77, 405 Atalin Street, zoned R-1

Ms. Scott presented the applicant lived at 405 Atalin Street which measured ~100' fronting on Atalin Street by a depth of 160' on Madison Street. There was an existing driveway on Madison Street that provided access to the house. The home was setback approximately 30' from the Madison Street property line.

The applicant desired to install a "Carolina Carport" in the existing driveway to provide shade and shelter from weather for their cars and to provide cover from weather for them to access their home from the existing driveway. The carport was available in two sizes being 21'x20' or 18'x20'. The applicant's preference was to use the larger size carport (21'x20').

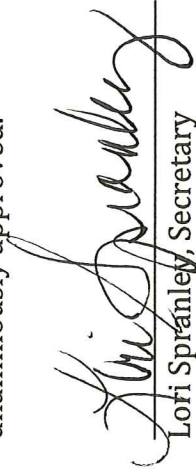
It was estimated that the proposed carport (21'x20') will encroach into the 15' street side yard setback by 120 square feet (6'x20') being 9' from the property line. The request was to provide details on how to secure the carport for the wind load.

Jeff Lyons, 515 Lamarque Street, requested the request be approved to provide shade for a car.

Mr. Clark asked for findings. There were no hardships and it would be an exception because there would be no negative impact to the neighborhood. Mr. Blache agreed there was no problem for health, safety and welfare. The hardship would be that life became more difficult as we grow older. The neighbors were in agreement to allow the carport.

Mr. Lahasky moved to grant the exception, seconded by Ms. Bush and was unanimously approved.

Mr. Blache moved to adjourn the meeting, seconded by Mr. Fairley and was unanimously approved.

  
Lori Spranley, Secretary

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Michael Blache, Chairman  
Zoning Commission



**Planning Commission  
Work Session  
August 27, 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: Bill Sones

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 P19-08-06 Recommendation to the City Council regarding Ordinance 19-22, an ordinance amending the Comprehensive Land Use Regulations Ordinance to amend Section 8.3.5.6, Dumpsters, Drains, and Grease Traps to include Portable Sanitary Human Waste Disposal Systems; and providing for other matters in connection therewith

Ms. Scott presented that Ordinance 19-22 was introduced by the Mandeville City Council on August 8, 2019 to specifically address the removal, instead of “securing” port-a-lets (mobile sanitary toilets or equivalent) from sites in flood hazard areas subject to storm events, when a named tropical storm/hurricane is located in the Gulf of Mexico.

Ordinance 14-29 (Case #P14-07-05) was adopted July 24, 2014 regarding dumpsters being **secured** in a fixed position to withstand any storm surge or removed from a site whenever a named tropical storm/hurricane is located in the Gulf of Mexico. This regulation specifies the area bounded by and including all parcels touching Monroe Street on the North, Jackson Avenue on the East, Galvez Street on the West and Lake Pontchartrain on the South.

This revision amends the title of CLURO Section 8.3.5.6 to include “, **AND PORTABLE SANITARY HUMAN WASTE DISPOSAL SYSTEMS**”.

Item 3 is also added as follows:

3. Portable Sanitary Human Waste Disposal Systems (mobile sanitary toilets or equivalent) **shall be removed from site** whenever a named tropical storm/hurricane is located in the Gulf of Mexico, within the area of the City of Mandeville bounded by, and including all parcels touching, Monroe Street on the North, Jackson Avenue on the East, Galvez Street on the West and Lake Pontchartrain on the South, at **least thirty-six (36) hours before** the predicted landfall of the named tropical storm/hurricane in St. Tammany Parish by the National Weather Service.

The existing criteria did not address port-a-lets. The City wanted to further clarify the regulation and require due to sanitary nature that the port-a-lets be removed. New section (3) would be added to the regulation. What was happening was the staff contacted the contractors for removal. The contractors would call the waste disposal company but they were not removing the port a lets. In the recent storm, they were secured since they could not be removed. Now it would be the responsibility to determine how to move them.

Mr. Blache asked what happened if the company did not pick it up. Mr. Lahasky asked where the contractor would move it. Mr. Blache said the homeowner would



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ultimately be held responsible. Mr. Lahasky and Mr. Blache agreed that the sanitary companies should be responsible. Ms. Scott said that could be part of the recommendation. Dumpsters must be registered to determine the name of the companies. That language could be added to the regulation. Ms. Scott said the citation penalty could be up to \$500 per day to the property owner. Mr. Blache said the homeowner would be making telephone calls and the company would not come out. Ms. Scott said the fine would be determined by the magistrate. Ms. Bush said it would be hard to penalize the homeowner and it should be the contractor. Ms. Scott said it could be discussed more with the City Attorney.

Mr. Lahasky said the city should not fine the landowner because someone else did not do their job. The general contractor should not be fined because the vendor did not pick it up. The port-a-let company may not have the capabilities to have them all removed. Ms. Scott said even being within the storm cone, the contractors were working up until the point they could not continue to work.

Mr. Lahasky said it was not right to fine the homeowner but we should not let the port-a-let people off the hook, but the container should not remain in place. Ms. Scott said the once the water was over the seat there was no securing the waste. Mr. Lahasky agreed but he did not want to put people in a position where they could not comply. Ms. Scott said the idea was at the time of permitting to provide the vendor name and if the container was not picked up then they should not be on an approved vendor list. If there was a regulation, the vendor might make them pick up Mandeville first. Mr. Clark said a vendor attached the container to an antique fence but it still overturned and went down the street. His question was how to handle the removal of the new City restrooms. Ms. Scott said the facilities would be located on a trailer so they could be removed.

Mr. Adams said the property owner must be responsible. Ms. Scott said there would be additional staff discussions.

Jeff Lyons, 515 Lamarque Street, said there were good points. He had asked the responsibility question and it was stated that the contractor was responsible. The 36 hour timeline was too long to know if there would be a storm and it would prevent contractors from working without facilities. A possibility was moving it some place other than south of Monroe Street since it would not be returned to the company's storage. The contractors did not have lift gates on their trucks.

Mr. Adams suggested storing them at Public Works Department sites. Mr. Blache said if the City had to remove port-a-lets, the City could charge storage. The City wanted to prevent a hazard. Mr. Lahasky understood the issue and asked for further research. Ms. Scott would look at other communities and other language than the property owner being the responsibility party.

The next 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. There was an associated zoning case and 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 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



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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 the site would be designated as B-2, Highway Business District. 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 will be designated as being located in Council District 3.

Jeff Schoen, Jones Fussell, was representing Dugas Properties Inc. Mr. Adams said there had been discussions about a roundabout at this intersection and he asked if it would affect this property. Mr. Schoen said he was not aware of that construction.

Mr. Schoen said there would be a nice architectural design with up to four bays at a commercial intersection. It would not be a convenience store and would be consistent with the gateway affect for the City.

Mr. Blache moved to adjourn the meeting, seconded by Mr. Fairley and was unanimously approved.

  
Lori Spranley, Secretary

  
Rebecca Bush, Chairwoman  
Planning Commission



**Zoning Commission  
Work Session  
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