

**Planning Commission
Public Hearing
July 23, 2019**

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

Present: Nixon Adams, Simmie Fairley, Jeff Lahasky, Michael Blache, Rebecca Bush and Bill Sones

Absent: Ren Clark

Also Present: Louissette Scott, Director, Planning Department; and Cara Bartholomew, Planner; Mayor Donald Villere

The adoption of the minutes of the meeting of April 8, 2019 were deferred to the next meeting.

Mr. Adams moved to adjourn the meeting, seconded by Mr. Blache as was unanimously approved.

Lori Spranley, Secretary

Rebecca Bush, Chairwoman
Planning Commission

**Zoning Commission
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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 case discussed was V19-06-21 Brad and Dawn del Rio request a variance to Section 7.5.1.3, R-1 Site Development Regulations, square 77, 1331 Madison Street, zoned R-1

Ms. Scott presented it was requested at the last meeting that the applicant provide a better identification of the location of the trees. A survey was prepared by Randall Brown & Associates. The trees on the west corner were small gum trees which the arborist said the driveway could be worked around the trees. The other two trees were located in the building envelope and the three trees in the front and side setbacks were not in good condition. There other three other trees identified not as specimen, but if the applicant could work around them they would be savable. The footprint of the proposed house was provided being 35' x 65' on a 75' lot.

Mr. Adams said that would leave 40' of side yard. Ms. Scott said the requirement was 12' side yards and the applicant requested a 7' east side yard setback and they would increase the west side yard by 6' with a reduction in the front yard setback from 25 to 15'. They were trying to work around the trees and the low areas on the lot.

Mr. Blache said he looked at the lot and the water oak tree was not impressive. Last year the commission granted a variance on Atalin Street for the rear portion of the lot facing Atalin Street where the rear area was swampy area. Mr. Adams said the applicant made an effort to locate the trees and with a 35' x 65' footprint the house could fit. The Arborist had picked out trees to save and was in agreement with removal of the other trees. Mr. Fairley said the applicant did the best he could.

Brad del Rio, applicant, said he would plant catalpa trees. The picture provided was taken with the storm coming before the rain and the water came from the pipes in the Prieto Marina. It took in storm surge and drained water. The street was higher than the lot and with the continued saturation the trees would be killed and/or fall.

Mr. del Rio was concerned about trees being on the 15' setback with the pile driving. Ms. Scott was in agreement and suggested moving the house back a few feet to preserve the trees. Mr. del Rio said there were two water oaks between his house and the landlord next door installed a chain-link fence and the trees were dead in one year. He was trying to prevent the same situation of the branches through the roof. His original conversation was to build a bulkhead, but that would hold in the sediment to preserve the land where he would plant his trees. If the land was left alone, the trees may die and fall over.

Mr. Adams moved to grant the variances to preserve the green trees noted on the survey with the replacement of any required trees being six trees being removed, seconded by Mr. Fairley. Mr. del Rio asked if he was not granted the variance and he had to build in the rear area what kind of fill would be allowed. Ms. Scott said the City Engineer could

**Zoning Commission
Public Hearing
July 23, 2019
Page 2**

meet with his designer for a maximum of 6" of fill based on the existing grade. The motion passed unanimously.

The next case discussed was Z19-07-06 Recommendation to the City Council regarding Ordinance 19-15 to rezone a portion of square 25B, City of Mandeville, St. Tammany Parish, State of Louisiana, from R-1, Single Family Residential, to B-3, Old Mandeville Business District, in accordance with the survey prepared by Randall W. Brown & Associates, Inc. and providing for further matters in connection therewith

Mr. Adams moved to remove the case from the agenda, seconded by Ms. Bush and was unanimously approved.

The next cases discussed were SUP19-07-03 Steve Lee, M.D./Riegers on the Trace request a Special Use Permit to Section 6.4.66, Restaurant-Sit Down, 2020 Woodrow Street, zoned B-3 and V19-07-27 Steven Lee/Riegers on the Trace requests a variance to Section 4.2.3, Provisions for Legally Non-Conforming Development Sites and Article 9, Parking and Landscaping, 2020 Woodrow Street, zoned TC

Ms. Scott presented in May, 2019, Dr. Steven Lee, the owner of the property, was granted a Special Use Permit for medical offices to be located in the rear portion of the building located at 2020 Woodrow Street. Additionally, a site plan was approved for the existing site. A special use permit was granted for the snowball stand (outdoor fast food) in 2003. Site development variances have been previously granted for building setbacks.

Since there was an enclosure of the exiting porch the land use classification changed. At the work session, the overall square footage was discussed with the enclosure and outdoor seating with the difference in square footage was one parking space and the applicant was requesting an exception. A restroom would be added to the rear by the porch for the restaurant.

The commission agreed it was an obvious use for the Trailhead area.

Ms. Bush moved to approve the special use permit for a sit down restaurant and exception for one parking space, seconded by Mr. Lahasky and was unanimously approved.

The next case discussed was SUP19-07-04 Henry W. Rosenthal request a Special Use Permit to Section 6.4.42, Bed and Breakfast, Residence, lots 11 and 12, square 32, 326 Coffee Street, zoned R-1X

Ms. Scott presented the request for a bed and breakfast residence approval. As discussed at the work session, there was a main house with a small cottage. The two parking spaces were outlined and it had been discussed that there was a large RV between the two structures and the parking was required to be outside of the front yard setback. The applicant had stated the RV would be relocated. It had been stated that someone was living in the RV which was a violation and this should be brought into compliance. There were no dimensions provided and could be compliant with the removal of the RV. There was a live oak on the front of the property but there was an existing driveway. The staff wanted to confirm the correct location of the parking.

The request was for one room in the cottage. The parking for the main house was located on the north side of the property. There was room to provide the parking. Ms. Scott said a site plan must be provided. Mr. Adams said a business license must be obtained prior to opening and the City would check for compliance. There was a discussion that removal of the RV could be placed as a condition of approval.

**Zoning Commission
Public Hearing
July 23, 2019
Page 3**

Bobbette Glassette, representing Mr. Rosenthal, said the RV would be moved as well as the site being cleaned. It was an eyesore at the moment. There was no one living long term in the RV. Mr. Rosenthal was renovating the big and little house. The funding for the little house would fund the renovation for the big house. Ms. Bush asked where Mr. Rosenthal would reside. Ms. Glassette said Mr. Rosenthal was out of town, home for a few days and then gone again. Mr. Blache clarified that was a violation of the City ordinance. Ms. Glassette said she would make sure he knew that. Ms. Scott asked for a timeline. Mr. Adams said granting a use did not allow Mr. Rosenthal to continue what he was doing wrong. Ms. Bush said if he was working on the bed and breakfast, it did not give him the right to live in the RV. Ms. Glassette said the intent was to move the RV to the other side of the big house. Ms. Scott said a site plan was required and the RV could be a condition of the commission to be removed offsite. Ms. Scott said it could be located on site but it was against the regulations to live in it. Mr. Blache asked if the permit could be revoked if he lived in the RV.

Mayor Villere said he would prefer a site plan identifying the RV placement, and the parking location for the entire site if there was an enforcement issue. He asked to delay action until a time when a plan was provided.

Ms. Bush moved to table until the August meeting with an official site plan be submitted including the setbacks, RV placement, and parking location. Ms. Scott said the plan must be drawn, seconded by Mr. Sones and was unanimously approved,

The next case discussed was V19-07-23 Viola Properties, LLC/D & H Investment Properties, LLC requests variances to Section 7.5.9.3, B-2 Site Development Regulations, more specifically to (8) Maximum Impervious Coverage, and Article 9, Parking and Landscaping, more specifically to Sections 9.2.5.5(1) Periphery Landscape (Greenbelt) Requirements, (d), Access Through Greenbelts, (a) Required Area of Greenbelt, and Section 9.2.5.5(3), Site Interior Planting Regulations (a) Site Interior Landscaped Area, a portion of parcel 1, designated as Tract 1-A-1 within the Pontchartrain Square Shopping Center, 3555 Highway 190, zoned B-2

Ms. Scott presented that the applicant had a purchase agreement on the Tract 1-A-1, 3555 Hwy 190, recently occupied by Kmart. This site was a legally non-conforming development site, with variances granted in 1990 for parking and landscaping. The property was a non-conforming development site and the applicant was requesting approval of the revised site plan with requested variances.

The redevelopment would be an increase in the green space but there were variances requested.

- Increase green area by 9%
- Increase interior parking by 10% but not with greenbelt increase of 20%
- Live oak trees on interior islands, 5 out of 22 to be removed, one was not even 6"
- Islands proposed within the parking area were larger to sustain better trees
- Off street loading on LaSalle Street and not provided all on site. This was parish right of way so the applicant had made application for approval.
- Reducing building from 90,000 to 48,155 square feet

The other variance was the 5' landscape strip with it being 67 square feet deficient on one building and 300 square feet deficient on the second building. The current site was 94% concrete and they were proposing to increase the green space by 26,000 square feet. There was effectively no greenbelt on Highway 190 and at the time of permitting they would make an application to DOTD for planting. A landscape plan would then be submitted for the development. There was a 7' rear greenbelt that proposed loading areas and retain the remaining green space.

Zoning Commission
Public Hearing
July 23, 2019
Page 4

Paul Mayronne, representing the applicants, said this was a site developed prior to the CLURO developed property line to property line. For two years it had been vacant and the applicants wanted to bring it back into commerce. It was their belief they would move into a more favorable position. While the project did not meet all of the requirements, they got closer to them. Looking at the site plans side by side, it was a compelling difference.

Mr. Adams said for the last 10-15 years the commission had included the Four Corner on the short term work program knowing the importance of sales tax and this project would generate sales tax. Mr. Adams said the City might want to request the same landscape request in front of the center containing the Starbucks.

Ms. Bush moved to approve the variance requests, seconded by Mr. Lahasky and was unanimously approved.

The next case discussed was V19-07-24 KWKP Properties, LLC requests a variance to Article 9, Parking and Landscaping, more specifically to Section 9.1.2, Construction Design Standards for Parking and Loading, square 40B, lot K-2, 800 Lafayette Street, zoned B-2

Mr. Adams moved to remove the case from the agenda, seconded by Ms. Bush and was unanimously approved.

The next case discussed was V19-07-26 Stephen Marchese, Jr. requests a variance to Article 9, Landscaping, lot 5, Woodstone Subdivision, Phase 1, 37 Woodstone Drive, zoned R-1

Ms. Scott presented the applicant lived in the Woodstone Subdivision, which abuts the St. Tammany Parish School Board property. The property was zoned R-1, Single Family Residential and was adjacent to Pontchartrain Elementary School.

The applicant, with permission from the St. Tammany Parish School Board, was requesting a variance to remove a total of 6 trees (5 pines and 1 water oak) from the required buffer zone located behind his house at 37 Woodstone Drive.

The School Board stated there was no objection. There was input from the neighbors at the last meeting. The applicant stated the roots were pushing through his fence. The buffer required one Class A and Class B for each 25'. The gravel road became an access road. The buffer was sporadic with the maintenance of the ditch. The staff had received a letter from the School Board granting permission for Mr. Marchese to replant trees within the buffer on the site. The staff would determine the location of the planting.

Mr. Adams said the neighbor had talked about the water oak providing shade. Dr. Guidry found the trees to be in good health. Mr. Blache asked about the swale affecting the trees including the water oak over time. Ms. Scott said water oak trees did not do well with ditches and swales. That was one of the concerns of the applicant.

Mr. Adams said as a general policy there were many people having problems with the fences and most people move the fence. Ms. Bush said Dr. Guidry mentioned the potential to cut the roots that were causing problem.

Stephen Marchese, applicant, said the six trees roots were exposed in the ditch. The previous owners put bricks to stop the roots, but it did not work. It was more of a safety issue for him. With Hurricane Barry there were 3-4 more boards popped off and he nailed them back. He spoke with Mr. Gottschalk about replanting and he was in agreement. He spoke with Ms. Casanova who would provide a reasonable time for planting. He would ask for a year or two to replant. There was an economic problem having to replant the trees at

**Zoning Commission
Public Hearing
July 23, 2019
Page 5**

his cost. He needed a fence and he wanted a safe and secure property. The pine tree roots were exposed and he was hitting them with the lawnmower. The neighbors could state their opinion, but in the end it was his property that was being damaged.

Mr. Adams said the commission's approval would be based on safety and recreation of the urban forest. Ms. Scott said the commission could allow the planting through March, 2020. Mr. Marchese requested at least a one year. It was suggested to plant half of the trees this year and next year.

Ms. Bush suggested pushing the fence location into the yard. Mr. Sones said he understood wanting to retain the use of the entire property. Mr. Marchese said the trees would continue to grow and he would lose more of his yard. There were areas where the land was no longer existing under the fence. Ms. Bush asked if the pressure onto the fence was there when he purchased the house in February. Mr. Marchese said it was an existing condition.

Dr. Dan Selinka, 42 Woodstone Drive, said the trees were a buffer for the school. He lived there 20 years and the water oak tree was pretty and blocked the school from his front door. They would like to keep the trees and people come to Mandeville for the trees. This was an existing situation. In regard to the roots, the land in the subdivision had sunk 4-5" in the past 18-20 years and Mr. Marchese should fill the backyard to grade. The fence was about 22 years old and has never been replaced. The other neighbors had replaced their fences. The fence could be moved around the trees. He also represented John Leggio expressing that the trees should remain.

Ms. Bush asked if there were similar other places in the fence line. Ms. Scott said it was a similar situation along the fence line. Dr. Selinka said the other fences had been replaced.

Mr. Adams said he commented about the last meeting, if this was allowed there should be a tree installation with immediate canopies for the view. He had the same situation and the people could adapt the new fence to the trees.

Ms. Bush asked the height at planting of the new trees. Ms. Scott said the trees were proposed in other locations so there would not be a canopy. It was a hostile environment for the trees. Mr. Blache asked if there was room for fast growing trees or a different location. Ms. Scott said Mr. Marchese did not want the trees behind him and there was an access road. The trees would be planted closer to West Causeway Approach. Dr. Salinka said the water oak was 40' in height.

Mayor Villere said the commission had previously approved a new fence at the Hermitage Subdivision. They had a winding sidewalk and the trees grew inside of the fence line. They moved the fence and protruded into the neighbor's yard. He would not like to forego trees for a fence that could be sacrificed. Ms. Bush asked how many years for the tree growth to reach the existing height. Ms. Scott said it would depend on the species and the maintenance of the new trees. It was a challenging environment for replanting. Mr. Marchese said there were trees along the entire fence that had been removed with the storms. Mr. Lahasky asked about the safety.

Dr. Guidry had stated he had inspected the trees and they were found to possess no risk or harm for use of the homeowners yard. He did not see a hazardous risk but it was not a guarantee. Ms. Bush said if the tree were planted within a year what was the requirement for the kind of trees. Ms. Scott said the staff would work to select a Class A tree. Mr. Blache asked how many tree would be planted for replacement.

Zoning Commission
Public Hearing
July 23, 2019
Page 6

Mr. Fairley said pine trees roots did not encroach. Mr. Marchese said there was no place to grow with the ditch so they were showing roots on his side of the property. Ms. Bush suggested building the fence around the trees. Mr. Marchese said he had a two year old who could get out of the fence. He did not want to run the risk of fence boards coming loose. Mr. Fairley said the trees were in a straight line and he would give up a 1' or 2' around the trees. Mr. Marchese said all of the fences were in a straight line.

Dr. Guidry's letter was read into the record. Mr. Marchese said the fence was a buffer with the school board. If he cut the roots there were no roots on the ditch side of the property.

Mr. Adams moved to deny the request for tree removal, seconded by Mr. Fairley, and was unanimously approved.

Mr. Adams moved to adjourn the meeting, seconded by Mr. Blache as was unanimously approved.

Lori Spranley, Secretary

Michael Blache, Chairman
Zoning Commission

