

**Planning Commission  
Public Hearing  
July 9, 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 and Bill Sones

Absent: None

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

The only case discussed was P19-06-05 Adoption of the 2019-2020 Short Term Work Program in Resolution 19-02

Mr. Adams moved to adopt Resolution 19-02 as the plan was amended, seconded by Mr. Blache and was unanimously approved.

Mr. Clark moved to adopt the minutes of April 9, April 30, and June 25, 2019, seconded by Mr. Fairley and was unanimously approved.

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

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Lori Spranley, Secretary

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Rebecca Bush, Chairwoman  
Planning Commission

**Zoning Commission  
Public Hearing  
July 9, 2019**

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

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

Absent: None

Also Present: Louissette 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 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 that Brad and Dawn del Rio purchased a parcel of ground identified as part of lots 2 & 15, Square 77, measuring 75' on Madison Street by a depth of 186' with municipal of 1331 Madison St. This property was previously developed with a single family residence. The house was damaged during Hurricane Katrina and was demolished under Permit 16-3492 in September, 2016.

Mr. del Rio purchased the property and in August, 2018 held a discussion with the commission of his plans.

Mr. del Rio desired to construct a single family residence (~2,200 square feet) on the property. He had sketched a general footprint on to the survey prepared by Randall W. Brown & Associates, Inc. dated June 5, 2018, the proposed location for the residence, including the location of a side loaded driveway. A topographic survey prepared by J.V Burkes & Assoc. dated 4.28.2017 shows the ground elevations at Madison Street 4.7' msl and ground elevations generally sloping down towards the rear of the lot, to the wetland line (located about ½ back on the lot) with a ground elevation of approximately 1.1' msl. Additionally, a wetland determination had been submitted dated May 15, 2018 that depicts the jurisdictionally wet areas in red. The applicant was trying to identify an area where the house could be placed toward the front and the east.

Mr. del Rio is requesting variances to minimum required front and side yard setbacks, to allow construction of the home on the higher ground portion of the lot. The variances requested are as follows:

<b>Setback:</b>	<b>Required</b>	<b>Proposed</b>	<b>deficiency</b>
Sideyard:	12'	7' east side yard	5' (30% 3.6')
Frontyard:	25'	15'	10'

The CLURO allowed for a 30% shifting of the east side yard setbacks which would allow 3.6' to reduce side yard to 8.6'. The proposal was for 7' which would require a variance of 1.4'. The west side yard setback would increase to 15.6' and was proposing 18' exceeding side yard requirement of 24'. They would be greater than the 30% overall and was requesting an additional 1.4'. The commission requested tree identification which was highlighted on the plan which was six trees that would be removed. The previous house was a small cottage in the center area outside of the tree area.

Mr. Blache asked what type of trees would be removed. Ms. Scott said she would have to find out the species but they were not live oak trees but they appeared to be healthy. Mr. Adams said the trees were nice trees, but they were not protected trees and he would like to save some of them or have a replacement.

Mr. Blache asked with the 18' side yard setback, what was the reasoning. Ms. Scott said to allow a side load driveway for the garage. There was a discussion that a 15' setback would be needed.

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Brad del Rio, 222 Lafitte Street, stated he wanted to downsize. He had checked the trees but many had been trimmed by the power company and were rotting from the top down. He had planted a catalpa tree in his front yard and he had started planting them on his existing property. He planned to dig up his trees and plant them around the Monroe Street property. The request was to be able to park the car at a reasonable level and this was the highest part of the lot.

Mr. Adams said it was nice to get the building envelope away from the wetlands. Mr. del Rio said the side yard setback was changed from the time he purchased his property. Mr. Adams said the property to the west was well buffered. Mr. del Rio said that wetland line was closer to the street. Mr. Adams asked for a planting plan with the permit. Mr. del Rio said he wanted to get a house location to design the house.

Ernest Burguières, 241 Wilkinson Street, said half of the property was low land and he asked if it would be useful to use a permeable stone and go west and north to have an above grade stone area not to interfere with the drainage and not interfere with the trees. It would keep cars off the marsh type area and not interfere with the drainage. Ms. Scott said the issue was the trees.

Mr. Clark asked to submit a true with the true location of the trees. Mr. del Rio said three trees were in the building footprint and three trees were on the edge. Mr. Adams suggested placing the house to the north and west not affecting the wetlands and come up with a planting plan that might be good and approve the plan on that basis.

Mr. Lahasky said the driveway must be located on the east side. Mr. del Rio was concerned about having a turning radius with a 17' boat and two automobiles. Mr. Lahasky said relocating the house would require moving the driveway to the other side of the house which would require tree removal. Mr. Adams said there would be tree replacement. Mr. Lahasky said no one could expect a 7' driveway turning radius. Mr. Clark said there was no geometry to tell accuracy of location.

Mr. Adams moved to table the case and have the applicant present a plan with a side loaded garage from the east, move the house west and north, and prepare a planting plan. Mr. del Rio asked to vote at this meeting.

Cynthia Thompson, neighbor, said the trees were gum trees, not protected, and were mostly considered a trash tree. She suggested planting an oak tree as a replacement. For insurance purposes, he would be required to remove the trees and the roots would be crushed.

Charles Goodwin, 2075 Lakeshore Drive, agreed with the suggestions that the house be moved west and north to save the trees. One person's trash was another's treasure. The house should be on stilts with parking underneath. These were solvable problems and he asked to rethink the request.

Mr. Adams moved to table the case and requested a plan showing moving the house north and west as much as possible with a replanting plan, seconded by Mr. Clark and was unanimously approved. Mr. del Rio said if he had to build at 2' above sea level he would sell the lot.

The next case discussed was V19-05-18 CDH Pontchartrain Square LLC (formerly Pontchartrain Square Northshore, LLC) requests a variance to Section 10.5.3.11, Electronic Message Center or Digital Signs, Pontchartrain Square Shopping Center, 3537 Highway 190, zoned B-2

Ms. Scott presented the case was discussed as a work session and the applicant at that time sold the property. The new owner was now the applicant.

There was a permit issued in 2012 for the digital sign.

In March 2014, the City revised the Sign Ordinance Regulations with Ordinance 14-03 which prohibits Electronic Message Centers (EMC), including a compliance and amortization requirement for existing EMC signs. At this time, the LED Pylon Sign was compliant and was considered a Legally nonconforming EMC subject to Amortization in Article 10.5.3.11.3(d), with an amortization ending in January 2021.

The applicant was requesting a variance to the amortization provision set forth under CLURO section 10.5.3.11(3)(d) to allow the sign to remain in place. The application stated that 15 businesses within the shopping center were using the sign, and they are contractually obligated through the lease agreements to provide electronic signage. Many of the tenant leases extend far past the imposed 2012 amortization date.

CLURO, Section 10.5.3.11 (3) Amortization of Prohibited Electronic Message Centers includes the stated Findings and Purposes as follows:

### **3. Amortization of Prohibited Electronic Message Centers**

a. **Findings.** The City Council finds that nonconforming EMCs threaten the public health, safety and welfare because:

- (1) Research shows that the brightness of EMCs inhibits drivers' ability to detect objects in darker areas of the right-of-way, thereby increasing traffic safety risks;
- (2) Research shows that "transient adaptation" or the ability of drivers' eyes to adjust to ambient lighting conditions after viewing EMCs increases the risks of accidents;
- (3) EMCs are inconsistent with the desired character of the community and create a blighting influence on the character of the City;
- (4) EMCs conflict with the City's dark skies goals, objectives and requirements that lights be directed downward; and
- (5) EMCs create inordinate burdens on City inspections staff to monitor and ensure ongoing compliance with the City's sign standards due to the ease with which the signs may be reprogrammed.

b. **Purposes.** The purposes of amortizing prohibited electronic message centers are to:

- (1) Eliminate existing EMCs that are not in conformity with the provisions of this section; and
- (2) Establish a fair and equitable process for the elimination of nonconforming EMCs.

At the work session, the applicant indicated that this particular sign was set back greater than approximately 300+' from the Hwy 22 street right of way and a hardship was created by the location of the shopping center, being at the rear of a much larger parcel, and the visibility for tenants was extremely challenging. There was no freestanding signage for these tenants on any highway frontage.

There was a discussion that this property did not have highway frontage and was not required to be a monument sign. If it was at grade, the signage would not be visible. Mr. Blache asked to determine if this was the maximum sign size.

Paul Mayronne, Jones Fussell, representing the owners, said the basis was a hardship based on the lack of visibility of the property and the tenants would have without the electronic sign. As noted there was no signage on any existing public thoroughfares. It was a challenge to make sure that the public knew what businesses were in the center. The center went the way of the tenants. There were 18 tenants, and the new owners were investing money to revitalize the center. The five criteria of the amortization did not apply here. The center was in excess of 340' from roadway. They recognized the City's position and desire not to have electronic signs on roadways and they understood the reason and benefits. However, this was not a sign on the thoroughfare or streetscapes. These signs should be reviewed on a case by case basis. In light of the criteria for amortization, it lent itself to a variance. You do not see it from the roadway and you must look for it. It was not impactful to the Dark Skies. They believed this center was suited for a variance and they understood the concern of precedence. A variance by nature was unique and the criteria to make it suitable. The hardship was that the center was located in the middle of a 10 acre parking and 340' off the roadway and there was not another sign with this criteria. The fear of Pandora's Box or setting precedence was not a real concern.

Ms. Bush asked dealing with the financial that was the most concern and did not present a hardship. She considered if the owner was contractually obligated to provide an electronic sign. Mr. Mayronne said that was the case yes and she asked how many businesses. Mr. Mayronne said there was one lease that specifically addressed that issue which was Orangetheory. Ms. Bush said the date of that lease was after 2014. Ms. Bush asked why the owner was promising something they could not provide. Mr. Mayronne said the lease was entered into with the prior owner as was that argument. The point was well taken and he could not answer that question, but he believed she was not aware of the ordinance which was her argument. Ms. Bush asked if the previous owner had expressed a concern with the contractual provision not being fulfilled. Mr. Mayronne said the tenant was concerned. Ms. Bush asked if there was a liquidate damage provision in the lease. Clark Heebe, owner, said he did not feel there was a recourse but they wanted the business to survive. At this time they were up a 20% vacancy in the center. Ms. Bush asked about the cycling frequency for the tenants. She said if there was a value what was important to tenants would like to know that. Mr. Heebe said he did not know and OPA Graphics operated the sign and they were trying to obtain that information but it could be controlled.

Mr. Adams asked if they were also an owner of the K Mart site. Mr. Mayronne said they were not owners at this time but they were under contract. Mr. Adams asked if there was a way to get a better location for signage and eliminate clutter. Mr. Mayronne said it was an area ripe for redevelopment. Mr. Heebe was they were ownership with others in this case. It might be possible of having ownership in both parcels at a future time.

Ms. Bush said she had a hard time determining of what the added value. Mr. Clark said the issue of hardship because many hardships could be argued. The death of the retail model should be reviewed. The point was the hardship. He felt economics was not the commission's consideration. Ms. Bush said if there were threats of litigation, it might be considered. Mr. Clark said there were rules that were known before the group took ownership of the center. Mr. Mayronne said the hardship was the configuration of the property and lack of frontage for signage. This gave rise to a unique circumstance that was a hardship. Mr. Clark said this was the most heavily trafficked area in Mandeville.

Mr. Adams said the regulations did not anticipate signs so far off the highway. There was lengthy discussion about digital signage and the aesthetics for the area in creating the regulations. The hardship claim was created by the previous owner not thinking about it. It was the law. The Council may have made it too exclusive. There were areas like along Highway 22 that the electronic sign was appropriate and may even eliminate some sign clutter.

Ms. Scott said in the CLURO 2015 revision, the maximum was 50 square feet and a maximum height of 7' so it made everything a monument sign. This sign based on the original cost was 10' x 10'.

Mr. Lahasky asked if the K Mart center had a sign. Mr. Mayronne said there was highway frontage, but presently no sign. Mr. Heebe said it would be a separate ownership. Mr. Adams asked if there could be an agreement to create one signage.

Council Member Mike Pulaski asked how to use the commission to alter an ordinance. Mr. Adams said the commission must interpret what was meant in an ordinance. Mr. Pulaski asked why it would not be an amendment to the ordinance. Mr. Adams said the request was a variance to site development criteria.

Janet Fabre Smith, 1164 Rue Chinon, said she liked the tenacity applied to protecting the sites. She was pro-business and was excited about the K Mart redevelopment. She wanted to prevent Mandeville from looking like Metairie. The sign ordinance went a long way toward protection. Fairhope was a good example and businesses do better without the clutter. The businesses there were supportive. She appreciated the argument that the center was set so far back but she asked for a denial. The center might be unique, but there were other center that may consider they were unique. Dealing with the request one at a time was not the right way to handle it. The ordinance was in place for four years and there was another year to create plan B. Plan B could be just to remove the electronic portion of the sign. The sign was tall and provided visibility of identification. It was obvious to make a combined sign for both centers. There was no need to grant a variance now when there was still a year for the amortization to expire. There were some

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issues in the ordinances that should be revisited and not do it piece by piece. She suggested a comprehensive view of the issues and what other cities were doing as well as best practices.

Cynthia Thompson, 17 Heron Lane, said she used the center weekly and noticed no vacancy rate. It was a destination location with a lack of parking. The signage made no difference. The sign was placed in such a way that you were not looking up. It went back to the variance needed to be all or nothing. Others would try to keep their signs as well.

Ernest Burguières, 241 Wilkinson Street, said a variance was a safety valve and a buffer. The Council made a clear indication and the safety valve was the amortization period. Asheville and North Carolina also had small signs. Pinnacle Center had large signs, but this was a smaller street and it was not hard to find a store. The problem was everyone wanted to be on the interstate. This was a 25-30 mph road and everyone knew what stores were located in this area. The relief should be a change by the City Council.

Dr. Skelly Kreller, 280 Dona Drive, felt the City Council made a wise choice. He thought electronic signs were tacky. He was not sure about being a distraction when driving. This was the worst shopping center parking ever. The signage was irrelevant. The City should continue to require monument signs. He was against approval of the variance because he did not want the sign there.

Rebecca Rohrbough, 2525 Lakeshore Drive, said she spoke to the City Council regarding the sign ordinance. Her major concerns on the arteries boarding the historic district was that they were distracting. This sign did not have that component. She would like to address a philosophical point of economic hardship. The missed point was you cannot say it was to the advantage of the tenants so they could make money. The City had commercial districts for the establishment of profit making businesses on those sites. If you allow commercial sites, you must have a sign allowance. They were not architectural wonders, but were a necessary evil. The tenants could expect signage and a center owner could expect the right to have signage. It was fundamental to the zoning law. The fact that they were deep in an oddly considered center was a consideration. She hated electronic signs, but she hoped there was a better solution for this site. She would rather see Asbury Drive being cleaned up and placing a sign there. There might be future opportunity for community signage. If it was determined that a hardship might need a longer amortization time because of new owners and the prior owner entered into a wrongful clause in one contract. It should not stay electronic indefinitely. The hardship might be some in-between step or alternative.

Charles Goodwin, 2075 Lakeshore Drive, said this was a remarkable similarity to the Carroll Street case. If in the event this sign was unintentionally included in the ordinance that was designed for signs on the roadway, his view it was not even close. It was so far off the roadway that it was a non-event. It was not a distraction. He was not looking at signage on the roadway, but avoiding getting hit or hitting someone. He suggested leaving the sign alone as is and don't get accused of taking property without compensation.

Mr. Adams said there was much comment about looking the sign code as a whole. It was not just monument signs, but look at the entire again quickly because of the Supreme Court decision of content. He suggested hiring a professional to review it. Mr. Clark asked if you could regulation the content of delivery.

Trilby Lenfant, 16 Preserve Lane, said safety was an issue of the ordinance. It included the character of the community and the aesthetics. It was about the Dark Skies. There was also the burden of enforcement. It seemed with this good discussion that the request was premature. A combined sign might work out better. The amortization was another year.

Mr. Mayronne said there were a number of comments on the City Council discussion and intent. The ordinance stated public health, safety and welfare with five criteria. This sign did not threaten that and was not contrary to any of the five criteria. There were many signs in other locations that were rightfully targeted. There was a discussion about Fairhope and this four corners area was a million square feet of commercial space. This was a sign 340' from the highway in the middle of a 10 acre parking lot that did not trip any of the five criteria. It did not threaten the health, safety and welfare with no negative impact. There was a hardship and the purpose of ordinance did not contemplate this sign.

Mr. Sones asked who looked at signage. He put the information in his phone and it takes him to the front door. Mr. Lahasky saw both sides of the view. He understood the hardship of being set off road made sense, and he understood the tenant's position. Even though the commission could not consider the financial aspect, they were also deciding what was best for the City and for it to look nice, commercial spaces to be rented and be successful. The commission wanted to make sure businesses do well and was part of the commission's job to have the City flourish. At same time, he did not know the value it brought. He did not usually notice the sign and he did not think it brought a lot of value. The city Council did not want it, and there were citizens in opposition. There were other options to accommodate the tenant signage. The lighted part was large but the con was not seeing the tenant name when it was not their turn to be highlighted. A larger sign with visibility of each tenant's name would provide more value. Ms. Bush asked about the fifth criteria – burden to enforce by the staff. Ms. Scott said one of issues was the provisions to the brightness and movement initially was difficult to initially get the signage into compliance because of the ease of reprogramming. The third criteria related to the City's character. Mr. Lahasky said he understood precedent but he did not think this set a precedent. Mr. Adams agreed with Mr. Mayronne's summary that it did not meet the reasons for health, safety, and welfare. It was called a hardship which was largely self-created; the argument should be not fall under it. Mr. Clark said the City Council had stated there was a hole in the ordinance and send it back to them. Mr. Adams said this was banning a technology and those things had disappeared over time. Mr. Fairley said the ordinance was clear that the signage would go away. If it was discontinued, it would not matter. Mr. Adams asked that the LED was only part of the sign and they would still have the sign. If replaced, the sign must be a monument. Mr. Blache said the City Council should revisit the sign ordinance.

Ms. Bush moved to deny the request, seconded by Mr. Sones. Mr. Clark moved to amend to add an expression that it should return to the City Council for review. The amendment was not accepted. The motion was denied 7-0.

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

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Lori Spranley, Secretary

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Michael Blache, Chairman  
Zoning Commission

**Zoning Commission  
Work Session  
July 9, 2019**

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

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

Absent: None

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

Mr. Blache 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 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

Ms. Scott presented that Phillip and Crystal Younger purchased a portion of lots 12, 13, 17, 18 and 19 in Square 25B which was improved with a single family residence. The property has frontage on Carroll Street measuring 52.86' by a depth of 297' on the north side and 180' jogging 21' to the south, then measuring 117'. The rear dimension was 73.96'. The survey also showed the property has a 72" live oak tree on the front north side of property, with the existing canopy extending across the entire frontage of the lot and approximately 50% over the existing single family structure.

The property consists of portions of multiple lots under single ownership. The 1993 zoning map (comprehensive rezoning of the city) zoned this property with a split zoning – with R-1 Single Family on the front portion (part of lots 12 & 13) and the rear portion (part of lots 17, 18, and 19). The remainder of Square 25B was zoned B-3, Old Mandeville Business District. The west side of Carroll Street was zoned R-1, Single Family Residential. The intention would have been if he ownership was clear, the entire parcel would have been zoned R-1.

In 2007, following the adoption of the B-3 Area Plan, the commission reviewed the entire B-3 Zoning District, and rezoned portions of the district. The zoning map adopted under Ordinance 07-35, (Exhibit C) did not change the zoning from the original map adopted in 1993, and the property remained as a split zoning. The record indicated that there was some discussion of rezoning the portion of lots 12, 13, 14, 15 and 16 (zoned R-1) to B-3, but this was removed from the rezoning, and the property remained zoned as per the 1993 map. It was not clear at the time that there were multiple lots were under single ownership. The property would probably have been all zoned R-1.

The existing house was listed as Contributing on the Mandeville Historic Resources Survey, and in March, 2019, A Certificate of Appropriateness was approved by the Historic Preservation District Commission to allow the demolition of the structure with the condition of submitting plans for new construction prior to the demolition permit being issued. A condition was that the live oak tree impacted the foundation and did not meet the FEMA requirements. To do substantial improvements, the house would require elevation. The architecture of the house would be in the character of e neighborhood.

The applicant submitted the following with their petition to rezone the property:

*The property description in the Town of Mandeville in square B being a portion of lots 13, 17, 18, 19 and 12 located at 229 Carroll Street. The property currently contains dual zoning on each half. The property description is attached.*

*We are requesting for the property at 229 Carroll Street to be rezoned congruently as B-3. Currently one half of the lot is zoned R-1 and the other half is B-3.*



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*We request for the lot zoned all the same for insurance, regulatory and congruency purposes. For building and insurance purposes the property needs to be zoned B-3 as we have a counseling practice where we may have a home office. Additionally, we are trying to avoid injuring a live oak so the home and or office will be on the two lots that have different zoning which confuses the matter for all purposes. For these purposes, we are requesting the entire property to be zoned as B-3. Adjoining the property and the majority of the entire square block is B-3. Secondly, it would be burdensome to potentially carry multiple insurance policies on 1 lot with 2 separate zoning standards with a home and office in the middle of both. We would potentially be forced to duplicate coverages and utilities on the aforementioned property. Once the lot is zoned B-3 we will be able to have a counseling practice in the home and have full access to the lot.*

Ms. Bush said there would be two separate insurance policies, one for a house and one for the business.

Should the property be rezoned to B-3, buffers will also be required due to the commercial zoning. The buffer requirements in the B-3 zoning district can vary, depending on the proposed use. However, when adjacent to an R-1 zoning district, a minimum buffer of 20' was required. If the proposed was a counseling office office, then no additional buffers are required. However if the use was more intense, then additional buffers may be required, up to 20' each side. The counseling service is allowed by right in B-3 but if another use a 20' buffer would be required. There was driveway and access for more intensive use than single family residences.

Mr. Lahasky asked the size of the side yard setbacks for the R-1 zoning which was 10' on each side. Ms. Scott said the buffer requirements would be 20' where residential would be 10'. Currently the property did not use site parking and was parking on the street.

Mr. Adams said there was no doubt the City Council intended to zone this property R-1 and it was a mistake. He was not sure this required a rezoning and there was a process of correcting the zoning map. Mr. Blache asked about the history of the lot. Ms. Scott said at some point someone purchased the back of the lots facing Jefferson Street and the property was never resubdivided. Today the City would require a resubdivision, but there were similar lots in Old Mandeville.

Mr. Adams said a counseling office could be a home occupation. Ms. Scott said it was limited to 400 square feet and other criteria. She was not sure it was allowed with the construction of a building in the rear, but the use was allowed. Mr. Clark said the goal was of a cohesive zoning then R-1 was just as cohesive. Ms. Scott would verify the ownership line of the lots.

Crystal Younger, 480 Carroll Street, said in 2007 the property was outlined for review of the zoning to B-3 but the zoning remained the same. She said their existing home was three stories and it had become health difficult. They wanted to construct a one story house and they purchased lot because of the B-3 zoning. The original intent was to renovate house and build a guest house to the rear. She did not want it to be all the R-1 zoning. She was semi-retired and ran a rehabilitation counselor helping people get jobs. About 5 times per week, she did vocational testing. They loved the tree and was the main reason purchasing the lot. The Historic District was strict on what could be built. Her builder suggested building her home to the rear and building the guest house to replicate the demolished house. The guest house could be used to see her clientele for testing. She was shocked that the zoning would be all R-1 because there was only one small area of R-1 and the remainder being zoned B-3. If it was not a B-3 zoning she would not be able to build the cottage and she would not have purchased the lot.

Mr. Lahasky asked Ms. Younger if she knew if she could potentially run the business in her home. Ms. Younger said she had always been told she could not have clients. Ms. Scott said it was not more than three in a 24 hour period. Ms. Younger said sometimes there were groups for disabled people learning job skills. It was always to be in a separate structure and not in her home. Ms. Scott said it could be in an accessory building behind the house. Ms. Younger said all of the surrounding area was B-3 and she did not want to be R-1 as a small dot. Mr. Clark said the house would be higher than Monroe Street. Ms. Younger said she would construct an elevator. Mr. Clark said some people felt B-3 was overreaching in that area. There were many people that felt R-1 was the appropriate zoning.

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Darlene Michelet, 235 Carroll Street, had been the next door neighbor for 10 years. She was satisfied with being R-1 and she felt the property should all be R-1. The only business was the church with no problem and Our Lady of the Lake sometimes had a line of cars but the cars let her in and out of her driveway. She did not know the intended use now or in the future. She wanted to come home and she did a lot of family babysitting late at night. She was not sure about a commercial use and it would not be good for the neighborhood. She was concerned about flipping. They live in a house that was renovated and did not know if they would be moving there. Mr. Blache said the commission could not make that consideration.

Tanya Dischler, 232 Carroll Street, said she lived in her house for 30 years. She knew the previous couple who never intended a commercial zoning district. She was across the street and was concerned about the value of her house as a historic house.

Julie and David Bolyard, 243 Carroll Street, said they were against the request. To put a cottage on the front would not fit with the buffers. She asked about a justification for a commercial zoning. It did not make sense. Mr. Bolyard said businesses had taken care of their parking. There as nowhere to park. Ms. Bolyard was concerned about the future use.

Carolyn Montieth, 321 Coffee Street, had watched with interest as the new owner's intent had changed. She was opposed to rezoning in a residential area. She was concerned about the next use.

The next case discussed was 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. 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. The front portion of the building recently housed the Shiver Shack SnoBall stand.

The applicant was proposing to expand the kitchen and enclose the existing porch to provided seating area for both the snow ball stand and for quick service food items. Enclosing the porch to provide seating area and additional food service no longer meets the definition of Outdoor Fast food, the current approved land use. The applicant was requesting approval of a Special Use Permit for the land use Restaurant – Sit Down, as defined under CLURO Section 6.4.66. In the TC Town Center zoning district, sit down restaurants required a Special Use Permit.

The site plan submitted prepared by Lynn Mitchell Architect dated June 27, 2019 proposed the following:

- 1658 square feet of total enclosed area
- 642 square feet of kitchen area
- 262 square feet service counter area for snow ball/food service area
- Proposed new enclosure of the porch area consisting of 400 square feet
- Proposed new enclosed waiting area of 190 square feet for snow ball/food service
- Existing outdoor seating area of 500 square feet that included several picnic tables

Proposed modifications to the building included the following:

- Provide kitchen area of 642 square feet.
- Remove the existing roll up door facing Woodrow Street and replace it with a large glass window. Create a ½ wall counter space and enclosed service area for the snow ball /food service area facing the porch. This area will consist of 262 square feet.
- Enclose the existing porch area consisting of 400 square feet

The total square footage for the restaurant area is 1658 square feet. Additionally, the existing outdoor seating area consisting of 500 square feet with the benches will also serve the restaurant area.

**Parking:**

The Commission approved the exception to parking for the entire building, shown as 3502 square feet under the SUP approved for case SUP19-05-02 for the medical offices.

The CLURO states that Parking shall be in accordance with CLURO Section 6.4.70.1, Shopping Center, Neighborhood Commercial: 4 parking spaces per 1000 square feet (1:250).

In the previous case, both the snowball area and the proposed medical office, together within the building consisted of 3502 square feet with 1 parking space for 250 square feet required 14 parking spaces. This site plan indicated the medical office contains 1628 square feet, the restaurant 1658 square feet (including the enclosed porch with 400 square feet). Together, the total square footage is 3286 square feet.

A parking exception was granted for 3502 square feet. With the outdoor seating area consisting of 500 square feet, the CLURO states where outdoor seating was provided, parking shall be based on the larger of the outdoor seating area or the indoor seating area. An exception was being requested for one additional parking space (316 square feet).

The idea was to treat the center as a shopping center and parking within the district to walk to the event. The goal of the Town Center was to be more pedestrian and have these types of uses. They reconfigured the front portion of the building to have year round seating.

Billy Rieger and Sarah Rieger, restaurant owners, said they were new to Mandeville and when they saw the property was available they moved forward. They did not want to change too much but they did want to enclose the porch so this part of the hub could become a year round use. Ms. Rieger said it would allow them to remain open and not be a seasonal use.

Mr. Blache asked about the operating hours. Mr. Rieger said they would close Monday and Tuesday with the hours being 11-8 Wednesday through Saturday, and 10-3 on Sunday. There would be the stage and outdoor seating but would be more accessible from an entrance perspective.

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-1

Ms. Scott presented that the applicant was requesting a Special Use Permit to allow operation of a Bed and Breakfast Residence for one guest room as defined under CLURO Section 6.4.42 – Bed and Breakfast Residence at 320 Coffee St (Lots 11 & 12 , Sq 32). The property was zoned R-1 Single Family and a Special Use Permit was required to operate a Bed & Breakfast Residence.

There were two existing structures on the site, 320 and 326 Coffee Street. The owner had indicated that these two structures were attached and the owner lived in the structure on the north side (326) and they would have one guest room in the other structure (320 Coffee) and operate it as a Bed and Breakfast. She could not determine if the structures were attached. There was a large RV and bus on the site.

Bed and Breakfast Residence was defined as follows:

**6.4.42. Lodging (Transient) - Bed and Breakfast Residence**

An owner-occupied dwelling unit having no more than one (1) culinary facility and no more than two guest rooms where short-term lodging with continental breakfast only is provided for compensation by the owner/operator of the residence.

The CLURO provides for supplemental regulations for Bed and Breakfast Residence as follows:

**8.2.3.6. Lodging - Bed and Breakfast Residence Criteria**

Bed and breakfast residences, as defined in Article 6, shall be subject to the following general requirements in addition to the parking and landscaping requirements as provided in Article 9 and the district regulations for the district in which the facility is located:

1. All of the required approvals shall be obtained prior to establishment of the use, including an occupational license and certificate of occupancy for the proposed use from the City.
2. Common bathroom facilities may be provided rather than private baths for each guest room.
3. Residence kitchens shall not be refitted to meet health department requirements for food preparation. Only continental breakfast food service, with foods purchased from a licensed food seller and served "as is" or only warmed at the bed and breakfast facility shall be allowed.
4. No cooking facilities are permitted in the individual guest rooms.
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.
6. No exterior signage shall be permitted except in accordance with the regulations of Article 10 for the district in which the facility is located.

The staff had spoken to the applicant who indicated there was room for parking spaces behind the 25' setback. It was indicated that the RV would be moved. The RV could not be considered a room.

The application included the following information:

*Zoning requested: change the current zoning from residential to Special Use Permit for the home located at 320 Coffee Street. This home is approximately 100 years old. The reason for the change is in order to create a Bed and Breakfast short term rental location. The intent of this zoning change will help to preserve this piece of history in Mandeville. This property will operate like other Bed and Breakfast establishments in Mandeville. The owner lives on the property with no more than one culinary facility and no more than two guest rooms where short term lodging with continental breakfast is available.*

*Guests at the home will range from one to four people. Guests will be staying at the home one or more nights. Two bicycles will be on the property so that guests can enjoy the beauty of the Mandeville Lakefront, Tammany Trace rail trail along with the unique shopping and dining experience available in Mandeville.*

*Off-street parking: Guests will be able to park their cars on the south side of the property in the existing driveway. Up to two cars can park in this area. The property has a chain-link fence with gates on the south and north portions of the property. The owner and his family will park their cars on the north side of the property and use the north gate.*

*Site Plan: The house at 320 Coffee Street is currently being used as rental property and the proposed plan is to use the property as a bed and breakfast. The additional house on the lot, 326 Coffee, will not be affected by this change.*

*Conceptual improvement plan: Improvements will be cosmetic in nature and include small repairs and painting. The exterior of the home will be repainted the same or a neutral color. Front railing will be repainted. Windows that are broken will be replaced. Landscaping will be improved to create a welcoming, homelike feeling to the front of the house.*

*Inside the house improvements will only be cosmetic in nature and include small repairs and painting. The existing gas line used for cooking purposes will be turned off and capped. New furnishings will be purchased for the interior of the home. Updates to bathroom sink and toilet could be done if deemed necessary by market conditions in the Bed and Breakfast industry.*

Clarification had been provided to the applicant that the application was for a Special Use Permit for B&B Residence for a single guest room (not a zoning change and not for a short term rental).

Mr. Adams asked if the two houses were connected. Mr. Rosenthal's representative stated that the two houses were not connected. Mr. Adams said there should not be two residences on one lot. Ms. Scot said Mr. Rosenthal indicated that one structure was used as a rental so there could be two residences on one lot in the R-1 zoning district. Mr. Blache asked if this became an inn. Ms. Scott said the requirement was an owner occupied dwelling unit. Mr. Blache said he would not be occupying the building. Ms. Scott said there had been similar discussions in short term rental meetings. Mr. Blache said he looked at Ed Greene's site having separate buildings but he was

located in the B-3 zoning district. Ms. Scott said the staff would try to get more clarification. Mr. Blache said it would trigger more parking. Ms. Scott said the parking was two spaces for the dwelling unit and one space per rented room. Mr. Adams said was the use appropriate for the 300 block of Coffee Street.

Bobbi Gossett representing Mr. Rosenthal, 344 Cedar Creek Drive, Madisonville, said there were two houses, one raised and a cottage with only one bedroom. The cottage had been a rental for several years. She acted as the property manager. Mr. Rosenthal lived on the property so it was owner occupied. He was not changing anything but to be a slightly different use. Mr. Clark asked if there were two real addresses. Ms. Gossett said there were two numbers with two separate gates and driveways.

Carolyn Montieth, 321 Coffee Street, said it was an interesting piece of property. The property was two parcels subject to property taxes. It was as a storage area by owner. There were to semi-truck cabs, two boats, multiple vehicles, two trailers, and Mr. Rosenthal lived in the RV for six year. She requested before issuing the permit getting the property into compliance. There could be code violations.

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 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 which was prior to the adoption of the CLURO in 1993. The applicant was requesting approval of a revised site plan with requested variances. The parcel contained ~275,629 square feet or 6.328 acres and was zoned B-2, Highway Business district. The gross leasable area was 48,155 square feet for the former Kmart building and the fast food restaurant out parcel was 4,990 square feet for a total of 53,145 square feet, and was classified under CLURO 6.4.70.2 Shopping Center -Minor (15,00-100,000 gross leasable area).

Currently, the applicant was proposing to redevelop the site including the following:

- The existing “Kmart” building consisted of 90,570 square feet and a portion of the building will be demolished, reducing the building to 48,155 square feet
- The front facades would be redesigned
- A new building would be added as an out parcel for a fast food restaurant containing 4,990 square feet
- Parking lot would be redesigned:
  - Additional parking spaces to be added in the area of demolition of the building
  - New landscape islands added throughout the parking lot
  - Removal of some existing landscape islands throughout the parking lot
  - Removal of some live oaks within islands

A site plan prepared by Piazza Architecture Planning was submitted and indicates the following:

<b><u>Site development:</u></b>	req'd	Existing	proposed	def:
Parcel 275,629 square feet				
Max imp site coverage:	75% or	260,805(94%)	233,831(84.835%)	9.8%

The Maximum impervious site coverage for this site was 75% or 206,721 square feet. The existing site contained 260,805 square feet of impervious surface or 94.6%. The proposed site plan indicated a reduction of the impervious site coverage by 26,974 square feet or 9.78%. This reduced the impervious site coverage to 84.8%. The applicant was requesting a variance to allow a 27,110 square feet or 9.8% deficiency.

**Landscaping:**

**Greenbelt:**

The property had two frontages, the primary frontage on Highway 190 and the secondary frontage on LaSalle Street in the rear.

**Hwy 190:** The site was originally developed without a greenbelt on the Highway 190 frontage. The applicant was requesting a variance to allow the non-conforming site for the existing greenbelt to remain. There was a large DOTD Right of way between the property and the paved highway with the existing landscaping in this Right of way should be noted.

**LaSalle St:** The property had a frontage on LaSalle Street, the street Right of way was located in the Parish. The rear of the building backed up to this right of way and had requested Parish approval. The site plan indicated a 7’ planting/greenbelt behind the buildings. The applicant was requesting a variance to allow the minimum required 15’ greenbelt depth be reduced to the existing conditions of 7’ (8’ deficiency).

Additionally, to service the shopping center, the applicant was requesting a variance for loading bay width exceeding 35’ maximum to allow an encroachment into the existing 7’ greenbelt to provide loading area and access for the loading area. The site plan indicated two loading areas located within and accessing through the 7’ greenbelt. One loading area measured 80’ wide and the second measured 125’ on the east side of building.

**Site interior landscaping: CLURO Sections 9.2.5.5(3)(a), 9.2.5.5(3)(h):**

9.2.5.5(3)(a):

<b>Site interior landscaping:</b>	<b>Kmart</b>	<b>total</b>	<b>difference</b>
Paved vehicular use area	163,434 sf	165,718 sf	+2,284 sf
Landscape area VUA (8% reqd)	6779 sf (4.418%)	22,282 sf (13.446%)	+15,503 sf (9.29%)

\*Landscape area VUA:

\*additional site interior Landscape areas required for each 2% of parking over the minimum requirement, site interior landscape shall be increase by 1%. There were 322 parking spaces proposed, which was an additional 71 spaces over the minimum requirement of 251 spaces or 28.3%.

- With the increase parking requirement, increased site interior landscaping is required as follows:
- An additional 14% of site interior landscaping was required for a total requirement of 22%. They were providing 13.44% and a variance was being required for the 8.5% deficiency.

There was a discussion that this was a large amount of parking spaces. Paul Mayronne, attorney representing the proposed owner, stated there were numerous cross parking servitudes that prevented them from changing some of the drive lanes. If they were not required to have that number of parking spaces, they would not provide them. Clark Heebe, proposed owner, stated that one of their proposed tenants was requesting 150 dedicated parking spaces in the front. When the property was divided into five different owners it became difficult and they were trying to provide the required parking spaces. The site interior landscaping was being improved.

It was also discussed that the new landscape islands were larger to support better planting. There were several existing islands that would be combined at the entry to create significant green space in the front of the property. The 5’ strip requirement would be provided on the new center.

**Section 9.2.5.7 Live oak protection**

The site plan indicated 5 live oaks to be removed, as follows:

- 1 - 5”
- 2 – 8”
- 3 – 8”
- 4 - 9”
- 5 – 10”

A variance to CLURO Section 9.2.5.7 Live Oak Protection was being requested for the live oaks greater than 6". A report from the City's consulting arborist had been requested. There were 21 live oak trees on the site and only five were requested to be removed which one was less than 3". There may be a way to amend the site plan to preserve or move one of the nice oak trees.

Mr. Adams asked if this could tie into any future plans. Brett Davis, proposed owner, wanted this to be the catalyst for the area. They wanted to tie it together for pedestrian friendly outdoor seating. Mr. Heebe said there was a total of five parcels. Ms. Bush said this complimented the Whitney's new design. Mr. Clark said there was only one location for a monument sign on the primary drive. With 10-12 tenants in this center and 18 tenants in the other center there was not a big enough sign to accommodate everyone. They wanted to create an inviting area to pull in and they would see banners as a presence on their store front. There was interest by several restaurants. There was interest from tenants that would be well received tenants. Mr. Heebe said there was a lot of vacancy in the Four Corners area.

Mr. Adams said the trees to the rear must remain to protect the Parish from seeing the rear of the buildings. Mr. Clark said they were not permitted to remove all of the trees. There were discussions about removing some of the rear portion of the building which was not feasible. Mr. Davis said they would be willing to mitigate the rear parking. Mr. Clark said the Parish was running parallel with the City for a resolution to use the right of way. Through the process, the Parish would have a final Council vote in October. The sale tax estimate would be \$25-30 Million of sales of which the City would get \$1.5 Million.

The last 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 that the applicant lived in the Woodstone Subdivision, at 37 Woodstone Drive, which abutted the St. Tammany Parish School Board property. The property was zoned R-1, Single Family Residential and was adjacent to Pontchartrain Elementary School. The school property was zoned I-Institutional and required a minimum 20' buffer.

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. South of the property there was a wooded area and to the north was sporadic.

The request from the applicant stated:

*I would like to file for a variance request to remove the 6 trees behind my house located in the Buffer zone of the St. Tammany Parish School Board (STPSB) property. I have the approval from the STPSB to apply for this process and ask for the removal of the trees. My property has suffered loss and damage from these trees planted on the boundary line. My fence is completely destroyed in multiple locations and I worry that without the removal of these trees I will not be able to secure my property adjoining STPSB. The root system as well is damaging my lawnmower every time I mow my yard from the exposed roots. I would like to replace my fence and secure my property for the safety of my family as well. The trees are also dangerously leaning towards my home and could fall at any time.*

In an email from Wade Gottschalk, Director of Maintenance, he stated:

*The St. Tammany Parish School Board grants permission for the removal of trees behind the residence located at 37 Woodstone.*

*It is known that the aforementioned trees are located in the buffer zone between the residential property and located on property belonging to the St. Tammany Parish Public School System (Pontchartrain Elementary).*

Based on the uses of the two properties **CLURO Table 9.2.5.5.3(2)** requires the more restrictive property, the school, to have a 20' Buffer Zone located between the two properties. And **CLURO 9.2.5.5.4.(A) Requirements Within Required Buffer Zones** states:

(8) Preservation of Trees and Vegetation in Buffers – Except in accessways as described above, all vegetation which is in the area of a required buffer shall be preserved. All trees

shall be preserved or replaced if diseased or dead. In addition, if the number of trees three (3) inches or more DBH that are in the required buffer do not equal the required number of Class A trees (one (1) per twenty-five (25) linear feet), and Class B trees (one (1) for every (10) linear feet), then Class A and Class B trees must be planted to the extent necessary to comply with the requirements of this Article.

This Buffer Zone also contains an existing open drainage ditch that runs along the entire east side of the school and Woodstone Subdivision. This is a primary drainage outfall and is required to be kept open to allow for proper drainage and maintenance. There is also an existing access drive that runs along the entire length of the ditch that is needed for emergency vehicles accessing different parts of the school. Due to the existing ditch, the close proximity of the Woodstone property fence lines and access road, there is limited area for tree planting within the required buffer zone.

The City's staff arborist and consulting arborist, Dr. Malcolm Guidry, inspected the site with the STPSB personnel and homeowner of the property to assess the concerns of each party and the health of the trees. Dr. Guidry suggested cutting some of the roots and limbs, but the homeowner was not comfortable with the suggestion. The trees were found to "possess no risk of harm and no loss of use and enjoyment of the yard homeowner's property" as per the letter from Dr. Malcolm Guidry dated June 18 2019 (attached).

Mr. Blache said with cutting the trees there was no other opportunity for planting because of the ditch. Ms. Scott agreed there was not much area for a buffer. There were neighbor letters. Ms. Bush asked what functional role the trees played. There pump issues before Hurricane Katrina. Mr. Adams said it was part of the tree canopy. Mayor Villere suggested planting on Mr. Marchese's property.

Steven Marchese, applicant, stated he moved to Mandeville in February. The pictures indicated that the five adjacent houses in the previous years the homeowners cut the trees the buffer zone. He was trying to protect his yard and his family. The trees were tearing up his fence and they could not be replaced. He wanted to install a new fence with a similar appearance as his neighbor. He had been suggested to move the fence but he wanted to use all of his property. In five years the trees would grow and he would be back in the same situation. He had eight trees on his property of which two were located in the rear yard. His issue was safety with the adjacent drainage ditch and exposed tree roots. The drainage ditch had erosion.

Mr. Blache asked if there school board arrangements for tree mitigation. Mr. Marchese had suggested placing the buffer on the other side of the ditch. He had not agreed to the cost of the tree replacement. Ms. Scott said the trees were a landscape requirement. It was estimated that the trees were 12" trees and had been planted about 15 years ago. Mr. Marchese said adjacent trees had been removed because the stumps were visible. He thought Dr. Guidry had been in agreement with him.

John Leggio, 45 Woodstone Drive, said he was also president of the Homeowners Association, said the ditch was eroding. If the trees were removed and the stumps died, the ditch would further erode. The trees were a buffer zone for sound with the children in school. Originally the school had a one story building but a two story building has now been constructed that hid the building. He understands his neighbor's concerns and not wanting to lose 1' of his property. On his property he brought his fence over the root. He did not object to the removal of the pine trees but requesting the preservation of the water oak tree. There had been a threat of flooding with the erosion of the ditch. He asked who had responsibility and there were numerous issues. The water oak gave aesthetic value and protection.

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