

**Planning Commission  
Public Hearing  
June 5, 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, Jeff Lahasky

Absent: Bill Sones

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

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

Ms. Scott had distributed last year's Short Term Work Program for discussion.

The Transportation plan – complete and would roll off.

1. Open space master plan, cypress swamp – the DEQ permit was submitted and the City was now waiting on funding. Action plan of wet wetlands – Silver Jackets had contacted the City and they wanted to look at this project for funding.
2. Storm water plan/resiliency plans – that would go hand in hand with the open space master plan. A consultant could be hired to develop a scope of work and focus on it. Mr. Clark said storm water management was about concrete.
3. Development fees – Ms. Bartholomew had reworked the Parish fees based on the number of hours each person touched a paper averaging their hourly rate. Many fees doubled, some fees were removed, and there were charges added not previously charged for. Mayor Villere said the third party contractors fees should be reviewed and consider attaching the City Engineer's hourly rate.
4. CLURO amendments – Mr. Adams suggested reviewing the signage code. Ms. Scott said further review would include the subdivision regulations and digital survey information.
5. Subdivision regulations. It was agreed to push it to a lesser priority.
6. Annexation – there had been significant annexation this last year with infill on the west side of the City. Another ordinance had been drafted for annexation. Mr. Adams said the capital budget had included the Forest Park Area for annexation. Mayor Villere said if there was property owner interest as well as the Homeowner Association, the City could put together a plan with the associated costs. Pelican Park/Fontainebleau Park/Nature Center was listed as a #1 priority. It was agreed that the highway north side was a higher majority to be a priority #1 and then move toward the east side annexations. Mayor Villere said the City had looked at sewer and water connections for Fontainebleau State Park and the City was seeking a From the Lake Pontchartrain Basin Foundation and UNO to improve the service as well as what cost the state was willing to share.
7. Zoning north of Monroe Street within the historic district - move forward.
8. Four corners – review the master plan prior to redevelopment. However, there were several meetings on the agenda to discuss the Kmart and Northlake Shopping Center for redevelopment. Mayor Villere said redevelopment may spur more development of the triangle area by Asbury Drive.
9. Town center land acquisition– continue as priority #1.
10. Hazard mitigation plan – Silver Jackets – Corps of Engineer program to work as liaison for funding for hazard mitigation of structural of seawalls, and non-structural which was house elevating. They performed a City evaluation about 3 years ago identifying non-conforming structures with the bfe and ran a benefit cost analysis to elevate or mitigate the structure. The project qualified but their program had floundered to some extent. If funding became available, we would be eligible

**Planning Commission  
Public Hearing  
June 5, 2019  
Page 2**

for mitigation for both residential and commercial. The project could also provide for dry flood proofing.

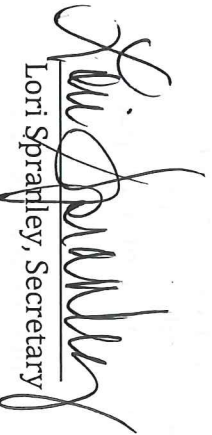
11. Update master tree plan – this project was listed on the Parks and Parkways Commission list.
12. Historic district – the commission was working on design guidelines that was substantially complete and would be adopted by August.
13. Public art plan – this project was discussed with several groups for a master plan. The commission decided to move the priority down since there would be new Council members in the next year.
14. Bipac – move this to a priority #1, as it would move forward soon. A new commission would review the sidewalk connections for linkage in Old Mandeville for linkage.
15. Mariner's Village – review zoning and redevelopment. Mayor Villere said this item would take care of itself when LSU decided how to move forward on their project with the Copeland property donation. Mr. Adams said there were other issues with this property and asked if it could roll at the same time. It was decided to move this item to a priority #2.
16. Development standards was a priority #3. It was decided to discuss this after the elections and decide how to coordinate with the Parish. Mr. Blache said height discrepancies and the R-1 zoning could become a problem. There was an overlay district that was previously enforced. It was decided to move this item to a priority #1.
17. Marina operators – keep it on the radar if anything gets sold. Mr. Adams said the Harbor field was zoned PM-2. Mayor Villere said he had asked the owners to sell the property to the City or if not the developmental rights.
18. Update the Comprehensive Plan.
19. Area plan for hospital – this was the remaining property when the hospital was sold.

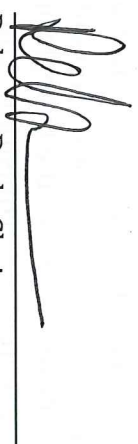
Mr. Adams said the schedule on the bypass road would have pre-construction in the next two years and a two year construction for the road construction. When the road opened there would be development coming through Mandeville.

Mr. Adams asked about funding the resiliency plan had money and rolling other funding forward from last year. Ms. Scott said that information would be available for the next meeting.

Ms. Scott said the City had signed a contract with Jeffrey Goodman that should begin in the next two weeks. This would move the Short Term Rental process forward.

Mr. Clark 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  
June 5, 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; Mayor Villere; and Andre Monnot, City Engineer

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 V19-05-18 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 stated there was a request to table the case until the next meeting.

Mr. Adams moved to table the case, seconded by Mr. Fairley and was unanimously approved.

The next case discussed was V19-05-19 Jesse Wimberly IV requests a variance to Section 5.2.3.2, Drainage Overlay, Fill Sub District A, lot 2A, square 25A, 2113 Lakeshore Drive, zoned B-3

Ms. Scott presented the variance request to allow the slab height to be 12" above grade instead of 6". The commission requested additional information of the slab height of the surrounding properties. The staff pulled the elevation certificates, distributed a map and a table of information created by the City Engineer.

The table included the property address, top of the bottom slab representing mean sea level (mean sea level), the lowest adjacent grade representing the lowest ground adjacent to the structure and highest adjacent grade adjacent to the structure. The variance request proposed 4.75-4.20' which was an average of the variant of the elevation with the lowest grade being 2.8' and highest grade was 4.3' which was requested. He was permitted to be 3.75', the lowest grade 1.98', and highest grade 2.09'. By comparison, Mr. Wimberly was still low. Ms. Bush asked with the other properties being higher where was the drainage problems coming from.

Andre Monnot, City Engineer, said the concern was whether the variance would adversely impact the neighbors and his opinion was that it would not. From an engineering standpoint looking at the structures in the same square, the effect of this property would only affect the immediate neighbors. The others houses with drainage problems may be storm surge inundation or local effect from the property or poorly well functioning ditches. Ms. Bush asked if it was possible for the drainage from a few blocks to affect others. Mr. Monnot said it was possible.

Mr. Adams said if a 1' variance was granted, he would still be lower than everyone but Mr. McGuire. Mr. Clark said 129 Street Carroll had a large mound of mud post-Katrina and this was not native terrain. Ms. Bush asked if that slab would be higher than the other numbers on the table and it was answered yes. The highest elevation was 111 Carroll Street. Ms. Scott said 2' of fill had previously been allowed. Mr. Lahasky asked about 2119 Lakeshore Drive since there was not an elevation certificate. Mr. Monnot said with the blanks on the top of bottom slab, different surveyors interpret this column differently. Ms.



Scott said this was a V zone and all of the structures were elevated. Mr. Clark asked what information was used. Mr. Monnot assumed the information was from tracking satellites or OPUS and the certificates were prepared by surveyors.

Dr. Skelly Kreller, 280 Donna Drive, asked about the difference in the driveway height compared to the building slab. Ms. Scott said they were also requesting elevating the driveway for access.

Mark Foster, 2135 Lakeshore Drive, said when he saw this property would be elevated to the same height as the other structures, it would be putting more water on his property especially when Rest A While was complete. He knew the City had been discussing fill for over 10 years. Fill displaced water, killed trees, and pushed water on other property. Everyone living near the lake must deal with water. Most of the time it was wonderful but the 1% when was you were living in the lake. Once the lake came up and everyone was equal that was a different situation. This was nuisance flooding to be discussed. For every hard rain, his slab at grade or 2" above was under water up to 9". Where the water came from could be the general increase in level of the lake, global warming, etc. The purpose of the variance was to deal with hardship and not of the applicants making. By purchasing a lot on Lakeshore Drive the owner should be aware of certain issues. They were raising the house and constructing a garage under the house. It was destroyed by Hurricane Isaac and was pushed it in his neighbor's yard. The bottom of his house was now empty with no storage. He saw raising the slab to be even with the other properties did not look bad on paper but he knew it did get bad. It filled up on this property first and then came to Mr. Wimberly. He had been lucky with more elevation and a fraction of an inch of elevation was precious. He had no doubt this would create more water on his property.

Nancy Clark, 420 Carroll Street, said drainage and flooding was different. She had requested a copy of the minutes from 1716 Claiborne Street from January 9, 2018. He was located ½ block from the lake. It was a smaller square with mixed construction of slab and raised houses. Mr. Teachout requested 18" with the argument of nuisance flooding which was a hardship of the cost of cleanup. That was not a consideration of a hardship. It had been stated at the meeting that water displacement was a big deal. She said everything below 6" shed to your neighbors and above that displaced all of the water. Ms. Clark said a hardship was a conundrum. This was a similar case, not a hardship but an incredible inconvenience and everyone dealt with it. Mr. McGuire had stated he had no objection but Mr. McGuire lived further down Lakeshore Drive. There were people living on this square that would be adversely affected by the increase in grade. Another reminder was that it was a slab under the house and the structure was elevated. Everyone lived with the inconvenience of water, moving cars and share the information with the friends.

Ms. Scott said there were two cases on the same agenda. The Teachout case was a ground elevation of 4.5-5.3 msl and were requesting an additional 18". The other case was the Colliers on West Beach Parkway having been issued a building permit, the slab was framed, there was a lot of rain and the owner then requested 1.2' of fill for parking to bring the slab to 4.5'. The original plan was approved for a 3.2' slab. This variance was approved. The difference was one foot in the ground elevation. Mr. Blache said those cases were different from this situation and the commission could not apply the same standards to each request. Mr. Blache said Mr. Adams had good points about water displacement. He drove the area to see what the commission had previously approved and you could see a huge difference in elevation visible to the naked eye. Mr. Clark asked that the commission still make the same mistakes of native terrains. Mr. Blache said the commission had been provided an expert opinion and the commission should consider it.

Mr. Monnot asked that the distinction requested was between inundations of storm surge versus rainfall event only. His assessment was for rainfall only with careful detailing



**Zoning Commission  
Public Hearing  
June 5, 2019  
Page 3**

the property could hold the water and subsurface drainage to the city system. Obviously storm surge inundation was over the seawall, the question was does this construction as proposed in the variance make that condition more severe. His opinion of the surge came upon a pressure gradient; it did not cause an effect.

Mr. Clark asked when the lake was at 3' of stage and completely occluding every drain, was that enough pressure to inhibit drainage out through the valves. Mr. Monnot said as the lake came up the water flowed slower in the pipes, and might be the mechanical operation of the valve. Mr. Clark said before the experiment at one point there was a flange and that was the experience until the valves. His question was the lake at 3', the holes were under water, was that pressure enough to stop or impede the drainage from the town. Mr. Monnot said it just slowed it. Mr. Clark at what point was stasis. Mr. Monnot said when it was equal. Mr. Clark said recently there was a slowdown in the drainage, then 4" of rain, and the argument of displacement were destroyed when water was above his wife's boots seeing his fence line dry because of red clay. They heard stories discussing water never seen before. In the last 32-33 years he had experienced a change to the landscape. To say displacement was off the table was different than experience. Mr. Monnot said in a classic floodplain environment that would be correct, but we were not in that environment. Mr. Clark asked at what point of granularity were we not in a floodplain.

Mr. Clark asked if the variance was self-imposed. Mr. Adams said a property owner expected to be able to build on the lot and then found out it was a problem. Mr. Clark said he was talking about displacement. Mr. Adams said as planners, the commission should look at 10 or 25 years and would it make a difference. Mr. Clark said this would be the discussion from the Port Marigny development to the proposed developed at Fontainebleau State Park. Mr. Adams said 5' contour was a surrogate for the critical and sensitive.

Mr. Jesse Wimberly said he bought the property before there were regulations changes, and they found an old septic tank which made the property lower. The engineer's table showed he would still be lower than the surrounding properties and the City Engineer had stated it would not have an adverse impact. Several neighbors stated their slabs flooded and being lower he would have even worse flooding.

Mr. Lahasky said he understood all of the points of view and everyone was looking out for the best interest. The commission did not want to adversely affect the citizens. But, the fact was that the commission must look at the information based on facts, be open minded, and rely on the experts for the best decision. If the lot would be significantly higher than it would not be a request to be considered. This variance only put his land equal or lower than all other surrounding lots. The City Engineer was advising the commission there would be no issue from the facts, figures and information, and the intelligent thing was not to ask Mr. Wimberly to have any more ponding under his property than anyone else. He had a right not to be higher, but closer to everyone else as the fair a right thing to do.

Mr. Lahasky moved to approve the request, seconded by Mr. Adams, and the motion passed 5-1 with Mr. Clark voting against the motion.

  
Lori Spranley, Secretary

\_\_\_\_\_  
Michael Blache, Chairman  
Zoning Chairman

