

**Planning Commission
Public Hearing
May 28, 2019**

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

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

Absent: None

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

Mr. Sones moved to adopt the minutes of March 26, 2019, seconded by Mr. Clark and was unanimously approved.

The first planning case discussed was R19-05-03 Bruce Burglass, Jr. requests resubdivision approval of a parcel of ground in square 81 into lots 1-8, square 81, zoned B-1 and proposed R-1.

In 1993, the Official Zoning Map was adopted with the CLURO. The comprehensive rezoning designated the northern half of Square 81 was zoned B-1, Neighborhood Business District and the southern half zoned as R-1, Single Family Residential District.

The property owner was requesting approval to subdivide Sq 81, bounded by Hwy 190, Montgomery, Atalin and Albert Streets into a total of 8 lots: Lots 1-7 zoned R-1 Single Family Residential and Lot 8 zoned B-1, Neighborhood Business District.

The Plat proposed the following residential lots:

Lots 1-5: frontage: 106.58' x 140' depth and 14,921.20 square feet
Lots 6 and 7 frontage: 113' x 266.45' depth and 30,108.85 square feet

CLURO 7.5.1.3 R-1, Site Development Regulations required a minimum lot size of 90' X 120' and 10,800 square feet, all exceeding the minimum site development requirements.

The Plat proposed the following Commercial lot:

Lot 8 US Hwy 190 /Frontage: 532.90' x 245.57' depth/Atalin and Albert Streets and 130,917.54 sf.

CLURO 7.5.8.3 B-1 - Neighborhood Business District, Site Development standards required a minimum lot size of 100 by 100.

Utilities:

There were existing water and sewer lines that run along Montgomery, Atalin and Albert Streets. However, due to the parcel being an undivided square, the sewer and water taps would need to be installed in front of the proposed lots. Public Works had provided an estimate to the property owner. Fire District #4 had reviewed the proposed subdivision and offered no additional comment.

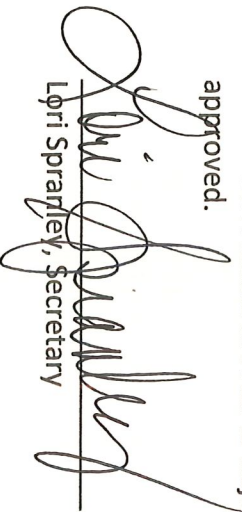
Mr. Adams moved to approve the resubdivision, seconded by Mr. Lahasky and was unanimously approved.

The last case discussed was P19-05-04 Review and approval of new capital projects that are included in the proposed 2019-2020 budget for consistency with the Comprehensive Land Use Plan

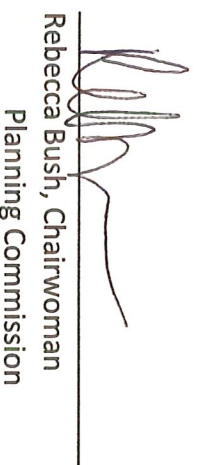
Ms. Scott stated at the last meeting that a presentation was made by the Director of Public Works of the new capital budget items. The Planning Commission action was review and approval for consistency with the Comprehensive Plan. There were 11 new capital projects. The policies and goals were reviewed for each project for consistency. Most of the projects fell within the Transportation Element and goal 5, Public Utilities, was to ensure adequate needs of the residents and businesses.

Mr. Adams moved to approve the new capital projects as being consistent with the Comprehensive Land Use Plan, seconded by Mr. Fairley. Mr. Clark asked for a friendly amendment that the City Council review the navigable waterways. There was a discussion that the waterways were not part of the Comprehensive Plan. Mr. Adams agreed it was a good point to have the causer pay the expense. Mr. Clark said fiscal health was part of health, welfare and safety of the community. The commission could always make additional recommendations in the future. The motion was not changed and was unanimously approved.

Mr. Adams moved to adjourn the meeting, seconded by Mr. Clark and was unanimously approved.



Lori Spranley, Secretary



Rebecca Bush, Chairwoman
Planning Commission

**Zoning Commission
Public Hearing
May 28, 2019**

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

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

Absent: None

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

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.

Mr. Sones moved to adopt the minutes of March 26, 2019, seconded by Mr. Clark and was unanimously approved.

The first zoning case Z19-05-05 Recommendation to the City Council to rezone a portion of square 81, City of Mandeville, St. Tammany Parish, State of Louisiana, from B-1, Neighborhood Business District, to R-1, Single Family Residential District, in accordance with the survey prepared by Kelly J. McHugh and Associates, Inc. and providing for further matters in connection therewith

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

The next case discussed was V19-05-16 Nathan and Debra Ales request a variance to Section 8.1.1.4(4), Allowed Setback Encroachments and Section 7.5.1.3, R-1 Site Development Regulations, lot 121-A, Woodstone Subdivision, 102 Woodstone Drive, zoned R-1

Ms. Scott presented that Nathan and Debra Ales proposed to construct an outdoor kitchen and swimming pool on lot 121-A in Phase 1 of the Woodstone Subdivision. Woodstone Subdivision was developed as reversed setbacks with the front setback being 30' and the rear being 25'. According to a survey prepared by Randall W. Brown & Associates, Inc. dated March 4, 2019, the house was constructed approximately 27' from the rear property line.

The property owner was requesting to construct an attached pavilion measuring 14' 10.5" x 21' 6.25" with the structure being 11' from the rear property line. This required a 14' variance from the required 25'. The applicant would like to place the mechanical equipment alongside the existing air-conditioning unit. The unit was 7' from the side property line, requiring an 8' variance from the 15' side setback requirement for lots with a width of 90'. The mechanical equipment was in compliance at the time of the home construction.

Nathan Ales, applicant, said it was strange shaped lot. If the pool had been constructed on the other side of the house there would no need for a variance request, but he wanted to see the pool.

There was a discussion that with the lot being oddly shaped the request should be considered an exception and not a variance. There was an approved drainage plan. There was a question about where the excavated soil would be taken. Mr. Ales said the rear neighbor had stated at the last meeting that their rear yard remained wet. His suggestion was to use some of the excavated fill to create drainage to his French drain and away from the neighbor. He hoped this would help their drainage issues.

Mr. Adams moved to grant the request as an exception. Mr. Clark requested as an exception that any excavated soil placement be reviewed. Ms. Scott said that would not be a part of the building approval process as part of the drainage plan. Mr. Clark said many of the homeowner's purchased their homes at the time of different side yard setback regulations. The motion was seconded by Mr. Lahasky and was unanimously approved.

The next case discussed was V19-05-17 Francis Chimento requests an exception to Section 7.5.1.3, R-1 Site Development Regulations, lot 7, Shadows Subdivision, 837 Shadow Oak Lane, zoned R-1

Ms. Scott presented that the applicant owned the residence located on Lot 7 in the Shadows Subdivision. The lot measured 90.53' frontage by a depth of 130.84' and was improved with a single family dwelling. The R-1 Site Development Regulations under Section 7.5.1.3.5(b)(v) required an interior side yard of 15' on each side. The Shadows Subdivision was constructed in the early 1990s, prior to the increased setback requirement. The side yard setbacks on this lot were 7' on the north side and 15' on the south side. The applicant was proposing to construct a carport on the south side of the house and was requesting a variance to the side yard setback.

The proposed carport on the south side of house measured 10.5' wide by a length of 50', encroaching into the minimum 15' side yard by 10.5', leaving a 4' setback. Additionally, there was an existing L-shaped driveway in front of the house. The sketch indicated that a portion of this driveway would be expanded by 4' in width and extended to access the proposed open carport.

The Dept. of Public Works provided information in an email dated May 8, 2019, confirming approval that the drainage would not be impacted by the proposed carport.

In summary, the applicants were requesting a variance to allow an encroachment of 10.5' x 50' or 525 square feet into the minimum 15' required side yard setback for the construction of a carport.

Mr. Chimento, applicant, said the subdivision HOA had approved the request. Richard Ainsworth, neighbor, stated these were good neighbors and had spoken with them about the request for several months. They had no objection to the request.

Mr. Adams moved to approve the exception being in the character of the neighbor and no adverse impact to the neighbors, seconded by Ms. Bush and was unanimously approved.

The next 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. Bush moved to table the case until the next meeting, seconded by Mr. Sones 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 that the applicant was constructing a mixed-use building located in Square 25-A on Lot 2-A. The building was located adjacent (to the west) to Barley Oak. Permit 18-4949 was issued on February 14, 2019 based on the plans prepared by CIS Architects

including the foundation plan prepared by Acadian Structural Solutions, Inc., Harley Nethken dated January 3, 2019.

The applicant stated in his application:

I am requesting relief of the elevation of my slab at the above address. As you will see through the attached pictures, I am significantly lower than the surrounding parking lot for Barley Oak. This is causing water to back up and stay in the northeast corner top the lot. It would be simple to remedy this situation by allowing my slab to be raised 12 inches higher than it is now. As we are in the beginning phases of construction this could be accomplished by simply adding that amount of dirt to the area where the slab will be poured. My property, even with this added fill will still be lower than all of the surrounding properties including the Barley Oak, Rest A While and the bed and breakfast to the north. Additionally, there are no structures between my property and the lake so there will be no impact on any other property holders if this request is granted as all drainage is towards the lake (south). My building would then be equal height with the adjacent parking lot which will help with the drainage and allow a more uniform look with the surrounding areas.

This property was located in Fill Sub-Area A and CLURO Section 5.2.3.2 (2) (c) stated: *Slabs may be established under structures and for non-habitable spaces, provided that the top of the slab is not greater than six (6) inches above natural grade at any point.*

The plans approved for permitting were in compliance with a 6" slab below the structure; however, based on the description included in the application as stated above, the applicant was requesting a variance to allow the slab height to be an additional 12" higher, by increasing the amount of fill allowed to be placed below the slab.

5.2.3.2 Drainage Overlay District and Fill Sub-Area A

The following standards shall apply to all development falling within the mapped boundaries of the drainage overlay district as established in section. This CLURO and fill sub-area A, which includes the areas located between Monroe Street, Bayou Castain, Lakeshore Drive and Galvez Street. Where the DO district overlaps with other areas described in this section, the provisions of the DO district shall apply.

1. **Grading and Fill.** No change in elevation from natural grades shall be allowed except follows:
 - a. Up to six (6) inches of fill may be placed under the perimeter of the soffit or roof line of structures to achieve positive drainage from under the structure.
 - b. Existing sites may be graded, or surface or subsurface conveyances may be established to meet the City's requirement to convey water to the City's stormwater management system.
 - c. Grading changes shall not have an adverse impact on adjacent properties in accordance with State law.
 - d. Fill shall not be allowed within the dripline of existing trees required to remain or any vegetative protection area.
 - e. For lots and development sites in the D- O district that are greater than 20,000 square feet in area and located outside Fill Sub-areas A and B, fill and chain wall construction may be used under a slab foundation and the area under the principal structure is not subject to the above fill limitations. Attached garages and driveways may be established pursuant to section.
2. Foundations and Slabs
 - a. Pile construction shall be required in V zones.

- b. Pier or pile construction allowed in other locations as long as the tops of the footings or grade beams is located at or below natural grade elevation.
 - c. Slabs may be established under structures and for non-habitable spaces, provided that the top of the slab is not greater than six (6) inches above natural grade at any point.
 - d. Slab construction shall not be allowed for any habitable area.
3. Driveways.
- a. Driveways shall be built at existing grade except that driveways may be elevated no more than six (6) inches if necessary to access a garage or parking areas beneath the building and to help convey water to the City's stormwater conveyance system.
 - b. Driveways shall not be located closer to the side or rear property line than five (5) feet except as needed to provide access to authorized parking spaces behind the front building line. Such driveways shall channel water to the City's drainage system.
4. **Parking Lots.** No paved parking lot is allowed within the DO district without approval of a Special Use Permit. No portion of the surface of a parking lot, regardless of whether the surface is aggregate or paved, shall be elevated more than six (6) inches above natural grade.

The City Engineer, Andre Monnot, in an email dated May 3, 2019 stated the following:

The grading on this lot is sensitive, given the tight space between property line, drive access, and slab. Satisfactory vehicular access may become difficult if granted, without elevating the entire driveway adjacent the building slab as well.

The City Engineer commented regarding the Grading Plan of May 24, 2019

- The revised grading scheme raises the driveway and parking slab by 1 foot, requiring variance from the CLURO provisions governing fill and grading in Fill Sub-Area A.
- Proposed Parking slab elevation is 9 inches higher than Barley Oak parking lot surface, and 15 inches higher than Rest-a-While yard near the property line.
- If the Commission approves the request, in order to avoid adverse impact to adjacent property, careful attention will be required to drainage on the property lines. Detailing beyond what is provided will be required, demonstrating inlet TC elevations, swale sections, swale inverts; and additional subsurface drainage may be required.

Ms. Scott said it would be 1' below the Barley Oak slab but would be higher than the parking lot but lower than the slab.

Mr. Blache said the ordinance was written to protect against these issues, but Mr. Wimberly was the last construction. Mr. Adams said this would be considered a hardship and no one should have to park in water under the slab. Mr. Clark asked what was the hardship. Mr. Adams stated this was the "hole" being the last lot to be constructed.

Mark Foster, 2135 Lakeshore Drive, said in the last five weeks their slab had been under water four times in rain events. Mr. Wimberly was asking to have fill approved in the most fill sensitive area in the City. He was not sure this area could handle it. The cars must always be moved if the homeowner suspected there was a problem. Mr. Blache asked what he thought was causing this. Mr. Foster said there was a drainage system that was being strained with increased development. If there was more concrete, the water would be quicker and deeper with each rain event.

Kelly Sullivan, 412 Wilkinson Street, said all of the construction was like little beaver dams. The commission was the last line of defense to keep this from happening.

Mark Foster read a neighbor's letter, Betty Guillot, 129 Carroll Street, into the record. *As a homeowner in this area, I am opposed to this 1' of fill at 2113 Lakeshore Drive. It is my understanding that this is against code. We have seen an increase in flooding over the years. With the amount of construction happening around us, the extra fill, concrete, etc. will begin to add up and cause more issues. Please be diligent in enforcing the codes properly.*

Barrett McGuire, 2129 Lakeshore Drive, Rest A While, said he was the lowest property. If anyone was going to be impacted the most, it was him. There was two acres of his land for water before flooding anyone else. He saw no impact whatsoever. Being the last person to build in this neighborhood, Mr. Wimberly was at a distinct disadvantage to everyone else. The good thing was that Mr. Wimberly would have an approved drainage plan. He said at Rest A While they were in the middle of a massive drainage plan which included 18 catch basins to try to continue to capture all of the water of the neighborhood properties. With Mr. Wimberly and Mr. McGuire's drainage being installed, he did not see how it would have an impact beyond his property and not to his property. He wholeheartedly asked the commission to support Mr. Wimberly.

Nancy Clark, 420 Carroll Street, said there was a disconnect. Mandeville flooded and Mandeville drained. These were opposing courses that never happen at the same time. A drainage plan would be great when Mandeville drained which was when the lake was low. It was unusual to have a flood event when the lake was low. Mr. Foster had said when the lake was low and the heavy rains in the spring there slab still flooded. When Mandeville drained, Mr. McGuire's drainage plan would capture a lot of water from that block and deliver it to the lake. When the lake was up, Mandeville did not drain. Every drainage plan was an invitation for Lake Pontchartrain to come in. A 6" slab was shedding water to 6" to your neighbor. At 18" all of the water was shedding to the neighbor and not being shared. She learned in Old Mandeville there should be sharing of the water.

Lynn Mitchell said he was not a neighbor, but dealt with it for some time. What was needed was a compromise. It appeared if both would be habitable with minimal impact on the adjacent properties you should not have to raise 18" and suggested 9" including the slab. Then drainage could be placed between the properties. It was bigger than this one property.

Mr. Clark asked Mr. Mitchell about his view on the Parish having a no fill requirement. Mr. Mitchell felt there were ways of containment other than ponds. The idea was correct, but not implemented correctly. If Mr. Wimberly was more in line with the height of the Barley Oak, a back door could be created.

Mr. Adams said this had been a subject of much discussion. There was a case in the West Beach Parkway Subdivision where it had been determined raising the slab created water of fractions of inches. The regulations should not be designed to put any property in the bottom of the hole.

Ms. Clark said she agreed with Mr. Blache looking at the adjoining properties was smart, but the City needed a big picture overview and the cumulative effect was a nightmare. She sympathized with Mr. Wimberly, but that property was always low. The historic homes were built on grade and were most endangered.

Jessie Wimberly, applicant, said he was excited about the project for a long time and began to consider how to make it work. He learned there was a lot of involvement on

commercial properties. They were issued their permit and started the site prep. After the first rain, it was a pond. He was devastated and realized it could not work with a slab in a pond. He asked for the relief so it would not flood every time it rained. He understood living there he would need to move his cars. It would make a difference to have the slab level with the parking lot that surrounded it. Barley Oak would be 1' higher and the bed and breakfast was higher than Barley Oak and Rest A While. He would place whatever drainage was required.

Mr. Blache requested information on the surrounding slab elevations on Lakeshore Drive. Ms. Clark asked why not the entire block. Mr. Blache asked to include the parking lot elevations.

Ms. Bush moved to table the case until the information was available. The commission requested input from Mr. Monnot. The motion was seconded by Mr. Lahasky and was unanimously approved.

There were two zoning case requests and both cases were discussed in conjunction.

V19-05-20 Waffle House, Inc./Brittany Steilberg requests a variance to Article 9, Parking and Landscaping, lot A-1, square 6, Section A, Golden Shores Subdivision, 430 N. Causeway Boulevard, zoned B-1 and SUP19-05-01 Waffle House, Inc./Brittany Steilberg requests a Special Use Permit for Section 6.4.33, Day Care Centers-Commercial, lot A-1, square 6, Section A, Golden Shores Subdivision, 430 N. Causeway Boulevard, zoned B-1

Ms. Scott presented that the applicant had a purchase agreement on 430 N. Causeway Blvd. (former Waffle House) with the intent of opening a commercial day care center. A Commercial Day Care Center in the B-1 Neighborhood Business District Zoning required a Special Use Permit (SUP).

The applicant had stated that they were planning to open an infant center for students ranging in age from 8 weeks old to two years, with the target for infants/early one year olds. The maximum number of students on the license was 30 students. They did not intend to have that many children. The applicant had a Montessori school in Lewisburg, and this proposed campus are for students who are not old enough to attend the "main campus" (Lewisburg). The proposed hours would be 6:30AM-6:00PM.

Ms. Scott stated the applicant had submitted a revised site plan. The only site plan change at the entrance would be port-cochere to comply with the two spaces covered parking drop off. As discussed at the work session, there would be a U-turn at the rear of the property. As part of the requirement, there must be a percentage of open space for students. The applicant proposed to remove existing parking to the rear of the building to the fence line which was 10' from the property line. If counted as the buffer and green space, the requirement would be met. There as an existing cooler to be removed. The City Engineer stated functionally the radius would work except for the occasional over large truck. The parking requirement was met.

A floor plan was originally requested and indicated the floor plan would remain open. A portion of the area would be the kitchen space. If calculating the entire building for infant care, the requirements were met. When the concrete area was removed, there would be a drainage plan requirement for review. There was a current 15' greenbelt which was required when the building was constructed. The property line went to the center line of the service road. There would be a 10' greenbelt variance. The site interior had two landscape strips which could satisfy the landscape requirement rather than islands, but it would require additional tree planting. On the north side it was unclear, but it appeared to be a 3' landscape strip. However,

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there was a shared line of existing trees with no room for additional landscaping. The 5' strip to the south of the property could have planting with the removal of the concrete.

Mr. Adams said the design was the best that could be done on an odd property. He moved to approve the variance and special use permit, seconded by Mr. Sones and was unanimously approved.

The last case discussed was SUP19-05-02 Steven C. Lee requests a Special Use Permit for Section 6.4.57, Medical Services, a parcel of land in square 47, 2020 Woodrow Street, zoned TC.

Ms. Scott presented that the applicant was proposing to open a Medical Services office as classified under CLURO Section 6.4.57. The office was proposed to be within a building located at 2020 Woodrow St. (former Shiver Shack). This property was zoned TC, Town Center. Medical offices required a Special use Permit.

The applicant stated in the application, that they were requesting to locate the medical office in the rear half of the building. The front half remained a snowball stand and restaurant. "I wish to provide medical consultations for professional clientele interested in avoiding opiate medications".

A conceptual site plan had been submitted that indicates the following:

- Existing snowball area 1,751 Square feet
- Proposed medical office 1,751 Square Feet
- Storage 139 Square Feet
- Total 3,641 Square Feet

The site plan indicated an existing wood deck, existing outdoor seating, and rear alley with parking. The site plan noted that the building was 2,106 square feet and additions on the side and rear added 674 square feet for a total of 2,780 square feet.

A special use permit was granted for the snowball stand (outdoor fast food) in 2003. The site plan submitted and approved provided for 8 on-site parking spaces including a gravel drive that circulated around the building that was never constructed.

The Property was zoned TC, Town Center and the site development criteria was to follow the B-3 Old Mandeville Business District. Site development variances had been previously granted for building setbacks.

Parking:

Parking shall be in accordance with CLURO Section 6.4.70.1, Shopping Center, Neighborhood Commercial: 4 parking spaces per 1000 sf (1:250). That was the parking requirement for any business in the Town Center District.

Both the snowball area and the proposed medical office together within the building consist of 3,502 square feet. One parking space for 250 square feet required 14 parking spaces. This site plan proposed all spaces on-street.

The TC provided for the following:

- (2) When on-street parallel parking is available in areas where shoulders are adequate for parking or when public on-street parking bays are available, the required number of off-street parking spaces for non-residential uses may be reduced by up to a number equal to the number

of on-street spaces abutting the lot. No fraction of a space shall be counted when using this provision.

b. **Parking Reductions by Exception.** In the T-C District, parking requirements for non-residential uses may be reduced or waived by the Zoning Commission in conjunction with a Special Use Permit application and based on the findings of the Zoning Commission that the reduction or waiver does not adversely affect surrounding commercial or residential uses and:

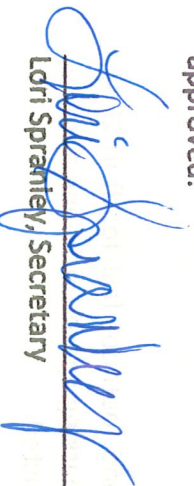
- (1) Existing public parking within the area is sufficient to accommodate the proposed use; or
- (2) The person receiving an exception to reduce the number of spaces agrees to contribute to the Optional Parking Mitigation Fund established for the purpose of providing public parking and pedestrian amenities in accordance with a Master Plan of the B-3 District in accordance with section 9.3 of this Code; or
- (3) The person receiving the exception has agreed to provide public improvements that mitigate the parking reduction within six hundred (600) feet of where the proposed use is located and the installation of sidewalks or pedestrian ways between the parking and the site.

Mr. Adams said this was not the use that was envisioned in the Town Center, but it was a benign use with the front of the building being a typical use. The medical office hours of operation would not conflict with other uses in the area.

Mr. Clark clarified that it was a counseling office with no medical supplies in the office. Dr. Lee, applicant, said there would be no procedures performed in the office.

Mr. Clark moved to approve the Special Use Permit for the medical office, seconded by Ms. Bush and was unanimously approved.

Mr. Adams moved to adjourn the meeting, seconded by Mr. Clark and was unanimously approved.


Ldri Spratley, Secretary


Michael Blache, Chairman
Zoning Commission