

**Planning Commission  
Public Hearing  
August 28, 2018**

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

Present: Nixon Adams, Michael Blache, Ren Clark, Simmie Fairley, Dennis Thomas, and Rebecca Bush

Absent: Bill Sones

Also Present: Louissette Scott, Director, Planning Department; Paul Harrison, City Attorney; Catherine Casanova, Landscape Inspector; Mayor Donald Villere and Council Member Clay Madden

The first planning case also had a corresponding zoning case and both cases were discussed in conjunction. The planning case discussed was P18-08-05 Recommendation to the City Council regarding Ordinance 18-26, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO REZONE FROM B-1 NEIGHBORHOOD BUSINESS DISTRICT TO PCD-PLANNED COMMERCIAL DISTRICT A PARCEL OF LAND BEING A PORTION OF SQUARE 63 ON THE OFFICIAL PLAN OF THE CITY OF MANDEVILLE, WHICH PORTION MEASURES 233 FEET FRONT ON FLORIDA STREET, 282 FEET FRONT ON JACKSON AVENUE, 282 FEET ON THE SIDELINE NEAREST ATALIN STREET AND 233 FEET ON THE SIDELINE NEAREST MONTGOMERY STREET, MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION AND SURVEY BY KELLY J. MCHUGH & ASSOCIATES, INC., ATTACHED AS EXHIBIT "A," HEREINAFTER REFERRED TO AS "SUBJECT PROPERTY," AND TO FURTHER GRANT A CONDITIONAL USE PERMIT APPLICABLE TO THE SUBJECT PROPERTY PERMITTING THEREON AN INN AND/OR BOUTIQUE HOTEL AND ASSOCIATED USES AS DEFINED UNDER CLURO SECTION 6.4.44 LODGING (TRANSIENT) HOTEL/MOTEL, ALL AS SET FORTH ON THE PLANS PREPARED BY PIAZZA ARCHITECTURE PLANNING APAC, ATTACHED HERETO AS EXHIBIT "B"; AND OTHER MATTERS IN CONNECTION THEREWITH. The zoning case discussed was Z18-08-05 Recommendation to the City Council regarding Ordinance 18-26, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO REZONE FROM B-1 NEIGHBORHOOD BUSINESS DISTRICT TO PCD-PLANNED COMMERCIAL DISTRICT A PARCEL OF LAND BEING A PORTION OF SQUARE 63 ON THE OFFICIAL PLAN OF THE CITY OF MANDEVILLE, WHICH PORTION MEASURES 233 FEET FRONT ON FLORIDA STREET, 282 FEET FRONT ON JACKSON AVENUE, 282 FEET ON THE SIDELINE NEAREST ATALIN STREET AND 233 FEET ON THE SIDELINE NEAREST MONTGOMERY STREET, MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION AND SURVEY BY KELLY J. MCHUGH & ASSOCIATES, INC., ATTACHED AS EXHIBIT "A," HEREINAFTER REFERRED TO AS "SUBJECT PROPERTY," AND TO FURTHER GRANT A CONDITIONAL USE PERMIT APPLICABLE TO THE SUBJECT PROPERTY PERMITTING THEREON AN INN AND/OR BOUTIQUE HOTEL AND ASSOCIATED USES AS DEFINED UNDER CLURO SECTION 6.4.44 LODGING (TRANSIENT) HOTEL/MOTEL, ALL AS SET FORTH ON THE PLANS PREPARED BY PIAZZA ARCHITECTURE PLANNING APAC, ATTACHED HERETO AS EXHIBIT "B"; AND OTHER MATTERS IN CONNECTION THEREWITH.

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

The next case discussed was P18-08-10 Recommendation to the City Council for the adoption of the Capital Improvements Budget for fiscal year 2018-2019, in relation to the Capital Improvements projects being consistent with the Comprehensive Plan

Mr. Adams said as a general comment, he felt the Planning Commission needed to be included in the Capital Budget process and moving forward the discussions would become easier. Mayor Villere said the City Council was interested in the commission's remarks or concerns.



Mr. Adams said the vast majority of the capital budget required no comment. The Comprehensive Plan stated maintaining good infrastructure and the budget was in compliance with the plan. The specific item of discussion was related to the restroom by the splash pad at the harbor.

Mr. Blache agreed the capital budget discussion should have taken place prior to the budget hearings and it was hard to do after the fact. He had reviewed the general government expenses and nothing appeared to be out of compliance. Mr. Adams said the only item might be the interpretation of Marigny statement of the use of the land. On the same token, facilities need restrooms. It was a matter of looking at aesthetics and the view. The Historic Preservation Commission had expressed an opinion and he would not question their recommendation. Mr. Blache said when mentioning structures, the City was beyond that. Mr. Adams said the question was what was a structure and what was an edifice.

Mr. Clark said the French interpretation was "none whatsoever". He has asked what does the position of a Frenchman in 1834 have to do with 2018. On page 34 of the Comprehensive Plan, the City quoted Marigny incorrectly and then stated we would honor his vision. Mr. Thomas suggested everyone agreed a restroom was needed. His comment was on the Historic Preservation Commission's suggested location being the ball field which was in close proximity. Mayor Villere said there was no space at that location. Mr. Adams said also it was not a public facility. Mr. Thomas said it was a close proximity to the boat launch, ball field, and the splash pad park. It was a happy medium. Mr. Adams said some people walk 800-900' to the Pelican Park restrooms. He felt it would be the same discussion with all of the City facilities needing a restroom. The restroom should conform to the character of the neighborhood. Mayor Villere said there was a line item for restrooms at Sunset Point. Mayor Villere said it would have to be elevated like the restroom at the harbor.

Mr. Adams said he was in agreement to recommending the existing capital budget, but requested the commission be part of the process during the year. Mr. Clark suggested reworking the Comprehensive Plan because the ambiguities were crippling as it was clear in what it said and the discussion was saying "go jump in the lake". Mr. Adams disagreed with Mr. Clark's opinion.

Ms. Scott said the idea was to vote to approve or disapprove specific projects for consistency with the Comprehensive Plan. If there were questions or concerns, they should be included as a finding. Mr. Clark said he did express his concerns. He said there was a disconnect between the plan and the proposal. At a point some things were not negotiable. He clarified that the restroom should be constructed off of the lakefront and away from the south side of Lakeshore Drive. Mr. Adams said he would also prefer that. He thought the argument was permanent versus temporary structures. Mr. Clark said the City owned the former sewer treatment plant down the street. He said for 180 years people had existed without a restroom on the lakefront. It was an interested question about our town going forward. Mr. Adams asked specifically what did not conform. Mr. Blache said the ambiguity was the City was bringing forth projects like playgrounds and fountains encouraging people to come out and the City was not providing facilities needed from a health perspective. Mr. Adams said facilities should not be built without restrooms. Mr. Blache assumed in Marigny's day there were not many restrooms. Ms. Scott said procedurally the commission would englobe look at the projects, and if there were project questions to hold that out and identify the inconsistencies. Mr. Clark said it would be interesting if the legal department would give the commission a list of vetted projects within the commission's purview. Mr. Harrison said he felt this was nothing new to the City. La. State Statute 33:109 had been included in the Comprehensive Plan since 2007. He had attended all of the meetings discussing the projects that were within the commission's review. It was for the Planning Commission to dictate which



projects were inconsistent. The discussion seemed to center on the lakefront restrooms. If there were no problem with other capital projects, he suggested as a commission to approve the capital/public projects that the commission felt were consistent with the Comprehensive Plan. If there was another project that was inconsistent then carve it out.

Rebecca Rohrbough, 2525 Lakeshore Drive, said one of the topics she would like to discuss was the sidewalk on Carroll Street going south. She had listened to the discussion about protecting the oak trees on Monroe Street. There were two live oak trees located on the corner Monroe/Carroll Streets located on private property and she did not know how the City could place concrete and protect the dripline. She thought it was inconsistent that the CLURO could protect the two live oak trees on Claiborne Street and not protect the Carroll/Monroe Streets trees. There was not much citizen input for a pervious surface and that might be a good for the balance of Carroll Street going south. People had been getting around the corner for years and the two trees should not be jeopardized. The trees were overhanging where a sidewalk would be located; they were still growing and the root systems should not be tampered with. Mr. Adams asked if there was a case about this before the board. Ms. Rohrbough said it was a public project. Mr. Adams said the discussion of the Claiborne Street oak tree was in conjunction with a case on the commission's agenda. Ms. Bush asked if there was an arborist opinion. Mayor Villere said no, there were culverts at the location with the sidewalk to be placed over it. There would be no adverse effect from the sidewalk. Ms. Bush asked in general if the arborist must sign off on the project. Ms. Scott said yes, it would reviewed.

Ms. Rohrbough stated her second topic of discussion was the lakefront restroom of which she thought the proposal was in conflict with the Comprehensive Plan. She referenced the Growth and Management Element of the plan cited in the Executive Summary.

*Executive Summary – Organization: The Growth Management Element establishes principles to guide specific actions. It also defines a vision for Mandeville's future and establishes goals and policies that will help achieve that vision.*

#### *Key Issues*

*Environmental Issues – Preserving the natural character of the city. The development along these waterways will shape the character of the City. By retaining the wooded, natural character of these areas, the City can maintain a natural amenity that also helps enhance water quality and limits flood hazards. Ms. Rohrbough stated that she did not find impervious surfaces fit into that.*

*Land Use and Growth Issues – Compatible use of the lakefront Capitalizing on Lake Pontchartrain and Ms. Rohrbough pointed out the establishment of a premier waterfront development on the vacant land east of the Causeway (PreStressed site) and expanded passive recreation opportunities within the wetland areas west of the causeway.*

This was the direction that the Comprehensive Plan picked up on for the lakefront area, not the natural area by the Harbor.

*While each of these issues is addressed through the goals, objectives and policies of the Growth Management element and the action of Implementation Element.*

*While improving access to recreational amenities. While the City has abundant acreage devoted to recreation, many neighborhoods lack access to parks and playgrounds. The west side of the City was underserved.*



The Comprehensive Plan pointed to the areas where it was needed. She had heard Councilman Ellis repeatedly ask for parks and recreation solely there.

*Parks and Recreation. Policy 6.2. Maintain and enhance lakefront as a signature of the City. Retain open access to the lakefront for residents and visitors in accordance with Marigny's mandate.*

*Natural Resources – Goal 7: To retain valued natural resources and safely include natural areas throughout the City. Open space lands should be largely undeveloped, but may include trails, benches and other pedestrian amenities. Open spaces should not include active recreational facilities or impervious surfaces other than trails.*

Ms. Rohrbough said nothing about a restroom could fit that criteria.

*Natural Resources – Lakefront: This sub-area of Old Mandeville, which includes the corridor along Lakeshore Drive, is a vital element of Mandeville's character and the signature of the City. In the dedication of the original town site, Bernard Xavier de Marigny de Mandeville's plan stated that:*

*The space situated between Lake Street and the Lake will always remain free and for common use; that no individual nor corporation shall raise any edifice whatsoever, nor change its destination (purpose), and that the banks of the Lake facing the said space will also remain forever free and for common usage.*

Ms. Rohrbough referenced Policy 6.2 and asked how could the City follow Marigny's mandate and adhere to only half of it. The Historic District Preservation Commission had been concerned and they did not wish to see a permanent structure and not at that site. The commission also brought up the greater need to put it in the area of the Harbor and the ball field to encompass the entire area. Those recommendations should be seriously considered. The north side of the area was the sensible side where there was more activity.

Mr. Blache said it was stated that "no individual or corporation", and he asked if the City was taking it literally. Ms. Rohrbough said the City was an incorporated entity and cities did exist at that time. Mr. Blache asked what the intent of a corporation. Ms. Rohrbough said everyone was searching for more detail. She solicited help from Sally Reeves who translated in English the Act of Sale for the property that John Davis purchased. Every Act of Sale for all lots read identically. The last paragraph read "to respect the comments made on the sale of the land of Mandeville that the space between Lakeshore Drive and the lake will always be free and for common use. Anyone or any corporation will not be authorized to build a building at any time nor change his purpose of green, free space and the banks of the lake facing the space will stay this way and remain forever free and for common use."

Mr. Blache said the quote asked more questions. He was trying to understand the true intent to make sure that everyone enjoyed the lakefront free of enterprise as the true intent. Mr. Adams said Marigny had a long history of supporting French law and philosophy and felt that was more of his intent. No one could use it to make money; it was for the public. Mr. Blache asked if the intent was that the lakefront would stay free for everyone to use. Ms. Rohrbough said in the translation it went back to the mandate that anyone or any corporation will not be authorized to build a building of any kind. She asked how much clearer that could be. It also stated "nor change its purpose of green space." Mr. Adams said there had been buildings built. He said if it was up to him there would not be anything there, but even when Marigny was alive he thought there was something built. Ms. Rohrbough said old pictures indicated the structures were over the lake, and there had never been a solid enclosed



**Planning Commission  
Public Hearing  
August 28, 2018  
Page 5**

structure. It was in violation of the Comprehensive Plan. Mr. Adams said it stated no recreational facility. Ms. Rohrbough asked since when was a restroom a recreational facility. Mr. Adams said there was a splash pad which was more than a swing set. Ms. Rohrbough said if the commission had reviewed the capital projects the year that was constructed, she would have been appearing before the commission.

Mr. Adams said the Comprehensive Plan was what people thought in 2007 and the time before that. He thought it was accepted as gospel that Marigny did not want anything on the lakefront. Mr. Clark said it was a problem with the language. He asked if Marigny had a mandate and was it recognized by the people. If not, then the commission should reword the Comprehensive Plan since it was confusing. He asked what was the definition of passive recreation. There was also the statement of preserving the natural. There was a 1968 essay named "Tragedy of the Commons" that discussed the destruction of common land by selective overuse by certain interests. His point was if the City did not believe in it then remove it from the Comprehensive Plan because the language was clear.

Mr. Harrison said there was a dedication in 1834 which transferred full ownership to the City. The most important component was the intent for the land to remain for the public use, and it was all being used for the public. If the public was in support of a specific project that was what was wanted. Looking at the implementation of a project that it was for public use, the City would not afoul of the donor's intent. How to do it was the discussion. Marigny did not want the City to have ownership and then privately sell it off. The historical context of a donor's intent was significant. This was a man who owned slaves and used them as collateral for loans. The year 1834 was a complicated time. It may not have any implications today. The location of the restroom and how the City put it there was the issue. Mr. Adams said the land sale was in 1834, but Mandeville did not become a City until 1840 by incorporation. Mr. Clark said the same points were on every bill of sale and acted like a restrictive covenant. Mr. Adams asked when Mandeville as a city picked up the same restrictions that Marigny had placed on other property owners.

Ms. Rohrbough said Sally Reeves said at the time of the founding in 1834 state law presumed that land sold via advertisements and a plan constituted a dedication of streets, public squares, rights-of-way for public spaces such as public market areas and recognition of covenants. Developers who subsequently tried to take these spaces back usually lost their cases for this reason. The land along the Mandeville lakefront continued to be reconvened by signs and by the covenant repeated long after the City was incorporated. It was not until 1870 that the state law changed to require that a street or square be specifically dedicated to the public as opposed to being illustrated on a plan for which lots were sold. The overall absence of significant structures for 180 years points to the understanding that the population did not want to see building on the grassy areas of the lake. Developers in the 20<sup>th</sup> century tried to reclaim land that was drawn on the plans pre-1870 and they had lost their cases in court. Ms. Rohrbough stated Marigny knew what he was saying and putting into law. There was evidence of him being a conservationist using the word green space and stating no edifice whatsoever. She felt the project on the south side of the lakefront should be moved to the north side. The Historic District Preservation Commission had been concerned about a permanent structure and recommended a trailer that could be removed.

Ms. Scott read an excerpt of the Historic District Preservation Commission's recommendation to the City Council:

In considering both the permanent structure and portable structure in the different locations. They recommended the portable structure stating:



In general, bathroom facilities are appropriate for the general vicinity serving not only the Harbor Playground, but also boaters (docked and using boat launches), and visitors such as those who may be coming in from the Tammany Trace to the Lakefront.

However, the Commission was deeply concerned about the siting of the permanent structure and found this problematic for the following reasons:

The proposed location, at the point of the Harbor Park Playground, is a primary entrance to the lakefront from Jackson Ave. To anchor this site with a bathroom will have an adverse impact on the streetscape and on the City's most iconic landmark.

- A structure at this location will block views through the existing park to the Lake. As one enters the lakefront from Jackson Ave, the view to the lake will be blocked by any structure placed in this proposed location. Every effort should be made to preserve this view, from the street edge all the way to the water. This is a valuable view shed and should not be destroyed.
- To date, the existing structures on the lakefront include such things as gazebos, swings and pergolas. These types of structures are compatible due to their temporary design, unlike the proposed bathroom (Option 1), which is a substantial permanent structure. Construction of this type is a long term, permanent impact solution and will set a historical precedence that is incompatible with existing structures on the lakefront and the overall streetscape of the lakefront.

Mr. Adams asked if the temporary structure was included in the budget. Mayor Villere said it was not identified. There was a restroom line item and a cost. Mr. Adams stated that the Historic District Preservation Commission recommended a temporary structure and he was in agreement. Mr. Clark said it should not be placed on the south side of the lakefront. Ms. Scott said the commission recommended to locate the structure on the part of the park so it would not obstruct the view rounding Jackson Avenue. Mr. Adams asked if the capital budget moved forward, would the construction be of the temporary structure. Mayor Villere stated it would be a temporary structure.

Ms. Scott said the options were forwarded to the Historic District Preservation Commission for a recommendation to the Mayor and the City Council. The Planning and Zoning Commission would be recommending the approval of capital projects. If there were concerns such as location, the commission could make comments. Mr. Adams asked if the commission could make a recommendation based on the Historic Preservation District Commission's recommendations being followed. Mr. Clark said the commission was asked if the restrooms met the goals of Comprehensive Plan. He and others felt that Marigny had a mandate not to erect any building south of Lake Street. Mr. Adams said if it was a temporary structure then he assumed it was not a building.

Leonard Rohrbough, 2525 Lakeshore Drive, said if the Historic District Preservation Commission recommended that the restrooms should not be located at the harbor point and it should be a trailer, then the commission should also recommend amending the budget. The Planning Commission stated that cost was not their purview. Mr. Rohrbough suggested the commission recommend that the structure should not be located anywhere from the extension of Jackson Avenue west or south of Lakeshore Drive. Mr. Clark said there was nothing to say there should not be a restroom, but the location was everything.

Council Member Clay Madden requested the commission make a recommendation at this meeting. The Historic Preservation District Commission had discussed and debated the restroom. The commission discussed the ball field location and concluded it was not a viable



**Planning Commission  
Public Hearing  
August 28, 2018  
Page 7**

option since the property was not owned by the City. To him, this was a Lakeshore Drive/Jackson Avenue Park restroom. The commission had chosen the trailer option and the City Council was in agreement. He said Ms. Scott had stated it well for the location to be south of Lakeshore Drive, but further down the Jackson Avenue Extension so it was not obstructing the view. He said if the Historic Preservation District Commission made a recommendation then this commission should also make a recommendation. Mr. Harrison said procedurally the commission needed to vote at this meeting. If there were comments on the restroom project, include those comments.

Mr. Adams said he understood the project moving forward was with the Historic Preservation District Commission recommendation. Mr. Madden said the City Council could provide a resolution of the trailer being located at "x" location if the commission needed it, but the recommendation was the consensus by the Historic Preservation District Commission, City Council and Mayor Villere.

Mr. Thomas moved to recommend that the commission was in agreement with the Historic Preservation District Commission's recommendation of the location of a portable restroom on the Jackson Avenue extension, seconded by Mr. Adams.

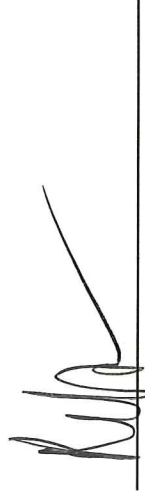
Ms. Rohrbough said the Historic Preservation District Commission was clear if the building was portable that it should be placed as far out of sight of the viewpoint of the triangle.

The motion passed 5-1 with Mr. Clark voting against the motion.

Mr. Thomas moved to adopt the minutes of June 26, 2018, seconded by Mr. Blache and was unanimously approved.

Ms. Bush moved to adjourn the meeting, seconded by Mr. Thomas and was unanimously approved.

  
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Lori Spranley, Secretary

  
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Rebecca Bush, Chairwoman  
Planning Commission



**Zoning Commission  
Public Hearing  
August 28, 2018**

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

Present: Nixon Adams, Michael Blache, Ren Clark, Simmie Fairley, Dennis Thomas, and Rebecca Bush

Absent: Bill Sones

Also Present: Louisette Scott, Director, Planning Department; Paul Harrison, City Attorney; Catherine Casanova, Landscape Inspector; Mayor Donald Villere and Council Member Clay Madden

Mr. Adams announced that written notice of decisions regarding zoning variances will be filed in the Board's office the following day of this meeting at which time applicable appeal time will begin to run.

The first zoning case also had a corresponding planning case and both cases were discussed in conjunction. The planning case discussed was P18-08-05 Recommendation to the City Council regarding Ordinance 18-26, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO REZONE FROM B-1 NEIGHBORHOOD BUSINESS DISTRICT TO PCD-PLANNED COMMERCIAL DISTRICT A PARCEL OF LAND BEING A PORTION OF SQUARE 63 ON THE OFFICIAL PLAN OF THE CITY OF MANDEVILLE, WHICH PORTION MEASURES 233 FEET FRONT ON FLORIDA STREET, 282 FEET FRONT ON JACKSON AVENUE, 282 FEET ON THE SIDELINE NEAREST ATALIN STREET AND 233 FEET ON THE SIDELINE NEAREST MONTGOMERY STREET, MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION AND SURVEY BY KELLY J. MCHUGH & ASSOCIATES, INC., ATTACHED AS EXHIBIT "A," HEREINAFTER REFERRED TO AS "SUBJECT PROPERTY," AND TO FURTHER GRANT A CONDITIONAL USE PERMIT APPLICABLE TO THE SUBJECT PROPERTY PERMITTING THEREON AN INN AND/OR BOUTIQUE HOTEL AND ASSOCIATED USES AS DEFINED UNDER CLURO SECTION 6.4.44 LODGING (TRANSIENT) HOTEL/MOTEL, ALL AS SET FORTH ON THE PLANS PREPARED BY PIAZZA ARCHITECTURE PLANNING APAC, ATTACHED HERETO AS EXHIBIT "B"; AND OTHER MATTERS IN CONNECTION THEREWITH. The zoning case discussed was Z18-08-05 Recommendation to the City Council regarding Ordinance 18-26, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO REZONE FROM B-1 NEIGHBORHOOD BUSINESS DISTRICT TO PCD-PLANNED COMMERCIAL DISTRICT A PARCEL OF LAND BEING A PORTION OF SQUARE 63 ON THE OFFICIAL PLAN OF THE CITY OF MANDEVILLE, WHICH PORTION MEASURES 233 FEET FRONT ON FLORIDA STREET, 282 FEET FRONT ON JACKSON AVENUE, 282 FEET ON THE SIDELINE NEAREST ATALIN STREET AND 233 FEET ON THE SIDELINE NEAREST MONTGOMERY STREET, MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION AND SURVEY BY KELLY J. MCHUGH & ASSOCIATES, INC., ATTACHED AS EXHIBIT "A," HEREINAFTER REFERRED TO AS "SUBJECT PROPERTY," AND TO FURTHER GRANT A CONDITIONAL USE PERMIT APPLICABLE TO THE SUBJECT PROPERTY PERMITTING THEREON AN INN AND/OR BOUTIQUE HOTEL AND ASSOCIATED USES AS DEFINED UNDER CLURO SECTION 6.4.44 LODGING (TRANSIENT) HOTEL/MOTEL, ALL AS SET FORTH ON THE PLANS PREPARED BY PIAZZA ARCHITECTURE PLANNING APAC, ATTACHED HERETO AS EXHIBIT "B"; AND OTHER MATTERS IN CONNECTION THEREWITH.

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

The next case discussed was V18-03-04 Jeremy L. Sims requests a variance to Section 7.5.10.3, B-3 Site Development Regulations, Section 7.5.10.5, Special B-3 Old Mandeville Business District Criteria, and Section 9.2.5.2, Vegetation Protection Zone, lot 2, square 20, 1929 Monroe Street, zoned B-3



Ms. Scott presented the property was the last lot to the east located in the B-3 zoning district. The adjacent property was zoned R-1. There was an existing house and garage on the site. The trunk of one live oak tree was located on the property to the west and one live oak tree was located to the rear portion of the lot. The commission had discussed during the work sessions that the existing structure had been approved for demolition, but it was now occupied. The owner was still interested in demolition and reconstruction with the goal being to rebuild to live on the property with bed and breakfast and a café. The original submittal was to construct a duplex in the front of the property. All use submittals were more intense than the present use of the property and any proposed development would be affecting the live oak trees. There was a report from Dr. Malcolm Guidry and his concerns were with the ribbon strips of driveway to be removed and construction of a new driveway connecting to the new construction to the rear.

At the end of those discussions, the commission felt the front development should be limited to a single story single dwelling based on the Arborist comments who was concerned about the location of tree branches. New construction would have to be elevated to meet Fema requirements up to 5' msl. This would be less encroachment into the tree. Currently, the house was located 7' off the property line. If the house was demolished then the new construction must meet the B-3 buffer criteria of 20' next to the R-1 zoning district. The applicant proposed a 10' setback and in the discussions the long term goal was to convert the single family residence to a café or bed and breakfast. The applicant wanted to live on the site and proposed to construct a two story garage apartment in the rear. The commission's discussion was if the intent was to build to the rear and to stay out of the tree's dripline, the rear structure must be the first construction. At that time there was a request to table the case.

The driveway location on the revised plans would remain the same. The concern with the more intense development was that any construction to the rear driveway would consistently have access under the tree canopy. The proposed aggregate would still be compacted over time with some die back on the tree.

The revised submittal included Mr. Sims' proposed plans explained with an 11 page documents and associated PowerPoint presentation describing his approach for Phase I and Phase II both in writing and with drawings. Basically, this document described his long term design and construction plans with multiple options for both front and rear construction.

The submittal included the following information:

- Full Layout 2 Story Duplex Residence
- First Floor (Zoom) 2 Story Duplex Residence
- Front House (First Floor) Café/ B & B Concept
- Front Garage/Carport
- Rear Garage (Phase I)

#### Phase I:

#### **GOALS:**

- *Be able to retire to this property o/a 2022 and have a source of income while residing on the property.*
- *Important to be able to age into the home. As a combat veteran it is very important to me to be able to support access to the property for wounded veterans. (i.e. be ADA compliant.)*
- *Utilize water conservation strategies to minimize storm runoff, incorporate native vegetation, and assist in longevity of the Live Oak on the property.*



- *Design to incorporate Mandeville's mandate that all B-3 structures shall be designed so they do not preclude future use for non-residential purposes.*

Ms. Scott stated this goal was for development of the front portion of the property and the commission had stated the rear should be developed first so there would be no impact on the trees.

#### **FRONT Options**

- *Front Duplex - with Rear Garage understanding that the long-term goal is a small BnB/Coffee Bar/Cafe on 1<sup>st</sup> floor. Renovate front garage using part of current carport space for ADA parking and lift*
- *NO to Duplex - Then request 2 story single family home with Rear Garage with understanding 1<sup>st</sup> floor BnB/Coffee Bar/Cafe in the future and upstairs will become a family residence. Renovate front garage using part of current carport space for ADA parking and lift*
- *NO to 2 story single family home - Then 1 story single family home with Rear Garage understanding that will convert front residence to BnB/Coffee Bar/Cafe in the future and build single family home in rear. Renovate front garage using part of current carport space for ADA parking and lift.*

In regard to the proposed **FRONT OPTIONS** (duplex/2 story single family/1 story single family) as set forth in submittal by applicant, the following are associated with that Proposal:

#### **ALL FRONT Options:**

- *Build to FEMA standards (elevated 5ft)*
- *Request 13 ft variance to setback on east side of property (currently has approximately a 5ft setback) which is similar to other properties on the block.*
- *Incorporate ADA specifications for bathrooms, parking, and access to the BnB/Coffee Bar/Cafe via lifts in the front and rear of property.*
- *Request street ADA parking space in front of property or a variance to make an ADA parking pad in front of the existing garage and incorporate an ADA lift in the rear of the property*
- *Renovate Front Garage*
- *Minimize windows that create views of east neighbor. Use elevated windows without direct view when possible.*
- *First floor layout would change to capture the stair space if city does not approve 2<sup>nd</sup> floor (Duplex or Two story single family home)*

The staff viewed the application as site development variances. The applicant was presenting his long term goals. The basic discussion was if the house was demolished, what could be rebuilt and what would be the footprint with the understanding of the future goals.

The parking was required to be a minimum of 5' from the property line, and the applicant was proposing for much of the parking to be at property line and the majority of it within the dripline of the tree which was a violation of the regulations.

#### **REAR GARAGE - (set forth in submittal by applicant)**

- *Goal at this phase is to maximize parking in the rear of the property. Additionally, if front Duplex is denied this will give option for future build of mixed use residential/commercial incorporating interior stairs and elevator.*
- *Build Garage in such a way the columns and foundation will support going up two (2) floors in the future.*
- *Water and sewer should be run to the garage for cleanup sinks, potential for ½ bath built to flood resistant standards and tapping into when/if build up occurs. Minimizes double*



- construction on the site.
- Ground floor street façade would turn into “covered porch” if needed and should be part of future design.
- Column spans should be wide. Fewer columns is better for ease of parking
- Request variance for west side driveway extension into the 20’ rear setback so cars can turn around when parked in the garage
- High ceilings (11’ or 12’)
- Driveway under dripline would be permeable surface. Outside of dripline would be asphalt or concrete.

*Summary of Proposals (submitted by applicant):*

*Front Two Story Duplex (Y/N)*

- With rear garage and driveway (Y/N)
- Renovate Current Garage? (Y/N)
- Renovate Current Garage? (including utilities) (Y/N)
- Variance for parking pad in front of Front Garage for ADA parking space? (Y/N)
- If no to ADA parking pad, approval for ADA street parking space? (Y/N)
- Later convert 1<sup>st</sup> Floor into BnB w/Coffee Bar/Café? (Y/N)

*If NO to Front Two Story Duplex then...*

*Front Two Story Single Family Home (Y/N)*

- With rear garage and driveway (Y/N)
- Renovate Current Garage? (Y/N)
- Renovate Current Garage? (including utilities) (Y/N)
- Variance for parking pad in front of Front Garage for ADA parking space? (Y/N)
- If no to ADA parking pad, approval for ADA street parking space? (Y/N)
- Later convert 1<sup>st</sup> Floor into BnB w/Coffee Bar/Café and residence upstairs? (Y/N)

*If NO to Front Two Story Single Family Home then...*

*Front Single Family Home One Story (Y/N)*

- With rear garage and driveway (Y/N)
- Renovate Current Garage? (Y/N)
- Renovate Current Garage? (including utilities) (Y/N)
- Variance for parking pad in front of Front Garage for ADA parking space? (Y/N)
- If no to ADA parking pad, approval for ADA street parking space? (Y/N)
- Later convert 1<sup>st</sup> Floor into BnB w/Café AND build residence above garage in the Rear? (Y/N)
- Residence above garage in Rear, 1 story or 2 story?

The proposal would require a total of 9 parking spaces:

- 2 for the residence
- 2 for the B&B
- 5 for the restaurant

The proposal indicated 6 parking spaces which would be 3 less than required.

Mr. Adams asked what was before the commission. Ms. Scott said the commission asked because of the existing live oak trees and arborist comments that a single story single dwelling in the front of the property be a consideration. The other part of the proposal was another dwelling as a garage apartment. The commission had stated if there was any construction in the rear, it must be built first and that was not a proposal. The side yard setback was still proposed to be 7’ for a 13’ side yard variance request. The proposal indicated rear parking. If the applicant renovated the existing garage, it currently had driveway access, but the concrete ribbons were not in good shape. Mr. Adams said the garage would draw traffic over the tree roots. Ms. Scott said if the house was demolished, the reconstruction must meet the 20’ buffer on the east side. This owner or a future property owner may propose a mixed or commercial use and the buffer was to protect the single family residence on the east. This



block was full of cottages and it was intact as single family residences with the exception of the corner structure which contained an upstairs residence. There was parking on Girod Street and at the corner, but there was not a lot of parking on the block. This property with two specimen live oak trees and an arborist report of additional vehicular impact stated parking would adversely impact the trees. The additional height would require tree trimming that might hurt the integrity of the tree.

Mr. Adams asked if there was an option to install a driveway on the east side to get to the rear open space. Ms. Casanova said it would be closer to the trunk of the tree in the rear. It would be the same or a worse situation.

Mr. Blache said he wanted to keep the integrity of the zoning lines of B-3 and R-1 for future activity of the property. The use was currently residential and had no impact, but a commercial application could present potential problems. Mr. Blache asked what was being considered. Mr. Adams said it sounded like a planned development rather than a variance. Mr. Clark said the commission was being asked to validate various commercial models. The fundamental issue was what variances were being requested and what was the hardship of the setback being enforced. Mr. Adams said the hardship was to save the oak trees. This was not a typical lot in Old Mandeville. He thought not under any situation he did not know what to do to justify hurting the oak trees. Mr. Clark said with the house demolition what would be the hardship for allowing a smaller setback. Mr. Adams said it would a property in commerce. Mr. Clark said there were a lady and two children living there with a two year lease.

Lindsay Wolfe, architect, said the case was summarized well by Ms. Scott. Mr. Sims was requesting a vote. She had transmitted all conversation from the commission to him. Mr. Thomas said the commission specifically stated they wanted the rear construction first and construction to the front must be one story. Ms. Wolfe stated she had relayed that information. He addressed it by saying the rear garage would be built at the same time as the front construction to run all of the utilities at one time. His thought if he added another floor or two to the garage, the heavy construction had already been brought to the site and it would wood framing construction over the garage.

Mr. Thomas asked if the construction would be a garage with a roof. Ms. Woolfe said it would be an open garage structure with a roof that would be removed in the future for the house construction. Mr. Blache asked if a bed and breakfast was being considered. Ms. Scott said it was presented as informational since it was listed as a future use. The long term plan had issues. Mr. Thomas said the applicant was providing future plans and would need to show parking in the plan. Mr. Adams said he was not in favor of any height construction under the live oak trees.

Sean Delancy, 1921 Monroe Street and the adjacent neighbor, stated his concern was not knowing a future use. If the variance was granted, the applicant would be closer to his residence and future construction would be next to his property line. If the structure was to be raised to 5', the structure could be 40' in height. Ms. Scott said the limiting factor was the tree. Mr. Delancy said there were cottages on the street and to construct a duplex would decrease his property value. Mr. Adams reiterated that Mr. Delancy was opposed to the side yard setback.

Ann Delancy, 1921 Monroe Street, said it was about the integrity of the neighborhood, the look of the street with the cottages, and the concern about their privacy. They built their family around their lot. She was nervous about the amount of footprint brought to their street. With six parking spaces provided there would be more people using the street for parking which would become a daily event. They were aware of what happened on their street with



**Zoning Commission  
Public Hearing  
August 28, 2018  
Page 6**

big events in the area. There were young children and it would increase the traffic. Mr. Clark clarified that Monroe Street was already a busy street.

Allan Beaucaudray, 503/505 Girod Street said Cody Favre could not be present because of the new baby. At the last meeting, Mr. Clark had asked the architect to provide an aerial view with a project overlay. It was a 200 year oak on the adjacent lot. Any damage to the root line would hurt the tree. Parking was a concern for the families and that was a primary concern.

Leonard Rohrbough, 2525 Lakeshore Drive, said he had not heard a discussion of what would happen if the neighbor's oak tree died because of the removal of the ribbon gravel drive and installed concrete. If the project was sold, the neighbors would have to pay for all of the oak tree replacement. Where would the Sims be responsible? Ms. Scott said the arborist reported stated there would be a long term adverse impact on the tree.

Carolyn Montief, 321 Coffee Street, said there was no hardship. There was an existing house being used. The proposed development was too large for the property. It was important to maintain the setbacks or privacy and drainage, infiltration, vegetation, and the protection of the trees. She requested the commission send a clear denial to the property owner. There was no reason for the variances.

Many Blancq, 1920 Monroe Street, said there were so many properties for sale that were vacant. The area could not handle this much parking. Animals were being killed yearly on their street. Weekly she saw people hitting the tree as it grew over Monroe Street. Mr. Adams said that was mentioned at a previous meeting. Ms. Scott said a sign would be posted. Ms. Casanova said she had sent the request to the Public Works Department. Ms. Blancq said this was her home and she asked the applicant to find a larger place for his business.

Mr. Adams stated by the granting of the variances that could result in the damage to the live oak trees, privacy issues with neighbors and to the current character of the neighborhood he moved deny the request, seconded by Ms. Bush. Mr. Clark requested to include in the findings that there was not a demonstrable hardship. Mr. Adams and Ms. Bush accepted the inclusion of the finding to the motion. The motion was unanimously approved.

Mr. Thomas moved to adopt the minutes of June 26, 2018, seconded by Mr. Blache and was unanimously approved.

Ms. Bush moved to adjourn the meeting, seconded by Mr. Thomas and was unanimously approved.

  
Lori Spranley, Secretary

  
Nixon Adams, Chairman  
Planning Commission



