

**Planning Commission
Public Hearing
March 27, 2018**

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

Present: Simmie Fairley, Dennis Thomas, Ren Clark, Nixon Adams, Bill Sones, and Rebecca Bush

Absent: Michael Blache

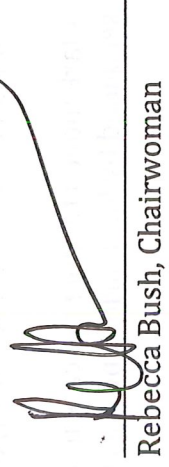
Also Present: Debbi Caraway, Planner; deShay Richardson, City Attorney; Catherine Casanova, Landscape Inspector, and Nic LeBlanc, Building Official

Ms. Bush moved to open the agenda to discuss a change of the May meeting date, seconded by Mr. Thomas and was unanimously approved. Ms. Bush moved to change the meeting from May 22nd to May 29th, seconded by Mr. Adams and was unanimously approved.

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



Lori Spranley, Secretary



Rebecca Bush, Chairwoman
Planning Commission

**Zoning Commission
Public Hearing
March 27, 2018**

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

Present: Simmie Fairley, Dennis Thomas, Ren Clark, Nixon Adams, Bill Sones and Rebecca Bush

Absent: Michael Blache

Also Present: Debbi Caraway, Planner; Catherine Casanova, Landscape Inspector/Arborist; Paul Harrison, City Attorney; and Nic LeBlanc, Building Official

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 case discussed was V18-03-02 The Port on Bayou Castine Condominium Association requests a variance to Article 9, Parking and Landscaping, to amend the Reforestation Plan under case V90-10-21, 651 Colbert Street, zoned PM-1

Mr. Clark moved to table the case until the April 17th meeting at the request of the applicant, seconded by Mr. Fairley and was unanimously approved.

The first zoning case discussed was V18-03-03 Jason and Laura Van Huss requests a variance to Section 5.2.3, Grading, Fill and Foundation Supplement, more specifically Section 5.2.3.1 Generally (2) Lot Grading and 5.2.3.2, Drainage Overlay District, Sub Area A (1) Grading and Fill, lot 1, square 13, 301 Marigny Avenue, zoned R-1

Ms. Caraway presented that the Huss's children were diagnosed with being exposed to high levels of lead in the yard. There were tests performed by LSU and the University of Minnesota which determined there was a considerable amount of lead in the soil. Ms. Huss requested to add 2" of fill to remediate the lead in the yard.

Mr. Adams said there were discussions and comments at the work session that the issue may also be applicable to other houses in the area. Mr. Clark said the highest level of lead was found around the dumpster which was around 300 parts per million and the EPA said 400 was the worry point. The other tested area was determined to be between 30 and 50 parts per million. He understood Ms. Huss was approaching the issue with caution and also suggested to spread a phosphorous stabilization. Ms. Huss said that was not the recommendation of the local County Agent.

Ms. Huss agreed they were approaching the issue with caution, and the suggestion of 2" of soil was the minimal amount of a barrier not to cause a re-exposure. She knew it might be a future precedent so that was why they were only asking for 2". Mr. Clark said in his research, he was suggesting phosphorous stabilization since it was a recurring suggestion creating a cap on the ground. Ms. Huss said she was following the local County Agent's suggestions. Mr. Clark was making the suggestion because he wanted Ms. Huss to be happy and secure that her children were safe. Ms. Huss said the threshold was for remediation. Mr. Clark said it might become a larger issue in the City with similar houses. Ms. Huss said the fill would stop 3' from the property line in accordance with the approved drainage plan.

In further discussion, Ms. Huss stated that the youngest child measured at 14 units and 20 units was mandatory hospitalization and chelation. At 14 units there would be continued monitoring and testing. Ms. Bush asked what was the base line and it was stated to be zero. Mr. Clark asked where else could it be encountered. Ms. Huss said she tested every surface and their toys, but they were not contaminated. Mr. Adams said it could be

**Zoning Commission
Public Hearing
March 27, 2018
Page 2**

more than just lead that was dumped. Ms. Huss said there were references of other historic districts taking into account lead remediation and enclosure.

Mr. Sones said he worked in industrial environmental and he had not heard of covering up a lead contamination problem and his company would remediate it. Ms. Huss said it was under 400 units so it did not require full remediation. Ms. Bush asked if in 5-10 years would there be a reoccurrence. Ms. Huss said lead was not a soluble element and did not travel easily so containment was an option. It was the easiest way to take care of the issue as long as it was not to the point of a major hazard. Mr. Adams said also part of case was the drainage plan. Ms. Huss said the neighbor had seen the drainage plan and did not object to the 2" of soil.

Mr. Adams moved to approve the variance for the addition of 2" of soil for remediation in accordance with the submitted drainage plan having been approved by the City Engineer, seconded by Mr. Thomas and was unanimously approved.

The next zoning case discussed was V18-03-04 Jeremy L. Sims requests a variance to Section 7.5.10.3, B-3 Site Development Regulations, Section 7.5.105, 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. Caraway presented a slab on grade single family home that was recently purchased. The property owner was proposing to demolish the home and construct a two story duplex that would be elevated in accordance with the flood zone. The property was located in the B-3 zoning district and was adjacent to the R-1 zoning district. The variance request was to the side yard setback and driveway width. Ms. Casanova has worked with the architect to cause the least impact on the trees. The duplex was allowable, but there were issues with the elevation in relation to the live oak tree branches as they grew over time. The original proposal was for a 5' setback adjacent to the R-1 zoning district where a 20' buffer was required with the ability of the property to be converted to a commercial use. The plan was revised to request a 10' setback and 10' variance and a change to the parking location on the site.

Mr. Adams said the present house was 7' from the property line and there was a large, tall, thick hedge on the east side of the property. Ms. Casanova said in regard to the driveway, Dr. Guidry stated there would be twice as much compaction with a duplex with twice as much traffic over the tree roots. Gravel would be the best surface. Mr. Thomas said Dr. Guidry had indicated that gravel over concrete would not be acceptable. Ms. Woolf said the revised plan removed the concrete runners and they would install limestone. Mr. Clark asked what was the ground elevation. Ms. Woolf said the house would be raised 4' 6".

Sean Delancy, 1921 Monroe Street, was concerned about the height of the duplex being adjacent to his home. If the house was 35' tall, it would be towering over his house. Mr. Adams said the maximum height allowed was 35'. Mr. Delancy said there was a mix of old cottages and new houses. Mr. Adams asked about the total square footage of the structure. It would be 1,124 square feet per unit. Mr. Clark asked Ms. Casanova's opinion of a two story structure in the tree canopy. She said the tree would continue to grow into the house, but it could be pruned up just enough to accommodate a single story structure. The construction of a two story structure would require radical pruning.

Lindsay Woolf, architect, said the construction would stay outside of the dripline and they were not building on the existing footprint. The tree would require pruning as it grew which would be pruned up and not to the side. If a one-story house was constructed, it would be elevated 4" with 11' ceiling heights at a 15' height before the slope of the roof. Over time the tree branches would still require pruning. Ms. Woolf said the proposal was a small two bedroom, two bath duplex. The reason for proposing construction on the front

**Zoning Commission
Public Hearing
March 27, 2018
Page 3**

of the property was not to infringe on the neighbor's backyard. Mr. Delancy agreed with the idea, but he was concerned about a possible 200' driveway to the rear for future endeavors. Mr. Adams said through the variance process, the commission could require building restrictions.

Mr. Clark said Dr. Guidry's last comment was not favorable. Ms. Woolf reiterated that she did not think Dr. Guidry understood that the house could not remain. It was not an option to keep the existing house with the renovation cost exceeding 50% of the value. Mr. Adams said the commission would prefer a new house constructed in the way the town had developed, but the commission cannot take the property out of commerce. The commission would like the least invasive construction. Ms. Woolf said 1,124 square foot per floor was minimal. If the house was positioned with the 20' setback there would be a sliver 8' wide which was not buildable. Mr. Adams said while the proposal met the height requirement, building into the branches would be trouble. Mr. Thomas asked if a one story building could be an option. Ms. Woolf said the owner said it was not feasible. While financial issues could not be discussed, the cost would increase to \$350 per square foot. Mr. Thomas was concerned about the west side of the property becoming another use. Mr. Adams asked if there could be a larger square footage on the first floor and Ms. Woolf said the house would be too close to the other tree. Mr. Adams suggested encroaching to a point under the dripline with a pier foundation for a larger first floor. Ms. Woolf said if that could be considered. Ms. Casanova said she would have to review the type of foundation and the amount of the encroachment. Ms. Woolf said if the structure was under 18% of the canopy, they would only gain 9' which may not be acceptable. Mr. Thomas suggested moving the house to the rear of the property. The owner decided to use the front of the property not to encroach onto the neighbor's rear yard. Mr. Delancy asked how the contractor would deal with the heavy trucks getting to the rear of the property. The plumbing would be extended 200' under both of the live oak trees and it would be the same issue. Mr. Thomas said at the work session there was a discussion of an option to build a house to the rear at the owner's retirement. He asked Mr. Delancy if he preferred a two story house overlooking his house or the rear yard. Mr. Delancy said he did not want to see that much change and a future café could be 5' from his house.

Cody Favre, 1928 Monroe Street, said it was previously discussed that the parking would be two spaces in the rear and two spaces in the garage. His concern was about an overflow of cars with the rear parking spaces not being used. Mr. Adams agreed that it was unlikely that the rear spaces would be used.

Mr. Adams requested to review a different plan. Mr. Thomas said he would like to see an option of building in the rear. Ms. Woolf said she would have to discuss it with the owner as a next step of a two story structure to the rear. The parking would then be requested to be placed under the house. Ms. Caraway said the structure would be elevated 8' with pier construction with a 20' rear yard setback with the lot being 250' deep. Ms. Bush asked about a timeline for presenting an alternate plan. Ms. Woolf said it could be accomplished in a few weeks with the next meeting being in three weeks.

Ms. Bush moved to table the case until the April 17th to review a revised plan, seconded by Mr. Sones and was unanimously approved.

The next zoning case discussed was V18-03-05 Hermitage on the Lake Property Owners Association requests a variance to Section 8.1.3.1, Supplemental Fence and Wall Regulations, Hermitage on the Lake Subdivision, zoned R-1

Ms. Caraway presented that the existing fence was constructed with the Hermitage on the Lake Subdivision in 1994. The fence was falling down and the homeowner association requested to construct a new 6' fence. The variance was requested because a

**Zoning Commission
Public Hearing
March 27, 2018
Page 4**

4" fence was allowed. Mr. Adams said the landscaping would remain with additional greenery.

A residence on West Chase Court had installed a 6' board fence with concrete at the bottom. Mr. Adams said it would be nice to match the height. Mr. Fairley thought it would look better matched up. Mr. Thomas said he recalled with the subdivision approval there was a negotiation about the fence with an arch which was attractive. He felt a solid 6' wall was not advantageous to a major corridor. Even though in disrepair, it did not look terrible and should the subdivision give up an attractive amenity. Mr. Adams said the owners might not want an 8' fence, but if it was screened no one would see much from the street. Mr. Clark asked what would happen if everyone else wanted an 8' fence.

Mr. LeBlanc clarified that the request was for 6' fence and a change to 8' would require additional advertising. Mr. Clesi said the boards were 6'. Mr. LeBlanc said there would be a conflict with the street tree roots if there was 12" footing. In earlier discussions, it was stated that the footings were failing because of the lack of continuous footing. Mr. Thomas asked if the columns could be stabilized at a reasonable cost. Mr. LeBlanc said the columns would fail and would continue to need maintenance.

Nathan Hoffman, HOA President, 460 Chase Court, said the two options had been to straighten the columns and fence but there was no guarantee how long it would last or install a simple cedar fence and landscaping. The neighborhood voted for a new cedar fence with just posts.

Mr. Clark said the neighbors live with the fence every day and the proposed aesthetics was what the homeowners wanted. Mr. Thomas asked about an option of continuing a curved top. Mr. Hoffman said by curving the top, it took away the opportunity to cap the wood fence which was a way to keep the boards straight. Mr. Hoffman said the HOA priced a 6' fence and that was what was approved. Mayor Villere asked if there would be 6" x 6" posts or would it be one continuous run. Mr. Hoffman said it would one continuous run.

Mr. Thomas moved to approve the variance request using either 6" x 6" or 8" x 8" posts for a 6' fence with an approved landscape plan. Mr. Hoffman said the HOA was working with the City. The motion was seconded by Mr. Sones and was unanimously approved.

The last zoning case discussed was V18-03-06 Brian and Jan Boudreaux requests a variance to Section 7.5.2.3, R-1X Site Development Regulations, lots 58 and 59, square 32, 2312 Monroe Street, zoned R-1X50.

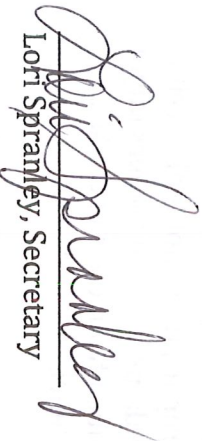
Mr. LeBlanc presented the need for the variance involved the National Electric Code and access to the electrical panel. The electrical panel was located on the northwest corner of the home and the condensing unit was located south of the panel. The issue was the clearance required adjacent to the condensing unit to access the electric panel. Otherwise there would be a need for a stairwell and an encroachment. The hardship was the access and he did not feel that the access was more than what was necessary. A 36" walkway was standard and as the Building Inspector Mr. LeBlanc indicated it was compliant with the regulation but encroached into the side yard. It was not a deck but a walkway. Mr. Adams said it was not an activity area. The variance would be for the deck area to allow access to the unit.

Mr. LeBlanc said the front porch encroached 14" into the front yard setback and approved by the Historic District Commission to allow for a larger porch. The structure was in the process of being elevated and the electrical panel was part of that requirement.

**Zoning Commission
Public Hearing
March 27, 2018
Page 5**

Mr. Thomas moved to approve the request for a front yard setback encroachment for the porch and the side yard setback for the deck and electrical panel access, seconded by Ms., Bush and was unanimously approved.

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


Lori Spranley, Secretary


Nixon Adams, Chairman
Zoning Commission

**Planning Commission
Work Session
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The meeting was called to order by Planning Chairwoman Rebecca Bush and the secretary called the roll.

Present: Simmie Fairley, Dennis Thomas, Ren Clark, Nixon Adams, Bill Sones and Rebecca Bush

Absent: Michael Blache

Also Present: Debbi Caraway, Planner; Catherine Casanova, Landscape Inspector/Arborist; Paul Harrison, City Attorney; and Nic LeBlanc, Building Official

Ms. Bush 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 planning case also had a corresponding zoning case and all cases were discussed in conjunction. The planning case was P18-04-03 Recommendation to the City Council regarding Ordinance 18-06 TO REZONE LOT 3A, SQUARE 43B OF SECTION 49, TOWNSHIP 85, RANGE 11 EAST, CITY OF MANDEVILLE, ST. TAMMANY PARISH, LOUISIANA, FROM OFFICE/RESIDENTIAL (O/R) TO PLANNED RESIDENTIAL DISTRICT (PRD); TO INCORPORATE LOT 3A, SQUARE 43B INTO RELACHER VILLAGE SUBDIVISION AND SUBJECT IT TO ALL REQUIREMENTS LISTED IN ORDINANCE NOS. 02-05A AND 03-15; AND TO AMEND THE PLANNED RESIDENTIAL DISTRICT CREATED UNDER ORDINANCE NO. 02-05A AND AMENDED UNDER ORDINANCE 03-15; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. The zoning cases discussed were Z18-04-03 Recommendation to the City Council regarding Ordinance 18-06 TO REZONE LOT 3A, SQUARE 43B OF SECTION 49, TOWNSHIP 8, RANGE 11 EAST, CITY OF MANDEVILLE, ST. TAMMANY PARISH, LOUISIANA, FROM OFFICE/RESIDENTIAL (O/R) TO PLANNED RESIDENTIAL DISTRICT (PRD); TO INCORPORATE LOT 3A, SQUARE 43B INTO RELACHER VILLAGE SUBDIVISION AND SUBJECT IT TO ALL REQUIREMENTS LISTED IN ORDINANCE NOS. 02-05A AND 03-15; AND TO AMEND THE PLANNED RESIDENTIAL DISTRICT CREATED UNDER ORDINANCE 03-15; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH and V18-04-07 Statewide Realty LLC requests a variance to Section 7.5.3.3, R-2 Site Development Regulations and Section 7.5.1535, Review of a Plan based on Existing Regulations, lot 3A, Square 43B, zoned O/R, to be zoned PRD.

Ms. Richardson presented that she had met with Ms. Scott who requested to amend the ordinance to read "to rezone Lot 3A, Square 43B, Section 49, T7S, R11E, City of Mandeville, St. Tammany Parish, from O/R, Office Residential, to Planned Residential District (PRD); approving a Conditional Use Permit to allow single family residential; approving the site development criteria, design criteria and architectural visual guidelines and elevations; and providing for other matters in connection therewith". Since this was a different lot with different dimensions so the property could not be incorporated into the Relacher Village subdivision and would have its own site plan.

Butch Shelton, owner, said the intent to construct two single family houses on this lot for his son and his daughter. Ms. Richardson said the zoning was currently Office/Residential and to have the same restrictions as Relacher Village, the property must be rezoned to Planned Residential District (PRD). Ms. Caraway confirmed that the property would contain two single family houses and it would not be a duplex. Mr. Shelton said there would be a common garage.

Mr. Adams reiterated that the request was to rezone the property to Planned Residential District. Mr. Shelton said the intent was to have a pleasing aesthetic from the street. Ms. Bush said the same revisions would be shown on the zoning case. The variance request would be removed from the agenda as unnecessary.

The last case discussed was P18-04-04 Recommendation to the City Council regarding Ordinance 18-09, AN ORDINANCE AMENDING THE COMPREHENSIVE LAND USE REGULATIONS ORDINANCE TO AMEND SECTIONS 7.5.1.3 R-1 SITE DEVELOPMENT REGULATIONS; SECTION 7.5.2.3 R-1X SITE DEVELOPMENT REGULATIONS; SECTION 7.5.3.3 R-2 SITE DEVELOPMENT REGULATIONS; SECTION 7.5.4.3 R-3 SITE DEVELOPMENT REGULATIONS; SECTION 7.5.10.3 B-3 SITE DEVELOPMENT REGULATIONS; SECTION 7.5.12.3 O/R SITE DEVELOPMENT REGULATIONS; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

Ms. Caraway presented a proposed CLURO change to revise the side yard setbacks in the residential districts. The requirement would vary in accordance with the width of the lot. After Hurricane Katrina and numerous house elevations, the side yard setback was increased to 10' on each side. With the impact to the trees and drainage, the ordinance discussed impervious coverage, significant loss of tree canopy, surface water storage capacity and increases in the volume and rate of surface water displacement.

Mr. Adams said the commission had previously discussed the revision. The reasons were shown in the Whereas, but it was not changing the 45% impervious coverage which should be increased. Mr. Adams said with a 90' x 120' standard lot, removing the requirements came to the impervious coverage.

Mr. Thomas asked about letter (i) on a 50' frontage lot, if the street side yard requirement was 15' plus 8' on the other side then the buildable area would only be 27' in width. The commission had been repeatedly told by realtors and developers that they could not build on less than a 35' width for a market on a corner lot. There were variances granted on Coffee Street based on that discussion.

Mr. Clark said the ordinance did not change the front and rear yard setbacks regardless of the lot size. Mr. Adams said in the B-3 district the setback must be between 10' and 15' or an average of the houses on either side. Mr. Thomas said this requirement was for all residential zoning districts.

Mr. Clark said in the R-1 zoning district regardless of the depth, the regulations stated a 25' front and 30' rear setback. Mr. LeBlanc said it was to keep the streetscape. Mr. Clark said the concept was to randomize the placement. Mr. Adams asked the staff to provide the implications of working with the plan. Mr. LeBlanc said the issue of complaints was the redevelopment of existing lots. Small lots were being developed to capacity and the change in the setback would provide scale and promote diversity of the housing stock. Larger houses adjacent to smaller houses with the proposed setbacks would not allow a massive wall adjacent to the existing home. It would also center more of the houses on the lots. The setbacks were mostly based on Mr. Clark's recommendations on the side yard setbacks. Mr. Clark said he provided a proportional number to be multiplied to the lot size to determine the setback. The front and rear setbacks were concerning that they remained the same. He provided the example of his lot being 390' deep and with 25' and 30' setbacks he could tear down the house and build a dormitory.

Mr. Clark asked Ms. Casanova in the case of a recent cypress tree removal, if the proposed setbacks were in place would the tree removal have been approved. Ms. Casanova said it would not have changed with the property having an existing 20' side yard setback. Mr. Clark asked in the future would the staff deny the removal. Ms. Casanova said it referred to trees in the setback to be preserved. Mr. Clark asked if the proposed setbacks would protect more trees and Ms. Casanova answered there would be more protection. Mr. Adams asked how the tree protection ordinance was enforced; was it to protect a certain percentage but not more than xx in the setbacks. Ms. Casanova said the preservation applied to trees in the setbacks and by increasing the setbacks it was easier for

**Planning Commission
Work Session
March 27, 2018
Page 3**

preservation during construction. The regulations required a 15' preservation area for tree protection and with a 10' setback that was impossible.

Mr. Adams suggested increasing the impervious coverage amounts and reviewing the B-3 regulations.

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


Lori Spranley, Secretary


Rebecca Bush, Chairwoman
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