

**Planning Commission
Public Hearing
February 20, 2018**

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

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

Absent: Bill Sones

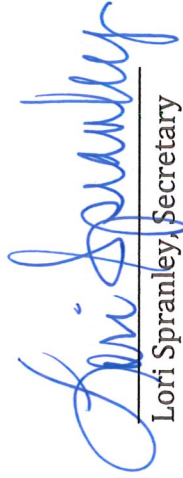
Also Present: Louisette Scott, Planning Director; Paul Harrison, City Attorney; and Catherine Casanova, Landscape Inspector

The adoption of the minutes of December 5, 2018 was deferred until the March 13th meeting.

Ms. Bush moved to adopt the minutes of February 20, 2018 seconded by Mr. Adams and was unanimously approved.

Ms. Scott stated the national APA conference would be held in New Orleans on April 21-24 with early bird registration ending February 22nd.

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



Lori Spranley, Secretary



Rebecca Bush, Chairwoman
Planning Commission

**Zoning Commission
Public Hearing
February 20, 2018**

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

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

Absent: Bill Sones

Also Present: Louise Scott, Planning Director; Paul Harrison, City Attorney; and Catherine Casanova, Landscape Inspector

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.

Mr. Blache stated Louisiana State Statutes did not allow him to participate in the discussion or vote on the below listed case as owner of the property. Mr. Blache recused himself from the case and left the chamber.

The only case discussed was SUP18-03-01 Michael and Kerri Blache/Marci and Luke Hidalgo request a Special Use Permit to Section 7.5.10.2(2), B-3 Permitted Uses, Outdoor Dining and Section 8.2.3.1(2), Outdoor Dining, square 19, 544 Girod Street, zoned B-3.

Ms. Scott presented that the applicants were operating a new full service restaurant, Hambone, at the site of the former Vianne's Tea Room. The property was located on the southwest corner of Girod and Livingston Streets and had a municipal address of 544 Girod St. A Zoning Permit was approved (for Vianne's) under case Z03-03-02 in March 2003, to allow a Sit Down Restaurant classified under CLURO Section 6.4.66 in the B-3 Old Mandeville Business Zoning District. The Zoning Permit for a Sit Down Restaurant transferred to the new operation, Hambone, for indoor operations.

The applicant was proposing an outdoor seating area which required a separate approval of a Special Use Permit under CLURO Section 8.2.3 Outdoor Dining. Additionally, compliance with CLURO Section 7.5.10.5 was required to be satisfied. After a review of the submitted plans, they were compliant with CLURO Section 7.5.10.5.

Section 8.2.3. Special Commercial Uses Criteria, 8.2.3.1. Outdoor Dining stated the following:

Outdoor dining may be authorized subject to the conditions and procedures established in this section and any additional zoning district standards.

Outdoor dining may be allowed in required front setback areas within the B-3 zoning district subject to issuance of a Special Use Permit and compliance with the criteria in paragraph 1 and the B-3 district standards established in section 7.5.10.5 of this CLURO.

Parking

CLURO Article 9.1.4. Minimum Off-Street Parking Requirements by Use Section 6.4.66, Restaurants - Sit Down required parking, as follows:

- 1 parking space per 200 s.f. of gross restaurant floor area,
or *where outdoor seating is provided*, parking shall be based
on interior space for kitchens, lounges, restrooms and waiting areas
plus the larger of the outdoor seating area *or* the indoor seating area.

Outdoor vs Indoor Seating Detail

- (1) The existing restaurant and dining space gross restaurant floor area is

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1,600 square feet requiring 8 parking spaces (1,600/200=8).

Indoor:

Total square footage of lounges, waiting, restrooms & Kitchen = 462 sf + indoor seating = 872 square feet for a total of the indoor area of 1,334 square feet

Outdoor:

Total square footage of lounges, waiting, restrooms & Kitchen = 462 sf + outdoor seating = 650 square feet of total outdoor area of 1,122 square feet

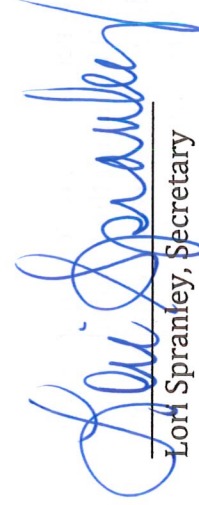
The indoor space was greater, so the parking was based on the indoor area. Since the area required less than 8 spaces, it was compliant.

The parking calculation of 462 + 872 square feet (larger indoor seating) was 1,334 square feet / 200 = 6.67, which required 7 parking spaces. The submitted Site Plan showed 7 parking spaces on-site and 5 parking spaces on the street (9/2=4.5). The on-site parking was in compliance with the required parking calculation.

Mr. Adams asked if there were any other issues regarding the use. Ms. Scott said by adding the outdoor spaces, the Special Use Permit would assure the business was not creating an adverse impact on the adjacent properties or within the area. Mr. Adams said it met the parking requirement and along Girod Street there were other outdoor dining areas. Ms. Scott said there would be a total of six picnic tables and a fence along the property line. There were no dimensions of the front yard setback and she was not sure if it was set back 10'. The regulations stated it would be a minimum of 10' and not more than 15'.

Mr. Adams moved to approve the Special Use Permit to allow outdoor dining, seconded by Mr. Thomas and passed 5-0 with Mr. Blache having recused himself.

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


Lori Spranley, Secretary


Nixon Adams, Chairman
Zoning Commission

**Planning Commission
Work Session
February 20, 2018**

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

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

Absent: Bill Sones

Also Present: Louise Scott, Planning Director; Paul Harrison, City Attorney; and Catherine Casanova, Landscape Inspector

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 both were discussed in conjunction. The planning case discussed was R18-03-01 Clark A. Todd et ux requests a resubdivision of lot 213-A into lots 213 and 214, Phase 3B, Sanctuary Subdivision, zoned R-1 and the zoning case discussed was V18-03-01 Clark A. Todd et ux requests a variance to Section 7.3.1.3(4), Areas Within D-O Drainage Overlay Districts, to Section 7.4(3), General Provisions of the Zoning District Regulations, Areas subject to periodic inundation; 7.6.1.3(4), Areas Within D-O, Drainage Overlay District, and 12.1.7.2(4), Guidelines for Approving Resubdivisions, specifically Areas of Period Inundation proposed lot 213 and 214, Phase 3B, Sanctuary Subdivision, zoned R-1

Ms. Scott presented that Lots 213 and 214 were created with the approval of Phase 3-B of the Sanctuary Subdivision in February, 2002. At the time of the approval of Phase 3-B, the Planning Commission waived the requirement to have the 5' contour line surveyed. The Wetland delineation was provided on the approved plat.

In May 2005, an Administrative Resubdivision was approved, which combined Lots 213 and 214 into one lot, Lot 213-A, in accordance with the resubdivision plat prepared by Krebs, LaSalle, LeMieux Consultants, Inc. dated March 31, 2005 (recorded on May 23, 2005).

The owners did not build on Lot 213-A and were now requesting to resubdivide Lot 213-A back into two lots. The proposed Lots 213-B and 214-B maintain the original lot lines of lots 213 & 214, building setback lines and wetland line. This is in accordance with the resubdivision plat prepared by John E. Bonneau & Associates, Inc. dated December 18, 2017 and revised January 19, 2018. The revised plat indicated spot elevations on the two lots, which range from 1.8' msl to 4.2' msl, with a majority of the building footprint ranging from 2.0' msl – 3.5' msl. There was no area above the 5' contour. The requested variances were:

CLURO section 7.4 are the General Provisions of the Zoning District Regulations. Section 7.4(3) states the following:

(3): Areas subject to periodic inundation shall not be included in the calculations of required lot area or required buildable area for purposes of subdivision of land or the issuance of a development permit, except in the case of legally non-conforming lots of record as provided in Article 4 or as provided in section 7.6.1. In addition, when determined by the Planning Commission or Zoning Commission in conjunction with a Subdivision or Resubdivision request, Special Use Permit or Conditional Use application areas identified as wetlands subject to Corps of Engineers determination may be treated as areas of periodic inundation for purposes of protecting the general health, safety and welfare of the public and adjacent property values.

CLURO Section 7.6.1.3 Areas within D-O Drainage Overlay Districts states the following:

No new lot shall be created within a buildable area located below five (5) feet MSL, referred to hereafter as the area of periodic inundation, unless the Zoning Commission finds that the lot can be safely accessed and developed in accordance with the provisions of this CLURO.

Section 12.1.7.2(4), The subdivision regulations under **states the following**:

4. *Areas of Periodic Inundation as defined herein shall not be included in the calculation of required lot area for purposes of resubdivision.*

Mr. Adams said by building on one lot instead of two, the site could cover more land because they would not have to worry about the size of the side yard. Ms. Scott said there were three live oak trees identified along the proposed property lines. Mr. Adams said there would be less construction as two lots. Ms. Bush said with the two lots there would be more protection for the trees. Ms. Scott said if it was developed as one lot the construction would be on one side or the other. Mr. Adams said two lots were more in keeping with the neighborhood. Mr. Blache said the oak trees naturally subdivided the two lots. Mr. Adams asked if there were any floodplain ramifications that would not allow the variance to be granted. Ms. Scott said the subdivision had been approved, but the commission did not know the contours at the time of the original approval. Ms. Bush said two lots made sense with no other houses on the street built on more than one lot.

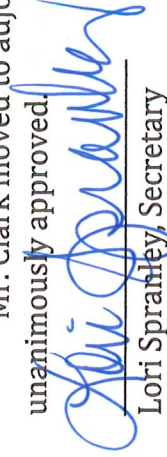
Mr. Thomas asked if the house would be elevated. The ground elevation was approximately 4' with an estimated 9' elevation. Ms. Scott said the houses in the Sanctuary Subdivision were backfilled in the chain walls. Mr. Thomas was concerned about 10' of fill in a chain wall on the footprint of the house. Ms. Scott said there was no open pier foundation in the subdivision.

Mr. Blache said he was trying to determine a down side of the request. Mr. Adams agreed one house would be out of character in the neighborhood on two lots. Mr. Blache said the live oak trees prevented crossing the property lines for construction.

Clark Todd, owner, stated they had purchased the two lots from family to build one home. They combined the property into one lot with the intent to build on lot 213 and be surrounded by 1,200 acres of preserve so there would be no other houses. Lot 214 would have a park affect. They found and purchased a house in the Sanctuary Subdivision instead of building. They placed the lots for sale and in November had received and accepted an offer on lot 213. Before closing he asked the buyer's agent how to handle the property being one lot and he was told it would be handled at the closing. At the closing, the attorney said the description was one lot unless they were selling both lots. He then talked to the City staff who instructed him to apply for a resubdivision. He had since received an offer on lot 214. Mr. Adams stated financial was not a consideration.

John Crosby said the two lots were designed around the live oak trees. The survey was 20 years old and the sea level had changed. He was in support of Mr. Todd's request to return it to the two lots. Mr. Crosby said two lots were more appropriate to the neighborhood and he was sensitive to the live oak trees as they were located the property lines.

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


Lori Spranley, Secretary



Rebecca Bush, Chairwoman
Planning Commission

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In 1990, the Port requested the removal of 16 dead trees, likely from the result of the new construction of the driveways in 1985. The Zoning Commission approved the request to remove the 16 trees in conjunction with the submittal by the Port of a Proposal to Reforest dated October, 1990. The proposal included planting 51 trees identified on the proposal and the locations were identified on the site plan.

The Port Condo Association applied for a tree removal permit, dated November 14, 2017, to remove the ten (10) trees. After reviewing the permit application and researching the conditions previously placed on the approved variance in 1990, the permit has not been issued, but the applicant has indicated a hardship stating *“that the River Birch had run their life expectancy and were a threat to the buildings. The Cypress tree was pushing up the concrete driveway and sidewalk. The two small Magnolia trees had no room to grow properly.”*

The following trees are proposed to be removed:

- | | |
|----------------------|-----------------------------|
| 1. River Birch – 12” | damaging driveway |
| 2. River Birch – 14” | damaging driveway |
| 3. River Birch – 22” | damaging driveway |
| 4. River Birch – 15” | damaging driveway |
| 5. Cypress – 23” | damaging driveway |
| 6. River Birch – 10” | too close to the building |
| 7. Maple – 12” | too close to the building |
| 8. Magnolia – 8” | growing under live oak tree |
| 9. Water Oak – 23” | struck by lightning |
| 10. Magnolia – 6” | growing under live oak tree |

Ms. Scott stated there were 143” of trees proposed to be removed. The CLURO required one 2” tree for every 6” of tree removed or 24 trees. The applicant should have the plan updated for an accurate tree count and they were proposing to replant in the appropriate areas.

Mr. Adams said a crack in the driveway was not necessarily a reason to cut down a tree. Ms. Scott said a report on the condition of the trees would be provided. Ms. Bush asked, except for the tree struck lightning, if they were healthy trees. Mr. Adams asked for a plan and an arborist recommendation. Mr. Blache said the idea was to have full and mature trees, but as they have grown the cypress trees seem to be causing some problems.

Kenny Rodick, President of Homeowners Association, 651 Colbert Street, said the biggest cluster of trees was between two driveways and damaging sidewalks. They were willing to replant. Mr. Adams asked how could the association replant and not have the same thing happen. He would discuss it with Ms. Casanova. The magnolia trees were located under the live oak trees and were dying trying to grow toward the sunlight. The tree struck by lightning was by the street and half of the tree had fallen on the street. The City had removed the debris from the street. The association was trying to provide a good reason for why the trees needed to be removed. They were proposing to remove only the trees that were threats to the buildings.

Mr. Adams asked to review a final plan for approval with an arborist recommendation. Mr. Thomas asked about replacing the sidewalk and driveways with a pervious surfacing. Mr. Rodick said the City would soon begin drainage work on Colbert Street and they would take advantage of that with some of the driveway apron replacements. There was limited funds being a 35 unit complex and they were targeting the worst areas.

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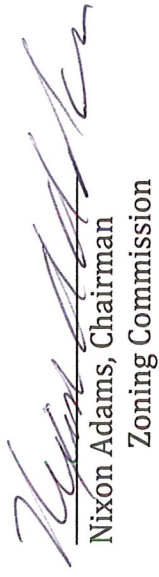
Mr. Adams suggested where there was a split to cut out 1-2'. Mr. Rodick said one of the areas was a low spot and they were considering installing a bridge over the tree roots and provide drainage under the sidewalks.

In summary, the commission requested a tree evaluation, a final landscape plan and an arborist recommendation on replanting.

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



Lori Spranley, Secretary



Nixon Adams, Chairman
Zoning Commission