

**Planning Commission
Public Hearing
February 7, 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, and Rebecca Bush

Absent: Michael Blache and Bill Sones

Also Present: Louisette Scott, Planning Director; Nic LeBlanc, Building Official; and Paul Harrison, City Attorney; Council Members Mike Pulaski, Laure' Sica and David Ellis

Mr. Adams announced this was a public hearing with no action to gather public input for a recommendation to the City Council. The issues of discussion were swimming pools, pervious and impervious coverage, setbacks also involving swimming pools, setbacks of structures in residential areas, locations of boats, recreational vehicles and trailers in residential neighborhoods, and the amount of real estate signage allowed on commercial property.

Ms. Scott presented that the meeting was held to discussion the existing regulations, proposed changes and input gathered in public hearings held in the fall.

Recreational Vehicles

The existing regulation stated that Recreational Vehicles parked on a site shall be situated on the site outside of the required front yard area **when the placement of structures on the site permits**, however, under no circumstances shall a recreational vehicle be parked so that any part of the vehicle encroaches onto a Street right-of-way. The proposed amendment was the placement of vehicles behind the front facade of the house or in the rear yard. If this requirement could not be met, the vehicle would have to be stored off-site.

The discussion about the placement of the recreational vehicles and the other proposed amendments would include boats, trailers and utility trailers under the RV definition and the location requirements. Mr. Adams stated as clarification was that the regulations pertained to private property only. Ms. Scott said parking was not allowed on the public right-of-way. The proposed amendment was to gather information if boats, trailers, and utility trailers would be included under recreational vehicles and the location requirement. The discussion would also include the prohibition of being located in the front and street side yard which would require off-site storage. Currently, the zoning regulations did not classify recreational vehicles by type or size. However, they were defined and many municipalities used class definitions. The Class A motorhome was considered a bus on a chaise, the Class B motorhome was an oversized van, and the Class C motorhome was a mini-motorhome which was a compromise between the Class A and Class B motorhomes. There were also travel trailers and pop up campers which vary in size. The travel trailers were attached to a vehicle. A pop up camper could be collapsed for ease of storage. The City did not define or regulate any recreational vehicle based on classifications.

Examples were shown throughout the City of existing conditions that were compliant or non-compliant and under the proposed regulations if they would be compliant or non-compliant.

Through the public hearing process, citizens had stated if the RV was smaller there was not a problem, but large Class A motorhomes in the front yard became a big deal.

Mr. Adams asked since there were setback requirements on a house, why would you regulate whatever the owner wanted to do inside of the building envelope. He also asked

what was the health, safety and welfare reason for controlling uses outside of the setbacks. Mr. Harrison said regulating health, safety and welfare was one set of constitutional requirements. The State Constitution addressed aesthetics and historic value. Under the 1974 constitution there were regulations if the community deemed a reason was not appropriate for their community. Mr. Adams asked if that applied even within the building envelope. Mr. Harrison said yes, that formed the basis for historic commissions. Most of Old Mandeville was in the historic district. If the legal question was if the City could regulate the size of an RV, the answer was yes. Whether you tied it into the health, safety and welfare of the community which was more restrictive, then the authority was the political subdivision to regulate it.

Ted Ralph, Old Golden Shores Homeowners Association, 198 Cindy Lou Place, said there were problems in the north loop of Cindy Lou Drive. He encouraged the regulations to be made as strict as possible. He would like for utility trailers, travel trailers, and boats restricted with there being a proliferation in his subdivision. The citizens paid too much property taxes to live in what he considered "squalor". There were parts of his subdivision that made Weldon Park look good and they were approaching being "Kenneresque". They would like to see a crackdown on the regulations. If the process was to develop the discussion into an ordinance and it was not actively enforced then it would be a waste of time. The issue of providing the name of the person calling in the complaint to the violator caused people not to place the complaint. He was encouraged to have movement in this direction. He stated that fifth wheel travel trailers should also be included.

Jay Crosby, 433 Lafayette Street, said he had a flatboat and a pop up trailer and did not want to pay to store it. The basics of these issues were a result of an expired covenant in a neighborhood. It was decided by the people sponsoring the ordinance that to have the covenants reinstated was next to impossible since 100% approval of the neighborhood was required. So instead of attempting to get the neighborhood approval, an ordinance was proposed for the regulation on effectively the entire city. He asked why the entire city should be subject to new regulations that were essentially covenants. This was a boating community that was unique unto itself. It was not a cookie cutter neighbor, but we are Mandeville. People who purchased houses in neighborhoods with covenants expect to pay for storage. Legally the City could make resolutions and restrictions, but should we? He did not think so.

Wyn Venable, 241 Wilkinson Street, said the first time she spoke was on this issue about 10-11 years ago. She asked how many complaints had been received. Ms. Scott answered that she did not have a number. Ms. Venable said that was the same answer as the last time she asked that question. She said while it might feel like a lot of complaints, the questions were whether they were in a specific area or were they broad based. Many people chose to live in Old Mandeville because there were no restrictions. She felt it was important to obtain opinions.

Mr. Adams said this was not the first time this topic was discussed and there was always a division of the community. The commission was taking the current pulse of the community. Ms. Venable agreed with having the discussion and she also agreed with Mr. Crosby that many people had acquired their property and corner lots were being punished and would be required to spend money that they might be able to afford when they had the use of their property for many years. Not everyone could afford to move to accommodate their RV placement or the cost for storage. Ms. Scott asked Ms. Venable if she saw a differentiation of the different motorhome classifications. Ms. Venable said she did not believe in a lot of regulation. Ms. Scott said the staff received calls mostly on motorhomes. Ms. Venable suggested, before voting on any regulations, to take the next year to quantify any data identifying the neighborhood areas and determine if the problem was broad based.

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Terry Hamilton, 1111 Villere Street, stated she was opposed to the original ordinance and the proposed amendments. She had moved to Old Mandeville because she did not want the restrictions of a subdivision. She lived near many of the houses shown in the slide presentation. She did not mind a boat or trailer on people's property. She lived across the street from a marina. It was the character of Old Mandeville that made people want to live there. The regulations belonged in a homeowners association in a subdivision. She asked the commission not to recommend approval of the proposed amendments.

Julie Agan, 641 Adair Street, said the regulation would punish citizens that lived on corner lots. There was a house facing Mathes Street with a side yard on Adair Street that currently had two large delivery vans and two boats parked on the site. At Christmas there was a sailboat parked in the street on the side of his house. There was also a motorhome parked there from time to time. The man paid too much taxes for the City to tell him he could not park on his private property. She said sometimes she did not like looking at it, but how do you tell someone who had parked their motorhome on their property for 20 years that they could not do it any longer. She owned an 8' tear drop van, on a corner lot and she did not know where she would park it. It was Old Mandeville. There were still abandoned houses from Hurricane Katrina. People lived in Old Mandeville because they liked it and wanted it to stay the same and continue having the lifestyle they always had.

Council Member Mike Pulaski, 305 Mariner's Island, asked if most of the complaints were on Class A motorhomes. Ms. Scott answered they were probably Class A motorhomes. He asked if the ordinance stated could not "store" or could not "park" the RVs. It appeared to be like a home that someone could live in. Ms. Scott said the regulations did not allow anyone to live in the motorhome. The regulation stated that it could be on-site as long as it was out of the street right-of-way; preferably in the rear yard if possible. If it could be not in the rear yard then it could be anywhere on the property. Mr. Adams said the commission was not sure of the reasoning for the ordinance from the City Council. Mr. Pulaski said he liked the suggestion of trending on the complaints. No one was complaining about the boats since this was a boating community. Ms. Scott said about 10 years ago these were the same discussions stating Mandeville was a boating community. The staff was getting more complaints about the utility trailers that were often full. Most Class A motorhomes were stored off-site. Mr. Adams said the streets around New Golden Shores had 10 Class A motor homes and 20 or more travel trailers.

Ernest Burguières, 241 Wilkinson Street, said it was a tough issue on both sides. It did not bother him because it did not affect him. He was representing a local homeowner association that was also dealing with this issue and the big problem was enforcement. If some communities could tolerate it then tolerate it otherwise make a rule. He thought this would become a problem with spot zoning issues. In Old Mandeville it would be hard to tell the citizens with motorhomes to move them, but he could see how a Class A motorhome could be offensive to some people. It was expensive to store them. Mr. Adams said the commission wanted to hear opinions about the sizes and if it was really the only issue. Mr. Burguières said there were many opinions with Old Mandeville having many sub-communities. Ms. Scott said the Class A motorhomes were the bulk of the complaints. Mr. Burguières suggested like New Orleans when a variance was requested to send notices for blocks. He suggested a soft variance to receive information from the area to see if people were bothered and then do something about it. Ms. Scott said there was either a regulation or not. Mr. Adams said it would be considered an exception. Ms. Scott said then it would be a variance to a regulation.

Kenny Booth, 221 Walnut Street, said he has had trouble with the neighbor's motorhome for some time. The motorhome extended past the property line 5-6' toward the street almost across the sidewalk. There was a vehicle behind it to the street. The vehicles were impeding the sidewalk. When he was backing out of his driveway, the car

was impeding his vision because of the camper. There was another camper in the Weldon Park Subdivision that was an eyesore. In regard to boats, he was a boater himself, and was against any regulations. Most boats were center console, flat or party barges that were 25' or less and that could be considered legal.

Charles Goodwin, 2075 Lakeshore Drive, said he had owned motorhomes and boats. The difference was in long term storage. He had friends that would vacation for 3-4 months and the motorhome took 2 days to load. He agreed with the Old Golden Shores Homeowner Association President that the City would not receive many complaints because people did not want to report their neighbor because they all wanted to get along. There was a need for regulations or there would be chaos. Mr. Goodwin suggested having soft regulations of enforcement only when there was a complaint. Ms. Scott said the City must regulate or not. Mr. Goodwin said the storage cost was a factor and it went along with the cost of ownership so that should not be considered. There was a problem of perception.

Bill Strayder, 1001 Soult Street, said he had a problem depending on how you look at the front of his house on Montgomery Street or the side on Soult Street. His boat was located behind the house with the front on Montgomery Street, but looking at the side of the house on Soult Street the boat was sticking out close to the street. The slide illustrating the house on Villere Street had the same situation. He saw it as a folly driving the storage to the rear of the lot. Many residents did not have access or a clear right-of-way to that part of their property. He had sold his motorhome that was a 30' Class A motorhome. It had been parked in his driveway behind the front of his house. There would have been 15-18' to the street to park another car. He thought if the City took something away from the property owners, they must give a way to solve the problem.

Steve Scoggin, 2427 Monroe Street, stated he had no problem with boats and trailers. It added to the eclectic nature. If it was regulated, the City would be going down a slippery slope. These were things he enjoyed about Old Mandeville.

Jeff Lyons, 515 Lamarque Street, said he sympathized with the property owners having large trailers on the side of their home. This was Old Mandeville and not Beau Chene. He said there was too much governmental intrusion. He lived in Old Mandeville for this reason. He did not want to be told what to have on his property within reason. There were many issues that were not being dealt with such as junk cars and trash. He understood why some people complained. There were existing laws and violations that if they were cleaned up would help the picture of the community. He did not agree with further restrictions. He was concerned about those citizens that made a living with the trailers that were being parked in the front of their houses. It would be a hardship to some people. He stated did not have a problem with Class A motorhomes if it not in the right-of-way.

Marian Arrowsmith, 1000 Montgomery Street, said she was fortunate to live here with a beautiful lake that should be used. When she was younger, they parked a small boat in their driveway so they would jump in the boat to appreciate the lake. If the boat had to be stored, they would not have stored it and probably not kept the boat. People in Old Mandeville want the regulations to remain as is.

Michael Burr, 223 Walnut Street, owned the camper shown in one of the pictures. The camper was parked in the driveway and was compliant. This was also a camping community with several camp grounds in close proximity. His stance was "where do we stop" with the regulations. He also had a motorcycle and asked if that was next.

Joe Phillips, 3645 Monroe Street, said he was opposed to the changes. When he moved into his home two years ago, he was approved for drain on the driveway and extra

hook ups for the motorhome. He could place it in the back yard, but in the 1980's construction with his side yard he could fit a 5' motorhome. Both of his adjacent neighbors had motorhomes and there were no issues.

Accessory Structures Setback and Swimming Pools

The regulations were related to yard storage which could be a storage shed or cabana. The existing regulations allowed the structure to be 3' from the property line and the proposed language would change it 5' and a 10' setback for swimming pools.

Greta St. Romaine, 3511 Monroe Street, asked if the regulation was for in-ground pools. Ms. Scott said it applied to any swimming pool. Ms. St. Romaine asked how it related to aerated pools with fish. Mr. LeBlanc said he did not think it would affect a pond with fish, but would regulate standard swimming pools. Ms. Scott said the swimming pool was already regulated with the proposal increasing from 5' to 10'. Ms. St. Romaine stated she was against the regulation change.

John Moreau, 303 Shaunell Drive, asked what was the reason for the change. Ms. Scott said the City Council introduced the ordinance. She thought the accessory structure change dealt with drainage issues and swale installation. The swimming pool issue was not known. Mr. Moreau said he had a shallow rear yard and wanted to install a pool. With the change, his pool would be 12' wide. He saw no justification for the change and was against either change because he was also considering the construction of an outdoor kitchen.

Rebecca Rohrbough, 2525 Lakeshore Drive, spoke in support of the additional setbacks. She felt it was long overdue. She saw people constructing wall to wall on their property. It was eating up the land mass, decreasing the green space, and encouraging overbuilding. Setbacks were minimum standards. Utility sheds were used and then closed. Swimming pools were recreational areas for gathering and being located 5' from the neighbor's yard was elbowing your neighbors. The rules were for people to understand not everything fit on a small area. A neighbor had an RV that did not fit in the rear yard so they rented space. They did not encumber the neighborhood. The City needed more people with the same consideration. If there was no consideration, then we need rules. Mr. Adams reiterated that Ms. Rohrbough felt 10' for pools and 5' for structures was appropriate. Ms. Rohrbough stated she thought 10' all around was better.

Richard Ballard, 1703 Lakeshore Drive, asked about the pool decking. Ms. Scott said now it read the pool setback and not the decking.

Swimming Pools defined as Impervious Coverage

Swimming pools were currently defined as pervious. The discussion in the November meeting was how this affected the maximum impervious coverage of 45% and at what point with pool installations did the property owner not meet the impervious coverage. These regulations included reflecting ponds and fountains.

Examples:

Lot measuring 120' wide x 150' deep met the setback with a pool being setbacks of 12' on the side and 17' in other areas.

Lot measuring 50' wide x 152' deep with no pool had a calculation of 33.6% coverage which had 870 square feet available to install a 30' x 30' pool. The calculation did not include the decking. On smaller lots the pool, decking and cabanas might be prohibitive.

Lot measuring 90' wide x 137' deep showing the area of the pool, pool decking and cabana with the pool being considered as impervious would be 52.8%, removing the pool would be

a calculation of 49%. Decking at this time was already considered impervious. Pools would have other accessory structures constructed so the coverage would increase.

Jay Crosby, 433 Lafayette Street, asked at what time would a pool be considered impervious. Ms. Scott said at this time by definition a pool was considered pervious. By comparison, driveway gravel was considered impervious. The proposal was to amend the language for water to be considered impervious. Mr. Crosby suggested changing the percentage rather than the definition.

Commercial Real Estate Signage

Ms. Scott presented there was no amendment to be considered. The signage language was adopted in 2015. With enforcement there was feedback from the realtors.

Table 10.5.4: On-Premises Signs Allowed in Non-Residential and Combined-Use Zoning Districts, #17

- b. In all other non-residential and combined-use districts, real estate signs shall be considered part of the allotted sign area and may be located in place of allowed wall, window or freestanding signs, but not in addition to allowed attached or freestanding signs. No permit shall be required if allowed window sign area is being used, but all other signs shall require issuance of a sign permit.

The intent was to eliminate large real estate signs posted on multi-tenant properties that remained for long periods of time. While most of the multi-tenant centers had constructed monument signs, the vacancy could be put in the tenant's space and signage could be placed in the window of the empty tenant space and/or where the attached sign was located.

Examples presented were the Azalea Square Center had placed information on the monument sign with the leasing information. There was a For Lease on the monument sign and a sign in the space window. 4040 Florida Street office building had a real estate sign in addition to the monument sign.

Stirling Properties had sent a letter in October to the City Council to revisit the issue. The letter is attached to the minutes.

Chris Abadie, Stirling Properties head of brokerage and representing Donna Taylor who wrote the letter, stated that Stirling Properties covered three states and touched five states. This was the first time they had encountered this type of regulation. Mr. Abadie agreed that some signs remained on the site for a long time, but that was a function of the market. Signage was the number one expense of brokers. The thought process was from other sides was that the signs need to be up as little time as possible. It was expensive to change the existing monument sign faces. Also, office buildings may not list the tenants so there was no available signage. There must either be a banner on the building, a sign in the window which was not efficient or place a professional sign which was more professional and expedient. Mandeville was creating a competitive disadvantage in trying to attract tenants. The way the ordinance read a tenant in a retail center could have a banner, but banners did not last long and did not look as professional as a sign on the roadway.

Steve Scoggin, 2427 Monroe Street, Mauti Schroeder Scoggin Properties, said they wanted to be able to advertise fairly. Property owners wanted to get their properties leased to pay their taxes and overhead.

Barry Escher, Meredith Escher McMath Properties, said the Nanz's were also present who owned office three buildings on West Causeway Approach. The three buildings contained 70,000 square feet. The monument signs cost \$15,000 and were for the tenants. If there was no signage, they would not have leased the property. The properties needed visibility on the street. They usually post 4x4 or 4x6 signs. The realtors worked for the owners. Not allowing signage was like taking a property out of commerce.

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People did not drive through properties to look for a sign in the window. Their group stated they were against the existing ordinance.

Tess Dennie, Latter and Blum, said she was a residential agent, but she handled commercial transactions in Old Mandeville. With the internet, websites and Facebook she still received as many calls from the signs as other inquiries. Signage was very important in the Old Mandeville market. She requested not to have any more restrictions.

Wynn Venable, 241 Wilkinson Street, worked for a title company and stated an important point in the Stirling Properties letter was that the LREC had sign regulations to follow. If the ordinance was in opposition to the LREC that was a problem and a handicap to the real estate agents.

Bucky Meredith, Meredith Escher McMath Properties, echoed all of the other comments. Real Estate signs were the most important marketing tool. The ordinance took the approach that all sign were in the same categories. Chenier was penalized because the monument sign was architectural with no tenant listings. There were numerous retail spaces that would not be visible with only window signs. Chenier paid a lot of taxes with a great product and it was shame they were penalized for their design. It was not an equitable ordinance. If there was an approach of limiting the sign size, he suggested 4 x 4 signs.

Mr. Adams said there was no such thing as a temporary sign for multi-tenant centers. In many cases there were ragtag For Lease signs next to beautiful monument signs. Mr. Meredith agreed they were temporarily permanent. In a perfect world if there was a multi-tenant center there would be no need for signage. Mr. Meredith said it was not a perfect world and if the City wanted to make a uniform sign requirement, he suggested 4 x 4 signage. Mr. Adams said there could be a requirement to reserve a space on the monument sign stating For Lease. Mr. Meredith asked if there were more tenant locations than allowable monument sign sizes and Mr. Adams answered yes. Mr. Adams said he thought the best signage would be LED signs that would include all tenants in the center.

Glenda Nanz, West Causeway Approach property owner, owned Pontchartrain Place which was fully rented and had no sign, but she would place signage when there was available space. Barry Escher was her leasing agent. Stirling Place was now 100% leased so there was no need for signage. Fontainebleau Place had vacancies and she requested to place signage. She did not install signage unless there was a vacancy. Her buildings were assets to West Causeway Approach and they paid approximately \$8,400 annually in Mandeville taxes. Her monument signs had cost about \$20,000 and were multi-tenant signs with no vacant spaces on the signage. She would be at a disadvantage without a For Lease sign. The idea of a window sign would not work the way her buildings were designed. Pontchartrain Place tenant space faced Pontchartrain Elementary School with mature bushes. Fontainebleau Place contained six buildings which were heavily landscaped and signs for the front building would be visible in the windows, but going down the driveway there were two buildings that people would have to drive around to see the sign in the window. She did not think a 4' x 4' sign would affect anyone. She would like the regulation removed.

Lee de la Houssay, Stirling Properties, said she made her living selling real estate for 28 years in St. Tammany. She put out a professional sign that was removed when the space was leased. She had a listing on West Causeway only the Gray Building on the monument sign and no place to advertise vacant space. Another listing was at 1070 West Causeway with no space on the monument sign so a yard sign was installed. The space was leased within a few weeks and the sign was removed. That was typically how signs were handled. Mr. Clark asked why would a residential sign with a sold sticker remain on the property. Ms. de la Houssay said the agent wanted the advertisement.

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Bradley Cook, Stirling Properties, said his fiduciary responsibility was to his clients. There were two issues with the ordinance, one being that it would drive more business to the third party brokers. The ordinance would push the tenant and the landlords to use online services because they could not place a sign or not get enough traffic. This was not great for the citizens and the business owners. The second issue was how it related to vacant land. Ms. Scott said signage would be allowed on vacant property. Mr. Cook said that created a disparity.

Jay Crosby said residential signage remained up until the house closing. The agent did not want to lose a chance for a viewing if the sale fell through. Mr. Adams said residential signage could remain as long as the owner wanted. It was free speech and no content could be controlled. Mr. Crosby suggested looking at the sign placement; possibly not any closer than the back of the monument sign. Mr. Adams suggested monument signs should be designed to allow for these spaces. This would allow the agents to remain complaint with the LREC.

Ms. Dennie asked about time limits. Ms. Scott said the sign regulation was adopted several years ago, but limited it to the allowable signage for the center. If the tenant signage was not exceeded then signage was allowed, but the idea was to eliminate excess signage. The example at Azalea Square showed there was an open space for leasing on the monument sign. The attached sign on the tenant space could be used to the allowable tenant size. Ms. Dennie asked about the allowable length of time. A sale could take years for a commercial property depending on the market.

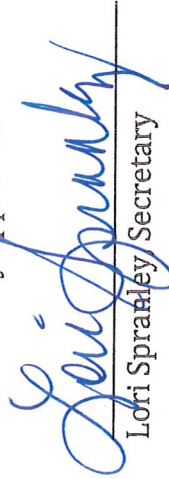
Mr. Adams said West Causeway had about 10-12 multi-tenant centers over the last 15 years and at some time they all had a For Lease sign in addition to the monument sign. He thought the large signs made the buildings look cheap. Ms. Dennie said agents did not like property remaining on the market, but the market dictated how long the sign remained.

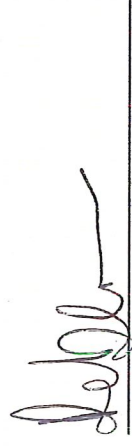
Wyn Venable observed that Azalea Square might be self-leasing. Mr. Cook said it would not be compliant with the LREC and it was probably owner rented. Most of the monument signs did not have enough panels to accommodate all of the tenants. When there was an opening on the sign, other tenants had the right to take the open space.

Glenda Nanz said her monument signage was full and there was no place to add For Lease.

Mr. Adams said at some future meeting the commission would make recommendations to the City Council and the commission appreciated the public input.

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


Lori Spranley, Secretary


Rebecca Bush, Chairwoman
Planning Commission