

**Planning Commission
Public Hearing
January 9, 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: Louise Scott, Planning Director; Paul Harrison, City Attorney; and Nic LeBlanc, Building Official

Mr. Sones moved to adopt the minutes of October 24, 2017, seconded by Ms. Bush and was unanimously approved.

Mr. Sones moved to adopt the minutes of November 21, 2017, seconded by Ms. Bush and was unanimously approved.

The next case discussed was P17-12-12 Recommendation to the City Council regarding Ordinance 17-38 amending the CLURO, Article 2, Section 2.1.2, Number and Terms of Members, Appointments, Qualifications and Removal; and providing for other matters in connection therewith

Mr. Adams stated the ordinance had been discussed at two meetings and a compilation of the discussions was distributed for review. He felt the memo reflected the discussion. Mr. Thomas said on items #7 and #9, both items stressed that the commission made consistent decisions. His opinion was that the commission was not making consistent decisions. He agreed with the wording, but his opinion was such. Mr. Adams stated that he thought the commission reviewed each case separately and made consistent decisions.

Mr. Adams moved to recommend forwarding the memo to the City Council in regard to Ordinance 17-38, seconded by Mr. Fairley. Ms. Bush asked if there should be any change to be more in line with Mr. Thomas' opinion. Mr. Thomas said he wanted to express his opinion. Mr. Harrison said the commission should adopt the memo as a response to the ordinance. Ms. Scott said the memo was a draft, but included a compilation of the commission's recommendations from the last two meetings. She recommended including the date of this meeting with the other meeting dates. The vote was unanimously approved.

The next case discussed was the Adoption of Resolution 17-02 of the Planning and Zoning Commissions of the City of Mandeville certifying that that the Planning and Zoning Commissions have satisfied the requirement of Act 859 of the 2004 Louisiana Legislature requiring that newly appointed member of Planning Commissions and Zoning Board of Adjustments must receive at least four hours of training; CLURO Section 2.1.2 of the City of Mandeville mandating four hours of educational training, training annually for each member of the Planning and Zoning Commissions; and Ordinance 12-18, amending the Code of Conduct for elected, unclassified employees and appointed personnel mandating one hour of Ethics Training and one hour of Sexual Harassment Training

Mr. Thomas moved to adopt Resolution 17-02, seconded by Ms. Bush and was unanimously approved.

The next planning case also had a corresponding zoning case. The planning case discussed was P18-01-01 Recommendation to the City Council regarding Ordinance 17-46 to effect the annexation of lot 5-A-1, Forest Park Subdivision, St. Tammany Parish, Louisiana into the corporate limits of the City of Mandeville designating and assigning the property for

purposes of zoning as B-2, Highway Business district, and providing for other matters in connection therewith. The zoning case discussed was Z18-01-01 Recommendation to the City Council regarding Ordinance 17-46 to effect the annexation of lot 5-A-1, Forest Park Subdivision, St. Tammany Parish, Louisiana into the corporate limits of the City of Mandeville designating and assigning the property for purposes of zoning as B-2, Highway Business district, and providing for other matters in connection therewith

Ms. Scott presented that the City Council introduced Ordinance 17- 46, at their meeting held on November 16, 2017 to annex Lot 5-A-1 in the Forest Park Subdivision with a municipal address of 1399 N. Causeway Boulevard. The property was located on the corner of Elmwood Place and Forest Drive. The property was owned by KSK Real Estate Holdings, LLC represented by Dean Hopper. They were requesting the property annexation, in accordance with the Survey and legal description prepared by Land Surveying, LLC dated September 12, 2016 and October 26, 2017, respectively. This area was identified under the City's Comprehensive Land Use Plan as a target area for annexation and under the Agreement amending the 1990 Sales Tax Enhancement Plan as a portion of land in "Infill Area 2", where the City received 100% of the Sales Tax Revenue. The property will be located in Council District I.

The property was a through lot, with frontage on Elmwood Place, Park Drive and Forest Drive and measured 233.26' on Park Drive, 184.01' on Elmwood Place, and 308.26' on Forest Drive containing 67,487 square feet. The proposed zoning was B-2 Highway Business District and this lot complied with the minimum B-2, Highway Business District, site development criteria of a minimum lot frontage of 150', depth of 100' and 15,000 square feet of area. The applicant was proposing a veterinary clinic on the site, which was classified under CLURO Section 6.4.7 Animal Sales and Service (limited) and was a permitted use in the B-2, Highway Business zoning district.

A veterinary clinic was a Permitted Use by right in the B-2 Zoning District under Section 6.4.7, Animal Sales and Services (limited) which only allowed indoor operations.

The site was currently improved with structures that formerly housed Louisiana Landscape Specialty. The buildings would be demolished and the site redeveloped as the veterinary clinic. The zoning along this corridor was B-2, Highway Business District.

At the work session several residents of the Forest Park Subdivision were present and since that time the staff had spoken with them. Dr. Guidry, owner, was under the understanding that he could move forward with the Parish permitting, but at the end of the permitting process was made aware that there was no sewer availability and he would be required to annex to obtain it. He had been through a yearlong process in the Parish. At one time, the property was comprised of two lots with the front portion of the property being zoned NC-2 which was comparable to the City's B-2 zoning. The rear of the property was zoned NC-1 which was for professional offices. A veterinary clinic was a permitted use in the NC-1 zoning district. At some time during the last year, the property was resubdivided into one lot. The City did not allow split zoning and the property would be annexed with a B-2 zoning district. The staff met with the applicant and he had no objections to deed restricting the property to the NC-1 uses for the rear 100' of the property. If the veterinary clinic did not go forward or at some time the owner decided to sell the property, the uses would be imposed with a deed restriction. The staff met with Dr. Guidry's attorney and she prepared a draft of the restriction which was under review. The rear 100' fronted Park Drive forming the corner of Park and Forest Drives for the designation of the uses under the NC-1 Parish zoning classification. The case would not be an item on the City Council agenda until the January 25th meeting which allowed time to review the documents. Lots 8 and 48A in the Forest Park Subdivision would also be part of the deed restriction.

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Mr. Adams said the commission would recommend the zoning as B-2, Highway Business District, subject to the development of the deed restriction limiting the uses to the rear of the property. Ms. Scott said it would be in support of the applicant's action of the deed restriction. Mr. Harrison said the agreement was not fully drafted and the staff did not want to hold up the annexation. This was not a matter of the City to be directly involved in since it was between the owner and the neighbors. The City was trying to appease the concerns of the neighborhood. The annexation should be approved because Dr. Guidry was entitled to the annexation with a B-2 zoning without the deed restriction.

Mike Lachin, neighbor, said as mentioned the neighbors had been through a process with the Parish and Dr. Guidry. Dr. Guidry was willing to work with the neighbors. The neighbors would like to review the restriction and had worked with the staff and Dr. Guidry through the process. He expressed the neighborhood association's thanks for working with everyone throughout the process.

Dr. Guidry said the deed restriction provided guarantees and protections allowing him to move forward. It was a solution to everyone's concerns.


Mr. Fairley moved to recommend annexation of lot 5-A with a B-2 zoning district designation. Mr. Harrison suggested encouraging the completion of the deed restriction. Mr. Fairley also moved to encourage the completion of the deed restriction, seconded by Ms. Bush and was unanimously approved.

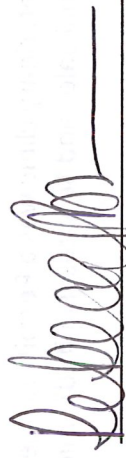
There was a discussion about setting the Special CLURO meeting date on Wednesday, February 7th. The discussion would include changes to the pervious/impervious coverage for swimming pools, RVs/trailers, real estate signage regulations for commercial shopping centers, and setbacks. A flyer would be forwarded to the homeowner associations. The commission wanted to gather more public input to make their recommendations. In the previous year's discussions, the citizens were in opposition to changes.

Mr. Harrison said the regulations must be tied to the impact on the community. It was difficult to legislate aesthetics in a mixed use community. The commission must be specific on what was legislated. The recommendations should include that the comments were formed from the constituents. Some common ground had been identified since this was a maritime community and boats were currently within the definition. It could be considered if an RV was over a certain length that it should be stored someplace other than the neighborhood because it impacted the neighbors.

Mr. Thomas was concerned about the school business that every evening and on the weekends at the Trailhead used most of the public parking along the Lafitte Street Market building. He asked how to handle the use of the parking spaces. Mr. Harrison said he would look into it.

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
January 9, 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: Louise Scott, Planning Director; Paul Harrison, City Attorney; 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 next zoning case also had a corresponding planning case. The planning case discussed was P18-01-01 Recommendation to the City Council regarding Ordinance 17-46 to effect the annexation of lot 5-A-1, Forest Park Subdivision, St. Tammany Parish, Louisiana into the corporate limits of the City of Mandeville designating and assigning the property for purposes of zoning as B-2, Highway Business district, and providing for other matters in connection therewith. The zoning case discussed was Z18-01-01 Recommendation to the City Council regarding Ordinance 17-46 to effect the annexation of lot 5-A-1, Forest Park Subdivision, St. Tammany Parish, Louisiana into the corporate limits of the City of Mandeville designating and assigning the property for purposes of zoning as B-2, Highway Business district, and providing for other matters in connection therewith

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The property was a through lot, with frontage on Elmwood Place, Park Drive and Forest Drive and measured 233.26' on Park Drive, 184.01' on Elmwood Place, and 308.26' on Forest Drive containing 67,487 square feet. The proposed zoning was B-2 Highway Business District and this lot complied with the minimum B-2, Highway Business District, site development criteria of a minimum lot frontage of 150', depth of 100' and 15,000 square feet of area. The applicant was proposing a veterinary clinic on the site, which was classified under CLURO Section 6.4.7 Animal Sales and Service (limited) and was a permitted use in the B-2, Highway Business zoning district.

A veterinary clinic was a Permitted Use by right in the B-2 Zoning District under Section 6.4.7, Animal Sales and Services (limited) which only allowed indoor operations.

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At the work session several residents of the Forest Park Subdivision were present and since that time the staff had spoken with them. Dr. Guidry, owner, was under the understanding that he could move forward with the Parish permitting, but at the end of the permitting process was made aware that there was no sewer availability and he would be required to annex to obtain it. He had been through a yearlong process in the Parish. At one time, the property was comprised of two lots with the front portion of the property being zoned NC-2 which was comparable to the City's B-2 zoning. The rear of the property was zoned NC-1 which was for professional offices. A veterinary clinic was a permitted use in the NC-1 zoning district. At some time during the last year, the property was resubdivided into one lot. The City did not allow split zoning and the property would be annexed with a B-2 zoning district. The staff met with the applicant and he had no objections to deed restricting the property to the NC-1 uses for the rear 100' of the property. If the veterinary clinic did not go forward or at some time the owner decided to sell the property, the uses would be imposed with a deed restriction. The staff met with Dr. Guidry's attorney and she prepared a draft of the restriction which was under review. The rear 100' fronted Park Drive forming the corner of Park and Forest Drives for the designation of the uses under the NC-1 Parish zoning classification. The case would not be an item on the City Council agenda until the January 25th meeting which allowed time to review the documents. Lots 8 and 48A in the Forest Park Subdivision would also be part of the deed restriction.

Mr. Adams said the commission would recommend the zoning as B-2, Highway Business District, subject to the development of the deed restriction limiting the uses to the rear of the property. Ms. Scott said it would be in support of the applicant's action of the deed restriction. Mr. Harrison said the agreement was not fully drafted and the staff did not want to hold up the annexation. This was not a matter of the City to be directly involved in since it was between the owner and the neighbors. The City was trying to appease the concerns of the neighborhood. The annexation should be approved because Dr. Guidry was entitled to the annexation with a B-2 zoning without the deed restriction.

Mike Lachin, neighbor, said as mentioned the neighbors had been through a process with the Parish and Dr. Guidry. Dr. Guidry was willing to work with the neighbors. The neighbors would like to review the restriction and had worked with the staff and Dr. Guidry through the process. He expressed the neighborhood association's thanks for working with everyone throughout the process.

Dr. Guidry said the deed restriction provided guarantees and protections allowing him to move forward. It was a solution to everyone's concerns.

Mr. Fairley moved to recommend annexation of lot 5-A with a B-2 zoning district designation. Mr. Harrison suggested encouraging the completion of the deed restriction. Mr. Fairley also moved to encourage the completion of the deed restriction, seconded by Ms. Bush and was unanimously approved.

The next case discussed was V17-12-36 Jaime Teachout requests a variance to Section 5.2.3.2, Drainage Overlay District, Sub Fill Area A, a parcel of ground in square 4, 1716 Claiborne Street, zoned R-1.

Ms. Scott presented Mr. and Mrs. Jamie Teachout were the current owners of an undeveloped 0.37-acre parcel addressed as 1716 Claiborne Street. The applicants proposed to construct a 3,880 square foot home with a parking slab foundation 18" above natural grade. The fill for this property was regulated under CLURO Section 5.2.3.2, Drainage Overlay District and Fill Sub Area A. Fill in Sub Area A was limited to 6" of fill material under a structure and driveway when necessary to access parking.

To date, no drainage plan had been submitted; however, a survey with elevations prepared by John E. Bonneau and Associates dated October 16, 2017 had been submitted showing elevations ranging from 4.5' MSL to 5.3' MSL within the buildable area. The average grade for the buildable area appeared to be 4.9' MSL. The current regulations allowed for 6" of fill material above natural grade which would put the finished floor elevation of the foundation at 5.4' MSL. The requested variance would allow for a finished floor elevation of the foundation at 6.4' MSL.

The applicant's stated hardship was: *My lot at 1716 Claiborne Street, is unfortunately dead level which prevents the necessary drainage plan needed to ensure proper runoff from the slab. Additionally, the Architect, Michael A. Piazza and the Contractor, Tommy Cousins had provided letters of support for the variance.*

The Department of Public Works, in an email from Clif Siverd to the Planning Department dated November 3, 2017, stated that Public Works has no objection to the variance requested.

The City Engineer, Andre Monnot had reviewed the survey and offered comments in an email dated Thursday, November 2, 2017 as follows:

1. Topographic survey dated October 16, 2017 shows slope from back of lot to front of lot, with vertical fall of 0.8 ft on 132 ft of horizontal run. A catch basin is located in the right of way, with the top of casting an additional 1.7 ft lower than lowest point at front of lot (2.6 ft lower than lowest point at back of lot).
2. The survey shows sufficient natural slope present such that the addition of swales would satisfactorily drain the lot, and the permissible increase in elevation of parking slab below the house structure would satisfactorily prevent inundation by stormwater.
3. No hardship is apparent to this reviewer with respect to applicant's request.

Mr. Adams reiterated Mr. Monnot indicated that the property would drain. Ms. Scott said there was no drainage plan, but there was a slope of 2.6' from the rear to the front of the lot.

Ms. Bush asked what was the basis for believing there would be standing water if the property could be drained. Nic LeBlanc, Building Official, said it did not meet the standard for a drainage plan for permitting. Although the property was low by certain standards, he believed the property would be inundated by water in certain rain events. The opinion would be more about the outfall when the gates were closed and the water was higher than the outfall. Ms. Scott said the seawall was 5.2' so with a southeasterly wind everyone would be in the same situation. With a normal lake height, the property would drain. With high water events, all of the properties would be inundated. Mr. Adams asked with recent rain if there was a problem. Ms. Scott said this property was at a natural grade higher than other properties recently reviewed for a variance request.

Chad Bordelon represented Tommy Cousins who had a health issue and could not be present. He said the applicant wanted to watch the LSU game under his house and not have water on the bottom. It was about nuisance flooding. There was a newspaper article about the creation of a committee to advise the City Council on alternate means to avoid nuisance flooding. Mr. Teachout had told him he could not raise the height of the slab because it would flood the neighbors. He asked what was the reason for the change in allowable fill height.

Mr. Adams asked Mr. Bordelon if he disagreed with the engineer's opinion that the property could drain. Mr. Bordelon said Mr. Teachout understood that he must have the slab

at a level that it would flood. He was told it was from a displacement. Mr. Bordelon had an argument that it was not displacement, but water flowing through the property was a problem. Mr. Adams said there were many reasons for the fill ordinance. Mr. Bordelon asked if he could raise the slab with concrete, and he was answered that the concrete was considered in the 6" of fill. Ms. Scott said there had been considerable discussion about the fill amendment. Mr. Bordelon said the displacement requested would be equal to a small swimming pool. The applicant was also interested in creating a small pond in the front of the house. From the spirit of the law, a variance was to fix a problem. Ms. Scott stated a variance was based on a hardship of why the regulations could not be met. Mr. Bordelon said with the height of the slab, Mr. Teachout would be subject to nuisance flooding on a regular basis. He did agree that the lot could drain with regular rain. The discussion was about having nuisance flooding 3-4 times a year which could be prevented by raising the slab 6" or a foot. The hardship was clear by showing the mess he had to clean up. Ms. Bush said that would be considered a financial hardship which was not applicable. Mr. Bordelon said it was a physical hardship. Mr. Adams said he was not different than any other house in that area. Mr. Bordelon said the other houses were constructed under the previous regulations with higher slab heights. Mr. Teachout bought the property before 2015 before the ordinance change. A big part of the property was being able to use the area under the house to watch football. He asked if anyone knew what was the major reason for lowering the fill allowance. If it was displacement they could do a retention pond. Ms. Scott said the regulations did not address retention ponds.

Mr. Adams said the City had been discussing fill for 10 years. To him, displacement was not a big deal, but having fill kill tree roots and putting water on the neighbors was a big deal. The engineer's report said the lot would drain except when the lake rose. Mr. Bordelon said there were no trees on the property. The spirit of the law was to make sure the water did not go onto the neighbor. Mr. Teachout was being penalized because of water displacement. The law was created not to flood the neighbors, but Mr. Teachout would be flooded.

Ms. Bush said the commission was not a judicial branch. Mr. Bordelon said a variance was a change of the law. Mr. Adams said a variance was to deal with hardships or difficult situations and this request was not an unusual situation. Ms. Scott said everyone living close to the lake was dealing with the hardship of the water from the lake. The City had reviewed the fill regulations through the years with modifications from different adverse effects. In 2015, the City reduced the amount of fill and was a benefit of less adverse impact on properties with less fill. The property owners living close to the lake know that they would flood when the lake came up and it was not a displacement factor. The amount of fill allowed was developed from the commission's recommendations and it was a passionate issue. Mr. Bordelon said he did not disagree with the law, but a variance meant that the law was good for the whole, but there were some instances where it did not make sense. Ms. Scott said everyone lived in a 5' contour. Mr. Bordelon said he understood if the fill would hurt the trees.

Mr. Bordelon presented a hypothetical idea of a slab placed at 6" and the owner stored cinderblocks in layers under the house which would be legal. This would be the same thing. Because the cinderblocks were movable, it would be allowed. There must be something that made sense. When he developed the Fleur de Lis Event Center, he could not meet the parking regulations. When it was determined that the DMV and other businesses in the center were closed at night and his business held mostly night events, he was granted a variance. A variance was site specific and the commission was too caught up in the hardship. Mr. Adams said variances were created as an escape valve and it had become a lot of things. Mr. Bordelon said the commission had the power to establish conditions on their approvals. Mr. Adams said a variance was considered if there was a hardship not of the applicant's making and they had tried to be fair. This case would be decided the same way.

Jaime Teachout, applicant, said the issue was that people were raising houses because of the floodwater. He wanted to raise the slab because the area flooded. It made sense. He thought if other homeowners had the opportunity, they would raise their slab to avoid the lake flooding. He asked if all property owners should be flooding together which did not make sense. He was just trying to improve himself and the situation.

Ms. Bush moved to deny the request for an elevated slab above 6", seconded by Mr. Fairley and was unanimously approved.

The next case discussed was Z18-01-02 Recommendation to the City Council regarding Ordinance 17-45 to amend the official zoning map to effect the rezoning of a certain property designated as part of lots 79 and 80, Pine Place Subdivision, City of Mandeville, St. Tammany Parish, Louisiana from B-2, Highway Business District and designating and assigning the property for purposes of zoning as R-1, Single Family Residential District; and providing for other matters in connection therewith.


Ms. Scott presented the request to rezone a portion of lots 79 and 80 in Pine Place Subdivision from the B-2, Highway Business District, to R-1, Single Family Residential District. The property was located at 806 Park Avenue. The property was the last lot on Park Avenue zoned B-2 which was currently developed with a single family residence. The residential use was a legally non-conforming use. The owners had received approval from the Historic Preservation District Commission to either relocate the existing house up to the West 30s project in Covington or demolish it. Additionally, the lots across the street and to the south were all zoned R-1, Single Family Residential.

Mr. Adams said an adjacent neighbor had spoken in favor of the rezoning at the last meeting.

Mr. Gibson said he had stated at the last meeting that he would retain the metal building, but in the design it was located in the wrong spot. He requested to remove it and construct a new garage.

Mr. Adams moved to recommend the rezoning from B-2, Highway Business District, to R-1, Single Family Residential, 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