

The meeting was called to order at 6:00pm by Planning Chairwoman Karen Gautreaux

The secretary called the roll.

Commissioners Present: Brian Rhinehart, Karen Gautreaux, Nixon Adams, Simmie Fairley, Mike Pierce, Scott Quillin, and Claire Durio

Absent: None

Also Present: Cara Bartholomew, Director Planning Department; Lauren Brinkman, Planner; David Parnell, City Attorney; Alex Weiner, Secretary

Mr. Rhinehart made a motion to adopt the minutes from the February 14 and 28 regular meetings, and the February 13 and March 7 special meetings, Ms. Durio seconded, and all were in favor.

New Business

P23-03-01 – Recommendation to the City Council to effect the annexation of a portion of ground situated on the Southern Half of Square 76 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. Bartholomew said that case Z23-03-02 would be heard along with this one.

Mr. Adams said that the Infill 2 area is the second highest priority for annexation. Ms. Bartholomew said there is not much difference in the two areas, the criteria for annexation is the same.

Mr. Adams said that any extra costs are usually taken by the applicant, Ms. Bartholomew said that the applicant would have to pay for the sewer and water connection.

Mr. Rhinehart asked if there was also a greenbelt deficiency being heard, Ms. Bartholomew said it could be addressed now or they could wait for a full review of the site criteria.

Mr. Quillin asked if there was a site development plan other than what has been submitted. Ms. Bartholomew said there was not, what was submitted was just done to show the existing conditions.

Mr. Rhinehart suggested that they wait until the applicant makes a submittal before any variance discussion is done.

As there was no further new business for the Planning Commission Ms. Gautreaux moved to the Zoning Commission.


Alex Weiner, Secretary


Karen Gautreaux, Chairwoman
Planning Commission

Brian Rhinehart commenced the Zoning Commission Meeting.

Announcement that any additional information determined to be needed by the Commission in order to make a decision regarding a case shall be required to be submitted to the Planning Department by the end of business on the Friday following the meeting at which the additional information was requested or the case will automatically be tabled at the next meeting.

New Business

SUP23-03-01 – Thomas and Lisa Keiffer request a Special Use Permit to allow an exception to the B-3 Sign Design Standards per CLURO Section 10.5.3.8.1, Sq. 25B Lot 10A, B-3 Old Mandeville Business District, 201 Carroll St.

Mr. Adams said they had talked about this before with the history of the sign and the old Ozone Motel. He likes the idea of the sign but added that historically it would not be located at the rear of the building. Is it specifically placed there? Ms. Bartholomew said it was a repurposed sign, and not the name of the business. She added that the applicant was here for any questions. Mr. Adams said it would not make sense unless it was an architectural feature.

Mr. Rhinehart asked if it was advertising the hotel if it would be in compliance. Ms. Bartholomew said the height would not be, but they could have a sign on the sides with an entrance.

Mr. Adams said that the Historic District Commission should comment on the location, Ms. Bartholomew said that they looked at it and had no issue and added that they do not have purview over signage.

Ms. Gautreaux said that she remembered the neon being an issue last time and asked if any comments were received.

Thomas Keiffer, 219 Marigny, Applicant: The sign will not be neon, it will be downlit. He thought that if it was located at the front of the building it would be too intrusive. There is a large courtyard by the proposed location so it will serve as a feature to that.

Mr. Rhinehart said that the original sign was neon, Mr. Keiffer said that he found out that neon was bad.

Mr. Quillin said that he thinks the point Mr. Adams was trying to make earlier was that if it was in a more visible location it would fit in the ambiance, and he did not seem opposed to it. Mr. Quillin said that he loves history and old stuff and that keeping it alive in this town is important.

Mr. Adams said this was certainly an exception they could consider.

Mr. Rhinehart said that history went a little out the window with the name change. This could be a piece of art. Mr. Keiffer said it was architectural salvage.

Mr. Rhinehart said there was mention of a timer. Mr. Keiffer said that was correct, it would not be on 24/7. Mr. Rhinehart asked what the time would be, Mr. Keiffer said whatever was appropriate.

Mr. Quillin said that Mr. Keiffer said neon was bad, but the original sign was neon. Mr. Keiffer said it was decided it was not appropriate due to the proximity of a residential area.

Ms. Durio said she liked neon signs but appreciated the concession with the residential area nearby.

Mr. Pierce asked if the new sign code changes would affect this in anyway. Ms. Bartholomew said the only change would be that signs on Landmark and Significant structures would go before the Historic District Commission. Since this structure is rated Contributing nothing would change.

SUP23-03-02 – Alpine Property Management, LLC requests Special Use Approval to allow Lodging (Transient) – Short Term Rental: Bed and Breakfast Residence per the Table of Permitted Uses, CLURO Section 7.8, Square 7 Lot D, R-1 Single Family Residential District, 1735 Claiborne

Mr. Adams asked if the City was still at the cap of 10 rentals. Ms. Bartholomew said there are no whole house rentals available.

Mr. Rhinehart asked if there was a cap on the rooms, Ms. Bartholomew said they can only rent two. Mr. Rhinehart asked if the kitchen would be an issue. Ms. Bartholomew said that it was an existing accessory dwelling unit and was a little outside the definition of a Bed and Breakfast, but they would be renting rooms, not the whole house. Mr. Rhinehart said it was a shared kitchen, and not in each room.

Mr. Adams asked if it was functional.

Vincent Jenkins, 1735 Claiborne, Applicant: They have owned the home for about five years. The guesthouse was used for friends and family until someone suggested using it for a short-term rental. They could lock the third bedroom and use it for storage and can remove they stove and replace it with a toaster oven. The kitchen is a shared use and is a regular kitchen like in a home. They are willing to make modifications to the space. You cannot see the structure from the street. They are friends with their neighbors and spoke with them and they do not have any objections. There would not be any parking on the street, and it would not impact the neighborhood.

Ms. Durio said the rooms would be rented, not the unit. Mr. Jenkins said that was correct, and they can lock the small room and turn it into storage. They manage properties in Baton Rouge and have done so for about 10 years so this is in their wheelhouse.

Mr. Rhinehart asked if they had to be present during the stay would the structure being detached make a difference. Ms. Bartholomew said there is already a similar situation, it is looked at as the same property and the owner lives there and will be present. Mr. Rhinehart said he assumed the detached structure fell under the homestead exemption as it was on the property, Ms. Bartholomew said it did.

Mr. Adams asked if the owner would have to be in the house or on the premise. Mr. Rhinehart said they would be on site. Mr. Adams pointed out that this was one site.

Mr. Pierce asked if the application being submitted by an LLC made a difference, Ms. Bartholomew said the rules were the same.

SUP23-03-03/V23-03-09 – CEL-ICE, LLC requests Special Use Approval for Outdoor Dining per CLURO Section 8.2.3.1 Outdoor Dining & a Variance to CLURO Section 9.1.4. Minimum Off-Street Parking Requirements by Use, Section 42 Lot B4, B-2 Highway Business District, 1200 West Causeway Approach Suite 19

Mr. Rhinehart asked if the parking was legal nonconforming, Ms. Bartholomew said it was granted in another case.

Mr. Adams asked if the shopping center was one development site or separate parcels. Ms. Bartholomew said it was two buildings on one site.

Mr. Adams said he passes by often and he has not seen a car in the back spots. This could

set a precedent for other places, and he is unaware of anything similar. Ms. Bartholomew said there is nothing similar, Fat Boys and Carretas both located their outdoor dining in the greenbelt.

Mr. Quillin asked what number of spaces were open during restaurant hours.

Christina Rodrigue, Project Manager for 1200 W Causeway: She does not have an exact count but about 50% are available. They have a couple vacant tenants, especially in the north building. She does not see an issue and added that this is a perfect location for the new restaurant as kids congregate in the area after school. They are going to add speed bumps and bollards in the back area, along with planters and a striped area around the seating location. If the parking spaces are an issue, they have some areas that are not striped that they can stripe to add some parking, which would add about 3-4 spaces.

Ms. Durio asked to clarify that if the vacant church space became more intensive more parking could be added. Ms. Rodrigue said that was correct. She added that there are also other things they have looked at to add more parking.

Mr. Rhinehart said they have to plan for success. If a higher intensity occupant moves in, the parking algorithms account for that. If there are three spaces that are unstriped, why not stripe them. Mr. Quillin added that the case would go away. Ms. Bartholomew clarified that the variance case would go away, the commission would still need to approve the outdoor dining.

Ms. Durio said the tenants she is aware of are more daytime and do not compete with the restaurant. She has never seen the parking lot more than half full.

Joey Celino, 1200 West Causeway, Applicant: This is an ice cream shop so people will not have their cars sitting for 2 hours while they eat. They will be there for about 15 minutes so there will not be any cars sitting in the lot.

V23-03-10 – Wade Hickman Jr requests a variance to CLURO Section 7.5.1.3. R-1 Site Development Regulations, Square 88 Rear Portion of Lots 38 and 39, R-1 Single Family Residential District, 2635 Jefferson

Mr. Adams asked what the pervious/impervious calculations were, Ms. Bartholomew said she did not have them. Mr. Adams asked what they would be with the deck, Ms. Bartholomew said the deck was not an addition, it was being elevated with the building.

Ms. Durio asked if it was the same size, Ms. Bartholomew said it was.

Mr. Rhinehart said this property has flooded before and it needs to be elevated.

Mr. Adams asked if there were any neighbors comments, Mr. Weiner said the only comment received was the one included in the case packet. Ms. Bartholomew added that the comment was in favor.

Mr. Quillin asked about the existing deck.

Wade Hickman, 2635 Jefferson, Applicant: The deck was existing, and part of it was taken up after Ida. They replaced the boards and are now replacing the deck as it was.

Ms. Durio asked if the part of the plans in blue was the deck, Mr. Hickman said it was.

Mr. Quillin said they were looking at the front, side, and rear setbacks, Ms. Bartholomew said that is everything. Mr. Quillin said he is concerned with the neighbors, were they contacted? Ms. Bartholomew said they were sent letters.

Ms. Durio asked which neighbor was in favor, Ms. Bartholomew said they were across the street. Mr. Quillin said he was concerned with the raised deck seeing into the neighbor's yards.

Mr. Hickman said the neighbors behind him have a deck at the same height he is proposing.

V23-03-11 – Joe Sheffield requests a variance to CLURO Section 9.2.5.2. Vegetation Protection Zones, Square 9 Lots 4,5,6, R-1 Single Family Residential District, 206 Marigny Avenue

Mr. Adams said this was about 150 sqft, Ms. Bartholomew said it was 145 sqft. Mr. Adams said that was less than 1% of the canopy.

Mr. Quillin asked if there were any plans for the existing walkways, Ms. Bartholomew said the applicant was here.

Joe Sheffield, 801 Coffee, Applicant: There are no plans, the arborist said to leave them alone.

Mr. Rhinehart asked to confirm that there were no issues with the arborist's recommendations, Mr. Sheffield said that was correct.

Ms. Durio said that gravel driveways were difficult without the compacted soil or clay, have they thought about an entrance on Marigny? Ms. Bartholomew said there was a fireplace located there, and the City Arborist said the amount of gravel was very small. Ms. Durio said you could see it was designed to protect the trees.

Mr. Quillin wanted to confirm there were no other issues with the setbacks, this was purely for the live oak, Ms. Bartholomew said that was correct.

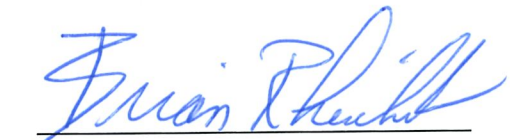
Z23-03-02 – Recommendation to the City Council to effect the annexation of a portion of ground situated on the Southern Half of Square 76 into the corporate limits of the City of Mandeville designating and assigning the property for purposes of zoning as B-2 Highway Business District and providing for other matters in connection therewith

This case was heard along with P23-03-01

With all new business for the Work Session completed, Mr. Rhinehart moved to the Zoning Commission Public Hearing.



Alex Weiner, Secretary



Brian Rhinehart, Chairman
Zoning Commission

Brian Rhinehart commenced the Public Hearing portion of the Zoning Commission Meeting.

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

Old Business

V23-02-03 – Juan Fonseca requests a variance to CLURO Section 8.1.3. Supplemental Fence and Wall Regulations, Square H Lot 99A, R-1 Single Family Residential District, 499 Devon **(APPLICANT HAS REQUESTED TO POSTPONE)**

Ms. Bartholomew said the attorney representing Mr. Fonseca requested another postponement as they were meeting with the HOA tonight to see about a resolution.

Ms. Gautreaux made a motion to postpone the case until March 28th, Mr. Quillin seconded, and everyone was in favor.

New Business

V23-02-06 – Layton Fernandez requests a variance to CLURO Section 5.2.3.2. Drainage Overlay District and Fill Sub-Area A and Section 7.5.18.3 Town Center Site Development Regulations, Square 47 Lot 47C1A, TC Town Center District, 2032 Woodrow

Mr. Rhinehart said this was the third time they have heard the case.

Mr. Adams made a motion to approve the case as submitted, Ms. Durio seconded, and the motion passed unanimously.

Public Comment

Ms. Bartholomew said that the draft for the new sign code was sent out to the commission members. There were some minor updates, the EMC amortization was removed, along with the billboard provisions. The tables were cleaned up and any constitutional issues were resolved so it is content neutral. It was mainly clearing up and clarifying things. She said that it will be posted to the website tomorrow and they would hold a meeting in about a month to discuss it. There is a tentative date for April 18th for a special meeting, but depending on the amount of Public Comments received and the April agenda it could be added to the regular agenda.

Mr. Adams said the Gilbert ordinance was interesting to look at. He said he would be surprised if there were not a lot of public comments. Ms. Bartholomew said that is why there was a tentative date for April 18th.

Ms. Durio suggested noting in the advertisement that EMC signs were not allowed.

Ms. Bartholomew said there was a tracked changes version of the draft, a clean version was just published, Ms. Gautreaux said the tracked changes version could be helpful to see.

Ms. Bartholomew said the APA National Conference was in Philadelphia, with an online option about a month after. If anyone is interested in attending, let her know as the city council needs to approve it. Mr. Rhinehart asked what the dates were, Ms. Bartholomew said it was April 1st – 4th.

Ms. Bartholomew said the next LSU meeting would be on the 20th and she would have a staff report on Friday. They would see about a special voting meeting or if they could do it with a regular April meeting.

Mr. Kreller asked if Desire Line struck out the entire EMC portion, Ms. Bartholomew said

they did. Mr. Kreller asked if they were going to look at the new technology for EMC signs. Ms. Bartholomew said they were not. An ordinance came from the city council to the planning commission and the decision was to not include them and it was withdrawn. They felt like everyone spoke on the subject. She added that anyone can bring it up at a meeting or through public comment if they felt it should be addressed.

Mr. Adams said they should not talk about it as it has not been advertised, but there are some issues with EMC signs. Ms. Bartholomew said she understood that and spoke about it with the consultants. It was taken out for ease of consideration, but it can be brought back up.

Mr. Kreller asked if the present city council struck out the EMC signs, Ms. Bartholomew said they did.

Mr. Rhinehart said the language saying no EMC signs allowed is still there, Ms. Bartholomew said that was correct, it was just the amortization schedule that was taken out.

Mr. Kreller said that could be changed at the discussion. Mr. Rhinehart said that would be done at the April meeting.

Mr. Quillin said he was concerned with the EMC being taken out, but it has been addressed.

Mr. Quillin motioned to adjourn the meeting, Ms. Gautreaux seconded, and all were in favor. The meeting was adjourned at 7:08pm.



Alex Weiner, Secretary



Brian Rhinehart, Chairman
Zoning Commission

Alex Weiner

From: Brenda - [REDACTED]
Sent: Monday, March 13, 2023 1:50 PM
To: Alex Weiner
Subject: Case V23-02-03- Juan Fonseca, 499 Devon

Case number is V23-02-03
Juan Fonseca
499 Devon Drive

To the P&Z Board: I am in favor of the fence variance for Juan Fonseca at 499 Devon. His fence looks very nice and seems very practical for that corner.

Brenda Morton
436 Devon Drive
Mandeville, LA 70448

Alex Weiner

From: Doreen B. Richardson <[REDACTED]>
Sent: Monday, March 13, 2023 1:05 PM
To: Alex Weiner
Subject: Case # V23-02-03 Juan Fonseca 499 Devon Drive

Dear Mr. Weiner,

I am a homeowner in the Golden Glen subdivision. Unfortunately I am unable to make the meeting tomorrow evening .

My name is Doreen Richardson and I live at 111 Katherine Pkwy. I would like to express my support the fence variance at 499 Devon Drive. He has only done improvements to that property. The fence is just one of many.

Should you need to contact me my # is [REDACTED]

Sincerely,

Doreen Richardson

Alex Weiner

From: Lindsey Kennedy <[REDACTED]>
Sent: Monday, March 13, 2023 3:31 PM
To: Alex Weiner
Subject: Fence Variance at 499 Devon Dr.

To whom it May Concern:

My name is Lindsey Kennedy and I reside at 426 Devon Drive. As a neighbor to Mr. Fonseca I would like to voice my support in him being granted a variance for his fence case number V23-02-03.

Thank you for you time!

Lindsey Kennedy

Sent from my iPhone

Alex Weiner

From: [REDACTED]
Sent: Monday, March 13, 2023 10:00 AM
To: Alex Weiner

My name is Peter Klebba and I live at 2630 JEFFERSON ST.

I have no issues with Wade Hickman Jr. raising his house. I would prefer he raise it as high as the other houses on the street. My house is raised about 9 feet of the ground. My property is 4 feet above sea level.

thank you,

Peter Klebba

Alex Weiner

From: Jay Seastrunk [REDACTED]
Sent: Monday, March 13, 2023 12:47 PM
To: Alex Weiner
Subject: P&Z Comment SUP23-03-2 1735 Claiborne Short Term Rental Bed and Breakfast.

Alex,

Please see comment for this agenda item below the line – thank you,

Jay Seastrunk

I am writing to oppose this short term rental application for 1735 Claiborne St because as submitted it does not appear to meet the CLURO definitions or the intent of original ordinance.

6.4.42.1 Lodging (Transient)— Short-term Rental: **Bed and Breakfast Residence.**

An **owner-occupied dwelling unit** having **no more than two guestrooms** where short-term lodging is provided for compensation by the owner/operator of the residence who shall be present during the guest's stay.

1. This application is for the use of a separate dwelling unit on the same lot of record as the owners dwelling unit in a R-1 district. The existing separate dwelling unit is non conforming, this proposal seeks to expand that non conformity by allowing it to become essentially a whole house bed short term rental, that happens to be on the same lot as the owners separate dwelling unit -that is not what a Bed and Breakfast is.
2. 6.4.42.1 says that the dwelling unit must be owner – occupied – as this dwelling unit is a separate dwelling unit and has its own kitchen separate from the owners kitchen in the owners separate house THIS dwelling unit does not appear to be owner occupied.
3. 6.4.42.1 says that no more than two guestrooms are allowed – this one has 3.
4. 8.2.35 Under F 2. vii Under the short term rental application for this an LLC is listed as the applicant for this application – for bed and breakfast residence proof of residency via valid homestead exemption appears to be required – I don't see how it is the intent to allow an LLC applicant for a bed and breakfast, this would seem to expand the definition of owner being present if representatives of an LLC can somehow be considered taking the place of a present owner – this does not seem to be the intent of the short term rental legislation which was to limit them and ensure the presence of THE RESIDENT OWNER, not anyone else during the guest stay.

Because this is a separate dwelling unit with its own kitchen it is not an owner occupied dwelling unit.

This discussions of bed and breakfasts during the creation of the short term rental legislation focused on bed and breakfast as not having dedicated kitchens for guest use and being bedrooms WITHIN an owner occupied dwelling. The proposed application seeks to provide three bedrooms plus en suite kitchen with cooking facilities in a separate dwelling unit behind the owners dwelling unit. A three bedroom dwelling unit with kitchen seems to fit more in line with a whole house short term rental than it does for guestrooms WITHIN an owner occupied dwelling unit.

Granting this exception:

- Rewards / expands an existing non conforming use (second dwelling unit on an R-1 zoned lot) by allowing it to be considered owner occupied when the owner appears to live in the dwelling unit next door.
- It is my opinion that the kitchen should be removed and only two guestrooms provided (without living space and kitchen) for this to be considered an owner occupied short term rental bed and breakfast. Providing a separate

living space with kitchen is essentially providing a separate whole house (dwelling unit) short term rental instead of a bed and breakfast as it was envisioned in discussion of the original ordinance by providing a complete living space with its own kitchen and living areas (dwelling unit) that is completely separate from the owners dwelling unit in a separate building. Granting this exception stretches and redefines what a Bed and Breakfast Residence is and should NOT be granted. If this is granted it will also provide a work around that essentially allows whole house rentals without having one of the 10 whole house rental licenses.

If this example to become an accepted definition of Short Term Rental: Bed and Breakfast Residence the ordinance should be revised to allow it instead of granting it by exception as the granting of exceptions has become the norm.

Best Regards,

Jay Seastrunk
1815 Lakeshore Drive
Mandeville, LA 70448

Plan of two separate dwelling units 1735 Claiborne.

