

The meeting was called to order at 6:00pm by Commissioner Claire Durio

The secretary called the roll.

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

Absent: Karen Gautreaux

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 March 14 and 28 regular meetings, and the March 20 special meeting, Mr. Quillin seconded, and all were in favor.

Mr. Rhinehart made a motion to move P23-04-02 to the end of the agenda, Mr. Adams seconded, and all were in favor.

Mr. Rhinehart moved into the Zoning Commission meeting.

New Business

P23-04-02 – A text amendment to CLURO Articles 2, 5, 6, 7, and 10 to amend regulations relative to the installation of signs City-wide including, but not limited to provisions to ensure that regulations are content-neutral, clear, and concise and to address issues such as abandoned signs, hazardous signs, temporary signs, free-standing signs, murals, materials used in sign construction, and related matters.

Evelyn Campo, Desire Line Representative: The CLURO at the start had an excellent approach to signage. They were interested in human scale signage that was not overpowering and distracting.

Mr. Adams asked if they looked at issues beyond content neutrality, Ms. Campo said they did. Mr. Adams said there were some serious questions and disagreements around the town but would get to that later.

Ms. Campo said that they looked at a lot of things such as clarity and keeping up with the times. They dealt with the structure and content of the code and consolidated the tables for clarity.

Ms. Campo said that in 2015 a Supreme Court case turned most sign codes on their head. It was ruled that if you had to read a sign to regulate it then it could infringe upon someone's first amendment rights. You can only address design.

Ms. Durio said you can regulate based on size, material, and location. Mr. Rhinehart added that political signs, real estate signs, and garage sale signs all have to be treated the same.

Mr. Adams asked if Ms. Campo had looked through the code of the town in Arizona. Ms. Campo said that they did. They also looked through different codes in communities that had content neutral regulation, along with some communities outside of Louisiana to compare the codes.

Ms. Campo said that you would want to list prohibited signs as they can be traffic hazards or nuisances. A list of exemptions is also recommended. These would still be regulated; they just would not require a permit.

Mr. Adams asked what the case would be if there were multiple people in a house supporting different candidates in a race, would they just flip a coin to see who gets to put up a sign? There might be some pushback on that.

Ms. Campo said that even though the signs are exempt from permitting, there are still rules such as a max size, time limit and location.

Mr. Adams said that any sign with a "die date" should be taken down immediately. He also asked if Ms. Campo had looked into issues with multiple signs on a property throughout the year.

Ms. Bartholomew said that these were just the comments from the internal review, nothing was set in stone.

Ms. Durio asked if there would be one sign with a maximum square footage, or if you could have multiple signs adding up to the allowed maximum. Ms. Bartholomew said that is something they could look at.

Mr. Adams said that 16sqft is 4x4 sign, which is a bit big. Ms. Bartholomew said right now the regulations allowed for 32sqft, so they decided to cut it in half.

Ms. Campo said they could look at temporary signs having different allowable square footage in commercial vs residential areas. As the code is currently written it allows one per street frontage, but she has seen three per site with some other communities.

Mr. Rhinehart asked if you could treat political signs differently than for sale signs, Ms. Campo said it was risky with a content neutral focus. That is why they looked at the 90 day timeline. She added that for sale signs are less predictable.

Mr. Pierce asked if they would just get another permit if they wanted to put one up again, Ms. Durio said these signs did not need a permit.

Mr. Adams said that signs located in the right of way would still not be allowed.

Ms. Durio asked if there was a way to regulate the removal of political signs and still be content neutral. Ms. Campo said that code enforcement could call the campaign and give them a deadline.

Mr. Rhinehart said if the shelf life was the election day or date of a garage sale, they could do fourteen days later as that was not based on content.

Mr. Adams asked if there would be another work session on this, and if what was done in Gilbert could be explained. Mr. Rhinehart said they can have more discussion at the next meeting.

Ms. Bartholomew said there was no rush. Mr. Rhinehart added that the city council is going to have to go through this same process.

Ms. Durio asked if regulating on the event date was content neutral, Ms. Campo said she would caution that course.

Mr. Rhinehart asked how it was different from regulating based on size. Mr. Pierce asked how you would know the event date without reading the sign.

Ms. Campo said there were some case laws about dates on signs, but she would double check.

Ms. Durio said they should consider a maximum square footage with multiple signs.

Mr. Quillin asked if a street number was considered an etched sign, Ms. Campo said it was something that would not require a permit. Ms. Bartholomew added that some examples may not be in the code but are in other codes.

Ms. Campo said that you do not want to lose transparency with etching. Mr. Quillin said that is why there would only be one etching even if there were two windows on a door.

Ms. Campo said they did not want to limit in the code, and wanted to allow some creativity with signs, especially if they had some Historic Appeal.

Ms. Bartholomew said that in the current code, the Historic District had no purview over signage. They added some purview if the sign is a significant part of the building.

Mr. Adams said that can get tricky, they had a previous case about if something was an architectural feature or a sign. Mr. Rhinehart said the key word is "integral" part of the building.

Ms. Campo said there was a slight decrease in the sign area for attached and detached signs in the B-3 and Town Center districts. They also addressed illumination as well.

Ms. Campo said that monument and free-standing signs in the B-3 and Town Center districts can have visibility issues for drivers.

Ms. Campo said that window signs were also a hot topic. You typically do not want something that covers the entire or majority of a window. They looked at having a coverage limit.

Mr. Adams said this is something that was almost impossible for staff enforcement. The only thing to do is not allow them. Ms. Campo said hopefully that is not the case if you have a standard. Code Enforcement should be able to see if it is a major issue. They want to deal with repeat violations.

Mr. Rhinehart said it works for him.

Ms. Durio said that it is much easier to enforce with a limit such as 50% - 25%.

Mr. Quillin asked how you would get that percentage calculated. Ms. Campo said that if there is a suspected violation, then code enforcement could speak with the owner and get them to show the design. It should have the calculation on it.

Ms. Campo said that interior signs are hard to enforce with content neutrality. You want to enable businesses to have signs to help people find their way around the site.

Ms. Campo said that murals are another hot topic with art vs signage. With the Supreme Court ruling you cannot differentiate between artistic vs commercial signage. You do not regulate based on a commercial message. A good rule is to limit the lettering area.

Ms. Campo brought up non-conforming signage and having clarity on replacement after damage.

Mr. Adams asked if on premise vs off premise signs were talked about. He added that there was a moratorium on billboards done years ago.

Ms. Campo said that multiple issues were brought up, with having an ordinance for dealing with storm damage and another for abandoned signs.

Ms. Bartholomew said they did away with billboards. Mr. Adams asked how you would identify a billboard. Ms. Bartholomew clarified that they did away with off premise signs.

Ms. Campo said that most communities have a maximum allowable for free standing signs, and then have another definition of billboard.

Mr. Rhinehart asked if off premise signs were done away with the rewrite, Ms. Bartholomew said they were.

Mr. Adams said that billboards are still an eyesore and asked how many were still legal. What would have to be done to get them down. Ms. Bartholomew said they talked about taking them down if the business was closed. If the owner of one wanted to come in to fix the billboard, then they would have to bring in an appraisal and cost estimate to fix. If it is over the 50% then they would not be allowed to fix it.

Ms. Durio read the abandoned sign definition which states: A sign that has fallen into a state of disrepair or is otherwise deteriorated as a result of a lack of maintenance, repair or upkeep. Evidence of abandonment may include, but is not limited to, peeling paint or finish material; warped, bent or otherwise disfigured sign components; or a punctured or otherwise damaged sign face. She added that abandoned signs were included in the prohibited sign types.

Mr. Adams said that code enforcement would then cite someone.

Ms. Bartholomew said that no billboard was conforming. Mr. Adams asked if it was the owner's responsibility to take them down, Ms. Bartholomew said it was. Ms. Campo said that language was added to say that.

Janet Smith, 116 Rue Chinon: She is familiar with the regulations. She was sorry to hear that a committee made up of voting citizens was not formed. There was not a lot of publicity about this, she hopes there will be more promotion to get more input. She spent some time reading through the draft, the EMC definition is great. The list of prohibited signs includes EMC and EVM and you cannot convert to an EVM or EMC sign. She was happy to hear that. She mentioned that digital signs were left off the prohibited sign list. Ms. Bartholomew clarified that was not the intent, and it can be added in. Ms. Smith said that the window signage did not include a percentage restriction, and she is glad it is being discussed.

*Ms. Smith passed out a picture of a convenience store with the windows completely covered. * This is 100% covered and is not keeping with the intent of reducing visual clutter. Enforcement issues were mentioned, that is a problem in lots of areas.

Mr. Adams said that on the picture, it is essentially covering all the windows. It is like putting a billboard in front of a house.

Mr. Rhinehart said in his experience there has been an improvement in code enforcement.

Mr. Quillin said that gas price signs are usually electronic and asked if that was covered in the EMC. Ms. Campo said the code already prohibited them and the amortization period is now over.

Ms. Bartholomew said that is how we got here. There was an ordinance that would allow for a percentage of allowable EMC signs, and it was withdrawn so EMC signs are not allowed in any capacity.

Ms. Durio said there were more meetings discussed, would the public have the opportunity to give more input at the next meeting?

Ms. Bartholomew said the code has been posted on the website since March 15th. This was the first public meeting, but the discussion has to start somewhere. It is up to the commission on how they want to handle the meeting schedule but there have been attendance issues in the past with special meetings.

Mr. Rhinehart said he would like a summary of the Gilbert case and the best practices for the shelf life of political signs for the next meeting.

Ms. Durio said they could vote or postpone at the next meeting.

Ms. Bartholomew said this was just the introduction meeting, it was decided not to have a special meeting as there had been no comments received.


Mr. Adams asked if there could be an agenda for the most contentious issues. Ms. Bartholomew said there was a tracked changes version of the draft that is available.

Ms. Smith said it would be easier to see what had changed with the tracked changes. Communication is a science, this was not out there enough. There are many positive things but it needs more publicity to let people know what is going on.

Mr. Rhinehart motioned to adjourn the meeting, Ms. Durio seconded, and all were in favor. The meeting was adjourned at 7:38pm.



Alex Weiner, Secretary



Karen Gautreaux, Chairwoman
Planning Commission

Brian Rhinehart commenced the Zoning Commission Meeting.

Notification of Filing Case Addendum - 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

V23-04-12 – Allison and Brian Froeba request a variance to CLURO Section 9.2.5.2. Vegetation Protection Zones, Square 5 Lot 6A, R-1 Single Family Residential District, 1617 Lakeshore Drive

Mr. Rhinehart asked if this was an encroachment to connect an existing walkway. Ms. Bartholomew said it was. She added that the drive would be extended, and a circle driveway installed around the dripline of the oak.

Ms. Durio asked if the arborist recommendations are for the entire driveway or just the encroachment, Ms. Bartholomew said they were just for the encroachment.

Mr. Adams said there were similar cases with a large canopy and a small amount of encroachment. The Live Oak Protection ordinance was passed 35 or more years ago, and there may not have been a lot of input from landscape people at the time. It was decided to protect 2/3 of the canopy and roots. The 82% comes from $.82 \times .82 = .67$. He thinks that the ordinance may have to be redone. He is not sure what the correct amount is, but as much as possible should be protected during construction.

Mr. Rhinehart asked if in a perfect world the proposed encroachment would not bother Mr. Adams. Mr. Adams replied that the purpose of the ordinance was to protect 2/3 of the canopy. This is nowhere close to that amount. He said that maybe the change in ordinance would be to protect 80% and measure differently.

Mr. Quillin said that for gravel driveways the material is not usually placed on dirt, clay is put down first. The arborist recommendations say to not do that. There is usually also a filter fabric between the dirt and limestone which would affect the drainage. That is not specified in the report, but some sort of filter fabric will be used. The 26 sqft is not a substantial amount.

Brian Froeba, 1617 Lakeshore, Applicant: He said that they were planning on removing the sidewalk to improve the vegetation zone of the tree. They were also planning on using a filter fabric. Mr. Rhinehart asked if the sidewalk would be removed and not replaced, Mr. Froeba said that was correct.

V23-04-14 – John Keller requests a variance to CLURO Section 8.1.1.4. Allowed Setbacks Encroachments, Square 1 Lots 13 & 14, R-1 Single Family Residential District, 2816 South Street

Mr. Rhinehart said there have been similar cases in the past.

Ms. Durio asked if there had been any comments received from the neighbors, Ms. Bartholomew said there had not been.

Mr. Adams said they have seen these cases a lot, and it makes sense to match the location of surrounding people.

Mr. Rhinehart asked if it would be located on the same side as the existing mechanical equipment, Ms. Bartholomew said it was new construction and there was no existing equipment. Mr. Rhinehart asked if all the mechanical equipment would be located in this

area, Ms. Bartholomew said it would be.

Mr. Quillin said he is concerned as the house was already shifted over to one side with the flex on the setbacks, this would only be leaving a short distance to the lot line. He asked where the original location for the A/C equipment was. Ms. Bartholomew said it was on the site plan, it would be on the same side as the driveway.

John Keller, 2875 Villere, Applicant: The initial plan was to have the A/C equipment on the other side, but it would make more sense to place it on the west side. The house to the west is also located close to the property line. As there is such a small amount of space between the houses there will probably not be anything done with the area. There are also fewer windows on that side of the property. If the equipment is located on the east side of the house, the neighbor will see it from their backyard. It could also potentially impact parking if placed on that side. The electricity will be run from the west side, so he thought it made sense to locate the equipment there as well.

Mr. Rhinehart asked if the 5' distance was from the window or house, Ms. Bartholomew said it was from the structure.

Ms. Durio asked if there was any objection from the neighbor, Mr. Keller said that he believed the house was just sold but the old owner had no objection.

Becky Rohrbough, 2525 Lakeshore: Said that besides the obvious logic with how the houses are situated, the rule with no mechanical equipment in the side setbacks was to allow emergency vehicles access to the rear of the property. There is easy access to the rear from the other side of the property. With the house to the west existing for some time there is also some vegetation in place to help screen the equipment.

Mr. Keller clarified in the photos that the white line was the property line.

V23-04-15 – Lynn Brayton requests a variance to CLURO Section 7.5.10.3 B-3 Site Development Criteria – Setback Encroachment, Square 34 Lot D1-A, B-3 Old Mandeville Business District, 418 Lafitte Street

Mr. Rhinehart asked if the building would be located where the truck and shed are in the picture, Ms. Bartholomew said it would be. Mr. Rhinehart asked if it would be in line with the house, Ms. Bartholomew said it would be set back a bit.

Mr. Adams said the property to the north looks like a flag lot and something appears to be located west of the proposed structure. Where is the access? Ms. Bartholomew said it was a resubdivision that came before the commission. Mr. Rhinehart said he remembers it. Mr. Rhinehart added that Maison Lafitte was next door.

Mr. Rhinehart asked if there was any other encroachment, Ms. Bartholomew said there was none. She added that the Fire Marshal requires a 10' buffer if the space turned commercial.

Mr. Pierce asked how this was an accessory dwelling unit, Ms. Bartholomew said it was under 1,000 sqft. If it was over, it would be a second dwelling unit. She clarified that a second dwelling unit was allowed in the B-3 district.

Mr. Rhinehart said it looked like an apartment above a garage, Ms. Bartholomew said that was correct.

Mr. Quillin asked if the balcony was included in the square footage calculation. Ms. Bartholomew said it was not, just living space.

V23-04-16 – Brad and Dawn del Rio request a variance to CLURO Section 5.2.3.2. Drainage Overlay District and Fill Sub-Area A, Square 77 Lot 1B, R-1 Single Family Residential District, 1331 Madison Street

Mr. Adams asked if this property was next to the marina, Ms. Bartholomew said it was close by. Mr. Adams asked if the lots to the east of the property were developable, Ms. Bartholomew said they were very low and wet.

Ms. Durio asked if there was any indication of the request affecting the neighbors or the street. Ms. Bartholomew said that the neighbors sent in a comment and said they were not opposed to the request and did not think it would affect them. Ms. Bartholomew added that public works is familiar with the property and commented that the request would not have an adverse impact.

Mr. Rhinehart asked if a drainage plan was required, Ms. Bartholomew said a plan prepared by J.V. Burkes & Associates was submitted by the applicant. Mr. Rhinehart asked if the City Engineer looked at the plan, Ms. Bartholomew said they did.

Katherine Riecke, P.O. Box 1810 Covington, Representing the Applicants: The swaying mentioned in the engineer letter is a problem and has caused interior cracking of the sheetrock. They have spoken with the neighbors and there is no objection from them.

Mr. Adams asked if the City Engineer looked at the plans and agreed that there would be no change in drainage, Ms. Bartholomew said that was correct.

V23-04-17 – East Approach LLC requests a variance to CLURO Section 9.2.5.7. Live Oak Protection Requirements, Square A80 Lot 80A, B-2 Highway Business District, 2810 East Causeway Approach

Mr. Adams said there was talk about the slab breaking. Are there any potential legal issues if the City does not allow a removal of a tree that is said to be dangerous.

Mr. Rhinehart said that the City Arborist said it was a soil issue for the foundation problems.

Mr. Adams said there were powerlines at the front of the lot, and he was not sure of the distance required from them. Would CLECO allow something to be planted there? Ms. Bartholomew said that CLECO does not allow any Class A trees in their right of way.

Mr. Adams asked where their right of way ended, Ms. Bartholomew said she would have to check. She added that there is no CLECO right of way located there, it is the street right of way. Mr. Adams asked if there could be plantings in that location, Ms. Bartholomew said that was an option.

Ms. Durio said that the report submitted by the applicant's arborist said the amount of pruning required could cause damage and the report from the City Arborist said the amount to be pruned was not specified. Both reports only talk about pruning.

Ladson Poole, ArborWorks, on behalf of the Applicant: The insurance company requires nothing overhanging the roof edge. The continued removal would contribute to the decline of the tree. The roots grew into the sidewalk and foundation and caused damage to the pipes which was required to be replaced. The digging to make the repairs would also harm the live oak. There is no feasible place to replant on the property, especially seven live oaks. The owner is open to paying for replanting on City property and pay for the maintenance for a year.

Ms. Durio asked if replacing the pipes and sidewalk caused damage to the tree or if it was still healthy. Mr. Poole said the vitality of the tree was reduced, but there is no test for a

healthy percentage. He is all for preserving trees, especially live oaks as they are wonderful specimens. He asked if you should save a tree for the sake of saving, or if you should save a healthy tree that would last a while.

Mr. Adams asked if the building construction date and planting date of the trees was known. Mr. Poole said he did not know.

Mr. Quillin said the closer tree seems farther from the building and asked if the distance of the trees was known. Mr. Poole said he did not know off the top of his head. He added that there is no evidence of damage from the north oak. The damage is from the south oak, which is the main offender.

Mr. Quillin said maybe only look at the south tree as a compromise. He is looking to save any canopy and work with the owner.

Mr. Adams said that Class B trees can be planted under powerlines, Mr. Poole said that the owner is open to that as well. Mr. Adams said the right of way is empty.

Ms. Bartholomew said that they can look at removing one vs two trees and speak with CLECO and the Causeway commission about planting in the right of way.

Ms. Durio asked if what the insurance company said was in writing. Mr. Poole said it was sent to Mr. Weiner. Mr. Weiner said that it was included in the packets provided to the commission.

Ms. Durio said there is nothing mentioned about needing the tree to not overhang the roof. Mr. Poole said he can get further documentation from the insurance company.

Mr. Rhinehart said he would like further documentation. Mr. Poole said he would speak with the owner and send it to Mr. Weiner.

John Keller, 2875 Villere: His father used to own the property the oaks are at least 50 years old. Mr. Poole said based on the dbh of the trees he estimates that they are about 75 years old.

With all new business for the Zoning Commission finished, Mr. Rhinehart adjourned the Zoning Commission to move back to the Planning Commission to hear case P23-04-02.



Alex Weiner, Secretary



Brian Rhinehart, Chairman
Zoning Commission

Alex Weiner

From: Lynn Brayton [REDACTED]
Sent: Thursday, April 6, 2023 12:17 PM
To: Alex Weiner; Lauren Brinkman
Cc: Ashley Collier; [REDACTED]; [REDACTED]
[REDACTED], Andrew Wilson
Subject: Fwd: Variance in setback 418 Lafitte St

>>>> Dear Planning and Zoning Committee Members,

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>>>> We are planning to build a carriage house next to our home at 418 Lafitte Street. It currently does not have a garage or any outside storage space other than the comically small utility shed. Our goal is to create a space for outside storage, add a guest apartment, visually balance the property and maintain the historical look of the property.

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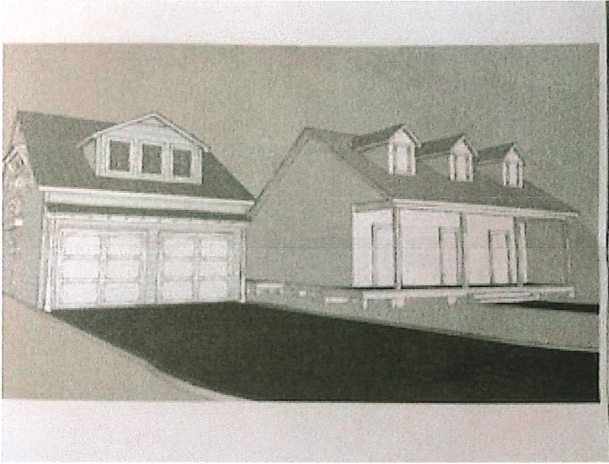
>>>>>> I am requesting a variance in the setback from the street to 59' instead of 60'. Originally the house was designed to comply with the setback, however, it did not match the roofline of existing house. My goal was to match the style of the existing house. Matching the roofline took out a fair amount of usable square footage in the floor plan because of the areas in which ceiling height was too low. The apartment is small and the rooms were designed with no extra space. The bedrooms can only accommodate queen beds as it is. I think the priority would be to create an aesthetically pleasing design that matches the historical structure rather than conform to the arbitrary setback of a forward facing garage.

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>>>>>> Below is the house and the design requesting a variance. Notice that the roofline is very similar to the existing house.

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>>>>>> In a new neighborhood where you are building from an empty lot, being in compliance with all the setbacks can be more easily accomplished, however, in a historic neighborhood, houses are already non compliant. While the garage is one foot into the setback, it is still well behind the front of the house. The architect has presented designs that are setback compliant, however, I think a bigger compromise is made when you don't match the roofline of the existing house. My goal would be to have the structures match in style so that they look like they were built at the same time rather than looking like an obvious addition to the property.

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>>>>>> I am requesting a one foot change in the setback in order to accomplish the more important goal of creating a more historically appropriate design.

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>>>>>> I greatly appreciate your consideration of my request.

>>>>>>

>>>>>> Sincerely,

>>>>>>

>>>>>> Lynn Brayton

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>>>>>> Sent from my iPad