

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

The secretary called the roll.

Commissioners Present: Nixon Adams, Claire Durio, Andrea Fulton, Karen Gautreaux (absent at roll call, present at 6:01), Mike Pierce, and Brian Rhinehart

Absent: Scott Quillin

Also Present: Cara Bartholomew, Director Planning Department; Rad Dickson, Planner; David Parnell, City Attorney; Clif Siverd, Public Works; Alex Weiner, Secretary; Tina Myers, Secretary

Mr. Rhinehart made a motion to adopt the minutes from the July 11 and July 25 meetings, Ms. Durio seconded, and all were in favor.

Mr. Adams made a motion to move case P23-08-03 to the end of the agenda, Ms. Durio seconded, and all were in favor.

#### New Business

**P23-08-03** – An ordinance of the city council of the City of Mandeville amending Ordinance No. 16-09, Article 5.2.3, Building Codes and Permitting Requirements of the Comprehensive Land Use Regulations Ordinance (CLURO) pertaining to grading supplement and providing for other matters in connection therewith

Ms. Bartholomew said that this was introduced at the last city council meeting, and the recommendation from the commission would be forwarded to the city council. She said that there was some language change, and the Allowable Fill Materials section was added.

Mr. Siverd said that under section 5.2.3.1. a section was added, titled Allowable Fill Materials which states: Only select granular material, such as locally available sand, shall be used as backfill and/or fill required to reach design grade may be used in all areas. Sand fill shall be nonplastic and free of roots, clay lumps, and other deleterious materials with no more than 10% by weight of material passing a U.S. Standard No. 200 mesh sieve. The Owner shall verify conformance to these requirements prior to transporting any fill to site, and such verification shall be provided to the City upon request.

Mr. Adams asked if this was just for the area under the slab. Mr. Siverd replied that this was for all fill material, from the slab to driveways and pools.

Mr. Parnell said that this would mimic the Southshore. It would change the clay content in the new number three.

Vaughan Sollberger, 235 Girod: Heard that this was coming. He works in other jurisdictions and 2-3 times in the past year he was forced to use river sand as opposed to clay. There are a few drawbacks. A positive is that it is an indigenous material. When doing underground piping there have been cave ins due to the incohesive quality of the sand. He asked contractors specifically if it would be a pain, it would cost more but ultimately not a big problem. There is not much growing under the slab.

Mr. Rhinehart asked if the Northshore needed to use red clay as opposed to the Southshore. Mr. Sollberger said he does not like to see clay on the job site. It is mostly used for flatwork, not necessarily under the slab. There may be an argument for under the slab itself. He does not understand the precedent from other Parishes.

Mr. Rhinehart said that unless there is a functional reason that we cannot do this he does not see a drawback with syncing up with the other Parish.

Mr. Adams said that intuitively he does not see a difference under the slab.

Ms. Durio said that they may need an expert on the subject. She just raised her house and there was clay underneath it. She just does not know enough and needs some professional advice.

Mr. Sollberger said he knows a structural engineer that loves river sand. The only drawback is that there are cave ins.

Ms. Durio said that seems like it occurs during construction. Is it a problem after? Mr. Sollberger said it was not. It is just when the trenches exist.

Ms. Durio wondered if the clay would prevent drainage and cause problems if it is under the slab or not. She is not an expert, and it would be nice to have one.

Mr. Adams said it seems like if a slab was put down the foundation would meet the specifications. Mr. Sollberger said that he has done some jobs that were totally earth formed.

Mr. Adams said this was a technical question and he was not sure the commission were the experts here. There is no need for clay to be where it is not needed. It could stop at the edge of the slab or barley go past.

Ms. Gautreaux suggested getting someone from New Orleans to speak on this.

Mr. Parnell said he can help when establishing the regulation.

Ms. Gautreaux said that non-native material has been a drainage problem.

Mr. Siverd said that red sandy soil has been used by contractors. He has only had to get a soil analysis from the yard once. People see "red clay" and think that it is clay, but it could be a sandy clay with the 30% content and is a native soil. In his experience river sand is non-native and costly. When the excavation is being done the clay is hauled away and the contractors get a granular material. There could be some elevated cost in new construction, maybe 3-4 times as much.

Mr. Rhinehart asked if on an undeveloped lot the native soil is dug up that is not past the clay percentage. Mr. Siverd said that is correct.

Mr. Siverd said the slab height dictates how much fill is allowed. There is not much filling in the yard of material greater than the 30% clay content. It cannot be spread in the yard.

Mr. Rhinehart asked what the average clay content was in native soil. Mr. Siverd said it was a 60-40 ratio based on soil boring.

Ms. Durio said that the natural clay content would be reduced with the ordinance.

Mr. Rhinehart asked if the 15% clay content was acceptable. Mr. Siverd said probably only in river sand.

Ms. Durio asked if that could even be procured. Mr. Siverd said probably only with Mississippi river sand.

Mr. Parnell said that the 15% content is for grading. It is banned for fill. Mr. Siverd said that was for any color as well.

Ms. Gautreaux asked if that was different than native clay. Mr. Siverd said it would depend on what is called native. River sand is not native to the Northshore.

Buck Abbey, 1129 Villere: The up to 6" of topsoil worries him. He would be happier with 8" but would prefer enough to put a 3-gallon pot in the ground and for it to be in good soil. Plant roots start at the bottom and if they are put in sand, it will make the plant suffer. 6" is too thin, he asked for the commission to consider 8". He would prefer 12" but he can live with 8".

Ms. Durio asked if the 6" is for the entire yard. Mr. Abbey said it would be specifically for plant beds. Grass does not do well in pure sand and would require irrigation which he is not in favor of as it wastes water.

Mr. Adams said that the commission does not know much about this and neither does the city council. The only place where there is significant slab construction in the City is in the Sanctuary. There are big lots and there would be lots of angry people. They need someone to explain this.

Mr. Rhinehart asked if they could get someone? Ms. Bartholomew said that this ordinance was introduced by councilman Zuckerman and that he could provide experts to discuss this.

Leonard Rohrbough, 2525 Lakeshore: He has a couple of observations. A lot of the verbiage is too loose and not mandatory. In paragraph one it says "such verification shall be provided to the City upon request" which loses the shall. Documentation should be submitted with the application. He is confused with the 6" of topsoil, is it in garden areas or the whole yard? If he added 6" to his yard, he would flood his neighbors. It seems faulty to him. There is no need for any fill, the 15% should be prohibited. He assumes that if they want a higher content, they will need a variance. Or would it never be approved?

Ms. Durio said the City Engineer may authorize the use of something else for drainage.

Mr. Rohrbough said that the 15% is not useful for any purpose. Ms. Durio asked why, Mr. Rohrbough replied that he elevated his house and did not use any. Ms. Durio said that 15% is not high, and that most soil has clay in it.

Mr. Rohrbough said that he bought 153 cubic yards of concrete for his house on stilts and is doing fine after about 5 years. New construction is just overengineered.

Mr. Rhinehart asked that councilman Zuckerman and his experts attend the next meeting.

### **Public Comment**

There was no public comment.

Mr. Rhinehart motioned to adjourn the meeting, Ms. Durio seconded, and all were in favor. The meeting was adjourned at 7:51pm.

**R23-08-01** – Carolyn Schultz requests a variance to CLURO Section 7.5.4.3. R-3 Site Development Regulations and to resubdivide a portion of Square 102 into lots 1,2,3, and 4, Old Town of Mandeville, Square 102, R-3 Multi-Family Residential District, 1099 Villere Street.

Mr. Adams asked if Lot 4 fronted on Louvois St., Ms. Bartholomew said it did. Mr. Adams asked if it would be the same for Lot 1 with the Right-of-Way. Ms. Bartholomew said it was unopened, so the only access was from Villere St., so that is the frontage for the lot.

Ms. Durio said there was such a significant difference between Villere St. and the Lots, how is that addressed with the driveway?

Paul Rees, on behalf of the applicant: That is one of many issues that was addressed. He

spoke with two different architects, Mike Piazza and Vaughan Sollberger, who both said that driveway access is not an issue. It is about a net slope of 5', with a driveway over 30' there is no issue going up 5'. They will have to plan to make it work, but it is not a challenge.

Mr. Adams asked if there were still heavy trees on the trace, Mr. Rees said that south of the trace is a drainage ditch, which continues with a 12 ½' servitude into the property. There are few trees under the powerlines. They plan to protect what is there, there are some pines and scrub by the trace.

Mr. Adams asked if there was any underbrush, Mr. Rees said there was some.

Mr. Adams asked if you would be able to see the rear yard if you were on the trace? Mr. Rees said there is still brush. The servitude is the problem, you cannot build as close as normal. 12 ½' is removed from the property. There is a lot of scrub and older growth. They want to preserve the buffer subject to the utility company.

Mr. Adams said it would be a shame if nothing would be back there. Is there a landscape plan for the area?

Mr. Rees said that the utility company does not want trees in the lines. There is lots of scrub, and they want the buffer and have no reason to touch it. They might do a fence in the rear yard; they do not have a right to go on the servitude.

Mr. Siverd asked what servitude Mr. Rees was referencing. Mr. Rees said the one in the rear. Mr. Siverd said that was a CLECO servitude, the drainage servitude was in between Lots 2 and 3.

Mr. Adams said there is almost nothing on the south side facing Villere St. He would rather see houses close to Villere St. and plantings by the trace.

Mr. Rees said they do not want to see the house from the trace.

Ms. Durio asked if the 15' CLECO servitude overlapped with the 15' setback, Ms. Bartholomew said it did.

Mr. Rees said they can commit to a natural buffer in the CLECO servitude. It would act as the 15' setback. They agree with a "no build" in that area.

Mr. Rees said he spoke with David Rathe who owns the property to the north and has been vocal about the culvert being too small. The Schultz family own a small parcel to the north that is currently zoned R-1 and they have no intention of building on it. He met with Mr. Rathe who has no objections. Mr. Rees said they have offered to widen the servitude for the culvert and give the City free reign to adjust. They used it for the property line between Lots 2 and 3.

Mr. Siverd said they would need about 50'-100' for an open ditch. They would be going from -1' to 11' - 12'. There was talk about replacing and dropping the culvert to alleviate some issues for the north property. It is already an established servitude so they can do that.

Mr. Rees said he has no objection to that.

Mr. Adams asked if it would dump into the marina? Mr. Siverd said it would go into a pipe between lots 2 and 3, go under Villere St., and outfall into the Marina.

Ms. Durio said they cannot plant trees in the servitude and asked if they could maintain it as a greenbelt? Subject to whatever CLECO does. Ms. Bartholomew said the owner owns it,

but CLECO could come into it.

Ms. Durio asked if they could make it a no cut buffer for the owner? Ms. Bartholomew said they could make it a no cut buffer, but it would not apply to CLECO.

Mr. Rees said it would be like Lonesome Road, with a backyard and a fence. He asked if a fence was allowed in the CLECO Right-of-Way. Ms. Bartholomew said that typically they are allowed on either edge.

Ms. Durio asked if the property line would be on the trace, Ms. Bartholomew said no as there was a ditch located there.

Mr. Rees said he would have to do a site visit before committing to a fence. Ms. Bartholomew added that they would get some pictures as well.

Ms. Durio said she thought the property line was at the trace and was unaware that there was a ditch there.

Mr. Rees said they do not want the trace to see into the yard. He does not think that the ditch is jumpable. He added that there is a walkthrough on Louvois St. to the trace.

Mr. Rees said that some of the side setbacks were shifted due to Live Oaks. The front setbacks are 15' for the side allowances. All buildings will be built at grade. He is fine with the sewer and water discussion.

Mr. Reese said that Lot 4 will be under the minimum square footage. The reason being that there is a CLECO servitude on the east property line. They did not want the power line to be in the middle of the yard for safety reasons. This just makes Lot 3 larger. The current building on Lot 4 is being used as a real estate office.

Mr. Rhinehart asked what the minimum lot depth was, Ms. Bartholomew said there was not a minimum depth, it was an area thing.

Mr. Rees said the power line is about 15'-20' off of the ground. The existing house would have a smaller yard, but still decent.

Buck Abbey, 1129 Villere: He is not in the business of telling people what to do with their property, but he is in the business of helping. This is an interesting situation and would affect the public. He and his wife walk down the street often and it has the best marina view in the City. He likes the slope on the property, as there is not much topography in Mandeville and kids need to learn about what it is. The back being against the trace is a concern. It would be terrible for fencing, as that image would be a terrible welcome to Mandeville. Wood fences also do not last, a vegetative screening would be better. They should require some plantings as well. Landscaping would improve the look of the houses.

Leonard Rohrbough, 2525 Lakeshore: If the developer is not adding an underground servitude to the lots, then what difference does the servitude make. Why would Lot 3 get more square footage because of powerlines? Most houses have lines above them. He does not see an advantage to make a subpar lot due to the lines. No cut zones are good for about 1 - 5 years, but who would monitor down the road. The houses would be elevated so you would see into their kitchens, not the yards. The arguments lack credibility. He has not heard any advantage gained by the City for the development.

Ms. Gautreaux said she thought any structures would not need to be elevated.

Mr. Rees said they are required to be at 12' and the lots are at 12' or 11'. It would be a minimum elevation to meet BFE. The powerline is a safety issue, it carries lots of current and is a heavy line. He agrees with the concerns about the buffer.

Mr. Adams asked if it could be added to the plat, Mr. Rees said it could be.

Ms. Bartholomew said that everything seems to be outside of a flood zone.

Mr. Rees said the benefit to the City would be the gain in property tax. He also said people have a right to develop their property. He is not sure if it is the best view, but Lot 3 does have a good view. He is here to get a good plan to put the lots in commerce.

Ernie Prieto, 990 Montgomery: It is zoned R-3 but what will be built? Will it be a triplex, duplex or single family. He has concerns about parking if it is more than single family. There is not a lot of room on the street.

Ms. Bartholomew said they do not have any development plans currently. R-3 is based on 3,000 sqft per unit. Parking would have to be on site. What is allowed may not be conducive to all regulations.

Mr. Adams said they would have to provide parking for all the units.

Mr. Rees said they can accommodate parking on the lots. The plan is still to be determined, but they are not trying to squeeze into the property. There is lots of area on Lot 3 and he does not think they will have parking issues.

Leonard Rohrbough, 2525 Lakeshore: One lot is being turned into four, is a variance needed for the existing non-conforming development? Ms. Bartholomew said that was part of the request.

Mr. Rohrbough said he is not sure if this would be under the commissions purview but requested that they ban bamboo as it is awful stuff.

Mr. Rhinehart asked if they would be creating four legal nonconforming lots. Ms. Bartholomew said that Lots 1,2, and 3 conform. The commission would just be establishing setbacks that are deviated. Lot 4 is nonconforming and would require a variance for the setback.

Ms. Durio said that if the lot line between lots 3 and 4 was moved it would affect the size of Lot 3 and the number of units allowed.

Mr. Adams said they should strike the botanical bias from Mr. Rohrbough from the record.

Ms. Durio asked if they could see pictures from the street level, Ms. Bartholomew said they would get them.

Ms. Durio moved to the Zoning Commission portion of the meeting.

  
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Alex Weiner, Secretary

  
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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.

Old Business

**V23-07-26** – Donna Hines requests a variance to CLURO Section 5.2.3.2. Drainage Overlay District and Fill Sub-Area A, Old Town of Mandeville, Square 28 Lot 2, R-1 Single Family Residential District, 2423 Lakeshore Drive (**APPLICANT HAS REQUESTED TO POSTPONE UNTIL SEPTEMBER**)

Mr. Rhinehart asked if anyone objected to the request for postponement, and nobody did.

New Business

**V23-08-28** – Owen and Diana Farris request a variance to CLURO Section 7.5.1.3. R-1 Site Development Regulations, Old Town of Mandeville, Square 29A Lot 91A, R-1 Single Family Residential District, 2529 Lakeshore Drive

Mr. Adams said the only one affected would be the neighbors and asked if any input had been received. Ms. Bartholomew said that none had been received.

Ms. Durio asked what the cross hatched addition was, Ms. Bartholomew said that the architect was here.

Vaughan Sollberger, 235 Girod, Architect: There are a few additions with the design. One is the porch in the side setback, the other is to the building and is inside the setback. There were also some changes to the roofline of the building to add a smaller second floor. The geometry worked with the roofline.

Mr. Adams said it would appear that the neighbor is the only one affected by this addition, and asked if it was next to Mr. Rohrbough. Mr. Rohrbough said he was to the right side.

Ms. Durio asked how close the building was to the setback, Ms. Bartholomew said it was on the property line.

Mr. Sollberger added that the neighbors have a close building as well and they will still be able to access it.

Ms. Bartholomew said she can add a survey with the encroachments for the next meeting.

Ms. Durio asked if Mr. Sollberger was aware of any objections? Mr. Sollberger said that the owners have been talking with Becky and Leonard Rohrbough.

Leonard Rohrbough, 2525 Lakeshore: He has seen this house deteriorate for about 30 years. It is in rough shape. It started in Katrina and finished in Ida. He is happy that someone is bringing the house back to life. The porch is a good enhancement. The door is moving to the side. It is a good thing that someone is taking over the house. This is not a small endeavor. Mr. Sollberger has done a good job with what is there. The building to the west is an old garage on the property line.

Mr. Rhinehart asked who was living there, Mr. Rohrbough said it was Scott and Shelly Naquin.

Mr. Adams asked if this would be going before the Historic District Commission, Ms. Bartholomew said it has already been through the process.

Becky Rohrbough, 2525 Lakeshore: They had the same situation at their house. When you elevate you are still going to have a door and you need to do something with it, either a long staircase or a porch. They chose the porch when they elevated. It is attractive and able to be seen from the front street. This house was like this when the neighbors on the other side of them bought their house. They also have an accessory building next to it. She does not know of any objection from them.

Mr. Rhinehart asked if the porch was 16' in width. Mr. Sollberger said it was 8' deep.

**V23-08-29** – Carolyn Schultz requests a variance to CLURO Section 7.5.4.3. R-3 Site Development Regulations and to resubdivide a portion of Square 102 into lots 1,2,3, and 4, Old Town of Mandeville, Square 102, R-3 Multi-Family Residential District, 1099 Villere Street

This case was heard along with R23-08-01

**V23-08-30** – Joshua Brandner requests a variance to CLURO Section 7.5.10.3. B-3 Site Development Regulations and Section 9.1.4. Minimum Off-Street Parking Requirements by Use, Old Town of Mandeville, Square 10 Lot 2A, B-3 Old Mandeville Business District, 214 Girod Street

Mr. Rhinehart asked if 22 spaces were required. Ms. Bartholomew said that was the number with a straight calculation. The applicants submitted a split calculation. Ms. Bartholomew said she showed both, but the CLURO required 22.

Ms. Durio asked if medical services have administrative space included in the calculation. Ms. Bartholomew said the parking calculation is not always perfect, but the intent is to mix uses. Some are better than others.

Mr. Adams asked how many parking spaces were available on site? Ms. Bartholomew said that 10 spaces were offered on site, with 3 on street spaces that were adjacent to the property.

Mr. Adams said they have been flexible in the past, an operation like this would be by appointment only. He would imagine that they calculate how much they need.

Ms. Durio said there would also be staff as well.

Vaughan Sollberger, 235 Girod, Architect: The building got a Demo by Neglect citation last year. The owners hired some architects to do some designs for the building, which was done without any plans for who the tenant would be or the function. The goal was to elevate the building and make it look good. The property then changed hands and the new owners came to him and asked him to mimic the other two clinics that he already owned. Mr. Sollberger said they looked at the other businesses and the spaces that they use. There are 6 employees and 1 doctor. There is not a fast turnover, and the owner will still be operating out of the other locations and will only be here 2-3 times a week. The other locations have 10 and 12 spots.

They initially submitted with the 13 spaces as the number needed for the building. The owner also owns the property next door, the property behind this one, and the property on the other side of the property to the north. They did not want to develop a parking lot if it was not needed. There are currently no plans for the other properties yet. They want to avoid the construction of a parking lot. In the parking analysis all shared space is medical services. 1500 sqft is storage and private offices and support spaces. This is not going to be an Ochsner clinic, but a neighborhood clinic.

Ms. Bartholomew said the parking calculations are uniform for the entire City. They are not



exactly fit for each function.

Mr. Adams asked if the other locations had four operating rooms as well, Mr. Sollberger said they did.

Mr. Sollberger said this was a single doctor working with two patients at a time. Once the patients are finished the other rooms are used while the previous rooms get cleaned.

Mr. Rhinehart asked if it would be raised. Mr. Sollberger said it would be elevated. They will put parking under the building as neat as possible. The driveway is also a one-way loop.

Ms. Durio said it looks great and the idea of not being open on the weekends makes sense. She wanted to know what would happen if this became an Urgent Care clinic. Ms. Bartholomew said that the variance would run with the property.

Ms. Gautreaux put forth the possibility of getting a partner and the dynamic changing.

Ms. Duiro asked if the intent was to keep the area between the building and LaLou as greenspace? Mr. Sollberger said it was. They would look at that space in the future. He suggested it could be a contingency area for overflow parking. Ms. Durio said then they would be paving a space on Girod St.

Mr. Rhinehart suggested that the applicant could contribute to the parking mitigation fund.

Mr. Adams said it is located in the B-3 district and could be converted to a residence or another business. If it changed it would have to come back. Ms. Durio said that the variance would follow the medical service use.

Mr. Pierce asked if the upcoming parking ordinance would affect the on-street parking spaces on Girod St. that they are counting. Ms. Bartholomew said those are established spaces and she does not see the ordinance affecting them.

Mr. Sollberger said he does not foresee any parking problems. Parking is tough on the weekends with all the other businesses. He said it is best to keep greenspace.

Ms. Gautreaux said that 228 Girod also received a Demo by Neglect citation as well and it is still there. Is anything going on with it?

Mr. Sollberger said they are working on it. The same owner who purchased this lot also purchased that property as well.

Ms. Bartholomew added that the previous owner had said they were wanting to do something with the property, so they knew it was moving along.

Ms. Fulton asked if the three on street spaces were dedicated to this business. Ms. Bartholomew said they were not dedicated, but they could count them. Mr. Sollberger added that since they were adjacent to the property they could count them, but other people could use them on the weekends and at night.

Ms. Fulton asked if they could ever become dedicated. Ms. Bartholomew said they could not. Ms. Fulton asked even if the business changed, Ms. Bartholomew said the City would not want to do it.

Skelly Kreller, 280 Dona: He is an expert on oral surgery and wondered if this would be ADA compliant. He does not see a ramp or elevator, and there is no way that a sedated patient will come down the stairs. He has built 6 offices and fired 4 architects. He does not see where the medical gasses will be stored, they will have to be downstairs.

Mr. Sollberger said that there is an elevator, it is located by the handicap parking spot. Ms. Durio added that it is shown on the floorplan.

Mr. Sollberger said they have a covered drop off area, which the addition on the side is serving as. The medical gasses are being stored in a one hour fire separated room. He would have to look at the floorplan but it is on the second floor.

Ms. Bartholomew added that the State Fire Marshal does commercial plan reviews and would catch things like this. Mr. Kreller said he is not sure if the State Fire Marshal would approve this.

With all new business concluded for the zoning agenda, at 7:21pm Mr. Rhinehart moved back to the Planning Commission to hear case P23-08-03.

  
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Alex Weiner, Secretary

  
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Brian Rhinehart, Chairman  
Zoning Commission