

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

The secretary called the roll.

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

Absent: None

Also Present: Cara Bartholomew, Director Planning Department; Rad Dickson, Planner; David Parnell, City Attorney; Tina Myers, Secretary

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

Jason Zuckerman, 1354 Villere: He was asked to come to provide information about this ordinance. He intentionally did not come to the work session as he was the author of the ordinance as he wanted the discussion to take place without any influence from him. He is only here to answer any questions that the Commission may have. There were a couple of general thoughts from the last meeting:

1. It seems like a pretty good idea as people have been complaining about the importation of red clay for years.
2. Why not allow it under foundations and concrete, as those are impervious materials anyway.
3. What impact will this have on construction methods? Can foundations be built on materials other than red clay, and will it cost contractors more?
4. We really do not have the expertise to analyze this.

Mr. Zuckerman said he would start with the last item. While he was unable to get a group of experts to come testify on this on such short notice, he can offer himself as such. He stated his qualifications were that he was a state licensed architect, with 30 years of experience as both an architect and contractor.

Moving back to the first item he says that since he has been on the city council it has been one of the top complaints he receives. Banning red clay fill in the City limits has been one of the top requests he has received as a councilman so he put this ordinance together. He would not have authored this ordinance if he did not think it was a good idea to ban it. This imported material creates an impervious surface, similar to crushed concrete. It is used to line manmade ponds and lakes to hold water. That is not something you want on your building site.

For the second question, the easy answer is that if it was able to be placed just under the building foundations it might not be that big of an issue. The advantage is that you can use the clay as formwork for the underground portion. You need to create a building pad larger than the foundation in order to use it as formwork. As the foundation is dug, that material is moved outside of the footprint and becomes part of the native topsoil, resulting in a much larger impervious area than the foundation.

Throughout Mandeville, projects are being proposed at the limit of the pervious/impervious calculation, but are they actually compliant? Mr. Zuckerman would suggest that they are not. To answer the question of why not allow it under the foundation, to allow it under the foundation would be allowing it outside of it as well, and would contaminate the entire site.

For the third question, it will have an impact and cost more, until it becomes the norm. As for how much more he does not know as there have not been any studies done, but in his opinion, it will not be a big deal. Red clay fill is generally not used on the Southshore for the reasons mentioned earlier, and contractors are used to working in that environment. The specifications in the ordinance are taken directly from specifications for projects that he has personally worked on south of the lake.

Compacted sand drains, compacted clay does not. Excess sand integrated into the top layer of the site does not decrease the ability to absorb water or increase surface runoff. Red clay does.

Mr. Zuckerman prepared a PowerPoint with pictures showcasing site prep and typical clay building pads, excavation in clay, site contamination, sand in lieu of clay, and working in sand.

During site prep the site is stripped of organic material to suitable firm soils below. The topsoil is typically stockpiled so it can be used for shaping the site once completed. Red clay fill is brought in and compacted once the hole has been made. The building pads that are created are not the same size as the building itself. It has to be bigger than the foundation if it is used to form the foundation, and most buildings are not perfect squares.

Referencing the picture of clay building pads Mr. Adams said he does not believe that is compliant with City regulations. Mr. Zuckerman said he was told it was.

Ms. Durio said that picture was showing the entire property, not just under the building. Mr. Adams said that was just not enforcing current ordinances. Mr. Zuckerman said it was reviewed and was compliant.

Ms. Bartholomew said the review was done by Public Works and would not answer on their behalf.

On the picture two after the previous picture Mr. Zuckerman said that the form work represents the outer line of the foundation and when the building site is prepped it is prepped way outside due to the ins and outs of the structure.

Referencing the picture titled excavation in clay Mr. Zuckerman said that the clay pad that starts out under the building, once utilities are put in and everything is excavated, ends up outside of the building.

Referencing the picture two pictures after the previous picture Mr. Zuckerman said this was typical when using a clay pad after it is excavated. The material ends up outside of the building foundation and becomes incorporated into the topsoil.

On the first picture titled contamination Mr. Zuckerman said that this is what it looks like when the material is placed outside of the building footprint, and it rains. It gets incorporated into the topsoil.

On the second picture titled contamination Mr. Zuckerman said this is another picture of the clay being located outside of the foundation and becoming incorporated into the topsoil. This is very common.

On the first picture titled sand building pads Mr. Zuckerman said that the procedure for working with sand has similar initial site prep.

Referencing the second picture titled sand building pads Mr. Quillin asked how much time sandfill needed to settle in comparison. Mr. Zuckerman said sand is easily compactable and is compacted by wetting it. He did say that it has unique properties and is different working in it.

Mr. Quillin said that in general when he deals with any type of sand fill, they are looking at 4-6 months of settling time. Mr. Zuckerman said that all the projects were 12-month projects. He added that it would depend on if the building is pile supported or not, and the method of compaction.

Mr. Quillin said they were still drill pier foundations and he had to let them sit for months. Mr. Zuckerman said they mechanically compact as they do not have that luxury of time. He also said there may be other reasons for letting a site sit for that long.

Referencing the picture titles working in sand Mr. Zuckerman said these were pictures of how you would do a foundation in sand. He did say that the trenches do not hold up very well, but there is inexpensive material called stay form that you can put into the trenches, which are shown in the photo on the left side of the slide.

On the picture following the last Mr. Zuckerman said that this was a picture of how thin plywood was used to contain the sand, while allowing for monolithic pour.

Mr. Zuckerman said that any excess material that makes it onto the building site is not a big deal, as it is completely pervious.

The PowerPoint was concluded at this time

Mr. Zuckerman said Orleans Parish, Jefferson Parish, and the City of Kenner do not appear to have any type of fill ordinance. The City already has a more stringent fill requirement in terms of identifying what type of fill.

He added that the method of construction on the Southshore is a matter of practice rather than a mandate from a municipality.

Ms. Durio said that local sand was mentioned and that it was native rather than the imported red clay. She said that when she digs in her yard its either red or gray clay, but that it what is native. When she raised her house what was brought in was sand from across the lake. The dirt that was local was red and was taken away. She asked if they would be bringing in something from outside of the area into the area and what consequences there could be. The clay is what is native, the sand is coming from the river.

Mr. Zuckerman said that in his experience in Mandeville is that there is not much native red clay. What is below the surface is a silty, expansive clay. It is different than the red clay, but it is firm suitable soil. It would probably not be a big deal if they were only digging out the foundation.

Ms. Durio said that is all they are allowed to do. What was shown in the pictures is not allowed now. That would not be changed by this.

Mr. Zuckerman said he would have to respectfully disagree, as those are all photographs of current sites.

Ms. Durio said it is going on, but it is not permitted under the CLURO today.

Mr. Zuckerman said from a practical standpoint if you have a building that has ins and outs, and bump outs you have to go 2-3 feet bigger than the farthest point on the whole building.

Ms. Durio said she understands, but the ones that were shown cover the entire property.

Mr. Zuckerman said his point was when you are doing that, and submitting your pervious/impervious calculations you are not accounting for the excavated material and shape of the building pad.

Ms. Durio said she understands that, but that is not the question. When you dig in her yard you find clay. We would be bringing in sand from out of the area which would not be native, and what the effects of that would be on the area, if any. She also asked who would certify it as it comes in by a truck and is not stockpiled where it could be tested.

Mr. Zuckerman said that is not accurate. He orders tons of site fill and it has to meet specifications and all pits have tests and labs at them.

Ms. Durio said that is what she was told but that was not what got to the house.

Mr. Zuckerman said he does not know about Ms. Durio's house, but when he orders river sand at a certain specification that is what he gets as commercial applications are tested on site.

Ms. Durio said that is different than residential to have the availability to test on site. She does not want clay but also wants to make sure what they are doing is practical and enforceable because what is being shown in the pictures is not permitted now and is still happening. Passing a new rule that is not enforceable is not going to help the City.

Mr. Zuckerman said that as councilman he has received many photographs over the years of red clay fill, some that were in the presentation, that have gone through code enforcement and were told it was fine.

Ms. Durio said that they post pictures on Nextdoor with drones, but she does not know that they have gone through Code Enforcement and been approved.

Ms. Bartholomew read the existing language for Sub-Area A which says: No change in elevation from natural grades shall be allowed except follows:

- a. Up to six (6) inches of fill may be placed under the perimeter of the soffit or roof line of structures to achieve positive drainage from under the structure.
- b. Existing sites may be graded, or surface or subsurface conveyances may be established to meet the City's requirement to convey water to the City's stormwater management system.
- c. Grading changes shall not have an adverse impact on adjacent properties in accordance with State law.

She went on to say that is it a maximum of the six inches of fill under the soffit, but the sites do get graded to meet their drainage plan. As long as the elevation does not change pre and post construction that is how Mr. Siverd looks at it. He looks at the pre elevation and post elevation.

Mr. Adams said there were pictures showing material 2ft from the property line that was obviously 6 or 8 inches above the property next to it. There is something wrong with that.

Ms. Bartholomew reiterated that she was not going to speak on behalf of Public Works, but she knows that it is not that fill is not allowed anywhere on the site. It is the 6 inches that is allowed under the soffit and then they can grade it out to achieve drainage. That is all she would speak to.

Ms. Durio said that the City has a 30% rule currently on the clay, how is that being enforced?

Ms. Bartholomew said that at the last meeting Mr. Siverd said he has gotten soil tests previously and were all under the 30%. Maybe not to the 15% but to the 30%. She said that Mr. Siverd was also trying to explain that the color does not reflect the content.

Mr. Zuckerman said that you have red clay that has high sand content. The problem is not that red clay under a slab is bad. It gets everywhere and gets incorporated. It contributes to a city-wide reduction in overall permeability. It is not seen typically on sites on the

Southshore, but it is seen on sites on the Northshore. You have pits in Folsom and Franklinton where this comes from.

Mr. Quillin said in item one of the proposed ordinance it says locally available sand. What is locally available and how far is local?

Mr. Zuckerman said he cannot answer that question. Locally available does not mean Mandeville, locally probably means anywhere from the pits in the surrounding area where he gets sand from.

Mr. Adams said this was an ordinance, it should specify.

Mr. Quillin said his point is that it has to be defined.

Ms. Durio said even if you go buy it from one of the folks on Hwy 190, the smaller amounts for landscaping, it did not come from Mandeville. It came from somewhere else. You are buying it in Mandeville, but it did not come from Mandeville.

Mr. Zuckerman said that anything you bring to a site does not come from Mandeville. He said he can tell you that river sand in the New Orleans Metropolitan area, including Mandeville, is readily available. It is one of the most common building products on sites.

Mr. Quillin said he understands that. His point has to deal with the words in the ordinance. It says local, what is local?

Mr. Zuckerman said he would recommend that be taken out. He said it is the Commission's recommendation, he is just trying to answer questions.

Mr. Rhinehart asked if it would be as simple as, irrespective of location, the content of clay. That could be restricted. Mr. Quillin said he does not care if it is local or not, the issue is the clay content.

Mr. Adams said they requested an engineer be present to discuss this and to say what would work and what would not. Is there a civil engineer who does slabs present who can talk about this? Or is there a geologist who can speak to the clay content?

Mr. Zuckerman said he did not line up any experts.

Mr. Adams said you would have to be an idiot to not know the City has a fill problem. They have been trying to solve it for 20-25 years and never been able to. There is some truth with respect to enforcement, but the City should try. They asked last time if the City Engineer thought this was a good plan, if this would work or not and they asked for some expertise. He does not see how they can vote on it until there is some technical expertise on this.

Ms. Durio asked where the 15% comes from? Mr. Zuckerman asked which 15% they were talking about, Mr. Quillin replied it was in item one.

Mr. Quillin said that actually what was written is 10%, Ms. Durio said 15% is written in item three.

Mr. Adams said that clay must come in different flavors, it is not an element.

Mr. Zuckerman said that was the specification he was referring to. If you grab any structural fill or civil earthwork for any project that is the standard.

Mr. Quillin said that items one and three disagree. Item one has 10% and Item three has 15% so that is another edit that would need to be taken care of.

Mr. Zuckerman said they are two different things. One is for the 6 inches of top layer for site grading and the other is for structural fill.

Ms. Durio asked why they were different.

Mr. Zuckerman said right now the allowable clay content in topsoil for lot grading is 30%, he proposed a reduction to 15%. Right now there is a limitation of a maximum clay content of 30% if the Commission thinks it should stay then it can stay.

Ms. Durio said they do not know which is why they would like to know where the 30% number came from, and a more scientific reason for why 30% and then why 15%.

Mr. Zuckerman said the 30% comes from the current ordinance, the 15% was him proposing to reduce it by half.

Ms. Durio said the question was why did they put 30% in and why are we putting 15% in now?

Mr. Zuckerman said he could answer the second half. The reason is to increase permeability on the sites. He cannot answer as to why the 30% is in the existing ordinance.

Mr. Pierce said maybe a comparison to natural soils could be provided. He did have a question, is it significant for Mandeville that part of it is in a drainage overlay or a velocity zone where you get water that comes up as opposed to rain coming down. Is that significant to clay vs sand. Or in a velocity zone where it is flowing back out at speed. His point is with clay it tends to send the water around, with soil and sand it is more permeable, and water goes through. He would be a little worried about carrying away material under the foundation. He does not know if it would be a factor as he is not an expert.

Mr. Zuckerman said that is the first time he has heard that concern.

Mr. Pierce said he is worried about a washout if you have soil that is not good at shedding water. Ms. Fulton said she thinks that is a valid concern as it would make you think you have a risk of some erosion.

Mr. Zuckerman said that sand does need to be contained, but the purpose of Item three is to cap the sand. A pure sand site would wash out.

Ms. Fulton asked if there was any Geotech input studies from the past with the 30% or now with it at 15%. Is there any Geotech stuff?

Mr. Zuckerman said he does not have any Geotech reports with him.

Mr. Rhinehart asked if the ordinance would be citywide across all districts or would there be some districts more applicable with the soil content.

Mr. Zuckerman said as it is proposed now it would be citywide, but as mentioned in the opening remarks it will be up to the council whether they implement it all, in whole or in part.

Ms. Fulton asked if Mr. Zuckerman could speak more on the dangers and things he is worried about with the contamination. She understands that it is impervious but if there is a certain mixture that is more or less acceptable and what happens when it is a higher ratio.

Mr. Zuckerman said that in simple terms water cannot drain into the site and runs off. He cannot speak to the percentages of clay being mixed into the top layer.

Ms. Durio said it was clay underneath when she raised her home and they filled it back in, but it will not all go back in. It was next to the house and there was no water drainage and it flooded the neighboring yard. She thinks that clay is terrible, but she wants to make sure they know what they are doing when they reduce things and change things without the science.

Ms. Gautreaux asked how the 6 inches was being spread out from the perimeter of the building. Ms. Bartholomew said again that she does not want to speak on behalf of Public Works, but the Planning Department does not enforce the fill ordinance. It says that you can have the 6 inches and then it allows for grading. Not every lot is perfectly even.

Mr. Adams said that is not the way it has been interpreted over the years.

Ms. Durio said that people come for a variance if more is needed. Ms. Bartholomew said that the Planning Department receives pre and post form elevations. As long as those numbers are the same that is considered compliant because there is no change in grade.

Ms. Gautreaux said there was a change in the materials filling the grade. Ms. Bartholomew said yes, but there is no change in grade.

Mr. Zuckerman said there might be some people in the audience with some expertise and he has offered all he could over the last 45 minutes.

Ms. Fulton asked if Mr. Zuckerman could talk more about the complaints and the source of the complaints.

Mr. Zuckerman said that over the past three years as councilman he has gotten emails and photographs of people complaining about red clay. From Dalwill to East Approach with the new complex. He would guess that there are no native soils exposed on that entire site. He probably gets photos once or twice a month.

Mr. Adams asked if Mr. Zuckerman had heard anything from people over in the Sanctuary as they have lots of vacant lots ready to be built on. He cannot imagine that you would not hear from people who want to put up 12,000 sqft homes on something that is not going to hold up their house. He went on to say that he still thinks the Commission needs information from an engineer, and from a geologist. Both for construction appropriateness for this kind of material and also what standards are used for the clay and stuff that is put there. He does not think this ordinance is ready to go and does not think they have the expertise to tell the council what to do.

Mr. Parnell said that the ordinance was introduced July 27th, under the rules it has 120 days to be voted on so there is still time.

Mr. Rhinehart said they could carry this conversation over for a couple of meetings if needed.

Mr. Parnell added that it would have to be given to the city council before the advertisement deadline for the November meeting.

Ernest Burguieres, 241 Wilkinson: You want some expertise on how it all works. The City has under contract someone who has made this his life's work, David Waggoner. Waggoner & Ball Architects are under contract with the City. He has a website that has catalogued every drop of water from LaPlace to Slidell and Lake Pontchartrain and where it comes from and how it goes. Red clay is not rocket science, it is just what they did back in 1960. New Orleans has been there for 300 years and has never used it. His house is built on piers with no clay around it, just sand so the water just passes through.

He sued the City about 10 years ago for filling in a ditch and his property started to flood and he had to hire a hydrologist and install piezometers. Jefferson Parish dealt with this with

their cracking slabs. The water on his property is a sandy loam base. What everyone forgets is that all the water from Chicago to Folsom all drains south to Lake Pontchartrain. Every time a hole is dug and filled with clay is like adding hair to the bathroom drain. Everyone is having problems with drainage now.

There is no problem with his house on piers, and it is his belief that every house in a low lying area should be built on piers.

Ren Clark, 420 Carroll: There is nothing more enabling and empowering for the Commission than to do their own research. They are talking about a soil biome and the damage that they are doing to a living thing, our soil. In most of our soils it is about 66% sand until developers come. The US Department of Agriculture (USDA) has a website call websoilsurvey. It allows you to explore everything in an area. Civil Engineering does not talk about soils, but they are essential to where we live. When clay is brought in a biome is destroyed.

According to Parish Engineers all of Mandeville is clay, nothing could be further from the truth. You can educate yourself. Soil is critical. Grubbing is destroying the soil biome.

Justin Sullivan, 2351 Villere: He does not want to be up here defending red clay. When you have the person who introduces the ordinance not be able to answer any of the questions, if you are not careful with this and do not get it pinned down there will be serious trouble. He does not know where the pictures are coming from, he builds in the area and they are not his sites. When you go to a site you have a drainage plan, and Mr. Siverd looks at where the footprint of the house is and averages the numbers.

In most places you are allowed to stick a 2x6 in the ground and that is it. Any fill brought in is not going above natural ground. Before a certificate of occupancy is granted, the surveyor has to go out and shoot the same spots and if the elevations are not the same you are not getting occupancy. He understands the spillage and creep of the red clay, that can be addressed. The idea that people are four cornering lots is not true. Most of the pictures shown would not meet the ordinance that we have today. There could be an argument for not enforcing maybe.

If you get to the end of those jobs, he guarantees that the sites do not look like that. He is confused on where the pictures came from. If they want to deal with clay outside of a foundation, you can. It will make it a little more complicated but do it. But if you are going to start getting into putting in sand that we do not even know percentages or where it is coming from. Mr. Zuckerman said that there is no argument on cost, Mr. Sullivan said to double it. He has called around.

Every time it rains it will be another \$1,000 to go out and cut trenches again. Some people do not care about cost, but if you double the cost of a foundation, he is just making more money. He builds cost plus jobs. He does not have time to address every single point that was made by Mr. Zuckerman, but he would love to. If you want to deal with it outside of the foundation, then deal with it. But do not get into this under foundations. It is a bad mistake.

Ms. Durio asked if the foundations that Mr. Sullivan currently works with meet the 30% level of clay, or is it higher, or is it unknown. Mr. Sullivan said it is probably higher than 30% but not by much.

Ms. Gautreaux asked if it was reasonable address outside of the foundation what would be done? Mr. Sullivan said there would be drainage inspections. If he four corned a lot Mr. Siverd would come out and ask what he was doing. You would have clay outside of the foundation.

That does not happen. He does not see it happen around here. They cut out exactly where the foundation is. It would just be a matter of Mr. Siverd or whoever from Public Works going out before the slab is poured and make sure there is no clay outside of the footings. He is not sure how they want to do it, he just knows that it has not been thought through. It is a very

dangerous thing to not thoroughly discuss and the Commission is expressing all the right things.

He added that you do have to worry about water going under the slab. He is just asking that the Commission do some homework on this.

Ms. Durio said most of the pictures they saw it looked like they scraped the entire site first. That has not been her experience in this area. Is it necessary for construction to scrape the entire site? Mr. Sullivan said no. He is building on Marigny right now with three huge live oaks on the site that they are not going anywhere near. They are maybe a foot outside of the formboards.

Ms. Durio said it seems like the native soil should not be removed in the first place, and if there is any areas holding water that need to be graded then only that should be addressed.

Mr. Sullivan said he does not know what was being talking about with the footings dirt filling in other areas or saving it in another area. You cannot do that, that would bring up your elevations. You cannot go filling your yard. If you go up 6 inches from ground and then start bringing in fill you would be draining back to the slab. That is the whole point of what you are trying to get out of.

There is some filling of low spots to some extent, but nothing like what was being talked about. You have to be at the same elevations at the start and when you finish. It is math.

Mr. Rhinehart asked if you could get a certificate of compliance on the percentage of clay that is in the fill that is brought in. Mr. Sullivan said he believes that is something they are starting to implement. He believes that Mr. Siverd is starting to do that now and it would not be a bad idea.

Ms. Durio asked if that was something readily available from the suppliers. Mr. Sullivan said it is.

Mr. Sullivan said all he is asking is to do some homework before going through this. It has not been thought out.

Mr. Rhinehart asked if the clay pits are native, so to speak, in that they are not importing clay from somewhere and stockpiling it to sell. Mr. Sullivan said that is correct, they are native to where they are.

Ms. Durio asked where they were. Mr. Sullivan said they were located in Eanan and La Ronge.

Mr. Sullivan added that every house is different, and all this depends on who is engineering the houses. He brought out way more fill than he brought in on a house on Marigny. The only had to dig out maybe 8 inches, but in winter you could be mucking out 4ft. He just asks that you do not mess with underneath the slabs because that would be a problem.

Mr. Rhinehart asked if there was a percentage required to make a sturdy slab as he assumes that Mr. Sullivan is concerned with stability.

Mr. Sullivan said he does not know enough and would defer to an expert. Just not sand.

Ms. Fulton asked if the concern was stability, Mr. Sullivan said it was.

Ms. Durio asked if that was during construction or after. Mr. Sullivan said it was after.

Leonard Rohrbough, 2525 Lakeshore: He would like to see a more extensive open meeting, without the clock, if necessary. He agrees with Mr. Adams that a lot more information is needed. Especially about soils. The City needs to require a submission of a soil content

analysis for every truckload that is brought in. There has been little or no enforcement in Mandeville. Enforcement is the key, there is no point proposing ordinances if they will not be enforced. His experience is that Mandeville has a sandy clay. There has been a corner of his house that has sunk since the day it was built.

Mr. Zuckerman said that there have been a lot of great comments and he agrees with most of them. He encourages reaching out to consultants and doing homework as the Commission is charged with making a recommendation to the council. This does not need to be passed by the city council tomorrow. There are a lot of resources that they can lean to. He would encourage the Commission to not say that they do not have enough information and to let it die. The people deserve for this to be thought through.

Mr. Adams said he hopes that Mr. Zuckerman is not suggesting they go and do research on the internet, they need to get a consultant. We need some experts like they asked for last time. The ordinance is fatally flawed as it is now.

Mr. Rhinehart asked what the feasibility of having someone from Waggonner & Ball at the next meeting.

Ms. Gautreaux wanted to offer having a special meeting on this topic as opposed to having it on the regular agenda.

Mr. Zuckerman said what he wanted to do tonight is present the genesis of this. He thought it was a good first step and the intent was to get the discussion going. The Commission owes it to the City to do their own research.

Mr. Adams said that the research is actually done before the ordinance is written and it is given to the Commission in some detail when it comes to them. They are not supposed to design jobs.

Ms. Gautreaux said they could convene a special meeting and bring in some experts.

Ms. Durio said it would be a good idea to have more people from the City and the public come if it is a special meeting.

Mr. Zuckerman thought that it would be great for more public input as well. He is not suggesting this be rushed through, but it does need to be addressed.

Ellen Pierce, 150 Carroll: Wanted to point out the Northshore Home Builders Association is a great resource and suggested reaching out and having a representative at the next meeting. Not just for structural purposes, but for insurance purposes as well.

Vaughan Sollberger, 235 Girod: Two simple conflicts that are happening. He agrees with the spirit of the ordinance, putting something out there to start with. Contractors are almost removing as much red clay fill as they bring in throughout a project. You do not need a civil engineer to discuss properties of red clay, as this deals specifically with structural engineers. A structural engineer is the expert that needs to come and speak.

Jeff Lyons, 515 Lamarque: He is confident that there will be an improvement in the building process because of this meeting. There is a lack of enforcement. He would request a letter from the Chairwoman to the mayor expressing concern about enforcement and ask that someone who is responsible for enforcement to be at every meeting.

Mr. Rhinehart said that there is a new code enforcement officer who is present at every meeting. Ms. Bartholomew added that there was a conflict preventing Public Works from being at the meeting tonight.

Ernest Burguieres, 241 Wilkinson: In 1960 St. Tammany was about one tenth what it is now so they developed what to do with red clay. Across the lake has two million people and they have had 300 years. Why do they not use it. Which system is better and why? He does not think you need a structural engineer here, you do need to do more research. Learn from what they did in the past. Red clay should be a secondary choice for how you should build, not a primary choice.

Mr. Rhinehart made a motion to continue the discussion with a special meeting at a future date to be determined. Mr. Quillin seconded, and the motion passed unanimously.

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

Paul Rees, 1545 Lakeshore: The pictures he took are about a 2 – 3 minute walk from the property, right off the edge of the trace. Some of the areas are open to ditches, parking lots, sheds. There is no rhyme or reason. This would be the environment of these lots. When looking down the trace you see the brush along all the sides, but when you look to the right you can see someone's shed.

Ms. Bartholomew said that anything from the powerlines to the trace would not be able to be cut because that is the Parish trace servitude. All that greenery would remain in place.

Mr. Rees said that all the trees that are there today are within about 20' of the concrete.

Mr. Adams asked if there were any existing trees on the property close to the fence? Mr. Rees said there are on Lots 3 and 4, but on Lots 1 and 2 there are very few. You would be looking into the property already.

Mr. Adams asked if they could preserve those trees, Mr. Rees said they are not on the property.

Mr. Rees said there are probably some pine trees and wax myrtles on lots 3 and 4 which may be on the property or the ditch side.

Mr. Adams said it would be a shame to cut down anything that they did not have to. He understands that they are strange shaped lots.

Mr. Rees said they are not asking for anything to be cut down. When a building plan is submitted you would identify all the trees. Ms. Bartholomew added that since it is R-3 it is treated as commercial property so they would have to follow the commercial tree removal requirements.

Ms. Durio said there was a question asked last time about Lots 3 and 4. She understood that the property line was drawn along the property lines. Is there any consideration to moving the line into Lot 3 so they would both be closer to the conforming lot size?

Mr. Rees said the concern there is safety with the power line on the property line instead of through the backyard.

Ms. Durio asked if it was larger than the standard powerline that goes to the house?

Mr. Rees said they would rather have a larger Lot 4 but the existence of the powerline indicates that the property line should be directly under it.

Ms. Durio said the concern was the amount of units able to be built on Lot 3 based on where the line is drawn. Lot 3 is 12,431 sqft with Lot 4 being only 7,875 sqft. The other two

lots are 10,000 sqft each.

Ms. Bartholomew said the minimum lot area per unit is 3,000 sqft. Lot 1 would allow three units, Lot 2 would allow three units, Lot 3 would allow four units, and Lot 4 would allow two units.

Mr. Rees asked what the determining factor was for the number of units. Ms. Bartholomew said the minimum lot area per unit is 3,000 sqft.

Mr. Rees said they could probably tweak the line to come under 12,000 sqft for Lot 3. Ms. Bartholomew said that it would not make Lot 4 compliant. Mr. Quillin said that it gets it closer.

Mr. Quillin said he would prefer if it was less than 12,000 sqft. Mr. Rees said that would be fine.

Mr. Pierce said he has a question on Lot 4 for the 0 setback. If the current residence goes away, and they build a new building, would the variance for a 0 setback still stand? Ms. Bartholomew said it would.

Ms. Fulton asked if CLECO has indicated a safety concern for the power line. Mr. Rees said it is not a CLECO concern, it is just a concern with having kids in the back. Ms. Fulton asked if it was a concern proven by anything happening to anybody? Mr. Rees said no, but having a powerline in the back is something you would want to avoid.

Mr. Quillin said it basically goes across the street in front of Lot 3 at present anyway. You have to be knowledgeable that the lines are there, but they are designed to be as safe as possible.

Leonard Rohrbough, 2525 Lakeshore: Most houses in Old Mandeville have powerlines going from poles to their house. If the line breaks it will not balance on top of a fence pole. The argument of safety is irrelevant. Move the line over and make it a legal lot. The reason they want it there is to get 4 units on Lot 3.

Mr. Quillin suggested a motion to move the lot line to make Lot 4 a conforming lot size.

Ms. Fulton asked if there was precedent to conforming a lot to a CLECO line, has that been done? Ms. Bartholomew said she believed that Mr. Rees was good with moving the lot line, it was just an easy line to draw.

Mr. Rees said it was an easy line and a safety concern. The concern had nothing to do with trying to squeeze four units on the lot. They are fine with moving the line to bring Lot 3 under 12,000 sqft.

Ms. Durio said the suggestion was to make it a conforming lot, so 1,125 sqft would be shifted from Lot 3 to Lot 4. Ms. Bartholomew said it was to make them both at least 9,000 sqft.

Ms. Bartholomew said if that was done, then there was no need for a variance for the lot area, so all they would be doing is establishing setbacks for the lots.

Mr. Quillin asked if he needed to restate his motion, Mr. Parnell said to start over.

Mr. Pierce asked if they could address the 0' lot line, is that needed? Ms. Bartholomew said if that is not granted, the site is a non-conforming site, so it is allowed to exist there. Mr. Pierce said there was no harm done if nothing was done, but if they do grant it then a new building would have a 0' line. That is his issue, he would like to remove it. Ms. Bartholomew said then there would be no request.

Ms. Durio asked if they made a motion to deny the request, then the lot stays the way it is and the applicant moves the line.

Mr. Rees said he was under the impression that he had to request the variance to get any kind of resubdivision. Ms. Bartholomew said that was because it was an existing condition and they were creating a new condition. If it is not granted then it would be allowed to exist but if the house was torn down then anything new would have to conform.

Mr. Rees said that is fine, Mr. Pierce said that is what he was looking for.

Mr. Rees asked if the resubdivision could still go through, with the lot lines moving, but the variance for the 0' setback would be unnecessary. He would withdraw that request. Ms. Bartholomew said that was fine.

Ms. Gautreaux asked if they needed to do anything else? Ms. Bartholomew said that Mr. Rees could withdraw the application and everything would be ok.

Mr. Quillin asked if they would have to vote on the resubdivision? Ms. Bartholomew said no, because the lots would meet the minimum requirements. She said that the Commission would still have to vote on the setbacks.

Mr. Pierce said the deviation would be on Lots 1,2, and 3.


Ms. Durio moved to approve the 5' deviation on the front setback of Lots 1,2, and 3. Mr. Quillin asked if this was also for the subdivision? Ms. Durio said he did not need it as the lots were compliant.

Mr. Parnell said that they did need a concise motion. He suggested considering the applicant's modification of the application to include the moving 4-3 that allows the square footage to no longer be needed. Based on those changes, you are now voting on just the setbacks.

Ms. Durio said that in light of the modification by the applicant of the subdivision plan to make all lots conforming, and an administrative resubdivision can be handled that way, Ms. Durio moved to approve the deficiency of the front setbacks of lots 1,2, and 3. Mr. Rhinehart seconded, and the motion passed unanimously.

With all new business concluded, Ms. Gautreaux moved to the Zoning Commission portion of the meeting.


Alex Weiner, Secretary


Karen Gautreaux, Chairwoman
Planning Commission

Brian Rhinehart commenced 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.

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. Rhinehart said this was discussed at length at the last meeting and said he did not believe there were any complaints from the neighbors on either side. Ms. Bartholomew confirmed there was not.

Ms. Durio moved to approve the request as submitted, Mr. Quillin seconded, and the motion passed unanimously.

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 said that the CLURO requires 22 parking spaces, and the applicant is asking for a variance of 9. Ms. Bartholomew said that the CLURO requires 22 spaces, the applicant provided a calculation that would only be 17 spaces, but yes the variance is for 9 spaces.

Mr. Rhinehart said this would also run with the property if he should sell it and this becomes an urgent care instead of an oral surgery center. The concern was that if it was sold down the line.

Ms. Durio said that they indicated that this would not be open nights or weekends, so this variance would run with the use, another use would have to come back. Is there any restrictions on operating hours for another business at this location?

Ms. Bartholomew said that a variance runs with the property. She said this use was permitted by right, so if there was a Special Use or Conditional Use then it would run with that, but since this is permitted by right, it runs with the property.

Ms. Durio said that different uses have different parking requirements. If it was a higher intensive use with a higher parking requirement. Ms. Bartholomew said that if the use was permitted by right, then they would get the variance. Ms. Durio said that only if it was a Special Use or Conditional Use would they have to come back.

Ms. Durio said the concern is not with this particular business, it is that it runs with the land.

Vaughan Sollberger, 235 Girod: As far as he can tell, this is the most intensive requirement for parking, minus an event center, that is listed in the CLURO. It is the same formula used for a restaurant with a bar. Having been located on Girod Street he has seen that there has been an issue with parking on weekends and on nights. He also said they need to be

cognizant of having diverse businesses coming into the B-3 area as not many are coming in. The projects they have worked on are mostly restaurants and bars. This use is permitted by right, more intensive uses are usually reserved for Special or Conditional Uses which come back in front of the Commission. This doctor also has two other practices, so they will be operating only 2-3 days a week at this location. He understands the concern about the variance running with the land.

Mr. Adams asked if there were four rooms, Mr. Sollberger said there was.

Mr. Adams asked if the idea was to have the rooms full, with people waiting as well. Mr. Sollberger said he has worked on projects with quick turnover, and they are usually pain management clinics. The procedures are different for an oral surgery center with prep and recovery times.

Ms. Durio said the parking variance makes sense for the business that was described, but there is no way to know that in two years it will not be a pain management clinic. There is no way to know that the use will continue, and the variance runs with the land. Nine is a big number in that area when it runs with the land.

Mr. Quillin asked if it was possible to add more under the structure? Mr. Sollberger said they could but it would have to be done in such a way that it would mimic what is going on and the problems with the building next door.

Mr. Quillin said that looking by where the handicapped spot is, towards the front is there room for two more spots? Mr. Sollberger said that what is not shown is that there is an elevator located there. They are also trying to avoid having parking going into the architectural features at the front of the building.

Mr. Quillin asked if it was possible to use the flag part of the lot as a bank for parking? Mr. Sollberger said the owner had requested that they not use that piece of property.

Mr. Quillin said he is thinking of it, as nothing else, as a green parking bank.

Mr. Adams asked how many spots that would hold? Mr. Sollberger said it could hold a good bit, but there is no access from the street as there are two parking spaces in front of it.

Mr. Quillin said you could come in on the driveway and go left.

Mr. Sollberger said there are no plans for dealing with that part of the lot at the moment, but that is a possibility.

Mr. Rhinehart said that the staff would be six people, Mr. Sollberger said it would be seven with the surgeon.

Mr. Sollberger said that he owns additional land other than that flag area. There is some to the rear and there was no physical way of getting more parking there as well.

Rebecca Rohrbough, 2525 Lakeshore: She has no connection to the owner but would like to point out that she has a passionate interest in seeing this house progress as planned because she is passionate about the Historic District. She has been involved with the District since the beginning. It was done after losing so many structures after Katrina. This structure has been deteriorating for the past three years. There is an interested owner and an architect has put together a great plan to save the house and essence and appearance and make it viable. That is an overriding issue far exceeding the need for parking. She does recognize that a future occupant might want a business that dictates more parking. By that time, the parking issue will be all over Old Town. That is a broader subject to be addressed by the administration. This place needs to be saved.

Mr. Rhinehart said he would also like to see it progress forward, but there are a couple of alternatives that can help that. There is the lot next to it that could be used, and there is always the mitigation fund.

Leonard Rohrbough, 2525 Lakeshore: Does the parking variance stay with the property should this owner sell and move, Ms. Durio said that is correct. Mr. Rohrbough said it was limited to nine, so if someone wanted 10 then they would need to start over? Ms. Durio said that was correct.

Mr. Quillin clarified that if this variance was approved it would only need 9 regardless of the use, as long as it was a permitted use.

Jeff Lyons, 515 Lamarque: The parking issue and the Old Town is tough. It highlights the fact that we need to come up with some better answers than we have now. He loves the fact that this is a dental office. His opinion is to go with this. It highlights the fact that something needs to be done.

Ms. Bartholomew said that all the restaurant and bar uses are Special Use so it would come back before the commission.

Ms. Durio asked if there was a way to put up the permitted uses. Ms. Bartholomew said she could not do it quickly.

Ms. Durio asked if the Special Use and Conditional Uses could be read, if that was a shorter list.

Ms. Durio asked if there was a more intensive permitted use. Ms. Bartholomew said the more intensive uses would require a Special Use. Ms. Durio asked if a coffee shop was permitted, Ms. Bartholomew said that all restaurants are Special Use.

Mr. Quillin asked if it was a possibility to look at the flag lot portion as a parking bank? It would remain green for now but would have the required parking. He asked Ms. Bartholomew if this was something they could do? Ms. Bartholomew said the Commission could require them to bank those required spaces on the greenspace.

Mr. Adams asked if they come back and want to develop that property?

Ms. Durio said they would have to come back before the Commission to see if there was adequate parking for the business at the time.

Ms. Bartholomew said if they mitigate parking to that area if for any reason they could no longer bank their parking they would have to come before the Commission.

Mr. Rhinehart said if they wanted to clear it up tonight there was the parking mitigation fund.

Mr. Sollberger said if they banked the spaces onto the lot they would be able to get the right number so they would not need a variance for the parking, but would for the addition. Ms. Bartholomew said the Commission still needs to allow the bank.

Ms. Durio said she would rather not see that lot have parking on it but there is already a parking problem that is significant.

Mr. Quillin moved to approve the request with the condition that there are nine parking spaces put into a bank in the greenspace in the flag portion of the lot for future additional parking if needed. Ms. Durio seconded, and the motion passed unanimously.

Before the roll was called Mr. Rhinehart asked if the parking bank would run with the land

if it was sold, Ms. Bartholomew said it would as it was a condition of the variance.

Public Comment

A presentation to commemorate the time Mr. Adams served on the Commission was shown.

Mr. Adams motioned to adjourn the meeting, Mr. Rhinehart seconded, and all were in favor. The meeting was adjourned at 8:31pm.



Alex Weiner, Secretary



Brian Rhinehart, Chairman
Zoning Commission