

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

The secretary called the roll.

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

Absent: Nicholas Cressy (absent at roll call, present at 6:09pm)

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

New Business

As there was no new business for the Planning Commission, Ms. Durio moved to the Zoning Commission.



Alex Weiner, Secretary



Claire Durio, Chairwoman
Planning Commission

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

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

New Business

V23-10-35 – Adam LeBlanc requests a variance to CLURO Section 9.2.5.5 Landscape Requirements in Districts Other than Low-Density Residential, Magnolia Ridge, Square A Lot 73-A-2-1, B-1 Neighborhood Business District, Square A Lot 73-A-2-1, 3022 East Causeway Approach

Ms. Durio asked what the reason for the five specific trees to be removed instead of the nine.

Adam LeBlanc, 10460 Matherne Place: There are 24 trees currently. The request was changed to remove five trees, two pine trees and three oak trees. One of the pine trees is dead, and the other is close to the parking lot planned for the business. The oaks are unhealthy.

Ms. Durio asked if there were 24 trees on the entire property or just the front. Mr. LeBlanc said they were just located in the front greenbelt.

Due to some technical issues, Mr. Rhinehart suggested a recess as the first two cases rely heavily on visuals and the commission unanimously agreed. The meeting went to recess at 6:06pm. The commission reconvened at 6:12pm

Ms. Durio said that it seems like the ones being removed are not the larger, healthier trees so there will still be more of a buffer than what was discussed at the last meeting, which is the goal. Mr. Rhinehart said he agreed and added that there will be a nice screen between the highway and the building itself.

Mr. Quillin said there is a benefit for the smaller trees from a buffer standpoint. Looking at the height variations it would not be substantial. Are the listed replacement trees going into the buffer, or throughout the property?

Mr. LeBlanc said that there would be a total of 69 trees going in throughout the property.

Ms. Durio said one of the trees being removed was a larger tree compared to the others, and asked what the reasoning was for the removal? Mr. LeBlanc said that one was closest to the parking lot and would be on the edge. He added that six Little Gem magnolias and five Red Maples would be planted in the front buffer.

Ms. Durio asked if the tree was in a parking place, Mr. LeBlanc said it was not. It was just located on the edge.

Ms. Gautreaux asked why it would need to be removed if it was on the edge. Mr. Quillin pointed out that they would be cutting into the roots anyway.

Ms. Durio asked if the concern was for the stability of the tree once the parking lot was installed, or if it was just an aesthetic reason. Mr. LeBlanc said he was thinking there may be an issue down the road when digging the parking lot and would be more of an expense to remove it at that time.

Ms. Durio said that it seems like a more sizeable one. If it was damaged she would not have a problem but otherwise does not see a need to remove it.

Mr. Pierce confirmed that Mr. Dickson went out to the site and asked if he had any comments. Mr. Dickson said he thinks that the applicant is doing the right thing. The trees to be removed are not huge and the overall integrity of the buffer would be maintained.

Ms. Durio asked what Mr. Dickson thought about the pine tree at the edge of the parking lot being removed. Mr. Dickson said that the parking lot is not present yet, so you have to use your imagination. If the applicant thinks it will damage the tree it might, he could not say for certain.

Mr. Pierce asked if the City Arborist went out to the site. Ms. Bartholomew said that the City Arborist has not been in the office since June. She said that Mr. Weiner recently received his arborist certification so there is some transition in that position. Ms. Bartholomew said that Mr. Weiner was not able to visit the site, but she trusts the opinion of Mr. Dickson.

Ms. Durio said the request is much improved.

Ms. Fulton asked if the larger tree that has been discussed was located where the first magnolia was shown on the plan. She asked if the magnolias would be lined behind the existing trees. Mr. LeBlanc said they would. He added that the site plan is not proportional to what is out there, but the magnolias will be on the edge of where the existing trees are located.

Mr. Quillin appreciated that even though there were some trees being removed, ample replacements were going in. He said he would have to go with the comments by Mr. Dickson, if he believes the integrity of the buffer remains Mr. Quillin sees no particular issue with it.

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

Z23-10-04 – St. Tammany Parish School Board requests the rezoning of two lots and a portion of a third lot designated R-1 Single Family Residential District to I Institutional District, Old Town of Mandeville, Square 59 Portion of Lot 1, All of Lots 2 & 3, R-1 Single Family Residential District, Square 59 Portion of Lot 1, All of Lots 2 & 3

Ms. Durio asked what else could be done by right in the Institutional District. Ms. Bartholomew said that congregate living and communal residential could be done by special use. Permitted uses would be a cemetery, club or lodge, educational facilities, community recreation, cultural services, day care, essential services, guidance services. Group care facilities and hospital would be special use. Utilities would be conditional use. Postal services. It is civic and public uses that would be allowed, and religious institutions.

Ms. Durio asked if they could condition this use to be a parking lot. Ms. Bartholomew said that they could not. She said it is basically schools and public service entities.

Mr. Rhinehart said he understands those are allowed by right, but was a nightclub mentioned? Ms. Bartholomew said it was a social club, like the Lions Club, that would be allowed.

Mr. Pierce said it would be opening it up to structures. Ms. Bartholomew said that is correct.

Ms. Gautreaux asked if there were any comments from the neighbors who were affected. Ms. Bartholomew said they came to the prior meeting.

Ms. Bartholomew read the club or lodge definition which is: A use providing meeting, recreational, or social facilities for a private or non-profit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations

but exclude any residential uses or sale of goods or services for profit.

Ms. Rhinehart asked if they came for a liquor license, would that have to go before the city council for a private club approval? Ms. Bartholomew said that would go before the council and added that there was regulation about how close you could be to a school.

Mr. Quillin asked if this would be a recommendation to the city council since this was a rezoning request. Ms. Bartholomew said that was correct.

Mr. Pierce wanted to confirm that there was no other way to accomplish the parking without the rezoning. Ms. Bartholomew said there was not.

Ms. Fulton said she asked about the utilization of the wooded area behind the school. Ms. Bartholomew said that was Little Bayou Castine, so it was very wet, and she would venture to say was wetlands. It is definitely in the watershed of Bayou Castine.

Mr. Cressy is concerned about the downstream affects of this, and is a little disappointed that there is no way to condition anything.

Jeff Schoen of Jones Fussell Law Firm, P.O. Box 1810 Covington: The intent of the school board is to only build a parking lot. He recognizes that things change, but if you look at the size and configuration of the parcel it would typically not be large enough to build an institutional building or something that would complement the school. The school is not in need of structures, it is in need of parking. They feel they need to get the cars off the shoulders, and this is a way to accomplish that.

After the work session they met with some residents outside and continued their discussion. He wants to reiterate their commitment to maintaining the buffer area inside the perimeter. They understand they will need to submit a parking plan for the number of spaces. The best guess is 35-40 spaces, but nothing has been designed yet. They intend to meet all drainage and landscape requirements. They hope to employ both pervious and impervious parking. There would be hard walkways and soft parking areas. They believe it will be more than adequate to handle the overflow parking.

He spoke with Mr. Frosch who was not present at the work session but is here tonight. He owns the property behind the site and wants to work with them to facilitate drainage concerns. Mr. Schoen said they might be able to create some drainage servitudes along the perimeter to get water out of the square.

Mr. Schoen said that he understood looking at all the allowed uses when changing a zoning, but as this is owned by a public body the likelihood is this will be parking forever. If a structure is built it will have to meet all requirements laid out in the code. That is not the endgame, but he understands that things change.

Mr. Rhinehart asked if this project would lend itself to something like the Tru-Grit subsurface? Where there is a plastic grid with crushed limestone instead of paving?

Cameron Tipton, St. Tammany School Board: They can certainly look into that with the engineers.

Mr. Rhinehart asked if there had been anything considered at all at the moment as far as how they are going to do this?

Mr. Schoen said they have not designed any engineering specifics but are willing to look at any means for types of material and type of drainage apparatus. They understand that this is a sensitive drainage area. They do not have any other on-site parking opportunities which is why they have worked to acquire this site.

Mr. Rhinehart wanted to confirm that they could not condition any pervious type

requirement for the parking lot going forward? Ms. Bartholomew said that any vehicular use area is considered impervious but if a different type of construction was to be used, they could condition that. She added that the maximum impervious area for that zoning district is 75%.

Mr. Rhinehart said it was not so much that he wanted to condition it, but he wanted a strong commitment that it would not be just paved. He does not want to see a big slab of cement.

Mr. Schoen said he understood. It is not their intent to go in and create a huge hard surface. If they are looking for commitment, they will make that commitment to work in some pervious and impervious material. The likelihood is the walkways would be the concrete and then they would try to work with some type of limestone.

Mr. Rhinehart said that was acceptable.

Mr. Schoen said they would look at drainage techniques they could use below the parking areas to make it efficient and effective and not impact the neighbors.

Mr. Rhinehart said a drainage plan would have to come before the City Engineer at some point anyway. Ms. Bartholomew said that was correct.

Ms. Fulton asked if there were any fencing plans or landscaping? Mr. Schoen said they have not talked about fencing, but they would certainly be landscaping. He does not think the code requires a fence so they would rather spend money on the landscaping and make sure they have a good greenbelt inside the perimeter.

Mr. Pierce asked about lighting. Mr. Schoen said it has not been discussed. This is a K-3 school so night activity is limited, but that does not mean it cannot have them.

Mr. Pierce asked if the other parking lots had lighting. Ms. Tipton said a few did at some locations, but this one she did not think would. Mr. Pierce added that they seemed to be fairly pervious materials as well. Mr. Schoen said this one would probably be in the same style. He added that if there was any lighting it would be controlled. They want to be mindful of the neighbors and make the impacts minimal.

Mr. Quillin said they are looking at a rezoning, and whether if it is a parking lot or anything else is kind of a different question is it not? Ms. Bartholomew said when a rezoning is requested you cannot pick and choose what uses are allowed so you either approve it or not. The only district you can choose is the Planned District.

Mr. Quillin said he is glad the school board is interested in working with everyone on drainage and pervious/impervious requirements, but he is not sure it is relevant to the present discussion. Ms. Bartholomew said the applicant is trying to convey their commitment to being a good neighbor. The Commission could condition the property on extra buffer requirements if they wanted, but not on uses.

Mr. Quillin asked if this went through, what buffer requirements would there be? Ms. Bartholomew said that since this was adjacent to R-1 it would be required to have a 20ft buffer on all sides no matter what is built.

Mr. Cressy said that he agreed with Mr. Schoen that the likelihood of the lot becoming something other than parking was unlikely. It was noted that the lot was too small to put a big structure on it. Mr. Cressy felt that a lot of the concerns, while valid, were not practical in the sense that it will fall out to be that way.

Nash Bono, 1603 Livingston: He said that he is glad there is discussion about drainage as this is a great opportunity to help several pieces of property to get them to drain.

Ms. Fulton wanted to confirm that there were no drawings and asked if there was a reason that had not been done yet. Mr. Schoen said a lot of things go into developing a site plan and it would be premature to do those things without knowing if they could get the rezoning.

Kirt Frosch, 1359 Clausel: Spoke with Mr. Schoen and the neighbor to the south and they are proposing a drainage servitude going west to east on the backside of the property which would move it to Clausel rather than Livingston. Mr. Frosch said that Mr. Schoen said they needed to wait on the topo, but Mr. Frosch is open to it.

Ms. Gautreaux moved to recommend approval of the rezoning request, Ms. Durio seconded, and the motion passed unanimously.

Mr. Rhinehart said that would conclude the public hearing and asked for a motion to close the public hearing and move to the work session.

Mr. Quillin moved to close the public hearing and move to the work session at 6:44pm; Mr. Rhinehart seconded, and the motion passed unanimously.



Alex Weiner, Secretary



Brian Rhinehart, Chairman
Zoning Commission

Brian Rhinehart commenced the Work Session portion of the Zoning Commission Meeting.

New Business

V23-10-36 – John Cerniglia requests a variance to CLURO Section 5.2.3.2. Drainage Overlay District and Fill Sub-Area A, Old Town of Mandeville, Square 8 Lots 15 & 16, R-1 Single Family Residential District, 233 Marigny Avenue

Ms. Bartholomew said this case was a situation that has not happened before, and Cliff Siverd from Public Works was here as well.

Ms. Durio asked how many feet is the geo foam fill? Ms. Bartholomew said it varies with the depth of the pool and added that the applicant was here so he could answer that question.

Ms. Durio asked if this situation of geo foam being used as fill had ever occurred before? Ms. Bartholomew said no. She said there was another suspended pool, but it was done on pier construction and there was no enclosure underneath the pool.

Ms. Bartholomew said they went back and forth about if this was a FEMA violation or fill violation. They decided it was a fill violation since the geo foam sits under the pool and goes down to the foundation, it is not a FEMA violation as it cannot be flood vented. It is structural fill.

Ms. Durio said that there was a flood vent in one of the photos. Ms. Bartholomew said it was, however, it did not go all the way through the structure.

Ms. Durio asked if it did anything, Ms. Bartholomew said it appeared to be decorative.

Mr. Rhinehart asked if someone could build a ranch house on this lot? Ms. Bartholomew said they could not as they would have to be at BFE + 2'. The top of the bottom floor is about one foot above the minimum requirements. This house is probably the lowest elevation.

Ms. Durio said it looks to be about 8'. Ms. Bartholomew said it was about 8'.

Mr. Rhinehart asked if that was a FEMA requirement or a Mandeville requirement, Ms. Bartholomew said it was a FEMA requirement.

Mr. Rhinehart said he was asking because there is basically a square block on the ground disrupting the flow of water, and he was wondering what the difference would be if you build a slab house which would do the same thing. if you cannot build a slab house that takes away that argument.

Ms. Bartholomew said that is why they are in this situation. For the foundation of a residence it has to be on pier construction. Accessory structures are dealt with differently. This happens to be attached to the foundation of the residence. This is part of the foundation, which is why it is higher.

Ms. Durio asked what the square foot are of the pool where there was fill under.

John Cerniglia, 1221 Napoleon Ave: It measures about 27' long by 19' wide. Ms. Bartholomew said she would get the square footage.

Mr. Cerniglia: The geo foam is structure, and he has some additional photos to help people understand what is going on.

Ms. Bartholomew said that Mr. Siverd said the pool was 540 sqft.

Mr. Cerniglia said the geo foam is meant to support weight. The flood vents are located there as water will flow in and go between the cubes. The geo foam is supporting the pool and the residence.

Ms. Durio asked if the request was not only for the fill under the pool, but if the structure of the house would be impacted if this was not granted. Ms. Bartholomew said that was not her understanding.

Mr. Cerniglia said that you could not deconstruct this as everything is interwoven together.

Ms. Durio asked what would happen to the house without the geo foam under the pool? Ms. Bartholomew said that the pool cannot be there without the geo foam under it. Ms. Durio thought it was said that pier construction could be done for the pool? Mr. Cerniglia said that could not be done at this point. Construction is 96% complete. Ms. Durio said she was not sure if they could consider that.

Mr. Cerniglia said that according to CLURO 5.2.3.2. a pier or piling is structural to support an upper level. What this is doing is supporting an upper level and is structural. Mr. Quillin said that it is not a pier or piling though. Ms. Durio said that a pier or piling leaves an open space for water to pass through. Mr. Cerniglia said that this works in the same way that a pier or piling would.

Ms. Durio said that a pier or piling would not block the water like this. Mr. Cerniglia said that this has flood vents to allow the water to come in and flow through the geo foam. Ms. Durio asked if the geo foam was permeable. Mr. Cerniglia said that the ground is permeable, and the geo foam will absorb some water.

Mr. Cerniglia said they received the as-built and they are anywhere from three tenths to .65 tenths lower than what they were anticipated. When that fill is taken into consideration it more than offsets the square footage of the pool.

Ms. Durio said they were not lower than when construction was started. Mr. Cerniglia said they were. Ms. Durio asked if there was a pre-construction survey with elevations? Mr. Cerniglia said he did. Ms. Bartholomew said that the middle of the lot is about 6.4.

Mr. Cerniglia said that he could have built higher than he did, but he built it lower. They have removed more fill than what could go into the pool three times over. Mr. Siverd said he would have to confirm that.

Mr. Cerniglia said he had emails from all adjacent neighbors in support. Ms. Durio asked if those had been sent in. Ms. Bartholomew said they received one from Thomas Keifer and one other one. Mr. Cerniglia said he received one from Jim Tucker today.

Mr. Pierce asked if the pool was a bedroom, would everything be compliant? Ms. Bartholomew said it would be. Mr. Quillin said other than not meeting BFE and other things. Ms. Bartholomew said the BFE was ok as they went back and forth about if this was a fill issue or a flood vent issue as it could not be both at the same time. The geo foam is considered structural fill so it would be like a retaining wall being constructed and backfilled with red clay.

Mr. Pierce said the issue was that this is a pool. If it was just structure would this still be here? Ms. Bartholomew said if this was a structure it would have to be raised or flood vented and be hollow.

Ms. Durio asked if the original plan submitted showed this to be raised on piers and not geo foam fill. Ms. Bartholomew said she would let Mr. Siverd speak about this.

Mr. Siverd said that the drainage plan shows pier construction and when you go into the

architecturals is where it shows the storage spaces and brick work. From his review he did not see the detail showing the fill. If there was a crawlspace under the pool, it would be compliant. The only other house with an elevated pool has it supported by piles with the pool on top, and a crawl space underneath. This is typical with stem wall construction that does not need to be vented. In Sub Area A you are only allowed 6" of fill and when you use the structural foam the issue with the CLURO comes in.

Mr. Cerniglia said that when they submitted the plans it was all on one flat drawing. When the construction plans were submitted it was engineered plans for specifically how this building would be built. It was all approved by the City. He does not mind coming back for a variance as he is trying to stay in compliance. He should not have to tear his house down for a bit of dirt. The as-built came back lower, which more than compensates for the bit in the pool.

Ms. Durio asked if the geo foam was submitted with any of the applications, if there were plans showing the geo foam? Mr. Siverd said he did not remember.

Mr. Rhinehart said this was a work session so they could request that. Ms. Durio wants to know if the current property is higher or lower than what was there originally after the fill, and she would like to know if anything showing the geo foam was submitted.

Ms. Bartholomew said that Mr. Siverd looks at the drainage plan and Glenn Jones, the building official, reviews construction. The pool permit and house permit were submitted together because they are together, but Ms. Bartholomew does think there was any ill intent. It was just a complicated set of drawings and plans. Two people are looking at the plans from different perspectives, but they would get all the history.

Mr. Cerniglia said he has been happy working with the City and Ms. Bartholomew. He understands people looking at plans for different things. They received a permit to build it as designed and now almost at the end he cannot finish the pool. In his mind it is a no-fault situation but things slip through the cracks. He does not think it is necessary to go through this whole process and entertain the idea of tearing down the house. They built it how it was approved.

Mr. Rhinehart said he understood but they still have to examine it.

Mr. Cressy said that if this was greenlit in a prior situation then there is a hardship. He would be interested to know what was greenlit and what was in the application.

Mr. Cerniglia asked for Mr. Cressy to clarify what he was said. Mr. Cressy said he would like to see where the geo foam was included in the original application. If it was present there would be a strong consideration and if it was not then that is a different discussion.

Mr. Cerniglia said it was present as he could not get a permit without approved engineered drawings. Mr. Cressy said that may be true, but he was not there so he would like to see it.

Ms. Durio asked if this went before the Historic District Commission for approval? Mr. Cerniglia said he did. Ms. Bartholomew added that for the Historic District Commission review they look at elevation but do not get into the architecturals.

Mr. Cerniglia said he wanted the Commission to know that he complied in every shape and form. Mr. Rhinehart said he understood.

Mr. Quillin said that looking at what was in the packets, the data is from February 2021. Whether they were submitted at that point to the City is something they will figure out. Reading through what is on the drawing it does show that the geo foam was being used. If that was part of what was submitted, he would agree with Mr. Cressy that there would be a little easier discussion for the applicant side. He can understand that with the drawings

shown earlier that it could be missed. If it was an oversight by the City it becomes an easier discussion on their side.

Ms. Bartholomew said that she did not mean to insinuate that it was not on the plans, she was just saying that there were two different reviewers looking at different things.

Mr. Rhinehart asked if there could be confirmation on the geo foam being included in the original submission, and said that Ms. Durio also asked about the fill removal vs what is there now.

Public Comment

Ms. Bartholomew reminded the Commission to complete their ethics and sexual harassment training which is due at the end of the year. Ms. Durio added to make sure you complete the correct sexual harassment prevention training so that you do not have to take it twice like her.

Mr. Rhinehart asked what the status was for the request for proposal/scope of work for the comprehensive plan. Ms. Bartholomew said she was almost finished and should have it done this week, definitely by the end of the year. Mr. Rhinehart asked if that was something the two chairs could look at. Ms. Bartholomew said that was fine with her.

Mr. Quillin motioned to adjourn the meeting, Ms. Gautreaux seconded, and all were in favor. The meeting was adjourned at 7:14pm.



Alex Weiner, Secretary



Brian Rhinehart, Chairman
Zoning Commission

CITY OF MANDEVILLE PLANNING & ZONING COMMISSION
SPEAKER CARD

CASE NUMBER: Z23-10-04

DATE: 24 Oct. 2023

CASE NAME: _____

SPEAKER NAME: Kurt Frosch

MAILING ADDRESS: 1359 Clausel St -

PHYSICAL ADDRESS (if different): _____

CITY: Mandeville

STATE: LA

ZIP CODE: 70448

PHONE: 

COMMENTS: _____

I AM: FOR AGAINST OTHER
 I WISH TO SPEAK I DO NOT WISH TO SPEAK