

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

The secretary called the roll.

Commissioners Present: Nicholas Cressy, Claire Durio, Andrea Fulton, Mike Pierce, Scott Quillin, and Brian Rhinehart

Absent: Karen Gautreaux (absent at roll call, present at 6:02)

Also Present: Cara Bartholomew, Director Planning Department; Rad Dickson, Planner; Alex Weiner, Secretary; Tina Myers, Secretary

New Business

R23-11-02 – Jason and Ashley Collier request a variance to CLURO Section 7.5.10.3. B-3 Site Development Regulations and to resubdivide Lot D1-B into Lots D1-B-1 & D1-B-2, Old Town of Mandeville, Square 34 Lot D1-B, B-3 Old Mandeville Business District, 426 Lafitte Street

Mr. Quillin said it looks to be a shared access drive and asked if that needed to be worried about. Ms. Bartholomew said the applicant was here, but an access servitude could also be added.

Jason Collier, 428 Lafitte: The right side has 21' where a driveway would go, and then turn in behind the house. Mr. Quillin said his concern was if the front lot was ever sold off then they would not be able to get to their access. Mr. Collier said that the driveway would change to the other side.

Ms. Bartholomew said they could either have an access servitude or Lot D1-B-2 would have to create another access on the north side of the property.

Ms. Durio asked if there was a carport on D1-B-2. Ms. Bartholomew said that it was a shed to be removed.

Mr. Quillin said his concern is to maintain access with the resubdivision.

Ms. Durio said if the shed was intended to be removed, then it would not be an existing carport for the house. Mr. Collier said no. Ms. Durio asked if they currently owned the entire parcel, and were planning on removing the shed, Mr. Collier said they were.

Ms. Durio asked if they were going to install a driveway on the other side. Mr. Collier said that was the plan.

Ms. Durio said they could park behind the residence, just coming in from the other side. Mr. Collier said that is correct. Ms. Bartholomew said there was enough room for a driveway.

Ms. Durio asked if this was permitted, and that nothing was needed to put a driveway there. Ms. Bartholomew said that is correct.

Mr. Quillin said he was fine with that.

Ms. Bartholomew said that if anything changes, they can always come back and add an access servitude.

Buck Abbey, 1129 Villere: This is an interesting project. Lot splitting brings more people into Mandeville, maybe that is wanted and maybe it is not. Lots were designed in 1830 for small farms. There is a different lifestyle today. The commission should think of the urban forest. The decision to subdivide will change the town tremendously. The urban forest requires

trees on private property. Maybe there should be something included with lot splitting to get more trees.

Ms. Gautreaux said that there are not any trees in danger, and the property owners have been good stewards.

Ms. Durio said the property is already built. Splitting will not enable any more construction.

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

With all New Business concluded, Ms. Durio moved to the Zoning Commission portion of the meeting.



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

SUP23-11-05 – Richelle Bannon requests Special Use Approval to allow Animal Sales and Services (Limited) per the Table of Permitted Uses, CLURO Section 7.8, Old Town of Mandeville, Square 47 Lot 12A, TC Town Center District, 2020 Woodrow Street

Mr. Rhinehart said this was discussed at the last meeting.

Mr. Quillin said his only concern is HVAC related, but that is not under their purview. Ms. Bartholomew said that the Department of Health and the Fire Marshal will look at that.

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

V23-11-37 – Jim and Marisol Tucker request a variance to CLURO Section 5.2.3.2. Drainage Overlay District and Fill Sub-Area A, Old Town of Mandeville, Square 8 Lot 14, R-1 Single Family Residential District, 245 Marigny Avenue

Mr. Quillin asked if the property to the south had a final top of slab at 6.5' or 6.7'. The report says 6.5'. Ms. Bartholomew said the 6.5 is from before the as built was submitted. The 6.7 is the correct number.

Ms. Durio said she appreciated the reduction to 6.7'.

Mr. Pierce said they were below the crown of the street, and he does not have a problem with them getting up to it.

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

V23-11-38 – Scott Ballard requests a variance to CLURO Section 10.8.2.6. Land Uses located in B-1, B-2, B-4, O/R, PM-1, PM-2, M-1, and M-2 Districts, Hwy 22 Gateway, Section 54 Lot B, B-2 Highway Business District, 4520 Hwy 22

Mr. Quillin said that further to the west is a pharmacy with access on W Causeway and Highway 22 but he is not sure if it is in city limits.

Mr. Rhinehart asked if they had two signs, Mr. Quillin said there were two building signs. Ms. Bartholomew said that multiple attached signs was ok, but multiple monument signs were not.

Mr. Quillin said that an additional building sign would not do any good in this scenario.

Mr. Rhinehart asked if this was a revamping of an existing sign. Ms. Bartholomew said it was.

Ms. Durio said it was set back from the road. Mr. Quillin added that there was a lot of right of way.

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

V23-11-39 – Michael McIntosh requests a variance to CLURO Section 8.1.1.4. Allowed Setbacks Encroachments, Old Town of Mandeville, Square 82 Lot 19-A, R-1 Single Family Residential District, 1225 Montgomery Street

Ms. Gautreaux wanted to confirm that there were no neighbor objections. Ms. Bartholomew said that was correct.

Ms. Durio said that the deck seemed larger than necessary and encroached further than needed. Mr. Quillin agreed.

Michael McIntosh, 1225 Montgomery: The deck dimensions are to give workers space to service the equipment.

Ms. Gautreaux asked if it would be a problem to trim them back. Mr. McIntosh said it would not.

Mr. Rhinehart said that could bring it from a 6' encroachment to a 3' encroachment depending on how much was removed.

Mr. Quillin said that he could lose about three feet of decking based on the pictures.

Ms. Durio asked if there were standards for this situation with leaving room to work on raised units. Ms. Bartholomew said they were all different.

Ms. Durio said that it seemed beneficial, but it was already encroaching so it would be better to encroach less.

Mr. Cressy said that a larger deck would make more sense if it was 10ft off the ground. Mr. Quillin added that this height would not require any OSHA regulations either.

Ms. Durio said there seemed to be room for access along the house, and it would not need to be further out.

Mr. Rhinehart said the structure was already built, he is not sure how much more would be gained moving from 6' to 3'.

Ms. Durio moved to approve the request as submitted, and Mr. Cressy seconded. Mr. Quillin moved to amend the motion to reduce the encroachment to 3', and Ms. Fulton seconded. The motion to amend the motion failed with a vote of 2-5, with commissioners Quillin and Fulton voting for. The original motion by Ms. Durio passed 6-1, with commissioner Quillin voting against.

V23-11-40 – Jason and Ashley Collier request a variance to CLURO Section 7.5.10.3. B-3 Site Development Regulations and to resubdivide Lot D1-B into Lots D1-B-1 & D1-B-2, Old Town of Mandeville, Square 34 Lot D1-B, B-3 Old Mandeville Business District, 426 Lafitte Street

This case was heard along with R23-11-02

With no new business for the Planning Commission work session, Mr. Rhinehart moved into the Zoning Commission work session.



Alex Weiner, Secretary



Brian Rhinehart, Chairman
Zoning Commission

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

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

New Business

V23-12-41 – Mike Saucier requests a variance to CLURO Section 9.2.5.7. Live Oak Protection Requirements and Section 9.2.5.5. Landscape Requirements in Districts Other than Low-Density Residential, Hwy 22 Gateway, Section 54 Lot C, B-2 Highway Business District, W Causeway Approach

Mr. Quillin said that there were two preliminary plans shown, did the first leave the 24" live oak? Ms. Bartholomew said yes, the plan with the one-way drive would potentially leave the tree, but the two-way drive is preferred.

Mr. Quillin asked if there would be parking issues if the tree remained? Ms. Bartholomew said she believes the requirements would be met. They can be reduced by right in the Gateway Overlay District.

Mr. Quillin said that he would rather lose some parking spaces than the tree. Mr. Rhinehart said that a variance for the parking requirements was an easy solution. Ms. Bartholomew said that it might not be needed.

Ms. Durio asked if there were only two trees being removed, the 18" and 24" trees. Ms. Bartholomew said that was correct.

Matt Saucier, 2317 Monroe: If the 24" live oak is not removed parking spaces would be lost, along with the flow of the site to be conjoined with the surrounding businesses. It would leave only a one-way drive into the site, and would not allow anyone to exit from the drive and access either PJs or CVS. They will be leaving three live oaks, along with all the trees in the buffer zone. This configuration was for site flow. The 24" live oak has growth only on the western side of the tree, and is not a healthy specimen.

Ms. Durio asked what shaded the tree out. Mr. Saucier said that there were pines and other tall trees surrounding it.

Ms. Durio asked if any other trees were being removed. Ms. Bartholomew said that trees in the buildable area that were not live oaks were allowed to be removed by right.

Ms. Durio asked how many trees that was. Mr. Saucier said he did not have an exact count.

Ms. Gautreaux asked if there was a design considered that would not impact the live oaks. Mr. Saucier said that they could not leave the 18" tree.

Ms. Durio asked what the reason was for the underbrushing in the greenbelt. Mr. Saucier said that it was for visibility. It is pretty thick, and they are wanting to trim it to open up the site.

Ms. Durio said that creates a telephone pole look. Mr. Saucier said that they are leaving all the tops and are just undercutting. There are lots of bushy trees and areas. They want to underbrush to open up visibility for the bank.

Mr. Rhinehart asked if the 24" tree would be an issue, and if the green area on the plan represented the dripline of the tree. Ms. Bartholomew said she was not sure.

Ms. Durio said there maybe could be a parking space there depending on the dripline. Ms. Bartholomew said that the dripline would be required to be shown for any permitting documents.

Ms. Gautreaux asked if there was a count for the native vs invasive vegetation in the greenbelt. Mr. Saucier said they could get that.

Ms. Durio said it was her understanding that the greenbelt is to provide a buffer. It would be against the point to clear it. Ms. Bartholomew said that the language needs to be cleaned up. There is a no cut buffer, along with minimum planting requirements. There have been previous cases where underbrushing was necessary to install the required plants. A decision needs to be made on a natural vs landscaped look.

Ms. Durio said that the planted landscaping has not grown in on other developments. She does not want to see commercial buildings while driving. She added that there is a little buffer on the property to the south.

Mr. Saucier said that PJs has frontage along Hwy 22. This building would only be visible on W Causeway Approach. Underbrushing would be the only way to allow for some visibility.

Ms. Durio said she understood, but the provision was a no cut buffer. Mr. Saucier said that they are willing to do additional plantings if the underbrushing is allowed.

Ms. Durio asked if limited visibility was an option instead of underbushing the entire thing. Mr. Saucier said he would look into it.

Mr. Quillin asked if Ms. Durio was suggesting something like site windows. Ms. Durio said she was. She added that landscaping does not give the same look.

Mr. Cressy said this was all speculative now as the site is fully wooded at the moment. There may be a compromise once the building has been completed, right now it may be premature.

Mr. Quillin asked if the applicant would be able to "replace" if the live oak was removed. Mr. Saucier said they would.

Mr. Rhinehart asked if they could have the dripline for the trees. Ms. Gautreaux asked if they could also provide the planting sites for the replacement live oaks.

Mr. Rhinehart said that CLURO section 9.2.5.7 says that "The applicant wishing to remove a live oak tree must state in writing that such activity will enhance the health, safety and welfare of the public, or otherwise benefit the public interest and the applicant must offer evidence to that effect" and asked that a written report be provided.

Ms. Fulton asked if there was an option for parking by the 237 measurement on the bottom of the plan. Mr. Saucier said that the site was revamped to save the oaks by that measurement. Ms. Bartholomew said that the front was more ideal.

Bob Weileman, 1304 Avenue de Marquis and Joey Donaldson, 153 Magnolia Mound Avenue, both members of Citizen National Bank got up to speak.

Mr. Weileman said that from the bank perspective the underbrushing is for security and so that people can see what they are doing. They want to do whatever they can to protect their clients.

Mr. Donaldson said that there are certain things that are done when opening a branch. You need to be able to see all sides of the facility when parking. The concern with visibility is for security measures. Ms. Durio asked what he meant by security? Mr. Donaldson said it was

for the open and closing procedure. The first person to arrive does a visual inspection to make sure that nobody entered the building. The safest way to do that is to drive around.

Mr. Cressy asked if the drive by inspection was done on W Causeway? Mr. Donaldson said that every day is different. They do not do the same thing every morning. They want to be able to see, as the more you can see the better.

Mr. Quillin said he understands security issues, his frustration is that there is an empty bank down the road. Mr. Donaldson said they tried to buy or rent every empty bank you can see around the site, but other problems prevented them.

Ms. Durio said she had a question about security. She said that it seemed like someone could still go along the access road and see both the front and back and one side of the building without going on the building premise. She added that there is access to go around the whole building in a car.

Mr. Quillin said that you would then be dealing with issues with habits. Ms. Durio said that there is only one road in. Mr. Saucier said that there will be more than one road in. There will be three ways with access from CVS and PJs. He added that almost every site along W Approach has done some undercutting, they are just asking for some shaping.

Ms. Durio said if there are three different entrances then seeing it from W Approach is less significant. Mr. Saucier said that for security they would want to use all three entrances, and if they used the W Approach entrance without undercutting they would not be able to see what is going on with the site.

Ms. Durio said that they seem to be encroaching more on some trees. Ms. Bartholomew said that a tree survey would be needed for a permit.

Mr. Rhinehart said they would be looking for a tree survey, and a justification letter on how it benefits the public. Mr. Quillin added that the planting locations also be provided. Ms. Bartholomew also added that she would double check the parking requirements.

Ms. Durio asked if there was any information to give on what would be left. Mr. Saucier asked if that was about live oaks or anything? Ms. Duri said in reference to the greenbelt.

Buck Abbey, 1129 Villere: He is familiar with the site, and it is full of life. This is a decision on how to protect their home. He knows the landscape architect who did the report and he is very good. This is a bigger job than to get a site plan drawn by an architect and to look at the trees. They are not asked to study the urban forest. Live Oaks outlive pine trees, if they get light they will grow out. He would like to see a landscape plan before the permit is given.

Mr. Rhinehart asked if that was realistic? Ms. Bartholomew said it was probably not. They do not always get full plans drawn. She can speak with the applicant, the driplines need to be sorted.

Public Comment

Mr. Rhinehart asked if the Comp Plan RFP was available? Ms. Bartholomew said that it was done and is being formatted. Once she gets it back she will send it out.

Mr. Rhinehart wanted to put the clay ordinance submitted by Jason Zuckerman on the radar.

Ms. Durio asked if they could study the greenbelt issue as there has to be a solution. She does not want to block the view, but plantings do not take. Ms. Bartholomew said that she spoke about this with the resiliency plan and looking at greenspace regulations. The Master

Plan RFP is done, then the finer details can be looked at.

Ms. Fulton said that timing is a part as well. Ms. Durio agreed, adding that people need to close out permits.

Mr. Cressy said that some places do a good job with their plantings, like along St. Anne and Chenier. People who do a good job should be recognized. Ms. Durio said that is something to encourage.

Ms. Bartholomew said that it has been discussed before that the natural buffer is for deeper sites with bigger pieces intact. Smaller greenbelts look like the owner is not keeping up their property. Ms. Gautreaux said that she liked the look.

Ms. Durio said that along Florida and down the street is tough. Ms. Bartholomew said that it was not naturally intact. The properties were underbrushed in the past and then have grown back. A decision needs to be made about natural vs landscaped.

Ms. Durio said that narrow lots get hot with concrete and trees do not grow well. Ms. Bartholomew said that gets more complicated.

John Kleinschmidt, Waggoner & Ball: They can deliver a plant palette.

Delaney McGuinness, Waggoner & Ball: With those types of landscape typologies they are trying to identify buffer zones and space. They would never make this type of decision without a landscape plan.

Ms. Durio asked if the underbrush could be raised to a certain height? Ms. McGuinness said that there is visibility needed, especially if they are driving through so anything higher than 36" would not be planted. There needs to be a balance.

Ms. Durio said that it could also get expensive. You can do window type cuts but the cost to do that by hand vs just underbrushing with equipment is higher. Ms. McGuinness said that businesses do not want to develop with being told how to landscape.

Mr. Rhinehart said he would err on the side of less visibility. When CLECO cut the boundary of Beau Chene it looked terrible.

Mr. Weiner reminded the commission to complete their yearly training requirements.

Ms. Gautreaux motioned to adjourn the meeting, Ms. Durio seconded, and all were in favor. The meeting was adjourned at 7:17pm



Alex Weiner, Secretary



Brian Rhinehart, Chairman
Zoning Commission

Alex Weiner

From: Peter McEnery <[REDACTED]>
Sent: Wednesday, November 15, 2023 12:40 PM
To: Alex Weiner
Subject: Ballard - Hwy 4520 22

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Weiner,

I write regarding our conversation of yesterday. As I noted, I am a neighbor of Ballard Brands on Moores Road behind their corporate headquarters. The referenced location that is subject to the public hearing is the old Burger King location with entrances on two major thoroughfares, West Approach and Hwy 22. I have no objection to two monument signs, one of Hwy 22 and one on the West Approach entrance to the property.

Please note my support to allow for two monument signs at this location.

Regards,

Peter M. McEnery, MAI, CRE, President
Direct: [REDACTED] – Mandeville
Direct: [REDACTED] – New Orleans
Cell: [REDACTED]



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