

The meeting was called to order at 6:00pm by Zoning Chairman Brian Rhinehart

The secretary called the roll.

Commissioners Present: Nicholas Cressy, Andrea Fulton, Karen Gautreaux, Scott Quillin, Brian Rhinehart and Patrick Rosenow

Absent: Claire Durio

Also Present: Alex Weiner, Planner; David Parnell, City Attorney; Tina Myers, Secretary

Mr. Quillin moved to adopt the minutes from the March 11 and 25 meetings, Mr. Cressy seconded, and all were in favor.

New Business

P25-05-03 – A text amendment to CLURO Article 9, Sections 9.2.5.7, 9.2.3 and 9.2.5.14 to amend regulations relative to Protected Trees, Tree Pruning, and Tree Removal Permit Requirements.

Mr. Quillin moved to rearrange the agenda to push this to the last item, Ms. Gautreaux seconded; and all were in favor.

This case was heard at 6:48pm

Mr. Parnell: They went through this with a committee of people, going through how to address this and it came as other municipalities around had done the same measure of bringing in more than just our Live Oak. Cypress is the state tree; Magnolia flowers is the state flower. Mr. Parnell explained how they decided on the wording and different aspects of the proposed ordinance.

Mr. Rhinehart: Discussed some penalties he would like to see in the future for whoever is at fault.

Mr. Parnell: Separate from this ordinance they've looked at that issue, because some enforcement measures work and some don't

Buck Abbey 1129 Villere: Is in favor of the spirit of this ordinance and explained his reasons why. Mr. Abbey suggested some changes to the final wording of the ordinance

Mr. Quillin: What are the growth rates?

Mr. Abbey: Trees grow fast when they're young and slow down when they get older. All three of these trees live a long time. Mr. Abbey explained the environmental benefits.

Mr. Quillin: Approximately how long would it take for a Cypress or Magnolia to get to five inches DBH?

Mr. Abbey: Probably two, three years.

Scott Discon 142 Carroll: He authored it but didn't do the entire thing by himself. Mr. Discon explained why he wanted to move forward with this ordinance and gave information on surrounding areas that have similar tree protections.

Mr. Rosenow: Asked about Mr. Cressy's concerns, does it have an unintended counterintuitive consequence of people not going to put the trees in.

Mr. Discon: He has not seen someone not plant an Oak tree. This is to put Mandeville more in line with the cities we try to compare ourselves to.

Mr. Rosenow: What's the standard for getting a permit?

Mr. Weiner: Explained the different requirements for the different types and size lots.

The commission and Mr. Discon discussed other jurisdictions tree regulations and potential unintended consequences of this ordinance.

Mr. Weiner: The protection starts at five DBH or greater. Mr. Weiner also explained unpermitted trees and the process of undeveloped lots and protected trees in the buildable area.

Mr. Quillin: Would like to add a minimum at the time of replanting.

Ms. Gautreaux moved to recommend approval, Mr. Quillin seconded.

Mr. Quillin suggested an amendment to the approval, suggesting adding a minimum size requirement to the replacement of the protected trees with two trees of the same species, Mr. Rosenow seconded.

Ms. Fulton suggested an amendment to replace the protected trees with two protected trees instead of the same species, Mr. Quillin accepted Ms. Fulton's amendment.

Mr. Quillin moved to amend the paragraph previously discussed to include a minimum size replacement of instead of the same species of a protected species from a replacement standpoint, Mr. Rosenow seconded.

Mr. Rhinehart: We have a motion and a second to require a minimum size for replacement of protected trees and to be replaced by one of the three protected trees as a mitigation for taking down a tree.

After discussion the roll was called, the amendment passed five to one.

The commission and staff discussed the fencing requirements.

Mr. Quillin moved to amend in paragraph 2A he would like to revise the wording to state for each protected tree there's a mandatory requirement to use minimum twelve gauge four-foot-high metal fencing around the drip line of the tree. Ms. Gautreaux seconded.

Robert Berning 633 Lotus: Commented on twelve gauge being hard to find

Mr. Quillin: It is, that's why twelve gauge minimum, nine gauge is thicker, metal gauging goes up opposite.

Buck Abbey 1109 Villere: Shared his thoughts on the type of fencing the commission discussed and the height he recommends.

After discussion the roll was called, the amendment to paragraph 2A passed five to one.

Ms. Fulton: Would like to discuss the possibility of increasing the number of protected trees.

Ms. Discon: Stated what other trees jurisdictions in the area have as protected.

Ms. Fulton moved to recommend to expand the variety, the short list of three protected trees from three to five to add Elm and Pecan, Ms. Gautreaux seconded.

The commission, staff and Mr. Discon discussed the options of adding trees to the ordinance and the proper time to do so.

After discussion, Ms. Fulton withdrew her motion, and Ms. Gautreaux withdrew her second.

Mr. Weiner: The first recommendation was to adjust number one, so that there is a minimum size for the replanting and it changes to any of the protected trees rather than trees of the same species and 2A has been changed to read a mandatory requirement to use a minimum twelve gauge four-foot-high metal fencing around the drip line of the tree. So, we've removed the word hard and added the word minimum. Those are your only two recommendations so far.

After discussion and amendments Ms. Gautreaux moved to recommend approval, Mr. Quillin seconded, the motion passed five to one.

CU25-05-01 – Randall and Teresa Hamilton request Conditional Use Approval to allow Lodging (Transient)— Short-term Rental Whole House per the Table of Permitted Uses, CLURO Section 7.8, Old Mandeville, Square 90B, Lot 4B, R-3 Multi-family Residential District, 1109 Villere

Mr. Rhinehart: This is in the R-3 multifamily residential district. It has the three parking spaces that are required.

Mr. Quillin: Because this is conditional use this does not follow the property. This has some caveats as far as being able to continue with being able to be used as a short-term rental. Items such as nuisance calls, and a license every year.

Mr. Weiner: Yes

Mr. Rhinehart: It does not follow, is that correct?

Mr. Weiner: It does follow the property

Mr. Rhinehart: But the permitting has to happen?

Mr. Weiner: Yes. As a reminder this is just a recommendation to the city council.

Mr. Rhinehart: So, we'd have a motion to recommend to the city council.

Mr. Cressy moved to recommend, Mr. Quillin seconded, and the motion passed unanimously.

Ms. Fulton: Is there a minimum amount of days?

Mr. Weiner: Short-term rentals are designated as anything thirty days consecutive or less.

CU25-05-02 – Kingsmill Tchefunte Harbour, LLC represented by Beau Bryant request Conditional Use Approval to allow Lodging (Transient)— Short-term Rental Whole House per the Table of Permitted Uses, CLURO Section 7.8, Old Mandeville, Square 2, B-3 Old Mandeville Business District, 119 Girod

Mr. Rhinehart: His one concern was that they were one parking slot short but with the revised plan they are now in compliance. Addressing the prior denial by city council for this particular one, at that time they had only ten permitted slots and this would've allowed 20% of the permits to that one person.

Beau Bryant 115 Cherry Little Dr. Covington (applicant): They'd be fine graveling or whatever we needed to make that driveway up to speed. They went out with their architect and measured to make sure two cars could fit, and they have no problem making it up the driveway.

Mr. Cressy moved to recommend with the amendment that we throw down some gravel to make a dedicated driveway on the left side of the structure, Ms. Gautreaux seconded, and the motion passed unanimously.

CU25-05-03 – Susan Cazaux request Conditional Use Approval to allow Lodging (Transient)— Short-term Rental Whole House per the Table of Permitted Uses, CLURO Section 7.8, Old Mandeville, Square 74, Planned Residential District, 252 Jackson

Mr. Rosenow: Last time one of the neighbors had some concerns about the traffic, that property's really close to Jackson, so there's not much traffic going by it. It does create a cluster almost a quarter, four out of twenty-five are in this one small area, but doesn't know if that's necessarily a disqualifier.

Mr. Cressy moved to recommend, Ms. Fulton seconded, and the motion passed unanimously.

Public Comment

With new business concluded for the Planning Commission, Mr. Rhinehart moved to the Zoning Commission portion of the meeting.

Tina Myers, Secretary

Claire Durio, Chairwoman
Planning Commission

Brian Rhinehart commenced the Zoning Commission portion of the 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

V25-05-10 – Blaire Stroemple, requests a variance to CLURO Section 9.2.5.2. Vegetation Protection Zones, Old Mandeville, Square 31, Lot 31-X, R-1 Single Family Residential District, 311 Lafayette (**APPLICANT REQUESTED TO POSTPONE**)

Ms. Gautreaux moved to postpone, Mr. Rosenow seconded; all were in favor.

V25-05-11 – James & Andree Powell requests a variance to CLURO 7.5.1.3. R-1 Site Development Regulations, Woodstone, Phase 2B Lot 89, R-1 Single Family Residential District, 51 Tara Ln

Mr. Rhinehart: Is it going to be attached or detached?

Mr. Weiner: The site plan is still offering it to be attached, but the applicant can speak on that. We did receive some public comments concerning as well concerning this case.

Eddie Powell 51 Tara Ln (applicant): They are looking to add a twenty-by-twenty mother-in-law suite adjacent to his garage to allow for access through the garage into the house. It's going to be a single story, brick veneer with the heavy sack finish, similar to the elevation of the side of the house, with a single slope roof with gutters and downspouts going to subsurface drainage. Other spots were looked at but with other equipment and the construction of the house there's just no other place viable to try to put a single-story addition onto the house. He spoke with the neighbors around him and nobody has any issues, the three neighbors that touch his property have written emails in support of the project.

Ms. Gautreaux: If you're detached can you do a little covered walkway?

Mr. Powell: Hasn't dug into it, he didn't find out about that until the workshop, that it could be detached and closer to the property line.

Kristianne Stewart 8 Robin Place, Woodstone HOA President: It's wonderful what Mr. Powell and his wife are doing but the HOA was unaware and it's in strict violation of the covenants. How the building was presented it was a unanimous no, and they do have some concerns. Even though three neighbors may be in approval of this, what's to say down the road? This is a significant structure, it's 400 square feet and although everything's going to tie into the subsurface drainage, she applauds all of this it was a very hard call on their part.

Tim Carroll 2413 Bluff Ct Mandeville, GNO Properties Woodstone Property Manager: He read the HOA covenant setbacks.

Ian Brown 37 Robyn Place, Woodstone HOA Board Member: The entire neighborhood has to vote for us to be able to change the covenants. As a board they can't just decide to do something outside of the covenants. They are not really beholden to the neighbor's approval or the board's vote; they are beholden to the covenants they have. Just as the commission is beholden to Mandeville's City ordinances. For them maintaining the integrity of the neighborhood, this isn't asking for a two-foot variance. It's going to affect the integrity of the neighborhood. Based on Mandeville's thirty-foot restriction and Woodstone's twenty-five-foot restriction the board is asking that this planning board will recommend a no as well, simply because it's outside of our covenants. Additionally, when they move into the neighborhood, they all read the covenant. They are required to sign those when they purchase the home and have to live within those restrictions.

Mr. Rosenow: Do you have any points to make that are beyond the HOA covenants? Do you have any other comments that you'd want us to consider outside of that?

Mr. Brown: Mandeville has a thirty-foot restriction for a specific reason, and this is not a foot or two past that, this is well beyond encroaching on the fence. He was told by one of the planners that the city maintenance department has some concerns if you get within five feet of the fence because of drainage, possible utilities.

Mr. Fulton: During your tenure on the board, have you been a part of or aware of or even prior to your tenure on the board have you been aware of exceptions that have been made?

Mr. Brown: Since he has been on the board, no. Evidence in the neighborhood prior to him being on the board, he has been on the board for two years, clearly there are other buildings that are out of compliance with the city and the covenant.

Ms. Fulton: Do you have an idea of the extent of those?

Mr. Brown: He has not seen any additional rooms of this size where someone is living; like a dwelling. He has seen that the covenant have not always been followed, whether that was with approval or it was just done, he does not know. From his time on the board they have not been asked to give a variance of this type.

Mr. Quillin: If the applicant were to have applied with a freestanding structure, he could put it closer than he is right now, up to three feet from the property line and still be within our CLURO. We're looking at what would be best for the city, unfortunately that may not be the best for the subdivision.

Mr. Brown: The city has a thirty-foot setback, if it were not in a HOA would a variance be issued to go within six feet of a fence and what kind of compelling reasons would y'all have to allow that variance?

Mr. Quillin: If the structure were freestanding it could go within three feet of the fence, just because it is connected to the existing dwelling. We could deny this, and he could administratively build effectively what he wants with some sort of overhang and be within the ordinances without issued.

Kristianne Stewart 8 Robin Place, Woodstone HOA President: Maybe as you did with one of the other residences, saying if these things are made, maybe the size of it, not necessarily narrowing it down but just the size of it overall and its proximity into where it is. It wouldn't be any issues with the city drainage but at the same time be aesthetically pleasing and there would be a home for Mr. Powell's mother-in-law which is really what's paramount in this.

Cynthia Thompson 17 Heron Ln: When anybody comes up for a variance on anything is the automatic you gave to accept it? In her neighborhood this has been a consistent problem where people cover the ditches and they ask for variances, people are building large walls. She has seen in other areas on green spaces and other things where you deny it fully. So, her question is if somebody comes up to ask for a variance on anything, do you automatically approve it? Do you not take any other considerations in?

Mr. Rhinehart: The short answer is no and in the four years he has been on the commission, he has never had an application come in for covered ditches.

Mr. Weiner: We have not had any application for a covered ditch come before the Planning and Zoning Commission. That would be handled by Public Works.

Mr. Rosenow: We have to follow our rules. We don't have to approve or disapprove anything, but we do have to follow our rules.

Mr. Parnell: HOA regulations are different than ours. We apply our regulations if there's any issues that he has with a structure that's permitted in whatever fashion he has to deal with them. There's a different forum for that discussion.

Mr. Cressy moved to approve, Mr. Quillin seconded, and the motion passed unanimously.

Public Comment

Mr. Weiner: There is open house number two for the comprehensive plan tomorrow, it takes place from 5:00 to 7:00. It's just a walk in, walk out, come as you can kind of thing. It's going to be at the Paul Spitzfaden Community Center across the street and there will be food and beverages.

Mr. Quillin moved to adjourn the meeting, Ms. Gautreaux seconded, and all were in favor. The meeting was adjourned at 7:57pm.

Tina Myers, Secretary

Brian Rhinehart, Chairman
Zoning Commission