

**Planning Commission  
Public Hearing  
May 27, 2014**

The meeting was called to order by Zoning Chairman Nixon Adams and the secretary called the roll.

Present: Scott Quillin, Nixon Adams, Rebecca Bush, Dennis Thomas, Ren Clark, Michael Blache, and Simmie Fairley

Absent: None

Also present: Louissette Kidd, Planning Director; Mayor Donald Villere; and Council Member David Ellis

**Discussion of Phase 2 CLURO Amendments**

Ms. Kidd presented that the board had finished Phase 1 of the CLURO amendments, identified Priority 1 task in the Short Term Work Program of which some include CLURO amendments. The City Council approved a budget adjustment to move forward with the next phase of Short Term Work Program. Mr. Lauer would make sure the Priority 1 items were identified in the CLURO amendments. The board and staff had intended to continue with the CLURO, but other issues were also identified. She asked Mr. Lauer to attend the meeting since he was in town to discuss the specifics on what was moving forward and in what order.

Mr. Adams asked if it would all be included in one ordinance. Ms. Kidd said not necessarily. There were many components listed as a Priority 1 task. The CLURO amendments would move forward. Other issues identified included the Town Center Site Development issues to incorporate in this and defining fill related issues. It would not be a whole master plan of critical and sensitive area, but specific issues related to the Grading section for fill and there seemed to be some questions that needed tweaking. She requested the board to be specific, problems to be solved, and if it was a problem or code interpretation.

Mr. Lauer said the City Council approved a budget adjustment to include Phase 2 of the CLURO amendments, but not all of the subsequent pieces. This would be Phase 2A and the supplemental tasks in this phase and in the budget year.

- Sign ordinance – holdovers from the Electronic Message Center – limiting areas and long standing issue
- Event Centers - definitions/requirements
- Auto dealers - standards
- Consolidation of exceptions by Zoning Commission and by the staff and strengthening the variance process
- Town Center Site Development – density, site requirements. This would not be about the planning process but cleanups for clarity. Mr. Lauer said it would not be a major vision process but clarify what was allowed and measurement of density. Ms. Kidd said originally it was an Overlay District with design standards but later converted it to a zoning district with additional regulations. There were some site development issues to assure what was being built was what was wanted with density, setback and parking.
- Zoning Permit review criteria
- Sight triangles – clear area at intersections. It was not a one size fits all.
- Marina regulations – some changing pressures for development and address the full range of issues.
- Format/consolidation of CLURO text – collection of documents with different formatting. He would like to use standard headings and allow cross referencing.

Mr. Lauer said his approach was to:

- hold a workshop at the end of June
- meet with focus groups in July
- outline regulatory provisions
- community workshop – time it to coincide with a Planning Commission meeting
- Draft ordinance and meet as a joint workshop
- Refine the ordinance drafts, community workshop, and Planning Commission
- Joint work session to discuss concerns
- Planning Commission hearing, City Council hearing, and adoption

Mr. Lauer felt with the budget adjustment that Phase 2A of the CLURO amendments and the fill ordinance review could be accomplished. The process was critical and start by forming a Technical Committee with the expertise needed and be credible moving forward. The committee should help review regulatory options for fill, thresholds, what was considered minimum.

- Critical area definitions
- Construction types - pier was preferable to slab construction
- What was required to be submitted to make sure drainage was working
- Enforcement ability

July 1 – initial Planning Commission work session

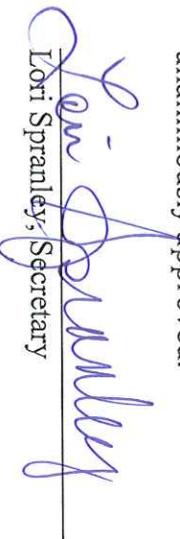
Homework assignment of sign revisions, Town Center site design standards and an approach to the fill ordinance.

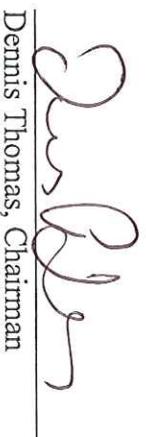
Mr. Lauer wanted to understand each board member's concerns and issues. Ms. Kidd had a list of issues to address for signs. The Town Center was identified through other venues. The approach to the fill ordinance was from numerous discussions. She would forward committee reports for reference. Mr. Adams asked if previous discussions on fill could be recaptured. Mr. Clark asked was the terrain a critical and sensitive feature or not. If not, don't discuss it. Mr. Adams said should we be rebuilding our swamps and protect them, flooding and getting water off the lot were important issues. He did not know if the average citizen was concerned about the topography of the area. Ms. Kidd said she would send the board the regulations of fill as presently existed. Mayor Villere said we could start with the base elevation. Mr. Adams asked if that was based on a base point Mr. Clark was referencing. Ms. Kidd said no, the LSU Sea Grant had the best information from mapping.

Mr. Lauer will take any suggested amendment into the scope with the contract.

Mr. Quillin moved to approve the minutes of September 10, 2013, seconded by Mr. Clark and was unanimously approved.

Mr. Quillin moved to adjourn the meeting, seconded by Ms. Bush and was unanimously approved.

  
Lori Spranley, Secretary

  
Dennis Thomas, Chairman

**Zoning Commission  
Public Hearing  
May 27, 2014**

The meeting was called to order by Zoning Chairman Nixon Adams and the secretary called the roll.

Present: Scott Quillin, Nixon Adams, Rebecca Bush, Dennis Thomas, Ren Clark, Michael Blache, and Simmie Fairley

Absent: None

Also present: Louissette Kidd, Planning Director; Mayor Donald Villere; and Council Member David Ellis

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

The only case discussed was V14-05-07 Mandeville BTS, LLC/ Paradigm Investment Group, LLC requests a variance to Article 10, Sign Codes, 22505 Florida Street, zoned B-2

Ms. Kidd presented a sign variance request for the Hardee's Restaurant to allow the installation of attached signage to be greater than allowed. Hardee's purchased the former Back Yard Burger site. The CLURO allowed for a single premise one attached sign calculated at a ratio of 1.25 times the linear store frontage, one monument sign calculated at 50% of the property frontage, or a monument sign calculated at 50% of the property frontage with attached signage not to be greater than 20% of the monument sign. Previously under the CLURO regulations, an additional 20% bonus was allowed on the monument sign or that 20% could be used for the installation of attached signage to be no greater than 24 square feet.

Hardee's was proposing a 40.6 square foot monument sign, which was 48 square feet less than allowed. The proposed attached signage would be facing the parking lot at a size of 45 square feet, which was 27 square feet larger than the 18 square feet allowed. The total signage proposed was 67.6 square feet, which was 21.4 square feet less than the total allowable square footage. It had been discussed that in the next phase of the CLURO amendments to revisit this language. There were similar variances granted to Taco Bell, Walgreens and CVS. It was not an unreasonable request.

Mr. Quillin moved to grant the variance to allow an additional 27 square feet of attached signage, seconded by Ms. Bush. Mr. Adams asked if there were landscape issue. Ms. Kidd said by the CLURO amendments there would be a base, no berm required and would be flush to the ground. The motion was unanimously approved.

Mr. Quillin moved to approve the minutes of September 10, 2013, seconded by Mr. Clark and was unanimously approved.

Mr. Quillin moved to adjourn the meeting, seconded by Ms. Bush and was unanimously approved.

  
Lori Sprantey, Secretary

  
Nixon Adams, Chairman

**Zoning Commission  
Work Session  
May 27, 2014**

The meeting was called to order by Zoning Chairman Nixon Adams and the secretary called the roll.

Present: Scott Quillin, Nixon Adams, Rebecca Bush, Dennis Thomas, Ren Clark, Michael Blache, and Simmie Fairley

Absent: None

Also present: Louisette Kidd, Planning Director; Mayor Donald Villere; and Council Member David Ellis

Mr. Adams announced that 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.

The only case discussed was V14-06-08 J. Flagg Flanagan/Rod Markovits requests a variance to Section 8.1.5, Supplemental Regulations for Accessory Structures and Section 7.5.12.3, O/R Site Development Regulations, 633 Village Lane North, zoned O/R

Ms. Kidd requested an interpretation. The case was processed as a height variance, but that was before additional information was received. There was a pending purchase agreement on the site that previously contained an office, a residence and a tennis court in Beau Rivage Village. The lots were zoned Office/Resident and the property would be utilized as a residence. Mr. Markovits was a personal collector of vintage and antique cars that would be stored on site. There were two cases from the 1980s in conjunction with condominiums that were to be constructed on this site. Subsequently, a house and tennis court was constructed in the late 1980s with no variances. There no setbacks identified on the subdivision plat and when Beau Rivage Village was permitted the zoning was B-2, Highway Business District, and the construction was permitted through the green book prior to the CLURO adoption. The existing setbacks were 10' on the north, 20' on the south and 5' to the rear. The smallest dimension was considered the frontage. There were no street side yard setbacks under the green book.

The proposed accessory building would be located on lot 38, which was the site of the tennis court. This lot contained a double frontage. The proposed footprint for the car storage was 65' by 125'. The height was no longer calculated from the lowest eave so the eave dimension was required for a new calculation.

On the interpretation of the setback, the Office/Residential requirement was 25' front yard, 15' side, street side or rear yard. This site contained 2 street side setbacks and an interior yard setback of 5' along the rear. The accessory structure regulations when located in the rear yard had a maximum height of 14'. In this case, the rear yard setback was 5'. Any portion of the rear yard setback required a maximum height of 14', but if the building was located in the building footprint it could be 35' in height.

If the setbacks were determined differently, then 30% of the structure could not go into the rear yard. The calculation would have to meet a total maximum of 75%. It appeared through the existing site plan to be met. If the site met the setback requirements, it would meet the 25% pervious coverage.

Mr. Adams said the site would be residential and the applicant answered in agreement. Ms. Kidd asked to address the issue under the definition of accessory

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structure being a building, attached to or detached from the principal building, the use of which (a) is clearly incidental to and customarily found in connection with a principal building or use; (b) is subordinate to and serves a principal building or principal use; (c) is subordinate in area, extent, or purpose to the principal building or principal use served; (d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and, (e) is located on the same lot as the principal building or use served.

The question was the size of the building at 7,800 square feet, and the size of the residence was 8,000 square feet. In section b, the requirement was to be subordinate to the residential use, and the proposed use was for the storage of a personal collection of cars and not any businesses. The proposed building would be large, but there was also a large residence on a large piece of property. The street side yard setbacks were 15' and the existing was 10' and 20'. An earlier variance indicated the use of an average of the setback and there was no record of how the site was utilized. There was not enough record to show if the variance was used.

Mr. Adams said this was an existing building that would remain the same and the use would have been allowed. Ms. Kidd said there was no variance shown for this project, and it was located in the Office/Residential zoning district.

Mr. Quillin asked what would be classified as the frontage because it was an unusual lot. He would have thought the south side would have been the smallest street. Ms. Kidd said typically the setbacks were noted on the plat, but there were no setbacks, notes or outline of the setbacks. There was nothing to govern it but the existing definitions. It appeared that the point was used as the front yard setback. Mr. Quillin agreed that the 5' could be the rear, but he was trying to determine the frontage. Ms. Kidd said in accordance with the B-2 zoning district, the setbacks were outlined in the previous regulations as the front setback of 25', the rear setback of 5' and the side yard setback of 3'. Based on those regulations, the requirements were met. Ms. Kidd said in the O/R district there would be a 30' rear yard setback. Based on the 5' in the O/R district, there would not be a limitation on the height. Mr. Quillin said based on the setbacks, the proposed building would not be within the setback area. Mr. Thomas said the size of the building was the same footprint of the tennis court. Mr. Adams said it would determine if there was even a case needed. It was clear to him that the front was the point.

Rod Markovits, applicant, said it was his intent to use the existing tennis court for the size of the proposed building. He was focusing on the height of the building exceeding 14'. Mr. Adams said if the building was not located in the rear yard setback, the height would not matter. Mr. Quillin asked if the project was in compliance for impervious coverage. Mr. Markovits said he could decrease the footprint and he was intending to remove the concrete. This would be his personal home. Mr. Thomas asked about car restoration. Mr. Markovits said he owned several classic cars that he restored as his hobby and the garage would not have a machine shop. There would not be any paint booth. His intent was to keep his cars in the building as well as having his RV and trailers to pull the cars all on one site.

Mr. Quillin asked about a 14' door for the RV. Mr. Adams said the property across Village Lane was being used commercially. Ms. Bush asked about the style of the building. Mr. Markovits said the style referenced from a building on Lotus Drive.

Mr. Clark asked if the owner must also request the variance. There was a purchase agreement and the owner had signed the variance application. Ms. Bush asked to clarify the request. Ms. Kidd said the question was the building height, 5' rear yard setback, and the pervious/impervious coverage. Based on the discussion

at this meeting, a variance may not be required. There was not a site plan originally submitted, but the staff had received it to determine the setbacks. Ms. Bush asked aside from any covenant issues, were there Design Review guidelines that the proposed building would be subject to. Ms. Kidd answered yes, but the Design Review consultants had not reviewed the proposal yet.

Mr. Quillin asked if the existing concrete parking spaces and the garage on the north side would remain. Mr. Markovits said he did not need 17 spaces and could remove the concrete on the corner.

Clay Lejourne, Village Lane North resident, said the southeastern corner of the location of the tennis court. He had met Mr. Markovits in the neighborhood and his question was a clarification on the variance. Mr. Adams said it appeared there was not a variance request. If not, Mr. Markovits would meet the requirements and the staff could issue a permit. The design would be reviewed by the Design Review Committee. Ms. Kidd said the staff had been unclear what the rear yard setback was so they had processed the request as a variance. With the double frontage lot the staff wanted to make sure that Village Lane North or South was not the rear yard. Mr. Adams said so not to delay the case, the request was advertised. Mr. Lejourne said the process was working. He said the board had talked about design and asked if the homeowners had any influence. Mr. Adams said the Design Review committee met weekly. Ms. Kidd said the Design Review Committee would look at the materials and could provide the comments and advice to the property owner. The board consisted of local architects.

Ms. Kidd said if the staff had issued a permit, it could have been challenged. If it was challenged, the board would review the appeal and if further challenged would be heard by the 22<sup>nd</sup> Judicial Court. Ms. Kidd said after the Design Review Committee met the staff could share the comments. Scale, size and proportion were reviewed by the committee. In a mixed use area there would be a review of context within the district. Mr. Lejourne said they would be good neighbors and protect the property values. Ms. Kidd said there was more review of commercial construction than residential construction. Mr. Lejourne asked Mr. Adams if the board would be making a decision. Mr. Adams said this was a work session meeting for discussion and request for additional information if needed. The second meeting would be a vote. Ms. Kidd said if the board accepted the interpretation of a variance not being necessary, the case would be removed from the agenda. Mr. Adams and Mr. Quillin agreed with the interpretation. Ms. Kidd said she would make sure the project met the code, was presented to the Design Review Committee and would then issue a permit. Mr. Quillin asked if there were any other board interpretations on the setback. Mr. Adams said if the site was developed now there would be a building envelope on the plat.

Council Member David Ellis summarized that an adjacent property owner, Vince Talazac, was concerned about the size of the building and the question of working on cars was answered. Mr. Ellis noticed that one side of the proposed building would not have windows and he thought that was benefit for the residents. Mr. Markovits said the presentation was just a rendering. Mr. Ellis said traffic was a concern and that was addressed. He was concerned about green space around the building to obscure it from the neighborhood. He said hopefully there would be a compromise to work for everyone. The biggest issue was on Village Lane North and South there was a mixed use of light office and residential. He understood from the discussion that there was only a 5' rear setback. Ms. Kidd said it was in accordance with the regulations in the O/R district. The building was a residential use and no traffic was being generated. Screening was required with a commercial use, but a residential use had no screening requirements. An office development would

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require greenbelts and screening, but not as a residential use. Mr. Adams said there were no deviations from the code for the board to deal with. Noise and pollution were City controlled under police powers. Mr. Ellis said it did not sound like there would be high power equipment. Mr. Adams said there was a noise ordinance that could be enforced. Any residential neighborhood could work on their car with the engine out.

Ms. Kidd stated the survey was received late Friday. She would like to review the exact dimension and location. Even though turned it appeared to be no problem, she would need to review the calculations.

Laura Hage, 628B Village Lane South, said the subdivision was called Beau Rivage Village and was a U shaped street and did not have an RV in any driveway. There were no single family homes on the two streets. The majority of properties were owner occupied residences. There were concerns because the property was both an office and a residence. The business was previously located on the bottom floor. There was a two car garage on Village Lane North, a building entrance on Village Lane South and parking lot at the property point with an aluminum door for trucks to load and unload medical equipment. That was a lot of space on the first floor that was not residential. The residence was on the second floor. The tennis court was a big open space between the houses and did not impede the light into the yards. There was a green space and trees that blocked the visibility between the properties. The tennis court fences screened the area. On the north side there were offices, and to the south were residences. The front of the building faced the residential part of the subdivision. There was one business on the south side that looked like a colonial home. There were three office buildings on Village Lane North. The remainder of the street was constructed with residences. There were many children running up and down the road. She was concerned about the entrance, the size of the building, and the fact that there were not any single residence homes. She felt this was not an appropriate addition to the subdivision. Mr. Clark clarified that she felt it was inappropriate. Mr. Quillin said there was a business on Village Lane North. Mr. Adams said RVs were not illegal and none of the proposed uses were illegal. There were certain uses that were allowed by law. If there were covenants there might be a civil suit, but the police laws of the City must follow the zoning laws. Ms. Hage felt it was important for someone to understand what the subdivision was about. Mr. Adams said someone could buy a lot and build whatever they wanted within the regulations. Ms. Hage understood that, but the property owners would like to have their voices heard and she felt this would take away from the values of the homes and was concerned about the integrity of the neighborhood.

Mr. Quillin appreciated the comments and asked if she had spoken with Mr. Markovits. There were few things that the board could do and suggested having a talk with the applicant. He did not want to decrease any property values. Ms. Hage said the signs were not placed near the affected area. Ms. Hage proposed if there was a front entrance for the garage that it be placed to the side where other businesses were located. Ms. Kidd said orientation of building would not be regulated by the code. This was a double fronted lot and Mr. Markovits could have access on either side. If the applicant was agreeable, it could be discussed between the purchaser and the property owners. Ms. Hage confirmed that the owners did not have a voice. Mr. Adams said it was determined on what the board thought the front of the lot was. That did not mean that was where the front door of the building would be located. Mr. Quillin said the 5' was a benefit. If it was the side yard, it could be 3' setback. Mr. Thomas suggested exchanging telephone numbers since they would be neighbors. Mr. Adams said it would be a good idea if the realtors provided purchasers a copy of the code with a list of uses in the neighborhood. Ms.

Hage clarified that in an O/R district, there could be single or multi-family residences.

Mr. Lejeune said Section 8.1.5 had two issues he was not clear on. Mr. Adams said the board was trying to determine if the proposed building was located in the rear yard setback. Ms. Kidd said if the building was constructed outside of the required setback, the location was fine. Mr. Lejeune asked about number 4. Ms. Kidd said if the building was located within the setbacks, it could not cover more than 30% of the property but it was determined that the building would not be located in the setback. In this case, it would be placed in the building footprint.

Katrina Phillips, 635B Village Lane South, said on Village Lane North there were businesses. The employees parked in the parking spaces on Mr. Markovits property and he said he may take up the parking lot in the front of the property. There was a garage and it was his right to remove the parking, but that would create a problem with the businesses requiring those employees to park on the street in front of their homes. Her six grandchildren played in the street in that area. Other neighbors had grandchildren who also played in that area. Mr. Quillin said the businesses should not be parking anywhere but on their property. Mr. Phillips said the Flanagan's had allowed the parking and for the children to play on his property. He asked how many vehicles and traffic would be going in and out. Mr. Adams said Mr. Markovits was a single family residence and only required to have two parking spaces. He could be allowed to remove all of the parking. Supposedly, the businesses were able to provide parking on their site. To stop the parking in the streets, it must be determined to be a hazard but the board could not deal with that.

Mr. Markovits said he did not build the property and it was an odd property. Investing in the property would be big gamble on any resale, and he did not want to jeopardize that. The property had been vacant for the last year and half. He would want to know who was parking on his property. Mr. Adams said public use could get him sued. Mr. Markovits said Mr. Flanagan had 29 parking spaces shown on the tennis court. The gray door was the entrance to a warehouse and no one could not drive a car into it so it was useless as a garage. The three car garage was a residential garage. His goal was to make the neighborhood better. He was not a tennis player so he was trying to make the area useful for him. It was not that he did not want to meet the neighbors. If he was not approved to construct the garage, he could not buy the property. He would meet the requirements. Mr. Markovits would be looking out of his windows at businesses, but it allowed him to do what he wanted as well. Mr. Clark said he was building something to store his hobby. Mr. Markovits said he worked for a living. At this time he had his cars stored in four different places and he had grandchildren that would also be visiting. Mr. Clark said it was a museum of cars. Mr. Markovits said he would have about 11 cars stored that he owned.

Kathy Springstead, 640B Village Lane North, asked if there was something planned with the residence itself. Mr. Markovits said it would be a very expensive residence for the neighborhood. The residence was upstairs and downstairs was a warehouse and office. Mr. Lejeune asked if Mr. Markovits would rent the space on the first floor and he answered that he had no idea.

Sharon Porsche, 633 Village Lane South, asked to clarify if there would be a present or future usage that the use and height variance for the proposed garage were contingent and Ms. Kidd said the building would meet the 35' regulation since it would not be considered an accessory structure. Ms. Porsche asked about the usage. Mr. Adams said nothing was forever, and the construction was not contingent upon the present or future usage.

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Mr. Adams requested if the case was removed from the agenda to post it on the website for the neighbor's knowledge.

Mr. Quillin moved to adjourn the meeting, seconded by Ms. Bush and was unanimously approved.

  
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Lori Spranley, Secretary

  
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Nixon Adams, Chairman

