

**Planning Commission  
Public Hearing  
November 19, 2013**

The meeting was called to order by Chairman Dennis Thomas and the secretary called the roll.

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

Absent: None

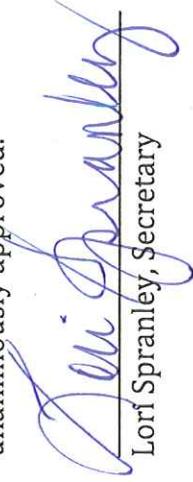
Also present: Louissette Kidd, Planning Director, Council Members David Ellis and Clay Madden, and Mayor Donald Villere

Ms. Bush moved to defer adoption of the minutes until the next meeting, seconded by Mr. Fairley and was unanimously approved.

Mr. Quillin moved to accept the 2014 meeting dates, seconded by Ms. Bush and was unanimously approved.

It was announced that the next CLURO meeting would be held Monday December 2<sup>nd</sup> at 6:00 p.m. The staff was waiting for the draft ordinance from the public input.

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

  
Lori Spranley, Secretary

  
Dennis Thomas, Chairman

**Zoning Board  
Public Hearing  
November 19, 2013**

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

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

Absent: None

Also present: Louisette Kidd, Planning Director, Council Members David Ellis and Clay Madden, and Mayor Donald Villere

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 first case discussed was Z13-10-04 Recommendation to the City Council regarding Ordinance 13-28 changing the zoning of certain immovable property situation in Section 38, T7S, R11E, Greensburg District, St. Tammany Parish, and Louisiana containing approximately 0.87 acres to a Planned Combined Use District (PCUD) and provided for other matters in connection therewith

Ms. Kidd presented the request for a recommendation to the City Council on Ordinance 13-28 to rezone .87 acres from an R-1 to PCUD zoning. As previously discussed, upon annexation this property was viewed as an oversight being zoned as residential. It was located on West Causeway Approach with no interior access to the subdivision. The plat referenced it as commercial. The proposed ordinance was written with similar uses as the other PCUD properties located on West Causeway Approach. The other properties were not part of the annexation of the Fontainebleau Subdivision, but were developed under ordinances limiting the uses from the B-2, B-1, B-3 and O/R land uses. The staff had met with the Homeowners Association and Bill Jones several times. The residents had forwarded a copy of their use requests and Mr. Jones had approval from Mrs. Garvey to remove the uses that concerned the homeowners.

The uses to be removed included: Permitted Uses - animal sales and service, funeral services, laundry services - coin operated, marine services and sit down restaurants with a lounge. Zoning Permit Uses - A&E wash, car wash, A&E fuel, and convenience mini-storage. Conditional Use - outdoor recreation and sports.

Mr. Adams asked if this was in agreement with the Homeowners Association and Mr. Villalobos stated it was in agreement.

Mr. Quillin asked about the setback requirements and a No Cut zone since two sides faced residential property owners. Ms. Kidd said the No Cut buffer requirement was 15' adjacent to any residential district. Mr. Thomas asked if this would be recorded on the deed. Ms. Kidd said the ordinance was recorded and the PCUD would govern the development of the property. Mr. Adams asked about enforcement. Ms. Kidd said all ordinances were recorded and the requirement would run with the land. Mr. Thomas said recently there were building permits and occupancy permits that allowed things that were not allowed. Ms. Kidd said the City was identified by the zoning district and on the map so the ordinance would be reviewed for allowable development. In reference to the previous case, there was inconsistency between the plat and the covenants. In a PCUD zoning district there would not be the same issues.

Mr. Blache said if someone wanted to use the excuse of not knowing, what would happen. Ms. Kidd said there was always a potential for error on any

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situation, but the ordinance would govern the property. Mr. Adams asked if there was a way to flag the property on the GIS system. Ms. Kidd said the zoning map would identify the property as PCUD with the ordinance number attached.

Mr. Blache referred to line 17 on page 4, Section 6.4.67 was scratched out and added .2, and asked to correct the number.

Mr. Quillin said in discussing the fencing, there was a maximum of 7' and suggested eliminating the "minimum" and Mr. Jones was in agreement.

Mr. Adams said with the discussions there would be findings of the problem with the zoning, historical problems between the map and annexation ordinance, the only way to access the property was located on a commercial corridor so the zoning should be commercial, and typically on a busy highway residential use were not allowed. Mr. Clark said there was no lack of clarity; it was a matter of changing the zoning because of geography.

Mr. Quillin moved to recommend adoption to the City Council with the outlined changes to the uses and a maximum of a 7' fence, seconded by Ms. Bush and passed 6-1 with Mr. Clark voting against.

The next case discussed was V13-11-20 St. Tammany Parish School Board/Mandeville High School requests a variance to Section 8.1.3, Supplemental Fence and Wall Regulations, #1 Skipper Drive, zoned I.

Ms. Kidd presented the request for a 6' fence instead of 4' to allow that portion of the fence located in the outfield of softball field within 15' of the street in the side yard along Skipper Drive. As previously discussed, Mandeville High was trying to meet the regulation of the required field and the fence should be a 6' minimum height for safety. At 4' there were concerns about the outfielders hitting the fence. There was a lengthy discussion at the work session regarding the existing situation of the chain-link fence along the property fence and a corrugated fence within the side yard setback in close proximity to the chain-link fence. There was a discussion about removing the chain-link fence, the unsightliness of the fence, and she had asked the Landscape inspector to prepare a recommendation if screened. Ms. Gleason reviewed the site and recommended in a memo to remove the chain-link fence, install an upright evergreen hedge along the fence approximately 116', amending the soil and water most be provided to the plants and replace and properly maintain the required screening shrubs along the portion of the baseball field that encroached into the greenbelt along West Causeway Approach. These items were discussed with Mr. Bundy. The board had discussed the screening of the entire fence. There was a narrow area between the fence and the ditch and it should be planted with an appropriate species for maintenance. The ligustrums along the fence at the baseball field need to be replaced.

Mr. Quillin asked about the relevancy of the screening along the baseball field. Mr. Thomas said it was a condition of the previous variance. Mr. Adams said he felt screening should go around the entire outfield. The solid fence was in compliance with sports rules regulations. Mr. Blache if the fence was moved, could the fence stay at the same height and material.

Mr. Fairley said he was with the School Board for over 40 years and had known Mr. Bundy for many of those years. He had been on the committee to purchase land for Mandeville High School. There was no residential development when the school was built. When a homeowner purchased a property adjacent to a

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school, they should expect there would be a fence. He had known Mr. Bundy as someone to make himself available. Mr. Blache felt that the appearance would be there if the fence was in compliance.

Mr. Mancuso, 209 Skipper Drive, reminded Mr. Fairley that was then and this was now. Skipper Drive was planned for residential use. Just because it was adjacent to a school they must abide by the CLURO rules. It was irrelevant to discuss that the neighbors should have expected a fence. He expected everyone to be held to the laws of Mandeville. He was not opposed to a 6' fence for safety. He was even not opposed to a chain-link fence at 6' in height.

Mr. Adams said to Mr. Mancuso that everyone was in agreement that it was an ugly fence that needed to be hidden with landscaping. The area that the board could deal with was 116' but there was probably 600' more feet that won't change. Mr. Mancuso said he did not understand why it could not change. Mr. Adams said it was an acceptable fence material. He asked Mr. Mancuso if he would prefer 116' of chain-link and 300' of tin rather than landscaping. Mr. Mancuso said the baseball field was required to be landscaped and it was not completed and there was no enforcement. What would lead him to believe that it would not happen moving forward? Mr. Adams said he thought it would change for compliance and enforcement. Mr. Mancuso said he felt like he was back at square one and had to do this all over again. It was a situation where people did something that was not allowed and were now asking for it to remain because it was installed. He did not feel people should be able to plead that the mistake was too expensive or too much trouble. Mr. Adams said financial hardships were not a consideration, but the board could act on the law and what would be the best interest to all of the citizens of Mandeville. Mr. Mancuso agreed with that. He did not feel anyone was served by the fence. Mr. Adams said this was a chance for Mr. Mancuso to get the fence covered.

Ms. Bush asked if the neighbors did not object to the chain-link fence because it was see through. What would prevent advertising on the inside of the fence and it not being clear? Mr. Mancuso said that was the nature of the law to preclude visual obscurity. But, he was assuming under the very strict reading of the ordinance there was nothing to prohibit it. Mr. Mancuso said if the school needed a fence for advertising, he agreed it would look better on the chain-link fence. Mr. Adams said taking down the fence only dealt with 1/5 of the problem.

Mr. Blache said moving 116' of fence back 15' to be in compliance would not be accomplishing anything. Mr. Mancuso said it was a softball fence. A chain-link fence would appear nicer. Mr. Clark asked why did he need to see through it. Mr. Mancuso said it was green space. Mr. Clark was trying to understand why Mr. Mancuso needed to see through it. Mr. Mancuso said a wrought iron was see through. He felt the fence was a billboard. Mr. Clark asked Mr. Mancuso if he did not have a problem if the chain-link fence was lined with advertising, and Mr. Mancuso said no.

Mr. Mancuso said he had discussed landscaping with Mr. Bundy and he said he would not plant 6' tall bushes, but might plant 2-3' bucket bushes. Ms. Gleason told Mr. Mancuso that irrigation would be required with the planting to support it.

Mr. Adams said know there was a problem getting a 300' foul line with moving the fence. Mr. Mancuso agreed a fence was required, just what kind of fence. Mr. Adams said within two growing seasons there could be an 80% opaque hedge as high as the fence. Mr. Mancuso said the baseball field had required the granting of a variance and he felt the school was trying to go around the intention of the law and cry ignorance. Mr. Adams said board tried to make decisions in the best interest of

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the community. Mr. Mancuso said many attendees of the meeting were there to play and then go home. The residents who pay taxes and followed the law had to look at it. Mr. Adams said the board will try to make it that the residents don't see the fence. Mr. Clark said that was not what Mr. Mancuso wanted; he wanted to see the horizons. Mr. Mancuso said if that was an option yes, but he did not think that would happen. Mr. Clark said Mr. Mancuso wanted the obliteration to be removed but now it was being discussed to force the school to put up a green wall to hide the fence and make it opaque. Mr. Adams thought anything should be screened.

Mr. Fairley reiterated with Mr. Mancuso that he would be in agreement to a 6' chain-link fence with advertisement. Mr. Mancuso said he was in agreement with that. The board could craft the variance approval any way they wanted. He asked to keep in mind that the board made decisions in the interest of the community and the neighbors had a naked interest in the property. If it was decided to grant the variance with the planting of landscaping there should be enforcement. Mr. Blache suggested revisiting the case in two years. Mr. Adams said the neighbors could file a complaint at any time if the site was not in compliance.

Mr. Adams said there was existing landscaping that was destroyed by Hurricane Katrina and the school had not been as attentive to replacing the landscaping. Mr. Blache said the board did not have that authority for enforcement, but he was in agreement to revising the case in two years.

Mr. Quillin said the only portion of the fence in the board's authority was within the 15' setback. The board could have them replace the non-compliant section of the fence, but not the rest of the fence. So Mr. Mancuso would end up with a partial ugly fence. Mr. Mancuso said he was only discussing the 116' and it was the school's prerogative to do with the rest of the fence.

Bruce Bundy, principal, provided a packet of information and timeline of the permit and the installation of the fence. He understood they needed to improve the looks from the outside and would comply with the wishes of the board.

Mr. Adams said the board was discussing getting a substantial 6' shrubbery around the fence within a specific time line and correcting the landscaping around the baseball field with a maintenance plan for both fields. Mr. Bundy was in agreement and said it took time for bushes to grow. Mr. Adams said the shrubbery needed to be 6' in two years and plants that could obtain height were wax myrtles and ligustrums. Mr. Bundy said this was a parent project. The permit was obtained by the parents. He did not know about the variance until he was told. Mr. Bundy requested 6-8 weeks to purchase the plant materials. He would have begun planting, but he did not want to remove anything until the board voted on the request.

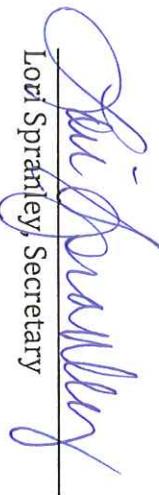
Mr. Thomas said since the screening would not grow to height for some time, would Mr. Bundy consider painting the fence green to look less offensive. Mr. Bundy said in his packet in his neighbor there was a discussions of painting the runners white and offered to paint the back of the fence. His concern about painting was a maintenance upkeep issue. Mr. Thomas said once the fence was landscaped, it would cover the paint so that it would not be a problem. Mr. Thomas said Ms. Gleason requested the soil must be prepared and installation of a house bib close by to run a soaker hose. Comments were made about the baseball field because of summer droughts and lack of water. Mr. Bundy said there was no irrigation on the exterior fence line. Ms. Gleason mentioned a soaker hose and not an irrigation system. He was in agreement to the soaker hose with minimal time and maintenance.

Mr. Fairley moved to approve the variance for an additional 2' of fence height with Ms. Gleason's suggestion of 116' of vegetation and a two year growing period including maintenance of the baseball field, removal of the chain-link fence, a hedge to include species outlined in Ms. Gleason's memo as well as suggested species of ligustrum, wax myrtle and fig ivy, and preparation of the land and soil and a two year review, seconded by Mr. Blache. Mr. Adams proposed an amendment to landscape the entire fence around the outfield, seconded by Mr. Blache. The vote was 6-1 in favor with Mr. Quillin voting against. Mr. Clark moved to amend the motion to include frequent inspections by Ms. Gleason and reports to the board on the implementation as well as a supervisory report in two years. Mr. Fairley said his original motion included a two year review. Mr. Thomas asked to amend the amendment since the fence was ugly and a few years before hidden, he moved to paint the 116' green to shield the residents, Mr. Fairley did not accept the friendly amendment. Mr. Thomas moved to amend the motion, second by Mr. Clark. The vote failed 3-4 with Messrs. Quillin, Fairley, Adams and Blache voting against. The motion passed 7-0.

Ms. Bush moved to defer adoption of the minutes until the next meeting, seconded by Mr. Fairley and was unanimously approved.

Mr. Quillin moved to accept the 2014 meeting dates, seconded by Ms. Bush and was unanimously approved.

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

  
Lori Spratley, Secretary

  
Nixon Adams, Chairman

**Zoning Board  
Work Session  
November 19, 2013**

The meeting was called to order by Chairman Dennis Thomas and the secretary called the roll.

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

Absent: None

Also present: Louisette Kidd, Planning Director, Council Members David Ellis and Clay Madden, and Mayor Donald Villere

Mr. Adams announced that any additional information determined to be needed by the Board 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 first case discussed was V13-12-21 G. K. Barranger/Keith and Karen Simoneaux request a variance to Section 7.5.1.3, R-1 Site Development Regulations, portion of lot 11, square 53, 690 Lamarque Street, zoned R-1

Ms. Kidd presented that the property was located on the corner of Lamarque Street and the Trace, measuring 60' x 68.50'. The property was originally part of lot 11 and was zoned R-1. The house footprint was 24' x 44' for a total of square 1,056 square feet. The Trace was only improved to a corner. Villere Street was not improved on the Trace. The Simoneaux's would orient the house toward the Trace. The front yard on Lamarque Street would meet the 25' setback, but it was proposed to reduce the rear setback from 30' to 19.6'. A street side yard setback requirement was 15', but with it being the Trace and not a street the plans indicated side yard setbacks of 10' and 6'.

Mr. Blache asked if there was a public street along the Trace. Ms. Kidd said it was public on some streets, but not this one. The variance request was for 10.5' to the rear yard setback. At this time, the adjacent property was vacant. The property was a legal lot of record and in single ownership since 1898 and the code allowed for the development of the lot. Mr. Blache said that was a hardship with the size and location of the property. Mr. Adams said the lot was created by the City.

Mr. Clark asked if the house location was turned would there still be setback issues of setback. Ms. Kidd said the lot was only 68.5' deep, and the hardship was because of the unusual size of the lot. Mr. Adams said this was similar in many lots in Old Mandeville. Mr. Clark asked if the hardship was imposed by the City or if the owner bought into the situation. Mr. Blache said if was in single ownership since 1898.

Mr. Simoneaux said the house would be two story for a total of 1,400 square feet. Mr. Adams asked about the pervious/impervious coverage and Ms. Kidd would provide a calculation for the next meeting. Mr. Quillin asked about access to other lots. Mr. Adams said there were four lots with no street access and under law the City must provide access. He asked to look into this to prevent future problems.

The last case discussed was Z13-12-06 R. Timothy Brown, M.D./R. T. Brown Properties, LLC requests a zoning permit to Section 6.4.56, Medical Services, square 47A, lot 47A, 635 Lafitte Street, Suite B, zoned TC.

Ms. Kidd presented the request for a zoning permit for Unit B located in the Town Center zoning district. The request was to allow a medical services land use.

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Dr. Brown had purchased Units B and C in September, 2013, and was relocating his existing outpatient psychiatric practice from 2124 Monroe Street. Dr. Brown also owned Unit C and had leased it to a photography studio. The building was already developed, and the parking calculations were not based on individual uses but on neighborhood shopping center ratios in the Town Center district. The parking was constructed and variances were previously granted at the time of the development. Parking mitigation fees of \$12,000 had been paid. The findings were that the proposed use and site development together with any modification applicable with compatible uses of the adjacent site. The discussion was if the use was compatible with the Town Center. It was a use permitted by right in the B-3 district. Mr. Adams said it would bring traffic to the Trailhead area. Ms. Kidd said it was a service oriented business with no modifications or expansion to the building.

Mr. Adams asked if the use operated during day hours. Dr. Brown said 8:30 through 5 Monday through Thursday and until 2 p.m. on Friday. Dr. Brown said at the busiest, he saw 3 patients per hour in 20 minutes increments. Mr. Adams said this would bring people to Old Mandeville. Ms. Kidd said the business was presently located two blocks away. Mr. Adams said it would be occupying an existing building with different hours from other events in the area.

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



Lori Spranley, Secretary



Nixon Adams, Chairman