

**Planning Commission  
Work Session  
February 25, 2014**

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

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

Absent: Ren Clark

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

The only case discussed was P14-02-02 Recommendation to the City Council regarding Ordinance 14-03 AN ORDINANCE AMENDING THE COMPREHENSIVE LAND USE REGULATIONS ORDINANCE, INCLUDING THE SECTIONS 2.5.2 QUALIFICATIONS AND DUTIES OF THE PLANNING DIRECTOR, 4.3.1.1 ET SEQ METHODS OF INITIATION OF AMENDMENT, ELIMINATION OF REFERENCES TO THE COMMUNITY APPEARANCE COMMISSION, 6.3 AND 6.4 LAND USE DEFINITIONS, 7.5.10 ET SEQ OLD MANDEVILLE BUSINESS DISTRICT 8.1 ET SEQ SUPPLEMENTAL REGULATIONS, 8.2.3 OUTDOOR DINING, 9.1 ET PARKING AND LANDSCAPING REQUIREMENTS, AND ARTICLE 10 SIGNS; AMENDING THE B-3 DESIGN REGULATIONS AND GUIDELINES AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

Ms. Kidd presented that the first four sections outlined in the summary was cleanup language regarding the Community Appearance Commission, the Zoning Commission instead of the Zoning Board, the Design Review Committee will be known as the City's Design Consultants, the Landscape Inspector and the City Planner. The AICP designation must be received within two years of hire, which was a new certification requirement.

**Article 4.3.1.2**

This will reformat the notice requirement.

**Articles 6.3.5, 6.4.13, 6.4.3 and 6.8.6**

Section 6.3.5 and 6.4.13, will distinguish surface and single story parking garages from multi-story parking structures.

Section 6.4.3 will adjust the definition of sit down restaurants to include outdoor dining.

6.8.6 will define outdoor dining.

**Articles 7.5.10.1, 7.5.10.2, 7.5.10.3, 7.5.10.4, 7.5.10.5, 7.5.10.6**

These sections deal with the B-3 district:

- clarify the purpose of the district,
- addressing the scale and importance of trees,
- authorize outdoor dining by right,
- authorize dining in the right-of-way by conditional use permit,
- dealing with the legal issues of insurance and liability. It was requested to have the City Attorney review this for assurances of his approval of the proposed changes.
- require the zoning commission to approval large scale buildings through the exception.

It was discussed as an example if there was a proposal of a project with 5,000 square feet that the exception process allowed the board to look at scale for compatibility. This section will further clarify how that 5,000 square feet would fit under beam. There was a discussion about whether to keep the 5,000 square feet in the regulations or change the square footage. Townhomes were not considered by each unit, but the whole building and that category may conflict with other site development criteria. Mr. Adams said two lots together could only have a 5,000 square foot building. Ms. Kidd said the intent was that each building would not be more than 5,000 square feet. This was an opportunity for the board to review all compatibility.

Mr. Thomas asked in reference to outdoor dining, had the City Attorney put in insurance requirements? It did not reflect it at this time. Any usage in the City right-of-way should require insurance. Ms. Kidd said the requirements might be listed in a different section. Mr. Adams said sidewalk dining was available across the country so there should be some insurance available. On page 22 in Article 8, 3(b), it did not state what the operator was indemnifying. It could be a case by case basis and requirements change. The regulation stated the operator was meeting the City insurance requirement. It was written so the City Attorney could have the ability to review the insurance. Mr. Thomas said on page 22, and he was using the Scotts as an example, that the tables for the coffee shop were very close to the street. Ms. Kidd said there was support for this usage from the police. It was decided to leave the language vague to look at traffic standards, site triangle issues, and police review of the site. Mr. Adams asked for a clarification be sent to the board before Thomas the next meeting. Ms. Kidd said she did not know if it would be further clarified. Mr. asked what was the indemnification requirement, a certain number of tables or linear feet, and how it was to be determined. Mr. Blache asked would it be the insurance company to say on a case by case basis. Ms. Bush said there might be circumstances not to be put too harsh of a requirement on the operator to make it prohibitive. Mr. Adams said it must be approved by the City Council. Mr. Thomas asked how Mr. Deano determined it. Mr. Adams said the use was allowed under conditions by the City Council. Mr. Thomas said it might need to be vague. Ms. Kidd said she would ask if there was a policy statement that offered folks what was expected from them. Mr. Thomas was concerned that restaurants would be told something different for each one.

Mr. Quillin asked on page 7, 3(c) about the definition for parking spaces. Mr. Adams said in the B-3 district, parking was not allowed on corners. Ms. Kidd said it was discussed with an appraiser who said some parking lots can increase value. Mr. Quillin said that was a matter of opinion. Ms. Kidd said the City did not want to lose cottages. It was a tickler to think about what adverse impact might be had.

#### Section 7.5.10.3, reformat the table.

Section 7.5.10.4, shift the parking and landscaping requirements. Ms. Kidd said there were parking and landscaping regulations in the guidelines and the City wanted all of the language in one area to make it easier for people to see the requirements.

Mr. Quillin said under number 3, garage door under raised house would not be allowed by code. Number 2 stated the parking spaces would be allowed under the building with screening. Mr. Adams said the cars would enter from the side or the back. Mr. Thomas brought up the old dry goods store on Carroll Street. They could not enter from the side, only the front. Mr. Adams asked about an exception. Mr. Thomas said the elevation on 50-60' lots could not comply. He asked if the board was making more of a hardship on the B-3 district. Mr. Adams said the Design Review consultants may view the garage door on the front of the building as the principal focus. Mr. Thomas said on existing houses it would not work. Mr. Adams

said the existing conditions would be acceptable. Mr. Thomas referred to a house on the lakefront having a front entrance. Ms. Kidd said this was an existing guideline now and it should be reviewed. Mr. Adams suggested making it part of the exception process because on many locations there was no other way to develop the lot.

Mr. Quillin said under Number 3, the garages must be 25' behind the building façade. Ms. Kidd said she had made that as a note with another section stated 5' back. It was intended not to have a "snout" house with it protruding in front of the house. This change was previously discussed, but it was not incorporated into previous amendments. A 25' setback was a large requirement and should be reviewed, but this was existing language in the guidelines. Mr. Quillin said this could be a problem, especially on raised houses.

Mr. Thomas said if someone was building on a 50' lot, elevating the garage would be useless being 60' back. Ms. Kidd said there was a need to address parking under structures and the language was not assuming it was a detached garage. Mr. Thomas asked if that would be a variance or an exception. Mr. Blache said on raised houses there were breakaway sections. Ms. Kidd said breakaway walls had open pier construction. Mr. Blache said the garage door would be like a screen. Mr. Quillin said except the language stated that the garage could not start for 25' back. Ms. Kidd said technically parking under the building would not be a garage.

Section 7.5.10.5, stated in the B-3 district:

- reduce landscape buffers,
- limit driveways to 12' in width,
- require minimum of 2 spaces,
- allow parking to be calculated on the used portion of the building,
- parking reduction by exception,
- off-site parking within 600' of the site,
- temporary outdoor displays,
- limit parking and use of commercial vehicles.

A CDL license was used as the restriction. This restriction was different than residential districts. Mr. Thomas asked how this would affect the Lake House. Ms. Kidd said it would not affect all of the vehicles. There were a couple of delivery vans that would be acceptable, the big tractor/trailer would be affected as well as the other large truck. The large commercial coach bus would need a Class A license. Mr. Quillin said a taxi or limo would require Class A license.

Language for truck parking in residential areas was existing. It did not allow parking for any vehicle over 2 tons or bearing a commercial license, and no commercial trailer was allowed to be parked in a residential district. Ms. Kidd said the City was trying to be lenient because there were businesses. She had discussed the proposed change with Mr. Sinclair and he was in agreement. He understood that the change meant some of the delivery vans could stay on-site. The language change would clean up a lot of the parking. There were no required spaces to the rear of the Lake House because the zoning permit was revoked.

Section 7.5.10.6 was housekeeping changes.

#### **Articles 8.1.1, 8.2.3**

This section was to clarify the existing rules related to setbacks, encroachments, and height. Mr. Thomas said he did not remember the 50'. Ms. Kidd said the language was adding that no part of the structure could exceed 50'. The height was 35' by formula and adding a cap. Mr. Adams said the language was

clarifying the 35' height. Mr. Quillin said a second floor was the highest livable floor. Mayor Villere said 50' was a reasonable estimate of a 7:12 historic roof pitch as the average to be 35'. Mr. Thomas asked if Mr. Brown could tell by the new formula what was height on the house on West Beach Parkway and Center Street.

Residences in the R-1 district were to have a maximum ridge height of 60' to take in account the larger houses constructed on the west side of the City. Mr. Adams said this should be further addressed in phase 2 changes for swimming pools, setbacks and building envelopes. Councilwoman Buchholz said it should not be a strictly residential requirement and it could apply to commercial structures. Ms. Kidd said this language was specific to the R-1 district.

#### Section 8.2.3, Outdoor dining in B-1 through B-4 district.

Mayor Villere said Mr. Lauer had said taken into account the line of sight. Ms. Kidd said she would check on the formula for line of sight. Mayor Villere said it was important to establish that even if by example. Mr. Quillin said a corner restaurant would not work well. Mr. Adams said the existing language needed to be tweaked everywhere to work with the City streets. Mayor Villere has there was 15' from the side of street on both ends. Mr. Adams said at Montgomery and Girod Streets turning onto Girod Street there was a large hedge and it was difficult to see traffic from the south. There should not be any obstruction above 3'. Mayor Villere said Mr. Lauer has stated that the sight triangle was different at any position. If it was different from traffic, then an engineer should look at each area and establish the sight triangle, but it must be written into the code. Ms. Kidd said there was existing sight triangle language. Mr. Adams said the old bank building was built to the property line. The diners in that area would not be a problem; it will be the building. Mayor Villere said a diagram was needed.

#### Articles 9.1.1.6, 9.1.2.4, 9.1.3.4, 9.3.3.5

Section 9.1.2.4, there was now a requirement of aggregate. Mr. Blache thought it was agreed on eight parking spaces. The language on page 24, 4(b) said aggregate shall be required for lots with up to eight spaces. The paved travel ways were required. ADA required handicapped spaces be paved. Mr. Thomas was concerned about heavy vehicles on limestone would be torn up quickly. Ms. Kidd said a variance for paving could be submitted. This was a nice way to get the feeling back in Old Mandeville and shrinking down the vehicle use areas.

Becky Rohrbough, 25225 Lakeshore Drive, asked to consider increasing the aggregate requirement to 15 spaces. Instead of paving all of the area there would both pervious and impervious area. Ms. Kidd said the driveways were required to be paved, but the parking spaces could be pervious. Mr. Adams said the board wanted the driveways paved. Ms. Rohrbough asked that any amount between 8-15 spaces would not be paved. Ms. Kidd said it had been discussed during a work session that there was wear and tear and the board did not want any rutting. Ms. Rohrbough suggested placing brick pavers to delineate the parking spaces. Mr. Thomas said 4(a) driveway connections to the street must be paved in all districts.

Ms. Kidd said 4(a) it also applied that loading facilities must be surfaced with asphalt or concrete. With the favorable recommendation of the Public Works Director grass pavers could be allowed. Mr. Thomas said entrances off of public street must be paved. Mr. Quillin said 4(c) stated that in parking lots over 8 space there must be paved driveways. Ms. Kidd said she will make a note. The intent was to have the aprons paved to keep the aggregate off the street. Mr. Adams said he understood it as Ms. Rohrbough requesting a change for the parking lots containing between 8-15 spaces be mandated to pave the driveway, but leave the spaces as aggregate surfacing. Ms. Kidd said she understood the board did not want to make it

**Planning Commission  
Work Session  
February 25, 2014  
Page 5**

mandatory. Ms. Rohrbough wanted it to be mandatory. Mayor Villere said it could strongly encouraged. Ms. Kidd said in larger parking lots with heavy vehicles there could be a mess of ruts. It was decided to review the use and encourage aggregate. It would work better as an allowance. Restaurants usually want paved parking while offices may not want it paved. Mr. Thomas said in the rear of the Lake House, it was a mud pit. Mr. Quillin asked about a clarification on 4(a), about hard surface aprons. It was decided to remove the language upon "favorable recommendation of the Public Works Director". The point was to get rid of concrete, but the board did not want limestone on the street.

Section 9.1.3.1 was to clarify how to measure the 600'. This provided more options to lease spaces.

Mr. Quillin clarified "a" should be "the" public entrance on page 25, number 3. Ms. Kidd said it was existing language that was changed from 400 to 600'. Mayor Villere suggested the principal public entrance. Mr. Quillin said his preference. The board was in agreement to change "a" to "the".

Section 9.3.3.5, Parking mitigation to pay over a four year basis.

**Articles 10.3.10, 10.3.24, 10.5.4.4.2, 10.5.4.4.4, 10.85.4.6.2, 10.5.4.9**

Sections 10.3.10 and 10.3.24 were new definitions.

Section 1.5.4.4.2, was regarding the allocation of allowed sign area, measurement of sign height and sandwich boards. Sandwich boards should not obstruct pedestrian traffic, not be located on the sidewalk, or create a safety hazard for pedestrians. They could be placed on the right-of-way between the sidewalk and the edge of the street. It was decided to add or "vehicular traffic".

On 2(b) -- the size read one square foot per one linear foot of store frontage. Mr. Thomas said if the business could put a sign on an awning, could it be the whole length of the building. The signage portion of the awning could only be one square foot per linear foot of the store frontage. There was a question about umbrellas and it was decided they could not have a corporate logo and only be solid colors.

Section 10.5.4.4.4. Ms. Kidd said these were design guidelines. Mr. Quillin said there were many "shalls". Mr. Lauer had reviewed many historic district guidelines and incorporated the best information.

**Section 10.5.4.6.2**

The 20% bonus on the monument signs was eliminated because monument signs were now required. The 20% bonus was shifted to the wall sign. Ms. Kidd said very few businesses use the full allowable signage. Those businesses that do use the whole amount of signage stand out as being out of scale.

**Section 10.5.4.9, Electronic Message Centers (EMC)**

- Not allowed in B-3 district,
- EMC to comprise the full area of monument sign
- Auto dimming required
- Maximum brightness and measurement
- Limiting the frequency of change up to once per 8 seconds for up to one frame on a digital sign face

Mr. Quillin asked why did anyone care if there was a blank screen. Ms. Kidd said a pause was a draw waiting for the change. Mr. Adams said it was developed from

best practices from different locations. Leonard Rohrbough, 2525 Lakeshore Drive, said there was confusion with only one change on a message every 8 seconds. Ms. Kidd said the last sentence in number 4 stated "not more than one frame may change in any way other than brightness more than once per day". Mr. Quillin said the intent was to allow advertising for different businesses in multi-tenant centers. Ms. Kidd said it could be used if the entire sign was one message every 8 seconds. If it was divided as only one frame, that frame could change every 8 seconds, and the remainder of the sign could change every 24 hours. Mr. Quillin disagreed. Mr. Adams asked that Mr. Lauer explain this at the next meeting. He could also explain visual blight and public safety. Mayor Villere said if the entire screen was divided into four screens, it could change all screens every 8 seconds. Mr. Quillin said the information was irrelevant if it changed every 8 seconds. He felt the sign should allow other screens to change more than once every 24 hours. Ms. Kidd said as long as the change was simultaneous, it should not matter. The intent was for the messages not to be staggered. In multi-tenant centers, the shopping center name could be placed at the top and the tenants at the bottom. The intent was to have larger sections of the sign for tenants with an 8 second refresh and allow more visibility. Mr. Adams said this item could be further discussed at the next meeting.

It was discussed that Mandeville Hardware and Mandabay were divided into three sections on their signs. Ms. Kidd said this will provide uniform changes. Mr. Adams said most billboards were set at eight seconds at this time. Mr. Rohrbough said many signs want to have readability with length.

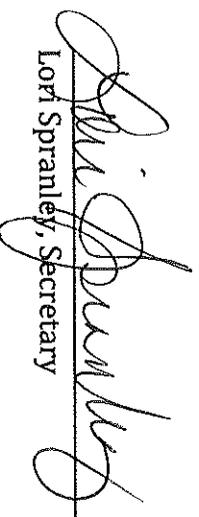
#### Number 7, Existing Signs

Compliance would be required within 45 days of adoption of the ordinance. If there was no auto dimming hardware, the sign can be adjusted by a timer. The new signs must have an auto-dimmer. The refresh time of eight seconds also must be in compliance within 45 days of the ordinance adoption.

Councilman Madden asked about the exceptions for the five years amortization. Ms. Kidd said not all signs were designed with an auto-dimmer. It was not the intent to require the purchase of a new sign so the business would have to come before board with specifications and explain their hardship to be grandfathered for five years. A timer would have to be installed. Mr. Adams said there was usually an amortization period with large investments. The previous billboard regulation allowed for a seven year amortization. This would have to be enforced.

Mr. Adams said the recommendation to the City Council would be given at the March 11<sup>th</sup> meeting.

Mr. Blache moved to adjourn the meeting, seconded by Mr. Fairley and was unanimously approved.



Lori Spranley, Secretary



Dennis Thomas, Chairman