

**Planning Commission
Public Hearing
July 1, 2014**

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

Present: Nixon Adams, Dennis Thomas, Ren Clark, Rebecca Bush, and Michael Blache

Absent: Simmie Fairley and Scott Quillin

Also present: Louise K Kidd, Planning Director; Council Members Ernest Burguières, Rick Danielson and Carla Buchholz

Discussion of Short Term Work Program proposed CLURO Amendments, Phase 2

Mr. Adams announced it was a joint meeting of the board and City Council to discuss the continuation of Short Term Work Program for CLURO Revisions.

Mr. Lauer gave an overview that Phase 2 would contain discussions on the critical areas, fill, foundations, sign regulations, the Town Center site development standards, and any next steps.

There would be the formation of a Technical Committee comprised of 5-7 people with expertise in hydrology, storm water management, historic preservation, environmental law, and design.

Mr. Lauer asked if the board felt there was a need for any other expertise. Mr. Clark asked to remove design from the criteria. Mr. Lauer said the critical areas were connected to greenways and that was the character of Old Mandeville. Mr. Clark said it was from a natural standpoint not an architectural standpoint, and Mr. Lauer said landscape was architectural. He said the board should weigh the green versus the gray. Mr. Clark felt the committee should not have any architects, contractors, or anyone with a vested interest in the sale of mounds or materials to build them. Ms. Kidd said there was a need to discuss design issues, and have someone that specialized in greenways. Mr. Adams said the committee was not voting on anything, just providing information. Mr. Lauer said there was a need to identify the technical questions of topography. Mr. Thomas said there should be lay people on the committee who witness the problems. Joe Mistich, former Public Works Director, and he had disagreed on the back up from the lake to East Street. Mr. Mistich was not an engineer just the Public Works Director. Ms. Kidd thought she understood the board wanted technical expertise for certain areas, storm water discussion could be led by an engineer, and discussion on types of construction in the Historic District. She suggested in regard to pier construction, there could be a lay person from Old Mandeville, possibly from the Old Mandeville Historic Association. Mr. Clark thought there should be a new look at an old problem. Ms. Kidd said the lay members of the committee could live in the problem areas. Mr. Adams said Mr. Clark argued the issue well and had heard some opposite ideas from the engineers. He did not understand the physics and hydrology, and wanted to be brought up to speed to understand where the water went. Ms. Kidd suggested identifying the categories and presenting the proposed names to the board. Mr. Lauer suggested a public advertisement for committee members.

Council Member Burguières said it was not a new idea. Older houses were built in that style. Several years ago he wondered how new houses had leaks around the windows. He had talked to architects and he suggested reading books on architecture because someone had already figured it out. He suggested finding the high water mark and build above it. He talked to someone in his district who felt they needed a slab. Mr. Burguières said he did not think elevated houses needed the slab. Water passes through and we were creating barriers. The City needed a

historical perspective and figure out how to incorporate it into a modern old town. Every inch of water was critical and the area was enduring more and more problems. His constituents were saying it was never this bad. He felt that 30 years of modern building practices were the cause of the problems.

Mr. Adams said there were issues that he did not understand and wanted experts to answer the questions. Mr. Lauer had a list of potential candidates as well as their areas of expertise. Mr. Lauer was still in favor of advertising for committee members. Mr. Burguieres said there were hydrologists at universities, governments or large companies. Mr. Adams said there were retirees and some may work at Stennis. Mr. Burguieres suggested getting an architect from Tulane to speak and the board was in agreement. Mr. Adams thought Mandeville was not the only community near sea level threatened by great waters.

Topics to be discussed included critical area objectives, expansion of the definition, applicability and was it appropriate, were existing lots vulnerable now and in the future, limits of use, and variances.

Mr. Lauer said there should be a definition of critical and sensitive beyond what the committee came up with, and to locate the area. It would be based on partial inundation from the lake, and the area below 5'. If the board had additions to the definition to let the staff know. Ms. Kidd suggested looking at areas not to be developed, different types of construction, bayous, ravines, and Special Flood Hazard areas. There were also areas on the west side of town and how to address those areas. The Drainage Overlay District tried to identify areas and offer guidance.

Mr. Burguieres asked if St. Tammany Parish had expertise on their staff and asked to invite them to participate. Ms. Kidd said there could be some resources, but the City did not want the same regulations. No net fill did not mean you could not use red clay, but could offset it somewhere else. Mr. Adams said in the Parish there were areas with huge amounts of fill, but that did not apply to riverine areas. Ms. Kidd said there were many exceptions. The City's regulations were more restrictive.

Mr. Lauer asked how specific should the overlay be. Ms. Kidd said it should be expanded with teeth in it. Ms. Kidd said areas of flooding on any waterway could be expanded. He said there should be a specific plan of being balanced. The drainage study was not in hand. He would continue the approach of 5', and give other objectives of what areas the City wanted to protect. Buffer areas would protect key drainage areas and that could be a starting point. Mr. Lauer said there should be a do no harm approach. There was a question was how to deal with variances to avoid takings. The board did not want a variance process of blank exceptions for convenience purposes.

Other topics were the approach to critical areas, committee recommendations to expand the current focus on surge inundation to include public health/safety, environmental, aesthetic issues, floodways, streams, wetlands, inundation areas, and buffer, future refinement through the Greenprint process, fill objectives, minimize flood damage, protect existing drainage systems, and minimum public improvement needs.

Mr. Adams said there was no Master Drainage Plan and it was too expensive. Mr. Burguieres said one was developed in 2000. Mr. Adams said that plan showed how streets drained. Mr. Burguieres said a hydrologist would start at the bottom where the water drained to and work up. Engineers said 50% of water drainage went into the ground. The water drained toward Lake Pontchartrain and there were several

**Planning Commission
Public Hearing
July 1, 2014
Page 3**

obstacles, the last being the seawall. A hill top house and chain wall was another block of the water. Mr. Clark said the soil was another impediment. With each inch of rain, 5/8 of an inch infiltrated into native soil. Mr. Lauer clarified that the board was not looking at the removal of past fill, and the board was in agreement. Mr. Clark said critical areas could be soils, silt lome, and his rear yard was now constantly wet because of incremental deposits in the whole area.

Mr. Thomas said his objective was that everyone understood the regulation and it would be enforced. The drainage needed to be enforced with teeth and allow for a cease and desist order, no occupancy granted or whatever it took to remove the fill. Mr. Adams said there were no standards for drainage in the ordinance. There was a need for a certain slope for drainage, which would require fill somewhere on the lot. Mr. Clark said the drainage would hit the wall of infiltration to the lake and there would be nowhere to go. Mr. Thomas said the City approved the drainage plans and much of the water was draining to the neighbors. There was a discussion that there was the stop gap around the seawall of open ditches that moved horizontally and went out. With culverts, the only way out was the top. Mr. Adams said the board would need an expert. Mr. Thomas said the drainage may be correct on the day it was built, but it was not maintained and two years later there were problems. Mr. Adams said flower beds around fences stop water. Mr. Thomas said enforcement was most important to him. Mr. Burguieres said from a technical perspective, piers without a slab and open ground allowed water flow, so the City should not allow slabs. If that was what it took, that was the simplest solution. Mr. Clark said the City had lost 40% of its canopy.

Ms. Kidd said slabs were being poured under houses to allow people to park under their houses. Mr. Burguieres said using limestone was more porous. Mr. Burguieres said areas had gotten away from historical solutions. Ms. Kidd said the Poitevent houses had concrete underneath. Mr. Burguieres suggested calling LSU and Tulane for experts for the committee and Ms. Kidd was in agreement.

Mr. Adams summarized that the next work session would be held on July 30th. The staff would work on the sign ordinance. Mr. Lauer outlined a full range of changes for presentation.

Fill – area of applicability
Citywide
Areas subject to inundation
Old Mandeville

Mr. Lauer asked if it pertained to fill only in Old Mandeville. Mr. Burguieres said the old town needed it; and Districts 1 and 2 may not warrant it. Ms. Kidd said the requirements for submittal should be citywide for drainage. Mr. Lauer asked if there should be no fill outside of the building footprint, and with no net fill how to define how to accomplish it.

Regulatory issues
Threshold for enforcement
Allowable remedies of existing lot drainage problems, e.g. ponding in buildable areas
Storm water management alternatives (grey and/or green)
There should be the same approach on driveways, maximum pervious coverage or the balance of solutions.

Foundation objectives
Retain historic character of structures in the historic district

**Planning Commission
Public Hearing
July 1, 2014
Page 4**

Improved city's resiliency to storm surges and other flood events

Foundation approaches

Piers only

Piers with slabs under elevated structures

At grade

Elevated

Status quo

Mr. Lauer asked if there were other issues related to critical areas, fill and foundations. Mr. Adams reiterated the need for a technical committee. Mr. Lauer said the City needed a formal drainage plan. Ms. Kidd said that could be discussed with the City Engineer. Ms. Kidd said the City implemented drainage projects so there must have some plan. Mr. Lauer said if the projects were prepared by engineers there may be a bias to grey solutions. The board requested a briefing on how the City was supposed to drain. Mr. Adams said one of the worst problems was in the Golden Glen subdivision. Ms. Buchholz said the engineer reviewed how to make that area drain. Ms. Kidd said currently there were no subdivisions below the 5' contour with a minimum size lot above 5'. She asked if the board wanted to look at changing the 5' number and listing areas not suitable for development. Mr. Adams said 5' was an arbitrary number. Mr. Clark said many new construction projects in Old Mandeville were case studies in what not to allow. Mr. Lauer said he needed to know clearly what the board wanted to achieve and their objectives. Mr. Thomas suggested adding piers with chain walls as an option for foundation approaches.

Signs

EMC locations throughout B-1, B-2 and B-4 districts

Consider limiting to state highway system.

Ms. Kidd suggested including the Service Roads, Highways 22 and 190, and North Causeway Boulevard. Mr. Thomas suggested including the West and East Approach Roads. Ms. Kidd said that was a decision of the board where to regulate. Council Member Ellis wanted to amend the ordinance to allow EMCs only on Highway 190 and North Causeway Boulevard, but not on East and West Causeway Approaches and on Highway 22.

Content neutrality approaches

Need to read

Category based

No political sign may be displayed outside of an elevation season (content based)

Governmental signs are exempt form regulation (content neutral)

Purpose statements become important

Special event signs may be posted no more than 3 day before the specific event.

Approach to content neutrality

Identify content based regulations exemptions definitions

Eliminate content reference or establish clear public purpose of distinctions

Add clear statement of city's finding that the regulations are content neutral

Clarity/organization

Multi-tenant project

Original intent – allow project sign and anchor tenants

Current provisions – allow project sign and every tenant that can be squeezed into the sign

**Planning Commission
Public Hearing
July 1, 2014
Page 5**

Options – return to original intent, specify minimum letter size, and allow for emc to list individual tenants

Temporary and for lease signs

Consolidate where appropriate for content neutrality

Standardize size/locations/procedures

For temporary sign meriting different standards, establish clear purposes for

Distinctions – political signs, real estate signs, project construction signs, grand openings

Sign area and allocation

The board may define rules for these signs. Project signs could be for multi-phase projects. Mr. Lauer said window signs should be addressed. Mr. Adams said many center have one bay empty and suggested using the empty space on the monument sign to advertise the vacancy.

Evaluation questions

Does the ordinance target specific one or more viewpoints?

Is the rule based on speaker identity, event or content?

Does the code favor some non-commercial speech over other non-commercial speech?

How strong was the distinction between various non-commercial interests?

Mr. Lauer asked about the difference between snipe or political sign. It was stated that snipe signs was about placement. Mr. Adams said they were illegal. Mr. Lauer said a sign in the front yard was about free speech. There should be a distinction between commercial speech and non commercial speech. Ms. Kidd said it would be considered an off premise sign. Mr. Lauer said the board could not deal with the content in the front yard, but they could restrict the area.

Mr. Clark asked when signage became litter. Mr. Adams said signage was not litter when it was legible and maintained. Mr. Lauer said determining how far the board could dictate signage would be a legal opinion. The board could establish a minimum sign size.

Town Center Site Design Standards

Density – minimum lot area per dwelling unit

how much area do we need per unit, 3,000 square feet now was low density overall.

That might be the size that the board wanted. The board could compare the size to other mixed use town center developments

Setbacks – build to requirements

Alleys – design standards were important

Residential uses – address the issue of residential only uses. Create retail frontage.

Mr. Adams said there could be mixed use. Mr. Lauer said an active mixed use center was the original plan. There was some discussion about residential frontage townhomes which was not consistent with an active center. Mr. Clark said a minimum lot area was inviting ambiguity, and suggested using a number of units or population density. The lot area could be 2,000 square feet lots and up to 4 stories. Mr. Lauer said it still involved density which limited numbers. The difference was floor area per unit versus lot area per unit. In the B-3 zoning district, the regulations required one unit for every 5,000 square feet of land area. The question was would 3,000 square feet be acceptable. Mr. Lauer said Covington used a ratio of 1,500 square feet. Ms. Kidd said St. Tammany Parish’s regulation might be 1,200 square feet.

The Next Step
July 30th meeting would be an outline of the revisions and regulatory options.
August 19th meeting would be to refine the outline, and provide an update on the
Technical Committee's progress

Rebecca Rohrbough, 2525 Lakeshore Drive, asked about the thru property to
Claiborne Street. The drainage in their end of the neighborhood was a ditch line
they were maintaining on each side. Drainage was a key issue to be addressed. In
regard to foundations, they would prefer a slab under their house when they
elevated. When the lake flowed through their property, it scoured under the
property and left pockets and holes. They want to pressure wash under their house.

Mr. Thomas said a few years ago a strip shopping center was developed on
Highway 190 at Carondelet Street with a live oak tree. The contractor put in 2-3' of
fill. The tree had died, the owner created a cement parking lot and the landscaping
was terrible. Ms. Kidd said she would check with Ms. Gleason. There was a
discussion about having replanted the live oak tree several times and each time the
tree had died. The owner should have come back before the board since the tree
was a requirement.

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



Lori Spranley, Secretary



Dennis Thomas, Chairman