

**Zoning Commission
Public Hearing
August 12, 2014**

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

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

Absent: None

Also present: Louissette Kidd, Planning Director; Council Members Rick Danielson and David Ellis; 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 Z14-08-04 Karen K. Smith Riecke requests a zoning permit to Section 6.4.9, A & E Wash, a parcel of land situated in Section 42, T7S, R11E, containing approximately 80,686.32 square feet, 1255 West Causeway Approach, zoned PCUD

Ms. Kidd presented a zoning permit to allow the construction of a car wash across the street from Mandeville High School which was zoned Planned Combined Use District under Ordinance 03-13. There was discussion at the work session and the applicant and his attorney had met with the homeowners association.

Paul Mayronne, attorney for the applicant, submitted a letter that stated almost all of the issues had been resolved. Since that time, the one outstanding issue had been resolved. The site was designed with the idea of those living behind it to make it more appealing and less invasive. He appreciated meeting with the homeowners and working with them. There were nine items in the letter.

1. Fencing – it was proposed and they were supportive of maintaining the 50’ no cut zone and inside of the buffer construct they would construct a 10’ fence in a horizontal fashion to be tied together for a better barrier for sound. On the inside of the fence there would be additional plantings to grow taller to hide the fence and provide additional buffering to the residences.

Mr. Adams said Mr. Brown, Building Inspector, would review the plan. Ms. Kidd said a stamped plan on anything above 8’ would be required. Mr. Riecke said the fence would be back braced. Franklin Kyle had designed these types of fences to surround lift stations. Mr. Quillin asked if the board could approve this height. Ms. Kidd said in a zoning permit it could be allowed.

2. Signage – it would not be internally illuminated but would have small spotlights. It would be more attractive and would meet the ordinance.
3. Pole lights – the maximum height was 14’ and no more than 4 pole lights on the site. A private security camera system would be installed.
4. Blowers on washhouse with shut off valves as previously discussed.
Committed to doing this to reduce noise.
5. Hours of operation – daylight to dark and proposed 7-7 Monday through Saturday and 9-6 on Sunday.
6. Drainage plan – final plan would be approved by the City Engineer and if applicable GNOEC. There would not be any direct discharge so the applicant did not believe Causeway approval was needed, but would obtain it if necessary.

Mr. Adams said what was proposed as discussed at the work session, the water was contained in a tank and removed.

7. If the business was shuttered, then the underground tanks would be removed from the site and internally coated.

Mr. Thomas felt it was a vague statement. There was no definition of shuttered, and he wanted it to be successful. Mr. Mayronne said it was a state regulation. After Hurricane Katrina many businesses closed and took a long time to reactivate. They did not want to be in a position to come back to the Zoning Commission. It was likely if the use changed that the tanks would need to be removed. The State would require their removal.

Mr. Clark asked what about the holes that were left. Mr. Mayronne said they would be backfilled. Mr. Clark asked if that would be included. Mr. Mayronne said it could be a condition of the zoning permit and they had no interest in three large holes on the site.

8. West Indies design with Bahama shutters was submitted to the Design Review Committee.

Mr. Lape, attorney for the homeowners, and he continued to discuss the housing of the blowers and motors for the vacuums. It was discussed to be internally housed in the wash building. In due diligence, the manufacturer had reviewed the site and pointed out until there were construction ready plans there were concerns if all internally houses could have vacuum suction loss. It might have to located to another site on the property. It was proposed to extend that to wherever the motor was for it to be housed in the building of the same material as the wash house and be totally enclosed building. For financial reasons, they did not want to have to build another building but want the facility to work properly.

There was another issue discussed at the work session of the life span of the tanks. Mr. Riecke had spoken with the manufacturer of the concrete tanks who stated there was a 60-75 year life span. The coating of the tanks told was not needed, but there were municipalities that required it. The coating was on the outside only. Mr. Riecke had committed to doing the coating.

Mr. Adams said the plat changed to a 10' fence. Mr. Quillin asked if it included an awning. Mr. Kyle said it included an awning for a total coverage of 5,000 square feet. Ms. Bush asked about staffing for any possible disturbances. Mr. Mayronne said that was supposed to be in the letter. He committed to an attendant being on site during all operational hours. Ms. Kidd asked about a call button and Mr. Mayronne was in agreement.

Mr. Clark asked about the tank being reinforced concrete. Mr. Kyle said it was poured in place concrete with steel or fiber mesh.

Mr. Quillin asked to clarify the fence with the plat showing it near the commercial side, and where was it placed at the land boundary or on the 50' buffer side. Ms. Kidd said it would be placed on the inside and the ordinance required it at the property line, but through the zoning permit the placement could be amended. The plat should be updated. She asked to include the conditions on the site plan and everyone was in agreement.

Mr. Quillin moved to approve the Zoning Permit with the above described items and conditions in the revised letter dated August 12, 2014 plus the three additional items, seconded by Mrs. Bush and was unanimously approved.

The next case discussed was V14-08-10 Marigny 3G LLC requests a variance to Section 7.5.1.3, R-1 Site Development Regulations, lot 11, square 9, 1902 Jefferson Street, zoned R-1

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Ms. Kidd presented a variance request to the R-1 site development regulations setbacks. The applicant proposed to demolish the existing house and reconstruct a new single family residence. The existing setbacks were 5' in the front, 8.5' on Jefferson Street, and 25' on the interior. The lot measured 63.95' x 82.5' and was an existing lot of record. The proposed setbacks were a frontage of 16', street side 10', and the rear setback 16'. The impervious site coverage was 43%, which was 2% less than 45%. The revised site plan included a carport. The plan provided two parking spaces so the plan needed to push the carport closer to the adjacent residence. There was also a proposed gazebo. There had been discussions about lining up the house with the existing setback of the adjacent house to match. There would be an increased side yard setback. The plan was being reviewed by the Design Review Committee. Mr. Adams suggested adding windows on Jefferson Street to break up the wall.

The board agreed that the new house would be an improvement. Mr. Thomas asked if the gazebo could be rotated for the roof line to match the house. Ms. Kidd said that would be increasing the setback by 1.5' on street side. Mr. Thomas said carport and house rooflines could touch. Mr. Blache asked about the effect if the carport was moved. Ms. Kidd said the question was whether there was enough room. Mr. Thomas suggested a covered walkway, but that would become a part of the principal structure. Mr. Adams liked the idea of the roofline.

It was summarized that the Marigny Avenue front yard would be 16' for a 9' variance, the street side would be 15', for a 5' variance, and the rear yard would be 16' for a 14' variance. Mr. Adams said if it was turned and saved a couple of feet the setback might change to 12' on Jefferson Street. Mr. Blache was in agreement. The carport would be constructed at ground level, but no taller than 14'. Chris Marino, owner, said he could not pull a full feet off the house unless it was cantilevered. The hardship for the variance was the size of the lot.

Mr. Blache moved to grant the variance for the setbacks as outlined above, and the Design Review Committee would decide if the gazebo could be turned, seconded by Mr. Fairley and was unanimously approved.

Mr. Thomas asked to open the agenda to discuss changes to the Rules of Procedure. All board members were in agreement.

Mr. Thomas requested to include a stated hardship to the application. Ms. Kidd said it was added to the application.

Mr. Thomas requested to add "any change within the 48 hours window of the meeting will result in the vote being delayed until the following regularly scheduled meeting." Mr. Blache asked if email was acceptable and the board agreed that it was.

There was a discussion that Mr. Mayronne had submitted a letter. Mr. Adams said he agreed with the intent. The problem had resulted from a previous CLURO amendment vote. If this became the policy but the board wanted to move forward, the action would require a super majority to move ahead. Mr. Thomas agreed there had been an ordinance or resolution with substantial changes and the board was expected to vote on it and he thought it was a problem. Mr. Blache said if everyone was in agreement, the action could move forward. A super majority was the approval of five board members. Mr. Clark felt more structure should go to the public for submittal. Ms. Kidd said Mr. Mayronne's letter was received the day of the meeting, but he had met with the homeowners the previous Thursday and were still working through the issues. The staff wanted to give people time to work through the issues and felt there was no reason to delay a vote. Ms. Kidd said the staff liked a

deadline for review purposes. But she felt that a letter following up on an original proposal was fine. Mayor Villere said the applicant and the homeowners association both understood the issues and the process.

Mr. Thomas moved to change the language and could move forward with a 2/3rds vote of board and the change should be included on Page 3 of the Rules of Procedures between the paragraphs, seconded by Mr. Fairley and was unanimously approved.

It was announced that there would be a community workshop on Monday at 6:00 p.m. with David Wagner. The board would meet at 7:00 p.m. The Critical and Sensitive Committee would meet that morning at 10:00 a.m. with the City Engineer.

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


Lori Spranley, Secretary


Nixon Adams, Chairman

**Planning Commission
Public Hearing
August 12, 2014**

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

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

Absent: None

Also present: Louissette Kidd, Planning Director; and Mayor Donald Villere

Mr. Thomas 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 first case discussed was P14-08-06 Ricky and Rene Liberto request a waiver to the conditions regarding note #15, there is no structure of any kind, including fences, within the 15' tree protection area on lots 3 through 20, of the approved subdivision plat of the Beau West Subdivision, Phase 1, prepared by Kelly J. McHugh & Associates, Inc. revised through May 17, 2000, zoned R-1

Ms. Kidd presented a request for a waiver to note number 15 of the Beau West Subdivision plat. When the Beau West Subdivision was originally approved, the area to the rear of each lot adjacent to the Beau Rivage Subdivision contained a drainage servitude and open ditch. As Beau West was developed, the Beau Rivage homeowners requested a tree protection area. The drainage servitude was green and was used to maintain the ditch. As with any drainage servitude, fences and buildings were not allowed. On the Beau West side there was also a tree protection area of 15'. One of the dilemmas was administratively there were wooden monuments with markers on the top stating it was a tree protection zone. Over time there were not many markers left.

The owner's request was to install a pool that would encroach into the no cut area for a small portion of the 15'. There was a letter from the Department of Public Works that would allow a 5' encroachment with conditions which included the installation of special drainage and there would be no additional fill nor any permanent structures. Permanent structures included pavers, paving and pool decking, no fill in the remaining 10', a drainage plan, and the owner would install two catch basins as directed by the Department of Public Works to tie into the pipe on the Beau Rivage side of the ditch. This was a major drainage artery for this area.

Ms. Kidd said there were five other pools on Libby Lane which was referred to in the case summary. The pools were constructed outside of the 15' servitude with pool decking encroaching into the tree protection. There should not have been any encroachment. It was hard to enforce because of the fencing. Mr. Adams said the board had not had this request on any other fences. He asked if the pool could be relocated.

Ricky Liberto, applicant, said they were restricted in the yard space and other pools had been given permission. The board said they had not granted any waivers. Ms. Kidd said the Department of Public Works would review the request. On the other pool applications, the pools might have been shown not encroaching but it might have been the decking. Mr. Liberto said there were no trees in his rear yard. He would plant palm trees and landscaping.

Mr. Blache said the plat discouraged encroachments. He asked about a worst case scenario. Ms. Kidd said this was a major drainage outfall. The other issue was

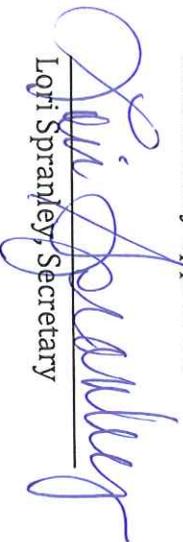
the tree protection area. The board members knew when the plat was approved that it would be hard to administer. Mr. Adams suggested a policy and to amend the plat if there were not very many trees on the properties. Mr. Quillin said many areas had been mostly cleared. Ms. Kidd said the board could reopen the case and remove the condition. Mr. Adams asked if all parties would have to agree to the change on the plat. Ms. Kidd said it was the purview of the board. The dilemma in this discussion was that this area was drainage servitude and could not have trees because of access for maintenance. The Department of Public Works said they could access the area. Mr. Quillin said the homeowners had a fence to the back side of their lot and all of the fences would have to be removed if maintenance was required.

Mayor Villere said the concerns were that the rear yard drainage would flow. Mr. Adams said the Department of Public Works' recommendation took care of that with the drainage pipe. Ms. Kidd said the question was what to do with the tree protection area. Mr. Quillin said there were another 5-6 pools in an area that should not have been permitted. Mr. Clark said pools will eventually kill the trees.

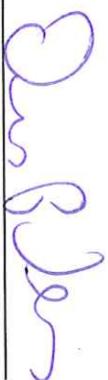
Mr. Liberto said he applied for a variance. Ms. Kidd said Mr. Liberto had applied for a permit and when the Department of Public Works reviewed the plans they had signed off on them. The pools did not show an encroachment, but if there was one it was probably the decking. Mr. Adams felt the answer was to reopen the case. Mr. Liberto said his observation was there were numerous sink holes along the servitude line. He had fixed his rear yard with bricks and concrete. The Department of Public Works said to put a lining in the pipe. There were roots impinging on the pipes and causing the sink holes.

Mr. Clark said the neighbor with the rectangular pool was inside of the fence. He suggested moving the bump toward the house and it would fit. Mr. Thomas asked if Ms. Gleason could see how many trees were remaining along Libby Lane. She might be able to walk along the drainage servitude. Ms. Kidd suggested a tree planting plan for canopy in the servitude. Mr. Adams said it was close to the 1-2' into the tree protection. The general rule was to leave the existing trees alone, but if there were other plantings they would need to be closer to the fence. Mr. Liberto said he would plant 4-5 large palm and banana trees along the fence. He wanted to create a tropical yard. Ms. Kidd suggested reversing the shape. Mr. Liberto said it was the aesthetics with the house windows to the rear.

It was decided to hold a work session on changing the language on the plat. Mr. Thomas moved to adjourn the meeting, seconded by Ms. Bush and was unanimously approved.



Lori Spranley,
Secretary



Dennis Thomas, Chairman