

**Planning Commission
Work Session
September 8, 2015**

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

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

Absent: None

Also present: Louissette Scott, Planning Director and Acting Attorney David Cressy

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.

There was a resubdivision case and a corresponding variance case that were discussed in conjunction. The planning case was R15-09-02 G. Mark Pepe and Michael L. Waller/Trace Units LLC requests a resubdivision of Lot 47-C-1 into lots 47-C-1A – 47-C-1E, Square 47, City of Mandeville, zoned TC. The zoning case was V15-09-12 G. Mark Pepe and Michael L. Waller/Trace Units LLC requests a variance to Section 7.5.10.3, B-3 Site Development Regulations and Section 8.2.1.3, Townhome Lot and Area Regulations proposed lots Lot 47-C-1 into lots 47-C-1A – 47-C-1E, Square 47, City of Mandeville, zoned TC.

Ms. Scott presented a resubdivision request for a Minor Resubdivision of Lot 47-C-1 in Square 47 into 5 townhome lots - 47-C-1A, 47-C-1B, 47-C-1C, 47-C-1D, and 47-C-1E, in accordance with the Resubdivision Plat prepared by John G. Cummings and Associates dated February 26, 2013, revised June 3, 2013. Additionally, a Site Plan prepared by Charette Design Group Architects dated September 14, 2004, revised July 14, 2013 had also been submitted. A variance application was received for the deficiency of lot frontage, lot depth and square footage. Mike Waller and Mark Pepe were the applicants representing Trace Units LLC.

In July, 2013 there were two associated cases with the same requests for Lot 47-C-1, which were R13-05-01 and V13-05-11. The Planning and Zoning Commissions denied the same variance requests for lot frontage, depth and square footage and consequently, the resubdivision case as well. The applicants are reapplying for the Minor Resubdivision, and the variance requests for lot frontage, depth and square footage.

Following the standards outlined in Article 8 for minimum sub-lots, variances were requested for a lot frontage requirement of 25' for townhomes lots with Lots B and C being less than 25'. A variance was requested for lot depth because of the depth being 105.79' for lots A-D and 58.50' for Lot E. A variance was requested for lot area being less than 3,000 square feet for townhomes under the B-3 requirements.

The Townhouse definition was a single-family attached dwelling forming part of a series of attached dwellings with property lines and the required fire walls separating each dwelling. The Townhouse Sub-lot definition was a lot approved by the Planning Commission consisting of land fronting on an improved street or having access to an improved street by way of a commonly owned lot held in common ownership by the owners of the townhouse sub-lots which fronts on an improved street and land containing not less than the minimum required lot area for a single-family townhouse dwelling except when a portion of the required minimum lot area per unit has been set

aside for commonly used and commonly owned open space and the overall density of the development site does not exceed the allowable density based on the minimum required lot area per dwelling for the zoning district in which the land is located.

The importance of the application submitted in 2013 for the resubdivision and variance density requirement in the Town Center was the 3,000 square feet of land area per unit that referred back to the Townhome criteria. Effective in June, 2015 the CLURO was amended including the site development Town Center regulations from 3,000 to 2,000 square feet. Under Section 7.5.18.3, Town Center Site Development Regulations - Each development site in the Town Center District shall be subject to the site development regulations as outlined in the B-3 Zoning District, and B-3 Design Standards, as amended by the Visual Performance Standards for the Town Center District. For attached residential and mixed use development, there shall be a minimum of two-thousand (2,000) square feet of gross lot area per dwelling unit. Where a conflict exists between the B-3 regulations and standards and the provisions of the Town Center, Overlay District, the provisions of the TCOD and Visual Performance Standards shall supersede the B-3 regulations and standards. The amendment to the Town Center reduced the square footage to 2,000 square feet for land area. When referring to the townhouse subplot regulations, it stated that a development site does not exceed the allowable density based on the minimum required lot area per dwelling for the zoning district in which the land is located. The Town Center zoning district density was 2,000 square feet per unit.

Mr. Adams asked about the information on the original subdivision approval. Ms. Scott said the entire development tract 42,807 square feet of which she would reference what was approved as Phase 1. The approved development contained 24,770 square feet, and the proposed development contained 18,037 square feet for a total of 42,807 square feet. Using 2,000 square feet density, the project would be allowed 21 dwelling units. There appeared to be eight units in Phase 1, and the proposal indicated three units for a total of 11 units so there would be 10 more dwelling units that could be developed. This calculation was based on residential use and not commercial use. The residential versus commercial use was the issue and source of the denial of the first application with the concern about the density. Lot 47C-1A would be proposed to be further resubdivided.

Mr. Blache asked if this project would also be the live/work concept. Ms. Scott said yes, and the number of dwelling units governed the plat. This would provide for fee simple lots. The board had requested a review and approved a change to the Town Center Site Development criteria and density. In the townhouse subplot criteria and definition, overall density did not exceed the allowable density based on the minimum required lot area per dwelling for the zoning district in which the land is located. Site development criteria in Article 8, common area required, Private Open Space required 900 square feet of private outdoor open space and no portion of this minimum open space shall be used for off-Street parking, common recreation areas or accessory buildings. The maximum density in the Town Center zoning district superseded that requirement. Article 8 addressed private open space and perimeter yards, but the Town Center criteria addressed the setback issues. The townhouse subplot definition synced up with Town Center Site Development criteria regarding the density issues.

The definition of a lot area was the net horizontal area within bounding lot lines, but excluding any portion of a flag (panhandle) lot providing access to a street and excluding any public or private easement or right-of-way providing access to another lot. The servitude of passage was located across the rear of the lots which when discussed was a requirement for access across all of the lots. Under the definition of

**Planning Commission
Work Session
September 8, 2015
Page 3**

lot area, the square footage for the passage would have to be removed from the calculation. Subtracting the area for the servitude of passage, although it reduced the area for the minimum lot size, did not reduce the area below 2,000 square feet. It appeared to satisfy the definitional requirement of the overall density of the development site. Mr. Blache asked why it would be required to be subtracted the servitude of passage. Ms. Scott said because of the definition of the lot area. According to the townhome sublots definition, by creating Lot 47C-1E there would not be frontage on a public street. Typically that would be a waiver since there was another acceptable access. Looking at this development throughout the Town Center District, the board had looked to the developer to provide a rear access. This was a dedicated servitude of passage even though it was not a commonly owned lot; it was a servitude of passage but cleanup on the plat would be needed to work out the legal issues. This was the concept the board tried to address. Mr. Adams said the pieces belonged to each lot. Ms. Scott said they should be removed from the lot area. There was a 12' servitude that provided access to the rear property owner to Lafitte Street. There were other lots with frontage to this servitude, but it appeared without seeing the previous plats that it was split 6' between the owners and was now restructured to the rear of these lots. Either way, the lots met the 2,000 square foot requirement and the overall density was not an issue with the change in the density requirements. The board should address how the servitude functioned and to ensure through the plat that the servitude would continue. There should be a dedication contained on the plat for the servitude of passage and drainage, and who it was dedicated to. Mr. Blache asked if the dedication was contained on the previous plats. Ms. Scott said she had not checked the other plats, but thought it was on the plat. Mr. Adams asked if the proposal was all of the land left in the development. Ms. Scott answered yes, based on the original plan that was submitted. She did not know if two the lots were set up for further resubdivision. Mr. Adams said theoretically there could be three lots on one parcel and two lots on the other parcel. Mr. Quillin said that might be pushing the square footage to the limit.

Mr. Adams said if the servitude was moved to the north, the rear lot would be 4,000 square feet and there could be one more lot. Ms. Scott was concerned about making one lot too small, but that would be the applicant's decision. She said the Town Center Site Development criteria referred to the B-3 criteria for site development, and the B-3 criteria referred to the Townhome regulations which referred to Article 8. Mr. Blache said he thought the Town Center should have its own criteria. Ms. Scott said the city did not address townhome development specifically in the Town Center criteria, but as outlined it did supersede the density that was now changed, and it did supersede the 900 square foot open space per unit requirement but the board would not want that changed. There was a minimum 25' subplot width combined with the density requirement that may be incongruent with the density requirement in the Town Center. She asked if it could be interpreted that the Town Center along with the townhome subplot as long as it met the density there was no minimum frontage or depth. Mr. Blache said the Town Center was different than everything else. Ms. Scott said the perimeter yard was superseded by the Town Center, and the distance between structures was not. That was more of a safety issue. The only thing that may not be addressed was the subplot width. But when you look at the definition of a townhome subplot, it stated when the overall density was met and worked for the development then you meet the lot area development and may not have a variance depending on the interpretation. Then there would be only a resubdivision case outlined in the Town Center criteria. Mr. Clark said this made a good point about containing this within the special area. If the resubdivision precedent jumped beyond this area then there would be a lot of B-3 area looking at 25' frontage. Mr. Blache suggested placing this issue for review it

on the work plan to clean it up completely. Ms. Scott said it would make it clearer for all parties just to reduce it to a square footage.

Ms. Scott said now there were regulations with the amendment to the density. The other amendment was that residential use shall be prohibited on the ground floor frontage. However, residential units may front on an alley or may be authorized by Conditional Use Permit for properties located west of and not fronting on Lafitte Street subject to the finding that, in addition to the criteria established in section 4.3.3.8, the design, location and amount of ground floor residential development will not detract from the long-term commercial vitality of the district. Live-work units, access to residences on upper floors and mixed-use buildings may be established provided that no ground floor living space fronts on the above blocks. Her understanding was that the ground floor portion of the development facing Woodrow Street was commercial with residential behind and approve. At this time, there was no floor plan for review.

Mr. Adams asked about the amount of land left. Ms. Scott the entire area for this submittal was 18,000 square feet. Mr. Adams said subtracting the servitude of about 1,600 square feet was approximately 16,500 square feet and dividing by 2,000 allowed for 8 lots. Ms. Scott said it could be designed to meet that number.

Mr. Quillin asked about the setbacks based on the townhome criteria in Article 8 with the distance between structures. Ms. Scott said with groups of 6, the Town Center design standards met the setbacks. Mr. Quillin said there were three and the units with 8' instead of 25' between the units.

Mark Pepe, owner, said he was in agreement with Ms. Scott. The project was conceived as separate projects with multiple owners on the first building and he was not involved at that time. They had only planned 8 units maximum. As a condominium, they would be allowed more than eight units. They felt that the condominium concept was a transient type of application. They wanted the owners to own the land. They were meeting the density, and they could change the servitude of passage line and make sure all of the lot was the legal size. They were meeting the square footage and they were providing more than the 900 square foot per unit regulation. They were applying the same concepts, variances, lot sizes allowed in the first development. They were doing the same as allowed before, but giving them fee simple lots. Mr. Adams asked why the plat did not show it as eight lots. Mr. Pepe said it was not designed yet. They could design two units in the rear and two units on the end. Mr. Pepe presented the rendering of first three units. Mr. Adams said there should be a note on the plat stating a maximum number of lots. Mr. Pepe said they wanted to establish lot ownership. Mr. Adams said that was why the board was looking at changing the regulations. Mr. Pepe said the one concept of a single building did not work well. There would be separate commercial on the first floor with residential above. There would be separate elevations and entrances to the units. Mr. Clark asked that there was at least 900 square feet of commercial on the first floor. Mr. Pepe said yes, it was the live/work concept. He said the largest problem was the lot dimensions. The recommendation of the 2,000 square foot lot, the dimension should be appropriate to that. At 105' depth that was all there was. Based on the density, the lot size should be appropriate to the density.

Mr. Thomas asked if there was a brick facade and Mr. Pepe answered yes. Mr. Pepe said they were changing the finishes. Mr. Adams asked about designing without a variance. Ms. Scott said there may not be a variance. Mr. Adams stated with a variance there must be a stated hardship other than financial. Mr. Pepe said he could not get 120' depth. Mr. Pepe stated there would not be a change in the density. There was a conflict of density and what was on the ground. Ms. Scott said

**Planning Commission
Work Session
September 8, 2015
Page 5**

the minimum lot area and the changes in the density requirement, the overall density of land area was 2,000 square feet and if one unit in each subplot they had met it and a variance may not be required. Mr. Pepe said if he moved the lot to create 4,000 square feet there would be no variance.

Mr. Clark said in 2004 there may have been a variance required. Mr. Pepe said the variances were granted because it was conceived as the Town Center. Mr. Blache said they may not need a variance. Ms. Scott said the staff wanted to discuss this and there was some area that was subject to interpretation but the language in the Town Center discussed sublots with a minimum density but did not discuss depth. The Town Center was the only zoning district allowing greater density now. Mr. Clark said it appeared that the City Council enabled this without a variance, and Ms. Scott answered that she believed that was right. Mr. Pepe said the regulations allowed it because of the density, but the language did not clean up the lot size. Mr. Adams said it was overwritten with a Town Center District. Ms. Scott said the Town Center was implying that as long as it met the density and the lot depth a variance would not be applied. Mr. Blache clarified that there would not be a request for a variance and it would only be a resubdivision into sublots. Mr. Pepe said he was told he needed to apply for a variance, so he filed the application. Mr. Adams said there were times that it allowed the board to hold discussions and make determinations. Mr. Pepe said it was hard to give him 2,000 square feet but require his lot to be a certain size.

Mr. Adams asked if there were other issues. Ms. Bush asked to discuss section "g", the distance between structures and why it was not an issue. Ms. Scott said the townhome regulations discussed purely residential uses. Also in Article 8 there was a Special Combined Use district which referenced residential and commercial uses on the same site, the density for the residential use shall prevail which was being done. However, the yard and setbacks for the residential use may be applied as long as a minimum of an additional 400 square feet of landscape per unit was provided for the use of the residential occupants of the site. This was a mixed use development and the overall Town Center Site Development would be prevailing. The density was only prevailing for residential dwelling units. From a configuration of the form of the structure, the Town Center district setbacks would govern it. The Town Center District stated that criteria will supersede. Ms. Bush clarified that they don't have the requirement in the Town Center, and Ms. Scott said that was correct. If the development was purely residential with no commercial use, the regulation would apply.

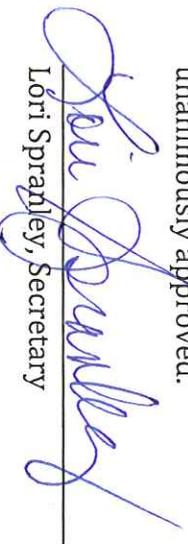
Mr. Blache said the language on the plat should discuss the servitude of passage. Mr. Pepe said he understood that the servitude of passage would be written into the code with the first development and would be continuous through all of the lots to connect street to street. Ms. Scott said it was written into the zoning regulations; however, it was required to be dedicated on the plat. It was shown on the plat, but there must be a dedication statement. If there was only a note on the plat, it was only a note on the plat. One of the other questions on the submitted site plan was the notes about an existing 4' servitude of utilities on the east side of the property. It was on the site plan, but not located on the plat and if it was existing it would be required to be brought forward. Mr. Pepe said he was creating it. Ms. Scott said it must be shown on the plat. Mr. Waller said it was shown on the plat given to the City. Ms. Scott reiterated that the plat must have a dedication statement to be actually dedicated. Mr. Waller stated that it was done. Ms. Scott said it was noted on the plat, but unless there was a dedication statement it was not dedicated. Ms. Scott said she would meet with Mr. Pepe about getting the language on the plat.

Mr. Adams asked if the plat would be different except for the dedication statement. Mr. Pepe said to make the rear lot meet the 4,000 square feet he would have to move the lot line to the middle of the servitude.

Mr. Quillin said on the servitude of access area on the west side of the lot there was a small area that he was not sure where the lot lines came together and he wanted to make sure all areas were legally dedicated. Mr. Pepe clarified to Mr. Quillin on the plat that the drainage lined up to the servitude of passage.

Mr. Adams stated this was the first meeting after the commission appointment of Simmie renewal. The board decided to place the election of officers on the next meeting agenda.

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



Lori Spradley, Secretary



Dennis Thomas, Chairman

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Absent: None

Also present: Louise Scott, Planning Director and Acting Attorney David Cressy

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**Zoning Commission
Work Session
September 8, 2015
Page 3**

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**Zoning Commission
Work Session
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Page 5**

the minimum lot area and the changes in the density requirement, the overall density of land area was 2,000 square feet and if one unit in each subplot they had met it and a variance may not be required. Mr. Pepe said if he moved the lot to create 4,000 square feet there would be no variance.

Mr. Clark said in 2004 there may have been a variance required. Mr. Pepe said the variances were granted because it was conceived as the Town Center. Mr. Blache said they may not need a variance. Ms. Scott said the staff wanted to discuss this and there was some area that was subject to interpretation but the language in the Town Center discussed sublots with a minimum density but did not discuss depth. The Town Center was the only zoning district allowing greater density now. Mr. Clark said it appeared that the City Council enabled this without a variance, and Ms. Scott answered that she believed that was right. Mr. Pepe said the regulations allowed it because of the density, but the language did not clean up the lot size. Mr. Adams said it was overwritten with a Town Center District. Ms. Scott said the Town Center was implying that as long as it met the density and the lot depth a variance would not be applied. Mr. Blache clarified that there would not be a request for a variance and it would only be a resubdivision into sublots. Mr. Pepe said he was told he needed to apply for a variance, so he filed the application. Mr. Adams said there were times that it allowed the board to hold discussions and make determinations. Mr. Pepe said it was hard to give him 2,000 square feet but require his lot to be a certain size.

Mr. Adams asked if there were other issues. Ms. Bush asked to discuss section "g"; the distance between structures and why it was not an issue. Ms. Scott said the townhome regulations discussed purely residential uses. Also in Article 8 there was a Special Combined Use district which referenced residential and commercial uses on the same site, the density for the residential use shall prevail which was being done. However, the yard and setbacks for the residential use may be applied as long as a minimum of an additional 400 square feet of landscape per unit was provided for the use of the residential occupants of the site. This was a mixed use development and the overall Town Center Site Development would be prevailing. The density was only prevailing for residential dwelling units. From a configuration of the form of the structure, the Town Center district setbacks would govern it. The Town Center District stated that criteria will supersede. Ms. Bush clarified that they don't have the requirement in the Town Center, and Ms. Scott said that was correct. If the development was purely residential with no commercial use, the regulation would apply.

Mr. Blache said the language on the plat should discuss the servitude of passage. Mr. Pepe said he understood that the servitude of passage would be written into the code with the first development and would be continuous through all of the lots to connect street to street. Ms. Scott said it was written into the zoning regulations; however, it was required to be dedicated on the plat. It was shown on the plat, but there must be a dedication statement. If there was only a note on the plat, it was only a note on the plat. One of the other questions on the submitted site plan was the notes about an existing 4' servitude of utilities on the east side of the property. It was on the site plan, but not located on the plat and if it was existing it would be required to be brought forward. Mr. Pepe said he was creating it. Ms. Scott said it must be shown on the plat. Mr. Waller said it was shown on the plat given to the City. Ms. Scott reiterated that the plat must have a dedication statement to be actually dedicated. Mr. Waller stated that it was done. Ms. Scott said it was noted on the plat, but unless there was a dedication statement it was not dedicated. Ms. Scott said she would meet with Mr. Pepe about getting the language on the plat.

Mr. Adams asked if the plat would be different except for the dedication statement. Mr. Pepe said to make the rear lot meet the 4,000 square feet he would have to move the lot line to the middle of the servitude.

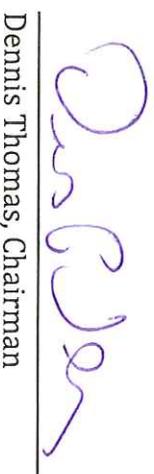
Mr. Quillin said on the servitude of access area on the west side of the lot there was a small area that he was not sure where the lot lines came together and he wanted to make sure all areas were legally dedicated. Mr. Pepe clarified to Mr. Quillin on the plat that the drainage lined up to the servitude of passage.

Mr. Adams stated this was the first meeting after the commission appointment of Simmie renewal. The board decided to place the election of officers on the next meeting agenda.

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



Lori Spradley, Secretary



Dennis Thomas, Chairman