

**Planning Commission
Public Hearing
September 24, 2013**

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

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

Absent: None

Also present were: Louise K Kidd, Planning Director

Election of Chairman

Mr. Quillin moved to nominate Nixon Adams as Zoning Chairman, seconded by Simmie Fairley. Mr. Clark moved to amend the motion to recognize that Mr. Adams would also serve as Chairman of the Zoning Board of Adjustment. The amendment was accepted by Messrs. Quillin and Fairley and the vote was unanimously approved.

Mr. Blache moved to nominate Dennis Thomas as Planning Chairman, seconded by Mr. Quillin and was unanimously approved.

The first planning case also had a corresponding zoning case and both cases were discussed in conjunction. The planning case discussed was P13-08-01 Craig Burkett requests a waiver to Section 13.2.4.3, Frontage On and Access to Improved Street Required, and Section 12.2, Application and Procedures for Approval of Public Improvements Only, square 41B, lots 55, 56 and 57, fronting on Short Street and across 818 Adair Street, zoned R-1. The zoning case discussed was V13-08-17 Craig Burkett requests a variance to Section 7.5.1.3, R-1 Site Development Regulations, square 41B, lots 55, 56 and 57, zoned R-1.

Mr. Adams stated that the Zoning Board was also sitting as the Zoning Board of Adjustments. Ms. Kidd requested to remove the planning case because the board would not be waiving any improvements.

Mr. Adams said the variance request was because of unusual lot dimensions. It was discussed at the work session that the only viable solution was a flag lot requiring a variance to the site criteria. Ms. Kidd said there was no funding in the Streets Capital Improvements budget. There would be access from Adair Street.

Mr. Quillin moved to remove case P13-08-01, seconded by Mr. Blache and was unanimously approved.

Mr. Adams stated the board was acting as the Zoning Board of Adjustments. He asked if the resubdivision would be handled administratively. Ms. Kidd said if the variance was approved, the resubdivision could be approved administratively. The board was in agreement.

Mr. Blache said he had spoken with the adjoining land owner who was in agreement with the applicant for the installation of a board fence and requested that it be included in the variance. Mr. Adams said creating the panhandle on the south side of the property would stay away from the magnolia tree.

Ms. Kidd presented as discussed that there were two structures originally on the front lot and the board had held discussions regarding creating a servitude of passage. The City Attorney had said the lot was created at a time when there were no street improvement requirements. Adair Street was a dedicated but unimproved street. The solution would be to create a flag lot with a servitude of passage in favor of the rear maintenance or there may be problems in the future.

It was discussed that the property was 150' deep. It was also discussed to move the property line toward Adair Street to create a 120' lot. The property owner had no objection and was hoping Short Street would be revoked in the future for purchase and he could incorporate the additional 60'. Another question was to define the setbacks. The front setback would be 25' from Short Street, the rear was 28' instead of the required 30', and it was suggested to move the property line 5' to identify the side yard setbacks. It was indicated that the side yard setbacks were 10' and 24'. The intention was to move the setback 7' in the front yard setback for screening between the rear of the front lot and the front of the rear lot. The board could make a condition of a fence along the entire southern property line. Mr. Blache said he would require the fence be a condition of the variance. Ms. Kidd said with the flag part of lot, there would be one shared driveway and the owner could provide another driveway on the Adair Street lot in the future and be located away from the drip line of the tree. In earlier work sessions, it was discussed having the houses sited so the rear house was visible from Adair Street to make it obvious in cases of emergency. That was the reasoning why the plan showed the front house pushed to one side of the property and the second house pushed to the opposite property line.

Mr. Burkett said he had not gotten to the point of whether the driveway would be gravel. Mr. Adams suggested a 12' driveway instead of 15'. Mr. Burkett wanted it to be a nice sized lot. Ms. Kidd said the property needed an area for a swale. Mr. Thomas said with a 12' driveway and a 3' swale, the sewer and water could run down the middle of driveway. Mr. Burkett if the board needed that to comply, he would do it. Mr. Thomas would prefer not to drive over sewer lines. Mr. Burkett said he assumed that he would tie the main drain into the front lot. He had not anticipated two separate taps. Mr. Thomas said it would be two separate properties so there should probably be two separate taps. Mr. Adams said the line could run across the front lot to the rear lot. He asked if there as a need for easements? Ms. Kidd said the rear lot would go through the flag portion unless they were granting a utility servitude. Mr. Blache said it would be cleaner to leave it at 15'.

The question was whether to move the property line to 120' to meet the 30' rear setback or to move the front lot 5' and get more separation between the lots. Mr. Burkett said he had no objection to adjusting the line. Mr. Clark confirmed that the three lots would become one lot in the resubdivision.

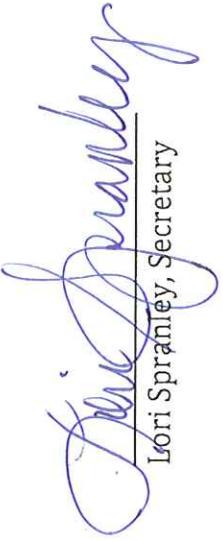
Mr. Adams reiterated by granting the variances to each lot, it would allow the rear lot to be as designed except being placed 5' to the right and the front lot to be as designed except being placed 5' to the left. Ms. Kidd said administrative resubdivisions were based on the variances approved.

Mr. Blache said me spoke with the neighbor about the privacy fence. He would make that part of the variance approval. Mr. Burkett was in agreement since that was discussed. Mr. Adams asked if the fence would be placed along the front lot or the entire length of the property. Mr. Blache said it would be the entire length. Mr. Burkett said he would do the entire length.

Mr. Quillin moved to approve the variance for the front lot being 5' shorter to a dimension of 145' and the fence being installed along the entire south length, and by the approval of the variances could allow the resubdivision to be approved administratively, seconded by Mr. Blache and was unanimously approved.

Mr. Blache moved to approve the minutes of January 29 and January 8, 2013, seconded by Mr. Quillin and was unanimously approved.

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


Lori Spranley, Secretary


Dennis Thomas Chairman

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

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

Absent: None

Also present were: Louisette Kidd, Planning Director

Election of Chairman

Mr. Quillin moved to nominate Nixon Adams as Zoning Chairman, seconded by Simmie Fairley. Mr. Clark moved to amend the motion to recognize that Mr. Adams would also serve as Chairman of the Zoning Board of Adjustment. The amendment was accepted by Messrs. Quillin and Fairley and the vote was unanimously approved.

Mr. Blache moved to nominate Dennis Thomas as Planning Chairman, seconded by Mr. Quillin and was unanimously approved.

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

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


Lori Spranley, Secretary


Nixon Adams, Chairman

**Zoning Board
Work Session
September 24, 2013**

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

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

Absent: None

Also present were: Louissette Kidd, Planning Director

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 only case discussed was V13-10-19 Bernard and Donna Plaia requests a variance to Section 9.1.2, Construction Design Standards for Parking and Loading and Section 9.2.5.5.2, Site Interior Planting Regulations, a parcel of land in square 48, 611 Girod Street, zoned B-3.

Mr. Adams noted that the Board was acting as a Zoning Board of Adjustments.

Ms. Kidd presented a variance request to the Design Standards for Parking and Loading and Site Interior Planting Regulations. The Plaia's had purchased the property located at 611 Girod Street and was proposing the construction and relocation of their business. The use was identified under Section 6.4.37, General Retail Convenience and was permitted by right in the B-3 zoning district. The property contained 10,000 square feet with a proposed 1,600 square foot structure, and Piazza Architecture had revised the plan through August 30, 2013. The proposal was to reduce two way driveways to 12' from 20' including a 6" curb with limestone or pervious coverage. The second variance to site interior planting regulations would be to eliminate the 5' landscape strip between the car and the side of the building.

Under the CLURO, two way driveways required access of no less than 20' or 12' to 15' for a one way drive. Since this was a small development on a small lot, the request was to reduce the size of the driveway. The landscape minimum for lots under 100,000 square feet required a minimum 5' landscape strip around the façade adjacent to the vehicular area. There would be parking access in rear, and was proposing the elimination of the 5' strip.

Ben Plaia, applicant, presented a PowerPoint presentation about their business, Das Schulerhaus Gift Gallery & Christmas Boutique. He and his wife had started the business in April 2008, had been voted best gift shop three years in a row, and had been featured in Citi Business and the Times Picayune. They were interested in maintaining what Old Mandeville was about. Mrs. Plaia was also a former president of the Old Mandeville Business Association.

Mr. Plaia provided reasons to grant the variance being that the property had a 60' frontage. The variance would allow for the greatest variety of uses for the structure. There would be no negative affect on the parking requirements. The property could be used for any business now or in the future.

It was a good design to provide for the massing and orientation for economic vitality of the area. They presented an alternative was parking in the front which was not wanted. The variance could be eliminated by locating the parking in the front of the property, but Mr. Plaia did not want to detract but add to the character of the neighborhood.

They were a low impact business that would not create any new stress on the infrastructure of the neighborhood. This was an existing business that would be moving across the street.

Mr. Clark asked if the parking requirement represented a plus or a minus in business terms. Could he construct more retail without the parking? Mr. Plaia said they wanted the on-site parking. Mr. Adams said parking was better located in the rear than in the front. Mr. Clark asked if the business was being restricted in any way. Mr. Plaia said he would like more parking spaces. There were regulations about the off street parking within 300'. There were 8-10 spaces at the Trailhead within 300' of his lot. Mr. Clark was asking about building more retail on the lot. Mr. Plaia said they were happy with the presentation. Ms. Kidd said the Plaia's could improve on what was required, but it would require a parking bank. Ms. Plaia said the extra parking would certainly be needed at Christmas.

Gibb Farrish, 1931 Livingston Street, said his house was 3' from the side and rear property lines. He understood the use was allowable, but drainage was his biggest concern. He would prefer to see the parking reduced by 1-2 spaces. If the site plan could guide the drainage plan, he would like to see a concrete curb around the perimeter of the impacted development area with a French drainage to shoot the water to Girod Street. This was assuming no breaks in the continuous curb, which would help the Griffins since theirs was a slab house facing Girod Street. He stated that his house had never flooded, but with Biggett Waters 2 he was still in an impacted flood zone. His Elevation Certificate indicated that he was located ¼" above the flood plain.

Mr. Adams said the site indicated that it would drain from the rear to Girod Street. Mr. Farrish said that was if the site plan guided the drainage. Ms. Kidd said the plan indicated subsurface drainage. Mr. Farrish said it appeared that a 10' buffer from the rear property line at natural grade would be helpful. His house had survived the 1995 flood and all of the hurricanes. Mr. Clark asked about the elevation. Mr. Farrish said he thought it was 9.25'. Mr. Adams said if the building was built as designed and all of the water drained to street some of the water Mr. Farrish was getting now would be carried away. Mr. Farrish said if the site lost one parking space he would be better. Ms. Kidd said the 10' buffer was a no cut zone.

Mr. Blache asked about the 3' setback. Mr. Farrish said the house was built before the existing regulations. Mr. Adams said the house was too close to the property line, but it was an existing condition. Mr. Farrish asked about the hardship. Mr. Adams said it was based on the strange lot sizes in Old Mandeville. Mr. Farrish said 50' x 200' was not strange. Mr. Adams said the lot 60' x 120' and a lot of record. Mr. Farrish said the building size determined the parking. Ms. Kidd said the proposed building met the pervious/impervious requirements. If the building was constructed more to the rear of the lot, the Plaia's could meet the parking in the front. From a design standpoint, the City did not want the front parking. Mr. Adams clarified that it appeared to make the best drainage for Mr. Farrish. Mr. Farrish agreed that it appeared that the drainage would work. He did feel that the building was a little too big for the property, but he could not do anything about it. Mr. Clark said the new construction could not push water into his yard. Ms. Kidd said when the drainage plan was submitted Mr. Farrish could be notified.

Mr. Adams said the variance was for a 12' driveway to eliminate concrete. Mr. Clark said Mr. Farrish had a point and the variance was a drainage plan in detail, laying out the terrain in detail and showing how not to impact the neighbor. He requested a triangle indicating the drainage. Ms. Kidd said the drainage plan was not submitted until permitting. Mr. Plaia said he did not want Mr. Farrish's water on his property, much less his water to Mr. Farrish. He anticipated the engineer properly designing the drainage plan not

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to impede the on neighbor's property. He did not suggest something would go wrong, but appreciated Mr. Farrish's concern.

Mr. Blache said being familiar with area, there was no 5' buffer area because there was no room for construction. The widths of driveways were not 20'. Ms. Kidd said there was a 20' driveway that was out of context. Mr. Farrish said this was an exception to the rule and suggested changing the code if there was a problem.

Doug McCarthy, 617 Girod Street, had no objection and felt it would be an improvement.

Mr. Plaia presented a letter from the neighbor at 623 Girod Street to be added to the record. It was a letter of no objection from Marilyn Stamm.

Ms. Kidd said a few weeks ago, the board was provided a task order with Mr. Lauer. She asked if the board had questions to meet with Mr. Lauer before noon on Wednesday. She was preparing a list of priorities and would forward a memo with a list of dates and issues for discussion. Mr. Blache said he had responded of the top 10 issues on CLURO changes and Ms. Kidd said they were considered. The committees had prioritized their issues. Mr. Blache said he would like the focus on the B-3 area. Ms. Kidd said the discussions would also include digital signage, Old Mandeville land use and parking requirements, al fresco dining, clarifying height, clean up language, and exceptions for variances such as setbacks. Mr. Blache was concerned about incorporating too many issues. Ms. Kidd said the sign ordinance and digital signage was a first priority. Mr. Clark said signage was visual pollution, but critical issues were drainage and fill. He felt those were more critical than signage.

Mr. Adams said that critical and sensitive was listed as a priority. There was ambiguity on the height that must be clarified. Ms. Kidd said there were some issues for correction. Mr. Adams said the board could bring up any issue over the next six months of the whole process.

Mr. Thomas said his enforcement issue was the metal containers at Our Lady of the Lake and Mr. Crovetto. Ms. Kidd said she was working with the City Attorney on all three sites on N. Causeway and would be very aggressive.

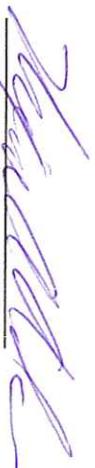
Ms. Kidd had asked Mr. Brown about Our Lady of the Lake and he felt that was some compliance. Mr. Thomas asked how ISO containers would be compliance. Mr. Brown had indicated they had roofs. Mr. Adams said there were some enforcement problems and the regulations were not as clear as the board thought they were. He suggested bringing the issues up, and letting the town comment on them. Mr. Adams said 20 years ago it was determined that a sign face could not change more than a specific period of time. Mr. Clark said now programmable LED signs were available. Ms. Kidd said it was not specifically regulated, so it was allowed. Mr. Adams said the board could not regulate the message. The board could regulate where the sign was located, its size, and how it was lit. Ms. Kidd said there was a differentiation of on and off premise signs, and an off premise was a billboard.

Mr. Thomas said he had asked about Mr. Deano providing a ruling about the bollards and stones and liability. Ms. Kidd said that can be handled as the board moved forward. Mr. Thomas asked for a ruling from Mr. Deano. Mr. Adams said it was illegal to obstruct the rights-of-way without City Council approval. Ms. Kidd said the City needed to develop a policy and there were many different circumstances. Mr. Thomas said he had taken pictures of David Pons house. Ms. Kidd said the City could clean that up at will. Mr. Adams felt it was a City Council action. Mr. Thomas said the Scotts had placed a barrel on the last parking space to prohibit parking and placed more tables. Mr. Adams said this was an issue

of al fresco dining to be discussed with Mr. Lauer. It was tied back to City Council ordinances and rights-of-way issues. Mr. Thomas said many neighbors would put down logs. Mr. Clark said people were destroying public property. Mr. Thomas said they were taking up parking space and that needed to be addressed. Mr. Adams said this was a core issue for discussion.

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


Lori Spranley, Secretary


Nixon Adams, Chairman