

Planning Commission
Public Hearing
October 8, 2013

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

Present: Dennis Thomas, Simmie Fairley, Scott Quillin, and Michael Blache

Absent: Nixon Adams, Ren Clark, Rebecca Bush

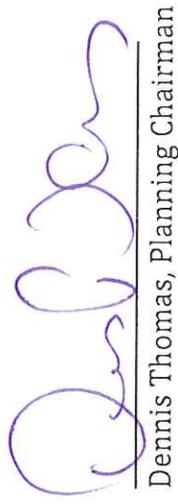
Also present were: Louisette Kidd, Planning Director

Mr. Quillin moved to approve minutes of March 26, seconded by Mr. Fairley and was unanimously approved.

Mr. Quillin moved to change the November meeting date, seconded by Mr. Blache and was unanimously approved.

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


Lori Spranley, Secretary


Dennis Thomas, Planning Chairman

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Mr. Thomas 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 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

Ms. Kidd presented the Plaia's had purchased a lot measuring 50' x 200' to construct a new building for Das Scheulerhaus. As discussed at the work session, two variances were requested. The first variance was not to construct the 5' strip along the side of the building adjacent to the vehicular use area. The second variance was a request to reduce the driveway size from 20' to 12'. The use required eight parking spaces and they would be constructed on the site. There were comments at the last meeting from neighbors to consider a rear parking bank. The proposed site plan met all of the other criteria.

There were also discussions about drainage, lighting and landscaping and the plan would be submitted at the time of permitting. Mr. Thomas said there had been no landscape plan submitted, but he requested the 5' landscape strip have some vine planted to screen the building. It appeared that the driveway on the property line with the chain-link fence would remain. Mr. Thomas asked Ms. Gleason to review the plan when submitted.

Gibb Farrish, adjacent neighbor, stated the fence belonged to Mr. Griffin. Ben Plaia, applicant, said he had shown the concept of construction and he was concerned about taking away any of the ambience of the building. Mr. Thomas said one side of the building and the driveway could provide some small landscaping. Mr. Quillin said that would be pending room for planting. Mr. Plaia was in agreement. Mr. Blache said it would be a gravel driveway. Ms. Kidd said there would be curbing. Mr. Blache reiterated that it was not feasible to construct a 20' driveway on this property. As surrounding B-3 zoned properties converted between residential and commercial there would be some safety hazard. He wanted to see a residential scale and was in agreement with the presentation. He felt the building was in keeping with the neighborhood.

Mr. Farrish said drainage was his biggest concern, and he was hoping the curb would retain the water as well as the limestone on the site. The drawings indicated a French drainage taken to Girod Street. He thought the driveway access would be too small on a 50' property. He asked if the deliveries would back down the driveway. He understood that the use was permitted, but he asked what was the hardship.

Mr. Plaia said regarding the drainage issue, the adjacent property was 3' from the property line. The requirement to drain the property either residential or commercial must be done properly and must pass inspection. Secondly, the issues of the automobiles did not affect the neighbor. As far as his hardship, he was trying to accommodate a business in a reasonable and rational way. Mr. Farrish said he was comfortable with their business. Mr. Plaia said they had presented a business plan needing eight spaces that were available for retail sale. The variance exception would follow forward with the property

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for all future retail uses. It was a low impact use, but their present location had a large driveway. Ms. Kidd said any future use would be reviewed at that time. Ms. Kidd stated the Plaia's would be required to submit a stamped drainage plan and it would be available for Mr. Farrish's review.

Mr. Blache said he remembered that Mr. Plaia had mentioned in his presentation the idea of smart zoning and building for a business to operate in a B-3 district. The B-3 area needed to create an environment of buildings with no tenants. Movement between uses was keeping in touch with the B-3 district. Hardships were inherent of the lot, especially with a 50' frontage. The property was quirky with being 3' from the property line, but many properties were chopped up in the past. This would have no disturbance of the quality of life.

Mr. Fairley felt there would not be a problem in the B-3 area even though it would be a narrow driveway. The drainage must be submitted and reviewed for approval. If there was a problem, it would not be approved. Ms. Kidd said retail and office uses were permitted by right. Any use more intense would require a zoning permit for review so the protection was built in.

Mr. Quillin said if there were no variances half of the lot size would be taken up by setbacks and driveways, which would be 31' of the 50' and that made no sense so there was a hardship. Mr. Blache said the alternative was parking in the front of the building which was discouraged. Mr. Thomas agreed that there would be no impact with this business.

Mr. Quillin moved to approve the variance, seconded by Mr. Blache and was unanimously approved.

Mr. Quillin moved to approve minutes of March 26, seconded by Mr. Fairley and was unanimously approved.

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**Planning Commission
Work Session
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The meeting was called to order by Planning Dennis Thomas and the secretary called the roll.

Present: Dennis Thomas, Simmie Fairley, Scott Quillin, and Michael Blache

Absent: Nixon Adams, Ren Clark, Rebecca Bush

Also present were: Louisette Kidd, Planning Director

Mr. Thomas 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 P13-10-02 Jesse L. Pratt, LLC requests a waiver to the conditions regarding side buffer areas as shown in detail on the plat of the approved subdivision plat of Old Mandeville Woods, prepared by John Bonneau, Land Surveyor, and David Scalfano, Civil Engineer, revised through June 23, 2004 for lot 14B, 1825 Old Mandeville Lane, zoned R-1

Ms. Kidd presented the request was for a lot in the Old Mandeville Woods Subdivision located six blocks north of Highway 190 off Soutl Street. The request was a waiver to the side buffer conditions as shown in detail on the subdivision plat. The reason Old Mandeville Woods Subdivision requested to be annexed was to create a conservation easements, additional setbacks, and no cut areas. There was a requirement and condition of the subdivision to retain a 10' no cut on both sides of the building footprint. The Pratt's were proposing new residential construction with a side loaded garage causing an encroachment of 9' x 36'. When the Pratt's were designing the house they were not aware of the requirement. They had worked through a few plans to accommodate the side entry, which was better than a front entry visible to the street.

Mr. Thomas asked if there was an existing lot with a 10' cleared buffer.

Londi Moore, one of the three developers of the subdivision, had requested annexation to have a preservation conservation area in the subdivision for protection. The 10' no cut area would have provided natural drainage. There was one house that did encroach into the 10' area and she was not sure why they had received an occupancy permit. The natural drainage and setbacks were developed by David Scalfano, engineer, and the City had been involved. A few months ago, Ms. Moore had found out that the side setbacks were listed in the general notes. A typical lot plan was referred to in those notes. No one ever realized that the note was on the plan. Mr. Scalfano had been ill and would be providing a subdivision revision. Mandeville was wooded and she would like it to stay that way. These were grandfathered lots, and she wanted to contribute this to the City. She did not want a change.

Mr. Thomas asked if the lots on either side of the proposed lot were built out and it was answered yes. Mr. Blache asked about subdivision covenants. Ms. Moore said there were covenants. Mr. Blache asked if the property owner would have been known the requirement through the covenants. Ms. Moore said the covenants were attached to their sale. Signed plans were required for review, but they were never sent to the Review Committee. The Pratt's wanted to meet with Ms. Moore and have her sign off on the plans. In September, she had sent a letter that the Architectural Committee would not support the request. Mr. Huval, the Pratt's attorney, had called and tried to resolve the issue as much as possible. He had indicated that the Pratt's would move the building. The issue was the green space and drainage. The letter stated that the Planning Commission would be the body required to grant the waiver.

Tom Huval, representing the Pratt's, said there were other driveways that ran the entire length of the property. He stated that the Pratt's had purchased the lot in June and were not aware of any restrictions on the plat. When their plans were drawn, it provided a driveway straight back from the street. The driveway was now moved over after learning of the restriction. The waiver request was for a portion of the parking pad immediately adjacent to the side entrance garage. The appearance was more aesthetically pleasing in this setting. He had spoken with Ms. Moore and her husband through several emails on the previous day and the day of the meeting. Ron Stoessel had suggested amending the plan to lessen the size of the variance. The front sidewalk was setback 50'. No portion of the house or sidewalk was outside of the setbacks, and the Pratt's had reduced the area of the variance from 9' to 7'. They were also proposing to add 5' to the rear 50' setback to mitigate the square footage of the waiver. He had tried to address and impression by email communication with Mr. Stoessel with the redraw there would not be a problem. Mr. Huval had also reached out to the neighbor to the right and forwarded a revised plat to show the proposal. The neighbors were present at the meeting, but he had not spoken with them. The Pratt's were assuring within the setback that there would be no tree removal or vegetation that was not necessary. The Pratt's wanted to be consistent with the neighborhood.

Mr. Blache asked if there were any significant trees on the 10' side. Mr. Huval said it was a wooded lot, and he did not know the size of trees. The adjacent neighbor stated there were large pine trees, mulberry and hibiscus.

Ms. Kidd said the staff would mark off the area. Mr. Thomas asked to have Ms. Gleason identify some of the trees. Mr. Huval said the area from the street to the small area would not be clear cut and the Pratt's would leave the vegetation. The house directly across the street had a significant portion of the driveway along the 10' no cut zone. Ms. Moore said they did not know how that was allowed. Ms. Kidd said an inventory could be put together. Ms. Kidd asked Mr. Huval to mark off the area of the encroachment and identify the trees. Ms. Pratt said she would take pictures of all the lots. Mr. Huval said if it was helpful, they would report back on the trees. Mr. Thomas said the City Landscape Inspector/Arborist would review the lot.

Mr. Blache said the board had been told there were several encroaching driveways and he asked how that happened. Mr. Thomas said a waiver was not granted and asked to identify the other driveways. He asked for a list of when the building permit was issued and when was the occupancy permit was granted. Mr. Blache asked if they were in violation. Ms. Kidd said no waivers had been granted. Mr. Quillin said it was easier to look at the satellite for untouched green space and what he could see was there were few houses that had followed the rules.

Julia Vignes, 1815 Old Mandeville Lane, adjacent neighbor, said she became aware of the case from the door hanger. Mr. Huval called them the day of the meeting at 4 p.m. and provided them a copy of the plat. They had planned to attend the meeting to gain more information and express their general concern. Ms. Vignes stated the reason she and her husband chose this subdivision was because of the conservation easement. They recognized that they could only control their property, but they understood the 50' setback and no cut areas. The information was recorded with their property. Mr. Thomas asked when she had moved into the neighborhood. Ms. Vignes said eight years ago. Now there were 10-12 houses with three under construction. She said some sites were nurtured. She did question about the homeowners having to follow the rules since the City had a regulatory policy over the 10' no cut zone. The easement was created for a reason and she expected to see a natural environment. She understood the Pratt's mitigation effort, but she did not know about the proposed rear strip to abate the side screening. She thought the mitigation to the rear was within the 10' setback so it was not the square footage indicated. She felt the Pratt's knew what they were buying, but she would like to see the

setback be enforced for the purpose created. A 20' driveway was a preference and it gave more than substantial turning room. Mr. Quillin said 20' did not give enough room to turn. Ms. Vignes said that was why she had a front load garage. She suggested moving the driveway since it was a lot of concrete adjacent to property line. The easement was screening and noise abatement to her. Mr. Blache asked if she was on the 50' setback and she answered yes. Ms. Vignes stated she was concerned about the regulation of drainage with that much concrete so close to the property line and would request a better review for run off as part of the consideration. She had reviewed the covenants in her Act of Sale and it stated that the encroachment did not mean approval of a waiver. She would not like to see a precedent set.

Mr. Quillin asked for a satellite view of the area. Ms. Vignes said it was also a wildlife habitat. Lesser vegetation provided less cover for the animals. Mr. Quillin said it appeared there was little vegetation left on many of the properties. Ms. Vignes asked if an encroachment constituted a waiver. Mr. Quillin said either the subdivision or the City would give approval for it. Ms. Kidd said the City governed City regulations and the subdivision governed the covenants. Ms. Vignes confirmed it was a regulatory board action in the subdivision. She appreciated being more informed and the Pratt's attorney sending them the plat. Mr. Thomas asked for an inventory of the driveways.

Sidney Vignes, neighbor, said there were five other houses with side entrance garages that did not encroach. There were also other properties that did not have a lot of vegetation between the houses. His wife thought some areas were cut that should not be cut, but they could not police the subdivision. Four other couples did an excellent job on keeping the buffer zones. They saw a baby deer born in their backyard. His concern was the drainage issue. Where there was no vegetation there was no natural drainage. Toward the front of the subdivision was the main drainage area for a swale as shown on the plat. His concern was that no cement be placed in the no cut zone. The driveway placement would be next to his bedroom window. Aesthetically a side load garage looked better, but there were other ways to plan since five other houses had side load garages.

Ms. Moore said Ms. Gleason, Mr. Brown and Ms. Kidd were working to get all of the properties back in compliance because there was some clear cutting. One of the homes was told from the beginning that they could not cut, but after meeting with several City staff they did cut. No builder in the Old Mandeville Woods subdivision had done this. It had happened when the homeowner acted as their own self contractor. She thought the no cut information should have been provided at the time of permitting. She thought the catch point was at the occupancy stage and it did not happen. Ms. Kidd said the staff had started reviewing all of the properties. Ms. Moore said now was the time to address all of the issues. Mr. Thomas said the board did not handle enforcement and Ms. Moore understood that. The City and the subdivision Architectural Committee had been working on it. This was the first time this issue had come before the Planning Commission and she was worried about drainage. She was also concerned about a precedent.

Mr. Huval wanted to emphasize the variance affected a small portion of the setbacks. They were respecting 90% of the setback. Other homes had not respected the setback. Mr. Quillin asked for the dimension of the pad of the house. He asked if it was less than 50' x 60' as noted as the maximum building pad area on the plat. Mr. Thomas said according to the drawing, the pad was larger than that size at 57'. Mr. Huval said he was not prepared to answer that question. Mr. Quillin asked for this information prior to the next meeting.

The board summarized that the information requested for the next meeting was the number of driveways out of compliance, the number of houses in encroachment, the dates of the permits, a copy of the covenants, and had any waivers been approved.

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Ms. Kidd asked for discussion guidance of a future case at 1605 Lakeshore Drive. The staff had received an application for new residential construction in the Drainage Overlay District. As part of the Drainage Overlay criteria, one issue was area below the 5' contour and following a zoning permit to review the plan. The property was located near Little Bayou Castine that was previously developed with a residence that was destroyed by Hurricane Katrina. The advertising requirement for a zoning permit was only one week and the case would have action at the next meeting.

Under CLURO Section 7.6.1.4, D-O Site Development Regulations, #3, Permits Required Prior to Construction - No development within an area of periodic inundation shall occur until a development permit for the proposed activity has been approved for issuance by the Zoning Board and actually issued to the applicant by the Building Inspector, in accordance with the procedures for the issuance of Zoning Permits set forth in Article 4 of these regulations. Nothing herein shall excuse an applicant who has obtained a development permit from the City for work or construction in an area of periodic inundation that is subject to the jurisdiction of a state or federal permitting agency from any requirement to obtain all licenses or permits required by such agencies for the proposed work or construction. In those instances in which proposed development activity will be subject to the permitting authority of both the City of Mandeville and of one or more state or federal agencies, applicants are urged to first obtain all permits required by the City under the terms of these regulations.

This section applied to areas that were located in the natural drainage ways of bayous and ravines. Many properties were undeveloped and platted so they were considered lots of record. Under the CLURO, if an area was not subdivided that area could not be resubdivided under 5'. But, many properties were already resubdivided. The intent was to encroach as little as possible. This property was already bulk headed. Ms. Kidd's interpretation of the regulations was that any development must be reviewed. The intent was to vote on the case at the October 22nd meeting. Mr. Thomas asked if the owner needed an area to maintain the drainage. Lynn Mitchell, architect, stated that the owner committed to self-maintenance.

The property was previously rental property by the Doolittle family. This was a matter of getting good people back home. The seawall ran partially down the lot. There was an existing large piece of concrete on the site. There were also a few cypress trees to the front of the property that would be preserved. Mr. Thomas was concerned about getting equipment down the side of the property for maintenance. Mr. Mitchell said the owners would be removing the driveway and using for additional armory at the bayou. The finished floor would be 15' and the ground elevation was 2'. The bottom of the house would have 11'-12' clearance. The house would be 4,100 square feet and the lot contained 42,000 square feet with the majority of the site being undisturbed wetlands.

Mr. Quillin asked about Ms. Kidd's concerns. Ms. Kidd said the purpose of the Drainage Overlay District was to have as little of a footprint to impact a very natural setting. This property was previously developed as well as having riff raff and the seawall. They were living within the footprint. The Drainage Overlay District standpoint was as little adverse impact as possible and the owner would be locating the house behind the velocity zone and understood they could not add any fill.

Mr. Mitchell said stakes were shown as reference points not to encroach into the velocity zone. The DEQ had approved the removal of the vegetation. The owner had wanted to construct a dock over the riff raff, but the vegetation would stay if the board deemed.

Ms. Kidd said another section in the Drainage Overlay District pertained to the greenbelts adjacent to natural drainage ways. The CLURO regulations stated:

a. Areas of Periodic Inundation as Greenbelt - On parcels of land containing areas of periodic inundation adjacent to natural drainage ways, the areas of periodic inundation, or an area a minimum depth of fifteen feet, whichever is greater, shall be maintained in its natural vegetative state except for one fifteen (15) foot access way to the drainage way in every one hundred fifty (150) feet or major fraction thereof.

b. Greenbelts Adjacent to Ridges, Bulkheads and/or Manmade Edges - When the edge of an area adjacent to a natural drainage way or navigable waterway is not subject to periodic inundation and does not fall within the jurisdiction of the state or federal agencies noted above due to a ridgeline, bulk heading, filling or other manmade alteration of the edge of the drainage way, or is the edge of a marina basin, such edge shall be required to preserve any existing vegetation within an area fifteen (15) feet in depth from the water's edge or any built edge adjacent to the water except for one fifteen (15) foot access way to the water's edge every 150' or major fraction thereof. In addition, if such a greenbelt does not currently exist on a previously developed site, a fifteen (15) foot greenbelt meeting the requirements of the greenbelt provisions of Article 9 Landscaping Provisions shall be required to be installed in conjunction with the issuance of any development permits on the development site.

The staff wanted the owner to either provide maintenance of the natural vegetation to remain or to provide a 15' greenbelt requirement in the front of the lot.

Mr. Thomas asked about information regarding the pictures he presented at the last meeting about the amount of fill placed on a construction site. Ms. Kidd asked Mr. Thomas to come into the office to discuss if the site met the code. It was decided there should be a clarification on that section. Mr. Thomas said the net result was filling of the entire lot 12-24" which would impact the rear and adjacent neighbors. Ms. Kidd said she had looked at the picture and it was an issue for review on the CLURO changes for clarity. Part of the issue was the sloping of the land. Mr. Thomas said the setbacks needed to be increased. Ms. Kidd said the intent was no fill in the side yard setbacks. Mr. Thomas said he had discussed the site with Mr. Brown before the driveway was poured and was told it was legal. Ms. Kidd said there were different interpretations of the language and suggested the language be reviewed. Mr. Blache said the board should keep in mind the original intent. Mr. Thomas said the footprint of house was 2' and the driveway sloped but not the side and front yard. Ms. Kidd said the slope brought it out 6' and it depended on how close the house was to property line. Ms. Kidd said Mr. Brown was relying on the City Engineer for review. She suggested holding a work session on this issue. Mr. Thomas asked if this should be addressed with Mr. Lauer or the City Engineer. Ms. Kidd said the board should discuss the issue so everyone understood the interpretation or if there was a need for an amendment.

Mr. Thomas also asked about the Our Lady of the Lake ISO containers with permanent roofs. Ms. Kidd said that had not been addressed. The Our Lady of the Lake case was scheduled in the Appeals Court on Halloween and the City would not address any issues until after the case was concluded.

Mr. Thomas asked about the Crovetto site. Ms. Kidd had met with the City Attorney and they were starting the detailed review of all the sites so action could be taken care of comprehensively.

Mr. Thomas asked about the Speedy Oil Change closing. Over the weekend it appeared to have become a used car lot. Ms. Kidd said there was one tenant who was placing cars on other properties and had been notified.

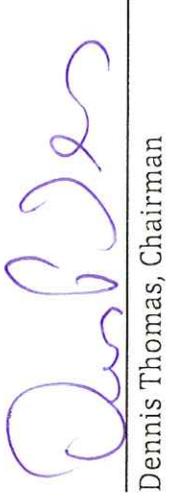
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Ms. Kidd reminded the board of the October 16th and October 30th Community meeting for CLURO amendments with Mr. Lauer facilitating the meetings.



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


Lori Spranley, Secretary


Dennis Thomas, Chairman



