

**Planning Commission
Public Hearing
October 22, 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, Rebecca Bush, Scott Quillin, and Michael Blache

Absent: None

Also present: Louise K Kidd, Planning Director, Mayor Donald Villere and Maggie Gleason, Landscape Inspector

The first 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 for a waiver of a condition on the subdivision plat of the Old Mandeville Woods Subdivision. When the property was subdivided, one of the requirements was that the property would include a 10' side yard setback on each side of the property that would be a No Cut zone. Additionally, the subdivision when annexed into the City contained the inclusion of a 50' conservation easement on both the front and rear of the property. There was a buildable area inside of those easements. The setbacks were to be in their natural state and were part of the green space requirement of the subdivision. Mr. Adams said this was for habitat and wildlife. Ms. Kidd said the plat included the 10' setbacks on each side which was an increase of 5' above the City requirement. The covenants were enforceable by the subdivision. There was an Architectural Control Committee for the subdivision. The City was addressing the provision of the No Cut in the setback area on the plat. The typical lot layout was included on the subdivision plat. The building pad area was brought up at the last meeting, but it was not a condition of the plat. There was room for the footprint in the buildable area to stay out of the conservation easement and meet the setback requirements.

Ms. Kidd understood when that the applicants purchased the property they did not understand the No Cut requirement on the side yard setbacks. A driveway was included in the 10' area under the original plat. There was a revised plan relocating the driveway 12' outside of the 10' No Cut, but the design included a side load garage. They were proposing to encroach 324 square feet into the No Cut Area and would compensate for that area to the rear of the house outside of the Conservation Easement. Additionally, the board requested the tree location for removal. There were areas that were not completely natural. Ms. Gleason had been working to address these issues on those sites.

Mr. Thomas asked if the building footprint was not enforceable. Ms. Kidd said it was shown as a typical lot layout. That was not an issue addressed through permitting. The City was concerned that the construction not encroach into the setbacks or the front and rear conservation easements.

Mr. Blache asked when the City accepted the annexation and subdivision plat, was it accepted subject to the existing covenants. Ms. Kidd said the City did not address the covenants and they could be amended at will by the subdivision. The conservation easements were included and counted toward the 5% open space requirement as a condition of the plat. The side yard was also a condition of the plat. There had been areas that were cut, but there was replacement. Mr. Blache said the City requirement under the plat was to maintain the 10' side yard setbacks and the board must decide if that encroachment was acceptable. Ms. Kidd said the

request was not a variance, but a waiver of the subdivision regulations condition of the approved plat.

Mr. Clark asked if the board was overstepping the deed restrictions. Mr. Adams said that was a civil matter. Mr. Blache said the subdivision plat was accepted subject to specific rules. Ms. Kidd said on the approved plat the setbacks were outlined as well as the conservation easement. The conservation easements were to remain natural and no improvements allowed. To the front of the property was allowed a 12' driveway cut. Mr. Adams said the 3,000 square foot restriction on the first floor of the building was not a condition of the board approval. Ms. Kidd said there was nothing in the approved subdivision case that addressed that issue. Mr. Quillin asked for a clarification since the covenant specified a 15' driveway. Mr. Blache said the driveway could be no more than 15'. Ms. Kidd said there were discrepancies. The plat also conflicted with the statement of the City requirement of 15' side yard setbacks with a minimum of 5' on one side. The case summary discussed the plat proposal of a 10' minimum with a No Cut on either side.

Ms. Gleason stated there was a list of properties out of compliance for the conservation easement. There were 11-12 properties that were notified by letter. As the property owners were contacting the office, the staff was finding out that the real estate agents were stating there was no Homeowners Association and no covenants. Mr. Adams said there was information on the plat and there was a recorded covenant. The conservation easement was a part of the board approval. Ms. Kidd said the requirement of any subdivision was a 5% open space. Ms. Gleason said the property owners were notified and she was working with them during planting season for replanting. There were several homes currently under construction. Ms. Kidd said more of the properties as permitted were compliant. The initial homeowners maintained the requirement and the problem came with the re-sales. Unless the staff was notified, we did not always know of the problem. With new property development in the spring and reviewing the subdivision, the problem became apparent. Mr. Adams said if planted, the owners would be in keeping with the intent and Ms. Gleason was working on that. He asked if everyone that was out of compliance had been or was being notified and Ms. Gleason answered yes. Mr. Clark asked if the real estate agents had been told by the City not to give misleading information. Ms. Gleason said with the three people she had spoken with, they had been told. Mr. Clark said it was not the City or board's responsibility that the owners were misinformed and asked that the agents be put on record. Ms. Kidd said there was one property with an encroachment into the setback. Most non-compliance was removal of vegetation. Ms. Gleason said 1810 Old Mandeville Lane had a property line encroachment of 2', but was made up on the other side of the property. This house was built in 2006 with an 8' and 12' easement. Mr. Adams asked if this property had appeared before the board and the answer was no. Ms. Bush said if allowed by the homeowners association, it was still out of compliance in the covenants and they must seek approval by the City. There was a process for variances within the covenants. Ms. Kidd said 1840 Old Mandeville Lane had an encroachment. Ms. Gleason said concrete and a fence was new so it was installed after the certificate of occupancy. He was sent a notice of violation. Ms. Kidd said the board had asked about compliance issues so they were presenting that report.

Mr. Adams asked if the waiver was not granted the plans would need to be redesigned to meet the restrictions. Mr. Thomas asked Ms. Gleason what would happen if the owner did not comply. Ms. Kidd said a citation would be issued for Mayor's Court. There could be a fine, compliance or dismissal. Mr. Clark asked about approval of the architectural plans under the covenants, and did that happen and if not why? Ms. Kidd said she did not know. Mr. Adams said if the architectural

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committee no longer existed after half of the lots were sold, the City would take on the function. Mr. Clark said it was not given to the City.

Tom Huval, attorney for the applicant, said the Pratt's were the only homeowners trying to follow the rules involving a small part of the lot. The side entrance of the garage did encroach into the No Cut area. The plan was previously revised to reduce the encroachment to 266 square feet. The house was already designed and the home financing was in place. The designer said redesigning the plan would be a substantial undertaking and costly. He looked at the lots in the neighborhood relative to the no clear issue. It appeared that very few lots respected the no clear area on the side up to the lot line. They were asking for a point 40' from the roadway for a distance of 36'. This would still leave 3' from the edge of the driveway and property line and the Pratt's were willing to mitigate that area with planting and be consistent with the conservation easement. The Pratt's asked for consideration of an opportunity to build their home. Given what had happened in the subdivision and realizing it was a civil matter; it appeared to have been abandoned by what had happened.

Mr. Adams said this was a waiver and not a variance, but close to the same thing. The board was prohibited from granting variances for financial consideration. It appeared there was some misinformation and misunderstanding of what should be allowed. If the first change had come before the board, he did not think it would have been granted and it would have established a pattern. But, that was not what happened. There may be a remedy, but it appeared at this time to be a civil matter. Mr. Huval said the Pratt's needed the board's permission for the issuance of a building permit. Mr. Clark asked what if the architectural committee ruled against the request. Mr. Huval felt with what had happened in the neighborhood, it should not apply. Mr. Clark said the covenants state "will" submit two sets or architectural plans and why was it not done? Mr. Huval said it was submitted and the issue was deferred to the Planning Commission. Mr. Clark felt that the covenants were more "bush and bunny" rather than being about style. Mr. Adams asked what was the procedure for changing the covenants. Mr. Huval said that would depend upon the covenants and he did not know. Mr. Blache said the board was still following the idea that it was the City regulations. Mr. Adams said the legal homeowners might have purchased their property knowing there would be 20' of forest between houses. Mr. Huval said that was not how it existed. Mr. Adams said it appeared that the staff would be achieving compliance. There were about 10 vacant lots and if the waiver was granted this would apply to all of those lots. These were big lots that could be developed any way. Mr. Huval said every instance should be handled on a case by case basis. Mr. Adams agreed but if there were two vacant lots the same size with the desire for a specific house plan. Mr. Huval said it must be more than that. Mr. Blache said terrain could be a consideration. Mr. Adams said drainage or significant trees could be a consideration. Mr. Huval said he had walked the lot to see if there were any appreciable trees being affected and it did not appear to be the case. Ms. Gleason said there was one significant pine tree with mostly vines as underbrush. Mr. Huval said his clients wanted to be good neighbors, but another lot was cleared the entire length. It did not seem appropriate that others that did not comply should argue that it should be imposed on his client when it was not followed by them. If it was just financial, he would not be making the argument and it would not be appropriate. His clients saw what was done and was requesting a smaller area. Mr. Adams asked if this house was about the same size as existing houses. Ms. Pratt said there was a 2,400 square foot minimum requirement and the proposed house was 2,500 square feet.

Mr. Clark said remediation in modern terms of 50 square feet was remediated at 100 square feet. He asked if the applicant was willing to remediate

greater than what was taken out. He thought when reading the covenants; it was about habitat not decorating trees. He asked if granted there was usually a positive outcome in return, which would be greater remediation. Mr. Huval said his clients were open to mitigation. He had discussed the issue with Ron Stoessel before the last meeting who suggested by extending the easement to the rear by 4' he could support that. When he appeared at the work session and Ms. Moore spoken against the proposal, he was surprised since one of the architectural committee had suggested it. Mr. Adams said by mitigation the Pratt's were changing to a side entry so a big door would not be facing the street, which was a positive design feature. Mr. Blache said he was concerned with enforcement of a poured slab and by allowing this request, would the board be allowing the neighboring slab to remain? Mr. Huval said the intent was not to raise an issue for violations since those homeowners could come before the board and request a waiver. Mr. Blache said the board was not trying to create a larger problem. Mr. Huval said it was an attractive subdivision as is. Mr. Blache asked who would lead the charge to enforcement. Ms. Kidd said Ms. Gleason was working on enforcement for landscaping and Mr. Brown would work on enforcement of the concrete pad.

Mayor Villere said in late spring there was an applicant who met with him and the staff about their construction and the easement. The City was firm on their position and the homeowner redesigned to move the driveway. This began the review of the subdivision and movement for enforcement. The staff was still in the process of reviewing the exceptions to the covenants and finding a middle ground. The City was ready to move forward on enforcement of the conservation easement and covenants. Ms. Kidd said the developer recognized the inconsistencies and the need to amend the plat. Mr. Adams said the developer was trying to protect the property and thought the City would enforce her vision more than St. Tammany Parish. If the area between the houses was removed, the vision was changed.

Julie Vignes, 1815 Old Mandeville Lane, adjacent to the property, said she objected to the approval to the waiver since it was contrary to the conservation easements. The covenant stated it was to provide for preservation of values in the community with the preservation of wildlife. There was no Homeowners Association. The covenant stated at a certain point the City, through its waiver process, would enforce it through their ordinances. There was an architectural committee that enforced the covenants. It was provided with her legal documents at closing. The covenant spoke to a wooded environment and not architectural style. It was important to her that while true some neighbors had maintained the front and side perimeters better than others, there was evidence of the staff's work was with areas being replanted. Her point was that it was important and the purpose of the neighborhood was to establish a wooded perimeter, but there was a remedy where there was not a concrete driveway. That would not allow for mitigation into compliance. There was much discussion about a side entry garage, and she provided an inventory of similar driveways. Of the 18 houses in place, about 1/3 had front entry garages, and of the 2/3rds with side entry garages with one exception there was compliance by following the layout on the restrictions. It was important to know while some not so wooded areas could remediated, the side entry garages were in compliance. The subdivision covenants stated that architectural committee variances should be considered on a case by case basis and not be deemed to set any precedents for future decisions. It would be discouraging for the reason why the subdivision was developed and annexed into the City that a violation of the subdivision covenants and the City ordinance would set precedence for non-compliance. The request for a waiver had not demonstrated an unusual and practical difficulty or unnecessary hardship. Granting a waiver would have an unnecessary hardship on adjoining property owners by eliminating the buffers. She

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requested denial of the waiver. The intent was for a perimeter forest around individual dwellings.

Mr. Adams explained the board had certain prerogatives that could be dealt with. The subdivision process was assigned under state law to the Planning Commission. Ms. Kidd clarified that enforcement has not started with this case. There was a recognition since the spring/summer. Ms. Pratt said the real estate agents should make the prospective homeowners aware of the covenants. At the end of the day, life was too short and they would probably list the lot for sale the next day. She said Mr. Brown had told them that he could not say the front load garage would be acceptable without a submittal and if they had been told that they could have moved forward with that change it would have been done and they could have been under construction.

Ms. Bush asked for an explanation of a waiver and a variance. Ms. Kidd presented that a waiver was a condition of plat approval; variances were for hardships and site development regulations. Ms. Bush asked about precedence. Ms. Kidd said no other waivers were requested.

Mr. Blache moved to deny the waiver request for side buffer areas for the project, no second to the motion. Mr. Quillin moved to approve the waiver with the conditions of remediation including minimum double square footage to the rear yard, seconded by Ms. Bush. Mr. Clark said he felt sorry for the homeowner since there was a lack of control. Mr. Blache said he agreed and his concern was where to go from here.

Londi Moore, 1623 Lakeshore Drive, said there were mistruths stated at this meeting. There was a signed document received by the homeowner of receipt of the covenants and restrictions. In speaking with Mr. Stoessel, the email required approval of the neighbors. It happened that the neighbors had the most dense forest around that house. She had requested a copy of the building plans and was told she would be provided a copy to sign. In September, she mailed a letter to the Pratts and to all realtors involved that by creating half acre lots with the established setbacks that the request would not be approved. The notion that the subdivision was not being maintained was because the subdivision had remained dormant for three years. When it became active about a year ago, she met with the staff and the Mayor about enforcement. The homeowners waited until the house was built to do clearing. She had received several telephone calls from the neighbors asking for enforcement. Andy McDonald, the designer, had designed about 12 of the existing houses with two under construction. He knew the requirements. There had never been a question about allowing the clearing. The two houses out of compliance moved forward with the clearing anyway.

Mr. Adams asked when did the composition of the Architectural Committee change. Ms. Moore said there had been discussions about changes and papers were being drawn up. Mr. Adams said the rules of procedure allowed for discussion after the motion. Mr. Thomas asked if this did not set a precedent since it was a waiver. Ms. Kidd said the board had not granted any previous waivers and the one house in violation did construction without a permit. The covenants also have a restriction. Mr. Clark asked where were the covenants for enforcement. Mr. Adams said that was not the City authority. Mr. Quillin called the question. The board was in favor of calling the question.

The vote was taken and passed 4-3 with Messrs. Blache, Adams, and Thomas voting against.

It was decided to defer adoption the minutes to the next meeting.

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



Lori Spranley, Secretary



Dennis Thomas, Chairman

**Zoning Commission
Public Hearing
October 22, 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, Rebecca Bush, Scott Quillin, and Michael Blache

Absent: None

Also present: Louissette Kidd, Planning Director, Mayor Donald Villere and Maggie Gleason, Landscape Inspector

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 Z13-10-05 Richard James requests a zoning permit to Section 7.6.1.4(3), Drainage Overlay Site Development Regulations, square 5, 1605 Lakeshore Drive, zoned R-1.

Ms. Kidd presented for the approval of a development permit following a zoning permit. Little Bayou Castine was located to the east of the property. The zoning permit was to the Drainage Overlay District Site Development Regulations. There was a house located on the property that was destroyed and demolished during Hurricane Katrina. There was a proposal for the construction of a single family residence. The property was located in an area of Periodic Inundation which was categorized as being under 5' msl. Little Bayou Castine was a natural drainageway and the entire lot was below 5' msl. No development within an area of Periodic Inundation could be granted without a development permit.

It was stated that the purpose of the Drainage Overlay District was to provide for the maintenance of existing natural drainage areas in a naturalistic state while protecting the public health, safety and welfare in order to provide for areas (1) to accommodate the spread of stormwaters during high water conditions, (2) to preserve the natural beauty and character of the community, (3) to provide natural habitat for native vegetation and for the preservation of wildlife in linear corridors which provide linkage between open space habitat parcels, and (4) to retain and filter storm water as it flows to the lake in order to reduce the effects of run-off pollutants on the lake. There were areas along the bayou in their natural state. This property was previously developed so there was no longer that naturalistic quality of the property. Looking at the site plan there was an outline of the existing driveway pad and the former footprint of the structure. There would be a double driveway accessing the property. The area along the edge was the existing bulkhead.

Lynn Mitchell, architect for the owner, said moving west on the property was a natural state. The approval of DEQ was for that area. the property extended to Claiborne Street.

Ms. Kidd said there were some trees along the edge to be preserved. It was located in a Velocity zone for the flood map for the front of the property moving to an AE zone where the house would be constructed. This was located in the Historic District requiring a Certificate of Appropriateness. The recommendation of the Design Review committee was a single load driveway and to further review with Commission who also agreed to the reduction to a single load driveway. The Zoning Permit process reviewed no adverse impact on adjacent properties and Development Permit allowed a secondary review. The zoning was R-1 and assumed that the use was correct. The idea was to have as small an impact on the property as possible. If this was an undeveloped lot in pristine condition, there were would be a

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request to snake the development on the property. Mr. Blache asked if the driveway would be concrete. Ms. Kidd said there was no objection to the concrete. Mr. Adams said the driveway would be under the purview of this board.

Ms. Kidd said in situations where buildable area was insufficient for construction; the building could be constructed to area out of Periodic Inundation. In this case, the driveway would be going beyond the previous footprint of the house. The driveway would be concreted to the front of the house and then naturalistic past that.

Mr. Mitchell said the house was demolished after Hurricane Katrina. The owners knew it was a lot area that flooded for a long time and the new property owners were aware of the situation. The flooding was almost exclusively from the lake backing up. The Corps of Engineers had approved the land stating it was a State problem that had approved. Owner would install additional riprap from the breaking up of the existing driveway. It was suggested not to have a loop driveway, but he felt it was a safety aspect with the location of the bridge and the narrowness of the street. Mr. Quillin asked the size of the lot and answered 41,000 square feet. The house footprint was 10% of the lot. The rear of the lot would remain undeveloped and natural. Mr. Quillin said access to the side of the house did not seem to have a problem. Mr. Mitchell said on the side there was a cantilever to make one side just shy of the setback. Mr. Thomas said where cantilevered to the edge of the riprap could an excavator get past that area as needed. Mr. Mitchell felt it would be accessible. The owner would be responsible for cleaning up the embankment. The driveway would be 10'. Mr. Adams asked if fill would be allowed. Mr. Mitchell said there would be 2' of retained fill under the building with pilings.

Mr. Quillin moved to approve the zoning permit, seconded by Ms. Bush. Mr. Thomas asked for a friendly amendment as a single driveway and the amendment was not accepted. Mr. Thomas moved to amend the motion for one driveway and not a loop driveway. Mr. Clark asked for it to be pervious and not concrete. The motion was seconded by Mr. Adams. The amendment was not approved 3-4 with Messrs. Quillin, Fairley, Blache and Ms. Bush against. The original motion passed 7-0.

It was decided to defer adoption the minutes to the next meeting.

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



Lori Spranley, Secretary



Nixon Adams, Chairman

**Zoning Commission
Work Session
October 22, 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, Rebecca Bush, Scott Quillin, and Michael Blache

Absent: None

Also present: Louise Kild, Planning Director, Mayor Donald Villere and Maggie Gleason, Landscape Inspector

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 first case discussed was Z13-10-04 Recommendation to the City Council regarding Ordinance 13-28 changing the zoning of certain immovable property situation in Section 38, T7S, R11E, Greensburg District, St. Tammany Parish, Louisiana containing approximately 0.87 acres to a Planned Combined Use District (PCUD) and provided for other matters in connection therewith

Ms. Kidd presented the location was a vacant lot at 1405 W. Causeway Approach which was currently zoned R-1 and was proposed to be rezoned to PCUD and was owned by Marla Garvey. The request was a recommendation on Ordinance 13-28 to rezone .087 acres. The property was adjacent to Mary, Queen of Peace and several residences in the Fontainebleau Subdivision. The property was annexed under Ordinance 92-21 as part of the Fontainebleau Subdivision as an R-1 zoning. In 1992 the property was identified as commercial on the plat, but the development of the Fontainebleau Subdivision took place prior to Annexation Growth Plan. St. Tammany Parish had agreed to the annexation provided the development followed the subdivision process in the Parish as well as they issued the initial home permits through an Intergovernmental Agreement. The parcel fronted West Causeway Approach and was noted as commercial on the plat, but was lost in the overall boundary description and not separated out. It was intended to be commercial. There was no connection to interior lots. Through the years, the parcel was not developed, but there were different inquiries to the zoning and the City identified the property as B-2.

Mr. Adams said if there were other property yards on West Causeway Approach? The answer was yes, several houses faced Rue Chantilly. The first lots were the subdivision entrance. Mr. Quillin said on the northwest side of the road there were three houses. The subdivision sign was located in the street right-of-way.

Ms. Kidd said the City had identified the property on the zoning map as commercial. In 1995, the Garveys purchased the property and the zoning map at the time reflected B-2 and they were told it was a commercial zoning. Working with consultants through an AutoCAD system and the plat referencing a commercial zoning, the staff did not go back to the source document. Over the past several years converting to GIS, it was discovered there were errors on the map. There was a working map and an interested developer inquired about the property. Looking at the map, it was not color coded and was white. Upon checking the source document, it was blank because the zoning was a question. The staff contacted Bill Jones as the Garvey representative and told him the results on the review. After the

Fontainebleau Subdivision was annexed, the properties along West causeway were not annexed and over time many have been annexed.

Mr. Jones had previously worked with the City and collected input from residents, commission and staff to identify the property as PCUD. The ordinance addressed uses in the B-2, B-1 and O/R districts and culled out some of the uses. Mr. Jones suggested using that ordinance with uses as previously adopted. In the meantime, there had been meeting with Fontainebleau residents and representatives for review of the land uses and there were suggestions and requests on the uses.

Bill Jones representing Marla Garvey said Ms. Kidd had recounted the history from 1992's annexation and the map indicated it as a commercial zoning. The text of the ordinance encompassed this piece as R-1. The map was attached to the ordinance as was a survey which indicated the property as commercial. Originally as records were provided, there was some type of a PUD but R-1 was unknown. The record was clear that as the text was described in the ordinance; the survey indicated the property was commercial. Fast forward to 1995 and the Garveys purchased the property and the purchase agreement was either a C-2 or B-2 zoning designation. The determination as made that it was in the City and a B-2 zoning according to the official zoning map of the City. In 2003, Ms. Kidd indicated there were annexations with a C-2 Parish zoning and through many discussions a PCUD designation was agreed upon and approved. At that time, Mr. Jones requested the zoning designation of other properties through a zoning map and this piece indicated a zoning of B-2. Mr. Garvey died and a property appraisal was obtained with a zoning map designation of B-2. Earlier this year, there was a buyer for the property with an end user. During the due diligence process, the purchaser in discussions on another matter discovered the property was white on the working zoning map. Ms. Kidd called Mr. Jones who proceeded to investigate and requested documents from the City to conclude that based on the most current maps it showed no zoning. There was a question if there was a provision in the CLURO, was there a method for determining zoning, and there was a provision.

Mr. Adams said the City Council voted on a map that was included in the CLURO. After that any zoning changes were adopted by ordinance. Mr. Blache said there should be a legal description in addition to the map. Ms. Kidd said the City Attorney would address that issue. Mr. Jones said there must be some reference document and reliance on the zoning map. There were ambiguities on how this zoning started. The Garveys acquired the property in 1995 and 20 days prior there was an annexation and a map attached showing this property as commercial. His position was that it was B-2; however, they had annexed property as PCUD that was acceptable based on discussions over three months discussing the uses. The solution should be a PCUD zoning removing non-acceptable uses and move forward.

Mr. Blache asked when the property was in the Parish, was it zoned C-2 and answered yes. Ms. Kidd said the entire perimeter boundary was included. Mr. Jones said now there were several properties that were not part of this annexation. The property was only accessible from West Causeway Approach and was not part of the Fontainebleau Subdivision. Mr. Quillin asked whether the description or drawing had precedence. Mr. Adams said generally it was the map. Ms. Kidd said the zoning map in 2003 had the property shown as R-1. Mr. Quillin asked if the document with the legal description would override the map. Ms. Kidd said she would ask the City Attorney, but typically it was the ordinance. If it was the map that ruled, the case would not be before the board. If it was in accordance with the ordinance legal description, the zoning was R-1.

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Mr. Jones said it would be arbitrary and capricious to zone it as R-1. He did not think the R-1 zoning would hold up in court. There was no perfect chain to show the R-1 zoning. The zoning might be totally improper moving from PUD to and R-1. There was a large Kelly McHugh map indicating the piece to be commercial. The description in the ordinance was based on the map indicating commercial. Tracing it out, the description included this property. The minutes indicated to include the map. In reviewing some of the sales of the West Causeway lots around this piece, the surveyors indicated it as commercial. Looking at the whole fabric, there was a question of the zoning. It can't be R-1, but there was a need for reasonable zoning. The CLURO provisions are for an official zoning map and since 1995 the map showed this property to be B-2. Ms. Kidd provided a fair analysis and he requested the present official map, which indicated no zoning. The last official map showed it to be B-2, going back to 2011. He thought for those reasons, his position was a B-2 zoning. There was a recent case litigated in the Parish and the zoning map controlled. Ms. Garvey had lost a \$685,000 sale and did not want damages. He wanted to get it straight so not to have the same problem in the future.

Mr. Adams asked about the proposed uses under a PCUD zoning. There could be office buildings, no fast food, no outside lighting, and no heavy automotive or gas pumps. Mr. Jones said discussed the uses this morning with the residents and staff and he was not opposed to tweaking the uses further to give a comfort level to the residents. His client could not be left in limbo and the issue must be resolved. Ms. Kidd said the residents presented additional comments. There were certain uses removed, some uses moved to requiring a zoning permit and some uses moved to requiring a conditional use permit that might have been allowed outright in a B-1 or B-2 zoning district. If those land uses outlined in the ordinance met the criteria for land uses they would be permitted as long as they met the B-2 criteria for parking and landscaping. The ordinance limited the uses and how to permit them. Mr. Jones said he heard it argued on the size of the property this should be treated differently. He did not agree with the appropriateness of that argument. A smaller tract meant a smaller building with the same site development criteria. People were acting in good faith and everyone was concerned with a wooded area that was like a park, but it was a commercial property. Ms. Bush asked Mr. Jones what type of development had been proposed and he answered it would have been an office building. Mr. Jones said Ms. Garvey said a use would have to be unusual for her to agree to sell. Ms. Garvey owned numerous properties and liked to retain her property. She was offered a good price for an office building and accepted the proposal. She wanted to know what she could do with her property and it should be reasonable.

Glen Villalobos, 1081 Rue Chinon, speaking on behalf of Board of Directors, asked whose direction was it to help preserve the quality of life and property values. The homeowners advocate for issues that affect property values. They became aware of the issue when they were invited to a meeting to lay out the proposed development and was supportive of the development for the property. They were comfortable with the ordinance and that it would not be intrusive or inappropriate. He was disappointed to find out that the deal fell through. Now the zoning was proposed to be a PCUD and they were alarmed with some of the uses on the list that was permitted by right. They had submitted a recently edited list. As discussed today with Mr. Jones, they agreed that there were some uses to be eliminated and Mr. Jones was in agreement. Some could be converted to a zoning permit requirement. It was not appropriate for a number of uses. They will meet further with Mr. Jones so approval would be for the best use of the property in proximity to the subdivision. Mr. Blache asked in progression for copies of the correspondence as well. Mr. Villalobos said they understood development and growth would happen. He felt Mandeville had a good governing document in the CLURO.

Janet Smith, 1164 Rue Chinon, board member, added the neighbors were present because of ambiguity. Mr. Jones and they want it clear and clean. They would love it to be a park and be purchased by the City. The property fronted West Causeway Approach which indicated a commercial use, but it was a tiny island wedged between a school, church and residences. It was understandable that the zoning could have been R-1 from the beginning. It could have been a clerical error, but that did not warrant another error in zoning. This was an opportunity to designate the most appropriate zoning from the owner and the neighbors. The other Garvey property was zoned PCUD, but it was different by being on the other side of the entrance where commercial was located. The neighbors were excited about the office building, which would have been a perfect use. They wanted reasonable restrictions which were not afforded in the B-2 zoning. There were some uses that were more of a concern than others. Some of those uses included a coin operated laundry, gas stations, and car washes. They welcomed the opportunity for further discussion.

Amy Coccoia, 1071 Rue Chinon, came to the meeting hoping the church would be attendance. She asked Fr. Ronnie if the church would purchase the property and he said no. She would not give up because that would be perfect for the subdivision if the church owned the property. Mr. Adams said the church caused some restrictions on the property. Ms. Coccoia said she was not giving up yet. She stated they were aware of the property being for sale.

Jerry Coogan, previously was a resident of the Fontainebleau Subdivision, said he did see an original map from Gary Intravia. It might have been zoned R-1 because there was a double entrance from West Causeway and might have been a residential lot for development. Ms. Kidd said the conceptual development was through the Parish and the City did not have a copy of the plans.

Ms. Bush asked if the Church would purchase the lot and it became parking, and would that accomplish the goal. Mr. Villalobos said he was comfortable with the setbacks the City had for green space requirement. There would be enough insulation with parking. This would be less intrusive than the construction process. He requested a map with the live oak trees for the next meeting.

Gay Giroir, 999 Rue Chantilly, said most of her rear yard was adjacent to the property. She was concerned between a school and this property with a glass showing the rear part of the property, a two story building would have everyone looking into her house. She requested it be restricted to a one story structure. She suggested a daycare center that closed early. A two story building would decrease her property values.

David Ellis, Rue Chinon resident and City Council Member, said he heard Mr. Jones and understood his comments, but there was some confusion. He would like to see more information and an amicable result. He thought the most amicable zoning would be an O/R zoning designation. He appreciated the discussions of reducing some of the uses.

Mr. Quillin said it was an island on its own. It was also spot zoning which meant there should be tight transitions. Mr. Clark said B-2 zoning could allow pole dancing next to the church. Mr. Adams said there were many discussions in the past along West Causeway Approach that neither the B-1 nor R-1 zoning was appropriate. The board said stated in the past that heavy commercial uses were not appropriate because of the impact on the neighborhood. It would be a special use based on the size of the property. A two story building would be allowable. If the use required a zoning permit there could be restrictions of windows facing in a

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certain direction. Mr. Quillin said if there was an R-1 the board could not restrict the placement of windows. Mr. Thomas said any use would be a conjecture. Mr. Adams said a house could be two stories as well. Mr. Clark said the recommendation of the board was to protect the neighbor.

Mr. Jones said he would meet with the neighbors and he would confer with his owner prior to the next meeting.

The next case discussed was V13-11-20 St. Tammany Parish School Board/Mandeville High School requests a variance to Section 8.1.3, Supplemental Fence and Wall Regulations, #1 Skipper Drive, zoned I.

Ms. Kidd presented a variance request for Mandeville High School for a fence height of 6' from the 4' allowable in a side yard. The request was to place a portion of the new 6' corrugated metal fence in the outfield of the softball fence in the side yard setback. The Softball Booster Club had received permit to construct the fence; however, they confused the 15' setback as being from the edge of the roadway instead of the property line. When constructed, they aligned with the baseball fence thinking it was in compliance. There was a variance granted for the baseball fence to encroach into the side yard setback. Mr. Adams said the baseball variance required an entire screening around the fence.

There was an existing chain-link fence along Skipper Drive and the plan indicated the new portion of the softball fence was located in the 15' side yard setback. The variance was to allow a portion of the fence to encroach into the side yard setback. The height was required to be 4' under code. One of the concerns was about safety with a 4' fence not being high enough under safety regulations. There was a letter dated October 10th from Principal Bundy expressing the need for the fence. If the school reduced the size of the softball field to accommodate the 15' setback, it would not meet the size requirements. The 4' safety problem was having player's hyperextending their torso at the 4' height. Mandeville High School would provide outside landscaping for screening. Several neighbors had complained about the fence and they were present for discussion.

Mr. Adams said in working at Pelican Park, a 4' fence was not allowed because someone could flip over the top. In the neighborhood there should be heavy buffering. Mr. Quillin asked about the 4' fence in a residential area. Ms. Kidd said the street side yard setback could have no obstruction greater than 4'. Skipper Street was the side yard. The front yard was considered West Causeway Approach. Mr. Clark said it was a baseball fence and not decorative. Mr. Adams said there was a chain-link fence that did not seem to be needed. Mr. Bundy agreed to remove the chain-link fence and would agree to whatever landscaping was required

Will Mancuso, 209 Skipper Drive, lived directly across the street. He was in opposition to the fence. It was an industrial look, and outside of the character of the neighborhood. It was a sheet metal fence along a street that ran across three lots. The CLURO was clear with regard to this issue. The fence was not level and a poor example of construction. This was the type of construction the board was not allowing along residential streets. It was an Institutional use, but the defining line was Skipper Drive. There was an adjoining nature of two separate uses. There should be some sanctity on hope the two coincide with each other. Mandeville High dealt with this before on the baseball field. The permit appeared to be applied for in bad faith. The permit should not have been permitted on its face. He said the board was charged with maintaining the rules and it was clearly outside of the realm of reasonable uses for a fence. Even though the permit was issued, they must build inside the law. He felt it was to preempt the law. If they don't want to take down

the fence, then ask for a variance. If the governmental agency had reviewed the request correctly, the variance could have been avoided. The school did not post the permit. The fence was built on a Sunday. He researched this with the CLURO and then filed a complaint. There was no demonstrated hardship for a variance.

Mr. Adams asked if it was about visual blight and Mr. Mancuso was in agreement. However, any kind of fence was not good to look at all the time and the answer was to get a lot of buffering. Mr. Mancuso agreed. He had called the school, and was dismissed with a statement that the school would go to Lowe's and plant some potted plants. He wanted equal measure of the law. Mandeville High should receive no special favors, no exemptions, and must follow the law. Mr. Mancuso did not want to set a precedent and felt the permit request was submitted in bad faith to circumvent the law. His request was to require the school to remove the fence and replace it with a compliance fence, and he was agreeable to a 6' chain-link fence. He quoted a CLURO section that applied to decorative fencing. The board agreed it was not decorative. Mr. Mancuso said could another type of fence be approved by the Planning Director. The board agreed it was not a chain-link fence. The neighbors were agreeable to a variance for a chain link fence. Mr. Adams said speaking for himself, he asked if Mr. Mancuso would be more agreeable to a 6' chain-link fence and Mr. Mancuso answered yes. Mr. Mancuso was looking for a movement to address some of the issues and the neighbors felt they were dismissed at every turn. Mr. Thomas asked about a comment about the site line, and asked about planting bamboo and in two years you would not see anything. Mr. Mancuso said there was a ditch that was City property. Mr. Adams said it was a narrow area and bamboo could work as a buffer.

Mr. Blache clarified that Mr. Mancuso did not want to see into the field. Mr. Mancuso said he did not want to see into the fence. A 4' fence did not obscure vision and it was not an imposing view of an industrial fence. Mr. Adams said there was a safety problem at 4' and flipping over it. A 5' fence could be allowed under some conditions, but the school could not have a field if it must be a 4' fence. Mr. Mancuso said that did not relieve the responsibility. It was softball field before and that was fine, but what was there was not acceptable, and the way it was put up was not acceptable. Mr. Clark asked if the issue was that it was an ugly fence and Mr. Mancuso agreed. Mr. Clark asked what relief did he want and Mr. Mancuso said a 5-6' chain-link fence. Mr. Clark asked if he thought arms would not be hurt. Mr. Mancuso said he had played ball all his life and there was a toppler to prevent damage. He suggested shortening the fence and install landscape, or remove it. Mr. Adams said a 6' chain-link encroaching was agreeable and Mr. Mancuso said yes. Mr. Clark said it appeared that the relief was to remove the fence, allow a v6' chain-link or remove the top 2'. He said he lived next to a school and the fence was 8'. Mr. Mancuso said the letter of the law was the letter of the law. His point was it was an ugly fence that was illegal. Just because a permit was issued in error did not relieve conformity. Mr. Adams said errors can be corrected.

Mr. Mancuso said the landscape on the baseball field was not a complete screening and was not been maintained. He asked if the board approved the variance, where did he go for relief. Mr. Adams said it was intended to be maintained, but they did not handle enforcement.

Jay Landry, 205 skipper drive, said he felt the way it was handled was inappropriate. The fence was built on a Saturday and Sunday by parents and it was crooked.

Bruce Bundy, principal, said they tried to follow the right process. They thought there was a valid permit and there was the intent was not to circumvent

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any policies. He will adjust any way required. He did not say he would purchase plants from Lowe's and will comply with the regulations by the board. There was a small space between the fence and the ditch and it must be solved how to plant in that area but he was willing to cooperate. He had spoken with Mr. Mancuso, but they could not come to an agreement that would make him happy. He had discussed painting and landscaping and they could not come to an agreement.

Mr. Adams said he had heard that 6' fence chain-link was acceptable, especially with landscaping. Mr. Bundy said they were trying to upgrade the facilities. The boys were allowed the baseball fence and it looked like a great park. He had been told the area looked terrible and they were trying to upgrade the facility and be proud to play in. Obviously there were problems with the neighbors and he was in agreement to do what was required by the board. There was a permit. They thought they needed to follow the line of the baseball field and was then told it must be 15' back. Ms. Kidd said ligustrums were planted. Mr. Bundy said the baseball field was also a parent project. The parents raised the money to construct the fence and improve the facilities for the kids. Mr. Adams asked if there was enough room for a standard baseball field. The national federation field requirement was 200-225' and 185' was not acceptable. Mr. Adams said a 6' fence at 200' met the guidelines and would meet the guidelines being chain-link. Mr. Bundy did not want a chain-link fence. Mr. Adams said Pelican Park had 17 baseball fields and suggested using their fields as necessary. He did not think chain-link was unacceptable. Mr. Bundy said college and pro fields were not chain-link. Other fields were aluminum fencing. Mr. Adams asked if he thought it was attractive and Mr. Bundy felt it could be improved.

Jerry Coogan, 525 Kimberly Ann Drive, said this fence was an upgrade. It would allow for advertising on the inside of the fence for fundraising. He suggested spray painting the outside a green color and then landscape around it. He also said That the baseball field landscaping was installed in 2002 and since that time the area had 10 hurricanes or storms. The landscaping over the years died, and trees had fallen on the field. If a chain-link fence was installed, the neighbors would not see through the fence because of the advertising. Mr. Mancuso said they could have the advertising on the chain-link fence and be good neighbor not to hang it outside along the street.

Mr. Quillin said he would not want a short fence along the ditch and have someone hurt falling over it. He was not sure what the solution was, but he was concerned about the players.

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


Lori Spradley, Secretary


Nixon Adams, Chairman

Planning Commission
Public Hearing
December 10, 2013

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

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

Absent: None

Also present: Louisette Kidd, Planning Director

The adoption of the minutes were deferred with the request to email the minutes to everyone and listing the assigned dates to the board members.

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



Lori Spranley, Secretary



Dennis Thomas, Chairman