

**Planning Commission
Work Session
November 5, 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 and Michael Blache

Absent: Scott Quillin

Also present: Louise Kidd, Planning Director, Mayor Donald Villere, and Council Member Carla Buchholz

It was announced that a special meeting would be held on December 2, 2013 at 6:30 p.m.

Mr. Lauer presented the options and recommendations for the phase 1 amendments. Then he would provide a list of phase 2 amendments.

B-3 edits

- Organization,
- purpose,
- uses,
- site development standards, and
- B-3 criteria

Organization

There was an existing order of the content, use tables and lists to make the provisions easier to follow. It was recommended to shift the B-3 Design Guidelines to a separate document that was incorporated by reference.

The freestanding document would be connected to all drawings and illustrative guide originally prepared in the B-3 plan. Mr. Adams asked if there would be copies at the next meeting. Mr. Lauer said not necessarily; he would meet with the Design Review Committee for changes. Ms. Kidd said the Historic District Preservation Committee was working on guidelines and that will need to be merged as a separate document. Those guidelines could be amended without amending the CLURO. Mr. Blache asked about changing the guidelines without Council approval? Mr. Lauer said the Historic District was a more flexible document. Some communities amend guidelines by resolution rather than by ordinance. Ms. Kidd said the Historic District Preservation Commission had included only for reference and they would amend the language. Mr. Adams said the final order of recommendation would be clear to how much latitude there was for changing guidelines. Mr. Lauer said the board did not expect to have the Historic District standards, but would have for the design guidelines before the board recommendations.

Purpose

The document would be consistent with the public input from the community, dealing with the scale of residential structures, Old Mandeville Historic District, pedestrian orientation and site development flexibility for smaller lots. Mr. Blache said Mr. Clark wanted to keep the height measurement simple. Mr. Adams said it should be consistent with the Comprehensive Plan. Mr. Lauer said it would be consistent with the plan.

Uses

- Authorize on site outdoor dining by right, in the right-of-way by conditional use and standards, and the option of food trucks and carts.
- Rules of outdoor dining could be used in other district, and could be cross referenced. Ms. Kidd suggested including it in Article 8 and Mr. Lauer was in agreement.
- Food trucks and carts – Mr. Adams said this subject needed to be addressed. Mr. Lauer said it should be reviewed citywide, and recommended to discuss it in the phase 2 items. This was a national trend. Mr. Thomas said he did not feel it was a major issue at this time.

Mr. Thomas asked to define outdoor dining by conditional use permit. Mr. Adams said the City Council must approve it. Mr. Lauer said there would be set criteria. Mr. Thomas asked about safety and liability, insurance, keeping the pedestrian area clear and the operator understood the limitations in the district for the hours of operation. Mr. Adams said that was part of a conditional use permit and the board makes a recommendation. Mr. Lauer said outdoor dining on site could be required by zoning permit, but the City Council had approval on the right-of-way.

Site development standards

- This would be formatted as a table.
- With the front yard setbacks there would be the establishment of minimum setback except along Lakeshore Drive. A 15' setback made sense with a provision to allow for greater setbacks for public spaces and courtyards so that it was not set back so far as to need parking in the front of the property.
- Height would be discussed later. It was discussed to establish a height of 35' and refer back to a later section of what were appropriate measurements and exceptions.
- Scale was not discussed, but was raised in the interviews. People thought the site development standards should review options for scale, square footage, building footprint or floor area ratio. Mr. Lauer had not reviewed the existing structures to test what made most sense. So there was no recommendation at this time.
- Allowance of a larger scale along Lakeshore Drive. Mr. Adams said it seemed to be complex. Mr. Lauer said it was important to test the options and determine what worked best. Mr. Clark asked how small without maximums and was that a fair question. What were scales conceivable at the top end? Mr. Adams said it was governed by setbacks, parking and site development, but nothing about visual appearance. Mr. Clark said it could be a new form factor with the FEMA requirements. Mr. Lauer said in consolidating several lots there was a cost efficiency. Mr. Adams said another issue was house raising and height requirement.

Parking and landscaping

Expansion of the detail of the cross references. Mr. Blache said with the green space on the side of the road with utilities, trees should not be planted under power lines and relax that planting requirement. Once trees grow the power companies butcher the trees. Mr. Lauer said it was also about planting the right tree in the right place. Ms. Kidd said that would be reviewed.

Special B-3 District Criteria

- Reference design guidelines and applicability.
- Reformat for usability.
- Cross reference sign standards – options include sign article, design guidelines or B-3 district.
- Include the exemption from the parking mandate if the use triggered the need for 8 or fewer new spaces.
- Sign standards could be included in the sign ordinance or in the guideline documents since the board was discussing historic areas. Want to be able to deviate from the patterns.

Ms. Kidd said it should be contained in the sign regulations in Article 10 and reference it in the B-3 site development regulations. There should be exemptions for businesses that trigger 8 or few new parking spaces. This issue got good support from the focus groups and community workshops. Mr. Blache asked why 8 spaces. Mr. Lauer said that was the breakpoint in the ordinance for pervious parking and the number of spaces that could accommodate on a 60' lot. Mr. Clark said to be clear, if there was a business in the B-3 district along Girod Street that did not need more than 8 spaces they would not be required to provide the spaces on site at all. Mr. Blache said with the exception of two spaces. Ms. Kidd said residential would still require two off street spaces. This requirement was for commercial uses only. Mr. Thomas felt there should be a provision of at least spaces for both residential and commercial. Mr. Clark said an approved variance went with the land. Mr. Adams said a change of use would trigger a change. Ms. Kidd said it remained as long as it was the same land use. Mr. Blache said results of the committee meeting had wanted to have at least two spaces in case the use reverted back to a residential use.

- Allow uses to count all abutting on street parking,
- Apply parking reduction to commercial uses,
- Establish parking reductions as an exception instead of a variance,
- Retain mitigation fund contributions, and
- Discuss graduated payments.

At this time, the board could allow reductions and mitigation in non-residential uses. It was suggested that several categories of uses were distinct and the ordinance distinguished between single and multi-family residential. It was decided to add civic and commercial uses. At this time reductions were granted by variance and it was hard to meet hardship requirements within the ordinance. It was decided to allow it by exception, and retain the mitigation requirement when granted by exception. Mr. Blache asked what was the legal difference between the two. Exemptions were different in the list of criteria, and could be given be granted not subject to a hardship or administratively where Ms. Kidd could modify a parking design and shift the landscaping. The legislative body was allowed to grant exemptions within parameters. Some things would always be granted as a variance. Mr. Lauer said most variances should be denied. Legally the board was saying yes, it should be an exception. Mr. Lauer said the board should place conditions with variances. Mr. Clark said the board was specific about hardship. Mr. Lauer said there should be unique conditions. Mr. Adams said the original intent was a safety valve to protect from takings.

All parking reductions must be treated equally. Mr. Blache asked about the parking mitigation fee. Mr. Lauer said it was a provision for parking spaces on the street or on a lot. Mr. Thomas said it was dedicated to parking for specific uses and

limited to the maintenance of existing lots, purchase of new lots, and making it specific in the B-3 zone. Mr. Lauer said the mitigation fee was providing the capital side and not maintenance. It was a one time capital fee. Maintenance funding was another issue.

Graduated payments for mitigation fees – the board was in support for a fee increased with this suggestion. A number of business peoples said it was hard to get started without having to pay \$1,200 per spaces. Mr. Clark asked what was the size for 8 spaces and Ms. Kidd said 1,600 square feet based on a 1:200 ratio depending on the use. Mr. Clark asked if the fee was applicable outside of the B-3 district. Mr. Lauer said the mitigation fee was typically spent within a reasonable period of time and reasonable area to provide the service. Mr. Lauer said as businesses grow it could become necessary.

Retain the option to provide on street parking, and it should be increased from 300'. Mr. Clark said Mr. Lauer made a compelling case for increasing from 300'. There must be city concurrence to allow the closing in of ditches for parking. Mr. Clark said by expanding the radius it could happen less often. Mr. Lauer said it could open opportunities for suitable locations.

Outdoor display – eliminate the reference to the Community Appearance Commission, allow the display of goods during business hours, and allow the display of unique items intended for outdoor use. The question was whether the height of items in the front yard should be limited. Mr. Adams asked to eliminate that throughout the entire CLURO and Mr. Lauer said that was his intent. Items for outdoor use must be unique. Someone may line up 100 of the same statue and was less eclectic and it was suggested looking at unique items. Mr. Clark suggested the limiting of the fence height. Mr. Lauer said people liked the tall gorilla. The board asked for a recommendation.

Use definitions

- Define sit down restaurants to include outdoor seating.
 - Define special events centers.
 - Catering was a primary and accessory use.
- The definition was now lumped with recreational facilities

Height – applies to all districts

- Measured from the highest point in the street in front of the lot to the midpoint between the highest ridge and eve,
- Deck of a mansard roof,
- Highest point of coping for a flat roof,
- Highest point of the parapet,
- Distinguish between different roof types. Pitch roofs were more compatible in Old Mandeville.
- Need to clean up language.

Height exceptions

Ridgelines and architectural features that can't be occupied shall not exceed 50' above the highest point in the street. Some houses in the in Sanctuary were 60'. Mr. Lauer suggested to consider relaxing that restriction for certain areas. Mr. Clark said simplicity was appealing. The question of height was in absolute terms. Mr.

Adams said it was scale also. There was not a way to stop flat roofs. Mr.

Thomas said the Historic District regulations made it a moot issue. Mr. Lauer said Barley Oaks with 50' in height, and he asked would that be appropriate boxed up as a square. It would be out of scale for the site. Mr. Thomas said it was located on a corner and there was a 50' lot next to it for sale. If there were smaller houses beside it, there it would look out of place. Mr. Lauer said Lakeshore Drive had a different scale. Mr. Thomas a few blocks off in the middle of the block would be a different perspective. Mr. Lauer said on smaller lots there would be design issues. Mr. Blache asked were there suggestions and he would like to see them. Mr. Lauer said he was contemplating it, but wanted to test it against existing structures. He was working with the consulting architects, and they felt strongly to encourage pitch roofs versus flat roofs especially with the elevations. Elevations created height issues. Mr. Clark wanted a simple number not exceeding a height, Mr. Adams did not agree, Mr. Blache said in terms of style, he would like a simpler way to calculate the height. Mr. Adams encouraged a pitch roof and have a maximum. Mr. Clark encouraged a pitch roof with the amount of rain received in a year. Mr. Lauer said the intent was to create form and function.

If a pitch was great than 7:12, then the height may be increased to 40' above the highest point in the street. A steeper pitch was a nicer looking building, but it increased the height of the building.

Existing structures elevated to comply with FEMA requirements. This would be exempt. Mr. Adams asked about elevating accessory structures to fit in with the main building. Mr. Lauer would make a recommendation.

Chimneys and vents not exceeding minimum height to comply with building codes. Should be exempt.

Telecommunications Towers

Mr. Thomas asked about cupolas being 10' in height with a widows walk that was ornamental. Mr. Adams said a widows walk was occupiable. Mr. Lauer said architectural features like cupolas would be capped at 50'. A widows walk could be accessible but without any interior space would the board want to allow it. Mr. Blache said if you could not access it was the defining language. Mr. Thomas said they had discussed the bell tower at the Old Rail. Mr. Blache said there was not entrance or exit. Mr. Adam said the bell tower was occupiable for service. Mr. Lauer said a widows walk was to walk on it but a railing under 50' was not an indoor space, and he asked if it should be allowed. Mr. Adams said if it was under 50', he was agreeable. Mr. Thomas said he did not know how high 50' would be. Ms. Kidd said it would 35' by formula.

Outdoor Dining Standards

Location – not in the pedestrian area, safety/liability of client/pedestrian, operational issues of noise and hours were already addressed. The board should look at location and traffic. Mr. Lauer said it would be subject to a conditional use permit and legislative discretion of safety.

Parking

- Cross reference the exemption for B-3 businesses requiring 8 spaces or less,
- Cross reference parking for mixed use developments in the section requiring cumulative parking, and

- Prohibit parking of commercial vehicles in required parking. Required parking was for customers and employees. If delivery trucks need to park, there should be additional parking. Mr. Adams said in other areas, trucks were parked all the time or were in the right-of-way being used as advertising. Mr. Lauer said this issue was the use of parking spaces and the ordinance listed five different uses of those spaces from sales to display. Mr. Clark said the Lake House was providing catering, was an event center and a restaurant. Mr. Lauer said these were ongoing uses and not the incidental commercial parking. To be permanently parked there was the issue.

Mr. Thomas said he thought a commercial vehicle should be appropriate in size and scale. Mr. Lauer said the size of a vehicle in a residential area should be considered. Mr. Blache had an issue in defining what a commercial vehicle was. Ms. Kidd said it was defined by size.

Parking for Driveways

- Allow 12' wide driveway in the B-3 district.
- Option to set a maximum width with exceptions for 2-way driveways serving multiple lots.
- Require pervious surfaces for lots with 8 or few spaces.
- Encourage pervious surfaces for lots with more than 8 spaces.

There were concerns of multiple lots and Mr. Thomas said the size of a lot should be considered. Pervious coverage was to be described as other than asphalt or concrete with specific standards and to provide flexibility of the approval of other surfaces. Larger lots should be left alone, but encourage the specifics without incentives.

- Group civic uses with multi-family uses that require parking to be located within 200',
- Increase distance for remote parking for commercial uses from 400 to 600',
- Require parking for outdoor seating areas in addition to indoor areas, but count at ½ the rate of indoor seating,
- Civic uses or to allow a greater distance,
- Clean up of how to define that distance.

Outdoor seating was now being counted being counted equally. An option was to require ½ of the spaces required for outdoor space or the smaller of the two spaces. Mr. Blache said on a nice day people may opt for outside and it would not be creating an extra burden. Generally speaking it was mostly used only one or two months out of the year. Mr. Lauer suggested requiring only ½ of the requirement for outdoor seating. Mr. Blache asked how you define it. Ms. Kidd suggested using the square footage of the seating area. The question was whether or not counting the primary business at 1:150- and determine the smaller area an accessory. Mr. Clark asked about how to determine parking for Juniper with the area of the deck. Ms. Kidd said there were variances, counted 50% immediately adjacent and a variance for parking to the rear. Mr. Thomas suggested taking whichever was greater. The Beach House was more outdoor and Nuvolari's was mostly indoor.

Sign Definitions

- Definition of changeable message signs should exclude dynamic signs,
- Moving message or changing image signs should be dynamic, digital, or changing image signs. In the B-3 district, it was meant to be small scale and not LCD signs.

- Definition should exclude dynamic signs.

B-3 Signs

- Allow a single sandwich sign during operating hours,
- Allow a combination of wall and freestanding signs,
- Create a palate of by right historic signs and allow alternate designs through the zoning permit process.

Dynamic Signs

- Allow in B-1, B-2 and B-4 districts as monument signs,
- Require auto dimming based on ambient lighting,
- Limit message changes to once every 10 seconds,
- Prohibit animation modes for messages and transitions,
- Require compliance within 30 days except where there was no auto dimming and require those signs to be on a timer.

Mr. Thomas said there should be a meter for brightness. Could this be enforced? Mr. Lauer said specific criteria for appropriate brightness and methodology for measuring it could be developed. The board should determine if 30 days was agreeable for compliance. If there was no auto dimming a timer could be installed for the time of day. It was not quite as effective, but it was a more reasonable way from a cost standpoint. Mr. Clark asked about linking a sign with a business or allowing advertising. Could the owner make more money from as an example having Smuckers for an advertising medium? Mr. Adams said some signs advertised non-profit businesses and was a billboard. Mr. Blache asked what was the difference of a sandwich board. Mr. Clark said letting technology come in

Mr. Thomas said it was discussed to have midnight as lights out. Mr. Lauer said if that was the regulation, it must be made that for all signs and not just dynamic signs. Mr. Thomas asked about the Dark Skies regulations. Mr. Lauer said there was not much support for limiting the hours. If the regulations approached regulations uniformly for all signage, it would be reasonable. Mr. Adams said currently all signs must be down lit. Ms. Kidd said they must be under a certain lumen.

Additional Edits

- Fill and drainage standards,
- definition of critical area,
- no slab construction in the Historic District,
- adjust appeals process to mirror statutory language,
- clarify process and responsibility of Consulting Architects,
- eliminate references to the Community Appearance Commission,
- adjust categories in the impact fee section to match land use descriptions,
- review land use and density provision in Town Center District,
- clean up sign ordinance,
- adjust setbacks in the Historic District based on lot sizes,
- create a new use and standards that a better addressed events centers as a principal or accessory use,
- the sign industry had developed standards on size and speed.

Mr. Adams said if there was a change to allowable signage there would be a need for an amortization period. Mr. Lauer said that was a separate issue. Mr. Clark

asked if there was a revised sign in the Historic District would it be reviewed by the Design Review or Historic Committee. Mr. Lauer said there would be direction from the Historic District Preservation Committee with appropriate standards, but would use the Consulting Architects for design and the zoning permit process for deviations.

Rick Dennie, 536 Lafitte Street, asked if an annexation must follow the same regulations? Ms. Kidd said yes. Mr. Lauer said for existing building and uses, the signs if not in compliance would be allowed to continue until modified. Ms. Kidd said when annexed, the owner must submit a compliance plan to be completed within 5 years.

Ed Greene, Pontchartrain Winds, asked with Dark Skies if the Historic District Preservation District could require the shutting down on timers for parking lots.

Next steps

The next meeting would be held on December 3rd with a draft of the ordinance highlighting questions. At that time, if the board was comfortable with the adjustments then an ordinance could be introduced on December 19th.

Mr. Lauer said phase 2 discussions could be held at the same time as the public hearings of the ordinance because it would take time.

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


Lori Spranley, Secretary


Dennis Thomas, Chairman