

**Zoning Commission
Public Hearing
January 13, 2015**

The meeting was called to order by Chairman Nixon Adams 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: Louissette Kidd, Planning Director; Council Member Clay Madden; and Mayor Donald Villere

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 V15-01-01 Future Generations Holdings, LLC, Dino Chouest requests a variance to Section 9.1.2(d), Construction Design Standards for Parking and Loading and Section 9.2.5.5.1(4), Periphery Landscape (Greenbelt) Requirements, Parcel B1B2, Royal Acres, 1121 Decker Drive, zoned M-1.

The large trucks require an 85' turning radius to access the site. The variance request was to increase the driveway to 85' which would encroach into the greenbelt. The staff had requested the owner do flexibility of the greenbelt in the corner. An increased landscaping area would offset the encroachment and provide landscaping at the corner. There was a consideration of using the driveway adjacent to Purple Martin Drive, but there was school and subdivision traffic so the better option was to expand the existing driveway. This property was the only industrially zoned property in the City.

Mr. Clark asked if they had been using the roadway for deliveries and the answer was yes. He also asked about loading and the Department of Public Works was aware of their process.

Mr. Quillin moved to approve the variance to increase the driveway to 85' with landscape mitigation, seconded by Ms. Bush and was unanimously approved.

The next case discussed was Z14-12-08 McGuire Real Estate Group, LLC requests a zoning permit to Section 6.2.8, Congregate Living – Residential, lots 4, 5, 6, 7, 17, 18, 19 and 20, square 25A, 2129 Lakeshore Drive, zoned B-3

There was a request by the applicant to table the case. Mr. Thomas moved to table the case, seconded by Mr. Clark and was unanimously approved.

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


Lori Spranley, Secretary


Nixon Adams, Chairman

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

Absent: None

Also present: Louisette Kidd, Planning Director; Council Member Clay Madden; and Mayor Donald Villere

Mr. Adams announced that any additional information determined to be needed by the Commission in order to make a decision regarding a case shall be required to be submitted to the Planning Department by the end of business on the Friday following the meeting at which the additional information was requested or the case will automatically be tabled at the next meeting.

The first case discussed was V15-01-02 Daniel Gast, Gast Construction LLC, requests a variance to Section 7.5.4.3, R-3 Site Development Regulations, lot 56, square 39, 620 Ramon Street, zoned R-3

Ms. Kidd presented a variance request to site development regulations on a property that was zoned R-3. Mr. Gast had recently purchased the lot shown in accordance with the survey prepared by John Cummings. The property at 626 Ramon Street measured 30' x 120' and was a non-conforming lot of record. Mr. Gast was proposing to construct a single family residence. The R-3 regulations required a combined side yard of 20' with 10' on each side. The variance request was for the north side to have a 5' setback. The property on the south side of the property was a double, and a single family residence was located to the north side of the property. The setback for the front and rear setbacks exceeded the requirements.

Mr. Adams asked for the location of buildings on the adjacent property. He would like a comparison of how the proposed house would line up. Mr. Thomas asked if the 10' side yard would include a driveway.

Daniel Gast said he had not made that determination yet. His intent was to construct a courtyard on the 10' side. The house would be located behind the front yard setback to accommodate off street parking.

The next cases discussed were Z15-01-02 McGuire Real Estate Group, LLC requests a zoning permit for Section 6.4.64, Restaurants – Sit Down with Lounge for the Frapart Hotel to be used as a restaurant, 2119 Lakeshore Drive, zoned B-3, and Z15-01-03 McGuire Real Estate Group, LLC requests a zoning permit for Section 6.4.70, Tavern – Bar or Lounge for the Sophie Wright and Hadden Cottages to be used as a tavern, 2119 Lakeshore Drive, zoned B-3

Ms. Kidd presented the request for a zoning permit for a sit down restaurant in the former Hadden Cottage, a sit down restaurant with a lounge in the former Rest A While structure, and a tavern – bar or lounge in the Sophie B. Wright Cottage. Mr. Barrett McGuire, through McGuire Real Estate Group, LLC, purchased the Rest A While site (Kings Daughters and Sons of Louisiana) located at 2129 Lakeshore Drive, consisting of Lots 4, 5, 6, 7, 17, 18, 19, and 20 in Sq. 25A, in March 2014. The property had frontage on both Lakeshore Drive and Claiborne streets of 180' by a depth of 506.2' and contains 91,116 square feet.

Mr. McGuire originally submitted a request for a Zoning Permit to CLURO Section 6.2.8, Congregate Living Residential, to develop congregate living dwelling units located

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within five proposed structures and some future light commercial in accordance with the plans submitted prepared by Piazza Architecture Planning, dated 11/12/14. That phase (phase 1) of the project had been tabled and Mr. McGuire has requested Zoning Permits for the front portion of the site, referred to on the plans as Phase 2. This area fronting on Lakeshore Drive as phase 2, measures 180' on Lakeshore Drive by 204.2' in depth.

The CLURO defined **6.4.66 Restaurants - Sit-Down** as a business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, where the customer consumes these foods while seated at tables or counters where alcoholic beverages may be served to dining patrons from a service bar (not accessible to patrons) and where there typically is not a rapid turnover of clientele. This was proposed in the former Hadden Cottage.

The Sit-Down with Lounge was defined as a sit down restaurant establishment utilizing up to 25% of area accessible to patrons as a lounge for the serving and consumption of alcoholic beverages. That use was requested for the Frapart Hotel.

CLURO Section 6.4.73 Tavern - Bar or Lounge was defined as premises where the principle business is the sale of alcoholic beverages at retail for consumption on the premises, where minors are excluded there from by law, and where incidental service of food may or may not occur, provided an excess of 25% of the patron area is used for the consumption of alcoholic beverages. Typical uses include cocktail lounges and piano bars. That use was requested in the Sophie B. Wright Cottage.

The applicant was proposing to keep the Rest A While building and the Sophie Wright in the current locations and relocate the Hadden Cottage to a position closer toward the front, but still behind and between the other two existing structures. The Mandeville Historic District Commission approved the relocation of the Hadden Cottage to an undetermined location, as long as it remained on the property.

Rest A While:

The applicant was requesting a Zoning Permit to use the (former) Rest A While building plus an addition as a Sit Down Restaurant with Lounge as defined under CLURO Section 6.4.67. This use required approval of a Zoning Permit by the Zoning Commission. Additionally, the applicant is proposing to add an addition to the rear of this existing building to provide for a new kitchen and bathrooms to serve the Sit Down Restaurant with Lounge.

The existing building contains approximately 1,690 square feet and with the proposed new addition contains 1,200 square feet; to total building will consist of approximately 2,890 square feet.

Sophie Wright Cottage:

A zoning permit is being requested to establish a Tavern as defined under Section 6.4.73 Tavern – Bar or Lounge. The existing building consists of 950 square feet.

Hadden Cottage:

A Zoning Permit was being requested to establish a Sit Down Restaurant as defined under CLURO Section 6.4.66 Restaurant - Sit Down. The existing building was proposed to be relocated from its current location a bit forward to sit behind the Sophie Wright Cottage. This existing building consists of 750 square feet and an addition is

being proposed for rest rooms consisting of an additional 700 square feet with total building including addition consisting of 1,450 square feet.

B-3 Site Development Criteria:

Setbacks:

Rest A While:

The building was setback approximately 25' from Lakeshore Drive and approximately 2-3' from the interior property line. The exact interior dimensions were not provided.

The CLURO required a minimum 25' front yard setback on Lakeshore Drive. The principle building (Rest A While) appeared to meet the minimum 25' setback. Currently, there are no stairs, but the site plan indicates construction of new stairs, which appear to meet the 25' setback.

The building was elevated and the minimum interior side yard setback requirement was 10' when the building is 6' above grade. The existing setback for the building was approximately 5'. A dimension was not provided to determine exact setback. The building was legally non-conforming in regard to the interior side yard setback. Based on the definition of a Non-conforming structure (CLURO 3.3.150), the provisions for expansion of non-conforming structures (CLURO 4.2.4.1), the applicant was allowed to expand the structure as long as the proposed addition was in compliance with the required minimum 10' side yard setback, which it was.

Sophie Wright Cottage:

The building had a front yard setback of 20' from Lakeshore Drive and an interior side yard setback of approximately 30', although that exact dimension was not shown. The structure was a legally non-conforming due to a 5' deficiency in the minimum 25' required front yard setback. No additions were proposed for this structure.

Hadden Cottage:

The building will be relocated towards the center of the development site and was in compliance with all setback requirements.

Mechanical:

Mechanical equipment was not shown on the plan. Mechanical equipment shall conform to required setbacks and shall be screened if located in front or side yard.

Height:

The site plan indicated the height regulations as outlined in the CLURO but actual heights were not noted on the plans; however, all existing buildings appeared to be in compliance.

Pervious/Impervious coverage: Max 75% allowed

The site plan indicated that the development area for phase 2 consisted of 36,011 square feet and that 26,011 square feet of this area was impervious or 72.24% and in compliance with the maximum impervious coverage of 75%. The buildings would be connected with a deck.

Parking:

Rest A While:

6.4.66 Restaurants - Sit-Down/Lounge - 1 per 150 s.f. of gross building area

The existing building contained approximately 1690 square feet and with the proposed new 1,200 square foot addition and the total building will consist of approximately 2,890 square feet. The required parking was 20 spaces.

Sophie Wright Cottage:

6.4.73 *Tavern - Bar or Lounge - 1 per 150 s.f. of gross floor area*
The existing building consists of 950 square feet and the required parking was 7 spaces. The site plan indicated 5 spaces in error.

Hadden Cottage:

6.4.67 *Restaurants - Sit-Down - 1 per 200 s.f. of gross restaurant floor area, or where outdoor seating is provided, parking shall be based on interior space for kitchens, lounges restrooms and waiting areas plus the larger of the outdoor seating area or the indoor seating area.*

The existing building consisted of 750 square feet and an addition was being proposed for rest rooms consisting of an additional 700 square feet with a total building including addition consisting of 1,450 square feet and required 8 parking spaces.

The total parking requirement for the 3 proposed uses combined is 35 parking spaces. The site plan proposes 35 off-street spaces. Additionally, the CLURO provided for by Right parking reductions and parking reductions by Exception.

7.5.10.5(4).

4. Reductions in Required Parking

- a. *By Right Parking Reductions.*
 - ii. *When on-street parallel parking is available in areas where ditches have been culverted and shoulders are adequate for parking or when public on-street parking bays are available, the required number of off-street parking spaces for non-residential uses may be reduced by up to a number equal to the number of on-street spaces, abutting the lot or on the opposite side of Lakeshore Drive for sites that face the lake. No fraction of a space shall be counted when using this provision.*
 - iii. *When only a portion of a building is being used for storage or business operations, the minimum required parking shall be based on areas to be used for business operations or storage, as documented by the on the site plan and subject to the applicant's agreement that additional parking will be provided prior to occupancy of the remaining space.*

b. Parking Reductions by Exception. *In the B-3 District, parking requirements for non-residential uses may be reduced or waived by the Zoning Commission in conjunction with a zoning permit application and based on the findings of the Zoning Commission that the reduction or waiver does not adversely affect surrounding commercial or residential uses and:*

- i. *Existing public parking within the area is sufficient to accommodate the proposed use; or*
- ii. *The person receiving an exception to reduce the number of spaces agrees to contribute to the Optional Parking Mitigation Fund established for the purpose of providing public parking and pedestrian amenities in accordance with a Master Plan of the B-3 District in accordance with Section 9.3 of this Code; or*

iii. The person receiving the exception has agreed to provide public improvements that mitigate the parking reduction within six hundred (600) feet of where the proposed use is located and the installation of sidewalks or pedestrian ways between the parking and the site, in accordance with the provisions of Section 5.2.6.

In the application on Sheet A02.5 Neighborhood Parking Plan, that there are 34 parking spaces available in bays across Lakeshore Drive and 11 existing parking spaces on the north side of Lakeshore Drive for a total of 45 existing on-street parking spaces within 300' of the site. Additionally, the plan indicated 6 proposed parallel parking spaces immediately adjacent to the site on the north side of Lakeshore Drive.

Parking on North side of Lakeshore Drive:

- 1 space in front of vacant property on west side of Carroll St.
- 10 spaces in front of the Barley Oak. City Engineer had indicated that these spaces are substandard and not be counted towards requirement. Additionally, when the Barley Oak was constructed, Although, not needed to meet their requirement due to the parking lot in the rear of Barley Oak, they were allowed to count 50% of these spaces towards their requirement. Further, these spaces are regularly used by the patrons of the Barley Oak.
- 6 new parallel spaces immediately adjacent to the site.

Parking on South side/bays or Parallel:

- Of the 34 parking spaces in the bays or parallel on the south side of Lakeshore Drive, 19 of these spaces (11 in bays at foot of Carroll and 8 parallel on street) were reasonably available to satisfy By Right Parking Reductions as outlined in CLURO Section 7.5.10.5(4). This could either reduce the amount of on-site parking by 19 spaces - from 35 to 16 or could be determined available should the need be greater than the requirement.
- There was an additional 15 spaces going east, 5 parallel on street and 9 in bays across from the Barley Oak. There is an additional space in a bay on the east side of Girod Street across from the condominiums. These additional 15 spaces were within 300' of the site, but were closer in proximity to the Barley Oak.

Recent amendments to the CLURO outlined under Section 9.1.3 Location and Maintenance (3) Required parking spaces for civic, commercial and industrial uses stated that in the B-3 District, parking spaces for commercial uses shall be located within 600' of the principal public entrance. They used the 300' calculation on the site plan within that block.

It was unclear whether or not the decks connecting the structures would be available for seating. If so, these areas needed to be calculated in for the total parking requirement. The B-3 district does allow for calculation for either indoor or outdoor seating, but if being used, it needed to be noted on the plan and in the calculations.

Additionally, if any seating or patron area was going to be used underneath the buildings, then that area also needed to be included on the site plan and in the calculations.

Driveway:

- The site plan proposed a new driveway along the east side of the site. The width of the driveway was dimensioned at 24'. The CLURO Section 7.5.10.5 (3)(f)(iii): In the B-3 district, such driveway access shall not be greater than twelve (12)

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feet in width except that this width may be increased by the Zoning Commission as an exception through the zoning permit process to allow driveway widths of twenty (20) feet for two-way access to a parking lot serving a development on two or more lots or parcels.

Loading areas were not noted on the plan and assumed it would be on the street. The Planning Commission may grant an exception to allow a maximum 20' driveway through the Zoning Permit process. The 24' proposed driveway should be reduced to a maximum of 20' with approval by the Planning Commission or a variance would be required if there was a stated hardship.

The edge of the driveway is setback 5' from the property line. CLURO section 5.2.3 (7) stated....*Driveways or any part of the structure, including but not limited to mechanical equipment, shall not be in the side setbacks.*

The driveway width should be reduced by a minimum of 5' to remove it from the side yard setback. This will also address the maximum width requirement.

Connectivity:

Connection to the adjacent commercial property should be included in the site plan as well as connection access to phase 1.

Dumpster:

The site plan indicated the dumpster to be located behind the new proposed kitchen behind the main Rest A While building. First, it appeared access for the large garbage trucks would be difficult in this arrangement. Second, the dumpster location was approximately 10' from the existing residence to the west. If some of the on-site parking spaces were reduced based on the availability of on-street spaces on Lakeshore Drive, it was recommended that the dumpster be relocated away from the residential property into an area more accessible for the trucks to access.

7.5.10.4 Parking and Landscaping Requirements

Parking and landscaping requirements for this district shall be in accordance with the provisions of the B-3 district regulations (including section 2.4 of the B-3 design guidelines), Article 9 of this Land Use Regulations Ordinance, the Special Use Criteria as provided in Article 8 and the following provisions:

1. *Parking spaces shall be located behind the building or in a side yard behind the front building façade.*

The site was compliant with this regulation – there is a proposed parking bay off the driveway on the east side of the site and a parking lot behind the buildings.

Additionally, if other on-site parking spaces were reduced, it was recommended that the spaces and paving for access to the proposed dumpster be removed completely to provide for additional buffering for the adjacent residence due to both existing setbacks for the Rest A While being legally non-conforming and also of the existing residence – those setbacks appear to be approximately 3-5'. The adjacent was also legally non-conforming at about 3-5' from the property line.

7.5.10.5 Special B-3 - Old Mandeville Business District Criteria

2. *Deliveries. Deliveries shall be limited to the hours between 7:00 a.m. and 9:00 p.m.*
3. *Special Requirements*
- b. *Landscape Buffers Elsewhere in District. A five (5) foot wide landscape*

buffer shall be required along the side and rear lot lines of all uses requiring

conditional use or zoning permits, and:

- i. A fence and landscaping are required to shield headlights and abate noise, and*
- ii. Parking lot lighting shall not spill over onto adjacent properties.*
- c. Lighting: All outdoor lighting must be directed toward ground and toward the property on which the lighting is located, be shielded from adjacent buildings and shall not adversely impact any adjacent use or traffic. (See section 8.1.10 Supplemental Regulations for Outdoor Lighting)*

Lighting details not shown on plan.

b. Hours of Operation and Noise. If night activities are conducted by the on-site use, such activities shall not interfere with the peace of any adjacent residential district or on-site residential use and shall conform to the requirements regarding noise and sound as set forth in the City's Code of Ordinances.

- i. Outdoor operations for commercial activity located anywhere within the B-3 zoning district shall not be permitted after 10:00 p.m., except on Fridays and Saturdays, and the following holidays: New Year's Eve, the Sunday and Monday preceding Mardi Gras Day, Mardi Gras Day, evening of 3rd of July, 4th of July, Sunday preceding Labor Day Monday, Halloween Night, Wednesday preceding Thanksgiving Day, and Christmas Eve, when outdoor operations shall be permitted until midnight.*

Outdoor speakers and amplified sound shall comply with applicable noise ordinance requirements and are prohibited from 10:00 p.m. until 7:00 a.m. unless otherwise authorized through a Special Event permit.

Indoor music intended for principal entertainment purposes shall comply with applicable noise ordinance requirements and is prohibited from 10:00 p.m. until 7:00 a.m. weekdays (Sunday through Thursday) and midnight until 7:00 a.m. on weekends (Friday and Saturday) except as authorized in conjunction with a Special Events Permit. Music intended as background music shall be played at or below the sound level of normal human conversation.

With the addition of a new kitchen 10' away from an existing residential use, noise abatement for the kitchen should be included in the plans. The applicant indicated he was doing that. Additionally, with renovations to the existing Rest A While building, noise abatement should be included in the renovation.

Parking/parking lot design:

In March of 2014, the CLURO was amended which included width of driveways, pervious materials for parking and access from driveways from public streets. The site plan appeared to propose concrete drives and parking area. Limestone or aggregate parking surface should be considered for the parking spaces depending on the amount of truck access for deliveries.

Landscaping:

Greenbelt: a minimum 15' greenbelt requirement on Lakeshore Drive was required and in compliance.

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Buffer: in the B-3 zoning district, a minimum 5' buffer was required along the side and rear lot lines of all uses requiring a zoning permit, requiring both landscaping and fencing as follows:

- b. **Landscape Buffers Elsewhere in District.** A five (5) foot wide landscape buffer shall be required along the side and rear lot lines of all uses requiring conditional use or zoning permits, and:
 - i. A fence and landscaping are required to shield headlights and abate noise, and
 - ii. Parking lot lighting shall not spill over onto adjacent properties.

Interior Landscaping:

The landscape plan indicated 5 trees to be removed in the area of the proposed driveway on the east side of the site and east of the existing Sophie Wright Cottage. It was recommended to locate the driveway in this area, to help maintain the historic context of the site by not placing a driveway in the center of the existing structures.

There are two other existing trees proposed to be removed. The city's landscape inspector will evaluate the condition of these trees and reason for removal. There was a pine tree to be preserved and the applicant would work the driveway around the tree.

Vehicular Use Area:

Sheet I)2.1 Code Compliance Landscape Plan indicates that the vehicular use area consist of 15,230 square feet.

The CLURO under Section 9.2.5.5.2 Site Interior Planting Area required that the total of all interior landscaped area shall occupy a minimum of 8% of the vehicle use area including associated drives and loading areas. Planting areas shall be a minimum of 100 square feet and a minimum of one tree per 2,000 square feet (approximately 5.5 parking spaces) shall be required.

The Landscape Sheet D02.1 Conceptual Drainage Plan proposes new area drains and culverts – subsurface drainage improvements – to be located within the required minimum 5. Buffer. The CLURO prohibits utilities to be placed inside required buffer areas. The drainage will have to be reconfigured to comply.

The Landscape Inspector was reviewing the plan for compliance; however, it appeared that the minimum spacing requirements and minimum size of landscape areas are not met. Three trees are proposed for interior vehicular use area but they are located in the required buffer – the code requires that this area be in addition to the greenbelt and buffer areas. Further review will help determine solutions for compliance.

Drainage:

A conceptual drainage plan was submitted (sheet D02.1). This plan was forwarded to the City Engineer for review and comment. Andre Monnot, with Principle Engineering (City Engineer) had provided the comments in his email dated 12/31/2014 following comments:

1. Strongly recommend that the "10 existing perpendicular spaces" at the corner of Lafitte and Lakeshore (in front of Barley Oak) be excluded from the count, as they are of substandard geometry.
2. The "6 Proposed parallel parking spaces" should be reduced to 5, eliminating the space nearest the proposed driveway in order to maintain sight triangles at the driveway/roadway intersection.

3. Retain storm water to reduce peak runoff to equal or less than existing conditions, or, produce analysis demonstrating that the existing drainage system can handle the new peak.

CLURO Section 7.5.10.6(2)(e) **B-3 Design Regulations and Guidelines**, stated that *Designs shall consider the neighborhood context. Applicants should demonstrate an understanding of the neighborhood context by providing photographic evidence showing the proposed design's relationship to existing facades in surrounding blocks.*

The applicant had submitted photos of the properties within the neighborhood – a written comparison had not been provided – the applicant or project architect can further discuss if the Commission desires. If the Commission would like Design Review to review and comment on this specifically, this information can be provided at the next meeting.

Mr. Adams asked about a review and comments from Fire District #4. Chief Tassin said when the Fire Marshall reviewed the plans would require protection when the buildings were in close proximity to keep fire from spreading. There were tough regulations for kitchens. Once the conceptual plan was designed, the review would be tough. He had main access on Lakeshore Drive and the truck carried enough hose to stretch all of the way. The City's water improvements and advances on the hydrants have been helpful and could get over 1,000 gallons per minute from the hydrants. The Fire Marshall may require a sprinkler system. We would want to preserve the historic building.

Mr. Adams asked with the additions if the plan would be reviewed by Historic Commission and Design Review Committee. Ms. Kidd stated the Design Review Committee would review the plan. The Historic Commission had already approved the relocation of the Hadden Cottage off site which was denied. Mr. McGuire reapplied to have it moved on site and was approved with an undetermined location. The Design Review Committee would review any building permit application for a Certificate of Appropriateness for the expansion. There were people to pull in with historic preservation expertise. Ms. Kidd could have general comments provided. Mr. Blache asked if the said the kitchen met the side yard setback and Ms. Kidd said it did meet the 10' setback. Mr. Adams said the request on code issues was the relief for a larger driveway. Ms. Kidd said that was through an exception to go larger than 12', but the board should review the onsite parking and if that should be reduced. Some guidance should be offered.

Barrett McGuire, applicant, said Ms. Kidd presented the uses. They were focusing on what could be done to alleviate as many concerns as possible. The historic side would have no change to front facade, and they were keeping the interior of the Hadden Cottage the same fronting to the lakefront so everyone could see the façade of the three buildings from the lakefront. As a resident of the area, parking was always a concern. He had asked Mike Piazza to get as many spaces on site. There were 36 on site, not counting any on street spaces, they did not think there would be need for the 6 spaces in the front, and would not want them constructed. They would not count any spaces by the Barley Oak. They did not want to count any spaces on the other side of Carroll Street since the property was for sale. They used the property to provide parking. Being in the business district with adjacent residential, they could move the dumpster and loading areas for a buffer area. They were agreeable to removing the concrete run and making it green, they could install a fence. It was their intent to soundproof all exterior walls facing the residences. As Chief Tassin had stated, he had discussed the Fire Marshall request and would fire proof the walls and put in a sprinkler system since old wood could light up quickly. Their focus was on how to help in the neighborhood, address the historic, parking, and impact to neighborhood.

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Mr. Quillin asked about the structure on the southeast which was the Sophie Wright Cottage had stairs on the plan and would there be setback problems. Mr. McGuire said originally there was a set of brick stairs that could be turned or kept it as historically accurate. Ms. Kidd said they would look at the proposal.

Mr. Blache asked to address the operation of each building. Mr. McGuire said the main building was a restaurant with a lounge. They would move the bar area as far away from the residence as possible. The Sophie Wright Cottage would be a wine and cheese bar with small plate food from the restaurant. The Hadden Cottage would be a pastry or coffee house. They were worst casing everything on parking and usage so they would not have to ask for a variance.

Mr. Thomas asked for his opinion on connectivity to the Barley Oak parking. Mr. McGuire said he had no problem with connectivity if it was agreeable with the other owner. This was a mandate.

Mr. Blache had a concern with the decks from high water and asked how to prevent it. Mr. McGuire said the decks would be at the second level.

Mr. Adams asked if underneath the deck was unpaved area and was concerned about a maintenance problem. Mr. McGuire said he was not sure yet, and if he was up on the impervious site coverage he would add 5' more green space.

Ann Haveman, 550 Colbert Street, resident and Chairwoman of the Historic Commission, said she personally did not think it was the best use although it was a permitted use. She urged the board make sure it was compatible with the adjacent residential uses. She requested the Zoning Commission have the Design Review Committee review the additions. In the past, the Design Review Committee had architectural experience with historic background. It would be appropriate to bring in someone with this expertise in to oversee the changes. She personally felt the area did not need any more restaurants, bars or lounges on the lakefront. Mr. Adams said bringing in an expert was not in the board's purview. The Design Review Committee supported the Certificate of Appropriateness. Ms. Havemean asked to recommend looking at the use for the neighborhood and this was a congested parcel of property.

David Persons, 132 Carroll Street, said he significant concerns to be addressed by others. He thanked Mr. McGuire for working with the residents on tabling his request for the back part of property to work out other options.

Eric Jensen, 111 Carroll Street, had lived in his house since 2009. What brought them back was the charm and character of the City and mix of business and residential in the B-3 district. He did not believe this was a compatible use. His view of the CLURO was that there was some elements of gray suggesting the development in the B-3 district should meet general tests for character, not take away any value, and for the economic value of community as a whole. Compatibility was critical. Other areas of the B-3 district charm was where there were mixed uses getting along. Looked at this and suggested if you lived on Carroll Street that this not be detrimental, you were kidding yourself. He had a list of all properties including bars and restaurants between the lakefront and Trailhead and with the exception of one or two there was a buffer of the use. In those few exceptions there were residents, the commercial was located there first. This was a precedent setting exception. The City was taking a row of investment property in their homes and in the process the values would go down and there was no reason to come back if there was a storm. He was not opposed to the commercial development, but he must protect his investment.

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Russell Penzato, 2143 Lakeshore Drive, took pictures of in Old Mandeville properties. The last three commercial approvals on the lakefront were now different from their initial approval. The Lake House was to be a restaurant and was changed to an event center and now a catering service. The Barley Oak was to be a restaurant and was now a bar. The condos by Rip's and everyone will admit the appearance was not of value to the area. Commercial restaurants was the issue. The board did not see what happened for the neighbors. Noise traveled on the lakefront with the wind. The traffic and odors from cooking was an issue. There was a pest control problem with rats, roaches, squirrels, and coons. There was safety of flooding, dumpsters, and the residents collected 16 empty kegs from the Barley Oak. That would be beating against the house and would be hazardous. They were concerned about dumpsters floating. Debris, kitchen waste and grease was a concern from the last storm.

Mr. Penzato presented his pictures including Old Rail, Shiver Shack, Yvonne's, Opal Basil, and the Rusty Pelican and most were on corner lots. Nuvolari's was located on a corner and surrounded by commercial uses. The Broken Egg was a corner lot with neighbors being commercial and was not open for dinner to reduce the noise factor. The Beach House was an interior lot surrounded by commercial buffered by vacant land and there were some noise problems. McClain's was an interior lot with vacant lots on each side. Donz was a corner lot. Rip's was an interior lot surrounded by some residential. Barley Oak was a corner lot with parking to the rear, but there were noise complaints by the condo residences. Lake House was an interior lot, buffered by vacant land, but there was noise to the condos and rear neighbor. The Scott's was a corner lot with a low intensity business. Jubilee's was a corner lot with a private home to the north and across from the church.

These were either corner lots or buffer by green or vacant lots or someone moved next to it and it did not bother them. There was an extension of the side porch 3' off the building. The noise on the porch would be an issue. There was a change that anything blowing off could be in the neighbor's yard. The kitchen would have odors, and would be a fire hazard. His house had been 1/3 rebuilt because of an adjacent house fire. The walkway would be used to serve and not through restaurant. The beauty of living in Old Mandeville was about walking to the adjacent businesses, but they were respectful to the neighbors. Approvals on the lakefront were not respectful to the property owners. Mr. Adams said it was suggested to eliminate bars and restaurants from the lakefront. Mr. Penzato said he did not say that. He asked as a tax payer that his quality of life should not be hindered. Mr. Adams said the Comprehensive Plan over the last 10 years and the zoning was a legislative process and the Council had passed ordinances. The board could address noise, lighting, odor, etc. Mr. Penzato asked if the board should look out for his value. Mr. Adams said he did not know if there was property damage. Mr. Penzato said he rebuilt after Hurricane Katrina and asked Mr. Adams that a restaurant would not affect his quality of life. Mr. Adams said he knew it could be built there. Mr. Penzato said with 100% of the on-street parking allowed by code, what about the visitors for the property owners. Mr. Adams said perhaps there should not have a mixed use zoning district. Mr. Penzato said it should at least be compatible. Mr. Penzato said there were trailers, tanks, and outdoor cooking to the rear of some of the restaurants. He said Mr. Chronis would present a letter from 2011 about the best uses of the area for compatibility. Mr. Adams asked about the lot across from Mr. Penzato being commercial and did he try to rezone it. Mr. Penzato said he would. He asked about the vision by the City Council and the Zoning Commission. He felt the board should be the leaders for the community. Mr. Adams said the Comprehensive Plan was the vision for the City. Mr. Penzato asked the board to respect the property and do what was in the board's heart and look at the

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residents. He did not have a problem with a lot of the other businesses. Mr. Quillin asked about the zoning permit process. Mr. Adams said it assumed the use was allowed and the board dealt with issues. Mr. Quillin said the board could not make a decision to deny. Mr. Clark asked if the board could deny. Mr. Adams said the board could make changes and accommodations. Mr. Penzato asked if there was ever a time that you know it was not the right thing to do. Mr. Adams said depending on what the right thing was and what the legal thing to do was.

Nick Chronis, 2075 Lakeshore Drive, said his comments were largely related to what Mr. Persons referenced as alternative uses. He read a statement into the record which was attached to the minutes.

Paula Cannon, Old Mandeville Historic Association secretary, said the opinion from the OMHA board was about appropriateness and the OMHA board's letter was made part of record which was attached to the minutes.

Boyd McPhail, 2075 Lakeshore Drive, said the permitted uses were not always what it became. He lived the Barley Oak and the Lake House. The Lake House was permitted as a restaurant and operated as a commercial caterer. Frequently he was awakened at 4 or 5 a.m. with semi-trailers leaving to deliver catering. He said it was stated that there could not be deliveries prior to 7 a.m., but what about loading up earlier than 7 a.m. The properties always morph into something other than what was approved. The event center had to provide parking and asked to remove their permit but it was still being used as an event center. The Barley Oak was a sit down restaurant and now it was a bar. Mayor Villere said the residents were complaining because of the language was an appropriate to children. What will this property morph into and that was his concern. The best use would be something else because what was permitted could change.

Pat and Rosalyn Gallette said they agreed with everyone. Mr. McGuire had already built a walkway close to the Fosters and that was concerning. How would there be a buffer. Most houses were raised and everyone would be above a privacy fence. Where would the drainage and buffer be located being so close to Carroll Street? Fire and noise were huge concerns. She ran with her dogs and people were over-served because they were sleeping in their cars or passed out on the ground. She agreed that the City should have purchased the property. She requested the Planning Commission not to cause the neighbors to lose the value of their property and how they lived.

Mark and Adele Foster, 2135 Lakeshore Drive, said their presentation was mostly feelings and emotions. They took effort in restoring their home. They took one of the most heavily damaged houses after Hurricane Katrina and turned it into something beautiful. They had invested in civic activities, especially the Lang House and the Kierr Gardens. They were emotionally invested as their home and this project would change that. When the project was complete it would cause stress which could not be measured. The only way to know value of how their house was affected was by selling it. Mr. Foster read from Cluro Section 1.2.3 outlining its purpose concerning health, welfare, and safety.

- Secure safety from fire, panic and other dangers. Was stress a danger and over what period of time. Allowing a commercial kitchen, a size never seen before, was that securing from fire so close to their house. Also allowing it to existing so close to some of Mandeville's oldest and most significant buildings, was that securing it from fire.
- Provide adequate air and light. Is adequate light what you have now and anything any less no longer adequate. Is adequate air what it smelled like today? If it changed, was it no longer adequate?

- Maintaining the health of the environment. The plan showed cutting down more mature trees and depleting an already depleted canopy and was that maintaining the health of the environment.
- Appropriate land use. Property values. Did that mean if the project did not violate any terms of the CLURO, did that deem it was appropriate. were we still deciding on what Old Mandeville was going to be. Why hasn't that been figured out by now. Property Values – Mr. Foster's original intent was to bring appraisals, one with the restaurant and one without but he found out that type of appraisal was based on comparisons. There were no comparisons in Mandeville for this. He was told it would take research of outlying areas which could take 6-8 weeks and would be costly. He could prove a decrease in value, but it would take time. His house would answer these questions one way or the other. He felt the burden was unfair and requested to deny the applications. Mrs. Foster said when they left New Orleans after Hurricane Katrina it was a difficult time, and decided to make their connection to the Northshore. Their family had been on the Northshore since 1859. They got to know people in the community, and knew the owners who were determined to turn it around. They backed her up and in the last few years she made progress on the front two buildings. She did take her own life two years ago. She felt she was moving next to a convent, a place that took care of her grandmother. They felt that had become caretakers for Rest A While. This was a personal thing and she wanted everyone to know that. It was her home that she was fighting for. She could not image anyone that would want a restaurant and several bars against their homes. At Christmas everyone came home and the immediate family was 20 people. She was at a loss that this project could even be considered. Her parents were leaving New Orleans and spend time with them. They were now reconsidering moving in the spring. She was appealing for discretion in the gray area.

Becky Rohrbough, 2525 Lakeshore Drive, made four additional points. Mr. McGuire had endeavored to address the issues and thanked him for that. It was a square peg and round hole. There was no staircase planned yet. There were historical pictures of the double stairs and it would be nice to have that historical component and it would require a variance. The building could not be relocated, and the stairs and green space was more important historically than a 25' setback. The CLURO was full of landscape requirements, but this was a new scenario in Old Mandeville with flooding and raised houses. Plants and bushes could not be planted on the underside by the Foster's home. There was a need for tall mature trees, but that would be 10-15 years to see the benefit. The kitchen could be moved, but the Foster's could not relocate their house so add the burden to the applicant. The reality of fire protection was she was glad to hear about the fire walls and sprinkler systems. She remembered pictures from Hurricane Katrina of houses surrounded by water that was on fire and no one could get there. The lakefront was hardest hit from the hurricanes. She asked what would happen when there was no electricity to trip the alarms. All of the properties would be jeopardized with residences so close to the kitchen. Any mitigation that the board could develop might save 4 or 5 houses.

Nancy Clark said this was the first time in modern times where heavy commercial was being moved in on residential areas without buffers. Bechac's had been a business for 100 years. This had been a low impact property that was changing to a high intensity use with dumpster, deliveries, kitchen clean-up covering 22 hours of a day. This would be adjacent to a residence. This was a lane of renovated homes that would be made miserable by this project. New builds were in

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heavy commercial areas and were buffered. She asked the board to review for compatibility and make a decision outside of the box.

Michael Gurtler, 129 Carroll Street, was concerned about not being able to see the project information before the next meeting. Mr. Adams said the board would not vote unless they felt there was information to act on. Mr. Persons asked how to know whether the meeting would be a work session or a vote. Mr. Adams said the meeting was set by advertising and the board would decide if they were satisfied with the information.

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



Lori Spranley, Secretary



Nixon Adams, Chairman

