

**Planning Commission  
Public Hearing  
February 10, 2015**

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: Louise K Kidd, Planning Director; Laurie Pennison, Asst. City Attorney; Mayor Donald Villere; Council Members Ernest Burguières, Rick Danielson, and Clay Madden; and Fire Chief Rick Tassin

The first case discussed was S15-02-01 Crosby Development Company, LLC requests preliminary subdivision approval for the Sanctuary Subdivision, Phase 4B, zoned R-1.

Ms. Kidd presented a preliminary subdivision request for Phase 4B of the Sanctuary Subdivision that was zoned R-1. The total area was 13.6 acres in accordance with the plat prepared by GEC. The property was rezoned to R-1, Single Family Residential from PRD, Planned Residential District, under Ordinance 14-48. The original design was to construct smaller garden homes and the property was rezoned to single family residences. The lots met the minimum area requirements and exceeded the R-1 site development criteria. The main issue by the City Engineer was additional information for the drainage plan. The staff had received comments from Andre Monnot, City Engineer, stating he had received the updated plans and engineering basis from the model and found it to be satisfactory. There were no other issues to address.

Mr. Quillin moved to approval the preliminary subdivision request, seconded by Ms. Bush and was unanimously approved.

The next case discussed was P15-02-01 Recommendation to the City Council regarding Ordinance 15-01, to enact a twelve month moratorium on adding outside fill to the foundation or base of a structure in the Old Mandeville Historic District of the City of Mandeville and to provide for related matters

Mr. Adams said the moratorium was to provide protection in regard to fill placement until the final ordinance was in place. Mr. Burguières said it would be 3-4 months until Mr. Lauer was finished with the CLURO amendments. Ms. Kidd said she would like to discuss the language with the City Attorney and compare a sample Mississippi ordinance with the existing City regulations. Mr. Adams said the sense of the ordinance was to protection in place until the CLURO amendments were adopted. Mr. Blache asked how present projects would be affected. Ms. Kidd said those property owners had vested rights and could file an appeal with the Zoning Commission. The board would like to review the final language and requested to defer approval until the next meeting.

Mr. Blache moved to table the case until the February 24<sup>th</sup> meeting, seconded by Mr. Fairley and was unanimously approved.

**Resolution 14-03**

The board requested that the sign conference presented by the sign companies be added to the education.

Mr. Blache moved to adopt Resolution 14-03 as requested to be amended, seconded by Mr. Clark and was unanimously approved.

**Videotaping of meetings**

The City Council had adopted a resolution requesting the Planning and Zoning Commission consider taping their meetings. Ms. Bush asked what do other cities do. Mr. Burguieres said Covington taped their meetings and Mandeville had been taping their meetings for three years. He thought it was a valuable resource for people. This would be a way for the public to see the meetings.

Ms. Bush moved to allow videotaping and change the procedures. Mr. Blache said he was concerned that the videotaping could hinder future board members who would serve on the board. Ms. Bush revised her motion to allow for videotaping, change the rules of procedures and post the video of all work sessions and public hearings to the website. Ms. Kidd reminded the board that some of the CLURO work sessions were held in the Conference Room. Mr. Adams seconded the motion. Mr. Quillin requested to amend the motion pending the availability to record the meeting if held in any other location than the Court Room. The amendment was accepted by Ms. Bush and Mr. Adams. The vote passed 4-3 with Messrs. Blache, Clark and Fairley voting against the motion.

Mr. Quillin moved to approve the minutes of June 24, 2014, seconded by Mr. Thomas and was unanimously approved.

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

  
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Lori Spranley, Secretary

  
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Dennis Thomas, Chairman

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Absent: None

Also present: Louise Kidd, Planning Director; Laurie Pennison, Asst. City Attorney; Mayor Donald Villere; Council Members Ernest Burguieres, Rick Danielson, and Clay Madden; and Fire Chief Rick Tassin

The next two cases were discussed in conjunction. They 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 a zoning permit request to a tavern – bar or lounge for the Hadden Cottage and Sophie B. Wright and a sit down restaurant with lounge for the main Rest-A-While structure. The staff had received a revised submittal dated January 30, 2015 to relocate the dumpster on the far east side of property. In summary, the Planning Commission held two work sessions on applications for development of the Rest a While site to use the three existing buildings on site as a sit down restaurant with Lounge (Frapart Hotel) and a Tavern, Bar or Lounge for both the Sophie Wright Cottage and the Hadden Cottage.

The site plan proposed a 1,400 square foot addition to the Frapart Hotel for the sit down restaurant with lounge to accommodate a new kitchen to serve the restaurant. This addition was proposed to be located behind the existing building, approximately 20' from the west property line. This was moved over 10' to the east following the first work session to move it further from the existing adjacent resident. The existing adjacent single family residence was located approximately 3' from the property line.

The existing building was 1,704 square feet. With the addition, the total square footage would be 3,104 square feet of enclosed area. There is the additional outdoor space both on the porches and underneath the building that are shown on the site plan which was 1,460 square feet porch area and 3,054 square feet of slab. Previously, the applicant indicated that only the front porch area would be used for patron area of approximately 656 square feet and approximately 1,500 square feet of the slab area under the building for patron area.

The Hadden Cottage and Sophie Wright were being proposed as Taverns, tied together by upper level decks connecting all three buildings. The Hadden Cottage consisted of 764 square feet with a proposed 700 square foot addition for the rest rooms. The Sophie Wright has no proposed additions, other than the deck tying all buildings together.

The proposed new deck area was 1,802 square feet with approximately 1,004 square feet of area to be used as outdoor patron area.

Through the work sessions, there were several hours of public input and presentations. The applicant submitted revised plans based on public input and comments from the Planning Commission. Revisions and additional changes were

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outlined in the letter from Mr. McGuire dated January 16, 2015 and the revised plans dated January 19, 2015. The latest revised plans dated January 30, 2015 changed the location of the dumpster. The significant changes came after the first work session with a list of items addressed on the site plan to help mitigate some of the impacts identified in that first meeting.

The property was located in the B-3 zoning district and the purpose of that district was stated as follows: *Purpose of the B-3 Old Mandeville Business District*  
*The purpose of the B-3 Old Mandeville Business District shall be to provide a district that acknowledges the historic character of the area and the pedestrian orientation of the neighborhood by continuing to combine a mix of small scale residential, civic, commercial, service and office establishments that are relatively compatible with residential uses within and abutting the district. Lot sizes, setbacks, parking and landscaping requirements shall be more flexible to address the unique characteristics of an area substantially developed as a commercial district with smaller lots and greater development densities than newer areas of the City. Tree preservation and appropriate plantings in public and private spaces are key objectives within the B-3 district.*

The Zoning Permit review and evaluation criteria and findings were outlined in the CLURO Section 4.3.22 and the Findings were outlined in Section 4.3.23.

The adjacent uses to the west were a single family residence permitted by right, the lot to the east was vacant and then a tavern. Residential uses about the property to rear of the property. The remainder of the block was residential uses.

Barrett McGuire, 1551 Lakeshore Drive, applicant, made a presentation, said from the last meeting two modification were made for the dumpster to be moved to the far east and plans for noise abatement for the air condition units and they could shift further east if was more acceptable. He was taking three eyesore blighted properties and restoring them. The foundations were set on the Frapart Hotel and he was ready to work on the other two buildings. The project had been reviewed by the Design Review Committee. The facades were the same. He was moving the Hadden Cottage up front and center and not changing the exterior features. Parking was a continual concern with 30 parking spaces on site. They went 300' out instead of the allowed 600' for on-street parking calculations. Congestion was discussed, but the lakelfront belonged to everyone. Dumpster noise – he talked to three contractors who have committed to no service before 8:00 am, and he was committed to locking the fence so it could not be picked up before 8:00 a.m. There were a lot of what ifs, which were enforcement issues and would follow the law. Scale in keeping perspective of the property, he was only developing the front half which was twice the size as any neighbors. They were adding 2,100 square feet under beam construction. They were keeping both businesses under the same management so there was one person to call so they could provide adequate concerns. Mr. Thomas asked if there were two businesses when he saw three. Mr. McGuire said the two cottages would be under one business ownership so it was not two separate taverns; it would be a wine and cheese bar. Mr. Thomas said they would both have the same uses with the same operation hours.

Mr. McGuire said scale to his perspective was under beam versus gross property area. He showed the footprints of the neighborhood for comparison. Other than Barley Oak, they were under scaled when looked at separately. If looked reviewed as two parts, then an alternate view was 9,574 square feet with his two neighbors being 11,855 square feet with 40' of width. From a scale perspective, he felt they had minimized as much as possible not to impact the neighborhood and was within the mean average.

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He took the fire concern seriously. It was not fair to ask the neighbors to fire proof their walls. He proposed to double up on their requirements with sprinklers throughout. The Fire Chief said two meetings ago that they must follow the regulations and that the Fire Marshall must inspect the site.

In conclusion, they were focused on what to do to minimize the impact on the neighbors. He and wife had voluntarily made suggestions and changes to the plan.

Mr. Thomas asked about neighbor privacy. Mr. McGuire said both front porches were in line and they would wrap around the building, but block access to the Foster's side of the building to prohibit patrons or works to walk on that side of the building. They would use old shutters in the character of history to block off that side of the building and the Fosters could still enjoy their front porch.

Mr. Adams asked about the maintenance of an elevated deck and asked if there was another way to lower it ground level. There was also concern about fire and he asked if there was any way to move the kitchen to the far east side. Mike Piazza, architect, said it was moved as far as possible and the only option was moving the restroom building. Mr. Adams suggested moving the cottage to the east, move the kitchen and place restrooms behind and then move kitchen over. Mr. Piazza said the historical integrity of the cottages would be eliminated. Mr. Piazza said moving the cottage too far forward would put the deck closer to the street. They were trying to keep as much green space and the main building intact. You could see the entire old original building driving down the lakefront. Mr. Clark asked about concerns for the adjacent residents. Mitigation would be distance of the adverse effects from the residents. Mr. McGuire asked what was an acceptable distance. Mr. Adams said it was judgment. The further away the kitchen was addressing the concern of most people in the room. Mr. Piazza said they could move the building over. Mr. McGuire said he would probably loose green space between them and the Fosters that would become parking.

Fire Chief Rick Tassin said the biggest thing was that the building was fully sprinklered. It was not required, but by doing it was a positive. The exterior sprinkling mitigates outside fires spreading. Exterior heads must have antifreeze. The ratio was 98% of fully sprinklered buildings having the fire extinguished before the fire department arrived. Mr. Adams suggested moving it 10' further to the east, and Chief Tassin said that would be helpful. What was presented would also be adequate.

Mr. Adams said there was a historic preservation permit involved. This board was dealing with site plan approval. Mr. McGuire said in discussing this with Mr. Piazza, they could move 10' with the restroom building behind the Hadden Cottage, but they would need to use the west side as parking. Nancy Clark suggested expanding further into the property. Mr. McGuire said he wanted to keep the property at the same dimensions. Mr. Adams said the deck was a big structure, and could it be placed at ground level. Mr. McGuire said he wanted it raised for accessibility at one level for all three structures. There would be a brick pave underneath to prevent weeds and nuisance. Mr. Thomas asked about the use underneath and Mr. McGuire said there would be none. Mr. Blache asked moving the Hadden Cottage more west and place the restroom more to the east. This would eliminate four parking spaces. Mr. Piazza said they could do that, and he estimated the kitchen would be 30' over.

Mr. Adams said the board could vote at this meeting and envisioned that they would. But, if there was a movement of buildings, the board may want to review the plans. Mr. Clark said scale had dimension and weight which was a consideration.

What were the adverse effects? Mr. McGuire said he had come up with 15 items that he had voluntarily implemented. They had just agreed to move the building another 10' for fire concerns, the project was under scale in comparison, if a building was next to a residence that would be a negative but this was also a business district. Mr. Clark said the B-3 district was different, but he had observed size and weight. He asked at capacity how many customers would there be. Mr. McGuire said hopefully a lot. Mr. Adams said now it would be 5,000 square foot of building. Going back to the code, if the minimum requirement were met a permit must be issued, and the board could require mitigation requirement be met. Mr. Adams said it if as less than 5,000 square feet in the buildings, the defined scale as far as footprint. The architectural scale dealt with the preservation process. Mr. McGuire said the restaurant would have 20 tables; Hadden Cottage would have two tables, and the Sophie B. Wright would have 10 tables and the outside area. Mr. Clark said that was a lot of parking for a walking community. Mr. McGuire said he wanted to place the parking on site and make it walkable. Mr. Adams confirmed that Mr. McGuire had committed to a list of changes. Mr. McGuire said that could be a condition of the permit.

Mr. Fairly said Mr. McGuire had not turned down any mitigation requirements yet. Ms. Bush asked if it was possible that a mandate which included the modifications and discretion, but the statement if the project met the minimum requirements that a permit must be issued. She asked if the board could issue a zoning permit without approving site plan. Mr. Adams thought the site plan went with the permit. Ms. Pennison said the board review compatibility and modifications and must be reasonable. The board must look at it in comparison to the adjacent site plans and the entire B-3 district. Ms. Bush was trying to reconcile to Section 4.3.2.10 with conditions and must be construed in favor of the use by the owner. Ms. Pennison said she thought it was compatible with Section 4.2.3 being compatible and any necessary mitigation. Ms. Bush said what was stated that the minimum be met then issue the permit, but the board still had discretion under the mandate and Ms. Pennison was in agreement. Mr. Clark asked if compatibility was a requirement and Ms. Pennison answered it was within the discretion of the board.

Ms. Bush said it seemed there was a requirement that if it met the use and scale then we could approve the zoning permit, but that was also when there was discretion in applying conditions. Ms. Bush asked if the board was required to grant the permit. Mr. Blache said it depended on the mitigation of the circumstances to alleviate any dangers to adjacent property or quality of life and then the board could not. Mr. Blache said it would be conditioned upon certain things alleviating conditions that would be infringing on the adjacent property owners. Mr. Clark said it would be conditioned on an acceptable plan. The mitigation must deal with health, safety and welfare.

Mr. McGuire said was not saying no to anything, and voluntarily came up with ideas to make it better. Compatibility had land use classifications and districts. Some determined that a restaurant was allowed in a B-3 as a compatible use. Ms. Pennison said in the B-3 district the board must be applying the B-3 criteria. Mr. Adams said it had been previously discussed about creating sub-districts.

Mr. Clark asked on reviewing the B-3 designs standards, it stated retain or increase property values to protect private investments. He asked what it meant. Ms. Pennison said both sides had property rights. Mr. Clark said all development and each structure may transition to all other land uses. This appeared to be creating the criteria to be able to transition seamlessly. Mr. Adams said anything could transition.

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Cindy Touchstone, under construction at 124 Lafitte Street, said she had lived in Mandeville for 24 years and loved the area. She was in favor of the project, especially since it had been abandoned for many years. She understood there would be parking and a dumpster closer to her house. The Barley Oak had their dumpster emptied between 9 and 11 a.m. and she had no problem with that.

David Persons, 132 Carroll Street, asked to address the discretion issue. If the use was listed as permitted then the board had no discretion. Ms. Pennison stated she did not say that in her memo of January 26, 2015. She said on page 3, she included a mandate that the board must find the use and site development together to be compatible. If the site plan met the minimum requirements, then the board must determine if there was an adverse impact. Since the last meeting, there was an opinion that specifically said the board had discretion to deny a use if they found that it was not compatible with this location. Ms. Bush asked how the mandate compared with the opinion that if the site plan met the requirements then the permit must be issued. Mr. Persons said the board must determine the use. Our Lady of the Lake Church was a permitted use but the board found that the church in that location was not admissible. Mr. Adams said there was an appeal of the Zoning Permit, and the appeal was only limited to parking. Mr. Persons said there were 17 reasons listed. He felt the board had the discretion to grant the permit, and suggested saying that the board must grant the permit if the property was located in the B-3 district stripped the board of its authority. Mr. Blache said the board could go beyond the approval by placing conditions. Mr. Persons said one business in the Frapart Hotel and other businesses in the other cottages did not reduce the noise. The Frapart Hotel was located 11' from the west property line. There was no way to soundproof the noise from the decks. He said the wine and cheese bar use may start that way, but could change over time. On the parcel at the end of Carroll Street was for sale and it could possibly be constructed as a huge bar, and if it was reviewed uniformly the board could not stop the use. Mr. Adams said the board could change the ordinance.

Ms. Pennison said under Section 4.3.2.3, there were 12 standards. Ms. Bush asked if the board could deny the request because it did not meet one of the standards and then go to mandate. Ms. Kidd said there conditions of the use under the Zoning Permit criteria. Mr. Persons said together the project was 9,000 square feet. Ms. Kidd said the total proposed new area was 3,104 square feet. Mr. Persons said there was nothing else that large in Old Mandeville. It would affect all of the houses in the block.

Joanna Persons, 132 Carroll Street, said she thought it was incompatible with her neighborhood.

Mark Ragusa, 123 Lafitte Street, agreed there would be a need to control the noise. He thought there was no way to control the amount of noise and he had been awakened with noise from the Barley Oak.

Pat and Eric Jensen, 111 Carroll Street, said it was about compatibility and appropriateness. They thought it was wonderful to see it developed and would embrace it if it was compatible and wanted to keep the ambience of Old Mandeville. The plan would be great somewhere else. In a small historic neighborhood, it was not appropriate for that space. Mr. Thomas asked what would be compatible and appropriate. Ms. Jensen said less public outdoor space, a boutique hotel, or a welcome center. Mr. Jensen said there was a concern about property values and asked if there had been an attempt to get an appraisal with more than one appraiser. There was nothing comparable, and nothing of this magnitude. He felt it would affect the collateral value of all people within a reasonable proximity. It would have

a negative impact that translated into a reduction of value. He requested the board vote no.

Mark and Adele Foster, 2135 Lakeshore Drive, when they bought their home it was a religious nonprofit retreat center for over 100 years with a determined director that she would not sell the property. As a result of her death, they were now appearing before the board. The impact with the new changes would be noise, smells, commercial light and the fear of fire. Mr. McGuire had made some concessions and was interesting to see. She was encouraged by tonight's meeting and asked to table the case to review the redesign. Ms. Foster requested to use the land to the rear and push the buildings away from the neighbors. She suggested as another usability to put the kitchen and bathroom under existing roofs. Mr. Adams asked if she was saying they did not mind the combination of uses. Ms. Foster said they did mind. She would like to see it remain as a retreat center, but she knew that was unrealistic.

Anne Marie Fargason, 347 East Street, asked about any plans for bands, what type of food, would they be frying seafood, could they soundproof the west end of the porch, the shutters will not soundproof, and what would be the people capacity of the porches and walkways. With nice weather there may be a lot of people and noise. Mr. McGuire said there would be no bands and there may be some speakers but they would be following the noise ordinance. Ms. Kidd said it was not prohibited from music, but there were limitations on time. Mr. McGuire said they would not have fried food, and would purchase a Molitron system to eliminate odors. The plan was for 20 tables in the interior, 2 in the Hadden Cottage, 6-8 in the Sophie B. Wright Cottage, and no tables on the walkways. Ms. Fargason said in the original hotel, the kitchen was inside. Mr. McGuire said he did not want to burn the building. Sally Reeves had also written a letter which would be part of the record.

Amy Crane 303 Lamarque Street, asked about mitigating adverse effects. She was troubled by the large square footage of the project. The best way to mitigate the adverse effects would be to move the kitchen and restrooms into the existing buildings and not have all of the decks. The scale of the project was too large, and it did not seem compatible to the adjacent buildings.

Rosaline and Patrick Guillet, 133 Carroll Street, said theirs was the only home still on the ground. They needed to find money to raise the house since they had not received a grant. They felt that three bars would lessen the value of their home. With the last flood they could not be repaired again. They had insulated the inside of the walls on their 120 years old structure. Ms. Guillet was concerned how the noise would impact them. She felt the board had the right to deny the permit because of the neighbors. Mr. Guillet believed this could be a huge venue like Mandeville had never seen.

Jonathan Sandoz, 141 Foy Street, said he had been an Old Mandeville resident since 2001 and loved the walkability and local entertainment. He had heard minimal and reasonableness as the standard at this meeting. Mr. McGuire had offered to work with everyone and was going above and beyond his requirements. He had heard concerns about fire and also heard Fire Chief Tassin address the concerns. Mr. McGuire had offered to move the structure again, and was working with everyone. He stated that he was in favor of the project. Mr. McGuire was restoring a historical property.

Virginia Ison, 350 Atain Street, said she loved Mandeville, but there was more commercial for a quiet community and was disturbing the peace.

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Clyde Touchstone, 124 Lafitte Street, spoke in favor of the project. He thought something needed to be done to the property. He said his property value will not be decreased because of the restoring of the buildings. Most all of the residents will be in the restaurant having a good time. He thought it was a good thing happening and had nothing negative to say about it.

Charles Goodwin, 2075 Lakeshore Drive, asked what if Mr. McGuire's numbers were off. He started with a premise of a \$1.5 to \$2 Million investment. He asked what would happen if it was a success with a great a lot of traffic, or if it went bad and was sold for a lesser price than invested. This would lower the property values.

Michael Gurtler, 129 Carroll Street, said he had flooded 11 times in 12 years. Sprinklers were great but what would happen when the water from the sprinklers were blown off the property. The lakefront was already crowded, and adding more people was not going to work.

Carl and Jill Buhler, 2837 Lakeshore Drive, were concerned about a whole group of bars on the street. Lining up bars was inviting problems and would be making a lot of noise. Mr. Buhler had invested in the house at 138 Carroll Street and was concerned about not getting his investment back.

Nick Chronis, 2075 Lakeshore Drive, said with the amount of people present this was an important issue. He asked about the location having only one elevator, and how many people it could accommodate, especially if there was an emergency situation. Ms. Kidd said the Fire Marshall would review that. His other observation was and he was in agreement with the opposition, that two words heard in a debate were consequence management. If we don't get this right, who would manage the consequences?

Mike Martinez, 1308 South Ridge Drive, said while not an Old Mandeville residence, he had come to the area for the peaceful community.

Russ Penzato, 2143 Lakeshore Drive, said there would be three locations for food and alcohol consumption and then having to go outside for the restroom. He felt that did not make sense. He would continue to come back to parking. A place of this size would have 20-30 employees, and then add the patrons. He did not think there would be enough parking for it. He felt the term compatibility was used when it was convenient. He thought the project was not compatible and should be downsized considerably.

Boyd McPhail, 2075 Lakeshore Drive, was concerned about safety. Five people had been arrested in a drug deal gone sour on the lakefront. There would be six establishments serving alcohol within a two block space. He felt the board should say no. This concentration of alcohol was more safety problems. Over the 16 years of living on the lakefront he had seen numerous altercations from too much alcohol. He urged the board not to approve the application

Cheryl Messerli, 2075 Lakeshore Drive, said she was new to the community since the summer and felt with the Lake House nearby there it was loud. The Lake House kitchen was 20' from them and it was too close. They started at 6:30 a.m. and the loud music in morning did impact the area.

Rebecca Rohrbough, 2525 Lakeshore Drive, said a picture was worth a thousand words. She recounted an event of the former owner of the Penzato house when someone on the lakefront would not turn down the radio after being asked

and the son grabbed out the radio wires and threatened to call the police. The moral of the story was the owner of the residence was unreasonably disturbed and reacted. Today everyone was more civilized, but she requested the board review compatibility.

Scott Williams, said he had opened a coffee shop in 2012 which created a community hub. The thought his project was compatible, but when he heard complaints about loud music he turned it down and apologized. This project would double the number of people coming to the lakefront, and he felt bad for the neighbors.

Mr. Blache said in light of the need to see the new drawings, he moved to table the case until the next meeting. Mr. Thomas agreed he would like to see the drawings and street elevation, and seconded the motion. Mr. Adams said if there were any specific board recommendations to Mr. McGuire to state them at this meeting so the case could conclude at the next meeting. He wanted to consider the deck being at ground level. Mr. Blache said he would like to see the reversal of the restrooms and moving the kitchen. Mr. Clark would like to see the revised plans. Mr. Quillin said his concerns were that it was one piece of property and two effective businesses through five buildings. He asked about the intended use of 1,500 square feet below one of the buildings. Ms. Kidd said the slab below the buildings was 1,500 square feet of patron area. Mr. Quillin asked if the property could be resubdivided and sold. Mr. Adams said two separate businesses on the same lot were allowed. Mr. Quillin said the challenge was one elevator going over 5,000 sf. Mr. McGuire said the Frapart Hotel area included a porch that was not patron access. Mr. Piazza said an elevator was not considered an exit. The number of stairs was controlled by the number of people on the deck. Mr. Blache asked about ADA requirements with the stairs. There would be an emergency call station and a protected area for wheelchairs for fire rescue.

Mr. Clark said the board must protect the business in an improved area and preserve the rights of peace and tranquility. The ultimate mitigation was distance. His reaction to that plan was to use what was allowable, but look at the plan for the compatibility benefit everyone was concerned with in terms of right of peace, the question of alcohol and more people on the lakefront. Mr. Quillin agreed.

A special meeting was called for February 23<sup>rd</sup> at 7 p.m. pending the availability of room. Mr. Adams suggested holding the meeting Community Center if necessary. Mr. Quillin moved to table the case, seconded by Mr. Thomas. It was summarized for the revised plan to include the kitchen moved as far as possible from the adjacent residence, clarification on the 5000 square feet and if it was tied together as one building. Mr. Clark said he would like to see the facilities in the house and moved away from the residential area as well as the mechanical moving away from the residences. Mr. Thomas requested a streetscape rendering. The motion was unanimously approved.

Mr. Quillin moved to approve the minutes of June 24, 2014, seconded by Mr. Thomas and was unanimously approved.

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

  
Lofri Sprahley, Secretary

  
Nixon Adams, Chairman

**Planning Commission  
Work Session  
February 10, 2015**

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: Louise Kidd, Planning Director; Laurie Pennison, Asst. City Attorney; Mayor Donald Villere; Council Members Ernest Burguieres, Rick Danielson, Clay Madden; and Fire Chief Rick Tassin

Mr. Thomas 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 only case discussed was R15-02-01 Succession of Martha Blackman, Independent Executor K. Vaughan Sollberger, requests a resubdivision of lots 14A and 14B into lots 14-A1, 14-A2, 14-A3, 14-A4, and 14-A5, square 14, bounded by Jefferson, Foy and Madison Streets, zoned R-1.

Ms. Kidd presented a resubdivision request in square 14 of lot 14A zoned R-1. The request was to resubdivide the property into four lots. Lot 14B was created several years ago and was located at the edge of a designated wetland by Little Bayou Castain. Lot A2 was a flag lot with access off Madison Street with a frontage of 24'. The CLURO under Section 3.3.9 defined areas of Periodic Inundation below 5' msl contour or jurisdictionally wet. Under the subdivision regulations in Section 12.1.7 there could be waivers requested. The property was zoned R-1 with the required minimum lot size of 90' x 120' based on the criteria of the lot area not including areas of periodic inundation. The City records indicated this was all below the 5' contour. Mr. Adams said the requirement was to show 10,800 square feet above the 5' contour. The board requested the information be included on the plat. Lot A1 showed substantial live oak trees. If the resubdivision request was to move forward, the owner must address the canopy of the live oak trees. The Public Works Department had provided comments and Principal Engineers had forwarded comments on February 2, 2015 questioning the ability for lot A2 to be served by the sewer main. Fire District #4 stated there was an adequate water supply and clearance on the structures. Mr. Thomas said the board discouraged flag lots under CLURO Section 3.3.12. Mr. Adams asked how much land was located above the 5' contour and the answer was none.

Vaughan Sollberger, owner, said most of Lakeshore Drive was not above the 5' contour. He had kept the Corps of Engineers determined wetland line for the wetland that would not allow any construction. Oversized lots were proposed so the houses would not be close to each other and the view would be toward the bayou or estuary and the cypress trees. Mr. Sollberger stated that the interior lot had a live oak tree on the Lamarque Street side of the property. He had met with Ms. Gleason and Dr. Guidry and had worked out the driveway location on Jefferson Street. The intent was to lay down geodetic fabric and allow no paving with that information being included on the plat. The Corps of Engineers line should be included on the plat.

Mr. Adams asked if there would be a variance since the code stated on area if below the 5' contour one structure would be allowed on the lot. Ms. Kidd said the 5' contour was a waiver to the subdivision regulations. Mr. Sollberger said he was having the surveyor draw the tree drip lines, contour lines, and the Corps was

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working on an updated determination. Mr. Adams asked if there would be a variance to the flag lot and Ms. Kidd said she would check it.

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

  
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Lori Spranley, Secretary

  
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Dennis Thomas, Chairman