

**Planning Commission
Public Hearing
February 23, 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 Kiddle, Planning Director, Laurie Pennison, Asst. City Attorney, Council Members, Ernest Burguières, Carla Buchholz, David Ellis, Clay Madden and Mayor Donald Villere

The two zoning cases were discussed in connection. 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 the request for a zoning permit to Section 6.4.67, Restaurant – Sit Down with Lounge and Section 6.4.70, Tavern – Bar or Lounge. There was a revised plan through February 18, 2015 with an accompanying letter from Mr. McGuire dated February 20, 2015. The letter stated the following changes requested from the last Planning Commission meeting. The changes were the location of the hvac units, restrooms behind the Sophie B. Wright building, the kitchen moved 10’ to east that would now be 40’ from the property line, produce a street view elevation, feasibility of lowering the deck, a seating capacity chart, and a plan defining interior spaces. Ms. Kidd outlining the purposes of the B-3 zoning district and review and procedure criteria and findings for a zoning permit. Throughout there were discussions about compatibility.

Mike Piazza, represented Mr. McGuire, 847 Galvez Street, stated the plans had moved all of the air conditioning units to the east with one located between the kitchen and the restaurant, two to the rear of the kitchen, one behind the Hadden Cottage and two between the Sophie B. Wright Building and the restaurant. The intent was to have louvered shutters for invisibility. They were moving the restrooms and storage behind the Sophie B. Wright Building created an “L” shape with the restroom between the buildings. A breezeway was designed covering from one building to another. The floorplan of kitchen addition placed the restrooms to the west side, and the manager office and cooler to the rear being 44’ from the property line for the kitchen. The street view elevation presented a professional rendering of the exact locations. An old picture was found of the building and it was modified to reflect it. The open deck in the middle was pushed back to allow the entire side view of the building to be intact.

The feasibility of lowering the open deck area was reviewed and they were requesting to keep it even with the buildings for more control over the tables and chairs not being under all of the buildings. It would keep people away from the Foster’s home. Architecturally the deck tied the buildings together. If they were on the ground, the sound would go in all four directions. Mr. Piazza said the seating in the restaurant would be 54 seats, 6 seats at the bar and exterior dining 4 two tops on the east side for a total of 68 people. On the open deck there would be 32 people, the Hadden Cottage would have 3 two tops for wine tasting, and the Sophie B. Wright would have a small wine bar seating for 30 people. By moving the restrooms there was a loss of 4 parking spaces, but the site still had more parking than needed. The dumpster was located on the east side.

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Mr. Blache asked about the hvac location and they were to the rear of the kitchen. He said the streetscape appeared that the deck as much further in than on the model. The deck appeared larger than he thought.

Mr. Quillin asked if there was additional fireproofing to the west. Mr. Piazza said the building would be sprinklered with fireproof exterior walls and an additional 14' buffer.

Mr. Thomas asked about the deck from the property line and it was answered about 40'.

Mr. Adams asked what was under each section. Mr. Piazza said the existing slab was under the Frapart Hotel. He said the detail was in keeping the original cottages with the heavy column supports. Under the open deck would be a more slender pipe column with heavy landscape. They wanted the architecture of the old buildings to stand out. Mr. Adams asked about the standards for the decks. Mr. Piazza said it would be a mixture of concrete and wood panels. There was new composition material with a 1/4" gap for water pressure relief.

Nick Chronis, 2075 Lakeshore Drive, made a presentation that was attached to the minutes.

Scott Discon, 142 Carroll Street, owner of the Scott's. He stated he was not worried about the business, but the proportion to the area. He thought the more business the better for everyone, but everyone should work with the environment.

The project was as large and in comparison to the Scotts there was 30' to the next house and two driveways. With this project there was only 9'. With the deficiencies, this was creating a private nuisance that included smells, noise, and sounds.

Russ Penzato, 2143 Lakeshore Drive, said it was fully commercial and there were six bars within a two block area. This would be in an area where there were children and everyone enjoyed the area. It was too big in scale, and would bring in a large amount of people and parking.

Amy Crane, 303 Lamarque Street, said it was a good retirement location because of its walkability and atmosphere. She was concerned with retaining and enhancing the integrity. She hoped this was not changing the character into a drinking area. There was no guarantee Mr. McGuire would be a long term owner. She was concerned with the large amount of people that it would be close and crowded.

Rosalind Guillet, 133 Carroll Street, said it was too big for the area, and would be high density next to a residence. She was concerned about being allowed to add structures this size to the rear.

David Persons, 132 Carroll Streets said in summary with the square footage of each building with the porches there was nothing to the rear to the stop the patrons. There was a discussion of 72 people and that did not include an estimate of people standing on the deck. It was pointed out on the Hadden Cottage that there was place for six people. There was a shelf around the edge for wine tasting, and there could be standing or stools for more people. Outside and with extra seats there could be up to 180 seats and standing room. At the Barley Oak on a pretty day there were people standing outside. Mr. Piazza said they want to keep people together, but you cannot stop the noise. He was 500' from Lakeshore Drive and could hear the noise clearly. It was huge scale that was unprecedented. The effect on

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property values was not disputed. Property owners had equal rights and that was made clear. He was not saying do not develop the property and thanked Mr. McGuire for being cooperative. There were some things he could not mitigate, and he had tried very hard.

Gerard Clesi, 406 Girod Street, said he was a meat and potatoes guy. He said the condos next to Rips had not sold well because it as next to a restaurant with odors, smells, and noise. He had the image of the same for the Fosters and people on Carroll, Claiborne and Lafitte Streets.

Cleve Fair, West Beach Parkway resident, said he was a resident for 41 years and in full disclosure no one asked him to come, and he had no personal relationship with Barrett McGuire but he was interested as an entrepreneur. The message was simple that Mr. McGuire had invested in a property of historical significance, work to improve and stabilize the buildings back to the original character. No investment of this size could be made without an investment return. He applauded the project, requested the board approve and thanked for investing in Mandeville.

R. J. Irlkel, 141 Carroll Carroll, stated he was concerned about the direction of the lakefront. It was a place that people can relax and enjoy. The atmosphere would change with a business of this scale.

Ben Plaia, 611 Girod Street, supported Mr. McGuire with his make significant investment. He was providing ambience on a rundown property. He asked he board to look at the project as a benefit to Mandeville.

Mark and Adele Foster, 2135 Lakeshore Drive, said a restaurant or bar was the least compatible use. They asked why couldn't a more compatible use be chosen. Alcohol reduced inhibition and caused loudness. A more compatible use was an office. The east wind would cause more than noise, and would increase odors to the house. They had worked hard to improve every house they owned with almost entirely their own labor.

Ms. Foster said the board needed to get it right, and it would cause a tremendous burden on their family and neighbors. The several nights of meetings as a testament of incompatibility. A restaurant and 3 bars defined incompatibility. There was too much that could not be mitigated. The purpose was to protect the citizens and as the nearest adjacent home they should be protected, be able to get a good night's sleep, and not be burdened with noise.

Becky Deano, 2410 Livingston Street, had lived in Old Mandeville her whole life and was not against another bar and restaurant. She said there was some demand for office space and a bed and breakfast was another use for a larger building. It was suggested to scale down a good project to be more compatible.

Juliane Min, 500 Girod Street, was concerned about the project presentation as one linked entity. But, he would hate for the board to veto the project. Those who lived on the lakefront knew what the area was zoned. The only way to have a glass of wine, eat and enjoy the view was this project. She would like to enjoy the lakefront with more options. She encouraged modifications of not a large linked entity, but she was not sure what other options would be. Abandoned buildings on the lakefront was not a good option. She requested an approved with a call for modifications.

Mr. Thomas asked when was the property zoned B-3. Mr. Adams said it went back to the green book around 1965. Mr. Adams said the change was not to allow condominiums on the lakefront or corners.

There was a discussion that the board had struggled the last March with small scale and had adopted a cap of 5,000 square feet. The board had wrestled with compatibility. The point was there were people living close to a use that the developer hoped would be intense. The board did have sympathy with the public testimony regarding the inability to mitigate that fact. The board could review scale and compatibility. The use was established and that was not a discussion. There were still the issues with the drainage concept, and pointing water at neighboring property was not acceptable. There was an obligation to people living in the immediate vicinity as well as all of the people in Mandeville. The area had always been an activity area mixed with residential uses. The issue was would there be an unduly negative impact. As commissioners they tried to mitigate those, and Mr. McGuire had done quite a bit of mitigation. The board questioned the rights of residents and commercial aspects. If someone lived in the B-3 district should not expect the same rights as an R-1 district. There must be give and take on both sides.

Mr. Thomas asked Ms. Pennison about CLURO Section 4.3.2.3 and she answered that her interpretation was where discretion came in. The proposed use and site development with the modifications of moving the air conditional units and dumpsters were modifications for noise trying to make that compatible with the existing uses. The board could review the compatibility in the square block and several blocks around the site. The board could look at the lakefront as a whole project. That was the board's discretion. The board must determine and decide whether the project was compatible with that block of businesses and residences. Mr. Thomas said look at a two block area, there was a mix of uses.

Ms. Bush asked Ms. Pennison if discretion as the third item was all that the CLURO must be complied with. Ms. Pennison agreed. Ms. Bush asked if the board could consider the definition of compatibility and of B-3 and the B-3 design standard. Ms. Kidd answered yes. Mr. Blache asked if that was the Design Review Committee's purview. Ms. Kidd said it must follow the B-3 guidelines that was part of the B-3 district.

Mr. Blache moved to approve the request for a zoning permit with the stipulations agreed to in Mr. McGuire's letter, the stipulations approved previously being a sprinkler system with a two hour fire wall, moving the dumpster, the 18 items outlined in the letter dated January 16, 2015 as well as the 13 voluntary referred and the 7 items outlined from this meeting, seconded by Mr. Fairley. Mr. Quillin asked for a friendly amendment to include additional changes from this meeting, included in the latest revision, and the amendment was accepted by Mr. Blache and Mr. Fairley.

Mr. Adams asked if there was special criteria on the Barley Oak. Ms. Kidd said at that time the additional conditions were more restrictive than the B-3 restrictions at that time. Ms. Kidd said the current B-3 district regulations outlined the hours of operation, noise, and any issues applicable to any business. Mr. Blache asked if the board could limit outdoor operations. Mr. Adams asked about stipulations on dumpster pickups. Ms. Pennison said it was covered in the letter. Mr. Clark said he lived 300-400' from Maison Lafitte and the sounds shook his house with every wedding party. The 11' distance could not be mitigated. Mr. Adams said that was covered by other ordinances including the noise ordinance. Mr. Clark said the noise ordinance did not deal with physics or pulling a house off its foundation. Mr. Adams said it was the same of any property in b-3 district. Mr. Fairley agreed that

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everything could not be mitigated and noise was one of them. The applicant had been asked to mitigate to size and scale and he had done most of it. Some mitigation could not be solved.

Mr. Blache asked to amend the motion that outside seating be limited to 10 p.m. even on the weekends. Ms. Kidd said midnight was allowed on the weekends. Mr. Fairley seconded amendment. Mr. Quillin commented that sound was a big issue. The equipment listed would be a requirement if accepted. The motion was amended to include no outside amplified sound, no outdoor speakers or amplified guitars. The amendment was accepted by Mr. Fairley.

The vote on the amendment was taken and passed 5-2 with Mr. Clark and Ms. Bush voting against the motion.

The vote on the motion as amended passed 4-3 with Ms. Bush, Mr. Clark and Mr. Thomas voting against the motion.

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


Lori Spranley, Secretary


Dennis Thomas, Chairman

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