

**Planning Commission  
Public Hearing  
September 13, 2016**

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

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

Absent: None

Also Present: Louissette Scott, Planning Director; Catherine Casanova, Landscape Inspector; and Council Member Laure' Sica and John Keller

Mr. Blache moved to adopt the minutes of August 23, 2016, seconded by Mr. Fairley and was unanimously approved.

There was a request to include the election of Chairman and Vice Chairman on the next agenda.

It was announced that a Planning Commissioner training would be held in St. Gabriel on September 24, 2016 if anyone would like to sign up. Ms. Scott also stated there were videos on sense of place and the value of downtown space that were relevant. It was suggested to plan several hours on a Saturday to view them together for the required education. It was also suggested to invite Steve Villavaso to hold a presentation in Mandeville.

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

  
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Lori Spranley, Secretary

  
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Dennis Thomas, Chairman  
Planning Commission

**Zoning Commission  
Public Hearing  
September 13, 2016**

The meeting was called to order by Zoning Chairman Nixon Adams and the secretary called the roll.

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

Absent: None

Also Present: Louisette Scott, Planning Director; Catherine Casanova, Landscape Inspector; and Council Member Laure' Sica and John Keller

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 V16-08-21 Myia Dwyer requests a variance to Section 7.5.1.3, R-1 Site Development Regulations, lot 172, square 6, Old Golden Shores Subdivision, 3920 Monroe Street, zoned R-1

Ms. Scott presented the variance request of a 10' encroachment into the required 30' rear yard setback for the construction of a new residence. At the work session and the last public hearing, Ms. Dwyer stated her request was based on hearing issues with a cochlear implant and the ability to hear her grandchildren if it was a two story house. The proposed floor plan encroachment was 515 square feet.

Myia Dwyer, applicant, said the adjacent neighbors did not want a two story house with the concern of someone looking into their yard. She felt the smaller rear yard would not hurt her neighbors. Mr. Adams asked if there was a reason not to meet the regulations, and Ms. Dwyer said she had designed a custom home rather than a stock plan.

There was a continued discussion that the board had considered side yard setbacks but in similar cases had denied rear yard setback requests. The request was for a 33% variance which was a large amount.

Mr. Blache moved to deny the request to encroach 10' into the rear yard setback, seconded by Ms. Bush and was unanimously approved.

The next case discussed was V16-08-22 Edward C. Lee, IV requests a variance to Section 7.5.1.3, R-1 Site Development Regulations and Section 8.1.3, Supplemental Fence and Wall Regulations, lots 20 and 21, square 4, West Beach Parkway Subdivision, 245 West Beach Parkway, zoned R-1.

Mr. Thomas moved to table the case, seconded by Ms. Bush and was unanimously approved.

Mr. Blache moved to adopt the minutes of August 23, 2016, seconded by Mr. Fairley and was unanimously approved.

There was a request to include the election of Chairman and Vice Chairman on the next agenda.

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

  
Lori Spranley, Secretary

  
Nixon Adams, Chairman  
Zoning Commission

**Zoning Commission  
Work Session  
September 13, 2016**

The meeting was called to order by Chairman Nixon Adams and the secretary called the roll.

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

Absent: None

Also Present: Louise Scott, Planning Director; Catherine Casanova, Landscape Inspector; and Council Member Laure' Sica and John Keller

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 SUP16-09-06 Cleco Power LLC requests a Special Use Permit to Section 8.1.1.7(3), Exceptions to Height Provisions, lot 76A, Magnolia Ridge Subdivision, Phase 1B, 2900 E. Causeway Approach, zoned B-1

Ms. Scott presented a request from Cleco for a special use permit for an exception to the height provision. The request was to replace the existing 60' wooden pole with an 85' steel pole with an antenna. The above grade height was 74' with 11' into the ground. The existing wooden pole measured 60' in the air. The existing equipment processed data at a slower bandwidth with the staff not always being able to provide information to the customers. There would be a 6' round satellite dish at the top of the proposed pole. The CLURO contained Supplemental Antenna regulations in Article 8 and she felt the satellite dish fell within the antenna category.

Danny Schaus, Cleco, said there was an existing satellite dish at the Lambert Street substation, and the antenna would transmit data to the tower 5 miles north. The existing ATT connection was not enough bandwidth and they had to wait for service when needed.

There was a discussion to clarify that the request was considered as an antenna. The utility poles were the same height as the proposed monopole. The antenna faced north so it would face away from the Magnolia Ridge Subdivision. The board requested pictures of the area. There was a discussion about using a brown color to blend into the trees in the area and the request would be made of the manufacturer. Mr. Matthews, Cleco, said it would be a private secure connection so their technicians would not have to wait on ATT for service.

The board was in consensus that it was an antenna on a pole and the dish met the criteria. The board decided in the future to review the supplemental regulations for compliance. It was stated that the Lambert Street monopole was 85'.

Jeff Lyons, 515 Lamarque Street, asked what was the spirit of limiting the pole height. The height regulations were set at 35' because at one time that was the height of a fire ladder. The spirit of utility infrastructure did not have to comply with the 35'. A consideration with the technology changes could be that the pole would be removed in the future and Mr. Matthews was in agreement.

The next case discussed was V16-09-25 Carl and Jill Buhler request a variance to Sections 7.5.4.3, R-3 Site Development Regulations, and Section 8.1.5, Supplemental Regulations of Accessory Buildings and Structures, lots 30, 32 and 34, square 39, zoned R-3.

Ms. Scott presented a variance to the R-3 regulations and accessory buildings and structures. The property measured 90' frontage on Ramon Street and 120' on Livingston Street. There were two live oak trees on the property measuring 30" and 34" and trees greater than 6" would be required to be protected to 82% of the canopy of the tree. In an effort to design around the live oak trees and develop the site, the applicant proposed two units with one family in each unit. In reviewing the CLURO, two unconnected single family units required a Special Use Permit that would require advertisement.

The front yard was Ramon Street with the 90' frontage and the street side was Livingston Street. In the R-3 zoning district, the requirements were for a 20' front setback, a combined side yard of 20' and a rear yard of 20'. Unit 1 faced Livingston Street and had an encroachment into the rear yard setback with the owners having worked to accommodate the drip line of one of the live oak trees. The rear yard setback was proposed to be 14'6" and was deficient by 5'4" or 238 square feet. The driveway width was 16' with a requirement of 8.5' per car would be 1' short with two cars and the depth of the driveway was 1.5' deficient being 15' from the property line. If there were larger cars there could be a problem with the car length. Mr. Buhler said the material would be limestone to protect the tree roots.

Unit 2 encroached into the 10' street side yard setback by 4" with the proposed 9'8" setback. This driveway width met the 18' but the depth was also 1.5' short off of the 15' setback. Unit 2 also had a storage building that was required to be located with a 60' setback, but was located 20' from the property line. It had previously been stated to the staff that the storage building may be for the applicant's use. It was clarified that an accessory building must serve the principal use of the structures on the site which would be the tenants.

Ms. Scott said the submittal was stock plans that would be revised to fit the site. There was a discussion about reducing the building size to place the driveways out of the setbacks. The impervious coverage appeared to be met.

Carl Buhler, applicant, said they had walked the site with Ms. Casanova, Landscape Inspector, and the submitted plan was the best for the site to keep the trees safe. They did not want to have a finalized plan drawn until the site plan was approved. He explained they lived on the lakefront, and he was trying to find a place to bring their lawn equipment when the lakefront flooded. The accessory building would be side mount to appear as a structure that was occupiable and not a garage. There was a discussion about making a flair on the driveway on Livingston Street similar to the proposed driveway on Ramon Street. Mr. Buhler was in agreement since it was only 1', especially since they would be using limestone, and he also agreed to amend the plan to 10' on Livingston Street. Ms. Buhler said the accessory structure balanced the property with a courtyard in the center of the property and adjacent two-story structures on the corner.

There was a discussion about advertising for the two separate units in a multi-family zoning and action would roll over into the October meeting. It was confirmed that the street side yard setback could be modified to meet the setback and the driveway could be modified on Livingston Street to accommodate the regulations. Ms. Casanova had reviewed the site and the Buhler's would work to keep the trees protected. Ms. Buhler said the turn on the accessory building would be made to accommodate the bikes for the tenants. Ms. Scott said under Exceptions for New Development stated in the findings that if:

- a. The applicant has provided sufficient information to evaluate the necessity of the exception and the impacts of the proposed design alternative; and
- b. Total landscaped area and vegetation on the site is greater than required by ordinance; and

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- c. The proposed design alternative and exceptions result in greater compliance with the landscape provisions and greater compatibility with adjacent development than would be provided through strict compliance with adopted standards.

Based on those findings, authorized exceptions granted by the Planning Director to landscaping, parking and setback requirements would be subject to the following limitations:

- a. Relocation of required landscaping on the site provides for protection of existing specimen trees and/or results in better site design.
- b. Total number of parking spaces shall not be reduced by more than ten (10) percent of the required spaces and parking angles, parking space width and traffic flow are sufficient to provide for the safe reduction of parking aisle widths.
- c. Parking space and loading zone space dimensions may be reduced, provided that aisle widths are increased to provide safe and convenient access.
- d. Driveway widths may be reduced provided that parking space widths are increased to provide safe and convenient access.
- e. Building setbacks shall not be reduced by more than thirty (30) percent.

Ms. Scott said if the board felt this was the best site plan and it could be tweaked, the site development request would be granted as an exception and the accessory structure request would require a variance. The pervious/impervious calculation must be submitted to assure compliance. There was a board consensus that the storage structure location would require a variance and the width for the parking spaces could be handled with an administrative exception.

Councilman John Keller said several adjoining neighbors had concerns about the drainage from Unit 1. Mr. Adams said the drainage plan was submitted and approved at the time of permitting. The neighbor's second request was that Unit 1 be constructed as a one story building and Mr. Buhler said it was their intent for it to be a one story structure. The third concern was that the trees would be protected and the board felt that was the main issue.

The next case discussed was Reopen V06-06-12(2016) Florida Street Market LLC requests a variance to Article 9, Landscaping, and Section 7.5.9.3, B-2 Site Development Regulations, lot 30A, square 83, City of Mandeville, zoned B-2.

Ms. Scott presented the request for the shopping center located at 2660 Florida Street where the 36" live oak tree had not survived when developed in 2006. The original tree had died with the change of drainage patterns with the highway expansion. In August of 2007, the applicant had requested approval of a revised site plan which included the mitigation of the 36" live oak tree and was also subject to the remaining 10" of penalty mitigation which was done in the form of a contribution to the Landscape Mitigation fund in the amount of \$200/per tree for a total amount mitigation of \$2,000. The tree was replanted several times until 2014 when a stop work order for reducing the large planting island where the required 6" live oak had died and excavating soil and placing on other landscape areas. They created an additional planting area which was in compliance with the CLURO, but was not in compliance with the 2006 approved plan. In a review of the site, the center was in landscape compliance with the CLURO.

There was a difference of 1,800 square feet of the original live oak tree planting area where parking spaces were created. In exchange for that area, the applicant had created additional planting areas by removing parking spaces equaling 625 square feet and had planted another live oak tree in that area. There was a question about how it affected the parking and it was answered it was unknown, but they were still short on the original 2006 green space approved but over the current CLURO standards. The greenbelt requirement was 25' from the original property line so a 5' greenbelt was required and there was an existing 15' greenbelt. The site interior was in compliance even with the large planting

area having been removed. The original interior landscape measured 4,568 square feet and now measured 3,931 square feet which was 637 square feet less than the original plan which was about 2-3 parking spaces. The interior green space calculation was 13% where 8% was required. The 5' landscape strip between the building and vehicular use was increased to 9'. The interior green space contained trees and shrubs and would require 16 trees. Paul Lea, attorney for the applicant, said there were 11 additional trees planted. Mr. Adams said the northwest area had a large live oak tree. Mr. Lea stated the tree had been replanted.

Ms. Scott wanted the board to review the existing site plan for comments. Catherine Casanova, Landscape Inspector, suggested if any trees died there should be a requirement to remediate the soil. Mr. Lea said the corner benefited from an increase of the drip line area so the roots could expand into two sides for the roots. He also stated that they were in agreement to replanting the live oak tree if it died and had planted more than the minimum amount of trees. There was a note about vehicular screening that needed to be replanted. Mr. Lea said they were committed to planting more landscape than required and replanting the 8 bushes that died. There was a discussion about additional planting in the right-of-way and Ms. Scott stated that the Parks and Parkways Commission was implementing a Streetscape Program of planting live oak trees on private property along this corridor and this property was suitable. Mr. Lea said in the extra 15' of greenbelt they would be in agreement to participating in the planting and maintenance of an additional live oak tree on their private property.

Mr. Thomas was concerned about the landscaping not being maintained from the first day that the center opened and there was often trash in the parking lot. He was not interested in promises of landscaping that would not be maintained. Mr. Lea said the applicant's family had taken control of this center and that had been resolved and Mr. Cella was now back in control. Mr. Lea said he had a relationship with the applicant and could direct through his client to have the landscaping replaced. There was a discussion about how to create a maintenance agreement since the landscaping had not been maintained for many years. A required landscape maintenance contract could be required as part of the variance approval, which had been required of other centers. The agreement was usually for three years with a board review. Mr. Lea was in agreeable to a maintenance contract and Ms. Scott said three years was usually the agreement for the grant programs. The board would request an annual report and if any of the planting died then the three year maintenance agreement would be extended for an additional three years. Mr. Lea was in agreement that the live oak tree planting would benefit the center as well as the City.

The last case discussed was V16-09-26 Michael Burr requests a variance to Section 8.1.5, Supplemental Regulation of Accessory Buildings and Structures, lot 13A, Block 7, Weldon Park Subdivision, 223 Walnut Street, zoned PRD.

Ms. Scott presented a variance request to an accessory building not meeting the 60' front setback. The neighbor's tree fell on August 4th and demolished Mr. Burr's carport. The request was to install a manufactured carport measuring 18' x 21' secured with rebar and concrete anchors. There was an existing chimney extending 3' into the driveway which prohibited the car cover from being placed more toward the rear property line. The proposed structure would be 4' from the interior side property line in compliance with the 3' requirement from the nearest interior side lot line. The board asked why a similar carport in appearance was not being replaced. The applicant stated he would like something nicer looking. With the submitted pictures, there appeared to be several similar structures in the subdivision in the front yard and the staff would investigate the structures.

Kenny Booth, 221 Walnut Street, was the adjacent neighbor whose tree had fallen and he stated that the demolished carport was built out of code and Mr. Burr was required

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to become compliant. He was told by Mr. Burr that the structure was 18' wide and as he measured the carport it would located at 2' from his property line. It was confirmed that the code required that structure could not be less than 3' from the property line. He did not object to the location to the street, but he did object to the closeness to the property line, but was concerned about the water runoff. He suggested the carport was also available in a 12' x 21' size that would fit the property, but he was told by Mr. Burr that the 18' x 21' carport was what he wanted. There were no subdivision covenants and Mr. Booth wanted the City to protect the neighborhood. Mr. Clark asked if the current carport was putting water on him and Mr. Booth said no, but the carport was 5' from his property line. The proposed carport would be a double instead of the previous single carport. Mr. Burr said there would be limestone added between the two driveways and there was a lean to the driveways and it drained toward the street.

Jack Hawkins, 222 Walnut Street, stated that the carports in the pictures of 102 and 103 Walnut Street had been removed. His concern was the structure being close to the street and he would have to look at it. He would prefer it meet the 60' requirement.

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

  
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Lori Spranley, Secretary

  
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Nixon Adams, Chairman  
Zoning Commission

