

**Planning Commission  
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The meeting was called to order at 6:30pm by Planning Chairwoman Karen Gautreaux who read the paragraph stating that pursuant to Executive Proclamation 137JBE2021, this shall serve as certification that in light of the spread of COVID-19 the Mandeville Planning and Zoning Commission will be meeting via videoconference on Tuesday, August 24, 2021 at 6:30 p.m. in compliance with LA.R.S. 42:17.1. The matters included on this agenda are critical to the continuation of the business of the Commission and should not be delayed and therefore, meet the requirements of LA.R.S. 42:17.1(A)(2).

The secretary called the roll.


Commissioners Present: Karen Gautreaux, Nixon Adams, Simmie Fairley, Brian Rhinehart, Mike Pierce, and Claire Durio

Absent: None

Also Present: Cara Bartholomew, Director Planning Department; Lauren Brinkman, Planner; Elizabeth Sconzert, City Attorney; Alex Weiner, Secretary

Ms. Gautreaux adjourned the Planning Commission Meeting.

  
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Alex Weiner, Secretary

  
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Karen Gautreaux, Chairwoman  
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Nixon Adams, Zoning Commission Chairman, commenced the Zoning Commission Meeting.

Mr. Adams said 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.

Mr. Adams said that they would move the work session cases to the end of the agenda and would start with the voting cases for the public hearing part of the agenda.

Old Business:

**V21-07-20** – Elie Khoury requests a variance to CLURO Section 9.2.5.7 Live Oak Protection Requirements, Sq. 89, Lots 3-A-1 & 3-A-2, R-1, Single-Family Residential District, 2627 Lakeshore Dr.

Mr. Adams reiterated that there was lots of discussion about this at the work session and clarified that this is an exception not a variance.

Elie Khoury, Applicant: Said that they had outgrown the home, and that they had planted about 100 trees on the property when it was bought. He stated that the trees they are looking to replace are unhealthy, which was attested by the City Arborist, and one that he hired, they would replace these trees with ones that were 4 inches in diameter instead of the required 2 inches.

Mr. Pierce said that the trees currently on the property had survived flooding in the past and asked what the survival rate would be for the new trees that were not used to the water quality from the floods.

Ms. Durio asked if any of the trees were live oaks and if they were being relocated or replanted. Ms. Bartholomew replied that there were two live oaks being replanted, and that it was a better option to replace rather than transplant due to the equipment involved and it being a two-year transplanting process.

Mr. Khoury spoke again saying that they are happy to replace the trees, and they would be planted farther back in the property away from the low areas.

Paul Dimitrios, architect for the applicant: He agreed with the decision to replace vs transplanting and said that the trees they were asking to remove were stunting the growth of the live oaks on the property.

Rebecca Rohrbough: Brought up the issue that the house footprint could change due to the requirements imposed by another Commission, and suggested they look at a broader footprint. She appreciated the effort being made by the applicant.

Mr. Adams agreed with what Ms. Rohrbough said about the house movement but keeping it in the character of the community was the responsibility of the Historic District Preservation Commission. He wants to make sure that the urban canopy is in better condition than when the project starts and agreed with the decision against transplanting and wanted to use container grown trees.

Mr. Adams made a motion to approve conditioned on the building being approved by the Historic District Preservation Commission and that the city landscape architect agrees that the plan is one that offers the best success for the city, and to not transplant but to remove and replace with container grown trees. He also wants to make sure that it is maintained

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under the compliance agreement in place. Ms. Gautreaux seconded, and it was a unanimous approval.

Rebeca Rohrbough: She was wondering if the plan that the landscape architect would look at would reflect the fact that Public Works did not want live oaks planted along Carondelet because of the drainage culverts. Ms. Bartholomew replied that the applicant submitted a revised plan to remove the trees from that area as the landscape architect said the live oaks needed to be spread out so planting in that location was no longer an option.

**V21-07-21** – Michelle Boudreaux requests a variance to CLURO Section 5.2.3.2 Drainage Overlay District and Fill Sub-Area A, Sq. 5, Lot 16, R-1, Single-Family Residential District, 277 West St.

Mr. Pierce mentioned that this is a technicality, as they were not really bringing in fill, just having a shallower hole and the purpose of the no fill ordinance was to prevent water from being displaced onto the neighbors yard and that in this case the pool would be displacing water. Ms. Bartholomew replied that the fill would be the edges of the pool

Ms. Durio asked if the applicant had a drainage plan, as the idea was to stop water going into the pool it would be deflected by the raised sides.

Michelle Boudreaux, Applicant: Said that the city engineer went out and met with them and said that the blueprint would allow for more pervious ground and would not increase any drainage to the neighbors. She also said that they were not asked to provide a drainage plan.

David LeBreton, City Engineer: Said that the property drains North to South and the pattern wouldn't change with the addition of a pool.

Ms. Gautreaux asked if this was the first request since the CLURO regulations were changed, Ms. Bartholomew said that there were no other cases that she could find.

Mr. Adams made a motion to approve as submitted, Mr. Rhinehart seconded, and it was a unanimous approval.

New Business:

Ms. Gautreaux motioned to postpone case CU21-08-07 per the request of the applicants, Mr. Rhinehart seconded, and all were in favor.

**V21-08-22** – Danny Gaspard requests a variance to CLURO Section 7.5.1.3 R-1 Site Development Regulations, Sq. 84, Lot 4G, R-1, Single-Family Residential District, 639 Albert St.

Jason Zuckerman, Council at Large: Asked if there was a proposed building plan, and if there were any solutions looked at to work within the site constraints. Ms. Bartholomew replied that the plans were developed when the lots were created, and then the setbacks got changed.

Mr. Pierce said that it was a weak argument to ask for setbacks to match the neighbors as they were changed to allow for more space.

Mr. Adams mentioned how the setbacks were changed to allow for more privacy.

Bradley Gaspard, Applicant: Clarified that he was not asking to match the setbacks, his hardship is the live oak on his property. He wants to build the size of house that he is allowed to build and take advantage of all the buildable square footage.

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Ms. Durio asked if the design is the only one that allows for the buildable square footage. Mr. Gaspard replied that he would have to build a 1½ story house, which he would rather not do as he does not want to have elevated windows looking down at the neighbors lots and he thinks the neighbors would not want that either.

Mr. Gaspard's father spoke and said he was the original owner of the property before it was divided into six pieces and how the neighbors were ok with the adjusted setbacks.

Mr. Gaspard spoke again and asked if the live oak encroaching into the buildable area was just bad luck, and is he not allowed to build the allowed square footage.

Mr. Zuckerman said that he had to provide lots of plans to show that he could not work within the setbacks. One should have to do their due diligence about design solutions without granting a variance.

Mr. Rhinehart asked if any other houses had 10ft setbacks, Ms. Bartholomew replied that every other house on the block had them.

Mr. Rhinehart made a motion to approve as submitted, Mr. Adams seconded, and the motion failed with a 3-3 vote with commissioners Gautreaux, Pierce, and Durio voting against.

**V21-08-23** – Neil Jarrett requests a variance to CLURO Section 5.2.3.2 Drainage Overlay District and Fill Sub-Area A, Sq. 5, Lot 3-5, R-1, Single-Family Residential District, 225 West St.

There were no comments to be made

Mr. Adams made a motion to approve as submitted, Mr. Rhinehart seconded, and it was a unanimous approval.

**V21-08-24** – Duplantis Design Group requests a variance to CLURO Section 7.5.9 B-2 Highway Business District, Section 9.2.5.5 Landscape Requirements in Districts Other than Low-Density Residential, and Section 10.5 Regulations of On-Premises Signs and Murals, Sq. N1-SQ, B-2, Highway Business District, 3450 US-190.

Mr. Adams asked which option the bank preferred, Ms. Bartholomew replied that the preferred Option B. Mr. Adams also asked if there was any possibility of a connection.

Thomas Buckel replied that there were too many drainage issues, and it was not conducive for a connection.

Ms. Durio asked if the trees would stay in Option B. Ms. Bartholomew replied that she was under the impression that they would stay, and that only some southern islands would need to be removed.

Mr. Buckel mentioned that Option B would have less impact and only encroach 10ft into the buffer.

Mr. Pierce asked how many trees would be lost by using option B, Ms. Bartholomew replied that some trees in the islands would be lost to keep 51 trees in the buffer zone.

Mr. Adams asked to look at the original agreement for the premier center and wondered if anything would need to be done to bring it into compliance. Ms. Bartholomew replied that all the requests bring it into compliance.

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Cathy Alba, Owner of the Chase Bank: Mentioned that Option B required no modifications to the compliance agreement.

Janet Smith asked if design review had to approve the sign, and would this change exacerbate the flooding issues that recently occurred with the heavy rainfall received. Ms. Bartholomew replied that design review already looked it over and there was no change to the pervious/impervious surfaces but an engineer would have to look at it.

Mr. Buckel replied that a drainage impact study was submitted to the city engineer showing no impact.

Mr. Fairley made a motion to approve as submitted as long as they used Option B, Ms. Durio seconded, and it was approved 5-1 with Mr. Pierce voting against

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New Business

**Z21-08-05** – A petition from the City Council of the City of Mandeville to amend the official zoning map of the City of Mandeville to rezone the south one half of square seventy-four (74) of the City of Mandeville, St. Tammany Parish, State of Louisiana, from PM-2 Marina District – Non-waterfront Lots, to O, Open Space/Recreation

Mr. Rhinehart mentioned how it was classified as PM-2 on the agenda but PM-1 on the PowerPoint and Ms. Bartholomew replied that it should be PM-2


**Z21-08-06** – A petition from the City Council of the City of Mandeville to amend the official zoning map of the City of Mandeville to rezone double square 33, lot 2 of the City of Mandeville, St. Tammany Parish, State of Louisiana, from R-3 Multi-Family Residential District, to O, Open Space/Recreation


Mr. Rhinehart liked how it contributed to the city CRS rating, Ms. Gautreaux agreed

Ms. Bartholomew made an announcement that the meetings will be at 6:00pm instead of 6:30pm going forward

Ms. Gautreaux motioned to adjourn the meeting, Mr. Fairley seconded, all were in favor.

The meeting was adjourned at 8:33pm.

  
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Alex Weiner, Secretary

  
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Nixon Adams, Chairman  
Zoning Commission