

**Planning Commission  
Public Hearing  
April 27, 2021  
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The meeting was called to order by Planning Chairman Nixon Adams.

The secretary called the roll.

Commissioners Present: Nixon Adams, Ren Clark, Simmie Fairley, Brian Rhinehart, Jeff Lahasky, Karen Gautreaux and Mike Pierce.

Absent: Karen Gautreaux (Absent at the time of roll call, present at 6:20p.m.)

Also Present: Cara Bartholomew, Director Planning Department; Elizabeth Sconzert, City Attorney, Council Members: Rick Danielson, Jason Zuckerman, Jill McGuire, Rebecca Bush

Old Business:

Mr. Adams suggested moving to the second item on the agenda until Ms. Gautreaux arrived.

**P21-04-05** - Ms. Bartholomew presented the recommendation to the City Council regarding Ordinance 21-03 amending Section 17-86 of Chapter 17 of the City of Mandeville Code of Ordinances Appendix A – Comprehensive Land Use Regulations Section 5.1.15 of and providing for other matters in connection therewith.

The City Council introduced Ordinance 21-03, at their meeting held on January 28, 2021. The proposed ordinance addresses health and safety concerns under Section 5.1.15 Unsafe Buildings. The City Code of Ordinance proposed text change includes the provision that all buildings within the City must be connected to public sewer and water.

Mr. Adams motioned to recommend to the City Council, Ms. Gautreaux seconded. All were in favor.

**P21-04-04** – Ms. Bartholomew summarized the next case of a recommendation to the City Council regarding Ordinance 21-02 for the City of Mandeville to enact a 12-month amortization on Section 10.5.3.11 electronic message centers Appendix A-Comprehensive Land Use Regulations of the City of Mandeville Code of Ordinances and providing for other matters in connection therewith.

The City Council introduced Ordinance 21-02 at their meeting on March 11, 2021. The ordinance is to amend the provisions of the Electronic Message Centers (EMC's) or Digital Signs.

In 2014, the City Council adopted Ordinance 14-03 which was codified as **Section 10.5.3.11** of the Comprehensive Land Use Regulations Ordinance - Appendix A of the City of Mandeville Code of Ordinances to address the use of Electronic Message Centers or digital signs (collectively "EMCs"). This ordinance allowed EMCs within the commercial zoning districts, specifically, B-1, B-2 & B-4 and adopted minimum requirements for EMC signage. EMCs were permitted to compromise the entire sign face of a monument sign. For example, a monument sign can have a maximum of 50 sq ft. of sign face, 100% of that sign face could have an EMC component.

In 2015, Ordinance 15-11 repealed the previous Land Use Regulations and replaced those regulations with the existing CLURO. With the adoption of the existing CLURO, the sign ordinance was reorganized, and the amortization of the EMCs was put into place. **CLURO Sections 10.5.3.11 (2) – Compliance Required for Existing EMC Signs** and **10.5.3.11 (3) – Amortization of Prohibited Electronic Message Centers** allowed owners of legally

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nonconforming EMCs to maintain the signs until January 1, 2021. In September 2020, a final notice regarding the amortization period was sent to the remaining eleven (11) electronic message center signs.

The City Council introduced Ordinance 21-02 March 11, 2021. This ordinance proposes to amend **Section 10.5.3.11(3)** supporting the continued prohibition of EMC's whose digital components account for more than 50% of the sign face. Signage whose digital components account for more than 50% of the sign face must comply in full with the amortization of Prohibited Electronic Message Centers and be removed by May 1, 2021. Signage whose digital components account for less than 50% of the sign face may continue to be maintained until January 1, 2022 subject to the provisions of **Section 10.5.3.11.2. Compliance Required for Existing EMC Signs.**

There are currently eleven (11) signs within the City limits which have an electronic message component, of those eleven (11), two (2) properties have turned the electronic message portion of the sign off, leaving nine (9) EMCs in operation. Of the eleven (11) with an electronic message component, four (4) signs contain over 50% EMC portion of the sign face.

The City Council has reviewed the findings set forth in **Section 10.5.3.11.3(a)**, and it believes that the size limitation of the digital component as in the proposed amendment is consistent with said findings. The Council also stated there may be compelling reasons for incorporating digital components as technology has evolved.

There have been several Supreme Court cases surrounding signs and First Amendment rights, since the development of our current Sign Code. The City Council supports a full review of Article 10 – Sign Code by a consultant who has extensive experience in sign regulations.

***Amortization of Prohibited Electronic Message Centers***

a. Findings. The City Council finds that nonconforming EMCs threaten the public health, safety, and welfare because:

- (1) Research shows that the brightness of EMCs inhibits drivers' ability to detect objects in darker areas of the right-of-way, thereby increasing traffic safety risks;
- (2) Research shows that "transient adaptation" or the ability of drivers' eyes to adjust to ambient lighting conditions after viewing EMCs increases the risks of accidents;
- (3) EMCs are inconsistent with the desired character of the community and create a blighting influence on the character of the City;
- (4) EMCs conflict with the City's dark skies goals, objectives and requirements that lights be directed downward; and
- (5) EMCs create inordinate burdens on City inspections staff to monitor and ensure ongoing compliance with the City's sign standards due to the ease with which the signs may be reprogrammed.

There were 38 additional emails received from residents who were in opposition since the last Planning & Zoning Commission meeting. Those emails are included in the record at the end of these minutes.

Individuals who spoke on this matter:

Ernest Burguieres  
241 Wilkinson

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Janet Smith  
1164 Rue Chinon

Suzie Wilson  
203 Skipper Dr.

Rick Danielson  
125 Beau Rivage

Ms. Bartholomew read a letter from Mayor Clay Madden and is attached at the end of these minutes.

Ms. Gautreaux recommended to bifurcate the motions, Ms. Crosby motioned, Mr. Lahasky seconded. All were in favor.

The motions relating to this matter were bifurcated as follows:

1. Amortization
2. Review of Sign Code by consultant who specializes in Sign Regulations

A motion was made by Mr. Lahasky to recommend to City Council to uphold the existing amortization schedule laid out in section 10.5.3.11, Mr. Clark seconded, all were in favor.

A motion was made by Jeffrey Lahasky to recommend to City Council they move forward with a consultant to review the signed ordinances with the assistance and appropriate scope necessary from the City's legal team as well as the Planning & Zoning team, seconded by Mr. Clark.

Public Comments:

Janet Smith  
1164 Rue Chinon

Shelly  
Claire Dr.

Jason Zuckerman  
Villere

Ernest Burguieres  
241 Wilkinson St.

**P21-04-06 / Z21-04-02** – Ms. Bartholomew summarized a recommendation to the City Council regarding Ordinance 21-06 to effect the annexation of a portion of ground situated in Section 45, T8S, R11E, adjacent to Golden Shores Subdivision Lot 86A, Section A, Square, 5, St. Tammany Parish, Louisiana, being 493 Live Oak St. into the corporate limits of the City of Mandeville designating and assigning the property as R-1, Single Family Residential District and providing for other matters in connection therewith.

The City Council introduced Ordinance 21-06, at their meeting held on April 8, 2021 to annex a parcel of ground measuring 125' x 69.8' at 493 Live Oak St. The applicant is requesting the annexation, in accordance with the Survey prepared by Randal W. Brown & Associates, Inc. dated August 17, 2020.



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The property is currently situated within St. Tammany Parish jurisdiction as a legally non-conforming lot of Record that is buildable. The applicant currently owns the adjacent Lot 86A, Sq. 5, within Old Golden Shores, being 142 Shannon Dr., located within the City Limits. The applicant purchased the adjacent parcel of ground with the intent to incorporate the property into her existing lot and extend the backyard by 69'.

The applicant is also requesting the property be zoned R-1 Single Family Residential District which is compatible with the surrounding area and adjacent property.

The parcel is considered a legally non-conforming lot of record, and once annexed will be under single ownership with the adjacent parcel, Lot 86A in Old Golden Shores. Under CLURO Section **4.2.4.5. Provisions for Legally Non-Conforming Lots-of-Record**, the parcel and Lot 86A become a single development site. The parcel will not be able to be resubdivided into two parcels unless a variance is requested. "*...lands involved shall be considered an undivided parcel*" and ... "*No portion of said parcel shall be used or sold which does not meet the minimum lot width, depth and area requirements established herein*".

The City's Comprehensive Land Use Plan adopted August 1, 1989, revised January 2007, states annexation of certain areas as an objective of the City's Growth Management Plan and this annexation does comply with that objective. The Growth Management Agreement (Ord. 03-10) identifies the area to the west of Golden Shore Subdivision as Annexation Area 1. The property will be annexed into Council District 2.

Mr. Adams recommended to City Council to approve to be annexed into District 2 of the City of Mandeville, Zoned R-1.

Ms. Gautreaux motioned, Mr. Fairley seconded, all were in favor.

**R21-04-02 / V21-04-13** – Ms. Bartholomew summarized the next case whereby Jacqueline Vidrine requests a resubdivision of a portion of Square 55 into Parcels A and A1, City of Mandeville, Zoned R-1, Single Family Residential District.

The applicant is requesting to resubdivide an existing 1.01 acre parcel into Parcel A and Parcel A1, in Square 55 of Town of Mandeville located on the corner of Montgomery St. and Foy St. The lot is irregular in shape, wrapping around the corner lot, being 738 Foy St. The Parcel measures 125.65' on Montgomery St. and 72.10' on Foy St. The applicant is requesting to subdivide the lot into two (2) parcels, being Parcel A and Parcel A1, with Parcel A having frontage on Foy St. and Parcel A1 having frontage on Montgomery St.

The applicant is also requesting a variance to **CLURO Section 7.5.1.3, R-1 Site Development** Regulations to the following:


**Proposed Parcel A: 72.10' frontage on Foy St; 266.45' depth; Area of 20,007 sq ft. (.62 acres)**


The frontage of 72.10' along Foy St. requires a variance due to the minimum lot width of 90' for the R-1 Single Family Residential District. The parcel widens out to 122.10' after the first 110' back. The average width of the proposed lot is 97.1' (72.10 + 122.10/2). The applicant is requesting a variance of 17.99' from the minimum width of 90' to 72.10'. The parcel is compliant with the minimum lot area.

Proposed Parcel A1: 125.65' on Montgomery St., 131' in depth; area of 16,988.4 sq ft. (.39 acres) is compliant with all site development criteria for the R-1 Single Family Residential District.

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Mr. Adams motioned to recommend approval for a resubdivision and variance, seconded by Mr. Lahasky, all were in favor.

  
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Alex Weiner, Secretary

  
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Karen Gautreaux, Chairwoman  
Planning Commission

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Old Business:

Mr. Adams noted case number V21-04-11 was **WITHDRAWN** – Brad and Dawn del Rio requests a variance to CLURO Section 5.2.3.2 - Drainage Overlay District and Fill Sub-Area A, Sq. 77, Lots Part of 2 & 15, R-1 Single Family Residential District; 1331 Madison St.

Mr. Lahasky motioned to adjourn the meeting, seconded by Mr. Rhinehart, all were in favor.

The meeting was adjourned at 7:32 p.m.



Alex Weiner, Secretary



Nixon Adams, Chairman  
Zoning Commission