

Planning Commission
Work Session
March 9, 2021
Page 1 of 6

The meeting was called to order by Planning Chairwoman Karen Gautreaux. She read that Pursuant to Executive Proclamation 6 JBE 2021, 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, March 9, 2021 at 6:00 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: Nixon Adams, Ren Clark, Simmie Fairley, Brian Rhinehart, Jeff Lahasky, Karen Gautreaux and Mike Pierce

Absent: None

Also Present: Louissette Scott, Director Planning Department; Cara Bartholomew, Planner; Elizabeth Sconzert, City Attorney, Mayor Clay Madden, and Councilmembers: Dr. Skelly Kreller, Jill McGuire, and Jason Zuckerman

New Business: None

Old Business: None

Ms. Gautreaux adjourned the Planning Commission Meeting.



Alex Weiner, Secretary



Karen Gautreaux, Chairwoman
Planning Commission

**Zoning Commission
Work Session
March 9, 2021
Page 2 of 6**

Mr. Adams, Zoning Chairman, commenced the Zoning Commission Meeting stating that for the roll we have the same 7 Commission members present.

Ms. Sconzert, the City Attorney, said a clarification for the record needs to be made noting that we have a new Executive Order from Governor Edwards, but because the notice for this agenda was sent out before the new Executive order was announced, that is why we are operating under the one that Ms. Gautreaux read earlier.

Mr. Adams motioned that the matters are critical to the continuation of the business of the Zoning Commission and should not be delayed and therefore meet the requirements of La. R.S. 42:17.1(A)(2). Ms. Gautreaux seconded. Mr. Adams called for a vote, the secretary called the roll and all were in favor.

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 or the case will automatically be tabled at the next meeting.

New Business:

Ms. Scott presented the first case, V21-03-09 Harold and Wanita Montreuil request for a variance to CLURO Section 8.1.1.4(4) Allowed Setback Encroachments, Sq. 58, Lot 21A, Zone R-1, 709 Foy Street. *Request to place generator within required side setback on opposite side of existing mechanical equipment.*

The property owners of 709 Foy St. completed construction of a single-family residence in the Spring of 2020. The property is located on Lot 21A, on the east side of Foy St, north of Villere St. The lot measures 73' x 140'.

The applicants are requesting to place a generator within the required side setback on the north side of the structure.

The applicant submitted the follow on the application: *"We would like to obtain a variance to install a home generator (38.6"W x 36.6"L X 30.3"H) on the North side of our Home. The house is 10 feet off the property line which is the allowable building setback for this particular lot. The reasons for this location is to minimize the dangers of carbon monoxide, since this side has the fewest amount of windows and all the existing utilities required are on this side of the house. Locating to other side of the house would cost an additional \$1,250.00. The North side of the property has a 6'-8" wood fence that would conceal the generator."*

The single-family residence is compliant with CLURO Sec. 7.5.1.3 – R-1 Site Development Regulations for minimum side yard setbacks. The required side yard setbacks for a 73' lot is 12'. The existing residence is located 11.6' from the north side property line, and 25.6' from the south side property line. Both adjacent properties are undeveloped.

The CLURO provides for a shifting of 30% of setbacks by right. The side setback of 12' may be reduced by 3.6" on the north side, for a minimum setback of 8.4' and increased on the south side by 3.6' or to 15.6'. Applying this flexibility still leaves a deficiency of 1.3' for placement of the generator.

The applicant is requesting a variance to CLURO Section 8.1.1.4(4) to allow the placement of the generator 7.1' from the property line for a variance of 1.3' from the required minimum setback of 8.4'.

The existing mechanical equipment (A/C) is located on the south side of the structure, but electric service and other utilities are located on the north side of the structure. The recent

**Zoning Commission
Work Session
March 9, 2021
Page 3 of 6**

CLURO amendment allows for mechanical equipment to encroach into setback when existing mechanical equipment is present.

Photo shown was the north side of the structure and proposed location for the generator. Electric service and other utilities are located on the north side of the structure. The recent CLURO amendment allows for mechanical equipment to encroach into the setback when existing mechanical equipment is present, such as A/C. The applicant is requesting an exception to allow the generator to be placed on the north side of the structure, opposite side from the existing mechanical and encroach into setback 1.7”.

A photo was shown with regards to the elevation. The top photo shown was the south side where existing driveway and mechanical equipment is located. The bottom photo shown was on the north side where the generator is proposed to be located. The generator would be 7.1’ from the property line.

Comments:

Mr. Pierce asked if the rear of the house is not an option?

Ms. Scott responded there are not any pictures of the rear.

Mr. Rhinehart asked if the carbon monoxide is the issue for not putting it next to other mechanical equipment?

Ms. Scott confirmed that is correct.

Ms. Gautreaux asked what the distance is between the air conditioner and rear window.

Ms. Scott responded that she will ask the contractor for clarity and have that information at the next meeting.

Harold Montreuil, the applicant, was on the call and said there is a danger to carbon monoxide safety to put it on the other side. And the back side of his house is on the setback as well so he is limited there also.

The last case presented by Ms. Scott was Z21-03-01 Ben Lyons request for a rezoning from R-1, Single Family Residential to B-1, Neighborhood Business District. Recommendation to the City Council regarding Ordinance 21-04 to rezone Lots 15 & 16, Square 51, 820 Lamarque St. from R-1, Single Family Residential District to B-1, Neighborhood Business District.

The City received a petition from Mr. Ben Lyons dated February 1, 2021, to rezone Lots 15 & 16, Square 51. (municipal address 820 Lamarque St.) from R-1, Single Family to B-1, Neighborhood Business District.

The lots, together measure 73.1’ frontage on Lamarque St. by 127.95’ in depth and contains 9,353 sf. The site is located on the west side of Lamarque St. between Hwy 190 and Montgomery St.

Years ago, the property was developed with a 2,600 sq. ft metal building, constructed as a single-family residence. The residential portion was built out as a loft with the remaining area used as art studio space.

Petition submitted states the following:

The lots are presently zoned R-1 and I would like to rezone them to B-1. The building on the property is a metal building that will be more functional as a commercial building. Lot 16 is

**Zoning Commission
Work Session
March 9, 2021
Page 4 of 6**

on the North boundary of the property and it abuts lot 17 which is zoned B-1 and used as a parking lot for the commercial business on Hwy 190.

The property owner petitioned the City back in July 2016 for the same request, but as part of the discussion with the Zoning Commission, the Commission requested that the request be deferred until the B-1 Zoning land use classifications could be reviewed. This review was in the Short-Term Work Program and was expected to be completed within a year. However, this review was not complete, so the applicant is requesting to move forward with the rezoning.

7.5.8.1. Purpose of the B-1 Neighborhood Business District

The purpose of the B-1 neighborhood business district shall be to provide sites for small-scale service and retail establishments to support adjacent residential neighborhoods. This district includes personal service and retail or office establishments, which are 3,000 square feet or less, which conduct all business operations within an enclosed facility, and which do not present any adverse impact on the peace, appearance or value of adjacent residential areas.

The surrounding properties are zoned as follows:

In 2004, Lot 17 was rezoned to B-1 and is used as a parking lot for Ruby's Roadhouse. This property had a split zoning and the southern lot, lot 17, was rezoned to be consistent with the adjacent lot to the north, all under single ownership.

Lots 13 & 14, immediately to south of Lot 15 is zoned R-1 and improved with a single-family residence.

Lots 11 & 12, adjacent to the south of Lot 15 is improved with a single-family residence.

Lots 51 & 52, adjacent to the rear of Lots 15 & 16 is improved with a single-family residence.

Another photo was shown of the metal building.

Mr. Rhinehart noted that this was requested in 2016 and wanted to hear more about that.

Ms. Scott confirmed that it was and said that in 2016 the Zoning Commission asked that Mr. Lyons defer this until the B-1 can be addressed. He agreed to defer it pending the city's review of B-1. The Zoning commission back then also thought to visit this as a planned district.

She put the petition submitted states the following: the lots are presently zoned R-1 and would like to rezone them to B-1 slide on the screen. It also referenced the July 2016 petition by the owner.

Mr. Rhinehart asked regarding the planned use type, we wouldn't do it as a piece meal for 2 lots at a time?

Ms. Scott responded that the challenge on this property is that it would develop out that single family residential. It is still transitioning. It looks like city is moving forward with the B-1 zoning.

Ben Lyons, the applicant, spoke and said he purchased the property in 2003 – more uses than a residential property. His idea on what he would like to do with it is a unique situation. The north side of the property is of the B-1 and would like to put a commercial kitchen for catering and an outside barbeque steak place. He said he made arrangements to

Zoning Commission
Work Session
March 9, 2021
Page 5 of 6

acquire lot 19 and have a walk-up counter. The building would only be used for kitchen uses. It would be serving out of a window. Parking will be on the north side. The building would basically be a kitchen with everything facing north. He has a letter of support from neighbors who are in favor of this. Never had one complaint as far as it being an impact on the neighborhood. The building is fit to bring into a commercial use.

Public Comment:
None

Discussion:
April Meeting Format

Ms. Gautreaux spoke about meeting in person and asked each person if they would feel comfortable meeting at the Community Center starting in April.

Ms. Scott said the capacity at the Community Center is 100 people and there would be enough room in the facility to accommodate everyone who may be in attendance.

All of the Commissioners and Staff agreed they would be comfortable and keeping in line with the Governor's recommendation.

Mr. Adams asked if you should wear masks at the mic.

Ms. Gautreaux said some do and she would ask for everyone to keep their masks on.

Ms. Gautreaux announced that the April 13th meeting will be held at the Community Center with proper masking and social distancing.

Ms. Gautreaux announced that a very honored member of this team, Planning Director Louissette Scott is retiring. This being her last official meeting before her retirement. She said she has treasured Ms. Scott and said that she has been an incredible resource and a very kind and understanding person to work with. She opened it up to others for comment.

Ms. Gautreaux told Ms. Scott that there is something from the Commission on its way to her. She said we have decided to do a strategic thing and write a proclamation and make you come back for it. She thanked her for all that she has done and all of her time with the commission.

Mr. Adams commented that this marks a silver anniversary – 25 years as Director of Planning. He said she has been the longest tenured leader in the Planning Department, with 35 years in the department and the reason Mandeville has any development issues at all is because it is such a nice place. She has been a leader in the State and Planning initiatives.

Ms. Scott said it is everyone working together that is what really makes all this happen. She also said Mandeville would not be what it is today without the Mayors, City Councils, and the Planning and Zoning Commission. It's been an honor and a privilege.

Mr. Lahasky, Brian Rhinehart and Simmie Fairley said they will miss her and that it has been a pleasure. Mr. Fairley said it is a big loss for the City with her leaving and it has been a pleasure to work with her.

Mr. Clark said he has enjoyed his time with Ms. Scott and hopes she has fun with her grandkids, life is short and enjoy.

**Zoning Commission
Work Session
March 9, 2021
Page 6 of 6**

Michael Blache, a previous Commissioner was on the call and commented on Ms. Scott's retirement. He said they have worked together for a couple of terms and echoed what others have said and wanted to say it has been a pleasure. He said Ms. Scott has helped develop the City into what it is today. He wished her the best of luck and whatever she chooses to do in the future.

Ms. Scott moved to adjourn the meeting at 6:47pm, seconded by Ms. Gautreaux and was unanimously approved.



Alex Weiner, Secretary



Nixon Adams, Chairman
Zoning Commission