

**Planning Commission
Public Hearing
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Ms. Gautreaux commenced the Planning and Zoning meeting and read the paragraph stating it was held on the zoom platform, as allowed by Executive Proclamation 6 JBE 2021 by Governor John Bel Edwards and was in compliance with L.A.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 L.A.R.S. 42:17.1(A)(2). The meeting was called to order by Planning Chairwoman Karen Gautreaux and the secretary called the roll.

Commissioners Present: Nixon Adams, Ren Clark, Simmie Fairley, Brian Rhinehart, Jeff Lahasky, Karen Gautreaux and Mike Pierce (was not present during roll call but joined a few seconds later).

Absent: None

Staff Present: Louissette Scott, Director Planning Department; Cara Bartholomew, Planner; Elizabeth Sconzert, City Attorney, and Andre Monnot, City Engineer

New Business:

Ms. Scott presented the case, tabled from the last meeting, P21-01-01 for a recommendation to the City Council regarding Ordinance 20-29 with respect to Parcel P-7-1 and P-7-2B, consisting of 1 and 0.485 acres zoned as PCUD, Planned Combined Use District, located in North Corporate Village, property situated in Section 46, T8S, R11E, City of Mandeville, in St. Tammany Parish, Louisiana, approving the site plan, and conceptual Architectural Elevations.

Mr. Adams moved to recommend to City Council Ordinance 20-29. Seconded by Mr. Fairley.

Discussion:

Mr. Pierce inquired as to the original point of the greenbelt. Ms. Scott said within the gateway overlay districts of the City the greenbelt requirements were increased from 15' to 25'. It was to provide a green corridor as you enter into the gateway. The architect, Justin Greenleaf, with Greenleaf Lawson, answered that there are no live oaks or class A trees in that area. Nathaniel Frank, also with Greenleaf Lawson, is on as well. He said we will be able to meet the ratio required by the CLURO for any planting that is required.

Mr. Clark asked if we are recommending a zoning. Ms. Scott responded that the zoning was already established in 2014 when they applied for the Conditional Use Permit for the planned district zoning. This is a revised site plan that is being considered for approval. She indicated approval is needed for the revised site plan.

No public comments.

The secretary called the roll and the motion passed 6-1.

Ms. Gautreaux announced the end of the Planning Commission meeting.



Alex Weiner, Secretary



Karen Gautreaux, Chairwoman
Planning Commission

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Mr. Adams commenced the Zoning Commission Public Hearing via Zoom Platform.

Ms. Scott presented case CU21-01-03. It is a recommendation to the City Council regarding Ordinance 20-31 approving a Conditional Use Permit designated under CLURO Section 6.4.42.3, lodging (transient) Short Term Rental, Whole House Rental 117 Girod Street, Square 2, Zoned B3, Old Mandeville Business District. The property is located on the East side of Girod between Lakeshore Drive and Claiborne St. being the Southernmost unit. This is a duplex and was discussed together with CU21-01-04, 119 Girod St. The previously submitted site plan erroneously indicated there were two parking spaces available in the parking bay in front of the duplex, only one space is available in the parking bay. The site plan was revised and indicates the two required spaces are provided on site, in the rear of the structure.

Mr. Lashasky made the motion to recommend to the City Council approving the Conditional Use Permit Short Term Rental for CU21-01-03, 117 Girod St. as presented, Mr. Rhinehart seconded. The case was approved 5-2.

Mr. Adams asked if there were any questions or comments. Ms. Bartholomew said the applicant, Beau Bryant was on the call but had no comments or questions.

A motion made by Mr. Rhinehart to submit for recommendation for approval to City Council, CU21-01-04, 119 Girod St., seconded by Mr. Fairley. The case was approved 5-2.

Mr. Lahasky asked Mr. Pierce to explain the reason for his nay vote. Mr. Pierce stated he is not ok with one applicant getting more than one short term rental permit at this point. He indicated that when he first came on board, he was under the impression it was a trial period and after a year they would review it and see how it was all working. Right now, there is no review. For right now he suggested to share the wealth with a limited resource, rather than individuals getting multiple, especially since it is a trial period. Mr. Rhinehart agreed 100% because the 2 for 1 bothers him. That is why he voted no.

Mr. Rhinehart had a question for further discussion at a future meeting. He asked if there are any exceptions to the ten. Ms. Scott said the cap is done for the whole house rental. They can apply for a bed and breakfast, there is no cap on that.

Ms. Scott presented SUP-21-01-01 Jan and Thomas Hunter requesting a Special Use Permit for Section 6.4.42.1 Lodging – Bed & Breakfast Residence. 0.41 Acre Parcel of Land in Square 26, 220 Carroll Street, Zoned R-1. They are requesting approval to allow a B&B residence with two guestrooms, in accordance with the site plan prepared by ESS dated 8.10.20. The property is located on the West side of Carroll St., between Claiborne St. and Jefferson St. The property is improved with a single-family residential dwelling unit. The dwelling has been vacant for many years and the applicant is in the process of finalizing plans for permitting for a renovation and addition, including elevating the structure. Parking is 1 per guest room plus 2 spaces for resident occupants to park in underneath the house. The revised plan submitted moves parking out of the front yard setback and notes aggregate parking. 1:18:16

There were no comments from the Board or the public.

Motion made by Mr. Lahasky to approve SUP21-01-01 as proposed, seconded by Mr. Clark and was unanimously approved.

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Ms. Bartholomew received two email comments:

1. Crystal Younger – If you have a guest house, is that a bed & breakfast or a whole house? The answer is: you could get a short-term rental for a whole house with your guest house, or it could be a bed & breakfast, it depends on your circumstances.
2. Anonymous – It is not fair to have one person with multiple opportunities, you should be allowed just one.

Ms. Scott presented V21-01-02 Kimberly Villere requesting an exception to Section 7.5.1.3, R-1, Site Development Regulations, Pine Place Square B, Lots 8 and 9, 611 Park Avenue, Zoned R-1. Constructing an addition to the existing residence, encroachment into side yard setback. The property is located on Park Avenue between Villere and Monroe St. The applicant is requesting a variance (exception) to the minimum side yard setback requirements for the purpose of constructing an addition to the house to add a bedroom and bathroom downstairs on the South side of the house. They are proposing a 17' x 20' addition on the South side of the house. They stated there is no other option to add a bedroom and bathroom attached to the home downstairs. Many of the newer homes have setbacks that are closer to the property line. The applicant stated their request is consistent with the neighborhood.

Mr. Rhinehart asked if we know if the neighbor on that side has an opinion – Ms. Bartholomew indicated she spoke with the neighbors on both sides and they are fine with it.

Motion made by Mr. Fairley to approve the exception to allow for the proposed 17' x 20' addition on the South side of the house, seconded by Mr. Adams.

Mr. Clark made a comment that he feels we need to re-do this whole process or this is never going to stop. We do this every meeting basically. How can you approve any of these and not approve others going forward?

Mr. Fairley stated when you have the workshop, why don't we resolve that during the workshop.

Mr. Adams said what problem does it cause. The laws are not written to stop people from using their property. It is not causing anybody any problems. Why would you keep someone from doing something on their property?

Ms. Scott said some of the things that could be considered by the Commission are, the building footprint of the property and whether or not the existing structure is going beyond what is allowed over the existing building footprint, all setbacks and the amt of coverage on the site...is it a hardship for them because they were built prior to that and not able to accomplish something because of the existing structure is it compatible in the existing setbacks within the neighborhood, all in relationship to the purpose and intent of the regulations, scale, proportion, all those related to the neighborhood has those characteristics. So, all those things will be evaluated.

Mr. Clark said we need to change the rules, so people do not have to go through this.

The secretary called the role and the motion passed 6-1.

Ms. Scott presented V21-01-03 Rachel Vogeltanz requesting an exception to Section 7.5.1.3, R-1 Site Development, Section A, Lot 122A, 160 Cindy Lou Place, Old Golden Shores Subdivision, Zoned R-1. Constructing an addition to the existing residence, encroachment

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into side yard setback. The single family residential is improved with a single-family dwelling unit on the corner of Copan and Cindy Lou Place. The lot frontage is 108.30' which requires a minimum side yard setback of 18' each side. The proposed addition is for a master bathroom on the South side of the existing dwelling. The addition measures 16.5' x 11' and consists of 180 sf. When the house was constructed, the interior setback was a minimum of 5', so the property is a legally non-conforming site. With the proposed addition and encroachment of 13' into the side yard, the applicant is requesting a variance (exception) to allow the encroachment for the addition.

The applicant has stated in their application the variance requested is for a master bathroom addition at the rear of an existing house. The addition is contiguous with the original home within the original 5' setback. The new interior side yard setback is 18' in lieu of the original 5'. The addition is consistent with neighboring residences and is within a fenced area. The addition will not be visible from the exterior.

Comments:

Mr. Lahasky said there is no different from the street than what is there currently. Mr. Rhinehart agreed.

Motion was made by Mr. Clark seconded by Mr. Rhinehart and was unanimously approved.

The last case presented by Ms. Scott was V21-01-04 John and Mary Clark requesting a variance to Section 5.2.3.2. Drainage Overlay District and Fill Sub Area A. 155 Carondelet St., Square 89, Lot 3B, Zoned R-1. The applicants are requesting a variance to allow the placement of fill greater than the maximum 6" allowed on the site because of an unusual slope of the land and challenges in providing positive drainage on the site. The grading plan, prepared by Kelly J. McHugh & Associates, Inc. dated 3/8/19 was shown detailing existing ground elevations, proposed elevations, existing low areas, areas of cut or regrading and modified areas for positive drainage. In mitigation of any potential issues in building a 4.5' msl slab, considerable amount of fill will be removed when both swales are excavated. In addition, instead of a graded fill parking ramp from the driveway to the slab, a sloped galvanized steel gratin that would displace a very minimal amount of water. This will eliminate additional fill. The current drainage plan does not formally reflect this mitigation measure but will be added for the final version.

Comments:

Mr. Adams indicated what is the best thing to be had on this lot without causing additional harm to the neighbors to make drainage better.

Mr. Andre Monnot, Vice President of Principal Engineering, Inc. – The swale shown from the rear of the parcel to the front of the parcel is in a really shallow grade. So, water flowing outward is going to flow slowly. At the front of the lot will conflict with the live oak canopy. Has been talk of subsurface pipe. Pipe is more exp than swale. So, you can get water out more effectively. They may be forced into a pipe solution.

Ms. Scott said the landscape inspector will provide a subsurface pipe.

Mr. Monnot said the applicant's engineer can work out how far back.

Mr. Clark asked if the elevations are considered on the other lot? Mr. Monnot said they are not collected –

Mr. Clark noted that the land north of this parcel is probably lower than the parcel in this current state.

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Mr. Rhinehart – Referencing the lot is collecting water on 3 sides. Are we collecting water on this slot?

Mr. Monnot said it holds water in the back on the right side. Mr. Clark said the elevations to the northeast are 3-4' higher than this lot.

Mr. Rhinehart said we need to let them fill it equal to the surrounding lots, or else the city should buy the property and remove it from commerce, otherwise we need to let them fill.

Mr. John Clark and Mrs. Mary Louise were in attendance and said they are happy to provide photographic proof showing that the surrounding lots are indeed higher. Towards the street on the NW corner is uniformly low on both sides of the fence and water will pool there on both lots. Starting halfway down the property line and further down the street the water is draining to the center lot. They are happy to pay whatever it costs to drain it properly and will pay to have the drainage pipe put in. The swales will offset some of the fill brought in. Regarding trees there are some trash trees growing in the high part of the lot in the old fill. There are 3 live oaks on the street side that will be staying.

Public Comments:

Email read by the secretary:

I live at 199 Carondelet St. My concern with the 155 Carondelet drainage plan is where will this water fall to. As you know with any heavy rain in this area the drains fill and back flow into our block and cause flooding. The water has no place to drain. I am aware of the no fill ordinance for our area, and I do not approve of any plan for fill to be added to our area. Thank you. Ted Hanks, 199 Carondelet St.

Ms. Bartholomew read a comment from the Q&A:


From Jay Seastrunk – The pipe does not work very well compared to surface drainage from what he has seen. Who is responsible for calculating the size of the pipe and for what kind of rainfall event draining what area? Just want the water to flow out eventually. Mr. Adams asked if they are reviewed by the City's Engineer when they are submitted by the applicant's engineer.

Ms. Bartholomew read Mr. Seastrunk's comment: That creates flooding due to back up during rain events.


Motion was made to approve subservice drainage by Mr. Rhinehart, seconded by Mr. Lahasky and passed 5-2.

Ms. Gautreaux asked if any comments on the minutes. None were made. Mr. Adams motioned to adopt the minutes of September 22, 2020, October 13, 2020, October 27, 2020, November 10, 2020, and December 8, 2020, seconded by Mr. Fairley and was unanimously approved.

Mr. Lahasky motioned to adjourn the meeting at 7:17pm, seconded by Mr. Rhinehart and was unanimously approved.



Alex Weiner, Secretary



Nixon Adams, Chairman
Zoning Commission