

**Planning Commission
Public Hearing
May 14, 2019**

The meeting was called to order by Zoning Chairman Michael Blache and the secretary called the roll.

Present: Nixon Adams, Ren Clark, Michael Blache, and Bill Sones

Absent: Rebecca Bush, Jeff Lahasky and Simmie Fairley

Also Present: Louise Scott, Director, Planning Department; Cara Bartholomew, Planner; and Mayor Donald Villere

Mr. Adams moved to adopt the minutes of March 12, 2019, seconded by Mr. Clark and was unanimously approved.

The first planning case also had a corresponding zoning case and both cases were discussed in conjunction. The planning case discussed was S19-05-01 Crosby Development Co., LLC requests final subdivision approval of Phase 5 of the Sanctuary Subdivision, zoned R-1. The zoning case discussed was V19-05-12 Crosby Development Co., LLC requests a variance to Section 7.5.1.3, R-1 Site Development Regulations, lots 454, 455, 458, 459, 461-466, 477 and 478, zoned R-1.

Ms. Scott presented the final subdivision approval for the Sanctuary Subdivision, Phase 5. Phase 5 was the last phase for the entire Sanctuary development. This phase consisted of 41.82 acres, and proposed 33 lots (numbered 452 – 480) including 4 parcels, Parcel A and Parcel B (2.56 acres) as Greenspace, and Parcel C and D (3.56 acres) as street Right of Ways which were private, all in accordance with the Final Plat prepared by Randall W. Brown & Associates; Inc. dated April 22, 2019.

Throughout each phase of the development, a waiver had been granted to the requirement to the construction sideways within all streets row's within the development. In lieu of providing sidewalks on each street, a network of bike/pedestrian paths and nature trails totaling 3.5 miles was provided throughout the development.

Variances

Variances to Section 7.5.1.3, R-1 Site Development Regulations are being requested for 12 lots located within cul-de-sacs. The lot frontages for these lots are less than the R-1 minimum 90' frontage, as follows:

- Linnette Lane – Lots 454 and 455
- Pintail Trace – Lots 458, 459 and 461-466
- Juniper Court – Lots 477 and 478.

Mr. Adams said this phase would wrap up the project. He moved to approve the final subdivision approval of Phase 5 and grant the variance to lot frontage, seconded by Mr. Sones and was unanimously approved.

The last case discussed was P19-05-04 Review and approval of new capital projects that are included in the proposed 2019-2020 budget for consistency with the Comprehensive Land Use Plan

Mayor Villere said the review was of new items or items that had not begun. Mr. Adams said many of the projects were street programs and he suggested discussing the projects in coordination with the Comprehensive Plan. Mr. DeGeneres said the new projects were highlighted. Mr. Adams said the new lakefront restrooms were an issue last year.

- The trailer restroom for the Jackson Avenue playground was ordered and would arrive

next month. Sunset Point would have a permanent restroom to be at the proper FEMA height. These projects were approved last year, but Sunset Point was not out to bid.

- Dredging of Bayou Castine was ongoing since Hurricane Isaac. The boat owners stated they were dragging their keels.
- Sunset Point pier lights would be down lit on the bottom of the pier that was damaged by recent floods. They would be down lit to comply with the Dark Skies ordinance.
- Replacement of the fountain at the Trailhead that was worn out and there were no replacement parts. The proposal was similar to the existing fountain, but would be updated with new technology. Mr. Adams said when the Trailhead was built it was a representation of the Lake Pontchartrain basin. Mr. DeGeneres would still like to do that.
- City Hall was in the budget for the construction of an addition to the building front and remodeling the building bringing it up to ADA requirements. Mr. Adams asked how the design would be picked. Mr. DeGeneres said it would be the City Council's choice.
- Cemetery/the original mausoleum had roof issues and there would be a repair to the older graves.
- Tyler Thomas Park update of the amenities. It was the intent to remove the pavilions and construct one pavilion to make a better transition from the basketball court to update the park.

Mr. Adams said the City was updating the intersections by the Trailhead. Mr. DeGeneres four intersections were budgeted for this year on Lafitte Street at Monroe, Madison, and Livingston Streets. The next budget would finish this project up to General Pershing at Girod and Lafitte Streets. This would close out the Town Center Area.

Mr. Blache asked about the water mains by Colbert Street having had several recent breaks. Mr. DeGeneres said this would be included in the maintenance project for approval through DHH. The big project would be the entire water system in New Golden Shores. This upcoming year would be design and survey for Golden Glen. The old pipes were becoming brittle.

There was a presentation at the last City Council meeting to eliminate the center lane and install a median on Highway 190. This was a conceptual plan that would be J turns and it would be larger for commercial vehicles. Mr. Adams said there was one big undeveloped piece at the turn at East Causeway which was commercially zoned. It was asked was there a consideration of ingress and egress on that property. Mr. DeGeneres said it would be like a U-turn to get back to it. Cuts would be eliminated to turn at the J turn. The City Council wanted to look at pedestrian crossings, especially with complaints at Carondelet Street. The budget was for design costs and would need state funding. Mr. Blache asked to consider additional traffic signals. Mr. DeGeneres said the numbers did not warrant signals from the side streets. Mayor Villere said the state was considering right turns only at Carondelet and Lafitte Streets.

Mr. Clark asked why the City had to dredge Bayou Castine since it was a navigable waterway. Mayor Villere said the City decided not to wait on the Corps of Engineers timeline.

Mr. Clark asked about the process. Ms. Scott said the Capital Budget projects were reviewed for applicability and consistency under the Comprehensive Plan's goals and policies. The commission would identify the goals and policies tied to the project. It was presented as a package, but individual items could be discussed. Mr. Adams said the commission could determine the way it was written if it was not inconsistent. There was also the Short Term Program. Ms. Scott said under R.S. 33:109, the commission would review the projects, identifying the goal and policies in the Comprehensive Plan and stating if the project was consistent. If there were questions then the commission could further discuss those items. Ms.

Scott could summarize the review with stated policies and highlight it for the record. She said it was a function of the Planning Commission under state law. Mr. Adams said if a sewer project made it possible to annex the Forest Park area then it was in keeping with the Comprehensive Plan. A roadway would not be part of the Comprehensive Plan and the commission would state it was not consistent. Mr. DeGeneres said that would not have been in the Capital Budget.

- Forest Park was reviewed last year stemming from the annexation of the proposed veterinary clinic. The subdivision residents had approached the City to consider annexation.
- North side of Highway 59 east was an area for redevelopment and was part of the Comprehensive Plan. The properties could not be redeveloped without City services.
- These two areas were approved last year, and Principal Engineering was putting numbers together.

Mr. DeGeneres said the City was considering treating sewer through the Parish.

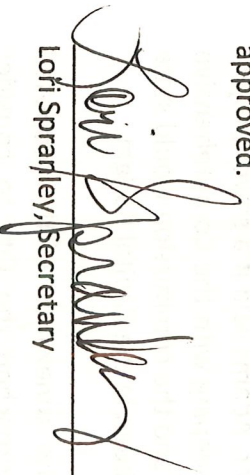
When the sewer treatment plan was upgraded there was an increase in capacity and the City was working with the Parish on tying in some old package plants. The area by Franco's would tie 500,000 gallons per day into the City system and the City could handle it. There were other systems north of Highway 190 east of Highway 59. The potential was when they failed, it came through the city. If the City could put the sewer into a force main for treatment, it was better for the City and we could make a little revenue. It was suggested to add it to the Comprehensive Plan pending the Parish providing the funds to they pay for the force main. Ms. Scott said goals 5.1 – 5.7 were to coordinate with the Parish.


Mr. Adams said previously there was an effort to protect the gateway corridors being at risk of construction on the north side of Highway 190 with different regulations. Now there were annexation requirements for utilities. Mr. Adams said there was a green east of Jackson Avenue that should be annexed. Mr. DeGeneres said it was discussed bringing in that corridor and extending the center median to Pelican Park. Mayor Villere said the next phase was Jackson Avenue to Pelican Park to create four lanes and a boulevard. Mr. Adams said the Saia center was not attractive. Mr. DeGeneres said a possible J turn could dress it up. The potential was endless for improvements and the front façade could be hidden with landscaping.

- Monroe Street/East Causeway Approach roundabout or turning lanes. The project would probably be turns lanes with the same useful life of 17 years. Additional turn lanes would be added on East Causeway Approach to fix the intersection signaling. The cost of the roundabout was estimated to be \$3 Million or higher with right of way acquisition needed. The City Council decided to install turn lanes which would be self-funded in-house being less than \$1 Million. Mr. Blache asked if that included acquisition and Mr. DeGeneres said there might be a small acquisition but it should fit in the existing right of way. The roundabout would remove the first house in Golden Shores and require commercial acquisition. Federal guidelines would be lengthy process. This would allow the ability to keep the federal dollars open.

Mr. Adams moved to recommend adoption of the Capital Budget projects being consistent with the Comprehensive Plan, seconded by Mr. Sones and the motion failed 3-1 with Mr. Clark stating there should be input from the absent commission members. Mr. Sones moved to table the adoption to the next meeting until there was a full board for discussion and action, seconded by Mr. Clark and was unanimously approved.

Mr. Clark moved to adjourn the meeting, seconded by Mr. Sones and was unanimously approved.


Lori Spranley, Secretary


Rebecca Bush, Chairwoman
Planning Commission

**Zoning Commission
Public Hearing
May 14, 2019**

The meeting was called to order by Chairman Michael Blache and the secretary called the roll.

Present: Nixon Adams, Ren Clark, Michael Blache, and Bill Sones

Absent: Rebecca Bush, Simmie Fairley and Jeff Lahasky

Also Present: Louise Scott, Director, Planning Department; Cara Bartholomew, Planner; and Mayor Donald Villere

Mr. Blache 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.

Mr. Adams moved to adopt the minutes of March 12, 2019, seconded by Mr. Clark and was unanimously approved.

The first planning case also had a corresponding zoning case and both cases were discussed in conjunction. The planning case discussed was S19-05-01 Crosby Development Co., LLC requests final subdivision approval of Phase 5 of the Sanctuary Subdivision, zoned R-1. The zoning case discussed was V19-05-12 Crosby Development Co., LLC requests a variance to Section 7.5.1.3, R-1 Site Development Regulations, lots 454, 455, 458, 459, 461-466, 477 and 478, zoned R-1.

Ms. Scott presented the final subdivision approval for the Sanctuary Subdivision, Phase 5. Phase 5 was that last phase for the entire Sanctuary development. This phase consisted of 41.82 acres, and proposes 33 lots (numbered 452 – 480) including 4 parcels, Parcel A and Parcel B (2.56 acres) as Greenspace, and Parcel C and D (3.56 acres) as street Right of Ways which were private, all in accordance with the Final Plat prepared by Randall W. Brown & Associates; Inc. dated April 22, 2019.

Throughout each phase of the development, a waiver had been granted to the requirement to the construction sideways within all streets row's within the development. In lieu of providing sidewalks on each street, a network of bike/pedestrian paths and nature trails totaling 3.5 miles was provided throughout the development.

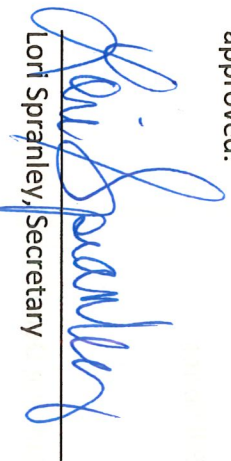
Variances


Variances to Section 7.5.1.3, R-1 Site Development Regulations are being requested for 12 lots located within cul-de-sacs. The lot frontages for these lots are less than the R-1 minimum 90' frontage, as follows:

- Linnette Lane – Lots 454 and 455
- Pintail Trace – Lots 458, 459 and 461-466
- Juniper Court – Lots 477 and 478.

Mr. Adams said this phase would wrap up the project. He moved to approve the final subdivision approval of Phase 5 and grant the variance to lot frontage, seconded by Mr. Sones and was unanimously approved.

Mr. Clark moved to adjourn the meeting, seconded by Mr. Sones and was unanimously approved.


Lori Spranley, Secretary


Michael Blache, Chairman
Zoning Commission

**Planning Commission
Work Session
May 14, 2019**

The meeting was called to order by Chairwoman Rebecca Bush and the secretary called the roll.

Present: Nixon Adams, Ren Clark, Michael Blache, and Bill Sones

Absent: Simmie Fairley, Rebecca Bush and Jeff Lahasky

Also Present: Louise Scott, Director, Planning Department; and Cara Bartholomew, Planner and Mayor Donald Villere

Ms. Bush 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 planning case discussed also had a corresponding zoning case that was being requested to be withdrawn R19-05-03 Bruce Burglass, Jr. requests resubdivision approval of a parcel of ground in square 81 into lots 1-8, square 81, zoned B-1 and proposed R-1.

Ms. Scott presented that the zoning line fell in the middle of the square and there was an initial request to move the zoning line, but it was requested to remove the zoning request. In 1993, the Official Zoning Map was adopted with the CLURO. The comprehensive rezoning designated the northern half of Square 81 as B-1, Neighborhood Business District and the southern half as R-1, Single Family Residential District.

The property owner was requesting approval to subdivide Sq 81, bounded by Hwy 190, Montgomery St, and Atalin and Albert Streets into a total of 8 lots: Lots 1-7 zoned R-1 Single Family Residential and Lot 8, Zoned B-1, Neighborhood Business District. Square 81 measured 32.90 on Montgomery Street and Hwy 190 and 498.77' on Atalin and Albert Streets and consisted of 6.08 acres (265,794 square feet), in accordance with the Plat prepared by Kelly J. McHugh and Associates, Inc. dated April 9, 2019.

The Plat proposes the following residential lots:

Lots 1-5:	frontage:	106.58' x 140' depth and 14,921.20 sf
Lots 6 and 7	frontage:	113' x 266.45' depth and 30,108.85 sf

CLURO 7.5.1.3 R-1, Site Development Regulations requires a minimum lot size of 90' X 120' and 10,800 sf, all exceeding minimum site development requirements.

The Plat proposes the following Commercial lot:

Lot 8	US Hwy 190 /Frontage:	532.90' x 245.57' depth/Atalin and Albert Streets and 130,917.54 sf.
-------	-----------------------	--

CLURO 7.5.8.3 B-1 - Neighborhood Business District, Site Development standards require a minimum lot size of 100'by 100'.

Utilities:


Dept. of Public Works had made the determination there was existing water and sewer lines that run along Montgomery, Atalin and Albert Streets. However, due to the parcel being an undivided square, the sewer and water taps will need to be installed in front of the proposed lots. Public Works had provided an estimate to the property owner. Due to Lot 8 being

commercially zoned, the estimate did not include water or sewer on that lot. There was an 8" water main is available if fire protection is required.

Fire District #4 had reviewed the proposed subdivision and offered no additional comment.

Mr. Clark moved to adjourn the meeting, seconded by Mr. Sones and was unanimously approved.


Loli Spratley, Secretary


Rebecca Bush, Chairwoman
Planning Commission

**Zoning Commission
Work Session
May 14, 2019**

The meeting was called to order by Chairman Michael Blache and the secretary called the roll.

Present: Nixon Adams, Ren Clark, Michael Blache, and Bill Sones

Absent: Simmie Fairley, Rebecca Bush, Jeff Lahasky

Also Present: Louise Scott, Director, Planning Department; and Cara Bartholomew, Planner and Mayor Donald Villere

The next case discussed was V19-05-16 Nathan and Debra Ales request a variance to Section 8.1.1.4(4), Allowed Setback Encroachments and Section 7.5.1.3, R-1 Site Development Regulations, lot 121-A, Woodstone Subdivision, 102 Woodstone Drive, zoned R-1

Ms. Scott presented that Nathan and Debra Ales proposed to construct an outdoor kitchen and swimming pool on lot 121-A in Phase 1 of the Woodstone Subdivision. Lot 121-A was a part of a resubdivision of lots 121 and 120A into lots 121-A and 120-A-1 recorded on January 29, 2001, plat prepared by Kelly McHugh and Associates. Lot 121-A has a curved front dimension totaling 90.04' x 142.38' x 172.42' x 135.15'.

The Woodstone Subdivision was developed with front setbacks being 30' and the rear being 25' in accordance with a survey prepared by Randall W. Brown & Associates, Inc. dated March 4, 2019, the house was constructed approximately 27' from the rear property line.

The property owner was requesting to construct an attached pavilion measuring 14' 10.5" x 21' 6.25" with the structure being 11' from the rear property line. This required a 14' variance from the required 25'.

The applicant stated on the application:

The attached pavilion/kitchen needs to be attached to the existing roof due to water flow issues in the roof line. The Woodstone setbacks are reversed and the lot shape is odd. The quality of the proposed pavilion would be compromised in any other area of the yard.

The property owner also desired to construct a swimming pool, shown on the Covered Rear Porch drawing (Sheet A-1) prepared by Steven J. Finegan Architects, Ltd. The applicant would like to place the mechanical equipment alongside the existing air-conditioning unit. The unit was 7' from the side property line, requiring an 8' variance from the 15' side setback requirement for lots with a width of 90'. The total pervious/impervious coverage calculation would be requested.

Nathan Ales, applicant, stated the lot was oddly shaped with a point on one side. It would not make sense to have the pool away from where they lived. Mr. Adams asked if there were other similar situations. Ms. Scott said she thought there was a variance for an attached canopy over an outdoor kitchen, but she would investigate where it was located. Mr. Blache said if there was a gap in the house, it would not be attached and would just meet the site development requirements for an accessory structure setback. Mr. Ales said there was an 8' fence to his rear so the roof would be the only view seen by the neighbor. The commission agreed it was an unusually shaped lot. Mr. Adams asked if there was a rear tree buffer. Mr. Ales said the rear neighbor was in the Weldon Park Subdivision and there was a tree buffer. His intention in the 10' open area was to plant palm trees and landscaping. There would be a roof cover at a 10' height.

Wanda Palmer, 209 Chestnut Street, said she had called the City due to water coming into their yard. With the weekend rain there was standing water in the yard. They had

installed a drain after the Woodstone Subdivision was built to drain their yard. They were trying to solve the water intrusion. The City came out and suggested they build a ditch, but she had a drain. The drain worked until there was additional construction. They had lived there for 30 years and she did not want to deal with the water. They could not afford to raise or do major work on the house so they requesting help.

Mr. Ales agreed there was a problem and his roofline towered over the adjacent house. He could see the water under the fence line. He was suggesting grading toward the French drain with slope toward the front of his house.

Mr. Adams asked the engineers to look at the project. Mr. Adams said the neighbor's problem was not due to privacy. Mr. Ales said his project must have drainage approval and it should help both Ms. Palmer and him. Ms. Scott would have the Public Works Department inspect the site.

The next case discussed was V19-05-17 Francis Chimento requests an exception to Section 7.5.1.3, R-1 Site Development Regulations, lot 7, Shadows Subdivision, 837 Shadow Oak Lane, zoned R-1

Ms. Scott presented that the applicant owned the residence located on Lot 7, in the Shadows Subdivision. The lot measured 90.53' frontage by a depth of 130.84'. The lot was improved with a single family dwelling. The R-1 Site Development Regulations under Section 7.5.1.3.5(b)(e) required an Interior side yard of 15' each side. The Shadows Subdivision was constructed in the early 1990s, prior to the increase setback requirement. The side yard setbacks on this lot were 7' on the north side and 15' on the south side. The applicant was proposing to construct a carport on the south side of the house and was requesting a variance to the side yard setback.

The applicant has submitted the following information with the application:

I am requesting a variance of the 15' side encroachment for a drive and eave attached to the side of my house so that I can build a carport. After speaking with Cliff at Public Works, he said it as ok as far as drainage as long as I stay 3' off of the property line. We have gotten approval from the Shadows neighborhood committee to move forward with this project also.

I have accumulated a few classic cars of which two are stored in the mini-storage unit on W. Causeway Approach because my home only has a two-car garage. Part of the fun of having the classic cars is to be able to take them out for a quick drive or tinker with them when I have a little time. It's really inconvenient to do this when the cars are not located at my home. After two years of paying for mini-storages, I would like to add a carport on the side of my house to accommodate the vehicles, which will eventually pay for itself vs a mini-storage. I have looked for a new home to meet my storage needs, but I have lived in Mandeville for 22 years and really love my current home. I've been unable to find something in Mandeville that I love as much as my current home AND is price effective.

Currently my house sits about 15' off of the property line, so the hardship is that I'm unable to build an attached carport without going into the encroachment area.

The proposed carport on the south side of house measured 10.5' wide by a length of 50', encroaching into the minimum 15' side yard by 10.5', leaving a 4' setback. Additionally, there is an existing L-shaped driveway in front of the house. The sketch indicated that a portion of this driveway will be expanded by 4' in width and extended to access the proposed carport.

The Dept. of Public Works provided information in an email dated May 8, 2019, confirming approval that drainage will not be impacted by the proposed carport.

Mr. Blache asked what was the distance to the adjacent house. Ms. Scott said the adjacent neighbor had an approximate 5-7' setback. The neighborhood committee had given approval to the project. Mr. Sones asked about the difference between this and the Girod Street (Geaux Title) project. Ms. Scott said that proposal was not an addition to the house. Ms. Scott said this was the construction of a covered carport with a driveway extension. Mr. Adams said there appeared to be a swale for drainage. Mr. Blache asked about the pervious/impervious calculation.

Francis Chimento, 837 Shadow Oak Lane, said the Shadows Subdivision was a great place to live and he wanted the project to be pleasing to his neighbors and himself. It would match the shutters and tropical vibe. He would extend the fence to hide the cars. Ms. Scott asked to submit an elevation of the carport.

The next case discussed was V19-05-18 Pontchartrain Square Northshore, LLC requests a variance to Section 10.5.3.11, Electronic Message Center or Digital Signs, Pontchartrain Square Shopping Center, 3537 Highway 190, zoned B-2

Ms. Scott presented that Pontchartrain Square Northshore LLC represented by Cathy Alba was requesting a variance to CLURO Section 10.5.3.11 Electronic Message Center or Digital Signs for the existing LED Pylon Sign. A permit was issued by the City in October 2012 for the LED Pylon Sign construction at the current location.

In March 2014, the City revised the Sign Ordinance Regulations with Ordinance 14-03 which prohibited Electronic Message Centers (EMC), including a compliance and amortization requirement for existing EMC signs. At this time, the LED Pylon Sign was compliant and was considered a Legally nonconforming EMC subject to Amortization in Article 10.5.3.11.3(d), with amortization ending in January 2021.

The applicant was requesting a variance (CLURO Section 4.3.4) to the amortization provision set forth under CLURO section 10.5.3.11(3)(d) to allow the sign to remain in place. The application stated that 15 businesses within the shopping center were using the sign, and they were contractually obligated through the lease agreements to provide electronic signage. Many of the tenant leases extend far past the imposed 2012 amortization date. Regarding the findings set forth in the CLURO under 3(a), this particular sign, since it was setback greater than 100' from the Hwy 190 street right of way, did not impose the health, safety and welfare threats that were intended to be regulated under these provisions. An additional hardship created by the location of the shopping center, being at the rear of a much larger parcel, was that visibility for tenants is extremely challenging. There was no freestanding signage for this tenant on any highway frontage.

3. 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.

Cathy Alba, owner, said Brett Davis and his group were under contract to purchase the center. The Kmart center was a separate property from this request. The question was a situation of the existing tenants, which were 15 of them. There had been improvements to the center including the digital sign which was in compliance upon permitting. Orange Theory was one of their new tenants. The tenants were relying on knowing their location. There was not a traffic hazard with the signage being located so far off the road. Mr. Adams was in agreement and was not the type of signage envisioned in the ordinance. The tenant leases might not be able to be considered by the board, but he did not see a reason to cause a problem until there was a plan for the area.

Mr. Blache remembered the sign because it eliminated the sign clutter and he liked the sign. He did not see a safety hazard. Ms. Alba said there was the fixed portion of the signage, but it was difficult to read them. She understood the sign regulations, but wanted to keep the businesses vibrant. It was safer when looking for a business. Ms. Blache said the speed limit in the shopping center was about 5 mph so it was not a safety issue. Ms. Alba said the sign measured 340' from the roadway. The distance was a hardship.

Janet Favre Smith, 1164 Rue Chinon, reminded the commission that this was one of the most controversial issues and got a tremendous amount of feedback from the residents. She reminded the commission there was a lengthy discussion and the decision was made to ban all electronic message signs. As much as the safety issue was a concern, the inconsistency of the community was a concern. She understood in each situation there were reasons to review the request separately, but to start that slope when the amortization was approaching would be a problem. There must be careful thought before granting any exceptions. She understood the owners concerns and driving people to their business. The fact that it was far off the road was not bringing it the center. Most of the businesses were not open late at night. For us to deal with it individually would be a big issue and there was a huge effort to ban the signs in general to avoid this.

Mr. Adams said there had been lengthy discussions which were not all related to electronic signage. Technology had changed in the last five years and it should be reviewed since the signage could eliminate clutter. No one could see the small signs and time sharing helped. Every variance was for a different reason. The ordinance was not envisioned for signage 300' from the road. His thought was the area was ripe for redevelopment. Ms. Smith agreed on the area needing redevelopment. She was only thing she was saying before granting any variances and exceptions was to look at it. Mr. Adams said there were some signs that were problems from the beginning of the discussion and needed to be defined better.

Ms. Scott clarified that the CLURO included a provision for a time variance. The request was to keep the sign indefinitely, but the amortization was to allow for the financial life of the sign and addressed the lease life. Mr. Adams said leases did not fit in the reason for a variance. Ms. Scott said this specific section incorporated a time variance because of tenant leases. Mr. Blache agreed with Mr. Adams that there were changes in the technology. He asked for a copy of longest lease.

Zoning Commission
Work Session
May 14, 2019
Page 5

The next case discussed was V19-05-19 Jesse Wimberly IV requests a variance to Section 5.2.3.2, Drainage Overlay, Fill Sub District A, lot 2A, square 25A, 2113 Lakeshore Drive, zoned B-3

Ms. Scott presented that the applicant was constructing a mixed-use building located in Square 25-A, Lot 2-A. 2113 Lakeshore Drive was located to the west of Barley Oak. Permit 18-4949 was issued on February 14, 2019 based on plans prepared by CIS Architects including the foundation plan prepared by Acadian Structural Solutions, Inc., Harley Nethken dated January 3, 2019.

The applicant stated in his application:

I am requesting relief of the elevation of my slab at the above address. As you will see through the attached pictures, I am significantly lower than the surrounding parking lot for Barley Oak. This is causing water to back up and stay in the northeast corner top of the lot. It would be simple to remedy this situation by allowing my slab to be raised 12 inches higher than it is now. As we are in the beginning phases of construction this could be accomplished by simply adding that amount of dirt to the area where the slab will be poured. My property, even with this added fill will still be lower than all of the surrounding properties including the Barley Oak, Rest A While and the bed and breakfast to the north. Additionally, there are no structures between my property and the lake so there will be no impact on any other property holders if this request is granted as all drainage is towards the lake (south). My building would then be equal height with the adjacent parking lot which will help with the drainage and allow a more uniform look with the surrounding areas.

This property was in Fill Sub-Area A and CLURO Section 5.2.3.2 (2) (c) stated: *Slabs may be established under structures and for non-habitable spaces, provided that the top of the slab is not greater than six (6) inches above natural grade at any point.*

The plans approved for permitting were in compliance, with a 6" slab below the structure; however, based on description included in the application as stated above, the applicant was requesting a variance to allow the slab height to be an additional 12" higher, by increasing the amount of fill allowed to be placed below the slab.

5.2.3.2 Drainage Overlay District and Fill Sub-Area A

The following standards shall apply to all development falling within the mapped boundaries of the drainage overlay district as established in section of this CLURO and fill sub-area A, which includes the areas located between Monroe Street, Bayou Castain, Lakeshore Drive and Galvez Street. Where the DO district overlaps with other areas described in these section provisions of the DO district shall apply.

1. **Grading and Fill.** No change in elevation from natural grades shall be allowed except follows:

- a. Up to six (6) inches of fill may be placed under the perimeter of the soffit or roof line of structures to achieve positive drainage from under the structure.
- b. Existing sites may be graded, or surface or subsurface conveyances may be established to meet the City's requirement to convey water to the City's stormwater management system.
- c. Grading changes shall not have an adverse impact on adjacent properties in accordance with State law.
- d. Fill shall not be allowed within the dripline of existing trees required to remain or any vegetative protection area.

- e. For lots and development sites in the D- O district that are greater than 20,000 square feet in area and located outside Fill Sub-areas A and B, fill and chain wall construction may be used under a slab foundation and the area under the principal structure is not subject to the above fill limitations. Attached garages and driveways may be established pursuant to this section.
2. Foundations and Slabs
- a. Pile construction shall be required in V zones.
 - b. Pier or pile construction allowed in other locations as long as the tops of the footings or grade beams is located at or below natural grade elevation.
 - c. Slabs may be established under structures and for non-habitable spaces, provided that the top of the slab is not greater than six (6) inches above natural grade at any point.
 - d. Slab construction shall not be allowed for any habitable area.
3. Driveways.
- a. Driveways shall be built at existing grade except that driveways may be elevated no more than six (6) inches if necessary to access a garage or parking areas beneath the building and to help convey water to the City's stormwater conveyance system.
 - b. Driveways shall not be located closer to the side or rear property line than five (5) feet except as needed to provide access to authorized parking spaces behind the front building line. Such driveways shall channel water to the City's drainage system.
4. **Parking Lots.** No paved parking lot is allowed within the DO district without approval of a Special Use Permit. No portion of the surface of a parking lot, regardless of whether the surface is aggregate or paved, shall be elevated more than six (6) inches above natural grade.

The City Engineer, Andre Monnot, in an email dated May 3, 2019 states the following:

The grading on this lot is sensitive, given the tight space between property line, drive access, and slab. Satisfactory vehicular access may become difficult if granted, without elevating the entire driveway adjacent the building slab as well.

Mr. Blache asked how much lower this project on each side was. Jesse Wimberly IV, 500 Water Street, property owner, said Barley Oak was at 6' and the slab would be 3.5', the average differential was 12" from the parking lot which created the amount of the request. He measured at 14" front down to 8" to the rear. If he was allowed to raise the fill, it would not hold as much water. He would talk to the architect about the driveway. The slab was lower than the driveway. It was designed to be required to have all water drain into a pipe into the drainage system. He did not see a negative effect. Nic Powers and Barrett McGuire, adjacent neighbors, stated to him that they had no objections.

Barrett McGuire, 2119 Lakeshore Drive, said he had learned from the commission there was an extreme amount of weight considered on the neighbor. He supported the neighbor and would ask for 2' instead of 12". He said Mr. Wimberly was at a disadvantage being the last lot to develop and he must now follow the new rules. He should not be negatively impacted. He might be a little lower, but he had no objection.

Ms. Scott presented that Barley Oak and de la Blu were allowed 2' of fill under the previous regulations.

There were two zoning case requests and both cases were discussed in conjunction. V19-05-20 Waffle House, Inc./Brittany Steilberg requests a variance to Article 9, Parking and Landscaping, lot A-1, square 6, Section A, Golden Shores Subdivision, 430 N. Causeway Boulevard, zoned B-1 and SUP19-05-01 Waffle House, Inc./Brittany Steilberg requests a Special Use Permit for Section 6.4.33, Day Care Centers-Commercial, lot A-1, square 6, Section A, Golden Shores Subdivision, 430 N. Causeway Boulevard, zoned B-1

Ms. Scott presented that the applicant had a purchase agreement on 430 N. Causeway Blvd. (former Waffle House Bldg) with the intent of opening a commercial day care center. A Commercial Day Care Center in the B-1 Neighborhood Business District Zoning required a Special Use Permit (SUP). The building had been vacant since Waffle House operated at this site.

The applicant has stated that they were planning to open an infant center for students ranging in age from 8 weeks old to two years, with the target for infants/early one year olds. The maximum number of students on the license was 30 students. They did not intend to have that many children. The applicant had a Montessori school in Lewisburg, and this proposed campus are for students who are not old enough to attend the "main campus" (Lewisburg). The proposed hours would be 6:30AM-6:00PM.

The CLURO defines Day care centers under Section 6.4.33 includes special use criteria in Section 8.2.3.8 as follows:

6.4.33. Day Care Centers - Commercial

Private for-profit businesses, whether licensed by the state or not to provide daytime care of children or adults, excluding overnight care and public or private primary and/or secondary educational facilities. Typical uses include child care centers.

8.2.3.8 Day Care Centers Criteria

Day Care centers as defined in Article 6 shall be required to be established in accordance with the following criteria and in accordance with all other applicable regulations as provided in these Land Use Regulations and all other codes of the City or state. For purposes of these provisions' activity area shall be defined as indoor space utilized for the activities of the participants in the day care program and shall not include any area utilized for administrative offices, kitchens, hallways, bathrooms or storage areas.

5. Applicants for proposed day care centers shall be required to submit a floor plan and site plan which conform to the following standards:

Waffle House had provided the applicant with a survey and the applicant was using that survey to generate a site plan. There had been version of the proposal, but not a breakdown of the interior.

- a. A minimum of 35 square feet of indoor activity area for each participant enrolled in the day care facility during any one time period or the minimum required for Class A state licensing, whichever is greater. **(FLOOR PLAN NOT SUBMITTED). The building measured 22'x78' and contains 1,716 square feet. If they had the maximum of 30 students, 57.2 square feet per student based on entire square footage of building.**
- b. In the case of day care centers for children, a minimum of seventy-five (75) square feet of outdoor play area for each participant enrolled in the day care facility during any one time period. **The license for a maximum of 30 students required a total of 2,250 square feet of outdoor area. The sketch provided did not provide the square footage of outdoor play area, but it appeared there is approximately 2,670**

square feet of outdoor play area proposed. However, this included removing a substantial portion of the existing paved parking lot. State licensing may only require 1/3 of the city regulations.

6. An area for the transfer of participants from vehicles to the facility shall be provided with a queue area for at least four vehicles in an area on-site and out of the right-of-way of any Street. The sketch submitted with the application proposed the following:

- a reconfiguration of the existing parking lot,
- keeping 5 parking spaces towards the front of the site and the handi-cap space
- utilizing a portion of the parking lot as a “turn around” to access a proposed covered “2 car” space.
- The circulation proposed is opposite traditional entry on right, exit on left. This should be reversed. Additionally, it is questionable whether or not vehicles will be able to make the turnaround in the existing space provided. Staff has requested comments from the City Engineer.

7. Parking shall be in accordance with the requirements of Article 9. A floor plan was required to be submitted so parking requirements could be calculated.

The applicant provided a site plan drawn to scale, however the dimension of the front and rear property lines described in the legal description did not match the drawing submitted. There was a 3 ½’ discrepancy in lot width. The lot width indicated on the site plan showed a 75’ frontage, the survey indicated 78.5’ frontage.

Mr. Blache said there would be removal of concrete for green space. He asked that the City Engineer confirm that the circulation would work. Ms. Scott stated that to the rear was an R-1 zoning district which required a 20’ buffer requirement. The fence had a 10’ buffer to the west being used by the neighbor. There would be additional landscaping and have the outdoor play area cross over to the green requirement. Mr. Adams asked if there would be any service road issues and backing up on the roadway. Ms. Scott said the original plan had the circulation reversed and the plan was changed at the staff’s request. There was a concern of the parking area versus the queue line. The minimum queue was four parking spaces of which two were covered. The lot width appeared to be 78.5’ with a 5’ setback on south side. There was only 1-1.5’ on the north side which was already planted that could count toward the site interior requirement. The greenbelt was located behind the service road being the front of the property. There was a 15’ greenbelt planted with live oak trees, but the depth did not meet the current requirement of 25’. The cooler would be removed. The center would use garbage cans instead of a dumpster.

It was summarized that there was a need for a floor plan, building square footage, state requirement for outdoor recreation, and the City Engineer would review the circulation.

Brittany Steilberg, 25 Rivage Court, said they had marked off the area and her SUV worked with the circulation. The licensing required 1/3 of attendance on any day for outdoor play space and there would not be more than 30 kids. They anticipated 25-27 kids with staggered drop off times. They wanted to provide infant care was for working parents with drop off usually between 6:30 to 9 a.m. The building interior was completely gutted at this time. They would construct a small kitchen for warming. Ms. Steilberg would provide a floor plan.

The last case discussed was SUP19-05-02 Steven C. Lee requests a Special Use Permit for Section 6.4.57, Medical Services, a parcel of land in square 47, 2020 Woodrow Street, zoned TC.

Ms. Scott presented that the applicant was proposing to open a Medical Services office as classified under CLURO Section 6.4.57. The office was proposed to be within a building located at 2020 Woodrow St. (former Shiver Shack). This property was zoned TC, Town Center.

Medical Services is defined as follows:

6.4.57. Medical Services

Establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment, or rehabilitation services provided by physicians, dentists, nurses and other health personnel, as well as the provision of medical testing and analysis services, but excluding those medical services classified as any civic or residential use. Typical uses include medical offices, dental laboratories, or health maintenance organizations.

The applicant stated in the application, that they were requesting to locate the medical office in the rear half of the building. The front half remained a snowball stand and restaurant. *"I wish to provide medical consultations for professional clientele interested in avoiding opiate medications".*

A conceptual site plan had been submitted that indicates the following:

- Existing snowball area 1,751 S/f
- Proposed medical office 1,751 s/f
- Storage 139 s/f
- Total 3,641 s/f

The site plan indicated an existing wood deck, existing outdoor seating, and rear alley with parking. The site plan noted that the building was 2,106 square feet and additions on the side and rear added 674 square feet for a total of 2,780 square feet.

A special use permit was granted for the snowball stand (outdoor fast food) in 2003. The site plan submitted and approved provided for 8 on-site parking spaces including a gravel drive that circulated around the building that was never constructed.

The Property is zoned TC, Town Center and the site development criteria is to follow the B-3 Old Mandeville Business District. Site development variances have been previously granted for building setbacks.

Parking:

Parking shall be in accordance with CLURO Section 6.4.70.1, Shopping Center, Neighborhood Commercial: 4 parking spaces per 1000 sf (1:250).

Both the snowball area and the proposed medical office together within the building consist of 3,502 square feet. One parking space for 250 square feet required 14 parking spaces. This site plan proposed all spaces on-street.

The TC provides for the following:

- (2) When on-street parallel parking is available in areas where shoulders are adequate for parking or when public on-street parking bays are available, the required number of off-street parking spaces for non-residential uses may be reduced by up to a number equal to the number

Zoning Commission

Work Session

May 14, 2019

Page 10

of on-street spaces abutting the lot. No fraction of a space shall be counted when using this provision.

b. Parking Reductions by Exception. In the T-C District, parking requirements for non-residential uses may be reduced or waived by the Zoning Commission in conjunction with a Special Use Permit application and based on the findings of the Zoning Commission that the reduction or waiver does not adversely affect surrounding commercial or residential uses and:

- (1) Existing public parking within the area is sufficient to accommodate the proposed use; or
- (2) The person receiving an exception to reduce the number of spaces agrees to contribute to the Optional Parking Mitigation Fund established for the purpose of providing public parking and pedestrian amenities in accordance with a Master Plan of the B-3 District in accordance with section 9.3 of this Code; or
- (3) The person receiving the exception has agreed to provide public improvements that mitigate the parking reduction within six hundred (600) feet of where the proposed use is located and the installation of sidewalks or pedestrian ways between the parking and the site.

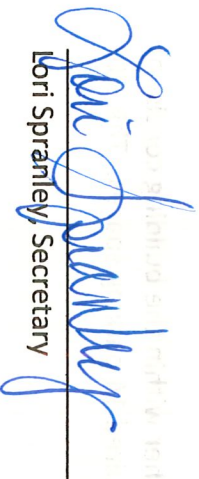
Mr. Adams said it was an unusual use, but it would bring people and the uses would be compatible. Mr. Clark said to make sure there was no hazardous waste.


Lynn Mitchell, 240 Girod Street, said the request was the Special Use for the medical use which would not be toxic. The appendages to the building may or may not be removed. The tenant could be valuable to the Trailhead. The medical use was a low impact practice and would primarily be consulting. It would be a positive impact and not adverse using approximately 1/3 of the building.

Dr. Steven Lee, owner, said this was a separate venture from his primary practice. He wanted to lease the building to an awesome tenant with healthy treats. He would be separating the entrance of the building for the medical office side distinct from the restaurant. This would be in the beginning as developing clientele in this area his patient load would be low, but hoped to see an increase over time. He estimated 20 patients per week. This would not replace his full time endeavor with four clinics. There would be no surgical or medical procedures being consultation only. His opinion was there was a huge problem of opiate usage and his goal was to help people get off the medication.

Mr. Clark confirmed there would be no exotic waste disposal of medical, and would only be consultations. Dr. Lee confirmed that was correct.

Mr. Clark moved to adjourn the meeting, seconded by Mr. Sones and was unanimously approved.


Lori Spranley, Secretary


Michael Blache, Chairman
Zoning Commission