

Planning Commission
Public Hearing
April 9, 2019

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

Present: Nixon Adams, Ren Clark, Simmie Fairley, Michael Blache, Rebecca Bush, Jeff Lahasky and Bill Sones

Absent:

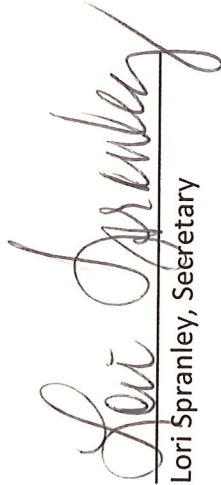
Also Present: Louise Scott, Director, Planning Department; and Cara Bartholomew, Planner and Council Member Mike Pulaski

Mr. Adams moved to adopt the minutes of January 22, 2019, seconded by Mr. Clark and was unanimously approved.


Short Term Rental Meeting

The next meeting will be held on May 1st and 6:30 p.m. to receive additional citizen feedback and determine how to move forward.

Mr. Fairley moved to adjourn the meeting, seconded by Mr. Adams and was unanimously approved.



Lori Spranley, Secretary



Rebecca Bush, Chairwoman
Planning Commission

**Zoning Commission
Public Hearing
April 9, 2019**

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

Present: Nixon Adams, Ren Clark, Simmie Fairley, Michael Blache, Rebecca Bush, Jeff Lahasky and Bill Sones

Absent: None

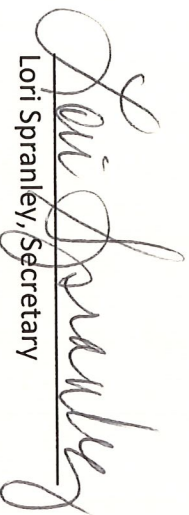
Also Present: Louisette Scott, Director, Planning Department; and Cara Bartholomew and Council Member Mike Pulaski

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.

The first case discussed was V19-04-11 Kenny and Michelle Otilio requests a variance to Section 9.2.5.7, Live Oak Protection Requirements, lot 4A, square 34,3 425 Carroll Street, zoned B-3.

Mr. Adams moved to remove the case from the agenda at the request of the applicant, seconded by Ms. Bush and was unanimously approved.

Mr. Fairley moved to adjourn the meeting, seconded by Mr. Adams and was unanimously approved.



Lori Spranley, Secretary

Michael Blache, Chairman
Zoning Commission

**Planning Commission
Work Session
April 9, 2019**

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



Present: Nixon Adams, Ren Clark, Simmie Fairley, Michael Blache, Rebecca Bush, Jeff Lahasky and Bill Sones

Absent: None

Also Present: Louise Scott, Director, Planning Department; and Cara Bartholomew, Planner and Council Member Mike Pulaski

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 only planning case also had a corresponding zoning case and both cases were discussed in conjunction. The planning case discussed was R19-04-01 KWKP Properties, LLC and Mary Costa request a resubdivision of three parcels of ground in double square 40 into lots K-1, K-2 and K-3, lot K-1 zoned B-2, lot K-2 to be zoned B-2 and K-3 zoned R-1. The zoning case discussed was V19-04-15 KWKP Properties, LLC and Mary Costa request a variance to Section 7.5.1.3, R-1 Site Development Regulations for proposed lot K-1, and Section 7.5.9.3, B-2 Site Development Regulations for proposed lots K-1 and K-3, a parcel of ground in square 40, zoned R-1 and B-2.



Ms. Scott presented this request was a follow up to the recommendation on Ordinance 19-06 for the rezoning of the parcel of ground which was a part of proposed lot K-2. The applicant had stated they were working on a land swap for a building encroachment which was now finalized. The land swap would require a resubdivision.

There was a concern creating a remnant piece on lot K-2, but it was not the same ownership. A note of no access for this parcel was requested to be included on the plat. If a live oak tree was found on the property, the plat would be amended to show the location.

The variance was required with the change in the lot sizes with the land swap. The apartment complex lot depth was reduced from the required depth of 120' to 100' in the R-1 zoning district. Lot K-2 was reduced from the require depth of 150' to 128' in the B-2 zoning district.

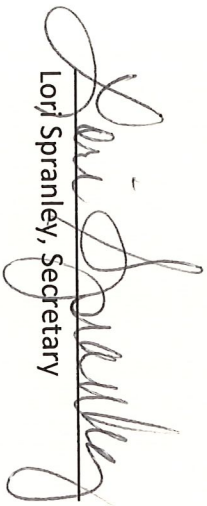
Mr. Adams said the narrow part of the lot became a frontage on Montgomery Street. Ms. Scott said it was considered a remnant part. Mr. Adams asked to clarify this frontage.



Mark Watson, applicant, said the remnant space contained a large live oak tree that was unusable and would remain a green space. The tree was healthy and it would remain. Mr. Lahasky asked with the live oak tree and proposed lot K-2 being an awkward shape, why do the swap. Mr. Blache said there were issues with the neighbor's building encroaching onto his property. Mr. Watson said it was a swap for a swap. Mr. Lahasky understood there was an encroachment and the swap for a swap made sense, but he was just curious since it was an unusable property. Mr. Watson said the 30' frontage on Ramon Street also contained a large live oak tree.

Joel James, who lived on the corner of Lafayette and Montgomery Streets, asked what was the purpose. It was explained that the land swap was to cure a building encroachment.

Mr. Fairley moved to adjourn the meeting, seconded by Mr. Adams and was unanimously approved.


Lori Spranley, Secretary

Rebecca Bush, Chairwoman
Planning Commission

**Zoning Commission
Work Session
April 9, 2019**

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



Present: Nixon Adams, Ren Clark, Simmie Fairley, Michael Blache, Rebecca Bush, Jeff Lahasky and Bill Sones

Absent:

Also Present: Louise Scott, Director, Planning Department; Cara Bartholomew, Planner and Council Member Mike Pulaski

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The next case discussed was V19-04-13 Lavigne Baker Realty LLC/Laguardia and Mark McAdams request a variance to Article 9, Landscaping, more specifically to Section 9.2.5.5, Landscape Requirements in Districts Other than Low Density Residential (1) Periphery Landscape (Greenbelt) Requirements and Section 9.2.5.5.3, Site Interior Planting Requirements, subsections (a) and (f), Poitevent Tract, 501 N. Causeway Boulevard, zoned B-2

Ms. Scott presented that the applicants managed the Lakeshore Shell station located at 501 N. Causeway Boulevard. This property was zoned B-2 Highway Business District and was currently developed with a Fuel Station and car wash. The fuel pump canopy was removed several years ago with the intent of constructing a new one, but it was never completed. The applicant was demolishing all existing buildings and redeveloping the entire site. All new development was required to meet current site development regulations as set forth in the CLURO.

The applicant is proposing the following (submitted with application):

The proposed project involves the removal of the existing car wash building and construction of a new convenience store in its general location along with some pavement modifications around the building. The old kiosk-type store will be demolished once the new convenience store is opened and an additional gas pump will be put in this location increasing the number of pumps from five to six. A new canopy structure will also be constructed over the existing/new pumps. The majority of the existing pavement, including the driveways, will remain in place to provide the necessary access and clearances around the gas pumps. It should be noted that the proposed plan has also been designed to preserve an existing live oak and will actually be providing more greenspace around it then it currently has.

In order to utilize the site for the proposed modifications, a few variances to the City of Mandeville ordinances will be required, including the requirements for greenbelt, interior landscaping and vehicle use area landscaping.

- **REQUIRED GREENBELT VARIANCE — 9.2.5.5.1. Periphery Landscape (Greenbelts) Requirements:** *Based on the site's location, a 25-ft greenbelt is required along the E. Causeway Approach frontage and the Causeway Service Road frontage. To provide these two greenbelt strips in their required locations would render the majority of the property unusable for the project. In lieu of providing the greenbelt in the exact locations, the site plan has been developed to provide designated greenspace on the site within the 25-ft greenbelt area and within the E. Causeway Approach right-of-way.*
 - Greenbelt proposed in GNOEC ROW on East Approach 27' 30' and 26'.
 - Letter from GNOEC provided (below).

INTERIOR LANDSCAPING VARIANCE 9.2.5.5.3. Site Interior Planting Regulations:

- *The site is required to have a minimum of 8% of the interior area reserved for landscaping. The proposed site plan has been designed to provide as much as possible for this requirement, including the removal of the existing lower parking areas on the south side of the property. The proposed site plan is providing interior landscape area measuring 7.2% instead of the required 8%.*

VEHICLE USE AREA PLANTINGS VARIANCE — 9.2.5.5.3. Site Interior Planting Regulations:

- *The site is required to have a minimum of 13 trees (a mixture of Class A and B trees) within the area of the site that does not include the greenbelt areas. The amount of planting area is not large enough to provide for all of the required trees, but, as indicated on the provided landscape plan, the required total number of trees have been provided in the vehicle use area along with the greenbelt areas. The pervious and impervious coverage will be met.*

ENCROACHMENT OF CANOPY AND BUILDING INTO GREENBELT — 9.2.5.5.1. Periphery Landscape (Greenbelts) Requirements:

- Due to the configuration of the existing gas pumps and the desired location of the convenience store, these structures encroach into the required greenbelt. To mitigate this issue, an equivalent amount of greenspace has been provided in other areas of the site and within the E. Causeway Approach right-of-way.

- Encroachment area of canopy 622 square feet into the greenbelt on East Causeway Approach.
- Encroachment area of canopy 819 square feet on N. Causeway Service Road
- Encroachment area of convenience store 207 square feet.

The second request was to allow the 25' within the Causeway right-of-way count toward the greenbelt. The area was currently landscaped and currently existed.

Mr. Adams said the original canopy had been removed. Ms. Scott said the applicant had appeared before the Design Review Committee. Mr. Adams said it was unusually shaped lot. Mr. Blache verified that the sunken area would become permanent green space. Ms. Scott said the parking would be removed and become green space. Mr. Clark said there would be no impediment to the entrance and exit. Mr. Adams said the roundabout would not be moving forward and Ms. Scott said there would be turning lanes instead.

Franklin Kyle, Landscape Architect, said they were taking a difficult site and making it better to the best they could.

The last case discussed was V19-04-14 Daniel D'Angelo requests a variance to Section 7.5.1.3, R-1 Site Development Regulations, Golden Shores Subdivision, Section H, square 23, lot 87A, 210 Dona Drive, zoned R-1

Ms. Scott presented that the property located at 210 Dona Drive in New Golden Shores was zoned R-1, Single Family Residential. Based on a survey by Errol E. Kelly dated August 26, 1983, the property has a frontage of 148.5', a 150' depth along each side and 161.67' along the rear of the property. The lot area was approximately 23,262 square feet. The applicant was proposing to resubdivide the property into two lots each having a frontage of 74.25', a depth of 150', and rear width of 80.83', with an area of 11,631 square feet.

Based on the R-1 Single-Family Residential Site Development Regulations in CLURO 7.5.1.3. the resubdivision required the following:

- Minimum lot area of 10,800 sq. ft is required - 11,631 square feet was proposed.
- Minimum lot depth of 120' was required - 150' was proposed.
- Lot frontage: minimum frontage of 90'. The applicant was requesting a variance to minimum lot frontage of 15.75', in order to create 2 lots with a 74.25' frontage each.

Golden Shores Section "H", i.e. New Golden Shores was platted in March 1963 with the all lots having frontage of 90-115'. Lots 87, 88, 89 were resubdivided into 2 Lots, creating Lots 87A and 89A, increasing the frontage of each 99' lots by 49.5'. New Golden Shores had retained its original character with the same or larger lot layout as originally platted. The applicant proposed to demolish the existing house and construct two new homes, one on each lot. The applicant indicated there were two live oak trees, one being a specimen oak covering a large portion of the side yard with a smaller live oak tree located in the south western corner of the lot.

The applicant stated the hardship to be:

The requested variance seeks to raze the existing home on lot 87A, New Golden Shores Subdivision; subdivision lot 87A into two equal parcels to provide for the construction of two

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new homes. The newly created parcels will both exceed the minimum lot requirements set for in the R-1 Site

The live oak tree in the yard had a canopy that spanned most of the lot. Mr. Adams said while he was a neighbor, he did not have any financial interest and would not need to abstain. He would provide information, but not an opinion. He looked on Google Earth and the canopy of the tree was shown over most of the side of the house. Ms. Scott confirmed that the live oak spanned the side yard where the second lot was being requested. In the past, the commission reviewed the character of the subdivision. These lots would be substantially smaller than the remainder of the subdivision.

Mr. Blache asked with the dripline of the tree, where would you place the house. Ms. Scott stated the canopy of the tree expanded over the buildable area. Mr. Fairley asked about the size of the other lots in the subdivision. Ms. Scott said they ranged between 90-115'. Mr. Adams said the lot was originally 90' and was increased by purchasing a portion of the adjacent lot. There were a few homes that were double lots. Mr. Adams said Jim Noel owned a double lot and could divide his property. Ms. Scott said the record reflected there were no lots less than 90'. Mr. Blache asked about the covenants addressing lots less than 90'. Ms. Scott said the covenants stated the lot area must be at least 12,000 square feet and not less than 60' frontage at the minimum setback lines. Mr. Adams said the subdivision regulations required a minimum of 10,800 square feet of buildable area and was applied to the 5' contour. With the enormous live oak trees, the house could not be built under 80% of the dripline of the house. He asked for the City Attorney to address this issue. Ms. Scott said subdivision regulations did not address reducing the minimum lot area based on the live oak trees, but the applicant must identify the tree to determine the buildable area so there would be no adverse impact on the tree. It did not appear it would meet that requirement.

Daniel D'Angelo, applicant, said he had reached the point of wanting to do something with the house to either repair or demolish it. His ex-wife would like to build a home on one of the lots and he would build on the other. He lived there for 35 years and the tree had never been trimmed.

Ms. Scott said Ms. Casanova had commented that the tree was healthy with a low and spreading canopy to the eastern property line. There was no access behind the fence so she could not measure the tree and trimming would require a permit by an arborist. The tree would not be trimmed to get buildable area. Mr. Blache asked what was the reason besides financial to make the request.

Mr. D'Angelo said he was looking at his options. If the proposal was rejected then he would go to another option. He believed the proposal would benefit the subdivision since this was one of the oldest houses in the subdivision and two new homes would look better than one old home.


Ms. Bush said the request would be creating a lot that could not be used. Mr. Adams said he sympathized with the applicant, but by demolishing the house he would have to provide protection to the tree that hung over half of the house. The applicant could not rebuild that house in the tree branches on either lot. In the future, the commission might consider a side yard variance to allow for the construction of one house. Mr. D'Angelo said he would design the new home away from the tree and Mr. Adams said the location would be further to the rear of the lot and into the side or rear yard setbacks. Mr. Fairley said then it would be a hardship. Mr. D'Angelo said the house was originally constructed too close to the live oak tree. Mr. Lahasky said the best option was to renovate the existing structure with the location of the oak tree and the aesthetic of the size of the other houses in the subdivision.

Dr. Kreller, 280 Dona Drive, said the idea that of constructing two smaller houses on these narrow lots would not add to the neighborhood. The subdivision had greater than 90' frontage. Most importantly was the health of the two live oak trees. To construct a house near the large oak tree would destroy the root structure and almost kill it. He understood the applicant's thoughts looking at options. It would cause serious problems to the live oak trees, and it was not good for the neighborhood.

Pearl Gervais, Marilyn Drive resident, represented the Civic Association, said the Civic Association and many of the neighbors did not approve of the request. There was a concern that approval of the request would set a dangerous precedent. They valued being one of Mandeville's oldest neighborhoods with large lots and mature trees. They would like the standard to be maintained and not approve the request.

Ms. Scott said the commission had been provided letters and emails from residents and they were included in the file. Mr. Adams said the letters stated the same thoughts.

Mr. Fairley moved to adjourn the meeting, seconded by Mr. Adams and was unanimously approved.


Lori Spranley, Secretary


Michael Blache, Chairman

Zoning Commission

