

The meeting was called to order at 6:00pm by Zoning Chairman Brian Rhinehart

The secretary called the roll.

Commissioners Present: Nicholas Cressy, Claire Durio, Andrea Fulton, Karen Gautreaux, Mike Pierce, and Brian Rhinehart

Absent: Scott Quillin

Also Present: Cara Bartholomew, Director Planning Department; David Parnell, City Attorney; Kathy Reeves, Secretary

Announcement that written notice of decisions regarding zoning variances will be filed in the Commission's office the following day of this meeting at which time applicable appeal time will begin to run.

Old Business

**V24-01-04** – Roy Vigor requests a variance to CLURO Section 10.8.2.5. All Land Uses located in B-1, B-2, B-3, B-4, O/R, PM-1, PM-2, M-1, M-2, I, and TC Districts, Virginia Heights, Section 38 Lot C, B-2 Highway Business District, 1801 N Causeway Blvd

Roy Vigor, 1612 Versailles Parkway: He spoke with the company for quotes on tinting the windows. It is expensive, the whole thing would be about \$10,000 while this section would be only \$5,000. They want to move forward and are just hoping for an extension. He would prefer 6 months or anything in that range. He wanted to reiterate that they are fine with taking it down.

Ms. Durio said that it seemed reasonable. Mr. Rhinehart agreed.

Janet Fabre Smith, 1164 Rue Chinon: She just wanted to confirm that the entire thing would be removed. Mr. Rhinehart said the applicant confirmed that statement.

Ms. Durio asked what the best way to give him the time for compliance. Mr. Parnell said that the options were to approve, deny outright, or deny with an extension on removal.

Mr. Rhinehart said that he believed what they did before was a motion to deny with the extension.

Ms. Durio moved to deny the request and provide for a six month extension for compliance from the date of the meeting. Ms. Gautreaux seconded, and the motion passed unanimously.

With all new business for the Zoning Commission Public Hearing finished, Mr. Rhinehart moved to the Work Session portion of the meeting.



Alex Weiner, Secretary



Brian Rhinehart, Chairman  
Zoning Commission

Claire Durio commenced the Planning Commission Work Session portion of the Meeting.

Ms. Gautreaux moved to adopt the minutes from the November 14 and December 12, 2023 and the January 9 and 23, 2024 meetings, Ms. Fulton seconded, and all were in favor.

New Business

**Resolution 24-01** – A resolution of the Planning Commission of the City of Mandeville certifying that the Commission has met the continued education requirements

Ms. Fulton moved to approve the resolution, Mr. Cressy seconded, and the resolution was approved unanimously.

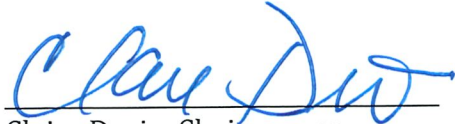
**P24-02-01** – Recommendation to the City Council to affect the annexation of an undesignated portion of ground situated in Section 34, Township 7 South, Range 11 East, Chinchuba Subdivision into the corporate limits of the City of Mandeville designating and assigning the property for purposes of zoning as B-2 Highway Business District and providing for other matters in connection therewith, 1943 N Causeway Blvd

Mr. Rhinehart moved to have this case placed at the end of the agenda to be heard with the associated zoning case. Ms. Gautreaux seconded, and the motion passed unanimously.

With all new business for the Planning Commission Work Session finished, Ms. Durio moved to the Zoning Commission Work Session.



Alex Weiner, Secretary



Claire Durio, Chairwoman  
Planning Commission

Brian Rhinehart commenced the Zoning Commission Work Session portion of the Meeting.

Notification of Filing Case Addendum - 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.

New Business

**SUP24-02-02** – Lisa Dufour requests Special Use Approval to allow Animal Sales and Services (Limited) per the Table of Permitted Uses, CLURO Section 7.8, Old Town of Mandeville, Square 44 Lot G, TC Town Center District, 2121 General Pershing Street

Ms. Durio asked if this was the street that required a driveway behind it. Ms. Bartholomew said that is correct.

Ms. Durio asked if there was a multi-use building that was applied for and not built. Ms. Bartholomew said that was on the south of Woodrow Street, and there was a residential building on this street.

Ms. Durio said she thought it had to have the drive through the back. Ms. Bartholomew said she would check on that as she could not remember if all the town center street had that or not. Ms. Bartholomew said that since this was not a new construction and there was no residential element, she did not think they would be required to build it out but she would check on that.

Ms. Durio said she remembered the issue was the building was in the middle of the block, and they were putting in the available space to have it, but they could not get to a corner. Ms. Bartholomew said she remembered that as well and would check on it.

Mr. Rhinehart said that he believed that this building has been a couple of things in the past. If something was placed there that would give it a facelift and some new life, he would not have a problem with that.

Ms. Durio said it was interesting that across the way was the new dog wash place. There has not been much development in the town center, so it is exciting to see some.

Ms. Gautreaux confirmed that there were no comments by neighbors. Ms. Bartholomew said that was correct.

Ms. Durio asked if the VFW Hall was behind the property. Ms. Bartholomew said it was.

Ms. Fulton wanted to get some clarification. For animal sales and services it says including outdoor kennels, but then later says excluding outdoor kennels.

Lisa Dufour, 310 Eagle Landing, Applicant: She wanted to thank the commission for their time. She started the Doggie Bags to Geaux business during the pandemic. The daycare would not be the main aspect of this location, it would be the bakery. Operating the bakery and having a small storefront in addition to keeping a small amount of dogs as an extra revenue source. There would be no kenneling or boarding overnight.

Ms. Durio asked if there would be physical kennels even though there would be no overnight boarding. Ms. Dufour said that there will be no kennels in the yard. If an owner requests that their dog be placed in a kennel she will make that accommodation.

Mr. Pierce asked if there would be a plan if someone cannot pick up their animal. Ms. Dufour said there was. The eventual plan is to offer drop off and pick up as an extra service.

Ms. Durio said that it sounds exciting especially with the talk of potentially having a dog park nearby.

Ms. Fulton asked if the dogs would remain under 25 pounds or if there were plans for anything larger. Ms. Dufour said it would have to be a particular exception but ideally she would like to keep them smaller.

Mr. Rhinehart asked if the 25 pound limit was by the owner or the CLURO. Ms. Bartholomew said these were policies added by the owner. She added that the outdoor kennel is the only thing not allowed by definition.

Mr. Rhinehart said that case V24-02-07 will be moved to the end of the agenda with the other corresponding cases.

**V24-02-08** – Terrie and Hugh McCurdy request a variance to CLURO Section 7.5.1.3. R-1 Site Development Regulations, Pine Place, Square A Lots 1 & 2, R-1 Single Family Residential District, 2731 Villere Street

This case was withdrawn.

**V24-02-09** – FBP Mandeville, LLC requests a variance to CLURO Section 10.8.2.5. All Land Uses located in B-1, B-2, B-3, B-4, O/R, PM-1, PM-2, M-1, M-2, I, and TC Districts, Royal Acres, Section 42 Lot B4, B-2 Highway Business District, 1200 W Causeway Approach Suites 25-26

Mr. Rhinehart said he does not see how this is any different than the previous sign cases.

Ms. Durio asked when Fat Boys was built compared to when the ordinance was passed. Ms. Bartholomew said it was before.

Melissa Flanders, 19104 Sandy Lane, Applicant: This location was opened in July of 2021. They did remove the four coverings by the patio before they applied for a variance, the other two coverings have not been removed yet.

Ms. Durio said that if there is an ordinance saying you cannot cover that much of the window, what would be the reason they should treat this business differently. Mr. Rhinehart asked if there was any extenuating circumstances.

Ms. Flanders said the two coverings currently in place cover the game room and offer a bit of privacy, along with covering the rear of the machines. The other four that were located on the patio cover the structural and kitchen view.

Ms. Durio asked if there was a reason for not tinting it dark instead of putting up advertising. Ms. Flanders said they could do that.

Mr. Rhinehart said that they could do shades or curtains as well.

Ms. Durio said she understood the need for shade/privacy but there is a limit on exterior and window signage and without a reason to deviate from the ordinance they cannot grant something without a reason.

Ms. Gautreaux said that other cases came back with an estimate of how long it might take to get into compliance so if that could be provided by the next meeting.

Ms. Durio said that some signs could be taken down instantly, and others were a different issue.

Ms. Flanders said they could have the signs taken down in a couple of days.

Ms. Bartholomew said that if the applicant does decide to take the signs down before the next meeting just email us and let us know and we can remove the case from the agenda.

Janet Smith, 1164 Rue Chinon: This all sounds great and she thinks that everyone is on the same page. She just wants to reiterate that when they were first put up they were already out of compliance, but it has not been enforced. It is about not having that type of signage. If there is a need for privacy or shade there are other options.

**V24-02-10** – Cyndi Seruntine requests a variance to CLURO Section 10.8.2.5. All Land Uses located in B-1, B-2, B-3, B-4, O/R, PM-1, PM-2, M-1, M-2, I, and TC Districts, Hwy 22 Gateway, Lot H, B-2 Highway Business District, 4240 Hwy 22 Suite 3

Ms. Durio asked if the applicant indicated what the security issue was. Ms. Bartholomew said there is a cash register by the coverings.

Mr. Cressy said that he imagines that a lot of the businesses that are looking for this request have cash registers.

Mr. Rhinehart said they have noted that blinds or curtains work just as well.

Janet Smith, 1164 Rue Chinon: She understands the privacy issue but the signage is the issue. She suggested considering a consistent amount of time for removal.

Mr. Cressy said that people are in different situations and may need different amounts of time.

Ms. Durio said depending on how it was applied they may need extra time.

**Z24-02-01** – Recommendation to the City Council to affect the annexation of an undesignated portion of ground situated in Section 34, Township 7 South, Range 11 East, Chinchuba Subdivision into the corporate limits of the City of Mandeville designating and assigning the property for purposes of zoning as B-2 Highway Business District and providing for other matters in connection therewith, 1943 N Causeway Blvd

Ms. Bartholomew said the associated Planning case was a request to annex into the City to connect to sewer and water system. The zoning case is to assign B-2 zoning to match the properties around it. The variance case will go into the site development criteria for the nonconforming site.

**V24-02-07** – Flick Properties LLC requests a variance to CLURO Section 7.5.9.3. B-2 Site Development Regulations, Section 9.2.5.5. Landscape Requirements in Districts Other than Low-Density Residential, Section 10.8.2.6. Land Uses located in B-1, B-2, B-4, O/R, PM-1, PM-2, M-1, and M-2 Districts & Section 9.1.4. Minimum Off-Street Parking Requirements by Use, 1943 N Causeway Blvd

Mr. Rhinehart said that as long as he can remember Banner Ford has been here, and this is a fully developed site. He thinks it would be advantageous for the City to annex in this piece of property and noted that there is not much you can do with something already built.

Mr. Pierce said he is looking down the road to what you would get with giving a variance for the sign height. If they move on the next owner would get the sign height.

Ms. Durio said they have five years to come into compliance, so they are asking to never come into compliance, and be able to replace it. Ms. Bartholomew said that is correct.

Mr. Pierce said he does not have a problem with them keeping what they have, he does have a problem if they sell the property and the next owner gets all the rights, and the property never comes into compliance.

Ms. Durio said that for the parking they probably know how much is adequate, and she would like to not have any more impervious coverage, but she has issues with the landscaping and signage never coming into compliance. This is a very visible piece of property, and there is some space for landscaping.

Ms. Bartholomew said that the paving goes all the way to the property line.

Ms. Durio said that some of the shopping centers have to break up an area and come into compliance over time. She asked where the current plantings were located on the property. Ms. Bartholomew said they were not on the property, but in the DOTD right of way.

Mr. Cressy said that they have gotten permission to plant in that area. Ms. Bartholomew said that was correct.

Ms. Durio asked if they could plant it as a greenway/buffer. Ms. Bartholomew said it is planted now. Ms. Durio asked why they could not require more significant plants and not just low plants. Ms. Bartholomew said that is probably what DOTD allowed them to plant.

Ms. Durio said that she feels like they need to come into compliance at some point with some of the landscaping and the signage with it being such a visible piece of property. She has never seen any parking overflow there.

Mr. Rhinehart said that a good point was made about the sign and the concern about it continuing on with the property.

Ms. Durio said it looks as high as the billboards.

Mr. Cressy said he agreed with the other commissioners about the sign. Letting it go in perpetuity is probably a mistake.

Ms. Fulton said that she thinks a lot is being asked and she does not see an offering to come into compliance in any way at any time. She thinks that they need to say something. She is personally not willing to vote to support what, to her, is pretty significant inability to comply currently. Especially regarding the sign.

Ms. Durio asked how the commission would feel losing some additional parking, even though they are not compliant, to install some more landscaping over the next five years.

Ms. Fulton said for her, they would have to be willing to lose some parking and impervious spots. To her it is a lot.

Mr. Rhinehart clarified she was asking to trade parking for landscaping. Ms. Durio said that 183 spots seemed like a lot for a car dealership as far as parking was concerned. Ms. Fulton said that she was flexible on that.

Ms. Bartholomew said that the applicant's representative had to attend the St. Tammany Parish Planning Meeting and was trying to make both meetings, but if he was unable to make it she would pass along the comments from the commission.

Mr. Cressy asked if this would be a significant source of tax revenue for the City. Ms. Bartholomew said there is an annexation agreement with St. Tammany Parish and there are three tiers, a 100% tier, 80% tier, and she believed a 75% tier. She would check what tier this property was, but believed it was either the 100% or 80% tier. Mr. Cressy said that if there was no net benefit to the City that would change his opinion.

Ms. Durio said that she can understand the building height, but would be more comfortable if it was known, and she can understand the impervious coverage but she has trouble with the signage and landscaping.

Ms. Fulton asked if the building height could be remediated. Ms. Bartholomew said she cannot imagine that the building height exceeds the maximum. Ms. Durio said that it may be in compliance. Ms. Bartholomew said that 35' is typically a three story building.

Ms. Durio said she does not have an issue with it. It is a built building, and you would have to take the building apart.

Ms. Durio said that she thinks that the parking would need to be revamped to add some green space.

Ms. Fulton clarified that there was no attempt presented by the applicant to come into compliance with anything.

Ms. Durio asked if there were any other noncompliant issues they were coming into compliance with that they did not request variances for, or if they asked for variances for all the noncompliant issues. Ms. Bartholomew said she did not have anything additional.

Mr. Pierce asked if there was a mechanism to allow them to continue doing what they are doing if they were annexed in, but if there was a change in property ownership or change in use, that the variances do not go forward in the future.

Ms. Bartholomew said that variances run with the land. She believes that the commission can put any conditions on the approvals.

Ms. Durio asked if the sign comes down in ten years or so as it has been up for a long time. Ms. Bartholomew said that was the point of allowing five years when something is annexed.

Mr. Rhinehart said the sign was pretty straightforward, but Mr. Pierce was asking about everything. Ms. Durio said that was why she was wondering if the building height was known. It seems to be in compliance, but she did not want to grant a height variance for a future owner.

Mr. Cressy asked if the City Attorney had anything. Mr. Parnell said that he would prepare something for the next meeting. He added that variances run with the land, conditional variances are not really favored but they have been done so he would prepare something on them.

Ms. Fulton asked if the building height could be confirmed.

Mr. Rhinehart said that he did not think the building height was something feasible to require them to come into compliance, but the two take aways here were the sign height compliance and the parking spaces for a future owner.

Ms. Durio said she did not know how far along they were on acquiring the additional piece of land, but if they were going to put parking on it and current parking is adequate then they could maybe spare some parking on the Hwy 190 side for some greenery. Ms. Bartholomew said it was her understanding that they were buying that piece of land because they do not have enough parking.

Mr. Cressy asked where the vehicular screening would be needed. Ms. Bartholomew said it would be screened along the front, the side streets, and the rear as well. She said that all the property lines should be screened as there were cars parked up along them.

Ms. Durio asked what the screening typically was. Ms. Bartholomew said it was low shrubbery. She said that the front was a good example of screening, but they are missing chunks of it.

Ms. Durio said that they could put that in the DOTD area if it was low screening. Ms. Bartholomew said that she knows that DOTD approved what is there, but she does not know the backstory. DOTD may have said that is all they could have, or it could have been all they asked for.

Mr. Cressy asked about the side street. Ms. Bartholomew said she would get some better pictures of the side street.

Ms. Durio asked if the applicant owned the property on the other side of Lasalle Street. Ms. Bartholomew said they did.

Ms. Fulton asked if they were requesting to annex those as well. Ms. Bartholomew said at this time they were not.

Ms. Durio asked if the triangle across from the building does not have utilities so it would probably not be integrated at all. Ms. Bartholomew said most likely not. She added that the City utilities run along Lasalle and she did not know how accessible they were to the properties on the north side of the block.

Mr. Rhinehart said that looking at the letter that was submitted in relation to the parking, it says they have well over the required number of spaces. Ms. Durio said they were probably parking on the adjacent properties.

Ms. Durio asked if they could find out how many spaces are dedicated to parking even though it is not part of this property, when looking across Lasalle. Ms. Bartholomew said that the point of purchasing the additional piece of land was due to not having enough parking so she would assume that was including all the spaces.

Mr. Cressy asked if they could factor in the triangle, as that may be easier to decide on parking as they way they are talking about it now is they are counting parking outside of Mandeville to make up for parking deficient within Mandeville, and you cannot control what is outside of the City. Ms. Durio clarified that Mr. Cressy was talking about the triangle across Lasalle Street, and not the area being purchased. Mr. Cressy said that is correct. He added that if that area is included it is an easier decision.

Richard Flick, 1943 N Causeway, Applicant: They probably have about 800 parking spaces if you look at all the properties. They have pervious parking as well with gravel. The property being discussed is all concrete and the area to be purchased they were going to leave and just add some limestone. They were not looking to put anything with concrete in there and want to keep it as impervious as they can. Their goal is to be annexed in, buy that property and tie into City sewerage.

They have tons of extra property that is not theirs that they have been keeping up with landscaping and trying to make it as nice as they can. There are some things that are game killers like building height and signage. They are willing to bring in other properties but they did not want to offer it at this time as they did not want to slow this process down.

Mr. Cressy confirmed that Mr. Flick was open to adding the other triangle area. Mr. Flick said he was. Mr. Cressy said that would allow the commission to consider the parking spaces as part of the dealership instead of having one foot in and one foot out. Mr. Flick said that he was fine with that if it was something to help the commission with the decision.

Ms. Bartholomew asked if there was a structure on the lot. Mr. Flick said there was no structure, just asphalt.

Mr. Cressy said that they might be able to make up some of the green space stuff and not have to mess with the frontage road stuff as much. It would give them more flexibility.



Ms. Durio said her issue is that there would be little point adding green space if it is not going to screen anything from public right of ways. It would be more significant on Hwy 190 and on the service road entrance.

Mr. Flick asked if they did not want to see the vehicles they are trying to sell. Mr. Cressy said she is talking about the low bushes.

Mr. Flick said they are a car dealership, and they are supposed to be showing the cars they have for sale. Ms. Durio said that is the argument that most people make for the greenbelts that are located along the major thoroughfares. This is already built so it is a different situation, but if it was undeveloped land it would be required to be camouflaged. There is also a required greenspace around the perimeter that is not present.

Mr. Flick said they are an automobile dealership and that is what they are in the business to do. They would also be bringing in a lot of taxes for the City both personnel and sales tax.

Ms. Durio said she understands the issues like building height where it is already built.

Mr. Flick said that the overpass was built so nobody can see them. If they do not have the sign then nobody will see them. They are hidden by the overpass.

Mr. Cressy said he does not think that anyone is saying to put a wall of trees in front of the dealership. He thinks that what Ms. Durio is talking about is adding some low hedges. That is why he was saying adding some trees along 7<sup>th</sup> Street. There would be the benefit of adding trees and they would not mess with the visibility.

Mr. Flick said they are ok with working on a compromise, but they can stay in the Parish. They want to be annexed into the City but there is going to have to be compromise on both sides.

Ms. Bartholomew asked if Mr. Flick wanted to speak about the sign as that is something he wants to keep. Mr. Flick said that was a deal killer for him. If he cannot have the sign it is over right now.

Mr. Flick said they cannot be seen with the overpass, and the employees are very proud of the sign. They had to work with Ford on meeting certain specifications otherwise they would not be able to have it, so it was a reward for the people they had. He has to walk away right now if that is something that cannot be handled.

Ms. Durio said that one of the issues with the sign that was brought up before Mr. Flick arrived was that variances run with the land. If this property turned into anything else they would be allowed to have a sign with that height so they were looking into what the options were, and if they could limit it to the current business and occupants.

Mr. Flick said he understood that. He added that they are not planning to do anything else with it. They have been in the automobile business for 70 years. It will be a Ford Dealership as long as he is alive.

Mr. Rhinehart asked when Mr. Mayronne was going to arrive. Mr. Flick said he was supposed to be here for 7:00pm as he had to be at a Parish meeting. He would try to call him.

Jeff Lyons, 515 Lamarque: He asked if Mr. Flick could answer the question on if the City would be getting sales tax. Ms. Bartholomew said the City would be getting sales tax, but she was going to figure out if it was 80% or 100%. Mr. Lyons said that this is a situation where it would behoove the City to work with a business like this. The sign is an issue, but it comes with the business. This is an annexation that they need to work out. They deserve it.

Ms. Durio said there was another issue similar to the signage. They do not know if the building meets the height requirement or not. She would not have an issue with it for this business, but they want to know if it is in compliance or if they grant a variance if it will follow to people in the future. She asked if they could get a general height of the building to know if it is in compliance as it looks like it might be.

Mr. Flick said it might be. It is a two story building and part of the height is a façade. It is probably at most 30' but he did not know what the max height was. He would have to pull the documents.

Ms. Durio said that 35' was the maximum height and they would rather not grant a variance if it is not needed as they run with the land. She added that a variance could be limited to this so it was specifically applicable to Mr. Flick versus having a height variance that others are going to ask for and not need it.

Mr. Flick said that if it makes it easier he is fine with limiting the height for this specific use. Ms. Durio said they are looking into if they can do that. Mr. Flick said he wants to find a way to make it work for both parties.

Mr. Cressy asked Mr. Parnell since variances run with the land if it would be easier to limit it to the building itself so that exact building would have to stay. Mr. Parnell said it would be a general height restriction, not the building itself.

Mr. Flick said that Ford required a change of look from time to time and they do not know what that would be.

Ms. Durio said that if it was just a façade change and not a height change it would not come before the Commission. Ms. Bartholomew said it would go before Design Review.

Mr. Flick said he could get that information and send it to Ms. Bartholomew. Ms. Durio said just so they are not granting more than they have to.

Mr. Flick asked if there were any other things that he could help with. Ms. Gautreaux said that Ms. Bartholomew would touch base if there was anything that they had not covered anything discussed prior to Mr. Flick's arrival.

Ms. Durio said they understood that DOTD was allowing the landscaping that was currently in the right of way, and they wanted to know if they would allow additional similar landscaping, if it was limited, or if they even know.

Mr. Flick said that was handled before he even bought the property and they just kept it going.

Ms. Durio asked if it was approved by the DOTD would Mr. Flick be opposed to adding some additional landscaping and connecting the two areas. Mr. Flick said as long as they can keep it low, like 3' in height. Getting to 5' or 6' and you are not able to see the vehicles.

Mr. Rhinehart said the two take aways are the exact height of the building, and from Mr. Parnell anything that may put constraints or a shelf life if he sells the property, what the Commission can and cannot do. Ms. Durio asked for the height of the existing landscaping. Ms. Bartholomew said she would reach out to the DOTD. Mr. Rhinehart asked to find out the maximum height that DOTD would allow.

Ms. Fulton asked if there were any reductions in the impervious area that they could make, without sacrificing parking spaces.

**Public Comment**

Ms. Bartholomew also said that the APA National Conference is in April so think about if you want to attend as all out of state travel has to be approved by the council.

Mr. Rhinehart motioned to adjourn the meeting, Ms. Durio seconded, and all were in favor. The meeting was adjourned at 7:13pm

  
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Alex Weiner, Secretary

  
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Brian Rhinehart, Chairman  
Zoning Commission