

**OLD METAIRIE COMMISSION (OMC) MINUTES
PUBLIC HEARING
March 10th, 2022 9:00 a.m.**

In Attendance

Old Metairie Commission Members	Present	Absent
Thomas McAlister, Chair		√
David Webber, Vice-Chair	√	
Dr. Monica Monica	√	
Peter Waring	√	
Adele Lafaye	√	

Planning Department

Brooke P. Tolbert, Assistant Director
Cinthya Chacon, Typist Clerk III

Others

Hanlon deVerges, Sr. Asst. Parish Attorney
Rick Hollier, Inspection and Code Enforcement

Mr. Webber, Vice-Chairman, introduced himself, other members of the Commission, and the Parish staff.

The Old Metairie Commission (OMC) conducted the March 10th, 2022 Public Hearing at the Joseph S. Yenni Building in the Council Chambers, located on the 2nd Floor, 1221 Elmwood Park Blvd., Jefferson, LA 70123. Mr. Webber proceeded to the agenda and opened the meeting at 9:03 a.m.

OM-1-22 12 Nassau Dr., A request to demolish an existing single-family residential dwelling, pool, and pool house on Lot 11-B, all of original Lot 12 composed of Lots 12-A and 12-B, and a small portion of Lot 13, Square F, Metairie Club Gardens Subdivision, Jefferson Parish, LA, bounded by Northline St., Pelham Dr., and Englewood Pkwy., zoned R-1D Rural Residential District/OMNCD Old Metairie Neighborhood Conservation District. (Council District 5)

Ms. Tolbert reported the findings of the case. The Planning Department recommends the following:

Approval for the following reasons:

- The proposal meets all requirements of the R-1D/OMNCD

Mr. Webber opened the floor for the applicant/representative to speak.

Jeff Charlet, Development and Construction Consultant. Mr. Charlet stated as the Planning Department had noted the subdivision is to combine the existing lots into a single lot of record is required. Mr. Charlet stated he had met with Planning Department staff and should be submitting the subdivision application today. Mr. Charlet stated the tree preservation is in place as he said there are 6 lovely live oaks on the property. Mr. Charlet stated they will be coming back with the property owner with his plans of the new house, but demolition is the first step in the process and they would appreciate their kind consideration and vote to allow them to move that process forward.

Mr. Webber opened the floor for any proponents to speak.

Craig Daste, property owner. Mr. Daste stated he's always looked at Old Metairie as a beautiful place to live. Mr. Daste stated Uptown New Orleans and Old Metairie are the prettiest areas of the city as far as he's concerned. Mr. Daste stated he didn't know if one day he'd be able to afford to live in that area but the day has come and he stated he can tell you, he loves trees more than anything. Mr. Daste stated they are hoping to sell their home located in St. Charles Parish, it's on the river, they built the plantation and planted no less that 150 trees on the property when they first purchased it. Mr. Daste stated when the storm hit, 4 of their trees fell on their driveway on St. Charles Parish, he stated he didn't care what happened to the house but these trees falling was the hardest thing to happen to them. Mr. Daste stated he got in his car and drove to Nassau to check on his trees there and he had some branches in the yard. Mr. Daste stated their intention is to add trees, if anything. Mr. Daste stated they won't be touching any of these trees and everything will be designed around the trees. Mr. Daste stated they are doing a single-family home hopefully with a carriage house and they will abide by all setback requirements. Mr. Daste stated they have a 42,000 square foot lot, they waited a long time to be able to find a property that was big enough that you could not change and push the rules and move things around and he knows this Committee deals with this all the time, where people are trying to put these big boxes on small properties. Mr. Daste stated they don't want to do anything to affect the trees. Mr. Daste stated their plans for the house will fit the lot very well, their setbacks will be like they should be. They want to add something to the neighborhood, build a house that looks like it's been there a long time. Mr. Daste stated they won't be doing anything unusual; they want to keep the neighborhood the way it is and do little to change that. Mr. Daste stated he had two builders look at this house, they walked through it several times and bought it like a year ago and there was just nothing they could do to the house to make it work for what they had to do. Mr. Daste stated it has a basement that fills up with water, it has termites, leaking pipes, and they may ask why would he buy that, he stated because of the trees and for the land, and the location. Mr. Daste stated the sad thing is they put tree protection about 6 months ago, and they've been trying to get their permit and then the resub came up. Mr. Daste stated they were told by BFM (who did all their original surveys) they won't need a resub division of this property, because on the title it's listed as one lot of record and it goes by these dimensions. Mr. Daste stated long story short, they've got the resub surveys all completed by BFM, but they're in the process of going through the paperwork to get that done. Mr. Daste stated they are trying to get the house down, fill the holes that are left by the swimming pool and the basement, and level it all out so it's just a nice piece of ground, and they're going to be taking their tree protection fencing down. They're going to leave it until they get the house plans approved, he stated they haven't started the drawings of the house yet, but those his intentions and just wanted to Commissioners to know that.

Mr. Webber opened the floor for any opponents to speak. There were none.

Mr. Webber opened the floor for comments from the Commissioners.

Mr. Waring stated he had a couple of questions. The tree protection that's in place, is that going to be maintained throughout the entire construction or will any of that have to be adjusted as construction goes on?

Mr. Daste stated during the demolition, it will be in place the whole time and he will be there as well, to make sure the trees aren't affected by any trucks or machines moving or backing up. They will do the filling with the tree protection up and then they'll leave the property and take all the fencing down. During the interim, which could 6 months – 1 year before they have plans and permits to build the next house. Mr. Daste stated he just wants a nice and green area there.

Mr. Waring stated he sees a discrepancy between the diameters of the trees on the plans that's been officially submitted and the notes that they have on their packet. So, the tree that's marked as a 30-inch oak, it's actually a 50-inch live oak, so these are really significant trees.

Mr. Daste stated he had hired BFM to inspect the trees and they did termite protection, because there was a minor termite issue with one of the trees. Mr. Daste stated they will be watching those trees.

Dr. Monica stated she wanted to commend Mr. Daste and also welcome him to the neighborhood and she hopes he gets involved in the Old Metairie neighborhood. Dr. Monica stated they would value someone with his character and his preservation inputs.

Dr. Daste stated he did meet some of the neighbors and they are very kind people.

Mr. Waring stated this is a simple subdivision, it's a very straightforward administrative exercise. So it seems to him that Planning is not signing off on the demolition permit until the subdivision has been finalized, when in fact if he's already submitted the subdivision surveys Mr. Daste's job is done.

Mr. Webber corrected and stated the subdivision will be submitted today.

Ms. Tolbert stated the subdivision application has not been submitted. The current OMNCD regulations, state that you cannot demolish a building across lot lines unless the subdivision has been completed.

Mr. Waring asked what's the current timeline for processing subdivision applications.

Ms. Tolbert stated it depends on the subdivision. There is a required 5 business-day interdepartmental review. If everything is fine and there are no comments that require revisions, then we can proceed with signing off and recording subdivisions. If there are issues identified during the departmental review, it may take longer. An estimation is a few weeks.

Mr. Waring asked what kinds of things could actually slow down a simple subdivision application?

Ms. Tolbert stated for minor subdivisions, maybe a servitude's that's not shown that Public Works is requesting is shown or maybe a conflict between our records and their records. Typically, there's not

a lot of comments for a minor, maybe just revising the survey or something along those lines. But we have had minor subdivisions that lack adequate facilities for water or sewer, and then the applicant has to install water lines.

Mr. Webber stated the fencing that is around the trees in the front is inadequate, it doesn't extend out far enough. He's going to make it part of his motion that we get the fencing to be much better in front. The tree next to the pool is very tough and one in the back as well. As Mr. Daste stated, he said he will be standing there, and he appreciates that because if he does that it'll be better. Mr. Webber added sometimes these machine operators will indiscriminate back up 40 ft. and hit the limbs of an oak tree which are hanging on the grip. So, if he would ask Mr. Daste to make sure that the fencing is increased because the 20 ft. or 10 ft. is inadequate on a tree as big as these. Mr. Webber stated that's his only comment and if he's okay with that, they'll proceed to have a motion.

Mr. Daste stated he's okay with that.

Dr. Monica made a motion of approval with a stipulation that the tree protection be revisited and increased around the live oaks. Mr. Waring seconded the motion.

Ms. Chacon called the roll on the motion:

<u>OMC Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Thomas McAlister, Chair			√
David Webber, Vice-Chair	√		
Dr. Monica Monica	√		
Peter Waring	√		
Adele Lafaye	√		

The ayes have it by a vote of 4 to 0 With 1 absent. Motion of approval approved.

Minutes

Dr. Monica made a motion to approve the minutes from February 3rd, 2022. Seconded by Mr. Waring. The minutes were adopted.

Administrative Approvals & Follow-up of previous cases.

Ms. Tolbert reported no Administrative Approvals.

Mr. Tolbert reported the adoption of the Old Metairie study at the February 16th, 2022 Council Meeting. Following the OMC Hearing where it was adopted or were recommended for approval in December with modifications. Ms. Tolbert stated staff met with District 5 to discuss the study. As a result of the meeting, they modified the greenspace requirements to 20% for the front and corner side yard. The PAB recommended approval of the study at the 1/13/2022 meeting with the 20% greenspace requirement. The Council approved the study as amended at the 2/16/2022 Council

Meeting. The new regulations became effective as of February 26th, 2022. However, any applications submitted prior to that date are still under the old regulations. So, we'll have a while where we're under both until we can kind of clear out all the cases what we have from 2021 and the early cases of 2022.

Dr. Monica asked Ms. Tolbert they had brought it down the greenspace from what to 20%?

Ms. Tolbert stated originally Planning recommended the 40% limitation. The modifications that they (the commissioners) proposed were no more than 35% of the required corner side yard, shall consist of impervious paving or other impervious surfaces, that remained the 40% that was originally proposed. A 10% of the required front yard may consist of pervious paving, that did not make it into the final edits and then the remaining portion of the required front and corner side yard of 55% shall be allocated for greenspace.

Dr. Monica asked if they had brought it down to 20%?

Ms. Tolbert said yes.

Dr. Monica stated she was very disappointed. Dr. Monica stated she doesn't feel like someone upheld their opinion very well.

Ms. Lafaye asked if 40% is paving and 20% is greenspace, what is the other 40%?

Ms. Tolbert stated if it would fall under the definition of impervious, it wouldn't be allowed. But it would allow for permeable paving to be on the other portion.

Ms. Lafaye asked if the 40% paving is just impervious?

Ms. Tolbert said yes.

Dr. Monica stated she was hoping that with this study they would get a chance to protect greenspace and now they brought it down.

Ms. Tolbert stated it's brought it up from what we currently have, which is no restrictions.

Mr. Waring stated he wanted to respectfully request that some effort be made to look at the drainage plan which is ambitious that the Planning department is putting in place. In fact, something he applauds profoundly, he thinks it's an existential question, the sooner we start managing run off in a more effective way we start doing a tiny little bit to reduce coastal erosion and all the problems in sinking and everything else that we're dealing with. Mr. Waring stated he doesn't know if there's any way to go back and reevaluate this overtime as we start to phase in the new drainage plan.

Ms. Tolbert stated the integrated storm water management plan is a plan that the Planning Department is sponsoring, so that's a study that they are actually working on. So, in addition to the OMNCD study, they are looking at broader stormwater management policies across the parish. This includes potentially putting in place a maximum building coverage that wouldn't just affect Old Metairie but would affect all of Jefferson Parish. So, it is something they are actively working on,

along with stricter storm water regulations for commercial development. Ms. Tolbert stated that as they implement the new greenspace regulations and see how it goes, in the future they can look at amending it or increasing it.

Ms. Tolbert and the commissioners had a small discussion regarding the drainage and storm water management issue.

The Commissioners congratulated the Planning Department for their hard work.

Ms. Tolbert stated that on the Council Meeting yesterday they approved two cases that came before the Commissioners, One of them is OM-40-21 475 Woodvine Avenue, that was a request for front yard setback. The BZA approved that request at the February 14th Public Hearing, and then the Council approved the resolution yesterday.

Ms. Tolbert stated OM-38-21 which is 522 Woodvine Avenue, that originally had several variance requests. Following the OMC Public Hearing, the applicant withdrew their request for a variance to the front yard setback and reduced their request for a variance to the side yard setback to provide 10 ft., where 15 ft. is required. The BZA approved the modified request at their February 14th Public Hearing and then the council approved the resolution at their meeting yesterday.

There was a long discussion between the Commissioners and Ms. Tolbert regarding BZA granting variances. The Commissioners expressed they wished they could do more and wished their and the Planning Department's recommendations could be taken more into consideration when it's a 5-0 vote against something. Ms. Tolbert stated the BZA is a separate body, which is vested with the authority to grant variances

Mr. Webber asked if there were any additional business to come before the commission.

Dr. Monica asked Ms. Tolbert if she could meet with Councilwoman, Jennifer Van Vrancken to discuss the fence issue in Old Metairie neighborhood and BZA granting variances.

Ms. Tolbert stated she will be communicating that; although they have to keep in mind BZA is a separate body and have the authority to make any decision regarding granting variances for anyone who goes before them.

Dr. Monica made a motion to adjourn. Seconded by Ms. Lafaye. Meeting adjourned at 9:58 am.