THE FOLLOWING MINUTES WERE ADOPTED AT THE OCTOBER 27, 2016 MEETING OF THE MANDEVILLE CITY COUNCIL. MANDEVILLE CITY COUNCIL MINUTES FOR THE SPECIAL MEETING OF OCTOBER 19, 2016

The special meeting of the Mandeville City Council was called to order by Council-at-Large Sica at 4:00 p.m.

PRESENT: John Keller, Lauré Sica, Mike Pulaski ,Clay Madden (4:15), David Ellis (4:30),
ALSO: Mayor, Jessica Roberts, David Cressy, Sonny Shields, and Victor Franckiewicz

OLD BUSINESS:
1. Executive session under LA. R.S. 42:17(A)(10) to discuss the opinions of counsel regarding Port Marigny that are confidential under La. R. S. 44:4.1(C) and communications with counsel in the rendition of professional legal services that are privileged under the Louisiana Code of Evidence, Art. 506(B).

Mrs. Sica announced tonight the council will go into executive session from 4-6pm and resume the meeting at the Community Center for 6pm.Mr. Pulaski made a motion to call Executive Session to discuss the Port Marigny ordinance; this was seconded by Mr. Keller. The motion passed 3-0. A motion was made by Mrs. Sica to temporarily recess the meeting until Executive Session was over, this was seconded by Mr. Pulaski. The motion to recess and move into Executive Session passed 3-0. The council, Mayor, Jessica Roberts, David Cressy, Sonny Shields, and Victor Franckiewicz went into executive session.

Upon the return from the executive session (5:50pm), Mr. Madden wanted to make a few announcements: the night out against crime was a huge success; there will be a police appreciation event in conjunction with the Halloween festivities at the trailhead on October 29th. Also, while the council was in Executive Session there were no votes or minutes taken. The council will review the 18 findings, make a motion of expression of the council, then call for a vote on each finding. These are not amendments to the ordinance.

Finding #1: Cottage House Lot Size Needs to be Increased: Even if the CLURO's most lenient single family detached residential zoning standards (R-1X) are applied, the Cottage House lots proposed by the Port Marigny Master Plan are too small. Under article 7.5.15.5, R-1 or R-1X lot area requirements must be met by a TND application because the TND section of the CLURO is silent on the issue.

Mrs. Sica stated in the CLURO, Article 8 contains the design criteria for a TND and is considered supplemental to article 7, planned district regulations. The TND section is silent as to lot area. Article 7 provides unless specific regulations regarding lot area, lot area per unit, or building area are set forth in Article 8, requirements for lot area shall be based upon the zoning districts in which the use would be permitted by right. Under article 7 no conforming single family homes are under 5,000 sq. ft. nor are they less than 50 ft. wide. Based on the single family zoned CLURO provisions of article 7, it is reasonable to conclude that the residential density calculations under article 8 of 5,400 sq. ft. per lot is the minimum lot area for a single family home within a TND. Under 4.1.2, no lot shall be reduced to less than the minimum requirements of this ordinance. There are a few cottage homes which do not meet this requirement.

Mr. Keller wanted to explain what he thinks his role is as a councilman regarding this development. He has to look at this in two ways: be compliant with the CLURO and the master plan, and to use discretionary powers of the council. He feels this finding is related to compliance. He looks at his role being similar to a judge. He will come up with his own beliefs and interpretations based upon the master plan and the CLURO. However, he does not feel he has discretion when it comes to a compliance issue. The master plan calls for a TND and the TND statue says: 1- viewed with an alternative set of standards;

2- designed to be compact; 3- flexible site plan; 4 different lot sizes and 5- residential development shall not exceed 8 units per acre for detached single family residential development. He must apply the law that is given to him therefore he opposes this finding. He is in favor of reducing the density of the development, but this finding is a compliance issue.

Mr. Pulaski agrees with Mrs. Sica. Mr. Ellis states there is an argument between compliance and discretion.

Mr. Muller wanted to discuss his "logic train" which will apply to the first three findings. This starts with goal12.8 of the comprehensive plan which states the development must comply with new urbanism design standards. The only 8.5 7.5.15.5 is PD and comes to sec 7.5.15.5 review of plan based existing regulation. This section refers back to article 8 (TND) and the zoning district permitted by right unless specific regulation are set forth in article 8 then the following requirements apply. In the CLURO 8.5.2.12 density criteria for TND is set forth. Using these numbers they comply. In paragraph 8.5.2.4.1 deals with lots and block; a variety of lot sizes should be provided. A TND is not a cookie cutter suburban development. Regarding zoning laws, you cannot take a section of the code and try to extend it to cover a situation where there is a specific provision of the code that addresses the requirement.

Mr. Ernest Burguieres stated everyone's interpretation is reasonable. If the rule is unclear, the council must use discretion and use what fits the community and their constituents.

Judge Rosenow suggested since nothing new is going to be brought up, the council should just start their vote. Mr. Madden appreciates his suggestion, but he cannot deny public comment but hopes comments will be limited.

Mr. Ray Baas represents Golden Shores, the Mandeville Civic Coalition and other residents in the city. He has reviewed the council's findings and fully supports all 16 findings.

Mrs. Rebecca Rohrbough would like to remind the council to consider the recommendations of the P&Z commission.

Mr. Tommy Harris stated on page 1 of the CLURO it states the purpose to lessen congestion, prevent overcrowding to avoid undo concentration. This project is against those ideals.

Mr. Ellis made a motion of expression of the council, this was seconded by Mr. Keller. A vote was taken, **the finding passed 4-1 (Keller against)**

Finding #2: Townhouse Lot Size needs to be increased. The townhouse lots proposed by the Port Marigny Master Plan are too small. Under article 7.5.15.5, special uses criteria requirements of article 8, which include the Townhouse Residential Criteria, must be met by a PD application.

Mrs. Sica states under article 8, the TND design criteria are silent as to townhouse lot area. If it is silent you have to go to article 7. Requirements for the lot area are based upon the zoning district in which the use would be permitted by right. There are no specific lot areas under the TND section. Under article 8, the supplemental section for a townhouse is 3,000 sq. ft. She believes in the Port Marigny plan many of the townhouses are under 3,000 sq. ft. and do not meet the requirement of the CLURO. The purpose of the CLURO is to lessen congestion and prevent overcrowding. Her job is to promote the health, safety and

welfare of the citizens.

Mr. Keller agrees there is no provision for lot sizes for townhomes therefore you can go back to the CLURO.

Mr. Muller maintains sec 8.5 pre emps all of the ancillary sections under the sec .5 PD. They have followed the new urban principles goals.

Mr. Ellis made a motion of expression of the council, this was seconded by Mr. Pulaski. A vote was taken, **the finding passed 5-0.**

Finding #3: Townhouse Building Locations need to be altered. The townhouses proposed by the Port Marigny Master Plan are in buildings that contain too many townhouse units in a row and/or are too close together. Under article 7.5.15.5, special uses criteria requirements of article 8, which include the Townhouse Residential Criteria, must be met by a PD application.

Mrs. Sica stated this again article 8 provides Townhouse Residential Criteria and requires that no portion of a townhouse building shall be closer than 25 feet to any portion of another townhouse building and a townhouse building shall not contain no more than 6 townhouse units built in a row. Port Marigny master plan shows up to 10 townhouses and the building are not 25 feet apart.

Mr. Pulaski agrees but feels the subdivision process would address some of these building issues.

Mr. Muller maintains sec 8.5 pre amps all of the ancillary sections. He wanted to add the development of townhouses 4.3.2 and 4.3.3 by the city is subject to procedures set for in the CLURO and further review by the city. Spacing of town homes will be address when the applicant has prepared detailed drawings for review. He feels this is a premature finding.

Mr. Keller made a motion of expression of the council, this was seconded by Mr. Ellis. A vote was taken, **the finding passed 5-0.**

Finding #4: Lots Near Monroe and Massena Streets are too small. The lots along and near Monroe Street and Massena Street are too small. In order to preserve the health, safety and welfare of Mandeville, maintain the character of Monroe Street as the entrance to Old Mandeville, fulfill the demand of the TND section that a TND reflect the patterns of Old Mandeville, and fulfill the Comprehensive Plan's requirement for low to medium density in the northern and eastern parts of the site, the lots along and near Monroe and Massena Streets should be larger and therefore more reflective of the area.

Mrs. Sica said a goal of the comprehensive plan is to have lower density near the edges. The Port Marigny lots near Monroe Street and Massena Street are too small given the development pattern surrounding those areas. Mr. Keller stated he agrees with this finding but would like to it to apply only to those lots on Massena and Monroe. Those should be 50ft wide and a minimum of 5,000 sq. ft.; this is the R1X zoning size. He recommends amending the finding to reflect the goal #12 policy 12.7 in the comprehensive plan. Mrs. Sica has no problem making this change. Monroe and Massena should be less dense than the interior; the goal is to have this low to medium density. Mr. Ellis thought they were already at low density. Mrs. Sica stated they have lots that do not comply with the CLURO and their overall density needs to be less than 8 per acre. Mr. Oubre and Mrs. Sica do not agree on each others calculations. Mr. Oubre inquired if

he can get a legal interpretation of this, Mr. Shields replied, no, these are the council's findings. Mr. Pulaski stated if you increase the lot size for those which are too small it addresses some of the goals in the environmental section of the plan, such as restoring tree canopies, retaining functional greenways and open space, and preserving the natural character of the city. Mr. Oubre commented there are different size lots on the plan to create walkability This lot size is based upon the market study and provides what the baby boomers are looking for. If you go to a suburban type of lot he will have to add garage and driveways on the front. The comprehensive plan says to acknowledge low density and he has done this. Mr. Muller added these lots are back-loaded so you would not see a garage or driveway. He feels this is getting too far away from a TND. The goal here is density not lot size. The density along Monroe is 4.5, Massena is 3.3. The comprehensive plan defines the definition of density. Density excludes streets but does include open space. If the objection is to lot size could the council be more specific as to the requirements. Mr. Ellis inquired if we should add language to the other borders and Kleber Street. Mr. Keller said this finding is raised out of goal 12.7 which addresses the northern and eastern edge because there are already larger lots on both of these streets. The master plan limited this area.

Mr. Barry Shelton has not heard of anything regarding the green space on the west side of the development. Mr. Madden commented this is not the developer's property.

Mrs. Rhinehart stated in a 2009 article from the St Tammany News it stated "the development with a TND zoning classification would mirror the look of Old Mandeville."

Mrs. Claudia Seligman commented whatever findings are approved, new plans should be submitted prior to a final vote.

Mr. Keller earlier wanted to propose that the smallest lots should be 5,000sq ft. Mrs. Sica pointed out that the first finding would make this requirement so is this a relevant finding. Mrs. Sica said this finding is for the density calculation to be in the low to medium range.

Mr. Keller made a motion to amend the finding to read "to limit development along the northern and eastern edges of this area"; this was seconded by Mrs. Sica. . A vote was taken, **the finding passed 5-0.**

Finding #5: Open Space is Insufficient. One of the principal purposes of the TND is to reflect the historic development patterns of Old Mandeville. Supplying open spaces of limited public benefit that are significantly different in scale and quantity from the meaningful open space across the rest of the City does not preserve and promote the health, safety, and welfare of Mandeville. Between 34.06 and 58.26 acres could be required for open space and still meet the land diversity requirements of the TND section of the CLURO. At least 3.9 acres of meaningful and accessible open space must be added to the development.

Mr. Muller commented under a TND they are required to provide 20% of the development for open space. They have smaller lots but also a lot of open space and they exceed the 20%. The council is trying to impose a stricter requirement than necessary. Mr. Oubre has provided 16.16 acres of open space , they are required to have 15.34 and 75% of this has to be common. Open space is a quality space. The council and the developers disagree on the calculations. Mr. Keller asked if the 16.6 acres include the removal of some housing which was converted to open space as discussed previously. Mr. Oubre stated it does include the extra space. Mr. Muller added the 2.5 acres of water have been removed from the common open space.

Mr. Ray Baas wanted to remind the council the findings are theirs and not to let the developers bully the council. Let the developers find a way to comply with the findings.

Mr. Pulaski made a motion for the expression of the council; this was seconded by Mr. Keller. A vote was taken, **the finding passed 5-0.**

Finding #6: Common Open space is insufficient. If the land not counted in the open space calculation but included in the common open space calculation (3.5 acres); the land that violates the 3:1 depth to width ratio requirements (at least 3.9 acres); and the water in the center of the waterway (2.52 acres) is removed from the acreage shown on sheet 28 of the master plan, the master plan is left with only 5.98 acres of common open space, which is 6.14 acres short of the required 12.12 acres of common open space. Additionally under the phrasing of the TND section, the common open space requirement is a minimum and the council could require additional common open space for the health, safety, and welfare of Mandeville, and/or if the council feel that Old Mandeville has more common open space and the project needs more common open space to be reflective of Old Mandeville. One of the principal purposes of the TND is to reflect the historic development patterns of Old Mandeville. Supplying common open spaces of limited public benefit that are significantly different in scale and quantity from the meaningful open space across the rest of the City is not in the best interest of the health, safety, and welfare of Mandeville., At least 6.14 additional acres of meaningful and accessible, non-water, common open space is required before the plan is compliant with the CLRUO and reflective of Mandeville.

Mr. Pulaski commented the common open space is not sufficient. If we increase the lot sizes on Monroe and Massena and dedicate the acreage to park space, it would promote the restoration of the tree canopy throughout the whole development.

Mr. Ellis made a motion for the expression of the council; this was seconded by Mrs. Sica. A vote was taken, **the finding passed 5-0.**

Finding #7: A 120 Room hotel is too large for this site. In order to preserve the health, safety, and welfare of Mandeville. The council finds that a 120 room hotel is too large to comply with the TND section of the CLURO and too out of scale with the historic development patterns of Old Mandeville.

Mr. Ellis stated there was discussion regarding the removal of the number of rooms for the hotel because it would be a conditional use. He would like to incorporate a maximum of 40 rooms similar to the southern hotel. Mr. Muller stated Mr. Keller suggested moving the hotel to a conditional use and not putting a cap on the size. The city asked for a provision of a hotel which is why it is on the plan. There is a limited sized parcel for the hotel so it should just wait until plans can be drawn for review. Mr. Keller would like to leave a number out and wait to see the proposals. Mr. Ellis disagrees because it all relates to transient density and feels a cap is necessary.

Mrs. Claudia Seligman reminded the council in the CLURO 8.5.2.2 it states a small hotel. A small hotel is defined as 25 rooms or less. (not in the CLURO) Mr. Burguieres added there is a danger in putting a number. It should be left as written and wait until something is presented. Mrs. Rohrbough discussed how beautiful the lakefront was with the old St Tammany Hotel. Something of this nature would be an asset to the community.

Mr. Ellis made a motion to add a cap of 40 rooms, this was seconded by Mr. Madden. Mrs. Camilla Davis cautioned the council, the number of rooms does not prevent traffic problems. Also, the number of rooms, does not address meeting space, parking, etc. It should be looked at in totality when presented for conditional use. Mr. Ellis decided to withdraw his motion, this was seconded by Mr. Keller.

Mr. Ellis made a motion for the expression of the council; this was seconded by Mr. Keller. A vote was taken, **the finding passed 5-0.**

Finding #8: Current Traffic impact analysis is insufficient. Traffic likely to be generated by the future development within Mariner's Village and the Copeland property should be considered by the Traffic Impact Analysis.

Mr. Keller stated with the Copeland property and its potential development he feels the traffic analysis study is not relevant. He recommends adding teeth to the traffic count if it exceeds the 400 AM trips and halt the development until a solution could be had. He would also like a build out limitation until the traffic resolutions have been resolved. He encouraged the start of the traffic circle regardless of Port Marigny.

Mr. Muller stated they comply with the CLURO section 8.4 and the TIA was accepted by the city engineer. Mr. Pulaski does not disagree but the council has to look at all potential developments within the area. At this point the TIA is not sufficient because it does not address the future. He is aware this is not the developer's issue, but a council issue. Mr. Muller commented last August they offered to do a regional study and had agreement with the Parish, city and causeway. At some point communication broke down and so Port Marigny did their own study. Mr. Keller's concern is if Port Marigny and Mariners Village are built out and we start to develop a traffic study, we are stuck. A round-a-bout is a viable solution and we are waiting to hear back from the regional planning traffic study. If they come back with a traffic circle, he is satisfied.

Mrs. Rhinehart reminded the council the first charrette the developers stated there was not traffic problem on Monroe. Their first study used estimated numbers and a second study had to be performed. How can the council believe the numbers when they know there is a problem on Monroe.

Judge Rosenow added the traffic study does not take into consideration a regional view. Port Marigny is not responsible, but the council are and they need to seek more information.

Mr. Barry Shelton is a 10 yr. resident of Mariners Village. The traffic is high right now and how will they address new traffic to get to the project. Mr. Muller stated Mr. Halls's error on the first study was because of the 30% capture ratio he used with a limited area. The city engineer said the ratio was too high and they made a change.

Mr. Ellis made a motion for the expression of the council; this was seconded by Mr. Keller. A vote was taken, **the finding passed 5-0.**

Finding #9: Civic Space and/or Use if Insufficient. The civic uses designated by the 6/8/16 Master Plan are insufficient and do not comply with the TND provisions. At least 1.62 acres more civic space is required to be nominally compliant with the TND civic uses provision. Meaningful public access must be

developed before the State-owned property may be counted as a civic use. More information must be provided about the other property designated for civic use to determine if the uses are truly civic and promote the health, safety, and welfare of the citizens of Mandeville.

Mr. Oubre discussed the boardwalk and walkway to the Lake along with the green space by the hotel. There is parking along the lake and the boardwalk. After this discussion, Mr. Keller disagrees with this finding. Mrs. Sica stated this also includes the state lease property and was unclear if this met the requirements for civic space; she will agree to withdraw the finding.

Mrs. Sica made the motion to withdraw this finding; this was seconded by Mr. Ellis. A vote was taken and **the finding was withdrawn 5-0.**

Finding #10: Kleber Street must be restored and run to Lake Pontchartrain. The current proposed street pattern does not fit with the existing street ride of the immediately surrounding area and of Old Mandeville. The TND section of the CLURO requires restoration of the existing grid or creation of a more traditional grid. In order to comply with the TND provisions and promote the health, safety, and welfare of Mandeville, the existing portion of Kleber Street should be utilized and Kleber Street should be extended to Lake Pontchartrain. Additionally, Lambert Street and Hutchinson Street should be more meaningfully utilized by the development to promote the health, safety, and welfare of the citizens of Mandeville.

Mr. Keller would like to hear from Mr. Oubre if a TND would work with or without the extension of Kleber St. Mr. Oubre would like the Kleber connection north and south but part of the pre-stress site includes steel piles that cannot be removed; therefore, the turbine on Kleber to the lake. He also commented they debated straight shots, but if you have more than a 900 ft. straight line, people tend to speed. Mr. Keller believes the question is should Kleber go straight to the Lake. Mrs. Sica and Mr. Oubre discussed the street grid; after this discussion, Mr. Keller was satisfied and disagrees with the finding. Mrs. Sica disagrees with the speeding issue and feels this should comply with TND design criteria requirement to maintain the existing street grid and restore any disruptive grid as possible and lead to common open space. Mr. Muller added the P&Z resolution stated in paragraph 8 they do not want Port Marigny' s design to encourage access to the north south streets.

Mrs. Sica made a motion for the expression of the council; this was seconded by Mr. Keller. A vote was taken and **the finding failed 2-3 (Madden, Ellis, and Keller against).**

Finding #11: Connection must be provided with Mariner's Village. The current proposed street pattern does not provide connection with, let alone primary access through, Mariner's Village. At a minimum, connection with Mariner's Village is required to preserve and promote the health, safety, and welfare of Mandeville.

Mr. Pulaski feels a connection has to be made to help alleviate the traffic impact on Monroe. Mr. Oubre is in favor of this connection. Mr. Madden inquired how to handle an expropriation. Mr. Franckiewicz stated the administration would start the process and this would require an ordinance by council. The city would then have an agreement with the development and the property owner. This must show a public need or necessity and a TIA would provide this. After 25% build-out of Port Marigny if there is no connection that is when there would be a loss of service on Monroe Street because there would be nowhere for the traffic to go. Mr. Keller inquired how long does an expropriation typically take. Mr. Franckiewicz stated he has seen a month to six+ months but the

longest process is to get an agreed price. Mr. Madden would like to establish no expropriation of property where there is an existing home as his amendment to the ordinance. This would work for this piece of property.
Mr. Burguieres stated if you reduce the density, traffic would be reduced.
Ms. Sica stated we need to look at density and not use expropriation as the answer. In the P&Z minutes they said the establishment of the connection to Mariner's Village cannot be overstated.
Ms. Karen Breaux asked where would the traffic go even if there was a connection, it still winds up at Monroe St.
Mrs. Claudia Sigelman stated she lives in Mariner's Village and right now it is hard to get to E. Causeway. Mrs. Saxs commended Mrs. Sica sticking to her findings and does not think this is a negotiation process. Mr. Muller wanted to remind everyone the Pittman's do not own the property connecting Mariner's Village. They would like the city to grant servitude on this 50ft drainage canal so they could access the development, but the owner was not willing to do business.
Mr. Keller commented the master plan calls for a connection in Mariner's Village but the landowners refuse to negotiate. He does like the idea of establishing some criteria similar to the traffic counts. If this becomes a problem, then limit construction until there is an expropriation. There is a traffic problem on Monroe Street. Mrs. Sica stated if there is no connection then there needs to be a lower density because of the limited access.
Ms. Holly Tunstill asked why the council will not let them do a residential subdivision. Mr. Madden explained this is the plan presented to this council. Mr. Muller added this is following the comprehensive plan from the city and the council is trying to gut the plan. Mr. Pulaski disagrees. He feels they are trying to follow the CLURO and what they believe is their interpretation. They are trying to work through these differences. Mr. Muller commented the P&Z passed this plan with a 6-0 vote.
Mrs. Rhinehart stated from the beginning they discussed traditional neighborhood. The citizen's concept of a traditional neighborhood is like Golden Shores not apartment complexes and commercial spaces. In 2007, Michael Lauer, city consultant, said" there is a community value to limiting density".
Mr. Ren Clark stated the P&Z sent recommendations to consider the concept and it was not a finished plan. He remembers the first comment they said was there has been no increase in traffic since 1987. The P&Z approved a concept, not the detail, for the zoning.
Mrs. Debbie Saxs commented the original plan was presented in 2007 and there have been a lot of changes since then. She suggests the council amend the CLURO to remove the TND. Mr. Madden stated there are a lot of changes which he feels needs to be made in the CLURO and this will be a focus over the next four years.
Judge Rosenow stated Port Marigny developers have invested a lot of money in this project, but the citizens have just as much vested with their property and their community.

Mr. Pulaski made a motion for the expression of the council; this was seconded by Mrs. Sica. A vote was taken, **the finding passed 4-1 (Keller against).** Mr. Keller agrees with the concept but not as drafted.

Finding #12: The development must promote the redevelopment of Mariner's Village. The current proposed street pattern does not promote the redevelopment of Mariner's Village. At a minimum, connection with Mariner's Village is required to preserve and promote the health, safety, and welfare of Mandeville.

Mr. Pulaski stated this goal is to promote Mariners Village and this can be done with a connection. Mr. Madden added this is not the responsibility of the applicant but it is a council responsibility.

Mrs. Rohrbough commented a connection does not guarantee a redevelopment; an attractive development attracts the same. Mr. Keller asked Mr. Oubre if a connection would promote development. Mr. Oubre

replied that yes the adjacent neighborhood values usually increase when there is a connection.

Mr. Pulaski made a motion for the expression of the council; this was seconded by Mrs. Sica. A vote was taken, **the finding passed 4-1 (Keller against).**

Finding #13: The mixed use and attached residential structures are out of scale with Mandeville. Buildings of the size and scale of the Pentagon and Twins are unprecedented in Old Mandeville. The concept of a building the size of the attached residential portions of the Pentagon being occupied by solely residential uses is wholly untested and novel for Old Mandeville. In order to preserve and promote the health, safety, and welfare of Mandeville, the size and scale of the Pentagon and Twins must be reduced to reflect the historic development of Old Mandeville.

Mr. Muller stated the details of the buildings are only at the conceptual stage; scale and proportion only come with the design. He feels this finding is premature. Mr. Oubre added the scale is important and they have addresses height and character. A cluster is utilized in suburban projects by mixing uses. The cluster and a TND in the CLURO have unclear direction and is a bit confusing and at sometimes contradictory. Mr. Muller added there is a reference to the density requirements not to exceed the maximum for the zoning district for which is it located. The minimum land area in a TND is 24 units per acre. This provision is ambiguous and should not be used to impose a lesser density requirement for Port Marigny.

Mr. Keller added one council finding is to go back to treat the apartments as a conditional use. If we go back to this as conditional use, we could make a determination of size and scale when the plans are submitted. Mr. Pulaski agrees, but the finding is if you reduce the scale it will go back to the goal of the environmental issues: restore tree canopy, maintain functional green space and preserve the natural character of the city. He thinks this is a valid finding.

Mr. Ellis made a motion for the expression of the council; this was seconded by Mrs. Sica. A vote was taken, **the finding passed 5-0.**

Finding #14: The attached residential, mixed use, and townhouse units do not comply with the TND section of the CLURO. The core of the Port Marigny development – centered around the triangular space just north of the northern run of boat slips – is a village center. As a village center, village center residential uses must comply with the cluster residential criteria of the CLURO. As designed in the master plan, none of the attached residential, mixed use, or townhouses in the village center comply with the applicable CLURO requirements, In order to comply with the TND requirements, the village center residential uses – attached residential, mixed use, and town houses- must comply with CLURO article 8.2.1.1. In order to comply with article 8.2.1.1.c, given the acreage specified for each housing type on sheet 25 of the master plan, no more than 81 attached residential units and 69 mixed use units may be included. Additionally, each townhouse unit in the village center must have a minimum of 3,000 sf lot area/unit, which is not satisfied with the current townhouse allocation. At a minimum, the residential uses of the village center must be reduced to compliance with the TND and residential cluster development criteria to preserve and promote the health, safety, and welfare of Mandeville.

Mr. Keller's interpretation of the CLURO in determining the cluster and the TND indeed have conflicts as discussed. He does not feel the cluster applies to the TND. He likes the fact it reduces density but he does not think this applies.

Mr. Pulaski made a motion for the expression of the council; this was seconded by Mrs. Sica. A vote was taken, **the finding passed 4-1 (Keller against).**

Finding #15: Planning Commission finding on an environmental impact assessment should be implemented. In order to preserve and promote the health, safety, and welfare of Mandeville, the P&Z's finding and recommendation regarding an EIA for the site should be adopted and an EIA must be performed prior to any development of the site, in accordance with the CLURO's subdivision regulations.

Mr. Keller has discussed the EIA and would like to see a scope of the impact assessment. Upon recommendation of the attorneys, he would like to add the P&Z recommendation which expresses the need to ask for an EIA before any development and cut and fill based upon the best available science at the time. He would like to change the finding to read:

Planning Commission finding on an environmental impact assessment should be implemented. In order to preserve and promote the health, safety, and welfare of Mandeville, the P&Z's finding and recommendation regarding the EIA for the site should be adopted and an EIA must be performed for the entire site prior to any site preparation grading or filling. If necessary the EIA should be performed and evaluated in advance of the customary subdivision approval process to ensure that the environmental impacts are assessed before any significant site preparation clean up or grading and filling is performed. The EIA should satisfy the standards described by the US EPA regulations found in 24CFR part 312 standards for conducting all appropriate inquiries and in accordance with the ASTM standard cited at 24CFR 312.11 of those regulations. In performing the EIA the following topics should be specifically considered: a- the potential for environmental impacts from the adjacent Poitevant and Favre Lumber Mill operated in the 1913 -1925 time frame including the potential for any impacts from creosote or naval stores production if such operations were conducted at the lumber mill. B- the potential for asbestos on the Port Marigny site either in connection with concrete component production, steam boilers and associate piping or other potential sources.

Mr. Keller received a document at the council meeting and he believes it is a scope of what they are proposing to do. He suggests continuing this finding until he can review. Mr. Muller announced this is an executive summary of the action to be taken. The plan has not been approved by DEQ or any other agency. All of the pilings put in the lake were treated with creosote, there is no problem with creosote. The problem is when you start to heat the creosote; he does not think this is a concern. Mr. Pulaski inquired about the storm water runoff concerns. He was told this was handled throughout the process. Mr. Muller stated whatever they need to do to comply with the law. Mr. Keller would like a more comprehensive study to be used but he does not know which study that would be. Mr. Franckiewicz suggested to defer the findings until the next meeting. He recommends to use the more restrictive study.

Mr. Keller made a motion to defer until the October 27th meeting; this was seconded by Mr. Ellis. The **vote passed to defer the finding 5-0.**

Finding #16: All non-single family detached residential uses within the Port Marigny Development should be conditional uses. In order to preserve and promote the health, safety, and welfare of Mandeville, all non-single family detached residential uses – cottage houses, neighborhood houses and large

neighborhood houses- should be conditional uses, subject to review by the Planning Director, Planning and Zoning Commission, and City Council.

Mrs. Sica stated this is how the CLURO is written; all uses under a planned district are conditional use. This is a finding to keep as conditional. The finding should read "all uses except single family detached uses shall comply with the conditional uses contained in article 4".

Mr. Pulaski made a motion for the expression of the council with the new wording; this was seconded by Mr. Keller. A vote was taken, **the finding passed 5-0.**

Finding #17: A final grading and fill plan must be presented to Planning & Zoning for approval during the subdivision process. In order to preserve and promote the health, safety, and welfare fo Mandeville, a final grading and fill plan compliant with CLURO 5.2.3 should be submitted to Planning & Zoning before final subdivision approval.

Mrs. Sica commented this is a finding from the P&Z resolution and refers the cut and fill plan, that is was a conceptual plan and once finalized needs to go through the approval process.

Finding #18: Density is too high given limited access to site: Port Marigny has proposed the City's highest density development in an older section of town with extremely limited access on Monroe Street. The density of the proposed development is too high because the limited access of Monroe Street as it exists today cannot support the proposed high density development.

Mr. Ellis made a motion to defer this and finding #18 because he received these late and he wants to make sure he understands them; this was seconded by Mr. Keller

The vote passed to defer finding #17 and #18 to the next meeting; 5-0.

Mr. Franckiewicz thought these would be easily to incorporate even with a deferral. Mr. Shields commented they will prepare a clear ordinance but it will not be ready for next meeting; they will be ready for November 10th. Mr. Madden stated the only topic for Port Marigny at the next meeting will be these three findings which were deferred. There will be no debate on Port Marigny.

Judge Rosenow stated there has not been any environmental testing done on this site. Aesbestos was commonly used on the site and he hopes there is not a problem. Judge Rosenow presented the protest petition to the Council Clerk. There are supplemental documents that will be coming from the landowners. Additional land owners will be brought to the Council Clerk. Mr. Madden stated the Planning Dept. will analyze the information then the attorneys will guide us on the next steps.

Mrs. Debbie Saxs inquired why we are still discussing the Port Marigny after the 120 day period has expired. Mr. Madden stated they have discussed this with Mr. Cressy and he believes the 120 days does not apply to this process. Mr. Cressy said he will give a copy of the opinion to Mrs. Saxs.

ADJOURNMENT:

Mr. Ellis made a motion to adjourn the meeting; this was seconded by Mr. Keller. The meeting adjourned at 10:30 p.m.

Kristine Scherer
Council Clerk

Clay Madden
Council Chairman