

MANDEVILLE CITY COUNCIL
MINUTES FOR THE SPECIAL MEETING OF AUGUST 8, 2016

The special meeting of the Mandeville City Council was called to order by Chairman Madden at 6:00 p.m.

PRESENT: Clay Madden, David Ellis, John Keller, Laure ‘Sica, Mike Pulaski

ALSO: Louissette Kidd, Sonny Shields, and Victor Franckiewicz

1. Discussion of Ordinance No. 15-17

Ordinance No. 15-17, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE WITH RESPECT TO ARPENT LOTS 14, 15, 16, 17, 18, 20, 21, A PORTION OF ARPENT LOT 19, (NOT INCLUDING THE SUBDIVIDED LOTS DESIGNATED AS LOTS 1-14, INCLUSIVE, FORMING THE SOUTHWEST CORNER OF KLEBER STREET AND MONROE STREET), PARCELS A AND B, AND A PORTION OF KLEBER STREET, LOCATED IN SECTIONS 46 & 47-T8S-R11E, CITY OF MANDEVILLE, ST. TAMMANY PARISH, LOUISIANA, MORE PARTICULARLY DESCRIBED ON THE PLAT AND SURVEY PREPARED BY KELLY J. MCHUGH & ASSOCIATES, INC., CIVIL ENGINEERS & LAND SURVEYORS, DATED 12/03/13, REVISED THROUGH JUNE 30, 2015, DWG. NO. 13-136-BS, CONTAINING 76.648 ACRES (THE “PRESTRESSED CONCRETE SITE”); AMENDING THE OFFICIAL ZONING MAP AND COMPREHENSIVE LAND USE REGULATION ORDINANCE (CLURO) OF THE CITY TO CLASSIFY THE FORMER PRESTRESSED CONCRETE SITE AS A PLANNED COMBINED USE DISTRICT (“PCUD”); APPROVING THE SITE PLAN, MASTER PLAN AND GUIDING PRINCIPLES PREPARED BY ARCHITECTS SOUTHWEST, INC., DATED JUNE 25, 2015, ENTITLED “PORT MARIGNY TND” (COLLECTIVELY THE “MASTER PLAN”); REQUIRING THAT THE MASTER PLAN AND ITS PROVISIONS, TOGETHER WITH THE RESTRICTIVE COVENANTS, BE COVENANTS RUNNING WITH THE LAND; APPROVING THE DEVELOPMENT OF THE PCUD IN ACCORDANCE WITH THE MASTER PLAN AND ACCOMPANYING SUBMITTALS; REVOKING CERTAIN CONSTRUCTION, DRAINAGE AND SEWERAGE SERVITUDE(S) AND GRANTING A SERVITUDE OF PASSAGE AND FOR UTILITIES; GRANTING VARIANCES AS NEEDED TO GIVE FULL EFFECT TO THE MASTER PLAN; ESTABLISHING PROCEDURES FOR ADMINISTERING THE MASTER PLAN; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. (Offered by Mike Pulaski, Council District II).

Mr. Madden announced this meeting will discuss traffic only. This meeting is for the council and constituents to ask questions. He welcomed Mr. Franckiewicz and Mr. Shields, the council’s attorneys, an opened the floor for council questions then constituent questions.

Mrs. Sica presented a PowerPoint regarding the Port Marigny Density Plan, total residential acreage of 45.8. At every P&Z meeting for the past year density concerns have been raised, yet the proposed density remains at the 416 housing units this number is more than double the number of housing units required under the TND section of our CLURO. Under the CLURO 8.5 the required density for TND is 4 housing units per residential acreage. Port Marigny has 45.8 acres as stated on their master plan, so the total allowed density is 183 housing units. This is the number the city should use to determine whether or not to approve this development. For that matter under our CLURO 4.3 we could further reduce the 183 number if we find it necessary to ensure adequate mitigation of potentially unfavorable impact. To evaluate density we have the guidelines of our comprehensive plan and the regulations of our CLURO. First, under the comprehensive plan one of the key issues is for Mandeville to retain our small town atmosphere. The plan specifically states that infill development particularly in older neighborhoods must be consistent with existing size and scale. Port Marigny’s high density development built within low density Old Mandeville does not satisfy this goal. The comprehensive plan goal 12.1 states that Port Marigny be developed at a density that does not introduce unacceptable levels of congestion to Old Mandeville, this has not been proven. The development agreement includes setting mile stone limits which demonstrates that there is a traffic problem. The comprehensive plan goal 12.1 requires primary access should be provided through Mariner’s Village this access has not been established, the only access is Monroe. The comprehensive plan states that alternate travel routes be established to avoid traffic congestion from Port Marigny. These have not been established. As it was determined in

the P&Z meetings that widening Monroe and or expropriating property from Lambert for a cut through would not be acceptable. The comprehensive plan goal 12.9 requires redevelopment of Mariners Village in conjunction with the development of the Pre-stressed site this also has not been established. Currently Mariners Village has about 20,000 sq. ft. of vacant commercial space and she is unaware of any conjoined effort to revitalize. The comprehensive plan requires retention of greenbelts adjacent to the streets. Port Marigny fails to meet this requirement as it calls for parking along Massena Street which removes the greenbelt. The CLURO's purpose as stated on pg. 1 is to lessen congestion and overcrowding of land. The CLURO states that residential development should be compatible with that which presently exists. Specific to Port Marigny the CLURO states a TND must reflect the patterns of Old Mandeville. Port Marigny's proposed high density development predominantly made up of apartments and townhomes is not compatible with that which presently exist and reflect the historic patterns of Old Mandeville. Port Marigny's apartments are not only higher than immediate surrounding areas like Mariners Village; they are higher than any other apartment complex in Mandeville's city limits. They are higher than Chenier and Chenier fronts Hwy 190, a four lane highway. In fact the number of apartments and townhomes total 261, this number alone is higher than the total number required density of 183. It is important to note that this is the first time we are applying the TND design sections of our CLURO 8.5. Port Marigny is located in a truly unique sensitive area of Mandeville with extremely limited access. Old Mandeville is low density, prone to flooding and has only a two lane 30mph Monroe St for access; we can't afford to get this wrong. The TND design standard allows 183 housing units for a development of this size. To consider a number greater than 183 is a risk we should not take. If we approve too great of a density we will forever change the landscape of Mandeville and we will sacrifice the quality of life for our Mandeville residents. New Golden Shores, adjacent from Port Marigny has 80 acres with 160 housing units. Port Marigny has 77 acres, about 6 are water, with 416 housing units plus commercial. If we were to put Port Marigny within New Golden Shores. We would add to the already 160 houses: 200 apartments, 56 townhomes, 120 room hotel, 117 boat slips, and 2 restaurants (11,000 sq. ft.) and 56,000 sf of retail space with no access to East Causeway. The only access would be Monroe St. The comparison between Chenier (located on 4 lane Hwy 190) and Port Marigny is the following. Chenier has 5.32 acres with 27 apartment units and 35,800 sq. ft. of commercial space. Port Marigny has less acreage, 4.8 acres, et they are proposing more than double the apartments - 70 apartment units and 56,000 sf of commercial space, with Monroe St as their only access. Lastly the hotel comparison. Port Marigny has proposed a 120 room hotel which is larger than the 4 other hotels closest to Mandeville on I-12 and Hwy 190. Holiday Inn, Comfort Suites, Holiday Inn Express and Staybridge. They are all rather large 4 story hotels, none as big as what Port Marigny proposes. Everyone talks about how they would like something similar to the Southern Hotel in Covington, but the Southern Hotel has 40 rooms. In conclusion, in order to preserve the character of Old Mandeville, and protect the health safety and welfare of or residents. Port Marigny should only be developed if the density is 183 or less.

Mr. Muller commented the number of 4 per acre comes from CLURO 8.5.2.1 which states the minimum density shall be at least 4/acre so the 183 number she is using is the least number of residents not the maximum. The CLURO also states detached single family residential development shall not exceed 8/acre, excluding rights-of-way. Attached residential development shall not exceed 24/acre and mixed use buildings shall not exceed 16/acre. Port Marigny does not exceed these limits and follows the guidelines of a TND. Mrs. Sica is not saying Port Marigny exceeds these limits, they should be closer to the minimum. According to section 4.3 the council can reduce so it fits within the scale of the community. Mr. Muller has a map from the Comprehensive plan which shows the neighborhood map for Port Marigny. It states the pre-stressed site is identified with Mariner's Village and it promotes the redevelopment of both properties. They should be treated as one area close to the causeway, totally different area from Old Mandeville. Mrs. Sica stated the comprehensive plan is to be used as a guide, the CLURO TND section 8.5.1.2 states the TND should reflect the historic development patterns of Old Mandeville. Mr. Muller stated the key feature in Old Mandeville is that it has a grid street system to allow for migration, Port Marigny is laid out in a grid pattern no cul-de-sacs. The architectural type follows the traditional styles. Mrs. Sica agrees with the architectural style but disagrees with the density. She appreciates the development but thinks it needs to fit within the community. The development is mostly apartment and townhomes which is not Old Mandeville. Mr. Muller stated it is similar to Mariner's Village. There is nothing in the CLURO that suggests if traffic is accommodated with the number of units that there is any reason the density should be any less than what the CLURO permits. Mrs. Sica feels there is a potential for traffic issues, they saw this in every meeting. From the traffic meeting today along with the Old

Mandeville Redevelopment Strategy from 2006 and the comprehensive plan all three mention the unfavorable impact on traffic from Port Marigny. Mr. Muller stated they have come up with a solution with a right and left turn lane from E Causeway heading south. The problem with the intersection was accommodated. They will put up \$300K towards improvements. Mr. Pulaski commented CLURO 4.3.3.8 section 5 and section 10 states safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area. With the idea something might be going on in mariners Village, we need to consider what else would be going on. He still has a concern with traffic and supports Mrs. Sica's position on density. The core is higher than any other like density in Mandeville. Mr. Muller has problems with the uses proposed in Port Marigny with the possibility of Mariner's Village development. Mr. Muller cannot control Mariner's Village but the traffic issue is Monroe and E. Causeway, the level of service eastbound causeway is level "E" and it has never been resolved. Mr. Pulaski stated the development follows the rules but are more than double the minimum and less than half of the maximum. Mr. Muller stated they cannot afford to do the minimum, it would be like a failed Mariner's Village. Mrs. Sica commented it is not the council's job to make sure the developer makes money. Just because it is large does not mean it will make money, look at what happened to Pinnacle. The council is responsible to our citizens, their health, safety, and welfare and community aesthetics.

Mr. Keller asked if there is a number that density can be reduced to and still remain profitable. He understands the purpose of the apartments is to support the town center. Could the development have less units but make them larger and nicer, it could be a success such as those on the lakefront. Mr. Oubre stated to diminish the density so it cannot self-sustain will result in a failure. He noted Mrs. Sica has been opposed to the project from the start. Mrs. Sica is not opposed to the project, just the proposed density of the development. Mr. Oubre stated it is not about density it is about the place, the streets. The apartments will be designated as condos but will be rented until they are established. If there is not enough density the retail will struggle. Mr. Keller stated so there is no room for negotiation. Mr. Oubre replied it will not succeed if you reduce the density, it just will not function. If the development is at Mrs. Sica's numbers you will guarantee failure.

Mr. Madden opened the floor for comments. Mr. Pulaski inquired if we can forgo the 3 minute rule because constituents have expressed they are given only 3 minutes while Port Marigny has all the time they need. Mr. Madden stated the council follows Robert's Rules of Order but he does not have a problem with giving constituents more time.

Mr. Pat Rosenow wanted to thank Mr. Pulaski for allowing them to speak longer. He is aware the developers are stating they are under the maximum, but appreciates Mrs. Sica's comments that the density should be reduced. It should not be an automatic stamp because they have come under the maximum. The council needs to address the areas mentioned and they are sworn to protect the interests of the citizens. One factor is it should reflect the tenor of Old Mandeville yet now we hear it is ok because it is close to the causeway. The council has discretion and numbers are good guidelines but not the whole answer. You need to look at the factors Mrs. Sica has pointed out. They need to use their discretion and decide what is in the best interest of the community not the developer.

Ms. Saxs is concerned even at the minimum how can they guarantee success. She is worried that once everything is signed off, they will be able to do whatever they want and it is too late. Mrs. Sica stated in the developmental agreement the uses are special uses which does not go back to the council. She is proposing to adhere to the CLURO and make this conditional use and therefore will come back to the council for approval. Ms. Saxs discussed smart growth and listed 11 violations she finds with the project and requests the developers to withdraw their application.

Ms. Claudia Sullivan wanted to thank Mrs. Sica for her presentation and for representing the thoughts of many of the people of Mandeville.

Mr. Brian Rhinehart commented in the 2005 traffic study it recommended to widen Monroe from Massena to Causeway. In 2015 a traffic study sated there was not mitigation required and was rejected because it was flawed and a second study was done. The last study recommended a right turn and left turn, so with three studies, you have three different recommendations. What study do you use?

Mr. Ernest Burguieres stated the RPC's current traffic study had a problem with data collection and will not start back until September with results in November. He wanted to agree with Mrs. Sica, the comprehensive plan is a suggestion, the CLURO trumps the comprehensive plan. Mariners Village when it was first proposed had all these good things and that did not materialize and the city is left holding the bag.

Mr. Bill McCoy wanted to thank Mrs. Sica for her homework and he cannot imagine the traffic he would experience if the development passes as is.

Mr. Ellis stated there is some negotiation needed for density and we need to find the balance, he does believe the number needs to be lowered.. He thinks condos would be a better use than apartments but how long before they would be leased. Some potential suggestions could be to add more parking in lieu of condos/apts; is you remove the lease property that would lower the amount of units hopefully by 30-4-%; any ideas as to who would be the anchor for the commercial property.

Mrs. Sica stated realistically we need to reduce the density to 183 and not roll the dice. The council has the discretion to do this. There is one way in and one way out unless you want to widen Monroe and expropriate property on Lambert.

Mr. Madden had a question for Mr. Shields and Mr. Franckiewicz but wanted to remind everyone that we have three stand-alone meetings that are topic specific for Port Marigny and it will be on the next two council agendas. He might have a questions for them where they may not have the answer immediately, but would like their response at the next meeting. His question is regarding expropriation of the property on Lambert. Do you see anything that gives the city the right to expropriate land on Lambert? Right of way and widening the street is one thing, but what about expropriation of land. Mr. Franckiewicz says the power to expropriate comes constitutionally, then state law. The city has a general expropriation power for public purpose. It would take an ordinance then it would proceed to court where the property owner would have the right to challenge and have due process. Mr. Madden asked if the council could put a stipulation in the ordinance to prevent expropriation now or in the future? Mr. Franckiewicz would have to research this for the next meeting. Mrs. Sica states the developmental agreement sets milestone agreement until they reach that traffic number and she does not want to be tied to this.

Mr. Ren Clark wanted to let the council know that in all of the P&Z meeting the issue of expropriation was off the table. Mrs. Scott confirmed that was one of the P&Z recommendations to the council. Mr. Madden wants to make sure this is legal and included in the council's actions.

Mr. Brian Rhinehart commented the reason why expropriation has come up again is because he heard the RPC links widening Lambert St as a direct result of Port Marigny.

Ms. Bev Tobin is concerned with the safety especially regarding children and busses all going back and forth from the west side to the east side. Monroe is it, she lives it and has a real concern about safety.

Mr. Pulaski wanted to ask Mr. Shields and Mr. Franckiewicz, in the CLURO 4.3.3.11 it discusses the total number of votes it will take to grant/deny. There is talk of a 4/5 majority under certain circumstances. What are these circumstances and can they clarify if we would be a 4/5 for this development rather than the standard majority.

Mr. Keller stated he is sympathetic to the property owners, they have a plan and they have followed the plan. The project has to succeed but he is concerned about traffic and density. Mariners Village did fail in part because of the approval of the initial development. How will traffic and density be with more development in Mariners Village. We need the development to be done right so it does not cripple Old Mandeville and Monroe St. He is not sure how we get to the figures. He feels the traffic is an issue on E Causeway and would like to see the projection of the traffic circle and how it will take care of existing and future projects. He does not want to put extra lanes on E Causeway

and then a study comes back to do a roundabout, he does not want to waste money. He would like any Port Marigny's money to go towards the traffic solution.

Mr. Madden stated he and the mayor met with the RPC and the study will be done on September 23rd with results in November.

Mayor Villere commented any contributions from this development will add to the total money the city, causeway commission to develop a traffic circle at Causeway. They believe a traffic circle will work and if Lambert St is used it will be for a more direct access to Port Marigny. Also a right and left turn lane into Port Marigny is warranted. He will provide this information to the council and the applicant. Also they are considering a traffic circle at E. Causeway and Massena. The cost for the traffic circle would be about \$2.4 million. Mr. Pulaski is concerned if there is enough space for the circle. The mayor stated they will have to go into the right of way for a few properties. Mr. Madden stated if Port Marigny was approved and they have proposed the turn lanes, can this be changed to a traffic circle before construction begins. Mr. Monet stated the turn lanes in the developmental agreement were set as a monetary value and is not definitive until the RPC study has been completed.

Mr. Pulaski has about four pages of questions regarding the developmental agreement for Mr. Shields and Mr. Franckiewicz. Mr. Pulaski will discuss these with the attorneys prior to the 8/31 developmental agreement meeting.

Mr. Burguières commented it is not the council's job to solve the developer's problem; it is not a simple mathematical issue. He urged the council to not lose ambiance by adding more traffic lanes, a similar issue was done on Claiborne Ave in New Orleans. This is now under discussion to bring it back to the old condition. You cannot bring back ambiance. If a traffic circle solves their problem it is up to them to build, not the city. Mr. Keller stated they are not helping the development but thinks it is a good idea for Mandeville and it needs to succeed. The regulations should not be so strict to prevent success; this is a concrete area which has been an eye store. If the city does decide to do a traffic circle maybe they can renegotiate money from Port Marigny.

Mr. Leonard Rohrbough stated traffic alone is not a detriment to health and safety. The city has to help control the traffic. There are a lot of empty lots in Mandeville so the traffic concern is not just for Port Marigny but for the whole. Many subdivisions have contributed to the traffic, everyone has to help solve the problem. He encouraged the project to move forward.

Ms. Debbie Saxe wanted to remind the council, years ago the city rejected Al Copeland's compound, the church was denied, she has restrictions on her home. She does not understand why this development is any different.

Mr. Pat Rosenow hopes the council will resist the strong argument that either everybody builds or no one builds. Also, the understanding of the super majority vote. The ordinance was written to help resist these large proposed developments by requiring a super majority in certain instances. One such instance is if the development is adjoining to land zoned R-1. What is contiguous in this case, is it a street. They believe sharing a common boundary is contiguous and is consistent with the statutory intent. The other case requiring a super majority is with 20% petition of land owners. He hopes for a consensus because this is an important decision.

Mrs. Sica just commented she is not here to make sure the developers make money and she does not agree they would not make money if they complied with the TND guidelines. If they can't comply under the 8.5 guidelines maybe they need to ask to be rezoned.

Mr. Madden reminded everyone of the regular council meeting Thursday at 6pm. On August 16th there will be a welcome meeting for the new police chief at the community center. The next Port Marigny meeting is the next night August 17th to discuss fill and environmental. Mr. Muller inquired if they were on the agenda this Thursday, Mr. Madden replied yes. The 25th is another regular council meeting and the 31st is the next stand alone Port Marigny meeting.

Mr. Muller wanted to comment about the traffic studies. The CLURO sets the jurisdiction of the traffic study .Traffic inside a TND is different than a regular suburban development. The traffic circle is not a new concept and they have agreed to pay \$300K to the city to use how they wish. The cost for the two turn lanes would be about \$500K.

Mr. Bill McCoy wants to understand the vote would be 4/5 to approve the project. Mr. Madden has asked a legal ruling on this matter.

Mr. Brian Rhinehart said the capture rate has a sliding scale 30 on the upper end, 5% lower lane. The number you use frequently depends upon the proximity to train, bus and taxi depot. All of which should not have been considered since none exist in Mandeville.

ADJOURNMENT:

Mr. Pulaski made a motion to adjourn the meeting; this was seconded by Mr. Keller. The meeting adjourned at 8:10 p.m.



Kristine Scherer
Council Clerk



Clay Madden
Council Chairman