

ORDINANCE NO. 16-16¹

AN ORDINANCE OF THE CITY OF MANDEVILLE RELATED TO PROPERTY GENERALLY KNOWN AS THE “PRESTRESSED CONCRETE SITE” OR “PORT MARIGNY” RATIFYING THE REVOCATION OF KLEBER STREET; REVOKING CERTAIN CONSTRUCTION, DRAINAGE AND SEWERAGE SERVITUDE(S) AND GRANTING A SERVITUDE OF PASSAGE AND FOR UTILITIES; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

RECITALS:

WHEREAS, the Prestressed Concrete Site, as more particularly described on the 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, attached hereto as Exhibit “A” (the “Boundary Survey”), was used as an industrial site to produce concrete components for the construction of the Causeway Bridge and other bridges all over the south until the plant closed in early 1983; and

WHEREAS, Pittman Assets, LLC, is the present owner of the Prestressed Concrete Site (“Owner”), which was originally purchased by its members in July 1984; and

WHEREAS, the Prestressed Concrete Site still contains concrete, wood and steel pilings imbedded in the ground to great depths, as well as the remnants of concrete structures and debris that were produced and left on the site by the former owners and operators (“Present Site Conditions”); and

WHEREAS, prior to the adoption of the CLURO, the Prestressed Concrete Site was rezoned from an industrial classification to that of a “Planned District” (see City of Mandeville - Zoning Map, dated November 12, 2013); and

¹ Exhibit references in this ordinance are to the same exhibits attached to Ordinance 15-17.

WHEREAS, the Owner of the Prestressed Concrete Site has requested that the property be reclassified as a “Planned Combined Use District” in order to conform to current nomenclature and land use regulations proscribed by the CLURO; and

WHEREAS, the Prestressed Concrete Site has been identified in the City of Mandeville Comprehensive Plan, dated 2007 (“Comprehensive Plan”), as “vacant” property (see Map 11 - Existing Land Use) and has in fact been vacant for many years, except for its use as a temporary storage site for debris following Hurricane Katrina and for the storage of building materials and equipment during various public street and drainage projects; and

WHEREAS, the Comprehensive Plan identifies the Prestressed Concrete Site for future use as a “Planned/Marina District” (see Comprehensive Plan – Map 2); and

WHEREAS, the Comprehensive Plan establishes as a goal of the City the development of the Prestressed Concrete Site as a “vibrant, walkable, mixed-use, waterfront development that provides strong fiscal benefits for the City” (see Comprehensive Plan - Goal 12, page 36); and

WHEREAS, in order to accomplish Goal 12, the Comprehensive Plan incorporates certain policy considerations for the development of the Prestressed Concrete Site, including:

- A. Coordinate with the Owner of the Prestressed Concrete Site to mitigate traffic from the mixed uses within the site without introducing unacceptable levels of congestion into Old Mandeville;
- B. Provide primary access through Mariners Village and Monroe Street
- C. Limit the height of structures along the waterfront to 60 feet and step heights down to 35 feet along the edges of the property;
- D. Encourage street level activity;
- E. Afford public access along the waterfront;
- F. Retain key vistas of the Lake within the development;
- G. Facilitate bike and pedestrian circulation;
- H. Allow low to medium density residential uses along Monroe Street;

- I. Require that the property comply with new urbanist design standards and incorporate local architectural elements; and
- J. Promote the redevelopment of Mariner's Village in conjunction with the development of the Prestressed Concrete Site; and

WHEREAS, Section 8.5 of the CLURO, entitled "Traditional Neighborhood Development", codifies new urbanism design standards as referenced in the policy considerations for achieving Goal 12 mentioned above; and

WHEREAS, Section 8.2 of the CLURO, entitled "Special Uses Criteria", more specifically, Subsection 8.2.3.7, entitled "Special Marina Use Criteria" provide for the development and use of a development site as a marina; and

WHEREAS, the City owns a strip of land, approximately 50 feet in width, that runs from Monroe Street to the Lake, lying between the eastern property line of Mariner's Village and the western boundary line of the Prestressed Concrete Site which presently serves as a primary drainage canal for the City drainage system (the "Drainage Canal"); and

WHEREAS, the Drainage Canal was acquired by the City from Brown and Root, Inc. contemporaneously with the revocation of a portion of Kleber Street, by act dated August 7, 1967, recorded with the Clerk of Court as Instrument # 246757 on August 10, 1967; and

WHEREAS, in order for Port Marigny to access Mariner's Boulevard, as set forth in the Comprehensive Plan, a predial servitude for passage and for utilities is needed at one or more locations across the Drainage Canal; and

WHEREAS, the Master Plan submitted by the Owner, which regulates the development of the Prestressed Concrete Site, includes new urbanist design principles which are in substantial accord with the requirements of the Traditional Neighborhood Development and the Special Marina Use Criteria; and

WHEREAS, the Owner has requested that the City approve the development of the Prestressed Concrete Site as a Planned Combined Use District in accordance with the Master Plan to be known as "Port Marigny"; and

WHEREAS, under Article 7, Section 7.5.15.2 of the CLURO, all uses permitted in a Planned Combined Use District are conditional uses which must be approved in accordance with the procedure for obtaining conditional use permits and Planned District Zoning.; and

WHEREAS, the procedure for obtaining conditional use permits and Planned Districts is set forth in Article 4 of the CLURO; and

WHEREAS, in conformity with procedure established in Article 4 of the CLURO, and is amended by this ordinance and the Development Agreement to require Special Use Permit approval for certain uses, the duly authorized representative of the Owner, namely Port Marigny, L.L.C., has submitted an application for approval of the use of the Prestressed Concrete Site in accordance with the Master Plan and provided pursuant to said application the Boundary Survey, ~~the~~ Master Plan, a Topographic Survey, a conceptual Fill and Drainage Plan, a traffic study, a Development Agreement, a Conceptual Lot Layout, and other information and documents required by the City to be submitted in connection with the Owner's application for conceptual plan approval for the planned combined use district; and

WHEREAS, in connection with the application, the Owner has represented that the Master Plan was developed by Architects Southwest, Inc. and approved by the Owner to substantially comply in all material respects with the new urbanist design standards and principles contained in Section 8.5 of the CLURO; and

WHEREAS, the Master Plan substantially fulfills, in all material respects, the policy considerations set out under Goal 12 of the Comprehensive Plan for the development of the Prestressed Concrete Site, excepting those matters for which a variance or special consideration is specifically requested herein, and other matters over which the Owner has no control; and

WHEREAS, the City has made additional specific requirements for site development approval of certain Land Uses within the Port Marigny Development through a Special Use Permit review procedure as set forth in this Ordinance and the Development Agreement between and among the City, Port Marigny and

Pittman Assets setting forth certain parameters for the development of Port Marigny as authorized under the provisions of LSA-R.S. 33:4708.21 *et seq.*; and

WHEREAS, the City Planner has advised the City Council that the application for Planned Combined Use District approval submitted in connection with the application by Port Marigny, LLC substantially complies with the procedure and requirements set forth in Article 4 of the CLURO; and

WHEREAS, the City of Mandeville Planning Commission, after giving proper notice, conducted public hearings on the application of Owner for Conditional Use and Planned District approval on July 23, 2015, August 18, 2015; September 1, 2015, September 29, 2015, October 14, 2015, October 29, 2015, November 10, 2015, December 17, 2015, January 20, 2016, February 17, 2016, March 15, 2016, March 30, 2016, April 20, 2016, and May 4, 2016 and reported its findings and recommendations to the City Council; and

WHEREAS, all applicable procedural requirements for the adoption of this Ordinance have been met;

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Mandeville, acting as the governing authority thereof, as follows:

Section 1. *Ratification of Street Revocation and Revocation of Sewerage Line Servitude.* By Ordinance enacted by the Town Council of the Town of Mandeville on August 8, 1967 and signed by then Mayor Paul Cordes that same date, a portion of Kleber Street as depicted on the Boundary Survey, commencing at a point 730 feet from its intersection with the southern right of way line of Monroe Street to its southern terminus near Lake Pontchartrain, was revoked, reserving to the City a 20 foot servitude for a sewerage line which was never constructed, has never been used, and is no longer needed for public purposes. Accordingly, the revocation of Kleber Street commencing at a point 730 feet from its intersection with the southern right of way line of Monroe Street to its southern terminus near Lake Pontchartrain, as shown on the Boundary Survey, be and the same is hereby ratified and affirmed; and, the sewerage line servitude that had been reserved to the City of Mandeville, pursuant to the August 8, 1967 Ordinance over that revoked portion of Kleber Street, as hereinbefore recited and as shown on the Boundary Survey, is declared no longer needed for public purposes, and it is hereby revoked. The form of the Act of Ratification of Revocation and Revocation of Sewer Servitude, attached hereto as

Exhibit "C", is hereby authorized and approved.

Section 2. Authority to Execute and Sign Agreements, Recording of Same.

BE IT FURTHER ORDAINED, that the Mayor be and he is hereby authorized, empowered and directed for and on behalf of the City to execute the aforescribed Act of Ratification of Revocation and Revocation of Sewer Servitude (Exhibit "C"), together with any other documents, containing such other terms and conditions, necessary or required, to give effect to the matters addressed in this Ordinance.

BE IT FURTHER ORDAINED, that the Clerk of Council be and she is hereby authorized, empowered and directed to record this Ordinance, and the Act of Ratification of Revocation and Revocation of Sewer Servitude.

The ordinance having been submitted to a vote, the vote thereon was as follows:

AYES:

NAY:

ABSTENTIONS:

ABSENT:

and the Ordinance was declared adopted this __ day of _____, 2016.

Clerk of Council

Mayor Pro-Tem

SUBMITTAL TO MAYOR

The foregoing Ordinance was **SUBMITTED** by me to the Mayor of the City of Mandeville this __ day of _____, 2016 at 9:00 o'clock a.m.

CLERK OF COUNCIL

APPROVAL OF ORDINANCE

The foregoing Ordinance is by me hereby **APPROVED**, this __ day of _____, 2016 at __ o'clock __.m.

DONALD J. VILLERE, MAYOR

VETO OF ORDINANCE

The foregoing Ordinance is by me hereby **VETOED**, this ____ day of _____, 2016, at ____ o'clock __.m.

DONALD J. VILLERE, MAYOR

RECEIPT FROM MAYOR

The foregoing Ordinance was **RECEIVED** by me from the Mayor of the City of Mandeville this ____ day of _____, 2016 at ____ o'clock __.m.

CLERK OF COUNCIL

CERTIFICATE

I, THE UNDERSIGNED Clerk of the City Council of the City of Mandeville do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the City Council of the City of Mandeville at a duly noticed, called and convened meeting of said City Council held on the __ day of _____, 2016 at which a quorum was present and voting. I do further certify that said Ordinance has not thereafter been altered, amended, rescinded, or repealed.

WITNESS MY HAND and the seal of the City of Mandeville this __ day of _____, 2016.

CLERK OF COUNCIL