

**Planning Commission
Public Hearing
February 17, 2016**

The meeting was called to order by Zoning Chairman Nixon Adams and the secretary called the roll.

Present: Michael Blache, Ren Clark, Simmie Fairley, Nixon Adams, Scott Quillin and Rebecca Bush

Absent: Dennis Thomas and Scott Quillin

Also Present: Louise Kidd, Planning Director; Acting City Attorney David Cressy; Mayor Donald Villere; Council Members Ernest Burguieres, Carla Buchholz, and Clay Madden; Consultant David Bailey; Andre Monnot, Principle Engineers; and David DeGeneres, Public Works Director

The case discussed was P15-07-06 Recommendation to the City Council regarding Ordinance 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, and consideration of adoption of Development Agreement for Port Marigny.

Mr. Adams said fill and the Grading Plan would be discussed at this meeting.

Richard Muller, attorney representing Port Marigny, showed a photograph circa 1950-60 when PreStressed was in its prime. It was an industrial site, stressing concrete, pulling cables, and was a big project. One of the principal concerns today was removing the concrete of which much had been removed in the last two to three years. There were numerous pilings that were so long they could not be removed so the plan indicated they would be graded over and not be an obstacle to construction. On the advice of an engineer, they cut some of the higher areas and move that into the fill area. The first fill plan in July, 2015 concluded that the fill would be 1.10 acre feet and would affect the flood level and displacement of floodwater by a fraction of 1/32" between the Causeway and Bayou Castine. That was changed with another study based on a fill plan submitted in September, 2015 by GEC (George Hudson) and concluded that there would be 44 acre feet of fill. At this time, they proposed the same configuration but the difference was in some areas that were 3-4' msl as a result of the removal of the tracts and concrete. He asked GEC to determine the effect with the new plan and with the 44 acre feet of fill there would be an increase of floodwater of 1/50". His professional conclusion was fill would have no impact on Old Mandeville or any other environs. The fill proposed was relative on Sunset Point with an elevation of 15' because fill had been brought in to bring it to the height. The adjoining property in Mariner's Village was 12.7' msl. There was a small area of PreStressed that was directly exposed to Lake Pontchartrain. The effect of wave action would not be of any adverse effect to the development because of the inclusion of Sunset

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Point and its fill. The study performed by GEC for the City in May, 2014 to protect Old Mandeville to an elevation of 5.3' would have cost \$29 Million, and protection to 7.3' would have cost \$35 Million. He said if there was an opportunity to create an environment for protection and it would not cost the City a considerable amount of future money, he asked the board to consider it. He thought the fill request would be a variance, but he had been advised by Mr. Cressy that it was part of the PUD approval process in flexibility.

Mr. Adams said putting in 44 acre feet across 79 acres seemed to equate to 6" of fill across the entire site if spread evenly. Mr. Muller said the drainage would go from Monroe Street through their site so there would be no adverse impact on surface water drainage. The surface water would go into the lake. He knew there was a drainage study in the Monroe Street area and recommended coordination with the City to accommodate any drainage north of Monroe Street.

Mr. Blache asked about the elevations on Monroe Street. Kelly McHugh, applicant's engineer, said Monroe Street was at the same level as existing land in the PreStressed site. There would not be any fill until the structures were constructed with improvements. The drainage would take care of all of the water coming onto the property and going to the lake.

Mr. Quillin asked about the average cut to 8' but on the northern section it was a cut to 6' near the hotel. Mr. McHugh said the areas were to a high of 12' with an average of 10' and they were cutting to 8'. It could be usable fill for the site. Mr. Quillin said with 5 acre feet taken off the top, the amount needed should be reduced by 8,000 cubic yards. Mr. McHugh said the calculations were on a net fill of 44 acre feet deducting for those two areas. The commercial area would be filled to 11' for access to the ground floor and the other areas would drop off with retaining walls for the roads being lower filling in the water body for the hotel site with parking underneath. The live/work space needed ADA access so it must be raised to 11'. Mr. Clark asked if an 8' average flow going north to south hit the wall of 11' and was routed to the lake. Mr. McHugh said there was not a complete drainage study but that was correct with some pipes. There would be hay bales all over the project with DEQ storm water best practices to control the silt and disturbed runoff.

Mr. Clark said the board was concerned with health, safety and welfare above all. For 20-25 years this had been an industrial facility and he asked to what extent had whatever was in the soil been moved. Mr. Muller said a study had been done at various locations and one complaint was made. There was a study done in 2002 to determine if there were any underground tanks or if there were any environmental concerns. Nothing obverse was shown. Mr. Clark asked if the tests were taken in multiple sites. Dr. Pitman said he would provide the reports. Mr. Clark said in the 50s and 60s he wondered about the amount of diesel, farm oil, and materials were used in an industrial facility. The proposal was moving significant amounts of soil that may get into Lake Pontchartrain and he wanted to know a good profile of the soil chemistry. Mr. Clark said he had researched farm oil that was distressing since it was not biodegradable and was a hazardous material. Mr. Muller said that he agreed and it was about timing. The bank would not move forward without that information. The report would be provided. Ms. Scott said that would be a requirement of submittal for the subdivision process.

Ziggy Sobolewski asked about the Monroe/Massena Streets being low and how that would be affected. Mr. McHugh said there would be outlets from Monroe Street to the lake to carry out the water. Mayor Villere said there was a City project ready to be sent to engineering to redesign the Monroe Street drainage from Massena Street to Barbara Drive using the outfall and canal to empty the water.

Claudia Selgman, 44 Tradewinds Court, asked if there was hazardous soil that would be responsible. Mr. Muller said the City by approving the project would not be responsible. The owners would be responsible.

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Brian Rhinehart, 712 Carondelet Street, asked if the ground was 6" would that require a variance. Mr. DeGeneres said when leveling a yard there was 3" of fill and 3" of sod. Ms. Scott said north of Monroe Street allowed 2' of and no fill was allowed south of Monroe Street.

Jerry Coogan, 525 Kimberly Ann Drive, asked if on an east/west project bordering Monroe Street would all of it drain due south to the lake so it would not negatively affect any property north/south. Mr. Muller said it would all drain south and not affect the adjoining properties.

Ernest Burguieres, 241 Wilkinson Street, said Mr. Clark raised an interesting point and gas stations would be difficult to sell because of hazardous concerns. It would be prudent to require an investigation of the soil and water bottoms. Constituents in District 3 were saying there were barrels of creosote being dumped in the lake. The board needed to consider the consequences should require the owner to provide the information. He thought there was some exposure because the City was approving the plan through a fact finding process.

Charles Tassin, 2232 Monroe Street, said since the original study was done there had been a concrete recycling process on the site and no one knew what was buried that may have been disturbed. He recommended having a new study performed.

There would be a meeting on Tuesday, February 23rd to discuss the development agreement. Ms. Scott said there would be a presentation of the latest guiding plans and principals. Mr. Cressy said there would also be a discussion of the development agreement and the City needed some costs since there would be street improvements.

Ms. Scott said an environmental assessment would be required with the tentative subdivision submittal.

Carla Buchholz, 227 Kimberly Drive, asked the board to consider the amount of units for the attached residential housing. She was asked about the idea of apartments versus condominiums. She was getting resistance in the community and asked about having owner occupied dwellings. Mr. Adams said owner occupied units would be better maintained, but in practice the owner could rent the condo. Steve Oubre said the market study addressed the market and the depth of 245 rental units. They had coded the units at a much higher level and talked of materials and quality. Either way the density did not change, but the market could take longer to absorb 192 owner occupied condos. It was not feasible for the project. They would build the apartments in a fire rated fashion that would allow them to be sold. Over time, the top floor would sell as a condominium. There was always a push back on apartments because they were not done well across the nation. Ms. Buchholz understood the market study, but did apartments have to take on the entire market share.

Rick Delaune, 424 Chase Court, said it was a fabulous development, but they owned a duplex they were having difficulty renting off Castine Street at \$1,100 per month. He was concerned about the project becoming Section 8 housing.

Mayor Villere said he had concerns about apartments versus condos. Lessees were not dedicated to ownership and he had discussed converting the third floor as condos with a beautiful view that could be a high priced area. He also asked to consider reducing the number of apartments in the live/work environment and throughout the complex. Other concerns was parking on Massena Street and he was opposed to that. Another concern was the width of the streets and involuntary parking. With two to three bedroom units there was the possibility of more than two cars. With the involuntary parking there was a need for the street to be wider than two lanes.

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Mr. Burguieres requested information on the drainage plan. With fill, lumps, culverts and pilings below the ground, the City needed to get ahead of the curve.

Claudia Selgeman said living in a development that had both owner occupied and rentals, you could see the difference.

Walter Bond, 307 Mariner's Island, discovered a trend that the average person with two kids was a good renter. It might be worth checking police files in cities where there were upper end rentals because in other areas it attracted more drug dealers and thefts. He thought the view from Mariner's Island and this property were the best of the area and with proper marketing the units could sell it better than rentals.

Mr. Oubre said those were good points. The market study said 1/3 of the market was baby boomers looking for a simpler lifestyle. They had always considered the top floor as a potential condominium and would be an immediate sale. Mr. Adams said the board wanted a successful project. He said at a recent St. Tammany Economic Development Foundation meeting gave an outlook with the oil market and asked for a tweak to the study of that impact. Mr. Oubre said it was a sophisticated study and they could not build it at the current market. If approved, it could be another year before construction began and the market could change. If the economy did not change by that time, they could adjust the plan.

Mike Pulaski, 305 Mariner's Island, said after campaigning the last two months he had spoken with many people in District 2. The overwhelming feeling was that this project was needed, but it was too dense and they did not know what would be the right number. It was the effects of the density that was anticipated which related back to traffic.

Laure' Sica, 2441 Lakeshore Drive, agreed with Mr. Pulaski when she was walking the streets. It was related back to there should be a development but the number of housing units with traffic problem. She asked once approved could the plans be sold to a developer with a different plan. Mr. Oubre said it could be sold. They had submitted their guiding principles as a layer of architectural requirements that would be required going forward. The development agreement made a layer of review. Ms. Scott said pictures were coded in the ordinance and they must look like the picture. Mr. Muller said the master plans and guiding principles were three dimensional with what the buildings must look like with strict architectural detail. Ms. Sica asked as an industrial site if there was a study on the concrete removed so far. Ms. Scott said there was a requirement at the tentative subdivision application submittal to include an environmental report. The DEQ had issued a letter of no permit required at the time of the recent concrete removal. Ms. Sica asked if the open space included the water and Mr. Oubre answered yes, but only the water way and not the slips.

Kim, 201 Lafitte Street, asked if a future board could undo all of the approvals. Mr. Cressy said any changes would go through the same process. The development agreement was a contract. She asked at what point would the City push to allow more apartments just to have the property developed. She did not want a half finished project. She asked if there would be ownership covenants and it was answered that there would be several levels of HOAs. Ms. Scott said that would be made part of the approval.

Brett Perry, 480 Chase Court East, asked if the environmental assessment included the jurisdictional wetland and it was answered yes. He asked if it was too late for an independent traffic analysis. Mr. Adams said the City did have a broader traffic study underway. The City had hired a consultant to review and make recommendations on the submitted traffic analysis. Mr. Adams said a master traffic plan was underway. The board would make a recommendation to the City Council. Mr. Perry said he spoke for many citizens about not being comfortable with the traffic analysis.

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Mayor Villere said raw data was provided to Mr. Hall and to Digital Engineering. Mr. Liang had come up with differing data from Mr. Hall and there was much discussion until the board was comfortable with the information. The City had used an independent third party for review. Mr. Muller said GNOEC's engineers also reviewed the traffic analysis and was comfortable with the plan. Mr. Adams said as the project was being built there would be a review for the Monroe Street capacity.

Mr. Burguieres said he envisioned Chenier with the environmental assessment, but this was an industrial site and he would want to err on the side of caution with an environmental study first since there might be a potential for hazardous materials. He said these were legitimate concerns. A bankruptcy court could invalidate a development agreement. The Council had to answer to the citizens. Mr. Cressy said the City and the developer were writing the development agreement to be presented and discussed as a public hearing.

Mr. Sobolewski said he had the same concern as Mr. Perry about traffic. He discussed about Mariner's Boulevard seemed to have died as a part of the project. Mr. Adams said it was discussed at several meetings. The way it ended was that the project could not be as big without the connection. There were benchmarks for road capacity and then the project would have to stop. One way to solve the problem was a turn lane. Mr. Muller planned for a route through Mariner's Village, but the traffic analysis indicated they did not have to do it. The Comprehensive Plan directed them to do it.

John Keller reiterated the three biggest issues were traffic, density and the apartments. Those issues could be addressed appropriately to sell the project to the constituents of District 3. Density affected parking as well as traffic.

Natalie Alan, Villere street resident, reiterated the issues were density and traffic. She compared the Monroe Street traffic to the traffic from the Seafood Festival. Mr. Blache said experts had worked with the board for solutions, but the citizens seemed to have a better idea. The board must rely on the City's consultants. Mr. Clark said all traffic engineers came into agreement that it would get worse, but not terminally worse that would shut down the town. She was concerned about the Copeland property becoming a mirror image of Port Marigny. Mr. Quillin said this property had its own section of the CLURO. Mr. Quillin said the board must deal with the regulations of the CLURO. Mr. Adams said the CLURO was the voice of the people and was adopted by the City Council.

Ms. Selgman said it was the board's responsibility to make sure the proposal met the regulations. The community had many questions, but she was sure no one envisioned this product from the revised CLURO. Mr. Adams said public hearings was the input from the public. The project had changed from the public input.

Mr. Quillin moved to adjourn the meeting, seconded by Mr. Blache and was unanimously approved.


Lori Spranley, Secretary


Nixon Adams, Zoning Chairman

