

The Mandeville City Council at its December 8, 2106 regular meeting voted unanimously to remand the Port Marigny project to the Planning Department, P&Z Commissions and David Bailey. The motion is as follows:

Mr. Pulaski made a motion to remand the supplemental plan to the Planning Department, P&Z Commission, and Mr. Bailey, for the limited purpose of determining if the new supplemental plan meets with the council expressions and report back to the council by the end of January.

Recommended Grouping of similar findings for discussion by P&Z:

1. Finding #'s 1, 2, 3, 4, and 18: Density and lot size issues
2. Finding #'s 5 & 6: Open Space
3. Finding #7: Hotel
4. Finding #'s 8, 11, & 12: Traffic/Mariner's Village Connection
5. Finding #'s 13 & 14: Multi-family/Mixed Use – size/scale; cluster dev.
6. Finding #'s 15, 17, & 19: Environmental Assessment, Grading plan/Storm water/green infrastructure
7. Finding #16: Conditional Uses – other than detached single-family

General Comments:

re: CLURO Compliance, Primacy of TND CLURO 8.5 versus application of CLURO customary zoning district standards by referenced in CLURO 7.5.15.5

One of the issues that has received a lot of attention in the Port Marigny deliberation process is whether the non-TND provisions of the CLURO that describe customary zoning district standards (such as R-1) apply in addition to the TND provisions in CLURO 8.5.

- The CLURO states under Section 8.5.1.2 Applicability, *The traditional neighborhood development district includes an alternative set of standards for development that reflects the historic development patterns of Old Mandeville.* This is an important distinction from the customary zoning districts included in the CLURO. Except for the TND section, the CLURO is considered a suburban type zoning ordinance that includes zoning districts that are characteristic of low density; auto-oriented, single

use regulations (sometimes referred to as producing “sprawl”). The purpose of the Traditional Neighborhood development regulations is to move away from the provisions that produce this type of development pattern, and instead, regulate for a development pattern that creates mixed use, compact neighborhoods with a pedestrian scale and walkable design. There are certain design principles for creating these TNDs - principles that promote a mix of housing styles, types and sizes. The regulations for customary zoning districts (such as minimum lot size, frontage, setbacks, coverage, etc.) are not compatible with design principles for TNDs, and were not written with TNDs in mind. The CLURO does not to address minimum lot sizes in the TND deliberately, but instead, provides alternative regulations which foster the principles of a TND, not the suburban model. Instead of dictating minimum lot sizes, these regulations address maximum/minimum density and lot diversity – both design principles for a TND.

- This doesn’t mean that the TND section is completely silent on lot size. CLURO 8.5.2.1.3. mandates (the word “shall”) a mix of residential lot sizes. CLURO 8.5.2.4.1 also mandates diverse lot sizes within each block, not just within the development as a whole. This is in contrast to customary zoning districts that promote uniformity in lot size.
- It is important to note that the CLURO does not explicitly impose customary zoning district standards on a TND. The argument to apply those standards is an indirect one that references CLURO 7.5.15, which itself references dimensional site development regulations” for customary zoning districts in CLURO 7.5.15.5. The TND section does not incorporate the *development regulations* in 7.5.15.5. Rather, the TND section says that the “TND approval *process* shall be consistent with the approval *process*” in CLURO 7.5.15. The TND section does not incorporate the regulations of CLURO 7.5.15. In fact, TND Section 8.5.1.3.4.a. specifically says that land uses and intensities “may deviate from the uses and intensities specified in the underlying zoning district.”
- CLURO 7.5.15 expressly supports the concept that customary zoning district requirements are not mandatory for TNDs (in fact, they are not mandatory for planned districts either). CLURO 7.5.15.4 specifically allows “departure from the strict enforcement of certain present codes and ordinances, included but not limited to . . . *lot and area regulations.*” It is because of this flexibility in the process that when the TND section of the CLURO was enacted in 2009, it was not necessary to establish a new TND approval process. It was easy to “piggy back” on

the existing PD approval process because it provided an existing mechanism to implement the alternative set of standards established by the TND section of the CLURO.

- This is the reasoning that we at the staff level used in advising the P&Z during the Port Marigny review process.
- In a way, some of the controversy boils down to whether the regulatory standards of the customary zoning districts *must* be applied to TNDs, or whether they can be used as *guidance* to insure that TNDs – especially at their boundaries – are compatible with surrounding uses. That is an appropriate use for the customary zoning district standards.

Port Marigny: City Council adopted findings:

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.

Response:

- The Supplemental Plan sheet entitled Port Marigny – Lot Information dated December 1, 2016 indicates that lot areas were increased on Cottage House Lots and now all of them exceed 5000 sf (the R-1X minimum), satisfying the City Council's finding to meet the lot area requirements.

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.

Response:

- Revised plans dated December 1, 2016, indicate that lots size for townhomes have been increased and all lots proposed for single family attached dwellings (townhome lots) contain a minimum area of 3,000 sf., satisfying the finding of the City Council.

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.

Response:

- Revised plans dated December 1, 2016, indicate that there are no more than 6 townhome lots in a row, which will limit a townhouse building to not more than six (6) townhouse units, satisfying the finding of the City Council.

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.

Response:

- Revised plans entitled Port Marigny Lot Information revised 1.17.17 reduces the density in the areas near Monroe and Massena Streets. The revised plan highlights these lots and provides the total area, consisting of 12.25 acres. There are 62 total units. The density proposed is 5.06 units/acre, low density residential, complying with the Comprehensive Plan of 0-6 units/acres for low density and 6-12 units/acres for medium density, satisfying the Council's finding. Additionally, the sizes of detached single family lots have been increased so that all of them exceed 5,000 sf, which addresses this finding as well.

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.

Response:

- The revised plan entitled Density Plan dated 11.30.2016 (submitted 1.17.17) indicates the total number of units has been decreased by 66 units, from 416

dwelling units to 350 dwelling units. The City Council's finding was addressed as follows:

- Detached single family consists of 33.2 acres, 174 units (less 2) at 5.2 units/acre. (city's R-1 zoning allows 4 units/acre) TND allows up to 8 units/acre.
 - Attached single family consists of 2.5 acres, 26 units (53 prev. proposed/less 27 units) (city's townhome allows 14 units/acre) TND allows 24 units/acre.
 - Attached residential consists of 9.1 acres, 150 units, 16.5 units/acres. TND allows up to 24 units/acres for attached. (city's multi-family allows 14 units/acre; town center allows for 22 units/acre)
- Traffic Study approved by City Engineer indicated that the development of Port Marigny at 416 units/commercial would be supported by City's infrastructure with identified improvements. Therefore, the unit count reduction to 350 should result in a concurrent reduction in the traffic generated by the development. Staff will request City Engineer comment on revised plan's traffic impact in more detail.

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.

Response: The supplemental plan entitled Open/Green Space dated 11.30.16, indicates that Open Space has been increased the areas within the single-family residential portion of the development, including the relocation and increased park area. Additionally, the open space areas along Monroe and Massena streets have been increased and now include walking paths. "Parcel C" was reduced in size and the space previously designated as part of Parcel C along the southern, waterfront portion of the site was is now designated as open space.

Comments:

4. **Open Space.** Open space shall comply with the standards established in §8.5.2.3.

6. **Village Center Open Space** uses may include:

- a. Central square;
- b. Neighborhood parks;
- c. Playgrounds;
- d. Public plazas;
- e. Boulevard medians that are at least fifty (50) feet in width measured between the backs of curbs.
- f. Trails.

8.5.2.3. Open Space And Natural Areas

At least twenty (20) percent of the gross area of the TND shall be designated and perpetually maintained as open space that meets the following requirements unless the City Council approves a reduction or off-site mitigation for an infill site:

- **Site consists of 76.6 acres of land (gross area)**
- **20% gross area required or 15.32 acres**
- **21.1 % provided or 16.2 acres**

The Port Marigny Open/Green Space Plan dated 12.12.16 (submitted 1.17.17) proposes the following:

16.2 acres included in calculation for required open space:

- **Green Open Space – 9.7 acres**
- **Boardwalk - .6 acres**
- ***Wetlands to preserve - 1.1 acres**
- ***Land below 5' contour – 2.3 acres**
- ***Water Open Space – 2.5 acres**

Additionally the following are noted but not included in calculations for minimum requirement:

- **State lease proposed park area – 1.4 acres (not counted toward requirement)**
- **Civic Plaza Open Space – 1.0 acres (not included toward requirement)**
- **Other open space – 1.1 acres (designated mixed-use area across from “pentagon” counted as non-residential, open space and civic)**

Total: 3.5 acres identified but not included in calculation for required open space

1. Open space areas may include environmental corridors; protected natural areas; parks; streams, ponds, and other water bodies; and stormwater detention/retention facilities that are designed with side slopes of at least 3:1 (horizontal to vertical change).

2. Water bodies, wetlands, land below the five (5) foot elevation contour and other undevelopable areas may not account for more than fifty (50) percent of required open space.

- Required open space = 15.32 acres
- Proposed open space = 16.2 acres
- 50% of required = 7.66 acres
- *Proposed area below 5' contour, water body and wetlands:
 - Wetlands to preserve = 1.1 acres
 - Land below 5' contour = 2.3 acres
 - Water open space 2.5 = acres
 - Total proposed = 5.9 acres -compliant

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 CLURO and reflective of Mandeville.

Response:

Common Open Space has been increased and modified. The areas within the marina have been removed from the area of common open space. Civic open space is included in Common Open space and should be conditioned restrict construction of buildings.

Land not counted in the open space calculation but included in the common open space calculation (3.5 acres). There were three areas that were identified on the Open Space Plan that were not counted towards the minimum open space requirement. These areas include:

- State lease proposed park area – 1.4 acres (not counted toward requirement)
- Civic Plaza Open Space – 1.0 acres (not included toward requirement)
- Other open space – 1.1 acres (designated mixed-use area across from “pentagon” counted as non-residential, open space and civic)

Total: 3.5 acres identified but not included in calculation for required open space

Only 1.4 acres (state lease) property was removed from calculations for both Open Space and Common Open Space. (NOT counted towards the minimum 20% requirement.). However, the 1.0 acre of “Civic Plaza Open Space” and “Other Open Space” were included in the calculation for Common Open Space. The CLURO under Section **Village Center Open Space** states that uses may include:

- a. Central square;
- b. Neighborhood parks;
- c. Playgrounds;
- d. Public plazas;
- e. Boulevard medians that are at least fifty (50) feet in width measured between the backs of curbs.
- f. trails

These areas are allowed to be counted as Common Open Space, but should also be included in the overall “Open Space” calculation, since Common Open Space is a minimum of 75% of the total Open Space. Since these areas were counted as non-residential, open space and civic space, there were questions about whether those numbers had to be mutually exclusive. To be conservative, they were pulled out (and should have been pulled out from the common open space).

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.

Response: the supplemental plan entitled Density Plan dated 11.30.16 indicates that plan has been amended to remove the reference to 120 room hotel and has reduced the size of Parcel C, to 1.17 acres, effectively reducing the developable area of the site. The final approval of any development of a hotel on Parcel C will be deferred and approved under a Conditional Use Permit process where detailed site plans can be reviewed.

Finding #8: Traffic likely to be generated by the future development within Mariner’s Village and the Copeland property should be planned for in addition to the Traffic Impact

analysis completed for Port Marigny itself, Further, the pace of Port Marigny's development should be tied directly to the traffic improvements necessary to accommodate the traffic expected. For these reasons the following requirements should apply:

a. (Deferred by council for later consideration; address Mariner's Village connection and expropriation.)

b. Improvements at the intersection Monroe St. and East Causeway Approach are likewise essential. While the Port Marigny traffic impact analysis indicates that left and right turn lanes at this intersection would be sufficient to accommodate the traffic expected from Port Marigny only, it appears from preliminary results of the Regional Planning Commission traffic study that these lanes alone would not be sufficient to handle all traffic expected in the long term. Accordingly, it would be an unwise use of public resources to implement anything other than a full, long-term improvement to the intersection of Monroe and East Causeway. The best approach appears to be a traffic circle or roundabout. The financial contribution for traffic improvements, and not used solely for turning lanes. The city should aggressively pursue implementing the traffic circle/roundabout improvements with the appropriate entities. Further, the Port Marigny development should be limited to a 25% to 30 build out until these improvements are made, as described in more detail below.

c. The 25% - 30% build out limitations come from the December 16, 2015 addendum to Traffic Impact Analysis for Port Marigny, prepared by Hal Planning & Engineering, Inc. That study shows that without the Mariner's Blvd. connection, and without improvements at the intersection at Monroe and East Causeway, the level of service for traffic begins to drop at a 25% build out. Adding only the Mariner's Blvd. connection increases the build out threshold to 30% before the level of service drops. Beyond these thresholds, the specified improvements should be in place before development in either Port Marigny or other major future development is allowed to proceed.

d. Planning for Future Traffic on Monroe St: Preliminary results from the Regional Planning Commission traffic study indicate that turning lanes at Port Marigny may be required to accommodate long term traffic growth – not merely from Port Marigny but from infill development in Old Mandeville and the future development of Mariner's Village. The improvements are not indicated by the traffic studies of Port Marigny itself. However, the level of service impacts on Monroe from only Port Marigny traffic are only marginally acceptable by current standards. Therefore, it is prudent to plan the possibility of such improvements in the long term. However, to maintain the character of the area, it is not desirable to widen Monroe St, and it is highly undesirable to impact the tree canopy on either side of Monroe. Accordingly, the Port Marigny development should reserve space south of Monroe to accommodate future improvements, which could consist of a wide median south of the existing Monroe St. to preserve the tree canopy, and an east-bound traffic lane south of the median. This would

remove east bound traffic from the existing travel lanes of Monroe in the vicinity of Port Marigny, would retain the existing pavement width of Monroe for west-bound traffic, and would allow turning lanes to be incorporated within the existing pavement width of Monroe St. without impacting its essential character. The resulting median areas could be treated as open space if it is configured to meet the TND requirement in the CLURO.

Response: Revised plans indicate the plans have been amended to configure the site to accommodate traffic-related improvements within the site and, to extent such improvements are within the Applicant's control, adjacent or nearby the site. Applicant proposes to pay its fair share of such improvements to City such that City may implement improvements in a configuration and on a schedule as determined by City to be in its best interest. Staff agrees that this modification improves the compatibility of this infill project with the surrounding context and further notes that action by the City will be needed to proceed with these improvements.

Finding #9: the finding was withdrawn 5-0.

Finding #10: the finding failed.

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.

Response: The supplemental plan entitled Town Plan continues to propose a future street connection to Mariner's Boulevard within Mariner's Village. However, at this time, the applicant has not had cooperation with the owner's in Mariner's Village to accomplish these improvements. Mariner's Boulevard currently does not extend to the western property line of the Port Marigny development. Should owner's in Mariner's Village submit an application for resubdivision, the CLURO requires connectivity between adjacent development and it would be required at that time. Should a connection be desired sooner, the City could assist with achieving this connection. The deferred finding 8a would address this issue.

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.

Response: Applicant has configured the street layout within the Port Marigny site for a future connection to Mariner's Boulevard within Mariner's Village, but Applicant does not have the authority to complete improvements necessary to implement such connection beyond the Applicant's property. Staff agrees that connection to Mariner's Village for vehicles and pedestrians will promote the redevelopment of Mariner's Village by providing mutually beneficial access to the surrounding street network, public and private Open Space amenities and promoting a stronger inter-relationship of residential and commercial uses for both developments. Staff further notes that at minimum assistance, and possibly action, by the City will be needed to proceed with this connection, consistent with the deferred council Finding 8a..

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.

Response: Revised plans propose to reduce the number of dwelling units in Parcels A and B. Detailed review and approval of site plan will be performed during Conditional Use Permit process.

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.

Response: Revised plans propose to increase the size and decrease the number of Townhouse lots to a minimum of 3,000 sf, and to decrease the number of Mixed-Use dwelling units, such that the total combined number of Townhouses and Mixed-Used dwelling units will not exceed 150, satisfying the finding of the Council.

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 Environmental Impact Assessment (EIA) for the site should be adopted and 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 insure that environmental impacts are assessed before any significant site preparation, clean up, or grading and filling is performed. The EIA should satisfy the more stringent requirements set out in either of the following:

The standards described in the U.S. Environmental Protection Agency regulations found at 24 CFR part 312, Standards for Conducting All Appropriate Inquiries, and in accordance with the ASTM standards cited at 24 CFR 312.11 of those regulations; or

The "Environmental Assessment Program for Port Marigny" by Balance Consulting, Inc. dated October 19, 2016.

Where a specific requirement, test, or standard is addressed by both of the documents described above, the requirement that is more protective of the environment shall apply. In performing the EIA, the following topics should be specifically considered:

- a- The potential for environmental impacts from the adjacent Poitevent & Favre Lumber Mill operated in the 1913 to 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 associated piping, or other potential sources.

Response: Port Marigny has agreed to comply with this finding, which would be implemented site-wide when the first phase of Port Marigny is submitted through the subdivision approval process. An additional reference to ASTM standards for Phase II investigations is recommended for clarity and completeness.

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 of Mandeville, a final grading and fill plan should be submitted to Planning & Zoning before final subdivision approval.

Response: This finding is consistent with the Findings forwarded to the City Council in P&Z Resolution 16-01, and would be implemented site-wide when the first phase of Port Marigny is submitted through the subdivision approval process.

Finding #19: The development needs to have green infrastructure in place because of the fragile eco-system of the site and its surrounding area:

Storm water runoff and the protection of Lake Pontchartrain are not adequately addressed, if addressed at all, in the 6/18/16 Master Plan and Ordinance 15-17. In order to preserve and protect the fragile and unique ecosystem of Lake Pontchartrain, which is immediately adjacent to the site, and to preserve and promote the health, safety, and welfare of Mandeville, storm water runoff needs to be addressed and adequate green infrastructure proposed for the development.

Response: Port Marigny has expressed general agreement with this finding, and the revised plan is consistent with it. Specific green infrastructure and storm water runoff protections will need to be addressed as part of the design process on a site-wide basis when the first phase of Port Marigny is submitted through the subdivision approval process. The subdivision review process is the appropriate approval stage for the implementation details of the finding to be worked out.

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.

Response: For clarification, this finding would excluded “attached single family” residential uses or townhomes and required that the townhomes follow the Conditional Use Permit process. This is a discretionary item.