

**Summary of Port Marigny's
Response to City Council Findings
January 11, 2017**

A. Findings requiring a change to the Town Plan:

- 1. Cottage House Lot Size.** This Finding is predicated on Section 7.5.15.5 of the CLURO being applicable to a TND. A TND is specifically excepted from the requirements of Section 7.5.15.5 because Section 8.5 has its own, specific lot size requirements. [For further explanation, see pages 12-14 of the MEMORANDUM, dated November 14, 2016, prepared by Counsel for PM, and submitted to the P&Z under cover dated December 12, 2016 (the "Memorandum").]

Nevertheless, while reserving all rights, PM agreed to make all detached single family lots in the development at least 5,000 sq. ft. Accordingly, it submitted a revised Town Plan, dated November 30, 2016 (the "Revised Town Plan") and another plan, dated December 1, 2016 (revised January 11, 2017), showing, among other things, lot sizes for each of the single family detached houses to be at least 5000 square feet (the "Lot Layout Plan").

- 2. Townhouse Lots are too small.** PM excepts to the application of Section 7.5.15.5 size requirements because a TND has its own lot size requirements. [For further explanation, see page 15 of the Memorandum),

Nevertheless, while reserving all rights, PM agreed to make all townhouse lots in the development at least 3,000 sq. ft. This change in the size of the townhouse lots is shown on the Revised Town Plan and the Lot Layout Plan.

No more than 6 buildings connected and 25 feet separation between buildings.)

- 3. Townhouse Building Locations Need to be Altered.** PM excepts to the application of Section 7.5.15.5 size requirements because a TND has its own set of requirements. Further, the number of units in a townhouse building and their spacing are more appropriately considered by the P&C and the City Council at the time the plans and specifications for the site and the buildings have been prepared and submitted. The application before the City is only for a Conditional Use Permit. [For further explanation, see page 16 of the Memorandum).

Nevertheless, while reserving all rights, PM agreed to show on the Revised Town Plan and Lot Layout Plan that not more than six townhouse lots are grouped together and that there is a 25 ft. spacing between each group of townhouse lots.

4. **Lots on Massena Street and Monroe Street should be 50 feet wide and 5000 square feet.** PM excepts to this Finding because the size of the lots on Monroe Street and Messina Street as submitted on the original Town Plan and all subsequent revisions of the Town Plan met the City's requirement for low and medium density. (For further explanation, see pages 16 & 17 of the Memorandum.)

Nevertheless, while reserving all rights, PM agreed to show on the Revised Town Plan and Lot Layout Plan that all lots on Monroe Street are at least 50 ft. wide and are at least 5,000 sq. ft. in size. All lots on Messina Street are at least 5,000 sq. ft. in size and 50 ft. in width except 4 lots which are 49'11" wide but are more than 6,000 sq. ft. in size.

5. **Open Space is Insufficient.** PM maintains that the amount of open space needed to comply with TND requirements for Open Space (20%) were met on the original Town Plan and all subsequent revisions of the Town Plan. Further, it maintains that there is no basis in law for the City to implicate the requirements of an outlier section of the CLURO (for instance, Sections 9.4) which have no application to a TND. To illustrate the point, if Section 9.4 applies to a TND then the total amount of Open Space required would be 6% and not 20%. (For further explanation, see pages 17 & 18 of the Memorandum.)

Nevertheless, while reserving all rights, PM agreed to show on the Revised Town Plan and Lot Layout Plan a reconfiguration of Open Space by reducing the size of the hotel site (Parcel C on the Town Plan). As had been previously agreed, PM also added a park area on the northern side of the development as requested by the P&Z in its Resolution No. 16-0. Further, additional open space was added along Monroe Street per City Council Finding No. 8 d, which requests that Port Mariny make provision on its property for possible future widening of Monroe Street and a roundabout at the Monroe Street and Messina Street intersection that might be needed to accommodate future growth of the City as a whole.

All of the open space shown on the Revised Town Plan along Monroe Street is at least 61 feet wide and contains a meandering walking trail. All of the open space on Messina Street except for two sections are at least 50 feet wide and each section contains a meandering walking trail. These areas therefore comply with the open space requirements for a TND.

6. **Common Open Space is Insufficient.** This Finding is predicated on definition 164, page 28 of the CLURO, which PM maintains applies to condominium developments and not a TND. The City Council's position is that the center of the canal/channel leading into PM (approximately 2.5 acres) is not common open space, because it will be principally used by the persons who have slips in the marina. That is, no one else

in the community is likely to use the channel. PM's position is that the center of the channel is not restricted in any way and is available for other boaters and swimmers. Provision for a small canoe/kayak launch near the park area is included in the plan, so the canal/channel will likely be used by those who take advantage of the launch and the park and others boating in Lake Pontchartrain. (For further explanation, see pages 19 of the Memorandum and Exhibit Response 6, attached to it.)

Nevertheless, as mentioned above, PM agreed to show on the Revised Town Plan and Lot Layout Plan a reconfiguration of Open Space, which includes additional space available for common open space. The result is that even with the elimination of the center of the canal/channel, there is more than adequate common open space. (See Revised Town Plan, page 28 and Exhibit Response 6 for the calculation.)

7. **Hotel too large for the site.** PM disagrees with this Finding because the principal considerations about the size of a hotel should be its quality and sustainability. In order to attract a substantial hotel investor/operator with deep pockets sufficient to construct, maintain and sustain a quality hotel, PM has been advised that at least 120 keys/rooms are needed. The Traffic Impact Study prepared by PM's traffic engineer and approved by the City's traffic engineer provides for and accommodates trips generated by a 120 key/room hotel.

Nevertheless, while reserving all rights, PM agreed to reduce the size of the hotel site, Parcel C on the Revised Town Plan, to 1.17 acres, where parking becomes a limiting factor on number of keys/rooms. In addition, PM agreed that any plans for a hotel would be submitted to the P&Z and the City Council for its review in accordance with the procedure established in Sections 4.3.2 and 4.3.3 of the CLURO for a final determination. (See page 19 of the Memorandum and the Revised Town Plan, page 25.)

13. **Mixed use and apartments are out of scale.** PM disagrees with this Finding because the scale of the buildings is specific to a TND and not dependent on the size of buildings in Old Mandeville. Buildings in a TND may be up to 65 ft. in height. More importantly, the photographs in Ordinance No. 09-14 adopted by the City Council, clearly depict the scale of the buildings contemplated by the City Council for a TND. These photographs are of buildings in River Ranch and not in the City of Mandeville. (See photographs included Appendix A of Ordinance No. 09-14 enacting Section 8.5., the TND regulations.) It should also be noted that page 1 of Ordinance No. 09-14 makes certain that the TND regulations adopted by Ordinance No. 09-14 apply to the Port Marigny (Prestressed Concrete) site. Finally, scale is only a consideration when the plans and specifications have been prepared and the development submitted for Site Plan Review. (For further explanation, see pages 25 & 26 of the Memorandum.)

Nevertheless, while reserving all rights, PM agreed to remove the footprint of all buildings on parcels A, B & C as were shown on earlier versions of the Town Plan. (See Revised Town Plan, including the cover plan and revised page 25.) Further, PM acknowledges that the scale of structures is to be considered at the time of Site Plan Review when all plans and specifications for buildings have been prepared and submitted for approval.

- 14. The Attached Residential, Mixed Use, and Townhouse Units Do Not Comply with the TND Section of the CLURO.** PM maintains that this Finding was made in an effort to reduce the density of the apartments to be constructed on Parcel A and the Multi-use buildings on Parcel B. This Finding relies on the wording of Paragraph 8.2.1.1.2.c of the CLURO. The City Council suggested that this provision of the CLURO required each attached residential unit in the Village Center to have a minimum of 3000 square feet. A simple reading of Paragraph 8.2.1.1.2.c makes clear that the minimum of 3000 sq. ft. is stated in the alternative, and that the allowable density of the zoning district preempts the 3,000 sq. ft. requirement. (For additional explanation, see page 27 of the Memorandum.)

Nevertheless, while reserving all rights, PM agreed to reduce the density of the attached residential dwellings to 150 units on Parcels A and B. The result is that the number of sq. ft. per attached residential dwelling is now 3,000 sq. ft. as requested by the City Council in its Finding No. 14. (See page 25 of the Revised Town Plan.)

B. Other Findings

- 8. Current Traffic Impact Analysis is Insufficient.** PM maintains that the TIA prepared by its traffic engineer and approved by the City Traffic engineer fully complies with the requirements for a TIA set forth Section 8.4 of the CLURO. The Finding is apparently directed to the future growth and development in the City, and the thought the City should give to those future needs as it considers the improvements agreed upon to accommodate Port Marigny. More particularly, it is now generally accepted that a roundabout should be constructed at the intersection of Monroe Street and East Causeway Approach. This was suggested by PM's traffic engineer and more recently by the RPC. The City would rather use the PM's fair share capital contribution to pay for a roundabout rather than turning lanes at the intersection. Additionally, the Finding suggests that should PM provide more open space along Monroe Street in the event that the City decides to add turning lanes into PM or to construct a roundabout at the Monroe Street and Messina Street intersection. (For further explanation, see pages 21-23 of the Memorandum.)

While reserving all rights, PM has agreed to contribute its fair share for street improvements to the construction of a roundabout at the intersection of Monroe Street and East Causeway Approach. Further, PM has agreed to add additional open space along Monroe Street in the event property is needed for turning lanes or for construction of a roundabout at the Monroe Street and Messina Street intersection.

PM is concerned that the progress of the Port Marigny development may be delayed if the restrictions on its development of phases is caused by the City failing to complete improvements. The City must agree to do its part timely; otherwise a lender will be reluctant to finance the development.

11. **Connection to Mariner's Village.** PM recognizes the need for a connection to Mariner's Blvd and for that reason has made provision on its property to make the street connection. In addition, it has asked the City for a Servitude of Passage and for Utilities over the City owned drainage canal that separates Port Marigny from Mariner's Village. Beyond that, making the connection to Mariner's Blvd is beyond its control. Goal 12 of the Comprehensive Plan directs the City to assist in accomplishing this and other objectives beyond the control of PM. (For further explanation, see page 24 and 25 of the Memorandum.)

It has been mentioned that the Copeland Family may be submitting a plan to develop its property in Mariner's Village. That presents an opportunity to complete the connection to Mariner's Blvd, with the concerns of the City Council addressed in Finding 11 being resolved.

12. **Promote Redevelopment of Mariner's Village.** PM maintains that with the completion of the connection to Mariner's Blvd and the construction of improvements in Port Marigny, particularly the Village Center, the opportunity for Mariner's Village to redevelop is significantly improved. If, in fact, the Copeland Family applies for the development of its properties in Mariner's Village, the point is proven. (For further explanation, see page 25 of the Memorandum.)

15. **Planning Commission's Finding on Environmental Impact Assessment Should be implemented.** PM is in agreement with this Finding. On October 19, 2016, PM presented the City Council an Environmental Assessment Program, prepared by BCI (Gene Joanen) which outlines the steps to implement a stewardship program prior to and during construction of the development. A copy of the EIA is attached to the Memorandum as Exhibit "Responses 15 & 19". (For further explanation, see pages 28 and 29 of the Memorandum.)

16. **All uses except detached single family uses should be conditional uses subject to review by the City Council.** PM agrees with Finding No. 16; however, it requires clarification about the approval process for townhouses. PM suggests that townhouses, a residential dwelling unit, be treated the same as the detached residential dwellings. If not, those phases of the development which include both detached residential units and townhouses will have to go through the conditional use procedure, even though the former is excepted by this Finding. (For further explanation, see page 29 of the Memorandum.)

17. **Grading and fill.** PM is generally in agreement with Finding No. 17, as it was amended to exclude reference to CLURO Section 5.2.3. (For further explanation, see page 29 of the Memorandum.)

(Parenthetically, the Coastal Protection and Restoration Authority recently published its 2017 Coastal Master Plan Project Development Program. This program applies to Port Marigny, Old Mandeville and points north.)

18. **Density is too high Given Limited Access to Site.** PM excepts to this Finding. The TIA demonstrates that access to the site is presently adequate and with the improvements to the intersection of Monroe Street and East Causeway, access will be adequate from inception to build out of 422 dwellings, offices, businesses, a hotel and a marina. To suggest otherwise is an unwarranted criticism of the engineers who collected the data, performed the studies, made the analyses, and determined the necessary improvements to be constructed. Further, PM suggests that the 422 units fall within the maximum and "at least" density requirements set out in the CLURO for a TND. (For further explanation, see pages 30 and 31 of the Memorandum.)

Nevertheless, while reserving all rights, PM has reduced the number of attached residential dwellings to 150 units, and the number of townhouses and detached residential dwellings to 200 units. The result is that the total number of units has been reduced to 350 units. (See the Revised Town Plan and Lot Layout Plan.)

19. **The Development Needs to Have Green Infrastructure in Place because of the Fragile Eco-System of the Site and its Surrounding Area.** PM is generally in agreement with this Finding. The Master Plan provides for tree lined streets, well landscaped yards, paths for walking and for bicycles. The Park Area and the wetlands are maintained, and a plan for protection of the manatees and sturgeon is being developed by Tom Brown. Surface water run-off is addressed in the EIA prepared by Gene Joanen. Most of these concerns are already governed by law and regulation, and PM will carefully follow their requirements and coordination with applicable agencies. (For further explanation, see page 31 of the Memorandum.)

20. **Mariner's Village Connection, Expropriation.** PM agrees that a connection between Port Marigny and Mariner's Blvd is essential for overall traffic circulation and to assist in the redevelopment of Mariner's Village. Pm further agrees that if necessary, the City should act to assure that this connection is made.

PM is concerned that the progress of the Port Marigny development may be delayed if the restrictions on its development in phases suggested in this Finding is caused by the City failing to acquire the property needed for the connection. The City must agree to do its part timely; otherwise a lender will be reluctant to finance the development.

C. Findings 9 and 10.

9. Finding 9 was withdrawn.

10. Finding 10 was voted down.