

DATE: August 27, 2015

TO: Louissette Scott, Planning Director, City of Mandeville

CC: Planning and Zoning Commission, via Lori Spranley, Planning
Mayor and City Council, via Kristine Scherer, Council Clerk

FROM: David Bailey

RE: Proposed Port Marigny TND

BACKGROUND

The subject of this memorandum is the request for approval of Conditional Use Permits and Development Concepts for the Port Marigny Planned Combined Use District (PCUD). Approval of the project will require a series of actions by the Planning and Zoning Commission (PZC) and subsequently the adoption of Ordinance 15-17 by the City Council. The first two of a series of public workshops were held by the PZC in July and August 2015. Additional workshops are to be held in September. It is then anticipated that the PZC will forward a recommendation regarding the project to the City Council regarding the adoption of proposed Ordinance 15-17 and the related actions requested in the application.

The information presented herein assumes the reader has reviewed the submittal, and has a basic understanding of the scope and nature of the proposed redevelopment of the 77 acre Pre-Stress site and the related regulatory processes. This memo presents my initial observations regarding the submittal documents and the presentations subsequently made to the PZC on July 28 and August 18, 2015, as well as some general observations about the composition of the proposed new development and its compatibility with the existing surrounding development.

Port Marigny as presented is a Traditional Neighborhood Development (TND) that includes a mix of residential, commercial and civic uses and proposes a new “form-based” code that will guide the development of the site over many years. Form-based coding can be a very effective method for both the creation and preservation of high-quality, walkable communities. The primary focus herein is to identify those aspects of the submittal that may prove challenging for a conventional process of evaluation against the City’s land development regulations.

This memo is not intended as a stand-alone evaluation of the proposed development, but is intended to help guide the planning staff with regard to the unique aspects of TNDs as staff begins its formal review of the project according to the applicable regulations and processes and prepares its presentations and recommendations to the PZC and City Council for further

consideration. Other documents and reports exist or are also being produced that address additional considerations regarding traffic and other potential impacts of this development.

GENERAL OBSERVATIONS

The materials presented in application for consideration of a new Planned Combined Use District (PCUD) covering the majority of the land known as the Pre-Stress site generally describe a thoughtfully-designed, mixed-use development that follows the now well-established principles of New Urbanism. Significant effort to adapt the community plan and architectural regulations to the context of the site is evident, in part the result of the public design charrette conducted earlier this year as noted in the Applicant's July 28 presentation to the PZC. That said, concern regarding the apparent density of the proposed development and in particular, questions about the potential impacts related to traffic have been presented during the public hearing process to date.

The nature of regulatory review requires that potential issues be identified according to an established set of criteria and that any inconsistencies discovered either be resolved, that a variance be considered or that the inconsistencies be rejected. It is both relevant and important to note that New Urbanism aspires to resolve many of the problems associated with isolated, individual single-use developments. This is accomplished by identifying an appropriate mix of uses for a particular site and then composing them in a manner that neither under-utilizes nor overburdens the site, creating a human-scaled, walkable development. Through the observations and recommendations presented below, it is anticipated that both the City and the Applicant will use the process of staff, PZC and City Council review as an opportunity to refine and improve the project further to best accomplish these goals for both the Port Marigny project and for the larger surrounding community.

THE COMPREHENSIVE PLAN

The City of Mandeville has long anticipated the redevelopment of the Pre-Stress site, to the extent that it is mentioned specifically and repeatedly within the City's Comprehensive Plan (Comp Plan). As the Applicant has noted during the public presentations, the Comp Plan lays out a very specific set of criteria for the redevelopment of this property.

A list of "Issues and Challenges" is presented within the opening pages of the Comp Plan, to help establish focus in plain terms for leadership, the public and, in this case, owners and developers of land within the City, on the concepts that the Comp Plan is intended to address. The list includes several statements that relate either directly or indirectly to the redevelopment of the Pre-Stress site, including statements relating to Environmental Issues such as public access

to the lakefront, flooding and the protection of and access to natural features; Public Facilities and Services Issues, such as maintaining the City's reputation for quality; Transportation Issues, such as maintaining traffic circulation in Old Mandeville and coordinating traffic improvements with growth; and Land Use and Growth Issues, such as considering "the establishment of a premier waterfront development on vacant land east of the causeway".

The fundamental purpose of the Comp Plan (and therefore the rest of that document) is to lay out a plan to address those issues and challenges in a systematic and coordinated way, through the establishment of a series of Goals and supporting Policies. Goal 12 (P.36) of the Comp Plan addresses the Pre-Stress site very specifically, and it provides 9 policies and a map. Among these policies, 12.1 notes that the City should "coordinate with the property owner to mitigate traffic and other constraints to this site and plan for a mix of uses at intensities that can be supported without introducing unacceptable levels of congestion to Old Mandeville. Primary Access should be provided through Mariner's Village and from Monroe Street." Policy 12.8 requires that the site be redeveloped following the principles of New Urbanism.

Two statements in the list of issues noted above emerge as most relevant to consider at this stage in the review of the proposed project: Coordinating traffic improvements with growth, and establishing a premier waterfront development at the Pre-Stress site. It may be helpful to consider these as guiding parameters for this evaluation, with the concept of establishing a premier waterfront development setting the threshold for the project, and avoiding the overburdening of the transportation infrastructure (in part through traffic improvements) as setting the ceiling.

THE APPLICATION AND REVIEW PROCESS

It is important to understand the sequence of applications and reviews that are required to first create a new PCUD and subsequently plat and then develop the individual parcels within the new district, and what may be required and potentially approved at each step in the process. My understanding of the sequence that Port Marigny TND is expected to go through at this point is:

CONCEPTUAL REVIEW – This is the process currently underway, and that commenced with receipt of the application and several supporting documents and exhibits. Section 4.3.3 of the CLURO describes in detail the procedure required for the consideration of a proposed Planned District. At this stage, a conceptual Master Plan would be adopted by the City Council as a part of Ordinance 15-17. The essential effect of this stage is to establish the range of uses permitted within the project and the maximum number of units within each use that could be developed (often referred to as "entitlements"), pending the Subdivision review and Development Permitting processes below. It is possible that as the project progresses over many years and is adjusted to respond to regulatory, market and other conditions outside the Applicant's control that not all of the entitlements would be developed.

SUBDIVISION REVIEW – Upon adoption of Ordinance 15-17 and establishment of the property as a Planned Combined Use District with a master plan and development standards, the anticipated next step before any development could proceed would be the application for one or more Subdivision Plan approvals. This is a multi-step process requiring several administrative approvals (for the sewer and water system, for example) as well as consideration publicly before the PZC for approval of the plat. Both a Preliminary and Final Subdivision approval are required. Some of the detail that has been discussed at the July and August PZC workshops would be required to satisfy this step in the process. This is the stage at which more detailed consideration of parking and traffic impacts associated with specific uses within the project would be considered, for example. Plats must comply with the Master Plan approved previously, or the Master Plan would need to be amended, again going before the PZC and City Council to do so.

DEVELOPMENT PERMITTING – Once a particular area within the TND has been approved through the Final Subdivision process, the development of the individual lots or parcels would be considered. This is the stage at which specific parking requirements for one or more buildings proposed to be constructed would be considered, for example.

As noted later in this memo, tracking the “draw down” of entitlements throughout this process is an important aspect of monitoring the ongoing development of a mixed-use project, to ensure that the completed project does not exceed the anticipated impacts to the surrounding community.

PORT MARIGNY MASTER PLAN AND GUIDING PRINCIPLES DOCUMENT

This document is a 75 page graphic and text booklet dated June 25, 2015, that presents and details the overall New Urbanist concept of the proposed development, its guiding principles, master plan and design code. This type of document is a typical feature of Traditional Neighborhood Development (TND) and is often, as appears will be the case here, used in seeking permitting for the overall development from regulatory agencies as well as the “internal” marketing, construction and administration of the project by its developers.

Observation: There is language contained throughout this document that appears to be intended for the internal administration of the development that may be inappropriate for the permitting process. Examples include definitions that may conflict or lack coordination with the CLURO, as well as statements or standards which conflict or lack coordination with municipal procedures for amending the development regulations.

Recommendation: Consider either revising or removing these conflicts. It may be advisable to create a parallel supporting document such as a Development Agreement that addresses more

precisely the municipal/regulatory requirements that can be then adopted as an integral part of the PCUD ordinance that clarifies certain information contained in the current document.

Examples: While important internally to the Applicant for the successful development of the project, some of the language may complicate the permitting process and the ongoing administration of the City's regulatory authority.

Specific examples for illustration include (page numbers referenced below are to the printed copy of the Master Plan and Guiding Principles document). This is not intended to be an exhaustive list:

DEFINITIONS: (Pages 4 -8) – The definitions of Apartment, Auxiliary Structure, Civic Building Reservation, Civic Use, Deck, Footprint, Live-Work Unit, Mansion Apartment Building, Building Cover, Meeting Hall, Mixed-Residential, Multifamily Residential, Open Space, Porch/Gallery/Veranda, Primary Residence, Private, Shared Parking, Single-Family Dwelling, Terrace, Through Street, and Townhouse and others should be reviewed carefully to ensure the intended meaning of these terms is understood. For example, an “Outbuilding” or “Backbuilding” (see Page 34, then Page 20) appears to be able to contain a secondary dwelling unit, but neither precisely match the definition of a “Guest House” or an “Accessory Dwelling Unit” within the CLURO. Other important terms used throughout the document appear to be missing from the list of definitions, such as “Common Space”, “House” (which appears to be distinct from a single-family residential unit) and the aforementioned “Outbuilding” and “Backbuilding”. The definition of “Reserve” should be clarified to confirm its conformance to the CLURO, even if temporary (see also P.20/Urban Regulations).

“The Lexicon for New Urbanism” is referenced in the Master Plan and should be reviewed and considered for more specific reference in a Development Agreement or the like.

SUMMARY TABLE: (Page 13) – New Urbanism is fundamentally different from typical suburban development such that quantifying the number of units only by use or only by square footage can be difficult. Some ongoing coordination may be required throughout the review process to ensure the spirit of the City's regulations is met. For example, the table on Page 2 of the Traffic Impact Analysis does not match precisely the entitlements as listed within the Summary Table (in this case, the traffic analysis appears to anticipate a greater number of units). The Applicant has subsequently confirmed that the “Work” portion of the “192 Live-Work” units is included within the 60,000 sf of commercial space.

Defining in precise detail the process by which the entitlements granted in the Ordinance will be drawn down as the individual projects within each phase apply for and receive permits is an important element for the staff to establish as soon as possible. Page 22 of the document may provide a useful mechanism to accomplish this if a Summary Table by Land Classification could be developed and added to it.

See also comments related to Phasing.

URBAN REGULATIONS: (Page 20) – This is one of the more important tables in the document to coordinate with the City’s regulatory criteria.

The word “minimum” as used in the phrase “residential use with a *minimum* of other potential uses” at the Land Classification “Neighborhood General” should be explicitly defined.

Civic Buildings are noted as being exempt from the Urban Regulations.

Outbuildings are permitted to include “limited office use” (see my earlier comments re: Definitions above).

The “General Instructions” notes that parking shall conform to the “Mandeville Planning and Zoning Ordinance” or the “Port Marigny TND Zoning Case and Amendments Thereafter” – these references should be clarified. There are also notes establishing maximum numbers of parking spaces for Neighborhood General and Neighborhood Edge classifications.

(Typo in table under “Vertical Placement Instructions” – the Main Floor Height in Neighborhood General is likely intended to be 36” above grade, not 36’-0”).

REGULATING PLAN: (Page 26) – This drawing illustrates 4 types of open space that are a key feature of the proposed development. These 4 terms should be defined more precisely as noted above. For example, are certain types of structures allowed within any of the 4 types of Open Space? It is not clear what the intent of the differences are between the illustration of the types of Open Spaces at this page and the drawing of “Open Space” provided at Page 23.

Additionally, a note that is repeated on several sheets within the Master Plan and Guiding Principles document is present on this important sheet – the note reads: *“These illustrations are intended to convey the conceptual strategies of land development for the Port Marigny TND. Changes can and will be promulgated to accommodate the Town Founder’s desires. These changes can be made at any time by the Town Founder without approval and without cause.”* While it may be the intention of the developer that this note apply to contracts between the developer and third parties, this note may be inappropriate for inclusion within a document being considered by the PZC and City Council as it would appear to alter the process outlined in the CLURO regarding future changes to aspects of the project that are more properly regulated by the City.

CONNECTIONS TO EXISTING ROAD NETWORK: (Page 37) – There appear to be 10 proposed connections into the existing adjacent rights of way, at least one of which is private (Mariner’s Boulevard). To accomplish all of the proposed Goals and Policies noted within the Comp Plan, the importance of establishing the connection to Mariner’s Boulevard cannot be overstated, and it is recommended that reconsideration of the proposed density and mix of uses on the Pre-Stress site follow any failure to make that connection before reaching a point in the

development of the site that exceeds the capacity of Monroe Street to accommodate the corresponding traffic loads. Other connections and modifications to the transportation infrastructure may also need to be considered contingencies for the proposed site and master plans to function as intended and represented. This coordination will largely occur during the subdivision process.

Additionally, establishing the timing of these connections in relation to Phasing and build-out is critical. Agreements with adjacent private property owners and granting of servitudes across the 50' city-owned canal should be contingencies of any regulatory approvals. The language contained in the Comp Plan does suggest an active role by the City in accomplishing these tasks. Further review of this aspect of the project may also be needed after the City completes its review of the Traffic Impact Analysis.

It is not clear what the intent of the differences are between the illustration of the “Vehicular Network and Street Types” at this page and the drawing of “Road Network” provided at Page 23, most particularly the classification/use of the Civic Space as part of the network.

PARKING: (Page 38) – This page notes that there are two types of parking provided: Formal and Informal. Informal parking refers to the use of “yield streets”, a concept likely familiar to anyone living or working in a vibrant, historical area, where automobiles may park in underutilized portions of two-way streets, effectively creating a single lane that alternates directions through the courtesy of drivers. The efficiencies achieved with yield streets by minimizing paving and space dedicated to automobiles includes reduction of stormwater impacts, costs of infrastructure, land and maintenance, and it greatly contributes to the quality of walkability and aesthetics. That said, care must be taken both by the City and by the Applicant to ensure that an adequate amount of parking is provided to avoid uncontrolled parking of vehicles. Further review of parking will be necessary throughout the sequence of site and master plan approvals, subdivision review and development permitting.

Among the questions posed at the public workshops was a request that the Applicant provide an estimate of the number of vehicles anticipated to be present on the site, presumably at build-out. While, as the Applicant responded, there are sufficient unknowns to make a precise estimate of the number of vehicles or parking spaces required and the locations of each impossible at this point, it is recommended that a calculation be developed using the standards in the CLURO and the requested entitlements to arrive at an order-of-magnitude estimate of the number of parking spaces required and locations by phase, for conceptual review purposes.

A related consideration is establishing a clear method and/or ratio for addressing shared parking between uses to reduce the negative impacts excessive unused parking has on walkability and stormwater quantity and quality without creating excessive shortages during high-use periods.

PHASING: (Page 31) – While it is to some extent the developer’s prerogative to determine which portions of the site are to be developed early versus later during build-out, what is

developed in each phase is important to the success of any mixed-use proposal and also on the evolving impacts to surrounding development. It is recommended that a “Summary Table” similar to that on Page 13 be developed for each Phase. In addition, more detail regarding timing of infrastructure improvements such as Roadways, Drainage, Parking, and Utilities as well as Open Space should be provided.

DESIGN REVIEW: (Pages 69 thru 75) – It is recommended that a procedure be established to ensure that Port Marigny TND (the Applicant/Developer) has completed and approved its internal review of individual projects prior to a Building Permit being issued by the City of Mandeville. This will ensure the protection of all parties involved, including the City in its responsibility to monitor the draw-down of entitlements; Port Marigny TND, as it monitors for design compliance; and the individual property owner within the development, to minimize confusion regarding jurisdiction of both design and use regulations.

OTHER TOPICS: It is reasonably assumed that detail regarding stormwater systems, sanitation storage and collection, and other infrastructure requirements and concepts will be developed as part of the subdivision review process. Care should be taken to ensure the unique street design (in terms of pedestrian amenity and landscaping achieved through the street sections) is retained through subsequent review and permitting.

OTHER DOCUMENTS AND EXHIBITS TO THE APPLICATION

COOPERATIVE ENDEAVOR AGREEMENT: This is proposed to be an agreement between the City of Mandeville, Port Marigny and Pittman Assets (as owners of the two waterfront parcels at the Southwestern portion of the Pre-Stress site). The agreement generally describes the obligations and rights between those parties regarding improvements, maintenance, public access and the effect of any change in the terms of the lease between the State of Louisiana and the City. The agreement appears to support the goals of the Comp Plan regarding public access to the lake as well as to recreational open space. A notable requirement of the agreement is that no structure taller than currently exists on the Sunset Point property be erected within that park in the future.

COVENANTS, CONDITIONS AND RESTRICTIONS (CCRs): The draft CCRs is a 103 page document that generally describes the rights and obligations between the Developer, the Property Owners Association(s) and its(their) individual members (owners). Section 8.5.2.8 of the CLURO requires that the CCRs contain certain elements, including that the CCRs have an effective term of not less than 50 years. The proposed term is for 20 years with automatic renewals in successive 10 year periods, unless terminated earlier according to certain provisions. While unlikely to occur, it may be advisable to consider the effect of an early termination of the CCRs on the PCUD designation.

Section 2.8 of the CCRs appears to properly acknowledge the City's authority regarding any proposed changes to the Master Plan and related regulations.

The CCRs also note that the commercial and residential areas will be governed by different associations and that there will be a "Joint Committee" set up to unify the governance of the development. The distinction between commercial and residential associations potentially sets up some challenges for ongoing management of any common area parking shared between them, so that special attention should be paid to assuring future rules and regulations of an association do not serve to alter the nature of the overall TND's parking plan or those of individual projects, as approved by the City.

APPLICANT'S PRESENTATIONS TO PZC

At its regular meeting on July 28, 2015, the Planning and Zoning Commission (PZC) heard what is anticipated to be the first of several presentations and hearings regarding the proposed project. My focus at this meeting was to document any discrepancies between the information presented at this meeting and that contained in the Master Plan and Guiding Principles document and other written documents submitted by the developer.

Observation: Certain statements made during the presentation appear to conflict with or are not supported by the representations within the submitted documents.

Recommendation: Ensure that the submittal, presentations and language in the pending ordinance and development agreement (if established) are both coordinated and accurate. Realistic allowances for the many uncertainties involved in land development should be accommodated to protect both the Applicant and the City.

Specific examples for illustration include:

CONSIDERATION OF CHANGES TO THE MASTER PLAN: During the presentation, the Applicant represented that any changes to the Master Plan would be brought before the PZC. This conflicts with the note regarding changes referenced above under "Regulating Plan".

DEVELOPMENT SCHEDULE: The Applicant has noted verbally that a seven year build-out schedule is anticipated. Given the impossibility of predicting future changes in the real estate and financial markets and the many other external impacts (regulatory, insurance, tropical storms and the like) it is strongly suggested that further study and definition of any impacts that a longer build-out schedule might generate be provided.

SPECIAL EVENTS: The Applicant noted during the presentation that special events such as farmers' markets were contemplated. Traditionally, such events attract both vendors and patrons from outside the host neighborhood, effectively creating a temporary outdoor commercial retail

space. While charming and supportive of locally-based commerce, in areas that feature minimum amounts of parking and public infrastructure (such as restrooms), these sorts of activities must be carefully planned and regulated to avoid unpleasant impacts at best and emergency access issues at worst.

REQUIREMENTS OF THE COMPREHENSIVE LAND-USE REGULATION ORDINANCE (CLURO)

Provided below are references to some of the requirements contained in the CLURO that support the observations and recommendations contained in this memo. It is recommended that the staff afford particular attention to these requirements as the developer's form-based code is evaluated and to ensure that the intent of the regulations are not compromised due to incompatibility or inconsistency in the terminology and definitions used within the various documents. Some of these regulations may be the subject of future variances to be considered for this project – it is my understanding that any such variances would be required to go before the PZC and public hearing process again. Page numbers referenced below are to the printed CLURO document:

ARTICLE 3 – DEFINITIONS -- This is a component of the “partner” set of definitions that should be reconciled with the definitions contained in the Port Marigny TND Master Plan document.

ARTICLE 4 – GENERAL AND NON-CONFORMING PROVISIONS AND ADMINISTRATIVE PROCEDURES

4.3.3 – Procedures and Fees for Conditional Use Permits and Planned District Zoning (Starts on P.49)

4.3.3.1 – Title and Purpose – “The purpose of this procedure is to provide for review and discretionary approval of uses or development sites having unusual site development features of unique operating characteristics requiring special consideration so that they may be located, designed, and operated compatibly with uses on surrounding properties and within the City at large. The Conditional Use Procedure and Planned District Zoning process is intended to encourage broad public review and evaluation of site development features and operating characteristics, and to ensure adequate mitigation of potentially unfavorable impacts.”

4.3.3.4 – Procedures to Initiate a Request for a Conditional Use from the CLURO:

(Para 4) – Notes that “For uses involving public assembly or industrial processing, or potentially generating a high volume of vehicular traffic, the Planning Director may require specific information relative to the anticipated peak loads and peak use periods... or substantiating the adequacy of proposed parking, loading and circulation facilities.”

(Para 5) – Requires conceptual information sufficient to evaluate the proposal, including “the number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.”

(Para 6) – Requires additional information for Planned District classifications, including more detail required regarding residential densities.

Article 6 – Land Use Classifications (Starts on P.93) – This is another component of the “partner” set of definitions that should be reconciled with the definitions contained in the Port Marigny TND Master Plan document. Various classifications of marinas and restaurants are included, for example.

6.7 – Combined Use Classifications (P.114) – May relate to Live/Work Units and possibly also uses of Outbuildings and Backbuildings.

6.8 – Accessory Use Classifications (P.115) – May relate to possible uses of Outbuildings and Backbuildings.

Article 7 – Zoning District Regulations, 7.5.15 – Planned District, including:

7.5.15.1 (P.162) – Requires that the developer provide a statement *“by the developer as to how the submitted plan departs from the existing requirements of this Land Use Regulations Ordinance and any other regulations applicable to the proposed use or uses for the district in which the proposed use could be established of right and how each departure improves what otherwise would be required under these regulations.”*

7.5.15.2 (P.162) – Requires that *“all uses permitted in the Planned District are conditional uses and shall be subject to the procedural requirements for Conditional Use Permits and Planned District Zoning as provided in Article 4. The uses permitted in this zoning district, including signage, shall be in accordance with those uses listed under this district in the Table of Permitted Uses By Zoning District found at the end of this Article and shall be subject to all applicable provisions of this Land Use Regulations Ordinance including any supplemental or special use criteria provided in Article 8 and the Sign Code in Article 10.”*

7.5.15.4 (P.163) – It is recommended that staff create a specific list of flexible site planning considerations for Port Marigny TND as part of the Master Plan review process.

Article 8 – Supplemental Development and Use Regulations (Starts on P.239) – This article contains several detail-oriented regulations that may apply to Outbuildings/Backbuildings, Live/Work units and Townhouses as proposed in the project. For example:

8.1.14 – Relating to Accessory Dwelling Units, requires 2 parking spaces “designated for the accessory unit in addition to the spaces for the primary unit” and that they must be “independently accessible”.

8.4 – Traffic Impact Analysis Provisions (P.287) – *The requirements for and findings of the traffic impact analysis is generally addressed in a separate report provided by others.*

8.5 – Traditional Neighborhood Development (TND) (Starts on P.294) – This Section establishes many standards that are applicable to the Port Marigny TND, and also provides many cross-references to other standards within the CLURO. A few aspects of this project that should be reviewed closely include:

8.5.2.6 - Notes maximum building height limited to 40’ when within 200’ of the TND boundary. (A height limitation of 35’ at the edges of the site is suggested within the Comp Plan).

8.5.2.8 – Requires that the Conditions, Covenants and Restrictions (CCRs) for a TND be filed with the Parish records, and certain elements be required in the CCRs.

9.1.1.13 – Parking for Mixed-Use Developments (P.303) – Allows the PZC to approve adjustments in the total parking required, contingent on submittal of certain additional information by the applicant and the review and recommendation of that information by the Planning Director.

OTHER CONSIDERATIONS

This memo will be supplemented by a presentation to the PZC at its September 1st public workshop.

(end)