

**MINUTES  
FOR THE CITY COUNCIL MEETING OF JUNE 20, 2023**

The regular meeting of the Mandeville City Council was called to order by the Council Chairman at 6:00 p.m. followed by roll call.

**ROLL CALL - present:** Jason Zuckerman, Rick Danielson, Skelly Kreller, Jill McGuire, Rebecca Bush

**Also present:** Keith LaGrange, PW Director, Elizabeth Sconzert, City Attorney, Kathleen Sides, Finance Director, Mayor Madden, Cara Bartholomew, Planning Director

Mr. Danielson announce the discussion of the Sucette project, no votes will be taken this evening. The Council has discussed the Sucette ordinance at their last 2 regular Council meeting. Based upon citizen comments the Council has scheduled some additional meeting where Sucette will be the only topic of discussion. Our next 2 special meetings are on Thursday, June 29<sup>th</sup> and Wednesday July 12<sup>th</sup>. Both will be held at 6pm here at the Community Center. The Council will hold their regularly scheduled meeting Thursday and the Sucette ordinance is not on the agenda and therefore will not be discussed.

We have had several questions and comments that have been submitted. Any comment or question that have been submitted online are posted on the city's website. In addition, we have a packet at the podium which includes a copy of all these submittals for your review. We had some questions at the last meeting that we have since addressed and is also included in the packet.

Before we begin Mr. Danielson wanted to talk about the process, where we are, what we are looking at. Section 4.3.3.8 also a reminder this is a conceptual plan, through the process we do have the authority, responsibility and right to put additional conditions on the various uses and modifications on the development. Doing nothing at all is not on the table.

Mr. Danielson asked Ms. Bartholomew if through the Planning process were there any modification requested that are now included in the conceptual plan? Ms. Bartholomew explained there was concern about the number of parking spaces. There were 2 buildings located along the marina, so the applicant has removed one building to reduce the parking and then increased by about 2,000 sq. ft. the southern building to accommodate marina service operation. The commission also conditioned the approval on the following: 1- landscape be maintained and submit a maintenance plan for the live oaks they are removing; 2- to include a pedestrian and bike path to get to the site; and 3- to go before design review for final elevation review. Mr. Danielson stated the council can accept, reject or modify those recommendations.

Mr. Zuckerman is concerned about what drawings are related to the exhibit in the ordinance; this is unclear. He wants an index of documents to know what plans the Council will be approving. Mrs. Sconzert stated the council can request from the applicant an index of documents and then make changes to the ordinance to reflect the index. Mr. Harrison explained the Council can attach whatever is needed for clarity and then amend the ordinance. Mr. Zuckerman stated there is confusion with plans, dates, revisions, etc. We need drawing because the ordinance specifically references the drawings. Woodward will provide a final set of drawing from the applicant in the next few days.

Mr. Danielson asked Ms. Bartholomew to explain the 12-step process and where are we? Ms. Bartholomew explained the comp plan is a steering mechanism for how the city should use its zoning code and other elements. There are larger pieces of undeveloped property which gets coded as mixed-use areas and then coded on the zoning map as planned districts. There are 4 types of planned districts: residential, commercial, mixed use, and industrial. Planned districts can be done administratively if they are permitted by right. In this case, the purpose is to have broad authority. The Planning Director does not decide if these uses are compatible, it's the authority of the P&Z Commission and the Council. This requires the applicant to go through the P&Z process and Council for review and approval to see what is appropriate and compatible. Here we have a planned district, and the purpose is to have broad authority, for P&Z and the council to review and determine compatibility and possible modifications. P&Z had 6 special public meetings and they voted to approve this application with the modifications noted earlier.

Mr. Danielson explained tonight we want to address some open items from prior meetings, get clarity on some issues, and discuss where we are in the process. Tonight, the initial topics are Marina use process, location of the hotel, servitude, density, height issues, parking and traffic.

**Marina:** The marina is not in the application. (Parcel U)

Mrs. Sconzert explained since 1978 parcel U has been designated as a marina/harbor according to the final plat of Mariners Village. It has been used as a marina for the past 40 years and is considered to be vested. She asked should the parcel be in front of the council. It is 330,000 sq ft of water but there is a small section of land that goes along the wedding garden and restaurant. Because the restaurant is sitting on both parcels, should parcel U be in the ordinance? Could the restaurant be moved off parcel U? Mr. Zuckerman asked what is the difference between water and land, it's a parcel? You can build on both. Mrs. Sconzert explained the uses available to parcel U are more restrictive because it is predominantly water. Ms. Bartholomew stated in this situation it is about the use- the marina. The property parcel U allows the nonconforming section that would trigger an approval, does not apply to marinas. Mr. Zuckerman does not understand how we can build 110 docks on a parcel that we are not approving. Mrs. Sconzert explained there are "boundary" issues and then there are "use" issues. Mrs. McGuire does not understand how a marina does not need a conditional use permit? Has electrical been on? If parcel U already has a conditional use permit, how have they been keeping it current? Where is the proof? Mrs. Sconzert explained the vested use was in 2018. In traditional setting, if you cease operating or repairs more than 50%, than you lose the use. But, because of 8.2.3.9, the special marina use criteria says provisions of 4.2 is the entirety of the parcel so therefore you don't lose it – the conditional use has not lapsed. Mr. Zuckerman stated could the P&Z have required a conditional use permit considering other issue we have around time. Ms. Bartholomew stated the plans are only showing the docks on parcel U she has no indication that is anything more being built on parcel U. If the plans end up showing development and more than the docking slips, we can review. Mr. Zuckerman does not understand why we can't require a conditional use permit? Ms. Bartholomew stated he could place conditions on parcel U because of the relationship to parcel D. Parcel D has the marina retail and support services and those are being reviewed. Mrs. McGuire does not understand why the marina, if not up for council approval, is in the ordinance? Ms.

Bartholomew explained it is there for the parking calculations. Mrs. McGuire would like that to be clearer in the ordinance. Mr. Zuckerman asked if parcel U was sold what would happen to the conditional uses? Mrs. Sconzert stated the conditional uses run with the land, not ownership. The council can make conditions such as compliance of parcel U with 8.2.3.9 with specific conditions like no live-a-boards, removal of sunken boats within 10 days, sanitation services, etc. Mr. Zuckerman stated if you look at the zoning case summary sheet developed after the P&Z meetings, it lists 9 conditional uses requested but there are only 4 listed on the ordinance. Where are the actual boat sales/services on the site plan and how is it addressed in the ordinance. Ms. Bartholomew feels we need to clarify the ordinance for those specific uses to be used. Mr. Zuckerman asked if we are selling boats? Mr. Hoffman stated there will be no boat sales or servicing of boats. The marina will dock boats and lease boats and to provide typical boating supplies. Mr. Zuckerman stated so boat sales is a no, the next is marine services retail. Mr. Hoffman is not sure what that entails? Mrs. Sconzert explained 6.4.4.9 is more of a legal interpretation and will have to be matched up with the ordinance to make sure all the uses are there. Mr. Danielson stated we can make amendments to further clarify things such as "boat sales are not allowed only rentals" along with other conditions and a final site plan. Mr. Harrison explained the developer will agree on any conditions on parcel U as required by CLURO 8.2.3.9

Mr. Zuckerman wants to make a few amendments to the ordinance:

- \*Amend the case summary sheet to match the ordinance
- \*Amend the marina listing as "for calculation of parking spots only."
- \*Amend the marine to state no sales are allowed, only leasing/rentals

So, in summary: A conditional use permit is not required by the city for parcel U. however, we can place conditions on the operation of the marina in this ordinance for parcel D. Finally, what happened if parcel U is sold, and we have 2 different owners.

Public comment for the Marina:

Ms. Lori Mayhall asked if there is a fuel dock in the marina since there is no fuel dock close by.

Ms. Emery Clark would like to see the lease.

Ms. Claudine Perret asked about the lease on the boat slips. How long do you have to stay? Where do visitors for the leased slips park? Mr. Hoffman explained they are looking at month to month leases and will have a certain number available for short term rentals such as a week/weekend.?

Mr. Larry Grundman asked why all these issues were not cleared up in the P&Z meetings? The Council is putting the cart before the horse.

Mr. Randy Perrin had a few requests from the applicant. He wants them to consider an appropriate depth for them to dredge because some boats get trapped. He is concerned about the erosions and if there would potentially have lifts for the boats. Mr. Danielson stated the replacement of the bulkhead is the first item on the list. Mr. Hoffman stated they have not contemplated any boat lifts on the property. Mr. Zuckerman asked what is the plan for the erosion between the property and TOPSL? Mr. Hoffman explained the marina will be dredged within the first 6 months of the project if it gets approved. If the project does not get approved the erosion would fall in the hands of LSU and TOPLS.

Ms. Ellen O'Connell stated the postcard received this weekend shows a sailboat which does not require fuel. Mr. Hoffman explained the marina will serve both sail and motorboats and sail boats do require some fuel. However, they will not have a boat launch on site. Ms. O'Connell asked if the marina lease office could be in the Mariners Business Park? Mr. Hoffman stated that is not owned by the developer and it would be located on site.

Ms. Sara Wood asked how long was parcel U vested and was their activity sufficient to keep the use? Mrs. Sconzert explained it was platted in 1982 and was still used up to 2018 and they can still maintain their use. Ms. Wood asked other than the 2,000 sq ft building, are there any other buildings that will be built on parcel U? Mrs. Sconzert stated not as it is designed now. She also stated the ordinance has more than one subject, this needs to be addressed. Because the city's answer, "of an issue not get lost/ buried in "legislative chaos" and that the public could easily discern from the text of the ordinance what subject was governed by the text of the ordinance, including all matters sharing a legitimate connection under that subject." The public is very confused.

Ms. Judith would like clarity on when the marina would be built. Mr. Hoffman stated that the marina is a necessary part of this project. The bulkhead work will start within the first 6 months. The slips will then be started after the bulkhead completions and the entire development will be finished at the same time. They will have to work with the Corps for the bulkhead work.

Mr. Ulysses Melgar asked why we need 110 boat slips? What happens when you don't use them all and it becomes dilapidated, like other marinas on the east side? He feels this will cheapen the development and how do we guarantee they will not sell the property. Mr. Hoffman explained they will maintain the slips. Their office had studies conducted to determine the size, demand, turning radius, etc. The study is proprietary, but the owners will monitor their investment. Mr. Zuckerman asked how many slips are expected to be used by the residents and it is an amenity for the development. The flyer stated average age of 72-74 so how many will use the dock? Mr. Hoffman stated the marina is an amenity for the entire project. They anticipate 8 slips rented by the residents; the rest would be rented by citizens in the surrounding area. Mr. Zuckerman believes this will affect the parking calculations if only 8 slips are used by residents? Where is the parking for the other cars? Mr. Hoffman stated they are included in the parking calculations.

**Location of the hotel:**

Ms. Bartholomew had been asked the following question at the last meeting: Where are the parking calculations for the wedding pavilion and courtyard?

The parking calculations for uses that are a part of the Hotel operations are accounted for with the Hotel Parking Calculation.

6.4.44 Lodging (Transient) –

Hotel/Motel - 1 per each lodging units plus 1 per 200 sq. ft. of gross floor area including restaurant, Lobby & meeting rooms excluding guest rooms and access halls.

The hotel is 108,000 sq ft. There are 84 rooms and 8900/ sq ft of Lobby/Meeting

Rooms/Wedding Pavilion sq footage – 1 space per 200 sq ft = 45 spaces + 84 rooms = 129 required spaces for the Hotel.

How was parking determined for the 108,000 square foot Hotel and Event Center? Please provide the exact calculations.

	<u>Units/GSF</u>	<u>Spaces</u>
Hotel Rooms	84 1 per	84
Lobby, ballroom, meeting space	8900 1/200 sf	<u>45</u>
		<u><u>129</u></u>

Mrs. McGuire stated the pavilion is outside, there is a wedding lawn, and the event center. Ms. Bartholomew explained there is 108,000 sq ft under beam and that is used for the calculations, the wedding lawn is part of the green space. The lawn would not be used for 2 events at the same time. It is not just a hotel, and she thought the wedding pavilion and event center was a different space from the hotel. Mr. Zuckerman asked what is the capacity of the ballroom and how much is outdoors vs indoors? Mr. Hoffman replied, the event space is all indoors and has a lawn in front of it. Mrs. McGuire wants to move the label of the “pavilion”, but she still feels it affects the parking calculation. Mrs. McGuire feels the event center needs a higher parking calculation. Ms. Bartholomew stated it is connected to the hotel and the event center is factored into the parking calculations of 1 space per lodging area plus 1 space per 200 sq ft of meeting space plus the 84 hotel rooms. That brings the required number of parking spaces for the Hotel/event center to 129. Mrs. McGuire stated in the last meeting she asked about the events and if it was factored into the traffic study, Ms. Bartholomew stated the parking for the event center is for the site itself so parking calcs are accommodated for events. During the discussion, she asked about event center parking, and she said it was not really an event center, just part of the operation. Mrs. McGuire is very confused. Ms. Bartholomew explained she was answering a different question and any event taking place at the hotel is under the umbrella of the hotel use, so it falls under that calculation. Mr. Zuckerman asked how many people could be at the hotel ballroom. Mr. Hoffman stated the ballroom can accommodate 200 people. Mr. Zuckerman explained you have 200 people at the ballroom, and the parking calculations determine 129 spaces for the hotel, then you add the marina, restaurant, the numbers just don’t seem to add up, he needs more detail. Mrs. Sconzert stated the CLURO does not require calculations based upon occupancy. Mr. Zuckerman asked what is the proposed calculations based upon the case study? Ms. Bartholomew explained the case summary was done prior to the parking mitigation banks. Mr. Hoffman explained the schedule has revised numbers after the P&Z meeting and includes banked parking south of the active adult building. Mr. Zuckerman stated 102 slips leased to other people, so there should be 18 parking spaces for the 102 boat slips leased out to locals. Mr. Hoffman replied there are 26 parking spaces for the 103 permanent slips and the other parking is shared. Mrs. McGuire feels this falls more in line with an event center than just a hotel. Along those lines, the parking calculation should be used for a special event center, not just a hotel. Mr. Zuckerman has a concern with the proximity of the residents at the adjacent harbor, they are only about 150 ft away. He has concerns about the music and other loud noises the TOPSL residents will be hearing. How is this compatible? What are the details

of the outside uses for events? Dr. Kreller asked to hear from the residents about this issue. Ms. Bartholomew stated the council has the ability to make modification to the uses.

Mr. Ulysses Melgar feels there will be a lot of traffic.

Mrs. Venable stated the city is a dark sky, so how will the hotel and development comply? She also asked the council to consider the noise factors.

Ms. Nicole Stanley stated if there are 230 people in the center that is about 75 cars, then hotel of 82 rooms with cars, aren't we already out of parking before you add locals and the marina?

Mr. Larry Grundman stated the event center is close to 150 ft away from the residential neighborhood and there are no barriers. All the commercial development is next to the neighbors. He feels this is a development for profit. They should eliminate the event center.

Mr. Ernest Burguières asked how this is compatible? It is too large and does not fit Mandeville.

Mr. Kevin Vogeltanz stated the property is currently a planned residential district. Is a hotel and compatible use? Leave it as it is currently zoned. Mrs. Sconzert stated the hotel cannot be built unless the council approves a rezoning. Mr. Vogeltanz stated their flier stated the hotel already has zoning and that is not true. He urged the council to vote no on the hotel and the entire project.

Ms. Sara Wood has concerns about the wedding and pavilion area. She asked if this is 1 per lodging units plus 1 how does that calculation work out? She urges the council to not overestimate the parking requirements. She would rather have more green space than empty parking spaces.

Ms. Ellen Pierce asked how is this not compatible when we must consider the history of the community? She asks to amend them to combined uses and allow the development.

Mr. Tom Schneideker, asked where do the employees park and was that factored in the calculations? Ms. Bartholomew stated all parking calculations were for the entire development.

Mrs. Stephanie Danielson asked if the hotel be held to the same standards as the PYC and other boutique hotels? Ms. Bartholomew explained unless the council waives any requirements, all will be treated equally.

### **The Right of Passage / Servitude**

Mr. Zuckerman state he is having a hard time correlating the right of passage and servitude with the site plan. How is it going to be maintained as public access and will the servitude be relocated? Again, the ordinance and site plan need to match.

Mr. Hoffman stated the servitude will be maintained and there is no intent on modifying or moving the servitude. It will just be a walkway. Mr. Danielson stated we could just incorporate this into the ordinance that there will be no construction on the servitude, and it will not be relocated. Mr. Hoffman stated they had intentions to put benches on the walkway, but that can be removed if the city does not want them. The walking trail ties into this servitude.

Ms. Terry Wayland stated this just does not fit with Mandeville. She asked who maintains the servitude because the grass is overgrown and not maintained. Mr. Hoffman explained this is not the property of the Copelands, but the city's property.

Mr. Ernest Burguières stated the 1998 ordinance had the parking spaces in the servitude removed per the city. The Council needs a complete drawing to show this before the vote.

Mr. Larry Grundman asked where do people park who are going to the beach? There is only a walkway.

Ms. Casanova stated she was told that the city did not own the property and the property is not maintained. She has 2 sink holes near her property and there are no way people can walk in these conditions.

Ms. Ellen O'Connell asked if the servitude will be concrete or grass? Mr. Hoffman explained it will be a wooden boardwalk.

Ms. Sara Wood stated the servitude needs to be maintained and should be part of the ordinance.

### **Density**

Mrs. Bush asked the developer if they would be willing to work with the city on scaling down the size of the apartment complex. Is there any wiggle room because she feels it is a bit too dense. Mr. Hoffman stated if they reduce the apartments then it impacts the overall economic development of the site plan. Mrs. Bush stated it goes to scale and compatibility of the project and she feels like there is room. She is confused with there the 60/40 split goes.

Mr. Danielson asked if the multi family zoning is approved it would follow the R3 zoning requirements, how does that work? Ms. Bartholomew explained the formula is based upon the lot size. You take the square footage of the lot and subtract things like the servitudes and that came up with 211 units for the entire site. The developer is asking for 201 units. Mr. Zuckerman stated that is for the lot, but what happens when you add the hotel, marina office, restaurant? Ms. Bartholomew stated it is for the lot area. Mrs. McGuire thought it was all to be looked at individually. As far as scale, she thought we need to look at the entire project.

Mrs. Bush explained when you look at the comp plan with regards to the marina, when you look at the map, 5-c, it is mixed use. She feels this does not follow the definition of a low-density project. She would like the definition of a medium density. Mrs. Bush stated that is why she is asking for a reduction. Mr. Zuckerman and Mrs. Bush asked how this can be considered low density? Mr. Hoffman stated they are following the rules per the CLURO and because it is an active adult complex and not a multi-family, it falls under the classification of low-density. They look at the whole development as one. Mr. Zuckerman wanted clarification so you could build an apartment complex on the site, or you could do what is proposed and the calculations are the same. Each piece is not looked separately, now he understands and asks how this can be considered a low-density? It is probably the largest density of number of people per acre aside from the four corners. Ms. Bartholomew stated that is how the CLURO is written but the council has the right to make modifications. Mr. Hoffman stated again this is an active adult complex and the travel makes it low density. He feels it fits ideally. They must live with the same sound ordinance and dark sky as everyone. Their concern about sound is the noise from the causeway, they are insulating the hotel and apartments to prevent sound. Everyone has their own perspective. Mr. Zuckerman asked why they mentioned Old Mandeville and the Sanctuary on the flyer? Mr. Hoffman stated that was just for reference. Mrs. Bush asked to see the image of the Luxe at Cedar Hill. That is very different because it is kind of all by itself. That property works. Mr. Hoffman stated this

is in the letter to reference parking requirements for an active adult community. Mrs. Bush is just looking for something a little smaller in scale.

Mr. Zuckerman read an email that Vaughan Sollberger sent to the council with images “The Sucette project proposal that you are considering was reviewed by me and my staff last week as we would do our own project going into a Design Review, by a simple exercise of comparing the proposed footprint with the surrounding area and consider Compatible/Not-so-Compatible features for discussion. Simply put, the black outline of the proposed buildings in Sucette are bigger than Rouse's, Winn Dixie, Aquistapace's and all the surrounding retail in that commercial area just to the north, and these are two major shopping centers and all on our highways, not streets. Their plat is exactly two of the city blocks in Old Mandeville, and Sucette proposes 4 separate different major uses that will be concurrent, possibly on a daily basis on this property. Compiling average to above-average occupancy rates and including employees, the site is proposing to have 750-900 humans on the 15-acre peninsula, which is well over 50 people per acre! Mandeville generally supports about 10 people per acre throughout town with the exception of commercial centers and major shopping centers. The traffic study states it will add only 9 cars to the Monroe Street morning study, and this cannot be considered an acceptable answer when we all know this would be 10 times that just in the mornings alone.” Mr. Zuckerman stated when you look at the diagrams provided it is the densest project in terms of built structure to property in the city. His concerns are scale and density as well as use.

Mr. Ernest Burguières stated after Mrs. Bush comments and concerns how can you say this is a low development? This is not compatible with Mandeville.

Ms. Ellen O’Connell state this is 15-18% more dense than Old Mandeville. She asked if anyone has ever done a density calculation? Mrs. Bush explained her concern is not for density but more for the scale of the project.

Mr. Larry Grundman stated we use the square footage too many times for things. This is how we get too dense – we overlap. He stated we cannot guarantee a senior center, can that be put in the ordinance?

Ms. Sara Wood cannot believe we are using the R3 calculations. The development is triple dipping. She wanted to remind the council; Port Marigny is still an issue – don’t destroy the city.

Ms. Emery Clark asked why we cannot see the lease? New Orleans has a high crime rate and that is why she moved to Mandeville. She feels the Planning Director and City Attorney get defensive when asking questions and favor the developer – they work for us.

Mr. Chad Rochelle stated we are talking all about age, traffic, lifestyles. is it realistic that the 55+ will remain? What happens if they cannot fill the residential unit? Will they need to go to multi family? Then the traffic issue changes. What if it fails? Mrs. Bush explained they would be in violation of the act of donation if they changed to purchased homes.

Ms. Melissa Rafel, stated her issue is the sound coming from the development. She is aware she hears noise from the causeway but feels this will be more dominant. Will there be any sound barriers?

Ms. Terri Hamilton asked why a moratorium could not be issued on this project until all these inconsistencies are resolved involving. We do not even understand the CLURO.



Mr. Keith Vogeltanz stated Mrs. Bush expressed concern with the density and he is surprised the developer is not willing to work with changes. The margins must be too thin, so what happens if this does not do well? What happens if this is not viable, and they cannot make their payments to LSU? This is just too dense. He also wanted to know why this was not broke up into two matters: re-zoning and the conditional use permit. Ms. Bartholomew and Mrs. Sconzert explained the property was already properly zoned. Ms. Emery Clark would like to bring up viable opportunities at the next meeting. LSU can still get their money.

Ms. Valerie Peters explained the council needs current site plans. This is too dense a project and is not viable.

Mr. Larry Grundman stated the Developer himself in the final P&Z meeting made the point that the Planning Commission did not make a notable analysis of Compatibility with the surrounding neighborhood, a preeminent hurdle of the CLURO requirements for such a game changing decision. The issue of compatibility has been brought up before and nothing has been done. This also raises the question of how the 7 Commissioners arrived at a 4/3 vote to approve without this important evaluation. A partial answer may come from a review of the available record that suggests The Planning Commission relied almost entirely on the evaluations and responses of the Developer rather than having Staff prepare independent studies in order for the public to have some representation and unbiased answers. In the absence of a P&Z CLURO Review and Evaluation document, members of the public have prepared and attached the 12-point CLURO Report for use by the Council in determining if the marginal P&Z approval should be questioned or just overruled by the Council. He asks the council to look at this because it was not done.

Mrs. Stephanie Danielson stated Chenier has around 288 residents, is this similar? Ms. Bartholomew will research. Chenier is zoned planned district in the front and R-3 in the back.

Ms. Nancy Hale feels this is too dense and can be scaled back. It gets so congested. She loves Mandeville the way it is. She appreciates all the questions but wants a complete plan.


Ms. Ellen O'Connell apologized to the council for an early morning (2:30am) email she sent them.

Mr. Zuckerman would like to work on the following:

- Change the last 3 "be it further ordained". Fix the uses in the first one.
- Define rezone to the extend necessary.
- List all the variance and departures that are granted.

**ADJOURNMENT:**

Mrs. McGuire made a motion to adjourn the meeting, seconded by Mrs. Bush. Mr. Danielson adjourned the meeting at 9:15 p.m.

  
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Kristine Scherer  
Council Clerk

  
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Jason Zuckerman  
Council Chairman