

MINUTES  
FOR THE CITY COUNCIL MEETING OF SEPTEMBER 5, 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, David Parnell, Asst. City Attorney, Mayor Madden, Cara Bartholomew, Planning Director, Elizabeth Sconzert, City Attorney

Jason Zuckerman

Ready to get started. Please settle in, we're getting ready to get started. Thank you.

Thank you, thank you. If everyone could please take a seat. All right. Thank you all. We'll go ahead and get started. Let me verify we're live before we get going.

Bear with us a moment. We just want to make sure that we have our live broadcast going before we start.

Okay. All right, thank you. We're good. All right, everybody. Today is Tuesday, September 5th, 2023. It's 6:00 PM. This is a special meeting of the Mandeville City Council to discuss a continued discussion of ordinance 23-16. All council members are present, so if you'll join me in a brief moment of silence and Pledge of Allegiance, we will go ahead and get started after.

Crowd

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Jason Zuckerman

All right, thank you. As we have for the other hearings in this series on this ordinance, I'm going to pass control of the meeting over to Mr. Danielson as the presiding officer, and we'll go from there.

Rick Danielson (00:03:10):

Thank you, sir. Good evening, everybody and thank you for being with us. This will hopefully be the conclusion of the discussions on ordinance 23-16. It's been a few weeks since we've been together, so just wanted to provide updates on where we are and what the plan is for this evening. Before we get started, we're going to ask the developer, the applicant in this case, if they have any items they want or revisions that they want to present to the council in regard to the conceptual site plan and/or other closing comments that they might want to provide to the council.

After that, the council will discuss the ordinance as it has currently been amended, with some of the other items that have already been voted on and those amendments and

conditions. Make sure that everybody understands where we are and what we're looking at to include the exhibits that are included as part of this ordinance.

After that, if there's any additional amendments that council members would like to present and propose, we will be able to do that at that time. If so, like always, there'll have to be a motion from a council member, a second from a council member, followed by discussion from the council members, and then we will go to the audience.

After that, any of those amendments, we'll move forward with that. If not, we'll go on to the next step. But regardless, then we'll have time for public comment and questions, general comments and questions from the public. We have got sign-up from people that have already signed in to speak. As always, whether it's during possible amendments, on public comment, or open comments, no more than three minutes. We have our timer here and that Ms. Shear will control, deal with that. So, we'll hold steady as we have since May on the three-minute rule for that.

After all public comments or questions have been heard, the thought is we will go no longer than 30 minutes on those, and we are asking that individuals will only speak one time, just so we can hopefully keep everything moving to this point where we are. But certainly, we'll have the chance to do that.

After public comment and questions are done with those closing thoughts, we'll then move back to the council members. We'll have an opportunity for their closing thoughts, comments, also discussion on the 12 criteria that has been a big part of this process, even going back to the planning and zoning commission phase of the process, for them to go through any thoughts that we would like to present. Any summary of the criteria on those 12 points, whatever it might be.

After each of us have had an opportunity to speak and go through those, we will then move towards a final vote. There will be a roll call vote that Ms. Shear will call, we'll go through, and that will conclude that part of the process. And I'm sure we'll have a motion to adjourn after that, and then we'll finish up the meeting. So again, should be plenty of opportunity for the public to ask questions or make comments, no more than three minutes.

I see a lot of signs in the audience. Just like we've done from the very start, we have no problem with you holding those signs in your lap or down by your side, but please do not wave the signs, only because they'll be blocking people's view from behind. So, that's where we are. We'll be able to get started. Certainly, appreciate everybody being here this evening as we continue this session.

Okay, so let me go to Mr. Hoffman. As we said, if there's anything you'd like to present, any updates, certainly, the floor is yours.

Bill Hoffman (00:06:44):

Thank you. Bill Hoffman. At our last meeting there was discussion about presentation of a site plan for 90 units. As we indicated when we first started this process, we had put

together a plan that had different elements of the development [inaudible 00:07:02] each other. And each piece, whether it's the active adult, the hotel, the restaurant, or the marina, depended on the other pieces. Based on comments, we were able to reduce the 201 units down to a minimum of 170, but we're not able to go below 170. It'd be disingenuous of us to put forth a site plan with a 90-unit apartment complex on it, so we have not prepared.

We stand by what is on the record, and we would just ask that of everybody else in the room tonight that we get to a conclusion and go from there. Appreciate it.

Rick Danielson (00:07:44):

Thank you, Mr. Hoffman. Just to be clear, the conceptual site plan that was submitted, which is Exhibit D, will be included as part of the final package. It is just certainly conceptual for both the site plan and the parking plan. What we have submitted is what we're going to move forward with. But obviously, the ordinance currently states 90 units and on the active adult and the other criteria that's in here.

Jason Zuckerman (00:08:07):

Just a clarification, it's actually Exhibit two and three.

Rick Danielson (00:08:10):

Two and three, I'm sorry. Yeah. Okay? All right. Thank you, Mr. Hoffman, for that. Let's go to council. We have a handful of different amendments that have been presented and approved over the last couple of months that have been updated for ordinance number 23-16. I want to make sure that there are no questions or comments on those already approved and included amendments. Any questions?

Jill McGuire (00:08:36):

Are we going to post those up?

Rick Danielson (00:08:37):

We can. Yep. It'll come up. I was just going to say, most of the amendments that have been done to this point have been kind of housekeeping and procedural type stuff. A lot of y'all have been here for those, so no big critical items, necessarily. Some of the other changes like the 90 units and some of the square footage type things, you'll see on here once it gets pulled back up on the screen. Until then, Ms. McGuire, did you have something?

Jill McGuire (00:09:08):

Yes, I had a question for Elizabeth. The ordinance says 90, but the site plan is going to show the 178. What has precedent, the ordinance or the site plan?

Elizabeth Sconzert (00:09:28):

That's much louder than I expected it to be. Actually, I think the better practice would be to note in the ordinance itself that it's just as... Where it says, "Site plan as amended here." That way, you address the 90 that's part of table 1, and you incorporated it. I think it's just a nice small housekeeping amendment that needs to be made.

Jill McGuire (00:09:58):

I just don't understand how that works. If you have an ordinance that says 90 units and then you have a site plan that says 178, how do those match up, and how do we fulfill the requirement that an ordinance have a site plan that matches the ordinance?

Jason Zuckerman (00:10:14):

Can I make a suggestion?

Rick Danielson (00:10:14):

Go ahead.

Jason Zuckerman (00:10:20):

I was just looking back at the history, they actually did that, something similar in 98-40, which was the last ordinance that rezoned this. What they did in 98-40 is be a further ordained site plan for the property prepared by blah blah blah. "This site land shall be revised to indicate the improvements to parcel U and delete all reference of new roadways." So, maybe something like that could be done with it?

Elizabeth Sconzert (00:10:47):

Correct. So that's what traditionally has been done with any conditional use permit or plan district when there's been a site plan, and then modifications have been made. Instead of requiring the developer to go back and constantly change the site plan, the amendments have been made to the ordinance with the modifications, and then they've been incorporated in the exhibit just to note that the site plan is subject to the modifications that were made by the council during the process. That's consistent with the process. We've pulled ordinances after ordinances to make sure that that's been done.

Rick Danielson (00:11:23):

But I think what Mr. Zuckerman is saying that you would potentially have an amendment that would clean that up.

Jason Zuckerman (00:11:29):

I mean somebody could make that. I'm just saying that's what they did in 98-40. They approved the site plan, but the site plan didn't reflect what they approved in the ordinance. So, they said that shall be revised to match what was approved in the ordinance.

Jill McGuire (00:11:47):

Okay. But how does that work if they're saying they can't go below 170? So, that's the applicant's opinion that they can't go below 170?

Jill McGuire (00:12:00):

Okay. But we're still voting on the 90 unit, and it will be reflected somehow in the ordinance and to reflect the site planner, which is... Okay.

Rick Danielson (00:12:09):

Let's go through the other amendments and then we might be able to come back, and I think that might help your thought process. I think I'm with what Mr. [inaudible 00:12:17] is saying.

All right, so amendments that have already been approved and included in ordinance 23-16, you'll see them in red. So, in that second, "Whereas" paragraph we added, "And parcel U", for future use as a planned marina district that was not included. We go down to the bottom of the next page that was included as part of a plan, that in the red, "Planning and zoning recommendation R to include a pedestrian and bike path in the plan, to have the city inspect the landscaping to ensure health and viability and to have that plan reviewed by the design review committee. And whereas the city council after giving proper notice, conducted public hearings for the proposed Suzette Harbor project on those dates for a conditional use permit and plan district zoning approval."

A reason why we voted on that amendment was because we had all those dates that were already in the ordinance on when the planning and zoning commission ya'll met as well. So, we included that as part of the process. Then a little bit further down you'll see where we struck, "Whereas parcel D is undeveloped", and replace that with the following, "Whereas the city council of the city of Mandeville shall require the applicant to re subdivide parcels D and parcel U and the one parcel prior to the permitting process. And whereas parcel D is undeveloped and parcel U is designated as a marina."

Jason Zuckerman (00:13:48):

My only question on that was should that, "whereas", be moved to a now, "Therefore be it ordained." It doesn't matter, just because it's an action. If it has the same effect at both places, that's fine.

Rick Danielson (00:14:03):

It seems like the same. No, not critical.

Jason Zuckerman (00:14:08):

Okay.

Rick Danielson (00:14:09):

You're good with that?

Jason Zuckerman (00:14:10):

Yeah.

Rick Danielson (00:14:12):

All right. To be consistent in the next paragraph, add and parcel U, further down in the table, amended from 201 multifamily age restricted housing units to 90 units and then under retail and office included restaurant at 9,700 square feet. Marina retail boat rental at 2000 square feet for a total of 11,700 square feet. And then under the marina reduced from 110 as part of the original to 103 boat slips.

And then in the next, see that, "Be it further ordained at the gross floor area of the hotel...", I'm sorry, backup one, "Parking spaces, including the parking bank was increased from 589 spaces to 622." And then that first, "Be it further ordained at the gross floor area of the hotel and event center structures excluding guest rooms and access hall shall not exceed 8,900 square feet." And then furthermore, in that next feed, "Be it further ordained by the city council that the subject parcel of land include the following conditions." We listed out those conditions as part of the parcel U with the marina. And then in the next, "Be it further ordained that the overall impervious site coverage for parcel D cannot exceed 61%. That was amended as well. Okay. Those were the amendments that we have already voted on and included. Mr. Zuckerman, before we go there, any questions, comments from council members on those existing amendments?

Okay. All right. Mr. Zuckerman, you want to go back to what you were speaking of a few minutes ago?

Jason Zuckerman (00:15:59):

No, but I did want to make a motion. I did want to make a motion for an amendment.

Rick Danielson (00:16:02):

Okay. If there's no other questions or comments on the existing, we'll move towards a new amendment. Everybody's good? Okay, go right ahead.

Jason Zuckerman (00:16:10):

So, I'm just going to make a motion to delete the second to last, "Be it further ordained by the city council that all variances and departures from the court are granted for the subject project consistent of the attached said harbor." So, my motion is just to delete that.

Jill McGuire (00:16:25):

Second.

Rick Danielson (00:16:29):

Okay, we have a motion by Mr. Zuckerman and second by Ms. McGuire. You want to go through that again for us to make sure everybody's clear?

Jason Zuckerman (00:16:37):

So, my reasoning behind that is just very... It's way overly broad. It carries with the property in perpetuity, it's overly broad. We've had a lot of discussions about what are those variances of departures, and I just can't see giving a blank check departure, all variances and departures whatsoever from the CLURO being granted. It's just very overly broad. It's not something that I can work with. We talked about that.

Rick Danielson (00:17:09):

Would you read your amendment one more time please?

Jason Zuckerman (00:17:11):

Delete the second to last, "Be it further ordained", the entire second to last period [inaudible 00:17:18]. Just delete it.

Rick Danielson (00:17:24):

Okay. And that's at the bottom of the ordinance. So again, to delete, "Be it further ordained by the city council that all variances in departures from the CLURO are granted for the subject project consistent with the attached site plans for Sucette Harbor." Everybody's clear on that? Okay. Any questions, comments from council members on that amendment? Anything from the floor on that amendment? Questions, comments? Okay. All in favor of the amendment as proposed please say aye.

Crowd (00:17:54):

Aye.

Rick Danielson (00:17:55):

Any opposed? Okay. And that is approved, so that will be amended. Okay. Any other amendments? Go ahead.

Jason Zuckerman (00:18:08):

Do you want to...

Rick Danielson (00:18:08):

No, feel free.

Jason Zuckerman (00:18:09):

[inaudible 00:18:09] the exhibits, I'll make a motion that we amend the "Now therefore be ordained", to paragraph, it says, "Now therefore be ordained", to read, "Now therefore be ordained by the city council acting as the governing party in the City of Mandeville that the site plan for Sucette Harbor contained in exhibit two is approved. The site plan as detailed in exhibit two for Sucette Harbor is specifically made a part of this ordinance and is incorporated here by reference."

Rick Danielson (00:18:44):

I'll second that.

Jason Zuckerman (00:18:46):

Okay. So, the reasoning behind that is, again, that's just really administrative. We have one site claim that is exhibit two. And that's, just clarifying that.

Rick Danielson (00:19:00):

Okay. Mr. Zuckerman, will you please read your amendment one more time, sir.

Jason Zuckerman (00:19:02):

To change the paragraph that says, "Now therefore be ordained", to read, "Now therefore be ordained by the city council acting as the governing authority of the city of Mandeville. That the site plan for Sucette Harbor contained in exhibit two is accrued the site plan as

contained in exhibit two for Sucette Harbor is specifically made a part of this ordinance and is incorporated here by reference."

Rick Danielson (00:19:33):

So, in that he is proposing that we delete as well as all other drainage, landscape, parking, tree mitigation, marina, and building plans as contained in exhibit two.

Jason Zuckerman (00:19:46):

Correct.

Rick Danielson (00:19:47):

Okay. Questions, comments from council members on that amendment? Any questions or comments from the floor on this amendment? Yes ma'am.

Elizabeth Sconzert (00:19:58):

With the deletion of the last before, "be it further ordained", with all variances in departures, I would recommend adding to this paragraph that you're amending on the current motion adding, "And are subject to any condition placed on site development dictated by this ordinance." That way you are making sure that you're incorporating the specific provisions of the ordinance that you do want to be incorporated.

Jason Zuckerman (00:20:32):

Okay. Yeah. I didn't get those exact words.

Rick Danielson (00:20:33):

Could you read that one more time?

Elizabeth Sconzert (00:20:36):

Yeah. So, it would read, "Now therefore be it ordained by the city council acting as the governing authority of the city of Mandeville, that the site plans for Sucette Harbor, contained in exhibit two, is approved. The site plans, as contained in exhibit two, for Sucette Harbor are specifically made a part of this ordinance, are incorporated herein by reference, and are subject to any condition placed on the site development dictated by this ordinance."

Jason Zuckerman (00:21:13):

That's my motion except for that the last two are's should be is's.

Elizabeth Sconzert (00:21:15):

Okay.

Jill McGuire (00:21:23):

I would like to... Well let's see if I can do this. So, I just want to make sure that we're clear with the condition where-

Rick Danielson (00:21:34):



Is this on this amendment?

Jill McGuire (00:21:36):

No, sorry.

Jason Zuckerman (00:21:36):

Okay, let's finish this amendment first. So just to be clear, what we just added does in effect what we just talked about in 98-40, which said that the site plan will have to be modified to comply with the conditions in the ordinance.

Elizabeth Sconzert (00:21:51):

Yes. And just because then it also relates safeguard for the fact that you deleted all of that other part. So, it just ties it up together to make sure that that's consistent.

Rick Danielson (00:22:04):

Okay. Any other questions or comments from council members on this amendment? Anything from the floor on this amendment? Yes ma'am. Come on out please. As always, name, address, and no more than three minutes.

Brandy Boza (00:22:21):

Okay. So just for clarification, my name is Brandy Boza. I live 710 Hutchin Street in Mandeville. So, my question is this, we amended it to say the site plan will have to be modified to go along with the proposal. I'm not sure if I'm using the right word. So, are we saying that since it says 90, they can't go any more than 90?

Rick Danielson (00:22:40):

If the ordinance says 90 and you are correct, they cannot go more than 90.

Brandy Boza (00:22:46):

Even though they say they can't do it in [inaudible 00:22:49]?

Rick Danielson (00:22:49):

Correct.

Brandy Boza (00:22:50):

In that row?

Rick Danielson (00:22:51):

Yes. The ordinance trumps. Their site plan-

Brandy Boza (00:22:54):

I just wanted clarification.

Rick Danielson (00:22:56):

If you took their site plan and let's, say they could have proposed 400 and have a site plan, but if the ordinance says 90, they'd have to put 90 within that site plan if approved, no matter how big it is.

Brandy Boza (00:23:06):  
Just clarifying it. Thank you.

Rick Danielson (00:23:09):  
Okay, Any other questions, comments on this amendment? All in favor of the amendment please say aye.

Crowd (00:23:15):  
Aye.

Rick Danielson (00:23:15):  
Any opposed? Think that is, Ms. McGuire?

Jill McGuire (00:23:24):  
Okay, so on the... And I have a question, because I don't know if I can do it since it is already a condition or amendment. I was just wondering if we could add where it says, "Be it further ordained that the gross floor area of the hotel and event centers, structures, excluding guest rooms and access halls shall not exceed 8,900 square feet." I was wondering if we could add in there, "Wedding pavilion." So, it would say, "Hotel, wedding pavilion and event center." I just want to make sure that we're not... That that wedding pavilion is factored into the parking calculations. Can I do that?

Elizabeth Sconzert (00:24:05):  
I think procedurally, yes you can.

Jill McGuire (00:24:07):  
Okay.

Rick Danielson (00:24:07):  
Okay. So, would you like to make a motion?

Jill McGuire (00:24:10):  
Sure. I'll make a motion to amend, "Be it further ordained that the gross floor area of the hotel and event center structures", be changed to... Do I have to read the whole thing or? Okay, I'm sorry. "Structures excluding guest rooms and access halls shall not exceed 8,900 square feet", to, "Be it further ordained that the gross floor area of the hotel, white pavilion, and event center structures excluding guest rooms and access hall shall not exceed 8,900 square feet."

Rick Danielson (00:24:49):

So, adding wedding pavilion between hotel and event center. Okay, do we have a second? That I'll second? Okay. Questions, comments from council members on that amendment? We'll get there. Hang tight. One second.

Jason Zuckerman (00:25:03):  
I'm still trying to find it.

Rick Danielson (00:25:05):  
It's at the first, "Be it further ordained", the top of page four. It was one of our...

Jason Zuckerman (00:25:13):  
Oh, I'm sorry.

Rick Danielson (00:25:14):  
So, it would read, "Be it further ordained that the gross floor area of the hotel, wedding pavilion, and event center structure excluding guest rooms and access halls shall not exceed 8,900 square feet." So, the addition was wedding pavilion. Okay. And the wedding pavilion is the outdoor structure on what they were speaking of. Okay.  
Questions, comments from council members on that? From the floor? Yes sir. Mr. Smith, come on.

Bernard Smith (00:26:00):  
Bernard Smith, 2313 Lake Shore Drive. I'm a little confused, so help me. If a person comes to your property and says he wants to do X and then you say, "And you have to rezone and do this for hotels and put this and put that", and he says, "I've changed my mind, I'm not going to do that." Then why are you making concretizing this for the future? Maybe if he's walking away, then somebody in the future can come by and say, "Look, I got a better idea." And you got to rezone everything again and restructure everything again. It seems to me when the man has said I'm not going to do it, that we would just kill this right here. And then you wait for somebody else come in with some other project instead of telling the next guy who comes in, "No, you have to have a wedding chapel, or you have to have this, you have to have that because that's what we approved years ago." And he says, "Well I don't like that." And then you going to start this whole new process again. So, if the man says, "No", because generally when somebody ask for a zoning change and then they say, "I take it back", then you just quit. So, I don't understand why we continuously going, if you could explain that to us.

Rick Danielson (00:27:13):  
Some of it because council members have an opportunity to present amendments to the ordinance and it's really to finish the process. So, I understand what you're saying, but whether it's approved or not, we're still going to vote on a completed ordinance. And that's what you're voting on this evening, is an ordinance. So, you're not necessarily voting on the plan, the plan is included as part of the ordinance, but that's what we're dealing with, okay? And between the other amendments that have already been proposed, every council member here has the right to do that, okay? Does that answer your question a little bit Mr. Smith?

Bernard Smith (00:27:48):

Yes sir.

Rick Danielson (00:27:49):

Okay. All right. Ms. O'Connell and then Ms. Venable.

Ellen O'Connell (00:28:02):

Ellen O'Connell, 330 Lake Shore Drive. I want to know if this current plan with the change in the number of rooms for residents, does it comply with the B1 designation?

Rick Danielson (00:28:17):

It's a totally separate issue. You're at 90 units based off of the density of the property. So, I would say it's totally separate, regardless it's 90 units.

Ellen O'Connell (00:28:28):

Okay. But didn't we have a debate about whether it should be B1 or B2?

Rick Danielson (00:28:31):

I think the... Ms. Sconzert, correct me if I'm wrong, but the one doesn't have to do with the other because-

Elizabeth Sconzert (00:28:37):

It's irrelevant to this.

Rick Danielson (00:28:38):

Yes.

Ellen O'Connell (00:28:38):

Thank you.

Rick Danielson (00:28:38):

That's my understanding. All right, Ms. Venable?

Winn Venable (00:28:48):

Hello people, I'm Winn Venable. I live at 241 Wilkinson Street. In the amendment that was just amended by Jill. I would urge y'all if this thing goes through to consider adding something about noise. I know that-

Jill McGuire (00:28:59):

That's on there.

Winn Venable (00:29:01):

Oh, okay.

Jill McGuire (00:29:02):

I've got that one covered.

Winn Venable (00:29:03):

The reason why I say is I used to do fundraising for Longview House and Gardens, which was the historic House Museum both located in a residential area, and they had enormous strictures on what they could have and when they could have it in terms of no live music, evening events with this out of respect for the neighbors. So, if we go there, let's go there.

Jill McGuire (00:29:21):

Yes.

Rick Danielson (00:29:22):

Thank you. Any other questions or comments? Yes sir? On this amendment.

Vaughn Mayhall (00:29:50):

We're talking about 90 units here and my question is, what is a unit? Would it be worthwhile putting something in maybe that's already planned to say a unit is one bedroom apartment, two-bedroom apartment, or whatever the definition of the unit would be. I'm going to imagine Mr. Chairman, I believe you said, alluded to this please, you could imagine a live space in one unit at a higher rental that would be inconsistent with what I think you're trying to do here.

Rick Danielson (00:30:25):

Now, I don't want to cut you off, but we'll stay on this amendment, but that might be something that we come back to for further explanation after we're done with this part.

Vaughn Mayhall (00:30:32):

If I have to come back, I'll just say ditto question.

Rick Danielson (00:30:38):

Any other questions on this amendment? Adding, wedding pavilion Okay. Alrighty. All in favor of the amendment as presented, please say aye.

Crowd (00:30:46):

Aye.

Rick Danielson (00:30:46):

Any opposed? Okay. That amendment is approved.

Jill McGuire (00:30:53):

Okay. On the note of Ms. Venable, I'll go ahead with my next one. Okay. So, I would like to add the following condition that no outdoor amplified sound, that all events will conclude no later than 10:00 PM on weekends, 9:00 PM on weekdays, that no construction of any building or building element within the servitudes of passage or servitudes of access. And that any use, not specifically might be combined... [inaudible 00:31:34] So I don't know, I might need to separate the space.

(00:31:37):

And he used specifically contained within table one, "Authorized land uses and development limits is strictly prohibited." So just do a bunch all once. So that was a lot. So maybe we'll just do... Let's start with the events.

Elizabeth Sconzert (00:31:57):

I would limit it. What I heard you say was no outdoor amplified sound.

Jill McGuire (00:32:02):

Yes.

Elizabeth Sconzert (00:32:02):

And then some restrictions on...

Jill McGuire (00:32:04):

Yes.

Elizabeth Sconzert (00:32:04):

Okay. So those and...

Jill McGuire (00:32:06):

Those two could be together.

Elizabeth Sconzert (00:32:07):

Is the 10:00 PM tied to noise or is it tied to something different?

Jill McGuire (00:32:13):

Noise.

Elizabeth Sconzert (00:32:13):

Okay then perfect. I would leave it at that.

Jill McGuire (00:32:15):

Yes.

Elizabeth Sconzert (00:32:16):

So do you need a, "Be it further ordained", paragraph to start that way for your-

Jill McGuire (00:32:20):

So, no outdoor... "Be it further ordained that no outdoor amplified music and that all events will conclude no later than 10:00 PM on weekends and 9:00 PM on weekdays."

Rick Danielson (00:32:41):

That's your motion?

Jill McGuire (00:32:41):  
That's my motion.

Rick Danielson (00:32:41):  
Do we have a second?

Jason Zuckerman (00:32:44):  
Second.

Rick Danielson (00:32:44):  
Second by Mr. Zukerman. Questions, comments from council members? This tightens up the noise ordinance specific to this property. Is that a fair summary?

Jill McGuire (00:32:56):  
Yes. And it also without outdoor amplified music will hopefully mitigate the concerns of the neighbors.

Rick Danielson (00:33:02):  
Okay. All right.

Jill McGuire (00:33:02):  
... mitigate the concerns of the neighbors.

Rick Danielson (00:33:02):  
Okay. All right.

Elizabeth Sconzert (00:33:04):  
Not to be difficult, do you want it to be music or sound?

Group (00:33:06):  
Sound.

Jill McGuire (00:33:10):  
Sound.

Elizabeth Sconzert (00:33:11):  
Okay. And then the limitation on the events, all events concluding by, do you mean outdoor events?

Jill McGuire (00:33:18):  
I think outdoor is fine.

Elizabeth Sconzert (00:33:22):  
So how about I read back?

Rick Danielson (00:33:25):

Please.

Elizabeth Sconzert (00:33:25):

Be it further ordained, there shall be no outdoor amplified sound. And all outdoor events will conclude by 10:00 PM on the weekends, and 9:00 PM on weekdays. Does that sound right?

Jill McGuire (00:33:36):

Yes.

Rick Danielson (00:33:36):

Okay. Mr. Zuckerman, you're still good with seconding with the updates?

Jason Zuckerman (00:33:42):

Yes.

Rick Danielson (00:33:44):

Okay. Any other questions or comments from the council on that amendment? Anything from the floor? Yes, sir. And then we'll go back to Ms. O'Connell.

Robert Farbacher (00:33:53):

Thanks. I'm Robert Farbacher at 10600 Bayham Road. I'm sitting here listening. And I think these are great things, but words have significant meanings. I'm just thinking about how I can beat this. So y'all are saying outside noise. Okay? What if I have the band inside, but have all the doors open? Then it's going to exceed the decibels, and the ordinance doesn't cover it. And I think, I guess what the people here are suggesting is we're doing this piecemeal and the whole thing has been done piecemeal. We change this. I've seen Mr. Zuckerman ask questions on the site plan about elevations and he didn't even have the correct site plan. And I've seen capitalist things like this. This is included, this isn't included. And a lot of people are really confused.

And now we're going to at the last second add this, this, this, and this. And this is piecemeal legislation. And I think what y'all need to do is sit out and say, "I want this" and have your attorney look at it beforehand. But what are you trying to do to accompany a witness? Because I can find all kinds of loopholes and that's not the purpose of all of this. If the proponent said they don't want to do it, this is a big exercise in futility. And I would just make a suggestion, and I know I can't amend your thing, but get all of your stuff written down to prepare the ordinances instead of coming here and doing piecemeal, piecemeal, piecemeal.

Because how many times have you amended it? Twice. Yeah, yeah. And let's see if they want to submit. How are you going to approve rezoning or variances, whatever you want to call it, because this is very technical. And I'm not sure it's not a rezoning. Anyway, that's a legal issue. But you're putting the cart before the horse. You're asking, "We're going to do this on the pretense of this group is going to submit a site plan in accord with what you want." This other gentleman raised; he had 90 units. Okay, they're going to be huge units. There's no controls. You're just giving somebody a blank slate, to maybe give them a blank slate to try to come around on the future ordinance and waste all your time and all the



citizens'. There's been enough, I think in this whole process, enough deception, which I'll get into later, but I just think that you think about this, write all this stuff down because you're doing it, she's doing it. This is how mistakes are made. Anyway, thank you.

Rick Danielson (00:36:47):  
Thank you, sir. Okay. Ms. O'Connell?

Ellen O'Connell (00:36:57):  
The ordinance about sound seems to conflict with the current, as I read it, noise ordinance in the city of Mandeville as to time and specifics. So how do you resolve that? Right now, it's 7:00 PM and it also states that any noise that appears obnoxious to any person of reasonable sensibilities, you can call the police for instance on that noise.

Rick Danielson (00:37:25):  
I don't believe it's seven.

Ellen O'Connell (00:37:27):  
Well, it was 10:00 and then a couple of years ago, we changed it back to seven, according to nola.com. I didn't read it myself.

Rick Danielson (00:37:45):  
I don't think that's been changed.

Cara Bartholomew (00:37:45):  
I think construction is seven.

Rick Danielson (00:37:45):  
Yeah, it's construction.

Jill McGuire (00:37:45):  
7:00 AM is in the ordinance. [inaudible 00:37:46]. It's before 7:00 AM. We can't have construction noise.

Cara Bartholomew (00:37:45):  
But just to answer that question a little bit, so this ordinance is specific to this property. So, if there's anything that's different from any of our existing ordinances, this ordinance would default. And then everything else, if it's not mentioned in this ordinance, we just have to follow our regular code.

Ellen O'Connell (00:38:04):  
So specific to this property only, right?

Cara Bartholomew (00:38:06):  
Yes.

Rick Danielson (00:38:06):

For this ordinance.

Ellen O'Connell (00:38:08):

So, what about the nearby residences? Are they going to be upset by this because they live so near to the hotel and the residences with the possible noise?

Group (00:38:18):

Yes.

Jill McGuire (00:38:20):

That's why we're doing the amendment to have no outdoor amplified music, so you can't have bands out there. It keeps everything inside.

Ellen O'Connell (00:38:27):

Or sound, right?

Jill McGuire (00:38:28):

Or sound. Yes. Or even a microphone. You can't even have someone out there singing kumbaya if it's on the microphone.

Ellen O'Connell (00:38:36):

Okay. What if you have someone in a racy kind of car making loud noise in their car with no muffler? Can they do that here?

Jill McGuire (00:38:42):

Well, then you call the police just like you would anywhere in the streets of city of Mandeville.

Ellen O'Connell (00:38:46):

Okay. So, the part about any noise that is unconscious to any person of reasonable sensibilities can be called in? You keep that part?

Jill McGuire (00:38:55):

That's the law. That's the ordinance. Yeah. That doesn't go away. What this says is it's saying that no outdoor amplified music, so that's bands or singing.

Ellen O'Connell (00:39:05):

Or sound.

Jill McGuire (00:39:06):

Or sound or anything thereof. So, they're going to keep their events inside. So that is-

Ellen O'Connell (00:39:12):

Understand.

Jill McGuire (00:39:14):

And then 10:00 PM is the noise ordinance. They have to do that anyway, but at 9:00 PM on weekdays. Okay?

Ellen O'Connell (00:39:23):  
Okay. Thank you.

Rick Danielson (00:39:24):  
Thank you. All right, anything else from the floor on this amendment? Yes, ma'am. Ms. Smith, after. Hang tight one second. Go ahead, Ms. Clark.

Emery Clark (00:39:45):  
This is a very-

Rick Danielson (00:39:46):  
State your name.

Emery Clark (00:39:50):  
Oh. Emery Clark, 302 Mariners. A very brief heads up that I appreciate the spirit of the amendment. However, we would like total silence, and that you're going to hear the people outside frolicking. I hear them cutting the grass, their cars back. We hear everything. Noise carries water. Through physics, we all know noise carries water. I mean, water carries noise. Excuse me. But there are going to be ambient noises of the trunk slamming, "Get my luggage." People are not quiet. So, I appreciate limiting it, but if this project's approved, there is going to be noise, it's going to be offensive. And it's not fitting the environment. Thank you.

Rick Danielson (00:40:57):  
Okay. Ms. Smith?

Carrie Smith (00:40:57):  
Carrie Smith, 2313 Lakeshore Drive. I just had a question which is default. Which takes precedence? The ordinance, or the law of Mandeville, or the ordinance you are creating for that property.

Rick Danielson (00:41:14):  
I'll let the city attorney answer that.

Elizabeth Sconzert (00:41:17):  
So, Section 11-86 is going to cover all of the traditional noise sound control issues. So that's your ruckus noise, that's your exhaust of cars, your construction, or playing a radio too loud. That's not going to go away just because of these specific prohibitions. These are additional prohibitions that are in addition to it. They're specific to this property.

Carrie Smith (00:41:44):  
And those which you talked about would apply to that property as well?

Elizabeth Sconzert (00:41:47):  
Yes, absolutely.

Carrie Smith (00:41:48):  
Thank you.

Rick Danielson (00:41:50):  
Sure, thank you. Anything else on this amendment? All right, move forward. All in favor of the amendment as presented, please say aye.

Group (00:41:57):  
Aye.

Rick Danielson (00:41:58):  
Any opposed? Okay, that is approved. Ms. McGuire, you got another?

Jill McGuire (00:42:07):  
I do. I'd like the ordinance updated to state, "If the development does not follow the exact site plan submitted, meaning the 90 units, the rezoning of the property to planned combined use is immediately revoked."

Group (00:42:22):  
Yeah.

Rick Danielson (00:42:25):  
Where would that go?

Jill McGuire (00:42:27):  
I don't know. Maybe wherever we put the 90 units in the ordinance. We're going to put the housekeeping-

Rick Danielson (00:42:38):  
I guess that would be a further ordained.

Jill McGuire (00:42:41):  
Oh, yes. Okay.

Emery Clark (00:42:44):  
Can you please say that again?

Rick Danielson (00:42:44):  
Yes, we are. Bear with us.

Jill McGuire (00:42:45):

Yes, we are. Okay. So, if the development does not follow the exact site plan submitted, the rezoning of the property to planned combined use is immediately revoked. What that means is...

Unknown Audience member (00:43:03):  
Good. So, the gentleman that was speaking before-

Rick Danielson (00:43:03):  
Hang tight.

Unknown Audience member (00:43:03):  
... about the rezoning, so it is rezoning.

Rick Danielson (00:43:14):  
Well, bear with us. So, we want to kind of keep this clear. We'll have a chance in just a moment, if you hang tight.

Elizabeth Sconzert (00:43:30):  
Procedurally, I think you need a motion and a second, before we can have discussion.

Jill McGuire (00:43:35):  
Okay. I make a motion.

Jason Zuckerman (00:43:35):  
I'll second.

Unknown Audience member (00:43:36):  
Wait, can you talk a little bit about the wording thing?

Rick Danielson (00:43:37):  
She's going to make her motion with the wording, and then we'll move forward.

Jason Zuckerman (00:43:44):  
I'll second, so we can discuss it.

Rick Danielson (00:43:46):  
Go ahead with your motion one more time.

Jill McGuire (00:43:48):  
I make a motion to update the ordinance to say, "If the development does not follow the exact site plan submitted," or maybe what it should say is the exact site plan requested, right? Because they haven't submitted the site plan to match the 90 units, so I guess we need to be clear with that. "So, the exact site plan with all amendments and conditions, the zoning of the property to planned combined use is immediately revoked." Because since this is a rezoning, right?

Group (00:44:26):  
Yeah.

Jason Zuckerman (00:44:26):  
Look, lets-

Rick Danielson (00:44:31):  
Mr. Zuckerman, you're going to second that?

Jason Zuckerman (00:44:32):  
Yeah, let's get it seconded. So now we can-

Rick Danielson (00:44:36):  
Okay. So, we have a motion for Ms. McGuire and a second for Mr. Zuckerman.

Rebecca Bush (00:44:40):  
So, I don't disagree with the 90 units, but you couldn't build it if it wasn't nine units. You'd never be able to pull permit. So, I don't know that it's necessary.

Jill McGuire (00:44:49):  
Well, here's what I want to make sure of. Okay. This goes back to the gentleman's question they had earlier. If they decide, " You know what, we can't feasibly do this," but let's say it's gone through the process and it passes, and they can do the 90 units. What if they just sit on the property, and then let this expire? Then do they still have the rezoning?

Rebecca Bush (00:45:16):  
They have to pull the permit for the certain.

Cara Bartholomew (00:45:20):  
So, it says, "Except as otherwise stated, pursuant to an approved conditional use permit shall expire in two years, following city council approval, unless this two-year period, they obtain a construction permit." So once that two years is lapsed, then all approvals go away. That's kind of why we're in the situation right now. Right? So even though it's a planned district, residential right now, you can't even build a single-family residential unit without coming to you all for approval because of the nature of the planned district, and that every use is a conditional use. So, if they couldn't do the 90 units and they don't pull a permit within two years, then all approvals are null and void and have to come back to you.

Jill McGuire (00:46:12):  
Okay, so that-

Jason Zuckerman (00:46:15):  
But an important distinction, correct me if I'm wrong, the property is still rezoned. So, it knows it becomes planned district, and you can have commercial on the property.

Jill McGuire (00:46:23):

That's what I'm concerned about.

Elizabeth Sconzert (00:46:25):

Yes, but it would be planned use combined because that's the current designation, but it's still contingent upon approval by the council of each individual use that is applied.

Jason Zuckerman (00:46:36):

No, I understand, but still their condition of use permit would expire that they don't submit a plan and submit for it. But the rezoning goes with the ordinance if it passes. So, I think what Ms. McGuire's amendment is, if they don't submit a plan that complies with the conditions we put, then the rezoning reverts back to planned residential district. Is that correct?

Jill McGuire (00:47:05):

Correct. So, has it been seconded?

Rick Danielson (00:47:15):

Yeah, Mr. Zuckerman seconded.

Jill McGuire (00:47:19):

All right. So that's exactly-

Rick Danielson (00:47:20):

We'll get there. Hang tight for us. Okay?

Elizabeth Sconzert (00:47:23):

So, the concern is that we don't have a specific provision in the file for it or against it. And a very wise person told me that there's not always a right way. It doesn't necessarily mean there's not a clear wrong way either. My father before he passed away.

Rick Danielson (00:47:45):

Thank you, Ms. McGuire. All right, we can mull that over. We'll take a couple questions and comments. Maybe I'll have clarified a few things. Okay? [inaudible 00:47:57], did you have a question or comment since you've been waving your hand? Do you want to come up with something? Yes, ma'am. And then we'll go to Mr. Burguieres.

Lisa Marie O'Bryan (00:48:15):

Isn't every plan supposed-

Rick Danielson (00:48:16):

Can you please state your name?

Lisa Marie O 'Bryan (00 :48 :18) :

Yes. Lisa Marie O'Bryan.

Rick Danielson (00:48:19):

Can you get closer to the microphone?

Lisa Marie O'Bryan (00:48:23):

Isn't every plan supposed to be submitted in writing before a discussion of the ordinance happens? And number two, isn't this two different subjects, A, zoning and two conditional uses? Because you're not supposed to submit two different subjects in one ordinance. Now the Copeland ordinance, it still stands, right? It had what, 10 homes that you could build? So that's not true, you can't build anything. It's not. Yes, or no?

Rick Danielson (00:49:00):

The ordinance has two components and as we've discussed multiple times, that's the appropriate way to do it because of the uses that are being presented in regard to the zoning. So that's why it's-

Lisa Marie O'Bryan (00:49:12):

Well, you should actually look at your own rules that apply to must and shall with the Mandeville. There's so much crap. There's this, there's that, there's plural, there's this new thing, there's the old thing, this any other, you can't even narrow it down. But I'm pretty sure that zoning conditional use are two different things and you're not supposed to do it until they're actually separated and applied. And the other thing is nothing is supposed to be discussed until it's in writing. And every time we come in here it's, is this on here or will submitted later? It's not supposed to be later. And you're not supposed to actually even educate them on it. You're supposed to let them come in with the burden of proof to show us, show you, and that's it. And you're leading them and so are they.

Group (00:50:03):

Yes. Amen.

Rick Danielson (00:50:04):

All right. Yes, Mr. Burguieres?

Ernest Burguieres (00:50:18):

All right, Ernest Burguieres, 241 Wilkinson Street. I have a suggestion for Ms. McGuire's motion that might make it simpler because I think we all may understand what she's trying to do. And what I've jotted down here is that basically if the conditional use permit expires, then the zoning reverts back to plan development residential, period. Because the intention is that you don't want a blank check so they can go put a 30-story tower up there because they now have it zoned commercial. It says in the ordinance that this thing is rezoned to the extent necessary. That's what the ordinance said. So, to say that it's not being rezoned is not true and you shouldn't say that. It is being rezoned and that's what you're trying to protect so that if somehow it passes and they don't follow through with it, you are to revert back to residential. That's all.

Jill McGuire (00:51:06):

Okay. So, could we do that? Can we-



Rick Danielson (00:51:08):  
Want to modify your amendment?

Jill McGuire (00:51:09):  
Yes. Can I modify my amendment? And Ernest, can you stay up here? Okay. Give me the verbiage.

Ernest Burguieres (00:51:26):  
If the conditional use is approved and it expires,

Jill McGuire (00:51:26):  
Expires. Okay.

Ernest Burguieres (00:51:27):  
Then the zoning reverts back to the plan development residential from 98-40.

Jill McGuire (00:51:30):  
Okay. All right. Let me try.

Rick Danielson (00:51:36):  
It's pretty clean.

Jill McGuire (00:51:37):  
Yeah. All right. So, we're going to amend this to say?

Jason Zuckerman (00:51:52):  
Planned residential.

Jill McGuire (00:51:52):  
Planned residential.

Ernest Burguieres (00:51:52):  
Shall revert.

Jill McGuire (00:51:54):  
Shall. I love that word. Shall.

Rick Danielson (00:52:03):  
You okay continuing to second that, Mr. Zuckerman?

Jason Zuckerman (00:52:04):  
Yes.

Rick Danielson (00:52:05):

Okay. Anything from the planning department? Okay. Any questions or comments on modification to the minutes, Carl? Anything else from the floor on that, Ms. Karen? And then we'll come over to Mr. Bob Farbacher. Come on up.

Claudia Hope (00:52:42):

Claudia Hope, we're at 171 Live Oak Street, Mandeville, Louisiana. My question is with all of this lawyer talk and things like that that we don't understand, obviously council Jill doesn't understand, so I'm confused. So, what's stopping the builder from once this ordinance gets passed from putting up a building within what it says, but then three years from now taking out walls and going bigger? Does that make sense? So, if you're saying they can only do 90 apartments, so they build it to fit 90 apartments, but they build these 90 apartments huge, but then once it's built, they take out walls and expand. Does that make sense? I'm confused by that.

Elizabeth Sconzert (00:53:36):

There's a specific provision in the file which is 4.3.3.13, which says any modification of a planned district or conditional use permit has to be done in accordance with the procedures. And if it's outside of that, then it has to come back before the council.

Claudia Hope (00:53:55):

So that means what?

Elizabeth Sconzert (00:53:58):

It means if they were going to do the changes that you are concerned about them making, that they would have to come back before the council.

Claudia Hope (00:54:04):

And ask to make the changes and qualify?

Elizabeth Sconzert (00:54:04):

Yes.

Claudia Hope (00:54:04):

Okay. Thank you.

Robert Farbacher (00:54:08):

Just a follow-up on the amendment.

Rick Danielson (00:54:08):

Yes, sir.

Robert Farbacher (00:54:19):

Robert Farbacher. Just a question. Maybe I'm confused that they've got to submit a site plan showing the 90 units Correct? And if they don't do it within years, excuse me, within two years, then this is not void. Shouldn't we have some time limit for them to submit and instead of it going on for two years, to say, I don't know, 90, 120 days? Because if we're

going to go ahead and say, "We're going to approve this based on this site plan you haven't given us, we should at least make them do it at a certain time."

Group (00:54:57):  
48 hours.

Robert Farbacher (00:54:57):  
That's just a point I want to make.

Rick Danielson (00:55:13):  
Okay. Yes. Mr. Sean, come on up.

Sean Bright (00:55:14):  
Sean Bright. 171 Live Oak Street. I don't know if this pertains exactly to this amendment. You can tell me if it does or not. And if it doesn't, I'll withdraw the question. The 90 units doesn't have a restriction on the square footage, but the hotel has a restriction, and the retail office has a restriction, the restaurant has a restriction, and the marina retail boat rental has a restriction on square footage. I don't see as ordinance of restrictions on square footage, and I thought it'd probably answer some of my wife's questions that she asked.

Rick Danielson (00:55:47):  
And we might come back around to that after we finish this amendment.

Sean Bright (00:55:49):  
Okay, thank you.

Rick Danielson (00:55:51):  
Okay. Any other questions or comments on this amendment? All right, let's vote. All in favor of the amendment as presented, please say aye.

Group (00:55:59):  
Aye.

Rick Danielson (00:56:00):  
Any opposed? Okay, that's approved. Ms. McGuire, anymore?

Jill McGuire (00:56:02):  
Yes. Okay. I don't know where we to put this, but that no construction of any building or building element within servitudes of passage or servitudes of access.

Rick Danielson (00:56:28):  
Could you please say that one more time?

Jill McGuire (00:56:33):  
Okay. To add the following condition, "No construction of any building or building element within servitudes of passage or servitudes of access."

Rick Danielson (00:56:43):  
What would that mean?

Jill McGuire (00:56:43):  
So-

Rick Danielson (00:56:45):  
Oh, that's a motion.

Jill McGuire (00:56:47):  
Motion.

Rick Danielson (00:56:47):  
Okay. Second?

Jason Zuckerman (00:56:47):  
Second.

Rick Danielson (00:56:49):  
By Mr. Zuckerman. Okay, so describe that thought process.

Jill McGuire (00:56:53):  
Well, you've got a couple of things with, I'm still unclear about this whole emergency exit we got going on. Then there's been questions from the beginning about servitudes, and some of the site plans had buildings on the servitudes. So just want to put that in the ordinance to clear that up so that should the drawing be inaccurate or a typo or what have you, this would clear that up.

Jason Zuckerman (00:57:20):  
I think we definitely did talk about that. There is the right of access servitude down the entire west side of the site. So, I know the developer moved some buildings out of it and things like that. So, I think this is really just tying that up into an amendment.

Jill McGuire (00:57:38):  
It's just housekeeping just to make sure.

Rick Danielson (00:57:41):  
Okay. All right. So that should be it further ordained.

Jill McGuire (00:57:47):  
Okay. Do I need to say that part?

Rick Danielson (00:57:49):  
Sure.

Jill McGuire (00:57:49):  
Do I need that?

Rick Danielson (00:57:55):  
Yeah.

Jill McGuire (00:57:56):  
Okay. All right. So, I'd like to add, "Be it further ordained, no construction of any building or building element within servitudes of passage or servitudes of access."

Rick Danielson (00:58:05):  
And that's Mr. Zuckerman, you're good with seconding that?

Jason Zuckerman (00:58:06):  
Yes.

Rick Danielson (00:58:08):  
Okay. Any questions, comments from council members on that amendment?

Jill McGuire (00:58:11):  
We need to have Kristine to type it out or exact words.

Kristine Scherer (00:58:14):  
It's up there.

Rick Danielson (00:58:15):  
Already good.

Kristine Scherer (00:58:16):  
Already there.

Rick Danielson (00:58:18):  
In blue. Third blue.

Kristine Scherer (00:58:20):  
Third blue.

Rick Danielson (00:58:22):  
The new ones are in blue. The old ones are red.

Ernest Burguieres (00:58:25):  
It's pretty neat.

Christine (00:58:26):  
I'm typing as fast as I can.

Rick Danielson (00:58:30):

All right, questions, comments from the council members? Anything from the floor on this amendment? Yes, ma'am. Come on up.

Lisa Marie O'Bryan (00:58:36):

It's not supposed to be in writing before this discussion.

Rick Danielson (00:58:56):

Can you give us your name and address please?

Lisa Marie O 'Bryan (00 :58 :56) :

Lisa Marie O'Bryan. 1933 Oak Street.

Group (00:58:56):

Louder. We can't hear.

Rick Danielson (00:58:56):

We still can't hear you.

Lisa Marie O'Bryan (00:59:04):

Isn't it supposed to in writing?

Rick Danielson (00:59:08):

Well, you can do it-

Lisa Marie O'Bryan (00:59:08):

The site plans.

Rick Danielson (00:59:09):

I understand what you're saying. As far as the amendment is concerned, that's what we're talking about, the amendment is in writing, and you can do amendments-

Lisa Marie O'Bryan (00:59:16):

No, no, no.

Rick Danielson (00:59:16):

Hold on.

Lisa Marie O'Bryan (00:59:17):

His site plan, yes, or no?

Rick Danielson (00:59:20):

Well bear with me because we're talking about the amendment. Okay?

Lisa Marie O'Bryan (00:59:23):

I understand, you want table it and you'll get back to it. You want to vote on it first.

Rick Danielson (00:59:27):  
We're not going to table anything.

Lisa Marie O'Bryan (00:59:27):  
You want to vote on it first.

Rick Danielson (00:59:28):  
We can only talk about an amendment.

Lisa Marie O'Bryan (00:59:30):  
Must it be in writing?

Rick Danielson (00:59:30):  
Ms. O'Bryan?

Lisa Marie O'Bryan (00:59:32):  
Yes, or no?

Rick Danielson (00:59:33):  
Bear with me. We are talking about an amendment, not a site plan at this time. We are talking about an amendment.

Lisa Marie O'Bryan (00:59:39):  
Because that's what you choose to do.

Rick Danielson (00:59:40):  
No, it's proper procedure.

Lisa Marie O'Bryan (00:59:42):  
It is not. I have a copy of Roberts Rules.

Rick Danielson (00:59:46):  
Okay, I'm going to have to cut you off. Okay? Thank you.

Lisa Marie O'Bryan (00:59:47):  
You are not doing this correctly, and you know it.

Rick Danielson (00:59:51):  
Thank you. All right, anything else on this amendment? You can do amendments from the floor. That's what we are doing. Ms. McGuire has the right and the opportunity to present amendments and is doing that. And then we follow the basic discussion and any amendment. So that's where we are. All right, anything else on this amendment? All right. All in favor of the amendment as presented, please say aye.

Group (01:00:14):

Aye.

Rick Danielson (01:00:15):

Any opposed? That is approved. Okay. Any additional amendments? All right.

Jill McGuire (01:00:22):

I got one more. Okay. I make a motion to add the following conditions, "So be it further ordained that Any use not specifically contained within Table One, excuse me, authorized land uses, and development limits is strictly prohibited."

Rick Danielson (01:00:49):

That's a motion. Do we have a second?

Jason Zuckerman (01:00:50):

Second.

Rick Danielson (01:00:52):

Okay. Questions, comments from council members? You want to repeat it one more time, Ms. McGuire, so we're all clear?

Jill McGuire (01:00:57):

Sure. "Be it further ordained, any use not specifically contained within Table One, authorized land uses, and development limits is strictly prohibited."

Rick Danielson (01:01:10):

Okay, so we have a motion and a second. Questions from council members on this amendment?

Skelly Kreller (01:01:16):

Yes. I'd like to-

Rick Danielson (01:01:17):

Ask the question.

Skelly Kreller (01:01:18):

... ask a question to Ms. McGuire. Who is that pertaining to?

Jill McGuire (01:01:24):

Well, it's on the table. It's to make sure that we're not deviating. So right now, the land use table has the multifamily family apartments, got the hotel, we have retail and office, they have restaurant, marina, retail, boat rental, and a marina. Just want to make sure. So, what's not on here is event. Event center is not listed in Table One. So back to the parking calculations and the 8,900 square feet, just want to make sure that this table doesn't change and that only these uses are allowed.

Skelly Kreller (01:02:12):



I thought the event center is part of the hotel.

Jason Zuckerman (01:02:13):  
It's permitted use of the hotel.

Skelly Kreller (01:02:14):  
It's permitted use of the hotel. So-

Jill McGuire (01:02:24):  
I'm sorry, on the back it has the parking spaces as well.

Rick Danielson (01:02:27):  
Okay. Yes?

Elizabeth Sconzert (01:02:31):  
Councilwoman McGuire, do you want to perhaps change the language of prohibited? Sorry. Where you have any use not specifically contained within Table One is prohibitive, would you perhaps entertain it saying, "Would require a separate application?" In case say they did have a successful development and later on there's a use if it was?

Jill McGuire (01:03:00):  
No.

Elizabeth Sconzert (01:03:00):  
It would still require council. They still have to, but I just want to make sure that that's an alternative to that.

Rick Danielson (01:03:08):  
Okay, good. All right. Anything else from council members on this amendment? Anything from the floor? All in favor of approval of the amendment as presented, please say aye.

Group (01:03:19):  
Aye.

Rick Danielson (01:03:19):  
Any opposed? Okay. That's approved and on the screen. Anything else amendment-wise? Good? Okay. All right, we'll go to the floor in a moment for questions and comments. We'll start with our listing. Maybe before we do that, if Ms. Sconzert can address the 90 units and square footage issues that have come up a couple of times already, maybe we can save that discussion or a planning department. We do have a site plan that's been submitted.

Cara Bartholomew (01:03:56):  
Yes. So, we have a site plan that's been submitted. You all have the ability to amend this ordinance in any way which you see fit. So even if their site plan doesn't match what you all are amending the ordinance to, what's allowed is going to default to what's in that ordinance. And I don't actually see anywhere on the site plan where it mentions the number

of units, but if it is specifically laid out in the ordinance, then that's going to be what we default to, not the site plan. That's it.

Rick Danielson (01:04:36):

Okay. All right, let's go to the floor. I'll start with the listing. You've got a handful of names on here. As I've said, no more than three minutes. Please come up and of course, we'll have the timer. And if there's questions to respond to, we'll certainly try to do that as well. All right, let's start with Mr. Joyner. Joe Joyner?

Joe Joyner (01:05:00):

You're doing a great job.

Rick Danielson (01:05:02):

Thanks.

Joe Joyner (01:05:02):

My name is Joe Joyner. I live at 709 Capsule. The marina is my front yard. I've lived there for 30 years. I've been in Mandeville for 40 years. The development has blocked about 40 to 50% of my view of the lake. So, if anyone should be arguing against this, it's me, but I'm the biggest proponent of this. I've watched the marina decay for the last 15 years. Actually, a little bit longer. Ever since the Katrina hit, that entire area around the marina has been a disaster. If you walk out to the beach right now, it's disgusting. The entire area is a wasteland in some ways, and it looks good from my house if I'm looking out, but I look down, it's terrible. And I wonder how many people who live two miles away are aware of that. How many people three blocks away are aware of that. So, people who live there, and I don't speak to everybody [inaudible 01:05:55], but I can tell you the people I do speak with there have been warning something like this for years.

With there have been warning something like this for years we were very upset when the Copeland house was voted down. I'm not sure it was about 20 years ago, long time ago. In hindsight, that was a huge mistake. Everyone wishes that that property was still there and approved, it's not. This is the next best thing that's come along. We knew that's going to be a development. Okay? The idea that they're putting in a hotel, I love that. All right. The noise, I can understand that, but who's going to be most affected by the noise. Me, not the guy, a mile down the road. And most of this crowd here, I shouldn't say most, I don't know, but there's a majority of people, I don't think are going to be affected by this at all. I'm going to be extremely affected by it. And this is voted down because all the different rules that you're putting in, that's not going to be another developer coming along in my lifetime, and I've been there 30 years waiting for this.

And people who live there understand how much of improvement this would be to the area. When I see someone a mile away, in front of the box, what's right in my front yard, it's very disturbing. I don't like to get upset about it, but I think that if you take the number of people here, it represents less than 1% of the people in Mandeville. And yeah, they can make a big voice. They can come here and make their points, but this is my life. Ever since we lost the marina from Katrina, things have been dead around there. We missed the marina. We want the restaurant; we definitely want the hotel. Y'all can go back and forth about the number of units. But if they can't make it a financial-

Rick Danielson (01:07:35):  
Mr. Joyner finish please.

Joe Joyner (01:07:37):

If they can't... Yeah, of course. That's my rule. If they can't make it financially viable with 90 units, then nothing happens and nothing will happen for another 30 years. So, my point is, yeah, can y'all can get with all the details and try to work that out, but if you make it where this does not get approved, you can forget about it. It's not going to happen again. Thank you.

Rick Danielson (01:08:16):

Thank you, Mr. Joyner.

All right, Mr. Farbacher. Not to be confused with James. Go ahead.

Robert Farbacher (01:08:16):

Real quick. Thank you for the time you've spent to this spent with this. It's been interesting from the get-go. We've been deceived a lot. The name of the project owner was Louisiana Health Foundation. Excuse me. And it's New Orleans doing the event bank and it seems like every time somebody goes, one time we had a full-scale restaurant, which when they found out the traffic requirements were different, it was called a casual dining establishment. We had an event center and when they found out that that created more parking space, they said, "Oh, we just have a ballroom." So clearly what they want to do is they want to build the most that they can to maximize their profits, which is what any businessman would want to do. But I think we're guided here by [inaudible 01:09:08] and the first and biggest question of [inaudible 01:09:10] is compatibility. Show me where they have any neighborhoods that have hotels, marinas, apartment complexes in them in the majority area, they don't. It's fourplexes. I heard one of the proponents of Mr. Hoffman's group say, well they have fourplexes so that's a multifamily dwelling. And I think, yeah it is, but it's certainly about different from 90 units. Marina all of that is just not compatible and we're kind of unfavorable results for this to the neighborhood where they're going to kill a lot of trees.

I have questions about the drainage because the way the property drains now, it drains across that property into the lake, how high they put the roads, what structures they put on [inaudible 01:10:02]. It's going to interfere with, could I should say, interfere with the right drainage. So [inaudible 01:10:09] says we've got to consider these points. What modifications have they done? Again, it was, "Well we changed the full-scale restaurant to a casual restaurant." It's like, we changed the event, send it to a ballroom. We heard discussions on the traffic and I'm sorry, I drive these roads all the time and you can't tell me this is not going to be a major impact on the traffic. I mean you got Monroe Street is a two-lane road. You got Antibes. I defy anybody to take an 18-wheeler off of Monroe Street and try to turn onto Antibes to access the property. It can't physically be done unless you start swerving out on the Monroe Street, blocking it or you're going to drive over the other names of Antibes. It's just not designed for you. In addition to that, this was a quiet neighborhood and now you're going to put all this traffic in it. So, I guess the question,

forget the noise and sound pollution, the question is who does this benefit if something doesn't benefit the neighbors and citizens of this property?

Rick Danielson (01:11:18):  
Thank you, sir.

Robert Farbacher (01:11:18):  
Thank you.

Rick Danielson (01:11:26):  
Mr. Grundman. Mr. Grundman? Where'd you go? Oh, sorry. And just to be clear, before Mr. Grundman starts, as we mentioned at the beginning, we'll do public comment like this for about 30 minutes. So, we started at 7:05. We'll go to approximately 7:35 if needed.

Larry Grundman (01:11:50):  
Lawrence Grundman, 301 Mariners Island. And there's a couple things, one is I heard gentleman say he's been there for 30 years. Well, this is the rest of our life because I'm not going to be there that long. When I came, I was expecting maybe they based some apartments over there but not an event center in a hotel and things like that. I don't want to attend every wedding from my balcony, and that's where they're focusing on the number of apartments and things like that, but we still haven't addressed the commercial aspects. And I think the commercial aspects, there's a real conflict. I don't see how you permit the commercial on the 9.5 0.9 because it's not on the highway. You can't do it under 9.5 0.8 because it's nine times the allowed square footage. So, this is the elephant in the room and you all like magicians that used to make the elephant disappear. Well, the elephant is still there and I'm asking to do something about the damn elephant.

Rick Danielson (01:12:51):  
Appreciate it. All right [inaudible 01:12:54]. We're going to keep everything moving. So, if we can hold the cheering and clapping, [inaudible 01:13:00].

Kevin Vogeltanz (01:13:16):  
Kevin Vogeltanz, 160 Cindy Lou Place. I was trying to think what would the last thing that I get to say to the council be I've been coming here for several months, and I probably don't have too much new to say so I don't want to waste anyone's time other than I appreciate the amendments that have been made to the ordinance this evening. I think that those try to answer some of the biggest concerns in the audience, but we live with the practical reality that the developer has made it now known that they're not interested in developing the project as the ordinance is going to command them to develop. And so really at this point, what's the value in even voting for the ordinance at all? We know that the developer is not going to develop in 90. The only thing that we get if you vote yes is we're going to rezone it. We're going to rezone it from a planned residential district to a combined use district. Now councilwoman with wire's amendment may try to solve that problem. The lawyers in the back of the room and I have been talking about the idea of a conditional zoning and how would that be, and could that be attacked and we've never really seen anything like that. I think it's a risk that the council ought not take on the

merits. I don't think very many people want to see this piece of property zoned commercial. But from a practical perspective, is this how the council wants zoning issues to work?

That developer from out of town comes in and they propose 150 million projects on a piece of land that hasn't been zoned correctly for it and then we go through a year fighting about should we spot zone or not spot zone. That's not really the way that the [inaudible 01:15:04] anticipated that those questions would work. That's somehow how the voters expect that zoning issues will work. We expect that there's a zoning map and there's going to be a change in the property that we take that up as its own separate and orderly item. And at this point, if we know that the development is not going to be made no matter what, I would strongly, strongly encourage the council just don't know on the ordinance when the question is called it will end the debate, the zoning will remain with the status quo and if the council in the next session wants to take up the issue of how this piece of property should be zoned and I agree that is a weighty issue, that's an important issue for this part of town, then that can be its own separate agenda item contemplated ran through planning and zoning on its own merits.

I think that's the way it's supposed to be. Thank you for all the time that you put into this, listening to us, listening to the developer. Now the time has come, please vote now.

Rick Danielson (01:16:04):

Thank you, sir. Okay. Again, [inaudible 01:16:05] anytime. I'm going to finish to the list. Ms. O'Connell?

Ellen O'Connell (01:16:24):

So, Ellen O'Connell, I'm wondering if y'all have scrapped the whole article room of incorporation of Mariners Village as per development?

Rick Danielson (01:16:33):

It's not on the agenda,

Ellen O'Connell (01:16:35):

I understand that, but kind of going backwards to what we missed. So, in the articles of incorporation of Mariners Village, it states quite clearly how development is to occur. I think that was skipped or negated by the council. Secondly, have you read the act of... Well let me go back to that one. So, in that one it says that Copeland was completely responsible for maintaining that Marina, my question is why wasn't there a lawsuit in 2009 when that came out in nola. com? When he pulled that out, people watched who live in [inaudible 01:17:06], that have saw the bulldozers pull out the, what do you call them... They saw them pull out the bulkhead and so now [inaudible 01:17:17] has erosion. They have pieces of land falling into the water and nobody talks about that. So, my point is Copeland gave LSU a gift of a giant problem. So now it's LSU's problem. And so now I would think that they have to prioritize maintaining that marina back the way that it was, which is going to be a big problem because you have to apply for permits and they're expensive and it takes a while. Secondly, in the act of donation between Copeland and LSU Health Foundation New Orleans, it stated that phase one was the residential property and that it had to be started by 2021. So, we're way past that. Is there any document that modified that agreement?

Rick Danielson (01:17:59):  
It's not within our purview. Sorry, I can't answer that question.

Ellen O'Connell (01:18:01):  
It's not within your what?

Rick Danielson (01:18:02):  
The purview of this ordinance. That's not part of this ordinance.

Ellen O'Connell (01:18:05):  
Okay. I know I'm kind of going backwards to what some things that were skipped. Sorry, but I just wondered at the beginning did the council delete that whole articles of incorporation of Meredith Village neighborhood?

Rick Danielson (01:18:18):  
It was never part of the ordinance. I mean I can't answer that question and [inaudible 01:18:23].

Ellen O'Connell (01:18:22):  
How can you ignore a document that came before you in this project?

Rick Danielson (01:18:26):  
It did not come before us. Because it's never been part of the ordinance so I can't-

Ellen O'Connell (01:18:31):  
I understand, but it's part of the development process in Marius Village. Did anyone even read it? It's at the Justice Center. I think you all should have read every document you could find on Marius Village, so you knew what was already in place would've been great, right? Making the future look deeper, look longer, look thoroughly. I'm not criticizing anybody to set the question. Why didn't anybody look? 29 seconds, okay. And the act donation, so did Copeland change that? Why did he not maintain the marina? So again, he gave LSU Health foundation a big problem. Now that they own it to me, they have to maintain the marina at least the bulkhead, because they're losing land at tops. That's scary. I went and looked at it. Just things I want everyone to focus on. Thank you.

Rick Danielson (01:19:29):  
Thank you. Mr. Farbacher. The other Farbacher.

James Farbacher (01:19:37):  
James Farbacher, 2743 [inaudible 01:19:39]. And I've sat through most of these meetings like all of you and I always thought there was something awful about this process about was going on and it really came to head last meeting when you as a body knowing that you had passed the amendment that this should only be 90 units allowed the developer to present a plan that had 170 units in. He should have been stuck dead in his tracks before he continued. So, I'm just wondering why in the hell would you do that? Thank goodness for

Mr. Zuckerman because 20 seconds later mister Dr. Kreller is over here putting an amendment up for y'all to reconsider the amendment that you passed several meetings ago. Thank goodness for Mr. Zuckerman who called you on it and the people in this room who called you on it twice to mean you finally realized we can't do this. So, I just wanted to say to you that it's all been suspect to me and I would venture to say that the majority of these people in the room, they've been here with us this whole time just like you and the majority of the people in this room are telling you as their elected officials, they do not want this. Do your job and do what the people asked.

Rick Danielson (01:20:38):

All right, thank you. Mr. Ralph come on up. And then Mr. Mayhall after that.

Theodore Ralph (01:21:00):

Theodore Ralph, 198 Cindy Lou Place [inaudible 01:20:59]. I would just like to be certain that I understand the amendment that [inaudible 01:21:06] McGuire made concerning, I believe it's a two-year limit that they have on time period that if something is not done, I don't know exactly what that something is, that they lose the commercial designation. Can someone please clarify that for me?

Rick Danielson (01:21:24):

It's on the...

Theodore Ralph (01:21:27):

I can't read it.

Rick Danielson (01:21:28):

Yeah, we'll get it for you just because I can't.

Cara Bartholomew (01:21:34):

Elizabeth, do you want to clarify that or...

Jill McGuire (01:21:36):

So basically, every applicant has... Or Cara, can you help us with that?

Rick Danielson (01:21:48):

It would, to simply answer your question, what was approved if no permits are full, nothing moves forward. They have two years and if they do not permits expire, the whole application expires, and it would revert back to its current zone.

Jill McGuire (01:22:04):

That's every applicant. That's the rule, right? Every applicant has the two, two years. So, what my amendment is saying is that if they don't build everything that we're doing right now, if approved, it limits it at the 90 units. If they choose not to go forward and build their 90 units and then they let this application or approval, the permit expires in two years, then the zoning, if we changed the zoning it would revert back to plan residential.

That way we don't end up with the property that's now zoned commercial and then they never built anything on God knows what be on there.

Theodore Ralph (01:22:47):

But what if they just want to build a hotel and none of the rest of this stuff, are they allowed to do that?

Cara Bartholomew (01:22:58):

Yeah, so they would be allowed... They wouldn't necessarily have to build everything that has been submitted to you. They could face it if they wanted to, but they would not be able to build anything that was outside any the approvals that you all gave up though.

Theodore Ralph (01:23:13):

As long as they build something then they have the commercial designation going forward, forever.

Elizabeth Sconzert (01:23:22):

Again, it's still tied to the uses. So whatever uses are folded for the permits or those are the uses that are going to maintain the...

Jill McGuire (01:23:33):

In this table.

Cara Bartholomew (01:23:39):

Yes.

Theodore Ralph (01:23:39):

And a hotel is in that table.

Jill McGuire (01:23:40):

Correct. Yes. Hotel was in there.

Rick Danielson (01:23:42):

Thank you. Mr. Mayhall and then Judge Rosenow.

Cara Bartholomew (01:23:47):

Just another additional section. It says for whatever reason, if construction is stopped, the conditional use permit shall expire at the end of a six-month period or two years filed in the construction permit, whatever is the latter. So, if it stops construction for some reason, they also would be in jeopardy of losing that.

Jill McGuire (01:24:10):

Okay.

Rick Danielson (01:24:12):

Yes sir.



Vaughn Mayhall (01:24:25):

I'm fine. Yes sir. I have a question about the commercial rezoning, and why anybody up here would vote yes in this ordinance. If you have an ordinance that contains Ms. McGuire's [inaudible 01:24:38] in it, which I think a [inaudible 01:24:39]. To keep this development from being built, we appreciate that. So, it's not going to be built out there. We'll be commercial for a while and if they build anything they be commercial permanently. And so, my concern is for the broader old Mandeville area, there's lots of undeveloped land in old Mandeville that would love to have a shop at a commercial zoning situation, not [inaudible 01:25:09]. We've got some limited commercial there, some retail restaurants in service of the residential nature of the community. So, I say to you, please vote no on this ordinance to give yourselves the opportunity to look at the whole picture. If somebody comes in and takes one of those pieces of property and this cannot be used as a precedent against you, don't let this be used as a precedent. Don't know this ordinance and we appreciate it all the time, including [inaudible 01:25:38].

Rick Danielson (01:25:37):

Thank you, sir. Judge Rosenow.

Pat Rosenow (01:25:51):

Pat Rosenow, 428 West Chase Court. First of all, I want to tell you that for most of us, this isn't our first rodeo. Is that better guys? First of all, I want to tell you that this may seem a little bit counterintuitive, but I think we can all kind of ask you or make our picture your vote. My guess is you guys have thought about it long and hard, the odds of any of this changing what you're going to do tonight, probably not very out of high. And also, the fact that you're discussing all these amendments, a bunch of new amendments came out. There've been a bunch of discussion from the council. I think you guys had all just emailed them back and forth and I think that's good. I don't think there's anything wrong about that, we're talking about Republican and everything and I think it's good that you kind of got a plan and that you're hoping that it works.

But there's a level at which I start wondering when the developer says I can't do it for 90, and you go, well, you have to do it for 90 or you can't do it and we're going to revert a zoning change. Once you pass the ordinance, that land is zoned, [inaudible 01:26:56] zone. So, there's a two-year window when it's zoned, it doesn't. And the law, it's not like, oh, it's a conditional, we're going to call this a conditional zoning that it doesn't kick in until later. I don't think you can do that. So, when I see a situation like that, you know what I think litigation. Litigation.

So, a year and a half go by, guess what? Well, we don't have this one, but we want another one. So, we run to the P&Z and now guess what? P&Z, if they're doing their job right, they got to follow the law and what have you done? You've just recharged the design and they got to apply those rules if they're going to do their job right. And all of a sudden, we got a different game and I think the point that council makes about well is all based on usage and everything. You guys are hanging your star on that, that that's all going to happen. I don't know, I just think that it is really strange, and if you think it ought to be zoned that way, zone it that way. I can't say it any better than Mr. Kevin did. If you want to zone it that way, zone it that way, none of us as far enough to know whether or not at the end of the

day it's going to be great for Mandeville or not. But again, I don't know what we're going to do from now on for fun on Tuesday nights.

Unless professional wrestling comes to town and maybe you can do something about that. But outside of that, again, I want to thank you all for coming together, working together, getting a plan. I hope it works out with the cautionary advice that I've given you. I think to the extent that you want to reconsider a vote, I still think that would be the best way to go clean for everybody. And again, thanks for all the work you guys do for [inaudible 01:28:38].

Rick Danielson (01:28:39):

Ernest will be next. Ma'am, come on up in the middle, the beach top, I'm sorry, I just don't have every name memorized.

Greta St. Romain (01:28:48):

I thought you forgot about me. Hi, I'm Greta St. Romain, 3511 Monroe Street, Mandeville. For those of us on Monroe, I know we've already talked about this and beat this horse to death, but we're going to have the brunt of all the traffic and congestion and issues. I just want to point out one last time, unless you live anywhere near Cambronne, Monroe, Antibes, any of that area there, you probably will be out of the zone because you'll have another alternate way to get around Mandeville, but we won't. So, any of us we're stuck. When you have 500, 600 vehicles plus commercial vehicles, semis, tractor trailer rigs plus the construction that starts at the beginning. I mean it's just going to be ongoing. It's a never ending... That alone will have a noise level attached to that, just the construction and the traffic. Not to mention the events. I do have one other question. Somebody mentioned earlier about once a construction permit is pulled, we didn't have a timeline on it. Is there a time limit from when that permit is issued for when construction actually has to begin?

Cara Bartholomew (01:30:05):

A permit is good for a year when someone pulls a permit, but specifically in here I believe it's six months. I'm flip it up again, but...

Greta St. Romain (01:30:18):

So, there's six months' time limits from-

Elizabeth Sconzert (01:30:20):

Six months from construction stopping or two years following the issuance of the construction permit, whichever is later.

Greta St. Romain (01:30:31):

But you mentioned two different types of permits. One was construction, you mentioned a second permit.

Elizabeth Sconzert (01:30:37):

No, it's... So, you could have a situation where you hold a permit and then you stop doing construction and we see that a lot, where something happens, they run out of funding. The design of this is the intention is that you don't have something sitting in limbo forever so

that after six months, if construction is stopped then it lapses. The flip side to that would be you went ahead, and you got everything in place to pull your construction permit. You have two years from that, and so it's that process and the distinction between the two, whether or not you have the permit or you have the permit and you start construction. This provision is intended to prevent a stoppage and then just have it sit there halfway constructed.

Greta St. Romain (01:31:21):

So, is it true that every six months they get applied for a new construction permit to just keep the process going forever?

Elizabeth Sconzert (01:31:32):

That's just not really how the process works.

Greta St. Romain (01:31:36):

I mean I am saying this because I'm really concerned, again, I live really close to the construction areas for most construction that this construction could go on for years and that we would have this level of congestion, traffic construction, that just was forever infinite and I mean it's one thing to deal with the proposed project efforts already completed, but it's another to deal with the ongoing construction. It never ends. All right.

Rick Danielson (01:32:19):

All right we'll go Mr. Burguieres and then Ms. O'Connell, you've already spoken so we're just going to go two more, okay? So, Mr. Burguieres will come on up.

Ernest Burguieres (01:32:20):

Ernest Burguieres, 241 Wilkinson Street. I've heard of Mr. Vogeltanz, Mr. Mayhall and Mr. Rosenow makes very astute comments all lawyers and, they're right. The problem with this thing is that you all may have combined a zoning change in a condition use permit because you think you can, whether you can or not is irrelevant, but you really shouldn't. Get up. If you want to rezone the property, make it a standalone issue and decide whether to rezone it or not because all these questions that people raise are having to do with the conditional use permit, presumably if you rezoned commercial. And it ought to be a standalone issue, do you want to rezone a commercial, yes or no? If you don't, it stops it right there.

It just stops it right there. You don't have to worry about how many injuries you can stick on the head of a pin at that point, because all these issues are conditional use issues that it's going to eat the clock up. We're going to get tired. It's going to go on and on. I think you'll just call it vote right now. Vote the thing up or down, because if you vote it down, it's over with. If you vote yes, let's keep on going with then keep on going with it and... God helps. Thank you.

Rick Danielson (01:33:22):

All right, Mr. Schneyaker. One more and then we're going to move on to counsel closing comments and thoughts.

Speaker 7 (01:33:31):

Tom Schneyaker (01:33:30), 302 Mariners Isle. Coming back to the gentleman who referred to the condition of the marina, having moved there recently, I totally agree. It is in disrepair and it's getting worse, but I don't feel that building a hotel is a solution to that problem.

What we have is we have a challenge and an opportunity for the city of Mandeville to figure out working with the citizens and citizen groups to figure out an alternative use such as the park that we emphasized in the video we did some time ago. There are some wonderful opportunities to use that land for the betterment of all of the citizens of Mandeville. Thank you, sir.

Rick Danielson (01:34:24):

Okay, it's 7:35, so it's about 30 minutes of public comment questions. Thank you for all of that. I'd like to move us forward and then get into kind of the closing thoughts and comments from council members before we do take a final vote.

I'd like to start the process for the last however many months while attempting to manage this process. I've not had much of a chance to share my thoughts and feelings on some of this, so if nobody minds up here, I would like to start. Okay. Bear with me. Wrote out some notes. I'll kind of read through and hopefully not ad lib too, too much. For the city council and for most of y'all in this room, this process started almost five months ago, although the actual process started 13 months ago. Needless to say, it has been exhausting, complicated, tedious, and frustrating for everyone involved since ordinance 23-16 was first introduced in May. We have discussed this ordinance and this project during two regular meetings and have since held six special meetings before tonight. Hopefully this evening we will be able to come to a final conclusion.

I came into this process with an open mind and tried to keep an open mind throughout. I've done my best to listen to all sides. That includes the applicant, my council colleagues, the administration that has walked us through the complexities of the process and the complexities of the plural along with all of the citizens that have spoken at these meetings and that I have heard from. But from the start, I've always wanted to put principles over politics with the goal of doing what's best for the city while also maintaining the integrity of the process. This has certainly not been an easy process and it probably shouldn't be since we are talking about and considering a significant zoning change and possible development in the city of Mandeville.

Over the last four months, a lot has been set about [inaudible 01:36:20] Section 4.3.8, which is the review and evaluation criteria. During our meetings and discussions, I've tried to keep the list of criteria in mind as I have considered the pros and cons to this project and to this process. I will certainly summarize my thoughts and findings in regard to the 12 points over the next few minutes. This process isn't perfect and the [inaudible 01:36:42] is imperfect, but I do believe in the process, and we have done what we could to follow the process. Everyone plays a part in this process as well from the planning department, the planning and zoning commission, the city attorneys, the city council, the applicant, and the citizens of the Mandeville. Before the ordinance was referred to the city council, it also went through the appropriate process with the planning and zoning commission. During that time, the PMZ commission also held six special meetings and then voted to

recommend approval for a conditional use permit and change of zoning, that carries a lot of weight in my thought process.

For everyone that has attended these meetings, sent notes in favor of or in opposition to the project, has paid attention to this project and has reached out with questions. Thank you. Thank each and every one of you. We have basically had a crowd of 80 to a hundred people attending each of these meetings and even more who have participated in the process via online meetings, emails, calls, et cetera. Not to mention stops at the grocery store and restaurants and everywhere else. Your participation and involvement are important, and it is much appreciated. During this process I've met a lot of people that I've not had the chance to meet with before. I've really appreciated your questions, your feedback, certainly your passion for our community and for your involvement. During our public meetings it has certainly felt as if everyone has been against the proposed project.

That has not been quite the case though over the last four months. I've heard from a large number of people from across the city, including people that live in and around Mariners Village that are very much in favor of the proposed project. But I've certainly felt that regardless of how someone feels about the proposed project, that they do want what's best for the city for today and for our future, and I want the same. I live here too. I grew up here and always knew this is where I wanted to settle. Over the years, Mandeville has changed, and it has grown. Change is inevitable and our community and the area will continue to change and will continue to grow. We can't avoid that, but we can work to make sure that the growth is managed properly. From the start though, I have said that the option of doing nothing is not on the table. I do not believe that city government can or should force a specific business model on the city or tell a business that your model is destined to fail. For example-

A business that your model is destined to fail. For example, if someone wants to open a pizza restaurant, it is not the city's job to tell them that we have enough pizza restaurants already, but it is the city's job to provide the resources and opportunity for that business to open and hopefully thrive. The proposed project is a Mandeville project. It is not an old Mandeville project. The property is in Mandeville and regardless of anything that will be developed on the site, it will have an impact on Mandeville. And my only hope is that impact will be a positive one.

Mandeville is not immune to controversial issues and hotly debated proposed developments. When the shopping center on East Causeway Approach where the Rouses where it is now was first being proposed, many people felt that that center would cause major traffic issues, drainage issues, and other problems. There were people that didn't want that project in Mandeville, but today those same people are shopping in that center every day.

Other examples include the Rest-a-While and Chenier development on Highway 190, and of course the Port Mariny project. Some have suggested that the city just buy this property. That option has not been on the table. A couple issues with that. First, the property has never been for sale. Number two, the city can't buy every piece of property just because some might not want to see something developed on that site. There's also a legal process here. The property owner has rights, and the city has laws and regulations that must be followed.

So that brings us back to the proposed ordinance and the uses that have been presented in the application. I'd like to summarize a few of my findings. First, over the last few months we have talked a great deal about compatibility. Are the proposed uses being presented for this project compatible for the surrounding area? I feel that the proposed project is compatible with the existing surrounding area. Currently, the surrounding area includes Mariners Village, Mariners Aisle, and the Tops'1 communities. The surrounding area already consists of a mixed use of commercial and residential components. Over the years, this area has included a marina, restaurants, nightclubs, office space, apartments, condos, and other recreational activities. This area is not a traditional residential area, and it is zoned that way.

Landscaping and trees; the applicant requested the removal of five oak trees, but proposed mitigation by the planting of 36 new live oaks on the property. It feels like a win for me for the long-term tree canopy of our city. Bear with me. All right. I feel that the proposed project does comply with the landscaping requirements as well as the open space requirements that are outlined in the quorum. The proposed marina for this project would be a modern marina on Lake Pontchartrain. In addition, the applicant was planning to build a bulkhead around that waterway which would stop the constant erosion that we are seeing, which continues to have a major impact on that entire area. But with the max allowable units for the active adult facility being set at 90 units, the applicant has been clear that they would not be able to provide the work needed to build a bulkhead or even operate a future marina, so that waterway will continue to be a major concern until a solution can be found. The applicant has submitted a conceptual parking plan based on the proposed density of the project. Now that that density of the active adult living area is set at 90 units, I feel that the applicant has more than enough parking available, both proposed and through their parking bank.

Mandeville certainly has infrastructure issues and can have traffic issues from time to time. I hope and feel that major progress has been made over the years to address some of these issues and more is on the way. I realize that traffic on Monroe Street can be a challenge, certainly during morning rush hour and after school rush hour. I drive around the city every day, at different times and in different areas. In my opinion, we also have traffic congestion on Highway 22 going in either direction throughout the day, as well as Highway 190, Florida Street area going east, especially mid to late afternoon.

In regards to the proposed project, I understand that a traffic study was conducted by the applicant, as it is required, and according to the city engineer that study was done in compliance with city requirements. Although the traffic study shows a minimal impact on traffic for the surrounding area in the near term, I am very concerned about the limited access into and out of the property. I realize that residents and visitors can turn off the North Causeway and Antibes West and Antibes East, but all three access points flow into Mariners Boulevard, which is the only direct access into and out of the property. In my opinion, that is not a perfect scenario, but I believe it'll be up to the city to examine infrastructure improvements for access into and out of the property, no matter what ends up happening on this property as well as the general surrounding area.

I also have some concerns with the impact on traffic into and out of the surrounding area during the construction phase of the project if it is approved. If the project is approved and plans to move forward, I would request the planning department to work closely with the

applicant during the permitting process to provide a detailed plan which would minimize impact to traffic during that timeframe.

We always have people when a project like this is proposed that said, "Mandeville doesn't need the money." I feel strongly though that we cannot ignore the financial impact of this type of project, because it absolutely does have an impact on the welfare of our city and the surrounding area. As we've been told, maybe just to recap some of the things we've discussed in the past, the site and the permitted uses could provide an estimated \$736,000 annually in sales tax with an estimated 40,000 of sales tax revenue going to the city of Mandeville. This is especially important now since the city of Mandeville is watching the sales tax revenue not grow at the same pace that expenses are growing. A recent financial forecast that was prepared by a regional tax agency expressed concerns with the current forecast of revenue versus expenses and recommended that the city of Mandeville examine their revenue sources and look for ways to smartly increase revenue.

Although Mandeville has a very strong fund balance, which we have enjoyed for years, there are definitely concerns, and we must look at steps now to proactively balance our budget, find the best ways to grow our revenue and efficiently manage our expenses. I do not want to see this city get into a situation where in five years from now, city leaders would have to consider cutting city services and/or raising taxes in order to meet the city's obligations. If this ordinance is approved and the project were to move forward, it would provide significant tax revenue that would benefit the city of Mandeville, St. Tammany Parish, and applicable taxing authorities. This revenue would include an estimated \$500,000 in property taxes, to include an estimated 237,000 for the St. Tammany Parish school system without adding a single child to the school system, an estimated a \$100,000 for the St. Tammany Parish Fire District Number Four, along with property tax revenue for the City of Mandeville and Recreation District Number One.

In regard to density, I've had concerns with the proposed density of the project. I don't know what the perfect number is, but I believe that the applicant followed the guidelines set forth by the quorum, which resulted in the P&Z Commission recommending approval of the conditional use permit. P&Z Commission is charged with interpreting the quorum and comparing those guidelines against the application. I believe that was done. But with that in mind, I still have issues with the plan density of this project. Although at its current units listed in the ordinance at 90 units, the impacts to the city seems limited to me. Obviously, the original density for the active adult living facility has been reduced from its original 201 units to 90 units. That certainly and significantly reduces the possible density. For example, if the project allowed for 201 units and the living facility was 100% occupied, which is not realistic, at 1.5 adults per unit, we would have 302 residents in that facility, which would be a 2.4% increase to the city's current population. But at 90 units we would be looking at approximately 135 residents, which would be an increase of 1% to the city's population. I would certainly like to think that the city could manage that limited increase. In regard to the hotel, currently, the city of Mandeville does not have any sort of full-service hotel, although there has been talk over the years that the addition of a hotel to the area would be a very nice benefit and is something that is very appealing to me personally, as well as to many people that I have talked to. I also believe that we are missing a major opportunity without a local hotel that would benefit our local small businesses. Recent studies have shown that 6.2% of visitors spend in St. Tammany Parish, this happening in

Mandeville, compared to 39% in Covington and 46% in Slidell. This can certainly be attributed to the lack of a hotel in the greater Mandeville area.

So let me wrap it up. I appreciate your time. These are my feelings, okay, and I appreciate your time with this. But as I wrap it up, something will be developed on this site, whether it is through ordinance 23-16 or with another application. I don't know what the perfect project is, but I do believe in the process that the CLURO has outlined, even if that process isn't perfect. I am concerned that another project might be a bad fit for the area, but the city would be forced to accept it. I don't know what that would look like. But with this project, since the allowable units for the active adult living center has been reduced to 90, the developer has been very clear that they cannot provide any of the other amenities proposed, and my concern is that not only would they not be able to include those amenities, but they would not want to build it. Basically, it would be destined for failure.

My hope is that we would be able to approve a project that fits, meets all the requirements, and provides a 100% solution. But this ordinance is a mess. Everything about this is a mess. It has not been fair to anybody in this room to include the applicant, to include any citizen, to include this council, and to include the administration. My hope and my thought is that we should deny, turn down this ordinance, and hope to start over from scratch with an ordinance that we can work with the developer on and make sure that it fits all the requirements that is the city of Mandeville. And that is where I stand.

Rick Danielson (01:49:42):  
Who would like to go next?

Rebecca Bush (01:49:42):  
Looking for someone to go next?

Rick Danielson (01:49:42):  
Ms. Bush.

Rebecca Bush (01:49:43):  
So, what I'm going to do is I'm going to make some initial remarks and then I'm going to go through some of my highlighted points. And then I'll follow up with the considerations, as I assume we're going to go through them each as a group. Is that the intention?

Rick Danielson (01:49:54):  
You could summarize or you can do it as you want.

Rebecca Bush (01:50:03):  
I want to start by thanking the mayor and his administration. This is the attorney, the planning department, the engineer, the police department, public works. Everyone has been incredible in providing unlimited access to myself and all of the other council members. I can't tell you how important that has been in understanding the process, understanding all of the issues and being able to make a decision.  
My second thank you would certainly go to Mr. Danielson. Chairman Danielson has done an incredible job in running these meetings. I think as we went through this process, I heard



comments that perhaps we weren't spending enough time, or we didn't study things. And I haven't heard those recently, but any claim to that extent is badly false. Everyone sitting up here has spent an inordinate amount of time considering all of these issues. I mean I can speak with experience, taking time away from our families and our regular jobs because we want to, because we believe in considering this on behalf of the city of Mandeville. And we want what's best for the city.

I also want to thank the developer, last but not least. The developer has been incredibly open. I have met with the developer and his attorney several times. They have answered every question, have always been available for any call or concern that I have ever had.

And with that said, here are my findings with regard to 23-16. The following criteria from 4.3.3.8, it pertained to my concerns above, that I'm going to get to a little bit later are 2, 3, 5, 9 and 10. I'm finding that the following criteria from 4338 have been set aside by the developer and are not applicable; that would be 1, 4, 6, 7, 8, 11 and 12. I'm setting aside the following concerns that have been discussed during the numerous meetings we've had. Parking, trees, servitude concerns, the reverse rate rights of the grantor of the property that was discussed earlier, concerns regarding the business plan, the amount of the 60/40 split going to cancer research, particularly the market studies, age restriction, et cetera, anything in the business plan. Traffic: we have a traffic study. There's not an opposing traffic study, so that's taking the word of the traffic study that we have before us.

Height; again, we're dealing with the plan district. We're not setting a precedent here, but the height would be specific to the plan district that we are approving or potentially approving. Sound: I know there's been a lot of discussion about sound. That's addressed by an existing ordinance, and I have to say I'm satisfied that our police department will do an incredible job in enforcing that ordinance. Rental versus ownership; that was discussed earlier on. That's not the basis for my decisions. Concern about parcel U and concerns about the concurrent consideration of the conditional use permit and the P&Z zoning are amendments pursuant to 4.3.3.7.

A number of documents or pieces of information have been critical to my analysis. Number one, the 2007 comprehensive plan; and in particular the section pertaining to marinas and how this is interpreted. Without question the discussion, before we get to the [inaudible 01:53:17] plan, begins with the 1982 plat that contemplates a much denser development on the property. For example, the Parcel D listed on that plan is 352 units. However, this analysis also needs to include the '07 comprehensive plan. That's the most current statement of the goals of the city as far as development. It may be a little old, but that's what we have at this point. The marina district contained within the '07 comprehensive plan contemplates two separate marina districts, the east and the west. As you go through that paragraph, the next sentence after the delineation of the east and the west references, the marinas along Bayou Castine. That's obviously not the property we're discussing. These marinas along Bayou Castine are described as serving the region's sailing community and being relatively inaccessible to the public.

The next part of the paragraph discusses increasing emphasis on providing medium density residential opportunities in connection with these marinas, that's described as plural. But the context of that part of the paragraph as to the statement was a bit unclear. If I link it with the prior sentence, it makes sense from a sentence structure, but it does not make sense in that the Bayou Castine marinas are described as being relatively inaccessible to the public. It would seem to make sense to be discussing residential opportunities in an area

that is described as being relatively inaccessible to the public. And as a side, what is medium density? That's not defined in that paragraph. If this development is considered medium density, I mean perhaps, but not compared to the totality of the development of the adjoining properties, whatever those properties might be.

The paragraph continues with the statement that commercialization of the area should be discouraged due to poor street access to the residential neighborhoods, limited land of parking and the desire of marina owners to minimize public access to private boat docks. Suggesting that commercial activities will be largely limited to small scale restaurants, retail service uses. Does that part of the paragraph apply to the value casting marinas, west Marinas, or both? I think it's been unclear. Without question the last statement of the paragraph applies to the subject areas drawing opportunity for significant development in conjunction with the adjoining land. And that's prestress. We don't know what significant development means; but if we look at compatibility, the statement favors the developer as long as we're still looking at developing that area. The problem is that prestress remains undeveloped and by all accounts will continue to remain vacant for the foreseeable future given the purported environmental concerns and issues regarding the sale of the property. Regardless of interpretation, it is difficult to ignore this paragraph when we talk about compatibility.

Second document, Map 5C, West Marina Issues. As part of the quorum, the intention of the current comprehensive plan encourages promotion of the marina. If we're considering a revised development that does not contemplate this goal of the comprehensive plan, this becomes a compatibility concern of mine, and one in which the goals of the city and the developer are rather dramatically opposed.

Map Five, that's the citywide issue map. Similar to the map we just discussed, 5C, the goal is noted to be one to foster development to provide vibrant waterfront activity. This again concerns me as to the potential deletion of the marina and the ability of the development to fit within the current state of goals of the city.

Finally, Map Two of the comprehensive plan; future land use labor district not high density. While conceptual in nature, the subject area is characterized as a P&D and not noted to be high density. The debate as to the density of the subject property remains ongoing. I'm setting this issue aside to focus it on scale. If density is proportionate or proper and appropriate, scale usually follows and vice versa.

Now as I move forward into 4.3.3.8, and I'm not going to go through each specific one, I'm going to wait until the council goes to them together; as to scale, the developer has certainly made concessions. The city would more than likely respond to this statement by stating we're considering a project in which the definitions of density, compatibility, and scale are being stretched to the benefit of the developer and to the potential detriment of the residents. The latest revisions made a rather significant reduction to scale as I see it. Unfortunately, without keeping the unit number of the apartment building at 90, scale is still an issue for me. Perhaps at 90 it wouldn't be the case, in my mind that's still possible. Particularly.

Helpful is the definition of compatibility in the quorum. Compatibility or compatible is defined as a condition in which land uses or conditions can coexist in a relative proximity to each other in a stable fashion over time, such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility does not require homogeneity, but does consider the relative scale, design, and intensity of

nearby structures, uses and activities. I'm concerned about scale and compatibility with the surrounding area. I understand that the apartment density is not out of scale with our required density for the city or as we've discussed, but it is definitely not compatible with any of the structures such that they are near it or the surrounding neighborhoods. And again, I'm going to refrain from discussing the specific criteria as well as my access concerns until we discuss as a whole.

I would sum up and say Mandeville deserves a development that serves its interest and the exclusive interest of the city of Mandeville. It's inescapable that this development has to fit with the terms of the gift agreement and donation. That's just what we have to live with. That's what the developer has to live with. The owner of the property has immutable property rights without consideration or without question. This is a balancing act. We sit here as a body. It's not a mandate, it's a balancing act as I see it, of balancing the interest and the goals of Mandeville with the interest and the goals of the developer. If I see that the interest of Mandeville is in danger or perhaps, I need to give a little bit more weight to this side, then my vote is against the project.

Conversely, if I see that the developer is not able to develop the property as he should, then my vote should be in favor of the developer. We use those considerations under the quorum, those 12 considerations to help us with that. Are they subjective? Absolutely they're subjective, because we are the gatekeeper by definition of quorum. We are put here to make that decision. Unfortunately, economic concerns aren't included within those 12 considerations. And I would say it by saying development, I've said this many times before, for the sake of development is not what I'm interested in. I'm interested in development, but it has to be the right development. And is this the best you can do? And so, as I go forward and give my specific findings, I'm keeping an open mind the whole time up until the very end. And I have done that, but that's certainly my goal, is to make sure that this is the right one. Because we only get one shot at this. We can't undo this decision. It cannot be made again. Thank you.

Rick Danielson (02:00:40):  
Thank you, Ms. Bush. Who would like to go next?

Jason Zuckerman (02:00:41):  
I'll go.

Rick Danielson (02:00:41):  
All right, Mr. Zuckerman.

Jason Zuckerman (02:00:54):  
All right, I'll try to be brief.

Rick Danielson (02:00:54):  
Please.

Jason Zuckerman (02:00:54):  
Sorry. But I do have a lot to say, and I'll try to say it quickly.

So before diving directly into my findings on the 12 criteria outlined in 4.3.3.8 of the quorums that we've all heard so much about, there's some things I need to point out, clarify and explain, from my perspective at least. There's a lot of comments tonight about the process, so I'd first like to speak to that. First, I feel it's important to note that this application came to the council with a four-three recommendation in favor of approval of the application. I say the application because Ordinance 23-16 was generated after the P&Z process was completed; generated by the applicant and then submitted to the council for introduction. So, the commission only reviewed and made a recommendation on the application submitted, not the ordinance before the council today, as it did not exist until the commission's hearings were over. So, I just wanted to make that point to those that have said or might continue to say this ordinance was approved and recommended by P&Z. It was not.

The only thing that the commission considered was the application itself, and that distinction is important. It's important because this council is in fact the first body to actually review and deliberate the ordinance itself, which I believe not only has many flaws but discrepancies with what was presented to and recommended by the commission. A few examples: the application submitted includes a marina with 103 boat slips. Ordinance 23-16 is submitted to not even reference the parcel of property that contains those 103 proposed boat slips. It was simply omitted, and the council had to visit that issue for the first time, dedicating entire meetings to it and ultimately requiring that the property become part of the condition use permits sought in the application so the conditions mitigating potentially negative impacts to surrounding residential properties could be applied. There was no reasonable explanation as to why.

The ordinance states in the second to last be it further ordained that all variances in departs from the court are granted for the subject project. That's been removed and addressed but again, here we are seven months later dealing with that.

The ordinance submitted also states in this first now therefore be ordained that the site development plans for Sucette, as well as all of the drainage, landscape, tree mitigation, building plans, as contained in exhibit two are approved. The only item that we talked about that was in exhibit two is the site plan, single page site plan, which has now been resolved by amendment. All the above would've been addressed by the commission but were not because no such ordinance existed during their deliberation. Additionally, I find that the recommendation of the commission contains significant flaws and omissions that had to be addressed by the council. One, there was no discussion whatsoever of the public servitude of passage that existed along the entire west side of parcel date, nor was there any discussion of the proposed site plan actually proposing buildings and other elements to be constructed in this purpose, public servitude. As a result, the commission's recommendation was to simply add a pedestrian and a bike path down the east side of the property along a drainage canal, not knowing that a permanent public servitude along the west side of the property was already there for that purpose, for public access to the lake and was proposed to be constructed on. This council then stumbled across this incredibly important site feature, this public servitude, which was never presented to or discussed by the commission.

When the commission did finally raise a question in its very last meeting regarding the very specific provision in 7.5.15.5, review of plan based on existing regulations, plan district, that commercial uses shall comply with the requirements of B1 Neighborhood

Business District. When the proposed site plan provides for a mix of commercial and residential uses, the planning director provided her theory as she again explained in the last council hearing, which is that multifamily residential is not actually residential but commercial, and therefore this very specific provision should be disregarded. Shall comply. This very specific provision means that B2 Highway Business District uses; when there is an adjacent residential use on the same site shall not be permitted. As this is such a specific provision in the quorum pertaining to uses and site development criteria in plan districts and there not being any statement on the quorum of multifamily residential being considered anything other than residential, it should have been more thoroughly vetted by the commission. I believe this to be a direct departure from the quorum.

Three, the commission exhibits inconsistencies in its review of the proposed event center on this project and other requested rezoning for the purpose of establishing an event center adjacent to residential properties in its June 13th planning and zoning meeting, where the same commission found that B2 uses, and site development criteria is wholly incompatible with adjacent residential properties. 4.3.3.4.6.D requires the applicant to submit a copy of all agreements, provisions or covenants, which are proposed to govern the use, maintenance and continued protection of the plan development. I'm not sure if they were ever requested by the commission or the planning department, but I know the council did request one and none were ever provided.

And five, lastly, before I get into my specific findings for 4.3.3.8, I must note that the same section of the quorum specifically requires the planning director, the planning commission, and the council to review and evaluate and make the following findings before granting a conditional use permit. Those are the 12 specific criteria we have all heard so much about, and I'm about to get my findings on. Again. 4.3.3.8 says the planning director, the planning commission, and the council shall make the following findings. As I sit here today at this meeting, we do not have clear findings from the planning director or the commission on those 12 criteria.

To better understand the commission's recommendation of the council, I also reviewed comments and statements made by commissioners during their meeting on April 17th, just prior to the commission's vote recommendation. Most notably; one, Mr. Adams commented the city had been waiting for a plan for this place since the 1960s, that a hotel was needed for the estimated 40,000 voters in the area, that this is a different type of retirement loan, that it would open up the lakefront to people of new golden shores and old golden shores, and the development would be a big amenity to the town. Mr. Reinhardt suggested that the project may not be aligned with policy 3.4 of the city's comprehensive master plan with regard to size and scale, scale being a fit with the neighborhood and enhancing its character. He stated the project would be "an anomaly" and "does not fit with the size and scale of the surrounding neighborhood". To which Mr. Pierce agreed. Ms. Durio continued to hone in on the B2 Highway Business District site development criteria versus B1 and noting that the size of the hotel even exceeded highway business district site development criteria.

So, with regard to the recommendation made by the commission, I have given a thorough consideration, and I do find it flawed in a number of aspects, as I have outlined. So here are my findings on the 12 criteria. One, comparison with applicable regulations and standards established by the quorum applicable to the proposed use and site. I find that the proposed site plan and commercial uses on the site do not follow the applicable regulations

and standards established by the quorum, specifically 7.5.15.2 and 7.5.15.5, and that B2 uses, and site development criteria are specifically prohibited when the site plan provides for a mixing of commercial and residential uses. Further, the property does not meet B2 Special Highway Business District access criteria, in not 7.5.9.5 subsection one, requiring street frontage on major arterial or collector streets only. And that "shall not require travel through existing or proposed residential districts to access the B2 district."

Two, second criteria; compatibility with existing or permanent uses on a budding site in terms of building height, bulk, scale, setbacks and open spaces, landscaping and site development, and access and circulation features. I find that the event center/ballroom is wholly incompatible with the adjacent residences immediately to the west of the proposed location. I also find that the B2 site development criteria applied to the commercial uses proposed for the site, including height, bulk, scale of the hotel, attached to event center and restaurant, as well as site access are wholly incompatible with the residential uses on budding sites, and that one must pass through to access the site.

Third criteria, potentially unfavorable effects or impacts on other existing conforming or permitted uses on a public site, to the extent such impacts exceed those which reasonably may result from use of the site by permitted use. Again, I find that accessing the commercial portions of this site as proposed require placement on a major arterial or collector street. Not being located in such a manner would have potentially unfavorable effects with regard to travel through existing residential areas to access it.

Criteria four, modifications to the site plan. The site plan, which would result in increased compatibility or would mitigate potentially unfavorable impacts or would be necessary to conform to the applicable regulations and standards to protect the public health, safety, morals and general welfare. I find that applying B1 site development criteria to the proposed commercial uses on this site would result in increased compatibility, mitigate the potentially unfavorable impacts of not having direct access from major arterial or collector streets, and would result in reduced scale more compatible with the adjacent residential uses both onsite and with adjacent properties.

Five; safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses, reasonable and anticipated in the area considering existing zoning and land uses in the area. Again, I find that applying B1 site development criteria in lieu of B2 site development criteria would mitigate potentially negative impacts of safety and convenience of vehicular and pedestrian circulation in the facility.

Sixth criteria; protection of persons and property from erosion, flood and water damage, fire and noise glare, and other similar hazards or impacts. Again, I find potentially unfavorable effects of noise and nighttime activity by locating an event center adjacent to existing properties.

Seven. Location lighting and type of signs and relation of signs to traffic control on adverse effect on adjacent properties. I make no finding on this criteria as no details have been provided by the applicant except that I find potential unfavorable effects of noise and nighttime activity, again, by locating an event center adjacent to existing residential properties.

Eight. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site landing. With regard to parking, I find that omitting separate parking requirements for the event center simply because it's connected to the 80-

room hotel and calculating the number of required spaces only based on the number of hotel room keys does not meet the intent of the city's parking regulations and is inadequate for the proposed use.

Nine. Conformity with the objectives of these regulations and the purposes of the zone in which the site is located. Again, I find that the proposed site plan and commercial uses on the site do not follow the applicable regulations and standards established by the CLURO, specifically 7.5.15.2 and 7.5.15.5 for the recent stated on my other findings. I promise I'm almost done.

10. Compatibility of the proposed use of site development together with any modifications applicable thereto with existing or permitted uses in the vicinity. Again, I find that considering B2 site development criteria for the commercial uses on this site are holding incompatible with adjacent properties and that applying B-1 site development criteria to the proposed commercial uses on this site would result in increased compatibility for all the reasons previously stated.

11. 11th condition. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with the existing or permitted uses in the same district or surrounding area. I find there have not been sufficient conditions applicable to approval to ensure potentially unfavorable impacts on nearby uses and to ensure compatibility with existing uses in the same district, as I continue to believe B-1 site development criteria should be applied to reduce the scale and to provide for uses compatible with the adjacent residential properties.

And lastly, criteria 12, that the proposed use together with the conditions applicable thereto will not be detrimental to the public health, safety, or welfare of community aesthetics, and materially injurious to properties or improvements in the vicinity. I find that this ordinance does not align with Policy 2.4 of the City of Mandeville's comprehensive plan, which states that the city's goal of maintaining compatible transitions between different land use and housing types through site design regulations that include buffering and/or form-based design. That is the intent of B-1 site development criteria, not B2.

I also find that it does not allow with Policy 2.7 of the same comprehensive plan which states, "The city's goal of encouraging development of neighborhood scale, retail and service businesses and locations that conveniently serve residential areas and visitors in the city, and where these uses of but residences, they should maintain the residential character and scale and mitigate the effects of non-residential traffic into the adjacent neighborhoods." And I also agree with the Chairman of Planning and Zoning in that it does not align with Policy 3.4 of the comprehensive plan either. As such, I make a finding that this criteria is not met.

In conclusion, I don't feel there has been any reasonable explanation to the people in this room, let alone an amendment offer to the ordinance by any council members, outlining how approving this rezoning and this Conditional Use Permit is in the best interest of the City of Mandeville and its health, safety and welfare.

Regarding the repeated and insistent statements made to both the commission and the counsel by Mr. Harrison, legal counsel for the applicant, that this application, this ordinance is rezoning, quote, "Checks all the boxes." It clearly does not. Therefore, I do not suppose this proposed rezoning and I believe the previous counsel that approved Ordinance 98-40 got it right when it rezoned the property as Planned Residential District

noting that in that ordinance that doing so "will serve the interest of the City of Mandeville by protecting existing residential neighborhoods in the vicinity of the property from the possible intrusion of commercial uses and other types of residential unit uses, which, by their nature, may be deleterious to that neighborhood."

I look out to all of you today armed with my charge to represent your interests, the interests of the city, and the people of Mandeville and do what is best for the citizens of this community. And I will vote against Ordinance 23-16. I do sincerely want to thank everybody that has reached out to me, offered me input, offered me information, and spent time with me through these last 7, 8, 10 months. I was not able to put all this information together just by myself, and it took everybody's input. And I do want to thank the citizens of Mandeville for reaching out to me and sharing their thoughts, their comments, their information that they had so that I can make an informed decision. So, thank you all very much.

Rick Danielson (02:17:54):

Thank you, Mr. Zuckerman. Jill McGuire, you're next.

Rebecca Bush (02:18:00):

If we're not going to go through the specific ones, I will add to briefly unless you want...

Rick Danielson (02:18:06):

Let's finish the other and then if you need to touch on those inner two, feel free. All right. Anybody? Next, Ms. McGuire.

Jill McGuire (02:18:16):

I'll go ahead. I'm just going to go ahead and start with the Article 4 because that's just what I did when I was gathering my notes. But I want to discuss rezoning first. That's been something that for the longest time was just one of the elephants in the room, so I do want to discuss that first. So, there's been multiple discussions regarding the current zoning of Parcel D, is my opinion based on the information presented and the discussions we have had to date that the property is currently zoned Planned Residential District and part of this ordinance is to rezone the property to Planned Combined Use District. P&Z's summary Z22-10-02, which states LSU Health Foundation requests the rezoning of a Planned Residential District to Planned Combined Use District.

Prior to reviewing and approving the requested conditional uses, I must first determine whether the rezoning of Parcel D from Planned Residential District to Planned Combined Use District meets the review and evaluation criteria set forth in the CLURO, Section 4.3.3.8 and present my findings. So, Article 4 are your 12 points, so I'm applying some of those points to the rezoning because there's two different things. You've got the Rezoning and then you've also got the Conditional Use Permit.

I am not for rezoning the property for these reasons. Comparison with applicable regulations and standards established by the Comprehensive Land Use Regulations applicable to the proposed use and site. Well, currently, the property is done Planned Residential, so to me, it doesn't adhere to regulations. It also, going back to 98-40, the beautiful thing about this property is that it's already been vetted. So, Ordinance 98-40, that council vetted this property and felt that, and thank you, Jason, this is from his big old



binder, whereas the City Council of Mandeville finds that the requested zoning designation of the property as a Planned Residential District and its development and use in accordance with the site plan attached here too, will serve the best interest of the City of Mandeville by protecting existing residential neighborhoods in the vicinity of the property from the possible intrusion of commercial uses and other types of residential uses which, by their nature and/or size, may be deleterious to the neighborhood. Fancy word.

A Planned Residential District consisting... So, what they found in this ordinance, Section 1, the City Council of Mandeville, that the property designated as Parcel D as described on the attached Exhibit A will consist of no more than 10 single-family detached residential units. So, the counsel that came before us and did this, they felt that this property was compatible and conformed and fit into that area by making sure it would be single residential parcel. So, you're talking about 15 acres. They felt that it was most appropriate that only 10 single-family residential homes be built on this site.

Now we come here to this ordinance. Compatibility with existing or permitted uses on abutting sites in terms of building height, bulk, and scale setback and open spaces. The proposed combined use, specifically the commercial uses, are not compatible with the abutting site uses, which are residential. Concerned, very much so, about the bulk height. And I want to finish up with the rezoning.

For this rezoning, I do not agree that we should rezone this property, and I agree with Ordinance 98-40. So, I want to make that clear. I don't agree with the rezoning. However, to cover all of my bases, and, too, this is two different parts, I could say I don't agree with the rezoning, and we shut the books, but I want to make sure all bases are covered. Let's say, for all intents and purposes, that it's not a rezoning. Okay, so now, if we want to say that I want to go into Article 4.

This application is for multifamily residential, hotel, a marina, restaurants, retail, and event center. And also, under marina, you also have, they're going to have the ability to work on their boats. With comparison, this doesn't compare to anything in the whole city. I'm not talking just Monroe Street or Antibes or where this is. There is no comparison. Even on our highways, even on our major roads, A, we don't have a hotel anywhere inside the city limits. We don't have an event center attached to a hotel. We don't have all of that with a five-story, and that might change with the 90 units, but with the five-story apartment complex, that would be the highest point in all Mandeville. Our highest building in all of Mandeville would be an apartment complex that exceeds the most dense... B-2 is our most dense zoning, and in B-2 it allows a height limit of 50. They're asking for 60, and it's really even more than that because you've got the pitch and the average and the this and the that. And nobody really, at least for me, I never really got a clear idea of how big this sucker could really be, how high up it really is. And I cannot and will not put my name on a project that's going to have an apartment complex as the highest point in the City of Mandeville. Our own Washington DC, capital of the United States, made sure that their Lincoln monument is the highest point. We don't want to set the precedent of an apartment complex. Okay. Sorry. Got a little distracted there. Okay. Then you also have the 110 boat slips on there, an event center, restaurants, we have nothing like that in the City of Mandeville. Compatibility with existing or permitted uses on abutting sites. Well, I just went into that. Let's discuss the hotel. The hotel is 84 rooms. It is over a hundred thousand square feet. They use B-2 zoning for that as well. So, they are exceeding, their departures are exceeding our most dense zoning. And this zoning, I feel, as Mr. Councilman Zuckerman pointed out

just a minute ago, and I agree with as well, that we should not be using B-2 requirements for this area. This should be B-1. It makes the most sense if, if you agree that we should rezone and go back to, I don't agree with that. But if you want to rezone it, I feel the best thing would be B-1 requirements. Mr. Harrison and Rick, earlier, brought up Old Mandeville. They brought up some restaurants. They brought up churches. They brought up event centers, which the event center that they brought up is really a restaurant, so it's not an event center.

In Old Mandeville, we're going to have a very small hotel. I believe the owner is right here. And I'm sure it's going to be under 15,000 square feet. Correct? Okay. So, all of the uses could be at least more compatible if you apply the B-1 requirements and not B-2. I'm strongly against applying B-2 requirements to any of this project. Modifications to the site plan, there's some amendments that we put in there if this does pass to limit the parking, the increased... Okay, sorry. The increased traffic will most definitely impact that whole area. I can't picture all of this development on 15 acres. I was driving The Causeway yesterday, and I was coming home towards Mandeville and when you look at our shoreline and you see what's going on, our shoreline will be permanently altered. Now, it can be argued that they have a right to develop their property and whatever is built there, it will ultimately alter the shoreline. However, what we're currently being proposed with is what would alter our shoreline is 108,000 square building of apartments that are supposed to only be 90 units, but we don't even have an updated site plan for that. So, assuming that that's the case, then you have 110 boat slip marinas. Okay.

I'm concerned about increased traffic, danger to pedestrians and bikers in the area, especially on Monroe Street where the city's worked really hard to make some crosswalks, and we're really trying to make our city more bikeable. We're trying to connect east with west. And, here you go, we're going to put this major dense development right on the road where all of that is going on. I'm very concerned about that. I'm concerned about how these big old trucks are going to get down the street and how they're going to make deliveries.

And I find it extremely convenient that the parking study only covered in the morning and in the afternoon for maybe an hour, hour and a half, did not... The hotel wasn't even covered, and I don't feel that a traffic study that is only going to look at high peak times is... What's the right word? I don't think it's accurate. You need to look at what's going on when they have events. You need to factor in the fact that there's restaurants and that there's retail. People are going to be coming in and out all the time. They're going to be living there. People are going to be shopping there. People are going to be eating there. People are going to be staying there. There's going to be weddings there. It's going to be constant. And I also found it convenient that the parking study claimed that "Oh well, you're going to need new roads in 20 years either way, so we don't need to cover that." I have felt that the project has lacked mitigation from the beginning. There's been no offer of doing the roads. We weren't even presented with a site plan, and they've had more months to do it and it seems disingenuous to me to just absolutely refuse to do that.

The lighting, I don't think we have enough information on that for me to make an assessment. Conformity, this one's big. If this truly conformed, there wouldn't be any departures. I mean, the height mentioned, going over the square footage of our most dense B-2 and B-1 would be way more compatible.

Number nine, the proposed use together with the conditions applicable thereto will not be detrimental to the public health, safety, or welfare or community aesthetics or materially

injurious to properties or improvements in the vicinity. Shoreline, I'll bring that up again. Ordinance 98-40 claims it's in the best interest of the health, safety, and welfare for this property to be zoned residential and have only 10 single-family residences. Compatibility of the proposed use and site developments together with any modifications with existing or permitted use in the vicinity. It's incompatible as it is currently zoned residential, and all properties are residential.

Now, B-3 is right down the street and has been mentioned in reference to how all those different types of uses get along. However, remember, everything in B-3 is under 15,000 square feet. They're wanting, they're proposing 108,000 square foot hotel, a mysterious wedding pavilion, an event center that's not an event center that's somehow connected just by a breezeway. We have 110 slip boat marina. From what I've heard, the marina is not conducive to being a marina. It's very, very shallow. A lot of dredging would have to be required. I also know that the marina and repairing the bulkhead would help mitigate drain, that's one point on here, erosion. Number five, protection of persons and property from erosion, flood or water damage, fire, noise, glare. The developer fixing the bulkhead will help with erosion. However, I am concerned about the noise and the glare, and I just also feel that any development this dense will most definitely have an impact on our flooding just as a whole.

I think I've covered everything. I do want to say in reference to Planning and Zoning, I sat through all those meetings. The majority of the discussion that Planning and Zoning was all about the apartment complex. They didn't hear anything about the hotel. They didn't hear anything about the marina. They didn't hear anything about the retail. And even with us, I feel like we've been as thorough as we could possibly be about getting information, even with the information, all the information that I've read, all the information that I've been given, I just have to say no. I can't with a good conscious.

Rick Danielson (02:34:26):

Thank you, Ms. McGuire. Dr. Kreller.

Skelly Kreller (02:34:32):

As everybody knows, District 2, this is where this is proposed. This project was submitted to Planning Department on August 18th, 2023. The Planning and Zoning Commission and the Council have had numerous meetings to discuss the proposed Suzette Hall. As a councilman, I have the task of reviewing and evaluating the proposed plans and make a determination that this application should be granted. I have been to all of the P&Z meetings except one and all the council meetings. I have listened to the residents' comments and concerns and have taken into consideration the 12 criteria outlined in section 4.3.3.8 of CLURO. I'm going to be very brief, not like my other two on the end. Based upon the ordinance presented, I'm voting against 23-16.

Rick Danielson (02:36:03)

So, Mrs. Bush, were there a couple of points you wanted to touch on.

Rebecca Bush (02:36:08):

Since we've been giving our specific findings with regard to the criteria, I have held off on doing that. I'm going to do that now for the record. We held against the applicable 12

criteria. I find that the development does not meet the appropriate scale or I'm going to discuss them as I go through.

Criteria two, compatibility with existing or permitted uses on abutting sites in terms of building height, bulk, and scale setbacks, and open spaces, landscaping and site development and access to circulation feature and circulation features. And this I would again reference my concerns with scale and bulk. Compatibility with the surrounding area, no matter how unattractive the surrounding area appears at present.

Criteria nine, conformity with the objectives of these regulations and the purpose of the zone in which the site is located. And here, I would again reference my concerns with the purposes and objectives of the city as stated and outlined in the '07 comprehensive plan, specifically Maps 5C, five and two. And also, I would read from the marina paragraph at the outset. Let's see. Mandeville's lakefront community provides access to Lake Pontchartrain for residents and visitors. The marinas located to the east and west ends in Old Mandeville provide unique opportunities for the establishments of mixed-use neighborhoods with a maritime focus.

It's Criteria 10, compatibility with the proposed use of site development together with any modifications applicable there to with the existing or permitted uses in the vicinity. Again, my concerns with compatibility as to the surrounding areas, I've referenced here along with my concern about access and setting aside construction traffic. I understand that, at that stage, the applicant is not required to have a decent... Excuse me. At this stage, the applicant is not required to have a detailed plan for future changes to the entrance or exit. However, the expected traffic due to the hotel construction, et cetera, will most certainly change this access, and I struggle with not having that plan in front of us and a commitment to address this from the applicant. I'm not actually certain the solution is possible without substantial changes and if the potential challenges can come to fruition. And these concerns directly impact health, safety and welfare. I also have concerns about safety and traffic due to the expected stops to find the development after turning onto Monroe as to events that would be attended by non-residents or individuals not familiar with that area as well as the traffic created with the required left turn coming from the opposite direction. I understand these can be addressed in part by signage, but the issue will still remain, even with the signage allowed under CLURO.

Criteria three, potentially unfavorable effects or impacts on other existing conforming or permitted uses on abutting sites to the extent such impacts exceed these which reasonably may result from the use of the site by permitted use. Again, I'd insert my concerns with access out-of-town visitors trying to locate the site and their knowledge or lack thereof of the area of traffic created outside of the parameters of the traffic study. While I have officially not considered traffic, because we did not have an opposing traffic study in front of us.

Criteria five, safety and convenience in particular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considered existing zoning and land uses in the area. Again, I would insert my concerns with access to the ability to enter and exit the development from the existing access points. And that would be mine.

Rick Danielson (02:39:53):

Thank you, Ms. Bush. All right, that concludes our comments, remarks, and summary to the 12 criteria and other thoughts, so we'll move towards our vote. Ms. Scherer, if you'll please call the roll.

Ms. Scherer (02:40:04):  
Jason Zuckerman?

Jason Zuckerman (02:40:06):  
Against.

Ms. Scherer (02:40:07):  
Jill McGuire?

Jill McGuire (02:40:08):  
Against.

Ms. Scherer (02:40:08):  
Rebecca Bush?

Rebecca Bush (02:40:09):  
Against.

Ms. Scherer (02:40:09):  
Skelly Kreller?

Skelly Kreller (02:40:11):  
Against.

Ms. Scherer (02:40:11):  
Rick Danielson?

Rick Danielson (02:40:12):  
And against.

Rick Danielson (02:40:12):  
Ordinance number 23-16, it does not pass.

All right, we have a motion to adjourn.

Jason Zuckerman (02:40:12):  
Motion

Rick Danielson (02:40:12):  
All right, Mr. Zuckerman. Second?

Jill McGuire (02:40:12):

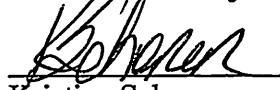
Second.

Rick Danielson (02:40:12):

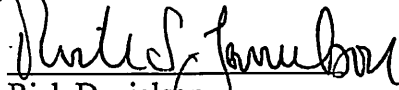
Second by Ms. McGuire. Meeting is adjourned. Thank you. Have a good week.

**ADJOURNMENT:**

Mr. Danielson adjourned the meeting at 8:45 p.m.



Kristine Scherer  
Council Clerk



Rick Danielson  
Council Chairman