

Kristine Scherer

From: i>
Sent: Tuesday, July 25, 2023 8:03 AM
To: Kristine Scherer
Subject: CLURO questions re: Sucette

Good morning! While listening to the Sucette discussion last night, I was reading the CLURO on my phone and I wanted to ask the Council how a couple sections would fit in.

1) Regarding the uses of B-2, would the special restrictions of B-2 also apply? This would require lots with street frontage on major arterial or collector streets (those are defined terms) and shall not require travel through existing or proposed residential districts. See 7.5.9.5

2) Event Center vs Special Event Center vs Ballroom- the first two are defined terms, I couldn't find ballroom (and it's most likely not defined).

Event Center is a public facility for performances, displays, meetings, receptions and convocations. See 6.1.7.23

Special Event Center is a privately owned building or site that is available to be rented, leased or commissioned to accommodate gatherings of people for events, including but not limited to weddings, convocations, celebrations, fundraisers or wakes, whether conducted within, outside, or both inside and outside a building as a principal or accessory use. See 6.4.71

It's important to know which term the applicant is considering for their project, as it would have use and parking ramifications.

I also was interested in the fire and EMS response to the fire tragedy last week. This is not something that needs to be discussed publicly, but I wanted to suggest the ability and ease of response to the existing neighborhood is an important data point and the Council should know if it was routine or if there were any difficulties.

Thanks and see you in August!

Kristine Scherer

From: David LeBreton <dlebreton@deii.net>
Sent: Tuesday, August 1, 2023 5:48 PM
To:
Cc: Kristine Scherer; Cara Bartholomew
Subject: FW: Sucette Traffic Study

Received your message below forwarded from Mayor Madden when I was out of town on vacation last week.

To answer your question, the study included the traffic that travels under the Monroe Street overpass. Any vehicle that would utilize this approach to travel to the proposed development site gets captured at the signalized Monroe/E Causeway Approach intersection since there is no other direct way to the development. The travel under the Monroe Street overpass is greatly associated with how efficient or non-efficient the signal is at Monroe/E Causeway Approach.

Thanks,

David G. LeBreton, Jr., P.E., PTOE, PTP

Vice President

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From _____ |>
Sent: Wednesday, July 26, 2023 12:05 PM
To: Clay Madden <cmadden@cityofmandeville.com>
Cc: Skelly Kreller <skreller@cityofmandeville.com>; Rick Danielson <rdanielson@cityofmandeville.com>; Jason Zuckerman <jzuckerman@cityofmandeville.com>; Jill McGuire <jmcguire@cityofmandeville.com>; Rebecca Bush <rbush@cityofmandeville.com>
Subject: Sucette Traffic Study

Mayor Madden:

Folks in Lewisburg have brought to my attention an allegation that the Sucette Traffic Study only focused on Monroe Street east of the Causeway (coming from the south and headed down the East Approach). Specifically, the subject study did not look at the traffic effects associated with travel under the Monroe Street overpass. The traffic in question would be coming from either the West Approach and/or North Causeway going south that must exit on the down ramp and circle back to Monroe Street.

For all practical purposes the Monroe Street underpass is the only viable route out of OGS / Lewisburg to the COM. It would be a great hardship for residents to have to travel four miles out on the Causeway Bridge and loop back to get to the COM if this artery becomes clogged like Highway 22. The exit on the 20 foot wide Sandra Lee at the West Approach is quite limited given the volume of traffic that must enter / exit both OGS and Lewisburg.

I brought this matter to the attention of Councilman Kreller a long time ago. I never got a straight answer from him. You are a resident of OGS. Certainly you are aware of how vital a traffic artery this is to our neighborhood and our friends in Lewisburg. You must also be aware of how nasty traffic can get here at certain times of the day. Increasing the traffic load through this artery will not be a good thing. I firmly believe that knowing what will happen here as a result of the proposed Sucette project is prudent to know. Please correct me if I am viewing this matter wrong.

Is it true that the subject developer paid study omitted the traffic effects associated with the Monroe Street Underpass as noted above?

Thanks,

Kristine Scherer

From:
Sent: Wednesday, August 2, 2023 10:03 AM
To: Clay Madden; Keith LaGrange; David LeBreton
Cc: Kristine Scherer; Cara Bartholomew; Skelly Kreller; Rick Danielson; Jason Zuckerman; Jill McGuire; Rebecca Bush; David Lawton
Subject: Re: Sucette Traffic Study

Mr. LeBreton,

Thanks for your response. It is greatly appreciated. Unfortunately I do not believe that a simple traffic count at the intersection of Monroe/E Causeway is adequate for the purpose of evaluating the traffic situation for the proposed Sucette development under the Monroe Street overpass. Specifically I believe that an analysis of the distance the traffic is going to back up (and for how long) between the Causeway down ramp and also the feeder coming from the West Approach going to the Monroe Street overpass is required. I realize this will require a lot of effort and will probably give the Sucette developer an answer that will not be beneficial to their proposal. This area at certain times of the day especially when school is in session is already clogged with traffic. I realize that the only tool left in the COM bag to deal with this matter is the timing of the subject traffic signal. I take no comfort in that fact. The COM has been playing with this traffic signal timing for a very long time. The timing has been optimized. The COM is out of land to enlarge the subject area. It is what it is!

Decency and the responsibility of COM government to the citizens of OGS and Lewisburg dictate that a more thorough traffic analysis in the subject area must be accomplished before granting the Sucette developers a green light. We do not need a Highway 22 situation out in front of OGS / Lewisburg.

Regards,

On Tuesday, August 1, 2023 at 05:48:27 PM CDT, David LeBreton <dlebreton@deii.net> wrote:

Received your message below forwarded from Mayor Madden when I was out of town on vacation last week.

To answer your question, the study included the traffic that travels under the Monroe Street overpass. Any vehicle that would utilize this approach to travel to the proposed development site gets captured at the signalized Monroe/E Causeway Approach intersection since there is no other direct way to the development. The travel under the Monroe Street overpass is greatly associated with how efficient or non-efficient the signal is at Monroe/E Causeway Approach.

Thanks,

David G. LeBreton, Jr., P.E., PTOE, PTP

Kristine Scherer

From: ail.com>
Sent: Wednesday, August 2, 2023 8:55 AM
To: Rick Danielson; Skelly Kreller; jillmcguire1551@gmail.com; Jason Zuckerman; Rebecca Bush
Cc: Clay Madden; Kristine Scherer
Subject: I am sharing 'Mariners-Restrictions-and-Covenants (1)' with you
Attachments: Mariners-Restrictions-and-Covenants (1).pdf

Dear Council,

Please read (Il. C. 6.) in that which is attached.

This section states that:

"No portion of the property may be subdivided or rezoned beyond any subdivision or rezoning necessary to develop such portion the property in accordance with the use classification set forth by the restrictions covering such portion of the Property except with the prior written consent of the Architectural Committee."

There has been no yearly Mariners Members Meeting since Dec. 2018, in which a new board and therefore, an Architectural Committee can arise.

Is there anything that supersedes this document?

I have researched all documents having to do with Mariner's Village (which had slightly different names on record) and the Harbor. I cannot find anything that supercedes this document.

Sincerely,

Kristine Scherer

From: Kristine Scherer
Sent: Friday, August 4, 2023 1:19 PM
To: Rick Danielson; Jason Zuckerman; Jill McGuire; Rebecca Bush; Skelly Kreller
Cc: Kristine Scherer; Clay Madden
Subject: Submittal of questions for the Council to be recorded with its Meeting Scheduled for Aug 15, 2023 re: Sucette Harbor Application
Attachments: Submittal of Ernest A. Burguières 7-28-2023.docx

Dear Council Members;

Thank you for allowing me to submit questions and references for your review and response. My purpose and focus of this email is purely the provisions of the B1 District and how our CLURO directs the current Sucette Application for Planned District to fit in this box.

QUESTIONS:

1. Why wasn't B1 criteria guidance clearly defined publicly for the Planning Commission and cited in the P&Z and Council reviews for this application?
2. Will the departure (90,000+ sq ft) that is well above the CLURO limit allowed for B1 zoning of 15,000 sq ft total be addressed? B1 is surrounded by residential property which this location is and applicant asks to be collocated with residential units. It is also not adjacent to any major highway, only narrow neighborhood streets.

For CLURO references, the posting of Ernest Burguières dated July 28, 2023 is attached and made part of this filing for the record.

Thank you for your diligence in reviewing this most important issue.

Attachment

How did we get here?

July 28, 2023

I was listening to Larry Grundman and Councilman Jason Zuckerman's comments about the employment of the B-2 zoning designation in the Sucette case. What follows was inspired by them.

Something struck me at the last Council Sucette meeting; The Director of Planning stated that with Sucette, it was the applicant that selected the use that it wanted to apply to their project. This in turn caused Planning to identify the zoning designation that would allow these uses. I guess their thinking was the since planned development is theoretically open with no restrictions they could pick any use that they wanted.

What I came to realize from Cara's comments is that it's not necessarily the zoning classification they requested, but the **USES** they requested that could only fall into the classification (B-2) for those areas of the property. Since the Planned District classification provides that the development regulations for the zoning classification under which those proposed uses are allowed as a "baseline" to consider departures from those regulations, **one must first make the leap to agree that proposed uses under that zoning regulation (in this case B-2, Highway Commercial) are appropriate for that site. They are not.**

I don't recall any real discussion of this particular issue. The applicant in effect gets to select the zoning that they would like to apply and the city must accommodate?

But could they?

The B2 zoning rules are found in 7.5 of the CLURO:

7.5. - BASE DISTRICT REGULATIONS BY ZONING DISTRICTS.

The regulations of this Article identify the purpose of each of the created zoning districts and shall be considered **the minimum requirements**, in addition to all other applicable regulations of this Comprehensive Land Use Regulations Ordinance or other laws of the City or state as provided, for the use and development of all land within the separate zoning districts in conjunction with the Table of Permitted Uses By Zoning District included in this Article.

7.5.9.5. Special B-2 Highway Business District Criteria.

1. **Access. B-2 districts shall be located on lots with street frontage on major arterial or collector streets only and shall not require travel through existing or proposed residential districts to access the B-2 district. * * ***

Additionally, I believe B2 provides for the largest limit on a building, 100,000 square feet, more like what you see in the Rouse's area or Whole Foods area. It should be noted that at 108,000 square feet the Sucette hotel is bigger than permitted even in B2.

Then I looked at the Planned Development regulations. When you drill down on the language certain things pop up.

7.5.15.1. Purpose of the Planned District.

***** Planned District applications shall contain a statement by the developer as to how the submitted plan departs from the existing requirements of this Land Use Regulations Ordinance and any other regulations applicable to the proposed use or uses for the district in which the proposed use could be established of right and how each departure improves what otherwise would be required under these regulations.**

Have we heard how the Sucette departures **improves what otherwise would be required under these regulations?** I think I will have to check my notes, I would say, no.

7.5.15.2. Planned District Permitted Uses.

*****The uses permitted in this zoning district, including signage, shall be in accordance with those uses listed under this district in the Table of Permitted Uses By Zoning District found at the end of this Article and shall be subject to all applicable provisions of this Land Use Regulations Ordinance including any supplemental or special use criteria provided in Article 8 and the Sign Code in Article 10.**

7.5.15.4. Flexible Site Planning.

When considering a Planned District application, the unique nature of each proposal may require, under proper circumstances, **the departure from the strict enforcement of certain present codes and ordinances *****

And then under Commercial Uses:

B-2 Highway Business District, provided, however, that commercial uses designated on a site plan providing for a mix of commercial uses and residential uses shall comply with the requirements of the B-1 Neighborhood Business District.

What does all this mean?

This looks like Sucette can use **B-2 Highway Business District**, however, if **commercial uses designated on a site plan providing for a mix of commercial uses and residential uses then it shall comply with the requirements of the B-1 Neighborhood Business District.**

Whoha!

Does that mean that we are not supposed to use a B-2 highway Business District mentality when there are a mix of commercial and residential and then you must use the B-1 rules?

This is kind of consistent with Rule 7.5.9.5. Special B-2 Highway Business District Criteria wherein **B-2 districts shall be located on lots with street frontage on major arterial or collector streets only and shall not require travel through existing or proposed residential districts to access the B-2 district.** * * *

So, if Sucette has a mix of commercial and residential, and it is not located on a **major arterial or collector street** and access would **require travel through existing or proposed residential districts to access the B-2 district**, then it must be relegated to a B-1 zoning designation analysis.

If Sucette is relegated to a B-1 zoning designation analysis then the maximum sized building would be 15,000 square feet, the same as in the B-3 area of old Mandeville. **It is almost like there was a consistency of thought to not dump a huge departure in size, scale and density into a residential neighborhood. Who would have thought?**

Sucette appears to have articulated uses to Planning that could be satisfied by B-2, highway business zoning. The problem with highway business is that it contemplates a business on a highway and therefore has much larger limits on the size of the uses and access. A business on a highway would be like West Causeway Approach, Hwy. 22, Causeway Blvd. and really East Causeway Approach before it joins Hwy. 190. A highway business will need more space for vehicles, especially large commercial vehicles, to routinely come in and out. **Higher traffic is expected. And,... there is a limitation on B2 that shall be located on lots with street frontage on major arterial or collector streets only and shall not require travel through existing or proposed residential districts to access the B-2 district.** Was this limitation considered? Even in the no rules arena of "Planned Development" was it contemplated that Sucette would not be on a major highway? Was it also contemplated that access would have to be through existing (unusually narrow) residential streets? **Apparently not.**

When you try to shoehorn a 100,000+ square foot structure into a residential area of narrow streets you have obvious density, compatibility and scale problems. Is this what was contemplated by the Mandeville CLURO? Is this what was contemplated by the Comprehensive Plan? Is this what was contemplated by the Planned Development idea? It seems to go against everything else in the CLURO about small town atmosphere, at least in our old town. An interpretation that fosters this B-2 development into a residential area is a perversion of the rule and concept. **Are we talking strict enforcement or common sense of trying to put a square peg in a round hole?**

I realized that in reality....what's really what is causing all of the heartache is with the density, scale, proximity to residential, access to the site. Sucette is proposing uses with development regulations for properties that are meant to be on a major artery (highway commercial) with truck access, no residential adjacency, etc. On top of that, they are requesting additional departures...increase in area, increase height, reductions in parking, etc. Unfortunately, they ignored the safety valve of access and proximity to residential areas. Plus, they quickly, and

quietly, with virtually no discussion, seem to be on the verge of dispensing with five (5) mature (centuries old) live oak trees with no discussion.

The whole issue seems to me to be caused by requesting (demanding?) uses that can only be shoe-horned into B2 Highway Commercial zoning on that site and applying Highway Commercial site development criteria. This is viewing the rules through a tunnel.

If this is a "no rules football" scenario then there is no reason why a 30 story tower or a creosote plant could not be built on this 15 acres. There are rules, but the rules were not intended to be perverted by half clever sophistry that might appear to allow such an aberration. Sucette is employing a perverted interpretation of the rules that absolutely ignores the context of Mandeville. and at the same time ignoring the common sense safety valve of access and proximity to residential neighborhoods. **If this project were in Destin or Panama City, Florida they would never try to locate it in an older, narrow area. They would locate it near the highway for visibility and access, something they do not have at Sucette Harbor.**

It is useful to think of outlandish applications because it helps to drive home the point that if Planning believes that they have no say so except that once uses have been identified (by the applicant) they must go with the zoning designation that (they believe) fits the uses. **If this is the case then the tail is wagging the dog. There is no place in the CLURO that anyone envisioned that a very dense, very tall, over-developed application could be placed right in the middle of a narrow residential area.** I even doubt that such a dense proposal could fit on West Causeway Approach or Causeway Blvd., both serviced by four lane highways with a median.

If it were this simple why couldn't anyone request a zoning change to planned development multi use? What is the argument against this? According to the Director of Planning there is none. How can that be? Doesn't that lose sight of the big picture of what Mandeville is? **This is not Destin or Panama City, and if it were, it would never be located on narrow back streets.** Sucette made comparisons to event centers, restaurants and B&B's in the B-3 district. The B-3 designation is more like a B-1 designation where the absolute size of a structure is limited to 15,000 square feet. The Sucette hotel is 108,000 square feet. **This was never intended in the big picture of Mandeville building and zoning regulations. It is the antithesis of what was intended. There is no comparison.**

Is the situation we are in the result of some clever lawyer's sophistry?

I'm simply asking....why? Why would we not first make the judgment as to whether or not B-2 Highway Commercial Uses are even appropriate for that site, rather than just say well those are the uses the applicant proposed so we're using that as a baseline as long as they comply with those - box checked.... or here's the minor deviation from those B-2 development standards that they propose. **Sucette should be at best be a review under the B-1 guidelines.**

When you do this it is obvious what the CLURO was trying to do is **not create** the "high volume" highway businesses that would need to attract a large volume of customers that would come and go at the same time and therefore could overwhelm narrow neighborhood roads and

keep those businesses instead at or adjacent to highways like strip shopping centers on Florida Ave. (hwy 190). CLURO certainly didn't contemplate such 100,000+ sq ft commercial structures deeply imbedded on a peninsula, isolated by a single access point from/to a two-way residential street like Monroe and then on to unusually narrow streets, Antibes West and East in the middle of residential zoning and co-located with residential units. **Hello?**

The Council looked (sub consciously at first, then openly) at CLURO to give guidance on the apartments density question and should do the same for the commercial aspects. When they do, they will see the departure requested is not 9,000 sq ft but 90,000+ sq ft.

The Director of Planning keeps telling us: Developers can put most any uses in a multiple use zone. **This is not an absolute.** What they should say is that they could put in any use that fits in the application process.

The Planning Department is abdicating their role as gatekeeper and protector of Old Mandeville.

Ernest A. Burguières

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