

From: Ellen Pierce <rawoyster@earthlink.net>
Sent: Tuesday, August 15, 2023 9:56 PM
To: Rick Danielson
Subject: FW: Amending an Amendment
Attachments: OPINION_ Sucette ordinance a hot mess - Mandeville Daily.pdf

I would challenge that. I think you can amend an amendment once.

From: Ellen Pierce <rawoyster@earthlink.net>
Sent: Tuesday, July 25, 2023 7:56 AM
To: 'Rhonda Alleman' <ralleman4@gmail.com>
Subject: FW: Amending an Amendment

Kropog is going to post the attached saying that you can't amend an amendment, but I think Roberts Rules says that you can.

Explanation and use [edit]

Using Robert's Rules of Order Newly Revised (RONR), all main motions can be amended,^[1] by so called "first-order" amendments. A first-order amendment can be amended,^[2] by "second-order" amendments. However, the limit is that a second-order amendment may not be amended, because it would be too complicated.^[2]

Secondary motions that, by their nature, include a variable element, also may be amended.^[1] For example, the motion to postpone may be amended as to the length of the postponement; the motion to limit or extend limits of debate may be amended as to the number or length of speeches or the total time to be consumed; and the motion to commit or refer may be amended as to the details of the committee or the time within which the committee must report.

Forms and uses of the motion [edit]

The motion to amend takes three basic forms:^[3]

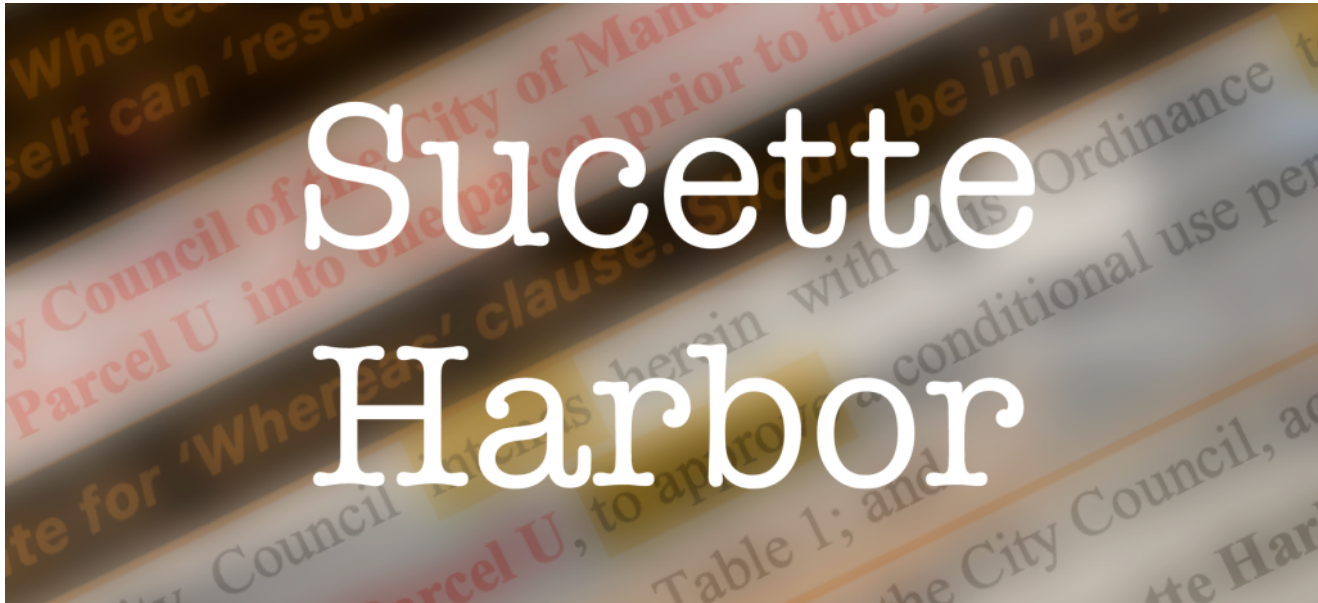
- Inserting or adding words or paragraphs.
- Striking out words or paragraphs.
- Striking out words and inserting or adding others, or substituting an entire paragraph or complete resolution for another.

A substitute amendment is an amendment that would replace existing language of a proposal or another amendment with its own.^[4]

An amendment can be used to water down a motion into a form that is more likely to be accepted or to convert it into a form that is more likely to be rejected.^[5]

Amend (RONR)	
Class	Subsidiary motion
In order when another has the floor?	No
Requires second?	Yes
Debatable?	Yes, if motion to be amended is debatable
May be reconsidered?	Yes
Amendable?	Yes, if first-order
Vote required	Majority

OPINION: Sucette ordinance a hot mess



PUBLISHED: JULY 24, 2023 - UPDATED: JULY 24, 2023 ~ WILLIAM KROPOG

90-unit cap gives developers few options

Expand more profitable features or drop losers?

Kreller amendments will need to be corrected

Editorial

Something's got to give when it comes to the proposed Sucette Harbor project, where developers had once hoped to build a sprawling hotel, events center, adult living apartments, and marina on Mandeville's western lakefront.

The debate over whose density calculations you believe — the developer's or Councilman at Large Jason Zuckerman's — became irrelevant once that amendment passed at the July 12th special meeting.

That amendment locked capped the number of apartments at 90 and it cannot be undone now.

According to Robert's Rules of Order, subsequent amendments to an ordinance cannot alter or have a nullifying effect on previous amendments. And a motion to reconsider... Well, that's a dead-end too because such a motion must occur at the same meeting as when the amendment was adopted.

So it would appear that President of Woodward Interests Bill Hoffman and his team are in a pickle. If what Hoffman has been saying all along is true, that "it's not a simple question of do you take out 10 apartments and everything still stays OK", then how do they make losing 88 total units work to their advantage?

What's their next move?

Will they ask to expand the more profitable features of the proposal, like the events center or hotel?

With the number of apartments cut in half, is the logical choice to ask for a bigger hotel, not that that would fly with the three council members who capped the apartments out of density concerns.

Or will they ask to cut something loose that many feel was included in the project only to sweeten the deal... the proposed marina?

The developer is going to be expected to put out what could end up being \$2 million or more to install bulkheads and dredge the body of water when they start construction on the rest of the project.

Maybe that's why they fought so hard against having Parcel U — the "marina" — tied to the rest of the project for so long? Maybe they knew from the beginning the marina would be expendable and they could sell it off if need be.

But not now. That option went away with District II Councilman Dr. Skelly Kreller's amendments July 12th, effectively joining Parcels D and U together.

Again, according to Robert's Rules, a new amendment cannot alter or nullify an existing amendment.

And who knows what other amendments might be offered tonight to either further strangle the project or perhaps go in the opposite direction by expanding other areas now that the apartments are fixed at 90.

Or, as opponents of the development hope, is this the end? Will they ask Councilman at Large Rick Danielson to withdraw the ordinance so they can start over or just abandon the idea altogether. Well... don't count on it.

Hard to believe they can't make *something* work. After all, they got the property for free.

And as far as the Kreller amendments, there are definitely some technical issues that will need to be addressed before Ordinance 23-16 is adopted.

Kreller used "Whereas" clauses to require action by the City or Planning and Zoning Commission. A "Whereas" clause should only explain a motivation behind an ordinance or cite what gives the City the authority or reason for doing what's in the ordinance.

So all in all, Ordinance 23-16 is one hot mess. Maybe things will get cleaned up tonight. But then again, maybe they won't.

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THE FOLLOWING ORDINANCE WAS MOVED FOR INTRODUCTION BY COUNCIL MEMBER BUSH; SECONDED FOR INTRODUCTION BY COUNCIL MEMBER MCGUIRE.

ORDINANCE 23-16

Faulty parallelism. Should use verb like 'REZONING THE SUBJECT...' instead.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE WITH RESPECT TO PARCEL D, MARINERS VILLAGE SECTION 46, T-8-S, R-11-E, GREENSBURG LAND DISTRICT, CITY OF MANDEVILLE, ST. TAMMANY PARISH, LOUISIANA, MORE PARTICULARLY DESCRIBED ON THE LEGAL DESCRIPTION PREPARED BY KELLY J. MCHUGH & ASSOCIATES, INC., CIVIL ENGINEERS & LAND SURVEYORS, DATED 08/04/95, CONTAINING 15.012 ACRES; CONDITIONALLY APPROVING THE SITE PLAN FOR SUCETTE HARBOR, PREPARED BY TRAPOLIN PEER ARCHITECTS (HOTEL & EVENT SPACE), ARRIVE ARCHITECTURE GROUP (ACTIVE ADULT BUILDINGS), WITH URBAN AND LANDSCAPE SITE PLANNING FROM DESIGN WORKSHOP; **REQUIRING THAT THE SUBJECT PROPERTY BE ZONED PLANNED COMBINED USE DISTRICT("PCUD")**; GRANTING A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF THE ENTIRE SITE; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

RECITALS:

WHEREAS, Woodward Harbor, L.L.C. ("Woodward Harbor"), on behalf of LSU Health Foundation, New Orleans, has applied for the approval of site development plans and a conditional use permit for a project on Parcel D, Mariners Village Section 46, T-8-S, R-11-E, Greensburg Land District, City of Mandeville, St. Tammany Parish, Louisiana, more particularly described on the legal description prepared by Kelly J. Mchugh & Associates, Inc., Civil Engineers & Land Surveyors, Dated 08/04/95, containing 15.02 acres of land (Parcel "D"), attached hereto as Exhibit "1; and

WHEREAS, the City of Mandeville's Comprehensive Plan, dated 2007 ("Comprehensive Plan"), identifies Parcels D **and Parcel U** for future use as a "Planned/Marina District" (see Comprehensive Plan – Map 2); and

WHEREAS, the Comprehensive Plan classifies the subject parcel of land as ones suitable for "mixed use" (see Map 5c – West Marina Issues); and

WHEREAS, the Comprehensive Plan establishes that "Mandeville is a lakefront community that provides access to Lake Pontchartrain for residents and visitors" and that "marinas, located on the east and

west ends of Old Mandeville, provide unique opportunities for the establishment of mixed-use neighborhoods with a maritime focus,” with a goal “to provide diverse mixed-use marina environments and easy marine access for residents and visitors” (see Comprehensive Plan - Goal 11, page 35); and

WHEREAS, Article 3.3, entitled *General Definitions of the Land Use Regulations*, of the Comprehensive Land Use Regulations Ordinance (“CLURO”) defines a planned development as “land under a unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases” (see definition 183) and contains no further definitions or subclassifications of a planned development; and

WHEREAS, Article 7.5.15, entitled *PD- Planned District*, of the CLURO outlines that the Planned District allows for “design flexibility in conjunction with a site plan review procedure for the approval of residential, commercial, industrial or a combination of these uses on one unified development site by ordinance of the City Council subsequent to the recommendation of the Planning Commission,” and further, that “Development sites approved by ordinance under the site plan review procedures of a Planned District shall be approved as a Planned Residential District (PRD), a Planned Commercial District (PCD), a Planned Industrial District (PID), or a Planned Combined Use District (PCUD) in accordance with the classification of the use or uses proposed and/or existing”; and

WHEREAS, in conformity with the procedures established in Article 4.3.3, entitled *Procedures and Fees for Conditional Use Permits and Planned District Zoning*, of the CLURO, Woodward Harbor has submitted an Application for Planned District and Conditional Use Approval for Sucette Harbor, a mixed-use development, with designs and drawings prepared by Trapolin Peer Architects (Hotel) dated March 15, 2022, revised on September 23, 2022, Arrive Architecture Group (Active Adult Buildings), dated August 1, 2018, revised on August 31, 2022, and Design Workshop (Urban and Landscape Site Planning), dated February 18, 2022, revised on August 26, 2022, attached hereto *in globo* as Exhibit “2”;

WHEREAS, Article 9.1.1.11, entitled *Provisions for “Parking Bank,”* of the CLURO allows for “parking spaces to be held in reserve as landscaped open space” for the potential future benefit of the public

Directs Planning & Zoning to take action. Inappropriate for ‘Whereas’ clause.

WHEREAS, the City of Mandeville Planning and Zoning Commission (“Planning and Zoning Commission”), after giving proper notice, conducted public hearings for the proposed Sucette Harbor project on September 21, 2022, October 12, 2022, February 13, 2023, March 7, 2023, March 20, 2023, and April 17, 2023 and reported its findings and recommendations to the City Council of the City of Mandeville (“City Council”) on or about April 25, 2023 for a Conditional Use Permit and Planned District Zoning Approval; **The Planning & Zoning recommendations are to include a pedestrian and bike path in the plans, to have the city inspect the landscaping to ensure health and viability, and to have the plans reviewed by the Design Review committee; and**

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site

WHEREAS, the City Council has considered Article 4.3.3.8, entitled *Review and Evaluation* the

Inappropriate for 'Whereas' clause. Should be in 'Be it ordained'
The ordinance itself can 'resubdivide' into a single parcel.

WHEREAS, the City Council of the City of Mandeville shall require the applicant to resubdivide Parcels D and Parcel U into one parcel prior to the permitting process: and

Inappropriate for 'Whereas' clause. Should be in 'Be it ordained'

WHEREAS, the City Council intends herein with this Ordinance to approve the site and development plans for Parcel D and Parcel U, to approve a conditional use permit for the subject project, and to authorize the land uses set forth below in Table 1; and

NOW THEREFORE, BE IT ORDAINED by the City Council, acting as the governing authority of the City of Mandeville, that the site development plans for **Sucette Harbor**, as well as all other drainage, landscape, parking, tree mitigation, marina, and building plans as contained in Exhibit “2,” are approved. The site plans, as contained in Exhibit “2,” for Sucette Harbor are specifically made a part of this ordinance and are incorporated herein by reference.

BE IT FUTHER ORDAINED by the City Council that the following land uses and intensities shown in Table 1 are approved, and a conditional use permit is granted to the applicant and the owner, for the development of the subject parcels of land as follows:

Table 1: Authorized Land Uses and Development Limits.

Land Use/Building Type	Limits
Residential Uses:	
Multi-family/Age Restricted Housing	90 Units
Commercial Uses:	
Hotel	84 Rooms 108,813 sf
Retail and Office	11,700 sf total
Restaurant	9,700 sf
Marina retail/boat rental	2,000 sf
Marina	103 Boat slips
Parking Spaces, including parking bank	622 spaces

BE IT FURTHER ORDAINED by the City Council that the subject parcel of land be approved for use as a Planned Combined Use District (PCUD) and re-zoned to the extent necessary.

BE IT FURTHER ORDAINED by the City Council that variances and departures from the CLURO are granted for the subject project consistent with the attached site plans for Sucette Harbor.



Robert's Rules of Order Made Simple: Top of page 4 says an amendment cannot nullify an existing amendment.

Robert's
Rules of
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