



PLANNING & ZONING COMMISSION AGENDA

August 25, 2022, 6:00 pm

Abita Springs Town Hall

- **Welcome / Introduction**
- **Pledge of Allegiance**
- **Roll Call**
- **Acceptance of Minutes from July 28, 2022, Meeting**

PLANNING:

ZONING:

DISCUSSION:

- **Proposed resubdivision 22240 Prats Road**
- **Amendments to Abita Springs Code of Ordinances:**
 - **Section 9-218 Commercial District**
- **Announcements**
- **Adjournment**

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The following are minutes from the Planning and Zoning Commission meeting on Thursday, July 28, 2022, in Abita Springs Town Hall. The meeting convened at 6:00 P.M.

Commission Chair Templet called the meeting to order, and all stood for the Pledge of Allegiance. Commissioners in attendance included Eric Templet, John Pierce, Bryan Gowland, and the newest member, Mike Lanaux. Commissioner Chad Hall was absent. Kristin Tortorich, Mark Fancey, Janet Dufrene, and Heather Hockman were also present.

The Commission reviewed the draft minutes from the June 30, 2022 meeting. Commissioner Gowland motioned to accept the minutes of the June 30, 2022 meeting. Commissioner Pierce seconded the motion. All commissioners were in favor.

PLANNING

No items were on the agenda.

ZONING

PUBLIC HEARING

Resubdivision 23185 LA-435, Abita Springs, LA 70420

Mark Fancey read the staff report stating, "The subject property is approximately 15.5 acres in size and is zoned Commercial Highway District C-2. The proposed resubdivision would create two 2-acre lots and an 11.5-acre lot. All of the existing buildings on the property would be located on the 11.5-acre lot."

Commissioner Gowland commented that the property meets the zoning requirements.

Stewart "Many Lightnings" Eastman, who resides on Maple Street, expressed concerns about the odd shape of the lot for future use. Commissioners Gowland and Templet explained many existing lots are odd shapes.

Scott Payne, Allen Road, stated he shares a fence with the subject property and is concerned about the zoning, commercial development, drainage, and flooding, along with additional driveways being added to the highway.

Commissioner Gowland asked for clarification on the zoning. Mr. Fancey stated it is C-2, Commercial Highway District.

Ruth Sipos, 71627 Leveson Street, asked if the property was subject to a Historic Overlay and what the difference is in the zoning of the subject property on Highway 435 and the site of the proposed Dollar General on Highway 59. Mr. Fancey explained there is not an overlay, but there is a paragraph in the code that gives the Historic Commission power to review development along the corridors into town, which includes Hwy 435. He also explained the Dollar General property is zoned Commercial District and the subject property is in the Commercial Highway District, also referred to as C-2. There are different uses and the development standards in C-2 are more stringent. Ms. Sipos asked the purpose of the subdivision. Commissioner Templet explained the Commission is not going to make a determination based on the owner's intention or potential future development. He said it would need to have a substantial reason to decline the request. Ms. Sipos then asked for the allowable uses of the property. Kristin Tortorich showed the list of allowable uses. Ms. Sipos then asked when the concerns of the community such as drainage, flooding, etc. would be considered. Chair Templet explained that is addressed once someone presents a plan for development.

Sandra Slifer, Warren Street, stated, at the parish level, many times adjacent property owners will meet with the landowners to come up with a compromise of deed restrictions. Provisions such as number of entrances and drainage could be addressed. She suggested postponement of the vote so the landowner could meet with neighbors.

Chair Templet closed the Public Hearing and moved on to deliberations.

Chair Templet stated he heard the concerns, and it makes sense to make changes to the ordinances that are currently in the works, but at the current time, the Commission is bound by the rules on the books, so there is no reason he sees not to subdivide the property.

Commissioner Pierce said he wasn't concerned about the zoning but did see potential concerns for additional access points from the highway and possible public safety concerns but didn't think it warranted a denial of the subdivision. He was curious as to the legal ability to postpone a vote.

Commissioner Gowland stated the issue at hand is not what might happen in the future to the property, but does the landowner have the legal right to subdivide the property.

A neighboring homeowner had objections to the subdivision.

Commissioner Lanaux stated that the neighboring homeowner brought up good points about access, but with what is on the books, the owner has followed all the proper channels.

Kristin Tortorich clarified that DOTD will issue permits and approve driveway width(s) and take into consideration that another business was nearby. Ms. Tortorich also stated that drainage studies would be required to be approved by a hydrologist for development.

Commissioner Gowland motioned to approve the subdivision. Commissioner Pierce seconded the motion. All voted in favor.

DISCUSSION

Amendments to Abita Springs Code of Ordinances: Section 9-218 Commercial District

Commission Chair Templet said the Commission is trying to help find a balance between property rights and addressing the concerns that impact the community. Chair Templet and Kristin Tortorich clarified the difference in the allowable use lists.

Commissioner Gowland stated that engineers would be involved to review items such as drainage plans when development applications would be submitted.

Discussion ensued regarding bakery options.

Commissioner Pierce raised the question of what the Commission would get to do if a large development came in and wanted to get approval after completing all the required items on the development checklist. Could the Commission require any kind of community involvement procedure? Discussion ensued.

Discussion ensued regarding fencing requirements and the language of the proposed amendment.

Stewart Eastman commented on commercial vs. industrial zones and the uses that would be appropriate for each. Mr. Eastman also stated he thought the Commission should fight to add verbiage to give the Commission more authority. Chair Templet responded it is a balancing act of what the government should do; preserving people's property rights; and taking into account the health, welfare, and safety of the residents of the town.

Commissioner Gowland stated that the Commission cannot be arbitrary, and the considerations need to be codified and not opinion based.

Kristin Tortorich explained how to access the proposed amendments on the Town website and stated all meeting information is under each meeting and a link to the meeting packet is provided.

Ruth Sipos stated her discontent with the favorable vote on the subdivision, rather than tabling the issue for the residents to try to meet with the landowner.

Scott Payne about the different commercial zones. Kristin Tortorich told him to reach out to her after the meeting and she would make sure he has access to the Municode to review the codes that currently apply to the C-2 zone where he lives. Mr. Payne and Janet Dufrene then stated more of the bakery language pros and cons.

Chair Templet closed the Discussion section of the meeting.

ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

Commissioner Gowland motioned to adjourn. Commissioner Lanaux seconded the motion. All Commissioners voted in favor.

The meeting adjourned at 7:08 P.M.

Kristin M. Tortorich, Planning & Zoning

Date

ABITA SPRINGS

August 18, 2022

To: Planning and Zoning Commission

From: Kristin Tortorich, and Mark Fancey

Subject: Proposed resubdivision of 22240 Prats Road, Abita Springs, LA 70420

The proposed resubdivision has been submitted for pre-application review by the Planning and Zoning Commission as required under Subdivision Ordinance Section 5.1. The property is 6-acres in size and is zoned Residential. The property would be subdivided into two lots – two 3-acre lots.

The property has frontage and access on Prats Road. Public water and sewer services are not available. Each lot will be served by on-site well and septic systems. Town Code Section 3-504 requires that all lots served by on-site septic systems must be a minimum of two (2) acres in size and must have a minimum street frontage of 125 feet. Both lots meet this requirement. The 200 feet of frontage meets the minimum lot width requirement.

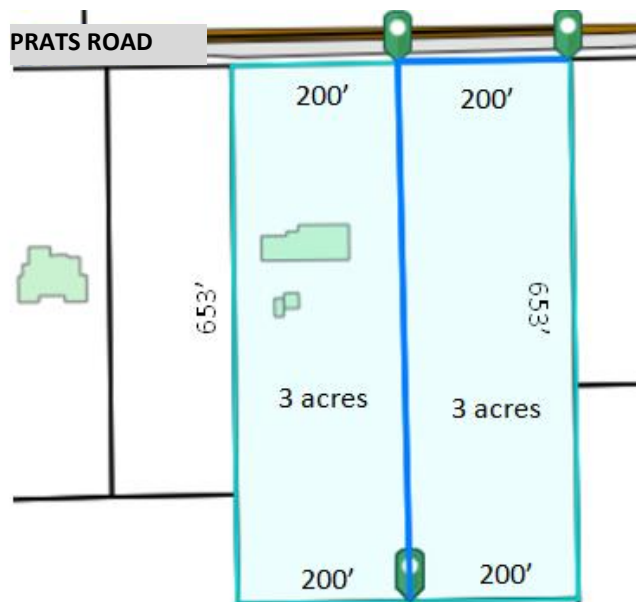
IN SUMMARY:

Current Configuration: One 6-Acre Parcel on Prats Road measuring 400' x 653'

Proposed Configuration: Split property in half to create two 3-acre parcels. Each parcel being 200' wide by 326.5' deep.

Requirements Met:

1. Over 125' frontage for property on private sewer
2. Over 2 acres in size
3. Meet required setbacks.





August 24, 2022

To: Planning and Zoning Commission

From: Kristin Tortorich, and Mark Fancey

Subject: Draft Commercial District

Attached is a draft Commercial District for Commission review. The draft is based on the information discussed by the Planning and Zoning Commission at the two most recent meetings.

Questions for the Commission to consider:

- Should the district include a minimum lot size for commercial uses? Allowable residential uses would be subject to the minimum lot size requirements of the appropriate residential district. The minimum lot size for residential lots is 90 by 120 feet.
- Staff has added several uses to the list of permitted uses that are shown **yellow highlighted**. These include single family residential, bed and breakfasts, farm stands or farmers markets, and gas stations including automotive repair. These changes reflect current uses within the Commercial District. If not included as permitted uses, these uses would become non-conforming uses subject to Sec. 9-??? (attached), which would limit any future expansion of the uses. One option in such a situation, if the uses are not permitted, is to include a section to the Commercial District which states that all uses existing upon the date of adoption of the new zone are considered legal conforming uses.

Should these uses be included as permitted uses?

Fire Marshal approval has been added as one of the development requirements.

The development standards in the draft identify several other code sections that need to be developed. These additional sections are shown **as bold in the draft** and include:

- Section 9-504 Permitting, which would also include Conditional Use standards.
- Off street parking requirements, which include driveway standards.
- Landscaping standards
- Traffic Impact Analysis (TIA) standards.

Minor amendments to the Midtown Cultural District may also be needed to ensure that the permitted uses in this overlay zone are consistent with the uses allowed in the updated Commercial District.

Staff is developing drafts of these additional amendments for review by the Commission at upcoming meetings.

Sec. 9-210. - Nonconforming uses.

- (a) *Nonconforming uses and lots.* The lawful use of any building, structure, or land existing at the time of the enactment of this chapter may be continued, although the use does not conform with the provisions of this chapter, provided the following conditions are met:
- (1) *Unsafe structures.* Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any portion of a building structure declared unsafe by proper authority;
 - (2) *Alterations.* A nonconforming building or structure may be altered, improved, or reconstructed provided the work is not to an extent exceeding in aggregate cost ten percent of the value of the building or structure, unless the building or structure is changed to a conforming use;
 - (3) *Extension.* A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building or structure which existed prior to the enactment of this chapter shall not be deemed an extension of the nonconforming use;
 - (4) *Changes.* No nonconforming buildings, structure, or use shall be changed to another nonconforming use;
 - (5) *Construction approved prior to this chapter.* Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently prosecuted within three months of the date of the permit, and the ground story framework of which, including the second tier of beams, shall have been completed within six months of the date of the permit, and which entire building shall be completed according to the plans as filed within 12 months from date of this chapter;
 - [(6) *Reserved.*]
 - (7) *Wear and tear.* Nothing in this chapter shall prevent the reconstruction, repairing or rebuilding of a nonconforming building, structure or part thereof existing at the effective date of this chapter, rendered necessary by wear and tear, deterioration or depreciation provided the cost of the work shall not exceed ten percent of the value of the building or structure at the time the work is done, nor prevent compliance with the provisions of the building relative to the maintenance of buildings or structures;
 - (8) *Abandonment.* A nonconforming use of the building or premises which has been abandoned shall not thereafter be returned to the nonconforming use. A nonconforming use shall be considered abandoned:
 - a. When the intent of the owner to discontinue the use is apparent;
 - b. When the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one year, unless other facts show intention to resume the nonconforming use;
 - c. When the building remains vacant for 12 consecutive calendar months;
 - d. When it has been replaced by a conforming use; or
 - e. When it has been changed to another use under permit from the board;
 - (9) *Displacement.* No nonconforming use shall be extended to displace a conforming use;
 - (10) *Unlawful use not authorized.* Nothing in this chapter shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this chapter;
 - (11) *District changes.* Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein. .0

Sec. 9-218. – Commercial District.

- (a) In the commercial district, no building or premises shall be used, and no building shall be hereinafter erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:
- (1) Appliance sales and repair – all inventory must be stored inside.
 - (2) Artisan studio – art, dance, music, theater, photography.
 - (3) Art gallery, museum, library.
 - (4) Animal hospital, veterinarian.
 - (5) Auditorium - movie, music, theater, other.
 - (6) Bakery, confectionary or candy store (products sold retail on premises).
 - (7) Bank/financial institution.
 - (8) Barbershop, salon, spa, nail parlor, beauty parlor, massage, and similar personal service requiring a license.
 - (9) Bicycle sales and repair shop.
 - (10) Boutiques – cultural and artistic products, florist, antiques, photography.
 - (11) Clothes cleaning establishment for drop off and pickup only or using nonflammable and nonexplosive cleaning fluids.
 - (12) Clothes making, millinery, tailor.
 - (13) Drugstore or pharmacy.
 - (14) Gym, rehabilitation, or physical therapy.
 - (15) Hardware store, locksmith, building supplies/paint store.
 - (16) Hobby shop.
 - (17) Hotel/motel with less than 10 rooms.
 - (18) Indoor entertainment – bowling, skating, axe throwing, virtual golf, and similar establishments.
 - (19) Medical or dental clinic.
 - (20) Neighborhood market – groceries, fruits and vegetables, seafood, meat.
 - (21) Offices - business and professional including lawyer, interior design, real estate.
 - (22) Refreshment stand – snowball, ice cream, coffee, etc. with no indoor seating.
 - (23) Restaurant, delicatessen, café, coffee shop.

DRAFT – 8/25/2022

- (24) Specialty retail outlet selling clothes, shoes, accessories, books, stationery, newspapers, furniture, jewelry.
 - (25) Bed and breakfasts subject to the requirements of Sec. 9-232.
 - (26) Farm stand or farmers' market.
 - (27) Gas station including automotive repair.
 - (28) Appurtenant structures and uses customarily incidental to above listed uses.
 - (29) Mixed use—Multi-family/commercial, must be a two-story structure with residential on the second floor and commercial on the first floor, residential area not to exceed one-half of the total square footage of structure, each apartment must be 600 square feet or larger, and adequate parking as per the parking ordinance.
 - (30) Single-family residential subject to the development standards of the Residential District.
 - (31) Multi-family residential subject to the development standards of the Multi-family District.
 - (32) Townhouse/condominium residential subject to the development standards of the Townhouse/Condominium District.
- (b) All new businesses in the commercial district shall require either a Change of Use Permit or a Development Permit as outlined in **Section 9-504 of the Town of Abita Springs Code of Ordinances** prior to operating a business.
- (c) Allowable nonresidential uses with the following characteristics require approval of a **Conditional Use Permit as outlined in Sec. 9-504:**
- 1. Main building larger than 5,000 square feet.
 - 2. Involves the sale or distribution of alcohol.
 - 3. Involves the use of a drive through window.
 - 4. Involves live music; or
 - 5. Involves the sale, repair or storage of automobiles, trailers, ATVs, mobile homes or like products.
- (d) The following shall be prohibited in the Commercial District:
- 1. Structures over 35 feet in height
 - 2. Mobile or modular homes.
- (d) Parking requirements. **Off-street parking and loading areas shall be provided as required by Sec. 9-XXX.** Parking areas containing more than eight spaces are required to provide for ground water recharge, water run-off, irrigation, shade, and to reduce heat and glare reflected from paved areas. These areas must be planted with a minimum of one tree per three parking spaces along with vegetative ground cover as well as shrubs and ornamentals. Trees in the parking area shall be surrounded by curbing. Curbing shall not sever roots greater than two inches in diameter or penetrate natural grade of drip line of tree.
- (e) Fire marshal. Fire marshal approval is required for all new commercial development including construction of building additions larger than 50% of the size of the structure.

DRAFT – 8/25/2022

- (f) Landscape requirements. **Landscaping requirements for this district shall be in accordance with the provisions of Sec. 9-XXX - Landscaping.** A landscape plan is required for all new commercial development and those building additions larger than 50% of the size of the main structure. A change of building use in the commercial zone may require that the owner upgrade landscaping as determined by the town arborist/landscape architect.
- (g) Tree preservation. Land clearing and tree preservation shall be subject to the provisions of Chapter 7 – Tree Removal and Timber Harvesting. A Development Clearing Permit as outlined in Section 9-707 of the Town of Abita Springs Code of Ordinances shall be required for all new commercial development including construction of building additions larger than 50% of the size of the structure if any trees will be removed or under brushing done.

No base prep will be allowed within the drip line of specifically protected trees as outlined in Section 9-701 in the Town of Abita Springs Code of Ordinances. Protected trees shall be maintained in parking areas and shall be surrounded by curbing. Curbing shall not sever roots greater than two inches in diameter or penetrate natural grade of drip line of tree.

Managed vegetative buffers shall be provided as outlined in Sec. 9.707(b)(4). A roadway buffer of 25 feet in width shall be required along all improved roadways and dedicated streets. An adjacent use buffer of at least 25 feet shall be provided when a development property abuts residential property.

Within managed buffers, all trees six inches in diameter or larger must be preserved at time of clearing in these buffers. Trees are required to be planted, if the buffer area does not meet minimum applicable standards; and understory trees, groundcover and shrubs are allowed to be managed in accordance with an approved landscape plan.

- (h) Driveways. All driveways connecting to a state highway shall require a DOTD permit. **Driveway design shall comply with the requirements of Sec. 9-XXX – Parking.**
- (i) Traffic impact analysis. **A traffic impact analysis (TIA) shall be required for all developments that meet or exceed the criteria outlined in Sec. 9-XXX – Traffic Impact Analysis.**
- (j) Bicycle Facilities: All new construction and additions and those building additions larger than 50% of the size of the main structure shall be required to include off-street parking facilities for bicycles. The facilities will be located within 50 feet of the main entryways for the building. A change of use on an existing commercial building may be required to add off-street parking for bicycles if determined by the planning and zoning department that the use will connect through bicycle accessibility. All bicycle parking facilities shall be made from quality materials and firmly secured to the ground, floor, or wall of a well-lit area.
- (k) Flood zones. Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall comply with the requirements of Chapter 4 – Floodplain Management, specifically the requirements of Sec. 9-464. Provisions for Flood Hazard Reduction prior to issuance of a building permit.
- (l) Drainage. Development and use of property must comply with the requirements of Chapter 9 – Storm Water Management. Permanent storm drainage must be provided according to construction specifications, and approved by the town, as not to free flow onto adjacent properties or public streets. A drainage plan stamped by a licensed engineer shall be required on all new construction and those building additions larger than 50% of the size of the main structure. A drainage study prepared by a licensed engineer may be required if the town engineer determines the volume or velocity of

DRAFT – 8/25/2022

water flow is increased onto adjacent private or town property. A change of use in a commercially zoned structure may require a drainage plan if the town engineer determines that the current drainage is insufficient to handle the current flow of water on the property.

- (m) Sidewalks. A sidewalk plan shall be required by all new construction and on those additions and those building additions larger than 50% of the size of the main structure. A change of use on an existing commercial use may require a sidewalk plan if determined by the planning and zoning department that the use will connect to future sidewalk additions. Width of sidewalks will be determined based upon the location, site plan and use of the property.
- (n) Lighting Plan. An exterior lighting plan shall be required for all new construction and those building additions larger than 50% of the size of the main structure. Lighting shall provide for the safety, comfort and convenience of patrons and employees. Lighting shall be designed to minimize light spill-over onto adjacent properties. Lights shall be hooded or shielded so the light source is not visible to adjacent, more restrictive, or residential districts. Lights must dim to half power a maximum of two hours after close of business. An update to exterior lighting may be required when a change of use will increase nighttime traffic to the property.
- (o) Fencing. Fencing shall be required around all commercial property when the development abuts a residential use. Fencing must be approved as part of the development permit. Those properties under the purview of the Historic Commission shall include their fencing plan in their application for a Certificate of Appropriateness. Wood fences are required. Fences may be up to 7 feet in height or 6 feet with 2-foot framed lattice top.
- (p) Maintenance: All nonresidential development shall include a plan for depositing refuse including location of permanent trash receptacles and cigarette debris receptacles. It shall be the duty and responsibility of the owner of commercial premises to see that the commercial premises under the control of the owner are maintained to ensure that there are no nuisances and hazards to the safety of the occupants, customers or other persons utilizing the premises or to pedestrians passing thereby. All non-operative signs shall be repaired or shall, with their supporting members, be removed forthwith. No garbage or solid waste shall be stored or allowed to accumulate on the premises unless contained in trash receptacles.

Where landscaping has been incorporated in the development plan of a commercial business or where landscaping has been required by the town as part of a development plan, including parking plan, the landscaped areas shall be maintained in a manner equal to and reflect the original landscaping approved for the development plan. Dumpster Screening shall be provided for in the Development Permit and maintained according to the Town of Abita Springs Code of Ordinances 3-602(c).

- (q) Merchandise displays: Outdoor displays of merchandise are allowed on a continuous basis when displays:
 - 1. Are located adjacent to a principal structure wall.
 - 2. Are located outside of the public right of way.
 - 3. Do not block windows, entrances, or exits.
 - 4. Do not cover more than one-half (1 / 2) of the width of a pedestrian walkway, leaving a minimum of five feet between the display and the curb, or otherwise impede in any way the ability of pedestrians to access the building