



## **PLANNING & ZONING COMMISSION AGENDA**

**January 26, 2022, 6:00pm**

**Abita Springs Town Hall**

- **Welcome / Introduction**
- **Pledge of Allegiance**
- **Roll Call**
- **Acceptance of Minutes from December 30, 2021, Meeting**

### **PLANNING:**

### **ZONING:**

### **PUBLIC HEARING:**

- A resolution to establish a moratorium for a period of twenty-four months on the resubdivision of land consisting of more than ten lots in the Town of Abita Springs.

### **DISCUSSION:**

- December 2022 meeting date
- **Public Comment**
- **Announcements**
- **Adjournment**

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The following minutes are of the Planning & Zoning Commission meeting on Thursday, December 30, 2021 in the Abita Springs Town Hall.

Commissioner Gruning called the meeting to order at 6:00 p.m. All Commissioners were present: Chad Hall, Eric Templet, John Pierce, Bryan Gowland, and David Gruning. Kristin Tortorich and Mark Fancey were also present. All stood for the Pledge of Allegiance.

The Commission reviewed the draft minutes from the November 18, 2021 meeting. Commissioner Templet motioned to accept the minutes of the November 18, 2021 meeting. Commissioner Pierce seconded the motion. All commissioners were in favor.

### **Planning Commission**

No agenda items.

### **Zoning Commission**

#### **PUBLIC HEARING:**

#### **Proposed revocation of a portion of the St. John Street right-of-way between 9<sup>th</sup> Street and 10<sup>th</sup> Street**

The Commission opened the public hearing on the proposed revocation. The request is to revoke a portion of the St. John Street right-of-way between 9th Street and 10th Street. The applicants requesting the revocation live at 71396 Nightwalk Lane. The applicants recently purchased the adjacent 2.06 acre block east of their home and wish to revoke the right-of-way between the two properties.

Mark Fancey presented the staff report. He said the Commission was to make a recommendation to the Board of Alderman regarding the revocation.

Commissioner Gruning reviewed Town Code Section 9-128 that describes the criteria to be used by the Commission in making a recommendation. The Commission must determine that the right-of-way is no longer necessary for public use and will not be necessary for the public use in the foreseeable future. The Commission must also determine whether denial of the request would cause the applicant unusual and practical difficulties, and that the revocation would alleviate some demonstrable and unusual hardship or difficulty.

The applicants said that dumping of waste material on the property has occurred over time and has an adverse impact. Commissioner Gowland said the neighboring block purchased by the applicants had formerly been used as a town dump. The applicant said that revocation of the right-of-way would allow the area to be fenced and posted with "No trespassing" signs. Commissioner Gowland suggested working with the Town to clean up the area without revoking the right-of-way.

After discussion, the Commission agreed that the right-of-way is no longer necessary for public use.

Discussion ensued regarding the current situation presented an unusual or practical difficulty. Commissioners Gowland and Hall both noted that the area could be cleaned up with revoking the right-of-way. Commissioner Templet said that if the request is denied the Town should have a plan to clean up the area.

Commissioner Gruning noted that Town Code Section 9-129 provides that the Commission has up to 60 days to make a recommendation once a revocation application has been received. He said the Commission's recommendation could be referred to the January 26, 2022 meeting. Commissioner Templet motioned to act on the request at this meeting. Commissioner Hall seconded the motion. The motion passed with Commissioners Pierce, Templet, and Hall voting in favor. Commissioners Gowland voted in opposition.

Commissioner Pierce motioned to recommend that the Board of Aldermen approve the right-of-way revocation. Commissioner Templet seconded the motion. The motion passed with Commissioners Pierce, Templet, and Gruning voting in favor. Commissioners Hall and Gowland voted in opposition.

**Draft Stormwater Management Ordinance**

Mark Fancey said that no additional changes have been made to the draft ordinance reviewed by the Commission at the November 18, 2021 meeting. Commissioner Gowland motioned to recommend that the Town Council adopt the stormwater management ordinance. Commissioner Templet seconded the motion. All commissioners were in favor.

**Discussion:**

**Request to amend short term rental requirements regarding permit renewals – Town Code Sec. 9-231**

The person wishing to discuss this request was not present. No items were discussed.

**Town Council resolution supporting a moratorium on resubdivisions of 10 or more lots**

Mark Fancey said the Board of Alderman has adopted an ordinance enacting a 24-month moratorium on any Planned Unit Development (PUD) applications. The Board of Alderman also adopted a resolution supporting a moratorium on the resubdivision of land into more than 10 lots. The Council has requested that the Planning Commission, as the body that approves subdivisions, establish the moratorium on resubdivisions of more than 10 lots for a period of 24 months. The request is based on the need for the Town to develop an updated Comprehensive Plan and to address existing issues with sewer system capacity.

Fancey said the moratorium resolution would be considered during a public hearing scheduled for the Commission’s January 26, 2022 meeting.

**Election of Chair and Vice Chair for 2022**

Commissioner Gowland nominated Eric Templet as Chair. All commissioners were in favor.

Commissioner Templet nominated John Pierce as Vice Chair. All commissioners were in favor.

**Public Comment**

No comments were received.

**Announcements**

None.

Commissioner Pierce moved to adjourn the meeting. Commissioner Templet seconded the motion. The motion carried. The meeting adjourned at 7:09 p.m.

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Kristin M. Tortorich, Planning Director

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Date

## **ADVERTISE AS PUBLIC HEARING**



**Public Hearing  
January 26, 2022, 6:00PM  
Abita Springs Town Hall**

Notice is hereby given that a public hearing will be held by the Town of Abita Springs Planning and Zoning Commission at 6:00 pm on Wednesday, January 26, 2022 at Town Hall, 22161 Level St., Abita Springs for the purpose of receiving public comments regarding the following:

A resolution to establish a moratorium for a period of twenty-four months on the resubdivision of land consisting of more than ten lots in the Town of Abita Springs.

All interested parties shall have the right and opportunity to appear and be heard on the subject.



January 19, 2022

**To: Planning and Zoning Commission**

**From: Kristin Tortorich, and Mark Fancey**

**Subject: Planning Commission Resolution Regarding a Moratorium on Proposed Resubdivisions of Land into More than 10 lots**

On December 21, 2021, the Town Council adopted the attached resolution supporting a moratorium on the resubdivision of land into more than 10 lots. The request is based on the need for the Town to develop an updated Comprehensive Plan and to address existing issues with sewer system capacity. The Council has requested that the Planning Commission, as the body that approves subdivisions, establish the moratorium on resubdivisions of more than 10 lots for a period of 24 months.

At the December 21, 2021, meeting, the Town Council also approved a 24-month long moratorium on the classification of any land as a Planned Unit Development (PUD) – see attached Instrument 2021-009. The Council is the approval body for any proposed PUDs. The Council's determination was based, in part, on the need to expand sewer capacity prior to the development of any large parcels. Attached is a letter from Bill Travis, the Town's sewer system operator, outlining the capacity issues at the treatment plant.

The Planning Commission resolution enacting a moratorium on resubdivisions of more than 10 lots is attached. If approved, the moratorium would extend to January 26, 2024.



**PLANNING COMMISSION RESOLUTION NO. PR2022-001**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF ABITA SPRINGS ESTABLISHING A MORATORIUM ON THE RESUBDIVISION OF LAND CONSISTING OF MORE THAN TEN LOTS IN THE CORPORATE LIMITS OF THE TOWN OF ABITA SPRINGS.**

**WHEREAS** the Town of Abita Springs is in the process of re-evaluating its Comprehensive Land Use Plan and has dedicated funding in its 2022 budget of revenue and expenditures for that purpose; and

**WHEREAS** the Town has commissioned reports from the town engineer and town's wastewater treatment and water system operator to evaluate system capacity; and,

**WHEREAS** the conclusion of these reports indicate that the wastewater treatment plant is performing marginally at the current flow and that the additional flows from new development would most likely place the Town into significant non-compliance; and,

**WHEREAS** the capacity of sewer and water services to new customers must be further explored prior to the approval of any large subdivisions; and,

**WHEREAS** On December 21, 2021, the Board of Aldermen adopted a resolution in support of the Planning Commission establishing a moratorium on the resubdivision of large tracts of land until completion of the re-examination efforts of the Town of both the Comprehensive Plan, existing Subdivision Regulations, and infrastructure capacity.

**THEREFORE, LET IT BE RESOLVED** that the Planning Commission does hereby establish a moratorium for a period of twenty-four months on the resubdivision of land consisting of more than ten lots in the Town of Abita Springs.

**BE IT FURTHER RESOLVED** that this moratorium shall remain in effect and no lands shall be resubdivided into more than 10 lots for twenty-four months from the effective date of this resolution.

**BE IT FURTHER RESOLVED** that this resolution shall be posted on the Town website and remain so until the moratorium's expiration.

The resolution having been introduced and adopted on this 26th day of January 2022, on motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the vote was as follows:

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

\_\_\_\_\_  
Kristin Tortorich  
Planning Director

\_\_\_\_\_  
Eric Templet  
Planning Commission Chair



**A RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS SUPPORTING ESTABLISHMENT OF A MORATORIUM ON THE RESUBDIVISION OF LAND CONSISTING OF MORE THAN TEN LOTS IN THE CORPORATE LIMITS OF THE TOWN OF ABITA SPRINGS, AND FURTHER TO REQUEST THAT THE PLANNING COMMISSION MOVE TO ACT AND EXECUTE THE ESTABLISHMENT OF AFORESAID MORATORIUM AND TO PROVIDE FOR RELATED MATTERS.**

**WHEREAS** the Town of Abita Springs is in the process of re-evaluating its Comprehensive Land Use Plan and has dedicated funding in its 2022 budget of revenue and expenditures for that purpose; and

**WHEREAS** the Town has commissioned reports from the town engineer and town's wastewater treatment and water system operator to evaluate system capacity; and,

**WHEREAS** the conclusion of these reports indicate that the wastewater treatment plant is performing marginally at the current flow and that the additional flows from new development would most likely place the Town into significant non-compliance; and,

**WHEREAS** the capacity of sewer and water services to new customers must be further explored prior to the approval of any large subdivisions; and,

**WHEREAS** the Mayor and the Board of Aldermen desire to cooperate with the Planning Commission to establish a moratorium on the resubdivision of large tracts of land until completion of the re-examination efforts of the Town of both the Comprehensive Plan, existing Subdivision Regulations, and infrastructure capacity.

**THEREFORE, LET IT BE RESOLVED** that the Mayor and the Board of Aldermen hereby jointly act in cooperation with the Town Planning Commission to establish a moratorium for a period of twenty-four months on the resubdivision of land consisting of more than ten lots in the Town of Abita Springs.

**BE IT FURTHER RESOLVED** that this resolution shall be posted on the Town website and remain so until the moratorium's expiration.

The resolution having been introduced and adopted on this 21st day of December 2021, on motion of Alderman Member Contois, seconded by Alderman Member Randolph, the vote was as follows:

AYES: 3, Aldermen Contois, Murphy, and Randolph

NAYS: 0

ABSTAIN: 0

ABSENT: 2, Aldermen Patterson and Saussy

ATTEST:

\_\_\_\_\_  
Janet Dufrene, Town Clerk

\_\_\_\_\_  
Honorable Daniel J. Curtis, Mayor