

The following minutes are of the Planning & Zoning Commission meeting on Thursday, November 18, 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, Paul Harrison, and Mark Fancey were also present. All stood for the Pledge of Allegiance.

The Commission reviewed the draft minutes from the October 28, 2021 meeting. Commissioner Templet motioned to accept the minutes of the October 28, 2021 meeting. Commissioner Pierce seconded the motion. All commissioners were in favor.

Planning Commission

No agenda items.

Zoning Commission

PUBLIC HEARING:

Proposed rezoning 71000 block of Dundee Street

The Commission opened the public hearing on the proposed rezoning. The subject property is two (2) acres in size and is vacant. The subject property is zoned Historic-Residential District. Jeremy and Jasmine McClain are the property owners. They have requested that the zoning be changed from Historic-Residential to Residential. The property was added to the Historic District when that district was expanded in 2006.

Mark Fancey presented the staff report. He said the Commission was to make a recommendation to the Board of Alderman. He noted the eight (8) factors from Town Code Section 9-225 (b) that the Commission would need to consider when making its recommendation to the Board of Alderman regarding a rezoning request:

Commissioner Gruning asked Ron Blich to outline the changes to the Historic District over time. Ron Blich said he did not know why the district was expanded. He said the maps need to be updated. He expressed his opposition to the proposed rezoning. Blich said that Dundee Street would be a major feeder street when the extension of Harrison Street is constructed. He said map changes need to wait until a new comprehensive zoning map is adopted. He said the request sets a gerrymandering precedent that he opposes and is not desirable.

Jeremy McClain responded that waiting for a new plan to be completed just delays the construction of their house. He said he has offered to site the house so that it is not visible from the street.

Lovelle Blich said she is a realtor and expressed concern about what would happen to property values if the rezoning is approved. She presented property sales information for the past year. She said the information shows that properties located in historic districts have higher value. She said the rezoning would adversely affect property values and the Commission should oppose the proposed rezoning.

Commissioner Gowland asked about the status of developing a new comprehensive plan. Kristin Tortorich responded that the Town has held a meeting with one consultant.

Commissioner Gruning asked how many homes in the area meet historic standards. Kristin Tortorich reviewed homes sited on nearby properties on Dundee Street and St. Charles Street. The Commission was told that no homes in the surrounding area met the criteria for Historic-Residential zoning. Mr. McClain stated this from the podium during the meeting, and the printed documents in the application for the change in zoning supported this assertion. No evidence was presented in opposition to this assertion.

Discussion ensued regarding right-of-way located south of the Dundee Street and St. Charles Street intersection and the location of the proposed extension of Harrison Avenue.

Jessica Schilling said she bought a home in Abita Springs because of the historic designation. She said she is afraid that approving the request would make it easier for others to do. She questioned if the neighboring property owners who signed the petition in support of the change were fully aware of what they were signing.

Commissioner Gowland motioned to close the public hearing. Commissioner Templet seconded the motion. All commissioners were in favor.

The Commissioner reviewed the eight (8) factors from Section 9-225(b).

- (1) Lessening the congestion in public streets;
- (2) Securing safety from fire;
- (3) Promoting health and general welfare;
- (4) Providing adequate light and air;
- (5) Avoiding undue concentration of population;
- (6) Facilitating adequate transportation, water supply, sewerage, schools, parks, and other public requirements;
- (7) Reasonable consideration of the character of the district, and its particular suitability for particular uses; or
- (8) Reasonable consideration with a view to conserving the value of the buildings and encouraging the most appropriate use of land throughout the town.

The Commissioner determined that factors one (1) through six (6) were not applicable to the request.

Regarding the reasonable consideration of the character of the district from factor (7), Commissioner Gowland said that the character of the area is not a historic district. He did not understand how this area was added to the Historic District – noting the expansion was not done on his watch. He said when the zoning map is updated this area should be reviewed to determine if it belongs in the Historic District.

Commissioner Pierce said that he is not comfortable making the applicants wait to build a home based on an assumption that the character of the area would change with so many variables involved - including whether the proposed extension of Harrison Street would be constructed. He said looking at how the zoning map is drawn he is sympathetic to the applicants' request. He said he does worry about setting precedent and that other such requests could follow but does not feel it is fair for the applicants to wait while larger issues need to be discussed.

Commissioner Templet said that if the previous expansion of the Historic District had stopped at St. Charles Street this zone change request would not have been necessary. He said the request meets legal requirements to move forward. He said the Commission should move this issue on to the Town Council.

Commissioner Hall said that area was added to the Historic District in 2004 and those who have constructed since that time complied with the historic standards. He said the expansion of the Historic District obviously made sense to someone.

Commissioner Gruning asked if the Commission would like to act this evening or take this under advisement. He noted that a lot of information had been received at the meeting. Commissioner Templet moved to make a recommendation at this meeting. Commissioner Pierce seconded the motion. The motion carried without opposition.

Regarding factor (8) concerning property values, Commissioner Gruning noted that Lovelle Blich had presented information regarding property values.

Commissioner Gruning asked if there was a motion to recommend that the property be rezoned from Historic-Residential District to Residential District.

Commissioner Gowland moved to recommend that the Board of Aldermen approve rezoning the property as Residential. Commissioner Pierce seconded the motion. Commissioners Gowland, Pierce, and Templet voted in favor. Commissioner Hall voted in opposition.

Discussion:

22014 2nd St. Garage Setback Variance

Kelly Colley presented the proposed variance. The request is to add a carport in the rear yard and connect the carport to the existing residence with an enclosed breezeway. The attached carport would not meet the required rear yard setback.

The Commission reviewed breezeway construction standards from Section 9-502 of the Zoning Ordinance requiring that all sides of breezeways remain open.

Commissioner Gowland asked what hardship would the variance remedy. Ms. Colley said there is no hardship, but that meeting the requirements of the ordinance creates practical difficulties regarding roof overhang when it rains.

Paul Harrison said it is up to the Commission to decide if the carport is a detached structure. Commissioner Gowland stated that by enclosing the breezeway the new structure would be considered as part of main building and the 5-foot rear yard setback for detached accessory buildings would not be applicable.

Ms. Colley noted that the property is zoned C-2 Highway Commercial District and that the setback requirements in that zone may be mitigated by the designation of other green spaces subject to approval of the Planning Commission. She asked if the line of mature trees on the property might meet this standard.

Commissioner Gowland said that if the garage is attached to the existing residence, it would be considered part of the main building and the proposal violates the setback requirement. Paul Harrison said that enclosed breezeway does not meet the standards for breezeways and as an attached structure would not meet the setback requirements.

The Commission closed the Discussion.

Public Comment

No comments received.

Kristin Tortorich presented the schedule of 2022 Commission meetings. She asked to shift the date of the January meeting to January 26 at 6 p.m. The Commission had no objections to the proposed change.

Commissioner Templet moved to adjourn the meeting. Commissioner Gowland seconded the motion. The motion carried. The meeting adjourned at 7:40 p.m.

Kristin M. Tortorich, Planning Director

Date