



## **PLANNING & ZONING COMMISSION AGENDA**

**March 31, 2022 6:00 pm**

**Abita Springs Town Hall**

- **Welcome / Introduction**
- **Pledge of Allegiance**
- **Roll Call**
- **Acceptance of Minutes from February 24, 2022 Meeting**

### **PLANNING:**

### **ZONING:**

### **PUBLIC HEARING:**

- **Proposed commercial use – Midtown Cultural District: Game shop at 22107 Hwy. 36**

### **DISCUSSION:**

- **Proposed amendments to Town Code Sec. 9-306 - Jurisdiction**
- **Proposed amendments to Town Code Sec. 9-229 – Residential-Commercial Overlay District**
- **Public Comment**
- **Announcements**
- **Adjournment**

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The following minutes are of the Planning & Zoning Commission meeting on Thursday, February 24, 2022 in the Abita Springs Town Hall.

Commissioner Templet called the meeting to order at 6:02 p.m. Commissioners John Pierce, Bryan Gowland, Chad Hall, David Gruning, and Eric Templet were present. Kristin Tortorich and Mark Fancey were also present. All stood for the Pledge of Allegiance.

The Commission reviewed the draft minutes from the January 26, 2022 meeting. Commissioner Gruning motioned to accept the minutes of the January 26, 2022 meeting as presented. Commissioner Pierce seconded the motion. All commissioners were in favor.

**Planning Commission**

**Review short-term rental applications**

**STR 2022-001 – 23046 Brook Forest Road**

Kristin Tortorich said the application is a renewal. Commissioner Gowland motioned to approve the application. Commissioner Pierce seconded the motion. All commissioners were in favor.

Lee Barrios asked if there have been any changes to the short-term rental requirements and if the same person can renew an application. Kristin Tortorich said no changes have been made to the short-term rental requirements and that applications are submitted on a first-come, first served basis with renewals allowed.

**STR 2022-002- 71558 St. James Street**

**STR 2022-003- 71661 Keller Street**

**STR 2021-004 – 71675 Leveson Street**

Kristin Tortorich said these applications are all renewals. She said all of the required information has been submitted. Commissioner Gowland motioned to approve the application. Commissioner Pierce seconded the motion. All commissioners were in favor.

**STR 2021-005 – 72419 Hwy 59**

Kristin Tortorich said the application is a renewal and all of the required information has been submitted. She said the building is the former Longbranch Hotel. Commissioner Gowland motioned to approve the application. Commissioner Pierce seconded the motion. All commissioners were in favor.

**Zoning Commission**

**PUBLIC HEARING:**

**Resubdivision 71103 Hwy 59**

The request is to subdivide a 31.47 parcel into two (2) parcels of approximately 1.462 acres and 30 acres. The property is located near the intersection of Harrison Avenue and Hwy. 59 in Abita Springs and is identified as assessment #1160321680. The smaller property will be developed with a commercial use. The applicant noted that the smaller parcel also includes an access servitude for the larger parcel.

The Commission reviewed the plat. Lee Barrios asked about the zoning for the property. Kristin Tortorich confirmed that the property is zoned Commercial District.

Commissioner Gowland motioned to adopt the resolution as presented. Commissioner Pierce seconded the motion. All commissioners were in favor.

**Discussion:**

**Resubdivision 100 block Abita Oaks Loop**

The proposal is to subdivide a 6,930 square foot lot into two (2) lots of 3,465 square feet each. Each lot would be 38.5 feet wide. The lots were originally platted as two lots and were subsequently combined. Mark Fancey said the property is zoned Townhouse District. The minimum lot size in that zone is 3,000 square feet and the minimum lot width is 20 feet. No objections or concerns were raised by the Commission.

**Public Comment**

Lee Barrios said she objects to the proposed resubdivision on Abita Oaks Loop. She lives on a small lot on that street and does not want to see other small lots created. She said it is her understanding that once the lots were previously combined that they could never be resubdivided. She said small lots are objectionable.

Jessica Laborde Schilling asked several questions of the developer of the property on Abita Oaks Loop.

**Announcements**

None.

Commissioner Pierce motioned to adjourn the meeting. Commissioner Gruning seconded the motion. All commissioners were in favor. The meeting adjourned at 6:27 p.m.

\_\_\_\_\_  
Kristin M. Tortorich, Planning Director

\_\_\_\_\_  
Date

## **ADVERTISE AS PUBLIC HEARING**



**Public Hearing  
March 31, 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 & Zoning Department at 6:00 pm on March 31, 2022, at 22161 Level Street, Abita Springs. The public hearing will be held for the purpose of receiving public comments on a proposed commercial use, a game store, at 22099 Hwy 36. The property is zoned Commercial District and is in the Midtown Cultural District of Abita Springs. The Planning and Zoning Commission will determine if the proposed commercial use is consistent with commercial uses permitted in the Midtown Cultural District.

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



**Planning and Zoning Department  
PUBLIC HEARING REQUEST**

Name: Joy L. Flanagan Phone Number: 985-302-1345  
Mailing Address: 22014 Proats Rd Abita Springs, La  
Property Address: 22099 Hwy 36 Abita Springs, La 70420  
Property Description: shopping center across from Abita Middle  
Signature: 

**Describe the request, if necessary, include any maps or plot plans:** Please include a written description of the businesses to be located on the property. Also including a site plan for the property showing any existing or proposed buildings, driveway access, and the size and location of parking and storage areas.

We would like to request that 22099 Hwy 36 Suite 2 be allowed to run as a retail board game store. We would offer fun family environments by selling educational as well as historical gaming for all ages.

Scheduled Planning & Zoning Meeting Date & Time: 31 March 2022  
Location: Town of Abita Springs Town Hall

**Office Use Only**

Notes from Planning & Zoning:

Decision:  APPROVED  REJECTED

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

Vote: \_\_\_\_\_ Signature: \_\_\_\_\_

*Planning & Zoning Chairman*



March 31, 2022

**To: Planning and Zoning Commission**

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

**Subject: Proposed commercial use 22107 Hwy 36 – Games store**

The subject property has a multi-tenant commercial building. The property is zoned Commercial – Historic District and is located in the Midtown Cultural District overlay. The proposed commercial use as a games store is not included in the list of permitted uses in the Midtown Cultural District – Town Code Section 9-218.3(c). Sec. 9-218.3(f) allows the Planning & Zoning Commission to permit similar commercial uses that are not included in the list of permitted uses in this zone after conducting a public hearing. The pertinent sections of Sec. 9-218.3 are included below.

**Sec. 9-218.3. - Midtown Cultural District of Abita Springs.**

(c) The commercial and C-2 commercial districts situated in Midtown Cultural Districts only the following uses shall be permitted.

- (1) Café style restaurants; in those restaurants where ready to consume unpackaged food is served in individual servings, or in non-disposable containers, where the customer dines while seated at tables or counters located within the building, where there is a full service kitchen which consists of a stove, oven, refrigeration and dishwashing facilities, and where the sale of food constitutes over 60 percent of the total food and alcohol sales for the preceding year or from the commencement of operation of the business, whichever is a shorter period, then notwithstanding the provisions of section 4-308 beverages of any alcoholic content may be sold to dining patrons from a service bar which does not allow access to patrons.

The applicant for any alcohol permit in the Midtown Cultural District shall provide the same food and alcohol sales information to the town as is required by the State of Louisiana Alcohol Tobacco Control authority for the issuance of a Class AR alcohol permit.

Ancillary outdoor use shall be allowed to any café style restaurant.

- (2) Art galleries;
- (3) Bakeries;
- (4) Bicycle sales, rentals and repair shops;
- (5) Drug store and pharmacies; (requires special use permit)
- (6) Florist;
- (7) Grocery store including meats fruits and vegetables;
- (8) Medical and dental clinics for human patients only; (requires special use permit)

- (9) Stationery and book stores;
- (10) Theaters (not drive-in); (requires special use permit)
- (11) Gift shops;
- (12) Hotels/bed and breakfast;
- (13) Antique shops;
- (14) Art shops;
- (15) Beer gardens, pub/tavern;
- (16) Candy stores;
- (17) Cigar stores; (requires special use permit)
- (18) Seafood markets; (requires special use permit)
- (19) Craft stores; (requires special use permit)
- (20) Jewelry stores;
- (21) Leather goods shops;
- (22) Musical instruments shops;
- (23) Newsstands; (requires special use permit)
- (24) Dance studio;
- (25) Broadcasting and recording station;
- (26) Retail clothing;
- (27) Hardware store;
- (28) Feed store;
- (29) Vegetables and produce;
- (30) Art studio;
- (31) Coffee shop;
- (32) Butcher shop;
- (33) Sno-ball stand;
- (34) Photography studio;
- (35) Museums;
- (36) Ice cream parlor;
- (37) Banks; (requires special use permit)
- (38) Travel agency;
- (39) Barber shop, beauty shops;
- (40) Dry cleaning; (requires special use permit)
- (41) Accessory buildings and uses customarily incidental to above listed uses;

**(f) Uses not specifically listed or enumerated in the zoning regulations and chapter must apply for a public hearing before the zoning commission to be held not earlier than the next scheduled zoning commission meeting. The nonlisted enterprises must submit information required by the zoning commission and answer questions for the public and the zoning commission relating to the proposed enterprise. The zoning commission shall make a determination of classification within 90 days of the public hearing.**



March 29, 2022

**To: Planning and Zoning Commission**

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

**Subject: Proposed amendments to Sec. 9-306 – Jurisdiction**

At the March 8, 2022 Public Committee meeting, the Mayor and Town Council discussed proposed amendments to the Town Code to expand the review powers of the Historic Commission to include review of new construction on Harrison Avenue. The Planning Commission recently approved a subdivision of property for future development on Harrison Ave near the Hwy 59 intersection.

The Historic Commission reviewed the proposed amendments at the March 15, 2021 meeting. If the Commission feels the amendments are acceptable, a public hearing will be scheduled for the April 28, 2022 meeting.

Proposed new language is shown **bold and underlined**.  
Proposed deletions are shown ~~struck through~~.

**Sec. 9-306. - Jurisdiction.**

The historic districts commission jurisdiction shall be limited to the historic district and to those corridors which enter the Town of Abita Springs, such corridors are Louisiana Highway 59, Louisiana Highway 36, Louisiana Highway 435, **Harrison Avenue**, and the Tammany Trace within the corporate limits of the Town of Abita Springs and which are zoned C Commercial, C-2 Commercial, Residential and those properties which are in the Residential Commercial Overlay District. The Corridor shall be defined as any squares and/or tracts of land along and/or bordering LA Hwy 36, LA Hwy 59, LA Hwy 435 the Tammany Trace, ~~Mandeville St.~~ and Harrison **Avenue including any future** extension to LA Hwy 36 ~~and any future extension of Harrison Avenue~~. The historic district commission shall be concerned with those elements of development, redevelopment, rehabilitation on the preservation that affect visual quality of the historic district. It shall not consider detailed design, interior arrangement, or the building features not subject to public view nor shall it make any requirement except for the purpose of preventing development or demolition obviously incongruous to the historic district surrounding.

(Ord. No. 108, Addendum, § VI, 9-4-79; Ord. No. 258, 9-16-03; Ord. No. 312, 10-17-06)



March 29, 2022

**To: Planning and Zoning Commission**

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

**Subject: Proposed amendments to Town Code Sec. 9-229 – Residential-Commercial Overlay District**

At the March 8, 2022, Public Committee meeting, the Mayor and Town Council discussed proposed amendments to the Residential-Commercial Overlay District to include cafes/restaurants as a permitted use and to allow expanded hours of operation for commercial uses. Currently commercial uses in this zone are allowed to operate from 7:00 am to 7:00 pm. The proposed amendments would expand hours of operation for commercial uses from 7:00 am to 9:00 pm.

The Residential-Commercial Overlay District has been applied along residential-zoned highway corridors such as Hwy 435, Hwy 59, and Hwy 36. The overlay district has typically been applied as a 150-foot-wide strip adjacent to the highway. The zone allows all the uses in the Residential District along with a limited number of small-scale commercial uses with limits on hours of operation.

If the Commission feels the amendments are acceptable, a public hearing will be scheduled for the April 28, 2022, meeting.

Note: To save paper only the two subsections of the Residential-Commercial Overlay District proposed for amendment are included. The full text of the Overlay District is available at the Muni Code link at the Town's website.

**Proposed amendments to Sec. 9-229 - Residential-commercial overlay district.**

Proposed new language is shown **bold and underlined**.

Proposed deletions are shown ~~struck through~~.

(3) *Permitted uses.* The following uses are permitted within the residential-commercial overlay district:

- Art galleries
- Antique shops
- Florist shops
- Legal services
- Gift shops
- Cigar store
- Shoe repair

Locksmith

Plant/nursery

Allowable residential uses

Offices

Stationery/bookstore

Photography studio

Camera shop

Candy store

Hat/millinery store

Tailoring/custom dress making

Printing shop

Medical doctor/dental office

**Restaurant or cafe**

Said list is not intended to be exclusive. Other uses may be permitted with the approval of a majority of the property owners within a 500 feet radius of the property sought for a use permit and with the approval of the Zoning Board of the Town of Abita Springs.

- (4) *Times of business allowed in residential-commercial overlay district.* Business may be conducted in those businesses located within the residential-commercial overlay district between the hours of 7:00 a.m. to 7 **9**:00 p.m.

Sec. 9-229. - Residential-commercial overlay district.

- (1) *Creation of residential-commercial overlay district.* There is hereby created a residential-commercial overlay district in the Town of Abita Springs, Louisiana. The property contained within the boundary of this district shall be subject to the regulations of the residential-commercial overlay district as provided for in the zoning ordinance of this town. Said regulations shall be in addition to all other regulations which the properties contained in the residential-commercial overlay district are subject.
- (2) *Boundaries of residential-commercial overlay district.* The boundaries of the Abita Springs residential-commercial overlay district shall be as follows:

- (a) From the northern intersection of Louisiana Highway 59 and Harrison Street run north to 9th Street thence run east 150 feet to a point; thence run south to the a point on the northern right-of-way line of Harrison Street; thence run West 150 feet to Louisiana Highway 59. Additionally included in this section of the district is the following property:

From the point where the southeast corner of Southwind Subdivision meets the western right-of-way of Louisiana Highway 59 go North along the western right-of-way to the southern right-of-way line of Heintz Street then go along the southern right-of-way line of Heintz Street in a westerly direction a distance of 150 feet to a point; then go in a southerly direction to a point on the southern boundary of Southwind Subdivision, then go in an easterly direction on a line parallel to Heintz Street a distance of 150 feet to a point on the right-of-way line of Louisiana Highway 59.

- (b) From a point where the eastern right-of-way of Live Oak Street and the southern right-of-way of Louisiana State Highway 36 intersect go along the southern right-of-way of Louisiana Highway 36 to the corporate limits of Abita Springs; thence in a southerly direction parallel with Live Oak Street go 150 feet; thence in a line parallel with Louisiana Highway 36 go to the eastern right-of-way of Live Oak Street; thence go in northerly direction 150 feet along Live Oak Street to the southern right-of-way of Louisiana Highway 435. Additionally included in this section of the District is the following property:

From a point which at the intersection of the eastern right-of-way of Laurel Street and the northern right-of-way line of Louisiana Highway 435 run along the northern right-of-way line of Northern 435 in an eastern direction to the corporate limits of the Town of Abita Springs; thence run in a northerly direction on a line parallel to Laurel Street a distance of 150 feet; thence run in a westerly direction along said line to the eastern right-of-way line of Laurel Street and thence in a southerly direction along the eastern right-of-way line of Laurel Street 150 feet to Louisiana Highway 36.

- (c) From a point on the western right-of-way Line of Allen Road that intersects the northern right-of-way Line of Louisiana Highway 435 run in a northerly direction along the northern right-of-way of Allen Road 150 feet; then run on a line that is parallel with Louisiana Highway 435 go in a southerly direction to the northern right-of-way line of Main Street; then run in an easterly direction along the northern right-of-way line of Main Street to the western right-of-way line of Louisiana Highway 435 thence run northerly along the western right-of-way line of Louisiana Highway 435 to where the western right-of-way line of Allen Road intersects the western right-of-way line of Louisiana Highway 435. Additionally the following described property is included in this district.

From the point where the western right-of-way line of Brook Forest Road intersects the Southern right-of-way line of Louisiana Highway 435 go in a southerly direction along the right-of-way line of Brook Forest Road a distance of 150 feet; thence run southerly in a line that is parallel to Louisiana Highway 435 to a point which is directly across from the right-of-way of said highway from its northern intersection line with Main Street; thence run a distance of 150 feet in a westerly direction to a point on the eastern right-of way line of Louisiana Highway 435; then run in a northerly direction

along the eastern right-of-way line of Louisiana Highway 435 to a point which is on the western right-of-way line of Brook Forest Road.

Located in the Town of Abita Springs, Section 31 Township 6 South Range 12 East, St. Tammany Parish, Louisiana.

- (d) From the intersection of the north right-of-way of Level Street and the west right-of-way of Magnolia Street, Town of Abita Springs run east, 293.7 feet; thence south 89 degrees 52 minutes 06 seconds east, 11.28 feet to the point of beginning.

From the point of beginning run along a curve to the left having a radius of 955.40 feet and an arc of 430.93 feet, chord; north 39 degrees 19 minutes 54 seconds east, 426.36 feet to a point; thence north 84 degrees 33 minutes 18 seconds east, 32.90 feet to a point; thence south 05 degrees 36 minutes 10 seconds east, 226.13 feet to a point; thence south 37 degrees 39 minutes 07 seconds west 154.14 feet to a point; thence north 89 degrees 52 minutes 06 seconds west, 213.27 feet back to the point of beginning.

This tract contains 46,506 sq. ft. or 1.07 acres.

Additionally included herein is the entire structure situated on the above-described parcel as shown by the survey of Land Surveying, L.L.C., dated January 27, 2014 attached hereto.

- (3) *Permitted uses.* The following uses are permitted within the residential-commercial overlay district:

- Art galleries
- Antique shops
- Florist shops
- Legal services
- Gift shops
- Cigar store
- Shoe repair
- Locksmith
- Plant/nursery
- Allowable residential uses
- Offices
- Stationery/bookstore
- Photography studio
- Camera shop
- Candy store
- Hat/millinery store
- Tailoring/custom dress making
- Printing shop
- Medical doctor/dental office

Said list is not intended to be exclusive. Other uses may be permitted with the approval of a majority of the property owners within a 500 feet radius of the property sought for a use permit and with the approval of the Zoning Board of the Town of Abita Springs.

- (4) *Times of business allowed in residential-commercial overlay district.* Business may be conducted in those businesses located within the residential-commercial overlay district between the hours of 7:00 a.m. to 7:00 p.m.
- (5) *Size of buildings.* Building sizes will be determined by the size of the lot.

- (1) The maximum size of the building will be floor area ratio of one and a minimum size of coverage by a building on the lot of 1,000 square feet. All setbacks and height requirements must be met.
- (2) The maximum size of the building will be floor area ratio of one and a minimum size of coverage by a building on the lot of 1,000 square feet. All setbacks and height requirements must be met.
- (6) *New construction.* New buildings are required to meet the guidelines of the residential area. Plans for new construction in the residential-commercial overlay district will resemble residence and plans must be approved by the planning and zoning board. Setbacks for a business operating in the residential-commercial overlay district will be required to provide for the same setbacks as residential property.

Buildings shall meet historic district guidelines.

Up to three businesses shall be allowed to operate per building in the residential-commercial overlay district.

- (7) *Signs.* Monument signs 24 square feet or less will be allowed in the residential-commercial overlay district. Signs shall be indirectly lighted. Signs shall be mounted on the building unless by special application to the planning and zoning board a free standing sign may be allowed if it is found not to interfere with the safety and traffic flow in the area and if it is found that a sign which is erected on the building would not be visible due to its location on the lot or to the location of trees or other vegetation between the building and the highway.
- (8) *Requirements for landscaping.* Requirements for landscaping are as follows:
  - (1) The tree ordinance, section 8, number 184 as enacted or amended in the future shall be enforced by the tree inspector.
  - (2) Buffer zone of six feet will be required on the rear of the property. This area must include tree and large shrubs to protect the residential homes behind the residential-commercial overlay district zone.
  - (3) A minimum of 25 feet of green space on the frontage of the lot is required. All new construction must be sodded.
  - (4) Trees over 36 inches in diameter must be maintained unless a hardship would be caused by that tree.
  - (5) Replacement trees must be planted no closer than ten feet and shall be at least eight feet tall with a diameter of at least two inches when measured ten inches above the soil line.
  - (6) Allowable trees are as follows:
    - Pine
    - Cypress
    - River Birch
    - Oak
    - Pecan
    - Sweetgum
    - Magnolia (Bay or Southern)
    - Elm
    - Native Red Maple
  - (7) Trees shall be guaranteed for ten years by the owner of the property.
  - (8) For each of 500 square feet of building ten shrubs of a minimum of three-gallon size shall be planted. Each shrub shall be guaranteed for a one-year period.