

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 asked 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.

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Kristin M. Tortorich, Planning & Zoning

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Date