



The following are the minutes from the Planning and Zoning meeting held on Wednesday, January 30, 2019

The meeting was called to order by Bryan Gowland. Commissioners in attendance included Barbara Jackson, Byron Armand, Bryan Gowland, Eric Templet and Dan Underwood. Also present were Mayor Dan Curtis, Certified Building Inspector Dave Chatelain and Planning & Zoning Director Cindy Chatelain.

Before the meeting began, Mayor Curtis wanted to say a few words. Mayor Curtis started by introducing himself, he then proceeded to introduce the newest members to the Planning & Zoning Commission, Eric Templet and Bryan Gowland. He touched on the agenda items planned. Mayor Curtis wanted to reiterate that all discussion, at all meetings, must be civil.

All stood for the Pledge of Allegiance to the Flag.

Bryan Gowland asked if there were any corrections to the minutes of the December 2018 Meeting. Byron Armand noted that there was a miss-spelling of his name on the third page. With that correction a motion was made by Dan Underwood to accept the minutes and to dispense with their reading. Seconded by Barbara Jackson. All in favor.

Dan Underwood then requested that the Commissioners elect the Chairman and Vice-Chairman for this coming year. All were in favor. The nominations were opened. Bryan Gowland received the first nomination for Chairman, followed by three more. The vote became unanimous with the final vote by Dan Underwood. Byron Armand then nominated Dan Underwood as Vice- Chairman. Seconded, and with another unanimous vote Dan Underwood became Vice-Chairman.

Bryan Gowland then opened the Planning Portion of the meeting.

Robert Babin has submitted a request to subdivide his property on Indian Trail. This agenda item has been advertised as a Public Hearing as required. The two and a third acre parcel will be split into two parcels. The first parcel measures .506 acre and the larger parcel measures 1.802 acres. Both parcels meet or exceed the required area. Bryan Gowland asked if there was any discussion or comments. With none, he then called for a motion. A motion to approve was made by Eric Templet. Seconded by Byron Armand. All in favor.

Mr. Guidry also put in a request for a resub-division of his property at the corner of Grover and Laurel Streets. Originally three lots of record, this property will be converted into two lots with 90 foot frontages each. A motion to approve was made by Dan Underwood. Seconded by Eric Templet. Bryan Gowland then opened the floor for discussion as this item was also advertised as a Public Hearing.

Brian Shuman was first to ask if density mattered? And if the Historic District came into play? Bryan Gowland answered by saying that lot sizes are prescribed by law.

Leeann Magee then asked if she could be heard. She wants the commission to consider the location of this property. She went on to make note that the property was cleared once but has since become overgrown again. She doesn't agree that people should be allowed to buy property to sell for profit. She thinks that something should be done to stop the selling of our greenspace.

Dan Underwood stated that he thinks her opinion is legitimate. He went on to say that this is currently the law. The only recourse is to have the law changed.

Ms. Magee just wanted to make the point that she understands that its legal, but the commission has a job to do, "to protect the livability here in Abita".

Bryan Gowland wanted to remind everyone that a house was there at one time, but it was torn down due to disrepair. He also commented on density. That the contagious lot law kicks in when lots of record are owned by one individual, three lots would become two and two lots would become one. He thanked Ms. Magee for her opinion.

Stewart Eastman suggest that the commission consider if the agenda item is good for the area, rather than to determine if it is legal. Bryan Gowland answered by saying the Law is the Law...and that's what determines what the commission has to do.

Mary Battaglia and her husband are here, just to stay informed. She went on to say that she has a very large lot as well and she loves it. But she doesn't want the option of possibly selling a part of it in the future to be taken away from her.

Eric Templet began to speak and was cut off by Bryan Shuman. Mr. Shuman went on to say that nine major trees will have to be removed in order to build on those lots.

Bryan Gowland thanked Mr. Shuman for his comments. But went on to say that the commission cannot deny a person to do what the law allows them to do.

Byron Armand asked about the tree removal process. The Town does have a Tree Ordinance and makes note of the protected trees. The Town also requires the replanting of 3 hardwood trees for all new construction. (Ordinance #283) The motions are on the floor. Dan Underwood made the motion for approval which was seconded by Eric Templet. All commissioners were in favor.

Bryan Gowland opened the Zoning Portion of the meeting.

Mr. Williams would like to gain approval for a new business on Hwy 36 near Kustenmacher Road. He owns Aces Towing & Wrecking Service and would like to operate an impound company at this location. Cars are stored on site until the insurance company releases them. Not all vehicles will have been involved in accidents, others are mere violators of the law. Part of the building will be used as a restoration shop.

Bryan Gowland asked how many cars would be stored at this location? Mr. Williams answered that about 30 cars could be stored.

Dan Underwood asked where would they be stored? There is a fenced in area at the rear of the building, a 6 foot high chain link fence with barbed wire at the top. Plastic strips will be weaved into the fence to block the view.

Bryan Gowland said that the reason they are here is to get the business approved. Is this an allowable use in the commercial zone?

Dan Underwood noted that it is not listed as a specified use in the commercial zone.

They need to see if it is similar to an approved use.

Bryan Gowland is asking if it should be classified as a commercial.

Bryan Gowland opened the discussion to the floor for comment.

Stewart Eastman gave his opinion. It went along the lines of sales tax, and the collection of. He is wondering if this should be allowed in the Commercial Zone or if it would be a better fit in the Light Industrial Zone.

Mary Davis thinks that this is too close to Town. She doesn't like it.

Mary Battaglia would like to know where the Tow Trucks will be parked. And then asked about the business growing. Mr. Williams answered, stating that they currently have one tow truck, and if the business gets too big they will have to move.

Brian Shuman says, let them have it, as long as it does not involve any body and fender work, because of the dust and chemicals used in that type of work.

Byron Armand asked about the fluids in the vehicles. They sell the fluids that are sellable and must pay, to dispose of the rest.

Mary Davis asked about traffic. She thinks this business should be in Lt. Industrial.

Dan Underwood made a comment, wishing these gentlemen all the best, but thinks this business should be down the road, not in Abita. He is basing his comments on what he has heard throughout this discussion.

Bryan Gowland asked for any other opinions or comments.

Eric Templet found the use in the Lt. Industrial District... Car Barn & Mechanic Shop.

Byron Armand said that based on the list, this business should be located in the Lt. Industrial District.

Mary Davis stated that she recently visited a similar business and it was "WAY BAD". She still doesn't think it should be on the edge of Abita Springs. More discussion took place.

Rhonda Scorsone asked about the fence again. She is concerned with how it will look at the corner of town.

Barbara Jackson asked where the access to the storage area is located. Mr. Williams stated that the State Approved the storage yard and it could be accessed by the side street, Kustenmacher Road.

Byron Armand stated that he knows that this yard is visible from the Dollar General parking lot. He wants some reassurances that all the vehicles would be located within the fenced-in area, not just parked all around the building.

Mary Battaglia suggest that more info be given concerning lighting, noise and hours of operation, and maybe get more input from the neighboring property owners. A sign would need approval from the Historic Commission.

Bryan Gowland stated that we need to close this discussion. The Town does not want to be anti-business, but we don't want a business that would deleterious to our community. One suggestion was posed as to ask for more information from these business owners. To get a list of exactly what they are proposing and how they will handle the business. That way all expectations would be clear, and we would have the specifics in writing.

Byron Armand liked the idea of a written list. Dan Underwood suggested we postpone the vote. Bryan Gowland gave an example of what information needs to be listed. Bryan Gowland asked for a motion to get a detailed list of what the business entails. The commission needs a clear understanding of this business in order to make a ruling.

The applicants stated that they are on a time-line for the rental of the building.

Dan Underwood understands that this is a problem, but the delay is better than a denial.

Barbara Jackson agrees with the decision to delay / table this item until more info can be gathered.

Bryan Gowland then called for a motion to table this item, and to request more information in writing.

Dan Underwood, so moved. Byron Armand seconded the motion. All in favor.

Bryan Gowland closed the Zoning Portion and then opened the Discussion Portion of the meeting.

The first item under discussion was a question from Ms. Killeen. Unfortunately, Ms. Killeen was a "no-show". No discussion took place.

Mr. Lopez was next on the agenda. Mr. Lopez, his real estate agent and the potential buyers of his property and their real estate agent, have come to ask about the possibility of a side yard variance for the lot on 8th Street @ Warren. They are requesting a variance of 10 feet, 10 feet closer to the property line than what is currently allowed.

Bryan Gowland confirmed that the potential buyers want to build a larger house than what will fit within the current setbacks. The property is adjacent to an unopened but dedicated Town Street. He went on to say that the commission does not offer a variance for the convince of the applicant. Doing so would set a precedence. Technically there are options. You could ask for the unopened street to be revoked and then purchase it, you could build a smaller house that fits within the setbacks or you could petition the Town Council to change the setback requirements for corner lots. There must be a stated hardship in order to grant a variance.

Bryan Shuman reiterated that there must be a hardship. He had to prove a hardship when he went through the revocation process.

Bryan Gowland stated that the town property / unopened street, must be deemed not useful as a street OR required in the future for anyone to gain access to an adjacent piece of property.

Bryan Gowland still doesn't see a hardship here.

Byron Armand asked about the location of the property. He then reviewed the survey.

Dan Underwood asked why not pursue purchasing the street.

They stated that they would be interested if the price was right.

Dan Underwood went on to say that "money" is not a hardship and never has been considered as a hardship. He said to petition the revocation of the street.

Mayor Dan Curtis offered information concerning the Town Council reviewing the setback rules at their next meeting.

Byron Armand asked if a formal request for the variance had been made. This is Discussion Only. No advertisement was run as required for a Public Hearing.

Bryan Gowland went over it once again. The commission cannot approve a variance without a hardship. If the Town Council addresses this issue, the commission can follow their lead. Advertise for a Public Hearing for next month's meeting. No more discussion on this matter.

Next on the agenda is "More Discussion for Short Term Rentals".

Bryan Gowland opened the discussion by asking Dan Underwood to get everyone up to speed.

Dan Underwood asked that this item be put on the next month's agenda as a Public Hearing. He then went on to say that the commission has copies of the ordinances from Covington, Mandeville and St. Tammany Parish to compare. An outline has been drafted and each point needs to be reviewed line by line.

Discussion took place clarifying each approved conforming use in Town: Bed and Breakfast, Ancillary Buildings and Guest Cottages are all allowed.

The definition of Short Term Rental is precisely what the commission is struggling with.

Dan Underwood wants all interested parties to review the outline that has been posted on the Town Web Site. Use this outline as the base for the discussion at next month's meeting. Hopefully within the next few months the commission can come up with the foundation for the ordinance that will be written by the Town Council.

One of the main concerns, is which zoning the short-term rentals will be allowed. Also, the collection of the fees and or taxes. Insurance is also a point that has come up as a requirement.

Limiting the number of licenses issued or the number of available rentals themselves.

Neighboring property owners are concerned with the number of guests that visit, or the use of the structure as a party facility. Possibly the restrictions can be levied at the time the rental contract is signed and enforced by the police if any event gets out of hand.

Bryan Gowland asked to conclude this discussion. John Prebble wanted to make the last comment and to ask what exactly the Bed & Breakfast Ordinance required. He also stated that he knew of rentals in Southwind. His opinion was if the short-term rental is approved, the hotel would go out of business. He doesn't think short-term rentals should be allowed in the residential district.

Bryan Gowland closed any further discussion. The commission will review an agenda item which will be noted as a Public Hearing for Short-Term Rentals next month to begin the process of a recommendations for an ordinance.

Dan Underwood made a motion to advertise this as a Public Hearing. Barbara Jackson seconded the motion. All in favor. The outline which is to be used at next month's meeting will be posted on the Town's Website.

The next agenda item, is to deal with a technical error occurred when the Ancillary Building / Apartments Ordinance # 430 was added as a conforming use in the Residential District. The Bed & Breakfast Ordinance # 336, was omitted as a conforming use in the Residential District in error. There was no intent to delete Bed & Breakfast as a conforming use. Therefore, the commission voted to reinstate the Bed & Breakfast use in Section 9-215 Residential District as motioned by Byron Armand. The correction to the Muni-Code listings should be as follows:

#11 will be Bed & Breakfast (Ordinance # 336) and #12 will be Ancillary Buildings (Ordinance # 430). This is to be corrected in order to help people, that look up info on the internet, get the correct information.

Bryan Gowland closed the discussion and asked to finalize the vote to recommend the clerical correction. Byron Armand voted in favor, Barbara Jackson voted in favor, Eric Templet voted in favor. Dan Under voted against and asked the commission to wait on the correction.

Bryan Gowland stated that the motioned carried, vote of three to one.

Bryan Gowland called for a motion to adjourn.

Motion to adjourn by Bryon Armand

Seconded by Barbara Jackson All in favor.

The next meeting date is scheduled for February 27, 2019

Cindy Chatelain, Planning & Zoning Director

Date