



PLANNING & ZONING COMMISSION AGENDA

April 28, 2022, 6:00 pm

Abita Springs Town Hall

- **Welcome / Introduction**
- **Pledge of Allegiance**
- **Roll Call**
- **Acceptance of Minutes from March 31, 2022, Meeting**

PLANNING:

ZONING:

PUBLIC HEARING:

- Proposed commercial use – Midtown Cultural District: Retail nursery at 22107 Hwy. 36
- Proposed amendments to Town Code Sec. 9-306 - Jurisdiction
- Proposed amendments to Town Code Sec. 9-229 – Residential-Commercial Overlay District

DISCUSSION:

- Landscape plan review for 22107 Hwy 36.

- **Public Comment**
- **Announcements**
- **Adjournment**

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The following minutes are of the Planning & Zoning Commission meeting on Thursday, March 31, 2022 in the Abita Springs Town Hall.

Commissioner Templet called the meeting to order at 6:16 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 February 24, 2022, meeting. Commissioner Gruning noted two references to “applicant”, and he asked that the applicant’s name be used instead. Commissioner Gruning motioned to accept the minutes of the February 24, 2022 meeting as amended. Commissioner Templet seconded the motion. All commissioners were in favor.

Planning Commission

Zoning Commission

PUBLIC HEARING:

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

The request is to allow a games store as a permitted use in the Midtown Cultural District.

Commissioner Templet opened the public hearing. Commissioner Gowland asked about the nature of the business. The business owner was not present, but Stewart Eastman, who visits the store, provided some information. He said the business is popular with high school and college students who can play various games at the store. The games are available for purchase.

Commissioner Gruning asked if approval of the games store would authorize sales of other items such as t-shirts. Discussion ensued regarding sales of ancillary items. Stewart Eastman said that the store sells books on gaming and also provides gaming paraphernalia such as costume accessories.

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

Commissioner Gowland motioned to approve the use. Commissioner Hall seconded the motion. Commissioner Gruning suggested that the Commission frame the decision with conditions. Discussion ensued regarding sales of incidental items. Commissioner Pierce said the question before the Commission is whether a retail board game store is a permitted use. There are other permitted uses in the zone allowing sales such that the applicant would not need to return to the Commission for further review. He said he does not see the need for additional conditions as those are already in place.

Commissioner Gowland called for the question to be decided. Commissioner Templet called for the vote on the motion. All commissioners were in favor.

Discussion:

Proposed amendments to Town Code Sec. 9-306 – Jurisdiction

Town Code Sec. 9-306 grants the Historic Commission jurisdiction regarding the design of buildings constructed on properties along highway corridors entering Abita Springs-Hwy. 36, Hwy. 435, and Hwy. 59. The proposed amendments would extend the jurisdiction of the Historic Commission to include buildings constructed along Harrison Avenue.

Commissioner Gowland asked for clarification regarding the proposed amendments and the location of commercial zoning on Harrison Avenue. Mark Fancey said the amendments would not affect zoning on any properties but would extend the Historic Commission jurisdiction regarding review of proposed buildings.

Commissioner Gowland motioned to direct staff to schedule a public hearing to consider the proposed amendments. Commissioner Pierce seconded the motion. All commissioners were in favor

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

The proposed amendments would allow cafes/restaurants as a permitted use in the Residential-Commercial Overlay District and would allow expanded hours of operation for all 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.

Mark Fancey reviewed the zoning map showing the current locations of the Residential-Commercial Overlay District along Hwy. 435, Hwy. 59, Hwy. 36, and near the downtown.

Commissioner Gowland said the intent of the Residential-Commercial Overlay District is provide for neighborhood commercial businesses that don't disrupt residential neighborhoods. Discussion ensued regarding extending business hours for all the types of businesses allowed in the zone.

Commissioner Gowland motioned to direct staff to schedule a public hearing to consider the proposed amendments. Commissioner Gruning seconded the motion. All commissioners were in favor

Public Comment

Robert Fos expressed concerns about flooding related to the proposed Dollar General Store on Hwy. 59 north of Southwind Subdivision. He said he is worried about flooding and said he is worried for homeowners on both sides of Hwy. 59. He suggested a stormwater retention pond be constructed as part of the development.

Lynne Congemi said she does not support extending the business hours in the Residential-Commercial Overlay District from 7:00 pm to 9:00 pm. She said much of the community is residential areas not a historic commercial district. She expressed her opposition to the proposed Dollar General store citing traffic concerns on Hwy 59. She said a center lane is needed on the highway.

Stewart Eastman expressed opposition to the proposed Dollar General store. He said the only way to stop development of the store is to change the permitted uses in the Commercial District. He provided the list of current permitted uses noting a dozen uses he considers obsolete and including a dozen new uses. He said in particular "variety stores" should be deleted as a permitted use. He said the town does not need any variety stores and if someone wants to site such a store, they can request approval for an exception or variance.

Monica Gomez expressed opposition to the proposed Dollar General Store. She cited a study by the Institute for Self-Reliance that concluded that such stores are a cause of distress and a threat to local grocers. She said such stores create food deserts selling food items high in calories and low in nutrition. She requested the Commission include this item on a future meeting.

Cheryl Wood is building a home on Bryan Street near the proposed Dollar General site and that is much too close for a store of that size. She said construction would begin in June and should be completed by October.

Commissioner Templet thanked all those who spoke. He urged citizens to communicate with the Town Aldermen.

Announcements

None.

Commissioner Pierce motioned to adjourn the meeting. Commissioner Gowland seconded the motion. All commissioners were in favor. The meeting adjourned at 7:14 p.m.

Kristin M. Tortorich, Planning Director

Date

ADVERTISE AS PUBLIC HEARING



**Public Hearing
April 28, 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 6:00pm on Thursday, April 28, 2022, at 22161 Level Street, Abita Springs. The public hearing will be held for the purpose of receiving public comments on proposed amendments to the Zoning Ordinance of the Town of Abita Springs:

- Sec. 9-206 Jurisdiction – to expand the Historic Commission’s jurisdiction to include properties on Harrison Avenue
- Sec. 9-229 – Residential-Commercial Overlay District – to add café/restaurant to the list of permitted uses and expand the hours of operation for commercial uses from 7:00 am to 9:00 pm.
- A proposed commercial use, a nursery/landscape supply business, 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.



April 27, 2022

To: Planning and Zoning Commission

From: Kristin Tortorich, and Mark Fancey

Subject: Proposed amendments to Town Code 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, 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)



April 27, 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.

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.



Planning and Zoning Department
PUBLIC HEARING REQUEST

Name: Buddy Coate Phone Number: 985-966-6294
Mailing Address: 406 Marine Oaks Mandeville 70471
Property Address: 22099 Hwy 36 Abita
Property Description: Choctaw Ridge Center
Signature: Buddy Coate

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.

Conditional use of office suite to
open a nursery & landscape supply business
Plants, flowers, bedding, mulch, yard ornaments
bird feeders etc. Also, need a 16x16 portable
storage unit (locate on side in rear) to lock up items.

Scheduled Planning & Zoning Meeting Date & Time: Please schedule next available
April?
Location: Town of Abita Springs Town Hall

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Notes from Planning & Zoning:

Decision: APPROVED REJECTED

Motion: _____ Second: _____

Vote: _____ Signature: _____

Planning & Zoning Chairman



April 27, 2022

To: Planning and Zoning Commission

From: Kristin Tortorich, and Mark Fancey

Subject: Proposed commercial use: 22107 Hwy 36 – Retail nursery

The applicant is proposing to establish a retail nursery at the above-referenced address. The property is zoned Commercial District – Historic District and is located in the Midtown Cultural District. Town Code Sec. 9-218.3 provides the list of permitted uses for commercial-zoned properties located in the Midtown Cultural District. The proposed use is not listed as a permitted use in the Midtown Cultural District. Under Town Code Sec. 9-218.3 (f), the Planning and Zoning Commission may allow the use after conducting a public hearing.

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 bookstores;
- (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 non-listed 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.