

The following are minutes from the Planning and Zoning Commission meeting on Thursday, September 28, 2023, in Abita Springs Town Hall. The meeting convened at 6:01 P.M.

Commission Chairman Pierce called the meeting to order, and all stood for the Pledge of Allegiance. Commissioners in attendance included John Pierce, Chad Hall, Lex LeBlanc, and Bryan Gowland. Mike Lanaux was absent. Kristin Tortorich and Heather Hockman were also present.

Call for Agenda Modifications

None.

Acceptance of Minutes

The Commission reviewed the draft minutes from the August 31, 2023, meeting.

Commissioner Gowland motioned to accept the minutes of the August 31, 2023, meeting as presented. Commissioner Hall seconded the motion. All voted in favor.

PLANNING

No items were on the agenda.

ZONING

DISCUSSION

Amending Sec. 9-218.2. - C-2 Highway Commercial District

Kristin Tortorich gave a staff report explaining the Master Plan is pending and will bring changes for the ordinances, but the Commission is being asked to address a single change to the C-2 Highway Commercial District Ordinance in the meantime. She explained the Commission is to discuss whether to approve the addition of language to Sec. 9-218.2 (b) that would allow for a Public Hearing before the Planning & Zoning Commission for businesses to seek approval for uses other than the 74 currently listed uses in the zone. Ms. Tortorich stated that she was approached by someone wanting to open an ATV repair shop, and that use is not specifically allowed. The closest listed use is number 74 for automotive service stations. The only way for the property owner to move forward is to request a hearing to state his case, but that option is not currently available in the C-2 zoning, although other zones offer a Public Hearing option. She then reminded the Commission they were only discussing the addition of the language to the ordinance, and not making a decision on the ATV repair shop use.

Commissioner Gowland stated he would like to see the wording reflect the intent of the law. He went on to say that he felt it was important to clarify the intent so that a residence with a business next door is not disrupted by the business activity.

Commission Chairman Pierce stated the language could be a short-term stop gap while the Master Plan is finalized. He also said that he felt the use would be appropriate with the intent of the law.

Public Comment

Joseph Celino introduced himself as the property owner of the Car Medics business location. Mr. Celino explained he would like to be able to utilize the neighboring property for an income opportunity and to provide tax revenue. He stated that he was approached by a business owner that runs an ATV and jet ski repair shop that would like access to a larger facility.

Kristin Tortorich stated this discussion could open the door for further approvals. Ms. Tortorich reiterated tonight’s discussion does not approve of the ATV repair shop.

Commissioner LeBlanc stated the Commission cannot predict the future and there is no way to list every possible business use, so this could be a good way to address future requests.

E. J. Boudreaux said Abita needs more areas of commercial business and feels this edit is needed.

Commission Chairman Pierce asked if there were exceptions in other zones which allow for the use to be considered. Kristin Tortorich stated yes in most, if not all, other zones.

PUBLIC HEARING

Short-Term Rentals Ordinance

Commission Chairman Pierce stated the Commission has reviewed the ordinance changes several times now and asked Kristin Tortorich to give an overview of the current draft being considered.

Kristin Tortorich explained the ordinance was edited to include the Midtown Cultural District and the Residential Commercial Overlay which were previous oversights. Ms. Tortorich also said the Homestead Exemption requirement was being removed due to a legal challenge in New Orleans and finding of unconstitutionality. She described the other changes including an agent address to be included with the application to satisfy the 60 minute response time requirement, the addition of a Welcome Packet in each rental to include important emergency information, and the addition of the language for the existing \$25 application fee, Fire Inspection Report, and Occupational License. A new change Ms. Tortorich added was the restriction of one permissible structure on properties zoned Residential District. For example, if a property has two livable structures (such as a house and mother-in-law house), only one of the structures would be allowed to be a short-term rental. The new dates for the permit period will be April 1- March 31 each year.

Ms. Tortorich also explained the multi-family zoning requirements as follows:

If a multi-family unit property (up to 4 units) is NOT owner occupied, half of the units may be short-term rentals under one permit.

If a multi-family property (up to 4 units) is owner occupied, all of the remaining units may be short-term rentals under the one permit.

Kristin Tortorich also said the number of permits were increased from 10 to 15, an administrative renewal process was added for permit holders without complaints on file, a 300-foot buffer would be used between rentals in the residential zones, and permitted rentals would be given a 60-day window to allow new owners to honor existing reservations while they work on obtaining the appropriate documents to apply for a permit of their own.

Commissioner LeBlanc asked if new owners would be able to auto-renew. Kristin Tortorich said no, they'd have to be a new applicant due to the change of ownership found in the list of exclusions in Sec. 9-231 (3)g.

Commissioner Gowland asked if there have been any complaints about any of the current short-term rentals. Kristin Tortorich informed the Commission there have been zero complaints about the permitted Short-Term Rentals since the creation of the ordinance.

Commission Chairman Pierce opened the Public Comment portion of the Public Hearing.

Public Comment

Ken Jordan said he had experience as a Property Manager and had a few questions. He asked:

1. What does "remaining units" mean in the multi-family section?
2. How does the 300-foot buffer work?
3. How would violations be handled?

Kristin Tortorich responded by stating remaining units are the units that are not owner occupied if the owner lives on site, or 50% of the units in a multi-family property where the owner lives off-site. She said the 300-foot buffer is measured using the GIS tool from the current short-term rental parcel. If a structure is inside the buffer or any part is touching the buffer, it would not be allowed to be a short-term rental in a residential zone. She explained any violations would be handled through the Planning & Zoning Office with affidavits being completed and signed by complainants and investigated by the Marshal if needed.

With no other public comments, Commissioner LeBlanc motioned to close the Public Comment portion of the Public Hearing. Commissioner Gowland seconded the motion. All voted in favor.

Commissioner Hall motioned to reopen the Public Hearing discussion among the Commission. Commissioner LeBlanc seconded the motion. All voted in favor.

Commissioner LeBlanc asked about the legality of the “real property document” language. Kristin Tortorich said when the Town Council gets the ordinance to review, the Town Attorney will review the language.

Commissioner Gowland motioned to recommend the ordinance to move forward to the Town Council. Commissioner Hall seconded the motion. The vote was unanimous.

Commissioner Gowland motioned to close the Public Hearing. Commissioner LeBlanc seconded the motion. All voted in favor.

PUBLIC COMMENTS

None.

ANNOUNCEMENTS

Commissioner Gowland reminded everyone of the 50’s Sock Hop and Car Meet Up at the Town Hall Friday, September 29th from 5-9 PM and the Abita Opry coming up on October 21st.

Kristin Tortorich encouraged anyone interested in helping with the Halloween Trunk or Treat to reach out to volunteer. Ms. Tortorich also announced pictures of the donated care packages with the deployed service men and women that received them would soon be posted, as they were just received.

Jessica Schilling announced Friends of the Park would be hosting a foraging event Saturday, September 30th at 10 AM, and encouraged any interested children and adults to check the Facebook page for the location announcement.

Commissioner Gowland commended the Administration for hiring event staff to step up the Town’s offerings and complimented the three employees for doing a great job with growing the Farmer’s Market and organizing Town events.

ADJOURNMENT

Commissioner Hall motioned to adjourn. Commissioner LeBlanc seconded the motion. All Commissioners voted in favor. Meeting Adjourned at 6:37 P.M.

Kristin M. Tortorich, Planning & Zoning Director

Date