

The following are minutes from the Planning and Zoning Commission meeting on Thursday, August 31, 2023, in Abita Springs Town Hall. The meeting convened at 6:03 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, Mike Lanaux, Lex LeBlanc, and Bryan Gowland. Kristin Tortorich, Attorney Adam Davis, and Heather Hockman were also present.

Call for Agenda Modifications

None.

Acceptance of Minutes

The Commission reviewed the draft minutes from the July 27, 2023, meeting. Commissioner Hall motioned to accept the minutes of the July 27, 2023, meeting as presented. Commissioner Lanaux seconded the motion. All voted in favor.

PLANNING

No items were on the agenda.

ZONING

DISCUSSION

Millar Street Property Exchange

Kristin Tortorich reviewed the attached Staff Report for the exchange of unopened streets to the Randolph/Penton family for the town to receive access to land that could assist with drainage in the area near Southwind. Ms. Tortorich stated that the calculations of the areas in question are approximate and would be accurately measured in the survey and appraisal process.

Evette Randolph said the Town went to her to inquire about a drainage servitude for flood control. Upon thinking about the proposal, Ms. Randolph decided to ask for the unopened streets to be revoked in exchange for a drainage servitude on her property, due to the prior revocation of alleyways in her neighborhood. She said unopened South Street is not big enough to build a street. Upon reviewing the Town's proposal, she said she is alright with Gordon Street being kept by the town but would request South Street and Haynes Avenue to be revoked in the exchange. Ms. Randolph says that her family has owned the property for over 100 years with 5 generations living on the property.

Chairman Pierce asked for her to elaborate on the revocation she mentioned. Ms. Randolph then explained a prior administration revoked the alleyways. Kristin Tortorich explained in further detail that Louis Fitzmorris revoked the alleyways back to the property owners for the two blocks of houses along Millar Street, with half going to each side. She explained that the map didn't reflect that for all property owners, because until they have the property surveyed, it will not show their half of the alleyway added into their parcel.

Commissioner Gowland stated that with any revocation it is split between the adjacent property owners.

Kristin Tortorich confirmed that is the case with it being divided down the middle.

Commissioner Gowland then asked if Gordon Street would remain an unopened street. Ms. Tortorich stated it potentially would. She also stated that appraisals would have to take place and that this is strictly for discussion at this meeting.

Commissioner Gowland then asked regarding the servitude in exchange for the streets, "would the town then have ownership of that" making it an apples-to-apples exchange? Kristin Tortorich said that the Town is more interested in ownership than a servitude.

Commissioner Lanaux asked if it is currently a drainage area. Ms. Randolph stated it is a drainage ditch between her property and the Southwind subdivision, and when it floods, it floods behind the property. When a house was added and part of the ditch was filled in, it caused more drainage issues, causing frequent flooding. Commissioner Gowland stated that the drainage area drains the area across the highway. Ms. Randolph agreed and stated that it also drains back toward a creek that feeds into the Abita River. Kristin Tortorich explained the Town is having a drainage study done of the New Abita area, across the street through Southwind, and the area behind Southwind into the area that the Parish needs to finish cleaning up that can help with drainage in those areas. The part of Ms. Randolph's property the Town wants to acquire would allow access for maintenance and drainage improvement for the area.

Commissioner Gowland noted the flood risk for the New Abita area on the east side of Hwy 59 and that acquiring access could help with drainage.

Commission Chairman Pierce asked what originated the Town's interest in the drainage area. Ms. Randolph and Ms. Tortorich brought up the flooding issues and the need for maintenance of the area that has been filled in.

Ms. Randolph said she would prefer an even exchange of property rather than going through the appraisal process because she feels the value of the flood protection/maintenance access the Town would be getting evens the value. Kristin Tortorich said she didn't think the ordinances would allow skipping the appraisal process. Commissioner Gowland said it would be nice to just do a swap, but it doesn't work that way.

Kristin Tortorich said there would be an appraisal process, then the issue would come for a Public Hearing before the Planning & Zoning Commission, then they'd forward a recommendation to the Town Council who would then make a decision on the issue.

Public Comment

E.J. Boudreaux said that he could understand the property owners wanting to join their properties. Mr. Boudreaux also said that he thinks it would help drainage if the Town could acquire the land. He then said that it was his understanding the Town wanted to buy the land. Mr. Boudreaux said he has had many homeowners approach him wanting to buy unopened streets and the administration has said that is not an option, so it would be unfair to everyone in Town to allow a swap in this case. He said he feels the Town should just purchase the property to avoid setting a bad precedent.

Commissioner Gowland stated that before any exchange could happen, the Planning & Zoning Commission would have to determine that the unopened streets were deemed not viable to be used as streets. Commissioner Gowland then asked about the next steps. Kristin Tortorich confirmed that there would not be a Public Hearing until after the appraisal process, so it is not ready to come back to Planning & Zoning yet.

Evette Randolph asked for copies of the maps of the proposals presented and Kristin Tortorich directed her to the website where it is available for viewing and offered to email her a copy as well.

Short Term Rentals Ordinance

Commission Chairman Pierce stated they have reviewed the ordinance changes several times now and wanted to go over the current changes. He pointed out the sample of the Welcome Packet.

Kristin Tortorich explained one of the changes was to require a Welcome Packet in each rental which would include important emergency information and a map of the floorplan including emergency exits and shut off valves. She showed an example of what one could look like.

Commission Chairman Pierce said the fundamental change was due to litigation that resulted in a change to the Homestead Exemption requirement. Chairman Pierce stated other topics of discussion were the renewal of permits, application period for new applications, and the nature of a complaint.

Kristin Tortorich stated that the changes made from the last meeting are:

1. Application period for new permit applications (non-renewals) is year-round. You do not need to wait for a certain date to apply.
2. Residential zones do not allow a short-term rental closer than 300 feet to be determined using the Town's GIS.
3. The application fee is \$25, and the annual permit fee is \$250.
4. Administrative renewal has been added.
5. The language was changed to add "if there are Complaint Affidavits on file in the Permit Office" to address complaints during the administrative renewal process. Hopefully the affidavit process will eliminate frivolous complaints but will also allow us to have a record of the complaints to take them seriously and investigate them. If there are complaints on file for a renewal, the applicant would then have to go before the Planning & Zoning Commission for the renewal for 2 years instead of going through the administrative renewal process.

Commissioner Gowland asked if new applicants will still have to go before the Commission. Kristin Tortorich confirmed all new applicants or any changes to the property would require the applicants to go before the Commission.

Commissioner LeBlanc asked where the 2-year post-complaint requirement is in the ordinance. Kristin Tortorich said the language was accidentally deleted when the language was changed regarding the complaints, but that she would add it before the next meeting.

Commission Chairman Pierce said he was struggling a bit with the complaints, because owners only have certain things in their control. He questioned if one complaint in a permit holder's file was fair. Commissioner Gowland stated he was concerned with defining what constitutes a valid complaint. Kristin Tortorich stated the affidavit requirement was added as a means to require written statements of the complaints in hopes that the complainants would take it more seriously by having to go to the office and sign that the complaint is legitimate. Commissioner Gowland suggested defining a complaint. For example, a serious complaint could be adjacent neighbors being unable to enjoy their residential lifestyle due to the activities at the short-term rental property. Commission Chairman Pierce suggested a safety complaint or neglecting a short-term rental would be issues an owner could be held responsible for, rather than a noise violation by a tenant. Ms. Tortorich suggested that allowing owners to respond to a complaint could be helpful for them to be able to address how they could try to mitigate future issues. She stated owners could potentially install cameras outside or have stricter rules. Commissioner Hall stated having applicants go back before the Commission if they have complaints doesn't mean they are necessarily being denied renewal, just that the administrative renewal process is being removed.

Kristin Tortorich asked if all the Commissioners were okay with adding the Short-Term Rental Ordinance to the agenda for the September meeting as a Public Hearing. The consensus was to move ahead.

Public Comment

E. J. Boudreaux stated that he stayed in a short-term rental in Mississippi and the owner vetted the tenants. Mr. Boudreaux stated he was on board with more short-term rentals and encouraged vetting guests to help encourage fewer parties and more responsible tenants.

Mr. Kevin Tauzier introduced himself and his wife, Whitney, as the new owners of the church property across from the Post Office. He stated that he is working with staff regarding the zoning complexity of that parcel and has entertained the idea of a short-term rental there. He encouraged the Commission to look into the details of how permits could be handled on a parcel such as theirs that contain two structures with two different addresses and briefly mentioned the considerations of the zoning regulations. Commission Chairman Pierce stated that they cannot allow for specific discussion of that property this month, but that he was welcome to make comments and be added to the agenda for discussion next month if he'd like to go into more detail. Mr. Tauzier stated he was on board with defining complaints to better understand what rules owners would be accountable for.

Commissioner Gowland sought clarification regarding the 300-foot buffer. Kristin Tortorich explained it would be measured from property line to structure and showed the measurement tool to give examples. Ms. Tortorich stated that we want to promote tourism and help to protect property owners, but that a Short-Term Rental Permit is a privilege, not a right, and the ordinance states that.

Commission Chairman Pierce asked for the details of the affidavit process and if there could be flexibility that process for the validity of complaints. Kristin Tortorich said the form would have an account of what happened, signatures, and dates, and that if the Marshal needs to be involved to investigate, then that could be done.

E. J. Boudreaux said he thinks zoning needs to be changed in Abita and not allow for so many exceptions, however if a property owner inside the buffer wants to apply for a short-term rental, an exception should be made.

Commissioner Chairman Pierce stated the Commission has had a few months of discussion about density versus proximity to other rentals.

Commissioner LeBlanc stated he thought of adding the language "or equivalent software" to the detail of the buffer tool in the event that the current software becomes obsolete.

PUBLIC COMMENTS

None.

ANNOUNCEMENTS

Commissioner Gowland announced the next Abita Opry will be September 16th. Kristin Tortorich announced the Town will be hosting a special event, a Sock Hop 50's themed dance on Friday, September 29th from 5-9 pm at Town Hall, at the same time as the car show across the street.

ADJOURNMENT

Commissioner Gowland motioned to adjourn. Commissioner Hall seconded the motion. All Commissioners voted in favor. Meeting Adjourned at 6:48 P.M.

Kristin Tortorich, Planning & Zoning Director

Date



STAFF REPORT

August 30, 2023

To: Planning and Zoning Commission

From: Kristin Tortorich

Subject: Request for property in exchange for a drainage servitude

The Town received a letter of intent from Evette Randolph, Greg Penton and Thomas Penton regarding the exchange of a twenty-foot servitude for unopened South Street, Haynes Street and Gordon Street.

After a preliminary review, Town Staff has observed the following:

- The requested unopened streets are approximately 63,000 square feet of property.
- The exchange of a 20' wide servitude is not comparable coming in at 35,800 square feet.
- The exchange would need to be land for land instead of a servitude.
- The Town would like to discuss exchanging unopened South Street and Haynes for ownership of a 30' wide tract of land.
- The revocation would divide the streets in half between the property owners on both sides. *Example: If the street is 30' wide, 15' feet would go to each property owner on each side.*
- Appraisals will need to be completed of all property. This will help assess the value of the property which will no longer be available to serve as dedicated streets, in exchange for land that can only be used for drainage.
- The value of owning this property for drainage improvements will be assessed in a hydrologist study.