

The following are minutes from the Planning and Zoning Commission meeting on Thursday, October 26, 2023, in Abita Springs Town Hall. The meeting convened at 6:04 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, and Mike Lanaux. Lex LeBlanc and Bryan Gowland were absent. Staff members Kristin Tortorich, Leanne Schaefer and Heather Hockman were present, along with Attorneys Edward Deano and Adam Davis.

**Call for Agenda Modifications**

None.

**Acceptance of Minutes**

The Commission reviewed the draft minutes from the September 28, 2023, meeting. Commissioner Hall motioned to accept the minutes of the September 28, 2023, meeting as presented. Commissioner Lanaux seconded the motion. All voted in favor.

**PLANNING**

No items were on the agenda.

**ZONING**

**PUBLIC HEARING**

**Amendment of Sec. 9-218.2. -- C-2 Highway Commercial District**

Commission Chairman Pierce introduced the amendment as a discussion item from last month’s meeting and requested a staff report for the changes being considered at this Public Hearing.

Kristin Tortorich explained the amendment would add language to state anyone seeking an enterprise not specifically listed or enumerated in the C-2 Highway Commercial District’s list of approved uses would be able to apply for a public hearing before the Planning & Zoning Commission to ask for permission for the proposed use.

Commission Chairman Pierce stated he didn’t recall any opposition from the discussion last month and reviewed the minutes to verify. Commission Chairman Pierce then opened the floor for any public comment.

**Public Comment**

None.

The Chairman then asked for any additional discussion between the Commissioners. Commissioner Hall stated he felt it made sense to allow the hearings before the Commission and felt it was straightforward.

Chairman Pierce then closed the discussion and requested a motion.

**Commissioner Hall motioned to approve the revised language as presented. Commissioner Lanaux seconded the motion. The vote was unanimous to send the amendment to the Town Council.**

**DISCUSSION**

**Conditional Use Request for 21434 Hwy 36 in the Commercial District**

Kristin Tortorich explained EcoView Windows and Doors of New Orleans would like to open a business on Highway 36 in the Commercial District. They came to the meeting tonight to discuss their request before a Public Hearing next month.

The applicant stated the business is currently in Covington, but he would like to move the business closer to home in Abita Springs. He stated he has already spoken to the surrounding business owners about how his business may fit in with theirs.

Commission Chairman Pierce clarified that the zoning for the property in question is not the same as the C-2 Highway Commercial District the Commission just voted on. The current ordinance for the Commercial District allows for conditional use requests.

Commissioner Lanaux mentioned a concern with the previous applicant at that location was the number of clients and employees coming and going in the front of the building.

The applicant explained the business model is in-home sales and they would receive a delivery once a week behind the building and storage space would be in the back of the building. He stated his wife works in the office and would be there in the event a client dropped in to see products offered. He said the business would have very little traffic and he plans to submit a sign request to the Historic Commission if approved for the use.

#### **Discussion about the Revocation Ordinance**

Attorney Edward Deano explained the law states any street to be revoked must be deemed no longer needed for public use by the municipality and the governing authority has broad discretion on what constitutes “no longer needed for public use.” He said when revocations have happened in Abita Springs, discretion has been used and they have been carefully thought out and not done arbitrarily, although the criteria have been different. He said perhaps we adopt a set of standards to establish what “no longer needed for public use” means. Attorney Deano said there has been a broad set of standards over the years, but the Commission could decide how broad the standards should be and make a recommendation to the Town Council.

Commission Chairman Pierce asked for clarification on whether it would be a policy overseen by the mayor’s office or written in the ordinance. Attorney Deano said he envisions it as an ordinance where the Commission makes a recommendation to the Town Council, but the Commission will have to decide if they want to codify the criteria or make ad hoc recommendations.

Commission Chairman Pierce asked for clarification of the law on how exchanges would be handled when the Town gives land in exchange for getting property elsewhere versus revocations where the property goes solely to the nearby property owners.

Attorney Deano briefly reviewed state statutes and the Town ordinance Sec. 9-218 Criteria for the Determination of Revocations, Exchange Public Sale or Private Sale of Public Street Right-of-Way.

Attorney Deano said he would have to do more research to determine which law would be controlling. Chairman Pierce said he thought exchanges should not be combined with revocations in the ordinance. Attorney Deano suggested that may be the first recommendation for a change to the ordinance for the Town Council to review.

Leanne Schaefer explained the procedural aspects of a revocation require expenditures, primarily on the part of the applicant before they can get any approval or assurance of likely approval.

Commissioner Lanaux asked if there would be an appraisal of the properties. Staff responded affirmatively.

Ryan Murphy asked if the exchange or revocation must go before the Planning & Zoning Commission before going to Town Council or if it would only go to Town Council. Attorney Deano explained there are specific laws that apply to dedicated streets that would address how it is handled.

Attorney Deano said his preliminary opinion is that the specific law that applies to Abita Springs adopted by the state does not supersede the general exchange law but does supersede the general revocation law. Mr. Deano said the Town could explore the idea of doing the exchange without reaching the conclusion that the property is not needed for public use, so he wasn’t sure that Planning & Zoning would even have to be involved. Mr. Deano also said that he thought an ordinance revision would be necessary and he would have to do more research to be sure on the issue.

Ryan Murphy stated that he felt there was a hardship for the family with the unopened streets running between the parcels and that the exchange should be allowed.

Evette Randolph stated her family had been maintaining the unopened streets for years and that she has been told she can’t do what she’d like with the property due to the unopened streets.

Commission Chairman Pierce said the agenda item was to consider potential changes to the ordinance, not to discuss any specific exchange or revocation. Chairman Pierce noted the hardships being indicated, but that there is a high bar that is set by the ordinance and the policy is to be determined.

Evette Randolph asked how a right-of-way for a street could be changed to green space for public use. Attorney Deano said that green space could be considered a public use. Ms. Randolph said she felt there should be a time limit on a green space being a public use to keep the Town from holding onto dedicated streets indefinitely.

**PUBLIC COMMENTS**

None.

**ANNOUNCEMENTS**

Kristin Tortorich reminded everyone that there are several events coming up. The Truck and Tractor Showcase will be in the field across from Town Hall on Saturday, October 28<sup>th</sup>, the annual Town Trunk or Treat/Halloween party will be on October 31<sup>st</sup>, and the Abita Opry is coming up soon as well.

**ADJOURNMENT**

**Commissioner Lanaux motioned to adjourn. Commissioner Hall seconded the motion. All commissioners voted in favor. Meeting Adjourned at 6:57 P.M.**

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Kristin M. Tortorich, Planning & Zoning Director

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Date