

The following are minutes from the Planning and Zoning Commission meeting on Thursday, February 23, 2023, in Abita Springs Town Hall. The meeting convened at 6:02 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, and Lex LeBlanc. Commissioner Bryan Gowland was absent. Kristin Tortorich, Town Attorney Adam Davis, and Heather Hockman were also present.

Call for Agenda Modification

A Conditional Use Discussion item was presented for addition to the agenda. Commissioner Hall motioned to approve the addition of the item. Commissioner Lanaux seconded the motion. The vote was unanimous.

Acceptance of Minutes

The Commission reviewed the draft minutes from the January 26, 2023, meeting. Commissioner Hall motioned to accept the minutes of the January 26, 2023, meeting. Commissioner LeBlanc seconded the motion. All commissioners voted in favor.

PLANNING

No items were on the agenda.

ZONING

DISCUSSION

The Commission reviewed a Conditional Use Permit request for a Jaguar specialty repair shop, Nexus Luxury Imports, at 21434 Highway 36 which is zoned Commercial with a Historic Overlay.

Kristin Tortorich explained the steps for the application would be Planning & Zoning Discussion, Public Hearing advertising with signage, then a Public Hearing and vote at the next meeting. She also explained their plan is to lease the building, clean up the lot, apply for sign approval through the Historic Commission, and open a repair shop. Work would be by appointment only, and there would not be any wrecked vehicles visible in front of the building.

Commissioner Lanaux asked if client parking would be in the front of the building. The applicant stated there is room for 7 or 8 cars inside the building, and the front parking lot would be for use by clients picking up and dropping off their vehicles.

Commissioner Hall asked if the business would do mechanical or body work. The applicant stated they would be doing maintenance and repair work and would not be doing any body work. He explained they would provide a pickup and delivery service for those customers who wanted that service.

Commissioner LeBlanc asked about the projected volume and impact. The applicant stated their volume would likely be 5-6 cars a week.

Review Draft Amendments to Abita Springs Code of Ordinances:

-Commercial Zoning

Kristin Tortorich explained with the first draft of the Master Plan expected next week, the Administration asked that the Commission defer the discussion of the Commercial Zoning section due to the possibility of changes that could be recommended by the Master Planners.

Commission Chairman Pierce requested a motion to defer the review of the Commercial Zoning draft. Commissioner LeBlanc motioned to defer. Commissioner Hall seconded the motion. All voted in favor.

-Short-Term Rentals

Commission Chairman Pierce noted the addition of the Midtown Cultural District in Sec. 9-231 (1) and, in Sec. 9-231 (2)b, the address of the applicant. Kristin Tortorich explained the address of the applicant is a clerical change to determine that they live within 60 minutes of the Short-Term Rental property.

Commission Chairman Pierce asked why Sec. 9-231 (2)n was proposed to be added. Kristin Tortorich explained that what brought this to the Administration's attention was the large white house for sale behind the library that could be multiple units. She explained it had to be clarified how it would work as a short-term rental. If it was divided into four units and the owner occupies one unit, he could rent out the other three as short-term rentals, because he would have more invested in keeping up the property if he is on site. If the owner doesn't live on site, he could have two short-term rentals and two long-term rentals.

Sissy Wiggin asked where people would park in the white house near the library if it was to be used as a Short-Term Rental. Kristin Tortorich noted that the parking plan would be mapped out at the time of application, as one parking space per bedroom is required.

Ruth Terry-Sipos asked if there is a maximum of four units in a building. Kristin Tortorich explained the language was from a different municipality that has a maximum of four units, but that it is only a draft and is up to the Commission to discuss and decide if that is something they want to change.

Commissioner LeBlanc said he reviewed the chapter prior to the meeting, and he didn't have any comments on the proposed changes.

Commission Chairman Pierce asked about the proposed changes to Sec. 9-231 (3)b to change the permit term from January 15-January 14 to April 2-April 1 and the gap that would be created for existing permit holders. Kristin Tortorich explained applicants are asked to submit paperwork that isn't fully issued until as late as March, and they are stuck waiting between approval and issuance of the permit. In order to make it easier on the applicants and staff, the later application and permit term would allow all of the documents to be submitted at once. Kristin Tortorich explained her assumption was that the current permit holders would have their permits extended to the new expiration date, if the draft gets approved.

Commissioner Chairman Pierce noted the last addition of Section 9-231 (3)f. Kristin Tortorich explained there was a situation where an owner wanted to sell the property and had bookings they didn't want to cancel, but the new owner couldn't apply for a permit until the sale was final. This addition would allow the Short-Term Rental to operate for 60 days to allow time for the new owner to apply for a permit in their name.

Commissioner Hall asked how the ten permits would be handled when we have more than ten applications. Attorney Adam Davis explained that comes down to a policy decision. The current procedure is to process the applications on a first come, first served basis. Kristin Tortorich clarified that the applications are marked with date and time received, although that has not been an issue to date

due to the lower number of applications. She also clarified that a multi-unit property would count as a single Short-Term Rental Permit.

Attorney Adam Davis explained the Homestead Exemption requirement language was invalidated by the Federal Appellate Court which controls Abita Springs. The commerce clause in the U.S. Constitution gives U.S. Congress the right to regulate interstate commerce but prohibits states from discriminating against interstate commerce. A plaintiff group sued the City of New Orleans claiming they were discriminated against due to the Homestead Exemption requirement. The District Court ruled in favor of the City of New Orleans, but the Fifth Circuit Appellate Court invalidated the Homestead Exemption language as an unconstitutional discrimination against interstate commerce under the commerce clause of the U.S. Constitution.

Kristin Tortorich asked Commissioner Hall if he was suggesting a change to the first come, first served application process. Commissioner Hall said perhaps there should be some consideration of any permits with ongoing issues, which could move the next applicant in line for approval. Ms. Tortorich stated that ten permits was a number that was used to start but could be reviewed and opened to a Public Hearing. Losing the ability to request Homestead Exemptions, could open the town up to investors buying homes and applying for Short-Term Rentals. Commission Chairman Pierce suggested adding a precedence for existing renewals which could help to protect current permit holders who have the Homestead Exemptions. Ms. Tortorich stated she would look into other municipalities' ordinances to see how they handle their applications.

Commissioner LeBlanc stated he personally would lean toward giving preference to an existing permit holder that has demonstrated the ability to successfully manage their rentals without incident. Attorney Adam Davis stated the Short-Term Rental Permit it is a not a right, but a privilege, so he didn't think there would be an issue, but he would research it.

Commissioner Hall asked if the draft of the parking regulations would apply to the Short-Term Rentals. Kristin Tortorich said that they would apply to the Commercial District, but she would have to check on the Residential District.

Public Comment

Sandra Slifer asked if Sec. 9-231 (2)n implies any duplex, tri-plex or four-plex has the right to do short term rentals. Kristin Tortorich clarified that they have the right to apply for a Short-Term Rental Permit. Ms. Slifer stated anything to put the white house by the library back into commerce would be great. She also asked if there are any inspections required by the fire district. Kristin Tortorich confirmed that part of the application process is to turn in an inspection report showing smoke alarms, fire extinguishers, carbon monoxide detectors, clear exits, etc.

ANNOUNCEMENTS

Kristin Tortorich announced several special events coming up in the next several weeks. The Town's first annual Autism Awareness Event will be held across from Town Hall in the field. Bunny and Beignets will have pictures with the Easter Bunny, an Easter egg hunt, and beignets from Abita Café. BuskerFest is the same day as Bunny and Beignets. The Gumbo Cookoff will be held March 11.

ADJOURNMENT

Commissioner Hall motioned to adjourn. Commissioner LeBlanc seconded the motion. All Commissioners voted in favor. The meeting adjourned at 6:39 P.M.

Kristin M. Tortorich, Planning & Zoning Director

Date