

BENTON PARISH METROPOLITAN PLANNING COMMISSION

MINUTES

Monday, January 4, 2021 – 6:00 P.M.

Zoom (Virtual)

MEMBERS PRESENT

Martha Reyenga
Steve Vercher
Bryan Kauffer
Ray Delia
Grace Jenkins

OTHERS PRESENT

Carlotta Askew-Brown
Daniel Besinaiz
Michael Kelsch
Kenneth O'Briant
Mayor Shelly Horton
David Kuntz
Wayne Cathcart
Ryan Estess
Charlie Coyle
Pat Doane

MEMBERS ABSENT

N/A

Steve Vercher, Vice Chairman called the meeting to order.

(A) Carlotta Askew - Brown, MPC Executive Director, called roll and stated a quorum was present.

(B) PUBLIC HEARINGS

1. T-9-20 – The application of Kenneth W. O'Briant requesting Amended Plat approval for Lost River Estates South Unit No. 2 being 3.6 acres more or less located in Section 5, Township 19 North, Range 13 West, Bossier Parish, LA. (Police Jury District 3)

Michael Kelsch, Raley and Associates, Inc., was present to answer any questions.

Kelsch: We came through a couple months ago with a plat for Mr. O'Briant with one lot for his residential dwelling. Since then, Mr. O'Briant would like to shift his lot further south. The new location would be a little bit more secluded and private. It is 2.519 acres for the lot. The rest of the 3.6 acres is a right-of-way that will be donated to the Town of Benton. The road and utilities will be built to Town of Benton specifications and they will have to review all of that. Everything else stays the same. Mr. O'Briant is still unsure of what he plans for the rest of the land but any further development will have to be reviewed by the Town.

Vercher: I was supportive last time of this project. Is there an architectural design committee in the Lost River covenants that Mr. O'Briant will submit to?

Kelsch: Yes, there is an HOA for Lost River. Mr. O'Briant, are you planning to create your own covenants or follow Lost River's covenants? I know everything that Mr. O'Briant is doing will exceed Lost River's covenants.

O'Briant: I plan on revising the covenants. I am speaking with my attorney to adjust the Lost River covenants to allow for bigger houses. The architectural committee may be my wife, myself, my father-in-law. I plan on separating ourselves to become Lost River South. It will only be an upgrade. I also do not have an issue with submitting to an architectural committee.

Vercher: I just wanted you to be aware that that may be something you will need to check into.

O'Briant: I do not believe I would be in any violation with an architectural committee. I would be more than glad to submit plans.

Vercher: Yes, it sounds like you will meet or exceed any standards they may have.

O'Briant: Absolutely.

Vercher: Are there any public comments for this application?

Mayor Horton: David Kuntz is on the call from Balar. He has a few minor comments that he would like to go over.

Kuntz: The front and rear setbacks that are indicated on the plat do not meet the minimum as identified in the Town subdivision ordinance. However, they do seem to meet setbacks previously granted to Lost River from the Town. That is really just a comment. The other item is that there is not a side yard setback indicated on the plat. You may want to indicate that.

Kelsch: That is no problem. I think I sent that to Mrs. Askew-Brown. I will make sure any other comments have been addressed.

Vercher: Are there any additional comments?

Cathcart: Mr. O'Briant made the statement that what he proposes to build is one home. However, there is an additional lot. What is the intent here?

O'Briant: We are just moving the lot south and extending the cul-de-sac.

Vercher: That is what the plat shows.

O'Briant: I think what Mr. Cathcart was asking was if this new lot was in addition to the prior lot. The answer is no. This lot is replacing that previous lot.

Cathcart: Yes, I do not have an issue either way. I was just curious if the original lot is going to be a lot in the future.

O'Briant: It would be null and void. It would be gone. I do not have a use for that lot in particular.

Vercher: Can we put it on the plat that the previous plat is null and void?

Askew-Brown: It never was recorded beforehand anyway. This one would supersede the other plat.

Vercher: Any additional comments?

As there were no further comments from the Board or the public, the Vice Chairman called for a motion.

A motion to approve the application was made by Kauffer and seconded by Delia.

A roll call vote was held and the motion carried unanimously.

2. T-10-20 – The application of North Caddo Medical Center requesting Amended Plat approval for Marionneaux Place Unit No. 2 being 0.662 acres more or less located in Section 32, Township 20 North, Range 13 West, Bossier Parish, LA. (Police Jury District 3)

Michael Kelsch, Raley and Associates, Inc., was present to answer any questions.

Kelsch: This is a two lot plat that we are making into one lot for an existing facility. It is being used as a medical facility currently. This will be an expansion. Because the expansion is crossing a lot line, we had to replat. Once this plat is approved, the building plans will have to go through the Town of Benton to make sure everything is conforming.

Mayor Horton: Michael, the only issue we had previously was the water and sewer servitude. It was fixed in the latest version, correct?

Kelsch: Yes, there is a water and sewer servitude that is in the middle of this plat. It is a Bossier Parish servitude and we found the documents where it was dedicated. I spoke with Eric Hudson, Bossier Parish engineer, and he said that he does not need to sign the plat right now. We have a signature line from him that we will get rid of. The attorneys will put together a dedication document that is provided to the Parish. Mr. Hudson did not express any issue.

Mayor Horton: Mr. Kuntz reviewed this plat. Did you have any comments?

Kuntz: There was no side yard setback identified on the plat. I would add those.

Kelsch: No problem at all. We will put those on there.

Askew-Brown: It is an eight foot setback.

Kelsch: Should not be a problem.

Reyenga: There are some medical center offices near the post office. Is the medical center going to remain where they are or are they completely moving into this Marrionneax plat?

Kelsch: I am not sure if they are relocating or if they are going to keep that office. They are adding onto the existing building over the lot line.

Reyenga: So this is an addition into the next empty lot?

Kelsch: Yes.

Vercher: Are there any other comments?

As there were no further comments from the Board or the public, the Vice Chairman called for a motion.

A motion to approve the application was made by Delia and seconded by Kauffer.

A roll call vote was held and the motion carried unanimously.

3. T-4-20 – The application of Ryan Estess requesting a Zoning Amendment to change the zoning classification of a tract of land being 26.706 acres more or less, from R-A (Residential Agriculture) to R-1 (One-Family Residence District) for a proposed residential subdivision located in Sections 29 and 32, Township 20 North, Range 13 West, Bossier Parish, LA. (near intersection of Palmetto Road and Larkin Street). (Town District 5) (Police Jury District 3)

Ryan Estess, Raley and Associates, Inc., was present to answer any questions.

Estess: We were delayed a couple months ago to address some issues related to traffic.

Vercher: I saw your preliminary traffic report and the revised traffic report. I noticed there is a huge swing in traffic patterns and distributions between the two.

Estess: We counted additional traffic. We counted Palmetto Road from Burt Blvd to Hwy 162. We did not count Old Benton. We got a more accurate account of where the traffic is going. I know there is a lot of concern over Larkin Street. Larkin Street is a two-way, eighteen foot wide roadway. It is a low-speed, low-traffic count roadway. We looked at the traffic and the reason nobody is traveling there now is because the speed limit is 15 miles per hour and there is a four-way stop sign.

Vercher: If you build it, they will come. We do not have a handle, in my opinion, on what is going to happen if we approve this number of lots. I agreed with your first report. I do not agree with your second report.

Estess: We had made a request that the first phase of development move forward with no improvements necessary or made. At that point, we could study the traffic patterns and make the appropriate improvements. We could dead-end Larkin Street.

Vercher: That is really not up to the MPC Board. The Board does not have authority to accept any solutions. We have to ask the Mayor's engineers to chime in on traffic.

Mayor Horton: My opinion is that I know where the traffic is going to go regardless of the traffic study. A traffic study is no good if the traffic is not presently there and the traffic is not presently there. There is no way that the study could predict where the traffic is going to go. I know what the traffic is going to do. They will go to the area of least resistance. It will be one of the east-west streets, even if it is not Larkin.

Kuntz: I echo your comments, Mayor. The uncertainty is not knowing where the traffic is going to go. There is a very low population density in the area. The reason nobody is using Larkin now is because it the population is not there. Putting a subdivision near Larkin Street is obviously a concern to us, the Mayor, and the MPC. I noticed on the plat, you do show a southern access but it is not connected to the road. I am not sure what the intentions there are.

Estess: There is a sixty foot right-of-way that extends to that road. I stopped it at the edge of the property. I would prefer to have the two entrances but it is up to the MPC.

Kuntz: Do the Town's ordinances address having two entrances into the subdivision?

Mayor Horton: I do not think the Town's ordinances address that but that entrance there is definitely not wide enough. It would be jammed between two homes. I did some research to find this dedication for this particular entrance but I never found it.

Estess: It may not be there but if you look at the plat attached, you will see it on the Cummings Place subdivision. So in regards to the width, the width is fine. It is consistent with the Town of Benton's standards. I cannot help with the existing houses there and I cannot buy right-of-way from them. I do not know if it is actually dedicated. I can tell you that the landowner thinks the land is a dedicated right-of-way.

Mayor Horton: The roadway may be wide enough but the setbacks for the neighboring houses are so tight that it would put the vehicles right in their doors.

Estess: I have not topo'd that. I am assuming that the standard side yard for that location is either five or ten feet based on the ordinance. I do not know if there were zoning ordinances in place when these homes were built. Whatever you would like to do there, we are willing to facilitate that. The road would fit in that right-of-way as shown. That can be talked about in the platting phase. The developer would like a second entrance. Maybe it could be an emergency egress. We are willing to discuss whatever you would like to do.

Vercher: We are not at the platting or master planning phases. I am concerned about the current zoning when we are having these issues. I do not know what updates we have on the subdivision ordinance writing is or when we can expect that. I am very concerned about rezoning when there are still things that do not work. We have too many unsatisfied issues.

Estess: I have not received any feedback from the town on the traffic.

Cathcart: Up until three years ago, I lived in a home off of Palmetto. Having lived on Larkin and knowing what the traffic patterns are, they are very light. The street

is not wide and there are very deep drainage on each side of the road. If we have 86 potential homes, would that be done in phases?

Estess: We are planning on three phases.

Cathcart: From the perspective of that neighborhood, the new traffic would change the character of the street and the entire neighborhood. People will drive the shortest route. Peak hours will be dramatically different.

Estess: We do not want adverse impacts on Larkin Street.

Cathcart: How is that possible?

Estess: That is why we would like to build the first phase of the development. Then, if there are any adverse impacts on Larkin Street, we would like to remove the connection from Larkin to Palmetto. We spoke with the resident at that intersection and she asked that I should propose that to the Town.

Cathcart: So you would make that a dead-end street?

Estess: Correct. We would make some sort of turn-around there. The way to deter traffic from using a roadway is to decrease the speed limit, narrow the roadway, and you add stopping devices. There is no way that we could deter the traffic because it has already been done. In my opinion, that is why nobody is using that road. There is not an intersection at Highway 3. People will steer clear of Larkin Street to use easier and quicker roads without stop signs.

Vercher: It is clear that we have a difference of opinion. There are many issues that we do not have answers to. I do not think we have the information to be able to vote on this tonight.

Estess: I will be sure to speak to the Mayor, his engineers, and the Council to get the feedback necessary to make changes.

Mayor Horton: Ryan, you stated that there has not been any feedback from Town engineers. This is incorrect. You have not heard feedback about a solution because there is not one.

Estess: Yes sir. I request to delay until we can get solutions from the Town or proposed solutions from the Town on what may be achievable, specifically in regards to the traffic. I do not think it would be prudent to upgrade Larkin Street because that would totally change the character of the neighborhood. I do not know what else to do beside traffic calming measures.

Mayor Horton: We are focused on Larkin but even if Larkin were closed, people would go to the other small, local roads.

Reyenga: There could be many changes that would come from the subdivision moratorium.

Vercher: I do not want to hang this all on revisions. The zoning may not be appropriate for that area.

Estess: I understand. I will work with the Town to see if there is any way we can work to move forward on a game plan.

Reyenga: Is this withdrawn today or will we have a motion?

Estess: I request that it is withdrawn to work with the Town.

Askew-Brown: Is this to withdraw or delay?

Estess: I would like to delay it until the moratorium is lifted.

Vercher: Do we have a motion?

As there were no further comments from the Board or the public, the Vice Chairman called for a motion.

A motion was made to delay the agenda item by Kauffer and seconded by Jenkins.

A roll call vote was held and the motion carried unanimously.

(C) PRELIMINARY HEARINGS

1. BP-24-20 – The application of Richard Moore requesting Preliminary Plat approval of the Point at Cypress being 7.114 acres, more or less, located in Section 12, Township 19 North, Range 13 West, Bossier Parish, LA. (Police Jury District 3)

Charlie Coyle, Coyle Engineering, was present to answer any questions.

Coyle: This is a tract of land that is at the end of Sommer Circle on Cypress Lake. The Moors are looking at purchasing this property and dividing this up for their family. They propose to build three houses there but they are not sure what they would like to do with Lot 4.

Vercher: Have we seen this before?

Coyle: No, this is in the Cypress Bay area.

Kauffer: Were there issues here with retaining walls and the Cypress Black Bayou commission?

Coyle: Yes, there were some lawsuits that went on with that. To my knowledge, all of those have been dismissed.

Kauffer: Has Cypress Black Bayou seen this?

Coyle: They have. We have been working with Robert Berry on this and he has providence guidance on the project.

Vercher: These are conventional built homes?

Coyle: Yes.

Vercher: Public water and sewer?

Coyle: Water is public. Sewer is private.

Vercher: This is a public hearing. Are there any questions?

As there were no further comments from the Board or the public, the Vice Chairman called for a motion.

A motion was made by Kauffer to move the application to a public hearing and was seconded by Jenkins.

A roll call vote was held and the motion carried unanimously.

REGULAR MEETING

1. Approval of Minutes
 - a. A motion to approve the December minutes with the proposed changes was made by Vercher and seconded by Delia.

The motion passed unanimously.

2. Old Business

3. New Business

a. Subdivision Code Revision by Neil Erwin Law

Pat Doane, Neil Erwin Law, was present to answer any questions.

Doane: We have completed the initial draft which was to develop legal standards for the administration of this code. As you know, there were quite a few problems with getting a matchup between the state statute and other processes through the years. We believe we have come up with something that will help over the next few years. In addition to that, I have been listening in these meetings and I understand there are other issues so I am trying to identify all of those.

One of the first is to define green space and to develop very specific standards. Another is to clarify the effect development might have on local streets, regarding traffic. There could be many instances where may occur if we do not have some sort of protection in place. Also, clarify the process for the approval and filing of amendments and final master site plans. That would be for all subdivisions including PUDs. Anything with multiple units usually has a master site plan or they should. We want to be sure that the master site plan guides the units, not the other way around. We do not want people coming in with master site plans after they figured out what they want to do with their unit.

I do not see any kind of appeal procedure in the current code and I think that may be something we want to define so that you have a last recourse for people before they attempt to go to court. You want them to exhaust all their legal remedies with you. Lot density concerns. We have heard a lot about lot density, especially infill development in some of these older areas. There are different ways to address that and one of the ways that I have seen is to require a minimum frontage that matches the frontage of the rest of the houses on that block. That is pretty common. You have probably seen that used in other places so we can explore that if it is something you are all interested in.

The density of lots that are approved in a master site plan or conceptual plan. I have seen where they combine more than one unit to meet their density requirement. There is not anything on record in the UDC that says they have to stick to the density requirement. You may want to consider requiring each unit to meet the density requirement that have already been approved by the master site plan. You can tell me if you are interested. We also need to revise the PUD code to address construction entities like the swimming pool situation to clarify the approval process and to bring it in line with any other phased subdivision development. I would really like to see PUD be almost the same as any phased unit subdivision with the exception that you can change the layout structure but not the overall density. In other words, a smart subdivision. You have very small lots in one place but a huge buffer of green space and buffer space that can never be built on. It would buffer from other uses around it. That would be a potential way to address PUDs rather than like a traditional subdivision.

We want to review standards for setback variances. I think you should consider requiring external boundaries to match the abutting zoning setbacks. So if you have an area that requires a 35' rear setback and you are going to build in there and develop, the lots that touch that would also have a 35' rear setback. If you do not want to do that for every subdivision, I definitely think that would be appropriate for a PUD. You want it to be compatible with surrounding properties. So these are the things that I have heard you all talk about and that I have seen come up in cases. It would be very helpful if you would think about anything else that you think needs to be addressed and let me know.

Vercher: I am very interested in what you were saying about buffers, not just for PUDs but for all subdivisions. Since Benton has a lot of older areas, there needs to be some sort of control for buffers and we do not have that defined and there really is not a way to say what kind of fence or what distance or what kind of trees.

I know Bossier City has that in their UDC. I wish we could have something similar to that because we have found that we cannot enforce it.

Doane: Thank you. I will look at the Bossier UDC and try to write something for here.

Askew-Brown: I think number nine is very important. I am finding a lot of problems like that on the Bossier side where we have having larger subdivisions that have 50' setbacks, maybe 50' rear setbacks, and coming in adjacent are subdivisions with smaller lots. Now, this person with a huge lot is going to have maybe five or six people behind him and their properties will be a whole lot closer.

Reyenga: Are we considering increasing the 6000 square foot minimum lot size before we complete our moratorium? We want to make sure than new developments are compatible with the existing development.

Doane: One of the things that we are suggesting might possibly help with that. That is about infill development with these older, large lots. The minimum lot size, that 6000 square feet, is in the zoning code. That may be better addressed when we come through with the future land use plan. We are in the stage for workshops now because we have the maps and study ready for you. As soon as we get that underway and we have public hearings on it, I think it is going to generate some changes in the zoning code and that is going to change the minimum sizes of the lots.

Reyenga: Do you all agree with me?

Vercher: I do. I am not a fan of these little lots.

Reyenga: I am not either and I am not a fan of putting a tiny home on them and then wanting to subdivide it and putting another tiny home on it.

Vercher: They are just bending the rules by doing that.

Reyenga: Yes. It is just not a fit.

Delia: Well said, Ms. Reyenga.

Vercher: Well Pat, we could come up with some ideas and share them with Carlotta to mail to you. I will take a look at the UDC. I like the code. A lot of work went into that and Carlotta has learned what works and what does not.

Askew-Brown: Absolutely.

Vercher: I see ground zero being around the high school. As they build that new road back there, there will be more development going on and they are going to bring something to us that we will need to talk about.

Reyenga: Agreed.

Askew-Brown: Anything else Ms. Pat?

Doane: No, I really appreciate any thoughts or ideas that you all could provide. Thank you.

Askew-Brown: Alright, that is all for new business.

Reyenga: Did we ever get our fees approved?

Askew-Brown: Yes, all new fees are set. They are a necessary evil.

Reyenga: Tell them Martha said they should be twice that amount.

4. Adjourn



Martha Reyenga, Chairman