

BENTON PARISH METROPOLITAN PLANNING COMMISSION

MINUTES

Monday, May 3, 2021 – 6:00 P.M.

Zoom (Virtual)

MEMBERS PRESENT

Martha Reyenga  
Steve Vercher  
Bryan Kauffer  
Ray Delia

OTHERS PRESENT

Carlotta Askew-Brown  
Daniel Besinaiz  
Mayor Shelly Horton  
Pat Doane  
Neil Erwin  
Ryan Estess

MEMBERS ABSENT

N/A

Martha Reyenga, 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-8-21 - The application of Avery Plaza LLC requesting Minor Plat approval of Avery Plaza Subdivision being 2.27 acres, more or less, located in Section 32, Township 20 North, Range 13 West, Bossier Parish, LA. (Police Jury District 3)

The applicant was not present.

Reyenga: Do any of the committee members have any comments?

Delia: It would be best for me to recuse myself from this hearing because I share a property line with the applicant.

Reyenga: This property line is about eight feet from the home itself? That seems awful close to me.

Askew-Brown: It is zoned R-1 so the side yard setback is five feet.

Reyenga: Are there any further comments?

Vercher: Is this for site built homes?

Askew-Brown: I do not know for sure.

Reyenga: I suppose we must assume whatever they are planning is within the guidelines.

Vercher: I am going to ask to table this until we have Mr. Avery present to answer questions.

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

A motion to table the application until the applicant is present was made by Vercher and seconded by Kauffer.

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

2. T-1-21/BP-5-21 – The application of the Benton - Parish MPC to review and approve regulations pertaining to Temporary Uses for Seasonal Sales.

Carlotta Askew-Brown, Benton MPC, was present to answer any questions.

Askew-Brown: Yes, we heard this at the preliminary hearing last month. We have had a lot of interest in doing temporary seasonal sales for Christmas lights, Christmas trees, crawfish, live plants, snow cones, etc. so I've been wanting to give them a season of when to operate. Comments from the last meeting were to add some verbiage stating that we can deny or revoke a permit that is determined to be a nuisance. I have made those adjustments and the ordinance is ready.

Reyenga: Do we have any comments from the audience? From the members?

Vercher: I reviewed it and I didn't see anything.

As there were no further comments from the Board or the public, the 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.

### (C) PRELIMINARY HEARINGS

1. T-9-21 – The application of the Benton – Parish MPC to amend the Subdivision Regulations for the Town of Benton.

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

Doane: We still have some work to do. All the spaces highlighted in yellow need more research and revision. We kept the original structure of your ordinance. The main thing we had to address was procedural. Administratively, there was some confusion about what a final plat is and when plats needed to be signed. This clarifies all of that and sets it out in a straight-forward process. We may add a flow chart that shows the process.

Everything that is red is changed or new. A lot of the definitions have been added. There are still definitions that need to be added. The primary thing to be added is minor subdivisions. We want to model minor subdivisions on what the parish is doing. They have a good code for that. We do need for some minor things, like lot adjustments, a way to handle them administratively so that people do not have to go through this long process. If they meet all the requirements and it's just a small minor subdivision, we would let the zoning administrator review and handle that. Otherwise, we follow the process for major subdivisions.

Another thing that we changed here that we will address further in the zoning codes is Planned Unit Developments. One thing that is going to be really important to us on PUDs is that they will be handled in a way that is like any other major subdivision. We do not want to give them special exemptions or specifications just because they are a PUD. They need to go through all the same procedures as everyone else. When we work with the zoning code a little more, we need to pin down some of the definitions for PUDs that are in the zoning. A PUD is actually a rezoning rather than simply a subdivision. We will clean up a few things there.

Now that we are in a modern age, we do not need mylar prints or paper copies for most things. We may start requiring digital copies of things.

For Subdivision Master Plans, there was no clear definition for how they worked or how they affect further planning down the road. This describes some of that. I did not put that you have to show individual lots but you do have to show the proposed density. The reason behind that is that there is not enough topographic information for developers to know precisely how those lots are going to lay out. They do have the ability to estimate the density based on acreage and where the streets are going to be.

Vercher: In my experience, you do have to make a few assumptions on the commercial side of development for traffic studies and things like that.

Doane: We have different terminology for what we call a Final Plat. It is final for the Benton MPC but it is not final for signing or recording so we are going to call that a Final Plat Pre-Construction Layout. We know there will be some minor changes due to engineering concerns once you get closer to completion. Following MPC approval, the Final Plat Pre-Construction Layout shall be forwarded to the town council for a resolution approving the plat and authorizing submission of construction plans.

Vercher: It would be helpful to have some sort of checklist that developers can look at to see what they need.

Askew-Brown: Yes, we get a lot of questions that could be answered by a checklist, especially for what happens after the platting process.

Doane: I added a provision addressing adverse effects on existing local streets. My understanding is that the Parish already does this but I am not sure that it is written into their code. It may be better to have it in the code itself.

Vercher: The Parish follows DOTD procedures but that is great.

Doane: In this code, I found a minimum width and area requirement which really should be in the zoning code. However, we may want to keep it since we are addressing it anyway.

Vercher: I did see that and I have some notes. The Health Department will require individual lots to be one acre to have a septic tank system. If it is less than one acre, it will have to have a community sewer system.

Doane: Is that in the Town of Benton code somewhere?

Vercher: That is state code. Are we still talking about 6,000 square foot minimums?

Askew-Brown: We are looking at it but that will be in further discussions concerning zoning.

Reyenga: So this will be changed?

Askew-Brown: It can be removed.

Doane: I agree that it should be in the zoning code. If you look at infill lots, I wrote that the frontage will have to match the existing block face. We still have to work on the definition of block face. I may use the American Planning Association definition. The part about names being coordinate with the Planning Commission and Town Engineer may change since it was written in 1987 and now I believe the 911 commission names the streets.

Vercher: Do we want to continue saying every effort should be made to provide underground utility lines? Should we say everything must be subsurface and if they want to do something different that it be a variance?

Askew-Brown: We have it as a requirement in Bossier. It is hard to get them to do underground in certain areas. It is ridiculously expensive.

Mayor Horton: There should be a disclaimer line in there that states only if it is feasible.

Askew-Brown: We could say that it is required to be underground and if it needs to be changed, then the developer needs to submit it with the subdivision.

Vercher: Do we want to say anything about community mailboxes or locations?

Reyenga: Sometimes community mailboxes are placed in unsafe locations with traffic issues.

Askew-Brown: Is it the recommendation of the Postmaster to only have cluster boxes, rather than individual boxes?

Reyenga: I would imagine so.

Askew-Brown: I recommend that we leave decisions about mailboxes to the postmaster. We can add it to the submittal document checklist that the developer show the location of the mailboxes.

Doane: In the "Ensurance of completion" section, here is what is currently required by the Town.

Mayor Horton: I think amenities needs to be included with public improvements.

Askew-Brown: If the amenities are planned in that specific unit, I agree. If the amenities are planned for further units down the line, then they should be included in the public improvements for that unit.

Doane: What developers are saying is that they have to have a number of lot sales before they can finance the amenities. I do not think that this particular existing code was meant to address amenities but I think we need to think about if there is something we can do to address amenities but allow development to occur before those amenities are built. Maybe some type of contract.

Mayor Horton: The lots that amenities were originally intended to be on need to be reserved for amenities through the entirety of the subdivision development.

Doane: Any change like that to the master plan, would go before the MPC Board.

Askew-Brown: I do want to add that the days of amenities may be ending with the trend of increasing land value.

Mayor Horton: My concern is that amenities are used as a sales tool but then are changed in the next phase.

Doane: I do not know if you keep copies of your ordinances with the Town Clerk but it certainly should not be an issue to record this with the Clerk of Court. I do not think it is something that is required but we can do it.

Mayor Horton: Well yes, that is not a problem. We are also on Municode so it can go on there.

Askew-Brown: I do not know that it necessarily needs to go to the Clerk of Court office.

Reyenga: I do because some of it will be outside of the town limits but within the MPC jurisdiction.

Doane: We have started drafting basic requirements for the Master Plan Plat. If you see something that needs to be added, let us put it in. We do have amenities needed to be provided at the time of development of each unit. I think of conceptual plans as being an optional document but it could be added to the list of submittal requirements. Without showing lots, it may be difficult to show some of these requirements.

Vercher: I would really like to see lot lines on the plans, mostly for potential drainage issues.

Doane: There is a provision in here that that the Town Engineer must sign the plat. I feel that is not needed because the engineer that drafts the plat is licensed to sign the plat. They are the ones with the liability, not the Town Engineer.

Vercher: I do not think you want the Town Engineer because they have a consultant that they use. I do see how you would want the surveyor to sign it.

Askew-Brown: In Bossier, the City Engineer signs and the Mayor signs. The surveyor does stamp the plat and sign it.

Doane: I have seen plats in Haughton where the engineer signs it instead.

Vercher: There are some engineers that are also surveyors so when they sign it, they are signing for engineering and surveying.

Doane: Should we then require a surveyor to stamp it?

Vercher: It is law that they do that.

Askew-Brown: Currently, the Town Engineer does not have a signature line spot.

Doane: I do not like the idea of having the Town Engineer sign this. It is then putting liability on the Town Engineer that they do not need. I highlighted the "Size of plat" section because I think we should include here that we need a digital submission of the plat.

Vercher: Engineers do get funny about having their stamps online digitally. We may need the paper plat.

Doane: Now we have the fees.

Mayor Horton: We will need to talk about this at some point. We need the teeth to require that we get the funds.

Askew-Brown: Thank you to Pat and Neil for their work on this document.

Erwin: A recurring concern is that the developer can start the project then leave.

Askew-Brown: Well it is required that at least fifty percent of property owners in a subdivision must approve of a change to the development plan.

Doane: A lot of PUDs do require construction standards and architectural standards. That would be a very good protection against sub-standard development. It is done frequently.

Erwin: Let us make a note of that. It really affects property values.

Askew-Brown: Architectural standards are usually enforced in the covenants.

Estess: Based on what I am seeing today, none of this discussion affects my current zoning application. What can we do to move forward?

Reyenga: Are we still within the moratorium that we placed?

Askew-Brown: We are in subdivisions, yes.

Reyenga: Any committee members have a comment?

Estess: That is only for platting, right? It does not include zoning.

Askew-Brown: Correct.

Estess: Well then we can at least rezone the property in my project.

Askew-Brown: Let's vote on this topic and then discuss Ryan's project under "Old Business."

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

A motion to table the application to address the comments made by the MPC Board was made by Vercher and seconded by Kauffer.

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

## REGULAR MEETING

### 1. Approval of Minutes

- a. A motion to approve the April 5, 2021 minutes was made by Vercher and seconded by Kauffer.

The motion passed unanimously.

### 2. Old Business

Doane: Is there any more information about the future land use maps?

Reyenga: I am still reviewing.

Vercher: I have been reviewing. I am envisioning a workshop where we go through it.

Reyenga: That would be fine. I am available. Ryan, I do not think we are ready to vote on your Cottage Hill project.

Estess: I would like to know how to move forward. The zoning process is not included in the moratorium. The developer is trying to work with whatever the Town can do. The lots in this development are larger than the lots in Belmere and Lost River.

Reyenga: Forty percent is already zoned R-1?

Estess: It is close to forty percent.

Reyenga: When we start working on lot sizes, it may change the developer's mind.

Estess: If the developer wants a vote, can we come to you all for a vote? Even if it might be a negative, we could at least move on to the Town Council.

Askew-Brown: I cannot deny you the right to apply but I would advise against it since the board is telling you that they are not ready.

Vercher: I will table it.

Doane: It would seem appropriate that any rezoning done is done after the future land use maps are completed.

Reyenga: I agree.

Vercher: I would like to see the land use maps and the subdivision maps to be completed together.

Estess: Is the future land use coming next month?

Reyenga: It may be next month or the next. We may have an informal workshop on that to look it over. The best we can say is that he is on hold.

Estess: Are the maps ready for public review?

Askew-Brown: The draft is available but we are still receiving comments from the Police Jury.

Estess: I think a workshop would be appropriate, if possible.

### 3. New Business

Doane: May I request that any comments on the Future Land Use maps be submitted to myself or Carlotta?

Reyenga: I need to read over it thoroughly before I make any comments.

Vercher: I appreciate the flood zone information added to it. I do not have any further comments.

Doane: We can bring it to the public first for their input but I also value your knowledge. Feel free to mark up any of these maps and send them my way.

### 4. Adjourn

 6/9/21  
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Martha Reyenga, Chairman