

BENTON PARISH METROPOLITAN PLANNING COMMISSION

MINUTES

Monday, November 1, 2021 – 6:00 P.M.
Benton Town Hall
105 Sibley Street
Benton, LA 71006

MEMBERS PRESENT

Martha Reyenga
Steve Vercher
Michael Jorgensen
Bryan Kauffer

MEMBERS ABSENT

Ray Delia

OTHERS PRESENT

Carlotta Askew-Brown
Daniel Besinaiz
Micha Duffy
Pat Doane
Al Herring
Alden Curry
Robert Aiello
Imack Collins
Kathy Stevens
Robert Shadow
Courtney Roshto
Lauren Johnson
Neil Erwin
Mayor Shelly Horton
Gary Wise

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. BP-18-21 – The application of River Ranch Acres, LLC requesting Final Plat approval for Belmere Unit No. 6, being 24.597 acres more or less, located in Section 4, Township 19 North, Range 13 West, Bossier Parish, LA. (Police Jury District 3)

Micha Duffy, Coyle Engineering, was present to answer any questions.

Duffy: Issues from the last meeting were concerning drainage and lot sizes. The old master plan had smaller lots because the town did not have capacity at the time for more lots. Now the town has more capacity which will allow for more lots. Improvements were made that allow for more capacity in Bay Hills and Belmere.

Vercher: How was the meeting with the citizens in the last meeting?

Duffy: We looked at some topo and we are working on it. We filled a gap and updated the surface. Some of the areas are overgrown so I could not walk behind each lot. We are lowering the streets so that there is positive flow to the streets. In the design, there will be no additional water going to the neighboring properties. It will go to the streets.

Jorgensen: To clarify, you will design these properties to drain to the street?

Duffy: Yes, I will do my best to drain to the street. I am not sure that I can capture the lots around lots 206 and 207 but I will try my best. I am anticipating a drainage easement behind lots 204-206.

Vercher: Are these town streets?

Duffy: They are parish streets.

Askew-Brown: The parish signature line is not on the first page but it is there.

Herring: We never had an issue with drainage until the land was cleared. If the lot is tabled down to the street, the drainage issue will be solved.

Duffy: I will depress the street to try to capture all of the water away from your property. We typically do 1-2% downwards towards the street.

Vercher: Right now, everything is going to the concrete ditch?

Duffy: Yes, that is correct.

Vercher: Is there any way we could do an extension of the channel to protect them?

Duffy: It may be the case that we have to do that with a subsurface drainage. It is a little bit of give and take because the water has to go somewhere.

Reyenga: Anyone else in the audience who would like to speak?

Curry: He scared me when he said he could not do anything with the pipeline. I live near the pipeline. Right now, the water comes across my backyard towards to pipeline. My neighbor gets most of that water. We cannot take any more water. He has had numerous issues.

Aiello: I am the developer here. Micha has been tasked with the job of draining this piece of property to the street. That is the best way to develop it. Engineering fixes all of the problems. We have to have a successful development. The new development will not increase the runoff to any of the neighbors. The water will drain to the street and it will all go onto the lake. You can put that in the stipulations for approval. These lots are all going to have city sewer. It is better for the environment and better for the lake. It makes more a cleaner development.

Curry: Is drainage the reason that the land was cleared near the utility easements?

Aiello: That land was probably cleared to find the property markers.

Vercher: We also need to make sure we can guarantee that any drainage is not blocked. No additional flow will go back to the existing development but we also need to ensure that existing drainage is not blocked.

Aiello: We will do whatever is necessary to adequately drain the development. Engineering is what solves these problems.

Collins: I do not have a problem with water on my property. I wanted to see the last drawing where the swell will be.

Herring: I heard Mr. Aiello say that this development will not cause any additional drainage. We did not have any issues with drainage before this land was cleared.

Aiello: We will make sure there is positive drainage to the street and we will not increase the runoff to anyone that is adjacent to our property.

Vercher: Does this go on to the Police Jury?

Askew-Brown: Yes sir.

Vercher: I am sure Butch Ford will review this.

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

A motion to approve the application with the conditions that the development is approved by the parish engineer and that no drainage is pushed onto the adjacent properties was made by Vercher and seconded by Jorgensen.

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

2. BP-25-21 – The application of Elmer Matamoros requesting a Zoning Amendment to change the zoning classification of a tract of land being 0.587 acres more or less, from R-A (Residence-Agriculture District) to R-1 (One-Family Residence District) for a proposed 30' x 60' manufactured home located in Section 5, Township 19 North, Range 13 West, Bossier Parish, LA. (Police Jury District 3)

Micha Duffy, Coyle Engineering, was present to answer any questions.

Jorgensen: All the neighboring properties are R-A?

Askew-Brown: Correct.

Vercher: I saw this will be a mobile home.

Askew-Brown: Correct. His application for a manufactured home will go before the Board of Adjustments for approval.

Vercher: Will this go to Butch Ford as well?

Askew-Brown: Yes.

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

A motion to table the application was made by Kauffer and seconded by Jorgensen.

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

3. BP-24-21 – The application of Elmer Matamoros requesting Minor Plat approval for a tract of land being 0.587 acres, more or less, located in Section 5, Township 19 North, Range 13 West, Bossier Parish, LA. (Police Jury District 3)

Micha Duffy, Coyle Engineering, was present to answer any questions.

Reyenga: Does he own this piece?

Askew-Brown: Yes.

Reyenga: Any neighboring pieces?

Askew-Brown: No ma'am.

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 Jorgensen and seconded by Kauffer.

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

4. BP-26-21 – The application of Aiello Investments, LLC requesting Final Plat approval for Turtle Creek Unit No. 3, being 26.935 acres, more or less, located in Sections 2 and 11, Township 19 North, Range 13 West, Bossier Parish, LA. (Police Jury District 3)

Micha Duffy, Coyle Engineering, was present to answer any questions.

Reyenga: So the Police Jury had approved of this?

Askew-Brown: Correct. The Police Jury approved of the application back in 2017 but it has expired since then. We also received a comment from a neighbor concerning access off West Lakeshore. I confirmed that there are not any plans to have access of West Lakeshore so we are putting it on the record.

Stevens: How will the sewage and streets be handled in the new development? Will any of it flow into the lake? Will the new section have access to West Lakeshore Drive? Will the new section have privacy fencing that will match the existing fencing?

Duffy: The typical drainage is to go from the back of the property to the front into the street. That runoff will go into the detention pond.

Aiello: The sewage will be with Eagle Water like the rest of the subdivision.

Duffy: There are no plans for any access to West Lakeshore Drive.

Aiello: In the future, there will be lots that front West Lakeshore just like the existing lots, but not for this unit. The subdivision itself will not put up any fencing. The residents who own the lots may put up fencing but it has to comply with regulations in the covenants. The subdivision will not provide the fencing.

Stevens: How far back from Lakeshore Drive will your subdivision be?

Aiello: We are between 150-225'.

Shadow: There has been an increase in runoff since Turtle Creek has been built. There must be a way that we can decrease the flow of water into the lake. I do not think they are controlling the water. I would be concerned if I lived in Bay Hills.

Aiello: There were several pipes that were put in to have the water go across West Lakeshore. When the pipes are filled with dirt, then the water goes across the road. The land we are developing on is higher than West Lakeshore so all of the water will go into the lake.

Reyenga: I am not sure that anything can be done about the issue Mr. Shadow is concerned about besides making sure that this Turtle Creek unit does not add to the issue.

Shadow: I do not have a problem with the water going across West Lakeshore. My concern is that it has increased since Turtle Creek has developed.

Aiello: We are required by the parish to add retention as we develop more. There is a meter that measures the amount of water before it goes into the lake.

Reyenga: I assume this road belongs to the parish?

Aiello: Correct.

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

A motion to approve the application contingent on parish approval of the drainage plan was made by Vercher and seconded by Kauffer.

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

5. BP-27-21 – The application of Brian and Courtney Roshto requesting Minor Plat approval for a tract of land being 5.00 acres, more or less, located in Section 33, Township 20 North, Range 13 West, Bossier Parish, LA. (Police Jury District 3)

Courtney Roshto was present to answer any questions.

Roshto: We have five acres and we are trying to split them into two.

Vercher: I do not understand the shared driveway.

Askew-Brown: The Parish is going to require a shared access driveway.

Reyenga: Are there structures on both pieces?

Roshto: There is a structure on tract 2 to be relocated.

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 Vercher and seconded by Jorgensen.

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

6. T-17-21 – The application of Lauren Johnson requesting Minor Plat approval for a tract of land being 1.00 acre, more or less, located in Section 30, Township 20 North, Range 13 West, Bossier Parish, LA. (Town Council District 3) (Police Jury District 3)

Lauren Johnson was present to answer any questions.

Reyenga: Are you constructing a site built home there?

Johnson: Yes ma'am.

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 Jorgensen and seconded by Kauffer.

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

7. BP-20-21 – The application of the Benton – Parish Metropolitan Planning Commission to review and consider Accessory Dwelling Unit regulations within the R-A (Residential Agriculture District) and the R-1 (One Family Residence Districts).

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

Askew-Brown: We have received a multitude of requests from citizens that are wanting to have accessory dwelling units on their properties, like guest houses. The parish has grown substantially so we wanted to write some regulations to allow this. This will not be a by-right use. This will require planning approval. There are some restrictions in here that require the structure to be similar to the architectural design of the primary structure. This code does not supersede covenants.

Reyenga: Will these homes have their own meters?

Askew-Brown: They might. It depends on the owner.

Jorgensen: What issues have we seen with these structures being used for rent in other jurisdictions?

Askew-Brown: I have seen rentals being encouraged.

Besinaiz: Many places that are allowing these are in places where the affordability crisis is present so they are encouraging rentals.

Vercher: How do we ensure that the parking is not an issue?

Askew-Brown: We can write in here that an additional parking space is needed.

Vercher: I am not really supportive of the rental part.

Erwin: Everybody has the right to rent out their property. The question here is whether or not we allow for a second structure. Where is the Parish on regulations for short-term rentals?

Askew-Brown: We are drafting language for short-term rentals currently. That will address these rentals in the short term.

Reyenga: I am not against taking care of old folks but I am concerned about them turning into rentals.

Vercher: Do we need to have a workshop with the Police Jury?

Askew-Brown: No because they are the ones who requested this ordinance.

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 Jorgensen and seconded by Kauffer.

A roll call vote was held and the motion carried 2-1.

Kauffer: No

Vercher: Yes

Jorgensen: No

8. BP-21-21 - The application of the Benton – Parish Metropolitan Planning Commission to review and consider regulations for a Separate Dwelling Unit for a Caregiver within the R-A (Residential Agriculture District) and the R-1 (One Family Residence Districts).

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

Askew-Brown: We have received several requests for a temporary caretaker unit while they care for their loved ones and we have also received complaints about the same thing. This ordinance is supposed to bring clarity to the issue. This will not be a by-right use. It will be a special exception use which requires approval from the Board of Adjustments. They will need to come before the BOA each year to ensure that the structure is being used for its intended use. There was also some discussion about enforcement. We spoke with Neil Erwin Law to see what actions we could take and they prepared a report for us.

Erwin: The options right now are criminal penalties or an injunction brought by the Parish Attorney. There has to be something in the middle, such as civil fines. These kinds of fines could be set and enforced right now. They have had success in other jurisdictions and are proving to be effective.

Doane: With this proposed ordinance, it is very strict on what is and is not allowed. Adding civil fines will make it more restrictive.

Askew-Brown: If we enacted civil fines without administrative court, how would we receive the fines?

Erwin: You would send them a demand letter. If they did not pay, you would sue them.

Askew-Brown: I will say that we have this already in the Bossier jurisdiction and it is effective there. As Mr. Jorgensen stated, if you are alright with the caregiver language, we can continue to research and then approach the Police Jury about the administrative court option.

Doane: The Police Jury will have to introduce and then vote on this amendment to their code.

Reyenga: That will include the civil penalties?

Askew-Brown: We can.

Jorgensen: Who are the violators paying?

Askew-Brown: The MPC.

Wise: We are concerned about temporary buildings devaluing property.

Jorgensen: If we have some standards that ensure quality buildings, would you be in favor?

Wise: Yes.

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 Jorgensen and seconded by Vercher.

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

(C) PRELIMINARY HEARINGS

N/A

REGULAR MEETING

1. Approval of Minutes

- a. A motion to approve the October 4, 2021 minutes with corrections was made by Vercher and seconded by Jorgensen.

The motion passed unanimously.


2. Old Business

N/A

3. New Business

Askew-Brown: [reads statement of Ray Delia's intent to step down from the MPC Board effective immediately.]

4. Adjourn



Martha Reyenga, Chairman