

BENTON PARISH METROPOLITAN PLANNING COMMISSION

MINUTES

Monday, June 6, 2022 – 6:00 P.M.

Town Hall

105 Sibley St.

Benton, LA 71006

MEMBERS PRESENT:

Martha Reyenga
Michael Jorgenson
Steve Vercher
Wes Shepherd

OTHERS PRESENT:

Carlotta Askew-Brown
Jayme Gilmour
Jeff Spikes
Linda Meeks Grisham
Michael Kelsch
Chase Crow
Thomas Foshee
R K Barnes
Charles Grubb
Mayor Horton

MEMBERS ABSENT:

Brian Kauffer

- (A) Martha Reyenga, Chairman, called the meeting to order.
- (B) The invocation was led by Michael Jorgenson.
- (C) Pledge of Allegiance was led by Steve Vercher.
- (D) Jayme Gilmour called roll and stated a quorum was present.
- (E) A motion was made by Steve Vercher and seconded by Wes Shepherd to approve the agenda.

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

(F) PUBLIC HEARINGS

1. **BP-11-22** – The application of Kirk Nixon, Nixon Engineering Solutions, requesting Minor Plat approval for Ace Acres Unit 1A, being 25.4 acres, more or less, located in Section 24, Township 20 North, Range 13 West, Bossier Parish, LA. (Police Jury District 3)

Reyenga: Does anyone on the Committee have any comments?

Vercher: From what I remember, this is a very simple thing.

Askew-Brown: They are taking some existing lots, and combining them into two lots. There is an existing horse business there. We heard the zoning last month. The subdivision never came to fruition so they are just combining the lots into two separate lots.

Reyenga: This is out on Highway 162.

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 Jorgenson and seconded by Vercher.

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

2. **BP-12-22** – The application of J. Andrew Craig, Mohr & Associates requesting Preliminary Plat approval for Fairburn Subdivision, Unit No. 4B, being a Planned Unit Development, also being 3.476 acres, more or less, located in Section 17, Township 19 North, Range 13 West, Bossier Parish, LA. (Police Jury District 3)

Jeff Spikes was present.

Spikes: I am with iArchitecture. I'm here to answer any questions.

Vercher: Looks good.

Jorgenson: Where is the parking?

Spikes: The parking is off either side of the loop all the way through.

Askew-Brown: Could you explain how things will work with the common areas?

Spikes: This is a condo set up where when each person that buys a building, their lot line is the perimeter of the exterior. The rest of the land is maintained by the developer and there is a common use fee for grass cutting, maintaining the paving, and all of the things you would want to see when a development like this comes in. Each building can have up to three separate suites. We assigned enough addresses to the entire development. Each building has its own address with an A, B and C.

Vercher: I see what you've done with your sign. What about each one of the individual businesses and each of their signs?

Spikes: Each building has its own key block. Each tenant has their own sign above the door. We wanted to make sure that each building has its own identifiable signage.

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 Shepherd.

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

3. **BP-13-22** – The application of Linda Grisham Meeks for Preliminary Plat for the Grisham Property, being 58.6 acres, more or less, located in Section 28, Township 20 North, Range 13 West, Bossier Parish, LA. (south of LA 162 and Roby Rd.) (Police Jury District 3)

Linda Meeks was present to answer any questions.

Meeks: Originally, this was two plats. It was family property between my father and his two siblings. My aunt left her portion to each brother. We divided from that my uncle to get his kids out of the mix. We were left with a single plat that was my aunt's added in with ours. All we are doing is dividing our land so we know what belongs to us.

Reyenga: This property is right behind Benton Elementary.

Meeks: We will install a new culvert where it is supposed to be if this approved. We just divide it in four sections. We all have an access to it from behind the school. My sister and brother can access their property off the culvert. Behind the school where the chain link fence is, my sister and I can both access there.

Reyenga: This was listed as one access.

Askew-Brown: They will have one access off of 162.

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 Shepherd and seconded by Jorgenson.

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

4. **T-4-22** – The application of Green Tree Ventures requesting Final Plat Pre-Construction Layout approval for Lost River Estates North Unit 5, being a Planned Unit Development, also being 17.086 acres, more or less, located in Sections 31 and 32, Township 20 North, Range 13 West, and Section 5, Township 19 North, Range 13 West, Bossier Parish, Louisiana. (Town of Benton District 5) (Police Jury District 3)

Michael Kelsch was present to answer any questions.

Kelsch: This is a 20 lot subdivision. It's the next unit of Lost River on the north side. It follows the master plan. The only changes we made since the preliminary hearing is we revised the master plan slightly. Mr. Foshee got with Mr. Barnes and they came to an agreement on some property where Mr. Barnes' fence was on Mr. Foshee's property. Mr. Foshee has written a letter to Mr. Barnes and Mr. Barnes has agreed to it. The plat represents that change. It gives more green space in the master plan than what was previously on the master plan and gives Mr. Barnes some property. He will have to relocate his fence. As part of that, we will have to do an amended plat for Mr. Barnes and I think that will be reviewed administratively. Mr. Foshee will deed over the property to Mr. Barnes and then we will submit an amended plat.

Reyenga: Let's make sure this letter is in the file, the letter from Mr. Foshee to Mr. Barnes. Do I have any comments from the audience?

Chase Crow was present to address the Commission.

Crow: I live next door to Mr. Barnes. We were advised to some of the changes to the plat that a portion or section of the pond that we initially made additional purchase to live on is supposed to be back-filled in at a 90 degree angle. When they start construction on Unit 5, they are going to move some dirt and disturb wetland and the natural habitat of the pond. I was researching this and I contacted the Army Corp of Engineers to see if there were any permits that had been pulled in order to make this happen and I was referred to their main office in Jackson, Mississippi. I spoke to Mr. Born, who advised that not only do they need to be contacted, but the D.E.Q. would need to be contacted as well. Water quality has to be tested, permits need to be looked at and there are three different phases in order to gain that permit. There has to be a hearing that takes place at the Army Corp of Engineers along with the residents of the community. I have not had any meetings with them. When we purchased the house in 2019, we picked that lot because it has the easement next to it and no one would be building there because of the drainage that goes underneath there. We paid more money for this lot because we were told it was one of two water front properties. If they are going to back fill the pond, I'd like to know how much of the pond they are going to backfill.

Kelsch: We are actually planning to fill in, not the water surface, but there is a low area at the bank of the pond. It is nothing that we didn't do in unit one. We are just cleaning up the bank. We were planning on that walking trail back there and just felt like it need to be cleaned up a little on that bank. We have not contacted the Army Corp of Engineers. I think the easiest way to make everyone happy with this is we can adjust the backs of those lots. They are pretty deep.

Vercher: I don't know if he is asking you to do something. I think he is telling you that he is taking you to federal court. It sounds like he's turning you in. What are you going to do to address the Corp?

Kelsch: I understand that he called the Corp and asked some questions like what the process is to make this go forward.

Vercher: Since it's been brought up in this public meeting, we have to address it.

Kelsch: I propose to shallow up the lots and not disturb the pond in any way whatsoever.

Reyenga: I don't think that pond has been designated as a wetland.

Kelsch: If questions are being brought up, I'd rather shallow up those lots and move on. I guess you would need to approve it contingent on us adjusting those lots to get out of the pond bank area. The lost sizes would still be greater than the minimum lot size requirement.

Crow: He has contradicted himself here. In the beginning of his statement, he said he was going to fill in some and then when questions were being asked he changed to we are just going to clean it. Cattails are grown in wetlands. They are grown on the inner banks of wetlands. Originally, he stated they would be back filling just a little. Then he changed to we are just going to clean it. They have already been out there testing the dirt.

Vercher: What do you want out of this?

Crow: I want it to stay like it is. When we purchased this house and paid additional money for that lot, that is what we paid for.

Thomas Foshee was present to address the Commission.

Foshee: We are trying to follow what we said we would do and bring the walking trail around Unit 5 to make it safe and pedestrian friendly. We wanted to clean that up and try to make a good trail for everybody. What Mr. Kelsch has proposed will actually save me money as a developer because I won't have to bring dirt in there. That is a man made pond. I don't think it's regulated. We were doing what we thought everybody wanted.

Vercher: I am a little confused and now I am wondering what are we approving tonight and what do we need to do to get there?

Reyenga: I have a question first. Mr. Barnes, you have a fence in your back yard across the back? You're not walking down to the pond to have coffee, correct?

R. K. Barnes was present to address the Commission.

Barnes: When I first bought this lot all I was shown was a plexi-glass map of this lot that went all the way to the water. I was charged \$29,000 extra for the biggest, best lot in the place. Once construction of the house gets going and the fence starts getting put up, it's from here to that parking lot from the lake. I asked Mr. Matlock about that property that was mine. He asked me did I want to maintain all of that property. I said no, but I do want to control who trashes it up. I told him I paid for that property and he said no, this is your fence. It was a bait and switch type situation that occurred but I finally bit into that. Then, it comes across my back yard angling across the property line I now know actually sits from way back there at an angle leaving me about 45 feet of backyard space which is less than any of the neighbors that paid a whole lot less money than I did and I told him to stop the house project and I would lose the \$5000.00 down payment. I told him I wanted a rectangular back yard just like everybody else. He put the fence in. They put a metal fence across the back and a wood fence to the corner and made a rectangular cornered yard. I purchased my house. The only thing I ever got to see was latitude and longitude on a map. I didn't get to see a map but I now know the whole corner of my fence was put out on green space. I thought he would go to the courthouse and adjust for what he did. He put in the fences, the sod, and the sprinkler system both inside and outside the fence. He did the side yard which I also understood to be mine but now know only a piece of it is. When Unit 5 started coming I realized I had a problem. I talked to the engineer we started trying to work it out. We got the MPC involved. Mr. Vercher, Ms. Carlotta and the Mayor came out with several other people to look at it because it is deceptive. I now know, as they roll out from 141 and down, it comes off of a back corner. I ended up giving up 10 feet of out of that corner. If you take that corner and come 10 feet out, draw that line across and my fence is going to have a corner. It's going to be a 45. Then I would get about 110 feet which I thought I already owned and paid for by simply paying the taxes and moving the fence.

Vercher: We understand that you have come to an agreement and you have that in writing. So now we need to take care of Mr. Crow's concerns.

Crow: If he is going to agree to shallow those lots and they have that walking trail going back northeast or however they are trying to turn it, I'm fine with that as long as they don't disrupt or backfill that pond.

Kelsch: We are willing to shallow up those lots. It would be lots 137, 138, 139 and 140. These lots are deep so we can shallow those up and still meet the minimum lot size. The walking trail goes around the back. We will shallow it up enough that we can install the trail and not disrupt the bank of the pond.

Charles Grubb was present to address the Commission.

Grubb: I've learned a couple of things about this application since the last meeting one of which is what we are talking about now. I want to say at the beginning that some of you probably know or think that I am a lawyer. I was a lawyer for 50 years. I retired last July and did not renew my law license. I don't want anyone in here to think I am here talking as a lawyer. The first thing I learned or understood was that there was going to be some fill work done that we've been taking about tonight to the pond. This pond with people that live on it, which includes me, is not a cattle pond. I've never seen a cow over there. It is a pond that when I left my house to come here, there was a white bird, a herrin or whatever it might be, walking down the side fishing on the edge of the pond. There are turtles out there. There are fish out there. That is a residential pond. I didn't realize until today that some fill work was being contemplated. I know that Mr. Foshee is talking about just cleaning up the bank but what I'm not clear about is he is saying that if he addresses the neighbor's concerns, he's going to have to decrease the depth of those four lots. So it is not just cleaning up the pond, it is adding land to it. On top of that, I made the comment at the last meeting that the walking trail is not depicted on the preliminary plat. The comment that I had back was that it would be shown on the final plat. It is not shown on the final plat. The one that I got last week doesn't show it on there. My point is, if you approve this plat tonight, I don't know what you are approving. You are not approving a plat that shows the depth of the lots back there. You are not showing anything that anyone could take to the Corp of Engineers and find out their opinion if it is in a wetland or not. Talk of law suits has been tossed around. I am not going to say anybody is going to file a law suit but what I will say is that someone needs to determine if it is a wetland or not and I think that somebody is not the neighbors. It's the developer that hasn't done it. If you approve this plat tonight you are not even going to have a sheet of paper as I appreciate it that shows exactly what they are doing that they could sue them. I'm shocked that this got this far without the wetland issue being addressed if the plan all along has been to straighten out the curve of the pond by filling it in. Maybe I was asleep while it was being talked about but I just don't remember it ever being talked about. I don't want to see anything happen to that pond that adversely affects it from the standpoint of the habitat that it is today. That is why all of us are there... because it is an amenity of the subdivision. I've listened to this discussion tonight but I still don't have a clear understanding as to what they are going do back there. I am clear that it is not depicted on the plat.

Reyenga: The way I understood it was they are going to bring it to the Town Hall next Monday night. You can come to that and he will have his revisions to this area so they don't do any work to the pond by doing any filling. The adjustments that they will bring to Town Hall for their approval will show that the pond is not going to be in any way touched or changed from what it is currently. The lots they are changing will still meet the minimum requirements of the plat.

Grubb: To be clear, it is my understanding that the plat that you are addressing tonight does not show that. What you are saying is that they are going to make some modifications to this and submit it to the town, correct?

Reyenga: Yes.

Grubb: I was at the meeting on site where Mr. Barnes was able to resolve his issue. The other thing that I learned out there is that evidently the drainage of the pond has been altered. I thought that the pond was going to drain into the new pond that's been constructed back there to accommodate the drainage from the existing pond. I heard that this has now changed and the drainage is not going to go into the secondary pond but was going to swing around and go back on the other side of the property. I'd just like to know if the drainage documentation has been revised. Has that been submitted? Who was that submitted to? Has it been approved by someone? I'd like assurance that the drainage is going to be approved by city staff or MPC staff so we don't get into a situation out there where the pond is flooding or going down below the elevation that we are used to. I'm not here to create problems for the developer. I just want what we bought into and I am not speaking for my neighbors but I'm sure they feel the same way to not be adversely affected by what the developer is doing. The only other thing I want to say is that the pathway back there is important to some of us. It is not depicted on the plat. I was told it would be on the plat. I think it should be depicted on the plat. We lost the argument that it should be hard surfaced all the way around. I hope that it will be installed properly in such a way that it will be safe for our residents and not require constant maintenance by the HOA.

Reyenga: The drainage and the walking path are not a part of this agenda item.

Mayor Horton: The drainage will be verified or checked by our engineers.

Reyenga: Can we get the walkway on some kind of plan?

Kelsch: It is on the masterplan. The masterplan will have to be approved and signed off by the town. We don't typically put that on that plat. The plat is not really the right spot for it. We can put it on there if you need me to.

Vercher: The walking trail is part of the common area and so it's not shown on the plat. When will the walking trail be built?

Kelsch: It will be built as part of Unit 5. Before the town accepts the streets, they can make sure it is in before the streets are accepted.

Grubb: When you approved the preliminary plat you indicated that you would not approve the final plat until all of the public improvements for Unit 4 were put in. They are not all in. One thing that is not in is a fountain in the new pond. Mr. Foshee explained to me that he could not put it in until he finished enlarging the new pond which is part of Unit 5. Correct me if I am wrong. I didn't want my silence about that to say that I had forgotten about the commitment to complete the improvements with Unit 4 and I don't think the sidewalk has been completed either.

Kelsch: The sidewalk is in. The items that were depicted in the masterplan... I think this was his sidewalk that was part of Unit 4, that's in. The fountain is not in. We will be putting that in along with Unit 5 once the pond is enlarged. We are digging in that pond and disrupting it so that fountain would get disrupted along with it. It doesn't say on the masterplan when the fountain is to be installed. It is just shown on the masterplan. Our intent is to put it in as part of Unit 5.

Doane: Mr. Grubb, this is a final plat for pre-construction. This is not the final plat that they will be recording. This is just the second step in the process. So we are not to the final plat stage yet.

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

A motion was made by Vercher to approve the application contingent upon the agreement included in the application packet between The Barnes' and Green Tree Ventures, dated June 1, 2022. The approval was also contingent upon the agreement by the developer to adjust the lot sizes of Lots 137, 138, 139 and 140 so those lots do not disturb the existing man made pond but will still meet minimum lot requirements. The motion was seconded by Jorgenson.

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

(G) PRELIMINARY HEARINGS

N/A

(H) REGULAR MEETING

1. Approval of Minutes

- a. A motion to approve the May 9, 2022 minutes was made by Shepherd and seconded by Jorgenson.

The motion passed unanimously.

2. Old Business

3. New Business

Carlotta Askew-Brown announced that board members are scheduled to have photos made on June 8, 2022 at 6pm. Askew-Brown also announced that board member training is pending for June 24, 2022 and more information will be provided once received.

4. Adjourn

Meeting adjourned at 7:02 pm.



Martha Reyenga, Chairman