

**CITY OF PICAYUNE
PLANNING COMMISSION MEETING**

Minutes of February 9, 2021 5:30 P.M.

The City of Picayune Planning Commission met February 9, 2021 at 5:30 P.M. in the Intermodal and Tourist Center at 200 Hwy 11 South, Picayune, MS 39466 with the following Commissioners present: Bryan Cooper, Louise Harvin, Glen Rayburn, Dennis Collier, Tom Milar and Teresa Bennett of Planning & Zoning Department and Nathan Farmer City Attorney.

It being determined a quorum was present, Dennis Collier, welcomed everyone and called the meeting to order.

The following agenda items were discussed with recommendations made to the City Council on February 16, 2021 at 5:00 P.M.

I. Approval of Minutes for meeting held January 12, 2021.

Motion: Bryan Cooper

Second: Glen Rayburn

Voting Yea: Louise Harvin, Glen Rayburn, Dennis Collier, Bryan Cooper

Voting Nay: None

Absent and not Voting: Martha Ford, George Janet, Luddia Williams

Abstaining and not Voting: None

New Business

- 1. Consider request for a Subdivision Approval – Kevin Avin is seeking permission to re-subdivide PPIN No. 22294 into 5 lots. Property located at 1501 Gilcrease Avenue. Property zoned R-2 (Two-Family Residential).**

Discussion:

Dennis Collier, Mr. Avin tell us a little about what you are doing.

Kevin Avin, that plot was owned by the Carroll's dating back to the 1930's. I bought that property from my mother-in-law back in 2000. I built that four-plex apartment back in 2005 after hurricane Katrina. Where we are today is the property was under a mortgage, and the mortgage is free and clear now. My wife and I are preparing to put things in order for our children and 15 grandchildren. We don't want to leave anything not in order. I want to subdivide the property and potentially sell all of the lots. I built the apartments in 2005 and there has been an explosion of apartments in that area. if we were to build on

these lots, we would probably build single family homes. Not apartments. It's just a matter of having a big piece of property and we want to put this in order while we are still able to do it. The property is free and clear of mortgage, we currently have a house on one lot dating back to the 1930's and apartments on another lot.

Louis Stockstill, My mother-in-law Margie Warlon is deceased. In 2016 she left us her residence and 3 lots across the streets on the north side. There are so many things I want to object to. I have a petition with me signed by the property owners in the surrounding area on Gilcrease and Carroll.

Dennis Collier, Sir, that cannot be submitted because they are not here. They have to be here because this is the public hearing.

Louis Stockstill, ok well there are 4 people here that signed it.

Dennis Collier, Why are you opposing this?

Louis Stockstill, I've got several things that I am opposed to. The legal description on the piece of property he owns. The survey doesn't coincide with the legal description and survey. I have a problem with that. Also I have a lot north of lot 5. His legal description and my legal description have a discrepancy about 8 ft.

Dennis Collier, Sir, have you had a survey done?

Louis Stockstill, No I don't need to have my property surveyed, I'm not doing anything.

Dennis Collier, What we are looking at is what is in front of us tonight. This is a surveyed piece of property that meets all metes and bounds.

Louis B Stockstill, Did the surveyor check out my legal description to see if there were any irregularities?

Dennis Collier, I cannot answer that.

Louis B Stockstill, We kind of have a stale mate here. I have a piece of property and my legal shows its goes over on his property. His survey says it encompasses my property. I have the legal description on both pieces of property if you would like to look at them.

Dennis Collier, No sir, I am not a registered land surveyor. The only thing we can look at is what is in front of us tonight, which is a certified survey by Mr. Bobby Kelly for Mr. Avin.

Louis B Stockstill, I understand that. I'm just saying there's a lot of property owners that are concerned with this development if it comes to him building duplexes. There are too many rental duplexes in the Roseland Park area. I've counted over 100 and we don't need to turn that into a regular rental duplex subdivision. I know he said he might

build single family homes on it but we don't know that. And in this day and time I wouldn't invest in building any single family homes or anything in Roseland Park, because the value of it is not going to go up.

Dennis Collier, We have no way of knowing that either.

Jody Mars, I live at 1504 Maple Aveune. My property directly touches the area of the subdivision. I am talking about infrastructure. I have pictures of where my yard and under my house floods. I have been after the city for 8 years to do something to help with the flooding of our homes and they are no ditches. They finally came and dug a ditch in front of my house, but it doesn't go anywhere. The water and sewage are constantly breaking in that neighborhood that dates back to the 1930's. The infrastructure is not there to add any more to us. He is asking to put this on a school road. Have you been out to see what it's like at school time? It's a nightmare. If you put more rentals in that area, you are flooding that system, the safety of our children that go to that school with the egress and ingress of that street. Let him build it, but shut down the school. How safe is our water system? They come out and piece it together. How are you going to add more? You are asking for 5 lots, that's 5 single family homes that rental, you will not be able to sell them. If you put duplexes, you are taxing more of the infrastructure in that area. The city is not willing to do anything with it. We have garbage; I have pictures on my phone where the duplexes never pick up the garbage around the dumpster. It is filthy, and you got transient people coming from behind it walking through my property and setting off the security systems. So I have several issues. So if you want to build single family homes on those two lots for a good family with children, I'm all for it.

Billie Lowery, I am for it. I am the apartment manager, and we don't have transients there. There are 4 apartments, I have 3 tenants that have been there 3 years, and 1 tenant has been there 8 months.

Louis Stockstill, You said it's not big enough to build duplexes on, but the lots are 13,000 sq. ft. that is big enough to build a duplex.

Tom Milar, You can build a duplex on 10,000 or more sq. ft.

Dennis Collier, What is in front of us tonight is not what he will build, he is only requesting to subdivide. We can't speculate what Mr. Avin will build on that lot.

Jody Mars, What I care about is when he has to build up 3 or 4 ft. of fill to build on, it will flood the rest of us. The ditch they dug doesn't go anywhere, and the ditch is full of green slime because it doesn't drain anywhere. The water in front of my house has been broken 7 times in the 8 years I've been there, the sewer twice.

Louis Stockstill, As far as my legal questions goes about the discrepancy of the two legal descriptions of his lot and mine. Where do we go from here?

Dennis Collier, I would recommend you get a survey of your property.

Kevin Avin, Can I make a few remarks, with respect to discrepancy and footage sir, we had a survey done back before we built the 4 plex. To date back, I said that Roseland Park had become a place with too many apartments. If you go back, I build the 4 plex before all those hundreds of apartments were built. I cannot be responsible for what has been allowed to happen. What I can do is; I own a big piece of property, they are lots that I think can be purposed. We are not sure exactly right now, but I have said on record my plan is to build single family homes there. With respect to the school, one of the first things people do when buying a home, is seek out the schools. They seek out their homes for the schools. So I respectfully disagree. Putting homes there for families, their children will attend Roseland Park School. It would be an asset to the community. With the respect to the infrastructure, I will say that the city came back through the property that we own and dug out that ditch behind my house. They actually dug out a couple of feet onto my property. I never said a word; it was what the city needed to do. We are just simply here asking for a subdivision of my property and pray this will go forward.

Dennis Collier, Thank you sir, is there any more comments or concerns?

Louise Harvin, My first concern is the subdividing of the property. Especially if he encroaches on the property of Mr. Stockstill and we know there is a discrepancy about the legals and that is a concern of mine. The second concern I have is I don't care what he is building, but he is subdividing and I know he is going to build something there. I just cannot see this because of the flooding, drainage and sewer issues.

Bryan Cooper, Tom, you said some of the lots can have a duplex on them?

Tom Milar, Yes. If they have 10,000 sq. ft. or more.

Bryan Cooper, So what is the stance on the two legal descriptions?

Tom Milar, I told Mr. Stockstill what he would have to do is to obtain a survey also. If those two surveys are disputing each other, then that becomes a legal matter for the courts, not the City of Picayune.

Bryan Cooper, so we need to look at this plat and see if it meets the criteria.

Tom Milar, It does.

Bryan Cooper, Tom, the last meeting didn't you say there was an ordinance that states you cannot cause adverse flooding on the neighbors? Also that if he, decides to build he does not need a drainage plan unless it is multi-family?

***Tom Milar*, there is a city ordinance that states he cannot knowingly cause adverse flooding to your neighbors. If it is three or more apartments he would need a drainage plan, but this property is not zoned for multi-family. Since there is an issue with the drainage in this area, and I am aware of this and the city is aware that Ms. Mars has flooding issues, I will address this problem if and when he is ready to build.**

***Louise Harvin*, I have a question for the attorney. So as our stand point as the Commission where we have a citizen in our town saying that the description of his property is correct and has been surveyed and certified. Then we have another citizen saying that the property lines and description are different. Where do we stand?**

Nathan Farmer, The issue on the table is the plat in front of you at this point and time. I understand that there may be a concern that there is an overlap or encroachment, however; that is not shown on this survey, and I would think what you would have to do is obtain a survey for your own property to determine whether or not that; in fact there is an encroachment or not. Sometimes in these city lots it all comes from a stand of where you start from, because you have a lot of monuments that you can run to. Monument control over metes and bounds and we have a lot of those issues inside the city. It's a surveyor's question. It's also a legal question. However; there is no encroachment shown on this plat. The plat meets the City of Picayune's subdivision regulations and the property has met that. If there is a legal question between another adjoining property owner that is for them to resolve between themselves or two lawyers or surveyors. If it goes any further it will be in the Chancery Court, Court of Law. These are boundary line issues. I appreciate Mr. Stockstill believes he has a survey issue with an overlap, but we don't rule on overlaps, we have no authority.

George Janet sent his vote in by email.

After discussion, with opposition, the Planning Commission made the decision to approve this request for a subdivision. The following vote was taken:

Motion: Glen Rayburn

Second: Bryan Cooper

Voting Yea: Dennis Collier, Glen Rayburn, Bryan Cooper, George Janet

Voting Nay: Louise Harvin

Absent and not Voting: Martha Ford, Luddia Williams, George Janet

Abstaining and not Voting:

2. Consider request for a Conditional Use Approval – Bradley S. Aumann is seeking permission to place a temporary cabin on the clear portion of the lot, to use while remodeling the existing house. PPIN No. 22121. Property located at 2307 South McGeehee Lane. Property zoned R-2 (Two-Family Residential).

Discussion:

Dennis Collier, Mr. Aumann explain to us why you want to put a cabin on this property.

Bradley Aumann, Right now the house is not livable, so why we are remodeling, we desire to have a family friend of ours to come and stay at the cabin while he does the work at the property.

Dennis Collier, How long do you think this would take?

Bradley Aumann, I really do not know. There is quite a bit of work to be done on this property, and after the work is done it would be just a building on the property. For now it would be used for that person to stay in while doing the work.

Dennis Collier, A temporary cabin. Would you be hooking up to utilities? Would you have a Porta Potty?

Bradley Aumann, Yes for utilities and no for Porta Potty.

Tom Milar, Once you get the conditional use, they will hook up the utilities.

Bryan Cooper, Tom, has anything like this ever been done in the city before?

Tom Milar, Yes. It is usually mobile campers, but now the way they are building these Graceland buildings, they are now sturdier. He said he has plans afterwards to use it as a shed. I am familiar with the property and it has been vacant for a very long time. It needs a lot of work to the electrical, plumbing and sub-flooring.

Dennis Collier, How long is permit good for?

Tom Milar, Permit is good for one year, but we can extend by six months at a time. I would assume about 18 months on this due to the prices of materials and having to shop around.

Bryan Cooper, Are you saying the Conditional Use for initial use of cabin would be good for a year up to 18 months?

Tom Milar, I would just permit it for 18 months.

Bryan Cooper, Is there any type of criteria they must meet on this cabin?

Tom Milar, It has to be at least 250 sq. ft., must have a 3x3 bedroom window and indoor plumbing. It's basically an efficiency apartment.

Bryan Cooper, So when the house is done the conditional use is over?

Tom Milar, Yes.

George Janet sent his vote in by email.

After discussion, no opposition, the Planning Commission made the decision to approve this request for a Conditional Use. The following vote was taken:

Motion: Glen Rayburn

Second: Bryan Cooper

Voting Yea: Dennis Collier, Glen Rayburn, Bryan Cooper, George Janet, Louise Harvin

Voting Nay: None

Absent and not Voting: Martha Ford, Luddia Williams

Abstaining and not Voting: None

Motion to Recess to Tuesday, March 9, 2021

Motion: Louise Harvin

Second: Bryan Cooper

Voting Yea: Glen Rayburn, Dennis Collier, Bryan Cooper, Louise Harvin

Voting Nay: None

Absent and not Voting: George Janet, Luddia Williams, Martha Ford

Abstaining and not Voting: None