

**CITY OF PICAYUNE
PLANNING COMMISSION MEETING**

Minutes of January 12, 2021 5:30 P.M.

The City of Picayune Planning Commission met January 12, 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: Martha Ford, Luddia Williams, Bryan Cooper, Louise Harvin, Tom Milar and Teresa Bennett of Planning & Zoning Department and Nathan Farmer City Attorney.

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

The following agenda items were discussed with recommendations made to the City Council on January 19, 2021 at 5:00 P.M.

I. Approval of Minutes for meeting held November 10, 2020.

Motion: Louise Harvin

Second: Martha Ford

Voting Yea: Louise Harvin, Luddia Williams, Martha Ford, Bryan Cooper

Voting Nay: None

Absent and not Voting: Glen Rayburn, George Janet, Dennis Collier

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:

Bryan Cooper, Is Mr. Avin here? Is anyone here to represent Mr. Avin?

Tom Milar, I didn't hear from him today.

Bryan Cooper, Can you tell us a little about what is going on Tom?

Tom Milar, It's at the corner of Gilcrease Avenue and Carroll Street. Two lots are occupied one with a single family dwelling, the other is an apartment. He said he wants to subdivide and put single family homes there. Not duplexes. The survey meets the requirements of that area.

Bryan Cooper, Do you know if it has been through Site Review and is everything covered?

Tom Milar, He does not need to go through Site Review for single family homes.

Martha Ford, Does it meet the lot size requirements for that area?

Tom Milar, Yes, it meets the requirements for single family.

Bryan Cooper, How many lots is he talking about?

Tom Milar, 5 lots.

Louis B Stockstill, I reside at 1228 Highland Drive. The property in question, my family owns 3 lots on Gilcrease Avenue and one residential house on Gilcrease Avenue. I have a lot that butts right up north of the property in question.

Bryan Cooper, Do you have an objection to it?

Louis B Stockstill, Yes I have several objections to it. It's my understanding it will be single family.

Bryan Cooper, Yes sir.

Louis B Stockstill, Will they be rentals or will they be sold?

Bryan Cooper, We have no way of knowing that.

Tom Milar, Mr. Avin told me he was getting out of the rental business.

Martha Ford, Is this the correct plat?

Tom Milar, Yes, that is the corrected plat. The legal in the paper was incorrect.

Bryan Cooper, Is the legal description is the only thing incorrect?

Teresa Bennett, Yes.

Martha Ford, Are the lots the same?

Teresa Bennett, Yes.

Nathan Farmer, You need to exhibit that plat for anyone who wants to see it.

Louis B Stockstill, Are you going with the legal description that was run in the paper? Which one are we going with?

Tom Milar, Our problem is that this request has been going on for 4 months now, because of the Coronavirus, and one time we didn't have a quorum. Mr. Stockstill came in before us after the first meeting to say he disagreed with the survey the property description. I contacted the land owner and explained to him what was going on and he contacted his surveyor and had him go and survey it again. The new survey did show an issue with the old legal description and it was corrected and new plats and legal description was given to our office. Our office sent that legal in to be published, but it doesn't go to the Picayune Item office, it is sent to Dallas Texas. Apparently when they received the legal and it looked just like the one we had recently sent in and they used the one they already had on file, but we did not know this until today when Mr. Stockstill came into our office today and said the legal in the paper was the old one, which is incorrect. We went back and checked all of our papers and the right one was sent in, not sure what happened.

Bryan Cooper, May I ask what was wrong with the legal description?

Louis B Stockstill, I got a copy of the warranty deed for the property in question, where he had bought it from his mother-in-law in 1999. The property description is a little different from the property description off of the survey. I have a problem with that. My warranty deed on my property, which has not been surveyed, shows a discrepancy of about 8 foot on one of his corners.

Bryan Cooper, Tom, does that new legal description correct that discrepancy?

Tom Milar, Yes. He said it was not 8 foot only 5 foot or so.

Martha Ford, If you hadn't randomly pulled the deed, you wouldn't have found this. This amazes me. It would have never been caught. And there would have been a discrepancy in this legal for years down the road.

Bryan Cooper, Did that 8 foot discrepancy create an encroachment upon you?

Louis B Stockstill, I have my own deed and if you do the math it shows about 8 foot.

Tom Milar, They did fix the legal and the surveyor said it wasn't 8 foot and that he did find all the markers down off Carroll Street, that were not found the first time, so he was able to make the necessary changes to the legal description.

Nathan Farmer, I just want to bring up the issue with the publication and corrections. What is before you tonight a survey that is in error and the publication is in error. If you are going to act on the new survey you will have to re-publish the legal before you can vote.

Bryan Cooper, Are you saying that we really can't take action on this tonight?

Nathan Farmer, If you do, you will be creating an encroachment. I would suggest and it's probably going to be inconvenient for everyone. I suggest that you re-publish properly it will then correctly bring it before the commission and the commission will be able to act on it at that time to make a recommendation to the City Council. That is what the Planning Commission does; it's a fact finder, holds the public hearing and sends the minutes to the City Council for their review. In order for the Subdivision Ordinance to be complied with on subdividing a property we have to have a proper publication, otherwise the only thing you can do is act on what is in your packet tonight. I would suggest that you take it under advisement and carry it over to the next meeting, so that will give Tom the opportunity to make sure the publication has been properly published and gives everyone the opportunity to go over to see what's going on and then make their objections if they need to or state their concerns. I have not seen the new survey it may resolve all the concerns of the encroachment and overlaps, it may not.

Bryan Cooper, Do we have anymore comments?

Jody Mars, My concerns don't have anything to do with encroachments, mine is about infrastructure and flooding my lot. We can go back to years before when the gentleman had the house before me. I have letters I hope I haven't burnt them. He fought the City because of the duplexes already there, it floods. They were supposed to put in a drainage ditch that drains down to Boley. That has never been done. I had to put a pump under my house just to keep it dry. I have pictures of water up to my calf in my back yard. Inside the city limits, because of what is happening around me. If he puts fill in and builds up, it is worse for me and my neighbors.

Bryan Cooper, Tom, Do they have to present a drainage plan?

Tom Milar, no, only in a flood zone. But if he was to build duplexes he would have to show where his drain off was going. Single family as long as he is 1 foot above the base flood level or at least 1 foot above the center of the road grade. There no drainage plan that needs to be submitted.

Bryan Cooper, What if he knowingly puts his water on the neighbors?

Tom Milar, When he comes in and is ready to build, I will explain to him that there is a drainage problem behind him that needs to be addressed. He seems like a very reasonable individual, he never gave any issues about getting new survey. I can't require him unless he causes adverse flooding from that location. We do have an ordinance that states you cannot cause adverse flooding on your neighbor.

Bryan Cooper, Based on the recommendation from the City Attorney, we are at a point where we cannot go any further.

After discussion, with opposition, the Planning Commission made the decision to take this request under advisement and bring it to the next Planning Commission meeting on February 9, 2021 after it has been properly published and reviewed. The following vote was taken:

Motion: Louise Harvin

Second: Martha Ford

Voting Yea: Louise Harvin, Luddia Williams, Martha Ford, Bryan Cooper

Voting Nay: None

Absent and not Voting: Dennis Collier, Glen Rayburn, George Janet

Abstaining and not Voting: None

Motion to Recess to Tuesday, February 9, 2021

Motion: Martha Ford

Second: Luddia Williams

Voting Yea: Luddia Williams, Martha Ford, Bryan Cooper, Louise Harvin

Voting Nay: None

Absent and not Voting: Dennis Collier, George Janet, Glen Rayburn

Abstaining and not Voting: None