

**MINUTES OF FEBRUARY 8, 2007
LONG BEACH PLANNING COMMISSION**

Be it remembered that a regular meeting of the Long Beach Planning Commission was begun and held in the Superintendent of Educations Office on February 8, 2007. The same being the time and place fixed for holding said meeting.

There were present and in attendance on said Commission and at the meeting the following named persons, Commission Co-Chairman, Tony VanCourt, Tonda Yandell David Serrato Frank Reed, Rod Rishell, Planning Commission Advisor Bill Hessel, and Minutes Clerk Mimi McMath.

Commission Frank Olaivar, Joseph Sweetapple, Dale Stogner and Zoning Officer Ken Price were absent the meeting.

Chairman VanCourt recognized Jeff Bounds, Smart Code Consultant who was in attendance at tonight's meeting.

There being a quorum present sufficient to transact the business of the Planning Commission, the meeting was called to order at 7:00 p.m. and the following proceedings were had and done.

The Chairman called for public comment and no one came forward.

The Commission Chairman stated that all decisions made at this meeting would have to be ratified by the Mayor and Board of Aldermen at their next regularly scheduled meeting of February 13, 2007 and subject to a ten-day appeal for a Public Hearing.

Commissioner Yandell made a motion seconded by Commissioner Reed and unanimously carried to approve Planning Commission Minutes of January 25. 2007.

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The first item to come before the Commission was a continuation of a Public Hearing. The applicant Keith Bougious has applied for property located on Commission Road be re-zoned from R-1 to a Planned Unit Development for Residential Use.

Mr. Blake Mendrop, Engineer for the applicant, came forward to present to the Commission all required documents that were requested. The Chairman ordered all documents to be placed into the record as follows:



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February 1, 2007

City of Long Beach
PO Box 929
201 Jeff Davis Avenue
Long Beach, Mississippi 39560

RE: Charlestowne Subdivision

To Whom It May Concern:

As required by the City of Long Beach Zoning Ordinance 611.3.1.1 – 611.3.2.10, the following items have been addressed as stated.

611.3.1.1- *A legal description is on Site Plan (Sheet 3.1).*

611.3.1.- *The subdivision is intended to be mixed use for single family lots and town homes. It is intended for this development to have public streets constructed to the City of Long Beach standards. The developer understands if the decision is made at a later date to make the streets private the planning commission will need to approve this change. Attached is the conceptual elevation of the development.*

611.3.1.3- *Development schedule is noted in note 1 Sheet 3.1. Infrastructure construction will be constructed in 2007. Single family homes and town homes to begin construction immediately after infrastructure is completed with estimated completion in 2009.*

611.3.1.4- *Applicant intends to sell single family homes and town homes. Single family homes and town homes are not intended for leasehold.*

611.3.1.5- *Quantitative data as required is listed in the legend on Sheet 3.1.*

611.3.2.1- *Existing contours at one (1) intervals are shown on Sheet 3.1.*

611.3.2.2- *Proposed lot lines are shown on Sheet 3.1.*

611.3.2.3- *Location and floor area size are shown on Sheet 3.1.*

611.3.2.4- *Location and size of all areas to be conveyed, dedicated or reserved as common open spaces are shown on Sheet 3.1.*

611.3.2.5- *Existing and proposed circulation system is shown on Sheet 3.1.*

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611.3.2.6- *Pedestrian circulation system is shown on Sheet 3.1 and addressed in note 4.*

611.3.2.7- *Existing and proposed utility systems are as noted in note 5 Sheet 3.1.*

611.3.2.8- *Greenspace areas are to be planted with trees, sod and other shrubs.*

611.3.2.9- *Surrounding properties are zoned R-1.*

611.3.2.10- *The perimeter fence detail is shown on Sheet 5.1.*

If you have any questions or comments, please call. Thank you for your assistance with this project.

Sincerely,

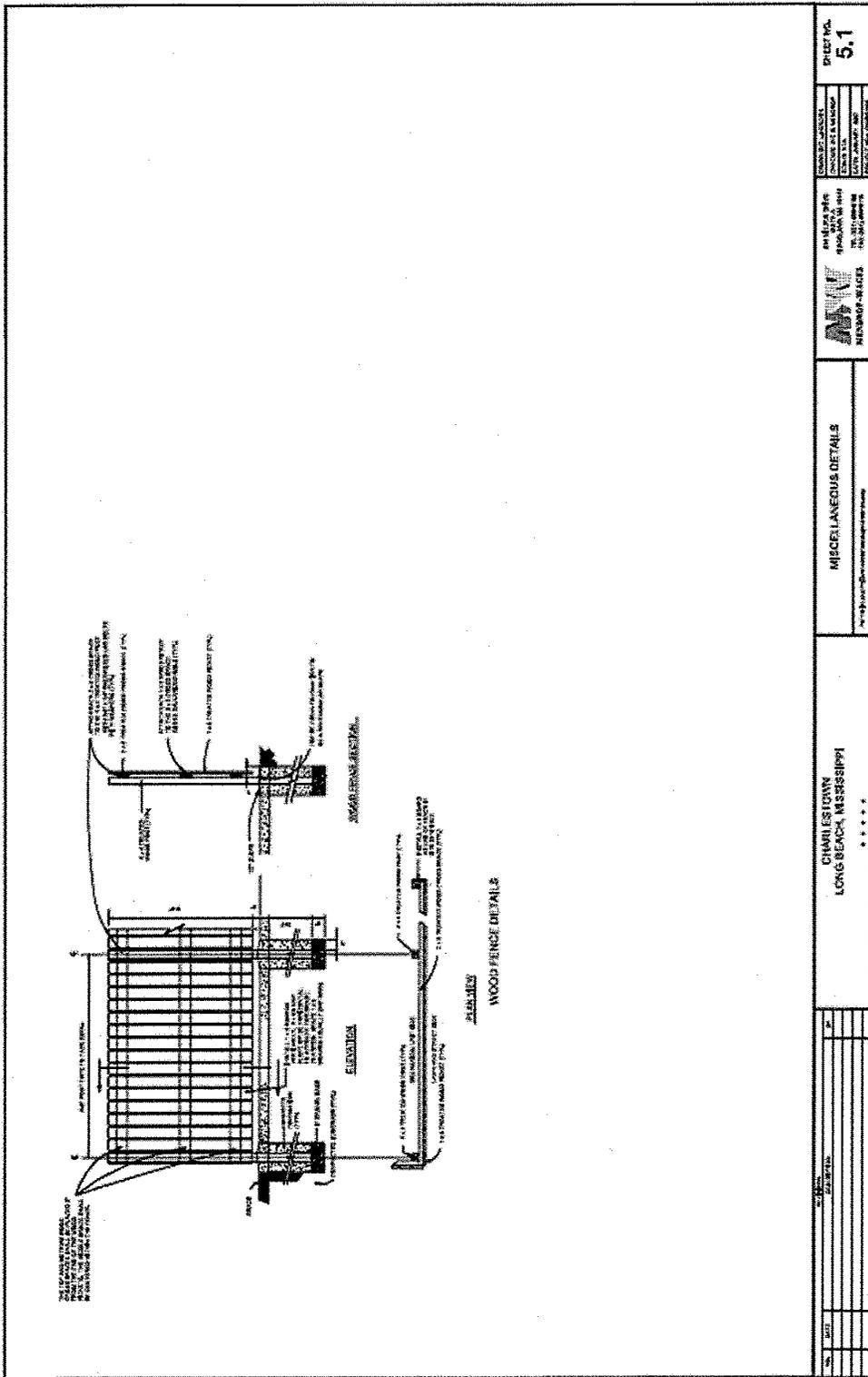


Blake Mendrop, P.E., P.L.S.

Enclosure(s)

cc: M-WFile No. C-420-01-06

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After a short discussion Commissioner Reed made motion seconded by Commissioner Yandell and unanimously carried to approve the PUD-R zone change as submitted

The next item to come before the Commission was a PUBLIC HEARING to request a density variance to allow Longwood Apartments LLC to increase the density requirements by 67 units submitted as follows:

01/11/2007 15:42 2284321189

RUMSEY ENGINEERING

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TELEPHONE 338-6611
 FAX 338-8822
 10000 WILSON AVENUE, SUITE 100, LONG BEACH, CA 90801

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 PAGE 02

APPLICATION FOR CASE REVIEW

I. TYPE OF CASE REQUEST

A. Zoning Change
 B. Planning Commission Approval
 C. Special Exception Use
 D. Variance Request
 E. Change in Use
 F. A Decision of the Building Official is Alleged to be in Error
 G. Interpretation of the Zoning Ordinance
 H. Historic Occupation (attach copy of Deed or lease)

II. Property Location
Section 22, Township B South, Range 12 West
 House number and street name

III. Statement clearly explaining the request being made for case review (Attach supplemental pages if necessary)

IV. Legal Description of Land Involved (Complete either A or B below.)

A. If in a subdivision:
 Subdivision Name _____

B. If Notes and Bounds: Attach a Legal Description **→ SEE ATTACHED**

V. Names and Addresses of all Property Owners within 200 feet of subject land. (If bounded by street or alley, give names and mailing addresses of property directly across from the Subject Street or alley.) This information is necessary only if a Public Hearing is required.

VI. Fees. Attach a check in the amount appropriated for applicable request. This check is to be made payable to the City of Long Beach to cover administrative costs. You will also be responsible for actual costs, such as advertising and mailing incurred with the processing of your application.

VII. Ownership: The undersigned do hereby agree to all the rules and regulations as set forth in the Long Beach Zoning Ordinance and also agree to pay all fees and charges as stated.

Name of Owner(s) Longwood Apartments, LLC Mailing Address 5900 W 98th Place Blvd, Hawthorne, CA 90230
 City Long Beach, CA State CA Zip 90801 Telephone (H) 601-271-2290 Office _____
 Signature of Owner(s) [Signature] Date _____ Fee _____

- NOTATION:** The following attachments must be submitted with application, if applicable:
- A. Please attach a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the location of existing and proposed structures, off-street parking and other supporting open facilities and the ground area to be provided and continuously maintained for the proposed structure or structures.
 - B. Please attach a development schedule indicating the time schedule for the beginning and completion of development planned in the area. If the development is planned in stages, the time schedule shall indicate the successive stages and the development planned for each stage. (FOR REZONING ONLY)
 - C. The setback requirement for all signs is measured from the leading edge of the sign or the portion of the sign close to the property line. If requesting a variance from the setback requirements for a sign, also indicate the elevation and size of the proposed sign.
 - D. Applicant should appear personally or through his/her agent at the scheduled hearing.
 - E. Claims of support or "no objection" from owner(s) of adjoining property should be substantiated in writing or by the appearance of such owner(s) at the hearing. Such support is usually considered material but not conclusive.

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VARIANCE SUPPLEMENTAL APPLICATION
PAGE 2

Describe any special condition that justify the granting of this variance request and are peculiar to the property and do not apply to other properties in the general area. What are the reasons for the variance and why the applicant cannot meet the stated code requirement?

The City ordinance allows for 1108 units. Pre-Katrina, this property contained 208 units. The 220 new units require an increase in density from a Pre-Katrina 19 units per acre to 21 units per acre.

Describe how the special condition discussed in #1 above is not the result of actions taken by the applicant. Show that the applicant did not cause the need for this variance request.

The existing Longwood Apartments were completely destroyed by Hurricane Katrina.

Show that an unnecessary hardship exists due to the character of the property and that this hardship makes the request for the variance necessary. State what hardship is caused if the applicant is required to meet code requirements. What is the result of this hardship? What would result if the Zoning Board denied this request?

The land and infrastructure costs are prohibitive to building back the same number of apartments. If the zoning board denies the request, we will not build on the property.

Show that denial of this request will deprive the applicant of rights commonly enjoyed by other properties in the general area and that the granting of this variance request will make possible the reasonable use of land while not conferring any special privilege. Outline how the subject of the variance is common in the area and if the applicant were to be denied this variance a right would be taken away which was granted to other properties. States how the variance makes reasonable use of the existing land and why the same action cannot be done in a way that does not require a variance. Show that the granting of this variance does not give the applicant any special privileges that the properties in the area would find desirable.

The proposed 220 unit project fits easily into existing land. The number one problem for the coast is new housing. This will also help create higher taxes for the property and higher usage of City water services.

FOR HOME OCCUPATION ONLY!

I _____ HAVE READ,
UNDERSTAND AND AM WILLING TO COMPLY WITH ZONING
ORDINANCE NO. 344 SECTION 912. HOME OCCUPATION.

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CITY OF LONG BEACH PLANNING COMMISSION

The Clerk reported that she did cause to be published in The Sun Herald, a newspaper with a general circulation in the City of Long Beach and published in Harrison County, LEGAL NOTICE, PUBLIC HEARING, as evidenced by the Publisher's Proof of Publication as follows:

PROOF OF PUBLICATION

Public Hearings 268

LEGAL NOTICE PUBLIC HEARING

In accordance with Article XII of the Comprehensive Zoning Ordinance (# 344) of the City of Long Beach, Mississippi (1987) as amended, notice is hereby given advising that the Planning Commission for the City of Long Beach will hold a public hearing for the purpose of considering Variance Longwood Apartments, LLC, of 59 at 99 Place Blvd, Hattiesburg, Mississippi, has filed an application for a variance from the Comprehensive Zoning Ordinance. The request is to grant a 67 unit variance on density to allow the owner to build a 220 Unit apartment complex. The ordinance requires 3000 square feet per unit. The general location of the property is adjacent to West Second Street and West of White Harbor Road. The legal description is as follows:

The tax parcel number is 0512J-03-065.000. A parcel of land situated and being located in part of Lots 52, 53, 54 and 55 of White and Calvert Survey in Hendon-Shipman-Hughes Partition of the B. Pefferin Claim in Section 22, Township 8 South, Range 12 West, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more particularly described as follows: to-wit: COMMENCING at a point on the north line of the concrete seawall at the intersection of the east line of said Lot 52; thence run North 00 degrees 03 minutes 21 seconds West 900.48 feet along the east line of said lot 52 to the POINT OF BEGINNING; North 00 degrees 05 minutes 21 seconds West 1270.58 feet along the east line of said Lot 52 to the southerly margin of West Second Street; thence run South 89 degrees 31 minutes 44 seconds West 407.90 feet, along the southerly margin of West Second Street to the West line of said Lot 55 and the east boundary of Magnolia Drive Subdivision; thence run South 00 degrees 00 minutes and 00 seconds East 1128.20 feet along the west line of said Lot 55 and the east boundary of Magnolia Drive Subdivision; thence run North 90 degrees 00 minutes 00 seconds East 383.38 feet to the POINT OF BEGINNING. Containing 10.54 acres.

The public hearing to consider the above zoning map change will be held in the City of Long Beach, Mississippi, 39560, Thursday, February 8, 2007 at 7:00 p.m., in the Long Beach School District Administration Office located on Commission Road. The city encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

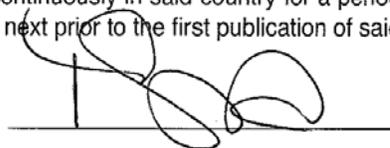
/s/ signed
Chairman
Planning Commission
28adv22.1x 1128530

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Tahira Crawford who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 1 times in the following numbers and on the following dates of such paper, viz:

- Vol. 133 No., 111 dated 20th day of Jan., 2007
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____

Affiant further states on oath that said newspaper has been established and published continuously in said country for a period of more than twelve months next prior to the first publication of said notice.


Clerk

Sworn to and subscribed before me this 21th day of January, A.D., 2007

KANDI A. BERKLEY
Notary Public, State of Mississippi
Harrison County
My Commission Expires
April 05, 2010


Notary Public

Printer's Fee \$ 50.16
Furnishing proof of publication \$ 3.00
TOTAL..... 53.16

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The Clerk reported further that forty two (42) notices of Public Hearing were sent by Certified mail, return receipt requested, to property owners within two hundred (200') feet of the subject property. Said return receipts were ordered as part of the record of these proceedings.

City of Long Beach



LEGAL NOTICE

PUBLIC HEARING

In accordance with Article XII of the Comprehensive Zoning Ordinance (# 344) of the City of Long Beach, Mississippi (1987) as amended, notice is hereby given advising that the Planning Commission for the City of Long Beach will hold a public hearing for the purpose of considering **Variance**.

Longwood Apartments LLC, of 59 at 98 Place Blvd, Hattiesburg, Mississippi has filed an application for a variance from the Comprehensive Zoning Ordinance. The request is to grant a 67 unit Variance on density to allow the owner to build a 220 Unit apartment complex. The ordinance requires 3000 square feet per unit. The general location of the property is adjacent to West Second Street and West of White Harbor Road the legal description is as follows:

The tax parcel number is 0512J-03-065.000. A parcel of land situated and being located in part of Lots 52, 53, 54 and 55 of White and Calvert Survey in Hendeson-Shipman-Hughes Partition of the B. Pellerin Claim in Section 22, Township 8 South, Range 12 West, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more particularly described as follows, to-wit:

COMMENCING at a point on the north line of the concrete seawall at the intersection of the east line of said Lot 52; thence run North 00 degrees 03 minutes 21 seconds West 900.48 feet along the east line of said lot 52 to the POINT OF BEGINNING; North 00 degrees 03 minutes 21 seconds West 1270.86 feet along the east line of said Lot 52 to the southerly margin of West Second Street; thence run South 69 degrees 31 minutes 44 seconds West 407.90 feet, along the southerly margin of West Second Street to the West line of said Lot 55 and the east boundary of Magnolia Drive Subdivision; thence run South 00 degrees 00 minutes and 00 seconds East 1128.20 feet along the west line of said Lot 55 and the east boundary of Magnolia Drive Subdivision; thence run North 90 degrees 00 minutes 00 seconds East 383.38 feet to the POINT OF BEGINNING. Containing 10.54 acres.

The public hearing to consider the above zoning map change will be held in the City of Long Beach, Mississippi, 39560, Thursday, February 8, 2007 at 7:00 p.m., in the Long Beach School District Administration Office located on Commission Road. The city encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

/s/ signed
Chairman
Planning Commission

201 Jeff Davis • P.O. Box 929 • Long Beach, MS 39560 • 863-1556 • FAX 865-0822
www.cityoflongbeachms.com

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Mr. Larry Rumsey Engineer for the applicant came forward. He stated the units would be three (3) stories and his client wished to have 220 units to make it feasible for the project to be profitable.

The Chairman asked if anyone was present who wished to speak in favor of the applicant and Gary Ponthieux of 202 South Seashore came forward.

The Chairman asked if anyone was present who wished to speak against the project and no one came forward.

Commissioner Serrato made motion seconded by Commissioner Reed and unanimously carried to close the public hearing.

After a brief discussion Commissioner Serrato made motion seconded by Commissioner Reed to approve the applicants request and the Chairman called for the following vote:

Commissioner Serrato	Yes
Commissioner Yandell	No
Commissioner Rishell	No
Commissioner Reed	Yes

The Chairman breaking the tie vote with a YES declared the motion carried.

The Chairman stated for the record that a workshop was held prior to tonight's meeting. The area being considered for the application of SMART CODE, by this Commission will be from the North side of Highway 90 to and include Railroad Street and Nicholson Avenue South, to Girard Avenue. The density and height will be discussed at the next workshop. The next workshop will be held at 6:00 p.m. prior to the next regularly scheduled meeting of the Planning Commission on February 22, 2007.

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The next item to come before the Commission was a request for re-subdivision for property located between and adjacent to Commission Road and Ray Road as follows along with a letter from the City Engineer:

LONG BEACH PLANNING COMMISSION

CERTIFICATE OF RESUBDIVISION

In accordance with Article II, Section 3 of the code of Ordinance (Subdivision Regulations) of the City of Long Beach as amended, it is hereby certified that the Long Beach Planning Commission Chairman and Long Beach Mayor and Board of Aldermen have reviewed and approved the attached Final Plat. The following property has been subdivided from Harrison County ad valorem tax parcel 0611J-01-034.000 into Four (4) parcels. The subject property is generally described as being bound on the south by Ray Road, north by Commission Road, and west by Klondyke Road. The Case File Number is 020807.

LEGAL DESCRIPTIONS

Overall Legal Description per Instrument Number 2006-0009871-D-J1:

A parcel of land situated in the NW ¼ of the NW ¼ of Section 12, Township 8 South, Range 12 West, City of Long Beach, First Judicial District, Harrison County, Mississippi, being a portion of that property conveyed in Deed Book 551 at Pages 497-498 of the Land Deed records of said county, described as follows:

Commencing at the Northwest corner of Section 12, Township 8 South, Range 12 West, Harrison County, Mississippi; thence S 00 degrees 09 minutes 20 seconds W along the West Line of said Section 420.00 feet to the Point of Beginning; thence N 89 degrees 46 minutes 32 seconds E 420.00 feet; thence N 00 degrees 09 minutes 20 seconds E 420.00 feet to the North line of said Section; thence N 89 degrees 46 minutes 32 seconds E along said North line 72.18 feet; thence S 00 degrees 09 minutes 20 seconds E 643.02 feet to an iron pipe; thence N 88 degrees 56 minutes 19 seconds W 100.73 feet to an axle; thence S 00 degrees 09 minutes 29 seconds E 277.42 feet; thence S 89 degrees 46 minutes 32 seconds W 396.47 feet to the West line of Section 12; thence N 00 degrees 09 minutes 20 seconds E along said West line 498.20 feet to the Point of Beginning.

THE LEGAL DESCRIPTION OF THE FOUR PROPOSED PARCELS READ AS FOLLOWS:

Proposed Parcel 1:

A parcel of land being located in the Northwest ¼ of the Northwest ¼ of Section 12, Township 8 South, Range 12 West, City of Long Beach, First Judicial District, Harrison County, Mississippi, being more particularly described as follows:

COMMENCE at a ½ inch iron rod found being the Southeast corner of Lot 14 Quarles Subdivision on file in the office of the Chancery Clerk First Judicial District Harrison County, Mississippi Plat Book 3, Page 37; thence South 86 degrees 27 minutes 11 seconds West 831.92 feet to the northwest corner of the property conveyed to Shirley M. Wilson ET AL per Deed Book 852, Page 416, a ½ inch iron rod found, and the POINT OF BEGINNING; thence South 00 degrees 09 minutes 20 seconds East 247.61 feet along the west line of said Wilson Property to a ½ inch iron rod set; thence South 50 degrees 37 minutes 11 seconds West 95.74 feet to the east line of the property conveyed to Long Beach Rentals LLC per instrument number 2004-0009249-D-J1 and a ½ inch iron rod set; thence North 00 degrees 10 minutes 35 seconds East 308.09 feet along the east line of said Long Beach Rental LLC parcel to the south margin of Commission Road and a ½ inch iron rod found; thence North 89 degrees 47 minutes 19 seconds East 72.39 feet along the southern margin of said road to the POINT OF BEGINNING. Said parcel containing 0.467 acres more or less, and being subject to the Mississippi Power Company right-of-way, as shown, and also being subject to the right-of-way for Long Beach Canal 1.

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Proposed Parcel 2:

A parcel of land being located in the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 12, Township 8 South, Range 12 West, City of Long Beach, First Judicial District, Harrison County, Mississippi, being more particularly described as follows:

COMMENCE at a $\frac{1}{2}$ inch iron rod found being the Southeast corner of Lot 14 Quarles Subdivision on file in the office of the Chancery Clerk First Judicial District Harrison County, Mississippi Plat Book 3 Page 37; thence South 86 degrees 27 minutes 11 seconds West 831.92 feet to the northwest corner of the property conveyed to Shirley M. Wilson ET AL per Deed Book 852, Page 416 and a $\frac{1}{2}$ inch iron rod found; thence South 00 degrees 09 minutes 20 seconds East 247.61 feet along the west line of said Wilson Property to a $\frac{1}{2}$ inch iron rod set and the POINT OF BEGINNING; thence continue South 00 degrees 09 minutes 20 seconds East 370.47 feet along the west line of said Wilson Property to the northeast corner of the property conveyed to Robert E Sr. and Stephanie W. Bass per Deed Book 638, Page 114 and a $\frac{1}{2}$ inch iron rod found; thence North 88 degrees 53 minutes 52 seconds West 100.84 feet to the northwest corner of said Bass parcel and an axle found; thence South 00 degrees 10 minutes 41 seconds East 255.13 feet along the west line of said Bass parcel to the north margin of Ray Road and a $\frac{1}{4}$ inch iron rod found; thence North 88 degrees 41 minutes 46 seconds West 104.30 feet along the northern margin of said road to a $\frac{1}{2}$ inch iron rod set; thence North 00 degrees 22 minutes 14 seconds West 472.93 feet to the south line of the property conveyed to Long Beach Rentals LLC per instrument number 2004-0009249-D-J1 and a $\frac{1}{2}$ inch iron rod set; thence North 89 degrees 49 minutes 07 seconds East 132.08 feet along said Long Beach Rentals LLC parcel to a $\frac{1}{2}$ inch iron rod found; thence North 00 degrees 10 minutes 35 seconds East 87.20 feet along the east line of said Long Beach Rentals LLC and a $\frac{1}{2}$ inch iron rod set; thence North 50 degrees 37 minutes 11 seconds East 95.74 feet to the POINT OF BEGINNING. Said parcel containing 1.857 acres more or less, and being subject to the Mississippi Power Company right-of-way, as shown, and also being subject to the right-of-way for Long Beach Canal 1.

Proposed Parcel 3:

A parcel of land being located in the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 12, Township 8 South, Range 12 West, City of Long Beach, First Judicial District, Harrison County, Mississippi, being more particularly described as follows:

COMMENCE at a $\frac{1}{2}$ inch iron rod found being the Southeast corner of Lot 14 Quarles Subdivision on file in the office of the Chancery Clerk First Judicial District Harrison County, Mississippi Plat Book 3 Page 37; thence South 86 degrees 27 minutes 11 seconds West 831.92 feet to the northwest corner of the property conveyed to Shirley M. Wilson ET AL per Deed Book 852, Page 416 and a $\frac{1}{2}$ inch iron rod found; thence South 00 degrees 09 minutes 20 seconds East 618.08 feet along the west line of said Wilson Property to the northeast corner of the property conveyed to Robert E Sr. and Stephanie W. Bass per Deed Book 638, Page 114 and a $\frac{1}{2}$ inch iron rod found; thence North 88 degrees 53 minutes 52 seconds West 100.84 feet to the northwest corner of said Bass parcel and an axle found; thence South 00 degrees 10 minutes 41 seconds East along the west line of said Bass parcel to the north margin of Ray Road and a $\frac{1}{4}$ inch iron rod found; thence North 88 degrees 41 minutes 46 seconds West 104.30 feet along the northern margin of said road to a $\frac{1}{2}$ inch iron rod set and the POINT OF BEGINNING; thence continue North 88 degrees 41 minutes 46 seconds West 105.00 feet along the northern margin of said road to a $\frac{1}{2}$ inch iron rod set; thence North 00 degrees 22 minutes 14 seconds West 470.20 feet to the southern line of the property conveyed to Long Beach Rentals LLC per instrument number 2004-0009249-D-J1 and a $\frac{1}{2}$ inch iron rod set; thence North 89 degrees 49 minutes 07 seconds East 104.96 feet along the south line of said Long Beach Rentals LLC parcel to a $\frac{1}{2}$ inch iron rod set; thence South 00 degrees 22 minutes 14 seconds East 472.93 feet to the north margin of Ray Road and the POINT OF BEGINNING. Said parcel containing 1.136 acres more or less, and being subject to the Mississippi Power Company right-of-way, as shown, and also being subject to the right-of-way for Long Beach Canal 1.

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Proposed Parcel 4:

A parcel of land being located in the Northwest ¼ of the Northwest ¼ of Section 12, Township 8 South, Range 12 West, City of Long Beach, First Judicial District, Harrison County, Mississippi, being more particularly described as follows:

COMMENCE at a ½ inch iron rod found being the Southeast corner of Lot 14 Quarles Subdivision on file in the office of the Chancery Clerk First Judicial District Harrison County, Mississippi Plat Book 3 Page 37; thence South 86 degrees 27 minutes 11 seconds West 831.92 feet to the northwest corner of the property conveyed to Shirley M. Wilson ET AL per Deed Book 852, Page 416 and a ½ inch iron rod found; thence South 00 degrees 09 minutes 20 seconds East 618.08 feet along the west line of said Wilson Property to the northeast corner of the property conveyed to Robert E Sr. and Stephanie W. Bass per Deed Book 638, Page 114 and a ½ inch iron rod found; thence North 88 degrees 53 minutes 52 seconds West 100.84 feet to the northwest corner of said Bass parcel and an axle found; thence South 00 degrees 10 minutes 41 seconds East along the west line of said Bass parcel to the north margin of Ray Road and a ¼ inch iron rod found; thence North 88 degrees 41 minutes 46 seconds West 209.30 feet along the northern margin of said road to a ½ inch iron rod set and the POINT OF BEGINNING; thence continue North 88 degrees 41 minutes 46 seconds West 160.00 feet along the northern margin of said road to the eastern margin of Klondyke Road and a 1/2 inch iron rod found; thence North 00 degrees 22 minutes 14 seconds West 466.06 feet along the eastern margin of said road to the southwest corner of the property conveyed to Long Beach Rentals LLC per instrument number 2004-0009249-D-J1 and a ½ inch iron rod found; thence North 89 degrees 49 minutes 07 seconds East 159.93 feet along the south line of said Long Beach Rentals LLC parcel to a ½ inch iron rod set; thence South 00 degrees 22 minutes 14 seconds East 470.20 feet to the northern margin of Ray Road and the POINT OF BEGINNING. Said Parcel containing 1.718 acres more or less, and being subject to the Mississippi Power Company right-of-way, as shown, and also being subject to the right-of-way for Long Beach Canal 1.

SEE ATTACHED SURVEY BY J. COLTON RATLIFF DATED 11/16/06

You are hereby advised to investigate and determine the allowable uses as provided by the restrictive covenant, if any, which affect the subject property. Further the applicant hereby covenants and agrees to indemnify and hold harmless the City of Long Beach, its agents, servants and or employees against any and all claims, demands, or causes of action of whatever nature which may arise as a result of the action of the Planning Commission, its agents, servants, and/or employees concerning the petition for subdivision of the real property described herein.

ACKNOWLEDGE

(1) **CERTIFICATE OF OWNERSHIP**

I hereby certify that I am the owner of the property described hereon, which property is within the subdivision regulation jurisdiction of the City of Long Beach, and that I freely adopt this plan of subdivision.

Margyrite Schaeffer Cuevas
Margyrite Schaeffer Cuevas, Owner

12/14/06
DATE

Subscribed and sworn to before me, in my presence this 14 day of Dec, 2006, a Notary Public in and for the County of Harrison, State of Mississippi.

Ann Aldredge

SEAL

NOTARY PUBLIC

My Commission Expires: 8-6-07

(2) **CERTIFICATE OF APPROVAL**

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets, or any change in existing public streets, the extension of public water or sewer systems or the installation of drainage improvements through one or more lots to serve one or more lots. That the subdivision shown is in all respects in

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compliance with the City ordinances of Long Beach and that therefore this plat has been approved by the administrator subject to its being recorded in the Harrison County Courthouse within sixty (60) days of the date below.

Mimi McMath
ADMINISTRATOR

February 9, 2007
DATE

(3) CERTIFICATE OF SURVEY AND ACCURACY

I hereby certify that this map drawn by me or drawn under my supervision from actual survey made by me or actual survey made under my supervision and a deed description recorded as Document Number _____, and filed in the First Judicial District Courthouse; of Harrison County, Mississippi, was prepared in accordance with all applicable codes and ordinances. Witness my original signature, registration number and seal this the 13 day of December, 2006.

J. Colter Ratliff
Registered Land Surveyor
Seal or Stamp

PS - 3008
Registration Number



Subscribed and sworn to before me, in my presence this 13th day of December 2006 a Notary Public in and for the County of Harrison, State of Mississippi.

Dulna Staw
SEAL

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
MY COMMISSION EXPIRES: May 31, 2007
BONDED THRU NOTARY PUBLIC UNDERWRITERS

NOTARY PUBLIC

My Commission Expires: May 31, 2007

PLANNING COMMISSION

Approved by the City of Long Beach Planning Commission at the regular meeting of said Commission held on the 8th day of February, 2007.

Jay Van Land
Planning Commission Chairman

ACCEPTANCE

Submitted to and approved by the City of Long Beach, Board of Aldermen, at the regular meeting of said Board of Aldermen held on the _____ day of _____, 200 .
ADOPT: _____ ATTEST: _____

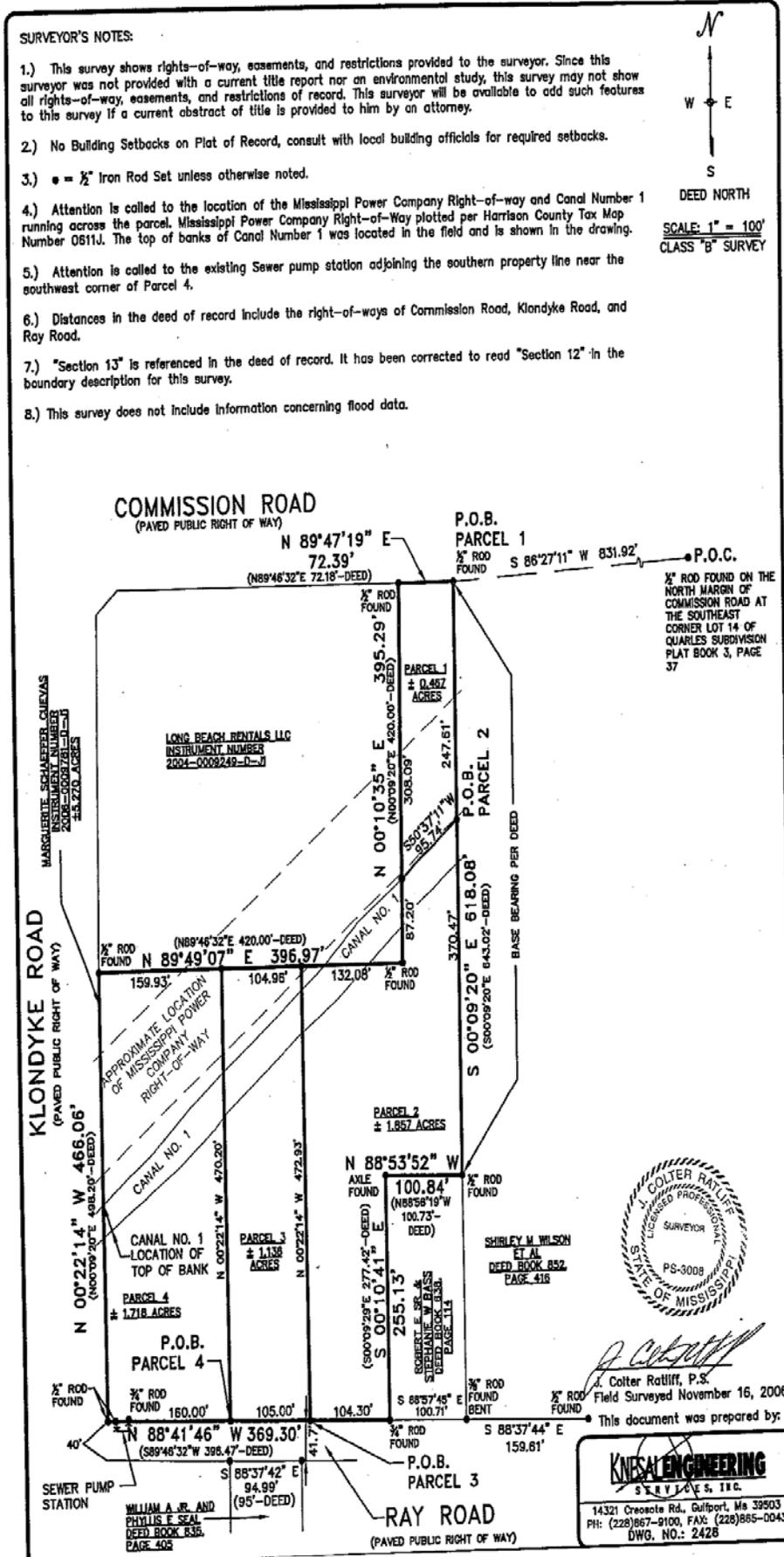
Mayor

City Clerk

Prepared by:

INDEXING INSTRUCTIONS:

MINUTES OF FEBRUARY 8, 2007
LONG BEACH PLANNING COMMISSION



MINUTES OF FEBRUARY 8, 2007
LONG BEACH PLANNING COMMISSION

CERTIFICATE OF RESUBDIVISION

BOUNDARY DESCRIPTION PER INSTRUMENT NUMBER 2006-0009781-D-J1:

A parcel of land situated in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 12, Township 8 South, Range 12 West, City of Long Beach, First Judicial District, Harrison County, Mississippi, being a portion of that property conveyed in Deed Book 551 at Pages 497-498 of the Land Deed records of said county, described as follows:

Commencing at the Northwest corner of Section 12, Township 8 South, Range 12 West, Harrison County, Mississippi; thence S 00 degrees 09 minutes 20 seconds W along the West Line of said Section 420.00 feet to the Point of Beginning; thence N 89 degrees 46 minutes 32 seconds E 420.00 feet; thence N 00 degrees 09 minutes 20 seconds E 420.00 feet to the North line of said Section; thence N 89 degrees 46 minutes 32 seconds E along said North line 72.18 feet; thence S 00 degrees 09 minutes 20 seconds E 643.02 feet to an iron pipe; thence N 88 degrees 56 minutes 19 seconds W 100.73 feet to an axle; thence S 00 degrees 09 minutes 29 seconds E 277.42 feet; thence S 89 degrees 46 minutes 32 seconds W 396.47 feet to the West line of Section 12; thence N 00 degrees 09 minutes 20 seconds E along said West line 498.20 feet to the Point of Beginning.

BOUNDARY DESCRIPTION OF PROPOSED PARCEL 1:

A parcel of land being located in the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 12, Township 8 South, Range 12 West, City of Long Beach, First Judicial District, Harrison County, Mississippi, being more particularly described as follows:

COMMENCE at a $\frac{1}{2}$ inch iron rod found being the Southeast corner of Lot 14 Quarles Subdivision on file in the office of the Chancery Clerk First Judicial District Harrison County, Mississippi Plat Book 3, Page 37; thence South 86 degrees 27 minutes 11 seconds West 831.92 feet to the northwest corner of the property conveyed to Shirley M. Wilson ET AL per Deed Book 852, Page 416, a $\frac{1}{2}$ inch iron rod found, and the POINT OF BEGINNING; thence South 00 degrees 09 minutes 20 seconds East 247.61 feet along the west line of said Wilson Property to a $\frac{1}{2}$ inch iron rod set; thence South 50 degrees 37 minutes 11 seconds West 95.74 feet to the east line of the property conveyed to Long Beach Rentals LLC per instrument number 2004-0009249-D-J1 and a $\frac{1}{2}$ inch iron rod set; thence North 00 degrees 10 minutes 35 seconds East 308.09 feet along the east line of said Long Beach Rental LLC parcel to the south margin of Commission Road and a $\frac{1}{2}$ inch iron rod found; thence North 89 degrees 47 minutes 19 seconds East 72.39 feet along the southern margin of said road to the POINT OF BEGINNING. Said parcel containing 0.467 acres more or less, and being subject to the Mississippi Power Company right-of-way, as shown, and also being subject to the right-of-way for Long Beach Canal 1.

BOUNDARY DESCRIPTION OF PROPOSED PARCEL 2:

A parcel of land being located in the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 12, Township 8 South, Range 12 West, City of Long Beach, First Judicial District, Harrison County, Mississippi, being more particularly described as follows:

COMMENCE at a $\frac{1}{2}$ inch iron rod found being the Southeast corner of Lot 14 Quarles Subdivision on file in the office of the Chancery Clerk First Judicial District Harrison County, Mississippi Plat Book 3 Page 37; thence South 86 degrees 27 minutes 11 seconds West 831.92 feet to the northwest corner of the property conveyed to Shirley M. Wilson ET AL per Deed Book 852, Page 416 and a $\frac{1}{2}$ inch iron rod found; thence South 00 degrees 09 minutes 20 seconds East 247.61 feet along the west line of said Wilson Property to a $\frac{1}{2}$ inch iron rod set and the POINT OF BEGINNING; thence continue South 00 degrees 09 minutes 20 seconds East 370.47 feet along the west line of said Wilson Property to the northeast corner of the property conveyed to Robert E. Sr. and Stephanie W. Bass per Deed Book 638, Page 114 and a $\frac{1}{2}$ inch iron rod found; thence North 88 degrees 53 minutes 52 seconds West 100.84 feet to the northwest corner of said Bass parcel and an axle found; thence South 00 degrees 10 minutes 41 seconds East 255.13 feet along the west line of said Bass parcel to the north margin of Ray Road and a $\frac{1}{2}$ inch iron rod found; thence North 88 degrees 41 minutes 46 seconds West 104.30 feet along the northern margin of said road to a $\frac{1}{2}$ inch iron rod set; thence North 00 degrees 22 minutes 14 seconds West 472.93 feet to the south line of the property conveyed to Long Beach Rentals LLC per instrument number 2004-0009249-D-J1 and a $\frac{1}{2}$ inch iron rod set; thence North 89 degrees 49 minutes 07 seconds East 132.08 feet along said Long Beach Rentals LLC parcel to a $\frac{1}{2}$ inch iron rod found; thence North 00 degrees 10 minutes 35 seconds East 87.20 feet along the east line of said Long Beach Rentals LLC and a $\frac{1}{2}$ inch iron rod set; thence North 50 degrees 37 minutes 11 seconds East 95.74 feet to the POINT OF BEGINNING. Said parcel containing 1.857 acres more or less, and being subject to the Mississippi Power Company right-of-way, as shown, and also being subject to the right-of-way for Long Beach Canal 1.

This document was prepared by:



MINUTES OF FEBRUARY 8, 2007
LONG BEACH PLANNING COMMISSION

CERTIFICATE OF RESUBDIVISION

BOUNDARY DESCRIPTION OF PROPOSED PARCEL 3:

A parcel of land being located in the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 12, Township 8 South, Range 12 West, City of Long Beach, First Judicial District, Harrison County, Mississippi, being more particularly described as follows:

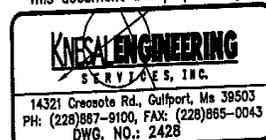
COMMENCE at a $\frac{1}{2}$ inch iron rod found being the Southeast corner of Lot 14 Quarles Subdivision on file in the office of the Chancery Clerk First Judicial District Harrison County, Mississippi Plat Book 3 Page 37; thence South 86 degrees 27 minutes 11 seconds West 831.92 feet to the northwest corner of the property conveyed to Shirley M. Wilson ET AL per Deed Book 852, Page 416 and a $\frac{1}{2}$ inch iron rod found; thence South 00 degrees 09 minutes 20 seconds East 618.08 feet along the west line of said Wilson Property to the northeast corner of the property conveyed to Robert E. Sr. and Stephanie W. Bass per Deed Book 638, Page 114 and a $\frac{1}{2}$ inch iron rod found; thence North 88 degrees 53 minutes 52 seconds West 100.84 feet to the northwest corner of said Bass parcel and an axle found; thence South 00 degrees 10 minutes 41 seconds East along the west line of said Bass parcel to the north margin of Ray Road and a $\frac{3}{4}$ inch iron rod found; thence North 88 degrees 41 minutes 46 seconds West 104.30 feet along the northern margin of said road to a $\frac{1}{2}$ inch iron rod set and the POINT OF BEGINNING; thence continue North 88 degrees 41 minutes 46 seconds West 105.00 feet along the northern margin of said road to a $\frac{1}{2}$ inch iron rod set; thence North 00 degrees 22 minutes 14 seconds West 470.20 feet to the southern line of the property conveyed to Long Beach Rentals LLC per instrument number 2004-0009249-D-J1 and a $\frac{1}{2}$ inch iron rod set; thence North 89 degrees 49 minutes 07 seconds East 104.96 feet along the south line of said Long Beach Rentals LLC parcel to a $\frac{1}{2}$ inch iron rod set; thence South 00 degrees 22 minutes 14 seconds East 472.93 feet to the north margin of Ray Road and the POINT OF BEGINNING. Said parcel containing 1.136 acres more or less, and being subject to the Mississippi Power Company right-of-way, as shown, and also being subject to the right-of-way for Long Beach Canal 1.

BOUNDARY DESCRIPTION OF PROPOSED PARCEL 4:

A parcel of land being located in the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 12, Township 8 South, Range 12 West, City of Long Beach, First Judicial District, Harrison County, Mississippi, being more particularly described as follows:

COMMENCE at a $\frac{1}{2}$ inch iron rod found being the Southeast corner of Lot 14 Quarles Subdivision on file in the office of the Chancery Clerk First Judicial District Harrison County, Mississippi Plat Book 3 Page 37; thence South 86 degrees 27 minutes 11 seconds West 831.92 feet to the northwest corner of the property conveyed to Shirley M. Wilson ET AL per Deed Book 852, Page 416 and a $\frac{1}{2}$ inch iron rod found; thence South 00 degrees 09 minutes 20 seconds East 618.08 feet along the west line of said Wilson Property to the northeast corner of the property conveyed to Robert E. Sr. and Stephanie W. Bass per Deed Book 638, Page 114 and a $\frac{1}{2}$ inch iron rod found; thence North 88 degrees 53 minutes 52 seconds West 100.84 feet to the northwest corner of said Bass parcel and an axle found; thence South 00 degrees 10 minutes 41 seconds East along the west line of said Bass parcel to the north margin of Ray Road and a $\frac{3}{4}$ inch iron rod found; thence North 88 degrees 41 minutes 46 seconds West 209.30 feet along the northern margin of said road to a $\frac{1}{2}$ inch iron rod set and the POINT OF BEGINNING; thence continue North 88 degrees 41 minutes 46 seconds West 160.00 feet along the northern margin of said road to the eastern margin of Klondyke Road and a $\frac{1}{2}$ inch iron rod found; thence North 00 degrees 22 minutes 14 seconds West 466.06 feet along the eastern margin of said road to the southwest corner of the property conveyed to Long Beach Rentals LLC per instrument number 2004-0009249-D-J1 and a $\frac{1}{2}$ inch iron rod found; thence North 89 degrees 49 minutes 07 seconds East 159.93 feet along the south line of said Long Beach Rentals LLC parcel to a $\frac{1}{2}$ inch iron rod set; thence South 00 degrees 22 minutes 14 seconds East 470.20 feet to the northern margin of Ray Road and the POINT OF BEGINNING. Said Parcel containing 1.718 acres more or less, and being subject to the Mississippi Power Company right-of-way, as shown, and also being subject to the right-of-way for Long Beach Canal 1.

This document was prepared by:



MINUTES OF FEBRUARY 8, 2007
LONG BEACH PLANNING COMMISSION



A. GARNER RUSSELL & ASSOCIATES, INC. / CONSULTING ENGINEERS

520 33RD STREET, GULFPORT, MS 39507
P.O. BOX 1677, GULFPORT, MS 39502

TEL (228) 863-0667
FAX (228) 863-5232



February 8, 2007

Planning Commission
City of Long Beach
P.O. Box 929
Long Beach, MS 39560

RE: Certificate of Resubdivision – Tax Parcel No. 0611J-01-034.000

Gentlemen:

We are in receipt of the referenced Certificate of Resubdivision and have reviewed it for compliance with City requirements. The first thing worthy of note is that the subdivision proposes to create four parcels from the original one. While this would be defined as a major subdivision process by City Ordinance, it is our understanding that the Planning Commission allowed the use of the minor subdivision process with the understanding that the developers would have to construct sidewalks along the road frontage of each parcel. The subdivision does indeed create four legal parcels, each meeting minimum City requirements; proposed Parcel 1 is separated from the other proposed parcels by Canal No. 1 and fronts on Commission Road. Based on the configuration of the parcels, perhaps the use of the Minor Subdivision process allowed by our Subdivision Ordinance is warranted.

The other important item regarding this subdivision is the MDOT project to widen and improve the bridge at Canal No. 1 on Klondyke Road. In order to complete the project, the City must acquire a small strip of land, twenty feet wide, along the east side of Klondyke Road, which will affect the parcel being subdivided. Although we have not yet acquired the property, the City has hired an attorney to help in the process. The developer of the subdivision should be aware that the proposed Parcel 4, which is 160' deep on Klondyke Road, will eventually lose a twenty foot strip along Klondyke. If the developer was unaware of this, he may wish to revise the layout of the proposed lots in the subdivision.

Besides the above discussion, the subdivision is in accord with City requirements. Parcel 1 will front on Commission Road, Parcels 2 and 3 will front on Ray Road, and Parcel 4 will be a corner lot, fronting on Klondyke and Ray Roads. The property is zoned C-2. Assuming the developer is comfortable with the future size of Parcel 4, after the right-of-way acquisition, we see no reason to withhold approval of this subdivision at this time. If you have any questions, please call. Thank you.

Sincerely,

David Ball, P.E.

DB:539

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The Commission discussed with the applicants children the 2nd paragraph in the City Engineers letter. They stated that the 20' which could be acquired to widen the bridge at Canal No 1 would not make a difference on the lot in question.

With this being agreeable to all, Commissioner Yandell made motion seconded by Commissioner Reed and unanimously carried to approve the Certificate of Re-Subdivision as submitted.

The last item to come before the Commission was a Final Plat approval submitted by J Levens Builders for Canal Place Subdivision submitted as follows along with a letter from the City Engineer, David Ball.



A. GARNER RUSSELL & ASSOCIATES, INC. / CONSULTING ENGINEERS
520 33RD STREET, GULFPORT, MS 39507
P.O. BOX 1877, GULFPORT, MS 39502

TEL (228) 863-0867
FAX (228) 863-5232



January 30, 2007

City of Long Beach
P.O. Box 929
Long Beach, MS 39560

RE: Canal Place Subdivision

Gentlemen:

We understand that the developer of the referenced subdivision is seeking final City approval of the Record Plat of the 11-lot subdivision. We have reviewed the form of the plat and find it acceptable, subject to final review by the City Attorney.

We have furthermore received the required Certification with supporting data from the Developer's engineer, William Knesal, P.E. A final inspection of the improvements constructed as a part of this subdivision was performed on October 2, 2006, and a punchlist of the remaining work was created. Many of the items detailed on that punchlist have been completed, but there is still some outstanding work required. Furthermore, the developer obtained a Drainage Modification Permit after the construction of the subdivision to enclose the ditch along Beatline Road with culverts; and there was some work required to satisfactorily complete that work. We enclose a worksheet which reflects the current status of the punchlist work, with our recommendation regarding the amount of the Completion Bond which would be appropriate if the Plat is to be accepted at this time. We recommend a Completion Bond in the amount of \$7,000.

We have also received a statement from the developer regarding the actual costs of the improvements constructed for this subdivision, which we find acceptable. Based upon this value, the correct amount for the two-year Warranty Bond required by the City would be 10% x \$237,346 = \$23,735

Sincerely,

David Ball, P.E.

DB:539
Enclosure

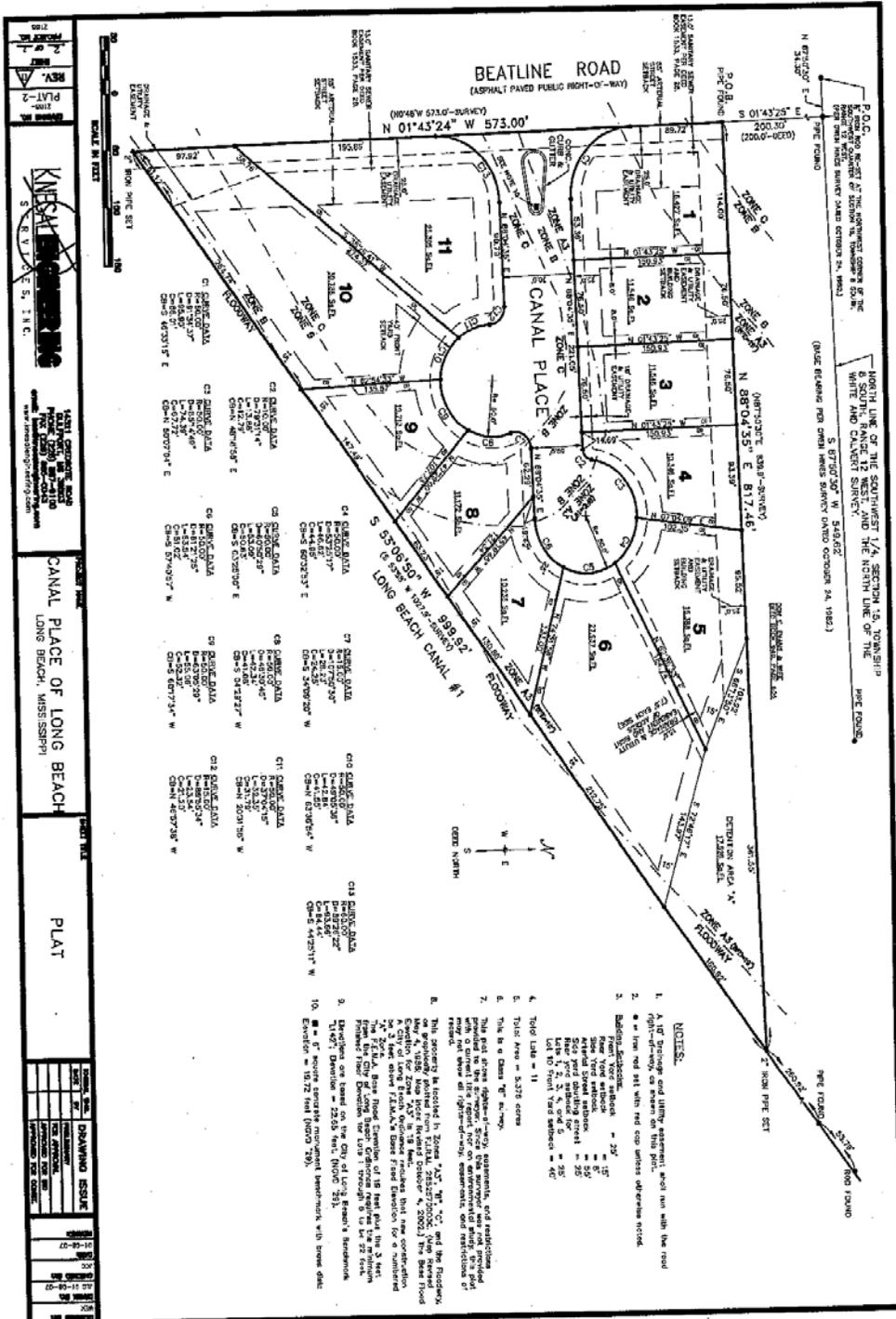
cc: J. Levens Builders
Knesal Engineering

O:\539\Canal Place (final accept) 013007.doc

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Gary Ponthieux came forward representing the applicant.

After a brief discussion Commissioner Reed made motion seconded by Commissioner Serrato to approve the Final Plating of CANAL PLACE SUBDIVISION, provided the applicant complies with all City Engineering request and any and all other applicable regulations.

Commissioner Rishell made motion seconded by Commissioner Yandell and unanimously carried to petition the Mayor and Board of Aldermen to hire someone to compile a new **Zoning Book** which incorporates all amendments and text changes to the existing ordinance as soon as possible.

There being no further business to come before the Planning Commission at this time Commissioner Rishell made motion seconded by Commissioner Reed and unanimously carried to adjourn the meeting until the next regularly scheduled meeting in due course. The meeting was adjourned at. 8:00 p.m.

Tony VanCourt , Planning Commission Co-Chairman

_____Date

Attest _____

Mimi McMath,
Planning Commission
Minutes Clerk