

**MINUTES OF MARCH 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 City of Long Beach, Superintendent of Educations Office in said City at 7:00 p.m. on Thursday the 8th of March 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; Frank Olaivar, Tonda Yandell, Frank Reed, Tony VanCourt, Joseph Sweetapple Rod Rishel, Planning Commission Advisor Bill Hessel Zoning Officer Ken Price and Minutes Clerk Mimi McMath.

Commissioners David Serrato and Dale Stogner were absent the 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.

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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 March 20, 2007 and subject to a ten-day appeal for a Public Hearing.

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Commissioner VanCourt made motion seconded by Commissioner Yandell and unanimously carried to approve Planning Commission Minutes of February 22, 2007.

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

Chairman Olaivar stated the Commissioners had a work session prior to tonight's meeting and great progress is being made in calibrating transects for New Urbanism (Smart Code) plan. The Commission will meet every week until further notice. The next meetings will be held on Tuesday the 13th and 27th of March at 5:30 also at the same time prior to each regularly scheduled meeting on the second and fourth Thursdays of each month.

\*\*\*\*\*

There came on for Planning Commission approval a request for Preliminary Plats for PENNY LANE SUBDIVISION, in its entirety submitted by Val Mueller included are letters from the City Engineer and the Fire Marshall as follows:



CITY OF LONG BEACH, MISSISSIPPI  
 PO BOX 929  
 201 JEFF DAVIS AVENUE  
 TELEPHONE 228-863-1554  
 FAX 228-865-0822  
[permits@cityoflongbeachms.com](mailto:permits@cityoflongbeachms.com)



**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.  Home Occupation (attach copy of Deed or lease)

II. Property Location: 20015 Pineville Rd  
 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: Penny Lane Sub D  
 Subdivision Name

B. If Metes and Bounds: Attach a Legal Description

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: I 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) Val Mueller Mailing Address 20015 pineville rd  
20015 pinville (228) 806-9091  
 City (State) Zip Telephone (H) Office  
Val Mueller 3/1/2007 s  
 Signature of Owner(s) Date Fee

NOTATION: The following attachments must be submitted with application, if applicable:



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

***LONG BEACH FIRE DEPARTMENT***

**Subdivision/Site Inspection Form**

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**Subdivision and/or Site:** Penny Lane Subdivision

**Address or Location:** Location in the area of 20015 Pineville Road

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**Subdivision Site and Acceptance Test**

For all new subdivisions located within the City of Long Beach, a minimum of \$80.00 plus \$20.00 per fire hydrant shall be levied. **This fee includes initial site plan review, with the inspection and test on each hydrant for the final acceptance test.** The fee is payable upon submittal of the initial plans for review to the Long Beach Building Code Office.

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**Site Plan**

**Preliminary Site Plan Review Date** 12/08/2006

**Preliminary Site Plan:** Accepted  Rejected

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**Hydrants Test**

**Water Main Size:** 6 Inch water main Accepted:  Rejected

**Hydrant Number:** #1 **Location:**  
**Gallons per Minute:** Not Tested Accepted:  Rejected:

**Hydrant Number:** #2 **Location:**  
**Gallons per Minute:** Not Tested Accepted:  Rejected:

**Hydrant Number:** #3 **Location:**  
**Gallons per Minute:** Not Tested Accepted:  Rejected:

**Hydrant Number:** **Location:**  
**Gallons per Minute:** Accepted:  Rejected:

Hydrants # 2 and #3 are approximately 850 ft apart. The code requires 500 ft apart, however due to the location of the retention ponds the 850 ft will be accepted.

\*\*\* All Hydrants will be tested prior to a final acceptance test being issued by the Fire Department\*\*\*

**Inspected or Reviewed by:** Deputy Chief Mike Brown **Date:** 12/08/2006

**Fee:** \$140.00

  
***Protecting Life and Property***

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



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

520 33<sup>RD</sup> STREET, GULFPORT, MS 39507  
P.O. BOX 1677, GULFPORT, MS 39502

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



December 4, 2006

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

**RE: Penny Lane Subdivision**

Gentlemen:

We have received revised construction plans for this subdivision, which has already received approval from the Planning Commission on its preliminary plat and plans. However, the developer has chosen to develop the site in a manner different than already approved, leading to a revised layout, but the same number of lots. It is our understanding that changes of this type must be reviewed and approved by you, but we leave that decision to you. We have reviewed the plans for compliance with City requirements, and have the following comments:

**Plans, Sheet 2**

1. Lot A and Lot B should be dedicated to the City of Long Beach. They are now shown dedicated to the City of Gulfport.

**Plans, Sheet 6 & 7**

2. The developer should consider constructing a new sewer and water service for the existing home on Lot 3. Alternatively, the sewer and water services for that home must be located during construction and utility easements for the services should be granted as a part of the plat.

**Plans, Sheet 8**

3. We have checked the overall detention pond design, and find it acceptable.
4. The detention pond section indicates side slopes of 2:1. This should be revised to 3:1 as a maximum side slope for the pond.
5. The elevations and dimensions shown on the overall detention pond section do not appear to be correct. This detail should be revised to indicate the correct overall dimensions for both the east and west pond, including top elevation, bottom elevation, and the lengths, sizes, and inverts of all drainage pipes and structures.
6. The outlet pipes from the ponds should have a rip-rap apron at their outfalls to protect from erosion.

**Plans, Sheet 11**

7. The "Bedding/Backfill Under Paved Areas & Restoration of Asphalt Pavement" detail should be modified to require 8" of Crushed Limestone Base Course.

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**CITY OF LONG BEACH PLANNING COMMISSION**

December 4, 2006

8. Both "Bedding/Backfill" details should be modified to require **95%** Modified Proctor Density on the bedding and backfill.

***Plans, Sheet 15***

9. There is a conflict between the 8" gravity sewer main and the 29"x18" RCAP at Sta. 14+46. The conflict should be eliminated if possible, or a conflict box provided. The sewer main through the conflict box should be constructed of ductile iron.

***Drainage Calculations***

10. The City requires that drainage culverts crossing a street be designed for storm runoff from a 25-year storm. The drainage calculations should be revised for each culvert which crosses a street, which may require some culverts to be increased in size.

While there are still a number of changes required to these revised plans, we see no great problem with approving the subdivision as submitted. Of course, that approval should only be granted contingent upon the developer's engineer making the referenced changes and submitting to us three sets of signed plans and specifications before beginning construction. If you have any questions, please call. Thank you.

Sincerely,

David Ball, P.E.

DB:539

cc: Duke Levy, P.E. (Fax #228.467.9949)

**MINUTES OF MARCH 8, 2007**  
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**A. GARNER RUSSELL & ASSOCIATES, INC. / CONSULTING ENGINEERS**

520 38<sup>th</sup> STREET, GULFPORT, MS 39507  
P.O. BOX 1677, GULFPORT, MS 39502

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



March 8, 2007

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

**RE: Penny Lane Subdivision**

Gentlemen:

We have received a new set of construction plans for this subdivision. We have reviewed them for compliance with City requirements and have the following comments:

1. The easement on the west side of the subdivision, along the existing ditch, should be a 15' easement to allow room for the City Public Works Department to maintain the ditch.
2. Based on our past experience, ditches and swales along the back property lines of subdivision are particularly difficult to maintain in correct working order. Invariably, a property owner fences across the ditch or installs pipes in the ditch, which are either too small or too high to be effective. Of course, the City then receives complaints about drainage problems in the ditch. Because of this, the ditch on the east side of the subdivision should be piped in, including drainage boxes as required at the property corners. The culvert should extend at least to the Common Area, but preferably all the way to the Canal. If the culvert only extends to the Common Area, the ditch must be built to maintainable standards (with a rip-rap outfall and no more than 3:1 sideslopes) and should be in an easement wide enough to allow maintenance by the City's Public Works Department, with at least 15' of working room on one side of the ditch.

We recognize that this subdivision has already been reviewed by us and recommended for approval contingent upon the satisfaction of a few small matters. Those matters, detailed in our attached letter from December 4, 2006, have been resolved; however, it is becoming more and more difficult for Public Works to maintain the ditches in Long Beach, especially back-yard ditches as detailed in No. 2 above. It is for this reason that we recommend a change of this magnitude even after the subdivision has been granted conditional approval.

It is also worthy of note that this subdivision was originally submitted to the City before the Ordinance requiring 100-year design on drainage culverts was passed. This submittal falls under the new Ordinance, but it only seems fair that the subdivision would be designed to the standards at the time of the original submission. The detention ponds are designed to the 100-year standard, but the drainage system is designed to the 25-year standard, as are several

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March 8, 2007

subdivisions within Long Beach which were approved since the City has begun requiring 100-year detention design, but before the Ordinance was modified to also require 100-year drainage design. I believe the City could require 100-year design on the drainage culverts if desired, but I do not see any significant issue with allowing the culverts to remain at the lower standard of design.

Based on the above discussion, we recommend that this subdivision be granted Preliminary Plat approval contingent upon the resolution of the above discussed two items. After the plans are revised, the developer should submit three signed, sealed sets of plans to the City for further distribution. If there are any questions, please call. Thank you.

Sincerely,



David Ball, P.E.

DB:539  
Enclosure

**MINUTES OF MARCH 8, 2007**  
**CITY OF LONG BEACH PLANNING COMMISSION**

Mr. Hal Mitchell came forward to present the Preliminary Drawings.

After a short discussion Commissioner Reed made motion seconded by Commissioner VanCourt and unanimously carried to approve the Preliminary Plats providing the applicant complies with all requirements of the City Engineer and all applicable Codes and Ordinances.

\*\*\*\*\*

The Next item to come before the Commission was a request for Home Occupation for Paul and Diane Critzer of 315 Joyce Avenue as follows:

**MINUTES OF MARCH 8, 2007**  
**CITY OF LONG BEACH PLANNING COMMISSION**

*Recorded Warranty Deed*



CITY OF LONG BEACH, MISSISSIPPI  
 PO BOX 929  
 201 JEFF DAVIS AVENUE  
 TELEPHONE 228-863-1554  
 FAX 228-865-0822  
 permits@cityoflongbeachms.com



**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.  Home Occupation (attach copy of Deed or lease)
- II. Property Location:  
315 Joyce Ave. Long Beach, Ms. 39560  
 House number and street name
- III. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.)  
CONSULTING IN MARINE CONSTRUCTION & OPERATIONS
- IV. Legal Description of Land Involved. (Complete either A or B below.)
  - A. If in a subdivision:  
RENEKE  
 Subdivision Name
  - B. If Metes and Bounds: Attach a Legal Description
- 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: I the undersigned due 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.

PAUL + DIANE CRITZER  
 Name of Owner(s)  
Long Beach Ms. 39560  
 City State Zip  
*[Signature]*  
 Signature of Owner(s)

315 Joyce Ave.  
 Mailing Address  
228-575-9767 / 228-343-3063  
 Telephone (H) Office  
17 Jan 07 s 80.00  
 Date Fee

NOTATION: The following attachments must be submitted with application. If applicable:

**MINUTES OF MARCH 8, 2007**  
**CITY OF LONG BEACH PLANNING COMMISSION**



1st Judicial District  
Instrument 2005 17513 D -J1  
Filed/Recorded 7 26 2005 9 20 A  
Total Fees 12.00  
3 Pages Recorded

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT

WARRANTY DEED

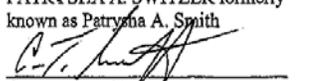
FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, we, **PATRYSHA A. SMITH nka PATRYSHA A. SWITZER**, surviving joint tenant of Constance L. Tewhill as shown by the attached Death Certificate and **C. T. SWITZER, JR.** ("Grantors"), do hereby sell, convey and warrant unto **PAUL K. CRITZER** and wife, **DIANE M. CRITZER** ("Grantees"), as joint tenants with the right of survivorship, and not as tenants in common, the following described real property situated and being located in the First Judicial District of Harrison County, Mississippi as follows, to-wit:

Lot 13, Block A, Reinike Subdivision, 4<sup>th</sup> Addition, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, in Plat Book 31 at Page 20.

This conveyance is subject to any and all restrictive covenants and conditions, easements, rights-of-way, and prior reservations of oil, gas and other minerals of record pertaining to the above subject property.

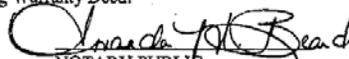
Taxes for the year 2005 have been prorated and are assumed by the Grantees.

WITNESS MY SIGNATURE this the 25 day of July, 2005.

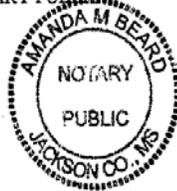
  
PATRYSHA A. SWITZER formerly  
known as Patrysha A. Smith  
  
C. T. SWITZER, JR.

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this the 25<sup>th</sup> of July, 2005, within my jurisdiction, the within named Patrysha A. Switzer formerly known as Patrysha A. Smith and C. T. Switzer, Jr., who acknowledged that they executed the above and foregoing Warranty Deed.

  
NOTARY PUBLIC

My Commission Expires:  
Notary Public State of Mississippi At Large  
My Commission Expires: May 4, 2008



5394.1

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

Mr. Critzer came forward to state his case. He stated he will be conducting a Marine Consulting operation business out of his residence. He stated he did receive a copy of Section 912 of the City of Long Beach Zoning Ordinance pertaining to Home Occupations and is willing to comply with all Ordinances.

Commissioner VanCourt made motion seconded by Commissioner Reed and unanimously carried to approve the applicant his Home Occupation provided he complies with all City and State Ordinances and Codes.

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The last item to come before the Commission was a sketch plan to locate a Planned Unit Development (PUD) located at 5527 Beatline Road submitted by Laguna Landing Development, Inc. of Saucier, MS 39574 as follows:

**MINUTES OF MARCH 8, 2007**  
**CITY OF LONG BEACH PLANNING COMMISSION**

CITY OF LONGBEACH, MISSISSIPPI  
PO BOX 929  
201 JEFF DAVIS AVENUE  
TELEPHONE 228-863-1554  
FAX 228-865-0822  
permits@cityoflongbeachms.com  
APPLICATION FOR CASE REVIEW

P-#8872

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.  Home Occupation (attach copy of Deed or lease)

II. Property Location:

House number and street name

The subject property is located at 5527 Beatline Road, Long Beach MS 39560. The property is comprised of four tracts designated as Tax Parcels 0511F-01-009.000 (8.3 AC); 0511K-01-001.000 (4.1 AC); 0511F-01-009.003 (1.4 AC); and 0511K-01-002.000 (6.5 AC) by the Harrison County Tax Assessor's Office.

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

Permit a "New Urbanism" mixed-use development consisting of 112 Condos, 136 Townhomes, 40 Residential Lofts, and 30,000 sqft. Commercial space. The Commercial space will be "Built to Suit" for small local neighborhood retail (i.e. restaurants, cleaners, day-care, etc.) featuring a Coastal Acadia style architecture. The Condos will be gated with amenities (i.e. swimming pool, club house, walking trails, etc.). The Townhome area will also have it's own amenities.

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

A. If in a subdivision:  
Subdivision Name

B. If Metes and Bounds: Attach a Legal Description

**DESCRIPTION OF PARCEL**

All that certain parcel of land situated in Block 8, Block 9 and Block 10, Andrew's Land Company's Subdivision and Lot 50, Henderson, Shipman, Hewes Partition, County of Harrison, State of Mississippi, and being more particularly described as follows:

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

Beginning at the southwest corner of Block 10 of said Andrew's Land Company's Subdivision (Plat Book 9, Page 11) thence along the West line of said block, North 00 degrees 16 minutes 32 seconds West 330 feet to a 1/2" iron rod found and the Point of Beginning;  
Thence, North 89 degrees 56 minutes 17 seconds West a distance of 1276.28 feet (as per survey), 1286.50 feet (as per record) to the Westerly Right of Way of Beatline Road to a 1/2" iron rod found,  
Thence along said Right of Way, South 00 degrees 16 minutes 32 seconds East a distance of 384.58 feet (as per survey), 385.00 feet (as per record), to a point and the northerly line of Canal No. 3,  
Thence along said line, South 64 degrees 39 minutes 04 seconds West a distance of 1409.03 feet (as per survey), 1430.00 feet (as per record) to a point,  
Thence, North 00 degrees 16 minutes 32 seconds West a distance of 989.21 feet (as per survey), 995.00 feet (as per record) to a 1/2" iron rod found and the Point of Beginning.

Said parcel contains 20.125 acres or 876,652 square feet, more or less.

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.

North – R.W. Day & Associates  
2nd Floor Office  
4005 Nicholson Drive  
Baton Rouge, LA 70808

South - Gary A. & Annette S. Mander  
4325 Beatline Road  
Long Beach, MS 39560

East – Jerry H. & Zola M. Beech  
245 King Bee Road  
Wiggins, MS 39577

West - R.W. Day & Associates  
2nd Floor Office  
4005 Nicholson Drive  
Baton Rouge, LA 70808

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.

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

Beginning at the southwest corner of Block 10 of said Andrew's Land Company's Subdivision (Plat Book 9, Page 11) thence along the West line of said block, North 00 degrees 16 minutes 32 seconds West 330 feet to a 1/2" iron rod found and the Point of Beginning;  
Thence, North 89 degrees 56 minutes 17 seconds West a distance of 1276.28 feet (as per survey), 1286.50 feet (as per record) to the Westerly Right of Way of Beatline Road to a 1/2" iron rod found,  
Thence along said Right of Way, South 00 degrees 16 minutes 32 seconds East a distance of 384.58 feet (as per survey), 385.00 feet (as per record), to a point and the northerly line of Canal No. 3,  
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South - Gary A. & Annette S. Mander  
4325 Beatline Road  
Long Beach, MS 39560

East – Jerry H. & Zola M. Beech  
245 King Bee Road  
Wiggins, MS 39577

West - R.W. Day & Associates  
2nd Floor Office  
4005 Nicholson Drive  
Baton Rouge, LA 70808

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.

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**LONG BEACH PLANNING COMMISSION**

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?

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.

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?

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.

FOR HOME OCCUPATION ONLY!

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



**MINUTES OF MARCH 8, 2007**  
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Mr. Tom Iovieno of Saucier, MS came forward representing the applicant.

After much discussion pertaining to the completion of the annexation process and the re-zone process to become a PUD Commissioner Reed made motion seconded by Commissioner Sweetapple and unanimously carried to approve the conceptual drawing for a PUD, provided the City finalizes the Annexation of this property and Zoning is correct for a Planned Unit Development.

\*\*\*\*\*

There being no further business to come before the Planning Commission at this time Commissioner Rishel made motion seconded by Commissioner VanCourt 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.

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Commission Chairman

DATE

ATTEST: \_\_\_\_\_

Mimi McMath. Minutes Clerk