

**MINUTES OF MARCH 22, 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 22nd 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, Tony VanCourt, Rod Rishel, Dale Stogner, Zoning Officer Ken Price and Minutes Clerk Mimi McMath.

Commissioners Frank Reed, David Serrato, Joseph Sweetapple and Planning Commission Advisor Bill Hessell 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 April 3rd, 2007 and subject to a ten-day appeal for a Public Hearing.

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Commissioner Yandell made motion seconded by Commissioner VanCourt and unanimously carried to approve Planning Commission Minutes of March 8th, 2007.

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**MINUTES OF MARCH 22, 2007  
LONG BEACH PLANNING COMMISSION**

Chairman Olaivar stated the Commissioners had a work session prior to tonight's meeting and progress is being made. The Commission will meet every week until further notice. The next meetings will be held on Wednesday March 28th at 5:30 also at the same time prior to each regularly scheduled meeting on the second and fourth Thursdays of each month.

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There came on for Planning Commission approval a request for a Home Occupation submitted by Kevin Raley of 102 South Island View 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**

*LEASE  
LTR FROM HOWARD BUNN  
R# 8880*

**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:** 102 South Island view  
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 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.

Kevin Raley  
Name of Owner(s)

long beach MS 39560  
City State Zip

Kevin Raley 3/9/07  
Signature of Owner(s) Date

102 South Island view  
Mailing Address

(228) 867 6438 (727) 234 3599  
Telephone (H) Office

\$ 80.00  
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

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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?

*I just live there, I use a fax machine that's about all, Park my truck there I concrete construction B's Concrete Contractor.*

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.

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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?

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*South 2 Real Estate*  
15456 Dedeaux Rd W  
Gulfport, MS 39503  
Tel. (228) 832-8863 Fax (228) 832-9588  
Email: [South2RealEstate@aol.com](mailto:South2RealEstate@aol.com)

March 9, 2007

To Whom It May Concern:

Kevin Raley is the current tenant at 102 S. Island View, Long Beach Ms 39560. South 2 Real Estate is aware that Mr. Raley is running a business out the said address.

Thank you,

Christle Burnham  
South 2 Real Estate

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**South 2 Real Estate**

15456 Dedeaux Rd. W., Gulfport, MS 39503  
Tel. (228) 832-8863 Fax 832-9588

LEASE AGREEMENT

State of Mississippi, County of Harrison, First Judicial District

This lease made this 8<sup>th</sup> day of December, 2007, by and between South 2 Real Estate, hereinafter referred to as Lessor and Kevin Kaley hereinafter referred to as Lessee:

WITNESSETH:

That in consideration of the representations made in the application filed by Lessee and with the Lessor, and the rent herein reserved, and to the covenants herein contained and by the said Lessee to be performed, the Lessor hereby leases to the Lessee, and the Lessee hereby leases from the Lessor, the following property: 25 Island View located in Long Beach in the County of Harrison, State of Mississippi, to be occupied as a dwelling and not otherwise for a term of 12 months commencing for the same on the 8<sup>th</sup> day of December 2007 and ending on the Last day of December, 2007

Lessee covenants and agrees to pay to the Lessor as rent for leased premises during said term, without deduction or demand, a rental of Eight Thousand Four Hundred (\$8,400), payable in equal consecutive calendar monthly installments of Seven Hundred (\$700), each in advance on the 15 day of every calendar month during said term. Time is of the essence. Rental checks should be made payable to South 2 Real Estate, at 15456 Dedeaux Rd. West, Gulfport, MS 39503, or such place designated by the Lessor.

It is further covenanted and agreed between the Lessor and Lessee as follows:

1. The Lessee hereby acknowledges that good condition of the herein leased premises and his acceptance of this Lease is conclusive evidence that said premises are in good and satisfactory order and repair, unless otherwise specified herein, and he agrees no representation as to condition of the premises has been made and no promise made to decorate, alter, repair or improve premises unless otherwise specified in writing.

2. Lessee has deposited with Lessor the sum of Six Hundred \$600 as Security Deposit, and Lessor acknowledges receipt of same. Said sum is for the purpose of securing the Lessee's performance of this Lease Agreement in whole or in part. THE DEPOSIT SHALL NOT BE USED AND APPLIED ON ACCOUNT OF ANY RENT, LATE CHARGES AND/OR OPERATING EXPENSES THAT MAY REMAIN DUE AND OWING AT THE EXPIRATION OF THIS AGREEMENT. A pet deposit of \$ 0 (\$ 0) is  is not required and is not refundable at termination of lease.

Said deposit will be applied on any damages suffered by the Lessor as a result of breach of covenant including, but not limited to, damages to the leased premises in excess of ordinary wear and tear. Upon termination of the Lease, the Lessor shall inspect the leased premises within 15 days after the Lessee vacates and shall send by first class mail to the forwarding address of the Lessee a detailed statement of any damages or violations of the Lease together with costs actually incurred. The Lessor shall withhold from the Lessee's security deposit reasonable cost for repairs due or any damage caused to Lessor by the Lessee's failure to perform or any violation of the terms of the Lease.

3. In the event the stipulated rental fee is more than three (3) days overdue, a penalty of \$15.00 will be levied and payable in addition to monthly rental. For each day rent is late after the fourth (4<sup>th</sup>)

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Mr. Raley came forward to state his request. He stated he wanted to have an office for his concrete construction business at his home. Mr. Raley stated he did have employees. The Commissioners explained to Mr. Raley that to have employees would make him not eligible to have a Home Occupation

After a brief discussion Commissioner VanCourt made motion seconded by Commissioner Yandell and unanimously carried to disapprove Mr. Raley for Home Occupation based on Mr. Raley not being able to comply with Section 912 of Zoning Ordinance #344 Section 912.3.1.

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The next item to come before the Commission was a request to locate an Ice House in the parking lot of Pineville Plaza submitted by Clint Herring 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



APPLICATION FOR CASE REVIEW

R# 882

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:  
Pineville Plaza Shopping Center, 19099 Pineville Rd, 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.) Location to place an ice house

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

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.

<u>Clint Herring</u> Name of Owner(s) <u>Columbia MS 39429</u> City State Zip <u>Clint Herring</u> Signature of Owner(s)	<u>1 East Lakeview Drive</u> Mailing Address <u>601-467-1275 601-731-3011</u> Telephone (H) Office <u>3/14/07</u> <u>\$ 50.00</u> Date Fee
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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

# MINUTES OF MARCH 22, 2007

## LONG BEACH PLANNING COMMISSION

### Making Money the Easy Way! Lease Your Land.

If you're like most business owners with parking lots, you know that it takes quite a bit of money to maintain your parking lots properly; sweeping, picking up trash, repainting parking lines and replacing lighting fixtures.

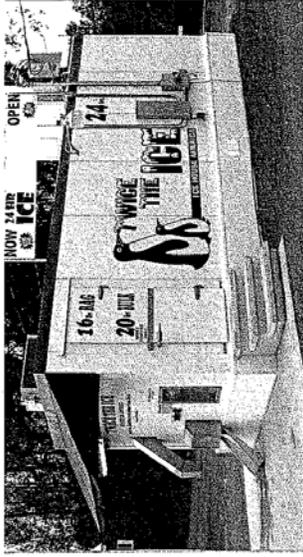
Or maybe you have a small piece of property bringing in no income at all. We can help you offset the cost of maintaining your parking lot, or bring in some extra income to that small piece of property you own.

How is this possible? By leasing a part of your land to an Ice House owner. The Ice House produces and delivers ice to consumers utilizing a vending concept. For a small purchase price, usually less than half of the going rate, the buyer will receive either a 16-pound bag of ice or 20 pounds of bulk ice. The Ice House more than doubles the amount of ice that the buyer receives and all for less money. Buyers have proven to respond very positively to this revolutionary new way of purchasing ice. Consumers typically use large amounts of ice for parties, picnics, boating, fishing, beaching, business, etc. The possibilities are endless.

#### How Much Space Will the Ice House Take?

Available space needed is 8' x 24', 200 square foot footprint. This is a small amount of space for the benefits you will receive.

There have already been hundreds of Ice Houses placed around the United States during the past three years. Locations are limited, so beat your competition to the punch!



#### What This Can Do For You

- Guaranteed income from the lease of your property
- Increased traffic flow to your store, shopping center or property, as many as 100-250 cars per day
- No installation or maintenance cost
- No utility cost

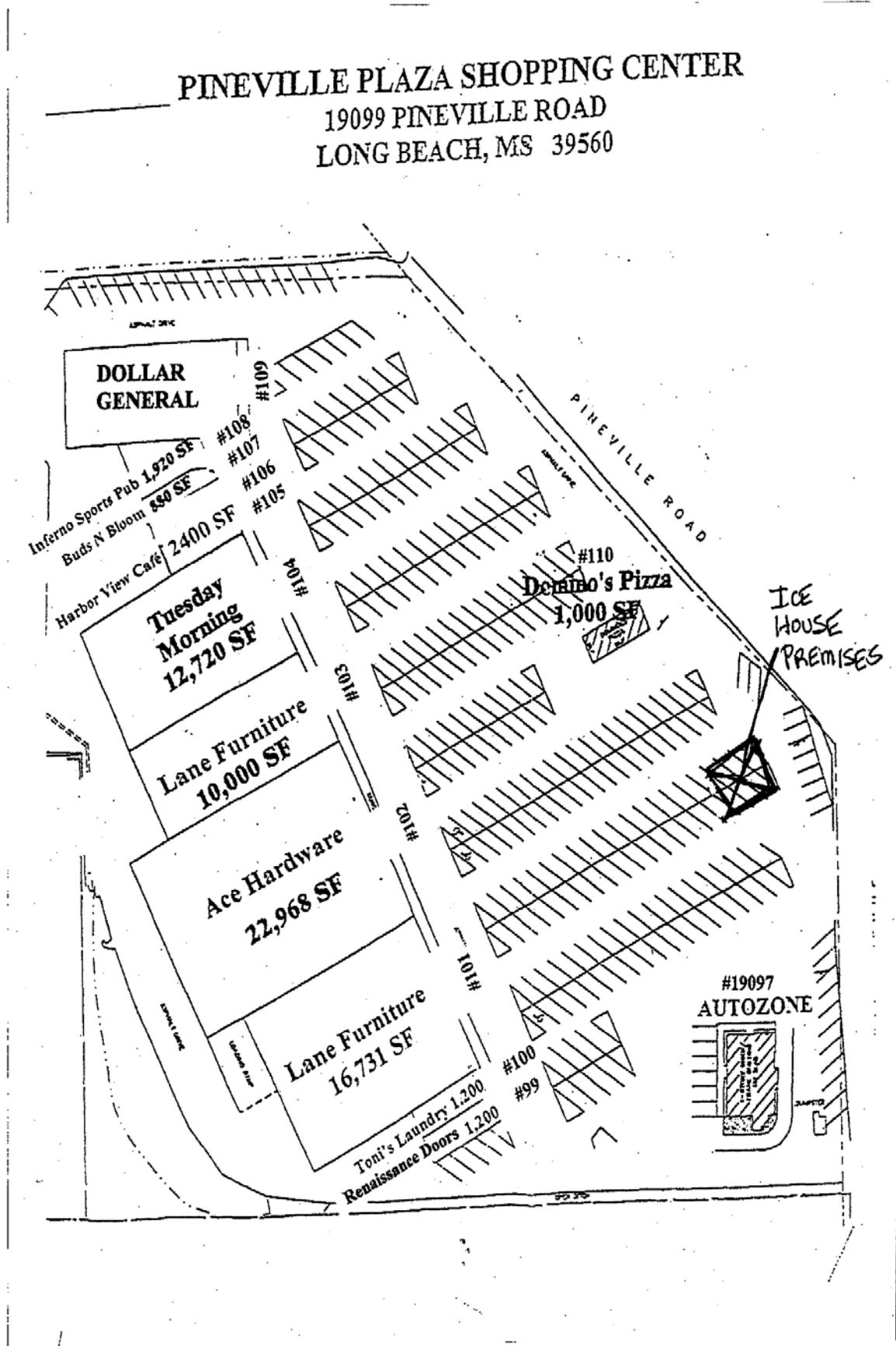
As you can see, this is a win-win situation; you receive extra income from the lease of a small piece of your property, and you'll realize increased traffic flow to your business. It's almost like having free money!

#### What This Can Do For Your Customers

- "Twice the Ice", customer saves over 50% on ice purchase
- Superior product quality, never frozen or hard, always loose
- Enhanced product safety, never touched by human hands
- Convenient and fast, takes 8 seconds after depositing money
- Available 24 hours, 365 days a year



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Mark Hunt came forward to explain the request.

After a lengthy discussion Commissioner Yandell made motion seconded by Commissioner VanCourt and unanimously carried to table the request until the applicant can bring back to the Commissioners a different location in the parking lot. It was the general consensus of the Commission the Ice business would be a welcomed addition to the City as long as it was placed in a more subdued location in the parking lot of Pineville Plaza.

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The next item to come before the Commission was a request for Condominiums in a C-1 zone submitted by Harry Nause 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**

#8877

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: 120 E BEACH BLVD, LONG BEACH  
 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 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.

Ratio District LLC Harry Nause My member  
 Name of Owner(s) Mailing Address

120 EAST BEACH  
 City State Zip Telephone (H) Office

Harry Nause Sr.  
 Signature of Owner(s) Date Fee

228-365-5200  
3/6/07 \$ 50.00

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

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05-99-47

BOOK 1454 PAGE 245

Index As: Part of Lot 17 of Original Long Beach, South by Fifth St., North by Mississippi Sound, West by Widow N. Ladnier Survey.



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 considerations, the receipt and sufficiency of all of which is hereby acknowledged, HUNT-NAUSE REAL PROPERTIES, LLC as Grantor, does hereby sell, convey, and warrant unto PATIO SUITES, LLC, as Grantee, the following described property situated in Harrison County, Mississippi, to-wit:

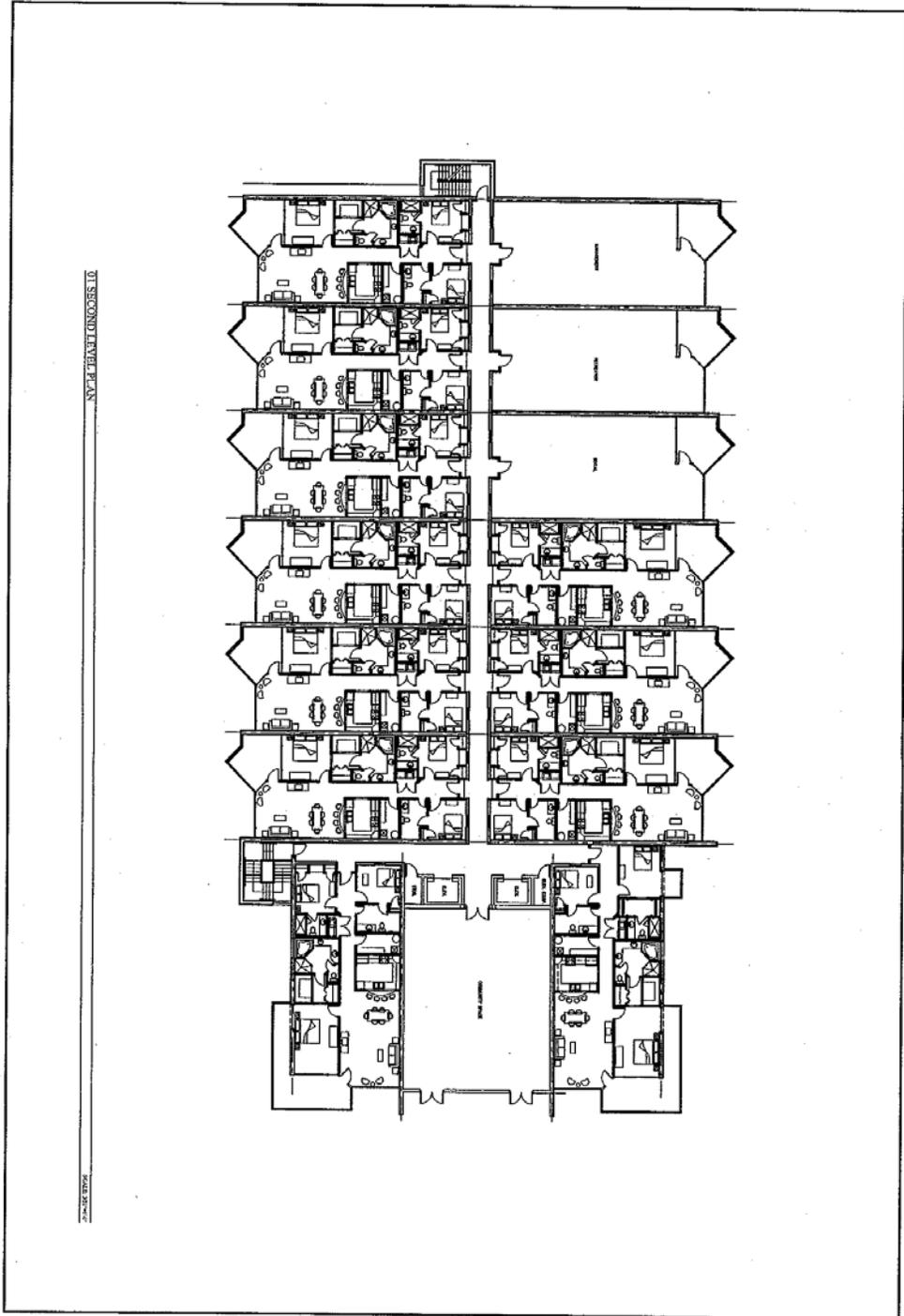
Beginning on the seashore of the Gulf of Mexico or Mississippi Sound, at a point 1469 feet West of the West line of the Widow N. Ladnier Survey, and running thence North 28 degrees West with magnetic variations to the South line of Fifth Street; thence Westerly along the South line of Fifth Street, a distance of 150 feet; thence South 28 degrees East with magnetic variations to the seashore of the Gulf of Mexico or Mississippi Sound; thence easterly along the said seashore of the Gulf of Mexico or Mississippi Sound to the place of beginning; less however the North 180 feet of said property. Said property has a frontage of 150 feet on the Seashore of the Gulf of Mexico or Mississippi Sound and extends back in a Northerly direction to a point 180 feet South of Fifth Street.

Ad Valorem taxes for the current year are prorated and assumed by the Grantee.

It is agreed and understood that the taxes for the current year have been pro-rated as of this date on an estimated basis. When said taxes are actually determined, if the proration as of this date is incorrect, then the Grantor agrees to pay to the Grantee, or its assigns, any deficit on an actual proration, and likewise, the Grantee agrees to pay to the Grantor, or its assigns, any amount overpaid.

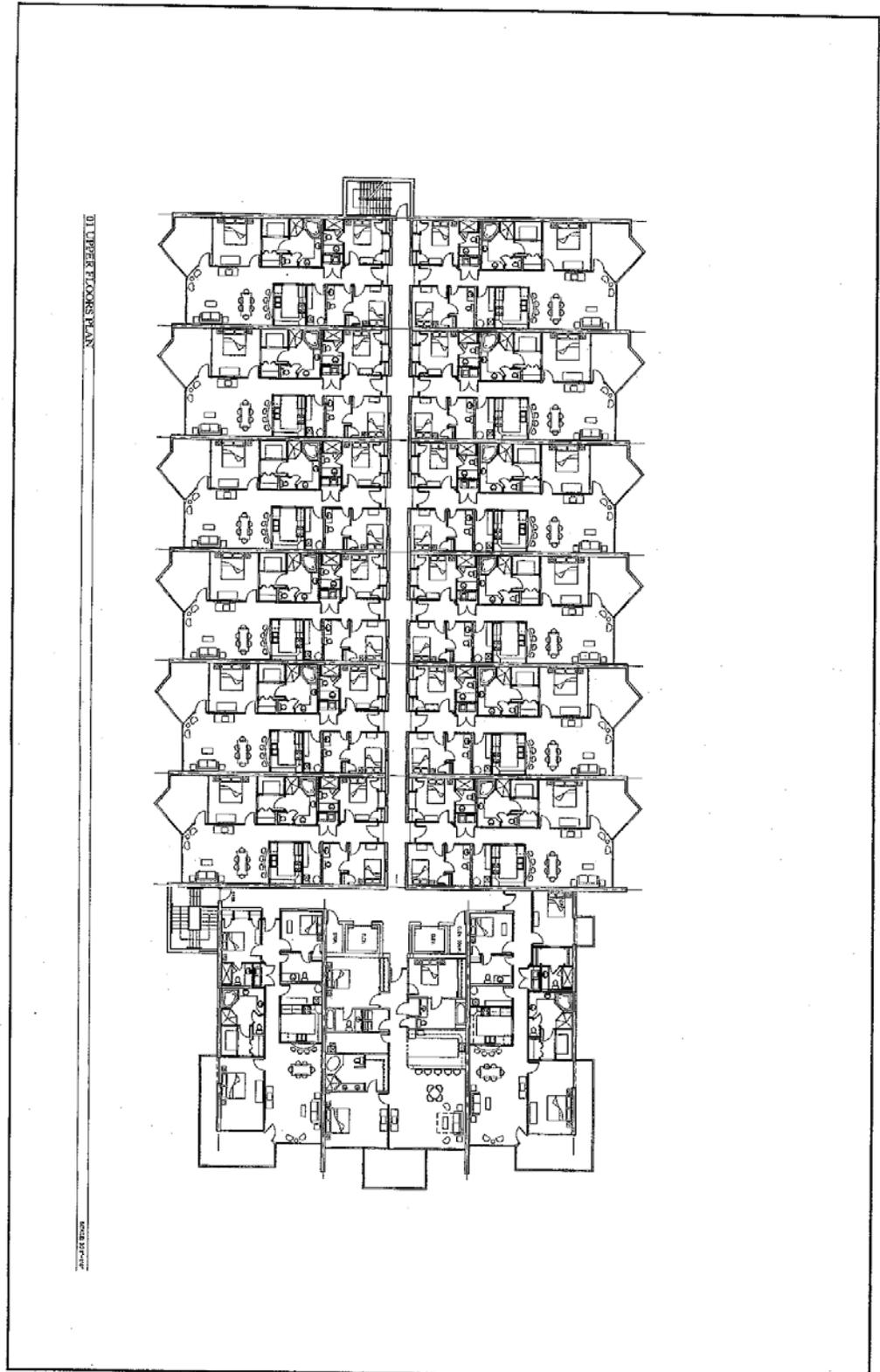
This conveyance is subject to all recorded protective covenants, easements, and prior oil, gas or mineral reservations.

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<p><b>A102</b></p>	<p><b>PATIO SUITES</b>          120 EAST BEACH BLVD          LONG BEACH, MISSISSIPPI</p>	<p><b>PATIO SUITES, LLC.</b>          120 EAST BEACH BLVD          LONG BEACH, MISSISSIPPI          PHONE: 228-365-5200</p>	<p><b>ARCHITECT:</b>          THOMAS G. LYNN          245 BEAUFORT RD.          BEAUFORT, MS 39511          PHONE: 228-365-5200          FAX: 228-365-5200</p>
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**MINUTES OF MARCH 22, 2007**  
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103 <small>DATE</small> <small>SCALE</small> <small>BY</small> <small>CHECKED</small> <small>DATE</small>	<b>PATIO SUITES</b> 120 EAST BEACH BLVD LONG BEACH, MISSISSIPPI	<small>OWNER</small> <b>PATIO SUITES, LLC.</b> 120 EAST BEACH BLVD LONG BEACH, MISSISSIPPI PHONE: 228-365-5200	<small>ARCHITECT</small> <b>THOMAS G. LYNN</b> 245 BRAVOUR RD. BILOXI, MS. 39511 PHONE: 228-294-8449 FAX: 228-365-1496	<small>NO. OF SHEETS</small> <small>OF TOTAL SHEETS</small> <small>DATE</small>
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**MINUTES OF MARCH 22, 2007**  
**LONG BEACH PLANNING COMMISSION**

Mr. Gene Lynn of Biloxi and Mr. Harry Nause of Meridian, Ms came forward to present their request. They stated the Condominium will be 70 feet in height and house six levels of housing units and have 71 units. The structure set back will be 100'.

Discussion was had pertaining to the request and Commissioner Yandell made motion seconded by Commissioner VanCourt to approve the request to locate a Condominium in the C-1 Zone.

Commissioner Rishel made motion seconded by Commissioner VanCourt and unanimously carried to approve the sketch plan for PATIO SUITES CONDOMINIUMS.

\*\*\*\*\*

There came on for Planning Commission approval a request for sketch plans on a subdivision located at 1313 Old Pass Road submitted by Donald Welch 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

**APPLICATION FOR CASE REVIEW**

*R# 8883*

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: 1313 OLD PASS RD.  
 House number and street name

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

IV. Legal Description of Land Involved. (Complete either A or B below.)  
 A. If in a subdivision:  
 \_\_\_\_\_  
 Subdivision Name  
 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.

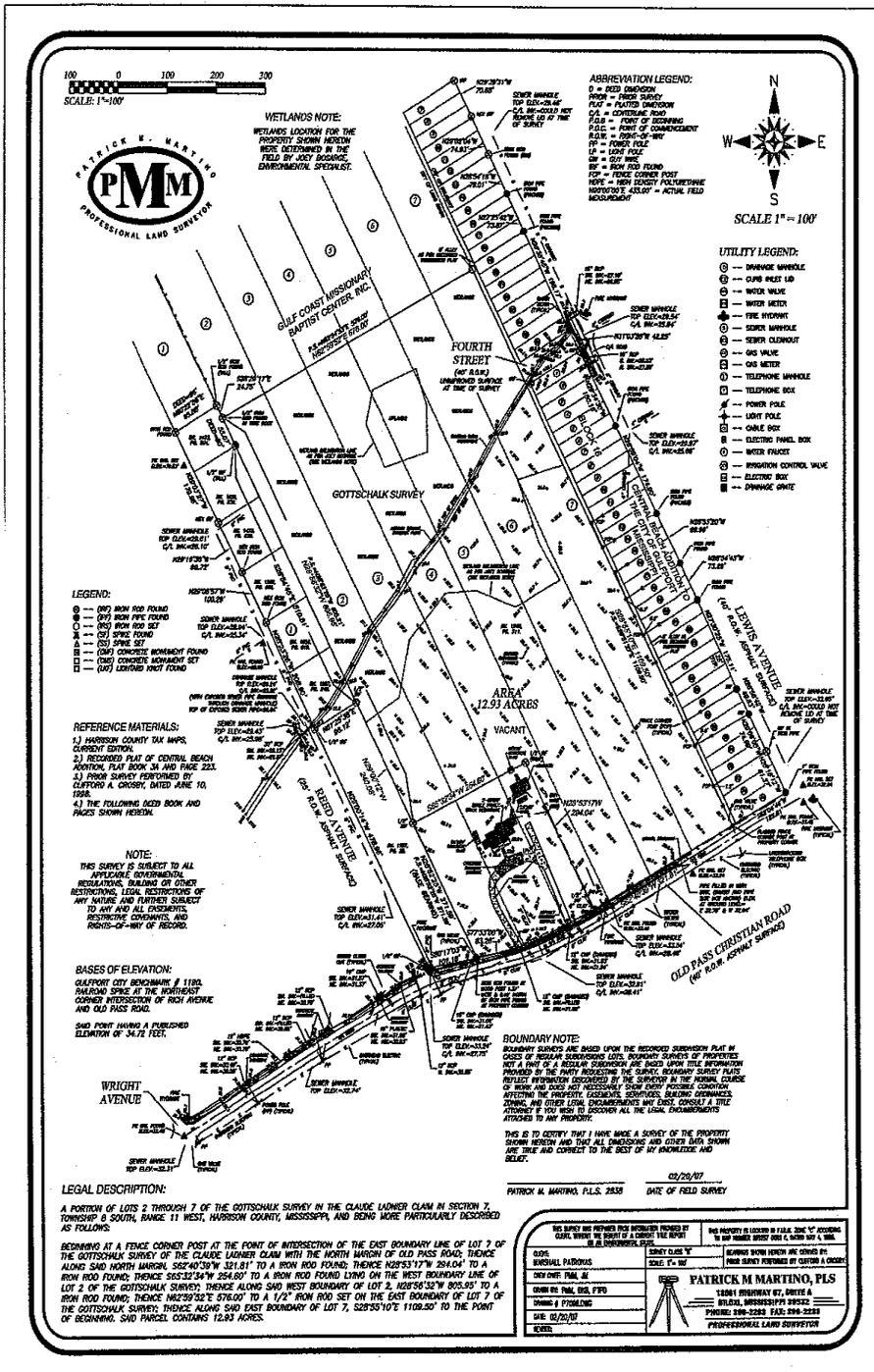
<u>RICK HARRIS</u> Name of Owner(s)	<u>9612 W. CIBOLA GRANDE</u> Mailing Address
<u>BEARIA AZ 85383</u> City State Zip	<u>623-825-2609</u> Telephone (H) Office
<u>[Signature]</u> Signature of Owner(s) <u>AGENT</u>	<u>MAR. 14, 07</u> \$ <u>50.00</u> Date Fee

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



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Mr. Donald Welch, project manager for Harris Heinrich came forward representing Mr. Rick Harris. He stated that after submitted the sketch drawing he had decided to orient the streets differently in order to save Magnolia and Live Oak trees.

After some discussion Commissioner Stogner made motion seconded by Commissioner VanCourt and unanimously carried to table the applicant until he can re-submit a sketch plan that would more accurately reflect his intentions.

\*\*\*\*\*

There being no further business to come before the Planning Commission at this time Commissioner VanCourt made motion seconded by Commissioner Stogner and unanimously carried to adjourn the meeting until the next regularly scheduled meeting in due course. The meeting was adjourned at 8:30 p.m.

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Commission Chairman

DATE

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

Mimi McMath. Minutes Clerk