

**MINUTES OF MAY 10, 2007
LONG BEACH PLANNING COMMISSION**

Be it remembered that a regular meeting of the Long Beach Planning Commission was begun and held at the Superintendent of Education's Office on May 10, 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 Chairman Frank Olaivar, Tony VanCourt, Tonda Yandell David Serrato Frank Reed, Dale Stogner, Zoning Officer Ken Price and Minutes Clerk Mimi McMath.

Commissioner Rod Rishell, Joseph Sweetapple, and Planning Commission Advisor Bill Hessel 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.

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 May 15, 2007 and subject to a ten-day appeal for a Public Hearing.

Commissioner VanCourt made a motion seconded by Commissioner Yandell and unanimously carried to approve Planning Commission Minutes of April 26, 2007.

The Chairman stated the Mayor and Board of Aldermen will be scheduling a workshop for Smart Code at their regularly scheduled meeting of May 15, 2007. They are anticipating the workshop to be held prior to the next meeting of the Planning Commission which is May 24, 2007.

MINUTES OF APRIL 10, 2007
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?

The proposed BP station intends to retain the fuel islands
in the location as located prior to Hurricane Katrina.

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 condition was a result of 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?

To meet Code (50' setback) would limit the north/south
dimension of the site such that the proposed building and
parking could not be replaced as shown.

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.

Denial of the request would prevent the Owner from replacing
his previous business.

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LONG BEACH PLANNING COMMISSION

EXHIBIT "A" BOOK 1524 PAGE 204

15764-2S-3460 (736)
124 East Beach
Long Beach, MS 39560

Indexing Instructions:

Parcel in Block No. 17, Original Long Beach, Section 13, T8S-R12W, in the First Judicial District of Harrison County, Mississippi

LEGAL DESCRIPTION

The following described property lying in and being situated in Block 17 of the original town of Long Beach, Section 13, Township 8 South, Range 12 West, First Judicial District of Harrison County, Mississippi, to-wit:

Begin at the point of intersection of the west margin of Burke Avenue and the north margin of U.S. Highway 90; thence South 68 degrees 26 minutes 40 seconds West 239.00 feet along the northern margin of said U.S. Highway 90 to an iron rod set; thence North 28 degrees 56 minutes 30 seconds West 157.00 feet to an iron rod found; thence North 68 degrees 25 minutes 17 seconds East 239.75 feet to an iron rod found and the western margin of said Burke Avenue; thence South 28 degrees 40 minutes 00 seconds east 157.00 feet along said western margin to the Point of Beginning.

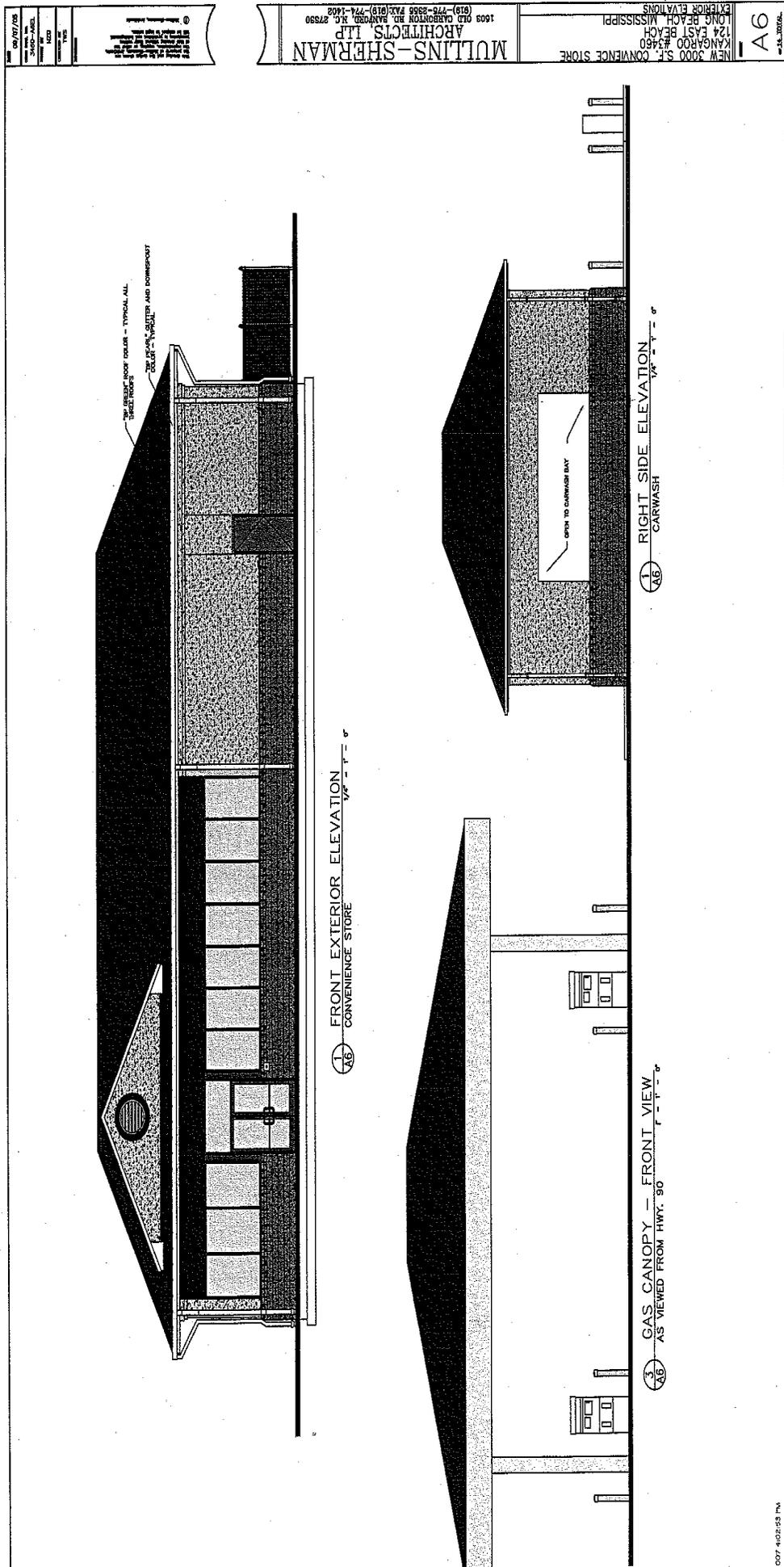
TOGETHER WITHOUT ANY WARRANTY OF TITLE

a perpetual, non-exclusive easement for ingress and egress and being more particularly described as follows: commencing at a point on the West margin of Burke Avenue and the North margin of U.S. Highway 90 lying in Block 17 of original town of Long Beach, Section 13, Township 8 South, Range 12 West, Harrison County, Mississippi; thence North 28 degrees 40 minutes West 157 feet to the Point of Beginning; thence run North 28 degrees 40 minutes West 15 feet; thence run South 68 degrees 25 minutes 17 seconds West 79 feet; thence run South 28 degrees 40 minutes 17 seconds East 79 feet to the West margin of Burke Avenue and the Point of Beginning.

Being all and the same property described in that deed from W. L. Holcomb and Heritage Investment Corporation to R.R. Morrison & Son, Inc. dated October 29, 1986 and recorded in Book 1055 and Page 198 and that deed from W. L. Holcomb, W.P. Brown, Jr., C. R. Sayre, William H. Harrison, Jr., Michael R. Harrison, Patrick J. Harrison, Loreto Kigin Harrison, Joan Marie Harrison Herbert and Mary Susan Harrison Blackstock and R. R. Morrison & Son, Inc. dated October 27, 1986 and recorded in Book 1055 and Page 194 in the First Judicial District of Harrison County Chancery Clerk's Office.

JO.99057808.1

MINUTES OF MAY 10, 2007
LONG BEACH PLANNING COMMISSION



MINUTES OF APRIL 10, 2007

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

**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. The Pantry, Inc. 798 Vieux Marche, Biloxi, Mississippi has filed an application for a variance from the Comprehensive Zoning Ordinance. The request is for a variance of thirty-eight (38) feet from the required fifty-five (55) feet front yard setback. The general location is adjacent to U.S. Highway 90 east of Jeff Davis Avenue. The legal description is as follows:

The following described property lying in and being situated in Block 17 of the original town of Long Beach, Section 13 Township 8 South, Range 12 West First Judicial District of Harrison County, Mississippi, to wit:

Begin at the point of intersection of the west margin of Burke Avenue and the north margin of U. S. Highway 90; thence South 68 degrees 26 minutes 40 seconds West 238.00 feet along the northern margin of said U. S. Highway 90 to an iron rod set; thence North 28 degrees 56 minutes and 30 seconds West 157.00 feet to an iron rod found; thence North 68 degrees 25 minutes 17 seconds 239.75 feet to an iron rod found and the western margin of said Burke Avenue; thence South 28 degrees 40 minutes 00 seconds east 157.00 feet along said western margin to the Point of Beginning.

TOGETHER WITHOUT ANY WARRANTY OF TITLE A perpetual, non exclusive easement for ingress and egress and being more particularly described as follows: commencing at a point on the West margin of Burke Avenue and the North margin of U. S. Highway 90, in Block 17 of original Town of Long Beach, Section 13, Township 8 South, Range 12 West, Harrison County, Mississippi; thence North 28 degrees 40 minutes West 157 feet to the point of beginning; thence run north 28 degrees 40 minutes

West 15 feet; thence run South 68 degrees 25 minutes 17 seconds West 79 feet; thence run South 28 degrees 40 minutes 17 seconds East 79 feet to the West margin of Burke Avenue and the POINT OF BEGINNING.

Being all and the same property described in that deed from W. L. Holcomb and Heritage Investment Corporation to R. R. Morrison & Son, Inc. dated October 28, 1988 and recorded in Book 1055 Page 198 and that deed from W. L. Holcomb, W. P. Brown, Jr., C. R. Sayre, William H. Harrison, Jr., Michael R. Harrison, Patrick J. Harrison, Loreto Kigin Harrison, Joan Marie Harrison Herbert and Mary Susan Harrison Blackstock and R. R. Morrison & Son, Inc. dated October 27, 1988 and recorded in Book 1055 page 194 in the First Judicial District of Harrison County Chancery Clerk's Office.

The public hearing to consider the above variance will be held in the City of Long Beach, Mississippi, 39560, Thursday, May 10th, 2007 at 7:00 p.m., in the Long Beach School Administration Building on Commission Road. The city encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

Is/ signed
Chairman
Planning Commission
M70,adv18,1wcd
1182527

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Casey Pearson 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. 123 No., 197 dated 18 day of April, 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.

APR 19 2007
Casey Pearson
Clerk

Sworn to and subscribed before me this 19 day of April, A.D., 2007

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

Kandi Berkley
Notary Public

Printer's Fee \$ 64.92
Furnishing proof of publication \$ 3.00
TOTAL \$ 67.92

MINUTES OF MAY 10, 2007
LONG BEACH PLANNING COMMISSION

The Clerk reported further that seven (7) 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

BOARD OF ALDERMEN

Richard Bennett
Charlie Boggs
Richard Burton
Allen D. Holder, Jr.
Mark Lishen
Joe McNary
Richard Notter



WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruoff

CITY ATTORNEY
Frank R. McCreary, III

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**.

The Pantry, Inc. 796 Vieux Marche, Biloxi, Mississippi has filed an application for a variance from the Comprehensive Zoning Ordinance. The request is for a variance of thirty-eight (38) feet from the required fifty-five (55) feet front yard setback. The general location is adjacent to U.S. Highway 90 and east of Jeff Davis Avenue. The legal description is as follows:

The following described property lying in and being situated in Block 17 of the original town of Long Beach, Section 13 Township 8 South, Range 12 West First Judicial District of Harrison County, Mississippi, to wit:

Begin at the point of intersection of the west margin of Burke Avenue and the north margin of U. S. Highway 90; thence South 68 degrees 26 minutes 40 seconds West 239.00 feet along the northern margin of said U. S. Highway 90 to an iron rod set; thence North 28 degrees 56 minutes and 30 seconds West 157.00 feet to an iron rod found; thence North 68 degrees 25 minutes 17 seconds 239.75 feet to an iron rod found and the western margin of said Burke Avenue; thence South 28 degrees 40 minutes 00 seconds east 157.00 feet along said western margin to the Point of Beginning.

TOGETHER WITHOUT ANY WARRANTY OF TITLE

A perpetual, non exclusive easement for ingress and egress and being more particularly described as follows: commencing at a point on the West margin of Burke Avenue and the North margin of U. S. Highway 90 lying in Block

MINUTES OF APRIL 10, 2007
LONG BEACH PLANNING COMMISSION

Page -2-

17 of original Town of Long Beach, Section 13, Township 8 South, Range 12 West, Harrison County, Mississippi; thence North 28 degrees 40 minutes West 157 feet to the point of beginning; thence run north 28 degrees 40 minutes West 15 feet;; thence run South 68 degrees 25 minutes 17 seconds West 79 feet; thence run South 28 degrees 40 minutes 17 seconds East 79 feet to the West margin of Burke Avenue and the POINT OF BEGINNING.

Being all and the same property described in that deed from W.L. Holcomb and Heritage Investment Corporation to R. R. Morrison & Son, Inc dated October 29, 1986 and recorded in Book 1055 Page 198 and that deed from W. L. Holcomb, W. P. Brown, Jr., C. R. Sayre, William H. Harrison, Jr., Michael R. Harrison, Patrick J. Harrison, Loreto Kigin Harrison, Joan Marie Harrison Herbert and Mary Susan Harrison Blackstock and R. R. Morison & Son, Inc. dated October 27, 1986 and recorded in Book 1055 page 194 in the First Judicial District of Harrison County Chancery Clerks Office.

The public hearing to consider the above variance will be held in the City of Long Beach, Mississippi, 39560, Thursday, May 10th, 2007 at 7:00 p.m., in the Long Beach School Administration Building 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

MINUTES OF APRIL 10, 2007
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The following letter from the City Engineer was entered into the record as follows:



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



April 9, 2007

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

RE: Kangaroo #3846 – South Burke Ave. & Highway 90

Gentlemen:

We have reviewed the plans for this commercial development for compliance with City requirements. It appears that the development is designed to be constructed back to the same footprint as existed prior to Hurricane Katrina. The only comment of note is that we have provided only a 1-1/2" water service on S. Burke Avenue, as opposed to a 2" service as shown on the plans. Otherwise, we see no problems with these plans.

Sincerely,

David Ball, P.E.

DB:539

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Mr. Holtz came forward to represent The Pantry. He stated he was requesting a 38 foot variance for the gas pump canopy.

The Chairman asked if anyone was present who wished to speak in favor of the applicant and no one came forward.

The Chairman asked if anyone was present who wished to speak in opposition to the request and no one came forward.

Commissioner Reed made motion seconded by Commissioner Stogner and unanimously carried to close the Public Hearing.

After a short discussion Commissioner Serrato made a motion to approve the applicants request for the variance as submitted.

Commissioner Yandell made a substitute motion seconded by Commissioner VanCourt to approve the variance as submitted, provided that all lighting on the outside is recessed, there is landscaping where applicable and the signs will be monument style.

The Chairman called for a roll call vote as follows:

Commissioner Serrato	Nay
Commissioner Yandell	Yea
Commissioner VanCourt	Yea
Commissioner Stogner	Yea
Commissioner Reed	Yea

The motion receiving a majority of yes vote the Chairman declared the motion carried.

The original motion died for a lack of a second.

MINUTES OF MAY 10, 2007
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The next item to come before the Commission was a PUBLIC HEARING to request Variances for substandard lots being created in a proposed new subdivision located on N Lang submitted by Joseph H. and Susan Lillian “Sunny” Miceil of Orange Beach, Al represented by Danny Satchfield of Long Beach, MS as follows:

MINUTES OF APRIL 10, 2007
LONG BEACH PLANNING COMMISSION



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

8894

- 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: LARG AVENUE NORTH
 House number and street name

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

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

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.

Joe & Anne Marie Maule (DANNY SATCHEL)
 228 12 E SECOND C/D, MS

Name of Owner(s)	Mailing Address
<u>LONG BEACH MS 39560</u>	<u>868-8657</u>
City State Zip	Telephone (H) Office
<u>[Signature]</u>	<u>april 9</u> \$ <u>100.00</u>
Signature of Owner(s)	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 RE ZONING 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.

MINUTES OF APRIL 10, 2007
LONG BEACH PLANNING COMMISSION

Daniel F. Satchfield
228 East Second Street
Long Beach, Mississippi
228-868-8657

April 6, 2007

City of Long Beach, Mississippi
201 Jeff Davis Avenue
Long Beach, Mississippi 39560

RE: Application for Case Review for Proposed Subdivision

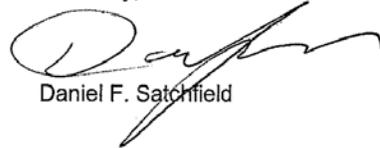
Dear Sir or Madam:

Please accept this statement explaining my request for a zoning variance and special exception use of the following described property: Lots 56, 57, 58 and 59, SEASIDE FARMS SUBDIVISION, in Harrison County, Mississippi as per map or plat thereof recorded in Plat Book 12, Page 17 (Copy Plat Book 5, Page 403) in the office of the Chancery Clerk of Harrison County, Mississippi. LESS AND EXCEPT: A thirty five foot by twenty five foot easement in the Southeast corner of Lot 59, Seaside Farms Subdivision, as conveyed to the City of Long Beach, Mississippi, by Warranty Deed from Jennings A. Martin, dated June 6, 1993, recorded July 29, 1993 in Book 1248, Page 128.

The zoning variance sought and special exception use requested of this property is to allow a 25 lot subdivision development with non-conforming lot sizes. A proposed plot plan is attached, outlining the layout of the various lots for this subdivision.

Thank you for your consideration.

Sincerely,


Daniel F. Satchfield

Enclosures

MINUTES OF MAY 10, 2007
LONG BEACH PLANNING COMMISSION

SPECIFIC POWER OF ATTORNEY
(With Durable Provisions)

TO ALL PERSONS, be it known that we, Joseph H. Miceli and Lillian "Sunny" Miceli, husband and wife, as Grantors, do hereby make and grant a limited and specific power of attorney to Daniel F. Satchfield (hereinafter referred to as "Agent") with durable provisions, and appoint and constitute said individual as our attorney-in-fact. Our named Agent shall have full power and authority to undertake, commit and perform only the following acts on our behalf to the same extent as if we had done so personally, all with full power of substitution and revocation in these presence relating to the following described real property:

Lots 56, 57, 58 and 59, SEASIDE FARMS SUBDIVISION, in Harrison County, Mississippi as per map or plat thereof recorded in Plat Book 12, Page 17 (Copy Plat Book 5, Page 403) in the office of the Chancery Clerk of Harrison County, Mississippi. LESS AND EXCEPT: A thirty five foot by twenty five foot easement in the Southeast corner of Lot 59, Seaside Farms Subdivision, as conveyed to the City of Long Beach, Mississippi, by Warranty Deed from Jennings A. Martin, dated June 6, 1993, recorded July 29, 1993 in Book 1248, Page 128.

Our Agent's powers shall include, but not be limited to, the power to:

1. Manage, insure, improve and/or repair the above and within described real property;
2. Perform any act or deed whatsoever with respect to the above and within described real property;
3. Prepare, sign and file any documents with any governmental body or agency pertaining to the above and within described real property;
4. Obtain information or documents from any government or its agencies, and negotiate, compromise, or settle any matter with such government or agency (including tax matters) relating to the above and within described real property;
5. Prepare applications, provide information, and perform any other act reasonably requested by any government or its agencies in connection with the above and within described real property;

This Durable Power of Attorney shall be construed broadly as a General Power of Attorney. The listing of specific powers is not intended to limit or restrict the general powers granted in this Power of Attorney in any manner as it relates to the above and within described real property.

 JHM
 LM
____ DFS

MINUTES OF MAY 10, 2007
LONG BEACH PLANNING COMMISSION

Any power or authority granted to our Agent under this document shall be limited to the extent necessary to prevent this Power of Attorney from causing: (i) our income to be taxable to our Agent, and (ii) our assets to be subject to a general power of appointment by our Agent.

Our Agent shall not be liable for any loss that results from a judgment error that was made in good faith. However, our Agent shall be liable for willful misconduct or the failure to act in good faith while acting under the authority of this Power of Attorney.

We authorize our Agent to indemnify and hold harmless any third party who accepts and acts under this document.

Our Agent shall be entitled to reimbursement of all reasonable expenses incurred in connection with this Power of Attorney.

Our Agent shall provide an accounting for all funds handled and all acts performed as our Agent, if we so request or if such a request is made by any authorized personal representative or fiduciary acting on our behalf.

This Power of Attorney shall become effective immediately and shall not be affected by our disability or lack of mental competence, except as may be provided otherwise by an applicable state statute. This is a Durable Power of Attorney.

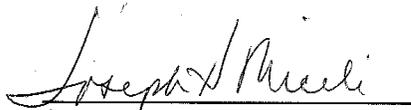
This Power of Attorney shall continue effective until our death. This Power of Attorney may be revoked by us at any time by providing written notice to our Agent.

We sign this document after careful consideration; and we understand its meaning and we accept its consequences.

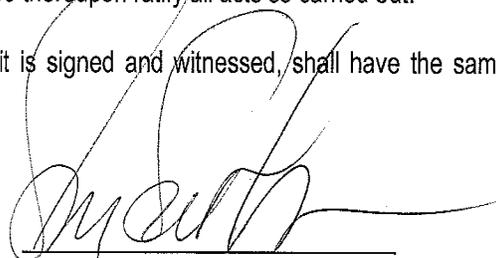
The authority granted shall include such incidental acts as are reasonably required or necessary to carry out and perform the specific authorities and duties stated or contemplated herein.

Our attorney-in-fact agrees to accept this appointment subject to its terms, and agrees to act and perform in said fiduciary capacity consistent with our best interests as he, in his discretion, deems advisable, and we thereupon ratify all acts so carried out.

A photocopy of this document, after it is signed and witnessed, shall have the same legal force as the original document.



Joseph H. Miceli



Lillian "Sunny" Miceli

 JHM
 LM
____ DFS

MINUTES OF MAY 10, 2007
LONG BEACH PLANNING COMMISSION



Daniel F. Satchfield

State of Mississippi
County of Harrison

Personally came and appeared before me, the undersigned authority in and for the County and State aforesaid, the within named, Joseph H. Miceli and Lillian "Sunny" Miceli, husband and wife, who, after first being duly sworn by me on their oath did depose and state that they have signed the above and foregoing Specific Power of Attorney with Durable Provisions on the day and year therein stated and for the purpose stated therein; further, they executed the said Specific Power of Attorney with Durable Provisions as their own and free, voluntary act.

So sworn and subscribed before me on this the 5th day of April, 2007.



Notary Public

My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES NOV. 21, 2010
BONDED THRU STEGALL NOTARY SERVICE

(S E A L)

State of Mississippi
County of Harrison

Personally came and appeared before me, the undersigned authority in and for the County and State aforesaid, the within named, Daniel F. Satchfield, who, after first being duly sworn by me on his oath did depose and state that he signed the above and foregoing Specific Power of Attorney with Durable Provision on the day and year therein stated and for the purpose stated therein.

So sworn and subscribed before me on this the 5th day of April, 2007.



Notary Public

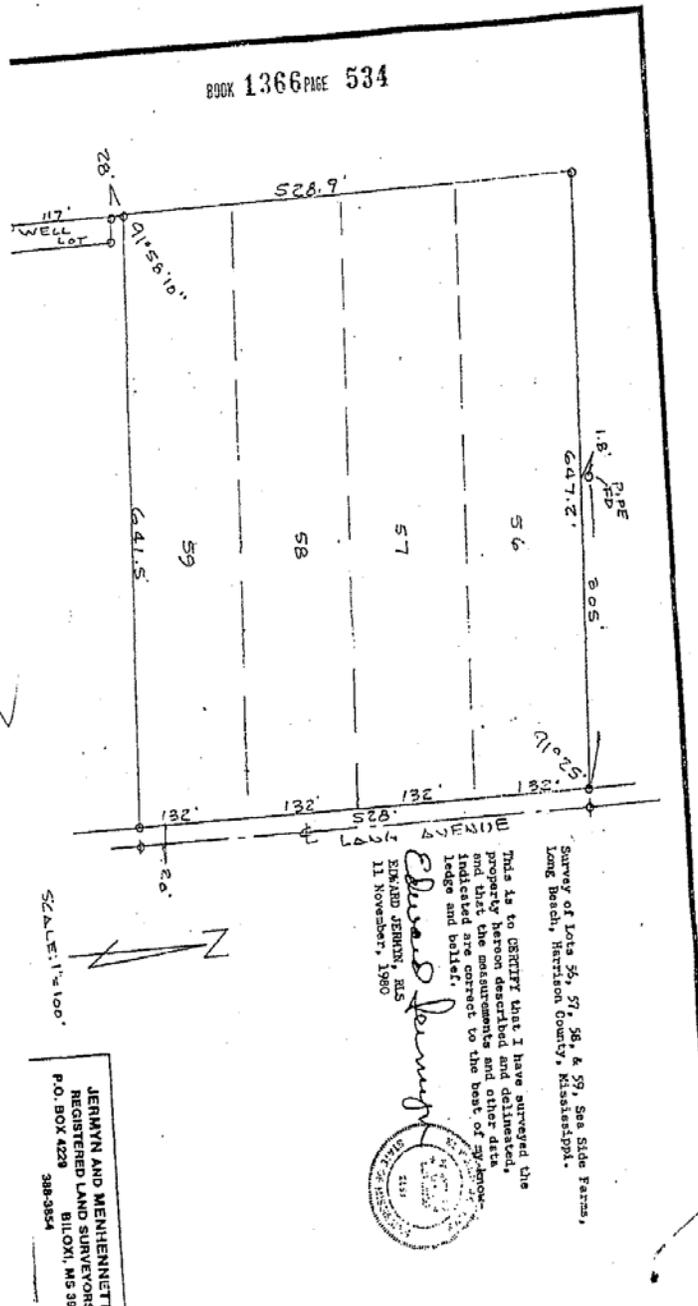
My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES NOV. 21, 2010
BONDED THRU STEGALL NOTARY SERVICE

(S E A L)

 JHM
 LM
 DFS

**MINUTES OF MAY 10, 2007
LONG BEACH PLANNING COMMISSION**



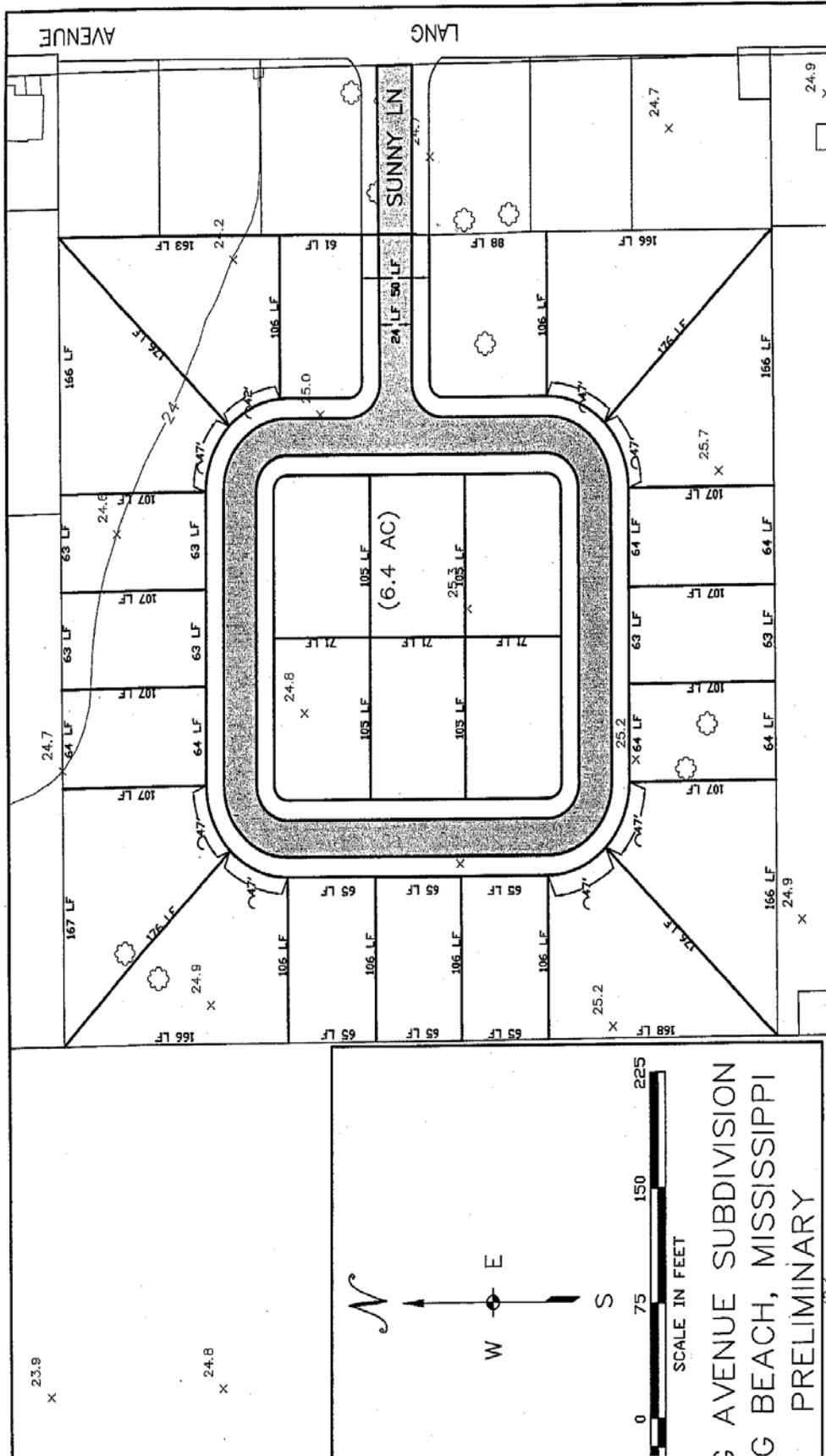
Instrument No. 2128

STATEMENT OF FEES	
Recording Fee	\$6.00
Records Management Fee	\$1.00
Abstracting/Section Fee at \$1.00 each	1.00
Marginal Entry at .50 each	=
Other	=

STATE OF MISSISSIPPI, COUNTY OF HARRISON, FIRST JUDICIAL DISTRICT:
 I hereby certify that this instrument was received and filed for record at 9 o'clock and 12 minutes A. M. on 3 day of April, A.D. 19 97 and recorded April 4, 19 97 in Records of Deeds Book 1366 Pages 532-534

JOHN McADAMS, Chancery Clerk
 By Chris G. Sibley, D.C.

MINUTES OF MAY 10, 2007
LONG BEACH PLANNING COMMISSION



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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



STATE OF MISSISSIPPI
 COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Tahira Crawley 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. 123 No., 204 dated 20th day of April, 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.

Commission Expires on:
 October 15, 2007 _____
 Clerk

Sworn to and subscribed before me this 20th day of April, A.D., 2007

Karen Shook
 Notary Public

Printer's Fee \$ 26.53
 Furnishing proof of publication \$ 3.00
 TOTAL 29.53

MINUTES OF APRIL 10, 2007

CITY OF LONG BEACH PLANNING COMMISSION

The Clerk reported further that thirty (30) 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

BOARD OF ALDERMEN

Richard Bennett
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Allen D. Holder, Jr.
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Joe McNary
Richard Notter



WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
Frank R. McCreary, III

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 a **Variance**.

Joe Miceili, 228 East Second Street, Long Beach, Mississippi has filed an application for a Variance from the Comprehensive Zoning Ordinance. The request is for a Variance to allow a 25 lot subdivision on Lang Avenue North to have non-conforming lot sizes. The legal description is as follows:

Lots 56, 57, 58, and 59 SEASIDE FARMS SUBDIVISION, in Harrison County, Mississippi, plat filed in the office of the Chancery Clerk of Harrison County, Mississippi LESS AND EXCEPT: a thirty -five feet by twenty-five feet easement in the Southeast corner of Lot 59, Seaside Farms Subdivision, as conveyed to the City of Long Beach, Mississippi.

The public hearing to consider the above variance will be held in the City of Long Beach, Mississippi, 39560, Thursday, May 10, 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

MINUTES OF APRIL 10, 2007
LONG BEACH PLANNING COMMISSION

Mr. Danny Satchfield came forward representing the applicant. He stated that he wanted to have smaller lots to build homes that are 1100 to 1200 feet with a price range of \$150,000.00 to \$175,000.00. He needed to make as many lots as he could to make the development profitable.

The Chairman asked if anyone was present who wished to speak in favor of the request and no one came forward.

The Chairman asked if anyone was present who wished to speak in opposition to the request and Joyce Lyons of Church Street and Randy Ashley of N Lang came forward.

Commissioner VanCourt made motion seconded by Commissioner Yandell and unanimously carried to close the public hearing.

After much discussion Commissioner VanCourt made motion seconded by Commissioner Yandell and unanimously carried to deny the applicant. The Commission stated if the applicant had made an effort to have most of the lots in the subdivision minimum lot size it would have been more favorable for the applicant.

The next item to come before the Commission was a request for a Certificate of Re-subdivision for property located on North Mitchell Road submitted by Earl Levens along with a letter from the City Engineer as follows:

MINUTES OF MAY 10, 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



April 25, 2007

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

RE: Certificate of Resubdivision – Tax Parcel Nos. 0511J-02-004.000 & 0511J-02-005.000

Gentlemen:

We are in receipt of a Certificate of Resubdivision for the two referenced parcels. The subdivision is basically just a realignment of lot lines, resulting in two lots conforming to the minimum standards of the City. The lots will be approximately 150' in width, both fronting on Mitchell Road, and will both be about 313' deep.

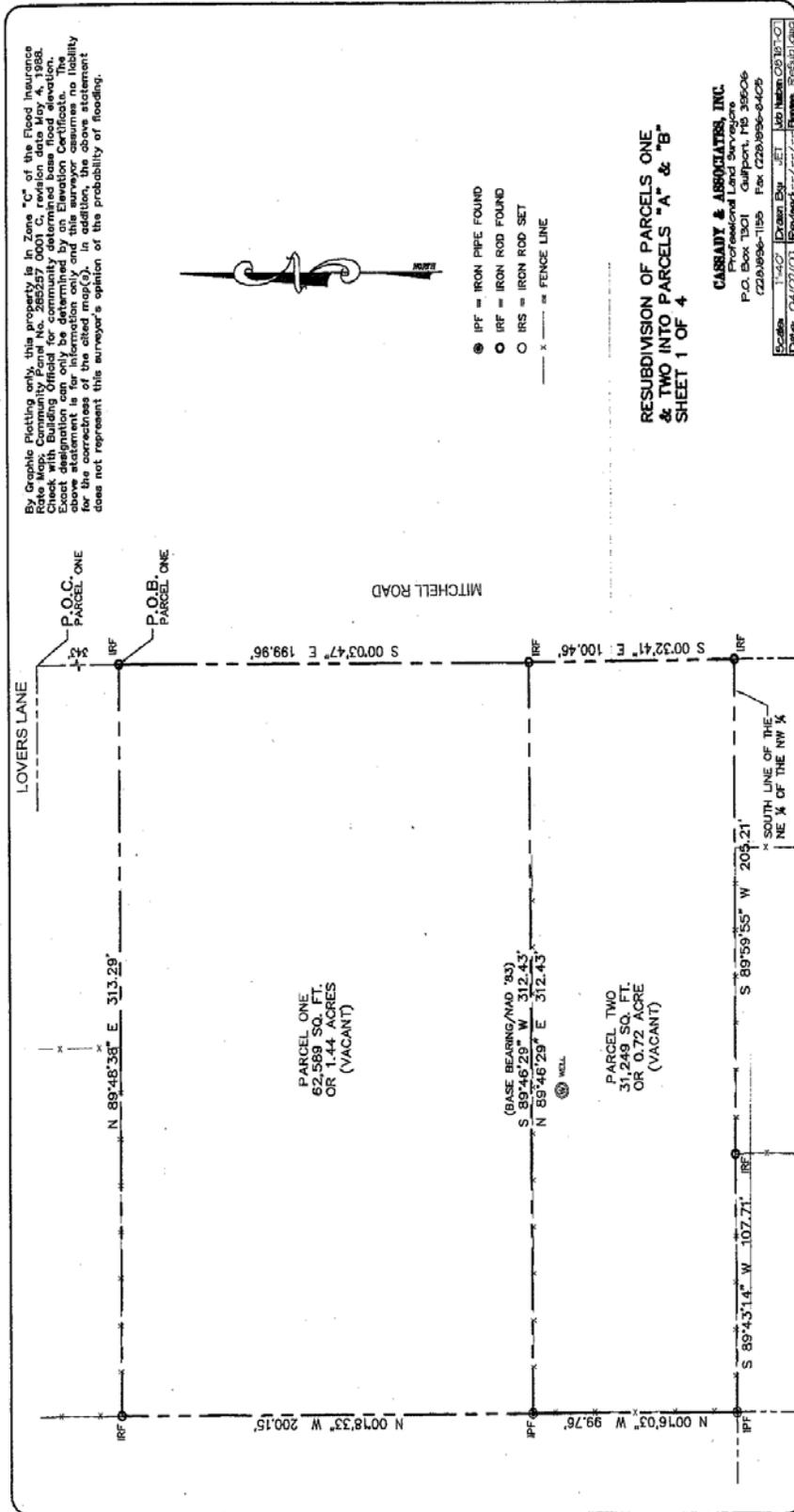
We hereby recommend approval of this Certificate of Resubdivision at this time. Should you have any questions, please call. Thank you.

Sincerely,

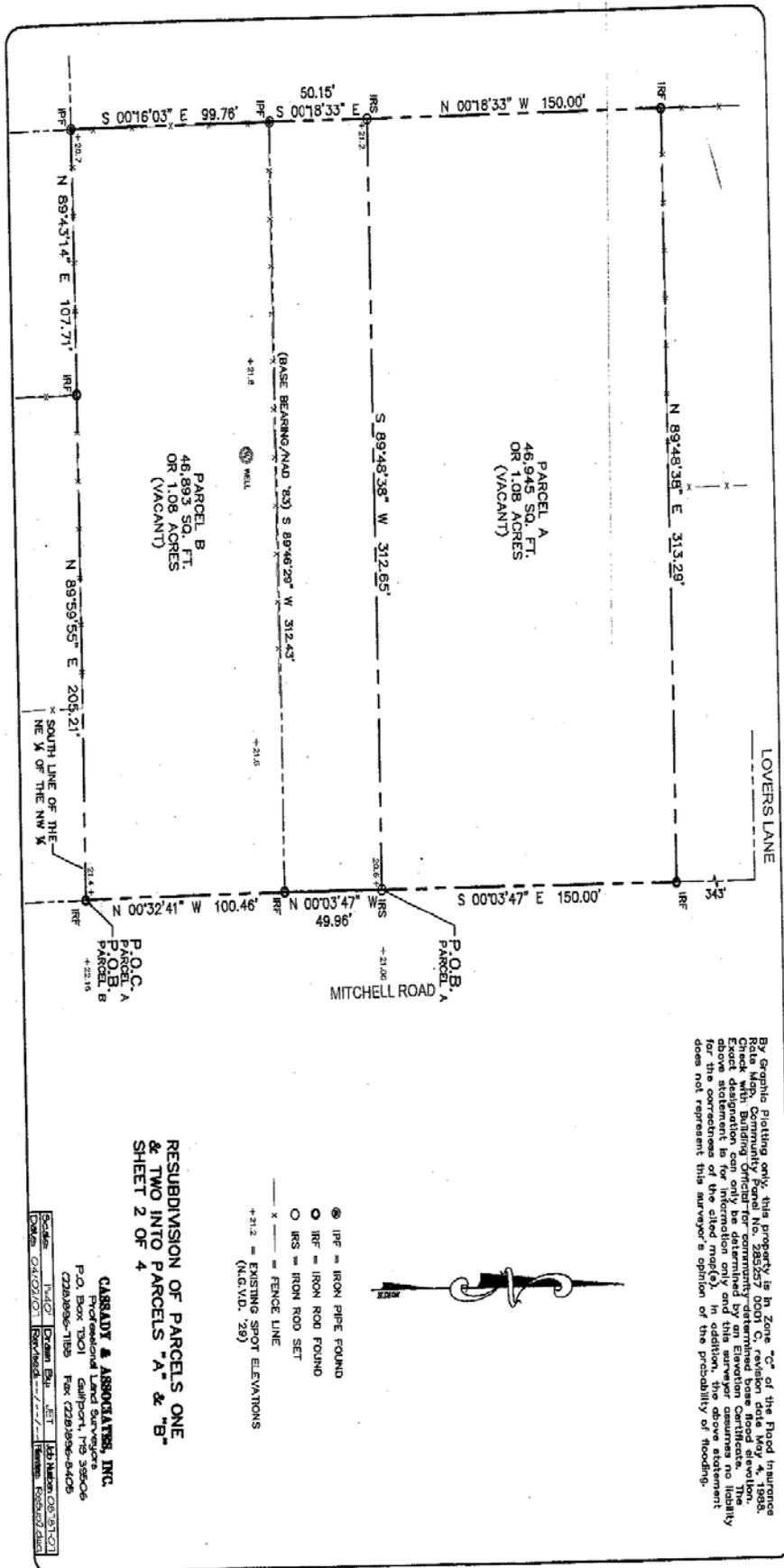
David Ball, P.E.

DB:539

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By Graphic Plotting only, this property is in Zone "C" of the Flood Insurance Rate Map, Community Panel No. 2885257 0001 C, revision date May 4, 1988. Check with Building Official for community flood zone information. The Flood Insurance Rate Map is for information only and this surveyor assumes no liability for the correctness of the cited map(s). In addition, the above statement does not represent this surveyor's opinion of the probability of flooding.

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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 was prepared in accordance with all applicable codes and ordinances. Witness my original signature, registration number and seal this the 10th day of April, 2007.

Michael Cassidy
 Michael Cassidy, P.S.
 Registration No. 1528



Subscribed and sworn to before me, in my presence this 19th day of April, 2007, a Notary Public in and for the County of Harrison, State of Mississippi.

C. R. Heald
 C. R. Heald
 NOTARY PUBLIC

My Commission Expires: SEPTEMBER 15, 2010
 NOTARY PUBLIC

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 system or the installation of drainage improvements through the City of Long Beach, and that therefore this plat has been approved by the Planning Commission of the City of Long Beach, and that the same is subject to the approval of the administrator subject to its being recorded in the Harrison County Courthouse within sixty (60) days of the date below.

Administrator _____ Date: _____

PLANNING COMMISSION:

Submitted to and approved by the City of Long Beach Planning Commission at the regularly scheduled meeting on the _____ day of _____, 2007.

Planning Commission Chairman _____

APPROVAL:

Submitted to and accepted by the City of Long Beach, Board of Aldermen, at the regular meeting of said Board of Aldermen held on the _____ day of _____, 2007.

ATTEST: _____ ADOPT:

 City Clerk _____ Mayor

Prepared by:
 City of Long Beach
 Planning Commission
 201 Jeff Davis Avenue
 Long Beach, MS 38906
 228-863-1554

CASSADY & ASSOCIATES, INC.
 Professional Land Surveyors
 P.O. Box 1301 Gulfport, MS 38506
 622/8956-7185 Fax: 622/8956-6406

Scale	N / A	Drawn By	JET	Lot Number	28-91-01
Date	04/02/07	Reviewed	/	Revised	04/05/07

RESUBDIVISION OF PARCELS ONE & TWO INTO PARCELS "A" & "B"
SHEET 4 OF 4

MINUTES OF MAY 10, 2007

LONG BEACH PLANNING COMMISSION

Commissioner Stogner made motion seconded by Commissioner Serrato and unanimously carried to approve Mr. Levens subdivision request as submitted.

The last item to come before the Commission was a review of the site plans submitted by Burger King 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

- 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: 310 EAST BEACH BLVD. (U.S. HIGHWAY 90)
House number and street name
- III. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.) TO REBUILD BURGER KING RESTAURANT TO NEW PROTOTYPE STANDARDS PER BURGER KING CORPORATION.
- IV. Legal Description of Land Involved. (Complete either A or B below.)
 - A. If in a subdivision:

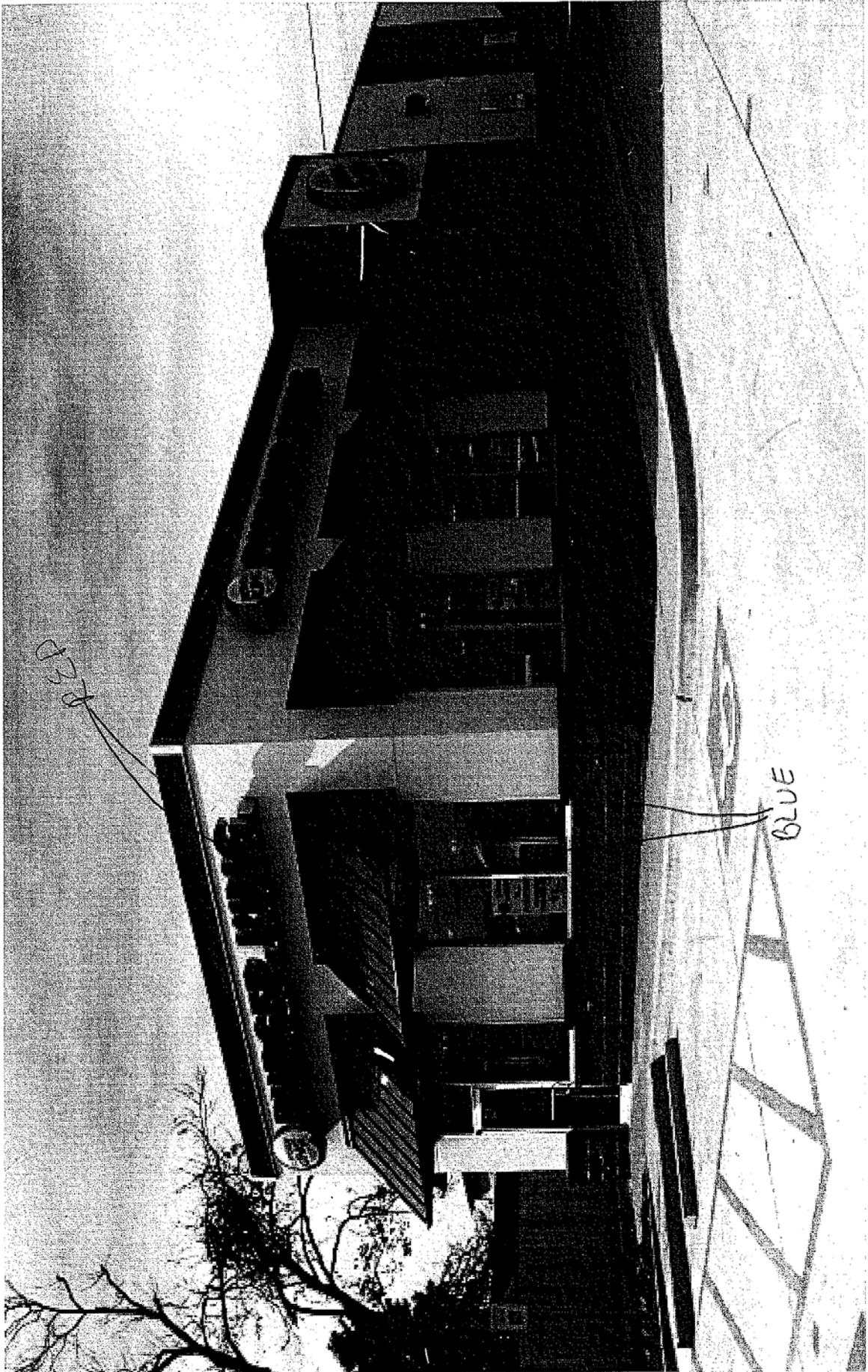
Subdivision Name
 - B. If Metes and Bounds: Attach a Legal Description
- V. Names and Addresses of all Property Owners within 200 feet of subject land. (If bounded by street or alley, give names and mailing addresses of property directly across from the Subject Street or alley.) This information is necessary 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.

STRATEGIC RESTAURANTS
Name of Owner(s)
SAN RAMON CA 94583
City State Zip
David Clayton Sr. (owner)
D. Ruiz (AGENT OF OWNER)
Signature of Owner(s)
DAVID CLAYTON / DAVID RUIZ

3000 EXECUTIVE PARKWAY, SUITE 615
Mailing Address
LOCAL
(985) 774-1104 (925) 328-3311
Telephone (H) Office
5-4-07 \$ 50.00
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.

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Mr. David Clayton from Bush LA came forward representing Burger King.

After some discussion pertaining to the paint color of the Burger King Commissioner Serrato made motion seconded by Commissioner Stogner and unanimously carried to approve the color scheme and layout of the Burger King. The approved color was the #4 Exterior Scheme Square Tower.

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

Frank Olaivar, Commission Chairman

_____Date

Attest _____

Mimi McMath,
Planning Commission
Minutes Clerk