

**MINUTES OF SEPTEMBER 25, 2008
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

Be it remembered that a regular scheduled meeting of the Long Beach Planning Commission was begun and held at the Long Beach School District Central Office, 19148 Commission Road, Long Beach, Mississippi and 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, Commissioners, Tonda Yandell, Dale Hare, Barney Hill, Jacquie Lipski, David Serrato, and Minute Clerk Veronica Howard.

Commissioner Tony Vancourt, Roderick Rishel and Planning Commission Advisor Bill Hessell were absent the meeting.

There being a quorum present sufficient to transact the business of this recessed meeting 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 October 7, 2008, and subject to a ten-day appeal time for a Public Hearing.

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After careful review and no amendments required Commissioner Lipski made motion seconded by Commissioner Hare and unanimously carried to approve the Planning Commission minutes of September 11, 2008.

The first item of business was a Public Hearing for an amendment to Zoning Ordinance #344, Section 912 Home Occupation submitted by the City of Long Beach Planning Commission.

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REPLACE SECTION 912 WITH THE FOLLOWING:

SECTION 912. HOME BASED BUSINESS/OCCUPATION

Home Based Business: Any Business, occupation or activity undertaken for gain within a residential structure that is incidental and secondary to the use of that structure as a dwelling unit.

Home Based Business/Occupation: An occupation for gain of support conducted in a dwelling unit only by members of a family residing in the dwelling unit and not including the employment of any additional persons, provided that no article is sold or offered for sale except such as may be produced by members of the family in the dwelling unit; provided, further, that the occupation is incidental to the residential use of the dwelling unit and does not utilize more than twenty-five (25) percent of the floor area, that no part of the occupation is conducted in any accessory building, that no traffic shall be generated by such home occupation in greater volume than would be normally expected in a residential neighborhood. There shall be no visible evidence of the conduct of a home occupation.

Types of Home Based Businesses

Domestic services: A home occupation in which members of the immediate family are employed and who reside in the dwelling unit, and does not include the employment of any additional persons. Domestic services are services normally performed in or around the household by the occupants. These services can also be performed at a business location. There are no appointments or drop in clients or traffic generated beyond that normally associated with a single-family residential use. The administrative portion of the business can be performed in the confines of the principal structure. All other services performed will be completed at the client's place of residence, business, or work site. Escort dating services and other similar businesses, and any contractors operating under local or state license are strictly prohibited. No products will be manufactured or sold on the premises or at the client's work site. No bulk storage, outside storage, or use of an accessory building will be allowed. If the type of domestic service requires equipment, supplies, or a work vehicle, a site plan of the residence's property must be provided. The site plan will detail the property dimensions, abutting streets, all buildings, driveways, and proposed parking of all vehicles. The site plan will address where vehicles, equipment and supplies will be stored. The business is limited to (1) work vehicle (no greater in capacity of size and weight to a one-ton pick-up truck) and one (1) trailer (no longer than twenty-four (24) feet). A work trailer may be parked in the rear of the property, only. Storage of equipment or supplies must be kept within the confines of the work vehicle, trailer or the principal structure. No repairs of equipment or vehicles for the business will be conducted on the property. The business must comply with all other zoning and building code requirements. Examples of the type of home occupation include maid service, yard care, and gardening, and fix-it man. Such uses shall require planning commission approval.

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Home Office: An accessory use in which work for compensation is undertaken, including, but not limited to receiving or initiating correspondence, such as phone calls, mail, faxes, or e-mail; preparing or maintaining business records; and word and data processing. Such uses shall be allowed by right.

Personal instructions: A home occupation in which customers or students visit the home by appointment only and services are provided on a one-on-one basis. No adult entertainment activities shall be allowed as a home based business/occupation. Such uses shall require planning commission approval.

Sales of a specific product: A home occupation in which members of the immediate family are employed, but which offer for sale stock in trade which is obtained from a national franchise entity. Sales of products may be by delivery only or by very infrequent customer visits. Examples of this type of home occupation include Amway, Tupperware, Mary Kay Make-up and similar products. Such uses shall require planning commission approval.

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The Clerk reported that she did cause to be published in The Sun Herald, a newspaper with general circulation in the City of Long Beach, and published in Harrison County, LEGAL NOTICE, PUBLIC HEARING, as evidence 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 a Zoning Text Change. The City of Long Beach, Mississippi has filed an application for a zoning text change in accordance with the Comprehensive Zoning Ordinance. Applicant is requesting to change the zoning text to Article IX, Supplementary Regulations Section 912, Home Occupation. The purpose of the change is to re-define the use of home based businesses in the City of Long Beach.

SECTION 912 HOME BASED BUSINESS/OCCUPATION
Home Based Business: Any business, occupation or activity undertaken for gain within a residential structure that is incidental and secondary to the use of that structure as a dwelling unit.

Home Based Business/Occupation: An occupation for gain of support conducted in a dwelling unit only by members of a family residing in the dwelling unit and not including the employment of any additional persons, provided that no article is sold or offered for sale except such as may be produced by members of the family in the dwelling unit; provided, further, that the occupation is incidental to the residential use of the dwelling unit and does not utilize more than twenty-five (25) percent of the floor area, that no part of the occupation is conducted in any accessory building, that no traffic shall be generated by such home occupation in greater volume than would be normally expected in a residential neighborhood. There shall be no visible evidence of the conduct of a home occupation.

Types of Home Based Businesses: Domestic services: A home occupation in which members of the immediate family are employed and who reside in the dwelling unit, and does not include the employment of any additional persons. Domestic services are services normally performed in or around the household by the occupants. These services can also be performed at a business location. There are no appointments or drop in

clients or traffic generated beyond that normally associated with a single-family residential use. The administrative portion of the business can be performed in the confines of the principal structure. All other services performed will be completed at the client's place of residence, business, or work site. Escort, dating services, and other similar businesses, and any contractors operating under local or state license are strictly prohibited. No products will be manufactured or sold on the premises or at the client's work site. No bulk storage, outside storage, or use of an accessory building will be allowed. If the type of domestic service requires equipment, supplies, or a work vehicle, a site plan of the residence and property must be provided. The site plan will detail the property dimensions, abutting streets, all buildings, driveways, and proposed parking of vehicles. The site plan will address where vehicles, equipment and supplies will be stored. The business is limited to (1) work vehicle (no greater in capacity of size and weight to a one-ton pick-up truck) and one (1) trailer (no longer than twenty-four (24) feet). A work trailer may be parked in the rear of the property, only. Storage of equipment or supplies must be kept within the confines of the work vehicle, trailer or the yard. No repairs of equipment or vehicles for the business will be conducted on the property. The business must comply with all other zoning and building code requirements. Examples of the type of home occupation include: maid service, yard care, and gardening, and the men. Such uses shall require planning commission approval. Home Office: An accessory use in which work for compensation is undertaken, including, but not limited to receiving or initiating correspondence, such as phone calls, mail, faxes, or e-mail; preparing or maintaining business records; and word and data processing. Such uses shall be allowed by right. Personal instruction: A home occupation in which customers or students, visit the home by appointment only and services is provided on a one-on-one basis. No adult entertainment activities shall be allowed as a home based business/occupation. Such uses shall require planning commission approval. Sales of a specific product: A home occupation in which members of the immediate family are employed, but which offer for sale stock in trade which is obtained from national franchise entity. Sales of products may be by delivery only or by very infrequent customer visits. Examples of this type of home occupation include: Arway, Tupperware, Mary Kay Make-up and similar products. Such uses shall require planning commission approval. The public hearing to consider the above zoning text change will be held in the City of Long Beach, Mississippi, 39560; Thursday, September 25, 2008 at 6:30 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. A copy of the proposed changes is available from the Building Official's office on Klondike Road during normal business hours. At signed
Chairman
Planning Commission
HBS,adv6,1SAT

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Julie Garner 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. 124 No., 339 dated 6 day of Sept, 2008
- 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.

SEP 09 2008

J. Garner
Clerk 9

Sworn to and subscribed before me this 9 day of Sept, A.D., 2008

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

Kandi Berkley
Notary Public

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

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Commission Chairman Frank Olaivar stated that there was a need to amend this section of the ordinance to allow for specific uses for home offices, home based businesses and home occupation, and to have a better definition of home offices, home based business and home occupations and the type services that each included.

Commission Chairman called for anyone wishing to speak in favor of the request and no one came forward to be heard.

Commission Chairman called for anyone wishing to speak in opposition of the request and no one came forward to be heard.

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

After considerable discussion Commissioner Yandell made motion seconded by Commissioner Hill and unanimously carried to approve the Zoning Amendment for the aforementioned reasons.

The next item of business was a Public Hearing for an amendment to Zoning Ordinance #344, Article III, "Definitions of Terms" & Section 901, Article IX "Supplementary Regulations" submitted by the City of Long Beach Planning Commission as follows:

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Amendment to Article III, Definition of Terms in this Ordinance, "SETBACK LINE".

That the definition of the term "SETBACK LINE" Article III of said Ordinance No. 344, as amended, be and the same is hereby amended to read as follows:

"SETBACK LINE: For all parcels except those parcels lying adjacent to or including the easement for U.S. Highway 90, the distance from the property line to the nearest point of a building, excluding uncovered porches. For parcels lying adjacent to or including the easement for U.S. Highway 90, the setback line shall be the distance from the northern boundary of the easement for U.S. Highway 90, as shown by the plats, surveys and records on file and of record in the Office of the Chancery Clerk of Harrison County, Mississippi, to the nearest point of a building, excluding uncovered porches."

Amendment to Section 901, Article IX, "Supplementary Regulations."

Section 901 of Article IX, entitled, "Supplementary Regulations" is hereby amended to read as follows:

"Section 901. Front yard depth, and in the case of a corner building site, side yard width shall be minimum of fifty-five (55) feet from the property line of all arterial other than U.S. Highway 90 and twenty-five (25) feet on all collectors. Such front yard depth and, in the case of a corner building site, side yard width, for properties abutting U.S. Highway 90 shall be a minimum of twenty-five (25) feet from the northern boundary of the U.S. Highway 90 easement as shown by the records, plats and surveys of U.S. Highway 90 on file and of record in the Office of the Chancery Clerk of Harrison County, Mississippi, in Gulfport, regardless of the location of any sidewalk on or adjacent to said easement. Whenever a residential use is permitted in any area classified as Commercial or Industrial, such residential use shall comply with the minimum setback restrictions provided for in an R-3 classification. If such residential use is bounded by an arterial other than U.S Highway 90, or collector, the front and/or side yard depth shall be fifty-five (55) or twenty-five (25) feet from the property line or that required for an R-3 classification, whichever is greater. If such residential use is bounded by U.S. Highway 90, the front and/or side yard depth shall be a minimum of twenty-five (25) feet from the said northern boundary of the U.S. Highway 90 easement. Whenever the boundary of a building site in C-1, C-2, or C-3 or I District adjoins a residential building site in a Residential District, a buffer area of not less than fifteen (15) feet in width shall be provided along the property line adjoining such district and a fence or wall which forms a visual barrier shall be provided along the property line adjoining the same."

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The Clerk reported that she did cause to be published in The Sun Herald, a newspaper with general circulation in the City of Long Beach, and published in Harrison County, LEGAL NOTICE, PUBLIC HEARING, as evidence 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 Julie Garner 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 of 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. 124 No., 339 dated 6 day of Sept, 2008
- Vol. _____ No., _____ dated _____ day of _____, 20____
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- 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.

SEP 09 2008 J. Lane
Clerk 9

Sworn to and subscribed before me this 9 day of Sept, A.D., 2008

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

Printer's Fee \$ _____
Furnishing proof of publication \$ _____
TOTAL..... \$ _____

parcels lying adjacent to or including the easement for U.S. Highway 90, the setback line shall be the distance from the northern boundary of the easement for U.S. Highway 90, as shown by the plats, surveys and records on file and of record in the Office of the Chancery Clerk of Harrison County, Mississippi, to the nearest point of a building, excluding uncovered porches.

Amendment to Section 901, Article IX, "Supplementary Regulations", is hereby amended to read as follows: "Section 901. Front, side yard depth, and in the case of a corner building site, side yard width shall be minimum of fifty-five (55) feet from the property line of all arterial other than U.S. Highway 90 and twenty-five (25) feet on all collectors. Such front yard depth shall, in the case of a corner building site, side yard width, for properties abutting U.S. Highway 90 shall be a minimum of twenty-five (25) feet from the northern boundary of the U.S. Highway 90 easement as shown by the records, plats and surveys of U.S. Highway 90 on file and of record in the Office of the Chancery Clerk of Harrison County, Mississippi, in Gulfport, regardless of the location of any sidewalk or adjacent to said easement. Whenever a residential use is permitted in any area classified as Commercial or Industrial, such residential use shall comply with the minimum setback restrictions provided for in an R-3 classification. If such residential use is bounded by an arterial other than U.S. Highway 90, or collector, the front and/or side yard depth shall be fifty-five (55) or twenty-five (25) feet from the property line or that required for an R-3 classification, whichever is greater. If such residential use is bounded by U.S. Highway 90, the front and/or side yard depth shall be a minimum of twenty-five (25) feet from the said northern boundary of the U.S. Highway 90 easement. Whenever the boundary of a building site in C-1, C-2, or C-3 or I District adjoins a residential building site in a Residential District, a buffer area of not less than fifteen (15) feet in width shall be provided along the property line adjoining such district and a fence or wall which forms a visual barrier shall be provided along the property line adjoining the same.

The public hearing to consider the above zoning text change will be held in the City of Long Beach, Mississippi, 0950, 2008 at 6:30 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. A copy of the proposed changes is available from the Building Official's office on Monday through normal business hours.

/s/ signed
Chairman
Planning Commission
H88,adv6,1SAT
1278877

**LEGAL NOTICE
PUBLIC HEARING**
In accordance with Article XII of the Comprehensive Zoning Ordinance (1444) 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 Zoning Text Change. The City of Long Beach, Mississippi has filed an application for a zoning text change in accordance with the Comprehensive Zoning Ordinance. Applicant is requesting to change the zoning text to Article III, definitions of terms and Article IX, Supplementary Regulations, Section 901. The purpose of the change is to define "Setback Line" for properties adjacent to U.S. Highway 90 and provide for calculation of front and/or side yard widths and depths on property bounded by U.S. Highway 90 to be made by measuring from the northern boundary of the U.S. Highway 90 easement, and for related purposes. Amendment to Article III, Definition of Terms in this Ordinance, "SETBACK LINE". That the definition of the term "SETBACK LINE" Article III of said Ordinance No. 344, as amended, be and the same is hereby amended to read as follows: "SETBACK LINE: For all parcels except those parcels lying adjacent to or including the easement for U.S. Highway 90, the distance from the property line to the nearest point of a building, excluding uncovered porches. For

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Commission Chairman stated that the amendment is being requested to define “setback line” for properties adjacent to Highway 90 and to provide calculations of front and/or side yard widths and depths for properties adjacent to highway 90 to be made by measuring from the northern boundary of U.S Highway 90 easement.

Commission Chairman called for anyone wishing to speak in favor of the request and no one came forward.

Commission Chairman called for anyone wishing to speak in opposition of the request and no one came forward.

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

After careful review and discussion Commissioner Hill made motion seconded by Commissioner Hill and unanimously carried to approve the Zoning Amendment for the aforementioned reasons.

It came for consideration a Zone Change Request from R-1, Single-Family Residential to R-O, Residential/Office for tax parcel number 0611N-03-027.000 submitted by Tina Copeland as follows:

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copy



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 *From R-1 to R-0*
 - 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
- 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.

<u>Tina Copeland</u>	<u>P.O. Box 325</u>
Name of Owner(s)	Mailing Address
<u>Long Beach, MS 39560</u>	<u>228-864-4920</u>
City State Zip	Telephone (H) Office
<u>Tina O. Copeland</u>	<u>8/25/08</u>
Signature of Owner(s)	Date
	<u>\$100.00 + ADMIN FEES</u>
	Fee

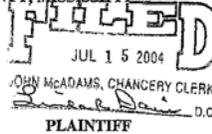
- NOTATION: The following attachments must be submitted with application. If applicable:
- A. Please attach a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the location of existing and proposed structures, off-street parking and other 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

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3

IN THE CHANCERY COURT OF HARRISON COUNTY, MISSISSIPPI

FIRST JUDICIAL DISTRICT



TINA COPELAND, Individually
and as sole proprietor and ownership
of Hugs & Kisses Child Care Center

PLAINTIFF

VERSUS

NO. C2401-04-00028

EILEEN P. KANE and
HANCOCK BANK

DEFENDANTS

JUDGMENT

THIS CAUSE came on a Complaint filed by TINA COPELAND, Individually and as sole proprietor and ownership of Hugs & Kisses Child Care Center against EILEEN P. KANE and HANCOCK BANK to declare a joint venture or partnership and request for other injunctive relief and the Court after being advised of the premises, hearing testimony, and receiving documentary evidence does FIND, ORDER, ADJUDGE AND DECREE as follows, to-wit:

I.

That the Court has jurisdiction of the subject matter and the parties herein.

II.

That the Plaintiff, TINA COPELAND and the Defendant, EILEEN P. KANE entered into a joint venture or partnership in October 1994, wherein TINA COPELAND furnished \$10,000.00 to EILEEN P. KANE to be a one-half (1/2) owner in the business, personal property, real estate, furniture and all assets real and personal of the business known as Hugs & Kisses Child Care Center located at 340 Seal Avenue, Long Beach, Mississippi and the legal description being more particularly described as:

A parcel of land situated and being located in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and being more particularly described as:

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Beginning at the Southeast corner of the North ½ of Lot 19 of SEAL'S SUBDIVISION in the Southwest ¼ of the Southeast ¼ of Section 11, Township 8 South, Range 12 West (being a point on the West margin of Seal Avenue), and from said Point of Beginning, running North 00 degrees 13 minutes 14 seconds West 164.75 feet along the West margin of Seal Avenue; thence run North 89 degrees 47 minutes 14 seconds West 654.58 feet to the East line of EASTWOOD VILLAGE; thence run South 00 degrees 10 minutes 18 seconds East 20.98 feet along the East line of EASTWOOD VILLAGE; thence run South 00 degrees 47 minutes 59 seconds East 144.25 feet along the East line of EASTWOOD VILLAGE to the centerline of said Lot 19 and the North line of LENORA HEIGHTS SUBDIVISION; thence run South 89 degrees 49 minutes 39 seconds East 653.14 feet along the centerline of said Lot 19 and the North line of LENORA HEIGHTS SUBDIVISION to the West margin of Seal Avenue and the Point of Beginning.

Being the same property conveyed by WILLIAM J. KANE to EILEEN P. KANE by Quitclaim Deed dated February 1, 1994 and recorded in Deed Book 1264 Page 80,81 in the Land Deed Records of Harrison County, First Judicial District, Mississippi, which is attached hereto and incorporated herein in its entirety.

III.

That at the time of the agreement, the agreement was located in the Law Office of Ray Necaise, who has unfortunately since deceased.

IV.

That neither of the parties can produce a copy of the partnership agreement, but EILEEN P. KANE has filed pleadings with the Court admitting the existence of the partnership and that TINA COPELAND was a joint owner in all assets, real and personal of the business described above.

V.

That TINA COPELAND is found to be a joint owner of Hugs & Kisses Child Care Center and joint owner of all assets including a joint owner and that being a tenant in common with EILEEN P. KANE in the above described real estate.

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VI.

That the above described real estate will be vested in the names of TINA COPELAND and EILEEN P. KANE, tenants in common and EILEEN P. KANE is ordered to enter a Quitclaim Deed acknowledging same and if she refuses or after the elapse of thirty (30) days the Chancery Clerk of Harrison County, Mississippi is authorized to execute a Deed to the above described property vested in the names of EILEEN P. KANE and TINA COPELAND, tenants in common, and the Clerk has proper authority to so execute. See M.R.C.P., Rule 70.

VII.

That the Court expressly retains jurisdiction of the subject matter and the parties herein.

VIII.

This Judgment is to be recorded in the Land Deed Records of the First Judicial District of Harrison County, Mississippi.

SO ORDERED this the 15 day of July, 2004.


CARTER O. BISE
CHANCELLOR

ORDER PREPARED AND PRESENTED:

Jim Davis
JIM DAVIS
Miss Bar No. 5830
Post Office Box 1839
Gulfport, MS 39502
Phone No. (228) 864-1588
Fax No. (228) 863-5008

A TRUE COPY
JOHN McADAMS
Chancery Court Clerk
Harrison County, Miss.
1st Judicial District
By S. S. P. S. D.C.

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IN THE CHANCERY COURT OF HARRISON COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

TINA COPELAND, Individually
and as sole proprietor and ownership
of Hugs & Kisses Child Care Center, PLAINTIFF
VERSUS
EILEEN P. KANE and
HANCOCK BANK DEFENDANTS

FILED
OCT 5 2004
JOHN McADAMS, CHANCERY CLERK
John McAdams

NO. C2401-04-00028

JUDGMENT

THIS CAUSE came on a Motion of the Plaintiff made *ore tenus* that John McAdams, Chancery Court Clerk, be ordered to execute a Special Warranty Deed, and the Court finds this Motion is well-taken and sustains same. It is therefore ORDERED, ADJUDGED AND DECREED as follows, to-wit:

I.

The Court has jurisdiction of the subject matter and the parties herein.

II.

That Tina Copeland has previously been adjudicated owner of the following described property and a tenant in common with Eileen P. Kane, and that property is more properly described as follows, to-wit:

A parcel of land situated and being located in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and being more particularly described as:

Beginning at the Southeast corner of the North 1/4 of Lot 19 of SEAL'S SUBDIVISION in the Southwest 1/4 of the Southeast of Section 11, Township 8 South, Range 12 West (being a point on the West margin of Seal Avenue), and from said Point of Beginning, running North 00 degrees 13 minutes 14 seconds West 164.75 feet along the West margin of Seal Avenue; thence run North 89 degrees 47 minutes 14 seconds West 654.58 feet to the East line of EASTWOOD VILLAGE; thence run South 00 degrees 10 minutes 18 seconds East 20.98 feet along the East line of EASTWOOD VILLAGE; thence run South 00 degrees 47 minutes 59 seconds East 144.25 feet along the East line of EASTWOOD VILLAGE to the centerline of said Lot 19 and the North line of LENORA HEIGHTS SUBDIVISION; thence run South 89 degrees 49 minutes 39 seconds East 653.14 feet along the centerline of said Lot 19 and the North line of LENORA HEIGHTS SUBDIVISION to the West margin of Seal Avenue and the Point of Beginning.

**MINUTES OF SEPTEMBER 25, 2008
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

III.

The decree of July 15, 2004, provides as follows, to-wit:

That the above described real estate will be vested in the names of TINA COPELAND and EILEEN P. KANE, tenants in common and EILEEN P. KANE is ordered to enter a Quitclaim Deed acknowledging same and if she refuses or after the elapse of thirty (30) days the Chancery Clerk of Harrison County, Mississippi is authorized to execute a Deed to the above described property vested it in the names of EILEEN P. KANE and TINA COPELAND, tenants in common, and the Clerk has proper authority to so execute. See M.R.C.P., Rule 70.

IV.

That the Court previously retained jurisdiction of the subject matter and the parties, and John McAdams, Chancery Court Clerk, is ordered to enter a Quitclaim Deed or a Special Warranty Deed to Tina Copeland and Eileen P. Kane with reference to the above-described property.

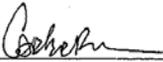
V.

This Special Warranty Deed is entered pursuant to the Decree of July 15, 2004.

VI.

This Judgment is to be recorded in the Land Deed Records of the First Judicial District of Harrison County, Mississippi.

SO ORDERED, this the 5 day of October, 2004.

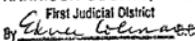

CARTER O. BISE
CHANCELLOR

ORDER PREPARED AND PRESENTED:

JD
JIM DAVIS
Miss Bar No. 5830
Post Office Box 1839
Gulfport, MS 39502
Phone No. (228) 864-1588
Fax No. (228) 863-5008

Page 2 of 2

A TRUE COPY
JOHN McADAMS
Chancery Court Clerk
Harrison County, Miss.
First Judicial District
By  D.C.

CERTIFIED TRUE COPY
JOHN McADAMS
CLERK CHANCERY COURT
HARRISON COUNTY, MISS.
First Judicial District
By 

**MINUTES OF SEPTEMBER 25, 2008
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

Index As:
Section 11, Township 8 South
Range 12 West, Harrison County,
Mississippi

Prepared by & Return to:
Jim Davis
Post Office Box 1839
Gulfport, MS 39502
Phone: (228) 864-1588

STATE OF MISSISSIPPI
COUNTY OF HARRISON

SPECIAL WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars and no/100 (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I, EILEEN P. KANE, do hereby sell, convey and specially warrant unto EILEEN P. KANE and TINA COPELAND, tenants in common, the following described real property, together with all improvements thereon and appurtenances thereto belonging, being situated in the First Judicial District of Harrison County, Mississippi, and being more particularly described as follows, to-wit:

A parcel of land situated and being located in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and being more particularly described as: Beginning at the Southeast corner of the North 1/2 of Lot 19 of SEAL'S SUBDIVISION in the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 8 South, Range 12 West (being a point on the West margin of Seal Avenue), and from said Point of Beginning, running North 00 degrees 13 minutes 14 seconds West 164.75 feet along the West margin of Seal Avenue; thence run North 89 degrees 47 minutes 14 seconds West 654.58 feet to the East line of EASTWOOD VILLAGE; thence run South 00 degrees 10 minutes 18 seconds East 20.98 feet along the East line of EASTWOOD VILLAGE; thence run South 00 degrees 47 minutes 59 seconds East 144.25 feet along the East line of EASTWOOD VILLAGE to the centerline of said Lot 19 and the North line of LENORA HEIGHTS SUBDIVISION; thence run South 89 degrees 49 minutes 39 seconds East 653.14 feet along the centerline of said Lot 19 and the North line of LENORA HEIGHTS SUBDIVISION to the West margin of Seal Avenue and the Point of Beginning. Being that same property conveyed by Glenacres, Inc. to William J. Kane and Eileen Kane by Warranty Deed dated September 29, 1992, recorded in Book 1224, Pages 630-631, Land Deed Records of Harrison County, Mississippi, First Judicial District.

This conveyance is subject to any and all recorded easements, rights-of-way, mineral reservations and restrictive covenants applicable to subject property.



J. Davis 1st Judicial District
Instrument Number 2004 8851 D-J1
Filed/Recorded 10 11 2004 3 43 P
Total Fees 12.00
7 Pages Recorded

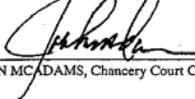
**MINUTES OF SEPTEMBER 25, 2008
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

2

That the Court previously retained jurisdiction of the subject matter and the parties, and John McAdams, Chancery Court Clerk, is ordered to enter a Special Warranty Deed to Tina Copeland and Eileen P. Kane with reference to the above-described property.

This Special Warranty Deed is entered pursuant to the Decrees of July 15, 2004, and October 5, 2004, copies are attached hereto and incorporated herein in their entirety.

WITNESS MY SIGNATURE, this 11th day of October, 2004.



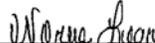
JOHN MCADAMS, Chancery Court Clerk

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority, in and for the jurisdiction aforesaid, the within named JOHN MCADAMS, Chancery Court Clerk, who acknowledged to and before me that she signed and delivered the above and foregoing instrument of writing, on the day and year therein mentioned, as her voluntary act and deed, having proper authority to execute pursuant to Orders of July 15, 2004 and October 5, 2004, copies are attached.

SWORN TO AND SUBSCRIBED BEFORE ME, this 11th day of October, 2004.





NOTARY PUBLIC
My Commission Expires: 7 Jan. 2008

Grantor:
EILEEN P. KANE
#2 Clydesdale Path (Off Clydesdale Close)
Borehamwood, Herts
England
WD62SE
Phone: 0-208-953-4077

Grantee:
TINA COPELAND
908 Beatrice
Long Beach, MS 39560
Phone: (228) 864-4920

**MINUTES OF SEPTEMBER 25, 2008
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

IN THE CHANCERY COURT OF HARRISON COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

TINA COPELAND, Individually
and as sole proprietor and ownership
of Hugs & Kisses Child Care Center

FILED
JUN 18 2008

PLAINTIFF

VERSUS

EILEEN P. KANE and
HANCOCK BANK

JOHN McADAMS CHANCERY COURT
John Dain D.C.

DEFENDANTS

JUDGMENT

THIS CAUSE came on a Complaint filed by TINA COPELAND, Individually and as sole proprietor and ownership of Hugs & Kisses Child Care Center against EILEEN P. KANE and HANCOCK BANK to declare a joint venture or partnership and request for other injunctive relief and the Court after being advised of the premises, hearing testimony, and receiving documentary evidence does FIND, ORDER, ADJUDGE AND DECREE as follows, to-wit:

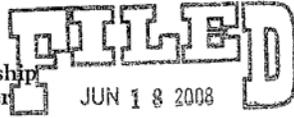
1. That the Plaintiff is an adult resident citizen of the First Judicial District of Harrison County, Mississippi.
2. That most recently, TINA COPELAND has been the sole proprietor, owner and operator of Hugs & Kisses Child Care Center located in Long Beach, Mississippi.
3. That the Plaintiff has been before the Court before in Chancery Court Cause Number C2401-04-00028. A copy of said Judgment of July 15, 2004 was attached to the Petition filed herein. That Judgment found a partnership to exist between EILEEN P. KANE and TINA COPELAND in reference to the business Hugs and Kisses Child Care Center located at 340 Seal Avenue, Long Beach, Mississippi and the legal description being more particularly described as:

A parcel of land situated and being located in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and being more particularly described as: Beginning at the Southeast corner of the North 1/2 of Lot 19 of SEAL'S SUBDIVISION in the Southwest 1/4 of the

**MINUTES OF SEPTEMBER 25, 2008
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

IN THE CHANCERY COURT OF HARRISON COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

TINA COPELAND, Individually
and as sole proprietor and ownership
of Hugs & Kisses Child Care Center



PLAINTIFF

VERSUS

JOHN McADAMS CHANCERY COURT CAUSE NO.: 08-00580 (1)
Linda Davis D.C.

EILEEN P. KANE and
HANCOCK BANK

DEFENDANTS

JUDGMENT

THIS CAUSE came on a Complaint filed by TINA COPELAND, Individually and as sole proprietor and ownership of Hugs & Kisses Child Care Center against EILEEN P. KANE and HANCOCK BANK to declare a joint venture or partnership and request for other injunctive relief and the Court after being advised of the premises, hearing testimony, and receiving documentary evidence does FIND, ORDER, ADJUDGE AND DECREE as follows, to-wit:

1. That the Plaintiff is an adult resident citizen of the First Judicial District of Harrison County, Mississippi.
2. That most recently, TINA COPELAND has been the sole proprietor, owner and operator of Hugs & Kisses Child Care Center located in Long Beach, Mississippi.
3. That the Plaintiff has been before the Court before in Chancery Court Cause Number C2401-04-00028. A copy of said Judgment of July 15, 2004 was attached to the Petition filed herein. That Judgment found a partnership to exist between EILEEN P. KANE and TINA COPELAND in reference to the business Hugs and Kisses Child Care Center located at 340 Seal Avenue, Long Beach, Mississippi and the legal description being more particularly described as:

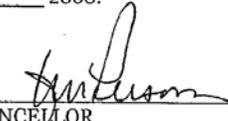
A parcel of land situated and being located in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and being more particularly described as: Beginning at the Southeast corner of the North 1/2 of Lot 19 of SEAL'S SUBDIVISION in the Southwest 1/4 of the

**MINUTES OF SEPTEMBER 25, 2008
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

modify, amend, petition for any zoning or any other issues or problems that she may have at this present time with the City of Long Beach, or Harrison County, or the State of Mississippi, and she is granted full authority to do so to clarify any zoning or other problems she may have in reference to the above described property, and business, and the signature of EILEEN P. KANE will not be required.

9. This matter is continued and reset to August 21, 2008 at 9:00 a.m. in the Chancery Court in Gulfport, Mississippi.

SO ORDERED this the 18 day of June 2008.

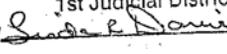


CHANCELLOR

ORDER PREPARED AND PRESENTED:



JIM DAVIS
Miss Bar No. 5830
4cc Post Office Box 1839
Gulfport, MS 39502
Phone No. (228) 864-1588
Fax: 228-863-5008

A TRUE COPY
JOHN McADAMS
Chancey Court Clerk
Harrison County, Miss.
1st Judicial District
By  D.C.

**MINUTES OF SEPTEMBER 25, 2008
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

JIM DAVIS
Attorney-at-Law
1904 24th Avenue
Post Office Box 1839
Gulfport, MS 39502
Phone: (228) 864-1588 Fax: (228) 863-5008

August 11, 2008

Tina Copeland
908 Beatrice
Long Beach, MS 39560

RE: Tina Copeland v. Eileen P. Kane
Cause No.: 08-00580(1)

Dear Tina:

Please find enclosed a copy of the Judgement in the above referenced case.

I remain, as always

Very truly yours,



JIM DAVIS

JD/lap

Enclosure

**MINUTES OF SEPTEMBER 25, 2008
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

Southeast 1/4 of Section 11, Township 8 South, Range 12 West (being a point on the West margin of Seal Avenue), and from said Point of Beginning, running North 00 degrees 13 minutes 14 seconds West 164.75 feet along the West margin of Seal Avenue; thence run North 89 degrees 47 minutes 14 seconds West 654.58 feet to the East line of EASTWOOD VILLAGE; thence run South 00 degrees 10 minutes 18 seconds East 20.98 feet along the East line of EASTWOOD VILLAGE; thence run South 00 degrees 47 minutes 59 seconds East 144.25 feet along the East line of EASTWOOD VILLAGE to the centerline of said Lot 19 and the North line of LENORA HEIGHTS SUBDIVISION; thence run South 89 degrees 49 minutes 39 seconds East 653.14 feet along the centerline of said Lot 19 and the North line of LENORA HEIGHTS SUBDIVISION to the West margin of Seal Avenue and the Point of Beginning.

4. That your Plaintiff, TINA COPELAND, on behalf of the partnership and all the parties herein is allowed to enter such documents to correct any zoning issues or business permit applications, and this can be done without the signature of EILEEN P. KANE.
5. That TINA COPELAND individually can list this property for sale and this will not require the signature of EILEEN P. KANE because TINA COPELAND will be acting on her individual capacity and as partner in the partnership of Hugs and Kisses Child Care Center which owns the business and real estate in question herein.
6. In the event there is an offer to purchase the business and real estate, the contract for sale will be brought back before the Court for approval with an understanding that any proceeds from the sale will probably be deposited in the Registry of the Court for later distribution.
7. The Court find that the Deed of Trust dated October 11, 2004, held by HANCOCK BANK on the real property commonly known as Hugs and Kisses Child Care Center, Long Beach, Mississippi, in the First Judicial District of Harrison County, that property being at issue in this lawsuit, is a valid lien against the property and any judgment and proceeds from any sale of the property made pursuant to a judgment obtained by TINA COPELAND in the instant matter would be and are subject to the lien of HANCOCK BANK.
8. The Court expressly finds that TINA COPELAND should be allowed to correct,

**MINUTES OF SEPTEMBER 25, 2008
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The Clerk reported that she did cause to be published in The Sun Herald, a newspaper with general circulation in the City of Long Beach, and published in Harrison County, LEGAL NOTICE, PUBLIC HEARING, as evidence 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 a Zoning Map Change:

Tina Copeland, 340 Seal Avenue, Long Beach, Mississippi, has filed an application for a zone map change in accordance with the Comprehensive Zoning Ordinance. Applicant is requesting to change the zoning classification from R-1, Single Family Residential to R-O, Residential Office for tax parcel number 0811N-03-027.000. The legal description is as follows: A parcel of land situated and being located in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and being more particularly described as: Beginning at the Southeast corner of the North 1/2 of Lot 19 of SEAL'S SUBDIVISION, in the Southwest 1/4 of the Southeast 1/4 of Section 11 Township 8 South, Range 12 West (being a point on the West margin of Seal Avenue), and from said Point of Beginning, turning North 00 degrees 13 minutes 14 seconds West 194.76 feet along the West margin of Seal Avenue; thence run North 89 degrees 47 minutes 14 seconds West 654.58 feet to the East line of EASTWOOD VILLAGE; thence run South 00 degrees 10 minutes 18 seconds East 20.98 feet along the East line of EASTWOOD VILLAGE; thence run South 00 degrees 47 minutes 59 seconds East 144.25 feet along the East line of EASTWOOD VILLAGE; to the centerline of said Lot 19 and the North line of LENORA HEIGHTS SUBDIVISION; thence run South 89 degrees 49 minutes 29 seconds East 853.14 feet along the centerline of said Lot 19 and the North line of LENORA HEIGHTS SUBDIVISION to the West margin of Seal Avenue and the Point of Beginning. Being that same property conveyed by Glascores, Inc. to William J. Kane and Eileen Kane by Warranty Deed dated September 29, 1992, recorded in Book 1224, Pages 830-831, Land Deed Records of Harrison County, Mississippi, First Judicial District.

The public hearing to consider the above zoning map change will be held in the City of Long Beach, Mississippi, 39500, Thursday, September 25, 2008, at 6:30 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.

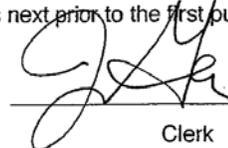
/s/ signed
Chairman
Planning Commission
H87.ad.v6.1SAT
1278383

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Julie Garner 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 of 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. 124 No., 339 dated 6 day of Sept, 20 08
- 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.

SEP 09 2008 
Clerk 9

Sworn to and subscribed before me this Sept day of 08, A.D., 20 08

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


Notary Public

Printer's Fee \$ _____
Furnishing proof of publication \$ _____
TOTAL..... \$ _____

**MINUTES OF SEPTEMBER 25, 2008
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

The Clerk reported that Forty-one (41) notices of Public Hearing were sent by certified mail, return receipt requested, to property owners within two hundred feet (200') 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 a **Zoning Map Change**.

Tina Copeland, 340 Seal Avenue, Long Beach, Mississippi has filed an application for a zone map change in accordance with the Comprehensive Zoning Ordinance. Applicant is requesting to change the zoning classification from R-1, Single Family Residential to R-O, Residential Office for tax parcel number 0611N-03-027.000. The legal description is as follows:

A parcel of land situated and being located in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and being more particularly described as:

Beginning at the Southeast corner of the North ½ of Lot 19 of SEAL'S SUBDIVISION in the Southwest ¼ of the Southeast ¼ of Section 11, Township 8 South, Range 12 West (being a point on the West margin of Seal Avenue), and from said Point of Beginning, running North 00 degrees 13 minutes 14 seconds West 164.75 feet along the West margin of Seal Avenue; thence run North 89 degrees 47 minutes 14 seconds West 654.58 feet to the East line of EASTWOOD VILLAGE; thence run South 00 degrees 10 minutes 18 seconds East 20.98 feet along the East line of EASTWOOD VILLAGE; thence run South 00 degrees 47 minutes 59 seconds East 144.25 feet along the East line of EASTWOOD VILLAGE to the centerline of said Lot 19 and the North line of LENORA HEIGHTS SUBDIVISION; thence run South 89 degrees 49 minutes 39 seconds East 653.14 feet along the centerline of said Lot 19 and the North line of LENORA HEIGHTS SUBDIVISION to the West margin of Seal Avenue and the Point of Beginning. Being that same property conveyed by Glenacres, Inc. to William J. Kane and Eileen Kane by Warranty Deed dated September 29, 1992, recorded in Book 1224, Pages 630-631, Land Deed Records of Harrison County, Mississippi, First Judicial District.

The public hearing to consider the above zoning map change will be held in the City of Long Beach, Mississippi 39560, Thursday, September 25, 2008, at 6:30 p.m., in the Long Beach School District Administration Office located on Commission Road. The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

/s/ signed
Chairman
Planning Commission

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

**MINUTES OF SEPTEMBER 25, 2008
REGULAR MEETING
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Mrs. Copeland came forward to state that when she purchased the property that it was zoned commercial and there was a day care center on the lot. She did not know when or how the zoning was changed to residential.

Commission Chairman called for anyone wishing to speak in favor of the request and no one came forward.

Commission Chairman called for anyone wishing to speak in opposition of the request and the following individuals came forward to be heard: Nellie Abadie, 112 Mount Bass Street; Flora Ray, 118 Mount Bass Street, Myrna Jordan, 19013 Redbud Drive.

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

After careful review and discussion Commissioner Yandell made motion seconded by Commissioner Hare and unanimously carried to approve the Zone Change request in accordance with Zoning Ordinance #344, Section 1207.1 through 1207.6.

It came for consideration under New Business Planning Commission Approval to build low rise apartments in an R-2, Low Density Multi-Family Residential submitted by Michael and Prentiss Magee as follows:

**MINUTES OF SEPTEMBER 25, 2008
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

*Recorded Deed
Sketch
By Sept. 18, 2008*



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 *- TO Build LOWRISE APTS in R-2 Zone*
 - 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: 741 Ninkolson
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.

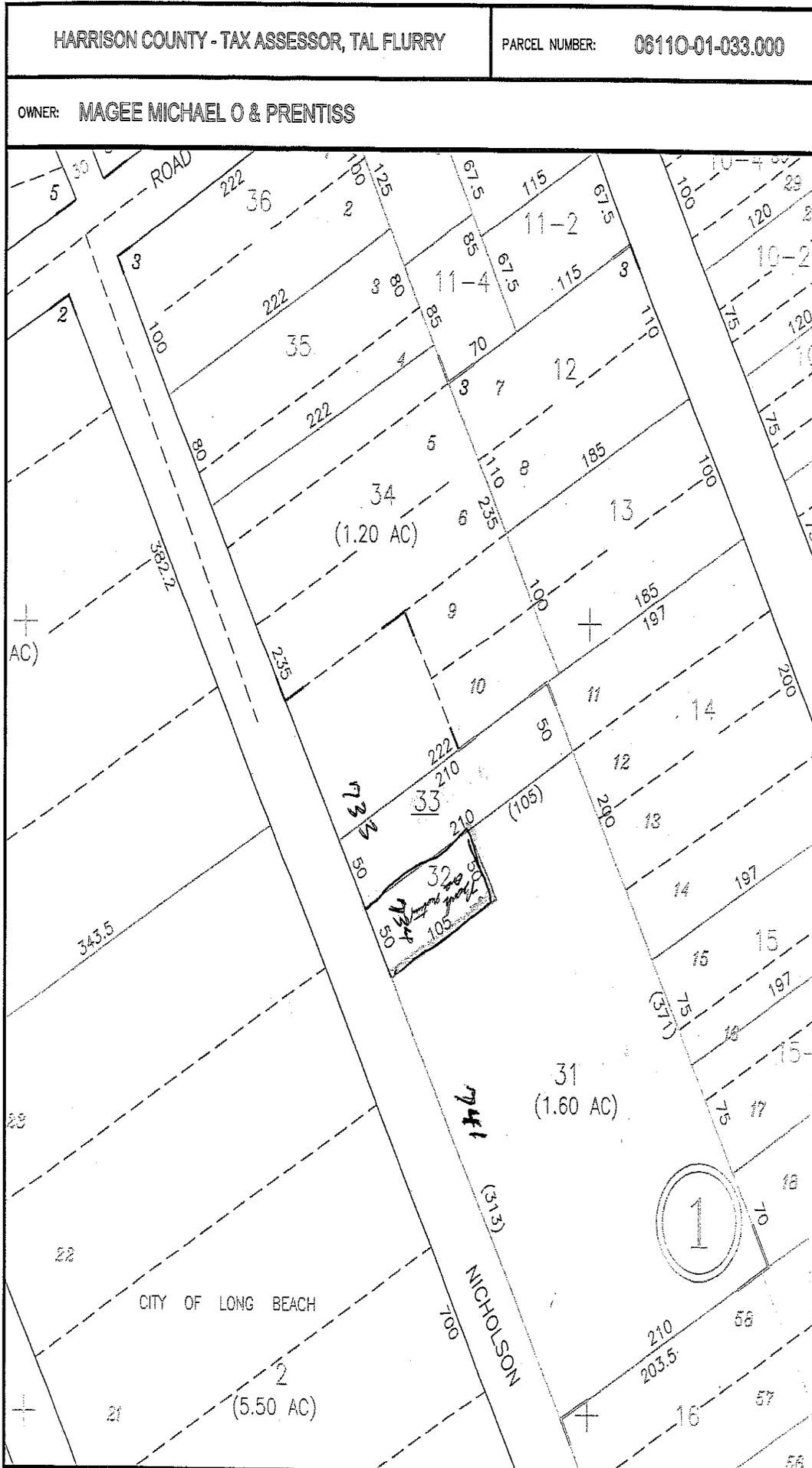
VII. Ownership: I the undersigned do hereby agree to all the rules and regulations as set forth in the Long Beach Zoning Ordinance and also agree to pay all fees and charges as stated.

<u>Michael O and Pront's Magee</u>		<u>10435 Hutter Rd</u>
Name of Owner(s)		Mailing Address
<u>Gulfport, MS</u>	<u>39503</u>	<u>Cell 323-1559</u>
City	State	Zip
<u>Michael Magee</u>	<u>9-11-08</u>	<u>\$50.00</u>
Signature of Owner(s)	Date	Fee

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

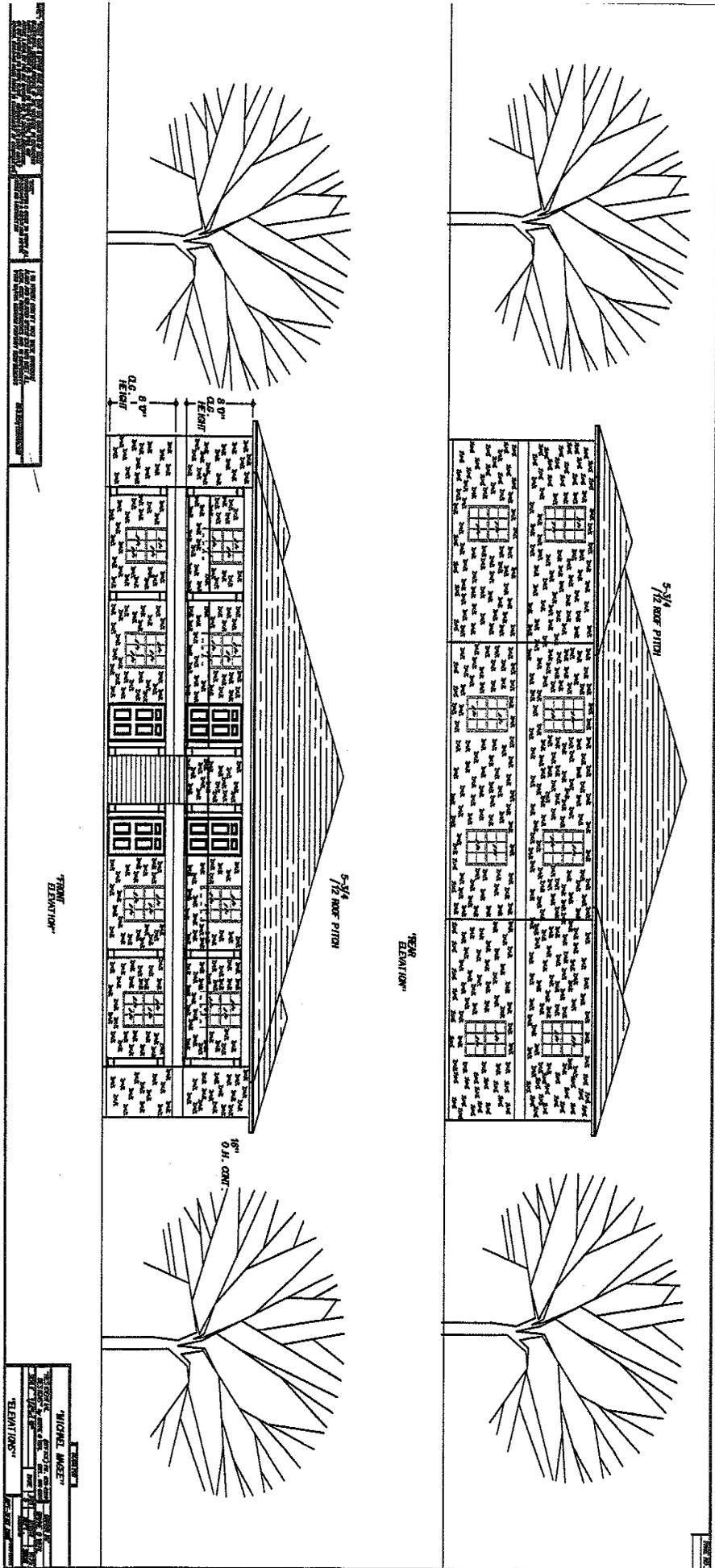
- A. Please attach a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the location of existing and proposed structures, off-street parking and other supporting open facilities and the ground area to be provided and continuously maintained 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 by the owner(s) of such property at the hearing.

**MINUTES OF SEPTEMBER 25, 2008
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LONG BEACH PLANNING COMMISSION**

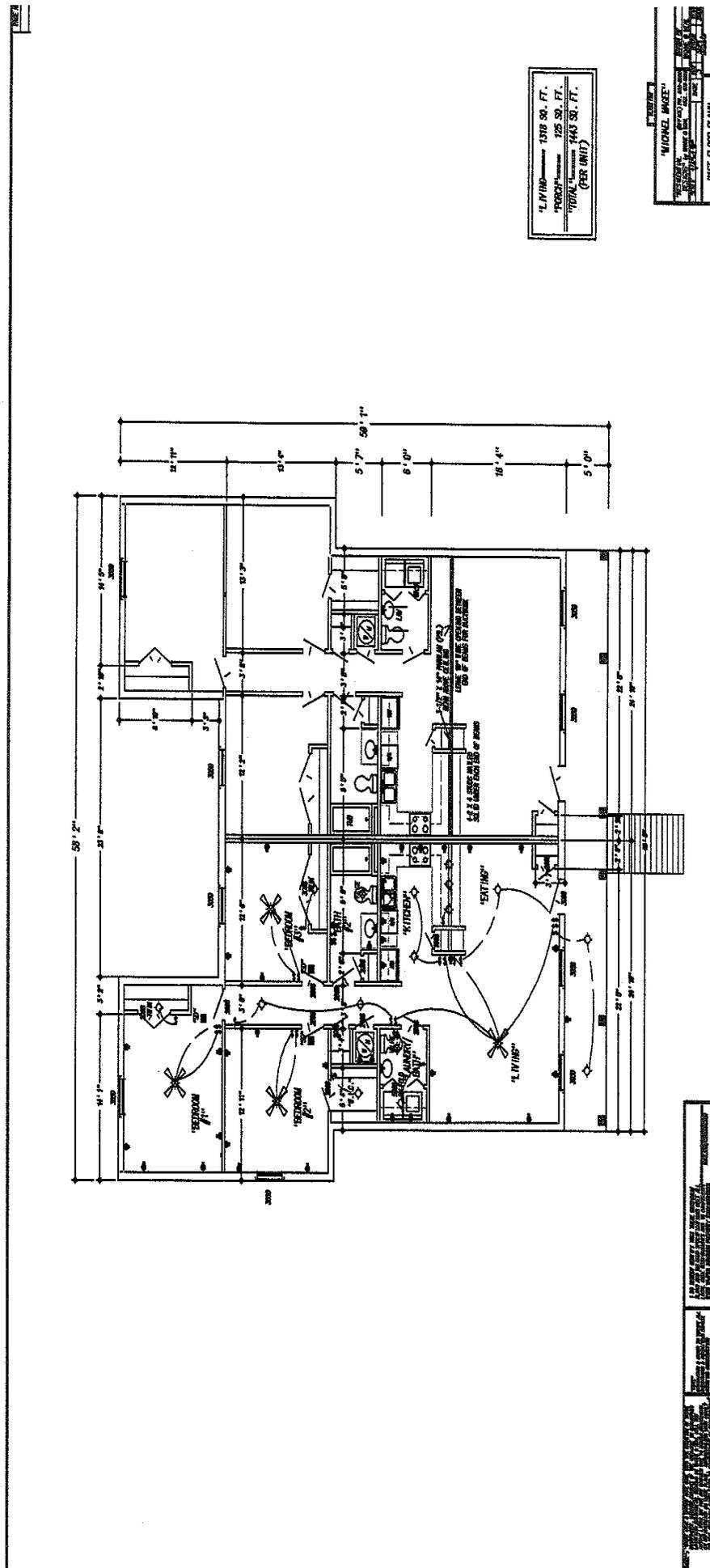


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**MINUTES OF SEPTEMBER 25, 2008
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**



**MINUTES OF SEPTEMBER 25, 2008
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**



**MINUTES OF SEPTEMBER 25, 2008
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

Applicants were not present at meeting.

After review and discussion Commissioner Yandell made motion seconded by Commissioner Lipski and unanimously carried to table the request until next meeting when applicants could appear before Commission.

There being no further business to come before the Planning Commission at this time Commissioner Yandell made motion seconded by Commissioner Lipski and unanimously carried to ADJOURN the meeting until the next regularly scheduled meeting in due course.

APPROVED:

Commission Chairman, Frank Olaiivar

Date: _____

ATTEST:

Veronica Howard, Minute Clerk