

**MINUTES OF APRIL 8, 2010
REGULAR MEETING
LONG BEACH PLANNING COMMISSION**

Be it remembered that a regular meeting of the Long Beach Planning Commission of the City of Long Beach, Mississippi, was begun and held at the Long Beach School District Central Office, 19148 Commission Road, in said City 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 Tony Vancourt, Danny Hansen, John Castleberry, Gretchen Loftus, William "Chip" Williams, Jacquie Lipski, Tonda Yandell, Dale Hare, Planning Commission Advisor Bill Hessell, Building/Code Official Earl Levens and Zoning Enforcement Officer Claire Leatherwood.

* * *

There being a quorum present and sufficient to transact the business of this regular scheduled meeting the following proceeding were had and done.

* * *

The meeting was called to order and the Commission Chairman stated that all decisions made at this meeting would need to be ratified by the Mayor and Board of Aldermen at their next regularly scheduled meeting of April 20, 2010, and subject to a ten-day appeal in time for a Public Hearing.

* * *

Commissioner Castleberry made motion seconded by Commissioner Vancourt and unanimously carried to suspend the rules and ADD to the agenda under NEW BUSINESS as follows:

2. Add to Section 612.2 Schedule of Uses. Portable Waste Facility (Port-a-Potties) for Sale and/or Lease.
3. Tree Removal Request – Live Oak Tree (2) – Russell Avenue.

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After careful review and consideration Commissioner Hare made motion seconded by Commissioner Vancourt and unanimously carried to approve the Planning Commission Minutes of March 25, 2010.

It came for consideration under OLD BUSINESS approval / review of the Comprehensive, Smart Code Plan and Architectural guidelines.

FINAL revisions where submitted to Ayers, Saint Gross, Commission is waiting for the requested changes before proceeding with public hearings.

It came for consideration under NEW BUSINESS a tree removal request to remove a Live Oak Tree located at 405 Meadow Wood Circle as follows:

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CITY OF LONG BEACH, MISSISSIPPI
PO BOX 929
LONG BEACH, MS 39560
TELEPHONE: 228-863-1554
FAX: 228-865-0822



TREE PERMIT APPLICATION

WHEN DO I NEED A TREE PERMIT IN LONG BEACH? Pine trees (Pinus Species) and Popcorn trees (Chinese Tallow, Sapium sebiferum) do not require a permit to be removed anywhere in the City.

Routine trimming does not require a permit. The reason for pruning may include, but are not limited to, reducing risk, maintaining or improving tree health and structure, improving aesthetics, or satisfying a specific need. The City of Long Beach does recommend you obtain a licensed Arborist for your and the tree protection.

Any single-family Residential, Multi-Family Residential, Commercial or Industrial Zoned areas need a permit to remove a Live Oak or Magnolia tree with its root system, growing upon the earth usually with one trunk or at least eighteen (18) inches in circumference or larger, measured four and one-half (4 1/2) feet above the surface of the ground, or a multi-stemmed trunk system with a definitely formed crown.

Any person desiring a permit for removal of any Live Oak or Magnolia tree, shall submit this application and a filing fee of \$25.00 per parcel of land to which such application pertains.

APPLICANT INFORMATION:

1. Last Name: Smith First: Lorelei Middle: Jill
2. Address: 405 MEADOWWOOD DR.
3. City: LONG BEACH State: MS Phone: 669 4280

Project Address (where the trees to be removed are) _____ Tax Parcel Number _____

4. Are you the legal owner of the above property? Yes No If No written consent from the owner is needed. Please provide a statement that no person, not listed on this application, has any interest in the title in or to the property. Please provide a recorded warranty deed.

5. What is the reason the tree needs to be removed? Be specific ex. Construction, street or roadway, recreational area, patio, parking lot, diseased tree not worthy of preservation, etc. cracking foundation on house + patio

Upon issuance of a Tree Removal Permit, the permit fee will be as follows:

1. For removal of a tree or trees where such removal of such tree or trees is necessitated by material damage caused by such tree or trees to permanent improvement or improvements on the parcel where such tree or trees are situated a fee of \$1.00 per tree permitted to be removed.
2. For removal of all other trees, a fee of \$45.00 per tree permitted to be removed.
As per City of Long Beach Tree Ordinance (#364) any person removing any Live Oak or Magnolia tree within the City of Long Beach, Mississippi, without a valid tree removal permit, shall be guilty of a misdemeanor; and upon conviction thereof shall be sentenced to pay a fine not less than \$500.00 nor more than \$1000.00. The removal of each tree without having first secured a valid tree removal permit shall constitute a separate offense and shall be punishable as such.

** As a condition of granting the tree removal permit, the City, acting by and through its Mayor and Board of Aldermen, may require the applicant to relocate or replace trees, but may not require the replacement of trees in a number greater than the number of Live Oak or Magnolia trees removed; trees to be of Four (4) inches caliper deciduous trees or five (5) feet in height of evergreen or Live Oak or Magnolia trees.

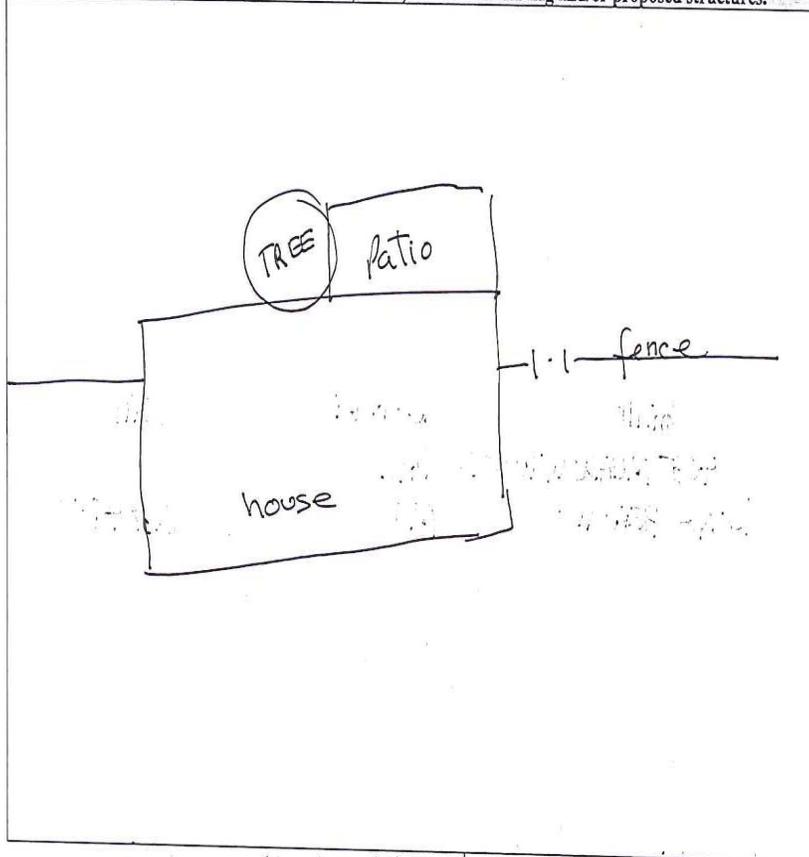
I Hereby certify that I have read this application and that all information contained herein is true and correct; that I agree to comply with all applicable codes, ordinances and state laws regulation construction; that I am the owner or authorized to act as the owners agent for the herein described work.

Lorelei J. Smith _____ 3/29/10
Signature Date

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TREE SITE PLAN:

Please provide a map or diagram of the parcel of land, specifically designating the area or areas of proposed tree removal and the proposed use of such area. Please include the following: 1) location of all trees on the property, their size and species 2) Designate which are disease/or damaged, 3) designate which are endangering any roadway, pavement, or utility line, 4) any proposed grade changes that might adversely affect or endanger any trees on the site and specify how to maintain them 5) designate the trees to be removed and the trees to be maintained, and 5) location of existing and/or proposed structures.



CITY OF LONG BEACH TREE BOARD RECOMMENDATIONS/COMMENTS BELOW:

PRINTED NAME AND SIGNATURE OF TREE BOARD MEMBER _____ DATE _____

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On March 29th Robert Morrison and Dyann Lentz, members of the Long Beach Tree Board examined a Live Oak Tree located at 405 Meadowwood. The tree was a mature Live Oak and growing near the foundation of the rear of the house. The back patio has been raised by 2 inches by the roots of the tree. No noticeable damage has been done to the foundation of the house, but there is the possibility that damage may be done in the future.

Our arborist, Joe Loftus, is out of town, but I was able to speak with him by phone, asking his advice concerning this possibility. He stated that he had seen homes that had been damaged by the roots of Live Oaks to the point of cracked slabs, cracked outside bricks and even sheetrock inside the house.

The tree board has no objection to the removal of this Live Oak. Unfortunately, this block on Meadowwood has many other homes that are covered by Live Oaks in the back yard. I fear we will eventually have other requests for removal of these trees.

Thank you for allowing good consideration before the removal of this wonderful old Oak.



Upon the recommendation of the Tree Board and in accordance with Long Beach Tree Ordinance 364, commissioner Castleberry made motion seconded by Commissioner Lipski and unanimously carried to approve the request.

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The next agenda item to come before the Commission was a request to Add to Section 612.2 Schedule of Uses. Portable Waste Facility (Port-a-Potties) for Sale and/or Lease.

After considerable discussion Commissioner Yandell made motion seconded by Commissioner Hare and unanimously carried to Add to Section 612.2 Schedule of Uses. Portable Waste Facility (Port-a-Potties) for Sale and/or Lease to be allowed by “Right” in an I-1, Industrial Zone District and “Not Allowed” in any other Zone District.

It came for consideration a tree removal request to remove TWO (2) Live Oak Tree located at 314 4TH Avenue as follows:

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Office Use Only
Fee: <u>25.00</u>
Check # <u>1091</u>
Receipt # _____
Date Submitted to Tree Board: <u>4/8/10</u>

CITY OF LONG BEACH, MISSISSIPPI



TREE PERMIT APPLICATION

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Any person desiring a permit for removal of any Live Oak or Magnolia tree, shall submit this application and a filing fee of \$25.00 per parcel of land to which such application pertains.

APPLICANT INFORMATION:

1. Last Name: RAY First: JAMES "Buddy" Middle: _____

2. Address: 470 W. Beach Blvd

3. City: Long Beach State: Ms Phone: 228 323-7771
400 4th Ave Long Beach Ms Phone: 228 864-2454 (H)

Project Address (where the trees to be removed are) **Tax Parcel Number**

4. Are you the legal owner of the above property? Yes No _____, If No written consent from the owner is needed. Please provide a statement that no person, not listed on this application, has any interest in the title in or to the property. Please provide a recorded warranty deed.

5. What is the reason the tree needs to be removed? Be specific ex. Construction, street or roadway, recreational area, patio, parking lot, diseased tree not worthy of preservation, etc. 2 diseased Oak trees are within six feet of new construction of a duplex. Snake Hooker was called to shape tree up. He said trees are too close together and would never develop canopy + would harm foundation. Removeable trees were necessitated because duplex was site adjacent to save a big oak in the center of the lot. (over)

- Upon issuance of a Tree Removal Permit, the permit fee will be as follows:
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** As a condition of granting the tree removal permit, the City, acting by and through its Mayor and Board of Aldermen, may require the applicant to relocate or replace trees, but may not require the replacement of trees in a number greater than the number of Live Oak or Magnolia trees removed; trees to be of Four (4) inches caliper deciduous trees or five (5) feet in height of evergreen or Live Oak or Magnolia trees.

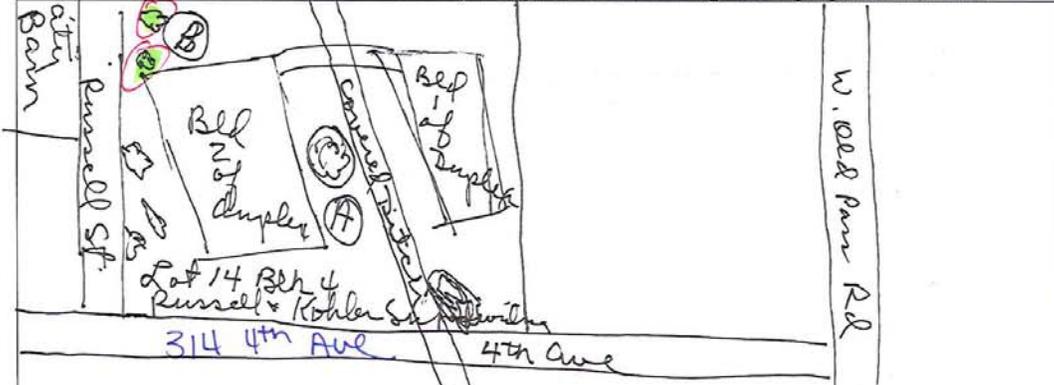
I hereby certify that I have read this application and that all information contained herein is true and correct; that I agree to comply with all applicable codes, ordinances and state laws regulation construction; that I am the owner or authorized to act as the owners agent for the herein described work.

Signature: J.O. Ray Date: 4-8-10

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Tree "A" we are saving by moving bldg further south. This shift results in trees "B" being too close to construction. I have spent over \$6500 putting in culvert in ditch so tree A roots would not be washed out any further. The culvert was installed with city supervision. Both "B" trees are in poor condition & according to Snake Hooker should be removed because they will never develop since so many other trees over power them.

CITY OF LONG BEACH TREE BOARD RECOMMENDATIONS/COMMENTS BELOW:

The 3 Trees at this property are crowded and preventing good use of the land. I see no reason these trees should not be cut. Normally we would suggest other trees planted to replace them, however the lot is covered with trees.

Thanks for you good consideration

Raymond Guts 4/8/10

PRINTED NAME AND SIGNATURE OF TREE BOARD MEMBER

DATE

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Upon the recommendation of the Tree Board and in accordance with Long Beach Tree Ordinance 364, Commissioner Vancourt made motion seconded by Commissioner Hansen and unanimously carried to approve the request.

Upon further discussion Commissioner Lipski made motion seconded by Commissioner Yandell and unanimously carried requesting that the Long Beach Tree Board submit their recommendations for approval or denial on official letterhead/stationary, included in the recommendation should be current date, name and signature of all Tree Board members and a valid contact number for each member.

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

APPROVED:

Commission Chairman, Frank Olaivar

Date: _____

ATTEST:

Zoning Enforcement Officer, Claire Leatherwood