

**MINUTES OF MAY 13, 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, Jim Heinzl, John Castleberry, Gretchen Loftus, William "Chip" Williams, Jacquie Lipski, Tonda Yandell, Dale Hare, Planning Commission Advisor Bill Hessell and Zoning Enforcement Officer Claire Leatherwood.

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

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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 May 18, 2010, and subject to a ten-day appeal in time for a Public Hearing.

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After careful review and consideration Commissioner Yandell made motion seconded by Commissioner Lipski and unanimously carried to approve the Planning Commission Minutes of April 22, 2010.

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It came for consideration a PUBLIC HEARING to consider a ZONING TEXT CHANGE to Article IX, Supplemental Regulations, Section 909, requiring residents to provide sidewalks for all new construction or construction of commercial or residential structures that are damaged or renovated at a value greater than 50% of their true value, in all districts, submitted by the City of Long Beach Planning Commission, the text change will add the following new subsection:

904.3 Sidewalks shall be provided, at the owner's expense, as designated by City for all new construction or construction of commercial or residential structures that are damaged or renovated at a value greater than 50% of their true value, in all districts. True value shall be as determined by the Harrison County Tax Assessors ad volorem tax valuation for the most recent year available.

Construction and design standards and specifications for sidewalks are contained in the Long Beach Subdivision Regulations and all such facilities shall be completed in accordance with these standards.

At the time when the City accepts any public improvement offered for dedication to the public, the owner shall guarantee that he/she will correct all defects in such improvement that may occur within a period of two (2) years from the date of City's occupancy permit.

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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, and PUBLIC HEARING, as evidence by the Publisher's Proof of Publication:

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**PROOF OF PUBLICATION**

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared CRISTA LAUK 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. 126 No., 194 dated 15 day of April, 2010
- 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 2010

Crista Lauk  
Clerk

Sworn to and subscribed before me this 15 day of

April, A.D., 2010



Meri A. Jackson  
Notary Public

**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. Long Beach Planning Commission has filed an application for a zone text change in accordance with the Comprehensive Zoning Ordinance. Applicant is requesting to change the zoning text for Article IX, Supplemental Regulations, Section 909. The text change will add the following new subsection: 904.3 Sidewalks shall be provided, at the owner's expense, as designated by City for all new construction or construction of commercial or residential structures that are damaged or renovated at a value greater than 50% of their true value, in all districts. True value shall be as determined by the Harrison County Tax Assessors ad valorem tax valuation for the most recent year available. Construction and design standards and specifications for sidewalks are contained in the Long Beach Subdivision Regulations and all such facilities shall be completed in accordance with these standards. At the time when the City accepts any public improvement offered for dedication to the public, the owner shall guarantee that he/she will correct all defects in such improvement that may occur within a period of two (2) years from the date of City's occupancy permit. The purpose of this proposed change is to promote uniform development and encourage public safety, thereby enhancing the quality of life for all Long Beach residents. The public hearing to consider the above zoning text change will be held in the City of Long Beach, Mississippi 39560, Thursday, May 13, 2010, at 6:00 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 ADV15.1THU 1377620

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Planning Commission Chairman stated that the purpose of this proposed change is to promote uniformed development and encourage public safety, thereby enhancing the quality of life for all Long Beach residents.

Submitted for the record by Anita Kegley:

Thursday, May 13, 2010

Long Beach Planning Commission

Dear Mr. Chairman and Members:

Thank you for your careful consideration of a Sidewalk Ordinance for Long Beach.

On March 16, the aldermen unanimously voted to direct attorney Jim Simpson to draft an ordinance that would have the effect of immediately requiring new construction in Long Beach include sidewalk provisions. In the second April meeting, the mayor explicitly requested me to look into the wording and impact of the proposed ordinance and I have been glad that Glenn Mueller in Domino's name has sponsored this effort in order to support progressive growth in Long Beach.

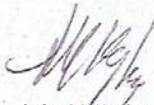
To that end, several citizens gathered recently to examine the proposed ordinance and the areas in the current code that are impacted. (Besides myself and Glenn Mueller, these were: George Casey, Carol Payola, Fred Walker, Kathy Kosturock, Robert Kranz, Kathleen Kranz, P.J. Sylvia and his student/daughter, Amanda, and Jeff Loftus.) They are a talented and committed group of which:

- 4 have worked to bring or keep grant money for transportation in Long Beach
- 3 are involved in transportation planning coast-wide
- 2 own businesses in Long Beach
- 6 own or are buying residences in Long Beach (north and south of the tracks)
- 3 have experience in insurance, real estate and/or developing

All agree that a sidewalk ordinance is desirable and applaud your efforts. I encourage the planning commission to support this ordinance, so that Long Beach can start the long process of providing safe, connected paths.

Attached is a summary of their findings and Glenn Mueller and I sincerely hope they are helpful to you, the mayor, and the aldermen and assist you in finalizing and passing a much-needed sidewalk ordinance soon. He ask that I convey his support and thank you in advance for your efforts.

Sincerely,

  
Anita M. Kegley

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**City of Long Beach**  
References to sidewalks/Pedestrian, and Bike Traffic  
Current Regulations

Section	Current Ordinance says . . .	New Ordinance affects existing . . . How?	Other considerations:
<b>Streets and Sidewalks</b>			
<b>13</b>			
13-2	"Specifications"		
	"The plans and specifications for the construction, alteration and repair of streets, alleys, sidewalks and other public ways in the city shall be as promulgated by the city engineer, approved by the mayor and board of aldermen and on file in the office of the city clerk."	No Effect Effect is needed however	1. The proposed ordinance needs to address sidewalk improvements on public properties and Right of Way 2. Also, AASHTO standards should be adopted HERE, so that access to federal funds for sidewalks (curb, drainage) would be maximized
13-6	"Property owners not to permit sidewalks to remain out of repair." It shall be unlawful for any person to suffer or permit any sidewalk in front of his premises to become or remain so out of repair as to endanger life or limb (Rev. Ords 1926, Ch. X)	No Effect None Needed	
Chapter 15	Pedestrians		
Art. XVIII	No pedestrian shall cross a roadway other than in a crosswalk upon any street so designated by the traffic engineer (State law reference-Similar state law,	No Effect N/A	

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Miss. Code Ann. 1942, Section 8202@.		<b>Subdivision Regulations</b>	
<b>Streets and Sidewalks</b>			
Article IV Section 7(d)	The sidewalks required by this section shall be at least four feet in width and constructed according to the specifications set forth in Article VI [except for similarly functioning environmentally desirable options . . .].	This 4 foot minimum will become the standard for private improvements	The current regulations to subdivide are for a developer to carve out a street, drainage, and sidewalk right of way "from the woods" and then transfer the improvements to the public. Might need to clarify that businesses and residents constructing on existing roads now will be building the sidewalk on <i>their</i> property adjacent to the city right-of-way .(This is typical of other city's sidewalk ordinances.)
			Please consider offering the homeowner concerned with cost or liability (although this is covered in their homeowner's insurance), the option of giving the city a 5 foot sidewalk easement adjacent to current street ROW in lieu of constructing the sidewalk on their property (this allows city to fund improvements--sidewalk and drainage through grants.)
			Please consider Keeping this standard and using the <i>process in place for exceptions-a variance</i> in extreme space or hardship circumstances
			Please consider Closing the loophole in current new subdivision regulations: specify

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				that, for existing streets, walks will be built by the homeowner/business on their property, adjacent to the right-of-way on every public street the property borders (Example, Thrivent community has new walks within, but none on busy street.)
Section 12	Road and Sidewalk Requirements in Un-subdivided Developments  (a) Within un-subdivided developments, all private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic."			
Section 13	Attention to Handicapped in Street and Sidewalk Construction  (a) Where there are curbs, ramps, etc. "shall be constructed in accordance with published standards of the appropriate governing agency."  (b) "In un-subdivided developments, sidewalk construction for the handicapped shall conform to the requirements of the local building code."			What is the local building code that applies to this?
<b>Article VI.</b>	<b>Specifications for Street Design and Construction</b>			
Section 12	<b>SIDEWALKS</b> Specifies compaction, thickness, footing, expansion joints		No effect None Needed	

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Section 13	Wheelchair Ramps		
	"Where required, wheel chair ramps shall be constructed in accordance with Standard Ddrawing No.9	No effect None Needed	
<b>2008 Ordinance</b>		<b>Prohibiting Parking in Bike Lanes</b>	
564 2008	Forbids autos to park i/block lanes reserved for bikes	No effect, None needed	

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Chairman called for anyone asking to speak in FAVOR of the request and the following was submitted for the record:



FRED WALKER, CLU, LUTCF  
Auto-Life-Health-Home and Business  
P O BOX 555 224 W RAILROAD ST  
LONG BEACH, MS 39560 228-863-8535

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FAX 228-864-3201  
TOLL FREE 866-863-8535

May 12, 2010

Long Beach Mayor and Board of Aldermen

Ladies and Gentlemen:

I support the passing of the sidewalk ordinance. More families are considering how walking friendly a community is as a desirable quality of life as they select where to live.

Thanks for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Fred Walker".

Fred Walker

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ideas

mailbox:///C:/Users/Parks%20&%20Recreation/AppData/Roaming/T...

I RIDE MY BIKE IN LONG BEACH AS A MAIN VEHICLE. RUNNING ERRANDS AND SUCH. IN SOUTH LONG BEACH YOU CAN FIND SOME EAST TO WEST ROUTES THAT ARE FAIRLY SAFE BUT THERE IS NO NORTH TO SOUTH ROUTE THAT YOU CAN RIDE THAT IS NOT DANGEROUS DUE TO NO SIDEWALKS NOR EVEN A SHOULDER TO RUN TO. WITH THE PRICE OF GAS WHAT IT IS AND WILL BE AND EVERYONE BEING MORE CONCERNED ABOUT THEIR HEALTH AND WANTING TO BE MORE GREEN WE NEED TO GET MORE BIKE PATHS AND SIDEWALKS. THERE OUGHT TO BE FEDERAL MONEY OUT THERE SINCE THIS SEEMS TO BE A VERY POPULAR AND OUT FRONT OF PUBLIC OPION IDEA. EVEN WHEN I WENT TO ALASKA ON VACATION EVERY LITTLE TOWN HAD BIKE PATHS AND WALKING TRAILS. EVEN IF ONLY THEY HAD 6 MONTHS TO USE THEM. WE CAN USE OURS {IF WE HAD THEM } ALL 12 MONTHS.

WE HAVE SIDEWALKS ON HWY 90. WE COULD EASILY BUILD ALONG THE RAILROAD. WE COULD BUILD ALONG THE CANALS. ALL WORK FOR EAST TO WEST. A TRAIL FROM MITHCEL ROAD TO GREEN ACRES IS ALREADY THERE FOR A NORTH TO SOUTH. ALL WE NEED IS RIGHT OF WAYS TO DO ANY OF THIS. I KNOW THESE IDEAS HAVE BEEN KICKED AROUND . BUT THIS SHOULD BE A POPULAR IDEA FOR THE PUBLIC . IT JUST MAKES GOOD PUBLIC USE FOR OUR CITY TO MAKE US AS GREEN AS WE CAN. OTHER CITIES ARE GETTING FEDERAL MONEY FOR SUCH PROJECTS.

I HAVE LIVED IN LONG BEACH ALL MY LIFE AND AM PROUD TO A CITIZEN HERE. BUT WE NEED PROGRESS OR WE GOING TO LOOSE MORE PEOPLE AND PAY MORE TAXES.

THANKS GEORGE CASEY

903 MARJORIE STREET  
LONG BEACH MS  
864-4573 OR 362-2621

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From the Director of Planning,  
Gulf Regional Planning Commission:

Anita,

I my humble opinion, I believe that every city needs a sidewalk ordinance that, at a minimum, requires new developments in urbanized areas to include construction of sidewalks along street frontage. To allow development to occur, and then have the City forced to come back later and deal with property owners for right-of-way acquisition....and then provide funding for the construction of sidewalks to provide safe and continuous pedestrian passage for its residents does not seem to make much sense. In many cases, developers will recognize the benefits that sidewalks and safer pedestrian passage will provide to their development and the community, and have little or no objection to a requirement of their inclusion.

David Taylor

-----Original Message-----

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Mr. Mayor, Aldermen and Alderwomen,

Please consider the changes proposed by the Citizen's for Safe Paths committee and pass a sidewalk ordinance soon for Long Beach. As a representative of the Gulf Coast Heritage Trails Partnership, I firmly believe it is in the best interest of Long Beach to grow this way. I know there is a cost to individuals and to the public, but the ordinance (with proposed improvements) minimizes the impact on citizens and increases the opportunities of the city to get federal funds. We must now promote healthy quality lifestyle opportunities of the kind that attracts new residents, businesses and visitors.

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I thank you in advance for your support of this matter,

Katherine Kosturock  
Gulf Coast Heritage Trails Partnership

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**Quarles Elementary Discovery Program**

W.J. Quarles Elementary School 111 Quarles Street Long Beach, MS 39560  
228-864-3946 FAX: 228-868-6448

May 13, 2010

Mayor Skellie and Long Beach Board of Aldermen  
Long Beach, MS 39560

Dear Mayor Skellie and Aldermen:

On behalf of the gifted students of the Quarles Discovery Program, I respectfully request that the proposed sidewalk ordinance to require sidewalks for all new construction and reconstruction of more than 50% be passed for the City of Long Beach. Additionally, we request that this apply to construction by the City of Long Beach as well as to the general public. We whole-heartedly support the recommendations of the Citizens for Safe Paths committee to make our town a place where everyone can walk and bike safely.

In 2008, we developed the following vision:

**We, Mrs. Paola's fifth grade Discovery students envision a safe, city-wide network of easily accessible sidewalks/trails that connect neighborhoods to schools, businesses, and recreational areas where everyone can safely walk, bike, or jog.**

Revised from vision statement developed by our  
class for the Gulf Coast Heritage Trails of Harrison  
County Partnership. October, 2007

Please make our vision come true.

Fifth Grade Discovery Students of 2005  
(Currently High School Sophomores)  
Fifth Grade Discovery Students of 2008  
(Currently Long Beach Middle School 7<sup>th</sup> Graders)



Mrs. Carol Paola, Teacher of the Gifted

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Chairman called for anyone asking to speak in OPPOSITION of the request and no one came forward to be heard.

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

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Commissioner Lipski made motion seconded by Commissioner Yandell approving the text change, amending the proposed text weadding "...new construction or construction of commercial, residential, **private or public structures...**"

The motion being put to a ROLL CALL VOTE, results were as follows:

Commissioner Vancourt	Aye
Commissioner Heinzl	Aye
Commissioner Castleberry	Nay
Commissioner Loftus	Aye
Commissioner Williams	Aye
Commissioner Lipski	Aye
Commissioner Yandell	Aye
Commissioner Hare	Aye

The question having received the affirmative vote of all the Commissioners present and voting, the Chairman declared the motion carried to APPROVE the TEXT CHANGE with the added amendment.

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It came for consideration under OLD BUSINESS the Non-Residential Market Analysis presentation by Sue Chamberlain with Slaughter and Associates.

The Non-Residential Market Analysis Presentation is available for viewing in the Building Code office.

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After review of the aforementioned market analysis Commissioner Lipski made motion seconded by Commissioner Loftus and unanimously carried accepting the study as submitted.

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

Final revisions were submitted to Ayers, Saint Gross. The Planning Commission is waiting for the requested Final Revisions in order to proceed to public hearing.

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Noted for the record the reassignment of Danny Hansen, Ward 1 to the Port Commission.

Noted for the record the new appointment to the Planning Commission, Jim Heinzl, Ward 1.

Noted for the record the resignation of Marion Wideman from the Long Beach Tree Board.

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It came for consideration under NEW BUSINESS a tree removal request to remove a Live Oak Tree located at 718 Maxine Drive as follows:

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Office Use Only
Fee: <u>25.00</u>
Check # <u>370</u>
Receipt # <u>12122</u>
Date Submitted to Tree Board: <u>4/28/10</u>

CITY OF LONG BEACH, MISSISSIPPI



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:

- Last Name: Mallett First: Maurice Middle: S
- Address: 718 Maxine Drive
- City: Long Beach State: MS Phone: 228-863-8366  
806 East Railroad Street 0711M-05-038.000  
Project Address (where the trees to be removed are) Tax Parcel Number
- 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.
- 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.  
The tree would be in the way of possible new building construction.  
The tree is leaning toward an existing building.

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

- 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.
- 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.

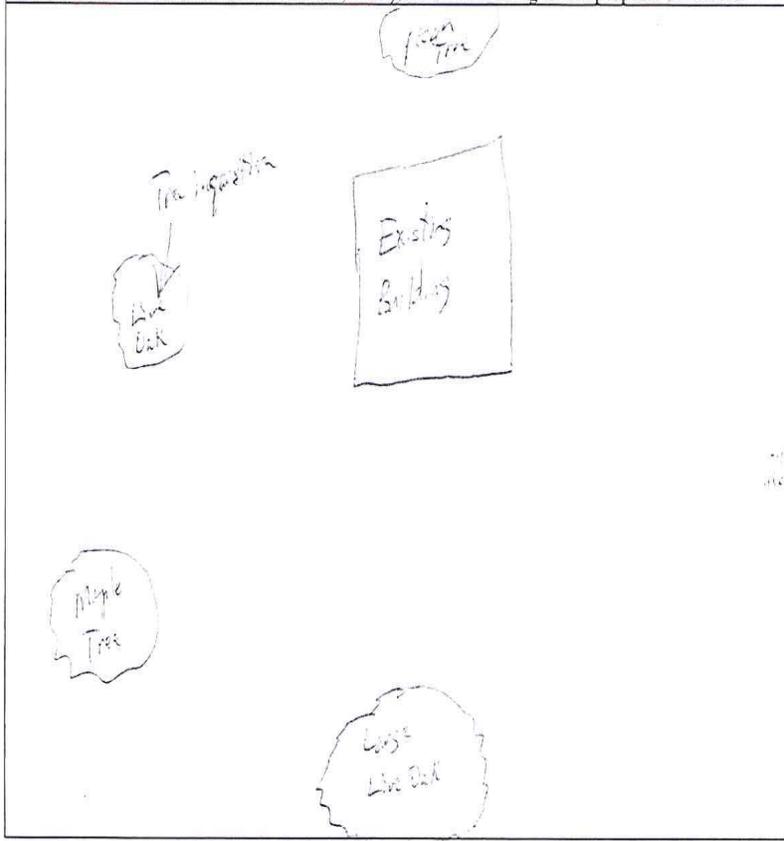
I hereby certify that I have read this application and that all information contained herein is true and correct; that I agree to comply with all applicable codes, ordinances and state laws regulation construction; that I am the owner or authorized to act as the owners agent for the herein described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

Maurice B. Mallett 4/27/2010  
Signature Date

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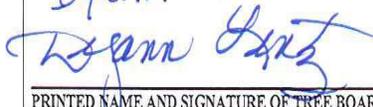
TREE SITE PLAN:

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:

It is too premature to make a decision on the removal of this tree. We will review this request again at a time when formal plans are submitted for a building permit.

Dyann Lentz  


5/7/10

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 Hare made motion seconded by Commissioner Castleberry and unanimously carried to take no action on the request.

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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 Olaivar

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Zoning Enforcement Officer, Claire Leatherwood