

**MINUTES OF JULY 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 6:00 p.m., at the Long Beach School District Central Office, 19148 Commission Road, in said City, and the same being the time, date 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 Jim Heinzl, John Castleberry, Gretchen Loftus, George Casey, Tonda Yandell, Planning Commission Advisor Bill Hessell and Minutes Clerk Veronica Howard.

Commissioners Tony Vancourt, Jacquie Lipski, and Dale Hare were absent the meeting.

Commission Chairman recognized and welcomed new Commission member Mr. George Casey, Ward 4 appointee, filling the unexpired term of William Williams Jul/10-Jul/11.

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\*

Commission Chairman called the meeting to order, there being a quorum present and sufficient to transact the business of this regular scheduled meeting the following proceeding were had and done.

Commissioner Yandell made motion seconded by Commissioner Heinzl and unanimously carried to approve the minutes of June 10, 2010 as submitted.

Commissioner Yandell made motion seconded by Commissioner Loftus and unanimously carried to approve the minutes of June 24, 2010 meeting as submitted.

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There came for consideration a PUBLIC HEARING requesting a VARIANCE submitted by Mr. Christopher Hill. The applicant was requesting a six foot (6') side yard setback variance on a corner lot and a three foot (3')

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side yard setback variance for property located on the South/East corner of Wright Avenue and Holly Street, tax parcel number 0711L-03-018.000 as follows:

	<p>CITY OF LONG BEACH PLANNING DEPARTMENT 645 KLONDYKE ROAD / PO BOX 929 LONG BEACH, MS 39560 (228) 863-1554</p>	<p style="text-align: center; font-size: small;">Office use only</p> <p>Date Received <u>7/17/10</u> Zoning <u>R-2</u> Agenda Date <u>7/8/10</u> Check Number <u>5092</u></p>
<b>APPLICATION FOR CASE REVIEW</b>		
I.	TYPE OF CASE: <input checked="" type="checkbox"/> <b>VARIANCE</b> <input type="checkbox"/> <b>SPECIAL EXCEPTION REQUEST</b>	
II.	Advalorem Tax Parcel Number(s): <u>0711L-03-018.000</u>	
III.	Address of Property Involved: <u>WOODED, VACANT LOT - SOUTHEAST CORNER OF INTERSECTION OF WRIGHT AVE. N. AND HOLLY ST. (LOT 17, BLOCK 9, OLD PLANTATION ADDITION)</u>	
IV.	Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.) <u>Please see attached sheets for all reasons and explanations for applying for property variance requests</u>	
<b>**PLEASE COMPLETE THE FOLLOWING:</b>		
A.	Describe any special condition that justify the granting of this variance request and that are peculiar to the property and do not apply to other properties in the general area. What are the reasons for the variance and why the applicant cannot meet the stated code requirement? <u>Please see paragraph IV above - This should satisfy any questions of this paragraph. (Also, this property is the narrowest unsold property in the area).</u>	
B.	Describe how the special condition discussed in #1 above is not the result of actions taken by the applicant. Show that the applicant did not cause the need for this variance request. <u>I am a potential buyer for subject property. All conditions of property are pre-existing</u>	
C.	Show that an unnecessary hardship exists due to the character of the property and that this hardship makes the request for the variance necessary. State what hardship is caused if the applicant is required to meet code requirements? What is the result of this hardship? What would result if the Zoning Board denied this request? <u>Please refer to paragraph # IV for explanation pertaining to hardship. If zoning board denied my request, I would no longer be interested in buying property</u>	
D.	Show that denial of this request will deprive the applicant of rights commonly enjoyed by other properties in the general area and that the granting of this variance request will make possible the reasonable use of land while not conferring any special privilege. Outline how the subject of the variance is common in the area and if the applicant were to be denied this variance a right would be taken away which is granted to other properties. State how the variance makes reasonable use of the existing land and why the same action cannot be done in a way that does not require a variance. Show that granting of this variance does not give the applicant any special privileges that the properties in the area would find desirable. <u>I am submitting this request to make it feasible for me to build a home on property</u>	
Page 1 of 2 Application for Case Review - Variance OR Special Exception Request		

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IV.

Sheet #1

Let me first state that I am not the property owner, but a potential buyer of the above described property. However, I would not be interested in buying this property if variance requests are denied.

The following describe my predicament and proposed solution. The North to South 140 linear feet property depth is very ample in size. The reason for my variance request(s) is because of the narrowness of the property, only 45 linear feet wide, and it is a corner lot. Building a house on this property within the City's constraints (an 8'-0" sideyard setback on the East, and on the West, an 18'-0" setback off Wright Avenue) would leave a structure width of only 19'-0". A house of this width would not provide continuity with other homes in the neighborhood. It would have to be a long and narrow "shotgun looking" house. I'm pretty sure residents in neighboring homes would be very displeased, and probably outright alarmed by the presence of such a house in their neighborhood. My variance request(s) or proposals are as follows: A variance of 3'-0" on East sideyard (from 8'-0" to 5'-0", but please note that this would be only at an 8'-0" wide Dining Bay that projects 2'-0" from side of proposed house; the rest of the house on this side would be at 7'-0" from property line). Also, a 6'-0" variance off Wright Ave. (from 18'-0" to 12'-0").

(SEE NEXT SHEET)

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SHEET # 2

I feel that the 5'-0" / 7'-0" sideyard on the East side would not be a problem, because there is a 60'-0" wide wooded area (lot) to the East. Additionally, there is roughly 14 FT. - 15 FT. from edge of asphalt to property line on Wright Ave. side. This dimension plus the 12'-0" would equal 27 FT. ± from edge of asphalt to proposed structure (house). I would suggest this is ample width and would not be a detraction. There is also an existing "ditch" between edge of asphalt and property line off Wright Ave., thus giving a break or "buffer". The property is located in basically an older and quiet neighborhood, and not a highly trafficked area. Adjacents are Holly Street on north, wooded property to the East, and an expanse of land (property) to the West across Wright Ave., with no home(s) immediately across Ave.; Additionally, I plan to leave a 30 plus FT. wooded "buffer" on South end of property. If variances are granted, it would afford me to build a home 28'-0" wide, which is bare minimum for my needs. I propose building a nice home with a "Florida" style street exterior. It would have a lot of glass, "Bahama" shutters, and built to code, insulated adequately, and constructed to be hurricane resistant. I feel the neighbors would welcome this uniquely designed home, with tropical plants (Palms & others). The bottom line is that this property causes a hardship as to what

(CONTINUED ON NEXT SHEET.)

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SHT. #3

can be built on it. I would venture to say this is why it is still vacant. It is the last vacant property (of its smaller size) in the proximate area.

Thanks much for your consideration of my requests. I've always wanted to live in Long Beach, and your decision could make this come true.



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Apr Jun. 16. 2010 3:14PM Coldwell Banker Alfonso Realty

No. 1722 PA.P. 2 5/ 6



**SCANNED**

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT



*J. H. ...*  
1st Judicial District  
Instrument 2008 7724 D -J1  
Filed/Recorded 8 30 2008 1 51 P  
Total Fees 12.00  
2 Pages Recorded

**WARRANTY DEED**

FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00), cash in hand paid and other good and valuable consideration, the receipt of which is hereby acknowledged, ALEXSANDRO JAY LLOJA AND ANNMARGARET KUKLA, Grantors, do hereby GRANT, SELL, BARGAIN, CONVEY and WARRANT unto TONIA L. BENNETT, Grantee, the following described real property, together with all improvements situated thereon, lying and being situated in the First Judicial District of Harrison County, Mississippi, more particularly described as follows, to-wit:

Lot 17, Block 9, OLD PLANTATION ADDITION, as per map or plat thereof on file in the office of the Chancery Clerk of Harrison County, First Judicial District, Mississippi in Plat Book 4 at Page 16 (Copy Book 2-A at Page 142).

The Grantors herein intend, and by their execution of this instrument do, transfer unto Grantee all right, title and interest they presently have or may hereafter acquire in and to the above described property.

It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and when said taxes are actually determined, if the proration as of

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Apr Jun. 16. 2010 3:14PM Coldwell Banker Alfonso Realty

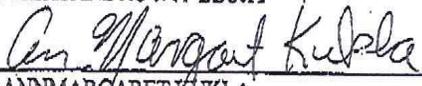
No. 1722 P.B.P. 3 6/ 6

2

this date is incorrect, the Grantors agree to pay said Grantee or her assigns any deficit on actual proration.

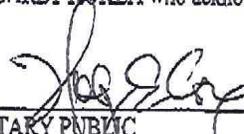
WITNESS OUR SIGNATURES, this the 25<sup>th</sup> day of August, 2006.

  
\_\_\_\_\_  
ALEXSANDRO JAY LLOJA

  
\_\_\_\_\_  
ANNMARGARET KUKLA

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 25<sup>th</sup> day of AUGUST, 2006, within my jurisdiction, the within named ALEXSANDRO JAY LLOJA AND ANNMARGARET KUKLA who acknowledged that they executed the above and foregoing instrument.

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:



GRANTOR'S ADDRESS  
AND PHONE NUMBER:  
18015 Allen Road  
Long Beach, MS 39560  
(228) 365-0785

GRANTEE'S ADDRESS AND  
PHONE NUMBER:  
6791 Wrangler Circle  
Bulverde, TX 78163  
(210) 367-7701

PREPARED BY AND RETURN TO:  
WHEELER & WHEELER, PLLC  
P.O. BOX 264  
BILOXI, MS 39533  
(228) 374-6720

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SURVEYED FOR: Alfonso Real Estate

DESCRIPTION: Lot Seventeen (17), Block Nine (9) of OLD PLANTATION ADDITION, as per the official map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi in Plat Book 4 of page 16 ( Copy Book 2-A at page 142)

CERTIFICATE: THIS IS TO CERTIFY THAT I HAVE CAUSED A SURVEY TO BE MADE ON THE ABOVE DESCRIBED PROPERTY, AND THAT SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*Kenny Lenz Alston*  
KENNY LENZ ALSTON  
PROFESSIONAL LAND SURVEYOR INC.  
4602 KENDALL AVE.  
GULFPORT, MS 39507  
(228) 864-2645 VOICE AND FAX  
NO. PLS-2529  
STATE OF MISSISSIPPI



DATE OF FIELD SURVEY: 06/26/2006

This property is subject to all local subdivision planning and zoning ordinances that could affect the above described property.

This survey does not reflect the existence or nonexistence of wetlands.

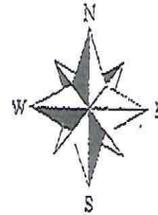
This property is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property that would be shown by a current title report.

NOTE: This survey prepared without the benefit of a current title report.

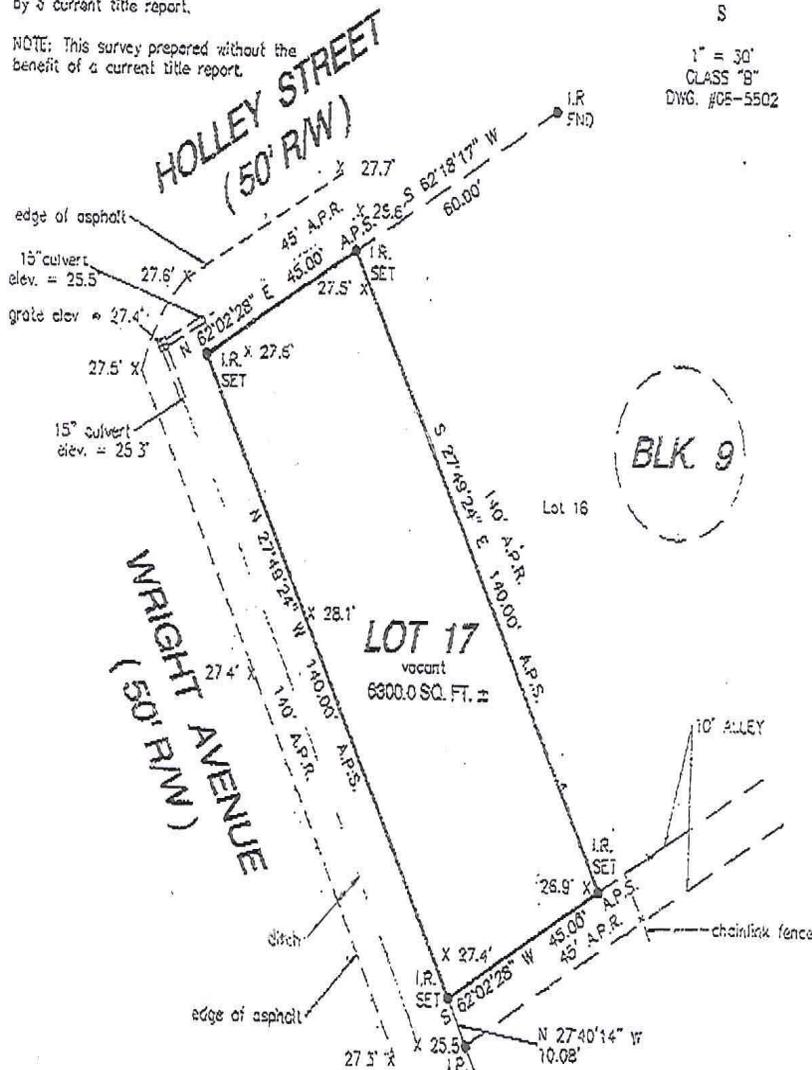
All bearings on this plat were based on the west margin of Reed Lane of Block 12.

The above described property lies in firm zone C, community panel # 265257-0002-C of the F.E.M.A. flood zone maps revised May 4, 1986.

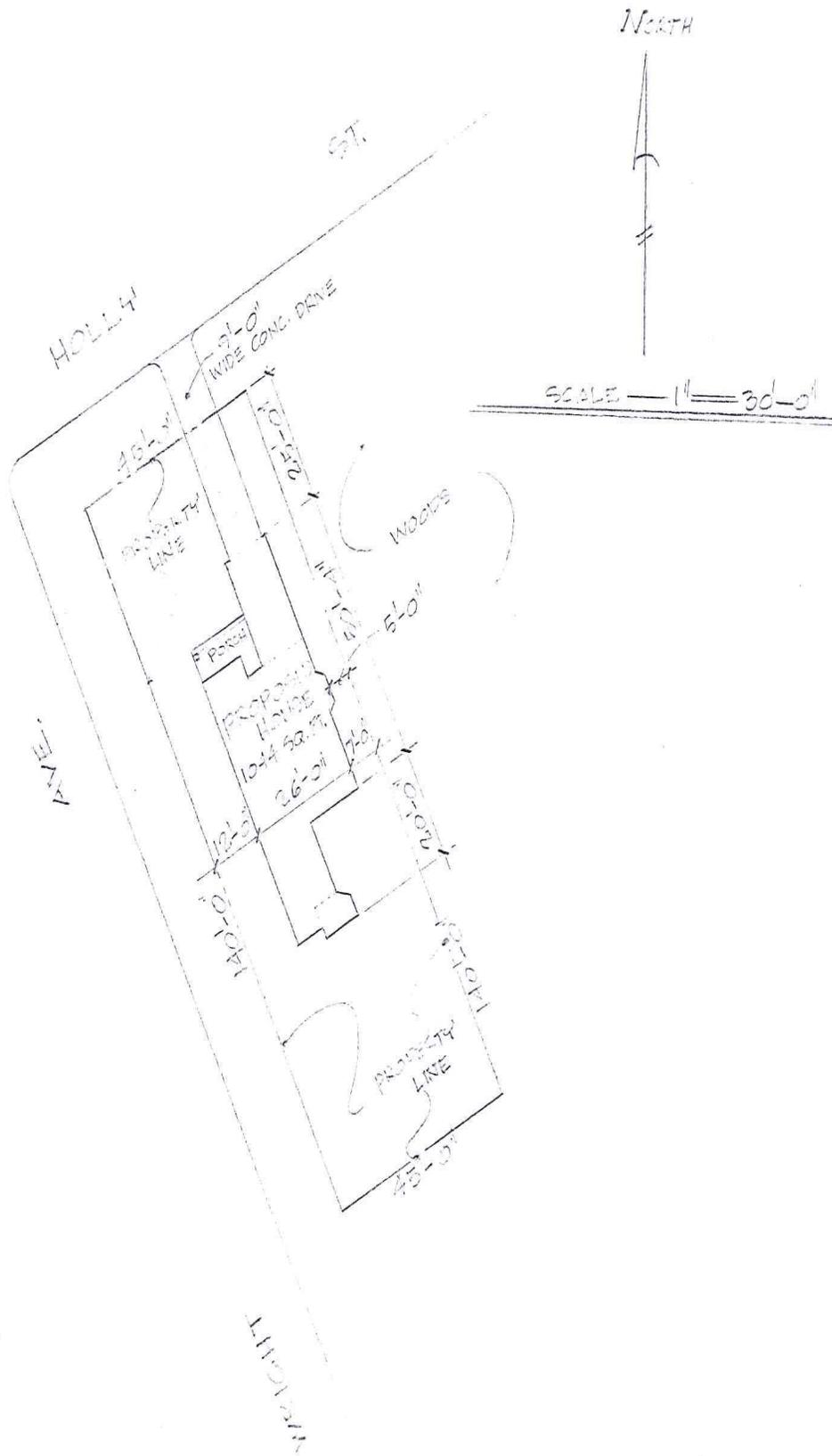
A.P.S. = As Per Surveyed  
A.P.R. = As Per Record  
X = Existing Elevation  
I.R. = Iron Rod I.P. = Iron Pipe



1" = 30'  
CLASS "B"  
DWG. #05-5502



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Jun. 16. 2010 4:23PM Coldwell Banker Alfonso Realty

No. 1724 P. 3

REAL ESTATE AGENTS ARE NOT PRINCIPALS in this transaction and are not to be held liable for any conditions or non-performance of this agreement nor have they given any legal advice unless disclosed in writing herein.

18. OTHER PROVISIONS:

89 This contract is contingent upon Purchaser obtaining a Variance from the City of Long  
90 Beach for residential construction with decreased size of setbacks. Seller agrees to  
91 co-operate and grants authorization for the Purchaser to proceed with necessary  
92 paperwork to submit the application and its attachments for the Variance for sideyard  
93 and frontyard setback sizes. Application costs to be paid by the Purchaser.

94  
95 In exchange for the Seller agreeing to removing the property from the market for sale  
96 until a Setback Variance can be received from the City of Long Beach, Purchaser will  
97 pay to Seller a \$250 fee separate from the earnest money deposit, however, when  
98 Purchaser closes on the sale of the lot, Seller will credit the \$250 fee against the  
99 purchase price.

19. PURCHASER AGREES THAT ALL TERMS of this offer are expressed above and that this offer expires on  
4 June 16, 2010, at 5:00  a.m.  p.m. if not accepted.

20. DISCLOSURE OF AGENCY RELATIONSHIP: The parties confirm, in connection with this transaction, that the  
6 Listing Firm and the Selling Firm have represented the party or parties indicated below, and that these relationships  
7 were disclosed to the parties in writing at or before the time specific real estate assistance was provided.  
8 Notwithstanding the provisions of Clause 16 of this Purchase Agreement relating to the payment of commissions, the  
9 parties agree that one of the following applies:

0 AFTER REVIEWING THE BELOW, PARTIES AGREE THAT SUBPARAGRAPH   c   (INDICATE A,  
1 B, C OR D) APPLIES HEREIN.

- 2 A. The Listing Firm, the Selling Firm, and their salespersons represent the Seller as their client. The Purchaser is the  
3 customer.
- 4 B. The Listing Firm and its salespersons represent the Seller. The Selling Firm and its salespersons represent the  
5 Purchaser.
- 6 C. The Listing Firm and its salespersons represent both the Seller and the Purchaser as dual agents by mutual  
7 agreement and all parties have signed and understand the Dual Agency Confirmation form attached and made a  
8 part of this Purchase Agreement.
- 9 D. The Selling Firm and its salespersons represent the Purchaser. The Seller is the customer.

21. AGREEMENT OF THE PARTIES. This contract shall not be assignable by Buyer without Seller's prior written  
1 consent, which consent may be withheld for any reason.



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**Earl Levens**

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**From:** Leslie Williams [leslie.williams@coldwellbanker.com]  
**Sent:** Tuesday, July 06, 2010 11:50 AM  
**To:** earl@cityoflongbeachms.com  
**Subject:** Variance Request for Planning Commission Meeting 7/8/10

Dear Mr. Levens:

The property located at the SE corner of Wright Avenue and Holley Street is going to be on the Agenda this Thursday at your Planning Commission meeting. I wanted to offer to answer any questions you may have and offer some background.

We have had this property for sale for the owner for well over a year and had many possible purchasers look at it but they were hesitant because of the need for more side yard than is allowed without securing a Variance. The applicant for the Variance is Chris Hill and he has the property 'under contract' contingent upon receiving a Variance so he can build his home.

Hopefully there will be no opposition. The same individuals own the property to the east and south. I have asked them if they would sell some of the vacant lot to the east or all of it but they have no interest in selling. This really poses a hardship on the owner of the lot.

I am sure Mr. Hill's home will be a very nice addition to the neighborhood and look much better than a vacant lot. He is looking forward to moving to Long Beach. If you have any questions, please let me know. Thank you so much for your time in considering this request.

Leslie Williams  
[leslie.williams@coldwellbanker.com](mailto:leslie.williams@coldwellbanker.com)

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From: J Scott McDermott  
929 Wright Ave.  
Long Beach, Ms 39560  
[MAITIDE@AOL.com](mailto:MAITIDE@AOL.com)

To City of Long Beach Planning Commission

Attn: Veronica

To Whom it may concern,

I am writing to state my vehement opposition to the requested variance ,by Christopher Hill of Gulfport , for lot 17 block 9 OLD PLANTATION ADDITION. I reside at 929 Wright Ave. ; also known as lots 18-34 block 7 of OLD PLANTATION ADDITION, which is "caddy-corner" to the NW of lot 17.

This is a long established neighborhood of single family homes encompassing 2 or more lots. Lot 17 as I understand it was subdivided from lots 15 and 16 so that nothing would be built there. It does not meet the minimum square footage requirement of 7500sqft which already negates the R-2 zoning. This is an UNBUILDABLE lot for a residence and was clearly stated in the zoning code when purchased.

I Sincerely appreciate your attention,

J Scott McDermott

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The Clerk reported that twelve (12) notices of public hearing were sent by Certified mail, E-return receipt requested, to property owners within a two hundred foot (200') radius of the subject property. Said return receipts were ordered as part of the record of these proceedings:

City of Long Beach

BOARD OF ALDERMEN

Leonard G. Carrubba, Sr. - At-Large  
Gary J. Ponthieux - Ward 1  
Bernie Parker - Ward 2  
Kaye H. Couvillon - Ward 3  
Ronnie Hammons, Jr. - Ward 4  
Mark E. Lishen - Ward 5  
Carolyn J. Anderson - Ward 6



WILLIAM SKELLIE, JR.  
MAYOR

CITY CLERK  
TAX COLLECTOR  
Rebecca E. Schruff

CITY ATTORNEY  
James C. Simpson, Jr.

LEGAL NOTICE

PUBLIC HEARING

In accordance with Article XII of the Comprehensive Zoning Ordinance (#344) of the City of Long Beach, Mississippi (1987) as amended, notice is hereby given advising that the Planning Commission for the City of Long Beach will hold a public hearing for the purpose of considering a Variance.

Christopher Hill, P.O. Box 1988, Gulfport, MS, has filed an application for a variance in accordance with the Comprehensive Zoning Ordinance. Applicant is requesting variance(s) as follows: 1. Six foot (6') side yard variance on a corner lot, Zoning Ordinance 344, Article IX, Section 906 states, "In any residential district, the side yard requirements for corner lots along the street right-of-way shall have an extra width of ten (10) feet." 2. A three foot (3') side yard setback variance, the minimum setback per Ordinance #344 Article VI, Table 1. Area, Yard and Height Requirements, is eight feet (8'). The tax Parcel Number for the subject property is 0711L-03-018.000. The property is generally described as being

Lot 17, Block 9, OLD PLANTATION ADDITION, as per map or plat thereof on file in the office of the Chancery Clerk of Harrison county, First Judicial District, Mississippi in Plat Book 4 Page 16 (Copy Book 2-A at Page 142.)

The public hearing to consider the above Variance will be held in the City of Long Beach, Mississippi, 39560, Thursday, July 8, 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

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The Clerk further 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 CRISTA LAUX 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. 126 No., 104 dated 24 day of June, 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.

JUN 28 2010 Crista Laux  
Clerk

Sworn to and subscribed before me this 24 day of June, A.D., 2010



Kandi Berkley  
Notary Public

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The applicant came forward to state due to the width of the lot and the fact that it was a corner lot an additional ten feet (10') was required per Zoning Ordinance 344. He stated by meeting the required setbacks per Ordinance 344 he would only be able to build a nineteen foot (19') wide home, he stated if the Variance was granted he would build a Florida Style, twenty-eight foot (28') wide home with lots of windows, metal roof, it would be his personal home and not a rental.

\* \* \*

The Chairman called for anyone who wished to speak in **FAVOR** of the request and the following came forward:

**Leslie Williams**, Coldwell Banker, 111 Scenic Drive, Pass Christian, MS came forward.

\* \* \*

The Chairman called for anyone who wished to speak in **OPPOSITION** of the request and the following came forward:

**David Patton**, 912 Wright Avenue stated the structure would change the structure of the neighborhood.

**Sharon Haley**, 916 Wright Avenue

**Barbara Prine**, in attendance representing her mother, Beth Davis, 919 Wright Avenue stated she had concerns regarding the effects of building on this lot would have on the ditch that currently floods.

\* \* \*

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

\* \* \*

After considerable discussion Commissioner Loftus made motion seconded by Commissioner Yandell to Approve the request on the basis of the hardship created by the width of the lot, the fact that it is a corner lot and in accordance with Zoning Ordinance 344, Section 1207.

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The question being put to a Roll Call vote the results were as follows:

Commissioner Heinzl	Nay
Commissioner Castleberry	Present, not voting
Commissioner Loftus	Aye
Commissioner Casey	Nay
Commissioner Yandell	Aye

The roll call vote resulting in a TIE Chairman Olaivar voted in the negative, thus the motion **FAILED** by a majority of the Commissioners present and voting.

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The next item for consideration under OLD BUSINESS was approval/review of the Comprehensive Plan, Smart Code and Transect Map.

Work Session was scheduled for Thursday, July 15, 2010 at 5:30 p.m. at the City Hall Complex located at 645 Klondyke Road.

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

APPROVED:

\_\_\_\_\_  
Commission Chairman, Frank Olaivar

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

ATTEST:

\_\_\_\_\_  
Veronica Howard, Minutes Clerk