

**MINUTES OF MARCH 10, 2011
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 o'clock p.m., Thursday, the 10th day of March, in the Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, in said City, and the same being the time, date and place fixed for holding said meeting. There was present and in attendance on said Commission and at the meeting the following named persons: Commission Chairman Frank Olaivar, Commissioners Tony Vancourt, Tonda Yandell, Gretchen Loftus, Jacquie Lipski, George Casey, Jim Heinzl, Dale Hare, Planning Commission Consultant Bill Hessell, and Minutes Clerk Veronica Howard.

The meeting was called to order, there being a quorum present and sufficient to transact the business of this recess meeting, the following proceeding were had and done.

Commissioner Vancourt made motion seconded by Commissioner Yandell and unanimously carried to approve the work session minutes of February 16, 2011 as submitted.

Commissioner Casey made motion seconded by Commissioner Lipski and unanimously carried to approve the work session minutes of February 22, 2011 as submitted.

Commissioner Yandell made motion seconded by Commissioner Vancourt and unanimously carried to approve the Regular meeting minutes of February 24, 2011 as submitted.

Commissioner Vancourt made motion seconded by Commissioner Loftus and unanimously carried to approve the work session minutes of March 2, 2011 as submitted.

Commissioner Lipski made motion seconded by Commissioner Vancourt and unanimously carried to approve the work session minutes of March 7, 2011 as submitted.

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It came for consideration under unfinished business the recommendation for adoption of the Smart Code Plan and Transect Map (Public Hearing held October 14, 2010.)

Work session was tentatively scheduled for Wednesday, March 16, 2011 and Monday, March 21, 2011; in the Meeting Room at the Long Beach City Hall; 201 Jeff Davis Avenue; 5:30 p.m. Upon completion of the necessary and agreed upon changes the Commission will forward their recommendation to the Mayor and Board of Aldermen for their approval.

It came for consideration under unfinished business the recommendation for adoption of the Comprehensive Plan (Public Hearing held November 10, 2010.)

Work session was tentatively scheduled for Wednesday, March 16, 2011 and Monday, March 21, 2011; in the Meeting Room at the Long Beach City Hall; 201 Jeff Davis Avenue; 5:30 p.m. Upon completion of the necessary and agreed upon changes the Commission will forward their recommendation to the Mayor and Board of Aldermen for their approval.

It came for consideration a Tree removal request for property located at 108 Driftwood Drive submitted by Mrs. Ruth Coleman 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 crowned.

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: COLEMAN First: RUTH Middle: _____

2. Address: 108 DRIFTWOOD DRIVE

3. City: LONG BEACH State: MS Phone: 228-863-3363

108 DRIFTWOOD DRIVE 0612E-02-158,000
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. OAK TREE ROOTS HAVE CRACKED UP MY DRIVEWAY CREATING A WALKING SAFETY HAZARD. THE TREE IS ONLY 9'-8" AWAY FROM MY HOUSE. THE TREE ROOTS ALSO WILL DAMAGE MY HOUSE FOUNDATION IF NOT REMOVED SOON.

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.

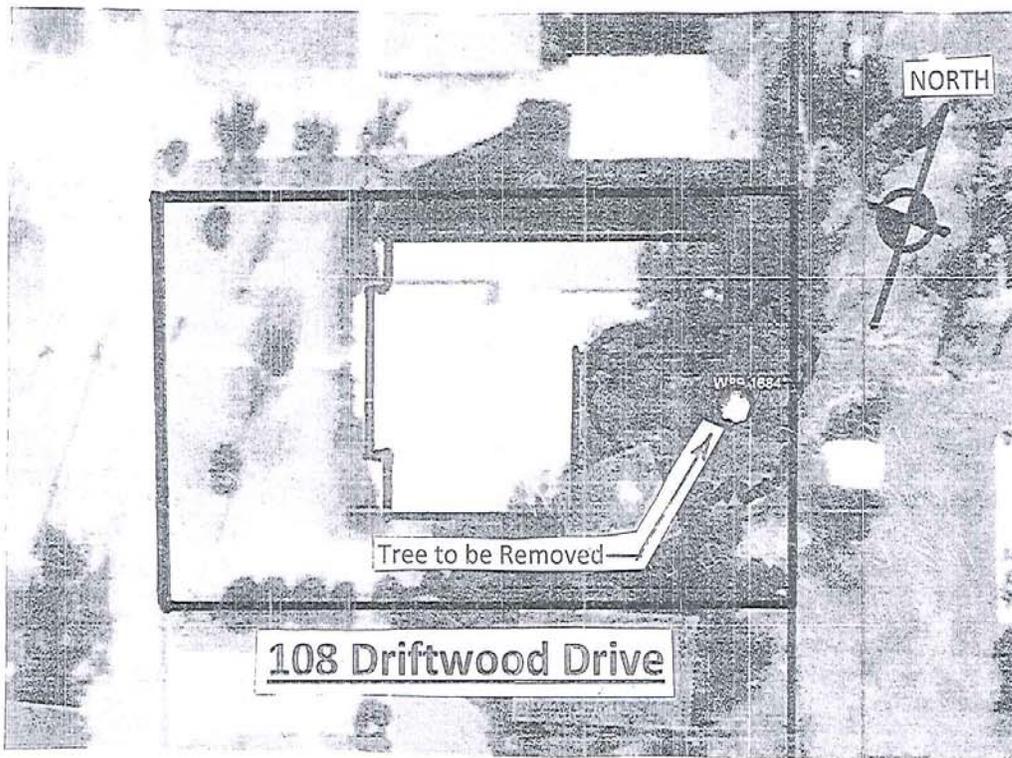
I Hereby certify that I have read this application and that all information contained herein is true and correct; that I agree to comply with all applicable codes, ordinances and state laws regulation construction; that I am the owner or authorized to act as the owners agent for the herein described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

Signature Ruth Coleman Date 3-3-11

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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:

The general condition of the entire driveway is poor. There is a 4" rise in elevation located by the tree. The Live Oak is healthy and at least 100 Year old. Our recommendation is to repair the elevated portion and leave the tree.

Dyann Lentz *Dyann Lentz*

Robert Morrison *Robert Morrison*

3/10/11

PRINTED NAME AND SIGNATURE OF TREE BOARD MEMBER

DATE

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1st Judicial District
Instrument 2006 7592 D -J1
Filed/Recorded 8 25 2006 3 52 P
Total Fees 12.00
10 Pages Recorded



STATE OF MISSISSIPPI
COUNTY OF HARRISON

WARRANTY DEED

SCANNED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned, HARRY G. COLEMAN and wife, RUTH R. COLEMAN, do hereby sell, convey and warrant unto HARRY GENE COLEMAN AND JOHNNIE RUTH COLEMAN REVOCABLE TRUST dated August 19, 2006, the following described land and property being located in the First Judicial District of Harrison County, Mississippi, and being more particularly described as follows, to-wit:

Title Not Examined

Lot Thirteen (13), Block Two (2), DRIFTWOOD SUBDIVISION, a subdivision according to 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, reference to which is hereby made in aid of and as a part of this description.

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and subject to any and all prior recorded reservations, conveyances and leases of oil, gas and minerals by previous owners.

TAXES for the current year are hereby assumed by the Grantees herein.

WITNESS OUR SIGNATURES, this the 25th day of August, 2006.

HARRY G. COLEMAN

RUTH R. COLEMAN

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STATE OF MISSISSIPPI

COUNTY OF HARRISON

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named, HARRY G. COLEMAN and wife, RUTH R. COLEMAN, who acknowledged to and before me that they signed and delivered the above and foregoing instrument as their free and voluntary act and deed on the day and in the year therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 25th day of August, 2006.



NOTARY PUBLIC

My Commission Expires:

July 24, 2008

GRANTOR & GRANTEE:
Address: 108 Driftwood Drive
Long Beach, MS 39560

Phone: 228-863-3363

Prepared by:
Donald R. Jones
Gulf Title Company, Inc.
P. O. Box 280
Gulfport, MS 39502
(228) 865-0011



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Mr. Ron Robertson, 9 Southern Oaks Lane, applicants son came forward, submitted the following photos; stated concerns for the safety hazard that the cracked concrete, due to the roots of the Oak Tree growing underneath it, caused his elderly mother; stated that the tree was planted approximately thirty (30) years ago and after speaking with a certified arborist regarding cutting the roots, that the only way to limit the safety hazard was to remove the tree.

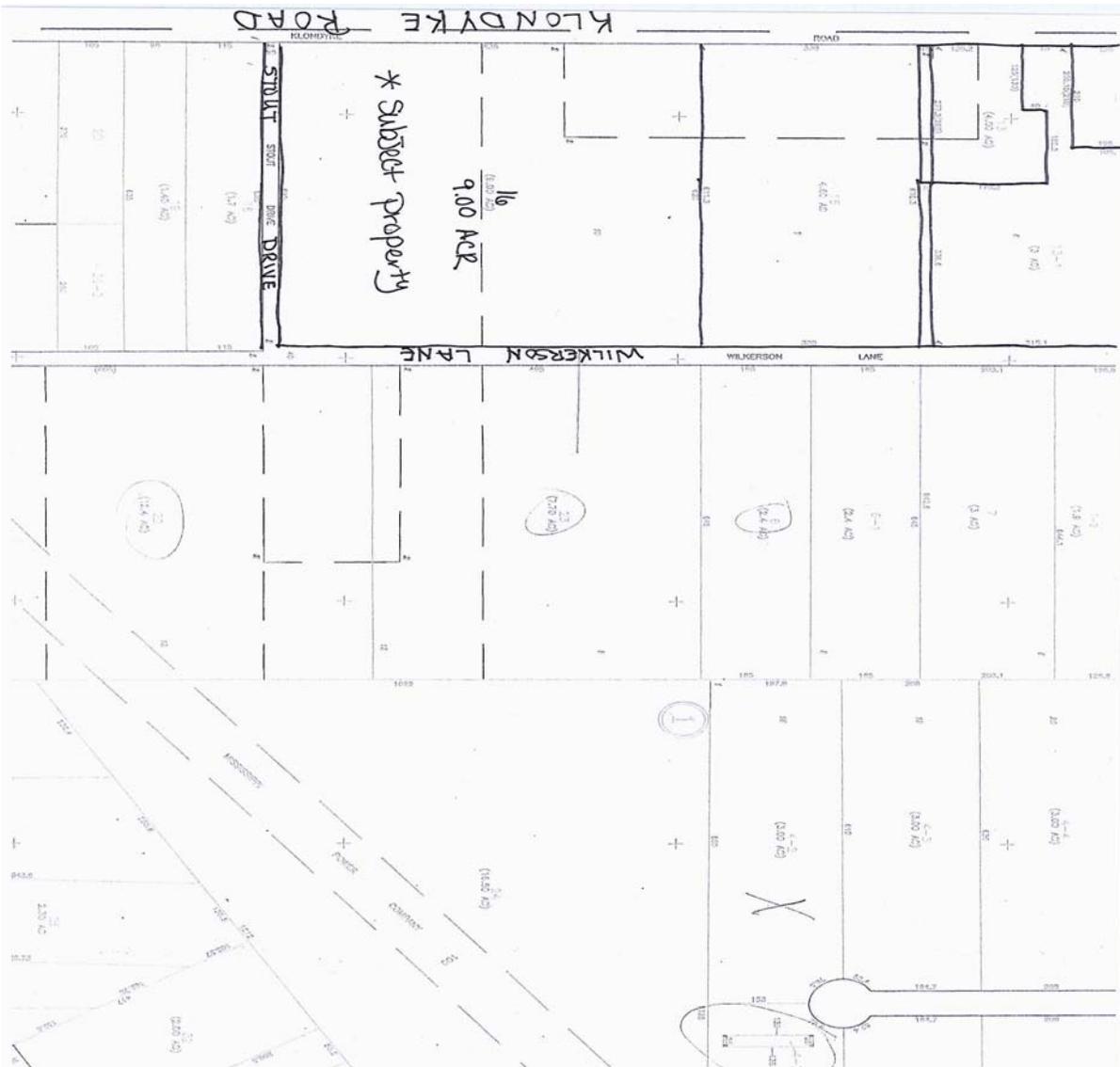


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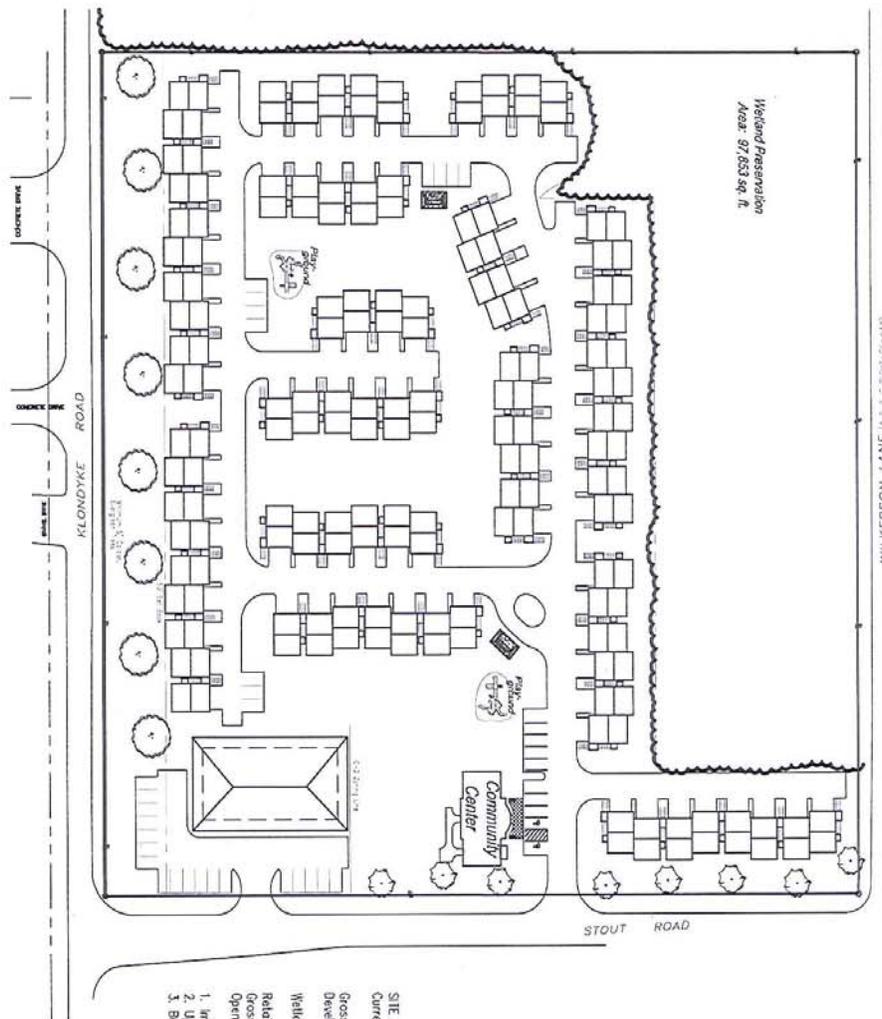
Commissioner Heinzl, certified arborist, stated that he did inspect the tree and property and confirmed that there was cause for concern, not only for the cracks caused by the roots of the tree but also the flooding and standing water after a rain event due to the elevation of the ground caused by the tree roots.

Commissioner Lipski made motion seconded by Commissioner Vancourt and unanimously carried to Approve the recommendation for removal of the Live Oak tree requesting the applicant replace the Live Oak tree in accordance with Ordinance 491, Section 7 (b).

The next agenda item was Planning Commission approval to build residential in a C-2, General Commercial Zone district for property on Klondyke Road, tax parcel number 0611G-01-016.000, submitted by David Kelly, Long Beach Estates as follows:



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SITE DATA:
 Current Zoning: C-2 (200' along Klondyke)
 Gross Acres: 8.99 (Remaining) 839 acres (391,482.37 s.f.)
 Development Type: Mixed Use
 Wetland Preserve: 2.25 acres (97,853 s.f.)
 Retail: 6,050 s.f.
 Gross Non-percious s.f.: 132,450 s.f.
 Open Area - Green Space: 667

1. Improve Stout Rd to City Standards
 2. Upgrade Lift Station Closest To Site
 3. Buffer Klondyke Rd. - Visually and Traffic



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David Kelly came forward to state his request was to build residential on the two hundred (200) feet along Klondyke Road zoned C-2, General Commercial, this proposed development would be slightly different than the previous proposed developments in that he would include 6,050 square feet of commercial/retail space, Stout Road would be improved to City standards, an upgrade to the lift station, closest to the site, would be completed and the development would include a visual and traffic buffer consisting of 12-15, 5' Caliper Evergreen trees along Klondyke Road.

Commissioner Heinzl made motion seconded by Commissioner Lipski to approve the request to build residential in a Commercial zone as requested noting to the applicant that his development must conform to all City Codes and Ordinances, the question being put to a roll call vote, the results were as follows:

Commissioner Heinzl	Aye
Commissioner Casey	Aye
Commissioner Vancourt	Aye
Commissioner Yandell	Nay
Commissioner Loftus	Aye
Commissioner Lipski	Aye
Commissioner Hare	Aye

The question having received the affirmative vote of all Commission members, present and voting, the Chairman declared the motion carried to APPROVE the request.

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