

**MINUTES OF NOVEMBER 8, 2012  
REGULAR MEETING  
LONG BEACH PLANNING COMMISSION**

Be it remembered that a PUBLIC HEARING of the Long Beach Planning Commission of the City of Long Beach, Mississippi, was begun at 6:00 o'clock p.m., Thursday, the 8<sup>th</sup> day of November 2012, 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 public hearing the following named persons: Commission Chairman Frank Olaivar, Commissioners Tony Vancourt, Jim Heinzl, Ron Robertson, Tonda Yandell, George Casey, Randy Fischer and Minutes Clerk Veronica Howard.

There being a quorum present and sufficient to transact the business of this public hearing, the following proceedings were had and done.

The public hearing to consider a Special Exception Use to operate a family fun center in a R-1, Single Family Residential Zone for Daugherty Road submitted by Michael Daley as follows:

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CITY OF LONG BEACH  
PLANNING DEPARTMENT  
645 KLONDYKE ROAD / PO BOX 929  
LONG BEACH, MS 39560  
(228) 863-1554

Office use only  
Date Received 10/16/2012  
Zoning R-1  
Agenda Date 11/14/2012  
Check Number 5042

APPLICATION FOR CASE REVIEW

- I. TYPE OF CASE: VARIANCE  
 SPECIAL EXCEPTION REQUEST
- II. Advalorem Tax Parcel Number(s): 0511I-02-034.001, 0511I-02-034.000
- III. Address of Property Involved: 5557 Daughtery Rd.
- IV. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.)  
We would like to be able to open a Family Entertainment Center business at the address above, while also maintaining our residence on the property.

**\*\*PLEASE COMPLETE THE FOLLOWING:**

- 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? Property has a 17,500 sq. ft. commercial steel building and a 70 space paved parking lot, but is currently zoned R1.
- 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. Building on property was built over 30 years ago. Parking lot was paved by previous owner when it was being used as a church shortly after Hurricane Katrina.
- 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? Property is currently zoned residential, but was built as a commercial enterprise, building is not practical to use solely as a residence.
- 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. This property is unlike any neighboring parcels, our use for the property would be similar to the previous owners, who used it for

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a church and private school, before that for many years as a skating rink.

**V. REQUIRED ATTACHMENTS:**

- A. **Interest and Ownership.** The applicant's name, address and interest of every person, firm or corporation represented by the applicant in the application, the name of the owner or owners and their respective addresses of the entire land area proposed to be changed in classification or to be included within the structures then existing thereon, and sufficient evidence to establish that the applicant has the right of possession to the land area and structures, the names and address of all owners of adjacent property (exclusive of the width of intervening streets, alleys, or bodies of water). Claims of support or "no objection" from owners of adjoining property should be substantiated in writing or by the appearance of such owner(s) at the hearing. Such support is usually considered material but not conclusive.
- B. **Survey and Site Plan.** a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the locations of existing and proposed structures with supporting open facilities, and the ground area to be provided and continuously maintained for the proposed structure or structures;
- C. **Recorded Warranty Deed.** A deed which includes a legal description of the specific piece of property involved in the request. If, several parcels are included in a request, individual parcel deeds AND a composite legal description of all parcels involved in the request must be provided.
- D. **Fee.** Attach a check in the amount of \$100.00. This check should be made payable to the **City of Long Beach** to cover administrative cost. You will also be responsible to actual costs, such as advertising and mailing incurred with the processing of your application.

**\*\*\*NOTE\*\*\* APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE LISTED DOCUMENTS.**

**VI. OWNERSHIP AND CERTIFICATION:**

**READ BEFORE EXECUTING,** Attendance by the applicant(s) at the public hearing is mandatory; however, the applicant may designate a representative to attend the public hearing on his/her behalf, provided said representative has been properly designated to speak on the applicant's behalf either by written permission or oral designation by the applicant at the Public Hearing. If a continuance is to be granted, the applicant must request same in writing a minimum of seven (7) days in advance of the scheduled public hearing. The applicant acknowledges that, in signing this application, all conditions and requirements inherent in the process have been fully explained and understood, including the timetable for processing the application, the completed application with all necessary documents and payments must be returned to the Planning office not later than 21 days before the 2<sup>nd</sup> or 4<sup>th</sup> Thursday of each month. Receipt of fee(s) does not constitute receipt of a completed application.

**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.

Michael Scott Daley & Lise K. Daley  
Name of Rightful Owner (PRINT)

\_\_\_\_\_  
Name of Agent (PRINT)

5557 Daughtery Rd  
Owner's Mailing Address

\_\_\_\_\_  
Agent's Mailing Address

Long Beach MS 39560  
City State Zip

\_\_\_\_\_  
City State Zip

228 861-9245  
Phone

\_\_\_\_\_  
Phone

Michael Scott Daley 10/16/2012  
Signature of Rightful Owner Date

\_\_\_\_\_  
Signature of Applicant Date

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We, Michael S. Daley and Lisa K. Daley, owners of a property located at 5557 Daughtery Rd., do hereby petition the City of Long Beach to make whatever changes to the current residential zoning status it deems proper to allow the property to be used as an FEC ( Family Entertainment Center ) while also residing on the premises. The property consists of approximately 3 acres with a 17,000+ square foot commercial steel building and a paved 70 space parking lot. It has previously been used as a church and private Catholic school, and before that as a skating rink. The proposed business would have various commercial inflatables, a snack bar, amusement games etc., and would be open for birthday parties and individual walk-ins.

The following is a list of signatures of residents and owners living within 200 yards of the proposed business who vouch that they support or have no objections to the business.

Name	Address	Signature	Date
HENRY ODEWALS	5545 DAUGHTERY	[Signature]	10/13/12
Janet Kustin	9 Mossy Oak Ln	[Signature]	
Kanale Cobb	11 Mossy Oaks Ln	[Signature]	
Godina Foyant	2004 Patton Rd	[Signature]	
Markette P. Wilson	2025 Patton Rd	[Signature]	
Whitley Marie	2025 Patton Rd	[Signature]	
Chris Heatherwood	2028 Patton Rd	[Signature]	
Jane Berg	2000 Patton Rd		
Bryan Berg	2040 Patton Rd		
Christine Berg	2049 Patton Rd		
Pat. Cuencas	2048 Patton Rd		
Rita J. Spina	20049 Will St.		
Bill Spina	20042 Will St LB		
Marilyn Cheryl	20045 Will St. LB.		
[Signature]			
[Signature]	20071 Lower Ln.		
[Signature]	20082 Lower Ln		
Janet Garner	20091 Lower Ln. JANET GARNER		
[Signature]	20098 Lower Lane		
[Signature]	5146 Mitchell Pl Long Beach		
Miles Rossant Davis	7 Mossy Oaks Lane Long Beach		
Joni Davis	7 Mossy Oaks Lane Long Beach		
Jane Thompson	8 Mossy Oaks W LB		
Sandra Rhinick	"		
RICHARD J. HOPEWOOD	4 Mossy Oaks Ln LB.	[Signature]	
Page Neearse	11 Mossy Oaks LB	[Signature]	





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Prepared by and after recording return to:  
Pepper A. Pearson, MS Bar No. 101389  
Page, Mannino, Peresich & McDermott, P.L.L.C.  
2408 14<sup>th</sup> Street  
Gulfport, MS 39501  
(228) 374-2100

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT

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 considerations, the receipt and sufficiency of which is hereby acknowledged, the undersigned,

COLUMBIAN CLUB OF LONG BEACH, INC.  
P.O. Box 452  
Long Beach, MS 39560  
(228) 547-6727

does hereby sell, convey and warrant unto

MICHAEL SCOTT DALEY AND LISA K. DALEY  
5557 Daugherty Road  
Long Beach, MS 39560  
(228) 861-5566

as joint tenants with full rights of survivorship, and not as tenants in common, the following described real property, together with all improvements thereon, located in the First Judicial District of Harrison County, Mississippi, more particularly and certainly described as follows:

(SEE EXHIBIT "A" ATTACHED)

INDEXING INSTRUCTIONS:

This conveyance is subject to all restrictions, reservations and easements affecting said property on file and of record in the Office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

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Ad valorem taxes for the year 2012 have been prorated between the parties hereto and the obligation to pay same is assumed by the Grantees herein, who will pay same when due.

WITNESS my signature on this the 31st day of July, 2012.

Columbian Club of Long Beach, Inc.

By: Michael W Morgan  
Michael Morgan, President

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

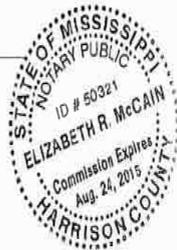
Personally appeared before me, the undersigned authority in and for the said county and state, on this 31st day of July, 2012, within my jurisdiction, the within named Michael Morgan, who acknowledged to me that he/she is President of Columbian Club of Long Beach, Inc., and as its act and deed, he/she executed the above and foregoing instrument, after first having been duly authorized by said Corporation so to do.

Elizabeth R. McCain  
NOTARY PUBLIC

My Commission Expires:

(SEAL)

44526



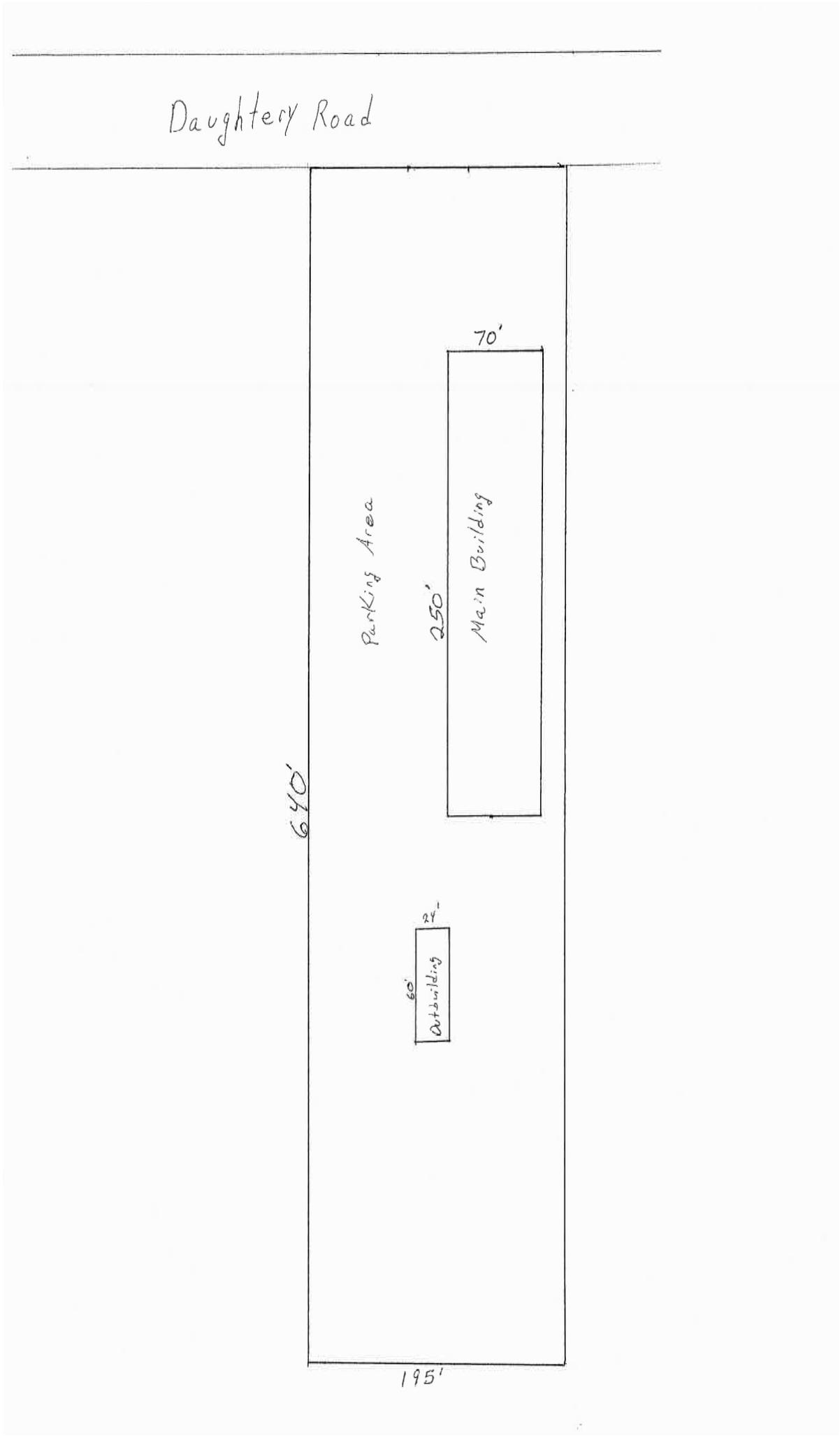
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EXHIBIT "A"

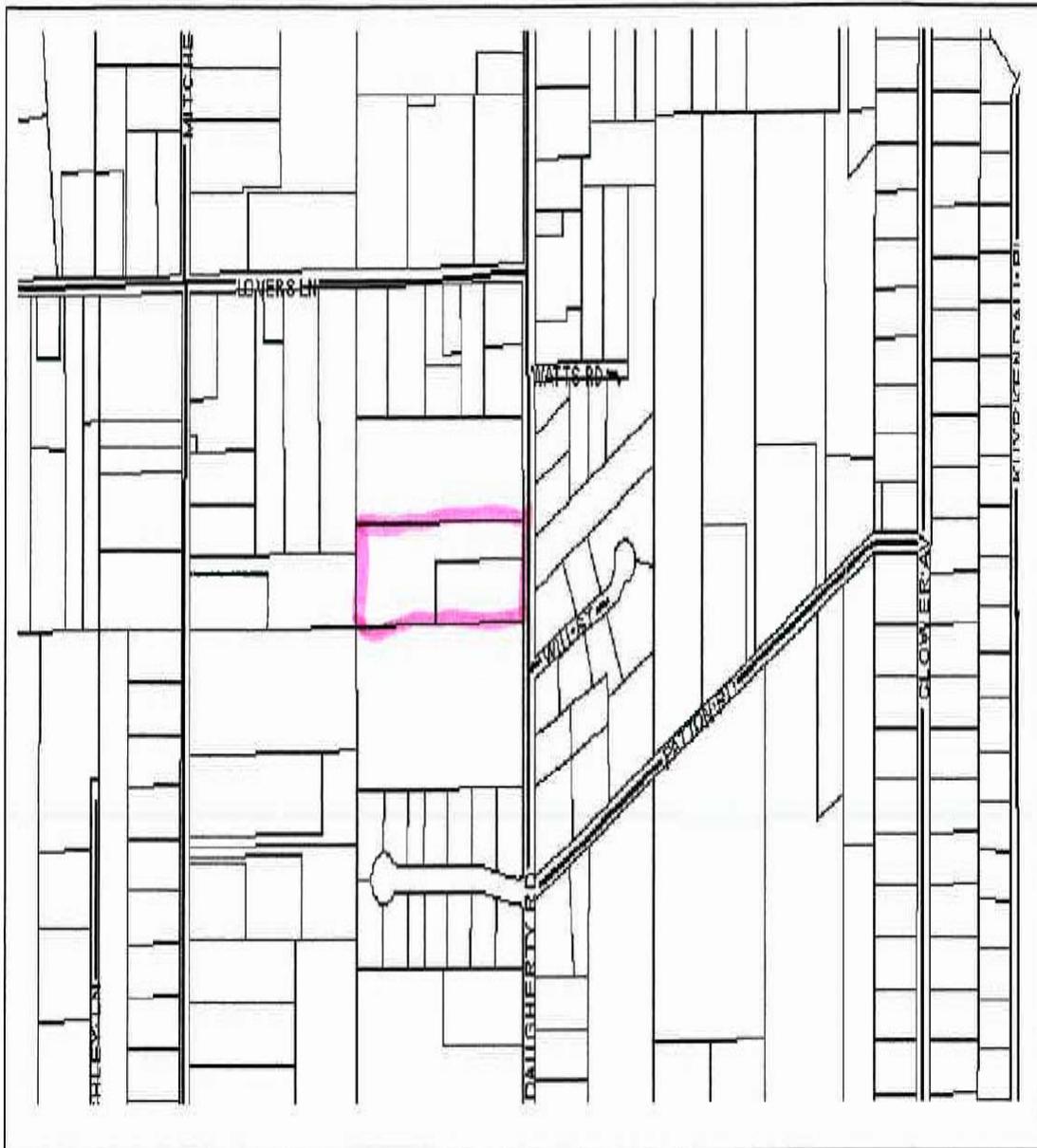
LEGAL DESCRIPTION

*Commencing at the SE corner of the NW 1/4 of the NE 1/4 of Section 10, Township 8 South, Range 12 West, First Judicial District of Harrison County, Mississippi; thence run West 20 feet to the Point of Beginning; thence continue west 640.4 feet; thence North 195.2 feet; thence East 640.0 feet to the West right-of-way Daugherty Road; thence South along said right-of-way 195.0 feet to the Point of Beginning.*

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**THIS MAP IS PREPARED FOR ASSESSMENT PURPOSES ONLY.  
HARRISON COUNTY ASSUMES NO LEGAL RESPONSIBILITIES  
FOR THE INFORMATION CONTAINED ON THIS MAP.**

Date Printed: Oct 16, 2012

Parcel #:

The Clerk reported that nineteen (19) notices of public hearing were sent by certified mail, electronic return receipt, 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.

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**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. Schruoff**

**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 **Special Exception Use**.

Michael Scott Daley and Lisa K. Daley, 5557 Daugherty Road, Long Beach, Mississippi has filed an application for Special Exception Use from the Comprehensive Zoning Ordinance. The request is to allow the applicant to operate a family entertainment center from 5557 Daugherty Road, an R-1, Single-Family Residential Zoning District. Tax Parcel Number(s) 05111-02-034.001 and 05111-02-034.000, the legal description is as follows:

Commencing at the SE corner of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 10, Township 8 South, Range 12 West, First Judicial District of Harrison County, Mississippi; thence run West 20 feet to the Point of Beginning; thence continue west 640.4 feet; thence North 195.2 feet; thence East 640.0 feet to the West right-of-way Daugherty Road; thence South along said right-of-way 195.0 feet to the Point of Beginning.

The public hearing to consider the above Special Exception Use will be held in the City of Long Beach, Mississippi 39560, Thursday, November 8, 2012 at 6:00 p.m., at the Long Beach City Hall, 201 Jeff Davis Avenue, Long Beach, Mississippi. 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 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 and 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 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. 129 No., 22 dated 25 day of Oct, 20 12
- 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.

Crista Laux  
Clerk

Sworn to and subscribed before me this 25 day of Oct, A.D., 20 12



Zandi Berkeley  
Notary Public

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PUBLIC HEARING**  
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At signed  
Chairman  
Planning Commission  
ADV25,1THJ  
1502161

Commission Chairman recognized Michael Daley.

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\*

Commission Chairman called for anyone wishing to speak in favor or in opposition of the request and the following came forward to be heard:

- Mrs. Ann Minor, 5563 Daugherty Road came forward to state she lived on the north side of this property and requested a fence be erected to protect her property from the patrons.

Commissioner Vancourt made motion seconded by Commissioner Heinzl and unanimously carried to close the public hearing.

\*

\*

Discussion was had pertaining to the type of daily activities that would be offered, type of equipment, hours of operation, parking, age group of the kids allowed, willingness to have a fence erected, etc.

Commissioner Vancourt made motion seconded by Commissioner Casey and unanimously carried to table the request until the next regular scheduled meeting, to allow the applicant time to prepare a business plan addressing the Commission's concerns.

\*\*\*\*\*

Be it remembered that a regular meeting of the Long Beach Planning Commission of the City of Long Beach, Mississippi, was begun at 6:00 o'clock p.m., Thursday, the 8<sup>th</sup> day of November 2012, 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, Jim Heinzl, Ron Robertson, Tonda Yandell, George Casey, Randy Fischer and Minutes Clerk Veronica Howard.

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

Commissioner Robertson made motion seconded by Commissioner Fischer and unanimously carried to approve the regular meeting minutes of October 25, 2012 and Work Session minutes of November 5, 2012 as submitted.

\*\*\*\*\*

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It came for consideration under Unfinished Business the Long Beach Unified Development Ordinance and Zoning Map.

A Work Session was scheduled for December 10, 2012; 5:30 p.m.; 201 Jeff Davis Avenue; City Hall; Meeting Room.

\* \* \*

After review and discussion Commissioner Yandell made motion seconded by Commissioner Fischer and unanimously carried to schedule a public hearing, to consider recommending adoption of the Unified Development Ordinance and Zoning Map, for December 13, 2012; 6:00 o'clock p.m.; 201 Jeff Davis Avenue; City Hall; Meeting Room.

\*\*\*\*\*

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:

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

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

ATTEST:

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