

**MINUTES OF AUGUST 22, 2013
PLANNING COMMISSION**

Be it remembered that a regular meeting of the Long Beach Planning Commission of the City of Long Beach, Mississippi, was begun at 5:30 o'clock p.m., Thursday, the 22nd day of August 2013, 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, Jack Donovan, Nicholas Brown, Ron Robertson, Tonda Yandell, and Minutes Clerk Veronica Howard.

Commissioner(s) Randy Fischer was absent the meeting.

Noted for the record new appointee Jeff Hansen, Ward 3 appointee.

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 Vancourt and unanimously carried to approve the regular meeting minutes of August 8, 2013 as submitted.

Commissioner Vancourt made motion seconded by Commissioner Yandell and unanimously carried to approve the Work Session minutes of August 19, 2013 and August 21, 2013, with the following correction: August 19, 2013 Work Session, all Commission members and Planning Consultant/Advisor Bill Hessell were in attendance.

It came for consideration under OLD BUSINESS discussion regarding Mobile Homes and Modular Homes, Section 911 of the previous zoning ordinance number 344, as follows:

911.1 Permitted Locations.

911.1.1 Mobile homes and Modular homes are allowed only for residential use.

911.1.2 Mobile homes and Modular homes are allowed as a conditional use in R-4 Districts.

911.2 Size and Density

911.2.1 Minimum of three (3) contiguous acres of land.

911.2.2 Only one (1) Mobile home or Modular home will be allowed per tract of land, said tract having a minimum of three (3) acres.

911.3 Mobile Home Lot/Modular Home Lot.

911.3.1 No part of a Mobile home or Modular home or other facility placed on a lot shall be closer than one hundred (100) feet to a public street.

911.3.2 No Mobile home or Modular Home shall be located closer than fifty (50) feet to any property line which does not abut upon a public street or highway.

911.4 A mobile home stand (pad) is required for each mobile home lot. The average width of all spaces within the park shall not be less than forty

**MINUTES OF AUGUST 22, 2013
PLANNING COMMISSION**

(40) feet. Each pad shall be well drained, uniformly graded, and compacted as approved by the Director of Public Works.

911.5 Ground anchors must be provided for said mobile home stand in accordance with the requirements set forth in the Building Code and each mobile home shall be properly secured to the ground anchors.

Public hearing was scheduled for Thursday, September 12, 2013; 201 Jeff Davis Avenue; City Hall; Meeting Room; 5:30 p.m.; due to the legal notices not available to submit for publication, public hearings were rescheduled for Thursday, September 26, 2013; 201 Jeff Davis Avenue; City Hall; Meeting Room; 5:30 p.m.

It came for consideration under OLD BUSINESS discussion regarding Temporary and Portable Buildings and Structures, Section 1005 of the previous zoning ordinance number 344, as follows:

A temporary or portable structure may be erected only in connection with the erection of a permanent building, street, utility, or other structure. A permit for the erection of any temporary structure shall be obtained from the Building Official after posting of sufficient bond to insure removal of same within two (2) weeks after issuance of the certificate of occupancy on the permanent structure. A temporary or portable structure may be used for a temporary construction office and for the housing of tools, equipment, and materials.

Subdivision sales offices may be erected only after approval by the Zoning Board of Appeals subject to such conditions as may be determined by the Board to be necessary to insure termination of the use after a reasonable period and removal or conversion to a conforming use.

No trailers for dwellings, storage, or business shall be parked in any district, except upon approval by the Zoning Board of Appeals in connection with a permanent building or construction project. Such approvals shall be for a period of time not to exceed one (1) year, renewable for periods of six (6) months, stating the use for which approved.

No building shall be moved into and placed within the City limits except such buildings which conform to the standards for new construction for dimensions, use and placement upon the lot, and requirements of this and other City ordinances.

Public hearing was scheduled for Thursday, September 12, 2013; 201 Jeff Davis Avenue; City Hall; Meeting Room; 5:30 p.m.; due to the legal notices not available to submit for publication, public hearings were rescheduled for Thursday, September 26, 2013; 201 Jeff Davis Avenue; City Hall; Meeting Room; 5:30 p.m.

It came for consideration under OLD BUSINESS discussion regarding Fences, Walls and Hedges, Section 904 of the previous zoning ordinance number 344, as follows:

904.1 Notwithstanding other provisions of this Ordinance, fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge that obstructs sight shall be erected, altered, or placed in

**MINUTES OF AUGUST 22, 2013
PLANNING COMMISSION**

or around any required front yard to exceed four (4) feet in height above ground.
Barbed wire is expressly prohibited in R-1, R-2, and R-3 Districts.

904.2 A building permit is required to construct or otherwise erect any fence, wall or hedge in the City of Long Beach, Mississippi; and same shall be issued by the Building Official after the applicant has paid a fifteen dollar (\$15) permit fee and furnished the Building Official with an acceptable drawing or set of plans establishing what is to be constructed of what materials, and where same is to be situated in relation to other structures on applicant's property, and in relation to existing streets, rights-of-way, and easements.

Public hearing was scheduled for Thursday, September 12, 2013; 201 Jeff Davis Avenue; City Hall; Meeting Room; 5:30 p.m.; due to the legal notices not available to submit for publication, public hearings were rescheduled for Thursday, September 26, 2013; 201 Jeff Davis Avenue; City Hall; Meeting Room; 5:30 p.m.

It came for consideration under OLD BUSINESS discussion regarding Yards, Section 1002 of the previous zoning ordinance number 344, as follows:

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

1002.3 Residential Fences are permitted on the property lines in residential districts, but shall not in any case exceed a height of eight (8) feet, and shall not exceed a height of four (4) feet in the front yard.

Public hearing was scheduled for Thursday, September 12, 2013; 201 Jeff Davis Avenue; City Hall; Meeting Room; 5:30 p.m.; due to the legal notices not available to submit for publication, public hearings were rescheduled for Thursday, September 26, 2013; 201 Jeff Davis Avenue; City Hall; Meeting Room; 5:30 p.m.

It came for consideration under OLD BUSINESS discussion regarding travel trailers within City limits.

Public hearing was scheduled for Thursday, September 12, 2013; 201 Jeff Davis Avenue; City Hall; Meeting Room; 5:30 p.m.; due to the legal notices not available to submit for publication, public hearings were rescheduled for Thursday, September 26, 2013; 201 Jeff Davis Avenue; City Hall; Meeting Room; 5:30 p.m.

It came for consideration under OLD BUSINESS discussion regarding Boats within City limits.

Public hearing was scheduled for Thursday, September 12, 2013; 201 Jeff Davis Avenue; City Hall; Meeting Room; 5:30 p.m.; due to the legal notices not available to submit for publication, public hearings were rescheduled for Thursday, September 26, 2013; 201 Jeff Davis Avenue; City Hall; Meeting Room; 5:30 p.m.

**MINUTES OF AUGUST 22, 2013
PLANNING COMMISSION**

It came for consideration under OLD BUSINESS discussion regarding Signs within City limits.

Public hearing was scheduled for Thursday, September 12, 2013; 201 Jeff Davis Avenue; City Hall; Meeting Room; 5:30 p.m.; due to the legal notices not available to submit for publication, public hearings were rescheduled for Thursday, September 26, 2013; 201 Jeff Davis Avenue; City Hall; Meeting Room; 5:30 p.m.

It came for consideration under OLD BUSINESS discussion regarding Uses by Right.

Public hearing was scheduled for Thursday, September 12, 2013; 201 Jeff Davis Avenue; City Hall; Meeting Room; 5:30 p.m.; due to the legal notices not available to submit for publication, public hearings were rescheduled for Thursday, September 26, 2013; 201 Jeff Davis Avenue; City Hall; Meeting Room; 5:30 p.m.

It came for consideration under NEW BUSINESS a tree removal for property located at 118 West 3rd Street submitted by Charles Wood as follows:

MINUTES OF AUGUST 22, 2013 PLANNING COMMISSION

CITY OF LONG BEACH, MISSISSIPPI
201 Jeff Davis Avenue
P.O. Box 929
Long Beach, MS 39560
(228) 863-1554
(228) 863-1558 fax



TREE PERMIT APPLICATION

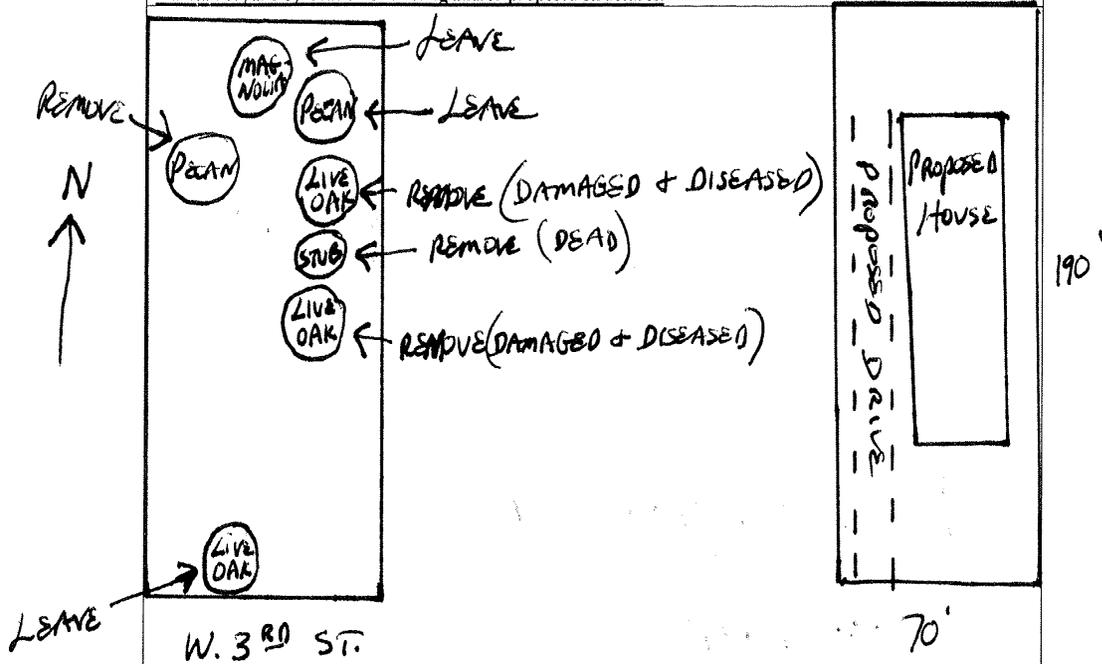
Routine trimming does not require a permit. The reason for pruning may include, but are not limited to, reducing risk, maintaining or improving tree health and structure, improving aesthetics, or satisfying a specific need. The City of Long Beach does recommend you obtain a licensed Arborist for your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

> 118 W. 3RD ST. LONG BEACH, MS 06128-03.078.000
PROJECT ADDRESS (where the trees to be removed are); Tax Parcel Number

> WHAT TYPE OF TREE ARE YOU REQUESTING TO BE REMOVED? LIVE OAK
i.e. Live Oak, Magnolia, etc.

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.



APPROVED AS REQUESTED 3 TREES TO BE REMOVED. REPLANT AS CITY PLANS REQUIRE.

[Handwritten signatures]

***** YOU MUST ATTACH A PHOTOGRAPH OF THE TREE YOU ARE REQUESTING TO BE REMOVED. THE PHOTO MUST SHOW ANY DAMAGE THE TREE IS CAUSING**

**MINUTES OF AUGUST 22, 2013
PLANNING COMMISSION**

APPLICANT(S) INFORMATION:

WOOD CHARLES E
Last Name First MI

P.O. Bx 4124 GULFPORT MS 39502
Mailing Address City, State, Zip

> 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. CONSTRUCTION OF A RESIDENCE.
IN ADDITION, THE TREES ARE DAMAGED & DISEASED

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] 8/20/13
Signature Date

OFFICE USE ONLY

CITY OF LONG BEACH TREE BOARD RECOMMENDATIONS/COMMENTS BELOW:

No objection
(see back)

PRINTED NAME & SIGNATURE OF TREE BOARD MEMBER(S):

Dyann Lentz [Signature] 8/21/13
M.A. Kruse [Signature] 8/21/13

**MINUTES OF AUGUST 22, 2013
PLANNING COMMISSION**

TO WHOM IT MAY CONCERN

I, Im Son Nesheim, owner of the lot 70' x 190' situated at 118 W. 3rd St, Long Beach, MS, have entered into a contract to sell said property to Charles Wood and Judy Couey and hereby authorized Charles Wood and Judy Couey to apply on my behalf for a zoning change from C-commercial to R-residential in order for them to build a residence on the property.

I further authorize Charles Wood and Judy Couey to apply on my behalf for a permit to remove two live oak trees on the east side of the property.

These authorizations shall remain in effect unless cancelled by me in writing.

Dated this 19th day of August, 2013.

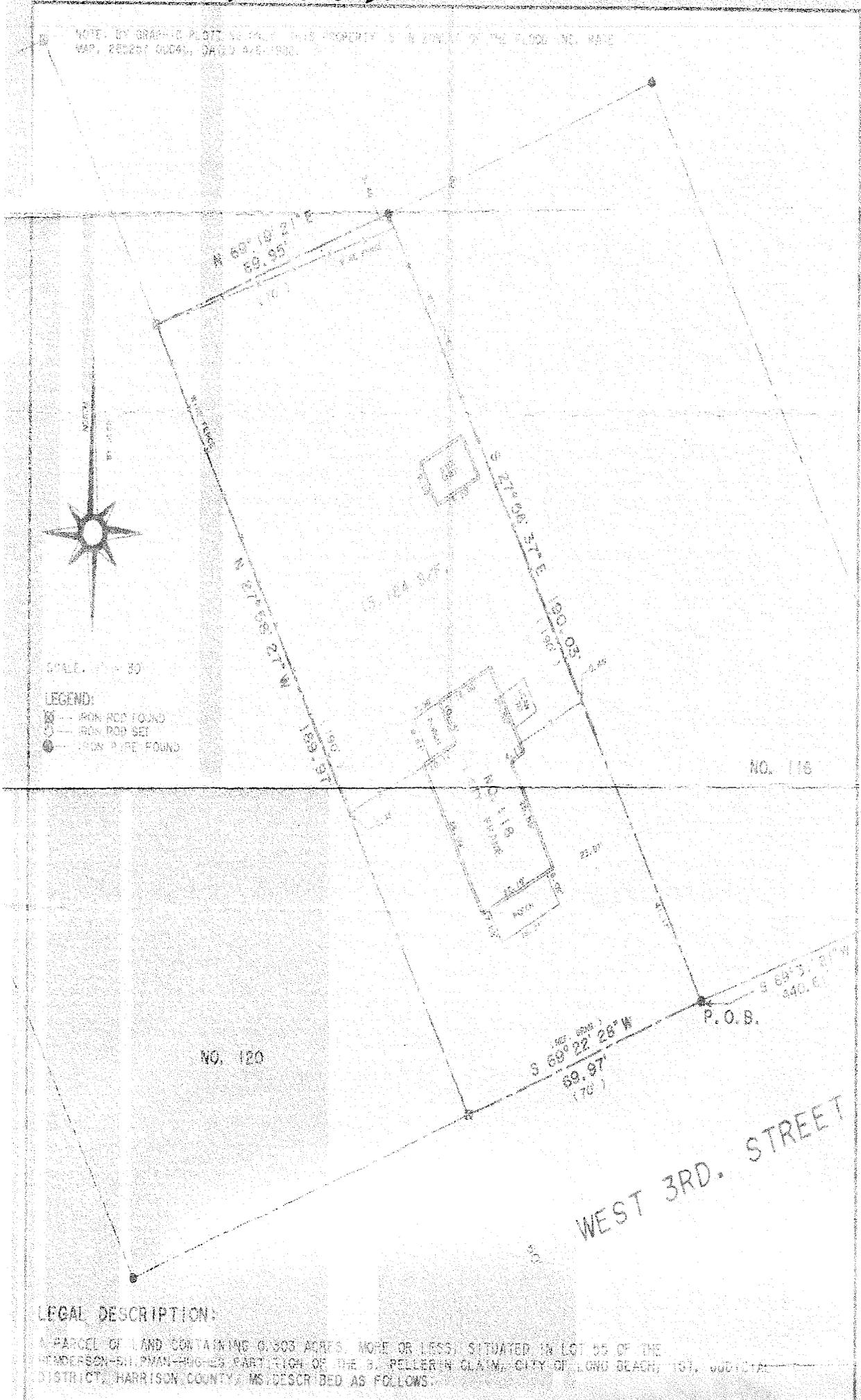


Im Son Nesheim

MINUTES OF AUGUST 22, 2013
 PLANNING COMMISSION

Parcel # 0612B-03-078.000

NOTE: BY GRAPHIC PLOTTING SCALE THIS PROPERTY IS IN ZONE OF THE FLOOD INS. RATE MAP, 282207 00043, DATED 11/1/80.



MINUTES OF AUGUST 22, 2013
PLANNING COMMISSION

TREE 1 - BARK MISSING, ROT



TREE 1 - DAMAGED & ROTAW

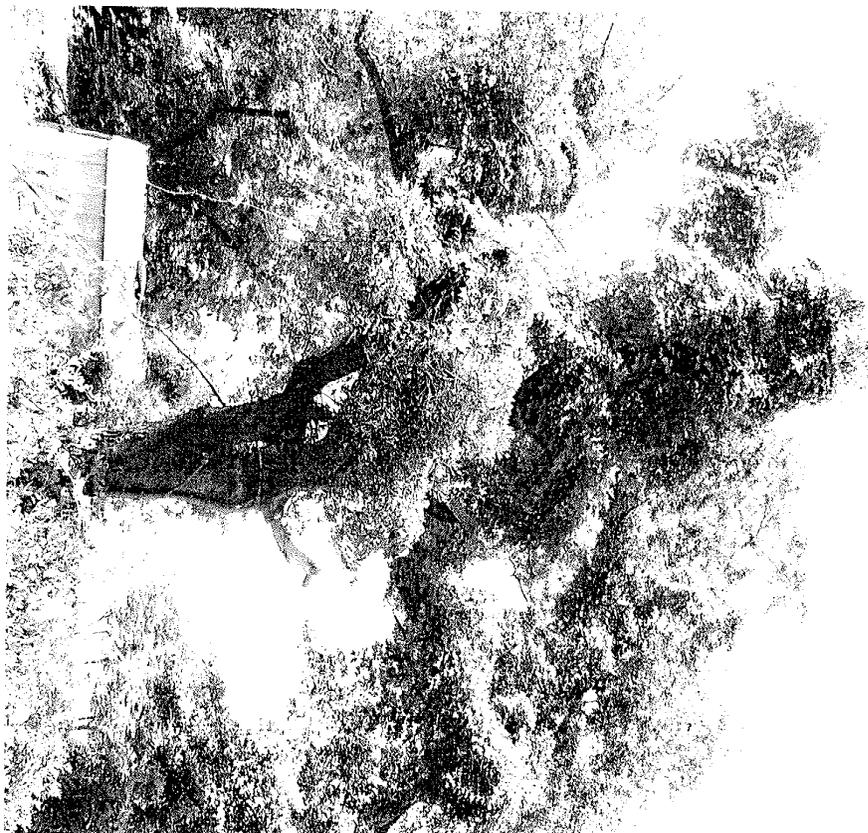


MINUTES OF AUGUST 22, 2013
PLANNING COMMISSION

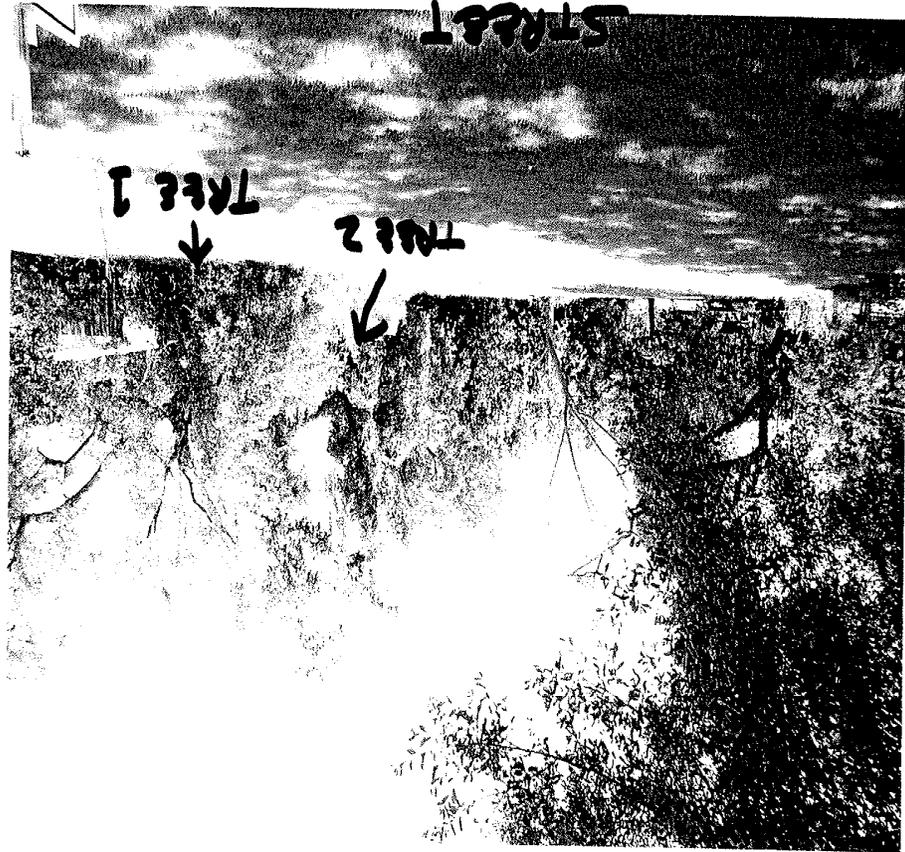
TREE 2 - MOST OF GRASS
IS VINES



TREE 2 - MOST OF GRASS
IS VINES



MINUTES OF AUGUST 22, 2013
PLANNING COMMISSION



TREE 2 - VINES



MINUTES OF AUGUST 22, 2013
PLANNING COMMISSION



TREE 1

Based upon the Tree Board's recommendation and in accordance with Ordinance 364 the Tree Preservation and Protection ordinance, Commissioner Heinzl made motion seconded by Commissioner Yandell and unanimously carried recommending removal of the three (3) Live Oak Trees, stating three (3) trees must be replanted in accordance with Ordinance 364, Section 7 (b) .

It came for consideration under NEW BUSINESS Planning Commission approval to build R-1, Single-Family residential in a C-1, Central Business district for property located at 118 West 3rd Street submitted by Charles Wood as follows:

**MINUTES OF AUGUST 22, 2013
PLANNING COMMISSION**



**CITY OF LONG BEACH
201 JEFF DAVIS AVENUE
PO BOX 929
LONG BEACH, MS 39560
(228) 863-1554 phone
(228) 863-1558 fax**

Office use only	
Date Received	8/21
Zoning	C-1
Agenda Date	8/22
Check Number	440

APPLICATION FOR CASE REVIEW

- I. TYPE OF CASE: **PLANNING COMMISSION APPROVAL**
 DECISION OF THE BUILDING OFFICIAL IS ALLEGED TO BE IN ERROR
 INTERPRETATION OF THE ZONING ORDINANCE
- II. Advalorem Tax Parcel Number(s): 0612B-03-078.000
- III. Address of Property Involved: 118 W. 3RD ST. LONG BEACH, MS
- IV. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.)
APPLICANT IS REQUESTING PERMISSION TO BUILD A SINGLE FAMILY RESIDENCE ON THE ABOVE PROPERTY WHICH IS ZONED C-1.

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/or Site Plan.** A site plan showing the land area which would be affected, if required a general layout drawing of the development, 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 \$50.00. 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 2nd or 4th 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.

IM SON NESHEIM
Name of Rightful Owner (PRINT)

CHARLES E. WOOD
Name of Agent (PRINT)

121 W. 3RD ST.
Owner's Mailing Address

615 PARKWOOD DR
Agent's Mailing Address

LONG BEACH MS 39560
City State Zip

LONG BEACH MS 39560
City State Zip

Phone

228-383-2154
Phone

Signature of Rightful Owner Date

[Signature] 8/21/13
Signature of Agent Date

MINUTES OF AUGUST 22, 2013
PLANNING COMMISSION

TO WHOM IT MAY CONCERN

I, Im Son Nesheim, owner of the lot 70' x 190' situated at 118 W. 3rd St, Long Beach, MS, have entered into a contract to sell said property to Charles Wood and Judy Couey and hereby authorized Charles Wood and Judy Couey to apply on my behalf for a zoning change from C-commercial to R-residential in order for them to build a residence on the property.

I further authorize Charles Wood and Judy Couey to apply on my behalf for a permit to remove two live oak trees on the east side of the property.

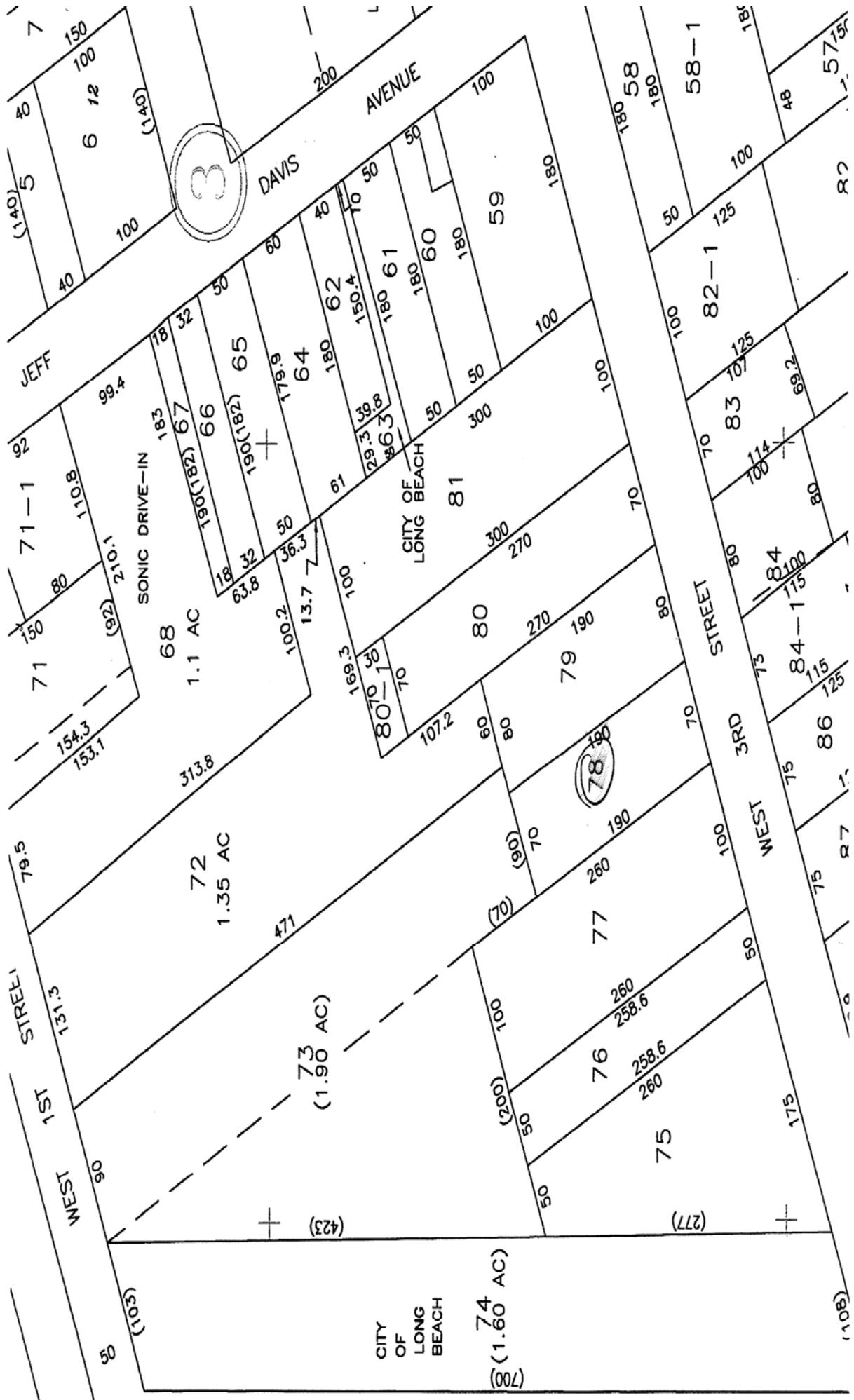
These authorizations shall remain in effect unless cancelled by me in writing.

Dated this 19th day of August, 2013.



Im Son Nesheim

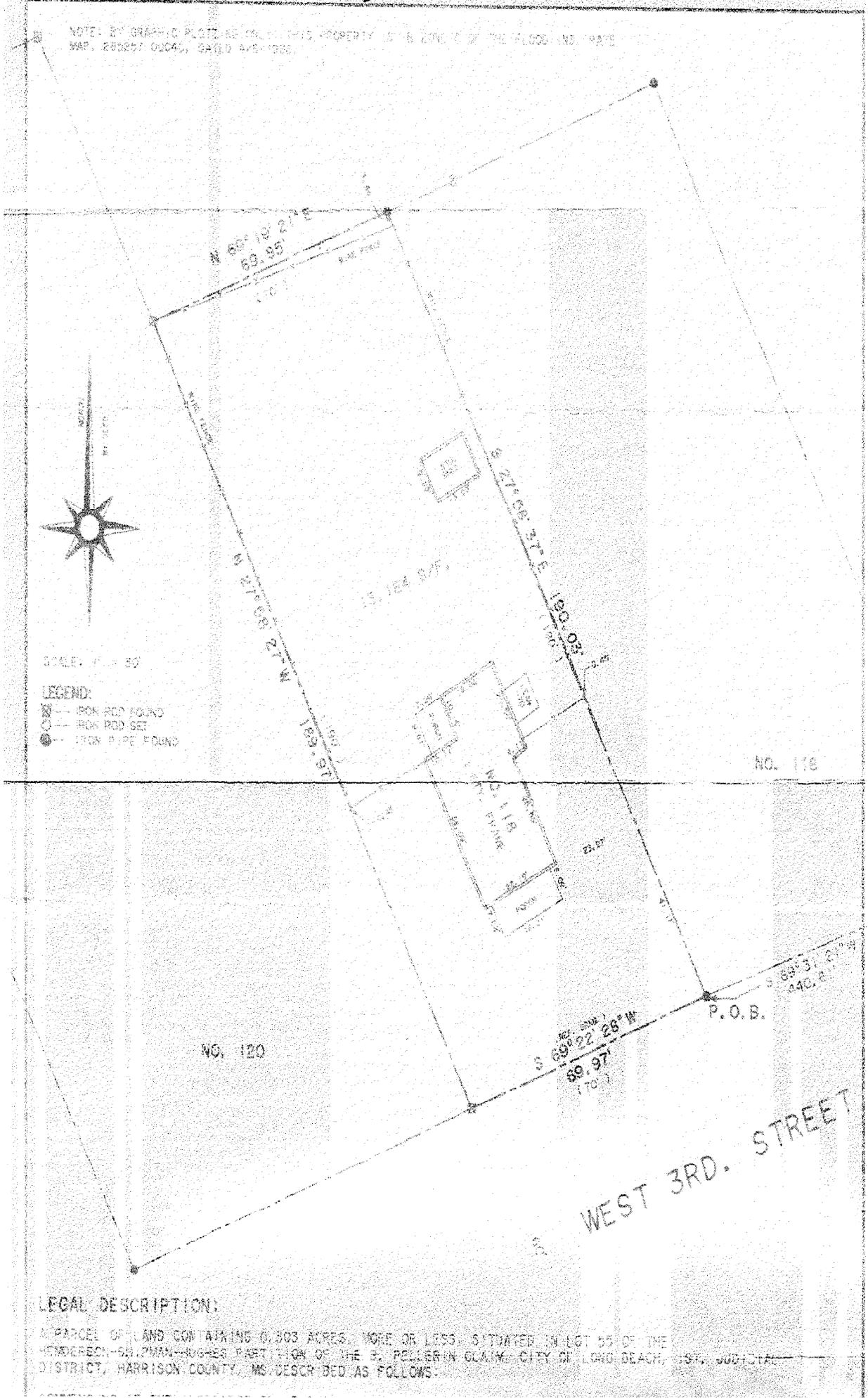
MINUTES OF AUGUST 22, 2013
PLANNING COMMISSION



MINUTES OF AUGUST 22, 2013
 PLANNING COMMISSION

Parcel # 0612B-03-078.000

NOTE: BY GRAPHIC PLOTTING OF THIS PROPERTY AS A ZONE OF THE FLOOD INSURANCE RATE MAP, 288857 QUAD, CALLED AVE. 1986.



LEGAL DESCRIPTION:

A PARCEL OF LAND CONTAINING 0.503 ACRES, MORE OR LESS, SITUATED IN LOT 55 OF THE HENDERSON-SHILPMAN-HUGHES PARTITION OF THE P. BELLEBRUN CLAIM, CITY OF LONG BEACH, 1ST. JUDICIAL DISTRICT, HARRISON COUNTY, MS. DESCRIBED AS FOLLOWS:

MINUTES OF AUGUST 22, 2013
PLANNING COMMISSION

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT



1st Judicial District
Instrument 2004 7124 D -J1
Filed/Recorded 8/24/2004 8:35 A
Total Fees 8.00
2 Pages Recorded

WARRANTY DEED

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, I, RICHARD M. WOOD, a single person, do hereby sell, convey and warrant unto IM SON NESHEIM, the following described real property situated in Harrison County, Mississippi, described as:

Beginning at a stake on the North margin of 3rd Street, being the SW corner of the land owned by Simmons, running thence North about 28 degrees West along the Ben Simmons property a distance of 190 feet; thence Westerly parallel to 3rd Street a distance of 70 feet to a stake; thence South 20 degrees East to a stake on the North margin of 3rd Street a distance of 190 feet; thence Easterly along the North margin of 3rd Street 70 feet to the Point of Beginning. Said property bounded on the North by Simmons, the East by Simmons, the South by 3rd Street, and West by McCaughn, in the City of Long Beach, Harrison County, First Judicial District, Mississippi.

13

The above described property is conveyed subject to restrictions, reservations and easements of record.

It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and that when said taxes are actually determined, if the proration as of this date is incorrect, the parties herein agree to pay on a basis of an actual proration. All subsequent years taxes are specifically assumed by the Grantee herein.

The above described property forms no part of the homestead of the Grantor herein.

WITNESS my signature this 23 day of August, 2004.

A handwritten signature in cursive script that reads "Richard M. Wood".

RICHARD M. WOOD

Based upon the applicant's submitted letter, Commissioner Yandell made motion seconded by Commissioner Robertson and unanimously carried to table the request until the applicant was able to attend the meeting.

**MINUTES OF AUGUST 22, 2013
PLANNING COMMISSION**

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