

MINUTES OF SEPTEMBER 12, 2013
PLANNING COMMISSION

17

Be it remembered that a PUBLIC HEARING of the Long Beach Planning Commission of the City of Long Beach, Mississippi, was begun at 5:30 o'clock p.m., Thursday, the 12th day of September 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 public hearing the following named persons: Commission Chairman Frank Olaivar, Commissioners Randy Fischer, Jack Donovan, Jeff Hansen, Nicholas Brown, Ron Robertson, Tonda Yandell, Planning Consultant/Advisor Bill Hessel and Minutes Clerk Veronica Howard.

Commissioners Tony Vancourt and Jim Heinzl were absent the public hearing.

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 amending Section 105: Chart of Uses, allowing privately owned outdoor recreational facilities in C-1, Central Business District with Planning Commission approval was called to order.

The clerk reported 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, Mississippi, "Notice of Public Hearing", as evidence of the Publisher's Proof of Publication:

PROOF OF PUBLICATION

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me the undersigned Notary of Harrison County, Mississippi personally appeared CRISTA LANE 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 said paper, viz:

Vol. 129 No. 323 dated 22 day of Aug, 2013

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 _____

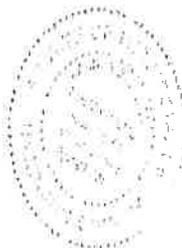
Affiant further states on oath that said newspaper has been established and published continuously in said country for a period of more than twelve months next prior to the first publication of said notice.

Crista Lane

Clerk

Sworn to and subscribed before me this 22 day of

Aug, A.D., 2013



Krista Lane
Notary Public

LEGAL NOTICE
PUBLISHED
I, the undersigned, Notary Public for the State of Mississippi, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my records and files.

MINUTES OF SEPTEMBER 12, 2013
PLANNING COMMISSION

City of Long Beach

BOARD OF ALDERMEN
 Ronald G. Carrubba, Sr. - At-Large
 Gary J. Parthieux - Ward 1
 Bernie Parker - Ward 2
 Kelly Griffin - Ward 3
 Rourke Harrington, Jr. - Ward 4
 Mack E. Lishen - Ward 5
 Alan Young - Ward 6



WILLIAM SHELLES, JR.
MAYOR

CITY CLERK
 TARA COLLECTOR
 Rebecca E. Schulz

CITY ATTORNEY
 JAMES C. SIMPSON, II

LEGAL NOTICE

PUBLIC HEARING

In accordance with Article XIX of the Comprehensive Long Beach Unified Land Ordinance 598 of the City of Long Beach, Mississippi (2013) 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 change in the zoning text in accordance with the Comprehensive Long Beach Unified Land Ordinance. The Long Beach Planning Commission proposes to amend Section 105 Chart of Uses to allow privately owned outdoor recreational facilities in the C1, Central Business District with Planning Commission Approval, as follows:

	R1	R2	R3	R4	RO	C1	C1HD	C2	C2B	C3	I-1	I-2	WI
Privately owned outdoor recreational facilities				S		X	X	X	X				X

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. A public hearing to consider the above zoning text change will be held in the City of Long Beach, Mississippi 39560, Thursday, September 12, 2013, at 5:30 p.m. in the Long Beach City Hall located on Jeff Davis Avenue. The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

As signed
 Chairman
 Planning Commission

201 Jeff Davis • P.O. Box 529 • Long Beach, MS 39560 • 865-1556 • FAX 865-0822
www.cityoflongbeachms.com

Said notice was posted on the bulletin boards at City Hall, 201 Jeff Davis Avenue, in the Building Official's Office and the Water Department; in the Long Beach Public Library, 209 Jeff Davis Avenue; and on the City's official website, www.cityoflongbeachms.com.

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The Chairman opened the floor for public comments; no one came forward to be heard.

* * *

There being no comments or discussion, Commissioner Yandell motioned seconded by Commissioner Robertson and unanimously carried to close the public hearing.

* * *

Commissioner Donovan made motion seconded by Commissioner Yandell and unanimously carried recommending approving the amendment of Section 105: Chart of Uses as submitted.

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 12th day of September 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 Randy Fischer, Jack Donovan, Jeff Hansen, Nicholas Brown, Ron Robertson, Tonda Yandell, Planning Consultant/Advisor Bill Hessell and Minutes Clerk Veronica Howard.

Commissioners Tony Vancourt and Jim Heinzl were absent the meeting.

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 Brown and unanimously carried to suspend the rules and add the following items to the agenda under VI. NEW BUSINESS: 1. Interpretation of Zoning Ordinance – Operation of adult day services for individuals with intellectual & development disabilities. 2. Tree removal request for two (2) Live Oak trees – 121 Edmund Drive submitted by Dupuy Anderson. 3. Planning Commission approval to raise livestock in an R-4, Residential Farm zone district, 0 Daugherty Road, tax parcel #0511H-03-010.000 submitted by Sheryl Allen.

* * *

Commissioner Yandell made motion seconded by Commissioner Robertson and unanimously carried to approve the regular meeting minutes of August 22, 2013 as submitted.

It came for consideration under OLD BUSINESS Planning Commission approval to build R-1, Single-family residential in C-1, Central Business/commercial zone district.

Item was withdrawn at the applicant's request.

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It came for consideration under NEW BUSINESS Interpretation of Zoning Ordinance – the operation of adult day services for individuals with intellectual & development disabilities as a use in Section 105: Chart of Uses.



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 9/11/2013

Zoning C-3

Agenda Date 9/12

Check Number _____

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): 0511H-03-002.000

III. Address of Property Involved: 6003 Daugherty Road

IV. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.)
I have a proposed tenant that is looking to lease this property. They operate adult day services for individuals with intellectual and developmental disabilities. Under the city's chart of uses I believe that this is acceptable for C-3, which is what this property is zoned. The category that is on page 48 "Operations designed to attract and serve customers or clients on the premises" appears to be acceptable. I would like confirmation please.

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 in 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.

<p><u>AJS Properties, LLC / Alan J. Simmons</u> Name of Rightful Owner (PRINT)</p> <p><u>PO Box 594</u> Owner's Mailing Address</p> <p><u>Long Beach MS 39560</u> City State Zip</p> <p><u>228-323-3277</u> Phone</p> <p><u>[Signature]</u> Signature of Rightful Owner</p>	<p>_____ Name of Agent (PRINT)</p> <p>_____ Agent's Mailing Address</p> <p>_____ City State Zip</p> <p>_____ Phone</p> <p>_____ Signature of Agent</p>
<p><u>9/11/13</u> Date</p>	<p>_____ Date</p>

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

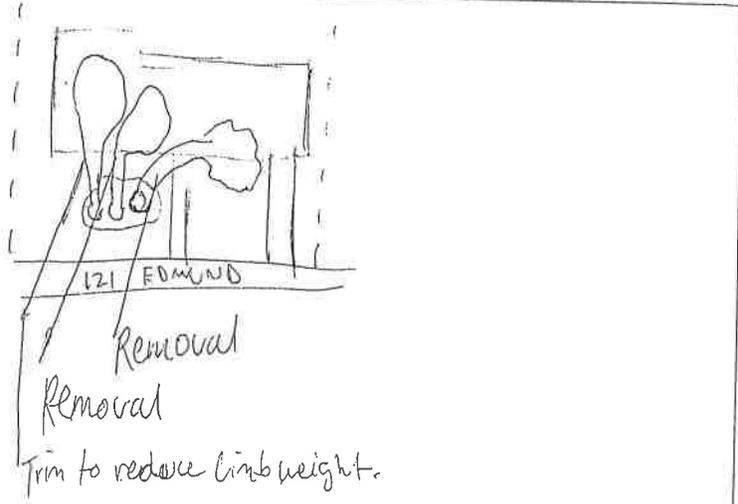


TREE PERMIT APPLICATION

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.

> 121 Edna Dr.
PROJECT ADDRESS (where the trees to be removed are): Tax Parcel Number
#2
> WHAT TYPE OF TREE ARE YOU REQUESTING TO BE REMOVED? Live oak (est. 16" DBH)
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.



Operation to be carried out by
Parker Arboriculture, a local tree company
Please call Andrew Parker @ 228-243-9274

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

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APPLICANT(S) INFORMATION:

Last Name: Anderson First: Dupuy MI: wa

Mailing Address: 121 Edmund Dr. Longbeach MS 39560 State: MS Zip: 39560

phone - 225-241-3194

> 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. Damage/cavity near stump, bad lean over home/roadway

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: Dupuy Anderson - (submitted by Parker Arb.) Date: 9/11

CITY OF LONG BEACH TREE BOARD RECOMMENDATIONS/COMMENTS BELOW

(#1 #2 #3)

TREE 3 OVER HOUSE DISEASED AT BOTTOM ONLY 1 LIMB OF TREE LEFT

TREE #2 ONLY 1 LIMB OF TREE WEIGHTED OVER THE HOUSE

TREE #1 TO BE TRIMMED ONLY.

NO OBJECTIONS TO REMOVAL AS STATED ADVISED OF REPHANT POLICY

PRINTED NAME & SIGNATURE OF TREE BOARD MEMBER(S): M.A. KRUSE DATE: 9/12/13

Based upon the Tree Board's recommendation Commissioner Robertson made motion seconded by Commissioner Brown and unanimously carried recommending removal of the two (2) Live Oak tree in accordance with Ordinance 491.

It came for consideration Planning Commission approval to raise livestock in an R-4,

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Residential Farm zone district, 0 Daugherty Road, tax parcel #0511H-03-010.000 submitted by Sheryl Allen.



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

Office use only
 Date Received 9/12/2013
 Zoning C-3/R-4
 Agenda Date 9/18/2013
 Check Number 5311

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. Ad Valorem Tax Parcel Number(s): 0511H-03-010.000 ^(16 acres) + 0511H-03-009.000 ^(1 acre)

III. Address of Property Involved: 1001 Daugherty Rd LB MS 39560

IV. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary).
pasture horses

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.

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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.

<p><u>VOMCK LLC</u> Name of Rightful Owner (PRINT) <u>PO Box 28</u> Owner's Mailing Address <u>LONG BEACH MS 39560</u> City State Zip <u>228-861-3374</u> Phone <u>[Signature]</u> Signature of Rightful Owner Date <u>9/12/2013</u> managing member of LLC</p>	<p><u>Sheryl Allen</u> Name of Agent (PRINT) <u>5587 Daugherty Rd</u> Agent's Mailing Address <u>Long Beach MS 39561</u> City State Zip <u>228-313-3884</u> Phone Signature of Agent Date</p>
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MINUTES OF SEPTEMBER 12, 2013
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After discussion Commissioner Yandell made motion seconded by Commissioner Brown and unanimously carried recommending approval to raise live stock on the aforementioned parcel, in accordance with MS State Code and/or 1 acre/horse.

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