

MINUTES OF APRIL 10, 2014 PLANNING COMMISSION

Be it remembered that a PUBLIC HEARING before the Long Beach Planning Commission of the City of Long Beach, Mississippi, was begun at 5:30 o'clock p.m., Thursday, the 10th day of April 2014, 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 Donald Frazer, Randy Fisher, Jim Heinzl, Jack Donovan, Jeff Hansen, Nicholas Brown, Tonda Yandell, Building Official Earl Levens and minutes Clerk Veronica Howard.

Commissioner Ron Robertson was absent the public hearing.

There being a quorum present and sufficient, the public hearing to consider a Variance to create two (2) new residential lots with less than the required minimum lot width was called to order:

**MINUTES OF APRIL 10, 2014
PLANNING COMMISSION**



CITY OF LONG BEACH
201 Jeff Davis Avenue/ PO BOX 929
Long Beach, MS 39560
(228) 863-1554 office
(228) 863-1558 fax

Office use only	
Date Received	3/24/2014
Zoning	R-1
Agenda Date	April 10, 2014
Check Number	47632

- I. Type of Request: **VARIANCE**
 SPECIAL EXCEPTION REQUEST
- II. Advalorem Tax Parcel Number(s): 612 E-03-064,000
- III. Address of Property Involved: 590 West Beach Blvd Long Beach
- IV. Statement clearly explaining the request being made. (Attach supplemental pages if necessary.)
Subdividing 605 acres into 3 R-1 lots all having
over 800 sq ft + Normal R-1 set backs.

****PLEASE COMPLETE THE FOLLOWING:**

- A. Describe any special condition that justify the granting of this 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 request and why the applicant cannot meet the stated code requirement? I'm asking for variance on lot frontage
width so I can subdivide into 2 lots facing the
Ocean. I feel this is best way to subdivide because
of view. I will live in corner lot + have 50ft pending
Other Ocean View lot if permitted
- 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 request. If subdivided in this way
the 2 Ocean View lots will be in accordance with
similar lots adjoining them on Hwy 90 to the east,
They have similar lot widths. I do have both lots
sold pending + immediate construction if permitted (sold)
(pending)
- C. Show that an unnecessary hardship exists due to the character of the property and that this hardship makes the request 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? With the
economy slow and demand low, I feel its more
opportuning time to build smaller lots + approximate
1500 sq ft homes on them to keep affordable and
bring some activity to this area.
- 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. I'm asking only for the same
privileges as lots next to me. Otherwise I can't and won't
develop property for any less use.

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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 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>Chris E. Patrick</u> Name of Rightful Owner (PRINT)</p> <p><u>7585 Old Vx Road</u> Owner's Mailing Address</p> <p><u>Forest Hills 39074</u> City State Zip</p> <p><u>601-906-7409</u> Phone</p> <p><u>Chris Patrick 3-20-14</u> Signature of Rightful Owner Date</p> <p>Chris E. Patrick has signed as Rightful Owner although he is currently under contract to purchase</p>	<p>_____ Name of Agent (PRINT)</p> <p>_____ Agent's Mailing Address</p> <p>_____ City State Zip</p> <p>_____ Phone</p> <p>_____ Signature of Applicant Date</p>
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91 7108 2133 3938 9852 4448

MINUTES OF APRIL 10, 2014
PLANNING COMMISSION

BOOK 1515 PAGE 573

Prepared By:
David A. Ruoff, Jr.
P.O. Box 23040
Jackson, Mississippi 39225-3040
Telephone: (601) 948-3800



1st Judicial District
Instrument Number 2000 8554 D
Filed 10/24/2000 10:28 A
Total Fees \$ 0.00
Book 1515 Page 573, 574 Recorded 10-25-00

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I, MISS ELEANOR OCCHI ("Grantor"), do hereby sell, convey and warrant unto HENRY L. OCCHI and MISS ELEANOR OCCHI, as joint tenants with full rights of survivorship, and not as tenants in common ("Grantees"), the following described property located in Harrison County, Mississippi, including all buildings and structures located thereon:

That certain parcel of land beginning at the Southeast corner of Lot 14, Beachview Subdivision, Long Beach, Harrison County, Mississippi and run South 0°13' East 203.87 feet to the North margin of U.S. Highway 90, thence run South 68°13' West along said North margin 104.9 feet, thence run along a curve to the right having a radius of 14.00 feet, a central angle of 111°34' and a length of 27.26 feet to the East margin of Beachview Circle, thence run North 0°13' West along said East margin 229.51 feet to the South line of said Lot 14, thence run North 89°47' East along said South line 116.7 feet to the Southeast corner of said Lot 14 and the point of beginning.

THIS CONVEYANCE is made less and except that certain right-of-way which was conveyed to the public by Fargo Ranch, Inc., a Mississippi Corporation by virtue of the Beachview Subdivision plat.

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights of way, easements, and prior reservations of any oil, gas, minerals or other rights.

THIS CONVEYANCE is also subject to those covenants contained in that certain Warranty Deed from Fargo Ranch, Inc., a Mississippi Corporation, to Miss Eleanor Occhi dated January 16, 1978 recorded in the office of the Chancery Clerk of Harrison County at Book 820 Page 126.

MINUTES OF APRIL 10, 2014
PLANNING COMMISSION

BOOK 1515 PAGE 574

IN WITNESS WHEREOF, the said GRANTOR by her authorized Attorney-in-Fact, who is authorized to execute this conveyance, hereto set her signature this the 24th day of October, 2000.

MISS ELEANOR OCCHI, WHO DESIGNATED HENRY L. OCCHI HER ATTORNEY-IN-FACT, BY DURABLE POWER OF ATTORNEY DATED OCTOBER 29, 1997, RECORDED IN THE OFFICE OF THE CHANCERY CLERK OF HARRISON COUNTY AT BOOK 1387 PAGE 442

By: Henry L. Occhi
HENRY L. OCCHI, ATTORNEY-IN-FACT FOR MISS ELEANOR OCCHI AS REFERENCED ABOVE

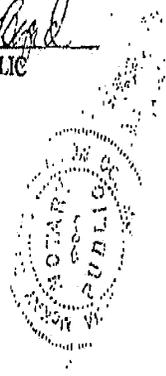
STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this the 24th day of October, 2000, within my jurisdiction, the within named HENRY L. OCCHI, who acknowledged that he is Attorney-in-Fact for Miss Eleanor Occhi pursuant to that certain Durable Power of Attorney dated October 29, 1997, and that in said authorized capacity he executed, signed and delivered the above and foregoing instrument, after first having been duly authorized to do so, and that by his signature on the instrument, the person on behalf of which he acted, executed the instrument.

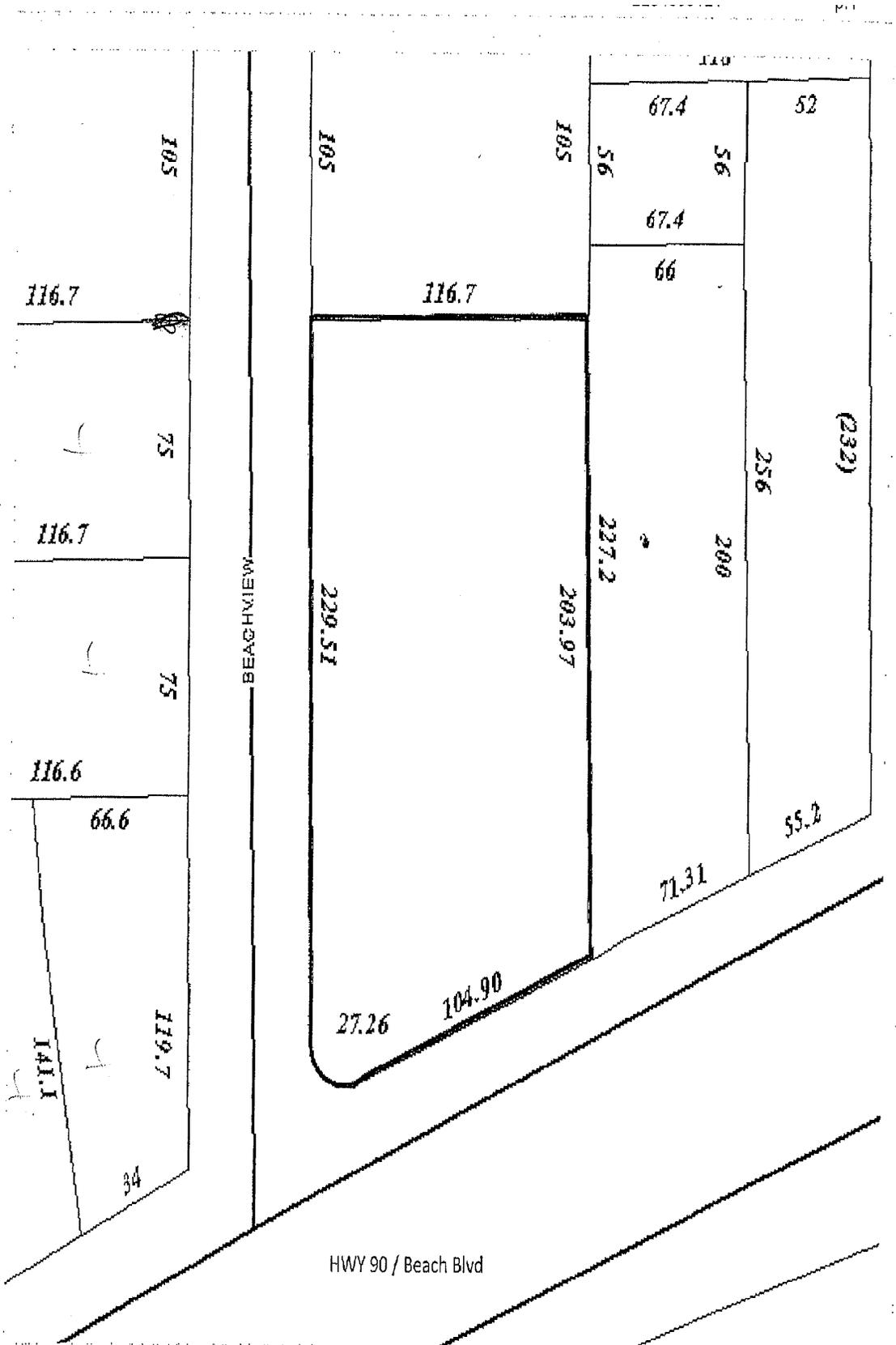
Virginia A. Reed
NOTARY PUBLIC

My Commission expires:

My Commission Expires March 22, 2004
Quarterly
212-47th St
Gulfport MS 39507
868-5891



MINUTES OF APRIL 10, 2014
 PLANNING COMMISSION

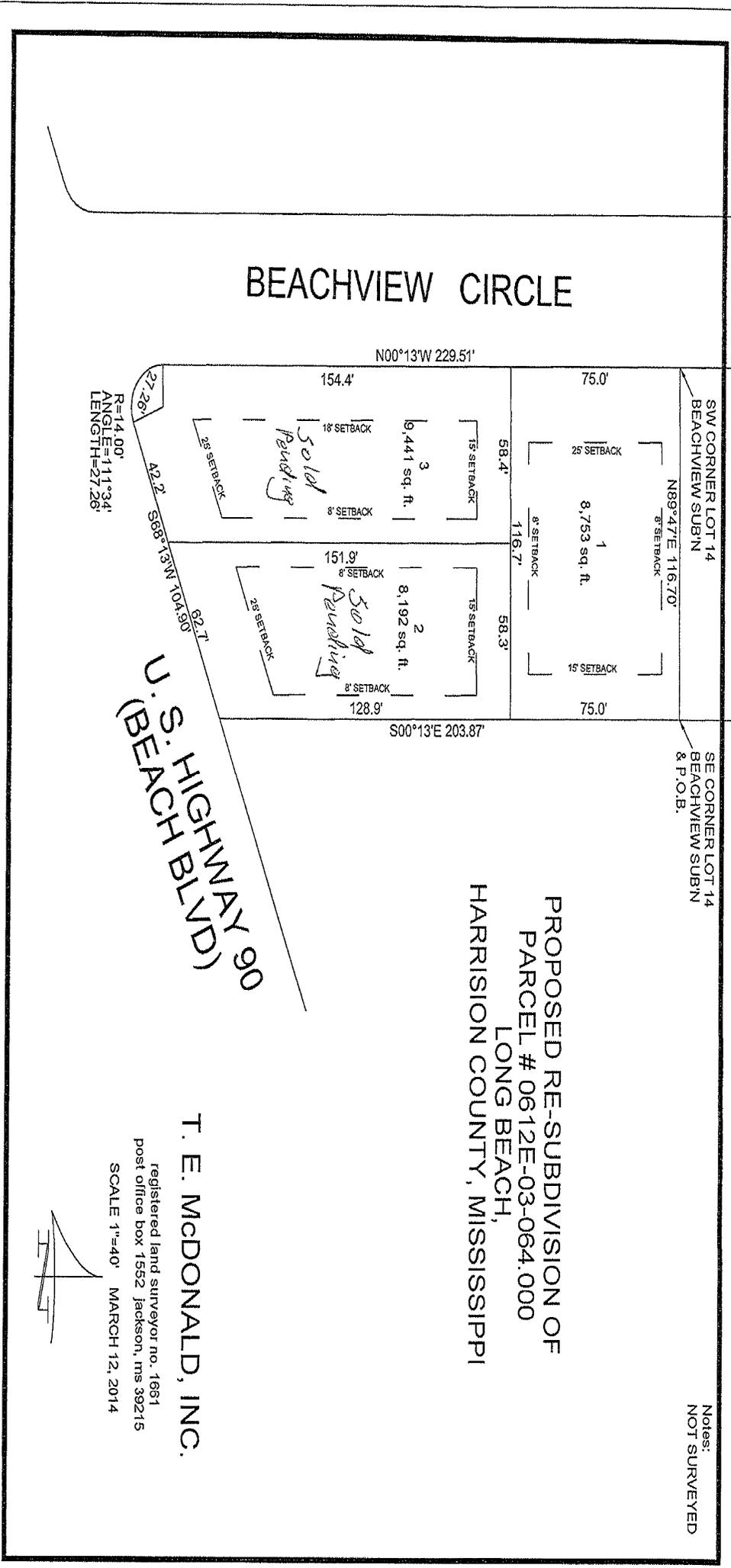


Parcel #: 0612E-03-064.000

Date Printed: Jan 01, 2014

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

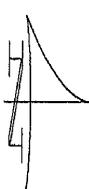
MINUTES OF APRIL 10, 2014
 PLANNING COMMISSION



PROPOSED RE-SUBDIVISION OF
 PARCEL # 0612E-03-064.000
 LONG BEACH,
 HARRISON COUNTY, MISSISSIPPI

U.S. HIGHWAY 90
 (BEACH BLVD)

T. E. McDONALD, INC.
 registered land surveyor no. 1661
 post office box 1552 Jackson, ms 39215
 SCALE 1"=40' MARCH 12, 2014



Notes:
 NOT SURVEYED

MINUTES OF APRIL 10, 2014 PLANNING COMMISSION

The clerk reported that eighteen (18) notices of public hearing were sent by certified mail, return receipt requested, to property owners with two hundred (200') feet of the subject property. Said return receipts were orders 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
Kelly Griffin - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Alan Young - 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 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 **variance**.

Chris E. Patrick, 7585 Old Jackson Road, Forest, Mississippi, has filed an application for a variance in accordance with the Comprehensive Long Beach Unified Land Ordinance to create two (2) new residential lots with less than the required minimum lot width, the applicant is requesting a 5.54' (foot) lot width variance on lot one (1) and a 12.3' (foot) lot width variance on lot two (2).

That certain parcel of land beginning at the Southeast corner of Lot 14, Beachview Subdivision, Long Beach, Harrison County, Mississippi and run South 0°13' East 203.87 feet to the North margin of U.S. Highway 90, thence run South 68°13' West along said North margin 104.9 feet, thence run along a curve to the right having a radius of 14.00 feet, a central angle of 111°34' and length of 27.26 feet to the East margin of Beachview Circle, thence run North 0°13' West along said East margin 229.51 feet to the South line of said Lot 14, thence run North 89°47' East along said South line 116.7 feet to the Southeast corner of said Lot 14 and the point of beginning.

A public hearing to consider the above variance will be held in the City of Long Beach, Mississippi 39560, Thursday, April 10, 2014, at 5:30 p.m., in the Long Beach City Hall Meeting Room located at 201 Jeff Davis Avenue. 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

**MINUTES OF APRIL 10, 2014
PLANNING COMMISSION**

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, 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 Brackett 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. 130 No., 175 dated 27 day of March, 2014
- 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 county for a period of more than twelve months next prior to the first publication of said notice.

Crista Brackett

MAR 28 2014

Clerk

Sworn to and subscribed before me this 27 day of March, A.D., 2014

[Signature]
Notary Public

*The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32



LEGAL NOTICE PUBLIC HEARING
In accordance with Article XIX of the Comprehensive Long Beach Unified Land Ordinance 599 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 variance. Chris E. Patrick, 7585 Old Jackson Road, Forest, Mississippi, has filed an application for a variance in accordance with the Comprehensive Long Beach Unified Land Ordinance to create two (2) new residential lots with less than the required minimum lot width, the applicant is requesting a 5.54' (foot) lot width variance on lot one (1) and a 12.3' (foot) lot width variance on lot two (2). That certain parcel of land beginning at the Southeast corner of Lot 14, Beachview Subdivision, Long Beach, Harrison County, Mississippi and run South 0 degrees 13' East 203.87 feet to the North margin of U.S. Highway 90, thence run South 88 degrees 13' West along said North margin 104.9 feet, thence run along a curve to the right having a radius of 14.00 feet, a central angle of 111 degrees 34' and length of 27.26 feet to the East margin of Beachview Circle, thence run North 0 degrees 13' West along said East margin 229.51 feet to the South line of said Lot 14, thence run North 89 degrees 47' East along said South line 116.7 feet to the Southeast corner of said Lot 14 and the point of beginning. A public hearing to consider the above variance will be held in the City of Long Beach, Mississippi 39560, Thursday, April 10, 2014, at 5:30 p.m., in the Long Beach City Hall Meeting Room located at 201 Jeff Davis Avenue. The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.
Not signed
Chairman
Planning Commission
ADV27,1THU
-1536013

**MINUTES OF APRIL 10, 2014
PLANNING COMMISSION**

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.

* * *

Commission Chairman recognized the applicant.

* * *

The Chairman opened the floor for public comments in opposition to the variance request as follows:

PUBLIC COMMENTS FAVOR	
PUBLIC HEARING SUBJECT MATTER: <u>Variance - lot width - Chris Patrick</u>	
<ul style="list-style-type: none"> ➤ All comments shall be directed to the Chairman when recognized. ➤ Comments of a personal nature regarding individual members of the Planning / Zoning Board, City staff and/or personnel, other citizens, disruptive comments or improper actions will not be permitted. ➤ Except as otherwise directed by the Chairman, public comments will not be permitted before or after the allotted time. ➤ Disruption of the public hearing will be cause for removal from the public meeting. 	
PLEASE PRINT	
NAME/ADDRESS/TELEPHONE	COMMENT
1 <u>Robert Miller</u> <u>221-723-2508</u>	<u>opposed</u>
2 <u>Chris Patrick</u>	
3 <u>Debra Smith</u>	
4	
5	
6	
7	
8	
9	
10	

City of Long Beach
Planning Commission – Public Hearing

Date: 4/10/2014

**MINUTES OF APRIL 10, 2014
PLANNING COMMISSION**

* * *

There being no further public comments, Commissioner Yandell made motion, seconded by Commissioner Frazer and unanimously carried to close the public hearing.

* * *

Upon discussion, it was noted the applicant could subdivided and create three (3) conforming and buildable lots that would not require a variance, the lots would have the required street frontage along Beach View Circle.

* * *

Commissioner Fischer made motion seconded by Commissioner Yandell recommending denial of the variance request based upon the Unified Development Ordinance # 598, Section 61: Variances, stating enforcement of the ordinance would not create any unnecessary hardship for the applicant.

And the motion being put to a roll call vote by the Commission Chairman, the results were as follows:

Commissioner Donald Frazer	Voted	Aye
Commissioner Randy Fisher	Voted	Aye
Commissioner Jim Heinzl	Voted	Nay
Commissioner Jack Donovan	Voted	Aye
Commissioner Jeff Hansen	Voted	Aye
Commissioner Nicholas Brown	Voted	Aye
Commissioner Ron Robertson	Absent, not voting	
Commissioner Tonda Yandell	Voted	Aye

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

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 10th day of April 2014, 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 Donald Frazer, Randy Fisher, Jim Heinzl, Jack Donovan, Jeff Hansen, Nicholas Brown, Tonda Yandell, Building Official Earl Levens and minutes Clerk Veronica Howard.

Commissioner Ron Robertson was 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.

**MINUTES OF APRIL 10, 2014
PLANNING COMMISSION**

* * *

Commissioner Yandell made motion seconded by Commissioner Brown and unanimously carried to approve the regular meeting minutes of March 13, 2014 (no quorum) and March 27, 2014 (no quorum) as submitted.

Under unfinished business it came for consideration a tree removal request for the removal of 4 (four) live oak tree submitted by Michelle Carpenter as follows:

*Please
call before
8:30 am*

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

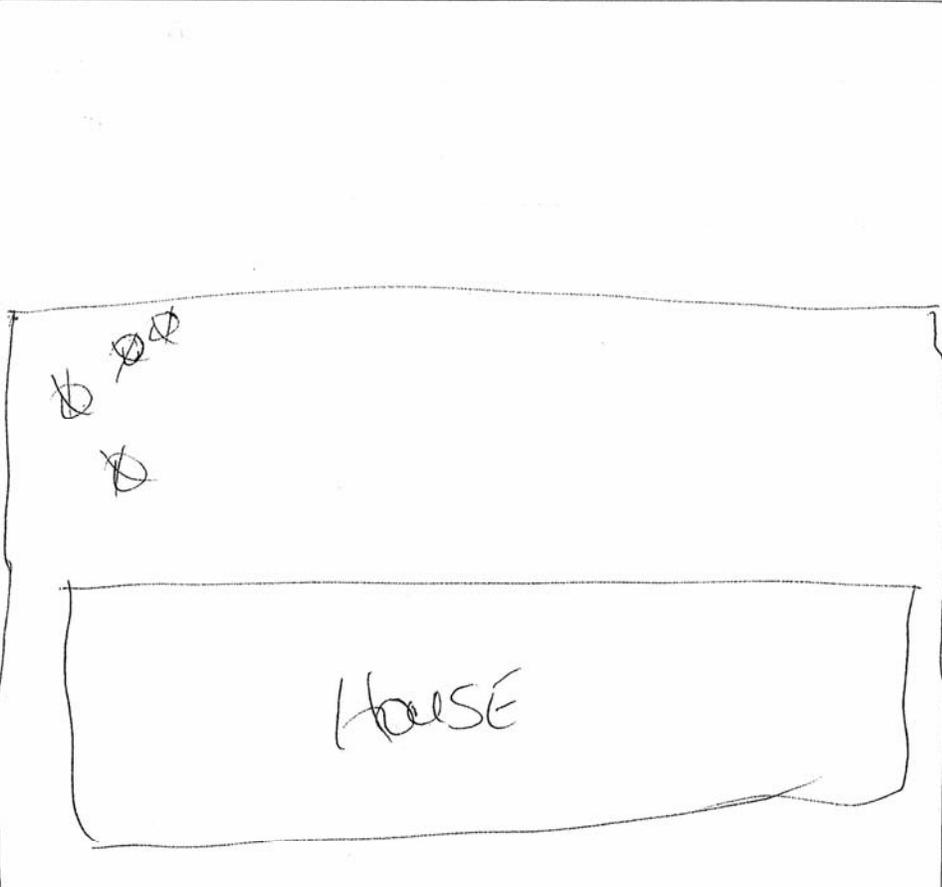
Routine trimming does not require a permit. The reason for pruning may include, but are not limited to, reducing risk, maintaining or improving tree health and structure, improving aesthetics, or satisfying a specific need. The City of Long Beach does recommend you obtain a licensed Arborist for your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

> 5017 LIVE OAK DRIVE
PROJECT ADDRESS (where the trees to be removed are): Tax Parcel Number

> WHAT TYPE OF TREE ARE YOU REQUESTING TO BE REMOVED? 4 LIVE OAKS
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.



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

** OVER **

MINUTES OF APRIL 10, 2014
PLANNING COMMISSION



Based upon the recommendation of the City of Long Beach Tree Board and in accordance with the City's Tree Ordinance #364, Commissioner Frazer made motion, seconded by Commissioner Hansen and unanimously carried recommending removal of the trees as submitted.

It came for consideration a tree removal request for the removal of three (3) Magnolia trees submitted by Terry Thomas as follows:

MINUTES OF APRIL 10, 2014 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
APPLICATION FOR TREE PERMIT

OFFICE USE ONLY	
Date Received	3/25/2014
Zoning	
Agenda Date	3/27/2014
Check Number	1290

(Initial on the line that you've read each)

TA 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.

TD 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.

TD 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.

TODAY'S DATE: 3-25-14

PROPERTY INFORMATION

TAX PARCEL # _____
Address of Property Involved: 521 Troutman Ave
Property owner name: Terry Thomas
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.
Property owner address: 521 Troutman Ave
Phone No. 479 879-7517

CONTRACTOR OR APPLICANT INFORMATION

Company Name: _____
Phone No. _____ Fax: _____
Name _____
Address _____

PERMIT INFORMATION

Permit for: Removal Trimming _____ Pruning _____

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.:

(use separate sheet if needed)

there are three Magnolia trees on my lot two have a Black Fungis and the large one is dying

Number of Trees: _____
_____ Live Oak 3 Southern Magnolia

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 owner's agent for the herein described work.

Terry Thomas 3-25-14
Signature Date

ADDITIONAL INFORMATION REQUIRED FROM APPLICANT

(Initial on the line that you've read each)

_____ 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.

_____ PHOTOGRAPH: You must attach a photograph of the tree to be removed, the photo must show any damage the tree is causing.

_____ OWNERSHIP: Please provide a recorded warranty deed.

_____ PERMIT FEES: 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.

_____ REPLANTING: 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.

_____ MEETING: You must attend the Planning Commission meeting, not attending may cause your permit for tree removal to be denied or withheld.

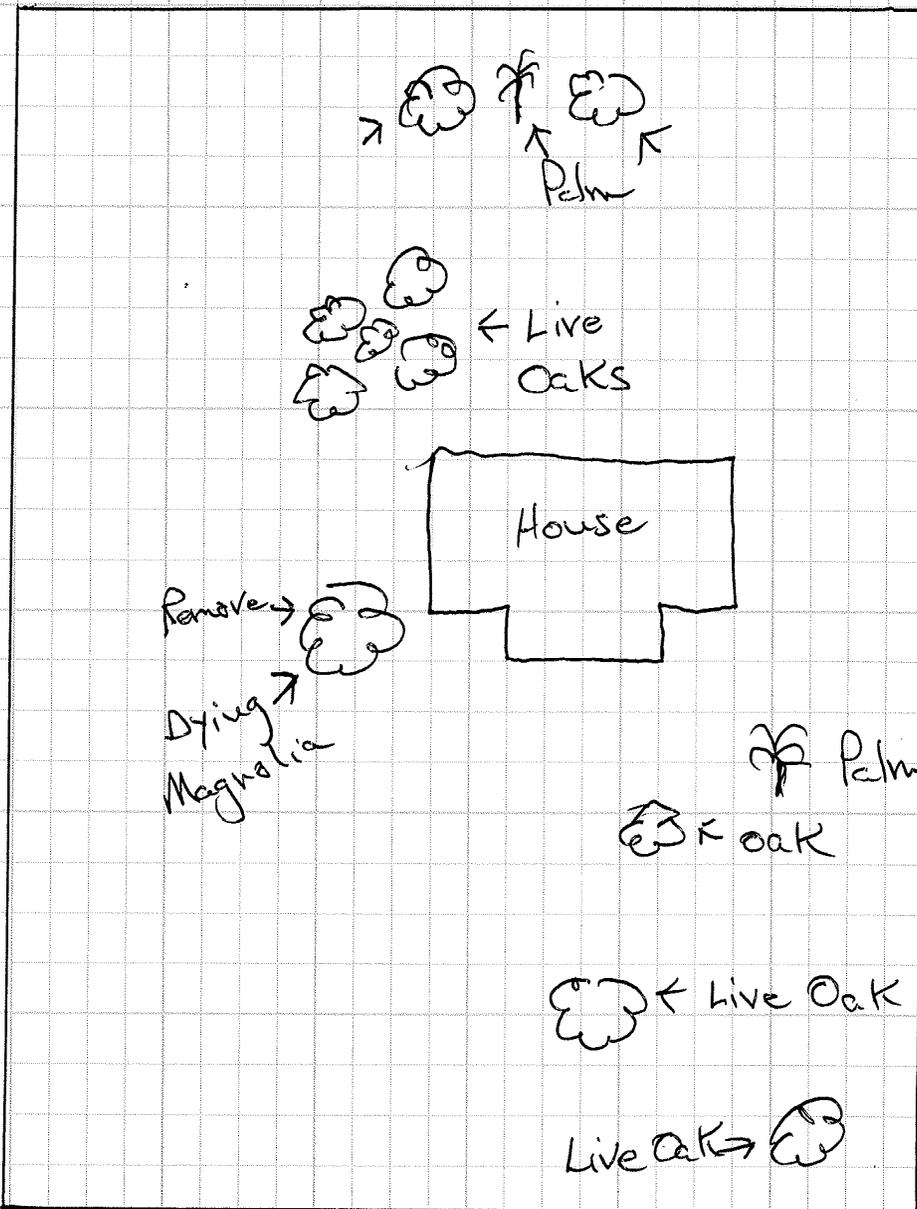
MINUTES OF APRIL 10, 2014
PLANNING COMMISSION

WORKSHEET

JOHNSON
CONTROLS

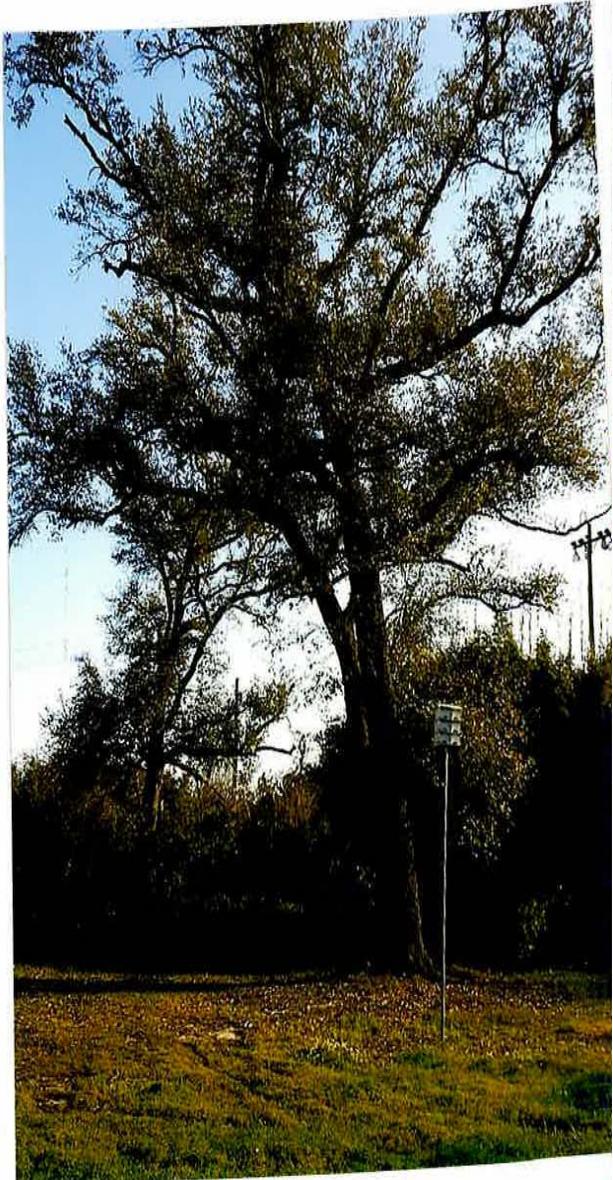
Subject: Terry Thomas Lot	Date: 3-25-14	BY:	PAGE: 1-1
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521 Trautman Ave

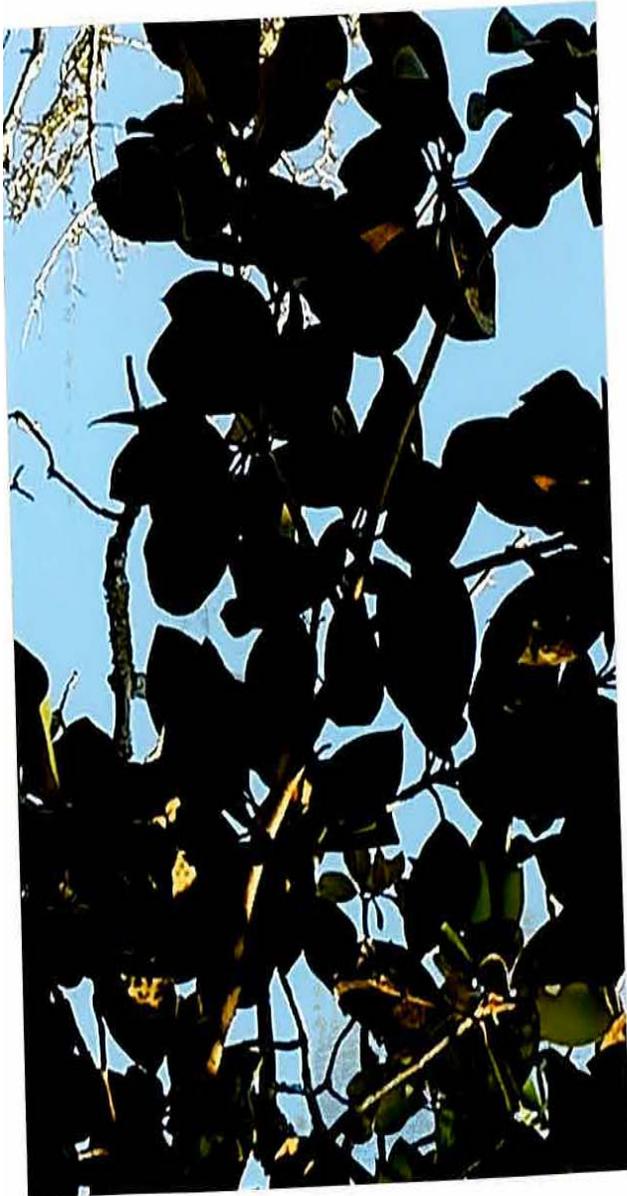


Park

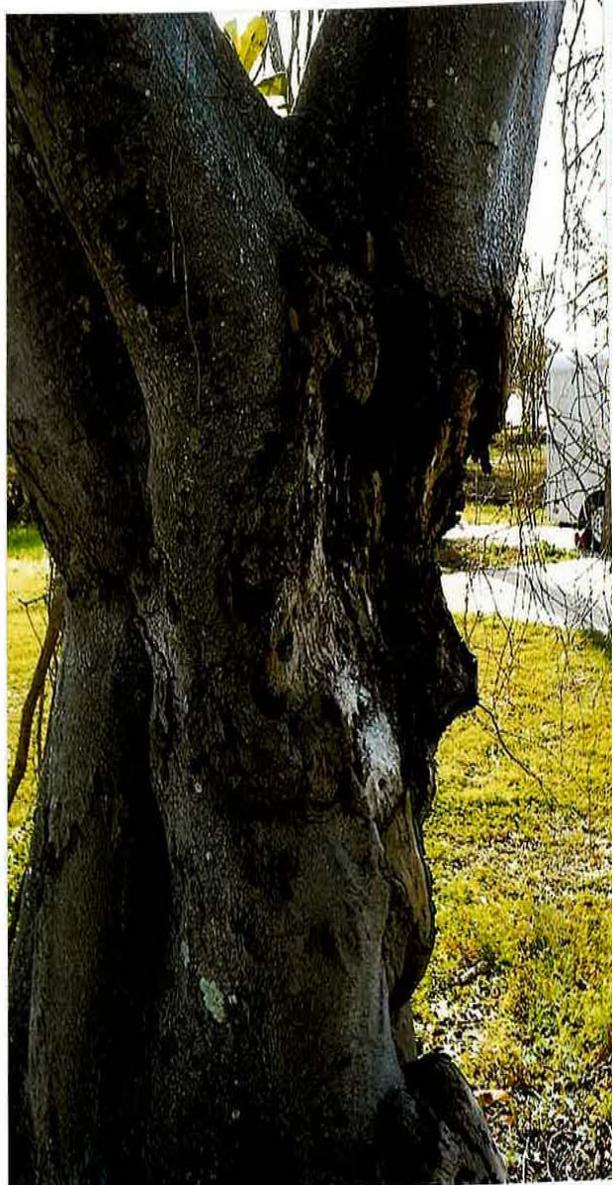
MINUTES OF APRIL 10, 2014
PLANNING COMMISSION



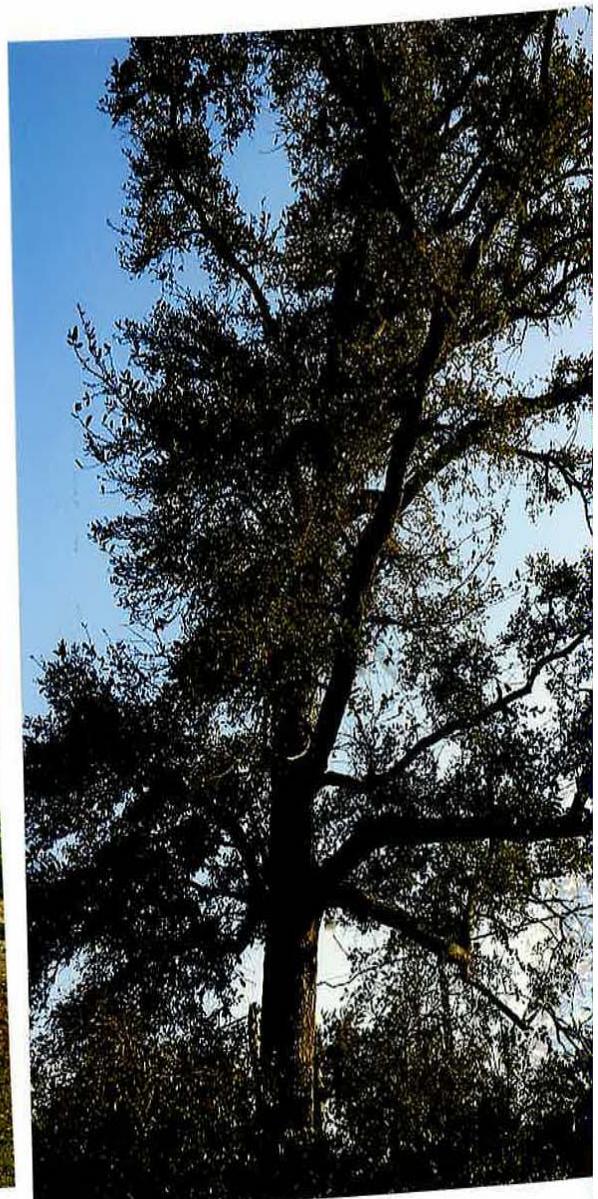
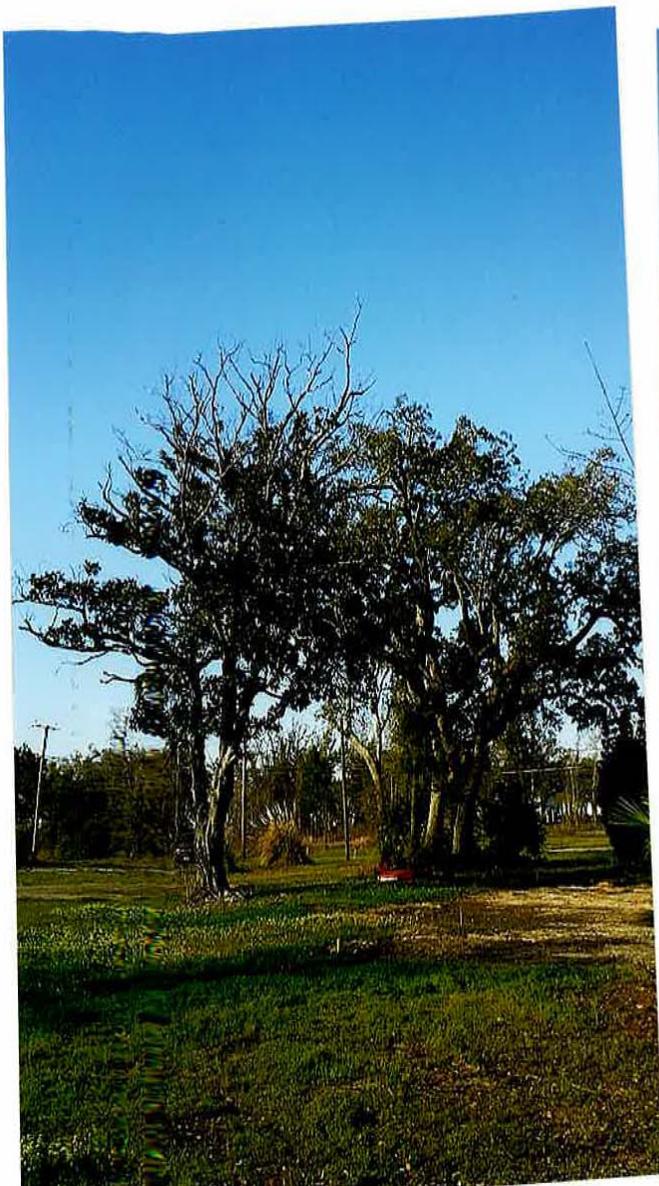
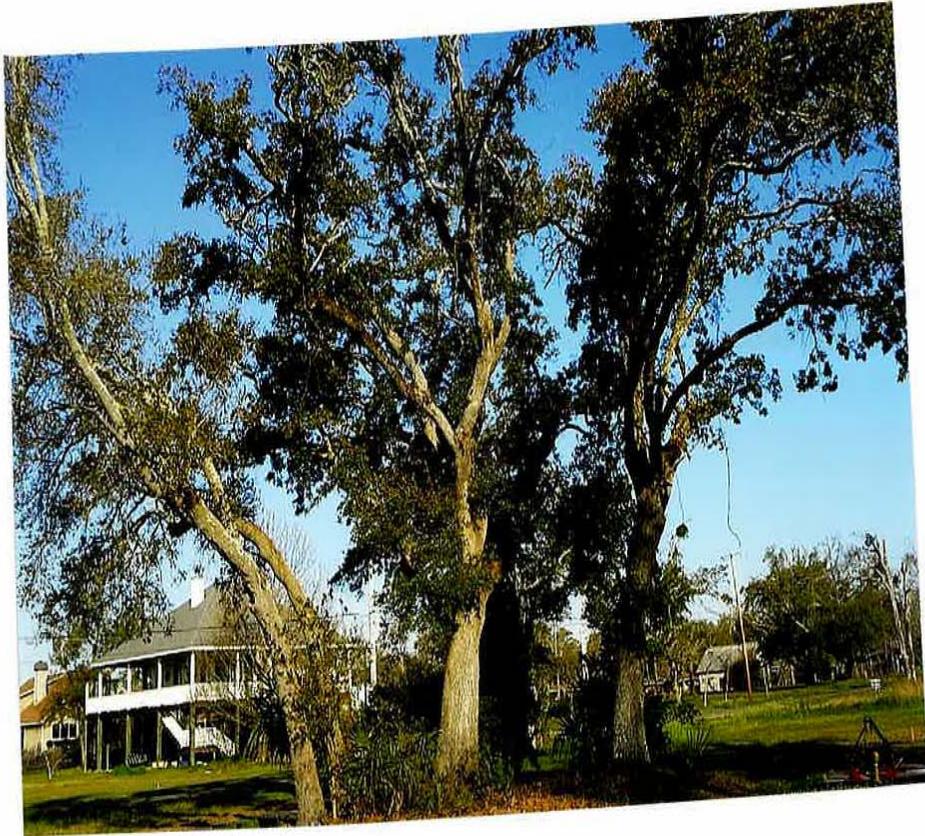
MINUTES OF APRIL 10, 2014
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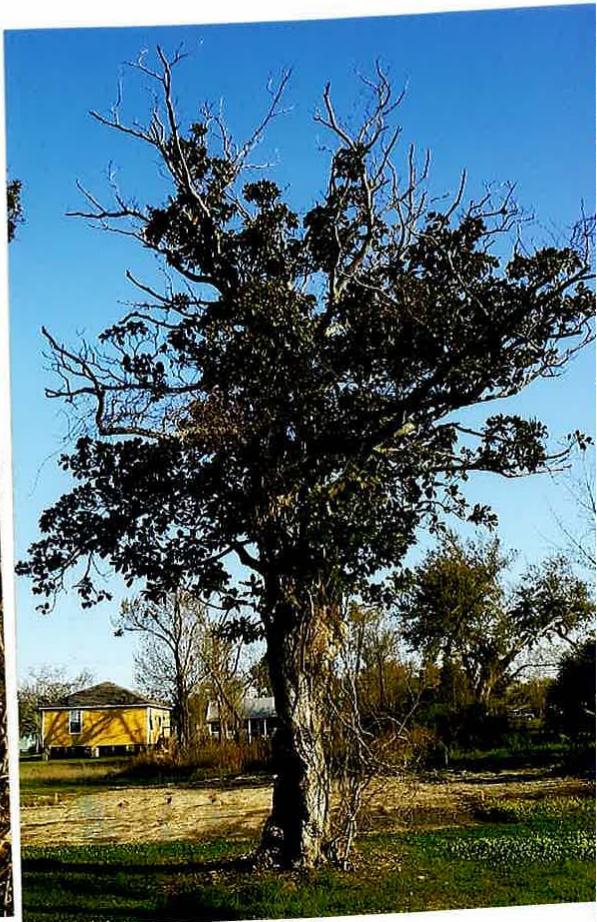
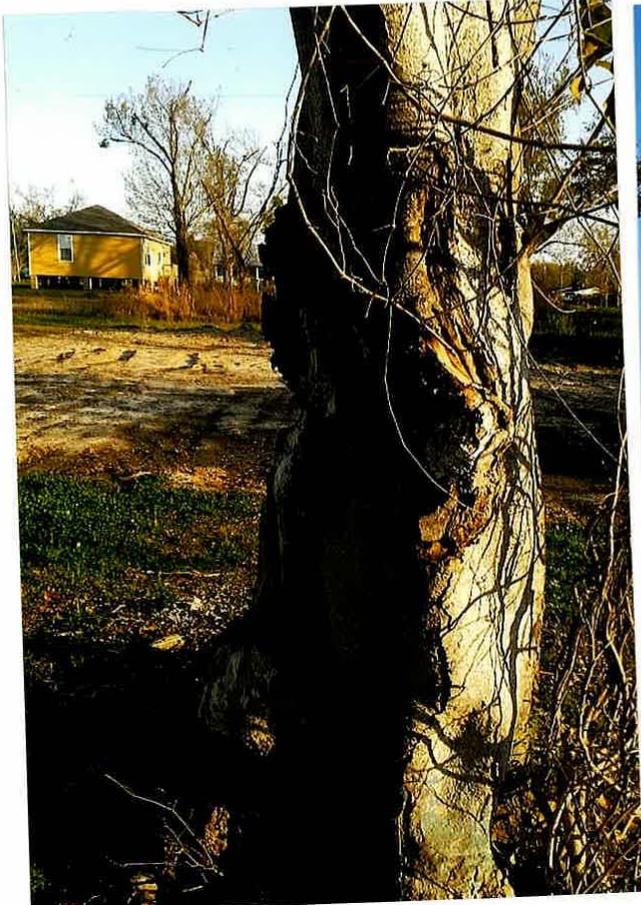
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Based upon the recommendation of the City of Long Beach Tree Board and in accordance with the City's Tree Ordinance #364, Commissioner Heinzl made motion, seconded by Commissioner Brown and unanimously carried recommending removal of the trees as submitted.

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It came for consideration Review / discussion of Section 901 of previous zoning ordinance #344.

No action was taken or needed.

Under new business it came for consideration Planning Commission approval for carry out, delivery and drive-in services, primary consumption outside fully enclosed building w/accessory use of live music submitted by Maxim Van Norden as follows:

	<p>CITY OF LONG BEACH 201 JEFF DAVIS AVENUE PO BOX 929 LONG BEACH, MS 39560 (228) 863-1554 phone (228) 863-1558 fax</p>	<p align="center"><small>Office use only</small></p> <p>Date Received <u>4/8/2014</u> Zoning <u>C-3</u> Agenda Date <u>4/10/2014</u> Check Number <u>8175</u></p>
APPLICATION FOR CASE REVIEW		
<p>I. TYPE OF CASE: <input checked="" type="checkbox"/> PLANNING COMMISSION APPROVAL <input type="checkbox"/> DECISION OF THE BUILDING OFFICIAL IS ALLEGED TO BE IN ERROR <input type="checkbox"/> INTERPRETATION OF THE ZONING ORDINANCE</p>		
<p>II. Advalorem Tax Parcel Number(s): <u>0511J - 01 - 075.000</u></p>		
<p>III. Address of Property Involved: <u>20110 Pineville Rd</u></p>		
<p>IV. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.) <u>Primary consumption outside fully enclosed building with accessory use of live music.</u></p>		
<p>V. REQUIRED ATTACHMENTS:</p> <p>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.</p> <p>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;</p> <p>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.</p> <p>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.</p> <p align="center">***NOTE*** APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE LISTED DOCUMENTS.</p>		
<p>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>		
<p><u>Maxim F. van Norden</u> Name of Rightful Owner (PRINT) <u>5142 Mitchell Rd</u> Owner's Mailing Address <u>Long Beach, MS 39560</u> City State Zip <u>228-223-7941</u> Phone <u>Maxim Van Norden 4-2-14</u> Signature of Rightful Owner Date</p>	<p>_____ Name of Agent (PRINT) _____ Agent's Mailing Address _____ City State Zip _____ Phone _____ Signature of Agent Date</p>	

**MINUTES OF APRIL 10, 2014
PLANNING COMMISSION**

ATTORNEY AT LAW
16127 ORANGE GROVE ROAD, GULFPORT, MS 39503
PHONE 228-831-1818 FAX 228-831-8848 EMAIL: LAURAPPAULK@AOL.COM

SCANNED



Laura Paulk 1st Judicial District
Instrument 2011 8973 D - J1
Filed/Recorded 12/8/2011 12:25 H
Total Fees \$ 12.00
3 Pages Recorded



PREPARED BY:

Law Offices of
LAURA F. PAULK, PLLC
16127 Orange Grove Road
Gulfport, MS 39503
228-831-1818
LFP File No.: 1104466
MS Bar No.: 10733

Return To:

Law Offices of
LAURA F. PAULK, PLLC
16127 Orange Grove Road
Gulfport, MS 39503
228-831-1818
LFP File No.: 1104466

STATE OF MISSISSIPPI

COUNTY OF HARRISON

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid this date, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged,

Long Beach Deli, LLC, a Mississippi Limited Liability Company, Grantor
20110 Pineville Road
Long Beach, MS 39560
(228) 864-1933

does hereby sell, convey and warrant unto

Maxim F. Van Norden and Lucia Van Norden, Grantees
5142 Mitchell Rd.
Long Beach, MS 39560
(228) 865-9605,

as joint tenants with full rights of survivorship and not as tenants in common, the following described land and property being located in Harrison County, Mississippi, more particularly described as follows:

(See Exhibit A attached)

INDEXING INSTRUCTIONS: Pel in Long Beach Sec. Blk 40 in SE 1/4 of NW1/4
of Sec. 10-8-12, Harrison County, Mississippi

It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis and are assumed by the Grantees. When said taxes are actually determined, if the proration as of this date is incorrect, the Parties hereto agree to pay on the basis of an actual proration.

This conveyance is made expressly subject to any and all restrictive covenants, rights-of-way, easements, and mineral reservations and any other rights now of

MINUTES OF APRIL 10, 2014
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record which effect the above described property.

WITNESS MY SIGNATURE, this the 7th day of December, 2011.

Long Beach Deli, LLC

By: Paul J. Sherer
Paul J. Sherer, Member

By: Vinh Thi Sherer
Vinh Thi Sherer, Member

By: Ba The Ho
Ba The Ho, Member

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally appeared before me, the undersigned Notary Public in and for the above named jurisdiction, the within named, Paul J. Sherer, Vinh Thi Sherer, and Ba The Ho, who (severally) acknowledged that they are the Member(s) of Long Beach Deli, LLC, a Mississippi limited liability company and acknowledged that in said representative capacity and as its act and deed, they signed, executed and delivered the above and foregoing instrument on the day and year therein stated, after first having been duly authorized so to do.

Given under my hand and seal, this the 7th day of December, 2011.

Danielle E. Bordes
NOTARY PUBLIC

My Commission Expires:

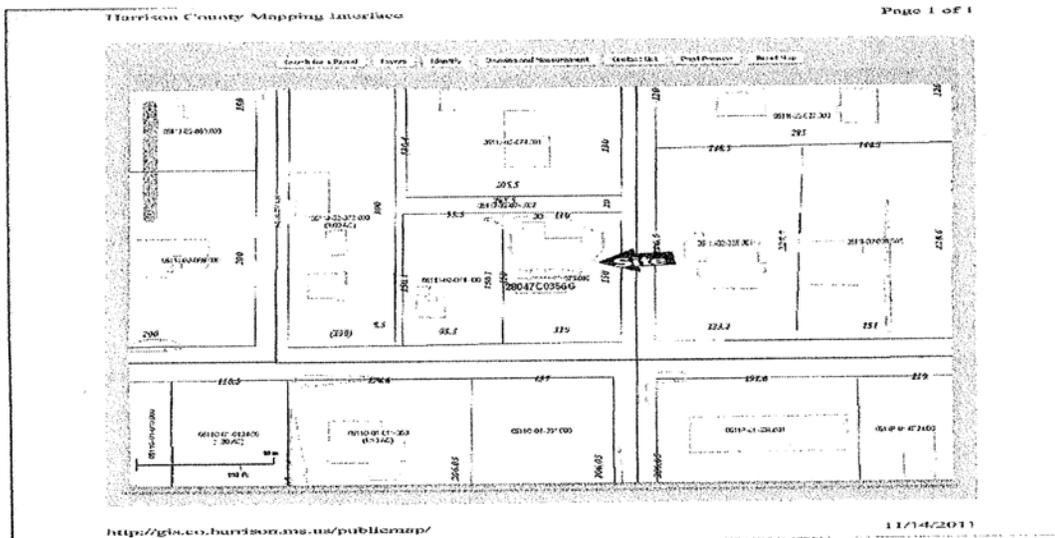


SITE DESCRIPTION

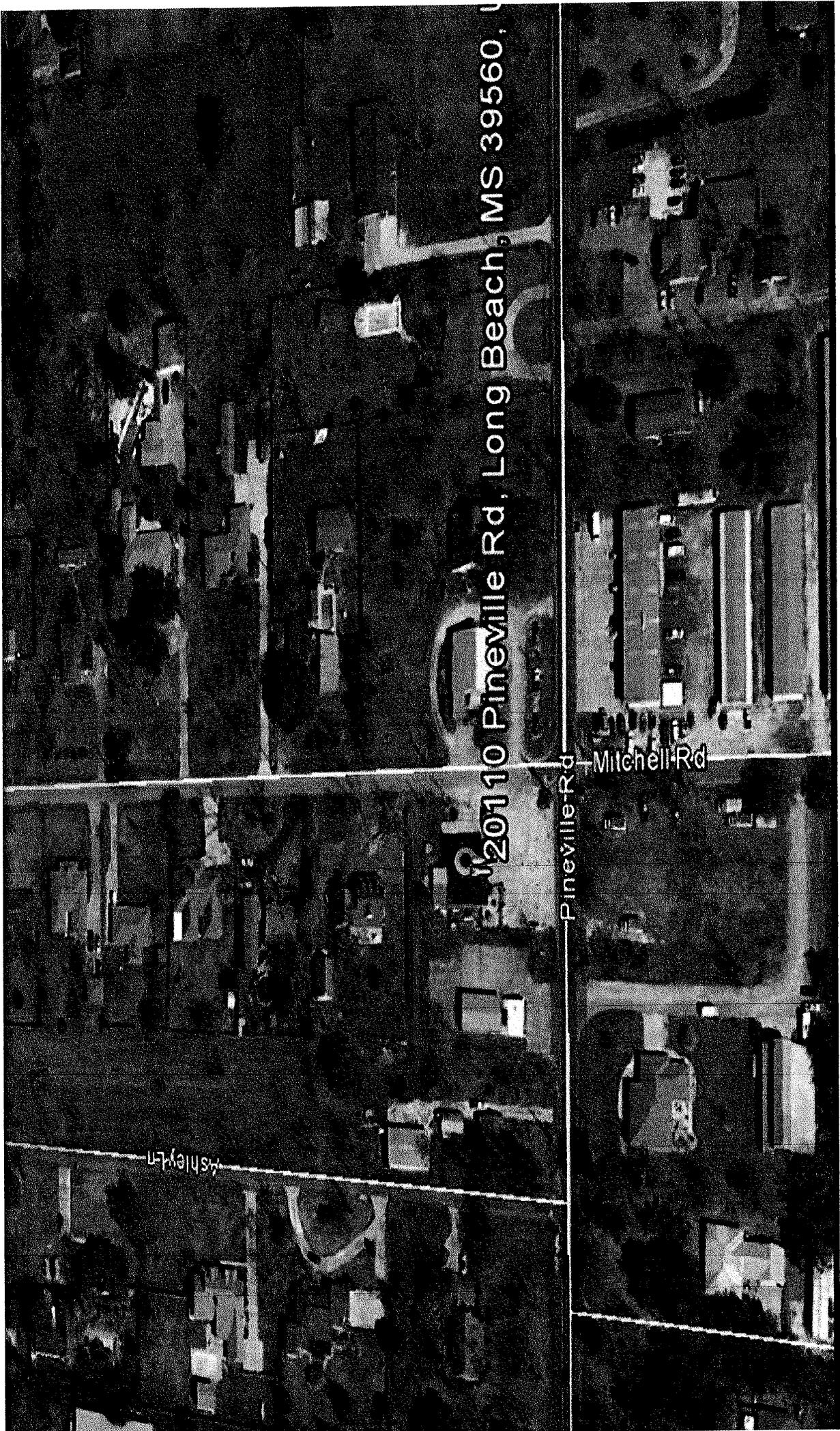
The site is located in the southwestern portion of Harrison County, Mississippi in the southern portion of the City of Long Beach fronting along the north side of Pineville Road. Pineville Road is a two-lane, asphalt paved road running east and west. The site fronts 110 feet, more or less along the front and rear. The site has 150 feet of depth along parallel lines. The site is rectangular in shape and configuration and contains approximately 16,500 square feet or .37 acres. The site is slightly below street grade. The site has public water and sewer. Electrical is provided by Mississippi Power Company. Telephone service is supplied by a local and regional telephone service company. The City of Long Beach provides garbage collection service. At the date of inspection the site was presently improved with a convenience store that was known as Long Beach Discount. The building has concrete paved parking to the front and east side and the west side and rear portion is covered with sod.

The site is a commercial tract of land located along the north side of Pineville Road which has a Highest and Best Use "as improved" for a commercial use and has been addressed in the Highest and Best section of this appraisal report.

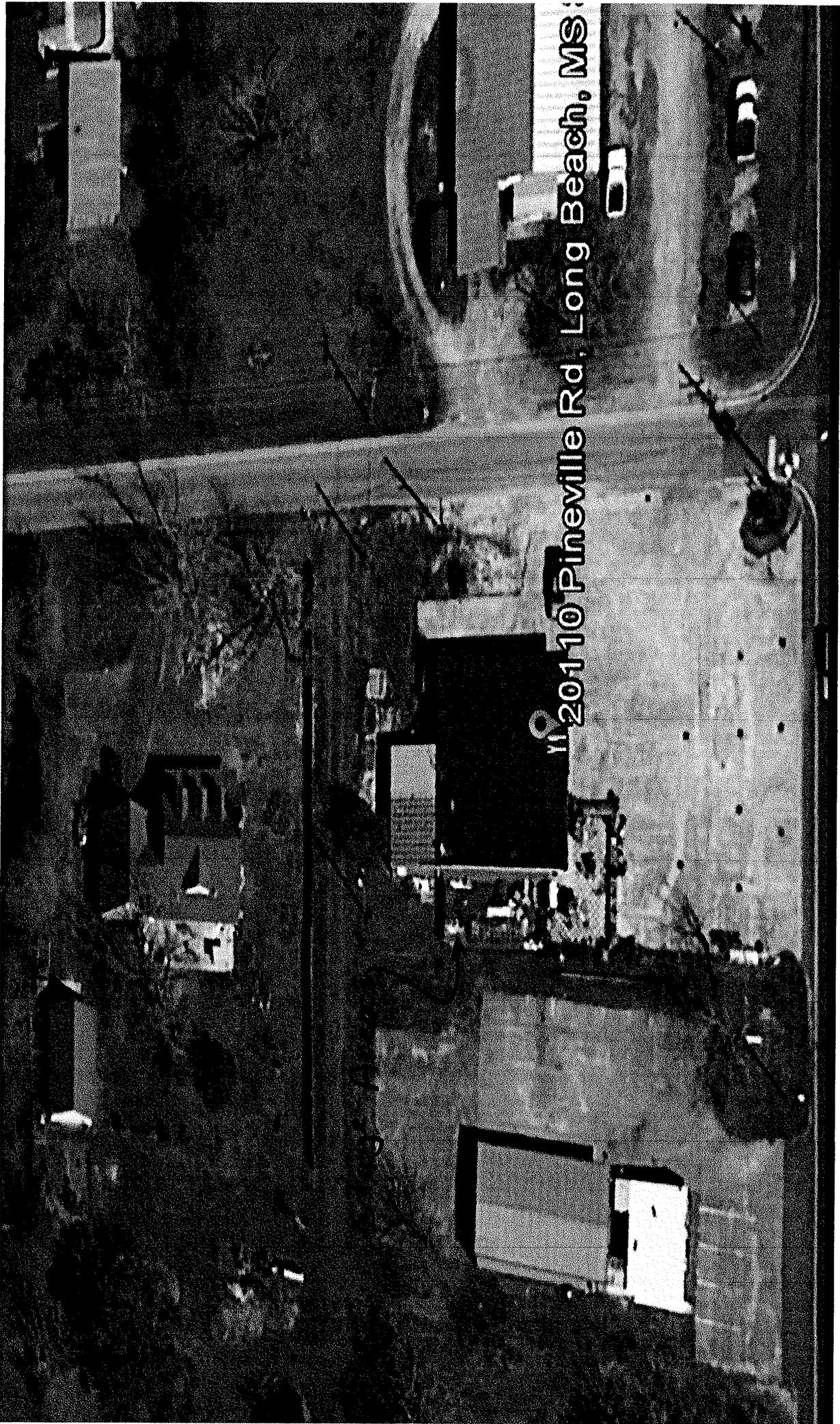
SITE PLAN



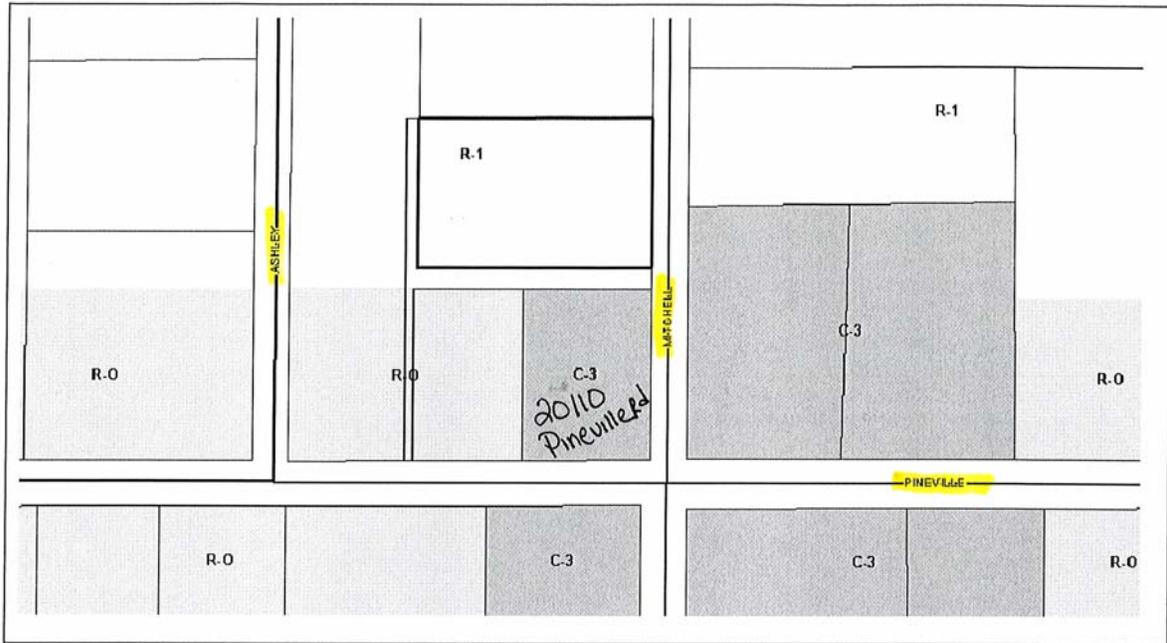
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Commission Chairman recognized applicant Mr. Van Norden, he submitted for the record a petition in favor of his request as following:

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April 4, 2014

PLEASE SIGN OUR PETITION

Target: To be able to enjoy live music during the day and evening hours at our commercial property, Long Beach Market and Deli.

Daniel Dyer	Chris Dyer
Pat Worth	Pat Worth
Wayne White	Jack Reed
Lobina Barnett	Chelsea Brisolara
Rachel Adams	Alexander Krol Jr.
George & Len White	Alexander B. Krol
Patricia Suter	Mr. Krol
David Wilson	John Gifford
Bruce Johnson	John Gifford
Allyson Gony	John Gifford
John Gony	Corey Heyland
Hope Newell	Colin Heyland
Tom Edman Jr.	Alecia Kemper
Dawn Dawson	David U
Rachel Thomas	Doug Fair
John Gony	Maria Krumm
John Gony	John Gony
Michael Gony	John Gony
Jane Gony	John Gony
Marna Gony	Carrie Burt
Emil Barlow	Aphani Gony
Bob	JONATHAN BURLESON
Bob	SUE BURLESON
Dale Woodruff	Perseus Gony
John Gony	Chad Hill
Kayne Gony	Chad Hill
John Gony	John Gony
Michael Gony	John Gony
John Gony	John Gony
William J Hunter	Sarah W

MINUTES OF APRIL 10, 2014 PLANNING COMMISSION

April 4, 2014

PLEASE SIGN OUR PETITION

Target: To be able to enjoy live music during the day and evening hours at our commercial property, Long Beach Market and Deli.

Billeneza	Jamun Dathor
Timothy Sartin	John D. Dwyer
Valon Babb	Tom Gabbard
PAUL DORRIS	Gay Stag
Randall Guthrie	Bob Spitzer
Daniel Hoff	Bob - Alexander
Charming Cozley	Terrie George
Patrick Sherman	Michelle
Marta Malley	Mandy Anderson
Jim Mark	Spring Hill Dale
Bob Hill	Bob Casarek
Tom	Ben Patterson
Mr. James J.	Pat Van Ma
Alan Pace	Tom Woodworth
Jahonda DeFord	Jessie Shuler
Melinda Ridgway	Virginia McCause
Bruce Inn	Easton Taylor
Bill Inn	Mel Cassiga
Will Anghint	Robert E. Eubank
Lygia Myers	Eric
Vince Inn	Edna Hultgren
Mary	Brenda
Mary Lydecker	Hyma M. Joseph
Salvatore	James H. Casey
	Debra E. Carr
	Carly Carick
	Edgar Anderson
	Dreg Sumner

April 4, 2014

PLEASE SIGN OUR PETITION

Target: To be able to enjoy live music during the day and evening hours at our commercial property, Long Beach Market and Deli.

Ben Spruell	Christopher Borcik
Keith Buerrows	Bob
Kim McKim	Kim Mattop
Brittany Unkhasyn	Henry Gichos
Robert Elans	Eric Shire
Frank Hilton	Douglas van Norden
Kim Johnston	Dallas van Norden
Whitney	Sandra Trudney
Walt	Shirley
Frank	Jeff Trudney
Joe Atkinson	Walter Trudney
Tommy Young	Mattual Fatter
Shirley Kemp	Ryan Garner
Joe	John
Joe Shubert	Chels W. Sun
George Mason	Capital B. Winter
Carl	Raymond Hill
Carl Dubuque	Carl
John	John
John Baker	Allyson McLeod
Belona Swarier	Sulisty
Garrett Badner	Ryan Bas
Joey K. Cooper	Susan Bass
John	David B.
John	Deek B.
John	Stew B.
John	John
John	Janet
John	Hanna Lauren

MINUTES OF APRIL 10, 2014
PLANNING COMMISSION

April 4, 2014

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Target: To be able to enjoy live music during the day and evening hours at our commercial property, Long Beach Market and Deli.

Mark Gates	
Shanna Yorkrough	
Alex Ingram	
Kim Ingram	
Chip Ricketts	

Jodie Critzer
David Parker
Neyhanda Quinfa
Casey Johnson

**MINUTES OF APRIL 10, 2014
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* * *

Chairman allowed public comment(s) as follows:

PUBLIC COMMENTS	
AGENDA SUBJECT MATTER: <i>P.C. Approval - carry out, delivery & drive-in services, Primary consumption outside fully enclosed Bldg w/ music - Maxim Van Norden</i>	
<ul style="list-style-type: none"> ➤ All comments shall be directed to the Chairman when recognized. ➤ Comments of a personal nature regarding individual members of the Planning / Zoning Board, City staff and/or personnel, other citizens, disruptive comments or improper actions will not be permitted. ➤ Except as otherwise directed by the Chairman, public comments will not be permitted before or after the allotted time. ➤ Disruption of the meeting will be cause for removal. 	
PLEASE PRINT	
NAME/ADDRESS/ TELEPHONE	COMMENT
1 <i>Kim Marmalich 5119 Mitchell RD</i>	<i>OPPOSED - Residence Behind Long Beach market & Deli</i>
2 <i>Maxim van Norden 5142 Mitchell rd</i>	<i>for</i>
3 <i>Erica Shirk 201 James Drive</i>	<i>FOR</i>
4 <i>Dustin van Norden 201 JAMES Dr.</i>	<i>FOR</i>
5 <i>[Signature]</i>	
6 <i>James Cox</i>	<i>FOR - LMB Deli</i>
7 <i>[Signature]</i>	
8	
9	
10	

City of Long Beach
Planning Commission - Regular Meeting

Date: 4/10/2014

MINUTES OF APRIL 10, 2014

PLANNING COMMISSION

*

*

Kim Marmalich, owner/resident of 5119 Mitchell Road, located adjacent to the subject property submitted for the record the following:

Presentation made to the Planning Commission Board on April 10, 2014 by:

- Kim Ray Marmalich, daughter of Wayne and Dee Dee Ray, and a life-long resident of Long Beach MS.

I grew up at 800 S Forest Ave in Pecan Park and for the last 16 years I have lived at 5119 Mitchell Rd directly behind the Long Beach Market and Deli property.

I wanted to take a minute and restate the reason we are all here today. We are here because the Long Beach Market and Deli is Zoned C-3 (which I understand to be considered light commercial) and according to the chart of uses, they are not authorized by right to:

- Operate a lounge for consumption of alcoholic beverages on premises
- Operate substantial consumption outside a fully enclosed building

These restrictions have been placed on C-3 property because all commercial property and all C-3 property is not created equal. If they were, there would be no need for the chart of uses because all commercial property would have the same rights.

It is the job of the planning commission to gain a complete understanding of the impact that permitting such activities will have on the surrounding residents and take each application on a case by case basis.

I compared the zoning of Darwell's to Long Beach Market and Deli and I noted that Darwell's is zoned C-1 which is expected since they are downtown and are across from the railroad tracks next to other commercial property. When looking at the chart of uses for C-1 property, I noted that C-1 property is allowed by right to:

Operate a lounge for the consumption of alcoholic beverages on premises, but they are not allowed by right to:

- Operate substantial consumption outside of a fully enclosed building.

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What this tells me that according to the chart of uses, substantial consumption outside of a fully enclosed building is considered more intrusive than an indoor lounge.

I believe it is important for you to understand all of the issues associated with Long Beach Market and Deli's permission request and I want to take this time to offer you my concerns.

For over 30+ years what is now the Long Beach Market and Deli has been operated as a Mom and Pop convenience store. I have been a patron of that store over the 30+ years including when it became the Long Beach Market and Deli. Before now, there has never been primary consumption outside of the building on that property.

During the 16 years that I have lived behind the Long Beach Market and Deli Property, our neighborhood has been a quiet and safe place to live and to raise our children and grandchildren. It was a neighborhood where children can safely play outside without worry. If you drive by our home and the surrounding residents on Saturday and Sunday you will see our children and grandchildren at play running from yard to yard outside.

When the Long Beach Market and Deli first opened, they were a welcomed addition to the neighborhood. They operated in the same fashion as the previous convenience stores had with the exception that they sold crafts/gifts and the food was much better. It was a quaint family oriented business that was an asset to our neighborhood. Our neighborhood was still a quiet and safe place to live.

Over the past few months, the business model of the Long Beach Market and Deli has changed and the new business model is posing a threat to the quality of life and the safety of the surrounding residents.

First, the Long Beach Market and Deli built a stage to host live bands that use amplification equipment, electric bass guitars and drums that can be heard inside and outside of our home and the homes that surround ours.

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If you look at the picture that I have provided you will see how close the proximity of the stage is to my property line.

My property line starts at the fence. As you can see, the stage is approximately 30 feet from my property line and 60 feet from the windows of the main living area of my house. There is only 30 feet separating my property from the live music.

I know it is not the Planning Commission's job to enforce the City-wide noise ordinance but I am sure you are aware of it. According to the noise ordinance:

- No person shall make or cause to be made any loud and raucous noise in the city which is offensive to the ordinary sensibilities of the inhabitants of the City, which noise renders the enjoyment of life or property uncomfortable or interferes with the public peace and comfort.
- Sound equipment may not emit loud and raucous noises so as to interfere with the enjoyment of life or property or to interfere with public peace and comfort.
- The following act, among others, are declared to create loud and raucous noises and shall be deemed a violation of the ordinance:
- The playing or operation of any sound equipment in such a manner, or with such volume as to disturb the peace, quiet, comfort, or repose of persons in any dwelling, apartment, hotel or other type of residence.
- Violation of this ordinance shall be punished by a fine not to exceed \$1,000.

Based on this ordinance, I cannot understand why the Planning commission would grant the Long Beach Market and Deli the right to have live music as an accessory outside of a fully enclosed building when I have illustrated that by proximity alone, it is highly unlikely that they can adhere to the ordinance and host live music. By ordinance right, I should not have to hear their music on my property.

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In addition to the stage, the Long Beach Market and Deli now carries "Vaporizers" as posted on their sign out front. In case you are not familiar with Vaporizers

Vaporizers are defined by Wikipedia as follows:

- A device used to vaporize active ingredients of plant material, commonly cannabis, tobacco, or other herb blends for the purposes of inhalation.

Vaporizers and herb blends are a popular new trend in night clubs and bars along the Coast. In fact, if you have watched WLOX morning news over the last few weeks you have probably noted a commercial that has been running for a Coast business that sells alcohol and vaporizers that depicts a party scene where the party goers are inhaling vaporizers, drinking, and dancing to loud music.

During the last few days, the Long Beach Market & Deli has built a walkway from their property to the adjacent property that appears to be in preparation of the substantial parking spill over that they are expecting at these events. (I have provided you with a picture of the walkway). This is evidence of the volume of patrons they expect to attend these events who will be sitting outside with open containers drinking beer throughout the event.

Over the last few months the Long Beach Market and Deli has hosted two live bands on the property whose performances lasted for several hours. These events have been held on Saturday. In both instances, the music has been so loud that it can be heard in the main living area of our home and across our property line. To make it worse, there is a continuous thumping in our home over which we can't even hear our television. Most of the offensive noise that spills over to our property doesn't even sound like quality music. This goes on for hours. Being able to enjoy our yard during the performance is not possible.

The Long Beach Market and Deli has shown a complete disregard for their surrounding neighbors during these events.

**MINUTES OF APRIL 10, 2014
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In addition to the music, patrons are sitting outside for hours consuming beer on the premise while listening to these bands. We note that the vehicles that arrive for the performances stay for the 3-5 hour duration where they can sit outside and drink beer the entire time. During the first event, my family noted that there were Patrons off the property with open containers in their hands.

The loud music interferes with the comfortable enjoyment of life and our property. My husband and I work very long work weeks and look forward to our weekends that we spend outside in our yard enjoying nature, barbecuing with our family, or spending time in our home with our family. We don't choose to listen to loud music and have never inflicted loud music on our neighbors.

Second, our children and grandchildren play outside on the weekends. Allowing Patrons of Long Beach Market and Deli to consume beer outside of the building for hours while bands play threatens the safety of our children and the surrounding residents. Additionally, the Long Beach Market and Deli sells craft beers which can now have an alcohol content of up to 8%. This is not a family friendly environment and it is a direct threat to our quality of life and ability to enjoy our property.

I have seen this property change hands many times over the past 30 years and I feel that the decisions made today by the planning commission will set a precedent for what the property can be used for from this day forward.

The decisions you make today have the ability to change the entire culture of a long established and peaceful residential neighborhood.

The surrounding residents who put their faith in zoning ordinances and the Planning Commission when they purchased their property are dependent upon each of you to preserve the quality of life and safety of the residents and our children.

I am here today to ask that at a minimum, the Long Beach Market and Deli Property not be permitted by the Planning Commission to host bands/live music events with primary consumption of beer outside of a fully enclosed building.

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I want to mention the petition that was circulated by the Long Beach Market and Deli to gather support to allow them to enjoy live music during the day and evening hours.

It is clearly evident from the petition that the signers did not have all of the information that I presented today and they could have been misled by the petition.

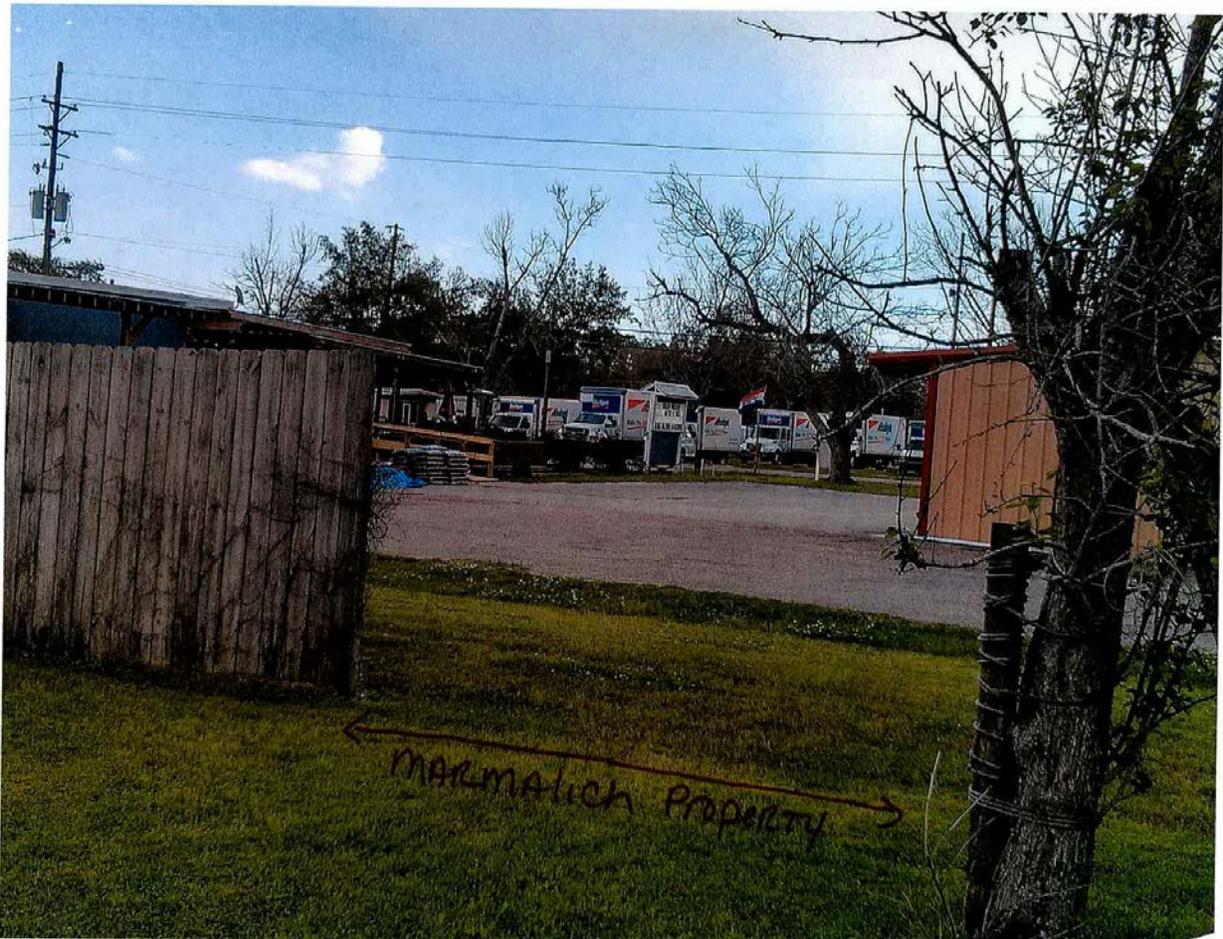
I think that we can all agree that this is not about the opinion of others whose residence and quality of life is not being threatened by the Long Beach Market and Deli's new business model. The Residents surrounding the Long Beach Market and Deli do not want this.

It's only logical to assume that many of the individuals that signed the petition where not aware of the impact that the live bands have on the quality of life and the safety of the surrounding residents. I actually spoke with one nearby resident that had signed the petition who openly admitted that she had not fully understood the situation and how the noise was impacting the surrounding residents and the potential threats posed to the neighborhood.

I am sure that there is a place for the Long Beach Market and Deli's new business model but it is not in the middle of a residential area where it threatens the quality of life and the safety of the surrounding residents.

I respectfully ask you to protect the quality of life and safety of the surrounding residents and our children and not permit the Long Beach Market and Deli to have primary consumption outside of a fully enclosed building with live music as an accessory to use.

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**MINUTES OF APRIL 10, 2014
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After considerable discussion and debate Commissioner Fischer made motion seconded by Commissioner Brown and unanimously carried to approve the Carry-out, delivery and drive-in services, primary consumption outside fully enclosed building use.

* * *

Upon further discussion and debate Commissioner Yandell made motion seconded by Commissioner Heinzl recommending approval of the live music as an accessory use in accordance with the City of Long Beach Noise Ordinance #463A and with the following stipulations:

- Only non-amplified, acoustic, live music can be played.
- Live music can be played on Saturdays only.
- Live music can be played only between the hours of 7:00 a.m. and 9:00 p.m., as stated in the Noise Ordinance #463A, Section IX Sound Equipment.

And the motion being put to a roll call vote by the Commission Chairman, the results were as follows:

Commissioner Donald Frazer	Voted	Nay
Commissioner Randy Fisher	Voted	Nay
Commissioner Jim Heinzl	Voted	Aye
Commissioner Jack Donovan	Voted	Aye
Commissioner Jeff Hansen	Voted	Aye
Commissioner Nicholas Brown	Voted	Nay
Commissioner Ron Robertson	Absent, not voting	
Commissioner Tonda Yandell	Voted	Aye

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

There being no further business to come before the Planning Commission at this time Commissioner Yandell made motion seconded by Commissioner Frazer and unanimously carried to adjourn the meeting until the next regular meeting in due course.

APPROVED:

Chairman, Frank Olaivar

Date: _____

ATTEST:

Veronica Howard, Minutes Clerk