

**MINUTES OF JUNE 26, 2014
PLANNING COMMISSION**

Be it remembered that the regular schedule 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 26th day of June 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, Jim Heinzl, Jack Donovan, Nicholas Brown, and minutes Clerk Veronica Howard.

Commissioner Tonda Yandell was preliminarily late the meeting.

Commissioners Randy Fischer, Jeff Hansen, Ron Robertson 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.

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Commissioner Frazer made motion seconded by Commissioner Brown and unanimously carried to approve the regular meeting minutes of June 12, 2014 as submitted.

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It came for consideration under old business the review / discussion of section 901 of the previous zoning ordinance #344.

Work Session on July 7, 2014; 5:30 p.m.; City Hall Meeting Room.

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It came for consideration under new business a tree removal request for the removal of one (1) Live Oak tree for property located at 19020 Pineville Road submitted by Paul Dauro as follows:

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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
APPLICATION FOR TREE PERMIT

OFFICE USE ONLY	
Date Received	6/24/2014
Zoning	C-2
Agenda Date	6/26/2014
Check Number	2402

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

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

_____ Any single-family Residential, Multi-Family Residential, Commercial or Industrial Zoned areas need a permit to remove a Live Oak or Magnolia tree with its root system, growing upon the earth usually with one trunk or at least eighteen (18) inches in circumference or larger, measured four and one-half (4 1/2) feet above the surface of the ground, or a multi-stemmed trunk system with a definitely formed crowned.

_____ Any person desiring a permit for removal of any Live Oak or Magnolia tree, shall submit this application and a filing fee of \$25.00 per parcel of land to which such application pertains.

TODAY'S DATE: 6-24-14

PROPERTY INFORMATION

TAX PARCEL # _____
Address of Property Involved: 19020 PINEVILLE RD.
Property owner name: S&P PROPERTIES INC.
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: 20020 PINEVILLE RD.
Phone No. 228-596-7046

CONTRACTOR OR APPLICANT INFORMATION

Company Name: S&P PROPERTIES INC.
Phone No. 228-596-7046 Fax: _____
Name: PAUL G. DAURO
Address: 20020 PINEVILLE RD. L.B. MS.

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)

TREE IS ~~DYING~~ DYING AND LIMBS FALLING
SEE ATTACHED LETTER

Number of Trees:
1 Live Oak _____ 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.

Paul G. Dauro 6/24/14
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.

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June 4, 2014

Paul Dauro,

I have taken a look at the live oak in question at your business complex on Pineville rd. My opinion of the tree is as follows: The tree is in a spiral decline due to stress caused by man. Signs of stress are die back at the tips of the branches, meaning the tree is in survival mode using up its stored food supply. The tree drops its outer parts first and continues to decline.

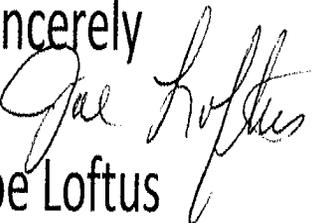
Factors causing stress:

- 1) Old parking lot causing compaction of soil deterring air, water, and nutrient flow to the roots.
- 2) New parking lot not allowing any of the above.
- 3) Cutting of roots for sewer and water line six feet from the trunk
- 4) Only allowing for a 5-6 foot collar around the trunk of tree, collar should have stopped at the drip line of the tree for a 100% survival rate. You have less than 50% survival rate.
- 5) Other factors that can cause more stress are, drought, lighting, and cleaning of the ditch(causing roots to be removed).

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The roots of a tree can grow up to six times the distance of the drip line, which is most of the parking lot. The tree will continue to decline in the environment that was designed around it.

One thing that you and the City must think about is the liability issue that may come up in the future of dropping limbs on pedestrians or automobiles. Who will be at fault, you or the City.

Sincerely

Joe Loftus

Loftus Lawn Maintenance and Tree Service

ISA Certified arborist S)-5823A

Ms. Tree Surgeon Lic. LT065

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SCANNED



1st Judicial District
Instrument 2009 5802 D -J1
Filed/Recorded 8 20 2009 8 46 A
Total Fees 12 00
3 Pages Recorded

PREPARED BY:
Julien K. Byrne III
Attorney at Law
P.O. Box 179
Pass Christian, MS 39571
(228) 452-9408
Mississippi Bar Number: 7654

RETURN TO:
Julien K. Byrne III
Attorney at Law
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(228) 452-9408

STATE OF MISSISSIPPI
COUNTY OF HARRISON

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, the undersigned, **S&P PROPERTIES, INC., a Mississippi corporation**, 20020 Pineville Road, Long Beach, Mississippi, 39560, 228-596-7045, do hereby sell, convey and warrant unto **S&P PROPERTIES, INC., a Mississippi corporation**, 20020 Pineville Road, Long Beach, Mississippi, 39560, 228-596-7045, the following described real property situated in Harrison County, First Judicial District, Mississippi, described as:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF AS IF FULLY COPIED HEREIN.

INDEX AS FOLLOWS: Part of Lot 2, SEALS SUBDIVISION, Long Beach, Harrison County, Mississippi

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 and all subsequent years taxes are specifically assumed by the Grantee herein.

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WITNESS my signature this 14 day of August, 2009.

S&P PROPERTIES, INC.

By: Paul D. Dauro
PAUL DAURO, President

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Paul Dauro, who is President of S&P PROPERTIES, INC., who acknowledged that acting in the foregoing capacity and for and on behalf of said corporation, he signed and delivered the above and foregoing instrument of writing on the day and year therein written, as the act and deed of said corporation, being first duly authorized so to do.

Given under my hand and official seal of office this 14 day of August, 2009.

Frances J. McArthur
NOTARY PUBLIC

My commission expires June 3, 2011

AFFIX SEAL



TITLE NOT EXAMINED

Commissioner Heinzl, Certified Arborist, stated the tree is alive and can be saved, due to the parking lot and the tree not being cared for is why the tree is damaged.

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 Yandell and unanimously carried recommending removal of the tree, stating the applicant must replace the tree with a suitable tree (Holley, Crepe Myrtle, Sweet Bay Magnolia, etc.) and landscaping.

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