

**MINUTES OF APRIL 28, 2016
PLANNING COMMISSION**

Be it remembered that a regular meeting of Long Beach, Mississippi, was begun at 5:30 o'clock p.m., Thursday, the 28th day of April 2016, 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 Olaiivar, Commissioners Donald Frazer, Jim Heinzl, Jeff Hansen, Ron Robertson, Planning Commission Advisor/Consultant Bill Hessell and minutes Clerk Veronica Howard.

Commissioner(s) Randy Fischer, Chris Carrubba, Nicholas Brown and Patricia Bennett were absent the meeting.

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

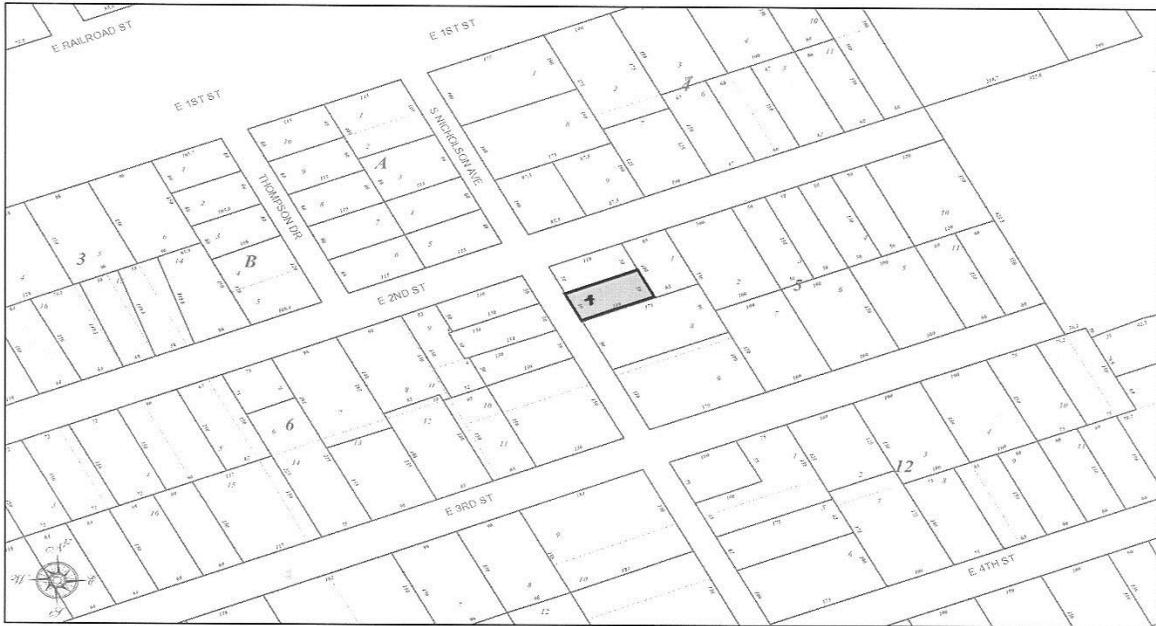
Commissioner Robertson made motion seconded by Commissioner Hansen and unanimously carried to suspend the rules and add to the agenda under new business, tree removal request for a Live Oak tree for property located at 20045 Will Street submitted by Harvey Winkler.

Commissioner Frazer made motion seconded by Commissioner Heinzl and unanimously carried to approve the regular meeting minutes and work session minutes of April 14, 2016 as submitted.

It came for consideration under old business Planning Commission approval for a vacation rental for property located at 203 South Nicholson Avenue, tax parcel #0612A-01-026.000 submitted by Bonnie Stringer as follows:

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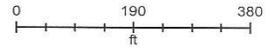
203 NICHOLSON SOUTH



HARRISON COUNTY, MISSISSIPPI

DISCLAIMER: THIS MAP IS FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY. IT WAS CONSTRUCTED FROM PROPERTY INFORMATION RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AND IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP. TALLURRY, TAX ASSESSOR.

MAP DATE: April 27, 2016



BOOK 1291 PAGE 388

ENTERED

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

NO TITLE EXAM

EXECUTRIX DEED

FOR AND IN CONSIDERATION OF Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, I, BONNIE AILEEN STRINGER, Executrix of the Estate of AGNES LIPPS STRINGER, GRANTOR, do hereby warrant, sell, and convey unto BONNIE AILEEN STRINGER, GRANTEE, the following described real property situated in the FIRST Judicial District of HARRISON County, MISSISSIPPI, being more particularly described as follows:

The South 50 feet of the West 110 feet of Lot Number One (1), Block Number Five (5), of ORIGINAL LONG BEACH, as per map or plat thereof on file in the office of the Chancery Clerk of Harrison County, Mississippi; together with all improvements thereon and all appurtenances in anywise appertaining thereto.

This conveyance is subject to any and all recorded rights-of-way, restrictions, reservations, covenants and easements.

Taxes on the subject property are assumed by the GRANTEE(S) for the year 1994.

WITNESS my signature this the 6th day of November, 1994.

Bonnie Aileen Stringer
BONNIE AILEEN STRINGER, Executrix
of the Estate of AGNES LIPPS STRINGER

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the aforesaid County and State, on this 6th day of November, 1994, within my jurisdiction, the within named BONNIE AILEEN STRINGER, Executrix of the Estate of AGNES LIPPS STRINGER, who acknowledged that she executed the above and foregoing instrument.

CERTIFIED TRUE COPY
JOHN McADAMS
CLERK, CHANCERY COURT
HARRISON COUNTY, MISS.
First Judicial District
By *Shirley Bell* DC

Christal J. Quisenberry
NOTARY PUBLIC
My Commission Expires
April 19, 1998

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Commissioner Frazer made motion seconded by Commissioner Robertson and unanimously carried recommending approval of the vacation rental renewable in one (1) year.

It came for consideration a directive from the Mayor and Board of Alderman for additional information, explanation & clarification of the Planning Commission's motion from the public hearing dated January 28, 2016 regarding the zone change request for tax parcel # 0512J-01-001.000 from R-1, Single-family residential to C-2B, Beach Front commercial submitted by Dennis Stieffel & Associates on behalf of Huong Henry Le.

After considerable discussion, Commissioner Heinzl made motion seconded by Commissioner Hansen and unanimously carried to submit the following letter to the Mayor and Board of Aldermen:

City of Long Beach



April 28, 2016

City of Long Beach Mayor and Board of Aldermen:

Per your request for additional information, explanation & clarification of the Planning Commission's motion from the public hearing dated January 28, 2016 regarding the zone change request for tax parcel # 0512J-01-001.000 from R-1, Single-family residential to C-2B, Beach Front commercial submitted by Dennis Stieffel & Associates on behalf of Huong Henry Le.

The City of Long Beach Planning Commission stands by its findings and recommendations. We made our recommendation based on the applicant's comments and public comments from the residents in attendance at the public hearing held on January 28, 2016.

The Planning Commission is a recommendation board; we are not an official governing board of the City of Long Beach. We do not have available a stenographer, recording devices or legal counsel at our meetings. It is impossible for our minute's clerk to write down every word made by either parties. We made our decision based on the comments made during our public hearing.

In the future if the City Council wants a complete transcript of our meeting the City needs to provide the resources necessary to do so.

We recommend the Mayor and Board of Aldermen conduct a public hearing on this issue and make a decision based on that.

We Stand by our recommendation.


Frank Otaivar
Chairman, City of Long Beach Planning Commission

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It came for consideration discussion to amend the City's Tree Ordinance.

Commissioner Jim Heinzl, Certified Arborist submitted for review the following:

Relocation or Replacement of trees

Recognizing that the preservation of protected trees which in Long Beach are 18" DBA (diameter at breast height) live oak (*Quercus virginiana*) and Southern magnolia (*Magnolia grandiflora*) and, if necessary, their relocation or replacement is preferred and in order to implement these objectives, the following procedures are established:

Arborist:

There is created the position of arborist whose professional service shall be utilized as required such arborist shall possess the following minimum qualifications:

-
- Graduation from a college or university with a bachelor's degree in urban forestry, landscape architecture, horticultural, botany or closely related field: and
- Three (3) years' experience in urban forestry; or
- Any equivalent combination of experience or education, additional education substituting on a year-for year basis for the required experience.
- ISA certified Arborist

The mayor and board of aldermen of the city shall approve all applicants who are qualified to serve as Arborist.

- After application is filed with it, The planning commission with guidance from the tree board shall review and make recommendations to the board of alderman on whether to issue a permit for the removal, relocation or substantial alteration of a protected tree if one or more of the following criteria set forth in this section are met:
- The tree is located in an area where a structure or improvement will be placed according to a tree site plan and it unreasonably restricts all reasonable use of the property.
- The tree is diseased, injured, in danger of falling too close to and causing destruction or damage to an existing structure, interferes with existing utility service, creates unsafe vision clearance, or conflicts with other ordinance or regulations.

If the application for removal or a tree(s) does not qualify for such removal, relocation or substantial alteration under the condition of the above subsection, or in the event a tree is removed without a permit, then, the planning commission may require the applicant to relocate a said premises each protected tree being removed, and to keep such tree in a healthy living condition for at least (3) years following relocation. In the event the tree cannot be relocated, the owner shall be required to compensate the city in an amount equal to the value of the lost protected tree, as determined by the Arborist for the city by reference to the current edition of the *Guide for Plan Appraisal* by the International Society of Arboriculture. In documented hardship

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situations, the Arborist for the city will be allowed to waive up to one-half of the reimbursement amount. Such replacement funds will be administered by the mayor and board of aldermen and used for replacement trees and shrubbery at the applicant's site or alternative public property locations as may be recommended by the planning commission, the tree board and the mayor and aldermen.

Any entity which causes any protected tree to die within three (3) years of the conclusion of the development, redevelopment or improvement of any parcel of land as a result of any activity deemed to be malicious, vandalism or neglect or inappropriate construction action or inaction, as determined by Arborist for the city, shall cause such entity to be subject to the requirements of previous replacement remedies.

After review, Commissioner Hansen made motion seconded by Commissioner Frazer and unanimously carried recommending the Mayor and Board of Aldermen amend the City of Long Beach's Tree Ordinance with the aforementioned.

It came for consideration under new business a Tree Removal request for a Live Oak tree for property located at 20045 Will Street submitted by Harvey Winkler 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



TREE PERMIT APPLICATION

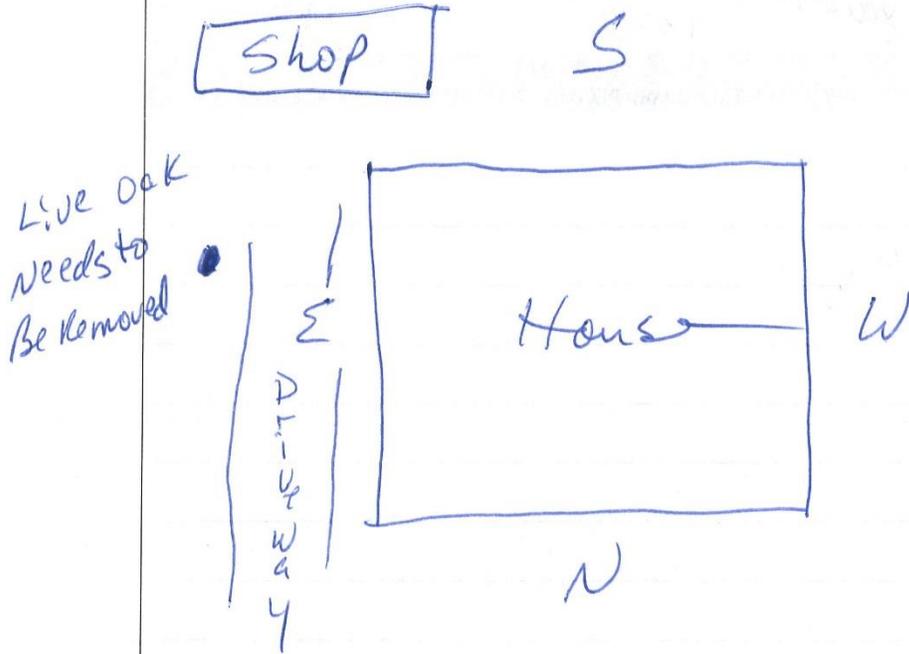
Routine trimming does not require a permit. The reason for pruning may include, but are not limited to, reducing risk, maintaining or improving tree health and structure, improving aesthetics, or satisfying a specific need. The City of Long Beach does recommend you obtain a licensed Arborist for your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

> 20045 W. 11 St., Long Beach, MS 05117-01-027.00
 PROJECT ADDRESS (where the trees to be removed are): Tax Parcel Number

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

TREE SITE PLAN:

Please provide a map or diagram of the parcel of land, specifically designating the area or areas of proposed tree removal and the proposed use of such area. Please include the following: 1) location of all trees on the property, their size and species 2) Designate which are disease/or damaged, 3) designate which are endangering any roadway, pavement, or utility line, 4) any proposed grade changes that might adversely affect or endanger any trees on the site and specify how to maintain them 5) designate the trees to be removed and the trees to be maintained, and 5) location of existing and/or proposed structures.



***** 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 **

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APPLICANT(S) INFORMATION:

Winkler Harvey _____
 Last Name First MI

20045 Will St. Long Beach MS 395700
 Mailing Address City, State, Zip

> Are you the legal owner of the above property? Yes No _____, If No written consent from the owner is needed. Please provide a statement that no person, not listed on this application, has any interest in the title in or to the property. Please provide a recorded warranty deed.

> What is the reason the tree needs to be removed? Be specific ex. Construction, street or roadway, recreational area, patio, parking lot, diseased tree not worthy of preservation, etc. Root system has raised concrete driveway and plants are going under the house foundation

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 Harvey Winkler Date 4-27-16

OFFICE USE ONLY

CITY OF LONG BEACH TREE BOARD RECOMMENDATIONS/COMMENTS BELOW:

Inspected tree 4-27-16

Large roots are damaging home foundation.

PRINTED NAME & SIGNATURE OF TREE BOARD MEMBER(S): _____ DATE: _____
Kimberly Lantz 4-28-16

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20045 Will Street



20045 Will Street



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20045 Will Street

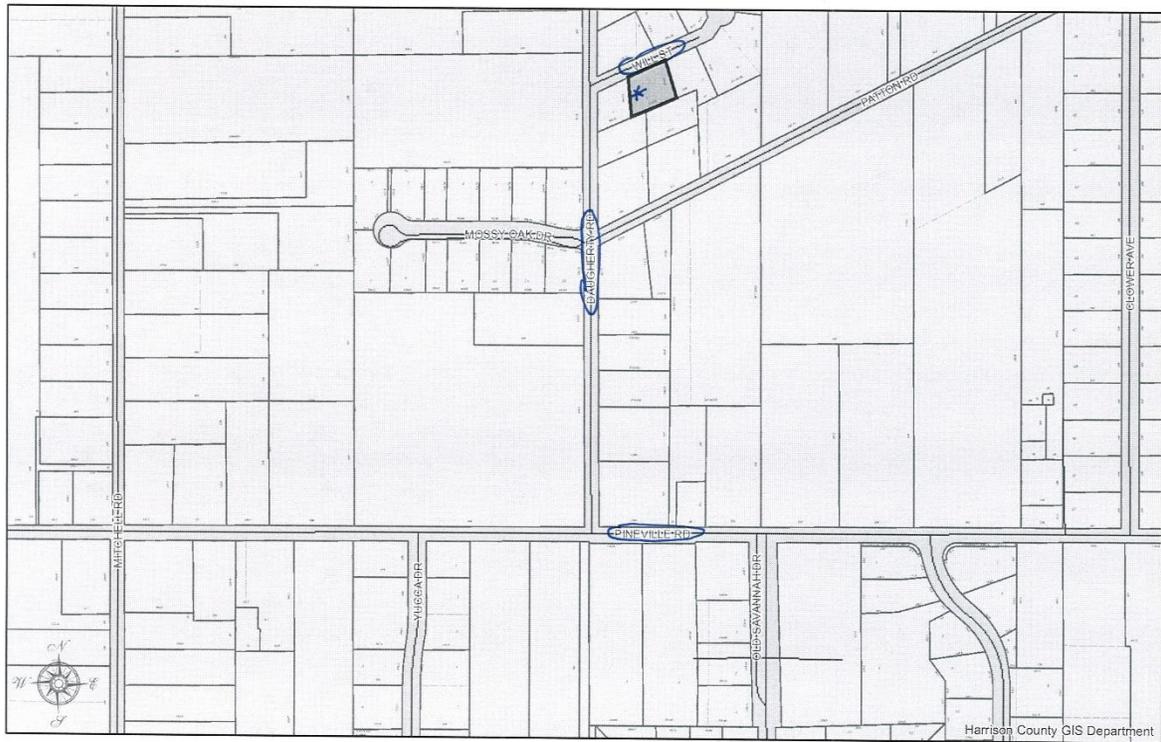


20045 Will Street



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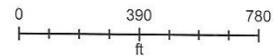
20045 WILL ST



HARRISON COUNTY, MISSISSIPPI

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TAL FLURRY, TAX ASSESSOR.

MAP DATE: April 27, 2016



Commissioner Jim Heinzl, Certified Arborist made motion seconded by Commissioner Hansen and unanimously carried recommending denying the tree removal request, stating the tree is not causing any damage to property, he further stated that there are alternate measures that the homeowner can take to prevent the tree from causing damage to property.

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

APPROVED:

Commission Chairman, Frank Olaiivar

Date: _____

ATTEST:

Veronica Howard, Minutes Clerk