

91

**MINUTES OF JULY 25, 2019
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

**AGENDA
JULY 25, 2019
REGULAR MEETING OF THE PLANNING and DEVELOPMENT COMMISSION
CITY OF LONG BEACH, MISSISSIPPI
5:30 O'CLOCK P.M.
LONG BEACH CITY HALL
MEETING ROOM
201 JEFF DAVIS AVENUE**

I. CALL TO ORDER

II. ROLL CALL AND ESTABLISH QUORUM

III. PUBLIC HEARINGS

IV. ANNOUNCEMENTS

V. APPROVE MINUTES

1. July 11, 2019

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

1. Tree Removal- 125 Yucca Drive, Tax Parcel 0511P-01-018.000, Submitted by Steve and Deborah Myers.
2. Tree Removal- 117 Clower Avenue, Tax Parcel 0611L-01-019.000, Submitted by Suzy A. Johnson.

VIII. DEVELOPMENT & RESEARCH

IX. ADJOURN

*****NOTES*****

**All decisions made at this meeting are subject to a ten (10) day appeal for a Public Hearing and/or the Mayor and Board of Aldermen approval on August 6, 2019.

**The agenda for the Planning Commission meeting closes at 12:00 O'Clock (noon), and/or in accordance with applicable ordinances, the Thursday prior to the meeting day.

**MINUTES OF JULY 25, 2019
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

Be it remembered that a Regular Meeting before the Long Beach Planning and Development Commission, Long Beach, Mississippi, was begun at 5:30 o'clock p.m., Thursday, the 25th day of July 2019, 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 Regular Meeting.

There were present and in attendance on said Commission and at the meeting the following named persons: Commission Chairman Frank Olaivar, Commissioners Mark McMillan, Jeff Hansen, Eddie Seal, Larry Ward, Kevin McKenzie, Junior Husband, Building Official Mike Gundlach, and Minutes Clerk Tina M. Dahl.

Absent the meeting were Commissioners Shawn Barlow, Chris Carrubba and City Advisor Bill Hessell.

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

Commissioner Hansen made motion, seconded by Commissioner Seal and unanimously carried to approve the Regular Meeting minutes of July 11, 2019, as submitted.

It came for discussion under New Business a Tree Removal for property located at 125 Yucca Drive, Tax Parcel 0511P-01-018.000, submitted by Steven and Deborah Myers, as follows:

**MINUTES OF JULY 25, 2019
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT 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 7-9-19

Zoning R-1

Agenda Date 7-25-19

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

SM 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.

SM 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.

SM 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: 7-9-19

PROPERTY INFORMATION

TAX PARCEL 0011P-01-018.000

Address of Property Involved: 125 Yucca Dr.

Property owner name: Steve and Deborah Myers
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: 125 Yucca Dr.

Phone No. (228) 731-8450

CONTRACTOR OR APPLICANT INFORMATION

Company Name: owner

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)

See attached

Number of Trees:
_____ Live Oak 1 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.

Signature [Signature] Date 7-9-19

ADDITIONAL INFORMATION REQUIRED FROM APPLICANT

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

SM 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.

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

SM OWNERSHIP: Please provide a recorded warranty deed.

SM 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 \$100 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.

SM 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.

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

**MINUTES OF JULY 25, 2019
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LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

I would like the City to approve the removal of a magnolia tree in my yard.

The end of our street floods severely, and the magnolia tree blocks the only drainage. Numerous times I've had to wade into the waist-high water during storms to unclog the storm drain. Not only is this very dangerous, but if left unattended, the flooding could damage not only my home and vehicles, but my neighbor's.

His home has an atrium which drains to the same storm drain. Without fail, when the leaves clog the drain and the street floods, the water also back up into his atrium, which has come close to flooding this home.

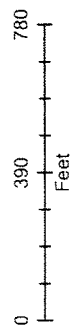
Last year, the city engineer agreed to dig a swell between our properties as a cost-effective measure to help the drain, but the only way it works is if the water reaches a dangerously high level. If the city is unable to upgrade the storm drainage on the street, the only way to prevent flooding is to prevent the nuisance leaves.

In addition to the flooding issues, I am concerned the large tree will fall during a storm which would cause damage to not only the electric infrastructure on the street, but also my home. Please see the below image taken from me attempting to clear the drain during a flash flood.

Thank you for your consideration,

Steve Myers

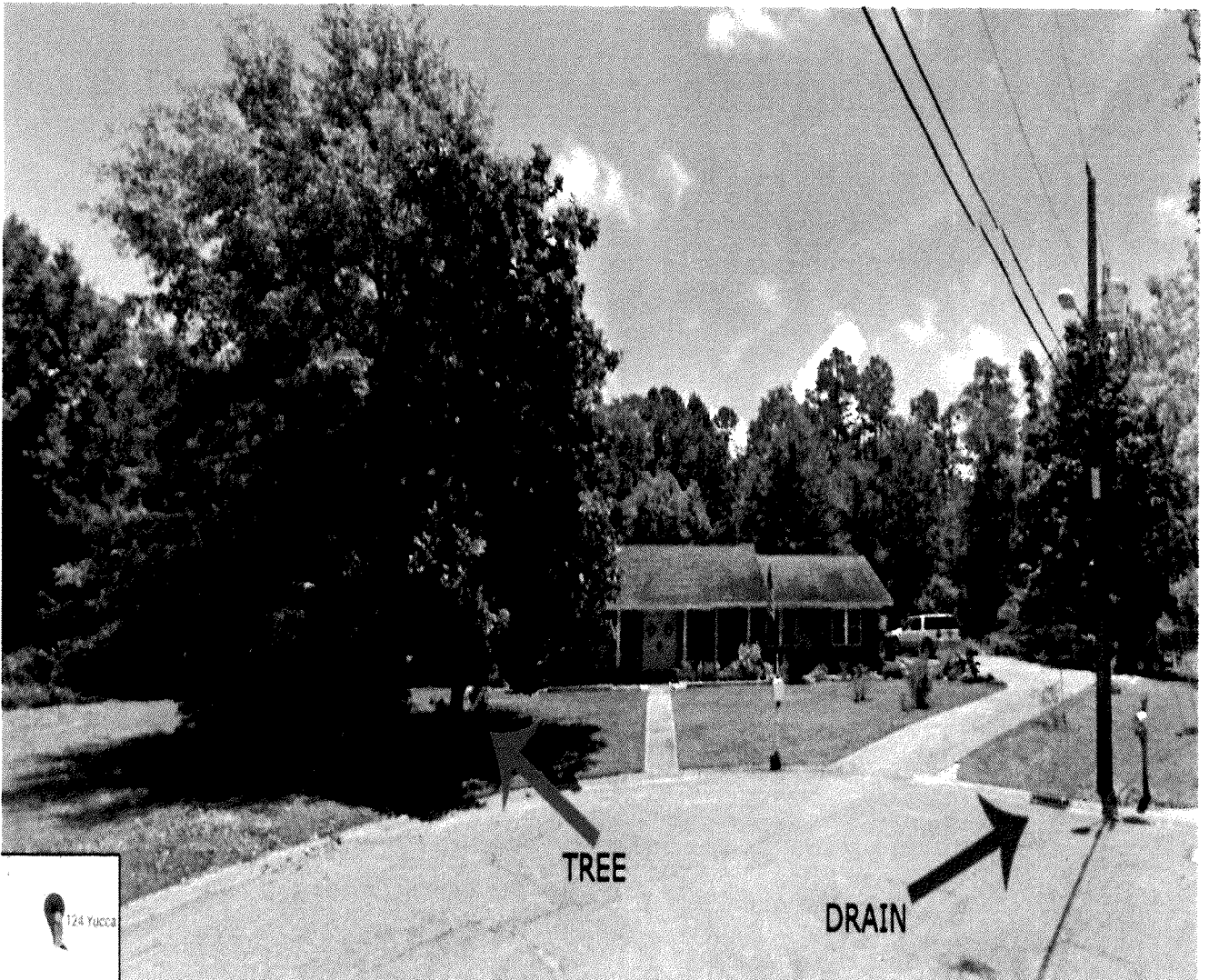
0511P-01-018.000, 125 YUCCA DRIVE



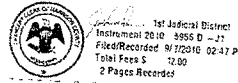
HARRISON COUNTY, MISSISSIPPI
 DISCLAIMER: THIS MAP IS FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY. IT WAS CONSTRUCTED FROM PROPERTY INFORMATION RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AND IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP.
 TALL FLURRY, TAX ASSESSOR.
 MAP DATE: July 18, 2019



MINUTES OF JULY 25, 2019
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION



**MINUTES OF JULY 25, 2019
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



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
P.O. Box 179
Pass Christian, MS 39571
(228) 452-9408

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

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, we, **HELEN MADRID, a single person, and THOMAS EARL MONTGOMERY, of 212 Laura Court, Florence, AL 35630, 256-577-3569** do hereby sell, convey and warrant unto **STEVEN H. MYERS and wife, DEBORAH R. MYERS, as joint tenants with full rights of survivorship and not as tenants in common, 125 Yucca Drive, Long Beach, MS 39560, 228-223-9978**, the following described real property situated in Harrison County, Mississippi, described as:

Lot 21, YUCCA VILLA SUBDIVISION, SECOND ADDITION, as per the official map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, First Judicial District, Mississippi, in Plat Book 28, page 20.

INDEX AS FOLLOWS: Lot 21, YUCCA VILLA SUBDIVISION, SECOND ADDITION

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

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



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**MINUTES OF JULY 25, 2019
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The above described property forms no part of the homestead of Thomas Earl Montgomery, but has constituted the homestead of Helen Madrid.

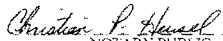
WITNESS our signatures this 2nd day of September, 2010.


HELEN MADRID

THOMAS EARL MONTGOMERY

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named **HELEN MADRID, a single person, and THOMAS EARL MONTGOMERY**, who acknowledged that they signed and delivered the above and foregoing instrument of writing on the day and year therein written.

Given under my hand and official seal of office this 2nd day of September, 2010.


NOTARY PUBLIC

My commission expires: 5/10/14

AFFIX SEAL



Page 2

LONG BEACH TREE BOARD

To: City of Long Beach Planning Board

From: Ginger Wentz, member of Tree Board

Date: 19 July 2019

Re: Tree Removal Application Steve and Deborah Myers 125 Yucca Dr

It is the recommendation of the Tree Board that the Myers Tree Removal application be denied based on the following:

Concern 1: large Magnolia leaves impeding water flow of drain causing flooding.

1. The tree in question is a healthy and mature Southern Magnolia located approximately 35 ft from the only storm water drain on the entire street;
2. The drain is located at the lowest point of the road between the homes of the applicant and his neighbor and is responsible for 100% of the storm water runoff for the entire small neighborhood;
3. There is a ditch between these two properties that also feeds storm water run off to this drain;
4. Properties along the street and behind this ditch have numerous deciduous and evergreen trees, some of which can be seen in the picture submitted with the application;
5. Removing this one Magnolia tree will not correct the drainage issues;

Concern 2: that this healthy, mature Magnolia will fall on the home during a storm.

1. There are numerous trees surrounding the home, any one of which could cause property damage if damaged by a storm;
2. To allow homeowners to cut down an otherwise healthy protected tree based merely on proximity to the home would potentially negate the purpose and the protection of the tree ordinance.

We would encourage the city engineer or other appropriate authority evaluate the storm drainage on this street and make any necessary improvements.

Kind regards,

Ginger Wentz

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After considerable discussion Commissioner Seal made motion, seconded by Commissioner Hansen and unanimously carried to table the Tree Removal Application until the next Planning and Development Commission meeting on the 8th of August 2019, and requested a recommendation letter from the Public Works Director.

There came for discussion under New Business a Tree Removal for property located at 117 Clower Avenue, Tax Parcel 0611L-01-019.000, submitted by Suzy A. Johnson, as follows:

**MINUTES OF JULY 25, 2019
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT 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 7-17-19
Zoning R-1
Agenda Date 7-25-19

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

59 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.

59 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.

59 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: 7-17-19

PROPERTY INFORMATION

TAX PARCEL # 06114-01-019.000
Address of Property Involved: 117 Clower Avenue
Property owner name: Suzy A. Johnson
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: 117 Clower Avenue
Phone No. 228 469-2417

ADDITIONAL INFORMATION REQUIRED FROM APPLICANT

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

59 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 proposed structures.

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

59 OWNERSHIP: Please provide a recorded warranty deed.

59 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 \$.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 \$1,000.00. 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.

59 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.

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

CONTRACTOR OR APPLICANT INFORMATION

Company Name: Bob's Tree Service
Phone: (601) 928-4422 Fax: _____
Name: Bob Reeder
Address: 3718 MS-26 Wiggins, MS 39577

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.:

The tree is very close to my house. The roots are causing cracks in driveway, porch and they are under the foundation. I'm concerned about roots in the plumbing.

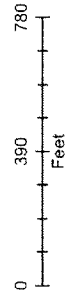
Number of Trees: _____
_____ Live Oak 1 Southern Magnolia

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.

Suzy A. Johnson 7-17-19
Signature Date

MINUTES OF JULY 25, 2019
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

0611L-01-019.000, 117 CLOWER AVENUE



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 CONSIDERED A SURVEY. LOCATION OF PROPERTY OR LEGAL OWNERSHIP SHALL BE DETERMINED BY A LICENSED SURVEYOR.
MAP DATE: July 18, 2019



residents
117 Clower
Avenue

Driveway



magnolia
tree

Clower Avenue

**MINUTES OF JULY 25, 2019
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



MINUTES OF JULY 25, 2019
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION



1st Judicial District
Instrument 2011 8531 D -J1
Filed/Recorded 5/24/2011 04:23 P
Total Fees \$ 22.00
2 Pages Recorded

STATE OF MISSISSIPPI

COUNTY OF HARRISON

QUITCLAIM 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, Roy A. Johnson ("Grantor"), does hereby remise, release, and quitclaim unto Suzy Johnson ("Grantee") forever, all the right, title, interest, and claim which he has in and to the following described parcel of land, and improvements and appurtenances thereto: the property located and being situated in Harrison County, State of Mississippi, at the street address of 117 Clower Avenue, Long Beach, Mississippi 39560. The property is more particularly described as follows, to-wit:

PARCEL NO. 0611L-01-019.000

Lot 44, ROYAL GROVES SUBDIVISION, a subdivision of Harrison County, Mississippi, as per the official map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, First Judicial District, Mississippi, in Plat 21 at page 16.

WITNESS MY SIGNATURE, this the 28th day of April, 2011.

Roy A. Johnson
ROY A. JOHNSON

2

STATE OF MISSISSIPPI
COUNTY OF HARRISON

This day personally appeared before me, the undersigned authority in and for said County and State, on this 28th day of April, 2011, within my jurisdiction, the within named, ROY A. JOHNSON, who acknowledged that he executed the above and foregoing Quitclaim Deed.

J. Barrett
NOTARY PUBLIC

MY COMMISSION EXPIRES:

11/15/13



Prepared by:

Grantor's Address:
5590 Daugherty Road
Long Beach, MS 39560
Home Phone: 228-822-0780
Work Phone: 228-688-1541

Grantee's Address:
117 Clower Avenue
Long Beach, MS 39560
Home Phone: 228-863-3041
Work Phone: 228-870-1033

**MINUTES OF JULY 25, 2019
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

MEMORANDUM

Date: July 20, 2019

To: City of Long Beach Planning Commission

From: Long Beach Tree Board

Re: Tree Removal Application 117 Clower Ave

The Tree Board believes every effort should be made to save the very mature, magnificent Magnolia Tree at 117 Clower Ave.

- There is no visible evidence that the tree is causing damage to the foundation of the house.
- Although the driveway contains cracks, they appear to be unrelated to the tree as they are uniform throughout the entire driveway, including areas far from the tree. The cracks have not caused vertical displacement of the concrete as frequently happens when tree roots grow under a driveway. The driveway for the house next door contains similar cracks and there are no trees at all on that property.
- The Application does not describe any specific problems with underground pipes, but rather expresses a general concern about potential problems.

The Tree Board tried to call the homeowner and Bob's Tree Service to get more information but was unable to reach either party. We suggest more evidence the tree is causing damage to the property should be gathered and considered before the tree is destroyed.

After considerable discussion Commissioner Hansen made motion, seconded by Commissioner Seal and unanimously carried to table the Tree Removal Application until the next Planning and Development Commission meeting on the 8th of August 2019, and requested a Tree Board Member contact the homeowner to collect more information about the tree damage prior to the next meeting.

**MINUTES OF JULY 25, 2019
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

There came for discussion at Commissioner Hansen’s request, a statement to be made at each meeting outlining the duties and responsibilities of the Planning and Development Commission to include that the Commission is a recommending Board that is made up of volunteers.

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

APPROVED:

Commission Chairman, Frank Olaivar

DATE: _____

ATTEST:

Tina M. Dahl, Minutes Clerk