

AGENDA
GULFPORT CITY PLANNING COMMISSION MEETING
CITY HALL COUNCIL CHAMBERS
THURSDAY, MARCH 24, 2022 AT 4:30 PM

- A. Prayer**
- B. Pledge of Allegiance**
- C. Call to Order**
- D. Determination of a Quorum**
- E. Confirmation of Agenda**
- F. Adoption of Minutes**

F1. Planning Commission Meeting - February 24, 2022

- G. Hearing of Cases**

G1. Public Declaration of Appeal Process of Chairman

Any person or any officer, department or agency of the City aggrieved by any decision of the Planning Commission may, within fifteen (15) days thereafter, appeal there from to the Mayor and City Council by filing with the Planning Commission a written notice of appeal specifying the decision from which the appeal is taken. In case of such appeal, the Planning Commission shall cause a transcript of the proceedings in the case to be certified to the Mayor and City Council, and the matter will be heard on said transcripts. The filing fee for an appeal is based on the actual cost of the required official transcript and any related miscellaneous charges. Any appeal shall be in writing and submitted to the Department of Urban Development-Planning Division stating what decision is being appealed and detailing how you are aggrieved.

G2. Anyone speaking today is asked to complete a "Speaker's Card".

Please provide the completed card at the time you speak to the Planning Commission. City staff personnel can assist in any questions you may have or in completing the card. This public meeting is open to all for comment.

G3. Routine Agenda

- 1. Planning Commission Approval 2203PC031:**

Planning Commission Approval 2203PC031, by owners Gregory & Rhonda Haney, tax parcel 0910F-01-003.000, Request home occupation for real estate sales use, 104 45th St, Zoned R-UE (Urban residence estate), Ward 4

2. Planning Commission Approval 2203PC036:

Planning Commission Approval 2203PC036, by agent Frank Magee, tax parcel 0810P-02-024.000, Approval for car wash use, 1220 Pass Rd, Zoned B-2 (General Business), Ward 3

3. Planning Commission Approval 2203PC039:

Planning Commission Approval 2203PC039, by agent Sherry L Owen, tax parcel 0911B-01-001.000, Requests a church use, 353 Courthouse Rd, Zoned T5 (Urban Center Zone) and T4L (General Urban Zone "Limited"), Ward 4

4. General Subdivision Plan 2204PC045:

General Subdivision Plan 2204PC045, by agent Rumsey engineering, tax parcels 0807F-01-003.000& 0807F-01-004.000, Approval of a General Plan for 88-lot subdivision (Swan Ridge), S Swan Rd, Zoned R-1-10, Ward 7

G4. Other Business

1. Zoning Text Amendment 2201PC016:

Zoning Text Amendment 2201PC016, by City of Gulfport, City of Gulfport, Amendments to Chapter 9, Article III. - Subdivisions.

2. Zoning Text Amendment 2203PC034:

Zoning Text Amendment 2203PC034, by City of Gulfport, City of Gulfport, Amendments to the Comprehensive Zoning Ordinance, as amended, Section IV. Supplementary regulations (10) Townhouse and zero lot line residential uses

3. General Plan 2103PC049:

Extention Letter

General Plan 2103PC049, by owner Rob-Lands, LLC, tax parcel 0811F-05-031.000, Approval of General Plan for 12-lot townhouse development (24th Avenue Townhomes) with 1 outparcel, 24th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 3. Request a 12 month extension of this approval to allow time to complete the marketing and get the plat filed.

H. Adjournment

MINUTES
GULFPORT CITY PLANNING COMMISSION
Thursday, February 24, 2022, 4:30 P.M.
CITY HALL COUNCIL CHAMBERS

- A. **Prayer**: The Planning Commission led a prayer.
- B. **Pledge of Allegiance**: The Pledge of Allegiance was recited.
- C. **Call to Order**: The meeting of the Planning Commission was called to order at **4:30 pm.**
- D. **Determination of a Quorum**: A roll call was performed and a quorum was determined.

BOARD MEMBERS PRESENT:

WM. PRINCE JONES
TIM DAIGLE JR.
KEITH WILLIAMS
CHARLIE HEWES
BRANDON ELLIOTT
HAROLD SPANN
JOHN ANTHONY
BJ SELLERS
GARLON PEMBERTON

BOARD MEMBERS ABSENT:

VIRGINIA ADOLPH
DOUG HANCOCK
KEITH WILLIAMS
JOHN ANTHONY

STAFF MEMBERS PRESENT:

GREG HOLMES
CORY LONG
SU-LIN BOLIN

COURT REPORTER:

NORMA SOROE

E. **Confirmation of Agenda**:

F. **Adoption of Minutes**:

A motion by **Mr. Hewes** to approve Minutes of the **January 27, 2021**, meeting was seconded by **Mr. Spann** and carried unanimously.

G. **Hearing of Cases**:

G1. The PUBLIC DECLARATION OF APPEAL PROCESS was read by the Chairperson: Any person or any officer, department or agency of the City aggrieved by any decision of the Planning Commission may within fifteen (15) days thereafter appeal there from to the mayor and City Council by filing with the Planning Commission a written notice of appeal specifying the decision from which the appeal is taken. In case of such appeal, the Planning Commission shall cause a transcript of the proceedings in the case to be certified to the mayor and City Council, and the matter will be heard on said transcripts. The filing fee for an appeal is based on the actual cost of the required official transcript and any related miscellaneous charges. Any appeal shall be in writing and submitted to the Department of Urban Development–Planning Division stating what decision is being appealed and detailing how you are aggrieved.

G2. The Chairperson asked for anyone speaking at the meeting to complete a Speaker’s Card.

G3. Routine Agenda

1. Zoning Map Amendment 2202PC021:

Zoning Map Amendment 2202PC021, by agent Lady D Mejia, tax parcel 1010M-03-012.000, Requests to rezone from T5 (Urban Center Zone) to T4+ (General Urban Zone "Plus"), 1045 Township Rd, Ward 2

Speaking for the Petition: Juan Castano

Speaking against the Petition: None

Motion: Mr. Pemberton – to approve the request

Second: Mr. Sellers

KEITH WILLIAMS	– Chairman - Absent
HAROLD SPANN	– Yea
VIRGINIA ADOLPH	– Absent
CHARLIE HEWES	– Yea
BJ SELLERS	– Yea
WM. PRINCE JONES	– Acting Chair
DOUG HANCOCK	– Yea
JOHN ANTHONY	– Absent
BRANDON ELLIOTT	– Yea
TIM DAIGLE JR	– Yea
GARLON PEMBERTON	– Yea

Action: Motion carried unanimously

2. Zoning Map Amendment 2202PC027:

Zoning Map Amendment 2202PC027, by agent Eley Guild Hardy Architects, tax parcels 1010F-01-021.000 & 1010F-01-020.000, Rezone from T5 (Urban Center Zone) to T6 (Urban Core Zone), 1458 Magnolia St., Ward 4

Speaking for the Petition: David Hardy

Speaking against the Petition: None

Motion: Mr. Daigle – to approve the request with the condition that the applicant declares this is a change of conditions

Second: Mr. Sellers

KEITH WILLIAMS	– Chairman - Absent
HAROLD SPANN	– Yea
VIRGINIA ADOLPH	– Absent
CHARLIE HEWES	– Yea
BJ SELLERS	– Yea
WM. PRINCE JONES	– Acting Chair
DOUG HANCOCK	– Absent
JOHN ANTHONY	– Absent
BRANDON ELLIOTT	– Yea
TIM DAIGLE JR	– Yea
GARLON PEMBERTON	– Yea

Action: Motion carried unanimously

3. Planning Commission Approval 2202PC028:

Planning Commission Approval 2202PC028, by agent Eley Guild Hardy Architects, tax parcels 1010F-01-021.000 and 1010F-01-020.000, Requests a marina use, 1458 Magnolia St, Zoned T5 (Urban Center Zone), Ward 4

Speaking for the Petition: David Hardy

Speaking against the Petition: None

Motion: Mr. Elliott

Second: Mr. Pemberton

KEITH WILLIAMS	– Chairman - Absent
HAROLD SPANN	– Yea
VIRGINIA ADOLPH	– Absent
CHARLIE HEWES	– Yea
BJ SELLERS	– Yea
WM. PRINCE JONES	– Acting Chair
DOUG HANCOCK	– Absent
JOHN ANTHONY	– Absent
BRANDON ELLIOTT	– Yea
TIM DAIGLE JR	– Yea
GARLON PEMBERTON	– Yea

Action: Motion carried unanimously

4. Special Exception 2202SE029:

Special Exception 2202SE029, by owner REM Mississippi, tax parcel 0811F-02-041.000, Request an adult daycare use, 1620 23rd Ave, Zone T4+ (General Urban Zone "Plus"), Ward 3

Speaking for the Petition: Jessica Mathews

Speaking against the Petition: None

Motion: Hewes

Second: Daigle

KEITH WILLIAMS	– Chairman - Absent
HAROLD SPANN	– Yea
VIRGINIA ADOLPH	– Absent
CHARLIE HEWES	– Yea
BJ SELLERS	– Yea
WM. PRINCE JONES	– Acting Chair
DOUG HANCOCK	– Absent
JOHN ANTHONY	– Absent
BRANDON ELLIOTT	– Yea
TIM DAIGLE JR	– Yea
GARLON PEMBERTON	– Yea

Action: Motion carried unanimously

5. **Resubdivision 2201PC001:**

by owner Julia Nieto-Gomez, tax parcel 1008D-01-011.000, Divide into two new parcels, 12225 Arrowhead Dr., Zoned R-E (Residence estate), Ward 6

Speaking for the Petition: Julia Neto

Speaking against the Petition: None

Motion: Mr. Hewes – to approve the request with conditons and that the variance be approved by the Zoning Board

Second: Mr. Spann

KEITH WILLIAMS	– Chairman - Absent
HAROLD SPANN	– Yea
VIRGINIA ADOLPH	– Absent
CHARLIE HEWES	– Yea
BJ SELLERS	– Yea
WM. PRINCE JONES	– Acting Chair
DOUG HANCOCK	– Absent
JOHN ANTHONY	– Absent
BRANDON ELLIOTT	– Yea
TIM DAIGLE JR	– Yea
GARLON PEMBERTON	– Yea

Action: Motion carried unanimously

H. Adjournment

There being no further business, a Motion was made by **Mr. Daigle** to adjourn, seconded by **Mr. Elliott** and carried unanimously. The meeting adjourned at **5:05 pm.**

WILLIAM PRINCE JONES, Secretary

Date: _____

MEMORANDUM

To: City of Gulfport Planning Commission

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: March 24, 2022

Re: Public Declaration of Appeal Process of Chairman

MEMORANDUM

To: City of Gulfport Planning Commission

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: March 24, 2022

Re: Anyone speaking today is asked to complete a "Speaker's Card".

MEMORANDUM

To: City of Gulfport Planning Commission

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: March 24, 2022

Re: Routine Agenda

MEMORANDUM

To: City of Gulfport Planning Commission

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: March 24, 2022

Re: Planning Commission Approval 2203PC031:

Planning Commission Approval 2203PC031, by owners Gregory & Rhonda Haney, tax parcel 0910F-01-003.000, Request home occupation for real estate sales use, 104 45th St, Zoned R-UE (Urban residence estate), Ward 4

Technical Report

PLANNING COMMISSION APPROVAL

GENERAL INFORMATION

Case File Number: 2203PC031

Hearing Date: March 24, 2022

Current Zoning/Use: R-UE / Single Family Home

Legal: Planning Commission Approval 2203PC031, by owners Gregory & Rhonda Haney, tax parcel 0910F-01-003.000, Request home occupation for real estate sales use, 104 45th St, Zoned R-UE (Urban residence estate), Ward 4

TECHNICAL DETAILS

The applicants request permission for a home office as a real estate broker. Within the application, it is stated that there will be no visits of customers to their home. The major concern would be that a Brokerage would allow employees by state law, though City Ordinance does not permit employees that do not reside in the home.

It is important to mention that the city ordinance does allow a home occupation with Planning Commission approval; however, this residence resides in Bayou View and Original Bayou View covenant states, "...no building shall be used for any purpose other than a residence or residential uses thereof..."

EXECUTIVE SUMMARY

The Planning Commission typically approves these types of home occupations in various neighborhoods throughout the city. However, the city is required to uphold covenants and this possibly breaks the residential only use of the Bayou View Covenants. As we are still awaiting legal council decision on the matter, if approved no licenses will be issued until a determination is made.

Any approval should consider these conditions:

1. No customers allowed inside this single-family dwelling.
2. Until a decision can be made by the City's legal department, as this may be against Bayou View Covenants, no business license shall be issued.

DEPARTMENTAL CONDITIONS

Engineering: No conditions. Memo dated 3/14/2022.

Public Works: No conditions. Memo dated 3/14/2022.

Traffic and Safety: No conditions. Memo dated 3/15/2022.

h.w

Technical Report

PLANNING COMMISSION APPROVAL

Building Code Services: No customers allowed inside this single-family dwelling. Memo dated 3/8/2022.

GIS: No conditions. Memo dated 3/14/2022.

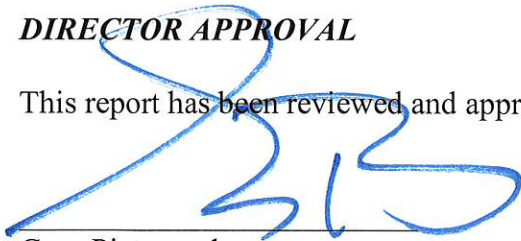
Police Department: No conditions. Memo dated 3/14/2022.

Fire Department: No conditions. Memo dated 3/9/2022.

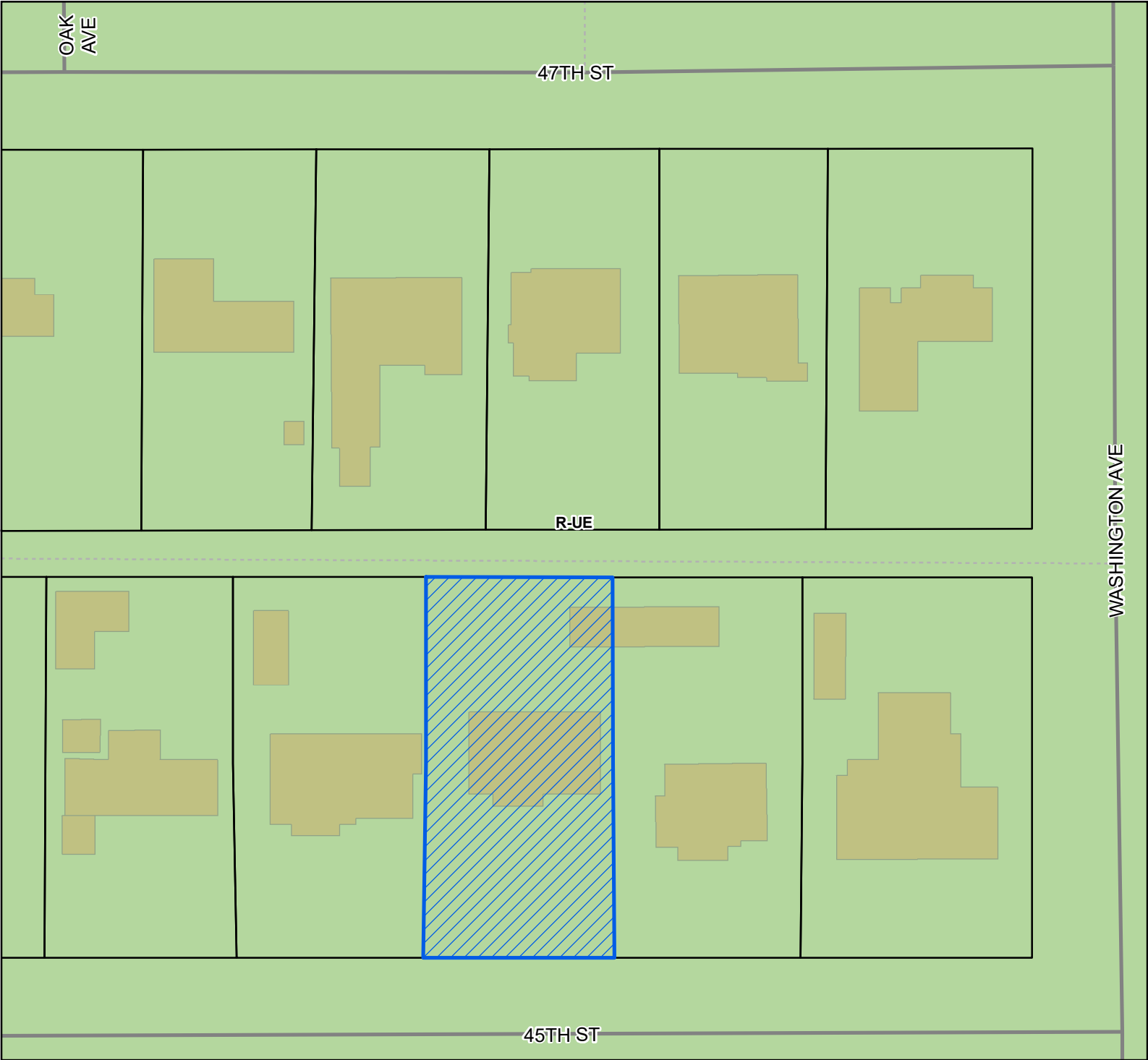
City Arborist: No conditions. Memo dated 3/8/2022.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Pietrangelo
Director of Urban Development Department



Legend

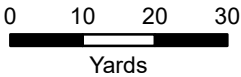
- Site
- Street
- Alley
- Parcels
- Buildings

Zoning

- R-UE - Residential Urban Estate

Site Information

0910F-01-003.000
Zoning: R-UE (Urban Residence Estate District)
Size: 23,484 square feet
Flood: X



1 inch = 80 feet



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CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

APPLICATION FOR PLANNING COMMISSION APPROVAL FOR A HOME OCCUPATION

Property Information

TAX PARCEL #

0	9	1	0	F

 -

0	1

 -

0	0	3

 •

0	0	0

(If necessary, use separate sheet of paper)

For Staff Use Only

Case Number: 2203PL031Date Received: 11/10/22

Receipt Number: _____

Received By: D²/GHZoning: R-UEWard: 4 Flood: XSize: 23,484 Sq. Ft.Address of Property Involved: 104 - 45th StreetLot(s) 23, Block(s) 56, Subdivision Resurvey of Block 56
Gulfport Bayou ViewGeneral Location: NORTH of Bayou View Middle School. 3rd house
WEST of Washington Ave.

GENERAL DESCRIPTION OF REQUEST:

Home office for Real Estate Brokerage

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER

Gregory S. HANEY

Printed Name of Owner

104 - 45th Street

Mailing Address

Gulfport MS 39507

City

State

Zip code

228-380-1825

Home Phone

Work/Cell Phone

greg@greghaney.com

Email

Gregory S. Haney

Signature of Owner

AGENT

N/A

Printed Name of Agent

Mailing Address

City

State

Zip code

Home Phone

Work/Cell Phone

Email

Signature of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures.



SECTIONS A. THROUGH G. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.

NAME OF OWNER (PRINT) Rhonda B. Haney
(Spouse)
ADDRESS (STREET, CITY, STATE, ZIP CODE) 104 - 45th street

PHONE # (H) 228-380-1827 (W)

TAX PARCEL NUMBER(S) OWNED 0910F-01-003-000

SIGNATURE: Rhonda B. Diney

NAME OF OWNER (PRINT) _____

ADDRESS (STREET, CITY, STATE, ZIP CODE) _____

PHONE # (H) _____ (W) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: _____

NAME OF OWNER (PRINT) _____

ADDRESS (STREET, CITY, STATE, ZIP CODE) _____

PHONE # (H) _____ (W) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: _____

IN CASES OF MULTIPLE APPLICANTS, PLEASE IDENTIFY THE PERSON WHO WILL BE ACTING AS YOUR SPOKES

PERSON/AGENT FOR YOU

CHECKLIST FOR HOME OCCUPATIONS

Owner's Name: Gregory S. + Rhonda B. Haney

Address: 104-45th Street

Phone: (Home) _____ (Work/Cell) 228-380-1825

If rented, then the name of owner or manager is required, along with a letter of approval from same: N/A

Name of business or service to be used as home occupation: Champions Real Estate, Inc.

Nature of business: Real Estate Brokerage

Please fill in all the appropriate blanks:

Hours of operation: 8:00 a.m. until 5:00 p.m. X

Earlier than 8:00 a.m. _____

Give hours: _____

Later than 5:00 p.m.: _____

Give hours: _____

Method of conducting business:

Telephone: X

Mail order: _____

Personal computer: X

Appointment: _____

Traffic generation:

Is there any delivery of goods or products to the residence? NONE

If so, specify the number and frequency of deliveries: N/A

Describe size of vehicle making deliveries: N/A

Is service by appointment only or are there drop-by visits by customers or clientele? _____

Appointments Away from residence.

Specify number and frequency of visits by clients and customers: NONE

Is everything made, manufactured, or provided on site? NONE

Is special equipment required in production? NONE

If so, described it, giving size of motor, etc. N/A

Are sales made from the premises? NO

If sales are made from other places, indicate on what basis:

Local stores on consignment: N/A

Arts and crafts or flea markets: N/A

Trade shows: N/A

Other: Properties listed for sale.

Is there a Protective Covenant that exists that prohibits a home occupation at the proposed located?

Yes _____ No X

I certify the above to be true and accurate as it pertains to this application. I recognize that failure to comply with the assurances made in this application may result in the denial or removal of the permit after due notice and public hearing thereon.

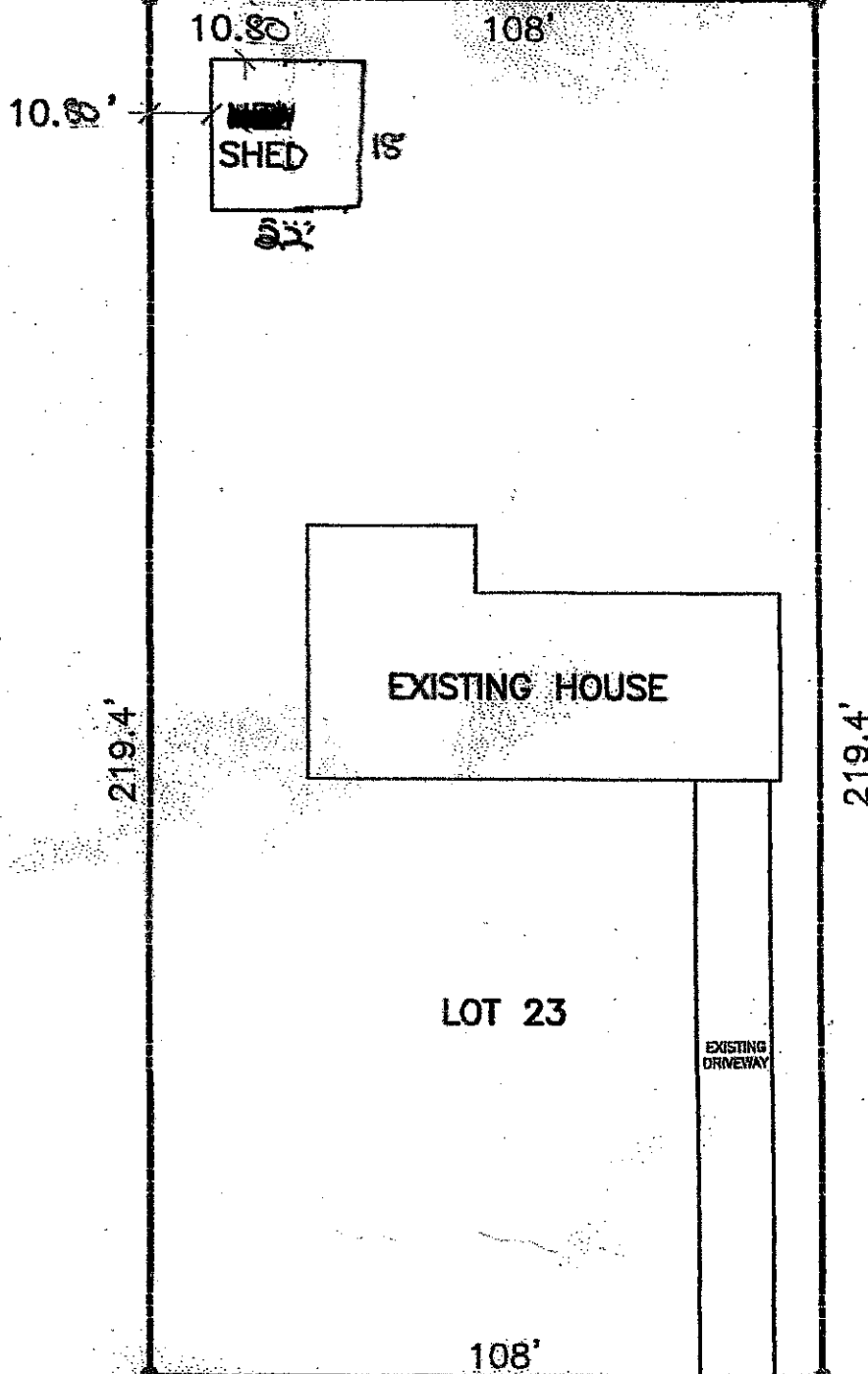
Printed Name: Gregory S. HANEY Rhonda B. Haney

Signature: Gregory S. Haney Rhonda B. Haney

Date: 1-10-2022 1/10/22

PLOT PLAN

ALLEY



EXISTING HOUSE

LOT 23

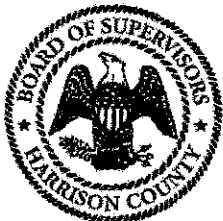
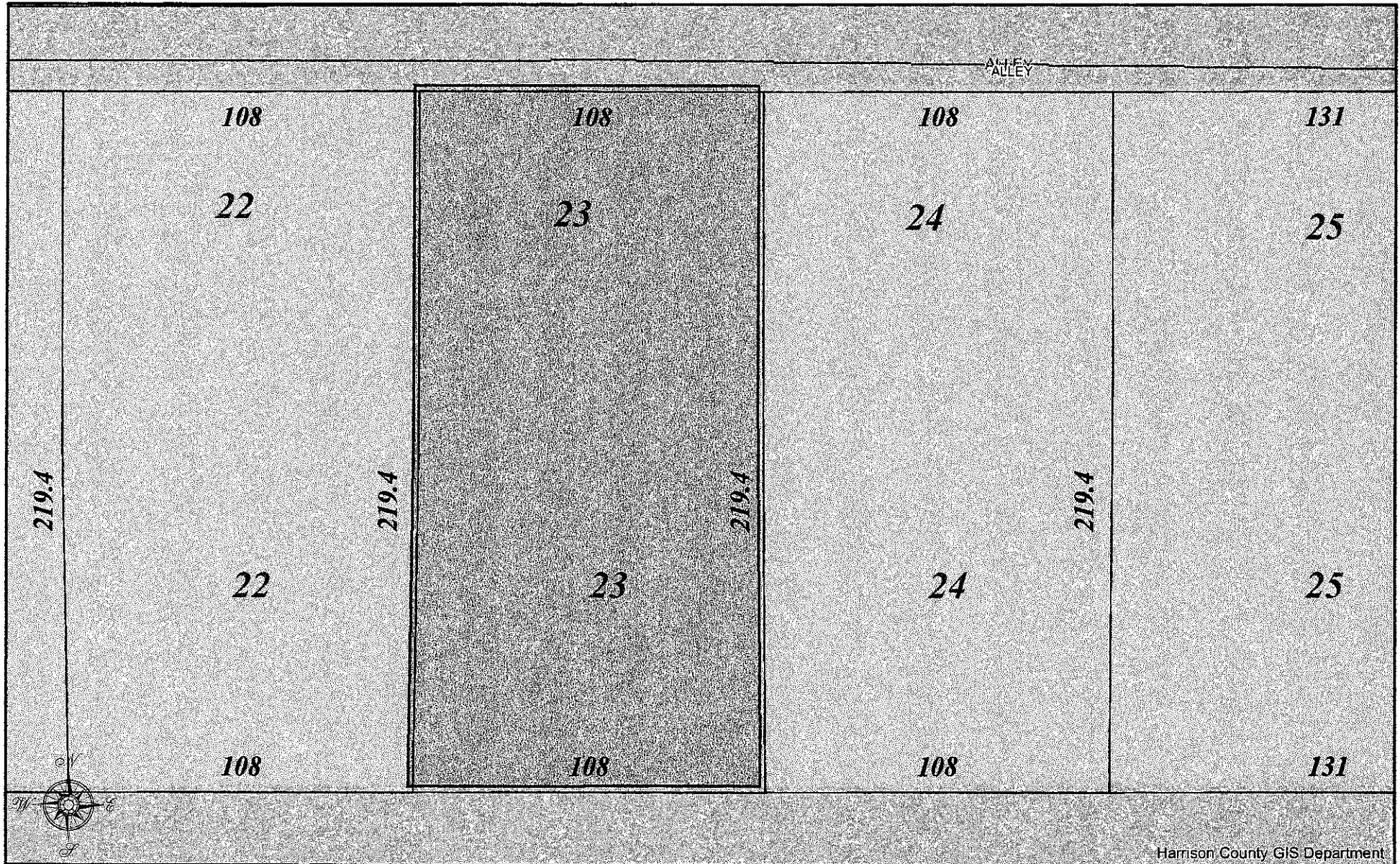
EXISTING DRIVEWAY

104- 45th STREET

Lot 23 - Block 56
Resurvey of Gullport Bayan view sub.

HANEY

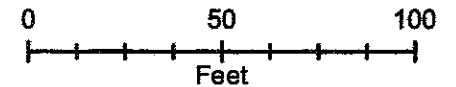
Haney 104 - 45th Street Gulfport, MS 39507



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. TAL FLURRY, TAX ASSESSOR.

MAP DATE: January 8, 2022





Tax Rolls - Real Property

2021 Official Landroll Information

HANEY GREGORY S & RHONDA B
104 45TH ST GULFPORT, MS 39507

Physical Street Address:
104 45TH ST

Parcel #:	PPIN	Tax District	Homestead Exp.	Judicial Dist.
0910F-01-003.000	29216	2G	Regular	1
Supervisor District:		Subdivision:		
2		GULFPORT BAYOU VIEW RESURVEY BLK 56		
Exemption Code				
Non-Exempt				
Section	Township	Range		
26	07	11		
Instrument Number(s)				
1465/0431, 1246/0229				
Acres	Land Value	Improvements	Total Value	Assessed Value
0	52900	95122	148022	14802 14802.2 / 0
Legal Description				
GREGORY S & RHONDA B HANEY -DC- LIFE ESTATE -1465/431- LOT 23 BLK 56 RESURVEY OF GULFPORT BAYOU VIEW SUBD BLK				

56

There are 2 building description records attached to this parcel.

Improvement 1 (Primary)	
Year Built:	1955
Base Square Feet:	2174
Second Floor Area:	0

Improvement 2	
Year Built:	0
Base Square Feet:	240
Second Floor Area:	0

©2022 Harrison County Board of Supervisors

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

BOOK 1463 PAGE 431

WARRANTY DEED
TITLE NOT EXAMINED

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, Gregory S. Haney and Rhonda B. Haney, as Grantors, do hereby sell, convey, and warrant unto Gregory S. Haney and Rhonda B. Haney Reserving a Life Estate Interest in the names of Frank R. Haney and Hilda R. Haney, as joint tenants with full rights of survivorship and not as tenants in common, as Grantees, the following described property situated in Harrison County, Mississippi, to-wit:

Lot 23, Resurvey of Block 36, Gulfport Bayou View Subdivision, Gulfport,
Harrison County, Mississippi

UNOFFICIAL

Ad Valorem Tax for the year 2000 is hereby acknowledged by the Grantee.

This conveyance is subject to all recorded protective covenants, easements, and prior oil, gas or mineral reservations.

Witness our signature on this the 3 day of September, 1999


Gregory S. Haney

STATE OF MISSISSIPPI

BOOK 1465 PAGE 432

COUNTY OF HARRISON

PERSONALLY came and appeared before me, the undersigned authority in and for the county and state aforesaid, the within named Gregory S. Haney and Rhonda B. Haney, who acknowledged that they signed and delivered the above and foregoing Warranty Deed on the day and year therein set out.

WITNESS my hand and official seal of office on this the 31 day of September, 1999

William H. Burrell (Kre)
NOTARY PUBLIC

My Commission Expires

2/10/03

GRANTOR:

106 45th St.
Gulfport, MS 39507

Phone No. 228 864 9075

GRANTEE:

104 45th St.
Gulfport, MS 39507

Phone No. 228 863 4712

UNOFFICIAL

Prepared By and Return To
STEPHEN R. COLSON
ATTORNEY AT LAW
2301 14TH STREET, SUITE 580
POST OFFICE DRAWER 720
GULFPORT, MISSISSIPPI 39507
(601) 868-0031

Instrument No. 6942

STATEMENT OF FEES

Notary Fee \$6.00

Record Fee \$1.00

STATE OF MISSISSIPPI, COUNTY OF HARRISON, FIRST JUDICIAL DISTRICT

I hereby certify that this instrument was recorded and then returned to me.

and 03 months A at or 10th day of Sept

F.

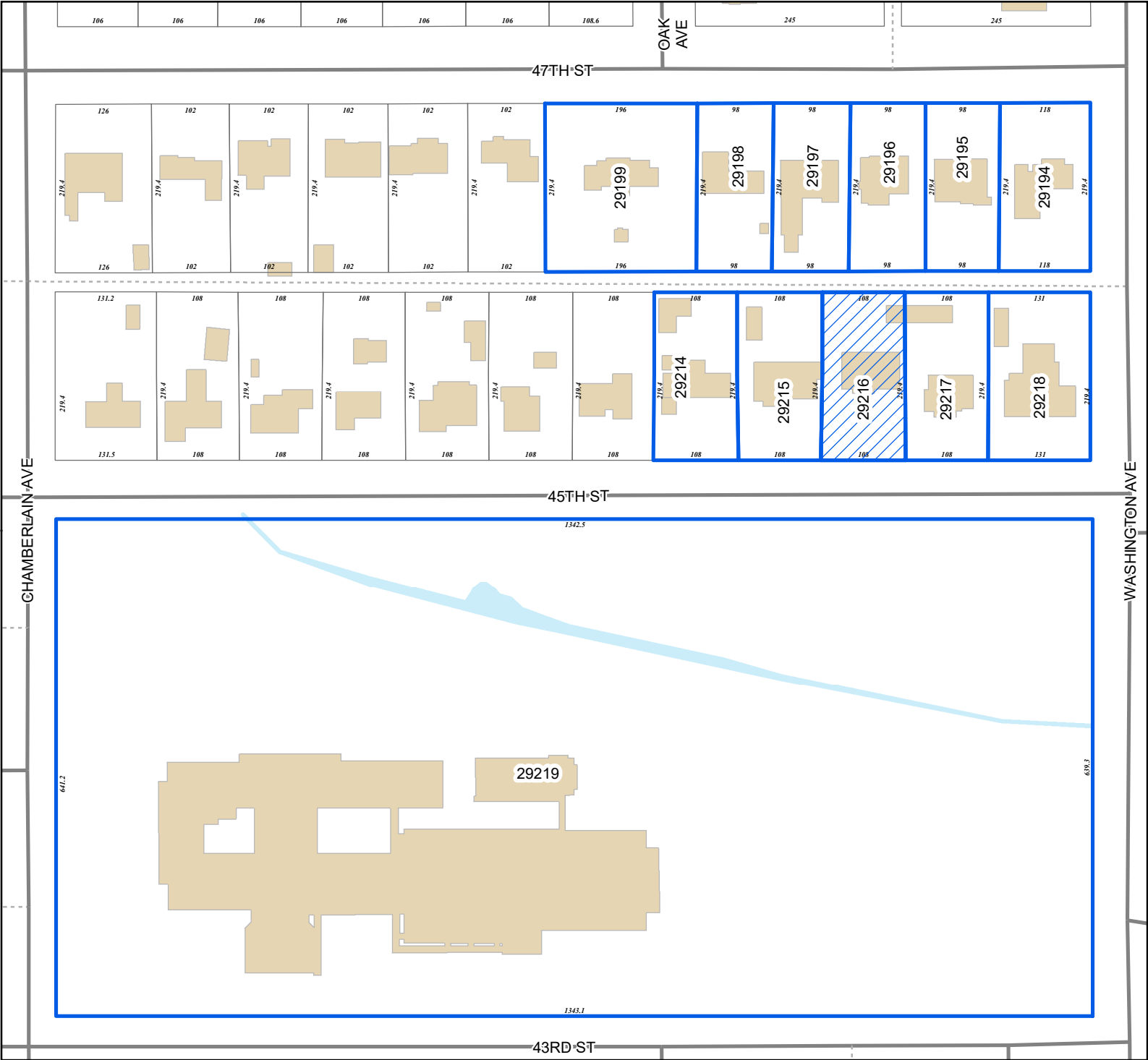
- 1) City Street
- 2) City of Gulfport
- 3) Waste PD
- 4) Gulfport Fire
- 5) City of Gulfport
- 6) NO TRAFFIC
- 7) Home Application

Hayden

ES TO

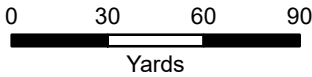
11-12-18

2018-11-12 11:12:18



Legend

- Site
- Adjacent Properties
- Street
- Alley
- Buildings
- Water Features



1 inch = 180 feet



DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	29216	0910F-01-003.000	GREGORY S. HANEY (OWNER)	104 45TH ST	GULFPORT	MS	39507
N	29216	0910F-01-003.000	HANEY GREGORY S & RHONDA B	104 45TH ST	GULFPORT	MS	39507
N			Adjacent Property Owners				
	29194	0910C-02-029.000	BRAGG WILLIAM H & LAURA R	101 47TH ST	GULFPORT	MS	39507
	29197	0910C-02-032.000	GENTRY BIRDIE K -L/E-	107 47TH ST	GULFPORT	MS	39501
	29195	0910C-02-030.000	GENTRY GARY D & CHARLOTTE A	103 47TH ST	GULFPORT	MS	39507
	29215	0910F-01-004.000	GIARDINA JARED ROSS & CHLOE ALEXIS	106 45TH ST	GULFPORT	MS	39507
N	29219	0910F-01-014.000	GULFPORT CITY OF -SCHOOL-				0
	29217	0910F-01-002.000	HATTEN CHEVIS R JR & RUTH	102 45TH ST	GULFPORT	MS	39507
	29214	0910F-01-005.000	HUNTER WILLIAM F -TRUST-	108 45TH ST	GULFPORT	MS	39507
	29199	0910C-02-034.000	JOYNER JARROD T & PAIGE K ALLEN	201 47TH ST	GULFPORT	MS	39507
	29196	0910C-02-031.000	MATTHEWS DONNA M	105 47TH ST	GULFPORT	MS	39507
	29198	0910C-02-033.000	SAFLEY MATTHEW L & KATHRYN N	9100 ASHBURY LN	GULFPORT	MS	39507
	29218	0910F-01-001.000	WALKER F B RUSTY IV	100 45TH ST	GULFPORT	MS	39507

RE: Planning Commission Approval 2203PC031, by owners Gregory & Rhonda Haney, tax parcel 0910F-01-003.000, Request home occupation for real estate sales use, 104 45th St, Zoned R-UE (Urban residence estate), Ward 4

To Applicants and Adjacent Property Owners:

The City of Gulfport Planning Commission will hold a public hearing to consider the above application at 4:30 P.M. on **Thursday, March 24, 2022**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit <http://www.gulfport-ms.gov/agenda/> then click the City of Gulfport Planning Commission for **Thursday, March 24, 2022**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS**Order Number:****IPL0063109****Order Status:**

Submitted

Classification:

Legals & Public Notices

Package:

BLX - Legal Ads

Final Cost:

37.92

Payment Type:

Account Billed

User ID:

IPL0024925

PREVIEW FOR AD NUMBER IPL00631090**ACCOUNT INFORMATION**

GULFPORT URBAN DEVELOPMENT IP
PO BOX 1780
GULFPORT, MS 39502
228-868-5705
AccountsPayable@gulfport-ms.gov
GULFPORT URBAN DEVELOPMENT

TRANSACTION REPORT**Date**

March 2, 2022 5:36:19 PM EST

Amount:

37.92

SCHEDULE FOR AD NUMBER IPL00631090

March 9, 2022
SunHerald (Biloxi)

**LEGAL NOTICE
PUBLIC HEARING**

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979 as amended, notice is hereby given advising that the Gulfport City Planning Commission will hold a public hearing in the City of Gulfport, Mississippi at 4:30 PM., Thursday, March 24, 2022 in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the

be available for public review at the office of the Department of Urban Development, Planning Division, located on first floor of the William H. Hardy Building, 1410 24th Avenue.

Zoning Text Amendment 2201PC016, by City of Gulfport, City of Gulfport, Amendments to Chapter 9, Article III. - Subdivisions.

Planning Commission Approval 2203PC031, by owners Gregory & Rhonda Haney, tax parcel 0910F-01-003.000, Request home occupation for real estate sales use, 104 45th St, Zoned R-UE (Urban residence estate), Ward 4.

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Planning Commission Approval 2203PC036, by agent Frank Magee, tax parcel 0810P-02-024.000, Approval for car wash use, 1220 Pass Rd, Zoned B-2 (General Business), Ward 3

Planning Commission Approval 2203PC039, by agent Sherry L Owen, tax parcel 0911B-01-001.000, Requests a church use, 353 Courthouse Rd, Zoned T5 (Urban Center Zone) and T4L (General Urban Zone "Limited"), Ward 4

General Subdivision Plan 2204PC045, by agent Rumsey engineering, tax parcels 0807F-01-003.000& 0807F-01-004.000, Approval of a General Plan for 88-lot subdivision (Swan Ridge), S Swan Rd, Zoned R-1-10, Ward 7

This the 2nd day of March 2022

Keith Williams, Chairman

City of Gulfport Planning Commission
W00000000

Publication Dates

[<< Click here to print a printer friendly version >>](#)

MEMORANDUM

To: City of Gulfport Planning Commission

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: March 24, 2022

Re: Planning Commission Approval 2203PC036:

Planning Commission Approval 2203PC036, by agent Frank Magee, tax parcel 0810P-02-024.000, Approval for car wash use, 1220 Pass Rd, Zoned B-2 (General Business), Ward 3

Technical Report

PLANNING COMMISSION APPROVAL

GENERAL INFORMATION

Case File Number: 2203PC036

Hearing Date: March 17, 2022

Current Zoning/Use: B-2 / Commercial

Legal: Planning Commission Approval 2203PC036, by agent Frank Magee, tax parcel 0810P-02-024.000, Approval for car wash use, 1220 Pass Rd, Zoned B-2 (General Business), Ward 3

TECHNICAL DETAILS

The applicant request Planning Commission Approval to allow for a car wash use located at 1220 Pass Road. The existing building was used as a mechanical shop and has been vacant for several years. Therefore, the car wash will be a change of use and will need to meet all current parking requirements. However, the applicant does not meet the current parking requirement and requires a variance that is scheduled to be heard on April 21, 2022 by the City of Gulfport Zoning Board. In addition, water and oil separator is required for drainage and sewer.

EXECUTIVE SUMMARY

Even though the use of a car wash will not be an issue, the approval should be contingent upon the approval of the variance for parking requirements.

Any approval should consider these conditions:

1. Oil and water separator required.
2. Approval should be contingent upon variance approval for parking requirements.
3. Must meet all current building codes, Ordinances and 2010 ADA Standards.

DEPARTMENTAL CONDITIONS

Engineering: Conditions. See Public Works comments. Memo dated 3/14/22.

Public Works: Conditions. Oil and water separator required. Memo dated 3/14/22.

Traffic and Safety: No conditions. Memo dated 3/15/22.

Building Code Services: Must meet all current building codes, Ordinances and 2010 ADA Standards. Oil and Water Separator required. Memo dated 3/8/22.

GIS: No conditions. Memo dated 3/14/22.

Police Department: No conditions. Memo dated 3/14/22.

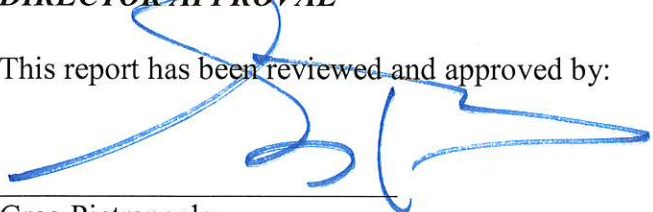
Technical Report
PLANNING COMMISSION APPROVAL

Fire Department: No conditions. Memo dated 3/9/22.

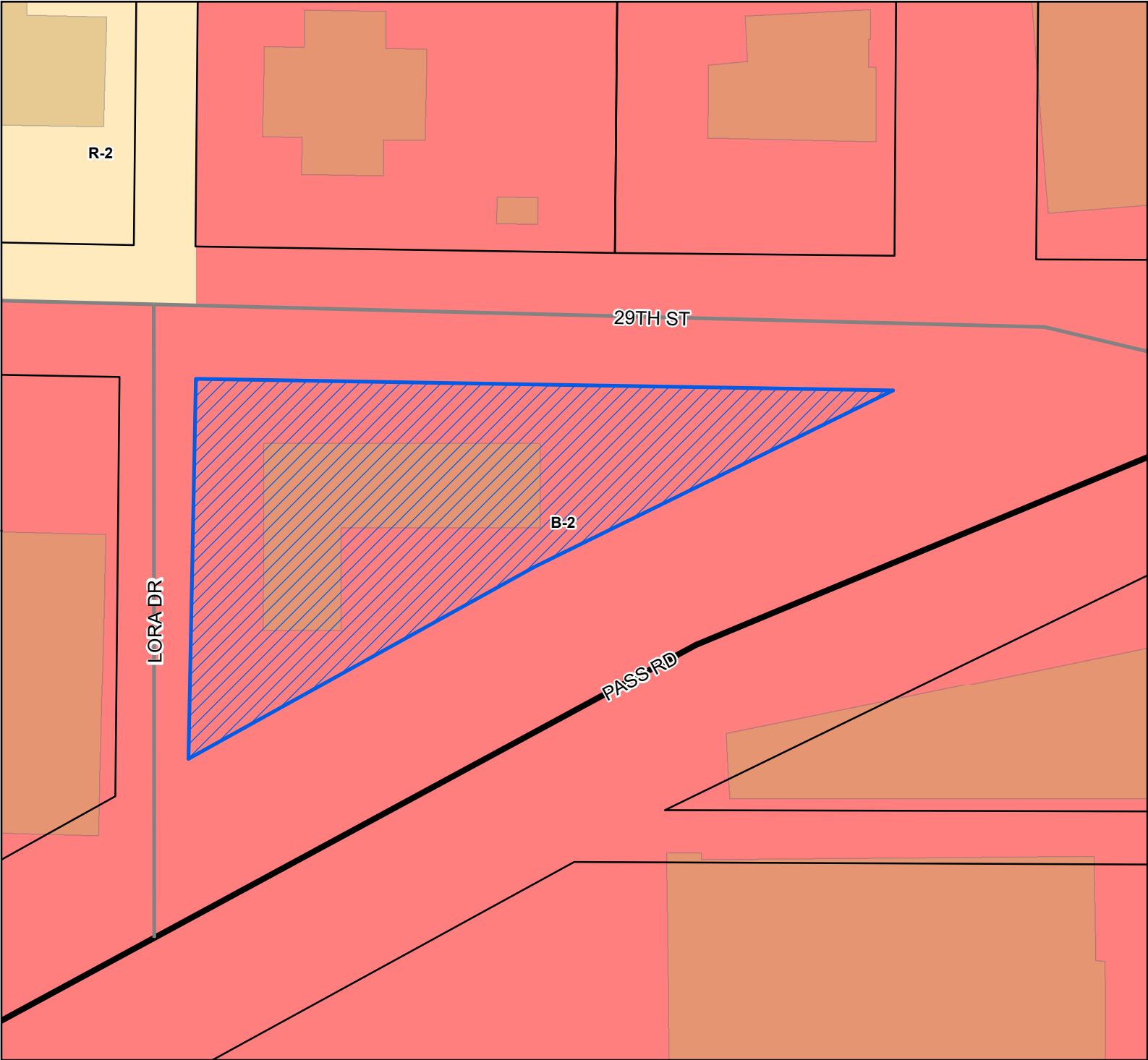
City Arborist: No conditions. Memo dated 3/8/2022.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Pietrangelo
Director of Urban Development Department



Legend

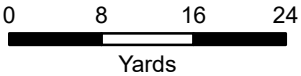
- Site
- US or State Highway
- Street
- Parcels
- Buildings

Zoning

- B-2 - General Business District
- R-2 - Single Family Residence District (Medium Density)

Site Information

0810P-02-024.000
Zoning: B-2 (General Business District)
Size: 16,670 square feet
Flood: X



1 inch = 50 feet



DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.



CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

APPLICATION FOR PLANNING COMMISSION APPROVAL

Property Information

TAX PARCEL #

0	8	1	0	P

 -

0	2

 -

0	2	4

 •

0	0	0

(If necessary, use separate sheet of paper)

Address of Property Involved: 1220 Pass RD, Gulfport, MS

Lot(s) _____, Block(s) _____, Subdivision _____

General Location: _____

GENERAL DESCRIPTION OF REQUEST:

Car wash

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER
Metro Plaza MS LLC
Printed Name of Owner
10730 N. 56th Street, #200
Mailing Address
Temple Terrace, FL 33617
City State Zip code
813-3086-0000
Home Phone Work/Cell Phone
MetroPlazaLLC@gmail.com
Email
[Signature]
Signature of Owner

AGENT
Frank Magee
Printed Name of Agent
14434 Duckworth Cove
Mailing Address
Gulfport MS 39503
City State Zip code
228-669-3131
Home Phone Work/Cell Phone
mrfrankmagee65@yahoo.com
Email
[Signature]
Signature of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures. ☐

SECTIONS A. THROUGH G. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.

For Staff Use Only

Case Number: 2203PC036Date Received: 11/28/2022

Receipt Number: _____

Received By: VMZoning: B-2Ward: 3 Flood: _____Size: 16670.07

\$75.00

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application.

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or authorized to act as the owner's agent for herein described request.

NAME OF OWNER (PRINT) Metro Plaza MS LLC.

ADDRESS (STREET, CITY, STATE, ZIP CODE) 1220 Pass Rd.

PHONE # (H) 813-308-0000 (W) 813-900-0000

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: 

NAME OF OWNER (PRINT) Fad. Mubarak

ADDRESS (STREET, CITY, STATE, ZIP CODE) _____

PHONE # (H) _____ (W) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: _____

NAME OF OWNER (PRINT) _____

ADDRESS (STREET, CITY, STATE, ZIP CODE) _____

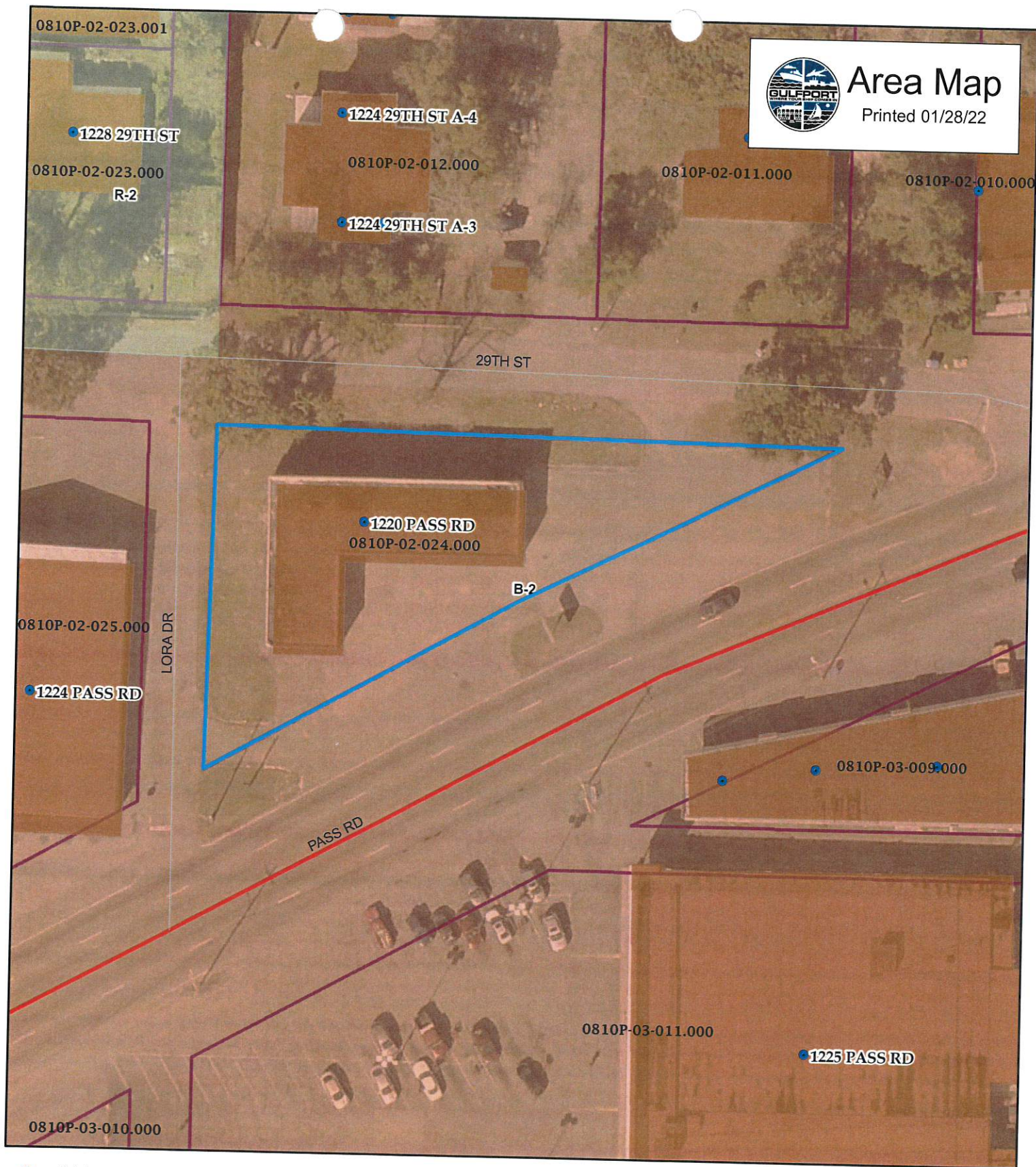
PHONE # (H) _____ (W) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: _____

(Use additional forms as needed)

IN CASES OF MULTIPLE APPLICANTS, PLEASE IDENTIFY THE PERSON WHO WILL BE ACTING AS YOUR SPOKES
PERSON/AGENT FOR YOU _____



Area Map

Printed 01/28/22

0810P-02-023.001

1228 29TH ST

0810P-02-023.000

R-2

1224 29TH ST A-4

0810P-02-012.000

1224 29TH ST A-3

0810P-02-011.000

0810P-02-010.000

29TH ST

1220 PASS RD

0810P-02-024.000

B-2

0810P-02-025.000

LORA DR

1224 PASS RD

PASS RD

0810P-03-009.000

0810P-03-011.000

1225 PASS RD

0810P-03-010.000

Addresspoints

Parcels



1 inch = 50 feet

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[Signature] 1st Judicial District
Instrument 2019 8151 D - J1
Filed/Recorded 9/26/2019 01:35 P
Total Fees \$ 16.00
2 Pages Recorded

PREPARED BY AND RETURN TO:
GIDDENS LAW FIRM, PLLC, Attorneys at Law
385 Edgewood Terrace Drive
Jackson, MS 39206
Telephone: (601) 373-4647

Indexing: Lots 15, 16, 17, 18 & 19, North and West of the Pass Christian Road, Blk 4, Alvahdale S/D of Sec. 34, T7S, R11 W, lying and being on the N and W side of the Pass Christian-Biloxi Highway, Harrison County, MS

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 all of which is hereby acknowledged,

Metro of LA, LLC
P.O. Box 290315
Tampa, FL 33687
Telephone: 813-900-0000

does hereby sell, convey and quitclaim unto

Metro Plaza MS, LLC
P.O. Box 290315
Tampa, FL 33687
Telephone: 813-900-0000

the following described land and property located and situated in Harrison (1st District) County, Mississippi, to-wit:

All of that part of Lots 15, 16, 17, 18 & 19, North and West of the Pass Christian Road, Block 4, Alvahdale Subdivision of Section 34, Township 7 South, Range 11 West, lying and being on the North and West side of the Pass Christian-Biloxi Highway, as shown by the official

map or plat thereof on file and of record in the Office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi (Plat Book 1A, Page 59).

WITNESS THE SIGNATURE of the Grantor this 18 day of September, 2019.

METRO OF LA, LLC.

By: Fadi Mubarak

STATE OF FL

COUNTY OF Hillsborough

PERSONALLY appeared before me, the undersigned authority in and for the State and County aforesaid, on this 18 day of September, 2019, within my jurisdiction, the within named Fadi Mubarak, Member/Manager of Metro of LA, LLC, who acknowledged that for and on behalf of said limited liability company, and as its act and deed, he/she executed the above and foregoing instrument of writing on the date set forth above, after first having been authorized so to do.

Notary Public



1. Transportation and Access

- City of Gulfport

2. Water Supply

- City of Gulfport

3. Waste disposal

- Waste management/Pro

4. Fire and Police protection

- City of Gulfport

5. Other Public facilities

- N/A no other facilities

6. Why the proposal will not cause undue traffic congestion or create a traffic hazard.

- Exits and entrances at the front and back.
- Big parking area

7. Why the proposal is in harmony with the orderly and appropriate development of the district in which the use is located.

- The proposal is in good harmony and appropriate development of the district. The community/district is able to obtain a service that is greatly needed in the area.



Designation of Agent

I, Fadi Mubarak, being owner of the property 1220 Pass Road
PRINT NAME PRIMARY ADDRESS OF PARCEL
which is the subject of this application hereby authorize Fatma Magee to act as my
PRINT NAME
representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning
Commission, and/or City Council, and/or permitting and licensing, as required by the City.

Such representation shall be for all purposes concerning any manner, right, or obligation relating to this
petition. This designation authorizes my agent to make verbal or written representations and/or
declarations on my behalf, and I shall be legally bound by said verbal or written representations and/or
declarations relating to this petition.

The petitioner understands and acknowledges that the City will rely upon the agent's representations in
approval or denial of said petition.

Signature

1/20/2022

Date

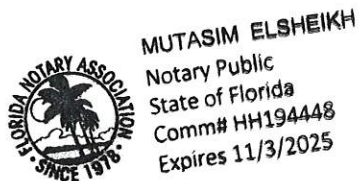
STATE OF MISSISSIPPI | COUNTY OF HARRISON

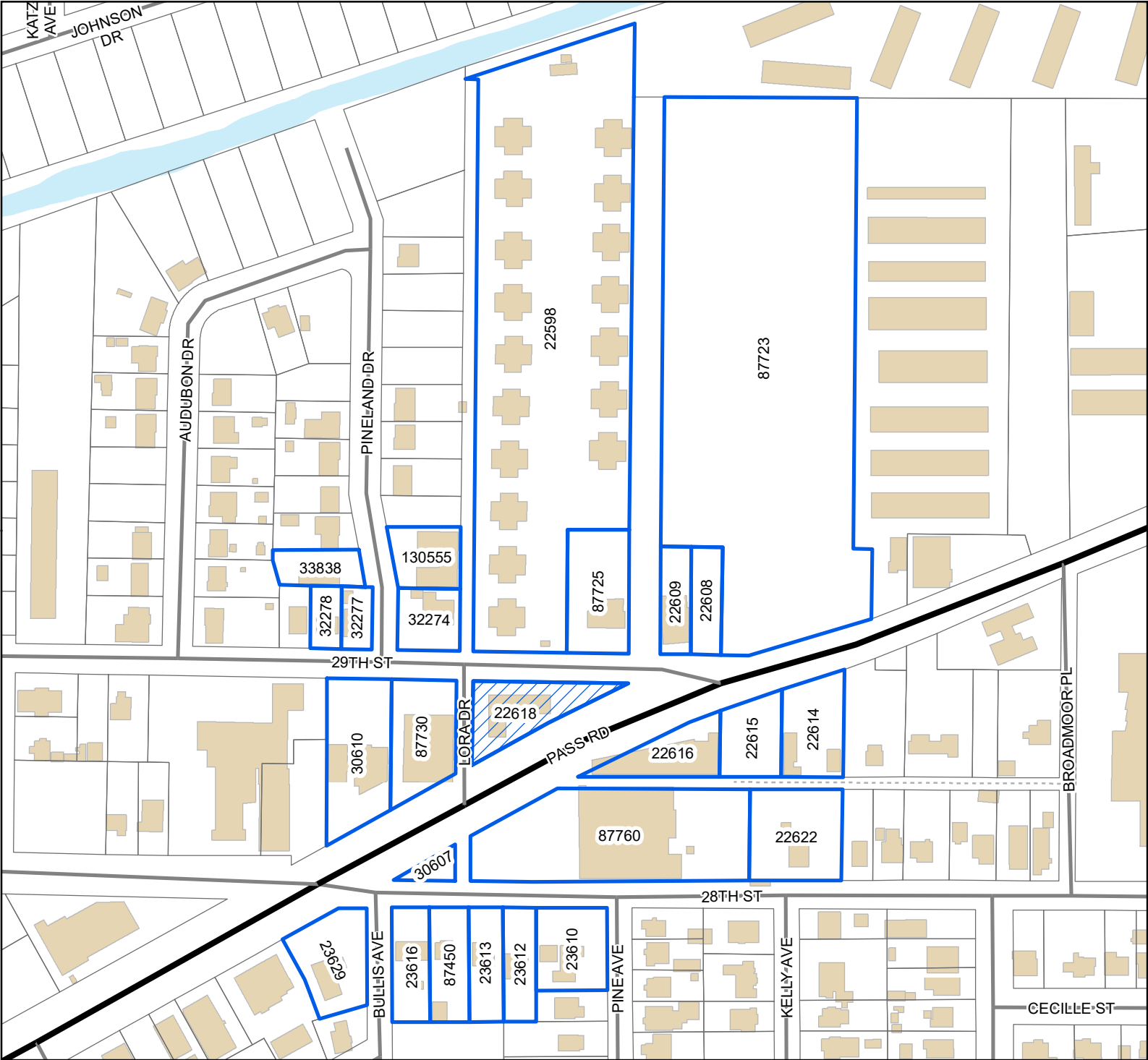
Given under my hand and seal of office this the 20th day of Jan., 2022

Notary Public

11-3-2025

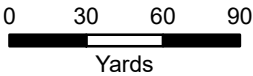
Commission Expiration





Legend

- Site
- Adjacent Properties
- US or State Highway
- Street
- Alley
- Buildings
- Water Features



1 inch = 225 feet



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Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	22618	0810P-02-024.000	METRO PLAZA MS, LLC	10730 N 56TH STREET, #200	TEMPLE TERRACE	FL	33617
	22618	0810P-02-024.000	METRO PLAZA MS LLC	P O BOX 290315	TAMPA	FL	33687
	22618	0810P-02-024.000	FRANK MAGEE	14434 DUCKWORTH COVE	GULFPORT	MS	39503
N			Adjacent Property Owners				
	23629	0811A-05-001.000	3970 OLD MILTON LLC	10945 STATE BRIDGE RD #401-460	ALPHARETTA	GA	30022
	32274	0810P-02-023.000	AMENTA ROBERT R & BRIDGETTE	P O BOX 6563	GULFPORT	MS	39506
	87723	0810P-02-008.000	BARRETT HOSHALL S JR ET AL	3 CEDARWOOD LANE	GULFPORT	MS	39503
	30607	0810P-03-010.000	BLACKWELL ANDY & CAROL MARGARET	1261 NORTH MCGREGOR DR	WIGGINS	MS	39574
	22622	0810P-03-012.000	BROADUS CARLA D	1200 28TH ST	GULFPORT	MS	39501
	33838	0810P-02-028.000	COHEN JAMES M	12027 SWEETWATER CIR	EAGLE RIVER	AK	99577
	32278	0810P-02-027.001	CRAFTSMAN CONSTRUCTION CO INC	256 BRELAND ROAD	PERKINSTON	MS	39573
	87725	0810P-02-011.000	DAJON CORPORATION OF MISSISSIPPI	4100 MAGAZINE STREET	NEW ORLEANS	LA	70155
	87730	0810P-02-025.000	GKB PROPERTIES LLC	4165 BAYOU CASTINE DR	KENNER	LA	70065
	23610	0811A-04-033.000	GLASS CAROLINE K REVOCABLE TRUST	2148 BAYWOOD DRIVE C/O RHONDA (BILOXI		MS	39532
	22598	0810P-02-012.000	GN CYPRESS LLC ETAL	4100 MAGAZINE ST. ATTN: DAVID R FI	NEW ORLEANS	LA	70115
	23613	0811A-04-067.000	GOLD SEAL LLC	2205 JOHN HILL BLVD	GULFPORT	MS	39501
N	23612	0811A-04-034.000	GOLD SEAL LLC	2205 JOHN HILL BLVD	GULFPORT	MS	39501
	30610	0810P-02-026.000	IGLESIA MISIONERA PENTECOSTES	1967 PASS RD CENTRAL PAN DE VIDA I	BILOXI	MS	39531
	87450	0811A-04-068.000	JEFFERSON ALICIA ANN	2599 AUDUBON PLACE	BILOXI	MS	39531
	22615	0810P-03-008.000	KESSEN CORY & VICTORIA	508 BRANDI LANE	GULFPORT	MS	39507
N	22614	0810P-03-007.000	KESSEN CORY W & VICTORIA L	508 BRANDI LANE	GULFPORT	MS	39507
	22618	0810P-02-024.000	METRO PLAZA MS LLC	P O BOX 290315	TAMPA	FL	33687
	22608	0810P-02-009.000	MIAZZA ELLEN KENNEDY	1525 HILLS PL	GULFPORT	MS	39507
N	22609	0810P-02-010.000	MIAZZA M F -ESTATE-	1525 HILLS PL	GULFPORT	MS	39507
	23616	0811A-04-069.000	MILES CLAIBORNE E	15010 SWAN LAKE BLVD	GULFPORT	MS	39503
	87760	0810P-03-011.000	MORAN FOODS LLC	400 NORTHWEST PLAZA DR ATTN: PR	ST ANN	MO	63074
	22616	0810P-03-009.000	SKAGGS REAL ESTATE HOLDINGS LLC	78 MEADOWS RD	PERKINSTON	MS	39573
	130555	0810P-02-023.001	SMITH HAYDEN T	2906 PINELAND DR	GULFPORT	MS	39501
	32277	0810P-02-027.000	WILLIAMS PAULINE F	1232 29TH ST	GULFPORT	MS	39501

RE: Planning Commission Approval 2203PC036, by agent Frank Magee, tax parcel 0810P-02-024.000, Approval for car wash use, 1220 Pass Rd, Zoned B-2 (General Business), Ward 3

To Applicants and Adjacent Property Owners:

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For more information, visit <http://www.gulfport-ms.gov/agenda/> then click the City of Gulfport Planning Commission for **Thursday, March 24, 2022**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS**Order Number:****IPL0063109****Order Status:**

Submitted

Classification:

Legals & Public Notices

Package:

BLX - Legal Ads

Final Cost:

37.92

Payment Type:

Account Billed

User ID:

IPL0024925

PREVIEW FOR AD NUMBER IPL00631090**ACCOUNT INFORMATION**

GULFPORT URBAN DEVELOPMENT IP
PO BOX 1780
GULFPORT, MS 39502
228-868-5705
AccountsPayable@gulfport-ms.gov
GULFPORT URBAN DEVELOPMENT

TRANSACTION REPORT**Date**

March 2, 2022 5:36:19 PM EST

Amount:

37.92

SCHEDULE FOR AD NUMBER IPL00631090

March 9, 2022
SunHerald (Biloxi)

**LEGAL NOTICE
PUBLIC HEARING**

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979 as amended, notice is hereby given advising that the Gulfport City Planning Commission will hold a public hearing in the City of Gulfport, Mississippi at 4:30 PM., Thursday, March 24, 2022 in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the

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Planning Commission Approval 2203PC031, by owners Gregory & Rhonda Haney, tax parcel 0910F-01-003.000, Request home occupation for real estate sales use, 104 45th St, Zoned R-UE (Urban residence estate), Ward 4.

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General Subdivision Plan 2204PC045, by agent Rumsey engineering, tax parcels 0807F-01-003.000& 0807F-01-004.000, Approval of a General Plan for 88-lot subdivision (Swan Ridge), S Swan Rd, Zoned R-1-10, Ward 7

This the 2nd day of March 2022

Keith Williams, Chairman

City of Gulfport Planning Commission
W00000000

Publication Dates

[<< Click here to print a printer friendly version >>](#)

MEMORANDUM

To: City of Gulfport Planning Commission

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: March 24, 2022

Re: Planning Commission Approval 2203PC039:

Planning Commission Approval 2203PC039, by agent Sherry L. Owen, tax parcel 0911B-01-001.000, Requests a church use, 353 Courthouse Rd, Zoned T5 (Urban Center Zone) and T4L (General Urban Zone "Limited"), Ward 4

Technical Report

PLANNING COMMISSION APPROVAL

GENERAL INFORMATION

Case File Number: 2203PC039

Hearing Date: March 24, 2022

Current Zoning/Use: T5 and T4L / Vacant Commercial Building

Legal: Planning Commission Approval 2203PC039, by agent Sherry L Owen, tax parcel 0911B-01-001.000, Requests a church use, 353 Courthouse Rd, Zoned T5 (Urban Center Zone) and T4L (General Urban Zone "Limited"), Ward 4

TECHNICAL DETAILS

The applicant requests a church use in a vacant structure located at 353 Courthouse Road. With this being located in a commercial district, there is the potential to interrupt businesses in the surrounding area that are impacted by church uses; especially those that sell liquor. Restaurants are most likely to be affected, though lounges and liquor stores technically could be as well. The state law for the sale of liquor does not offer a grandfather clause to businesses as they change ownership (see attached reference). According to City Ordinance, allowing a church on this property effectively eliminates any new freestanding lounges, liquor stores, microbrewery, or tattoo parlor within 1,000 feet of this parcel, and creates non-conforming with existing businesses; specifically Orangutang's Daiquiris and Bar (see attached map).

EXECUTIVE SUMMARY

The application meets the requirements for a church use that requires Planning Commission Approval. However, the board should keep in mind that allowing the use would hinder businesses that serve liquor; specifically we are rendering one business that is a pre-existing free-standing lounge non-conforming.

Any approval should consider these conditions:

1. Must meet all current building codes, ordinances and 2010 ADA standards.
2. Must comply with all fire codes and permitting.
3. Protected trees are to remain on property.

DEPARTMENTAL CONDITIONS

Engineering: No conditions. Memo dated 3/14/2022.

Public Works: No conditions. Memo dated 3/14/2022.

Traffic and Safety: No conditions. Memo dated 3/15/2022.

Technical Report
PLANNING COMMISSION APPROVAL

Building Code Services: Must meet all current building codes, ordinances and 2010 ADA standards. Memo dated 3/8/2022.

GIS: No conditions. Memo dated 3/14/2022.

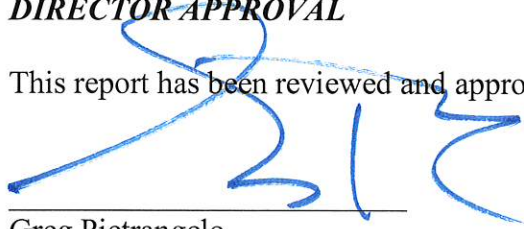
Police Department: No conditions. Memo dated 3/14/2022.

Fire Department: Must comply with all fire codes and permitting. Memo dated 5/12/16.

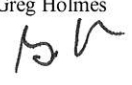
City Arborist: Protected trees are to remain on property. Memo dated 3/8/2022.

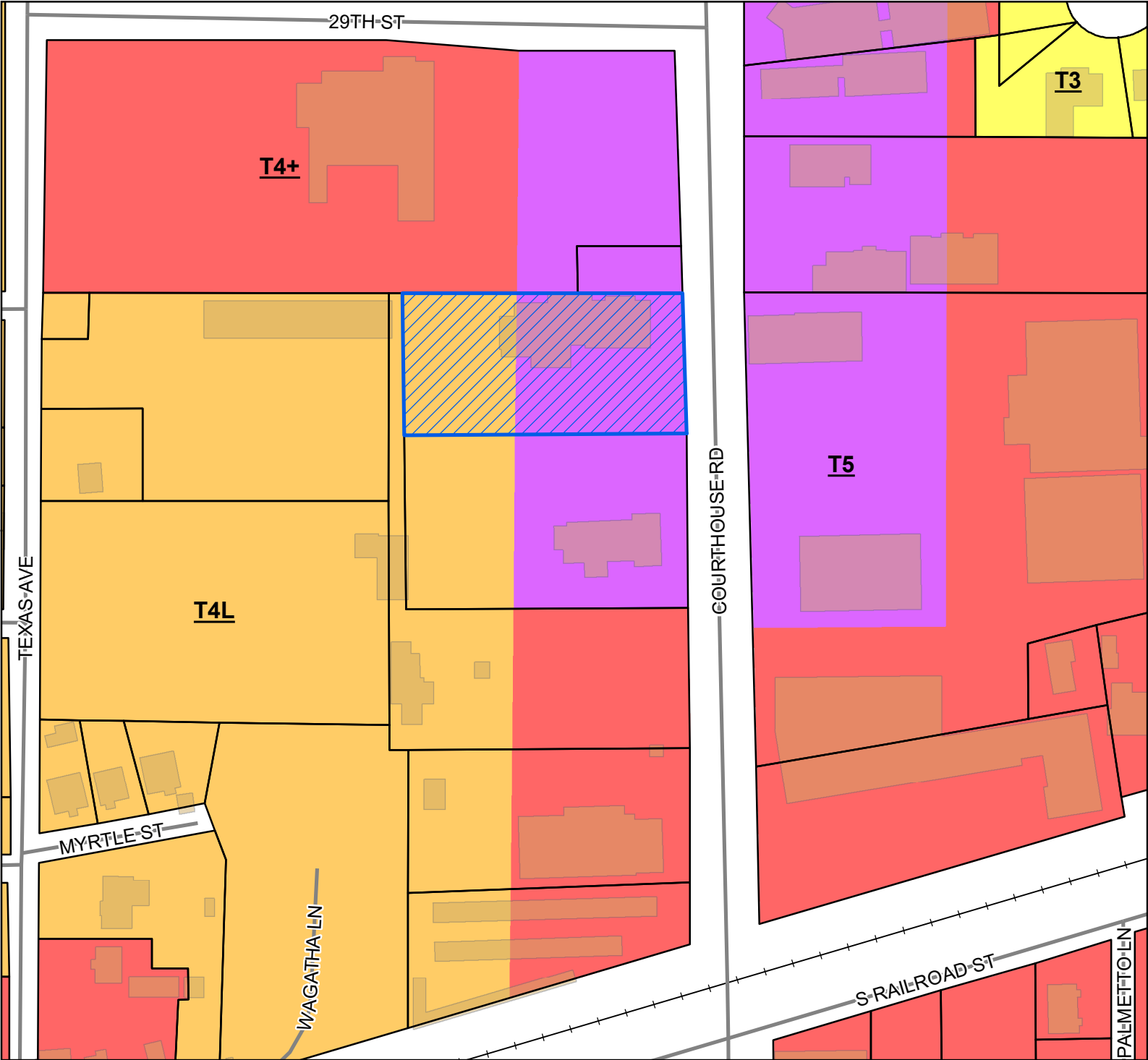
DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Pietrangelo
Director of Urban Development Department





Legend

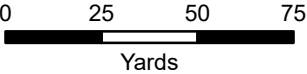
- Site
- Street
- Railroad
- Parcels
- Buildings

Smart Code

- T5
- T4+
- T4L
- T3

Site Information

0911B-01-001.000
Zoning: T5 (Urban Center Zone)
T4L (General Urban Zone
"Limited")
Size: 1.0 Acres



1 inch = 150 feet



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75.00



CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

For Staff Use Only

Case Number: 2203PC039Date Received: 1/31/2022

Receipt Number: _____

Received By: MZoning: T5 & T4LWard: 4 Flood: X, 0.2Size: 1.0 acres

(If necessary, use separate sheet of paper)

TAX PARCEL # 0911B-01-001.000
0000-00-000.000
0000-00-000.000

Address of Property Involved: 353 Courthouse Rd, Gpt. MS

Lot(s) _____, Block(s) _____, Subdivision _____

General Location: 1.1 ACS. on Courthouse Rd. Just North of the Railroad Track on your left**GENERAL DESCRIPTION OF REQUEST:**

would like to put a church at this location. Using the Building and modify it. (Old China Star Restaurant)

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER**AGENT**

Ye Lan Qing + Jiang Dian Ming Sherry L. Owen
Printed Name of Owner

Sherry L. Owen
Printed Name of Agent

4493 Courthouse Rd.
Mailing Address

2208-18th St.
Mailing Address

Gulfport, MS 39507
City State Zip code

Gulfport MS 39501
City State Zip code

228-380-0125
Home Phone Work/Cell Phone

228-760-2815 228-760-2815
Home Phone Work/Cell Phone

dianmingjiang@yahoo.com
Email

OwenSherryL@AOL.COM
Email

[Signature]
Signature of Owner

[Signature]
Signature of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures.



SECTIONS A. THROUGH G. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application.

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or authorized to act as the owner's agent for herein described request.

NAME OF OWNER (PRINT) Ye Lan Qing
ADDRESS (STREET, CITY, STATE, ZIP CODE) 4493 Courthouse Rd. Gpt, MS
PHONE # (H) 228-380-0125 (W) 39507

TAX PARCEL NUMBER(S) OWNED 0911B-01-001.000
SIGNATURE: ☒ [Signature]

NAME OF OWNER (PRINT) Jiang Dian Ming
ADDRESS (STREET, CITY, STATE, ZIP CODE) 4493 Courthouse Rd. Gpt, MS
PHONE # (H) 228-380-0125 (W) 39507
TAX PARCEL NUMBER(S) OWNED 0911B-01-001.000

SIGNATURE: ☒ [Signature]

NAME OF OWNER (PRINT) _____

ADDRESS (STREET, CITY, STATE, ZIP CODE) _____

PHONE # (H) _____ (W) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: _____

(Use additional forms as needed)

IN CASES OF MULTIPLE APPLICANTS, PLEASE IDENTIFY THE PERSON WHO WILL BE ACTING AS YOUR SPOKES

PERSON/AGENT FOR YOU: Sherry L. Owen - agent



Designation of Agent

Jiang Dian Ming

I, Ye Lan Qing

PRINT NAME

, being owner of the property

353 Courthouse Rd, Gpt

PRIMARY ADDRESS OR PARCEL

which is the subject of this application hereby authorize

Sherry L. Owen

PRINT NAME

to act as my

Ms
39507

representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning Commission, and/or City Council, and/or permitting and licensing, as required by the City.

Such representation shall be for all purposes concerning any manner, right, or obligation relating to this petition. This designation authorizes my agent to make verbal or written representations and/or declarations on my behalf, and I shall be legally bound by said verbal or written representations and/or declarations relating to this petition.

The petitioner understands and acknowledges that the City will rely upon the agent's representations in approval or denial of said petition.

[Signature]
Signature [Signature]

1-31, 2020

Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the

31st

day of

January

, 2022

[Signature]
Notary Public



Commission Expiration

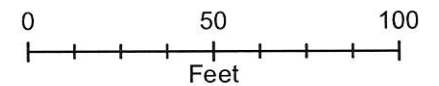
353 Courthouse Rd



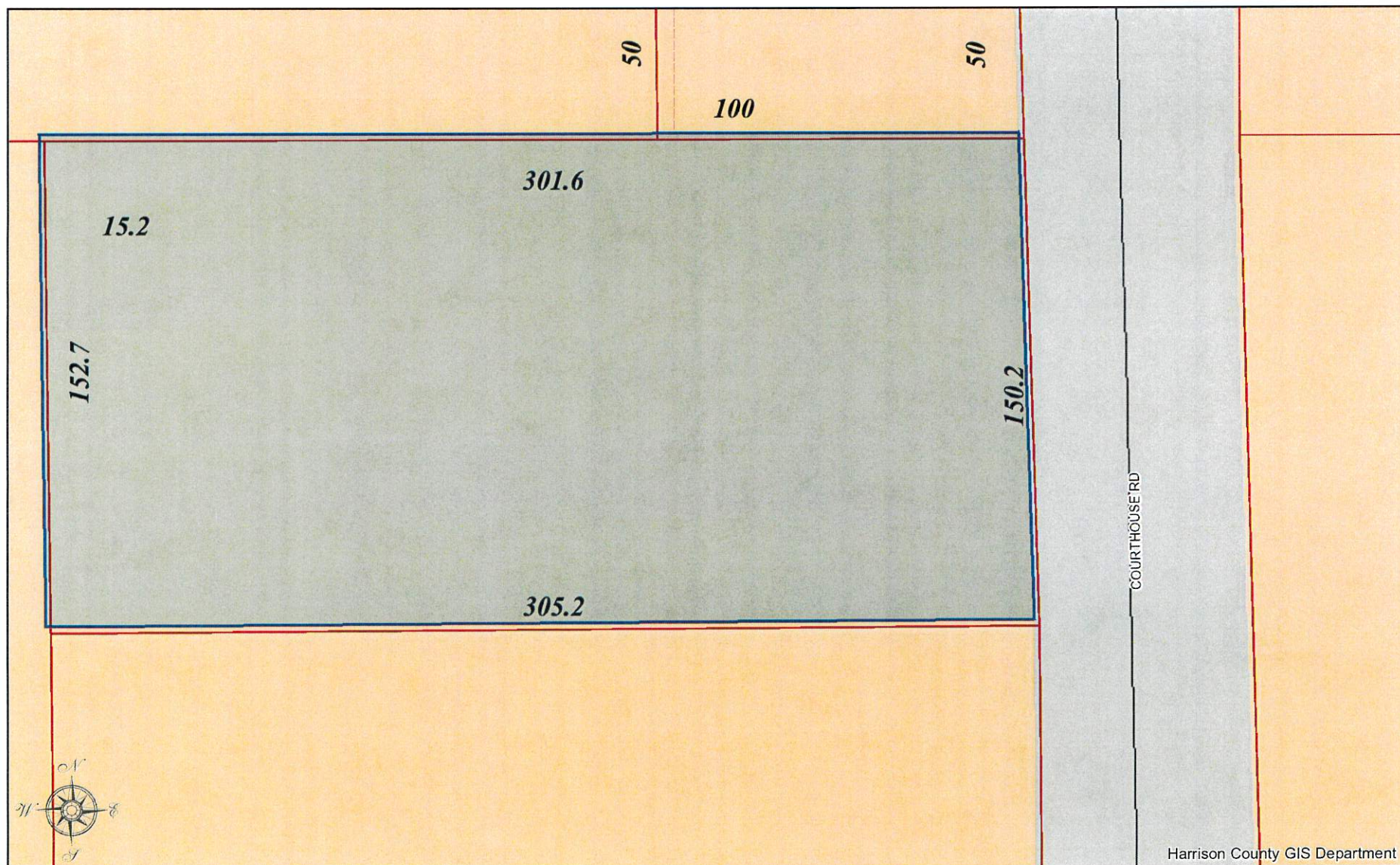
HARRISON COUNTY, MISSISSIPPI

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. TAL FLURRY, TAX ASSESSOR.

MAP DATE: January 31, 2022



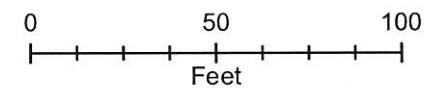
353 Courthouse Road Lot Map



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. TAL FLURRY, TAX ASSESSOR.

MAP DATE: May 28, 2020



To whom it may concern:

This site already has the appropriate driveway with access to parking lot. There is already water, gas and electricity connected to building. MS Power provides power, CenterPoint provides gas and water & waste disposal is by the city of Gulfport. The site is centrally located for City of Gulfport Police to be able to service if needed. There are fire hydrants located per city code near site as well as in the district of Gulfport Fire Department. This is an established location so site will not cause undue traffic hazard or congestion. The former restaurant will harmoniously transfer to it being used as a church. This site meets all city codes and requirements, just needs planning approval.

STATE OF MISSISSIPPI
COUNTY OF HARRISON



1st Judicial District

Instrument Number 2002 2579 D

Filed 4 10 2002 12 31 N

Total Fees 8.00

Book 1579 Page 19-20 Recorded 4-1-02



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, SUN CHA SU and TSUNG JU CHUANG, do hereby sell, convey and warrant unto LAN QING YE and wife, DIAN MING JIANG, as joint tenants with full rights of survivorship and not as tenants in common, the following described land and property being located in the First Judicial District of Harrison County, Mississippi, more particularly described as follows, to-wit:

A parcel of land situated and being located in the Northwest One-fourth of Section 1, Township 8 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, and being more particularly described as follows, to-wit: Commencing at the Northeast corner of the Northwest One-fourth (NW 1/4) of Section 1, Township 8 South, Range 11 West; thence run West a distance of 73.0 feet along the North line of said Section 1, Township 8 South, Range 11 West, to a point on the West right-of-way of Courthouse Road for the Point of Beginning; thence continue from said Point of Beginning West a distance of 301.58 feet along the North line of Section 1, Township 8 South, Range 11 West; thence run South 00 degrees 00 minutes 24 seconds West a distance of 152.68 feet; thence run North 89 degrees 30 minutes 58 seconds East a distance of 305.24 feet to the West right-of-way of Courthouse Road; thence run North 01 degrees 23 minutes 14 seconds West a distance of 130.15 feet along the West right-of-way of Courthouse Road to the Point of Beginning.

SUBJECT to an easement for ingress and egress over and across the following: Commence at the Northeast property corner of the above described property; thence run South 01 degrees 23 minutes 14 seconds East, along the West margin of Courthouse Road, for a distance of 130.15 feet to the Point of Beginning; thence continue South 01 degrees 23 minutes 14 seconds East along the West margin, for a distance of 20.0 feet to a point; thence run South 89 degrees 30 minutes 58 seconds West for a distance of 305.24 feet to a point; thence run North 0 degrees 00 minutes 24 seconds East for a distance of 20.0 feet to a point; thence run North 89 degrees 30 minutes 58 seconds East for a distance of 305.24 feet, more or less, to the Point of Beginning, containing 6098 square feet, or 0.14 acre, approximately.

The property herein conveyed is no part of the homestead of the Grantors.

It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and shall be 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-

LFP#0200315

way, easements, and mineral reservations and any other rights now of record which affect the above described property.

WITNESS OUR SIGNATURES, this the 28th day of March, 2002.

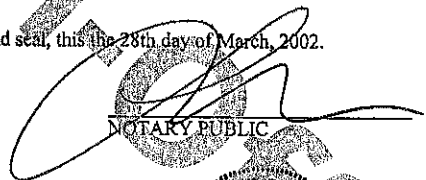

SUN CHA SU

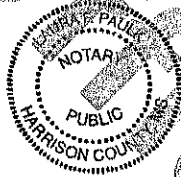

TSUNG JU CHUANG

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally appeared before me, the undersigned Notary Public in and for the above named jurisdiction, the within named SUN CHA SU and TSUNG JU CHUANG, who severally acknowledged that they signed and delivered the foregoing instrument on the day and year therein stated.

Given under my hand and seal, this the 28th day of March, 2002.


NOTARY PUBLIC



My Commission Expires:

My Commission Expires: September 13, 2004
Bonded Thru Dixie Notary Service, Inc.

INDEXING INSTRUCTIONS:

Parcel in NW 1/4 of Section 1-8-11, Harrison County, MS
North By Section Line, East by Courthouse Road

GRANTOR:
9013 WESTHEIMER
HOUSTON, TX 77063
832-723-5279

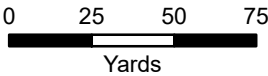
GRANTEE:
353 COURTHOUSE ROAD
GULFPORT, MS 39507
228-897-1111

PREPARED BY:
LAURA F. PAULK, ATTORNEY AT LAW
LAW OFFICES OF LAURA F. PAULK, P.L.L.C.,
16127 ORANGE GROVE ROAD
GULFPORT, MS 39503
TEL: 1-228-831-1818
FAX: 1-228-831-8848
LFP FILE NO. 0200315



Legend

- Site
- Adjacent Properties
- Street
- Railroad
- Buildings



1 inch = 175 feet



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Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	22324	0911B-01-001.000	YE LAN QING & JIANG DIAN MING (OWNER)	4493 COURTHOUSE RD	GULFPORT	MS	39507
	22324	0811B-01-001.000	SHERRY L. OWEN (AGENT)	2208 18TH ST	GULFPORT	MS	39501
N			Adjacent Property Owners				
	22249	0911B-01-010.000	BOB FALER LLC	205 CAMPBELL RD	COLLINS	MS	39428
	36879	0911A-01-013.000	BOB FALER LLC	319 COURTHOUSE RD	GULFPORT	MS	39507
N	103380	0911B-01-011.001	BOB FALER LLC	205 CAMPBELL RD	COLLINS	MS	39428
	22323	0911B-01-003.000	BOB FALER LLC	PO BOX 1058	COLLINS	MS	39428
	101979	0911B-01-003.001	FALER BOB	103 MAIN ST	COLLINS	MS	39428
	22104	0910P-05-043.000	KLS LLC	P O BOX 836	GULFPORT	MS	39502
N	22040	0910O-03-024.000	MISS POWER CO				0
				4000 DEKALB TECH PARKWAY SUITE			
	104216	0910O-03-023.001	UNITED STATES POSTAL SERVICE	300	ATLANTA	GA	30340

RE: Planning Commission Approval 2203PC039, by agent Sherry L Owen, tax parcel 0911B-01-001.000, Requests a church use, 353 Courthouse Rd, Zoned T5 (Urban Center Zone) and T4L (General Urban Zone "Limited"), Ward 4

To Applicants and Adjacent Property Owners:

The City of Gulfport Planning Commission will hold a public hearing to consider the above application at 4:30 P.M. on **Thursday, March 24, 2022**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit <http://www.gulfport-ms.gov/agendas/> then click the City of Gulfport Planning Commission for **Thursday, March 24, 2022**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS**Order Number:****IPL0063109****Order Status:**

Submitted

Classification:

Legals & Public Notices

Package:

BLX - Legal Ads

Final Cost:

37.92

Payment Type:

Account Billed

User ID:

IPL0024925

PREVIEW FOR AD NUMBER IPL00631090**ACCOUNT INFORMATION**

GULFPORT URBAN DEVELOPMENT IP
PO BOX 1780
GULFPORT, MS 39502
228-868-5705
AccountsPayable@gulfport-ms.gov
GULFPORT URBAN DEVELOPMENT

TRANSACTION REPORT**Date**

March 2, 2022 5:36:19 PM EST

Amount:

37.92

SCHEDULE FOR AD NUMBER IPL00631090

March 9, 2022
SunHerald (Biloxi)

**LEGAL NOTICE
PUBLIC HEARING**

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979 as amended, notice is hereby given advising that the Gulfport City Planning Commission will hold a public hearing in the City of Gulfport, Mississippi at 4:30 PM., Thursday, March 24, 2022 in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the

be available for public review at the office of the Department of Urban Development, Planning Division, located on first floor of the William H. Hardy Building, 1410 24th Avenue.

Zoning Text Amendment 2201PC016, by City of Gulfport, City of Gulfport, Amendments to Chapter 9, Article III. - Subdivisions.

Planning Commission Approval 2203PC031, by owners Gregory & Rhonda Haney, tax parcel 0910F-01-003.000, Request home occupation for real estate sales use, 104 45th St, Zoned R-UE (Urban residence estate), Ward 4.

Zoning Text Amendment 2203PC034, by City of Gulfport, City of Gulfport, Amendments to the Comprehensive Zoning Ordinance, as amended, Section IV. Supplementary regulations (10) Townhouse and zero lot line residential uses

Planning Commission Approval 2203PC036, by agent Frank Magee, tax parcel 0810P-02-024.000, Approval for car wash use, 1220 Pass Rd, Zoned B-2 (General Business), Ward 3

Planning Commission Approval 2203PC039, by agent Sherry L Owen, tax parcel 0911B-01-001.000, Requests a church use, 353 Courthouse Rd, Zoned T5 (Urban Center Zone) and T4L (General Urban Zone "Limited"), Ward 4

General Subdivision Plan 2204PC045, by agent Rumsey engineering, tax parcels 0807F-01-003.000& 0807F-01-004.000, Approval of a General Plan for 88-lot subdivision (Swan Ridge), S Swan Rd, Zoned R-1-10, Ward 7

This the 2nd day of March 2022

Keith Williams, Chairman

City of Gulfport Planning Commission
W00000000

Publication Dates

[<< Click here to print a printer friendly version >>](#)

MEMORANDUM

To: City of Gulfport Planning Commission

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: March 24, 2022

Re: General Subdivision Plan 2204PC045:

General Subdivision Plan 2204PC045, by agent Rumsey engineering, tax parcels 0807F-01-003.000& 0807F-01-004.000, Approval of a General Plan for 88-lot subdivision (Swan Ridge), S Swan Rd, Zoned R-1-10, Ward 7

Technical Report

*General Plan
(Swan Ridge)*

GENERAL INFORMATION

Case File Number: 2204PC045

Hearing Date: March 24, 2022

Current Zoning/Use: R-1-10 / Vacant

Legal: General Subdivision Plan 2204PC045, by agent Rumsey engineering, tax parcels 0807F-01-003.000& 0807F-01-004.000, Approval of a General Plan for 88-lot subdivision (Swan Ridge), S Swan Rd, Zoned R-1-10, Ward

7

TECHNICAL DETAILS

The applicant requests approval of a General Plan to convert 35.2 acres of land into an 84-lot, 4-out parcel residential subdivision named Swan Ridge. This property had a home on it years ago, but has sat vacant for a minimum of five years.

Subdivision regulations require a multitude of items for development and this project meets and does not meet several of them.

A. Meets:

- a. Lot sizes
- b. Lot access to planned public roads

B. Does not meet:

- a. Street layout does not provide for future projection into un-subdivided lands to provide convenient circulation. Article III (9-50)(B)(1)
- b. Right-of-way width not 60 feet. Article III (9-50)(B)(13)
- c. Roadway width not 26 feet. Article III (9-50)(B)(14)
- d. This project does not incorporate natural features and trees preservation into the project development. Supplementary Design Standards Appendix A Sec. IV (2)

EXECUTIVE SUMMARY

This project should be denied as it contains an exorbitant number of conditions and failures of the city ordinance requirements. The applicant would do better with conceptual project reviews and guidance from staff before submitting for general plan approval with the Planning Commission.

As to the continuation of roads into undivided lands, consider if 2nd street had ended when the first subdivision was completed versus when it looks like today (see attached 2nd Street Development map)

Any approval should consider these conditions:

1. All construction to conform to City Construction Standards
2. All lots to drain from rear to front. Pipe required in all rear yard/side yard easements.

Technical Report

General Plan

(Swan Ridge)

3. Post storm water agreement required.
4. One and Two family dwelling residential developments where the number of home sites meet or exceed 30 shall have 2 separate approved fire apparatus access roads. The roads shall comply with remoteness in Section D107.2 of the International Fire code 2018. Therefore, all homes shall be sprinkled to meet the requirements of the International Residential and Fire Codes.
5. Access roads shall be spaced apart not less than half the longest length of the maximum overall diagonal dimension of the property. In addition, roads shall comply with Section 503 of the IFC. Current design does not comply as a second Fire Access Road.
6. Include digital plat/site plans as a .dwg, .shp or format that is compatible with ArcMap Version 10.5.
7. Fire Hydrants IAW 2018 IFC c103.1
8. Roads IAW 2018 IFC D 101
9. Residential development access IAW section D 107, provide 2 separate & approved access roads or sprinkle.
10. Lot 3 – 14” magnolia
11. Lot 45 – 25” Live Oak
12. Lot 36 – all 12 protected trees
13. Lot 35 – 30” live oak
14. All these protected trees need to be preserved & protected. They will remain through the development of the property & during the building phase.

DEPARTMENTAL CONDITIONS

Engineering:

Conditions. Memo dated 3/14/22.

1. All construction to conform to City Construction Standards
2. All lots to drain from rear to front. Pipe required in all rear yard/side yard easements.
3. Post storm water agreement required.

Public Works:

Conditions. Memo dated 3/14/22.

1. All lots to drain rear to front
2. All construction to conform to City of Gulfport Construction Standards latest edition.
3. Post storm water agreement required.

Traffic and Safety:

No conditions. Memo dated 3/15/22.

Building Code Services:

Conditions. Memo dated 3/3/22.

1. One and Two family dwelling residential developments where the number of home sites meet or exceed 30 shall have 2 separate approved fire apparatus access roads. The roads shall comply with remoteness in Section D107.2 of the International Fire code 2018. Therefore all homes shall be sprinkled to meet

Technical Report

*General Plan
(Swan Ridge)*

the requirements of the International Residential and Fire Codes.

2. Access roads shall be spaced apart not less than half the longest length of the maximum overall diagonal dimension of the property. And roads shall comply with Section 503 of the IFC. Current design does not comply as a second Fire Access Road.

GIS:

Conditions. Include digital plat/site plans as a .dwg, .shp or format that is compatible with ArcMap Version 10.5. Memo date 3/14/22.

Police Department:

No conditions. Memo dated 3/14/22.

Fire Department:

Conditions. Memo dated 3/9/22.

15. Fire Hydrants IAW 2018 IFC c103.1

16. Roads IAW 2018 IFC D 101

17. Residential development access IAW section D 107, provide 2 separate & approved access roads or sprinkle.

City Arborist:

Conditions. Memo dated 3/8/22.

1. Lot 3 – 14” magnolia

2. Lot 45 – 25” Live Oak

3. Lot 36 – all 12 protected trees

4. Lot 35 – 30” live oak

5. All these protect trees need to be preserved & protected. They will remain through the development of the property & during the building phase.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



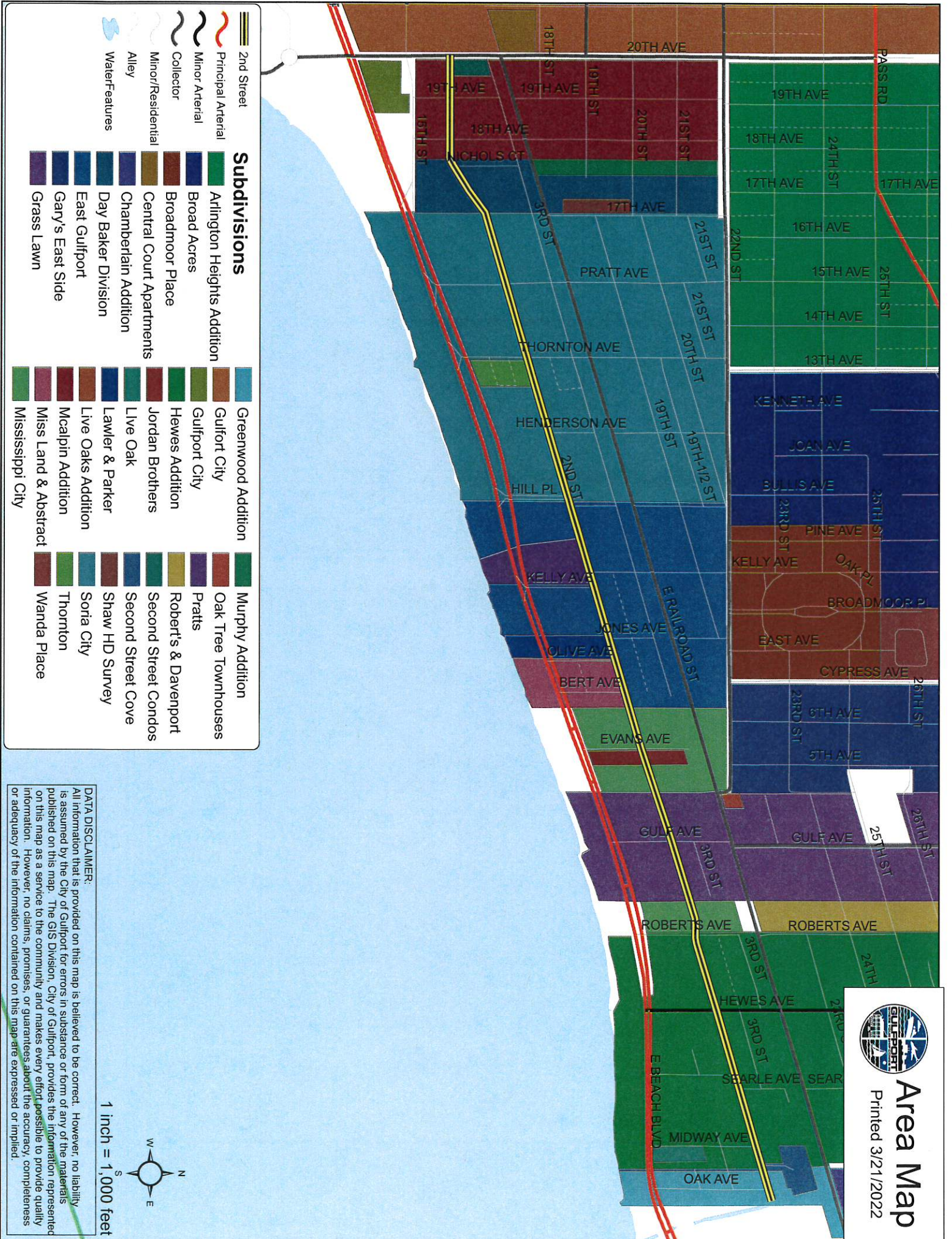
Greg Pietrangelo

Director of Urban Development Department



Area Map

Printed 3/21/2022



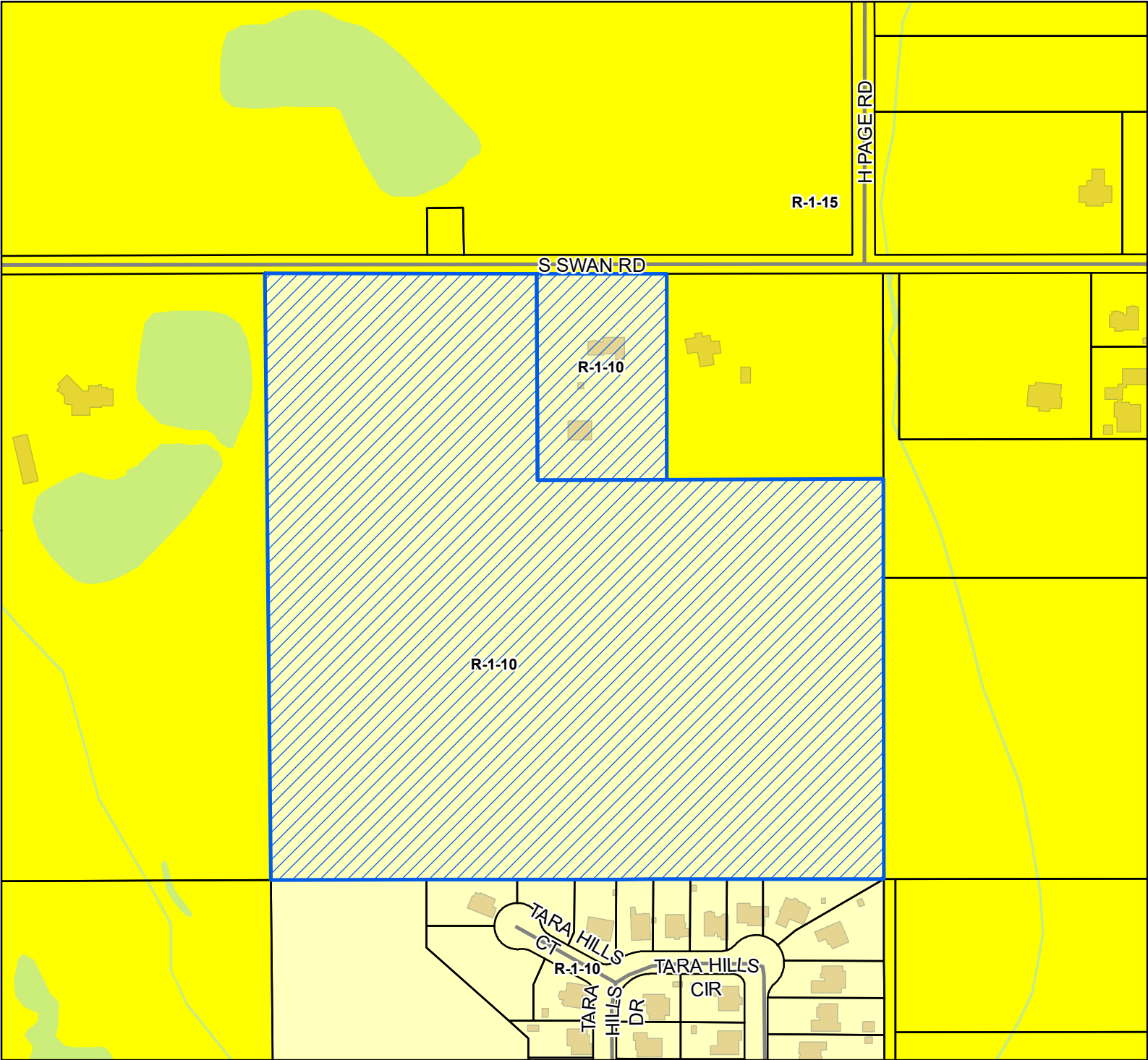
Subdivisions

- 2nd Street
- Principal Arterial
- Minor Arterial
- Collector
- Minor/Residential
- Alley
- WaterFeatures
- Arlington Heights Addition
- Broad Acres
- Broadmoor Place
- Central Court Apartments
- Chamberlain Addition
- Day Baker Division
- East Gulfport
- Gary's East Side
- Grass Lawn
- Greenwood Addition
- Gulfport City
- Gulfport City
- Hewes Addition
- Jordan Brothers
- Live Oak
- Lawler & Parker
- Live Oaks Addition
- Mcalpin Addition
- Miss Land & Abstract
- Mississippi City
- Murphy Addition
- Oak Tree Townhouses
- Pratts
- Robert's & Davenport
- Second Street Condos
- Second Street Cove
- Shaw HD Survey
- Soria City
- Thornton
- Wanda Place

1 inch = 1,000 feet



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Legend

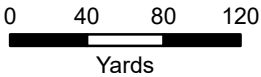
- Site
- Street
- Parcels
- Buildings
- Water Features

Zoning

- R-1-10 - Single Family Residence (Low Density)
- R-1-15 - Single Family Residence District (Low Density)

Site Information

0807F-01-003.000
 0807F-01-004.000
 Zoning: R-1-10 (Single-family Residence District)
 Size: 35.2 Acres



1 inch = 300 feet



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CITY OF GULFPORT
Urban Development - Planning Division
1410 24th Avenue
Gulfport, MS 39501
(228) 868-5710

For Staff Use Only

Case File #: 2204PC045Date Received: 2/7/22

Receipt #: _____

Received By: CLZoning: R-1-10Ward: 7 Flood: XSize: 35.2 acres

(If necessary, use separate sheet of paper)

APPLICATION FOR GENERAL SUBDIVISION PLAN

Property Information

TAX PARCEL #	0	8	0	7	F	-	0	1	-	0	0	3	●	0	0	0
	0	8	0	7	F	-	0	1	-	0	0	4	●	0	0	0
						-			-				●			

Address of Property Involved: 15221 and 15201 South Swan Road, Gulfport, Mississippi 39503

Lot(s) _____, Block(s) _____, Subdivision _____

General Location: 4 miles North of I-10, 0.6 miles East of Highway 49 and 1.4 miles West of Three Rivers Road

GENERAL DESCRIPTION OF REQUEST:

New construction of a single family residential development

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request.

OWNER

Kirk L. Ladner

Printed Name Of Owner

18226 Highway 53

Mailing Address

Gulfport Mississippi 39503

City State Zip code

228-832-2151 228-380-2151

Home Phone Work/Cell Phone

Email

Signature Of Owner

AGENT

Rumsey Engineering - Lawrence C. Rumsey, P.E.

Printed Name Of Agent

910 Howard Avenue

Mailing Address

Biloxi Mississippi 39530

City State Zip code

228-432-9344 228-380-0559

Home Phone Work/Cell Phone

rcei@rumseyengineering.com

Email

Signature Of Agent

If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures.



SECTIONS A. THROUGH G. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.

PREPARED BY:
WATKINS LUDLAM WINTER & STENNIS, P.A.
POST OFFICE DRAWER 160
GULFPORT, MS 39502
228-864-3094

STATE OF MISSISSIPPI
COUNTY OF HARRISON



J. Kirkland 1st Judicial District
Instrument 2005 11344 D -J1
Filed/Recorded 11 11 2005 3 18 P
Total Fees 12.00
2 Pages Recorded

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 all of which is hereby acknowledged, the undersigned **HARRELL S. EDWARDS and ADELINE B. EDWARDS**, do hereby sell, convey and warrant unto **KIRK L. LADNER**, the following described land and property located and being situated in Harrison County, First Judicial District, State of Mississippi and being more particularly described as follows, to-wit:

A parcel of land located in the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 28, Township 6 South, Range 11 West, City of Gulfport, First Judicial District of Harrison County, Mississippi and being more particularly described as follows:

Commencing at a nail found in the asphalt of South Swan Road being the Northeast corner of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 28; Thence South 00 degrees 24 minutes 41 seconds East 466.58 feet along the east line of Said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ to an iron rod found at the POINT OF BEGINNING; Thence South 00 degrees 39 minutes 11 seconds East 871.33 feet to a concrete post found at the Southeast corner of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; Thence South 89 degrees 20 minutes 33 seconds West 1351.88 feet along the south line of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ to an iron rod found at the Southwest corner of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; Thence North 00 degrees 08 minutes 57 seconds West, 1311.45 feet along the west line of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ to an iron rod found at the south right-of-way of South Swan Road; Thence North 89 degrees 14 minutes 03 seconds East 595.56 feet along said South right-of-way of South Swan Road to an iron rod set; Thence South 00 degrees 23 minutes 01 seconds East 433.07 feet to an iron pipe found; Thence North 89 degrees 57 minutes 59 seconds East 746.87 feet to THE POINT OF BEGINNING.

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

IT IS AGREED and understood that the taxes for the current year have been pro-rated as of this date on an estimated basis. When said taxes are actually determined, if the proration as of this date is incorrect, then the Grantor agrees to pay to the Grantee, or its assigns, any deficit on an actual proration, and likewise, the Grantee agrees to pay to the Grantor, or its assigns, any amount overpaid by it.

WITNESS THE SIGNATURE of the above this the 10 day of January 2005.

Harrell S. Edwards
Harrell S. Edwards

Adeline B. Edwards
Adeline B. Edwards

STATE OF NEW MEXICO
COUNTY OF Bernalillo

Personally appeared before me, the undersigned authority in and for the said county and state, on this 10th day of January, 2005, within my jurisdiction, the within named **HARRELL S. EDWARDS and ADELINE B. EDWARDS**, duly identified before me, who acknowledged that they is executed and delivered the above and foregoing instrument.

[Signature]
Notary Public

My Commission Expires:

11-10-05

Grantor: Harrell S. Edwards
Adeline B. Edwards
8704 Avenales, NE
Albuquerque, NM 87111
PH: 505-299-2742

Grantee: Kirk L. Ladner
18226 Highway 53
Gulfport, MS 39503
PH: 832-2151



1st Judicial District
Instrument 2011 4837 D --J1
Filed/Recorded 7/28/2011 08:22 P
Total Fees \$ 12.00
2 Pages Recorded

Prepared By and Return To:
Schwartz, Orgler & Jordan, PLLC
15487 Oak Lane Drive, Suite 200-1
Gulfport, MS 39503
(228) 832-8550
File #110879

Indexing Instructions:
Pt of NW 1/4 of SE 1/4 of Sec. 28,
Township 6 South, Range 11 West,
Harrison County, Mississippi

STATE OF MISSISSIPPI
COUNTY OF HARRISON

WARRANTY DEED

THAT FOR AND IN CONSIDERATION of the sum of Ten and no/100 Dollars (\$10.00),
cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of
which is hereby acknowledged,

PAUL C. SCHIPPEL, an unmarried man,
15201 South Swan Road
Gulfport, MS 39507
(228) 424-3841

does hereby grant, bargain, sell, convey and warrant, unto

KIRK LADNER,
18226 Highway 53
Gulfport, MS 39503
(228) 832-2151

the following described property, together with the improvements, hereditaments and appurtenances
thereunto situated and located in the County of Harrison, State of Mississippi, and more particularly
described as follows, to-wit:

**Commencing at the Northeast corner of the Northwest Quarter of the Southeast
Quarter (NW 1/4 of the SE 1/4) of Section 28, Township 6 South, Range 11
West, Harrison County, Mississippi, and run thence West 466.69 feet to the
Point of Beginning, being a P.K. nail in the centerline of South Swan Road;
thence along said centerline run West 280.01 feet; thence South 466.69 feet;
thence East 280.01 feet; thence North 466.69 feet to the Point of Beginning.**

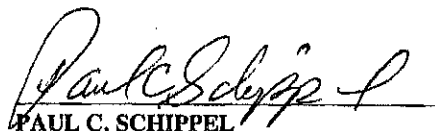
**LESS AND EXCEPT that part of said property situated within the right-of-way
of South Swan Road across the North margin thereof.**

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way and easements applicable to subject property, and any prior recorded reservations, conveyances and leases of oil, gas and minerals by previous owners of subject property.

Estimated county ad valorem taxes have been prorated between the parties as a part of the consideration for this conveyance. In the event the estimates upon which such proration is based prove to be inaccurate for any reason, the Grantee agrees to refund any excess, and the Grantor agrees to pay any deficiency, upon receipt of a copy of the tax statement for the current year and a computation of the true amount due, based on a 365 day year.

THIS CONVEYANCE is also subject to Zoning and/or other land use regulations promulgated by federal, state or local governments affecting the use or occupancy of the subject property.

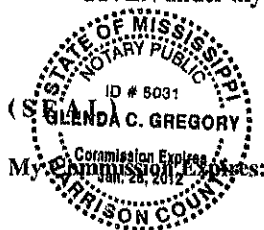
WITNESS THE SIGNATURE of the Grantor on this the 27th day of July, 2011.

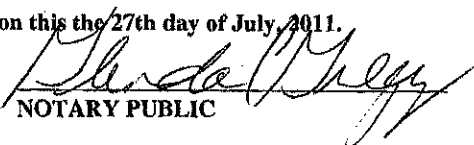

PAUL C. SCHIPPEL

STATE OF MISSISSIPPI
COUNTY OF HARRISON

THIS DAY personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, PAUL C. SCHIPPEL, who acknowledged that he signed, executed and delivered the above and foregoing instrument as his voluntary act and deed on the day and year therein mentioned.

GIVEN under my hand and official seal on this the 27th day of July, 2011.




NOTARY PUBLIC

ACTING AGENT AUTHORIZATION FORM

I, Kirk L. Ladner, authorize Lawrence C. Rumsey of Rumsey Consulting Engineering, Inc., to act as my agent in all matters regarding the proposed subdivision development of Swan Ridge, located at 15221 South Swan Road, Gulfport, Mississippi 39530.



Kirk L. Ladner, Owner

Before me, the undersigned authority in and for the State of Mississippi, County of Jackson, personally appeared the aforementioned, Kirk L. Lander, who acknowledged that he signed and delivered the foregoing acting agent authorization form on the day and year therein mentioned.

Witness my signature and official seal of the office this 6th day of January, 2022.



Notary Public



**DECLARATION OF
COVENANTS AND RESTRICTIONS
FOR
SWAN RIDGE
CITY OF GULFPORT, MS**

DECLARANT

**DECLARATION OF COVENANTS AND RESTRICTIONS
FOR
_____ SUBDIVISION**

STATE OF LOUISIANA

PARISH OF _____

DATE OF SIGNING: _____

BE IT KNOWN, that on the date set forth above, this Declaration of Covenants and Restrictions (this "**Declaration**") for the above-named subdivision of the Property (as defined below) is made by _____ ("**Declarant**"), a Louisiana limited liability company, by and through its duly authorized below-named representatives, who did depose and say that Declarant owns certain immovable property located in the above-named Parish and described in Exhibit A attached hereto together with the improvements thereon (collectively the "**Initial Property**").

WHEREAS, Declarant desires to establish a general plan of development for the Property (defined below) and to provide for the operation, administration, and maintenance of the Property (defined below) or portions of the Property. Declarant deems it advisable to create a residential planned community on the Property, with a homeowners association to perform the functions and activities more fully described in this Declaration and the other Community Documents.

NOW THEREFORE, in accordance with Louisiana Civil Code Article 775, *et seq.*, and the Louisiana Homeowners Association Act (Louisiana Revised Statutes 9:1141.1, *et seq.*), Declarant hereby establishes and imposes the following building, use and subdivision restrictions and restrictive covenants as charges affecting the Property:

**ARTICLE 1
DEFINITIONS**

The terms used in this Declaration will generally be given their natural, commonly accepted definitions except as otherwise specified. Capitalized terms in this Declaration (including the capitalized terms used above) will be defined as set forth in this Article 1. Additional terms may be defined in the body of this Declaration.

1.1. "Act" means the Louisiana Homeowners Association Act, Louisiana Revised Statutes 9:1141.1, *et seq.*, and any successor statutes to the said Louisiana Homeowners Association Act.

1.2. "Additional Land" means immovable property which may be, following the recordation of this Declaration and as of the date of any identification of Additional Land, added to the Property and subjected to this Declaration by Declarant, as described in Section 15.5.2, or as otherwise permitted in Section 2.2.

1.3. "Architectural Reviewer" means the entity having jurisdiction over a particular application for architectural approval. During the Development Period, the Architectural Reviewer is Declarant, Declarant's designee, or Declarant's delegatee. Thereafter, the Board-appointed Architectural Control Committee is the Architectural Reviewer.

1.4. "Articles of Incorporation" or "Articles" means the Articles of Incorporation of the Association, as filed with the Secretary of State for the State of Louisiana, as amended from time to time.

1.5. "Assessment" means any charge levied against a Lot or Owner by the Association, pursuant to this Declaration, any other Community Documents or law of the State of Louisiana.

1.16. "Governmental Authority" means any, each and all of the following: (a) the United States of America, (b) the State of Louisiana, (c) any other State of the United States of America, (d) any political subdivision of any of the foregoing, (e) any agency, department, commission, board or bureau of any of the foregoing, and (f) any parish, municipality, tribunal, instrumentality or court having jurisdiction over _____ Subdivision or any of the uses that may be made of Lots or other portions of _____ Subdivision.

1.17. "Lot" means a portion of the Property intended for independent ownership and residential use, as defined in Section 1141.2(6) of the Act. As a defined term, "Lot" does not refer to Common Areas, even if platted and numbered as a lot. Where the context indicates or requires, "Lot" includes all improvements thereon and any portion of a right-of-way that customarily is used exclusively by and in connection with the Lot.

1.18. "Member" means a Person entitled to membership in an Association, as provided in Section 7.2, with voting rights as set forth in Section 7.3. A Member will also mean an Owner. If multiple Persons own a Lot, the Owners of that Lot will, collectively, constitute one (1) Member as Owner of that Lot.

1.19. "Owner" means a holder of recorded fee simple title to a Lot. Every Owner is a Member.

1.20. "Parish" means the parish in which the Property is located.

1.21. "Person" means any natural person, corporation, limited liability company, partnership, trustee, joint venture, association, joint stock company, trust, unincorporated organization, Governmental Authority, government or any agency or political subdivision of a Governmental Authority, or any other form of entity.

1.22. "Plat" means all subdivision plats, singly and collectively, recorded in the conveyance records of the above-named Parish, pertaining to the Property, including all dedications, limitations, restrictions, servitudes, notes, and reservations shown on the plat, as it may be amended from time to time.

1.23. "Property" and "_____ SUBDIVISION" and "the Subdivision" all mean and include the land described in Exhibit A of this Declaration together with all Additional Land, and includes every Lot and any Common Area thereon and all improvements, servitudes, easements, rights, and appurtenances to the said Common Area, all of which are subject to this Declaration. The Common Area, together with all improvements, servitudes, easements, rights, and appurtenances to the said Common Area also has the meaning of "association property" as defined in Section 1141.2(1) of the Act. The Property (i.e., _____ SUBDIVISION) is a "residential planned community" within the meaning of Section 1141.2(7) of the Act. Whenever a situation arises where it is necessary or otherwise relevant to identify the Property, the Property at the time of such identification will include: (a) the land described on Exhibit A of this Declaration; (b) all Additional Land added to the Property at that time of such identification of the Property as provided in Section 15.5.2, or as otherwise permitted in Section 2.2; and (c) every Lot and any Common Area thereon and all improvements, servitudes, easements, rights, and appurtenances to the said Common Area, as of the time of such determination. All references to Property in this Declaration will always be interpreted as including the Additional Land added to the Property at that time of such identification of the Property as provided in Section 15.5.2, or as otherwise permitted in Section 2.2.

1.24. "Unilaterally" means that the Declarant may take the authorized action without the consent, approval, vote, or joinder of any other person, such as Owners, mortgagees, and the Association.

ARTICLE 2 **THE PROPERTY**

2.1. GENERAL PROVISIONS. The terms of this Declaration constitute building restrictions, covenants and real rights running with the Property, which will run with title to the Property and will be binding on the Property and on all parties having or acquiring any right, title, or interest in the Property, their heirs, successors, and assigns, and all parties claiming under them. The Property will be held, transferred, sold, conveyed, leased, occupied, used, insured, and encumbered subject to this Declaration, even if the Declaration is not specifically referred to in the instrument of sale, transfer, lease or encumbrance.

3.3.2. Limitations. If the exercise of this servitude requires entry onto an Owner's Lot, including into an Owner's fenced yard, the entry will be during reasonable hours and after notice to the Owner. This Subsection does not apply to situations that - at time of entry - are deemed to be emergencies that may result in imminent damage to or loss of life or property. In exercising this servitude on an Owner's Lot, the Association is not liable to the Owner for trespass.

3.4. SECURITY. The Association may, but is not obligated to, maintain or support certain activities within the Property designed to improve safety in or on the Property. Each Owner and resident acknowledges and agrees, for himself and his guests, that Declarant, the Association, and their respective directors, officers, committees, agents, and employees are not providers, insurers, or guarantors of security within the Property. Each Owner and resident acknowledges and accepts his sole responsibility to provide security for his own person and property and assumes all risks for loss or damage to the same. Each Owner and resident acknowledges and agrees that Declarant, the Association, and their respective directors, officers, committees, agents, and employees may not be held liable for any loss or damage by reason of failure to provide adequate security or ineffectiveness of security measures undertaken.

ARTICLE 4 COMMON AREA

4.1. OWNERSHIP. The designation of immovable property as a Common Area is determined by the Plat and this Declaration, and not by the ownership of the property. At its expense, Declarant may install, construct, or authorize certain improvements on Common Areas in connection with the initial development of the Property. Thereafter, all costs attributable to Common Areas, such as maintenance, property taxes, insurance, and enhancements, are automatically the responsibility of the Association, regardless of the nature of title to the Common Areas, unless this Declaration elsewhere provides for a different allocation for a specific Common Area.

4.2. ACCEPTANCE. By accepting an interest in or title to a Lot, each Owner is deemed (1) to accept the Common Area of the Property, and any improvement thereon, in its then-existing "AS IS" condition; (2) to acknowledge the authority of the Association, acting through its Board, for all decisions pertaining to the Common Area; (3) to acknowledge that transfer of a Common Area's title to the Association by or through the Declarant is a ministerial task that does not require acceptance by the Association; and (4) to acknowledge the continuity of maintenance of the Common Area, regardless of changes in the Association's Board or management.

4.3. COMPONENTS. The Common Area of the Property consists of the following components on or adjacent to the Property, even if located on a Lot or a public right-of-way:

- a. all of the Property, save and except the Lots;
- b. any area shown on the Plat as a Common Area or an area to be maintained by the Association;
- c. the entry feature, screening feature, and sign monument - if any;
- d. any modification, replacement, or addition to any of the above-described areas and improvements; and
- e. movable property owned by the Association, such as books and records, office equipment, and supplies.

4.4. LIMITED COMMON AREA. If it is in the best interest of the Association, a portion of the Common Area may be licensed, leased, or allocated to one or more Lots for their sole and exclusive use, as a limited Common Area ("**Limited Common Area**"), whether or not the area is so designated on the Plat. Inherent in the limiting of a Common Area, maintenance of the Limited Common Area becomes the responsibility of the Owner, rather than the Association. For example, a Common Area that is difficult to access and maintain except via the adjoining Lot might be a candidate for Limited Common Area.

representatives of Members, and may, but need not, include architects, engineers or similar professionals, whose compensation, if any, will be established from time to time by the Board. The Board may establish and charge reasonable fees for review of applications hereunder and may require such fees to be paid in full prior to review of any application. In addition, the ACC may, with the prior approval of the Board, retain architects, engineers or other professionals to assist in the review of any application and the Association may charge any fees incurred for such assistance to the applicant. The ACC may also establish a Modifications Committee, with the approval of the Board, to review and approve any proposed modifications of Property.

5.3.2. The professionals and staff assisting the ACC may be paid reasonable compensation for service on the ACC, as determined from time to time by the Board. All members of the ACC will be reimbursed by the Association for their respective expenses incurred in furtherance of the authorized activities of the ACC, subject to review and approval by the Board. All members of the ACC may be paid compensation for their time and efforts in serving on the ACC if such compensation is approved and authorized by the Board.

5.3.3. The Association will be responsible for all reasonable costs of operation of the ACC. Each Owner submitting plans for the construction or modification of Improvements on any Lot will submit with such plans a payment of Three Hundred Dollars (\$300) as a nonrefundable **"Review Fee"**, and that payment will be made to the Association. The standard Review Fee will be used by the Association to defray the costs and expenses incurred by the ACC and the fees and compensation paid, if any, to staff, other professionals and members of the ACC. From time to time, the Board, in its sole discretion, may increase or decrease the amount of the standard Review Fee, but in no event will the standard Review Fee charged in any one (1) calendar year exceed 110% of the standard Review Fee charged during the preceding calendar year; further, the Board in any one situation may waive or reduce the standard Review Fee. Should the ACC reject, and/or require modifications or changes, to any plans and/or specifications due to deviations in said plans or specifications from the Community Documents, then and in that event the Owner who submitted said plans and specifications will pay another review fee of Three Hundred Dollars (\$300) (or such amount as the said Review Fee may have been increased to by the Board). When an Owner resubmits revised plans and specifications, the Board or the ACC will have the discretion to waive any such additional review fees if, in its sole discretion, it determines that the deviations from the Community Documents were not significant. During the Development Period and prior to any delegation by Declarant to the ACC of rights reserved to Declarant under Section 5.2 of this Declaration, Declarant may, in its discretion, require an Owner to pay the same Review Fee which the ACC will have a right to collect if and when the ACC is delegated the right to approve plans for the construction or modification of improvements on Lots.

5.3.4. The ACC may employ personnel or contract with individuals or companies as necessary to assist in the review process, as authorized pursuant to the budget for the ACC, as established by the Board. All such personnel, individuals and/or companies employed or contracted with by the ACC will be considered as employees and/or independent contractors of the Association.

5.3.5. The ACC is authorized to adopt rules and procedures and to adopt, from time to time, amendments to said rules and procedures for the conduct of its business, consistent with the provisions of this Declaration. Any Owner will be provided with a copy of such rules and procedures within fifteen (15) days of submission of a written request to the Board.

5.4. LIMITS ON LIABILITY. The Architectural Reviewer has sole discretion with respect to taste, design, and all standards specified by this Article. The Architectural Reviewer and each of its members has no liability for decisions made in good faith by the Architectural Reviewer and which are not arbitrary or capricious. The Architectural Reviewer is not responsible for: (1) errors in or omissions from the plans and specifications submitted to the Architectural Reviewer, (2) supervising construction for the Owner's compliance with approved plans and specifications, or (3) the compliance of the Owner's plans and specifications with governmental codes and ordinances, state and federal laws.

5.5. PROHIBITION OF CONSTRUCTION, ALTERATION AND IMPROVEMENT. Without the Architectural Reviewer's prior written approval, a person may not construct a dwelling or make an addition, alteration, improvement, installation, modification, redecoration, or reconstruction of or to the Property or to a building (including without limitation dwellings) on the Property, if the proposed dwelling or any addition, alteration, improvement, installation, modification, redecoration, or reconstruction, will be visible from a street, another Lot, or the Common Area. Any construction, addition, alteration, improvement, installation, modification, redecoration, or reconstruction of or to the Property or to a building (including without limitation

Documents. In other words, the exercise of a right or restriction must comply with the spirit of the restriction as well as with the letter of the restriction.

6.3. ASSOCIATION'S RIGHT TO PROMULGATE RULES. The Association, acting through its Board, is granted the right to adopt, amend, repeal, and enforce reasonable rules, and penalties for infractions of the adopted rules, regarding the occupancy, use, disposition, maintenance, appearance, and enjoyment of the Property.

6.4. ANIMAL RESTRICTIONS. No animal, bird, fish, reptile, or insect of any kind may be kept, maintained, raised, or bred anywhere on the Property for any commercial purpose or for food. The only animals permitted on the Property are customary domesticated household pets, which may be kept subject to rules adopted by the Board. Pets must be kept in a manner that does not disturb the peaceful enjoyment of residents of other Lots.

6.5. ANNOYANCE. No Lot or Common Area may be used in any way that: (a) may reasonably be considered annoying to neighbors; (b) may be calculated to reduce the desirability of the Property as a residential neighborhood; (c) may endanger the health or safety of residents of other Lots; (d) may result in the cancellation of insurance on the Property; (e) that displays any item that is deemed patently offensive in the sole discretion of the Board; or (f) violates any law. The Board has the sole authority to determine what constitutes an annoyance.

6.6. APPEARANCE. Both the Lot and the dwelling must be maintained in a manner so as not to be unsightly when viewed from the street or neighboring Lots. The Architectural Reviewer is the arbitrator of acceptable appearance standards.

6.7. ARTIFICIAL VEGETATION. Artificial grass, plants or other artificial vegetation must not be placed or maintained upon the exterior portion of any Lot unless approved by the Board.

6.8. BUSINESS USE. A resident may use a dwelling for business uses, such as telecommuting, personal business, and professional pursuits, provided that: (a) the uses are incidental to the primary use of the dwelling as a residence; (b) the uses conform to applicable governmental ordinances; (c) the uses do not entail visits to the Lot by employees or the public in quantities that materially increase the number of vehicles parked on the street; and (d) the uses do not interfere with the residential use and enjoyment of neighboring Lots by other residents.

6.9. DECLARANT RIGHTS. Declarant has reserved a number of rights to use the Property in ways that are not available to other Owners and residents, as provided in Article 15 of this Declaration. Declarant's exercise of any right granted to it during the Development Period that appears to violate a rule adopted by the Association or a use restriction included in this Article 6 does not constitute waiver or abandonment of the rule or use restriction by the Association as applied to Owners other than Declarant.

6.10. EQUIPMENT, STRUCTURES AND PERSONAL PROPERTY. Except as provided in Section 6.41, sports or play equipment, or other items of personal property on any lot must be placed and remain behind the rear elevation of the dwelling and must be in compliance with Section 6.40.

6.11. DRAINAGE. No person may interfere with the established drainage pattern over any part of the Property unless an adequate alternative provision for proper drainage has been approved by the Board.

6.12. FENCES. All fences must be maintained and kept in good repair so as not to detract from the appearance of the development. This Section is subject to the Architectural Reviewer's right to adopt additional or different specifications for construction or reconstruction of fences. Fences must be made of masonry, wood, or other Architectural Reviewer-approved material and may not exceed 6 feet. Any portion of a fence that faces a street, alley, or Common Area must have a "finished side" appearance. Retaining walls must be constructed entirely with Architectural Reviewer-approved materials, however railroad ties may not be used for a retaining wall visible from a street. Fences may not be constructed between a dwelling's front building line and the street. The use of barbed wire and chain link fencing is prohibited. The use or application of a stain that cures in a solid color or paint is prohibited. Wood fences may be left in their natural state. No wood fence may be stained to alter the fence color from a natural wood color. Without prior

may install the Antenna, with prior ACC approval, in the least conspicuous location on the Lot where an acceptable quality signal can be obtained, but in any event the Antenna must not be located where it is visible from a street contiguous with the Lot on which the Antenna is to be installed. The Association may adopt reasonable rules for the location, appearance, camouflaging, installation, maintenance, and use of the Antennas to the extent permitted by public law.

6.21. VEHICLES.

6.21.1. Other than as otherwise provided in this section 6.21 and section 6.13, parking of any vehicle on any Lot other than in the Garage, Carport or Driveway is prohibited. Except as expressly approved by the Declarant during the Development Period, and by the Board thereafter, the following must not be kept or stored within the Property unless stored inside of a closed garage, or enclosed behind an approved fence and shall not to exceed 8' in height, with ACC approval: (a) junk or abandoned vehicles, (b) commercial vehicles, (c) trailers, (d) tractor-trailers, (e) boats, (f) boat trailers, (g) movable equipment, and (h) vehicles greater than 3/4 ton GVWR. For recreational vehicle or camper storage, refer to Section 6.13.

6.21.2. Minibikes, go-carts, all-terrain vehicles, utility terrain vehicles, motorized toys, and other similar vehicles must not be operated or stored on any Lot, the Common Area, or any other location within the Property except in compliance with all applicable laws, ordinances, and these covenants and restrictions. All such items must be stored on lots in a manner where the item is not visible from any street or from any other Lot or location in the Property.

6.22. YARD ORNAMENTS.

6.22.1. Artificial flamingos, deer, spinners, gazing balls, pirogues and such tableau of any type are prohibited on all Lots with the exception of the rear yard of a Lot (i.e., the rear portion of a Lot which faces the rear wall of the dwelling), on which a dwelling is constructed, but only if a fence or other screening makes such items not visible from any street on the Property or any other portion of the Property, other than the rear yard of the Lot where the item is exhibited.

6.22.2. The items allowed to be placed on Lots under Section 6.22.1, and any subsequent rules adopted by the Board or the Association, must be durable in nature and must comply with the following requirements:

- a. No more than three (3) yard decorations or tableaus of any type may be placed in areas that are visible from a street on the Property or any other portion of the Property other than the Lot on which the decoration or other tableau is exhibited.
- b. The yard decorations must be architecturally proportionate to the size of the dwelling constructed on the Lot.
- c. The yard decorations must be of a durable nature and may not be made of plastic.

6.22.3. Notwithstanding any inference to the contrary in this Section 6.22, traditional and typical seasonal decorations are permitted within season (30 days prior to a recognized holiday or event and 15 days following).

6.23. WINDOW COVERINGS AND WINDOW TREATMENTS.

6.23.1. The only window coverings or treatments which may be affixed to the interior of any window visible from a street on the Property or other portion of the Property are drapes, blinds, shades, shutters, and curtains. The side of any window coverings or treatments which are visible from the exterior of any improvements (including without limitation dwellings and garages) constructed on the Property must be white or off-white in color, except that any window coverings or treatments, or portion thereof, consisting of wooden blinds or shutters may be a natural wood color. Notwithstanding the foregoing, Declarant during the Development Period, and thereafter the Board, may, from time to time, approve additional colors as acceptable for the portions of the window coverings or treatments visible from streets on the Property or other portion of the Property.

6.27. Furniture for Front Porch, Balcony and Yard. Furniture placed outside of a dwelling on a Lot, whether on the front porch, balcony or in a yard, if visible from a street on the Property or any other location on the Property other than the rear yard of a Lot (i.e., the rear portion of a Lot which faces the rear wall of the dwelling) on which a dwelling is constructed: (a) must be durable, and (b) must not be made of plastic. All collapsible furniture placed outside of a dwelling on a Lot, whether on the front porch, balcony or in a yard, if visible from a street on the Property or any other location on the Property other than the rear yard of a Lot (i.e., the rear portion of a Lot which faces the rear wall of the dwelling) must be placed in storage and outside of the view of Person(s) on any street in the Property.

6.28 CLOTHESLINE VIOLATION. Outside clotheslines or other outside facilities for drying or airing clothes are specifically prohibited and shall not be erected, placed or maintained, nor shall any clothing, rug or other items be hung from any railing, fence, hedge or wall.

6.29 GARDENS. A non-commercial garden for use by a single household may be located on a Lot provided that it is not visible from any street or any neighboring Lot. Garden compost may be kept in quantities required by one household only, provided it is not visible from any street and is kept free from obnoxious odors and insects.

6.30 BOAT USAGE. No motorized boats shall be used on the Waterways (ponds, lakes, or other water covered areas in the Property). Only self-propelled boats (e.g., using oars or paddles) will be permitted. The Board is entitled to limit the type of boats used on Waterways for the safety of other residents and guests in the Property. No boats or other floating devices, whether or not otherwise permitted to be used on the Waterways, shall be allowed to rest for any extended length of time in the water (i.e., boats shall not to be allowed to "park" on Waterways).

6.31 LAKE USAGE. The use of any portion of a Lake or Pond within the Property with a water line that abuts or overlaps the property line of any Lot shall be limited to Owners of Lots abutting such water line. Portions of Lakes or Ponds within the Property that do not abut or overlap a Lot may be used by any Lot Owner. There shall be no swimming in the Waterways. Fishing may be permitted by Lot Owners and residents only. No person is permitted to fish within any Waterway unaccompanied by a Lot Owner. Fishing may be restricted on certain Waterways at certain times at the sole discretion of the Board. The edges of Waterways shall be kept clean from debris and weeds.

6.32 LEASH VIOLATION. All domestic animals shall be leashed, or detained by fences or invisible fences.

6.33 OFF-ROAD VEHICLE USAGE. Streets shall not be used for any unlawful purpose, and any use of any means of conveyance, whether motorized or non-motorized, shall be in compliance with all applicable laws and ordinances of the jurisdiction where the Property is located. If there is a designated walking path in the subdivision it shall be used for walking, jogging, and bicycling only.

6.34 GARBAGE CONTAINERS. Household trash containers may not be placed closer to the street than any portion of the front elevation of a home or dwelling situated on the Lot, nor closer to a street than the side elevation of a home or dwelling that faces a street (for corner lots), except between 3:00 p.m. on the day before schedule trash pick-up until 6:00 p.m. on trash pick-up day.

6.35 MAILBOX/PLAQUE. No mailboxes or mailbox numbering or lettering, may be erected or maintained on a Lot -except mailboxes approved by Developer. The cost of providing, erecting and maintaining a mailbox, the numbering and lettering, shall be paid by the Property Owner. Developer reserves the right to designate the location of all mailboxes. House numbering schemes, on, upon or within a Dwelling Unit shall be mandated by the Association.

6.36 BULKHEADS. As no individual lot owner's property extends into the lake areas, no bulkheads or other structures shall be allowed to extend beyond their property line adjacent to the lake.

6.37 DECKS AND PIERS. As no individual lot owner's property extends into the lake areas, no decks, piers, or other structures shall be allowed to extend beyond their property line adjacent to the lake.

7.2. MEMBERSHIP. Every Owner of a Lot will be a Member of the Association. There will be only one (1) membership per Lot. Membership will be appurtenant to and may not be separate nor apart from ownership of any Lot.

A. Co-Owners. If a Lot is owned by more than one (1) Person, all co-Owners will share the rights of such membership, subject to reasonable Board regulation and the restrictions on voting set forth in this Article 7 and in the Bylaws, and all such co-Owners will be solidarily obligated to perform the responsibilities of Owners.

B. Nature of Owner. The membership rights of an Owner who is a natural person may be exercised by the Member or the Member's spouse. The membership rights of an Owner which is a corporation, partnership, other legal entity or some form of Governmental Authority may be exercised by any officer, director, partner, or trustee, or by any other duly authorized Individual designated from time to time by the Owner in a written instrument provided to the Secretary of its Association.

7.3. VOTING RIGHTS. The Association will have two (2) classes of membership, which are Class A Membership and Class B Membership, described as follows:

A. Class A. Class A Members of the Association will be all Owners of Lots included within the Property, with the exception that Declarant will not be a Class A Member for so long as Declarant remains a Class B Member. Each Class A Member will have one (1) vote for each Lot which they own; but, in any event: (a) there will be only one (1) vote per Lot, and (b) no votes may be exercised on account of any Lot which is owned by a Builder (other than Declarant or a Declarant Affiliate) and exempt from Assessment under an exemption granted by the Association or by Declarant under Declarant's rights under section 15.1.3. When more than one (1) Person holds an interest in any Lot, all such persons will be Members, provided, however, that the vote for such Lot will be exercised as they determine and advise the Secretary of its Association in writing prior to the close of balloting. In no event will more than one vote be cast with respect to any Lot which is owned by more than one (1) Person. Corporations, limited liability companies, partnerships and other entities must notify the Association of the natural person who is authorized to exercise its vote; such entities must provide such evidence of appointment and authority as its Board may require.

B. Class B. The Class B Member of the Association will be Declarant, and no other Person may be a Class B Member of the Association. Declarant, as the Class B Member, will be entitled to three (3) votes for each Lot owned, or 500 votes, whichever is greater, at the time of: (1) any meeting of the Members of the Association, or (2) other occasion when Members vote. Other rights of the Class B Member may be included elsewhere in this Declaration and / or in the Bylaws.

C. Termination of Class B Membership. The Class B Membership will terminate two (2) years after termination of the Class B Control Period. The Class B Control Period is that period of time commencing on the date of recordation of this Declaration and continuing until the first of the following to occur:

- (1) when one hundred percent (100%) of the total number of Lots proposed for the Property described on Exhibit A of the Declaration, and for any Additional Land added (by supplemental declaration or an amending declaration) to the Property to become part of the Subdivision, have certificates of occupancy issued thereon and have been conveyed to Persons other than Builders;
- (2) seventy-five (75) years after the date on which the Declaration is recorded in the public records of the Parishes in Louisiana where the Property is located; or
- (3) when, in its discretion, the Class B Member determines and expressly declares in writing that it is no longer a Class B Member.

Notwithstanding any inference to the contrary: (i) if the Class B Control Period is terminated by the Class B Member pursuant to subpart C(3) of this Section 7.3, the termination must be recorded in the conveyance records of the Parish; and (ii) upon any termination of the Class B Control Period, the Class B Member may, in its sole discretion, terminate its Class B Membership immediately rather than wait until the two (2) year anniversary of the termination of the Class B Control Period, but if the Class B Member desires to terminate the Class B Member early then the Class B Member must expressly declare that intent in writing and such

establishing the right to be indemnified, defended, and held harmless pursuant to this Declaration. The Association may maintain general liability and directors and officer's liability insurance to fund this obligation.

7.9.1. Association Leaders. The Association will indemnify every present and former officer, director, committee chair, and committee member (for purposes of this Section, "**Leaders**") against expenses, including attorney's fees, reasonably incurred by or imposed on the Leader in connection with an action, suit, or proceeding to which the Leader is a party by reason of being or having been a Leader. A Leader is not liable for a mistake of judgment, negligent or otherwise. A Leader is liable for his willful misfeasance, malfeasance, misconduct, or bad faith. This right to indemnification does not exclude any other rights to which present or former Leaders may be entitled. Additionally, the Association may indemnify a person who is or was an employee, trustee, agent, or attorney of the Association, against any liability asserted against him and incurred by him in that capacity and arising out of that capacity.

7.9.2. Indemnity for Common Area Operations. The Association must indemnify, defend, and hold harmless Declarant against any loss, claim, demand, damage, cost, and expense relating to or arising out of the management and operation of the Association, including without limitation, the collection of Assessments, the enforcement of the Community Documents, and the operation and maintenance of the Property's Common Areas.

ARTICLE 8

COVENANT FOR ASSESSMENTS

8.1. PURPOSE OF ASSESSMENTS. The Association will use Assessments for the purposes of preserving and enhancing the Property, and for the common benefit of Owners and residents, including but not limited to maintenance of immovable and movable property, management and operation of the Association, and any expense reasonably related to the purposes for which the Property was developed. If made in good faith, the Board's decision with respect to the use of Assessments is final.

8.2. PERSONAL OBLIGATION. An Owner is obligated to pay Assessments levied by the Board against the Owner or his Lot. An Owner makes payment to the Association at its principal office or at any other place the Board directs. Payments must be made in full regardless of whether an Owner has a dispute with the Association, another Owner, or any other person or entity regarding any matter to which this Declaration pertains. No Owner may exempt himself from his Assessment liability by waiver of the use or enjoyment of the Common Area or by abandonment of his Lot. An Owner's obligation is not subject to offset by the Owner, nor is it contingent on the Association's performance of the Association's duties. Payment of Assessments is both a continuing affirmative covenant personal to the Owner and a continuing covenant running with the Lot.

8.3. TYPES OF ASSESSMENTS. There are 3 types of Assessments: Regular, Special, and Individual.

8.3.1. Regular Assessments. Regular Assessments are based on the annual budget. Each Lot is liable for its equal share of the annual budget. If the Board fails to determine new Regular Assessments for any year, Owners will continue to pay the Regular Assessment as last determined. If during the course of a year the Board determines that Regular Assessments are insufficient to cover the estimated common expenses for the remainder of the year, the Board may increase Regular Assessments for the remainder of the fiscal year in an amount that covers the estimated deficiency. Regular Assessments are used for common expenses related to the reoccurring, periodic, and anticipated responsibilities of the Association, including but not limited to:

- a. maintenance, repair, and replacement, of the Common Area;
- b. utilities and services billed to the Association;
- c. taxes on property owned by the Association and the Association's income taxes;
- d. management, legal, accounting and professional fees for services to the Association;

8.10. EFFECT OF NONPAYMENT OF ASSESSMENTS. An Assessment is delinquent if the Association does not receive payment in full by the Assessment's due date. The Association, acting through the Board, is responsible for taking action to collect delinquent Assessments. From time to time, the Association may delegate some or all of the collection procedures and remedies, as the Board in its sole discretion deems appropriate, to the Association's managing agent, an attorney, or a debt collector. Neither the Board nor the Association, however, is liable to an Owner or other person for its failure or inability to collect or attempt to collect an Assessment. The following remedies and rights are in addition to and not in substitution for all other rights and remedies which the Association has:

- a. Delinquent Assessments bear interest from the date due until paid, at a rate to be determined by the Board from time to time, not to exceed ten percent (10%) per annum, and reasonable late fees, at a rate to be determined by the Board from time to time.
- b. If an Assessment is being paid in installments, the Association may accelerate the remaining installments.
- c. The Owner who has not paid the Assessment is liable to the Association for reimbursement of reasonable costs incurred by the Association to collect the delinquent Assessments, such as attorney's fees.
- d. If the delinquent Assessment is more than thirty (30) days past due, the Association may suspend the right to vote appurtenant to the Lot.
- e. The Association may file suit seeking a money judgment against the Owner, without foreclosing or waiving the Association's privilege for Assessments, may notify and communicate with the holder of any privilege against a Lot regarding the Owner's default and payment of Assessments and may foreclose its privilege against the Lot by judicial or non-judicial means.

8.11. MEANING OF PRIVILEGE. As used in this Article 8 and in other provisions of this Declaration (including without limitation Article 9), the word "**privilege**" has the same meaning as the word "privilege" in Louisiana Revised Statutes 9:1145 - 1148.

ARTICLE 9

ASSESSMENT PRIVILEGE

9.1. ASSESSMENT PRIVILEGE. Each Owner, by accepting an interest in or title to a Lot, whether or not it is so expressed in the instrument of conveyance, covenants and agrees to pay Assessments to the Association. Each Assessment is a charge on the Lot and is secured by a continuing privilege on the Lot. Each Owner, and each prospective Owner, is placed on notice that his title may be subject to the continuing privilege for Assessments attributable to a period prior to the date he purchased his Lot.

9.2. SUPERIORITY OF MORTGAGE. The Assessment privilege on a Lot is subordinate and inferior to (a) a recorded mortgage securing a loan for construction of the original dwelling, (b) a first or senior purchase money vendor's privilege or mortgage and any renewal, modification or refinancing of said vendor's privilege or mortgage, (c) a home equity or reverse mortgage which is a renewal, extension, or refinance of a first or senior purchase money vendor's privilege or mortgage recorded before the date on which the delinquent Assessment became due, and (d) an FHA-insured or VA-guaranteed mortgage.

9.3. EFFECT OF MORTGAGEE'S FORECLOSURE. Foreclosure of a superior lien or other superior encumbrance extinguishes the Association's claim against the Lot for unpaid Assessments that became due before the sale, but does not extinguish the Association's claim against the former Owner. The purchaser at the foreclosure sale of a superior lien or other superior encumbrance is liable for Assessments coming due from and after the date of the sale, and for the Owner's pro rata share of the pre-foreclosure deficiency as an Association expense.

future time. No officer, director, or Member of the Association is liable to any Owner for the failure to enforce any of the Community Documents at any time.

10.5. RECOVERY OF COSTS. The costs of curing or abating a violation are at the expense of the Owner or other person responsible for the violation. If legal assistance is obtained to enforce any provision of the Community Documents, or in any legal proceeding (whether or not suit is brought) for damages or for the enforcement of the Community Documents or the restraint of violations of the Community Documents, the prevailing party is entitled to recover from the nonprevailing party all reasonable and necessary costs incurred by it in such action, including reasonable attorney's fees.

ARTICLE 11

MAINTENANCE AND REPAIR OBLIGATIONS

11.1. ASSOCIATION MAINTAINS. The Association's maintenance obligations will be discharged when and how the Board deems appropriate. The Association maintains, repairs, and replaces, as a common expense, the portions of the Property listed below, regardless of whether the portions are on Lots or Common Areas:

- a. the Common Areas;
- b. any immovable and movable property owned by the Association but which is not a Common Area, such as a Lot owned by the Association;
- c. any property adjacent to the Property if maintenance of same is deemed to be in the best interests of the Association, and if not prohibited by the owner or operator of said property; and
- d. any area, item, servitude, or service - the maintenance of which is assigned to the Association by this Declaration, by the Parish, or by the Plat.

11.2. OWNER RESPONSIBILITY. Every Owner has the following responsibilities and obligations for the maintenance, repair, and replacement of the Property, subject to the architectural control requirements:

11.2.1. House Maintenance. Each Owner, at the Owner's expense, must maintain all improvements on the/his Lot. Maintenance includes preventative maintenance, repair as needed, and replacement as needed. Each Owner is expected to maintain his Lot's improvements at a level, to a standard, and with an appearance that is commensurate with the neighborhood. Specifically, each Owner must repair and replace worn, rotten, deteriorated, and unattractive materials, and must regularly repaint all painted surfaces.

11.2.2. Yard Maintenance. Each Owner, at the Owner's expense, must maintain the yards on his Lot at a level, to a standard, and with an appearance that is commensurate with the neighborhood. "Yards" means all parts of the Lot other than the dwelling, including fenced and unfenced portions of the Lot.

11.3. OWNER'S DEFAULT IN MAINTENANCE. If the Board determines that an Owner has failed to properly discharge his obligation to maintain, repair, and replace items for which the Owner is responsible, the Board may give the Owner written notice of the Association's intent to provide the necessary maintenance at Owner's expense. The notice must state, with reasonable particularity, the maintenance deemed necessary and a reasonable period of time in which to complete the work. If the Owner fails or refuses to timely perform the maintenance, the Association may do so at Owner's expense, which is an Individual Assessment against the Owner and his Lot. In case of an emergency, however, the Board's responsibility to give the Owner written notice may be waived and the Board may take any action it deems necessary to protect persons or property, the cost of the action being the Owner's expense.

ARTICLE 12

MORTGAGEE PROTECTION

Declarant. After the Development Period, the amendment must be approved by Owners of at least a majority of the Lots.

ARTICLE 14

DISPUTE RESOLUTION

14.1. INTRODUCTION AND DEFINITIONS. The Association, the Owners, Declarant, all persons subject to this Declaration, and any person not otherwise subject to this Declaration who agrees to submit to this Article (collectively, the **"Parties"**) agree to encourage the amicable resolution of disputes involving the Property and to avoid the emotional and financial costs of litigation if at all possible. Accordingly, each Party hereby covenants and agrees that this Article applies to all claims as hereafter defined. As used in this Article only, the following words, when capitalized, have the following specified meanings:

14.1.1. "Claim" means any claim, grievance, or dispute between Parties involving the Property, except Exempt Claims, as defined below, and including without limitation (a) claims arising out of or relating to the interpretation, application or enforcement of the Community Documents, (b) claims related to the rights and/or duties of Declarant as Declarant under the Community Documents, and (c) claims relating to the design, construction, or maintenance of the Property.

14.1.2. "Claimant" means any Party having a Claim against any other Party.

14.1.3. "Exempt Claims" means the following claims or actions, which are exempt from this Article:

- a. the Association's claim for Assessments, and any action by the Association to collect Assessments;
- b. an action by a Party to obtain a temporary restraining order or equivalent emergency equitable relief, and such other ancillary relief as the court deems necessary to maintain the status quo and preserve the Party's ability to enforce the provisions of this Declaration;
- c. enforcement of the servitudes, architectural control, maintenance, and use restrictions of this Declaration; and
- d. a suit to which an applicable statute of limitations would expire within the notice period of this Article, unless a Party against whom the Claim is made agrees to toll the statute of limitations as to the Claim for the period reasonably necessary to comply with this Article.

14.1.4. "Respondent" means the Party against whom the Claimant has a Claim.

14.2. MANDATORY PROCEDURES. Claimant may not file suit in any court or initiate any proceeding before any administrative tribunal seeking redress or resolution of its Claim until Claimant has complied with the procedures of this Article.

14.3. NOTICE. Claimant must notify Respondent in writing of the Claim (the **"Notice"**), stating plainly and concisely: (a) the nature of the Claim, including date, time, location, persons involved, and Respondent's role in the Claim; (b) the basis of the Claim (i.e., the provision of the Community Documents or other authority out of which the Claim arises); (c) what Claimant wants Respondent to do or not do to resolve the Claim; and (d) that the Notice is given pursuant to this Section.

14.4. NEGOTIATION. Claimant and Respondent will make every reasonable effort to meet in person to resolve the Claim by good faith negotiation. Within 60 days after Respondent's receipt of the Notice, Respondent and Claimant will meet at a mutually-acceptable place and time to discuss the Claim. At such meeting or at some other mutually-agreeable time, Respondent and Respondent's representatives will have full access to the property that is subject to the Claim for the purposes of inspecting the property. If

ARTICLE 15
DECLARANT RIGHTS AND RESERVATIONS

15.1. GENERAL PROVISIONS.

15.1.1. General Reservation and Construction. Notwithstanding other provisions of this Declaration and other Community Documents to the contrary: (a) nothing contained in this Declaration or any of the other Community Documents may be construed to prevent, interfere or lessen the rights of Declarant reserved or otherwise contained in this Article 15; and (b) all mortgagees, other Owners, and the Association are all prohibited from preventing or interfering with the exercise by Declarant of the rights of Declarant reserved or otherwise contained in this Article 15. Declarant hereby reserves exclusively unto itself and its successors and assigns all rights of Declarant set forth in this Article 15. In case of conflict between this Article and any other provision of this Declaration or any other Community Document, this Article controls. This Article may not be amended without the prior written consent of Declarant. The terms and provisions of this Article must be construed liberally to give effect to Declarant's intent to protect Declarant's interests in the Property.

15.1.2. Purpose of Development Period. This Article gives Declarant certain rights during the Development Period to ensure a complete and orderly buildout and sellout of the Property, which is ultimately for the benefit and protection of Owners and mortgagees.

15.1.3. Intent to Build. Declarant, in its own name or through Declarant Affiliates, intends to construct dwellings on the Lots in connection with the sale of the Lots. However, Declarant may, without notice, sell some or all of the Lots to one or more other Builders to improve the Lots with dwellings to be sold and occupied. In that event and during the Development Period: (a) Declarant may declare any other Builder (including without limitation Declarant Affiliates) exempt, in whole or in part, from Assessments by the Association and from any obligation to make contributions to the Association's reserve funds and such exemption may be fixed for a designated period of time or may be indefinite; and (b) Declarant may, in its sole discretion, amend this Declaration to add or modify provisions addressing the role of a Builder in the Property and Declarant is hereby granted the authority to Unilaterally amend this Declaration as provided in Section 13.4 for this purpose.

15.2. [INTENTIONALLY LEFT BLANK]

15.3. DEVELOPMENT PERIOD RESERVATIONS - GOVERNANCE. Declarant reserves the following powers, rights, and duties during the Development Period:

15.3.1. Incorporation of Association. Declarant will incorporate the Association as a Louisiana nonprofit corporation before the end of the Development Period.

15.3.2. Officers and Directors. During the Development Period, the Board may consist of 3 persons, or such other number as may be authorized in the Bylaws. During the Development Period, Declarant may appoint, remove, and replace any officer and any director of the Association, none of whom need be Members or Owners, and each of whom is indemnified by the Association as a "Leader." Declarant's unilateral right to remove and replace officers and directors applies to officers and directors who were elected or designated by Owners other than Declarant, as well as to Declarant's appointees.

15.3.3. Association Meetings. During the Development Period, meetings of the Association may be held at a location, date, and time that is convenient to Declarant, whether or not it is mutually convenient for the Owners.

15.3.4. Transition Meeting. Within 60 days after the end of the Development Period, or sooner at the Declarant's option, Declarant will call a transition meeting of the Owners for the purpose of electing, by vote of the Members, directors to the Board. Written notice of the transition meeting must be given to an Owner of each Lot at least 10 days before the meeting. The directors elected at the transition meeting will serve until the next annual meeting of the Association or a special meeting of the Association called for the purpose of electing directors, at which time the staggering of terms will begin. Homeowner's in attendance shall constitute quorum.

conveyance records of the Parish. The supplement or amendment of annexation must include a description of the additional immovable property or a reference to the recorded plat that describes the additional immovable property.

15.5.3. Withdrawal. Declarant may withdraw immovable property from the effect of this Declaration (a) if the owner of the withdrawn property consents to the withdrawal, and (b) if the withdrawal does not significantly and detrimentally change the appearance, character, operation, or use of the Property.

15.5.4. Changes in Development Plan. Declarant may modify the initial development plan to respond to perceived or actual changes and opportunities in the marketplace. Declarant may (a) change the sizes, dimensions, and configurations of Lots and streets; (b) change the minimum dwelling size; (c) change the building setback requirements; and (d) eliminate or modify any other feature of the Property.

15.5.5. Architectural Control. Declarant has the absolute right to serve as the Architectural Reviewer. Declarant may from time to time, but is not obligated to, delegate all or a portion of its reserved rights as Architectural Reviewer. Any such delegation must be in writing and must specify the scope of delegated responsibilities. Any such delegation is at all times subject to the unilateral rights of Declarant (a) to revoke such delegation at any time and reassume jurisdiction over the matters previously delegated and (b) to veto any decision which Declarant in its sole discretion determines to be inappropriate or inadvisable for any reason. Declarant also has the unilateral right to exercise architectural control over vacant Lots in the Property.

15.5.6. Amendment. Declarant may Unilaterally amend this Declaration and the other Community Documents, for any purpose, without consent of other Owners or any mortgagee.

15.5.7. Completion. Declarant has (a) the right to complete or make improvements indicated on the Plat; (b) the right to sell or lease any Lot owned by Declarant; and (c) a servitude and right to erect, construct, and maintain on and in the Common Area and Lots owned or leased by Declarant whatever Declarant determines to be necessary or advisable in connection with the construction, completion, management, maintenance, leasing, and marketing of the Property, including, without limitation, parking areas, temporary buildings, temporary fencing, portable toilets, storage areas, dumpsters, trailers, and commercial vehicles of every type.

15.5.8. Servitude to Inspect and Right to Correct. Declarant reserves for itself the right, but not the duty, to inspect, monitor, test, redesign, correct, and relocate any structure, improvement, or condition that may exist on any portion of the Property, including the Lots, and a perpetual nonexclusive servitude of access throughout the Property to the extent reasonably necessary to exercise this right. Declarant will promptly repair, at its sole expense, any damage resulting from the exercise of this right.

15.5.9. Promotion. Declarant reserves for itself a servitude and right to place or install signs, banners, flags, display lighting, potted plants, exterior decorative items, seasonal decorations, temporary window treatments, and seasonal landscaping on the Property, including items and locations that are prohibited to other Owners and residents, for purposes of promoting, identifying, and marketing the Property and/or Declarant's dwellings, Lots, developments, or other products located outside the Property. Declarant reserves a servitude and right to maintain, relocate, replace, or remove the same from time to time within the Property. Declarant also reserves the right to sponsor marketing events (e.g., open houses, MLS tours, and brokers parties) on the Property to promote the sale of Lots.

15.5.10. Offices. Declarant reserves for itself the right to use dwellings owned or leased by Declarant as models, storage areas, and offices for the marketing, management, maintenance, customer service, construction, and leasing of the Property and/or Declarant's developments or other products located outside the Property. Also, Declarant reserves for itself the servitude and right to make structural changes and alterations on and to Lots and dwellings used by Declarant as models, storage areas, and offices, as may be necessary to adapt them to the uses permitted under this Declaration.

15.5.11. Access. Declarant has a servitude and right of ingress and egress in and through the Property for purposes of constructing, maintaining, managing, and marketing the Property, and for discharging Declarant's obligations under this Declaration. Declarant also has the right to provide a reasonable means of

Declarant's intent to protect Declarant's interests in the Property, and second in favor of the operation of the Association and its enforcement of the Community Documents, regardless which party seeks enforcement.

16.4. RULES OF CONSTRUCTION. Invalidation of any provision of this Declaration by judgment or court order does not affect any other provision, which remains in full force and effect. The effect of a general statement is not limited by the enumeration of specific matters similar to the general. The captions of articles and sections are inserted only for convenience and are in no way to be construed as defining or modifying the text to which they refer. Unless the context provides otherwise, a reference to a gender includes all genders. Similarly, a reference to the singular includes the plural, the plural the singular, where the same would be appropriate. The word "**shall**" and "**will**" have the same meaning in this Declaration and are both to be interpreted as mandatory.

16.5. DURATION. Unless terminated or amended by Owners as permitted in this Declaration, the provisions of this Declaration run with and bind the Property and will remain in effect perpetually to the extent permitted by law.

THUS DONE AND PASSED, in multiple originals, in my office in _____ Parish, Louisiana, on the day, month, and year first above written, and in the presence of the undersigned, competent witnesses, who hereunto sign their names with the said Declarant/Appearer and me, Notary, after reading of the whole.

WITNESSES:

DECLARANT/APPEARER

Printed Name: _____

By: _____

Printed Name: _____

NOTARY PUBLIC, in and for
_____ Parish, Louisiana

My Commission Expires: _____

Printed Name of Notary Public: _____

Number Assigned to Notary Public (or Bar Roll No.): _____

EXHIBIT A
LEGAL DESCRIPTION



Rumsey Consulting Engineering, Inc.

Planning, Surveying, Design

910 Howard Avenue • Biloxi, MS 39530
Tel: (228) 432-9344 • Fax: (228) 432-1189
e-mail: rcei@rumseyengineering.com

February 7, 2022

City of Gulfport
Urban Development – Planning Division
1410 24th Avenue, Room 206
Gulfport, Mississippi 39501

Attn: Greg Holmes, Planning Administrator

Re: Swan Ridge Subdivision

Mr. Holmes:

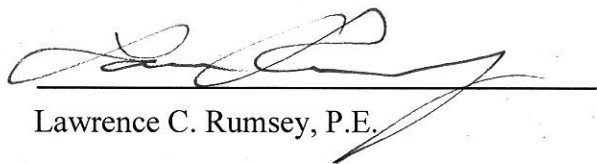
Attached are the following additional documents per your request:

- One set of plans for Swan Ridge Subdivision
- 6 sets of plans in 18" x 24" format
- 1 set of plans in 11" x 17" format
- 2 cds with dgn files of the plans
- Page 1 of the Application for General Subdivision Plan
- Warranty Deeds
- Notarized Acting Agent form
- 1 set of Draft Covenants
- A check for \$595.00 (\$175.00 and \$5.00 per lot x 84 lots)

If you have any questions concerning this project, please do not hesitate to call our office at your earliest convenience.

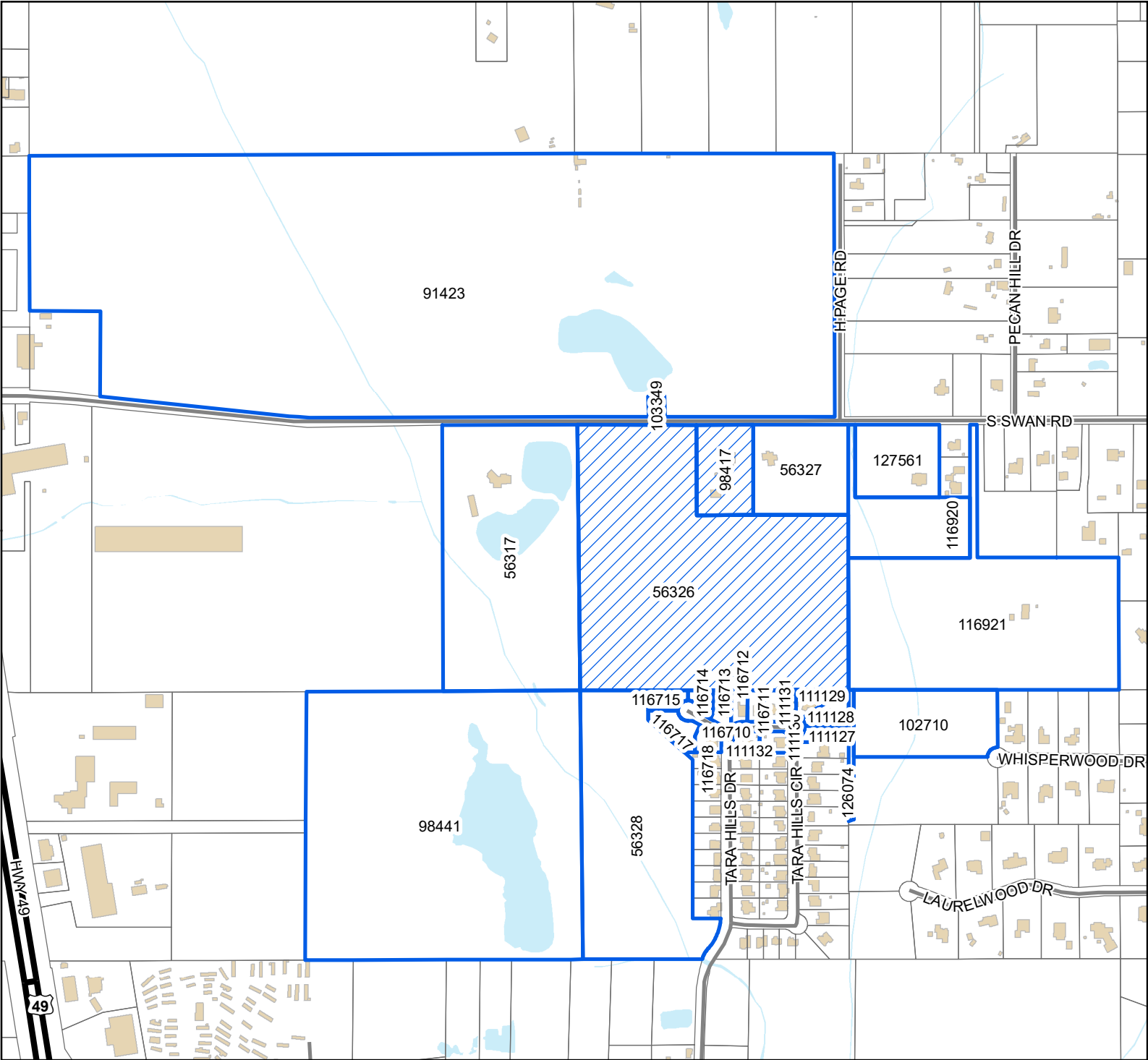
Sincerely,

RUMSEY CONSULTING ENGINEERING, INC.



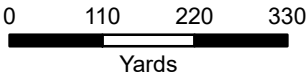
Lawrence C. Rumsey, P.E.

attachements



Legend

- Site
- Adjacent Properties
- US or State Highway
- Street
- Buildings
- Water Features



1 inch = 685 feet



DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	98417	0807F-01-003.000	LADNER KIRK L (OWNER)	18226 HIGHWAY 53	GULFPORT	MS	39503
N	56326	0807F-01-004.000	LADNER KIRK L (OWNER)	18226 HIGHWAY 53	GULFPORT	MS	39503
	98417	0807F-01-003.000	RUMSEY ENGINEERING C/O LAWRENCE C.				
	56326	0807F-01-004.000	RUMSEY, P.E. (AGENT)	910 HOWARD AVENUE	BILOXI	MS	39530
N			Adjacent Property Owners				
	56328	0807F-01-005.000	BENEFIELD JONATHAN BLAKE	11080 BAYOU BERNARD	GULFPORT	MS	39503
	116711	0807F-01-005.045	SCHMITT LEO A JR & SANDRA S	122 COLUMBIA PLACE	SLIDELL	LA	70458
	116710	0807F-01-005.044	RUTHERFORD RICHARD C	13642 TARA HILLS DR	GULFPORT	MS	39503
	116718	0807F-01-005.052	EDENFIELD JOSEPH T JR & MICHELLE	13643 TARA HILLS DRIVE	GULFPORT	MS	39503
N	116717	0807F-01-005.051	EDENFILED JOSEPH T JR & MICHELLE	13643 TARA HILLS DRIVE	GULFPORT	MS	39503
	116713	0807F-01-005.047	COLLINS RAYMOND & SHAVON L	13658 TARA HILLS DR	GULFPORT	MS	39503
	116714	0807F-01-005.048	LICARE-MCGEE MATTHEW ROSS & HAILEY	13672 TARA HILLS CT	GULFPORT	MS	39503
	111127	0807F-01-005.018	EVANCHYK RONALD C & KATHLEEN M	13674 TARA HILLS DR	GULFPORT	MS	39503
	111128	0807F-01-005.019	CHANDLER APRIL L & JACOB E	13680 TARA HILLS CIR	GULFPORT	MS	39503
	116715	0807F-01-005.049	JOHNSON ROBERT B	13686 TARA HILLS COURT	GULFPORT	MS	39503
	111130	0807F-01-005.021	ZEECK ERNEST F III & LORIA J	13688 TARA HILLS CIR	GULFPORT	MS	39503
	111132	0807F-01-005.023	ANDREWS JONATHAN R & ERICA L	13689 TARA HILLS CIR	GULFPORT	MS	39503
	111131	0807F-01-005.022	BOYDA JAQUELINE L	13690 TARA HILLS CIR	GULFPORT	MS	39503
	116712	0807F-01-005.046	SAUNDERS RANDOLPH C & ANGELA STUMPF	13706 TARA HILLS CIR	GULFPORT	MS	39503
	116921	0807F-01-001.004	HIGH CHERYL L	15001 S SWAN RD	GULFPORT	MS	39503
N	116920	0807F-01-001.003	HIGH CHERYL ETAL	15001 S SWAN ROAD	GULFPORT	MS	39503
	102710	0807F-01-006.000	RAYBOURN ROBERT W & PAM	15058 WHISPERWOOD DR	GULFPORT	MS	39503
	127561	0807F-01-001.008	BATOL DAVID T & ADRIENNE F	15111 S SWAN RD	GULFPORT	MS	39503
	56327	0807F-01-002.000	MILES EDDIE WAYNE	15175 S SWAN RD	GULFPORT	MS	39503
	56317	0807E-01-001.000	DAIGLE TIMOTHY JAMES JR & JENEE MIC	15361 S SWAN RD	GULFPORT	MS	39503
	98441	0807E-01-011.000	GILCHRIST ROBERT A ETAL	PO BOX 1260 C/O T L JAMES & CO INC	RUSTON	LA	71273
	103349	0807C-01-009.000	GULFPORT CITY OF	P O BOX 1780	GULFPORT	MS	39502
N	126074	0807F-01-006.001	GULFPORT CITY OF	P O BOX 1780	GULFPORT	MS	39502
	91423	0807D-01-001.000	DAY DRUG CO INC	P O BOX 247	GULFPORT	MS	39502
	111129	0807F-01-005.020	CARTER JONATHAN R	P O BOX 7252	GULFPORT	MS	39506

RE: General Subdivision Plan 2204PC045, by agent Rumsey engineering, tax parcels 0807F-01-003.000& 0807F-01-004.000, Approval of a General Plan for 88-lot subdivision (Swan Ridge), S Swan Rd, Zoned R-1-10, Ward 7 To Applicants and Adjacent Property Owners:

The City of Gulfport Planning Commission will hold a public hearing to consider the above application at 4:30 P.M. on **Thursday, March 24, 2022**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit <http://www.gulfport-ms.gov/agendas/> then click the City of Gulfport Planning Commission for **Thursday, March 24, 2022**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS**Order Number:****IPL0063109****Order Status:**

Submitted

Classification:

Legals & Public Notices

Package:

BLX - Legal Ads

Final Cost:

37.92

Payment Type:

Account Billed

User ID:

IPL0024925

PREVIEW FOR AD NUMBER IPL00631090**ACCOUNT INFORMATION**

GULFPORT URBAN DEVELOPMENT IP
PO BOX 1780
GULFPORT, MS 39502
228-868-5705
AccountsPayable@gulfport-ms.gov
GULFPORT URBAN DEVELOPMENT

TRANSACTION REPORT**Date**

March 2, 2022 5:36:19 PM EST

Amount:

37.92

SCHEDULE FOR AD NUMBER IPL00631090

March 9, 2022
SunHerald (Biloxi)

**LEGAL NOTICE
PUBLIC HEARING**

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979 as amended, notice is hereby given advising that the Gulfport City Planning Commission will hold a public hearing in the City of Gulfport, Mississippi at 4:30 PM., Thursday, March 24, 2022 in the Council Chambers of the Gulfport City Hall located at 2309 15th Street to consider the following requests. A copy of the requests will be available for public review at the

be available for public review at the office of the Department of Urban Development, Planning Division, located on first floor of the William H. Hardy Building, 1410 24th Avenue.

Zoning Text Amendment 2201PC016, by City of Gulfport, City of Gulfport, Amendments to Chapter 9, Article III. - Subdivisions.

Planning Commission Approval 2203PC031, by owners Gregory & Rhonda Haney, tax parcel 0910F-01-003.000, Request home occupation for real estate sales use, 104 45th St, Zoned R-UE (Urban residence estate), Ward 4.

Zoning Text Amendment 2203PC034, by City of Gulfport, City of Gulfport, Amendments to the Comprehensive Zoning Ordinance, as amended, Section IV. Supplementary regulations (10) Townhouse and zero lot line residential uses

Planning Commission Approval 2203PC036, by agent Frank Magee, tax parcel 0810P-02-024.000, Approval for car wash use, 1220 Pass Rd, Zoned B-2 (General Business), Ward 3

Planning Commission Approval 2203PC039, by agent Sherry L Owen, tax parcel 0911B-01-001.000, Requests a church use, 353 Courthouse Rd, Zoned T5 (Urban Center Zone) and T4L (General Urban Zone "Limited"), Ward 4

General Subdivision Plan 2204PC045, by agent Rumsey engineering, tax parcels 0807F-01-003.000& 0807F-01-004.000, Approval of a General Plan for 88-lot subdivision (Swan Ridge), S Swan Rd, Zoned R-1-10, Ward 7

This the 2nd day of March 2022

Keith Williams, Chairman

City of Gulfport Planning Commission

W00000000

Publication Dates

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MEMORANDUM

To: City of Gulfport Planning Commission

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: March 24, 2022

Re: Other Business

MEMORANDUM

To: City of Gulfport Planning Commission

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: March 24, 2022

Re: Zoning Text Amendment 2201PC016:

Zoning Text Amendment 2201PC016, by City of Gulfport, City of Gulfport, Amendments to Chapter 9, Article III. - Subdivisions.

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March 9, 2022
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Planning Commission Approval 2203PC031, by owners Gregory & Rhonda Haney, tax parcel 0910F-01-003.000, Request home occupation for real estate sales use, 104 45th St, Zoned R-UE (Urban residence estate), Ward 4.

Zoning Text Amendment 2203PC034, by City of Gulfport, City of Gulfport, Amendments to the Comprehensive Zoning Ordinance, as amended, Section IV. Supplementary regulations (10) Townhouse and zero lot line residential uses

Planning Commission Approval 2203PC036, by agent Frank Magee, tax parcel 0810P-02-024.000, Approval for car wash use, 1220 Pass Rd, Zoned B-2 (General Business), Ward 3

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This the 2nd day of March 2022

Keith Williams, Chairman

City of Gulfport Planning Commission
W00000000

Publication Dates

[<< Click here to print a printer friendly version >>](#)

MEMORANDUM

To: City of Gulfport Planning Commission

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: March 24, 2022

Re: Zoning Text Amendment 2203PC034:

Zoning Text Amendment 2203PC034, by City of Gulfport, City of Gulfport, Amendments to the Comprehensive Zoning Ordinance, as amended, Section IV. Supplementary regulations (10) Townhouse and zero lot line residential uses

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SunHerald (Biloxi)

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General Subdivision Plan 2204PC045, by agent Rumsey engineering, tax parcels 0807F-01-003.000& 0807F-01-004.000, Approval of a General Plan for 88-lot subdivision (Swan Ridge), S Swan Rd, Zoned R-1-10, Ward 7

This the 2nd day of March 2022

Keith Williams, Chairman

City of Gulfport Planning Commission
W00000000

Publication Dates

[<< Click here to print a printer friendly version >>](#)

MEMORANDUM

To: City of Gulfport Planning Commission

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: March 24, 2022

Re: General Plan 2103PC049:
Extention Letter

General Plan 2103PC049, by owner Rob-Lands, LLC, tax parcel 0811F-05-031.000, Approval of General Plan for 12-lot townhouse development (24th Avenue Townhomes) with 1 outparcel, 24th Ave, Zoned T4L (General Urban Zone "Limited"), Ward 3. Request a 12 month extension of this approval to allow time to complete the marketing and get the plat filed.

CIVIL ENGINEER
111 LUNDGREN LANE
GULFPORT, MS 39507

Robert J. Knesal, P. E.

CONSULTANT
228-860-5318
email: BobbyKnes@aol.com

March 22, 2022

City of Gulfport Planning Division
1410 24th Ave
Gulfport, MS 39501

Re: General Plan 2103PC049
24th Ave Townhomes

To whom it may concern:

We received General Plan Approval of our Townhome Project on March 25, 2021. Due to the excessively high building material prices, we delayed marketing the project until costs stabilized. We are finally getting it ready to market and have a realtor who will be installing a sign soon.

I respectfully request a 12 month extension of this approval to allow us time to complete the marketing and get the plat filed.

Should you have any questions or if I need to provide additional information, please do not hesitate to contact me at 228-860-5318.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'Robert J. Knesal', with a long horizontal flourish extending to the right.

Robert J. Knesal, P. E.