AGENDA

GULFPORT CITY PLANNING COMMISSION MEETING

CITY HALL COUNCIL CHAMBERS

THURSDAY, OCTOBER 27, 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 - September 22, 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. **Zoning Map Amendment 2209PC151:**

Zoning Map Amendment 2209PC151, by owners Kenneth & Sherry Simmons, tax parcels 0910N-01-007.000, request to rezone from B-2 (General business) to R-B (Residence business) Ward 4

2. Resubdivision 2209PC175:

Resubdivision 2209PC175, by owner Steven Austin, tax parcel 0810N-02-023.000, Divide into two new parcels, 2006 30th Street, Zoned B-2 (General business), Ward 3

3. Zoning Map Amendment 2204PC077:
(Remanded back to Planning Commission by City Council)

Zoning Map Amendment 2204PC077, by owner Gulf Coast Shipyard Realty, LLC, tax parcel 0909F-01-001.002, Request to rezone from I-2 (Heavy industry) to I-3 (Planned industrial park), 13085 Seaway Rd, Ward 5

4. Planning Commission Approval 2210PC178:

Planning Commission Approval 2210PC178, by agent John Dixon, tax parcel 0808L-02-017.000, Request approval to allow a medical dispensary use, 11370 HWY 49 Suite G, Zoned B-4 (Highway business), Ward 7

5. Zoning Map Amendment 2210PC181:

Zoning Map Amendment 2210PC181, by agent Derek Bjornstad, tax parcel 0711K-03-002.000, Request to rezone property from R-1-7.5 (Single-family) to R-2 (Single-family), 4707 Old Pass Rd, Zoned R-1-7.5 (Single-family), Ward 1

6. Zoning Text Amendment 2210PC184:

Zoning Text Amendment 2210PC184, by CRC Westside, amendments the SmartCode Zoning Ordinance, as amended, Section 1.8.1 Damage Due to Emergency Conditions, Section 4.11.1 Damage Due to Emergency Conditions, and Section 5.12.1 Damage Due to Emergency Conditions.

7. Planning Commission Approval 2210PC185:

Planning Commission Approval 2210PC185, by agent Stacy Craig, tax parcel 1007M-01-072.000, Request home occupation for a handyman, 13204 Curtis St, Zoned R-E (Residence estate), Ward 6

8. Zoning Map Amendment 2210PC186:

Zoning Map Amendment 2210PC186, by agent Ashleigh M. Vignes, tax parcel 0908M-01-010.000, Request to rezone from R-1-10 (Single-family) to B-1 (Neighborhood business), 13499 Dedeaux Rd, Ward 5

9. Special Exception 2210SE188:

Special Exception 2210SE188, by agent Frankie Jackson, tax parcel 0809E-02-004.000, Requests a tattoo parlor use, 10000 Factory Shops Blvd, Suite 235, Zone B-4 (Highway business), Ward 3

10. <u>Planning Commission Approval 2210PC190:</u>
<u>Deferred to November Meeting:</u>

Planning Commission Approval 2210PC190, by agent John Ravenscroft, tax parcel 0811B-01-037.000, Requests automotive body repair, 2601 15th Ave, Zoned B-2 (General business), Ward 3

11. <u>Zoning Map Amendment 2210PC191:</u>

Zoning Map Amendment 2210PC191, by agent Donovan Scruggs, tax parcels 1009M-03-006.000 & 1009M-03-004.000, Requests to rezone property from R-1-7.5 (Single-family) to B-1 (Neighborhood business), 11451 and 11463 Hillcrest Rd, Ward 4

12. <u>Zoning Map Amendment 2210PC192:</u>

Zoning Map Amendment 2210PC192, by agent Schwartz, Orgler & Jordan, PLLC, tax parcels 1010E-02-008.000 & 1010E-02-008.001, Requests to rezone property from T3 (Sub-Urban Zone) to T4+ (General Urban Zone "Plus"), 1285 Spring St, Ward 4

G4. <u>Other Business</u>

H. Adjournment

MINUTES

GULFPORT CITY PLANNING COMMISSION

Thursday, September 22, 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
HAROLD SPANN
VIRGINIA ADOLPH
DOUG HANCOCK
BJ SELLERS

BOARD MEMBERS ABSENT:
BRANDON ELLIOTT
GARLON PEMBERTON
JOHN ANTHONY

STAFF MEMBERS PRESENT:
GREG HOLMES
CORY LONG
SU-LIN FEATHERSTON
LESLIE ERVIN
LORAINE HUGHES

COURT REPORTER:
NORMA SOROE

E. Confirmation of Agenda:

F. Adoption of Minutes:

A **motion by Mr. Hewes** to approve Minutes of the **August 25, 2022,** meeting was **seconded by Mrs. Adolph** 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. Final Plat 2209PC160:

Final Plat 2209PC160, by owners Necaise Land L.P. & Dennis Stieffel, tax parcels 0807I-01-001.052 & 0807I-01-001.053, Approval of Final Plat for 3-lot subdivision (The Hunington Phase 4), Three Rivers Rd, Zoned R-1-15, (Single-family), Ward 7

Speaking for the Petition: Dennis Stieffel

Speaking against the Petition: None

Motion: Mr. Daigle – to approve the request

Second: Mrs. Adolph

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

Action: Motion carries unanimously

2. Planning Commission Approval 2209SE161:

Planning Commission Approval 2209PC161, by agent Garlon Pemberton, tax parcel 1010H-02-030.000, Request automotive sales use, 2137 E. Pass Road, Zoned B-1 (Neighborhood Business), Ward 2

Speaking for the Petition: Ivan Spinner

Speaking against the Petition: None

Motion: Mr. Sellers – to approve with conditions

Second: Mr. Hancock

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

Action: Motion carries unanimously

3. <u>Resubdivision 2209PC162:</u>
<u>(Administratively Withdrawn)</u>

Resubdivision 2209PC162, by owner Michael Morken, Divide into two new parcels, tax parcel 0811E-03-043.000, 1723 31st Ave, Zoned T3 (Sub-Urban Zone), Ward 2

Speaking for the Petition:

Speaking against the Petition:

Motion:

Second:

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

Action:

4. <u>Zoning Map Amendment 2209PC166:</u>

Zoning Map Amendment 2209PC166, by agent Donovan Scruggs, tax parcels 0809I-01-020-000, 0809I-01-021.000, Request to rezone property from B-2 (General Business) to I-2 (Heavy industry districts), 9506 and 9524 Creosote Rd. Zoned B-2 (General Business), Ward 3

Speaking for the Petition: Donovan Scruggs

Speaking against the Petition: None

Motion: Mr. Hewes – to approve the request

Second: Mr. Daigle

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

Action: Motion carries unanimously

5. <u>Planning Commission Approval 2209PC167:</u>

Planning Commission Approval 2209PC167, by owner Danyel Nichols, tax parcel 0710H-04-048.000, Requests a duplex use, Zoned R-1-5 (Single-family), Pear St & Hawthorn St, Ward 3

Speaking for the Petition: Danyel Nichols

Speaking against the Petition: None

Motion: Mrs. Adolph – to approve with conditions

Second: Mr. Hancock

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

Action: Motion carries unanimously

6. <u>General Plan 2209PC168:</u>

General Plan 2209PC168, by agent Heinrich and Associates, tax parcels 1009O-02-002.015 &1009O-02-002.000, Approval of a General Plan for 10-Lot subdivision (Bayou Plantations Subdivision Phase 2), Bayou Plantation Ln, Zoned R-2 (Single-family), Ward 5

Speaking for the Petition: Robert Heinrich, Christopher Romano

Speaking against the Petition: None

Other: Andrew Burrell

Motion: Mr. Jones – to approve with conditions

Second: Mr. Hewes

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

Action: Motion carries unanimously

7. <u>Planning Commission Approval 2209PC169:</u>

Planning Commission Approval 2209PC169, by owner Gregory Pittman, tax parcel 0810E-01-041.000, Requests mobile home use, 8250 Indiana Ave, Zoned R-1-5 (Single-family), Ward 3

Speaking for the Petition: Gregory Pittman

Speaking against the Petition: None

Motion: Mr. Hewes – to approve the request

Second: Mr. Daigle

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

Action: Motion carries unanimously

8. <u>Planning Commission Approval 2209PC170:</u>

Planning Commission Approval 2209PC170, by agent Randy Kirby, tax parcel 0809N-03-006.002, Requests a medical cannabis dispensary use, 9113 Hwy 49, Zoned B-4 (Highway business), Ward 3

Speaking for the Petition: Randy Kirby, Angie Calhoun

Speaking against the Petition: None

Motion: Mr. Daigle – to approve the request

Second: Mr. Sellers

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

Action: Motion fails 5 - 2

9. <u>Zoning Text Amendment 2209PC171:</u>

Zoning Text Amendment 2209PC151, by Lauren Illing, City of Gulfport, Amendments to the Comprehensive Zoning Ordinance, as amended, Section I Definitions (B) Words and Phrases Medical cannabis Establishment and Section III District Regulations, (K) Chart of Permitted Uses, (2) Schedule of Uses Medical Cannabis Dispensary

Speaking for the Petition: Lauren Illing, Melody Worsham, Angie Calhoun, Elliot Flaggs, Colton Farris, Natalie Bonner, Bill Pettey

Speaking against the Petition: Howard Bright, Kent Henderson, Gordon Cola, James Foster, William McCown, Drew Carmeron, Brian Dix

Motion: Mr. Sellers – to deny request

Other: Cory Long

Second: Mr. Hancock

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

Action: Motion carries unanimously

10. <u>Resubdivision 2209PC172:</u>

Resubdivision 2209PC172, by owners Nicholas Shay, Ronald David Brown, Leah Simon, & Carlos Gautreaux, tax parcel 0811L-04-122.000, Divide into two new parcels, 1301 31st Ave, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Speaking for the Petition: Carlos Gautreaux, Colton Farris

Speaking against the Petition: William McCown, James Foster

Motion: Mr. Hancock – to approve with conditions

Second: Mr. Sellers

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

Action: Motion carries unanimously

11. General Plan 2209PC173:

General Plan 2209PC173, by owner C&G Holdings, LLC, tax parcel 1010M-01-013.001, Requests approval for a 75-lot Zero Lot Line subdivision (Gulf Grove), Cowan Rd, Zoned T4+ (General Urban Zone "Plus") and T4L (General Urban Zone "Limited"), Ward 2

Speaking for the Petition: Charles Gant

Speaking against the Petition: None

Motion: Mr. Hewes – to approve request

Second: Mr. Hancock

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

Action: Motion carries unanimously

H. Other Business

I. Adjournment

There being no further business, a Motion was made by **Mr. Daigle** to adjourn, seconded by **Mr. Hancock** and carried unanimously. The meeting adjourned at **7:30 pm.**

_____ Date: _____

WILLIAM PRINCE JONES, Secretary

MEMORANDUM

To: City of Gulfport Planning Commission

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: October 27, 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: October 27, 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: October 27, 2022

Re: Routine Agenda

MEMORANDUM

To: City of Gulfport Planning Commission

From: Greg Holmes, Planning Administrator
Urban Development Department

Date of Hearing: October 27, 2022

Re: **<u>Zoning Map Amendment 2209PC151:</u>**

Zoning Map Amendment 2209PC151, by owners Kenneth & Sherry Simmons, tax parcels 0910N-01-007.000, request to rezone from B-2 (General business) to R-B (Residence business) Ward 4

Technical Report

Zoning Map Amendment

GENERAL INFORMATION

Case File Number: 2209PC151

Hearing Date: October 27, 2022

Current Zoning/Use: R-2 / Single-family homes and vacant

Legal: Zoning Map Amendment 2209PC151, by owners Kenneth & Sherry Simmons, tax parcels 0910N-01-007.000, request to rezone from B-2 (General business) to R-B (Residence business) Ward 4

TECHNICAL DETAILS

Amendment of the Zoning Ordinance, including the zoning map, is intended to carry out the objective of a sound, stable, and desirable environment. Casual amendment of the ordinance would be detrimental to the achievement of that objective. Therefore, the ordinance dictates that a property should be considered for rezoning only when one or more of the following conditions prevail according to the Mississippi case law:

When requesting rezoning of real property, **an applicant must prove**, by **clear and convincing evidence**, one of the following:

1. That there was a mistake in the original zoning, or
2. That the character of the neighborhood has changed to such an extent as to justify reclassification, **and** that there was a public need for rezoning.

The applicant requests to rezone approximately 30,000 square feet of property from B-2 (General Business) to an R-B (Residence business) zone. Currently, the property is vacant. The current zoning does not allow for single-family uses, the expansion of it, or substantial modification.

According to the City's 2002 Comprehensive Plan, this area was intended to become commercial. Specifically meaning, the existing use of single-family was intended to go away.

The applicant stated mistake as a justification of change as required by ordinance and application:

1. The applicant paraphrases mistake or error as, "I believe when the city zoned all of these single family homes commercial, people only heard how the property value would go up. I am sure there was no mention of the fact single family home[s] would be force out." While this statement may or may not satisfy the intention of error, this does lean to an uninformed decision when adopting the zoning regulations for this area. These homes were built 1948-1962 (see attached tax records), which well pre-date the 1979 zoning ordinance.

2. Need is not addressed by the applicant.

Technical Report

Zoning Map Amendment

EXECUTIVE SUMMARY

This application is the same as the one before, with the exception of a staff oversite which did not include all of the parcels in the rezoning effort by the applicant.

These homes predate the 1979-zoning ordinance and were rendered non-conforming by the ordinance adoption. Being non-conforming these homes were placed in position of forced change instead of a zoning district like R-B that would allow for a gradual change. As such, an intentional business area should have been the goal for the area. With that being unstated anywhere, it leans to an oversite or error in the plan development.

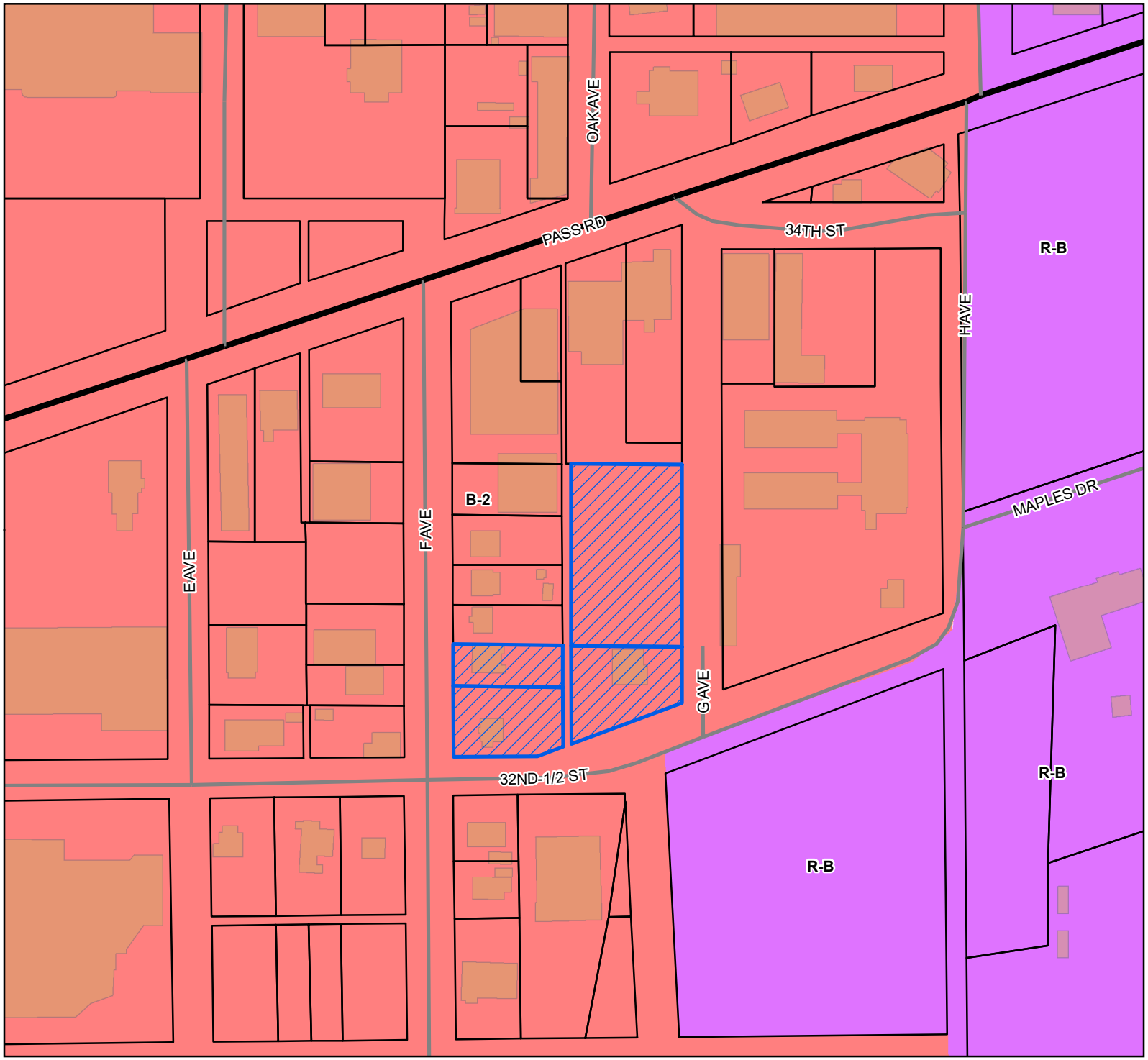
DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Pietrangelo
Director of Urban Development Department

2209PC151

Zoning Map Amendment



Site
US or State Highway
Street
Parcels
Buildings

Zoning

B-2 - General Business District

R-B - Residence-Business District

Site Information

0910N-01-006.000
0910N-01-016.000
0910N-01-015.000
0910N-01-007.000
Zoning: B-2 (GENERALBUSINESS)
Size: 1.42 acres
Flood: X

0 25 50 75
Yards

1 inch = 170 feet

N W E S

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

For Staff Use Only

Case File #: 2209PC151

Date Received: 7/18/2022

Receipt #:

Received By:

Zoning: B-2

Ward: Flood:

APPLICATION FOR ZONING MAP AMENDMENT/LAND USE RECLASSIFICATION (SMARTCODE)

Property Information

TAX PARCEL #
0910N-01-006.000
0910N-01-016.000
0910N-01-015.000

Page 1 of 3
(If necessary, use separate sheet of paper)

Address of Property Involved: 3235 G AVE, 3332 F AVE, 3236 F Ave, Gpt

Lot(s) 20-28, Block(s) B, Subdivision Jordan and McGuire ~~Subdivision~~ KRS Subdivision

General Location: Harrison County, 35-7-11 PPIN 083858, 31222, 31221

GENERAL DESCRIPTION OF REQUEST:
Request to rezone from B-2 to R-B

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 reauest.

OWNER

Kenneth & Sherry Simmons
Printed Name Of Owner

2492 Tandy Dr
Mailing Address

Gulfport MS 39503
City State Zip code

228-832-1016 228-669-0582
Home Phone Work/Cell Phone

kkingu@att.net
Email

Kenneth Ray Simmons Jr
Sherry Simmons
Signature Of Owner

AGENT

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.

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

For Staff Use Only

Case File #:

Date Received:

Receipt #:

Received By:

Zoning:

Ward: Flood:

APPLICATION FOR ZONING MAP AMENDMENT/LAND USE RECLASSIFICATION (SMARTCODE)

Property Information

TAX PARCEL # 0910N - 01 - 007.000

Page 2 of 3

(If necessary, use separate sheet of paper)

Address of Property Involved: 32nd 1/2 ST

Lot(s) 29-37, Block(s) B, Subdivision Jordan and McGuire subdivision

General Location: Harrison County 35-7-11 PPIN 31225

GENERAL DESCRIPTION OF REQUEST:

Request to rezone from B-2 to R-B

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 reauest.

OWNER	AGENT
Kenneth & Sherry Simmons	
Printed Name Of Owner	Printed Name Of Agent
2492 Tandy Dr	
Mailing Address	Mailing Address
Gulfport MS 39503	
City State Zip code	City State Zip code
228 832 1016	
Home Phone Work/Cell Phone	Home Phone Work/Cell Phone
kkingu@att.net	
Email	Email
Kenneth Ray Simmons Jr. Sherry Simmons	
Signature Of Owner	**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. [X]

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) Kenneth Ray Simmons Jr

ADDRESS (STREET, CITY, STATE, ZIP CODE 2492 Tandy Dr Gulfport MS 39503

PHONE # (H) 228 832 1016 (W)

TAX PARCEL NUMBER(S) OWNED 0910N-01-006-000, 0910N-01-016-000, 0910N-01-015-000, 0910N-01-007-000

SIGNATURE: Kenneth Ray Simmons Jr.

NAME OF OWNER (PRINT) Sherry Ann Simmons

ADDRESS (STREET, CITY, STATE, ZIP CODE 2492 Tandy Dr Gulfport MS 39503

PHONE # (H) 228 832 1016 ~~(W)~~ Cell 228 669-0582

TAX PARCEL NUMBER(S) OWNED 0910N-01-006-000, 0910N-01-016-000, 0910N-01-015-000, 0910N-01-007-000

SIGNATURE: Sherry Ann Simmons

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: Self: Kenneth Ray Simmons Jr

Request to rezone 4 properties
3235 G AVE, 3236 F AVE, 3332 F AVE and a Parcel 0910N-01-007.000 PPIN 31225 on 32ND ½ ST

The reason for me wanting to rezone my property at this time is damage to the roof on 2 of my houses. I can't get a permit approved to repair the roof on 3236 F Ave because it is a single family home on commercial property; 3235 G AVE was approved because it was under the 10% rule. I have a Daughter, Son, and 2 Brother.-in-laws living on this property now. I do try and make repairs as I can to keep the property up and livable. I have no desire to become a landlord and I have no plans to sell any of my property, the family connection to me makes me keep it. I have allowed some relative to stay on the property till they get on their feet and can move on; I do ask them to pay utilities which they do most of the time. I have 4 properties and 3 houses which were built in the 40's and 50's, they are all fenced in together, they belonged to my parents and Grandparents, from the time I was 1 year old till I went in the Army I lived on the property.
The damage to the roof on 3236 F AVE was caused by a 24" diameter limb breaking off the trunk of an oak tree from the vacant lot next door. It occurred during a thunder storm about 5 months ago. The worst of the damage was cause by a 10" and 5" limb landing on the roof. There is no sign of water leaking inside the house but the outer edge of the roof is broken up in places and need repair. The repair will have to tie the outer edge of the roof to studs inside and above the wall to provide strength on the outer edge of the roof.

I would like to rezone my 4 properties from Commercial B-2 to Residential/Business R-B. The property across the street from 3235 G AVE is zoned R-B. I would like to rezone all 4 properties to be able to repair and replace fixtures, fences, buildings in the future when a permit is needed.

Kenneth Ray Simmons 07/16/2022

Sherry Ann Simmons 07/16/2022

Kenneth & Sherry Simmons
2492 Tandy Drive
Gulfport, MS 39503

Home (228) 832-1016

The application requirements sheet asked if anyone else might want to be notified of plans to change the zoning of my property. I think Russell Lee Fortner might want to know because he was trying to make some changes on his property and could not get a permit. His lives at address 3240 F AVE and also own 3238 F AVE. He told me he was turned down for a permit because it is a single family home on commercial property, and he could not build the additional structure.

When the city zoned my property commercial I believe it should have been R-B to allow for the single family homes. Single family homes makes up most of the neighborhood, and few small businesses which have moved in since the zoning change would be covered by R-B.

I would like to have my property rezoned from B-2 to R-B for several reasons. My understanding is my only option is R-B from B-2 because the property next to me is R-B. Many if not most of the single family homes in my neighborhood have no option to keep up our property unless done without a permit, which forces people to break rules/laws. Many if not most of the property in my area is single family homes but zoned commercial. I have no idea when the property was changed to commercial zoned but I am sure my parents and Grandparents did not know about the 10% rule. I was denied a permit because the only repairs I can make has to total less than 10% the value of my house. That is a total of all repair for as long as I own the property added together must be less than 10% the value of my house or I get no permit.

I believe when the city zoned all these single family homes commercial, people only heard how the property value would go up. I am sure there was no mention of the fact single family home would be forced out. When the city does not allow you to repair your home and it falls victim to the elements then the city forces you to tear it down and will not permit a single family home rebuilt. That may be why I have a vacant lot next to 3236 F AVE. The house had not been repaired and the roof was falling in and the city forced them to tear the house down. I know Mrs. Cooley growing up which owned the house when I was a kid. I understand her Granddaughter owned it but recently sold it to the neighbor on the other side of her property, Russell.

I do believe the character of the neighborhood has changed some over the last 40 year but it is still mostly family homes and small business which is covered by R-B. I ask you to allow our home owners to be allowed to keep and maintain our property in a livable state of being without us having to break city rules/laws.

Kenneth & Sherry Simmons

F.

1) Interest

Kenneth Ray Simmons & Sherry Ann Simmons
2492 Tandy Drive
Gulfport, MS 39503
Owner of property

2) Development Schedule

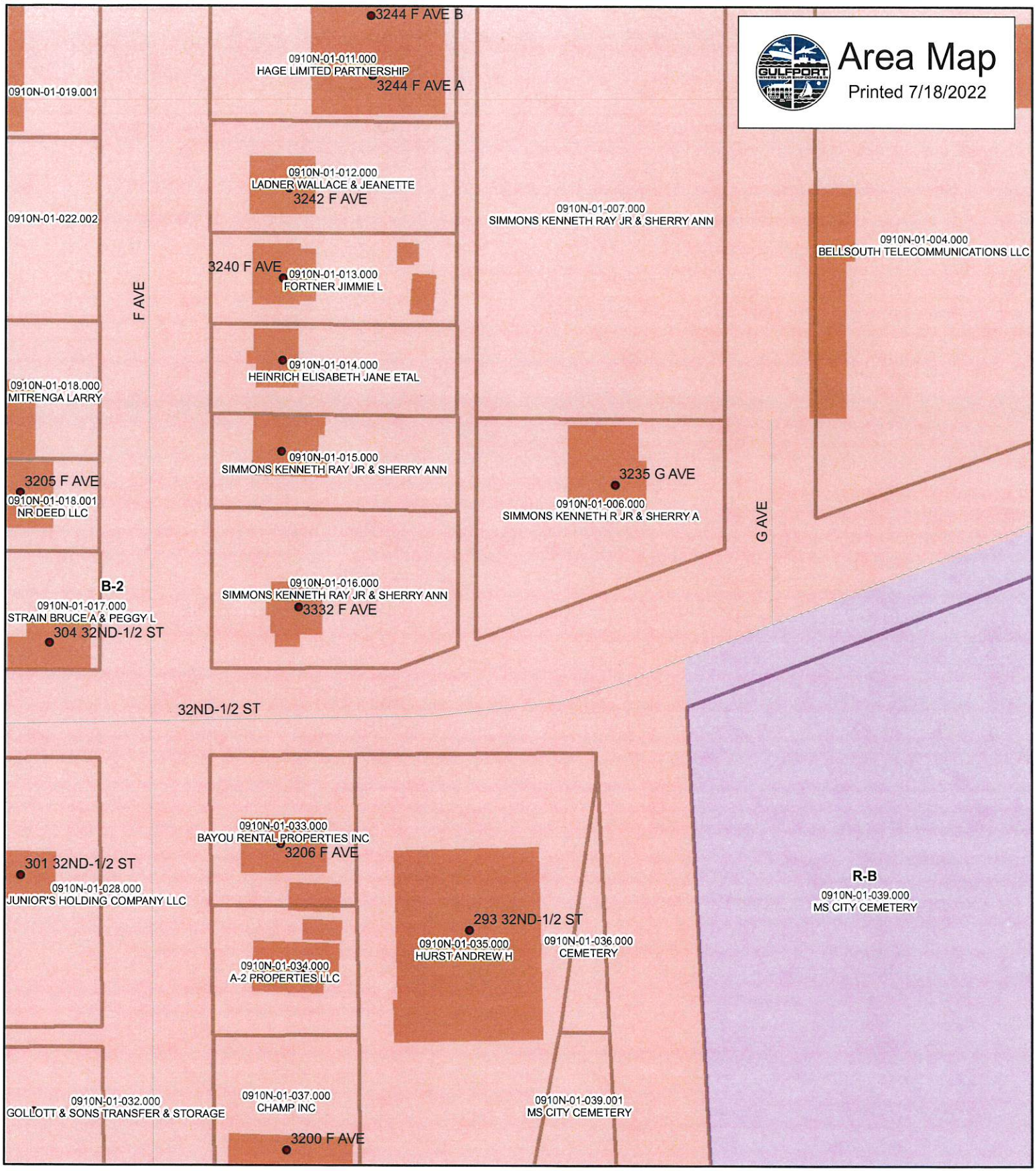
Need repair roofs on house, start as soon as the permit is approved. Finish from what I understand may be December.

3) Effect of Amendment

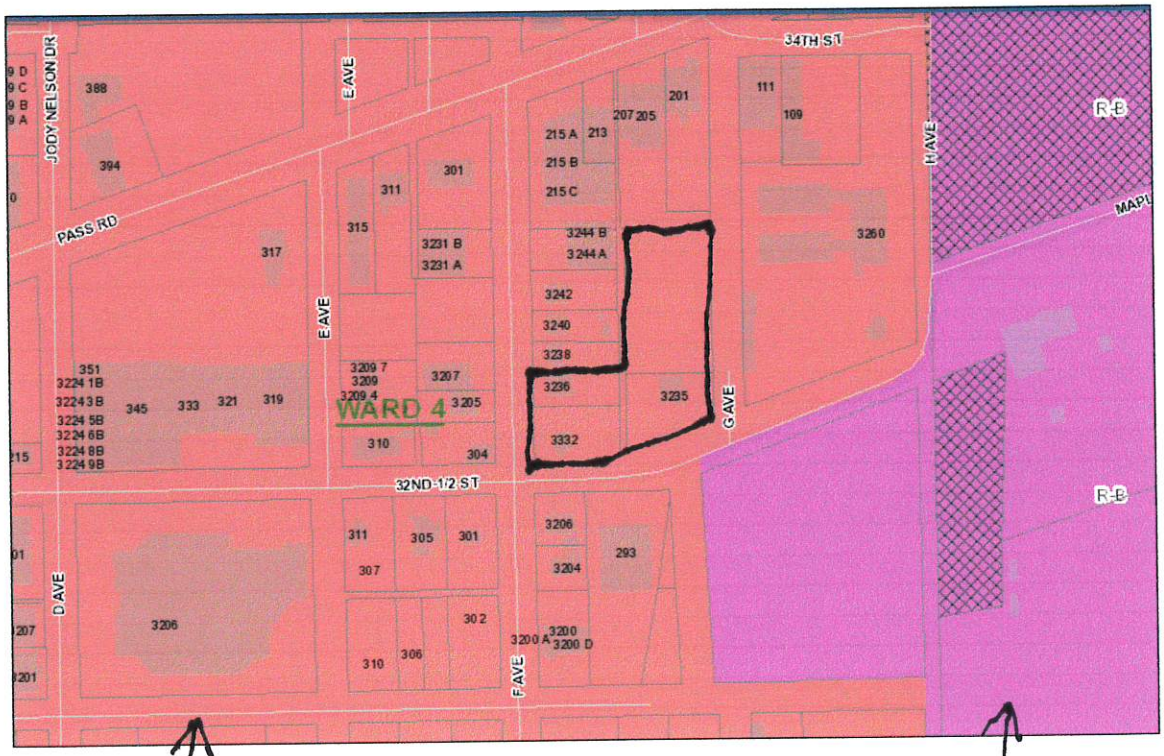
Require change in Zoning map because of 10% rule. All 4 sides of 3236 F Ave has single family homes around ~~the~~ the property. There should be no negative effect on surrounding property.

4) Error

Rezone to R-B will allow for the repair of single family homes. The area is mostly single family home with some small Bussiness in the area. R-B will provide for all property owners in my area.



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.


34TH ST
JODY NELSON DR
PASS RD
E AVE
H AVE
G AVE
D AVE
F AVE
32ND-1/2 ST
WARD 4
R-B
R-B

B-2

R-B

LRMINQ01 **APPRINQ42** LAND ROLL MAINTENANCE LRWINQ01/HC
Library 2022

SIMMONS KENNETH RAY JR & SHERRY ANN
2492 TANDY DR

Parcel 0910N-01-007.000 PPIN 31225
Alt Parcel 0910N-01-007.000
Exempt Code Tax District 2G
Subdivision 00354
JORDAN AND MCGUIRE
Neighborhood

C/S/Z GULFPORT MS 39503
Sect/Twn/Rng 35 07 11 Blk 00B St 32ND 1/2 ST

Cls	C-Acres	C-Value	U-Acres	U-Value	T-Acres	Improved	True	Assessed
1								
2		27945					27945	4192
		27945					27945	4192

Homestead Type 1=O65 2=DAV 3=DIS 4=Reg Reg 100 DAV
Mtg
Eligible for Class 1 N (Y/N)
New Value Added F-Fire O-Override
Deed Ref. 2016-0001552-D-J1
Drainage Code Benefit Price Total
Deed Date 3 / 14 / 2016
Roll: Page Line Added
County 15610 4 By
City Changed 10 25 2016
Levee Benefits X .05 = School By SLL1

F3-NEXT PARCEL, F5-LEGAL, F6-ADDENDUM, F7-DEEDS, F8-FLAGS, F9-OPTIONS F10-PRINT
F3 For next record

1st Judicial District
Instrument 2016 1552 D – J1
Filed/Recorded 3/14/2016 09:43 A
Total Fees $ 20.00
2 Pages Recorded

GRANTOR'S ADDRESS:
Kenneth Ray Simmons, Jr.
2492 Tandy Drive
Gulfport, MS 39503
228-832-1016

GRANTEES' ADDRESS:
Kenneth Ray Simmons, Jr.
Sherry Ann Simmons
2492 Tandy Drive
Gulfport, MS 39503
228-832-1016

PREPARED BY AND RETURN TO:
Dara Skinner, Attorney at Law
P.O. Box 10256, Gulfport, MS 39505
15045 Dedeaux Road, Gulfport, MS 39503
Tel. (228) 831-0948 Fax (228) 831-1319
MS Bar No. 10207
E-mail: daraskinner@bellsouth.net

INDEXING INSTRUCTIONS: Lots 29 to 37, inclusive, Block B, Jordan and McGuire Subdivision, 1st Judicial District of Harrison County, Mississippi. §35-7-11. Parcel #0910N-01-007.000. PPIN #31225.

STATE OF MISSISSIPPI
COUNTY OF HARRISON
1ST JUDICIAL DISTRICT

TITLE NOT EXAMINED

QUITCLAIM DEED

FOR AND IN CONSIDERATION OF the sum of Ten Dollars ($10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Grantor, Kenneth Ray Simmons, Jr., does hereby sell, convey, and quitclaim unto

Grantees, Kenneth Ray Simmons, Jr. and Sherry Ann Simmons, husband and wife, not as tenants in common but as joint tenants with full rights of survivorship, all of his right, title, and interest in and to the following described real property, together with all improvements thereon and all appurtenances thereunto belonging, situated in the First Judicial District of Harrison County, Mississippi, to-wit:

> Lots 29 to 37, inclusive, Block B, Jordan and McGuire Subdivision, 1st Judicial District of Harrison County, Mississippi. §35-7-11. Parcel #0910N-01-007.000. PPIN #31225.

Taxes for the year 2016 are hereby assumed as the sole responsibility of the Grantees herein.

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 mineral rights.

WITNESS MY SIGNATURE, this the 10 day of March, 2016.

Kenneth Ray Simmons Jr.
KENNETH RAY SIMMONS, JR.

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 10 day of March, 2016, within my jurisdiction, the within named, Kenneth Ray Simmons, Jr., who acknowledged that he executed the above and foregoing instrument on the day and year therein written as his free and voluntary act and deed.

Witness my hand and official seal of office, this the 10 day of March, 2016.

Dara Skinner
NOTARY PUBLIC

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 5673 DARA SKINNER Commission Expires Aug. 19, 2019 HARRISON COUNTY

LRMINQ01 APPRINQ42 LAND ROLL MAINTENANCE LRWINQ01/HC
Library 2022

SIMMONS KENNETH RAY JR & SHERRY ANN
2492 TANDY DR

Parcel 0910N-01-015.000 PPIN 31221
Alt Parcel 0910N-01-015.000
Exempt Code Tax District 2G
Subdivision 00354
JORDAN AND MCGUIRE
Neighborhood

C/S/Z GULFPORT MS 39503
Sect/Twn/Rng 35 07 11 Blk 00B St 3236 F AVE

Cls	C-Acres	C-Value	U-Acres	U-Value	T-Acres	Improved	True	Assessed
1								
2		8280				19566	27846	4177
		8280				19566	27846	4177

Homestead Type 1=O65 2=DAV 3=DIS 4=Reg Reg 100 DAV
Mtg Eligible for Class 1 N (Y/N)
New Value Added F-Fire O-Override Deed Ref. 2016-0001551-D-J1
Drainage Code Benefit Price Total Deed Date 3 / 14 / 2016
Roll: Page Line Added
County 15610 2 By
City Changed 10 25 2016
Levee Benefits X .05 = School By SLL1

F3-NEXT PARCEL, F5-LEGAL, F6-ADDENDUM, F7-DEEDS, F8-FLAGS, F9-OPTIONS F10-PRINT
F3 For next record

LRMINQ01 APPRINQ42 LAND ROLL MAINTENANCE LRWINQ01/HC
Library 2022

SIMMONS KENNETH RAY JR & SHERRY ANN
2492 TANDY DR

Parcel 0910N-01-016.000 PPIN 31222
Alt Parcel 0910N-01-016.000
Exempt Code Tax District 2G
Subdivision 00354
JORDAN AND MCGUIRE
Neighborhood

C/S/Z GULFPORT MS 39503
Sect/Twn/Rng 35 07 11 Blk 00B St 3332 F AVE

Cls	C-Acres	C-Value	U-Acres	U-Value	T-Acres	Improved	True	Assessed
1								
2		19758				12992	32750	4913
		19758				12992	32750	4913

Homestead Type 1=O65 2=DAV 3=DIS 4=Reg Reg 100 DAV
Mtg
Eligible for Class 1 N (Y/N)
New Value Added F-Fire O-Override
Deed Ref. 2016-0001551-D-J1
Drainage Code Benefit Price Total
Deed Date 3 / 14 / 2016
Roll: Page Line Added
County 15610 3 By
City Changed 10 25 2016
Levee Benefits X .05 = School By SLL1

F3-NEXT PARCEL, F5-LEGAL, F6-ADDENDUM, F7-DEEDS, F8-FLAGS, F9-OPTIONS F10-PRINT
F3 For next record

1st Judicial District
Instrument 2016 1551 D – J1
Filed/Recorded 3/14/2016 09:42 A
Total Fees $ 16.00
3 Pages Recorded

GRANTOR'S ADDRESS:
Kenneth Ray Simmons, Jr.
2492 Tandy Drive
Gulfport, MS 39503
228-832-1016

GRANTEES' ADDRESS:
Kenneth Ray Simmons, Jr.
Sherry Ann Simmons
2492 Tandy Drive
Gulfport, MS 39503
228-832-1016

PREPARED BY AND RETURN TO:
Dara Skinner, Attorney at Law
P.O. Box 10256, Gulfport, MS 39505
15045 Dedeaux Road, Gulfport, MS 39503
Tel. (228) 831-0948 Fax (228) 831-1319
MS Bar No. 10207
E-mail: daraskinner@bellsouth.net

INDEXING INSTRUCTIONS:

Lots 20 & 21, Block B, Jordan and McGuire Subdivision, 1st Judicial District of Harrison County, Mississippi. §35-7-11. Parcel #0910N-01-015.000. PPIN #31221

and

Lots 22 to 24, inclusive, Block B, Jordan and McGuire Subdivision, 1st Judicial District of Harrison County, Mississippi. §35-7-11. Parcel #0910N-01-016.000. PPIN #31222.

STATE OF MISSISSIPPI
COUNTY OF HARRISON
1ST JUDICIAL DISTRICT

TITLE NOT EXAMINED

QUITCLAIM DEED

FOR AND IN CONSIDERATION OF the sum of Ten Dollars ($10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Grantor, Kenneth Ray Simmons, Jr., does hereby sell, convey, and quitclaim unto Grantees, Kenneth Ray Simmons, Jr. and Sherry Ann Simmons, husband and wife, not as tenants in common but as joint tenants with full rights of survivorship, all of his right, title, and interest in and to the following described real property, together with all improvements thereon and all appurtenances thereunto belonging, situated in the First Judicial District of Harrison County, Mississippi, to-wit:

Lots 20 & 21, Block B, Jordan and McGuire Subdivision,1st Judicial District of Harrison County, Mississippi. §35-7-11. Parcel #0910N-01-015.000. PPIN #31221

and

Lots 22 to 24, inclusive, Block B, Jordan and McGuire Subdivision, 1st Judicial District of Harrison County, Mississippi. §35-7-11. Parcel #0910N-01-016.000. PPIN #31222.

Taxes for the year 2016 are hereby assumed as the sole responsibility of the Grantees herein.

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 mineral rights.

WITNESS MY SIGNATURE, this the 10 day of March, 2016.

Kenneth Ray Simmons Jr.
KENNETH RAY SIMMONS, JR.

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 10 day of March, 2016, within my jurisdiction, the within named, Kenneth Ray Simmons, Jr., who acknowledged that he executed the above and foregoing instrument on the day and year therein written as his free and voluntary act and deed.

Witness my hand and official seal of office, this the 10 day of March, 2016.

NOTARY PUBLIC

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 5673 DARA SKINNER Commission Expires Aug. 19, 2019 HARRISON COUNTY

LRMINQ01 APPRINQ42 LAND ROLL MAINTENANCE LRWINQ01/HC
Library 2022

SIMMONS KENNETH R JR & SHERRY A
2492 TANDY DR

Parcel 0910N-01-006.000 PPIN 83858
Alt Parcel 0910N-01-006.000
Exempt Code Tax District 2G
Subdivision 00354
JORDAN AND MCGUIRE
Neighborhood

C/S/Z GULFPORT MS 39503
Sect/Twn/Rng 35 07 11 Blk 00B St 3235 G AVE

Cls	C-Acres	C-Value	U-Acres	U-Value	T-Acres	Improved	True	Assessed
1								
2		19562				33831	53393	8009
		19562				33831	53393	8009

Homestead Type 1=O65 2=DAV 3=DIS 4=Reg Reg 100 DAV
Mtg Eligible for Class 1 N (Y/N)
New Value Added F-Fire O-Override Deed Ref. 2017-0008405-D-J1
Drainage Code Benefit Price Total Deed Date 11 / 21 / 2017
Roll: Page Line Added
County 15610 1 By
City Changed 3 29 2018
Levee Benefits X .05 = School By SLL1
F3-NEXT PARCEL, F5-LEGAL, F6-ADDENDUM, F7-DEEDS, F8-FLAGS, F9-OPTIONS F10-PRINT
F3 For next record

1st Judicial District
Instrument 2017 8405 D -J1
Filed/Recorded 11/21/2017 03:00 P
Total Fees $ 15.00
3 Pages Recorded

Prepared by:
The McDonnell Law Firm
Post Office Box 1403
Biloxi, MS 39533
(228) 432-7092

Return to:
The McDonnell Law Firm
Post Office Box 1403
Biloxi, MS 39533
(228) 432-7092

STATE OF MISSISSIPPI
COUNTY OF HARRISON

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of ten dollars ($10.00), cash in hand paid I,

TREVOR HOWARD SIMMONS
3235 "G" Avenue
Gulfport, MS 39507
(228) 863-2587

do hereby convey, warrant, and set over unto

KENNETH R. SIMMONS, JR. and SHERRY A. SIMMONS
2492 Tandy Drive
Gulfport, MS 39503
(228) 832-1016

as joint tenants with rights of survivorship and not as tenants in common the following described property, together with all improvements thereon, situated in Harrison County, Mississippi, and more fully described as follows, to-wit:

(See Attached Exhibit "A")

INDEXING INFORMATION: Lots 25-28 inclusive Block 8, Jordan and McGuire Subdivision, Harrison County, Mississippi.

The Grantees assume all taxes for the tax years 2017 forward.

This conveyance is made subject to any and all restrictive covenants, rights-of-way and easements applicable to subject property which are on file and of record in the office of the Chancery

Clerk of Harrison County, Mississippi.

WITNESS my signature this the 15th day of Nov, 2017.

Trevor Howard Simmons

TREVOR HOWARD SIMMONS

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally came and appeared before me, on the 15 day of Nov, 2017 TREVOR HOWARD SIMMONS who acknowledged that he signed and delivered the foregoing Warranty Deed on the day and year therein mentioned.

WITNESS my signature and seal of office on this the 15 day of Nov, 2017.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

STATE OF MISSISSIPPI
JOHNNY MCDONALD
NOTARY PUBLIC
ID No. 23848
My Commission Expires
January 26, 2018
HARRISON COUNTY

EXHIBIT "A"

Lots 25-28 inclusive Block B, Jordan and McGuire Subdivision, Harrison County, Mississippi which has a municipal address of 3235 "G" Avenue, Gulfport, MS and Harrison County PPIN 083858. Less and except any part conveyed in Warranty Deed recorded in Book 256, Page 460.

PERMITS/INSP PAYMENT RECPT#: 11389709
CITY OF GULFPORT
GULFPORT MS 39501

DATE: 07/18/22 TIME: 13:21
CLERK: tsjohnson DEPT:
CUSTOMER#: 0

COMMENT:

CHG: PZD PLANNING AND ZO 175.00

AMOUNT PAID: 175.00

PAID BY:
PAYMENT METH: CHECK
1819
REFERENCE:

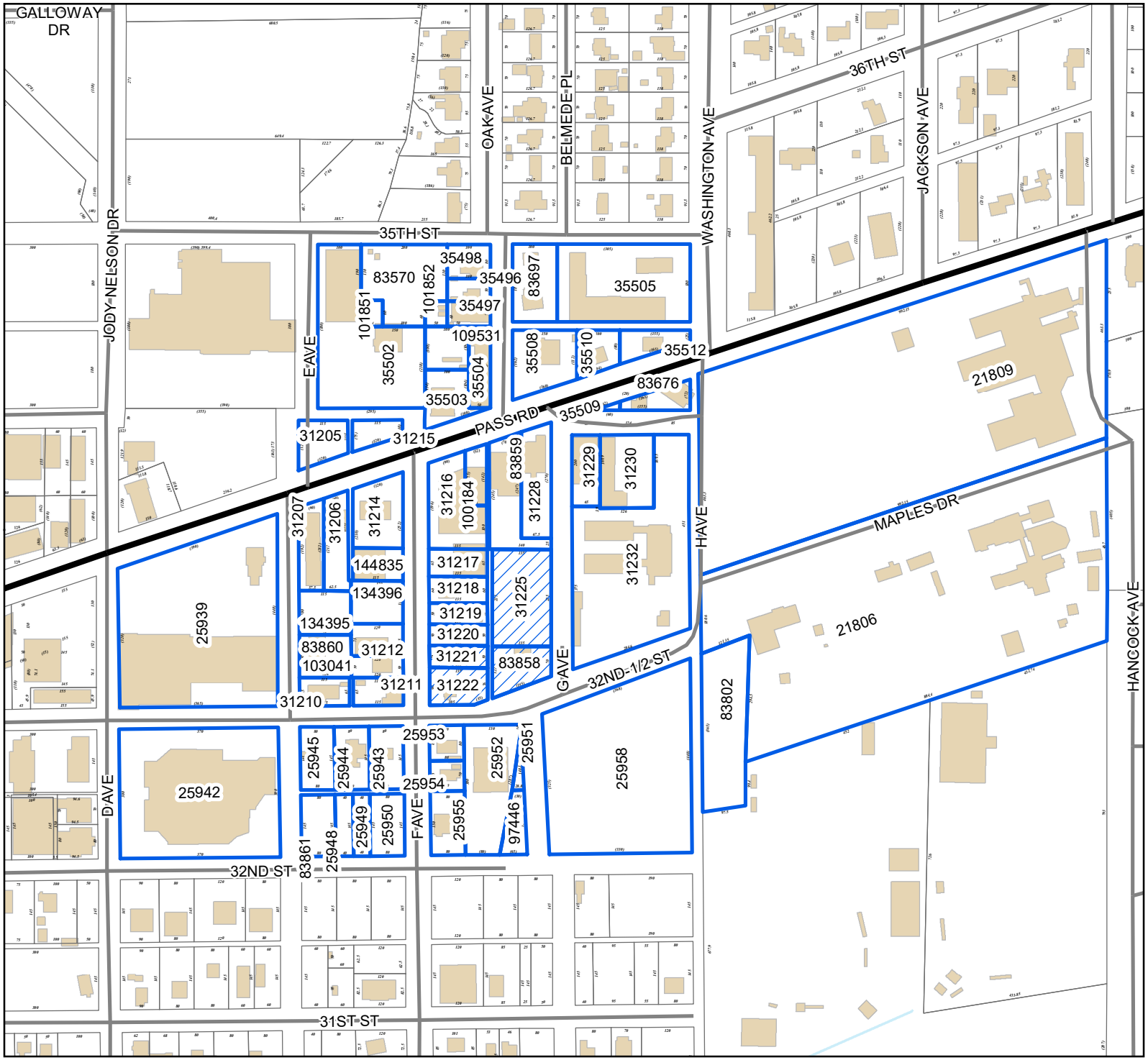
AMT TENDERED: 175.00
AMT APPLIED: 175.00
CHANGE: .00

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	83858	0910N-01-006.000	SIMMONS KENNETH R JR & SHERRY A (OWNER)	2492 TANDY DR	GULFPORT	MS	39503
	31221	0910N-01-015.000	SIMMONS KENNETH RAY JR & SHERRY ANN (OWNER)	2492 TANDY DR	GULFPORT	MS	39503
	31222	0910N-01-016.000	SIMMONS KENNETH RAY JR & SHERRY ANN (OWNER)	2492 TANDY DR	GULFPORT	MS	39503
	31225	0910N-01-007.000	SIMMONS KENNETH RAY JR & SHERRY ANN (OWNER)	2492 TANDY DR	GULFPORT	MS	39503
N			**Adjacent Property Owners (2209PC151)**				
	25954	0910N-01-034.000	A-2 PROPERTIES LLC	2641 PALMER DR	GULFPORT	MS	39507
	31207	0910N-01-021.000	ADVANCE CAR AUDIO INC	315 PASS RD	GULFPORT	MS	39507
	25953	0910N-01-033.000	BAYOU RENTAL PROPERTIES INC	1502 MILL RD	GULFPORT	MS	39507
	31232	0910N-01-004.000	BELLSOUTH TELECOMMUNICATIONS LLC D/B/A AT & T MIS	P O BOX 532	BIRMINGHAM	AL	35201
	83860	0910N-01-022.000	BLACKWATER REAL ESTATE LLC	9175 ASHBURY LANE	GULFPORT	MS	39503
N	134395	0910N-01-022.001	BLACKWATER REAL ESTATE LLC	9175 ASHBURY LANE	GULFPORT	MS	39503
N	134396	0910N-01-022.002	BLACKWATER REAL ESTATE LLC	9175 ASHBURY LANE	GULFPORT	MS	39503
N	25951	0910N-01-036.000	CEMETERY				0
	25955	0910N-01-037.000	CHAMP INC	1420 PASS RD	GULFPORT	MS	39501
	31206	0910N-01-020.000	DUNNIGAN GARY L	311 PASS RD	GULFPORT	MS	39507
	31219	0910N-01-013.000	FORTNER JIMMIE L -ESTATE-	3240 F AVE	GULFPORT	MS	39501
	25945	0910N-01-026.000	GALLOTT GARY F	P O BOX 6709	GULFPORT	MS	39506
	31228	0910N-01-009.000	GATES NEVILLE JR	19 51ST STREET	GULFPORT	MS	39507
	25949	0910N-01-031.000	GOLLOTT & SONS TRANSFER & STORAGE	3206 D AVENUE	GULFPORT	MS	39507
N	25950	0910N-01-032.000	GOLLOTT & SONS TRANSFER & STORAGE	3206 D AVENUE	GULFPORT	MS	39501
N	25948	0910N-01-030.000	GOLLOTT & SONS TRANSFER & STORAGE	3206 D AVENUE	GULFPORT	MS	39507
N	83861	0910N-01-029.000	GOLLOTT & SONS TRANSFER & STORAGE	3206 D AVENUE	GULFPORT	MS	39507
N	21809	0910O-03-036.000	GULFPORT SCHOOL DISTRICT				0
	35503	0910K-02-022.000	GULFPORT VETERINARY HOSPITAL HOLDIN	204 PASS ROAD	GULFPORT	MS	39507
	83859	0910N-01-008.000	HAGE LIMITED PARTNERSHIP	400 PASS RD	GULFPORT	MS	39507
N	100184	0910N-01-010.001	HAGE LIMITED PARTNERSHIP	400 PASS RD	GULFPORT	MS	39507
N	31217	0910N-01-011.000	HAGE LIMITED PARTNERSHIP	400 PASS RD	GULFPORT	MS	39507
N	31216	0910N-01-010.000	HAGE LIMITED PARTNERSHIP	400 PASS RD	GULFPORT	MS	39507
N	31214	0910N-01-019.000	HAGE LIMITED PARTNERSHIP	400 PASS RD	GULFPORT	MS	39507
N	144835	0910N-01-019.001	HAGE LIMITED PARTNERSHIP	400 PASS RD	GULFPORT	MS	39507
N	21806	0910O-03-034.000	HARRISON CO				0
	35508	0910K-02-024.000	HARVEY THOMAS CLEMENTS III CAJUNS FABULOUS FRIED	38 COL. WINK DRIVE	GULFPORT	MS	39507
	35505	0910K-02-001.000	HARVEY TOM C III	#38 COLONEL WINK DRIVE	GULFPORT	MS	39507
	31220	0910N-01-014.000	HEINRICH ELISABETH JANE ETAL	28 52ND ST	GULFPORT	MS	39507
	83697	0910K-02-002.000	HILL SANDRA E	328 W VIEW DRIVE	BILOXI	MS	39531
	25952	0910N-01-035.000	HURST ANDREW H	11495 LANDON LAKE BLVD	GULFPORT	MS	39503
	25944	0910N-01-027.000	JUNIOR'S HOLDING COMPANY LLC	3206 D AVE	GULFPORT	MS	39507
N	25943	0910N-01-028.000	JUNIOR'S HOLDING COMPANY LLC	3208 D AVE	GULFPORT	MS	39507
N	25942	0910N-01-025.000	JUNIOR'S HOLDING COMPANY LLC	P O BOX 6709	GULFPORT	MS	39506
	31218	0910N-01-012.000	LADNER WALLACE & JEANETTE	P O BOX 6496	GULFPORT	MS	39506

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	31230	0910N-01-002.000	LHZ LLC	5804 OPORTO MADRID BLVD S	BIRMINGHAM	AL	35210
	35512	0910K-02-026.000	LJT LLC	106 DOGWOOD DR	GULFPORT	MS	39507
N	83676	0910K-02-027.000	LJT LLC	106 DOGWOOD DR	GULFPORT	MS	39507
N	35509	0910K-02-028.000	LJT LLC	106 DOGWOOD DR	GULFPORT	MS	39507
	31229	0910N-01-003.000	MISS GULF COAST YOUTH FOR CHRIST	111 EAST 34TH STREET	GULFPORT	MS	39507
	31212	0910N-01-018.000	MITRENGA LARRY	P O BOX 4984	BILOXI	MS	39535
	35496	0910K-02-004.000	MIZELL SELENA M	200 1/2 PASS RD	GULFPORT	MS	39507
	97446	0910N-01-039.001	MS CITY CEMETERY	112 SOUTH DR	BILOXI	MS	39531
N	25958	0910N-01-039.000	MS CITY CEMETERY				0
	25939	0910N-01-024.000	MS GULF COAST YOUTH FOR CHRIST INC	111 PASS RD	GULFPORT	MS	39507
	101852	0910K-02-006.001	PASS ROAD BAPTIST CHURCH	208 PASS RD	GULFPORT	MS	39507
N	35502	0910K-02-007.000	PASS ROAD BAPTIST CHURCH	1319 2ND ST	GULFPORT	MS	39501
N	83570	0910K-02-006.000	PASS ROAD BAPTIST CHURCH	208 PASS RD	GULFPORT	MS	39507
N	109531	0910K-02-022.001	PASS ROAD BAPTIST CHURCH	208 PASS RD	GULFPORT	MS	39507
N	31205	0910N-07-002.000	PASS ROAD BAPTIST CHURCH	208 PASS RD	GULFPORT	MS	39501
N	101851	0910K-02-006.002	PASS ROAD BAPTIST CHURCH	208 PASS RD	GULFPORT	MS	39507
N	31215	0910N-07-001.000	PASS ROAD BAPTIST CHURCH	208 PASS ROAD	GULFPORT	MS	39507
	103041	0910N-01-018.001	RAMOS INCIA ISABEL HERNANDEZ -ETAL-	3205 F AVE	GULFPORT	MS	39501
	35497	0910K-02-005.000	SAHIN HARUN	42-17 167TH ST	FLUSHING	NY	11358
	35498	0910K-02-003.000	SINGLEY CLARENCE FREDERICK	201 35TH ST	GULFPORT	MS	39507
	31211	0910N-01-017.000	STRAIN BRUCE A & PEGGY L	304 32ND 1/2 STREET	GULFPORT	MS	39507
n	83802	0910O-03-035.000	U S VETERANS HOSPITAL				0
	35504	0910K-02-023.000	VU HOAI VAN	347 RODENBERG AVE	BILOXI	MS	39531
	35510	0910K-02-025.000	WALLACE MARGARET	P O BOX 2192	GULFPORT	MS	39505
	31210	0910N-01-023.000	WILLIAMSON MARY Y	310 32ND 1/2 ST	GULFPORT	MS	39507

2209PC151

Zoning Map Amendment



Legend

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

0 50 100 150
Yards

1 inch = 320 feet

N
W E
S

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.

D.2

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:
IPL0093233
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
59.40
Payment Type:
Account Billed
User ID:
IPL0024925

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
October 6, 2022 11:35:41 AM EDT
Amount:
59.40

SCHEDULE FOR AD NUMBER IPL00932330

October 12, 2022
SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL00932330

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, October 27, 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 office of the Department of Urban Development, Planning Division, located on first floor of the William H. Hardy Building, 1410 24th Avenue.

Zoning Map Amendment 2209PC151, by owners Kenneth & Sherry Simmons, tax parcels 0910N-01-007.000, request to rezone from B-2 (General business) to R-B (Residence business) Ward 4

Resubdivision 2209PC175, by owner Steven Austin, tax parcel 0810N-02-023.000, Divide into two new parcels, 2006 30th Street, Zoned B-2 (General business), Ward 3

Zoning Map Amendment 2204PC077, by owner Gulf Coast Shipyard Realty, LLC, tax parcel 0909F-01-001.002, Request to rezone from I-2 (Heavy Industry) to I-3 (Planned industrial park), 13085 Seaway Rd, Ward 5

Planning Commission Approval 2210PC178, by agent John Dixon, tax parcel 0808L-02-017.000, Request approval to allow a medical dispensary use, 11370 HWY 49 Suite G, Zoned B-4 (Highway business), Ward 7

Zoning Map Amendment 2210PC181, by agent Derek Bjornstad, tax parcel 0711K-03-002.000, Request to rezone property from R-1-7.5 (Single-family) to R-2 (Single-family), 4707 Old Pass Rd, Zoned R-1-7.5 (Single-family), Ward 1

Zoning Text Amendment 2210PC184, by CRC Westside, amendments the SmartCode Zoning Ordinance, as amended, Section 1.8.1 Damage Due to Emergency Conditions, Section 4.11.1 Damage Due to Emergency Conditions, and Section 5.12.1 Damage Due to Emergency Conditions.

Planning Commission Approval 2210PC185, by agent Stacy Craig, tax parcel 1007M-01-072.000, Request home occupation for a handyman, 13204 Curtis St, Zoned R-E (Residence estate), Ward 6

Zoning Map Amendment 2210PC186, by agent Ashleigh M. Vignes, tax parcel 0908M-01-010.000, Request to rezone from R-1-10 (Single-family) to B-1 (Neighborhood business), 13499 Dedeaux Rd, Ward 5

Special Exception 2210SE188, by agent Frankie Jackson, tax parcel 0809E-02-004.000, Requests a tattoo parlor use, 10000 Factory Shops Blvd, Suite 235, Zone B-4 (Highway business), Ward 3

Planning Commission Approval 2210PC190, by agent John Ravenscroft, tax parcel 0811B-01-037.000, Requests automotive body repair, 2601 15th Ave, Zoned B-2 (General business), Ward 3

Zoning Map Amendment 2210PC191, by agent Donovan Scruggs, tax parcels 1009M-03-006.000 & 1009M-03-004.000, Requests to rezone property from R-1-7.5 (Single-family) to B-1 (Neighborhood business), 11451 and 11463 Hillcrest Rd, Ward 4

Zoning Map Amendment 2210PC192, by agent Schwartz, Orgler & Jordan, PLLC, tax parcels 1010E-02-008.000 & 1010E-02-008.001, Requests to rezone property from T3 (Sub-Urban Zone) to T4+ (General Urban Zone "Plus"), 1285 Spring St, Ward 4

This the 5th day of October, 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: October 27, 2022

Re: **<u>Resubdivision 2209PC175:</u>**

Resubdivision 2209PC175, by owner Steven Austin, tax parcel 0810N-02-023.000, Divide into two new parcels, 2006 30th Street, Zoned B-2 (General business), Ward 3

Technical Report

Resubdivision

GENERAL INFORMATION

Case File Number: 2209PC175

Hearing Date: October 27, 2022

Current Zoning/Use: B-2 / Commercial structure

Legal: Resubdivision 2209PC175, by owner Steven Austin, tax parcel 0810N-02-023.000, Divide into two new parcels, 2006 30th Street, Zoned B-2 (General business), Ward 3

TECHNICAL DETAILS

The applicant requests to divide 1 parcel into 2 new parcels at the corner of 30 Street and 27th Avenue. Currently, the subject parcel contains 28,000 square feet. As proposed, Parcel A will contain 19,000 square feet and Parcel B will contain 9,000 square feet.

The Gulfport Subdivision Regulations require that:

1. Each new parcel created is in compliance with appropriate zoning ordinances, building codes, and restrictive covenants, if any;
2. Each new parcel created shall have direct access to a dedicated public street for at least 35 feet; and
3. Each new parcel created shall have available capacity for water and sewer

The proposed parcels are located adjacent to existing city rights-of-way, are protected by Gulfport Fire and Police, and will have capacity for city water and sewer. The applicant states there are no protective or restrictive covenants which would prevent the resubdivision of the parcels.

EXECUTIVE SUMMARY

The applicant meets the requirements in regards to the city's regulations and current policy for maximum depth. As presented, no waivers would be needed by the proposed development, and should be accepted by the Planning Commission.

Any approval should consider these conditions:

1. Must meet all current Building Codes and City of Gulfport Ordinances
2. Separate water and sewer service required for each parcel

DEPARTMENTAL CONDITIONS

Engineering: Separate water and sewer service required for each parcel. Memo dated 10/17/2022.

Technical Report

Resubdivision

Public Works:	Separate water and sewer services to be provided. Memo dated 10/17/2022.
Traffic and Safety:	No conditions. Memo dated 10/17/2022.
Building Code Services:	Must meet all current Building Codes and City of Gulfport Ordinances. Memo dated 10/12/2022.
GIS:	No conditions. Memo dated 10/12/2022.
Police Department:	No conditions. Memo dated 10/17/2022.
Fire Department:	No conditions. Memo dated 10/13/2022.
City Arborist:	No conditions. Memo dated 10/12/2022.

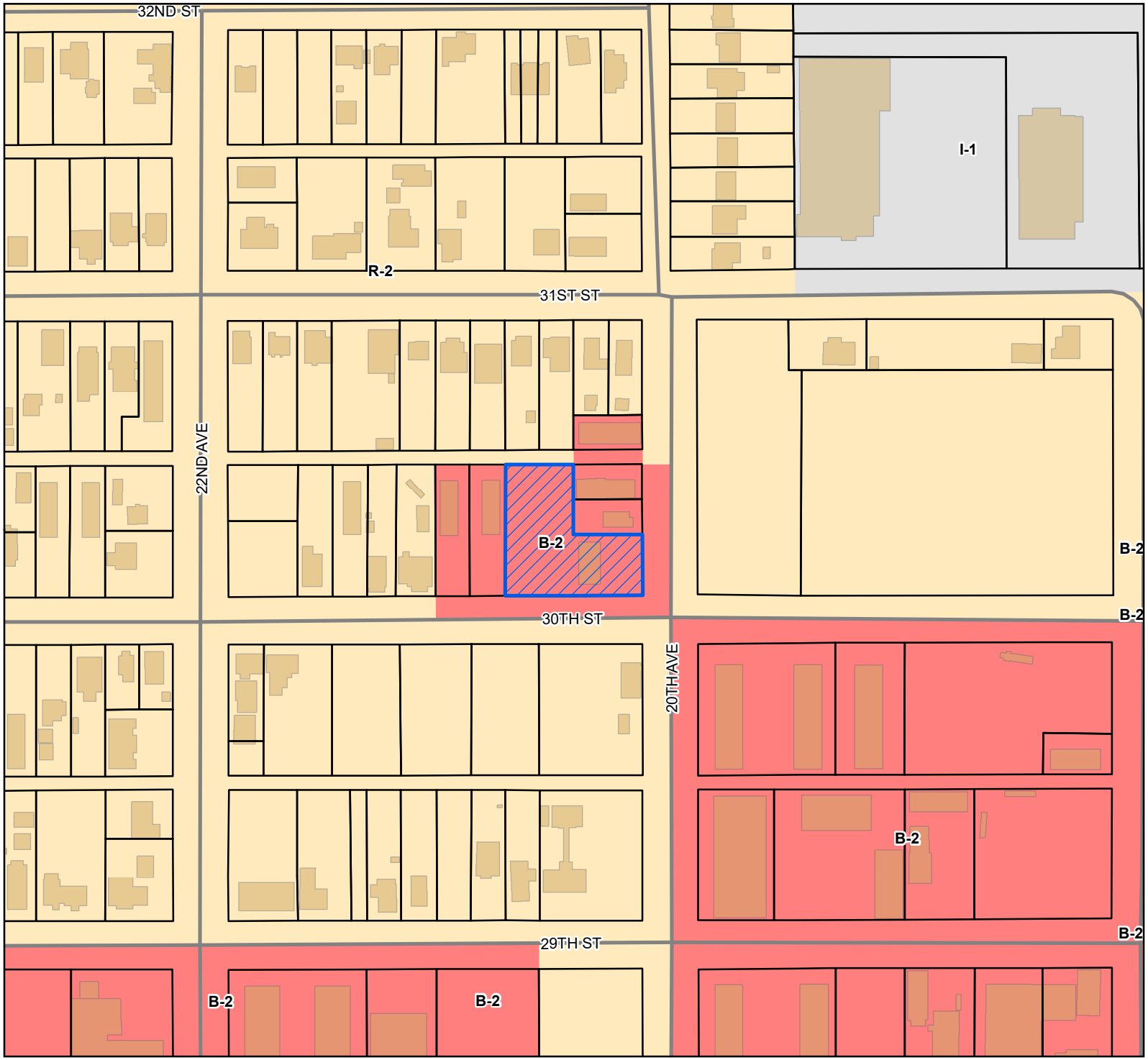
DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Pietrangelo
Director of Urban Development Department

2209PC175

Resubdivision



Site

Street

Parcels

Buildings

Zoning

B-2 - General Business District

I-1 - Light Industry District

R-2 - Single Family Residence District (Medium Density)

Site Information

0810N-02-023.000
Zoning: B-2 (General business)
Size: 27,532 Sq. ft.
Flood: X

0 30 60 90
Yards

1 inch = 200 feet

N
W E
S

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 RESUBDIVISION

For Staff Use Only

Case Number: 2209PC175

Date Received:

Receipt Number:

Received By:

Zoning: B-2

Ward: 3 Flood: X

Size: 27,532 sq. ft.

(If necessary, use separate sheet of paper)

Property Information

TAX PARCEL # 0810N-02-023.000

Address of Property Involved: #2006 30TH STREET, GULFPORT 39501

Lot(s) 21-24 Pt., Block(s) 5, Subdivision STANDARD LAND

General Location: NW COR 30TH ST. & 27TH AVE.

GENERAL DESCRIPTION OF REQUEST:

TO SUBDIVIDE PARCEL INTO TWO PARCELS

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
Steven A. Austin	
Printed Name of Owner	Printed Name of Agent
11100 Jason Drive	
Mailing Address	Mailing Address
Pass Christian MS 39571	
City State Zip code	City State Zip code
228-529-8270	
Home Phone Work/Cell Phone	Home Phone Work/Cell Phone
steve.austin60@yahoo.com	
Email	Email
Steven A. Austin	
Signature of Owner	**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.

Gulfport MISSISSIPPI ONE COAST

Covenant Affidavit

I, Steven Austin, being owner or agent of the property 2006 30th street

PRINT NAME PRIMARY ADDRESS OR PARCEL

which is the subject of this application, hereby state that this variance request is not in violation of any restrictive or protective covenants.

Steven A. Austin 11 August 2022

Signature *Date*

STATE OF MISSISSIPPI | COUNTY OF HARRISON

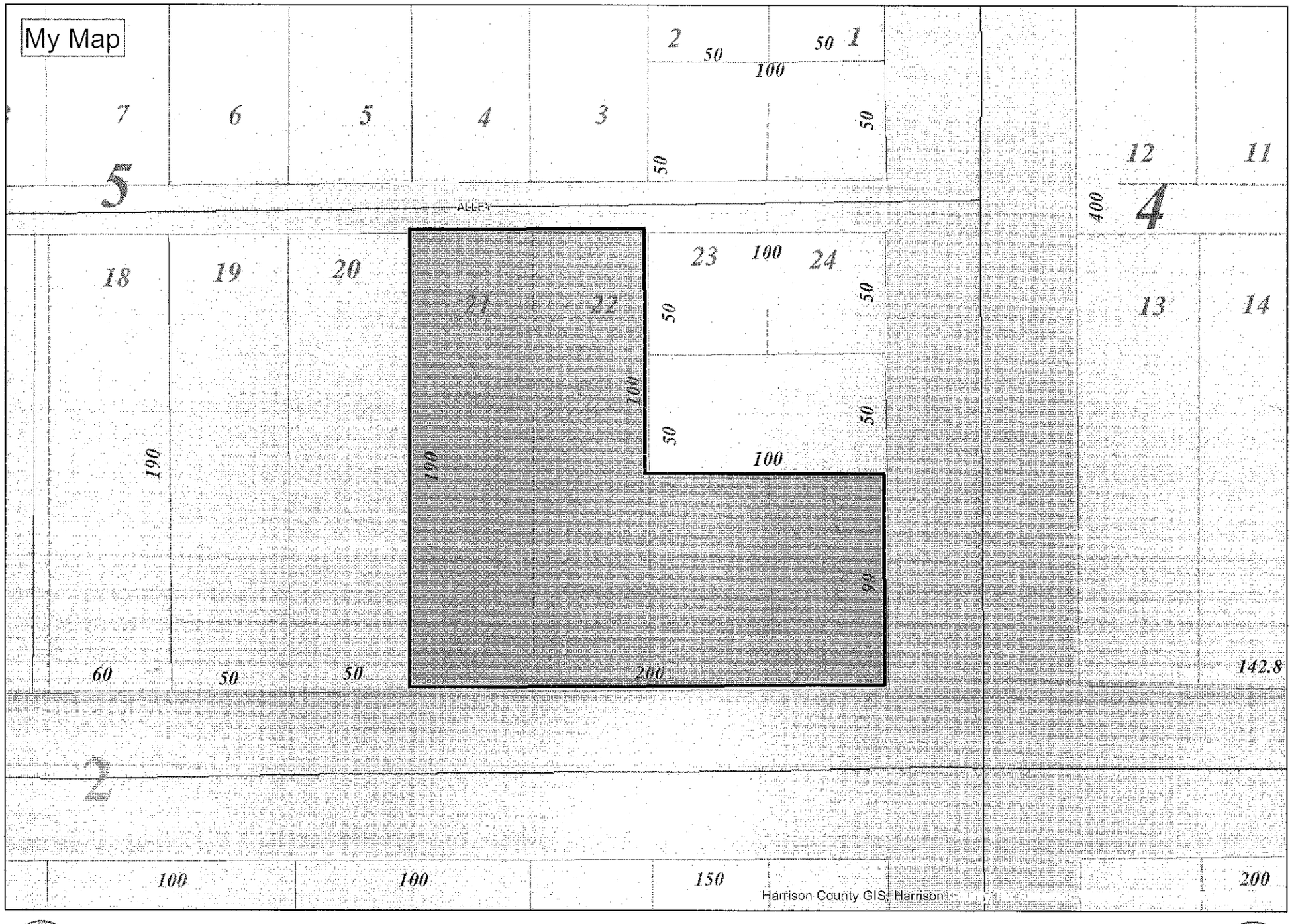
Given under my hand and seal of office this the 11th day of August, 20 22

Matilda Welch

Notary Public

STATE OF MISSISSIPPI
MATILDA ANN WELCH
ID NO. 93115
Commission Expires
11/30/2025
NOTARY PUBLIC
HARRISON COUNTY

Commission Expiration



Date: 8/11/2022

Time: 12:10:00 PM

0 60 120 240 ft

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.

1 inch = 59 feet

N

PLAT SHOWING RESUBDIVISION
OF
PARCEL 0810N–02–023.000 INTO PARCEL A & PARCEL B

MUNICIPAL: #2006 30TH STREET
CITY OF GULFPORT,
FIRST JUDICIAL DISTRICT OF
HARRISON COUNTY, MISSISSIPPI

LEGEND

FOUND PROPERTY CORNER (AS NOTED)	○
SET CUT X (UNLESS NOTED OTHERWISE)	●
EXISTING POWER POLE	∅
EXISTING OVERHEAD POWER LINE	—OE—
EXISTING CHAIN LINK LINE	—○—

REFERENCE MAPS:

A) Official plat of STANDARD LAND COMPANY ADDITION
B) Survey of the South 50 feet of the North 100 feet of Lots 23 & 24, Block 5, STANDARD LAND COMPANY ADDITION prepared by J. Michael Cassady on July 10, 1978.

REFERENCE BEARINGS:

The bearings shown hereon are based on the "Mississippi State Plane Coordinate System – East Zone – NAD 83" using GPS GCGC–RTN System accessed on June 20, 2022.
(*) Represents the Basis of Bearings. Distances shown are U.S. Survey feet.

FEMA FLOOD ZONE AND HAZARDS:

This lot is located in Flood Zone "X" Area of/per FEMA Map Community Panel Number 28047C 0264 G for Harrison County, Mississippi dated December 21, 2017. Base Flood Elevation is subject to change and should be verified with the local authority's Flood Plain Administrator before any design or construction.

NOTES:

1.) No attempt has been made by Cassady–Acadia Land Surveying, L.L.C. to verify title, actual legal ownership, deed restrictions servitudes, easements, alleys, right–of–ways or other burdens on the property, other than that furnished by the client or his representative. There is no representation that all applicable servitudes and restrictions are shown hereon. The surveyor has made no title search or public record search in compiling the data for this survey.

2.) The words "Certify," "Certifies" or "Certification" as used herein is understood to be an expression of professional opinion by the surveyor, based upon his best knowledge, information, and belief, as such, it does not constitute a guarantee nor a warranty, expressed or implied.

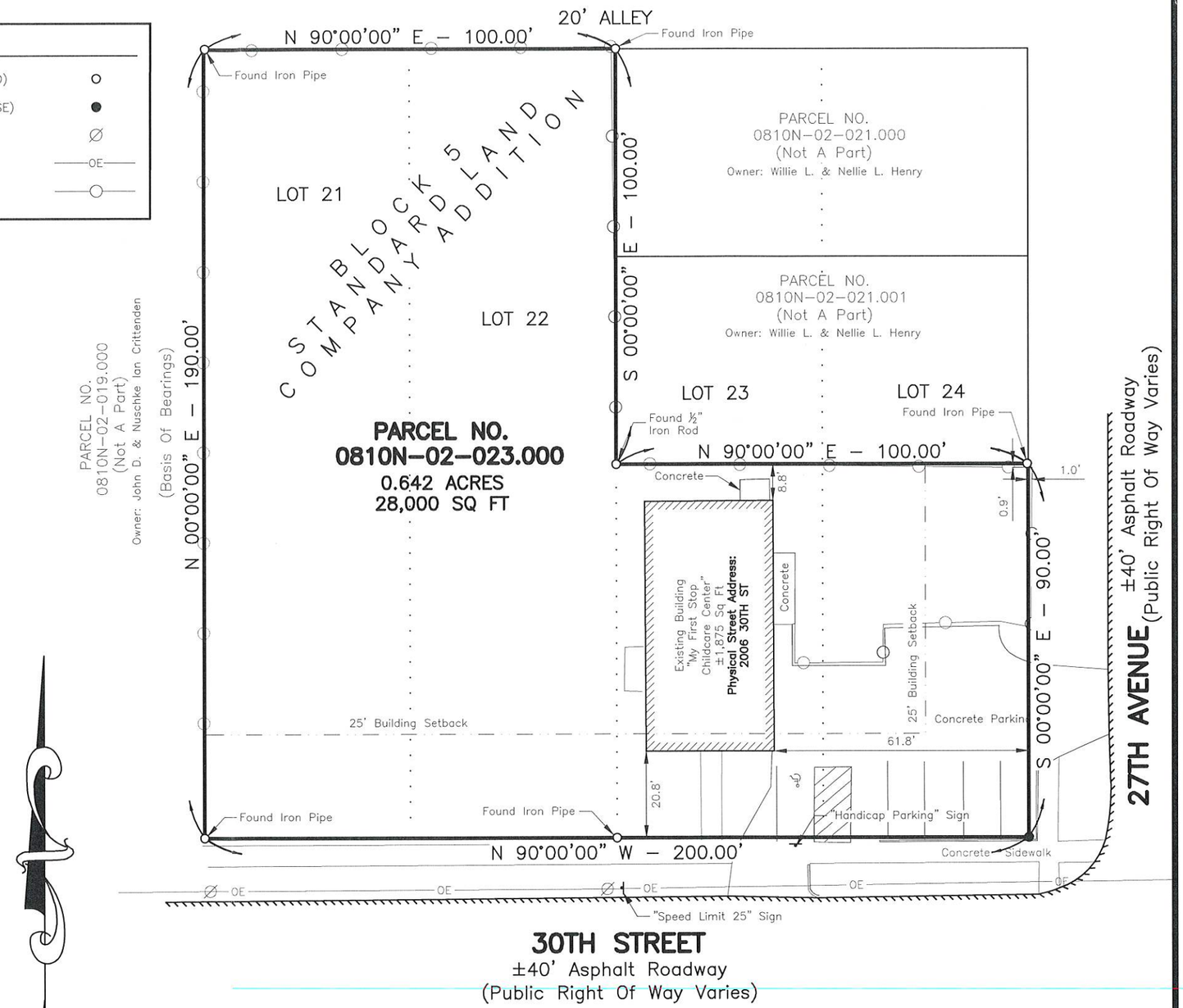
3.) Water and sewer services provided to subject property by City of Gulfport Public Works.

CERTIFICATION:

This is to certify to STEVEN AUSTIN that this survey was done by me or under my direct supervision and control, that the survey was done on the ground and was done in accordance with the most recent Minimum Standards of Practice for Land Surveyors as set forth by the State of Mississippi, Board of Licensure for Professional Engineers and Surveyors and that the accuracy specification and positional tolerances are in accordance with Class "B" surveys indicated in the above standards. I also certify there are no visible encroachments across any property lines except as shown.

LICENSED PROFESSIONAL SURVEYOR 07/29/2022 PS-32711 STATE OF MISSISSIPPI

Wayne M. Vice Jr., PS, Reg. No. 32711
This survey plat is not valid without the raised or colored seal and signature of the Registered Land Surveyor.



SCALE: 1" = 30'
SCALE IN FEET
30 15 0 30

T 7 S – R 11 W
SECTION 33

SHEET 1 OF 4

CASSADY-ACADIA
LAND SURVEYING, LLC Since 1947
Louisiana • Mississippi • Texas • Alabama
1714 22nd Avenue, Gulfport, Mississippi 39501
Phone • (228)896-7155 Fax • (228)896-8405
Email • Surveys@Cassady-Acadia.com

FIELD WORK COMPLETED ON: July 28, 2022

CALS FILE: 22–02–419s.dwg FIELD BOOK: 17, PG. 42

PLAT SHOWING RESUBDIVISION
OF
PARCEL 0810N–02–023.000 INTO PARCEL A & PARCEL B
MUNICIPAL: #2006 30TH STREET
CITY OF GULFPORT,
FIRST JUDICIAL DISTRICT OF
HARRISON COUNTY, MISSISSIPPI

LEGEND

FOUND PROPERTY CORNER (AS NOTED)	○
SET CUT X (UNLESS NOTED OTHERWISE)	●
EXISTING POWER POLE	∅
EXISTING OVERHEAD POWER LINE	—OE—
EXISTING CHAIN LINK LINE	—○—

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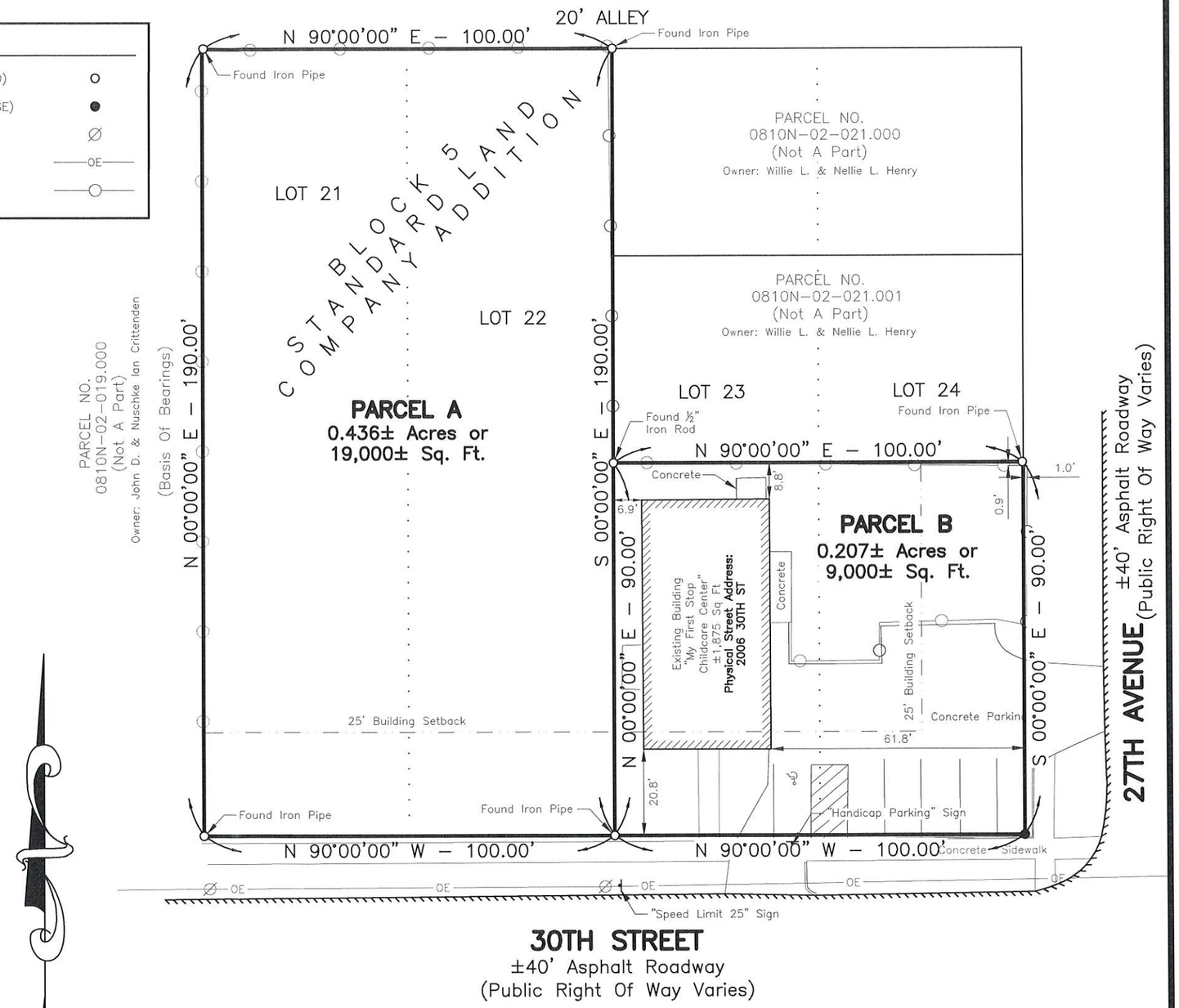
WAYNE M. VICE, JR. LICENSED PROFESSIONAL SURVEYOR 07/29/2022 PS Reg. No. 32711 STATE OF MISSISSIPPI

Wayne M. Vice Jr.,PS, Reg. No. 32711

This survey plat is not valid without the raised or colored seal and signature of the Registered Land Surveyor.



SCALE: 1" = 30'
SCALE IN FEET
30 15 0 30

T 7 S – R 11 W
SECTION 33

SHEET 2 OF 4

CASSADY-ACADIA
LAND SURVEYING, LLC Since 1947
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Phone • (228)896-7155 Fax • (228)896-8405
Email • Surveys@Cassady-Acadia.com

FIELD WORK COMPLETED ON: July 28, 2022

CALS FILE: 22–02–419s.dwg FIELD BOOK: 17, PG. 42

PLAT SHOWING RESUBDIVISION
OF
PARCEL 0810N–02–023.000 INTO PARCEL A & PARCEL B
MUNICIPAL: #2006 30TH STREET
CITY OF GULFPORT,
FIRST JUDICIAL DISTRICT OF
HARRISON COUNTY, MISSISSIPPI

CERTIFICATE OF RESUBDIVISION

In accordance with Section 9–48 of the Code of Ordinance (Subdivision Regulations) of the City of Gulfport as amended, it is hereby certified that the Gulfport City Planning Commission Chairman and Gulfport City Council have reviewed and approved this Final Plat for the Resubdivision of "PARCEL 0810N–02–023.000" in Section 33, Township 7 South, Range 11 West into Parcel "A" and Parcel "B". The subject property is generally described as being located north of 30th Street and west of 27th Avenue. The ad valorem tax parcel number of the subject property is . 0810N–02–023.000 . (Instrument No. 2010–5866–D–J1). The Case File Number is _____.

LEGAL DESCRIPTION OF LANDS PRIOR TO THIS RESUBDIVISION (PER DEED):

PARCEL NO. 0810N-02-023.000 (Instrument #2010-5866-D-J1)

Lots 21 and 22, and the South 90 feet of Lots 23 and 24, Block 5, STANDARD LAND COMPANY'S ADDITION, according to 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 and subject to any and all recorded restrictive covenants, right of way, easements, and prior reservations of any oil, gas, minerals, and other rights.

LEGAL DESCRIPTIONS OF THE (2) PARCELS CREATED BY THIS RESUBDIVISION:

LEGAL DESCRIPTION OF PARCEL A: AS PER SURVEY

A certain tract or parcel of land designated as "Parcel A", located in Section 33, Township 7 South, Range 11 West, Harrison County, State of Mississippi, being more particularly described as follows:

Lots 21 & 22, Block 5, STANDARD LAND COMPANY ADDITION

Said parcel containing 0.436 acres, more or less.

LEGAL DESCRIPTION OF PARCEL B: AS PER SURVEY

A certain tract or parcel of land designated as "Parcel B", located in Section 33, Township 7 South, Range 11 West, Harrison County, State of Mississippi, being more particularly described as follows:

The South 90 feet of Lots 23 & 24, Block 5, STANDARD LAND COMPANY ADDITION

Said parcel containing 0.207 acres, more or less.

CASSADY-ACADIA
LAND SURVEYING, LLC *Since 1947*
Louisiana • Mississippi • Texas • Alabama
1714 22nd Avenue, Gulfport, Mississippi 39501
Phone • (228)896-7155 Fax • (228)896-8405
Email • Surveys@Cassady-Acadia.com

FIELD WORK COMPLETED ON: July 28, 2022

PLAT SHOWING RESUBDIVISION
OF
PARCEL 0810N-02-023.000
INTO PARCEL A & PARCEL B
MUNICIPAL: #2006 30TH STREET
CITY OF GULFPORT,
FIRST JUDICIAL DISTRICT OF
HARRISON COUNTY, MISSISSIPPI

The applicant hereby covenants and agrees to indemnify and hold harmless the City of Gulfport, its agents, servants, and/or employees against any and all claims, demands, or causes of action of whatever nature which may arise as a result of the action of the Planning Commission, its agents, and/or employees concerning the petition for resubdivision of the real property described herein.

Ratified and Approved by:

Steven A. Austin
(Signature) By: Steven A. Austin, Owner

This 11 day of August, 2022.

ACKNOWLEDGE

Before me, the undersigned, personally appeared the aforenamed Steven A. Austin, who acknowledged that he is the Owner and he accepted this plat and executed the foregoing certificate and dedication for the purpose therein set forth.

Sierra R. Carr
NOTARY PUBLIC

My Commission Expires: 3/13/2026

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 1238 SIERRA R. CARR Commission Expires March 13, 2026 HARRISON COUNTY

SEAL

PLANNING COMMISSION

Submitted to and approved by the Gulfport City Planning Commission on the _____ day of _____, 2022.

_____
Gulfport City Planning Commission
Keith Williams

_____
Planning Division Administrator
Gregory Holmes

APPROVAL

Submitted to and approved by the City of Gulfport, City Council, at the regular meeting of said Council held on the _____ day of _____, 2022.

ATTEST:

_____
CLERK OF COUNCIL
Brittany Rodgers

ADOPT:

_____
PRESIDENT OF COUNCIL
F. B. "Rusty" Walker, IV

This resubdivision plat and Certificate of Resubdivision, having been submitted and approved by the Mayor, this _____ day of _____, 2022.

_____
BILLY HEWES, MAYOR

CASSADY-ACADIA
LAND SURVEYING, LLC Since 1947
Louisiana • Mississippi • Texas • Alabama
1714 22nd Avenue, Gulfport, Mississippi 39501
Phone • (228)896-7155 Fax • (228)896-8405
Email • Surveys@Cassady-Acadia.com

FIELD WORK COMPLETED ON: July 28, 2022

1st Judicial District
Instrument 2010 5866 D - J1
Filed/Recorded 9/ 1/2010 12:20 N
Total Fees $ 15.00
2 Pages Recorded

Prepared by and after recording return to:
Michael B. McDermott, MS Bar No. 2379
Page, Mannino, Peresich & McDermott, P.L.L.C.
759 Vieux Marche' Mall
Biloxi, MS 39530
(228) 374-2100

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

WARRANTY DEED

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

JACK W. ROGERS and JEAN R. ROGERS
P. O. Box 5326
Moss Point, MS 39563
(228)475-9959

do hereby sell, convey and warrant unto

STEVEN A. AUSTIN
2609 Carnes Crossing Way
Jonesboro, GA 30236
(228)326-4149

the following described real property, together with all improvements thereon, located in the First Judicial District of Harrison County, Mississippi, more particularly and certainly described as follows:

Lots 21 and 22, and the South 90 feet of Lots 23 and 24, Block 5, STANDARD LAND COMPANY'S ADDITION, according to 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, and subject to any and all recorded restrictive covenants, rights of way, easements, and prior reservations of any oil, gas, minerals, and other rights.

INDEXING INSTRUCTIONS: Lots 21 & 22 and the S 90' of Lots 23 & 24, Block 5, Standard Land Company's Addition, 1st J.D. Harrison County, Mississippi.

2

This conveyance is subject to all restrictions, reservations and easements affecting said property on file and of record in the Office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

Ad valorem taxes for the year 2010 have been prorated between the parties hereto and the obligation to pay same is assumed by the Grantee herein, who will pay same when due.

WITNESS our signatures on this the 26th day of August, 2010.

JACK W. ROGERS

JEAN R. ROGERS

STATE OF MISSISSIPPI
COUNTY OF ~~HARRISON~~ JACKSON

PERSONALLY APPEARED BEFORE ME, the undersigned authority, a notary public in and for the aforesaid jurisdiction, the within named JACK W. ROGERS AND JEAN R. ROGERS, who acknowledged that ~~he/she~~/they signed and delivered the above and foregoing instrument on the day and year therein set forth and mentioned.

GIVEN UNDER MY HAND, and official seal of office, this 26th day of August, 2010.

NOTARY PUBLIC

My Commission Expires:
03/26/2013
(SEAL)

STATE OF MISSISSIPPI
SONDRA D. LOPER
NOTARY PUBLIC
ID# 8545
Commission Expires
March 26, 2013
JACKSON COUNTY

41881

PERMITS/INSP PAYMENT RECPT#: 11429888
CITY OF GULFPORT
GULFPORT MS 39501

DATE: 08/11/22 TIME: 13:01
CLERK: mcunningh DEPT:
CUSTOMER#: 0

COMMENT:

CHG: PZD PLANNING AND ZO 185.00

AMOUNT PAID: 185.00

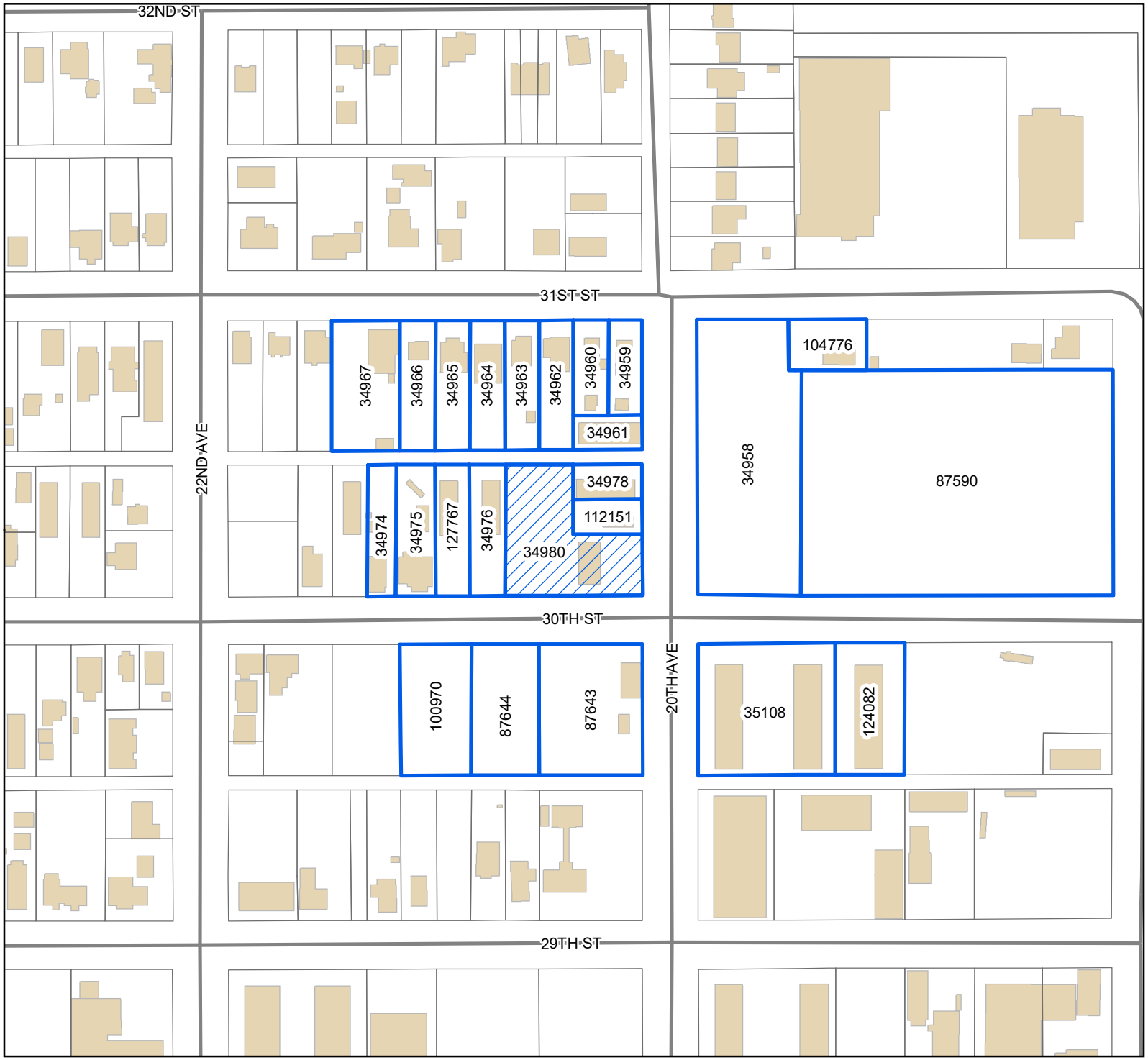
PAID BY:
PAYMENT METH: CHECK
6355
REFERENCE:

AMT TENDERED: 185.00
AMT APPLIED: 185.00
CHANGE: .00

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	34980	0810N-02-023.000	AUSTIN STEVEN A (OWNER)	11100 JASON DRIVE	PASS CHRISTIAN	MS	39571
			Adjacent Property Owners (2209PC175)				
	104776	0810O-02-007.001	ROBINSON REBECCA ANDERSON	1925 31ST ST	GULFPORT	MS	39501
N	34958	0810N-02-001.000	GULFPORT CITY OF				0
	34964	0810N-02-007.000	GUTIERREZ ERWIN A	2019 31ST STREET	GULFPORT	MS	39501
	34966	0810N-02-009.000	GEORGE TIMOTHY A & TENA M	30965 WELLINGTON CT	SPANISH FORT	AL	36527
	34962	0810N-02-005.000	ARANDA PARMENIDES AGUIRRE	2011 31ST ST	GULFPORT	MS	39501
	34963	0810N-02-006.000	AGUIRRE PARMENIDES	2001 31ST STREET	GULFPORT	MS	39501
	34959	0810N-02-002.000	AGUIRRE-ARANDA PARMENIDES	2001 31ST STREET	GULFPORT	MS	39501
	34960	0810N-02-003.000	THOMAS JAMES D & CONSTANCE	2007 31ST ST	GULFPORT	MS	39501
N	87590	0810O-02-008.000	GULFPORT CITY OF				0
	34961	0810N-02-004.000	BIELEFELDT IRVIN	3017 20TH AVE	GULFPORT	MS	39501
	34965	0810N-02-008.000	CARTAGENA MIGUEL A & CRUZ MARIA M	2021 31ST ST	GULFPORT	MS	39501
	34967	0810N-02-010.000	CLARK ROBERT C JR	2107 31ST ST	GULFPORT	MS	39501
	112151	0810N-02-021.001	HENRY NELLIE L	1318 22ND ST	GULFPORT	MS	39501
N	34978	0810N-02-021.000	HENRY NELLIE L	1318 22ND ST	GULFPORT	MS	39501
	100970	0810N-02-026.002	STATE OF MISS 6/8/2020	P O BOX 136	JACKSON	MS	39205
	34975	0810N-02-018.000	VARGAS JOSUE & ELIZABETH	2100 30TH ST	GULFPORT	MS	39501
	34974	0810N-02-017.000	MALLEY RENTALS LLC	1079 TINA LADNER-VICK FAYE RD	PASS CHRISTIAN	MS	39571
	87643	0810N-02-025.000	TYLER MILDRED -EST-	1521 NW 79TH TERRACE	PEMBROKE PINES	FL	33024
	34976	0810N-02-019.000	CRITTENDEN JOHN D & NUSCHKE IAN	24080 ANNO SAUCIER	GULFPORT	MS	39503
	87644	0810N-02-026.000	STATE OF MISS 6/8/2020	P O BOX 136	JACKSON	MS	39205
	124082	0810O-02-042.000	MCCULLOUGH RENTALS LLC	20337 ROBINSON ROAD	GULFPORT	MS	39503
	127767	0810N-02-019.001	BURNS TODDRICK B & KNIGHTEN LORETTA	15332 VICK RD	GULFPORT	MS	39503
N	35108	0810N-02-024.000	MCCULLOUGH RENTALS LLC	20337 ROBINSON ROAD	GULFPORT	MS	39503

2209PC175

Resubdivision



Legend

- Site
- Adjacent Properties
- Street
- Buildings

0 30 60 90
Yards

1 inch = 200 feet

N
W E
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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.

D.2

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:
IPL0093233
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
59.40
Payment Type:
Account Billed
User ID:
IPL0024925

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
October 6, 2022 11:35:41 AM EDT
Amount:
59.40

SCHEDULE FOR AD NUMBER IPL00932330

October 12, 2022
SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL00932330

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, October 27, 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 office of the Department of Urban Development, Planning Division, located on first floor of the William H. Hardy Building, 1410 24th Avenue.

Zoning Map Amendment 2209PC151, by owners Kenneth & Sherry Simmons, tax parcels 0910N-01-007.000, request to rezone from B-2 (General business) to R-B (Residence business) Ward 4

Resubdivision 2209PC175, by owner Steven Austin, tax parcel 0810N-02-023.000, Divide into two new parcels, 2006 30th Street, Zoned B-2 (General business), Ward 3

Zoning Map Amendment 2204PC077, by owner Gulf Coast Shipyard Realty, LLC, tax parcel 0909F-01-001.002, Request to rezone from I-2 (Heavy Industry) to I-3 (Planned industrial park), 13085 Seaway Rd, Ward 5

Planning Commission Approval 2210PC178, by agent John Dixon, tax parcel 0808L-02-017.000, Request approval to allow a medical dispensary use, 11370 HWY 49 Suite G, Zoned B-4 (Highway business), Ward 7

Zoning Map Amendment 2210PC181, by agent Derek Bjornstad, tax parcel 0711K-03-002.000, Request to rezone property from R-1-7.5 (Single-family) to R-2 (Single-family), 4707 Old Pass Rd, Zoned R-1-7.5 (Single-family), Ward 1

Zoning Text Amendment 2210PC184, by CRC Westside, amendments the SmartCode Zoning Ordinance, as amended, Section 1.8.1 Damage Due to Emergency Conditions, Section 4.11.1 Damage Due to Emergency Conditions, and Section 5.12.1 Damage Due to Emergency Conditions.

Planning Commission Approval 2210PC185, by agent Stacy Craig, tax parcel 1007M-01-072.000, Request home occupation for a handyman, 13204 Curtis St, Zoned R-E (Residence estate), Ward 6

Zoning Map Amendment 2210PC186, by agent Ashleigh M. Vignes, tax parcel 0908M-01-010.000, Request to rezone from R-1-10 (Single-family) to B-1 (Neighborhood business), 13499 Dedeaux Rd, Ward 5

Special Exception 2210SE188, by agent Frankie Jackson, tax parcel 0809E-02-004.000, Requests a tattoo parlor use, 10000 Factory Shops Blvd, Suite 235, Zone B-4 (Highway business), Ward 3

Planning Commission Approval 2210PC190, by agent John Ravenscroft, tax parcel 0811B-01-037.000, Requests automotive body repair, 2601 15th Ave, Zoned B-2 (General business), Ward 3

Zoning Map Amendment 2210PC191, by agent Donovan Scruggs, tax parcels 1009M-03-006.000 & 1009M-03-004.000, Requests to rezone property from R-1-7.5 (Single-family) to B-1 (Neighborhood business), 11451 and 11463 Hillcrest Rd, Ward 4

Zoning Map Amendment 2210PC192, by agent Schwartz, Orgler & Jordan, PLLC, tax parcels 1010E-02-008.000 & 1010E-02-008.001, Requests to rezone property from T3 (Sub-Urban Zone) to T4+ (General Urban Zone "Plus"), 1285 Spring St, Ward 4

This the 5th day of October, 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: October 27, 2022

Re: <u>Zoning Map Amendment 2204PC077:</u>
(Remanded back to Planning Commission by City Council)

Zoning Map Amendment 2204PC077, by owner Gulf Coast Shipyard Realty, LLC, tax parcel 0909F-01-001.002, Request to rezone from I-2 (Heavy industry) to I-3 (Planned industrial park), 13085 Seaway Rd, Ward 5

Technical Report

Zoning Map Amendment

GENERAL INFORMATION

Case File Number: 2204PC077

Hearing Date: October 27, 2022

Current Zoning/Use: I-2 / Boat building

Legal: Zoning Map Amendment 2204PC077, by owner Gulf Coast Shipyard Realty, LLC, tax parcel 0909F-01-001.002, Request to rezone from I-2 (Heavy industry) to I-3 (Planned industrial park), 13085 Seaway Rd, Ward 5

TECHNICAL DETAILS

Amendment of the Zoning Ordinance, including the zoning map, is intended to carry out the objective of a sound, stable, and desirable environment. Casual amendment of the ordinance would be detrimental to the achievement of that objective. Therefore, the ordinance dictates that a property should be considered for rezoning only when one or more of the following conditions prevail according to the Mississippi case law:

When requesting rezoning of real property, **an applicant must prove**, by **clear and convincing evidence**, one of the following:

1. That there was a mistake in the original zoning, or
2. That the character of the neighborhood has changed to such an extent as to justify reclassification, **and** that there was a public need for rezoning.

The applicant requests to rezone approximately 46.3 acres of property from I-2 (Heavy industry) to an I-3 (Planned industrial park) zone. Currently, the property is being used as an industrial business with boat building on site. The current and proposed zoning does allow for this use or the expansion of it.

According to the City's 2002 Comprehensive Plan, this area was intended to stay heavy industry in the future land use plan. Specifically meaning, the existing use of a boat manufacture or similar heavy industry was intended to stay in this area.

The applicant has chosen the character of the area has changed as justification for change of the current zoning district:

1. Mistake or error is not addressed by the applicant.

2. Change of character is addressed by the applicant as the property to the west has less industrial character with the current use. The applicant states, "the I-3 zoning will permit

uses which are less industrial and allow for more recreational activities." It is not mentioned by the applicant the type of recreational uses is intended on the proposed project.

Recreational uses such as a, RV Park, outdoor theater, and amusement outdoor are uses that are allowed by right in an I-3 zone and not an I-2. Allowing recreational uses, where heavy industry is intended could cause conflict that is typically resolved in a residential focused zone or business zone.

EXECUTIVE SUMMARY

The future plan of the City's growth indicated that continuing heavy industry use was in the future. There is a section of Seaway Road that is zoned I-3 where recreational uses allowed would be in harmony. Please see the attached chart for potential uses allowed by ordinance in an I-2 and I-3 zones. Approving this would negate many of the principles for which zoning regulations are intended.

DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Pietrangelo
Director of Urban Development Department

Names of Uses and Conditions	I-2	I-3
Animal black, lampblack, bone black, manufacture	X	X
Acetylene gas manufacture and/or storage	X	X
Acid manufacture: Hydrochloric, nitric, picric, sulphuric, sulphurous, carbolic	X	X
Animal reduction	X	X
Bones, distillation	X	X
Cement, lime, gypsum and plaster manufacture	X	X
Clay and clay products manufacture*	X	X
Detergents, soaps and by-products using animal fat, manufacturing	X	X
Disinfectant, insecticide or poison	X	X
Explosives, fireworks and gunpowder manufacture and/or storage	X	X
Fertilizers manufacture or processing and storage	X	X
Grain milling, storage and elevators	X	X
Meat slaughtering and/or packing	X	X
Petroleum and petroleum products, manufacturing, processing	X	X
Rubber or gutta-percha manufacture, processing or reclaiming	X	X
Tar manufacture or distillation	X	X
Wood preserving by creosote or other impregnation treatment	X	X
Battery manufacture	R	R
Boat building	R	R
Brewery	R	R
Brooms and brushes manufacture	R	R

Names of Uses and Conditions	I-2	[illegible]
Butane and other liquefied petroleum gas products storage and sales*	R	[illegible]
Clothing manufacture	R	[illegible]
Concrete and concrete products manufacture	R	[illegible]
Cotton compress	R	[illegible]
Drug manufacture	R	[illegible]
Electroplating	R	[illegible]
Food products manufacture	R	[illegible]
Foundry	R	[illegible]
Frozen food manufacture	R	[illegible]
Glass manufacture	R	[illegible]
Glass products manufacture; from glass stock	R	[illegible]
Hardware manufacture	R	[illegible]
Ice manufacture	R	[illegible]
Mattress manufacture and rebuilding	R	[illegible]
Metal products fabrication	R	[illegible]
Millinery manufacture	R	[illegible]
Millwork and similar wood products	R	[illegible]
Packing and gasket manufacture	R	[illegible]
Paper products manufacture	R	[illegible]
Plastic fabrication	R	[illegible]
Plastics manufacture	R	[illegible]
Shoe manufacture	R	[illegible]
Textile mill	R	[illegible]
Toy manufacture	R	[illegible]
Trailer manufacture	R	[illegible]
Welding shop	R	[illegible]
Abrasives manufacture	R	[illegible]
Air products manufacture	R	[illegible]
Alcohol distillation and/or storage	R	[illegible]

Names of Uses and Conditions	I-2	I-3
Ammonia, bleaching powder and chlorine manufacture	R	
Asbestos products manufacture	R	
Asphalt products manufacture	R	
Automobile manufacture	R	
Automobile and truck body manufacture	R	
Boiler or tank works	R	
Caustic soda manufacture	R	
Chemicals (heavy or industrial) manufacture and/or processing	R	
Cotton ginning and baling	R	
Dyestuff manufacture	R	
Felt manufacture	R	
Fungicides manufacture	R	
Grain drying or feed manufacture from refuse, mash or grain	R	
Graphite manufacture	R	
Hair products manufacture or processing	R	
Insulation manufacture or fabrication	R	
Linoleum manufacture	R	
Metal ingots, pigs, castings, sheets or bars	R	
Oils and fats manufacture: Animal and vegetable	R	
Paints, pigments, enamels, japans, lacquers, putty, varnishes, whiting, and wood filler, manufacture or fabrication	R	
Paper, pulp, cellulose and rayon manufacture	R	
Potash works	R	
Sawmill or planing mill	R	
Shoe polish or stove polish manufacture	R	
Soda and washing compound manufacture	R	
Sugars and starches manufacture	R	
Syrup manufacture	R	
Tire grinding: Entirely within the confines of an enclosed building	R	

Names of Uses and Conditions	I-2	I-3
Tool manufacture	R	–
Cabinet or carpenter shop	–	R
Industrial–Uses permitted in I-1, with additional setbacks	–	R
Beverage manufacture (nonalcoholic)	–	R
Canvas products manufacture	–	R
Coffee roasting	–	R
Creamery, including ice cream manufacture, wholesale	–	R
Fur dyeing, finishing and storage; no tanning	–	R
Metal sharpening	–	R
Novelty and souvenir manufacture	–	R
Office equipment and supplies manufacture	–	R
Poultry (live) storage and/or dressing	–	R
Printing, publishing and allied industries	–	R
Sporting goods manufacture	–	R
Garbage dumping/landfill*	X	–
Electric substation: Must be enclosed within a	R	R
Electric substation: Must be enclosed within a chainlink or similar fence, or raised above ground so as to be inaccessible to unauthorized persons*	R	R
Freight depot, railway and/or truck	R	R
Gas regulator station	R	R
Parking lot	R	R
Radio and television broadcasting	R	R
Radio towers	R	R
Truck fleet storage (commercial)	R	R
Utility warehouse or storage facility*	R	R
Water storage*	R	R

Names of Uses and Conditions	I-2	I-3
Carnival or circus: As a temporary use or permit issued by the building official, such permit to be good for period not exceeding three (3) days and renewal for not more than one such period	R	R
Sewage disposal plant	R	P
Electric power generating station	R	–
Railroad facilities*	R	–
Seaport and related port activities	R	–
Automobile storage (commercial) including parking lots*	P	R
Airport, accessory uses and support services	P	P
Bus benches, bus shelters; may be considered for only those locations that have been designated by the appropriate transit authority as bus stops (Coast Transit Authority stop)	P	P
Pipeline or electric transmission line: Rights-of-way for pipelines or transmission lines of 44KV potential and above, over and across private property*	P	P
Railroad rights-of-way; but not including shops, yards, and team trucks*	P	P
Water or sewage pumping station	P	P
Radio and television broadcasting studio	P	–
Railroad facilities; except shops*	–	R
Amusement, outdoor commercial*	–	P
Shooting range	–	P
Theater, outdoor*	–	P
Restaurant	X	X

Names of Uses and Conditions	I-2	I-3
Automobile wrecking, dismantling or salvage: Must be enclosed within a fence at least ten (10) feet high and at maximum opacity to obstruct view, noise and passage of persons; chainlink or similar fence will be permitted if screen planting which provides maximum opacity is provided	X	–
Delicatessen	X	–
Nursery, day-care, kindergarten	X	–
Stockyards*	X	–
Bakery, wholesale	R	R
Boat sales, accessories and service*	R	R
Butane and other LP gas products storage and sales*	R	R
Dry goods, wholesale	R	R
Food products, wholesale storage and sales	R	R
Fruit and produce, wholesale	R	R
Hardware, wholesale storage and sales	R	R
Lumber yard and building materials*	R	R
Machinery, tools and construction equipment sales and service	R	R
Mail-order house	R	R
Medical supplies, wholesale	R	R

Names of Uses and Conditions	I-2	I-3
Microbrewery/Craft brewery—a small or independent brewery that annual produces no more than 15,000 US beer barrels (1,800.000 L),provided that no part of such establishment or facility, including any parking lot used thereby, shared or otherwise, shall be located closer than one thousand (1,000) feet to any church, school, kindergarten, funeral home, day-care center, museum or learning center, educational facility, library, night club, dance hall, with the sole exception that a " Microbrewery / Craft brewery " located within the (central business) district shall not be subject to the distance requirements from the above mention uses. The applicant must provide written certification that the proposed Microbrewery / Craft brewery meets the distance requirements set forth herein.	R	R
Oil well supplies and machinery*	R	R
Optical goods, wholesale	R	R
Paper supplies, wholesale	R	R
Petroleum and petroleum products bulk storage and distribution	R	R
Roofing and sheet metal shop	R	R
Seafood store, retail	R	R
Seafood store, wholesale	R	R
Warehouse	R	R

Names of Uses and Conditions	I-2	I-3
Pawn shop	R	–
Marina	P	P
Air conditioning sales and service	–	R
Automobile and truck sales and repair; but not including commercial wrecking, dismantling or auto salvage yard. The unenclosed part shall comply with the requirements for maintenance of off-street parking facilities, except the prohibition of sales.* The unenclosed part must be enclosed within a fence at least ten (10) feet high and at maximum opacity to obstruct view, noise and passage or persons; chainlink or similar fence will be permitted if screen planting which provides maximum opacity is provided	–	R
Bait store or sales (live)	–	R
Barber and beauty supplies and equipment sales	–	R

Names of Uses and Conditions	I-2	I-3
Bicycle and/or lawn mower sales and repair	–	R
Dairy equipment sales	–	R
Farm equipment and supplies sales*	–	R
Feed store	–	R
Fixture sales	–	R
Marine stores and supplies	–	R
Medical supplies, retail	–	R
Motorcycle sales and service	–	R
Restaurant, supplies sales	–	R
Seed store	–	R
Shoe store, wholesale	–	R
Sporting goods store, wholesale	–	R
Trailer or mobile homes sales*	–	R
Shooting range	–	P
Dwelling, one-family, as an accessory or industrial use	P	P
Recreational vehicle park	–	P
Natural production uses; including extraction of oil, gas or other natural mineral deposit, such as sand, clay, gravel	X	X
Rock crusher*	R	R
Well drilling company	R	R
Stonecutting	R	–
Aviary*	–	R
Hatchery: Poultry	–	R
Dog pound*	X	X
Rehabilitation health clinics and plasma centers, see section xii for additional requirements. Ord. 2903 May 2017	X	
Animal kennel	R	R
Armory	R	R
Automobile and truck fleet maintenance shops and garages	R	R
Automobile filling station: Where primary function is retail sale of gasoline, oil, grease,	R	R

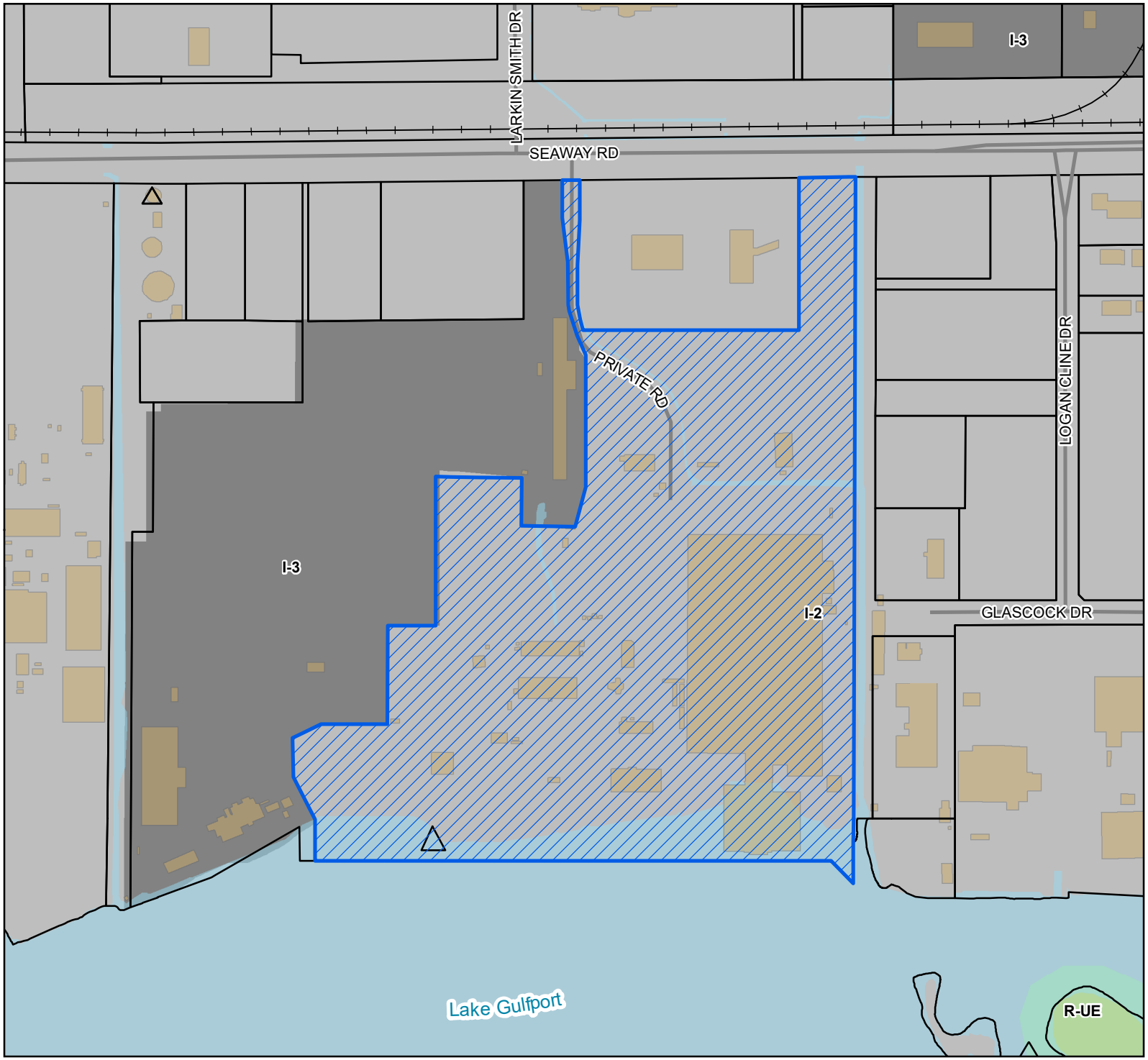
Names of Uses and Conditions	I-2	I-3
Automobile and truck body repair conducted within an enclosed structure. The storage yard for vehicles awaiting repair or delivery to owner must be enclosed within a fence at least ten (10) feet high and at maximum opacity to obstruct view, noise and passage or persons; chainlink or similar fence will be permitted if screen planting which provides maximum opacity is provided	R	R
Carting, express, crating, hauling and storage	R	R
Cold storage plant	R	R
Contractors' office, including limited indoor storage of equipment, materials and/or supplies	R	R
Contractors' storage yard for vehicles,	R	R
Diesel engine repair	R	R
Laboratory	R	R
Laboratory: dental, medical or optical	R	R
Machine shop	R	R
Office	R	R
Pipe storage yard	R	R
Sand and travel storage yard*	R	R
Towing and wrecker services; conducted within an enclosed structure.	R	R
Transit vehicle storage and servicing	R	R
Incinerator	R	–

Names of Uses and Conditions	I-2	I-3
Junkyard; including storage, baling or sale of rags, paper, iron or junk; must be enclosed within a fence at least seven (7) feet high and adequate to obstruct view, noise, and passage of persons; chainlink or similar fence will be permitted if screen planting is provided*	R	–
Vulcanizing shop, including retreading and recapping	R	–
Laundry, linen supply or diaper service	P	R
Trade school	P	R
Fire station	P	P
Bank	P	–
Air conditioning sales and services	–	R

Names of Uses and Conditions	I-2	I-3
Automobile filling station, service and repair: But not including commercial wrecking, dismantling or auto salvage yard; need not be enclosed within structure provided the unenclosed part shall comply with requirements for maintenance of off-street parking facilities except prohibition of sales*	–	R
Clinic, dental or medical, Ordinance 2264	–	R
Dry-cleaning	–	R
Electric repair shop	–	R
Elevator maintenance and service	–	R
Exterminators	–	R
Food locker plant: Renting only individual lockers for customer storage of food; cutting and packaging of meats and game, but not including slaughtering or eviscerating thereof	–	R
Furniture repair; including upholstering and refinishing	–	R
Miniwarehouse	–	R
Painting and decorating contractor	–	R
Plumbing shop	–	R
Rug cleaning	–	R
Sign shop	–	R
Small animal clinic	–	R
Taxidermist	–	R
Venetian blind and metal awning fabrication and cleaning	–	R
Accessory use, customarily accessory to an otherwise permitted use	R	R
Outdoor general advertising	R	R
Pipe storage	R	R

2204PC077

Zoning Map Amendment



Site
Street
Railroad
Parcels
Buildings
Water Features

Zoning

I-2 - Heavy Industry District
I-3 - Planned Industrial District
R-UE - Residential Urban Estate

Site Information

0909F-01-001.002
Zoning: I-2 (Heavy indusrty)
Size: 69.4 acres
Flood: AE

0 80 160 240
Yards

1 inch = 500 feet

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W E
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Revision date 11/2/2020

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

APPLICATION FOR ZONING MAP AMENDMENT/LAND USE RECLASSIFICATION (SMARTCODE)

For Staff Use Only

Case File #: 2204PC077

Date Received: 3/21/2022

Receipt #:

Received By: CL

Zoning: I-2

Ward: 5 Flood: AE

Property Information

TAX PARCEL # 0909F-01-001.002

(If necessary, use separate sheet of paper)

Address of Property Involved: 13085 Seaway Road Gulfport, MS 39503

Lot(s)_____, Block(s)_____, Subdivision Subdivision No. 2 of Bernard Bayou Industrial District

General Location: Located on the South Side of Seaway Rd 1.5 miles West of Lorraine Rd

GENERAL DESCRIPTION OF REQUEST:

Rezone portion of Parcel From I-2 Zoning to I-3

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 reauest.

OWNER

Gulf Coast Shipyard Realty LLC c/o Robert Vosbein
Printed Name Of Owner

13085 Seaway Road
Mailing Address

Gulfport MS 39503
City State Zip code

504-348-2466
Home Phone Work/Cell Phone

rob@harveygulf.com
Email

General Counsel & C.A.O
Signature Of Owner

AGENT

Printed Name Of Agent

Mailing Address

City State Zip code

Home Phone Work/Cell Phone

Email

Signature Of Agent

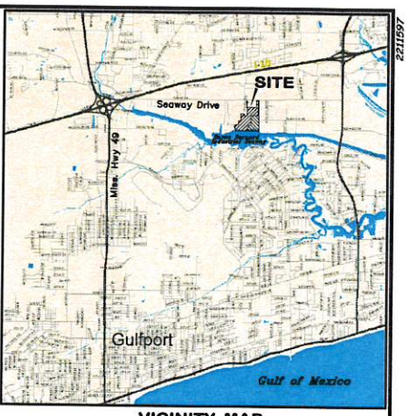
If the property or properties listed above have more than one owner, please check this box. In the case of multiple owners, reverse side must be completed. Each additional owner will need to complete and sign the reverse side of this application. We can only accept applications with original signatures.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

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

A WETLANDS INVESTIGATION WAS NOT REQUESTED AND IS NOT A PART OF THIS SURVEY.

SEAWAY ROAD
(County Asphalt)

LOCATION MAP
(Not To Scale)



VICINITY MAP
(Not To Scale)

200 0 200 400 600
GRAPHIC SCALE – FEET

LINE TABLE		
LINE	LENGTH	BEARING
L1	62.06	N89°24'27"E
L2	143.40	S00°31'32"W
L3	162.20	S03°52'17"W
L4	89.26	S00°31'35"W
L5	55.24	S00°58'48"E
L6	24.06	S10°33'29"E
L7	29.23	S10°53'05"E
L8	39.97	S15°49'30"E
L9	781.90	S89°45'01"E
L10	652.13	N00°10'28"E
L11	126.43	N89°24'27"E
L12	77.22	N89°24'27"E
L13	2556.94	S00°11'00"W
L14	113.62	N45°00'00"W
L15	857.54	West
L16	1011.48	West
L17	151.27	N00°11'00"E
L18	170.78	N26°49'42"W
L19	141.66	N01°15'48"W
L20	114.50	N64°06'45"E
L21	229.79	N89°48'25"E
L22	330.30	N00°20'58"E
L23	187.72	S89°56'07"E
L24	558.43	NORTH
L25	309.82	S89°54'17"E
L26	173.39	S00°00'07"W
L27	194.56	S89°54'16"E
L28	148.29	N15°12'14"E
L29	29.62	N00°54'43"W
L30	183.83	N00°17'25"E
L31	264.67	N00°04'28"E
L32	67.06	N23°10'30"W
L33	12.02	N22°31'59"W
L34	93.18	N17°47'25"W
L35	21.17	N10°40'40"W
L36	155.24	N01°18'23"W
L37	160.46	N07°14'38"W
L38	137.43	N00°03'31"W
L39	61.18	S22°07'13"E
L40	1185.61	S00°11'00"W
L41	546.90	N89°49'00"W
L42	730.45	S00°11'00"W
L43	183.45	N89°44'49"W
L44	221.84	S17°17'16"W
L45	215.85	S00°15'11"W

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	CHORD
C1	78.54	50.00	S45°11'00"W	70.71
C2	50.94	40.00	S53°46'13"W	47.57

REFERENCE:

1. RESUBDIVISION OF PARCELS 0909f-01-001.002 (PARCEL A) & 0909F-01-001.007 (PARCEL B) INTO A1 & B1... LOCATED IN SECTION 14, T7S-R11E,... BY J. MICHAEL CASSIDY, P.L.S., DATED 10-05-2017.

Prepared By:

McLin Taylor, Inc.
Engineering and Land Surveying
28339 FROST ROAD LIVINGSTON, LA. 70754 (225)686-1444

PRELIMINARY 3/7/2022
DATE

EXHIBIT 1
PROPOSED REZONING
OF A
69.177 Acre Tract
LOCATED IN SECTION 14, T 7 S-R 11 E
HARRISON COUNTY, MISSISSIPPI
FOR
HARVEY GULF
INTERNATIONAL MARINE

2211597

X:\LP-21\2211597_Bernard Bayou Industrial District\dwg\2211597_Rezone Exhibit 1.dwg

McLin Taylor, Inc.
Engineering and Land Surveying

Lester A. McLin, Jr., P.L.S.
William L. "Billy" Taylor, II, P.E., P.L.S.

April 3, 2022

City of Gulfport
Urban Development – Planning Division
1410 24th Avenue
Gulfport, MS 39501

Re: Request for Zoning Change from I-2 to I-3
Tax Parcel # 0909F-01-001.02
13085 Seaway Road Gulfport, MS 39503

The subject property is currently zoned I-2 per the Official Zoning Map of the City of Gulfport. The character of the area has changed as the abutting property to the west is zoned I-3 and has a less industrial character with the current use. The rezoning request for the subject property from I-2 to I-3 will allow permitted uses which are less industrial and allow for more recreational activities as it does to the abutting property.

The below statements are provided as required under the application for rezoning.

1. The official name and address of the owner/ applicant is as follows:
   Gulf Coast Shipyard Realty, LLC
   10385 Seaway Blvd
   Gulfport, MS 39503
2. The development schedule for the proposed project is to complete construction documents and begin construction by the end of 2022. Construction is expected to be completed within 12 months.
3. The effect of the amendment is the proposed zoning will be consistent with the abutting property to the west. Therefore, there should not be an effect in granting this zoning change.
4. This request is not due to an error and will allow permitted uses which are less industrial and allow for more recreational activities as it does to the abutting property.

All subsequent approvals after rezoning will be obtained in accordance with the current City of Gulfport regulations. We look forward to answering any questions that arise during this request and process.

Sincerely,

William L. Taylor, II, P.E.
McLin Taylor, Inc.

P.O. Box 1266 • LIVINGSTON, LOUISIANA 70754 • (225) 686-1444 • FAX (225) 686-1448

www.mclintaylor.com

WRITTEN CONSENT OF THE MANAGING MEMBER OF GULF COAST SHIPYARD REALTY, LLC

August 15, 2018

The undersigned, being the managing member (the "***Member***") of Gulf Coast Shipyard Realty, LLC ("***Realty LLC***"), a Delaware limited liability company, does hereby consent to and adopt the following resolutions.

WHEREAS, Realty LLC desires to proceed with and ratify certain matters relating to the emergence of HGIM Corp., a Delaware corporation ("***Corp***"), from bankruptcy;

WHEREAS, on March 7, 2018, HGIM Holdings, LLC, a Delaware limited liability company and parent of Corp ("***Holdings***"), Corp and certain other direct and indirect subsidiaries of Corp (collectively, the "***Debtors***") filed voluntary petitions for reorganization in the United States Bankruptcy Court for the Southern District of Texas, Houston Division (the "***Bankruptcy Court***") seeking relief under the provisions of chapter 11 of Title 11 ("***Chapter 11***") of the United States Code (the "***Bankruptcy Code***") under the caption *In re HGIM Holdings, LLC, et al.*, Case No. 18-31080 (the "***Chapter 11 Cases***");

WHEREAS, in connection with the Chapter 11 Cases, Holdings, Corp, the lending institutions and certain other parties to that certain Senior Secured Term and Revolving Credit Agreement, dated as of June 18, 2013 (as amended by the First Amendment dated as of October 11, 2013, the Second Amendment dated as of May 2, 2014, the Third Amendment dated as of May 2, 2014 and the Fourth Amendment dated as of March 16, 2016, and as further amended, restated, amended and restated, supplemented or otherwise modified prior to the date hereof, the "***Original Credit Agreement***") entered into the Restructuring Support Agreement on February 8, 2018, which provides for the implementation of a restructuring involving Holdings, Corp and certain of the subsidiaries of Corp on the terms set forth therein, including a joint prepackaged plan of reorganization (including all annexes, exhibits, schedules and supplements thereto, in each case, as may be amended, modified or supplemented from time to time only in accordance with the terms thereof, the "***Plan***");

WHEREAS, on May 23, 2018, the Bankruptcy Court entered an order (the "***Confirmation Order***") pursuant to the Bankruptcy Code, which approved and confirmed the Plan;

WHEREAS, pursuant to the Plan, the lenders under the Original Credit Agreement are entitled to receive, in exchange for the release and discharge of the loans and accrued and unpaid interest outstanding under the Original Credit Agreement, new term loans under an exit term loan facility to be issued (or deemed issued) in the initial aggregate principal amount of $350,000,000 (the "***Credit Facility***");

WHEREAS, pursuant to the Plan, Corp and certain of its subsidiary guarantors entered into all documents related to the Credit Facility, including a definitive credit agreement that will govern the Credit Facility (the "***Credit Agreement***"), dated as of July 2, 2018, between Corp, as borrower, the lenders from time to time party thereto (the "***Lenders***") and Bank of America, N.A., as administrative agent (the "***Agent***");

WHEREAS, pursuant to the Credit Agreement, Realty LLC desires to enter into (a) that certain Joinder to Amended and Restated Guaranty, dated as of August [ ], 2018 (the "***Guaranty***"), by Realty LLC and Gulf Coast Shipyard Group, Inc., a Delaware corporation ("***GCSG***"), in favor of the Agent, for the benefit of the Secured Parties (as defined in the Credit Agreement) and (b) that certain Joinder to Amended and Restated Guarantor Security Agreement, dated as of August [ ], 2018 (the "***Security Agreement***"), between Realty LLC, GCSG and the Agent.

WHEREAS, Realty LLC will receive direct and indirect benefits from the transactions contemplated by the Credit Agreement and the other Credit Documents (as defined below);

WHEREAS, the Member deems the execution and delivery of the Guaranty, the Security Agreement and the other Credit Documents by Realty LLC, and the performance of the transactions contemplated thereby by Realty LLC, to be desirable, advisable and in the best interest of Realty LLC;

WHEREAS, capitalized terms used herein but not otherwise defined herein shall have the meanings assigned to such terms in the Credit Agreement attached hereto;

WHEREAS, pursuant to the Credit Agreement, Realty LLC is required, or may deem it necessary or appropriate, (a) to execute, deliver and perform its obligations under a security agreement, a pledge agreement and other loan documents, commitment letters, engagement letters, term sheets, fee letters, letter of credit agreements, letters of credit, promissory notes, deeds of trust, mortgages, vessel mortgages, assignments of insurances, insurance subordination undertakings, fixture filings, assignments of production and/or as-extracted collateral, security agreements, pledge agreements, guaranty agreements, escrow agreements, control agreements (including deposit account control agreements), securities account control agreements, commodity account control agreements, subordination agreements, equity interest transfer powers, payoff letters, indemnities, licenses, supplemental indentures, assignments, contribution deeds, deeds of pledge or charge, undertakings, reaffirmations, comfort letters, consents, reports, waivers, releases, addenda, purchase agreements, powers of attorney, affidavits, certifications, requests, supplements (including supplements to loan documents or schedules), notices, and other agreements, documents, instruments, contracts, financing statements or certificates, as each of the foregoing may be amended, amended and restated, modified, supplemented, extended, renewed or replaced from time to time (all of the foregoing referred to above, including the Credit Agreement, are collectively referred to herein as the "***Credit Documents***"); and (b) to take such other actions, including, without limitation, (i) the grant of liens on all or substantially all of its assets (including, without limitation, the pledge of equity interests in its Subsidiaries and other persons and entities) in favor of the Lenders or other agents or trustees, on behalf of the secured parties described or named in the Credit Documents, to secure any or all Indebtedness, Obligations or other liabilities of Realty LLC, arising under or in connection with the Credit Agreement, the other Credit Documents and hedging agreements and treasury management agreements between Realty LLC and the Lenders or affiliates of Lenders, and all other obligations under or described in the Credit Documents), (ii) the guarantee of all Obligations and Indebtedness, (iii) the filing of UCC financing statements or amendments thereto, or other filings necessary to perfect or give notice of liens, (iv) the filing of any deeds of trust or mortgages, and any amendments, amendments and restatements, modifications or supplements thereto, necessary to perfect or give notice of liens, (v) the delivery of equity interest transfer powers and equity certificates, (vi) the payment of fees,

costs and expenses, (vii) the giving of notices, the designation of persons authorized to act, and (viii) other actions as may be necessary or appropriate to consummate the transactions and perform the Credit Documents, including, without limitation, the execution, delivery and filing of mortgages, amendments, amendments and restatements, supplements, modifications, renewals and/or extensions of or to mortgages, other collateral documents, and the other Credit Documents (collectively, "***Related Actions***");

WHEREAS, the Member desires to authorize and consent to the execution and delivery of and the performance by Realty LLC of its obligations and agreements under the Credit Documents and the taking of any and all Related Actions;

WHEREAS, pursuant to the Credit Agreement, Realty LLC may be required to consummate certain transactions after the effective date of the Guaranty and Security Agreement (collectively, the "***Post Effective Date Transactions***"), including, without limitation, the execution, delivery and filing of mortgages, amendments, amendments and restatements, supplements, modifications, renewals and/or extensions of or to mortgages and other collateral documents, including, without limitation, vessel mortgages, assignments of insurances, insurance subordination undertakings and a certain mortgage, security agreement and assignment of rents covering certain property located in Louisiana (the "***Post-Closing Documents***"); and

WHEREAS, the Member desires to authorize and consent to the execution, delivery and performance of the Post-Closing Documents and the consummation of the other Post Effective Date Transactions by or on behalf of Realty LLC.

NOW, THEREFORE, BE IT RESOLVED, that the execution, delivery and performance of the Guaranty and Security Agreement by Realty LLC and the consummation of the transactions contemplated thereunder by Realty LLC, including the execution, delivery and performance of the other Credit Documents and the Post-Closing Documents and the taking of any and all Related Actions and the Post Effective Date Transactions are hereby authorized and approved, and that the officers of Realty LLC (each, an "***Authorized Officer***" and collectively, the "***Authorized Officers***"), any one of whom may act without the joinder of any of the others, is hereby severally authorized, empowered and directed, in the name and on behalf of Realty LLC, to execute and deliver any document required to authorize Realty LLC's, execution, delivery and performance of the Guaranty, Security Agreement and the other Credit Documents;

FURTHER RESOLVED, that the signature of any Authorized Officer to any document to which Realty LLC is a party in connection therewith shall be conclusive evidence of the authority of such Authorized Officer to execute and deliver such document;

FURTHER RESOLVED, that any person dealing with any Authorized Officer on behalf of Realty LLC in connection with any of the foregoing matters shall be conclusively entitled to rely upon the authority of such officer and by his or her execution of any document or agreement, the same shall be valid and binding obligations of Realty LLC enforceable in accordance with its terms;

FURTHER RESOLVED, that the Member hereby authorizes Realty LLC, for itself and to the extent it serves as a member, general partner, managing member or other governing body of

any of its current or future subsidiaries, to execute all agreements or documents, and to take any and all Related Actions, as may be contemplated or required by the Credit Documents and the Post-Closing Documents and all current and future subsidiaries of Realty LLC, to the extent applicable, to execute all agreements or documents, and to take any and all Related Actions, as may be contemplated or required by the Credit Documents and the Post-Closing Documents;

FURTHER RESOLVED, that the following individuals, effective as of the date hereof, are hereby elected to the office or offices of Realty LLC set forth opposite their respective names below, to hold office until their respective successor is elected and qualified or until their respective earlier death, resignation or removal:

Name	Title
Shane J. Guidry	Chief Executive Officer
Jeffrey Henderson	Chief Financial Officer
Robert A. Vosbein, Jr.	General Counsel and Chief Administrative Officer

FURTHER RESOLVED, that the officers appointed herein are the only officers of Realty LLC, all other individuals previously holding offices of Realty LLC having resigned or been removed.

General Authorization

FURTHER RESOLVED, that the Authorized Officers are authorized and directed, on behalf and in the name of Realty LLC, to do or cause to be done any and all such further acts and things and to execute, deliver and file any and all such additional agreements, documents, instruments and certificates as such Authorized Officer may deem necessary or appropriate in furtherance of, or to effect, the matters authorized or contemplated by, the foregoing resolutions; and

FURTHER RESOLVED, that any and all acts heretofore done, and any and all agreements, documents, instruments and certificates heretofore executed and delivered, in the name and on behalf of Realty LLC, in furtherance of or to effect the matters authorized by the foregoing resolutions, are hereby approved and ratified in all respects with the same force and effect as if such approval had been given in advance by the Member.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned has caused this consent to be duly executed as of the date first set forth above.

GCSR HOLDINGS, INC., as managing member of
Gulf Coast Shipyard Realty, LLC

By: _____
Name: Shane J. Guidry
Title: Chief Executive Officer

1st Judicial District
Instrument 2013 3362 D -J1
Filed/Recorded 5/29/2013 02:41 P
Total Fees $ 13.00
6 Pages Recorded

SCANNED

Prepared By and Return To:	With Review By (with respect to form):	Indexing Instructions:
Rose M. LeBreton LA Bar No. 0816 Lugenbuhl, Wheeton, Peck, Rankin & Hubbard 601 Poydras Street, Suite 2775 New Orleans, LA 70130 Telephone: 504-568-1990	Bridgforth Rutledge MS Bar No. 99897 Phelps Dunbar, LLP 4270 I-55 North Jackson, MS 39211 Telephone: 601-360-9361	Part of Lots 6 and 7 of Subdivision No. 2 of Bernard Bayou Industrial District located in the SE ¼ of Sec. 14 & the NE ¼ of Sec. 23, Township 7 South, Range 11 West First Judicial District of Harrison County, Mississippi

STATE OF MISSISSIPPI
COUNTY OF HARRISON
(FIRST JUDICIAL DISTRICT)

CONVEYANCE AND CONTRIBUTION
VIA
GENERAL WARRANTY DEED

REVIEWED

NEW TRINITY REALTY, LLC, a Delaware limited liability company,

Address: 13085 Seaway Road, Gulfport, MS 39503
Telephone Number: 228-276-1000
(hereinafter referred to as "Transferor"),

to

GULF COAST SHIPYARD REALTY, LLC, a Delaware limited liability company,

Address: 13085 Seaway Road, Gulfport, MS 39503
Telephone Number: 228-276-1000
(hereinafter referred to as "Transferee"),

WHEREAS, Transferor desires to convey to Transferee all of its right, title and interest in and to certain real property described below in exchange for those certain Units of Membership Interests in Transferee more fully described herein below.

NOW TRANSFEROR COMES, and for the consideration and on the terms hereinafter expressed, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Transferor does hereby grant, bargain, sell, convey and warrant the following described real property:

> Commencing at the Northeast corner of Lot 4, Subdivision No. 1 of Bernard Bayou Industrial District, in the SW 1/4 of Section 15, Township 7 South, Range 11 West, Gulfport, Harrison County, Mississippi, as shown in Record of Plats in Plat Book 25, Page 26, run thence N 89°49'00" E 1996.5 feet, thence N 89°49'14" E 3988 feet, thence N 89°24'38" E 534 feet, thence N 89°24'27" E 941.99 feet to the Point of Beginning, thence continue N 89°24'27" E 62.06 feet, thence S 00°31'32" W 143.40 feet, thence S 03°52'17" W 162.20 feet, thence S 00°31'35" W 89.26 feet, thence S 00°58'48" E 55.24 feet, thence S 10°33'29" E 24.06 feet, thence S 10°53'05" E 29.23 feet, thence S 15°49'30" E 39.97 feet, thence S 89°45'01" E 781.90 feet, thence N 00°10'28" E 552.13 feet to said south margin of Seaway Road, thence N 89°24'27" E 203.73 feet, thence S 00°11'00" W 2556.84 feet, thence N 45°00'00" W 113.62 feet, thence N 90°00'00" W 896.46 feet, thence N 00°11'00" E 137.37 feet, thence N 89°31'00" W 455.44 feet, thence N 00°13'36" W 1244.28 feet, thence S 75°51'10" E 414.40 feet, thence N 09°57'07" E 294.60 feet, thence N 00°53'00" W 318.90 feet, thence N 22°31'59" W 12.02 feet, thence N 17°47'05" W 93.18 feet, thence N 10°40'40" W 21.17 feet; thence N 01°18'23" W 155.24 feet; thence N 07°14'38" W 160.46 feet; thence N 00°03'31" W 137.43 feet to the south margin of Seaway Road and the Point of Beginning, being a part of Lots 6 and 7 of Subdivision No. 2 of Bernard Bayou Industrial District located in the SE 1/4 of Section 14 and the NE 1/4 of Section 23, Township 7 South, Range 11 West, Harrison County, Mississippi. Said parcel contains 59.24 acres.

(the "**Property**"), together with all improvements thereon and appurtenances belonging thereto, with full warranty of title, and with full substitution and subrogation in and to any and all rights and actions of warranty which Transferor has or may have against all preceding owners and vendors, UNTO Transferee, accepting and purchasing for itself, its successors and assigns, acknowledging due delivery and possession of the Property.

Transferor hereby declares that the Property stands registered in the name of Transferor, that it has not been heretofore alienated by Transferor and that there are no mortgages, liens or encumbrances against the Property whatsoever, other than the following exceptions to the title (which shall also be exceptions to the warranty granted by Transferor hereunder):

1. Easement to Mississippi Power Company dated October 9, 1967, and recorded in Book 598, page 582.

2. Easements in Warranty Deed dated November 13, 2003, and recorded in Book 1649, page 417 (Instrument No. 2003 8840 D).

3. Easement Deed for Ingress and Egress dated May 2, 2006, and recorded as Instrument No. 2006 7224 D-J1.

4. Terms of that certain Trinity Yachts-Gulfport LLC Landlord's Waiver and Consent dated April 29, 2010, and recorded as Instrument No. 2010 2770 D-J1.

5. Resubdivison of Parcels "6A" & "6B" into Parcels "6A2" and "6B2" (and all matters shown thereon) dated May 5, 2008, and recorded as Instrument No. 2008 6505 D-J1.

6. All encroachments and other matters affecting title revealed by that certain ALTA/ACSM Land Title Survey dated 05/07/13 (Job/Project/Drawing No. 55598-05) by J. Michael Cassady of Cassady & Associates, Inc.

7. All leasehold and possessory interests affecting the Property.

8. The prior conveyance, lease or reservation, if any, of the oil, gas and other minerals lying in or under the Property.

9. Current year ad valorem taxes, which are not yet due and payable.

(collectively, the "**Permitted Exceptions.**") Nothing in this instrument should be interpreted to reimpose and or to evidence the intention to interrupt or revive prescription of any rights thereon or to recognize the validity thereof.

This conveyance and transfer is made as a contribution by Transferor to the capital of Transferee in return for 33,732.947 of Units of Membership Interests in Transferee equal to the value of the Property, and Transferor acknowledges the receipt and sufficiency thereof and grants full acquittance and discharge thereof.

All *ad valorem* taxes bearing against the Property have been paid, up to and including those due for the year 2012. Taxes for the year 2013 will be prorated between Transferor and Transferee as of the date of this instrument. Transferee shall be responsible for the payment of all *ad valorem* taxes bearing against the Property after and including those for the year 2013, and notices of such taxes shall be sent to Transferee at the address set forth in Transferee's appearance clause above. In the event that Transferor receives any notices related to property taxes on the Property, it shall immediately forward such notices to Transferee.

With the exception of the warranty of title set forth herein, Transferee hereby accepts the Property without any warranty whatsoever, even for the return of the purchase price, "AS IS, WHERE IS and WITH ALL FAULTS", and except as regards title matters, Transferee specifically waives any and all claims it may have against Transferor with respect to any and all claims concerning any vices or defects in the physical condition of the Property, whether obvious or latent, known or unknown, including, without limitation, any claim airing out of the presence of Hazardous Substances (as defined below) on, in or above the Property, or wetlands regulated pursuant to and defined by the Clean Water Act (33 U.S.C.§1251 et seq.). "Hazardous

Substances" are defined as any solid hazardous or toxic substances and wastes, including, without limitation, petroleum products, asbestos, PCBs, and any other chemical or substance or pollutants, the disposal, storage or discharge of which is regulated by "CERCLA" (42 U.S.C. §§1251, et seq.),"RCRA" (42 U.S.C. §§ 6901, et seq.), the "Clean Water Act" (33 U.S.C. §§ 1251, et seq.), the "Clean Air Act" (44 U.S.C. §§ 7401, et seq), the "Toxic Substance Control Act (15 U.S.C. § 2601 and 2692), the Safe Water Drinking Act (42 U.S.C. §300f-300j-26), or any regulations promulgated thereunder or any similar state or federal laws or regulations.

Notwithstanding the foregoing, nothing contained in the preceding paragraph shall operate to waive Transferee's claims against Transferor pursuant to that certain Securities Purchase Agreement dated May 24, 2013, by and among Gulf Coast Shipyard Operations, Inc., Gulf Coast Shipyard Realty, LLC, Littlejohn Fund IV, L.P., Littlejohn Fund IV-A, L.P., Littlejohn Executive Fund IV, L.P., GCSR Domestic Blocker, Inc., GCSR Executive Blocker, Inc., GCSR Foreign Blocker, Inc., New Trinity Operations, LLC and Transferee.

This instrument may be executed and notarized in counterparts, and, when completed, shall be taken as one complete and valid instrument.

SIGNATURES AND ACKNOWLEDGEMENTS ON THE FOLLOWING PAGES

IN WITNESS WHEREOF, Transferor has executed this Warranty Deed on the date set forth below.

NEW TRINITY REALTY, LLC

By: _____
Name: John Dane III
Title: President

Date: May 24, 2013

STATE OF LOUISIANA

PARISH OF ORLEANS

Personally appeared before me, the undersigned authority in and for the said county and state, on this 24th day of May, 2013, within my jurisdiction, the within named **John Dane, III**, who acknowledged that s/he is **President** of **New Trinity Realty, LLC**, a Delaware limited liability company, and that for and on behalf of said limited liability company, and as its act and deed, s/he executed the above and foregoing instrument, after first having been duly authorized by said limited liability company so to do.

NOTARY PUBLIC

My Commission Expires:

ROSE McCABE LeBRETON
Attorney/Notary Public
Orleans Parish, Louisiana
My Commission is issued for Life
La. Bar Roll No. 08216

_____ (SEAL)

PD.9693414.1

IN WITNESS WHEREOF, Transferee has executed this Warranty Deed on the date set forth below.

GULF COAST SHIPYARD REALTY, LLC

By: _____
Name: John Dane III
Title: President

Date: May 24, 2013

STATE OF LOUISIANA

PARISH OF ORLEANS

Personally appeared before me, the undersigned authority in and for the said county and state, on this 24th day of May, 2013, within my jurisdiction, the within named **John Dane, III**, who acknowledged that s/he is **President** of **Gulf Coast Shipyard Realty, LLC**, a Delaware limited liability company, and that for and on behalf of said limited liability company, and as its act and deed, s/he executed the above and foregoing instrument, after first having been duly authorized by said limited liability company so to do.

_____
NOTARY PUBLIC

My Commission Expires:

ROSE McCABE LeBRETON
Attorney/Notary Public
Orleans Parish, Louisiana
My Commission is Issued for Life
La. Bar Roll No. 08218

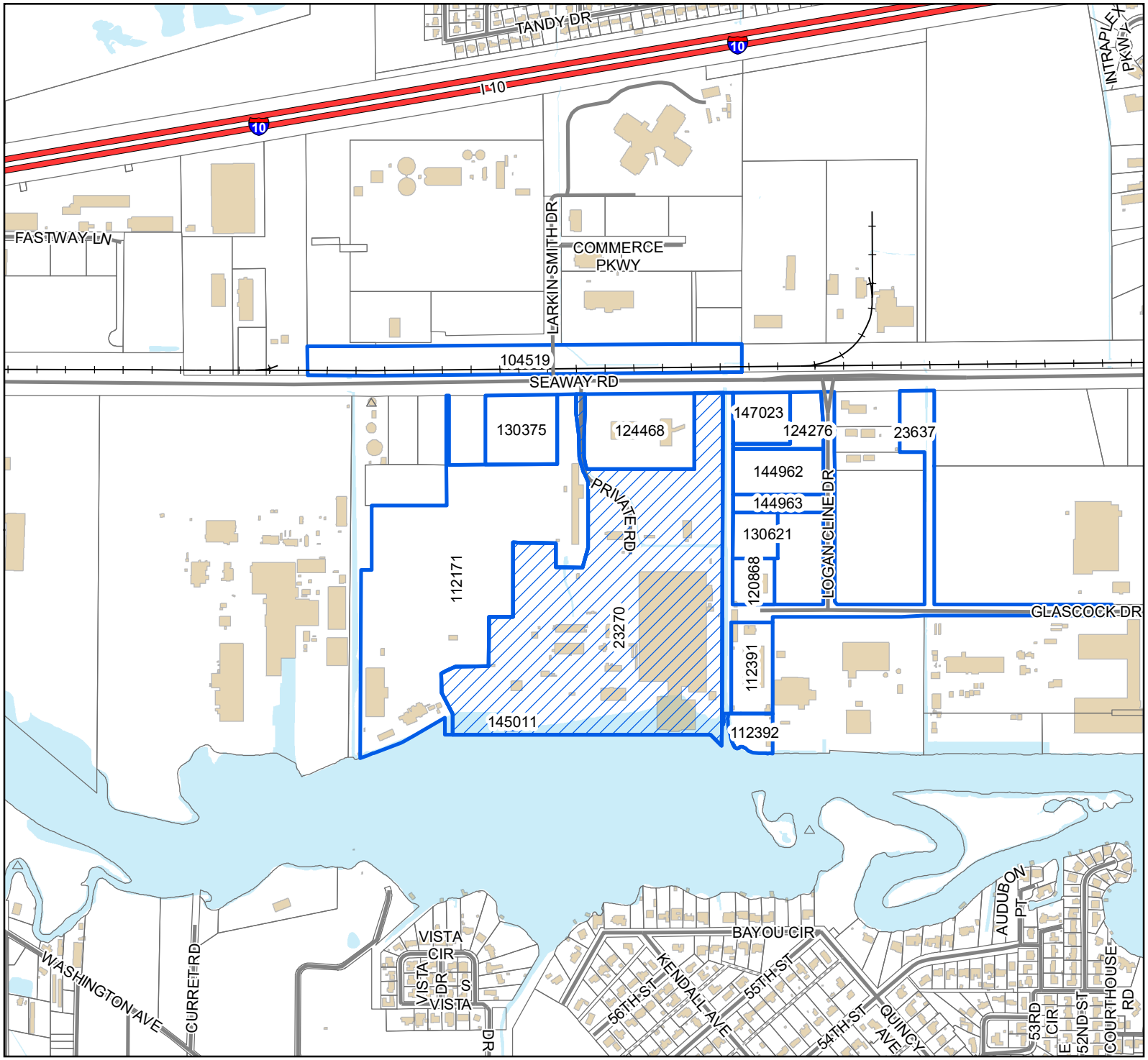
_____ (SEAL)

PD.9693414.1

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			GULFCOAST SHIPYARD REALTY LLC (OWNER)	13085 SEAWAY RD	GULFPORT	MS	39503
			Adjacent Property Owners				
	147023	0909G-01-001.023	CARTER JAMES PROPERTIES LLC -LESSEE C/O HARRISON CO DEV COMM	PO BOX 7377	GULFPORT	MS	39506
	112392	0909J-01-001.003	FIFTY TWO-SIXTY INVESTMENTS LLC	8641 UNITED PLAZA BLVD	BATON ROUGE	LA	70809
N	112391	0909G-01-001.002	FIFTY TWO-SIXTY INVESTMENTS LLC	8641 UNITED PLAZA BLVD	BATON ROUGE	LA	70809
N	23270	0909F-01-001.002	GULF COAST SHIPYARD REALTY LLC	13085 SEAWAY RD	GULFPORT	MS	39503
N	145011	0909K-01-001.000	GULFCOAST SHIPYARD GROUP INC-LESSEEC/O SECTY OF STATE -LESSOR-TIDELAND	13085 SEAWAY RD	GULFPORT	MS	39503
	144962	0909G-01-001.019	HARRISON CO DEV COMM	P O BOX 1870	GULFPORT	MS	39502
N	23637	0909G-01-001.000	HARRISON CO DEV COMM	P O BOX 1870	GULFPORT	MS	39502
N	144963	0909G-01-001.020	HARRISON CO DEV COMM	P O BOX 1870	GULFPORT	MS	39502
N	124276	0909G-01-001.007	HARRISON CO DEV COMM	P O BOX 1870	GULFPORT	MS	39502
	124468	0909F-01-001.009	KEESLER FEDERAL CREDIT UNION	PO BOX 7001	BILOXI	MS	39534
	120868	0909G-01-001.006	MARINE LOADING ARMS LLC	17095 CARLTON CUEVAS RD	GULFPORT	MS	39503
N	130621	0909G-01-001.013	MARINE LOADING ARMS LLC	17095 CARLTON CUEVAS RD	GULFPORT	MS	39503
	112171	0909F-01-001.007	MARITIME DEVELOPMENT CENTER LLC	P O BOX 381	GULFPORT	MS	39502
N	130375	0909F-01-001.011	MARITIME DEVELOPMENT CENTER LLC	P O BOX 381	GULFPORT	MS	39502
	104519	0909F-01-002.000	MISS POWER CO	2992 W BEACH BLVD	GULFPORT	MS	39501

2204PC077

Zoning Map Amendment



Site
Adjacent Properties
Interstate Highway
Street
Alley
Railroad
Buildings
Water Features

0 160 320 480
Yards

1 inch = 1,000 feet

N
W E
S

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.

LEGAL DESCRIPTION

A Portion of Parcel A1

A CERTAIN TRACT OR PARCEL OF LAND LOCATED IN SECTION 14, T7S–R11E, HARRISON COUNTY, MISSISSIPPI.

COMMENCING FROM THE NORTHWEST CORNER OF LOT 5, SUBDIVISION NO. 2 OF BERNARD BAYOU INDUSTRIAL DISTRICT (NW ¼ OF SE ¼ OF SECTION 15, T7S, R11E, THENCE NORTH 89 DEGREES 24 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 522.00, THENCE NORTH 89 DEGREES 24 MINUTES 27 SECONDS EAST FOR A DISTANCE OF 941.99 FEET TO THE POINT OF BEGINNING.

THENCE North 89 degrees 24 minutes 27 seconds East for a distance of 62.06 feet to a point and corner;

THENCE South 00 degrees 31 minutes 32 seconds West for a distance of 143.40 feet to a point and corner;

THENCE South 03 degrees 52 minutes 17 seconds West for a distance of 162.20 feet to a point and corner;

THENCE South 00 degrees 31 minutes 35 seconds West for a distance of 89.26 feet to a point and corner;

THENCE South 00 degrees 58 minutes 48 seconds East for a distance of 55.24 feet to a point and corner;

THENCE South 10 degrees 33 minutes 29 seconds East for a distance of 24.06 feet to a point and corner;

THENCE South 10 degrees 53 minutes 05 seconds East for a distance of 29.23 feet to a point and corner;

THENCE South 15 degrees 49 minutes 30 seconds East for a distance of 39.97 feet to a point and corner;

THENCE South 89 degrees 45 minutes 01 seconds East for a distance of 781.90 feet to a point and corner;

THENCE North 00 degrees 10 minutes 28 seconds East for a distance of 552.13 feet to a point and corner;

THENCE North 89 degrees 24 minutes 27 seconds East for a distance of 126.43 feet to a point and corner;

THENCE South 22 degrees 07 minutes 13 seconds East for a distance of 61.18 feet to a point and corner;

THENCE South 00 degrees 11 minutes 00 seconds West for a distance of 1185.61 feet to a point and corner;

THENCE North 89 degrees 49 minutes 00 seconds West for a distance of 546.90 feet to a point and corner;

THENCE along a curve to the left having a radius of 50.00 feet and an arc length of 78.54 feet, being subtended by a chord of South 45 degrees 11 minutes 00 seconds West for a distance of 70.71 feet to a point and corner;

THENCE South 00 degrees 11 minutes 00 seconds West for a distance of 730.45 feet to a point and corner;

THENCE North 89 degrees 44 minutes 49 seconds West for a distance of 183.45 feet to a point and corner;

THENCE along a curve to the left having a radius of 40.00 feet and an arc length of 50.94 feet, being subtended by a chord of South 53 degrees 46 minutes 13 seconds West for a distance of 47.57 feet to a point and corner;

THENCE South 17 degrees 17 minutes 16 seconds West for a distance of 221.84 feet to a point and corner;

THENCE South 00 degrees 15 minutes 11 seconds West for a distance of 215.85 feet to a point and corner;

THENCE West for a distance of 1011.48 feet to a point and corner;

THENCE North 00 degrees 11 minutes 00 seconds East for a distance of 151.27 feet to a point and corner;

THENCE North 26 degrees 49 minutes 42 seconds West for a distance of 170.78 feet to a point and corner;

THENCE North 01 degrees 15 minutes 48 seconds West for a distance of 141.66 feet to a point and corner;

THENCE North 64 degrees 06 minutes 45 seconds East for a distance of 114.50 feet to a point and corner;

THENCE North 89 degrees 48 minutes 25 seconds East for a distance of 229.79 feet to a point and corner;

THENCE North 00 degrees 20 minutes 58 seconds East for a distance of 330.30 feet to a point and corner;

THENCE South 89 degrees 56 minutes 07 seconds East for a distance of 187.72 feet to a point and corner;

THENCE North for a distance of 558.43 feet to a point and corner;

THENCE South 89 degrees 54 minutes 17 seconds East for a distance of 309.82 feet to a point and corner;

THENCE South 00 degrees 00 minutes 07 seconds West for a distance of 173.39 feet to a point and corner;

THENCE South 89 degrees 54 minutes 16 seconds East for a distance of 194.56 feet to a point and corner;

THENCE North 15 degrees 12 minutes 14 seconds East for a distance of 148.29 feet to a point and corner;

THENCE North 00 degrees 54 minutes 43 seconds West for a distance of 29.62 feet to a point and corner;

THENCE North 00 degrees 17 minutes 25 seconds East for a distance of 183.83 feet to a point and corner;

THENCE North 00 degrees 04 minutes 28 seconds East for a distance of 264.67 feet to a point and corner;

THENCE North 23 degrees 10 minutes 30 seconds West for a distance of 67.06 feet to a point and corner;

THENCE North 22 degrees 31 minutes 59 seconds West for a distance of 12.02 feet to a point and corner;

THENCE North 17 degrees 47 minutes 05 seconds West for a distance of 93.18 feet to a point and corner;

THENCE North 10 degrees 40 minutes 40 seconds West for a distance of 21.17 feet to a point and corner;

THENCE North 01 degrees 18 minutes 23 seconds West for a distance of 155.24 feet to a point and corner;

THENCE North 07 degrees 14 minutes 38 seconds West for a distance of 160.46 feet to a point and corner;

THENCE North 00 degrees 03 minutes 31 seconds West for a distance of 137.43 feet back to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 46.319 acres more or less.

D.2

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:
IPL0093233
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
59.40
Payment Type:
Account Billed
User ID:
IPL0024925

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
October 6, 2022 11:35:41 AM EDT
Amount:
59.40

SCHEDULE FOR AD NUMBER IPL00932330

October 12, 2022
SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL00932330

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, October 27, 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 office of the Department of Urban Development, Planning Division, located on first floor of the William H. Hardy Building, 1410 24th Avenue.

Zoning Map Amendment 2209PC151, by owners Kenneth & Sherry Simmons, tax parcels 0910N-01-007.000, request to rezone from B-2 (General business) to R-B (Residence business) Ward 4

Resubdivision 2209PC175, by owner Steven Austin, tax parcel 0810N-02-023.000, Divide into two new parcels, 2006 30th Street, Zoned B-2 (General business), Ward 3

Zoning Map Amendment 2204PC077, by owner Gulf Coast Shipyard Realty, LLC, tax parcel 0909F-01-001.002, Request to rezone from I-2 (Heavy Industry) to I-3 (Planned industrial park), 13085 Seaway Rd, Ward 5

Planning Commission Approval 2210PC178, by agent John Dixon, tax parcel 0808L-02-017.000, Request approval to allow a medical dispensary use, 11370 HWY 49 Suite G, Zoned B-4 (Highway business), Ward 7

Zoning Map Amendment 2210PC181, by agent Derek Bjornstad, tax parcel 0711K-03-002.000, Request to rezone property from R-1-7.5 (Single-family) to R-2 (Single-family), 4707 Old Pass Rd, Zoned R-1-7.5 (Single-family), Ward 1

Zoning Text Amendment 2210PC184, by CRC Westside, amendments the SmartCode Zoning Ordinance, as amended, Section 1.8.1 Damage Due to Emergency Conditions, Section 4.11.1 Damage Due to Emergency Conditions, and Section 5.12.1 Damage Due to Emergency Conditions.

Planning Commission Approval 2210PC185, by agent Stacy Craig, tax parcel 1007M-01-072.000, Request home occupation for a handyman, 13204 Curtis St, Zoned R-E (Residence estate), Ward 6

Zoning Map Amendment 2210PC186, by agent Ashleigh M. Vignes, tax parcel 0908M-01-010.000, Request to rezone from R-1-10 (Single-family) to B-1 (Neighborhood business), 13499 Dedeaux Rd, Ward 5

Special Exception 2210SE188, by agent Frankie Jackson, tax parcel 0809E-02-004.000, Requests a tattoo parlor use, 10000 Factory Shops Blvd, Suite 235, Zone B-4 (Highway business), Ward 3

Planning Commission Approval 2210PC190, by agent John Ravenscroft, tax parcel 0811B-01-037.000, Requests automotive body repair, 2601 15th Ave, Zoned B-2 (General business), Ward 3

Zoning Map Amendment 2210PC191, by agent Donovan Scruggs, tax parcels 1009M-03-006.000 & 1009M-03-004.000, Requests to rezone property from R-1-7.5 (Single-family) to B-1 (Neighborhood business), 11451 and 11463 Hillcrest Rd, Ward 4

Zoning Map Amendment 2210PC192, by agent Schwartz, Orgler & Jordan, PLLC, tax parcels 1010E-02-008.000 & 1010E-02-008.001, Requests to rezone property from T3 (Sub-Urban Zone) to T4+ (General Urban Zone "Plus"), 1285 Spring St, Ward 4

This the 5th day of October, 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: October 27, 2022

Re: **Planning Commission Approval 2210PC178:**

Planning Commission Approval 2210PC178, by agent John Dixon, tax parcel 0808L-02-017.000, Request approval to allow a medical dispensary use, 11370 HWY 49 Suite G, Zoned B-4 (Highway business), Ward 7

Technical Report

PLANNING COMMISSION APPROVAL

GENERAL INFORMATION

Case File Number: 2210PC178

Hearing Date: October 27, 2022

Current Zoning/Use: B-4 / Vacant tenant space in a commercial building

Legal: Planning Commission Approval 2210PC178, by agent John Dixon, tax parcel 0808L-02-017.000, Request approval to allow a medical dispensary use, 11370 HWY 49 Suite G, Zoned B-4 (Highway business), Ward 7

TECHNICAL DETAILS

The applicant requests planning commission approval for a medical cannabis dispensary use, as is required when this use is within 500 feet of a residential use. Several houses and some small apartments, which classified as a residential use, are within the 500 property line radius. By definition, this establishment would acquire posses, store, transfer, sell, supply or dispense medical cannabis.

EXECUTIVE SUMMARY

Ultimately, this use appears to meet all of the base requirements by the state for their distance requirements from schools, churches, and etcetera. Ordinance interest is the residential use nearby and the effect to the surrounding neighborhood. The ordinance specifically states, "the planning commission shall approve or disapprove the application as to location and site plan" in regards to the planning commission approval applications. Primary concern around the project is the nearby housing and vehicular access this development will influence. Per ordinance, the Planning Commission could "establish conditions and limitations with respect to the site plan."

It should also be noted in the report the police department requested denial of this project.

Any approval should consider these conditions:

1. Shall comply with all City Codes and Ordinances.

DEPARTMENTAL CONDITIONS

Engineering: No conditions. Memo dated 10/17/2022.

Public Works: No conditions. Memo dated 10/17/2022.

Traffic and Safety: No conditions. Memo dated 10/17/2022.

Building Code Services: Must meet all current Building Codes and City of Gulfport Ordinances. Memo dated 10/12/2022.

Technical Report

PLANNING COMMISSION APPROVAL

GIS:	No conditions. Memo dated 10/12/2022.
Police Department:	Disapprove. Proposed location is directly adjacent to residential, location is less than 500 free from residential. Memo dated 10/17/2022.
Fire Department:	No conditions. Memo dated 10/13/2022.
City Arborist:	No conditions. Memo dated 10/12/2022.

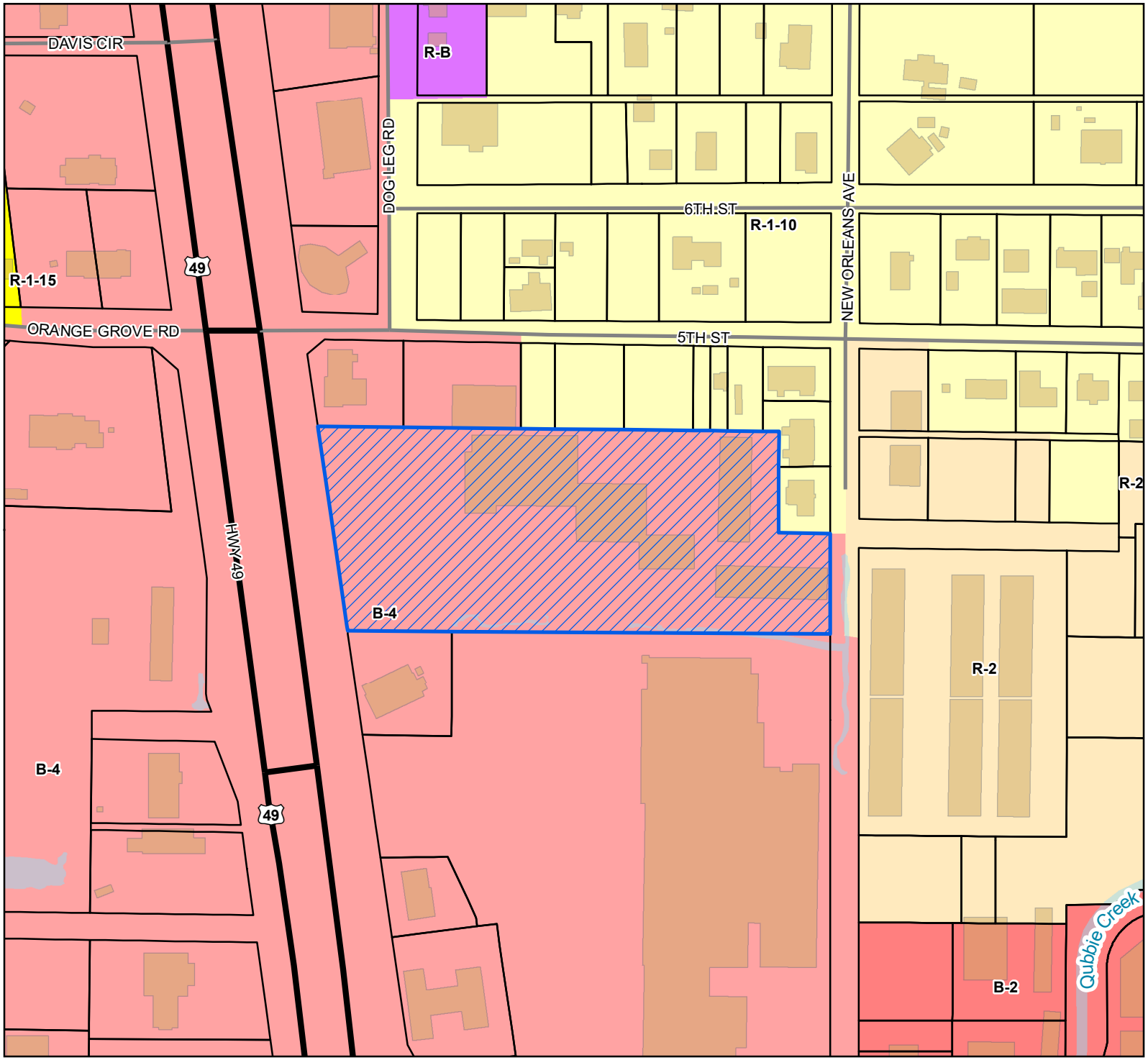
DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Pietrangelo
Director of Urban Development Department

2210PC178

Planning Commission Approval



Site
US or State Highway
Street
Parcels
Buildings
Water Features

Zoning

B-2 - General Business District
B-4 - Highway Business District
R-1-10 - Single Family Residence (Low Density)
R-1-15 - Single Family Residence District (Low Density)
R-2 - Single Family Residence District (Medium Density)
R-B - Residence-Business District

Site Information

0808L-02-017.000
Zoning: B-4 (Highway business)
Size: 4.61 Acres
Flood: X

0 30 60 90
Yards

1 inch = 200 feet

N W E S

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Revision date 11/2/2020

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

APPLICATION FOR PLANNING COMMISSION APPROVAL

For Staff Use Only

Case Number: 2210PC178
Date Received: 8-24-22
Receipt Number:
Received By: CH
Zoning: B-4
Ward: 7 Flood: X
Size: 4.61 acres

Property Information

TAX PARCEL # 0 8 0 8 L - 0 2 - 0 1 T . 0 0 0

(If necessary, use separate sheet of paper)

Address of Property Involved: 11370 Hwy 49 N. Ste 4 G. Gulfport, MS 39503

Lot(s) 22, 23, 51, 52 Block(s) 14, 15, 24, Subdivision Harrison County

General Location:

GENERAL DESCRIPTION OF REQUEST:
Please allow our tenant to receive licensing so That he can opera medical dispensary

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
Rachel Investors, LLC	John Dixon
Printed Name of Owner	Printed Name of Agent
1055 St. Charles Ave Ste 701	9227 NANCY Dr
Mailing Address	Mailing Address
New Orleans LA 70130	Biloxi MS 39532
City State Zip code	City State Zip code
(504) 586-1166	228-380-1323
Home Phone Work/Cell Phone	Home Phone Work/Cell Phone
jsteiner@pmgleasing.com	EZPoker@AOL.com
Email	Email
Jane Steiner	
Signature of Owner	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.

Rachel Investors LLC
1055 St. Charles Ave, New Orleans, LA 70130
(504) 586-1166

As manager and owner of Rachel Investors, LLC, a corporation organized and existing under the laws of the State of Louisiana, I certify that the following is true and correct.

As manager and owner of Rachel Investors, LLC, I am empowered and authorized to execute and deliver contracts on behalf of the company.

I hereby certify that I am a member and manager of Rachel Investors, LLC.

IN WITNESS WHEREOF, the undersigned has affixed his/her signature with a notary seal

this 23 day of AUGUST 2022.

State of LOUISIANA

County of ORLEANS

Please allow this corporate memorandum to authorize Dixon Dispensaries L.L.C. to move forward with their plans, permits, licenses and approvals for the leased premises situated in Gulfport, MS and bearing the municipal address of 11370 Hwy 49 North.

Jane B Steiner

Jane B. Steiner
Rachel Investors L.L.C.

JEFFREY W. PETERS
Notary Public
Notary ID No. 87594
State of Louisiana - Commission is for Life

Gulfport MISSISSIPPI | ONE COAST

Designation of Agent

I, Jane Steiner (PRINT NAME), being owner of the property 11370 Hwy 49N, Suite G (PRIMARY ADDRESS OF PARCEL) which is the subject of this application hereby authorize John M. Dixon (PRINT NAME) to act as my 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.

Jane B Steiner — 8/2/22

Signature — *Date*

Louisiana Parish ORLEANS

STATE OF ~~MISSISSIPPI~~ | ~~COUNTY~~ OF ~~HARRISON~~

Given under my hand and seal of office this the 2nd day of August, 2022

Notary Public — AT MY Death *Commission Expiration*

PAUL A. BELLO #707

PAUL A. BELLO
NOTARY PUBLIC
ID NO. 707
ORLEANS PARISH, STATE OF LOUISIANA
MY COMMISSION IS FOR LIFE

292
DIXON

Dixon Dispensary LLC Business Description

Dixon Dispensary LLC will provide products that are compliant with local and state regulations. This will include THC based products for medical card holding patients with the appropriate credentials required to purchase provided by the state. Dixon Dispensary LLC will be located in a unit rental based physical storefront. All products will be kept from view from the outside. Signage will be non-intrusive as well as minimal. All interactions will be treated with the utmost of respect and professionalism. The business will not degrade the quality of the area or its inhabitants in any shape or form.

Owner Signature: _____

Date: August 12th, 2022

11370 Highway 49 Ste G
Gulfport, MS 39503

Dixon Dispensary LLC

To whom it may concern, this plan lays out the ways in which the proposed business site will address the following issues:

Transportation and access

The proposed business location is in an operational area where traffic can and currently does flow easily in the area. The location also provides adequate parking for patrons. The proposed site is set several feet away from the main highway avoiding any traffic hazards from the main highway. The location should not impede the flow of traffic at any point on any nearby roadways.

Water Supply

The facility has adequate running water for any intended use throughout the facility. Water services will be provided by local water companies.

Waste Disposal

The facility has operating waste disposal lines as well as adequate waste disposal equipment. All waste will be discarded properly in accordance with local laws and regulations.

Fire and Police protection

The facility will follow all local fire regulations that are required. This will include all local ordinances that are currently in effect as well as any future amendments. The facility will be under the local jurisdiction of the local Gulfport police department.

Christina M. Highsmith

From: Mike Dixon <ezpoker@aol.com>
Sent: Wednesday, August 24, 2022 12:07 PM
To: Christina M. Highsmith
Subject: App

other public Facilities
This is similar to my pharmacy which will require no additional facilities. Sent from my iPhone

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

The facility will not create additional issue for the area in which it is located. Traffic flow will not be impeded by the addition, waste will be disposed of properly, and all local ordinances will be followed such as noise and signage. The location in which the business is located will be maintained properly at all times and not cause any disruption to the local communities or businesses.

Sincerely,

John Dixon

X_____

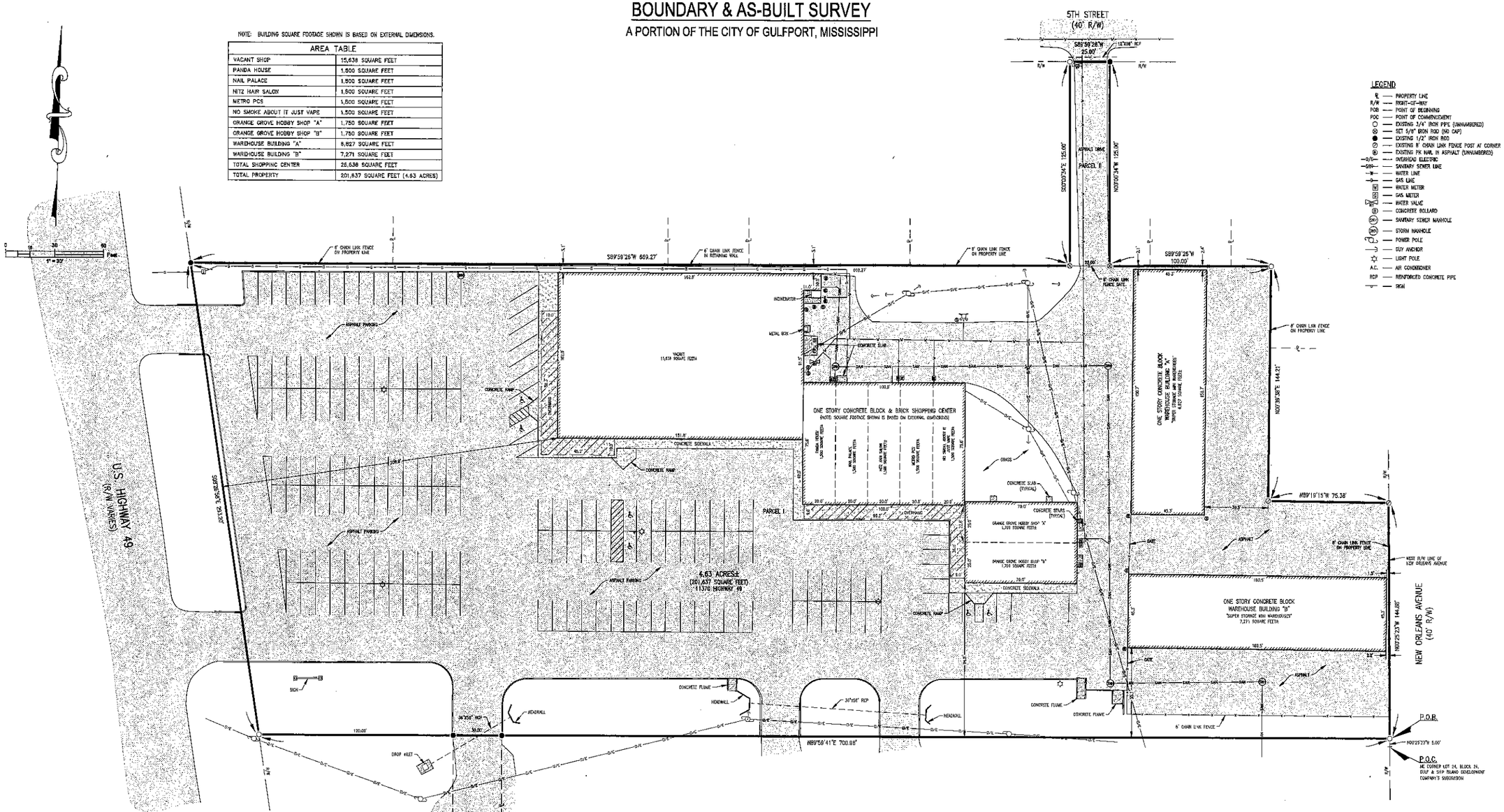
Date: August 12th, 2022

BOUNDARY & AS-BUILT SURVEY

A PORTION OF THE CITY OF GULFPORT, MISSISSIPPI

NOTE: BUILDING SQUARE FOOTAGE SHOWN IS BASED ON EXTERNAL DIMENSIONS.

AREA TABLE	
VACANT SHOP	15,638 SQUARE FEET
PANDA HOUSE	1,500 SQUARE FEET
NAIL PALACE	1,500 SQUARE FEET
NITZ HAIR SALON	1,500 SQUARE FEET
METRO PCS	1,500 SQUARE FEET
NO SMOKE ABOUT IT JUST VAPE	1,500 SQUARE FEET
ORANGE GROVE HOBBY SHOP "A"	1,750 SQUARE FEET
ORANGE GROVE HOBBY SHOP "B"	1,750 SQUARE FEET
WAREHOUSE BUILDING "A"	8,627 SQUARE FEET
WAREHOUSE BUILDING "B"	7,271 SQUARE FEET
TOTAL SHOPPING CENTER	26,638 SQUARE FEET
TOTAL PROPERTY	201,637 SQUARE FEET (4.63 ACRES)



PROPERTY DESCRIPTION – PARCEL I:

A PARCEL OF LAND LYING AND BEING SITUATED IN SECTION 9, TOWNSHIP 7 SOUTH, RANGE 11 WEST, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: THAT PART OF LOTS 49 AND 50, AND ALL OF LOTS 51 AND 52, BLOCK 14, LYING EAST OF U. S. HIGHWAY 49; THAT PART OF LOTS 22 AND 23, AND ALL OF LOTS 24 TO 26, BLOCK 15, LYING EAST OF U. S. HIGHWAY 49; LOTS 25 TO 48, INCLUSIVE, BLOCK 24; LOTS 1 TO 21, INCLUSIVE, BLOCK 25, ALL OF GULF AND SHIP ISLAND DEVELOPMENT COMPANY'S SUBDIVISION OF HARRISON COUNTY, MISSISSIPPI, ACCORDING TO THE OFFICIAL PLAT OF RECORD IN BOOK 4, PAGE 37, OF THE PLAT BOOK RECORDS OF THE CHANCERY CLERK OF HARRISON COUNTY, MISSISSIPPI, 1ST JUDICIAL DISTRICT;

ALSO DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 24, BLOCK 24, GULF AND SHIP ISLAND DEVELOPMENT COMPANY'S SUBDIVISION AS RECORDED IN PLAT BOOK 4, PAGE 37, OF THE RECORDS OF THE CHANCERY CLERK OF HARRISON COUNTY, MISSISSIPPI, 1ST JUDICIAL DISTRICT; THENCE RUN NORTH 00 DEGREES 25 MINUTES 23 SECONDS WEST A DISTANCE OF 5.00 FEET TO A POINT WHICH IS THE MID POINT OF AN ALLEY THAT HAS BEEN VACATED BY CHANCERY COURT DECREE NUMBER 57042, DATED 1969, AND THE POINT OF BEGINNING; FROM SAID POINT RUN THENCE NORTH 00 DEGREES 25 MINUTES 23 SECONDS WEST A DISTANCE OF 144.88 FEET TO A POINT, SAID POINT BEING THE MID POINT OF A STREET AS VACATED BY CHANCERY COURT DECREE NUMBER 57042, DATED 1969; THENCE RUN NORTH 89 DEGREES 19 MINUTES 15 SECONDS WEST ALONG THE MIDDLE OF SAID STREET FOR A DISTANCE OF 75.38 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 39 MINUTES 36 SECONDS EAST A DISTANCE OF 144.21 FEET TO A POINT WHICH IS THE MID POINT OF AN ALLEY AS VACATED BY CHANCERY COURT DECREE NUMBER 57042, DATED 1969; THENCE RUN SOUTH 89 DEGREES 59 MINUTES 28 SECONDS WEST ALONG THE MIDDLE LINE OF SAID ALLEY A DISTANCE OF 669.27 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 49 AND AN IRON PIPE FOUND AS SET BY CHANCERY COURT DECREE NUMBER 57042, DATED 1969; THENCE RUN SOUTH 00 DEGREES 28 MINUTES 08 SECONDS EAST ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 283.20 FEET TO A POINT AND AN IRON PIPE FOUND AS SET BY CHANCERY COURT DECREE NUMBER 57042, DATED 1969, SAID POINT ALSO BEING THE MID POINT OF AN ALLEY AS VACATED BY CHANCERY COURT DECREE NUMBER 57042, DATED 1969; THENCE RUN NORTH 89 DEGREES 59 MINUTES 41 SECONDS EAST AND ALONG THE MIDDLE OF SAID ALLEY A DISTANCE OF 700.96 FEET TO THE POINT OF BEGINNING.

ALSO, ALL THE RIGHTS OF INTERESTS IN AND TO STREETS AND ALLEYS ADJOINING AND WITHIN THE ABOVE DESCRIBED PROPERTY THAT HAVE BEEN VACATED BY CHANCERY COURT DECREE NUMBER 57042, DATED 1969.

CONTAINING 198,548 (4.56 ACRES) MORE OR LESS.

PROPERTY DESCRIPTION – PARCEL 2:

A PARCEL OF LAND LYING AND BEING SITUATED IN SECTION 9, TOWNSHIP 7 SOUTH, RANGE 11 WEST, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: ALL OF LOT 41, BLOCK 25, OF GULF AND SHIP ISLAND DEVELOPMENT COMPANY'S SUBDIVISION, OF HARRISON COUNTY, MISSISSIPPI, ACCORDING TO THE OFFICIAL PLAT OF RECORD IN BOOK 4, PAGE 37, OF THE PLAT BOOK RECORDS OF THE CHANCERY CLERK OF HARRISON COUNTY, MISSISSIPPI, 1ST JUDICIAL DISTRICT;

ALSO DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 24, BLOCK 24, GULF AND SHIP ISLAND DEVELOPMENT COMPANY'S SUBDIVISION AS RECORDED IN PLAT BOOK 4, PAGE 37, OF THE RECORDS OF THE CHANCERY CLERK OF HARRISON COUNTY, MISSISSIPPI, 1ST JUDICIAL DISTRICT; THENCE RUN NORTH 00 DEGREES 25 MINUTES 23 SECONDS WEST A DISTANCE OF 5.00 FEET TO THE MID POINT OF AN ALLEY AS VACATED BY CHANCERY COURT DECREE NUMBER 57042, DATED 1969; THENCE CONTINUE NORTH 00 DEGREES 25 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 144.88 FEET TO A POINT, SAID POINT BEING THE MID POINT OF A STREET AS VACATED BY CHANCERY COURT DECREE NUMBER 57042, DATED 1969; THENCE RUN NORTH 89 DEGREES 19 MINUTES 15 SECONDS WEST ALONG SAID MIDDLE LINE OF SAID STREET A DISTANCE OF 75.38 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 39 MINUTES 36 SECONDS EAST A DISTANCE OF 144.21 FEET TO A POINT, SAID POINT BEING THE MID POINT OF AN ALLEY AS VACATED BY CHANCERY COURT DECREE NUMBER 57042, DATED 1969; THENCE RUN SOUTH 89 DEGREES 59 MINUTES 28 SECONDS WEST ALONG THE MIDDLE LINE OF SAID ALLEY FOR A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING, RUN THENCE NORTH 00 DEGREES 00 MINUTES 34 SECONDS WEST FOR A DISTANCE OF 125.00 FEET TO A POINT ON THE SOUTH MARGIN OF 5TH STREET; THENCE RUN SOUTH 89 DEGREES 59 MINUTES 26 SECONDS WEST ALONG SAID SOUTH MARGIN OF 5TH STREET FOR A DISTANCE OF 25.00 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 00 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 125.00 FEET TO THE MID POINT OF AN ALLEY AS VACATED BY CHANCERY COURT DECREE NUMBER 57042, DATED 1969; THENCE RUN NORTH 89 DEGREES 59 MINUTES 26 SECONDS EAST ALONG THE MIDDLE OF SAID ALLEY FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,125 (0.07 ACRES) MORE OR LESS.

GENERAL NOTES

1. NORTH AND THE SURVEY DATUM SHOWN HEREON IS BASED ON DEEDS OF RECORD, A PREVIOUS SURVEY BY OTHERS DATED 12/4/85 AND EXISTING FIELD MONUMENTATION.
2. NO TITLE SEARCH, TITLE OPINION, OR ABSTRACT WAS PERFORMED BY NOR PROVIDED TO THIS FIRM FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHTS-OF-WAY, BUILDING SETBACKS, RESTRICTIVE COVENANTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.
3. THE FIELD SURVEY WAS PERFORMED MAY 2-3, 2016 AND RECORDED IN FIELD BOOK 16-02, PAGES 18-24.
4. IMPROVEMENTS AND VISIBLE UTILITIES ARE AS SHOWN HEREON.
5. THE UNDERGROUND SEWER, WATER & GAS LINES SHOWN HEREON ARE BASED ON A PREVIOUS SURVEY BY OTHERS, DATED 12/4/85.
6. ENCROACHMENTS ARE AS SHOWN HEREON.
7. THE VACATED ALLEY 2, ALLEY 3 AND STREET 2 AS DESCRIBED IN THE CITY OF GULFPORT LETTER, DATED MAY 10, 2007 DOES NOT AFFECT THE SUBJECT PARCEL SHOWN HEREON.

JEREMIAH SLAYMAKER
LICENSED PROFESSIONAL
SURVEYOR
PS-3272
STATE OF MISSISSIPPI

SURVEYOR'S CERTIFICATE

THE SURVEY SHOWN HEREON WAS PREPARED TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

FOR: BASKERVILLE-DONOVAN INC.
CORPORATE NUMBER 0340

BY: _____ 5/16/16
JEREMIAH SLAYMAKER — DATE
MISSISSIPPI LICENSE 3272

BASKERVILLE-DONOVAN, INC.
Innovative Infrastructure Solutions
449 WEST MAIN STREET, PENSACOLA, FL 32502 (850) 438-9051
ENGINEERING BUSINESS: EB-0000340
Pensacola - Panama City Beach - Tallahassee - Mobile - Brevard County - Tampa

This drawing is the property of BASKERVILLE-DONOVAN, INC. and is not to be reproduced in whole or in part, it is not to be used on any other project nor is to be returned upon request.

A PORTION OF SECTION 9, TOWNSHIP 7 SOUTH, RANGE 11 WEST, CITY OF GULFPORT, HARRISON COUNTY, MISSISSIPPI

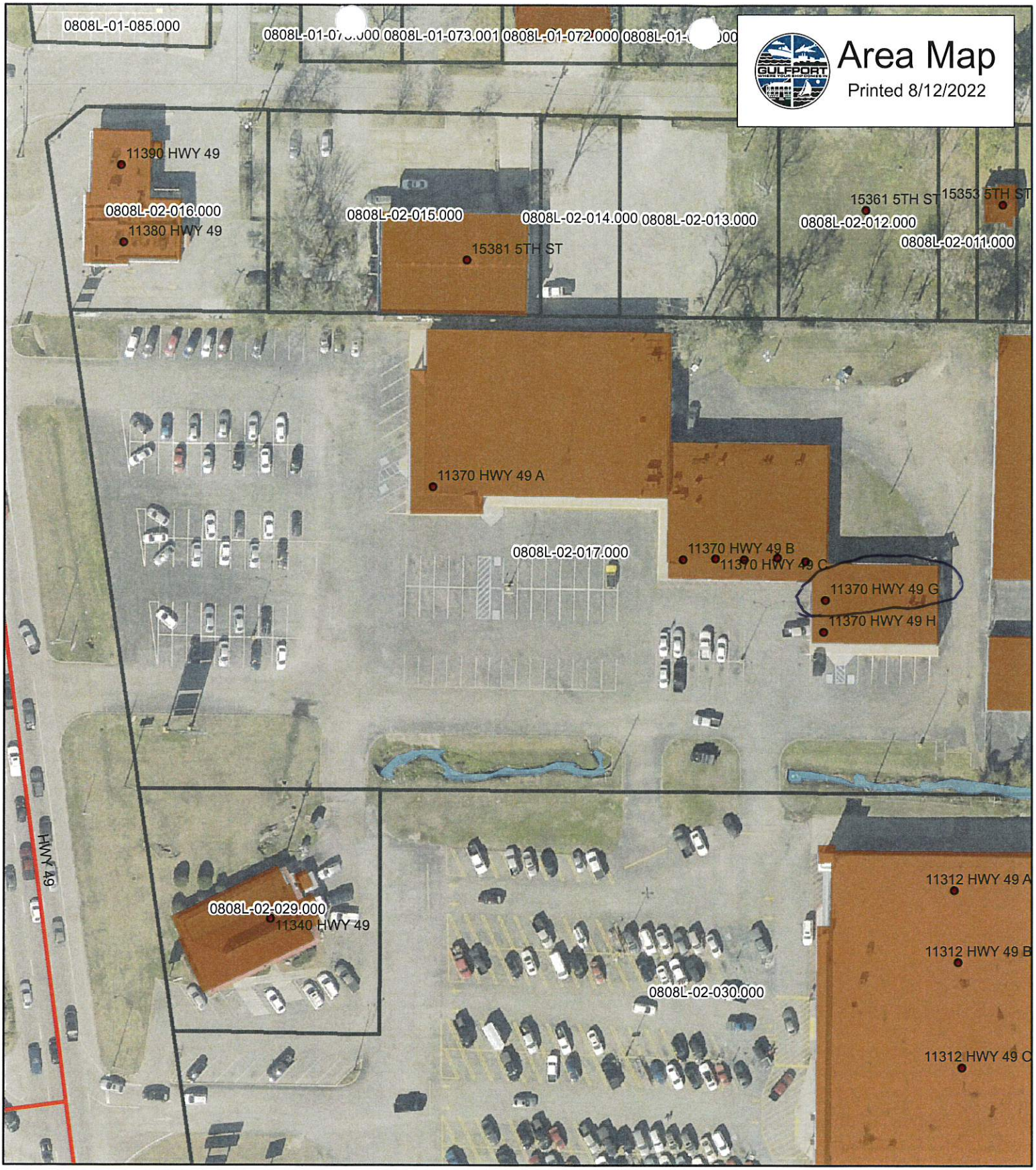
NO.	DATE	APPR.	REVISION/ACTION TAKEN

PROJECT NO: S0012.16
DESIGNED BY:
DRAWN BY: FCC
CHK'D BY: RSM
PROJ. MGR: RSM
DATE: 5/16/16

BOUNDARY & AS-BUILT SURVEY

PREPARED FOR & CERTIFIED TO:
PROPERTY MANAGEMENT GROUP, LLC

k:\SURVEY\000\S0012.16 11370 Hwy 49 Gulf Port MS\DWG\11370 Hwy 49 Survey.dwg, May 17, 2016 - 10:32:53AM, cchestnut



N
W E
S

1 inch = 80 feet

Addresspoints	Harrison_HughRes_2020.sid
Principal Arterial	RGB
Minor/Residential	Red: Band_1
WaterFeatures	Green: Band_2
Parcels	Blue: Band_3

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.

ENTERED

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of TEN AND 00/100 DOLLARS ($10.00), cash in hand paid, and other good and valuable considerations, the receipt of which are hereby acknowledged, KXB, Inc., a Mississippi corporation, does hereby sell, convey and warrant unto RACHEL INVESTORS, L.L.C., a Louisiana limited liability company the following described property, located in the First Judicial District of Harrison County, Mississippi, to-wit:

PARCEL I

A parcel of land lying and being situated in Section 9, Township 7 South, Range 11 West, Harrison County, Mississippi, and more particularly described as follows:

That part of Lots 49 and 50, and all of Lots 51 and 52, Block 14, lying east of U. S. Highway 49; that part of Lots 22 and 23, and all of Lots 24 to 26, Block 15, lying east of U. S. Highway 49; Lots 25 to 48, inclusive, Block 24; Lots 1 to 21, Inclusive, Block 25, all of Gulf and Ship Island Development Company's Subdivision, of Harrison County, Mississippi, according to the official plat of record in Book 4, Page 37, of the Plat Book Records of the Chancery Clerk of Harrison County, Mississippi, First Judicial District, together with all the rights or interests in and to streets and alleys adjoining and within the above described property that have been vacated by Chancery Court Decree Number 57,042, dated 1969.

The above property is also described as being a parcel of land lying and being situated in Section 9, Township 7 South, Range 11 West, Harrison County, Mississippi, and more particularly described as follows: COMMENCING at the Northeast corner of Lot 24, Block 24, Gulf and Ship Island Development Company's Subdivision as recorded in Plat Book 4, Page 37, of the records of the Chancery Clerk of Harrison County, Mississippi, First Judicial District; thence run N 00°25'23" W a distance of 5.00 feet to a point which is the mid point of an alley that has been vacated by Chancery Court Decree Number 57,042, dated 1969; and the POINT OF BEGINNING; from said point run thence N 00°25'23" W a distance of 144.88 feet to a point, said point being the mid point of a street as vacated by Chancery Court Decree Number 57,042, dated 1969; thence run N 89°19'15" W along the middle line of said street a distance of 75.38 feet to a point; thence run N 00°39'38" E a distance of 144.21 feet to a point which is the mid point of an alley as vacated by Chancery Court Decree Number 57,042, dated 1969; thence run S 89°59'26" W along the middle line of said alley a distance of 669.27 feet to a point on the east right-of-way line of U. S. Highway 49 and an iron pipe found as set by Chancery Court Decree Number 57,042, dated 1969; thence run S 08°26'58" E along said east right-of-way line a distance of 293.20 feet to a point and an iron pipe found as set by Chancery Court Decree Number 57,042, dated 1969; said point also being the mid point of an alley as vacated by Chancery Court Decree Number 57,042, dated 1969; thence run N 89°59'14" E and along the middle line of said alley a distance of 700.96 feet to the POINT OF BEGINNING; containing 198,510 square feet or approximately 4.56 acres.

PARCEL II

A parcel of land lying and being situated in Section 9, Township 7 South, Range 11 West, Harrison County, Mississippi, and more particularly described as follows:

All of Lot 41, Block 25, of Gulf and Ship Island Development Company's Subdivision, of Harrison County, Mississippi, First Judicial District, according to the official plat of record in Book 4, Page 37, of the Plat Book Records of the Chancery Clerk of Harrison County, Mississippi, First Judicial District, together with all the rights or interests in and to streets and alleys adjoining the above described property that have been vacated by Chancery Court Decree Number 57,042, dated 1969.

The above property is also described as being a parcel of land lying and being situated in Section 9, Township 7 South, Range 11 West, Harrison County, Mississippi, and more particularly described as follows: COMMENCING at the Northeast corner of Lot 24, Block 24, Gulf and Ship Island Development Company's Subdivision as recorded in Plat Book 4, Page 37, of the records of the Chancery Clerk of Harrison County, Mississippi, First Judicial District; thence run N 00°25'23" W a distance of 5.00 feet to the mid point of an alley as vacated by Chancery Court Decree Number 57,042, dated 1969; thence continue N 00°25'23" W for a distance of 144.88 feet to a point; said point being the mid point of a street as vacated by Chancery Court Decree Number 57,042 dated 1969; thence run N 89°19'15" W along the middle line of said street a distance of 75.38 feet to a point; thence run N 00°39'38" E a distance of 144.21 feet to a point; said point being the mid point of an alley as vacated by Chancery Court Decree Number 57,042, dated 1969; thence run S 89°59'26" W along the middle line of said alley for a distance of 100.00 feet to the POINT OF BEGINNING; from said POINT OF BEGINNING, run thence N 00°00'34" W for a distance of 125.00 feet to a point on the South margin of 5th Street; thence run S 89°59'26" W along said South margin of 5th Street for a distance of 25.00 feet to a point; thence run S 00°00'34" E for a distance of 125.00 feet to the mid point of an alley as vacated by Chancery Court Decree Number 57,042, dated 1969; thence run N 89°59'26" E along the middle of said alley for a distance of 25.00 feet to the POINT OF BEGINNING: containing 3,125 square feet or approximately 0.07 acres.

This conveyance is made subject to the following:

1. Prior reservation of all oil, gas and other minerals in, on and under subject property.

2. Easement to Winston A. Winter, et al dated 8/14/81 and recorded in deed book 916 at page 618.

3. Easement to Orange Grove Utilities dated 4/20/82 and recorded in deed book 928 at page 274.

4. Easement to Orange Grove Utilities dated 4/20/82 and recorded in deed book 928 at page 277.

5. Lease to Katz & Besthoff #292, Inc. dated 12/1/81 and recorded in deed book 922 at page 5.

It is understood and agreed that the taxes for the year 1995 will be prorated and adjusted between Grantor and Grantee as of the

date of this conveyance on an estimated basis. When said taxes are actually determined, if the proration is incorrect, then the Grantee agrees to pay to the Grantor any amount due on an actual proration and likewise the Grantor agrees to pay to the Grantee any amount over paid.

WITNESS the signature of the undersigned, this the 17th day of November, 1995.

KXB, ~~INC~~.

By: _____
James J. LeBlanc, President

STATE OF LOUISIANA
PARISH OF ORLEANS

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, on this the 17th day of November, 1995, James J. LeBlanc, duly identified before me, who acknowledge that he is the President of KXB, Inc., a Mississippi corporation, and that he executed the above and foregoing Warranty Deed and for and on behalf of said corporation and as its act and deed, having been first duly authorized so to do.

_____
NOTARY PUBLIC

My commission is for life.

Address of Grantor:
KXB, Inc.
K & B Plaza, Lee Circle
New Orleans, Louisiana 70130
(504) 586-1234

Address of Grantee:
Rachel Investors, L.L.C.
1055 St. Charles Avenue
New Orleans, Louisiana 70130
(504) 585-4412

THIS INSTRUMENT PREPARED BY:
Brian Leftwich
Montgomery, Barnett, Brown, Read, Hammond & Mintz
3200 Energy Centre
1100 Poydras Street
New Orleans, Louisiana 70163-3200

Index: Lots in Gulf & Ship Island Development Company S/D

56C-16
630.591 A4
srb

STATEMENT OF FEES

Recording Fee $6.00
Abstracting/Section Fee at $1.00 each 1.00
Marginal Entry at .50 each
Other
TOTAL FEES COLLECTED 7.00

STATE OF MISSISSIPPI, COUNTY OF HARRISON, FIRST JUDICIAL DISTRICT:

I hereby certify that this instrument was received and filed for record at 4 o'clock and 10 minutes P. M. on 21st day of Nov, A.D. 19 95 and recorded Nov 22, 1995 in Records of Deeds _____ Book 1320 Pages 325-327

6923

G. N. CREEL, Chancery Clerk
By _____ D.C.

LAWRENCE GREENWOOD 00685

MISCELLANEOUS PAYMENT RECPT#: 11447474
CITY OF GULFPORT

GULFPORT, MS 39501

DATE: 08/24/22 TIME: 12:21:31
CLERK: mcunningh DEPT:
CUSTOMER#: 0

COMMENT:

CHG: PZD PLANNING AND ZO 75.00

AMOUNT PAID: 75.00

PAID BY: JOHN DIXON
PAYMENT METH: CASH

REFERENCE:

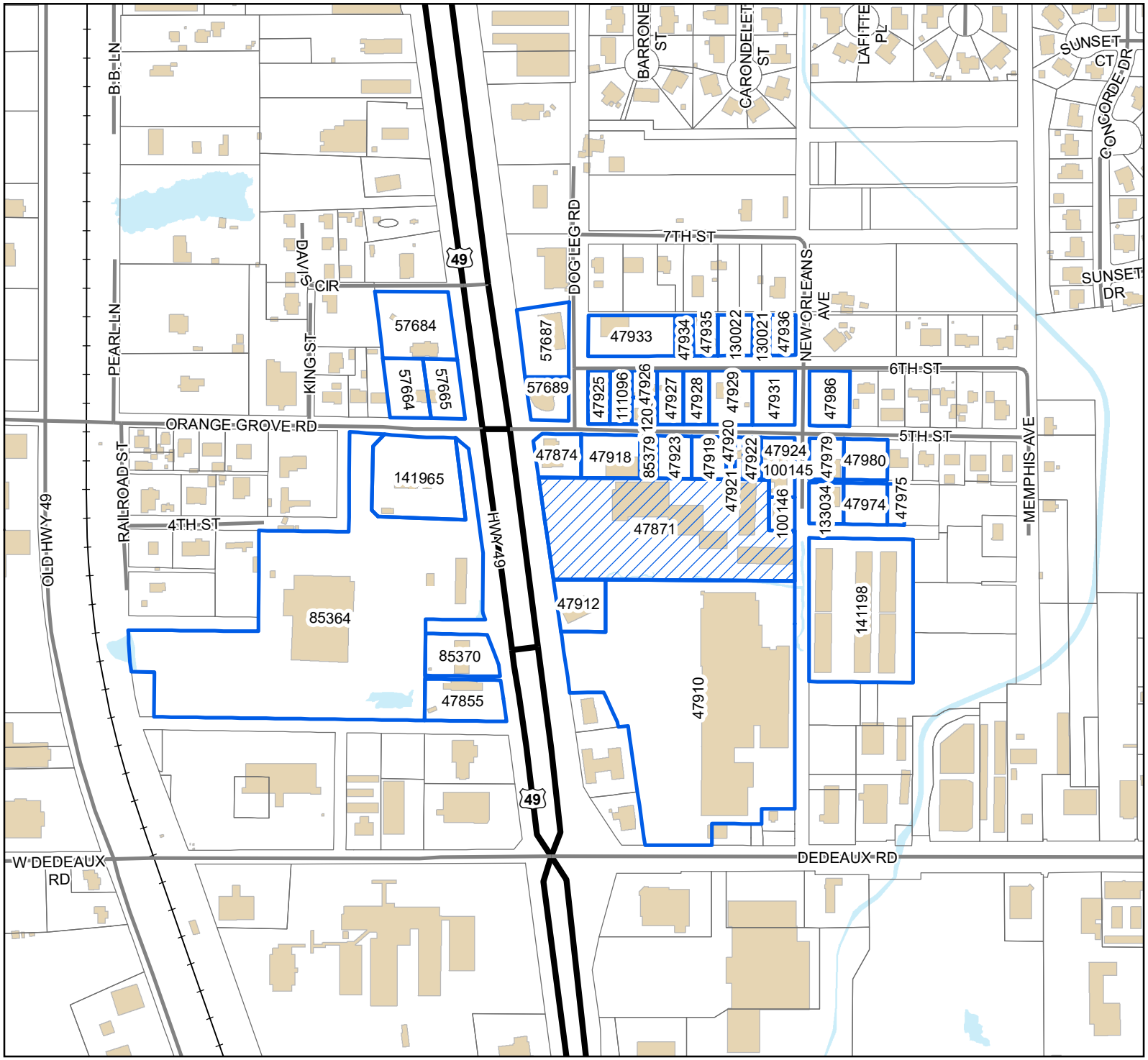
AMT TENDERED: 75.00
AMT APPLIED: 75.00
CHANGE: .00

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	47871	0808L-02-017.000	RACHEL INVESTORS LLC (OWNER)	1055 ST. CHARLES AVE STE 701	NEW ORLEANS	LA	70130
	47871	0808L-02-017.000	JOHN DIXON (AGENT)	9227 NANCY DR	BILOXI	MS	39532
N			**Adjacent Property Owners (0808L-02-017.000)**				
	130022	0808L-01-077.002	HARRIS TARA J & WILLIAM N	10417 FOX FARM TRAIL	JUNEAU	AK	99801
	47980	0808L-02-006.000	WILSON KIMBERLY D	15313- 5TH STREET	GULFPORT	MS	39502
	47979	0808L-02-007.000	REDTEL ONE LLC	P O BOX 3226	GULFPORT	MS	39505
	81206	0808L-01-072.000	BARNES VERNON K & JANIE	20110 BORZIK RD	SAUCIER	MS	39574
	85370	0808L-03-025.000	HARRISON COUNTY FARM BUREAU	11327 HWY 49 N	GULFPORT	MS	39503
	47912	0808L-02-029.000	LIM ELAINE O -TRUSTEE-	102 COLBY ST	SAN FRANCISCO	CA	94134
	57689	0808L-01-085.000	BANCORPSOUTH BANK	P O BOX 789	TUPELO	MS	38802
	57664	0808L-04-018.000	MCDONALD CORP #12604	6520 SUN PLEX DR	OCEAN SPRINGS	MS	39564
N	57665	0808L-04-017.000	MCDONALD'S CORP	6520 SUNPLEX DR	OCEAN SPRINGS	MS	39564
	47928	0808L-01-070.000	2003 REALTY COMPANY LLC	15384 5TH ST	GULFPORT	MS	39503
	47926	0808L-01-072.001	CUNNINGHAM KATHY R	15379 6TH ST	GULFPORT	MS	39503
	47925	0808L-01-073.000	BANK OF MISSISSIPPI	P O DRAWER 789	TUPELO	MS	38802
	47986	0808L-01-066.000	STEWART MILDRED L	11418 NEW ORLEANS AVE	GULFPORT	MS	39503
	57687	0808L-01-084.000	HIT 2012 INVESTMENTS LLC	1012 MADISON AVE STE A	MADISON	MS	39110
	85379	0808L-02-014.000	2003 REALTY COMPANY LLC	15384 5TH ST	GULFPORT	MS	39503
N	47923	0808L-02-013.000	2003 REALTY COMPANY LLC	15384 5TH ST	GULFPORT	MS	39503
	47924	0808L-02-008.000	SANTO LORRAINE R	902 W BIRCH DR	GULFPORT	MS	39503
	100145	0808L-02-008.001	WILES G EDWARD	2042 REIFSNIDER RD	KEYMAR	MD	21757
	47974	0808L-02-019.000	REDTEL DEVELOPMENT LLC	P O BOX 3226	GULFPORT	MS	39505
N	47975	0808L-02-020.000	REDTEL DEVELOPMENT LLC	P O BOX 3226	GULFPORT	MS	39505
	47855	0808L-03-027.000	SCF RC FUNDING IV LLC	902 CARNEGIE CENTER BLVD	PRINCETON	NJ	8540
	57684	0808L-04-016.000	TACO BELL OF AMERICA INC C/O TBC TAX UI	P O BOX 35370	LOUISVILLE	KY	40232
	47936	0808L-01-077.000	HARRIS TARA J & WILLIAM N	10417 FOX FARM TRAIL	JUNEAU	AK	99801
	47931	0808L-01-067.000	RPM PIZZA INC	15384 FIFTH ST	GULFPORT	MS	39503
	47929	0808L-01-069.000	THOMAS GEANNIE & BUSH SHENNA	15355 6TH STREET	GULFPORT	MS	39503
	47918	0808L-02-015.000	2003 REALTY COMPANY LLC	15384 FIFTH ST	GULFPORT	MS	39503
N	47919	0808L-02-012.000	2003 REALTY COMPANY LLC	15384 5TH ST	GULFPORT	MS	39503
	47921	0808L-02-010.000	BH INVESTMENTS LLC	13084 OLD HWY 49	GULFPORT	MS	39503
N	47922	0808L-02-009.000	BH INVESTMENTS LLC	13084 OLD HWY 49	GULFPORT	MS	39503
N	47874	0808L-02-016.000	2003 REALTY COMPANY LLC	15384 FIFTH ST	GULFPORT	MS	39503
	47933	0808L-01-074.000	FRESH OIL APOSTOLIC MINISTRY INC	15818 SOUTHFORK RD	GULFPORT	MS	39503
N	47927	0808L-01-071.000	2003 REALTY COMPANY LLC	15384 5TH STREET	GULFPORT	MS	39503
N	111096	0808L-01-073.001	2003 REALTY COMPANY LLC	15384 FIFTH ST	GULFPORT	MS	39503

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	47920	0808L-02-011.000	RACHEL INVESTORS LLC C/O PROPERTY MAN	1055 ST CHARLES AVE, SUITE 701	NEW ORLEANS	LA	70130
	100146	0808L-02-008.002	MITCHELL WADE & DESIREE BRIDGES	15030 BELHAVEN ST	GULFPORT	MS	39503
	47910	0808L-02-030.000	ORANGE GROVE LLC C/O GJ REALTY	49 WEST 37TH ST 9TH FLOOR	NEW YORK	NY	10018
	130021	0808L-01-077.001	HARRIS TARA J & WILLIAM N	10417 FOX FARM TRAIL	JUNEAU	AK	99801
	133034	0808L-02-019.001	REDTEL ONE LLC	P O BOX 3226	GULFPORT	MS	39505
	47934	0808L-01-075.000	REALTY COMPANY LLC	15384 5TH ST	GULFPORT	MS	39503
	47935	0808L-01-076.000	SHANEYFELT MARY & CALVIN	15360 6TH ST	GULFPORT	MS	39501
	141198	0808L-05-001.000	REDTEL DEVELOPMENT LLC	P O BOX 3226	GULFPORT	MS	39505
	141965	0808L-03-001.001	SANDEFUR PROPERTIES LLC	28341 BEAU CHENE CT	DAPHNE	AL	36526
	85364	0808L-03-001.000	WAL-MART REAL ESTATE BUSINESS TRUST	P O BOX 8050 MS 0555	BENTONVILLE	AR	72716

2210PC178

Planning Commission Approval



Legend

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

0 60 120 180

Yards

1 inch = 400 feet

N W E S

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.

D.2

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:
IPL0093233
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
59.40
Payment Type:
Account Billed
User ID:
IPL0024925

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
October 6, 2022 11:35:41 AM EDT
Amount:
59.40

SCHEDULE FOR AD NUMBER IPL00932330

October 12, 2022
SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL00932330

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, October 27, 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 office of the Department of Urban Development, Planning Division, located on first floor of the William H. Hardy Building, 1410 24th Avenue.

Zoning Map Amendment 2209PC151, by owners Kenneth & Sherry Simmons, tax parcels 0910N-01-007.000, request to rezone from B-2 (General business) to R-B (Residence business) Ward 4

Resubdivision 2209PC175, by owner Steven Austin, tax parcel 0810N-02-023.000, Divide into two new parcels, 2006 30th Street, Zoned B-2 (General business), Ward 3

Zoning Map Amendment 2204PC077, by owner Gulf Coast Shipyard Realty, LLC, tax parcel 0909F-01-001.002, Request to rezone from I-2 (Heavy Industry) to I-3 (Planned industrial park), 13085 Seaway Rd, Ward 5

Planning Commission Approval 2210PC178, by agent John Dixon, tax parcel 0808L-02-017.000, Request approval to allow a medical dispensary use, 11370 HWY 49 Suite G, Zoned B-4 (Highway business), Ward 7

Zoning Map Amendment 2210PC181, by agent Derek Bjornstad, tax parcel 0711K-03-002.000, Request to rezone property from R-1-7.5 (Single-family) to R-2 (Single-family), 4707 Old Pass Rd, Zoned R-1-7.5 (Single-family), Ward 1

Zoning Text Amendment 2210PC184, by CRC Westside, amendments the SmartCode Zoning Ordinance, as amended, Section 1.8.1 Damage Due to Emergency Conditions, Section 4.11.1 Damage Due to Emergency Conditions, and Section 5.12.1 Damage Due to Emergency Conditions.

Planning Commission Approval 2210PC185, by agent Stacy Craig, tax parcel 1007M-01-072.000, Request home occupation for a handyman, 13204 Curtis St, Zoned R-E (Residence estate), Ward 6

Zoning Map Amendment 2210PC186, by agent Ashleigh M. Vignes, tax parcel 0908M-01-010.000, Request to rezone from R-1-10 (Single-family) to B-1 (Neighborhood business), 13499 Dedeaux Rd, Ward 5

Special Exception 2210SE188, by agent Frankie Jackson, tax parcel 0809E-02-004.000, Requests a tattoo parlor use, 10000 Factory Shops Blvd, Suite 235, Zone B-4 (Highway business), Ward 3

Planning Commission Approval 2210PC190, by agent John Ravenscroft, tax parcel 0811B-01-037.000, Requests automotive body repair, 2601 15th Ave, Zoned B-2 (General business), Ward 3

Zoning Map Amendment 2210PC191, by agent Donovan Scruggs, tax parcels 1009M-03-006.000 & 1009M-03-004.000, Requests to rezone property from R-1-7.5 (Single-family) to B-1 (Neighborhood business), 11451 and 11463 Hillcrest Rd, Ward 4

Zoning Map Amendment 2210PC192, by agent Schwartz, Orgler & Jordan, PLLC, tax parcels 1010E-02-008.000 & 1010E-02-008.001, Requests to rezone property from T3 (Sub-Urban Zone) to T4+ (General Urban Zone "Plus"), 1285 Spring St, Ward 4

This the 5th day of October, 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: October 27, 2022

Re: **<u>Zoning Map Amendment 2210PC181:</u>**

Zoning Map Amendment 2210PC181, by agent Derek Bjornstad, tax parcel 0711K-03-002.000, Request to rezone property from R-1-7.5 (Single-family) to R-2 (Single-family), 4707 Old Pass Rd, Zoned R-1-7.5 (Single-family), Ward 1

Technical Report

Zoning Map Amendment

GENERAL INFORMATION

Case File Number: 2210PC181

Hearing Date: October 27, 2022

Current Zoning/Use: R-1-7.5 / Vacant building

Legal: Zoning Map Amendment 2210PC181, by agent Derek Bjornstad, tax parcel 0711K-03-002.000, Request to rezone property from R-1-7.5 (Single-family) to R-2 (Single-family), 4707 Old Pass Rd, Zoned R-1-7.5 (Single-family), Ward 1

TECHNICAL DETAILS

Amendment of the Zoning Ordinance, including the zoning map, is intended to carry out the objective of a sound, stable, and desirable environment. Casual amendment of the ordinance would be detrimental to the achievement of that objective. Therefore, the ordinance dictates that a property should be considered for rezoning only when one or more of the following conditions prevail according to the Mississippi case law:

When requesting rezoning of real property, **an applicant must prove**, by **clear and convincing evidence**, one of the following:

1. That there was a mistake in the original zoning, or
2. That the character of the neighborhood has changed to such an extent as to justify reclassification, **and** that there was a public need for rezoning.

The applicant is requesting to rezone approximately 12,330 square feet residentially zoned property from R-1-7.5 (Single-family low density) to an R-2 (Single-family medium density) zone. This property fronts Old Pass Road in the Gaston Point Neighborhood.

According to the City's 2002 Comprehensive Plan, some limited commercial activity was shown in the area. The future land use of a neighborhood business is shown for these properties when overlaying the future land use plan to the current city geography (see attached map).

A development schedule provided by the applicant expects renovations to be completed within 6-9 months of an approved zoning change.

The applicant has chosen change in character and public need as the justification for change of the current zoning district:

1. Mistake or error is not addressed by the applicant.

2. The applicant addresses Character of the Neighborhood changing through descriptions of properties in the neighborhood and showing that other duplexes exist. Descriptions of public need are provided and include statements about this building being vacant and needing rehabilitation.

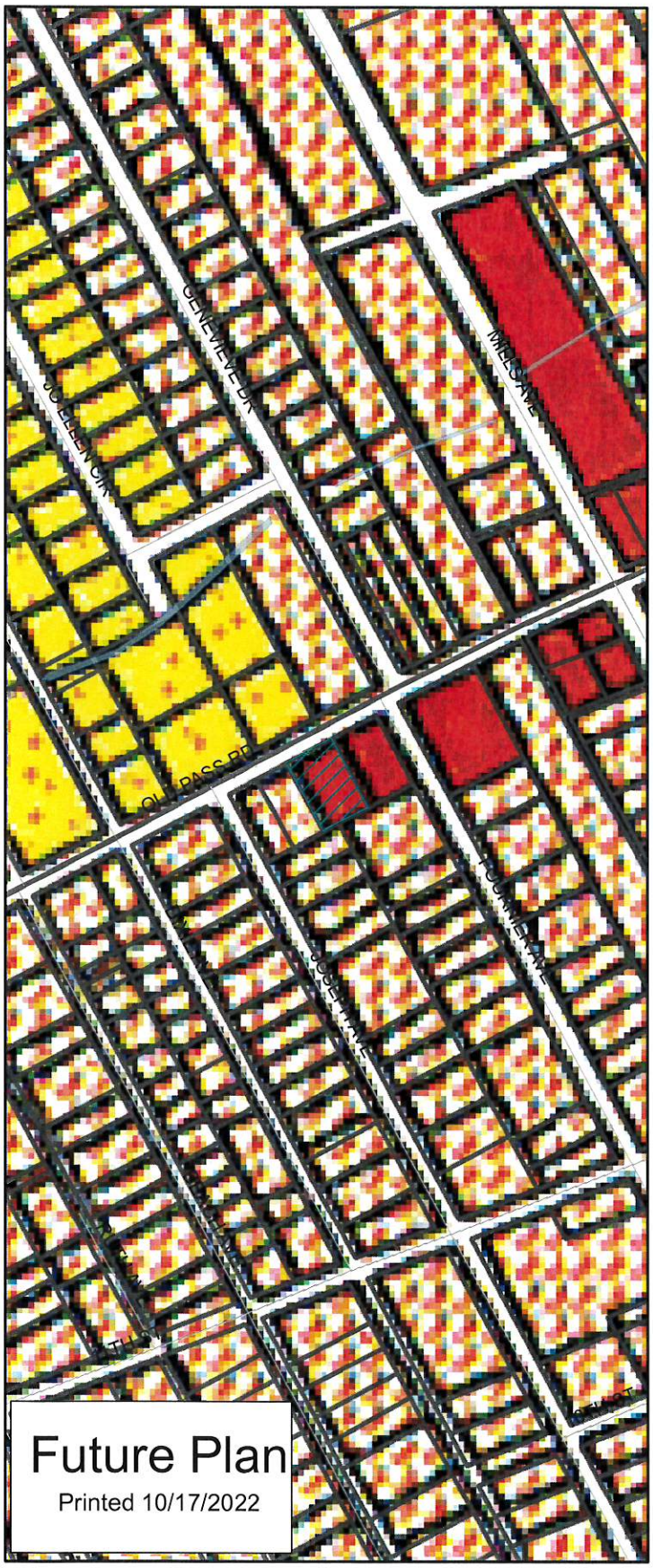
EXECUTIVE SUMMARY

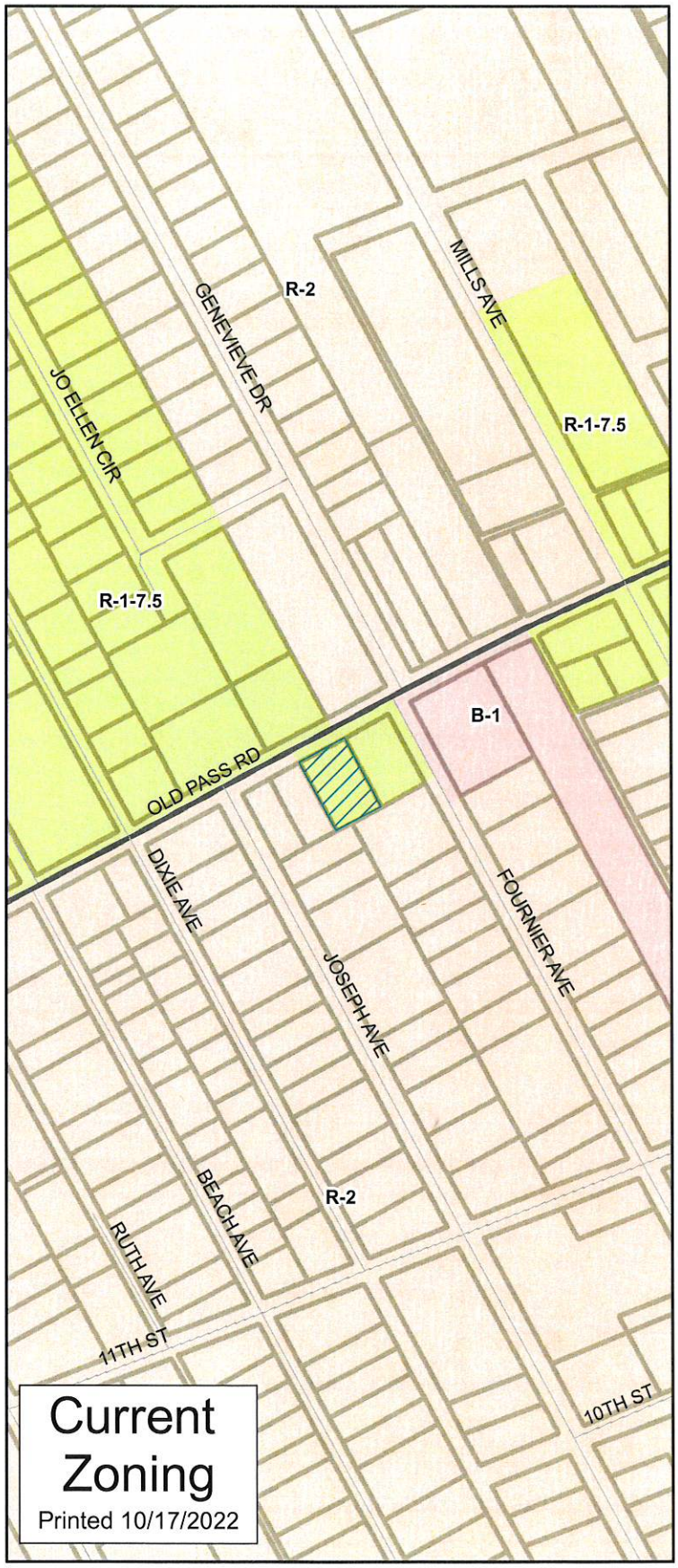
The City's Comprehensive Plan indicated this property was intended to become neighborhood commercial. According to the comprehensive plan's definitions, a neighborhood commercial classification is intended to "accommodate service oriented businesses" that "satisfy the daily household needs of the surrounding neighborhoods."

DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Pietrangelo
Director of Urban Development Department





N
W E
S

1 inch = 300 feet

- Parcels Selection
- Collector
- Minor/Residential
- WaterFeatures
- Parcels

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.

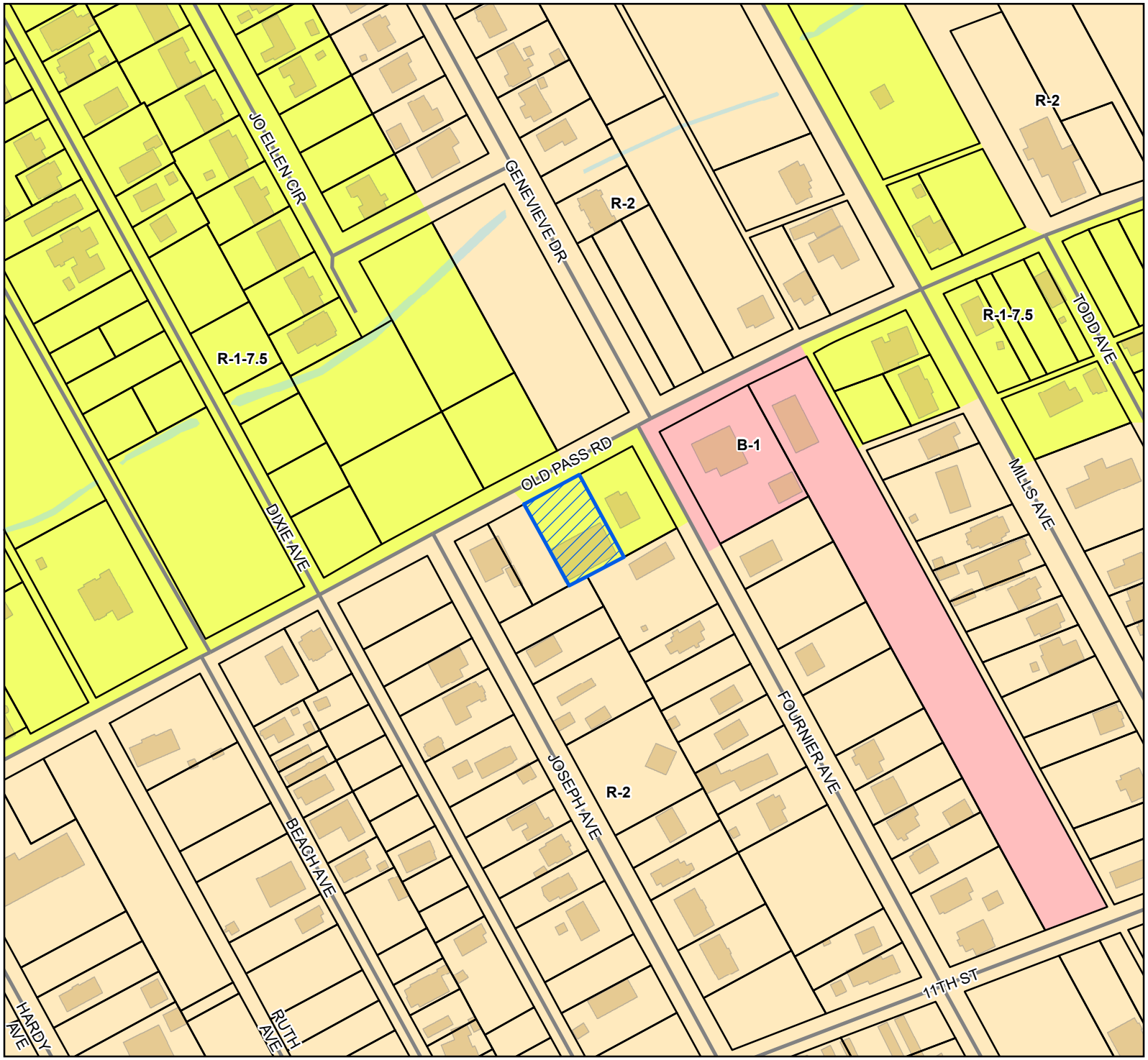
LEGEND

GULFPORT FUTURE LAND USE

- CONSERVATION, AGRICUTURE, FORESTRY & FISHERIES
- LOW DENSITY ESTATE RESIDENTIAL
- SUBURBAN MODERATE DENSITY RESIDENTIAL
- URBAN MEDIUM DENSITY RESIDENTIAL
- URBAN MEDIUM DENSITY RESIDENTIAL
- TWO -FOUR UNIT RESIDENTIAL
- GENERAL RESIDENTIAL
- RESORTS, HOTELS, MOTELS, RV CAMPGROUNDS
- CENTRAL BUSINESS DISTRICT
- HIGHWAY COMMERCIAL
- GENERAL COMMERCIAL
- NEIGHBORHOOD COMMERCIAL
- LOW INTENSITY COMMERCIAL
- HEAVY INDUSTRY
- PLANNED INDUSTRIAL PARKS
- LIGHT INDUSTRY - DISTRIBUTION
- TRANSPORTATION, UTILITIES & COMMUNICATIONS
- REGIONAL AIRPORT
- PORT OF GULFPORT
- RAILROAD
- PUBLIC (GOVERNMENT)
- MILITARY
- MEDICAL FACILITIES
- EDUCATIONAL FACILITIES
- RELIGOUS INSTITUTIONS
- CIVIC, SOCIAL & FRATERNAL ORGANIZATIONS
- IMPROVED PARKS
- NATURAL PARK
- GOLF COURSE
- PUBLIC ASSEMBLY
- CEMETARY
- WATER
- BEACH

2210PC181

Zoning Map Amendment



Site
Street
Parcels
Buildings
Water Features

Zoning

B-1 - Neighborhood Business District

R-1-7.5 - Single Family Residence District (Low Density)

R-2 - Single Family Residence District (Medium Density)

Site Information

0711K-03-002.000
Zoning: R-1-7.5 (Single-family)
Size: 12,160 Sqft.
Flood: X

0 30 60 90
Yards

1 inch = 200 feet

N
W E
S

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.

Revision date 11/2/2020

$175.00

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

APPLICATION FOR ZONING MAP AMENDMENT/LAND USE RECLASSIFICATION (SMARTCODE)

For Staff Use Only

Case File #: 2210PC181

Date Received: 8/25/22

Receipt #:

Received By: MW

Zoning: R-1 7.5

Ward: 1 Flood: X

Property Information

TAX PARCEL # 0711K-03-002.000

(If necessary, use separate sheet of paper)

Address of Property Involved: 4707 Old Pass Rd., Gulfport

Lot(s) 4.5.&6, Block(s) 2, Subdivision Ridgewood

General Location: approx. 4 blocks ~~[illegible]~~ west of hospital

GENERAL DESCRIPTION OF REQUEST: amend zoning land use from R-1-7.5 to R2

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 reauest.

OWNER

Julie Draper
Printed Name Of Owner

PO BOX 1305
Mailing Address

Woodinville, WA 98072
City State Zip code

425.344.0820
Home Phone Work/Cell Phone

julz.draper@gmail.com
Email

Julie Draper
Signature Of Owner

AGENT

Derek Bjornstad
Printed Name Of Agent

103 Twin Cedar Ave
Mailing Address

Long Beach MS 39560
City State Zip code

228-918-5150
Home Phone Work/Cell Phone

debjornstad99@gmail.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.

IMPORTANT NOTICES

1. Please be advised that failure to submit a COMPLETE application, with all supporting documents, may **delay your hearing date**. The Planning Commission will not consider a request until all information required by Ordinance and this application is submitted and accurate.
2. Please be advised that the application deadline dates posted are designed to allow the staff time to review the application and receive required comments from coordinating agencies. The application is not considered complete until all required information from the applicant is available for review by the staff and coordinating agencies.
3. Please see page 7 to determine the deadline dates for filing your application.
4. Please be advised that, at the hearing on your application, you will be ***required*** to demonstrate, by ***clear and convincing evidence*** placed in the record before the Planning Commission, at least one of the following:

   That there was a mistake in the original zoning ("mistake" has been determined by the Mississippi Supreme Court to be a "mistake" of a clerical or an administrative nature, not a difference in judgment) OR

   That the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a public need for rezoning.

   The following are types of proof that the Mississippi Supreme Court (*Board of Aldermen, City of Clinton v. Conerly*, 509 So.2d 877 (Miss. 1987) and *Thomas v. Board of Sup'rs of Panola County*, 45 So.3d 1173 (Miss. 2010)) has suggested would be appropriate to be placed in the record to demonstrate the required change to the character of the neighborhood and public need:

   1) Map showing the circumstances of the area (Conerly)
   2) The changes in the neighborhood (Conerly)
   3) Statistics showing a public need (Conerly)
   4) Maps showing a change or recent rezoning in the area (Thomas)
   5) Statistics or other evidence of growth in the neighborhood (Thomas)
   6) Charts showing the quantity of construction (Thomas)

   The foregoing is not an exhaustive list and is provided merely for guidance. The City recommends that an applicant for rezoning seek legal counsel as to what evidence the applicant should place in the record, during the hearing before the Planning Commission, in support of the application for rezoning. Neither the City of Gulfport nor its employees can provide an applicant with any legal advice.

APPLICATION REQUIREMENTS

A. **Page one (and two, if applicable) of this application,** completed and signed.

B. **Proof of ownership** (Copy of deed or affidavit)

C. If applicable, notarized proof of **authority to act as agent** for owner (board resolution, etc.)

D. The City of Gulfport Planning Division Staff may notify, by letter, property owners adjacent to the requested action identified in this application using the Land Roll database from the County Tax Office. If you would like to have additional persons or property owners notified, please provide a list of **additional persons to be notified.**

E. **Provide a written statement addressing the following reasons for your rezoning request:**

The Comprehensive Zoning and SmartCode Ordinances, including the zoning map, are based on comprehensive planning studies and are intended to carry out the object of sound, stable and desirable environment. It is recognized that casual amendment of the ordinances would be detrimental to the achievement of that objective. In order to change the zoning classification of a piece of real property, Mississippi law requires that one of the following be demonstrated by the applicant by ***CLEAR AND CONVINCING EVIDENCE***:

1. That there was a ***mistake*** in the original zoning ("mistake" has been determined by the Mississippi Supreme Court to be a "mistake" of a clerical or an administrative nature) OR
2. That the ***character of the neighborhood has changed*** to such an extent as to justify reclassification, AND that there is a ***public need*** for rezoning.

F. **The following items must be addressed in a written statement when you are requesting an amendment to the Comprehensive Zoning Ordinance or SmartCode Ordinance:**

1. **Interest:** The applicant's name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application; the name of the owner or owners of the entire land area proposed to be changed in classification or to be included within the proposed district; the name of the owner or owners of all structures then existing thereon and sufficient evidence to establish that the applicant has the right of possession to the land area and structures; the names and addresses of all owners of adjacent property (exclusive of the width of intervening streets, alleys or bodies of water);

2. **Development Schedule**: The time schedule for the beginning and completion of development planned by the applicant in the area; if the development is planned in stages, the time schedule shall indicate the successive stages and the development planned for each stage;

3. **Effect of Amendment**: A report giving the nature, description and effect of the proposed amendment; if the proposed amendment would require a change in the zoning map, a description of the probable effect on the surrounding land uses and properties; and

4. **Error:** The error in the zoning ordinance that would be corrected by the proposed amendment; if the intent is to correct an error.

G. **Cash or check** payable to the City of Gulfport in the amount of **$175.00**.

FOR SMARTCODE LAND USE RECLASSIFICATIONS:

THERE IS NO MINIMAL SIZE REQUIREMENT. PROPERTIES LOCATED WITHIN SMARTCODE OF APPENDIX D TRANSECT ZONES CAN ONLY BE CONSIDERED FOR REZONING IN WHOLE OR IN PART TO THE SUCCESIONAL (NEXT HIGHER NUMBERED) TRANSECT ZONE.

FOR TRADITIONAL ZONING:

THE MINIMAL SIZE REQUIREMENTS FOR REQUESTING A REZONING OF PROPERTY ARE AS FOLLOWS:

If you wish to change the zoning of a particular area and the area designated for the proposed change does not abut a district of the proposed classification created by amendment, the following size requirements must be met:

R-1, R-1-5, R-1-7.5, R-1-15, R-3 or R-4 Districts:

Four (4) acres, except where the proposed district would abut an existing district zoned the same as the proposed district.

R-2 District:

Four (4) acres, except where the proposed district would abut an existing R-2, R-O, or R-B district.

R-O District:

Four (4) acres, except there the proposed district would abut an existing R-O, R-B or B-1 district.

R-B District:

Four (4) acres, except where the proposed district would abut an existing R-B, B-1, B-2, B-3, or B-4 district.

B-1 District:

Two (2) acres, except where the proposed district would abut an existing B-1, B-2, B-3 I-1 or I-2.

B-2 District:

Four (4) acres, except where the proposed district would abut an existing B-2, B-3, I-1 or I-2 district.

B-3 District:

Twenty (20) acres, except where the proposed district would abut an existing B-3 district.

B-4 District:

Four (4) acres, except where the proposed district would abut an existing B-4 district.

E-G District:

Seven (7) acres of contiguous land, which minimum acreage is comprised of uplands or fastlands only and not bottomlands or tidelands, and is adjacent to and contiguous with U.S. Highway 90 or adjacent in some part to and contiguous with the Mississippi Sound or adjacent harbor areas.

I-1 or I-3 Districts:

Six (6) acres, except where the proposed district would abut an existing I-1, I-2 or I-3

district.

I-2 District:

Twenty (20) acres, except where the proposed district would abut an existing I-2 district.

A-1 District:

Twelve (12) acres, except where the proposed district would abut an existing A-1 district.

R-E District:

Four (4) acres, except where the proposed district would abut an existing R-E District.

T1 Zone:

Twelve (12) acres, except where the proposed district would abut an existing T1 or T2 district.

T2 Zone:

Twelve (12) acres, except where the proposed district would abut an existing T1 or T2 district.

T3 Zone:

Four (4) acres, except where the proposed district would abut an existing T3 district.

T4L Zone (Limited):

Four (4) acres, except where the proposed district would abut an existing T4L or T4+ district.

T4+ Zone (Plus):

Four (4) acres, except where the proposed district would abut an existing T4+ or T5 district.

T5 Zone:

Two (2) acres, except where the proposed district would abut an existing T5 or T6 district.

T6 Zone:

Four (4) acres, except where the proposed district would abut an existing T6 district.

Once you have ensured that you meet the size requirements, you must also show a need for uses. You must be able to show and demonstrate a need in the area for those uses permitted to the proposed district.

Exhibit E

Regarding the request for the property located at 4707 Old Pass Road, Gulfport, MS 39501 to be rezoned from the existing classification of R-1-7.5 to R-2, I offer the following evidence.

- Ridgewood subdivision is bordered by Old Pass Road to the north, 11th Street (originally 2nd Street) to the south, Dixie Avenue on the west, and the approx. 86.000 sf lot owned by Dorothy Robinson to the east. The subdivision is comprised of 128 lots, which have since been merged over the years into 46 tax parcels. Of those 46 tax parcels, only 3 have a zoning classification other than R-2.
- The Subject property at 4707 Old Pass Road is one of those parcels that does not carry the original R-2 zoning. The 3 abutting properties to the west and south are all R-2 zoned.
- The existing building on the subject property is identified on the zoning maps as a duplex. However, current zoning prevents continued use as a duplex.
- Driving through the neighborhood to the north, which is zoned R-1-7.5, I identified at least 13 properties actively being occupied as duplexes and are addressed and labeled on the zoning map as duplexes.
- R-2 zoning district spans entire area to the south of Old Pass Road to the rail road in this area, except for subject property, and 2 properties to the east.
- The building on the subject property appears to have originally been constructed for commercial purposes but has not been occupied or maintained for over a decade.
- It is my intention, if approved, to rehabilitate the subject property into a duplex, where I will occupy one unit and rent out the other unit to help defray my costs.

Exhibit E, P1

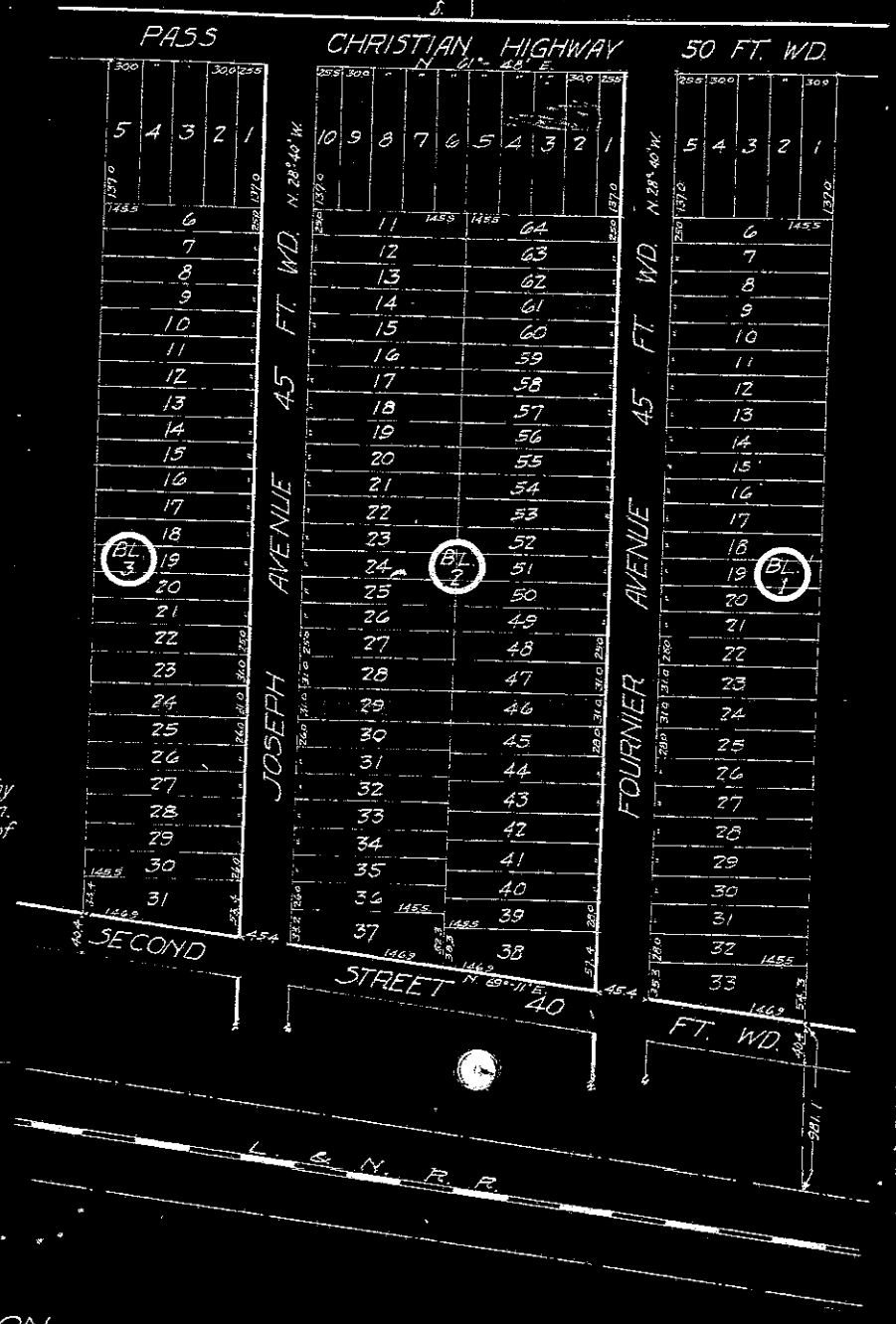
RIDGEWOOD

A SUBDIVISION OF PART OF LOTS 27 TO 33, INCLUSIVE, OF THE GOTTSCHALK SURVEY, IN THE CLAUDE LADNER GRANT, IN T. 8 S. R. 11 W. ALSO EMBRACING LOTS 22 TO 28, OF SILVERDALE ADDITION TO GULFPORT, MISS.

HARRISON CO., MISS.

Note: All dimensions are in feet and decimals thereof

Scale: 1 inch = 100 feet



We, the undersigned lien-holders, hereby consent to the dedication shown hereon. Witness our signatures this ____ day of March, A.D. 1926.

_____

_____

State of Mississippi
County of Harrison

Before me, the undersigned authority in and for said County and State, personally appeared the above named lien-holders _____ and _____ who acknowledged that they signed, sealed, and delivered this plat on the day and year above written.

Given under my hand and official seal this 18th day of March, A.D. 1926.

Earle Myers
Notary Public

Approved and adopted by the Mayor and Board of Commissioners of the City of Gulfport, Miss. on the 18th day of March, A.D. 1926 as shown on page 422 of Minute Book No. 13

Witness my hand and official seal this 18th day of March, A.D. 1926.

Florence Lanier
City Clerk

DEDICATION

I, the undersigned, the owner of the land shown on this plat do hereby declare this to be a map of "RIDGEWOOD", a subdivision of part of lots 27 to 33, inclusive, in the Claude Ladner Grant, in T. 8 S., R. 11 W., Harrison Co., Miss., and do hereby dedicate the streets, avenues and alleys shown thereon to the public forever.

Witness my signature this 11 day of MARCH A.D. 1926

GLOBE REALTY COMPANY OWNER

By: S. J. Wright President

J. Bentine Secretary

ACKNOWLEDGEMENT

State of Mississippi
County of Harrison

Before me, the undersigned authority in and for said County and State, personally appeared the above named, GLOBE REALTY CO. owner, who acknowledged that he signed, sealed and delivered this plat on the day and year above written.

Given under my hand and official seal of my office in Gulfport Miss. this 11th day of March A.D. 1926

Earle Myers
Notary Public

My Commission Expires March 9th, 1927

SURVEYOR'S CERTIFICATE

We, the undersigned, do hereby certify that we have carefully compared this duplicate plat with the original plat of "RIDGEWOOD", a subdivision of part of lots 27 to 33, inclusive, in the Claude Ladner Grant, in T. 8 S., R. 11 W., Harrison Co., Miss., and find the same, to be an exact duplicate of said original plat.

Earle Myers on original _____ Chancery Clerk

Chas. Moore _____ Deputy Chancery Clerk

J. F. Galloway _____ Surveyor

FILING CERTIFICATE

Filed and recorded this 24th day of March A.D. 1926, in the record of plats of Harrison County, Mississippi in Book No. 12 on Page No. 43

Earle Myers on original _____ Chancery Clerk

Chas. Moore _____ Deputy Chancery Clerk

J. F. Galloway Survey.

J. F. Galloway, Civil Engr.
Gulfport, Miss.

OLD FILING NO. 12

436

Exhibit E.pg 2

Exhibit F

1) Applicant Name: Julie Draper, PO Box 1305, Woodinville, WA 98072
    a. Adjacent Property Owners, listed based information from 2021 tax land rolls
        i. Property Address: 4701 Old Pass Road
            1. Parcel 0711K-03.001.000
            2. Name: Mark Layton
            3. Address: 213 La Jolla Dr, Tempe, AZ 85282
        ii. Property Address: 4709 Old Pass Road
            1. Parcel 0711K-03.023.000
            2. Name: Martha Mais
            3. Address: 170 62nd Ave, Gulfport, MS 39501
        iii. Property Address: 4715 Old Pass Road
            1. Parcel 0711K-03.023.001
            2. Name: Hilton Gayten Jr.
            3. Address: 1219 Woodward Ave, Gulfport, MS 39501
        iv. Property Address: 1328 Joseph Ave
            1. Parcel 0711K-03.022.000
            2. Name: Barbara Gayle Bruner
            3. Address: 1404 Bonnie Brook, Norman, OK 73071
        v. Property Address: 1327 Fournier Ave
            1. Parcel 0711K-03.003.000
            2. Name: Rosia Dell Moore
            3. Address: 1239 Fournier Ave, Gulfport, MS 39501

2) Development Schedule: If rezoning is approved, we will be submitting plans for remodel permits to renovate existing shell of a building into residential duplex housing. Expected timeline for renovations is approximately 6-9 months from receipt of approved building permit, subject to material availability and contractor schedules.

3) Proposed Amendment: Rezone subject property from R-1-7.5 to R-2 to allow for rehabilitation and use as a duplex. Should result in no impact to surrounding land use and properties, as neighboring properties are already zoned R-2 and there are several duplexes in the area. Only positive impacts on neighboring properties, as building has been neglected and is an eyesore.

4) Error: Align zoning of property with the R-2 zoning applicable to the rest of the subdivision and neighborhood.

Exhibit F, p2

Ridgewood Subdivision

Gulfport Zoning Map

Enter Address, Street, or Pa

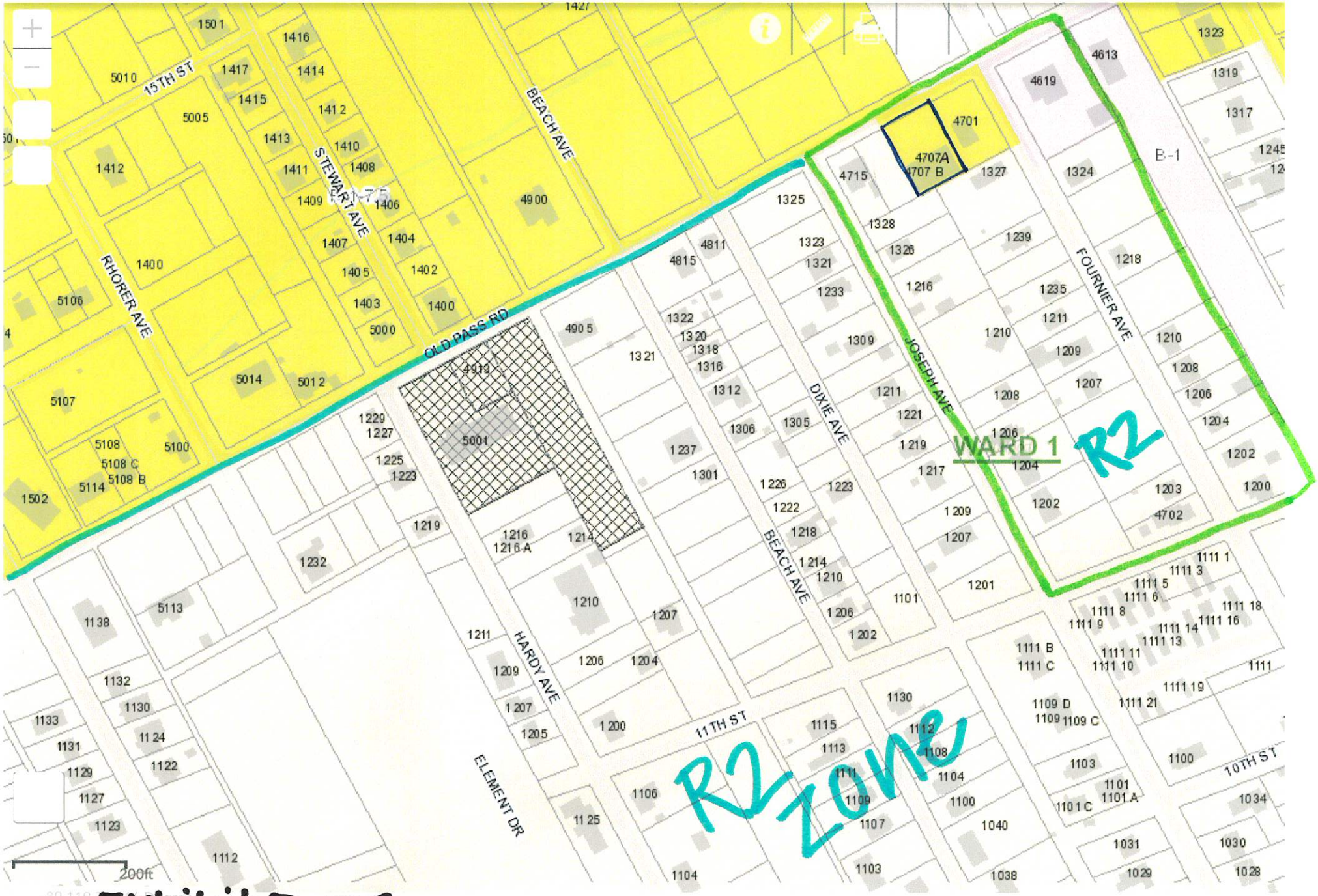


Exhibit E. p3

Matilda Welch

From: donaldwojcik <donaldwojcik@bellsouth.net>
Sent: Thursday, August 25, 2022 3:59 PM
To: Urban Development - Planners
Subject: Zoning Map Amendment 2208PC145

Caution! This message was sent from outside of the City of Gulfport email system. Be careful where you click.

I am sending this e-mail because the weather is preventing me from being there in person. This is in reference to the Amendment 2208PC145.

I feel strongly that this is wrong to have a T5 commercial lot in the middle of a T4+ residential neighborhood. The agent has already split the property from the main property. Refer to Lot 7, was earlier this year was sold. So, lot 8 can be separated from the main piece of property keeping our neighborhood intact. Agent doesn't need to change zoning for a dog park or green space.

Donald Wojcik
1431 Georgia Place

Gulfport MISSISSIPPI ONE COAST

Designation of Agent

I, Julie Draper (PRINT NAME), being owner of the property 4707 Old Pass Rd (PRIMARY ADDRESS OR PARCEL) which is the subject of this application hereby authorize Derek Bjornstad (PRINT NAME) to act as my 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.

Julie Draper — *Signature*

8/22/2022 — *Date*

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 22nd day of August, 20 22

Leslie Ervin — *Notary Public*

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 290631 LESLIE ERVIN Commission Expires April 19, 2025 HARRISON COUNTY

April 19, 2022 — *Commission Expiration*

Exhibit C

SCANNED

SCANNED

REVIEWED

1st JUDICIAL DISTRICT
Instrument 2022-0019185-D-J1
Filed/Recorded 08/01/2022 10:06:01 AM
Total Fees 26.00
2 Pages Recorded

Prepared by:
David B. Pilger
Attorney at Law
1406 Bienville Blvd., Suite 101
Ocean Springs, MS 39564
(228) 215-0011

Grantor:
Mien Thi Tran
1 Beau Braun Drive
Long Beach, MS 39560
(228) 343-6116

Return To:
David B. Pilger
Attorney at Law
1406 Bienville Blvd., Suite 101
Ocean Springs, MS 39564
(228) 215-0011

Grantee:
Julie Draper
Post Office Box 1305
Woodinville, WA 98072
(425) 344-0820

File No. B223703S

INDEXING INSTRUCTIONS: Lots 4-6, Block 2, Ridgewood Addition, 1st JD, Harrison County, Mississippi

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

WARRANTY DEED

FOR AND IN CONSIDERATION OF the price and 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, I, **Mien Thi Tran**, do hereby sell, convey and warrant unto **Julie Draper** all of that certain tract, piece or parcel of land situated in the First Judicial District of Harrison County, Mississippi, together with all improvements, buildings, fixtures, and appurtenances thereunto belonging, and being more particularly described as follows, to-wit:

Lots 4, 5 and 6, Block 2, Ridgewood Addition, a subdivision as per 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, in Plat Book 12 at page 43.

This being the same property as that conveyed to Mien Thi Tran by deed recorded as Instrument 2008 2377 D-J1, Land Deed Records of the First Judicial District of Harrison County, Mississippi.

Exhibit B, p1

If this property is bounded by water, this conveyance includes any natural accretion, and is subject to any erosion due to the action of the elements. Such riparian and littoral rights as exist are conveyed herewith but without warranty as to their nature or extent. If any portion of the property is below the mean high tide watermark, or is coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act it is conveyed by quitclaim only.

Grantor quitclaims any and all oil, gas, and other minerals owned, if any, to Grantee. No mineral search was requested or performed by preparer.

This conveyance is subject to any and all covenants, rights of way, easements, restrictions and reservations of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

It is agreed and understood that the taxes for the current year have been pro-rated as of this date on an estimated basis, and when said taxes are actually determined, if the proration as of this date is incorrect, the parties hereto agree to make all necessary adjustments on the basis of an actual proration.

This conveyance is not part of the Grantor's homestead.

WITNESS MY SIGNATURE, on this the 29 day of July, 2022.

Mien Thi Tran

ACKNOWLEDGMENT

STATE OF MISSISSIPPI
COUNTY OF Harrison

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, **Mien Thi Tran** who acknowledged before me that she signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 29 day of July, 2022.

(AFFIX SEAL)

NOTARY PUBLIC

My commission expires:
1-28-2024

STATE OF MISSISSIPPI
JAMES R SCOTT
NOTARY PUBLIC
ID No. 116079
Commission Expires
January 28, 2024
HARRISON COUNTY

Exhibit B, p2

MISCELLANEOUS PAYMENT RECPT#: 11453370
CITY OF GULFPORT

GULFPORT, MS 39501

DATE: 08/25/22 TIME: 16:54:57
CLERK: mcunningh DEPT:
CUSTOMER#: 0

COMMENT:

CHG: PZD PLANNING AND ZO 175.00

AMOUNT PAID: 175.00

PAID BY: JULIE DRAPER
PAYMENT METH: CASH

REFERENCE:

AMT TENDERED: 175.00
AMT APPLIED: 175.00
CHANGE: .00

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	33578	0711K-03-002.000	JULIE DRAPER (OWNER)	PO BOX 1305	WOODINVILLE	WA	98072
	33578	0711K-03-002.000	DEREK BJORNSTAD (AGENT)	103 TWIN CEDAR AVE	LONG BEACH	MS	39560
N			**Adjacent Property Owners (2210PC181)**				
	91220	0711K-03-026.000	PETROZZA SARA	1233 JOSEPH AVE	GULFPORT	MS	39501
	112426	0711K-03-023.001	GAYTEN HILTON JR	4715 OLD PASS RD	GULFPORT	MS	39501
	34229	0711K-01-037.000	BROOKS LIZZIE R L/E	2226 31ST AVE	GULFPORT	MS	39501
	91259	0711K-04-039.000	OWEN TOFIE M JR ETAL	P O BOX 673	GULFPORT	MS	39502
	33582	0711K-03-021.000	BAYOU RENTAL PROPERTIES INC	1502 MILL RD	GULFPORT	MS	39507
	91218	0711K-03-023.000	MAIS MARTHA	1703 62ND AVE	GULFPORT	MS	39501
	33601	0711K-03-024.000	HABITAT FOR HUMANITY OF MGC	2214 34TH ST	GULFPORT	MS	39501
	27249	0711K-01-036.000	WSMBD LLC	P O BOX 320073	FLOWOOD	MS	39232
	34228	0711K-01-038.000	BEARDEN LUCIOUS & CLIMENTEEN	1435 GENEVIEVE DR	GULFPORT	MS	39501
	33577	0711K-03-001.000	LAYTON MARK	213 LA JOLLA DR	TEMPE	AZ	85282
	34238	0711K-04-040.000	HILL PAUL	9062 CHEVROLET DR	ELLICOTT CITY	MD	21042
	33567	0711K-02-090.000	STEVENS STERLING H JR	15326 HIGHWAY 603	KILN	MS	39556
	33568	0711K-02-091.000	REAL ESTATE DEVELOPMENT LLC	17062 HENRY HOUSE RD	SAUCIER	MS	39574
	91258	0711K-04-038.000	OWEN JOSEPH SAM & TOFIE M JR	P O BOX 673	GULFPORT	MS	39502
N	95507	0711K-04-041.003	OWEN TOFIE M JR ETAL	P O BOX 673	GULFPORT	MS	39502
	33578	0711K-03-002.000	TRAN MIEN THI	117 JEFF DAVIS AVE	LONG BEACH	MS	39560
	33600	0711K-03-024.001	HABITAT FOR HUMANITY OF MGC	2214 34TH ST	GULFPORT	MS	39501
	95509	0711K-04-039.001	OWEN TOFIE M JR ETAL	P O BOX 673	GULFPORT	MS	39502
	33602	0711K-03-025.000	MCCRAY JAMES E & GERALDINE D	1321 JOSEPH AVE	GULFPORT	MS	39501
	33070	0711K-01-039.000	OWEN TOFIE M JR	P O BOX 673	GULFPORT	MS	39502
	33566	0711K-02-089.000	PRIOR DOROTHY	1600 RICH AVE	GULFPORT	MS	39501
	95508	0711K-04-041.004	OWEN TOFIE M JR ETAL	P O BOX 673	GULFPORT	MS	39502
	33581	0711K-03-022.000	BRUNER BARBARA GAYLE	1404 BONNIE BROOK	NORMAN	OK	73071
	33605	0711K-03-027.000	OLE FOREIGN OFFICE HOLDINGS LLC	P O BOX 82469	LAS VEGAS	NV	89180
	33597	0711K-03-004.000	MOORE ROSIA D	1239 FOURNIER AVE	GULFPORT	MS	39501
	33584	0711K-03-020.001	BONDS MARILYN E	1216 JOSEPH AVE	GULFPORT	MS	39501
N	91208	0711K-03-003.000	MOORE ROSIA DELL	1239 FOURNIER AVE	GULFPORT	MS	39501
N	138581	0711K-03-004.001	MOORE ROSIA DELL	1239 FOURNIER AVE	GULFPORT	MS	39501

2210PC181

Zoning Map Amendment

Legend

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

0 30 60 90
Yards

1 inch = 200 feet

N
W E
S

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.

D.2

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:
IPL0093233
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
59.40
Payment Type:
Account Billed
User ID:
IPL0024925

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
October 6, 2022 11:35:41 AM EDT
Amount:
59.40

SCHEDULE FOR AD NUMBER IPL00932330

October 12, 2022
SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL00932330

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, October 27, 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 office of the Department of Urban Development, Planning Division, located on first floor of the William H. Hardy Building, 1410 24th Avenue.

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Resubdivision 2209PC175, by owner Steven Austin, tax parcel 0810N-02-023.000, Divide into two new parcels, 2006 30th Street, Zoned B-2 (General business), Ward 3

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This the 5th day of October, 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: October 27, 2022

Re: <u>Zoning Text Amendment 2210PC184:</u>

Zoning Text Amendment 2210PC184, by CRC Westside, amendments the SmartCode Zoning Ordinance, as amended, Section 1.8.1 Damage Due to Emergency Conditions, Section 4.11.1 Damage Due to Emergency Conditions, and Section 5.12.1 Damage Due to Emergency Conditions.

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

APPLICATION FOR ZONING TEXT AMENDMENT

For Staff Use Only

Case File #:_____

Date Received:_____

Receipt #:_____

Received By:_____

Zoning: _____

Ward: _____Flood:_____

GENERAL DESCRIPTION OF REQUEST: (If necessary, attach a separate sheet of paper detailing the purpose of the request.)

Changes to the SmartCode Ordinance

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

City of Gulfport
Printed Name Of Owner

P.O Box 1780
Mailing Address

Gulfport, MS 39501
City **State** **Zip code**

Home Phone **Work/Cell Phone**

Email

Signature Of Owner

AGENT

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 H. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.

1.8 - PRE-EXISTING AND POST-EMERGENCY CONDITIONS

1.8.1

Damage Due to Emergency Conditions. To be granted permission to rebuild a non-conforming building or other improvement all of the following apply:

1. The building or other improvement is damaged or destroyed by an event resulting in the declaration of an emergency or disaster as applicable to the City by the Mayor and City Council.
2. The owner of record on the date of the event may apply to repair or rebuild such building.
3. The same building site and the same building footprint must be utilized.
4. The building or other improvement must have been legally permitted to have been built or have legally existed as non-conforming before the event.
5. No condition shall be altered in any way, except to remedy the effects of such damage or destruction. Additions or alterations that cause the lot, use, building, improvement, structure or condition to conform more closely to the provisions of this Code will be allowed.
6. Permits for repair or replacement of such buildings, or improvements must meet one of these classifications:
    a. A commercial function permit must be received and paid in part within one (1) year of the causative event. An extension may be considered by the Consolidated Review Committee (CRC) if application for extension is made within one (1) year of the causative event.
    b. A residential or mixed use function must be received and paid in part within two (2) years of the causative event. An extension may be considered by the Consolidated Review Committee (CRC) if application for extension is made within two (2) years of the causative event.

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4.11 - NON-CONFORMING CONDITIONS

4.11.1

Damage Due to Emergency Conditions. To be granted permission to rebuild a non-conforming building or other improvement all of the following apply:

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Deleted: To qualify to

Formatted: List Paragraph

Deleted: Permits for repair or replacement of such buildings, or improvements must be received and paid in part within one (1) year of the causative event.

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5.12 - PRE-EXISTING CONDITIONS

5.12.1

Damage Due to Emergency Conditions. To be granted permission to a non-conforming building or other improvement all of the following apply:

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Deleted: To qualify to rebuild

Deleted: <#>Permits for repair or replacement of such buildings, or improvements must be received and paid in part within one (1) year of the causative event. ¶

D.2

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.

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Order Number:
IPL0093233
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
59.40
Payment Type:
Account Billed
User ID:
IPL0024925

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
October 6, 2022 11:35:41 AM EDT
Amount:
59.40

SCHEDULE FOR AD NUMBER IPL00932330

October 12, 2022
SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL00932330

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PUBLIC HEARING

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This the 5th day of October, 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: October 27, 2022

Re: **Planning Commission Approval 2210PC185:**

Planning Commission Approval 2210PC185, by agent Stacy Craig, tax parcel 1007M-01-072.000, Request home occupation for a handyman, 13204 Curtis St, Zoned R-E (Residence estate), Ward 6

Technical Report

PLANNING COMMISSION APPROVAL

GENERAL INFORMATION

Case File Number: 2210PC185

Hearing Date: October 27, 2022

Current Zoning/Use: R-E / Residence estate

Legal: Planning Commission Approval 2210PC185, by agent Stacy Craig, tax parcel 1007M-01-072.000, Request home occupation for a handyman, 13204 Curtis St, Zoned R-E (Residence estate), Ward 6

TECHNICAL DETAILS

The applicant requests approval for a home occupation for an office for a handyman use. More specifically, they will be traveling to and from their home for business purposes and they will be using the telephone and computer/internet as means of conducting business in their home. The applicant will be using a pick-up truck and trailer (24ft or less) to haul signs from one location to another for sign installation companies. The city ordinance does allow a home occupation of this type with Planning Commission approval.

The applicant provides statements for the home occupation business where they will conduct administrative duties at the home and then visit clients at their place of meeting to conduct "services." Within the application, it is stated that there will be no visits of customers to their home, nor will there be any signs built or installed on the property identified in this request. There are no obtrusive impediments in the neighborhood that will be caused by the aforementioned home occupation.

EXECUTIVE SUMMARY

As the application meets the requirements for a home occupation business that requires Planning Commission Approval, and there is very little impact on the neighborhood, the planning commission should consider approval.

Technical Report

PLANNING COMMISSION APPROVAL

Any approval should consider these conditions:

1. No customers allowed on premises.
2. Approval allows a home occupation for an office for a handyman use.
3. Must comply with all planning and zoning rules and regulations.
4. No bulk storage or outside storage will be allowed. If the home occupation requires equipment, supplies or a work vehicle, a site plan of the residence's property must be provided. The site plan will detail the property dimensions, abutting streets, all buildings, driveways, and proposed parking of all vehicles. The site plan will address where vehicles, equipment and supplies will be stored. The business is limited to one (1) work vehicle (no greater in capacity of size and weight than a one-ton vehicle) and one (1) trailer (no longer than twenty-four (24) feet). A work trailer may not be parked in the required front or side yard setback. Storage of equipment or supplies must be kept within the confines of the work vehicle, trailer or the dwelling unit. No repairs of equipment or vehicles for the business will be conducted on the property.

DEPARTMENTAL CONDITIONS

Engineering:	No conditions. Memo dated 10/17/2022.
Public Works:	No conditions. Memo dated 10/17/2022.
Traffic and Safety:	No conditions. Memo dated 10/17/2022.
Building Code Services:	No customers allowed on premises. Memo dated 10/12/2022.
GIS:	No conditions. Memo dated 10/12/2022.
Police Department:	No conditions. Memo dated 10/17/2022.
Fire Department:	No conditions. Memo dated 10/12/2022.
City Arborist:	No conditions. Memo dated 10/12/2022.

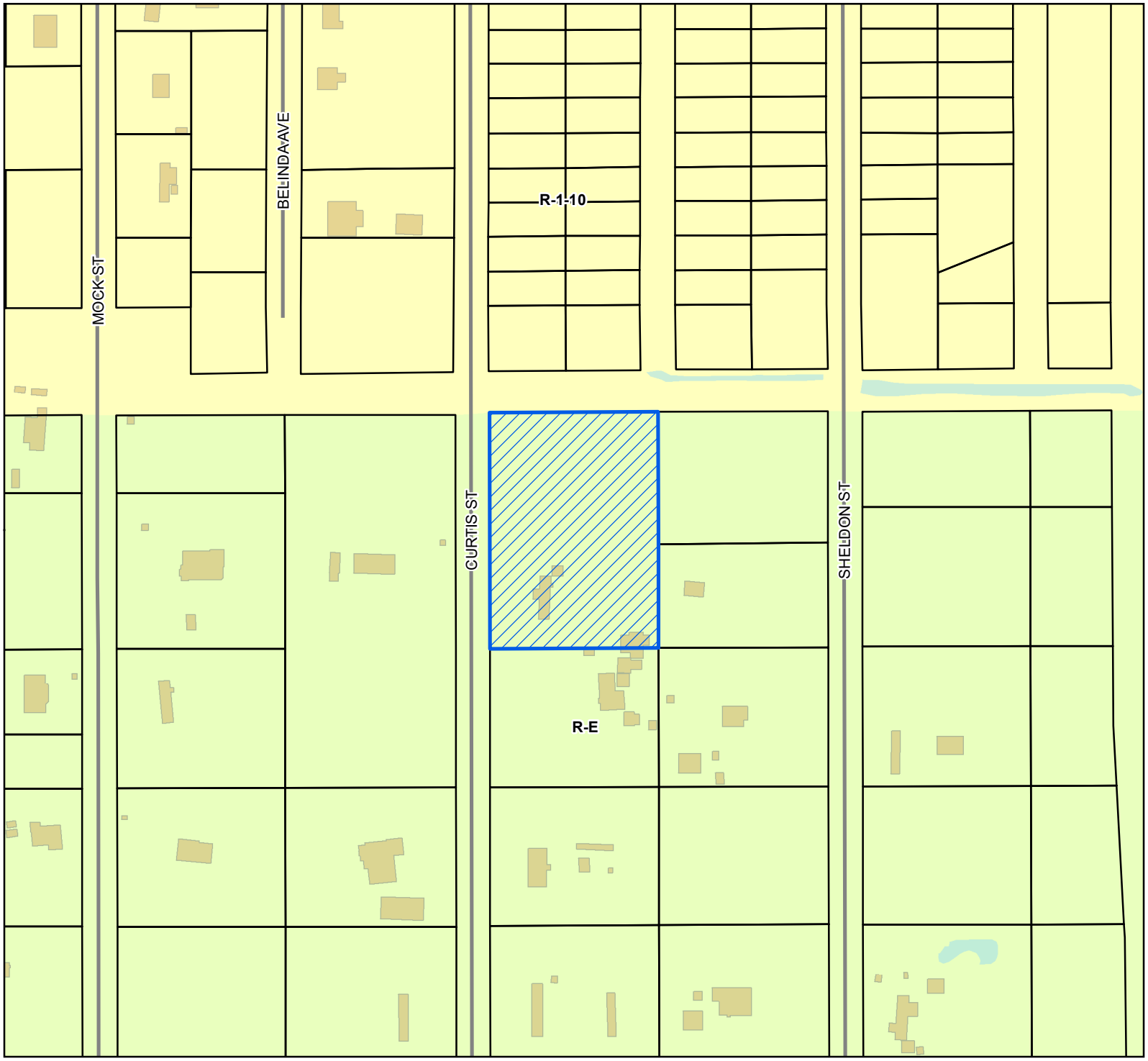
DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Pietrangelo
Director of Urban Development Department

2210PC185

Planning Commission Approval



Site
Street
Parcels
Buildings
Water Features

Zoning

R-1-10 - Single Family Residence (Low Density)
R-E - Residence-Estate

Site Information
1007M-01-072.000
Zoning: R-E (Residence estate)
Size: 1.91 acres
Flood: AE

0 30 60 90
Yards

1 inch = 200 feet

N
W E
S

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 FOR A HOME OCCUPATION

For Staff Use Only

Case Number: 2210PC185

Date Received: _____

Receipt Number: _____

Received By: _____

Zoning: R-E

Ward: 6 Flood: AE

Size: 1.91 acres

Property Information

TAX PARCEL # 1007M - 01 - 072.000

(If necessary, use separate sheet of paper)

Address of Property Involved: 13204 Curtis St Gulfport, MS 39503

Lot(s) 11+12, Block(s) 005, Subdivision 00589

General Location: _____

GENERAL DESCRIPTION OF REQUEST: Home office. I will be only employee, using pickup truck + trailer to haul signs. No customers or clients will come to my home. All business via phone + internet.

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
Jo Evelyn Breland	Stacy Craig
Printed Name of Owner	Printed Name of Agent
13200 Curtis St	13204 Curtis St
Mailing Address	Mailing Address
Gulfport MS 39503	Gulfport MS 39503
City State Zip code	City State Zip code
(228) 297-7638	(228) 346-1566
Home Phone Work/Cell Phone	Home Phone Work/Cell Phone
jofromms@aol.com	S.Street.0525@gmail.com
Email	Email
Jo Evelyn Breland	Stacy Craig
Signature of Owner	**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.

CHECKLIST FOR HOME OCCUPATIONS

Owner's Name: Stacy Craig

Address: 13204 Curtis St Gulfport, MS 39503

Phone: (Home)_____ (Work/Cell) 228-346-1566

If rented, then the name of owner or manager is required, along with a letter of approval from same: Jo Evelyn Boreland

Name of business or service to be used as home occupation: Stacy's Transport

Nature of business: Me using pickup truck + trailer to haul signs from one location to another for sign installation companies.

Please fill in all the appropriate blanks:

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

Earlier than 8:00 a.m. _____

Give hours: _____

Later than 5:00 p.m.: _____

Give hours: _____

Method of conducting business:

Telephone: ✓

Mail order: _____

Personal computer: ✓

Appointment: _____

Traffic generation:

Is there any delivery of goods or products to the residence? NO

If so, specify the number and frequency of deliveries: _____

Describe size of vehicle making deliveries: _____

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

no customers will come to my address, I will go to them.

Specify number and frequency of visits by clients and customers: Ø

Is everything made, manufactured, or provided on site? no

Is special equipment required in production? n/A

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

Are sales made from the premises? not a "sales" business

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

Local stores on consignment: _____

Arts and crafts or flea markets: _____

Trade shows: _____

Other: _____

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

Yes _____ No ✓

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: Stacy Craig

Signature: Stacy Craig

Date: 9-2-22

I am requesting permission to have a home office at my residence at 13204 Curtis St. Gulfport, MS 39503. I am trying to start my own hot-shot business. I will be the only employee and my equipment will be a pickup truck and a trailer (24ft or less). I will not manufacture, buy, sell, or store any products at this location. My services will consist of picking up signs and related products from the manufacturing and/or sales location and delivering them to job sites or shop locations per request of sign ~~manufactu~~ installation companies. I will not have any customer/client traffic at my home office, nor will there be any signs built or installed on the property to identify it as a business location. Any communication relating to my work will take place via phone and internet, or me travelling to the customer to discuss business.

In regard to the following area resourses:

- Transportation + access
- Water Supply
- Waste Disposal
- Fire + Police Protection
- Other Public facilities
- Concern of traffic hazard/congestion
- Being in harmony with the orderly + appropriate development of the district in which it is located...

My business will not create any kind of strain on or cause need for any additional resources in the area because I will not have any customer/client traffic travelling to or from the requested location. Nor will any products be made, bought, sold, or stored there. I simply need to have my home office there and park a pickup truck and trailer on the premesis (which there is ample space for).

N
W E
S

1 inch = 67 feet

Addresspoints **Edits addresspoints** **Harrison_NAIP_2021.sid**

STRUCT_CLASS	RGB
Residential	Red: Band_1
Minor/Residential	Green: Band_2
WaterFeatures	Blue: Band_3
Parcels	

DATA DISCLAIMER:
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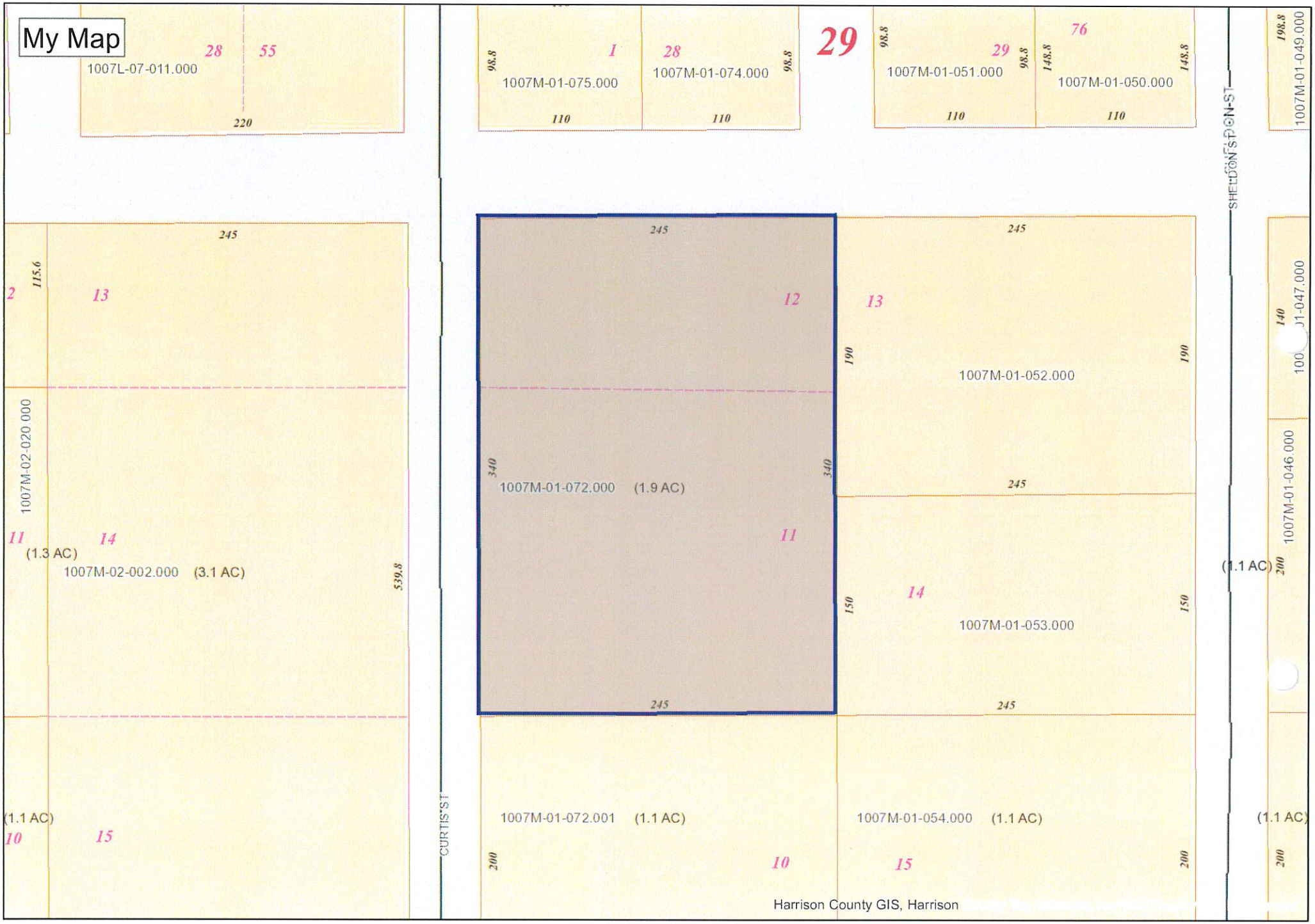
Date: 9/2/2022

Time: 1:55:38 PM

0 100 200 400 ft

1 inch = 98 feet

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.



Date: 9/2/2022

Time: 1:53:44 PM

0 100 200 400 ft

1 inch = 98 feet

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.

Gulfport
MISSISSIPPI

Designation of Agent

I, Jo Evelyn Breland, being owner of the property 13204 Curtis St, Gulfport, MS 39503
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize Stacy Craig 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.

Jo Evelyn Breland 9/2/2022

Signature *Date*

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 2nd day of September, 20 2022

Tina M Leonard Oct 3, 2025

Notary Public *Commission Expiration*

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 106785 TINA M. LEONARD Commission Expires Oct. 3, 2025 HARRISON COUNTY

1st Judicial District
Instrument 2018 3052 D -J1
Filed/Recorded 5/18/2018 10:19 A
Total Fees $ 16.00
3 Pages Recorded

Prepared by:
Hornsby Watts, PLLC
1025 Howard Avenue
Biloxi, MS 39530
(228) 207-2990

Return to:
Hornsby Watts, PLLC
1025 Howard Avenue
Biloxi, MS 39530
(228)207-2990

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

WARRANTY DEED

For and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, I (hereinafter "Grantor")

JO EVELYN BRELAND, as trustee
of THE BRELAND REVOCABLE LIVING TRUST
13200 Curtis Street
Gulfport, MS 39753
(228) 297-7638

do and does hereby grant, bargain, sell, convey and warrant unto (hereinafter Grantee),

JO EVELYN BRELAND
13200 Curtis Street
Gulfport, MS 39753
(228) 297-7638

certain real property, with all improvements thereon and tenements, hereditaments and appurtenances thereto, located in Harrison County, Mississippi, to-wit:

See Exhibit A attached hereto on Page 3

Indexing Instructions: Lots 10, 11, 12, 13, and 14, Block 5, Rolling Acres Subdivision, First Judicial District of Harrison County, Mississippi.

LESS AND EXCEPT any and all interests in and to the oils, gases and other minerals therein/on/under, which have been reserved/conveyed previously, if any, but conveying the remaining interest therein unto Grantee without warranty of any type.

JEB

2

SUBJECT TO restrictions, conditions, covenants, rights, rights of way and easements, now of record, if any.

TAXES for any prior year shall be paid by Grantor, for the current year shall be pro-rated and for all subsequent years shall be fully assumed by the Grantee.

WITNESS MY SIGNATURE, this, the 10th day of May, A.D., 2018.

Jo Evelyn Breland
JO EVELYN BRELAND, as trustee of The Breland Revocable Living Trust

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this the 10th day of May, 2018, within my jurisdiction, the within named, JO EVELYN BRELAND, as trustee of THE BRELAND REVOCABLE LIVING TRUST, who acknowledged that she executed the above and foregoing instrument.

Leslie R Johnston
NOTARY PUBLIC

My Commission Expires:

5-1-2022

(S E A L) STATE OF MISSISSIPPI LESLIE R. JOHNSTON ID No. 29449 Com. Exp. 05-01-2022 NOTARY PUBLIC HARRISON COUNTY

JEB

3

EXHIBIT "A"

Lots 10, 11, 12, 13, and 14, Block 5, ROLLING ACRES SUBDIVISION, a subdivision on file and of record in the Office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, as per map or plat thereof.

JEB

MISCELLANEOUS PAYMENT RECPT#: 11467425
CITY OF GULFPORT
GENERAL FINANCE DEPARTMENT
1410 24TH AVENUE
GULFPORT, MS 39501

DATE: 09/02/22 TIME: 15:33:37
CLERK: lbarefoot DEPT: BUILDING COD
CUSTOMER#:

COMMENT: PLANNING COMMISSION

CHG: 500400 ZONING FEES 75.00

AMOUNT PAID: 75.00

PAID BY: STACY CRAIG
PAYMENT METH: CASH

REFERENCE:

AMT TENDERED: 75.00
AMT APPLIED: 75.00
CHANGE: .00

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	54060	1007M-01-072.000	BRELAND JO EVELYN (OWNER)	13200 CURTIS ST	GULFPORT	MS	39503
	54060	1007M-01-072.000	STACY CRAIG (AGENT)	13204 CURTIS ST	GULFPORT	MS	39503
			Adjacent Property Owners (2210PC185)				
	54064	1007M-01-054.000	COY BRAD A & SHARYN K	13199 SHELDON ST	GULFPORT	MS	39503
N	45202	1007L-04-066.000	STATE OF MISS 8/26/2013				0
	88919	1007L-07-011.000	MARTIN HARALD	13306 BELINDA AVE	GULFPORT	MS	39503
	45276	1007M-01-050.000	HERSHBERGER GREGORY & CATHERINE	5815 SHADOW LANE	LINCOLN	NE	68516
	45230	1007L-04-021.000	BEARTH GLEN & JUDY	849 HOYT AVE W	ST PAUL	MN	55117
	104410	1007M-01-072.001	BRELAND JO EVELYN	13200 CURTIS ST	GULFPORT	MS	39503
	45203	1007L-04-067.000	BABIN TODD	617 CARMADELLE ST	MARRERO	LA	70072
	45227	1007L-04-065.000	BABIN BRENT J	617 CARMADELLE ST	MARRERO	LA	70072
	45231	1007L-04-022.000	SMITH JAMES T & KIM	848 BRICKWELL KEY DR # 3403	MIAMI	FL	33131
	45226	1007L-04-064.000	BABIN BRENT J	617 CARMADELLE ST	MARRERO	LA	70072
	45229	1007M-01-051.000	HERSHBERGER GREGORY & CATHERINE	5815 SHADOW LANE	LINCOLN	NE	68516
N	45228	1007M-01-074.000	HERSHBERGER GREGORY & CATHERINE	5815 SHADOW LANE	LINCOLN	NE	68516
	45275	1007L-04-020.000	LANDRY RICHARD A	1708 NE 106TH ST	PORTLAND	OR	97220
	45201	1007M-01-075.000	HERSHBERGER GREGORY & CATHERINE	5815 SHADOW LANE	LINCOLN	NE	68516
	54062	1007M-01-052.000	BRELAND JO EVELYN	13200 CURTIS ST	GULFPORT	MS	39503
N	54063	1007M-01-053.000	BRELAND JO EVELYN	13200 CURTIS ST	GULFPORT	MS	39503
	54042	1007M-02-002.000	WHEELER MARY ALICE BRELAND	13217 CURTIS ST	GULFPORT	MS	39503

2210PC185

Planning Commission Approval

Legend

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

0 30 60 90
Yards

1 inch = 200 feet

N
W E
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RE: Planning Commission Approval 2210PC185, by agent Stacy Craig, tax parcel 1007M-01-072.000, Request home occupation for a handyman, 13204 Curtis St, Zoned R-E (Residence estate), Ward 6

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, October 27, 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, October 27, 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.

D.2

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:
IPL0093233
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
59.40
Payment Type:
Account Billed
User ID:
IPL0024925

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
October 6, 2022 11:35:41 AM EDT
Amount:
59.40

SCHEDULE FOR AD NUMBER IPL00932330

October 12, 2022
SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL00932330

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, October 27, 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 office of the Department of Urban Development, Planning Division, located on first floor of the William H. Hardy Building, 1410 24th Avenue.

Zoning Map Amendment 2209PC151, by owners Kenneth & Sherry Simmons, tax parcels 0910N-01-007.000, request to rezone from B-2 (General business) to R-B (Residence business) Ward 4

Resubdivision 2209PC175, by owner Steven Austin, tax parcel 0810N-02-023.000, Divide into two new parcels, 2006 30th Street, Zoned B-2 (General business), Ward 3

Zoning Map Amendment 2204PC077, by owner Gulf Coast Shipyard Realty, LLC, tax parcel 0909F-01-001.002, Request to rezone from I-2 (Heavy Industry) to I-3 (Planned industrial park), 13085 Seaway Rd, Ward 5

Planning Commission Approval 2210PC178, by agent John Dixon, tax parcel 0808L-02-017.000, Request approval to allow a medical dispensary use, 11370 HWY 49 Suite G, Zoned B-4 (Highway business), Ward 7

Zoning Map Amendment 2210PC181, by agent Derek Bjornstad, tax parcel 0711K-03-002.000, Request to rezone property from R-1-7.5 (Single-family) to R-2 (Single-family), 4707 Old Pass Rd, Zoned R-1-7.5 (Single-family), Ward 1

Zoning Text Amendment 2210PC184, by CRC Westside, amendments the SmartCode Zoning Ordinance, as amended, Section 1.8.1 Damage Due to Emergency Conditions, Section 4.11.1 Damage Due to Emergency Conditions, and Section 5.12.1 Damage Due to Emergency Conditions.

Planning Commission Approval 2210PC185, by agent Stacy Craig, tax parcel 1007M-01-072.000, Request home occupation for a handyman, 13204 Curtis St, Zoned R-E (Residence estate), Ward 6

Zoning Map Amendment 2210PC186, by agent Ashleigh M. Vignes, tax parcel 0908M-01-010.000, Request to rezone from R-1-10 (Single-family) to B-1 (Neighborhood business), 13499 Dedeaux Rd, Ward 5

Special Exception 2210SE188, by agent Frankie Jackson, tax parcel 0809E-02-004.000, Requests a tattoo parlor use, 10000 Factory Shops Blvd, Suite 235, Zone B-4 (Highway business), Ward 3

Planning Commission Approval 2210PC190, by agent John Ravenscroft, tax parcel 0811B-01-037.000, Requests automotive body repair, 2601 15th Ave, Zoned B-2 (General business), Ward 3

Zoning Map Amendment 2210PC191, by agent Donovan Scruggs, tax parcels 1009M-03-006.000 & 1009M-03-004.000, Requests to rezone property from R-1-7.5 (Single-family) to B-1 (Neighborhood business), 11451 and 11463 Hillcrest Rd, Ward 4

Zoning Map Amendment 2210PC192, by agent Schwartz, Orgler & Jordan, PLLC, tax parcels 1010E-02-008.000 & 1010E-02-008.001, Requests to rezone property from T3 (Sub-Urban Zone) to T4+ (General Urban Zone "Plus"), 1285 Spring St, Ward 4

This the 5th day of October, 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: October 27, 2022

Re: **<u>Zoning Map Amendment 2210PC186:</u>**

Zoning Map Amendment 2210PC186, by agent Ashleigh M. Vignes, tax parcel 0908M-01-010.000, Request to rezone from R-1-10 (Single-family) to B-1 (Neighborhood business), 13499 Dedeaux Rd, Ward 5

Technical Report

Zoning Map Amendment

GENERAL INFORMATION

Case File Number: 22104PC186

Hearing Date: October 27, 2022

Current Zoning/Use: R-1-10 / Single-family Residence

Legal: Zoning Map Amendment 2210PC186, by agent Ashleigh M. Vignes, tax parcel 0908M-01-010.000, Request to rezone from R-1-10 (Single-family) to B-1 (Neighborhood business), 13499 Dedeaux Rd, Ward 5

TECHNICAL DETAILS

Amendment of the Zoning Ordinance, including the zoning map, is intended to carry out the objective of a sound, stable, and desirable environment. Casual amendment of the ordinance would be detrimental to the achievement of that objective. Therefore, the ordinance dictates that a property should be considered for rezoning only when one or more of the following conditions prevail according to the Mississippi case law:

When requesting rezoning of real property, **an applicant must prove**, by **clear and convincing evidence**, one of the following:

1. That there was a mistake in the original zoning, or
2. That the character of the neighborhood has changed to such an extent as to justify reclassification, **and** that there was a public need for rezoning.

The applicant requests to rezone approximately 2.92 acres from an R-1-10 (Single-family) district to B-1 (Residential Business). The subject property consist of a 3,380 square foot single-family home on 2.92 acres of land. The subject property's immediate vicinity offers a combination of commercial and residential development. The use of the existing structure is residential and is currently occupied. However, the applicant states, "they would like to sale the property and upon approval of the Zoning Map Amendment, the occupant will vacate the property."

The applicant has chosen a change in the character of the neighborhood and public need as a justification for change of the current zoning district:

1. Mistake or error is not addressed by the applicant.
2. The applicant cites that the subject property has long been developed as a single-family residence. However, since the construction of the home, the subject's neighborhood has experienced significant growth, changing the character of the neighborhood. In recent years, a number of residential properties within close proximity to the subject property have been reclassified and are now operating in various commercial capacities. In addition, the increase in commercial activity can be seen through nearly a decade of aerial

photography. Further, the subject property is adjacent to a B-1 (Neighborhood business) zoning district to the east and to the west, (See attached map). Additionally, a site visit was conducted on October 17, 2022; staff found that the existing neighborhood is in fact a mixed-use neighborhood. For example, the immediate surrounding area consist of MSU Extension Head Start, Help At Home Services, 4 Paws Lodge, Town & Country Veterinary Clinic, P.A, Family Dentistry The Kratom Shack, Pepsi Corporation, Single-family, and Duplex use. Therefore, the re-zoning of the property would not cause detriment to the existing character of the neighborhood.

EXECUTIVE SUMMARY

The re-zoning of the current location would be in harmony with the existing commercial and residential nature of the surrounding area.

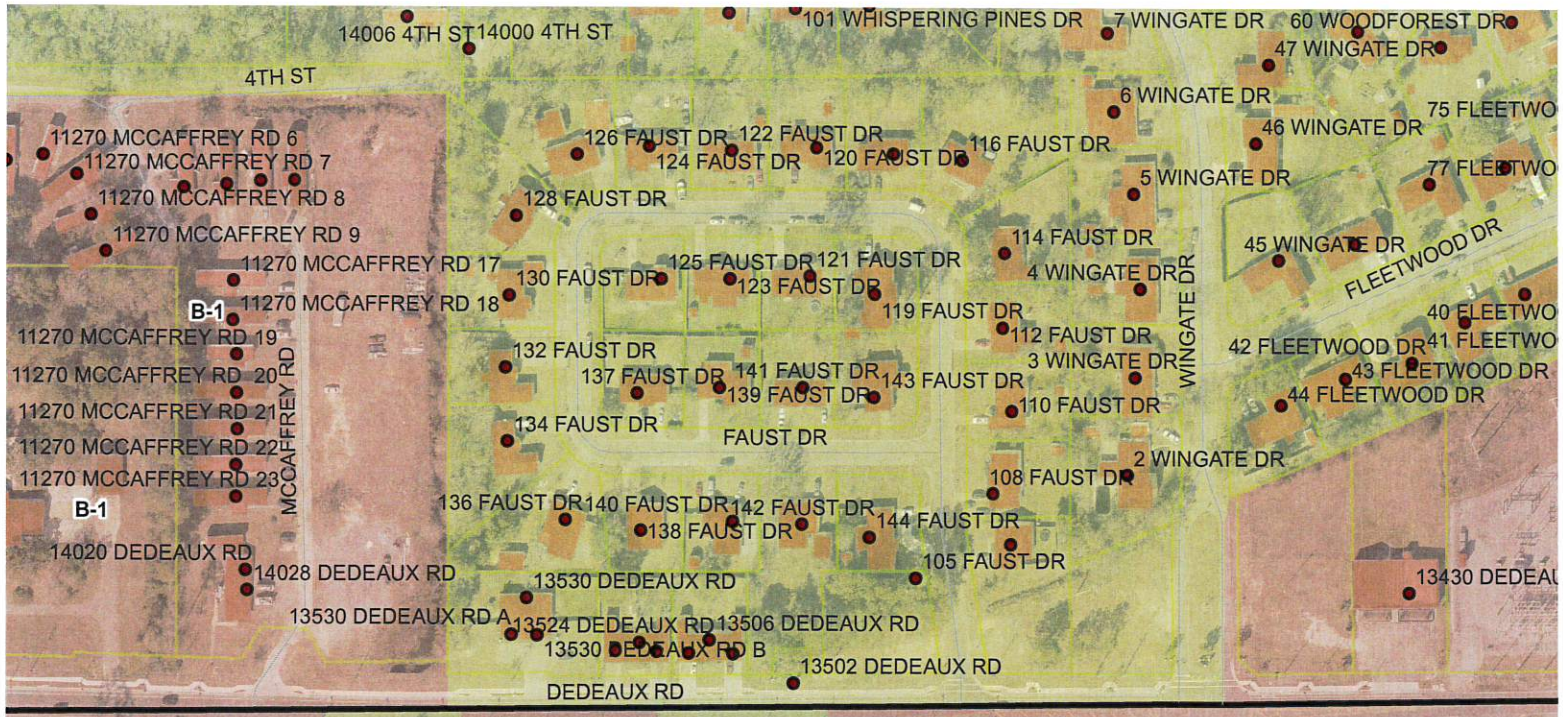
Any approval should consider these conditions:

1. Approval allows applicant to rezone property from R-1-10 (Single-family) to B-1 (Neighborhood business).

DIRECTOR APPROVAL

This report has been reviewed and approved by:

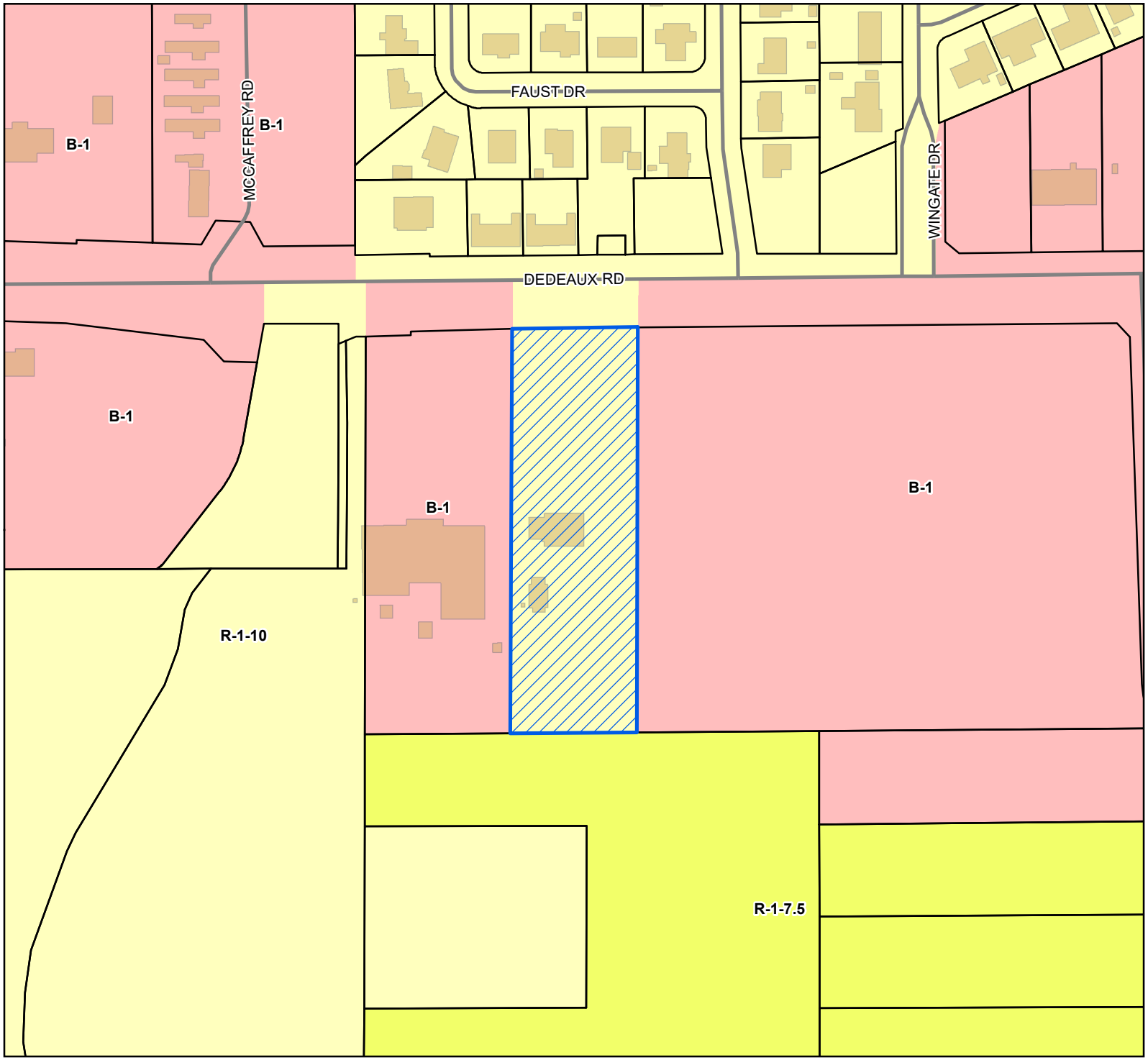
Greg Pietrangelo
Director of Urban Development Department


14006 4TH ST
14000 4TH ST
4TH ST
101 WHISPERING PINES DR
7 WINGATE DR
60 WOODFOREST DR
47 WINGATE DR
6 WINGATE DR
75 FLEETWO
46 WINGATE DR
11270 MCCAFFREY RD 6
11270 MCCAFFREY RD 7
11270 MCCAFFREY RD 8
11270 MCCAFFREY RD 9
126 FAUST DR
122 FAUST DR
124 FAUST DR
120 FAUST DR
116 FAUST DR
5 WINGATE DR
77 FLEETWO
128 FAUST DR
114 FAUST DR
45 WINGATE DR
FLEETWOOD DR
11270 MCCAFFREY RD 17
125 FAUST DR
121 FAUST DR
130 FAUST DR
123 FAUST DR
4 WINGATE DR
B-1
11270 MCCAFFREY RD 18
119 FAUST DR
40 FLEETWO
11270 MCCAFFREY RD 19
112 FAUST DR
41 FLEETWO
42 FLEETWOOD DR
132 FAUST DR
3 WINGATE DR
WINGATE DR
11270 MCCAFFREY RD 20
137 FAUST DR
141 FAUST DR
143 FAUST DR
43 FLEETWOOD DR
139 FAUST DR
44 FLEETWOOD DR
11270 MCCAFFREY RD 21
110 FAUST DR
134 FAUST DR
11270 MCCAFFREY RD 22
FAUST DR
2 WINGATE DR
11270 MCCAFFREY RD 23
108 FAUST DR
MCCAFFREY RD
B-1
136 FAUST DR
140 FAUST DR
142 FAUST DR
144 FAUST DR
138 FAUST DR
14020 DEDEAUX RD
14028 DEDEAUX RD
105 FAUST DR
13530 DEDEAUX RD
13430 DEDEAU
13530 DEDEAUX RD A
13524 DEDEAUX RD
13506 DEDEAUX RD
13530 DEDEAUX RD B
13502 DEDEAUX RD
DEDEAUX RD

13407 DEDEA
B-1
B-1
B-1
13523 DEDEAUX RD
13499 DEDEAUX RD
DEDE DR
R-1-10
R-1-7.5
R-4
11136 SONJA DR
11132 SONJA DR
11128 SONJA DR
11129 RUDOLPH DR
11123 RUDOLPH DR
11139 RUDOLPH DR
11119 RUDOLPH DR
SONJA DR
11154 VIXEN LOOP
11146 VIXEN LOOP
11158 VIXEN LOOP
11126 VIXEN

2210PC186

Zoning Map Amendment



Site
Street
Parcels
Buildings

Zoning

B-1 - Neighborhood Business District

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

R-1-7.5 - Single Family Residence District (Low Density)

Site Information

0908M-01-010.000
Zoning: R-1-10 (Single-family residence)
Size: 2.45 Acres
Flood: X

0 30 60 90
Yards

1 inch = 200 feet

N W E S

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

APPLICATION FOR ZONING MAP AMENDMENT/LAND USE RECLASSIFICATION (SMARTCODE)

For Staff Use Only

Case File #: 22LUPC186

Date Received: 9-6-22

Receipt #:

Received By: CH

Zoning: R-1-10

Ward: 5 Flood: X

Size: 2.45 acres

(If necessary, use separate sheet of paper)

Property Information

TAX PARCEL # 0908M-01-010.000

Address of Property Involved: 13499 Dedeaux Road, Gulfport, MS 39503

Lot(s) N/A, Block(s) N/A, Subdivision N/A

General Location: Approximately one and three-quarters miles east of the intersection of Dedeaux Road and U.S. Highway 49

GENERAL DESCRIPTION OF REQUEST:

Request to change zoning from R-1-10 (Single-family residence districts—low density) to B-1 (Neighborhood Business District).

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 reauest.

OWNER

Cassandra L. Conner
Printed Name Of Owner

21960 Blackwell Farm Road
Mailing Address

Saucier MS 39574
City State Zip code

228-832-8376 228-669-8129
Home Phone Work/Cell Phone

cassconn3@aol.com
Email

Cassandra L Conner
Signature Of Owner

AGENT

Ashleigh M. Vignes
Printed Name Of Agent

12714 Village Avenue West
Mailing Address

Biloxi MS 39532
City State Zip code

228-669-2170 228-669-2170
Home Phone Work/Cell Phone

ashleighvignes@gmail.com
Email

Ashleigh Vignes
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. [X]

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) Johnny R. Conner

ADDRESS (STREET, CITY, STATE, ZIP CODE 21960 Blackwell Farm Road, Saucier, MS 39574

PHONE # (H) 228-832-8376 (W) _____

TAX PARCEL NUMBER(S) OWNED 0908M-01-010.000

SIGNATURE: Johnny R. Conner

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: _____

(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: Ashleigh M. Vignes

September 2, 2022

City of Gulfport
Urban Development – Planning Division
1410 24th Avenue
Gulfport, MS 39501

Re: Zoning Map Amendment/Land Use Reclassification – 13499 Dedeaux Road, Gulfport, MS

To Whom It May Concern:

This letter is to request a zoning map amendment/land use reclassification of the property located at 13499 Dedeaux Road, Gulfport, MS 39503 (Parcel #: 0908M-01-010.000) from R-1-10; Single Family Residence District to B-1; Neighborhood Business District. The request for reclassification is due to the change in the character of the neighborhood and the public need for rezoning.

The subject property consists of a 3,380 SF single-family residence on 2.92 acres. The subject is located within the city limits of Gulfport, approximately one and three-quarter miles east of the intersection of Dedeaux Road and U.S. Highway 49. It is located in the central portion of the neighborhood with the immediate area being approximately 90% built up. The subject property's immediate vicinity offers a combination of commercial and residential development.

The subject property has long been developed as a single-family residence. However, since the construction of the home, the subject's neighborhood has experienced significant growth, changing the character of the neighborhood. In recent years, a number of residential properties within close proximity to the subject have been reclassified and are now operating in various commercial capacities. A large daycare facility, now operating as MSU Extension Head Start, was constructed on the former residential parcel located to the west of the subject property. Other recognized uses in the immediate area of the subject include retail and office. The requested reclassification would be consistent with other reclassifications resulting from the growth of the neighborhood. As outlined in the zoning map on the following page, a number of properties within close proximity to the subject property have been rezoned to B-1; Neighborhood Business District.

Further, Dedeaux Road now serves as a connector road to two of the city's major roadways, U.S. Highway 49 and MS 605. As such, the increased traffic count on Dedeaux Road required parts of the road to be widened. Recently, Dedeaux Road from Three Rivers Road to Dede Drive was widened from two lanes to a four-lane boulevard. The subject property is located along this portion of the road and was involved in the right-of-way taking required for the widening project.

Granting the requested amendment/reclassification will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located. In addition, the granting of the requested amendment/reclassification will have no effect on any adjoining properties. The adjoining properties located to the east and west of the subject property are currently zoned B-1; Neighborhood Business District. The

adjoining property located to the south is currently zoned R-1-7.5 but does not have frontage along Dedeaux Road. According to the tax rolls, the names and addresses of the adjacent property owners are as follows:

Mississippi State University
13523 Dedeaux Road
Gulfport, MS 39503
Parcel #: 0908M-01-011.000

Dedeaux Properties I LP
0 Dedeaux Road
Gulfport, MS 39503
Parcel #: 0908M-01-009.000

Dickie Joe & Jennifer A. Ladner
14099 Dedeaux Road
Gulfport, MS 39503
Parcel #: 0908M-01-013.000

At the present time, development is not planned for the subject property. It is our intention to market and sell the subject property.

We can be reached via phone or email if you have any questions. Thank you for your consideration.

Sincerely,

Cassandra Conner

Cassandra Conner
Property Owner
21960 Blackwell Farm Road
Saucier, MS 39574
228-669-8129
Cassconn3@aol.com

Johnny Conner

Johnny Conner
Property Owner
21960 Blackwell Farm Road
Saucier, MS 39574
228-832-8376

September 2, 2022

City of Gulfport
Urban Development – Planning Division
1410 24th Avenue
Gulfport, MS 39501

Re: Agent for Zoning Map Amendment/Land Use Reclassification

To Whom It May Concern:

We, Cassandra and Johnny Conner, are the owners of the property located at 13499 Dedeaux Road in Gulfport, Mississippi (Parcel #: 0908M-01-010.000). We hereby authorize Ashleigh Vignes, our daughter, to act as our agent for the zoning map amendment/land use reclassification of the above-mentioned property.

Property Owner Signatures:

DATED: 9-2-22

Cassandra Conner

Cassandra Conner
21960 Blackwell Farm Road
Saucier, MS 39574
228-669-8129

Johnny Conner

Johnny Conner
21960 Blackwell Farm Road
Saucier, MS 39574
228-832-8376

STATE OF MISSISSIPPI, COUNTY OF HARRISON, ss:

On this 2nd day of September, 2022, before me, Angela T. George, personally appeared Cassandra Conner and Johnny Conner, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same as for the purposes therein contained.

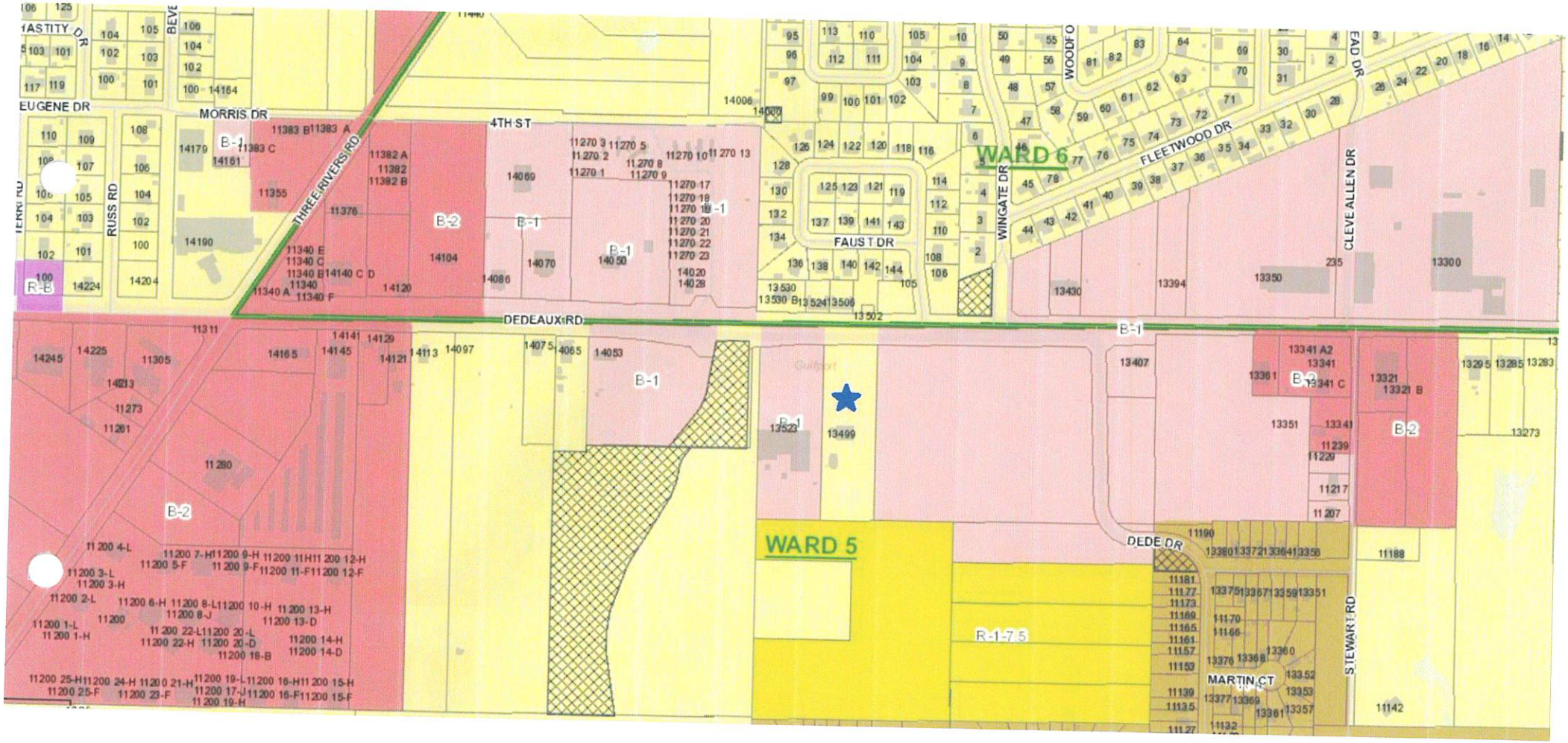
In witness whereof I hereunto set my hand and official seal.

STATE OF MISSISSIPPI
ANGELA T. GEORGE
NOTARY PUBLIC
ID No. 119598
Commission Expires
March 23, 2025
JACKSON COUNTY

Angela T. George
Notary Public

Notary
Title (and Rank)

My commission expires 3/23/2025


EUGENE DR
MORRIS DR
4TH ST
THREE RIVERS RD
RUSS RD
DEDEAUX RD
FAUST DR
WINGATE DR
FLEETWOOD DR
CLEVE ALLEN DR
WOODF
WARD 6
WARD 5
DEDE DR
MARTIN CT
STEWART RD
B-1
B-2
R-B
R-1-7.5

MARGINAL NOTATION FORM

Instrument	2012-0004807-TJI	Book	0	Page	0

HARRISON COUNTY, MS Clerk's Office
Honorable JOHN MCADAMS

Instrument Type	Instrument#	Book	Page	Lot/SubDivision	Date	Deputy Clerk
TRUST BOOK-DEED OF TRUST		2783	551	E 182 FT OF W 390 FT OF NW 1/4 OF - SURVEY A	12/23/2003	

1st Judicial District
Instrument 2012 4807 T - J1
Filed/Recorded 5/21/2012 01:08 P
Total Fees $ 12.00
1 Pages Recorded

Document Prepared By and
When Recorded Return To:
ReconTrust Company, N.A.
2575 W. Chandler Blvd.
Mail Stop: AZ1-804-02-11
Chandler, AZ 85224
(800) 540-2684

UID: b610cddd-eed4-4c18-8a1e-8bf7989c8921
DOCID_000472192632005N

RELEASE OF DEED OF TRUST

TO: The CLERK of the CHANCERY COURT of HARRISON, Mississippi

You are hereby authorized and directed to mark canceled and satisfied of record the following described Deed of Trust executed by

CASSANDRA GREEN CONNER, JOHNNY RAY CONNER

for the benefit of Mortgage Electronic Registration Systems, Inc. which is of record in Book 2783 at Page 0551, as Instrument # 2003 26004 T, of the Records of Deed of Trust in the office of the Chancery Clerk of HARRISON County, Mississippi.

WITNESS our hand this 14 day of May, 2012.

Mortgage Electronic Registration Systems, Inc.

Maria Fregin, Assistant Vice President

STATE OF ARIZONA
COUNTY OF MARICOPA

On 5-14-12, before me, Michelle R. Black, Notary Public, personally appeared Maria Fregin, Assistant Vice President of Mortgage Electronic Registration Systems, Inc. , whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and whose name is subscribed to the within instrument and acknowledged to me that he/~~she~~ executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last written.

MICHELLE R. BLACK
NOTARY PUBLIC - ARIZONA
Maricopa County

MARGINAL NOTATION FORM

Instrument	2005-0002104-T-J1	Book	2783	Page	551

HARRISON COUNTY, MS Clerk's Office

Honorable JOHN MCADAMS

Instrument Type	Instrument#	Book	Page	Int/Sub/Division	Date	Deputy Clerk
TRUST BOOK-RELEASE OF MOR	2012-0004807-T-J1		0	SATIS DT 2783 P 551	5/21/2012	

BK 2783 PG 0551

After Recording Return To:
COUNTRYWIDE HOME LOANS, INC.
MS SV-79 DOCUMENT PROCESSING
P.O.Box 10423
Van Nuys, CA 91410-0423

1st Judicial District
Instrument Number 2003 28004 T
Filed 12 23 2003 4 37
Total Fees 12.00
Book 2783 Page 551-562 Recorded 12-24-03

Prepared By:
MELISSA MALINOWSKI
COUNTRYWIDE HOME LOANS, INC.

3330 WEST ESPLANADE, SUITE
405
METAIRIE
LA 70002
Phone: (504)831-3055

[Space Above This Line For Recording Data]

00004721926312003
[Doc ID #]

DEED OF TRUST

MIN 1000157-0003231135-5

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "Security Instrument" means this document, which is dated DECEMBER 15, 2003, together with all Riders to this document.
(B) "Borrower" is
CASSANDRA GREEN CONNER, AND JOHNNY RAY CONNER, HUSBAND AND WIFE

Borrower is the trustor under this Security Instrument.
(C) "Lender" is
COUNTRYWIDE HOME LOANS, INC.
Lender is a CORPORATION
organized and existing under the laws of NEW YORK
Lender's address is
P.O. Box 660694, Dallas, TX 75266-0694
(D) "Trustee" is
CTC REAL ESTATE SERVICES
400 COUNTRYWIDE WAY, MSN SV-88, SIMI VALLEY, CA 93065,

DOC ID #: 00004721926312003

(F) "Note" means the promissory note signed by Borrower and dated DECEMBER 15, 2003 . The Note states that Borrower owes Lender
FORTY FOUR THOUSAND SIX HUNDRED and 00/100

Dollars (U.S. $.44,600.00) plus interest. Borrower has promised to pay this debt in regular Periodic Payments and to pay the debt in full not later than JANUARY 01, 2014 .

(G) "Property" means the property that is described below under the heading "Transfer of Rights in the Property."

(H) "Loan" means the debt evidenced by the Note, plus interest, any prepayment charges and late charges due under the Note, and all sums due under this Security Instrument, plus interest.

(I) "Riders" means all Riders to this Security Instrument that are executed by Borrower. The following Riders are to be executed by Borrower [check box as applicable]:

☐ Adjustable Rate Rider	☐ Condominium Rider	☐ Second Home Rider
☐ Balloon Rider	☐ Planned Unit Development Rider	☐ 1-4 Family Rider
☐ VA Rider	☐ Biweekly Payment Rider	☐ Other(s) [specify]

(J) "Applicable Law" means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders (that have the effect of law) as well as all applicable final, non-appealable judicial opinions.

(K) "Community Association Dues, Fees, and Assessments" means all dues, fees, assessments and other charges that are imposed on Borrower or the Property by a condominium association, homeowners association or similar organization.

(L) "Electronic Funds Transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, transfers initiated by telephone, wire transfers, and automated clearinghouse transfers.

(M) "Escrow Items" means those items that are described in Section 3.

(N) "Miscellaneous Proceeds" means any compensation, settlement, award of damages, or proceeds paid by any third party (other than insurance proceeds paid under the coverages described in Section 5) for: (i) damage to, or destruction of, the Property; (ii) condemnation or other taking of all or any part of the Property; (iii) conveyance in lieu of condemnation; or (iv) misrepresentations of, or omissions as to, the value and/or condition of the Property.

(O) "Mortgage Insurance" means insurance protecting Lender against the nonpayment of, or default on, the Loan.

(P) "Periodic Payment" means the regularly scheduled amount due for (i) principal and interest under the Note, plus (ii) any amounts under Section 3 of this Security Instrument.

(Q) "RESPA" means the Real Estate Settlement Procedures Act (12 U.S.C. Section 2601 et seq.) and its implementing regulation, Regulation X (24 C.F.R. Part 3500), as they might be amended from time to time, or any additional or successor legislation or regulation that governs the same subject matter. As used in this Security Instrument, "RESPA" refers to all requirements and restrictions that are imposed in regard to a "federally related mortgage loan" even if the Loan does not qualify as a "federally related mortgage loan" under RESPA.

(R) "Successor in Interest of Borrower" means any party that has taken title to the Property, whether or not that party has assumed Borrower's obligations under the Note and/or this Security Instrument.

TRANSFER OF RIGHTS IN THE PROPERTY

The beneficiary of this Security Instrument is MERS (solely as nominee for Lender and Lender's successors and assigns) and the successors and assigns of MERS. This Security Instrument secures to Lender: (i) the repayment of the Loan, and all renewals, extensions and modifications of the Note; and (ii) the performance of

BK2783PG0553

DOC ID #: 00004721926312003

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Parcel ID Number: 0908m-01-010.000 which currently has the address of 13499 DEDEAUX ROAD, GULFPORT
[Street/City]
Mississippi 39503 ("Property Address"):
[Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property." Borrower understands and agrees that MERS holds only legal title to the interests granted by Borrower in this Security Instrument, but, if necessary to comply with law or custom, MERS (as nominee for Lender and Lender's successors and assigns) has the right: to exercise any or all of those interests, including, but not limited to, the right to foreclose and sell the Property; and to take any action required of Lender including, but not limited to, releasing and canceling this Security Instrument.

BORROWER COVENANTS that Borrower is lawfully seised of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

UNIFORM COVENANTS. Borrower and Lender covenant and agree as follows:

1. Payment of Principal, Interest, Escrow Items, Prepayment Charges, and Late Charges. Borrower shall pay when due the principal of, and interest on, the debt evidenced by the Note and any prepayment charges and late charges due under the Note. Borrower shall also pay funds for Escrow Items pursuant to Section 3. Payments due under the Note and this Security Instrument shall be made in U.S. currency. However, if any check or other instrument received by Lender as payment under the Note or this Security Instrument is returned to Lender unpaid, Lender may require that any or all subsequent payments due under the Note and this Security Instrument be made in one or more of the following forms, as selected by Lender: (a) cash; (b) money order; (c) certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency, instrumentality, or entity; or (d) Electronic Funds Transfer.

Payments are deemed received by Lender when received at the location designated in the Note or at such other location as may be designated by Lender in accordance with the notice provisions in Section 15. Lender may return any payment or partial payment if the payment or partial payments are insufficient to bring the Loan current. Lender may accept any payment or partial payment insufficient to bring the Loan current, without waiver of any rights hereunder or prejudice to its rights to refuse such payment or partial payments in the future, but Lender is not obligated to apply such payments at the time such payments are accepted. If each Periodic Payment is applied as of its scheduled due date, then Lender need not pay interest on unapplied

If Lender receives a payment from Borrower for a delinquent Periodic Payment which includes a sufficient amount to pay any late charge due, the payment may be applied to the delinquent payment and the late charge. If more than one Periodic Payment is outstanding, Lender may apply any payment received from Borrower to the repayment of the Periodic Payments if, and to the extent that, each payment can be paid in full. To the extent that any excess exists after the payment is applied to the full payment of one or more Periodic Payments, such excess may be applied to any late charges due. Voluntary prepayments shall be applied first to any prepayment charges and then as described in the Note.

Any application of payments, insurance proceeds, or Miscellaneous Proceeds to principal due under the Note shall not extend or postpone the due date, or change the amount, of the Periodic Payments.

3. Funds for Escrow Items. Borrower shall pay to Lender on the day Periodic Payments are due under the Note, until the Note is paid in full, a sum (the "Funds") to provide for payment of amounts due for: (a) taxes and assessments and other items which can attain priority over this Security Instrument as a lien or encumbrance on the Property; (b) leasehold payments or ground rents on the Property, if any; (c) premiums for any and all insurance required by Lender under Section 5; and (d) Mortgage Insurance premiums, if any, or any sums payable by Borrower to Lender in lieu of the payment of Mortgage Insurance premiums in accordance with the provisions of Section 10. These items are called "Escrow Items." At origination or at any time during the term of the Loan, Lender may require that Community Association Dues, Fees, and Assessments, if any, be escrowed by Borrower, and such dues, fees and assessments shall be an Escrow Item. Borrower shall promptly furnish to Lender all notices of amounts to be paid under this Section. Borrower shall pay Lender the Funds for Escrow Items unless Lender waives Borrower's obligation to pay the Funds for any or all Escrow Items. Lender may waive Borrower's obligation to pay to Lender Funds for any or all Escrow Items at any time. Any such waiver may only be in writing. In the event of such waiver, Borrower shall pay directly, when and where payable, the amounts due for any Escrow Items for which payment of Funds has been waived by Lender and, if Lender requires, shall furnish to Lender receipts evidencing such payment within such time period as Lender may require. Borrower's obligation to make such payments and to provide receipts shall for all purposes be deemed to be a covenant and agreement contained in this Security Instrument, as the phrase "covenant and agreement" is used in Section 9. If Borrower is obligated to pay Escrow Items directly, pursuant to a waiver, and Borrower fails to pay the amount due for an Escrow Item, Lender may exercise its rights under Section 9 and pay such amount and Borrower shall then be obligated under Section 9 to repay to Lender any such amount. Lender may revoke the waiver as to any or all Escrow Items at any time by a notice given in accordance with Section 15 and, upon such revocation, Borrower shall pay to Lender all Funds, and in such amounts, that are then required under this Section 3.

Lender may, at any time, collect and hold Funds in an amount (a) sufficient to permit Lender to apply the Funds at the time specified under RESPA, and (b) not to exceed the maximum amount a lender can require under RESPA. Lender shall estimate the amount of Funds due on the basis of current data and reasonable estimates of expenditures of future Escrow Items or otherwise in accordance with Applicable Law.

The Funds shall be held in an institution whose deposits are insured by a federal agency, instrumentality, or entity (including Lender, if Lender is an institution whose deposits are so insured) or in any Federal Home Loan Bank. Lender shall apply the Funds to pay the Escrow Items no later than the time specified under RESPA. Lender shall not charge Borrower for holding and applying the Funds, annually analyzing the escrow account, or verifying the Escrow Items, unless Lender pays Borrower interest on the Funds and Applicable Law permits Lender to make such a charge. Unless an agreement is made in writing or Applicable Law requires interest to be paid on the Funds, Lender shall not be required to pay Borrower any interest or earnings on the Funds. Borrower and Lender can agree in writing, however, that interest shall be paid on the Funds. Lender shall give to Borrower, without charge, an annual accounting of the Funds as required by RESPA.

If there is a surplus of Funds held in escrow, as defined under RESPA, Lender shall account to Borrower for the excess funds in accordance with RESPA. If there is a shortage of Funds held in escrow, as defined under RESPA, Lender shall notify Borrower as required by RESPA, and Borrower shall pay to Lender the amount necessary to make up the shortage in accordance with RESPA, but in no more than 12 monthly payments. If there is a deficiency of Funds held in escrow, as defined under RESPA, Lender shall notify Borrower as required by RESPA, and Borrower shall pay to Lender the amount necessary to make up the deficiency in accordance with RESPA, but in no more than 12 monthly payments.

Security Instrument. If Lender determines that any part of the Property is subject to a lien which can attain priority over this Security Instrument, Lender may give Borrower a notice identifying the lien. Within 10 days of the date on which that notice is given, Borrower shall satisfy the lien or take one or more of the actions set forth above in this Section 4.

Lender may require Borrower to pay a one-time charge for a real estate tax verification and/or reporting service used by Lender in connection with this Loan.

5. Property Insurance. Borrower shall keep the improvements now existing or hereafter erected on the Property insured against loss by fire, hazards included within the term "extended coverage," and any other hazards including, but not limited to, earthquakes and floods, for which Lender requires insurance. This insurance shall be maintained in the amounts (including deductible levels) and for the periods that Lender requires. What Lender requires pursuant to the preceding sentences can change during the term of the Loan. The insurance carrier providing the insurance shall be chosen by Borrower subject to Lender's right to disapprove Borrower's choice, which right shall not be exercised unreasonably. Lender may require Borrower to pay, in connection with this Loan, either: (a) a one-time charge for flood zone determination, certification and tracking services; or (b) a one-time charge for flood zone determination and certification services and subsequent charges each time remappings or similar changes occur which reasonably might affect such determination or certification. Borrower shall also be responsible for the payment of any fees imposed by the Federal Emergency Management Agency in connection with the review of any flood zone determination resulting from an objection by Borrower.

If Borrower fails to maintain any of the coverages described above, Lender may obtain insurance coverage, at Lender's option and Borrower's expense. Lender is under no obligation to purchase any particular type or amount of coverage. Therefore, such coverage shall cover Lender, but might or might not protect Borrower, Borrower's equity in the Property, or the contents of the Property, against any risk, hazard or liability and might provide greater or lesser coverage than was previously in effect. Borrower acknowledges that the cost of the insurance coverage so obtained might significantly exceed the cost of insurance that Borrower could have obtained. Any amounts disbursed by Lender under this Section 5 shall become additional debt of Borrower secured by this Security Instrument. These amounts shall bear interest at the Note rate from the date of disbursement and shall be payable, with such interest, upon notice from Lender to Borrower requesting payment.

All insurance policies required by Lender and renewals of such policies shall be subject to Lender's right to disapprove such policies, shall include a standard mortgage clause, and shall name Lender as mortgagee and/or as an additional loss payee. Lender shall have the right to hold the policies and renewal certificates. If Lender requires, Borrower shall promptly give to Lender all receipts of paid premiums and renewal notices. If Borrower obtains any form of insurance coverage, not otherwise required by Lender, for damage to, or destruction of, the Property, such policy shall include a standard mortgage clause and shall name Lender as mortgagee and/or as an additional loss payee.

In the event of loss, Borrower shall give prompt notice to the insurance carrier and Lender. Lender may make proof of loss if not made promptly by Borrower. Unless Lender and Borrower otherwise agree in writing, any insurance proceeds, whether or not the underlying insurance was required by Lender, shall be applied to restoration or repair of the Property, if the restoration or repair is economically feasible and Lender's security is not lessened. During such repair and restoration period, Lender shall have the right to hold such insurance proceeds until Lender has had an opportunity to inspect such Property to ensure the work has been completed to Lender's satisfaction, provided that such inspection shall be undertaken promptly. Lender may disburse proceeds for the repairs and restoration in a single payment or in a series of progress payments as the work is completed. Unless an agreement is made in writing or Applicable Law requires interest to be paid on such insurance proceeds, Lender shall not be required to pay Borrower any interest or earnings on such proceeds. Fees for public adjusters, or other third parties, retained by Borrower shall not be paid out of the insurance proceeds and shall be the sole obligation of Borrower. If the restoration or repair is not economically feasible or Lender's security would be lessened, the insurance proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower. Such insurance proceeds shall be applied in the order provided for in Section 2.

If Borrower abandons the Property, Lender may file, negotiate and settle any available insurance claim

7. Preservation, Maintenance and Protection of the Property; Inspections. Borrower shall not destroy, damage or impair the Property, allow the Property to deteriorate or commit waste on the Property. Whether or not Borrower is residing in the Property, Borrower shall maintain the Property in order to prevent the Property from deteriorating or decreasing in value due to its condition. Unless it is determined pursuant to Section 5 that repair or restoration is not economically feasible, Borrower shall promptly repair the Property if damaged to avoid further deterioration or damage. If insurance or condemnation proceeds are paid in connection with damage to, or the taking of, the Property, Borrower shall be responsible for repairing or restoring the Property only if Lender has released proceeds for such purposes. Lender may disburse proceeds for the repairs and restoration in a single payment or in a series of progress payments as the work is completed. If the insurance or condemnation proceeds are not sufficient to repair or restore the Property, Borrower is not relieved of Borrower's obligation for the completion of such repair or restoration.

Lender or its agent may make reasonable entries upon and inspections of the Property. If it has reasonable cause, Lender may inspect the interior of the improvements on the Property. Lender shall give Borrower notice at the time of or prior to such an interior inspection specifying such reasonable cause.

8. Borrower's Loan Application. Borrower shall be in default if, during the Loan application process, Borrower or any persons or entities acting at the direction of Borrower or with Borrower's knowledge or consent gave materially false, misleading, or inaccurate information or statements to Lender (or failed to provide Lender with material information) in connection with the Loan. Material representations include, but are not limited to, representations concerning Borrower's occupancy of the Property as Borrower's principal residence.

9. Protection of Lender's Interest in the Property and Rights Under this Security Instrument. If (a) Borrower fails to perform the covenants and agreements contained in this Security Instrument, (b) there is a legal proceeding that might significantly affect Lender's interest in the Property and/or rights under this Security Instrument (such as a proceeding in bankruptcy, probate, for condemnation or forfeiture, for enforcement of a lien which may attain priority over this Security Instrument or to enforce laws or regulations), or (c) Borrower has abandoned the Property, then Lender may do and pay for whatever is reasonable or appropriate to protect Lender's interest in the Property and rights under this Security Instrument, including protecting and/or assessing the value of the Property, and securing and/or repairing the Property. Lender's actions can include, but are not limited to: (a) paying any sums secured by a lien which has priority over this Security Instrument; (b) appearing in court; and (c) paying reasonable attorneys' fees to protect its interest in the Property and/or rights under this Security Instrument, including its secured position in a bankruptcy proceeding. Securing the Property includes, but is not limited to, entering the Property to make repairs, change locks, replace or board up doors and windows, drain water from pipes, eliminate building or other code violations or dangerous conditions, and have utilities turned on or off. Although Lender may take action under this Section 9, Lender does not have to do so and is not under any duty or obligation to do so. It is agreed that Lender incurs no liability for not taking any or all actions authorized under this Section 9.

Any amounts disbursed by Lender under this Section 9 shall become additional debt of Borrower secured by this Security Instrument. These amounts shall bear interest at the Note rate from the date of disbursement and shall be payable, with such interest, upon notice from Lender to Borrower requesting payment.

If this Security Instrument is on a leasehold, Borrower shall comply with all the provisions of the lease. If Borrower acquires fee title to the Property, the leasehold and the fee title shall not merge unless Lender agrees to the merger in writing.

10. Mortgage Insurance. If Lender required Mortgage Insurance as a condition of making the Loan, Borrower shall pay the premiums required to maintain the Mortgage Insurance in effect. If, for any reason, the Mortgage Insurance coverage required by Lender ceases to be available from the mortgage insurer that previously provided such insurance and Borrower was required to make separately designated payments toward the premiums for Mortgage Insurance, Borrower shall pay the premiums required to obtain coverage substantially equivalent to the Mortgage Insurance previously in effect, at a cost substantially equivalent to the cost to Borrower of the Mortgage Insurance previously in effect, from an alternate mortgage insurer selected by Lender. If substantially equivalent Mortgage Insurance coverage is not available, Borrower shall continue to pay to Lender the amount of the separately designated payments that were due when the insurance coverage ceased to be in effect. Lender will accept, use and retain these payments as a non-refundable loss reserve in

Mortgage Insurance reimburses Lender (or any entity that purchases the Note) for certain losses it may incur if Borrower does not repay the Loan as agreed. Borrower is not a party to the Mortgage Insurance.

Mortgage insurers evaluate their total risk on all such insurance in force from time to time, and may enter into agreements with other parties that share or modify their risk, or reduce losses. These agreements are on terms and conditions that are satisfactory to the mortgage insurer and the other party (or parties) to these agreements. These agreements may require the mortgage insurer to make payments using any source of funds that the mortgage insurer may have available (which may include funds obtained from Mortgage Insurance premiums).

As a result of these agreements, Lender, any purchaser of the Note, another insurer, any reinsurer, any other entity, or any affiliate of any of the foregoing, may receive (directly or indirectly) amounts that derive from (or might be characterized as) a portion of Borrower's payments for Mortgage Insurance, in exchange for sharing or modifying the mortgage insurer's risk, or reducing losses. If such agreement provides that an affiliate of Lender takes a share of the insurer's risk in exchange for a share of the premiums paid to the insurer, the arrangement is often termed "captive reinsurance." Further:

(a) Any such agreements will not affect the amounts that Borrower has agreed to pay for Mortgage Insurance, or any other terms of the Loan. Such agreements will not increase the amount Borrower will owe for Mortgage Insurance, and they will not entitle Borrower to any refund.

(b) Any such agreements will not affect the rights Borrower has - if any - with respect to the Mortgage Insurance under the Homeowners Protection Act of 1998 or any other law. These rights may include the right to receive certain disclosures, to request and obtain cancellation of the Mortgage Insurance, to have the Mortgage Insurance terminated automatically, and/or to receive a refund of any Mortgage Insurance premiums that were unearned at the time of such cancellation or termination.

11. Assignment of Miscellaneous Proceeds; Forfeiture. All Miscellaneous Proceeds are hereby assigned to and shall be paid to Lender.

If the Property is damaged, such Miscellaneous Proceeds shall be applied to restoration or repair of the Property, if the restoration or repair is economically feasible and Lender's security is not lessened. During such repair and restoration period, Lender shall have the right to hold such Miscellaneous Proceeds until Lender has had an opportunity to inspect such Property to ensure the work has been completed to Lender's satisfaction, provided that such inspection shall be undertaken promptly. Lender may pay for the repairs and restoration in a single disbursement or in a series of progress payments as the work is completed. Unless an agreement is made in writing or Applicable Law requires interest to be paid on such Miscellaneous Proceeds, Lender shall not be required to pay Borrower any interest or earnings on such Miscellaneous Proceeds. If the restoration or repair is not economically feasible or Lender's security would be lessened, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower. Such Miscellaneous Proceeds shall be applied in the order provided for in Section 2.

In the event of a total taking, destruction, or loss in value of the Property, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with the excess, if any, paid to Borrower.

In the event of a partial taking, destruction, or loss in value of the Property in which the fair market value of the Property immediately before the partial taking, destruction, or loss in value is equal to or greater than the amount of the sums secured by this Security Instrument immediately before the partial taking, destruction, or loss in value, unless Borrower and Lender otherwise agree in writing, the sums secured by this Security Instrument shall be reduced by the amount of the Miscellaneous Proceeds multiplied by the following fraction: (a) the total amount of the sums secured immediately before the partial taking, destruction, or loss in value divided by (b) the fair market value of the Property immediately before the partial taking, destruction, or loss in value. Any balance shall be paid to Borrower.

In the event of a partial taking, destruction, or loss in value of the Property in which the fair market value of the Property immediately before the partial taking, destruction, or loss in value is less than the amount of the sums secured immediately before the partial taking, destruction, or loss in value, unless Borrower and Lender otherwise agree in writing, the Miscellaneous Proceeds shall be applied to the sums secured by this Security Instrument whether or not the sums are then due.

If the Property is abandoned by Borrower, or if, after notice by Lender to Borrower that the Opposing

All Miscellaneous Proceeds that are not applied to restoration or repair of the Property shall be applied in the order provided for in Section 2.

12. Borrower Not Released; Forbearance By Lender Not a Waiver. Extension of the time for payment or modification of amortization of the sums secured by this Security Instrument granted by Lender to Borrower or any Successor in Interest of Borrower shall not operate to release the liability of Borrower or any Successors in Interest of Borrower. Lender shall not be required to commence proceedings against any Successor in Interest of Borrower or to refuse to extend time for payment or otherwise modify amortization of the sums secured by this Security Instrument by reason of any demand made by the original Borrower or any Successors in Interest of Borrower. Any forbearance by Lender in exercising any right or remedy including, without limitation, Lender's acceptance of payments from third persons, entities or Successors in Interest of Borrower or in amounts less than the amount then due, shall not be a waiver of or preclude the exercise of any right or remedy.

13. Joint and Several Liability; Co-signers; Successors and Assigns Bound. Borrower covenants and agrees that Borrower's obligations and liability shall be joint and several. However, any Borrower who co-signs this Security Instrument but does not execute the Note (a "co-signer"): (a) is co-signing this Security Instrument only to mortgage, grant and convey the co-signer's interest in the Property under the terms of this Security Instrument; (b) is not personally obligated to pay the sums secured by this Security Instrument; and (c) agrees that Lender and any other Borrower can agree to extend, modify, forbear or make any accommodations with regard to the terms of this Security Instrument or the Note without the co-signer's consent.

Subject to the provisions of Section 18, any Successor in Interest of Borrower who assumes Borrower's obligations under this Security Instrument in writing, and is approved by Lender, shall obtain all of Borrower's rights and benefits under this Security Instrument. Borrower shall not be released from Borrower's obligations and liability under this Security Instrument unless Lender agrees to such release in writing. The covenants and agreements of this Security Instrument shall bind (except as provided in Section 20) and benefit the successors and assigns of Lender.

14. Loan Charges. Lender may charge Borrower fees for services performed in connection with Borrower's default, for the purpose of protecting Lender's interest in the Property and rights under this Security Instrument, including, but not limited to, attorneys' fees, property inspection and valuation fees. In regard to any other fees, the absence of express authority in this Security Instrument to charge a specific fee to Borrower shall not be construed as a prohibition on the charging of such fee. Lender may not charge fees that are expressly prohibited by this Security Instrument or by Applicable Law.

If the Loan is subject to a law which sets maximum loan charges, and that law is finally interpreted so that the interest or other loan charges collected or to be collected in connection with the Loan exceed the permitted limits, then: (a) any such loan charge shall be reduced by the amount necessary to reduce the charge to the permitted limit; and (b) any sums already collected from Borrower which exceeded permitted limits will be refunded to Borrower. Lender may choose to make this refund by reducing the principal owed under the Note or by making a direct payment to Borrower. If a refund reduces principal, the reduction will be treated as a partial prepayment without any prepayment charge (whether or not a prepayment charge is provided for under the Note). Borrower's acceptance of any such refund made by direct payment to Borrower will constitute a waiver of any right of action Borrower might have arising out of such overcharge.

15. Notices. All notices given by Borrower or Lender in connection with this Security Instrument must be in writing. Any notice to Borrower in connection with this Security Instrument shall be deemed to have been given to Borrower when mailed by first class mail or when actually delivered to Borrower's notice address if sent by other means. Notice to any one Borrower shall constitute notice to all Borrowers unless Applicable Law expressly requires otherwise. The notice address shall be the Property Address unless Borrower has designated a substitute notice address by notice to Lender. Borrower shall promptly notify Lender of Borrower's change of address. If Lender specifies a procedure for reporting Borrower's change of address, then Borrower shall only report a change of address through that specified procedure. There may be only one designated notice address under this Security Instrument at any one time. Any notice to Lender shall be given by delivering it or by mailing it by first class mail to Lender's address stated herein unless Lender has designated another address by notice to Borrower. Any notice in connection with this Security Instrument

17. Borrower's Copy. Borrower shall be given one copy of the Note and of this Security Instrument.

18. Transfer of the Property or a Beneficial Interest in Borrower. As used in this Section 18, "Interest in the Property" means any legal or beneficial interest in the Property, including, but not limited to, those beneficial interests transferred in a bond for deed, contract for deed, installment sales contract or escrow agreement, the intent of which is the transfer of title by Borrower at a future date to a purchaser.

If all or any part of the Property or any Interest in the Property is sold or transferred (or if Borrower is not a natural person and a beneficial interest in Borrower is sold or transferred) without Lender's prior written consent, Lender may require immediate payment in full of all sums secured by this Security Instrument. However, this option shall not be exercised by Lender if such exercise is prohibited by Applicable Law.

If Lender exercises this option, Lender shall give Borrower notice of acceleration. The notice shall provide a period of not less than 30 days from the date the notice is given in accordance with Section 15 within which Borrower must pay all sums secured by this Security Instrument. If Borrower fails to pay these sums prior to the expiration of this period, Lender may invoke any remedies permitted by this Security Instrument without further notice or demand on Borrower.

19. Borrower's Right to Reinstate After Acceleration. If Borrower meets certain conditions, Borrower shall have the right to have enforcement of this Security Instrument discontinued at any time prior to the earliest of: (a) five days before sale of the Property pursuant to any power of sale contained in this Security Instrument; (b) such other period as Applicable Law might specify for the termination of Borrower's right to reinstate; or (c) entry of a judgment enforcing this Security Instrument. Those conditions are that Borrower: (a) pays Lender all sums which then would be due under this Security Instrument and the Note as if no acceleration had occurred; (b) cures any default of any other covenants or agreements; (c) pays all expenses incurred in enforcing this Security Instrument, including, but not limited to, reasonable attorneys' fees, property inspection and valuation fees, and other fees incurred for the purpose of protecting Lender's interest in the Property and rights under this Security Instrument; and (d) takes such action as Lender may reasonably require to assure that Lender's interest in the Property and rights under this Security Instrument, and Borrower's obligation to pay the sums secured by this Security Instrument, shall continue unchanged. Lender may require that Borrower pay such reinstatement sums and expenses in one or more of the following forms, as selected by Lender: (a) cash; (b) money order; (c) certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency, instrumentality or entity; or (d) Electronic Funds Transfer. Upon reinstatement by Borrower, this Security Instrument and obligations secured hereby shall remain fully effective as if no acceleration had occurred. However, this right to reinstate shall not apply in the case of acceleration under Section 18.

20. Sale of Note; Change of Loan Servicer; Notice of Grievance. The Note or a partial interest in the Note (together with this Security Instrument) can be sold one or more times without prior notice to Borrower. A sale might result in a change in the entity (known as the "Loan Servicer") that collects Periodic Payments due under the Note and this Security Instrument and performs other mortgage loan servicing obligations under the Note, this Security Instrument, and Applicable Law. There also might be one or more changes of the Loan Servicer unrelated to a sale of the Note. If there is a change of the Loan Servicer, Borrower will be given written notice of the change which will state the name and address of the new Loan Servicer, the address to which payments should be made and any other information RESPA requires in connection with a notice of transfer of servicing. If the Note is sold and thereafter the Loan is serviced by a Loan Servicer other than the purchaser of the Note, the mortgage loan servicing obligations to Borrower will remain with the Loan Servicer or be transferred to a successor Loan Servicer and are not assumed by the Note purchaser unless otherwise provided by the Note purchaser.

Neither Borrower nor Lender may commence, join, or be joined to any judicial action (as either an individual litigant or the member of a class) that arises from the other party's actions pursuant to this Security Instrument or that alleges that the other party has breached any provision of, or any duty owed by reason of, this Security Instrument, until such Borrower or Lender has notified the other party (with such notice given in compliance with the requirements of Section 15) of such alleged breach and afforded the other party hereto a reasonable period after the giving of such notice to take corrective action. If Applicable Law provides a time period which must elapse before certain action can be taken, that time period will be deemed to be reasonable for purposes of this paragraph. The notice of acceleration and opportunity to cure given to Borrower pursuant

Borrower shall not cause or permit the presence, use, disposal, storage, or release of any Hazardous Substances, or threaten to release any Hazardous Substances, on or in the Property. Borrower shall not do, nor allow anyone else to do, anything affecting the Property (a) that is in violation of any Environmental Law, (b) which creates an Environmental Condition, or (c) which, due to the presence, use, or release of a Hazardous Substance, creates a condition that adversely affects the value of the Property. The preceding two sentences shall not apply to the presence, use, or storage on the Property of small quantities of Hazardous Substances that are generally recognized to be appropriate to normal residential uses and to maintenance of the Property (including, but not limited to, hazardous substances in consumer products).

Borrower shall promptly give Lender written notice of (a) any investigation, claim, demand, lawsuit or other action by any governmental or regulatory agency or private party involving the Property and any Hazardous Substance or Environmental Law of which Borrower has actual knowledge, (b) any Environmental Condition, including but not limited to, any spilling, leaking, discharge, release or threat of release of any Hazardous Substance, and (c) any condition caused by the presence, use or release of a Hazardous Substance which adversely affects the value of the Property. If Borrower learns, or is notified by any governmental or regulatory authority, or any private party, that any removal or other remediation of any Hazardous Substance affecting the Property is necessary, Borrower shall promptly take all necessary remedial actions in accordance with Environmental Law. Nothing herein shall create any obligation on Lender for an Environmental Cleanup.

NON-UNIFORM COVENANTS. Borrower and Lender further covenant and agree as follows:

22. Acceleration; Remedies. Lender shall give notice to Borrower prior to acceleration following Borrower's breach of any covenant or agreement in this Security Instrument (but not prior to acceleration under Section 18 unless Applicable Law provides otherwise). The notice shall specify: (a) the default; (b) the action required to cure the default; (c) a date, not less than 30 days from the date the notice is given to Borrower, by which the default must be cured; and (d) that failure to cure the default on or before the date specified in the notice may result in acceleration of the sums secured by this Security Instrument and sale of the Property. The notice shall further inform Borrower of the right to reinstate after acceleration and the right to bring a court action to assert the non-existence of a default or any other defense of Borrower to acceleration and sale. If the default is not cured on or before the date specified in the notice, Lender at its option may require immediate payment in full of all sums secured by this Security Instrument without further demand and may invoke the power of sale and any other remedies permitted by Applicable Law. Lender shall be entitled to collect all expenses incurred in pursuing the remedies provided in this Section 22, including, but not limited to, reasonable attorneys' fees and costs of title evidence.

If Lender invokes the power of sale, Lender shall give Borrower, in the manner provided in Section 15, notice of Lender's election to sell the Property. Trustee shall give notice of sale by public advertisement for the time and in the manner prescribed by Applicable Law. Trustee, without demand on Borrower, shall sell the Property at public auction to the highest bidder for cash at such time and place in HARRISON **County as Trustee designates in the notice of sale in one or more parcels and in any order Trustee determines. Lender or its designee may purchase the Property at any sale.**

Trustee shall deliver to the purchaser Trustee's deed conveying the Property without any covenant or warranty, expressed or implied. The recitals in the Trustee's deed shall be prima facie evidence of the truth of the statements made therein. Trustee shall apply the proceeds of the sale in the following order: (a) to all expenses of the sale, including, but not limited to, reasonable Trustee's and attorneys' fees; (b) to all sums secured by this Security Instrument; and (c) any excess to the person or persons legally entitled to it.

23. Release. Upon payment of all sums secured by this Security Instrument, Lender shall cancel this Security Instrument. If Trustee is requested to cancel this Security Instrument, all notes evidencing debt secured by this Security Instrument shall be surrendered to Trustee. Borrower shall pay any recordation costs. Lender may charge Borrower a fee for releasing this Security Instrument, but only if the fee is paid to a third party for services rendered and the charging of the fee is permitted under Applicable Law.

24. Substitute Trustee. Lender, at its option, may from time to time remove Trustee and appoint a

BK2783PG0561

DOC ID #: 00004721926312003

BY SIGNING BELOW, Borrower accepts and agrees to the terms and covenants contained in this Security Instrument and in any Rider executed by Borrower and recorded with it.

Witnesses:

_____ Cassandra Green Conner (Seal)
CASSANDRA GREEN CONNER -Borrower
13499 DEDEAUX ROAD
GULFPORT, MS 39503

_____ Johnny Ray Conner (Seal)
JOHNNY RAY CONNER -Borrower
13499 DEDEAUX ROAD
GULFPORT, MS 39503

_____ (Seal)
-Borrower

_____ (Seal)
-Borrower

STATE OF MISSISSIPPI, County ss: Harrison

On this 15th day of December, 2003, personally appeared before me, the undersigned authority in and for said County and State, the within named

Cassandra Green Conner and Johnny Ray Conner

, who acknowledged that he/she/they signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and seal of office.

My Commission Expires:
NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
MY COMMISSION EXPIRES: Dec 20, 2004
BONDED THRU NOTARY PUBLIC UNDERWRITERS

Sandra Kay Bates

BK2783PG0562

EXHIBIT "A"

The East 182 feet of the West 390 feet of the NW 1/4 of NW 1/4 of the SW 1/4 of Section 11, Township 7 South , Range 11 West, Harrison County, Mississippi, all as shown by Survey of Verlon Byrd, Registered Surveyor, copy of which is attached hereto as Exhibit B.

Signed for identification this 15th day of December, 2003.

Cassandra Green Conner

Cassandra Green Conner

Johnny Ray Conner

Johnny Ray Conner

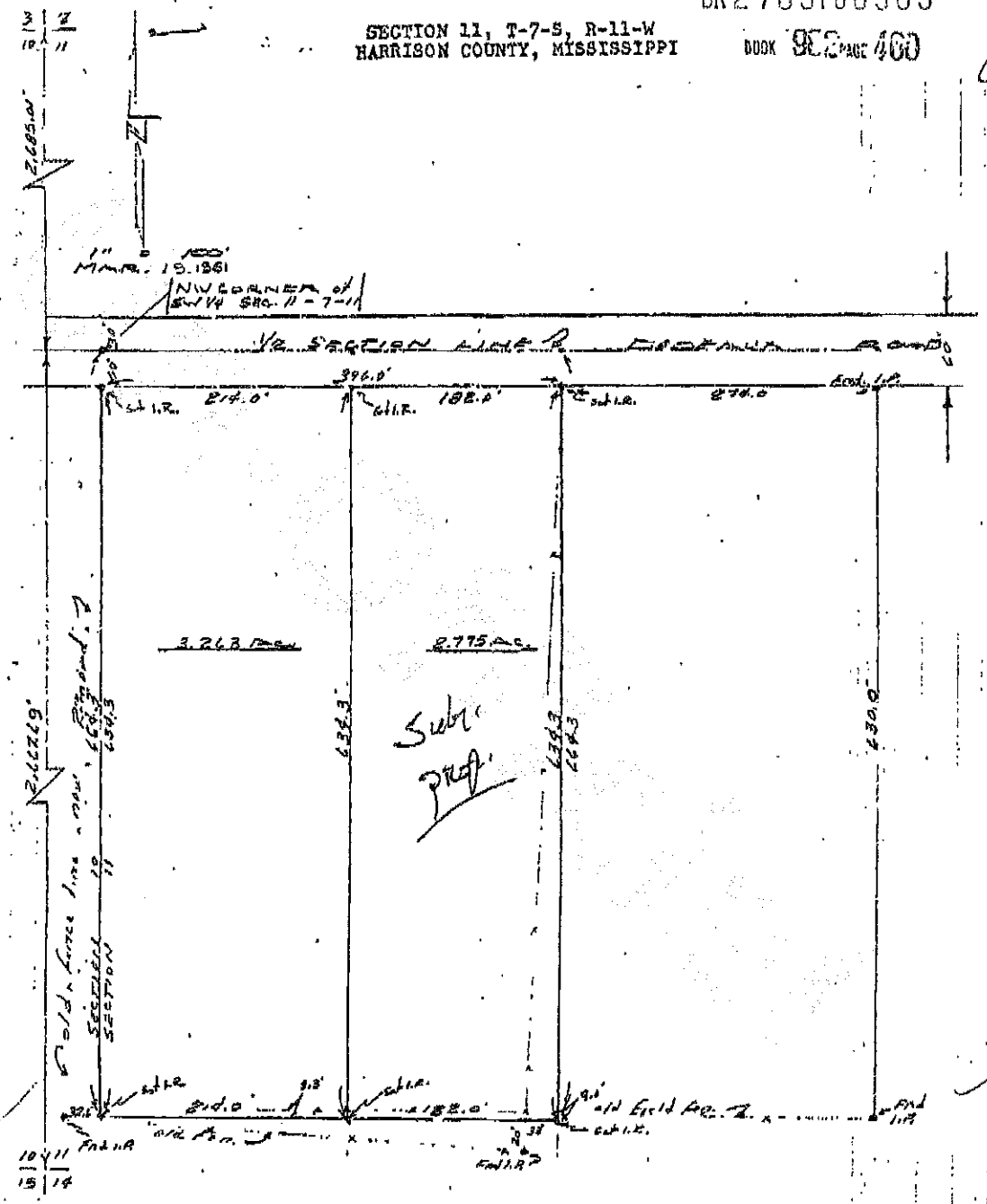
EXHIBIT "B"

BK2783PG0563

SECTION 11, T-7-S, R-11-W
HARRISON COUNTY, MISSISSIPPI

BOOK 962 PAGE 460

(5)



This is to Certify that I have surveyed the west 396.0 feet of the NW¼ of NW¼ of the SW¼ of Section 11, Township 7 South, Range 11 West, Harrison County, Mississippi. Also the east 182.0 feet of the said west 396.0 feet. All dimensions and other data as shown hereon are true and correct.

MISCELLANEOUS PAYMENT RECPT#: 11469267
CITY OF GULFPORT

GULFPORT, MS 39501

DATE: 09/06/22 TIME: 09:27:14
CLERK: cbrown DEPT:
CUSTOMER#:

COMMENT:

CHG: PZD PLANNING AND ZO 175.00

AMOUNT PAID: 175.00

PAID BY: JOHNNY RAY CONNER
PAYMENT METH: CHECK
5592

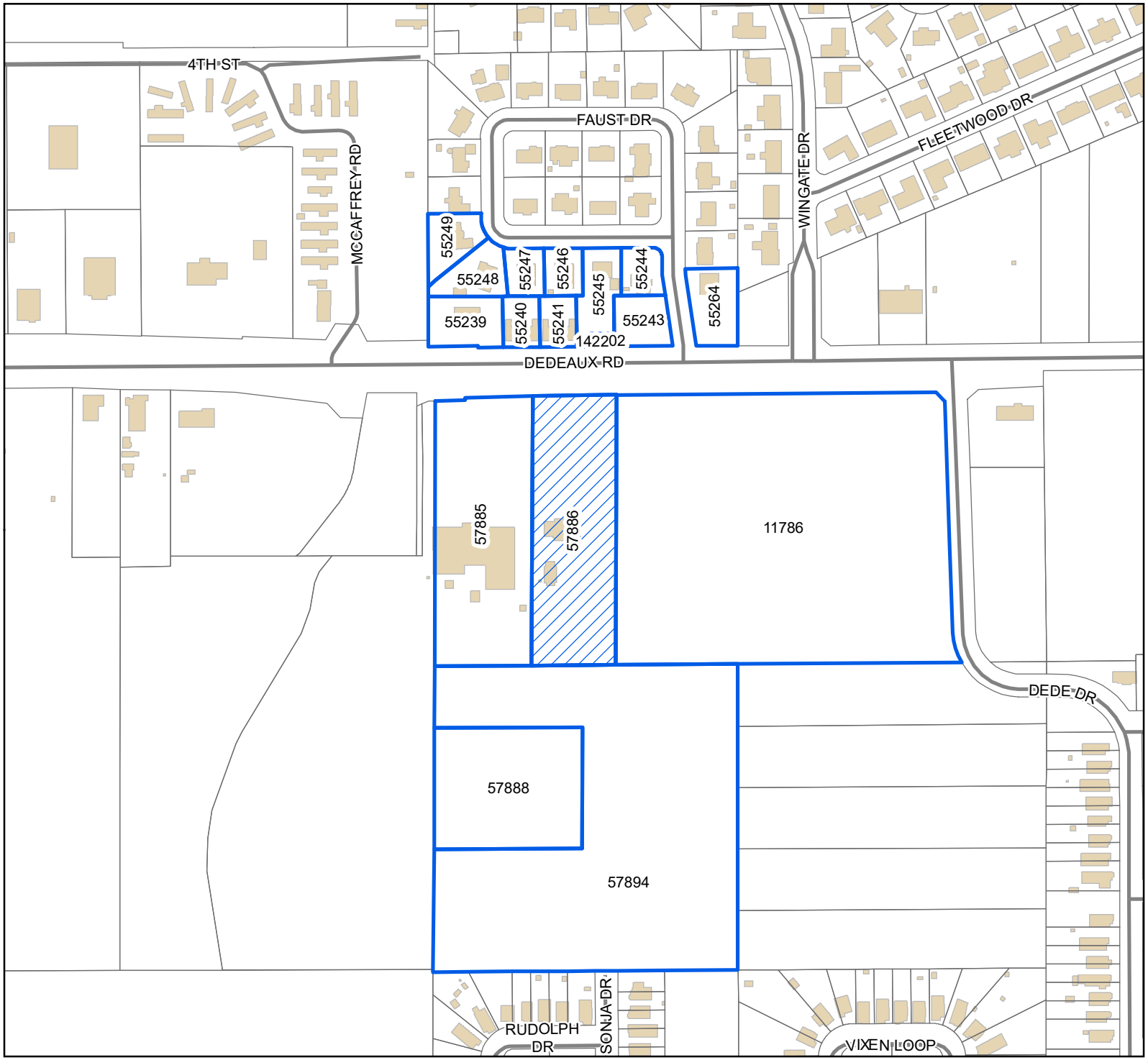
REFERENCE:

AMT TENDERED: 175.00
AMT APPLIED: 175.00
CHANGE: .00

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	57886	0908M-01-010.000	CONNER JOHNNY R & CASSANDRA L (OWNE	21960 BLACKWELL FARM RD	GULFPORT	MS	39503
	57886	0908M-01-010.000	ASHLEIGH M. VIGNES (AGENT)	12714 VILLAGE AVENUE WEST	BILOXI	MS	39532
			Adjacent Property Owners (2210PC186)				
	55247	0908L-02-015.016	SIMMONS CYNTHIA	12351 BRITTANY BLVD	GULFPORT	MS	39503
	55244	0908L-02-015.019	CONLEY JENNIE	144 FAUST DR	GULFPORT	MS	39503
	55264	0908L-02-015.000	SOMS HOLDING LLC & HOLDING LLC	4601 BRIARWOOD DR, STE 100	JACKSON	MS	39206
	55246	0908L-02-015.017	HARPER GLORIA J	140 FAUST DR	GULFPORT	MS	39503
	55241	0908L-02-015.030	LOTT ROBERT C	13506 DEDEAUX RD	GULFPORT	MS	39503
	55240	0908L-02-015.031	COFFMAN SARAH	1113 MILLS AVE	GULFPORT	MS	39501
	55248	0908L-02-015.015	CHARLOT WANDA D	136 FAUST DR	GULFPORT	MS	39503
	55243	0908L-02-015.028	CONLEY JENNIE	144 FAUST DR	GULFPORT	MS	39503
	55239	0908L-02-015.032	SMITH IAN J	13530 DEDEAUX RD	GULFPORT	MS	39503
	55249	0908L-02-015.014	PICKREIGN BARRY J &	CHRISTOPHER S CLARK	GULFPORT	MS	39503
	55245	0908L-02-015.018	MANALO RICHARD	142 FAUST DR	GULFPORT	MS	39503
	11786	0908M-01-009.000	DEDEAUX PROPERTIES I LP	13407 DEDEAUX RD	GULFPORT	MS	39503
	57888	0908M-01-012.000	HEINZ CHAS MRS	1604 BELMONT PL	METAIRIE	LA	70001
	57894	0908M-01-013.000	LADNER DICKIE JOE & JENNIFER A	24040 TIM BRADLEY RD	SAUCIER	MS	39574
	57885	0908M-01-011.000	MISSISSIPPI STATE UNIVERSITY OF AGR	195 LEE BLVD, YMCA BLDING STE 350	MISSISSIPPI STAT	MS	39762
	142202	0908L-02-015.033	GULFPORT CITY OF	PO BOX 1780	GULFPORT	MS	39502

2210PC186

Zoning Map Amendment



Legend

- Site
- Adjacent Properties
- Street
- Buildings

0 40 80 120
Yards

1 inch = 300 feet

N
W E
S

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.

D.2

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:
IPL0093233
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
59.40
Payment Type:
Account Billed
User ID:
IPL0024925

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
October 6, 2022 11:35:41 AM EDT
Amount:
59.40

SCHEDULE FOR AD NUMBER IPL00932330

October 12, 2022
SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL00932330

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, October 27, 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 office of the Department of Urban Development, Planning Division, located on first floor of the William H. Hardy Building, 1410 24th Avenue.

Zoning Map Amendment 2209PC151, by owners Kenneth & Sherry Simmons, tax parcels 0910N-01-007.000, request to rezone from B-2 (General business) to R-B (Residence business) Ward 4

Resubdivision 2209PC175, by owner Steven Austin, tax parcel 0810N-02-023.000, Divide into two new parcels, 2006 30th Street, Zoned B-2 (General business), Ward 3

Zoning Map Amendment 2204PC077, by owner Gulf Coast Shipyard Realty, LLC, tax parcel 0909F-01-001.002, Request to rezone from I-2 (Heavy Industry) to I-3 (Planned industrial park), 13085 Seaway Rd, Ward 5

Planning Commission Approval 2210PC178, by agent John Dixon, tax parcel 0808L-02-017.000, Request approval to allow a medical dispensary use, 11370 HWY 49 Suite G, Zoned B-4 (Highway business), Ward 7

Zoning Map Amendment 2210PC181, by agent Derek Bjornstad, tax parcel 0711K-03-002.000, Request to rezone property from R-1-7.5 (Single-family) to R-2 (Single-family), 4707 Old Pass Rd, Zoned R-1-7.5 (Single-family), Ward 1

Zoning Text Amendment 2210PC184, by CRC Westside, amendments the SmartCode Zoning Ordinance, as amended, Section 1.8.1 Damage Due to Emergency Conditions, Section 4.11.1 Damage Due to Emergency Conditions, and Section 5.12.1 Damage Due to Emergency Conditions.

Planning Commission Approval 2210PC185, by agent Stacy Craig, tax parcel 1007M-01-072.000, Request home occupation for a handyman, 13204 Curtis St, Zoned R-E (Residence estate), Ward 6

Zoning Map Amendment 2210PC186, by agent Ashleigh M. Vignes, tax parcel 0908M-01-010.000, Request to rezone from R-1-10 (Single-family) to B-1 (Neighborhood business), 13499 Dedeaux Rd, Ward 5

Special Exception 2210SE188, by agent Frankie Jackson, tax parcel 0809E-02-004.000, Requests a tattoo parlor use, 10000 Factory Shops Blvd, Suite 235, Zone B-4 (Highway business), Ward 3

Planning Commission Approval 2210PC190, by agent John Ravenscroft, tax parcel 0811B-01-037.000, Requests automotive body repair, 2601 15th Ave, Zoned B-2 (General business), Ward 3

Zoning Map Amendment 2210PC191, by agent Donovan Scruggs, tax parcels 1009M-03-006.000 & 1009M-03-004.000, Requests to rezone property from R-1-7.5 (Single-family) to B-1 (Neighborhood business), 11451 and 11463 Hillcrest Rd, Ward 4

Zoning Map Amendment 2210PC192, by agent Schwartz, Orgler & Jordan, PLLC, tax parcels 1010E-02-008.000 & 1010E-02-008.001, Requests to rezone property from T3 (Sub-Urban Zone) to T4+ (General Urban Zone "Plus"), 1285 Spring St, Ward 4

This the 5th day of October, 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: October 27, 2022

Re: **<u>Special Exception 2210SE188:</u>**

Special Exception 2210SE188, by agent Frankie Jackson, tax parcel 0809E-02-004.000, Requests a tattoo parlor use, 10000 Factory Shops Blvd, Suite 235, Zone B-4 (Highway business), Ward 3

Technical Report
SPECIAL EXCEPTION

GENERAL INFORMATION

Case File Number: 2210ZB188

Hearing Date: Zoning Board October 20, 2022
Planning Commission October 27, 2022

Current Zoning/Use: B4 / Commercial Structure

Legal: Special Exception 2210SE188, by owner Frankie Jackson, tax parcel 0809E-02-004.000, Requests a tattoo parlor use, 10000 Factory Shops Blvd, Zone B-4 (Highway business), Ward 3

TECHNICAL DETAILS

The applicant request a Special Exception to allow a tattoo shop located at 10000 Factory Shops Blvd, Suite. 235. On Thursday, October 6, 2022, a site visit was conducted and staff found that the applicant meet all distance requirements of 1,000 feet from any school, liquor store, museum or library. In addition, the site is equipped with the required parking of a tattoo shop. With the surrounding businesses being retail and mixed use, the tattoo shop would be in harmony with the surrounding area.

EXECUTIVE SUMMARY

Upon staff review of the submitted application and site visit, the site parking lot provides onsite turnaround and exceeds the number of required parking spaces for the proposed use.

Any approval should consider these conditions:
1. Approval would allow the use of a tattoo shop.

DEPARTMENTAL CONDITIONS

Engineering: No conditions. Memo dated 10/6/2022.

Public Works: No conditions. Memo dated 10/6/2022.

Traffic and Safety: No conditions. Memo dated 10/3/2022.

Building Code Services: No conditions. Memo dated 10/10/2022.

GIS: No conditions. Memo dated 10/6/2022.

Police Department: No comment as of 10/10/2022.

Fire Department: No conditions. Memo dated 10/3/2022.

D-12

Technical Report
SPECIAL EXCEPTION

City Arborist: No conditions. Memo dated 8/30/2022.

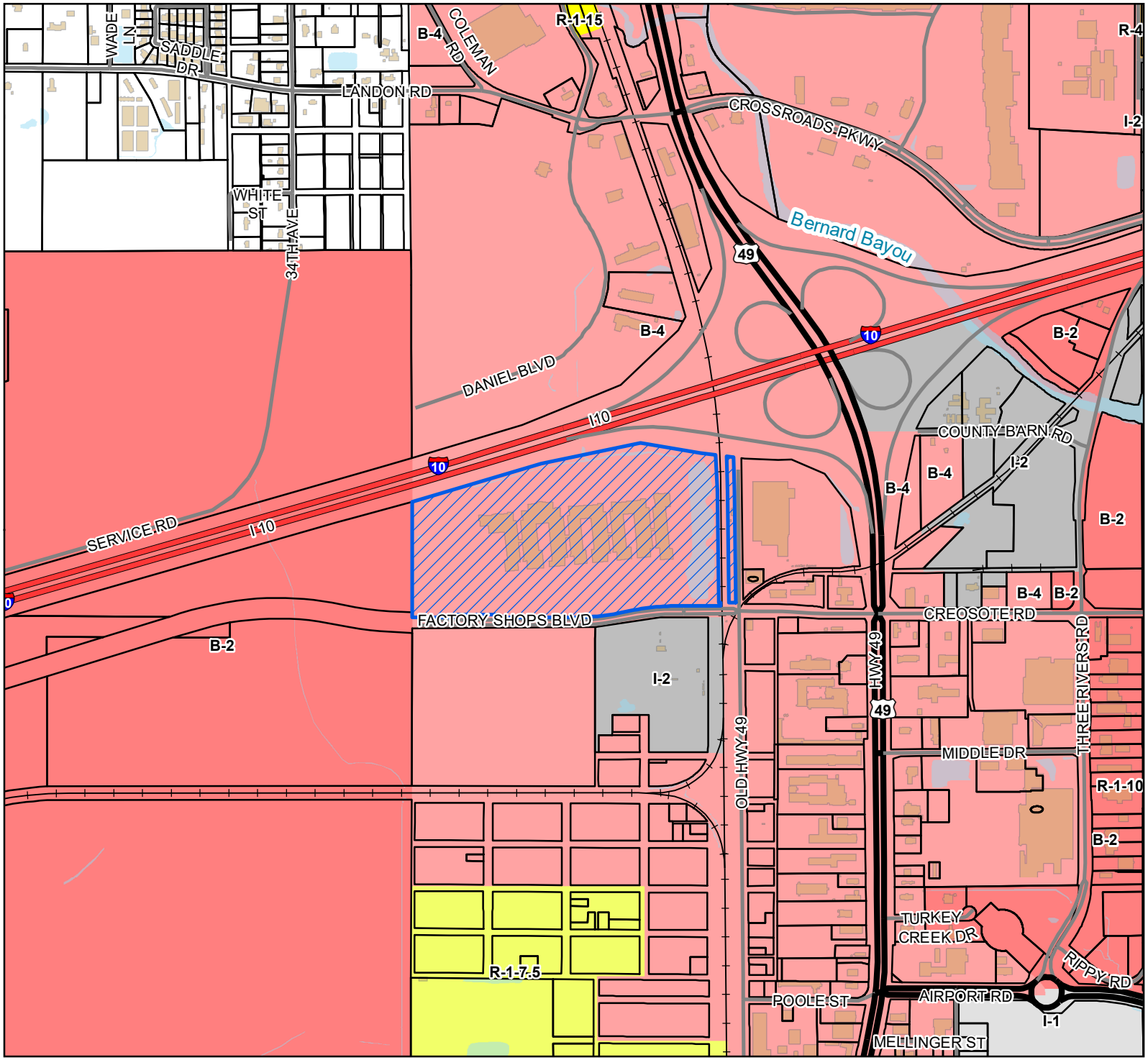
DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Pietrangelo
Director of Urban Development Department

2210SE188

Special Exception



Site
Interstate Highway
US or State Highway
Street
Railroad
Parcels
Buildings
Water Features

Zoning

B-2 - General Business District
B-4 - Highway Business District
I-1 - Light Industry District
I-2 - Heavy Industry District
R-1-10 - Single Family Residence (Low Density)
R-1-15 - Single Family Residence District (Low Density)
R-1-7.5 - Single Family Residence District (Low Density)
R-4 - General Residence (High Density)

Site Information

0809E-02-004.000
Zoning: B-4 (Highway business)
Size: 55.90 Acres
Flood: X

0 160 320 480
Yards

1 inch = 1,000 feet

N W E S

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 SPECIAL EXCEPTION

For Staff Use Only

Case File #: 2210SE188

Date Received: 9/6/2022

Receipt #:

Received By:

Zoning: B-4

Ward: 3 Flood: X

Size: 55.90 Acres

(If necessary, use separate sheet of paper)

Property Information

TAX PARCEL # 0809E-02-004.000

Address of Property Involved: 10000 Factory Shops Blvd

Lot(s)_____, Block(s)_____, Subdivision_____

General Location: Gulfport Premium Outlets. 16th section land; Township 6; Range 12

GENERAL DESCRIPTION OF REQUEST:

Gulfport Premium Outlets is requesting the approval to extend the use of the shopping center to include tattoo shop.

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
Gulfport Factory Shops	Frankie Jackson
Printed Name Of Owner	Printed Name Of Agent
10000 Factory Shops Blvd	12056 Carnegie Ave
Mailing Address	Mailing Address
Gulfport, MS 39531	Gulfport MS [redacted] 39503
City State Zip code	City State Zip code
228.867.6101	228 563 4181 228 265 3634
Home Phone Work/Cell Phone	Home Phone Work/Cell Phone
pmeinzinger@simon.com	Fjacksonhaver@gmail.com
Email	Email
Pam Meinzinger	
Signature Of Owner	**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 H. 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) Pamela B Meinzinger

ADDRESS (STREET, CITY, STATE, ZIP CODE 10000 Factory Shops Blvd, Gulfport, MS 39531

PHONE # (H) _____ (W) 228.867.6101

TAX PARCEL NUMBER(S) OWNED 0506-16-0001-002

SIGNATURE: Pam Meinzinger

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: _____

(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: _____

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) Pamela B Meinzinger

ADDRESS (STREET, CITY, STATE, ZIP CODE 10000 Factory Shops Blvd, Gulfport, MS 39531

PHONE # (H) _____ (W) 228.867.6101

TAX PARCEL NUMBER(S) OWNED 0506-16-0001-002

SIGNATURE: Pam Meinzinger

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: _____

(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: _____

Designation of Agent

I, Pam Meinzinger, being owner of the property Gulfport Premium Outlets
PRINT NAME PRIMARY ADDRESS OF PARCEL

which is the subject of this application hereby authorizing Frankie Jackson to
PRINT NAME

Act as my representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/pr 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.

Such designation shall be for the sole purpose of representing his business interest and its future at the property and not as the owner of Gulfport Premium Outlets.

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

Pam Meinzinger 9/6/22
Signature Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 6th day of September, 20 22

Elizabeth Rigby 2/23/2026
Notary Public Commission Expiration

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 107102 ELIZABETH ANN RIGBY Commission Expires 02/23/2026 HARRISON COUNTY

Part F

- Ingress and egress to the property will be on the south side of the property; it has two entry/exit points off of Factory Shop Boulevard.
- Off street parking or unloading is not required for this particular special exception. Also in regards to adjoining properties and/or properties in the district; they will not be effected economically by noise, glare or ordors from this special exception.
- Refuse and service area will continue to operate at normal capacity. Nothing extra is needed.
- The accessibility and/or maintenance for the utilities will be normal and will not interfere with this special exception.
- In reference to the screening and buffering, no familiarity with the type of bushes that are located in front of the "special exception", but the dimensions are as follows: 2'x18" and the length runs along the distance of the corridor on said property.
- Signage will fall in compliance with all the other establishments and will not differ in any fashion. Lastly there will be no exterior lightning other than what's already provide for the property.
- No required yards or open spaces for this special exception will be needed.
- Although this special exception is different from what the property is used to; it will open up and attract more customers from different demographics and geographic locations. Therefore introducing more customers to the other establishments with the hopes of possibly increasing the surrounding stores revenue.

Part G

- I will not need any additional transportation and access to my business.
- I do not require any additional water supply and waste disposal to my business
- I do not require any additional fire, police protection and/or other public facilities
- My business will cause undue traffic congestion nor will my business create a traffic hazard.
- My business will be in harmony with the orderly and appropriate development of the district in which the use is located.

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE

P.O. BOX 136, JACKSON, MS 39205-0136 (601) 359-1333

Registered Agent/Office Statement of Change
Profit Corporation

1. Corporate ID

0617023

2. Corporate Name

PRIME RETAIL, INC.

3. Federal Tax ID

52-1836258

4. Name and Street Address of the Registered Agent and Registered Office (as on file with the Secretary of State)

Name	CT CORPORATION SYSTEM
Physical Address	118 North Congress Street
P.O. Box	
City, State, ZIP5, ZIP4	Jackson MS 39201 -

5. New Registered Agent's Name and Registered Office

PAMELA B. MEINZINGER

Physical Address	10000 Factory Shops Boulevard
P.O. Box	
City, State, ZIP5, ZIP4	Gulfport MS 39503 -

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE

P.O. BOX 136, JACKSON, MS 39205-0136 (601) 359-1333

Registered Agent/Office Statement of Change
Profit Corporation

6. If agent has changed, mark appropriate box

⇨ [X] **6A:** The undersigned hereby accepts designation as registered agent for service of process

Signature of Registered Agent
(Please keep writing within block)

Pamela B. Manzinger

OR

⇨ [ ] **6B:** Statement of written consent is attached, signed by the new registered agent

7. The Corporation has been notified of the change of registered office.

⇨ [ ] Yes [X] No

By: Signature

C. Alan Schroeder

(Please keep writing within block)

Printed Name: C. Alan Schroeder

Title: Secretary

Filing Fee: $10.00

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE

P.O. BOX 136, JACKSON, MS 39205-0136 (601) 359-1333

Certificate of Cancellation of Foreign Limited Partnership

The undersigned, pursuant to Section 79-14-906 of the Mississippi Code of 1972, as amended, hereby executes the following Certificate of Cancellation and sets forth:

1. Name of Limited Partnership

⇨ PRIME RETAIL SERVICES LIMITED PARTNERSHIP

2. The Limited Partnership desires to cancel its registration to do business in this State of Mississippi.

By: Signature (Please keep writing within blocks)

Printed Name: C. Alan Schroeder

Title: Senior Vice President, General Counsel & Secretary

Acknowledgment

State: MARYLAND

City: BALTIMORE

I, Eugenie C. Schwind a Notary Public, do hereby certify that on the 19th day of February 19 98, C. Alan Schroeder, who being by me first duly sworn, declared that he is a general partner of the above Limited Partnership and personally appeared before me declaring that the statements herein contained are true.

Notary Seal
(Keep seal within block)

Notary Public

My commission expires: November 1, 1999

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE

P.O. BOX 136, JACKSON, MS 39205-0136 (601) 359-1333

Registered Agent/Office Statement of Change
Profit Corporation

1. Corporate ID

062234

2. Corporate Name

PRIME RETAIL FINANCE II, INC.

3. Federal Tax ID

52-1921411

4. Name and Street Address of the Registered Agent and Registered Office (as on file with the Secretary of State)

Name	CT CORPORATION SYSTEM
Physical Address	118 North Congress Street
P.O. Box	
City, State, ZIP5, ZIP4	Jackson MS 39201 -

5. New Registered Agent's Name and Registered Office

PAMELA B. MEINZINGER

Physical Address	10000 Factory Shops Boulevard
P.O. Box	
City, State, ZIP5, ZIP4	Gulfport MS 39503 -

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE

P.O. BOX 136, JACKSON, MS 39205-0136 (601) 359-1333

Registered Agent/Office Statement of Change
Profit Corporation

6. If agent has changed, mark appropriate box

⇨ [X] **6A:** The undersigned hereby accepts designation as registered agent for service of process

Signature of Registered Agent
(Please keep writing within block)

Pamela B. Menzinger

OR

⇨ [ ] **6B:** Statement of written consent is attached, signed by the new registered agent

7. The Corporation has been notified of the change of registered office.

⇨ [ ] Yes [X] No

By: Signature

C. Alan Schroeder

(Please keep writing within block)

Printed Name C. Alan Schroeder

Title Senior Vice President, General Counsel and Secretary

Filing Fee: $10.00

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE

P.O. BOX 136, JACKSON, MS 39205-0136 (601) 359-1333

Application for Appointment of Registered Agent

1. Name of the Limited Partnership

GULFPORT FACTORY SHOPS LIMITED PARTNERSHIP

2. It was formed under the laws of the state or other jurisdiction of

Delaware

3. Name and Street Address of the Registered Agent and Registered Office is

Name: Pamela B. Meinzinger

Physical Address: 10000 Factory Shops Blvd.

P.O. Box:

City, State, ZIP5, ZIP4: Gulfport | MS | 39503 -

is designated and appointed registered agent of this Limited Partnership in the State of Mississippi upon whom service of process against this Limited Partnership may be had in the event of any suit against this Limited Partnership in said State; and that all prior designations and appointments of registered agents, if any, be and the same hereby revoked.

Witness my signature, and the SEAL of said Company, this the 3rd day of February 19 98 (year)

By: Signature C. Alan Schroeder (Please keep writing within blocks)

Printed Name: C. Alan Schroeder

Title: Senior Vice President -General Counsel & Secretary

The undersigned hereby accepts the above designation and appointment of registered agent for service of process

Dated in _____ Mississippi, the 10th day of February AD, 1998 (year)

Signature of Registered Agent: Pamela B. Meinzinger (Please keep writing within blocks)

Rev. 01/96

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE

P.O. BOX 136, JACKSON, MS 39205-0136 (601) 359-1333

Application for Appointment of Registered Agent

1. Name of the Limited Partnership

PRIME RETAIL, L.P.

2. It was formed under the laws of the state or other jurisdiction of

Delaware

3. Name and Street Address of the Registered Agent and Registered Office is

Name: Pamela B. Meinzinger

Physical Address: 10000 Factory Shops Boulevard

P.O. Box:

City, State, ZIP5, ZIP4: Gulfport MS 39503 -

is designated and appointed registered agent of this Limited Partnership in the State of Mississippi upon whom service of process against this Limited Partnership may be had in the event of any suit against this Limited Partnership in said State; and that all prior designations and appointments of registered agents, if any, be and the same hereby revoked.

Witness my signature, and the SEAL of said Company, this the 3rd day of February 19 98 (year)

By: Signature C. Alan Schroeder (Please keep writing within blocks)

Printed Name C. Alan Schroeder Title Senior Vice President, General Counsel & Secretary

The undersigned hereby accepts the above designation and appointment of registered agent for service of process

Dated in _____ Mississippi, the 10th day of February AD, 1998 (year)

Signature of Registered Agent Pamela B. Meinzinger (Please keep writing within blocks)

ENTERED

CONVEYANCE OF LEASEHOLD INTEREST

WHEREAS, the BOARD OF EDUCATION OF HARRISON COUNTY SCHOOL DISTRICT, MISSISSIPPI, herein "LESSOR," entered into that certain Amended Lease Agreement for sixteenth section land located in Harrison County, Mississippi, with H. Gordon Myrick, herein "MYRICK," dated June 7, 1993, and recorded in the office of the Chancery Clerk, First Judicial District, Harrison County, Mississippi, in Deed Book 1264 at page 345; and,

WHEREAS, the Amended Lease Agreement recorded in Deed Book 1264 at page 345 amended that certain Lease and Amended Lease Agreements referenced as follows:

1) Lease Agreement dated April 1, 1985 and recorded in Deed Book 1010 at page 36;

2) Amended Lease dated October 24, 1988 and recorded in Deed Book 1132 at page 218;

3) Amended Lease dated October 16, 1989 and recorded in Deed Book 1150 at page 129; and,

WHEREAS, said Amended Lease Agreement provides in paragraph 6 thereof that MYRICK may transfer, sublease or assign all rights, title and interest under said Amended Lease in its entirety and that approval for such transfer, sublease or assignment shall not be arbitrarily withheld; and,

WHEREAS, MYRICK desires to transfer, convey and assign unto GULFPORT FACTORY SHOPS LIMITED PARTNERSHIP all of his rights, title and interest in and to the leased premises described in the Amended Lease Agreement dated June 7, 1993; and

WHEREAS, GULFPORT FACTORY SHOPS LIMITED PARTNERSHIP, desires to purchase and acquire all of MYRICK's rights, title and interest in and to the lease premises and to enter into a new lease with the LESSOR for the purpose of establishing the rights, title, interest, duties, obligations and liabilities of the parties to such newly executed Lease Agreement.

NOW, THEREFORE, for and in consideration of the sum of $10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, H. GORDON MYRICK, does hereby grant, bargain, sell, transfer, assign, convey and warrant, unto GULFPORT FACTORY SHOPS LIMITED PARTNERSHIP all of his rights, title and interest in and to the leased premises lying in Section 16, Township 7 South, Range 11 West, First Judicial District, Harrison County, Mississippi, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference as if fully copied in words and figures.

The leased premises transferred and conveyed herein is subject to certain right-of-way easements for Mississippi Power Company, AT&T and the Kansas City Southern Railroad and such other right-of-way easements, reservations, restrictions, conditions and covenants on file and of record in the office of the Chancery Clerk, First Judicial District, Harrison County, Mississippi.

By joinder hereinbelow, the BOARD OF EDUCATION OF HARRISON COUNTY SCHOOL DISTRICT, MISSISSIPPI, LESSOR, and the BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI, hereby consent, ratify and approve MYRICK's sale, transfer, assignment and conveyance unto GULFPORT FACTORY SHOPS LIMITED PARTNERSHIP and by separate agreement of even date herewith, do hereby ratify and approve a new Lease Agreement by and between the BOARD OF EDUCATION OF HARRISON COUNTY SCHOOL DISTRICT, as LESSOR, and GULFPORT FACTORY SHOPS LIMITED PARTNERSHIP, as LESSEE.

The consent, ratification and approval of MYRICK's transfer and conveyance by the BOARD OF EDUCATION OF HARRISON COUNTY SCHOOL DISTRICT, LESSOR, and the BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI, is effective upon the date of execution hereof by the LESSOR and entry of an order approving the same upon its minutes.

IN WITNESS WHEREOF, this instrument is executed by H. GORDON MYRICK, LESSEE, this the 20th day of February, 1995.

H. GORDON MYRICK

BY: H. Gordon Myrick

F:\WP51\USER3\973.001\CONVEYAN

RATIFIED AND APPROVED by the Board of Education of Harrison County School District - LESSOR, this the 20th day of February, 1995.

BOARD OF EDUCATION OF HARRISON
COUNTY SCHOOL DISTRICT - LESSOR

BY: John H. Johnson

TITLE: PRESIDENT

BY: Henry Ardledge

TITLE: COUNTY SUPERINTENDENT OF EDUCATION

RATIFIED AND APPROVED by the Board of Supervisors, Harrison County, Mississippi, this the 27th day of February, 1995.

BOARD OF SUPERVISORS, HARRISON
COUNTY, MISSISSIPPI

BY: Bobby Cleveland

TITLE: PRESIDENT

ATTEST: H. N. Cheek by Jeneil Tompkins

TITLE: CLERK

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the aforesaid County and State, on this 20th day of February, 1995, within my jurisdiction, the within named H. GORDON MYRICK, who acknowledged that he executed the above and foregoing instrument for the purposes therein expressed as his voluntary act and deed.

This the 20th day of February, 1995.

Shari H. Clark
NOTARY PUBLIC

MY COMMISSION EXPIRES:
October 28, 1997

F:\WP51\USER3\973.001\CONVEYAN

ACKNOWLEDGEMENT

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the aforesaid County and State, on this 20th day of February, 1995, within my jurisdiction, the within named John Galvan, who acknowledged that as President (TITLE), on behalf and by authority of the BOARD OF EDUCATION OF HARRISON COUNTY SCHOOL DISTRICT, a body politic of the State of Mississippi, and as its act and deed; he executed the above and foregoing instrument, after first having been duly authorized by said School District so to do.

This the 20th day of February, 1995.

Rebecca Purrington
NOTARY PUBLIC

MY COMMISSION EXPIRES:
4/1/99

ACKNOWLEDGEMENT

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the aforesaid County and State, on this 27th day of February, 1995, within my jurisdiction, the within named Bobby Gettsius, who acknowledged that as President (TITLE), on behalf and by authority of the BOARD OF SUPERVISORS, HARRISON COUNTY, MISSISSIPPI, as a body politic of the State of Mississippi, and as its act and deed; he executed the above and foregoing instrument, after first having been duly authorized by said Harrison County so to do.

This the 27th day of February, 1995.

Diana L. Kynard
NOTARY PUBLIC

MY COMMISSION EXPIRES:
7-12-95

F:\WP51\USER3\973.001\CONVEYAN

Commencing at the southwest corner of Section 16 which is the Point of Beginning; then run N 89° 53' E along the south section line to the intersection of the west right-of-way of Old Highway 49; then run northerly along the West right-of-way line of Old Highway 49 to the intersection of the south right-of-way line of Interstate Highway #10; thence rune Westerly along the south right-of-way line of Interstate Highway #10 to the intersection of the west section line; thence run S 0° 09' E along the west section line to the southwest corner of Section 16, the point of beginning. The parcel containing 59.6 acres with 10.73 acres being dedicated County road and Mississippi Power Company right-of-way and less 2.15 acres leased to MidSouth Rail Corporation for the main line railroad right-of-way for a total of 46.72 acres of leasable land.

user3/973.001/Earnest1.Mny/LisaP.

EXHIBIT
A

INDEXING INSTRUCTIONS:

Developmental Parcel - Parcel "A"

A parcel located at the SW 1/4 lying South of Interstate 10, Section 16, Township 7 South, Range 11 West, First Judicial District, Harrison County, Mississippi.

Mitigation Parcel - Parcel "B"

A parcel located in the SW 1/4 of the NW 1/4 lying South of Hwy. 53, Section 16, Township 6 South, Range 12 West, First Judicial District, Harrison County, Mississippi.

PREPARED BY AND RETURN TO:

Hugh D. Keating, Esquire
MSB No.: 3536
Dukes, Dukes, Keating & Faneca, P.A.
P. O. Drawer W
Gulfport, MS 39502
Telephone: 601-868-1111
Fax: 601-863-2886

STATEMENT OF FEES

Recording Fee $6.00

Abstracting/Section Fee at $1.00 each 1.00

Marginal Entry at .50 each

Other

TOTAL FEES COLLECTED 7.00

LAWRENCE GREENWOOD 00885

STATE OF MISSISSIPPI, COUNTY OF HARRISON, FIRST JUDICIAL DISTRICT:

I hereby certify that this instrument was received and filed for record at 3 o'clock and 23 minutes P. M. on 7 day of March, A.D. 19 95 and recorded Mar 8th, 19 95 in Records of Deeds Book 1299 Pages 144-149

G. N. CREEL, Chancery Clerk

By Lynn Lipard, D.C.

1310

Project Data

Total GLA	300,348
TOTAL PARKING SPACES:	1972
SPACE/1000 SF OF GLA:	6.57

Modified: January 25, 2022

▲ Primary Entrances ▲ Secondary Access

Site Plan

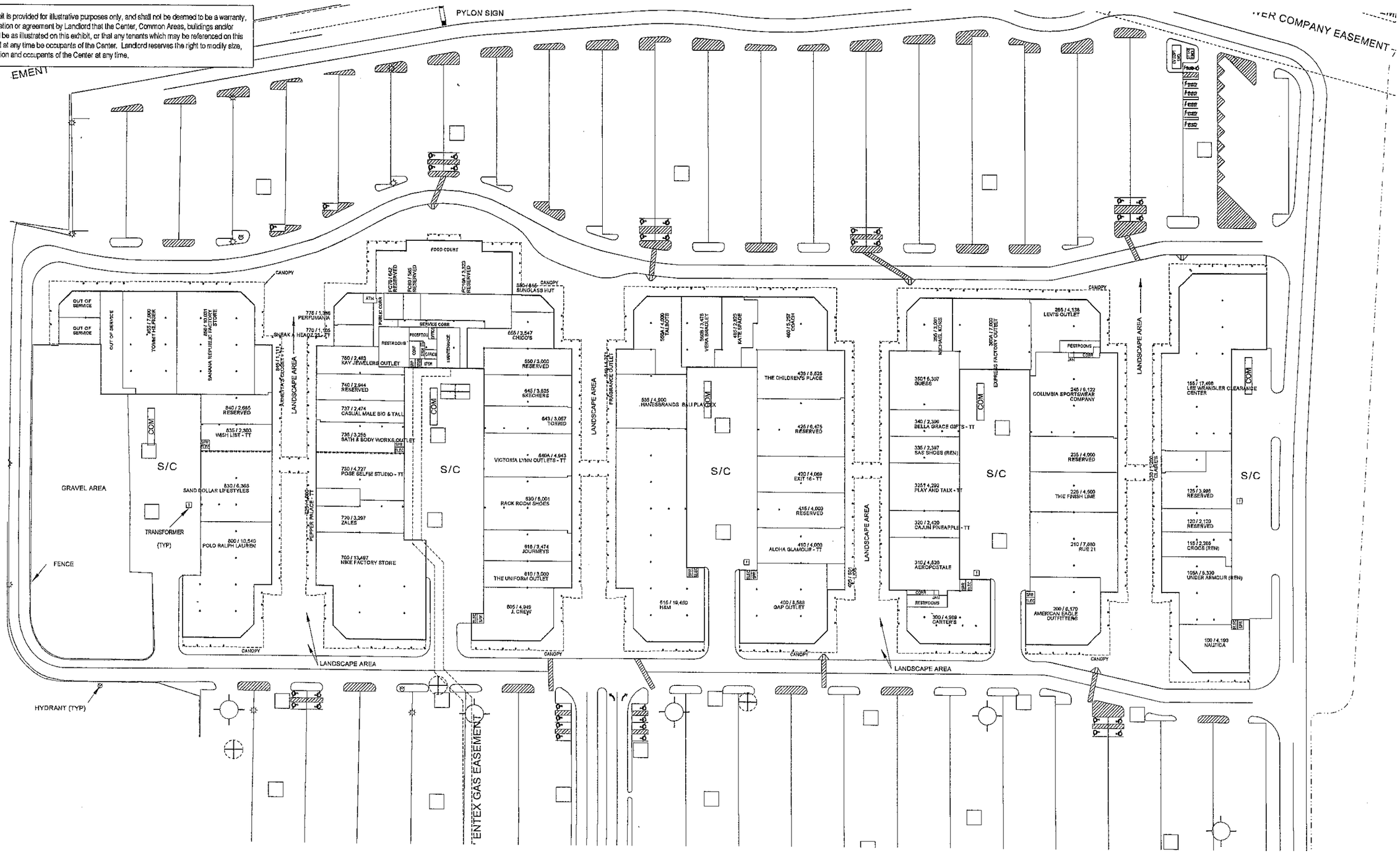
0 100 200

Gulfport Premium Outlets

10000 Factory Shop Blvd
Gulfport, MS 39503
CORP # 7968

SIMON® PREMIUM OUTLETS

This exhibit is provided for illustrative purposes only, and shall not be deemed to be a warranty, representation or agreement by Landlord that the Center, Common Areas, buildings and/or stores will be as illustrated on this exhibit, or that any tenants which may be referenced on this exhibit will at any time be occupants of the Center. Landlord reserves the right to modify size, configuration and occupants of the Center at any time.



Modified: July 02, 2022

Change of Elevation

Structural Element

Lease Plan

0 50 100

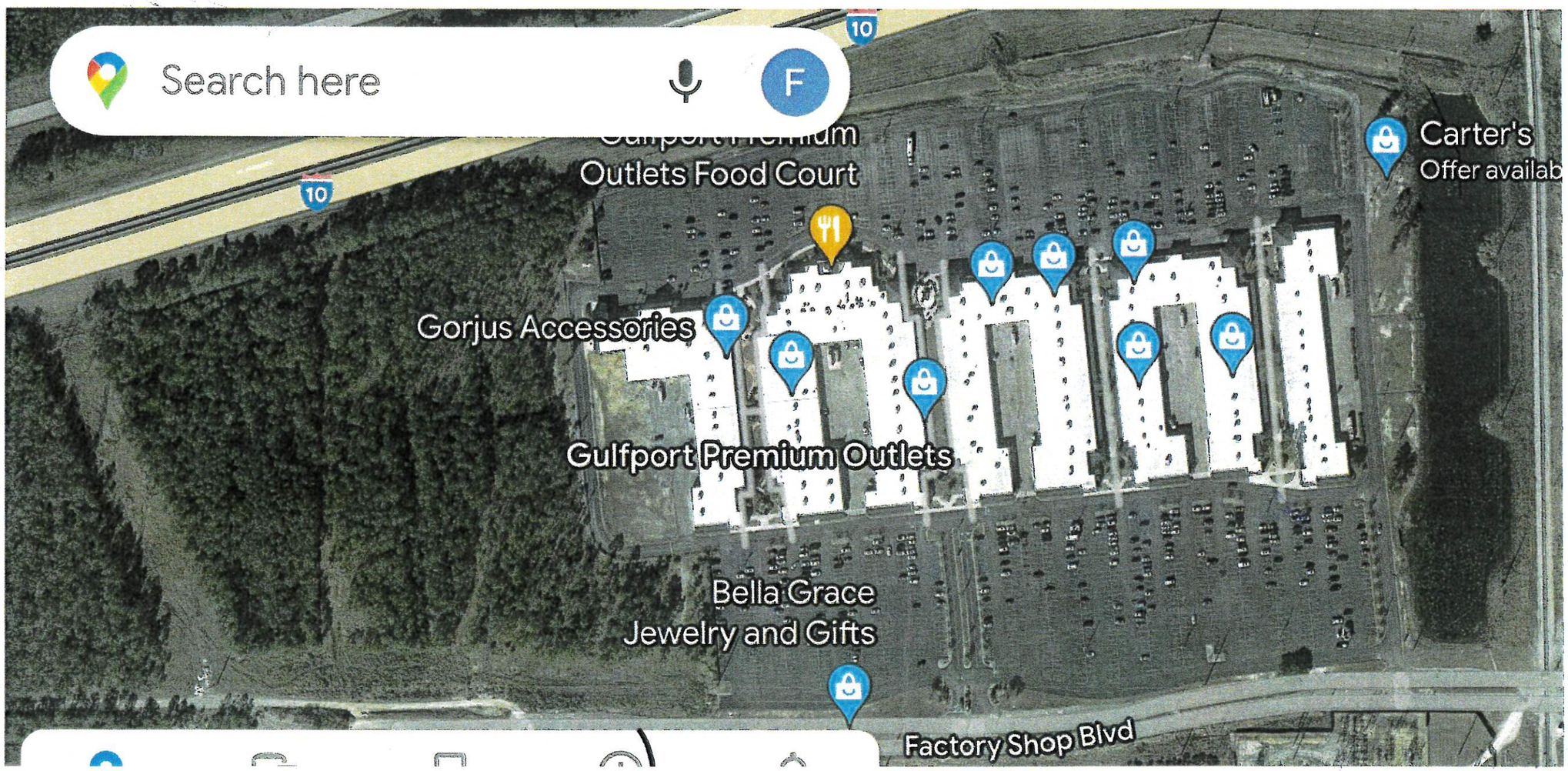
Project Data

Total GLA 300,348

Gulfport Premium Outlets

10000 Factory Shop Blvd
Gulfport, MS 39503

SIMON®
CORP # 7968 PREMIUM OUTLETS


Search here
F
10
10
Outlets Food Court
Carter's
Offer availab
Gorjus Accessories
Gulfport Premium Outlets
Bella Grace
Jewelry and Gifts
Factory Shop Blvd

MISCELLANEOUS PAYMENT RECPT#: 11472203
CITY OF GULFPORT

GULFPORT, MS 39501

DATE: 09/06/22 TIME: 15:58:18
CLERK: tsjohnson DEPT:
CUSTOMER#:

COMMENT:

CHG: PZD PLANNING AND ZO 75.00

AMOUNT PAID: 75.00

PAID BY: FRANKIE JACKSON
PAYMENT METH: CASH

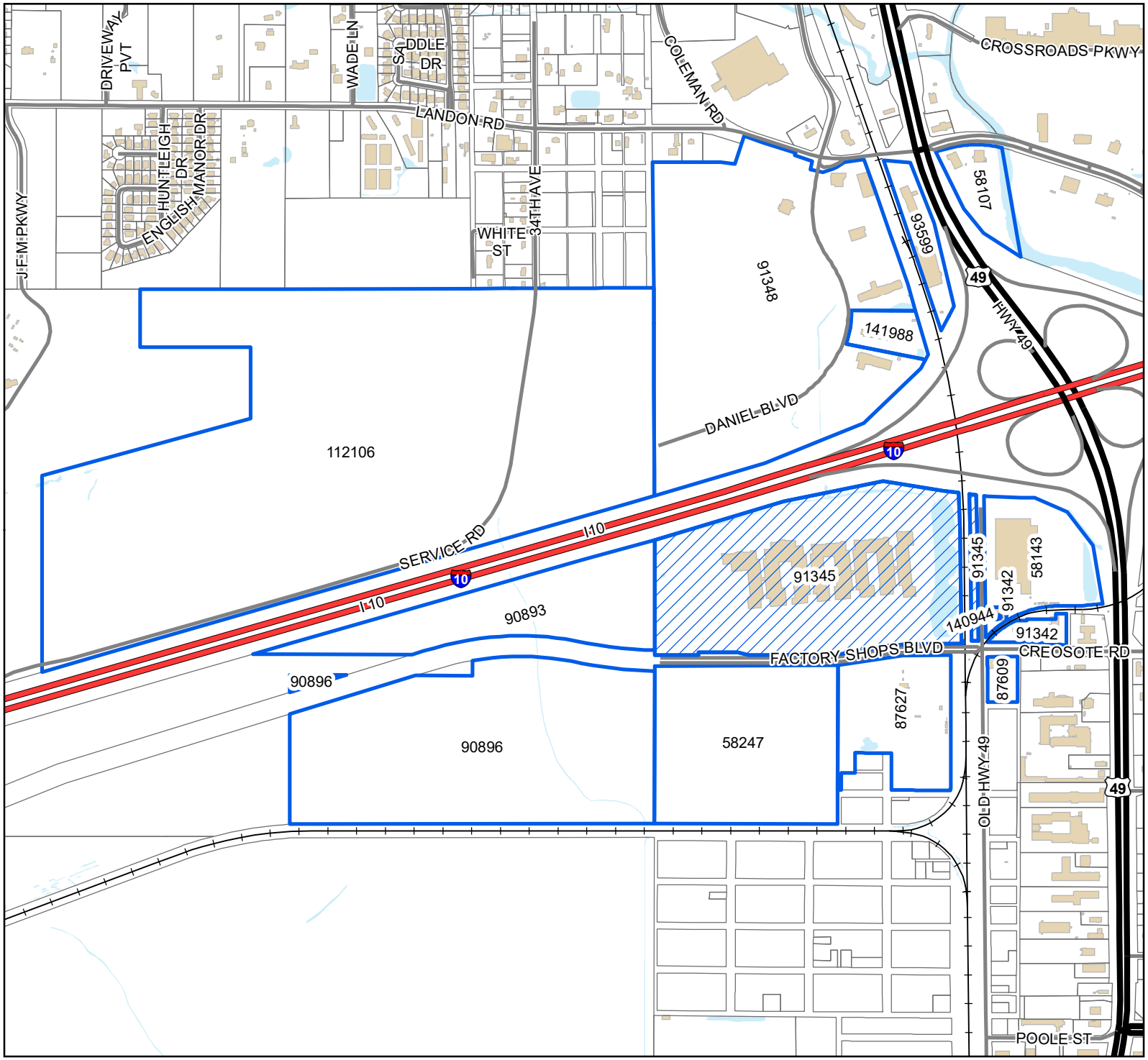
REFERENCE:

AMT TENDERED: 75.00
AMT APPLIED: 75.00
CHANGE: .00

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	91345	0809E-02-004.000	GULFPORT FACTORY SHOPS (OWNER)	10000 FACTORY SHOPS BLVD	GULFPORT	MS	39531
	91345	0809E-02-004.000	FRANKIE JACKSON	12056 CARNEGIE AVE	GULFPORT	MS	39503
N			**Adjacent Property Owners (2210SE188)**				
	112106	0709H-01-004.000	GREATER GULFPORT PROPERTIES LLC	P O BOX 1176	GULFPORT	MS	39502
	90896	0709I-01-001.000	TURKEY CREEK LIMITED PARTNERSHIP	P O BOX 1370	GRETNA	LA	70054
	58247	0809L-03-004.000	PRIME ASSET LLC	120 WISTERIA DR	PASS CHRISTIAN	MS	39571
	87627	0809L-03-001.000	MISS POWER CO	P O BOX 4079	GULFPORT	MS	39502
	58107	0809D-01-003.000	TW INC -WORREL INV -LESSEE-	6909 VASSAR AVE	DALLAS	TX	75205
	90893	0709H-02-001.000	TURKEY CREEK LIMITED PARTNERSHIP	P O BOX 1370	GRETNA	LA	70054
	87609	0809L-01-001.000	SHULAR MISSISSIPPI HOLDINGS LLC	9475 HWY 49	GULFPORT	MS	39503
	58143	0809E-02-001.000	HOME DEPOT USA INC -LESSEE-	C/O P.O.BOX 105842 ACCT OFFICE	ATLANTA	GA	30348
	91345	0809E-02-004.000	GULFPORT FACTORY SHOPS LTD P-LESSEE	PO BOX 6120	INDIANAPOLIS	IN	46206
	91342	0809E-02-002.000	SAVARESE JEFF & DEBRA -LESSEE- C/O HARR	723 BRIARWOOD DR	LONG BEACH	MS	39560
N	140944	0809E-02-002.001	SAVARESE JEFF & DEBRA -LESSEE- C/O HARR	723 BRIARWOOD DR	LONG BEACH	MS	39560
	93599	0809D-02-010.000	SRMG -LESSEE-	P O BOX 3344	RIDGELAND	MS	39158
	91348	0809D-02-002.000	ANCHOR DEVELOPMENT LLC -LESSEE- C/O H	15600 DANIEL BLVD	BUFORD	GA	30519
	141988	0809D-02-002.001	ANCHOR DEVELOPMENT LLC -LESSEE-	1305 MALL OF GEORGIA BLVD STE 201	BUFORD	GA	30519

2210SE188

Special Exception



Legend

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

0 160 320 480

Yards

1 inch = 1,000 feet

N W E S

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D.2

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:
IPL0093233
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
59.40
Payment Type:
Account Billed
User ID:
IPL0024925

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
October 6, 2022 11:35:41 AM EDT
Amount:
59.40

SCHEDULE FOR AD NUMBER IPL00932330

October 12, 2022
SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL00932330

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, October 27, 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 office of the Department of Urban Development, Planning Division, located on first floor of the William H. Hardy Building, 1410 24th Avenue.

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Planning Commission Approval 2210PC190, by agent John Ravenscroft, tax parcel 0811B-01-037.000, Requests automotive body repair, 2601 15th Ave, Zoned B-2 (General business), Ward 3

Zoning Map Amendment 2210PC191, by agent Donovan Scruggs, tax parcels 1009M-03-006.000 & 1009M-03-004.000, Requests to rezone property from R-1-7.5 (Single-family) to B-1 (Neighborhood business), 11451 and 11463 Hillcrest Rd, Ward 4

Zoning Map Amendment 2210PC192, by agent Schwartz, Orgler & Jordan, PLLC, tax parcels 1010E-02-008.000 & 1010E-02-008.001, Requests to rezone property from T3 (Sub-Urban Zone) to T4+ (General Urban Zone "Plus"), 1285 Spring St, Ward 4

This the 5th day of October, 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

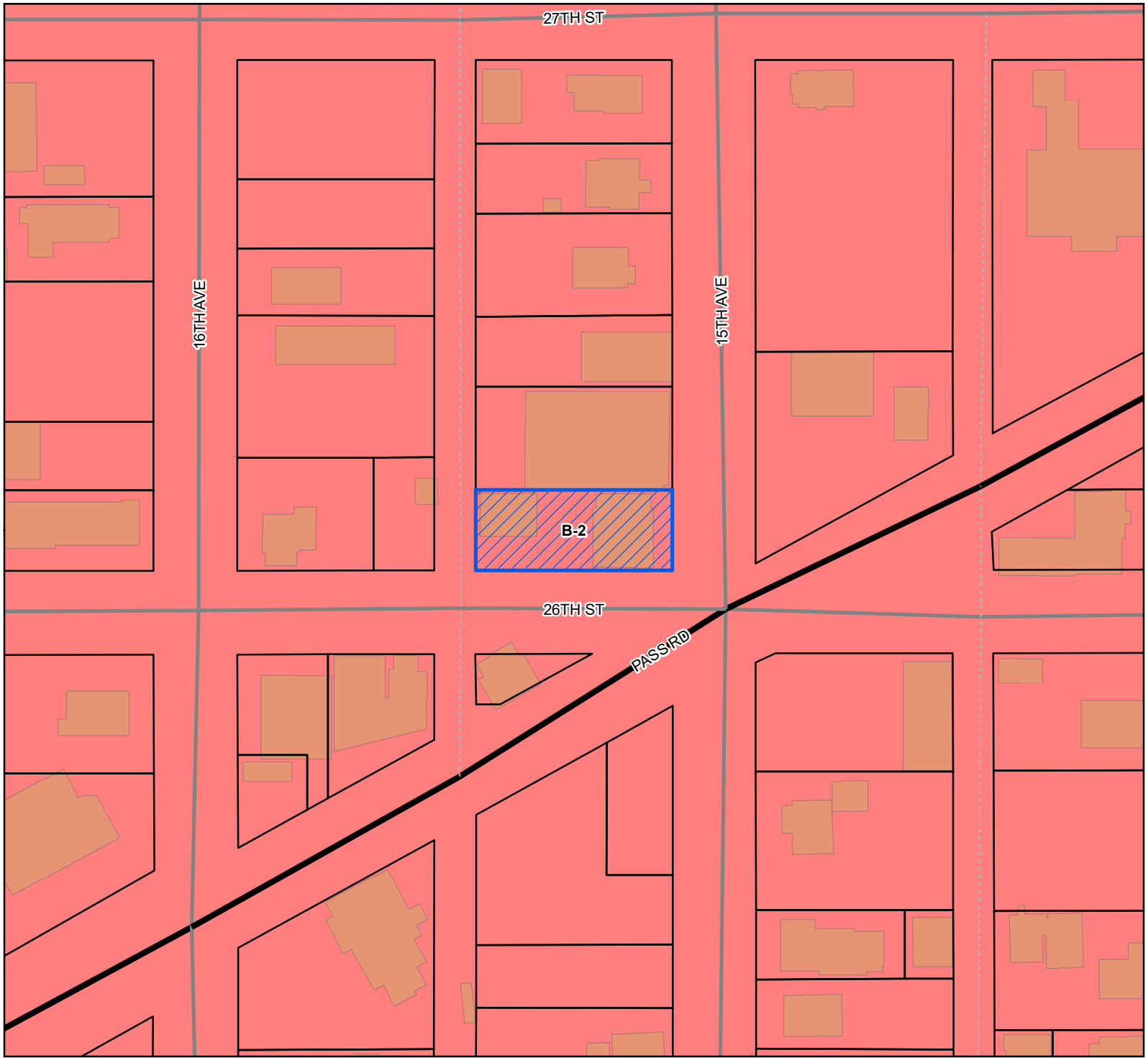
Date of Hearing: October 27, 2022

Re: <u>Planning Commission Approval 2210PC190:</u>
<u>Deferred to November Meeting:</u>

Planning Commission Approval 2210PC190, by agent John Ravenscroft, tax parcel 0811B-01-037.000, Requests automotive body repair, 2601 15th Ave, Zoned B-2 (General business), Ward 3

2210PC190

Planning Commission Approval



Site
US or State Highway
Street
Alley
Parcels
Buildings

Zoning

B-2 - General Business District

Site Information

2210PC190
Zoning: B-2 (General business)
Size: 8,298 Sqft.
Flood: X

0 10 20 30
Yards

1 inch = 100 feet

N
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S

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Revision date 11/2/2020

$75.00

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

APPLICATION FOR PLANNING COMMISSION APPROVAL

For Staff Use Only

Case Number: 2210PC190

Date Received: 9/6/2022

Receipt Number:

Received By:

Zoning: B-2

Ward: 3 Flood: X

Size: 8,298 sqft.

(If necessary, use separate sheet of paper)

Property Information

TAX PARCEL # 0811 13 - 01 - 037 . 000

Address of Property Involved: 2601 15th AVE

Lot(s) 13+14, Block(s) 12, Subdivision

General Location: Corner of Pass rd & 15th AVE

GENERAL DESCRIPTION OF REQUEST: Auto Sales Light Mechanic Work on Vehicles Offerd or up For Sale And Detailing Vehicles

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
Chris Hebert	John Ravenscroft
Printed Name of Owner	Printed Name of Agent
440 E. Pass Rd	19487 Lennis Cuevas rd
Mailing Address	Mailing Address
Gulfport, ms. 39507	Saucier MS 39574
City State Zip code	City State Zip code
228-224-1293	(228) 782-2837
Home Phone Work/Cell Phone	Home Phone Work/Cell Phone
Jennie.HSHoldings@yahoo.Com	JR29681.JR@gmail.com
Email	Email
Chris Hebert	
Signature of Owner	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.

① Transportation and access
Located Right OFF Pass rd No Interference with location

② gulfpor water

③ Garabge Pick up

④ Fire Extinguisher Installed

⑤ machanic shop's Tire shop's All Along this Aera

⑥ Set Back OFF Pass rd

⑦ to Porvide Resonable Priced car to the Public

Gulfport MISSISSIPPI ONE COAST

Designation of Agent

I, Chris Hebert (PRINT NAME), being owner of the property 2601 15th AVE Gulfport (PRIMARY ADDRESS OR PARCEL) which is the subject of this application hereby authorize John Ravenscroft (PRINT NAME) to act as my 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.

Chris Hebert — 9-6-22

Signature — *Date*

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 6 day of September, 20 22

Jennie Havard — Jun 10, 2023

Notary Public — *Commission Expiration*

STATE OF MISSISSIPPI
JENNIE R HAVARD
NOTARY PUBLIC
ID No. 101800
Commission Expires
June 10, 2023
HARRISON COUNTY

Addresspoints Edits addresspoints Harrison_HughRes_2020.sid

STRUCT_CLASS	RGB
Commercial	Red: Band_1
Residential	Green: Band_2
Principal Arterial	Blue: Band_3
Minor/Residential	
Alley	
WaterFeatures	
Parcels	

N
W E
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1 inch = 33 feet

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1st Judicial District
Instrument 2021 1667 D -J1
Filed/Recorded 2/ 3/2021 02:59 P
Total Fees $ 26.00
4 Pages Recorded

Prepared By and Return To:
Schwartz, Orgler & Jordan, PLLC
12206 Hwy 49
Gulfport, MS 39503
(228) 832-8550

File#200149

Indexing Instructions:
Lots 13 & 14, Blk 12, Arlington Heights Addition, Harrison County, 1st JD, MS

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

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,

DORIS T. McALPIN
surviving joint tenant of MALCOLM McALPIN
supporting documentation of his death being attached hereto;
811 23RD STREET
GULFPORT, MS 39501
(228) 224-4497

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

CHRISTOPHER S. HEBERT
440 E. PASS ROAD
GULFPORT, MS 39507
(228) 297-9876

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:

Lots Thirteen (13) and Fourteen (14), in Block Twelve (12) of ARLINGTON HEIGHTS ADDITION, a subdivision according to 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, in Plat Book 3 at Page 57 (Copy Book 2 at Page 104) thereof, reference to which is hereby made in aid of and as a part of this description.

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 1st day of February, 2021.

Doris T. McAlpin
DORIS T. McALPIN

STATE OF MISSISSIPPI
COUNTY OF HARRISON

THIS DAY personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, **DORIS T. McALPIN**, who acknowledged that she signed, executed and delivered the above and foregoing instrument as a voluntary act and deed on the day and year therein mentioned.

GIVEN under my hand and official seal on this the 1st day of February, 2021.

Celeste Paige
NOTARY PUBLIC

(S E A L)

My Commission Expires:

STATE OF MISSISSIPPI
NOTARY PUBLIC
ID # 32174
CELESTE PAIGE
Commission Expires
March 22, 2023
HARRISON COUNTY

Provided by Riemann Family Funeral Homes

Malcolm "Mac" McAlpin

May 29, 2017

Malcolm "Mac" McAlpin, Jr. age 88, of Gulfport, passed away on Monday, May 29, 2017.

Mr. McAlpin was born to Malcolm and Alice Elizabeth Horr McAlpin. He served in the U.S. Navy during the Korean War and subsequently moved to Louisiana where he met his loving wife. They married there on June 27, 1953 and moved to Natchez before moving to the coast to work with the Firestone Company. He opened his own tire company, Discount Tire Center, in 1963. Mac was a member of Burton Memorial United Methodist Church where he served as youth Sunday School teacher and served on the on the Zoning and Appeals Board for the City of Gulfport. In his spare time, Mac was an avid reader.

He was preceded in death by his parents; his siblings, Carol McAlpin McClanahan, Emily McAlpin Stedt, Betsy McAlpin Moniz, Richard McAlpin, Robert McAlpin, and James McAlpin.

He is survived by his loving wife of 63 years, Doris Thompson McAlpin of Gulfport; sons, Malcolm McAlpin, III (Marsha) of Houston, TX, and Michael Thomas McAlpin (Deirdre) of Ramstein, Germany; 5 grandchildren, Ryan McAlpin (Annette), Nicholas McAlpin, Sara McAlpin Lott (Connor), Jennifer McAlpin, and Erin McAlpin; 4 great grandchildren, Zachary, Timothy, Ashton, and Madison McAlpin.

Funeral services will be held on Saturday, June 3, 2017, at RIEMANN FAMILY FUNERAL HOME, 11280 Three Rivers Road, Gulfport, at 2:00 p.m. Friends may visit one hour prior. Burial will follow at Evergreen Cemetery with military honors rendered by the U.S. Navy.

Memorials may be made to the American Heart Association, www.heart.org

An online guestbook may be signed and memories shared at www.riemannfamily.com.

Visitation

JUN 3. 01:00 PM - 02:00 PM Riemann Family Funeral Home-3RR 11280 Three Rivers Rd. Gulfport, MS, US, 39503

Service

JUN 3. 02:00 PM Riemann Family Funeral Home- 3RR 11280
Three Rivers Rd. Gulfport, MS, US, 39503

Interment

Evergreen Cemetery 28th Street Gulfport, MS, 39501

MISCELLANEOUS PAYMENT RECPT#: 11472107
CITY OF GULFPORT

GULFPORT, MS 39501

DATE: 09/06/22 TIME: 15:29:48
CLERK: cbrown DEPT:
CUSTOMER#:

COMMENT:

CHG: PZD PLANNING AND ZO 75.00

AMOUNT PAID: 75.00

PAID BY: JOHN RAVENSCROFT
PAYMENT METH: CASH

REFERENCE:

AMT TENDERED: 75.00
AMT APPLIED: 75.00
CHANGE: .00

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	22909	0811B-01-037.000	HEBERT CHRISTOPHER (OWNER)	440 E PASS RD	GULFPORT	MS	39507
	22909	0811B-01-037.000	JOHN RAVENSCROFT (AGENT)	19487 LENNIS CUAVAS RD	SAUCIER	MS	39574
			Adjacent Property Owners (2210PC190)				
	22920	0811B-01-021.000	THOMAS JACK DELL	2622 15TH AVE	GULFPORT	MS	39501
	87651	0811B-02-028.000	SIMMONS D H PROPERTIES NO 3 LLC	33 OLD OAK LANE	GULFPORT	MS	39503
	22916	0811B-01-019.000	ELLIOTT HOMES LLC	1402 PASS RD	GULFPORT	MS	39501
	22952	0811B-02-027.000	SACKETT WILLIAM A & DEBORAH J	2508 15TH AVE	GULFPORT	MS	39501
	22953	0811B-02-026.000	MASTERSON DEBORAH M	1630 18TH AVE	GULFPORT	MS	39501
	22917	0811B-02-016.000	TRAN TAN V & NGA T	8400 PLYMOUTH RD	OCEAN SPRINGS	MS	39564
	22896	0811B-05-011.000	HUXLEY LEMOIN	15138 MILLS RD	GULFPORT	MS	39503
	22966	0811B-05-013.000	EL-HAMAKI HUSSEIN	2500 16TH AVE	GULFPORT	MS	39501
	22919	0811B-01-020.000	SIMMONS D H PROPERTIES NO 1 LLC	33 OLD OAK LANE	GULFPORT	MS	39503
	22918	0811B-02-017.000	MOORE EMMA LOU O'NEAL ETAL	314 42ND ST	GULFPORT	MS	39507
	101471	0811B-02-031.003	CAPTAIN HOOK'S PROPERTY LLC	1519 PASS RD	GULFPORT	MS	39501
	87645	0811B-01-041.000	JESUS CHRIST APOSTOLIC CHURCH ETAL	P O BOX 1199	GULFPORT	MS	39502
	100980	0811B-02-030.001	CRUTHIRDS INVESTMENTS LLC	5 MOCKINGBIRD LANE	GULFPORT	MS	39507
	22910	0811B-01-043.000	CRAIG KYLE & DROZ AMARILYS MACHADO	630 MAGNOLIA DR	BAY ST LOUIS	MS	39520
	22897	0811B-05-012.000	O M T LLC & F T O LLC	P O BOX 6976	GULFPORT	MS	39506
	87652	0811B-02-030.000	CRUTHIRDS INVESTMENTS LLC	5 MOCKINGBIRD LANE	GULFPORT	MS	39507
	22943	0811B-02-018.000	ALLEN ALEXIA CHRISTY & DEAN E JR	720 TENNESSEE STREET	GULFPORT	MS	39501
	22957	0811B-01-038.000	MPH PROPERTIES LLC	212 47TH ST	GULFPORT	MS	39507
	87642	0811B-01-039.000	TSG REAL ESTATE LLC	440 GREEN TEAL COURT	BILOXI	MS	39531
	22956	0811B-02-029.000	SIMMONS KATHERINE B -ETAL-	33 OLD OAK LANE	GULFPORT	MS	39503
	22908	0811B-01-036.000	ROSSKOPF JEFFREY LEE -ETAL-	199 LOCUST ST	GULFPORT	MS	39507
	22912	0811B-01-044.000	CRAIG KYLE & DROZ AMARILYS MACHADO	630 MAGNOLIA DR	BAY ST LOUIS	MS	39520
	22911	0811B-01-042.000	SHIVLEY LINDA	1522 26TH ST	GULFPORT	MS	39501
	22913	0811B-01-045.000	HUTCHINSON MATHEW	13085 ANDY ST	GULFPORT	MS	39503
	99419	0811B-02-031.002	CRUTHIRDS INVESTMENTS LLC	5 MOCKINGBIRD LANE	GULFPORT	MS	39507
	87641	0811B-01-035.000	CHILDRESS TERRICE C	2617 15TH AVE	GULFPORT	MS	39501
	141174	0811B-01-035.001	SIGNATURE GULF COAST PROPERTIES LLC	1715 21ST AVE	GULFPORT	MS	39501

2210PC190

Planning Commission Approval

Legend

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

0 30 60 90

Yards

1 inch = 200 feet

N W E S

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D.2

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:
IPL0093233
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
59.40
Payment Type:
Account Billed
User ID:
IPL0024925

ACCOUNT INFORMATION

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

TRANSACTION REPORT

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Special Exception 2210SE188, by agent Frankie Jackson, tax parcel 0809E-02-004.000, Requests a tattoo parlor use, 10000 Factory Shops Blvd, Suite 235, Zone B-4 (Highway business), Ward 3

Planning Commission Approval 2210PC190, by agent John Ravenscroft, tax parcel 0811B-01-037.000, Requests automotive body repair, 2601 15th Ave, Zoned B-2 (General business), Ward 3

Zoning Map Amendment 2210PC191, by agent Donovan Scruggs, tax parcels 1009M-03-006.000 & 1009M-03-004.000, Requests to rezone property from R-1-7.5 (Single-family) to B-1 (Neighborhood business), 11451 and 11463 Hillcrest Rd, Ward 4

Zoning Map Amendment 2210PC192, by agent Schwartz, Orgler & Jordan, PLLC, tax parcels 1010E-02-008.000 & 1010E-02-008.001, Requests to rezone property from T3 (Sub-Urban Zone) to T4+ (General Urban Zone "Plus"), 1285 Spring St, Ward 4

This the 5th day of October, 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: October 27, 2022

Re: <u>Zoning Map Amendment 2210PC191:</u>

Zoning Map Amendment 2210PC191, by agent Donovan Scruggs, tax parcels 1009M-03-006.000 & 1009M-03-004.000, Requests to rezone property from R-1-7.5 (Single-family) to B-1 (Neighborhood business), 11451 and 11463 Hillcrest Rd, Ward 4

Technical Report

Zoning Map Amendment

GENERAL INFORMATION

Case File Number: 2210PC191

Hearing Date: October 27, 2022

Current Zoning/Use: R-1-7.5 / Vacant

Legal: Zoning Map Amendment 2210PC191, by agent Donovan Scruggs, tax parcels 1009M-03-006.000 & 1009M-03-004.000, Requests to rezone property from R-1-7.5 (Single-family) to B-1 (Neighborhood business), 11451 and 11463 Hillcrest Rd, Ward 4

TECHNICAL DETAILS

Amendment of the Zoning Ordinance, including the zoning map, is intended to carry out the objective of a sound, stable, and desirable environment. Casual amendment of the ordinance would be detrimental to the achievement of that objective. Therefore, the ordinance dictates that a property should be considered for rezoning only when one or more of the following conditions prevail according to the Mississippi case law:

When requesting rezoning of real property, **an applicant must prove**, by **clear and convincing evidence**, one of the following:

1. That there was a mistake in the original zoning, or
2. That the character of the neighborhood has changed to such an extent as to justify reclassification, **and** that there was a public need for rezoning.

The applicant is requesting to rezone approximately 2.8 acres of vacant, residentially zoned property from R-1-7.5 (Single-family) to a B-1 (Neighborhood business) zone. This property fronts the Lorraine Road (Highway 605) corridor in The Island Neighborhood, which has seen several contentious zoning changes over the last several years.

While the request is for B-1 zone, the Planning Commission could consider lesser zones. The lesser zones of a commercial nature, for which this property would qualify, include R-B (Residence-business) and R-O (Residence-office).

According to the City's 2002 Comprehensive Plan, some limited commercial activity was shown in the area. The future land use of a neighborhood business is shown for these properties when overlaying the future land use plan to the current city geography (see attached map).

This will mark the third time this property has come up for rezoning. Cases 1904PC035 and 2011PC150 never saw approval.

A development schedule provided by the applicant expects a preliminary design to be provided to the city within 6-12 months of an approved zoning change.

The applicant has chosen change in character and public need as the justification for change of the current zoning district:

1. Mistake or error is not addressed by the applicant.

2. The applicant addresses Character of the Neighborhood changing through maps and dates of all zoning changes on the corridor. Descriptions of public need rare provided and include statements about vacancy rates in the surrounding area.

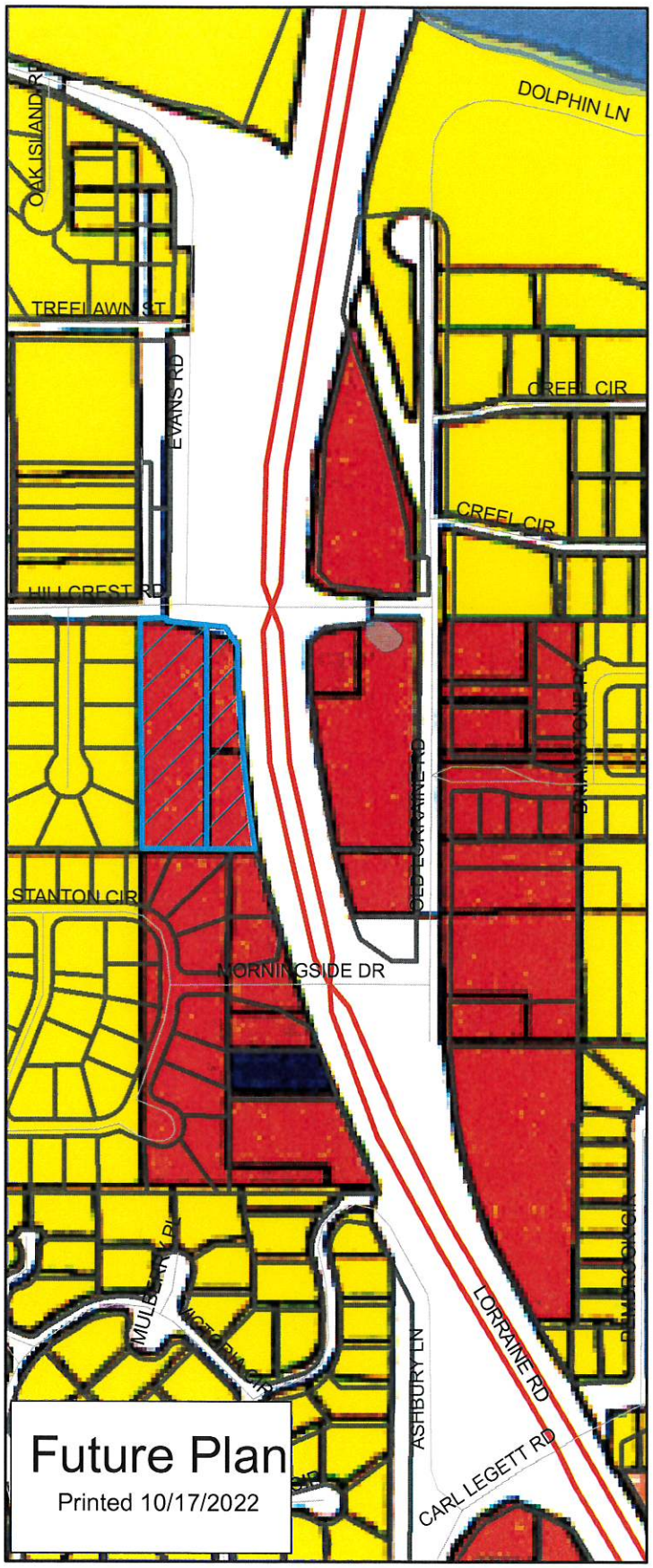
EXECUTIVE SUMMARY

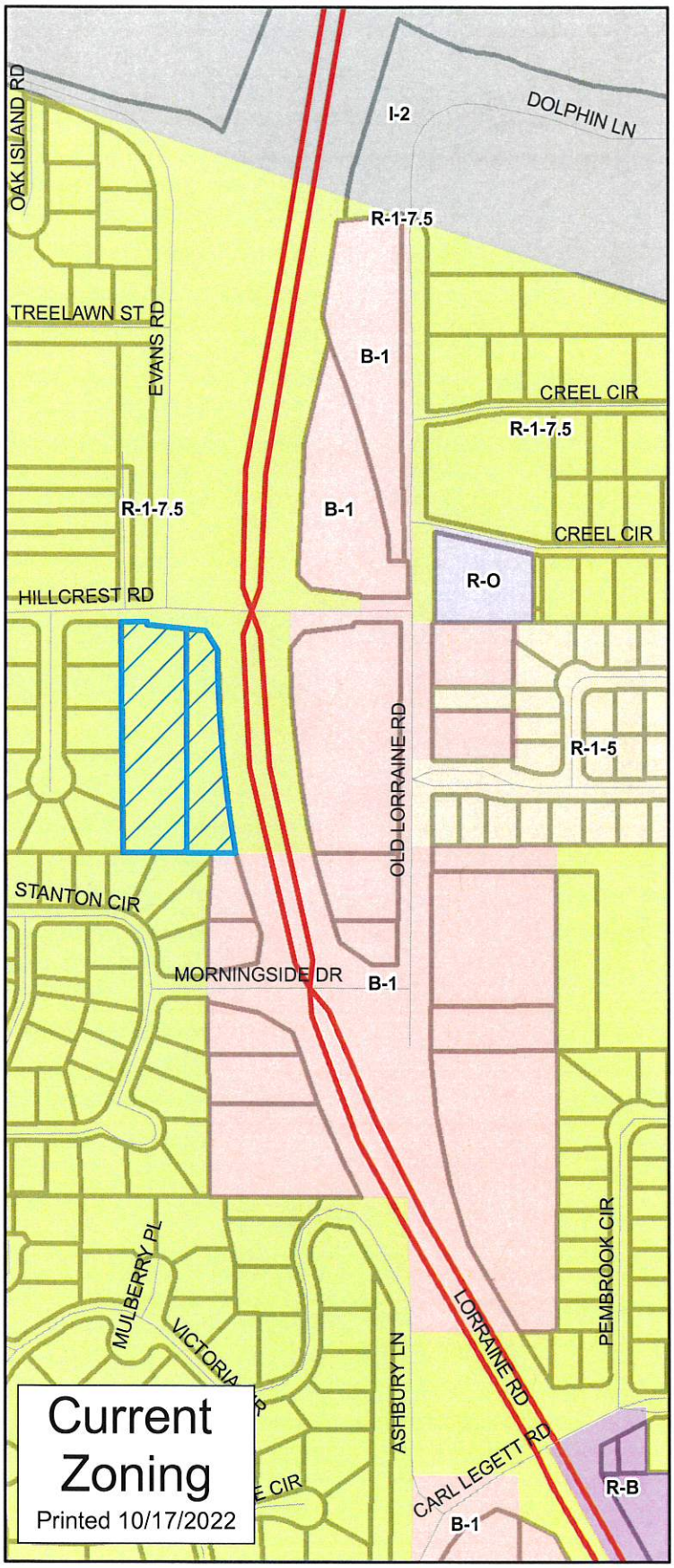
The City's Comprehensive Plan indicated this property was intended to become neighborhood commercial. According to the comprehensive plan's definitions, a neighborhood commercial classification is intended "accommodate service oriented businesses" that "satisfy the daily household needs of the surrounding neighborhoods."

DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Pietrangelo
Director of Urban Development Department





Parcels selection
Principal Arterial
Minor/Residential
WaterFeatures
Parcels

N
W E
S

1 inch = 400 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.

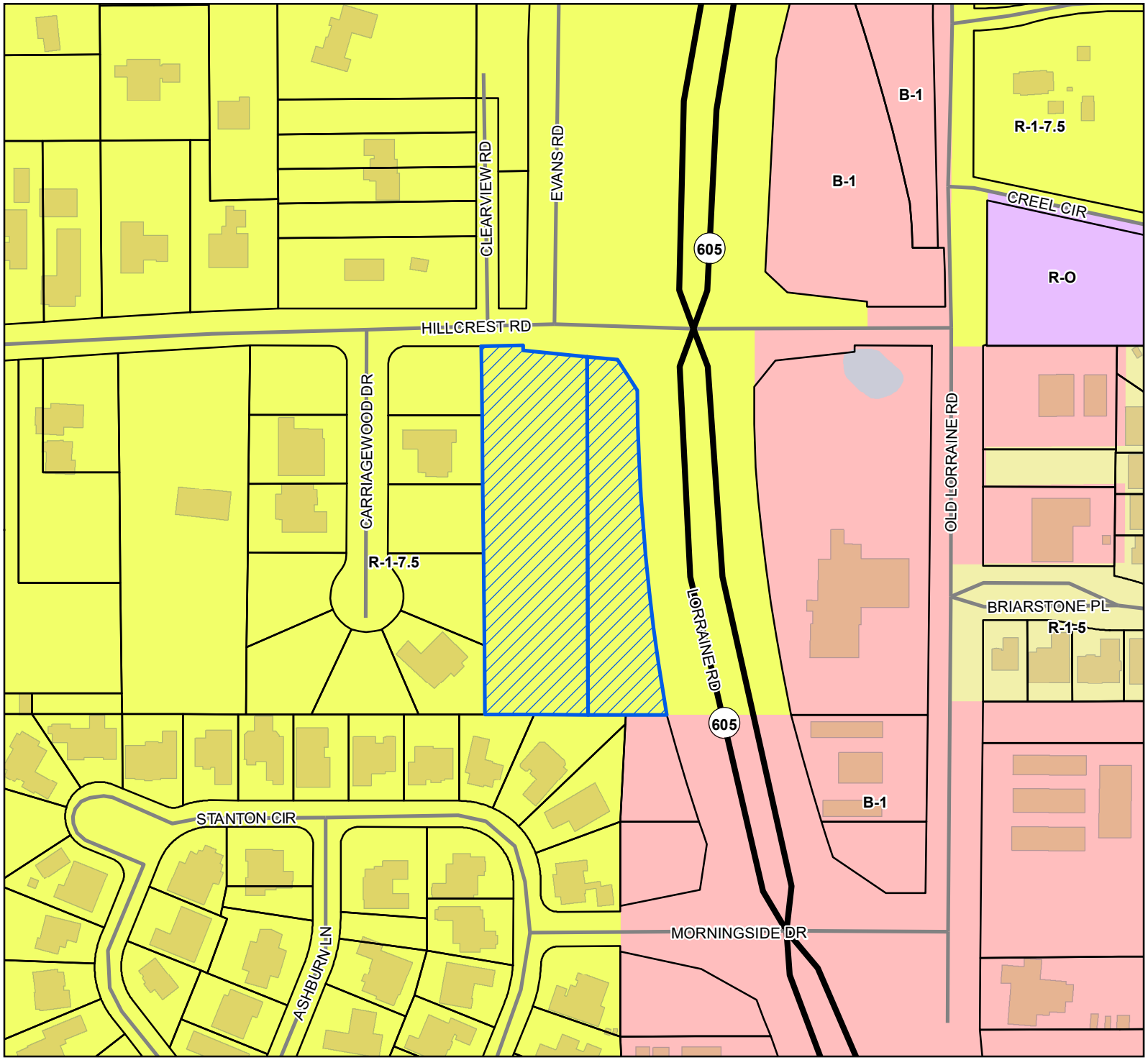
LEGEND

GULFPORT FUTURE LAND USE

- CONSERVATION, AGRICUTURE, FORESTRY & FISHERIES
- LOW DENSITY ESTATE RESIDENTIAL
- SUBURBAN MODERATE DENSITY RESIDENTIAL
- URBAN MEDIUM DENSITY RESIDENTIAL
- URBAN MEDIUM DENSITY RESIDENTIAL
- TWO -FOUR UNIT RESIDENTIAL
- GENERAL RESIDENTIAL
- RESORTS, HOTELS, MOTELS, RV CAMPGROUNDS
- CENTRAL BUSINESS DISTRICT
- HIGHWAY COMMERCIAL
- GENERAL COMMERCIAL
- NEIGHBORHOOD COMMERCIAL
- LOW INTENSITY COMMERCIAL
- HEAVY INDUSTRY
- PLANNED INDUSTRIAL PARKS
- LIGHT INDUSTRY - DISTRIBUTION
- TRANSPORTATION, UTILITIES & COMMUNICATIONS
- REGIONAL AIRPORT
- PORT OF GULFPORT
- RAILROAD
- PUBLIC (GOVERNMENT)
- MILITARY
- MEDICAL FACILITIES
- EDUCATIONAL FACILITIES
- RELIGOUS INSTITUTIONS
- CIVIC, SOCIAL & FRATERNAL ORGANIZATIONS
- IMPROVED PARKS
- NATURAL PARK
- GOLF COURSE
- PUBLIC ASSEMBLY
- CEMETARY
- WATER
- BEACH

2210PC191

Zoning Map Amendment



Site
US or State Highway
Street
Parcels
Buildings
Water Features

Zoning

B-1 - Neighborhood Business District
R-1-5 - Single Family Residence District (Medium Density)
R-1-7.5 - Single Family Residence District (Low Density)
R-O - Residence-Office

Site Information

1009M-03-006.000
1009M-03-004.000
Zoning: R-1-7.5 (Single-family residence)
Size: 2.82 Acres
Flood: X

0 30 60 90
Yards

1 inch = 200 feet

N
W E
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Revision date 11/2/2020

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

APPLICATION FOR ZONING MAP AMENDMENT/LAND USE RECLASSIFICATION (SMARTCODE)

For Staff Use Only

Case File #: 2210 PC 191

Date Received:

Receipt #:

Received By:

Zoning: R-1-7.5

Ward: 4 Flood: X

Size: 2.82 acres

Property Information

TAX PARCEL # 1009M-03-006.000
1009M-03-004.000

(If necessary, use separate sheet of paper)

Address of Property Involved: 11451 and 11463 HILLCREST RD

Lot(s) NA, Block(s) NA, Subdivision NA

General Location: SW corner of Hillcrest Road and Cowan Lorraine Road

GENERAL DESCRIPTION OF REQUEST:
Request to rezone property along Cowan Lorraine Road from single family residential (R-1-7.5) to Neighborhood Business (B-1)

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

Sharon L. Myers
Printed Name Of Owner

142 Edgewater Drive
Mailing Address

Biloxi MS 39531
City State Zip code

228-697-5616
Home Phone Work/Cell Phone

ln2tenis@gmail.com
Email

Sharon L Myers
Signature Of Owner

AGENT

Donovan Scruggs
Printed Name Of Agent

317 Pine Drive
Mailing Address

Ocean Springs MS 39564
City State Zip code

228-348-1315
Home Phone Work/Cell Phone

donovan@scruggsplanning.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.

September 1, 2022

Mr. Greg Holmes
Planning Administrator
City of Gulfport
1410 24th Avenue
Gulfport, MS 39501

RE: Authorization to Represent for Rezoning of Property and Related Matters
For Parcels Along West Side of Cowan Lorraine Road
PIDNs: 1009M-03-006.000 (W. parcel) and 1009M-03-004.000 (E. parcel)

Dear Mr. Holmes:

Please accept this letter as authorization for the following:

Donovan Scruggs, Donovan Scruggs Town Planning and Consulting; and

Virgil Gillespie, Gillespie Law Firm

to represent my interest for land use, rezoning, and similar matters for two parcels of land located along the west side of Cowan Lorraine Road and south of Hillcrest Road as identified above.

Please accept applications, documents and other representations by Donovan Scruggs and Virgil Gillespie, submitted and provided on my behalf, that relate to this property.

Sincerely,

Sharon L Myers

Sharon Myers

Sharon L Myers

Notary:

STATE OF MISSISSIPPI
HELEN JUNEAU
NOTARY PUBLIC
ID No. 85337
My Comm. Expires
May 10, 2023
JACKSON COUNTY

September 6, 2022

Mr. Greg Holmes
Planning Administrator
City of Gulfport
1410 24th Avenue
Gulfport, MS 39501

RE: Additional information For Rezoning Application
For Parcels Along West Side of Lorraine Road
PIDNs: 1009M-03-006.000 (W. parcel) and 1009M-03-004.000 (E. parcel)

Dear Mr. Holmes:

Sharon Myers has submitted an application for a rezoning for property located along the south side of Hillcrest Road and west of Lorraine Road. She is working with Bobby Heinrich to develop plans for the site. Upon approval of the rezoning, it is her intent to complete the design and start construction within 6 to 12 months.

The requested rezoning is compatible with surrounding properties, and the amendment will have no negative impacts. This request is similar to other rezonings along the corridor.

The request for the rezoning is based on the lack of similarly zoned properties in the area that are available for development.

If you have any questions or need additional information, feel free to contact me.

Sincerely,

Donovan Scruggs, AICP

Request for a
Zoning Amendment for Properties Located at
Along West Side of Highway 605 and South of Hillcrest Road

Prepared by: S. Donovan Scruggs, AICP
Date: September 6, 2022

Sharon Myers is submitting an application to rezone two parcels of land situated along the west side of Highway 605/Lorraine Road and south of Hillcrest Road. The applicant is requesting a zoning change from Single Family Residential-Low Density (R-1-7.5) to Neighborhood Business District (B-1). Over the past 20 years, and recently at a more rapid rate, this corridor has developed into a strong commercial corridor with new developments that have been exclusively commercial and mixed use. The subject property is adjacent to Lorraine Road. Since the reconfiguration of the corridor in approximately 2003, no single-family home has been constructed adjacent to the roadway, and there is not a single example of a single-family residentially zoned property being developed adjacent to the corridor since its reconfiguration. With approximately 34,000 vehicles traveling the corridor daily, it is not well suited for single-family residential development. With other properties, the City of Gulfport has provided commercial rezonings along Lorraine Road using B-1 (Neighborhood Business) and R-B (Residence-business) Districts. These districts were specifically designed to be compatible with the adjacent or surrounding residential areas. All new construction adjacent to the corridor has been commercial or mixed use buildings. This construction has occurred exclusively within Neighborhood Business (B-1) and Residence Business (R-B) Districts with no development occurring within residentially zoned areas along the corridor. This has been encouraged by numerous rezonings of residential properties to commercial designations.

Change in Neighborhood Character.

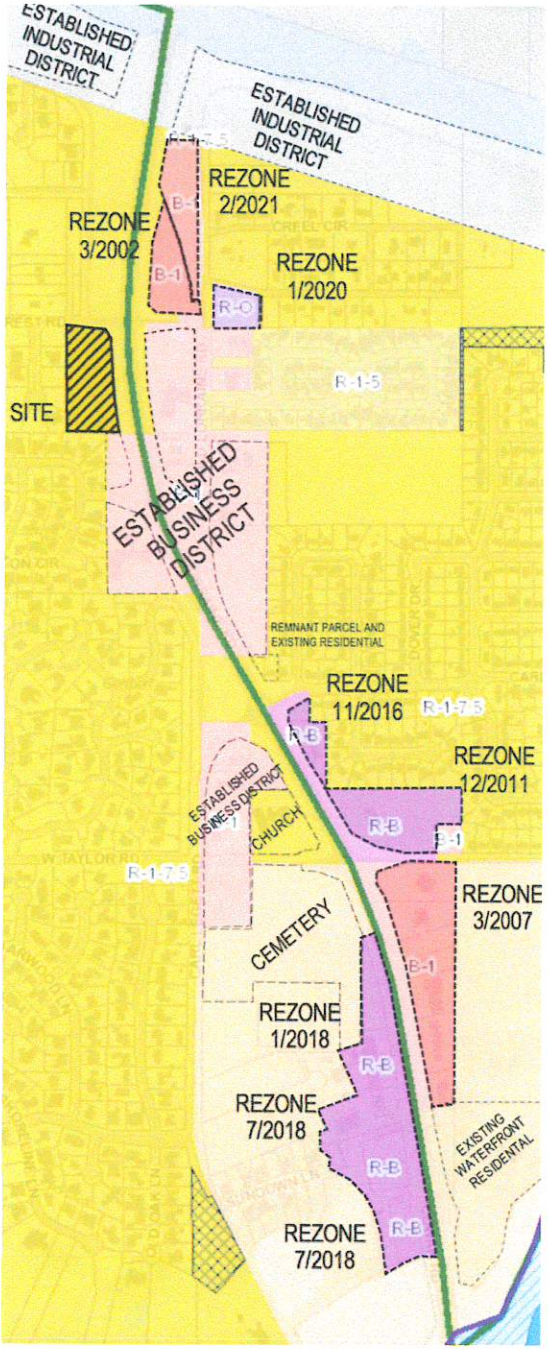
The request for a B-1 District is consistent with the zoning and uses along the corridor. This B-1 designation is the zoning of the adjacent parcel along the corridor to the south and the parcels directly across the street from the subject site. There are no parcels immediately north of the site along Lorraine Road except for the industrial areas adjacent to the industrial canal. The right of way of Evans Road runs parallel to Highway 605 in this area and serves as a local street for a residential area. There is a small sliver of undevelopable property located between Evans Road and east of Crestview Road, but this area is separated from the Lorraine Road right of way by Evans Roads.

Since the improvements to the corridor in approximately 2003, the growth along the roadway has been exclusively commercial and mixed use. Numerous rezonings have occurred along the corridor citing a change in neighborhood character and public need for the rezoning. The properties immediately south and east of the site are part of a business district that existed prior to the reconfiguration of the highway. This district extends southward to West Taylor Road (identified to the right as Established Business District). In February 2021, the City of Gulfport approved the most recent rezoning located along the north side of Hillcrest and on the east side of Lorraine road (identified as "REZONE 2/2021" on following page).

Over the past twenty years, there have been eight (8) rezonings along the corridor. At present, there are approximately 42 properties that are adjacent to the Lorraine Road right of way and located on "The Island" (between the Harrison County Industrial Canal and Benard Bayou). Of these, 33 are currently zoned B-1 (20) or R-B (13). Two properties are designated as an industrial district. In total 35 of 42 properties adjacent to the right of way are zoned commercial or industrial.

Two of the residential properties include a church (St. Mark Episcopal) and a cemetery. One parcel is approximately 4500 square feet and represents a remnant of the corridor expansion. It is undevelopable as a 'stand-alone' parcel. This totals 3 of the 7 residential properties are institutional or non-developable.

Of the remaining 4 residentially zoned parcels, one home was constructed in 1971 (located north of Brentwood Drive) and the other residential property was constructed in approximately 1850 according to GIS information. This parcel uses another residential parcel as access. Of the 42 properties along the corridor, only two single-family residential uses exist, and these were constructed over 50 ago and 150 years ago. No residential new construction has occurred along the roadway in more than 50 years.



The final remaining residential property along the corridor is the Myer property. Unlike the other residential parcels, this site is not developed, and it is developable. It is the only vacant residential site that can be developed on the corridor, but is burdened with a residential designation. *If the zoning is not changed, this will require the construction of a new home (the first in over 50 years) adjacent to a 4-lane primary arterial that is commercial in nature. All requests for rezonings for other properties (with the exception of the Floral Hills Memorial Gardens cemetery) have been approved by the City of Gulfport.*

History of Rezonings.

The initial rezoning occurred along the corridor in 2002 on the site north of Hillcrest Road and on the east side of Lorraine Road. This property is immediately northeast of the subject site. The property was rezoned from R-1-7.5 to B-1, but the site remained undeveloped for several years.

In 2007, the site located south of East Taylor Road was developed by Rick Marshall after it was rezoned from R-2 (Single-family residence districts—medium density) to B-1 (Neighborhood Business district). This site was recently 'built-out" and includes a mix of medical and dental clinics/offices and retail spaces. The site is fully occupied with no vacancies.

In 2011, the parcel north of East Taylor along the east side of Lorraine Road was rezoned. The Coastal ENT (Ears, Nose, and Throat) Clinic was constructed on the site. In 2016 the property immediately north of this site was rezoned, and the Beach View Family Dental clinic was constructed with additional commercial spaces. Both of these parcels were rezoned from R-1-7.5 to R-B and developed. The properties are adjacent to single-family residential areas. All units within these commercial developments are fully occupied.

In 2018 properties along the west side of Lorraine Road and south of West Taylor Road were rezoned from R-2 to R-B. This included three separate rezonings, and the area has developed with a mix of restaurants, offices, retail, and upper floor residential units. Areas that are 'off the corridor' were established for a small single-family residential neighborhood. This 'tiered' approach is consistent with the existing character of the corridor

that includes commercial activities immediately adjacent to the roadway and residential areas behind these compatible commercial area. The R-B and B-1 Districts were designed to be located adjacent to or surrounded by residential area are should not be considered incompatible districts. More intense districts such as B-2 (General Business District), B-3 (Central Business District), and B-5 (Highway Business District) would be inappropriate for this corridor due to the proximity to residential areas..

The most recent rezoning occurred immediately east of the site and north of Hillcrest. A parcel was rezoned from R-1-7.5 to B-1. This rezoning of property prompted the on-going construction of a commercial building on this site.

While other rezonings within an area represent evidence of change, other items should include physical changes that have occurred. As evidenced by the recent construction of the Pilger building, there is on-going change in this area.

Similarly, the area south of Hillcrest was developed in 2018 by the Hillcrest Dental Group for the establishment of a new dental clinic Farther south, Negrotto's Frame and Art constructed a new commercial building in 2018. These properties were zoned B-1 before the roadway was reconfigured, but the construction of these commercial buildings signaled a change in character within the immediate area.

To the immediate south of the site is a billboard (off-site advertising sign). While there is no building on this site, the billboard sign is permitted in commercial districts. These structures are prohibited in residential districts. The billboard represents a commercial use and promotes the commercial character of the adjacent lot.

Images top to bottom: Ongoing construction of the Pilger Title located on recently rezoned parcel north of Hillcrest. Center image is a 2018 photograph of Hillcrest Dental Group under construction. The lower image is a recent image of the Hillcrest Dental building as completed.

Public Need.

An overview of the area demonstrates that the corridor has no obvious vacancies. Over the past fifteen years, new sites and buildings have been developed and then immediately occupied. For several years sites have been rezoned from residential districts (R-1-7.5 and R-2) to commercial districts (R-B and B-1). At present, there is only one commercial site that remains vacant and undeveloped (owned by Hardy Court Shopping Center) and the owner has indicated there is no current desire or intent to develop or to convey the property.

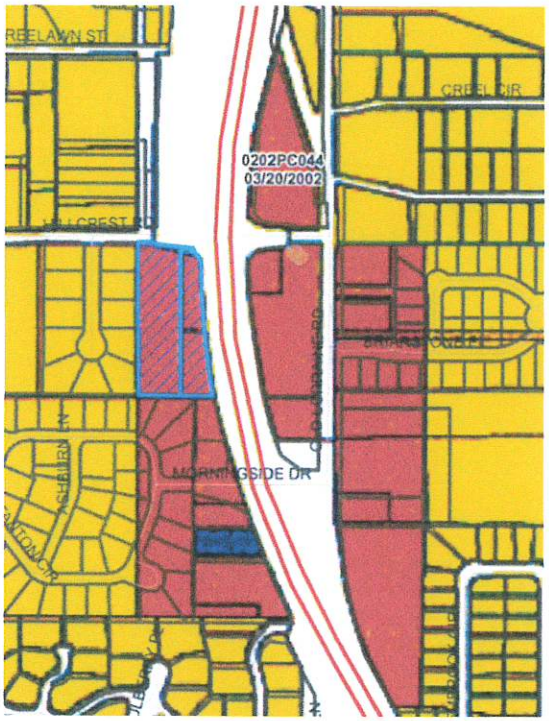
The property northwest of the subject site was rezoned in 2021 and is currently being developed as an office space for Pilger Title. Lemon-Mohler Insurance is in the process of developing plans for the construction of a new building immediately south of the Pilger site.

Except for the Hardy Court Shopping Center Property, the Myers property is the only remaining vacant property on the Island's corridor that is developable. The growth in this area has been tremendous in recent years, and now there is no available sites for commercial development. With no sites available, there is a public need for additional commercial sites. Additionally, it is not beneficial to the public to zone property for a use that is not practical or consistent with an area. The R-1-7.5 Single Family Residential District designation unreasonably constrains the property for development.

Cowan-Lorraine Road/Hwy 605
Land use and Zoning Characteristics
Highway 90 to Dedeaux Road (4.5 miles)

No. of Total Parcels	162	
No. of Commercial/Industrial Zoned Parcels	154	
No. of Residentially Zoned Parcels	8	
Residential Parcels as Institutional Use		2
Developed Residential Parcels		3
Remnant and Undevelopable Parcels		2
Available to Develop (Myer's property)		1

Over the past 20 years the corridor has transitioned from rural residential to commercial. From Highway 90 to Dedeaux Road, there is only one vacant, developable site with a residential zoning. It is the subject site. Every parcel along Lorraine Road (Highway 605) and north of the Industrial Canal to Dedeaux Road is zoned either industrial or commercial. Every property between Highway 90 and the Benard Bayou Bridge has a commercial designation (one exception is a T-1 District that is not developable adjacent to Benard Bayou). The restriction placed on this property is not consistent with other uses in the area or other actions by the City with similar requests along the corridor.



The Future Land Use Map identifies the anticipated use of this property as commercial (red).

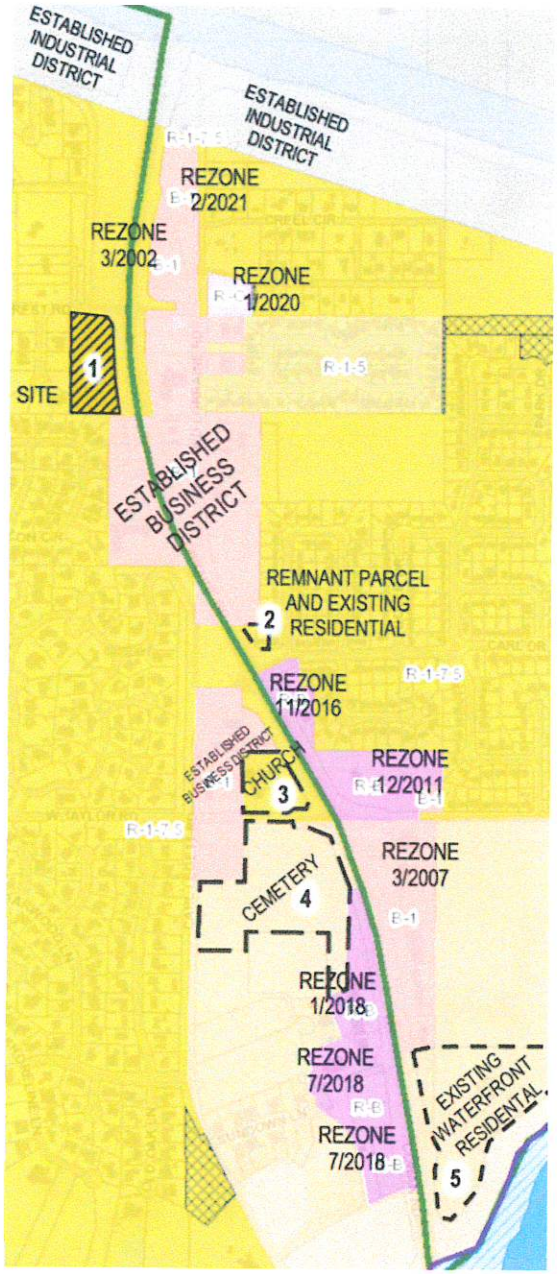
The City of Gulfport should encourage commercial growth in appropriate areas. These areas are typically on primary arterials such as Pass Road, Highway 49 and Highway 605. The specific site has been identified within the Comprehensive Plan's Future Land Use Map as commercial. The requested rezoning is consistent with the map. The rezoning will allow an unused parcel to be developed in a productive manner. Properties across the street have been rezoned and new buildings have been constructed in this area.

Remaining Residential along the Corridor.

Since 2002, the overwhelming majority of residential properties along Lorraine Road (between Highway 90 and Dedeaux Road) have been classified or rezoned to commercial or Industrial. There are no examples and no construction of a single-family residential structure along this corridor in more than 50 years. There are examples of residential development 'behind' commercial parcels, but there are no examples of residential construction adjacent to the Lorraine Road right of way. At present, only a handful of residentially zoned properties remain as others have been rezoned to commercial designations. These residential properties along the corridor are detailed as follows:

The Myers property (1) is the only undeveloped and developable residential property along the corridor. It is approximately 2.9 acres in size and is adjacent to Hillcrest Road and Lorraine Road. This parcel is zoned R-1-7.5. If the subject property remains designated as single-family residential, the City is indicating that the site is best suited for residential development along a primary arterial despite no similar construction in more than 50 years. The only examples of single-family residential have been behind commercial uses and lots along the corridor.

There are two small residential parcels (2) located north of Brentwood Boulevard. One includes a single-family home owned by Thomas Sutton and constructed in 1971. The home existed prior to the reconfiguration of the roadway. Immediately west of the Sutton lot is a small, remnant parcel with an area of approximately 4,350 square feet. This parcel is undevelopable as an individual parcel. These parcels are zoned R-1-7.5.



St. Mark's Episcopal Church (3) is located along the north side of West Taylor Road. This site is developed as a non-residential use. This parcel is zoned R-1-7.5.

Similarly to the south of West Taylor Road (4) is an area designated as R-2. The is property associated with Floral Hills Memorial Gardens Cemetery and has restrictions associated with its use and conveyances for development.

The final residential property (5) is a large waterfront property. It includes two parcels that function as a single property. The larger lot is only adjacent to the Lorraine Road right of way near the bridge. The 'front' parcel is a narrow, triangular piece that approximately .7 acres but is very narrow. A gated access to the larger parcel is located through this smaller, triangular property.

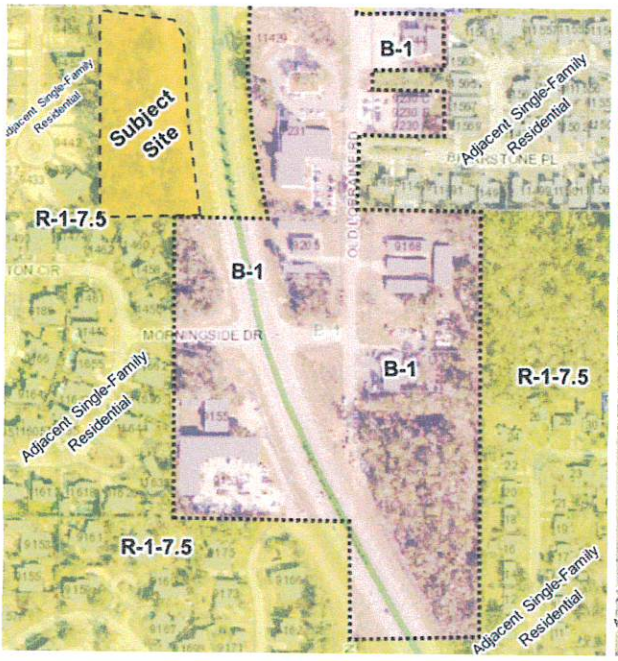
As a result, this subject property represents the only undeveloped residential property along the corridor that can be developed. There have been no new homes building on this corridor in over 50 years, and this should not be encouraged. From Beach Boulevard to Dedeux Road, all properties (with exception to those mentioned above) are zoned to permit commercial uses.

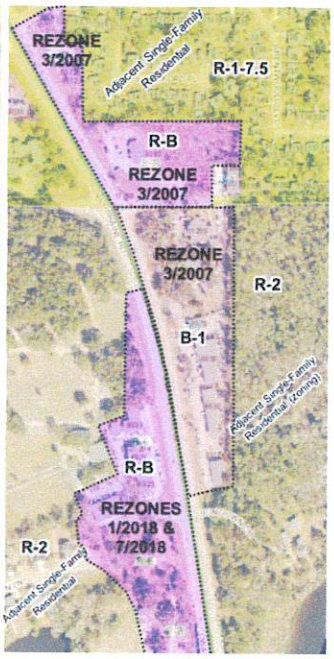
Adjacency to Residential.

The B-1 and R-B Districts are the more restrictive commercial districts of the City. These Districts are created and designed to be compatible and serve nearby residential uses. These districts are not intense and are not intended to create high volumes of traffic. For this reason, the City has rezoned and established these districts along the corridor. These districts are described within the zoning ordinance as follows:

> *R-B districts:* Residence-business districts. These districts are composed of areas containing a mixture of residential, public and semipublic, and light commercial uses. Although usually located between residential areas and business areas, these districts are, in some instances, freestanding and may include hotel, hospital, or similar building groups and related uses or land suitable for such uses. <u>The district regulations are designed to encourage further appropriate development by limiting the permitted uses to dwellings and uses of a public, semipublic or light commercial nature and to protect the abutting and surrounding residential areas by requiring certain minimum yard, area and other standards to be met, standards that are comparable to those called for in the residence district.</u>

B-1 districts: Neighborhood business districts. These districts are composed of land and structures occupied by or suitable for uses furnishing the retail goods, such as groceries and drugs, and services, such as barbering and shoe repairing, to satisfy to daily household needs of the surrounding residential neighborhoods. Often located on a thoroughfare or near the intersection of two (2) thoroughfares, these districts are small and within convenient distance of most of the areas they serve. The district regulations are designed to permit the development of the districts for their purpose and to protect the abutting and surrounding residential areas. It is intended that additional neighborhood business districts will be created, in accordance with the amendment procedure of this ordinance, as they are needed to serve new residential areas.





Along the corridor, the City of Gulfport has established precedence of placing the R-B and B-1 Districts adjacent to the corridor between the right of way and the residential areas farther away from the corridor or 'behind' commercial parcels. This is consistent with the design and intent of the zoning the districts. This practice dates back to the zoning that was in place prior to the reconfiguration of the corridor (immediate image to right) and the rezonings of other properties (farther image). The owner is requesting that the subject site be permitted the same consideration provided for other properties along the corridor.

Summary.

Very few areas along the Gulf Coast and within the City of Gulfport have experienced the growth and change in character similar to what has occurred within the subject area. The roadway was reconfigured from rural roadways to a major four-lane corridor in 2003, and this led to a profound change to the area that should be recognized. The roadway now serves as one of the most travelled corridors within the City with approximately 34,000 vehicles daily. Over the last 20 years, this reconfiguration has led to a number of rezonings and significant investments in commercial developments along the corridor. Properties have been rezoned from residential (R-2 and R-1-7.5) to commercial (B-1 and R-B) districts. There are no examples of rezoning for residential purposes along the corridor, and there are no examples of residential construction consistent with these single-family designations along the corridor. Because there has been no similar construction within the last 50 years, the likelihood of the subject property being developed to single-family residential is extremely low. Zoning and right of way access restrictions would complicate and constrain any such development, and this could negatively impact adjacent residential properties. Residential development at this site would be inconsistent with the City's Comprehensive Plan and development trends over the past 20 years for the corridor.

The requested zoning designation, B-1 Neighborhood Business District, is designed to be developed adjacent to single-family residential areas, and it is compatible with residential areas. The request is consistent with other rezonings that have allowed the expansion of the R-B and B-1 Districts along the corridor that are adjacent to single-family areas, and this property should not be treated in a way that is inconsistent with previous actions.

1st Judicial District
Instrument 2015 4459 D – J1
Filed/Recorded 7/ 1/2015 02:25 P
Total Fees $ 12.00
5 Pages Recorded

REVIEWED

SCANNED

1st Judicial District
Instrument 2015 1915 D – J1
Filed/Recorded 4/ 1/2015 12:00 N
Total Fees $ 12.00
4 Pages Recorded

Prepared by and after recording return to:
J. William Williams , MBN 102588
Williams & Nichols, PA
Post Office Box 60
Gulfport, Mississippi 39502-0060
Telephone No. (228) 265-8200
Facsimile: (228) 265-8050

Grantors' Names, Addresses and Telephone Numbers:
THE COVINGTON LIVING TRUST,
WILLIAM A. COVINGTON and DEBORAH D. COVINGTON, Trustees
4120 Burma Road
Mobile, Alabama 36693
(251) 660-1349

EAGLES NEST HOLDINGS, L.P., a Mississippi limited liability company
Post Office Box 7002
Gulfport, Mississippi 39502
(228) 396-1413

Grantees' Name, Address and Telephone Number:
SHARON L. MYERS
2555F Marshall Road
Biloxi, Mississippi 39531
(228) 697-5616

Indexing Instructions:
Part of the NW ¼ of SW ¼, Section 19, T7S, R10W, First Judicial District, Harrison County, Mississippi

STATE OF MISSISSIPPI
COUNTY OF HARRISON

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned, EAGLES NEST HOLDINGS, L.P. and THE COVINGTON LIVING TRUST ("**Grantors**"), do sell, grant, convey, and warrant unto SHARON L. MYERS

("**Grantee**"), the real property, together with all improvements thereon, situated in Harrison County, First Judicial District, Mississippi, and more particularly described on **Exhibit "A,"** which is hereby incorporated by reference.

The conveyance is made subject to all protective covenants, rights of way, easements, and oil, gas or mineral reservations or conveyances of record pertaining to the subject property.

Taxes for the current year are assumed by the Grantee.

WITNESS, the Grantors have caused this instrument to be executed, this the 31st day of March, 2015.

THE COVINGTON LIVING TRUST:

By: _____
Name: William A. Covington
Title: Trustee

By: _____
Name: Deborah D. Covington
Title: Trustee

EAGLES NEST HOLDINGS, L.P., a Mississippi limited partnership

By: EAGLES NEST GP, LLC, a Mississippi limited liability company, its General Partner

By: _____
Name: Frank Palazzo
Title: Manager

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this the 31st day of March, 2015 within my jurisdiction, the within named WILLIAM A. COVINGTON, who acknowledges that he is a Trustee of THE COVINGTON LIVING TRUST, and in his capacity as Trustee, he executed the above and foregoing instrument and further he acknowledged that he had authority under the trust agreement to sign such instrument.

SWORN TO AND SUBSCRIBED before me this, the 31st day of March, 2015.

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 72740 RACHEL M. QUAVE Commission Expires July 15, 2016 HARRISON COUNTY

NOTARY PUBLIC

My Commission Expires: _____

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this the 31st day of March, 2015 within my jurisdiction, the within named DEBORAH D. COVINGTON, who acknowledges that she is a Trustee of THE COVINGTON LIVING TRUST, and in her capacity as Trustee, she executed the above and foregoing instrument and further she acknowledged that she had authority under the trust agreement to sign such instrument.

SWORN TO AND SUBSCRIBED before me this, the 31st day of March, 2015.

NOTARY PUBLIC

My Commission Expires: _____

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 72740 RACHEL M. QUAVE Commission Expires July 15, 2016 HARRISON COUNTY

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this 31st day of March, 2015, within my jurisdiction, the within named FRANK PALAZZO, Manager of EAGLES NEST GP, LLC, a Mississippi limited liability company, the general partner of EAGLES NEST HOLDINGS, L.P., a Mississippi limited partnership, and that as general partner of said limited partnership, and as the act and deed of said general partner of said limited partnership, and as the act and deed of said limited partnership, he executed the above and foregoing instrument, after first having been duly authorized by said limited partnership so to do.

SWORN TO AND SUBSCRIBED before me this, the 31st day of March, 2015.

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 72740 RACHEL M. QUAVE Commission Expires July 15, 2016 HARRISON COUNTY

NOTARY PUBLIC

My Commission Expires: _____

(SEAL)

EXHIBIT "A"

Legal Description (as per Record)

A parcel of land being situated in the Northwest One-Quarter of the Southwest One-Quarter (NW ¼ of the SW ¼) of Section 19, Township 7 South, Range 10 West, First Judicial District of Harrison County, Mississippi, said parcel being more particularly described as follows, to-wit:

Commencing at the Northeast (NE) corner of the Northwest One-Quarter of the Southwest One-Quarter (NW ¼ of the SW ¼) of Section 19, Township 7 South, Range 10 West, Harrison County, Mississippi, run thence South 89 degrees 55 minutes 59 seconds West a distance of 494.81 feet to a point on the South margin of Hillcrest Road; thence run South 0 degrees 38 minutes 52 seconds West a distance of 17.07 feet to the POINT OF BEGINNING; thence run South 84 degrees, 27 minutes 00 seconds East a distance of 44.75 feet; thence run South 32 degrees 32 minutes East a distance of 52.55 feet to a point on a curve; thence run along a curve to the left, having a radius of 2,946.81 feet for a distance of 477.42 feet to a point which is South 06 degrees 36 minutes 57 seconds East and 476.89 feet from the previously described point; thence run South 89 degrees 55 minutes 59 seconds West a distance of 127.32 feet to a point; thence run North 0 degrees 02 minutes 49 seconds West a distance of 522.50 feet to the Point of Beginning.

Legal Description (as per Survey)

A parcel of land being situated in the Northwest One-Quarter of the Southwest One-Quarter (NW1/4 of the SW 1/4) of Section 19, Township 7 South, Range 10 West, First Judicial District of Harrison County, Mississippi, said parcel being more particularly described as follows, to-wit:

Commencing at the Northeast (NE) corner of the Northwest One-Quarter of the Southwest One-Quarter (NW 1/4 of the SW 1/4) of Section 19, Township 7 South, Range 10 West, Harrison County, Mississippi, run thence South 89 degrees 55 minutes 59 seconds West a distance of 494.81 feet to a point on the South margin of Hillcrest Road; thence run South 0 degrees 38 minutes 52 seconds West a distance of 17.07 feet to the POINT OF BEGINNING; thence run South 84 degrees, 08 minutes, 29 seconds East a distance of 41.73 feet; thence run South 33 degrees 33 minutes 59 seconds East a distance of 52.89 feet to a point on a curve; thence run along a curve to the left, having a radius of 2,946.81 feet for a distance of 479.82 feet to a point which is South 06 degrees 45 minutes 21 seconds East and 479.29 feet from the preciously described point; thence run South 89 degrees 26 minutes 58 seconds West a distance of 121.91 feet to a point; thence run North 00 degrees 33 minutes 10 seconds West a distance of 525.24 feet to the POINT OF BEGINNING. Said parcel contains 1.1 Acres, more or less.

SCANNED

1st Judicial District
Instrument 2016 7736 D – J1
Filed/Recorded 10/19/2016 12:48 N
Total Fees $
3 Pages Recorded

2nd Judicial District
Instrument 2016 2539 D – J2
Filed/Recorded 10/17/2016 02:30 P
Total Fees $ 12.00
3 Pages Recorded

PREPARED BY and RETURN TO:
David A. Wheeler, Esquire
Wheeler & Wheeler, PLLC
P.O. Box 264
Biloxi, MS 39533
(228) 374-6720
MSB 7126

INDEXING: NW 1/4 of SW 1/4 S19-T7S-R10W
Harrison County, 1st Jud. Dist., MS

STATE OF MISSISSIPPI

COUNTY OF HARRISON

FIRST JUDICIAL DISTRICT

WARRANTY DEED

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 of which is hereby acknowledged, RANCHO DELUXE, LTD., a Mississippi corporation, 2555 Marshall Road, Suite B, Biloxi, MS 39532 (228) 388-2505, *GRANTOR*, does hereby GRANT, SELL, BARGAIN, CONVEY and WARRANT to **SHARON L. MYERS**, 133 Edgewater Drive, Biloxi, MS 39531 (228) 697-5616, *GRANTEE*, all right, title and interest in and to the following described real property, together with all improvements situated thereon, lying and being situated in Harrison County, First Judicial District, Mississippi, more particularly described as follows, to-wit:

"TITLE NOT EXAMINED"

Beginning at a point 495 feet West of the Northeast corner of the Northwest Quarter of the Southwest Quarter (NW 1/4 of SW 1/4) of Section 19, Township 7 South, Range 10 West, thence South 540 feet parallel with the quarter section line to a stake, thence West 150 feet parallel with the half section line, thence North 540 feet to a point in the half section line, thence East 150 feet along the half section line to the point of beginning.

LESS AND EXCEPT:
Begin at a point that is 32.808 feet Southerly of and perpendicular to the centerline of the relocation of Hillcrest Road at Station 0 + 925 as shown on the plans for State Project No. 94-9371.00-004-10; from said point of beginning run thence North 00 degrees 38' East, a distance of 7.405 feet to the present South right-of-way line of Hillcrest Road; thence run East along the present South right-of-way line of Hillcrest Road, a distance of 92.641 feet to the East line of Defendant's property; thence run South along said East property line, a distance of 16414 feet; thence run North 84 degrees 27' West, a distance of 93.159 feet to the point of beginning, containing 0.025 acres, more or less, and being situated in and a part of the Northwest 1/4 of the Southwest 1/4 of Section 19, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi.

The Grantor herein intends, and by its execution of this instrument does, transfer unto Grantee all right, title and interest it presently has in and to the above described property, subject to all restrictions, easements and rights of way of record.

It is agreed and understood that the taxes for the current year are assumed by the Grantee.

"TITLE NOT EXAMINED"

This deed is being executed pursuant to Miss. Code Ann. Section 79-4-14.05(a) as a winding up of corporate affairs and a conveyance of the remaining corporate assets to the sole stockholder.

WITNESS MY SIGNATURE, this the 17th day of OCTOBER, 2016.

RANCHO DELUXE, LTD.

BY: _____
TEMPLETON FOWLKES, President

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for said county and state, on this the 17 day of OCTOBER, 2016, within my jurisdiction, the within named TEMPLETON FOWLKES, who acknowledged to me that he is President of RANCHO DELUXE, LTD., a Mississippi corporation and the sole stockholder of said corporation, and that for and on behalf of said corporation, and as the act and deed of said corporation, he executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

_____
NOTARY PUBLIC

My Commission Expires:

STATE OF MISSISSIPPI
HOLLY E. COX
NOTARY PUBLIC
ID No. 47803
Commission Expires
December 9, 2016
HARRISON COUNTY

"TITLE NOT EXAMINED"

PARCEL	S.F. (AC.)
1	33,835 (0.78)
2	29,012 (0.67)
3	30,800 (0.71)
4	33,270 (0.76)

BUILDING	S.F.	PARKING
"A"	3,900	18
"B"	3,800	20
"C"	8,000	20
"D"	5,000	22
TOTAL	17,700	80

KED

HEINRICH & ASSOCIATES

22-029
09.02.22

Technical Report

Zoning Map Amendment

GENERAL INFORMATION

Case File Number: 2012PC164

Hearing Date: December 17, 2020

Current Zoning/Use: R-1-7.5 / Vacant property

Legal: Zoning Map Amendment 2012PC164, by agent Nancy Stone, tax parcel 1009L-02-001.001, Request to rezone from R-1-7.5 (Single-family) to B-1 (Neighborhood business), Old Lorraine Rd, Ward 5

TECHNICAL DETAILS

Amendment of the Zoning Ordinance, including the zoning map, is intended to carry out the objective of a sound, stable, and desirable environment. Casual amendment of the ordinance would be detrimental to the achievement of that objective. Therefore, the ordinance dictates that a property should be considered for rezoning only when one or more of the following conditions prevail:

(a) *Error*. There is a manifest error in the article.
(b) *Change in conditions*. Changed or changing conditions in a particular area or in the city or metropolitan area generally make a change in the regulations necessary and desirable.
(c) *Increase in need for sites*. Increased or increasing needs for business or industrial sites in addition to sites that are available make it necessary and desirable to reclassify an area or to extend the boundaries of an existing area.
(d) *Annexation*. It is necessary and desirable to reclassify territory annexed to the city.
(e) *Ordinance changes*. Amendment to the ordinance not involving a change in classification of land is necessary.
(f) *Change in governmental property*. It is necessary to reclassify property as a result of acquisition or disposition of such property by the United States of America, the State of Mississippi, or Harrison County.

According to the Mississippi case law:

When requesting rezoning of real property, **an applicant must prove**, by **clear and convincing evidence**, one of the following:

1. That there was a mistake in the original zoning, or
2. That the character of the neighborhood has changed to such an extent as to justify reclassification, **and** that there was a public need for rezoning.

Technical Report

Zoning Map Amendment

The applicants are requesting to rezone approximately 2.22 acres of vacant, residential zoned property from R-1-7.5 (Single-family low density) to B-1 (Neighborhood business) zone. As presented, the applicant has not included information on any specific tenants; however, they state that development is ready to begin within 6 months of approval and could include multiple tenants, with whom they are currently negotiating.

According to the City's 2002 Comprehensive Plan, some limited commercial activity was shown in the area, particularly the areas that have already been zoned or rezoned commercial. Looking at the attached Analysis maps, it is shown that this parcel did not quite exist until rather recently. The 2001 imagery shows the construction of Highway 605. A large portion of the parcel in question was originally right-of-way of the Old Lorraine Road, which was removed after the completion of Highway 605. The 2002 Comprehensive Plan Future Land Use appears to show residential use (yellow) in this area, adjacent to commercial (red). This was before Dolphin Lane was constructed and Industrial Use was added along Bayou Bernard/Industrial Waterway. No prior development has occurred on this property.

The applicant has chosen 2 main justifications for change of the current zoning district. These justifications are change in conditions and an increased need for sites.

(a) Error is indicated by the applicant as not being applicable to this request.

(b) Change in conditions is the first justification for the request indicated by the applicant. They do not elaborate much, but they say that the changes are related to the property having been owned previously by Harrison County.

(c) Increased need for sites is addressed as a justification by the applicant. They indicate that "Business sites along Lorraine Road have been in demand and many businesses have located and are looking for locations."

(d) Annexation is not applicable to this site nor are any statements provided by the applicant.

(e) Ordinance changes are not applicable to this site nor are any statements provided by the applicant.

(f) The applicant states that this property used to be governmental property, owned by Harrison County until they sold it to the applicant in 2010.

EXECUTIVE SUMMARY

This property is located between Lorraine Road and Old Lorraine Road and is adjacent to other B-1 property as well as I-2 (Heavy industry) property. Before the construction of the current Lorraine Road (Highway 605), a large portion of this property was right-of-way since the Old Lorraine Road went through this area. The applicant cites that many businesses have been locating along this corridor, and that more are interested in locating here. Although the applicant did not provide much detail in their argument, it appears to be a valid claim for this request.

h.k

Technical Report

Zoning Map Amendment

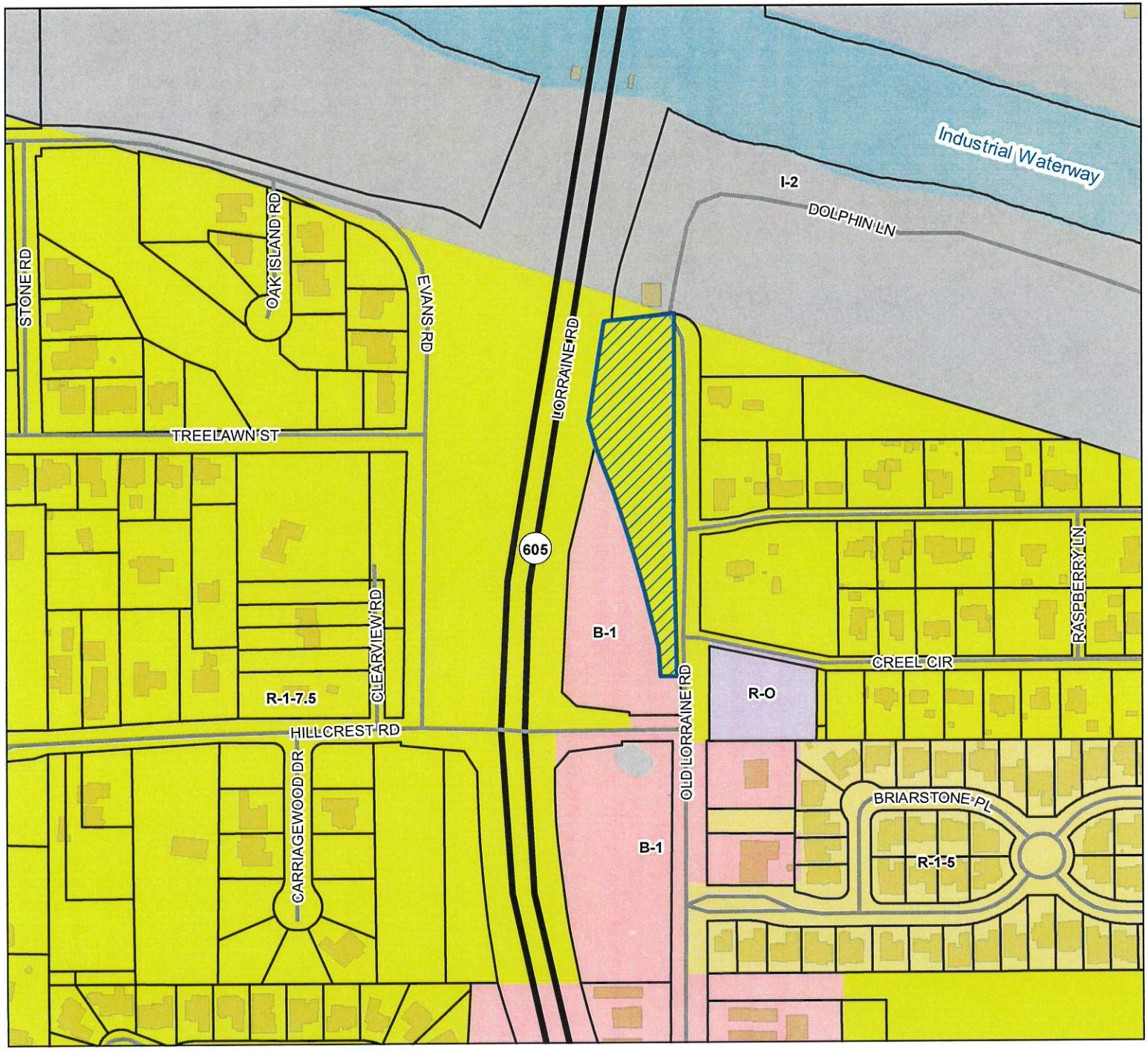
DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Pietrangelo
Director of Urban Development Department

2012PC164

Zoning Map Amendment



Site
US or State Highway
Street
Parcels
Buildings
Water Features

Zoning

B-1 - Neighborhood Business District
I-2 - Heavy Industry District
R-1-5 - Single Family Residence District (Medium Density)
R-1-7.5 - Single Family Residence District (Low Density)
R-O - Residence-Office

Site Information
1009L-02-001.001
Zoning: R-1-7.5 (Single-family)
Size: 2.22 acres
Flood: 0.2% Annual

0 40 80 120
Yards

1 inch = 300 feet

N W E S

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.

Revision date 12/18/19

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

APPLICATION FOR ZONING MAP AMENDMENT/LAND USE RECLASSIFICATION (SMARTCODE)

For Staff Use Only

Case File #: 2012 PC 164

Date Received: 11/2/2020

Receipt #:

Received By: CL

Zoning: R-1-7.5

Ward: 5 Flood: 0.2% cnnnl

Property Information

TAX PARCEL # 1009L-02-001.001

(If necessary, use separate sheet of paper)

Address of Property Involved: Hillcrest Road

Lot(s)_____, Block(s)_____, Subdivision_____

General Location: Hillcrest Road between Lorraine Road and Old Lorraine Road (See Plat)

GENERAL DESCRIPTION OF REQUEST:

Rezone Parcel to B-1. Just like the adjoining Parcel (Same Owner)

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

Audubon Pointe Venture, LLC
Printed Name Of Owner

P.O. Box 130
Mailing Address

Gulfport MS 39502
City State Zip code

228-214-0402 228-596-9000
Home Phone Work/Cell Phone

bstone@balch.com
Email

Signature Of Owner

AGENT

Nancy Stone
Printed Name Of Agent

1325 2nd Street
Mailing Address

Gulfport, MS 39501
City State Zip code

228-216-2333
Home Phone Work/Cell Phone

Nancy@nancystonegroup.com
Email

Nancy Stone
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 H. MUST BE SUBMITTED FOR A COMPLETE APPLICATION.

APPLICATION FOR ZONING MAP AMENDMENT/LAND USE RECLASSIFICATION
TAX PARCEL #1009L-02-001.001
HILLCREST ROAD – LORRAINE ROAD – OLD LORRAINE ROAD
AUDUBON POINTE VENTURE, LLC

ADDITIONAL INFORMATION:

SUBMISSION REQUIREMENTS.

A. Submitted and attached.

B. See Deed 10-11-10 from Harrison County

C. See Attached.

D. None

E. Not applicable

F. Through H. See Attachment

MS

F. This parcel is part of a larger tract, the other half is zoned B1. That zoning was done under the City rezoning after Katrina. This parcel was owned by Harrison County until 10-11-10 when it was sold to Audubon Pointe Venture, LLC. Otherwise it would also have been designated B-1 as a parcel of the same tract. The property is not acceptable for residential. The area is B-1 to the south, Lorraine Road to the west and Old Lorraine Road to the east where businesses are being built on the East side of the Old Lorraine.

F.1. There was no error. The parcel was owned by Harrison County when Gulfport rezoning was done and was not eligible for zoning.

F.2. There was a change in conditions since the portion owned by Harrison County at the time of the City rezoning was later (10-11-10) sold to present private owner.

F.3. Business sites along Lorraine Road have been in demand and many businesses have located and are looking for locations. This request is not to reclassify but to zone.

F.4. N/A

F.5. N/A

F.6. It is necessary to reclassify the parcel since at the time of Gulfport rezoning to Harrison County owned the property and on 10-11-10 sold the property to Audubon Pointe Venture, LLC.

G.

G.1. Applicant name and address is shown as the owner on the application. The authorization for Ben H. Stone as a member of Audubon Pointe Venture, LLC to sign on behalf of the owner is attached.

G.2. Please see items 1 through 6 above.

G.3. Applicant presently has negotiations with several potential tenants and a contract with a purchaser. Construction should begin within 6 months or a year. Since there is a possibility of more than on tenant or purchaser final development is difficult to predict at this time.

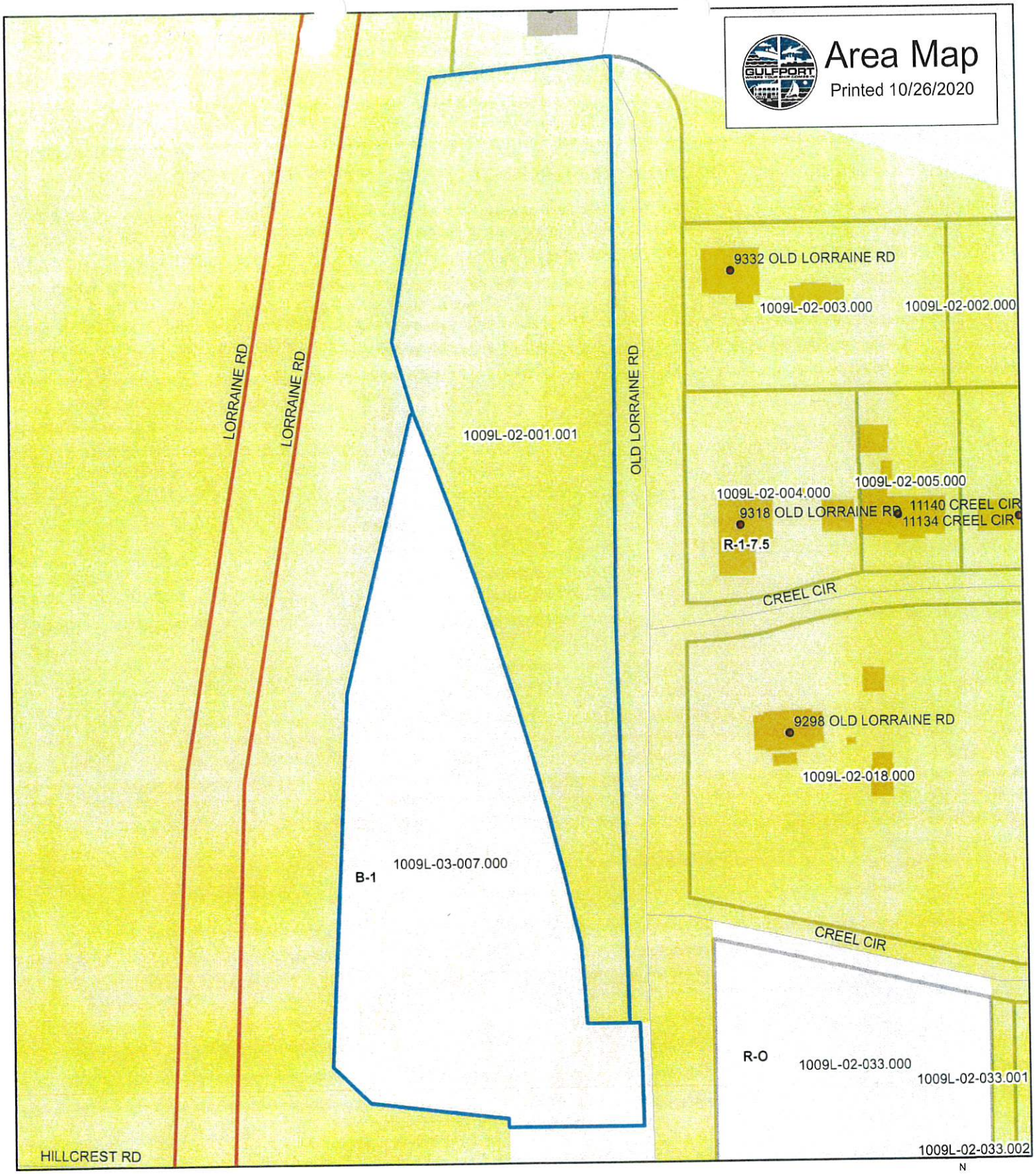
Since the property was owned by Harrison County when zoning took place, zoning should advance as soon as possible.

G.4. The zoning/rezoning will correct the situation existing today because of a change in government (Harrison County) ownership after the city rezoning.

G.5. We are correcting a change in Government (Harrison County) ownership.

H. Check enclosed for $175.00.

BHS



1 inch = 106 feet

- Addresspoints
- Principal Arterial
- Minor/Residential
- WaterFeatures
- Parcels

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.

Designation of Agent

I, AUDUBON POINTE VENTURE, LLC being owner of the property HILLCREST ROAD
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize NANCY STONE 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.

AUDUBON POINTE VENTURE, LLC
BY BEN H. STONE

Signature 11/2/2020 *Date*

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 2 day of November, 20 20

Notary Public *Commission Expiration*

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 32381 TRACY J. BOUMA Commission Expires Sept. 15, 2023 HANCOCK COUNTY

ACTION BY UNANIMOUS WRITTEN CONSENT OF
THE MEMBER OF
AUDUBON POINTE VENTURE, LLC
IN LIEU OF A MEETING

The undersigned, Ben H. Stone, constituting the member of AUDUBON POINTE VENTURE, LLC, a Mississippi limited liability company, acting by written consent, hereby adopt the following resolutions:

RESOLVED, by the undersigned, that Ben H. Stone is hereby authorized to act as Authorized Member of AUDUBON POINTE VENTURE, LLC for the sole purpose of rezoning certain real property known located at Hillcrest Road between Lorraine Road and Old Lorraine Road, Gulfport, 1st Judicial District, Harrison County, Mississippi, Parcel #1009L-02-00.001, and any addenda thereto, and that the execution of said Application for Zoning Map Amendment/Land Use Reclassification by Ben H. Stone is hereby ratified and confirmed as an effective action of AUDUBON POINTE VENTURE, LLC; and

RESOLVED FURTHER, Ben H. Stone is hereby authorized to execute and deliver any and all documents as may be necessary to effect such rezoning application, which is in the best interest of AUDUBON POINTE VENTURE, LLC.

Dated as of the 2nd day of November, 2020.

AUDUBON POINTE VENTURE, LLC

By: _____
Ben H. Stone, Member

Michael Watson
SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
AUDUBON POINTE VENTURE, L.L.C.	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	629456
Status:	Good Standing
Effective Date:	04/24/1996
State of Incorporation:	Mississippi
Principal Office Address:	1310 Twenty Fifth Ave. GULFPORT, MS 39501

Registered Agent

Name

BEN H STONE
1310 TWENTY-FIFTH AVE, PO BOX 130
GULFPORT, MS 39502

Officers & Directors

Name	Title
Ben Stone 1310 TWENTY FIFTH AVE. GULFPORT, MS 39051	Member

1st Judicial District
Instrument 2010 6983 D - J1
Filed/Recorded 10/19/2010 11:30 A
Total Fees $ 12.00
15 Pages Recorded

Instrument Prepared by
and Return to:
Balch & Bingham LLP
Attn: Jennifer West Signs, MSB #7115
P.O. Box 130
Gulfport, MS 39502
(228) 864-9900

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

DEED OF CONVEYANCE

GRANTOR: HARRISON COUNTY, MISSISSIPPI
Attn: Board of Supervisors
1801 23rd Avenue
Gulfport, MS 39501
(228) 865-4117

GRANTEE: AUDUBON POINTE VENTURE, LLC
Attn: Ben H. Stone, Member
P.O. Box 130
Gulfport, MS 39502
(228) 864-9900

INDEXING INSTRUCTIONS: SW ¼ of NW ¼, Sec. 19-T7S-R10W, 1st J.D., Harrison County, MS

118182

2

For and in consideration of the sum of Fifty One Thousand and No/100 Dollars ($51,000.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, HARRISON COUNTY, MISSISSIPPI, acting by and through its BOARD OF SUPERVISORS ("Grantor"), does hereby grant, sell, and convey unto AUDUBON POINTE VENTURE, LLC, a Mississippi limited liability company ("Grantee"), the following described real property situated and being located in the First Judicial District of Harrison County, Mississippi, more particularly described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

This conveyance is made in accordance with the requirements of §19-7-3 of the Mississippi Code, and the necessary findings and resolution authorizing the sale of the above property were adopted and spread upon the minutes of the Board of Supervisors for its meeting on September 13, 2010. A copy of the resolution is attached hereto as Exhibit "B."

Taxes for the year 2010 are exempt. Taxes for all subsequent years are assumed by the Grantee.

WITNESS THE DULY AUTHORIZED SIGNATURES of the President and Clerk of the Board of Supervisors on this the 14 day of October, 2010.

HARRISON COUNTY, MISSISSIPPI

BY: ITS BOARD OF SUPERVISORS

BY: Connie Rockco

Connie Rockco, President

ATTEST:

John McAdams,
Clerk of the Board of Supervisors

118182

STATE OF MISSISSIPPI

COUNTY OF HARRISON

PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this the 11th day of October, 2010, within my jurisdiction, the within named Connie Rockco and John McAdams, who acknowledged that they are the President and Clerk, respectively, of the BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, and that for and on behalf of said county acting by and through said board, and as its act and deed, they executed the above and foregoing instrument, after first having been duly authorized so to do.

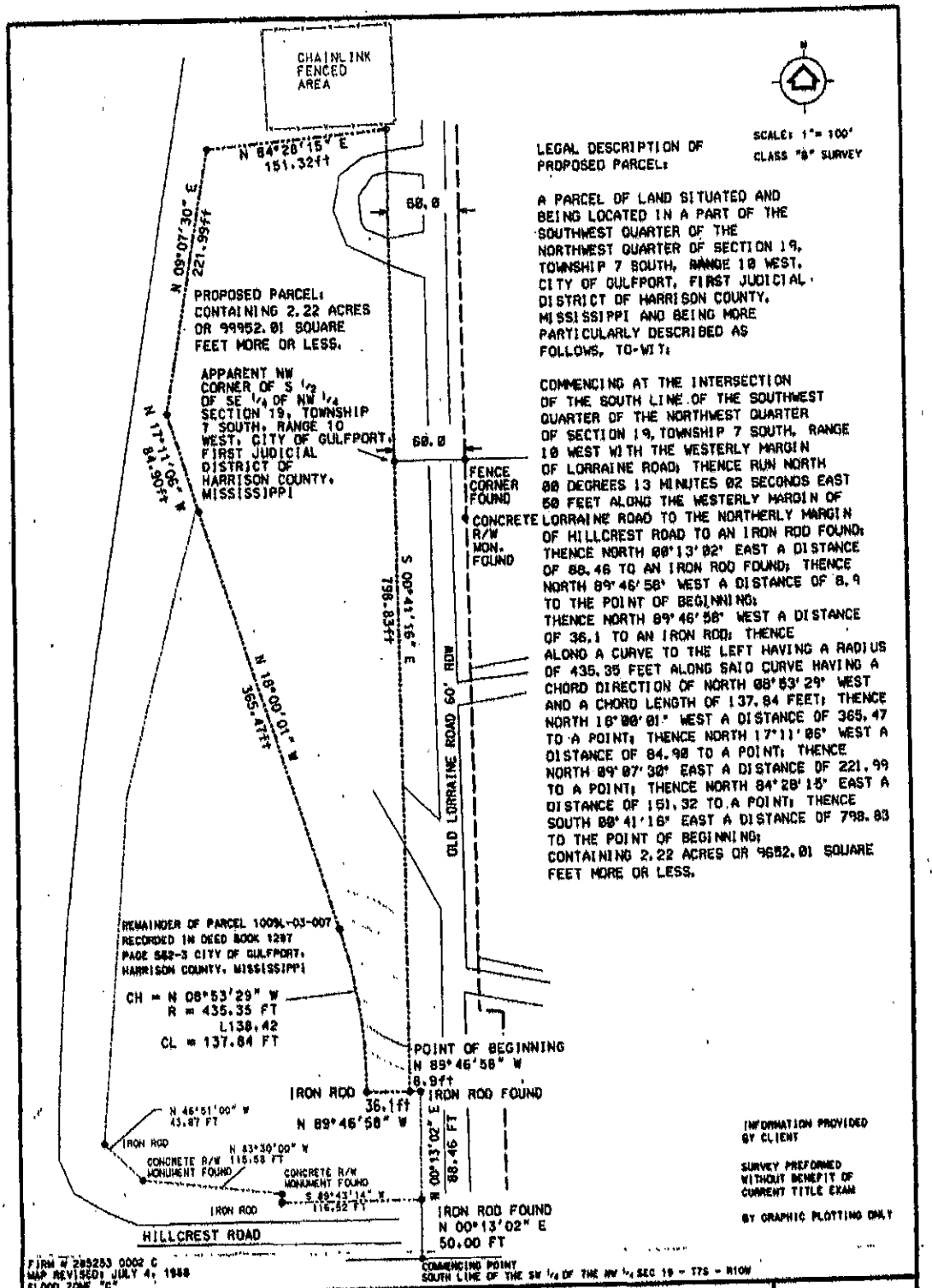
Angela Thrash

NOTARY PUBLIC

MY COMMISSION EXPIRES:

6-23-2013

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 93391 ANGELA THRASH Commission Expires June 23, 2013 HARRISON COUNTY



SCALE: 1"= 100'
CLASS "B" SURVEY

LEGAL DESCRIPTION OF PROPOSED PARCEL:

A PARCEL OF LAND SITUATED AND BEING LOCATED IN A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 7 SOUTH, RANGE 10 WEST, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 7 SOUTH, RANGE 10 WEST WITH THE WESTERLY MARGIN OF LORRAINE ROAD; THENCE RUN NORTH 00 DEGREES 13 MINUTES 02 SECONDS EAST 50 FEET ALONG THE WESTERLY MARGIN OF LORRAINE ROAD TO THE NORTHERLY MARGIN OF HILLCREST ROAD TO AN IRON ROD FOUND; THENCE NORTH 00°13'02" EAST A DISTANCE OF 88.46 TO AN IRON ROD FOUND; THENCE NORTH 89°46'58" WEST A DISTANCE OF 8.9 TO THE POINT OF BEGINNING;
THENCE NORTH 89°46'58" WEST A DISTANCE OF 36.1 TO AN IRON ROD; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 435.35 FEET ALONG SAID CURVE HAVING A CHORD DIRECTION OF NORTH 08°53'29" WEST AND A CHORD LENGTH OF 137.84 FEET; THENCE NORTH 16°00'01" WEST A DISTANCE OF 365.47 TO A POINT; THENCE NORTH 17°11'06" WEST A DISTANCE OF 84.90 TO A POINT; THENCE NORTH 09°07'30" EAST A DISTANCE OF 221.99 TO A POINT; THENCE NORTH 84°28'15" EAST A DISTANCE OF 151.32 TO A POINT; THENCE SOUTH 00°41'16" EAST A DISTANCE OF 798.83 TO THE POINT OF BEGINNING;
CONTAINING 2.22 ACRES OR 96852.01 SQUARE FEET MORE OR LESS.

INFORMATION PROVIDED BY CLIENT

SURVEY PREFORMED WITHOUT BENEFIT OF CURRENT TITLE EXAM

BY GRAPHIC PLOTTING ONLY

FIRM # 285253 0002 C
MAP REVISED: JULY 4, 1988
FLOOD ZONE "C"

THIS IS TO CERTIFY THAT I HAVE MADE A SURVEY OF THE PROPERTY DESCRIBED AND SHOWN HEREON AND THAT ALL DIMENSIONS AND OTHER DATA ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DESCRIPTION: PROPOSED PARCEL DESCRIPTION
CITY OF GULFPORT, HARRISON COUNTY, MISSISSIPPI

LOUIS D. RASH, P.E., R.L.S., 167 PORTER AVE., BILOXI, MS 39530

R.L.S. #2370

..\palazzo\palazzo-final-row.dgn Feb. 29, 2008 15:02:31

EXHIBIT A

5

Harrison County, MS

Minutes
Board of Supervisors

Monday, September 13, 2010 | **9:30 AM** | **BILOXI**

33 **10-2073** **RESOLUTION** accepting the offer of Audubon Pointe Venture LLC, a Mississippi Corporation owned by Ben H. Stone and Frank S. Palazzo, Jr., to purchase from Harrison County the property described on the map or plat attached hereto and made part thereof as exhibit B and has agreed to pay the fair market value for such property which for any other type transaction the county would required to be paid, and for related purposes.

Attachments: Resolution, Audubon Pointe Venture 9.13.100000.pdf
Survey of Property
Everett Ladner Appraisal 6-8-10 Letter only
Appraisal from Hebert, 7-31-10 letter only

A motion was made by Supervisor Savant, seconded by Supervisor Swetman III, that this Resolution be ADOPTED by the following vote:

Aye: 3 - Supervisor W.S. Swetman III; Supervisor Kim Savant and Supervisor Connie Rockco

Nay: 1 - Supervisor Marlin Ladner

Absent & Exc: 1 - Supervisor William Martin

EXHIBIT B

Supervisor **KIM B. SAVANT** moved the adoption of the following Resolution:

A RESOLUTION OF THE HARRISON COUNTY BOARD OF SUPERVISORS ACCEPTING THE OFFER OF AUDUBON POINTE VENTURE LLC, A MISSISSIPPI CORPORATION OWNED BY BEN H. STONE AND FRANK S. PALAZZO, JR., TO PURCHASE FROM HARRISON COUNTY THE PROPERTY DESCRIBED ON THE MAP OR PLAT ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT B AND HAS AGREED TO PAY THE FAIR MARKET VALUE FOR SUCH PROPERTY WHICH FOR ANY OTHER TYPE TRANSACTION THE COUNTY WOULD REQUIRE TO BE PAID, AND FOR RELATED PURPOSES

WHEREAS, by deed dated May 4, 1981, recorded in Book 909 at Page 69 of the Deed Records of Harrison County, Mississippi, Harrison County purchased from the Harrison County Development Commission all right, title and interest in certain road right-of-way for Lorraine Road (also known as Cowan Road) and described in full therein; and

WHEREAS, a portion of said right-of-way transferred to Harrison County included the then improved portion of Lorraine Road right-of-way north of Hillcrest Road and leading to the former Wilkes Bridge over the Harrison County Industrial Seaway, including unimproved areas of the right-of-way extending to a width of up to 360 feet; and

WHEREAS, in 1998, the State of Mississippi acquired the land to relocate Lorraine Road and the bridge as part of the project to eventually extend Lorraine Road to the north and create Highway 605 such that the above-described portion of Lorraine Road north of Hillcrest Road ending at the new right-of-way for the Lorraine Road/Highway 605 (the "Old Right of Way") no longer connects any traffic points and leads nowhere; and

WHEREAS upon completion of the relocated roadway and bridge, maintenance of the Old Right of Way was discontinued and the paved portion thereof was completely blocked to traffic, although no formal abandonment procedures were instigated; and

WHEREAS, the only owners of land directly adjacent to the old Right of Way are Harrison County to the north and east and Audubon Pointe Venture, LLC, a Mississippi limited

liability company owned by Ben H. Stone and Frank S. Palazzo, Jr., ("Audubon") to the south and west; and

WHEREAS, Audubon has offered to purchase a part of the Old Right of Way more particularly described on the map or plat prepared by Louis D. Rash, R.L.S., attached hereto and made a part hereof as Exhibit A (the "Property") and has agreed to pay the fair market value for same; and

WHEREAS, Audubon has noted that the location of the Property, its irregular, long and narrow shape, its limited access, and its current zoning for residential use renders it unusable to the County and anyone other than Audubon and stated that it intends pursue a zoning change with the City of Gulfport to commercially develop the Property along with Audubon's adjacent land, resulting in economic benefits to the County and improvement to the Lorraine Road/Highway 605 community; and

WHEREAS, Audubon has further noted that in a formal abandonment procedure, title to one-half of the abandoned portion of old Lorraine Road would become vested in Audubon free and clear of the former right-of-way and decrease the acreage and value of the area Audubon proposes to purchase from the County; but in order to facilitate its options for development, Audubon is agreeable to proceeding with a full purchase without pursuing its rights through an abandonment process; and

WHEREAS, the County Engineer, Danny Boudreaux, has inspected the Property and the proposed plat and description and has confirmed that the Property is not in use or likely to be used by the County in the future and that the sale of Property will not interfere with the public roadway on its eastern boundary (now called "Old Lorraine Road") that provides access to the County's retained portion of the Old Right of Way and other land along the south shore of the industrial canal to the west of new Lorraine Road/Highway 605, including the Institute for Marine Mammal Studies; and

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WHEREAS, in accordance with the provisions Mississippi Code Annotated, Section 19-7-3(3), the Board finds and determines that (a) the Property is no longer needed for County or related purposes and is not to be used in the operation of the County, (b) the sale of the Property in the manner otherwise provided by law is not necessary or desirable for the financial welfare of the County, and (c) the use of the Property for the purpose for which it is sold will promote and foster the development and improvement of the community in which it is located and the economic welfare thereof; and

WHEREAS, Everette E. Ladner & Associates, Inc., a recognized real estate appraisal firm, has appraised the Property at the request of Audubon at the amount $51,000.00 and the County obtained its own appraisal from Harry Hebert, a second recognized real estate appraiser, and the Property appraised at $49,000.00. Audubon has agreed that the purchase price shall be the highest of the two appraisal values or $51,000.00 and to reimburse the County the cost of its appraisal for, and Audubon shall pay $51,000.00 plus the cost of the County's appraisal, recording fees and any legal costs to the County by cashier's check to the County in exchange for a deed to be executed by the President of the Board and attested by the Chancery Clerk; and

WHEREAS, all costs of the appraisals, recording fees, and any legal costs to the County shall be also be paid by Audubon at the closing of the purchase; and

WHEREAS, after payment of such amounts and delivery of such deed, title to the Property shall vest in the purchaser; and

WHEREAS, in the event Audubon's development plans necessitate a formal abandonment procedure for the Old Right of Way and/or an application for a zoning change from residential to commercial use, the County as an adjacent land owner will have no objection to such actions and will officially enter its appearance to acknowledge such position if Audubon so requests.

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, AS FOLLOWS:

SECTION I. The findings, conclusions and statements of fact contained in the foregoing Preamble are hereby adopted, ratified and incorporated in this Resolution.

SECTION II. Everette E. Ladner & Associates, Inc., a recognized real estate appraisal firm, has appraised the Property at the request of Audubon at the amount $51,000.00 and the County obtained its own appraisal from Harry Hebert, a second recognized real estate appraiser, and the Property appraised at $49,000.00. Audubon has agreed that the purchase price shall be the highest of the two appraisal values or $51,000.00 and to reimburse the County the cost of its appraisal for, and Audubon shall pay $51,000.00 plus the cost of the County's appraisal, recording fees and any legal costs to the County by cashier's check to the County in exchange for a deed to be executed by the President of the Board and attested by the Chancery Clerk.

SECTION III. The President of the Harrison County Board of Supervisors is hereby authorized to execute a Deed transferring the above described property to Audubon Pointe Venture LLC, a Mississippi corporation, upon receipt of payment of the purchase price and evidence of payment of all closing costs by Audubon as set forth above.

SECTION IV. A certified copy of this Resolution shall be spread upon the official minutes of Harrison County, Mississippi.

Supervisor **W. S. SWETMAN III** seconded the Motion to adopt the above and foregoing Resolution, whereupon the question was put to a vote with the following results:

Supervisor W. S. SWETMAN III	voted AYE
Supervisor KIM B. SAVANT	voted AYE
Supervisor MARLIN LADNER	voted NAY

Supervisor WILLIAM MARTIN voted (ABSENT & EXCUSED)

Supervisor CONNIE ROCKCO voted AYE

The majority of the members present having voted in the affirmative, the Motion was declared carried, and the Resolution adopted on this the 13th day of September, 2010.

Everette E. Ladner & Associates, Inc.

Real Estate Appraisers & Consultants

549 E. Pass Road, Suite H
Gulfport, Mississippi 39507

Phone: (228) 896-5454
Fax: (228) 896-7023

June 7, 2010

Harrison County Board of Supervisors
1801 23RD Avenue
Gulfport, MS 39501

RE: APPRAISAL SUBMITTAL

Location	: WEST SIDE of OLD LORRAINE ROAD, Gulfport, MS
County	: Harrison
Date of Value	: May 18, 2010
Property Owners	: HARRISON COUNTY 2.22 ACRES-VACANT LAND

Dear Ladies and Gentlemen:

At your request, I have completed a Summary appraisal report of the real property referenced above. The appraisal states my opinion of the Market Value of the fee-simple interest in the property, subject to various Assumptions and Limiting Conditions set forth in the accompanying report. The physical inspection and analysis that form the basis of this report was conducted by Everette E. Ladner, State Certified General Real Estate Appraiser, GA #75.

Based on the analysis presented in the following report, it is my opinion that the Market Value of the subject property, as of May 18, 2010, was:

FIFTY ONE THOUSAND DOLLARS

2.22 ACRES @ $23,000 = R.O. $51,000

Respectfully submitted,

Everette E. Ladner
State Certified General
Real Estate Appraiser GA#75

POULOS-HEBERT & ASSOCIATES

2018 23rd Avenue - Gulfport, Ms. 39501
P. O. Box 7702 - Gulfport, Ms. 39506
228-864-2378 - Fax 228-864-2379
www.HebertAppr@AOL.com

Roger Poulos, MAI (1946-1995)
Harry Hebert, GAA

July 31, 2010

Ms. Pam Ulrich, County Administrator
Harrison County Board of Supervisors
P. O. Drawer CC
Gulfport, MS 39502

RE: Summary Appraisal Report of a 2.22 acre parcel of land located on the west side of Old Lorraine Road, approximately 88.5 feet north of Hillcrest Road, Gulfport, Mississippi.

Dear Ms. Ulrich:

In accordance with your request, I have personally inspected and appraised the above referenced property as of July 22, 2010. This report, and final opinion of market value, have been based on an inspection of the property, including all comparables, and research into the various factors that influence value.

Briefly described, Subject Property consists of a 2.22 acre, irregularly shaped site, that possesses an estimated 798.83 feet of frontage along the west side of Old Lorraine Road, and 306.89 feet on the east side of New Lorraine Road. The site has a depth in a westerly direction from Old Lorraine Road of 151.32 feet on the north side and 36.1 feet on the south side. On the day of inspection the site was mostly cleared vacant land, at road grade with Old Lorraine Road, but below road grade with New Lorraine Road.

The purpose of this appraisal is to provide my opinion of Market Value of the Fee Simple Estate of Subject Property, as of July 22, 2010, the most recent date of inspection. The Harrison County Board of Supervisors is the client and user of this report.

The analysis and results of my investigation, which are submitted within the accompanying report, are made in conformity with and subject to the Code of Professional Ethics and Standards of Professional Practice as set forth by the Appraisal Institute, and the Uniform Standards of Professional Appraisal Practice (USPAP) as specified by the Appraisal Foundation.

This appraisal is also written to conform to:

(1) Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA);

(2) The OCC Appraisal Standards of 12 CFR, Part 34 (12CFR34);

(3) Code of Professional Ethics and Standards of Professional Practice of the Appraisal Institute; and

(4) The Guidelines for Real Estate Appraisal Policies and Review Procedures adopted by the Bank Supervision Offices of the FDIC, the Board of Governors of the Federal Reserve System & the Office of the Comptroller of the Currency as of December 14, 1987.

Inherent in my value opinion is the assumption that all information and materials provided by the client, property owner, and property manager are reasonably correct. Also, the value reported herein is of land only, and represents a reasonable marketing time to any potential purchaser desiring to use the site for its Highest and Best Use.

Subject Property did not reveal any signs of hazardous waste. However, since I am not qualified to accurately detect such substances, this appraisal is made on the assumption that testing of the site will conclude there is no evidence of any environmental problem that would result in loss of property value.

The Appraisal Report, which follows this letter of transmittal, is intended to be a summary of all pertinent data which describes my research, analysis and conclusions. These conclusions, with full consideration to certification and limiting conditions, are the basis upon which I submit my opinion that Market Value of the Fee Simple Estate of Subject Property, as of July 22, 2010, was:

FORTY NINE THOUSAND DOLLARS

$49,000

The value opinion in this Appraisal Report is based on a market exposure time of less than twelve (12) months. This estimated time frame is the result of conversations with local Realtors.

Respectfully Submitted,

POULOS, HEBERT & ASSOCIATES

Harry Hebert

Harry Hebert, Appraiser
State Certified General Real Estate Appraiser: GA-141

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Harrison County, MS

Certified Copy

Resolution: 10-2073

File Number: 10-2073

RESOLUTION accepting the offer of Audubon Pointe Venture LLC, a Mississippi Corporation owned by Ben H. Stone and Frank S. Palazzo, Jr., to purchase from Harrison County the property described on the map or plat attached hereto and made part thereof as exhibit B and has agreed to pay the fair market value for such property which for any other type transaction the county would required to be paid, and for related purposes.

I, John McAdams, Chancery Clerk and Ex Officio Clerk of the Board of Supervisors of Harrison County, Mississippi, certify that this is a true copy of Resolution No. 10-2073, passed by the Board of Supervisors on 9/13/2010.

THIS 27th day of September 2010.

JOHN McADAMS, Chancery Clerk and
Clerk of the Board of Supervisors, Harrison County, Mississippi.

By: _____
Deputy Clerk

RE: Zoning Map Amendment 2012PC164, by agent Nancy Stone, tax parcel 1009L-02-001.001, Request to rezone from R-1-7.5 (Single-family) to B-1 (Neighborhood business), Old Lorraine Rd, Ward 5

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, December 17, 2020**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit http://www.gulfport-ms.gov/agendas.shtml then click the City of Gulfport Planning Commission for **Thursday, December 17, 2020.** 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.

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y	137970	1009L-02-001.001	AUDUBON POINTE VENTURE LLC	P O BOX 130	GULFPORT	MS	39502
Y			C/O BEN H STONE -MEMBER- Nancy Stone (Agent)	1325 2nd St	Gulfport	MS	39501
			Adjacent Property Owners				
	83166	1009L-03-007.000	AUDUBON POINTE VENTURE LLC	P O BOX 130	GULFPORT	MS	39502
Y	83160	1009L-02-004.000	BALL LINA L	9318 OLD LORRAINE RD	GULFPORT	MS	39503
Y	55860	1009L-03-010.000	BRADY SCOTT CHRISTOPHER ETAL	9312 CLEARVIEW RD	GULFPORT	MS	39503
Y	120943	1009L-03-041.000	BROADUS JENNIFER	9347 EVANS RD	GULFPORT	MS	39503
Y	120945	1009L-03-043.000	BRUNT DERRY H & BONNIE B	9367 EVANS RD	GULFPORT	MS	39503
Y	55878	1009L-02-018.000	CREEL ALFRED C ETAL	9298 LORRAINE RD	GULFPORT	MS	39503
Y	120940	1009L-03-038.000	DYAL JONATHAN P & SARA M	9360 OAK ISLAND RD	GULFPORT	MS	39507
Y	120942	1009L-03-040.000	ELLE DEE & ASSOCIATES INC	9612 SOUTH 4TH AVENUE	INGLEWOOD	CA	90305
	83159	1009L-02-001.000	HARRISON CO				0
Y	55856	1009L-03-001.000	HARRISON CO DEV COMM	P O BOX 1870	GULFPORT	MS	39502
Y	103066	1009M-01-001.006	ISLAND GARDEN SHOP LLC	9244 OLD LORRAINE RD	GULFPORT	MS	39503
Y	55883	1009L-02-005.000	KEWLEY CHARLES W	11134 CREEL CIR	GULFPORT	MS	39503
Y	55916	1009M-03-001.000	LECA DEVELOPMENT LLC	9231 LORRAINE RD	GULFPORT	MS	39503
Y	120941	1009L-03-039.000	MCDANIEL MARK H	28 SHORELINE LANE	GULFPORT	MS	39503
Y	82540	1009L-02-003.000	NORTON MARIA E & JAMES H	9332 OLD LORRAINE RD	GULFPORT	MS	39503
Y	120944	1009L-03-042.000	PERRY DAVID JAMES & ASHLEY NICOLE	9359 EVANS ROAD	GULFPORT	MS	39507
Y	83167	1009L-03-009.000	VAUGHN CLARENCE HOMER JR	1221 3RD STREET	GULFPORT	MS	39501
Y	55904	1009L-02-033.000	WARD JUNE	9009 VICTORIA CIRCLE	GULFPORT	MS	39503
Y	120946	1009L-03-044.000	ZAHEDI AARON	P O BOX 7182	GULFPORT	MS	39506

2012PC164

Zoning Map Amendment

Legend

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

0 50 100 150
Yards

1 inch = 350 feet

N W E S

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.

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 P.M., Thursday, December 17, 2020 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 office of the Department of Urban Development, Planning Division, located on first floor of the William H. Hardy Building, 1410 24th Avenue.

Planning Commission Approval 2012PC159, by agent Levi Pierce III, tax parcel 0907I-03-015.000, Request mobile home use, Kelly St, Zoned R-1-5 (Single-family), Ward 6

Zoning Map Amendment 2012PC160, by owners Jerry and Irene Pitts, tax parcel 0808I-01-007.000, Request to rezone from R-1-10 (Single-family) to B-2 (General business), 14104 Dedeaux Rd, Ward 6

Zoning Map Amendment 2012PC162, by agent Mark A. Wilkerson, tax parcels 0911C-01-177.000, 0911C-01-0178.000, and 0911C-01-176.000, Request to rezone from B-2 (General business) to R-B (Residence-business), 2214 Hewes Ave, Ward 3

Resubdivision 2012PC163, by owner Affordable Investment Properties LLC, tax parcel 0710P-03-002.000, Divide into four new parcels, 3009 39th Ave, Zoned R-2 (Single-family), Ward 1

Zoning Map Amendment 2012PC164, by agent Nancy Stone, tax parcel 1009L-02-001.001, Request to rezone from R-1-7.5 (Single-family) to B-1 (Neighborhood business), Old Lorraine Rd, Ward 5

Planning Commission Approval 2012PC165, by owners Eric and Ashtyn Castleberry, tax parcel 0908J-01-020.004, Request for a mobile arts and crafts use, 29 Jay Dr, Zoned R-1-10 (Single-family), Ward 6

Resubdivision 2012PC166, by agent Marci R. Wilson, tax parcels 0911E-01-046.000, 0911E-01-048.000, and 0911E-01-047.000, Divide into two new parcels, 633 and 645 2nd St, Zoned R-1-7.5 (Single-family), Ward 2

Text Amendment 2012PC167:

AN ORDINANCE AMENDING THE OFFICIAL TEXT OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GULFPORT, MISSISSIPPI ADOPTED THE 29TH DAY OF JUNE, 1979, AS AMENDED, TO AMEND SECTION I, DEFINITIONS, (B) WORDS AND PHRASES – HOTEL AND SECTION I, DEFINITIONS, (B) WORDS AND PHRASES TO ADD SHORT-TERM RENTAL; TO AMEND SECTION III, DISTRICT REGULATIONS, (K) CHART OF PERMITTED USES, (2) SCHEDULE OF USES - RESIDENTIAL TO ADD SHORT-TERM RENTAL; AND TO AMEND SECTION VII, NONCONFORMING USES AND STRUCTURES TO ADD (G) PRE-EXISTING SHORT-TERM RENTAL (CASE FILE NUMBER 2012PC167)

Zoning Map Amendment 2012PC168, by owner JSP LLC, tax parcel 1010H-02-032.001, Request to rezone from R-2 (Single-family) to R-B (Residence-business), Red Oak Dr, Ward 2

This the 25th day of November 2020

Keith Williams, Chairman

City of Gulfport Planning Commission

CITY OF GULFPORT PLANNING COMMISSION

2012PC164

TRANSCRIPT OF HEARING

December 17, 2020

****

TRANSCRIPT OF HEARING HELD BEFORE THE CITY OF GULFPORT PLANNING COMMISSION HELD IN THE CITY COUNCIL CHAMBERS, GULFPORT, MISSISSIPPI, ON THE 17TH DAY OF DECEMBER 2020 COMMENCING AT 4:30 P.M. AND REPORTED BY NORMA JEAN LADNER SOROE, CERTIFIED SHORTHAND REPORTER.

****

COMMISSION MEMBERS PRESENT:

KEITH WILLIAMS, President
WILLIAM "PRINCE" JONES
BRANDON ELLIOTT
CHARLIE HEWES
JOHN ANTHONY
HAROLD SPANN
TIMOTHY DAIGLE, JR.

STAFF PRESENT:

GREG PIETRANGELO
GREG HOLMES
SU-LIN BOLIN
MATILDA WELCH
EMMA STRONG

ALSO PRESENT:

MARGARET MURDOCK, ESQ.

5. Zoning Map Amendment 2012PC164

MS. BOLIN: Item 6 Zoning Map Amendment 164 has been duly and timely noticed as required by law. The applicant requests to rezone from R-1-7.5 single family to B-1 neighborhood business Old Lorraine Road, Ward 5. A copy of the packet considered is hereby offered to the record.

MR. WILLIAMS: Thank you.

Bobby, you're speaking for this one?

MR. HEINRICH: Yes.

MR. WILLIAMS: All right.

MR. HEINRICH: I'm going to give you something that you don't have here.

MR. WILLIAMS: Thank you.

MR. HEINRICH: My name is Bobby Heinrich, 1806 23rd Avenue, Gulfport.

We're here to present a rezone application request. I have the owner here, Nancy and Ben Stone sitting in the audience with us.

And so as you can see, the zoning map, this is two parcels of land. Half of it is already B-1, and we're asking or requesting to extend that B-1 all the way up to the bridge basically.

The reason that wasn't done out at the same time the southern half was is because Mr. Stone didn't own that at the time. When he purchased this, it automatically

1 went to R-1 or something.
2 But anyway, we're requesting to do B-1 zoning
3 because of the need of commercial parcels in that area.
4 Several months ago, I had a piece of property
5 rezoned across the street for a new boutique shop.
6 So I like presenting what we're going to do
7 and why we're doing this. I know we don't have to, but I
8 want to show you what we're doing.
9 We're going to resubdivide this parcel into
10 four lots roughly one acre. And the property is under
11 contract. And they're going to put their office here on the
12 corner. So a 5,000 square foot commercial building. And
13 then we'll have three other parcels. And I can go on and
14 say that there's two other people, two other companies, that
15 are interested in building more commercial buildings out
16 there.
17 So I wanted to go ahead and show you that.
18 And I'm here to answer any questions you may have.
19 MR. WILLIAMS: Bobby, you're going to do that into
20 three lots. That third parcel, the triangular piece, how
21 big is that? How big will that be?
22 MR. HEINRICH: Well, okay. So I did the --
23 this is the zoning line. So starting from Hillcrest, this
24 already is already B-1. It goes right across here. The
25 four lots is 1, 2, 3, 4.

MR. WILLIAMS: It's all the way up to there.

MR. HEINRICH: They go this way. Not that way. That's the way it is now, that angle.

MR. HEWES: So you're going to take two triangulated lots and put it into four square lots.

MR. HEINRICH: Yes, sir. And they're roughly about one acre. And they're all single commercial buildings.

MR. HEWES: Thank you.

MR. ANTHONY: Are there any other properties B-1 that you're aware of in --

MR. HEINRICH: Everything south of this is B-1 along 605 corridor. I don't know if you have a drawing of that or not.

I turned in a drawing. This is a dentist's office across the street on the other side is B-1.

MR. ANTHONY: It does seem like it's coinciding with what's going on.

MR. HEINRICH: We can't go any farther north on this side of that bridge.

MR. WILLIAMS: All right. Other questions for Mr. Heinrich?

MR. HEINRICH: Again, Ben and Nancy are here if you have anything.

MR. WILLIAMS: To answer questions. All

right. Thank you, Bobby. Appreciate it.

Anyone else here to speak for the request?

Anyone here to speak against the request?

MR. MARSHALL: Speaking for the request.

MR. WILLIAMS: For. I'm sorry. Yes, please, thank you.

MR. MARSHALL: Again, Jonathan Marshall, 57 53rd Street, Gulfport.

I just want to be on record that I think this will be a great addition to the Cowan-Lorraine Road access. I love that they're going for B-1 and not R-B. You know, the Bridgewater Shopping Center which my family owns, is B-1. So I think it does conform to everything out there. And there is an increased need for sites.

So, you know, I just want to be on record today we're going to take this from an R-1-7.5 to a B-1. So I think it will be a great project. I think it will be, you know, good for the city and good for Cowan-Lorraine. So just wanted to be on record.

Thank you.

MR. WILLIAMS: Thank you, sir. Appreciate it.

Anyone else to speak for the request?

MR. HEINRICH: I wanted to mention that all the access will be off of Old Lorraine Cowan, not off of

605. So you can't do that anyway. But I just wanted to make sure that everybody would have to come in on Hillcrest and go in back behind there, that center whole lot.

MR. WILLIAMS: Great point. Thank you.

Anyone else here to speak for or against or have any other comments on this one?

All right. Commissioners, any questions for anybody or a motion, please?

MR. ELLIOTT: I make a motion that Case 2012PC164 to approve rezoning to B-1.

MR. SPANN: Second.

MR. WILLIAMS: Got a motion and a second to approve the request. Any further discussion?

MR. ANTHONY: Yes, sir. I just want to say I know that this area has been an arae that we are steadily receiving interest in, and I think it is moving in the right direction as far as what needs to be done for the City of Gulfport.

MR. WILLIAMS: All right. Thank you, sir.

Any other comments? If not, all those in favor of approving the motion to approve this request signify by saying aye. Any opposed?

All right. It's been approved. Thank you all. Appreciate it.

(Unanimous vote.)

1 BEFORE THE CITY OF GULFPORT PLANNING COMMISSION
2
3 2012PC164
4
5
6 COURT REPORTER'S CERTIFICATE
7
8 I, Norma Jean Ladner Soroe, Certified Shorthand
9 Reporter, do hereby certify that to the best of my skill and
10 ability I have reported the hearing held before the City of
11 Gulfport Planning Commission and that the foregoing 6 pages
12 constitute a true and correct transcription of said hearing
13 held on the 17th day of December 2020.
14 I do further certify that my certificate annexed
15 hereto applies only to the original and certified
16 transcript. The undersigned assumes no responsibility for
17 the accuracy of any reproduced copies not made under my
18 control and direction.
19 Witness my signature this the 28th day of December
20 2020.
21
22
23 _____
24 NORMA JEAN LADNER SOROE, CSR #1297
Certified Shorthand Reporter
25

City of Gulfport, Mississippi

Agenda

City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, February 2, 2021 | **1:30 PM** | ***Gulfport City Hall Council Chambers***

1:30 P.M. **Invocation, Pledge of Allegiance, Call to Order**

Agenda Order **Confirmation or adjustment of the agenda order**

Presentation Agenda

- **Mayor's Report**

Policy Issues

Minutes / Appointment

1 Approval of Minutes - for December 22, 2020.

2 Approval of Minutes - for January 5, 2021.

3 Ratification - of reappointment to the Gulf Regional Planning Commission.

Code Enforcement / Planning

4 Code Enforcement Hearing - on resolution to declare that certain properties are in such a state of uncleanliness as to be a menace to the public health. safety and welfare of the community and to authorize advertisements for bids and lot clean-ups and/or demolitions.

5 Request - issuance of special check for Landon Green Phase I Release of Cash Utility Warranty Bond - Elliott Land Development, LLC.

Ordinances

6 Ordinance - to rezone tax parcels from B-2 (General business) to R-B (Residence-business) - located at 2214 Hewes Avenue - Case # 2012PC162 - Ward 3.

7 Ordinance - to rezone tax parcel from R-1-7.5 (Single-family) to B-1 (Neighborhood business) - located at Old Lorraine Road - Case # 2012PC164 - Ward 5.

8 Ordinance - to rezone a tax parcel from R-2 (Single-family) to R-B (Residence-business) located at Red Oak Drive - Case # 2012PC168 - Ward 2.

9 Ordinance - establishing Budget Stabilization Fund, and for related purposes.

10 Ordinance - establishing and confirming polling places for 2021 Municipal Elections.

Resolutions

11 Resolution - memorializing the Legislature of the State of Mississippi to adopt Local and Private Legislation, and for related purposes.

12 Resolution - approving Agreement with Jones Walker, LLP and Dennis W. Miller, Esq., authorizing the Mayor to execute and deliver said Agreement, and for related purposes.

13 Resolution - approving award to Neel-Schaffer, Inc. for Engineering Services in connection with the BUILD – Interconnecting Gulfport Project, to approving the selection for said Services, authorizing the Mayor (or designee) to execute the same on behalf of the City, and for related purposes.

14 Resolution - approving C-Spire Service Order Form, authorizing the Mayor to execute the same, and for related purposes

15 Resolution - approving Engineering Services Contract with Covington Civil and Environmental, LLC, in connection with the Debuys Road Pump Station Replacement Project, authorizing the Mayor to execute the same, and for related purposes.

16 Resolution - approving Professional Services Agreement with Danny Meadors, and for related purposes.

17 Resolution - approving Project Design for Oak Island Drainage Improvements Project, and for related purposes.

18 Resolution - awarding bid and approving Contract(s) for Term Contract Group C - Sundry Road Materials.

19 Resolution - awarding bid and approving Contract(s) for Term Contract C2A - Culvert & Ram Neck Piping to Southern Waterworks.

20 Resolution - awarding bid and approving Contract(s) for Term Contract Group U - Electronic Equipment.

21 Resolution - approving Amendment No. 2 to Professional Services Agreement for Hurricane Zeta Debris Removal Monitoring Services with Tetra Tech, Inc., and for related purposes.

22 Resolution - authorizing a contribution of funds to the Harrison County Soil and Water Conservation District pursuant to Miss. Code Ann. § 69-27-24 (2012), and for related purposes.

23 Resolution - authorizing an expenditure for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport (Fire Department), and for related purposes.

24 Resolution - authorizing Vacation and Release of Easement, authorizing the Mayor to execute Instrument effectuating said Release, and for related purposes.

25 Resolution - declaring certain municipal personal property to be surplus and authorizing the donation of the same to the Harrison County Sheriff's Department, and for related purposes.

26 Resolution - reconfirming and extending the status of a State of Emergency due to the spread of COVID-19 and potential associated impacts which threaten to affect areas within the City, and for related purposes.

27 Resolution - reconfirming and extending the status of a State of Emergency due to the impacts of Hurricane Zeta on the City of Gulfport, and for related purposes.

Budget Amendments / Docket of Claims

28 Budget Amendment #31 - increasing line items 276 Training and Travel from 276 Operating Supplies.

29 Budget Amendment #32 - increasing line item Photo & Fingerprint from police property unclaimed money.

30 Budget Amendment #33 - increasing line item Photo & Fingerprint from police property unclaimed money.

31 Budget Amendment #34 - increasing line item 277 Vehicles from restitution.

32 Docket of Claims - to be approved through February 3, 2021.

Routine Agenda

33 Resolution - awarding bids for lot clean-ups and/or demolitions.

34 Letter - regarding bid awarded by Purchasing to ITSAVVY Inc. for New World Server Parts - Information Systems - to be made a part of the minutes.

35 Letter - regarding bid awarded by Purchasing to Marina Products for Fiberglass Dock Boxes - Leisure Services Department - to be made a part of the minutes.

36 Letter - regarding bid awarded by Purchasing to Rocking C for Engine 14 Pumper Repairs - Fire Department - to be made a part of the minutes.

37 Ratification - of Oaths of Office - to be made a part of the minutes.

38 Letter - 2021 CPI Increase Contract for Operations and Maintenance of Water and Sewer, Streets and Drainage Systems.

39 Ratification - of previously approved and executed Agreements/Contracts/Documents - to be made a part of the minutes.

40 Request - approval of Terms associated with DEA seized/forfeiture properties.

Public Agenda

- **Citizen Forum - Up to thirty minutes shall be allowed for public input with a three minute time limit on each speaker.**

Council Comments

Memorial Adjournment

- **Mrs. Dorothy Elizabeth Mitchell**
- **Mr. James Hardy**

Executive Session

Setting of Next Meeting and Adjournment

There came on for consideration at a duly constituted meeting of the City Council and Mayor of the City of Gulfport held on the ____day of _____, 2021, the following Ordinance:

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GULFPORT, MISSISSIPPI ADOPTED THE 29TH DAY OF JUNE, 1979, AS AMENDED, TO REZONE CERTAIN PROPERTY FROM ITS PRESENT ZONING CLASSIFICATION OF R-1-7.5 (SINGLE-FAMILY) DISTRICT TO B-1 (NEIGHBORHOOD BUSINESS) DISTRICT.

WHEREAS, the Mayor and City Council of the City of Gulfport, Mississippi, find and do so determine, based upon the recommendation of the Gulfport City Planning Commission and City departments, and based upon a reasonable consideration of the character of the district and neighborhood and suitability for particular purposes, that ad valorem tax parcel number 1009L-02-001.001, which is generally described as being located north of Hillcrest Road, south of Dolphin Lane, east of and adjacent to Lorraine Road, and west of and adjacent to Old Lorraine Road, should be rezoned from its present classification of R-1-7.5 (Single-family) District to B-1 (Neighborhood business) District. The Case File Number is 2012PC164.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS:

SECTION 1: That the Official Zoning Map of the Comprehensive Zoning Ordinance of the City of Gulfport, adopted the 29th day of June, 1979, as amended, be and the same is hereby amended to provide that the following legally described property **be rezoned from its present classification of R-1-7.5 (Single-family) District to B-1 (Neighborhood business) District.** Ad valorem tax parcel number 1009L-02-001.001 is legally described as:

> A PARCEL OF LAND SITUATED AND BEING LOCATED IN A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 7 SOUTH, RANGE 10 WEST, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
>
> COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 7 SOUTH, RANGE 10 WEST WITH THE WESTERLY MARGIN OF LORRAINE ROAD; THENCE RUN NORTH 00 DEGREES 13 MINUTES 02 SECONDS EAST 50 FEET ALONG THE WESTERLY MARGIN OF LORRAINE ROAD TO THE NORTHERLY MARGIN OF HILLCREST ROAD TO AN IRON ROD FOUND; THENCE NORTH 00°13'02" EAST A DISTANCE OF 88.46 TO AN IRON ROD FOUND; THENCE NORTH 89°46'58" WEST A DISTANCE OF 8.9 TO THE POINT OF BEGINNING;
> THENCE NORTH 89°46'58" WEST A DISTANCE OF 36.1 TO AN IRON ROD; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 435.35 FEET ALONG SAID CURVE HAVING A CHORD DIRECTION OF NORTH 08°53'29" WEST AND A CHORD LENGTH OF 137.84 FEET; THENCE NORTH 18°00'01"

WEST A DISTANCE OF 365.47 TO A POINT; THENCE NORTH 17°11'06" WEST A DISTANCE OF 84.90 TO A POINT; THENCE NORTH 09°07'30" EAST A DISTANCE OF 221.99 TO A POINT; THENCE NORTH 84°28'15" EAST A DISTANCE OF 151.32 TO A POINT; THENCE SOUTH 00°41'16" EAST A DISTANCE OF 798.83 TO THE POINT OF BEGINNING;
CONTAINING 2.22 ACRES OR 9652.01 SQUARE FEET MORE OR LESS.

SECTION 2: The rezoning of said parcel shall be further subject to the following conditions: The owner, agent or lessee who requested rezoning of the property, which was subsequently rezoned by the Mayor and City Council must secure a building permit from the Building Official and commence construction within one year from the date of approval of rezoning by the City Council. If no building permit has been obtained and said plan development is not completed according to approved plans, the rezoning of said parcel shall be null and void and automatically revert back to its original zoning classification.

See also: COMPREHENSIVE ZONING ORDINANCE {Section IX (3) (b)} Reversion.

SECTION 3: For good cause being shown and the interest and welfare of the City of Gulfport, the citizens thereof require that the said Ordinance be in full force and effect immediately upon its passage and this Ordinance shall be in full force and effect from and after its passage, but shall nevertheless be published and enrolled as provided by law.

The above and foregoing Ordinance, after having been first reduced to writing, was introduced by _____, seconded by _____ and was adopted by the following roll call vote:

YEAS: **ABSTENTIONS:** **ABSENCES:** **NAYS:**

WHEREUPON the President declared the motion carried and the Ordinance adopted, this the _____ day of _____, _____.

(SEAL:)

ATTEST: ADOPT:

_____ _____

CLERK OF THE COUNCIL PRESIDENT

The above and foregoing Ordinance, having been submitted and approved by the Mayor, this the _____day of _____, _____.

_____

BILLY HEWES, Mayor

MISCELLANEOUS PAYMENT RECPT#: 11472179
CITY OF GULFPORT

GULFPORT, MS 39501

DATE: 09/06/22 TIME: 15:49:04
CLERK: cbrown DEPT:
CUSTOMER#:

COMMENT:

CHG: PZD PLANNING AND ZO 175.00

AMOUNT PAID: 175.00

PAID BY: DONOVAN SCRUGGS
PAYMENT METH: CHECK
1556

REFERENCE:

AMT TENDERED: 175.00
AMT APPLIED: 175.00
CHANGE: .00

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	83255	1009M-03-004.000	MYERS SHARON L (OWNER)	142 EDGEWATER DR	BILOXI	MS	39531
	55922	1009M-03-006.000	MYERS SHARON L (OWNER)	142 EDGEWATER DR	BILOXI	MS	39531
			Adjacent Property Owners (2210PC191)				
	105964	1009M-01-001.007	ALCO LLC	9230 OLD LORRAINE ROAD	GULFPORT	MS	39507
	121635	1009M-01-001.048	ALLEN MISSY K	11498 BRIARSTONE PLACE	GULFPORT	MS	39503
	112474	1009M-03-010.024	ASCHENBACH KATHERINE C	11612 STANTON CIR	GULFPORT	MS	39503
	121600	1009M-01-001.011	ATCHINSON WILLIAM BRIAN & SANDRA MO	11497 BRIARSTONE PLACE	GULFPORT	MS	39503
	112484	1009M-03-010.034	BAGWELL DOUGLAS & TAMMY	11536 STANTON CIRCLE	GULFPORT	MS	39503
	83160	1009L-02-004.000	BALL LINA L	9318 OLD LORRAINE RD	GULFPORT	MS	39503
	97619	1009L-02-019.002	BC3 PROPERTIES LLC	7247 LIVE OAK WAY	PASS CHRISTIAN	MS	39571
	55904	1009L-02-033.000	BERGMANN CARY & TELLYE J'ANNA	12541 SOUTH LAKE FOREST DR	GULFPORT	MS	39503
	127594	1009M-01-001.065	BEYERSTEDT MICHAEL D & KELLY D	11489 BRIARSTONE PL	GULFPORT	MS	39503
	144049	1009M-03-007.008	BOX BRADLEY EUGENE & KAILEN NICOLEA	9442 CARRIAGEWOOD DR	GULFPORT	MS	39503
	120943	1009L-03-041.000	BROADUS JENNIFER	9347 EVANS RD	GULFPORT	MS	39503
	120945	1009L-03-043.000	BRUNT DERRY H & BONNIE B	9367 EVANS RD	GULFPORT	MS	39503
	55911	1009M-01-002.000	BUCHANAN CURTIS LEE III	9166 LORRAINE ROAD	GULFPORT	MS	39503
	83166	1009L-03-007.000	BULLDOG ISLAND LLC	806 WASHINGTON AVE	OCEAN SPRINGS	MS	39564
N	137970	1009L-02-001.001	BULLDOG ISLAND LLC	806 WASHINGTON AVE	OCEAN SPRINGS	MS	39564
	55890	1009L-02-015.000	BULLOCK JERRY H & FELICIA S	11167 CREEL CIR	GULFPORT	MS	39503
	97618	1009L-02-019.001	CARROLL REVOCABLE TRUST ANTHONY BRU	2437 TEAL SHORE CT	LEAGUE CITY	TX	77573
	112496	1009M-03-010.046	CENTANNI RICHARD P & HELEN K	11458 STANTON CIR	GULFPORT	MS	39503
	121601	1009M-01-001.012	CHAMBLISS DAVID W & ANGELA R	11499 BRIARSTONE PLACE	GULFPORT	MS	39503
	55882	1009L-02-030.000	CHIVAS JOHN F	11354 CREEL CIRCLE	GULFPORT	MS	39503
	121630	1009M-01-001.043	CHOUINARD PAUL	11561 BRIARSTONE PLACE	GULFPORT	MS	39503
	82541	1009L-02-002.000	CLARK V A	P O BOX 3327	GULFPORT	MS	39505
	112497	1009M-03-010.047	CLEVELAND GAINES H & RACHELLE R	11450 STANTON CIR	GULFPORT	MS	39503
	55861	1009L-03-020.000	COSTON ELIZABETH ANN	11492 HILLCREST RD	GULFPORT	MS	39503
	55878	1009L-02-018.000	CREEL ALFRED C ETAL	9298 LORRAINE RD	GULFPORT	MS	39503
	55907	1009L-03-022.000	CREEL BARNEY M & CYNTHIADORA R	P O BOX 6825	GULFPORT	MS	39506
	125089	1009L-03-021.001	CREEL BARNEY M & CYNTHIADORA R	19536 CHAMPION CR	GULFPORT	MS	39503
N	55862	1009L-03-021.000	CREEL BARNEY M & CYNTHIADORA R	19536 CHAMPION CR	GULFPORT	MS	39503
N	125090	1009L-03-021.002	CREEL BARNEY M & CYNTHIADORA R	19536 CHAMPION CIR	GULFPORT	MS	39503
N	125092	1009L-03-021.003	CREEL BARNEY M & CYNTHIADORA R	19536 CHAMPION CIR	GULFPORT	MS	39503
	112514	1009M-03-010.064	CROAL EDWARD J & LORI M	11555 STANTON CIRCLE	GULFPORT	MS	39503
	121632	1009M-01-001.045	DARBY DEBORAH K & YOUNG ROBERT B	11565 BRIARSTONE PL	GULFPORT	MS	39503
	83162	1009L-02-014.000	DEHM MICHAEL W	11187 CREEL CIR	GULFPORT	MS	39503

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	55876	1009L-02-029.000	DEJONG BILL	2781 MARTIN RD	MT VERNON	WA	98273
	120940	1009L-03-038.000	DYAL JONATHAN P & SARA M	9360 OAK ISLAND RD	GULFPORT	MS	39507
	121595	1009M-01-001.008	EDWARDS GEORGE W & DONNA W	11491 BRIARSTONE PLACE	GULFPORT	MS	39503
	120942	1009L-03-040.000	ELLE DEE & ASSOCIATES INC	9612 SOUTH 4TH AVENUE	INGLEWOOD	CA	90305
	112488	1009M-03-010.038	ELY JEREMY & SHELLIE COVINGTON	11510 STANTON CIRCLE	GULFPORT	MS	39503
	112472	1009M-03-010.022	FELLOWS ALFRED W -L/E-	11626 STANTON CIRCLE	GULFPORT	MS	39503
	121638	1009M-01-001.051	FORE CHRISTOPHER	11504 BRIARSTONE PL	GULFPORT	MS	39503
	55886	1009L-02-011.000	FORE TRUDY DIANE ETAL	12146 DEDEAUX RD	GULFPORT	MS	39503
	112509	1009M-03-010.059	GAINEY STEPHEN M & JULIE P	9189 ASHBURN LANE	GULFPORT	MS	39503
	112510	1009M-03-010.060	GAINEY STEPHEN M & JULIE P	9189 ASHBURN LANE	GULFPORT	MS	39503
	55891	1009L-02-016.000	GARNER JUDY L	11157 CREEL CIR	GULFPORT	MS	39507
	121626	1009M-01-001.039	GODARD CATHY ANN OSER & RUSSELL K	11553 BRAIRSTONE PLACE	GULFPORT	MS	39503
	112511	1009M-03-010.061	GRAHAM JOHN & NICOLE	9169 ASHBURN LANE	GULFPORT	MS	39503
	55884	1009L-02-008.000	GREER DERONDA L	11164 CREEL CIRLCE	GULFPORT	MS	39503
	104819	1009L-02-014.001	GRISWOLD SUSAN	P O BOX 8051	GULFPORT	MS	39506
	112482	1009M-03-010.032	GUILD TAYLOR III & SANDY L	11550 STANTON CIRCLE	GULFPORT	MS	39507
	55909	1009M-01-001.000	HAARALA ZACHARY R & KELSEY M	11485 BRIARSTONE PL	GULFPORT	MS	39503
	112490	1009M-03-010.040	HAGE LAURENCE M & JESICA	11500 STANTON CIR	GULFPORT	MS	39503
	144046	1009M-03-007.005	HAGE LAURENCE M & JESICA	11500 STANTON CIRCLE	GULFPORT	MS	39503
	112494	1009M-03-010.044	HAGE PHILIP J JR & JENNIFER K	P O BOX 6725	GULFPORT	MS	39506
	112481	1009M-03-010.031	HAMMONS TIFFANY COOPER & DAVID W	11560 STANTON CIRCLE	GULFPORT	MS	39503
	112468	1009M-03-010.018	HANCOCK DOUGLAS A & TIFFANY R	11650 STANTON CIRCLE	GULFPORT	MS	39503
	112491	1009M-03-010.041	HARRIS TYLER A & AMANDA LEBLANC	11490 STANTON CIR	GULFPORT	MS	39503
	112469	1009M-03-010.019	HARRISON CECIL P III	11644 STANTON CIR	GULFPORT	MS	39503
	55856	1009L-03-001.000	HARRISON CO DEV COMM	P O BOX 1870	GULFPORT	MS	39502
	83159	1009L-02-001.000	HARRISON CO DEV COMM	12281 INTRAPLEX PARKWAY	GULFPORT	MS	39503
N	103061	1009L-02-033.002	HARRISON CO WASTEWATER MGMT				0
	144051	1009M-03-007.010	HATFIELD BARBARA	9452 CARRIAGEWOOD DR	GULFPORT	MS	39507
	121649	1009M-01-001.062	HEALY ALYSSIA S	13105 WOODRIDGE COURT	GULFPORT	MS	39503
	121631	1009M-01-001.044	HIGHTOWER KARL C & JESSICA M	11563 BRIARSTONE PLACE	GULFPORT	MS	39503
	95239	1009M-03-010.002	HILLCREST MINI STORAGE LLC	831 E SCENIC DR	PASS CHRISTIAN	MS	39571
N	83169	1009M-01-001.001	HILLCREST MINI STORAGE LLC	831 E SCENIC DR	PASS CHRISTIAN	MS	39571
	112483	1009M-03-010.033	HINES TERRY M & WATSON CARRIE R	11544 STANTON CIR	GULFPORT	MS	39507
	112506	1009M-03-010.056	HINTON RENE D & LORENZO A	9166 ASHBURN LANE	GULFPORT	MS	39503
N	112507	1009M-03-010.057	HINTON RENE D & LORENZO A	9166 ASHBURN LANE	GULFPORT	MS	39503
	112492	1009M-03-010.042	HOLDER JONATHAN B & NICOLE MIKETINA	114800 STANTON CIR	GULFPORT	MS	39503

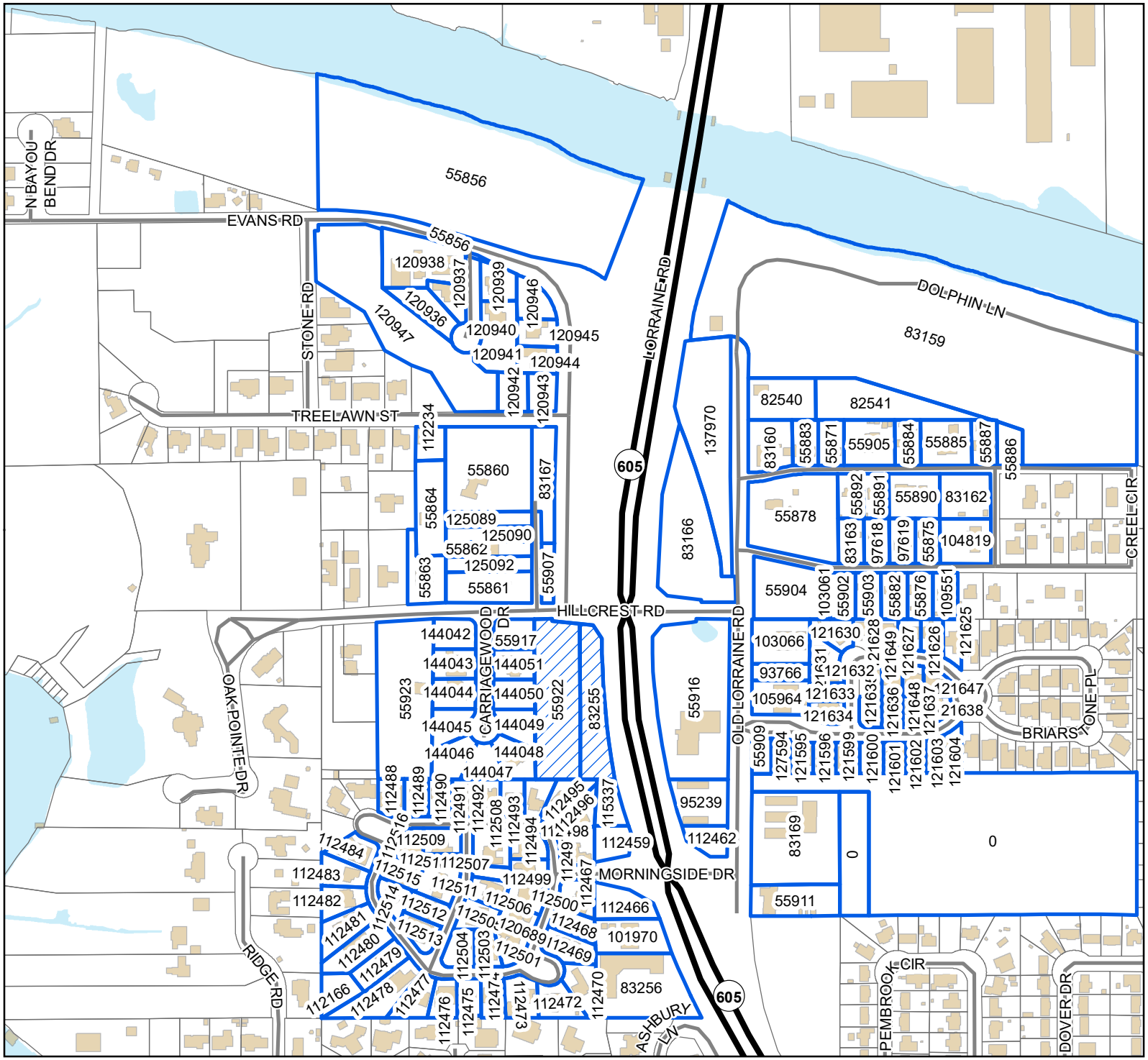
Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	112500	1009M-03-010.050	HOLLEMAN HOLLIS TAYLOR & LUCY J	11655 STANTON CIR	GULFPORT	MS	39503
	120936	1009L-03-034.000	HUGHES BEN & MICHELE	9371 OAK ISLAND	GULFPORT	MS	39503
N	120938	1009L-03-036.000	HUGHES BEN & MICHELE	9371 OAK ISLAND RD	GULFPORT	MS	39503
	103066	1009M-01-001.006	ISLAND GARDEN SHOP LLC	9244 OLD LORRAINE RD	GULFPORT	MS	39503
	112512	1009M-03-010.062	JACOBS COURTNEY & BRYAN	9163 ASHBURN LANE	GULFPORT	MS	39503
	121636	1009M-01-001.049	KAJDAN MARY REBECCA KREMER	11500 BRIARSTONE PLACE	GULFPORT	MS	39503
	120937	1009L-03-035.000	KALIL HARVEY H JR & JENNIFER D	9361 OAK ISLAND ROAD 7055	GULFPORT	MS	39503
	112501	1009M-03-010.051	KARETAS JOHN A & CARA M	24 BAYOU VIEW DR	GULFPORT	MS	39507
	112493	1009M-03-010.043	KARETAS JOHN ALEX & CARA M	11474 STANTON CIRCLE	GULFPORT	MS	39503
	83256	1009M-03-010.001	KAT5 LLC	9153 LORRAINE RD	GULFPORT	MS	39503
	55883	1009L-02-005.000	KEWLEY CHARLES W	11134 CREEL CIR	GULFPORT	MS	39503
	121602	1009M-01-001.013	KILPATRICK STEPHANIE G	11501 BRIARSTONE PLACE	GULFPORT	MS	39503
	121634	1009M-01-001.047	KIRKLIN LISA K & DWIGHT D	11569 BRIARSTONE PLACE	GULFPORT	MS	39503
	112508	1009M-03-010.058	KNOX WILLIAM III & SHELLEY R	9188 ASHBURN LN	GULFPORT	MS	39503
	112477	1009M-03-010.027	KOTSAKOS WENDY A & JOHN D	11586 STANTON CIR	GULFPORT	MS	39503
	121648	1009M-01-001.061	LADNER ASHLEE	11556 BRIARSTONE PLACE	GULFPORT	MS	39503
	121627	1009M-01-001.040	LADNER MICHAEL K	11555 BRIARSTONE PLACE	GULFPORT	MS	39503
	121637	1009M-01-001.050	LE HUNG MINH & LAN T	8390 HWY 90	GULFPORT	MS	39501
	55916	1009M-03-001.000	LECA DEVELOPMENT LLC	9231 LORRAINE RD	GULFPORT	MS	39503
	120689	1009M-03-010.070	LEE KELLY A & DEANN FONTENOT	11645 STANTON CIR	GULFPORT	MS	39503
	120939	1009L-03-037.000	MAGEE LINDA K & WILLIAM D	9370 OAK ISLAND RD	GULFPORT	MS	39503
	112479	1009M-03-010.029	MARQUEZ JOHN T JR	11570 STANTON CIR	GULFPORT	MS	39503
	112475	1009M-03-010.025	MARSHALL BARRY & BARBARA	11600 STANTON CIR	GULFPORT	MS	39503
	112516	1009M-03-010.066	MASSEY JUSTIN C & HELEN ELIZABETH P	11501 BRIARSTONE PLACE	GULFPORT	MS	39503
	112504	1009M-03-010.054	MAXWELL RYBON R & GINGER A	11595 STANTON CIRCLE	GULFPORT	MS	39503
	112166	1009M-03-010.008	MCCRARY MARGARET O & R BRYANT	9150 RIDGE RD	GULFPORT	MS	39503
	120941	1009L-03-039.000	MCDANIEL MARK H	28 SHORELINE LANE	GULFPORT	MS	39503
	144042	1009M-03-007.001	MCGUIRE DALTON D JR	9447 CARRIAGE WOOD DR	GULFPORT	MS	39503
N	144044	1009M-03-007.003	MCGUIRE DALTON D JR	9447 CARRIAGE WOOD DR	GULFPORT	MS	39503
N	144045	1009M-03-007.004	MCGUIRE DALTON D JR	9447 CARRIAGE WOOD DR	GULFPORT	MS	39503
N	144050	1009M-03-007.009	MCGUIRE DALTON D JR	9447 CARRIAGE WOOD DR	GULFPORT	MS	39503
	55917	1009M-03-007.000	MCNAIR MARY L	9458 CARRIAGEWOOD DR	GULFPORT	MS	39503
	55923	1009M-03-008.000	MERIWETHER JOHN F	11511 HILLCREST RD	GULFPORT	MS	39503
	112459	1009M-03-010.009	MISS DEPT OF TRANSPORTATION C/O RIGHT	P O BOX 1850	JACKSON	MS	39215
N	112462	1009M-03-010.012	MISS DEPT OF TRANSPORTATION C/O RIGHT	P O BOX 1850	JACKSON	MS	39215
N	112466	1009M-03-010.016	MISS DEPT OF TRANSPORTATION C/O RIGHT	P O BOX 1850	JACKSON	MS	39215

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	121596	1009M-01-001.009	MUNN STUART TAYLOR & CHAILLE CLEMEN	11493 BRIARSTONE PLACE	GULFPORT	MS	39503
	121633	1009M-01-001.046	NEZAT DAVID ALAN & TONI O	11567 BRIARSTONE PLACE	GULFPORT	MS	39503
	144048	1009M-03-007.007	NGUYEN HALELA & TOM GUTIERREZ	9438 CARRIAGEWOOD DR	GULFPORT	MS	39503
	82540	1009L-02-003.000	NORTON MARIA E & JAMES H	9332 OLD LORRAINE RD	GULFPORT	MS	39503
	121628	1009M-01-001.041	O'NEILL COLIN W & LINDY C	11557 BRAIRSTONE PLACE	GULFPORT	MS	39503
	112234	1009L-03-024.000	ORMES GIFFORD W	11509 TREELAWN RD	GULFPORT	MS	39503
	112513	1009M-03-010.063	OWEN MITCHELL L	9155 ASHBURN LANE	GULFPORT	MS	39503
	120947	1009L-03-045.000	PALAZZO MURIEL MCCARTY	11530 TREELAWN ST	GULFPORT	MS	39503
	112467	1009M-03-010.017	PEIXOTO MANNY D	11662 STANTON CIRCLE	GULFPORT	MS	39503
	55860	1009L-03-010.000	PEMBERTON GARLON	P O BOX 2965	GULFPORT	MS	39505
	83167	1009L-03-009.000	PEMBERTON GARLON A JR	9591 SOUTH BAYOU BEND DR	GULFPORT	MS	39503
	120944	1009L-03-042.000	PERRY DAVID JAMES & ASHLEY NICOLE	9359 EVANS ROAD	GULFPORT	MS	39507
	112505	1009M-03-010.055	PHILLIPS JOY L & FRANK W	9164 ASHBURN LN	GULFPORT	MS	39503
	112480	1009M-03-010.030	PLATT JOSHUA P & KATHRYN BREARD	11564 STANTON CIRCLE	GULFPORT	MS	39503
	121599	1009M-01-001.010	PURVIS CHERRYL DARLENE	11495 BRIARSTONE PLACE	GULFPORT	MS	39503
	144047	1009M-03-007.006	RAY EVA	9433 CARRIAGEWOOD DR	GULFPORT	MS	39503
	55864	1009L-03-018.000	ROBICHEAUX BOBBIE R	11508 HILLCREST RD	GULFPORT	MS	39503
	55863	1009L-03-019.000	ROBICHEAUX LAUREN B & JOHN	11504 HILLCREST RD	GULFPORT	MS	39503
	112515	1009M-03-010.065	RODGERS EDWARD J & PAMELA J	11539 STANTON CIR	GULFPORT	MS	39503
	83163	1009L-02-019.000	RUCKMAN ROCKY	11367 CREEL CIR	GULPORT	MS	39503
	55902	1009L-02-032.000	RUCKMAN ROCKY FRED	11367 CREEL CIR	GULFPORT	MS	39503
	55905	1009L-02-007.000	RUSSELL KIM D	11154 CREEL CIR	GULFPORT	MS	39503
	112503	1009M-03-010.053	SAMS WILLIAM C III	P O BOX 148	GULFPORT	MS	39502
	101970	1009M-03-010.005	SAV-A-LIFE OF MISS GULF COAST	9155 LORRAINE RD	GULFPORT	MS	39503
	112473	1009M-03-010.023	SCHLOEGEL JENNIFER T	11618 STATNTON CIR	GULFPORT	MS	39503
	144043	1009M-03-007.002	SIMPSON JACLYN H & ROBERT R III	9453 CARRIAGEWOOD DR	GULFPORT	MS	39503
	112495	1009M-03-010.045	SLIMAN RICHARD W & CATHERINE G	11460 STANTON CIRCLE	GULFPORT	MS	39503
	55903	1009L-02-031.000	SULLIVAN MARK K & PAMELA D	11358 CREEL CIRCLE	GULFPORT	MS	39503
	121603	1009M-01-001.014	SURGINER SUGAR	11503 BRIARSTONE PL	GULFPORT	MS	39503
	112476	1009M-03-010.026	SUTTON ROBERT L III & CHRISTIE B	11590 STANTON CIRCLE	GULFPORT	MS	39503
	55871	1009L-02-006.000	SWAREK THOMAS L	1261 PASS ROAD	GULFPORT	MS	39501
	55892	1009L-02-017.000	THOMPSON ELIZABETH LEE -EST-	11167 CREEL CIR	GULFPORT	MS	39503
	115337	1009M-03-010.069	TLC PROPERTIES INC	10571 OUTDOOR WAY	GULFPORT	MS	39503
	55885	1009L-02-009.000	TRAN MINH & HUNG VAN TRAN	4825 KEYWOOD LANE	SANTA ANA	CA	92703
	112470	1009M-03-010.020	VARNEY JONATHAN R & BRITTANY J	11638 STANTON CIRCLE	GULFPORT	MS	39503
	112498	1009M-03-010.048	VASQUEZ ALEX WADE & MARGOT DANE	11461 STANTON PL	GULFPORT	MS	39503

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	121647	1009M-01-001.060	VYVERBERG JAMES R & MARILYNN	11554 BRIARSTONE PL	GULFPORT	MS	39503
	93766	1009M-01-001.005	W C FORE TRUCKING CO INC	14270 CREOSOTE RD	GULFPORT	MS	39503
	121604	1009M-01-001.015	WARREN SHIRLE J	11505 BRIARSTONE PLACE	GULFPORT	MS	39503
	112478	1009M-03-010.028	WEITZEL RANDALL J & DEBRA S-TRUSTEE	11578 STANTON CIR	GULFPORT	MS	39503
	121625	1009M-01-001.038	WERT BRYCE C & KAMI G	11551 BRIARSTONE PLACE	GULFPORT	MS	39503
	112489	1009M-03-010.039	WHITE JANNA M	11502 STANTON CIRCLE	GULFPORT	MS	39503
	109551	1009L-02-029.001	WILLIAMS MAURICE D	11338 CREEL CIR	GULFPORT	MS	39503
	112499	1009M-03-010.049	WOLFSON ERIC H	11445 STANTON CIRCLE	GULFPORT	MS	39503
	55887	1009L-02-010.000	WOODS CHADE & HUDSON CASSIE	11180 CREEL CIR	GULFPORT	MS	39503
	55875	1009L-02-020.000	WRIGHT JERRY A	11337 CREEL CIR	GULFPORT	MS	39503
	120946	1009L-03-044.000	ZAHEDI AARON	P O BOX 7182	GULFPORT	MS	39506

2210PC191

Zoning Map Amendment



Legend

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

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D.2

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:
IPL0093233
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
59.40
Payment Type:
Account Billed
User ID:
IPL0024925

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
October 6, 2022 11:35:41 AM EDT
Amount:
59.40

SCHEDULE FOR AD NUMBER IPL00932330

October 12, 2022
SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL00932330

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, October 27, 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 office of the Department of Urban Development, Planning Division, located on first floor of the William H. Hardy Building, 1410 24th Avenue.

Zoning Map Amendment 2209PC151, by owners Kenneth & Sherry Simmons, tax parcels 0910N-01-007.000, request to rezone from B-2 (General business) to R-B (Residence business) Ward 4

Resubdivision 2209PC175, by owner Steven Austin, tax parcel 0810N-02-023.000, Divide into two new parcels, 2006 30th Street, Zoned B-2 (General business), Ward 3

Zoning Map Amendment 2204PC077, by owner Gulf Coast Shipyard Realty, LLC, tax parcel 0909F-01-001.002, Request to rezone from I-2 (Heavy Industry) to I-3 (Planned industrial park), 13085 Seaway Rd, Ward 5

Planning Commission Approval 2210PC178, by agent John Dixon, tax parcel 0808L-02-017.000, Request approval to allow a medical dispensary use, 11370 HWY 49 Suite G, Zoned B-4 (Highway business), Ward 7

Zoning Map Amendment 2210PC181, by agent Derek Bjornstad, tax parcel 0711K-03-002.000, Request to rezone property from R-1-7.5 (Single-family) to R-2 (Single-family), 4707 Old Pass Rd, Zoned R-1-7.5 (Single-family), Ward 1

Zoning Text Amendment 2210PC184, by CRC Westside, amendments the SmartCode Zoning Ordinance, as amended, Section 1.8.1 Damage Due to Emergency Conditions, Section 4.11.1 Damage Due to Emergency Conditions, and Section 5.12.1 Damage Due to Emergency Conditions.

Planning Commission Approval 2210PC185, by agent Stacy Craig, tax parcel 1007M-01-072.000, Request home occupation for a handyman, 13204 Curtis St, Zoned R-E (Residence estate), Ward 6

Zoning Map Amendment 2210PC186, by agent Ashleigh M. Vignes, tax parcel 0908M-01-010.000, Request to rezone from R-1-10 (Single-family) to B-1 (Neighborhood business), 13499 Dedeaux Rd, Ward 5

Special Exception 2210SE188, by agent Frankie Jackson, tax parcel 0809E-02-004.000, Requests a tattoo parlor use, 10000 Factory Shops Blvd, Suite 235, Zone B-4 (Highway business), Ward 3

Planning Commission Approval 2210PC190, by agent John Ravenscroft, tax parcel 0811B-01-037.000, Requests automotive body repair, 2601 15th Ave, Zoned B-2 (General business), Ward 3

Zoning Map Amendment 2210PC191, by agent Donovan Scruggs, tax parcels 1009M-03-006.000 & 1009M-03-004.000, Requests to rezone property from R-1-7.5 (Single-family) to B-1 (Neighborhood business), 11451 and 11463 Hillcrest Rd, Ward 4

Zoning Map Amendment 2210PC192, by agent Schwartz, Orgler & Jordan, PLLC, tax parcels 1010E-02-008.000 & 1010E-02-008.001, Requests to rezone property from T3 (Sub-Urban Zone) to T4+ (General Urban Zone "Plus"), 1285 Spring St, Ward 4

This the 5th day of October, 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: October 27, 2022

Re: <u>Zoning Map Amendment 2210PC192:</u>

Zoning Map Amendment 2210PC192, by agent Schwartz, Orgler & Jordan, PLLC, tax parcels 1010E-02-008.000 & 1010E-02-008.001, Requests to rezone property from T3 (Sub-Urban Zone) to T4+ (General Urban Zone "Plus"), 1285 Spring St, Ward 4

Technical Report

Zoning Map Amendment

GENERAL INFORMATION

Case File Number: 2210PC192

Hearing Date: October 27, 2022

Current Zoning/Use: T3 / Vacant lot and Commercial structure

Legal: Zoning Map Amendment 2210PC192, by agent Schwartz, Orgler & Jordan, PLLC, tax parcels 1010E-02-008.000 & 1010E-02-008.001, Requests to rezone property from T3 (Sub-Urban Zone) to T4+ (General Urban Zone "Plus"), 1285 Spring St, Ward 4

TECHNICAL DETAILS

Amendment of the Zoning Ordinance, including the zoning map, is intended to carry out the objective of a sound, stable, and desirable environment. Casual amendment of the ordinance would be detrimental to the achievement of that objective. Therefore, the ordinance dictates that a property should be considered for rezoning only when one or more of the following conditions prevail according to the Mississippi case law:

When requesting rezoning of real property, **an applicant must prove**, by **clear and convincing evidence**, one of the following:

1. That there was a mistake in the original zoning, or
2. That the character of the neighborhood has changed to such an extent as to justify reclassification, **and** that there was a public need for rezoning.

The applicant requests to rezone approximately 32,343 square feet of property from T3 (Sub-Urban Zone) to T4+ (General Urban Zone "Plus") zone. Currently, the property is being used as a commercial structure with medical offices use. More specifically, Gulf Coast Pediatric Care has a current active business license in our system. The current zoning does not allow for this use or the expansion of it, as is mentioned as a need in the application.

According to the City's 2002 Comprehensive Plan, this area was intended to become medium density residential in the future land use plan. The future land use of residential is shown for these properties when overlaying the future land use plan to the current city geography (see attached map).

The applicant has chosen change in character and public need as the justification for change of the current zoning district:

1. Mistake or error is not addressed by the applicant.

2. The applicant addresses Character of the Neighborhood changing through descriptions of properties in the neighborhood and showing other businesses exist. Description of public need are provided and include statements about growth in the City of Gulfport's population and migration away from metropolitan areas.

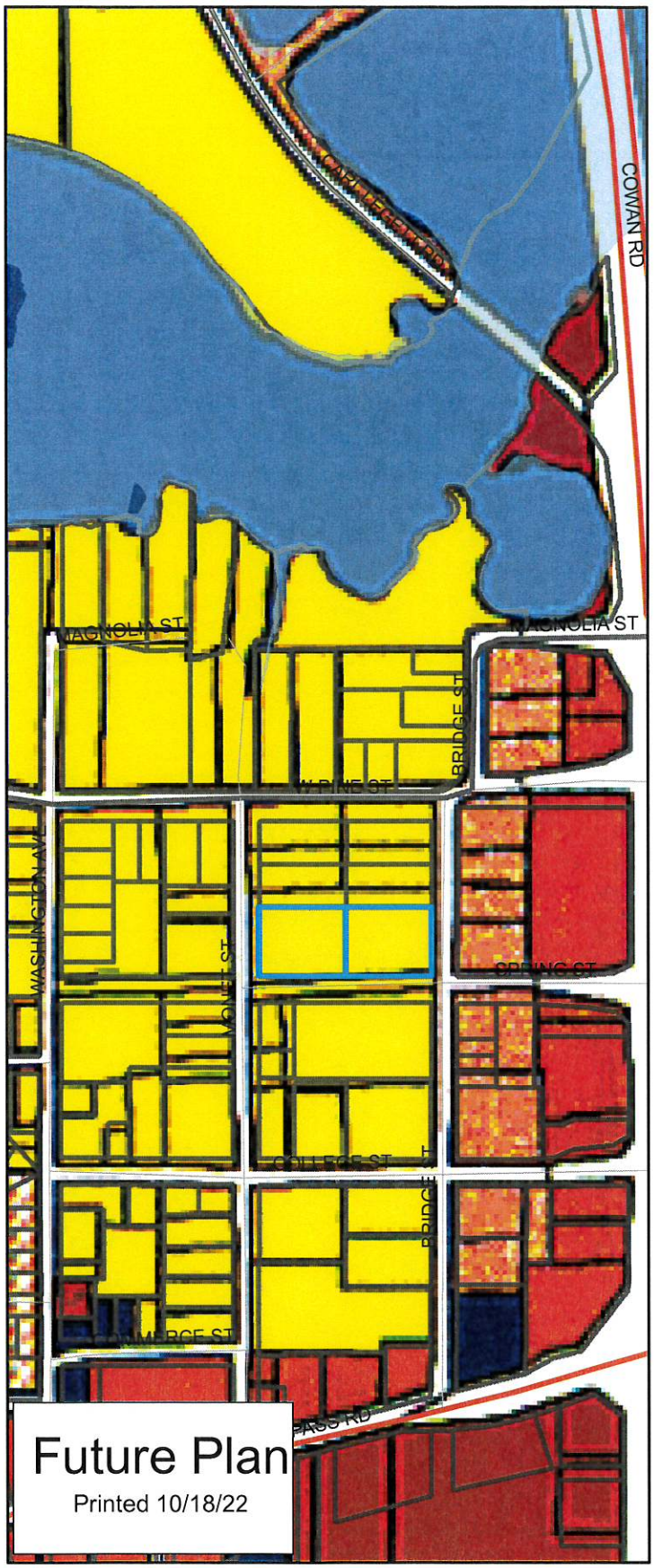
EXECUTIVE SUMMARY

The future plan of the City's growth indicated that continuing this residential use was in the future. The building predates the SmartCode Zoning Ordinance. However, the previous zoning of properties was R-O (Residence-office) and would allow for a medical office / clinic use. Being non-conforming, this building is placed in a position of being limited to only 10 percent of its value when it comes to the cost of repairs or renovations.

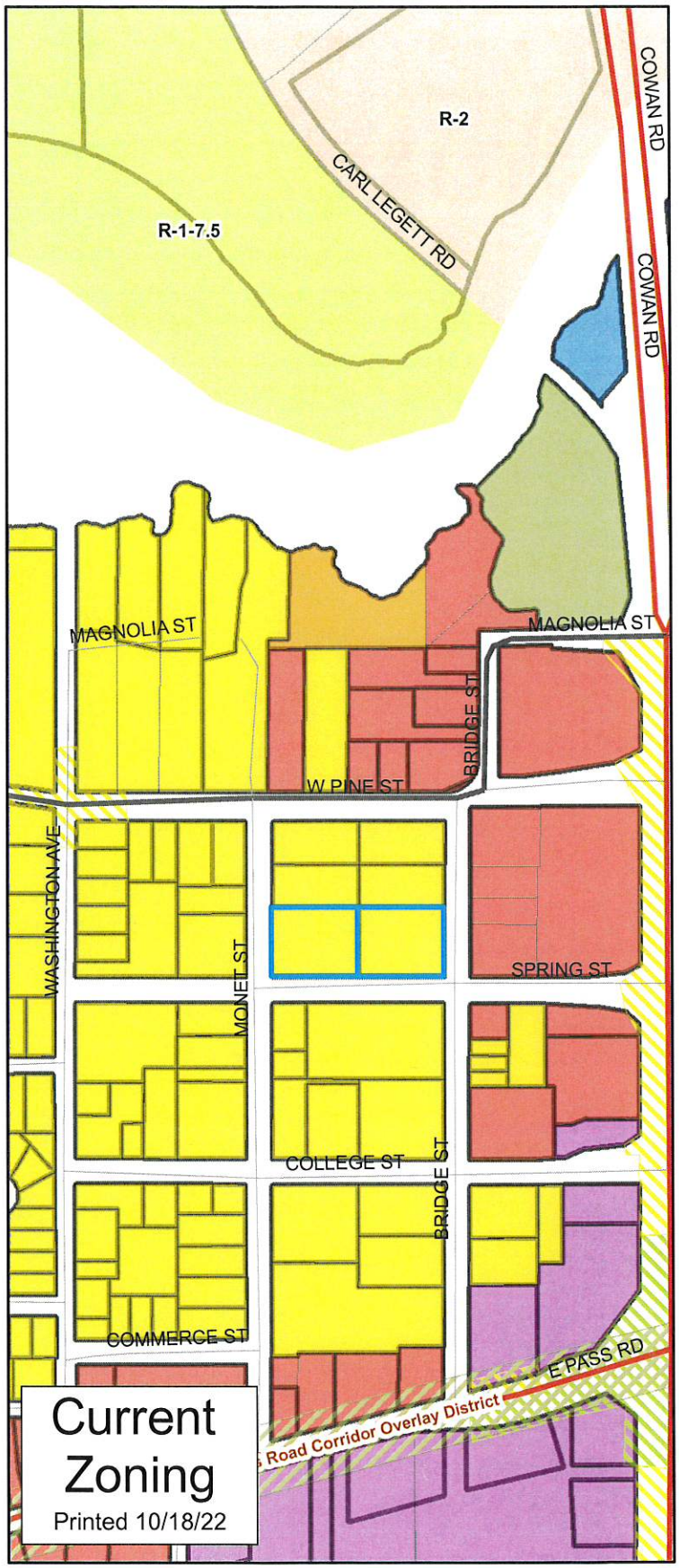
DIRECTOR APPROVAL

This report has been reviewed and approved by:

Greg Pietrangelo
Director of Urban Development Department



Future Plan
Printed 10/18/22



Current Zoning
Printed 10/18/22

N
W E
S

1 inch = 400 feet

- Principal Arterial
- Collector
- Minor/Residential
- WaterFeatures
- Parcels

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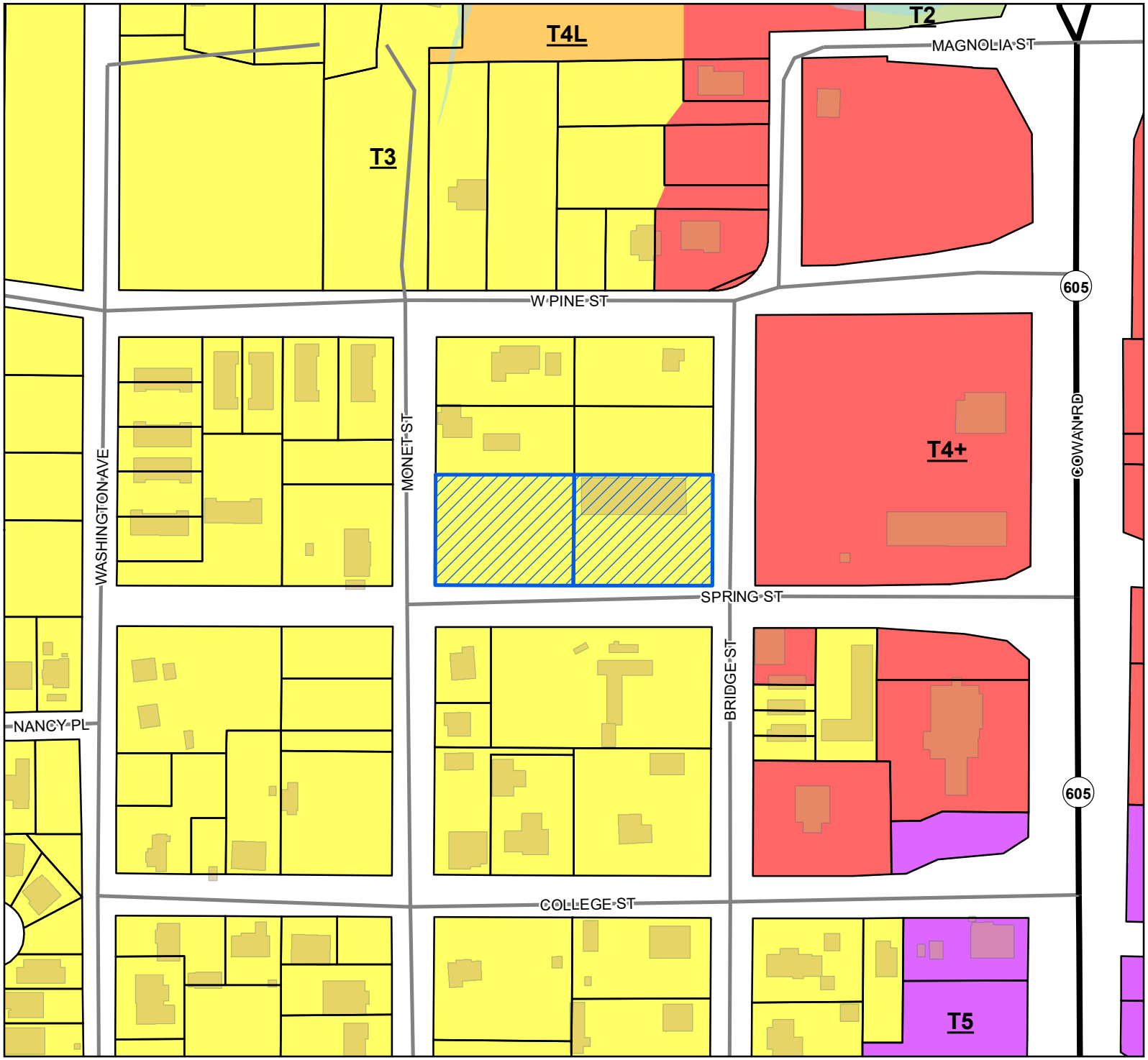
2210PC192

Zoning Map Amendment



Site
US or State Highway
Street
Parcels
Buildings
Water Features

Smart Code

T5
T4+
T4L
T3
T2

Site Information

1010E-02-008.000
1010E-02-008.001
Zoning: T3 (Sub-Urban Zone)
Size: 32,343 Sqft
Flood: X

0 30 60 90
Yards

1 inch = 200 feet

N
W E
S

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

APPLICATION FOR ZONING MAP AMENDMENT/LAND USE RECLASSIFICATION (SMARTCODE)

For Staff Use Only

Case File #: 2210PC192

Date Received: 9-7-22

Receipt #:

Received By:

Zoning: T3

Ward: 4 Flood: X

Property Information

TAX PARCEL # 1 0 1 0 E – 0 2 – 0 0 8 • 0 0 0

(If necessary, use separate sheet of paper)

Address of Property Involved: 1285 Spring Street

Lot(s) Pt Lots 6-8, Block(s) Blk 2, Subdivision Monet Survey

General Location: .735 acre lot on the Corner of Spring St and Bridge St

GENERAL DESCRIPTION OF REQUEST:
The applicant requests the land use classification be changed from T3 to T4+, and for the zoning map to be amended accordingly.

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
Hammond Holdings LLC	Schwartz, Orgler & Jordan, PLLC
Printed Name Of Owner	Printed Name Of Agent
P.O. Box 990	2355 Pass Road
Mailing Address	Mailing Address
Montrose AL 36559	Biloxi MS 39531
City State Zip code	City State Zip code
251-232-1518 n/a	228-388-7441 n/a
Home Phone Work/Cell Phone	Home Phone Work/Cell Phone
ahammond@gcpc-ms.com	robert@sojlaw.net
Email	Email
Signature Of Owner	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.

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

APPLICATION FOR ZONING MAP AMENDMENT/LAND USE RECLASSIFICATION (SMARTCODE)

For Staff Use Only

Case File #:

Date Received:

Receipt #:

Received By:

Zoning:

Ward: Flood:

Property Information

TAX PARCEL # 1 0 1 0 E – 0 2 – 0 0 8 • 0 0 1

(If necessary, use separate sheet of paper)

Address of Property Involved: 0 Spring Street, Gulfport, MS

Lot(s) Pt. 8-10, Block(s) Square 2, Subdivision Monet's Survey

General Location: 0.735 acre lot at the corner of Monet St and Spring St

GENERAL DESCRIPTION OF REQUEST:
The applicant requests the land use classification be changed from T3 to T4+, and for the zoning map to be amended accordingly.

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 reauest.

OWNER

Springbridge Properties II, LLC
Printed Name Of Owner

2304 19th Street, Ste 203
Mailing Address

Gulfport, MS 39501
City State Zip code

228-896-9008 n/a
Home Phone Work/Cell Phone

lwaynetisdale@gmail.com
Email

Signature Of Owner

AGENT

Schwartz, Orgler & Jordan, PLLC
Printed Name Of Agent

2355 Pass Road
Mailing Address

Biloxi MS 39531
City State Zip code

228-388-7441 n/a
Home Phone Work/Cell Phone

robert@sojlaw.net
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.

STATE OF MISSISSIPPI
COUNTY OF HARRISON

AFFIDAVIT

PERSONALLY APPEARED BEFORE ME, Ashley Hammond, who being first duly sworn states as follows:

1. I am the managing member of Hammond Holdings LLC, an Alabama Limited Liability Company, and have full authority to act on behalf of Hammond Holdings LLC to execute this Affidavit.

2. Hammond Holdings LLC hereby nominates and appoints the firm, Schwartz, Orgler & Jordan, PLLC and its lawyers, including Robert T. Schwartz, as its agents for all purposes related to the Application for Zoning Map Amendment/Land Use Reclassification.

3. Schwartz, Orgler & Jordan, PLLC, and its lawyers, hereby have authority to submit said application and speak on behalf of Hammond Holdings LLC at any hearings on the same as required by the City of Gulfport.

4. This Affidavit is executed for the specific purposes of satisfying the City of Gulfport's Application Requirements subsection C on page 4 of the Application for Zoning Map Amendment/Land Use Reclassification.

Further affiant sayeth not.

WITNESS MY SIGNATURE, this the 1st day of September, 2022.

Hammond Holdings LLC

Ashley Hammond

By: Ashley Hammond
Its: Managing Member

Sworn to and subscribed before me on this the 1 day of September, 2022.

Diana Tomkulin

NOTARY PUBLIC

My commission expires: 5-11-2025
(SEAL)

STATE OF MISSISSIPPI
COUNTY OF HARRISON

AFFIDAVIT

PERSONALLY APPEARED BEFORE ME, L. Wayne Tisdale, who being first duly sworn states as follows:

1. I am a duly authorized representative and member of Springbridge Properties II, LLC, and have full authority to act on behalf of Springbridge Properties II, LLC to execute this Affidavit.

2. Springbridge Properties II, LLC hereby nominates and appoints the firm, Schwartz, Orgler & Jordan, PLLC and its lawyers, including Robert T. Schwartz, as its agents for all purposes related to the Application for Zoning Map Amendment/Land Use Reclassification.

3. Schwartz, Orgler & Jordan, PLLC, and its lawyers, hereby have authority to submit said application and speak on behalf of Springbridge Properties II, LLC at any hearings on the same as required by the City of Gulfport.

4. This Affidavit is executed for the specific purposes of satisfying the City of Gulfport's Application Requirements subsection C on page 4 of the Application for Zoning Map Amendment/Land Use Reclassification.

Further affiant sayeth not.

WITNESS MY SIGNATURE, this the 29 day of August, 2022.

Springbridge Properties II, LLC

L. Wayne Tisdale

By: L. Wayne Tisdale
Its: Authorized Agent/Partner

Sworn to and subscribed before me on this the 29th day of August, 2022.

Freida V. Bellew

NOTARY PUBLIC

My commission expires:
(SEAL)

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 24600 FREIDA V. BELLEW Commission Expires April 3, 2025 HARRISON COUNTY

CITY OF GULFPORT
APPLICATION FOR ZONING MAP
AMENDMENT/LAND USE
RECLASSIFICATION (SMARTCODE)

Re: Parcel Nos. 1010E-02-008.000 & 1010E-02-008.001; Rezoning from T3 to T4+

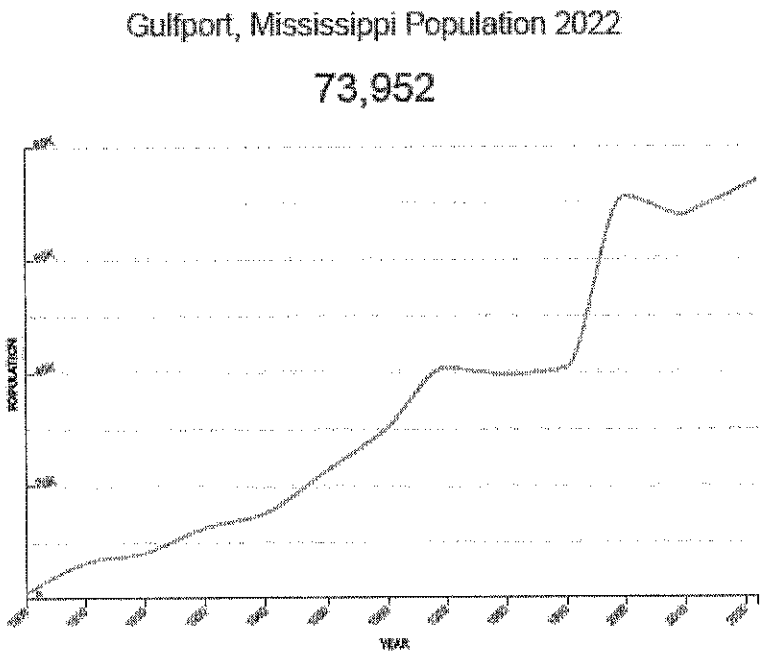
Hammond Holdings LLC is the owner of Harrison County Ad Valorem Tax Parcel No. 1010E-02-008.000. Springbridge Properties II, LLC is the owner of Harrison County Ad Valorem Tax Parcel No. 1010E-02-008.001 (the two parcels are collectively referred to herein as "subject property") (Hammond Holdings LLC and Springbridge Properties II, LLC are collectively referred to herein as "Owners"). A true and accurate copy of the vesting deeds to the subject property are attached hereto. The subject property was subdivided in 2008. Prior thereto, the same were one parcel. A recorded copy of the certificate of resubdivision is attached hereto. The subject property is currently zoned T3.

The owners desire to have the subject property rezoned from T3 to T4+. The subject property has been used for many uses over the years, including medical offices (Gulf Coast Pediatric Care). The current use of the subject property is non-conforming, and therefore, this application is being filed to bring the parcel into compliance. The existing use predates smartcode, and therefore, has been allowed to continue its non-conforming use since smart codes' adoption. Further, Springbridge Properties II, LLC desires to develop (or cause to be developed) a portion of the subject property into a physical rehabilitation facility, which is classified as a medical clinic under the applicable zoning code. A medical clinic is allowed by right in a T4+ zone. The subject property is an appropriate T4+ property, as T4+ allows for commercial and residential uses, which is consistent with the neighborhood, and would serve as a natural buffer and transition zone between Cowan-Lorraine commercial development and the residential properties to the west.

The property owner's request should be granted, as the character of the neighborhood has changed to such an extend to justify reclassification. A review of the historical imagery for the surrounding neighborhood shows significant change. Attached hereto are a series of historical aerial images of the neighborhood. The images range from 1992 to 2022. Over the course of that 30 year period, there has been significant, and continued, development of this section of the Cowan-Lorraine corridor. This is one of the fastest growing commercial sectors in Gulfport. The property directly to the east (Parcel No. 1010E-02-001.000) is zoned T4+, which includes the following commercial uses: a Memorial Physicians Clinic, Woody's Roadside Gulfport, QDOBA Mexican Eats, Dominos Pizza, the Paper Moon, the Yoga Barre, Chillville Creamery, etc. All of the aforementioned businesses have been added in recently, which is further evidence of the extensive change in the character of this neighborhood. Additionally, within the last year, Parcel No. 1010E-01-003.000 was rezoned and is being developed as a mixed use condominium and commercial development.

Further, the property owners' request should be granted as there is a public need for the property to be rezoned. The City of Gulfport's population is growing at an estimated rate of .70% annually.[1] Furthermore, the post-pandemic trends suggest that communities like Gulfport, Mississippi could be the beneficiary of a migration away from more expensive, metropolitan areas.[2] "On the whole it is clear that people are moving from more expensive places to less expensive places, which was true before the shock of COVID, but accelerated post-pandemic and became a clearer broad trend." *Id.* "Different sets of factors appear to explain growth in areas that saw faster population growth. One theory is that vacation towns have seen significant growth in demand, as remote work allows year-round living in places with desirable amenities but fewer skilled job opportunities." *Id.* The increase in population in Gulfport has led to an increased need for T4+ properties. The current and future mixed use of the subject property, which includes medical clinics, address the public need for more accessible healthcare and other businesses.

Gulfport, Mississippi Population 2022



State	Mississippi
County	Harrison County
Land Area (mi²)	55.8 sq mi
Density (mi²)	1,329.40/sq mi
2022 Growth Rate	0.70% (513)
Growth Since 2020	1.41% (1,026)

The current population of Gulfport, Mississippi is 73,952 based on our projections of the latest US Census estimates.The last official US Census in 2020 recorded the population at 72,926.

Gulfport is a city located in Harrison County Mississippi. Gulfport has a 2022 population of 73,952. Gulfport is currently growing at a rate of 0.70% annually and its population has decreased by since the most recent census, which recorded a population of 72,926 in 2020.

---

[1]worldpopulationreview.com

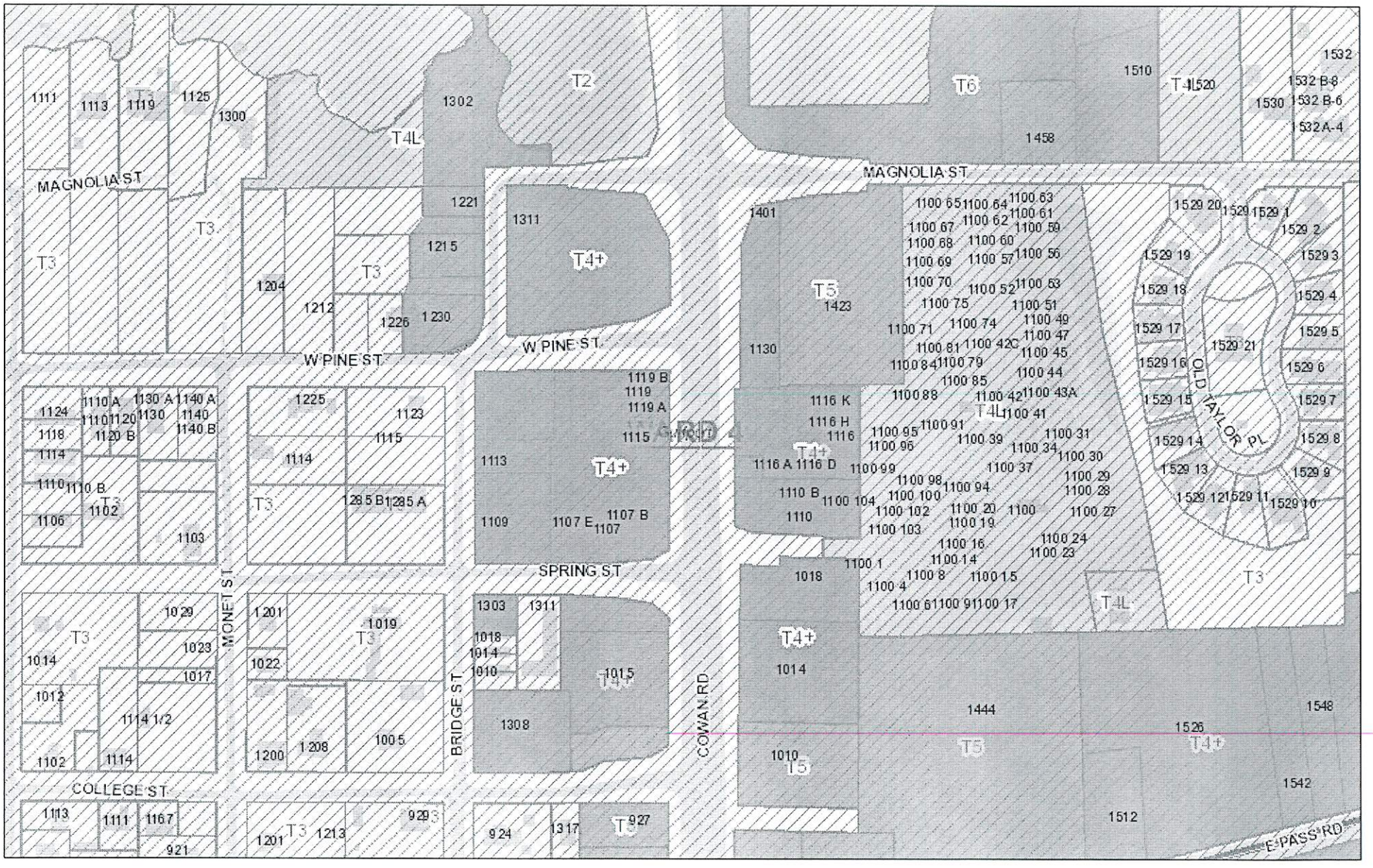
[2]https://eig.org/how-remote-work-is-shifting-population-growth-across-the-u-s/

The neighboring property owners are as follows:

1. Samuel E. Cutrer - P.O. Box 7265, Gulfport, MS 39507
2. Steven D. Peters - 37 Compass Point Way S #425, Inlet Beach, FL 32461
3. Angelyn K. Moultrie-Lizana and Oren K. Lizana as Trustees of the Angelyn K. Moultrie-Lizana and Oren K. Lizana Revocable Trust - 2290 Westwind Way, Signal Hill, CA 90755
4. Habitat for Humanity of MGC - 2214 34th St, Gulfport, MS 39501
5. Dedeaux Utility Co, Inc. - 1317 24th Ave, Ste C, Gulfport, MS 39501
6. Christine D. McBride - 109 South Kerns Dr, Gulfport, MS 39503
7. Rick A. Semetis - 1201 Spring St, Gulfport, MS 39507
8. Earl Williams - 1019 Bridge St, Gulfport, MS 39506
9. DLMS LLC - 1303 Spring Street, Gulfport, MS 39507

In the event the instant request is granted: (1) Parcel No. 1010E-02-008.000 will continue its existing use, and be in compliance with smartcode, and (2) 1010E-02-008.001 would be developed into a physical rehabilitation facility, which will be in a very similar design and layout to the improvements on Parcel No. 1010E-02-008.000. The Owner of 1010E-02-008.001 would estimate the project to be developed within a year of zoning approval.

1010E-02-008.001



August 30, 2022

1:3,865

0 0.0325 0.065 0.13 mi

0 0.05 0.1 0.2 km

Streets

County Streets

<all other values>

Interstate Highway

Principal Arterial

Collector

Minor Arterial

Military

Address Points

Parcels

Buildings

Hybrid Zones

Hybrid

Wards

Gulfport GIS

1992
Legend
Feature 1
Feature 2
Feature 3
Regions Bank
Rouses Market
Blow fly Inn
Cowan Rd
Magnolia St
My Brother's Keeper
W Pine St
Bin 605 Fine Wine & Spirits
Woody's Roadside Gulfport
Spring St
Regions Bank
Rouses Market
College St
CVS
Monet St
E Pass Rd
Google Earth
Image U.S. Geological Survey
800 ft
N

1996
Legend
Feature 1
Feature 2
Feature 3
Regions Bank
Rouses Market
Blow fly inn
Cowan Rd
Captain Al's Steak & Sea
Magnolia St
My Brother's Keeper
W Pine St
Bin 605 Fine Wine & Spirits
Woody's Roadside Gulfport
Spring St
Regions Bank
Rouses Market
College St
CVS
Monet St
E Pass Rd
Google Earth
Image U.S. Geological Survey
800 ft
N

2003
Legend
Feature 1
Feature 2
Feature 3
Regions Bank
Rouses Market
Blow fly inn
My Brother's Keeper
Cowan Rd
Magnolia St
Captain Al's Steak & Sea
W Pine St
Bin 605 Fine Wine & Spirits
Woody's Roadside Gulfport
Spring St
Regions Bank
Rouses Market
College St
CVS
Monet St
E Pass Rd
Google Earth
Image © 2022 Maxar Technologies
800 ft
N

2007
Legend
Feature 1
Feature 2
Feature 3
Regions Bank
Rouses Market
Blow-fly Inn
My Brother's Keeper
Cowan Rd
Magnolia St
Captain Al's Steak & Sea
W Pine St
Bin 605 Fine Wine & Spirits
Woody's Roadside Gulfport
Spring St
Regions Bank
Rouses Market
College St
CVS
Monet St
E Pass Rd
Google Earth
800 ft
N

2013
Legend
Feature 1
Feature 2
Feature 3
Regions Bank
Rouses Market
Blow fly inn
Cowan Rd
Magnolia St
Captain Al's Steak & Sea
My Brother's Keeper
W Pine St
Bin 605 Fine Wine & Spirits
Woody's Roadside Gulfport
Spring St
Regions Bank
Rouses Market
College St
CVS
Monet St
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Google Earth
800 ft
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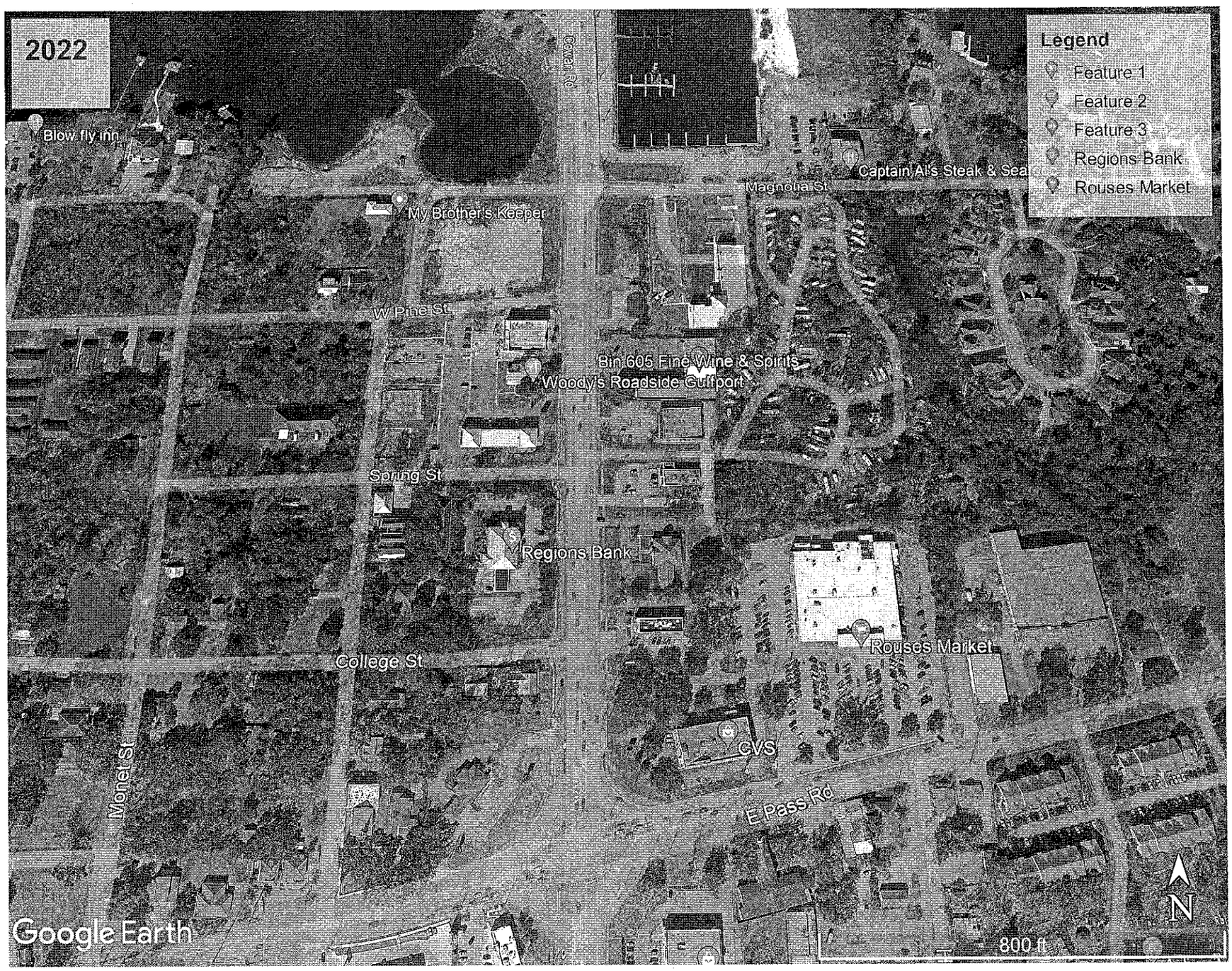

2022
Legend
Feature 1
Feature 2
Feature 3
Regions Bank
Rouses Market
Blow fly inn
Cover Rd
Magnolia St
Captain Al's Steak & Sea
My Brother's Keeper
W Pine St
Bin 605 Fine Wine & Spirits
Woody's Roadside Gulfport
Spring St
Regions Bank
Rouses Market
College St
CVS
Monet St
E Pass Rd
Google Earth
800 ft
N

1st Judicial District
Instrument 2007 8056 D -J1
Filed/Recorded 8 10 2007 3 49 P
Total Fees 12.00
2 Pages Recorded

ENTERED ON COMPUTER

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 are hereby acknowledged, I, the undersigned, PATRICIA GAIL JONES, do hereby sell, convey and warrant unto SPRINGBRIDGE PROPERTIES II, LLC, a Mississippi Limited Liability Company, the following described property, lying and being situated in the First Judicial District of Harrison County, Mississippi, and being more particularly described as follows, to-wit:

> Square Number Two (2), less and except the North 200 feet thereof, according to the Monet Survey of the Town of Handsboro, recorded in Book 7, page 325 of the record of Deeds of Harrison County, Mississippi, said square being bounded on the north by Pine Street, east by Bridge Street, south by Spring Street and west by Monet Street and located in the SW 1/4 of the SE 1/4 of Section 30, Township 7 South, Range 10 West; together with all improvements thereon and all appurtenances thereunto belonging.

This conveyance is subject to all recorded easements, rights of way, mineral reservations and restrictive covenants applicable to the subject property.

AD VALOREM TAXES for the year 2007 are to be pro-rated at closing and assumed by the Grantee herein.

WITNESS THE SIGNATURE of the Grantor on this the 1st day of August, 2007.

Patricia Gail Jones
PATRICIA GAIL JONES

2

STATE OF FLORIDA

COUNTY OF Duval

PERSONALLY came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, on this the 1st day of August, 2007, the within named PATRICIA GAIL JONES, who acknowledged to and before me that she signed, executed and delivered the above and foregoing instrument of writing on the date first above written as her voluntary act and deed.

Felicia Vinoya
NOTARY PUBLIC

My Commission Expires:

May 17 2009

FELICIA VINOYA
Notary Public - State of Florida
My Commission Expires May 17, 2009
Commission # DD 430362
Bonded By National Notary Assn.

Indexing Instructions:

SW 1/4 of the SE 1/4 of Section 30, Township 7 South, Range 10 West

Grantor's Address:

11718 Magnolia Falls Drive
Jacksonville, Florida 32258
904/886-3364

Grantees' Address:

1311 Spring Street, Suite B
Gulfport, Mississippi 39507
228/896-9908

Prepared by and return to:

G. MARTIN WARREN, JR., Attorney
P. O. Box 37
Gulfport, MS 39502
Tel: 228/897-9975
Fax: 228/897-9976
gmwjr@warrenlawoffices.com

RETURN TO:
GILLESPIE TITLE COMPANY, LLC
P.O. BOX 740
GULFPORT, MS 39502-0740
228-864-4542

1st Judicial District
Instrument 2021 6062 D – J1
Filed/Recorded 5/ 5/2021 03:50 P
Total Fees $ 26.00
3 Pages Recorded

Prepared By and Return To:
Schwartz, Orgler & Jordan, PLLC
12206 Hwy 49
Gulfport, MS 39503
(228) 832-8550

File# 210738

Indexing Instructions:
pt of Lots 6-8, inclusive, Square 2
Monet's Survey, Sec. 30-7-10, Harrison
County, Ms.

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,

SPRINGBRIDGE PROPERTIES II, LLC
a Mississippi limited liability company
2304 19TH STREET SUITE 203
GULFPORT, MS 39501
228-896-9008

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

HAMMOND HOLDINGS LLC,
a Alabama limited liability company,
P. O. BOX 990
MONTROSE, AL 36559
251-232-1518

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:

See attached Exhibit "A" for legal description being made a part hereto.

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.

Our File Number 210738,

2

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.

IN WITNESS WHEREOF, SPRINGBRIDGE PROPERTIES II, LLC, a Mississippi limited liability company has caused this conveyance to be executed by its duly authorized officer, he having first been duly authorized to do so, on this the 3rd day of May, 2021.

SPRINGBRIDGE PROPERTIES II, LLC
a Mississippi limited liability company

BY: L. Wayne Tisdale, Partner
L. WAYNE TISDALE, MEMBER/AUTHORIZED AGENT

STATE OF MISSISSIPPI

COUNTY OF HARRISON

PERSONALLY appeared before me, the undersigned authority of law in and for this jurisdiction, the within named L. WAYNE TISDALE, who acknowledged to me that he is the MEMBER/AUTHORIZED AGENT of SPRINGBRIDGE PROPERTIES II, LLC, a Mississippi limited liability company and that for and its behalf and as its act and deed he signed and delivered the foregoing instrument of writing on the day and year therein mentioned, he having been first duly authorized to do so.

GIVEN under my hand and official seal on this the 3rd day of May, 2021.

NOTARY PUBLIC

(S E A L)

My Commission Expires:

STATE OF MISSISSIPPI
NOTARY PUBLIC
ID # 5541
SHELLEY C. CUEVAS
Commission Expires
Sept. 13, 2023
HARRISON COUNTY

Our File Number 210738,

EXHIBIT A
LEGAL DESCRIPTION

Parcel M2B of the Certification of Resubdivision as recorded in 2008-9503-D-J1, and being described as follows;

Parcel M2B: A part of Lots 6 through 8, inclusive, Square 2, Monet's Survey, Section 30, Township 7 South, Range 10 West as per the plat or map of which is on record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi in Deed Book 7 at Page 325 and being more particularly described as follows:
Commencing at an iron pipe marking the NE corner of Square 2 of the Monet's Survey and thence run South 00 degrees 19' 15" West along the west margin of Bridge Street a distance of 200.12 feet, more or less, to the POINT OF BEGINNING; thence from said point of beginning, continue South 00 degrees 19' 15" West along said west margin a distance of 160.00 feet to an iron rod found; thence South 89 degrees 41' 44" West along the north margin of Spring Street a distance of 200.00 feet to a P.K. nail set; thence North 00 degrees 19' 15" East a distance of 160.00 feet to an iron rod set; thence North 89 degrees 41' 44" East along the south line of property now or formerly of Devun and Kinney a distance of 200.00 feet to the point of beginning. Having an area of 31998.1 square feet or 0.735 acres, more or less. Subject to a non-exclusive perpetual easement reserved across the west 15 feet of the south 67 feet of the above described parcel M2B for the purposes of ingress and egress to Parcel M2A lying west of said adjacent parcel M2B.

CERTIFICATE OF RESUBDIVISION

ENTERED ON COMPUTER

1st Judicial District
Instrument 2008 9503 D -J1
Filed/Recorded 11 12 2008 9 20 A
Total Fees 16.00
3 Pages Recorded

In accordance with Section 9-48 of the Code of Ordinance (Subdivision Regulations) of the City of Gulfport as amended, it is hereby certified that the Gulfport City Planning Commission Chairman and Gulfport City Council have reviewed and approved this Final Plat for the Resubdivision of an unnamed parcel in Section 30, Township 7 South, Range 10 West, into Parcels M2A and M2B. The subject property is generally described as being located North of Spring Street, East of Monet Street and West of Bridge Street. The ad valorem tax parcel number of the subject property is 1010E-02-008.000. The book and page number of the current deed (doc.#2007-8056-D-J1). The Case File Number is 0809PC188.

LEGAL DESCRIPTION OF LAND PRIOR TO THIS RESUBDIVISION:

Square Number Two (2), less and except the North 200 feet thereof, according to the Monet Survey of the Town of Handsboro, recorded in Book 7, page 325 of the record of Deeds of Harrison County, Mississippi, said square being bounded on the North by Pine Street, east by Bridge Street, south by Spring Street and west by Monet Street and located in the S.W. 1/4 of the S.E. 1/4 of Section 30, Township 7 South, Range 10 West, together with all improvements thereon and all appurtenances thereunto belonging.

LEGAL DESCRIPTIONS OF THE 2 PARCELS CREATED BY THIS RESUBDIVISION:

LEGAL DESCRIPTION OF PARCEL M2A AS PER SURVEY:

A part of Lots Eight (8) through Ten (10), Square Two (2) of the MONET'S SURVEY, Section 30, Township 7 South, Range 10 West as per the plat or map of which is on record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi in Deed Book 7 at page 325 and being more particularly described as follows:

Commencing at an iron pipe marking the Northeast (N.E.) corner of Square Two (2) of the MONET'S SURVEY and thence run South 00 degrees 19 minutes 15 seconds West along the West margin of Bridge Street a distance of 200.12 feet, more or less to an iron rod set; thence South 89 degrees 41 minutes 44 seconds West along the South line of Property now or formerly of Devun and Kinney a distance of 200.00 feet to an iron rod set for the POINT OF BEGINNING; thence from said point of beginning, South 00 degrees 19 minutes 15 seconds West a distance of 160.00 feet to a P.K. nail set on the North margin of Spring Street; thence South 89 degrees 41 minutes 44 seconds West along said North margin a distance of 200.00 feet to an iron rod set on the East margin of Monet Street; thence North 00 degrees 19 minutes 15 seconds East along said East margin a distance of 160.00 feet to an iron rod set; thence North 89 degrees 41 minutes 44 seconds East along the South line of property now or formerly of Cutrer a distance of 200.00 feet to the point of beginning, having an area of 31998.1 square feet, or 0.735 acres or more or less. Subject to a non-exclusive perpetual easement reserved across the East Eleven feet (11') of the South Sixty-Seven feet (67') of above described Parcel M2A for the purpose of ingress and egress to Parcel M2B owned by Springbridge Properties II, LLC, its successors and/or assigns, lying East of and adjacent to Parcel M2A.

LEGAL DESCRIPTION OF PARCEL M2B AS PER SURVEY:

A part of Lots Six (6) through Eight (8), Square Two (2) of the MONET'S SURVEY, Section 30, Township 7 South, Range 10 West as per the plat or map of which is on record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi in Deed Book 7 at page 325 and being more particularly described as follows:

Commencing at an iron pipe marking the Northeast (N.E.) corner of Square Two (2) of the MONET'S SURVEY and thence run South 00 degrees 19 minutes 15 seconds West along the West margin of Bridge Street a distance of 200.12 feet, more or less to the POINT OF BEGINNING; thence from said point of beginning, continue South 00 degrees 19 minutes 15 seconds West along said West margin a distance of 160.00 feet to an iron rod found; thence South 89 degrees 41 minutes 44 seconds West along the North margin of Spring Street a distance of 200.00 feet to a P.K. nail set; thence North 00 degrees 19 minutes 15 seconds East a distance of 160.00 feet to an iron rod set; thence North 89 degrees 41 minutes 44 seconds East a along the South line of Property now or formerly of Devun and Kinney a distance of 200.00 feet to the point of beginning, having an area of 31998.1 square feet, or 0.735 acres more or less. Subject to a non-exclusive perpetual easement reserved across the West Fifteen feet (15') of the South Sixty-Seven feet (67') of above described Parcel M2B for the purpose of ingress and egress to Parcel M2A owned by Springbridge Properties II, LLC, its successors and/or assigns, lying West of and adjacent to Parcel M2B.

CERTIFICATE: THIS IS TO CERTIFY THAT I HAVE CAUSED A SURVEY TO BE MADE ON THE ABOVE DESCRIBED PROPERTY, AND THAT SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

KENNY L. ALSTON Prepared By:
KENNY LENAZ ALSTON, LAND SURVEYOR INC.
4602 KENDALL AVE.
GULFPORT, MS 39507
(228) 864-2645 VOICE AND FAX
NO. PLS-2529
STATE OF MISSISSIPPI

KENNY L. ALSTON PROFESSIONAL PS-2529 SURVEYOR STATE OF MISSISSIPPI

DATE OF FIELD SURVEY: 07/23/2008
REVISED 07/28/2008

The applicant hereby covenants and agrees to indemnify and hold harmless the City of Gulfport, its agents, servants, and or employees against any and all claims, demands, or causes of action of whatever nature which may arise as a result of the action of the Planning Commission, its agents, and/or employees concerning the petition for resubdivision of the real property described herein.

Ratified and Approved by:

Sherman L. Muths, III (member Springbridge Properties II, LLC)

Eric C. Brown, President–Mississippi Gulf Coast Trustmark National Bank

This 4th day of August 20 08

ACKNOWLEDGEMENT

Before me, the undersigned, authorized in and for the State of Mississippi

County of Harrison personally appeared the aforementioned Sherman L. Muths, III * who acknowledged that HE/SHE accepted this plat and executed the foregoing certificate and dedication for the purpose therein set forth.

*(member Springbridge Properties II, LLC)

NOTARY PUBLIC

My Commission Expires:

STATE OF MISSISSIPPI PEGGY A. MCBRIDE NOTARY PUBLIC ID# 19973 Commission Expires July 17, 2012 HARRISON COUNTY

ACKNOWLEDGEMENT

Before me, the undersigned, authorized in and for the State of Mississippi

County of Harrison personally appeared the aforementioned Eric C. Brown ** who acknowledged that HE/SHE accepted this plat and executed the foregoing certificate and dedication for the purpose therein set forth.

** President - Mississippi Gulf Coast Trustmark National Bank

NOTARY PUBLIC

My Commission Expires:

STATE OF MISSISSIPPI PEGGY A. MCBRIDE NOTARY PUBLIC ID# 19973 Commission Expires July 17, 2012 HARRISON COUNTY

This Certificate of Resubdivision has been prepared by Kenny Lenoz Alston Land Surveyor Inc.

PLANNING COMMISSION

Submitted to and approved by the Gulfport City Planning Commission on the 25th day of September 20 08

Ann Stewart, Chairman
Gulfport City Planning Commission

GREG HOLMES
Deputy Planning Division Administrator

APPROVAL

Submitted to and approved by the City of Gulfport, City Council, at the regular meeting of said Council held on the 22 day of October 20 08

ATTEST

CLERK OF COUNCIL

ADOPT

PRESIDENT

The resubdivision plat and Certificate of Resubdivision, having been submitted and approved by the Mayor, this 22 day of October 20 08

BRENT WARR, MAYOR

0809Pg188

This survey does not reflect the existence or nonexistence of wetlands.

This property is subject to any and all recorded restrictive covenants, rights-of-ways and easements applicable to subject property that would be shown by a current title report.

NOTE: This survey prepared without the benefit of a current title report.

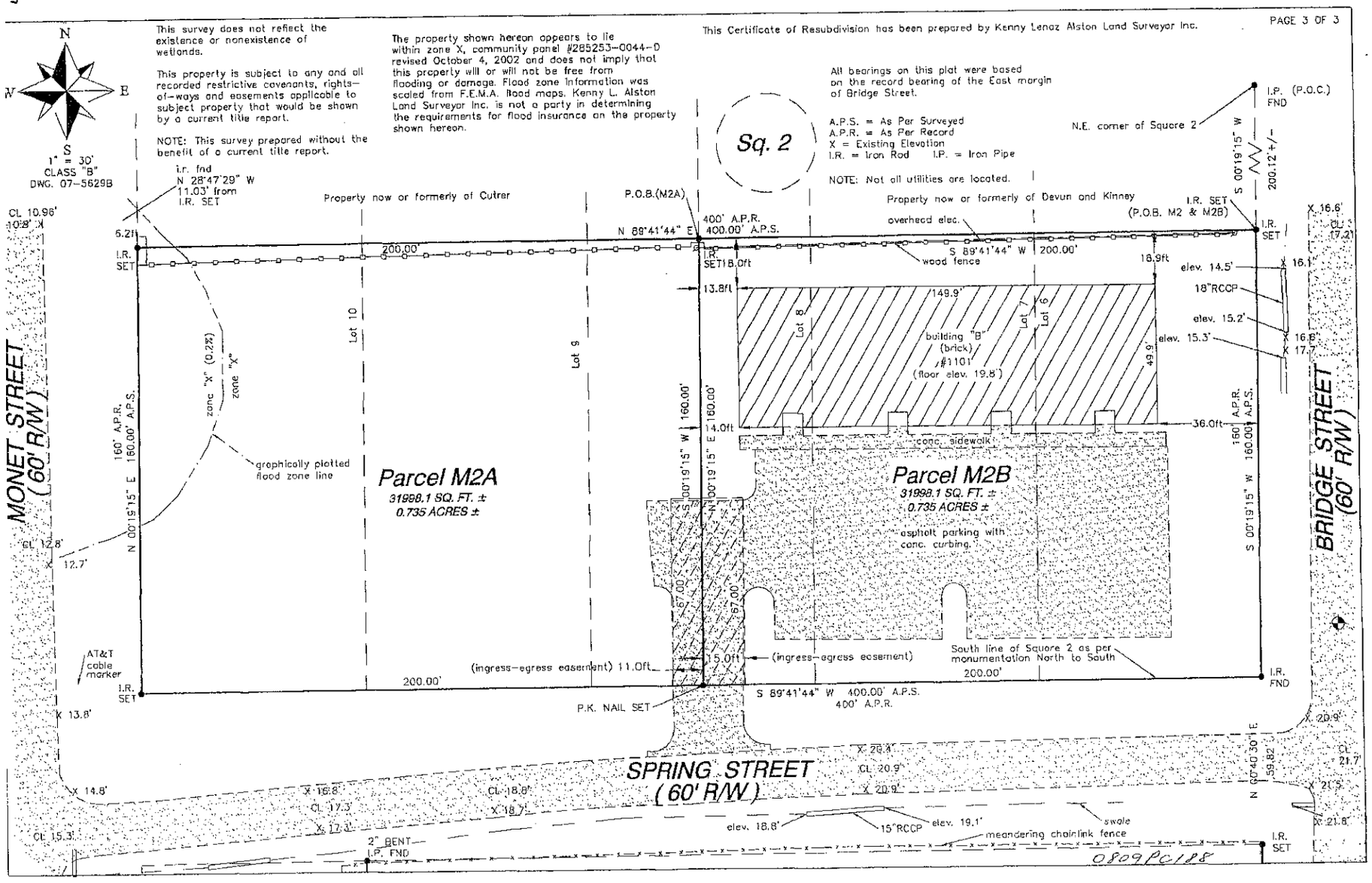
The property shown hereon appears to lie within zone X, community panel #285253-0044-D revised October 4, 2002 and does not imply that this property will or will not be free from flooding or damage. Flood zone information was scaled from F.E.M.A. flood maps. Kenny L. Alston Land Surveyor Inc. is not a party in determining the requirements for flood insurance on the property shown hereon.

This Certificate of Resubdivision has been prepared by Kenny Lenaz Alston Land Surveyor Inc.

All bearings on this plat were based on the record bearing of the East margin of Bridge Street.

A.P.S. = As Per Surveyed
A.P.R. = As Per Record
X = Existing Elevation
I.R. = Iron Rod I.P. = Iron Pipe

NOTE: Not all utilities are located.



MISCELLANEOUS PAYMENT RECPT#: 11473140
CITY OF GULFPORT

GULFPORT, MS 39501

DATE: 09/07/22 TIME: 09:57:00
CLERK: cbrown DEPT:
CUSTOMER#:

COMMENT:

CHG: PZD PLANNING AND ZO 175.00

AMOUNT PAID: 175.00

PAID BY: SCHWARTZ
PAYMENT METH: CHECK

REFERENCE:

AMT TENDERED: 175.00
AMT APPLIED: 175.00
CHANGE: .00

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	20731	1010E-02-008.000	HAMMOND HOLDINGS LLC (OWNER)	P O BOX 990	MONTROSE	AL	36559
	20731	1010E-02-008.000	SCHWARTZ, ORGLER, & JORDAN, PLLC (AGENT)	2355 PASS ROAD	BILOXI	MS	39531
	134935	1010E-02-008.001	HAMMOND HOLDINGS LLC (OWNER)	P O BOX 990	MONTROSE	AL	36559
	134935	1010E-02-008.001	SCHWARTZ, ORGLER, & JORDAN, PLLC (AGENT)	2355 PASS ROAD	BILOXI	MS	39531
			Adjacent Property Owners (2210PC192)				
	20727	1010E-02-007.000	PETERS STEVEN D	37 COMPASS POINT WAY S #425	INLET BEACH	FL	32461
	20682	1010E-01-006.000	MAGNOLIA PLEX LLC	2208 18TH ST STE B	GULFPORT	MS	39501
	20730	1010E-02-009.000	CUTRER SAMUEL E	P O BOX 7265	GULFPORT	MS	39507
	20750	1010E-02-020.000	LIZANA OREN KEITH	2290 WESTWIND WAY	SIGNAL HILL	CA	90755
	20725	1010E-02-012.000	HABITAT FOR HUMANITY OF MGC	2214 34TH ST	GULFPORT	MS	39501
	119943	1010E-01-010.004	WJZD INC	P O BOX 6216	GULFPORT	MS	39507
	20693	1010E-01-014.000	FAULK E WARD & CECIL C	1300 MONET ST	GULFPORT	MS	39507
	20686	1010E-01-012.000	ANDREWS EMILY ANN BINGHAM	1204 W PINE ST	GULFPORT	MS	39507
	20743	1010E-02-022.000	SEMETIS RICK A	1201 SPRING ST	GULFPORT	MS	39507
	20748	1010E-02-021.000	MCBRIDE CHRISTINE D	109 SOUTH KERNS DR	GULFPORT	MS	39503
	20749	1010E-02-019.000	SANTAMARIA JOSE	1200 COLLEGE ST	GULFPORT	MS	39507
	20724	1010E-02-013.000	LIZANA ANGELYN K M & OREN -TRUSTEES	2290 WESTWIND WAY	SIGNAL HILL	CA	90755
	105446	1010E-02-025.001	WILLIAMS EARL	1019 BRIDGE STREET	GULFPORT	MS	39506
	20742	1010E-02-025.000	GEOTES JOHNNY W & THOMPSON DONALD	1751 MAGNOLIA STREET	GULFPORT	MS	39507
	20729	1010E-02-010.000	PETTEY WILLIAM H JR	P O BOX 1326	GULFPORT	MS	39502
	83738	1010E-02-014.000	DUET CHRIS	633 ANALII ST	DIAMONDHEAD	MS	39525
	20723	1010E-02-011.000	JKA PROPERTIES LLC	1200 COLLEGE ST	GULFPORT	MS	39507
	83715	1010E-01-010.000	WJZD INC	P O BOX 6216	GULFPORT	MS	39507
	20702	1010E-01-011.000	HANSBORO YACHT CLUB LLC	P O BOX 29	GULFPORT	MS	39502
	20736	1010E-02-001.000	DEDEAUX UTILITY CO INC	1317 24TH AVE SUITE C	GULFPORT	MS	39501
	20728	1010E-02-006.000	DEFIBAUGH BEN	1123 BRIDGE ST	GULFPORT	MS	39501
	20751	1010E-02-015.000	HUDSON TYRONE	1014 WASHINGTON AVENUE	GULFPORT	MS	39507
	20741	1010E-02-026.000	SPRINGBRIDGE PROPERTIES LLC C/O GERALD	P O BOX 1506	GULFPORT	MS	39502
	121484	1010E-02-026.001	MCDANIEL ANGELA D -TRUSTEE-	1010 BRIDGE STREET	GULFPORT	MS	39507
	127316	1010E-02-014.002	CUEVAS HEATH	323 E SECOND ST	LONG BEACH	MS	39560
	121486	1010E-02-026.003	GUERRERO MAYRA GARDUNO -ETAL-	1018 BRIDGE ST	GULFPORT	MS	39507
	121292	1010E-01-010.005	MARSHALL ELIZABETH & JON BERRY ETAL	16 RIVERS BEND DR	GULFPORT	MS	39507
	114046	1010E-01-010.001	DANIELS RIP MICHAEL	1230 W PINE ST	GULFPORT	MS	39507
	124337	1010E-01-010.006	WENTWORTH JUDY	1226 W PINE ST	GULFPORT	MS	39507
	121485	1010E-02-026.002	COLE CARRIE A	1014 BRIDGE ST	GULFPORT	MS	39507
	127315	1010E-02-014.001	WEST PINE APARTMENTS LLC	1106 WASHINGTON AVE UNIT B	GULFPORT	MS	39507

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	121487	1010E-02-026.004	DLMS LLC	1303 SPRING STREET	GULFPORT	MS	39507
	130678	1010E-02-011.001	SANGER BRENDAN M	1130 W PINE ST	GULFPORT	MS	39507
	83725	1010E-01-019.000	DISMORE MATTHEW B	1119 MAGNOLIA ST	GULFPORT	MS	39507

2210PC192

Zoning Map Amendment

Legend

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

0 30 60 90

Yards

1 inch = 200 feet

N W E S

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.

D.2

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:
IPL0093233
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
59.40
Payment Type:
Account Billed
User ID:
IPL0024925

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
October 6, 2022 11:35:41 AM EDT
Amount:
59.40

SCHEDULE FOR AD NUMBER IPL00932330

October 12, 2022
SunHerald (Biloxi)

PREVIEW FOR AD NUMBER IPL00932330

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, October 27, 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 office of the Department of Urban Development, Planning Division, located on first floor of the William H. Hardy Building, 1410 24th Avenue.

Zoning Map Amendment 2209PC151, by owners Kenneth & Sherry Simmons, tax parcels 0910N-01-007.000, request to rezone from B-2 (General business) to R-B (Residence business) Ward 4

Resubdivision 2209PC175, by owner Steven Austin, tax parcel 0810N-02-023.000, Divide into two new parcels, 2006 30th Street, Zoned B-2 (General business), Ward 3

Zoning Map Amendment 2204PC077, by owner Gulf Coast Shipyard Realty, LLC, tax parcel 0909F-01-001.002, Request to rezone from I-2 (Heavy Industry) to I-3 (Planned industrial park), 13085 Seaway Rd, Ward 5

Planning Commission Approval 2210PC178, by agent John Dixon, tax parcel 0808L-02-017.000, Request approval to allow a medical dispensary use, 11370 HWY 49 Suite G, Zoned B-4 (Highway business), Ward 7

Zoning Map Amendment 2210PC181, by agent Derek Bjornstad, tax parcel 0711K-03-002.000, Request to rezone property from R-1-7.5 (Single-family) to R-2 (Single-family), 4707 Old Pass Rd, Zoned R-1-7.5 (Single-family), Ward 1

Zoning Text Amendment 2210PC184, by CRC Westside, amendments the SmartCode Zoning Ordinance, as amended, Section 1.8.1 Damage Due to Emergency Conditions, Section 4.11.1 Damage Due to Emergency Conditions, and Section 5.12.1 Damage Due to Emergency Conditions.

Planning Commission Approval 2210PC185, by agent Stacy Craig, tax parcel 1007M-01-072.000, Request home occupation for a handyman, 13204 Curtis St, Zoned R-E (Residence estate), Ward 6

Zoning Map Amendment 2210PC186, by agent Ashleigh M. Vignes, tax parcel 0908M-01-010.000, Request to rezone from R-1-10 (Single-family) to B-1 (Neighborhood business), 13499 Dedeaux Rd, Ward 5

Special Exception 2210SE188, by agent Frankie Jackson, tax parcel 0809E-02-004.000, Requests a tattoo parlor use, 10000 Factory Shops Blvd, Suite 235, Zone B-4 (Highway business), Ward 3

Planning Commission Approval 2210PC190, by agent John Ravenscroft, tax parcel 0811B-01-037.000, Requests automotive body repair, 2601 15th Ave, Zoned B-2 (General business), Ward 3

Zoning Map Amendment 2210PC191, by agent Donovan Scruggs, tax parcels 1009M-03-006.000 & 1009M-03-004.000, Requests to rezone property from R-1-7.5 (Single-family) to B-1 (Neighborhood business), 11451 and 11463 Hillcrest Rd, Ward 4

Zoning Map Amendment 2210PC192, by agent Schwartz, Orgler & Jordan, PLLC, tax parcels 1010E-02-008.000 & 1010E-02-008.001, Requests to rezone property from T3 (Sub-Urban Zone) to T4+ (General Urban Zone "Plus"), 1285 Spring St, Ward 4

This the 5th day of October, 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: October 27, 2022

Re: Other Business