

AGENDA
GULFPORT CITY PLANNING COMMISSION MEETING
CITY HALL COUNCIL CHAMBERS
THURSDAY, JULY 25, 2024 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 - June 27, 2024

G. Announcements

G1. If you are aggrieved by a vote of the Planning Commission, see below.

DECISION ITEMS: Except as noted below, items listed on this agenda as “Decision Items” may be appealed to the Gulfport City Council as follows: Any person or any officer, department or agency of the City aggrieved by a decision of the Planning Commission may, within fifteen (15) days thereafter, appeal therefore to the Gulfport City Council by submitting to the Planning Commission (Department of Urban Development – Planning Division) a written notice of appeal specifying the decision from which the appeal is taken. In the case of such appeal, the Planning Commission shall cause a transcript of the proceedings in the case to be certified to the 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.

Exception: The disapproval of a general subdivision plan may be appealed by the subdivider by submitting to the Planning Commission and the Mayor and City Council a written notice of appeal. Upon receipt of notice of appeal, the planning commission shall transmit to the City Council a certified copy of the proceedings upon which the appeal is taken. The City Council may overrule such disapproval by a recorded vote of not less than 2/3 of its entire membership. No other right of appeal exists as to action taken by the Planning Commission on a general subdivision plan. The City Council hearing is not limited to the record created before the Planning Commission.

RECOMMENDATION ITEMS: As to items listed on this agenda as “Recommendation

Items”, the recommendation of the Planning Commission, whether to approve (with or without condition) or disapprove, will automatically be submitted to the City Council by the Department of Urban Development – Planning Division, and the item (except recommendations on Final Plats which are not so limited) will be considered by the City Council on the record created before the Planning Commission. It is not necessary to file anything with the Planning Commission in order to have the matter heard by the City Council.

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.

H. Hearing of Cases

H1. Planning Commission Decision

1. Planning Commission Approval 2407PC093:

Planning Commission Approval 2407PC093, by owner Onel Bauldie Jr., seeking approval for a mobile home use, Tax Parcel 0907I-02-083.000, Gorman Street, Zoned R-1-5 (Single-Family), Ward 6

2. Special Exception 2407SE096:

Special Exception 2407SE096, by agent John Pritchard, seeking approval for a to-go Daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Rd, Zoned B-1 (Neighborhood Business), Ward 5

3. Planning Commission Approval 2407PC100:(Deferred to August Meeting)

Planning Commission Approval 2407PC100, by owner Prasant Patel, seeking approval for a convenience store use, Tax Parcel 1008M-01-007.000, 11268 Lorraine Road, Zoned B-2 (General-Business), Ward 6

4. Planning Commission Approval 2407PC104:

Planning Commission Approval 2407PC104, by agent Bobby Britton, seeking approval for a medical cannabis dispensary use, Tax Parcel 0811C-05-003.000, 2709 25th Ave units E&F, Zoning B-2 (General-Business), Ward 3

5. Planning Commission Approval 2407PC108:

Planning Commission Approval 2407PC108, by owner LaBella's Salon LLC, seeking approval for a trade school use, Tax Parcel 0808N-01-012.000, 15095 Dedeaux Road, Zoning B-2 (General-Business), Ward 5

H2. Planning Commission Recommendation

1. Zoning Map Amendment 2407PC097:

Zoning Map Amendment 2407PC097, by owners Frank and Dawn McGraw, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0911A-02-103.000, 124 Palmetto Lane, Zoned T5 (Urban Center Zone), Ward 2

2. Zoning Map Amendment 2407PC099:

Zoning Map Amendment 2407PC099, by owner David Boggs, requesting to rezone to R-1-7.5 (Single-Family), Tax Parcel 1009K-03-001.001, Creel Circle, Zoned R-1-7.5 (Single-Family), I-2 (Heavy Industry), Ward 5

3. Zoning Map Amendment 2407PC103:

Zoning Map Amendment 2407PC103, by owners SMR3 Corporation & Golden Ventures LLC, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0711O-01-012.000, 711 43rd Ave, Zoned T3 (Suburban Zone), Ward 2

4. Zoning Map Amendment 2407PC111:

Zoning Map Amendment 2407PC111, by agent Anne Giovingo, requests to rezone to T6 (Urban Core Zone), Tax Parcel 0910I-02-009.000, 665 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

I. Reports

J. Unfinished Business

K. Other Business

K1. Other Business

Applicant is requesting an extension of 1 year for General Plan 2308PC091 before the one-year approval period expires.

L. Adjournment

MINUTES
GULFPORT CITY PLANNING COMMISSION
Thursday, June 27, 2024, 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 **4:31 P.M.**
- D. **Determination of a Quorum:** A roll call was performed and a quorum was determined.

BOARD MEMBERS PRESENT:

KEITH WILLIAMS
WM. PRINCE JONES
VIRGINIA ADOLPH
DOUG HANCOCK
BJ SELLERS
TIM DAIGLE JR
CHRIS ROMANO
HAROLD SPANN
CHARLIE HEWES

BOARD MEMBERS ABSENT:

BRYAN JACOBS
BILL WILLIAMS

STAFF MEMBERS PRESENT:

GREG HOLMES
SU-LIN FEATHERSTON
MATILDA WELCH
SAMUEL SWEETING
WILLIAM DICKINSON

COURT REPORTER:

NORMA SOROE

E. **Confirmation of Agenda:**

F. **Adoption of Minutes:**

Motion by **Mr. Romano** and seconded by **Mr. Sellers** to approve Minutes of the **May 23, 2024**, Planning Commission meeting was 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

H1. Planning Commission Decisions

1. Planning Commission Approval 2405PC062:
(Deferred to June meeting)

Planning Commission Approval 2405PC062, by agent Isis A. Payton, seeking approval for mobile home use, Tax Parcel 0810D-02-021.000, 8286 Ohio Ave, Zoned R-1-5 (Single-family), Ward 3

Speaking for the Petition: None

Speaking against the Petition: None

Motion: Mrs. Adolph – to deny due to applicant not being present

Second: Mr. Hewes

KEITH WILLIAMS	– Chairman
VIRGINIA ADOLPH	– Yea
CHARLIE HEWES	– Yea
BJ SELLERS	– Yea
WM. PRINCE JONES	– Yea
DOUG HANCOCK	– Yea
BRYAN JACOBS	– Absent
TIM DAIGLE JR	– Yea
CHRIS ROMANO	– Yea
HAROLD SPANN	– Yea
BILL WILLIAMS	– Absent

Action: Motion carries unanimously

2. Planning Commission Approval 2406PC076:

Planning Commission Approval 2406PC076, by owner Deborah Wright, seeking approval for a mobile home use, Tax Parcel 0810E-04-098.000, 4214 Michigan Ave, Zoned R-1-5 (Single-family), Ward 3

Speaking for the Petition: Deborah Wright

Speaking against the Petition: None

Motion: Mrs. Adolph – to approve with conditions

Second: Mr. Jones

KEITH WILLIAMS	– Chairman
VIRGINIA ADOLPH	– Yea
CHARLIE HEWES	– Yea
BJ SELLERS	– Yea
WM. PRINCE JONES	– Yea
DOUG HANCOCK	– Yea
BRYAN JACOBS	– Absent
TIM DAIGLE JR	– Yea
CHRIS ROMANO	– Yea
HAROLD SPANN	– Recused Self
BILL WILLIAMS	– Absent

Action: Motion carries unanimously

3. Planning Commission Approval 2406PC084:

Planning Commission Approval 2406PC084, by agent Nav Thind, seeking approval for a gas station use with a convenience store, Tax Parcels 0711O-01-029.000, 0711O-01-030.000, 510 Broad Ave, 4220 W Beach Blvd, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Speaking for the Petition: Nav Thind. Johnathan Marshall

Speaking against the Petition: None

Other: William J. McCown

Motion: Mr. Jones – to approve with conditions

Second: Mrs. Adolph

KEITH WILLIAMS	– Chairman
VIRGINIA ADOLPH	– Yea
CHARLIE HEWES	– Yea
BJ SELLERS	– Yea
WM. PRINCE JONES	– Yea
DOUG HANCOCK	– Yea
BRYAN JACOBS	– Absent
TIM DAIGLE JR	– Yea
CHRIS ROMANO	– Yea
HAROLD SPANN	– Yea
BILL WILLIAMS	– Absent

Action: Motion carries unanimously

4. Planning Commission Approval 2406PC086:

Planning Commission Approval 2406PC086, by agent Lisa Ramos, seeking approval for an administrative office use for a bike rental business as a home occupation, Tax Parcel 0910G-01-018.001, 11 Bayou View Drive, Zoned R-1-7.5 (Single-family), Ward 4

Speaking for the Petition: Lisa Ramos, Glewn Ramos

Speaking against the Petition: None

Motion: Mr. Spann – to approve with conditions

Second: Mr. Jones

KEITH WILLIAMS	– Chairman
VIRGINIA ADOLPH	– Yea
CHARLIE HEWES	– Yea
BJ SELLERS	– Yea
WM. PRINCE JONES	– Yea
DOUG HANCOCK	– Yea
BRYAN JACOBS	– Absent
TIM DAIGLE JR	– Yea
CHRIS ROMANO	– Yea
HAROLD SPANN	– Yea
BILL WILLIAMS	– Absent

Action: Motion carries unanimously

5. Planning Commission Approval 2406PC091:

Planning Commission Approval 2406PC091, by agent Vinson Keyhea, seeking approval for automobile sales of less than 50 vehicles, Tax Parcel 0910N-06-009.000, 407 32 1/2 Street, Zoned B-2 (General Business), Ward 4

Speaking for the Petition: Vinson Keyhea

Speaking against the Petition: None

Motion: Mr. Hewes – to approve with conditions

Second: Mrs. Adolph

KEITH WILLIAMS	– Chairman
VIRGINIA ADOLPH	– Yea
CHARLIE HEWES	– Yea
BJ SELLERS	– Yea
WM. PRINCE JONES	– Yea
DOUG HANCOCK	– Yea
BRYAN JACOBS	– Absent
TIM DAIGLE JR	– Yea
CHRIS ROMANO	– Yea
HAROLD SPANN	– Yea
BILL WILLIAMS	– Absent

Action: Motion carries unanimously

6. General Plan 2407PC092:

General Plan 2407PC092, by agent Robert Riemann, seeking approval for a 25-lot townhouse development with 3 outparcels, Tax Parcel 0809B-03-017.000, Zoned R-3 (Single-family), Ward 7

Speaking for the Petition: Robert K. Riemann

Speaking against the Petition:

Motion: Mr. Hancock – to approve with conditions

Second: Mr. Sellers

KEITH WILLIAMS	– Chairman
VIRGINIA ADOLPH	– Yea
CHARLIE HEWES	– Yea
BJ SELLERS	– Yea
WM. PRINCE JONES	– Yea
DOUG HANCOCK	– Yea
BRYAN JACOBS	– Absent
TIM DAIGLE JR	– Yea
CHRIS ROMANO	– Yea
HAROLD SPANN	– Yea
BILL WILLIAMS	– Absent

Action: Motion carries unanimously

H2. Planning Commission Recommendation

7. Zoning Map Amendment 2406PC080:

Zoning Map Amendment 2406PC080, by agent Patricia Tomasello, requesting to rezone to R-B (Residence Business), Tax Parcel 0710O-02-102.002, 29th Street, Zoned B-1 (Neighborhood Business), Ward 1

Speaking for the Petition: Greg Mihalovich

Speaking against the Petition: None

Motion: Mr. Sellers – to approve with conditions

Second: Mr. Spann

KEITH WILLIAMS	– Chairman
VIRGINIA ADOLPH	– Yea
CHARLIE HEWES	– Yea
BJ SELLERS	– Yea
WM. PRINCE JONES	– Yea
DOUG HANCOCK	– Yea
BRYAN JACOBS	– Absent
TIM DAIGLE JR	– Yea
CHRIS ROMANO	– Yea
HAROLD SPANN	– Yea
BILL WILLIAMS	– Absent

Action: Motion carries unanimously

8. Zoning Map Amendment 2406PC032:

Zoning Map Amendment 2406PC032, by owner Huyen Nguyen, requesting to rezone to T4L (General Urban Zone "Limited"), Tax Parcel 0811F-05-037.000, 1907 24th Ave, Zoned T5 (Urban Center Zone), Ward 3

Speaking for the Petition: Huyen Nguyen

Speaking against the Petition: None

Motion: Mr. Spann – to approve with conditions

Second: Mr. Romano

KEITH WILLIAMS	– Chairman
VIRGINIA ADOLPH	– Yea
CHARLIE HEWES	– Yea
BJ SELLERS	– Yea
WM. PRINCE JONES	– Yea
DOUG HANCOCK	– Yea
BRYAN JACOBS	– Absent
TIM DAIGLE JR	– Yea
CHRIS ROMANO	– Yea
HAROLD SPANN	– Yea
BILL WILLIAMS	– Absent

Action: Motion carries unanimously

9. Zoning Map Amendment 2406PC089:

Zoning Map Amendment 2406PC089, by agent W Taylor Guild III, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcels 1010N-05-086.000, 1010N-05-087.000, 2007 St James Blvd, 2009 St. James Blvd, Zoned R-1-7.5 (Single-family), Ward 2

Speaking for the Petition: W. Taylor Guild III, Christian Strickland, Jennifer Broadus, Tricia Harvey, Kate Spear

Speaking against the Petition: Diana Phillips

Motion: Mr. Daigle Jr. – to approve with conditions

Second: Mr. Spann

KEITH WILLIAMS	– Chairman
VIRGINIA ADOLPH	– Yea
CHARLIE HEWES	– Yea
BJ SELLERS	– Yea
WM. PRINCE JONES	– Yea
DOUG HANCOCK	– Yea
BRYAN JACOBS	– Absent
TIM DAIGLE JR	– Yea
CHRIS ROMANO	– Yea
HAROLD SPANN	– Yea
BILL WILLIAMS	– Absent

Action: Motion carries unanimously

**10. Zoning Map Amendment 2406PC090:
(Withdrawn by Planning Staff)**

Zoning Map Amendment 2406PC090, by agent W Taylor Guild III, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 1010N-05-087.000, 2009 St James Blvd, Zoned R-1-7.5 (Single-family), Ward 2

Speaking for the Petition:

Speaking against the Petition:

Motion:

Second:

KEITH WILLIAMS	– Chairman
VIRGINIA ADOLPH	–
CHARLIE HEWES	–
BJ SELLERS	–
WM. PRINCE JONES	–
DOUG HANCOCK	–
BRYAN JACOBS	–
TIM DAIGLE JR	–
CHRIS ROMANO	–
HAROLD SPANN	–
BILL WILLIAMS	–

Action:

11. Zoning Text Amendment 2407PC094:

Zoning Text Amendment 2407PC094, by City of Gulfport Administration, to amend Appendix D (Smartcode) at 5.4.11a and 5.4.11b both at building setback to delete the 6-foot maximum side yard setback

Speaking for the Petition: Margret Murdock (Gulfport City Attorney)

Speaking against the Petition: William J. McCown

Motion: Mr. Hewes – to approve

Second: Mr. Romano

KEITH WILLIAMS	– Chairman
VIRGINIA ADOLPH	– Yea
CHARLIE HEWES	– Yea
BJ SELLERS	– Yea
WM. PRINCE JONES	– Yea
DOUG HANCOCK	– Yea
BRYAN JACOBS	– Absent
TIM DAIGLE JR	– Yea
CHRIS ROMANO	– Yea
HAROLD SPANN	– Yea
BILL WILLIAMS	– Absent

Action: Motion carries unanimously

K. Other Business

I. Adjournment

There being no further business, a Motion was made by Mr. Hewes to adjourn, seconded by Mrs. Adolph and carried unanimously. The meeting adjourned at 6:14 P.M..

William Prince Jones, Secretary

Date: _____

MEMORANDUM

To: City of Gulfport Planning Commission

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: July 25, 2024

Re: Planning Commission Decision

MEMORANDUM

To: City of Gulfport Planning Commission

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: July 25, 2024

Re: Planning Commission Approval 2407PC093:

Planning Commission Approval 2407PC093, by owner Onel Bauldie Jr., seeking approval for a mobile home use, Tax Parcel 0907I-02-083.000, Gorman Street, Zoned R-1-5 (Single-Family), Ward 6

Technical Report

PLANNING COMMISSION APPROVAL

GENERAL INFORMATION

Case File Number: 2407PC093

Hearing Date: July 25, 2024

Current Zoning/Use: R-1-5 / Vacant Lot

Legal: Planning Commission Approval 2407PC093, by owner Onel Bauldie Jr., seeking approval for a mobile home use, Tax Parcel 0907I-02-083.000, Gorman Street, Zoned R-1-5 (Single-Family), Ward 6

TECHNICAL DETAILS

The applicant requests Planning Commission approval for the placement of a 14' x 53' mobile home on a vacant lot, zoned R-1-5 (Single-family).

Per our chart of permitted uses and City of Gulfport's Ordinances, a mobile home use requires Planning Commission approval in a R-1-5 zoning district with setback requirements; front yard setback of 15-feet, side yard setback of 6-feet and rear yard setback of 8-feet. The lot is vacant. There are several other mobile homes present on the same street as the applicant's parcel. Gorman St has a number of mobile home units. The neighboring streets contain single-family homes and mobile homes. The lot is large enough such that the mobile home will adequately meet the required setbacks; as is pointed out on the site plan.

EXECUTIVE SUMMARY

Upon staff review, the parcel is currently vacant. The applicant has presented a site plan that appears to meet the setback requirements for a 14' x 53' mobile home dwelling in an R-1-5 zone. The site plan identifies the required material and off street parking for two vehicles. Several of the neighboring properties have existing mobile homes. The area is a mixed use of single-family homes but several mobile homes. Upon review of the site plan submitted by the applicant, parking and all required setbacks have been met. If the request is approved, it would be in harmony with existing housing in the area.

Any approval should consider these conditions:

1. Must meet Zone II requirements for Manufactured Homes installed in Hurricane Prone Area. Must meet Mississippi rules and regulations MH-5.
2. Must comply with all rules by Planning and Zoning.
3. Approval allows for a 14'x 53' mobile home use.

DEPARTMENTAL CONDITIONS

Engineering: No conditions. Memo dated 07/2/24.

Public Works: No conditions. Memo dated 7/12/24.

Technical Report

PLANNING COMMISSION APPROVAL

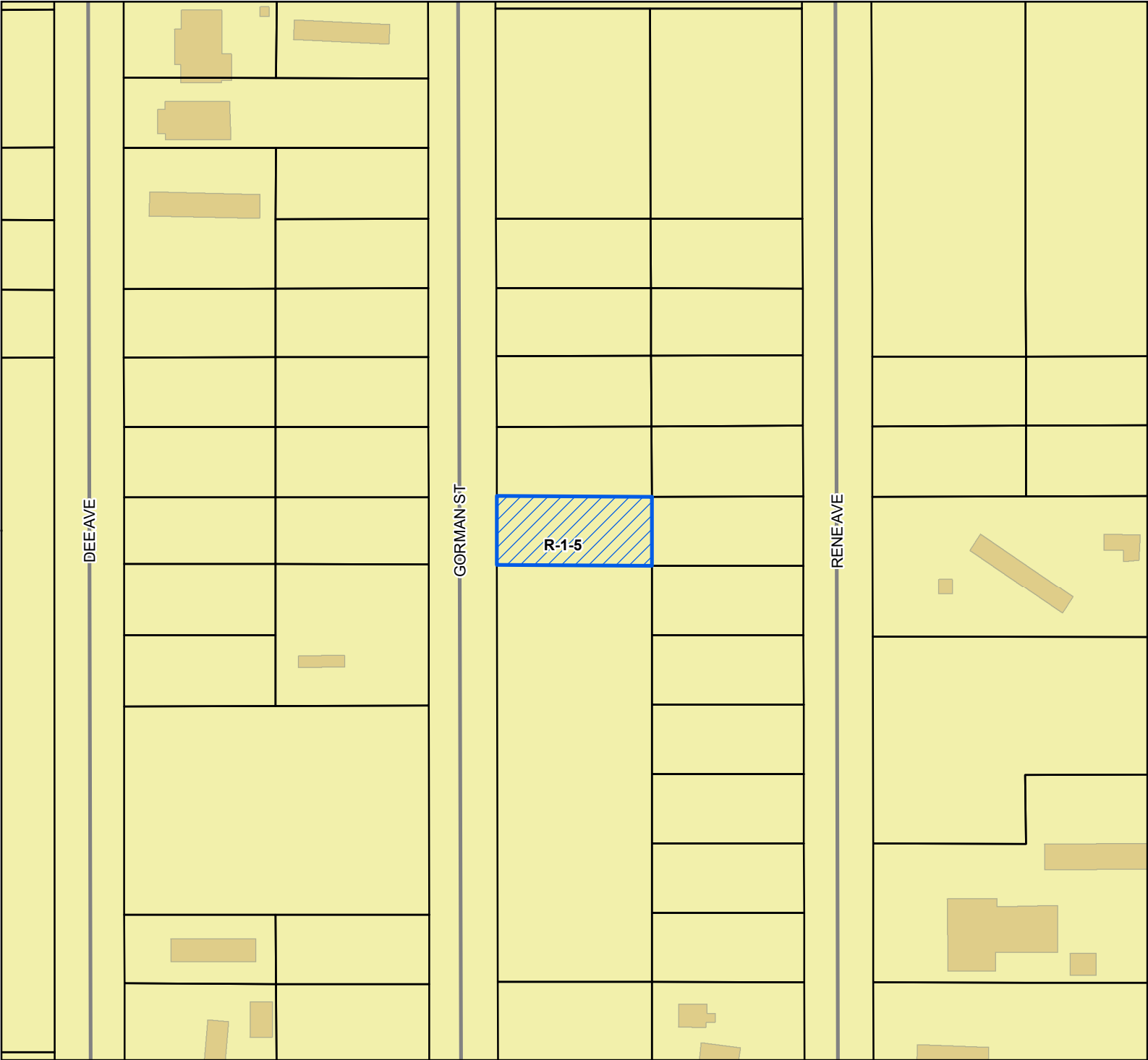
<u>Traffic and Safety:</u>	No conditions. Memo dated 7/11/24.
<u>Building Code Services:</u>	Must meet Zone II Requirements for Factory Built Homes. Must meet Mississippi Rules and Regulation for the Uniform Standards Code for the Factory-Built Homes Law Regulation MH-5. Memo dated 7/8/24.
<u>GIS:</u>	No conditions. Memo dated 07/3/24.
<u>Police Department:</u>	No comment as of 7/12/24.
<u>Fire Department:</u>	No conditions. Memo dated 7/1/24.
<u>City Arborist:</u>	No conditions. Memo dated 7/8/24.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department



 Site

 Street

 Parcels

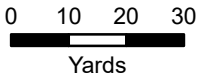
 Buildings

 City Limit

Zoning

 R-1-5 - Single Family Residence District (Medium Density)

Site Information
09071-02-083.000
Zoning: R-1-5 (Single-family)
Size: 5535.65 sqft
Flood: X



1 inch = 100 feet



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



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

APPLICATION FOR PLANNING COMMISSION APPROVAL

For Staff Use Only

Case Number: 2407PC093Date Received: 5/15/2024Receipt Number: 12758449Received By: LgtZoning: R-1-5Ward: 6 Flood: XSize: 5535.65 sqft

Property Information

TAX PARCEL #

0	9	0	7	i

 -

0	2

 -

0	8	3

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0	0	0

(If necessary, use separate sheet of paper)

Address of Property Involved: 006 Gorman street Gulfport, MS 39532Lot(s) 14, Block(s) 7, Subdivision Biloxi River Estates

General Location: _____

GENERAL DESCRIPTION OF REQUEST:

Requesting to place a 14' x 53' x 8' H mobile home on proposed lot (lot 14)

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

Onel Bankie Jr
Printed Name of Owner
50 E Railroad str Lot 19
Mailing Address
Gulfport MS 39507
City State Zip code
(228) 343-5156
Home Phone Work/Cell Phone
Email
onelb74@gmail.com
Signature of Owner

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.

The City of Gulfport provides transportation and access to the property.

Water supply, waste disposal are also provided by the city of Gulfport.

Fire and Police protection along with other public facilities are also available.

This site plan / proposal will not cause undue traffic congestion or create any traffic hazards.

This proposal is a residential plan and is in harmony with the orderly and appropriate development of the district in which the use is located.



Covenant Affidavit

I, Ornel Bauldie, being owner or agent of the property 09071-02-083.000
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.

Ornel 5/15/24
Signature Date

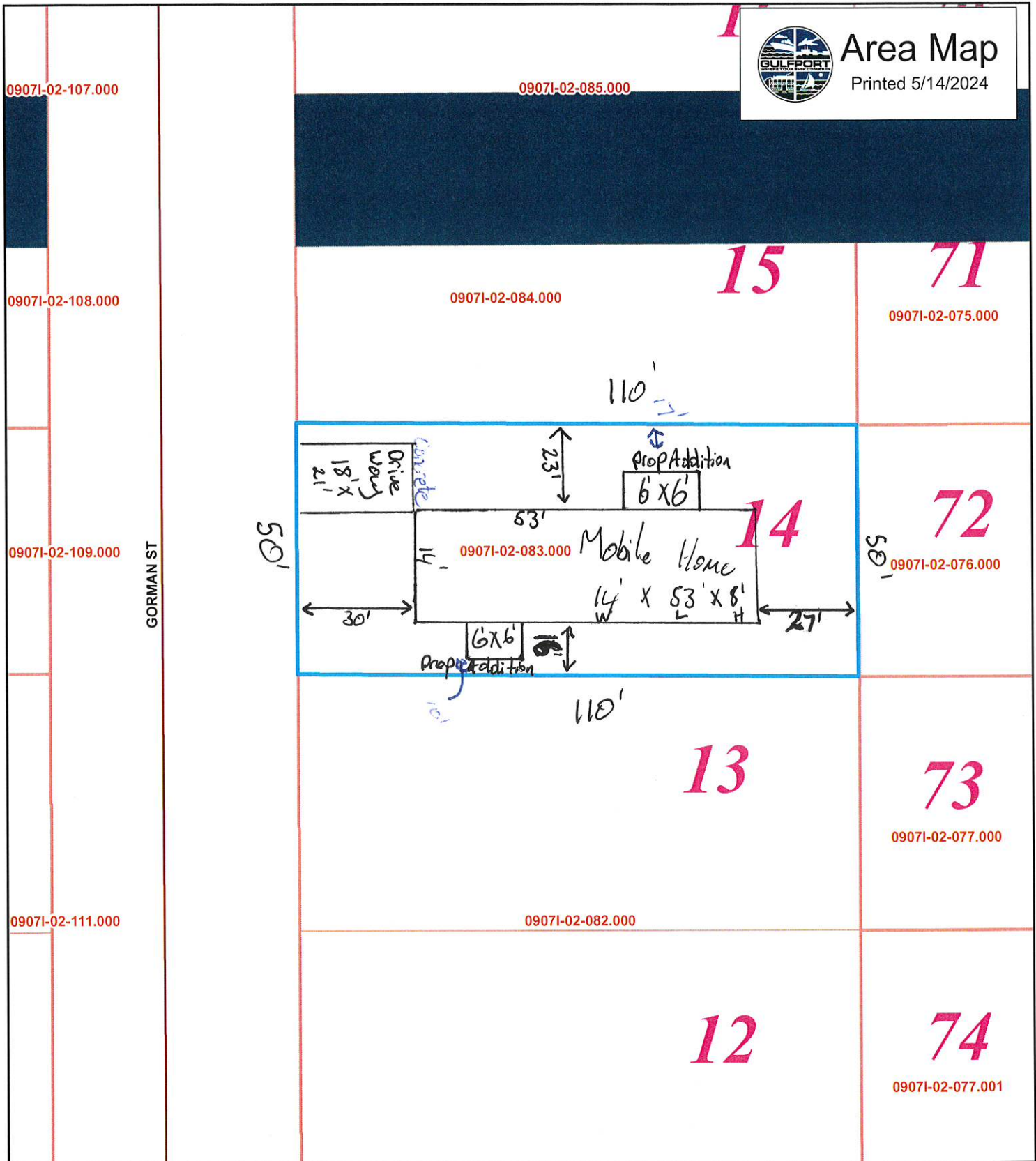
STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 15 day of May, 20 24

Robyn E. Reiter
Notary Public



3/10/28
Commission Expiration

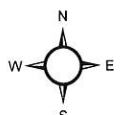


Initial and date here: O.B. 5/14/24

Planner: O.B.

Owner: Onel Bauldie

Contractor: _____



1 inch = 25 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.



THIS DOCUMENT HAS A LIGHT BACKGROUND ON TRUE WATERMARKED PAPER. HOLD TO LIGHT TO VERIFY FLORIDA WATERMARK.

BUREAU OF VITAL STATISTICS

CERTIFICATION OF DEATH

STATE FILE NUMBER: 2022150969

DATE ISSUED: AUGUST 19, 2022

DECEDENT INFORMATION

DATE FILED: AUGUST 19, 2022

NAME: CHARLES B. GATES

DATE OF DEATH: AUGUST 13, 2022

SEX: MALE

AGE: 074 YEARS

DATE OF BIRTH: MAY 18, 1948

SSN: [REDACTED]

BIRTHPLACE: TURTLE CREEK, PENNSYLVANIA, UNITED STATES

PLACE WHERE DEATH OCCURRED: DECEDENT'S HOME

FACILITY NAME OR STREET ADDRESS: 1 CALLE RIO

LOCATION OF DEATH: MARY ESTHER, OKALOOSA COUNTY, 32569

RESIDENCE: 1 CALLE RIO, MARY ESTHER, FLORIDA, 32569, UNITED STATES

COUNTY: OKALOOSA

OCCUPATION/INDUSTRY: ACCOUNTANT/ACCOUNTING

EDUCATION: MASTERS DEGREE

EVER IN U.S. ARMED FORCES: NO

HISPANIC OR HAITIAN ORIGIN? NO, NOT OF HISPANIC/HAITIAN ORIGIN

RACE: WHITE

SURVIVING SPOUSE / PARENT NAME INFORMATION

(NAME PRIOR TO FIRST MARRIAGE, IF APPLICABLE)

MARITAL STATUS: MARRIED

SURVIVING SPOUSE NAME: MARILYN SQUEGLIA

FATHER'S/PARENT'S NAME: ALFRED S. GATES

MOTHER'S/PARENT'S NAME: ROSE WILLIAMS

INFORMANT, FUNERAL FACILITY AND PLACE OF DISPOSITION INFORMATION

INFORMANT'S NAME: MARILYN GATES

RELATIONSHIP TO DECEDENT: WIFE

INFORMANT'S ADDRESS: 1 CALLE RIO, MARY ESTHER, FLORIDA, 32569, UNITED STATES

FUNERAL DIRECTOR/LICENSE NUMBER: CHRISTINE GREGORY, F086233

FUNERAL FACILITY: EMERALD COAST FUNERAL HOME, F041292

161 RACETRACK ROAD NW, FORT WALTON BEACH, FLORIDA, 32547

METHOD OF DISPOSITION: CREMATION

PLACE OF DISPOSITION: OKALOOSA CREMATORY

MARY ESTHER, FLORIDA

CERTIFIER INFORMATION

TYPE OF CERTIFIER: CERTIFYING PHYSICIAN

MEDICAL EXAMINER CASE NUMBER: NOT APPLICABLE

TIME OF DEATH (24 HOUR): 0918

DATE CERTIFIED: AUGUST 17, 2022

CERTIFIER'S NAME: VINAY MAHADEO WAYAL

CERTIFIER'S LICENSE NUMBER: ME122091

NAME OF ATTENDING PRACTITIONER (IF OTHER THAN CERTIFIER): NOT ENTERED

The first five digits of the decedent's Social Security Number have been redacted pursuant to § 110.07(5), Florida Statute.

STATE REGISTRAR

THE ABOVE SIGNATURE CERTIFIES THAT THIS IS A TRUE AND CORRECT COPY OF THE OFFICIAL RECORD ON FILE IN THE BUREAU OF VITAL STATISTICS.

WARNING: THIS DOCUMENT IS PRINTED OR PHOTOCOPIED ON SECURITY PAPER WITH WATERMARK. SEAL OF THE STATE OF FLORIDA. DO NOT ACCEPT WITHOUT VERIFYING IN THE WATERMARK. THE DOCUMENT FACE CONTAINS A MULTICOLORED BACKGROUND. THE REVERSE OF THE BACK CONTAINS REPEATED ALL LINES WITH REPEATED MULTICOLORED COPY.



CERTIFICATION OF VITAL RECORD



Our File #B240288

Prepared by & Return To: Schwartz, Orgler, Jordan & Williams, PLLC
2137 E Pass Rd, Ste B
Gulfport MS 39507, 228-388-7441

STATE OF MISSISSIPPI

COUNTY OF HARRISON Index: Exempt

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned,

Marilyn Gates and Harry W. Gates,

1 Calle Rio, Mary Ester, FL 32569, 850-651-1136

do hereby sell, convey and warrant unto

Onel Bauldie

1151 Judge Sekul Avenue, Apt 121, Biloxi, MS 39530, 228-343-5756,

the following described land and property being located in the First Judicial District of Harrison County, Mississippi, being more particularly described as follows, to-wit:

Lots Fourteen (14) and Fifteen (15), Block Seven (7), RESUBDIVISION OF UNIT ONE (1), BILOXI RIVER ESTATES, 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 23 at page 9 thereof, reference to which is hereby made in aid of and as a part of this description.

THE ABOVE described property is no part of the Homestead of the Grantors herein.

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

TAXES for the current year have been pro-rated as of this date and are hereby assumed by the Grantee herein.

WITNESS THE SIGNATURE of the undersigned, on this the 25 day of April, 2024.

Marilyn Gates
Marilyn Gates

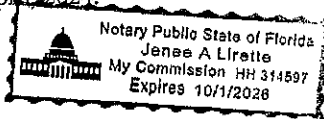
Harry W. Gates
Harry W. Gates

STATE OF FLORIDA

COUNTY OF Okaloosa

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Marilyn Gates and Harry W. Gates, who acknowledged that the above and foregoing instrument was signed and delivered as the free and voluntary act and deed of the Grantors on the day and in the year therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 25 day of April, 2024.



Jenae A. Lirette
NOTARY PUBLIC

My Commission Expires:

IN THE CHANCERY COURT OF HARRISON COUNTY, MISSISSIPPI

FIRST JUDICIAL DISTRICT

IN THE MATTER OF THE ESTATE OF
CHARLES BARTON GATES, DECEASED

MARILYN GATES

FILED

APR 15 2024

ANGELA THATCHER
CHANCERY CLERK

BY [Signature] D.C.

CAUSE NO. 23-2173(3)

PETITIONER

**ORDER FOR APPROVAL OF FINAL DISTRIBUTION
OF ESTATE ASSETS AND DISCHARGE OF EXECUTRIX**

This day this cause having come on to be heard on the Petition for Approval of Final Distribution of Estate Assets and Discharge of Executrix filed by Petitioner, Marilyn Gates, the duly appointed, qualified and acting Executrix of the Estate of Charles Barton Gates, Deceased, and the Court having considered said matter finds as follows:

I.

That the Petitioner, Marilyn Gates, is the duly appointed, qualified and acting Executrix of the Estate of Charles Barton Gates, Deceased, having been appointed by Order entered herein on December 4, 2023, and Letters Testamentary having issued to Petitioner on December 13, 2023.

II.

That the decedent, Charles Barton Gates departed this life on the 13th day of August, 2022. At the time of his death, the decedent was the owner of real property in Harrison County, Mississippi.

III.

That Petitioner made a diligent inquiry to ascertain the names, places of residence and post office addresses of each and all other parties of interest in this estate, and after making such inquiry, the Petitioner has concluded that the following are the sole parties in interest, Marilyn Gates and Kathryn Elizabeth Gates. the aforesaid parties-in-interest are both over the age of twenty-one (21) years, are of sound mind, and fully competent and under no legal disability.

IV.

That in accordance with the law, an Affidavit was filed with this Court on December 21, 2023, executed by Marilyn Gates, Executrix under the Last Will and Testament of Charles Barton Gates, Deceased, acknowledging that Petitioner made reasonably diligent efforts to identify all persons having claims against the Estate of Charles Barton Gates, Deceased, and Petitioner has given notice by mail to such persons so identified at their last known addresses, informing them that their failure to have claims probated and registered by the Clerk of the Court within ninety (90) days after the first date of publication of the notice to creditors would bar such claims of creditors, as identified in said Affidavit. Pursuant to law, Notice to Creditors was published in The Sun Herald, a newspaper published in Harrison County, Mississippi, on December 28, 2023, January 4, 2024 and January 11, 2024, with the said Proof of Publication being filed with this Court. The time within which claims may be probated against the estate has expired and all claims have been paid in full.

V.

That no estate tax returns are required to be filed on behalf of this Estate with the Internal Revenue Service or the State of Mississippi.

VI.

That it was not necessary to file a final income tax return or a fiduciary income tax return on behalf of this Estate.

VII.

That no other taxes are now due and owing the United States Government or the State of Mississippi, or any political subdivision thereof.

VIII.

That no inventories or accountings for this Estate were necessary, the filing thereof having been waived under said decedent's Last Will and Testament. That there are no unpaid claims of creditors; that there are sufficient assets in the Estate to pay all administrative expenses and Court costs; that no need exists for the filing of either an inventory or a final account; and that the Order of this Court rendered on December 4, 2023, admitting the decedent's Last Will and Testament to probate, dispensed with the appraisalment of the Estate of said decedent

IX.

That the law firm of Page, Mannino, Peresich & McDermott, P.L.L.C., has rendered legal services in connection with the administration of said Estate; and that said firm is now entitled to a reasonable attorney's fee in the amount of Two Thousand and no/100 Dollars (\$2,000.00) for its professional services rendered and to be reimbursed for any expenses incurred in connection herewith.

X.

That the Estate of Charles Barton Gates, deceased has been fully administered and it is not necessary that said Estate remain open any longer; and it is in the best interest of said Estate and of the beneficiary thereof that the assets of said Estate be vested and distributed in accordance with the

terms of said decedent's Last Will and Testament; and that the Estate be closed and terminated; and that the Executrix be discharged and forever released as Executrix thereof.

XI.

That, in full and complete satisfaction of the gift, bequest and devise set forth in the decedent's Last Will and Testament, the decedent's entire estate, of every kind and nature and wheresoever situated, whether real or personal should now vest in and be distributed to Marilyn Gates. It is therefore,

ORDERED, ADJUDGED and DECREED that Marilyn Gates, as Executrix, be authorized to make, execute and deliver such deeds, bills of sale, endorsements, stock powers, letters of instruction and any other legal documents or memoranda as may be necessary to accomplish the transfers and vesting of the properties of the Decedent unto herself as sole beneficiary. It is further,

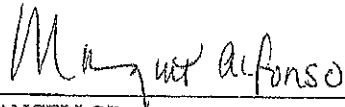
ORDERED, ADJUDGED and DECREED that the law firm of Page, Mannino, Peresich & McDermott, P.L.L.C. be paid Two Thousand and no/100 Dollars (\$2,000.00) for its professional services rendered and to be reimbursed for any expenses incurred in connection with the administration of the Estate of Charles Barton Gates, Deceased. It is further,

ORDERED, ADJUDGED and DECREED that upon the complete distribution of the assets of the Estate of Charles Barton Gates, deceased, the administration will cease, end and terminate. It is further,

IN THE MATTER OF THE ESTATE OF
CHARLES BARTON GATES, DECEASED
CAUSE NO. 23-2173(3)
ORDER CLOSING ESTATE

ORDERED, ADJUDGED and DECREED that the Executrix be discharged and forever
released as the Executrix thereof.

SO ORDERED, ADJUDGED and DECREED this the 15 day of April, 2024.

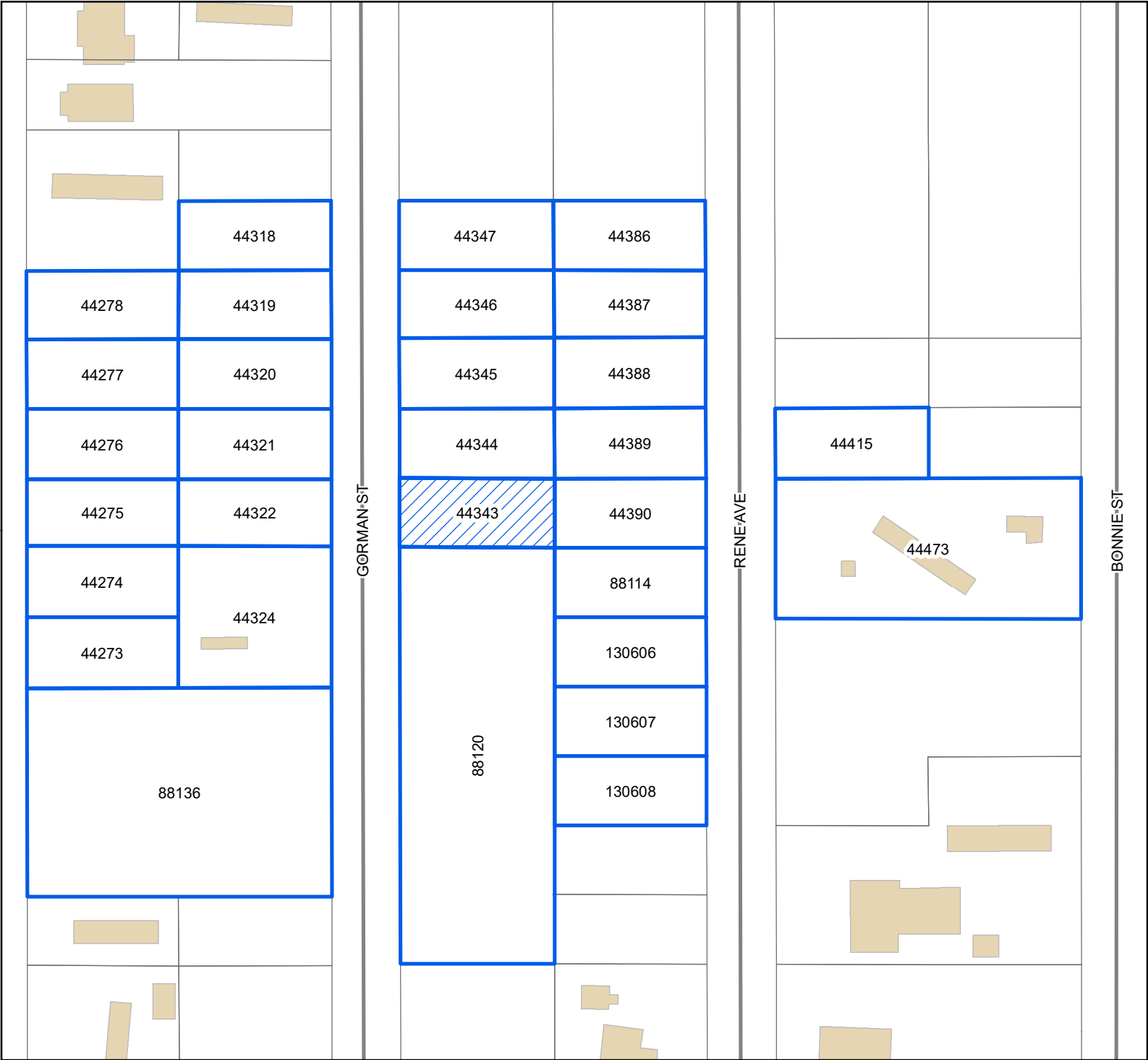

CHANCELLOR





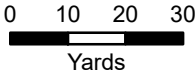
Michael B. McDermott, MSB #2379
Page, Mannino, Peresich & McDermott, PLLC
759 Howard Avenue
P O. Drawer 289
Biloxi, MS 39533
Telephone No. (228) 374-2100
Facsimile No. (228) 432-5539

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		09071-02-083.000	ONEL BAULDIE JR.	50 E RAILROAD STR LOT 19	GULFPORT	MS	39507
Adjacent Property Owners (2407PC093)							
N	44345	09071-02-085.000	GULFPORT CITY OF	PO BOX 1780	GULFPORT	MS	28031
	44321	09071-02-108.000	BABIN TODD J	617 CARMADELLE ST	MARRERO	LA	70072
	44473	09071-02-023.000	ERVIN MICHAEL D	13390 RENE AVE	GULFPORT	MS	39503
	88120	09071-02-082.000	HABITAT FOR HUMANITY OF MGC	2214 34TH ST	GULFPORT	MS	39501
N	44320	09071-02-107.000	BABIN TODD J	617 CARMADELLE ST	MARRERO	LA	70072
N	44389	09071-02-075.000	BABIN TODD J	617 CARMADELLE ST	MARRERO	LA	70072
	44415	09071-02-040.000	VERRETT PROPERTIES LLC	301 SALEM DR	MANDEVILLE	LA	70471
	44344	09071-02-084.000	GATES CHARLES B & HARRY W	1 CALLE RIO	MARY ESTHER	FL	32569
N	130606	09071-02-077.001	HABITAT FOR HUMANITY OF MGC	2214 34TH ST	GULFPORT	MS	39501
N	44346	09071-02-086.000	BABIN TODD J	617 CARMADELLE ST	MARRERO	LA	70072
N	44390	09071-02-076.000	BABIN TODD J	617 CARMADELLE ST	MARRERO	LA	70072
N	44343	09071-02-083.000	GATES CHARLES B & HARRY W	1 CALLE RIO	MARY ESTHER	FL	32569
N	44322	09071-02-109.000	BABIN TODD J	617 CARMADELLE ST	MARRERO	LA	70072
N	44386	09071-02-072.000	BABIN TODD J	617 CARMADELLE ST	MARRERO	MS	70072
	44274	09071-02-120.000	MANARD JOSEPH E & TAMI L -TRUSTEES-	727 WOODS DR	NICEVILLE	FL	32578
N	44387	09071-02-073.000	BABIN TODD J	617 CARMADELLE ST	MARRERO	LA	70072
N	44319	09071-02-106.000	BABIN TODD J	617 CARMADELLE ST	MARRERO	LA	70072
	44275	09071-02-121.000	BABIN BRENT J	617 CARMADELLE ST	MARRERO	LA	70072
	44324	09071-02-111.000	LEE JODY NAULT	13387 GARMON ST	GULFPORT	MS	39501
N	44318	09071-02-105.000	BABIN TODD J	617 CARMADELLE ST	MARRERO	LA	70072
N	44276	09071-02-122.000	BABIN TODD J	617 CARMADELLE ST	MARRERO	LA	70072
N	44388	09071-02-074.000	GULFPORT CITY OF	PO BX 59	GULFPORT	MS	39502
	88114	09071-02-077.000	HABITAT FOR HUMANITY OF MGC	2214 34TH ST	GULFPORT	MS	39501
	88136	09071-02-118.000	KELLY FRIEDA ANN	1818 PASS RD	GULFPORT	MS	39501
N	130608	09071-02-077.003	HABITAT FOR HUMANITY OF MGC	2214 34TH ST	GULFPORT	MS	39501
N	130607	09071-02-077.002	HABITAT FOR HUMANITY OF MGC	2214 34TH ST	GULFPORT	MS	39501
	44347	09071-02-087.000	SOUTHERN FRANK	2112 TUTTLE TERRACE	SARASOTA	FL	34239



Legend

- Site
- Adjacent Properties
- Street
- Buildings



1 inch = 100 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.

RE: Planning Commission Approval 2407PC093, by owner Onel Bauldie Jr., seeking approval for a mobile home use, Tax Parcel 0907I-02-083.000, Gorman Street, Zoned R-1-5 (Single-Family), 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, July 25, 2024**, 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, July 25, 2024**. 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.





The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	569700	Print Legal Ad-IPL01817370 - IPL0181737		\$78.55	2	40 L

Attention: Matilda Welch
GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

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, July 25, 2024 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 2407PC093, by owner Onel Bauldie Jr., seeking approval for a mobile home use, Tax Parcel 09071-02-083.000, Gorman Street, Zoned R-1-5 (Single-Family), Ward 6

Special Exception 2407SE096, by agent John Pritchard, seeking approval for a to-go Daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Rd, Zoned B-1 (Neighborhood Business), Ward 5

Planning Commission Approval 2407PC104, by agent Bobby Britton, seeking approval for a medical cannabis dispensary use, Tax Parcel 0811C-05-003.000, 2709 25th Ave units E&F, Zoning B-2 (General-Business), Ward 3

Planning Commission Approval 2407PC108, by owner LaBella's Salon LLC, seeking approval for a trade school use, Tax Parcel 0808N-01-012.000, 15095 Dedeaux Road, Zoning B-2 (General-Business), Ward 5

Zoning Map Amendment 2407PC097, by owners Frank and Dawn McGraw, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0911A-02-103.000, 124 Palmetto Lane, Zoned T5 (Urban Center Zone), Ward 2

Zoning Map Amendment 2407PC099, by owner David Boggs, requesting to rezone to R-1-7.5 (Single-Family), Tax Parcel 1009K-03-001.001, Creel Circle, Zoned R-1-7.5 (Single-Family), I-2 (Heavy Industry), Ward 5

Zoning Map Amendment 2407PC103, by owners SMR3 Corporation & Golden Ventures LLC, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0711O-01-012.000, 711 43rd Ave, Zoned T3 (Suburban Zone), Ward 2

Zoning Map Amendment 2407PC111, by agent Anne Giovengo, requests to rezone to T6 (Urban Core Zone), Tax Parcel 0910I-02-009.000, 665 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

This the 28th day of June 2024
Keith Williams, Chairman
City of Gulfport Planning Commission
IPL0181737
Jul 10 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Mary Castro, who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the issue(s) of:

1 insertion(s) published on:
07/10/24

Affidavit further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

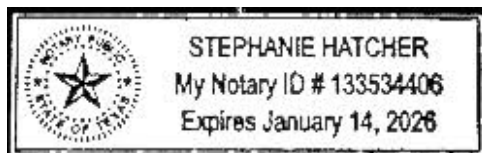
Mary Castro

Sworn to and subscribed before me this 10th day of July in the year of 2024

Stephanie Hatcher

Notary Public

* The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32.



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

MEMORANDUM

To: City of Gulfport Zoning Board of Adjustment and Appeals

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: July 25, 2024

Re: Special Exception 2407SE096:

Special Exception 2407SE096, by agent John Pritchard, seeking approval for a to-go Daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Rd, Zoned B-1 (Neighborhood Business), Ward 5

Technical Report

SPECIAL EXCEPTION

GENERAL INFORMATION

Case File Number: 2407SE096

Hearing Date: Zoning Board July 18, 2024
Planning Commission July 25, 2024

Current Zoning/Use: B-1 / Commercial Structure

Legal: Variance 2407SE096, by agent John M. Pritchard, seeking approval for a to-go Daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Rd, Zoned B-1 (Neighborhood Business), Ward 5

TECHNICAL DETAILS

The applicant is requesting a Special Exception to be granted to open a daiquiri shop at 13211 Dedeaux, Rd Ste 4. The applicant has provided certification they are meeting the states distance regulations as per Ordinance 3158. The proposed daiquiri shop would still be required to go through Special Exception for Zoning Board and Planning Commission approval.

EXECUTIVE SUMMARY

The applicant would like to open a daiquiri shop at the above-mentioned location. This location is located in Dedeaux Plaza on Dedeaux Rd. The plaza currently houses a liquor store (Davis Liquor and Wine), a restaurant (Mama's Seafood), a market (Tienda Los Amigos), and a laundry mat (Supersudz). The parking appears sufficient. There is sufficient room for proper ingress and egress to safely operate this type of business at this location. It does not appear that this use will adversely impact the adjacent properties. As of June 4, 2024, Ordinance 3395 passed, allowing Dedeaux Rd to be an open cup district.

Any approval should consider these conditions:

1. Special exception use of daiquiri shop must be approved by the Zoning Board and the Planning Commission.
2. Must meet all current Codes and City of Gulfport ordinances.

DEPARTMENTAL CONDITIONS

Engineering: No conditions. Memo dated 07/02/2024.

Public Works: No comment as of 07/08/2024

Traffic and Safety: No conditions. Memo dated 06/29/2024.

Technical Report

SPECIAL EXCEPTION

Building Code Services: Must meet all current building codes and City of Gulfport Ordinances. Memo dated 06/25/2024.

GIS: No conditions. Memo dated 07/03/2024.

Police Department: No comment as of 07/08/2024.

Fire Department: No conditions. Memo dated 06/25/2024.

City Arborist: No conditions. Memo dated 06/26/2024.

DIRECTOR APPROVAL

This report has been reviewed and approved by:

 on behalf of

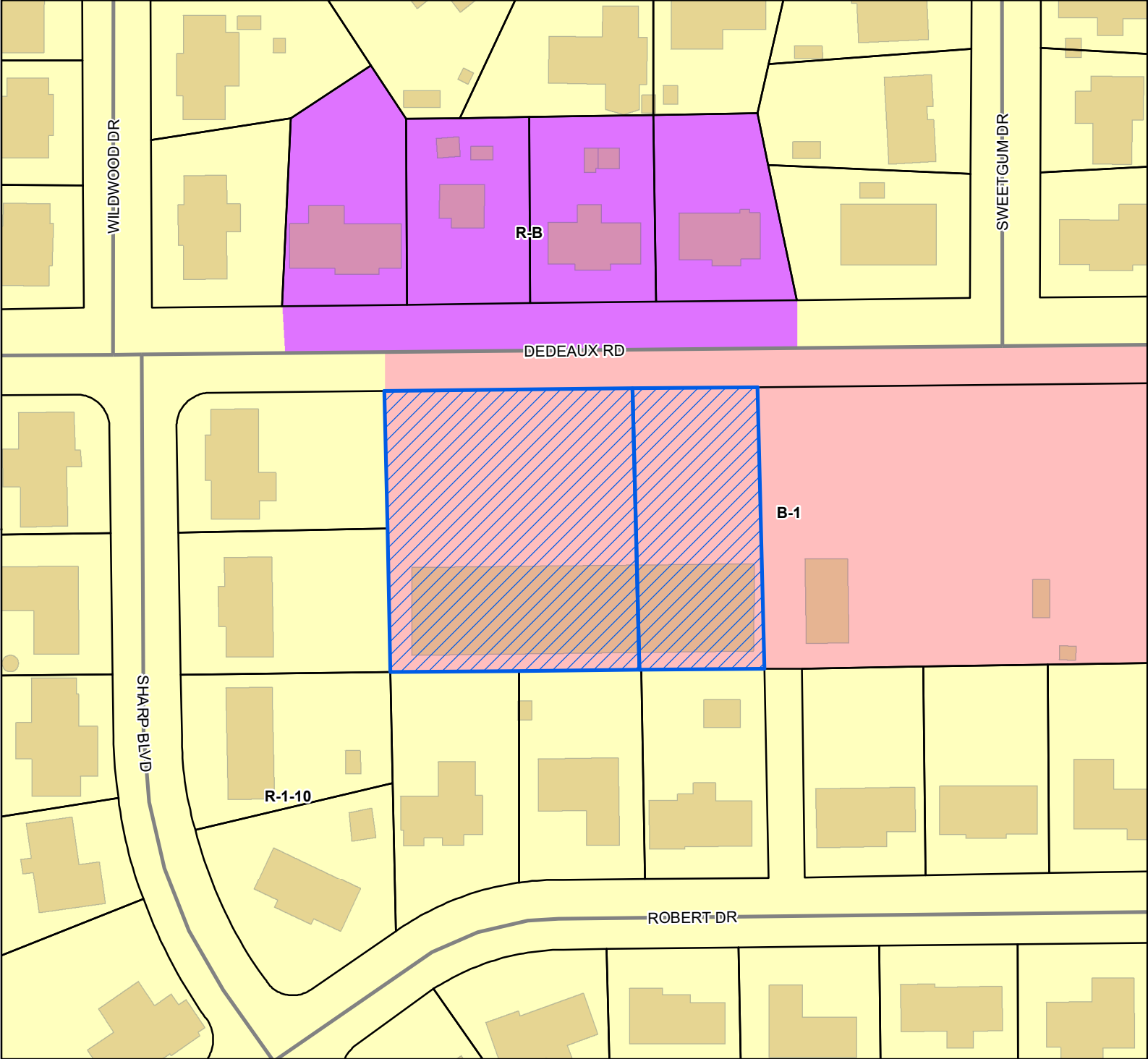
Greg Holmes

Director of Urban Development Department



2407SE096

Special Exception



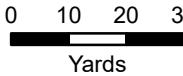
Legend

- Site
- Street
- Parcels
- Buildings
- City Limit

Zoning

- B-1 - Neighborhood Business District
- R-1-10 - Single Family Residence (Low Density)
- R-B - Residence-Business District

Site Information
0908N-04-004.001
0908N-04-004.000
Zoning: B-1 (Neighborhood Business)
Size: 1.25 acres
Flood: X



1 inch = 100 feet



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CASE NUMBER

2407SE096
05/23/2024
BC RECPT#: 12770177

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

ZONING BOARD OF ADJUSTMENTS AND APPEALS APPLICATION

REQUESTED ACTION BY THE ZONING BOARD OF ADJUSTMENTS AND APPEALS
(A separate submission form is required for each request)

- ☐ Appeal of Planning Administrator
- ☐ Excessive Height
- ☐ Fence Variance
- ☒ Special Exception
- ☐ Variance

TAX PARCEL NUMBERS

0	9	0	8	M	-	0	4	-	0	0	4	.	0	0	0		0	9	0	8	M	-	0	4	-	0	0	4	.	0	0	1
					-			-				.										-			-				.			
					-			-				.										-			-				.			

Property Address:

13211 Dedeaux Rd. Gulfport, MS. 39503 Suite 4

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

General Description of Request: Daquiri shop - Daquiris to go / liquor store

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. We can only accept applications with **original signatures**.

OWNER:

DE NGUYEN
 Printed Name of Owner
10223 FLITTER RD.
 Mailing Address
GILFORD MS 39503
 City State Zip Code
812-216-0284
 Home Phone Work/Cell Phone
Sethitran@yahoo.com
 Email
Nguyen D
 Signature of Owner

AGENT:

John M. Pritchard
 Printed Name of Agent
16206 Three Rivers Rd
 Mailing Address
Box MS 39532
 City State Zip Code
228-860-2246
 Home Phone Work/Cell Phone
mikepritch8@bellsouth.net
 Email
 Signature of Agent

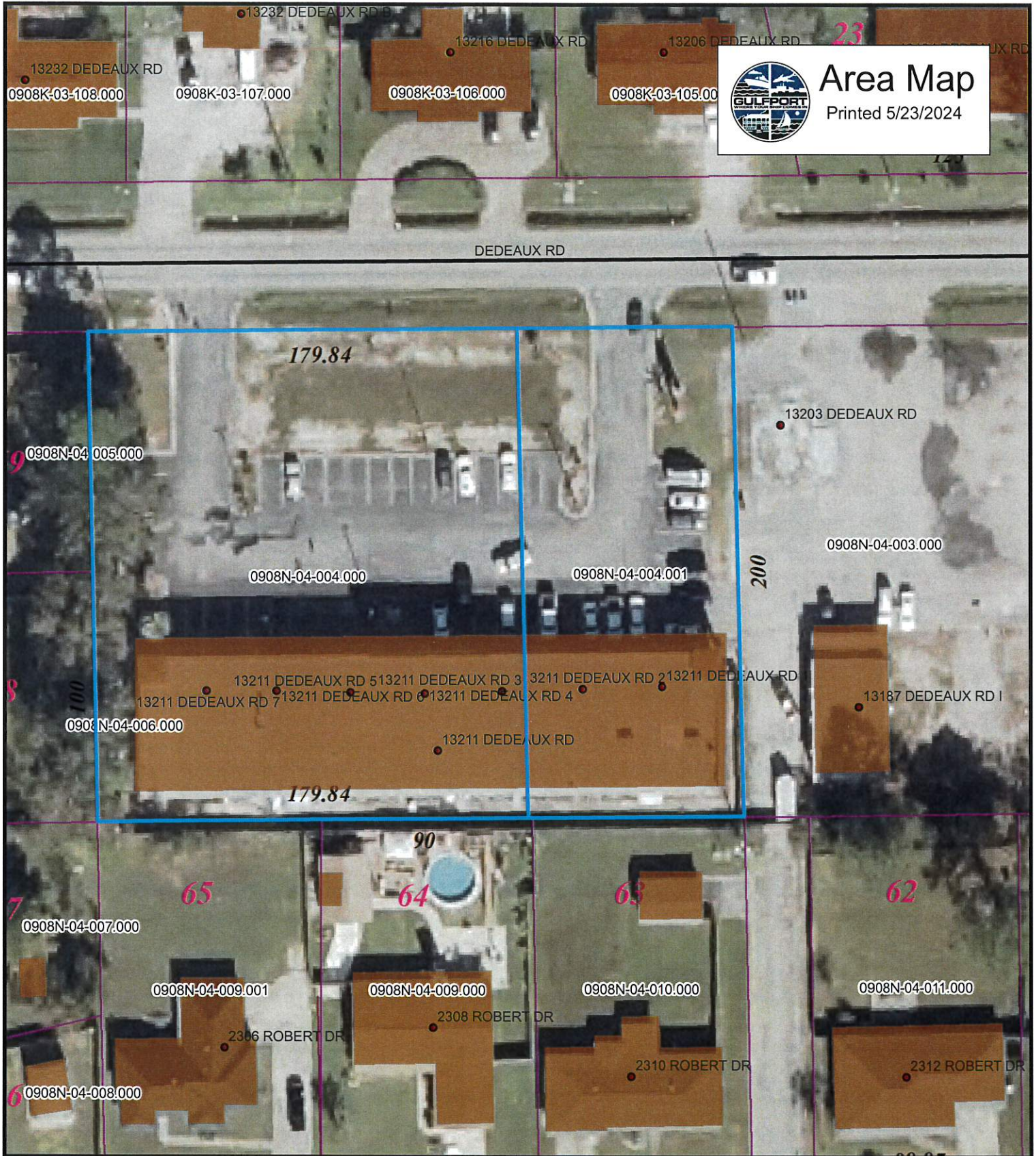
This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application. We can only accept applications with original signatures.

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) HOANG TRAN
 Address (Street, City, State, Zip Code) 15068 Lowndess Dr.
 Phone (Home) 228-265-4239 (Work) _____ (Cell) _____
 Tax Parcel Number(s) Owned: _____
 Signature: [Signature]

Name of Owner (PRINT) _____
 Address (Street, City, State, Zip Code) _____
 Phone (Home) _____ (Work) _____ (Cell) _____
 Tax Parcel Number(s) Owned: _____
 Signature: _____

Name of Owner (PRINT) _____
 Address (Street, City, State, Zip Code) _____
 Phone (Home) _____ (Work) _____ (Cell) _____
 Tax Parcel Number(s) Owned: _____
 Signature: _____



- Addresspoints
- Parcels

Initial and date here:

Planner: _____

Owner: _____

Contractor: _____

DATA DISCLAIMER:

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IMPORTANT NOTICE:

1. Please be advised that failure to submit a complete application, with all supporting documents, could **delay your hearing date**. The Zoning Board will not consider a request until all information 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. **The following supplement pages are required per application type. Select one of the following:**
 - ☐ Appeal of Planning Administrator (see page 4)
 - ☐ Excessive Height (see page 5)
 - ☐ Fence Variance (see page 6)
 - ☒ Special Exception (see page 7)
 - ☐ Variance (See page 8)
4. All _____ will need to be **initialed by applicant** with required documentation before application can be accepted.

Submission Requirements:

JMP **Page one of this application**, completed and signed.

JMP **Site plan.** Please note that approval of your request, in part, is based on your **11" by 17"** site plan.

- The property lines and dimensions have been provided on the drawing.
- All buildings and structures located on the property have been identified.
- All dimensions of buildings and structures have been noted on the site plan.
- All distances from the property lines to all the buildings and structures have been identified and noted on the site plan.
- Street names have been provided which about the property.
- Traffic flow, parking and driveways have been identified.
- If required buffer strips have been identified
- Other pertinent information as needed to pictorially demonstrate the proposed development/use.

JMP **Proof of ownership** (Copy of deed i.e., Warranty Deed or Quitclaim Deed)

JMP If applicable, notarized proof of **authority to act as agent** for owner (board resolution, etc.) (see page 9)

The City of Gulfport Planning Division Staff will 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**.

JMP An **affidavit** stating the request is not in violation of restrictive or protective covenants. (See page 10)

JMP **Cash or check** payable to the City of Gulfport in the amount of **\$75.00**

JMP **I the owner/agent acknowledge this is a complete application**

Special Exception Submissions

NOTE: The criteria below outlines each Board's requirements. Each Board does not need to be addressed separately; you may consolidate these responses when appropriate. Keep in mind, however, each item must be thoroughly addressed.

A WRITTEN STATEMENT MUST BE SUBMITTED TO THE ZONING BOARD OF ADJUSTMENT AND APPEALS ADDRESSING THE FOLLOWING:



The following, where applicable must be addressed:

- Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- Off-street parking and loading areas where required, with particular attentino to those items listed in the above bullet statement and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
- Refuse and service areas, with particular reference to the two items in the above.
- Utilities, with reference to the location, availability, and compatibility.
- Screening and buffering with reference to type, dimensions, and character.
- Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properites in the district.
- Required yards and other open space.
- General compatibilty with adjacent properties and other property in the district.
- Over view of why the special exception will be in harmony with the general purpose and intent of the Zoning Ordinance.

A WRITTEN STATEMENT MUST BE SUBMITTED TO THE PLANNING COMMISSION ADDRESSING THE FOLLOWING:

NOTE: The uses listed below are permitted upon approval of location and the site plan thereof by the Planning Commission as being appropriate.



The following, where applicable must be addressed:

- Transportation and access
- Water supply and waste disposal
- Fire, police protection and other public facilities
- Not causing undue traffic congestion for creating a traffic hazard, as as being in harmony wit the orderly and appropriate development of the district in which the use is located.

- There is ingress and egress to the property and proposed structures with direct access to Dedeaux Rd. There are separate entrance and exits for this structure.
- There is plenty of on site parking for this property structure in accordance with zoning laws.
- The refuse and service areas are located in the front west area of the structure.
- There are utilities for the structure in compatible with the City of Gulfport and there are no other utilities needed.
- There is a buffer in between the ingress and egress and also separating the parking lot from Dedeaux Rd.
- There is one sign needed in accordance with the structure on the front of the building.
- There is an open space in between the parking lot and Dedeaux Rd. (Grass).
- The special exemption being applied for as a To Go Dqiquiri/liquor use will be in harmony with the general purpose and intent of the zoning ordinance due to a liquor store being on site already.
- Transportation and access is and will be used by Dedeaux Rd.
- Water suppl and waste disposal is at the location and is in accordance with the City of Gulfport utilities and there is no other utilities needed for this special exemption.
- Gulfport Fire Department station 10 is the closest Fire station and the area is patrolled by Gulfport Police Department.
- The use will not cause any traffic congestion as the structure has applicable parking for the structure and has ingress and egress to Dedeaux Rd.

Southern Diquis does certify they are
meeting the stated distance requirements at
the location proposed within the City of
Gulfport at 13211 Dedaux Rd. Gulfport, MS
39503

John M. Pritchard

22 May 2024

Personally appeared before me, the undersigned authority in
and for the above said County and State, the within named,
~~John M. Pritchard~~
~~Tyler M. Hickman~~ who acknowledged that he/they/she,
executed and delivered the above and foregoing instrument.
Given under my hand and seal of office, this the ^{22nd} ~~12th~~ day
of ~~March~~ May 2024.

Samuel Sweeting





DESIGNATION OF AGENT

I, DE NGUYEN being property owner of 13211 DEDEALIX RD.
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize John M. Pritchard to act as
PRINT NAME
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.

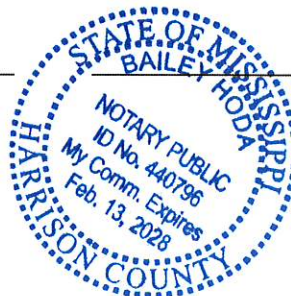
The petitioner understands and acknowledges that the City will rely upon the agent's representations in
approval or denial or said petition.

[Signature] 5/23/24
SIGNATURE DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 23rd day of May, 20 24

[Signature] Feb. 13, 2028
NOTARY PUBLIC COMMISSION EXPIRATION





COVENANT AFFIDAVIT

I, John M. Pritchard being property owner or agent of the property 13211 Dedaux Rd
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.

[Signature]
SIGNATURE

22 MAY 2024
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 22nd day of May, 20 24

Samuel Sweeting
NOTARY PUBLIC

5/22/27
5/22/24 JS
COMMISSION EXPIRATION



INDEXING INSTRUCTION:
Index in NW1/4 of SE1/4 of Section 11, Township 7 South, Range 11 West,
First Judicial District of Harrison County, Mississippi

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT



1st Judicial District
Instrument 2006 1784 D -J1
Filed/Recorded 3 2 2006 10 A
Total Fees 12.00
2 Pages Recorded

WARRANTY DEED

For and in consideration of the sum of Ten and No/100 Dollars, cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of all of which are hereby acknowledged, the undersigned, **Lee Brothers, LLC**, does hereby sell, convey and warrant to **De V. Nguyen and Hoang V. Tran**, as joint tenants with full rights of survivorship and not as tenants in common, the following described real property, with improvements thereon, situated and being in the First Judicial District of Harrison County, Mississippi, to-wit:

Commencing at the intersection of the south line of Dedeaux Road and the west line of the Southeast Quarter (SE 1/4), Section 11, Township 7 South, Range 11 West, Harrison County, First Judicial District, Mississippi; thence North 89 degrees 10 minutes East a distance of 620 feet to the Point of Beginning; thence South 00 degrees 50 minutes East a distance of 200 feet; thence South 89 degrees 10 minutes West a distance of 270 feet; thence North 00 degrees 50 minutes West a distance of 200 feet to the South line of Dedeaux Road; thence North 89 degrees 10 minutes East a distance of 270 feet to the Point of Beginning.

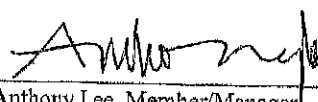
This conveyance is made subject to the lien for ad valorem taxes for the current year, as well as such restrictions, reservations, easements and other matters affecting the title thereto (with the exception of printed exclusions from the coverage of any title insurance commitment or policy) as are revealed to Grantees by any survey, title opinion, title insurance commitment or title insurance policy delivered to Grantee(s) contemporaneously with sale.

Estimated city and 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 Grantees agree 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.

Witness my signature, this 10th day of February, 2006.

Lee Brothers, LLC

BY:


Anthony Lee, Member/Manager

STATE OF CALIFORNIA

COUNTY OF ORANGE

Personally appeared before me, the undersigned authority in and for the said county and state, on this 10th day of February, 2006, within my jurisdiction, the within named Anthony Lee, who acknowledged that he is the Manager of Lee Brothers, LLC, and that for and on behalf of the said limited liability company, and as its act and deed, he executed the above and foregoing instrument, after first having been duly authorized by said company so to do.



(SEAL)


NOTARY PUBLIC

My commission expires:

4/20/2007

Grantor(s) address:

Lee Brothers, LLC
1936 W. Meadowbrook Dr.
Santa Ana, CA 92704

Telephone No. 714-371-6280

Grantee(s) address:

De V. Nguyen and Hoang V. Tran
15068 Lovelace Drive
Gulfport, MS 39503

Telephone No. 812-525-8378

Prepared by:

DAVID S. RAINES
Post Office Box 7618
Gulfport, MS 39506-7618
Telephone: (228) 897-2201

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held on the 4th day of June, 2024, the following Ordinance:

ORDINANCE NO. 3395

AN ORDINANCE TO ESTABLISH A LEISURE AND RECREATION DISTRICT WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF GULFPORT, MISSISSIPPI, AND DESIGNATE THE GEOGRAPHIC AREAS INCLUDED WITHIN AND BOUNDARIES OF SAID DISTRICT; AND FOR RELATED PURPOSES

WHEREAS, the City of Gulfport, Mississippi, is a duly organized and incorporated municipality pursuant to Section 21-8-1, et seq., of the Mississippi Code of 1972 (as amended); and

WHEREAS, during the 2016 Legislative Session, the Legislature of the State of Mississippi enacted House Bill 1223 which permits and authorizes certain municipalities in the State of Mississippi to establish "Leisure and Recreation Districts" and to designate the geographic areas included within and the boundaries of said districts; and

WHEREAS, the Governor signed House Bill 1223 into law, and the same was effective on and after July 1, 2016 and was codified at *Mississippi Code Annotated* Section 67-1-101; and

WHEREAS, *Mississippi Code Annotated* Section 67-1-101 requires that an Ordinance which establishes a "Leisure and Recreation District" shall "include a detailed description of the area or areas within the district, the boundaries of the district and a georeferenced map of the district" as well as a description of the "manner in which the municipality will provide for adequate law enforcement and other public safety measures and services within the district" and

WHEREAS, municipalities which create "Leisure and Recreation Districts" authorize business entities that hold alcoholic beverage permits issued by the Department of Revenue and that are located within the boundaries of the "Leisure and Recreation District" to allow patrons to leave the licensed premises with an open container of alcohol and allow those patrons to carry and consume alcoholic beverages within a designated "Leisure and Recreation District"; and

WHEREAS, the governing authority of the City of Gulfport, Mississippi, has determined and hereby finds that the City of Gulfport, Mississippi, would benefit from the establishment of a "Leisure and Recreation District" within the City of Gulfport, located generally at or near 13211 Dedeaux Road, by enhancing pedestrian-oriented areas; and

WHEREAS, the governing authority of the City of Gulfport, Mississippi, has further determined that establishment of a "Leisure and Recreation District" in the area of the intersection of Courthouse Road and Pass Road would be in the best interests of the City of Gulfport; and

WHEREAS, nothing herein is intended to confer any rights or entitlement as the sale of alcohol within an area designated as a "Leisure and Recreation District" is a privilege and not a right and is subject at all times to reasonable regulation; and

WHEREAS, subject to the terms and limitations of *Mississippi Code Annotated* Section 67-1-101 and this Ordinance, the City of Gulfport hereby establishes a "Leisure and Recreation District" in the area of 13211 Dedeaux Road as more fully set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS:

SECTION 1. *Creation and establishment of district.* Under the authority granted in Section 1 of House Bill 1223 (2016 Legislative Session), there is hereby established a "Leisure and Recreation District" in the City of Gulfport within the geographic areas and within such boundaries as represented on the geo-referenced Map which is attached hereto as Exhibit "1" and fully incorporated herein.

SECTION 2. *Name and boundaries of district.* The "Leisure and Recreation District" established herein shall be known as the "Dedeaux Road Social District" (hereinafter "the District") and shall have the following as its boundaries:

BEGINNING at the northeast corner of the Tax Parcel No. 0908N-04-001.000; thence west along the south right of way line for Dedeaux Road to the northwest corner of Tax Parcel No. 0908N-04-004.000; thence south along the west boundary of and to the southwest corner of Tax Parcel No. 0908N-04-004.000; thence west along the south boundaries of Tax Parcels 0908N-04-004.000, 0908N-04-004.001; 0908N-04-003.000 and 0908N-04-002.000 and an extension of that line across Lynn Avenue to a point on the west boundary of Tax Parcel No. 0908N-04-001.000; thence south, east and north along the boundaries of Tax Parcel No. 0908N-04-001.000 to the point of BEGINNING.

SECTION 3. *Outside Consumption of Alcoholic Beverages Permitted; Conditions.* Any on premise retail alcoholic beverage permittee (hereinafter, "permittee") located within the District shall comply with all laws, rules and regulations which govern its license type, except that a patron, guest or member of that licensee may remove an open container of alcoholic beverage and/or wine from the licensed premises and may possess and consume the alcoholic beverage and/or wine outside of the licensed premises anywhere within the boundaries of the District subject to the following regulations:

- A. A person may not enter a licensed premise with an alcoholic beverage, whether acquired at that licensed premises or elsewhere.
- B. A permittee located in the District may allow alcoholic beverages to be removed from the licensed premises only in an open paper or plastic cup or jug, not larger than one (1) gallon in size, and no such alcoholic beverages shall be removed from the licensed premises in a can, bottle, glass container or other container, except as otherwise allowed by law.
- C. No permittee shall allow a patron, guest or member to exit its licensed premises with more than one open container of alcoholic beverages, and it shall be unlawful for any person to exit such licensed premises with more than one such open container.
- D. Permittees located in the District shall post, at all points of egress from the licensed premises, a map of the boundaries of the District in which it is located. The map shall be provided, either in electronic or paper form, to those permittees by the City upon request of the permittees.
- E. Nothing in this ordinance shall be construed to require a permittee located in the District to allow its patrons to remove alcoholic beverages and/or wine, in open containers, from the licensed premises.

SECTION 4. *Light wine and beer.* Within the boundaries of the District, the removal of light wine and beer in glass containers or bottles from the licensed premises of a permittee is strictly prohibited. However, a permittee may allow light wine and beer to be removed from the licensed premises in an open paper or plastic cup, not larger than 16 fluid ounces in size.

SECTION 5. *Public safety measures.* Enforcement of the boundaries of the District shall be the responsibility of the Police Department. In addition, the Police and Fire Departments shall provide public safety services within the District in the same manner it provides those services in the remainder of the City.

SECTION 6. *Definition of alcoholic beverages.* For the purposes of this Ordinance, the term "alcoholic beverages" shall mean any alcoholic liquid, including wines of more than five percent (5%) of alcohol by weight, capable of being consumed as a beverage by a human being, but shall not include light wine and beer, as defined in Section 67-3-3, Mississippi Code of 1972, but shall include native wines.

SECTION 7. The City reserves the right to modify or repeal this Ordinance, and any district designation created hereunder, at any time, with or without notice.

SECTION 8. All ordinances or parts thereof in conflict with this ordinance are hereby declared to be inapplicable within the geographic boundaries of the "Leisure and Recreation District" created herein.

SECTION 9. Upon receiving unanimous vote of the members of the City Council, this ordinance shall be in full force and effect immediately, because it serves the public peace, health and safety of the citizens of Gulfport and will immediately encourage enhancement of the tourism industry in the City of Gulfport, which has been damaged by Hurricane Katrina, the Deepwater Horizon Oil Spill and the COVID pandemic. It shall be published according to law, spread on the minutes of the Gulfport City Council, and the Council Clerk shall provide a certified copy of this Ordinance and other required documents to the Mississippi Department of Revenue upon its enactment.

The above and foregoing Ordinance, after having been first reduced to writing and read by the Clerk, was introduced by Councilmember Flowers, seconded by Councilmember Casey, and was adopted by the following roll call vote:

<u>YEAS:</u>	<u>NAYS:</u>	<u>ABSENT:</u>
Casey	None	Sharp
Roland		
Holmes-Hines		
Walker		
Flowers		
Kosloski		

WHEREUPON the President declared the motion carried and the Ordinance adopted, this the 4th day of June, 2024.



ATTEST:

/s/ Brittany Rodgers

Brittany Rodgers, Clerk of Council

ADOPTED:

/s/ Rusty Walker

F.B. “Rusty” Walker, IV, President

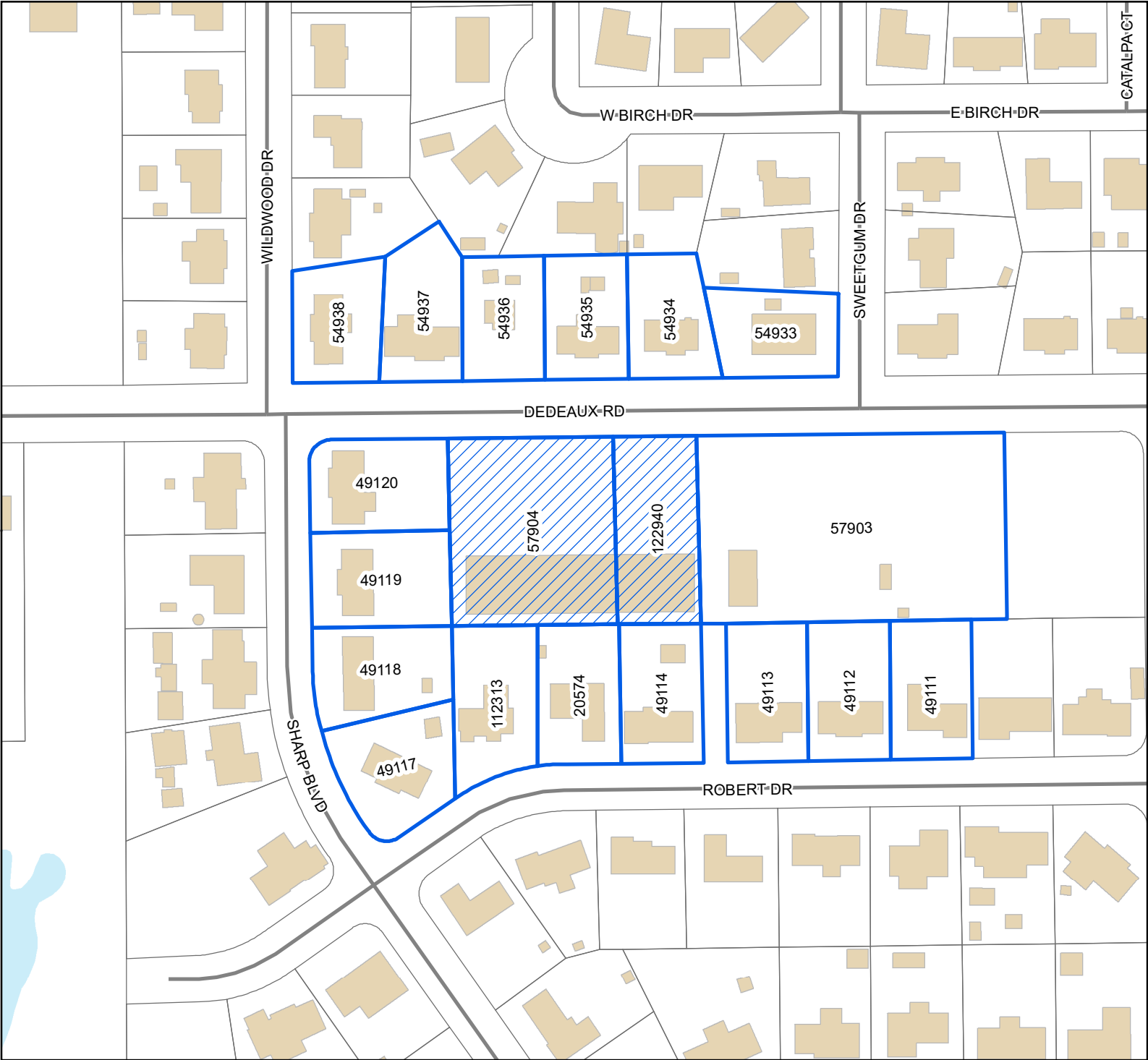
The above and foregoing Ordinance having been submitted to and approved by the Mayor, this the 5th day of June, 2024.

APPROVED:

/s/ Billy Hewes

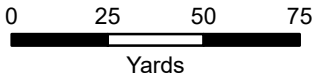
Billy Hewes, Mayor

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0908N-04-004.000	DE NGUYEN (OWNER)	10233 HUTTER RD	GULFPORT	MS	39503
			TYLER HICKMAN (AGENT)	21431 PETE HICKMAN	SAUCIER	MS	39574
			Adjacent Property Owners (2403SE096)				
54936		0908K-03-107.000	THOMAS WALTER JR & VERA L	13232 DEDEAUX RD	GULFPORT	MS	39503
54933		0908K-03-104.000	MOEINI MOHAMMAD -ESTATE-	P O BOX 8833	GULFPORT	MS	39506
57903		0908N-04-003.000	NGUYEN DE VAN & JOE T	10233 HUTTER RD	GULFPORT	MS	39503
49120		0908N-04-005.000	BH INVESTMENTS LLC	13084 OLD HWY 49	GULFPORT	MS	39503
54934		0908K-03-105.000	EICHENBERG RICHARD L & SARAH N	24406 LINDA LN	GULFPORT	MS	39503
49117		0908N-04-008.000	RICHARDSON CARL & PEARLIE	507 SHARP BLVD	GULFPORT	MS	39503
54935		0908K-03-106.000	LOUVIERE DYLAN & STRAHAN KELLY	13216 DEDEAUX RD	GULFPORT	MS	39503
49112		0908N-04-012.000	DELAHUNT ROBERT & VANESSA D	2314 ROBERT DR	GULFPORT	MS	39503
49111		0908N-04-013.000	TRAN JOHN	13688 HIDDEN OAKS DR	GULFPORT	MS	39503
49114		0908N-04-010.000	DIVYNE PROPERTY LLC	2308 ROBERT DR	GULFPORT	MS	39503
112313		0908N-04-009.001	LEVY TIFFANY	2041 SHADY LANE RD	PICKENS	MS	39146
49118		0908N-04-007.000	WENG QICAI	4282 TUX RIVER CIR	D'IBERVILLE	MS	39540
54938		0908K-03-071.000	COBLENTZ ALEXIS DENISE	800 WILDWOOD DR	GULFPORT	MS	39503
49119		0908N-04-006.000	DEDEAUX JOSHUA & BRITTANY L	503 SHARP BLVD	GULFPORT	MS	39503
49113		0908N-04-011.000	JEFFRIES PATRICIA ANN	2312 ROBERTS DR	GULFPORT	MS	39503
20574		0908N-04-009.000	BALL ALVANETTA & DEWITT	2308 ROBERT DRIVE	GULFPORT	MS	39501
122940		0908N-04-004.001	NGUYEN DE V & TRAN HOANG V	15068 LOVELESS DR	GULFPORT	MS	39503



Legend

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



1 inch = 150 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.

RE: Special Exception 2407SE096, by agent John Pritchard, seeking approval for a to-go Daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Rd, Zoned B-1 (Neighborhood Business), 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, July 25, 2024**, 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, July 25, 2024**. 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.





The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	569700	Print Legal Ad-IPL01817370 - IPL0181737		\$78.55	2	40 L

Attention: Matilda Welch
GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

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, July 25, 2024 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 2407PC093, by owner Onel Bauldie Jr., seeking approval for a mobile home use, Tax Parcel 09071-02-083.000, Gorman Street, Zoned R-1-5 (Single-Family), Ward 6

Special Exception 2407SE096, by agent John Pritchard, seeking approval for a to-go Daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Rd, Zoned B-1 (Neighborhood Business), Ward 5

Planning Commission Approval 2407PC104, by agent Bobby Britton, seeking approval for a medical cannabis dispensary use, Tax Parcel 0811C-05-003.000, 2709 25th Ave units E&F, Zoning B-2 (General-Business), Ward 3

Planning Commission Approval 2407PC108, by owner LaBella's Salon LLC, seeking approval for a trade school use, Tax Parcel 0808N-01-012.000, 15095 Dedeaux Road, Zoning B-2 (General-Business), Ward 5

Zoning Map Amendment 2407PC097, by owners Frank and Dawn McGraw, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0911A-02-103.000, 124 Palmetto Lane, Zoned T5 (Urban Center Zone), Ward 2

Zoning Map Amendment 2407PC099, by owner David Boggs, requesting to rezone to R-1-7.5 (Single-Family), Tax Parcel 1009K-03-001.001, Creel Circle, Zoned R-1-7.5 (Single-Family), I-2 (Heavy Industry), Ward 5

Zoning Map Amendment 2407PC103, by owners SMR3 Corporation & Golden Ventures LLC, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0711O-01-012.000, 711 43rd Ave, Zoned T3 (Suburban Zone), Ward 2

Zoning Map Amendment 2407PC111, by agent Anne Giovengo, requests to rezone to T6 (Urban Core Zone), Tax Parcel 0910I-02-009.000, 665 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

This the 28th day of June 2024
Keith Williams, Chairman
City of Gulfport Planning Commission
IPL0181737
Jul 10 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Mary Castro, who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the issue(s) of:

1 insertion(s) published on:
07/10/24

Affidavit further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

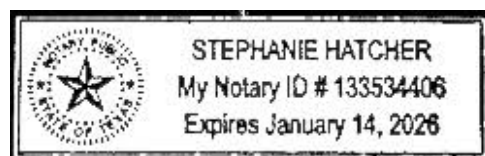
Mary Castro

Sworn to and subscribed before me this 10th day of July in the year of 2024

Stephanie Hatcher

Notary Public

* The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32.



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

MEMORANDUM

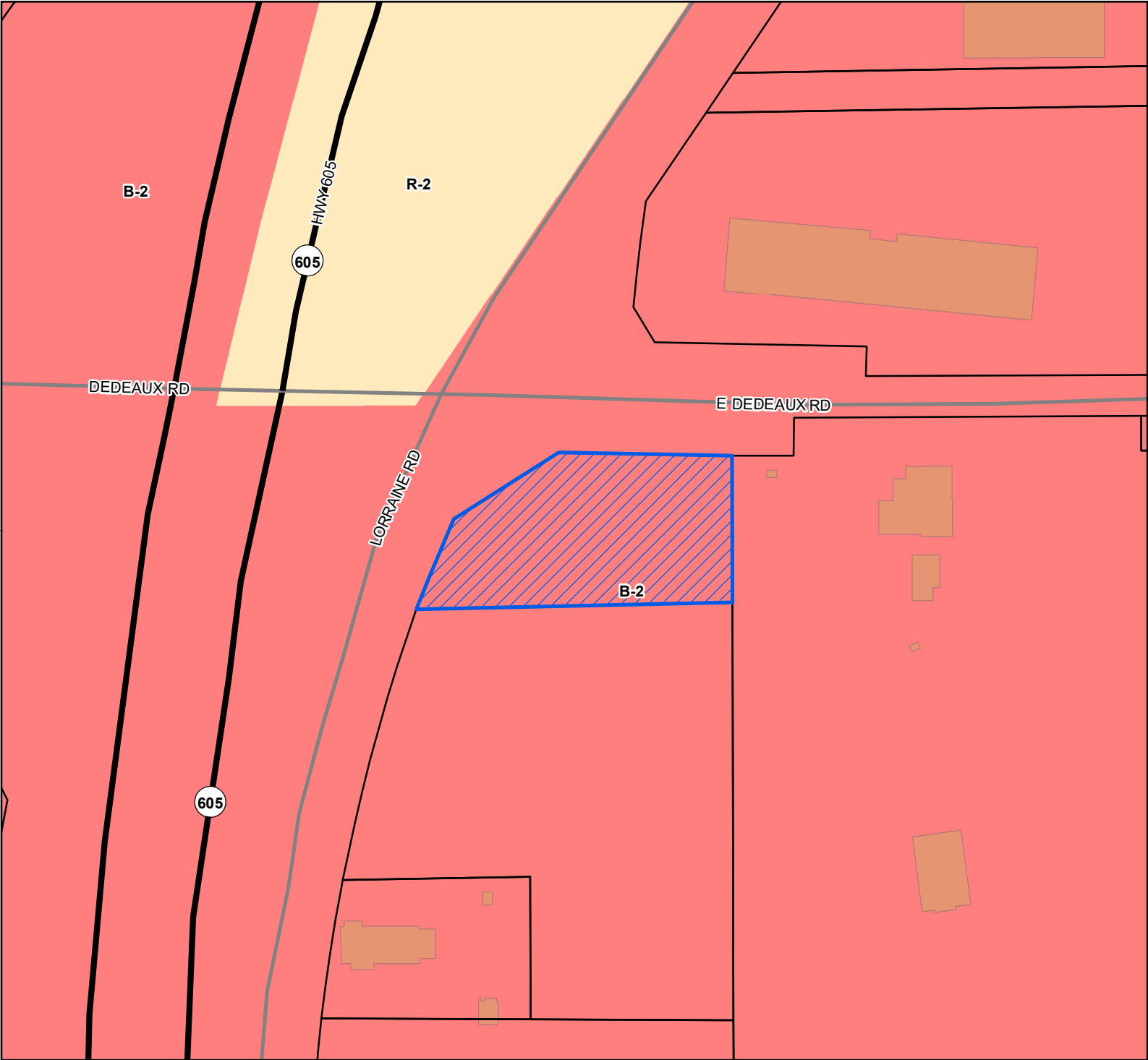
To: City of Gulfport Planning Commission

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: July 25, 2024

Re: Planning Commission Approval 2407PC100:(Deferred to August Meeting)

Planning Commission Approval 2407PC100, by owner Prasant Patel, seeking approval for a convenience store use, Tax Parcel 1008M-01-007.000, 11268 Lorraine Road, Zoned B-2 (General-Business), Ward 6



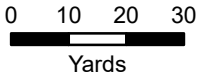
Legend

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

Zoning

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

Site Information
1008M-01-007.000
Zoning: B-2 (General Business)
Size: 21017.70 sqft
Flood: X



1 inch = 100 feet



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



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

For Staff Use Only

Case Number: 2407 PC 100Date Received: 5/31/24Receipt Number: 12777874Received By: mwZoning: B-2Ward: 6 Flood: XSize: 31,017

(If necessary, use separate sheet of paper)

APPLICATION FOR PLANNING COMMISSION APPROVAL

Property Information

TAX PARCEL #	1	0	0	8	M	-	0	1	-	0	0	7	●	0	0	0
						-			-				●			
						-			-				●			

Address of Property Involved: 11268 Lorraine RoadLot(s) _____, Block(s) _____, Subdivision Richards, Jessie Heirs ofGeneral Location: Corner of MS Highway 605 and East Dedeaux Road

GENERAL DESCRIPTION OF REQUEST:

Request Conditional Use approval to develop a liquor and convenience store on the property.

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

Prasant Patel

Printed Name of Owner

15326 Dedeaux Rd

Mailing Address

Gulfport

City

228-257-9135

Home Phone

Work/Cell Phone

Email

PPatel

Signature of Owner

AGENT

Lloyd (Les) Seymour, PE

Printed Name of Agent

955 Howard Ave

Mailing Address

Biloxi

City

MS

State

39530

Zip code

228.207.0070

Home Phone

Work/Cell Phone

les@liveoakengineering.com

Email

L. Seymour

Signature of Agent

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

☐

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

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

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

NAME OF OWNER (PRINT) RUPAL PATEL

ADDRESS (STREET, CITY, STATE, ZIP CODE) 15326 DEDEAUX 12d GULFPORT MS 39503

PHONE # (H) _____ (W) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: Rupal Patel

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: _____

IMPORTANT NOTICE

1. Please be advised that failure to submit a complete application, with all supporting documents, could **delay your hearing date**. The Planning Commission will not consider a request until all information 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 reverse of this sheet to determine the deadline dates for filing your application.

SUBMISSION REQUIREMENTS

A. Page one of this application, completed and signed.

B. Site plan. Please note that approval of your request, in part, is based on your site plan.

- The property lines and dimensions have been provided on the drawing.
- All buildings and structures located on the property have been identified.
- All dimensions of buildings and structures have been noted on the site plan.
- All distances from the property lines to all the buildings and structures have been identified and noted on the site plan.
- Street names have been provided which about the property.
- Traffic flow, parking and driveways have been identified.
- Required buffer strips have been identified.
- Other pertinent information as needed to pictorially demonstrate the proposed development/use.

C. Proof of ownership (Copy of deed or affidavit)

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

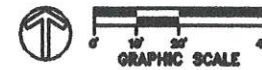
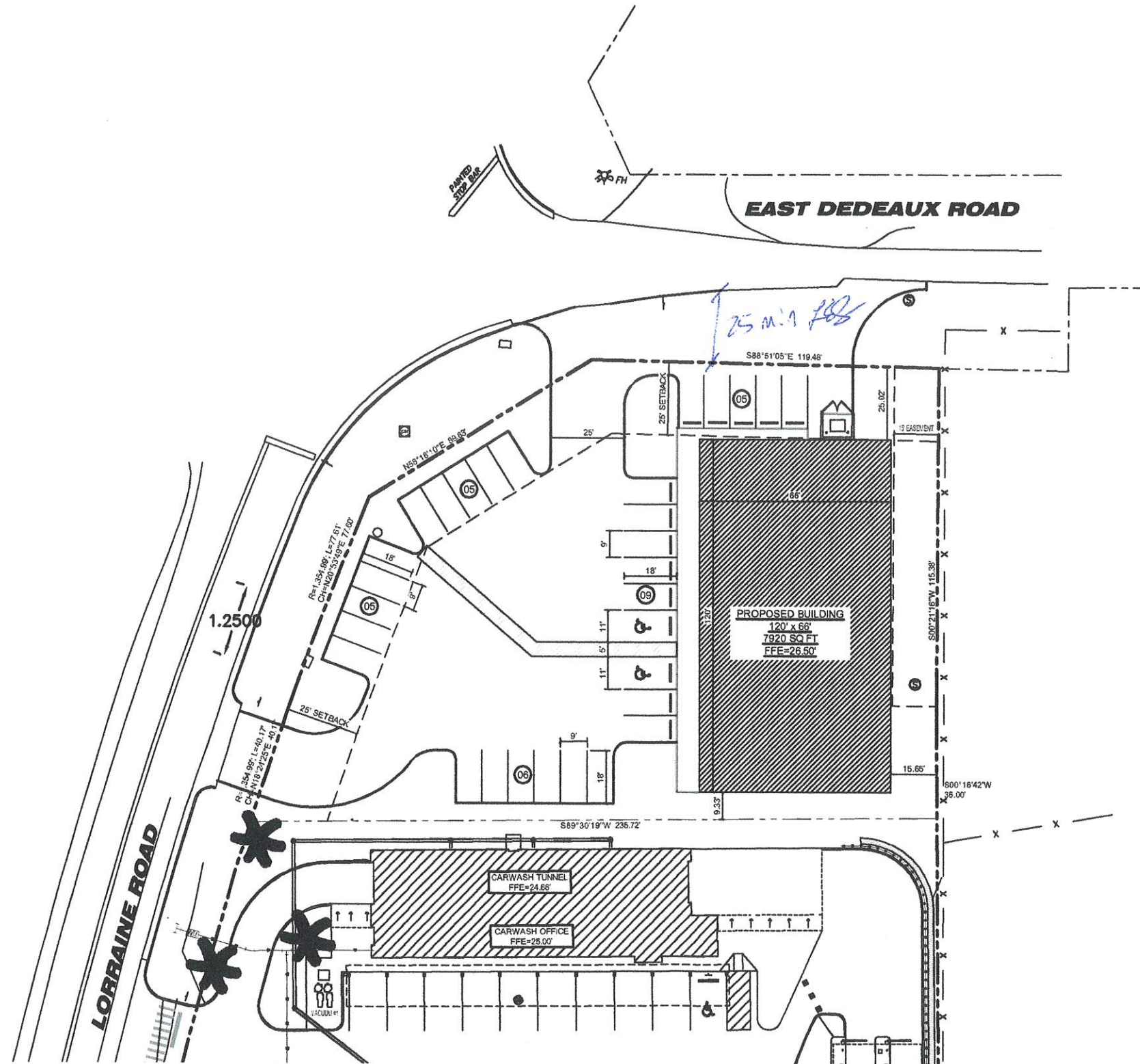
E. The City of Gulfport Planning Division Staff will notify, by letter, property owners adjacent to the requested action identified in this application using the Land Roll database from the County Tax Office. If you would like to have additional persons or property owners notified, please provide a list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

F. Provide a written statement addressing the following issues:

Explain how the site plan is appropriate with regard to:

- Transportation and access
- Water supply
- Waste disposal
- Fire and Police protection
- Other public facilities
- Why the proposal will not cause undue traffic congestion or create a traffic hazard.
- Why the proposal is in harmony with the orderly and appropriate development of the district in which the use is located.

G. Cash or check payable to the City of Gulfport in the amount of \$75.00.



PROJECT SITE DATA	
ZONING DISTRICT:	GENERAL BUSINESS DISTRICT (B2)
PROJECT BOUNDARY AREA:	0.71 ACRES (30,921 SQUARE FEET)
MAXIMUM BUILDING SITE COVERAGE REQUIRED:	60% MAXIMUM
MAXIMUM BUILDING SITE COVERAGE PROVIDED:	44%
FRONT YARD MIN:	25 FEET
SIDE YARD MIN:	NONE
REAR YARD MIN:	NONE
STRUCTURE HEIGHT MAX:	35 FEET
USE TYPE:	RETAIL STORE
PARKING:	1 SPACE PER 300 SF GROSS FLOOR AREA
PARKING REQUIRED:	27 PARKING SPACES
PARKING PROVIDED:	30 PARKING SPACES
BUILDING FOOTPRINT:	7,920 SF

1 CIVIL SITE PLAN
SCALE 1" = 20'



Project Coordinator:
RK PATEL DESIGN &
PLANNING LLC
&
Project Architect:
BEN CORTEZ, AIA

Owner:
Prashant Patel
Blox, MS

LIQUOR STORE
INTERSECTION OF
LORRAINE ROAD & EAST DEDEAUX ROAD,
GULFPORT, MS

NOT FOR
CONSTRUCTION

Revisions:
2024.03.26 BUILDING REV.

Drawn By: TL
Checked By: LJS
Issue Date: 04/29/2024
Project No:

Sheet Information:
CIVIL
SITE PLAN
Sheet No:
C200



EVERY GREAT OAK STARTS AS AN ACORN

No Adverse Effect Letter

The existing property was previously the site of Captain Al's Restaurant located at the corner of East Dedeaux Road and Lorraine Road. The owner plans to build an approximately 7,900 sf facility comprised of a liquor and convenience store along with associated site improvements and parking.

The development plans provide access to the site along East Dedeaux Road and Lorraine Road. This project will not cause undue traffic congestion or create any traffic hazard. Adequate water and sewer are available at the site.

This is to certify that I am a duly qualified engineer licensed to practice in the State of Mississippi.

While the Engineer has no control over the construction of the improvements. It is our professional opinion that the proposed development is in harmony with the orderly and appropriate development of the district in which the use is located, and the development will not adversely impact the adjacent properties.

Certifier's Name: Lloyd (Les) Seymour, PE

Company: Live Oak Engineering

Address: 955b Howard Ave.

City: Biloxi State: MS Zip Code: 39530

Phone Number: 228.207.0070

Date: May 15, 2024





Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
Riaan LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1043282
Status:	Good Standing
Effective Date:	06/13/2014
State of Incorporation:	Mississippi
Principal Office Address:	15326 Dedeaux Rd Gulfport, MS 39503

Registered Agent

Name
Prasant Patel 1000 Highway 90 Bay St Louis, MS 39520

Officers & Directors

Name	Title
Rupal Patel 15326 Dedeaux Rd Gulfport, MS 39503	Member



1st JUDICIAL DISTRICT
INSTRUMENT 2024-0008464-D-J1
FILED/RECORDED 5/9/2024 9:53:02 AM
TOTAL FEES \$28.00
\$ PAGES RECORDED

Our File: B240239
Prepared by & Return To:
Robert T. Schwartz, Esq.
Schwartz, Orgler, Jordan & Williams, PLLC
P.O. Box 4682
Biloxi, MS 39535
228-388-7441
MSB # 10482
robert@sojlaw.net

INDEX: Parcel located in Lot 5, Partition of Jesse Richard Property, in the NE1/4 of the SW1/4 of Section 7-T7S-R10W

STATE OF MISSISSIPPI
COUNTY OF HARRISON

SPECIAL WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned,

Rlaan LLC and Prasant Patel, 15326 Dedeaux Road, Gulfport, MS 39503, 228-257-9135,

do hereby sell, convey and warrant specially unto

Prasant Patel, 15326 Dedeaux Road, Gulfport, MS 39503, 228-257-9135

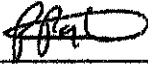
the following described land and property being located in the First Judicial District of Harrison County, Mississippi, being more particularly described as follows in the attached Exhibit "A", which is also reflected as Parcel 1 on the survey attached hereto and marked as Exhibit "B".

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

TAXES for the current year have been are hereby assumed by the Grantee herein.

IN WITNESS WHEREOF, the undersigned has caused this conveyance to be executed after having first been duly authorized to do so, on this the 3rd day of May, 2024.

Riaan, LLC

BY: 
Prasant Patel, Manager/Member

STATE OF MISSISSIPPI

COUNTY OF HARRISON

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Prasant Patel, who acknowledged that he is the manager/member of Riaan, LLC, and as its act and deed, they signed, sealed and delivered, the above and foregoing instrument of writing on the day and in the year therein mentioned, for and on behalf of said entity after having been first duly authorized to do so.

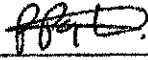
GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 3rd day of May, 2024.



My Commission Expires:


NOTARY PUBLIC

WITNESS my signature on this 3d day of May, 2024.



Prasant Patel

STATE OF MISSISSIPPI

COUNTY OF HARRISON

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Prasant Patel, who acknowledged that he signed, sealed and delivered, the above and foregoing instrument of writing on the day and in the year therein mentioned, as his free and voluntary act.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 3d day of May, 2024.





NOTARY PUBLIC

My Commission Expires:

EXHIBIT "A"

LEGAL DESCRIPTION: PROPOSED PARCEL "1"

A PARCEL OF LAND SITUATED IN LOT 5, OF THE PARTITION OF JESSE RICHARD PROPERTY AS PER DEED BOOK 190 ON PAGE 470, SAID PROPERTY BEING LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 7 SOUTH, RANGE 10 WEST, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI AS SHOWN ON THE PLAT OF SURVEY PREPARED BY PATRICK M. MARTINO PLS, INC. DATED DECEMBER 11, 2023 (REFERENCE MERIDIAN FOR BEARINGS ARE BASED ON GEODETIC NORTH BY GPS OBSERVATION, ALL LINES RELATIVE TO) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID LOT 5; THENCE ALONG THE EAST LINE OF SAID LOT 5, N00°16'42"W 260.19 FEET TO A SET 1/2" IRON ROD WITH CAP STAMPED "MARTINO PLS 02838" AT THE POINT OF BEGINNING; THENCE LEAVING THE EAST LINE OF SAID LOT 5, S89°30'19"W 235.72 FEET TO A SET 1/2" IRON ROD WITH CAP STAMPED "MARTINO PLS 02838" LYING ON THE EAST MARGIN OF THE FRONTAGE ROAD FOR MS HIGHWAY 605, PER THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PLANS BEING STATE PROJECT NUMBER 94-9371-00-002-10; THENCE ALONG SAID EAST MARGIN, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,354.99 FEET, AN ARC LENGTH OF 40.17 FEET, AND A CHORD BEARING AND DISTANCE OF N18°24'25"E 40.17 FEET TO A SET 1/2" IRON ROD WITH CAP STAMPED "MARTINO PLS 02838"; THENCE CONTINUE ALONG SAID EAST MARGIN, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,354.99 FEET, AN ARC LENGTH OF 77.61 FEET; AND A CHORD BEARING AND DISTANCE OF N20°53'49"E 77.60 FEET TO A SET 1/2" IRON ROD WITH CAP STAMPED "MARTINO PLS 02838"; THENCE CONTINUE ALONG SAID EAST MARGIN, N58°18'10"E 89.83 FEET TO AN "X"-MARK SET IN CONCRETE, SAID POINT LYING ON THE SOUTH MARGIN OF EAST DEDEAUX ROAD; THENCE ALONG THE SOUTH MARGIN OF EAST DEDEAUX ROAD, S88°51'05"E 119.48 FEET TO A SET 1/2" IRON ROD WITH CAP STAMPED "MARTINO PLS 02838" LYING ON THE AFOREMENTIONED EAST LINE OF LOT 5; THENCE S00°21'16"W 115.38 FEET TO A 1/2" IRON ROD FOUND; THENCE CONTINUE ALONG SAID EAST LINE, S00°16'42"E 38.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 0.71 ACRES, MORE OR LESS.

P.P.



1st JUDICIAL DISTRICT
INSTRUMENT 2024-0008483-D-J1
FILED/RECORDED 5/9/2024 9:53:01 AM
TOTAL FEES \$28.00
6 PAGES RECORDED

Our File: B240239
Prepared by & Return To:
Robert T. Schwartz, Esq.
Schwartz, Orgler, Jordan & Williams, PLLC
P.O. Box 4682
Biloxi, MS 39535
228-388-7441
MSB # 10482
robert@sojlaw.net

INDEX: Parcel located in Lot 5, Partition of Jesse Richard Property, in the NE1/4 of the
SW1/4 of Section 7-T7S-R10W

STATE OF MISSISSIPPI
COUNTY OF HARRISON

SPECIAL WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid,
and other good and valuable consideration, the receipt and sufficiency of all of which is hereby
acknowledged, the undersigned,

Riaan LLC and Prasant Patel, 15326 Dedeaux Road, Gulfport, MS 39503, 228-257-9135,

do hereby sell, convey and warrant specially unto

Riaan LLC, 15326 Dedeaux Road, Gulfport, MS 39503, 228-257-9135

the following described land and property being located in the First Judicial District of Harrison
County, Mississippi, being more particularly described as follows in the attached Exhibit "A",
which is also reflected as Parcel 2 on the survey attached hereto and marked as Exhibit "B".

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

TAXES for the current year have been are hereby assumed by the Grantee herein.

IN WITNESS WHEREOF, the undersigned has caused this conveyance to be executed after having first been duly authorized to do so, on this the 3rd day of May, 2024.

Riaan, LLC

BY: [Signature]
Prasant Patel, Manager/Member

STATE OF MISSISSIPPI

COUNTY OF HARRISON

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Prasant Patel, who acknowledged that he is the manager/member of Riaan, LLC, and as its act and deed, they signed, sealed and delivered, the above and foregoing instrument of writing on the day and in the year therein mentioned, for and on behalf of said entity after having been first duly authorized to do so.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 3rd day of May, 2024.



My Commission Expires:

[Signature]
NOTARY PUBLIC

WITNESS my signature on this 3rd day of May, 2024.



Prasant Patel

STATE OF MISSISSIPPI

COUNTY OF HARRISON

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Prasant Patel, who acknowledged that he signed, sealed and delivered, the above and foregoing instrument of writing on the day and in the year therein mentioned, as his free and voluntary act.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 3rd day of May, 2024.





NOTARY PUBLIC

My Commission Expires:

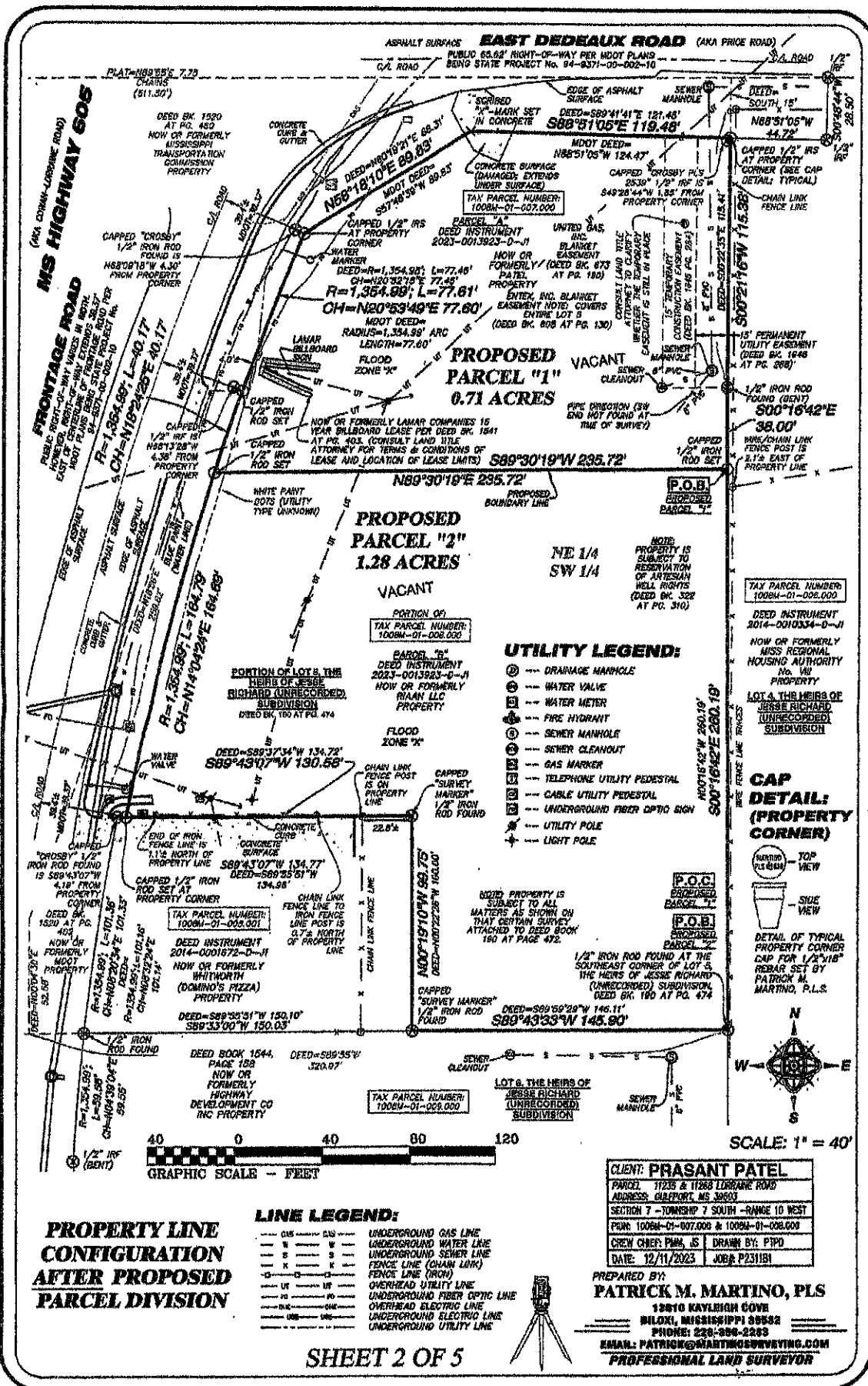
EXHIBIT "A"

LEGAL DESCRIPTION: PROPOSED PARCEL "2"

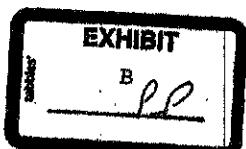
A PARCEL OF LAND SITUATED IN LOT 5, OF THE PARTITION OF JESSE RICHARD PROPERTY AS PER DEED BOOK 190 ON PAGE 470, SAID PROPERTY BEING LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 7 SOUTH, RANGE 10 WEST, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI AS SHOWN ON THE PLAT OF SURVEY PREPARED BY PATRICK M. MARTINO PLS, INC. DATED DECEMBER 11, 2023 (REFERENCE MERIDIAN FOR BEARINGS ARE BASED ON GEODETIC NORTH BY GPS OBSERVATION, ALL LINES RELATIVE TO) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID LOT 5; THENCE ALONG THE SOUTH LINE OF SAID LOT 5, S89°43'33"W 145.90 FEET TO A FOUND 1/2" IRON ROD WITH CAP STAMPED "SURVEY MARKER" AT THE SOUTHEAST CORNER OF THE PROPERTY NOW OR FORMERLY OF WHITWORTH, BEING DESCRIBED IN DEED INSTRUMENT 2014-0001672-D-J1; THENCE ALONG THE EAST LINE OF SAID WHITWORTH PROPERTY, N00°19'10"W 99.75 FEET TO A FOUND 1/2" IRON ROD WITH CAP STAMPED "SURVEY MARKER" AT THE NORTHEAST CORNER OF SAID WHITWORTH PROPERTY; THENCE ALONG THE NORTH LINE OF SAID WHITWORTH PROPERTY, S89°43'07"W 130.58 FEET TO A SET 1/2" IRON ROD WITH CAP STAMPED "MARTINO PLS 02838" LYING ON THE EAST MARGIN OF THE FRONTAGE ROAD FOR MS HIGHWAY 605, PER THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PLANS BEING STATE PROJECT NUMBER 94-9371-00-002-10; THENCE ALONG SAID EAST MARGIN, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,354.99 FEET, AN ARC LENGTH OF 164.79 FEET, AND A CHORD BEARING AND DISTANCE OF N14°04'24"E 164.69 FEET TO A SET 1/2" IRON ROD WITH CAP STAMPED "MARTINO PLS 02838"; THENCE LEAVING SAID EAST MARGIN, N89°30'19"E 235.72 FEET TO A SET 1/2" IRON ROD WITH CAP STAMPED "MARTINO PLS 02838" LYING ON THE AFOREMENTIONED EAST LINE OF LOT 5; THENCE ALONG SAID EAST LINE OF LOT 5, S00°16'42"E 260.19 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.28 ACRES, MORE OR LESS.

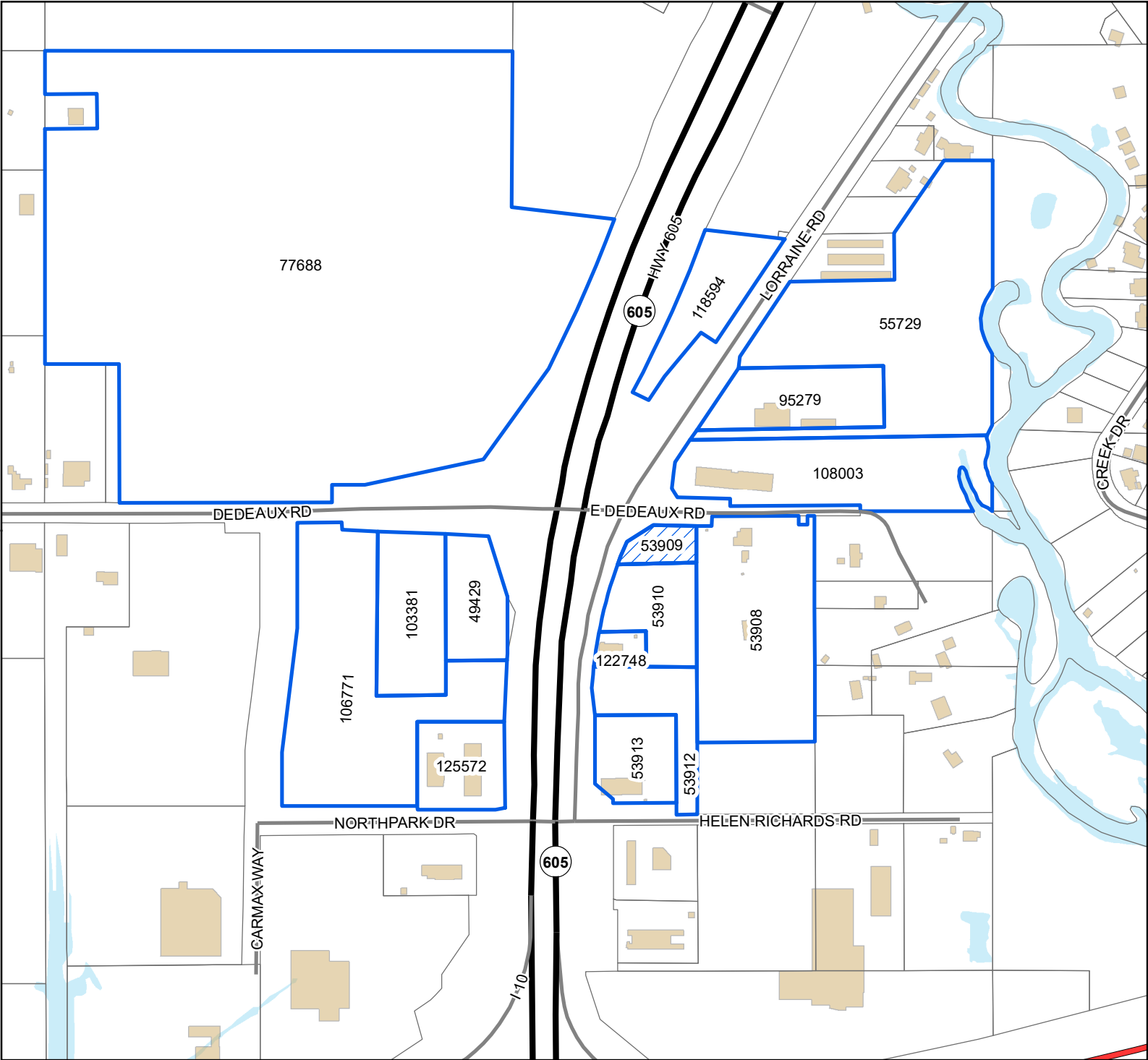
PS



SHEET 2 OF 5

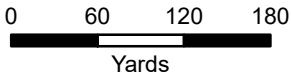


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
		1008M-01-007.000	PRASANT PATEL (OWNER)	15326 DEDEAUX RD	GULFPORT	MS	39503
Adjacent Property Owners (2407PC100)							
	103381	1008M-04-003.001	STOCK LLC	14014 MADISON CIR	OMAHA	NE	68137
	77688	1008L-01-002.000	NORTHPARK HOLDINGS LLC	964 EMILY DR	BILOXI	MS	39532
	55729	1008L-02-005.000	PLAINSMAN TRADING COMPANY LLC	P O BOX 6181	GULFPORT	MS	39506
N	118594	1008L-01-002.001	STOCK LLC	C/O MERWYN PEARSON	OMAHA	NB	68137
N	95279	1008L-02-005.001	PLAINSMAN TRADING COMPANY LLC	P O BOX 6181	GULFPORT	MS	39506
	108003	1008L-02-005.002	HOOD CYNTHIA ANN WILLIAMS ETAL	12506 LORRAINE RD	BILOXI	MS	39532
	53909	1008M-01-007.000	RICHARD CLYDE WARNER FAMILY TRUST	11019 SHORECREST ROAD	BILOXI	MS	39532
	53913	1008M-01-010.000	CLARK OIL COMPANY INC	720 STATION ST	WAYNESBORO	MS	39367
	53908	1008M-01-006.000	MISS REGIONAL HOUSING AUTH # VIII	10430 THREE RIVERS RD	GULFPORT	MS	39503
	106771	1008M-04-003.002	MBH GPT REAL ESTATE LLC	328 NORTH COLUMBIA ST	COVINGTON	LA	70433
	53910	1008M-01-008.000	RICHARD GARY	11036 SHORECREST RD	BILOXI	MS	39532
N	122748	1008M-01-008.001	WHITWORTH CAROL -TRUSTEE- ETAL	C/O WHITWORTH SCHOOL	PORTLAND	OR	97220
	53912	1008M-01-009.000	HIGHWAY DEVELOPMENT CO INC	4450 OLD CANTON RD STE 203	JACKSON	MS	39211
N	49429	1008M-04-002.000	STOCK LLC	C/O MERWYN PEARSON	OMAHA	NB	68137
	125572	1008M-04-006.002	11207 LORRAINE ROAD LLC	431 PORT TERMINAL CIRCLE	VICKSBURG	MS	39183



Legend

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



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.

MEMORANDUM

To: City of Gulfport Planning Commission

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: July 25, 2024

Re: Planning Commission Approval 2407PC104:

Planning Commission Approval 2407PC104, by agent Bobby Britton, seeking approval for a medical cannabis dispensary use, Tax Parcel 0811C-05-003.000, 2709 25th Ave units E&F, Zoning B-2 (General-Business), Ward 3

Technical Report

PLANNING COMMISSION APPROVAL

GENERAL INFORMATION

Case File Number: 2407PC104

Hearing Date: July 25, 2024

Current Zoning/Use: B-2 / Commercial Structure

Legal: Planning Commission Approval 2407PC104, by agent Bobby Britton, seeking approval for a medical cannabis dispensary use, Tax Parcel 0811C-05-003.000, 2709 25th Ave units E&F, Zoning B-2 (General-Business), Ward 3

TECHNICAL DETAILS

The applicant is seeking approval for a Medical Cannabis Dispensary use in a B-2 zoning district. The proposed Medical Cannabis Dispensary is within 500 feet from the nearest residential use, which per Ordinance 3130 requires approval from the Planning Commission. The closest residential use being approximately 115 feet away from the front door of the proposed use. Upon review of the surrounding area there are two existing churches, one at 2323 29th Street and another at 2412 29th Street that are within 1000 feet of the subject site, but are over 500 feet away. Applicant has received waivers from both churches regarding the distance requirements for the Medical Cannabis Dispensary. Regarding the onsite customer parking, a parking variance was approved in August of 2019 waiving the parking requirement due to the character of the pre-existing off-site customer parking. Upon staff review of the area around the subject site, there are no Medical Cannabis Establishments within 1,500 feet of the subject site.

EXECUTIVE SUMMARY

The applicant is seeking approval for a Medical Cannabis Dispensary use that is within 500 feet of residential uses. Per Ordinance 3130, the proposed use will require approval from the Planning Commission. Upon review of the surrounding area there are two nearby churches within 1000 feet, however both churches have provided affidavits regarding the distance requirements, and that there are no Medical Cannabis Establishments within 1,500 feet of the subject site. Regarding the onsite parking, the site did receive an approved parking variance due to the pre-existing off-site customer parking.

Any approval should consider these conditions:

1. Must meet the Medical Cannabis Dispensary Regulations ABC Mississippi Department of Revenue.
2. Approval allows for a Medical Cannabis Dispensary use.

DEPARTMENTAL CONDITIONS

Engineering: No conditions. Memo dated 7/2/24.

Technical Report
PLANNING COMMISSION APPROVAL

Public Works: No conditions. Memo dated 7/11/24.

Traffic and Safety: No conditions. Memo dated 7/11/24.

Building Code Services: Must meet the Medical Cannabis Dispensary Regulations ABC Mississippi Department of Revenue. Memo dated 7/8/24.

GIS: No conditions. Memo dated 7/3/24.

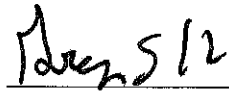
Police Department: No comment as of 7/15/24.

Fire Department: No conditions. Memo dated 5/12/24.

City Arborist: No conditions. Memo dated 7/8/24.

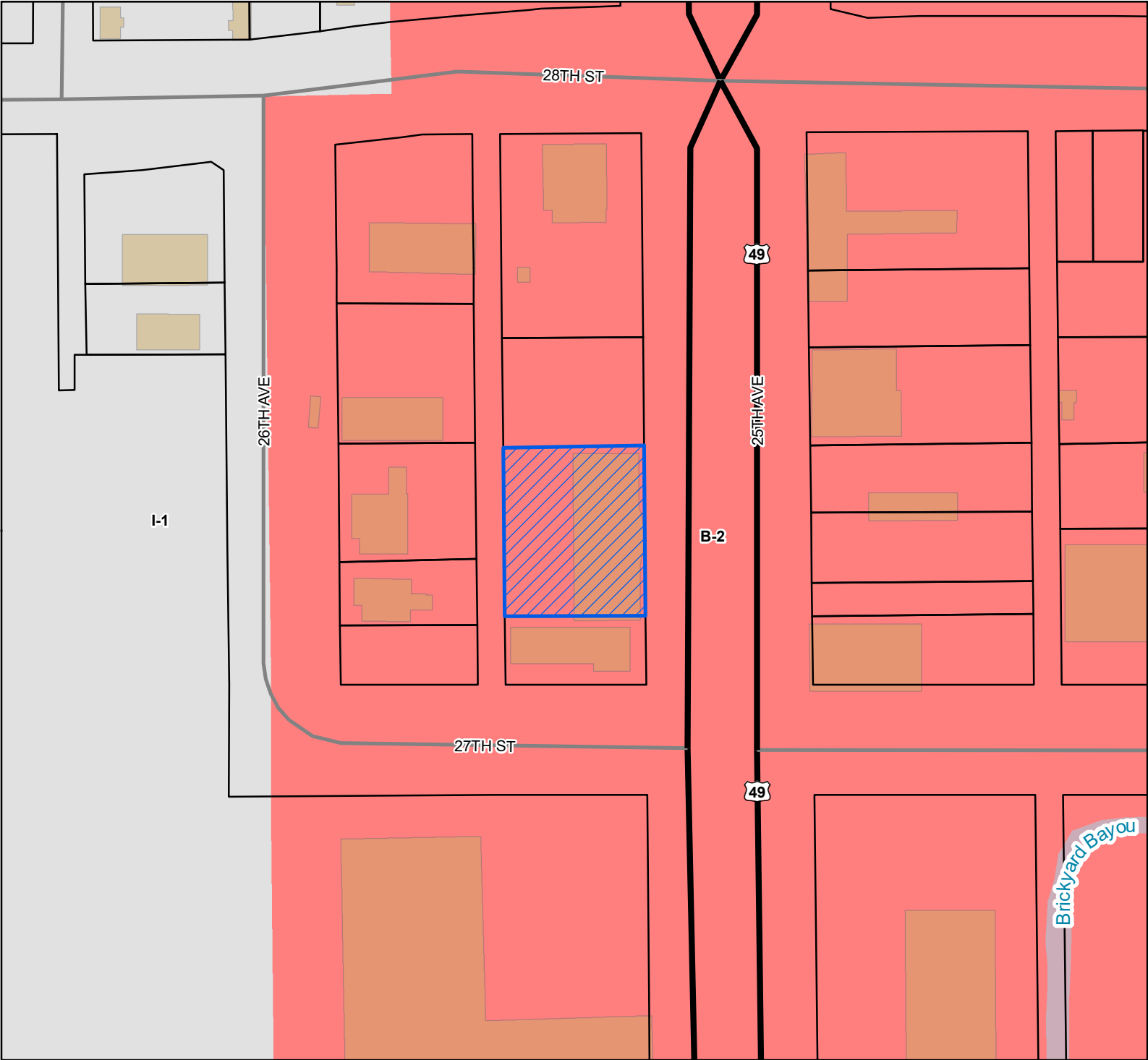
DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department





Site

US or State Highway

Street

Parcels

Buildings

Water Features

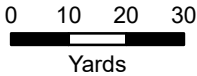
City Limit

Zoning

B-2 - General Business District

I-1 - Light Industry District

Site Information
0811C-05-003.000
Zoning: B-2 (General Business)
Size: 12370.49 sqft
Flood: X



1 inch = 100 feet



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



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

APPLICATION FOR PLANNING COMMISSION APPROVAL

Property Information

TAX PARCEL #

0	8	1	1	C

 -

0	5

 -

0	0	3

 .

0	0	0

(If necessary, use separate sheet of paper)

For Staff Use Only
Case Number: 2407PC104
Date Received: 6/3/24
Receipt Number: 12780483
Received By: df
Zoning: B-2
Ward: 3 Flood: X
Size: 12370.5 sqft

Address of Property Involved: 2709 25th Ave unit E and F

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

General Location: _____

GENERAL DESCRIPTION OF REQUEST:

Medical Cannabis 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

Hossein Talebloo
Printed Name of Owner
P.O. Box 57929
Mailing Address
New Orleans LA 70157
City State Zip code
504-782-3369 (504) 782-3369
Home Phone Work/Cell Phone
Htalebloo@yahoo.com
Email
Htalebloo
Signature of Owner

AGENT

Bobby Britton
Printed Name of Agent
PO Box 777
Mailing Address
Mendenhall MS 39114
City State Zip code
901-412-9440
Home Phone Work/Cell Phone
blanebritton@gmail.com
Email
Bobby Britton
Signature of Agent

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



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

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

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

NAME OF OWNER (PRINT) Frank Massumi

ADDRESS (STREET, CITY, STATE, ZIP CODE) 1004 Louisiana, New Orleans

PHONE # (H) 504-491-5340 (W) _____

TAX PARCEL NUMBER(S) OWNED 0811C-05-003.000

SIGNATURE: 

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, Frank Massumi being property owner of 2709 25th Ave, Unit E, F
PRINT NAME PRIMARY ADDRESS OR PARCEL
which is the subject of this application hereby authorize Bobby Britton to act as
PRINT NAME
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 or said petition.

[Signature]
SIGNATURE

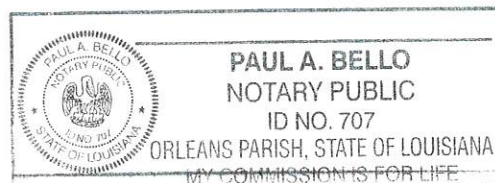
5/31/2024
DATE

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 31st day of May, 20 24

[Signature]
NOTARY PUBLIC
Paul A. Bello #707

AT MY Death
COMMISSION EXPIRATION



Transporation and Access

The property is located on 25th avenue with ample parking in the front and back of business. Within the unit are 4 points of ingress and egress.

Water Supply

The property is on city water and has 4 water access points in the building.

Waste and Disposal

All tenants have a community dumpster with routine pickup with Wast Pro Services.

Fire and Police Protection

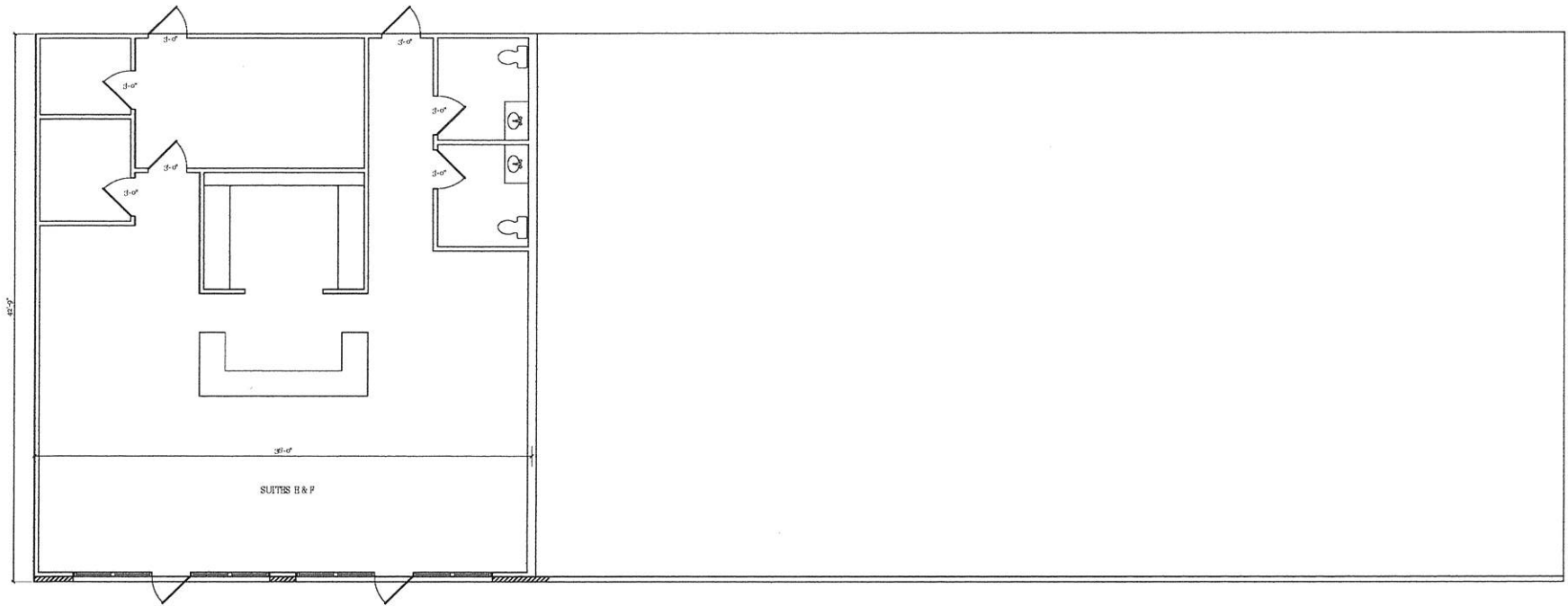
Unit will have ample fire extinguishers located around the interior perimeter. The unit will have a state required 24/7 monitored alarm system with both cameras and sensors.

Why the proposal will not cause undue traffic congestion and create traffic hazard.

The parking and ease of the flow of business should provide a smooth flow of traffic in and out of the property.

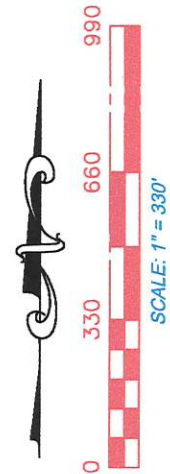
Why the proposal is in harmony with the orderly and appropriate development of the district in which the use is located.

The type of business is in line with the rest of the building and surrounding area. In addition, the proper zoning is already in place for such a business.



FLOOR
SCALE : 1/4" = 1'-0"





William C. Kelley

Date of Survey: 5/23/24
Date of Plat: 5/27/24

DISTANCES OBTAINED FROM GPS OBSERVATIONS
WITH CORRECTIONS FROM GCGC NETWORK
IMAGE IS FROM GOOGLE EARTH
SCALE IS APPROXIMATE

NOTE: DISTANCES SHOWN ON PLAT
ARE FROM FRONT DOOR UNIT 'F'
DISTANCES FROM FRONT DOOR UNIT 'E'
TO SW CORNER CHURCH OF GOD IS 880.46'
TO SW CORNER NEW TESTAMENT IS 780.80'

NO SCHOOL, OR CHILD CARE FACILITY
OBSERVED OR FOUND WITHIN 1000'
OF PROPOSED MEDICAL CANNABIS DISPENSARY
2709 25th AVE. UNIT 'E' & 'F'
GULFPORT, MS. 39501

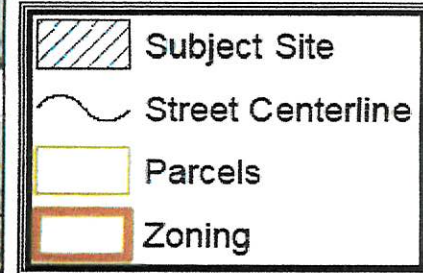
KLS SURVEYING & MAPPING, INC.

P. O. BOX 95 FOREST, MS 39074

PHONE: 601-775-8120 CELL: 601-951-9224 wckelley@hughes.net

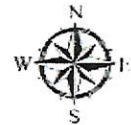
Zoning Determination Letter

Printed 5/21/2024



0 5 10 20 30
Yards

1 inch equals 153 feet



Site Information

0811C-05-003.000

Zoning: B-2 (General business)

Flood: X

Size: 12370.49 sqft

Use: Proposed

DATA DISCLAIMER:

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CITY of GULFPORT

Zoning Determination Letter

1410 24TH Avenue Gulfport, Mississippi 39501

(228)-868-5710

APPLICANT INFORMATION

Name of Applicant: Merit Creek LLC, Bobby Britton

Address: P.O. Box 777 Mendenhall, MS 39114

Phone: (901) 412-9440

Fax:

Date of Request: 5/21/2024

Email: blanebritton@gmail.com

Property Information

Physical address / location of subject site ("Subject Site"): 2709 25th Avenue, Units E & F

Ad valorem tax parcels #: 0811C-05-003.000

Lot, Block, Subdivision:

IF METES AND BOUNDS ATTACH A PHOTOCOPY OR DEED OR SURVEY WITH A LEGAL DESCRIPTION

Proposed use of subject site: Medical Cannabis Dispensary

Current use of subject site: N/A

Zoning district B-2 (General business)

Is proposed use of subject site allowed?: Planning Commission Approval

Is current use of subject site allowed?: N/A

If applicable, state where non-conforming use differs from provisions of the City's zoning ordinance:

According to the Ordinance No. 3130 Section 2, Medical Cannabis Dispensary use requires Planning Commission Approval in a B-2 zone.

Additional Information: This Zoning Determination Letter is correct as of May 22, 2024, at 9:37 A.M. The intended use noted herein is subject to various spacing or setback distance requirements (associated with other medical cannabis establishments, medical cannabis dispensary, medical cannabis processing facility establishments, schools, churches, childcare facilities and residential uses) established in the City's Zoning Ordinance. Those distance requirements may render a property unusable for the intended use depending on circumstances that develop after the issuance of this Zoning Determination Letter. Peer Review by Su-Lin.

Printed name and title of issuer: Leslie Ervin, Planner I

Signature: *Leslie Ervin*

Date of Issue: 5/22/2024

ID: 730



CITY *of* GULFPORT

Zoning Determination Letter

1410 24TH Avenue Gulfport, Mississippi 39501

(228)-868-5710

APPLICANT INFORMATION

Determinations of Zoning Districts provided over the phone are unofficial when not accompanied by this Certification. A copy of this form will be maintained on file in the Planning Division office for future reference.

2024 ZDL026



Application for
Zoning Determination Letter

1410 24th Avenue
Gulfport, Mississippi 39501
(228)-868-5710

Applicant Information

Name of Applicant: Merit Creek LLC, Bobby Britton

Address: PO Box 777 Mendenhall MS 39114

Phone: 907 412 9440

Email: blanebritton@gmail.com

Applicant's connection with the subject site (Owner, Lessee, etc.).

Lessee

Date of Request: 17 May 2024

Property Information

Tax parcel number of subject site: 0811C-05-003.006

Address of subject site: 2709 25th Ave Unit E and F

Legal description (optional): _____

Is the request for:

Please check one:



Proposed Use



Current Use

State the use: Medical Cannabis Dispensary

(examples include: restaurant, car sales, multi-family, and rooming house)

Along with the above information, a payment of \$17.25 is required before a **Zoning Determination Letter** is issued. Payments are made out to the City of Gulfport.

APPLICATION FOR WAIVER OF MINIMUM
DISTANCE REQUIREMENTS BY
A SCHOOL, CHURCH, OR CHILD CARE FACILITY

The undersigned, New Testament Pentecostal Church whose street address is 2323 89th St BPT MS-39501
(name of entity)
and having full knowledge of the distance limitations imposed by SB 2095 of 2022 MMCA, upon
a Licensed Cannabis Dispensary, do hereby approve a waiver from the distance requirements necessary
for the issuance of a Cannabis Dispensary License to Ment Creek LLC whose
(name of business)
address is 2709 25th Ave Ste: BF Gulfport Harrison
(street) (city) (county)

I certify that I am vested with authority on behalf of New Testament Pentecostal Church to approve this waiver of the
(name of school, church, or child care facility)
distance requirement as set forth in SB 2095 of 2022 MMCA. As such, I understand that if approved a dispensary may be located
less than 1,000 feet but not closer than 500 feet from the nearest property boundary line of the school, church or child care
facility on whose behalf I am authorized to act. I further understand that this waiver has no expiration date and will remain in
effect for the duration of the Cannabis Dispensary License for which it is executed. I also understand this Approval for Waiver will
be submitted by the dispensary business as part of its application to receive a Cannabis Dispensary License from the State.

SWORN TO AND SUBSCRIBED before me, this the 29 day of May, 2024

[Signature]
NOTARY PUBLIC

[Signature]

My commission expires:

Jan 17, 2028



APPLICATION FOR WAIVER OF MINIMUM
DISTANCE REQUIREMENTS BY
A SCHOOL, CHURCH, OR CHILD CARE FACILITY

The undersigned, Gulfport Church of God, whose street address is 2412 29th St. Gulfport, MS.
(name of entity)
and having full knowledge of the distance limitations imposed by SB 2095 of 2022 MMCA, upon
a Licensed Cannabis Dispensary, do hereby approve a waiver from the distance requirements necessary
for the issuance of a Cannabis Dispensary License to Merit Creek LLC whose
(name of business)
address is 2709 25th Ave Ne B.F. Gulfport Harrison
(street) (city) (county)

I certify that I am vested with authority on behalf of Gulfport Church of God to approve this waiver of the
(name of school, church, or child care facility)
distance requirement as set forth in SB 2095 of 2022 MMCA. As such, I understand that if approved a dispensary may be located
less than 1,000 feet but not closer than 500 feet from the nearest property boundary line of the school, church or child care
facility on whose behalf I am authorized to act. I further understand that this waiver has no expiration date and will remain in
effect for the duration of the Cannabis Dispensary License for which it is executed. I also understand this Approval for Waiver will
be submitted by the dispensary business as part of its application to receive a Cannabis Dispensary License from the State.

SWORN TO AND SUBSCRIBED before me, this the 29 day of May, 2021.

Paula McCloud

[Signature]
NOTARY PUBLIC

My commission expires:

Jan 17, 2028



State of
Louisiana
Secretary of
State



COMMERCIAL DIVISION
225.925.4704

Fax Numbers
225.932.5317 (Admin. Services)
225.932.5314 (Corporations)
225.932.5318 (UCC)

Name	Type	City	Status
BANA, LLC	Limited Liability Company	NEW ORLEANS	Active

Previous Names

Business: BANA, LLC
Charter Number: 35821518K
Registration Date: 11/23/2004

Domicile Address

1004 LOUISIANA AVENUE
NEW ORLEANS, LA 70115

Mailing Address

P.O. BOX 57929
NEW ORLEANS, LA 701577929

Status

Status: Active
Annual Report Status: In Good Standing
File Date: 11/23/2004
Last Report Filed: 10/30/2023
Type: Limited Liability Company

Registered Agent(s)

Agent:	FRANK MASSUNI
Address 1:	1004 LOUISIANA AVENUE
City, State, Zip:	NEW ORLEANS, LA 70115
Appointment Date:	11/23/2004
Agent:	HOSSEIN TALEBLOO
Address 1:	6565 ELYSIAN FIELDS
City, State, Zip:	NEW ORLEANS, LA 70122
Appointment Date:	11/23/2004

Officer(s)

Additional Officers: No

Officer:	FRANK MASSUNI
Title:	Member
Address 1:	1004 LOUISIANA AVENUE
City, State, Zip:	NEW ORLEANS, LA 70115
Officer:	HOSSEIN TALEBLOO
Title:	Member
Address 1:	6565 ELYSIAN FIELDS AVE
City, State, Zip:	NEW ORLEANS, LA 70133

Amendments on File

No Amendments on file

Print

2

PREPARED BY:
PATRIOT TITLE, LLC
305 REESE STREET
BAY ST. LOUIS, MS 39520
228-231-1328

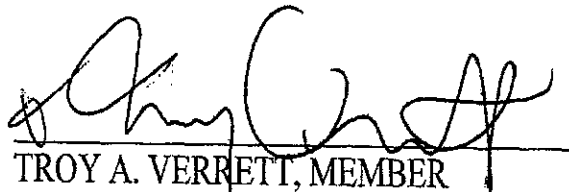
IN-SITE DEVELOPMENT, LLC

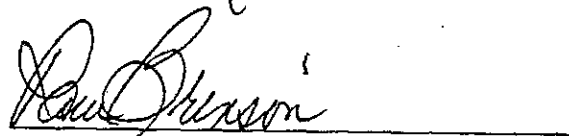
Certificate of Authority

This is to certify that **Brittney Pichon**, is authorized to act of behalf of **IN-SITE DEVELOPMENT, LLC OF ORLEANS PARISH**, to sign any document necessary for **IN-SITE DEVELOPMENT, LLC OF ORLEANS PARISH**, to sell the real estate described as follows:

LOT 9 LESS N 3 FT 4 IN & ALL LOTS 10 TO 13 INC. BLK. 6 ORIGINAL GULFPORT, HARRISON COUNTY, MISSISSIPPI.

This done and signed on the 1st day of September, 2017.


TROY A. VERRETTI, MEMBER


Notary Public

Printed Name:
Notary No.:
Commission Expires:



PAMELA BRINSON #137562
NOTARY PUBLIC
STATE OF LOUISIANA
MY COMMISSION IS ISSUED FOR LIFE

3
*PREPARED BY:
PATRIOT TITLE, LLC
305 REESE STREET
BAY ST. LOUIS, MS 39520
228/231-1328

CERTIFICATE OF AUTHORITY FOR
BANA, LLC

At a meeting duly held and convened on the 3rd day of October, 2017, at which a quorum was present and voting; IT
WAS RESOLVED THAT:

HOSSEIN TALEBLOO and FRANK MASSUMI be and they are hereby authorized and empowered for and on behalf of and in the name of this Limited Liability Company to purchase, dation or sell any and all immovable property, situated in the State of Louisiana, for such prices or consideration and on such terms and conditions which they in their sole and uncontrolled discretion shall deem necessary or advisable.

BE IT FURTHER RESOLVED that the above named members are hereby authorized and empowered to accurately describe the land to be purchased, and approve any survey thereof, and to accept title to the land on behalf of the Limited Liability Company. The consideration of sale shall be for cash or credit that the said representatives in their sole and uncontrolled discretion deem necessary or advisable.

BE IT FURTHER RESOLVED that the said representatives are hereby authorized and empowered for and on behalf of and in the name of this Limited Liability Company to sell any property standing in the name of the Limited Liability Company for such sums, whether cash or credit, which the said representatives in their sole and uncontrolled discretion shall deem necessary or advisable.

BE IT FURTHER RESOLVED that the said representatives are hereby authorized and empowered to appear before any Notary Public and execute any acts of sale conveying with full warranty the LLC's interest in and to any property owned by the LLC, or to enter into any act of correction of any act of sale, mortgage, option, agreement, or any other document on behalf of the LLC.

BE IT FURTHER RESOLVED that the said representatives are hereby authorized and empowered for and on behalf of and in the name of this LLC to execute any purchases and sales on such terms, conditions, and agreements as they in their sole and uncontrolled discretion shall deem necessary and proper, to sign all papers, documents, and acts necessary in order to purchase or convey property on behalf of the corporation, to receive and receipt for the proceeds thereof, to make payment of the sales price, and to do any and all other things necessary or proper to carry out said purchases or sales.

BE IT FURTHER RESOLVED that in order to secure said note or notes, to be executed by the representatives, said representatives are hereby further authorized and empowered to appear before any Notary Public and execute an act of mortgage or act of collateral mortgage in such form and containing such terms and conditions as the corporate representative in their sole and absolute discretion may deem necessary and advisable including, without limitation, a waiver of appraisal, pact de non alienando, confession of judgment, and the usual Louisiana security clauses bearing against said property.

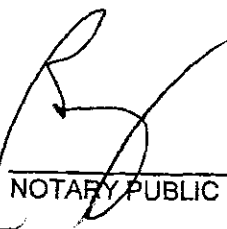
BE IT FURTHER RESOLVED that the representatives are hereby further authorized and empowered to execute any and all note or notes, documents, or other instruments in writing and to pledge, pawn, or hypothecate such note or notes or any note or notes secured by mortgage or collateral mortgage to secure any other note or notes executed for and on behalf of this LLC to obtain such loan or loans; to pledge, pawn, and hypothecate, any and all other securities belonging to this LLC as in their sole and absolute discretion they may deem necessary as security for any indebtedness so created by the said representatives in accordance herewith, or any prior existing indebtedness of this LLC.

BE IT FURTHER RESOLVED that the said representatives are further authorized and empowered to execute any and all documents in connection with the business affairs of the said LLC concerning all movable and immovable property and all documents and other documents in writing including, but not limited to, all affidavits in connection with the business of the LLC, options to purchase or sell property, purchase agreements to purchase or sell property, all bond for deed contracts, counter letters, partition agreements, acts of exchange, dation en paiements, servitude agreements, acts of dedication, acts of donation, leases, subordinations, building contracts, releases of any nature, compromises, powers of attorney or mandate, boundary agreements, timber sales, acts of correction, documents imposing restrictive covenants on property, or any other document related to the movable or immovable property owned by the LLC.

I hereby certify that the above and foregoing is a true and correct certificate of authority of the Members, unanimously adopted at a meeting at which a quorum was present and voting, duly held and convened on the 3rd day of October, 2017, and that the same has not been heretofore revoked or rescinded.


HOSSEIN TALEBLOO, Member


FRANK MASSUMI, Member


NOTARY PUBLIC

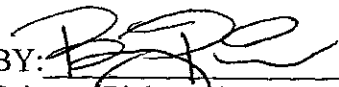
RAYMOND BRINSON
NOTARY PUBLIC
BAR ROLL #27187
STATE OF LOUISIANA
COMMISSION EXPIRES WITH LIFE



and restrictive covenants of record pertaining to or affecting the herein described property.

WITNESS the execution hereof on this the 3rd day of October, 2017.

IN-SITE DEVELOPMENT, LLC

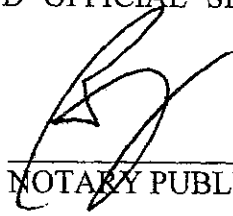
BY: 
Brittney Pichon, duly authorized

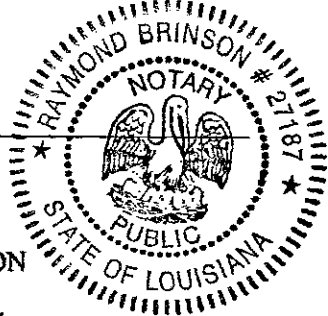
STATE OF LOUISIANA

PARISH OF ST. TAMMANY

Personally came and appeared before me, the undersigned authority in and for said county and state, the within named **IN-SITE DEVELOPMENT, LLC, by Brittney Pichon, duly authorized** who acknowledged before me that she signed and delivered the above and foregoing instrument on the day and in the year therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this the 3rd day of October, 2017.


NOTARY PUBLIC



My Commission Expires:

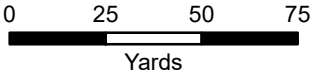
RAYMOND BRINSON
NOTARY PUBLIC
BAR ROLL #27187
STATE OF LOUISIANA
COMMISSION EXPIRES WITH LIFE

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
		0811C-05-003.000	BANA LLC (OWNER)	P.O. BOX 57929	NEW ORLEANS	LA	70115
			BOBBY BRITTON (AGENT)	P.O. BOX 777	MENDENHALL	MS	39114
			Adjacent Property Owners (2407PC104)				
	18856	0811C-05-004.000	PRICE MICHAEL T & DEBRA ANN	2701 25TH AVE	GULFPORT	MS	39501
	18844	0811C-04-044.000	WETZEL JAMES K & GARNETTE & GARNER	616 E BEACH BLVD	GULFPORT	MS	39501
	18857	0811C-05-005.000	MILLER LOUIS H	348 SAINT IVES DR	MADISON	MS	39110
	18842	0811C-04-034.000	M & N ENTERPRISES LLC	2701 24TH AVE	GULFPORT	MS	39501
	18849	0811C-04-050.000	KEESLER FEDERAL CREDIT UNION	2602 PASS RD	BILOXI	MS	39531
N	18888	0811C-04-035.000	GULFPORT CITY OF	P O BOX 1780	GULFPORT	MS	39502
	18890	0811C-04-042.000	AVRITT DAVID J	2530 EAST BAYSHORE RD	GULF BREEZE	FL	32563
	88008	0811C-05-011.000	QUICKFREEZE HOLDINGS LLC	334 E BEACH BLVD	GULFPORT	MS	39507
	18853	0811C-05-002.000	TRAN THU THANH	150 W SECOND STREET	PASS CHRISTIAN	MS	39571
N	18843	0811C-04-043.000	WETZEL JAMES K & GARNETTE & GARNER	616 E BEACH BLVD	GULFPORT	MS	39501
	18836	0811C-04-028.000	HOPKINS ALBEN N	2701 24TH AVE	GULFPORT	MS	39501
N	18848	0811C-04-048.000	KEESLER FEDERAL CREDIT UNION	2602 PASS RD	BILOXI	MS	39531
	18846	0811C-04-046.000	SMALL PROPERTIES LLC	15384 5TH ST	GULFPORT	MS	39503
	18837	0811C-04-030.000	HOPKINS ALBEN N SR	2701 -24TH AVE	GULFPORT	MS	39501
N	18866	0811C-05-012.000	QUICKFREEZE HOLDINGS LLC	334 E BEACH BLVD	GULFPORT	MS	39507
N	102768	0811C-04-033.001	HOPKINS ALBEN N	2701 24TH AVE	GULFPORT	MS	39501
	18859	0811C-05-007.000	TOMOHAWK PROPERTIES LLC	7247 LIVE OAK WAY	PASS CHRISTIAN	MS	39571
N	18889	0811C-04-036.000	GULFPORT CITY OF	P O BOX 1780	GULFPORT	MS	39502
N	18845	0811C-04-045.000	SMALL PROPERTIES LLC	15384 5TH ST	GULFPORT	MS	39503
	18847	0811C-04-047.000	RICHBURG LARRY T & BETTY J	116 CLOWER AVE	LONG BEACH	MS	39560
N	18854	0811C-05-003.000	BANA LLC	2015 MAGAZINE ST	NEW ORLEANS	LA	70130
	18858	0811C-05-006.000	VENABLE BONNIE MICHELLE	2704 26TH AVE	GULFPORT	MS	39501
	88004	0811C-05-001.000	TRAN THU	150 W SECOND ST	PASS CHRISTIAN	MS	39571
N	18840	0811C-04-032.000	HOPKINS ALBEN N	2701 24TH AVE	GULFPORT	MS	39501
	18885	0811C-05-018.000	HUMANE SOCIETY OF SOUTH MISS	2617 25TH AVE	GULFPORT	MS	39507
	18861	0811C-05-008.000	MOSS ALVIN E	2511 28TH ST	GULFPORT	MS	39501
	18862	0811C-05-009.000	NGUYEN LIEN	150 W SECOND STREET	PASS CHRISTIAN	MS	39571
N	18838	0811C-04-029.000	HOPKINS ALBEN N	2701 -24TH AVE	GULFPORT	MS	39501
			HOSSEIN TALEBLOO	P.O. BOX 57929	NEW ORLEANS	LA	70157
			FRANK MASSUMI	1004 LOUISIANA AVE	NEW ORLEANS	LA	70115



Legend

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



1 inch = 150 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.

RE: Planning Commission Approval 2407PC104, by agent Bobby Britton, seeking approval for a medical cannabis dispensary use, Tax Parcel 0811C-05-003.000, 2709 25th Ave units E&F, Zoning B-2 (General-Business), Ward 3

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, July 25, 2024**, 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, July 25, 2024**. 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.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	569700	Print Legal Ad-IPL01817370 - IPL0181737		\$78.55	2	40 L

Attention: Matilda Welch
GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

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, July 25, 2024 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 2407PC093, by owner Onel Bauldie Jr., seeking approval for a mobile home use, Tax Parcel 09071-02-083.000, Gorman Street, Zoned R-1-5 (Single-Family), Ward 6

Special Exception 2407SE096, by agent John Pritchard, seeking approval for a to-go Daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Rd, Zoned B-1 (Neighborhood Business), Ward 5

Planning Commission Approval 2407PC104, by agent Bobby Britton, seeking approval for a medical cannabis dispensary use, Tax Parcel 0811C-05-003.000, 2709 25th Ave units E&F, Zoning B-2 (General-Business), Ward 3

Planning Commission Approval 2407PC108, by owner LaBella's Salon LLC, seeking approval for a trade school use, Tax Parcel 0808N-01-012.000, 15095 Dedeaux Road, Zoning B-2 (General-Business), Ward 5

Zoning Map Amendment 2407PC097, by owners Frank and Dawn McGraw, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0911A-02-103.000, 124 Palmetto Lane, Zoned T5 (Urban Center Zone), Ward 2

Zoning Map Amendment 2407PC099, by owner David Boggs, requesting to rezone to R-1-7.5 (Single-Family), Tax Parcel 1009K-03-001.001, Creel Circle, Zoned R-1-7.5 (Single-Family), I-2 (Heavy Industry), Ward 5

Zoning Map Amendment 2407PC103, by owners SMR3 Corporation & Golden Ventures LLC, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0711O-01-012.000, 711 43rd Ave, Zoned T3 (Suburban Zone), Ward 2

Zoning Map Amendment 2407PC111, by agent Anne Giovengo, requests to rezone to T6 (Urban Core Zone), Tax Parcel 0910I-02-009.000, 665 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

This the 28th day of June 2024
Keith Williams, Chairman
City of Gulfport Planning Commission
IPL0181737
Jul 10 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Mary Castro, who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the issue(s) of:

1 insertion(s) published on:
07/10/24

Affidavit further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

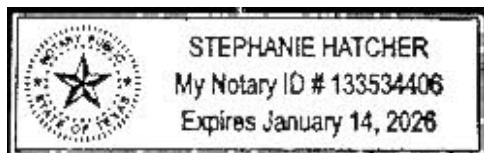
Mary Castro

Sworn to and subscribed before me this 10th day of July in the year of 2024

Stephanie Hatcher

Notary Public

* The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32.



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

MEMORANDUM

To: City of Gulfport Planning Commission

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: July 25, 2024

Re: Planning Commission Approval 2407PC108:

Planning Commission Approval 2407PC108, by owner LaBella's Salon LLC, seeking approval for a trade school use, Tax Parcel 0808N-01-012.000, 15095 Dedeaux Road, Zoning B-2 (General-Business), Ward 5

Technical Report

PLANNING COMMISSION APPROVAL

GENERAL INFORMATION

Case File Number: 2407PC108

Hearing Date: July 25, 2024

Current Zoning/Use: B-2 / Commercial Structure

Legal: Planning Commission Approval 2407PC108, by owner LaBella's Salon LLC, seeking approval for a trade school use, Tax Parcel 0808N-01-012.000, 15095 Dedeaux Road, Zoning B-2 (General-Business), Ward 5

TECHNICAL DETAILS

The applicant is seeking approval for a trade school use at 15095 Dedeaux Road, in a B-2 zoning, which requires Planning Commission Approval. The applicant states the trade school use is so that they can teach cosmetology alongside their existing beauty shop business. The applicant states “the trade school will provide a cosmetology program to students who are interested in becoming stylists and perhaps opening a business within the community” in their application. The applicant claims that the additional use will not require additional access or cause traffic congestion. However, Engineering Department has made a comment regarding the two parking spaces present and is stated in the listed conditions below. The applicant has also submitted a variance application for parking that pulls out into the city right of way.

A site visit was conducted by the staff and has confirmed that the use would be in harmony with the neighborhood. While the surrounding area consists of single-family homes, it also includes multiple commercial businesses such as Tri-County Eye Clinic, Dollar General, Bel-Aire Snow Cones, and Bel-Aire Baptist Church. Applicant states that the site currently has access to existing City of Gulfport’s water and sewer lines and will be served by the City of Gulfport’s Police and Fire Department.

EXECUTIVE SUMMARY

In review of the site plan provided by the applicant, and a site visit conducted by staff confirmed that the proposed use of a trade school use would be in harmony with the surrounding neighborhood. The applicant states that the parking on site will not cause any traffic congestion and believes that the trade school will benefit the surrounding area by way of teaching students a profession that could lead to them opening a business within Gulfport themselves. It must be noted that, although the applicant has applied for a variance for parking that pulls out into the city right of way and has in the past gotten a variance that allows for parking on gravel, this does not address engineering’s comments. The applicant must turn in a site plan to Planning and Zoning that removes the two parking spaces in question before a privilege tax license can be issued.

Technical Report

PLANNING COMMISSION APPROVAL

Any approval should consider these conditions:

1. There are two parking spaces in the corner of the parking lot by the stop sign that are blocked in by other parking spaces and would not meet engineering standards.
2. Must meet all current building codes and city of Gulfport ordinances.
3. Refer to Engineering recommendations.
4. Updated parking plan showing the two questionable parking spaces being removed to meet any engineering requirements before a privilege tax license will be issued.

DEPARTMENTAL CONDITIONS

Engineering:

There are two parking spaces in the corner of the parking lot by the stop sign that are blocked in by other parking spaces and would not meet engineering standards. Memo dated 7/02/24.

Public Works:

Refer to Engineering recommendations. Memo dated 7/11/24.

Traffic and Safety:

No conditions. Memo dated 7/11/24.

Building Code Services:

Must meet all current building codes and city of Gulfport ordinances. Memo dated 7/8/24.

GIS:

No conditions. Memo dated 7/03/24.

Police Department:

No comment. Memo dated 7/12/24.

Fire Department:

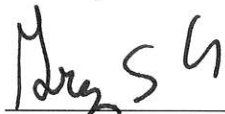
No conditions. Memo dated 7/1/24.

City Arborist:

No conditions. Memo dated 7/8/2024.

DIRECTOR APPROVAL

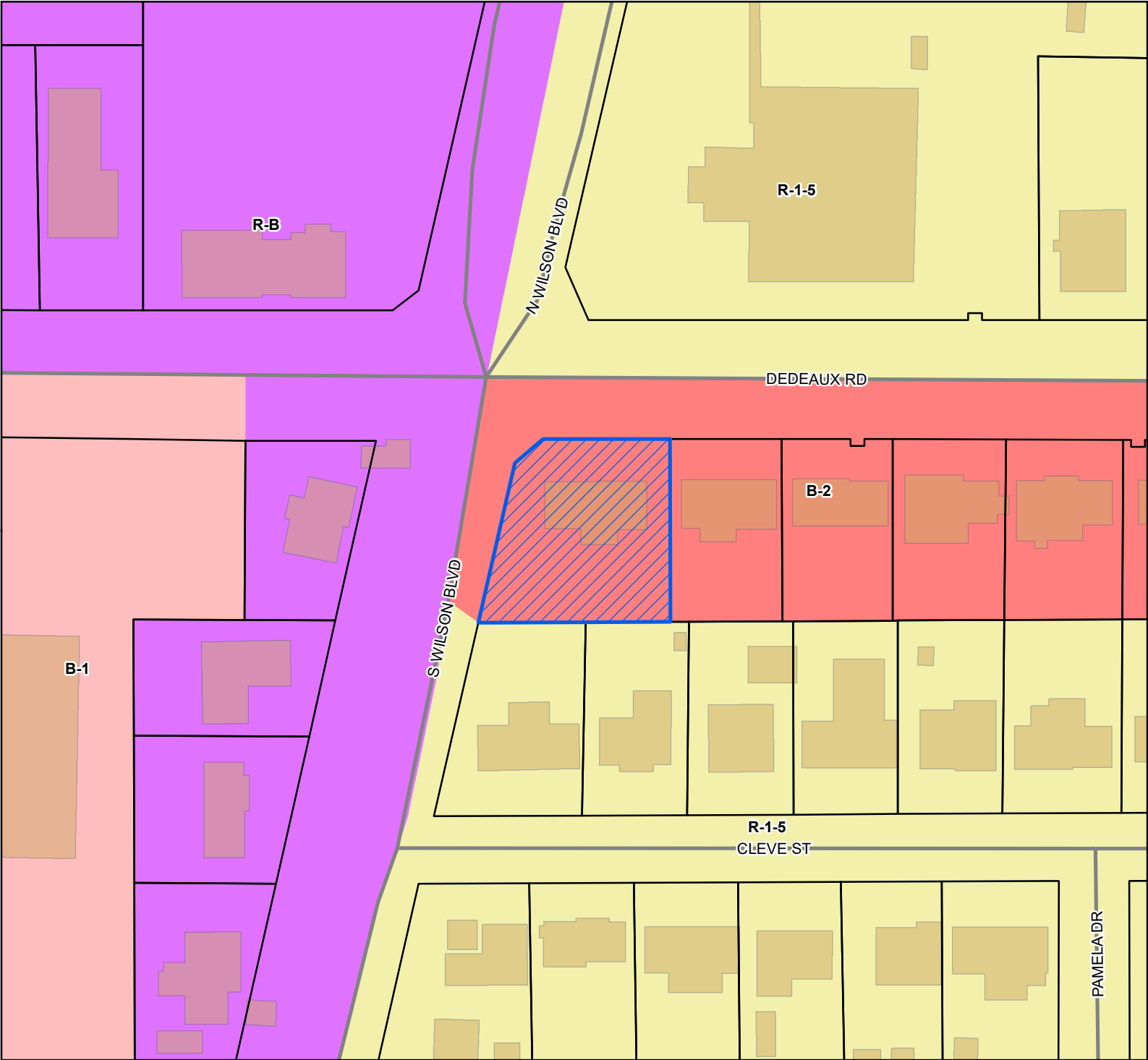
This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department





Site

Street

Parcels

Buildings

City Limit

Zoning

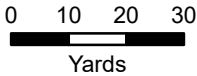
B-1 - Neighborhood Business District

B-2 - General Business District

R-1-5 - Single Family Residence District (Medium Density)

R-B - Residence-Business District

Site Information
0808N-01-012.000
Zoning: B-2 (General Business)
Size: 16097.02 sqft
Flood: X



1 inch = 100 feet



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

APPLICATION FOR PLANNING COMMISSION APPROVAL

Property Information

TAX PARCEL #

0	8	0	8	N

 -

0	1

 -

0	1	2

 •

0	0	0

Case Number: 2407P408
Date Received: 06/04/2024
Receipt Number: 12781498
Received By: BC / J.S.
Zoning: B-2
Ward: 5 Flood: X
Size: 14697.02 sqft.

(If necessary, use separate sheet of paper)

Address of Property Involved: 15095 Dedeaux Rd. Gpt. MS 39503

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

General Location: _____

GENERAL DESCRIPTION OF REQUEST:

Requesting to open a trade school at the said address.

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

Julia Green
Printed Name of Owner
15273 Elmwood Ct.
Mailing Address
Dedeaux Rd. Gpt., MS 39503
City 22854 State 7 Zip code 1054
Home Phone _____ Work/Cell Phone _____
Email jgreen1472@icloud.com
Julia Green
Signature of Owner

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.

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)

Julia Green

ADDRESS (STREET, CITY, STATE, ZIP CODE)

15095 Dedoans Rd

PHONE # (H)

2285471054

(W)

TAX PARCEL NUMBER(S) OWNED

SIGNATURE:

Julia Green

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:

- ① Not requiring additional access
- ② Provided by city of Gpt
- ③ Provided by city of Gpt
- ④ provided by city of Gpt
- ⑤ No additional facilities needed
- ⑥ parking is on site and will not cause traffic congestion.
- ⑦ The trade school will provide a cosmetology program to students who are interested in becoming a stylist and perhaps opening a business ~~within~~ within the community.



Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
LaBella's Salon LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1178111
Status:	Good Standing
Effective Date:	05/14/2019
State of Incorporation:	Mississippi
Principal Office Address:	14021 FOX HILL DR GULFPORT, MS 39503

Registered Agent

Name
Julia S Green 14021 FOX HILL DRIVE GULFPORT, MS 39503

Officers & Directors

Name	Title
JULIA S GREEN 14021 FOX HILL DRIVE GULFPORT, MS 39503	Manager

COPY

Prepared By and Return To:
Schwartz, Orgler & Jordan, PLLC
12206 Hwy 49
Gulfport, MS 39503
(228) 832-8550

File#232114

Indexing Instructions:
Lots 4-6, Less Pt of Lot 6, S of
Landon Road, Blk 4, Landon Grove
S/D, 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,

JOHN M. PRITCHARD, a married man
16206 THREE RIVERS ROAD
BILOXI, MS 39532
(228) 860-2246

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

LaBELLA'S SALON, LLC
A MS Limited Liability Company
15095 DEDEAUX ROAD
GULFPORT, MS 39503
(228) 547-1054

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 Four (4), Five (5) and Six (6), Block Four (4), LANDON GROVE
SUBDIVISION, 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 7 at Page 1 (Copy Book
3 at Plat 216) thereof, reference to which is hereby made in aid of and as a part
of this description.

LESS AND EXCEPT:

That part of Lot Six (6) lying South of Landon Road, Block Four (4), LANDON
GROVE SUBDIVISION, in Section 17, Township 7 South, Range 11 West, First
Judicial District of Harrison County, Mississippi.

The Grantor hereby covenants that the property described herein does not
constitute as a part of his homestead, nor is it contiguous thereto.

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 12th day of December, 2023.


JOHN M. PRITCHARD

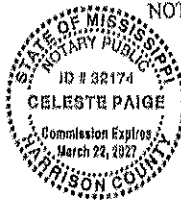
STATE OF MISSISSIPPI
COUNTY OF HARRISON

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

GIVEN under my hand and official seal on this the 12th day of December, 2023.

(SEAL)

My Commission Expires:



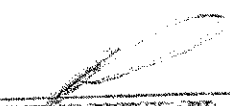

NOTARY PUBLIC

1. That the undersigned is a duly qualified person to execute the powers conferred upon him by the laws of the State of Michigan, and that he is not disqualified by any law of the State of Michigan from executing the powers conferred upon him by the laws of the State of Michigan.

2. That the undersigned is a duly qualified person to execute the powers conferred upon him by the laws of the State of Michigan, and that he is not disqualified by any law of the State of Michigan from executing the powers conferred upon him by the laws of the State of Michigan.

3. That the undersigned is a duly qualified person to execute the powers conferred upon him by the laws of the State of Michigan, and that he is not disqualified by any law of the State of Michigan from executing the powers conferred upon him by the laws of the State of Michigan.

4. That the undersigned is a duly qualified person to execute the powers conferred upon him by the laws of the State of Michigan, and that he is not disqualified by any law of the State of Michigan from executing the powers conferred upon him by the laws of the State of Michigan.


JOHN A. FREELAND

STATE OF MICHIGAN
COUNTY OF HARRISON

THE CLERK personally appeared before me the undersigned authority, do and he has furnished me with a true and correct copy of the foregoing instrument as the same appears from the records of the County of Harrison, State of Michigan.

WITNESSETH my hand and official seal on this 15th day of December, 1923.

NOTED

My Commission Expires



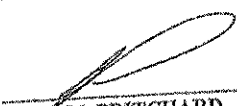

JOHN A. FREELAND

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 12th day of December, 2023.


JOHN M. PRITCHARD

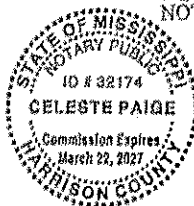
STATE OF MISSISSIPPI
COUNTY OF HARRISON

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

GIVEN under my hand and official seal on this the 12th day of December, 2023.

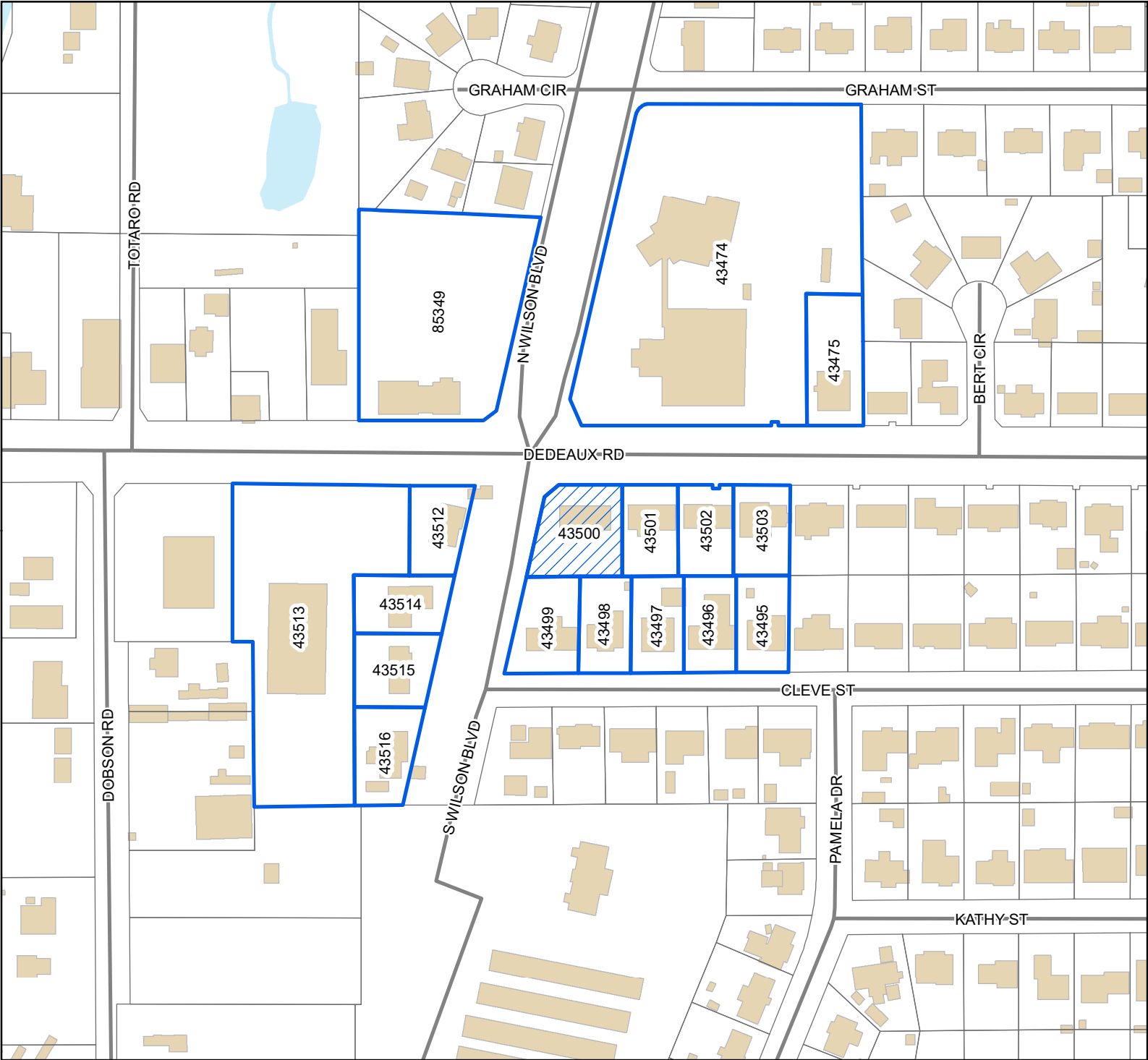
(SEAL)

My Commission Expires:



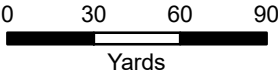

NOTARY PUBLIC

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
		0808N-01-012.000	LABELLA'S SALON LLC (OWNER)	14021 FOX HILL DRIVE	GULFPORT	MS	39503
			Adjacent Property Owners (2407PC108)				
	43497	0808N-01-015.000	MOORE RUFUS J JR & CHERYL	206 CLEVE ST RT 4	GULFPORT	MS	39501
	43475	0808K-02-046.000	SOUTHERN FARM BUREAU CASUALTY INSUR	1800 EAST COUNTY LINE RD	RIDGELAND	MS	39157
	43514	0808N-04-003.000	CAMPBELL JEFFERY SCOTT	18068 PECAN CT	SAUCIER	MS	39574
	43499	0808N-01-013.000	TD ENTERPRISES LLC	15361 SOUTH SWAN RD	GULFPORT	MS	39503
	43495	0808N-01-017.000	WALLACE ANTHONY L	202 CLEVE ST	GULFPORT	MS	39503
	43496	0808N-01-016.000	WILLIAMS ANTHONY J	204 CLEVE ST	GULFPORT	MS	39503
N	43500	0808N-01-012.000	GREEN JULIA	15273 ELMWOOD COURT	GULFPORT	MS	39503
	43501	0808N-01-011.000	CROLEY SUSAN J	19251 PINECREST RD	SAUCIER	MS	39574
	43502	0808N-01-010.000	ANDERSON SHEILA	2207 MOORES MILL RD	ROUGEMONT	NC	27572
	43503	0808N-01-009.000	SMILEY KEVIN & LETICIA DAY	11334 FAIRFIELD LN	GULFPORT	MS	39503
	85349	0808K-03-111.000	POPPS FERRY INVESTMENT GROUP LLC	2330 ATKINSON RD	BILOXI	MS	39531
N	43512	0808N-04-001.000	CAMPBELL JEFFREY SCOTT	18068 PECAN CT	SAUCIER	MS	39574
	43516	0808N-04-005.000	NOLAN PAUL J & SUSAN L	107 S WILSON	GULFPORT	MS	39503
	43515	0808N-04-004.000	COBB TERRY L	PO BOX 831	SAUCIER	MS	39574
	43474	0808K-02-045.000	BEL AIRE BAPTIST CHURCH	15080 DEDEAUX RD	GULFPORT	MS	39503
	43498	0808N-01-014.000	BRACKNELL JARVIS J & JEANETTE R	208 CLEVE ST	GULFPORT	MS	39503
	43513	0808N-04-002.000	DEKOVNER BETTY -TRUSTEE-	RHODES FAMILY TRUST THE	IRVINE	CA	92614
			JULIA GREEN	15273 ELMWOOD COURT	GULFPORT	MS	39503



Legend

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



1 inch = 200 feet



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RE: Planning Commission Approval 2407PC108, by owner LaBella's Salon LLC, seeking approval for a trade school use, Tax Parcel 0808N-01-012.000, 15095 Dedeaux Road, Zoning B-2 (General-Business), 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, July 25, 2024**, 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, July 25, 2024**. 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.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	569700	Print Legal Ad-IPL01817370 - IPL0181737		\$78.55	2	40 L

Attention: Matilda Welch
GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

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, July 25, 2024 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 2407PC093, by owner Onel Bauldie Jr., seeking approval for a mobile home use, Tax Parcel 09071-02-083.000, Gorman Street, Zoned R-1-5 (Single-Family), Ward 6

Special Exception 2407SE096, by agent John Pritchard, seeking approval for a to-go Daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Rd, Zoned B-1 (Neighborhood Business), Ward 5

Planning Commission Approval 2407PC104, by agent Bobby Britton, seeking approval for a medical cannabis dispensary use, Tax Parcel 0811C-05-003.000, 2709 25th Ave units E&F, Zoning B-2 (General-Business), Ward 3

Planning Commission Approval 2407PC108, by owner LaBella's Salon LLC, seeking approval for a trade school use, Tax Parcel 0808N-01-012.000, 15095 Dedeaux Road, Zoning B-2 (General-Business), Ward 5

Zoning Map Amendment 2407PC097, by owners Frank and Dawn McGraw, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0911A-02-103.000, 124 Palmetto Lane, Zoned T5 (Urban Center Zone), Ward 2

Zoning Map Amendment 2407PC099, by owner David Boggs, requesting to rezone to R-1-7.5 (Single-Family), Tax Parcel 1009K-03-001.001, Creel Circle, Zoned R-1-7.5 (Single-Family), I-2 (Heavy Industry), Ward 5

Zoning Map Amendment 2407PC103, by owners SMR3 Corporation & Golden Ventures LLC, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0711O-01-012.000, 711 43rd Ave, Zoned T3 (Suburban Zone), Ward 2

Zoning Map Amendment 2407PC111, by agent Anne Giovengo, requests to rezone to T6 (Urban Core Zone), Tax Parcel 0910I-02-009.000, 665 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

This the 28th day of June 2024
Keith Williams, Chairman
City of Gulfport Planning Commission
IPL0181737
Jul 10 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Mary Castro, who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the issue(s) of:

1 insertion(s) published on:
07/10/24

Affidavit further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

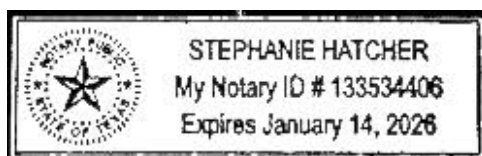
Mary Castro

Sworn to and subscribed before me this 10th day of July in the year of 2024

Stephanie Hatcher

Notary Public

* The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32.



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

MEMORANDUM

To: City of Gulfport Planning Commission

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: July 25, 2024

Re: Planning Commission Recommendation

MEMORANDUM

To: City of Gulfport Planning Commission

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: July 25, 2024

Re: **Zoning Map Amendment 2407PC097:**

Zoning Map Amendment 2407PC097, by owners Frank and Dawn McGraw, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0911A-02-103.000, 124 Palmetto Lane, Zoned T5 (Urban Center Zone), Ward 2

Technical Report

Zoning Map Amendment

GENERAL INFORMATION

Case File Number: 2407PC097

Hearing Date: July 25, 2024

Current Zoning/Use: T5 / Vacant Lot

Legal: Zoning Map Amendment 2407PC097, by owners Frank and Dawn McGraw, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0911A-02-103.000, 124 Palmetto Lane, Zoned T5 (Urban Center Zone), Ward 2

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 9556 square feet of property from T5 (Urban Center) to T4+ (General Urban "Plus"). Upon staff review of aerial imagery, this property has been a vacant lot since 2005. The applicant requests to rezone the property for the purpose of building a single family home. If approved, the applicant will begin the process of building a single family home immediately, with the estimated time of completion being 12 to 18 months.

According to the City's 2002 Comprehensive Plan, this area was intended to become low commercial. The proposed zoning would allow for a single family use while still allowing for some commercial uses.

The applicant has not addressed change in the character of the neighborhood or public need for rezoning.

1. Mistake or error is not addressed by the applicant.
2. The applicant does not address the Change of the Neighborhood and states that "the neighborhood has not changed since [they] purchased [the] property in 2019."

Technical Report

Zoning Map Amendment

EXECUTIVE SUMMARY

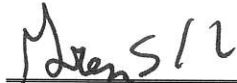
The future plan of the City's growth indicated that continuing with low commercial along Palmetto Ln was the intended outcome. Although the applicant has not proven with clear and convincing evidence for a zoning change as required by the state, the staff notes that there are single-family uses as well as commercial uses in the surrounding area. A lesser zoning of T4+ (General Urban "Plus") would allow for a mixed use of commercial and residential.

Any approval should consider these conditions:

1. Must meet all current building Codes and City of Gulfport Ordinances.
2. Rezoning will require City Council approval. Planning Commission can only give recommendation.

DIRECTOR APPROVAL

This report has been reviewed and approved by:

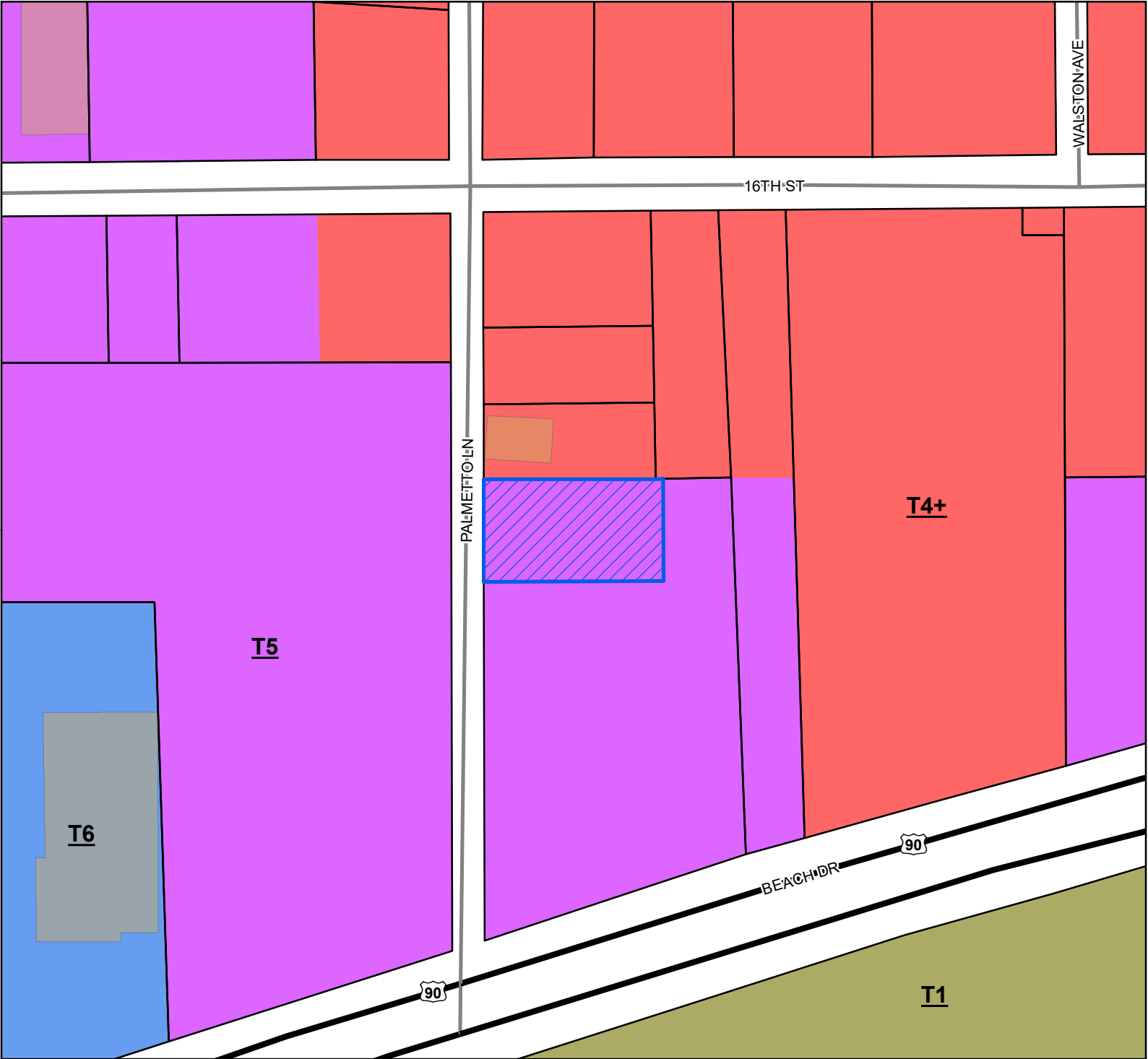


Greg Holmes

Director of Urban Development Department



Zoning Map Amendment



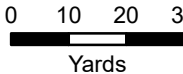
- Site
- US or State Highway
- Street
- Parcels
- Buildings

Smart Code

- T6
- T5
- T4+
- T1

Site Information

0911A-02-103.000
Zoning:T5 (Urban Center Zone)
Size: 9556.47 sqft
Flood: AE



1 inch = 100 feet



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

For Staff Use Only

Case File #: 240712092Date Received: 05/28/2024Receipt #: 12773123Received By: BCZoning: T5Ward: 2 Flood: AESize: 9,556.47 sqft

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

Property Information

TAX PARCEL #

0	9	1	1	A

 -

0	2

 -

1	0	3

 .

0	0	0

(If necessary, use separate sheet of paper)

Address of Property Involved: 124 Palmetto LN

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

General Location: APP: 350 foot off Beach Blvd (Hwy 90)

GENERAL DESCRIPTION OF REQUEST:

Rezone from T5 to T4 Plus Fam

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

Frank and Dawn McGraw

Printed Name Of Owner

P.O. Box 6114

Mailing Address

Gulfport MS 39507

City

State

Zip code

225-223-4718 / 339-280-3428

Home Phone

Work/Cell Phone

Email

FMcGraw@yahoo.com

Signature Of Owner

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.

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) Frank McGraw

ADDRESS (STREET, CITY, STATE, ZIP CODE) PO BOX 6114 Gulfport MS 39507

PHONE # (H) 225-223-4718 (W) _____

TAX PARCEL NUMBER(S) OWNED 0911A-02-103-000

SIGNATURE: Frank McGraw

NAME OF OWNER (PRINT) Dawn McGraw

ADDRESS (STREET, CITY, STATE, ZIP CODE) P.O. BOX 6114 Gulfport MS 39507

PHONE # (H) 337-280-3428 (W) _____

TAX PARCEL NUMBER(S) OWNED 0911A-02-103-000

SIGNATURE: Dawn McGraw

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: Frank McGraw / Dawn McGraw

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 SUCCESSIONAL (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 where 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.

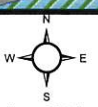


Area Map

Printed 5/28/2024

- Addresspoints
- Parcels

For
Frank McGraw
05/28/2024
Dawn McGraw
05/28/2024



1 inch = 67 feet

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Frank McGraw/Dawn McGraw P.O. Box 6114 Gulfport MS 39507
We are Requesting the Rezoning of our
Lot located @ 124 Palmetto Lane in Gulfport
MS. 39507 From T-5 to T-4 plus so we can
build a single family home for retire ment.

All surrounding property is residential except
our lot and the lot in front. When we
purchased our lot we thought it was residential
no activity has started & all lots were inactive
until recently.

We intend to start building ASAP if & when approved
12-18 months for completion.

The neighborhood has not changed since I purchased property
in 11/2019. We have always wanted to build & thought
property was residential.

- Interested Parties: Frank McGraw/Dawn McGraw P.O. Box
6114 Gulfport MS. 39507. Land is located at 124 Palmetto Ln
Gulfport MS 39507. 75 foot on palmetto lane & 130 deep
Parcel # 0911A-02-123.000
- Requesting Rezoning from T5 to T4 plus. Lot south is Residential
North of lot is Commercial as well. Lot behind is Commercial
- Do not Believe lot was zoned in error.

Prepared by:
Julien K. Byrne III
Attorney at Law
311 East Second St.
Pass Christian, MS 39571
(228) 452-9408
Mississippi Bar Number: 7654

Return to:
Julien K. Byrne III
Attorney at Law
311 East Second St.
Pass Christian, MS 39571
(228) 452-9408

INDEX AS FOLLOWS: Parcel measuring 75'x130' being bounded N by Wagatha, W by Palmetto Lane, W and S by Smith, located in Sec 1, T8S, R11W, Harrison Co., 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 considerations, the receipt and sufficiency of all of which is hereby acknowledged, **ALEXANDER ERWIN RALSTON, III, WESLEY TEEL RALSTON, and LESTER PHILIP RALSTON**, of 205 Lakebend Circle, Brandon, MS 39042, (601) 939-7311, do hereby sell, convey and warrant unto **FRANK ADAM McGRAW and wife, DAWN MICHELE McGRAW**, of 127 Markham Drive, Gulfport, MS 39507, (225) 223-4718, as joint tenants with full rights of survivorship and not as tenants in common, the following described real property situated in Harrison County, First Judicial District, State of Mississippi, described as:

That certain parcel of land described as beginning at the Southwest corner of that lot of land now or formerly belonging to Mrs. George C. Wagatha, and from said starting point extending thence South along the East margin of Palmetto Lane a distance of 75 feet; running thence East a distance of 130 feet, more or less, to land now of Smith, formerly of Miller; running thence North parallel with said Palmetto Lane a distance of 75 feet; running thence West a distance of 130 feet, more or less, to the Point of Beginning, and being located in and a part of Section 1, Township 8 South, Range 11 West, Harrison County, First Judicial District, Mississippi.

Said lot being bounded on the North by property of Wagatha, on the West by Palmetto Lane, on the South by property of Smith, and on the East by property now of Smith, formerly of Miller.

For clarity, the property was deeded from Mary Elizabeth Teel Kenner to Walter W. Teel on September 3, 1997, per instrument recorded in Deed Book 1389, page 353 et seq., in the office of the Chancery Clerk of Harrison County, First Judicial District, Mississippi.

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

It is agreed and understood that the taxes for the current year have been prorated 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 herein agree to pay on a basis of an actual proration. All subsequent year taxes are specifically assumed by the Grantees.

The above described property forms no part of the homestead of the Grantors herein.

Witness the signatures of the Grantors this 7 day of November, 2019.

SEE FOLLOWING PAGE FOR SIGNATURES

Alexander Erwin Ralston, III
ALEXANDER ERWIN RALSTON, III

WESLEY TEEL RALSTON

LESTER PHILIP RALSTON

ALEXANDER ERWIN RALSTON, III

Wesley T. Ralston
WESLEY TEEL RALSTON

LESTER PHILIP RALSTON

ALEXANDER ERWIN RALSTON, III

WESLEY TEEL RALSTON

Lester Philip Ralston

LESTER PHILIP RALSTON

STATE OF MISSISSIPPI

COUNTY OF Rankin

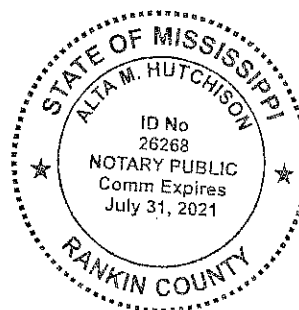
Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named **ALEXANDER ERWIN RALSTON, III**, who acknowledged that he executed the above and foregoing instrument on the day and in the year therein written.

Given under my hand and official seal of office this 7th day of November, 2019.

Alta M. Hutchison
NOTARY PUBLIC

My Commission Expires: 7-31-2021

AFFIX SEAL



STATE OF LOUISIANA

PARISH OF Jefferson

Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named **WESLEY TEEL RALSTON**, who acknowledged that he executed the above and foregoing instrument on the day and in the year therein written.

Given under my hand and official seal of office this 7 day of November, 2019.

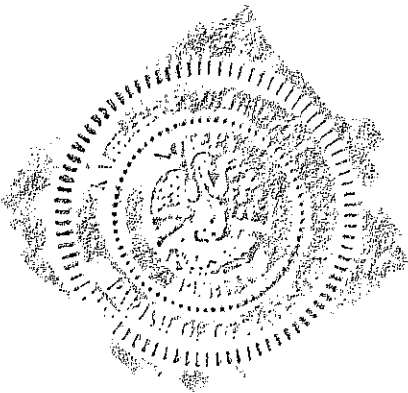
Kathleen R. Oldendorf
NOTARY PUBLIC

My Commission Expires: _____

Kathleen R Oldendorf
Notary Public #83772
Commission Expires at Death
Parish of Orleans, LA

AFFIX SEAL

*attesting to Warranty Deed.
only.*

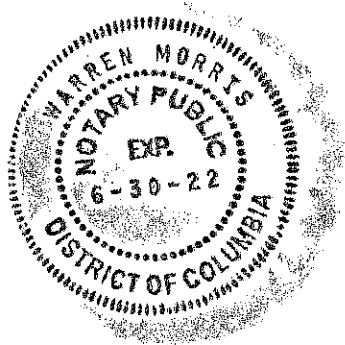


STATE OF DISTRICT OF COLUMBIA

COUNTY OF DC

Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named **LESTER PHILIP RALSTON**, who acknowledged that he executed the above and foregoing instrument on the day and in the year therein written.

Given under my hand and official seal of office this 7th day of November, 2019.



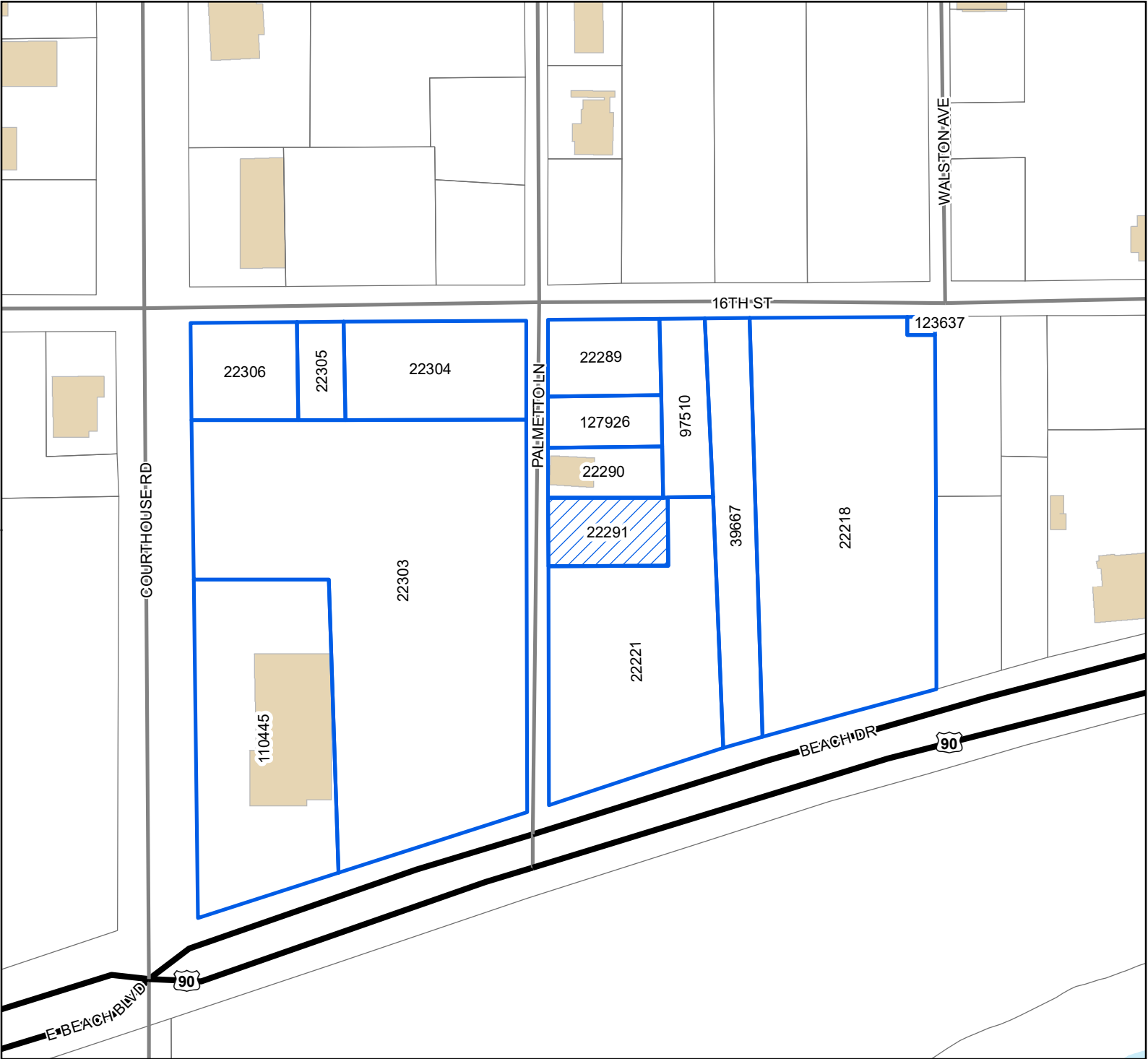
Warren Morris

NOTARY PUBLIC

My Commission Expires: 6/30/22

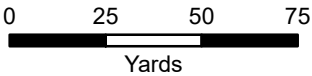
AFFIX SEAL

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0911A-02-103.000	FRANK MCGRAW (OWNER)	P.O. BOX 6114	GULFPORT	MS	39507
			DAWN MCGRAW (OWNER)	P.O. BOX 6114	GULFPORT	MS	39507
			Adjacent Property Owners (2407PC097)				
127926		0911A-02-105.001	KELLEY GABRIEL R & MECHELLE A	15803 PEAIRS RD	PRIDE	LA	70770
22304		0911A-02-099.000	ANDERSON VIRGINIA M ETAL	57 TROSSACH ROAD	STATEN ISLAND	NY	10304
22305		0911A-02-098.000	ANDERSON VIRGINIA ETAL	57 TROSSACH ROAD	STATEN ISLAND	NY	10304
97510		0911A-02-106.001	WERBY HELEN C & SAMMAR LLC -ETAL-	1308 E BEACH BLVD	GULFPORT	MS	39501
22291		0911A-02-103.000	MCGRAW FRANK ADAM & DAWN MICHELE	127 MARKHAM DRIVE	GULFPORT	MS	39507
39667		0911A-02-106.000	WERBY HELEN C & SAMMAR LLC -ETAL-	1308 E BEACH BLVD	GULFPORT	MS	39501
22303		0911A-02-101.000	CREEKS II LLC THE	799 DESTINY PLANTATION BLVD	BILOXI	MS	39532
110445		0911A-02-101.001	JASON ASSOCIATES LLC	C/O PROPERTY MANAGEMENT GROU	NEW ORLEANS	LA	70130
22221		0911A-02-102.000	WERBY HELEN C & SAMMAR LLC	1308 E BEACH BLVD	GULFPORT	MS	39501
22306		0911A-02-097.000	KOSKAN ALLEN J PA -ESTATE-	19247 CHAMPION CIRCLE	GULFPORT	MS	39503
22289		0911A-02-105.000	KELLEY ROBERT EDWARD SR -EST-	7844 BRETT PL	BATON ROUGE	LA	70818
22290		0911A-02-104.000	SCHLOSSER BRIAN & MELINDA	130 PALMETTO LN	GULFPORT	MS	39507
123637		0911A-02-107.001	GULFPORT CITY OF	530 BEACH BLVD	GULFPORT	MS	39507
22218		0911A-02-107.000	NGUYEN HIEU VAN ETAL	132 PALATIA CT	ROSEVILLE	CA	95661



Legend

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



1 inch = 150 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.

RE: Zoning Map Amendment 2407PC097, by owners Frank and Dawn McGraw, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0911A-02-103.000, 124 Palmetto Lane, Zoned T5 (Urban Center Zone), Ward 2

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, July 25, 2024**, 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, July 25, 2024**. 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.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	569700	Print Legal Ad-IPL01817370 - IPL0181737		\$78.55	2	40 L

Attention: Matilda Welch
GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

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, July 25, 2024 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 2407PC093, by owner Onel Bauldie Jr., seeking approval for a mobile home use, Tax Parcel 09071-02-083.000, Gorman Street, Zoned R-1-5 (Single-Family), Ward 6

Special Exception 2407SE096, by agent John Pritchard, seeking approval for a to-go Daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Rd, Zoned B-1 (Neighborhood Business), Ward 5

Planning Commission Approval 2407PC104, by agent Bobby Britton, seeking approval for a medical cannabis dispensary use, Tax Parcel 0811C-05-003.000, 2709 25th Ave units E&F, Zoning B-2 (General-Business), Ward 3

Planning Commission Approval 2407PC108, by owner LaBella's Salon LLC, seeking approval for a trade school use, Tax Parcel 0808N-01-012.000, 15095 Dedeaux Road, Zoning B-2 (General-Business), Ward 5

Zoning Map Amendment 2407PC097, by owners Frank and Dawn McGraw, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0911A-02-103.000, 124 Palmetto Lane, Zoned T5 (Urban Center Zone), Ward 2

Zoning Map Amendment 2407PC099, by owner David Boggs, requesting to rezone to R-1-7.5 (Single-Family), Tax Parcel 1009K-03-001.001, Creel Circle, Zoned R-1-7.5 (Single-Family), I-2 (Heavy Industry), Ward 5

Zoning Map Amendment 2407PC103, by owners SMR3 Corporation & Golden Ventures LLC, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0711O-01-012.000, 711 43rd Ave, Zoned T3 (Suburban Zone), Ward 2

Zoning Map Amendment 2407PC111, by agent Anne Giovengo, requests to rezone to T6 (Urban Core Zone), Tax Parcel 0910I-02-009.000, 665 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

This the 28th day of June 2024
Keith Williams, Chairman
City of Gulfport Planning Commission
IPL0181737
Jul 10 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Mary Castro, who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the issue(s) of:

1 insertion(s) published on:
07/10/24

Affidavit further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

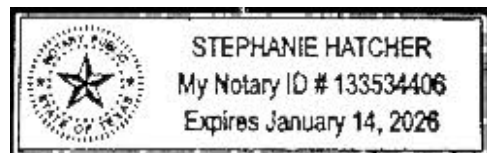
Mary Castro

Sworn to and subscribed before me this 10th day of July in the year of 2024

Stephanie Hatcher

Notary Public

* The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32.



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

MEMORANDUM

To: City of Gulfport Planning Commission

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: July 25, 2024

Re: **Zoning Map Amendment 2407PC099:**

Zoning Map Amendment 2407PC099, by owner David Boggs, requesting to rezone to R-1-7.5 (Single-Family), Tax Parcel 1009K-03-001.001, Creel Circle, Zoned R-1-7.5 (Single-Family), I-2 (Heavy Industry), Ward 5

Technical Report

Zoning Map Amendment

GENERAL INFORMATION

Case File Number: 2407PC099

Hearing Date: July 25, 2024

Current Zoning/Use: R-1-7.5 & I-2 / Vacant Lot

Legal: Zoning Map Amendment 2407PC099, by owner David Boggs, requesting to rezone to R-1-7.5 (Single-Family), Tax Parcel 1009K-03-001.001, Creel Circle, Zoned R-1-7.5 (Single-Family), I-2 (Heavy Industry), 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 applicants are requesting to rezone approximately 20,173 square feet of vacant, mixed commercial and residential zoned property from I-2 (Heavy Industry) and R-2 (Single-family) to an entire R-1-7.5 zone. Applicant has stated in their application that their intent for rezoning is to be able to construct a single-family home on the newly created parcel. The nearby area is mostly comprised of single-family homes, so the proposed use would be in harmony with the surrounding area.

According to the City's 2002 Comprehensive Plan, this area was to allow for residential development in the future, so the proposed zoning would be in harmony with the Comprehensive Plan. In addition, the proposed zoning change would be continuing the abutting zoning of the surrounding neighborhood.

The applicant has stated that their reason for a change of the current zoning district is to correct a zoning error for a subject parcel.

- (a) The applicant states that the diagonal line separating the zoning districts of I-2 and R-1-7.5 "left several properties with I-2 zoning along the canal and R-1.7.5 along Creel Circle". Applicant also claims that the area, Creel Circle is an older residential area that has had

Technical Report

Zoning Map Amendment

recent improvements, including a new home being constructed last year. Upon staff review of the surrounding area, the area around Creel Circle is an existing residential area that has had new single-family homes being constructed since last year. In addition, earlier this year two other properties just down the road went for rezoning, for the same request, and were recommended for approval. One of these two properties directly abuts the subject site, meaning the proposed zoning change would be continuing the existing R-1-7.5 zoning.

EXECUTIVE SUMMARY

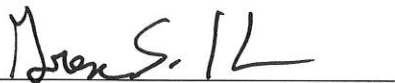
The applicant is requesting to rezone the newly created parcel from being split-zoned R-1-7.5 (Single-family) and I-2 (Heavy Industry) to be zoned completely R-1-7.5. Applicant's stated intent for the rezoning is to be able to construct a single-family home. Upon review of the surrounding area, majority of the surrounding properties contain single-family homes, meaning the proposed use would be in harmony with the surrounding neighborhood. According to the 2002 Comprehensive plan, this area was meant to allow for residential development in the future, which is in harmony with the applicant's request. In addition, a majority of the surrounding area is zoned R-1-7.5 and directly abut the subject parcel, so the proposed zoning change would be continuing the existing zoning.

Any approval should consider these conditions:

1. Must meet all building Codes and City of Gulfport Ordinances.
2. Planning Commission can only offer recommendation for approval for rezoning. Final approval for rezoning will require City Council approval.

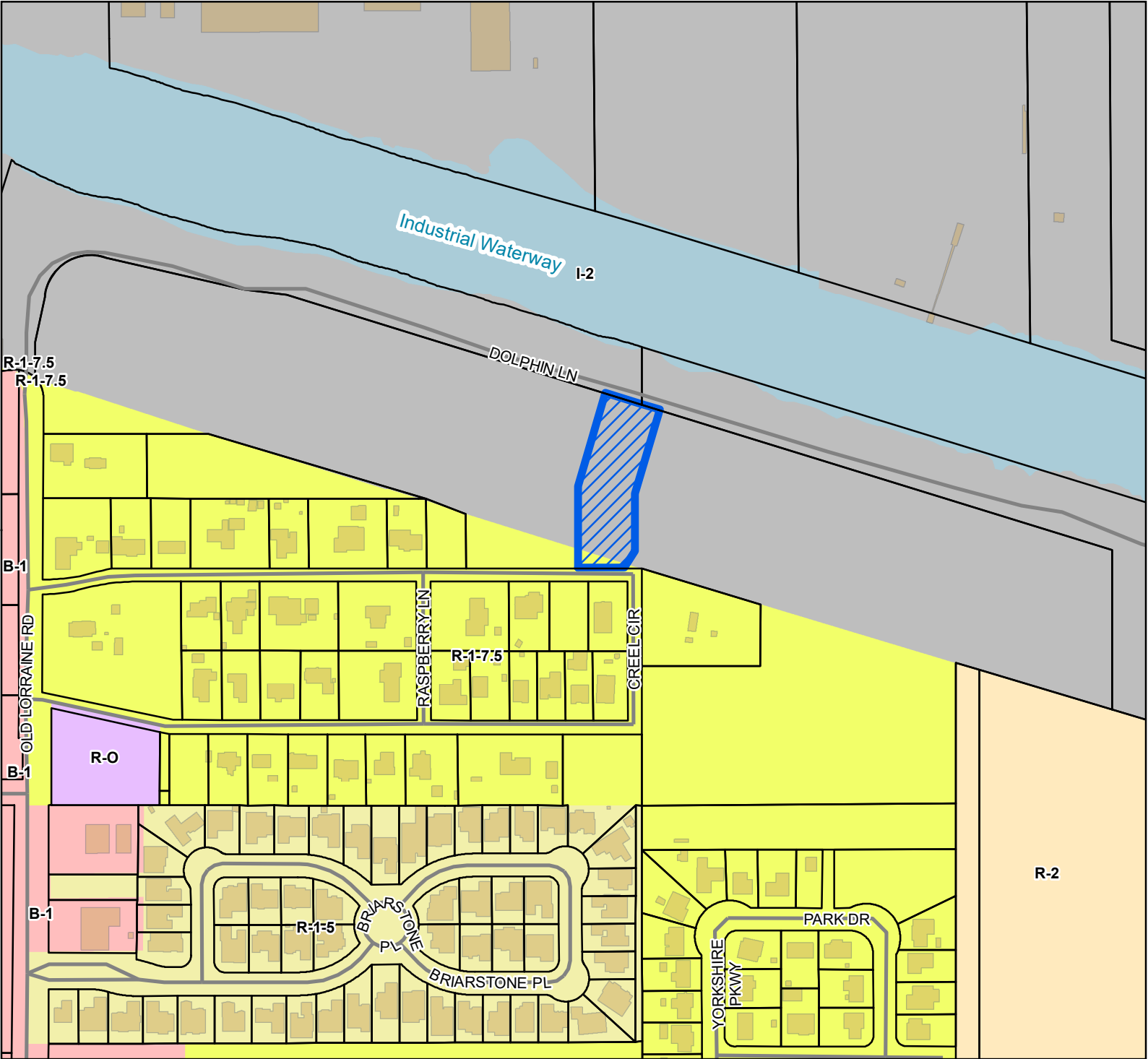
DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes

Director of Urban Development Department



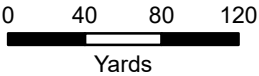
Street
 Parcels
 Buildings
 Water Features
 City Limit

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

Site Information

1009K-03-001.004
 Zoning: R-1-7.5 (Single Family)
 I-2 (Heavy Industry)
 Size: 1 acre
 Flood: X



1 inch = 300 feet



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



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

For Staff Use Only

Case File #: 2407PC099
Date Received: 5/30/24
Receipt #: 12777535
Received By: Rox
Zoning: I-2
Ward: 5 Flood: X

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

Property Information

TAX PARCEL # 1009K-03-001.001

(If necessary, use separate sheet of paper)

Address of Property Involved: RESIDENTIAL LOT ABBUTING CREEK
CIRCE

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

General Location: Parcel A Lot C

GENERAL DESCRIPTION OF REQUEST:

PROPERTY IS CURRENTLY SPLIT
ZONED, REQUEST PROPERTY BE ZONED R-1:7.5 IN KEEPING
OWNERSHIP AND CERTIFICATION: WITH SURROUNDING AREA

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

DAVID R. BOGGS

Printed Name Of Owner

4801 COURTHOUSE RD

Mailing Address

GULFPORT MS 39507

City

State

Zip code

228-596-3029

Home Phone

Work/Cell Phone

+csllc.boggs@gmail.com

Email

DR Boggs

Signature Of Owner

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.

Zoning Application for

Property at Creel Circle and Dolphin Lane Gulfport MS 39503 to correct a condition where a split zone was created in 1962 when the industrial seaway was created. Exhibit A and A.1.

A diagonal line was drawn on the city map creating an I-2 zone along the industrial seaway. This action left several properties with I-2 zoning along the canal and R-1-7.5 along Creel Circle. This area has never become a heavy industrial area. Creel Circle is an older residential area with small lots and mostly older homes. Recently there has been some improvements being done to existing homes and one new home constructed last year.

INTEREST:

I am David Boggs owner and developer of this property. My request is to rezone approximately 20,173 square feet of the property from being split zoned R-1-7.7 and I-2 to being all R-1-7.5 in order to construct a single-family home on the newly created parcel.

EFFECT OF AMMENDMENT:

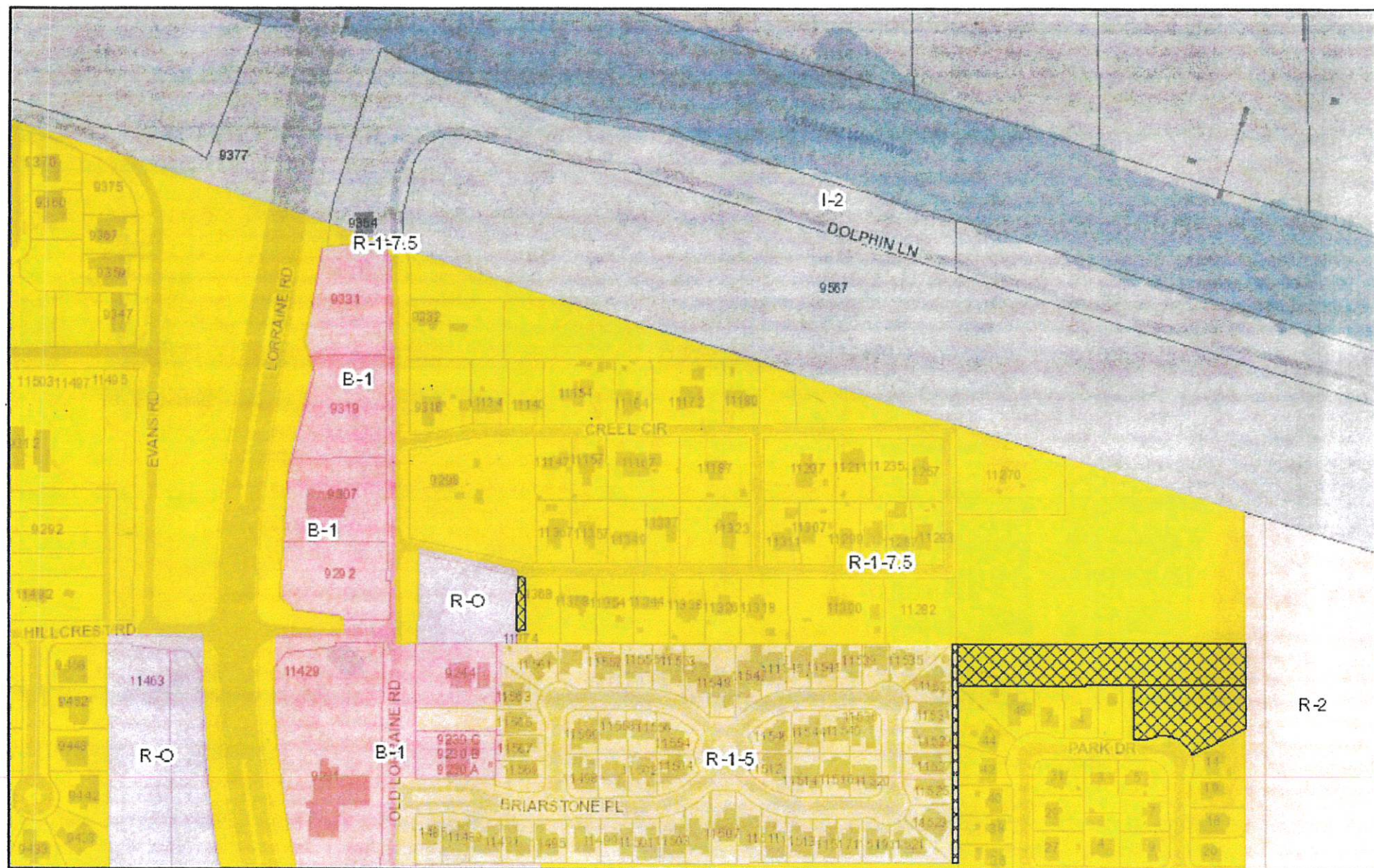
There would be no effect on the surrounding neighborhood since this would revert back to the original use of R-1-7.5 as it was prior to the creation of the industrial zone. The neighborhood would be in keeping with similar sized homes and value.

Development when property is re-zoned
we will place a single family
home.

Error Rezoning will correct the error.

Exhibit (A)

Creel Cir & Dolphin Ln



4/1/2024, 2:50:20 PM

Traditional Code - Appendix A

- A-1 - Agricultural District
- B-1 - Neighborhood Business District
- B-2 - General Business District
- B-3 - Central Business District
- B-4 - Highway Business District
- E-G - Entertainment - Gaming District

I-1 - Light Industry District

- I-2 - Heavy Industry District
- I-3 - Planned Industrial District
- R-1-10 - Single Family Residence (Low Density)
- R-1-15 - Single Family Residence District (Low Density)
- R-1-5 - Single Family Residence District (Medium Density)
- R-1-7.5 - Single Family Residence District (Low Density)

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

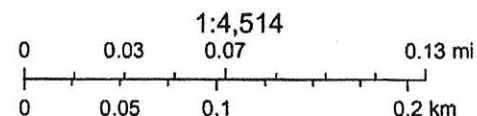
- R-3 - General Residence (High Density)
- R-4 - General Residence (High Density)
- R-O - Residence-Office
- R-B - Residence-Business District
- R-E - Residence-Estate
- R-UE - Residential Urban Estate

SB - Sand Beach

- WF - Water Front
- Hybrid Code - Appendix A
- CS - Community Service District
- SD - Special District
- T1 - Natural Zone
- T2 - Rural Zone

T3 - SFR Zone

- T4L - Limited Commercial Zone
- T4+ - Commercial Zone
- T5 - Heavy Commercial Zone
- T6 - Urban Core/Downtown
- Smart Code - Appendix D
- CS - Community Service District
- SD - Special
- T1 - Natural Zone
- T2 - Rural Zone
- T3 - SFR Zone
- T4L - Limited
- T4+ - Commercial
- T5 - Heavy

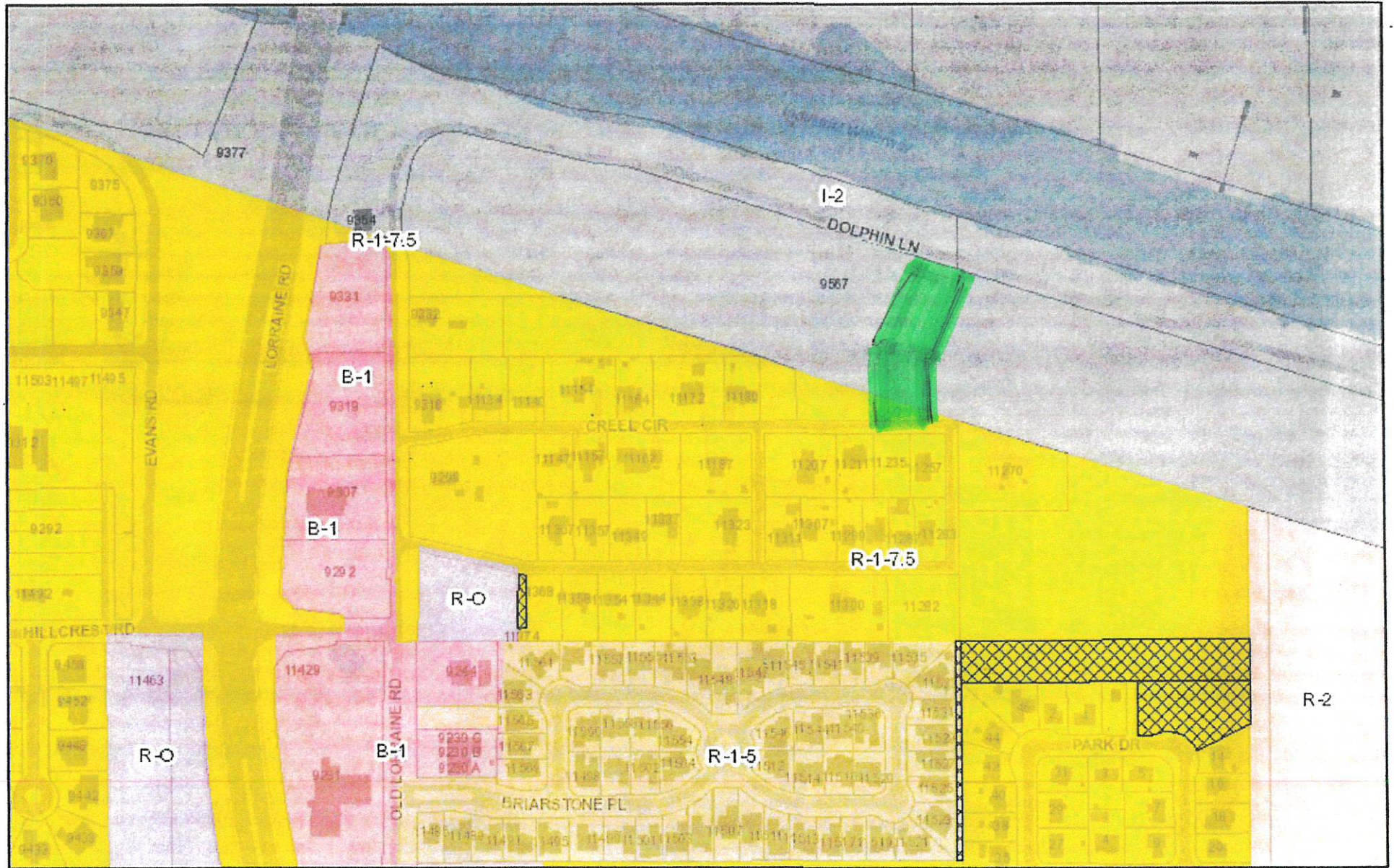


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USDA, USFWS | City of Gulfport GIS Department

Exhibit (A.1)

Creel Cir & Dolphin Ln



4/1/2024, 2:50:20 PM

Traditional Code - Appendix A

- A-1 - Agricultural District
- B-1 - Neighborhood Business District
- B-2 - General Business District
- B-3 - Central Business District
- B-4 - Highway Business District
- E-G - Entertainment - Gaming District

I-1 - Light Industrial District

- I-2 - Heavy Industrial District
- I-3 - Planned Industrial District
- R-1-10 - Single Family Residence (Low Density)
- R-1-15 - Single Family Residence District (Low Density)
- R-1-5 - Single Family Residence District (Medium Density)
- R-1-7.5 - Single Family Residence District (Low Density)

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

- R-3 - General Residence (High Density)
- R-4 - General Residence (High Density)
- R-O - Residence-Office
- R-B - Residence-Business District
- R-E - Residence-Estate
- R-UE - Residential Urban Estate

SB - Sand Beach

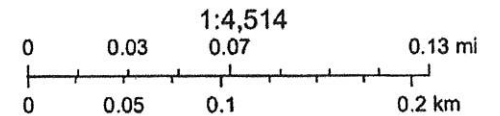
- WF - Water Front
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- CS - Community Service District
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- T2 - Rural Zone

T3 - SFR Zone

- T4L - Limited Commercial Zone
- T4+ - Commercial Zone
- T5 - Heavy Commercial Zone
- T6 - Urban Core/Downtown
- Smart Code - Appendix D
- CS - Community Service District

SD - Special

- T1 - Natural Zone
- T2 - Rural Zone
- T3 - SFR Zone
- T4L - Limited
- T4+ - Commercial
- T5 - Heavy



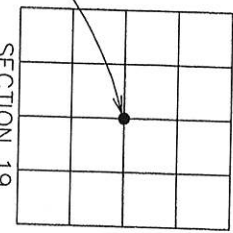
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City of Gulfport GIS Department

4

SOUTHWEST CORNER
SECTION 19
SW 1/4 NE 1/4
TOWNSHIP 7 SOUTH, RANGE 10 WEST
GULFPORT, HARRISON COUNTY, MS.

N: 334821.02
E: 923236.01



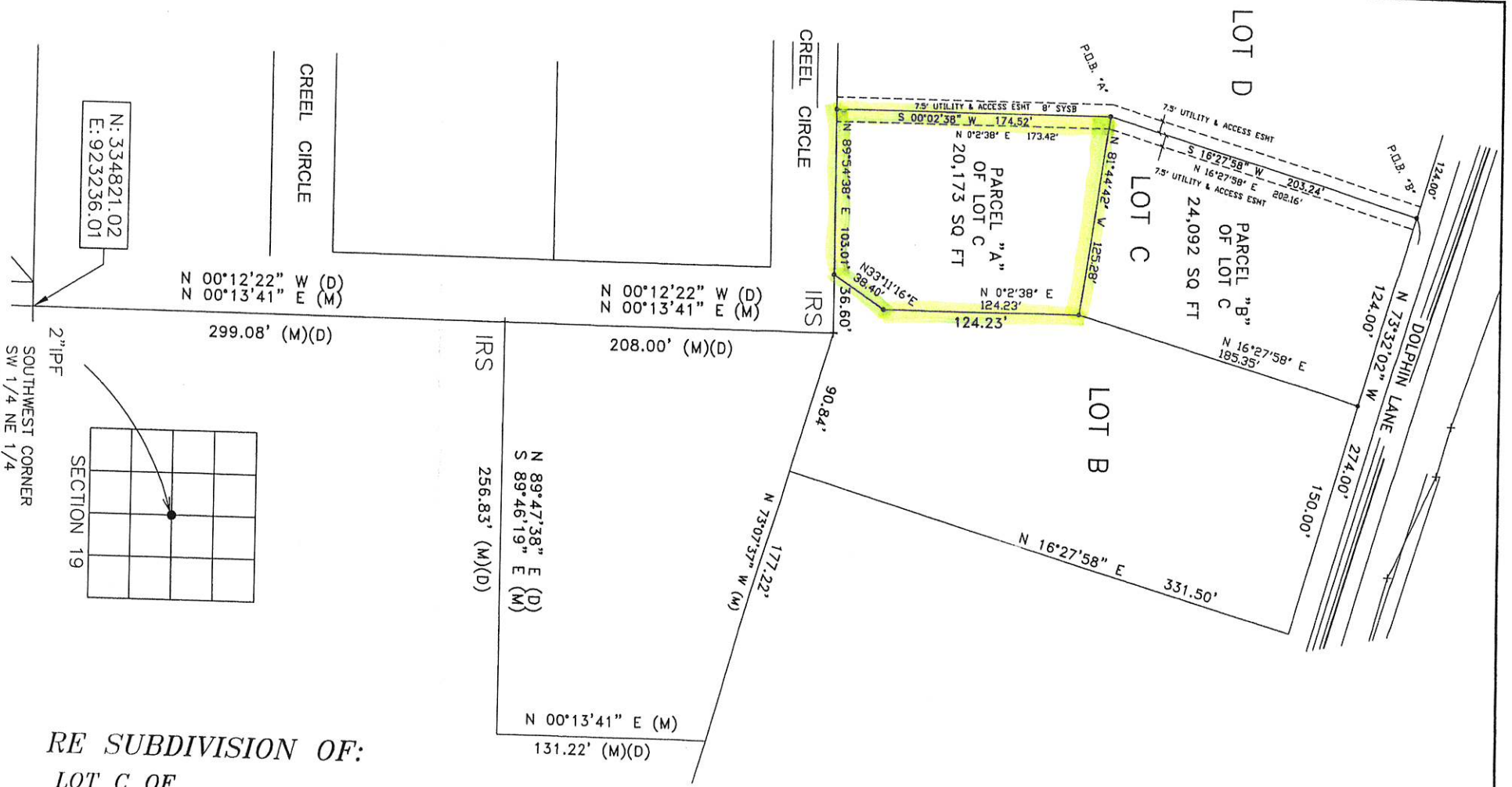
RE SUBDIVISION OF:
LOT C OF
PARCEL 1009K-03-001.002
HARRISON COUNTY, MS.

LS LARRY SMITH
LAND SURVEYING
105 N. KERN DRIVE GULFPORT MS. 39503 PHONE: (228) 669-0419

BOUNDARY, TOPOGRAPHIC
CONSTRUCTION LAYOUT

SHEET 1 of 2


SCALE: 1"=60'
CLASS "B" SURVEY
Base Bearing by: GPS RTK (NAD 83)



**RE SUBDIVISION OF: LOT C OF
PARCEL 1009K-03-001.002
HARRISON COUNTY, MS.**

SECTION 19
TOWNSHIP 7 SOUTH, RANGE 10 WEST
GULFPORT, HARRISON COUNTY, MS.

PARCEL A OF LOT C

A parcel of land situated in the SW 1/4 of the NE 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 19, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, better described as follows, to-wit:

Commencing at a 2" Iron pipe with a re-bar inside, said point being recognized as the Southwest corner of the SW 1/4 of the NE 1/4 of Section 19, Township 7 South, Range 10 West, Gulfport, Harrison County, Mississippi, thence N00°13'41"E 299.08 feet along the East margin of Creel Circle and extension thereof, to an iron rod; thence S89°46'19"E 256.83 feet to an iron rod; thence N00°13'41"E 131.22 feet to an iron rod; thence N73°07'37"W 177.22 feet to an iron rod; thence N16°27'58"E 331.5 feet to an iron rod on the South margin of Dolphin Lane; thence N73°32'02"W along and parallel with the South shore of the Industrial Seaway 274.0 feet to an iron rod and the POINT OF BEGINNING; thence S00°02'38"W 174.52 feet to an iron rod on the North margin of Creel Circle; thence N89°54'38"E along said North margin a distance of 103.01 feet; thence N33°11'16"E 38.40 feet; thence N00°02'38"E 124.23 feet; thence N81°44'42"W 125.28 feet to the Point of Beginning. Said parcel contains 20,173 square feet. Said Parcel is subject to a 7.5 foot Utility and Access Easement along the West margin.

PARCEL B OF LOT C

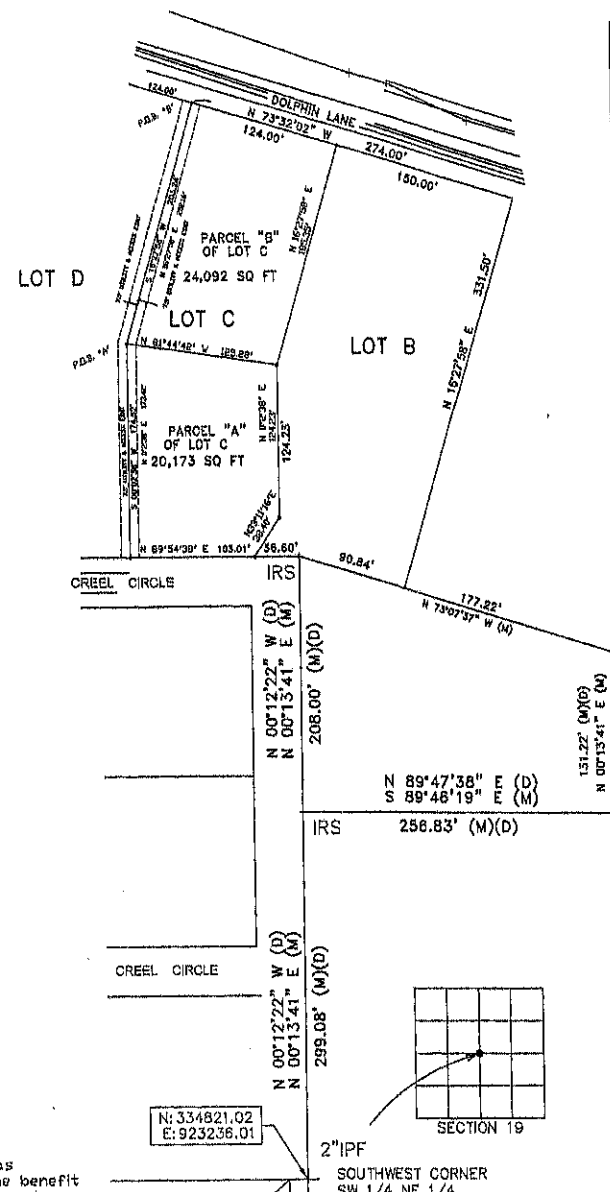
A parcel of land situated in the SW 1/4 of the NE 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 19, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, better described as follows, to-wit:

Commencing at a 2" Iron pipe with a re-bar inside, said point being recognized as the Southwest corner of the SW 1/4 of the NE 1/4 of Section 19, Township 7 South, Range 10 West, Gulfport, Harrison County, Mississippi, thence N00°13'41"E 299.08 feet along the East margin of Creel Circle and extension thereof, to an iron rod; thence S89°46'19"E 256.83 feet to an iron rod; thence N00°13'41"E 131.22 feet to an iron rod; thence N73°07'37"W 177.22 feet to an iron rod; thence N16°27'58"E 331.5 feet to an iron rod on the South margin of Dolphin Lane; thence N73°32'02"W along and parallel with the South shore of the Industrial Seaway 274.0 feet to an iron rod and the POINT OF BEGINNING; thence S16°27'58"W 203.24 feet; thence S81°44'42"E 125.28 feet to an iron rod; thence N16°27'58"E 185.35 feet to a point on the South margin of Dolphin Lane; thence N73°32'02"W, along said South margin a distance of 124.0 feet to the Point of Beginning. Said parcel contains 24,092 square feet. Said Parcel is subject to a 7.5 foot Utility and Access Easement along the West margin.

7.5' UTILITY & ACCESS EASEMENT

A strip of land situated in the SW 1/4 of the NE 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 19, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, better described as follows, to-wit:

Commencing at a 2" Iron pipe with a re-bar inside, said point being recognized as the Southwest corner of the SW 1/4 of the NE 1/4 of Section 19, Township 7 South, Range 10 West, Gulfport, Harrison County, Mississippi, thence N00°13'41"E 299.08 feet along the East margin of Creel Circle and extension thereof, to an iron rod; thence S89°46'19"E 256.83 feet to an iron rod; thence N00°13'41"E 131.22 feet to an iron rod; thence N73°07'37"W 177.22 feet to an iron rod; thence N16°27'58"E 331.5 feet to an iron rod on the South margin of Dolphin Lane; thence N73°32'02"W along and parallel with the South shore of the Industrial Seaway 274.0 feet to an iron rod and the POINT OF BEGINNING; thence S16°27'58"W 203.24 feet; thence S00°02'38"W 174.52 feet to an iron rod on the North margin of Creel Circle; thence N89°54'38"E, along said North margin 7.5 feet; thence N00°02'38"E 173.42 feet; thence N16°27'58"E 202.16 feet to a point on the South margin of Dolphin Lane; thence N73°32'02"W, along said South margin a distance of 7.5 feet to the Point of Beginning.



CERTIFICATION

This is to CERTIFY that I have surveyed the property hereon described and delineated, and that the measurements and other data indicated are correct to the best of my knowledge and belief.

Larry R. Smith
Larry R. Smith P.L.S. # 02695

Dated: 04/04/2024

This property is located in Zone(s) "X 500", as published by the Federal Insurance Administration, Official Flood Hazard Map, Community Panel Number 28047C0267G, revised 06/16/2009



SCALE: 1"=100'
CLASS "C" SURVEY

Base Bearing by: GPS RTK (NAD 83)

NOTES: This survey was performed without the benefit of a current title search. Property is subject to any/all Easements, Right-of-ways and/or Restrictions on record.

SHEET 2 of 2

LS LARRY SMITH
LS LAND SURVEYING
105 N. KERN DRIVE GULFPORT MS. 39503 PHONE: (228) 669-0419

**BOUNDARY, TOPOGRAPHIC
CONSTRUCTION LAYOUT**

2" IPF
SOUTHWEST CORNER
SW 1/4 NE 1/4
SECTION 19
TOWNSHIP 7 SOUTH, RANGE 10 WEST
GULFPORT, HARRISON COUNTY, MS.



SCANNED



Angela Shum 1st JUDICIAL DISTRICT
Instrument 2024-0007816-D-J1
Filed/Recorded 04/30/2024 1:27:01 PM
Total Fees 26.00
5 Pages Recorded

Indexing: SW ¼ of the NE ¼ of 19-7-10

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

Prepared by and return to:
David B. Estes
MS Bar No. 101404
Integrity Land Title, LLC
1806 23rd Avenue, Suite A
Gulfport, MS 39501
(228)896-8962
File#5007

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 all of which is hereby
acknowledged, the undersigned,

DAVID BOGGS
20117 TOURNAMENT DR.
GULFPORT, MS 39503
(228) 596-3029

does hereby SELL, CONVEY and WARRANT unto

DAVID BOGGS
20117 TOURNAMENT DR.
GULFPORT, MS 39503
(228) 596-3029

the following described land together with all improvements thereon located in the First Judicial
District of Harrison County, Mississippi, more particularly described as follows, to-wit:

PARCEL A OF LOT C

A parcel of land situated in the SW 1/4 of the NE 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 19, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, better described as follows, to-wit:
Commencing at a 2" iron pipe with a re-bar inside, said point being recognized as the Southwest corner of the SW 1/4 of the NE 1/4 of Section 19, Township 7 South, Range 10 West, Gulfport, Harrison County, Mississippi, thence N00°13'41"E 299.08 feet along the East margin of Creel Circle and extension thereof, to an iron rod; thence S89°46'19"E 256.83 feet to an iron rod; thence N00°13'41"E 131.22 feet to an iron rod; thence N73°07'37"W 177.22 feet to an iron rod; thence N16°27'58"E 331.5 feet to an iron rod on the South margin of Dolphin Lane; thence N73°32'02"W along and parallel with the South shore of

the Industrial Seaway 274.0 feet to an iron rod, thence S16°27'58"W 203.24 feet to the POINT OF BEGINNING; thence S00°02'38"W 174.52 feet to an iron rod on the North margin of Creel Circle; thence N89°54'38"E along said North margin a distance of 103.01 feet; thence N33°11'16"E 38.40 feet; thence N00°02'38"E 124.23 feet; thence N81°44'42"W 125.28 feet to the Point of Beginning. Said parcel contains 20,173 square feet.

Said Parcel is subject to a 7.5 foot Utility and Access Easement along the West margin.

PARCEL B OF LOT C

A parcel of land situated in the SW 1/4 of the NE 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 19, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, better described as follows, to-wit:

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Said Parcel is subject to a 7.5 foot Utility and Access Easement along the West margin.

7.5' UTILITY & ACCESS EASEMENT

A strip of land situated in the SW 1/4 of the NE 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 19, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi, better described as follows, to-wit:

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174.52 feet to an iron rod on the North margin of Creel Circle; thence N89°54'38"E, along said North margin 7.5 feet; thence N00°02'38"E 173.42 feet; thence N16°27'58"E 202.16 feet to a point on the South margin of Dolphin Lane; thence N73°32'02"W, along said South margin a distance of 7.5 feet to the Point of Beginning.

THE ABOVE DESCRIBED property constitutes no part of the Grantor's homestead.

THE PURPOSE of this conveyance is to subdivide the property previously conveyed via Instrument No. 2024-2475D-J1.

THIS CONVEYANCE is subject to any and all easements, restrictive or protective covenants, rights-of-way, zoning ordinances and reservations affecting said property of record.

TAXES for the year 2024 are hereby assumed by the Grantee herein as well as all subsequent years.

WITNESS my signature this the 30 day of April, 2024.


David Boggs

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 30 day of April, 2024 within my jurisdiction, the within named David Boggs, who acknowledged that he executed and delivered the above and foregoing instrument.

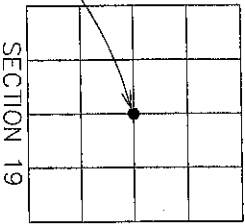
(SEAL)




NOTARY PUBLIC

SOUTHWEST CORNER
SECTION 19
TOWNSHIP 7 SOUTH, RANGE 10 WEST
GULFPORT, HARRISON COUNTY, MS.

N: 334821.02
E: 923236.01

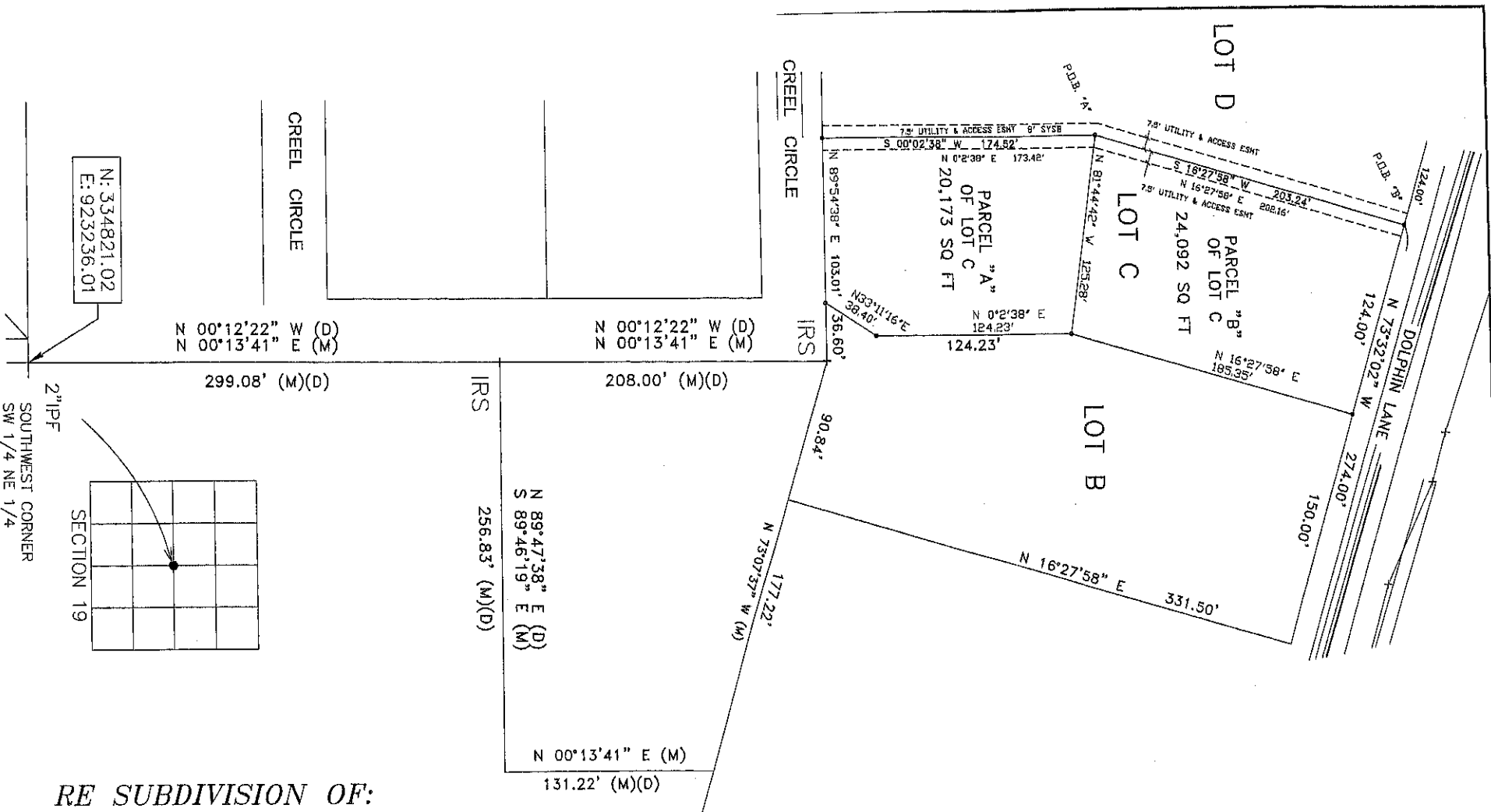


RE SUBDIVISION OF:
LOT C OF
PARCEL 1009K-03-001.002
HARRISON COUNTY, MS.

LS LARRY SMITH BOUNDARY, TOPOGRAPHIC
LAND SURVEYING CONSTRUCTION LAYOUT
105 N. KERN DRIVE GULFPORT MS. 39503 PHONE: (228) 669-0419

SHEET 1 of 2

SCALE: 1"=60'
CLASS "B" SURVEY
Base Bearing by: GPS RTK (NAD 83)

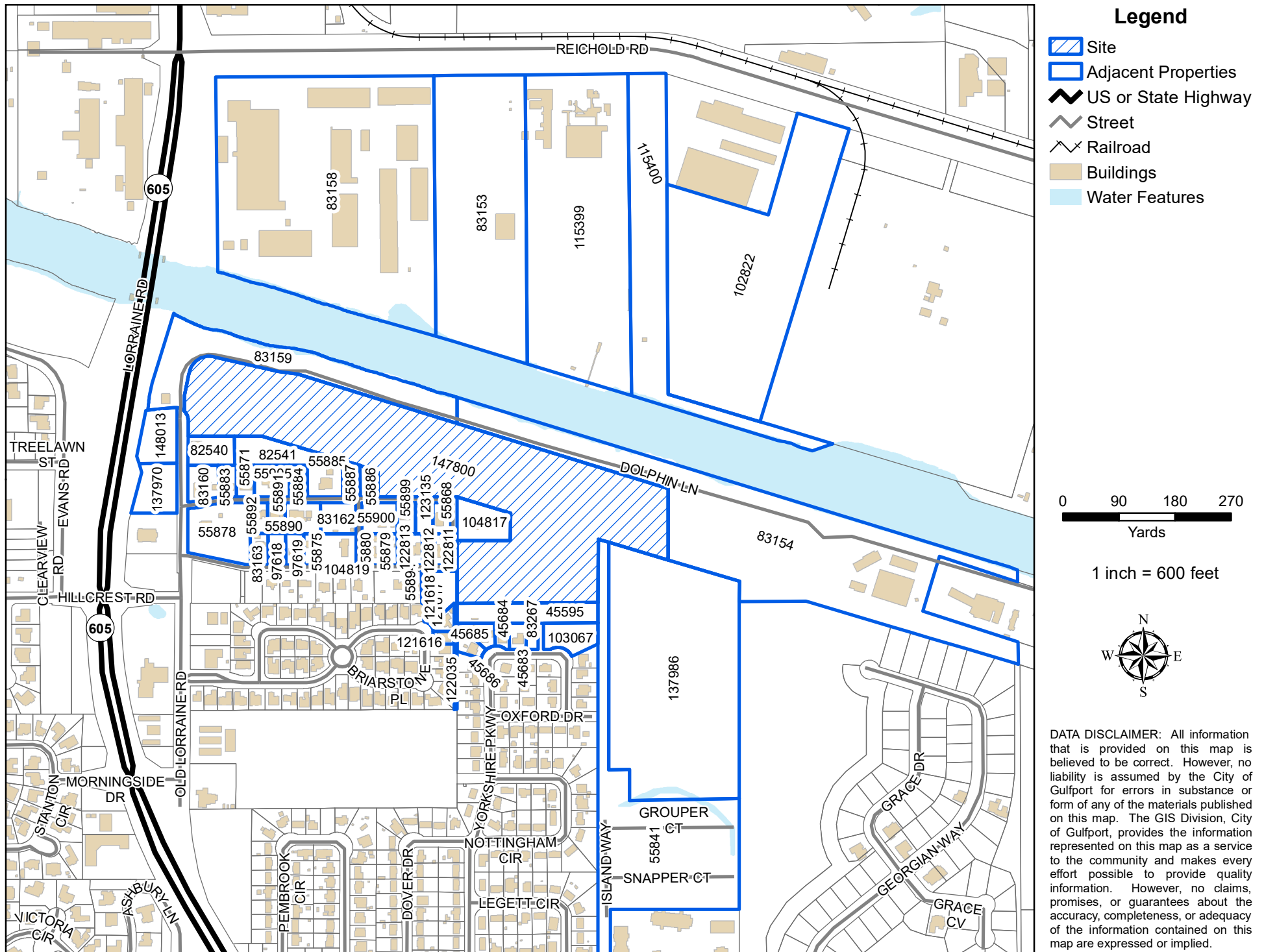


Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		1009K-03-001.001	DAVID BOGGS (OWNER)	P.O. BOX 6456	GULFPORT	MS	39506
			Adjacent Property Owners (2407PC099)				
	83160	1009L-02-004.000	BALL LINA L	9318 OLD LORRAINE RD	GULFPORT	MS	39503
	55871	1009L-02-006.000	SWAREK THOMAS L	1261 PASS ROAD	GULFPORT	MS	39501
	55886	1009L-02-011.000	FORE TRUDY DIANE ETAL	12146 DEDEAUX RD	GULFPORT	MS	39503
	55884	1009L-02-008.000	GREER DERONDA L	11164 CREEL CIRLCE	GULFPORT	MS	39503
	55885	1009L-02-009.000	TRAN MINH & HUNG VAN TRAN	4825 KEYWOOD LANE	SANTA ANA	CA	92703
	55887	1009L-02-010.000	WOODS CHADE & HUDSON CASSIE	11180 CREEL CIR	GULFPORT	MS	39503
	55883	1009L-02-005.000	KEWLEY CHARLES W	11134 CREEL CIR	GULFPORT	MS	39503
	55905	1009L-02-007.000	RUSSELL KIM D	11154 CREEL CIR	GULFPORT	MS	39503
	83267	1009N-02-006.000	LITZ VICKI A	#4 PARK DRIVE	GULFPORT	MS	39503
N	103067	1009N-02-006.001	GULFPORT CITY OF	P O BOX 1780	GULFPORT	MS	39502
	45683	1009N-02-007.000	LITZ VICKI A	5 PARK DR	GULFPORT	MS	39503
	102822	1009K-02-001.002	WARREN PAVING INC	PO BOX 572	HATTIESBURG	MS	39403
N	115399	1009K-02-001.004	WARREN PAVING INC	P O BOX 572	HATTIESBURG	MS	39403
N	83153	1009K-02-001.000	WARREN PAVING INC	P O BOX 572	HATTIESBURG	MS	39401
N	45595	1009N-02-001.000	GULFPORT CITY OF	P O BOX 1780	GULFPORT	MS	39502
	115400	1009K-02-001.005	HARRISON CO DEV COMM	P O BOX 1870	GULFPORT	MS	39502
	45686	1009N-02-010.000	DUBUISSON GARY M	44 YORKSHIRE PKWY	GULFPORT	MS	39507
	83158	1009L-01-001.000	CDR INVESTMENTS LLC	9460 OAK POINTE DR	GULFPORT	MS	39503
	82540	1009L-02-003.000	NORTON MARIA E & JAMES H	9332 OLD LORRAINE RD	GULFPORT	MS	39503
	45684	1009N-02-008.000	DUBUISSON CHRISTOPHER MICHAEL	2 PARK DRIVE	GULFPORT	MS	39503
	45685	1009N-02-009.000	CRAFT TAKEIA E	46 YORKSHIRE PKWY	GULFPORT	MS	39503
	55892	1009L-02-017.000	BULLOCK FELICIA D	11167 CREEL CIR	GULFPORT	MS	39503
	83163	1009L-02-019.000	RUCKMAN ROCKY	11367 CREEL CIR	GULFPORT	MS	39503
	55875	1009L-02-020.000	WRIGHT JERRY A	11337 CREEL CIR	GULFPORT	MS	39503
	55880	1009L-02-021.000	AMERICAN CREDIT CORP OF MS LLC	P O BOX 3307	GULFPORT	MS	39500
	55879	1009L-02-022.000	BLACK KELLIE F & JEFF L	11307 CREEL CIR	GULFPORT	MS	39503
	55891	1009L-02-016.000	GARNER JUDY L	11157 CREEL CIR	GULFPORT	MS	39507
	55890	1009L-02-015.000	BULLOCK JERRY H & FELICIA S	11167 CREEL CIR	GULFPORT	MS	39503
	104817	1009K-03-002.002	ALLTEL COMM WIRELESS OF LA INC	PO BOX 2549	ADDISON	TX	75001
	55900	1009L-02-013.000	BRUCE CURTIS W JR & TAMARA A	408 HIDDEN ISLAND DR	PANAMA CITY BCH FL		32408
	55878	1009L-02-018.000	CREEL ALFRED C -ESTATE-	9298 LORRAINE RD	GULFPORT	MS	39503
	97618	1009L-02-019.001	CARROLL REVOCABLE TRUST	2437 TEAL SHORE CT	LEAGUE CITY	TX	77573
	97619	1009L-02-019.002	BC3 PROPERTIES LLC	7247 LIVE OAK WAY	PASS CHRISTIAN	MS	39571
	83162	1009L-02-014.000	DEHM MICHAEL W	11187 CREEL CIR	GULFPORT	MS	39503

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	55899	1009L-02-023.000	SHECKELLS EMILY	11211 CREEL CIR	GULFPORT	MS	39503
	82541	1009L-02-002.000	CLARK V A	P O BOX 3327	GULFPORT	MS	39505
	104819	1009L-02-014.001	GRISWOLD SUSAN	P O BOX 8051	GULFPORT	MS	39506
	121616	1009M-01-001.028	HEWES HARRY P JR & CAROLINE C	11531 BRIARSTONE PLACE	GULFPORT	MS	39503
	121617	1009M-01-001.029	THIBODEAUX MELINDA T	11533 BRIARSTONE PLACE	GULFPORT	MS	39503
n	122035	1009M-01-001.064	GULFPORT CITY OF				0
	123135	1009L-02-012.001	DIAZ ASHLEY & MANUEL	11235 CREEL CIRCLE	GULFPORT	MS	39503
	55894	1009L-02-024.000	JOHNSON WALTER G	11291 CREEL CIR	GULFPORT	MS	39503
	122813	1009L-02-024.003	COWART DESTINY	11299 CREEL CIRCLE	GULFPORT	MS	39503
	55868	1009L-02-012.000	GOLDEN HOMES REAL ESTATE HOLDINGS L	315 FAIRVIEW DR	BILOXI	MS	39531
	122812	1009L-02-024.002	SHERIDAN SEAN & BRITT NATSUKO	11287 CREEL CIR	GULFPORT	MS	39503
	122811	1009L-02-024.001	DUCKWORTH DORIS JENNIFER	11283 CREEL CIRCLE	GULFPORT	MS	39503
	137986	1009N-01-004.002	LAND TRUST FOR MISS COASTAL PLAIN	PO BOX 2457	PURVIS	MS	39475
	55841	1009N-01-004.000	GRAHAM ROBERT JASON	P O BOX 1207	PURVIS	MS	39475
	83154	1009K-03-001.000	HARRISON CO DEV COMM	12281 INTRAPLEX PKWY	GULFPORT	MS	39503
	121618	1009M-01-001.030	MCCLENDON CARLYCE J & CHANDRA	11535 BRIARSTONE PL	GULFPORT	MS	39503
	147800	1009K-03-001.001	BALD EAGLE DEVELOPMENTS LLC	6010 VISTA CIRCLE	GULFPORT	MS	39503
	137970	1009L-02-001.001	D'ANGELO MATTHEW & AMANDA	2026 IVY CT	BILOXI	MS	39532
N	83159	1009L-02-001.000	HARRISON CO DEV COMM	12281 INTRAPLEX PARKWAY	GULFPORT	MS	39503
	148013	1009L-02-001.002	BULLDOG ISLAND LLC	806 WASHINGTON AVE	OCEAN SPRINGS	MS	39564

2407PC099

Zoning Map Amendment



RE: Zoning Map Amendment 2407PC099, by owner David Boggs, requesting to rezone to R-1-7.5 (Single-Family), Tax Parcel 1009K-03-001.001, Creel Circle, Zoned R-1-7.5 (Single-Family), I-2 (Heavy Industry), 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, July 25, 2024**, 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, July 25, 2024**. 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.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	569700	Print Legal Ad-IPL01817370 - IPL0181737		\$78.55	2	40 L

Attention: Matilda Welch
GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

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, July 25, 2024 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 2407PC093, by owner Onel Bauldie Jr., seeking approval for a mobile home use, Tax Parcel 09071-02-083.000, Gorman Street, Zoned R-1-5 (Single-Family), Ward 6

Special Exception 2407SE096, by agent John Pritchard, seeking approval for a to-go Daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Rd, Zoned B-1 (Neighborhood Business), Ward 5

Planning Commission Approval 2407PC104, by agent Bobby Britton, seeking approval for a medical cannabis dispensary use, Tax Parcel 0811C-05-003.000, 2709 25th Ave units E&F, Zoning B-2 (General-Business), Ward 3

Planning Commission Approval 2407PC108, by owner LaBella's Salon LLC, seeking approval for a trade school use, Tax Parcel 0808N-01-012.000, 15095 Dedeaux Road, Zoning B-2 (General-Business), Ward 5

Zoning Map Amendment 2407PC097, by owners Frank and Dawn McGraw, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0911A-02-103.000, 124 Palmetto Lane, Zoned T5 (Urban Center Zone), Ward 2

Zoning Map Amendment 2407PC099, by owner David Boggs, requesting to rezone to R-1-7.5 (Single-Family), Tax Parcel 1009K-03-001.001, Creel Circle, Zoned R-1-7.5 (Single-Family), I-2 (Heavy Industry), Ward 5

Zoning Map Amendment 2407PC103, by owners SMR3 Corporation & Golden Ventures LLC, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0711O-01-012.000, 711 43rd Ave, Zoned T3 (Suburban Zone), Ward 2

Zoning Map Amendment 2407PC111, by agent Anne Giovengo, requests to rezone to T6 (Urban Core Zone), Tax Parcel 0910I-02-009.000, 665 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

This the 28th day of June 2024
Keith Williams, Chairman
City of Gulfport Planning Commission
IPL0181737
Jul 10 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Mary Castro, who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the issue(s) of:

1 insertion(s) published on:
07/10/24

Affidavit further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

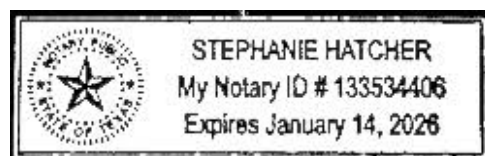
Mary Castro

Sworn to and subscribed before me this 10th day of July in the year of 2024

Stephanie Hatcher

Notary Public

* The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32.



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

MEMORANDUM

To: City of Gulfport Planning Commission

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: July 25, 2024

Re: **Zoning Map Amendment 2407PC103:**

Zoning Map Amendment 2407PC103, by owners SMR3 Corporation & Golden Ventures LLC, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0711O-01-012.000, 711 43rd Ave, Zoned T3 (Suburban Zone), Ward 2

Technical Report

Zoning Map Amendment

GENERAL INFORMATION

Case File Number: 2407PC103

Hearing Date: July 25, 2024

Current Zoning/Use: T3 / Vacant Lot

Legal: Zoning Map Amendment 2407PC103, by owners SMR3 Corporation & Golden Ventures LLC, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0711O-01-012.000, 711 43rd Ave, Zoned T3 (Suburban Zone), Ward 2

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 applicants are requesting to rezone approximately 16919 square feet of vacant, residentially zoned property from T3 (Sub-Urban Zone) to T4+ (General Urban Zone "Plus") zone. Applicant states their intent for rezoning is to construct a 3-Unit residential building. According to the Chart of Permitted Uses, multi-family dwelling units would be allowed within T4+ zoning.

According to the City's 2002 Comprehensive Plan, this area was to remain as residential with medium density. T3 (Sub-Urban Zone) districts allow for low-density residential spaces, while T4+ (General Urban Zone "Plus") allows for greater density of residential uses. The nearby area is comprised of mostly single-family homes, with a small church and an existing RV Park. However, while T4+ zoning districts allows for single family homes like T3, T4+ also allows for commercial uses within that zoning.

The applicant has chosen public need as reasons for change of the current zoning district, claiming that there has been a change in the neighborhood, and cites a Five-Year Consolidated Plan that City Council held a meeting on regarding approving and adopting on August 2, 2022.

Technical Report

Zoning Map Amendment

- (a) Applicant claims that the character of the neighborhood has changed due to new construction of homes in the area since Katrina, and the residents beautifying the neighborhood. Upon staff review of the area, there has been several single-family homes that have been constructed in the area since Hurricane Katrina. In addition, as this area is in the Westside Smartcode community, those newly constructed houses build after Smartcode was implemented had to meet their requirements for landscaping and architectural standards.
- (b) Applicant claims that the proposed structure addresses notes from the Consolidated Plan regarding providing housing for multiple families, providing a handicap accessible residential unit, and providing low maintenance housing to low/moderate income families. Any claims regarding ADA compliance requirements, or affordable housing, would not be under the jurisdiction of the planning division. In regards to the multi-family residential use, the current zoning of T3 (Sub-Urban Zone) would not allow for the use. In addition, the area is mostly comprised of single-family homes.

EXECUTIVE SUMMARY

Applicant is wishing to rezone their property from T3 (Sub-Urban Zone) to T4+ (General Urban Zone "Plus") in order to construct a multi-unit residential structure. According to the 2002 Comprehensive Plan, this area was to remain residential with medium density. While the proposed zoning is continuing the abutting zoning district, the nearby area is comprised mostly of single-family homes with a small church and an existing RV park, so the proposed multi-family dwelling would not be in harmony with the existing area. In addition, while T4+ does allow for residential uses, it also allows for commercial uses in that zoning district. Public Works, Engineering, and Building Codes services did have conditions for approval, which have been reflected in the listed below. Rezoning cannot be considered based upon stated Five-Year Consolidated Plan, based on guidelines and policies of said CDBG consolidated plan.

Any approval should consider these conditions:

1. Show site improvements will not cause current or future negative impacts on the drainage system on 43rd Ave.
2. Must meet requirements of T4+.
3. Planning Commission can only offer recommendation. Final approval for rezoning will need City Council Approval.

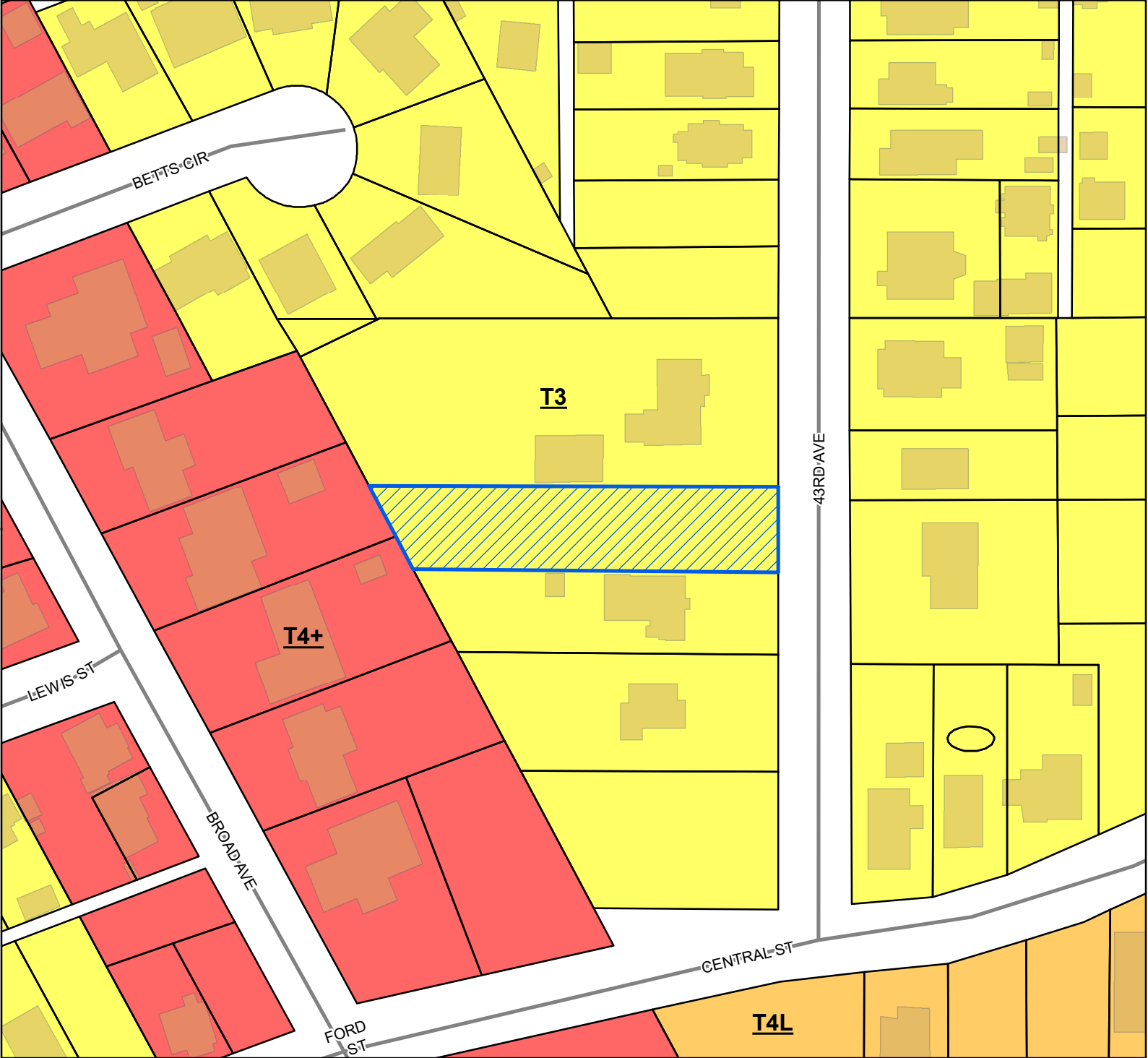
DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes

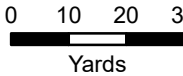
Director of Urban Development Department



- Site**
- Street**
- Parcels**
- Buildings**
- City Limit**
- Smart Code**
- T4+
 - T4L
 - T3

Site Information

07110-01-012.000
Zoning:T3 (Sub-Urban Zone)
Size: 16918.58 sqft
Flood: X , AE



1 inch = 100 feet



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



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

For Staff Use Only

Case File #: 2407PC103Date Received: 6/3/24Receipt #: 12780245Received By: JSZoning: T3Ward: 2 Flood: X

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

Property Information

TAX PARCEL #

0	7	1	1	0	-	0	1	-	0	1	2	●	0	0	0
					-			-				●			
					-			-				●			

(If necessary, use separate sheet of paper)

Address of Property Involved: 711 43rd Ave Gulfport MS 39501Lot(s) Lot 3, Block(s) Block 2, Subdivision Alta Vista SubdivisionGeneral Location: Corner of Central St. and 43rd Ave - 3 lots north on 43rd Ave

GENERAL DESCRIPTION OF REQUEST:

Per building plan review, seeking for zoning map amendment from T3 to T4+. The western property

line is currently abutting a lot, which is already classified as T4+.

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

Samuel M. Robinson III

Printed Name Of Owner

P.O. Box 7757

Mailing Address

Diberville MS 39540

City

State

Zip code

228-327-7237

Home Phone

Work/Cell Phone

SMR3Corp@gmail.com

Email

Signature Of Owner

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.

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) Samuel M. Robinson III - Owner of SMR3 Corporation

ADDRESS (STREET, CITY, STATE, ZIP CODE) P.O. Box 7757 Diberville MS 39540

PHONE # (H) 228-327-7237 (W) _____

TAX PARCEL NUMBER(S) OWNED 07110-01-012.000

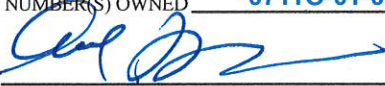
SIGNATURE: 

NAME OF OWNER (PRINT) Annalisa M. Robinson - Owner of SMR3 Corporation

ADDRESS (STREET, CITY, STATE, ZIP CODE) P.O. Box 7757 Diberville MS 39540

PHONE # (H) 228-365-5819 (W) _____

TAX PARCEL NUMBER(S) OWNED 07110-01-012.000

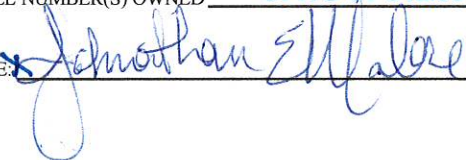
SIGNATURE: 

NAME OF OWNER (PRINT) Johnathan & Asia Malone - Owners of Golden Ventures, LLC.

ADDRESS (STREET, CITY, STATE, ZIP CODE) 4030 Wake Forest Road Suite 349 Raleigh NC 27609

PHONE # (H) 404-509-3671 (W) _____

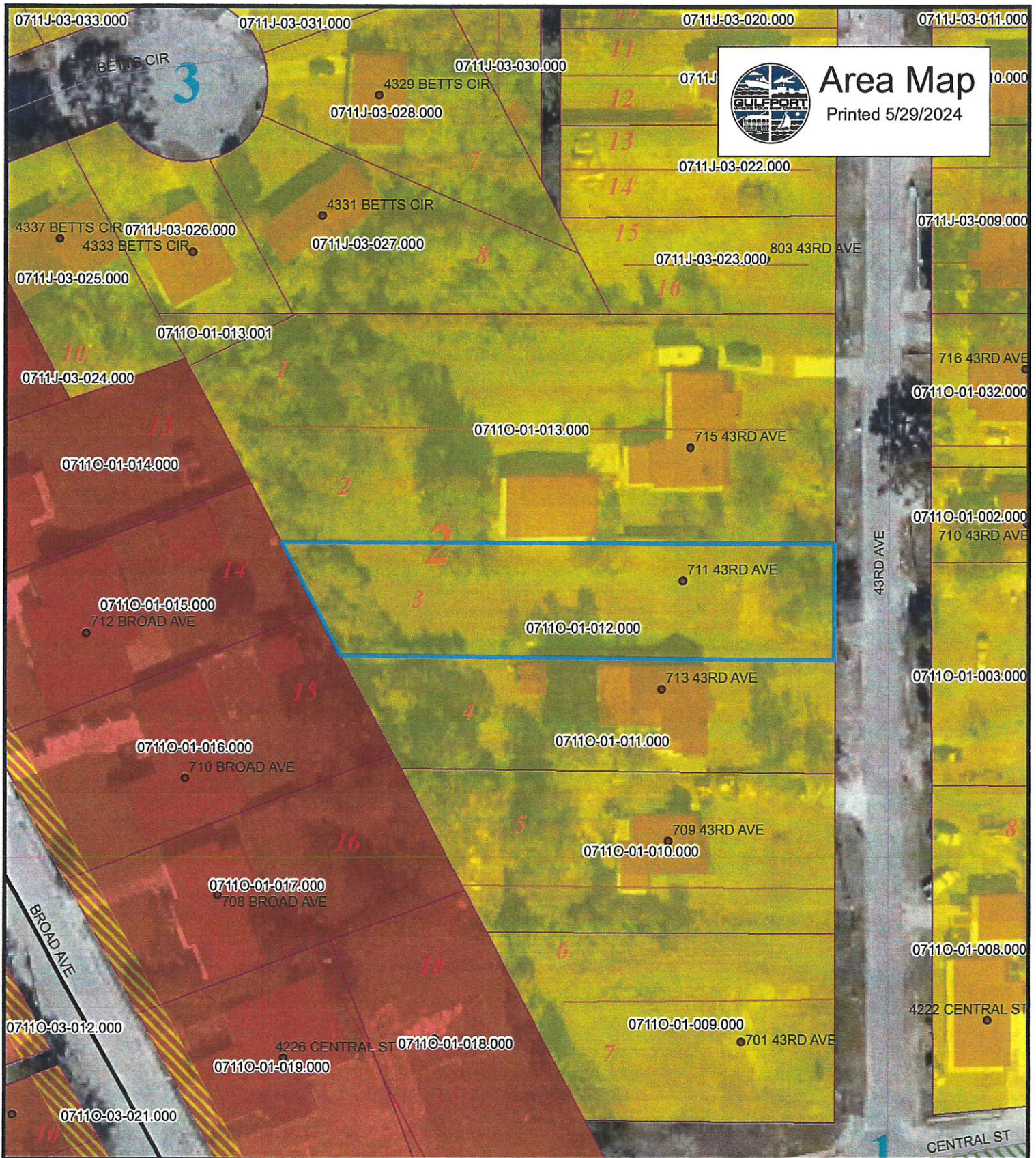
TAX PARCEL NUMBER(S) OWNED 07110-01-012.000

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: Samuel M. Robinson III - Owner of SMR3 Corporation



- Addresspoints
- Parcels

Initial and date here:

Planner: _____

Owner: _____

Contractor: _____

DATA DISCLAIMER:
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Yellow = T3
Red = T4+

1. Clear and Convincing Evidence to Demonstrate Reason for Rezoning

With our ongoing efforts to improve and assist the community with enhancing the neighborhood, increasing the property value of homes, and emboldening the pride of the residents, we are requesting a SmartCode Ordinance change from T3 to T4+ zoning at the property located at 711 43rd Ave in Gulfport, i.e. Tax Parcel # 07110-01-012.000. The character of the neighborhood has changed significantly since the Hurricane Katrina. Residents have worked hard to revitalize, renovate, and renew their community. This is demonstrated by residents beautifying the neighborhood – building newly constructed homes, painting existing homes, manicuring the lawns, and keeping the streets clean. This has restored the neighborhood bringing home grown residents, investors, tourism and others alike to admire and respect the beauty of living on the coast.

The Mayor and Members of the City Council of Gulfport, held a meeting on August 2, 2022 to approve and adopt a Five-Year Consolidated Plan (2022-2026) to foster the needs of Gulfport residents to reside in up-to-date housing to help reduce the incomplete kitchen and plumbing issues along with the inadequate bedroom sizing where the accommodating average is only 1.5 persons to a bedroom which were the majority of living/housing options based on the 2022 findings.¹ Here are a few clear and convincing reasons how this new structure will benefit the five-year consolidated plan the City of Gulfport has recently implemented:

- Being able to provide the neighborhood with a multi-unit structure (i.e., three – 3-bedroom units) will enable us to house several families, individuals including but not limited to the elderly, handicap/disabled citizens, veterans, etc. at one location for years to come.
- The proposed structure will offer a handicap accessible unit as indicated the plans submitted with this application.
- As sited within the consolidated plan, i.e., page 53, the proposed site will provide low maintenance housing to low/moderate income families and it's within walking/biking distance to the Island View Casino, West Side Park and downtown City of Gulfport

We humbly request you grant our request to change the Smart Code to 4+ so we can move forward with construction on the 3-Unit building that has been approved by Builder Finance “new construction” funding.

¹Resolution – CDBG Action Plan. Retrieved on June 2, 2024 from (<https://www.gulfport-ms.gov/wp-content/uploads/2022-2026-Consolidated-Plan-and-2022-Action-Plan-as-approved-by-Council.pdf>).

2. Owner Interest:

- 711 43rd Ave Gulfport MS is currently owned by SMR3 Corporation and Golden Ventures LLC. The Quitclaim deed has been included to show proof of ownership.
- Owners of SMR3 Corporation have signed the Application for Zoning Map Amendment application
- Owners of Golden Ventures LLC have signed the Application for Zoning Map Amendment application

3. Development Schedule

- SMR3 Corporation has built, owned and operated high-quality rental units but we target low-medium income residents in the City of Gulfport area

- Architectural drawings have been completed and currently sitting with City of Gulfport Planning/Zoning for review and approval
- The 3-Unit building has been approved by Builder Finance <https://www.builderfinance.com/> and we can show proof of approval upon request
- We plan to move forward with construction immediately AFTER T4+ zoning has been approved
- Please note a few extremely important facts regarding our high-quality rental units:
 - Structure will be built using Insulated Concrete Forms (ICF), which is rated for 145MPH wind loads
 - One unit will be dedicated to handicap accessible tenant residents

4. Effect of Amendment

This proposed SmartCode ordinance change would require this lot to be changed from T3 to T4+ in the zoning map.

5. Error:

There are no errors in the zoning ordinance that would be corrected as a result of approving/changing the SmartCode ordinance for the property located at 711 43rd Ave. in Gulfport.



Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
Golden Ventures, LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1428471
Status:	Good Standing
Effective Date:	02/06/2024
State of Incorporation:	NC
Principal Office Address:	4030 Wake Forest Road, Suite 349 Raleigh, NC 27609

Registered Agent

Name
NORTHWEST REGISTERED AGENT, INC 270 TRACE COLONY PARK, STE B RIDGELAND, MS 39157

Officers & Directors

Name	Title
Johnathan Malone 4319 Bethel Park Drive Raleigh, NC 27610	Member



Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
SMR3 Corporation	Legal
Highland Property Management DBA	Previous Fictitious Name

Business Information

Business Type:	Profit Corporation
Business ID:	956916
Status:	Good Standing
Effective Date:	10/23/2009
State of Incorporation:	Mississippi
Principal Office Address:	16380 Orange Grove Rd Gulfport, MS 39540

Registered Agent

Name
Robinson, Samuel M, III
16380 Orange Grove Rd
Gulfport, MS 39503

Officers & Directors

Name	Title
Legalzoom.com, Inc. 7083 Hollywood., Suite 180 Los Angeles, CA 90028	Incorporator
Samuel M. Robinson III PO Box 7757 Diberville, MS 39540	Director, President
Annalisa M. Robinson PO Box 7757 Diberville, MS 39540	Secretary, Vice President



SCANNED



Angela Hines 1st JUDICIAL DISTRICT
Instrument 2024-0004905-D-J1
Filed/Recorded 03/15/2024 3:15:01 PM
Total Fees 26.00
3 Pages Recorded

Prepared by:
Andrew Marion, PLLC
Attorney-at-Law
1919 23rd Ave.
P.O. Box 863
Gulfport, MS 39502
(228)-865-9047
MS Bar # 1866

Return to:
Andrew Marion, PLLC
Attorney-at-Law
1919 23rd Ave.
P.O. Box 863
Gulfport, MS 39502
(228)-865-9047
File # 24-0024

STATE OF MISSISSIPPI
HARRISON COUNTY
FIRST JUDICIAL DISTRICT

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, I

Steve Ward
25429 Pecan Road
Pass Christian, MS 39571
228-669-1732

do hereby sell, convey and quitclaim unto

SMR3 Corporation: P.O. Box 7757, D'Iberville, MS 39540 Ph: 228-327-7237

and

Golden Ventures, LLC: 4030 Wake Forest Road, Suite 349, Raleigh, NC 27609 Ph: 404-509-3671

that certain tract, piece or parcel of land situated and being located in First Judicial District of Harrison County, State of Mississippi, more particularly described as follows, to-wit:

(See Exhibit A attached, Page3)

INDEXING INSTRUCTIONS: Exempt

THIS CONVEYANCE is subject to any prior reservation or conveyance of oil, gas or other mineral rights and subject to all easement restrictions, reservations and covenants of record.

WITNESS MY SIGNATURE, on this the 15th day of March, 2024.


Steve Ward

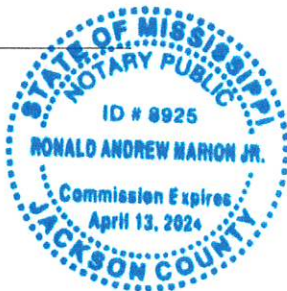
STATE OF MISSISSIPPI

COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the above stated jurisdiction, the within named Steve Ward who acknowledged that he signed and delivered the foregoing Quitclaim Deed on the day and year therein written as his own free and voluntary act and deed.

GIVEN under my hand and official seal on this the 15th day of March, 2024.

MY COMMISSION EXPIRES:



NOTARY PUBLIC

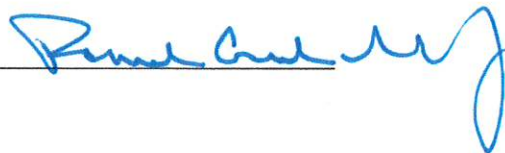


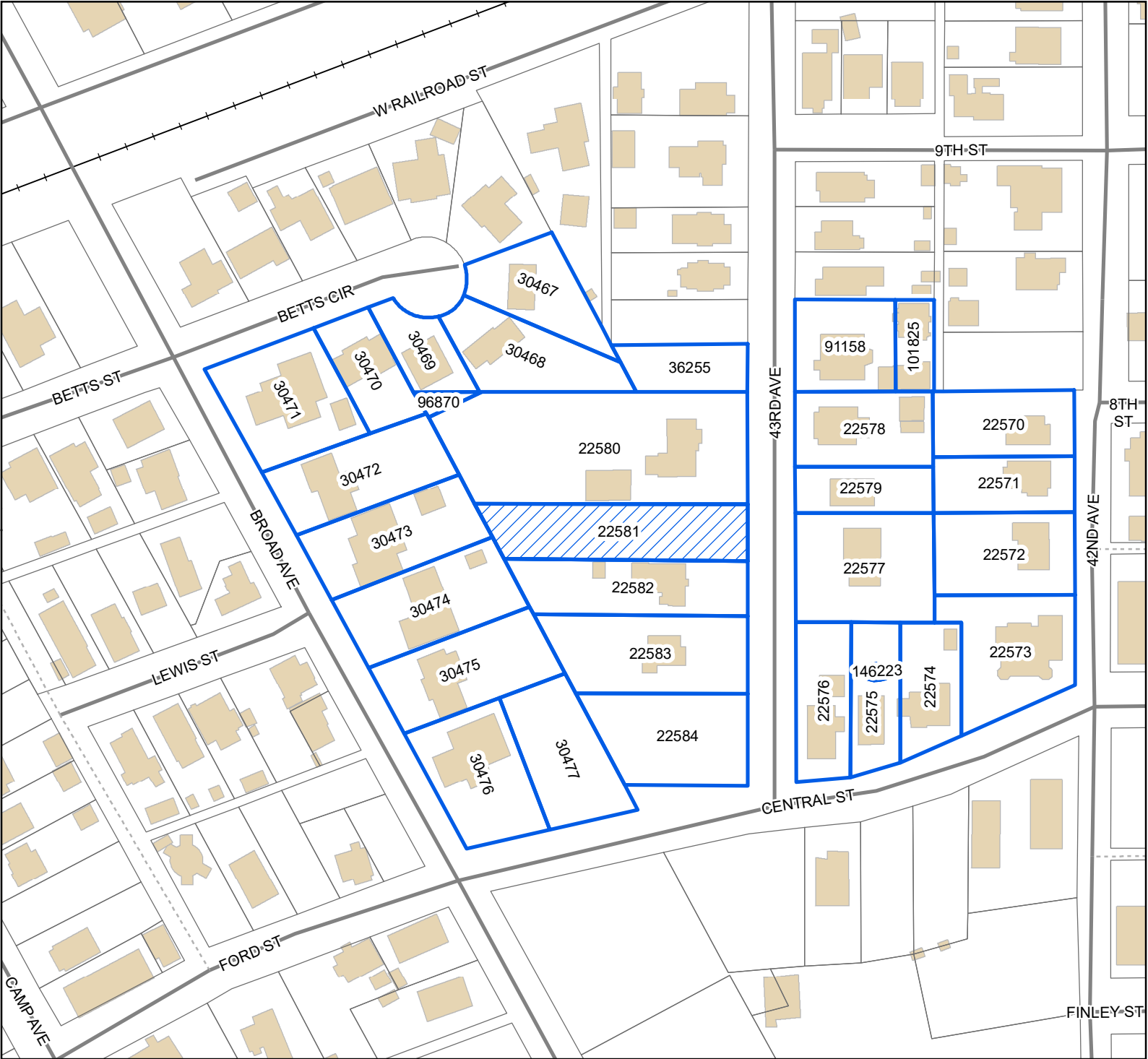
Exhibit "A"

Lot 3, Block 2, Alta Vista Subdivision, a subdivision of Harrison County, First Judicial District, Mississippi.

This being the same property which is the subject of the Judgment For Confirmation Of Tax Title filed as instrument number 2023-20912-D J1 in the records of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

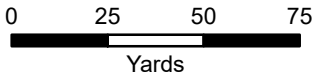
Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
		07110-01-012.000	GOLDEN VENTURES, LLC (OWNER)	4030 WAKE FOREST ROAD STE 349	RALEIGH	NC	27609
		07110-01-012.000	SMR3 CORPORATION (OWNER)	P.O. BOX 7757	D'IBERVILLE	MS	39540
		Adjacent Property Owners (2407PC103)					
	22574	07110-01-006.000	WILLIAMS CARL E & DALERIE C	3642 SUITLAND RD SG	WASHINGTON	DC	20020
	30471	0711J-03-024.000	PUCHEU LEROY P	4339 BETTS CIRCLE	GULFPORT	MS	39501
	22580	07110-01-013.000	MONIZ KATHY & LEGHORN ROBERT	715 43RD AVE	GULFPORT	MS	39501
	30477	07110-01-018.000	REALTY INTERNATIONAL LLC	P O BOX 4246	GULFPORT	MS	39502
N	22584	07110-01-009.000	REALTY INTERNATIONAL LLC	P O BOX 4246	GULFPORT	MS	39502
	36255	0711J-03-023.000	ADAMS DAVID R & ELIZABETH ANN	810 43RD AVE	GULFPORT	MS	39501
	22570	07110-01-031.000	LEE JAMES & TENG SUHSIN	745 BOAR CIRCLE	FREMONT	CA	94539
	22576	07110-01-008.000	MAZARIEGOS SANDRA J & JOSEPH V	4222 CENTRAL STREET	GULFPORT	MS	39501
	22575	07110-01-007.000	STUDDARD MARK LEE & KRISTIE A ETAL	200 WILSON STREET	CORINTH	MS	38834
	30467	0711J-03-028.000	NESSHOEVER KATHERINE A	4329 BETTS CIR	GULFPORT	MS	39501
	30468	0711J-03-027.000	MCCOWN WILLIAM J	P O BOX 228	LONG BEACH	MS	39560
	22581	07110-01-012.000	WARD STEVE	25429 PECAN RD	PASS CHRISTIAN	MS	39571
	22583	07110-01-010.000	HILL SANDRA E	328 WEST VIEW DR	BILOXI	MS	39531
	91158	0711J-03-009.000	MITCHELL MICHAEL & ALICIA	800 43RD AVE	GULFPORT	MS	39507
N	101825	0711J-03-009.002	MITCHELL MICHAEL & ALICIA	800 43RD AVE	GULFPORT	MS	39507
	30470	0711J-03-025.000	BLAKENEY MITCHELL D	4337 BETTS CIRCLE	GULFPORT	MS	39501
	30473	07110-01-015.000	SPANN ROBYN L	712 BROAD AVE	GULFPORT	MS	39501
	30474	07110-01-016.000	CRUZ HERIBERTO & AIDEE	710 BROAD AVE	GULFPORT	MS	39501
	22578	07110-01-032.000	VIAL ROY P & ZEFFIE SUE	716 43RD AVE	GULFPORT	MS	39501
	30472	07110-01-014.000	BLANNER DANIEL A SR	714 BROAD AVE	GULFPORT	MS	39501
	22577	07110-01-003.000	JOHNSON CAROL A	P O BOX 94	BILOXI	MS	39533
	22573	07110-01-005.000	REED GAYLE A & SCOTTY	701 42ND AVE	GULFPORT	MS	39501
	30476	07110-01-019.000	ISLAMIC CENTER OF GULFPORT INC	4302 W BEACH BLVD	GULFPORT	MS	39501
	22579	07110-01-002.000	SEIBERT WILLIAM B	306 MAGNOLIA LN	PASS CHRISTIAN	MS	39571
	22572	07110-01-004.000	LOGAN DARRIN BRYAN	711 42ND AVE	GULFPORT	MS	39501
	22582	07110-01-011.000	GOODWIN LINDA	713 43RD AVE	GULFPORT	MS	39501
	30475	07110-01-017.000	THWEATT-BURTON JACQUELINE RENEE T	708 BROAD AVE	GULFPORT	MS	39501
	96870	07110-01-013.001	MCDANIEL THOMAS S & APRIL B	130 SHADOW LAKE DR	HATTIESBURG	MS	39402
N	30469	0711J-03-026.000	MCDANIEL THOMAS SCOTT & APRIL	130 SHADOW LAKE DR	HATTIESBURG	MS	39402
	146223	07110-01-007.001	STUDDARD MARK LEE & KRISTIE ETAL	4216 CENTRAL STREET	GULFPORT	MS	39501
	22571	07110-01-001.000	KALETSCHE EDWARD L & SANDRA ANN	715 42ND AVE	GULFPORT	MS	39501
		07110-01-012.000	SAMUEL M. ROBINSON III(OWNER)	P.O. BOX 7757	D'IBERVILLE	MS	39540
		07110-01-012.000	ANNALISA M. ROBINSON (OWNER)	P.O. BOX 7757	D'IBERVILLE	MS	39540

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
		07110-01-012.000	JOHNATHAN & ASIA MALONE (OWNER)	4030 WAKE FOREST RD STE 349	RALEIGH	NC	27609



Legend

- Site
- Adjacent Properties
- Street
- Alley
- Railroad
- Buildings



1 inch = 150 feet



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RE: Zoning Map Amendment 2407PC103, by owners SMR3 Corporation & Golden Ventures LLC, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0711O-01-012.000, 711 43rd Ave, Zoned T3 (Suburban Zone), Ward 2

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, July 25, 2024**, 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, July 25, 2024**. 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.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	569700	Print Legal Ad-IPL01817370 - IPL0181737		\$78.55	2	40 L

Attention: Matilda Welch
GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

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, July 25, 2024 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 2407PC093, by owner Onel Bauldie Jr., seeking approval for a mobile home use, Tax Parcel 09071-02-083.000, Gorman Street, Zoned R-1-5 (Single-Family), Ward 6

Special Exception 2407SE096, by agent John Pritchard, seeking approval for a to-go Daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Rd, Zoned B-1 (Neighborhood Business), Ward 5

Planning Commission Approval 2407PC104, by agent Bobby Britton, seeking approval for a medical cannabis dispensary use, Tax Parcel 0811C-05-003.000, 2709 25th Ave units E&F, Zoning B-2 (General-Business), Ward 3

Planning Commission Approval 2407PC108, by owner LaBella's Salon LLC, seeking approval for a trade school use, Tax Parcel 0808N-01-012.000, 15095 Dedeaux Road, Zoning B-2 (General-Business), Ward 5

Zoning Map Amendment 2407PC097, by owners Frank and Dawn McGraw, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0911A-02-103.000, 124 Palmetto Lane, Zoned T5 (Urban Center Zone), Ward 2

Zoning Map Amendment 2407PC099, by owner David Boggs, requesting to rezone to R-1-7.5 (Single-Family), Tax Parcel 1009K-03-001.001, Creel Circle, Zoned R-1-7.5 (Single-Family), I-2 (Heavy Industry), Ward 5

Zoning Map Amendment 2407PC103, by owners SMR3 Corporation & Golden Ventures LLC, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0711O-01-012.000, 711 43rd Ave, Zoned T3 (Suburban Zone), Ward 2

Zoning Map Amendment 2407PC111, by agent Anne Giovengo, requests to rezone to T6 (Urban Core Zone), Tax Parcel 0910I-02-009.000, 665 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

This the 28th day of June 2024
Keith Williams, Chairman
City of Gulfport Planning Commission
IPL0181737
Jul 10 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Mary Castro, who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the issue(s) of:

1 insertion(s) published on:
07/10/24

Affidavit further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

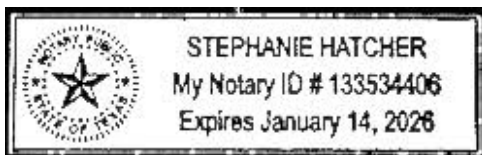
Mary Castro

Sworn to and subscribed before me this 10th day of July in the year of 2024

Stephanie Hatcher

Notary Public

* The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32.



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

MEMORANDUM

To: City of Gulfport Planning Commission

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date of Hearing: July 25, 2024

Re: **Zoning Map Amendment 2407PC111:**

Zoning Map Amendment 2407PC111, by agent Anne Giovingo, requests to rezone to T6 (Urban Core Zone), Tax Parcel 0910I-02-009.000, 665 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

Technical Report

Zoning Map Amendment

GENERAL INFORMATION

Case File Number: 2407PC111

Hearing Date: July 25, 2024

Current Zoning/Use: B-2 / Commercial Structure

Legal: Zoning Map Amendment 2407PC111, by agent Anne Giovingo, requests to rezone to T6, Tax Parcel 0910I-02-009.000, 665 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

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 249,707.82 square feet of property from T4+ (General Urban Zone "Plus") to a T6 (Urban Core Zone). Currently, the property has several business uses on-site (Salvage World of Gulfport, Corner Boutique, Mobility Plus Gulfport, and Shuttle Worth Chiropractic Center). The applicant requests to rezone the property for the purpose of making the current and future uses to be allowed in this zoning by right, instead of having current and future tenants mix be a "grandfathered in" status because they do not meet the zoning uses required by the City Ordinances. Furthermore, the applicant states, "East Pass Road is a major collector and there is a public need for this type of use." Also, the applicant suggests, "This will not effect the surrounding area, but will only enhance it. It will provide a safer environment by allowing them to maintain occupancy as well as benefit the City and local community by offering requested services." The surrounding area consists of several commercial uses such as a car dealership, barbershops/beauty salon, insurance office, real estate office, and a church.

According to the City's 2002 Comprehensive Plan, the subject site is intended to allow for mixed use; buildings may be entirely residential or a mix of office/retail/residential uses in the future land use plan. Examples include allowing barbershops, offices, and other retails uses. Therefore

Technical Report

Zoning Map Amendment

the change in zoning would be in harmony with the proposed commercial uses. The zoning is intended to stay a T4+ (General Urban Zone "Plus"). (See attached map)

The applicant has not provided as justifications for change of the current zoning district.

1. Mistake or error is not addressed by the applicant.
2. Need is addressed by the applicant as this zoning change would accommodate their desire to access the property they own behind this property.

EXECUTIVE SUMMARY

The applicant wishes to rezone the subject site from T4+ (General Urban Zone "Plus") to a T6 (Urban Core Zone) in order to make the current and future uses to be allowed in this zoning by right, instead of having current and future tenants mix be a "grandfathered in" status because they do not meet the zoning uses.

The applicant has not proven with clear and convincing evidence for a zoning change as required by the state, however, the staff notes that there are several commercial uses in the surrounding area and rezoning to T6 would be in harmony with the existing neighborhood.

Any approval should consider these conditions:

1. Must meet all current building Codes and City of Gulfport Ordinances.
2. Must comply with all Planning & Zoning rules and regulations.
3. Must meet T4+ Zoning Regulations.
4. Planning Commission only gives recommendation. This will require approval from City Council.

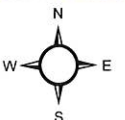
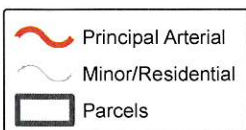
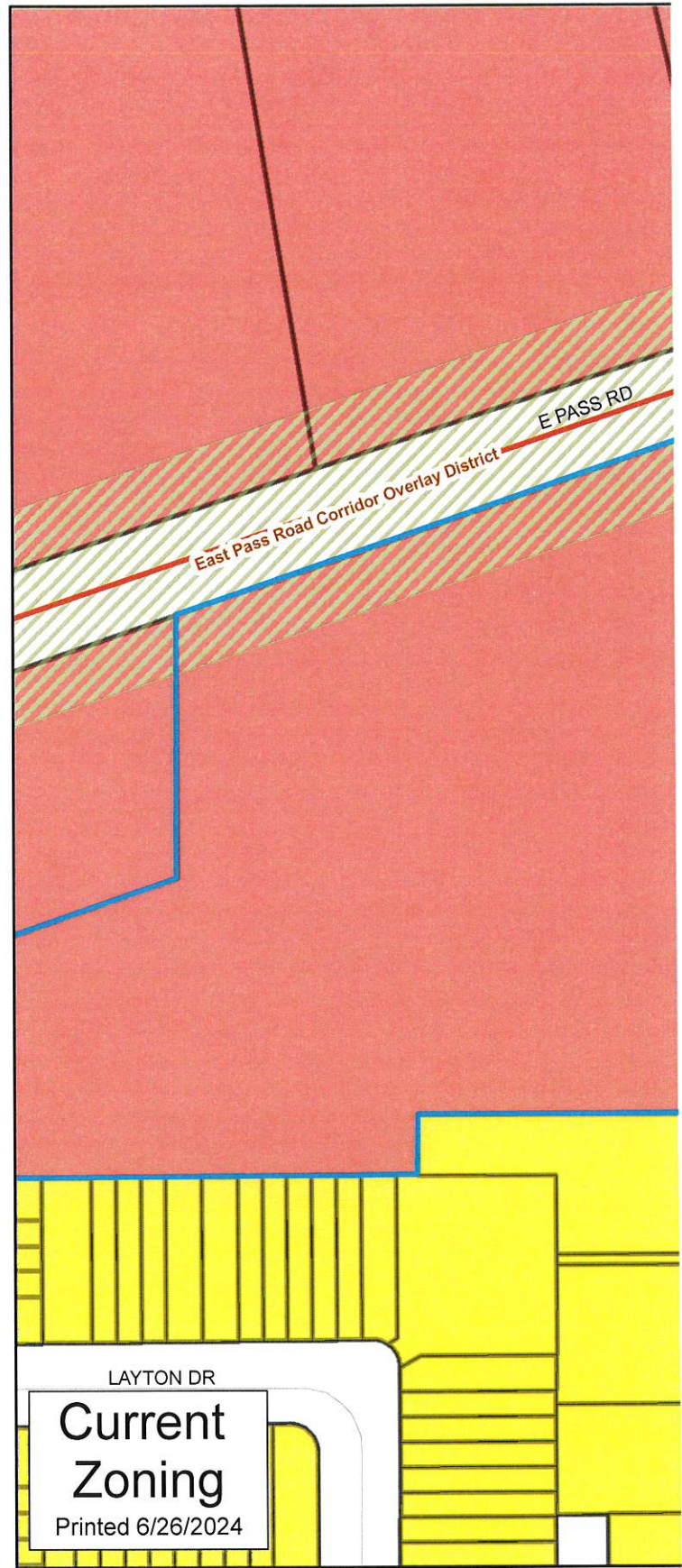
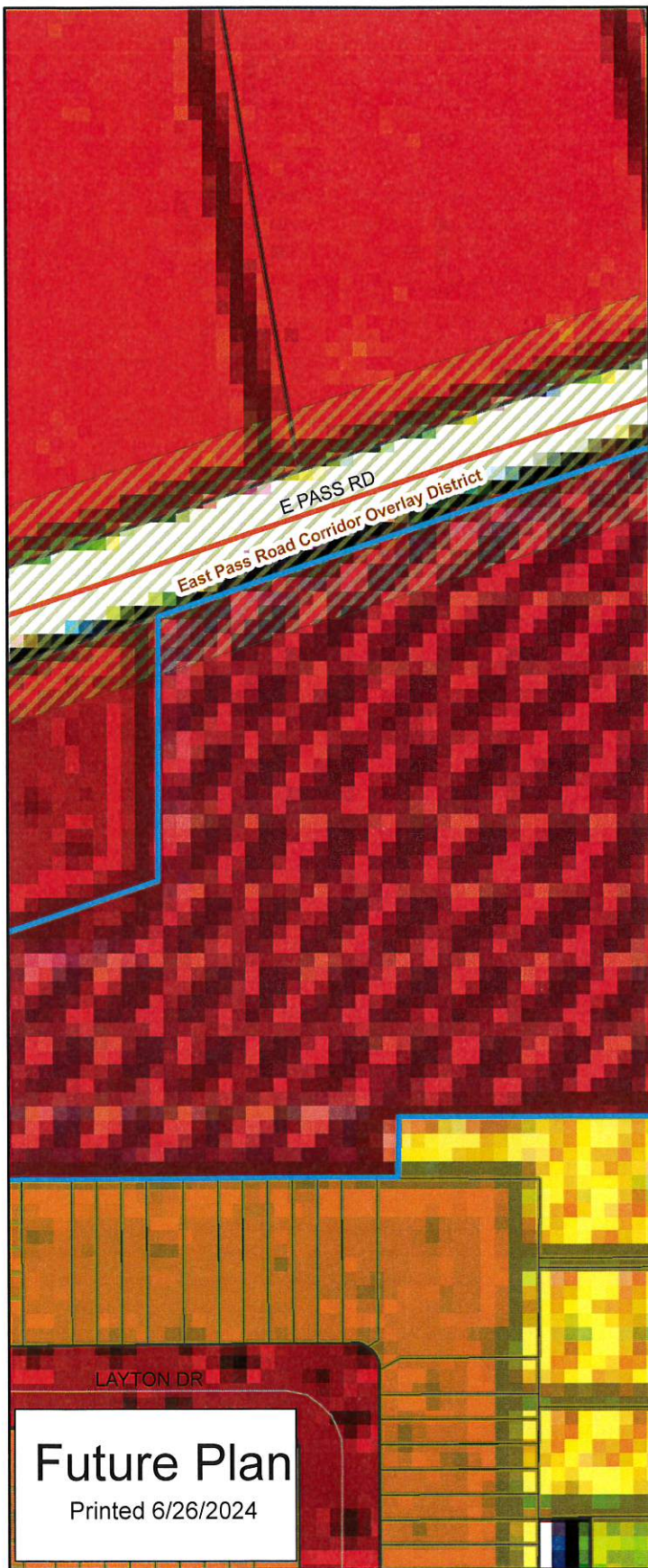
DIRECTOR APPROVAL

This report has been reviewed and approved by:



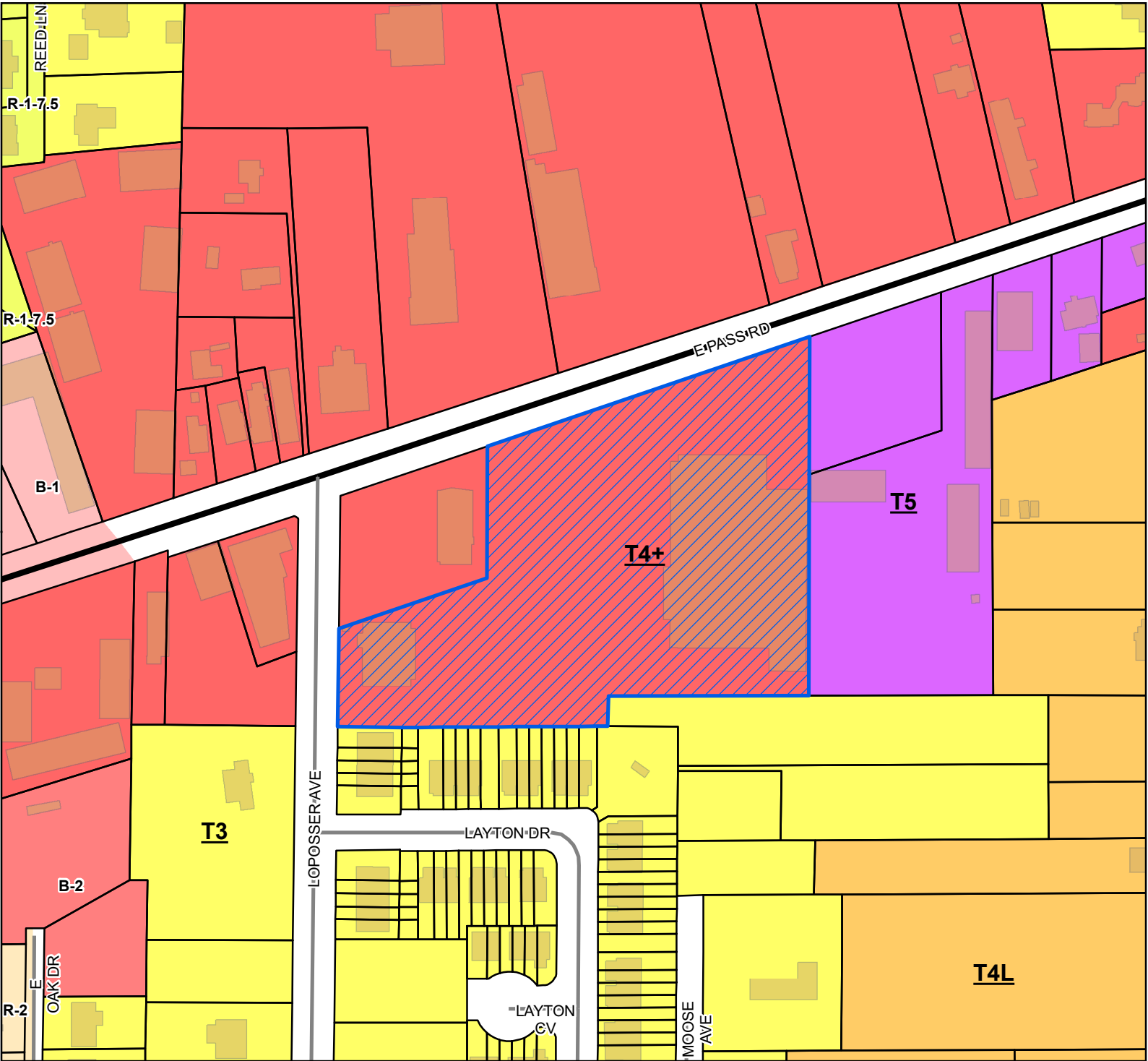
Greg Holmes

Director of Urban Development Department



1 inch = 125 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 represent 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



Site
 Site

US or State Highway
 US or State Highway

Street
 Street

Parcels
 Parcels

Buildings
 Buildings

City Limit
 City Limit

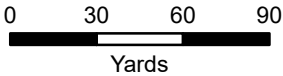
Smart Code

- T5
- T4+
- T4L
- T3

Zoning

- B-1 - Neighborhood Business District
- B-2 - General Business District
- R-1-7.5 - Single Family Residence District (Low Density)
- R-2 - Single Family Residence District (Medium Density)

Site Information
 0910I-02-009.000
 Zoning: T4+ (General Urban Zone "Plus")
 Size: 5.4 acres
 Flood: X



1 inch = 200 feet



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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)**

Property Information

TAX PARCEL #

0	9	1	0	1

 -

0	2

 -

0	0	9

 .

0	0	0

(If necessary, use separate sheet of paper)

For Staff Use Only

Case File #: 2407PC111
Date Received: 6/5/24
Receipt #: 12782996
Received By: ad
Zoning: T4+
Ward: 2 Flood: X

Address of Property Involved: 665 E. PASS ROAD Gulfport MS 39507

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

General Location: _____

GENERAL DESCRIPTION OF REQUEST:

Zoning change from T4+ to T6

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

John Chilimigras

Printed Name Of Owner

109 RANCH Street

Mailing Address

Bay St. Louis MS 39520

City

State

Zip code

228-342-5767

Home Phone

Work/Cell Phone

JOHN-CHILIMIGRAS@YAHOO.COM

Email

John Chilimigras

Signature Of Owner

AGENT

ANNE M. GIOVINGO

Printed Name Of Agent

702 W. BEACH BLVD.

Mailing Address

LONG BEACH MS 39560

City

State

Zip code

504-338-2999

Home Phone

Work/Cell Phone

ANNE.M.GIOVINGO11C@COASTMS.BIZ

Email

Anne M. Giovino

Signature Of Agent

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



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

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

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

NAME OF OWNER (PRINT) James Chilimigras
 ADDRESS (STREET, CITY, STATE, ZIP CODE) 7080 Dogwood Street BSL nr 32520

PHONE # (H) NA (W) 228-342-5768

TAX PARCEL NUMBER(S) OWNED 09101-02-009.000

SIGNATURE: *[Signature]*

NAME OF OWNER (PRINT) Erin Chilimigras

ADDRESS (STREET, CITY, STATE, ZIP CODE) 109 Ranchita

PHONE # (H) 228-254-0859 (W) _____

TAX PARCEL NUMBER(S) OWNED 09101-02-009.006

SIGNATURE: *[Signature]*

NAME OF OWNER (PRINT) _____

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

PHONE # (H) _____ (W) _____

TAX PARCEL NUMBER(S) OWNED _____

SIGNATURE: _____

(Use additional forms as needed)

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

PERSON/AGENT FOR YOU: John Chilimigras owner
Anne M. Livingston Agent



Designation of Agent

I, JAMES
James Chillmigras, being property owner of 665 E PASS ROAD
which is the subject of this application hereby authorize ANALE M. GIOVINCO 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.

[Signature]
Signature

6/5/24
Date

STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 5th day of June 2024

Samuel Sweeting
Notary Public

NOTARY PUBLIC
HARRISON COUNTY
ID NO. 358116
Commission Expires 05/22/2027
2027
Commission Expiration

East Pass Road is a major collector And there is a Public need for this type of use. Our current tenant mix are all Grandfathered in And fit the zoning that we are apply to Be changed into. Additionally this will not effect the surrounding area But will only enhance it. It will provide a safer environment By allowing us to maintain occupancy as well as Benifit the city and local community By offering requested service, additional tax Revenue, and occupancy By long term committed tenants who will specifically Be providing a need such as mobility to the Elderly + Veterans population. Thank you for your time and consideration. The Property meets the size And all Requirements in order to make the zoning change.



6/5/24

John Chilimigars

228-342-5767

James Chilimigars

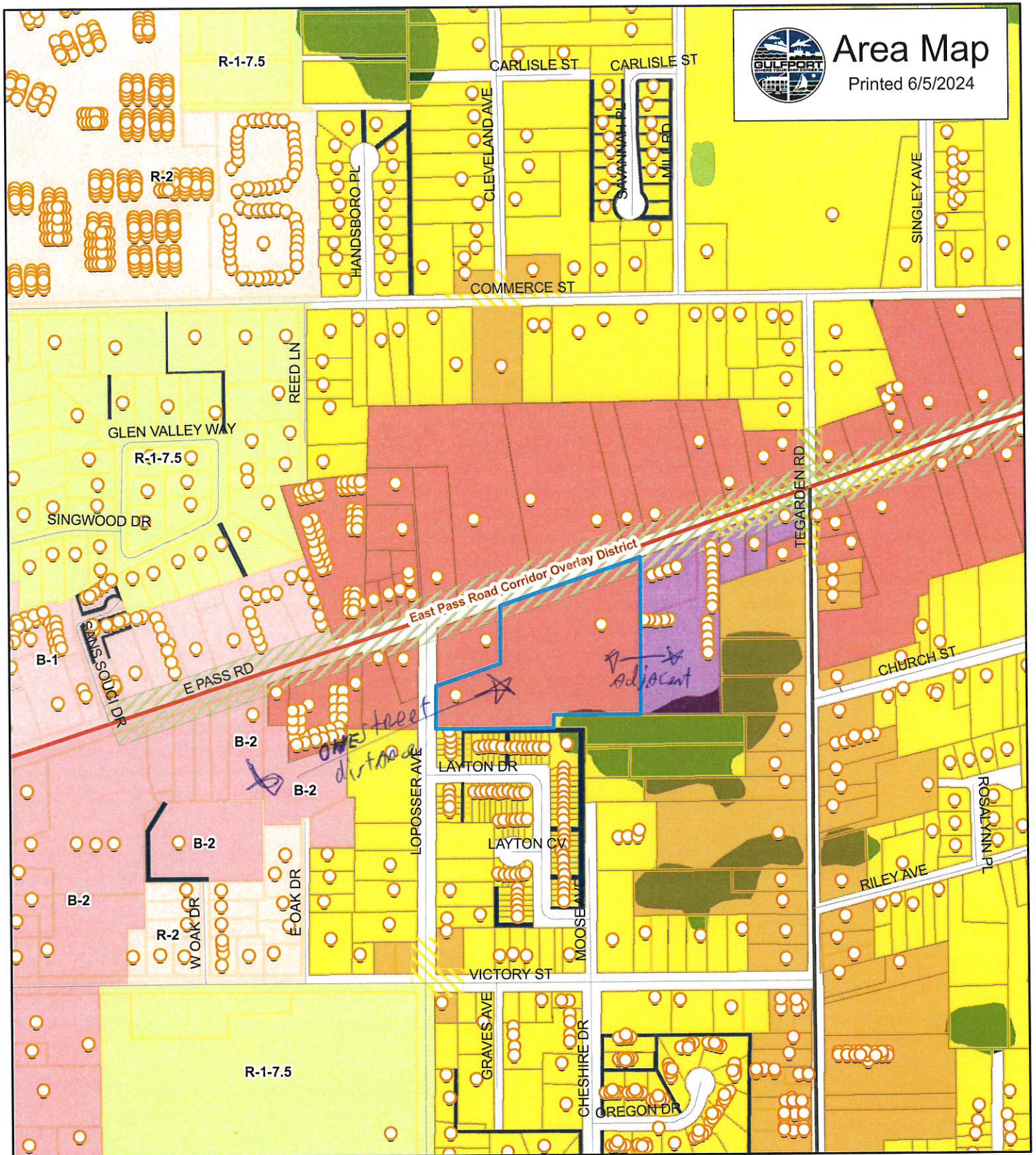
228-342-5768

Erin Chilimigars

228-254-8859

Property Owners

There is no known error with the original zoning the Application is under Public need And confirming the Existing Grandfathered in tenants use from Grandfathered Nonconforming to properly zoned conforming.



Area Map

Printed 6/5/2024

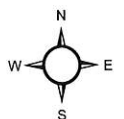
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Planner: _____

Owner: _____

Contractor: _____

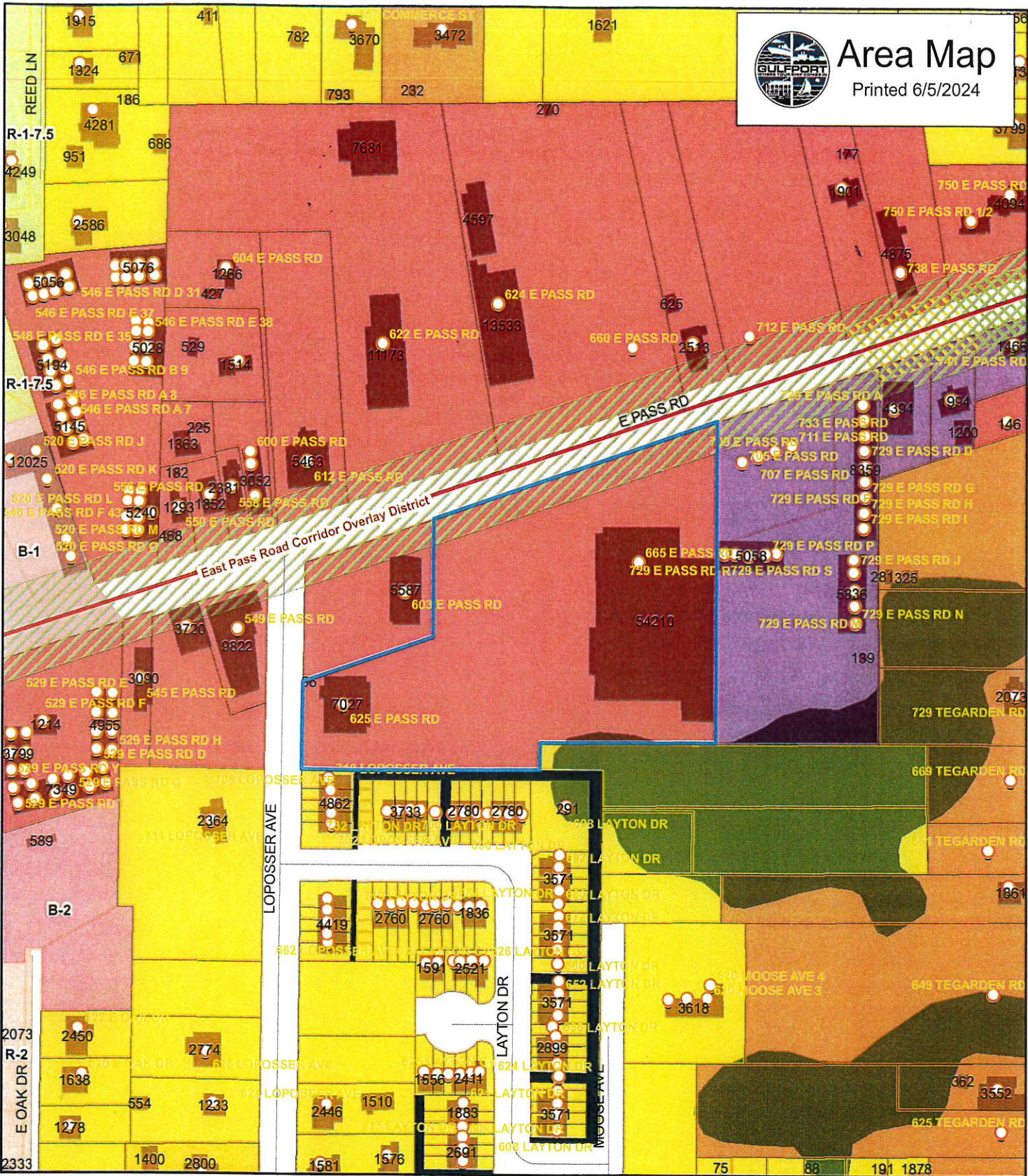
Addresspoints	Edits addresspoints
●	STRUCT_CLASS
●	Commercial
●	Device/Utility
●	Misc
●	Primary
●	Residential
●	Unclassified
—	Principal Arterial
—	Collector
—	Minor/Residential
□	Parcels



1 inch = 420 feet

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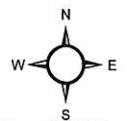
Initial and date here: _____

○ Address points	Edits address points	Side DB or Resubdivision
● Commercial	STRUCT_CLASS	Parcels
● Device/Utility		
● Misc		
● Primary		
● Residential		
● Unclassified		
— Principal Arterial		
— Minor/Residential		

Planner: _____

Owner: _____

Contractor: _____



1 inch = 208 feet

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J. Hoffman 1st JUDICIAL DISTRICT
Instrument 2023-0025834-D-11
Filed/Recorded 12/27/2023 1:30:01 PM
Total Fees 27.00
6 Pages Recorded

Prepared by:
Gene J. Hoffman IV
Attorney at Law
311 East Second St.
Pass Christian, MS 39571
(228) 452-9408
Mississippi Bar Number: 104994

Return to:
Gene J. Hoffman IV
Attorney at Law
311 East Second St.
Pass Christian, MS 39571
(228) 452-9408

INDEX AS FOLLOWS: Parcel located in the E 1/2 of the NE 1/4 of Sec. 36, T7S, R11W, Harrison Co., 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 considerations, the receipt and sufficiency of all of which is hereby acknowledged, **FIRST TIBER S.A., INC.**, a Florida corporation, of 801 Brickell Bay Drive, Suite 370, Miami, FL 33131, (305) 374-7840, does hereby sell, convey and warrant unto **JOHN J. CHILIMIGRAS** and wife, **ERIN M. CHILIMIGRAS**, and **JAMES CHILIMIGRAS**, of 109 Ranch Street, Bay St. Louis, MS 39520, (228) 342-5767, as joint tenants with full rights of survivorship and not as tenants in common, the following described real property situated in Harrison County, First Judicial District, State of Mississippi, described as:

That certain parcel or tract of land situated in Section 36, Township 7 South, Range 11 West, Gulfport, Harrison County, First Judicial District, Mississippi, and being

more particularly described as:

Commence at the Southeast corner of the intersection of Lopper Avenue and the Pass Christian Road, and running thence North 72 degrees 15 minutes East along the South right-of-way of said Pass Christian Road a distance of 223.9 feet to the Point of Beginning; thence run South a distance of 191.75 feet; thence South 72 degrees 15 minutes West a distance of 223.9 feet to the East right-of-way of Lopper Avenue; thence South a distance of 140 feet; thence East a distance of 401.25 feet; thence North a distance of 57.1 feet; thence East a distance of 285.7 feet; thence North a distance of 494.49 feet to the South right-of-way of Pass Christian Road; thence Southwesterly along the South right-of-way of Pass Christian Road a distance of 497.42 feet to the Point of Beginning. Said parcel contains 5.4 acres, more or less.

The above described property is conveyed subject to restrictions, reservations and easements of record, along with ad valorem taxes for current and future years not yet due and payable and any and all prior oil, gas and other mineral severances, reservations and conveyances of record..

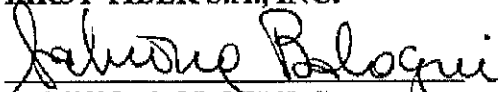
It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and when said taxes are actually determined, if the proration as of this date is incorrect, the parties herein agree to pay on a basis of an actual proration. All subsequent year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

The above described property forms no part of the homestead of the Grantor herein.

Witness the signature of the Grantor this 20 day of December, 2023.

FIRST TIBER S.A., INC.

By:


SABRINA BOLOGNI, Secretary

STATE OF ~~MISSISSIPPI~~ **FLORIDA**

COUNTY OF ~~HARRISON~~ **MIAMI DADE**

Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, **SABRINA BOLOGNI**, who acknowledged that she is Secretary of **FIRST TIBER S.A., INC.**, a Florida corporation, and as its act and deed, she executed the above and foregoing instrument of writing on the day and in the year therein written, she having been first duly authorized to do so.

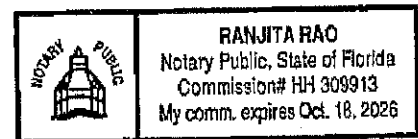
Given under my hand and official seal of office this 20th day of December, 2023.

Ranjita Rao

NOTARY PUBLIC

My Commission Expires: 10-18-2026

AFFIX SEAL



**CERTIFICATE OF CONSENT TO ACTION WITHOUT MEETING OF THE BOARD OF
DIRECTORS**

Certificate of written consent to action without meeting of the board of directors of First Tiber SA Inc (the "Corporation" dated this 12th day of December, 2023.

The Secretary of the Corporation Certifies that the Corporation is a corporation duly organized and operating under the laws of the State of Florida.

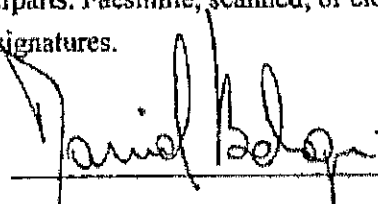
IT WAS RESOLVED THAT:

1. The officers of the Corporation are authorized, empowered and directed to sell the following asset for the best price obtainable and under terms and conditions that are deemed reasonable and in the best interest of the Corporation:

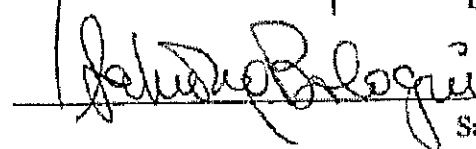
665 Pass Road, Gulfport, MS 39501, and being further described in attached Exhibit "A".

The officers and directors of the Corporation are authorized to take whatever action deemed necessary to ensure the reasonable and proper execution of the agreement of sale for this asset.

2. Any one director or officer of the Corporation is authorized to sign all documents and perform such acts as may be necessary or desirable to give effect to the above resolution.
3. This resolution may be executed in counterparts. Facsimile, scanned, or electronic signatures are binding and are considered to be original signatures.

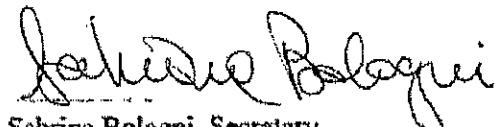


(Signature)
Daniel Bologni



(Signature)
Sabrina Bologni

In witness whereof, I have duly executed this Certificate of Corporate Resolution this 12th day of December, 2023.


Sabrina Bologni, Secretary

I, Daniel Bologni, President of the Corporation, do hereby certify that Sabrina Bologni is the duly elected Secretary of the Corporation. I also certify that any signatures set out above are the correct signatures of those persons. I further certify that I have executed this resolution for the purpose stated above for and on behalf of the Corporation.

IN WITNESS WHEREOF, I have duly executed this certificate this 12th day of
December, 2023.


Daniel Bologni, President

EXHIBIT "A"

That certain parcel or tract of land situated in Section 36, Township 7 South, Range 11 West, Gulfport, Harrison County, First Judicial District, Mississippi, and being more particularly described as:

Commence at the Southeast corner of the intersection of Lopusser Avenue and the Pass Christian Road, and running thence North 72 degrees 15 minutes East along the South right-of-way of said Pass Christian Road a distance of 223.9 feet to the Point of Beginning; thence run South a distance of 191.75 feet; thence South 72 degrees 15 minutes West a distance of 223.9 feet to the East right-of-way of Lopusser Avenue; thence South a distance of 140 feet; thence East a distance of 401.25 feet; thence North a distance of 57.1 feet; thence East a distance of 285.7 feet; thence North a distance of 494.49 feet to the South right-of-way of Pass Christian Road; thence Southwesterly along the South right-of-way of Pass Christian Road a distance of 497.42 feet to the Point of Beginning. Said parcel contains 5.4 acres, more or less.

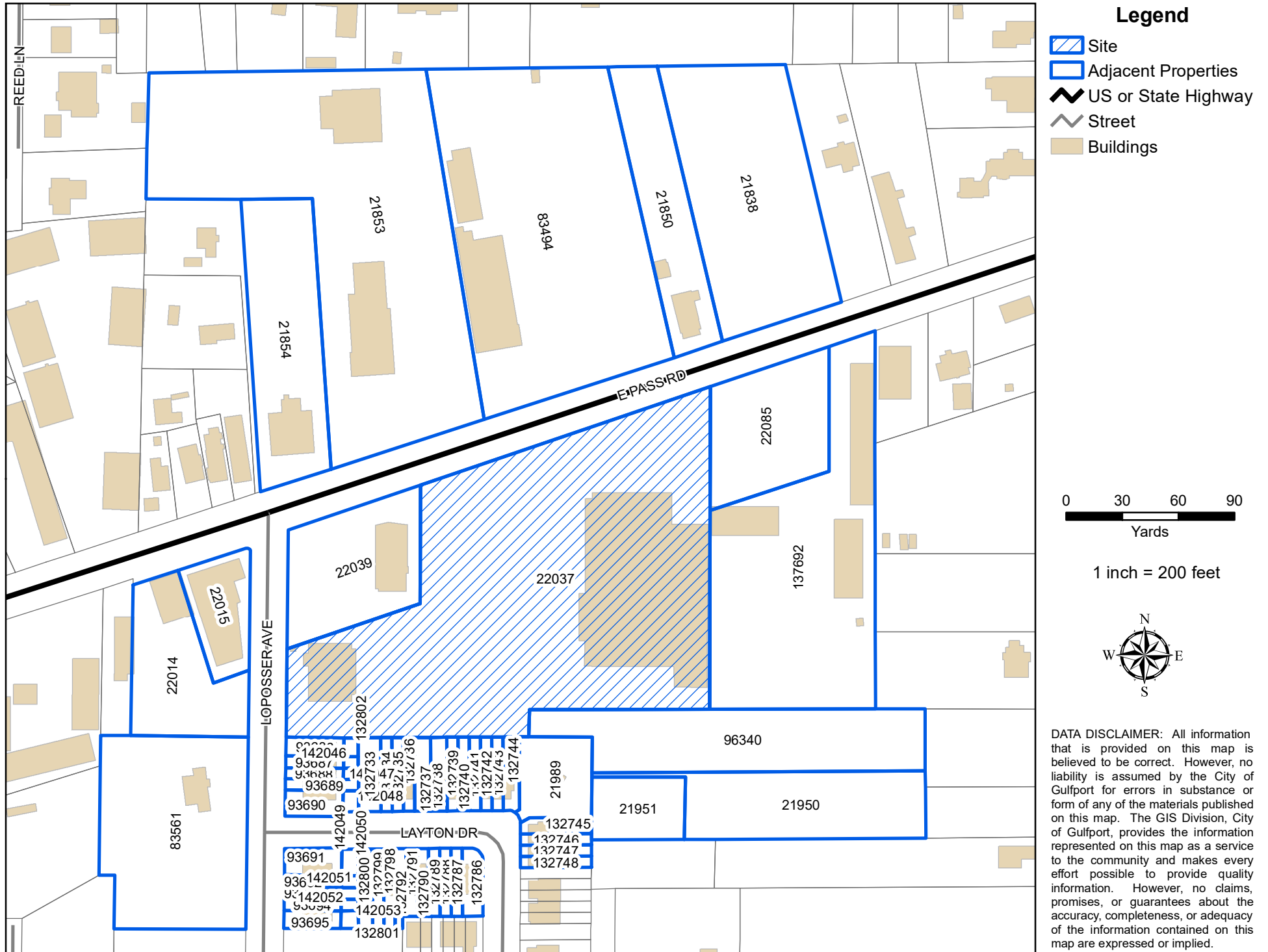
STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT
I, Angela Thrish, Clerk of the Chancery
Court in and for said county and state, do
hereby certify that the attached and foregoing
is a full, true, correct and complete
copy recorded as instrument number _____
of the records of said
county and state which records are in my
official custody
Given under my hand and seal of office
in the City of Gulfport, Harrison County,
Mississippi, this _____ day of _____
20____
Angela Thrish, Clerk of the Chancery Court
Harrison County, Mississippi
By _____

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
		0910I-02-009.000	JOHN CHILIMIGRAS (OWNER)	109 RANCH STREET	BAY ST. LOUIS	MS	39520
		0910I-02-009.000	ERIN CHILMIGRAS (OWNER)	109 RANCH STREET	BAY ST. LOUIS	MS	39520
		0910I-02-009.000	JAMES CHILMIGRAS (OWNER)	7080 DOGWOOD ST	BAY ST. LOUIS	MS	39520
			ANNE M. GIOVINGO (AGENT)	702 W. BEACH BLVD	LONG BEACH	MS	39560
			Adjacent Property Owners (2407PC111)				
	132799	0910I-02-028.062	GARCIA PROPERTIES LLC	14705 RUE MORNAY	BILOXI	MS	39532
N	132798	0910I-02-028.061	GARCIA PROPERTIES LLC	14705 RUE MORNAY	BILOXI	MS	39532
	132788	0910I-02-028.056	BLUE OAK CONSTRUCTION LLC	114 DEL PRADO BLVD	CAPE CORAL	FL	33990
	132787	0910I-02-028.055	PARIONA PROPERTIES LLC	14705 RUE MORNAY DR	BILOXI	MS	39532
N	132786	0910I-02-028.054	PARIONA PROPERTIES LLC	14705 RUE MORNAY DR	BILOXI	MS	39532
	132791	0910I-02-028.059	IRONMAN PROPERTIES OF AMERICA LLC	196 BIENVILLE BLVD	BOURG	LA	70343
N	132789	0910I-02-028.057	IRONMAN PROPERTIES OF AMERICA LLC	196 BIENVILLE BLVD	BOURG	LA	70343
N	132800	0910I-02-028.063	GARCIA PROPERTIES LLC	14705 RUE MORNAY	BILOXI	MS	39532
N	132792	0910I-02-028.060	STATE OF MISS -8/31/2020-				0
	93695	0910I-02-016.010	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
N	93688	0910I-02-016.003	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
	21951	0910I-02-011.000	HENDERSON IVA	1001 CHURCH ST	GULFPORT	MS	39507
N	93689	0910I-02-016.004	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
	93687	0910I-02-016.002	NEWMAN FAMILY PROPERTIES LLC	153 WOODHAVEN DR	GULFPORT	MS	39507
	21950	0910I-02-012.000	OWEN JOE SAM	PO BX 673	GULFPORT	MS	39502
	21854	0910I-01-070.000	AMERICAN NATIONAL RED CROSS	ATTN: DIRECTOR OF REAL ESTATE	CHARLOTTE	NC	28273
N	132790	0910I-02-028.058	IRONMAN PROPERTIES OF AMERICA LLC	196 BIENVILLE BLVD	BOURG	LA	70343
	83494	0910I-01-068.000	MBH GPT REAL ESTATE LLC	328 N COLUMBIA ST	COVINGTON	LA	70433
	21853	0910I-01-069.000	MARBY HOLDINGS LLC	PO BOX 6212	GULFPORT	MS	39506
	22039	0910I-02-010.000	GIMENEZ RUBEN	603 EAST PASS RD	GULFPORT	MS	39507
	22015	0910I-03-001.000	MOZINGO PROPERTIES LLC	549 EAST PASS ROAD	GULFPORT	MS	39507
	93686	0910I-02-016.001	RKWE HOLDINGS LLC	224 PECAN MEADOW DR	BATON ROUGE	LA	70810
	83561	0910I-03-044.000	BAYOU PROPERTIES LLC	10847 WATERSIDE DR	GULFPORT	MS	39503
	22014	0910I-03-002.000	BANNISTER FOUNDATION INC	545 E PASS RD	GULFPORT	MS	39506
N	93694	0910I-02-016.009	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
N	93693	0910I-02-016.008	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
N	93690	0910I-02-016.005	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
	96340	0910I-02-012.001	HURLBERT MELVA D & VELVA JOANNE	2187 COLLINS BLVD	GULFPORT	MS	39507
N	93692	0910I-02-016.007	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
N	93691	0910I-02-016.006	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
	21838	0910I-01-066.000	FULLHOUSE VENTURE CO LP	P O BOX 1139	GULFPORT	MS	39502

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	21850	0910I-01-067.000	CARDEN CAROLYN M	2581 BRIGHTON CIRCLE	BILOXI	MS	39531
N	132743	0910I-02-028.011	PARIONA PROPERTIES LLC	14705 RUE MORNAY DR	BILOXI	MS	39532
	21989	0910I-02-028.000	INDAIN RIDGE LLC	4061 SUZANNE DR SUITE G	DIBERVILLE	MS	39540
	132746	0910I-02-028.014	NEWMAN ROYAL B JR	684 LAYTON DR	GULFPORT	MS	39507
N	132747	0910I-02-028.015	NEWMAN ROYAL B JR	684 LAYTON DR	GULFPORT	MS	39507
N	132748	0910I-02-028.016	NEWMAN ROYAL B JR	684 LAYTON DR	GULFPORT	MS	39507
N	132741	0910I-02-028.009	STATE OF MISS -8/31/2020-				0
	132734	0910I-02-028.002	CHEN SHUO & DAN HONG	12520 RUMSON CT	ALPHARETTA	GA	30004
N	132736	0910I-02-028.004	CHEN SHUO & DAN HONG	12520 RUMSON CT	ALPHARETTA	GA	30004
N	132745	0910I-02-028.013	NEWMAN ROYAL B JR	684 LAYTON DRIVE	GULFPORT	MS	39507
	132738	0910I-02-028.006	PORTMUTHIAN GULF HOLDINGS LLC	2701 57TH ST COURT NW	GI HARBOR	WA	98335
N	132739	0910I-02-028.007	PORTMUTHIAN GULF HOLDINGS LLC	2701 57TH ST COURT NW	GI HARBOR	WA	98335
N	132740	0910I-02-028.008	PORTMUTHIAN GULF HOLDINGS LLC	2701 57TH STREET COURT NW	GI HARBOR	WA	98335
N	132742	0910I-02-028.010	PARIONA PROPERTIES LLC	14705 RUE MORNAY DR	BILOXI	MS	39532
N	132744	0910I-02-028.012	PARIONA PROPERTIES LLC	14705 RUE MORNAY DR	BILOXI	MS	39532
N	132735	0910I-02-028.003	CHEN SHUO & DAN HONG	12520 RUMSON CT	ALPHARETTA	GA	30004
N	132737	0910I-02-028.005	BLUE OAK CONSTRUCTION LLC	12995 S CLEVELAND AVE STE 214	FORT MYERS	FL	33907
	137692	0910I-02-008.001	JKA PROPERTIES LLC	1200 COLLEGE ST	GULFPORT	MS	39507
N	22085	0910I-02-008.000	JKA PROPERTIES LLC	1200 COLLEGE ST	GULFPORT	MS	39507
	22037	0910I-02-009.000	FIRST TIBER SA INC	P O BOX 016727	MIAMI	FL	33101
	132802	0910I-02-028.065	SOLA GRATIS LLC ETAL	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
N	142046	0910I-02-028.066	NEWMAN FAMILY PROPERTIES LLC	153 WOODHAVEN DR	GULFPORT	MS	39507
N	142047	0910I-02-028.067	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
N	142049	0910I-02-028.069	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
N	142048	0910I-02-028.068	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
N	132733	0910I-02-028.001	CHEN SHUO & DAN HONG	12520 RUMSON CT	ALPHARETTA	GA	30004
N	142050	0910I-02-028.070	SOLA GRATIA LLC	9105 CROSS CREEK PL	GULFPORT	MS	39503
N	142051	0910I-02-028.071	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
N	142052	0910I-02-028.072	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
N	132801	0910I-02-028.064	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
N	142053	0910I-02-028.073	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503

2407PC111

Zoning Map Amendment



**RE: Zoning Map Amendment 2407PC111, by agent Anne Giovino,
requests to rezone to T6 (Urban Core Zone), Tax Parcel 0910I-02-
009.000, 665 E Pass Road, Zoned T4+ (General Urban Zone
"Plus"), Ward 2**

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, July 25, 2024**, 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, July 25, 2024**. 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.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	569700	Print Legal Ad-IPL01817370 - IPL0181737		\$78.55	2	40 L

Attention: Matilda Welch
GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

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, July 25, 2024 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 2407PC093, by owner Onel Bauldie Jr., seeking approval for a mobile home use, Tax Parcel 09071-02-083.000, Gorman Street, Zoned R-1-5 (Single-Family), Ward 6

Special Exception 2407SE096, by agent John Pritchard, seeking approval for a to-go Daiquiri shop, Tax Parcels 0908N-04-004.000, 0908N-04-004.001, 13211 Dedeaux Rd, Zoned B-1 (Neighborhood Business), Ward 5

Planning Commission Approval 2407PC104, by agent Bobby Britton, seeking approval for a medical cannabis dispensary use, Tax Parcel 0811C-05-003.000, 2709 25th Ave units E&F, Zoning B-2 (General-Business), Ward 3

Planning Commission Approval 2407PC108, by owner LaBella's Salon LLC, seeking approval for a trade school use, Tax Parcel 0808N-01-012.000, 15095 Dedeaux Road, Zoning B-2 (General-Business), Ward 5

Zoning Map Amendment 2407PC097, by owners Frank and Dawn McGraw, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0911A-02-103.000, 124 Palmetto Lane, Zoned T5 (Urban Center Zone), Ward 2

Zoning Map Amendment 2407PC099, by owner David Boggs, requesting to rezone to R-1-7.5 (Single-Family), Tax Parcel 1009K-03-001.001, Creel Circle, Zoned R-1-7.5 (Single-Family), I-2 (Heavy Industry), Ward 5

Zoning Map Amendment 2407PC103, by owners SMR3 Corporation & Golden Ventures LLC, requesting to rezone to T4+ (General Urban Zone "Plus"), Tax Parcel 0711O-01-012.000, 711 43rd Ave, Zoned T3 (Suburban Zone), Ward 2

Zoning Map Amendment 2407PC111, by agent Anne Giovengo, requests to rezone to T6 (Urban Core Zone), Tax Parcel 0910I-02-009.000, 665 E Pass Road, Zoned T4+ (General Urban Zone "Plus"), Ward 2

This the 28th day of June 2024
Keith Williams, Chairman
City of Gulfport Planning Commission
IPL0181737
Jul 10 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Mary Castro, who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the issue(s) of:

1 insertion(s) published on:
07/10/24

Affidavit further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

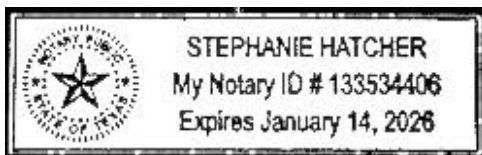
Mary Castro

Sworn to and subscribed before me this 10th day of July in the year of 2024

Stephanie Hatcher

Notary Public

* The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32.



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

Samuel J. Sweeting

From: Kenneth Jones <kenneth@gcdevelopmentdesign.com>
Sent: Friday, May 31, 2024 8:06 PM
To: Su-Lin Featherston; Gregory Holmes; Urban Development - Planners
Cc: Andy Phelan; Johnathon Damiens; Kyle Cassagne
Subject: Re: General Plan 2308PC091 Extension

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

Please allow this email to serve as notice that we would like to extend General Plan 2308PC091 for a period of 1 year. The general plan was approved in August of 2023 and we would like to be on the July 25th Planning Commission agenda under "Other Business" per Su-Lin's email below.

Please confirm receipt of this email and that we are on that agenda.

Thank you!!



From: Su-Lin Featherston <sbolin@gulfport-ms.gov>
Sent: Friday, May 31, 2024 2:16 PM
To: Kenneth Jones <kenneth@gcdevelopmentdesign.com>; Gregory Holmes <GHolmes@gulfport-ms.gov>
Cc: Andy Phelan <andy@gcdevelopmentdesign.com>; Johnathon Damiens <jdamiens@jlb-co.com>; Kyle Cassagne <kyle@jlb-co.com>
Subject: RE: General Plan Approval Extension

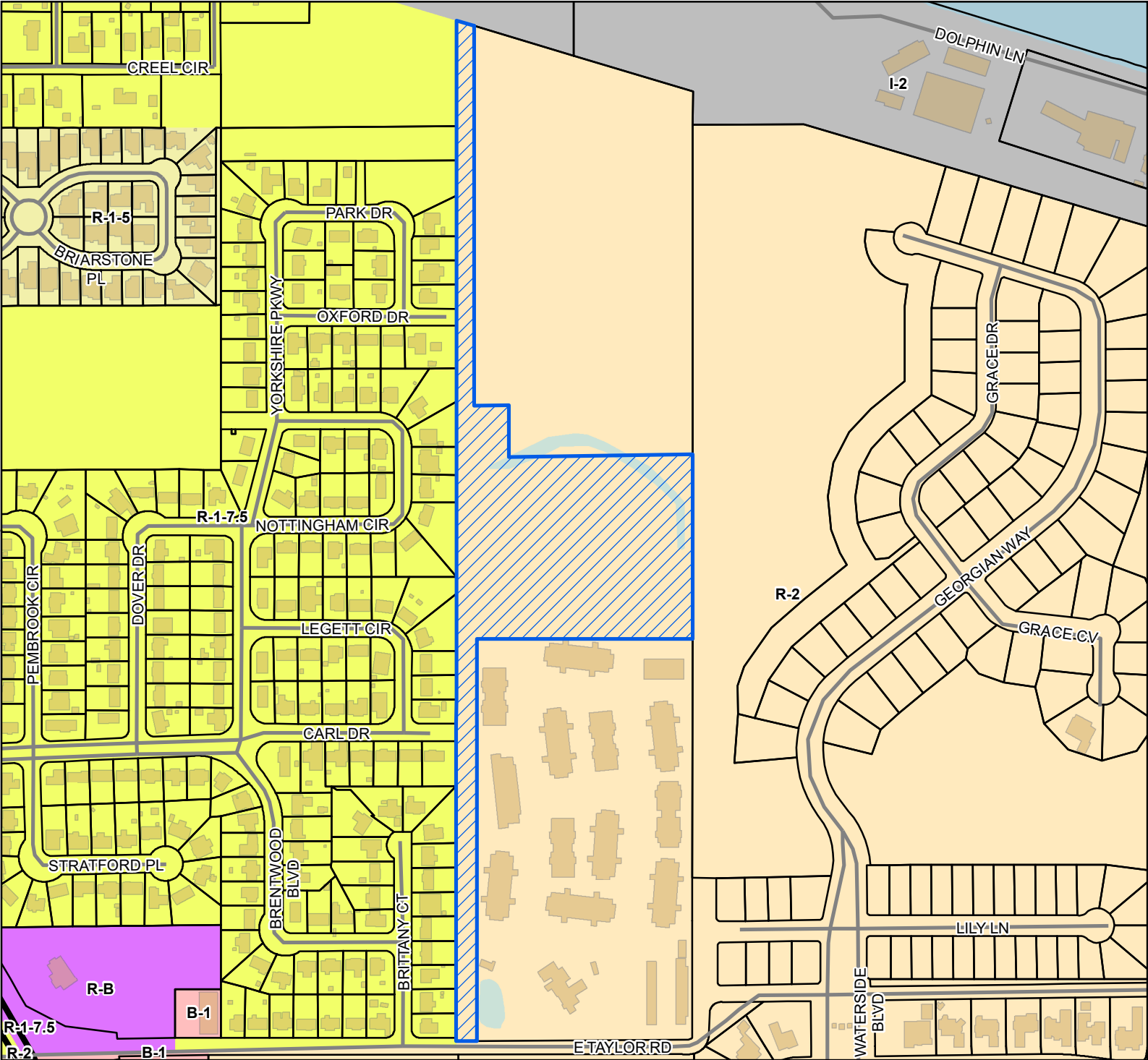
Please submit to our office in writing or in an email requesting to appear before the Planning Commission for the extension of your General Plan 2308PC091.

Our office will add you to the July Planning Commission agenda as Other Business.

You will need to be present at the meeting on July 25, 2024 to speak on your item.

Thank you,

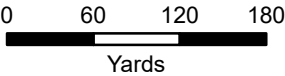
Su-Lin Featherston
Planning Administrator
Department of Urban Development
The City of Gulfport
Phone: 228-868-5710 x6577
Fax: 228-868-5708



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

Site Information

1009N-01-004.000
Zoning: R-2 (Single-family)
Size: 11.6 acres
Flood: X



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.



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

**APPLICATION FOR
GENERAL SUBDIVISION PLAN
FOR TOWNHOMES**
Property Information

For Staff Use Only

Case File #: 2308PC091Date Received: 6/26/23

Receipt #: _____

Received By: RgZoning: R-2

Ward: _____ Flood: _____

Size: _____

TAX PARCEL #

1	0	0	9	N	-	0	1	-	0	0	4	•	0	0	0
					-			-				•			
					-			-				•			

(If necessary, use separate sheet of paper)

Address of Property Involved: 10090 EAST TAYLOR RD. GULFPORT

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

General Location: SECTION 19 TOWNSHIP 07 RANGE 10**GENERAL DESCRIPTION OF REQUEST:**

General Subdivision Plan for a 102 Lot Townhome
Subdivision

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.

OWNERROBERT JASON GRAHAM

Printed Name Of Owner

PO Box 1207

Mailing Address

PURVIS MS 39475

City

State

Zip code

601 794 2253

Home Phone

Work/Cell Phone

JASON@THEGRAHAMBUILDING.COM

Email

Signature Of Owner

AGENTGulf Coast Development & Design - Kenneth Jones

Printed Name Of Agent

919 2nd Street

Mailing Address

Gulfport, MS39501

City

State

Zip code

228-596-4471

Home Phone

Work/Cell Phone

Kenneth@gcdevelopmentdesign.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.**

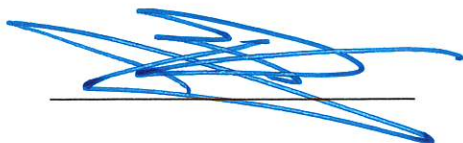
February 22, 2023

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

To Whom It May Concern:

As owners of parcel 1009N-01-004.000, Jason Graham the owner of the property, authorize Kenneth Jones and/or Andy Phelan of Gulf Coast Development and Design, LLC to act as agent regarding the rezoning and permitting for parcels 1009N-01-004.000.

Sincerely,



State of Mississippi

County of Lamar

Personally appeared before me, the undersigned authority in and for the said county and state, on this 16th day of March, 2022, within my jurisdiction, the within named Jason Graham [name(s) of person(s) acknowledged], who acknowledged that (he)(she)(they) executed the above and foregoing instrument.

Name: Vickie Smith Williamson

My Commission Expires: February 11, 2024



BYLAWS
OF
THE ISLAND TOWNHOMES OWNERS ASSOCIATION, INC.

A NONPROFIT CORPORATION
UNDER THE LAWS OF THE STATE OF MISSISSIPPI

These Bylaws (these "Bylaws") of **THE ISLAND TOWNHOMES OWNERS ASSOCIATION, INC.** (hereinafter called the "Association"), a nonprofit corporation, incorporated under the laws of the State of Mississippi are hereby created and adopted pursuant to the Articles of Incorporation of the Association filed in the office of the Mississippi Secretary of State (the "Articles of Incorporation").

ARTICLE I
ASSOCIATION

1.1 **Office.** The office of the Association shall be at 919 2nd Street, Gulfport, MS 39501, or such other place as shall be selected by the Board of Directors.

1.2 **Purpose.** The Association has been organized for the following purpose: (i) to furnish all services reasonably necessary, for the health, comfort, safety, welfare and enjoyment of the lot owners of the proposed subdivision to be known as The Island Townhomes (the "Subdivision"), which is located on all or a portion of that certain real property located in Harrison County, Mississippi and more particularly described in that certain Declaration of Conditions, Covenants and Restrictions for the Subdivision executed by The Island Townhomes, LLC, a Mississippi limited liability corporation ("Declarant") for the Subdivision recorded in the office of the Chancery Clerk of Harrison County, Mississippi, as may be amended from time to time (the "Declaration"), to the extent provided in the Declaration, (ii) to own, manage and control all of the common areas and improvements thereon located within the boundaries of the Subdivision which are intended to be devoted to the common use and enjoyment of the owners of lots in the Subdivision, including, but not by way of limitation, the maintenance of private easements or roads, any decorative fences, street islands and any detention pond for storm water drainage, (iii) to administer, enforce and otherwise act in accordance with the Declaration, (iv) to assess, collect and direct the proper disbursement of Assessments (as defined in the Declaration) in accordance with these Bylaws and the Declaration, and (v) and to perform any other lawful activity for the benefit of the Subdivision as permitted by law.

1.3 **Powers.** The Association shall have the following powers: (i) to own, accept, acquire, mortgage and dispose of real and personal property, and to obtain, invest and retain funds, in advancing the purposes stated in Section 1.2 above, (ii) to transact all business being not for profit, consistent with the purposes for which this Association is organized, and to protect the lawful rights and interests of its members in connection therewith, and (iii) any and all powers

granted under the Mississippi Nonprofit Corporation Act, codified in Mississippi Code Section 79-11-101, et. seq.

1.4 Fiscal Year. The fiscal year of the Association shall be the calendar year.

ARTICLE II MEMBERS

2.1 Qualification. There shall be only one (1) class of membership. The members of the Association shall be all of the record owners of platted lots within the Subdivision. "Owner", as used herein, shall mean and refer to the record owner, whether the same shall consist of one or more persons or entities, of the fee simple title to any platted lot in the Subdivision (a "Lot"), but excluding those having such interest merely as security for the performance of the obligation. Membership in the Association shall be established by recordation, in the Office of the Chancery Clerk of Harrison County, Mississippi, of a deed of conveyance transferring record title to a Lot and the delivery to the Association of an executed true copy of said deed. The Owner designated by such instrument shall thereby automatically become a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot, and shall cease as to any Owner upon transfer of title from such Owner to another owner.

2.2 Voting Rights. All Owners shall be entitled to one (1) vote for each Lot owned.

2.3 Designation of Voting Members.

2.3.1 If a Lot is owned by more than one (1) person, the person entitled to cast the vote or votes for the Lot may be designated by a certificate signed by all of the record Owners of the Lot and filed with the Secretary of the Association. If a Lot is owned by a corporation, partnership, trust, company or other legal entity, the person entitled to cast the vote or votes for the Lot may be designated by a certificate of appointment signed by a duly authorized representative of the entity and filed with the Secretary of the Association. Such certificates shall be valid until revoked or until superseded by a subsequent certificate or until a change in the ownership of the Lot, and a certificate may be revoked by any Owner of an interest in the Lot. Any such revocation shall be in writing and signed by any Owner of an interest in the Lot or a duly authorized representative of the entity, as the case may be, and filed with the Secretary of the Association.

2.3.2 If a Lot is owned by more than one (1) person and such Owners do not designate a voting member as required hereinabove, the following provisions shall apply:

2.3.2.1 If more than one (1) such Owner is present at any meeting, and said Owners are unable to concur on a decision on any subject requiring a vote, said Owners shall lose their right to vote on that subject at that meeting; however, said vote or votes shall be included in the determination of the presence of a quorum.

2.3.2.2 If only one (1) such Owner is present at a meeting, such person attending shall be entitled to cast the vote or votes pertaining to the Lot.

2.3.2.3 If more than one (1) such Owner is present at the meeting and said Owners concur, any one (1) such Owner may cast the vote or votes for the Lot.

2.3.3.4 In no event shall more than one (1) vote be cast with respect to any single Lot.

2.4 Restraint Upon Alienation of Assets. A member shall have no vested right, interest, or privilege of, in, or to the assets or funds of the Association, or any right, interest or privilege which may be transferable or inheritable, or which shall continue after his membership ceases, except as an appurtenance to the ownership of his Lot.

2.5 Change of Membership. A change of membership in the Association shall be established by recording in the Chancery Clerk of Harrison, County, Mississippi, a deed or other instrument establishing a record title to a Lot (the "Record Property") and the delivery to the Association of a certified copy of such instrument, the Owner designated by such instrument thereby becoming a member of the Association. The membership of the prior Owner shall be thereby terminated, provided he is not an Owner of other Record Properties in the Subdivision. Any change in ownership shall be subject to the relevant Subdivision documents, including the Declaration.

2.6 Nonprofit Corporation. The Association shall be without capital stock, will not be operated for profit and will not distribute gains, profits or dividends to any of its members. The members of the Association shall not be personally liable for the debts, liabilities or obligations of the Association, but shall be personally liable to the Association for their pro rata share of costs and expenses that are attributable to members of the Association under these Bylaws or the Declaration. The purposes of the Corporation shall be served without pecuniary profit to any director or member of the Association.

ARTICLE III MEMBERS' MEETINGS

3.1 Place. All meetings of members of the Association shall be held at such place within the County of Harrison, Mississippi, as may be stated in the notice of the meeting.

3.2 Membership List. No later than two (2) business days after notice of a member's meeting is given, a complete list of the members of the Association, arranged alphabetically and showing the number of votes each member is entitled to, shall be prepared by the Secretary. Such list shall be maintained by the Secretary of the Association and shall be open to examination by any member at the meeting or prior to the meeting at any reasonable time and on reasonable notice at the Association's principal office or at such other location as may be specified in the notice and located within the city where the meeting will be held.

3.3 Regular Meetings.

3.3.1 After Turnover (as defined in the Declaration), regular or annual meetings of the members of the Association shall be held on the second Tuesday of October of each year; provided, however, if the day set for annual meetings is a legal holiday, the meeting shall be held the same hour on the next day following which is not a legal holiday.

3.3.2 The time of holding the annual meeting of members may be changed at any time prior to fifteen (15) days before the regular day for holding such meeting by a resolution duly adopted by the Board of Directors or by the members, provided that notice of such change be mailed to each member of record, at such address as appears upon the records of the Association, not less than ten (10) days before the holding of such meeting; and further provided that each annual meeting of members shall be held within one (1) month of the date on which it should regularly have been held but for such change.

3.3.3 The purpose of the annual meeting is for electing directors and for transacting any other business authorized to be transacted by the members. The annual meeting may be waived by agreement of two-thirds (2/3) of the voting interests of the members, in writing.

3.4 Special Meetings.

3.4.1 Special meetings of the members for any purpose may be called at any time by the President, and shall be called by the President or Secretary at the request, in writing, of either a majority of the Board of Directors or twenty percent (20%) of the members. Such request shall state the purpose of the proposed meeting.

3.4.2 Business transacted at all special meetings shall be confined to the objects stated in the notice thereof.

3.5 Notice. Written notice of every meeting, special or regular, of the members of the Association, stating the day and hour and place and, in the case of special meetings, the object or objects thereof, shall be hand delivered or mailed by first class mail to each member at such member's address as shown in the books of the Association at least ten (10) days, but no more than fifty (50) days, prior to such meeting unless waived in writing.

3.6 Waiver of Notice. Whenever any notice is required to be given to any member under the provisions of the Mississippi Constitution, Mississippi Nonprofit Corporation Act, or the Articles of Incorporation or these Bylaws, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

3.7 Proxies. At any meeting of the members of the Association, each member shall be entitled to vote in person or by proxy. However, no proxy shall be valid unless it is filed with the Secretary prior to a meeting. Proxies are only valid for the particular meeting designated therein. No proxy vote may be cast on behalf of a member who is present at a meeting.

3.8 Vote Required to Transact Business. When a quorum is present at any meeting, the holders of a majority of voting rights shall decide any question brought before the meeting. If the question is one which requires more than a majority vote by express provision of any statute, the Articles of Incorporation, the Declaration or these Bylaws, the express provision shall govern and control the number of votes required. In all cases where reference is made to percentage of the vote of members, percentage of the members, or percentage of the members for purposes of determining the vote thereof, the percentage stated shall mean the percentage of the voting rights of the members.

3.9 Quorum. Fifty-one (51%) percent of the total number of voting rights of the Association present in person or represented by proxy, shall constitute a quorum at all meetings of the members for the transaction of business, except as otherwise provided by statute or these Bylaws. If a quorum is not present at any meeting, the members may adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum is present. Any business may be transacted at any adjourned meeting until a quorum is present. Any business may be transacted at any adjourned meeting which could have been transacted at the meeting called.

3.10 Proviso. Notwithstanding anything contained herein to the contrary, until Turnover, there shall be no meeting of the members of the Association unless a meeting is called by the Board of Directors. Prior to Turnover, Declarant shall have the sole and exclusive right to take all action on behalf of the Association and vote on all other matters required to be voted on or approved by the members of the Association.

3.11 Order of Business. The order of business at annual members' meetings and, as far as practicable, at all other members' meetings, shall be:

1. Call to order.
2. Calling of roll and certifying of proxies.
3. Proof of notice of meeting or waiver of notice.
4. Reading and disposal of any unapproved minutes.
5. Reports of officers.
6. Reports of committees.
7. Election of Directors.
8. Unfinished business.
9. New business.
10. Adjournment.

3.12 Action by Written Consent. Action required or permitted to be taken at a members meeting may be taken without a meeting if a consent in writing, setting forth the action so taken, is signed by the members holding at least 80% of the voting interests entitled to vote with respect to the subject matter thereof. The consent shall have the same force and effect as an approving vote of the members and may be stated as such in any filing instrument filed with either the

Chancery Clerk or Secretary of State. Action taken under this Section 3.12 shall be effective on the date the first consenting member signs the consent, unless the consent specifies a different effective date. Written notice of member approval by written consent must be given to all members who have not signed the written consent. If such written notice is required, member approval will be effective ten (10) days after such written notice is given.

ARTICLE IV DIRECTORS

4.1 Initial Board of Directors. The initial three (3) directors of the Association comprising the Board of Directors shall be: [REDACTED], [REDACTED], and [REDACTED]. Notwithstanding anything contained in these Bylaws or the Declaration to the contrary, until Turnover, Declarant shall have the sole and exclusive right to (1) appoint all of the members of the Board of Directors of the Association; and (2) remove and replace any members of the Board of Directors of the Association. Within sixty (60) days after Turnover, Declarant shall call a meeting of the members for the purposes of transitioning control of the Association to the members, and electing new directors to the Board of Directors. After Turnover, the members of the Association shall have the right to elect the Board of Directors as set forth in Section 4.2.

4.2 Election of Board of Directors Following Turnover.

4.2.1 Number. The affairs and business of the Association shall be managed by a Board of Directors, consisting of not less than three (3) or more than five (5) persons. The number of directors shall be determined pursuant to these Bylaws. Each director shall be a person entitled to cast a vote in the Association, except for the members of the initial Board of Directors. The number of directors constituting the initial Board of Directors shall be three (3), as designated in Section 4.1.

4.2.2 Term. Each director shall be elected to serve a term of one (1) year or until his successor shall be elected and shall qualify.

4.2.3 Vacancy and Replacement. If the office of any director becomes vacant by reason of death, resignation, retirement, disqualification, removal from office or otherwise, a majority of the remaining directors, though less than a quorum, at a special meeting of directors duly called for this purpose, shall choose a successor or successors who shall hold office for the unexpired term in respect to which such vacancy occurred.

4.2.4 Nomination of Directors. The then serving Board of Directors shall set the term and procedures for the nominations in the notice of the meeting at which the election will occur. If the Board of Directors do not provide for a nomination procedure, nominations can be made in advance of the meeting at which the directors will be elected by providing notice to the Secretary of the Association or at the meeting at which directors will be elected up until the time of voting.

4.2.5 Election of Directors. Election of directors shall be conducted in the following manner.

4.2.5.1 Directors shall be elected at the annual meeting of the members.

4.2.5.2 The election shall be by secret ballot (unless dispensed with by unanimous consent). The nominees receiving the greatest number of votes cast shall be elected to the Board of Directors.

4.2.6 Removal. Directors may be removed for cause by an affirmative vote of sixty-seven percent (67%) of the voting interests of the members of the Association that are entitled to vote for the election of such director. Except with respect to the initial Board of Directors, no director shall continue to serve on the Board of Directors if, during his term of office, his membership in the Association shall be terminated for any reason whatsoever.

4.2.7 Membership. After Turnover, all directors must be members of the Association, or representatives of entities that are members of the Association

4.3 Powers and Duties of Board of Directors. All of the powers and duties of the Association under Mississippi law shall be exercised by the Board of Directors, or its delegate, subject only to approval by the members when such approval is specifically required. The powers and duties of the directors shall include, but are not limited to, the following:

4.3.1 To make and collect an annual maintenance charge against members to pay the expenses incurred by the Association in carrying out the objects and purposes of the Association.

4.3.2 To use the proceeds of assessments in the exercise of its powers and duties.

4.3.3 To enjoin or seek damages from the members for violation of these Bylaws, the Declaration and the terms and conditions of any rules and regulations applicable to the use of the Subdivision or any portion thereof.

4.3.4 To employ and contract with service contractors in connection with carrying out the objects and purposes of this Association.

4.3.5 To adopt and publish Rules and Regulations governing the use of the common areas and facilities within the Subdivision, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof.

4.3.6 To maintain a class action, and to settle a cause of action, on behalf of Owners with reference to the common areas, the roof and structural components of a building or other improvement, and mechanical, electrical and plumbing elements serving an improvement or a building; and to bring an action, and to settle the same, on behalf of two (2) or more of the Owners their respective interests may appear, with respect to any cause of action relating to the common areas; all as the Board of Directors deems available.

4.3.7 To elect the officers of the Association and otherwise exercise the powers regarding officers of the Association as set forth in these Bylaws.

4.3.8 To determine who shall be authorized to make and sign all instruments on behalf of the Association and the Board of Directors.

4.3.9 To employ a management agent or manager, at a compensation established by the Board of Directors, to perform such duties and services as the Board of Directors shall authorize including, but not limited to, the duties listed in this Section.

4.3.10 To take appropriate action to enforce the provisions of the Declaration, any rules and regulations adopted by the Association, and the Bylaws. In connection with same, the Board of Directors is authorized to file or defend appropriate suits or request for arbitration filed under any of said instruments, acts or provided for by the laws of Mississippi.

4.3.11 To employ attorneys, accountants, and other persons or firms reasonably necessary to carry out the provisions of the Declaration, Bylaws and Articles of Incorporation of the Association and the rules and regulations.

4.4 Eligibility. A person who is delinquent in the payment of any fee, fine, or other mandatory obligation to the Association for more than ninety (90) days is not eligible for Board membership. A person who has been convicted of any felony in Mississippi or in a United States District or Territorial Court, or has been convicted of any offense in another jurisdiction which would be considered a felony if committed in Mississippi, is not eligible for Board membership unless such felon's civil rights have been restored for at least 5 years as of the date on which such person seeks election to the Board.

4.5 Annual Statement. The Board of Directors will present a full and clear statement of the business and condition of the Association and an account of the financial transactions of the past year at the annual meeting of the members.

4.6 Compensation. The directors shall not be entitled to any compensation for service as directors.

ARTICLE V DIRECTORS MEETINGS

5.1 Organizational Meetings. The first meeting of each new Board of Directors elected by the members shall be held immediately upon adjournment of the meeting at which they were elected or as soon thereafter as may be practicable. The annual meeting of the Board of Directors shall be held at the same place as the general members' meeting.

5.2 Regular Meetings. Regular meetings of the Board of Directors may be held at such time and place as shall be determined, from time to time, by a majority of the directors. Notice of regular meetings is not required.

5.3 Special Meetings. Special meetings of the Board of Directors may be called by the President on two (2) days' notice to each director. Special meetings shall be called by the President or Secretary in like manner and on like notice upon the written request of one-third (1/3) of the directors.

5.4 Waiver of Notice. No written notice of a Board of Directors meeting shall be required if all of the directors meet by unanimous consent. The directors may, by resolution duly adopted, establish regular monthly, quarter-annual or semi-annual meetings. If such resolution is adopted, no notice of such regular meetings of the Board of Directors shall be required. Any required notice may be waived in writing signed by the person entitled to such notice whether before or after the time stated therein.

5.5 Quorum. A quorum at a directors' meeting shall consist of a majority of the entire Board of Directors. The acts approved by a majority of those present at a meeting at which a quorum is present, shall constitute the act of the Board of Directors, except when approval by a greater number of directors is required by statute or by these Bylaws.

5.6 Adjourned Meetings. If at any meeting of the Board of Directors there is less than a quorum present, the majority of those present may adjourn the meeting from time to time until a quorum is present. At any adjourned meeting any business that might have been transacted at the meeting as originally called, may be transacted without further notice.

5.7 Joinder in Meeting by Approval of Minutes. The joinder of a director in any action taken at a meeting by signing and concurring in the minutes of that meeting shall constitute the presence of such director for the purpose of determining a quorum.

5.8 Presiding Officer. The presiding officer of a directors' meeting shall be chairman of the Board of Directors if such an officer has been elected; and if none, the President of the Association shall preside. In the absence of the presiding officer, the directors present shall designate one of their number to preside.

5.9 Action Without a Meeting. Action required or permitted to be taken at a Board of Directors meeting may be taken without a meeting if the action is taken by all members of the Board of Directors. The action must be evidenced by one or more written consents describing the action taken, signed by each director, and included in the minutes or filed with the corporate records reflecting the action taken. Action taken under this Section 5.9 shall be effective when the last director signs the consent, unless the consent specifies a different effective date.

ARTICLE VI ARCHITECTURAL REVIEW COMMITTEE; OFFICERS

6.1 Architectural Review Committee. The Architectural Review Committee (herein "ARC") shall consist of three (3) members at all times, who initially shall be [REDACTED], [REDACTED] and [REDACTED]. Their address is [REDACTED], and

the point of contact is [REDACTED]. Notwithstanding anything contained in these Bylaws or the Declaration to the contrary, until Turnover, Declarant shall have the sole and exclusive right to (1) appoint all of the members of the ARC; and (2) remove and replace any members of the ARC.

6.2 Officers. The executive officers of the Association shall be a President, Vice President and Secretary, each of whom shall be elected at the annual meeting of the Board of Directors. The Board of Directors may elect more than one Vice President. The Board of Directors may appoint such other officers and agents that it may deem necessary, who shall hold office at the pleasure of the Board of Directors and have such authority and perform such duties as from time to time may be prescribed by said Board of Directors. Until Turnover, the Declarant shall have the exclusive right to appoint, remove and replace officers of the Association until the Declarant causes the first meeting of the members of the Association to be held as provided for under Section 3.3 herein.

The initial officers are as follows:

[REDACTED]	- President
[REDACTED]	- Secretary
[REDACTED]	- Vice President

6.3 Qualification. Except with respect to the office of the Secretary, no person shall be entitled to hold office except a member of the Association. The President and Vice President must be members of the Board of Directors.

6.4 Term. The officers of the Association shall hold office until their successors are chosen and qualify in their stead. Any officer elected or appointed by the Board of Directors may be removed at any time by the affirmative vote of sixty-seven percent (67%) of the voting interests of the members of the Association.

6.5 President. The President shall be the chief executive officer of the Association; he shall preside at all meetings of the members and directors; shall be an ex-officio member of all standing committees; shall have general management of the business of the Association, and shall see that all orders and resolutions of the Board of Directors are carried into effect.

6.6 Secretary.

6.6.1 The Secretary shall keep the minutes of the members' meetings and of the Board of Directors' meetings in one or more books provided for that purpose. Resolutions shall be maintained in one such minute book.

6.6.2 The Secretary shall see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law.

6.6.3 The Secretary shall be custodian of the corporate records and of the seal of the Association.

6.6.4 The Secretary shall keep a register of the post office address of each member, which shall be furnished to the Secretary by such member.

6.6.5 In general, the Secretary shall perform all duties incident to the office of the Secretary and such other duties as may be assigned to him by the President or by the Board of Directors.

6.7 Vice President. The Vice President shall be vested with all the powers and required to perform all the duties of the President in his absence, and such other duties as may be prescribed by the Board of Directors.

6.8 Vacancies. If any office becomes vacant by reason of death, resignation, disqualification or otherwise, the remaining directors by a majority vote may choose a successor or successors who shall hold office for the unexpired term.

6.9 Resignations. Any director or other officer may resign his office at any time. Such resignation shall be made in writing, to the Secretary, and shall take effect at the time of its receipt by the Association, unless some time be fixed in the resignation, and then from that date. The acceptance of a resignation shall not be required to make it effective.

6.10 Compensation. The compensation, if any, of all employees of the Association shall be fixed by the Board of Directors. This provision shall not preclude the Board of Directors from employing a director as an employee of the Association.

ARTICLE VII LIABILITY

7.1 Liability. The Association assumes no responsibility for injuries sustained by or damages resulting from the acts or omissions of members or contractors of the Association.

7.2 Indemnification. The Association shall indemnify every officer and director of the Association against any and all expenses, including counsel fees, reasonably incurred by or imposed upon any officer or director in connection with any action, suit or other proceeding (including the settlement of any such suit or proceeding, if approved by the then Board of Directors of the Association) to which he may be made a party by reason of being or having been an officer or director of the Association, whether or not such person is an officer or director at the time such expenses are incurred. The officers and directors of the Association shall not be liable to the members of the Association for any mistake of judgment, negligence or otherwise, except for their own individual willful misconduct or bad faith. The officers and directors of the Association shall have no personal liability with respect to any contract or other commitment made by them in good faith on behalf of the Association and the Association shall indemnify and forever hold each such officer and director free and harmless against any and all liability to others on account of any such contract or commitment. Any right to indemnification provided for herein shall not be exclusive of any other rights to which any officer or director of the Association may be entitled.

Notwithstanding the foregoing, the Association shall not indemnify officers or directors for any actions or liability which the Association is prohibited by law from providing indemnification for, including the actions prohibited by Miss. Code Ann. § 79-11-137(4), as now or hereafter in effect.

ARTICLE VIII AMENDMENT OF BYLAWS

8.1 Bylaws. Until Turnover, Declarant reserves unto itself the exclusive right, authority and power to amend these Bylaws in any manner Declarant deems necessary and appropriate, without the consent or approval of any of the other member of the Association. After Turnover, the Bylaws of the Association may be altered, amended or repealed, subject to the terms of the Declaration, by a majority vote of the Board of Directors if the action does not relate to the number of directors, the composition of the Board of Directors, the term of office of directors, or the method or way in which directors are elected or selected. If the amendment relates to one of these topics requiring member approval, the Bylaws of the Association may be altered, amended or repealed by vote of the members holding at least 67% of the voting interests in the Association voting on such action or a majority of the total voting interests in the Association, whichever is less.

8.2 Articles of Incorporation. At any time, the Board of Directors of the Association may amend the Articles of Incorporation, without consent of the members of the Association, to (i) delete the names and addresses of the initial directors; (ii) change the information required by Section 79-35-5(a), Miss. Code Ann.; or (iii) make any other change expressly permitted by Section 79-11-101 et seq., Miss. Code Ann., to be made without member action. After Turnover, the Articles of Incorporation may be amended, subject to the terms and provisions of the Declaration, by the affirmative vote or at least sixty-seven percent (67%) of the voting interests voting upon such amendment or a majority of the total voting interests of all members of the Association, whichever is less. All amendments to the Articles of Incorporation become effective only upon being filed with the Mississippi Secretary of State.

ARTICLE IX CONFLICT

9.1. Conflict. In the event there shall exist a conflict between these Bylaws and the Articles of Incorporation, the Articles of Incorporation shall govern. In the event there shall exist a conflict between these Bylaws and the Declaration, the Declaration shall govern.

ARTICLE X COMMUNICATIONS AND RECORDS

10.1 Budget. The Board of Directors shall adopt an annual budget for the Association for each calendar year on or before December 31 of the preceding calendar year. A copy of the budget shall be provided to members following its adoption. If the Board of Directors fails to adopt an annual budget for any particular year, the Association shall operate using the most recent

budget that has been properly adopted until such time as the Board of Directors adopts a new budget.

10.2 Communications. The Association shall establish and maintain an efficient method of communication with the members, which may include, but is not limited to, U.S. mail, electronic mail, and/or the use of an Association owned website. Notwithstanding the foregoing, the Association shall have the right to provide all notices and other communications to the members required under the Articles of Incorporation, the Declaration, these Bylaws, and/or the Mississippi Nonprofit Corporation Law by electronic email unless a member delivers a signed, written notice to the President of the Association that the member will not accept notice by electronic mail. In such an event, the Association shall provide all such notices and other communications to such member via United States mail at such member's mailing address as shown in the records of the Association.

10.3 Records. The Association shall compile, organize, and maintain full and complete records of the Association, which will be available to any member upon request within a reasonable time, not to exceed thirty (30) days from the date of the request, and upon the payment of reasonable associated costs. The Association, acting through its officers, may provide the records and information in paper or electronic form or direct the member to the location of any public record containing the record or information sought by such member.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, we, being all of the directors of The Island Townhomes Owners Association, Inc., have hereunto set our hands this [REDACTED] day of [REDACTED], 20[REDACTED], and certify that these are the duly adopted Bylaws of The Island Townhomes Owners Association, Inc.

Print Name: [REDACTED]

Print Name: [REDACTED]

Print Name: [REDACTED]

THIS INSTRUMENT WAS PREPARED BY:

Sabrina B. Ruffin, MSB#103659
Hand Arendall Harrison Sale LLC
104 St. Francis Street, Ste. 300
Mobile, Alabama 36602
(251) 432-5511

WHEN RECORDED RETURN TO:

Amanda Thornton
Hand Arendall Harrison Sale LLC
104 St. Frances St., Suite 300
Mobile, Alabama 36602
(251) 432-5511

Indexing Instructions: Lots 1 through 102, all common areas, and all other property shown on that certain plat of subdivision for THE ISLAND TOWNHOMES, Phase [REDACTED] recorded in Map Book [REDACTED], at Page [REDACTED] of the Office of the Chancery Clerk of Harrison County, [REDACTED] Judicial District, Mississippi.

THE ISLAND TOWNHOMES, LLC
919 2ND STREET
GULFPORT, MS 39501
RESIDENTIAL PHONE NO. NA
BUSINESS PHONE NO. (228) 596-4471

DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS

OF

THE ISLAND TOWNHOMES SUBDIVISION

THIS DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS (this "Declaration") is made this [REDACTED] day of [REDACTED], [REDACTED], by THE ISLAND TOWNHOMES, LLC, a Mississippi limited liability company ("Declarant", as further defined below).

WITNESSETH:

WHEREAS, on [REDACTED], 20[REDACTED], Declarant recorded in Map Book [REDACTED], Page [REDACTED] of the Office of the Chancery Clerk of Harrison County, Mississippi, [REDACTED] Judicial District, a subdivision plat for THE ISLAND TOWNHOMES, Phase [REDACTED] Subdivision ("Plat of Subdivision", as further defined below) pertaining to certain real property owned by Declarant in Harrison County, Mississippi, as more specifically described on Exhibit "A" hereto.

NOW, THEREFORE, DECLARANT HEREBY DECLARES, that subject to the provisions hereof, all of the Lots (hereinafter defined) shall be held, sold and conveyed by the Owners and the Common Area (hereinafter defined) shall be held by the Association subject to the restrictions, covenants and conditions contained herein for the purposes of protecting the value and desirability of, and which shall run with, the Community Property (hereinafter defined) and be binding on all parties having any right, title or interest in the Community Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner of any portion thereof.

ARTICLE ONE
GENERAL PROVISIONS

1.01 Restrictive Covenants and Easements Running with the Land. The use of the Community Property shall be in accordance with the provisions and restrictions of this Declaration, all of which are to be construed as restrictive covenants and/or easements, as applicable, running with the land and with the title to each and every Lot and shall be binding upon all Owners and other persons having interests therein and upon their heirs, personal representatives, successors, grantees and assigns.

1.02 Terminology. Whenever the context requires, words used in the singular shall be construed to mean or to include the plural and vice versa, and pronouns of any gender shall be deemed to include and to designate the masculine, feminine or neuter gender.

1.03 Definitions. The following terms, when capitalized herein, shall have the meaning set forth in this Section 1.03:

- (a) "Additional Property" shall mean and refer to that certain real property described on Exhibit "B" attached hereto.
- (b) "Architectural Review Committee" means the Architectural Review Committee as established by the Board of Directors in accordance with the Bylaws.
- (c) "Articles of Incorporation" means the Articles of Incorporation of The Island Townhomes Owners Association, Inc., a Mississippi non-profit corporation, as recorded in the records of the Office of the Secretary of State of Mississippi, as the same may hereafter be amended, altered or repealed from time to time.

- (d) "Association" means The Island Townhomes Owners Association, Inc., a Mississippi non-profit corporation.
- (e) "Board" or "Board of Directors" means the Board of Directors of the Association, established in accordance with the Articles of Incorporation and Bylaws of the Association.
- (f) "Builder means any commercial home builder or contractor who owns one or more Lots in the Subdivision and is in the business of constructing residential structures to sell to owner-occupants.
- (g) "Bylaws" means the Bylaws of the Association, as the same may hereafter be amended, altered or repealed from time to time.
- (h) "Common Area" means all real property within the Subdivision which is owned or leased by the Association or dedicated for use or maintenance by the Association or its members, regardless of whether title has been conveyed to the Association.
- (i) "Community Property" means all of the Lots and the Common Area, collectively.
- (j) "Declarant" means The Island Townhomes, LLC, a Mississippi limited liability company, its successors and assigns which expressly are assigned and assume the Declarant's rights as "Declarant" hereunder.
- (k) "House" or "Home" means any single family dwelling unit situated upon a Lot.
- (l) "Lot" means each and every numbered lot shown on the Plat of Subdivision.
- (m) "Member" means every person or entity who is a member of the Association.
- (n) "Mortgagee" means a holder or beneficiary of any mortgage, deed of trust, deed with vendor's lien reserved, or any other form of instrument used for the purpose of encumbering or conveying real property as security for payment or satisfaction of any obligation.
- (o) "Owner" means the record owner, whether one or more persons or entities, of a fee simple title to any Lot, including contract sellers, but excluding mortgagees, lien holders, lessees, tenants, and those having such interests solely as security for the performance of an obligation.
- (p) "Person" means any individual, corporation, trust, partnership, joint venture, limited liability company or other entity.
- (q) "Plat of Subdivision" has the meaning ascribed to such term hereinabove and shall also include any additional plat or plats or real property that are hereafter recorded

where such real property is annexed to this Declaration in accordance with the terms of Section 10.02 hereof.

- (r) "Subdivision" means The Island Townhomes, Phase [REDACTED], a subdivision as shown on the Plat of Subdivision, including any of the Additional Property made subject to this Declaration in accordance with the terms of Section 10.02.
- (s) "Turnover" means the earlier to occur of (i) Declarant relinquishing control of the Association in a written instrument recorded in the real property records of Harrison County, Mississippi, (ii) three (3) months after one hundred percent (100%) of the lots in the Subdivision, including lots to be created out of the Additional Property in accordance herewith, have been conveyed to persons other than Declarant or Declarant's successors or assigns, (for avoidance of doubt purposes, the event described in this clause (ii) shall not be deemed to have occurred prior to Declarant having annexed all of the Additional Property into the Subdivision and having sold all of the Lots therein), or (iii) [REDACTED], 20[REDACTED]; provided, however, that in the event of a conflict between Mississippi law and the foregoing, the applicable Mississippi law shall control.

ARTICLE TWO COMMON AREA

2.01 Common Area. The Association, subject to the rights of the Owners set forth in this Declaration, the Articles of Incorporation and the Bylaws, shall be responsible for the exclusive maintenance, management, and control of the Common Area and all improvements thereon, and shall keep the Common Area in good, clean, attractive, and sanitary condition, order, and repair pursuant to the terms and conditions of this Declaration. The Association has the right to restrict the use and govern the operation of the Common Area by promulgating reasonable rules and regulations, including with respect to any Common Area facilities, the right to charge reasonable one-time or monthly fees for the use thereof by the Owners as the Association deems necessary or appropriate. Rules and regulations may be established by the Association to regulate the use of the Common Area.

2.02 Right of Enjoyment. Subject to any rules and regulations promulgated by the Board of Directors and the terms and conditions of the Bylaws, every Member shall have a right and easement of enjoyment of the Common Area, and such easement shall be appurtenant to and pass with the title to each Lot.

2.03 Lots Subject to Covenants, Restrictions, Limitations and Term. Each Lot that shall be conveyed, held, devised, leased, or demised at any time hereafter shall be subject to all the terms, conditions, covenants, restrictions, and limitations herein contained, and the obligation to observe and perform the same whether or not it be so expressed in the deed or other instrument of conveyance of the Lot or real property, and such shall run with the Lot or real property and be appurtenant thereto as if fully set out in such deed or instrument of conveyance, subject to the terms and conditions hereof.

2.04 Easements. [NOTE: ADD "INTENTIONALLY DELETED" OR REVISE IF APPLICABLE]

2.05 Overhead Wires. No Lot shall be served with any overhead electrical or communications service, and no Owner shall erect power poles for such service; provided, however, that nothing herein shall be construed to prohibit overhead street lighting or ornamental yard lighting provided that such lighting is constructed in accordance with the terms and conditions hereof.

2.06 Control of Common Area. The Association may, upon approval by the Board of Directors, sell, subdivide, lease, mortgage, grant easements over or otherwise encumber the Common Area, or exchange all or any portion of the Common Area for Lots or other real property, or purchase or acquire any additional real property and dedicate the same as Common Area subject to the terms of this Declaration.

2.07 Condemnation. In the event of a taking by eminent domain of any portion of the Common Area on which improvements have been constructed, the Association shall restore or replace such improvements so taken on the remaining Common Area, unless within sixty (60) days after such taking, an alternative plan is approved by at least seventy-five percent (75%) of the voting interests of the Members. The provisions of this Declaration applicable to replacement or restoration of damaged improvements on the Common Area shall also apply to and govern the actions to be taken in the event that the improvements are not restored or replaced after a condemnation.

2.08 Liability. Owners, occupants and their guests shall use and enjoy the Common Area at their own risk and shall assume sole responsibility for their personal belongings used or stored there. The Association, Declarant and their respective officers, directors, employees, representatives and agents shall not be held liable for personal injury to any person, nor for loss or damage to personal belongings used or stored on any of the Common Area. The Association shall not be liable for injury or damage to any person or property (a) caused by the elements or by an Owner or any other person, (b) resulting from any rain or other surface water which may leak or flow from any street, pipe, plumbing, drain, conduit, appliance, equipment, security system, or utility line or facility, the responsibility for the maintenance of which is that of the Association, or (c) caused by any street, pipe, plumbing, drain, conduit, appliance, equipment, security system, utility line, facility, or from any portion of the Common Area, the responsibility for the maintenance of which is that of the Association, becoming out of repair. Nor shall the Association be liable to any Owner or occupant for loss or damage, by theft or otherwise, of any property of such Owner or occupant.

ARTICLE THREE

ASSOCIATION MEMBERSHIP AND VOTING RIGHTS

3.01 Membership. Each Owner shall be a Member, subject to the terms and conditions of the Articles of Incorporation and the Bylaws.

3.02 Voting. Voting by Owners shall be in accordance with the Bylaws.

3.03 Assignment. The share of a Member in the funds and assets of the Association cannot be assigned, hypothecated, or transferred in any manner except as an appurtenance of said Owner's Lot.

ARTICLE FOUR **COVENANT FOR MAINTENANCE ASSESSMENTS**

4.01 Personal Obligation of Assessments. Declarant, for each Lot, hereby covenants, and each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (1) annual assessments or charges, (2) special assessments, and (3) any individual assessments, fines or charges charged against the Lot or Owner, as such assessments are hereinafter established and shall be collected as hereinafter provided (singularly, an "Assessment" and collectively, the "Assessments"), as such Assessments are hereinafter established and shall be collected as hereinafter provided. The annual, special, and individual assessments, together with interest, costs, an administrative late fee not to exceed the greater of twenty-five and no/100 dollars (\$25.00) or five percent (5%) of the amount of each installment that is past due, and reasonable attorneys' fees, shall be a charge on the Lot and shall be a continuing lien upon the property against which each such Assessment is made effective from and relating back to the date on which this Declaration was recorded. Any payment received and accepted by the Association shall be applied first to any interest accrued, then to any administrative late fee, then to any costs and reasonable attorney's fees, and then to the delinquent Assessments. Each such Assessment, together with interest, costs, the administrative late fee and reasonable attorneys' fees, shall also be the personal obligation of the person who was the Owner of such Lot at the time when the Assessment fell due. The personal obligation for delinquent Assessments shall pass to successors in title.

4.02 Purpose of Assessments. The Assessments levied by the Association shall be used to provide for the operation of the Association and the management, care and maintenance of the Common Area and any improvements constructed thereon, including provision for appropriate insurance against casualty and liability. At the Board's discretion, the Association may establish and maintain a reserve fund with such sums as the Board determines in good faith are necessary and adequate for the periodic maintenance, repair, and replacement of improvements to the Common Area (the "Reserve Account").

4.03 Annual Assessments. To provide the total sum necessary for the insurance purchased by the Association hereunder, the Reserve Account, the maintenance, repair and replacement (as applicable) of any improvements located on the Common Area, and any and all other expenses of the Association (whether pertaining to the ownership, operation, use, maintenance, and/or repair of the Common Areas or otherwise), each Member for each Lot owned shall pay a portion of the total amount necessary for such purposes to the Association. The portion to be paid by each Member for each Lot shall be determined in accordance with Section 4.06 hereof. The amount of the annual Assessment assessed against each Member as provided under

the foregoing sentence shall be assessed by the Association as a lien at the beginning of each annual Assessment period.

4.04 Special Assessments for Capital Improvements Upon Common Area. In addition to the annual Assessments authorized above, the Board of Directors may levy, in any assessment year, a special Assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the Common Area and any entrance wall or signage, including fixtures and personal property related thereto; provided, however, that the total of all such special Assessments for any given calendar year shall not exceed \$[REDACTED] per Lot, unless such special Assessments in excess of such total are approved by the affirmative vote of the Members holding a majority of the voting rights in the Association.

4.05 Date of Commencement of Annual Assessments and Due Dates. The Assessments provided for herein shall only be assessed against Lots upon which a House has been constructed, and will commence as to a particular Lot upon conveyance of the Lot to any Owner who is not the Declarant or a Builder. The first annual Assessment shall be adjusted according to the number of months remaining in the calendar year. The Board of Directors shall fix the amount of the annual Assessment against each Lot at least thirty (30) days in advance of each annual Assessment period. Written notice of the annual Assessment shall be sent to every Owner subject thereto. The Board of Directors shall determine if annual and special Assessments will be collected annually, quarterly or at some other interval and shall set due dates for Assessment payments. If the Board of Directors does not fix an annual Assessment in advance of any annual Assessment period, the annual Assessment for the period will be the same as for the prior period until the Board fixes a new annual Assessment amount.

4.06 Assessment Shares. Each Member shall be responsible for a portion of any annual or special Assessments levied against the Members equal to a fraction calculated in accordance with the following: the numerator of such fraction shall be the number of Lots owned by such Member and the denominator of which shall be the total number of Lots in the Subdivision at the time such Assessment is levied. The quotient of such fraction shall be multiplied by the total sum of the applicable Assessment, and the resulting figure shall be the portion of such Assessment that is owed by the applicable Member. The total number of Lots in the Subdivision may be increased from time-to-time by Declarant in its sole and absolute discretion in accordance with Section 10.02 hereof, and any such increases in the total number of Lots in the Subdivision shall be taken into account in calculating any Assessments in accordance with this Section.

4.07 Initial Capital Contribution Assessment. An Assessment is hereby levied against, and due upon the closing of the sale of, each Lot in the amount of [REDACTED] of the then current annual Assessment against the purchaser of each Lot (whether such Lot has a completed Home located upon it or otherwise) and against each subsequent purchaser of each Lot; provided, however, that in the case of sales of Lots by Declarant to a Builder, the Builder shall be exempt from such Assessment. The proceeds of such Assessments may be used by the Association for any purpose for which the Association is authorized under the Articles of Incorporation, Bylaws or this Declaration. [Delete and replace with [Intentionally Deleted] if capital contributions are not being assessed.]

4.08 Reservation of Lien; Effect of Nonpayment of Assessments; and Remedies of the Association. Any Assessment not paid within thirty (30) days after the due date shall bear interest thereon at a rate to be set by the Board of Directors but in no event greater than the maximum percentage rate as may then be permitted under the laws of the State of Mississippi. The Association may bring an action at law or in equity against the Owner personally obligated to pay any Assessment. Furthermore, a lien is hereby reserved in favor of the Association against each Lot in the amount of all Assessments outstanding against such Lot (the "Assessment Lien"). Interest, costs, and reasonable attorneys' fees of any action brought by the Association in respect of an Assessment and/or the Assessment Lien applicable to such Assessment shall be added to the amount of such Assessment and shall be secured by the Assessment Lien. Each such Owner, by his acceptance of a deed to or other conveyance of an interest in a Lot, hereby expressly vests in the Association the right and power to bring all actions, in the name of the Association, against such Owner personally for the collection of each Assessment as a debt and to foreclose the Assessment Lien in the manner provided for the foreclosure and sale under a mortgage and deed of trust pursuant to Mississippi law. Each Owner hereby expressly grants to the Association a power of sale in connection with the Assessment Lien. The Association, including its agents, successors, assigns, attorneys in fact or other legal representatives, shall have the power to appoint a trustee or substitute trustee to perform the sale, and the Association shall have the right to bid at any foreclosure sale and to acquire and hold, lease, encumber, and convey the same. At any such public sale, the appointed trustee may execute and deliver to the purchaser a conveyance of the property in fee simple. No Owner may waive or otherwise escape liability for the Assessments by non-use of the Common Area or abandonment of said Owner's Lot. The Board of Directors may also suspend the use rights of any Owner of the Common Area in the event of a failure to pay any Assessment within thirty (30) days of the applicable due date. Furthermore, and without limiting any rights of the Association hereunder, the Association shall have the right to transfer, assign and convey to any third party any debt associated with any unpaid Assessments and the Assessment Lien that is associated therewith.

4.09 Election of Remedies. Institution of a suit at law to collect payment of any delinquent Assessments shall not be deemed to be an election by the Association which shall prevent its thereafter seeking enforcement of the collection by foreclosure of any sums remaining owing to it, nor shall proceeding by foreclosure to effect such collection be deemed to be an election precluding the institution of a suit at law to collect any sum then remaining owing to the Association. The Association shall be entitled to bid at any sale held in connection with the foreclosure of the Assessment Lien and may apply as a cash credit against its bid all sums secured by the lien enforced.

4.10 Subordination of the Lien to Deeds of Trust. The Assessment Lien shall be subordinate to the lien of any first deed of trust on a Lot. Sale or transfer of any Lot shall not affect the Assessment Lien; provided, however, the sale or transfer of any Lot pursuant to foreclosure of a first deed of trust on said Lot or any proceeding in lieu thereof, shall extinguish the Assessment Lien as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any Assessments thereafter becoming due or from the Assessment Lien associated therewith or relieve the prior Owner from any personal liability for any unpaid Assessments occurring prior to said sale or transfer.

4.11 Estoppel Letter. The Association shall, within thirty (30) days after receiving a written request therefor and for a reasonable charge, as established by the Board of Directors, certify to the amount of any unpaid Assessments constituting a lien on a specified Lot. A certification letter signed by an officer of the Association or the Association's managing agent, if any, as to the amount of Assessments due with respect to a Lot shall be binding upon the Association.

ARTICLE FIVE

MAINTENANCE AND REPAIR

5.01 Maintenance. The Association shall provide maintenance of the Common Area. In addition, the Association shall have the right, but not the obligation, to maintain other property not owned by the Association, whether within or without the Subdivision and to enter into easement and covenant to share costs agreements regarding such property where the Board has determined that such action would benefit the Owners. Without limiting the foregoing, the Association shall have a reasonable right of entry upon any Lot to make emergency repairs and to do other work reasonably necessary for the proper maintenance and operation of the Common Area and to carry out its rights and duties set forth in this Declaration. Each Owner shall maintain his or her respective Lot and shall also maintain and repair, at such Owner's sole cost and expense, said Owner's House, patio and yard area keeping the same in good condition and making all structural repairs and maintenance, external and internal, as may be required from time to time, including, but not limited to maintenance and repairs of any enclosed patio area, screens and screen doors, exterior door and window fixtures, glass, and other hardware. Each Owner shall also be responsible for the maintenance and repair of any fence or fences erected on such Owner's Lot and gates appurtenant thereto.

5.02 Failure to Maintain. In the event an Owner shall fail to maintain and repair his Lot and the improvements situated thereon, as provided for herein and provided that the failure to so maintain shall cause damage or injury to the adjoining Lot or to common structural elements which affect an adjoining Lot, the Association, after approval by a majority vote of the Board of Directors, shall have the right, through its agents and employees, to enter upon said Lot and to repair, maintain, and restore the Lot and the House and any other improvements erected thereon. The cost of the same shall be added to and become part of the Assessment to which such Lot is subject; provided, however, if a dispute arises concerning the foregoing between the Owner and the Association, the matter may be submitted to arbitration in accordance with the mutual agreement of the parties.

5.03 Damage to Common Area. Notwithstanding anything contained in this Article Five to the contrary, each Owner shall be personally responsible and personally liable for any damage to the Common Area, or any portion thereof, caused by the Owner and/or the Owner's family members, guests, invitees, lessees or licensees as a consequence of the negligence, recklessness or willful misconduct of such person. The cost of repair for any damage so caused by the Owner, the Owner's family members, guests, invitees, lessees or licensees shall be an individual Assessment against the Owner responsible therefor and the Lot of such Owner.

ARTICLE SIX

ARCHITECTURAL CONTROL

6.01 Submission of Plans and Specifications. No House, building, fence, wall, or other structure or improvement shall be constructed, erected, or maintained upon any Lot, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications of the same shall have been submitted by an Owner to and approved in writing as in harmony with this Declaration by the Architectural Review Committee. Two (2) copies of the building or construction plans and specifications (collectively, the "Plans") shall be submitted to the Architectural Review Committee. Prior to commencement of any construction activities on a Lot, an Owner's Plans must be approved by the Architectural Review Committee as to conformity and harmony with this Declaration. The Architectural Review Committee may, from time to time, establish additional written design guidelines for the Subdivision, and a copy of any such guidelines then in effect shall be made available to any Member requesting a copy of same from the Association.

6.02 Approval or Disapproval. The Architectural Review Committee shall indicate its approval or disapproval of such plans and specifications by delivering, in writing, notice of such approval or disapproval to the requesting Owner. In the event the Architectural Review Committee fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval shall be deemed automatically given.

6.03 Right of Inspection. The Architectural Review Committee shall have the right, but not the obligation, to inspect the Owner's Lot and improvements during construction and prior to occupancy to inspect whether construction is proceeding in accordance with the construction plans submitted and approved by the Architectural Review Committee. Failure of an Owner to comply with the provisions of this Section 6.03, or failure of an Owner to carry out construction in accordance with the provisions of this Article, shall subject such Owner to such remedies as might be available at law or in equity (including, but not limited to, specific performance and injunction, payment of the prosecuting parties' reasonable legal fees and expenses).

6.04 Limited Review. The scope of review by the Architectural Review Committee is limited to appearance only and does not include any responsibility for structural soundness, suitability of construction or materials, compliance with building or zoning codes or standards, this Declaration, or any other similar or dissimilar factors.

6.05 Waiver of Liability. Neither the Architectural Review Committee nor any architect nor agent thereof nor the Association nor any agent or employee of any of the foregoing shall be responsible in any way for the failure of any improvements to comply with the requirements of this Declaration, nor for any defects in any plans and specifications submitted, revised or approved in accordance with the foregoing provisions, nor for any structural or other defects in any work done according to such plans and specifications, and all persons relying thereon or benefiting therefrom agree not to sue or claim against the entities and persons referred to in this Section for

any cause arising out of the matters referred to herein and further agree to and do hereby release said entities and persons for any and every such cause.

ARTICLE SEVEN **USE RESTRICTIONS**

7.01 Residential Use; Commercial Activity. Except as is hereinafter provided in this Section and in Section 10.01(c) hereof, each Lot is hereby restricted to a private, single-family dwelling for residential use. No commercial activities of any kind whatsoever shall be conducted in any Home, any other building located on a Lot, or any portion of any Lot; provided, however, that (a) an Owner may conduct a business entirely within his Home so long as (i) such business uses only ten percent (10%) of the total square footage of such Home, (ii) such business does not result in parking of additional vehicles on the Subdivision streets or Common Areas, (iii) such business is secondary to the use of the Lot for residential purposes, and (iv) such business shall not violate any applicable zoning ordinances, and (b) Builders shall have the right to use a House as a "model home" and to operate a sales office from such model home.

7.02 Subdivision of Lots. Each Lot shall be conveyed as a separately designated and legally described freehold estate subject to the terms, conditions, and provisions hereof, to easements and rights-of-way, and matters of public record. No Lot may be subdivided into a smaller Lot or Lots unless approved by the Association; provided, however, that an entire Lot may be combined with an entire adjacent Lot and occupied as one Lot but assessed and governed as two Lots.

7.03 Signs. No sign of any kind shall be displayed on any Lot (including, without limitation, any signage within a Home that is visible from the exterior of such Home), except (i) that any Owner actively attempting to sell his Lot may place a "for sale" sign of less than four (4) square feet on his Lot; (ii) during the building of homes in the Subdivision, Declarant and/or the Builders in the Subdivision may place signs at the entrance and/or on any Lot to advertise the Subdivision and the Lots for sale therein and (iii) any Owner may display a sign of reasonable size provided by a contractor for security services within 10 feet of any entrance to the home.

7.04 Noxious and Offensive Activity. No noxious or offensive activity shall be carried on, in or upon any Lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to any other Owner.

7.05 Design Criteria; Structure. All improvements to be constructed or otherwise located on a Lot by an Owner shall comply with the following requirements:

- (a) Any House shall contain a minimum of [REDACTED] ([REDACTED]) square feet of heated and cooled living space.
- (b) No House may exceed three (3) habitable stories above grade.

- (c) All sidewalks shall be constructed along the street right-of-way of each Lot in accordance with a uniform plan established by the Declarant. Accordingly, each site Plan submitted to the Architectural Review Committee shall show the location and material to be used for construction of the sidewalk, all as required and approved by the Architectural Review Committee. Each Owner shall construct or cause to be constructed on his or her Lot the approved sidewalk upon completion of the House on his or her Lot and before occupancy thereof. ~~[NOTE. DELETE IF APPLICABLE]~~
- (d) The residential structure may contain a garage or carport; provided however, that no garage or carport may have a flat roof and any such garage or carport shall be in conformity with the general architecture of the primary residential building or structure.
- (e) Air-conditioning and heating units, blowers, towers, condensers or structures related thereto, when erected between the side of any building or structure and the side Lot line of the Lot on which said building or structure is located, shall be enclosed in conformity with the general architecture of the primary residential building or structure, or shielded by shrubbery. No window air-conditioning units shall be permitted on the front or sides of any residence so as to be visible from the front line of such Lot.
- (f) Underground electrical distribution facilities are required and no overhead electrical or similar wiring or lines shall be permitted.
- (g) All outside radio and T.V. antennas (including satellite dishes and other signal receiving/transmitting equipment) shall be installed in such a way as to minimize visibility from the front of the Lot and shall be placed on the back or side of any roof.
- (h) No plumbing or heating vent shall be placed on the front side of any roof.
- (i) Driveways must be made of concrete, unless an alternative surface is approved by the Architectural Review Committee in its sole discretion; provided, however, that in no event may any Driveway be painted, scored or otherwise colored.
- (j) During construction, all vehicles, including those delivering supplies, must be parked so as not to unnecessarily damage trees on a Lot or Common Area.
- (k) All building debris, stumps, trees, etc., must be removed from each Lot by the Owner thereof as often as necessary to keep the House and Lot attractive. Such debris shall not be dumped in any area of the Subdivision.
- (l) Fences constructed or erected on any Lot shall be of wood construction. Each fence must be a picket fence design, privacy fence design or shadowbox fence design. No fence shall exceed six feet in height. Any stain or coating applied to fences must

result in a natural wood appearance. Walls or other designs are not permissible. No fence shall be constructed from the front property line to 20 feet behind the corner of the house nearest front property line. All Lots shall be grassed in the entire designated yard area by sodding and the yard shall be landscaped upon the completion of construction and before occupancy. It shall be the Owner's responsibility to maintain any landscaping or fences situated on a Lot so that such improvements remain in an attractive, well-kept condition.

- (m) No outside clothes lines shall be permitted.
- (n) Following construction of a Home on a Lot, existing drainage shall not be altered in any manner, and specifically shall not be altered in such a manner as to divert the flow of water onto an adjacent Lot.
- (o) Any roof constructed over any structure on any Lot must be covered with composite shingles or such other types of roof coverings of a higher grade and quality than composite shingles as are approved by the Architectural Review Committee.

7.06 Animals. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any Lot except that dogs, cats, and other household pets may be kept subject to the rules and regulations adopted by the Association, provided that they are not kept, bred, or maintained for any commercial purpose. Pets must be kept leashed and/or under control at all times. Notwithstanding the foregoing, the restrictions in this Section 7.06 shall not apply to any service animals, support animals, and any other animals permissible under the Americans with Disabilities Act.

7.07 Waste. No rubbish, trash, garbage, or other waste material shall be kept or permitted upon any Lot except in sanitary containers located in appropriate area, screened and concealed from view.

7.08 Accessory Structures. Except as otherwise provided for herein, no patio cover, building or storage unit of any kind shall be erected, placed or set on any Lot unless such structure is attached to the House erected on the same Lot and the architecture and character of such structure matches that of said House. Notwithstanding the foregoing, one (1) accessory building may be erected, placed or set on any Lot if such structure is: (a) no more than twelve (12) feet by sixteen (16) feet in size [NOTE: CONFIRM MAXIMUM SIZE LIMIT]; (b) no more than nine (9) feet in height; (c) located upon the back yard of such Lot; (d) enclosed on all sides by a wooden fence of at least six (6) feet in height; (e) of the same architecture and character of the House located on such Lot; and (f) approved by the Architectural Review Committee.

7.09 Temporary Structures. No structure of a temporary character, trailer, mobile home, motor home, modular building unit, basement, tent, shack, garage, barn, or other outbuilding shall be used at any time on the Lots as a residence, either temporarily or permanently.

7.10 Vehicles.

- (a) No inoperative cars, trucks or other types of vehicles shall be allowed to remain either on or adjacent to any Lot for a period in excess of forty-eight (48) hours; provided, however, this provision shall not apply to any such vehicle being kept in an enclosed garage.
- (b) No trucks larger than a one-ton pickup shall be parked in the Subdivision, except those reasonably necessary to complete approved improvements.
- (c) Recreational vehicles and campers shall not be parked or stored on any Lot. Boats and utility trailers shall be parked in garages or basements or shall be stored out of sight from all neighbors and fully screened by a privacy fence of no less than six (6) feet in height.
- (d) Overnight parking within any street right of ways is prohibited. Parking in yards is strictly prohibited.
- (e) There shall be no major repair performed on any motor vehicle on or adjacent to any Lot unless performed inside an enclosed garage.
- (f) No noxiously loud or dangerous vehicles shall be allowed to be operated on any Lot.

7.11 Construction. Any and all improvements on any Lot shall comply with the standards and provisions of the City of Gulfport, Mississippi, and its applicable building code. The use of dumpsters for cleaning and construction sites is permitted.

7.12 Pollution. There shall be no noxious emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or magnetic disturbance, detectable at the lot line or beyond.

7.13 Outdoor Lighting. No exterior lighting fixture (other than fixtures approved by the Architectural Review Committee) shall be installed within or upon any Lot without adequate and proper shielding of the fixture. No lighting fixture shall be installed that may become an annoyance or a nuisance to Owners or occupants of adjacent properties. No flood lights or security lights shall be allowed on any Lot. No light shall be attached to the soffits of any improvements on the Lot unless the lights are recessed.

7.14 Garbage and Refuse Disposal. No Lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or waste. All storage equipment for such material shall be kept in a clean and sanitary condition.

7.15 Oil and Mining Operations. No activity or hardware used for the purpose of exploration or extraction of minerals, oil, or gas shall be allowed on any Community Property at any time.

7.16 Firearms and Fireworks. The display or discharge of firearms or fireworks on any Lot or any Common Area is prohibited; provided, however, that the display of lawful firearms on the Common Area is permitted by law enforcement officers and also is permitted for the limited purpose of transferring firearms across the Common Area to or from an Owner's Lot. The term "firearms" includes "B-B" guns, pellet guns and other firearms of all types, regardless of size.

7.17 No Hanging of Items. No clothes, sheets, blankets, towels, laundry of any kind or other articles shall be hung out or exposed on any balconies, patios, or railings. Notwithstanding the foregoing, in the event the Association purchases any flags or other decorative items, each Owner shall hang any such flag or other decorative item from the exterior of such Owner's Home at the location, in the manner and at such times as shall be required by the Association in the Association's sole and absolute discretion.

7.18 Hazardous Items. No one shall use or permit to be brought onto any Lot or upon any of the Common Area any flammable oils or fluids such as gasoline, kerosene, naphtha or benzene, or other explosives or articles deemed hazardous to life, limb or property, without the written consent of the Board of Directors; provided, however, that an Owner may store and possess gasoline and other flammable or hazardous materials typically used in the operation and maintenance of a single family residence and yard, in reasonable quantities for personal use upon Owner's Lot without obtaining such written consent. The Board of Directors may require removal of any flammable or hazardous materials from the Subdivision if it determines, in its sole and absolute discretion, that any type or quantity of material is in violation of this Section.

7.19 Water and Sewer Service. The Owner of each Lot shall be required to connect to and use the central water distribution system and central sanitary sewage disposal system serving the Subdivision, and shall be responsible for paying all connection fees and assessments. No septic tanks or wells will be permitted.

7.20 Windows and Window Treatments. Reflective glass shall not be permitted on the exterior of any House or other structure. No foil or other reflective materials shall be installed on any windows or used for sunscreens, blinds, shades or for other purposes. All exterior window styles, materials, and colors and all hurricane or storm shutters must be approved by the Architectural Review Committee; provided, however, that in no event shall burglar bars and/or wrought iron doors be permitted. Hurricane or storm shutters (a) may not be closed or otherwise installed to cover windows unless and until a tropical storm or hurricane warning is issued by the National Weather Service for the County in which the Subdivision is located, and (b) shall be opened and/or otherwise removed within seventy-two (72) hours of the storm's passage.

7.21 Lots on Wetland Areas, Body of Water. No Lot shall be increased in size by filling in of any wetlands, body of water, creek or any waterway on which it may abut without appropriate governmental permits (if any are required) and prior written approval of the Architectural Review Committee.

7.22 Compliance With Law. In all cases, each Owner shall comply in all respects with all applicable laws, rules and regulations (including, without limitation, applicable zoning

ordinances) promulgated by any governmental authority having jurisdiction over the Lots and the Common Area.

7.23 Swimming Pools. No swimming pools shall be constructed, altered or maintained upon any Lot without the prior written approval of the Architectural Review Committee in accordance with Article Six hereof. Notwithstanding the foregoing, any such swimming pool must also be constructed, equipped, and maintained in accordance with the laws, ordinances, regulations, rules and standards of any city, county, and/or state authorities having jurisdiction over the Subdivision. Any Owner who desires to construct a swimming pool on such Owner's Lot shall also, prior to completion of such swimming pool, construct a fence around such swimming pool, which fence must also be approved by the Architectural Review Committee in accordance with Article Six hereof. Notwithstanding anything contained herein to the contrary, (a) above-ground pools are expressly prohibited, and (b) pools may not be screened.

7.24 Stormwater Drainage Improvements. Owners shall not alter, fill or otherwise change any stormwater improvements made to such Owner's Lot by Declarant in the development of the Subdivision or by any Builder during the construction of a Home on such Owner's Lot, including, without limitation, any drainage ditches and/or swales, without the prior written approval of the Association, which may be withheld by the Association in its sole and absolute discretion.

7.25 Outdoor Equipment. No outdoor equipment, tools, generators, or sporting equipment (including but not limited to basketball goals) may be installed or affixed to any Lot or House without prior written approval from the Architectural Review Committee; provided, however, that portable outdoor equipment, tools, generators, or sporting equipment may be used on a temporary basis for no more than twenty-four (24) hours and promptly removed from view after use. Notwithstanding the foregoing, portable generators may be used and located on a Lot for more than twenty-four (24) hours in the event of an emergency or power outage but must be promptly removed once power is restored. Any backyard playground equipment or trampoline placed on a Lot must be fenced, with Architectural Review Committee prior approval required for the fencing design, materials, height and location for such fencing.

ARTICLE EIGHT **ADDITIONAL RESTRICTIONS**

8.01 Leasing. Homes and Lots may be leased by an Owner for residential purposes only. Any Owner who leases his Home or any portion thereof shall be responsible for the acts of his tenants, including, without limitation, the violation of this Declaration and/or any rules and regulations promulgated by the Association hereunder. [NOTE: CONFIRM].

8.02 Restrictions on Mortgaging Lots. Nothing contained herein shall be construed to place any restrictions on an Owner's right to encumber his Lot.

8.03 Regulations. Reasonable regulations concerning the use of the Lots and the Common Area may be made and amended from time to time by the Board of Directors.

8.04 Lender's Notices. Upon written request to the Association, identifying the name and address of the holder, insurer or guarantor and the Lot number or address, any holder of a deed of trust, insurer, or guarantor will be entitled to timely written notice of:

- (a) Any condemnation or casualty loss that affects either a material portion of the Common Area or the Lot securing its deed of trust.
- (b) Any sixty (60) day delinquency in the payment of Assessments or charges owed by the Owner of any Lot on which it holds the deed of trust.

ARTICLE NINE

ENFORCEMENT; DURATION; AMENDMENT

9.01 Enforcement. The Association, the Board of Directors, the Architectural Review Committee and/or any Owner shall have the right to enforce by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges imposed by the provisions of this Declaration. Failure by the Association, the Board of Directors, the Architectural Review Committee and/or any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

9.02 Enforcement by Owners. An Owner may file a legal action for the violation of this Declaration (the "Complainant"), provided that the following procedure is strictly followed:

- (a) The Complainant must first give the Association written notice of the alleged violation of this Declaration together with a demand seeking that the Association enforce the terms of this Declaration as against said violator; and
- (b) The Association must fail to cause a cure of the alleged violation or, if the alleged violation has not been cured, fail to commence legal proceedings against said violator for the enforcement of the terms and conditions of this Declaration within one hundred twenty (120) days of the date of the Association's receipt of the notice referenced in subsection (a) hereof.

9.03 Attorneys' Fees. In any action (whether in advance of or prior to the initiation of any legal or equitable proceeding, in arbitration, in trial, in any administrative or other similar proceedings, or in any appeal from any of the same) pertaining to any condition, restriction or covenant herein contained (due to their alleged violation or breach) or for the enforcement of any lien against any Lot or against any Person, unless otherwise expressly provided in this Declaration to the contrary for specific instances and conflicts, the prevailing party shall be entitled to recover all costs, including reasonable legal fees and expenses.

9.04 Term. This Declaration is to take effect upon recordation and shall be binding upon the Association and all Owners and all persons and entities claiming title under and through them for fifty (50) years after the date this Declaration is recorded in the public records, after which it

shall be automatically extended for successive ten (10) year periods unless an instrument in writing, signed by Members holding at least eighty percent (80%) of the voting interests in the Association, has been recorded within the year preceding the beginning of each successive period of ten (10) years, agreeing to change said covenants and restrictions, in whole or in part, or to terminate the same, in which case this Declaration shall be modified or terminated as specified therein.

9.05 No Additional Burden. Except as provided in Article Ten, no amendment of this Declaration shall place an additional burden or restriction or requirement on any Lot where the Owner of such Lot does not join in said amending instrument.

9.06 Amendments. Except as provided in Article Ten, this Declaration may be amended by vote of the Members having sixty-seven percent (67%) of the voting interests in the Association, or by a written instrument signed by the same percentage of Members; provided, however, that unless and until Turnover has occurred no such amendment may be effected without the written consent of Declarant to such amendment, which consent may be withheld by Declarant in Declarant's sole and absolute discretion. Declarant shall have and reserves the right at any time and from time to time, without the joinder or consent of any other party to amend this Declaration by any instrument in writing duly signed, acknowledged and filed for record for the purpose of correcting any typographical or grammatical error, ambiguity or inconsistency appearing herein, provided that any such amendment shall be consistent with and in furtherance of the general plan and scheme of development as evidenced by this Declaration and shall not impair or adversely affect the vested property or other rights of any Owner or such Owner's Mortgagee.

ARTICLE TEN

RESERVED DECLARANT RIGHTS

10.01 General Reserved Rights. Until Turnover, Declarant reserves unto itself, its successors and assigns:

- (a) A right-of-way and easement for ingress and egress and easement for utilities, drainage, maintenance, repairs and other related uses over, along, and across the Common Area for all purposes relating in any manner to the subdividing, developing or aiding in the development of the Subdivision or any parts or parts thereof or additions thereto by Declarant or others.
- (b) The right to grant easements and rights-of-way of ingress and egress and for drainage, utilities, maintenance and repairs along, over, across and under the Common Area to any person, firm, corporation or entity for use as ingress or egress or for drainage, utilities, maintenance and repairs.
- (c) The right to maintain, and grant Builders the right to maintain, a sales office and/or a management office and/or one or more model homes in the Subdivision and to maintain signs therein advertising the Subdivision and to conduct its business and sales activities pertaining to the Subdivision therein and therefrom.

Except as set forth in Section 10.04, all of the above rights and interests reserved by Declarant may be exercised by Declarant without the consent or concurrence of the Association or any Member.

10.02 Right to Annex Property. Declarant hereby reserves the right, exercisable in its sole and absolute discretion, to (a) make any or all of the Additional Property subject to all or any of the terms and conditions of this Declaration and/or (b) permit owners of Additional Property to become Members of the Association. No assurances can be made as to whether any Additional Property will be annexed. Furthermore, Declarant expressly reserves the right to exercise this right on multiple occasions until such time as all Additional Property has been annexed into the Subdivision and made subject to this Declaration. No assurances can be made with respect to the boundaries of any portions of any Additional Property that might be annexed. Declarant's option to annex any Additional Property in accordance with this Section shall expire upon Turnover. The Additional Property may be annexed in accordance with this Section by an amendment to this Declaration, which amendment may be made and entered into by Declarant in its sole and absolute authority and discretion without the consent, approval or signature of the Association or any Member. Notwithstanding anything contained in this Section to the contrary, (aa) no Additional Property shall be subject to this Declaration unless and until Declarant executes an amendment to this Declaration affirmatively exercising Declarant's rights hereunder and records such amendment in the office in which this Declaration is recorded, and (bb) in the event Declarant exercises its right to annex any Additional Property in accordance with this Section, Declarant shall also have the sole and exclusive right (i) to alter or amend the terms of Article Seven hereof as those terms pertain to any Lots created out of such Additional Property, (ii) exempt any Lots created out of such Additional Property from any or all of the requirements of Article Seven hereof, and/or (iii) impose additional covenants and obligations on any Lots created out of such Additional Property.

10.03 Amendment of Declaration by Declarant. Until Turnover, Declarant reserves unto itself the right, authority and power to amend this Declaration in any manner Declarant deems necessary and appropriate. Any amendment to this Declaration made in accordance with this Section shall require only the signature of Declarant and shall not require the signature of any other Owner or any Mortgagee of any Owner, except as required by Section 10.04.

10.04 Rights in Regard to the Association. Until Turnover, Declarant shall have the sole and exclusive right to (1) appoint, remove and replace all of the members of the Board of Directors of the Association; (2) appoint all of the officers of the Association; (3) appoint, remove and replace the members of the Architectural Review Committee of the Association as defined in and in accordance with the Bylaws; (4) amend the Articles of Incorporation and the Bylaws; and (5) take all other action on behalf of the Association and vote on all other matters required to be voted on or approved by the members of the Association. Upon Turnover, the then-current members of the Association shall be entitled to vote on all the foregoing matters subject to any restrictions set forth in this Declaration and the Bylaws.

10.05 Consent of D.R. Horton to Certain Matters. Declarant may not exercise any rights reserved in this Article Ten, or take any action or grant any approval as Declarant under this Declaration (other than any other approval given in the ordinary course as an Owner and not as

Declarant) without obtaining the prior written consent of D.R. Horton, Inc. - Birmingham ("DHI"); provided, however, that no such consent shall be required for (a) the annexation of any of the Additional Property under Section 10.02 hereof, or (b) any changes to or additions of restrictive covenants that are applicable solely to phases of the Subdivision in which DHI does not own any Lots that it acquired from Declarant or any affiliate of Declarant and does not have a purchase contract with Declarant for the purchase of Lots.

10.06 Turnover. All rights of Declarant hereunder shall automatically terminate upon Turnover, except those rights that Declarant holds as an Owner and not by virtue of being the declarant under this Declaration, which shall continue as long as Declarant is an Owner.

ARTICLE ELEVEN **INSURANCE; CASUALTY**

11.01 Insurance on Common Area. The Association shall obtain the insurance coverage necessary to satisfy the requirements, if any, of the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the U.S. Department of Veterans Affairs, and the U.S. Department of Housing and Urban Development, as applicable to the Subdivision. Without limiting the foregoing, the Board shall obtain casualty insurance for all insurable improvements, whether or not located on the Common Area, which the Association is obligated to maintain. This insurance shall provide, at a minimum, fire and extended coverage and shall be in an amount sufficient to cover the full replacement cost of any repair or reconstruction in the event of damage or destruction from any such hazard. The Board shall obtain a public liability policy applicable to the Common Area covering the Association and its Members for all damage or injury caused by the negligence of the Association or any of its Members or agents, and, if reasonably available, directors' and officers' liability insurance. Policies may contain a reasonable deductible as determined by the Board. In addition to the other insurance required by this section, the Board shall obtain worker's compensation insurance, if and to the extent necessary to satisfy the requirements of applicable laws, and a fidelity bond or bonds on directors, officers, employees and other persons handling or responsible for the Association's funds, if reasonably available. If obtained, the amount of fidelity coverage shall cover the maximum funds that will be in the custody of the Association or its management agent at any time while the policy is in force, or any lesser amount of fidelity coverage allowable under the applicable Fannie Mae guidelines. Fidelity coverage shall contain a waiver of all defenses based upon the exclusion of persons serving without compensation. All such insurance coverage shall be written in the name of the Association. The expense of all insurance coverage obtained by the Association in accordance with this Section shall be a Common Expense.

11.02 Individual Insurance. By virtue of taking title to a Lot subject to the terms of this Declaration, each Owner acknowledges that the Association has no obligation to provide any insurance for any portion of individual Lots and each Owner covenants and agrees with all other Owners and with the Association that each Owner shall carry all-risk casualty insurance on the Lot and all structures constructed thereon and a liability policy covering damage or injury occurring on a Lot. The casualty insurance shall cover loss or damage by fire and other hazards commonly insured under an all-risk policy, if reasonably available and shall be in an amount sufficient to

cover the full replacement cost of any repair or reconstruction in the event of damage or destruction from any such hazard. The policies required hereunder shall be in effect at all times.

11.03 Damage and Destruction – Insured by Association. Not later than ninety (90) days after damage or destruction by fire or other casualty to any portion of any improvement covered by insurance written in the name of the Association, the Board or its duly authorized agent shall proceed with the filing and adjustment of all claims arising under such insurance and obtain reliable and detailed estimates of the cost of repair or reconstruction of the damaged or destroyed property. Repair or reconstruction, as used in this Section, means repairing or restoring the property to substantially the same condition and location that existed prior to the fire or other casualty, allowing for any changes or improvements necessitated by changes in applicable building codes. Any damage or destruction to property covered by insurance written in the name of the Association shall be repaired or reconstructed unless, within 120 days after the casualty, a proposal not to repair or reconstruct such property is approved by at least seventy-five percent (75%) of the voting interests of the Members. If for any reason either the amount of the insurance proceeds to be paid as a result of such damage or destruction, or reliable and detailed estimates of the cost of repair or reconstruction, or both, are not made available to the Association within such period, then the period shall be extended until such information shall be made available; provided, however, such extension shall not exceed one hundred eighty (180) days. If the damage or destruction for which the insurance proceeds are paid is to be repaired or reconstructed and such proceeds are not sufficient to defray the cost thereof, the Board of Directors shall, without the necessity of a vote of the Members, levy a special Assessment against the Owner of each Lot. Additional Assessments may be made in like manner, as necessary, at any time during or following the completion of any repair or reconstruction. If the funds available from insurance exceed the costs of repair or reconstruction or if the improvements are not repaired or reconstructed, such excess shall be deposited to the benefit of the Association. In the event that it should be determined by the Association in the manner described above that the damage or destruction shall not be repaired or reconstructed and no alternative improvements are authorized, the property shall thereafter be maintained by the Association in a neat and attractive condition.

11.04 Damage and Destruction – Insured by Owners. The damage or destruction by fire or other casualty to all or any portion of any improvement on a Lot shall be repaired by the Owner thereof within ninety (90) days after such damage or destruction or, where repairs cannot be completed within ninety (90) days, they shall be commenced within such period and shall be completed within a reasonable time thereafter. Alternatively, the Owner may elect to demolish all improvements on the Lot and remove all debris therefrom within ninety (90) days after such damage or destruction.

ARTICLE TWELVE

MISCELLANEOUS

12.01 Savings. If any provision or provisions of this Declaration, or any article, section, sentence, clause, phrase, or word herein, or the application thereof, is in any circumstances held invalid, the validity of the remainder of this Declaration and the application thereof shall not be affected thereby.

12.02 Captions. The captions in this Declaration are for convenience only and are not a part of this Declaration and do not in any way limit or amplify the terms and provisions of this Declaration.

12.03 Applicable Law. The laws of the State of Mississippi shall govern this Declaration. All actions or proceedings in any way, manner or respect, arising out of or from or related to this Declaration shall be litigated only in courts having situs within the county in which the Subdivision is located. Each Owner hereby consents and submits to the jurisdiction of any local, state or federal court located within said county and state and hereby waives any rights it may have to transfer or change the venue of any such litigation. The prevailing party in any litigation in connection with this Declaration shall be entitled to recover from the other party all costs and expenses, including, without limitation, fees of attorneys and paralegals, incurred by such party in connection with any such litigation.

12.04 Effect of Waiver or Consent. A waiver or consent, express or implied, to or of any breach or default by any Person in the performance by that Person of its obligations hereunder is not a consent or waiver to or of any breach or default in the performance by that Person of the same or any other obligations of that Person. Failure on the part of a Person to complain of any act or to declare any Person in default hereunder, irrespective of how long that failure continues, does not constitute a waiver by that Person of its rights with respect to that default.

12.05 Headings. The headings and captions herein are used solely as a matter of convenience and shall not define, limit or expand any term or provision of this Declaration.

12.06 Interpretation. The provisions of this Declaration shall be liberally construed to effectuate its purpose of creating a uniform plan for the development and operation of a subdivision in accordance with Mississippi law. Failure to enforce any provision hereof shall not constitute a waiver of the right to enforce said provision or any other provision hereof.

12.07 Notice. All notices required or desired under this Declaration to be sent to the Association shall be sent certified mail, return receipt requested, by hand delivery or by a recognized overnight courier who maintains verification of delivery, to the Secretary of the Association, at such address as the Association may designate from time to time by notice in writing to all Owners. All notices to any Owner shall be delivered by hand delivery, by a recognized overnight courier who maintains verification of delivery in person, or sent by first (1st) class mail to the address of such Owner's Lot, or to such other address as he may have designated from time to time, in a writing duly received, to the Association.

12.08 Conflict Between Documents. If there is any conflict or inconsistency between the terms and conditions of this Declaration and the terms and conditions of the Articles of Incorporation, the Bylaws or any rules and regulations promulgated hereunder, the terms and conditions of this Declaration shall control. If there is any conflict or inconsistency between the terms and conditions of the Articles of Incorporation and the terms and conditions of the Bylaws or any rules and regulations promulgated hereunder, the terms and conditions of the Articles of Incorporation shall control. If there is any conflict or inconsistency between the terms and

conditions of the Bylaws and the terms and conditions of any rules and regulations promulgated hereunder, the terms and conditions of the Bylaws shall control.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, Declarant has executed this Declaration by and through its duly authorized representative as of the date first set forth above.

DECLARANT:

THE ISLAND TOWNHOMES, LLC,
a Mississippi limited liability company

By: _____
Name: _____
As Its: _____

STATE OF MISSISSIPPI :
COUNTY OF _____:

Personally appeared before me, the undersigned authority in and for the said county and state, on this ____ day of _____, 20__, within my jurisdiction, the within named _____, who acknowledged that he is _____ of THE ISLAND TOWNHOMES, LLC, a Mississippi limited liability company, and that for and on behalf of the said limited liability company, and as its act and deed he executed the above and foregoing instrument, after first having been duly authorized by said limited liability company so to do.

{SEAL}

NOTARY PUBLIC
My Commission Expires: _____

DEED OF TRUST BENEFICIARY'S CONSENT AND SUBORDINATION

[INSERT NAME OF LENDER] ("Lender"), the beneficiary under that certain [INSERT TITLE OF DEED OF TRUST], executed by [INSERT NAME OF BORROWER], a _____, dated _____ and recorded in Book _____, Page _____ of the Office of the Chancery Clerk of Harrison County, Mississippi, _____ Judicial District (the "Deed of Trust"), does hereby consent to the recording of this Declaration of Conditions, Covenants and Restrictions ("Declaration"). Furthermore, Lender does hereby subordinate in all respects its interest in and to the property described in the Deed of Trust to this Declaration; provided, however, that the lien of the Association for assessments under the Declaration shall be subordinate to the lien of Lender under the Deed of Trust, as provided in Section 4.07 of the Declaration. Lender does hereby acknowledge and agree that this Declaration shall be given priority over the Deed of Trust, and shall be unaffected by any default, foreclosure or exercise of any other remedy under the Deed of Trust, the same as if this Declaration were executed, delivered and recorded prior to the execution and recording of the Deed of Trust.

IN WITNESS WHEREOF, Lender has caused this Consent and Subordination to be executed by and through its duly authorized representative as of the ____ day of _____, 20____.

[NAME OF LENDER], a _____

By: _____
Name: _____
As Its: _____

STATE OF _____
COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this ____ day of _____, 20____, within my jurisdiction, the within named _____ who acknowledged that (he)(she) is _____ of _____, a _____, and that for and on behalf of the said _____, and as its act and deed (he)(she) executed the above and foregoing instrument, after first having been duly authorized by said _____ so to do.

Notary Public
My Commission Expires:

EXHIBIT "A"
DESCRIPTION OF THE SUBDIVISION PROPERTY

All property within the The Island Townhomes, Phase [REDACTED] Subdivision as shown on the plat recorded in Map Book _____, Page _____ in the Office of the Chancery Clerk of Harrison County, Mississippi, [REDACTED] Judicial District.

EXHIBIT "B"
DESCRIPTION OF THE ADDITIONAL PROPERTY

ADD PHASE 2 LEGAL DESCRIPTION

BROOKSTONE SD, PHS 1
N/F BROOKSTONE GULF COAST LLC
PARCEL ID 1009N-01-002.000

THE ISLAND TOWNHOMES

EAST TAYLOR ROAD - GULFPORT, MS

LOCATED IN SECTION 19, TOWNSHIP 7 SOUTH, RANGE 10 WEST, CITY OF
GULFPORT, 1ST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI

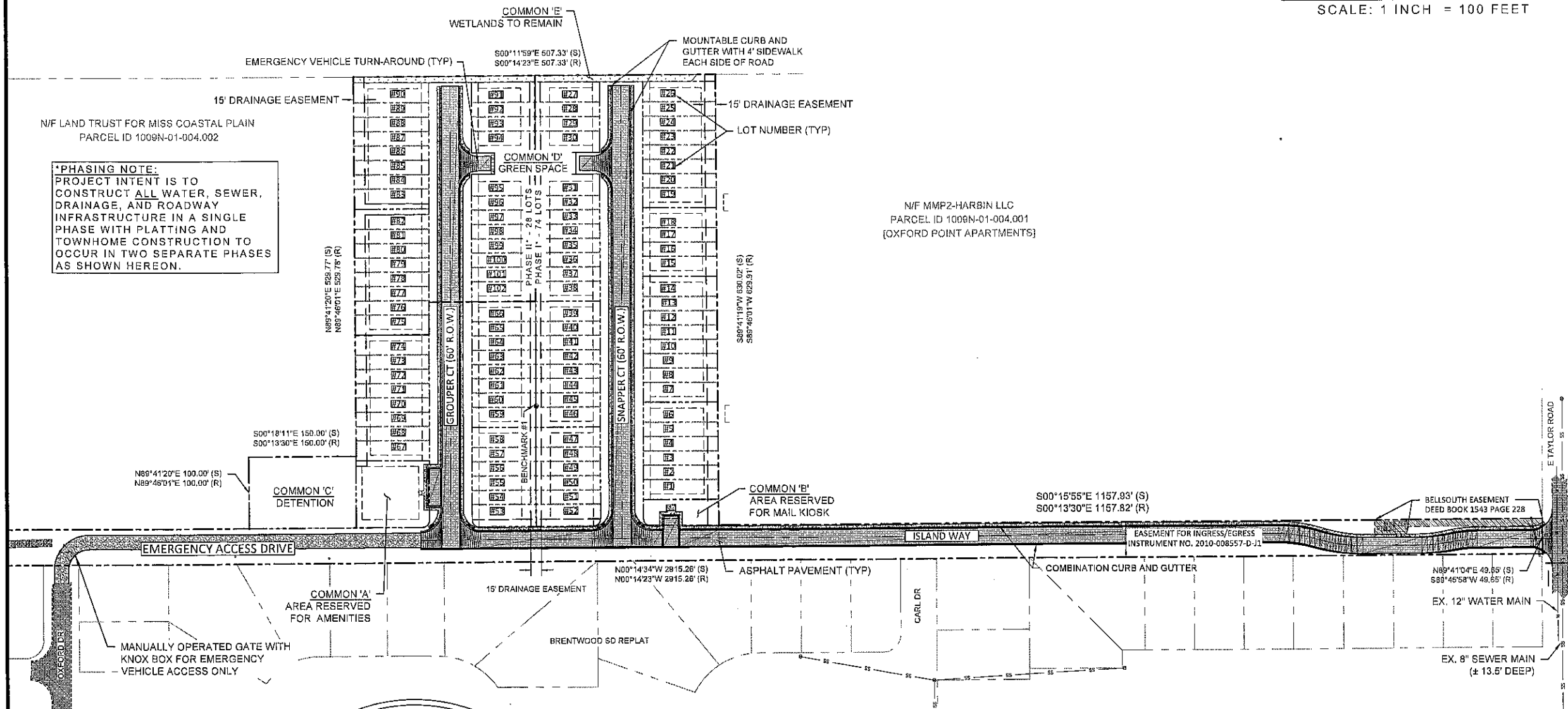


100 0 100 200 300
SCALE: 1 INCH = 100 FEET

N/F LAND TRUST FOR MISS COASTAL PLAIN
PARCEL ID 1009N-01-004.002

***PHASING NOTE:**
PROJECT INTENT IS TO
CONSTRUCT ALL WATER, SEWER,
DRAINAGE, AND ROADWAY
INFRASTRUCTURE IN A SINGLE
PHASE WITH PLATTING AND
TOWNHOME CONSTRUCTION TO
OCCUR IN TWO SEPARATE PHASES
AS SHOWN HEREON.

N/F MMP2-HARBIN LLC
PARCEL ID 1009N-01-004.001
(OXFORD POINT APARTMENTS)



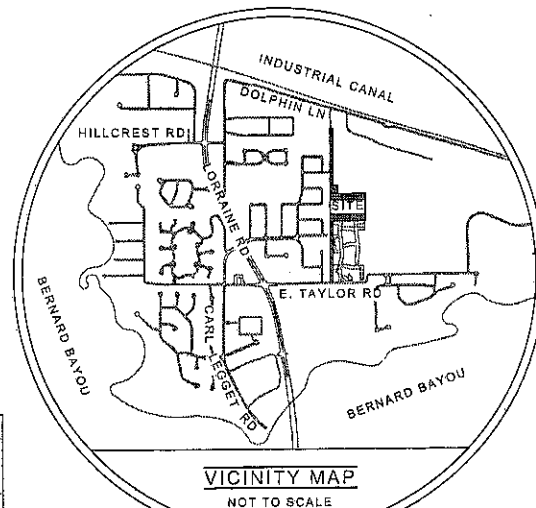
GENERAL SUBDIVISION PLAN SHEET LEGEND

- 1 OF 5 - PROJECT LAYOUT
- 2 OF 5 - DIMENSIONAL LAYOUT
- 3 OF 5 - PROJECT TABLES
- 4 OF 5 - BOUNDARY SURVEY
- 5 OF 5 - TOPO SURVEY

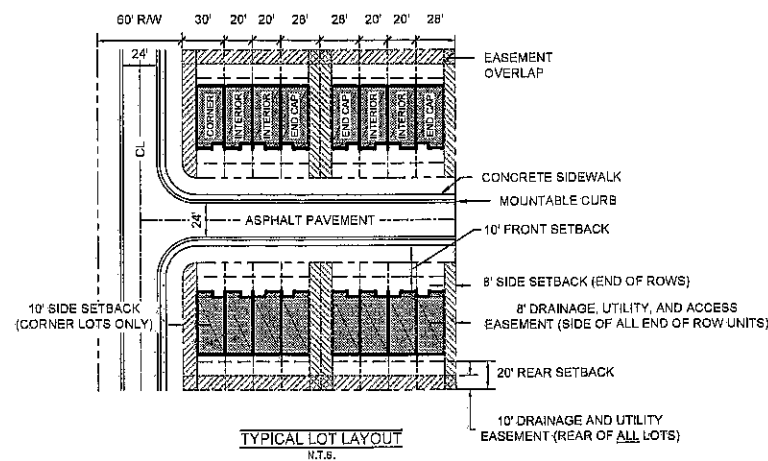
SHEET 1 OF 5 - PROJECT LAYOUT



GENERAL S/D PLAN BY:
PHELAN
ENGINEERING LLC



VICINITY MAP
NOT TO SCALE



TYPICAL LOT LAYOUT
N.T.S.

PROPOSED ROAD LENGTHS

ISLAND WAY	= 1580 LF
GROUPEL COURT	= 635 LF
SNAPPER CT	= 635 LF

LAND AREA ANALYSIS

TOTAL	= 11.02 AC (100%)
WETLANDS	= 0.10 AC (0.90%)
R.O.W.	= 3.07 AC (27.8%)
COMMON AREA	= 0.84 AC (7.6%)
LOTS (164)	= 5.01 AC (45.4%)

MINIMUM BUILDING SETBACKS

FRONT YARD	= 10 FEET
REAR YARD	= 20 FEET
SIDE YARD	= 8 FEET*

* SIDE YARD APPLICABLE ONLY TO END UNITS

BUILDING HEIGHT

MAXIMUM ALLOWED: 35 FEET (R-2)
ANTICIPATED: 27'-4" TO TOP OF ROOF RIDGE

LOT COVERAGE

MAXIMUM ALLOWED: 75% OF LOT AREA
ANTICIPATED: 60% (MAX)

PARKING

PARKING REQUIRED: 2 SPACES PER DU
PARKING PROVIDED: 2 SPACES PER DU*
(*ONE CAR GARAGE PLUS 20' DRIVEWAY)

TOWNHOME ROW LENGTH

MAXIMUM LENGTH ALLOWED = 225 FEET
MAXIMUM LENGTH PROVIDED = 200 FEET*

* 10 UNITS AT 20' EACH

MISCELLANEOUS DATA

1. PRESENT TRACT DESIGNATION:
1009N-01-004.000
2. SUBDIVISION NAME: THE ISLAND
TOWNHOMES
3. PRESENT OWNER: ROBERT GRAHAM; PO BOX
1207, PURVIS, MS 39475
4. SUBDIVIDER: GULF COAST DEVELOPMENT &
DESIGN, LLC; 919 2ND STREET, GULFPORT, MS
39501
5. PROJECT ENGINEER: PHELAN ENGINEERING,
LLC; ANDY PHELAN, PE
6. PROJECT LAND SURVEYOR: W ENGINEERING &
GEOTECHNICAL; PETE WILLIAMS

FLOOD NOTE:

ENTIRE PROPERTY IS LOCATED IN A ZONE X
(SHADED) PER MAP NUMBER 28047C0267G
(EFFECTIVE 6/16/2009)

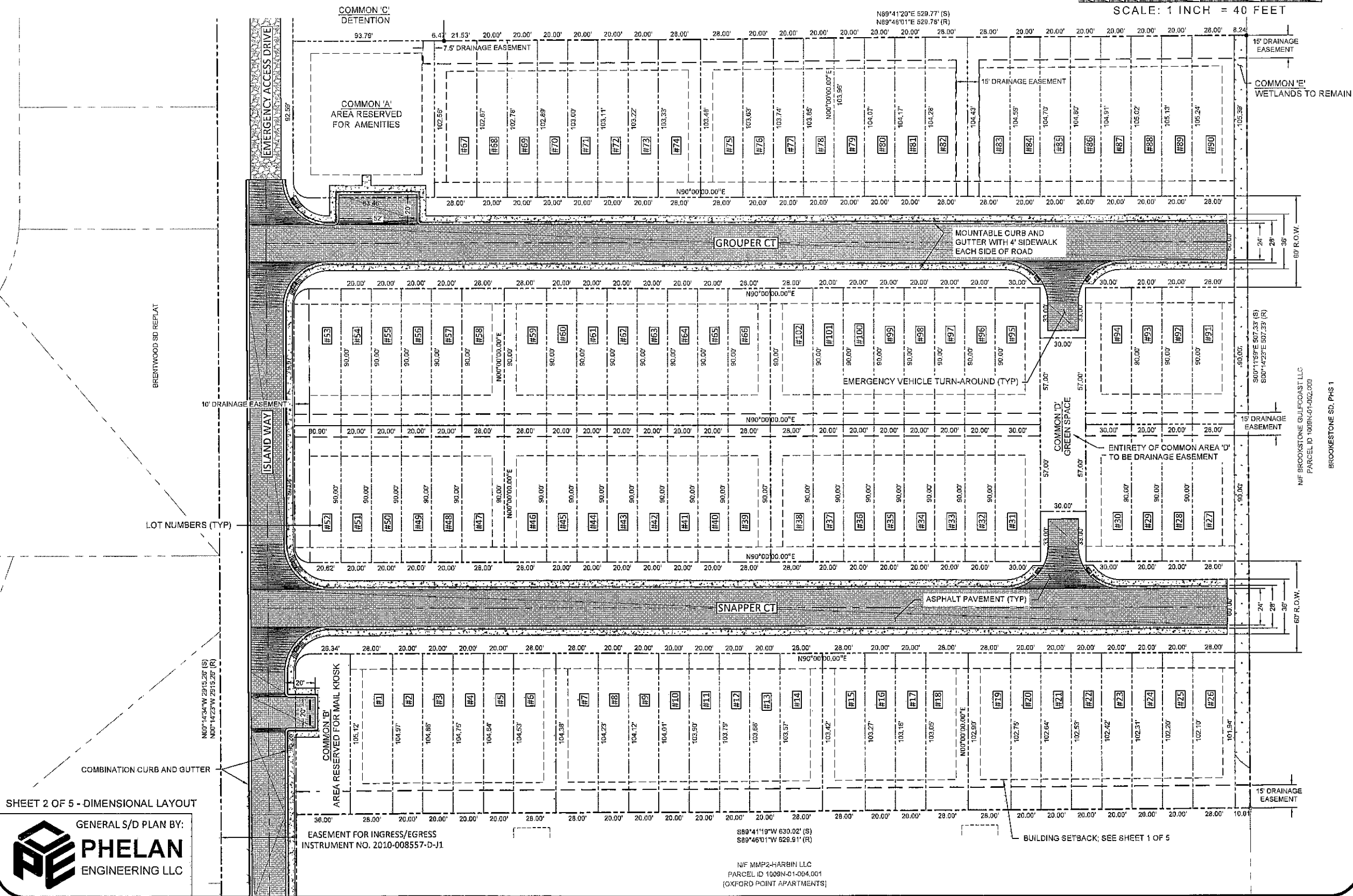
THE ISLAND TOWNHOMES

EAST TAYLOR ROAD - GULFPORT, MS

LOCATED IN SECTION 19, TOWNSHIP 7 SOUTH, RANGE 10 WEST, CITY OF
GULFPORT, 1ST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI



SCALE: 1 INCH = 40 FEET



SHEET 2 OF 5 - DIMENSIONAL LAYOUT



GENERAL S/D PLAN BY:
PHELAN
ENGINEERING LLC

EASEMENT FOR INGRESS/EGRESS
INSTRUMENT NO. 2010-008557-D-1

NF MMP2-HARBIN LLC
PARCEL ID 1009N-C1-004.001
(OXFORD POINT APARTMENTS)

NF BROOKSTONE GULFCOAST LLC
PARCEL ID 1009N-C1-002.000
BROOKSTONE SD, PHS 1

HIGHLAND LAKE TOWNHOMES

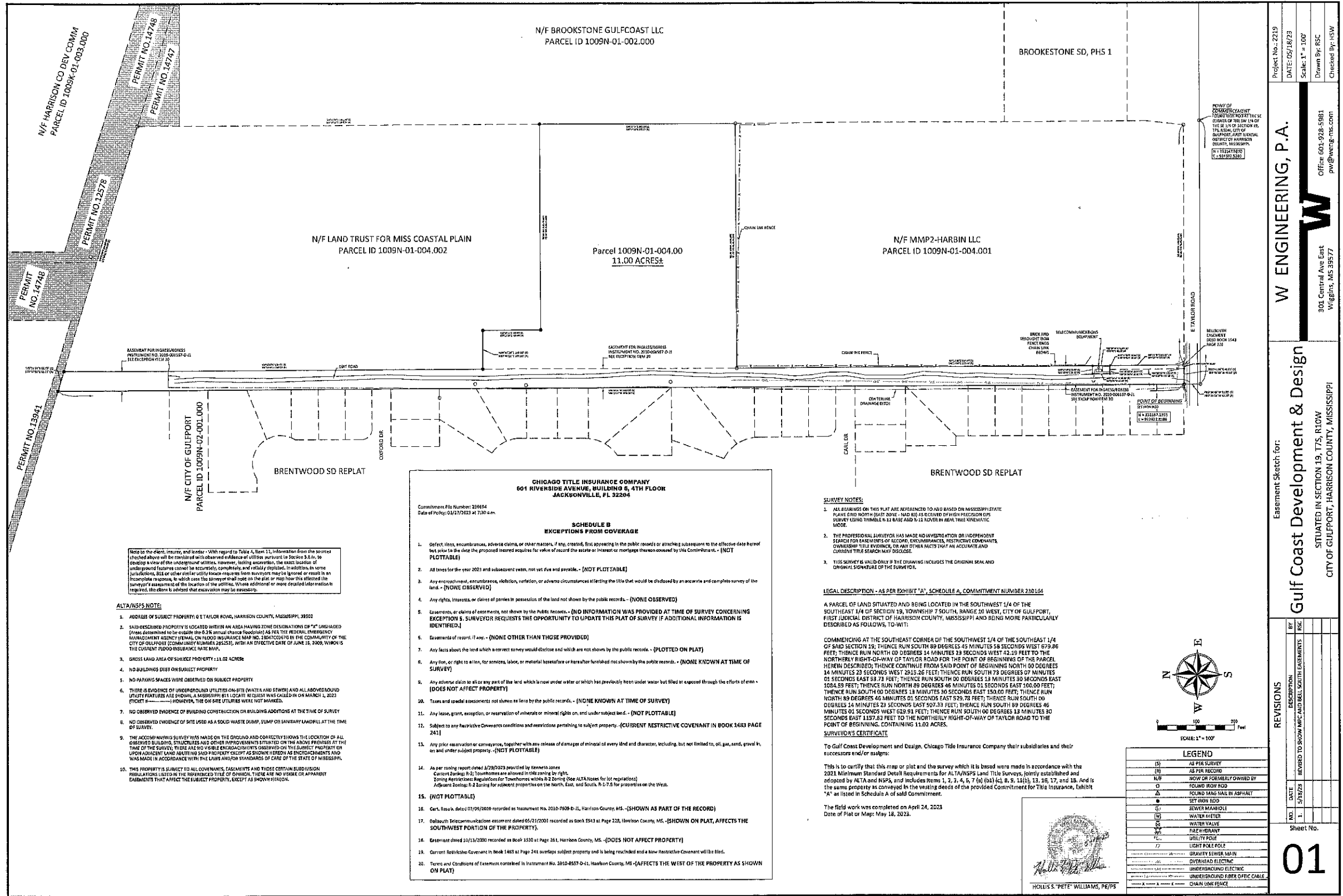
AT GULFPORT HIGHLANDS

LOCATED IN SECTION 6, TOWNSHIP 7 SOUTH, RANGE 10 WEST, CITY OF
GULFPORT, 1ST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI

PARCEL TABLE		
PARCEL #	AREA (SF)	AREA (AC)
-R.O.W.-	220,956	6.072
COMMON A	9,579	0.220
COMMON B	3,786	0.087
COMMON C	14,993	0.344
COMMON D	3,420	0.079
COMMON E	4,629	0.106
LOT 1	2,941	0.068
LOT 2	2,098	0.048
LOT 3	2,096	0.048
LOT 4	2,094	0.048
LOT 5	2,092	0.048
LOT 6	2,925	0.067
LOT 7	2,920	0.067
LOT 8	2,083	0.048
LOT 9	2,081	0.048
LOT 10	2,079	0.048
LOT 11	2,077	0.048
LOT 12	2,075	0.048
LOT 13	2,073	0.048
LOT 14	2,899	0.067
LOT 15	2,894	0.068
LOT 16	2,094	0.047
LOT 17	2,062	0.047
LOT 18	2,883	0.066
LOT 19	2,879	0.066
LOT 20	2,064	0.047
LOT 21	2,062	0.047
LOT 22	2,050	0.047
LOT 23	2,047	0.047
LOT 24	2,045	0.047
LOT 25	2,043	0.047
LOT 26	2,857	0.066
LOT 27	2,520	0.058
LOT 28	1,800	0.041
LOT 29	1,800	0.041
LOT 30	2,700	0.062

PARCEL TABLE		
PARCEL #	AREA (SF)	AREA (AC)
LOT 31	2,700	0.062
LOT 32	1,800	0.041
LOT 33	1,800	0.041
LOT 34	1,800	0.041
LOT 35	1,800	0.041
LOT 36	1,800	0.041
LOT 37	1,800	0.041
LOT 38	2,520	0.058
LOT 39	2,520	0.058
LOT 40	1,800	0.041
LOT 41	1,800	0.041
LOT 42	1,800	0.041
LOT 43	1,800	0.041
LOT 44	1,800	0.041
LOT 45	1,800	0.041
LOT 46	2,520	0.058
LOT 47	2,520	0.058
LOT 48	1,800	0.041
LOT 49	1,800	0.041
LOT 50	1,800	0.041
LOT 51	1,800	0.041
LOT 52	2,745	0.063
LOT 53	2,774	0.064
LOT 54	1,800	0.041
LOT 55	1,800	0.041
LOT 56	1,800	0.041
LOT 57	1,800	0.041
LOT 58	2,520	0.058
LOT 59	2,520	0.058
LOT 60	1,800	0.041
LOT 61	1,800	0.041
LOT 62	1,800	0.041
LOT 63	1,800	0.041
LOT 64	1,800	0.041
LOT 65	1,800	0.041
LOT 66	2,520	0.058

PARCEL TABLE		
PARCEL #	AREA (SF)	AREA (AC)
LOT 67	2,873	0.066
LOT 68	2,055	0.047
LOT 69	2,057	0.047
LOT 70	2,059	0.047
LOT 71	2,061	0.047
LOT 72	2,063	0.047
LOT 73	2,065	0.047
LOT 74	2,895	0.066
LOT 75	2,900	0.067
LOT 76	2,074	0.048
LOT 77	2,076	0.048
LOT 78	2,078	0.048
LOT 79	2,080	0.048
LOT 80	2,082	0.048
LOT 81	2,085	0.048
LOT 82	2,922	0.067
LOT 83	2,926	0.067
LOT 84	2,083	0.048
LOT 85	2,095	0.048
LOT 86	2,097	0.048
LOT 87	2,099	0.048
LOT 88	2,102	0.048
LOT 89	2,104	0.048
LOT 90	2,849	0.066
LOT 91	2,520	0.058
LOT 92	1,800	0.041
LOT 93	1,800	0.041
LOT 94	2,700	0.062
LOT 95	2,700	0.062
LOT 96	1,800	0.041
LOT 97	1,800	0.041
LOT 98	1,800	0.041
LOT 99	1,800	0.041
LOT 100	1,800	0.041
LOT 101	1,800	0.041
LOT 102	2,520	0.058



NOTE:
THIS SURVEY HAS BEEN SCALED TO FIT THIS SHEET

Project No. 2219
DATE: 05/18/23
Scale: 1" = 100'
Drawn By: RSC
Office: 601-928-5981
pw@weng-rns.com

W ENGINEERING, P.A.
301 Central Ave East
Wiggins, MS 39577

Essement Sketch for:
Gulf Coast Development & Design
SITUATED IN SECTION 19, T7S, R10W
CITY OF GULFPORT, HARRISON COUNTY, MISSISSIPPI

REVISIONS	
NO.	DESCRIPTION
1	REVISED TO SHOW MFC AND BELL SOUTH EASEMENTS

Sheet No.
01

SCANNED



[Signature] 1st JUDICIAL DISTRICT
Instrument 2022-0013032-D-J1
Filed/Recorded 05/31/2022 9:27:01 AM
Total Fees 26.00
3 Pages Recorded

Prepared by:
Robert T. Jackson, Jr.
Jackson, Tullos & Rogers, PLLC
Post Office Box 15517
Hattiesburg, MS 39404-5517
(601) 264-3309

Return to:
Robert T. Jackson, Jr.
Jackson, Tullos & Rogers, PLLC
Post Office Box 15517
Hattiesburg, MS 39404-5517
(601) 264-3309

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

EXECUTOR'S 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, adequacy and sufficiency of all of which is hereby irrevocably acknowledged and confessed,

**ROBERT JASON GRAHAM, EXECUTOR OF THE
ESTATE OF ROBERT N. GRAHAM, DECEASED**
40 Deep South Lane
Purvis, MS 39475
(601) 408-3280

Grantor herein, hereby grants, bargains, distributes, conveys and specially warrants unto

ROBERT JASON GRAHAM
Post Office Box 1207
Purvis, MS 39475
(601) 794-2253

Grantee herein, all of its right, title and interest in and to the following described real property lying and being situated in Harrison County, Mississippi, and being more particularly described as follows, to-wit:

LEGAL DESCRIPTION: See Exhibit "A" attached (Page 3)

INDEXING INSTRUCTIONS: SW ¼ of SE ¼, Section 19, T7S, R10W, City of Gulfport,
First Judicial District, Harrison County, Mississippi

This conveyance and the warranty hereof are subject to any and all prior and outstanding leases, exceptions, reservation and/or conveyances of oil, gas and/or other minerals and any geothermal energy resources lying in, on and under the above described real property.

This conveyance and the warranty hereof are subject to any environmental condition existing upon the subject property which would cause said property to be in violation of any State and/or Federal Environmental Protection Act.

This conveyance and the warranty hereof are subject to any and all other easements and rights-of-way, whether of record or of use, which affect the real property hereby conveyed.

This conveyance and the warranty hereof are subject to any and all covenants and restrictions of record.

This conveyance is made pursuant to that certain Judgment to Close Estate and Distribute Assets, filed on the 24th day of May, 2022, in The Matter of the Estate of Robert N. Graham, Deceased, Cause No. 2018-PR-0009-CS, in the Chancery Court of Lamar County, Mississippi.

All County and State ad valorem taxes for the current year shall be paid by Grantee.

This instrument was prepared without the benefit of a title opinion at the request of the Grantor and Grantee.

WITNESS THE SIGNATURE of the Grantor on this, the 25 day of May, 2022.

THE ESTATE OF ROBERT N. GRAHAM, DECEASED


ROBERT JASON, GRAHAM, EXECUTOR

STATE OF MISSISSIPPI

COUNTY OF LAMAR

Personally appeared before me, the undersigned authority in and for the said county and state, on this 25th day of May, 2022, within my jurisdiction, the within named **Robert Jason Graham**, who acknowledged that he is **Executor of the Estate of Robert N. Graham, Deceased**, and that in said representative capacity, he executed the above and foregoing instrument after first having been duly authorized so to do.


NOTARY PUBLIC

My Commission Expires:

February 11, 2024



EXHIBIT "A"

A parcel of land situated and being located in the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ 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 Southeast corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 19; thence run South 89 degrees 45 minutes 58 seconds West 670.86 feet; thence run North 00 degrees 14 minutes 23 seconds West 42.19 feet to the northerly right-of-way of Taylor Road for the Point of Beginning of the parcel herein described; thence continue from said Point of Beginning, North 00 degrees 14 minutes 23 seconds West 2915.26 feet; thence run South 73 degrees 07 minutes 01 seconds East 52.73 feet; thence run South 00 degrees 13 minutes 30 seconds East 1084.58 feet; thence run North 89 degrees 46 minutes 01 seconds East 100.00 feet; thence run South 00 degrees 13 minutes 30 seconds East 150.00 feet; thence run North 89 degrees 46 minutes 01 seconds East 507.33 feet; thence run South 89 degrees 46 minutes 01 seconds West 628.91 feet; thence run South 00 degrees 13 minutes 30 seconds East 1157.82 feet to the northerly right-of-way of Taylor Road; thence run South 89 degrees 45 minutes 58 seconds West 49.65 feet along the northerly right-of-way of Taylor Road to the Point of Beginning. Containing 11.02 acres.

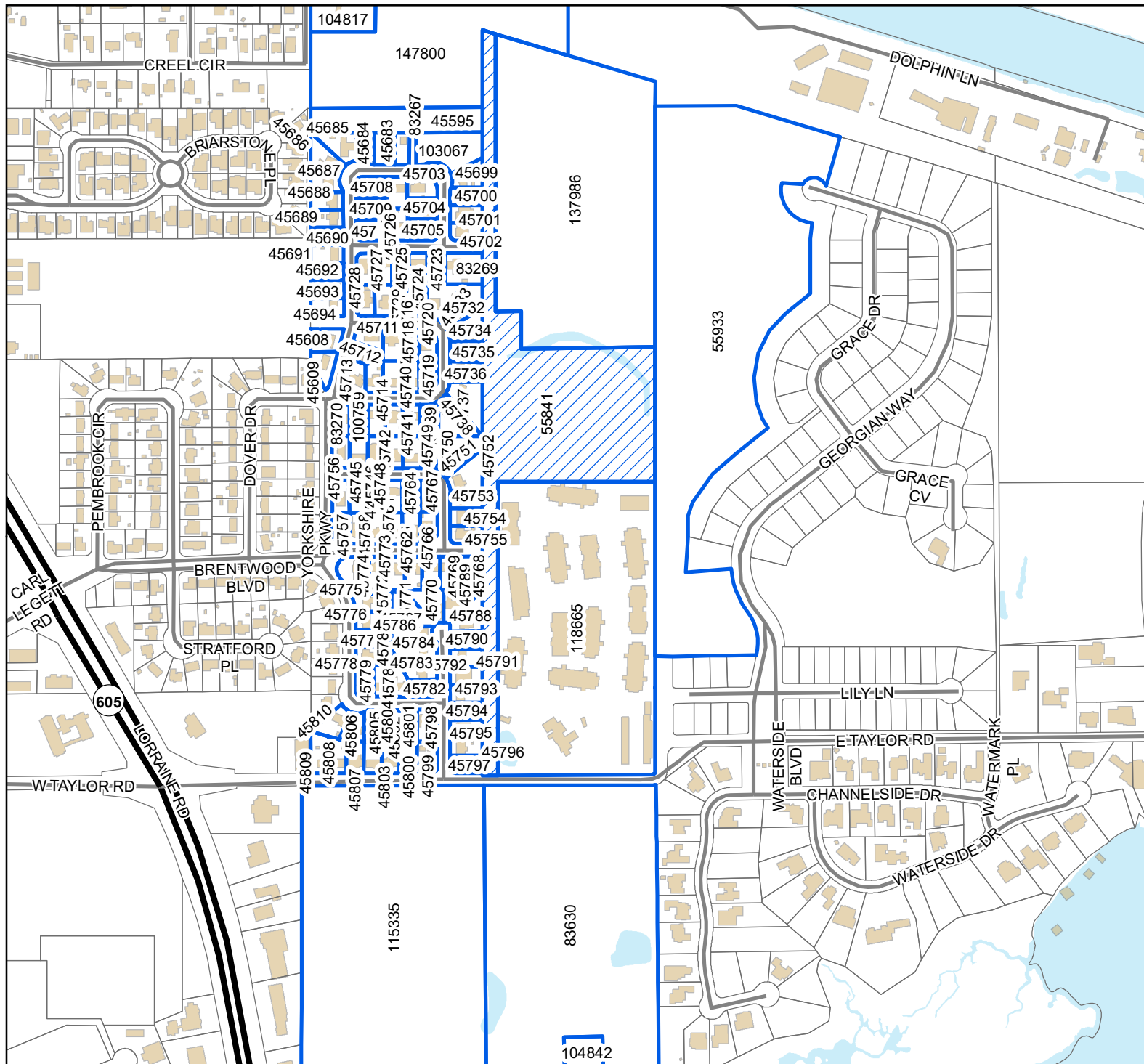
Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y			ROBERT JASON GRAHAM(OWNER)	P. O. BOX 1207	PURVIS	MS	39475
			KENNETH JONES(AGENT)	919 2ND STREET	GULFPORT	MS	39501
			Adjacent Property Owners(2308PC091)				
	45710	1009N-02-019.000	DAS HOLDINGS LLC	12203 PRESERVATION DR	GULFPORT	MS	39503
	45702	1009N-02-002.000	SUIT ANNA H -L/E-	20 PARK DR	GULFPORT	MS	39503
	45691	1009N-02-023.000	JORDAN LANCE L	34 YORKSHIRE PKWY	GULFPORT	MS	39507
	45711	1009N-02-042.000	CAMACHO LINDON	1 NOTTINGHAM CIR	GULFPORT	MS	39503
	45608	1009N-02-040.000	WILSON TEDDY L	26 YORKSHIRE PKWY	GULFPORT	MS	39501
	45609	1009N-02-041.000	CARTER CHARLES F	24 YORKSHIRE PKWY	GULFPORT	MS	39503
	45719	1009N-02-048.000	DAS HOLDINGS LLC	9366 STONE RD	GULFPORT	MS	39503
	45715	1009N-02-046.000	EASTERLING DYNNE LYRA D	13 NOTTINGHAM CIR	GULFPORT	MS	39503
	45741	1009N-02-059.000	WINGERTER RICKY PAUL	28 NOTTINGHAM CIR	GULFPORT	MS	39503
	45745	1009N-02-062.000	POWELL FLOYD & MITCHELL DOLLIE R	13 YORKSHIRE DR	GULFPORT	MS	39507
	45747	1009N-02-064.000	EVANS MARGARET T	6 LEGGETT CIR	GULFPORT	MS	39503
	45767	1009N-02-073.000	DINGLI AMELIA L	11 LEGGETT CIR	GULFPORT	MS	39501
	45739	1009N-02-057.000	NAGORKA MATTHEW B & ELIZABETH N	1202 WELLINGTON LANE	OCEAN SPRINGS	MS	39564
	45750	1009N-02-067.000	RODRIGUEZ VICTOR MANUEL PENA &	MARGARA FERNANDEZ NIEVES	GULFPORT	MS	39503
	45751	1009N-02-068.000	FAIRLEY DONNIE R & SANDRA MCNEAL	14 LEGGETT CIRCLE	GULFPORT	MS	39503
	45760	1009N-02-076.000	PADILLA RAUL R & MAGDALENA	5 LEGGETT CIRCLE	GULFPORT	MS	39507
	45763	1009N-02-075.000	DAS HOLDINGS LLC	9366 STONE ROAD	GULFPORT	MS	39503
	45753	1009N-02-070.000	HASSAN SAIDUL & ROSEMARIE Q	18 LEGGETT CIR	GULFPORT	MS	39503
	45771	1009N-02-088.000	KIRKWOOD RACHAEL EVONNE	7 CARL DR	GULFPORT	MS	39503
	45772	1009N-02-089.000	PETERSON SUSAN ELAINE	5 CARL ST	GULFPORT	MS	39503
	45773	1009N-02-090.000	REDDY MICHAEL JOSEPH	14068 LAVELLE DRIVE	GULFPORT	MS	39503
	45774	1009N-02-091.000	NEKOOEI BAHMAN & KHANI NAYYEREH	11201 LAMBERT WAY	STANTON	CA	90680
	45790	1009N-02-107.000	LANDRESS DEBORAH D	162 BURNA VISTA ST	WINDEY	GA	30680
	118665	1009N-01-004.001	MMP2-HARBIN LLC	1610 16TH AVE	NASHVILLE	TN	37212
	45785	1009N-02-102.000	SOLA GRATIA LLC	9585 SOUTH BAYOU BEND DRIVE	GULFPORT	MS	39503
	45801	1009N-02-123.000	GARCIA GERARDO MARTIN JR	159 BRENTWOOD BLVD	GULFPORT	MS	39503
	45807	1009N-02-119.000	JKA PROPERTIES LLC	11092 E TAYLOR RD	GULFPORT	MS	39503
	45775	1009N-02-092.000	KIRSCH SAMUEL H & WITT CYNTHIA R	126 BRENTWOOD BLVD	GULFPORT	MS	39503
	45776	1009N-02-093.000	PEREIRA DIOGO D -ESTATE-	128 BRENTWOOD BLVD	GULFPORT	MS	39503
	45778	1009N-02-095.000	TD 4 US LLC	12203 PRESERVATION DR	GULFPORT	MS	39503
	45781	1009N-02-098.000	MARSHALL WILLIAM H JR	P O BOX 7102	GULFPORT	MS	39506
	45792	1009N-02-109.000	NECAISE BRENDA C	26 BRITTANY CT	GULFPORT	MS	39503
	45802	1009N-02-124.000	HO HUE VAN	157 BRENTWOOD BLVD	GULFPORT	MS	39503

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	45805	1009N-02-125.000	SPINNER REAL ESTATE HOLDINGS LLC	440 GREEN TEAL CT	BILOXI	MS	39531
	104817	1009K-03-002.002	ALLTEL COMM WIRELESS OF LA INC	PO BOX 2549	ADDISON	TX	75001
	83269	1009N-02-030.000	BERG STEPHEN & PATRICIA A	11 OXFORD DR	GULFPORT	MS	39503
	45712	1009N-02-043.000	ROBINSON SEDUNITHA M & EUGENE D	19 YORKSHIRE PKWY	GULFPORT	MS	39503
	45708	1009N-02-013.000	MORTON KENDELL E & SHERRY LYNN	18311 MALLARD DR	SAUCIER	MS	39574
	45704	1009N-02-016.000	KERR SHAWN & JANINA	7 PARK DR	GULFPORT	MS	39503
	45706	1009N-02-018.000	BOHL BARBARA G -ESTATE-	4 OXFORD DR	GULFPORT	MS	39503
	45688	1009N-02-012.000	KNUREK JOSEPH J JR	40 YORKSHIRE PARKWAY	GULFPORT	MS	39503
	45690	1009N-02-022.000	GARNER RAYMOND M JR & PATRICIA ANN	36 YORKSHIRE PKWY	GULFPORT	MS	39501
	45694	1009N-02-039.000	VU HUNG T	28 YORKSHIRE PKWY	GULFPORT	MS	39507
	45726	1009N-02-026.000	GOUIN ROBERT R & KAREN C	3 OXFORD DR	GULFPORT	MS	39501
	45727	1009N-02-025.000	MANTANONA CECILIA A	860 ELLINGTON DRIVE	BILOXI	MS	39532
	45692	1009N-02-024.000	COBB TERRY & MARGARET	PO BOX 831	SAUCIER	MS	39574
	45799	1009N-02-115.000	MORAN LUDGER LON	11064 E TAYLOR RD	GULFPORT	MS	39503
	45800	1009N-02-116.000	JANET VERONICA M -L/E-	11076 E TAYLOR RD	GULFPORT	MS	39503
	100759	1009N-02-061.001	ROSH ROBERT A	32 NOTTINGHAM CIR	GULFPORT	MS	39503
	83270	1009N-02-061.000	GASPARRINI MARTHA S DODD -TRUSTEE-	306 EASTVIEW DR	BILOXI	MS	39531
	45738	1009N-02-056.000	PENTON TAMMY L	22 NOTTINGHAM CIR	GULFPORT	MS	39503
	45749	1009N-02-066.000	MHLANGA BEVERLY ANNANNYA	10 LEGETT CIR	GULFPORT	MS	39507
	45759	1009N-02-077.000	MORETTO NELLA P	3 LEGGETT CIR	GULFPORT	MS	39503
	45755	1009N-02-072.000	WINGERTER TAMARA L	13584 WINDROSE CIRCLE	GULFPORT	MS	39503
	45777	1009N-02-094.000	REXFORD LARRY E & JACKIE R	130 BRENTWOOD BLVD	GULFPORT	MS	39501
	45788	1009N-02-105.000	SUNFLOWER PROPERTIES LLC	8 BAYOU PL	GULFPORT	MS	39503
	45780	1009N-02-097.000	RAMON MICHAEL	136 BRENTWOOD BLVD	GULFPORT	MS	39503
	45779	1009N-02-096.000	FORD JESSICA HELTON & ETHAN JEWELL	12316 LOCKE PLACE	OCEAN SPRINGS	MS	39564
	45796	1009N-02-113.000	PIERCE JAMES M	34 BRITTANY CT	GULFPORT	MS	39507
	45787	1009N-02-104.000	WOLFE DANIEL L	16 BRITTANY CT	GULFPORT	MS	39503
	45786	1009N-02-103.000	PETERSON CHRISTINA	14 BRITTANY CT	GULFPORT	MS	39503
	45782	1009N-02-099.000	ROSH ROBERT	2000 CLANDETTE CT	BILOXI	MS	39531
	45794	1009N-02-111.000	ROSH ROBERT A	304 CABELL DRIVE	BILOXI	MS	39531
	45795	1009N-02-112.000	CHIVERS KAITLIN	32 BRITTANY COURT	GULFPORT	MS	39503
	45803	1009N-02-117.000	MCLEOD LINDA T	11082 E TAYLOR RD	GULFPORT	MS	39503
	45804	1009N-02-118.000	XIONG YUANHENG AND YIWEN ZHAO	11086 EAST TAYLOR RD	GULFPORT	MS	39503
	83630	1010C-01-002.000	CARTER JONATHAN R & GRAMMAR JENNIE	11029 E TAYLOR RD	GULFPORT	MS	39503
	104842	1010C-01-002.001	CARTER JONATHAN R & GRAMMER JENNIE	11029 EAST TAYLOR RD	GULFPORT	MS	39503
	45742	1009N-02-060.000	SMITH LOGAN E & AMANDA	10480 KLEIN RD APT 184	GULFPORT	MS	39503

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
	45705	1009N-02-017.000	MOEINI MOHAMMAD -ESTATE-	P O BOX 8833	GULFPORT	MS	39506
	45734	1009N-02-052.000	CLARK FRANCES	14 NOTTINGHAM CIR	GULFPORT	MS	39503
	45716	1009N-02-051.000	MEULENKAMP LANG	124B 26TH ST	GULFPORT	MS	39507
	45752	1009N-02-069.000	WHITE JANIS M	16 LEGETT CIR	GULFPORT	MS	39507
	45789	1009N-02-106.000	SUNFLOWER PROPERTIES LLC	8 BAYOU PLACE	GULFPORT	MS	39503
	45783	1009N-02-100.000	JKA PROPERTIES LLC	1200 COLLEGE ST	GULFPORT	MS	39507
	45798	1009N-02-122.000	WASHUM CHRISTOPHER M & ERIKA	161 BRENTWOOD BLVD	GULFPORT	MS	39503
	45809	1009N-02-121.000	CURRY GREGORY L	11106 E TAYLOR RD	GULFPORT	MS	39503
	45746	1009N-02-063.000	SEAL ROBERT E & CAROLYN F	3295 CC RD	KILN	MS	39556
	45748	1009N-02-065.000	GANGE CONSTANCE	1447 E PASS RD	GULFPORT	MS	39507
	45756	1009N-02-078.000	OTTIES NADS LLC	404 CARIBE PL	GULFPORT	MS	39507
	45764	1009N-02-074.000	GASPARRINI MARTHA S DODD -TRUSTEE-	306 EASTVIEW DRIVE	BILOXI	MS	39531
	45701	1009N-02-003.000	KERR SHAWN A & JANINA	7 PARK DRIVE	GULFPORT	MS	39503
	45689	1009N-02-021.000	SIAS DORIS	38 YORKSHIRE PKWY	GULFPORT	MS	39503
	45725	1009N-02-027.000	NEWMAN ANNIE B	5 OXFORD DR RT 9	GULFPORT	MS	39503
	45720	1009N-02-049.000	WILLIAMS PATRICIA	7 NOTTINGHAM CIR	GULFPORT	MS	39501
	45713	1009N-02-044.000	DEWBERRY LAURA	#17 NOTTINGHAM CIRCLE	GULFPORT	MS	39503
	45718	1009N-02-047.000	TICE EVERETT ELROY & VIOLET P	329 EASTERBROOK STREET	BAY ST. LOUIS	MS	39520
	45740	1009N-02-058.000	BOYD CAROLYN A	26 NOTTINGHAM CIRCLE	GULFPORT	MS	39503
	45768	1009N-02-085.000	PERRY DANIEL	13 CARL DR	GULFPORT	MS	39503
	45770	1009N-02-087.000	MORA CLARA	9 CARL DR	GULFPORT	MS	39503
	45784	1009N-02-101.000	SUNFLOWER PROPERTIES LLC	#8 BAYOU PLACE	GULFPORT	MS	39503
	45806	1009N-02-126.000	ZITTERKOPF REBECCA L	153 BRENTWOOD BLVD	GULFPORT	MS	39503
	45808	1009N-02-120.000	JOHNSON STEPHANIA G	11098 E TAYLOR ROAD	GULFPORT	MS	39503
	45797	1009N-02-114.000	SIMS JUDY F	36 BRITTANY CT	GULFPORT	MS	39507
	137986	1009N-01-004.002	LAND TRUST FOR MISS COASTAL PLAIN	PO BOX 2457	PURVIS	MS	39475
	55841	1009N-01-004.000	GRAHAM ROBERT JASON	P O BOX 1207	PURVIS	MS	39475
	55933	1009N-01-002.000	BROOKSTONE GULF COAST LLC	111 LUNDGREEN LN	GULFPORT	MS	39503
	115335	1010C-01-003.001	BOND LIMITED PARTNERSHIP	11272 SUNDOWN DR	GULFPORT	MS	39503
	147800	1009K-03-001.001	BALD EAGLE DEVELOPMENTS LLC	6010 VISTA CIRCLE	GULFPORT	MS	39503
	45810	1009N-02-127.000	LLORENTE JOSHUA O & BULLOCK BRIDGET	151 BRENTWOOD BLVD	GULFPORT	MS	39503
	45791	1009N-02-108.000	LB RENTALS LLC	117 41ST STREET	GULFPORT	MS	39507

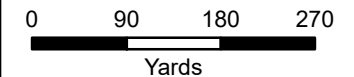
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General Plan



Legend

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



1 inch = 550 feet



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