

# Memorandum

**To:** Mayor Billy Hewes and  
Gulfport City Council

**From:** Greg Holmes, Deputy Planning Administrator *h.12*  
Urban Development Department

**Date:** March 14, 2014

**Re: Objection: Resubdivision:** Case File number: 1311PC097 Barney M. and Cythiadora Creel, property owners, requests a Resubdivision of tax parcel 1010M-03-033.000 containing 20,544.2 square feet into "Parcel 1A" containing 10,327.7 square feet and "Parcel 1B" containing 10,216.6 square feet zoned T4+ (General Urban Zone Plus). (Located north of and adjacent to Township Road, south of Live Oak Avenue, east of Teagarden Road, and west of Milray Lane) Ward 2.

## **Subject: Objection to Planning Commission recommendation**

**Recommendation:** On November 21, 2013, the Gulfport Planning Commission recommended approval of the above resubdivision request.

On December 4, 2013, the adjacent property owners, Linda Anne Scott, Patricia Torjusen, Bobby Torjusen and James Wynne filed an objection (appeal) to the Planning Commission recommendation.

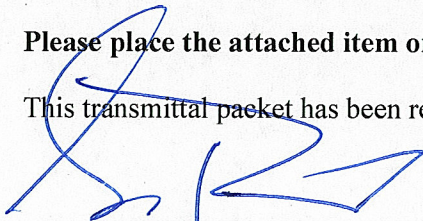
On January 21, 2014, the Gulfport City Council remanded the request back to the Planning Commission with the following conditions: 1) The center property line needs to be moved 3 feet to the east; 2) A revised survey needs to be submitted.

On January 21, 2014, the Planning Commission did not hear the request, due to lack of quorum. It would be taken up at the February 27<sup>th</sup> meeting.

On February 27, 2014, the Gulfport Planning Commission recommended approval of the above resubdivision with the amended survey to satisfy the conditions set forth by the Gulfport City Council.

**Please place the attached item on the Council agenda for April 8, 2014.**

This transmittal packet has been reviewed and approved by:



Greg Pietrangelo

Director of Urban Development

\_\_\_\_\_  
CAO or Mayor





DEPARTMENT OF URBAN  
DEVELOPMENT

P.O. Box 1780  
Gulfport, MS 39502-1780  
Phone: 228-868-5790  
Fax: 228-214-4487

William H. Hardy Building  
1410 24<sup>th</sup> Ave.

March 3, 2014

Barney M. & Cythiadora Creel  
P.O. Box 6825  
Gulfport, MS 39506

Certified Mail  
Return receipt requested

RE: **Resubdivision: Case File number: 1311PC097**

Barney M. and Cythiadora Creel, property owners, requests a Resubdivision of tax parcel 1010M-03-033.000 containing 20,544.2 square feet into "Parcel 1A" containing 10,327.7 square feet and "Parcel 1B" containing 10,216.6 square feet zoned T4+ (General Urban Zone Plus). (Located north of and adjacent to Township Road, south of Live Oak Avenue, east of Teagarden Road, and west of Milray Lane) Ward 2.

To Whom It May Concern:

On November 26, 2013, the Planning Commission recommended approval of the above request. An objection (appeal) was filed December 4, 2013 by adjacent property owners, Linda Anne Scott, Patricia Torjusen, Bobby Torjusen and James Wynne. On appeal, the Gulfport City Council on January 21, 2014, remanded the case back to the Planning Commission with the following conditions: 1) The center property line needs to be moved 3 feet to the east and 2) A revised survey need to be submitted.

This letter will officially notify you that at their public hearing on Thursday, February 27, 2014 the applicants provided an amended survey to satisfy the conditions set forth by the Gulfport City Council. Subsequently, the Gulfport City Planning Commission reiterated their recommended approval (with conditions) granted on November 26, 2013.

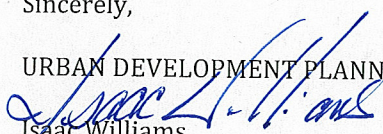
This case will be forwarded to the Gulfport City Council for final consideration and decision. You will be notified by mail of the time, date and place of the City Council Meeting.

Any interested party that may feel aggrieved by the recommendation of the Planning Commission may file a written notice of objection on or before fifteen (15) calendar days after the date of the Planning Commission hearing. The notice of objection and reasons for objecting to the decision should be stated in writing and filed with the Department of Urban Development-Planning Division. This notice of objection shall be forwarded as part of the record with the record and decision from the Planning Commission to the Mayor and City Council. The City Council shall make a final decision based upon the record as submitted. No new evidence may be presented at the meeting. No filing fee for an objection will apply.

If you have any questions, please contact this office at 868-5710.

Sincerely,

URBAN DEVELOPMENT PLANNING DIVISION

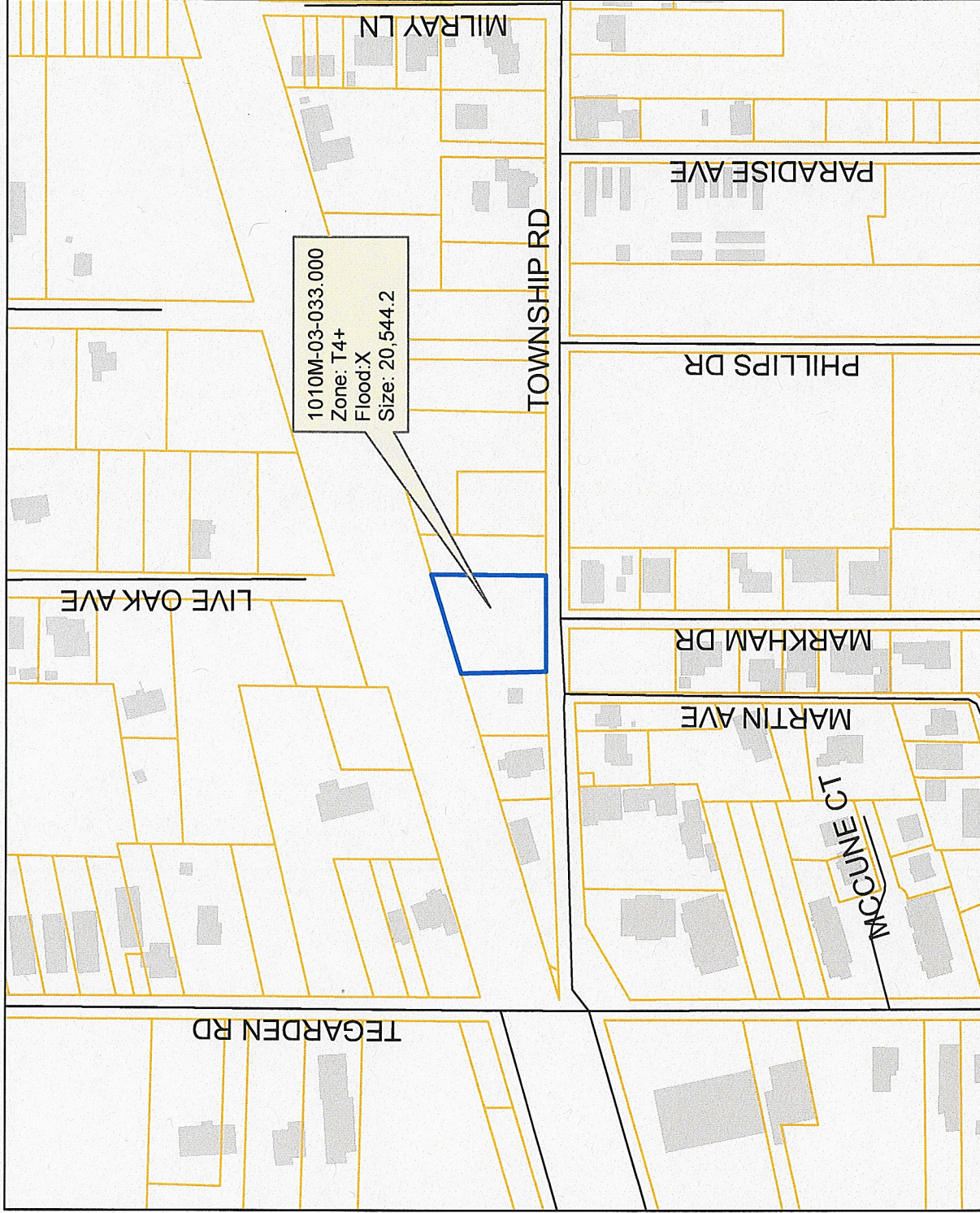
  
Isaac Williams  
Planner I

cc: Agent



1311PC097

Resubdivision



**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:** Greg Holmes, Deputy Planning Administrator *h.v*  
Urban Development Department

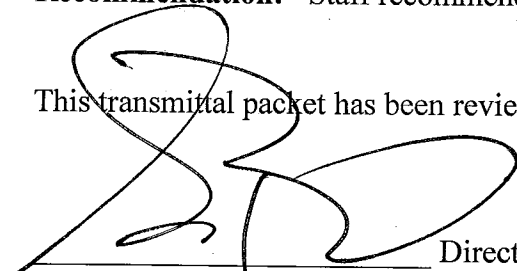
**Date of Hearing:** February 27, 2014

**Re: Objection: Resubdivision: Case File Number 1311PC097**

Barney M. and Cythiadora Creel, property owners, requests a Resubdivision of tax parcel 1010M-03-033.000 containing 20,544.2 square feet into "Parcel 1A" containing 10,327.7 square feet and "Parcel 1B" containing 10,216.6 square feet zoned T4+ (General Urban Zone Plus). (Located north of and adjacent to Township Road, south of Live Oak Avenue, east of Teagarden Road, and west of Milray Lane) Ward 2.

**Recommendation:** Staff recommendation is to approve the request with condition.

This transmittal packet has been reviewed and approved by:



Greg Pietrangelo

Director of Urban Development Department



## **STAFF REPORT (Resubdivision)**

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### **GENERAL INFORMATION**

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Case File Number: 1311PC097

Hearing Date: February 27, 2014

Current Zoning/Use: T4+ / Residential

Proposal: Barney M. and Cythiadora Creel, property owners, requests a Resubdivision of tax parcel 1010M-03-033.000 containing 20,544.2 square feet into "Parcel 1A" containing 10,327.7 square feet and "Parcel 1B" containing 10,216.6 square feet zoned T4+ (General Urban Zone Plus).

Location: North of and adjacent to Township Road, south of Live Oak Avenue, east Of Teagarden Road, and west of Milray Lane. Ward 2.

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### **ANALYSIS**

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On November 21, 2013, the Planning Commission Approval the above resubdivision request with conditions.

On December 4, 2013, an objection (appeal) from that decision was filed by the adjacent property owners, Linda Anne Scott, Patricia Torjusen, Bobby Torjusen and James Wynne.

The appeals went before the City Council on January 21, 2014. The City Council remanded the request back to the Planning Commission with the following conditions:

1. The center property line needs to be moved 3 feet to the east.
2. A revised survey need to be submitted.

On January 21, 2014, the Planning Commission did not hear the request, due to lack of quorum. It would be taken up at the February 27th meeting.

The applicant has revised the survey to address the property line and moved it 3 feet to the east.

Applicant request a Resubdivision of tax parcel 1010M-03-033.000 containing 20,544.2 square feet into "Parcel 1A" containing 10,327.7 square feet and "Parcel 1B" containing 10,216.6 square feet zoned T4+ (General Urban Zone).

The two parcels to be resubdivided are located in a T4+ zone within the Mississippi City Smart Code Community Plan. The T4+ zone has a minimum square footage requirement of 7500



square feet, for a single family dwelling, 8000 square feet for two family dwelling units, each additional dwelling unit 2,222 square feet for multi-family. This zone allows mixed uses including single family, duplex, and multi-family development by right as well as certain commercial uses.

Resubdivision requirements states that each proposed parcel shall:

1. Must have direct access to a dedicated Right-of-way for at least 35 feet.
2. Each new lot created shall have available capacity for water and sewer.
3. For residential use: Each lot shall be at least 60 feet wide at the building setback line. (R-1-5 districts may be 50 feet wide at the building setback line).
4. Each new lot created is in compliance with appropriate Zoning Ordinance, Building Codes, and Restrictive Covenants, if any.

The proposed parcel has direct access to city right-of-way; and will have capacity for city water and sewer as well as, parcel will be protected by Gulfport Fire and Police Department. Applicant states that there are no restrictive covenants prohibiting the resubdivision.

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#### **CONDITIONS BY DEPARTMENTS AND AGENCIES**

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<b><u>Engineering:/Public Works:</u></b>	No conditions. Memo dated 10-23-2013
<b><u>Fire Department:</u></b>	No conditions. Memo dated 10-22-2013
<b><u>Police Department:</u></b>	No comment as of 11-08-2013
<b><u>Traffic &amp; Safety:</u></b>	No conditions. 10-22-2013
<b><u>Building Code Services:</u></b>	Conditions. All construction shall comply with all building codes and ordinance. Memo dated 10-22-2013.

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#### **RECOMMENDATION**

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Staff recommendation is to approve the applicant request with conditions.

1. Must comply with all codes and regulations.
2. All construction shall comply with all building codes and ordinance.





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

## APPLICATION FOR RESUBDIVISION

### Property Information

TAX PARCEL # 

1	0	1	0	M

 - 

0	3

 - 

0	3	3

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0	0	0

(If necessary, use separate sheet of paper)

Address of Property Involved: 901 TOWNSHIP ROAD GULFPORT, MS 39507

Lot(s) \_\_\_\_\_, Block(s) \_\_\_\_\_, Subdivision \_\_\_\_\_

General Location: \_\_\_\_\_

### GENERAL DESCRIPTION OF REQUEST:

DIVIDE 1 PARCEL  
INTO 2 PARCELS

### OWNERSHIP AND CERTIFICATION:

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

OWNER

AGENT

BARNEY M + CYNTHIA DORA CREEL

Printed Name Of Owner

PO Box 6825

Mailing Address

GULFPORT MS 39506

City

State

Zip code

228-341-0796

Home Phone

Work/Cell Phone

BARNEYCREEL@GMAIL.COM

Email

Barney M Creel

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) BARNEY CREEL

ADDRESS (STREET, CITY, STATE, ZIP CODE) 10314 RIVER ROAD DR GULFPORT MS 39503

PHONE # (H) 228-341-0796 (W) \_\_\_\_\_

TAX PARCEL NUMBER(S) OWNED 1010M-03-033,000

SIGNATURE: Barney M Creel

NAME OF OWNER (PRINT) CYNTHIA DORA CREEL

ADDRESS (STREET, CITY, STATE, ZIP CODE) 10314 RIVER ROAD DR GULFPORT MS 39503

PHONE # (H) 228-209-1655 (W) \_\_\_\_\_

TAX PARCEL NUMBER(S) OWNED 1010M-03-033,000

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: \_\_\_\_\_

**Gregory Holmes**

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**From:** Riley Sanders <sanders2129@bellsouth.net>  
**Sent:** Tuesday, February 25, 2014 6:33 PM  
**To:** Gregory Holmes  
**Subject:** Barney Creel's property on Township rd.

Hello Mr. Holmes. I am Riley Sanders I live in Mobile. You and I have spoken a few times on the phone concerning the up keep of my property on Township Road. As you can see My property is directly across Township from property now owned by Barney Creel. I have owned my property for over twenty years. As you know all of us along the coast lost quite a lot in hurricane Katrina. Just after that time, Mr. Creel came in and bought up properties at very good prices with hopes that he would be able to sale at a very good profit. This is about the time that I met Mr. Creel. We became pretty good neighbors and I listened to him boast as to how before he was a pretty well unknown before now having all this property. We were all wanting to have some good come along in the form of selling to the developers that were in the area, but due to circumstances beyond our control things did not work out as hoped for. So now we are all in the situation together there. Mr. Creel did do good by putting the Fema cottages up on Paradise where before there were run down raggedy trailers. That does not give him the right to do the same on the properties that he has across the street. I am all for some progress in the area but not something that he wants to be re zoned or divided into smaller areas so something similar to Paradise can be erected there. Why not some nice houses or a nice apartment building. He wants to crowd the small shotgun houses close together then sale them, then be out of the area and not care what happens. After all he has a very nice home and won't be in the neighborhood or care about it either. You know that and so does everybody else that he is trying to convince that he is all for advancement in the area. everybody wants something nice for the area, but something that is more likely to stay nice.

I am not only concerned with the property in question in the hearing on the 27th of Feb. . (2) days away. but once he has his way with the property in question, ( CASE #1311PC097) He will do the same with the other property across the street from my property and I feel like that is something that will bring all the property down in the neighborhood. So If that happens then maybe I can persuade the board members to allow me to build an RV park on my property. No doubt It would be a good business venture for me.

By the way, I was not real happy about the way that some members of the commission spoke up on Mr. Creel behalf. I thought this was something they were supposed to be impartial about. I thought they were supposed to represent all but no one in particular.

Thank you Mr. Holmes for reading this and I would like you to share my view with everyone there at this meeting that I may not be able to attend. I will also send a copy of this to Paula Doyle and a couple more people. Thanks again.

Regards Riley Sanders  
251 661 6459 home phone

**SMILE**



## Paula Doyle

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**From:** Wynne, James P. <JamesWynne@clearchannel.com>  
**Sent:** Thursday, February 27, 2014 4:02 PM  
**To:** Paula Doyle  
**Cc:** Gregory Holmes  
**Subject:** case # 1311 PC 097

To whom it concerns,

I would like to voice my objection in case # 1311 PC 097. I do not feel that proper protocol has been followed in handling this request.

As I have spoke to in the past, I also object to the commission allowing for "trailer type" housing to be zone for this area.

I object to the planning commission's refusal for rebuttal from those who opposed this issue but yet encouraged an additional speaking opportunity for Barney Creel's defense (in past meeting I attended).

This commission is allowing for a zoned trailer park to be built and I do not feel that is in the best interest of the people that reside, or own property in the area.

James Wynne  
202 Markham Ave  
Gulfport Ms 39507

## Paula Doyle

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**From:** Gregory Holmes  
**Sent:** Thursday, February 27, 2014 12:51 PM  
**To:** Paula Doyle  
**Subject:** FW:

Please make a copy , and add to the case file.

-----Original Message-----

**From:** Bev Lee [<mailto:bevshome4u@cableone.net>]  
**Sent:** Thursday, February 27, 2014 12:28 PM  
**To:** Gregory Holmes  
**Subject:**

IN SUPPORT OF 901 TOWNSHIP RESUBDIVISION



## Paula Doyle

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**From:** Gregory Holmes  
**Sent:** Thursday, February 27, 2014 10:22 AM  
**To:** Paula Doyle  
**Subject:** FW: 901 Township Road

Please make a copy and add to the case file.

**From:** Tami Alexander [<mailto:tamialexander60@yahoo.com>]  
**Sent:** Thursday, February 27, 2014 10:19 AM  
**To:** Gregory Holmes  
**Subject:** 901 Township Road

Mr. Holmes,

Wanted to drop you a quick email showing my support of the resubdivision of 901 Township Road, Gulfport MS.

Thank you for your time!  
Tami Alexander-Haverty

**Paula Doyle**

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**From:** Gregory Holmes  
**Sent:** Thursday, February 27, 2014 9:27 AM  
**To:** Paula Doyle  
**Subject:** FW: Township subdivision

Please make a copy and add to the case file.

**From:** Mike Dujmov [<mailto:mikedujmov@gmail.com>]  
**Sent:** Thursday, February 27, 2014 9:15 AM  
**To:** Gregory Holmes  
**Subject:** Township subdivision

Im in support. Count me in.



**Paula Doyle**

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**From:** Gregory Holmes  
**Sent:** Thursday, February 27, 2014 9:36 AM  
**To:** Paula Doyle  
**Subject:** FW: Support of 901 Township Subdivision

Please make a copy and add to the case file.

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**From:** Dittmann, Jill A (IS) [<mailto:Jill.Dittmann@ngc.com>]  
**Sent:** Thursday, February 27, 2014 9:34 AM  
**To:** Gregory Holmes  
**Subject:** Support of 901 Township Subdivision

We're in support of the 901 Township Subdivision. My husband and I think it's a beautiful addition to the community. We are looking forward to seeing it grow.

Respectfully,

The Dittmann's

## Paula Doyle

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**From:** Gregory Holmes  
**Sent:** Thursday, February 27, 2014 9:45 AM  
**To:** Paula Doyle  
**Subject:** FW: 901 Township Resubdivision

Please make a copy and add to the case file.

**From:** Rebecca Daniels [<mailto:rdaniels@latterblum.com>]  
**Sent:** Thursday, February 27, 2014 9:45 AM  
**To:** Gregory Holmes  
**Subject:** 901 Township Resubdivision

Mr. Holmes,

I am in support of 901 Township Subdivision.

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Thank You,

Rebecca Daniels, REALTOR

Latter & Blum Shaw Properties

S3 Rentals, LLC

228-896-6060 (office)

228-896-6081 (rental office)

228-697-1576 (direct)

228-897-7655 (fax)

777 Watkins Ave

Gulfport, MS 39507

[rdaniels@latterblum.com](mailto:rdaniels@latterblum.com)



## Paula Doyle

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**From:** Gregory Holmes  
**Sent:** Thursday, February 27, 2014 9:26 AM  
**To:** Paula Doyle  
**Subject:** FW: Beach view Cottages project on Township Rd, I like & support this, Mary Ham from Jayess,Ms

Please make a copy and add to the case file.

-----Original Message-----

**From:** Mary Ham [<mailto:marysusie@icloud.com>]  
**Sent:** Thursday, February 27, 2014 9:13 AM  
**To:** Gregory Holmes  
**Subject:** Beach view Cottages project on Township Rd, I like & support this, Mary Ham from Jayess,Ms

Sent from my iPad

I know all the opponents are wondering why we are back here yet again. The Planning Commission also may be asking some questions, so let me bring you up to date on the history of this struggle.

Obviously Mr. Creel is not one to let rules of any kind get in the way of what he wants. We started this journey on August 16, 2012, when Mr. Creel was heard at length before the Gulfport zoning board. He wanted to subdivide his considerable holdings along Township Road into tiny trailer sized portions. He wanted to place Katrina cottages on these small lots. Mr. Creel's proposal was clearly in violation of zoning law and city code and was therefore properly rejected by the zoning board. When Mr. Creel was much aggrieved about that decision, instead of appealing the decision to City Council as called for by established procedure, he sought to have the matter heard yet again before this body, the city planning commission, in violation of established protocol. He almost succeeded. However, when he encountered strong opposition to this desire, he finally withdrew his proposal at the last minute.

Mr. Creel's next step was to by-pass asking the Planning Commission for anything. He went ahead and built a structure in a cynical attempt to get around the chart of permitted uses. He constructed a stick built version of a Katrina cottage. He built without seeking re-subdivision permission from this body, the planning commission. After he had completed his building, he THEN sought permission from the Gulfport Planning Commission to do what he had already done. At a hearing on November 21, 2013, this body, the Gulfport Planning Commission, voted to approve Mr. Creel's subterfuge, despite his violation of normal procedure in building first and seeking permission after the fact, despite the fact of an unsubstantiated quitclaim deed on which he based his lot dimensions, and despite violations of the opponents' rights to due process. The opponents' rights to due process were violated in not allowing their objections to the unsubstantiated quitclaim deed to be heard and by the testimony of some of the "judges" which promoted the project of Mr. Creel. These violations were discussed in a Letter of Objection filed on December 14, 2013.

violated  
MCA  
25-4-1

The objections filed in the Letter of Objection on 12/14/13 were to be heard by the Gulfport City Council at its January 21, 2014, meeting. Instead of being heard, special counsel announced at the meeting that this matter would be scheduled for rehearing by the Gulfport Planning Commission. Opponents received notice of that re-hearing on January 24, the day AFTER that re-hearing was held on January 23. That faulty notice constituted yet another violation of opponents' rights to due process. However, the scheduled January 23 re-hearing did not occur after all because the body did not have a quorum. (Someone had recused himself). We had also heard that this matter was to be handled as "old business" and thus discussed in closed session. The Planning Commission agenda for January 23 does list our issue as "Other Business," but whatever was intended is now a moot point. When we asked on 1/27/14 to see the proposed request for the scheduled 1/23/14 hearing, we learned that NOTHING had been filed by Mr. Creel at that point in time.

violated  
may  
have  
law

At this point in the sequence of events, opponents filed yet another Letter of Objection on approximately January 29, 2014, and sent copies to Gulfport City Council members. This re hearing today is the culmination so far of this sequence of events recorded here.

At today's re-hearing 2/27/14, Mr. Creel has abandoned his unsubstantiated quit claim deed as the basis to his claim of a 60 foot width for his Parcel 1A. (However, it should be noted that he has recorded this unsubstantiated quitclaim deed and is paying taxes on that property, despite questions of legality). Mr. Creel has submitted, only within the past few days, a new survey by a new surveyor. Apparently this survey reflects the change that Mr. Creel was instructed to make: he has moved his Parcel 1A center property line about 3 feet to the west in order to make Parcel 1A 60 feet wide. The question in everyone's mind is of course: why did Mr. Creel not use this strategy in the first place? Even though there is a new survey, there have been no changes to the property as to what had already been done--a drive way added to the west and landscaping. Things on the property in question remain just as they were BEFORE the new survey was filed.

It should also be noted that the request submitted for this rehearing is the same language of the request submitted for his original hearing--a request for subdividing 20,544.2 square feet into Parcel 1A. Mr. Creel's request does not indicate any different dimensions, despite a new survey. We all need clarification on exactly what he is asking for and an explanation of the basis of this new or same request.

Inda A. Scott  
831-1962





**AGENDA**

**GULFPORT CITY PLANNING COMMISSION MEETING**

**CITY HALL COUNCIL CHAMBERS**

**THURSDAY, NOVEMBER 21, 2013 @ 4:30PM**

A. Prayer

*See # 7 "language"*

B. Pledge of Allegiance

C. Call to Order

D. Determination of a Quorum

E. Confirmation of Agenda

F. Adoption of Minutes: Planning Commission meeting – October 24, 2013

G. Hearing of Cases

**G1. Public Declaration of Appeal Process of Chairman**

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

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

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

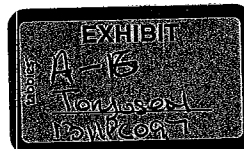
**G3. Routine Agenda**

**1. Planning Commission Approval for Home Occupation: Case Number 1311PC087**

Carmine Johnson, property owner, requests Planning Commission Approval to allow a home based promotional agency at 2623 W. Angela Circle, on tax parcel 0908O-04-026.000, approximately 8,688 square feet, zoned R-1-10 (Located north of and adjacent to West Angela Circle, south of West Steven Circle, west of Pine Hills Drive, and east of West Angela Circle) Ward 6. (Exhibit 087)

**2. Resubdivision: Case File Number 1311PC090**

Richard Hobgood, Manager for Ben A. Richards Land Company, LLC, property owners, requests a Resubdivision of tax parcel 1008J-03-001.001. containing approximately 50.55 acres



**3. Resubdivision: Case File Number 1311PC091**

Don L. Sprabery and Alva D. Peden for Ship Island Properties, Inc., property owners, requests a Resubdivision and Replat of a part of Blocks 3, 4, 13, & 15 Gulf & Ship Island Development on tax parcels 0808L-03-001.000 and 0808L-03-022.000, containing 10.95 acres into Lot "1" containing 1.36 acres and Lot "2" containing 0.79 acres and Lot "3" containing 8.80 acres, zoned B-4 (Located south of Orange Grove Road, north of Dedeaux Road, west of and adjacent to Hwy 49 and east of Old Hwy 49) Ward 7. (Exhibit 091)

**4. General Plan: Case File Number: 1311PC092 (Deferred to December Meeting)**

David Machado, P.E., of Machado|Patano, PLLC agent for Developing Consulting Inc., property owner, requests General Plan approval for a 32-lot single family subdivision (White Track Phase I) on tax parcels 0908D-01-015.000, 0908D-01-010.000, and 0908-01-009.000 containing approximately 31 acres. (Located south of and adjacent to O'Neal Road, east of and adjacent to Three Rivers Road, north of Dedeaux Road and west of Preservation Drive) Ward 6. (Exhibit 092)

**5. Resubdivision: Case File number: 1311PC095**

Dorothy Ouille, agent for Olde Oaks, LLC, Carole D. Pickering and William H. Pickering, property owners requests a resubdivision of tax parcels 0811H-04-041.000 and 0811h-04-059.000 containing approximately 10,921 and 20,296 square feet respectively, into "Parcel A" and "Parcel B" containing 11,338 and 20,627 square feet respectively, zoned R-1-7.5. (Located north of and adjacent to US Highway 90, south of and adjacent to 2<sup>nd</sup> Street, east of Thornton Avenue and west of Hill Place) Ward 2. (Exhibit 095)

**6. Planning Commission Approval- Home Occupation: 1311PC096**

Nicole Ribet, agent for David Ribet, property owner, requests Planning Commission Approval to allow a home occupation which provides "music therapy travelling services" from 2221 5<sup>th</sup> Avenue on tax parcel 0911D-07-000.000 containing approximately 9,780 Square feet zoned R-2. (Located west of and adjacent to 5<sup>th</sup> Avenue, east of 6<sup>th</sup> Avenue, north of 22<sup>nd</sup> Street, south of 23<sup>rd</sup> Street) Ward 2. (Exhibit 096)

**7. Resubdivision: Case File number: 1311PC097**

Barney M. and Cythiadora Creel, property owners, requests a Resubdivision of tax parcel 1010M-03-033.000 containing 20,544.2 square feet into "Parcel 1A" containing 10,327.7 square feet and "Parcel 1B" containing 10,216.6 square feet zoned T4+ (General Urban Zone Plus). (Located north of and adjacent to Township Road, south of Live Oak Avenue, east of Teagarden Road, and west of Milray Lane) Ward 2. (Exhibit 097)

**8. General Plan: Case File Number: 1311PC098**

Aaron L. Harris, PE, agent for Joe Diaz, Sr., of Wrigleyville Development Company, LLC, property owner, request General Plan approval for a 30-lot single-family residential (Wrigleyville Subdivision, Phase one, Unit One and Two), tax parcel numbers 0710K-01-039.000 and 0710K-01-034.001 containing 11.09 acres, zoned R-2. (Located north of 55<sup>th</sup> Avenue, south of Interstate 10, west of 54<sup>th</sup> Avenue and east of Canal Road.) Ward 1. (Exhibit 098)

**G4. Other Business**

RE: General Plan: Case File Number 1111PC096 - William Tully Rhodes, P.E., agent for

B



## CITY of GULFPORT

January 7, 2014

Barney M and Cynthiadora Creel  
19536 Champion Circle  
Gulfport, MS 39503

Same  
Request

RE: **Objection:** **Resubdivision:** Case File number: 1311PC097 Barney M. and Cythiadora Creel, property owners, requests a Resubdivision of tax parcel 1010M-03-033.000 containing 20,544.2 square feet into "Parcel 1A" containing 10,327.7 square feet and "Parcel 1B" containing 10,216.6 square feet zoned T4+ (General Urban Zone Plus). (Located north of and adjacent to Township Road, south of Live Oak Avenue, east of Teagarden Road, and west of Milray Lane) Ward 2.

To Whom It May Concern:

On Tuesday, January 7, 2014, the Gulfport City Council tabled the above request until its next regularly scheduled meeting on **Tuesday, January 21, 2014 at 1:30 p.m.** This hearing will be held in the Council Chambers on the second floor of the Gulfport City Hall located at 2309 15th Street.

If you have any questions, please contact this office at (228) 868-5710.

Sincerely,

URBAN DEVELOPMENT PLANNING DIVISION

A handwritten signature in black ink that reads "Paula Doyle". The signature is written in a cursive, flowing style.

Paula Doyle  
Planner III

CC: Adjacent Property Owners



## CITY of GULFPORT

January 22, 2014

Barney M and Cynthiadora Creel  
19536 Champion Circle  
Gulfport, MS 39503

RE: **Objection: Resubdivision: Case File number: 1311PC097** Barney M. and Cythiadora Creel, property owners, requests a Resubdivision of tax parcel 1010M-03-033.000 containing 20,544.2 square feet into "Parcel 1A" containing 10,327.7 square feet and "Parcel 1B" containing 10,216.6 square feet zoned T4+ (General Urban Zone Plus). (Located north of and adjacent to Township Road, south of Live Oak Avenue, east of Teagarden Road, and west of Milray Lane) Ward 2.

To Whom It May Concern:

On Tuesday, January 21, 2014, the Gulfport City Council remanded the above request back to the Planning Commission with the following conditions: 1) The center property line needs to be moved 3 feet to the east and 2) A revised survey need to be submitted.

Recommended by legal counsel this case will be re-heard by the Planning Commission on January 23, 2014.

If you have any questions, please contact this office at (228) 868-5710.

Sincerely,

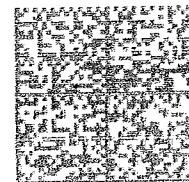
URBAN DEVELOPMENT PLANNING DIVISION

*Tara Doyle*

CITY of GULFPORT

Post Office Box 1780  
Gulfport, MS 39502-1780

PRESORTED  
FIRST CLASS



Hester

016H26521325

\$00.360

01/23/2014

Mailed From 39503  
US POSTAGE

post marked 1/23/14

Request is same as that of Nov 21, 2013. According to 1/21/14 Mr. Holmes there has been no change in request as no new proposal has been filed.



29



## CITY of GULFPORT

February 11, 2014

Barney M. and Cynthiadora Creel  
P.O. Box 6825  
Gulfport, MS 39506

**RE: Resubdivision; Case File number: 1311PC097** Barney M. and Cythiadora Creel, property owners, requests a Resubdivision of tax parcel 1010M-03-033.000 containing 20,544.2 square feet into "Parcel 1A" containing 10,327.7 square feet and "Parcel 1B" containing 10,216.6 square feet zoned T4+ (General Urban Zone Plus). (Located north of and adjacent to Township Road, south of Live Oak Avenue, east of Teagarden Road, and west of Milray Lane) Ward 2.

To whom it may concern:

The purpose of this letter is to inform you of the above referenced application. A map showing the general location of the property involved is on the back of this letter.

The City of Gulfport Planning Commission will hold a public hearing to consider the above request at **4:30 P.M. on Thursday, February 27, 2014**, in the Council Chambers at the Gulfport City Hall, located at 2309 15<sup>th</sup> Street.

It is your option whether or not to appear personally and/or speak for or against the request at the scheduled hearing. If you are unable to attend the public hearing you may submit your opinion in writing and request that it be read into the public record. If you desire, it is also your choice to be represented by an agent or attorney.

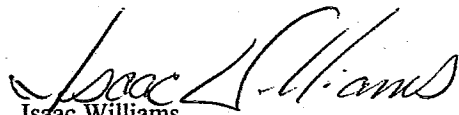
A copy of the filed application to be considered and subsequent recommendation will be available for public review at the office of the Department of Urban Development – Planning Division located at the Hardy Building, 1410 24<sup>th</sup> Avenue.

Any interested party that may feel aggrieved by the Planning Commission's recommendation may file a written notice of objection within fifteen (15) calendar days after the date of the Planning Commission hearing. The notice of objection and reasons for objecting to the decision should be stated in writing and filed with the Department of Urban Development-Planning Division. This notice of objection shall be forwarded as part of the record with the record and recommendation from the Planning Commission to the Mayor and City Council. The City Council shall make a final decision based upon the record as submitted. No new evidence may be presented at the meeting.

If you have any questions or comments, please contact this office at (228) 868-5710.

Sincerely,

URBAN DEVELOPMENT PLANNING DIVISION

  
Isaac Williams  
Planner I

cc: Agent, Adjacent Property Owners (You have been identified as owning property within 160 feet of this request)

(F)

## AGENDA

### GULFPORT CITY PLANNING COMMISSION MEETING

#### CITY HALL COUNCIL CHAMBERS

THURSDAY, JANUARY 23, 2014 @ 4:30PM

- A. Prayer
- B. Pledge of Allegiance
- C. Call to Order
- D. Determination of a Quorum
- E. Confirmation of Agenda
- F. Adoption of Minutes: Planning Commission meeting – December 19, 2013
- G. Hearing of Cases

#### G1. Public Declaration of Appeal Process of Chairman

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

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

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

#### G3. Routine Agenda

1. General Plan Amendment

See G4

**3. Resubdivision: Case File Number: 1401PC003**

Robert Heinrich of Heinrich & Associates, agent for Scarlet Wind, LLC requests a resubdivision of tax parcel 0811G-03-053.000 containing approximately 14,508 square feet (as per survey), into parcels named "A", "B", & "C" containing approximately 4,835, 4,835, and 4,838 square feet respectively (as per survey), zoned T4+. (Located north of and adjacent to 15<sup>th</sup> Street, east of and adjacent to 18<sup>th</sup> Avenue, south of 2<sup>nd</sup> Street, west of Pratt Avenue) Ward 2. (Exhibit 003)

**G4. Other Business**

**Objection: Resubdivision: Case File number: 1311PC097**

Barney M. and Cythiadora Creel, property owners, requests a Resubdivision of tax parcel 1010M-03-033.000 containing 20,544.2 square feet into "Parcel 1A" containing 10,327.7 square feet and "Parcel 1B" containing 10,216.6 square feet zoned T4+ (General Urban Zone Plus). (Located north of and adjacent to Township Road, south of Live Oak Avenue, east of Teagarden Road, and west of Milray Lane) Ward 2.

On January 21, 2014, the Gulfport City Council remanded the above request back to the Planning Commission with the following conditions; 1) The center property line needs to be moved 3 feet to the east and 2) A revised survey need to be submitted.

**H. Adjournment**

*Letter of Objection to Project 1311 PC 097 Filed Dec. 14, 2013*

**F**  
THE DECISION OF THE CITY PLANNING COMMISSION IN 1311 PC 097 SHOULD BE OVERTURNED FOR THE FOLLOWING REASONS:

I. MR. BARNEY CREEL DOES NOT HAVE CLEAR TITLE TO THE LAND HE WANTS TO MAKE PARCEL I. MR. CREEL BEARS THE BURDEN OF PROOF IN ALL MATTERS HE ASSERTS AS TRUE.

II. MR. CREEL VIOLATED ESTABLISHED PROCEDURE BY FIRST BUILDING AND THEN AFTERWARD REQUESTING SUBDIVISION. IN DOING SO, APPARENTLY HE PERPETRATED A DECEPTION IN SECURING HIS BUILDING PERMIT. THIS SAME VIOLATION OF PROCEDURE PROVIDED HIM AN OPPORTUNITY TO TRY TO CLEAR HIS QUESTIONABLE LAND TITLE VIA THE PLANNING COMMISSION GRANTING HIS REQUEST TO SUBDIVIDE.

III. THE NOVEMBER 21 "HEARING" CONDUCTED BY THE PLANNING COMMISSION VIOLATED THE DUE PROCESS RIGHTS OF THE OPPONENTS.

I. MR. CREEL DOES NOT HAVE CLEAR TITLE TO THE LAND HE WANTS TO MAKE PARCEL 1. MR. CREEL BEARS THE BURDEN OF PROOF IN ALL MATTERS HE ASSERTS AS TRUE.

In Mr. Creel's own survey attached to his warranty deed, (Exhibit) the surveyor clearly notes an "area of confusion" or "gap" of 9.75 feet, sometimes called the Anderson property, which Mr. Creel claims so as to make up his required 60 foot width. Without ownership of the "gap," Parcel 1 measures only slightly over 57 feet wide. Mr. Creel's own warranty deed supports that Mr. Creel does NOT own that "gap." His warranty deed reads that Creel's property BEGINS at the SOUTHEAST corner of the gap--a fact which EXCLUDES Mr. Creel's ownership of the "gap" or "area of confusion." (See warranty deed and survey) The property deeded to Mr. Creel lies to the EAST of the "gap."

His quit claim deed, which Mr. Creel implied "cured" his ownership problem, clearly does NOT do so. As is well established in law, a quit claim deed can convey ONLY what the conveyor owns; that is why a warranty deed reigns supreme. Mr. Monroe conveyed to Mr. Creel via WARRANTY DEED what he DID own; that warranty deed describes the "gap" or "area of confusion." NO evidence was presented to prove that Mr. Monroe owned the "gap." Therefore Mr. Monroe could not convey what he did NOT own (the "gap") to Mr. Creel via quit claim deed.

II. MR. CREEL VIOLATED ESTABLISHED PROCEDURE BY FIRST BUILDING AND THEN AFTERWARD REQUESTING SUBDIVISION. IN SO DOING, APPARENTLY HE PERPETRATED A DECEPTION IN SECURING HIS BUILDING PERMIT. THIS SAME VIOLATION OF PROCEDURE PROVIDED HIM AN OPPORTUNITY TO TRY TO CLEAR HIS QUESTIONABLE LAND TITLE VIA THE PLANNING COMMISSION GRANTING HIS REQUEST TO SUBDIVIDE.

When Mr. Creel secured his building permit, he submitted a picture ( see Exhibit) which did NOT reveal the "gap" or "area of confusion." Evidently he did NOT submit his survey or his warranty deed to the building permit department. Therefore, Mr. Creel concealed from the building permit department the fact that an unclear title to the land in question existed. Mr. Creel asked the building department for a permit to build only one house. Apparently, Mr. Creel pursued this unorthodox violation of protocol (building a house first, requesting subdivision later) in order to further his long-range plans of developing his considerable holdings along Township Road by repeating his Katrina cottage replicas as close together as he could achieve. Evidently he wants to squeeze out every square inch he can in order to further his project.

At the same time he sought to "clear" his unclear title via receiving a blessing (granting of subdivision) from the city planning commission. Although Mr. Creel claimed at the November 21 hearing that he was not going to use the "gap," that assertion is not true. He IS using the gap to satisfy the Code requirement that his building lot be 60 feet in width. He is using land which he does not own. Without the "gap," Mr. Creel's lot is just over 57 feet wide.

III. THE NOVEMBER 21 "HEARING" CONDUCTED BY THE CITY PLANNING COMMISSION VIOLATED THE DUE PROCESS RIGHTS OF THE OPPONENTS.



Letter sent to city council member Jan 30, 2014

AS THE APPELLATE BODY FOR LEGAL ISSUES, THE CITY COUNCIL NEEDS TO ADDRESS THE NUMEROUS VIOLATIONS OF NEIGHBORS' CONSTITUTIONAL RIGHTS TO DUE PROCESS IN THE BARNEY CREEL PROJECT (1311 PC 097--Nov. 21, 2013; Jan. 21, 2014; Jan. 23, 2014; and next future Planning Commission meeting).

In summary,

1. We object to the strategy that denied our being heard at Jan. 21, 2014, city council meeting. Issues include Mr. Creel's violation of procedure by building first and requesting subdivision thereafter, question of an unsubstantiated quitclaim deed, and inappropriate behavior of planning commission "judges" in promoting the cause of the individual who bears the burden of proof.
2. We object to the fact of a "re-hearing," scheduled only TWO days after its announcement at City Council meeting on January 21, 2014. We believe our original objections set forth in our December 4, 2014, Letter of Objection should be addressed first. Moreover, there are unresolved issues of code compliance and land ownership involved in this newly scheduled "re hearing," -- a re-hearing which we have learned did not take place after all.
3. We object to denial of our being heard on the yet another new re subdivision opportunity for Creel identified in the city's "notice" letter to us dated Jan. 23, 2014, the day of the scheduled rehearing. These so-called "notice" letters were received Jan. 24, the day AFTER the scheduled Jan. 23 rehearing. We object to the deliberate faulty notice and to Mr. Creel's lack of submission of required paper work for this newly scheduled "re-hearing."
4. We object to the ruse of allegedly classifying this matter of law as "old business" and allegedly confining it to closed session of the next meeting of the Planning Commission. To hear this legal matter in closed session is VIOLATION OF MISSISSIPPI SUNSHINE LAW as well as a violation of the neighbors' right to due process.
5. We object to this entire procedure evidently never before followed in the history of Gulfport. Apparently, the city of Gulfport has devised a whole new protocol to benefit the project of Barney Creel. As far as we can determine, this newly devised procedure has never before been followed in the history of Gulfport.

#### I. STRATEGY TO PREVENT PUBLIC HEARING BEFORE THE CITY COUNCIL

First, we object to the strategy devised apparently by special counsel for the City to prevent us from being heard at the January 21, 2014, city council meeting, to whom we had appealed our mistreatment by the City Planning Commission during our "hearing" held on November 21, 2013 (file number 1311PC097). Attached is Exhibit A, our Letter of Objection filed December 4, 2013, describing the violation of our rights to due process by the City Planning Commission. That Dec. 4, 2013, letter of objection describes how we were denied the right to address the illegitimacy of the newly raised issue of quitclaim deed presented after the initial cases had been presented. The Dec. 4 Objection details how two of the planning commission "judges" openly promoted the project of Creel, the person who bore the burden of proof, and simultaneously ignored the legitimate issues of questionable land ownership and flagrant violation of procedure by Creel's building a structure first and seeking permission to re subdivide after the fact of building. Thus any semblance of legal fairness in the November 21, 2013, hearing was destroyed by violation of our Constitutional right to due process and by violation of MCA 25-4-1, which calls for impartiality on the part of those serving the city.

Constitutional due process and fundamental fairness demand that this appellate body, Gulfport City Council, hear of our mistreatment in order to bring those who serve the city in representing the citizenry into compliance with both state and federal law.

The strategy devised apparently by special counsel to prevent our being heard on January 21, 2014, is as follows: At city council meeting on Jan. 21, the case was remanded back to the planning commission for a "re-hearing." Barney Creel was to be given yet another opportunity to re subdivide his land with different dimensions. In other

words, maybe Creel would abandon his claim to the "gap" or area claimed by his unsubstantiated quitclaim deed and divide his 125 feet in a different manner? Who knows? We are being denied that information.

Although this strategy could POSSIBLY solve Creel's dilemma (but not the true owner's problem) over his unsubstantiated quitclaim deed, this strategy furthers the violation of our right to due process by denying us the right to be heard on the issues of the inappropriate behavior of the judges serving the Planning Commission and the denial of allowing us to be heard on the illegitimacy of Creel's quitclaim deed, as well as the issue of Creel's violation of procedure in building first and seeking subdivision after building.

## II. DELIBERATE VIOLATIONS OF DUE PROCESS

On January 24, 2014, we received written notice that the re-hearing recommend on Jan. 21 by special legal counsel was held on January 23, 2014!!! This notice letter was postmarked January 23, 2014, the day of the re hearing called for at city council meeting on January 21, 2014. There is no way we, the opponents of Mr. Creel's project, could have received notice in time to attend a meeting held on the same day as described in the "notice," and personnel in Gulfport's city planning division admitted the truth of this statement. They were instructed to send the "notice" anyway. Thus our Constitutional right to due process, generally the right to notice and the right to be heard, had yet again been violated.

Although the so-called "notice" received the day AFTER the hearing was to be held specified that Creel's center property line would be moved and that a revised survey needed to be submitted, NO paper work was submitted to city planning division for the scheduled Jan. 23 hearing. Thus what was to be heard or voted on? Normal procedure requires that seekers present a proposal for their project to city planning division and that notice to those affected be served.

The "notice" letter, received the day after the scheduled hearing, states that "1) The center property line needs to be moved 3 feet to the east and 2) A revised survey need (sic) to be submitted." Creel has claimed the "gap" consisting of 9.75 feet in order to reach the code required width of 60 feet. How will moving his line 3 feet to the east solve his problem for the need of a 60 foot width in his parcel 1 to comply with code? How will this move solve his unsubstantiated quitclaim problem? What will be the dimensions of his new parcels? These matters need to be heard and need to be resolved. Why does Mr. Creel get the privilege of a "re-hearing" anyway? If indeed there is a "re-hearing," neighbors are entitled by law to be heard.

## III. VIOLATION OF SUNSHINE LAWS

On Monday, January 27, 2014, in a visit to view Creel's new proposal, we learned that there was not only NO new proposal, no paperwork at all, there had been NO hearing on Jan.23 as scheduled! Following is the explanation we received: Conveniently, some planning commission member recused himself and thus there was NOT a quorum on January 23 and therefore no hearing could be held. Supposedly as a result, the matter at hand will be classified as "old business" and as old business will be heard in CLOSED session when ever the planning commission meets again. **THUS YET AGAIN WE WILL BE DENIED THE RIGHT TO BE HEARD. VIOLATIONS OF OUR OF RIGHT TO DUE PROCESS ARE FAST ACCUMULATING.** What is the rationale or authority for granting Mr. Creel these special privileges?

**INDEED, THIS IS NOT "OLD BUSINESS"; THIS IS A MATTER OF LAW!**

Indeed, this is not old business; a NEW proposal has been put forward. According to our 1/23/14 "notice" letter, instead of the division lines initially proposed, a new layout of land boundaries has been set forth. Do these new dimensions meet code? What are the dimensions? Are we as opponents not even entitled to know what the details of Creel's re subdivision are? The latest "notice" letter mentions revised survey. Where is that revised survey? Where is any of the required paperwork? Why is Creel entitled to a "rehearing" at all? Clearly the neighbors are entitled to this information.

If this matter is indeed discussed in a closed session instead of giving to Creel's opponents **THE RIGHT TO BE HEARD**, the planning commission will run afoul of **MISSISSIPPI SUNSHINE LAWS**. The Public Records Act and Open Meetings Act provides that "all government meetings and records . . . must be open to the public."

We request that the Gulfport City Council right these wrongs perpetrated upon the neighbors opposing Mr. Creel's project.

Respectfully submitted,

Linda Anne Scott, Esq.

January 30, 2014

831-1962

Patricia Torjusen

Robert Torjusen

James Wynne

Riley Sanders

CC: Gulfport City Council Members

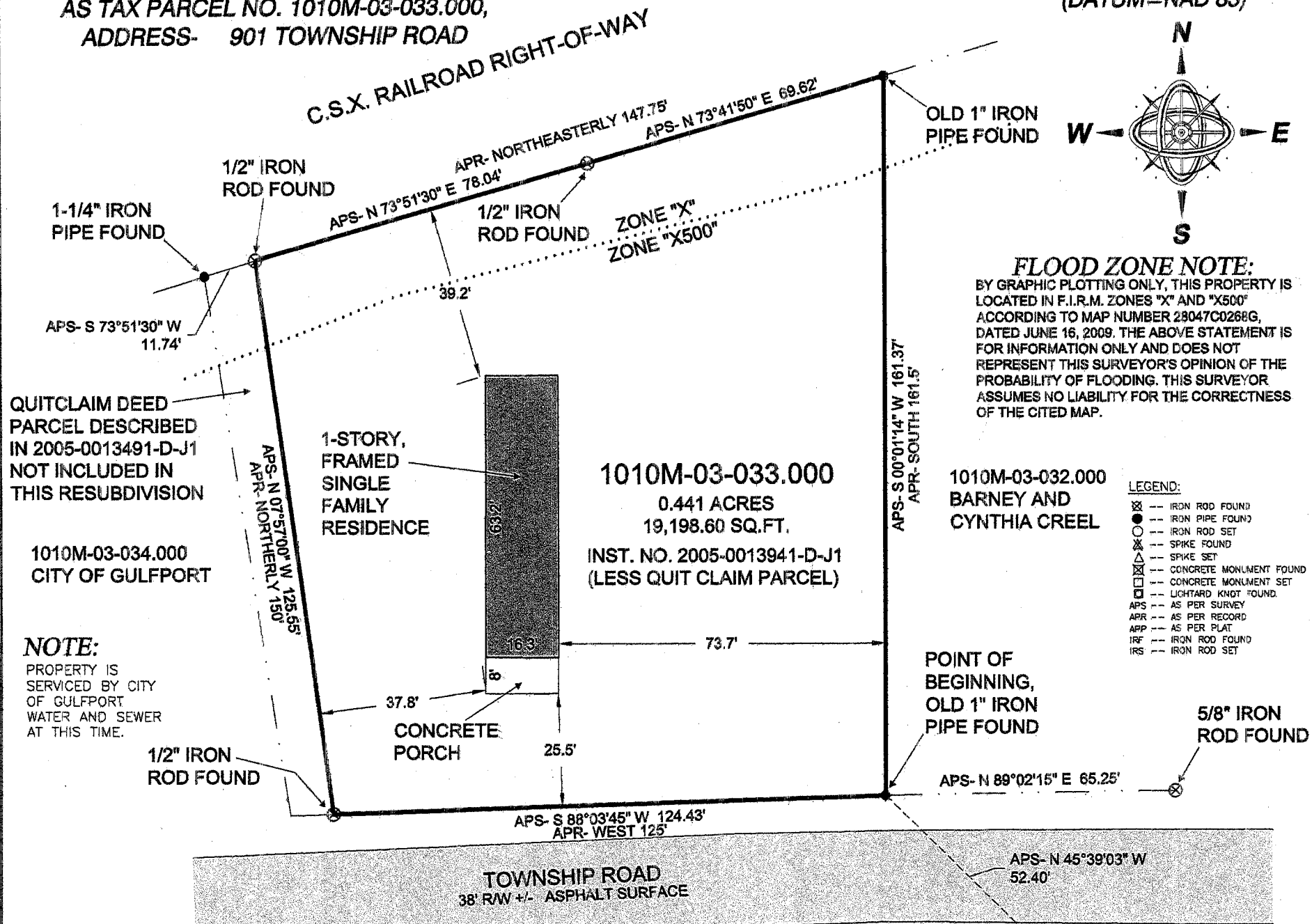
A RESUBDIVISION OF A 19,198.60 SQUARE FEET OR 0.441 ACRE PARCEL, KNOWN AS PARCEL 1, INSTRUMENT NO. 2005-0013490-D-J1, SITUATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE 10 WEST, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, CITY OF GULFPORT, MISSISSIPPI, INTO PARCELS "1A" AND "1B". SAID PARCEL BEING REFERRED TO AS TAX PARCEL NO. 1010M-03-033.000, ADDRESS- 901 TOWNSHIP ROAD

THIS PARCEL OF LAND IS LOCATED IN A SMARTCODE ZONE T-4+ AS PER CITY OF GULFPORT ONLINE ATLAS.

## GPS OBSERVATION NOTE

DATE OF FIELD WORK: 2/12/2014  
TOPCON GR-5 RECEIVER WAS USED FOR GPS OBSERVATION, UTILIZING THE EARL DUDLEY, INC. REAL-TIME NETWORK

SCALE 1" = 30'  
REFERENCE: GRID NORTH  
BY GPS OBSERVATION  
(DATUM=NAD 83)





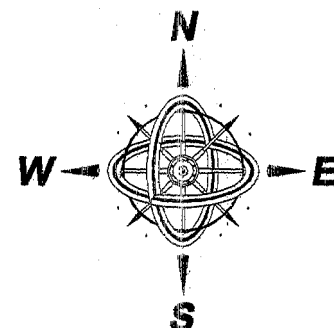
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THIS PARCEL OF LAND IS LOCATED IN A SMARTCODE ZONE T-4+ AS PER CITY OF GULFPORT ONLINE ATLAS.

## GPS OBSERVATION NOTE

DATE OF FIELD WORK: 2/12/2014  
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SCALE 1" = 30'  
REFERENCE: GRID NORTH  
BY GPS OBSERVATION  
(DATUM=NAD 83)

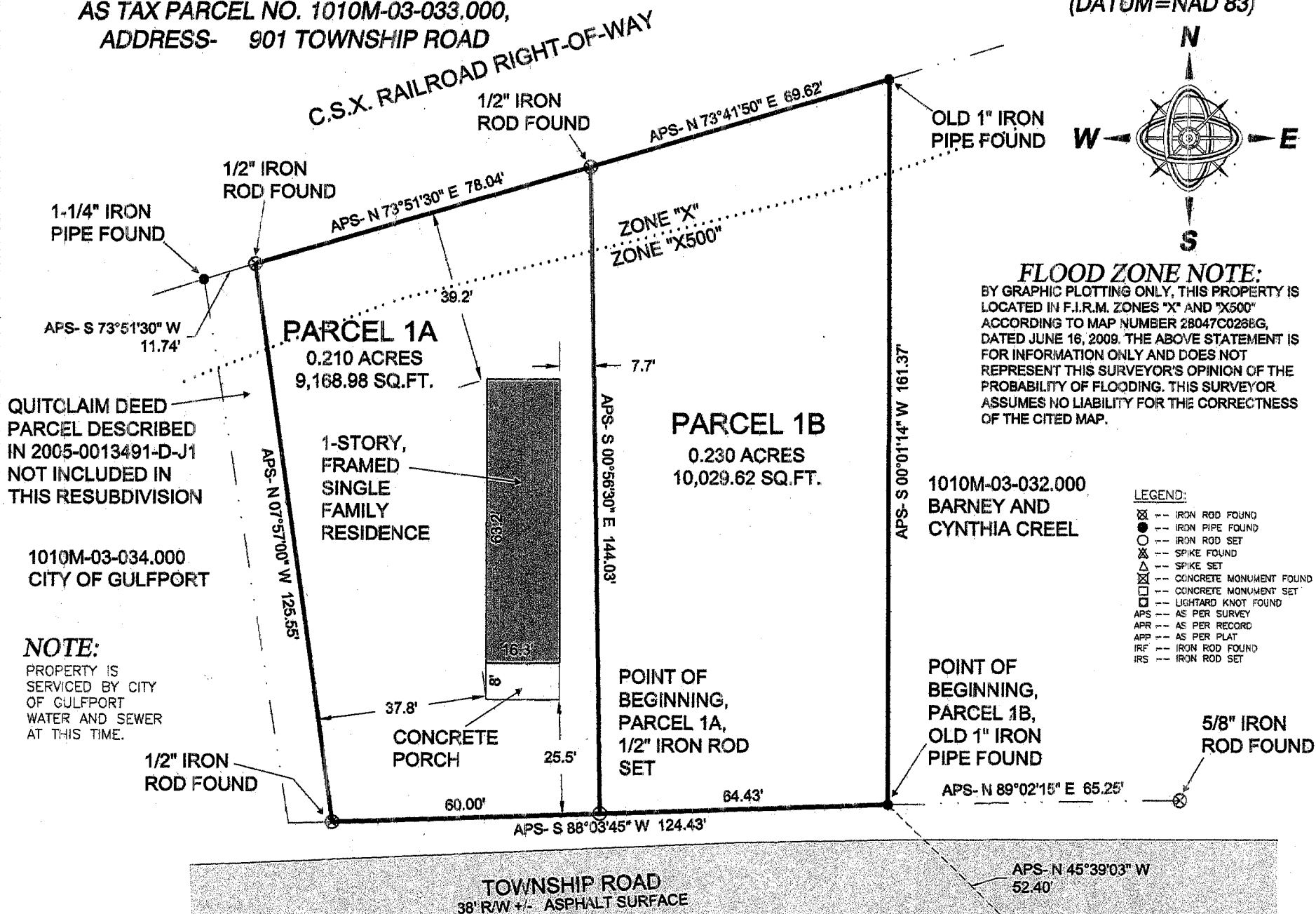


## FLOOD ZONE NOTE:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN F.I.R.M. ZONES "X" AND "X500" ACCORDING TO MAP NUMBER 28047C0268G, DATED JUNE 16, 2009. THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND DOES NOT REPRESENT THIS SURVEYOR'S OPINION OF THE PROBABILITY OF FLOODING. THIS SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAP.

## LEGEND:

- IRON ROD FOUND
- IRON PIPE FOUND
- IRON ROD SET
- SPIKE FOUND
- SPIKE SET
- CONCRETE MONUMENT FOUND
- CONCRETE MONUMENT SET
- LIGHTARD KNOT FOUND
- LIGHTARD KNOT SET
- APS --- AS PER SURVEY
- APR --- AS PER RECORD
- APP --- AS PER PLAT
- IRF --- IRON ROD FOUND
- IRS --- IRON ROD SET



## NOTE:

PROPERTY IS SERVICED BY CITY OF GULFPORT WATER AND SEWER AT THIS TIME.

## REFERENCE MATERIALS:

- 1.) INSTRUMENT NO. 2005-0013490-D-J1
- 2.) HARRISON COUNTY TAX MAPS, CURRENT EDITION
- 3.) PROPERTY LINK OF HARRISON COUNTY, MS (DELTA COMPUTER SYSTEMS, INC. WEBSITE)
- 4.) PRIOR SURVEY BY KENNY ALSTON, P.L.S.
- 5.) DEED BOOK 512, PAGE 260
- 6.) INSTRUMENT NO. 2005-0013491-D-J1

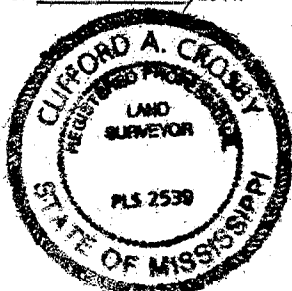
## SURVEYOR'S CERTIFICATE

I, CLIFFORD A. CROSBY, PROFESSIONAL LAND SURVEYOR IN AND FOR THE STATE OF MISSISSIPPI, DO HEREBY CERTIFY THAT THE FOREGOING PLAT AND DESCRIPTIONS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT ALL MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS LOCATED AND THAT ALL DIMENSIONAL AND OTHER DATA SHOWN ARE CORRECT. I ALSO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF MISSISSIPPI"

WITNESS MY SIGNATURE AND SEAL THIS 14th DAY OF FEBRUARY 2014.

CLIFFORD A. CROSBY, P.L.S. #2539

CLIENTS: BARNEY AND CYNTHIA CREEL  
DATE OF FIELD SURVEY: 2/12/2014  
DRAWN BY: CAC  
JOB NUMBER: 11008 RESUBD.DWG



## PREPARED BY:

**CLIFFORD A. CROSBY**  
716 LIVE OAK DRIVE  
BILOXI, MS 39532 PHONE: 228-234-1649  
PROFESSIONAL LAND SURVEYOR

## DEED DESCRIPTION: OVERALL PARCEL INSTRUMENT #2005-0013490-D-J1

Commencing at the Southwest corner of Section 31, Township 7 South, Range 10 West, Harrison County, Mississippi; thence running East along the North line of Township Road a distance of 467.4 feet to the POINT OF BEGINNING, which is also the Southeast corner of the property of Anderson; running thence in a Northerly direction along the East line of the Anderson property 150 feet, more or less, to the South line of the L & N R.R. Co. Right of Way; thence Northeasterly along the South line of the L & N R.R. Co. Right of Way 147.75 feet; thence running South along the West line of property Henry J. Monroe and wife, Roberta E. Monroe, 161.5 feet to the North line of Township Road; thence running West along the North line of Township Road 125 feet to the point of beginning.

BEING ONE AND THE SAME AS THAT DESCRIPTION IN THE SURVEY BY KENNY ALSTON DATED 3/9/05 A COPY OF WHICH IS ATTACHED HERETO AND DESCRIBED AS FOLLOWS:

A parcel of land located in the Southwest 1/4 of the Southwest 1/4 of Section 31, Township 7 South, Range 10 West, City of Gulfport, First Judicial District of Harrison County, Mississippi and being more particularly described as follows:

Commencing at a point on the North margin of Township Road 457.65 feet East of the West line of Section 31, Township 7 South, Range 10 West and thence run North 87 degrees 44 minutes 58 seconds East along said North margin a distance of 9.75 feet to the POINT OF BEGINNING; thence from said point of beginning, run North 08 degrees 01 minutes 40 seconds West a distance of 125.49 feet to a point on the South Right of Way of the former C.S.X. Railroad; thence run North 73 degrees 37 minutes 50 seconds East along the South line of the former C.S.X. Railroad a distance of 147.75 feet to an iron pipe; thence run South 00 degrees 12 minutes 03 seconds East a distance of 161.00 feet to a point situated on the North margin of Township Road; thence run South 87 degrees 44 minutes 58 seconds West along said North margin a distance of 124.90 feet to the Point of Beginning. Said parcel having an area of 19220.4 square feet, or 0.441 acres, more or less.

## GENERAL NOTES:

1.) THIS SURVEY WAS PREPARED FROM INFORMATION PROVIDED BY CLIENT, WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.

2.) THIS PROPERTY IS LOCATED IN F.I.R.M. ZONE "X" AND "X500" ACCORDING TO MAP NUMBER 28047C0268G DATED JUNE 16, 2009.

3.) BEARINGS SHOWN HEREON ARE DERIVED BY: GRID NORTH BY GPS OBSERVATION, ALL LINES RELATIVE TO.

4.) THIS SURVEY MEETS MISSISSIPPI MINIMUM REQUIREMENTS FOR A CLASS "B" SURVEY.

5.) THIS SURVEY AND PLAT WERE PREPARED ONLY FOR THE CLIENT NAMED HEREON AND NO THIRD PARTY CERTIFICATION IS EXPRESSED OR IMPLIED.

6.) A COPY OF THIS PLAT IS VALID ONLY IF IT IS COMPLETE AND INTACT, HAS AN ORIGINAL SIGNATURE AND DATE, AND HAS THE ORIGINAL EMBOSSED OR COLORED (NOT BLACK) STAMPED SURVEYOR'S SEAL.

A RESUBDIVISION OF A 19,198.60 SQUARE FEET OR 0.441 ACRE PARCEL, KNOWN AS PARCEL 1, INSTRUMENT NO. 2005-0013490-D-J1, SITUATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE 10 WEST, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, CITY OF GULFPORT, MISSISSIPPI, INTO PARCELS "1A" AND "1B". SAID PARCEL BEING REFERRED TO AS TAX PARCEL NO. 1010M-03-033.000, ADDRESS- 901 TOWNSHIP ROAD

## LEGAL DESCRIPTIONS OF PARCELS CREATED BY THIS SUBDIVISION:

### LEGAL DESCRIPTION: PARCEL "1A", AS PER SURVEY DIMENSIONS

A PARCEL OF LAND SITUATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE 10 WEST, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 1, GULF SHORE MANOR SUBDIVISION, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI; THENCE N45°39'03"W 52.40' TO AN IRON PIPE FOUND ON THE NORTH MARGIN OF TOWNSHIP ROAD, SAID POINT LOCATED AT THE SOUTHEAST CORNER OF PROPERTY OF CREEL AS DESCRIBED IN INSTRUMENT NO. 2005-0013490-D-J1; THENCE ALONG THE NORTH MARGIN OF TOWNSHIP ROAD, S88°03'45"W 64.43' TO AN IRON ROD SET AT THE POINT OF BEGINNING; THENCE FURTHER ALONG THE NORTH MARGIN OF TOWNSHIP ROAD, S88°03'45"W 60.00' TO AN IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID PROPERTY DESCRIBED IN INSTRUMENT NO. 2005-0013490-D-J1; THENCE ALONG THE WEST LINE OF SAID PROPERTY, N07°57'00"W 125.55' TO AN IRON ROD FOUND ON THE SOUTH LINE OF THE RAILROAD RIGHT-OF-WAY; THENCE ALONG SAID SOUTH LINE, N73°51'30"E 78.04' TO AN IRON ROD FOUND; THENCE S00°56'30"E 144.03' TO THE POINT OF BEGINNING, CONTAINING 0.210 ACRE OR 9,168.98 SQUARE FEET.

### LEGAL DESCRIPTION: PARCEL "1B", AS PER SURVEY DIMENSIONS

A PARCEL OF LAND SITUATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE 10 WEST, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 1, GULF SHORE MANOR SUBDIVISION, CITY OF GULFPORT, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI; THENCE N45°39'03"W 52.40' TO AN IRON PIPE FOUND ON THE NORTH MARGIN OF TOWNSHIP ROAD, SAID POINT LOCATED AT THE SOUTHEAST CORNER OF PROPERTY OF CREEL AS DESCRIBED IN INSTRUMENT NO. 2005-0013490-D-J1 AND BEING THE POINT OF BEGINNING; THENCE ALONG THE NORTH MARGIN OF TOWNSHIP ROAD, S88°03'45"W 64.43' TO AN IRON ROD SET AT THE POINT OF BEGINNING; THENCE N00°56'30"W 144.03' TO AN IRON ROD FOUND ON THE SOUTH LINE OF THE RAILROAD RIGHT-OF-WAY; THENCE ALONG SAID SOUTH LINE, N73°41'50"E 69.62' TO AN IRON PIPE FOUND AT THE NORTHEAST CORNER OF SAID PROPERTY DESCRIBED IN INSTRUMENT NO. 0013490-D-J1; THENCE ALONG THE EAST LINE OF SAID PROPERTY, S00°01'14"W 161.37' TO THE POINT OF BEGINNING, CONTAINING 0.230 ACRE OR 10,029.62 SQUARE FEET.

### BOUNDARY NOTE:

BOUNDARY SURVEYS ARE BASED UPON THE RECORDED SUBDIVISION PLAT IN CASES OF REGULAR SUBDIVISIONS LOTS. BOUNDARY SURVEYS OF PROPERTIES NOT A PART OF A REGULAR SUBDIVISION ARE BASED UPON TITLE INFORMATION PROVIDED BY THE PARTY REQUESTING THE SURVEY. BOUNDARY SURVEY PLATS REFLECT INFORMATION DISCOVERED BY THE SURVEYOR IN THE NORMAL COURSE OF WORK AND DOES NOT NECESSARILY SHOW EVERY POSSIBLE CONDITION AFFECTING THE PROPERTY. EASEMENTS, SERVITUDES, BUILDING ORDINANCES, ZONING, AND OTHER LEGAL ENCUMBERMENTS MAY EXIST. CONSULT A TITLE ATTORNEY IF YOU WISH TO DISCOVER ALL THE LEGAL ENCUMBERMENTS ATTACHED TO ANY PROPERTY.

### GPS OBSERVATION NOTE

DATE OF FIELD WORK: 2/12/2014  
TOPCON GR-5 RECEIVER WAS USED FOR GPS OBSERVATION, UTILIZING THE EARL DUDLEY, INC. REAL-TIME NETWORK

PREPARED BY:

**CLIFFORD A. CROSBY**

716 LIVE OAK DRIVE

BILOXI, MS 39532 PHONE: 228-234-1649

PROFESSIONAL  
LAND SURVEYOR

CLIENTS: BARNEY AND  
CYNTHIA DORA CREEL  
DATE OF FIELD SURVEY:  
2/12/2014  
DRAWN BY: CAC  
JOB NUMBER: 11008 RESUBD.DWG

**SHEET 3 OF 4**

1311PC097

## CERTIFICATE OF RESUBDIVISION

IN ACCORDANCE WITH SECTION 9-48 OF THE CODE OF ORDINANCE (SUBDIVISION REGULATIONS) OF THE CITY OF GULFPORT AS AMENDED, IT IS HEREBY CERTIFIED THAT THE GULFPORT CITY PLANNING COMMISSION CHAIRMAN AND GULFPORT CITY COUNCIL HAVE REVIEWED AND APPROVED THIS FINAL PLAT FOR THE RESUBDIVISION OF TAX PARCEL # 1010M-03-033.000, SECTION 31, TOWNSHIP 7 SOUTH, RANGE 10 WEST, BEING A 19,198.60 SQUARE FEET PARCEL. THE SUBJECT PROPERTY IS GENERALLY DESCRIBED AS BEING LOCATED ON THE NORTH SIDE OF TOWNSHIP ROAD, ACROSS FROM MARKHAM DRIVE. THE AD VALOREM TAX PARCEL NUMBER(S) OF THE SUBJECT PROPERTY IS

1010M-03-033.000

THE CASE FILE NUMBER IS 1311PC 097

## OWNER'S DEDICATION

THIS IS TO CERTIFY THAT BARNEY AND CYNTHIADORA CREEL, ARE THE OWNERS OF RECORD OF THE LAND SHOWN ON THIS PLAT, DECLARE THIS TO BE A CORRECT PLAT.

WITNESS MY SIGNATURE ON THIS 18<sup>TH</sup> DAY OF FEBRUARY, 2014.

BY: Barney Creel  
BARNEY CREEL

BY: Cynthiadora Creel  
CYNTHIADORA CREEL

THE APPLICANTS HEREBY COVENANT AND AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF GULFPORT, ITS AGENTS, SERVANTS, AND OR EMPLOYEES AGAINST ANY AND ALL CLAIMS, DEMANDS, OR CAUSES OF ACTION OF WHATEVER NATURE WHICH MAY ARISE AS A RESULT OF THE ACTION OF THE PLANNING COMMISSION, ITS AGENTS, AND/OR EMPLOYEES CONCERNING THE PETITION FOR RESUBDIVISION OF THE REAL PROPERTY DESCRIBED HEREIN.

RATIFIED AND APPROVED BY

Barney Creel  
BARNEY CREEL

Cynthiadora Creel  
CYNTHIADORA CREEL

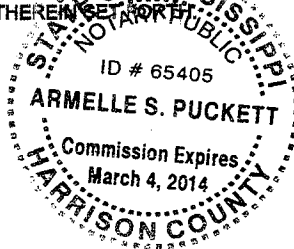
THIS 18<sup>TH</sup> DAY OF FEBRUARY, 2014.

## ACKNOWLEDGEMENT

BEFORE ME, THE UNDERSIGNED, AUTHORIZED IN AND FOR THE STATE OF MISSISSIPPI, COUNTY OF HARRISON COUNTY, PERSONALLY APPEARED THE AFORENAMED BARNEY CREEL AND CYNTHIADORA CREEL, WHO ACKNOWLEDGED THAT THEY ACCEPTED THIS PLAT AND EXECUTED THE FOREGOING CERTIFICATE AND DEDICATION FOR THE PURPOSE THEREIN SET FORTH.

Armelle S. Puckett  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_



## PLANNING COMMISSION

SUBMITTED TO AND APPROVED BY THE GULFPORT CITY PLANNING COMMISSION ON THE 27<sup>TH</sup> DAY OF February, 2014.

BY: Paul A. Williams  
PLANNING COMMISSION CHAIRMAN

PRINT NAME

DATED: 2-28-14

BY: Gregory L. Holmes  
PLANNING ADMINISTRATOR

PRINT NAME

DATED: 2-28-14

## APPROVAL

SUBMITTED TO AND APPROVED BY THE CITY OF GULFPORT, CITY COUNCIL, AT THE REGULAR MEETING OF SAID COUNCIL HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

ATTEST: \_\_\_\_\_ ADOPT

CLERK OF COUNCIL

PRESIDENT

THIS RESUBDIVISION PLAT AND CERTIFICATE OF RESUBDIVISION, HAVING BEEN SUBMITTED AND APPROVED BY THE MAYOR, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

Billy Hewes, Mayor

CLIENTS: BARNEY AND  
CYNTHIADORA CREEL  
DATE OF FIELD SURVEY:  
2/12/2014  
DRAWN BY: CAC  
JOB NUMBER: 11008 RESUBD.DWG

PREPARED BY:

**CLIFFORD A. CROSBY**  
716 LIVE OAK DRIVE  
BILOXI, MS 39532 PHONE: 228-234-1649  
PROFESSIONAL  
LAND SURVEYOR

## SURVEYOR'S CERTIFICATE

I, CLIFFORD A. CROSBY, PROFESSIONAL LAND SURVEYOR IN AND FOR THE STATE OF MISSISSIPPI, DO HEREBY CERTIFY THAT THE FOREGOING PLAT AND DESCRIPTIONS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT ALL MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS LOCATED AND THAT ALL DIMENSIONAL AND OTHER DATA SHOWN ARE CORRECT. I ALSO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF MISSISSIPPI".

WITNESS MY SIGNATURE AND SEAL THIS 18<sup>TH</sup> DAY OF FEBRUARY, 2014.

Clifford A. Crosby  
CLIFFORD A. CROSBY, P.L.S. #2539



A RESUBDIVISION OF A 19,198.60 SQUARE FEET OR 0.441 ACRE PARCEL, KNOWN AS PARCEL 1, INSTRUMENT NO. 2005-0013490-D-J1, SITUATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE 10 WEST, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, CITY OF GULFPORT, MISSISSIPPI, INTO PARCELS "1A" AND "1B". SAID PARCEL BEING REFERRED TO AS TAX PARCEL NO. 1010M-03-033.000, ADDRESS- 901 TOWNSHIP ROAD

1 CITY OF GULFPORT PLANNING COMMISSION  
2 1311PC097  
3  
4 TRANSCRIPT OF HEARINGS  
5 February 27, 2014  
6 \*\*\*\*\*  
7 TRANSCRIPT OF HEARINGS HELD BEFORE THE CITY OF GULFPORT  
8 PLANNING COMMISSION HELD IN THE CITY COUNCIL CHAMBERS,  
9 GULFPORT, MISSISSIPPI, ON THE 27TH DAY OF FEBRUARY 2014  
10 COMMENCING AT 4:30 P.M. AND REPORTED BY  
11 NORMA JEAN LADNER SOROE, CERTIFIED SHORTHAND REPORTER.  
12 \*\*\*\*\*  
13 COMMISSION MEMBERS PRESENT:  
14 KEITH WILLIAMS, President  
15 COLETTE TOWLES  
16 CHARLIE HEWES  
17 JOHN ANTHONY  
18 WILLIAM "PRINCE" JONES  
19 MARTY WARREN  
20 DOUG HANCOCK  
21 B.J. SELLERS  
22 JOHN JOHNSON  
23 VIRGINIA ADOLPH  
24 EVERETTE "LAD" LADNER  
25 STAFF PRESENT:  
26 GREG PIETRANGELO  
27 PAULA DOYLE  
28 GREG HOLMES  
29 ISAAC WILLIAMS  
30  
31 ALSO PRESENT:  
32 HUGH KEATING, ESQ., Board Attorney

N.J. SOROE, CSR #1297



1 3. Resubdivision: Case File Number 1311PC097

2 MR. WILLIAMS: We'll move to the next case now.  
3 If the commissioners will remember, we had this case before us.  
4 This is dealing with Mr. Barney Creel in a resubdivision of a  
5 lot. At that particular meeting, we approved his request to do  
6 so, and it went to the City Council. The City Council, as you  
7 well know, can approve it, can deny it, can remand it back to  
8 us. And they have done that, remanded it back to us.

9 Since they remanded it back to us for some  
10 additional information and some things that they wanted to see  
11 happen on this, we will bring this case back up for discussion  
12 now.

13 And I'm going to ask Greg if he'll give us some  
14 comments on what the council's thoughts were and what we're  
15 looking at here today.

16 I'm sorry. We've got one that's going to recuse  
17 himself from the discussion.

18 (Mr. Hancock recuses himself and leaves room.)

19 MR. HOLMES: When City Council remanded it back  
20 to you guys with certain conditions that that was the area of  
21 question that was on the west side of the property.

22 The revised survey that was submitted to us in  
23 the amended application has slid the line, the property line,  
24 over additionally to the east, and now both of those lots meet  
25 the requirements of that 60 foot of frontage.

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1 With that being said, that area that was in  
Page 2

2 question is no longer included nor is it needed to meet those  
3 requirements. The structure on the property meets all the  
4 setbacks and requirements. There's no need for any variances.  
5 The last thing they submitted met all the requirements.

6 MR. WILLIAMS: Okay. Will tell you before you  
7 get up if the commissioners will remember, there was an area of  
8 confusion is actually what it said on it. And it did cause  
9 some confusion. And the applicant has gone back and resurveyed  
10 it which is included in here, and what Greg is telling you is  
11 that it meets all the requirements in regards to the front  
12 footage and those things.

13 Greg, I just want to confirm: There's a house  
14 already on one of those parcels. It, too, meets all the  
15 requirements? There's no variances in regards to setbacks or  
16 anything like that? It is in compliance.

17 MR. HOLMES: It's in compliance. No variances  
18 are required.

19 MR. WILLIAMS: Okay. So before we have  
20 discussion from the folks here that's going to talk about this,  
21 any questions of what we are doing, what the council has asked  
22 us to do in regards to this case?

23 The council I think a very smart thing  
24 identified where there was some confusion with the area of  
25 confusion, knew that it could be resolved with a resurvey and

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1 those things, and so requested the planning division to get  
2 with the applicant and certainly make that happen. And with  
3 doing that, it's got to be remanded back to the commission.

4 So at this time is there someone here to speak  
5 for this?

6 I'm sorry.

7 MR. HEWES: Greg, I think you addressed  
8 everything. I'm sure the council wouldn't have sent it back if  
9 they didn't have some legal questions.

10 I see you're here, Mr. Hugh. Did you  
11 investigate or did you have any involvement with that decision?

12 MR. KEATING: Mr. Hewes, to answer your  
13 question, yes, I did take a look at it. I have done my best to  
14 understand and address concerns that may have been articulated  
15 in your prior planning commission meeting.

16 The ten foot area which is we'll call the quit  
17 claim parcel that lies contiguous to and adjacent to the  
18 western boundary of this larger parcel is a disputed area.

19 That area when it came before you the first time  
20 I think is the source of some of the confusion because it was  
21 thought that perhaps that ten feet was needed in order to be  
22 put with the lot on the west after the resubdivision if  
23 approved in order to create sufficient linear front footage to  
24 satisfy the subdivision requirements.

25 That ten feet is not a factor. The City Council  
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5

1 was concerned that people were thinking that it was. And that  
2 was one of the reasons why it was remanded.

3 It was requested that the survey be amended.  
4 The applicant apparently has done so and has moved that center  
5 line that creates the division of two lots three feet to the  
6 east, as a result of which the two lots that are created now

7 both have 60 feet of linear foot frontage which satisfies the  
8 subdivision requirements.

9 MR. HEWES: Thank you.

10 MR. KEATING: And we did look to make sure that  
11 the improvement that is situated on one of the lots that the  
12 relocation of that center line does not create a situation that  
13 caused a need for a variance or setbacks. And that improvement  
14 as it is presently situated on the proposed lot, one of the  
15 proposed lots that will result in the subdivision if you grant  
16 it, it will be in compliance with the setback regulations.

17 MR. HEWES: Thank you.

18 MR. LADNER: I have a question for  
19 clarification.

20 When it first came up, I thought the no man land  
21 or the area of confusion was already settled. But what you're  
22 saying is it's not needed, the line that's shifted over to the  
23 east three feet. So the lots in itself stand on its own  
24 without the ten feet or no man land.

25 MR. KEATING: That's correct.

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1 MR. WILLIAMS: And I think what the council was  
2 doing was sending it back to us. There may be questions as to  
3 whether that's been resolved. So if the applicant is willing  
4 to take it out completely, then there is no issue. It doesn't  
5 deal with this case. It may be up to the applicant to, you  
6 know, down the road get that resolved. As far as this case,  
7 there is no issue.

8 Any other questions?

9 MR. WARREN: I have a question and comment to  
10 Greg. It may be insignificant, but in looking at this earlier  
11 today I see that as far as the revised survey goes Parcel 1A  
12 and Parcel 1B are actually a little bit smaller than what's  
13 listed on this application square footage wise. I don't think  
14 it's significant. You still have the 60 feet. But for  
15 example, 1A looks like it's 9,168 feet and 1B looks like 10,028  
16 feet -- 29 feet. So it's just a little bit smaller than what's  
17 indicated.

18 Is that correct?

19 MR. HOLMES: Yes.

20 MR. WARREN: That's according to his revised  
21 survey. Again, I think from the standpoint -- I'm assuming  
22 that that still meets all the requirements for the request.

23 MR. HOLMES: Yes, sir. Minimum requirement is  
24 7500 square feet, so it greatly exceeds it.

25 MR. WARREN: Okay. All right. Thank you.

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1 MR. WILLIAMS: Great clarification.

2 Any other questions or comments from the  
3 commissioners?

4 If not, could we ask if there's someone here to  
5 speak for this request?

6 MR. HEINRICH: Bobby Heinrich, 370 Courthouse  
7 Road in Gulfport.

8 Mr. Creel owns a lot of real estate in this  
9 area, and he's been in my office numerous times trying to  
10 figure out a great way to rebuild that area in Gulfport. And  
11 I think he's come up with a great plan. I just want to state



12 that I'm for the project. I've been involved in it a little  
13 bit with conceptual designs. We're looking for the cottage  
14 type home, the residence, seems to be what people are looking  
15 for these days.

16 I'd just like to add that these lots that are  
17 being subdivided meet the requirements of the zoning.

18 His builder that he's hired, Mr. Lee, is here  
19 with us today. He's a custom home builder. He's done a great  
20 job doing the home. If you haven't seen it yet, I'd invite you  
21 to go see it, walk through it and look at it, and see how the  
22 construction is done on it.

23 So again, Bobby Heinrich, if you have any  
24 questions about the site or the construction of the home, I'd  
25 be happy to answer them.

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8

1 MR. WILLIAMS: Any questions?

2 Thank you. We'll call you back up if we have  
3 some.

4 Anyone else here to speak for the requests?

5 MR. LEE: Hello. I'm Rich Lee, Richmond  
6 Construction of 481 32nd Street, Gulfport. I'm the builder who  
7 built the house. Just letting y'all know we don't, you know,  
8 it's a custom cottage is what it is. That's how -- you know,  
9 that's what Barney likes to build are the nicer homes. I don't  
10 know if y'all have seen anything else that Barney has -- that  
11 we've done together.

12 But I like the project. I think it's great for  
13 that area. That area needs something like that to really -- to

pc097.txt  
14 update it and bring a lot more people to that area.  
15 So I'm just here to say I like the idea, and I'm  
16 obviously all for it. Thank you.  
17 MR. WILLIAMS: Thank you.  
18 Anyone else here to speak for the request?  
19 MR. DUJMOV: Good afternoon. My name is Mike  
20 Dujmov. I reside at 176 Markham Drive. I'm right here next to  
21 the property that Mr. Creel has built. In my opinion, that's a  
22 nice little house. I've been in the house. I think it's very  
23 affordable. I think we need affordable housing in that area.  
24 I think everyone knows from after Katrina the area between  
25 Cowan-Lorraine Road and Tegarden Road south of the tracks, you  
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9

1 know, was devastated pretty bad. So I think any new housing  
2 that's come in that's affordable is a good project. It's a  
3 good thing for the city.  
4 So I'm all for it.  
5 MR. WILLIAMS: Thank you.  
6 Anyone else here to speak for the request?  
7 MR. BURNS: Good afternoon. My name is Martin  
8 Burns. I am a commercial property owner of 162 Tegarden. I'm  
9 a residential owner of 823, 825, and 827 Martin Avenue.  
10 I'm here to speak for Mr. Creel's request.  
11 You know, I've been through the home, as well.  
12 It's indicative of all the cottages that were there before.  
13 Architecturally, you know, it's like I said, it's indicative of  
14 everything that was there before. Very few people are trying  
15 to redevelop this area. And so as much vested interest as I  
16 have in this, you know, I still wouldn't probably -- I wouldn't  
Page 8

17 throw in if I didn't believe in the project and what it's  
18 doing, you know, for our area.

19 It's a quality home. So that's all I have.

20 MR. WILLIAMS: Thank you.

21 Anyone else here to speak for this request?

22 MR. HERCHENHAHN: My name is Tim Herchenhahn.

23 And our office is at 45 Tegarden Road. I'm an engineer and  
24 real estate developer on a small scale and a general  
25 contractor, also.

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10

1 The area from Tegarden back to Cowan Road has  
2 really been very sparsely improved since the storm. We built a  
3 project there not far from where his is on the same street just  
4 due south. And I guess the one that we built and one other one  
5 are the only activity in the area.

6 So one of the problems in that area for  
7 investors to come in is there's no comps. If you want to try  
8 and buy some property in there, the homeowners would love to  
9 sell it to you. But they're not going to be able to sell it to  
10 you if they can't get the money.

11 The appraisers are saying the same thing they  
12 see in a lot of part of the city that, you know, somebody's got  
13 to take the risk and build something and sell it and get some  
14 kind of square foot price that can actually help the market.

15 Barney has been the only one to step in really  
16 to do that. He's built a spec over there, and it looks pretty  
17 nice and it's in the \$100 per square foot plus or minus. And  
18 that kind of begins to set a market value. The banks need it.

19 The area needs it.

20 The lot itself currently is, as you can see, is  
21 larger than its neighboring lots. Even after it's  
22 resubdivided, it's going to be at least as large or larger than  
23 a lot of the other lots that are already there. A couple of  
24 lots to the east are like 28 foot street frontage that exist,  
25 and he's certainly going for more than that.

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11

1 So from our point of view, being one of the  
2 people and companies that's invested in the area, we think it's  
3 a good idea, and we'd like to see other people taking risks  
4 like that.

5 MR. WILLIAMS: Thank you.

6 Anyone else here to speak for the request?

7 MR. CREEL: Barney Creel, 1014 River Road Drive,  
8 Gulfport, Mississippi.

9 I just want to come back and say that we are  
10 very excited about what's happening over there. There's been a  
11 lot of quality work put into that house.

12 The lot itself, there should be no variances, no  
13 requests of anything other than what's allowed by right.

14 And just pretty much want to emphasize that, you  
15 know, we're heavily vested over there. It's in my best  
16 interest to do a quality job because I've got more property to  
17 develop. And the plan is that we are moving forward. And  
18 we've had a lot of good response. We've had a lot of comments  
19 as far as from other neighbors around there. You know, I've  
20 got a lot of phone calls, a lot of e-mail messages and  
21 everything, love the concept.

22 And if you take a look at the charettes that was  
23 done after the hurricane with DPZ and in large architectural  
24 companies like that, it's right out of the book.

25 I mean, that is it. And even though there's  
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12

1 been I guess you would say a question about 2.75 feet, you  
2 know, you've got to take and look back at what just got  
3 approved at the zoning board, as well as the planning  
4 commission and the City Council here recently. And that's the  
5 projects on 15th Street.

6 You know, whoever would have thought 35 foot  
7 wide lots would look the way that they do. And you just  
8 approved three 46-foot wide lots.

9 So believe it or not, a lot of the people that  
10 we have looking actually want something a little bit smaller,  
11 whether it's elderly people, whether it's people for a vacation  
12 home, whether it's retirees, whatever it is, we've had several  
13 people that want actually something smaller. The last people  
14 that I just had look at it from Minnesota, they go, what are we  
15 going to do about all the yard work. I'm like, well, if you're  
16 buying the lot, you're going to have to do it. We don't want  
17 to do that.

18 So going back to the smart code concept and  
19 everything, I feel like we've got some tweaking that needs to  
20 be done on that in the future, and this is a prime example of  
21 what can work and what looks good, top quality, 100 percent  
22 Hardy siding on the outside, 11 foot ceilings on the inside,  
23 granite, ceramic tile, architectural shingles, oversized



24 columns.

25 You know, if you've got any questions  
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13

1 whatsoever, let me know. But, you know, we're going to be back  
2 because we're moving forward. We've got more things to do over  
3 there.

4 MR. WILLIAMS: Thank you.

5 Anyone else here to speak for the request?

6 Anyone here to speak against the request?

7 MS. TORJUSEN: My name is Patricia Torjusen. I  
8 live at 12530 John Ross Road. I own 202 Markham Drive.

9 I object to this resubdivision for the following  
10 reasons.

11 The city recommended approval of this and the  
12 board voted in favor of Mr. Creel's resubdivision hearing on  
13 November 21 based on a quit claim deed that the city upon  
14 review later found questionable and remanded it back to as you  
15 said to this board with some conditions. And those conditions  
16 being the ones we referenced before about moving the center  
17 line three feet and supplying a new survey.

18 But before Mr. Creel's -- before he addressed  
19 these conditions, as a matter of record, two days after the  
20 City Council remanded this request back, Mr. Creel's original  
21 request reappeared on the planning board's agenda for January  
22 23, 2014, and without timely notification to any adjacent  
23 property owners and without a new proposal or a new survey.

24 The new proposal reflecting the conditions  
25 recommended by the City Council were not received by the

1 planning commission until February 18, and this is according to  
2 a telephone conversation I had with Mrs. Doyle.

3 Linda Scott and I tried to speak to the validity  
4 of the quit claim deed at the November hearing, but we were not  
5 allowed to do so. We included what we considered to be a  
6 violation of our rights in our letter to the planning  
7 department objecting to the favorable decision rendered. We  
8 also included in our letter how those of us opposing Mr.  
9 Creel's proposal felt when two commissioners gave favorable  
10 testimony supporting Mr. Creel's proposal.

11 The procedures followed in the resubdivision of  
12 this case are suspect. And for this reason, I object to Mr.  
13 Creel's request.

14 I would like to enter into the record all of the  
15 agendas and notifications of the hearings that support the same  
16 requested language. And I think Mr. Warren alluded to that a  
17 while ago.

18 The letter of objection that was sent  
19 referencing the November 21 approval and the letter that was  
20 sent to the City Council that I think has made an impact on the  
21 rehearing of this request.

22 MR. WILLIAMS: Thank you.

23 Anyone else here to speak against the request?

24 MS. SCOTT: Good evening. I am Linda Scott, and  
25 we have met before. I live at 13239 Carriage Circle, Gulfport  
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1 30503.

2                   Okay. I object to this for the same reasons Ms.  
3 Torjusen cited. The procedure has just been so convoluted and  
4 off the wall. And a lot of you, a lot of us are wondering what  
5 we're doing back here. So let me try to bring you up to date  
6 on the history of this struggle.

7                   Obviously, Mr. Creel is not one to let rules of  
8 any kind get in the way of what he wants. And we started this  
9 journey on August 16, 2012, when Mr. Creel was heard at length  
10 before the Gulfport zoning board. At that time, he wanted to  
11 subdivide his considerable holdings along Township Road into  
12 tiny trailer size portions. He wanted to place Katrina  
13 cottages on these small lots.

14                   Mr. Creel's proposal was clearly in violation of  
15 zoning law and city code and was therefore properly rejected by  
16 the zoning board.

17                   When Mr. Creel was much aggrieved about that  
18 decision, instead of appealing that decision to the City  
19 Council as is called for by established procedure, he sought to  
20 have this matter heard before this body, the planning  
21 commission, in violation of established protocol. He almost  
22 succeeded.

23                   However, when he encountered strong opposition  
24 to this desire, he finally withdrew his proposal at the last  
25 minute.

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1                   Now Mr. Creel's next step was to bypass asking  
2 the planning commission for anything at all. What he did was,

3 he went ahead and built a structure we say in a cynical attempt  
4 to get around the chart of permitted uses. He constructed what  
5 we regard as a stick built version of a Katrina cottage. And  
6 he built without seeking resubdivision permission from this  
7 body, the planning commission.

8 After he completed his building, he then came to  
9 this board, the planning commission, to seek permission to  
10 resubdivide. He asked permission to do what he had already  
11 done.

12 And so at a hearing on November 21, 2013, this  
13 body, the Gulfport planning commission, voted to approve Mr.  
14 Creel's subterfuge, despite his violation of normal procedure  
15 in building first and seeking permission after the fact,  
16 despite the fact of the unsubstantiated quit claim deed on  
17 which he was basing his lot dimensions, and despite violations  
18 of the opponents' right to due process.

19 I say the rights occurred when we were not  
20 allowed to speak to the inauthenticity of his quit claim deed  
21 on which he was basing his dimensions and by the testimony of  
22 some of the judges which promoted what Mr. Creel wanted to do  
23 despite questions of ownership via the quit claim deed and  
24 despite his violation of normal procedure.

25 Okay. These violations were discussed in a  
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1 letter of objection which we filed on December 14. The  
2 objections filed in that letter of December 14 were to be heard  
3 by the City Council at its January 21 meeting. And we were  
4 there prepared to go. But instead of being heard, special

5 counsel announced at that meeting that this matter would be  
6 scheduled for rehearing by the Gulfport planning commission.

7 So opponents, that's us, received notice of that  
8 scheduled rehearing on January 24, the day after the rehearing  
9 was held on January 23. And that faulty notice constituted yet  
10 another violation of opponents' rights to due process.

11 However, the scheduled January 23 meeting  
12 rehearing did not occur after all because the body did not have  
13 a quorum. Somebody recused himself.

14 And we had also heard that this matter was to be  
15 handled as old business and thus discussed in closed session  
16 which would have violated the Mississippi Sunshine Laws.

17 The planning agenda for that January 23 meeting  
18 does list our issue as quote other business. But whatever was  
19 intended is now a moot point because that hearing did not  
20 occur.

21 And when we went into the planning commission on  
22 January 27 after this hearing that didn't happen to see the  
23 proposed request for that scheduled January 23 meeting, we  
24 learned that nothing, nothing had been filed by Mr. Creel at  
25 that point in time. So I don't know what you were going to

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18

1 rehear. But anyway, that was the case.

2 MR. WILLIAMS: I need you to wrap things up,  
3 please.

4 MS. SCOTT: Okay. At this point, we filed yet  
5 another letter of objection on approximately January 29 and  
6 sent copies to the City Council. And this rehearing today is a  
7 culmination of that sequence of events so far.

8                   Now today's rehearing, Mr. Creel has abandoned  
9 his unsubstantiated quit claim deed as the basis of his claim  
10 for a 60 foot width which he didn't have before. That's why he  
11 needed the quit claim deed to the gap or the area of confusion.  
12 But he's abandoned that. However, it should be noted that he  
13 has recorded that unsubstantiated quit claim deed and is paying  
14 taxes on that property despite questions of legality.

15                   But anyway, Mr. Creel has submitted only within  
16 the past few days, since February 18, a new survey by a new  
17 surveyor. And this survey reflects the change that Mr. Creel  
18 was instructed to make. He moved his Parcel 1A center property  
19 about three feet to the west in order to make Parcel 1A 60 feet  
20 wide.

21                   And the question in everyone's mind is, of  
22 course, why didn't he use that strategy in the first place?

23                   MR. WILLIAMS: Thank you.

24                   MS. SCOTT: Well, I'm not quite finished.

25                   MR. WILLIAMS: I've been fair to everybody.

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1 I've been really fair to you on the three minute time limit.  
2 wrap it up, please.

3                   MS. SCOTT: All right. Okay.

4                   But nothing different has happened to the  
5 property since he had already put a driveway over there. And  
6 as Mr. Warren noticed, even today's agenda reflects the old  
7 language that he's asking for 20,000 square feet something to  
8 be divided into Parcel 1A and 1B.

9                   So we are not really clear what exactly he's



10 asking to do. And we wanted some clarification about that and  
11 an explanation I guess of the basis of his new request. We're  
12 not clear exactly what he's doing.

13 MR. WILLIAMS: Thank you. We'll address some of  
14 that in just one second. Thank you.

15 MS. SCOTT: Thank you for your attention.

16 MR. WILLIAMS: All right. Anyone else to speak  
17 against the request?

18 MR. TORJUSEN: Robert Torjusen. I live at 12530  
19 John Ross Road, and I own 202 Markham Drive.

20 And I'm against Barney's request. And I'd like  
21 to make a couple of comments.

22 We can all do the math, so why did he not take  
23 124 feet point whatever, four three, and make it two sixty  
24 something foot lots to start with. And we wouldn't have been  
25 here nearly as many times.

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1 Maybe Barney should use a little more common  
2 sense and not tell so many stories about how dividing the land  
3 up on the east side of that property creates a gap on the west  
4 side, because that never made sense to me.

5 Thank you.

6 MR. WILLIAMS: Thank you. Appreciate it.

7 Anyone else here to speak against the request?

8 MR. CREEL: Okay. You know, what a shame. It's  
9 a blighted area. I'm the only one that's over there doing  
10 something. And I think everyone can see through this strategy  
11 that they're trying to do, and it just really makes no sense.

12 It's a quit clam deed that I own. The city

13 actually sent a surveyor out there, and they marked corners on  
14 city property that is adjacent that does not include the 9.75  
15 feet. I talked to the surveyor.

16 You know, I really don't appreciate the  
17 gentleman getting up here talking about me telling stories. I  
18 haven't told one story other than a true story. Okay?

19 And if there's any true stories that need to be  
20 said, neither one of these people even live there. They rent  
21 these houses out. One of them doesn't even live in the City of  
22 Gulfport.

23 One of the complainants has a 50 foot wide lot.  
24 Fifty foot wide by 90 feet deep, 4500 square feet, half the  
25 size of what I'm requesting for one of my lots.

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1 So apparently that works.

2 Okay. This is shameful that we've got a  
3 blighted area down there. I purchased that lot with a house in  
4 2004 for \$32,000, and it wasn't in very good shape. My plan  
5 was to tear it down and rebuild there. Hurricane Katrina  
6 escalated my plan a little bit quicker. I could have patched  
7 that house up and rented it out. I chose to tear it down, and  
8 I've been cutting grass and paying property taxes for almost  
9 nine years now. Okay?

10 I've already built a \$120,000 house on a lot. I  
11 plan on building at least another \$120,000 house on the next  
12 lot. That is 19,023 square feet divided into two. Okay?

13 So I'm looking at replacing a \$32,000 house that  
14 was not that nice with almost a quarter of a million dollars

15 worth of development. I don't understand what I'm missing  
16 here. I really don't know what the agenda is.

17 And I will say this. There is very, very little  
18 support from that side. There is a lot more support from my  
19 side. The neighbors like what I'm doing. Mike Cassady just  
20 said you're the only one doing anything over there.

21 So not that a lot of this really needs to be  
22 talked about and discussed and get personal or anything like  
23 that because I don't think I'll ever understand what their  
24 agenda is.

25 The bottom line is there is 60 feet of road  
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1 frontage on each of those lots. Okay? And, yes, I do have a  
2 quit claim deed for the other 9.75 feet.

3 And it was mentioned that there was another  
4 survey. Yeah, there is another survey. There is a reason for  
5 that, because the original one has been diagnosed as terminally  
6 ill.

7 Okay? So that's why we had another survey.

8 That's why this is getting so pitiful. Okay?  
9 It's just a multitude of things.

10 So I'm hoping that you approve this, and I look  
11 forward to seeing you in the future because I am going to  
12 continue to develop that blighted area. And it will become  
13 better every day.

14 MR. WILLIAMS: Thank you, Mr. Creel.

15 MR. CREEL: If you've got any questions, please  
16 ask me.

17 MR. WILLIAMS: Okay. As we move forward, I just  
Page 20

18 want to remind the commissioners that we are considering a  
19 resubdivision now that does have the requirements. Obviously,  
20 you can get on both sides of how we ultimately got here. I  
21 would like to look at it as the process works. We decide on  
22 these cases, and we refer them to the City Council for ultimate  
23 approval. They in their handling of this said, you know, there  
24 may be too much of a question here, let's get some additional  
25 information and send it back to the planning commission, which

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1 is what has happened.

2                   So I think the process has actually worked. So  
3 we are considering a resubdivision today that does not have in  
4 there that area of confusion and those things that are involved  
5 with it.

6                   Mr. Keating, since you're here, I would ask is  
7 there any legal issues that were addressed in any of the  
8 comments that you feel would need to be commented on, and if  
9 not, that's fine, also. I just want to make sure we have all  
10 the issues addressed.

11                   MR. KEATING: Three things.

12                   Notice is sufficient.

13                   All objectors were at the hearing of the  
14 planning commission originally, and they were at the City  
15 Council hearing. They heard the remand. They were given  
16 notice. They had actual knowledge of this meeting today. They  
17 are here today. They have spoken. They've had an opportunity  
18 to be heard.

19                   Any issues about having been cut off or not

20 being given an opportunity to be heard have been rendered moot.  
21 The survey was amended, so when you consider  
22 whatever motion it is you're going to consider it needs to be  
23 based on the survey as amended that is reflected as the exhibit  
24 I think it's 097 -- Exhibit 097 which is listed in the agenda  
25 item.

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1 That's what you are considering for  
2 resubdivision.

3 And with regard to just as a matter of  
4 clarification, I heard an objection that was related to the  
5 fact that Mr. Creel -- I'm not taking sides here, I'm just  
6 trying to make sure that facts are understood clearly and come  
7 out accurately -- that Mr. Creel built this house on this  
8 property and then had some type of plan or agenda to come here  
9 with a resubdivision request.

10 It doesn't matter what Mr. Creel's motivation  
11 was with respect to the time that he built this house on this  
12 property.

13 The larger parcel as it existed at the time that  
14 house was constructed, Mr. Creel had every right to construct  
15 that house. And it was constructed pursuant to permit. And it  
16 was constructed in accordance with the building codes.

17 That has absolutely no bearing on the  
18 resubdivision request except to the extent that the  
19 resubdivision request might create a situation where the  
20 setbacks for that improvement are not in compliance.

21 well, that has been investigated, that has been  
22 reviewed, and the setbacks for that improvement, if the

23 resubdivision is approved, are satisfactory.

24 So I wanted to make sure that everyone

25 understood that and the record was clear on that.

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1 Thank you.

2 MR. WILLIAMS: Thank you. Appreciate it.

3 Any questions by the commissioners?

4 MR. WARREN: Mr. Chairman, just a comment. I  
5 want to point out that my comment earlier was simply an  
6 observation that the amended survey was approximately with the  
7 quit claim parcel taken off was approximately 1300 square feet  
8 smaller than was originally indicated on our memorandum.  
9 And I brought that up because it was my understanding that that  
10 was somewhat insignificant, that the two parcels would still  
11 meet the requirements that the city has. And so I don't want  
12 that to be interpreted that I saw any type of issue with the  
13 proposal at all.

14 I also want to make a comment that while it's  
15 certainly the citizen's right to come here and give their side  
16 of the story or object, I tend to believe that personal attacks  
17 are unnecessary. I have heard nothing to show that there is  
18 anything wrong with this amended survey, that it's not really  
19 at least 60 feet. There's been some innuendo that that was the  
20 case, but I have seen nothing to show that this survey is  
21 inaccurate. I have seen nothing to show that there is an  
22 alternative survey that would show this one is wrong.

23 So I plan to support the proposal, and that's  
24 all I have to say, Mr. Chairman.



25 pc097.txt  
MR. WILLIAMS: Thank you.  
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1 Any other comments from the commissioners or  
2 questions?

3 If not, because it was remanded back to us from  
4 the City Council, there is not a staff's recommendation. The  
5 staff's recommendation holds the same as what it was on the  
6 original case. So therefore, I would ask if any of the  
7 commissioners have a motion to accept the survey as amended as  
8 evidenced in Exhibit 097 and due to this amended survey we  
9 accept the resubdivision of this property or due to the survey  
10 that is in here we deny the subdivision of the property.

11 Mr. Keating, please.

12 MR. KEATING: Just to clarify, I recommend you  
13 incorporate that into a motion to approve the resubdivision  
14 application as amended by the amended survey.

15 MR. WILLIAMS: Thank you. That's why I was  
16 looking at you the whole time to make sure I had it right.

17 MR. LADNER: Mr. Chairman, I'd like to make a  
18 motion that we approve Case File Number 1311PC097 as amended  
19 with the amended survey as depicted in our packets.

20 MS. TOWLES: Mr. Chairman, I would like to  
21 second that noting that I have no personal relationship with  
22 Mr. Creel.

23 MR. WILLIAMS: Thank you.

24 So we've got a motion and a second. Any  
25 discussion on that motion or that second? If not, all in favor

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1 signify by saying aye. Any opposed? All right. Thank you  
2 all.

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BEFORE THE CITY OF GULFPORT PLANNING COMMISSION.

1311PC097

## COURT REPORTER'S CERTIFICATE

I, Norma Jean Ladner Soroee, Certified Shorthand Reporter, do hereby certify that to the best of my skill and ability I have reported the hearings held before the City of Gulfport Planning Commission and that the foregoing 27 pages constitute a true and correct transcription of said hearing held on the 27th day of February 2014.

I do further certify that my certificate annexed hereto applies only to the original and certified transcript. The undersigned assumes no responsibility for the accuracy of any reproduced copies not made under my control and direction.

Witness my signature this the 13th day of March 2014.

NORMA JEAN LADNER SOROE, CSR #1297  
Certified Shorthand Reporter

N.J. SOROE, CSR #1297

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