

AGENDA
GAUTIER PLANNING COMMISSION
March 2, 2023
5:30 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE (VOLUNTEER)

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

1. Approval of Minutes from February 2, 2023

V. PUBLIC COMMENTS
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)

VI. OLD BUSINESS

VII. NEW BUSINESS

1. Consider a request for a Property Owner Initiated Rezoning of Property located at Lot 1, Lark Drive Subdivision, PID #85905801.000, corner of Lark Drive and Martin Bluff Road, from C-2 Community Commercial to R-1 Low Density Single-Family Residential. (GPC Case No. 23-04-RZ)
2. Consider a request for a Variance to rear and side yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 813 Roys Road, (GPC #23-05-VAR)

VIII. GENERAL DISCUSSION

1. PREVIOUS CASE UPDATES
2. PERMIT & TRC REPORTS

IX. ADJOURN

**FEBRUARY 2, 2023
GAUTIER, MISSISSIPPI**

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on February 2, 2023, at 5:30 PM in the Council Chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

Commission Members present were: Chairman Kay C. Jamison, Commissioners William Davis, Ricky Decoteau, Josh Ward, Chris Hoover, and DeAnna McManus. Also present were Scott Ankerson, Planning Director, Josh Danos, City Attorney, and Babs Logan, Planning Technician. Absent was Paul Gainer.

AGENDA

GAUTIER PLANNING COMMISSION

FEBRUARY 2, 2023

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (SEPTEMBER 1, 2022, NOVEMBER 3, 2022, & JANUARY 5, 2023)**
- V. PUBLIC COMMENTS
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)**
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
 - 1. Consider a request for a Conditional Use-Major that would allow a church in a C-3 Highway Commercial Zoning District. 1017 De La Pointe Road, PID #81831440.001, (GPC #23-02-CU)
 - 2. Consider a request for a Conditional Use-Major that would allow a Medical Cannabis Dispensary in a TCMU Town Center Mixed Use Zoning District. 3300 Ladnier Road, PID #82436055.150, (GPC #23-03-CU)
 - 3. Nominations for the Larry Moran Excellence Award for 2022

VIII. GENERAL DISCUSSION

- A. PREVIOUS CASE UPDATES
- B. PERMIT & TRC REPORTS

IX. ADJOURN

Commissioner Ward made a motion to approve the Agenda.

Commissioner Decoteau seconded the motion, and the following vote was recorded:

AYES: Josh Ward
William Davis
Ricky Decoteau
Kay C. Jamison
DeAnna McManus
Chris Hoover

ABSENT: Paul Gainer

Motion Passed

Commissioner Ward made a motion to approve the September 1, 2022, minutes.

Commissioner Decoteau seconded the motion, and the following vote was recorded:

AYES: William Davis
Josh Ward
Chris Hoover
Ricky Decoteau

ABSTAINED: Kay C. Jamison
DeAnna McManus

ABSENT: Paul Gainer

Motion Passed

Commissioner Hoover made a motion to approve the November 3, 2022, minutes.

Commissioner Decoteau seconded the motion, and the following vote was recorded:

AYES: Kay C. Jamison
Chris Hoover
Ricky Decoteau
DeAnna McManus

ABSTAINED: Josh Ward
William Davis

ABSENT: Paul Gainer

Motion Passed

Commissioner Ward made a motion to approve the January 5, 2023, minutes.

Commissioner Decoteau seconded the motion, and the following vote was recorded:

AYES: Kay C. Jamison
Josh Ward
William Davis
Ricky Decoteau
DeAnna McManus

ABSTAINED: Chris Hoover

ABSENT: Paul Gainer

Motion Passed

**PUBLIC COMMENTS (MATTERS OF THE PLANNING COMMISSION NOT LISTED
ON THE AGENDA) - None**

OLD BUSINESS - None

NEW BUSINESS

1. Consider a request for a Conditional Use-Major that would allow a church in a C-3 Highway Commercial Zoning District, 1017 De La Pointe Road. (GPC #23-02-CU)

Scott Ankerson, Planning Director, gave a brief overview of the case. He explained that the existing building has been used as a church before but lost its grandfathered status or legal non-conforming use at some point. The use as a church was established before the Unified Development Ordinance (UDO) was adopted and has never been approved as a Conditional Use. It will need a Conditional Use to be used as a church.

BACKGROUND:

The request property is zoned C-3 Highway Commercial.

1. Location: 1017 De La Pointe Road, PID #81831440.001 (See Exhibit A)
2. General features of the proposed project:
Total Area: Approximately 0.39 Acres
Existing building on property
3. Existing Zoning – C-3 Highway Commercial (See Exhibit B)
4. Existing Land Use – Vacant Building
5. Comprehensive Plan Future Land Use Designation – Low Impact Commercial (See Exhibit D)

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?

Applicant Response: Yes, Commercial Property Zoning

Staff Finding: Yes. Church or Place of Worship is listed as a Conditional Use-Major in a C-3 Highway Commercial District.

2. Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c)

other uses. Please attach parking plan, site plan, architectural rendering or other plans.

Applicant Response: This project is compatible with the present developments that are already in the vicinity by:

- a. Density, bulk, and intensity of structures: there will be no change because it is an existing building.*
- b. Parking: the existing driveway/parking area will be used. No further parking spaces are required.*
- c. Other uses: the property will be used for church services only, as has been previously established.*

Staff Finding: This building has previously been used as a Church or Place of Worship and will continue to be compatible with the area.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: Our project will not negatively affect neighboring property values, on the contrary, the proposed church should enhance the neighborhood and/or increase property values.

For example, we'll operate the same as the church right up the street and the other churches in the area. We are basically across the street from Gautier City Park and the Masonic Lodge is next to the park. We'll strictly operate as a church, the diagram included shows the property and existing building listed as a Religious, Church, Worship (Synagogue, Temple, Parsonage).

The building has been used as a church previously. Our operating hours are Sundays @ 10am, with an occasional weeknight service or weekend activity. This will not be a threat to the citizens.

Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values or cause a detriment to the surrounding properties.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: Vehicular traffic and parking will remain in the same configuration as the previous church organization. The existing driveway and access points will be used and will not impede traffic or pedestrians.

Staff Finding: There is no evidence that the proposed use will have any adverse effect on vehicular or pedestrian traffic.

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: We will not make any changes whatsoever; this proposal will be accommodated by the public services and facilities already in place. Those facilities will include the existing garbage disposal, sanitary sewer, drainage, police, fire protection, water, streets, and schools.

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant Response: Yes, we'll be consistent with the finished product that is already in place – a religious/church setting that will enhance the area.

Staff Finding: No. The Comprehensive Plan calls out "Low Impact Commercial" for future land use of this property.

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: Our proposed use will be as a church only and our standards will be as all other religious institutions in the City of Gautier. There will be nothing hazardous, detrimental, or of a disturbing effect, either real or perceived, only church services. We won't disturb the present surrounding land with disturbing noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interferences or other nuisances.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental, or disturbing affect to present surrounding uses.

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: I would have to say, it's already cited as a church and that it conforms to all district regulations, the same as the previous churches on this property. This area has supported St. Mary's Catholic Church for years. Our operation standards will be as all other religious institutions in the City of Gautier and we have made, or will make any changes or other provision.

Staff Finding: The proposed use will conform to all current district regulations.

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and condition.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major
2. Recommend that City Council approve the Conditional Use-Major with changes; or
3. Recommend that City Council deny the Conditional Use-Major.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

Chairman Jamison asked the applicant to present her case.

Denise Bridgett, representative for Gods Church Global Training Center, stated that they had purchased the building and wanted to use it as a church.

Commissioner Hoover asked if they would be doing any modifications to the building.

Ms. Bridgett said they would be doing some repairs to bring the building up to code but no additions.

Commissioner McManus noted that it was called a training center and asked if there would only be Sunday services or would something be going on Monday thru Friday.

Ms. Bridgett said there would only be Sunday services at this time. They may add Wednesday services later. She explained that it is called a training center because they basically train leaders to go out to different areas of the community.

Chairman Jamison asked how many people were expected on a Sunday morning because there wasn't a lot of parking.

Ms. Bridgett said that right now there are about 15 to 20 people, but they were hoping to have maybe 30 to 40 since they would have more room. They are currently holding meetings at different homes. She said there would not be that many cars because she was counting children also.

Mr. Ankerson stated that Staff would look at the parking situation before permitting and that the Fire Marshall would have to look at the building and determine maximum occupancy.

Daniel Whyte, who owns property just south of the property in question, stated that he was not opposed to the church but wondered what having a church abutting his property would restrict him to on his property. He stated that someone had asked him about placing a Medical Marijuana facility on his property.

Josh Danos, City Attorney, advised that State law would not allow a Medical Marijuana facility within 500 feet of a church.

There were none in attendance speaking in opposition of the request.

ACTION TAKEN:

Commissioner Decoteau made a motion to recommend that City Council approve the Conditional Use-Major as presented because it meets all the criteria for approval required by the UDO.

Commissioner McManus seconded the motion, and the following vote was recorded:

AYES: **Ricky Decoteau**
 Kay C. Jamison
 DeAnna McManus
 Chris Hoover
 Josh Ward
 William Davis

ABSENT: **Paul Gainer**

Motion passed.

2. Consider a request for a Conditional Use-Major that would allow a Medical Cannabis Dispensary in a TCMU Town Center Mixed Use Zoning District. 3300 Ladnier Road (GPC #23-03-CU)

Scott Ankerson, Planning Director, gave a brief overview of the case.

BACKGROUND:

The request property is zoned TCMU Town Center Mixed Use.

1. Location: 3300 Ladnier Road, PID #82436055.150 (See Exhibit A)
2. General features of the proposed project:
Total Area: Approximately 0.63 Acres
Existing building on property
3. Existing Zoning – TCMU Town Center Mixed Use (See Exhibit B)
4. Existing Land Use – Doctor Office
5. Comprehensive Plan Future Land Use Designation – Town Center (See Exhibit D)

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?

Applicant Response: Yes

Staff Finding: Yes. Cannabis Dispensary, Medical is listed as a Conditional Use-Major in a TCMU Town Center Mixed Use District.

2. Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.

Applicant Response: The property is located by a vacant lot to the north, west and east of the property. It is located across the street from a funeral home. There are additional businesses south of the premises that include a bar, retail establishment and a storage facility. The structure will be modified to meet state and local regulations pertaining to a Cannabis Dispensary. There is adequate parking on site for this establishment.

Staff Finding: The proposed use is allowed in a TCMU zoning district with a Major Conditional Use. Special conditions may be imposed if deemed necessary to help the proposed use be more compatible with the character of development in the vicinity.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: No. There will be no major exterior renovations or changes made to the property.

Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values or cause a detriment to the surrounding properties.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: No. The property is located on a 4 lane road to the west and a 2 lane cross street to the south. These roads are capable of handling the vehicular traffic. There is a sidewalk on the west side of property; although, anticipate little pedestrian traffic.

Staff Finding: There is no evidence that the proposed use will have any adverse effect on vehicular or pedestrian traffic.

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: Yes.

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant Response: Yes, future land use map is low impact commercial.

Staff Finding: The Comprehensive Plan calls out "Town Center" for future land use of this property.

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: No.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental, or disturbing affect to present surrounding uses.

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: Yes. The establishment will adhere to all local and state regulations.

Staff Finding: The proposed use will conform to all current district regulations.

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and condition.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major
2. Recommend that City Council approve the Conditional Use-Major with changes; or
3. Recommend that City Council deny the Conditional Use-Major.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

Chairman Jamison asked the applicant to present her case.

Donna Ryan, the applicant (dba Dolphin Dayz), stated that she wanted to open a Medical Cannabis Dispensary at 3300 Ladnier Road. She stated that she had provided the Planning Commission with the packet that was sent to the State with all the information regarding the proposed dispensary. She lives in the community and intends to have a legitimate, safe business.

Chairman Jamison asked if the building was still owned by Dr. Hoover.

Ms. Ryan said it was and that she had a contingent agreement to purchase the building. She would be using the main building for the dispensary.

Commissioner McManus asked how the City would be sure that what was presented would be followed.

Mr. Danos stated that the City would make sure that the business was State approved and licensed and then the State would be the one to make sure everything was in compliance.

Chairman Jamison asked about operating hours and security.

Ms. Ryan said they would be open from 10:00 a.m. until 8:00 p.m., seven days a week, and there would be security at all times on the premises. Security would be there from ½ hour before opening until ½ hour after closing. At night there would be cameras monitoring the facility.

Commissioner McManus asked if there was a reason they would be open until 8:00 p.m. because it seemed to be outside regular medical business hours.

Ms. Ryan said it was to accommodate those that work or those that might have to come to the Coast from out of town because their county had opted out of having the facilities. She stated that the State has no restrictions on the hours.

Commissioner McManus asked Mr. Danos if the City could put restrictions on hours of operation even though the State has said the dispensary could be open 24 hours a day. He answered that they could.

Commissioner Davis asked that although you would generally want to be consistent regarding operating hours of dispensaries wouldn't you need to consider each situation.

Mr. Danos said he agreed that generally you would want to be consistent but location, size, and surrounding areas could all impact what your restrictions are.

Chairman Jamison asked if they were going to do any modifications to the building.

Ms. Ryan said they would have to do some modifications to the interior because there must be security doors between the entrance and sales floor and then the back room. It is mandated by the State that you must have the secure doors. She doesn't foresee any major changes outside other than some upkeep renovations such as restriping the parking lot.

Commissioner Decoteau asked if there was any conflict with this facility and the growth facility that had been approved further down Ladnier Road. He also said that as he understood it, the different facilities had to be segregated buildings and that a growth house, processing center, and a dispensary couldn't be owned by the same people.

Ms. Ryan stated that all three different types of facilities could be in the same location.

Mr. Danos advised there were some ownership regulations with transportation and testing.

Commissioner Davis asked about the Conditional Use staying with the land and whether the Conditional Use could be revoked. He also asked about the use being bound by the things the applicant listed in the narrative.

Mr. Danos stated that the use is revokable to the extent that if they are not compliant with the restrictions placed on the use by the City the Conditional Use could be revoked. He also said that the Commission could make a motion that the use was bound by any non-state requirements listed in the narrative.

Chairman Jamison noted that Spanish Trail Baptist Church had signed a waiver for the facility to be less than 1000 feet but not closer than 500 feet of the church. She then asked

how many employees there would be, and if the employees had to have some type of certification to work at the dispensary.

Ms. Ryan said there would initially be at least six full time employees, a few part-time employees, and the security officers. The employees would have to be certified by the State and would also have to attend continuing education classes from time to time.

Commissioner Ward stated that he also had concerns about the operating hours and the dispensary being open seven days a week.

Mayor Casey Vaughan stated that we are progressing as a state and moving forward to compete with other states in a market that is new to the State of Mississippi. Although we have to be vigilant and cautious, we have to be competitive too.

There were none in attendance speaking in opposition of the request.

ACTION TAKEN:

Commissioner McManus made a motion to recommend that City Council approve the Conditional Use-Major with changes. The changes are that operating hours are 10:00 a.m. to 8:00 p.m., and that the applicant adheres to the stipulations in her proposal as submitted.

Commissioner Decoteau seconded the motion, and the following vote was recorded:

AYES: **Ricky Decoteau**
 Kay C. Jamison
 DeAnna McManus
 Chris Hoover
 Josh Ward
 William Davis

ABSENT: **Paul Gainer**

Motion passed.

3. Nominations for the Larry Moran Excellence Award for 2022

Chairman Jamison asked for nominations for the Larry Moran Excellence Award for 2022.

Commissioner Hoover nominated That Gumbo Life, owned by Monica Mingo, which sells vintage furniture and unique items. He noted that the owner has done a wonderful job with the store front (curb appeal) and is a very active member of the city. She depicts what Gautier is all about and she gives more than she gets.

Commissioner McManus said that Ms. Mingo does a lot of volunteering for the Mullet Festival and that whenever you ask her to help with something she is always willing.

Chairman Jamison asked if there were any other nominations and there were none.

Commissioner Hoover made a motion to award That Gumbo Life the Larry Moran Excellence Award for 2022.

Commissioner Ward seconded the motion and the following vote was recorded:

AYES: **Kay C. Jamison**
 Josh Ward
 William Davis
 Ricky Decoteau
 DeAnna McManus
 Chris Hoover

ABSENT: Paul Gainer

Motion passed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners that City Council approved Case GPC #23-01-VAR from the January 5, 2023, meeting with the changes the Planning Commission recommended.

B. PERMIT & TRC REPORT

Mr. Ankerson presented the January 2023 report.

Commissioner Ward made a motion to adjourn the meeting.

Commissioner Hoover seconded the motion, and the following vote was recorded:

AYES: William Davis
Kay C. Jamison
Josh Ward
DeAnna McManus
Ricky Decoteau
Chris Hoover

ABSENT: Paul Gainer

Motion passed.

APPROVED BY:

Scott Ankerson,
Planning Director/Building Official

DATE: _____

Kay C. Jamison, Chairman
Gautier Planning Commission

DATE: _____

BACKUP DOCUMENTATION

Gautier Planning Commission

Regular Meeting Agenda

February 2, 2023

GPC #23-02-CU

Denise Bridgett – Gods Church Global Training Center

1017 De La Pointe Drive

VII. NEW BUSINESS

1. Consider a request for a Conditional Use-Major that would allow a church in a C-3 Highway Commercial Zoning District. 1017 De La Pointe Road, PID #81831440.001, (GPC #23-02-CU)

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

Planning Commission Chairman to follow procedure below. All questions/comments to be directed to the Council and not to applicant, staff, or other attendees of the meeting.

1. Chairman announces the case.
2. Chairman makes statement, "This is a Public Hearing and all statements to be made need to be true and accurate for the record."
3. Staff gives brief overview of case.
4. Applicant presents their case.
5. Anyone to speak in support of the Request? Please state your name and address for the record.
6. Anyone to speak in opposition of the Request? Please state your name and address for the record.
7. Any final comments from the applicant?
8. Questions from Commission?
9. Chairman closes public hearing – "This closes the Public Hearing portion of this case" bang of gavel
10. Motion/Deliberation/Vote

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: January 19, 2023

Subject: Consider a request for a Conditional Use-Major that would allow a church in a C-3 Highway Commercial Zoning District. (GPC #23-02-CU)

REQUEST:

The Planning Department has received a request from Denise Bridgett – Gods Church Global Training Center for a Conditional Use-Major that would allow a church in a C-3 Highway Commercial Zoning District. 1017 De La Pointe Road, PID #81831440.001 (GPC #23-02-CU). The application fee of \$250 was paid on December 19, 2022. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-3 Highway Commercial.

1. Location: 1017 De La Pointe Road, PID #81831440.001 (See Exhibit A)
2. General features of the proposed project:
Total Area: Approximately 0.39 Acres
Existing building on property
3. Existing Zoning – C-3 Highway Commercial (See Exhibit B)
4. Existing Land Use – Vacant Building
5. Comprehensive Plan Future Land Use Designation – Low Impact Commercial (See Exhibit D)

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?

Applicant Response: Yes, Commercial Property Zoning

Staff Finding: Yes. Church or Place of Worship is listed as a Conditional Use-Major in a C-3 Highway Commercial District.

2. Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.

Applicant Response: This project is compatible with the present developments that are already in the vicinity by:

- a. Density, bulk, and intensity of structures: there will be no change because it is an existing building.*
- b. Parking: the existing driveway/parking area will be used. No further parking spaces are required.*
- c. Other uses: the property will be used for church services only, as has been previously established.*

Staff Finding: This building has previously been used as a Church or Place of Worship and will continue to be compatible with the area.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: Our project will not negatively affect neighboring property values, on the contrary, the proposed church should enhance the neighborhood and/or increase property values.

For example, we'll operate the same as the church right up the street and the other churches in the area. We are basically across the street from Gautier City Park and the Masonic Lodge is next to the park. We'll strictly operate as a church, the diagram included shows the property and existing building listed as a Religious, Church, Worship (Synagogue, Temple, Parsonage).

The building has been used as a church previously. Our operating hours are Sundays @ 10am, with an occasional weeknight service or weekend activity. This will not be a threat to the citizens.

Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values or cause a detriment to the surrounding properties.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: Vehicular traffic and parking will remain in the same configuration as the previous church organization. The existing driveway and access points will be used and will not impede traffic or pedestrians.

Staff Finding: There is no evidence that the proposed use will have any adverse effect on vehicular or pedestrian traffic.

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: We will not make any changes whatsoever; this proposal will be accommodated by the public services and facilities already in place. Those facilities will include the existing garbage disposal, sanitary sewer, drainage, police, fire protection, water, streets, and schools.

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant Response: Yes, we'll be consistent with the finished product that is already in place – a religious/church setting that will enhance the area.

Staff Finding: No. The Comprehensive Plan calls out "Low Impact Commercial" for future land use of this property.

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: Our proposed use will be as a church only and our standards will be as all other religious institutions in the City of Gautier. There will be nothing hazardous, detrimental, or of a disturbing effect, either real or perceived, only church services. We won't disturb the present surrounding land

with disturbing noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interferences or other nuisances.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental, or disturbing affect to present surrounding uses.

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: I would have to say, it's already cited as a church and that it conforms to all district regulations, the same as the previous churches on this property. This area has supported St. Mary's Catholic Church for years. Our operation standards will be as all other religious institutions in the City of Gautier and we have made, or will make any changes or other provision.

Staff Finding: The proposed use will conform to all current district regulations.

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and condition.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major
2. Recommend that City Council approve the Conditional Use-Major with changes;
or
3. Recommend that City Council deny the Conditional Use-Major.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

GAUTIER, MISSISSIPPI
ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT
CONDITIONAL USE APPLICATION

Public Hearing Number

23-02-CU

<u>TO BE HEARD BY GAUTIER PLANNING COMMISSION:</u>		<u>FEE:</u>
Conditional Use - Major	<u> P </u>	\$250.00
<u>TO BE HEARD BY ECONOMIC DEVELOPMENT/PLANNING DIRECTOR:</u>		<u>FEE:</u>
Conditional Use - Minor	_____	\$250.00

Name of

Applicant: Denise Bridgett

Name of Business: Gods Church Global Training Center Phone: (228) 219-2002

Property Address: 1017 De La Pointe Dr. Mailing Address (if Different): 8114 Fairway Villa Dr.

E-Mail Address: godschurch2021@gmail.com

Proposed Use Requiring Conditional Use: C-3 Church (Refer to Article V, UDO)

Proposed Location is: ☐ New Build ☒ Existing (with no modifications) ☐ Existing (with proposed modifications)

ATTACHMENTS REQUIRED AS APPLICABLE:

- ✓ 1. Answers to the Criteria for Approval (see attached).
- ✓ 2. Project Narrative (see attached).
- ✓ 4. Diagram of intended use (see attached).
- NA 4. Copy of protective covenants or deed restrictions, if any.
- NA 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- NA 6. Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.
- NA 7. Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant(s): Denise Bridgett Date of Application: 12/19/2022

FOR OFFICE USE ONLY	
Date Received <u> 12 </u>	Verify as Complete <u>Bals</u>
\$ <u>251.00</u>	Fee Amount Received <u>12-19-22</u>
Initials of Employee Receiving Application <u>BS</u>	

Feb 2

CONDITIONAL USE CRITERIA FOR APPROVAL - Complete either the Major Conditional Use section or Minor Conditional Use Section below. If more room is needed, answers can be provided on a separate sheet of paper.

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?
2. Please describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.
5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?
6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.
7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.
8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

MINOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts? Explain.
2. Will the proposed use be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area? Explain.
3. Is the proposed use consistent with the Comprehensive Plan? Explain how.
4. Is the proposed use in conformance with specific site location, development, and operation standards as required by this Ordinance? Explain.

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL - NARRATIVE – We'll only have church services at this location. We are a very small congregation with less than 30 people. We have no plan for outdoor storage at this location or any activities requiring outdoor seating. We do not need large vehicles past a U-Haul truck to move into the building.

1. Yes, Commercial Property Zoning
2. This project is compatible with the present developments that are already in the vicinity by:
 - a. density, bulk, and intensity of structures: there will be no change because it is an existing building.
 - b. parking: the existing driveway/parking area will be used. No further parking spaces are required.
 - c. other uses: the property will be used for church services only, as has been previously established.
3. Our project will not negatively affect neighboring property values, on the contrary, the proposed church should enhance the neighborhood and/or increase property values.

For example, we'll operate the same as the church right up the street and the other churches in the area. We are basically across the street from Gautier City Park, and the Masonic Lodge is next to the park. We'll strictly operate as a church, the diagram included shows the property and existing building listed as a Religious, Church, Worship (Synagogue, Temple, Parsonage).

The building has been used as a church previously. Our operating hours are Sundays @ 10 am, with an occasional weeknight service or weekend activity. This will not be a threat to the citizens.

4. Vehicular traffic and parking will remain in the same configuration as the previous church organization. The existing driveway and access points will be used and will not impede traffic or pedestrians.
5. We will not make any changes whatsoever, this proposal will be accommodated by the public services and facilities already in place. Those facilities will include the existing garbage disposal, sanitary sewer, drainage, police, fire protection, water, streets, and schools.
6. Yes, we'll be consistent with the finished product that is already in place – a religious/church setting that will enhance the area.
7. Our proposed use will be as a church only and our standards will be as all other religious institutions in the City of Gautier. There will be nothing hazardous, detrimental, or of a disturbing effect, either real or perceived, only church services. We won't disturb the present surrounding land with disturbing noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interferences, or other nuisances.
8. I would have to say, it's already cited as a church and that it conforms to all district regulations, the same as the previous churches on this property. This area has supported St. Mary's Catholic Church for years. Our operation standards will be as all other religious institutions in the City of Gautier and we have made, or will make any changes or other provisions.

OFFICIAL RECORDS JACKSON COUNTY, MS
Josh Eldridge, Chancery Clerk
Electronically Recorded
RECORDING FEE \$ 26.00
MINERAL TAX \$0.00
202226507
BK: 2100 PG: 767 - 769
12/05/2022 12:45:41 PM 3 PG(S)
Receipt # 28445

Prepared by and Return to:
Nicole W. Sullivan, MSB #105498
Coast Title Company, LLC
101 Rouselle Place, Suite B
Ocean Springs, MS 39564
Telephone: 228-334-5122

INDEXING INSTRUCTIONS: A parcel of land situated in Section 31, T7S, R6W, Jackson
County, Mississippi

COVER PAGE FOR WARRANTY DEED

GRANTOR(S):

WHYTE & SONS LLC,
a Mississippi Limited Liability Company
108 Sea Glass Loop
Ocean Springs, MS 39564
Telephone: (228) 324-4410

GRANTEE(S):

GODS CHURCH GLOBAL TRAINING CENTER
1017 De La Pointe Drive
Gautier, MS 39553
Telephone: 228-219-2002

STATE OF MISSISSIPPI

COUNTY OF JACKSON

WARRANTY DEED

FOR AND IN CONSIDERATION of the price and sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, **WHYTE & SONS LLC, A MISSISSIPPI LIMITED LIABILITY COMPANY** does hereby grant, bargain, sell, convey and warrant unto **GODS CHURCH GLOBAL TRAINING CENTER**, that certain tract, piece or parcel of land situated in Jackson County, Mississippi, together with all improvements, buildings, fixtures, and appurtenances thereunto belonging, and being more particularly described as follows, to-wit:

A TRACK OF LAND SITUATED IN FRACTIONAL SECTION 31, TOWNSHIP 7 SOUTH, RANGE 6 WEST, GAUTIER, JACKSON COUNTY, MISSISSIPPI, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 31; THENCE SOUTH 89 DEGREES 43 MINUTES WEST 2.04 FEET TO THE EAST RIGHT-OF-WAY OF SHAW ROAD; THENCE NORTH 1 DEGREE 06 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY OF SHAW ROAD 83.90 FEET TO A SET 1/2" REBAR ON THE SOUTH RIGHT-OF-WAY OF DE LA POINTE ROAD; THENCE NORTH 86 DEGREES 55 MINUTES EAST ALONG THE SOUTH RIGHT-OF-WAY OF DE LA POINTE ROAD 263.99 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE NORTHEAST ALONG THE ARC OF SAID CURVE 332.05 FEET, SAID CURVE HAVING A RADIUS OF 3225.73 FEET AND A CHORD BEARING NORTH 89 DEGREES 51 MINUTES 57 SECONDS EAST 331.90 FEET TO A SET 1/2" REBAR AT THE NORTHEAST CORNER OF THAT PROPERTY DESCRIBED IN DEED BOOK 1573, PAGE 788, AND TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE ARC OF SAID CURVE 120.01 FEET TO A SET 1/2" REBAR; THENCE SOUTH 0 DEGREES 24 MINUTES EAST 140.00 FEET TO A FOUND 1/2" REBAR; THENCE NORTH 86 DEGREES 07 MINUTES 10 SECONDS WEST 120.00 FEET TO A SET 1/2" REBAR; THENCE NORTH 0 DEGREES 24 MINUTES WEST 140.00 FEET TO THE POINT OF BEGINNING.

This conveyance is subject to all covenants, easements, restrictions, reservations, and other matters of record, all zoning and building laws, rules and regulations and ordinances, and all matters that would be disclosed by an accurate survey of said property.

Taxes for the year 2022 have been pro-rated between the parties and the payment of same when due on January 1, 2023, shall be the responsibility of the Grantees herein.

WITNESS THE SIGNATURE(S) OF THE GRANTOR(S), on the 2 day of December, 2022

WHYTE & SONS, LLC,
a Mississippi Limited Liability Company

By: *Ann Whyte*
ANN WHYTE, MEMBER

By: *Dan Whyte*
DAN WHYTE, MEMBER

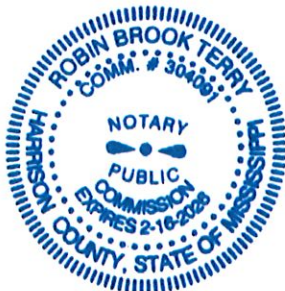
STATE OF MISSISSIPPI

COUNTY OF JACKSON

This day, personally appeared before me, the undersigned Notary Public, in and for the aforesaid County and State, the within named Ann Whyte and Dan Whyte who acknowledged that they are Members of Whyte & Sons, LLC, a Mississippi Limited Liability Company, acknowledged to me that they executed, signed and delivered, the foregoing Warranty Deed on the day and year herein mentioned as its true and voluntary act and deed.

Given under my hand and official seal of office, this the 2 day of December, 2022.

Robin Brook Terry
NOTARY PUBLIC
MY COMMISSION EXPIRES: 2/16/2026



COMMONWEALTH LAND TITLE

INSURANCE COMPANY
OWNER'S POLICY

SCHEDULE A

Office File No.: 22-643

Owner Policy Number: 81306-229188168
Simultaneously Issued with Policy No.:

(For information only)

Address Reference: 1017 De La Pointe Drive, Gautier, MS 39553

Amount of Insurance: \$40,000.00

Premium: \$160.00
Endorsement Premium: \$0.00

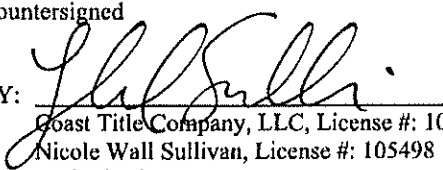
Date of Policy: December 5, 2022 at 12:45pm

1. Name of Insured:
GODS CHURCH GLOBAL TRAINING CENTER
2. The estate or interest in the Land that is insured by this policy is:
fee simple
3. Title is vested in:
GODS CHURCH GLOBAL TRAINING CENTER
4. The Land referred to in this policy is described as follows:
The land is described as set forth in Exhibit A attached hereto and made a part hereof.

Direct Claim Inquiries to:
Claims Dept, P.O. Box 45023, Jacksonville, FL 32232-5023

Countersigned

BY:


Coast Title Company, LLC, License #: 105498
Nicole Wall Sullivan, License #: 105498
Authorized Signatory

THIS POLICY VALID ONLY IF SCHEDULE B IS ATTACHED

ALTA Owner's Policy (6/17/06)
Mississippi

81831440.001 WHYTE & SONS LLC

PIDN: 81831440.001

GISP: 769.31-03-0010.00

Owner Information

Percent of Ownership: 100

Name: WHYTE & SONS LLC

Name 2:

Mailing Address: 108 SEA GLASS LOOP
OCEAN SPRINGS MS
39564

Site Address: 1017 DE LA POINTE DR GAUTIER

Land Information

Section: 31 Acreage: 0.39

Township: 7

Range: 6

Street Name DE LA POINTE
DR

Value and Tax Information

Total Assessed Value: 16127

Total Appraised Value: 107516

Improvement Value: 69296

Land Value: 38220

Tax Amount: 2318

SQ FT: 1792 Year Built: 1970

Legal Description

Description: COM NWC SE1/4 SW1/4 N 89 DEG W 2
.04' N 1 DEG W 83.90' TO S/M RD
ELY ALG S/M 716' TO POB S 140' N
85 DEG W 120' N 140' TO S/M RD
ELY ALG S/M 120' TO POB DB 1976-
861 (10 MAP769.31-03)

Deed Book / Page: 1976 / 861

81831440.001 WHYTE & SONS LLC







NOT FOR SALE

\$115,829

ZOWIE VALUE ⓘ

Last evaluated 12/14/2022

HIGH RANGE

LOW RANGE

1017 De La Pointe Dr
Gautier, MS 39553

Religious, Church, Worship (Synagogue, Temple, Parsonage)
Residence

0 Beds
0 Baths



What's Your Home Worth ?

Enroll to receive a free monthly professional-grade estimate of your home's value*

First Name * Last Name *

Email Address *

I'm the owner

Yes

No

I'm not a robot

X

Need



1017 De La Pointe Dr	Land Use	Religious
COM NWC SE1/4 SW1/4 N 89 DEG W 2.04 N 1 DEG W 83.90' TO S/M RD ELY ALG S/M 716 TO POB S 140' N 85 DEG W 120 N 140' TO S/M	Zoning	X
Jackson	Flood Zone	28059C0319G
Mississippi	Tax Year	2021
0.39	Assessed Year	2021
Other Market Areas	Census	0410004005
Gulfport-Biloxi-Pascagoula, MS	TOTAL SQ FT	1,792
8-18-31-440.001		

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

	AG
	C-1
	C-2
	C-3
	I-2
	MURC-1
	MURC-2
	MURC-MW
	PL
	PUD
	R-1
	R-2
	R-3
	RE
	TC

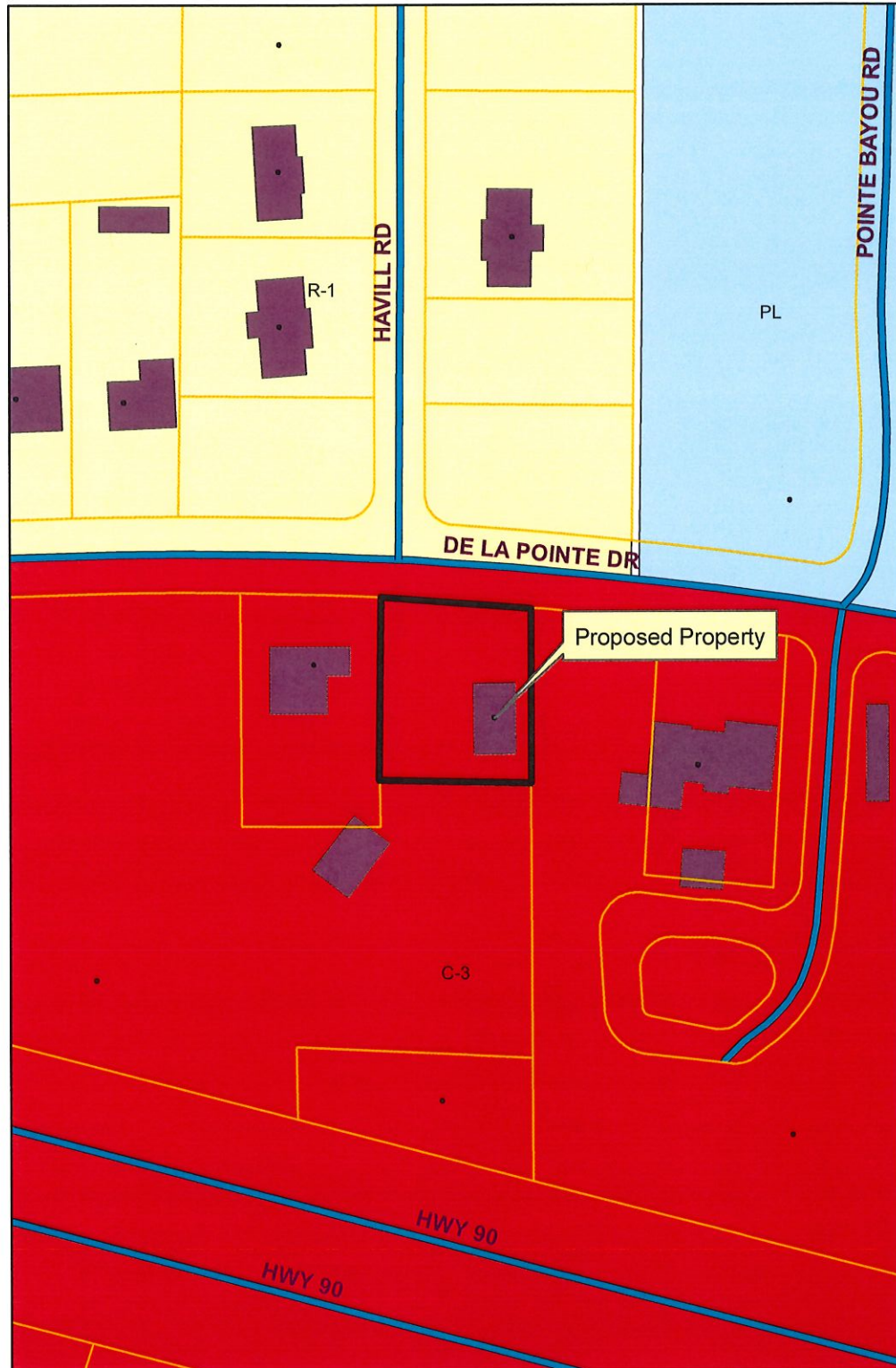


Exhibit C

Existing Land-Use

Prepared by:

City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- | | |
|--|-------------------------------------|
|  | commercial-retail |
|  | conservation |
|  | civic |
|  | industrial |
|  | marina/fish camps |
|  | high density residential |
|  | mobile home |
|  | mobile home park |
|  | medium density residential |
|  | office |
|  | recreation |
|  | very low to low density residential |
|  | utility |
|  | vacant |

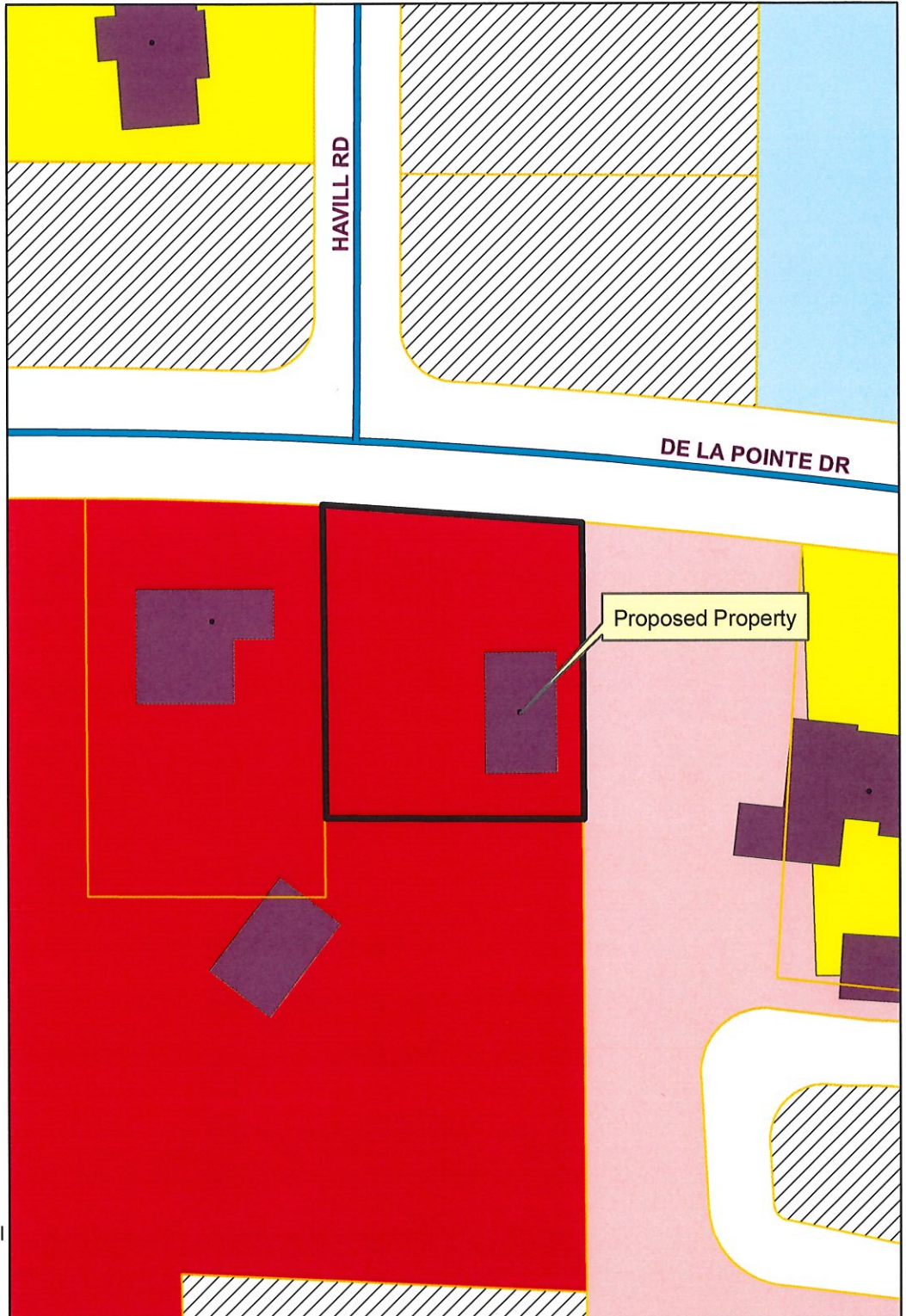


Exhibit D

Future Land-Use

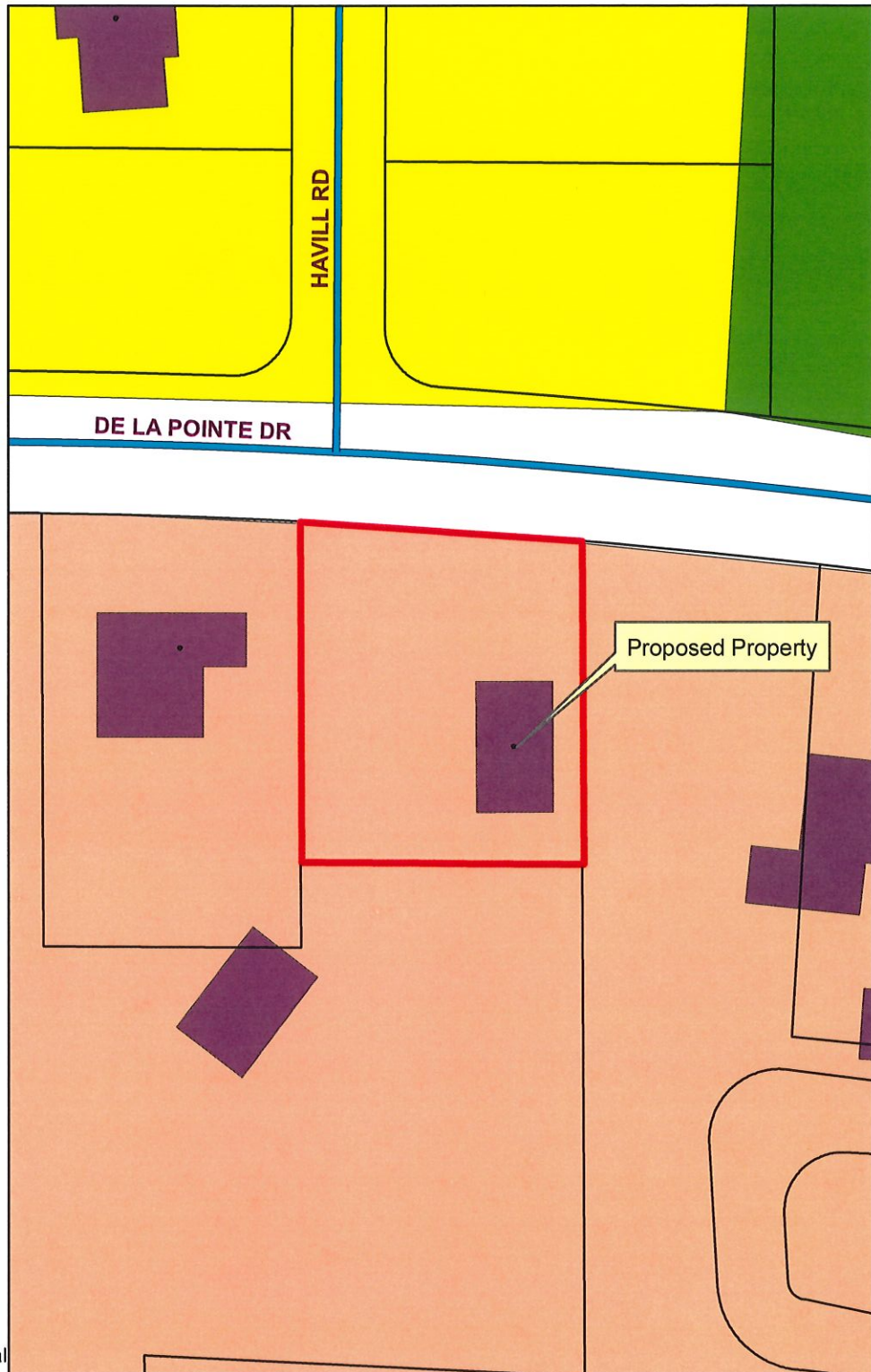
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

- Civic
- high impact commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- low impact Commercial
- Recreational
- recreational commercial
- Regional Scale Commercial
- mixed use residential
- Town Center
- Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

February 2, 2023

GPC #23-03-CU

Donna Ryan dba Dolphin Dayz

3300 Ladnier Road

VII. NEW BUSINESS

1. Consider a request for a Conditional Use-Major that would allow a Medical Cannabis Dispensary in a TCMU Town Center Mixed Use Zoning District. 3300 Ladnier Road, PID #82436055.150, (GPC #23-03-CU)

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

Planning Commission Chairman to follow procedure below. All questions/comments to be directed to the Council and not to applicant, staff, or other attendees of the meeting.

1. Chairman announces the case.
2. Chairman makes statement, "This is a Public Hearing and all statements to be made need to be true and accurate for the record."
3. Staff gives brief overview of case.
4. Applicant presents their case.
5. Anyone to speak in support of the Request? Please state your name and address for the record.
6. Anyone to speak in opposition of the Request? Please state your name and address for the record.
7. Any final comments from the applicant?
8. Questions from Commission?
9. Chairman closes public hearing – "This closes the Public Hearing portion of this case" bang of gavel
10. Motion/Deliberation/Vote

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: January 20, 2023

Subject: Consider a request for a Conditional Use-Major that would allow a Medical Cannabis Dispensary in a TCMU Town Center Mixed Use Zoning District. (GPC #23-03-CU)

REQUEST:

The Planning Department has received a request from Donna Ryan dba Dolphin Dayz for a Conditional Use-Major that would allow a Medical Cannabis Dispensary in a TCMU Town Center Mixed Use Zoning District. 3300 Ladnier Road, PID #82436055.150 (GPC #23-03-CU) The application fee of \$250 was paid on December 27, 2022. All public notice requirements have been met.

BACKGROUND:

The request property is zoned TCMU Town Center Mixed Use.

1. Location: 3300 Ladnier Road, PID #82436055.150 (See Exhibit A)
2. General features of the proposed project:
Total Area: Approximately 0.63 Acres
Existing building on property
3. Existing Zoning – TCMU Town Center Mixed Use (See Exhibit B)
4. Existing Land Use – Doctor Office
5. Comprehensive Plan Future Land Use Designation – Town Center (See Exhibit D)

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?

Applicant Response: Yes

Staff Finding: Yes. Cannabis Dispensary, Medical is listed as a Conditional Use-Major in a TCMU Town Center Mixed Use District.

2. Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.

Applicant Response: The property is located by a vacant lot to the north, west and east of the property. It is located across the street from a funeral home. There are additional businesses south of the premises that include a bar, retail establishment and a storage facility. The structure will be modified to meet state and local regulations pertaining to a Cannabis Dispensary. There is adequate parking on site for this establishment.

Staff Finding: The proposed use is allowed in a TCMU zoning district with a Major Conditional Use. Special conditions may be imposed if deemed necessary to help the proposed use be more compatible with the character of development in the vicinity.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: No. There will be no major exterior renovations or changes made to the property.

Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values or cause a detriment to the surrounding properties.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: No. The property is located on a 4 lane road to the west and a 2 lane cross street to the south. These roads are capable of handling the vehicular traffic. There is a sidewalk on the west side of property; although, anticipate little pedestrian traffic.

Staff Finding: There is no evidence that the proposed use will have any adverse effect on vehicular or pedestrian traffic.

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: Yes.

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant Response: Yes, future land use map is low impact commercial.

Staff Finding: The Comprehensive Plan calls out "Town Center" for future land use of this property.

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: No.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental, or disturbing affect to present surrounding uses.

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: Yes. The establishment will adhere to all local and state regulations.

Staff Finding: The proposed use will conform to all current district regulations.

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right

but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and condition.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major
2. Recommend that City Council approve the Conditional Use-Major with changes;
or
3. Recommend that City Council deny the Conditional Use-Major.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

GAUTIER, MISSISSIPPI
ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT

CONDITIONAL USE APPLICATION

Public Hearing Number

23-03-CL

TO BE HEARD BY GAUTIER PLANNING COMMISSION:		FEE:
Conditional Use - Major	<u>✓</u>	\$250.00
TO BE HEARD BY ECONOMIC DEVELOPMENT/PLANNING DIRECTOR:		FEE:
Conditional Use - Minor		\$250.00

Name of

Applicant: DONNA RYAN

Name of Business: DOLPHIN DAYZ Phone: _____

Property Address: 3300 LADNER RD Mailing Address (if Different): 2016 Temple Rd, Gautier

E-Mail Address: dryan4238@gmail.com

Proposed Use Requiring Conditional Use: MEDICAL CANNABIS DISPENSARY in Town Center
(Refer to Article V, UDO)

Proposed Location is: ☐ New Build ☐ Existing (with no modifications) ☒ Existing (with proposed modifications)

ATTACHMENTS REQUIRED AS APPLICABLE:

- ✓ 1. Answers to the Criteria for Approval (see attached).
- ✓ 2. Project Narrative (see attached).
- ✓ 4. Diagram of intended use (see attached).
- N/A 4. Copy of protective covenants or deed restrictions, if any.
- N/A 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- _____ 6. Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.
- ✓ 7. Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant(s): Donna Ryan Date of Application: 12/13/22

FOR OFFICE USE ONLY

Date Received 12-27-22 Verify as Complete BS/SA

Fee Amount Received 251.00 Initials of Employee Receiving Application BS

Feb. 2

I, Rick Hoover, the fee simple owner(s) of the following described property:

Address:

3300 Ladnier Rd.

Gautier, MS

Parcel ID No.:

82436055.150

hereby petition to the City of Gautier to Grant a Conditional Use Major or Minor of Medical Marijuana Dispensary (state proposed use from Article V of the Unified Development Ordinance) at the above reference property and affirm that Donna Ryan (name of agent) is hereby designated to act as agent on my behalf to accomplish the above.

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand this application; attachments and fees become part of the official records of the City of Gautier, MS, and are not returnable.

(Owner's Signature)

(Owner's Signature)

Notary Information:

The foregoing instrument was acknowledged before me this 6th day of December 20, 2022 by Rick Hoover, who is personally known to me or has produced _____ as identification and who did take an oath.

Gloria Kimsey
(Printed Name of Notary Public)

Ybria Kinsey
(Signature of Notary Public)

Commission # 107307. My commission expires 11/19
2025
(Notary's Seal)



82436055.150 HOOVER RICK D

PIDN: 82436055.150

GISP: 777.36-03-0113.00

Owner Information

Percent of Ownership: 100

Name: HOOVER RICK D

Name 2:

Mailing Address: 3300 LADNIER RD

GAUTIER MS

39553

Site Address: 3300 LADNIER RD GAUTIER

Land Information

Section: 36

Acreage: 0.63

Township: 7

Range: 7

Street Name LADNIER
RD

Value and Tax Information

Total Assessed Value: 56292

Total Appraised Value: 375278

Improvement Value: 344578

Land Value: 30700

Tax Amount: 8094

SQ FT: 5045

Year Built: 1981

Legal Description

Description: BEG NE INTERS LADNIER RD & OLD H

WY 90 N 7 DEG E 120' ELY 230' SL

Y 120' N 89 DEG W 230' TO POB DB

1215-165 (113 Map777.36-03) DB

1649-293

Deed Book / Page: 1649 / 293

7c

82436055.150 HOOVER RICK D



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

The undersigned, Matthew Bentley, whose street address is 2400 Old Spanish Trail
and having full knowledge of the distance limitations imposed by SB 2095 of 2022 MMCA, upon
a Licensed Cannabis Dispensary, do hereby approve a waiver from the distance requirements necessary
for the issuance of a Cannabis Dispensary License to DOLPHIN DAYZ whose
address is 3300 LADNIER RD. GAUTIER JACKSON
(street) (city) (county)

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

SWORN TO AND SUBSCRIBED before me, this the 2nd day of December, 2022

Stephanie A. Blocker
NOTARY PUBLIC

Matthew Bentley

My commission expires:



CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District? Yes

2. Please describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.

The property is located by a vacant lot to the north, west and east of the property. It is located across the street from a funeral home. There are additional businesses south of the premises that include a bar, retail establishment and a storage facility. The structure will be modified to meet state and local regulations pertaining to a Cannabis Dispensary. There is adequate parking onsite for this establishment.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

No. There will be no major exterior renovations or changes made to the property.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

No. The property is located on a 4 lane road to the west and a 2 lane cross street to the south. These roads are capable of handling the vehicular traffic. There is a sidewalk on the west side of property; although, anticipate little pedestrian traffic.

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Yes

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Yes, future land use map is low impact commercial.

7. Does the proposed use pose a hazardous, detriment, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

No

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Yes. The establishment will adhere to all local and state regulations.

3300 LADNIER ROAD
SECTION 36, TOWNSHIP 7 SOUTH, RANGE 7 WEST
GAUTIER, MISSISSIPPI
PARCEL #82430055 150

DEED BOOK 716, PAGE 271:
 That certain piece or parcel of land situated in the north 1/2 of the SW 1/4 of Section 36, Township 7 South, Range 7 West, Jackson County, Mississippi and more particularly described as: Commencing at the SW corner of said Section 36, and run thence N00°-02'E 1378 feet; thence S89°-30'E 700.62 feet to the NE corner of the intersection of Old Highway 90 at Ladnier Road and the point of beginning; thence N07°-53'E 120 feet; thence easterly and parallel to the north right of way line of Old Highway 90 a distance of 240 feet; thence southerly and parallel to the east right of way line of Ladnier Road a distance of 120 feet to the north right of way of Old Highway 90; thence N89°-36'W along the north right of way of Old Highway 90 a distance of 240 feet to the point of beginning. Subject to that certain easement held by Southern Bell Telephone Company recorded in Deed Book 421, Page 266, of the Jackson County Land Deed Records, and that certain easement granted by the grantor herein to Jackson County, Mississippi, for the widening of Ladnier Road.

This survey does not reflect a title search by Gary A. Durbin, P.L.S., nor should it be considered as such.

This is a Class "B" survey per "The Standards of Practice for Land Surveying in the State of Mississippi".

Bearings based on GPS Observation of the north margin of Old Spanish Trail, NAD 83, MS East Zone, convergence angle -0.130449, scale factor 0.999960.

This property is situated in Zones "X" (0.2%) and "AE-15" per FEMA Flood Insurance Rate Map, City of Gautier, Jackson County, Mississippi, Community Panel Number 28059C-0319-G, Revised: 3/16/09.

This is to CERTIFY that this plat or map and the survey on which it is based were made in accordance with "The Standards of Practice for Land Surveying in the State of Mississippi".

JOB 20943

GARY A. DURBIN, P.L.S.
PROFESSIONAL LAND SURVEYOR
 13048 RIVERWALK CIRCLE, OBERVILLE, MS. 39540
 PH. (228) 365-3632 Telexokg@aol.com

NOTE:

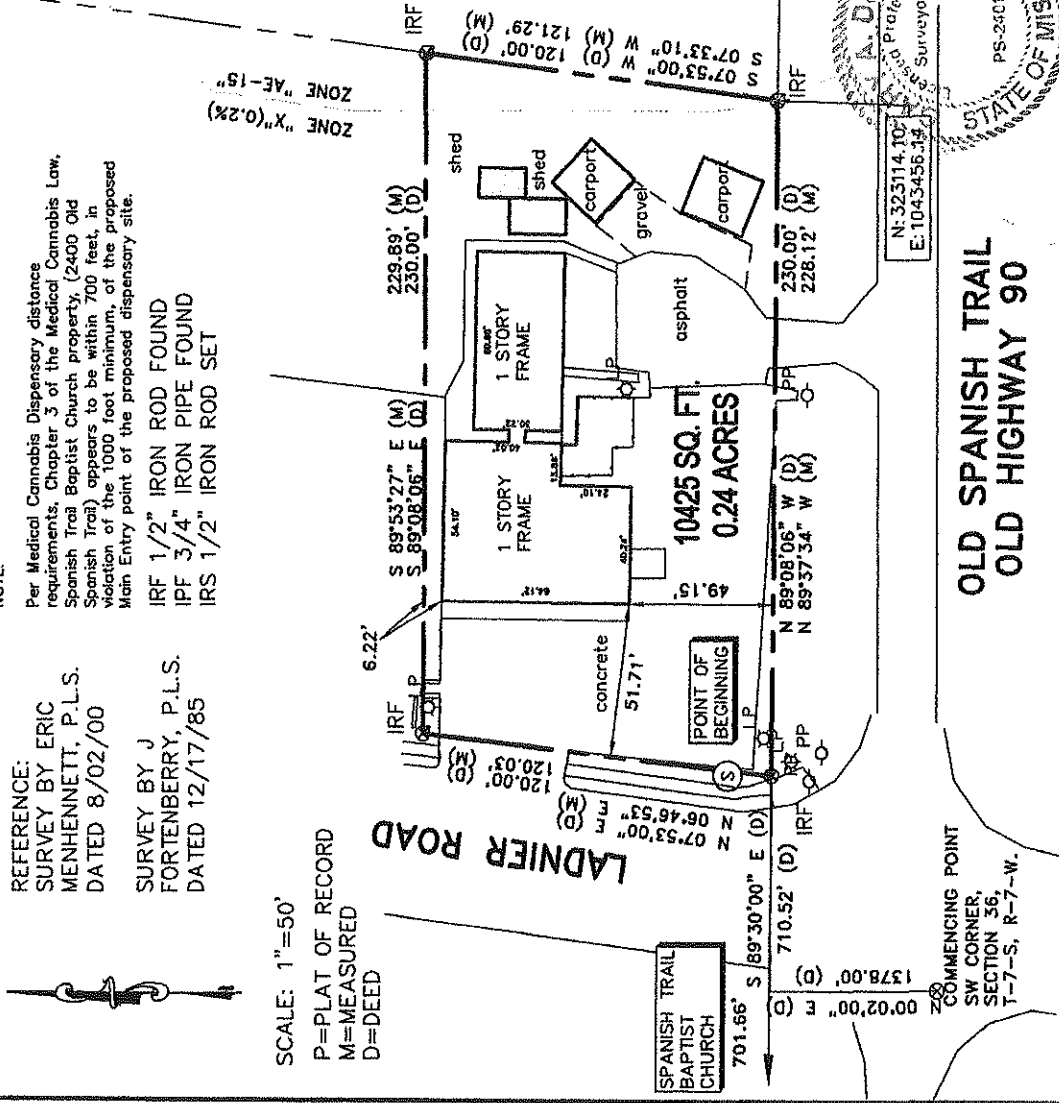
Per Medical Cannabis Dispensary distance requirements, Chapter 3 of the Medical Cannabis Law, Spanish Trail Baptist Church property, (2400 Old Spanish Trail) appears to be within 700 feet, in violation of the 1000 foot minimum, of the proposed Main Entry point of the proposed dispensary site.

IRF 1/2" IRON ROD FOUND
 IPF 3/4" IRON PIPE FOUND
 IRS 1/2" IRON ROD SET

REFERENCE:
 SURVEY BY ERIC
 MENHENNETT, P.L.S.
 DATED 8/02/00

SURVEY BY J
 FORTENBERRY, P.L.S.
 DATED 12/17/85

SCALE: 1"=50'
 P=PLAT OF RECORD
 M=MEASURED
 D=DEED



OLD SPANISH TRAIL
OLD HIGHWAY 90

Gary A. Durbin, P.L.S. 2401
 November 28, 2022

City of Gautier, MS Conditional Use Narrative - Dolphin Dayz LLC

Request: Describe the proposed project in detail. Include all types of business activities that will be conducted on-site, any outdoor storage or seating proposed, anticipated traffic, access for pick-up/delivery vehicles, proposed improvements, etc. Use the space below or provide a separate typewritten sheet of paper and attach. Staff will provide guidance as needed on additional information needed in the narrative.

Response: As an applicant for a conditional use permit in Gautier, MS to conduct operations as a medical cannabis dispensary, licensed by the State of Mississippi Dept. of Revenue; Dolphin Dayz LLC has provided a complete Conditional Use Project Narrative per the City's standards. The LLC's proposed location is 3300 Ladnier Rd, Gautier, MS 39553. Below, see a table of contents pertaining to the Narrative's structure.

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Page #11-18: Dolphin Dayz LLC Security Plan and Procedures

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Page #32-33: Dolphin Dayz LLC Drug-Free Workplace Plan

Page #33-36: Dolphin Dayz LLC Cybersecurity and IT Plan

Page #36-50: Dolphin Dayz LLC Comprehensive Regulatory Compliance Plan

Page #50-53: Dolphin Dayz LLC Recordkeeping and Reporting Plan

Page #53: Conclusion

City of Gautier, MS Conditional Use Narrative - Dolphin Dayz LLC**Introduction**

The following narrative will describe the proposed project in detail. Any proposed out-door storage or seating, anticipated traffic, access for pick-up/delivery vehicles, proposed improvements, etc.

Outdoor Storage or Seating

There will be no outdoor storage or seating at the facility.

Anticipated Traffic

As one of the first licensed dispensaries in the Gautier area, the company, upon licensure, is prepared to employ best business practices by offering a convenient and safe location to purchase medical cannabis for registered patients. Dolphin Dayz LLC will have a robust sales plan and strategically designed retail facility that will be built to service customers compassionately and efficiently and offer competitive pricing to make it affordable for patients on any type of budget. The annual average daily traffic (AADT) is the total volume of vehicle traffic on a highway or road for a year divided by 365 days. The AADT for this facility is roughly 24,000 vehicles driving past the store daily. Although there are currently 1,800 medical patients in need, this number is expected to rise exponentially over the next year, based on historical patient growth data from past U.S. states with medical programs for an extended period. With only three licensed dispensaries in all of Jackson County, MS and surrounding counties opting out of allowing medical dispensaries, we anticipate this will be a high-traffic facility.

Proposed Improvements/Access for Pickup/Delivery Vehicles

The proposed improvements to the facility will be outlined below. Note the entrances in the second diagram that will provide access for pickup and delivery vehicles and agents. The first-floor plan is the current setup. The second-floor plan listed is proposed, along with the site security specifications.

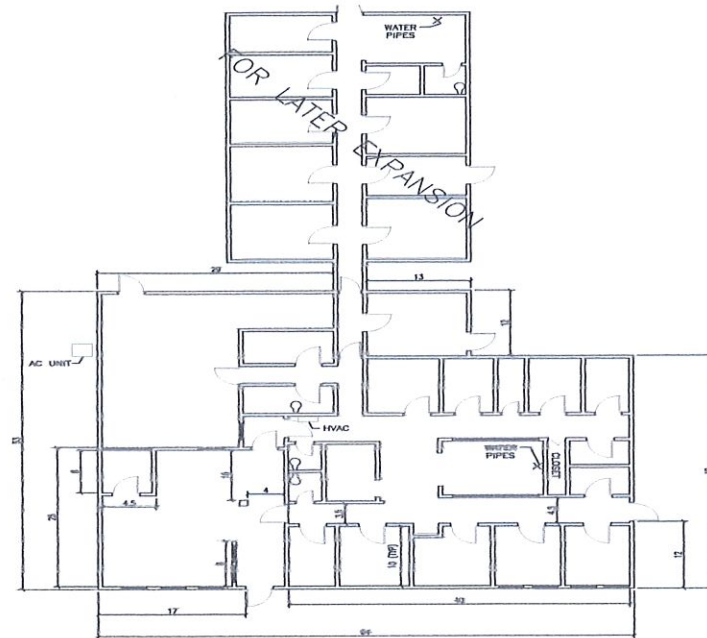
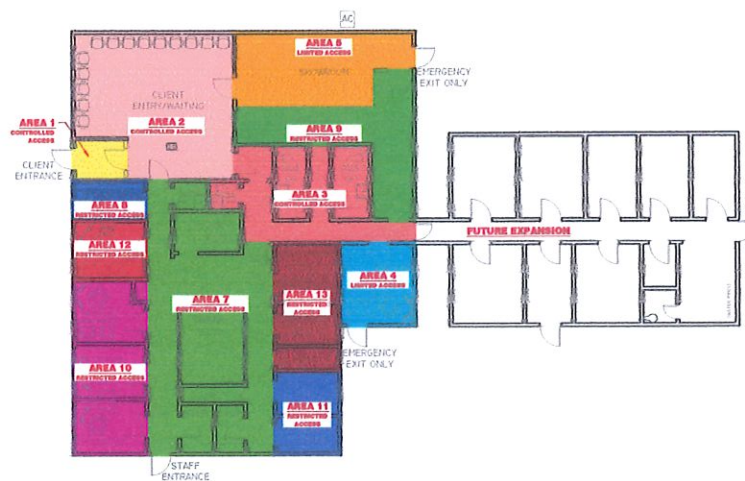


Figure #1: Current Floor Plan - 3300 Ladnier Rd, Gautier, MS 39553



 FACILITY PLAN SCALE: 1/8" = 1'-0"		 ETG SYSTEMS HIGH VALUE ASSET PROTECTION www.etgsystems.com		DISPENSARY 3300 LADNIER ROAD GAUTIER, MISSISSIPPI 39553	
SITE ACCESS AREAS		DATE: 12/18/2012 BY: [Signature] CHECKED: [Signature] APPROVED: [Signature]		AS SHOWN: 2015-2020 SCALE: 1/8" = 1'-0" SHEET: 1 OF 3 PROJECT: SS-01	
THIS DRAWING IS THE PROPERTY OF ETG SYSTEMS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO OTHER REUSE OR REPRODUCTION IS ALLOWED WITHOUT THE WRITTEN CONSENT OF ETG SYSTEMS.		SYSTEMS: ACCESS CONTROL, INTRUSION DETECTION, SURVEILLANCE		5 6 7 8 9	

Figure #2: Proposed Floor Plan and Security Plan - 3300 Ladnier Rd, Gautier, MS 39553

Proposed Project Narrative

The project involves operating a medical cannabis dispensing facility, licensed by the State of Mississippi Dept. of Health and the City of Gautier, MS, at the address: 3300 Ladnier Rd, Gautier, MS 39553. The building complies with State of Local regulations and is 5000 square feet. It is the purpose of the City of Gautier's Unified Development Ordinance to promote the health, safety and general welfare of the residents of Gautier, Mississippi (**Section 1.4.1**) which includes protecting existing neighborhoods, and preventing their decline and promoting their livability (**Section 1.4.2. J**). Dolphin Dayz LLC's location has been zoned as part of the C-3 Highway Commercial District. Per **Section 7.2 - C-3 Highway Commercial District** is intended to conduct personal and business services for the motoring public. Business types permitted to operate here include auction houses, automobile repair shops, automobile storage, truck dealership, billboards, funeral homes, hotels, motels, apartments, lumber sales, machinery sales, marine sales, mobile home sales and service, and tire sales. Conditional use per **Section 7.3** includes churches, private clubs and lodges, and daycare centers.

The property also complies with the State of Mississippi's required cannabis zoning laws. The main entrance is more than 1,000' away from K-12 schools, daycare facilities, and churches, as required by the State of Mississippi's zoning related to medical cannabis facilities. This commercial district is the most optimal area for patients to travel to receive medical products. Those with serious medical conditions may have mobility issues that lack transportation. Offering a location close to other businesses they frequent when running errands (or receiving a ride from someone else to do so) promotes the residents' health, safety, and general welfare. The company intends to create a medical cannabis facility conveniently located for the motoring public and create a meaningful relationship with the community through job creation, community revitalization, and offering medical cannabis patients products that will enhance residents' quality of life.

The requested Conditional Use will be in harmony with the purpose and intent of the City of Gautier's Unified Development Ordinance. It will not be injurious to the neighborhood or the general welfare. Dolphin Dayz LLC is not just a retail storefront. Our goal is to protect existing neighborhoods, prevent their decline, and promote their livability (**Section 1.4.2.J**) by becoming a part of the fabric of the local community and actively making efforts to better the lives of residents based on real-time feedback. We believe that 3300 Ladnier Road in Gautier is the perfect location to set forth on our mission for change. We will accomplish this by listening to the community's concerns and needs, nurturing partnerships with organizations specializing in local business and park developments, and researching, advocating, and entrepreneurship.

Dolphin Dayz LLC commits to being a responsible and environmentally sustainable company. Our company comprises corporate stewards who want to execute an ethical business strategy while staying in touch with the community's needs. We are committed to improving labor policies by encouraging fair hiring practices and locally investing in weaving our support into the fibers of the community. Our company is an advocate for diversity, equality, and inclusion and is dedicated to helping bring awareness to this issue by participating in charity events and fundraisers.

Zoning Requirements

Per **Section 7.4** setback regulations, the facility's front, and side will follow the same zoning requirements as C-1 Neighborhood Commercial District. Any front zoning setback will have a minimum of forty (40) feet. Side setbacks will have a minimum of fifteen (15) feet on one (1) side. No side yard will be required on the other side. However, the structure cannot have any windows or doors opening on the side unless there is a minimum ten (10) foot side yard setback. All structures must meet the fire code (**Section 7.4(a)**).

The rear will have the same requirements as C-2 Community Commercial District. No rear yard required; however, the structure cannot have any windows or doors opening on the rear unless there is a minimum ten-foot rear yard setback **Section 7.4(a)**. All structures must meet the fire code. Lot width will be a minimum of one hundred (100) feet. The building or will not exceed sixty (60) feet in height. Lot coverage zoning will be the same as C-2 Community Commercial District. Main and accessory buildings or structures will be limited to seventy-five (75) percent of total lot area.

Operating Hours Overview

The following overview of the company's operating hours has been taken from the employee operations manual and details the retail process from open to close.

Pre-Opening Setup

The opening staff will consist of managers, security personnel, and retail employees. Dolphin Dayz LLC will hire security personnel to provide on-site security services for the licensed retail premises during the hours of operation. They will guard the front of the building and the people who work inside it during regular hours. Security will arrive 20 minutes before the retail staff's arrival to perform a perimeter check of the building in their vehicle and look for any unusual activity outside the building or forced entry. Once this check is complete, they will escort employees into the building and review the evening recordings.

Employees will enter the building through the door closest to the designated staff parking spots. The manager will insert a company-assigned key card to enter. The security personnel and remaining employees will face the parking lot with their backs to the manager and look out for any suspicious activity. Once inside the store, security personnel will secure the locks and enter the building, where they will go into every room to check for any signs of unauthorized entry. They will review the surrounding egress and outdoor cameras for any suspicious activity during the opening process.

Once a security culture is established, the opening staff will turn on lights and displays and log in to the Point of Sale (POS) system and any necessary peripheral hardware used for retail sales. The manager will open the safe in locked limited access areas, where they will then retrieve the opening inventory and distribute it to the staff. Inventory will be counted and checked against the inventory tracking system, the POS system used for sales and inventory control, and the manual opening count done by hand and checked against both systems. The exact process will occur with opening cash drawers and the previous evening's deposit. An armed security service will collect cash deposits regularly. Any discrepancies found before then will be noted and reconciled.

The opening sales team will be given products, display products, and opening cash drawers to recount the products and cash they received. The administrative assistant will prepare the front desk, update the company's online menu, and coordinate with vendors and the delivery services department on pending orders. All staff will use nitrile gloves and industrial-grade face masks to sanitize the waiting areas, cashier stations, and any areas clients will be in direct contact with before customers enter the building.

Operating Hours

All daily operations will occur during business hours except for the opening and closing procedures. Security personnel will usher in clients and verify their identification as per state law. They will escort vendors and delivery drivers to and from the building when feasible. Clients' identification will be screened for proper certification. The admin team will check in clients, double verify their identification meets state standards, and allow electronic entry to the limited access sales area. Doors to the retail sales floor will only open once the client has been verified. The retail staff will serve customers based on their checked orders, including delivery orders. A client who orders online at a certain product will be put in the queue as if they were standing in the building. Customers will be served following all state and municipal regulations. Staff will undergo extensive retail and foundational cannabis training before interacting with clients. They will be knowledgeable and confident on the sales floor involving the different products' mechanics. The sales team will be required to sanitize their workstations after every transaction. The sales staff will also prepare pre-ordered pick-up and delivery orders. The Store Manager will assist retail staff with escalated concerns on the sales floor and coordinate shift changes and lunch breaks. They will ensure inventory and cash reconciliation, that the team performs according to SOPs, and are focused on achieving sales goals. During the downtime, the manager will create and maintain work schedules for all employees for at least two weeks in advance and compile monthly sales reports. They will communicate with vendors on supply needs, coordinate deliveries, and stay informed of products and market trends. They will perform employee evaluations quarterly that will be shared with the COO for improvement. They will write a summary of the daytime operations, including any urgent directives, and prepare for the evening store manager in any way possible before leaving.

Closing Hours

After closing the store, the staff will enter every room to check for any unauthorized access or security breaches. They will review the surrounding egress and outdoor cameras for any suspicious activity during the closing process and before exiting the building. Once a security culture is established, the closing staff will shut down lights and displays and log out of the POS system and any necessary peripheral hardware used for retail sales. The manager will open the safe and place any remaining inventory back into the locked storage area. Inventory will be counted and checked against our POS, and the manual closing count done by hand. The exact process will occur with closing cash drawers. Any discrepancies will be noted and reconciled before leaving. The closing sales team will return products, display products, and their cash drawers to management once the retail staff has completed a count of the products and cash they received. The administrative assistant will shut down the front desk. Once the final inventory is complete, they will update its online menu for the following day and leave a summary of the previous evening's operation for the morning front desk staff. All staff will use nitrile gloves and industrial-grade face masks to sanitize the waiting areas, cashier stations, and any areas clients will be in direct contact with before closing. They will leave the building from the closest door to

the designated staff parking spots. The manager will set the alarm and lock the door. At the same time, the additional employees will face the parking lot with their backs to the manager, looking for any suspicious activity. The manager will never leave the building with a cash deposit after dusk. It will be collected by an armored vehicle.

Opening and Closing the Store

Security Culture can be achieved when every team member understands the importance of safety. Opening the retail facility is a team effort where everyone must work diligently and in synergy to manifest smooth and safe operations. Practicing mindfulness in the morning is important, especially as an opening staff member. The personality you bring with you to work will help set the tone for the day. As you commute, fine-tune your awareness. Be clear-headed and alert. Finding positive things to think about helps cleanse your mind and prepare yourself for the day. Listening to music that motivates you is sometimes essential but be conscious of the volume as you approach the facility. Remember that the building you work in has a high-security clearance for a reason. A thief or robber will look for the most vulnerable facilities with the poorest security culture. Keep an eye out for strange activities while driving. This behavior would include other cars blatantly monitoring you, passengers watching you, or an overwhelming feeling of being followed.

Familiarize yourself with the cars of the other opening staff. For non-automobile commuters, communicate arriving schedules so the guard can ensure that everyone arrives safely. Make it a point to communicate how you'll be arriving if your mode of transportation is different than usual. Opening the store is a synchronized team event. Try and stay right on schedule for arrival so security guards have the appropriate time to check the building and surrounding areas and safeguard the premises before the retail staff arrives. Do not approach the building until the guard has approved entry.

The same level of awareness should be maintained while closing the facility and leaving the building. Thieves may be looking for a vulnerable staff member. If you purchased a product at the end of the day: store it in your personal belongings so it is not obvious when you leave. Try not to open the packaging until you get home. If you must travel on public transit, invest in a scent-proof bag for your flower or concentrates. Inventory and retail registers should be reconciled before staff leaves the building. Depending on the customer traffic, some evening employees may be sent home at the close of business and observed as they reach their cars by the security guard. Nonautomobile commuters will be given priority on the closing schedule based on transit schedules in the case of a split shift.

Most importantly, current or former employees commit many instances of cannabis retail crime. While the product is being counted and stored during these times, follow the instructions and SOPs you learned during training. If you see unacceptable or suspicious behavior, stay calm and contact ownership discreetly and as soon as possible. Disgruntled or unhappy employees should also be reported. They endanger disruption of the retail atmosphere, and their actions could be the symptom of a potentially dangerous situation.

Opening Procedures

- ☐ Enter the building alert and be aware of your surroundings. Always enter with other employees.
- ☐ Clock in for work.
- ☐ Start Hardware devices necessary for retail sales.
- ☐ Check the trash receptacle and floor for waste.
- ☐ Sanitize the front desk station. Wipe down all high-traffic areas with rubbing alcohol or another disinfectant.
- ☐ Turn on break room peripherals such as printers, coffee machines, etc.
- ☐ Retrieve necessary refreshments for the morning and store them where clients can not see them.
- ☐ Ask the manager if there are any new sales or updates to the menu.
- ☐ Make sure necessary supplies are stocked.
- ☐ Ask the opening sales staff/MOD if any labels need to be made.
- ☐ Review Online Menus and verify their accuracy with the manager.
- ☐ Update all social media outlets as per the instructions of the marketing team.

Closing Procedures

- Once Security/Management locks the door, it is okay to start closing up the front desk.
- Store everything in an organized and tidy manner on the desk before leaving.
- Take out the garbage, and sweep the floor.
- Sanitize all counter space and high-traffic areas with a strong disinfectant.
- Shut down, or put to sleep all the computer monitors and towers.
- Turn off all lights, fans, fixtures, and devices.
- If necessary, leave a note for the opening staff.

Company Training Overview

As per Mississippi state regulations, in addition to workplace training required by law, each license holder's owner, principal, employee, volunteer, and management services contractor staff will complete at least eight hours of ongoing training each calendar year per **Rule 6.11.2**. Per **Section 21(1)(d)(v)**, the company will provide Health and safety regulations as well (see our Emergency Action plan located on page 14 of this narrative). Each team member employed directly by the company will be required to complete a series of four training modules that will reinforce the SOPs and offer foundational knowledge necessary to perform retail tasks effectively. Behind every great brand is talent, experience, and drive, which must be skillfully managed and leveraged to the company's and staff's advantage. Good customer service is a craft. SOPs allow the company to create boundaries for safety while providing opportunities to educate the staff and the community on exemplary retail cannabis practices. Standards create a clear chain of command, reinforcing directives and molding employees to be confident in their roles. Procedures will accompany each task on the retail floor, and employees will undergo training at least two times per year. This creates a predictable work environment and allows executive management to develop the metrics necessary to aggregate and quantify data to make the company run safely and efficiently.

Attaining job licensure and successfully finishing Retail Modules I and II are both mandatory

before starting work:

RM0 Occupational Training Certification

1. The History of Cannabis Use, Prohibition, and Legalization
2. Introduction to Cultivation: Growing Regions, Plant Growth Cycles, Common Techniques and Chemotypes, and Harvesting Processes
3. Introduction to Processing
4. Packaging, Labeling, and Advertising
5. Cannabis Dependency
6. Cannabis Use and Health Education
7. Mississippi Cannabis Law

RM1 Retail Module I: Cannabis Foundational Knowledge [Understanding the Plant]

RM2 Retail Module II: Retailer Technical Knowledge [Understanding the Retail Process]

RM3 Retail Module III: Emergency Management Training [Understanding Emergency Prevention and Response]

RM4 Retail Module IV: Compliance [Understanding the Laws]

Training modules will take up to six months to complete, and all manuals will incorporate the Mississippi law referenced in the procedures listed below. The trainees will ask questions after each module section, and a written test will need to be passed to move on to the next training phase. Module testing results will be added to the employee's internal documents and trace their progress. Additional modules will be developed and offered to those interested in a management position and will need to be completed successfully to become certified for the position. Employees with documented disabilities will be given any accommodations necessary to aid in the successful completion of training.

Instead of traditional third-party cannabis training, in-house training will allow management to address internal concerns and then cater training and SOPs based on company-specific needs. SOPs will create clear rules, while training modules will reinforce internal procedures and be updated simultaneously. Additionally, ongoing dialogue and research from team members will be documented and shared with the rest of the staff by reviewing training materials with the Chief Operating Officer (COO). New volumes will be released based on recent retail trends and insights on technical knowledge.

Employee Qualifications - Background Checks

Per **Section 20(1)**, the company will conduct a background check into the criminal history of every person seeking to become a principal officer, board member, agent, volunteer, or employee before the person begins working at or for the medical cannabis establishment. The facility will not employ anyone convicted of a disqualifying felony offense or under twenty-one (21) years of age.

Conclusion

Safe, compliant operational practices are crucial to maintaining our business model and long-term goals. Dolphin Dayz LLC seeks to go well beyond maintaining just sales transactions and will actively treat each customer visit as a tailored experience as opposed to quick in-and-out

sales. We will maintain clear, coherent policies and protocols that demonstrate our operational standards to our dispensing agents during customer-facing activities and those behind restricted access areas. Ultimately, by incorporating all the methodologies described in this Operating Plan, we elevate our customer's experience to what we perceive to be the new and only acceptable standard in licensed cannabis operations.

Security Procedures

Introduction

This section will provide a plan which outlines security and safety procedures to include compliance with adopted State and local legislation. Per **Chapter 8(100)** an applicant must have a security plan that is included in its operation plan that is approved by the Department of Revenue (DOR) as part of the initial application process. This security plan will list the measures that will be taken by the dispensary to ensure that medical cannabis products are properly secured and safe. It will include information relating to surveillance systems, camera placement, door security, alarm systems, and measures taken to secure manners of egress and ingress onto the premises. The security plan will meet all requirements set forth in these regulations. The company will notify the DOR in writing of any proposed changes to a security plan and must have approval prior to implementing any change. The DOR will notify a licensee in writing whether the change is approved per **Chapter 8(101)**. Failure to comply with the terms of an approved security plan will result in disciplinary action by the DOR per **Chapter 8(103)**, therefore the following plan will be implemented through strong training on the company standard operating procedures (SOPs). Following this Safety and Security Plan is a copy of the company's Emergency Action Plan (EAP), a comprehensive overview that each team member will be required to review and practice during training.

Security Plan Requirements

Dolphin Dayz LLC's decisions regarding security culture are influenced by more than just state law. Protecting and preserving the lives of everyone who enters their permitted premises is also a crucial company obligation. Dolphin Dayz LLC has chosen the following security and surveillance features. A licensee is responsible for the security of all cannabis products on the licensed premises, providing adequate safeguards against theft or diversion of cannabis products, and records that are required to be kept per **Chapter 9(100)**. It is the corporate duty of Dolphin Dayz LLC to ensure that no security breaches occur at any of its permitted facilities. They will provide effective controls and procedures to guard against unauthorized access to the premises or the business's electronic systems, theft, and diversion of cannabis. These systems will include systems to protect recordkeeping against tampering with electronic records. To this end, Dolphin Dayz LLC's Security Plan will consist of a comprehensive suite of controls and procedures integrated with best-in-class physical and technological security infrastructures to guard against intrusions and tampering with its physical facilities and electronic systems or records. Per **Section 20(3)** the operating documents below includes procedures for the oversight of the medical cannabis establishment and procedures to ensure accurate record keeping and adequate security measures. The company will implement appropriate security measures designed to deter and prevent the theft of medical cannabis and unauthorized entrance into areas containing medical cannabis per **Section 20(4)**. All cultivation, harvesting, processing and packaging of medical cannabis will take place in an enclosed, locked and secure facility with a physical address provided to the MDOH during the licensing and registration process. The facility will be

equipped with locks and other security devices that permit access only by agents of the medical cannabis establishment, emergency personnel or adults who are twenty-one (21) years of age and older and who are accompanied by medical cannabis establishment agents **Section 20(5)**.

Plans for the Use of Security Personnel and Contractors

Advanced technological security solutions, such as video surveillance and alarm systems, do not eliminate the need for human personnel to monitor and interpret the data collected by those systems to provide the most effective security at Dolphin Dayz LLC's licensed premises. The company will employ full-time security staff during business hours. Dolphin Dayz LLC will implement appropriate security and safety measures to deter the theft of cannabis and prevent unauthorized entrance into areas containing cannabis, including the continuous presence of security staff, in addition to adequate lighting, video surveillance, and alarm systems, which will also discourage unauthorized entry, loitering, and other activity in or in the vicinity of facilities to prevent cannabis theft or diversion. On-site security officers will be contracted through a vetted third-party local security firm that is licensed.

Video Surveillance Systems

A video surveillance system will be installed to prevent the loss, theft, or diversion of cannabis and ensure proper inventory controls in the facility's interior and exterior. Dolphin Dayz LLC will contract with a licensed third-party security company, which the facility manager will oversee to ensure all aspects of the surveillance system are professionally selected and installed for maximum and uninterrupted coverage. Dolphin Dayz LLC will equip interior and exterior premises with electronic monitoring, video cameras, and panic buttons. We will ensure these systems are in working order and operating at all times. The licensed premises will have a fully operational video surveillance recording system **Chapter 11(100)**. Video surveillance equipment will consist of, at the minimum per **Chapter 11(101)**: **Chapter 11(101)(1)(a)** Digital video recorders; **Chapter 11(101)(1)(b)** Video monitors; **Chapter 11(101)(1)(c)** Digital archiving devices; **Chapter 11(101)(1)(d)** A minimum of one monitor on premises capable of viewing video; and **Chapter 11(101)(1)(e)** Interface devices, if required to adequately operate system or machinery such as a mouse and keyboard; Have the capability of producing and printing a still photograph from any camera image **Chapter 11(101)(2)**; **Chapter 11(101)(3)** Be equipped with a failure notification system that provides, within one hour, notification to an authorized representative of surveillance interruption or failure for more than 30 minutes; and **Chapter 11(101)(4)** Have sufficient battery backup to support a minimum of one hour of recording time in the event of a power outage.

In accordance with **Chapter 11(103)** the company will: In all areas where camera coverage is required, use cameras that record at a minimum resolution of HD 1080p and record at least 20 fps (frames per second) **Chapter 11(103)(1)**; Use cameras that are capable of recording in both high and low lighting conditions **Chapter 11(103)(2)**; Have and keep surveillance recordings for a minimum of 120 calendar days **Chapter 11(103)(3)**; Maintain surveillance recordings in a format that can be easily accessed for viewing and easily reproduced **Chapter 11(103)(4)**; Upon request of the Department, keep surveillance recordings for periods exceeding the retention period specified in **Chapter 11(103)(5)**; Have the date and time embedded on all surveillance recordings without significantly obscuring the picture **Chapter 11(103)(6)**; Make video surveillance records and recordings available immediately upon request to the Department in a

format specified by the Department **Chapter 11(103)(7)**; Notify the Department within 48 hours of any equipment failure or system outage lasting 30 minutes or more **Chapter 11(103)(8)**; and; Back up the video surveillance recordings off-site and in real time for the surveillance room or surveillance area **Chapter 11(103)(9)**.

Per **Chapter 11(104)** the company: May not stop the recording or continuous real time back up of the recording for a surveillance area unless all other cameras on the licensed premises are shut down under this section or in instances where maintenance must be performed on an individual camera. During such a time the area formerly under surveillance must be monitored at all times by an employee of the licensee **Chapter 11(104)(1)**. Must resume all required recording no later than the date and time specified in the notice submitted under Paragraph 104 of this section **Chapter 11(104)(2)**. May not engage in any licensed privileges in any areas where recording was stopped under this section **Chapter 11(104)(3)**.

The dispensary may stop recording in areas where cannabis and/or cannabis products are not present due to seasonal closures or prolonged periods of inactivity of at least thirty (30) days. At least 24 hours before stopping recording, the company will submit written notice to the Department. The notice must include **Chapter 11(105)**: A copy of the licensee's plot plan or diagram showing which cameras will be deactivated, the total number of cameras that will be deactivated, and a description or list of areas or applicable labels of the deactivated cameras **Chapter 11(105)(1)**; The date and time recording will stop; **Chapter 11(105)(2)**. An explanation for why recording will be stopped **Chapter 11(105)(3)**; The date and time recording will resume **Chapter 11(105)(4)**.

Video Surveillance System: Surveillance Records

All surveillance recordings will be archived for a minimum of three years or longer at the request of law enforcement to assist with the completion of any audit, inspection, or investigation. Surveillance logs will be maintained that include employees who monitor the surveillance system, remove and store surveillance data, and destroy recordings after the required archive period has expired. Surveillance data is subject to regulatory inspection and will be made available to the local Chief of Police, authorized regulatory agents, or law enforcement officers immediately upon request.

Video Surveillance System: System Backup

A video surveillance system will be installed and operated to monitor all critical control activities of the cannabis business and will be in working order and operating at all times This system shall be approved by the State before license issuance. The aforementioned video cameras and data storage devices will be equipped with a failure notification so that any problem with recording or data storage can be immediately addressed to ensure a complete archive of required footage. Surveillance system cameras and recording equipment will be installed on a network with a transmission control protocol (TCP) so that real-time live footage can be remotely accessed through the Internet by the local Chief of Police and other local or state law enforcement upon request. The original tapes or digital pictures produced by this system shall be stored in a safe place with a 30-day archive.

Camera Placement

The company will not engage in any privileges of the license in an area that does not have camera coverage as required by law or in an area where camera coverage has been stopped, including but not limited to possessing, storing, transferring, or receiving cannabis products **Chapter 11(106)**. Per **Chapter 11(102)** The dispensary will have cameras that continuously record, 24 hours a day in all areas where cannabis products may be present, including but not limited to point of sales areas, on the licensed premises; **Chapter 11(102)(3)** All areas in which the dispensary provides parking for cardholders; **Chapter 11(102)(4)** All areas in which the dispensary receives medical cannabis products from a third party or loads up medical cannabis products for transportation to a third party.

Door Security

Per **Chapter 9(101)** the facility will ensure that commercial grade, non-residential door locks are installed on every external door, and gate if applicable, of a licensed premises where cannabis products are present.

Alarm Systems

The dispensary will have a fully operational security alarm system, activated at all times when the dispensary is closed for business per **Chapter 10(100)**. The security alarm system for the licensed premises must be able to detect unauthorized entry onto the licensed premises and unauthorized activity within any limited access area where cannabis and/or cannabis products are present; and be programmed to notify the licensee, licensee representative or authorized personnel and, unless properly deactivated by user, local law enforcement in the event of an unauthorized entry **Chapter 10(101)**. Upon request, a dispensary shall make all information related to security alarm systems, monitoring and alarm activity available to the Department **Chapter 10(103)**.

To protect against theft and intrusions, Dolphin Dayz LLC ensures that a suitable safety and security alarm system is installed, monitored, and maintained at its premises by a licensed alarm company, even in the event of a power outage. Specific features of the alarm system will meet or exceed the alarm specification requirements. A central monitoring station will monitor the alarm and video surveillance systems, which will include verification processes to limit false alarms and unnecessary police responses. An unlawful security breach, an alarm, or a system failure will trigger an instant automated or electronic notification that will alert Dolphin Dayz LLC and State or local police authorities. If electrical support is lost, a backup system will activate immediately and automatically notify State or local police authorities of the loss of electrical support.

Motion detectors, door status sensors, and glass-break detectors, as applicable, will be instituted for the following areas: areas of ingress and egress, including exterior doors and windows, emergency exits, and loading bays; rooms with exterior walls; mechanical air ventilation systems entrances; limited-access areas; and cannabis storage areas. There will be passive infrared sensors that detect intruders via body heat. An in-building intercom system will allow for audible notification of weather hazards, lockdown situations, and other potential threats. Conducting maintenance inspections and tests of the security alarm system will take place at the cannabis business's authorized location at intervals not to exceed 30 days from the previous inspection. The team will conduct maintenance inspections and tests of the security alarm system at the cannabis business's authorized location at intervals not to exceed 30 days from the previous

inspection and test and promptly implement all necessary repairs to ensure the proper operation of the alarm system test and promptly implement all necessary repairs to ensure the proper operation of the alarm system. Site-wide alarm types will automatically alert law enforcement, including silent duress alarms near key points such as entrance, egress, and staff congregation, and panic buttons for life-threatening or emergencies. Additionally, the above alternative security measures will be implemented until the alarm system function can be fully restored.

Cybersecurity Procedures: Digital security systems will be designed to protect against theft and diversion of cannabis, including the integrity of electronic systems and information. To ensure the digital safety of operational data, the facility will have multiple information technology (IT) systems and policies in place, including but not limited to utilizing a network firewall blocking all incoming, unauthorized connections from the internet; antivirus software will be mandated for any operational servers and client computers, wireless networks will be password protected and access restricted to authorized users, all networks related to security systems will be segmented with limited access controls put in place to limit authorized users. All computers will have unique identification and must be a part of the facility's IT domain. Every employee will have a unique login credential that will automatically expire and require updating regularly, and all stored data will be encrypted using SHA 256-bit encryption keys. The network infrastructure will be fully managed, allowing for precise control of network resources, and website(s) will require age verification to access the site. Access to email, proprietary company information and the physical facility will be removed within 24hrs of an owner, officer, manager, or employee separating from the company. All software will include validated data trail systems to identify personnel making changes and will include a date and time stamp.

Securing Ingress and Egress onto the Premises

Per **Chapter 9(102)** During all hours when the company is not operating, they will ensure that: All points of ingress and egress on the licensed premises are securely locked and any keys or key codes to the enclosed area remain in the possession of the licensee, licensee representative, or authorized personnel **Chapter 9(102)(1)**; and all cannabis products on a dispensary's premises are kept in a locked, secured location or enclosure within any area such that cannabis products are not visible from any area outside the licensed premises **Chapter 9(102)(2)**. **Chapter 11(102)(2)** All points of ingress and egress to and from areas where cannabis products may be present as well as any entrance or exit door from the premises will be secured with cameras (see video surveillance section above).

Workplace Safety Plans/Understanding Occupational Safety and Health Administration (OSHA) Plans: Our SOPs are primarily established by the framework provided by OSHA, which has been proven effective through various safety plan studies. OSHA has developed a framework for maintaining safe practice standards within any given operation. These standards help promote safety and accountability on all ends of the process. Every core element is established to coordinate OSHA safety protocols to better the employees, the products, and consumers. The following essential elements are part of Dolphin Dayz LLC's safety plan, including a policy and procedure for employees to report injuries, illnesses, close calls/near misses, and other safety and health concerns. Each report will be responded to promptly, and reports may be submitted anonymously to reduce potential fear of reprisal. A hazard analysis will be conducted throughout the facility to collect, organize, and identify types of hazards

present, particularly those that employees may be exposed to. This will include a review of all manufacturer's protocols for equipment and supplies and including key elements in all SOPs. A job hazard analysis (JHA) for each cultivation position will be conducted to identify and evaluate the hazards and risks employees may have been exposed to. The JHA will follow OSHA protocols and require continual employee evaluation to ensure proper safety protocols are in place. NIOSH publications, engineering reports, industry standards, safety data sheets, and other relevant materials will be reviewed to identify any additional hazards that may be present and could affect employee, visitor, and product safety. All employees must read and acknowledge all SOPs before beginning work. Equipment demonstrations will be given, and employees will be required to demonstrate competency in the procedure, including knowledge of necessary procedures, before being permitted to work independently. Employees will be encouraged to attend training classes, either conducted internally or externally, provided by equipment manufacturers to further understand the equipment and its operating functions. Employee training records will be reviewed annually to ensure that all training is up-to-date. Employees whose performance does not meet Dolphin Dayz LLC standards will be required to repeat training and capability demonstrations. SOPs will also be reviewed annually, and updated as needed, to ensure the most current procedures are being followed. Injuries, illnesses, accidents, and near misses will be logged and tracked to reduce repeat instances. Workers who may be exposed to hazardous chemicals will wear monitoring devices to track exposure. The use of monitoring devices will follow all OSHA standards.

Plans for Storing Cannabis: Safes, Vaults, and Climate Control: Facility storage policies are designed to ensure all cannabis and cash or currency are protected from diversion, theft, loss, and degradations. Secure storage for cannabis inventory and currency will be located in limited access areas, including refrigeration for perishable cannabis products. Secured storage areas will be secured with limited access protocols and climate-controlled to prevent product degradation. Air intake to the facility and storage areas will be filtered to avoid the intrusion of pests that may cause product deterioration. All currency and cannabis, including quarantine and waste cannabis, will be kept in a steel safe or vault with an Underwriters Laboratory (UL) Group 1 rating. Vaults and safes will have doors secured by an outside combination lock and pin code and will only be accessible by identified Type 1 Key Employees. Safes will be bolted or cemented to the floor or wall so they can't be readily removed. Vaults and safes will be secured with a commercial grade combination pin code reader for authorized personnel to enter. The combination will be changed at irregular intervals not to exceed 90 days. A log of all safe/vault entries and code changes will be maintained with the security records. Designated storage areas for cannabis, including separated areas for in-process materials and waste, will be located in limited access areas to prevent cross-contamination and product diversion. Dolphin Dayz LLC will strictly limit the number of individuals accessing cannabis storage areas to the minimum number necessary.

Storage areas will be maintained in a clean and orderly condition, be free of infestation by pests or vermin, and have adequate lighting, ventilation, temperature, sanitation, humidity, space, equipment, and security conditions to ensure safety and quality of stored cannabis. Cannabis will be stored in containers that are non-reactive and non-absorptive and that are located off of the floor. Storage areas will have automatic lighting that turns on when employees are present but is otherwise turned off to limit product exposure to light and reduce energy consumption. Cannabis storage areas will also be climate controlled to ensure adequate ventilation, limit daily

temperature fluctuations, and maintain ideal humidity levels to protect the product quality and prevent mold growth. Storage climate will be controlled by an automated control system for the facility's HVAC system. .

Diversion Prevention Plan: Preventative measures protect Dolphin Dayz LLC's most essential assets: those working there. As a preventative strategy, cannabis diversion will be managed by implementing proper inventory control. The first step toward preventing diversion involves a strong inventory control system that is audited and maintained regularly. Dolphin Dayz LLC will conduct a comprehensive inventory of all cannabis at its facility. After that, comprehensive inventory audits will be conducted without notice and before, during, and after an investigation. Such comprehensive inventories will account for all cannabis on hand in possession of the facility, including damaged, defective, expired, or adulterated cannabis awaiting disposal. During ongoing operations, inventory audits will be conducted periodically, no less frequently than once per month, to account for all stored, usable, and unusable cannabis. Such audits will reconcile physical cannabis inventory with the inventory recorded.

Emergency Management Plan: As part of Dolphin Dayz LLC's commitment to ensuring a safe and compliant atmosphere on-premise, a multi-faceted emergency management plan will be established to cover a wide range of situations that necessitate preliminary training procedures in place. Due to page length limitations, Dolphin Dayz LLC has outlined only a small selection of plans that help the organization establish guidelines for intercompany safety. Employees will undergo additional safety training, including Active Shooter Awareness training by the US Department of Homeland Security, CPR training by the American Heart Association, Heimlich video training by Heimlich Heroes, and the Cardiac Emergency Response Plan by the American Heart Association. They will be required to read OSHA's Workplace Violence Factbook. They must complete the CDC's Late Night Workplace Violence Prevention (when applicable) and Workplace Homicide Prevention online training programs. The fire safety and prevention plan below offers a proactive approach to preventing tragedies and loss of assets through facility design and specialized employee training. With environmental changes becoming more volatile and the current political climate creating tension and uncertainty, a comprehensive series of Disaster Plans will be implemented to prepare staff for anything from a natural disaster to an active shooter.

Fire Safety Plan: Dolphin Dayz LLC facilities will be constructed to meet or exceed the requirements of state and local fire codes, building codes, and other applicable building standards and codes to ensure the facility will pass inspection by the Fire Chief to obtain and maintain an occupancy permit. All emergency alert systems will possess a visual and audible alarm to alert employees and visitors of an emergency.

Fire Prevention Plan (FPP): All employees will receive training on the facility Fire Prevention Plan (FPP), designed to provide employees with information and guidelines that will assist them in recognizing, reporting, and controlling fire hazards. The FPP serves to reduce the risk of fires by identifying materials that are potential fire hazards and their proper handling and storage procedures; Distinguishing potential ignition sources and the appropriate control procedures of those materials; Describing fire protection equipment and systems used to control fire hazards; Identifying persons responsible for maintaining the equipment and systems installed to prevent

or control ignition of fires; Identifying persons accountable for the control and accumulation of flammable or combustible material; Providing training to employees about fire hazards to which they may be exposed. The FPP will help the facility eliminate the causes of fire, prevent loss of life and property by fire, and comply with state and local standards on fire prevention.

Dolphin Dayz LLC will also work with the local Fire Marshal to provide training demonstrations on the proper use of fire extinguishers and conduct fire drills so that employees become familiar with exit routes. Primary and secondary meeting points will be established, and team leads will be identified as responsible for directing employees and visitors out of the facility and to meeting points and taking attendance of those present to determine if any person is missing.

Disaster Plan (DP): The facility will develop policies and procedures for each facility that will describe procedures for the receipt, security, storage, inventory, distribution of cannabis, recalls, receipt of complaints or reports of adverse events, responding to emergencies, including medical emergencies, robberies, or other crimes and acts of violence, and situations that constitute a local, state, or national emergency. Training on the DP will ensure all employees can recognize, report, and respond to emergencies and know where to find emergency exits, evacuation routes, and muster points. A copy of the DP will be provided to emergency responders such as the police and fire departments. Information contained in the plan will include the location of emergency and fire exits, which will also be clearly labeled and posted throughout the facility and will consist of evacuation routes, designated safe rooms, and muster points where employees can be accounted for and wait for first responders in case of an emergency, the use of the KNOX-BOX Rapid Entry System safe box, which provides first responders with a means to retrieve building keys or other means of access to prevent the need for forced entry when the building is locked during an emergency, and the location of hazardous materials at the facility, including flammable materials and potential ignition sources including NFPA 704 rated signage.

Reporting Adverse Events: Dolphin Dayz LLC will be following adverse event protocols, including procedures that will be followed in the event of a recalled product, including submission, notification, investigation, and follow-up instructions.

Conclusion

The essential asset for Dolphin Dayz LLC to protect is their employees and the consumers who will enjoy their products. Strong standard operating procedures, well-trained staff prepared for various emergencies, and a strong security culture throughout the facility's design ensure the safety of everyone involved. These standards allow the company to fulfill its corporate duty to create a secure business model. The following plan below will focus on the safety of employees and staff.

Emergency Action Plan (EAP)

Dolphin Dayz LLC has established this Emergency Action Plan (EAP) to protect its employees and business in the event of an emergency. Additionally, as per Section 5(a)(1) of the OSH Act of 1970, the company will provide a workplace free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees and will comply with occupational safety and health standards promulgated under this Act. Employees must comply

with all applicable safety and health standards, rules, regulations, and orders, including company procedures and safe work practices. Dolphin Dayz LLC will maintain a written copy of this plan at each facility for employees to review; facilities with ten or fewer employees may communicate this plan orally.

This plan will include, at a minimum, procedures for reporting emergencies, and emergency evacuations, including exit route assignments, critical operations before evacuating and accounting for personnel after an evacuation. Also, it will identify the individuals to contact for more information about the plan. The company will designate and train employees to assist others in ensuring a safe and orderly evacuation. Dolphin Dayz LLC will review this EAP with each affected employee; when the plan is developed or the employee is assigned initially to a job, their responsibilities under this plan change, and when the plan is changed.

Assignment of Responsibility

Dolphin Dayz LLC has designated the Chief Operations Officer to manage its EAP. They will also be responsible for maintaining all training records about this plan and scheduling routine tests of the emergency notification system with the appropriate authorities. Furthermore, the Emergency Plan Manager will be responsible for coordinating with local public resources, such as the fire department and emergency medical personnel, to ensure that they are prepared to respond as outlined in this plan, including allowing emergency responders to walk through the facility to familiarize themselves with the layout of the structures, types, and volume of hazardous chemical storage. Other hazards they may encounter when responding. This EAP will include feedback from emergency responders.

Employees of Dolphin Dayz LLC will be responsible for knowing the procedures outlined in this plan and appropriately acting upon them. Before an emergency, employees will become familiar with the contents of the company's EAP, who to report emergencies to, the designated evacuation routes, and the assigned meeting locations. Employees must assist the Emergency Response Team if requested, follow instructions on how and when to evacuate, report any emergencies such as a bomb threat or threats of violence to their supervisor immediately, and report immediately to their designated meeting location after evacuating the facility.

Employee Alarm Systems

Dolphin Dayz LLC's emergency employee alarms will be installed, maintained, tested, and inspected in accordance with **29 CFR §1910.165**. The company ensures that employee alarm systems will provide warning for necessary emergency action as called for in the EAP, or for reaction time for the safe escape of employees from the workplace or the immediate work area, or both **29 CFR §1910.165(b)(1)**. Additionally, the alarm will be capable of being perceived above ambient noise or light levels by all employees in the affected portions of the workplace. Tactile devices will be used to alert those employees who would not otherwise be able to recognize the audible or visual alarm **29 CFR §1910.165(b)(2)**. Dolphin Dayz LLC ensures that the alarm will be distinctive and recognizable as a signal to evacuate the work area or to perform actions designated under the EAP **29 CFR §1910.165(b)(3)**.

In accordance with **29 CFR §1910.165(b)(4)**, employees will be notified of the preferred means of reporting emergencies, such as manual pull box alarms, public address systems, radio, or

telephones. The company will post emergency numbers near telephones, employee notice boards, and other conspicuous locations when telephones serve to report emergencies. Where a communication system also serves as the employee alarm system, all emergency messages will have priority over all non-emergency messages. Also, the company will ensure that all devices, components, combinations of devices, or systems constructed and installed to comply with this standard are approved. Steam whistles, air horns, strobe lights or similar lighting devices, or tactile devices meeting the requirements of this section are considered to meet this requirement for approval **29 CFR §1910.165(b)(5)**.

As stated in **29 CFR §1910.165(c)(1)**, Dolphin Dayz LLC ensures that all devices, components, combinations of devices, or systems constructed and installed are approved and comply with **29 CFR §1910.165**; this includes all steam whistles, air horns, strobe lights or similar lighting devices, and tactile devices. In addition, as per **29 CFR §1910.165(c)(2)**, all employee alarm systems will be restored to normal operating conditions as promptly as possible after each test or alarm. Spare alarm devices and components subject to wear or destruction will be available in sufficient quantities and locations for prompt restoration of the system.

Dolphin Dayz LLC also ensures that all employee alarm systems are maintained in operating condition except when undergoing repairs or maintenance **29 CFR §1910.165(d)(1)**. Non-supervised employee alarm systems will be tested for reliability and adequacy at least every two months. A different actuation device will be used in each test of a multi-actuation device system. No individual device is used for two consecutive tests **29 CFR §1910.165(d)(2)**.

The company will maintain or replace power supplies as often as is necessary to assure a fully operational condition. Back-up means of alarm, such as employee runners or telephones, will be provided when systems are out of service **29 CFR §1910.165(d)(3)**. Additionally, any employee alarm circuitry installed after January 1, 1981, which is capable of being supervised, is supervised, and it will provide positive notification to assigned personnel whenever a deficiency exists in the system. All supervised employee alarm systems will be tested at least annually for reliability and adequacy **29 CFR §1910.165(d)(4)**. All servicing, maintenance, and testing of employee alarms will be done by a person trained in the designed operation and functions necessary for the reliable and safe operation of the system **29 CFR §1910.165(d)(5)**.

As stated in **29 CFR §1910.165(e)**, all manually operated actuation devices in conjunction with employee alarms are unobstructed, conspicuous, and readily accessible.

Exit Routes and Emergency Planning

Dolphin Dayz LLC's EAP will include exit routes that meet the design and construction requirements of **29 CFR §1910.36(a)**, which include, each exit route will be a permanent part of the workplace **29 CFR §1910.36(a)(1)**; construction materials used to separate an exit from other parts of the workplace will have a one-hour fire resistance-rating if the exit connects three or fewer stories and a two-hour fire resistance-rating if the exit connects four or more stories **29 CFR §1910.36(a)(2)**; and that an exit is permitted to have only those openings necessary to allow access to the exit from occupied areas of the workplace, or to the exit discharge. An opening into an exit will be protected by a self-closing fire door that remains closed or automatically closes in an emergency upon the sounding of a fire alarm or employee alarm

system. Each fire door, including its frame and hardware, will be listed or approved by a nationally recognized testing laboratory 29 CFR §1910.36(a)(3).

Dolphin Dayz LLC ensures that all exit routes will comply with 29 CFR §1910.37. Additionally, as stated in 29 CFR §1910.37(b)(1), each exit route will be adequately lighted so that an employee with normal vision can see along the exit route, clearly visible and marked by a sign reading "Exit" 29 CFR §1910.37(b)(2), be free of decorations or signs that obscure the visibility of the exit route door 29 CFR §1910.37(b)(3). Signs will be posted indicating the direction of travel to the nearest exit if the direction of travel is not apparent 29 CFR §1910.37(b)(4) and doorways or passageways, that could be mistaken for an exit, will be marked "Not an Exit" or similar designation 29 CFR §1910.37(b)(5). The company will ensure that each exit sign will be illuminated in accordance with the requirements of 29 CFR §1910.37(b)(6) and in lettering that complies with the requirements of 29 CFR §1910.37(b)(7). Employees will not occupy a workplace during construction, repairs, or alterations until the exit routes are completed, and adequate fire protection is available.

Evacuation Wardens: The company will designate "evacuation wardens" responsible for assisting individuals from danger to safe areas during an emergency. Evacuation wardens will check offices, bathrooms, and other spaces before being the last person to exit an area. The company will provide such persons with the appropriate training, including the facility's layout, various evacuation routes, the buddy system, and any hazardous areas to avoid. Visitors will be required to sign in to ensure they are accounted for in the event of an evacuation.

Assembly Areas: Dolphin Dayz LLC will designate areas for employees to gather after evacuating. Inside assembly areas will have sufficient space to accommodate the capacity of each area. Outside assembly areas will be utilized when the building is partially or completely evacuated, located within an open area away from highly populated areas. Each designated evacuation warden will conduct a headcount and provide the name and last known location of individuals that cannot be accounted for to the appropriate supervisor.

Shelter-in-Place

Dolphin Dayz LLC defines shelter-in-place as taking refuge in an interior room or rooms within its facility, preferably one with no or few windows. Employees will be provided training to understand the importance of deciding whether to stay in place or move to another location. The company will establish a means of alerting employees to shelter in place; this alert will be easily distinguishable. They will also communicate the importance of checking televisions, radios, and the internet for information or official instructions as they become available. Dolphin Dayz LLC will conduct shelter-in-place drills on a regularly scheduled basis and maintain a sufficient stock of battery-operated radios, flashlights, and first aid kits.

Employees will be aware of the company's shelter-in-place procedures, which include, shutting and locking all windows and doors; turning off all air circulation systems; going to the designated rooms for refuge, sealing all windows, air vents, and doorways; turning on any available television or radio; waiting for instructions that everything is clear.

Shelter-in-Place for Hazardous Incidents: In the event where hazardous materials, including chemical, biological or radiological, are potentially released into the atmosphere, whether accidentally or intentionally, employees will be instructed to take refuge in rooms with no

windows that are open or can open and with little to no ventilation. Individuals who cannot move will be instructed to close any open doors.

Shelter-in-Place for Persons Deemed a Threat: In the event that a person is deemed to be a threat, employees will be instructed to stay in the room they are in and lock the doors and cover any windows. Additionally, employees will encourage others to remain calm, stay where they are, and only come out when directed by a recognized authority. Any suspicious activity or foreign odor will be immediately reported to the appropriate supervisor.

Shelter-in-Place for Extreme Weather: In the event of extreme weather conditions, such as a hurricane or tornado, employees will be instructed to move to an interior room with no windows, or a hallway on the lowest floor possible; stairwells will be utilized if all rooms have windows. They will also be instructed to stay in the center of the room and remain in place until the threat has passed.

Basic First Aid

Dolphin Dayz LLC ensures that there will be an adequately trained person to render first aid in the event an infirmary, clinic, or hospital, which is used to treat all injured employees, is not in near proximity to the facility, which is used to treat all injured employees **29 CFR §1910.151(b)**; also, adequate first aid supplies will be readily available. As stated in **29 CFR §1910.151(c)**, facilities for drenching or flushing the eyes and body will be provided for immediate emergency use in areas where the eyes or body of an employee are exposed to injurious corrosive materials.

First aid kits will comply with **Table 1: American National Standard (ANSI) Z308.1-1998 "Minimum Requirements for Workplace First-aid Kits."** Dolphin Dayz LLC will ensure that if it is reasonably anticipated employees may be exposed to blood or other potentially infectious materials, first aid kits will comply with provisions of the Occupational Exposure to Bloodborne Pathogens Standard, CFR 29 §1910.1030(d)(3).

Item	Minimum Quantity		Minimum Size/Volume
	Class A Kits	Class B Kits	
Adhesive Bandage	16	50	1 X 3 in.
Adhesive Tape	1	2	2.5 yd. (total)
Antibiotic Application	10	25	1/57 oz.
Antiseptic	10	50	1/57 oz
Breathing Barrier	1	1	
Burn Dressing (Gel Soaked)	1	2	4 X 4 in.
Burn Treatment	10	25	1/32 oz.
Cold Pack	1	2	4 X 5 in.
Eye Covering (with means of Attachment)	2	2	2.9 sq. in.
Eye/Skin Wash	1 fl. oz. total	4 fl. oz. total	
First Aid Guide	1	1	NIA
Hand Sanitizer	6	10	1/32 oz.

Medical Exam Gloves	2 pair	4 pair	NIA
Roller Bandage (2inch)	1	2	2 in. X 4 yd.
Roller Bandage (4inch)	0	1	4 in. x 4 yd.
Scissors	1	1	N/A
Splint	0	1	4.0 X 24in.
Sterile Pad	2	4	3 X 3 in.
Tourniquet	0	1	1 in.(width)
Trauma Pad	2	4	5 X 9 in.
Triangular Bandage	1	2	40x40x56 in.

Table 1: American National Standard (ANSI) Z308.1-1998 "Minimum Requirements for Workplace First-aid Kits."

Employees designated by Dolphin Dayz LLC to provide emergency care to an individual in the event of an injury, will be trained in cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) use. Such training will be, at minimum, equivalent to the American Heart Association (AHA) Heartsaver AED standards and the American Safety and Health Institute (ASHI) standards. Once notified of an emergency, the designated responder will contact the appropriate local emergency department and provide the operator with the facility's address, type of emergency, and contact information.

If an individual not employed by Dolphin Dayz LLC is injured, first aid supplies will be provided. Additionally, only a designated emergency responder who has completed the appropriate training will provide any necessary first aid; the local emergency department will be contacted if treatment beyond basic first aid is required.

Hurricane/Tropical Storm

Dolphin Dayz LLC understands the devastation a hurricane/tropical storm can have on its business. This section will outline the company's procedures before, during, and after a hurricane/tropical storm.

Preparing for a Hurricane/Tropical Storm: Dolphin Dayz LLC will take various precautions to minimize the impact a hurricane will have on its business and ensure its employees' safety and health. Staying up to date on the weather is essential during hurricane season, from early June through late November. Furthermore, the company will communicate the different warnings and watches to its employees, as defined by the National Weather Service (NWS); these include:

Tropical Storm Watch: This is issued when Tropical Storm conditions include winds of 39-73 mph and pose a possible threat within 48 hours.

Tropical Storm Warning: This is issued when the conditions of a Tropical Storm Watch are expected within 36 hours or less.

Hurricane Watch: This is issued when sustained winds of 74 mph or higher are possible and issued 48 hours before tropical-storm-force winds arrive.

Hurricane Warning: This is issued when the conditions of a Hurricane Watch are expected within 36 hours in advance of the onset of tropical-storm-force winds.

Additionally, they will review and revise, if needed, its shelter-in-place procedures, ensure that all first aid kits are adequately stocked, and communicate the company's emergency evacuation plan to its employees. The company will maintain backups of vital records and documentation on a secure cloud base server or in a secure location offsite. They will conduct a worksite inspection regularly to ensure that drains and gutters are free of debris and functioning properly and that heavy equipment such as air conditioning units and exhaust vents are anchored and securely fastened.

If the region that the company is operating in receives a watch or warning. In that case, it will move all essential equipment and inventory to higher storage locations to minimize any potential damages or losses. Non-critical devices, such as computers, point-of-sale systems, and other electrical equipment will be turned off and covered with plastic tarps.

During a Hurricane/Tropical Storm: Employees of Dolphin Dayz LLC will remain in designated areas and rooms free from windows and glass. If possible, designated personnel with adequate training will patrol the facility and record any structural deficiencies caused by the storm. Weather updates via television, radio, or the internet will be continuously monitored for emergency alerts and to stay informed on the storm's progress.

Recovering from a Hurricane/Tropical Storm: Once the region is declared safe, a designated person will ensure the storm has passed. The company will conduct a damage assessment of the facility. This will include contacting the appropriate insurance companies, capturing damages through photos and videos, taking a detailed inventory of products and equipment, separating any damaged property, ensuring adequate security measures, and contacting any partnering contractors to start repairs.

Flooding

Introduction: Dolphin Dayz LLC has established these safe work practices and procedures to ensure the safety and health of its employees and business in the event of a flood. These measures will assist in minimizing any potential product or equipment loss and enable the company to return to normal operations quicker.

Responsibilities: Dolphin Dayz LLC will provide employees with, at minimum, general awareness training, including the company's emergency procedures and evacuation plan in the event of a flood. The company has designated the CEO to be responsible for implementing these procedures and will review and revise them as necessary. Each employee will be designated with a role and informed of the responsibilities of that role.

Planning for a Flood: Facilities located in a region that is prone to flooding will contact the local flood management authorities to determine any factors that may encourage flooding. Additionally, the company will measure the water levels and how those levels rise after rainfall of nearby waterways, such as rivers, lakes, or streams. These readings will help establish the appropriate response times and necessary procedures to be implemented. The company will install localized water-level gauges to monitor the conditions near the facility.

The company will establish a routine facility maintenance plan and will review its effectiveness at least annually. This plan will ensure that equipment and emergency power generators are checked regularly and are in good working condition. In addition, facility inspections will be conducted to identify any potential hazards that may occur in the event of a flood, such as ensuring that the roof is not susceptible to heavy rain or high wind speeds, establishing flood protection measures for areas located below-ground, and the appropriate fire protection is serviceable and readily available. Flood emergency kits will be readily available and adequately stocked; emergency shutdown procedures for vulnerable or critical equipment will be stored within these kits. If possible, sewage disposal and drainage lines will be equipped with manually operated release valves to prevent the reverse flow of sewage waste.

Flood Advisories: When flooding may occur in the facility's region, Dolphin Dayz LLC will monitor the local news via television or radio for additional information or flood advisory alerts. The company will follow the advice of local authorities to shelter in place or evacuate. Also, the various advisory alerts will be communicated to the employees, as defined by the National Weather Service (NWS), which include:

Flood Advisory: *Be Aware.* This is issued when flooding is not expected, but caution should be exercised.

Flood Watch: *Be Prepared* This is issued when conditions are favorable for flooding, but flooding is not guaranteed.

Flood Warning: *Take Action* This is issued when flooding is imminent or occurring.

Flash Flood Warning: *Take Action* This is issued when a flash flood, a sudden violent flood that can take from minutes to hours to develop, is imminent or occurring.

Responding to a Flood: In the event flooding is imminent, the CEO, or a designee, will be notified immediately. Once alerted, they will monitor the situation, communicate any local authorities' instructions to the workforce, and begin implementing emergency procedures. This will include shutting down and unplugging noncritical and nonessential electrical equipment, relocating water-sensitive products and equipment above expected flood levels, and anchoring or weighing down buoyant materials that are unable to be relocated. Additionally, the company will take all the necessary steps to prevent the release of potentially hazardous chemicals, such as moving them to a safe location.

During the Flood: Dolphin Dayz LLC will emphasize that the safety and health of its employees take precedence and will encourage them to follow the instructions from the local authorities. As flooding occurs, the local news will be continuously monitored, and designated personnel will continue to conduct emergency procedures as long as it is safe. To maintain employee accountability, a headcount or role call will be conducted periodically. A logbook that documents the event's details will be maintained (*e.g., instructions that are given, various alarm stages, shelter-in-place or evacuation, etc.*). This record will help determine damages and losses during the recovery phase and allow the company to identify and improve the response plan.

Recovering from a Flood: As soon as floodwaters recede employees will be instructed to gather at the designated assembly area, individuals seriously injured will not be moved, and a headcount will be conducted. Employees will be instructed to stay clear of downed utility wires and out of the floodwater if possible. Emergency services will only be connected if it is necessary or if not

everyone can be accounted for. Once the facility is deemed safe, the company will designate a competent person to conduct an assessment of the entire worksite and facility. The assessment will also identify any hazards, the corresponding hazard levels, and the measures needed to mitigate those hazards.

Before initiating clean-up operations, the assessment will be reviewed for any of the hazards that were identified. Local utility companies and emergency response establishments that the company has partnered with will be contacted. The company will ensure that gas and electric sources will be turned off and any spills containing hazardous chemicals or asbestos-containing materials will be mitigated before facility access is allied. Employees performing any clean-up duties will be provided with the appropriate personal protective equipment (PPE), such as gloves, hard hats, and protection for the feet, eyes, and hands. During clean-up, damaged and undamaged items will be separated and inventoried; any damages or losses will be reported to the appropriate insurance company. Once clean-up operations are completed, a final inspection will be conducted to ensure that all hazards have been identified and remediated.

Pandemic/COVID-19 Preparedness Plan

Introduction: Dolphin Dayz LLC is committed to protecting its employees from potential workplace exposures to highly-infectious diseases and viruses, including SARS-CoV-2, more commonly known as coronavirus disease 2019 (COVID-19). The company has established the following pandemic preparedness plan to help reduce, control, and eliminate any risk of contracting and spreading a highly infectious disease. This plan is designed to identify the risks of an outbreak and provide the necessary steps for prevention, containment, and elimination.

Responsibilities: Dolphin Dayz LLC will establish and maintain an effective prevention plan, including procedures for reporting and investigating potential cases, working from home, and workplace controls. They will provide employees with the necessary procedures, resources, and training to protect themselves and others around them in the event of a pandemic. Dolphin Dayz LLC will comply with all local, state, and federal guidelines and will communicate them to employees as they become available. Employees will be responsible for following the company's established procedures and the guidelines set forth by local, state, and federal authorities. Additionally, they are required to attend and participate in the provided training. Employees who exhibit symptoms will self-report to the appropriate supervisor immediately and stay home if illness symptoms are present before reporting to work.

Communication Systems: An effective two-way communication system will be established for employees to report all symptoms, potential exposures, and infectious hazards at the workplace to the appropriate supervisor immediately, without fear of retaliation or reprisal. Employees with underlying health conditions will utilize this system to inform the company of any accommodations they require. If testing is required due to guidelines enforced by local, state, or federal authorities, or workplace exposure, the company will communicate its testing procedures and inform any affected employees.

Investigation and Response: Dolphin Dayz LLC will investigate reports of exposure in the workplace to discover any potential cases. Investigations will confidently ask the suspected case general questions that may confirm possible exposure. In the event a positive case is discovered,

the company will document the last day the positive case was in the workplace and when symptoms began. Contact tracing will be conducted of any individual, location, and equipment exposed to the positive case. Individuals who were potentially exposed will be notified that the case was confirmed positive within one business day. The company will determine if workplace conditions contributed to the exposure and implement any necessary controls.

Dolphin Dayz LLC ensures that employee medical records and personal identifying information of individuals involved in the investigation process will be kept confidential in accordance with the Health Insurance Portability and Accountability Act (HIPAA). During the investigation process

Physical Distancing: Depending on the severity of the pandemic and its anticipated health effects, employees will maintain the appropriate distance between each other and customers. Workstations will be modified to comply with the recommended distance and visual cues indicating the appropriate distance throughout the workplace. Physical barriers, such as clear panels or transparent curtains, will be installed when social distancing cannot be maintained. Occupancy of common areas, break rooms, and bathrooms will be limited, while staff meetings will be conducted via virtual or voice calls. Modified work schedules that alternate days, shifts, and breaks will be implemented appropriately; remote work arrangements will also be approved on an individual basis.

Face Coverings: Dolphin Dayz LLC will enforce any guidelines regarding masks from local, state, and federal authorities. Face coverings are required to cover the nose, mouth, and chin and fit snugly to ensure no gaps between the face and covering. Employees will ensure that face coverings properly fit over the nose and mouth, approved by the Centers for Disease Control and Prevention (CDC), are clean and undamaged, and worn at all required times. The company will provide employees with face coverings or surgical masks, at no additional cost to the employee, except for employees whose work responsibilities require a respirator or similar equipment. For employees conducting tasks where coverings are at risk of becoming wet or soiled, replacement coverings will be provided by the company.

In accordance with Title VII of the Civil Rights Act of 1964, individuals who are unable to wear or have difficulty wearing certain types of face coverings due to a disability or who need a religious practice will be provided reasonable accommodations. The company will acquire coverings where the mouth is visible to ensure that deaf or hard-of-hearing employees can communicate.

Ventilation: Facilities and ventilation systems will be modified to improve air ventilation throughout the structure. Windows and doors will be opened if weather conditions permit. This will increase the introduction of outdoor air. In addition, fans will be placed securely in a window to increase their effectiveness. Air filters will be inspected to ensure they are within the recommended service life and are as high as possible without significantly reducing design airflow. Racks that house the filters will also be inspected to ensure the correct filter is installed and fits properly. Portable high-efficiency particulate air (HEPA) filtration systems will be considered for areas with high occupancy or limited ventilation.

Housekeeping and Hygiene: Dolphin Dayz LLC will establish cleaning and disinfecting procedures in accordance with any guidelines enforced by the local, state, and federal authorities. If no guidelines have been established, employees are required to comply with the company's established procedures until further notice. The company will provide cleaning products containing soap, detergent, and disinfectants approved by the Environmental Protection Agency (EPA). Frequently touched items such as display cases, point-of-sale systems (POS), and door handles will be cleaned and sanitized frequently throughout the day. In addition, high traffic areas and common areas, such as bathrooms, sales floor, and break areas will be thoroughly cleaned and sanitized at the end of each workday.

Employees will be required to practice good personal hygiene and wash their hands frequently during the day. Touchless dispensers for hand sanitizer, paper towels, and soap will be provided throughout the workplace.

Returning to Work: Employees who have been confirmed as a positive case, or have had close contact with a confirmed or suspected case, will be advised to stay home from work. If no guidelines have been established by local, state, or federal authorities, employees will remain home from work and contact Dolphin Dayz LLC once all of the signs or symptoms have passed. Employees are required to contact their supervisor if they have symptoms or if a member of their household show signs of being ill. The company will establish and implement flexible, non-punitive sick leave to prevent and reduce transmission among employees. Benefits like the Family Medical Leave Act (FMLA) will be communicated and promoted for eligible employees.

Personal Protective Equipment: Disposable gloves, masks, and goggles will be provided to employees handling disinfectants. The company will conduct a risk assessment to determine the need for additional PPE and will provide it at no additional cost to employees. Employees are not permitted to reuse disposable gloves and will replace them as soon as they become visibly contaminated or torn. Personal eyeglasses will not be considered adequate eye protection. Equipment and cleaning supplies will be properly disposed of and stored in their designated area.

Vaccination: Dolphin Dayz LLC will comply with the guidelines established by local, state, and federal authorities regarding vaccines. Employees will be provided the appropriate allotted time to receive vaccinations and the recommended recovery time afterward. Depending on the severity of the pandemic and the guidance from the appropriate governing entities, employees not vaccinated will not be able to return to the workplace.

Training: Dolphin Dayz LLC will provide adequate training to employees and ensure that they comprehend and understand their responsibilities and the importance of following the established protective measures. The company acknowledges the complexity of a pandemic and the continuity and recovery process; they will provide timely, up-to-date training appropriate for each pandemic. Employees will be informed of all human resources (HR) related issues, including paid and unpaid sick time, overtime and wages, employee assistance programs, vaccinations, declinations, quarantines, and return-to-work procedures.

Each training will include, at a minimum, an explanation of the relevant infectious disease, its signs and symptoms, and its modes of transmission; methods for recognizing activities that

involve potential exposure; appropriate engineering controls, work practices, and PPE; description of the roles and responsibilities assigned to each employee; and information on the availability, efficacy, safety, method of administration, and benefits of available vaccines and treatments. Training will also include the company's procedures for social isolation; reporting exposure or potential exposure; self-monitoring and reporting; stay-at-home procedures relating to school and childcare closings; at-home care of ill family members; and designated contact points.

Robbery

Introduction: Dolphin Dayz LLC has adopted these safe practices and procedures to ensure the safety of its employees in the event of a robbery.

Prevention: The company will have at least two employees during opening and closing hours. While opening, employees will inspect the facility for forcible entry and ensure that no one unauthorized is within the facility before closing. Point-of-sale systems will have a minimum amount of cash in the drawer, and any additional money will be kept in a securely locked safe. Large amounts of cash will not be counted in areas visible to customers. Bank deposits will be made at varying hours with at least two employees or picked up by a licensed courier.

Both the facility's interior and exterior will be well illuminated and easily visible from the street. Security cameras will be prominently displayed, and the company will visually publicize the use of good cash protection techniques and good protection equipment. Physical barriers will be installed at the sales counter to separate the customers and the employees. Additional security measures will be installed that will help the employees have a complete view, such as locating the registers in an area visible from the street and convex mirrors. Entrances and exits will be marked so that the height of individuals entering and exiting is easily identifiable. Employees will be provided with adequate training in the event of a robbery, including procedures for reporting suspicious behavior of individuals inside or near the facility and procedures to follow during and after a robbery. The company will consider equipping secure areas with doors that automatically lock when it closes, a silent alarm system with a panic button, and a dual key, drop or delay-action time-lock safe.

During a Robbery: Employees involved in a robbery situation will be instructed to remain calm and to never argue with the robber in order to not cause any agitation. Also, commands and requests from the robber will be complied without questioning and or offering additional assistance, such as handing over more than what is being requested. Alarm systems will only be activated if it can be done safely and undetected. Anything that may surprise or startle the robber will be communicated if possible, such as the return of a co-worker or manager. Employees will gather as much information about the suspect as possible, including age, eye and hair color, race, height, weight, etc. Also, attempt to identify the weapon, doing this briefly with no sudden movements will help law enforcement with their investigation.

After the Robbery: Dolphin Dayz LLC will establish roles and responsibilities to each employee in the event of a robbery. After the suspect leaves the facility, employees will be prohibited from attempting to chase or follow the robber or getaway vehicle. If it is safe to do so, a getaway vehicle description will be obtained, such as the make, model, color, and license plate

number. The company will temporarily shut down business until law enforcement arrives and conducts an investigation. When contacting law enforcement, the employee will provide the time the suspect left the facility, the suspect's description, and the direction and method of travel. Additionally, the dispatcher will be notified of any individuals that were injured during the incident. Areas that may contain evidence will be left alone and preserved for law enforcement. Employees and individuals involved in the robbery will write down the sequence of events and a description of the suspect. Individuals not employed by Dolphin Dayz LLC will be asked to stay until law enforcement arrives; individuals that are not able to stay will be asked to provide their statement, name, address, and phone number. Employees will assist in the investigation and cooperate with directions given by the authorities.

Active Shooter

Introduction: Dolphin Dayz LLC is dedicated to providing a safe work environment for its employees and has adopted the following procedures from the Department of Homeland Security's (DHS) "Active Shooter: How to Respond" booklet in the event of an active shooter in the workplace. Employees are required to notify a supervisor of a suspicious individual or situation immediately.

Preparation and Prevention: Measures will be established to prepare and prevent incidents of an active shooter. Such as ensuring that there are at least two evacuation routes and posting them in conspicuous locations throughout the workplace. Also, providing employees with tools to allow them to indicate the potential to identify workplace violence and the remedial actions to take accordingly. This includes the Cybersecurity and Infrastructure Security Agency's (CISA) "Power of Hello" technique, which indicates using the right words can be an effective tool to start a conversation. Starting a casual conversation will help employees assess an individual and their intent. The risk that they may pose will be identified by the behavior that is observed. Management will be notified immediately if the risk is determined to be substantial.

Responding to an Active Shooter: The company will follow DHS's Active Shooter guidelines that breaks down the process into three actions: Evacuate, Hide Out, and Take Action. Evacuation will be attempted only if there is an accessible escape path and the escape route is planned, even if others are unwilling or unable to evacuate. Emergency personnel will be contacted once it is safe to do so, or if police have arrived, Instructions from officers will be followed. If evacuation is not possible, employees will be instructed to Hide Out, and seek refuge in an area that does not limit movement, is out of the active shooter's view, and provides protection from any gunfire, such as an office or closet with the door closed. Room doors will be locked and barricaded with heavy furniture to prevent any entry. If the active shooter is in close proximity, employees will remain quiet, and silence any noise, including cell phones, televisions, and radios. If evacuation or hiding is not feasible, attempt to notify authorities by calling 911. If you are unable to speak, keep the dispatcher on the line so they are able to listen. As an absolute last resort if the employee's life is in imminent danger they will Take Action, and act as aggressively as possible and attempt to disable and injure the active shooter. This will be accomplished by yelling, throwing items at the shooter, such as improvised weapons, and committing to their actions once deciding to strike.

Responding to Law Enforcement: Police officers will be determined by identifying a patrol uniform, an external bulletproof vest, or other tactical equipment. When law enforcement arrives, hands will be kept visible with the fingers spread and sudden gestures will be avoided. Employees will only exit the building when instructed to do so, will not stop speaking with law enforcement, and proceed in the direction that officers are entering the facility. Cooperation with authorities will be complied with once in a safe location, this includes answering any questions honestly and assisting emergency personnel. No one will be allowed to leave the premises until instructed to do so by law enforcement.

Training: Dolphin Dayz LLC will conduct drills to ensure that employees know how to respond to an active shooter. They will utilize local law enforcement agencies as resources when developing training exercises that include detecting the sound of gunfire and reacting when gunshots are heard or when witnessing a shooting. In addition, training will include procedures for calling 911, responding when law enforcement arrives, and adopting the survival attitude during times of crisis are all options.

Dolphin Dayz LLC will fill out and utilize the DHS Emergency Action Plan Guide: Active Shooter Preparedness as a guideline to perform training. In addition, employees will be required to watch the DHS Active Shooter PowerPoint Presentation and Webinar video, which will provide a visual guide to better understand the development of the company's emergency action plan.

Drug-Free Workplace

Introduction: Dolphin Dayz LLC has established this drug-free workplace (DFWP) to ensure the safety and health of its employees and to meet the requirements of applicable laws and regulations, including the Drug-Free Workplace Act of 1988. This policy will also establish restrictions on the use of legal substances, such as alcohol, cigarettes, cannabis, and prescription drugs within the workplace.

Responsibilities: To ensure that this DFWP is implemented properly, Dolphin Dayz LLC will enforce this policy consistently, communicate what is prohibited, and the disciplinary actions for any violations. Additionally, they will offer an employee assistance program (EAP) to provide substance abuse help, which may include counseling and other support or treatment programs. The company will provide awareness level training to help educate employees about substance abuse and addiction. It is the responsibility of all individuals employed by Dolphin Dayz LLC to attend all required training, acknowledge they understand the company's DFWP and the consequences for failing to comply with it, and adhere to all aspects regarding testing and any follow-up actions. In addition, employees are expected to report all prescribed medication to the appropriate supervisor immediately

Safe Practices (Procedures): Dolphin Dayz LLC prohibits any individual from manufacturing, cultivating, distributing, dispensing, possessing, or using illegal drugs or other unauthorized, mind-altering, or intoxicating substances, including alcohol, while on company property or while engaging in work-related activities away from the workplace.

Pre- Employment Testing: During the hiring process, individuals may be subject to a drug and alcohol screening prior to receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.

Reasonable Suspicion Testing: Employees may be required to submit a drug and alcohol screening whenever is reasonable suspicion they have violated this policy, including when they are involved in a work-related accident. A designated person other than the suspected employee's immediate supervisor will be considered to determine the facts and evidence of an incident that constitutes reasonable suspicion. If the suspicion is confirmed, the affected employee will receive a copy of the findings and any appropriate disciplinary action.

Post-Accident Testing: Employees will be subject to testing if they are responsible for causing or contributing to an accident that causes serious damage to Dolphin Dayz LLC property or an injury that requires medical attention. The company will immediately conduct an incident investigation to determine if the circumstances constitute probable cause the employee responsible was under the influence of alcohol or any unauthorized substance; if so that employee will be subject to testing.

Testing Process and Standards: Individuals subject to an alcohol screening will be transported to the company's designated laboratory, which will be certified by the Department of Health and Human Services, where they will provide a breath sample. Trained technicians will test the sample using federally approved breath alcohol testing devices capable of producing printed results that identify the individuals. Potential hires and employees subject to a drug screening will be transported to the company's designated laboratory, which will be certified by the Department of Health and Human Services, where they will provide a urine sample. This specimen will be sent to a federally certified laboratory and tested for amphetamines and methamphetamines, cocaine, opiates (narcotics), phencyclidine (PCP), barbiturates, benzodiazepines, and methaqualone.

Information on confirmed positive results will be provided to Dolphin Dayz LLC's medical review officer (MRO). The MRO will determine the appropriate procedures to follow and provide the appropriate supervisor and the affected employee with a written explanation of the test results. The company will adhere to the cutoff levels outlined in 49 CFR Part 382 (alcohol) and 49 CFR §40.87 (all other substances).

Employee Rights: During the collection process, employees will be provided an opportunity to disclose factors other than illegal drug use, such as taking legally prescribed medication that could cause a positive test result. The employee may submit this information in a sealed envelope to be opened only by the MRO, but only if positive. Employees suspected of violating this policy will be entitled to representation during interviews, including discussions with the MRO regarding that particular incident. In addition, the company will provide the affected employee with all related documentation of the testing process and a full copy of any test results. Employees will have up to 72 hours to rebut the positive result and request their split specimen tested again, this request will be at the employee's own expense.

Employee Assistance: Employees who abuse alcohol or drugs may have the option to use any accrued or unused sick leave so that they can enroll in a qualified treatment program. Employees who fail to enter, remain, or complete a qualified treatment may result in disciplinary action, up to and including termination. Participation in a qualified treatment does not relieve an employee of the obligation to satisfy any standards regarding employee performance. Additionally, it will not prevent any disciplinary actions the company deems appropriate. Employees may be required to be evaluated by a physician. Entrance into a treatment program will not relieve an employee of their obligation to satisfy Dolphin Dayz LLC's standards regarding employee performance. Additionally, participation will not prevent the company from administering disciplinary action for violation of its policies.

Recordkeeping: Test results will be maintained for all affected employees and will be considered confidential. These records will only be released to the employee who was tested or their designated representative, and the designated MRO. Individuals that determine or assist in determining what action should be taken in response to test results or require them to appropriately supervise or assign the employee will have limited access to test results. The company will use a similar chain of custody procedure as the Substance Abuse and Mental Health Services Administration (SAMHSA), which includes documenting the date and purpose each time a sample is handled or transferred, and the identity of every individual in the chain of custody. Training records will be documented and maintained for at least three (3) years and made available to employees. Documentation will include the date and time, attendee signatures, and any applicable information on the instructors for each training program held.

Training: Dolphin Dayz LLC will provide all new hires and affected employees with appropriate training, including the company's safe work practices and procedures, signs of drug or alcohol abuse, reasonable suspicion, testing procedures and standards, employee rights, and potential assistance programs, and recordkeeping procedures. Employees who operate company vehicles must possess a commercial driver's license and will be required to take 60 minutes of training on the symptoms of substance abuse and another 60 minutes on the symptoms of alcohol abuse.

Cyber Security

Introduction: Dolphin Dayz LLC understands the devastating impact a breach of its information infrastructure would have on its business and reputation. These may range from data security failures to malware and spyware attacks. As a result, the company will establish various administrative and technical security measures to protect confidential data and its infrastructure. Confidential data includes company finances, sales, business procedures, usernames and passwords, company contracts, legal documents, and sensitive employee, vendor, and client information. The company will only use, collect, and retain necessary data to conduct its business operations. Data and retained information will be periodically reviewed to determine whether it is still relevant and necessary; if it is not vital, it will be properly destroyed.

Responsibilities: The company acknowledges the importance of its responsibilities to protect and maintain the confidentiality, integrity, and availability of information and related infrastructure assets. Additionally, they will manage the risk of security exposures and compromises; maintain a secure and stable IT environment; identify and respond to events

involving information asset misuse, loss, or unauthorized disclosure; monitor systems for anomalies that might indicate compromise; and promote and increase the awareness of information security. Employees will be expected to attend all required training, report all suspected information security incidents or weaknesses to the appropriate supervisor, and adhere to the company's established safe work practices and procedures.

Dolphin Dayz LLC will designate an individual or group to be responsible for the risk management function and assure that risk-related considerations for information assets and individual information systems, including authorization decisions, are viewed as an enterprise with regard to the overall strategic goals and objectives of carrying out its core missions and business functions; and the management of information assets and information system-related security risks is consistent reflects the risk tolerance, and is considered along with other types of risks, to ensure mission/business success.

Plan for Securing Information Technology (IT) System and Infrastructure: Dolphin Dayz LLC ensures that all information created, acquired, or used in support of business activities will only be used for its intended purpose. Employees will be provided general security awareness training within 30 days of hire and reinforced at least annually.

Administrative Safeguards: In accordance with the Health Insurance Portability and Accountability Act (HIPAA) 45 CFR §164.308, Dolphin Dayz LLC will implement policies and procedures to prevent, detect, contain, and correct any security violations. They will conduct a risk analysis to determine any potential risks or vulnerabilities to the confidentiality, integrity, and availability of any sensitive data, including medical information, retained by the company; security measures will be implemented to mitigate those deficiencies. Dolphin Dayz LLC ensures that consistent sanctions will be enforced on individuals that violate the company's privacy, confidentiality, or information security policies. Dolphin Dayz LLC will designate and identify the individual responsible for implementing and enforcing these policies and procedures.

Monitoring: Periodic monitoring will be conducted of computer files and all forms of electronic communication, such as internal messaging applications, emails, and phone systems. Information systems will be monitored to ensure that there are no unauthorized local, network, or remote connections. An internal alert system will be established in the event of suspicious activity on any secure company network or server. Systems will automatically update to ensure that the most up-to-date security software is installed.

Identification and Authentications: Employees will be assigned unique identifiers (user ID) to minimize the risk of unauthorized access to the company servers, and employees will be assigned unique identifiers (user ID). Also, employees will be responsible for maintaining a password that consists of various alphabetic and numeric characters. Passwords will not include anything that may be easily guessed such as birthdays, phone numbers, and consecutive characters. The company will audit these user IDs and passwords on a regular basis and remove all inactive ones. User IDs with consecutive failed login attempts will be locked until unlocked by an administrator. Systems that access or use confidential information will be password protected and use a time-sensitive screensaver when unattended. Passwords will never be shared unless instructed to do so by a systems administrator.

Access Control: Information systems will be protected by various access control systems, these include internal controls, such as passwords and encryption, and external controls, such as firewalls and server authentications. The designated system administrators will be the only ones to grant employees additional access and system permissions. Access to confidential data will only be provided to employees whose job responsibilities require such access. Individuals that have access to sensitive data, including customer information, will sign a confidentiality agreement. To ensure that employees have the appropriate access, the company will conduct an access entitlement review at least annually,

Email Security: Employees who are issued a company email will be provided with an email signature that includes a legal disclaimer which is required to be within every outbound email. Company email addresses will be created through a secure email hosting service or a web-based encryption service. Attachments from unknown senders or suspicious email addresses will never be opened and immediately reported to the appropriate person. Employees will be aware to never include any personal information within an email and to only use company email accounts for job-related purposes

Transferring Data: Dolphin Dayz LLC recognizes the security risks of transferring confidential data. To reduce these risks, confidential data will be encrypted and only shared over the company's local network. Additionally, when transferring confidential data, the employee will ensure that any recipient has adequate security measures in place.

Sanitizing and Disposal: Confidential information not necessary to the company, will be rendered inaccessible by being cleared, purged, or destroyed. Paper documents that contain sensitive information will be shredded before being disposed of. Equipment that is being disposed of will have all data wiped from it and will be factory reset. External storage and media devices no longer needed will be sanitized and destroyed in accordance with the National Institute of Standards and Technology (NIST) SP 800-88.

Remote Access: Individuals that have to access company systems or servers remotely, will do so by using a portal, direct application access, remote system control, or tunneling, more commonly known as a virtual private network (VPN). Devices and software used for remote access will be approved by the designated security administrator. Dolphin Dayz LLC will regularly conduct operational processes to maintain remote access security, this includes deploying updates, reconfiguring access control features, and detecting and documenting anomalies within the remote access infrastructure. Additionally, remote servers will be kept fully patched and only be accessible to designated IT personnel.

Securing Physical Infrastructure: Facilities housing Dolphin Dayz LLC's physical infrastructure will have a defined security perimeter and appropriate security barriers with access controls. The company will periodically conduct risk assessments of these facilities to determine whether existing controls are operating correctly and implement the appropriate measures to mitigate any deficiencies. Also, IT equipment will be physically protected from environmental hazards and security threats to minimize any potential for it being physically compromised.

Conclusion: Training

Dolphin Dayz LLC ensures that employees will be provided with, at a minimum, awareness level training regarding the importance of information security. Employees will be informed of the company's cybersecurity policies and procedures; roles and responsibilities, identifying key IT personnel; password usage and management, minimum criteria and protection guidelines; web usage, monitoring user activity; administrative safeguards, applicable HIPAA regulations; access control, internal and external access control systems; email security, required signature and identifying unauthorized emails; and appropriate disposal and sanitization procedures of confidential data.

The company will review its awareness training program annually and make the necessary revisions accordingly. Each training session will be documented and maintained, and it will include the date the training took place, attendees, topics discussed, and the instructor's name and qualification. Employees will be encouraged to provide feedback which will assist the company in improving the program.

Safety and Security Conclusion

Our primary motive is to not only ensure the prevention of our products being diverted into the illicit market but to further promote the safety of our employees, the surrounding neighborhood, our customers, and any visitors. With a combination of comprehensive security measures on all levels, we are confident that we will become the golden standard for operational security. By not only meeting but by exceeding regulatory compliance, we effectively ensure that we maintain compliance now and well into the future as we expand our business operations. Furthermore, accurate recordkeeping and inventory control are of equal importance to maintaining security. Quality assurance over these procedures is paramount for maintaining compliant and efficient operations, as deviations from our recordkeeping standards can result in not only cannabis loss but also production delays due to the loss of valuable data. The Applicant will always strive to ensure that we continuously improve our systems to accommodate for any future regulations pertaining to security, inventory control, distribution, and recordkeeping. Dolphin Dayz LLC is primarily a compliance company. We focus first and foremost on safety, security, and compliance above all else. If we are compliant, we then have the privilege of being able to sell legal medical cannabis products in Gautier, MS and the great state of Mississippi. This license is our responsibility to maintain compliance. In doing so, we will focus on our staff, customers, and the safety of the community above all else.

Regulatory Compliance Plan**Introduction**

The following plan covers the retail dispensary process, from applying for licensure to dispensing the product. The plan explains how the proposed cannabis business will comply with the applicable State of Mississippi and local statutes related to a medical cannabis dispensary. This regulatory compliance plan is taken directly from the applicable state laws. They will frequently check for any updates and alter the plan accordingly. A responsible retail atmosphere is not just a means of establishing a compliant business model but also a crucial step toward maintaining a safe and hygienic environment for the local community and employees.

Compliance with SB 2095**Section 4**

Per **Section 4(3)**, the MDOH shall be responsible for: Per **Section 4(3)(e)**, the selection, certification and oversight of the statewide seed-to-sale tracking system as provided for in Section 6 of this act. Unless otherwise provided herein, the MDOH shall be responsible for the licensing, inspection and oversight of medical cannabis dispensaries per **Section 4(4)**.

Section 19

Per **Section 19(2)**, the main point of entry of the company's dispensary will not be located within one thousand (1,000) feet of the nearest property boundary line of any school, church or child care facility. The company may receive a waiver to this distance restriction by receiving approval from the school, church or child care facility and by applying for a waiver with its respective licensing agency, provided that the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church or child care facility. The company may be located in any area in a municipality or county that is zoned as commercial or for which commercial use is otherwise authorized or not prohibited, provided that it being located there does not violate any other provisions of this chapter per **Section 19(3)**. A municipality or county may require the company to obtain a local license, permit or registration to operate, and may charge a reasonable fee for the local license, permit or registration, provided that this fee is consistent with fees charged to businesses that are not involved in the cannabis industry per **Section 19(4)**. Per **Section 19(5)**, the company will not be located within a one-thousand-five-hundred-feet radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary.

Section 20

The company will conduct a background check into the criminal history of every person seeking to become a principal officer, board member, agent, volunteer, or employee before the person begins working at or for the company per **Section 20(1)**. Per **Section 20(2)**, the company may not employ any person who: Was convicted of a disqualifying felony offense **Section 20(2)(a)**, or; Is under twenty-one (21) years of age **Section 20(2)(b)**.

Per **Section 20(3)** operating documents upon licensure will include procedures for the oversight of the medical cannabis establishment and procedures to ensure accurate record keeping and adequate security measures. The company will implement appropriate security measures designed to deter and prevent the theft of medical cannabis and unauthorized entrance into areas containing medical cannabis per **Section 20(4)**. All cultivation, harvesting, processing and packaging of medical cannabis will take place in an enclosed, locked and secure facility with a physical address provided to the MDOH during the licensing and registration process. The facility will be equipped with locks and other security devices that permit access only by agents of the medical cannabis establishment, emergency personnel or adults who are twenty-one (21) years of age and older and who are accompanied by medical cannabis establishment agents **Section 20(5)**.

Medical cannabis establishments are subject to inspection by the MDOR and MDOH during business hours per **Section 20(8)**, so the company will ensure they are following all applicable laws and regulations. Per **Section 20(9)**, before medical cannabis may be dispensed to a

cardholder, the company will: Require that the individual present a registry identification card **Section 20(9)(a)**; Make a diligent effort to verify that the registry identification card presented to the dispensary is valid **Section 20(9)(b)**; Make a diligent effort to verify that the person presenting the registry identification card is the person identified on the registry identification card presented to the dispensary **Section 20(9)(c)**, and; Not believe that the amount of medical cannabis dispensed would cause the person to possess more than the allowable amount of medical cannabis **Section 20(9)(d)**.

Per **Section 20(10)**, the company will not sell more than the allowable amount of medical cannabis to a cardholder. A resident cardholder will not obtain more than a total of six (6) MMCEUs of allowable medical cannabis in a week from a dispensary or a combination of dispensaries. A resident cardholder will not obtain more than a total of twenty-four (24) MMCEUs of allowable medical cannabis in thirty (30) days from a dispensary or a combination of dispensaries. The possession limit for resident cardholders of the allowable amount of medical cannabis will be a total of twenty-eight (28) MMCEUs. There will not be a possession limit on nonconsumable medical cannabis, including, but not limited to, suppositories, ointments, soaps, and lotions or other topical agents.

Per **Section 20(11)**, for purposes of this chapter, total THC is defined as THCA multiplied by .877 plus THC Delta 9 and all other psychoactive forms or isomers of THC added together. The company will not sell cannabis flower or trim that has a potency of greater than thirty percent (30%) total THC. The company will not sell cannabis tinctures, oils or concentrates that have a potency of greater than sixty percent (60%) total THC. Cannabis products that have a potency of over thirty percent (30%) total THC will be clearly labeled as "extremely potent." Edible cannabis products, including food or drink products, that have been combined with usable cannabis or cannabis products will be physically demarked and labeled with a clear determination of how much total THC is in a single-serving size and how much THC is in the entire package. Medical cannabis product dispensed at the facility will contain a notice of harm regarding the use of cannabis products. Edible cannabis products will be homogenized to ensure uniform disbursement of cannabinoids throughout the product. All molded edible cannabis products will be presented in the form of geometric shapes and will not be molded to contain any images or characters designed or likely to appeal to minors, such as cartoons, toys, animals or children.

Per **Section 20(12)**, the dispensary will not dispense more than the allowable amount of cannabis to a registered qualifying patient or a nonresident cardholder, directly or via a registered designated caregiver. The dispensary will ensure compliance with this limitation by maintaining internal, confidential records that include records specifying how much medical cannabis is being dispensed to the registered qualifying patient or nonresident cardholder and whether it was dispensed directly to a registered qualifying patient, nonresident cardholder or to the registered designated caregiver. Per **Section 20(13)**, a nonresident cardholder will not obtain more than a total of six (6) MMCEUs of allowable medical cannabis in a week from a dispensary or a combination of dispensaries. A nonresident cardholder will not obtain more than a total of twelve (12) MMCEUs of allowable cannabis from a dispensary or a combination of dispensaries in a fifteen-day period.

Section 29

Per **Section 29(2)(d)**, the company understands that all administrative provisions of the sales tax law and amendments thereto, including those which fix damages, penalties and interest for nonpayment of taxes and for noncompliance with the provision of said sales tax law, and all other requirements and duties imposed upon a taxpayer, will apply to all persons liable for taxes under the provisions of this subsection. The commissioner will exercise all power and authority and perform all duties with respect to taxpayers under this subsection as are provided in said sales tax law, except where there is conflict. The dispensary, on forms and in a manner specified by the Commissioner of Revenue, will collect and remit the sales tax levied in **Section 27-65-17(1)(a)** from the gross proceeds derived from each retail sale of medical cannabis per **Section 29(3)**.

Compliance with State Cannabis Dispensary Regulations (Chapter 1-27)**Chapter 2 - Application Process**

The company understands the requirements set forth in the cannabis dispensary regulations regarding applications. This application will detail these regulations to ensure regulatory compliance throughout the process.

Per **Chapter 2(100)** the company will not sell, possess, store, transfer or distribute medical cannabis or medical cannabis products without first applying for and receiving the appropriate medical cannabis license from the State.

Per **Chapter 2(101)**, the company's application includes the following: 1. The names and other required information for all individuals and legal entities who are a part of the company; 2. Any forms required by the Department and any information identified in the form that is required to be submitted; 3. A map or sketch of the premises proposed for licensure, including the defined boundaries of the premises and a scaled floorplan sketch of all enclosed areas with clear identification of the main entrance, walls, all areas of ingress and egress, and all limited access areas. This map must provide accurate measurements that allow the Department, at a minimum, to determine the precise main entrance location in reference to the rest of the premises; 4. If the application is based on proposed construction not completed at the time of application, the company will submit construction plans for the proposed building which will be the basis for the application investigation. These plans must, at a minimum, provide accurate measurements that allow the Department to determine the precise main entrance location in reference to the rest of the building; 5. An operating plan that demonstrates at a minimum how the company's proposed premises and business will comply with applicable laws and rules regarding: Security; Employee qualifications, including background checks, and training; Record-keeping systems; Hours of operation; Preventing non-cardholders under the age of 21 from entering the licensed premises; and Preventing non-cardholders from obtaining or attempting to obtain any items sold by the dispensary. 6. If the municipality or county where the proposed dispensary will be located has enacted zoning restrictions, a sworn attestation by the company certifying that the proposed dispensary is in compliance with the restrictions. 7. If the municipality or county where the proposed dispensary will be located requires a local registration, license, or permit, then the company will attach a copy of each obtained registration, license or permit issued to the company to the application. If construction is still under way at the time of the application

resulting in the company's inability to obtain the required local registrations, licenses or permits at the time of application, then the company will attach a signed attestation containing the following information in addition to attaching the obtained registrations, licenses or permits, if any: A list of all local registrations, licenses or permits that have not yet been obtained; Anticipated dates that the company will obtain each local registration, license or permit; and an acknowledgment that the company is aware that the outstanding registrations, licenses or permits are a condition of the medical cannabis dispensary license, and that the company will provide the Department with a copy of each registration, license and permit within ten (10) days of such receipt. The Department must receive a copy of all such applicable registrations, licenses and permits prior to the dispensary being eligible to open for business

Per **Chapter 2 101(8)** the company will also provide proof of authorization to occupy the property for the proposed dispensary. To establish proof, the company will provide one of the following: If the building is owned by the company, the company will provide a copy of the deed showing the company as the owner; If the building is leased by the company, the company will provide a copy of the lease; If the building is not owned or leased by the company, but will be if a license is issued, the company will provide a contingent agreement with the owner or landlord certifying consent that the company has the option to lease or purchase the property contingent upon the issuance of a dispensary license. **9.** The company will have a valid Sales Tax Permit for the proposed location. **10.** The company does not owe delinquent taxes. **11.** A survey completed in the last year by a professional land surveyor holding a current license in the State of Mississippi sufficient to show that there is no property boundary line of any church, school or childcare center within a 1,000-foot radius of the main entry way of the proposed location. If the survey shows that the nearest property boundary line is within 1,000 feet but over 500 feet away, the company will include approval of a waiver from the church, school or childcare center. **12.** If construction is still under way at the time of application, information and statements provided in the application will become conditions of the license if the application is granted, and failure to satisfy the conditions may be cause for revocation or denial of renewal. The company will not deviate from submitted blueprints if the deviation would have disqualified the company at the time of application. An updated survey must be submitted during renewal showing that the company meets all distance requirements at the time of renewal.

Per **Chapter 2(107)** If a license is issued to the company, and they are still constructing the licensed premises, they will complete construction and fulfill all obligations required by the Department to open for business prior to the end of its twelve (12) month license and are conducting transactions within the seed-to-sale system. If not, the company is aware that the license will not be eligible for renewal and the license will cease. The licensee will then be required to submit a new application for investigation.

Chapter 3 - Distance Requirements and Chapter 4 - Annual Renewal

The main point of entry to the dispensary will not be located within 1,000 feet of the nearest property boundary line of any school, church or child care facility unless they are able to obtain a waiver from the school, church or child care facility. Regardless of the waiver, a the company will not be located within 500 feet of any school, church or child care facility property boundary line. The property boundary line to be considered is the parcel of land on which a school, church

or child care facility is located **Chapter 3(100)**. The company will follow all distance requirements per **Chapter 3** of the State's dispensary regulations.

Additionally, per **Chapter 4(100)** The company's active license will be renewed on an annual basis. Licenses are valid for one year from the date of issuance. At the time of renewal the company will demonstrate continued compliance with all applicable licensing criteria. The company will be prepared for an annual inspection by the Department for renewal of the license.

Chapter 8 and 9 - Security Plans, Securing Cannabis and Cannabis Products

The company has a security plan that is included in its operation plan. The security plan lists the measures that will be taken by the dispensary to ensure that medical cannabis products are properly secured and safe. It will include information relating to surveillance systems, camera placement, door security, alarm systems, and measures taken to secure manners of egress and ingress onto the premises per **Chapter 8(100)**.

A licensee is responsible for the security of all cannabis products on the licensed premises, providing adequate safeguards against theft or diversion of cannabis products, and records that are required to be kept per **Chapter 9(100)**. Per **Chapter 9(101)** the facility will ensure that commercial grade, non-residential door locks are installed on every external door, and gate if applicable, of a licensed premises where cannabis products are present. Per **Chapter 9(102)** During all hours when the company is not operating, they will ensure that: All points of ingress and egress on the licensed premises are securely locked and any keys or key codes to the enclosed area remain in the possession of the licensee, licensee representative, or authorized personnel **Chapter 9(102)(1)**; and all cannabis products on a dispensary's premises are kept in a locked, secured location or enclosure within any area such that cannabis products are not visible from any area outside the licensed premises **Chapter 9(102)(2)**. **Chapter 11(102)(2)** All points of ingress and egress to and from areas where cannabis products may be present as well as any entrance or exit door from the premises will be secured with cameras (see video surveillance section above).

Chapter 10 - Alarm System

The dispensary will have a fully operational security alarm system, activated at all times when the dispensary is closed for business per **Chapter 10(100)**. The security alarm system for the licensed premises must be able to detect unauthorized entry onto the licensed premises and unauthorized activity within any limited access area where cannabis and/or cannabis products are present; and be programmed to notify the licensee, licensee representative or authorized personnel and, unless properly deactivated by user, local law enforcement in the event of an unauthorized entry **Chapter 10(101)**. Upon request, a dispensary will make all information related to security alarm systems, monitoring and alarm activity available to the Department **Chapter 10(103)**.

Chapter 11 - Video Surveillance

A video surveillance system will be installed to prevent the loss, theft, or diversion of cannabis, as well as ensure proper inventory controls in the interior and exterior of the facility. The licensed premises will have a fully operational video surveillance recording system **Chapter 11(100)**. Video surveillance equipment will consist of, at the minimum per **Chapter 11(101)**:

Chapter 11(101)(1)(a) Digital video recorders; **Chapter 11(101)(1)(b)** Video monitors; **Chapter 11(101)(1)(c)** Digital archiving devices; **Chapter 11(101)(1)(d)** A minimum of one monitor on premises capable of viewing video; and **Chapter 11(101)(1)(e)** Interface devices, if required to adequately operate system or machinery such as a mouse and keyboard; Have the capability of producing and printing a still photograph from any camera image **Chapter 11(101)(2)**; **Chapter 11(101)(3)** Be equipped with a failure notification system that provides, within one hour, notification to an authorized representative of surveillance interruption or failure for more than 30 minutes; and **Chapter 11(101)(4)** Have sufficient battery backup to support a minimum of one hour of recording time in the event of a power outage.

In accordance with **Chapter 11(103)** the company will: In all areas where camera coverage is required, use cameras that record at a minimum resolution of HD 1080p and record at least 20 fps (frames per second) **Chapter 11(103)(1)**; Use cameras that are capable of recording in both high and low lighting conditions **Chapter 11(103)(2)**; Have and keep surveillance recordings for a minimum of 120 calendar days **Chapter 11(103)(3)**; Maintain surveillance recordings in a format that can be easily accessed for viewing and easily reproduced **Chapter 11(103)(4)**; Upon request of the Department, keep surveillance recordings for periods exceeding the retention period specified in **Chapter 11(103)(5)**; Have the date and time embedded on all surveillance recordings without significantly obscuring the picture **Chapter 11(103)(6)**; Make video surveillance records and recordings available immediately upon request to the Department in a format specified by the Department **Chapter 11(103)(7)**; Notify the Department within 48 hours of any equipment failure or system outage lasting 30 minutes or more **Chapter 11(103)(8)**; and; Back up the video surveillance recordings off-site and in real time for the surveillance room or surveillance area **Chapter 11(103)(9)**.

Per **Chapter 11(104)** the company: will not stop the recording or continuous real time back up of the recording for a surveillance area unless all other cameras on the licensed premises are shut down under this section or in instances where maintenance must be performed on an individual camera. During such a time the area formerly under surveillance must be monitored at all times by an employee of the licensee **Chapter 11(104)(1)**. They must resume all required recording no later than the date and time specified in the notice submitted under Paragraph 104 of this section **Chapter 11(104)(2)**. will not engage in any licensed privileges in any areas where recording was stopped under this section **Chapter 11(104)(3)**.

The dispensary may stop recording in areas where cannabis and/or cannabis products are not present due to seasonal closures or prolonged periods of inactivity of at least thirty (30) days. At least 24 hours before stopping recording, the company will submit written notice to the Department. The notice must include **Chapter 11(105)**: A copy of the licensee's plot plan or diagram showing which cameras will be deactivated, the total number of cameras that will be deactivated, and a description or list of areas or applicable labels of the deactivated cameras **Chapter 11(105)(1)**; The date and time recording will stop; **Chapter 11(105)(2)**. An explanation for why recording will be stopped **Chapter 11(105)(3)**; The date and time recording will resume **Chapter 11(105)(4)**.

Chapter 12 and 13 - Advertising and Marketing and Use of Inducements

The dispensary will comply with all restrictions on advertising and marketing set forth in Mississippi Department of Health regulations **Chapter 12(100)**. They will offer discounts and incentives to returning customers and employees. Per **Chapter 13(100)**, the dispensary will utilize inducements to assist qualified patients. Inducements must not persuade or influence the use of medical cannabis outside of practitioner recommendations and/or limitations or the amounts allowed by the Mississippi Medical Cannabis Act. Examples of authorized inducements include: The use of discount cards **Chapter 13(100)(1)**; The use of coupons **Chapter 13(100)(2)**; The use of "punch cards" to offer discounts/free products **Chapter 13(100)(3)**; Promotion of sales/discounts on medical cannabis, including "buy one, get one" discounts, and daily/weekly/monthly deal discounts **Chapter 13(100)(4)**; The giving away of educational materials, including but not limited to, branded merchandise **Chapter 13(100)(5)**.

Chapter 14 and 15: Building Signage Requirements and Controlling Access to Areas of the Premises Designated for Retail Sales

The dispensary will place a sign on its exterior in a conspicuous location that may be clearly viewed by the public that identifies the name of the entity that owns the dispensary and lists the license number issued by the Department per **Chapter 14(100)**. The dispensary will also place a copy of its dispensary license in a conspicuous location within the point of sale area in a manner that may be clearly viewed by patients **Chapter 14(101)**.

The dispensary will maintain control of areas of the premises designated for sales to ensure that only authorized individuals are able to enter, using one of the following arrangements per **Chapter 15(100)**: Stationing an employee at the entry door during all hours of public operation. The employee will check for valid identification and control entry to the premises **Chapter 15(100)(1)**; or keeping entry doors locked. The establishment will use a door buzzer or other means to alert employees that a person wants to enter the premises. An employee will check for valid identification before allowing entry **Chapter 15(100)(2)**. Per **Chapter 15(101)**, individuals are prohibited from entering unless they are either over the age of 21 or they are under the age of 21, accompanied by a guardian and have a valid patient card. Cannabis products may only be displayed in such a way that prevents access to persons who are not employees per **Chapter 15(102)**. The dispensary will not sell anything to a non-cardholder, regardless of age per **Chapter 15(103)**. The dispensary can be located in the same building as another business, but the dispensary cannot share a premises. The licensed premises of the dispensary cannot share common entries or exits with other businesses. Additionally, there cannot be an entrance or exit within the interior of the dispensary connecting it with another business per **Chapter 15(104)**.

Chapter 16 - Items that Dispensaries are Authorized to Sell on the Premises

Per **Chapter 16(100)**, the dispensary may only sell certain items on the licensed premises. This includes medical cannabis, equipment used for medical cannabis, or related supplies and educational materials. These items may only be sold to cardholders. Medical cannabis includes cannabis, cannabis products and edibles containing cannabis per **Chapter 16(101)**. Cannabis products include cannabis flower or trim of no more than 30% total THC, cannabis tinctures, oils and concentrates of no more than 60% total THC, and edible cannabis products of no more than 60% total THC per **Chapter 16(102)**. Equipment used for medical cannabis includes pipes, bongs, rolling machines, grinders and similar products per **Chapter 16(103)**. Related supplies

include rolling papers, bags, glass container jars, rolling trays and similar products per **Chapter 16(104)**. Per **Chapter 16(105)**, the dispensary is prohibited from selling items outside this scope of categories on the licensed premises. This prohibition includes, but is not limited to, clothing, food that does not contain cannabis, beverages that do not contain cannabis, propane or butane, and vaping products that do not contain cannabis.

Chapter 17 - Point of Sale Areas

Per **Chapter 17(100)**, the dispensary will keep all permitted cannabis products in limited access areas where access is restricted to licensees and employees. No person who is not a licensee or employee may handle cannabis products in the point of sale area unless a licensee or its employee supervises the person at all times per **Chapter 17(101)**. Per **Chapter 17(102)**, a patient may handle cannabis products without the supervision of a licensee or employee only following the completion of a sale and once the purchased items are no longer within the premises or within an area that the licensee controls. This language should not be construed to require that a patient be escorted from the premises after purchase.

Chapter 18 - General Requirements

The dispensary is responsible for the operation of the licensed establishment in compliance with all applicable state laws and rules per **Chapter 18(100)**. Per **Chapter 18(101)**, the company's licensees have the responsibility to control their conduct and the conduct of employees, customers, contractors and visitors on the licensed premises at all times. The company's licensees will ensure that at all times during operating hours and hours of apparent activity that there is an on-site employee authorized to cooperate with the Department during inspections of the premises and requests to review business records or surveillance videos. Except as otherwise provided by law, the company's licensees or employees may not: Use or be under the influence of alcoholic beverages, cannabis or controlled substances on the licensed premises **Chapter 18(101)(1)**; Permit any disorderly or visibly intoxicated person to remain on the licensed premises **Chapter 18(101)(2)**; Engage in or allow behavior on the licensed premises that provokes conduct which presents a threat to public safety **Chapter 18(101)(3)**; Engage in, or permit any employee or other person to engage in, conduct on the licensed premises that is prohibited by law **Chapter 18(101)(4)**, or; Engage in or permit any employee or other person to engage in the consumption of any type of cannabis product on the premises **Chapter 18(101)(5)**.

The company's licensees are prohibited from manufacturing, selling or offering for sale any cannabis product intended for intravenous delivery or that involves any type of injection involving piercing of the skin of a human per **Chapter 18(102)**. Except for dispensaries operating under management agreements under which no economic interest is created for the operator, the company's licensee in all cases must operate the business for themselves and have direct control over its operation per **Chapter 18(103)**. Per **Chapter 18(104)**, no management agreement for a licensed place of business will be effective until the Department has approved the same including review of all economic interests created by such management agreements. The management agreement must provide that the company's licensee will be absolutely responsible for any and all violations of the Mississippi Medical Cannabis Act or rules and regulations occurring on the licensed premises per **Chapter 18(105)**. Per **Chapter 18(106)**, the company licensees will be accountable for any criminal or regulatory misconduct by its employees which occur on any part of the licensed premises whether the licensee or a manager is

present or not. Such misconduct may result in a fine, suspension or revocation of the license depending upon the type of misconduct that occurs. Per **Chapter 18(107)**, the company licensees will be accountable for any criminal or regulatory misconduct by non-employees when the Department finds that the licensee or licensee's employees knew or reasonably should have known about the non-employee misconduct and did not take any action to stop the misconduct. Such misconduct may result in a fine, suspension or revocation of the license depending upon the type of misconduct that occurs. Per **Chapter 18(108)**, the company licensees will report medical cannabis dispensing information every twenty-four (24) hours to the Prescription Monitoring Program implemented and operated by the Mississippi Board of Pharmacy under Miss. Code Ann. Section 73-21-127. The dispensary information reported will be subject to rules and guidelines promulgated by the Mississippi Board of Pharmacy and will include, but not be limited to, the qualified patient's registry identification card number and the amount of medical cannabis dispensed to the patient. The company licensees must complete all training required for the applicable seed-to-sale electronic tracking system to receive appropriate credentials and interact with the electronic tracking system as required by law and these regulations per **Chapter 18(109)**.

Chapter 19 - Operating Hours

The operating plan of the dispensary will state the business hours for interaction with patients, including sales and consultation, and hours for business-related activities, including accepting delivery of product and employee training per **Chapter 19(100)**. Per **Chapter 19(101)**, the operating plan will state the hours ("normal business hours") during which it will: Sell or transfer cannabis products, along with cannabis paraphernalia, on the licensed premises to individuals upon presentation of a card **Chapter 19(101)(1)**; Refuse to sell any item to any person **Chapter 19(101)(2)**, or; Provide consultations between employees and cardholders **Chapter 19(101)(3)**. Per **Chapter 19(102)**, the following activities should be conducted during normal business hours as stated in the operating plan or two hours before or two hours after such normal business hours: Accept deliveries of permitted items and manage its inventory **Chapter 19(102)(1)**; Enter transfers or deliveries into the tracking system **Chapter 19(102)(2)**; Conduct employee training **Chapter 19(102)(3)**, or; Perform administrative work, cleaning or maintenance **Chapter 19(102)(4)**. The dispensary will notify the Department in writing if it wishes to conduct activities outside these hours per **Chapter 19(103)**. Per **Chapter 19(104)**, if a local government alters the business hours applicable to the dispensary, the dispensary will amend its operating plan and submit the amended operating plan to the Department for approval within thirty (30) days of the local government's action.

Chapter 20 - Employees

Per **Chapter 20(100)**, the dispensary will not employ anyone who has been convicted of a disqualifying felony offense or is under the age of twenty-one (21). The dispensary will not employ any individual who does not have a valid work permit. The dispensary will complete a background check on each employee to verify that the employee does not have a disqualifying felony as defined by these regulations per **Chapter 20(101)**. Per **Chapter 20(102)**, an individual will not be able to work at the dispensary until after he or she receives a work permit and completes eight (8) hours of continuing education relating to medical cannabis. Thereafter, it is the individual's responsibility to annually complete five (5) hours of continuing education relating to medical cannabis to maintain such certification. An individual is required to renew his

or her permit every five (5) years. If an individual does not complete the annual continuing education requirements, the Department may revoke the individual's work permit or suspend the work permit until such time as the education requirements are completed per **Chapter 20(103)**. The dispensary is required to create an identification badge for its employees. This badge will be conspicuously worn by employees at all times that they are on the licensed premises per **Chapter 20(104)**.

Chapter 21 - Sales Limits

As part of its commitment to a culture of compliance and security, employees will be trained on verifying each individual attempting to enter the premises. Training will also include the company's established identification verification procedures, which prohibit a person under 21 years of age from entering the company's premises and ensure that an individual's age and identity are verified on two separate occasions. This will be accomplished by verifying that the individual has a valid government-issued photo identification showing that they are at least 21 years of age. If possible, an ID scanner will be used. This verification will occur before permitting the individual entry to the premises and before each transaction of cannabis or cannabis items is initiated. Employees will be required to examine any one of the following photographic identifications and confirm the customer is of legal age to purchase cannabis:

1. Passport or passport identification card
2. Identification card, including a temporary identification card, issued by any state within the United States, District of Columbia, or any U.S. territory
3. Motor vehicle driver's license, issued by any state within the United States, District of Columbia, or any U.S. territory
4. United States military identification card or any other identification card issued by the United States government, including but not limited to a permanent resident card, alien registration card, or consular card

Per **Chapter 21(100)**, the dispensary will not sell any combination of cannabis products to a resident or non-resident cardholder within one week that results in the cardholder receiving greater than six (6) MMCEU's. This calculation is based on the total amount of cannabis products received by the individual from all dispensaries during that week, beginning on Monday morning and ending on Sunday night. Per **Chapter 21(101)**, a resident cardholder will not receive more than twenty-four (24) MMCEU's during any rolling thirty-day period from a dispensary or a combination of dispensaries. A non-resident cardholder will not receive more than twelve (12) MMCEU's from a dispensary or a combination of dispensaries during any rolling fifteen-day period. "Rolling" will be calculated by reviewing the previous twenty-nine day or fourteen-day period, as applicable. Per **Chapter 21(102)**, a cardholder's patient card may indicate that the patient is restricted to receiving an MMCEU amount less than the amounts stated in Paragraphs 100 and 101 above. It may also indicate that the patient is restricted to receiving medical cannabis products in certain forms. The dispensary is required to restrict its sales to any such patient to match the limitations set forth on the patient card.

Per **Chapter 21(103)**, the dispensary is required to report to the Department the identity of any individual who communicates the intent to divert cannabis products to individuals who do not have cards, across state lines or to be engaging in the unlicensed sale of cannabis. Such

communication must be done as soon as reasonably possible. Per **Chapter 21(104)**, the dispensary will report any criminal activity of which it is aware related to the unlicensed sale or diversion of cannabis, cannabis products or cannabis plants. Failure to report such activity to Department may result in penalties up to and including license suspension, revocation and monetary fines. The dispensary will report all transactions involving cannabis products into the State-run electronic tracking system per **Chapter 21(105)**.

Chapter 22 - Dispensing Cannabis Products

Per **Chapter 22(100)**, before the dispensary will sell cannabis products to a cardholder, including resident cardholders, non-resident cardholders and designated primary caregiver cardholders, the dispensary employee will: Verify the validity of the patient card by scanning the card **Chapter 22(100)(1)**; Verify that the amount of cannabis products the patient or the designated caregiver is requesting would not cause the patient to exceed the applicable MMCEU purchase and possession restrictions for cardholders or any applicable restrictions on the form of medical cannabis product that may be sold to the patient **Chapter 22(100)(2)**, and; Enter the following information into the electronic tracking system **Chapter 22(100)(3)**: The number of the registry identification card of the patient or the name of the designated primary caregiver of the patient; The amount, sale price, package identification number, and type of cannabis product dispensed; Whether the cannabis product was dispensed to the patient or to the designated primary caregiver of the patient; The date and time at which the cannabis product was dispensed; The employee's work permit number and; The license number of the dispensary.

Chapter 23 - Storage and Sale of Cannabis Products

The dispensary will store all cannabis products behind a counter or other barrier to ensure a cardholder does not have direct access to the cannabis products per **Chapter 23(100)**. Upon the request of a cardholder, the dispensary will disclose the name of the independent testing laboratory which performed the required quality assurance tests for the dispensary per **Chapter 23(101)**. Per **Chapter 23(102)**, the dispensary will only sell concentrated cannabis, edible cannabis products and cannabis-infused products obtained from a facility for the production of such products which holds a license issued by the Mississippi Department of Health or from another dispensary licensed by the Department. The dispensary will maintain a file which contains test results for any such approved product at the dispensary and will make the file available for review upon request.

Facility storage policies are designed to ensure all cannabis and cash or currency are protected from diversion, theft, loss, and degradation. Secure storage for cannabis inventory and currency will be located in limited access areas, including refrigeration for perishable cannabis products. Secured storage areas will be constructed of steel-reinforced concrete masonry blocks on all walls and ceilings and will be climate-controlled to prevent product degradation. Air intake to the facility and storage areas will be filtered to avoid the intrusion of pests that may cause product deterioration. All currency and cannabis, including quarantine and waste cannabis, will be kept in a steel safe or vault with an Underwriters Laboratory (UL) Group 1 rating. Vaults and safes will have doors secured by an outside combination lock and pin code and will only be accessible by identified Type 1 Key Employees. Vault doors will be attached to steel-reinforced concrete or similar masonry at least eight inches thick. Safes will be bolted or cemented to the floor or wall so they can't be readily removed. Vaults and safes will be secured with a

commercial grade combination pin code reader for authorized personnel to enter. The combination will be changed at irregular intervals not to exceed 90 days. A log of all safe/vault entries and code changes will be maintained with the security records. Designated storage areas for cannabis, including separated areas for in-process materials and waste, will be located in limited access areas to prevent cross-contamination and product diversion. Dolphin Dayz LLC will strictly limit the number of individuals accessing cannabis storage areas to the minimum number necessary.

Chapter 24 - Prohibited Conduct

Per **Chapter 24(100)**, in addition to any other prohibitions and restrictions by law, the dispensary will not :

- 1.** Conduct any transaction without face-to-face verification of the purchaser's identity and cardholder status by scanning the registry identification card;
- 2.** Sell cannabis product that has not passed mandatory testing as required by regulations issued by the Mississippi Department of Health;
- 3.** Sell cannabis product that has not been purchased from a licensed cultivator, processor or dispensary;
- 4.** Sell cannabis product that is not properly packaged or labeled in accordance with applicable rules or statutes;
- 5.** Give away cannabis products, immature cannabis plants or cannabis seedlings;
- 6.** Sell or give away: Mature cannabis plants; Food that does not contain cannabis intended for medical treatment, or; Any item that is not considered to be a cannabis product, equipment used for cannabis products, or related supplies and educational materials.
- 7.** Sell any item to a non-cardholder;
- 8.** Sell to any cardholder an amount of cannabis that exceeds applicable the weekly maximum amount or the applicable amount to be sold within a rolling 30 day time period;
- 9.** Sell to any cardholder a form of medical cannabis product to a patient whose patient card indicates that he or she is restricted to only receiving a certain form of medical cannabis product;
- 10.** Sell or distribute cannabis products using: Curbside service; A drive-through sales window, or; A delivery service.
- 11.** Sell cannabis products to a person who is visibly intoxicated;
- 12.** Sell or give away pressurized containers of butane, propane, carbon dioxide or other materials that could be used for extraction purposes in the home production of cannabis concentrate, except that the dispensary may sell or give away disposable butane lighters;
- 13.** Sell any edible cannabis product that is molded to contain an image or character designed or likely to appeal to minors, such as images or characters that are cartoons, toys, animals or children;
- 14.** Sell cannabis product that is packaged in a manner that is designed to or likely will appeal to minors, including but not limited to the use of packaging that resembles popular candy brands or contains images or characters that are cartoons, toys, animals or children;
- 15.** Sell cannabis trim or flower that has a potency of more than 30% THC or cannabis edibles, tinctures, oils or concentrates with a potency of more than 60%;
- 16.** Allow cardholders or caregivers to be present on the licensed premises or sell to a cardholder during any hours not permitted on the operating plan;
- 17.** Conduct any activities during hours or on days not authorized in the company's operating plan;
- 18.** Sell or transfer returned or recalled cannabis product to another cardholder or caregiver;
- 19.** Allow a cardholder or caregiver to open or alter a package containing cannabis product or otherwise remove cannabis product from packaging required within the premises or in an area that the company controls;
- 20.** Allow a cardholder or caregiver to bring cannabis product onto the premises except for cannabis products being returned for refund or exchange;
- 21.** Engage in the sale of cannabis products if mandatory testing is not verified or verifiable with certificate of analysis, or if testing reports unsafe levels of potentially harmful substances, or if testing reports THC levels higher

than those allowed by law; **22.** Mechanically or chemically extract THC from cannabis or possess, sell or store devices on the premises that can be used for this purpose.

Chapter 25 - Records Required to be Kept for Three (3) Proceeding Calendar Years

We will retain a complete and accurate confidential record of all sales, including the quantity, variety, form, and cost of the cannabis item, and these records will be stored and maintained for three years. Access will be restricted to executive management and internal affairs auditors who are directly responsible for overseeing compliance and investigating discrepancies, and a third party auditor may be hired depending on the situation. The server this information will be located in will be in a room with locked, limited access restrictions. The server will follow the company's cybersecurity guidelines for encryption, ensuring electronic confidentiality, locked filing cabinets, and physical barriers to location entry.

Per **Chapter 25(100)**, the following records will be maintained in physical and/or electronic format for a minimum of three (3) years: Records regarding the disposal of cannabis products **Chapter 25(100)(1)**. General Business Records, including purchase and sales information **Chapter 25(100)(2)**. Records of all required inventory reports **Chapter 25(100)(3)**. Records of each transaction, including the amount of cannabis product dispensed, the amount of compensation received, and the registry identification number of the qualifying patient or designated caregiver **Chapter 25(100)(4)**. Personnel Records **Chapter 25(100)(5)**.

Per **Chapter 25(101)**, General Business Records will include itemized invoices for all cannabis products purchased, sales made, all bank statements and cancelled checks, and all other books and accounts as may be necessary to determine the financial position of the business. All itemized purchase invoices and tickets will bear the items purchased, the date of purchase, name of the seller and purchaser. Cash register tapes will not be used in lieu of itemized invoices for record purposes. Per **Chapter 25(102)**, all required records will be adequate in substance to conform with generally accepted accounting practices. All records will be open for examination by the Department during regular business hours.

Chapter 26 and 27 - Transportation of Cannabis and Company's Duty to Report

The dispensary will adhere to all applicable Mississippi Department of Health transportation requirements when receiving or shipping medical cannabis per **Chapter 26(100)**. Per **Chapter 27(100)**, each company employee is responsible to monitor for unusual usage, or questionable disposition of medical cannabis. Each dispensary employee, immediately upon discovery of any fraudulent or otherwise unlawful recommendation, unusual usage or questionable disposition will notify the Department. The dispensary employee will notify the Department within 24 hours upon discovery of the theft or loss of any cannabis product in transit that was either shipped from or to the dispensary per **Chapter 27(101)**.

Per **Chapter 27(102)**, Cannabis product thefts or unexplained losses will be reported to the Department in writing irrespective of whether the cannabis or cannabis product is recovered and/or the responsible parties are identified and action taken against them. Written reports will be provided to the Department within 48 hours following the discovery of such theft or loss. The written report will include: The name, address, and license number of the dispensary; The amount and type of cannabis product lost or stolen; The circumstances surrounding the loss or

theft; The date the loss or theft was discovered; The person who discovered the loss or theft; The person responsible for the loss or theft if known, and; Any other information that the reporter believes might be helpful in establishing the cause of the loss or theft **Chapter 27(102)(1)**.

An exemption may be obtained upon sufficient cause if the report cannot be completed within 48 hours **Chapter 27(102)(2)**. A request for waiver of the 48 hours limit will be requested in writing **Chapter 27(102)(3)**. All dispensary employees will report all known violations of state drug laws or Medical Cannabis regulations issued by this Department or the Mississippi Department of Health to the Department immediately per **Chapter 27(103)**. Regulatory violations related to security and/or administration of cannabis products that the dispensary employee knows or reasonably should know will be reported to the Department within twenty-four hours per **Chapter 27(104)**.

Regulatory Compliance Conclusion

Each section of the company's application is focused on complying with the laws on a local and State level. This regulatory compliance plan is taken directly from the applicable state laws. They will frequently check for any updates and alter the plan accordingly. For a more detailed plan involving security, recordkeeping, and operating plan, please refer to the other sections of our application.

Recordkeeping

Introduction

Below is a plan which outlines recordkeeping procedures to include compliance with adopted State and Local legislation. Recordkeeping is essential, supporting every area of guidance and compliance while aggregating valuable data about the company for internal or regulatory purposes. This section will detail Dolphin Dayz LLC's planned policies, procedures, and roles and responsibilities of the recordkeeping function, to comply with SB 2095. Maintaining detailed records is critical to maintaining regulatory compliance and operating a successful cannabis business. Dolphin Dayz LLC has outlined the best practices and human resources required to ensure our operations will be monitored by seasoned professionals and nurtured by proven standard operating procedures.

System of Recordkeeping

Per **Section 6(1)**, Dolphin Dayz LLC will use a statewide seed-to-sale tracking system certified by the MDOH to track medical cannabis from seed or immature plant stage until the medical cannabis is purchased by a registered qualifying patient or registered designated caregiver or destroyed. Records entered into the seed-to-sale tracking system will include each day's beginning inventory, harvests, acquisitions, sales, disbursements, remediations, disposals, transfers, ending inventory, and any other data necessary for inventory control records in the statewide seed-to-sale tracking system. The company will ensure that all medical cannabis sold or disbursed to a registered qualifying patient or designated caregiver is recorded in the seed-to-sale tracking system as a purchase by or on behalf of the applicable registered qualifying patients. Amounts of medical cannabis located in the facility will be recorded in the following manner: **Section 6(2)(a)** For dried, unprocessed cannabis, in ounces or 740 grams; **Section 6(2)(b)** For concentrates, in grams; or **Section 6(2)(c)** For infused products, by milligrams of THC. Per **Section 6(3)** the seed-to-sale tracking system used by cannabis cultivation facilities,

dispensaries, cannabis processing facilities, cannabis testing facilities, cannabis research facilities, cannabis transportation entities and cannabis disposal entities will be capable of: **Section 6(3)(a)** Allowing those facilities and entities to interface with the statewide system such that a facility may enter and access information in the statewide system; **Section 6(3)(b)** Providing the MDOR and MDOH with access to all information stored in the system's database; **Section 6(3)(c)** Maintaining the confidentiality of all patient and caregiver data and records accessed or stored by the system such that all persons or entities other than the MDOR and MDOH may only access the information in the system that they are authorized by law to access; **Section 6(3)(d)** Producing analytical reports to the MDOR and MDOH regarding the total quantity of daily, monthly, and yearly sales at the facility per product type; the average prices of daily, monthly, and yearly sales at the facility per product type; and total inventory or sales record adjustments at the facility; and **Section 6(3)(e)** the ability to determine the amount of medical cannabis that a registered qualifying patient or registered designated caregiver has purchased that day in real time by searching a patient registration number. Per **Section 21(1)(d)** governing medical cannabis establishments with the goals of ensuring the health and safety of registered qualifying patients and preventing diversion and theft of medical cannabis without imposing an undue burden or compromising the confidentiality of cardholders include **Section 21(1)(d)(i)** Oversight requirements; and **Section 21(1)(d)(ii)** Recordkeeping requirements.

Written Reports for Testing Laboratories

Dolphin Dayz LLC will retain every written report from a testing laboratory for any cannabis item the cannabis business sells. These records will be available for five years. Dolphin Dayz LLC will utilize Confident Cannabis (CC) or a similar testing results data storage and distribution company. CC is a software platform designed to help cannabis businesses manage their testing lab results and inventory. CC will store and disperse testing information from the laboratory to the company and its distributors. Until then, Dolphin Dayz LLC will be using the State assigned laboratory and working with all the requirements necessary to comply with these procedures. The entire lab results will be readily available for reporting to consumers, vendors, and the authorities. They will be reported digitally to other businesses by CC. The testing laboratory will produce a written report, also called a Certificate of Analysis (COA), detailing the testing results for each representative sample and provide it to Dolphin Dayz LLC and any regulatory agency upon request. Dolphin Dayz LLC will also provide each customer with a copy of the COA so that end-users may have that information. Where feasible, Dolphin Dayz LLC will use a QR code or other image that may be scanned on its finished product packaging to provide informative testing information to the end-users and assist with the company's recordkeeping procedures.

Maintaining Confidential Records

We will retain a complete and accurate confidential record of all sales, including the quantity, variety, form, and cost of the cannabis item. These records will be stored and maintained for three years. Access will be restricted to executive management and internal affairs auditors who are directly responsible for overseeing compliance and investigating discrepancies. A third-party auditor may be hired depending on the situation. The server this information will be located in will be in a room with locked, limited access restrictions. The server will follow the company's cybersecurity guidelines for encryption, ensuring electronic confidentiality, locked filing cabinets, and physical barriers to location entry.

Per **Chapter 25(100)**, the following records will be maintained in physical and/or electronic format for a minimum of three (3) years: **Chapter 25(100)(1)** Records regarding the disposal of cannabis products; **Chapter 25(100)(2)** General Business Records, including purchase and sales information; **Chapter 25(100)(3)** Records of all required inventory reports; **Chapter 25(100)(4)** Records of each transaction, including the amount of cannabis product dispensed, the amount of compensation received, and the registry identification number of the qualifying patient or designated caregiver; **Chapter 25(100)(5)** Personnel Records. General Business Records will include itemized invoices for all cannabis products purchased, sales made, all bank statements and canceled checks. All other books and accounts must determine the business's financial position. All itemized purchase invoices and tickets will bear the items purchased, the date of purchase, name of the seller and purchaser. Cash register tapes may not be used instead of itemized invoices for record purposes **Chapter 25(101)**. All required records will be adequate in substance to conform with generally accepted accounting practices. All records will be open for examination by the Department during regular business hours **Chapter 25(102)**. Dolphin Dayz LLC's administrative structure will maintain a system of recordkeeping that will permit the batch identification for recall of any cannabis from our customers when such items may be found unsafe for use. Batches will be tracked using an internal Point of Sale tracking system and the state-mandated tracking system. If products are ever deemed unsafe for use, these systems can also be a tool to process real-time product recalls. Through our detailed and consistent labeling procedures, Dolphin Dayz LLC will ensure every cannabis container bears our identifying name and corresponding regulatory number, and the final packaged cannabis item contains all labeling information required. This labeling will make it possible to determine the complete cultivation and processing history of the packaged cannabis items, ensuring complete transparency for the consumer.

Personnel Recordkeeping

The Human Resources department will work together to ensure all Human Resources records are kept digitally in a folder on our Google Drive that has restricted access due to the confidential nature of these records. Personnel records, including but not limited to those identified above, will be maintained for at least three years after termination of the person's affiliation with Dolphin Dayz LLC and all other business purposes, following Dolphin Dayz LLC's business practice.

Maintaining Business Records

Dolphin Dayz LLC will maintain business records, including manual or digital records of assets and liabilities; monetary transactions; journals, ledgers, and supporting documents, including agreements, checks, invoices, and vouchers cannabis business keeps as its books of accounts. Supporting documents, including agreements and contracts, will be maintained digitally using Google Drive. Copies of checks will be maintained as part of the banking system. Vouchers, like payment approvals and expense reports, payroll and timesheets will be kept digitally in Google Drive or hard copy.

Administrative Records

Dolphin Dayz LLC has established standards and procedures by which the cannabis business determines the price it charges for usable cannabis and a record of the prices charged. Based on

extensive market research and active analytics, Dolphin Dayz LLC's pricing will reflect current market conditions and dovetail with the company's mission to provide competitively-priced cannabis and cannabis products to Mississippi's consumers. Overall, the Chief Financial Officer (CFO), April Jowers, will have clear and specific standards and procedures to determine the pricing for cannabis and cannabis products. Pricing changes will be tracked as part of the sales recordkeeping process and monitored by the CFO. Correspondingly, pricing will be included in the invoicing system in Quickbooks Online.

Conclusion

Recordkeeping is a critical function at Dolphin Dayz LLC to ensure strict regulatory compliance and properly manage and measure the efficiency and progress of our operations. Dolphin Dayz LLC's planned policies, procedures, and roles and responsibilities related to recordkeeping will create a culture where strict regulatory compliance is the standard. Dolphin Dayz LLC will be prepared to respond to requests for records from the State in a timely and complete manner. Dolphin Dayz LLC has outlined the best practices and human resources required to ensure our operations consistently deliver on both.

City of Gautier, MS Conditional Use Diagram - Dolphin Dayz LLC

Request: Provide a diagram of the project site. In cases where certain requirements are triggered by aspects of the interior of the building, the interior building layout will need to be provided also. Include the location of property lines, buildings, parking spaces, outdoor storage areas, outdoor seating areas, signage, landscape areas, driveways, loading/unloading areas, limits of paving, exterior elevations (if changes are proposed), and entrance/exit locations. Include the whole site. Use the space below or provide separate drawings. Staff will provide guidance as needed on additional information needed on the diagram.

Response: As an applicant for a conditional use permit in Gautier, MS to conduct operations as a medical cannabis dispensary, licensed by the State of Mississippi Dept. of Revenue; Dolphin Dayz LLC has provided a complete Conditional Use Project Diagram per the City's standards. The LLC's proposed location is **3300 Ladnier Rd, Gautier, MS 39553**. Below, see a table of contents pertaining to the Diagram's structure.

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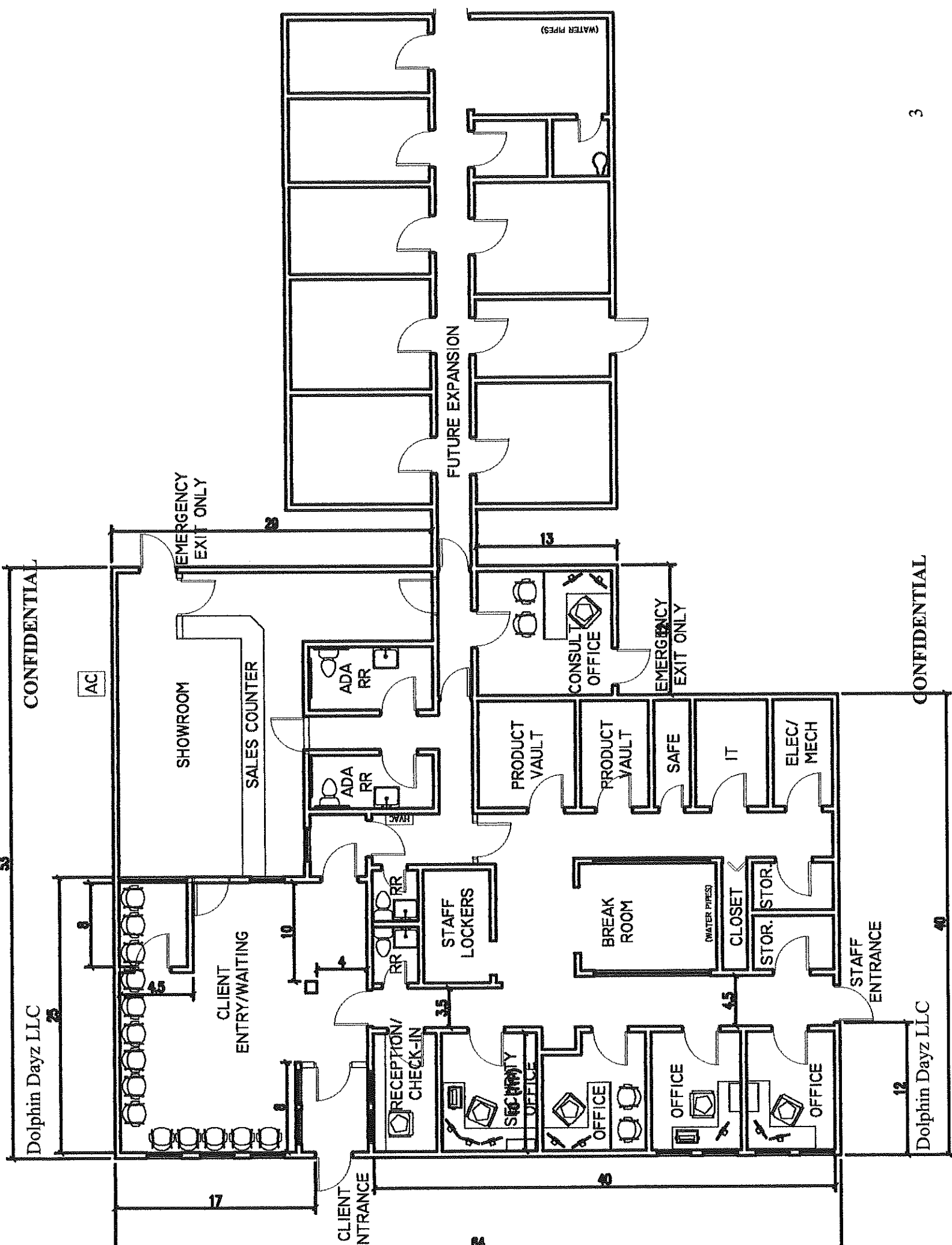
Page #3: Current floor plan for 3300 Ladnier Rd, Gautier, MS 39553

Page #4: Lot layout for 3300 Ladnier Rd, Gautier, MS 39553

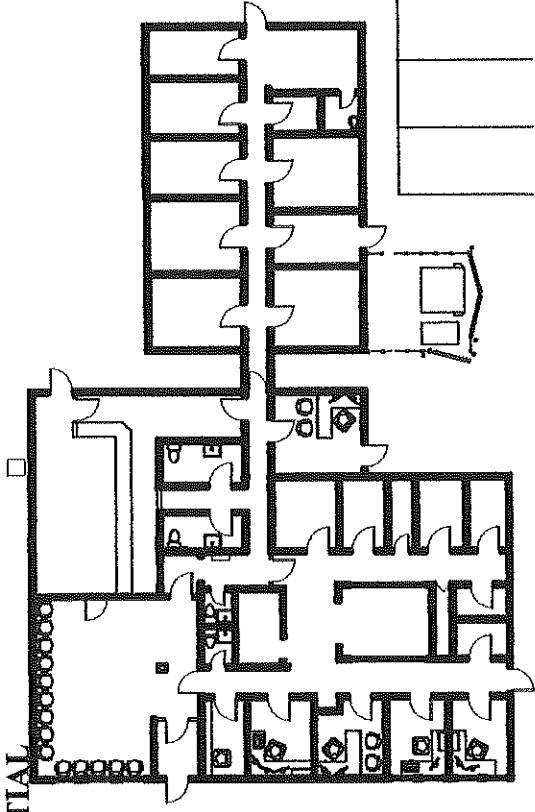
Page #5: Proposed floor plan and security diagram for 3300 Ladnier Rd, Gautier, MS 39553

Page #6: Site survey for 3300 Ladnier Rd, Gautier, MS 39553

Page #7-21: Fire safety plan and diagrams for 3300 Ladnier Rd, Gautier, MS 39553

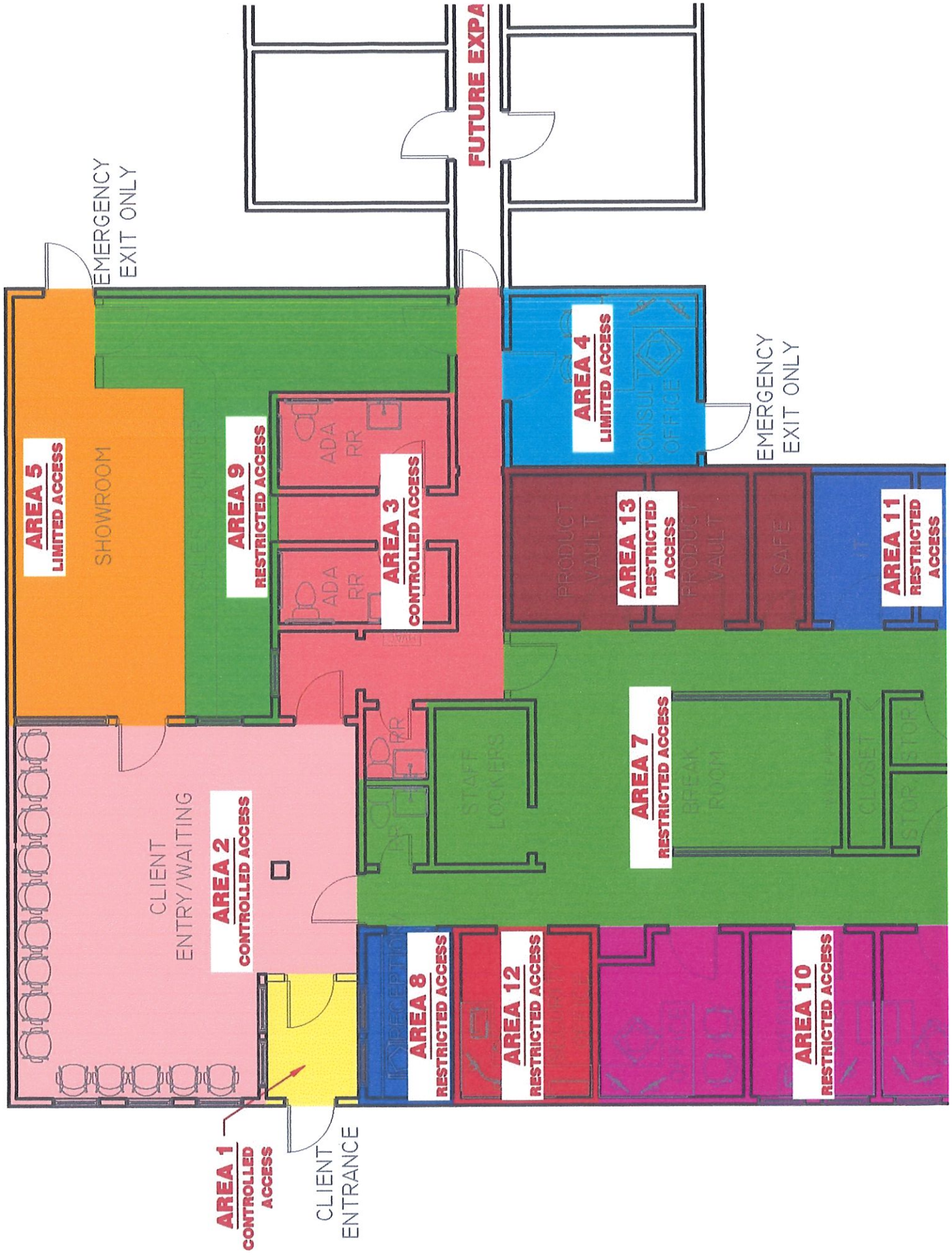


LADNIER ROAD



OLD SPANISH TRAIL

AC



DOLPHIN DAYZ

FIRE AND LIFE SAFETY REPORT AND PLAN

2022

FIRE AND LIFE SAFETY PLAN

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I. INTRODUCTION

This report is prepared at the request of Dolphin Dayz, which is proposing to open a cannabis retail operation in Gautier, Mississippi. As part of the permitting process, a detailed safety report and plan (Report) is required to be prepared by a fire and safety professional with expertise in the issues involved in the proposed operations. This Report is required to review the fire protection and related systems that are, or are proposed to be, present in the building/facility where the operations will be conducted and to assess the adequacy of building safety features as they relate to the proposed operations. It is also required to address issues related to the proposed use of hazardous materials and other health and safety concerns related to both employees and the public. This Report will address the safety and health concerns related to the proposed operation and activities that are planned to be conducted within the facility.

The Report was prepared by Paul Gantt and his team. Dr. Gantt is the President and Founder of Safety Compliance Management, Inc. (SCM), a safety and health consultation firm headquartered in San Ramon, California. Prior to founding SCM, he served in four fire departments. Dr. Gantt is a Safety Engineer with a Doctorate degree in Human Services and is a Board-Certified Safety Professional (CSP). He is also certified by the Office of the California State Fire Marshal as a Certified Fire Officer, Certified Fire Prevention Officer, Certified Public Education Officer, Certified Fire Training Officer, and is certified to teach many of these disciplines for the Office of the State Fire Marshal. Additionally, he is a qualified Expert Witness and has testified in deposition and court on matters of the International Fire Code, premises liability, and occupational safety matters. A copy of his CV is in Appendix A of this report.

In preparing the Report, Dr. Gantt and his team consulted with the business owners and operators, reviewed the building plans and related documents relative to the building, and information on the specific activities that take will place within the building. This information was used as the basis for this evaluation and report, and also to identify the various safety programs that are recommended to be implemented.

The codes relied upon in the formation of this report include the 2018 edition of the International Building Code (IBC), the 2018 edition of the International Fire Code (IFC), applicable OSHA regulations found in Code of Federal Regulations (CFR), and the respective local amendments. From this review, the Report also contains plans and programs that will be required to ensure the safety of employees and the public.

II. BUILDING DESCRIPTION

The proposed facility that is the subject of this analysis and report is an existing building located at 3300 Ladnier Rd, Gautier, Mississippi. The building is one story. Most of the space will be used for retail operations with the remaining space used for business management operations, a reception area, and a storage vault. It is planned to undergo some remodeling to facilitate the proposed operations. The diagram and site map of the proposed facility are found in Appendix B.

Because the project is currently in the proposal state and being reviewed by the planning department and other local departments, some of the specific building features have not been identified and no final building plans have been completed. Once the project is approved, the building will be subject to significant review by the various agencies including, but not limited to, the fire and building departments. This will provide an extensive evaluation of all aspects of the building to ensure compliance with applicable code requirements including those related to building setbacks, overall building design and size, exiting from the building, ADA compliance, portable fire extinguisher types and placement, building alarms and detection systems, the need for additional fire protection systems if required, parking, and signage. This extensive review will help ensure that all necessary and required safeguards relative to fire safety are in place.

III. SUMMARY OF OPERATIONS AND HAZARDS

All areas of this facility will involve operations that are classified as standard, or traditional, building uses, and are covered by various sections of the current versions of the IBC and the IFC. These codes classify buildings, or portions thereof, into Groups and Divisions based on the type of use of the building and any hazards created by that use. For each area, safety and health assessment information is provided to ensure the ongoing safety of employees, the public, and the facility. The proposed maximum occupant load in each area of the building will be reviewed for compliances with the requirements of the IBC. Appropriate numbers of exits from the building will be present and adequate. Following is a summary of the proposed occupancy types and groups for each of the areas and operations within the facility.

A. Office and Support Operation Areas

A portion of the building is planned to be used for the business and support operations associated with the primary retail operations. This area of the building would be classified by the IBC as Business, Group B, occupancy. In the final approval process that will be conducted by the city, the number and location of exits, ADA compliance, signage requirements, and the inclusion of other fire protection and life safety features will be evaluated and approved prior to the facility becoming operational.

B. Storage Area

Some areas of the building will be used for the receiving and storage of cannabis products awaiting sale. These areas of the building will be classified as a Moderate Hazard Storage, Group S-1, by the IBC. The storage areas will have high security with limited and restricted access. Operations that occur within these areas will be done using standard storage equipment with minimal hazards associated with their use. There is no expected storage of hazardous materials within the storage areas or in any other areas of the facility.

The materials stored in these areas will be on shelves that are less than six feet in height allowing for manual handling of the boxes and containers holding the packages awaiting sale. These pre-packaged materials will be consumer-sized packages that are similar to those found in other retail establishments such as commercial pharmacies. The packaging is mostly composed of cardboard and clear plastic sleeves and will conform to the State

of Mississippi regulations.

C. Retail Operation Area

The retail operation, housed on the first floor, is proposed to be open and accessible to the public. This area is expected to be similar in layout, design, and operation as a traditional retail establishment. It will have the required configuration to allow adequate aisles and exiting and would be classified as a Group M, Mercantile, occupancy. The layout, design, exit plans, and other elements of the fire safety requirements will undergo standard code review processes by the various agencies once the final plans have been developed.

In the retail area, standard health protocols will apply as required by the local county public health agency.

IV. HAZARDOUS MATERIALS SAFETY AND COMPLIANCE

Given the nature of the operations that will be conducted at the facility, the use of hazardous materials will be negligible and hazardous waste will not be generated. Materials that will be present, such as cleaning supplies, will be stored and handled in accordance with applicable requirements of the IFC and OSHA regulations. These will be all standard consumer use products.

V. EMERGENCY ACTIONS

A. Fire and Life Safety Coordinator

Dolphin Dayz will designate a Fire and Life Safety Coordinator for the organization.

The Fire and Life Safety Coordinator will direct the day-to-day prevention and safety activities, and is responsible for the following:

- Ensuring that all aisles and exits are properly maintained.
- The regular inspection and maintenance of all emergency lighting, alarm, detection and suppression equipment according to manufacturer's specifications.
- Assigning someone to take roll call at the assembly area following a site evacuation to ensure the safety of all employees.

The Fire and Life Safety Coordinator will be familiar with:

- Major workplace hazards.
- Requirements to maintain aisles and exits.
- Proper handling and storage practices of potential flammable and combustible materials, and ignition sources.
- Dolphin Dayz' Emergency Action Plan.
- Laws and local codes relating to fire prevention.
- All fire protection equipment.

The Fire and Life Safety Coordinator is responsible to ensure all employees are trained on fire prevention housekeeping procedures and the parts of this plan that apply to them.

B. Reporting A Fire

In the event of a fire, visible smoke, or the smell of smoke, employees must leave the area of the fire immediately. When customers are in the retail area, the employees will assist them to the exit(s) and out of the building. They will assist those in danger if it is safe to do so, directing them out of the building to a safe location. This should only be attempted if it does not endanger other lives.

Immediately report any size fire to the fire department.

C. Reporting an Emergency

Call 9-1-1.

For any emergency, whether at work or home, employees should be prepared to provide the emergency operator with the following information:

- Type of emergency.
- Scope of emergency (number of people involved, size of the problem).
- Location of the emergency (be as specific as possible).
- Caller's name and phone number.
- Any other details emergency response personnel should be aware of.

Stay on the line until the emergency operators indicate they have all the necessary information. Let the emergency operators be the first to hang up.

D. OSHA Reporting Requirements

In the event of a serious occupational injury or illness, or the death of an employee because of an occupational condition or incident, it is required that OSHA be notified of the occurrence by telephone immediately, no more than 24 hours after the incident. The only exception would be when the person making the report can demonstrate that exigent circumstances existed, and that, even with diligent inquiry, the information for the report was not available in the required time frame.

The OSHA reporting number is 800-321-6742. The following information must be reported:

- Date and time of the incident.
- Employer's name, address, and telephone number.
- Name and job title of the person making the report.
- Address of the site of the accident or event.
- Names of the injured/ill employee, the person making the report, and the employer.
- Nature of the injury/illness.
- Location to where the injured employee(s) was (were) moved.
- List and identify of other law enforcement agencies present at the site of the accident.
- A description of the accident and whether the accident scene had been altered.

A serious injury or illness is defined as when any of the following occur:

- A fatality.
- An employee suffers an amputation or loss of an eye.
- An employee is hospitalized other than immediate treatment in an emergency department.

E. Emergency Evacuation

During new employee orientation, employees are informed of the procedures for emergency evacuations, including their responsibility to become familiar with evacuation routes, and to always preplan a secondary route should the primary route be blocked.

Should it become necessary to evacuate, the order will be given by the fire alarm system or verbally. At that time, everyone leaves by the nearest emergency exit following established evacuation routes (Appendix B). Only designated evacuation routes and exits should be used.

During the evacuation, all employees, visitors, and customers who might be at the site are to follow these general safety considerations listed:

- When instructed to, leave the area immediately. Only take items that are within immediate reach; nothing is worth the chance of being trapped inside. No one is to remain inside.
- Personnel will need to assist other employees and customers that may be in the facility; help those who might not know Dolphin Dayz' evacuation procedures or require assistance.
- The Fire and Life Safety Coordinator or designee will be positioned at an exit to ensure everyone continues to move to the outside and the exit routes remain open.
- All employees must report to the Fire and Life Safety Coordinator or designee at the designated evacuation assembly area.
- Roll call will be taken at the designated evacuation assembly site. The Fire and Life Safety Coordinator or designee will then notify the person in charge whether all have safely exited the site.
- Once employees and/or customers arrive in an evacuation assembly area, they should not leave it until told to do so by the person in charge.
- Employees are not to block access routes for emergency vehicles at the assembly area. Avoid interference with emergency personnel.

At Dolphin Dayz there is an emergency evacuation assembly area. It is located at the southeast corner of the parking lot. (Appendix B)

F. ADA Compliant Evacuation Procedures

- Posted signage for exiting should have Braille instructions for persons with visual impairments.
- Signage for emergency exiting and instructions should be in colors easily recognizable by persons with color blindness.
- Evacuation familiarization tours will be provided for any employee with a visual impairment upon request.

In addition to loud alarms to announce emergency evacuations, strobe lighting may be used to signal those with hearing impairments.

- Employees may be assigned to assist those with hearing impairments, including customers, to ensure they are alerted to any emergency instructions.
 - Employees with hearing impairments may receive instructions by texts or emails.
- Employees or customers with mobility impairments will be assisted to the evacuation assembly area.

G. Earthquakes

Employee Responsibilities:

- Prepare by planning where they would go before an earthquake occurs.
- Make preparation for family and home. All of the information in this plan can be used at home.

During the earthquake drop, cover and hold.

- Everyone can be protected by sheltering under a sturdy desk or table, or against an interior wall or corner.
- If it is not possible to get under sturdy furniture, then crouch next to a partition to deflect falling objects and provide some protection.
- If outside, move to open ground away from buildings. Do not run to avoid being thrown to the ground.
- Stay clear of potential hazard areas including around objects that could fall or break.

Actions to take after the earthquake:

- Calmly listen for any instructions being given; the Fire and Life Safety Coordinator will assess the extent of damage and provide instructions as soon as possible.
- Evacuate the building only if it is safe to do so after the shaking stops.
 - Proceed in a calm and safe manner to the nearest safe exit.
 - Walk carefully. Items might not be in their normal place, blocking an exit-way.
 - Once outside, report to the designated evacuation assembly site.
 - Supervisors will account for employees to ensure that all personnel have been evacuated in the same manner as in any other emergency.
 - Once employees have been accounted for and a report made, a plan to locate any missing persons can be developed at the Command Post that will be established.
- Do not re-enter the building until instructed to do so.
- All able-bodied employees should be prepared to assist as indicated by the situation.
- Employees may assist with first aid to the level of their training and with other tasks vital to the smooth operation of a disaster scene, as long as their safety is not endangered.

Prepare for aftershocks following any serious quake.

- Employees are expected to remain clear of any weakened structures.

H. Medical Emergencies

In the event of a serious medical emergency, the first step is to report the emergency by calling 9-1-1 from a cell phone. While waiting for help to arrive, provide appropriate First Aid according to your level of training.

Any Dolphin Dayz personnel who are currently trained in CPR and/or first aid, including the use of an AED, should give aid according to their level of training. It is important that employees not go beyond his/her level of training to prevent doing further harm to the injured individual.

Notify the Fire and Life Safety Coordinator immediately in the event of any injury or on-the-job illness.

I. Violence

Robbery: Dolphin Dayz employees are encouraged to comply with instructions received from any person attempting to commit a robbery or other criminal act on Dolphin Dayz property. The first consideration should always be survival and self-safety. After the criminal act, provide medical assistance for anyone that may require it and immediately contact local law enforcement. It is expected that a more detailed security plan will also be developed for dealing with these issues.

When law enforcement arrives:

- Listen. Calmly follow instructions.
- Put down anything in your hands. Put your cell phone in a pocket.
- Raise your hands, fingers spread. Keep your hands visible at all times.
- Avoid quick movements towards the officers. Don't hang onto them.
- Avoid pointing, screaming or yelling.
- Exit when told to do so. Do not stop to talk with or ask directions from the officers.

More detailed information will be available in the site Security Plan.

VI. FIRE PREVENTION**A. Housekeeping Procedures**

- Fire doors shall be kept closed at all times unless provided with alarm actuated, self-closing hardware.
- Maintain a minimum of three feet clearance around/ in front of all electrical panels.
- Extension cords shall not be used in place of fixed wiring and shall only be used for temporary purposes.
- Multi-plug adapters shall not be used unless provided as part of a listed and fused power strip. They must be plugged directly into an approved receptacle.
- Electrical cords shall not be placed under carpets or through doorways.
- Any fire protection equipment including fire extinguishers, shall not be blocked.
- All work areas will be kept free of excess accumulations of waste.

- Smoking will only be allowed in designated areas. Whenever smoking materials are discarded, they should be placed in appropriate, designated containers.

B. Potential Fire Hazards

- Minimal amounts of hazardous products will be kept on site for cleaning purposes only.

C. Suppression Systems

Fire Extinguishers:

- Fire extinguishers are located throughout the facility by exits to ensure that they are within 75 feet of all areas. This is necessary to allow them to be accessed and used when a small fire is discovered.
- Fire extinguishers require periodic inspection and maintenance. Extinguishers will be visually inspected every month and the inspection documented.
- Extinguishers shall be serviced annually and following use by an approved contractor.

D. Other Fire and Life Safety Equipment

Emergency Lighting: Emergency lighting will be maintained and tested according to manufacturers' recommendations and IFC requirements.

E. Aisles and Exits

All aisles and exits shall conform to minimum standards as outlined by fire and building codes applicable to the facility.

It is the responsibility of the Fire and Life Safety Coordinator to ensure that aisles and exits remain free of obstructions at all times and that employees comply with this requirement through the following requirements:

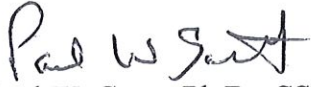
- Storage is not permitted in emergency exit paths even on a temporary basis.
- Any operation that blocks or makes an emergency exit inoperable must receive the approval of the Fire and Life Safety Coordinator or a designee. Special arrangements shall be made to ensure adequate exiting during the temporary operation.
- Exit signs shall be posted above all emergency exits. Signs that are designed to be illuminated shall be maintained in proper working order at all times.
- Cords and cables shall not lay across aisles, presenting a tripping hazard.
- Aisles shall be maintained at a minimum of 36 inches wide.
- Door hardware, including locks, bolts, chains, etc., shall not be added to any exit door without the approval of the Fire and Life Safety Coordinator.
- Exit doors and hardware shall be inspected as part of the regular Safety Inspection.

VII. CONCLUSION

Based on a review of the materials provided and consultation with key personnel involved in the project, it is my opinion that upon completion of the required code review processes that the project will undergo once it has been approved, coupled with the implementation of the employee safety programs outlined in this report, the project will contain the necessary fire and

life safety elements to approve the project.

Prepared By:



Paul W. Gantt, Ph.D., CSP

President

Safety Compliance Management, Inc.



APPENDIX A – PAUL W. GANTT, CURRICULUM VITAE

SUMMARY/OVERVIEW

Dr. Gantt is an experienced **Safety Engineer** and **Board-Certified Safety Professional (CSP)** with an extensive background as both a regulator and in private practice encompassing over 40 years. He is experienced in many areas of occupational and construction safety, safety systems and programs, multi-employer worksites, fire and life safety, workplace and premises evaluation and liability, general safety practices, OSHA and Cal-OSHA health and safety regulations, and Fire and Building Code safety and health requirements. He has considerable experience inspecting and evaluating construction sites, occupational settings, and conducting safety assessments in a broad range of public and private facilities. Additionally, his expertise includes the delivery of training programs with the ability to explain complex regulations, hazards, and practices in an easy-to-understand manner that can be essential in testimony and reports. He is a nationally recognized speaker in many areas related to occupational health and safety, fire safety, premises safety, and regulatory compliance.

OCCUPATIONAL EXPERIENCE

*January 1991 to Present:**President & Founder**Safety Compliance Management, Inc San Ramon, California*

Owner and operator of a tenured and successful private business that provides solutions in the areas of evaluating and implementing occupational health and safety systems and programs, emergency management and response, and safety programs (training, consultation, compliance, and written programs) to a range of clients in both the private and public sectors.

Safety and Regulatory Compliance Consulting/Expert Witness

Provides regulatory and litigation (Expert Witness) consultation services in areas involving regulatory compliance, safety systems, fire and life safety, construction safety, Fire and Building Code compliance, and premises liability matters. He has provided testimony in the areas of safety program development and implementation, multi-employer worksites, construction safety, and the application of safety regulations both occupationally and generally.

Safety Programs – Development, Training, Evaluation, and Consultation

Provides services in the design and delivery of a range of safety program/systems that include training and inspection programs in the areas of general industry safety and construction safety. Evaluates current programs to ensure compliance and develops organizational-specific Injury and Illness Prevention Programs (IIPP), Code of Safe Practices, Fall Protection Programs, and other regulatory required programs as needed. Oversees and participates in inspection programs at a range of general industry, private/public facilities, and construction projects. Assists with accident investigation, risk assessment, and evaluation of workplace and property hazards. Represents clients with OSHA issues including citations, site audits, and permits. Provides and coordinates the delivery of numerous safety training programs to a range of clients in all aspects of OSHA and Cal-OSHA required programs including Fall Protection, CPR/First Aid, Confined Space Operations, Energy Control (Lock Out/Tag Out), Fire Safety, Excavation Safety, Hazardous Materials, and other safety topics.

March 1978 to July 1992:*California Fire Service: Four Departments***Positions Held:**

- Fire Chief (Acting)
- Fire Marshal
- Fire Captain
- Deputy Fire Chief
- Fire Training Officer
- Firefighter/Paramedic
- Fire Division Chief
- Fire Battalion Chief

Held increasingly responsible positions in four California fire departments. Managed the operations of the Fire Department as the Chief in charge of Fire Operations, Fire Prevention, Fire Training, Public Education, Hazardous Materials enforcement, Administration, and Safety. Served as Training Officer and Instructor in Regional Fire Academies.

EDUCATION/CERTIFICATIONS

- Doctor of Philosophy (Ph.D.), Capella University, April 2019.
- Master of Engineering (M.Eng.), Advanced Safety Engineering and Management. The University of Alabama, Birmingham, 2014.
- Bachelor of Public Administration (BPA), The University of San Francisco, 1988.
- Associate of Science (AS), Fire Science. Solano College, 1981.
- Certified Safety Professional (CSP). Board of Certified Safety Professionals (BCSP), #19001, 2006.
- Certified Instructional Trainer (CIT). BCSP, #13001, 2013.
- Construction Health and Safety Technician (CHST). BCSP, # C3565, 2013.
- BCSP Subject Matter Expert.
- Professional Member - American Society of Safety Engineers (ASSE) (#13536), since 1999.
- Advanced Certificate of Achievement, Fire Science. Solano College, 1982.
- Certified Auditor – OHSAS 18001 Safety Systems.
- Certified Fire Officer, Public Education Officer, Fire Instructor, and Fire Prevention Officer - Office of the California State Fire Marshal.
- Registered Environmental Assessor, Class I - California EPA, # REA I-06538, 1996-2012.
- Community College Lifetime Teaching Credentials – Fire Technology, #251342 and Health and Related Technologies, #267782.
- Emergency Medical Technician 1 Instructor/ Mobile Intensive Care Paramedic (Previous).
- Instructor Levels I and II – Office of the California State Fire Marshal.

HONORS/ASSOCIATIONS (Past/Present)

- Professional Member -American Society of Safety Engineers/Professionals (ASSE/ASSP).
- Member - National Safety Council (NSC).
- Member - National Fire Protection Association (NFPA).
- Life Member – California Fire Training Officer's Association.

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning ZONECODE

- AG
- C-1
- C-2
- C-3
- I-2
- MURC-1
- MURC-2
- MURC-MW
- PL
- PUD
- R-1
- R-2
- R-3
- RE
- TC



Exhibit C

Existing Land-Use

Prepared by:

City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant

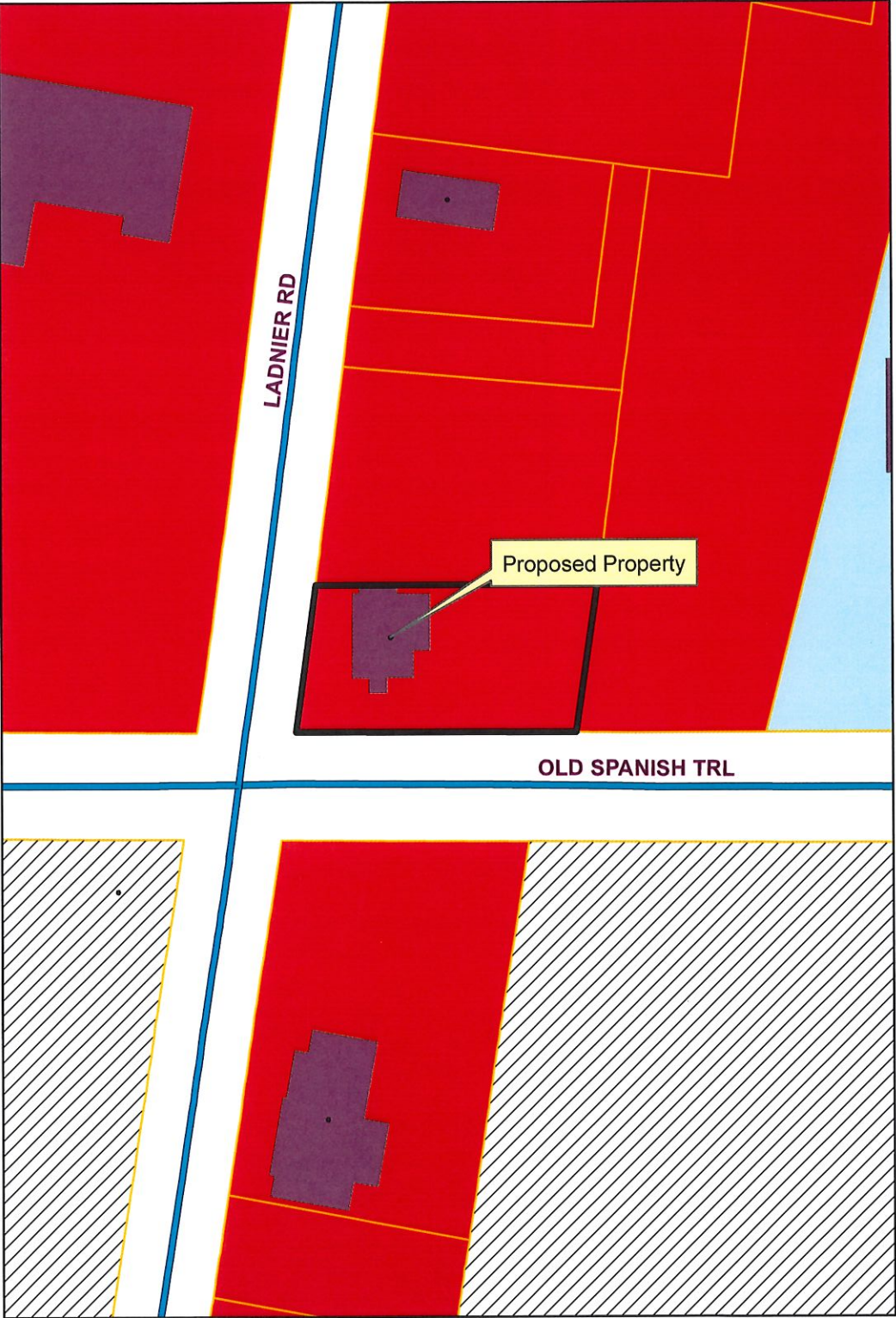


Exhibit D

Future Land-Use

Prepared By:

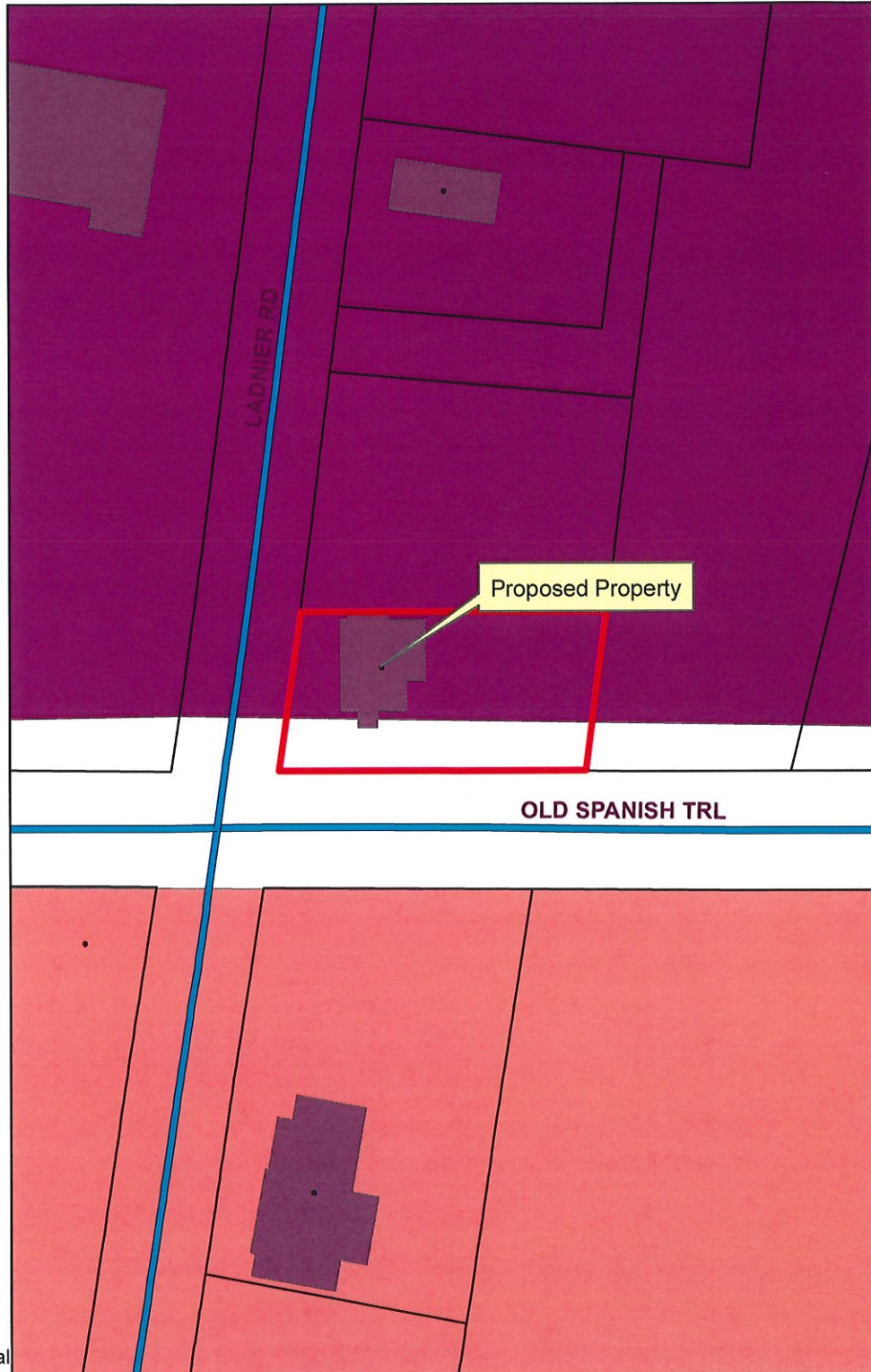
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

- Civic
- high impact commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- low impact Commercial
- Recreational
- recreational commercial
- Regional Scale Commercial
- mixed use residential
- Town Center
- Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

March 2, 2023

GPC #23-04-RZ

Calvin Galloway

Lot 1, Lark Drive Subdivision

PID #85905801.000

VII. NEW BUSINESS

1. Consider a request for a Property Owner Initiated Rezoning of Property located at Lot 1, Lark Drive Subdivision, PID #85905801.000, corner of Lark Drive and Martin Bluff Road, from C-2 Community Commercial to R-1 Low Density Single-Family Residential. (GPC Case No. 23-04-RZ)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: February 21, 2023

Subject: Consider a request for a Property Owner Initiated Rezoning of Property located at Lot 1, Lark Drive Subdivision, PID #85905801.000, corner of Lark Drive and Martin Bluff Road, from C-2 Community Commercial to R-1 Low Density Single-Family Residential. (GPC Case No. 23-04-RZ)

REQUEST:

The Planning Department has received a request from Calvin Galloway for a Rezoning of property known as Lot 1, Lark Drive Subdivision, PID #85905801.000, corner of Lark Drive and Martin Bluff Road, from C-2 Community Commercial to R-1 Low Density Single-Family Residential. The total acreage of the parcel is approximately 2.38 acres. The application fee of \$300 was paid on December 27, 2022. All public notice requirements have been met.

BACKGROUND:

Section 4.15 of the City's Unified Development Ordinance (UDO) establishes the procedure to amend the City's Official Zoning Map. The Gautier Planning Commission (GPC) shall review a proposal for a rezoning and shall make an advisory recommendation to the City Council as to the need and justification for the change when the public welfare justifies such action. The GPC shall include in its recommendation to the City Council findings that the required rezoning criteria have been met.

DISCUSSION:

1. Location: Lot 1, Lark Drive Subdivision, PID #85905801.000, corner of Lark Drive and Martin Bluff Road. (See Exhibit A)
2. Existing Zoning: C-2 Community Commercial. (See Exhibit B)

UDO 5.3.8 C-2, Community Commercial District - Purpose and intent. The purpose of this district is to provide areas of medium density commercial including a mixture of retail, professional services, and studios which cluster

together. Community Commercial Districts are located primarily along transportation collectors such as Gautier-Vancleave. The co-location of professional services and civic uses shall be encouraged to strengthen industry and provide an attractive, pedestrian scale commercial corridor into the City.

UDO 5.3.3 R-1, Low Density Single-Family Residential District - Purpose and intent. The purpose of this district is to provide areas where the principal use of land is for single-family detached dwelling units and related recreational facilities which complement the area and provide a balanced and attractive residential area. R-1 areas are to be specifically designed to provide for the quiet enjoyment of the uses therein. They should have well defined boundaries and be protected from the encroachment of commercial uses and heavy through traffic.

DATA AND ANALYSIS:

Property requested for Rezoning: Lot 1, Lark Drive Subdivision, PID #85905801.000, corner of Lark Drive and Martin Bluff Road.

Location: Ward 5

Current Zoning of the Request Property: C-2 Community Commercial

Existing Land Use: Vacant. (See Exhibit C)

Future Land Use: Low Density Residential. (See Exhibit D)

Surrounding Zoning: C-2 Community Commercial to the North, South and East. Low Density Single-Family Residential to the West.

HISTORY:

This property is vacant and currently zoned C-2 Community Commercial.

REVIEW CRITERIA:

The Planning Commission, in its report and recommendation to the City Council on the appropriateness of the request, shall study and consider the following criteria and record that the evidence presented meets the "Criteria for Approval" from the UDO, if applicable.

- A. There was a mistake in the original zoning; **or**
- B. The character of the surrounding area has changed to such an extent as to justify rezoning **AND** there is a public need for additional property to be zoned in accordance with the request.

The Planning Commission shall not recommend approval of a rezoning unless the applicant has proven by clear and convincing evidence that either of the required criteria items above have been met.

STAFF RECOMMENDATION:

If recommending approval, Planning Commission shall record that the evidence presented meets all "Criteria for Approval" from the UDO as listed above.

CONCLUSION:

Based on the required Review Criteria established by Section 4.15 of the Unified Development Ordinance and the appropriateness of the request relevant to the criteria, the Commission may:

1. Recommend that City Council approve to Rezone the subject area from C-2 Community Commercial to R-1 Low Density Single-Family Residential or
2. Recommend that City Council deny the Rezoning.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

23-04-R2

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Zoning Change

Major Development

Variance

Appeal to Staff Decision

301.00
\$300.00

\$100.00

\$175.00

\$100.00

Name of Applicant : Calvin Galloway
Name of Business: Calvin Galloway Phone: 228-860-9368
Property Address: Lot 1 Martin Bluff Rd Mailing Address (if Different): 1619 Lark Dr Gautier
E-Mail Address: CSWAY40506mail.com
Reason for request, location and intended use of Property: 5-residential homes
Rezoned from C-2 to R-1

ATTACHMENTS REQUIRED AS APPLICABLE:

- ✓ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ✓ 2. A detailed project narrative.
3. Copy of protective covenants or deed restrictions, if any.
4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
5. Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.

Signature of Applicant: Calvin Galloway Date of Application: 12-27-22

FOR OFFICE USE ONLY

Date Received 12/27/22 Verify as Complete BL/SA

Fee Amount Received 301.00 Initials of Employee Receiving Application BL

wants to be on March mtg.

50

City of Gautier

To whom it may concern I Calvin Galloway would like to change my property at the corner of Martin Bluff Road and Lark Dr to residential so I can subdivide the property into 5 lots 100x200 as of now the lot is 520x200, the houses will be around 2500 sq ft where they will fit in nicely with the houses in that neighborhood, my original plans were to put a strip mall on it and rent the buildings out but speaking with some of the residents around there, they did not like that idea

LOTS 1 AND 2, GAUTIER PAF

Survey of Lots 1 & 2 of Gautier, Jackson in Plat Book 23, 1 Chancery Clerk of

This survey does no Durbin, P.L.S., nor s

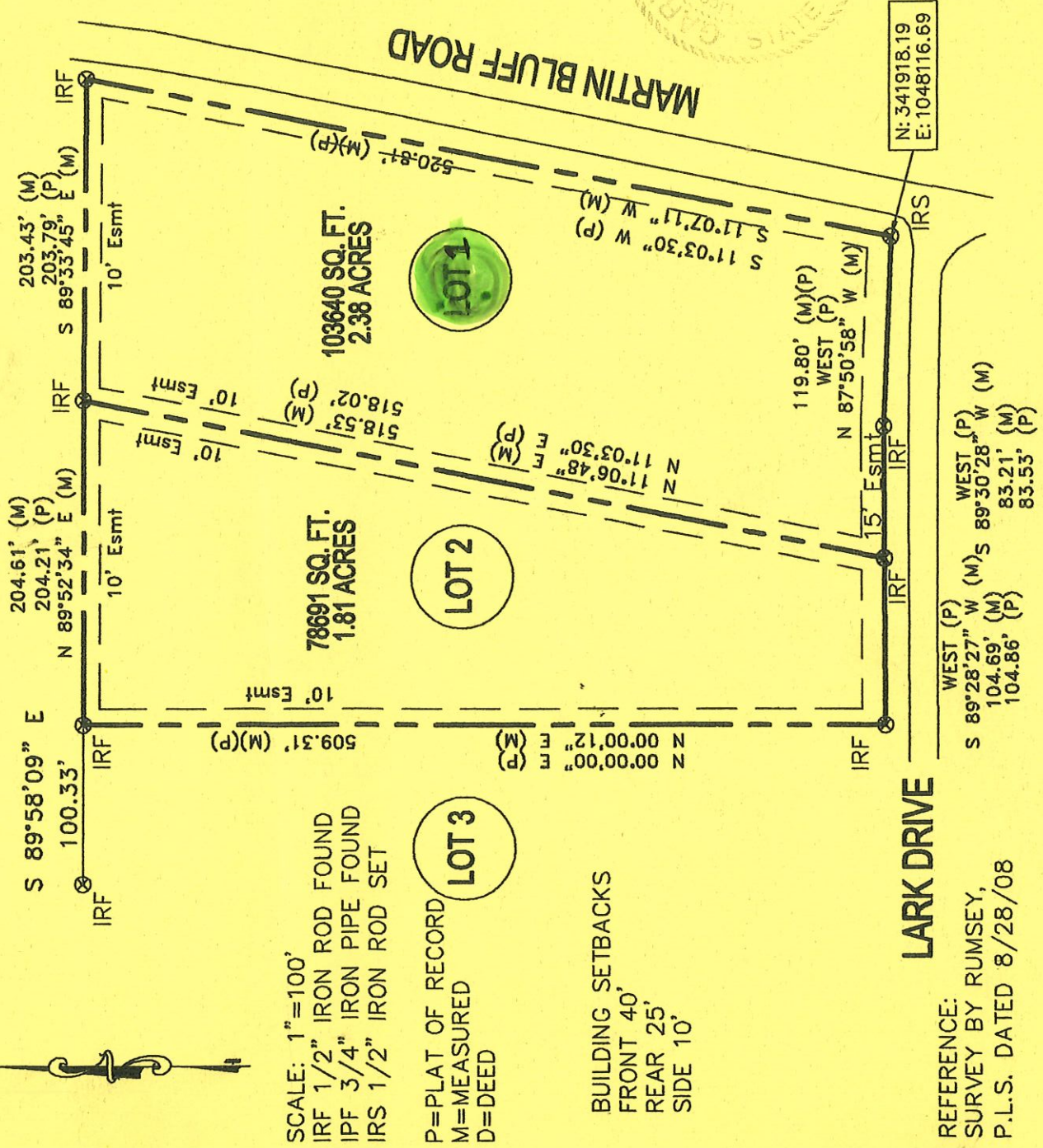
This is a Class "B" Practice for Land St

Bearings based on (of Lark Drive, NAD (angle -0.130449, st

This property is situ Insurance Rate Map, Mississippi, Commu Revised: 3/16/09.

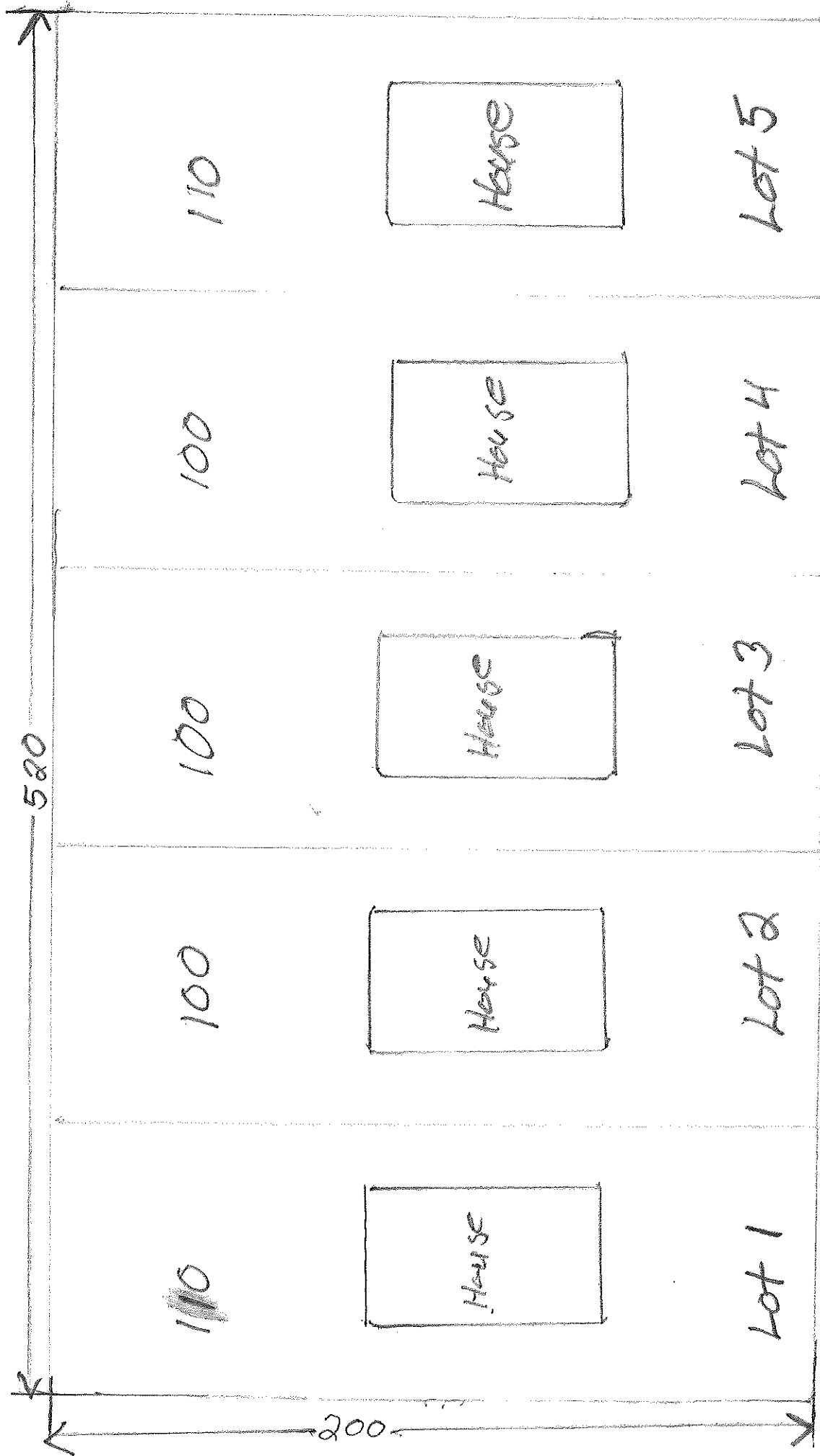
This is to CERTIFY t survey on which it i accordance with "Th Surveying in the Stc

Gary A. Durbin, P.L.: December 3, 2021



Martin Bluff Rd

Lark Dr



OFFICIAL RECORDS JACKSON COUNTY
Josh Eldridge
CHANCERY CLERK
RECORDING FEE: \$26.00
#202123493 BK:2040 PG:356-358
09/03/2021 01:49:39 PM 3 PGS
RVANHORN,DC Rcpl#24309



202123493 3 PGS

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

Grantor:
Westwinds, LLC
a Mississippi Limited Liability Company
P.O. Box 749
Ocean Springs, MS 39564
(228) 215-1872

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

Grantees:
Calvin Galloway
Sandra Galloway
1619 Lark Drive
Gautier, MS 39553
(228) 860-9368

File No. G218422S

INDEXING INSTRUCTIONS: Lot 1, Lark Drive S/D, Jackson County, MS

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

FOR AND IN CONSIDERATION OF the price and sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, **Westwinds, LLC, a Mississippi Limited Liability Company**, does hereby sell, convey and warrant unto **Calvin Galloway and Sandra Galloway**, as joint tenants with right of survivorship and not as tenants in common, all of that certain tract, piece or parcel of land situated in Jackson County, Mississippi, together with all improvements, buildings, fixtures, and appurtenances thereunto belonging, and being more particularly described as follows, to-wit:

Lot 1, Lark Drive Subdivision, a subdivision according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Jackson County, Mississippi, in Plat Book 23, at Page 72.

This being the same property as that conveyed to Westwinds, LLC, a Mississippi Limited Liability Company, by instrument recorded in Deed Book 1970, Page 233, Land Deed Records of Jackson County, Mississippi.

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

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

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

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

WITNESS MY SIGNATURE, on this the 26 day of August, 2021.

Westwinds, LLC
A Mississippi Limited Liability Company

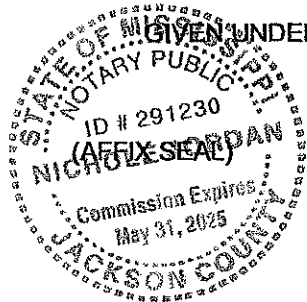
G. Dickey Arndt
By: G. Dickey Arndt, Managing Member

CORPORATE ACKNOWLEDGMENT

STATE OF MISSISSIPPI
COUNTY OF JACKSON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named **G. Dickey Arndt**, the duly appointed Managing Member of **Westwinds LLC, a Mississippi Limited Liability Company**, who acknowledged before me that he signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned, for and on behalf of the aforesaid company, after first having been duly authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 26 day of August, 2021.



Nicholas Jordan
NOTARY PUBLIC

My commission expires: 5/31/25

DEED ACCEPTED BY:

Calvin Galloway

Sandra Galloway

85905801.000 GALLOWAY CALVIN &

PIDN: 85905801.000

GISP: 764.18-00-0046.01

Owner Information

Percent of Ownership: 100

Name: GALLOWAY CALVIN &

Name 2: GALLOWAY SANDRA

Mailing Address: 1619 LARK DR

GAUTIER MS

39553

Site Address: MARTIN BLUFF RD GAUTIER

Land Information

Section: 18

Acreage: 2.38

Township: 7

Range: 6

Street Name MARTIN BLUFF
RD

Value and Tax Information

Total Assessed Value: 2855

Total Appraised Value: 19030

Improvement Value: 0

Land Value: 19030

Tax Amount: 410

SQ FT: 0

Year Built:

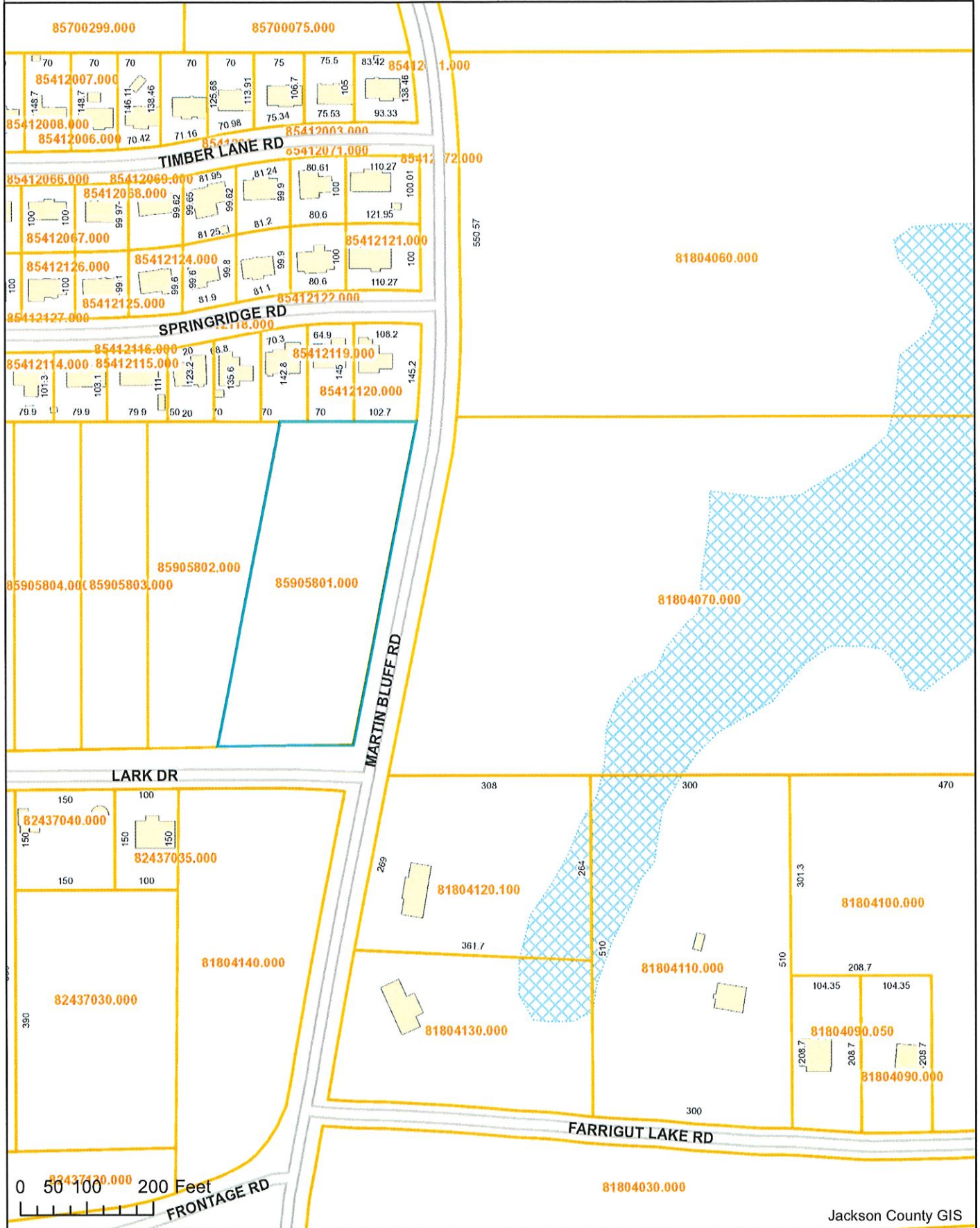
Legal Description

Description: LOT 1 LARK DRIVE S/D PB 23-72 DB

2040-356 (46.01 MAP764.18)

Deed Book / Page: 2040 / 356

85905801.000 GALLOWAY CALVIN &



Jackson County GIS

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

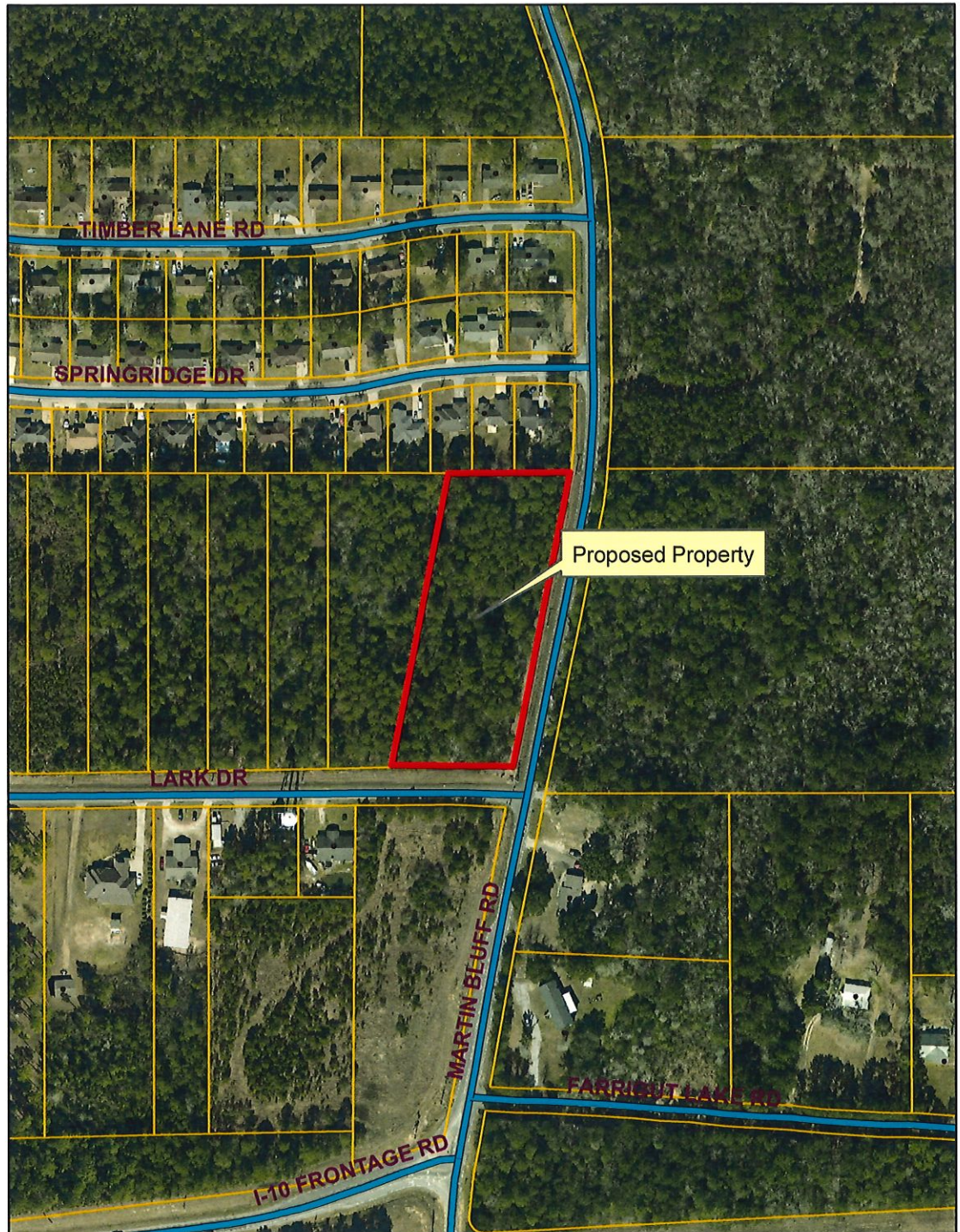


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

	AG
	C-1
	C-2
	C-3
	I-2
	MURC-1
	MURC-2
	MURC-MW
	PL
	PUD
	R-1
	R-2
	R-3
	RE
	TC

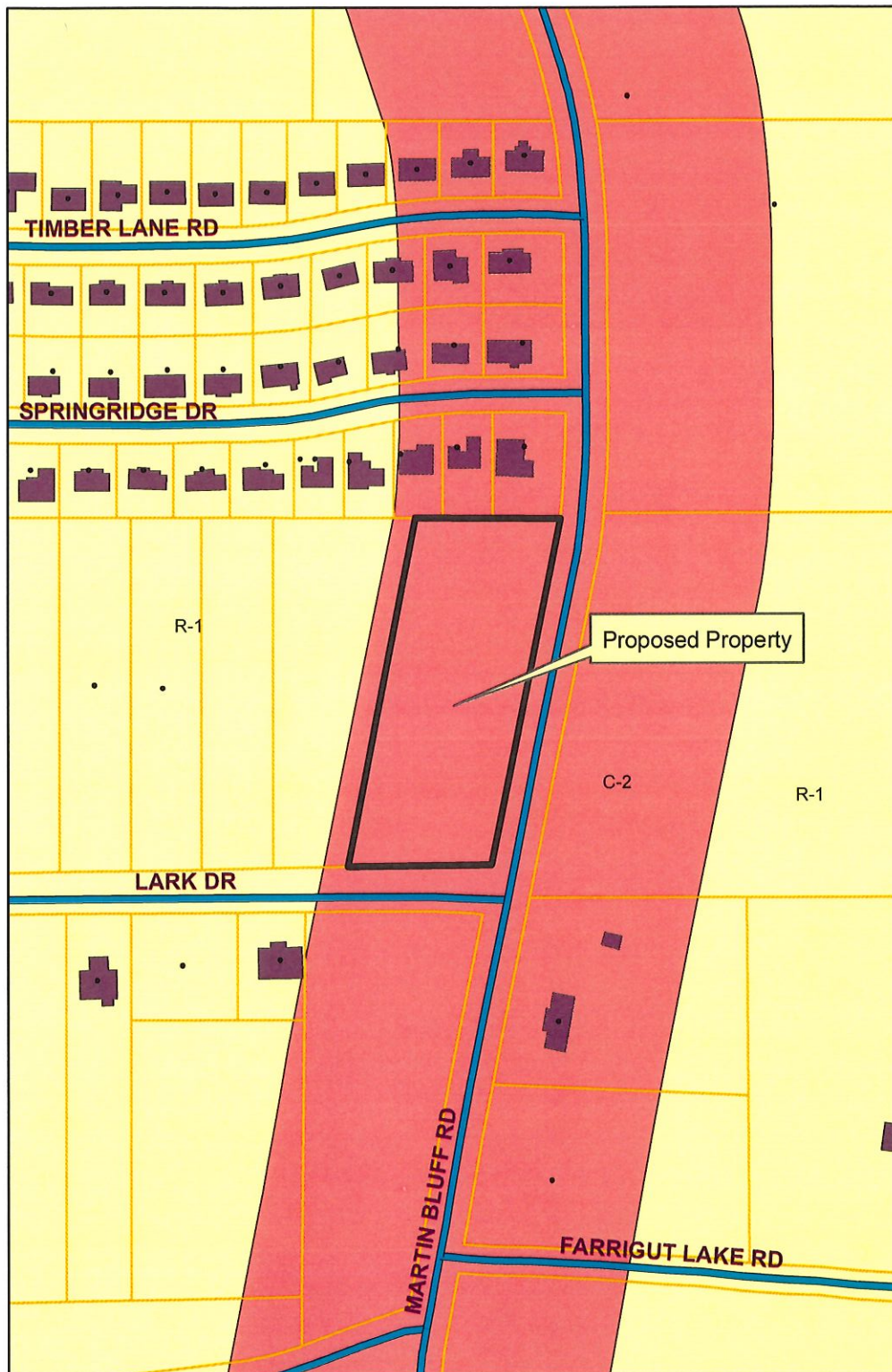


Exhibit C

Existing Land-Use

Prepared by:

City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant

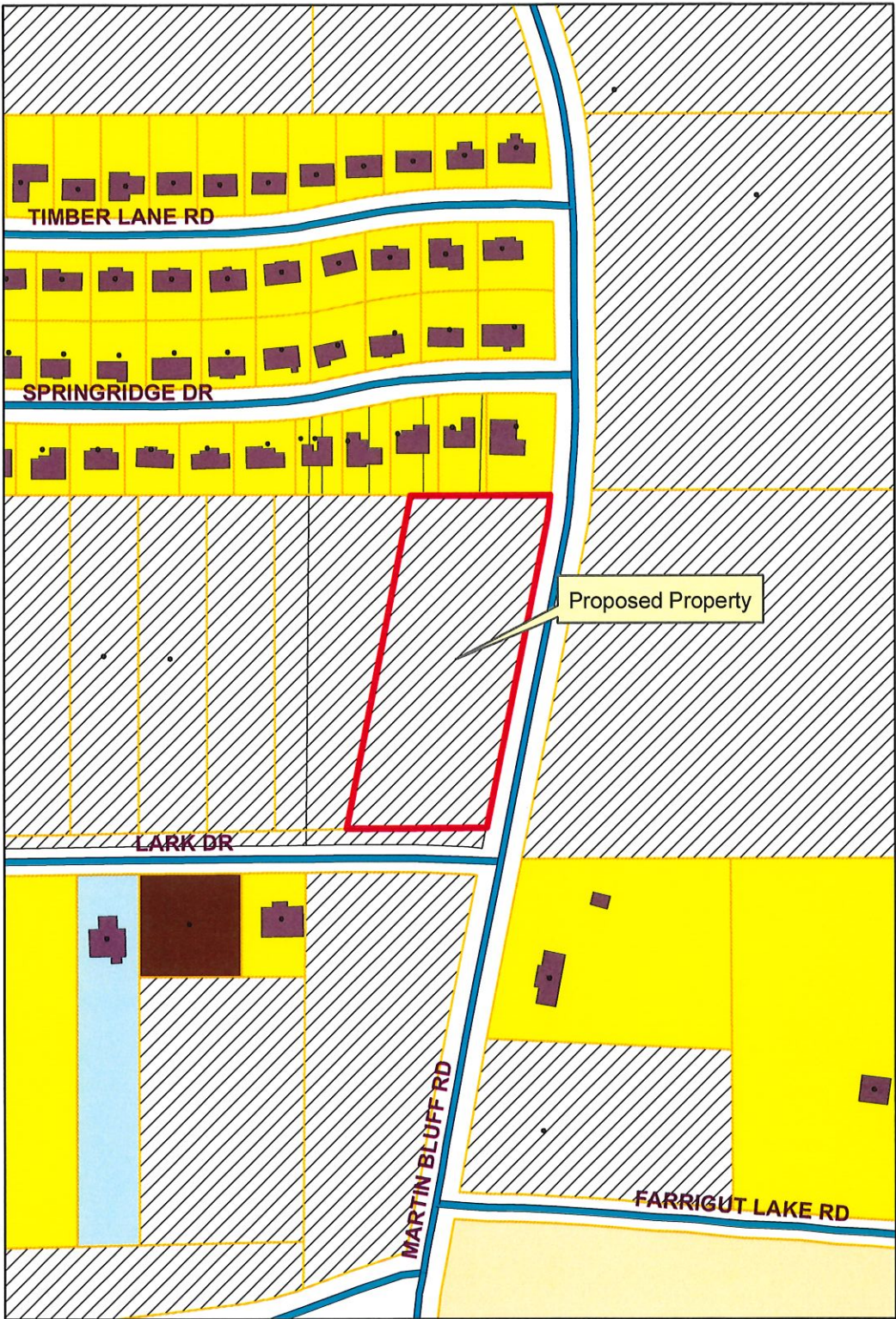


Exhibit D

Future Land-Use

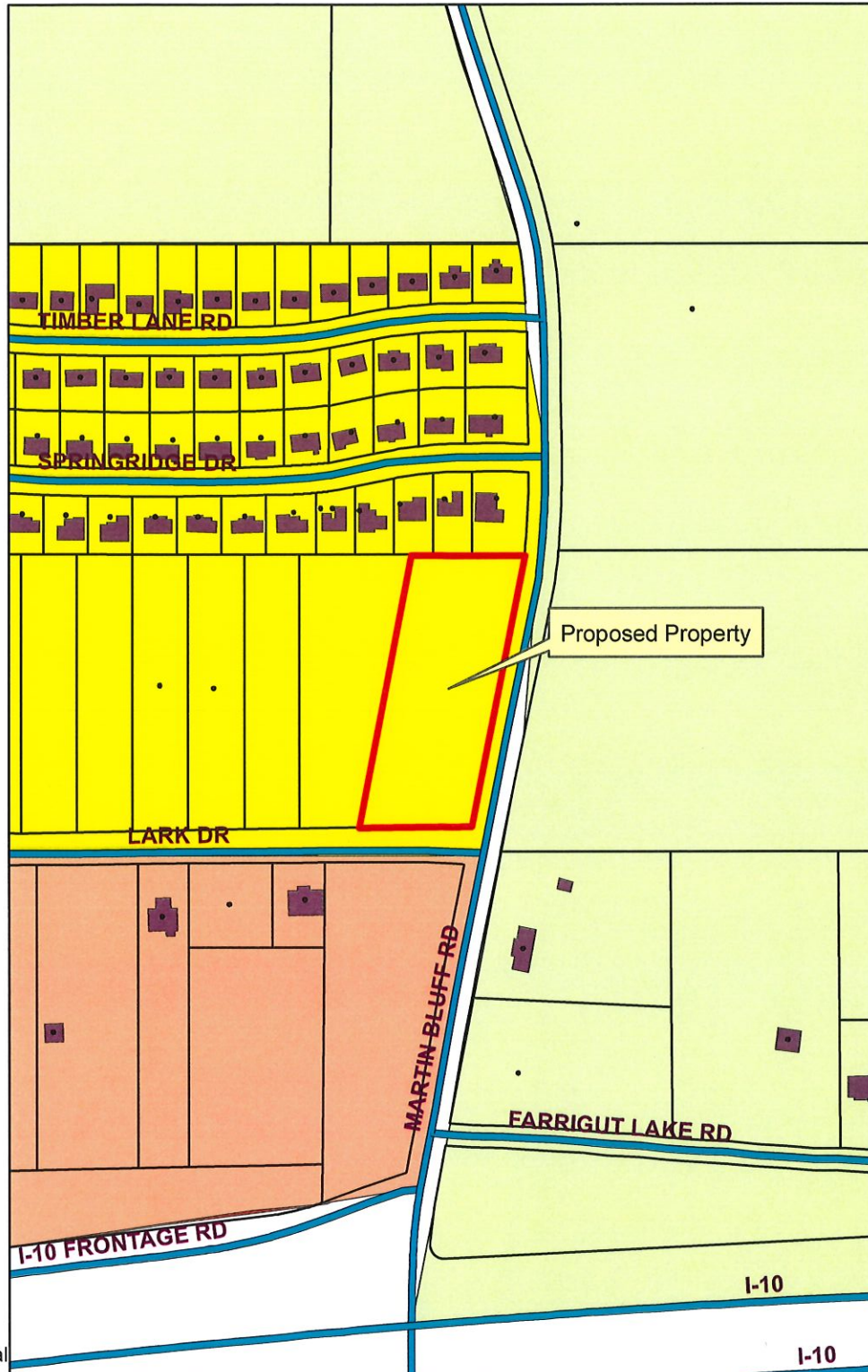
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

- Civic
- high impact commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- low impact Commercial
- Recreational
- recreational commercial
- Regional Scale Commercial
- mixed use residential
- Town Center
- Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

March 2, 2023

GPC #23-05-VAR

813 Roys Road

VII. NEW BUSINESS

2. Consider a request for a Variance to rear and side yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 813 Roys Road, (GPC #23-05-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: February 21, 2023

Subject: Consider a request for a Variance to rear and side yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 813 Roys Road, (GPC #23-05-VAR)

REQUEST:

The Planning Department has received a request from James Knight for a five-foot (5') variance to side-yard setback requirements and a two foot (2') variance to rear-yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. 813 Roys Road, PID #81817210.000 (GPC #23-05-VAR). The application fee of \$175 was paid on January 9, 2023. All public notice requirements have been met.

BACKGROUND:

The applicant would like to place a 20' x 24' accessory building in the rear of his property. He would like to place the accessory building five feet (5') from the side property line and three feet (3') from the rear property line. In a R-1 Zoning District setback requirements for an accessory building are ten feet (10') from the side property line and five feet (5') from the rear property line. The applicant is wanting a five-foot (5') variance to the side-yard setback requirements and a two-foot (2') variance to the rear-yard setback requirements.

DISCUSSION:

The applicant is requesting a five-foot (5') variance to the side-yard setback requirements and a two-foot (2') variance to the rear-yard setback requirements for an accessory building in a R-1 Low Density Single-Family Residential Zoning District. The minimum side-yard setback requirement is ten feet (10') and the minimum rear-yard setback requirement is five feet (5') for an accessory building.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines **Variances** as:

A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing

to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

UDO SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as "use Variances" are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments and submittals:

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

- A. 30% of required off-street parking spaces and/or
- B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;
- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;
- C. That the special conditions and circumstances do not result from actions of the applicant; and
- D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets all "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the variance request as presented;
2. Recommend that City Council approve the variance request with changes; or
3. Recommend that City Council deny variance request.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

23-05-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Zoning Change	_____	\$300.00
Major Development	_____	\$100.00
Variance	<u>✓</u>	\$175.00
Appeal to Staff Decision	_____	\$100.00

176.00

Name of Applicant : JAMES KNIGHT
Name of Business: N/A Phone: 228-217-6178
Property Address: 813 ROYS ROAD Mailing Address (if Different): _____
E-Mail Address: _____

Reason for request, location and intended use of Property: VARIANCE for BUILDING WITHIN THE
SIDE AND REAR SETBACKS; 5' side yard, 2' rear yard for shed

ATTACHMENTS REQUIRED AS APPLICABLE:

- X 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- N/A 2. A detailed project narrative.
- N/A 3. Copy of protective covenants or deed restrictions, if any.
- N/A 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- N/A 5. Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.

Signature of Applicant: James M. Knight Date of Application: 1/9/23

FOR OFFICE USE ONLY

Date Received 1-9-23 Verify as Complete Babs

Fee Amount Received 176.00 Initials of Employee Receiving Application Bf

March 2

VARIANCE CRITERIA for APPROVAL — Please answer the questions below to establish that you meet the Criteria for Approval for a Variance. If more room is needed, answers can be provided on a separate sheet of paper.

- A. Do special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district? If yes, please explain.

Existing old & new sheds are already <10 feet from property line - grandfathered due to Gauthier annexation. I will tear down the old shed when work begins on new building if approved.

- B. Would the literal interpretation of the provisions of this Ordinance deprive the applicant (you) of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? If yes, please explain.

N/A

- C. Do the special conditions and circumstances result from actions of the applicant (you)?

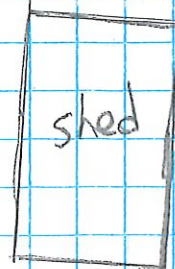
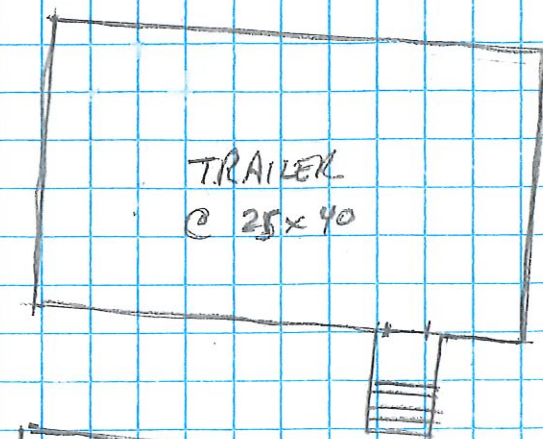
N/A

- D. Does granting the Variance requested confer upon the applicant (you) any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district?

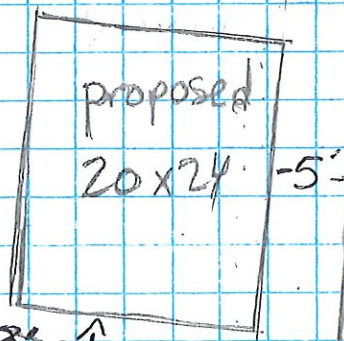
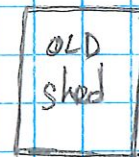
No

8/3
100' Roy's Road -

122'



124.8'



3' ↑

81817210.000 KNIGHT JAMES M & JOANN L

PIDN: 81817210.000

GISP: 764.19-02-0245.00

Owner Information

Percent of Ownership: 100

Name: KNIGHT JAMES M & JOANN L

Name 2:

Mailing Address: 5540 ROXANNE

GAUTIER MS

39553

Site Address: 813 ROYS RD GAUTIER

Land Information

Section: 7

Acreage: 0.28

Township: 7

Range: 6

Street Name ROYS
RD

Value and Tax Information

Total Assessed Value: 1406

Total Appraised Value: 9370

Improvement Value: 1310

Land Value: 8060

Tax Amount: 202

SQ FT: 0

Year Built: 1985

Legal Description

Description: COM S 1830.8' & E 2568.9' OF NWC
CL SEC 7 N 77 DEG W ALG S/M RD
75.6' N 77 DEG W ALG S/M RD 146.
4' N 79 DEG W 55.4' TO POB N 79
DEG W ALG RD 100' S 19 DEG W 122
' S 81 DEG E 63.3' S 70 DEG E 36
.8' N 19 DEG E 124.5' TO POB DB
1353-753 (245 Map764.19-02)

Deed Book / Page: 1353 / 753

81817210.000 KNIGHT JAMES M & JOANN L



Jackson County GIS

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

	AG
	C-1
	C-2
	C-3
	I-2
	MURC-1
	MURC-2
	MURC-MW
	PL
	PUD
	R-1
	R-2
	R-3
	RE
	TC



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Existing Land-Use

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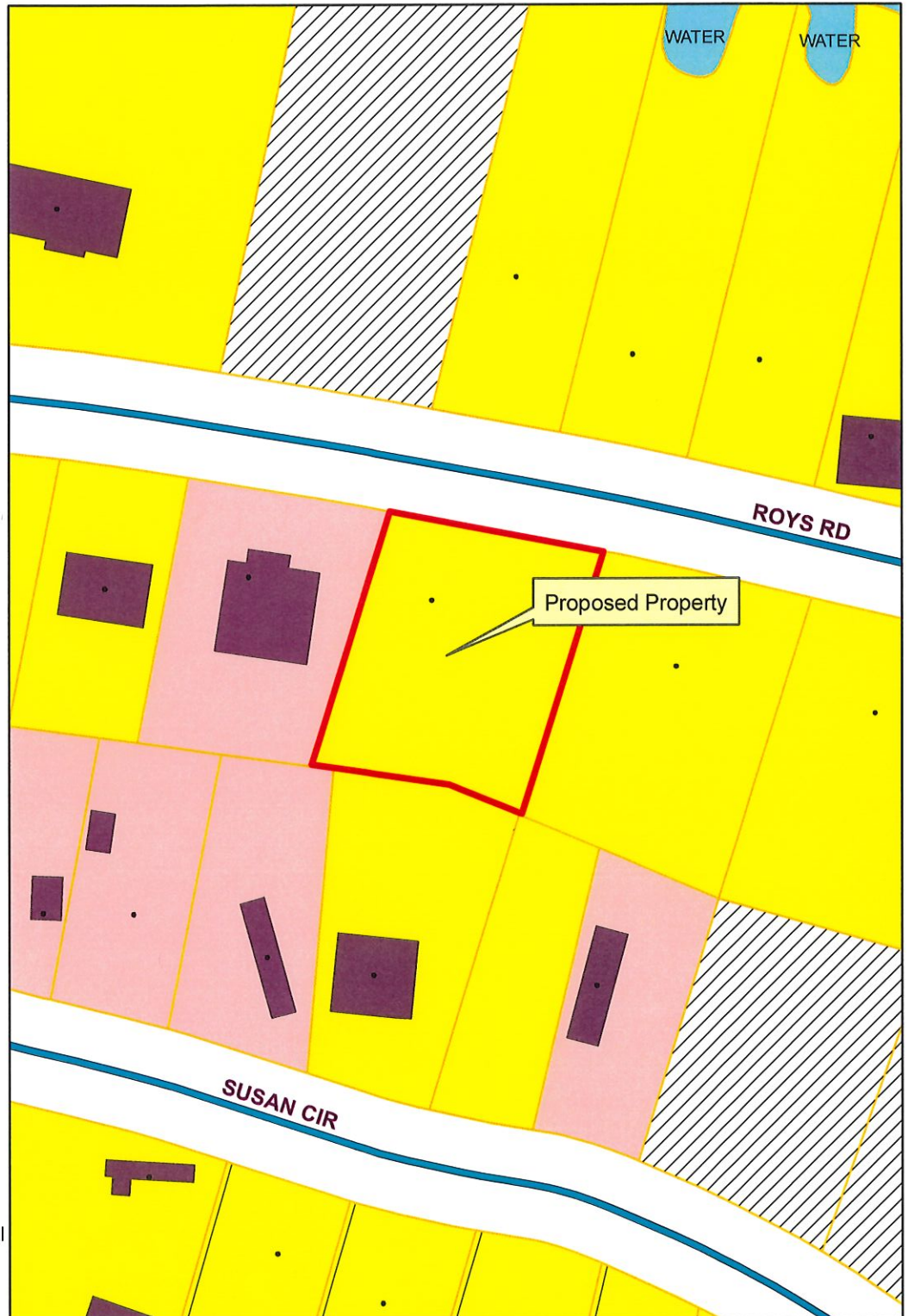


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