

**CITY OF GAUTIER  
MEMORANDUM**

**To:** Samantha Abell, City Manager  
**From:** Babs Logan, Planning Technician  
**Thru:** Eric Meyer, Economic Development Director  
**Date:** October 29, 2012  
**Subject:** Removal of Protected Tree on Brown Road – Site of Future Fire Station

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**REQUEST:**

The Economic Development/Planning Department has received a request from Ray Frair, City of Gautier Fire Chief, to allow removal of a protected live oak from the future fire station site on Brown Road.

**DETERMINATION OF APPLICABLE LAW:**

**11.5.3 Permit Required for Significant/Specimen Tree Removal**

In accordance with the procedures in *Article IV, Section 4.23.2 Tree Removal Permit*, a Tree Removal Permit shall be issued by the ED Director prior to issuance of a building permit, if the site proposed for development contains trees. Preservation of native trees including, but not limited to oaks, magnolia, cedar, elms, and pecan shall take priority in determination of trees to be preserved.

**11.5.5 Permit Required for Protected Tree Mitigation**

The ED Director shall issue a tree removal permit for a protected tree only upon Council adoption of a resolution finding a necessity for the removal of the protected tree(s). To determine whether a request warrants a finding of necessity, the Council shall consider the Comprehensive Plan, the intent of this ordinance to preserve protected trees, and also the following:

- A. Whether the continued preservation of the tree(s) places a significant hardship on the property owner; and
- B. Whether the continuation of the tree(s) would threaten public safety and welfare; and
- C. Whether all other options for preservation and/or relocation have been explored and found unsatisfactory.

Except for owner-occupants of single-family residential homes, applicants who request permits to remove protected trees shall be required to prepare and implement a tree mitigation and preservation plan. Mitigation plans shall include provisions for planting the same species of protected tree, temporary or permanent irrigation, and monitoring for a two-year period, or an in-lieu fee.

- A. The on-site mitigation plan shall include, but not be limited to, the following:
  - 1. A site plan depicting all living protected trees to be removed, utilizing clear and concise graphics.
  - 2. The plan shall include tree planting locations, size and species of trees to be planted, and planting and irrigation methods.
  
- B. Off-Site Mitigation Plan. The applicant may request that the approving authority approve one of the following methods for off-site mitigation within the City:
  - 1. Payment of an inch-for-diameter-inch replacement in-lieu fee, as set by city council resolution, to cover the cost of purchasing, planting and initial cost of the off-site plantings. Such fee shall be calculated based on \$1,000 per caliper inch, and shall be placed into the tree planting and maintenance fund to provide for tree planting and maintenance on public projects.
  - 2. A mitigation credit towards the value of the replacement in-lieu fee may be approved by Council for public amenities provided at the subject site, upon the submittal of project estimate and approval by Council.
  - 3. Planting of trees on either public property, property with a conservation easement, or on property with an irrevocable offer of dedication to the city, pursuant to the ratios set forth in subsection C of this section.
  
- C. Mitigation Tree Planting and Tree Preserve Replacement Ratios

<b>Table No: 24 Schedule for Replacement of Protected Trees</b>	
<b>Diameter of Tree Removed</b>	<b>Minimum Number of Trees</b>
40" and above	35 twenty-four inch box protected trees, or fee set by Council resolution
Above 35--40"	50 fifteen-gallon protected trees, or 25 twenty-four inch box protected trees, or fee set by Council resolution

Above 30--35"	40 fifteen-gallon protected trees, or 20 twenty-four inch box protected trees, or fee set by Council resolution
Above 25--30"	35 fifteen-gallon protected trees, or 17 twenty-four inch box protected trees, or fee set by Council resolution
Above 20--25"	30 fifteen-gallon protected trees, or 15 twenty-four inch box protected trees, or fee set by Council resolution
Above 15--20"	20 fifteen-gallon protected trees, or 10 twenty-four inch box protected trees, or fee set by Council resolution
Above 10--15"	15 fifteen-gallon protected trees, or 6 twenty-four inch box protected trees, or fee set by Council resolution
6--10"	8 fifteen-gallon protected trees, or 4 twenty-four inch box protected trees, or fee set by Council resolution

**DISCUSSION:**

Staff has looked at the site plan and sees no other option but to allow removal of the tree to allow construction of the fire station. An off-site mitigation plan can be approved in conjunction with the MDOT Transportation Enhancement Project.

**RECOMMENDATION:**

The Economic Development Director recommends approval to remove the protected tree and mitigation in conjunction with the MDOT Transportation Enhancement Project.

The City Council may:

1. Approve the removal and mitigation of the protected tree as recommended by the Economic Development Director; or
2. Deny the removal and mitigation of the protected tree.

**ATTACHMENTS:**

Letter from Chief Ray Frair

Property Survey

Site Plan

Arial View of Property

Mayor  
Tommy Fortenberry

City of Gautier  
Gautier, Mississippi

City Manager  
Samantha D. Abell

Council

At Large Mary F. Martin  
Ward 1 Johnny Jones  
Ward 2 Hurley Ray Guillotte  
Ward 3 Gordon J. Sallott  
Ward 4 Scott D. MacFarland  
Ward 5 Adam D. Colledge

Interim City Clerk  
Teresa L. Montgomery

3330 Highway 90  
Gautier, MS 39553  
Phone: (228) 497-8000  
Fax: (228) 497-8028  
Email: [gautier@gautier-ms.gov](mailto:gautier@gautier-ms.gov)  
Website: [www.gautier-ms.gov](http://www.gautier-ms.gov)



September 13, 2012

TO: Eric Meyer  
Economic Development and Planning Director

FROM: Ray Frair  
Fire Chief

SUBJECT: Tree Removal – Future Fire Station Site

Mr. Meyer,

The Gautier Fire Department respectfully request permission be granted to remove an existing oak tree from the future fire station site on Brown Road. We have been told this tree is a “water” oak, but according to your office we have also been told this is a “live” oak. Since the fire department is not a subject matter expert on tree species, we are asking for guidance on determining the species of the tree and if it is a protected tree, we are asking permission to remove the tree because the location of the tree is within the construction zone of the fire station.

I have attached a copy of the plat for the property along with an aerial photo of the future construction site with the tree and also a site plan for the construction project.

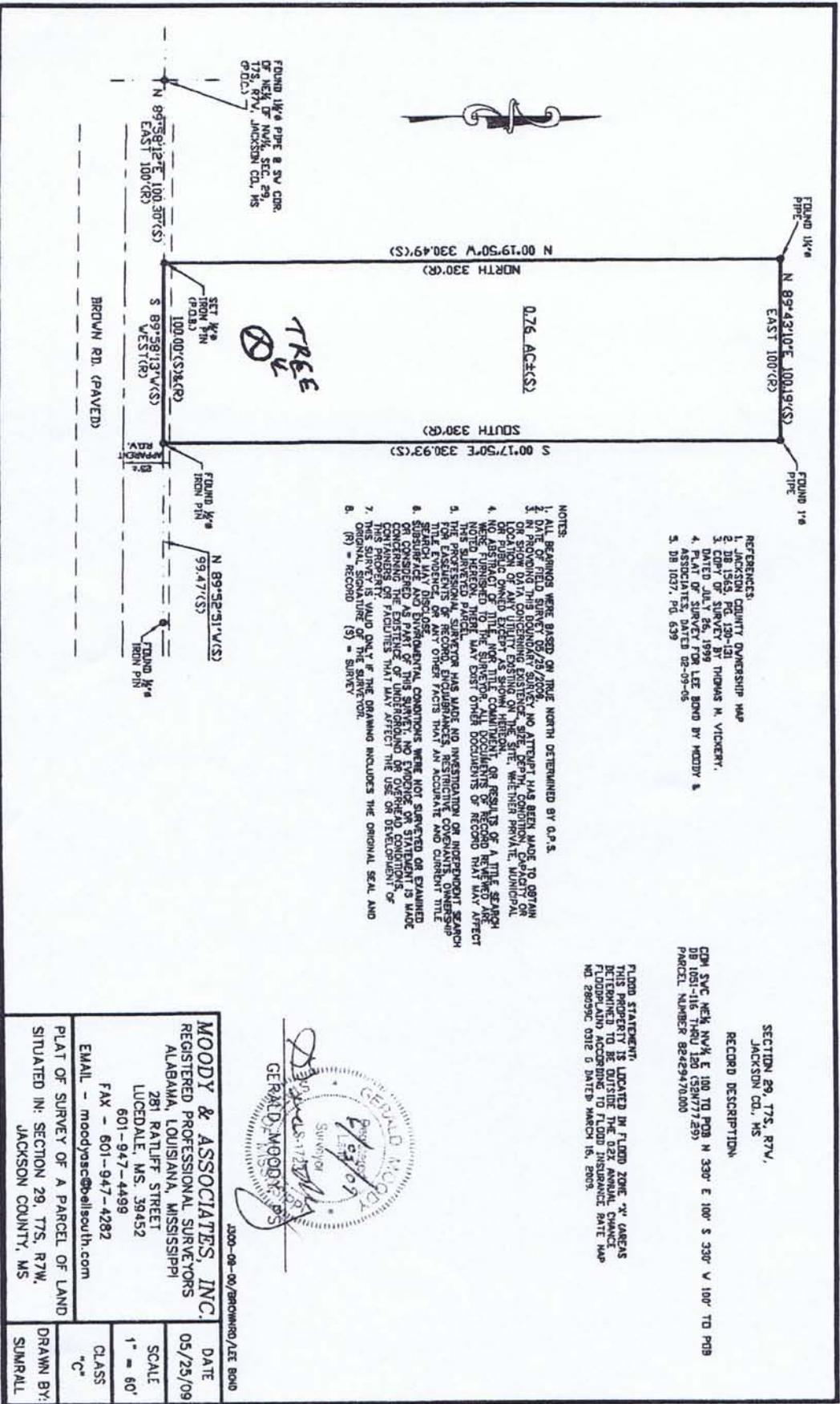
We await further guidance on this concern..

Thank you.

  
RAY FRAIR

xc: Samantha Abell – City Manager

Attachments:  
Plat Plan  
Aerial Photo  
Site Plan



- REFERENCES:
- JACKSON COUNTY OWNERSHIP MAP
  - DB 1543, PG. 130-131
  - COPY OF SURVEY BY THOMAS H. VICCERY.
  - PLAT OF SURVEY FOR LEE BOND BY MOODY & ASSOCIATES DATED 02-09-05
  - DB 1037, PG. 639

- NOTES:
- ALL BEARINGS WERE BASED ON TRUE NORTH DETERMINED BY G.A.S.
  - IN PROVIDING THE BEARING AND DISTANCE, SURVEYOR HAS MADE NO ATTEMPT TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY OR LOCATION OF ANY UTILITY EXISTING ON THE SITE, WHETHER PRIVATE, MUNICIPAL OR OTHERWISE.
  - NO ASSURANCE OF TITLE NOR TITLE COMMITMENT OR RESULTS OF A TITLE SEARCH WERE FURNISHED TO THE SURVEYOR. ALL DOCUMENTS OF RECORD THAT MAY AFFECT THE SURVEYED PROPERTY MAY EXIST OTHER DOCUMENTS OF RECORD THAT MAY AFFECT THE SURVEYED PROPERTY.
  - THE PROFESSIONAL SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR ENCUMBRANCES OR ANY OTHER FACTS THAT MAY AFFECT THE SURVEYED PROPERTY.
  - THE PROFESSIONAL SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EVIDENCE OF RECORD ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP OR SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OPEN SPACE DEVELOPMENT OF THIS PROPERTY. FACTORS THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE ORIGINAL SEAL AND ORIGINAL SIGNATURE (S) OF THE SURVEYOR.

FLOOD STATEMENT:  
 THIS PROPERTY IS LOCATED IN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN ACCORDING TO FLOOD INSURANCE RATE MAP NO. 28059C DATE 0 D DATED MARCH 16, 2003.

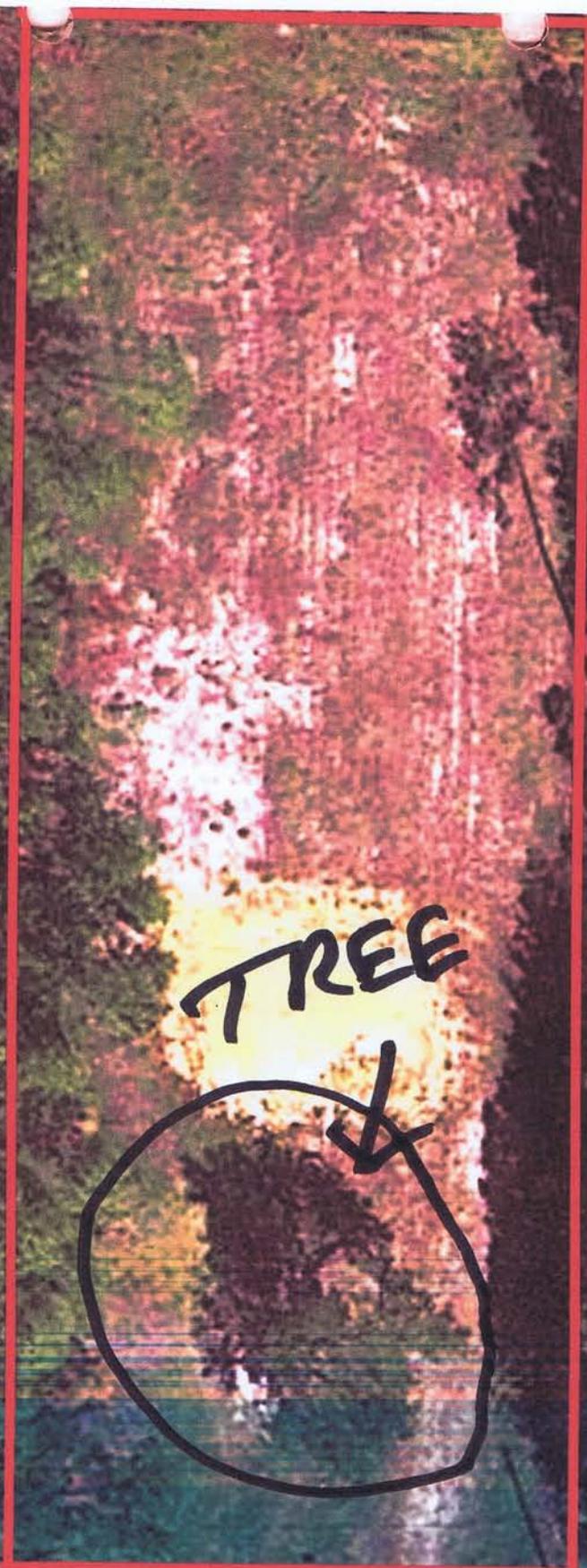
SECTION 29, T7S, R7W,  
 JACKSON CO., MS  
 RECORD DESCRIPTION:  
 GEN SURV, NEK, NW/4, E 100' TO POB, N 330' E 100' S 330' V 100' TO POB, EAST 100' TO POB, DB 1543 (S&W) 7/25/09  
 PARCEL NUMBER 02429470000

GERALD MOODY, P.S.  
 Surveyor  
 05/25/09

MOODY & ASSOCIATES, INC. REGISTERED PROFESSIONAL SURVEYORS ALABAMA, LOUISIANA, MISSISSIPPI 281 RATLUFF STREET LUCEDALE, MS. 39452 601-947-4499 FAX - 601-947-4282 EMAIL - moodysc@bellsouth.com		DATE 05/25/09
PLAT OF SURVEY OF A PARCEL OF LAND SITUATED IN: SECTION 29, T7S, R7W, JACKSON COUNTY, MS		SCALE 1" = 60'
		CLASS "C"
		DRAWN BY: SUNRALL

*Gerald Moody 601-947-4499*





TREE

