

**CITY OF GAUTIER  
Business Agenda Item #3  
Fact Sheet**

**Council Meeting:** November 18, 2014  
**Title:** Resolution declaring that a necessity exists for the mitigation of a 20" (in diameter) Protected Live Oak Tree on Martin Bluff Road  
**Introduced by:**  
**Contact Person/Telephone:** Chandra Nicholson 497-8000 Ext. 312

**Summary Explanation:** Approval of a resolution declaring that a necessity exists for the mitigation of a 20" (in diameter) Protected Live Oak Tree on Martin Bluff Road. The applicant, DG Development I, LLC, is requesting the approval of finding a necessity for the removal of a protected tree at 7510 Martin Bluff Road, Gautier, MS 39553 for the construction of a neighborhood retail center.

**EXHIBITS FOR REVIEW**

<b>Resolution</b>	<input checked="" type="checkbox"/>
<b>Ordinance</b>	<input type="checkbox"/>
<b>Contract</b>	<input type="checkbox"/>
<b>Minutes</b>	<input type="checkbox"/>
<b>Plan Maps</b>	<input type="checkbox"/>
<b>Order</b>	<input type="checkbox"/>
<b>Other</b>	<input type="checkbox"/>
<b>Submittal Authorization</b>	<b>City Manager</b>

**Staff Recommendation:**  
Approval

**Motion Made by:**

Gollott  Martin  Jones  Guillotte  Vaughan  Anderson  Colledge

**Second Made by:**

Gollott  Martin  Jones  Guillotte  Vaughan  Anderson  Colledge

<b>Voted as follows:</b>		<b>AYES</b>	<b>NAYS</b>	<b>Abstained</b>	<b>Absent</b>
<b>Mayor</b>	<b>Gollott</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>At Large</b>	<b>Martin</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Ward 1</b>	<b>Jones</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Ward 2</b>	<b>Guillotte</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Ward 3</b>	<b>Vaughan</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Ward 4</b>	<b>Anderson</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Ward 5</b>	<b>Colledge</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Action Taken:**

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

**RESOLUTION NUMBER 000-2014**

**A RESOLUTION DECLARING THAT A NECESSITY EXISTS FOR THE MITIGATION OF A 20" (IN DIAMETER) PROTECTED LIVE OAK TREE ON MARTIN BLUFF ROAD, GAUTIER, MISSISSIPPI**

**WHEREAS**, Ordinance 204 of the Gautier Unified Development Ordinance requires the City Council adopt a resolution finding a necessity for the removal of protected trees; and

**WHEREAS**, any applicant who requests a permit 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 or infrastructure project; and

**WHEREAS**, to determine whether a request warrants a finding of necessity, the Council shall consider the Comprehensive Plan, the intent of Ordinance 204 to preserve protected trees, whether the continued preservation of the tree(s) places a significant hardship on the property owner, the continuation of the tree(s) threatens public safety and welfare, and whether all other options for preservation and/or relocation have been explored and found unsatisfactory; and

**WHEREAS**, DG Development I, LLC Company must remove a 20" (in diameter) live oak at the rear of the property in order to construct a neighborhood retail center; and

**WHEREAS**, the Unified Development Ordinance specifies a mitigation value of \$1,000 per caliper inch; and

**WHEREAS**, DG Development I, LLC Company proposes an on-site mitigation plan with public benefit. The Owner agrees to construct a minimum 8' wide sidewalk along the entire road frontage that is otherwise not required by Code, and the City of Gautier would otherwise incur this cost due to city plans to construct a multi-use sidewalk adjoining this property, the value of which is further described in the below mitigation plan.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gautier, Mississippi, that:

**Section 1. Finding of Necessity.** For the aforesaid reason, this Council hereby finds, determines and declares that a necessity exists with respect to the maintenance and clearing of 7510 Martin Bluff Road, Gautier, MS 39533 for the construction of a neighborhood retail center, and approves the tree mitigation plan described in Section 2.

**Section 2.** Payment of an inch-for-diameter-inch replacement in-lieu fee for public amenities and infrastructure. Public Amenities to be counted as a mitigation credit are as follows: The provision of 309 linear feet of concrete 8' wide sidewalk with culverts, to be constructed by the Company's contractor.

**Section 6. Effective Date.** This Resolution shall be in full force and effect from and immediately upon its adoption.

Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_, and the following vote was recorded:

**AYES:**

**NAYS:**

**DULY ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, by the City Council of Gautier, Mississippi.

**ATTEST:**

\_\_\_\_\_  
**City Clerk  
Cynthia Russell**

\_\_\_\_\_  
**Mayor Gordon Gollott**