CITY OF GAUTIER
MEMORANDUM

To:	Samantha Abell, City Manager
From:	Wesley Devers, City Planner
Through:	Chandra Nicholson, Director of Economic Development and Planning
Date:	March 20, 2015
Subject:	A Resolution Declaring That A Necessity Exists For The Removal of a 28" (in diameter) Protected Live Oak Tree on Valargo Court, Gautier

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REQUEST:

Mr. Spencer Garrett requests approval to remove a protected Live Oak tree at 1426 Valargo Court.

DISCUSSION:

The applicant, Spencer Garrett, is requesting approval to remove a protected tree from 1426 Valargo Court, Gautier, MS 39533. The applicant's tree is encroaching into the swimming pool plumbing, concrete walkway and under the foundation of his home.

To determine whether a request warrants a finding of necessity, the Council shall consider the Comprehensive Plan, the intent of Unified Development Ordinance, Article XI 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

In accordance with Section 11.4.5 of the Unified Development Ordinance, owner-occupants of single-family residential homes are not required to prepare and implement a tree mitigation and preservation plan.

The City Council has the responsibility to determine the appropriateness of finding a necessity for the removal of a protected tree.

RECOMMENDATIONS:

The City Council may:

1. Approve the tree removal request; or
2. Deny the request.

ATTACHMENTS;

1. Resolution Finding of Necessity
2. Photos

RESOLUTION _____

A Resolution Declaring That A Necessity Exists For The Removal of a 28" (in diameter) Protected Live Oak Tree at 1426 Valargo Court, Gautier Mississippi

WHEREAS, Section 11.4.5 of the Unified Development Ordinance requires the City Council adopt a resolution finding a necessity for the removal of protected trees; and

WHEREAS, to determine whether a request warrants a finding of necessity, the Council shall consider the Comprehensive Plan, the intent of Section 11.4.5 of the Unified Development Ordinance 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, Spencer Garrett, owner-occupant of said single-family residential property, must remove an 28" (in diameter) live oak in the rear yard of the property due to damage the tree is causing to private property improvements; and

WHEREAS, in accordance with Section 11.4.5 of the Unified Development Ordinance, owner-occupants of single-family residential homes are not required to prepare and implement a tree mitigation and preservation 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 removal of a protected tree at 1426 Valargo Court, Gautier, MS 39533, which is a residential property.

Section 2. Effective Date. This Resolution shall be in full force and effect from and immediately upon its adoption.

DULY ADOPTED this _____ day of _____, by the City Council of Gautier, Mississippi.

ATTEST:

_____
City Clerk
Cynthia Russell

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Mayor Gordon Gollott