

MEMORANDUM

September 13, 2022

To: Mayor Andrew Gilich
City Council Members
Planning Commission
Mike Leonard, CAO
Jerry Creel, Director of Community Development
Eric Nolan, Arborist

From: City of Biloxi Tree Committee
Tracy Wyman, Chair (Ex-officio); Robin Lang (1); Shirley Robinson (2); Matt Dubaz (3); Susan Peterson (4); Christine Davis (6); Pamela Barlow (7)

Re: 2022-TR 007 Rich's Car Wash (Pass Road and Abby Court, Biloxi MS)

The Rich's Car Wash Place project proposes the removal of 14 protected trees AND an additional 4 significant clusters of protected trees (individual sizes and species are not identified on the tree survey) as shown in the SUMMARY OF PROPOSED REMOVALS below.

SUMMARY OF PROPOSED REMOVALS:

10 Live Oaks (DBH in inches)	1 Cherry Oak (DBH in inches)	1 White Oak (DBH in inches)	UNIDENTIFIED SIGNIFICANT PROTECTED CLUSTERS
30"	10"	16"	60" Cluster of Live Oaks
10"			72" Cluster of Live Oaks
18"			48" Cluster of Live Oaks
12"			72" Cluster of Live Oaks
8"			
14"		UNIDENTIFIED (INDIVIDUAL TREES) OAK SPECIES	
14"		18"	
20"		15"	
20"			
10"			

All trees listed above are proposed to be permitted for removal.

AFTER VISITING THE SITE AND IDENTIFYING THE 4 "CLUSTERS" PROPOSED FOR REMOVAL, THE COMMITTEE WISHES THE PLANNING COMMISSION TO RECOMMEND THIS PROJECT BE STALLED UNTIL A REVISED PLAN CAN SAVE MORE CANOPY ALONG PASS ROAD.

Please note:

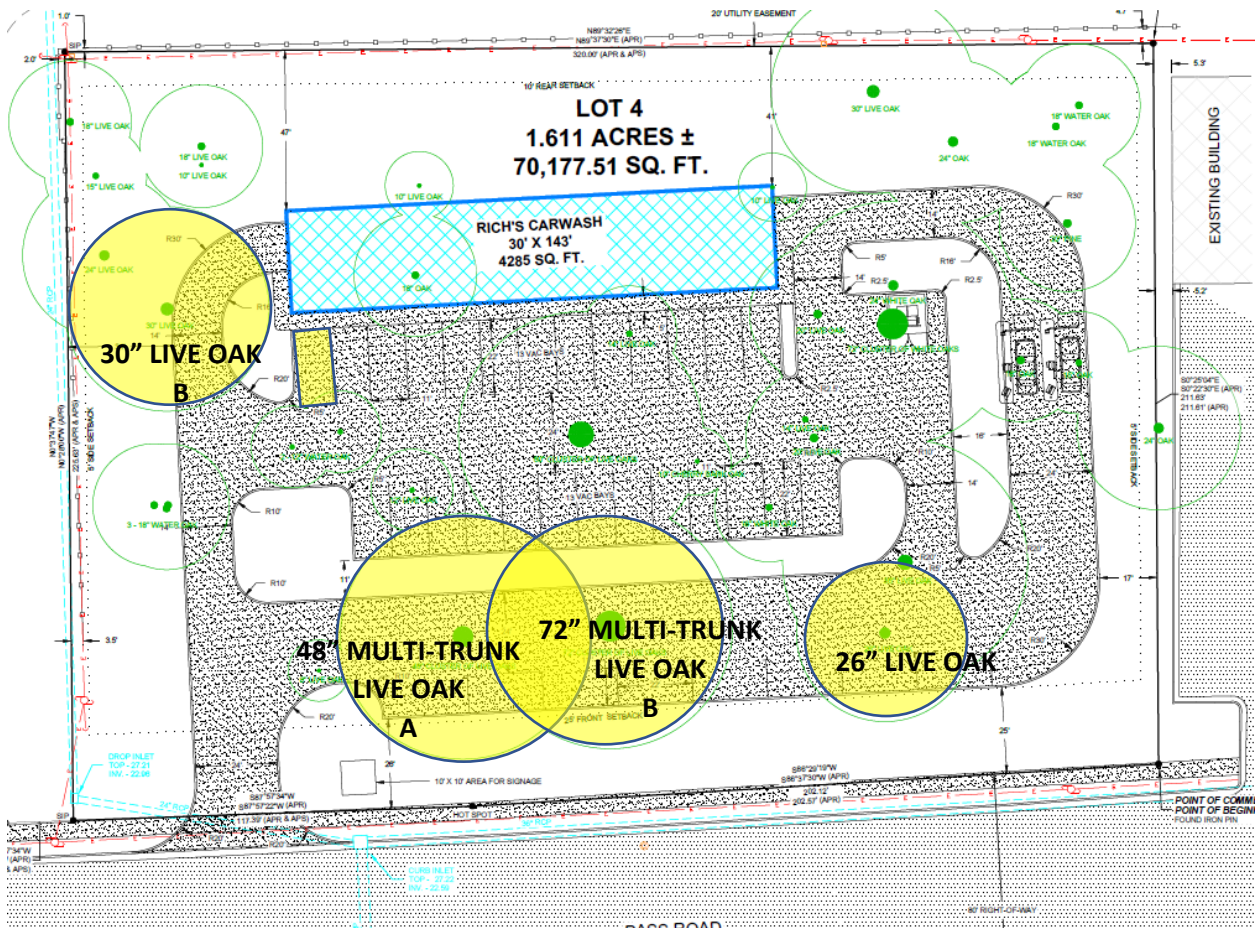
- 1) 3 of the 'clusters' are in fact very large multi-trunk live oaks (60", 72", and 48").
- 2) There are already multiple car washes on Pass Road.
- 3) Canopy and aesthetic on Pass Road is not satisfactory.

Therefore the Committee makes the following recommendations:

TREE COMMITTEE RECOMMENDATION #1

The project be revised to save the 30" Live Oak (A) on the north-western portion of the site in one of three ways:

- a) Moving the entire project 12" to the east and applying for a setback variance on the western boundary. Additionally, the drive would require permeable paving in the portion where the drive intersects with the tree canopy more than the allowable 10%.
- b) Rotating the project (clockwise) slightly and installing permeable paving at this point as described in (a), above.
- c) Removing one parking space and redesigning the car wash building to be 9' (feet) shorter than shown. This plan would eliminate the need for permeable paving since the drive would intersect with the tree canopy at a much lesser percentage.



RECOMMENDATION #2:

The project be revised to maintain the important tree canopy along Pass Road (especially Cluster A and Cluster B shown above, and possibly Live Oak D) by:

- a) Eliminating the parking and drive that runs parallel to Pass Road.
- b) Moving the entry drive to the eastern side.

With these revisions, the Committee would accept the removal of the other two tree clusters, though one is significant at 60" DBH.

RECOMMENDATION #3:

The Committee recommends the applicant be permitted to remove all other trees proposed for removal, given that mitigation requirements are met.

RECOMMENDATION #4: MITIGATION

The applicant will mitigate at a ratio of 2:1 of same species removed (on-site if feasible, according to the ordinance) for any tree removed or damaged on this site, either prior to or during construction. The 2:1 ratio will include the removal of every protected tree within each tree cluster or for every trunk within a multi-trunk tree.

TOTAL TREES RECOMMENDED FOR PERMITTING / REMOVAL:	35
TOTAL MITIGATION REQUIRED, 2:1, SAME SPECIES:	70

REVISED SITE PLAN WOULD BE REQUIRED TO APPEAR BEFORE THE PLANNING COMMISSION

THE TREE COMMITTEE ALSO RECOMMENDS all mitigation plantings be installed within 6 months of certificate of occupancy, as per the LDO. Alternatively, the applicant may opt to contribute to the City's Mitigation Trust, as per the requirements outlined in the LDO, whereby the mitigation, maintenance, and guarantee would become the liability of the City of Biloxi, and all mitigation planting would comply with the Ordinance as described above.

RECOMMENDATION #4: PROTECTION DURING CONSTRUCTION

Tree protection notes and diagram should align with the LDO as follows:

- Fencing is to be erected no closer than 1' to the tree's drip line (existing canopy) before grading or other development activity begins.
- Fencing or roped off area must be well marked as "TREE SAVE AREA: KEEP OUT."
- Any tree roots must be avoided or if not greater than 50mm, cut clean (rather than torn by heavy equipment).
- No construction, grading, equipment or material storage, or any other activity shall be allowed within the fenced tree save area. Fencing shall be maintained until after the final site inspection AND until all mitigation requirements have been met.