

City of Biloxi Tree Committee

February 9, 2024

City of Biloxi Planning Commission

Subject: Ensuring Protected Trees are Preserved: Case Number: 24-TR-001, Reef Express LLC, at the intersection of Debuys Road and Highway 90.

Commission Members,

At the most recent Biloxi Planning Commission meeting, the review of the project underway at the intersection of Debuys Road and Highway 90 reveals how fragile the beauty and heritage of Biloxi can be when developers fail to follow published guidelines. This letter provides further background on the discussions at the planning meeting and makes recommendations for the City and Planning Commission to prevent future occurrences of this type.

The original approval for subject project was made in December 2023 with clear guidance regarding which protected trees could be removed and which trees must be preserved. Besides identifying the individual trees, City guidance, provided by the arborist, provides specific instructions on ensuring the long-term viability of the remaining protected trees.

The original approval and guidance were able to be provided, because appropriate timelines were in place to allow the Biloxi Tree Committee and the City Arborist to evaluate the project by visiting the site, assessing the health and viability of the trees, and making recommendations to ensure the project would preserve the desired “fit” with Biloxi’s position as the second-oldest tree city in the state of Mississippi.

Following the original approval, the developer chose to ignore the guidance provided by the City, and cut down two of the mature trees which were to be preserved, and undercut the root system of several other protected trees, threatening their long-term viability. Then, for some reason the developer chose to re-approach the planning commission to request the removal of five protected trees (two of which had already been felled). Unfortunately, and important to this discussion, the request was made with no opportunity for the tree committee and arborist to evaluate this change request, (one work day). One of the tree committee

members was able to visit the site prior to the planning commission meeting, but not enough time was available for the committee to make a formal recommendation.

We are very disappointed with what has occurred as this project has proceeded, especially the removal of two decades-old protected trees without permission. The Biloxi Tree Committee makes the following recommendations.

- First, we recommend the developer only be allowed to continue if they commit to working closely with the City Arborist, following his directions to mitigate damage already observed. The Arborist has agreed to present a course of action at the next planning commission meeting.
- Second, the developer engages a landscape architect/expert to build a plan to mitigate existing damage, and to protect remaining trees of which the roots have already been damaged.
- Third, the 50-inch tree, which the developer also wishes to remove, should be preserved. Permission to remove should not be granted.
- Fourth, regarding a “way ahead” when a developer fails to follow the guidance provided by the City and Planning Commission, sufficiently severe penalties must be imposed to deter future abuse.
- Finally, the committee and arborist must be given at least one week’s notice of a project requiring review of protected trees prior to a planning commission meeting to evaluate the project.

I know you agree, we must protect the beauty and heritage of our city. The City should re-visit approval for this project when the City Arborist submits his mitigation plan, and prior to any certificate of occupancy being granted.

Regards,

SUSAN R. PETERSON
Biloxi Tree Committee, Secretary