



Legislation Details (With Text)

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On agenda: 2/26/2020 **Final action:**

Title: Approve the removal of an oak tree in the right-of-way adjacent to 1203 Oxford Way to be replaced with oak tree(s), equaling the diameter of the tree to be removed, to be planted at Bracco Pond.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1203 Oxford Dr tree removal letter.pdf, 2. 1203 Oxford Dr. tree removal.pdf, 3. 1203 Oxford Dr. Pictures.pdf, 4. Legal Ad Proof.pdf

Date	Ver.	Action By	Action	Result
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CITY COUNCIL AGENDA ITEM

Memo Date: January 31, 2020
Agenda Date: February 26, 2020
Prepared By: Dodie Selig, Planning & Zoning Manager
Through: Nancy A. Bunt, Community Services Director
Requested Action:

Approve the removal of an oak tree in the right-of-way adjacent to 1203 Oxford Way to be replaced with oak tree(s), equaling the diameter of the tree to be removed, to be planted at Bracco Pond.

BACKGROUND:

I. Project Information

On December 21, 2019, Public Works was called to investigate complaints of root damage to the driveway related to an oak tree in the right-of-way at 1203 Oxford Way. The inspector found that the tree’s root system has caused damage to both public and private property. Specifically, the tree’s roots have pushed up the curb causing it to twist and lift and causing water to stand on the side of the road. The City removed the curbing, ground the tree roots and replaced the affected curbing in front of this address as can be seen in the attached photos. Additionally, the root system has caused cracking of the property owner’s driveway. The property owner has explained to Public Works staff that he wants to replace the driveway but his contractor will not do the work until the tree is gone.

Public Works staff have determined that the tree is otherwise healthy and have recommended that a replacement tree be planted either elsewhere along the right-of-way or at Bracco Pond.

Future Land Use: LDR (Low Density Residential)
Zoning District: RU-1-7 (Single Family Residential)

Existing Land Use: Single Family home
Council District: District 4 - Council Member Lorraine Koss

Overview of Surrounding Area:

	Future Land Use Designation	Zoning District	Land Use
North	LDR (Low Density Residential)	RU-1-7 (Single Family Residential)	Single-Family Residential
South	LDR (Low Density Residential)	RU-1-7 (Single Family Residential)	Single-Family Residential
East	LDR (Low Density Residential)	RU-1-7 (Single Family Residential)	Single-Family Residential
West	LDR (Low Density Residential)	RU-1-7 (Single Family Residential)	Single-Family Residential

II. Analysis

Consistency with Code of the City of Cocoa

Consistent with Appendix A, Article XIII, Section 22, Landscape Requirements

The provisions of Appendix A, Article XIII, Section 22(E), Tree Protection and Preservation, apply to trees in public rights-of-way. *Sec. 22 (E) (1) (c).*

The provisions of this subsection (E) shall apply to the following:

(c) All public or private rights-of-way

Also, because the tree in question is an oak tree and is located in the public right-of-way, the Tree Board shall make a recommendation to the City Council regarding the removal of the tree. *Sec. 22 (H) (1) (c)*

TREE BOARD. A tree board is hereby established which shall consist of the members of the city Planning and Zoning Board, and who shall serve by appointment of the City Council of the City of Cocoa, Florida.

(c) No oak tree located on city public right-of-way or city owned property shall be removed or significantly pruned prior to review and recommendation by the tree board and approved by the city council, subject to the following exceptions:

No exceptions apply in this circumstance. Accordingly, the Tree Board must make a recommendation regarding removal of the oak tree and the location and species of a replacement tree:

(d) Where an oak tree located on city public right-of-way or city owned property is removed for any reason, the tree board shall either:

(1) Include with its recommendation to the city council regarding removal of the oak

tree, a recommendation on both the location and species of a replacement tree;

...

Staff Finding: The tree in question has caused damage to both public and private property. Specifically, the tree's roots have pushed up the curbing along Oxford Way causing it to twist and lift and causing water to stand on the side of the road. The City removed the curbing, ground the tree roots and replaced the affected curbing in front of this address. Additionally, the root system has caused cracking of the property owner's driveway. The property owner has explained to Public Works staff that he wants to replace the driveway but his contractor will not do the work until the tree is gone.

It is recommended that the tree be removed now to eliminate the continuing damage to the City's curbing and to allow the property owner to replace the driveway without future damage from the root system. Public Works has recommended that a replacement oak tree be planted either elsewhere along the right-of-way or at Bracco Pond to enhance the public enjoyment of that park.

STRATEGIC PLAN CONNECTION:

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

The Planning & Zoning Board recommended approval at its regular meeting on February 5, 2020.

RECOMMENDED MOTION:

Approve the removal of an oak tree in the right-of-way adjacent to 1203 Oxford Way to be replaced with oak tree(s), equaling the diameter of the tree to be removed, to be planted at Bracco Pond.