

1 **MINUTES OF THE CITY OF LAKE MARY, FLORIDA, CITY TREE BOARD MEETING**
2 **HELD JUNE 1, 2015, 6:00 P.M., CITY HALL, 100 N. COUNTRY CLUB ROAD**

3
4 **TAPE 1, SIDE A**

5 I. Call to Order

6 The meeting was called to order at 6:00 p.m.

7 II. Roll Call/Determination of a Quorum

8 Chairman Danny Williamson
9 Vice Chairman Lynette Swinski
10 Member James Buck
11 Member Robert Boardman
12 Member John Lackey
13 Member Michael Gaudio

14
15 Member Robert Sebald was absent.

16
17 City staff present were Juan (John) A. Omana, Jr., Community Development
18 Director; Gary Schindler, City Planner; Bryan Nipe, Parks and Recreation
19 Director; and Diana T. Adams, Administrative Assistant.

20
21 Also present who spoke was Michael Diemer and Dean Poulos .

22
23 III. Approval of Minutes - March 2, 2015

24
25 **MOTION:**

26
27 **Member Buck moved to approve the Minutes of the March 2, 2015, City Tree**
28 **Board meeting, as presented. Member Lackey seconded the motion, which**
29 **carried unanimously 6-0.**

30
31 IV. Citizen Participation: This is an opportunity for anyone to come forward and
32 address this Board on any matter relating to this Board or its actions. This also
33 includes: 1) any item not specifically listed on a previous Agenda but discussed
34 at a previous board meeting or 2) any item on tonight's Agenda not labeled as a
35 public hearing. Items requiring a public hearing are generally so noted on the
36 Agenda and public input will be taken when the item is considered.

37
38 There was no citizen participation and that portion was closed.
39

1 V. New Business

2
3 A. 2015-TREE-02: Appeal of a condition of approval of an arbor permit from
4 having to plant replacement trees at 173 Randon Terrace (Manderley), Lake
5 Mary, Florida 32746 (Public Hearing)

6
7 Gary Schindler, City Planner, presented Item A. and the related Memorandum
8 (Staff Report). The Location Map attached to the Staff Report was on the overhead
9 projector. He said, normally, we have appeals of a denial of a permit, but this does
10 not involve that. This involves an appeal of a condition of approval for property
11 located at 173 Randon Terrace. Mr. Dean Poulos is the Applicant/Appellant.

12
13 Mr. Schindler stated, Mr. Poulos submitted a City of Lake Mary Permit for Tree
14 Removal regarding five queen palms. As is our usual practice, I went out and
15 conducted a site inspection and all the palms were within 15' of the structure. Well,
16 any person that has trees that are not historic and within 15' of a structure may
17 have a permit to remove them. However, as is our practice, there are a minimum
18 number of trees that are required for property based on – well, in this case, it's the
19 subdivision, Manderley. The developer's agreement says that there shall be two
20 trees for each lot. Well, since three palm trees equal one canopy tree, Mr. Poulos
21 removed 1-2/3 canopy trees. Well, rather than make him replace a full two trees, I
22 gave him three options; one, he could replace two canopy trees; two, he could
23 replace five palm trees or, three, he could replace one canopy tree and two palm
24 trees.

25
26 Mr. Schindler said, Mr. Poulos is here tonight to appeal the condition, and since
27 we are in the summer and this is not the time to plant trees, Mr. Poulos would
28 have until the end of December in which to plant the replacement trees. We
29 don't want people to feel pressured to plant trees in the summer heat because
30 they just don't have the survivability that they would when the temperatures are
31 cooler.

32
33 Mr. Schindler stated, whether it be in the City's Code of Ordinances or in a
34 specific developer's agreement for a PUD, the City Commission has been
35 consistent in requiring a specific number of trees. In the Code of Ordinances, it's
36 based on the size of the property. It's one tree for the first 6,000 square feet and
37 then an additional tree for each additional 4,000 square feet.

38
39 Mr. Schindler said, this PUD goes back sometime and it was simply, across the
40 board, two canopy trees, and that is the basis for the requirement. We have
41 been saying that since he did not have two canopy trees on the property to begin
42 with, we said, you have an option. At the minimum, we want you to replace is 1-

1 2/3 canopy tree. That can be accomplished by planting two canopy trees and the
2 other two.

3
4 Mr. Schindler stated, in your packet, there is an e-mail from Mr. Poulos in which
5 he stated the reasons that he is appealing, and one of the items that he brings up
6 is that there is a canopy tree (a colored aerial that was attached to the Staff
7 Report was put on the overhead projector) – yes, there is a canopy tree, but the
8 canopy tree is not on his property. It is on the adjacent property to the right;
9 however, the canopy does hang over his property. I just wanted to make that
10 clear. Mr. Poulos has identified several reasons why he does not want to – or he
11 is appealing the condition of approval. One is that he has underground irrigation
12 and utility lines, it would disturb existing vegetation, the site is a safety factor.
13 You have the e-mail and you can read it. I don't need to go through it in detail,
14 and I'm sure Mr. Poulos would be happy to discuss any questions.

15
16 Mr. Schindler said, the PUD requires two trees. It does not make an exception.
17 There is no variance procedure. A PUD generally does not have a variance
18 procedure. It says that every property is going to have a minimum of two trees,
19 and there are a number of reasons that the City Commission has been very
20 consistent about wanting to preserve trees. One is aesthetics. Two is that they
21 provide shade for dwellings and businesses, for parking lots. They produce
22 oxygen and water vapor, and those are things that the City Commission has said
23 are necessary for the well-being of its citizens.

24
25 Mr. Schindler reviewed the four Findings of Fact listed on page 2 of the Staff
26 Report as follows:

- 27
28 1. The Manderley PUD developer's agreement requires each property to have a
29 minimum of two (2) canopy trees.
30 2. With the removal of the five queen palm trees, the property at 173 Randon
31 Terrace will not have any canopy trees; therefore, it will not comply with the
32 Manderley developer's agreement.
33 3. The Manderley developer's agreement does not provide for a variance
34 process whereby a specific property may deviate from the minimum
35 development standards established for the subdivision.
36 4. The Applicant has not provided justification to exempt him from having to
37 replace a minimum of 1-2/3 canopy trees.
38

39 Mr. Schindler concluded his presentation by saying, it is recommended that the
40 Arbor Board deny Mr. Poulos' request to be exempted from having to plant two
41 replacement canopy trees at 173 Randon Terrace.
42

1 Member Lackey asked, is there a requirement on the size of the tree he has to
2 replace it with?

3
4 Mr. Schindler answered, yes. The tree, whether it be a palm or a canopy tree,
5 must be a minimum of 15' tall. If it is a canopy tree, it needs to be 3.5" wide at
6 one foot above the ground. If it is a palm, it needs to be 6" wide at one foot
7 above the ground.

8
9 Chairman Williamson questioned, was there ever any canopy trees on this lot?

10
11 Mr. Schindler responded, I don't know. All I know is that when I was there, there
12 were five queen palms and that was the extent. Some of these homes are 10-15
13 years old and I don't know what was planted originally.

14
15 Chairman Williamson asked, is there is a power/utility outlet in the right front
16 corner?

17
18 Dean Poulos, Applicant/Appellant, 173 Randon Terrace, Lake Mary, Florida
19 32746, replied from his seat in the audience, there's City water going through
20 there.

21
22 Chairman Williamson questioned, there's not a box?

23
24 Mr. Poulos answered, there is a big transformer there.

25
26 Chairman Williamson stated, on the front, right corner, it looked to me like there
27 is an electrical box right there.

28
29 Mr. Schindler asked, under the canopy tree?

30
31 Chairman Williamson responded, under the neighbor's canopy tree; yes, sir.

32
33 Mr. Schindler said, there may well be.

34
35 Mr. Poulos stated, there is. It is surrounded by hedges.

36
37 Chairman Williamson requested the Applicant/Appellant come forward and
38 address the Board.

39
40 Mr. Poulos came forward in favor of granting the appeal. He said, I have nothing
41 against trees. If I thought the area was suitable for a tree, I would have planted a
42 tree there and I wouldn't even be here tonight. My property is absolutely unique
43 in that I don't have a lot of space between my house and the sidewalk. You see

1 how the sidewalk curves there (indicating to overhead projector)? And there is
2 the electrical box there, plus City water. It's very tight there. I mean, if you look
3 at the house at street level, you will see how it's very tight. That canopy tree
4 there is very large and mature. It's close to my roof. To plant a canopy tree
5 there would look absolutely silly. It would grow right up into that current canopy
6 tree there. It's a very large, mature canopy tree. I mean, if you look at the house
7 in person, I think you would probably appreciate it more than looking at the aerial.
8 Plus, to plant anything there – there was three large queen palms there with
9 extensive roots. Those roots extend 10-15' out in all directions. There were
10 three large queens crammed in there that never should have been planted there
11 in the first place. And that's all very close to the house, 6-7' of the house. If I
12 was going to plant something there, I could come to them the next day and see if
13 I could have them removed because it's within 15' of the house. It's very tight
14 there.

15
16 Chairman Williamson questioned, did you buy the house new?

17
18 Mr. Poulos replied, no. I bought it from a previous owner around three years
19 ago.

20
21 Chairman Williamson asked, did you plant the queen palms, or were they already
22 there?

23
24 Mr. Poulos answered, no. They were there.

25
26 Vice Chairman Swinski questioned, would it be possible to plant a tree on the left
27 side of the driveway?

28
29 Mr. Poulos responded, that's pretty small, and to plant a large tree there, it would
30 just not look proper at all. It's a small area. There is not a lot of distance
31 between my house and the sidewalk, which is a little bit unique, especially with a
32 curved sidewalk there.

33
34 Vice Chairman Swinski asked, is that piece of land there on the left 15' from the
35 house?

36
37 Mr. Schindler replied, please be aware that anytime that – let's say that he plants
38 the trees and next year he comes in and applies to take them out. Once again,
39 we are going to allow it, but it will be conditionally approved with replacing what
40 he has taken out because he does not meet the minimum. So, Mr. Poulos is
41 correct in that if it's within 15' of the house, he could apply for a permit.
42

1 Mr. Poulos stated, to plant anything there, if you are looking at property space,
2 would have to be exactly where I took those palms out and that is all, again, very
3 close to power lines and City water. I have electrical and irrigation going through
4 there. To remove the roots from the Queen Palms are expensive because the
5 roots are 10-15' in all directions. It would take major excavation to get those
6 stumps out of there from the Queen Palms. Again, that's all very close to the
7 house, 6-7' of the house, and if it's anything large, it will grow right up into the
8 existing canopy. There's a large, mature canopy tree there. I mean, code for
9 new construction is one thing, a mature landscape is another. To plant
10 something out in the middle of a grass is different than planting something right
11 next to your house.

12
13 Vice Chairman Swinski questioned, what's in the back, left corner? Is that a
14 tree?

15
16 Mr. Poulos answered, that's a large Grapefruit citrus tree. I also have large
17 Robellini palms back there and there are also large Robellinis in the front and a
18 large Ligustrum. There is just a bunch of landscaping on my property as it is.
19 There is no shortage of trees there.

20
21 Chairman Williamson asked, citrus trees aren't considered canopy trees; are
22 they?

23
24 Mr. Schindler responded, no. They are not canopy and neither are Robellinis.

25
26 Vice Chairman Swinski questioned, is there room there in that 15' from the house
27 or that back, left corner?

28
29 Mr. Poulos replied, no. That citrus tree takes up, pretty much, all the property
30 there, and then it slopes very much in the back also. I tried trimming the Queen
31 Palms that were back there myself. I had the ladder slip on me. It slopes in the
32 back very much and there is stone mulch. So, it's an unsafe situation to plant
33 anything large there that's going to have to be trimmed later. Because I do all my
34 own property maintenance. I cut the grass. I do everything.

35
36 Mr. Schindler said, let me throw out one other option. Mr. Poulos may make a
37 contribution to the City's tree fund; \$400 per canopy tree. I mean, that's pretty
38 cheap when you consider the cost of buying a tree and installing it. But, this is
39 consistently what we charge people if they wish to opt out of having to plant trees
40 onsite. And, of course, since it's 1-2/3, we would prorate it.

41
42 Member Boardman asked, so, \$650? Roughly in that area? Was he aware of
43 this?

1 Mr. Schindler answered, no.

2
3 Mr. Poulos stated, you mentioned to me one time when I came into your office
4 that there might be an option, but we kind of left it open.

5
6 Mr. Schindler said, oh, okay. I didn't remember we discussed it, but it is
7 something that we – you know, first and foremost, our preference is to have the
8 trees on the property, but we do hold out the potential for making a contribution
9 to the City's tree bank, then we would so note that his property complies with all
10 relevant arbor requirements.

11
12 Chairman Williamson stated, personally, I really don't see where he could put
13 another tree. I really don't. I drove by the property this weekend too. He
14 questioned Mr. Poulos if he would be agreeable to that other option that Mr.
15 Schindler just mentioned.

16
17 Mr. Poulos responded, I could work something out with that. I feel it's a bit too
18 much. Maybe \$500 would be a compromise. I spoke with the neighbors and
19 they like it as it is now.

20
21 Chairman Williamson said, you have a power box in that right corner and there is
22 no way you can put anything there.

23
24 Mr. Poulos stated, right. It's surrounded by bushes.

25
26 Chairman Williamson said, and on the other side of the driveway can't be more
27 than maybe 8' right there.

28
29 Mr. Poulos stated, right. There is not a lot of space there. It would look
30 cramped.

31
32 Chairman Williamson asked, the sidewalk is probably only 15 or 20' from your
33 house; right?

34
35 Mr. Poulos replied, right.

36
37 Member Lackey said, yeah. There is no room. He questioned, has the City ever
38 taken exception to the \$400 and lessened it at all?

39
40 Mr. Schindler answered, we do not have that ability. \$400 is very cheap by the
41 time you get the cost of buying the tree and planting the tree. Based on \$400 per
42 canopy tree, a 1-2/3 canopy tree is \$667.

1 Chairman Williamson asked, how does that sound to you if we agree?
2

3 Mr. Poulos responded, I was thinking more along \$500 actually because I kind of
4 wanted to put a tree in there at one time. I spoke with the neighbors and the
5 Arborist who removed the palms. I have been to Lukas Nursery, and after
6 discussing this with people, it's just not feasible to plant something large there.
7 So, I think the best course would – if the City can use the money, like Gary
8 mentioned to me, to plant a tree on public area, I can do that. I have no problem
9 with that. I'm happy to do that. It's just working out the amount. I mean, if we
10 could do \$550, I could do that.
11

12 Member Boardman questioned, what if we spread it over a three-month period?
13

14 Mr. Schindler replied, we can do it in installments. The amount would be added
15 to his water bill.
16

17 Chairman Williamson explained that the money would go into a tree bank and
18 trees are planted within the City where needed.
19

20 Mr. Schindler confirmed that the money is used only for planting trees within the
21 City.
22

23 Mr. Poulos re-expressed that he felt the fine was excessive and wanted 6 or 12
24 month's time to pay.
25

26 Juan (John) A. Omana, Jr., Community Development Director, asked, why did
27 you ask for the five palm trees to be removed?
28

29 Mr. Poulos answered, because they were all within six or seven feet of each
30 other and the house and Queen Palms generally need 20' of space between
31 each other. The fronds were growing into each other and the middle palm was
32 getting frizzle top. That's where you have abundant fertilizer. So, it was a totally
33 bad situation to begin with.
34

35 Mr. Omana questioned, in light of those removals, would it be possible that a
36 canopy tree could be placed in the location where the five trees were removed?
37

38 Mr. Poulos responded, no. I mean, that's why I'm here, because there is already
39 an existing canopy tree right there. If you plant another canopy tree, it will grow
40 right up underneath it. It would look silly.
41

42 Mr. Omana requested Mr. Poulos to point to the area where the five palm trees
43 were removed.

1 Mr. Poulos complied, indicating where the first three palms were located, then
2 indicated two more palms in the backyard right next to the pool enclosure on
3 sloping land. He said, there is a very steep slope at that location and to trim
4 those palms was hazardous, even to get to them was difficult because of large
5 Robellini palm(s) right there. There is just not a lot of footage there. It's a small
6 lot. It's mostly taken up by house and other landscaping located there. There is
7 no space there. It is absolutely unique.

8
9 Mr. Omana stated, Mr. Chairman, in looking at the documentation, it is staff's
10 opinion that the area on the left-hand side of the driveway, I would say is
11 approximately 10 or 15' long by maybe 5 or 6' wide. I don't see why a tree could
12 not go there. Also, in the back of the property on the left-hand side behind the
13 citrus tree area going back to near the property line, again, I don't see why a tree
14 could not be planted in that area as well.

15
16 Mr. Poulos said, there is a very steep slope back there.

17
18 Member Gaudio questioned, what is behind your property? What do you back up
19 to?

20
21 Mr. Poulos replied, back in there is the lake and a bunch of pine trees. There is
22 no shortage of trees in the area.

23
24 Mr. Omana asked, what's the slope in the back area?

25
26 Mr. Poulos answered, I don't know exactly. It's very steep. You are welcome to
27 come out and look at it.

28
29 Chairman Williamson questioned, are you able to mow it with a push mower?

30
31 Mr. Poulos responded, yeah. But, I have the motorized.

32
33 Member Boardman asked, none of the trees could be planted back there? In the
34 space between there and the lake?

35
36 Chairman Williamson replied, that is not his property. His property line goes
37 probably 10' behind the pool.

38
39 Member Boardman stated, looking at his property line, there is very little space to
40 put anything.

1 Mr. Schindler said, that is one of the reasons I brought up the fact that he could
2 make a contribution to the City, and we have been very consistent on \$400 per
3 canopy tree.
4

5 Mr. Poulos stated, I think that is the best solution.
6

7 Member Buck said, two-thirds is \$267.
8

9 Member Boardman suggested 12 months for Mr. Poulos to pay.
10

11 Mr. Omana stated, Mr. Chairman, one possibility that staff, I believe, would be
12 able to entertain is the placement of a tree on the front end of the property on the
13 left-hand side, and due to what Mr. Poulos is describing as a sloping area in the
14 back, which appears to be detrimental to a species of tree, then go with a
15 donation of one tree, the equivalent dollar amount to the City, and plant one tree
16 in the front yard next to the driveway. That way, we maintain the integrity of the
17 PUD but also exercise some flexibility in light of the site conditions.
18

19 Chairman Williamson said, the suggestion is that you plant one tree and donate
20 to the City for one tree.
21

22 Mr. Poulos stated, the area in the front there is small. I don't think that a large
23 tree would look balanced or proportioned there at all, and the neighbors down
24 there already have large palm trees. You can see right there (indicating to
25 overhead projector).
26

27 Chairman Williamson questioned, what about behind the grapefruit tree in the
28 back along the property lines?
29

30 Mr. Poulos answered, it's very slopey.
31

32 Mr. Schindler suggested a Long Leaf Pine could be planted to the left of the
33 driveway, and since the neighboring property has palms, that would minimize any
34 impact on each other.
35

36 Mr. Poulos said, there are pine trees all over the place and there doesn't need to
37 be planted another pine tree there, and a canopy tree would not be appropriate
38 at that location because there might be problems with the driveway, the sidewalk
39 and it's a small area.
40

41 Member Buck suggested even putting a pine tree in the back left corner because
42 the sloping part doesn't matter to a tree.
43

1 Mr. Poulos stated, the area back there doesn't drain well. It's very wet. It's
2 sloping. I have nothing against trees, but the best solution would be to have it
3 deducted from my water bill.
4

5 Chairman Williamson opened the hearing to public comment. Hearing none, he
6 closed that portion and entertained board discussion and/or a motion.
7

8 **MOTION:**
9

10 **Member Boardman moved to deny the appeal of a condition of approval of**
11 **an arbor permit from having to be exempted from having to plant**
12 **replacement trees at 173 Randon Terrace (Manderley), Lake Mary, Florida**
13 **32746, consistent with staff's Recommendation listed in the Memorandum**
14 **(Staff Report), and Mr. Poulos is to accept one of the following three options**
15 **listed below:**
16

- 17 **1. To comply with planting two replacement canopy trees, five palm trees,**
18 **or one canopy tree and two palm trees (Canopy or palm tree must be a**
19 **minimum of 15' tall. If it is a canopy tree, it needs to be 3.5" wide at one-**
20 **foot above the ground. If it is a palm, it needs to be 6" wide at one-foot**
21 **above the ground).**
- 22 **2. Plant one canopy tree and contribute equivalent cost of planting one**
23 **canopy tree to the City Tree Bank (\$400 per canopy tree).**
- 24 **3. Pay \$667 to the City Tree Bank, via installment plan through water bill,**
25 **spread out over a maximum of six months to pay in full.**
26

27 **Member Buck seconded the motion.**
28

29 **Chairman Williamson requested a roll-call vote on the motion, which was**
30 **taken as follows:**
31

32 **Member Gaudio - Yes**
33 **Vice Chairman Swinski - Yes**
34 **Member Lackey - Yes**
35 **Member Buck - Yes**
36 **Member Boardman - Yes**
37 **Chairman Williamson - Yes**
38

39 **The motion carried unanimously 6-0.**
40

41 Chairman Williamson advised Mr. Poulos that he has the right to appeal this
42 decision to the City Commission.; that to appeal, he must submit either a letter or
43 e-mail within 30 days of the date of this letter, and to please address all appeals
44 to Gary Schindler, City Planner, 911 Wallace Court, Lake Mary, Florida 32746.

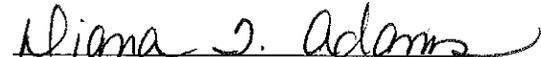
JUNE 1, 2015-11
CITY TREE BOARD

1 E-mail address is gschindler@lakemaryfl.com. And, if Mr. Poulos has any
2 questions concerning an appeal, to please contact Mr. Schindler at 407-585-
3 1442, or John Omana, Community Development Director, at 407-585-1454.
4

5 VI. Adjournment
6

7 The meeting was adjourned at 6:35 p.m.
8

9
10 
11 _____
12 Danny Williamson, Chairman
13


Diana T. Adams, Administrative
Assistant

QUASI-JUDICIAL SIGN-IN SHEET

6/11

, 2015

CITY TREE BOARD MEETING

(please print)

Name _____ Phone No. _____

Address _____

Item of Interest _____

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Address _____

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