

Alternative #2

TRP #10-A  
RESOLUTION NO. 10-05

RESOLUTION OF THE TOWN OF ST. LEO TOWN COMMISSION

WHEREAS, a Tree Removal Permit application has been submitted by Saint Leo University, Inc. for construction of a School of Business pursuant to Article XII: Landscape Buffering and Tree Protection, Sec. 12.4 Tree Protection and Restoration.

WHEREAS, the tree removal request includes removal of three (3) Grand Trees, which require approval by the Town Commission.

WHEREAS, a public meeting was held on March 8, 2010, before the Town of St. Leo Town Commission, which gave full and complete consideration to the recommendations of the staff and evidence presented at the meeting.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF ST. LEO TOWN COMMISSION:

SECTION A. REQUEST

The Applicant is requesting removal of three (3) Grand Trees and one (1) tree greater than 10-inch DBH.

SECTION B. FINDINGS AND CONCLUSIONS

Based on the facts and analysis presented in the staff report (Exhibit A), the Town Commission finds justification for removal of the above referenced trees.

SECTION C. TOWN COMMISSION DECISION

The request for removal of three (3) Grand Trees and one (1) tree greater than 10-inch DBH is APPROVED based on the following conditions:

1. Approval of the tree removal permit is not an approval of the School of Business site plan. The University is required to submit a PUD site plan review application and approval by the Town Commission prior to any construction or site work, such as grading and/or constructing foundations.

2. The University shall submit a School of Business site plan for review and approval by the Town Commission, which shall include a written narrative and/or map depicting the location and tree species of the replacement trees within the University campus. At least five (5) replacement trees shall be incorporated into the School of Business site and/or parking plan. It is noted that any required landscape buffer pursuant to Sec. 12.1 and 12.2 of the Land Development Code cannot be counted toward meeting the tree replacement requirement.
3. Twelve (12) replacement canopy trees (per LDC list or other Town approved tree), each a minimum of three (3)-inch DBH and ten (10) feet in height, Florida Quality Grade One shall be planted.
4. The twelve (12) replacement trees shall be planted by the Applicant and then inspected by the Town Planning Consultant prior to final building inspection of the School of Business by the Town's Building Official. No final inspection approval will be issued by the Town's Building Official until these conditions are met.

#### SECTION D. EXHIBITS

The following exhibit is attached to this resolution and incorporated by reference:

Exhibit A: Staff Report.

#### SECTION E. TOWN COMMISSION MOTION

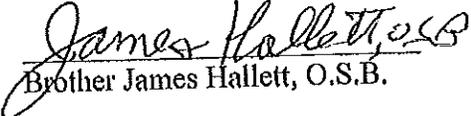
The foregoing resolution was adopted by the St. Leo Town Commission vote as follows:

Brother James Hallett, O.S.B., Mayor  
William Hamilton - absent  
Sister Donna DeWitt  
Richard Christmas  
Robert Courtney

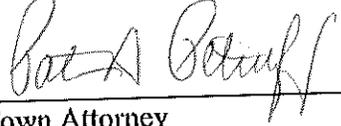
DULY PASSED AND ADOPTED this 8<sup>th</sup> day of March, 2010.

ATTEST:  
JOAN MILLER, CLERK

MAYOR, TOWN OF ST. LEO

  
Brother James Hallett, O.S.B.

Approved as to form by:

  
Town Attorney

PATRICIA A. PETRUFF, ESQ.  
Approved as to  
legal form  
and sufficiency



**Town of St. Leo**

**TREE REMOVAL PERMIT REVIEW (TRP)  
STAFF REPORT  
Case # TRP 10-A  
March 8, 2010 Town Commission Meeting**

**Property Owner:** Saint Leo University Inc.

**Applicant:** Same

**Representative:** Frank Mezzanini

**Request:** Remove three (3) Grand Trees and one (1) tree greater than 10-inch DBH

**Location/Legal Description:** Parking lot east of Saint Edward's Hall

**Property Appraiser Folio:** 01-25-20-0000-03000-0000

**Land Use Designation:** Institutional

**Zoning:** Institutional

**Tree Removal Review Application Overview:**

The applicant proposes to remove three (3) Grand Trees (20-inch DBH or greater) and one tree greater than 10-inch DBH for proposed construction of a School of Business building on a 0.8+/- acre site (Exhibit A). Appendix A contains the application, proposed building layout, photographs of the trees to be removed and justification. Pursuant to the LDC, removal of any Grand Tree requires approval by the Town Commission.

The site is currently utilized as a parking lot. The trees to be removed are as follows:

- Two (2) Sweet Gum trees: 26-inch and 15-inch DBH
- One (1) Oak: 24-inch DBH
- One (1) Pine: 24-inch DBH

The Oak and Pine trees are specifically listed in the LDC as protected trees. However, the LDC, *Sec. 12.4.5 Definitions and Tree Species, B. Tree Species, 8. [This list may expand as important tree species are identified within the Town.]*, permits the Town Commission to determine during the tree removal permit application review process and/or site plan review process if a tree not listed as protected should be a tree given protected tree status. The Sweet Gum tree is recognized by Pasco County and other authoritative documents as native tree, and therefore, it merits status as a protected tree. Therefore, the Sweet Gum trees are being treated as protected trees.

## **Relevant LDC Sections**

### **Sec. 12.4 Tree Protection and Restoration**

#### **Sec. 12.4.1 Purpose and Intent**

- A. To promote the health, safety and welfare of the current and future residents of the Town of St. Leo by establishing minimum standards for the regulation of the preservation, protection and removal of trees within the Town of St. Leo.
- B. Trees are declared as a significant natural and visual resource, particularly as related to protecting the aesthetic character of the visual corridors (SR 52 and Lake Jovita) defined in the Town of St. Leo Visual Corridor Study.
- C. Protecting trees maintains the aesthetic character and quality of the Town of St. Leo as adopted in the Comprehensive Plan. The aesthetic quality of the Town is comprised of the forested shoreline of Lake Jovita and its surrounding hillside, and the forested hillsides along S.R. 52.
- D. Trees provide significant environmental benefits such as purifying and cooling the ambient air, providing shade, conserving energy, reducing noise levels, providing important habitats for wildlife and preventing soil erosion and flood control.

#### **Sec. 12.4.3 Tree Removal Permit Required**

- A. Any commercial, institutional, multi-family or residential subdivision development requires a tree removal permit for the following:
  - 1. Removal of ten (10) percent or more of the total trees on a property or development site that are greater than five (5) inch diameter at breast height (DBH) or
  - 2. Any tree ten (10) inch DBH or greater.
- C. The removal of a Grand Tree (20-inch DBH or greater) on any property requires approval by the Town Commission.

#### **Sec. 12.4.6 Tree Replacement**

- A. Minimum tree replacement size is three (3)-inch DBH.
- B. The replacement tree(s) shall be of a species listed on the Tree Species List. The replacement tree(s) may be located anywhere on the subject property.

- C. Minimum number of replacement trees for the removal of a tree less than ten (10)-inch DBH is at a ratio of two (2) replacement trees for each tree removed.
- D. The minimum number of replacement trees for a tree removed of ten (10)-inch DBH or greater is at a ratio of three (3) replacement trees for each tree removed.

**Staff Review**

The applicant has provided a justification statement with the application. The proposed development site is located within the main part of the developed campus. The site is irregular in shape, bounded by streets on two sides, and campus commons and pedestrian paths on two sides. These site constraints dictate the proposed building location and its orientation on the site. The location of the Oak, Pine and Sweet Gum trees would impose limitations on development of a building on the site.

Based on photographs of the trees and discussions with Jeffery Aker (registered Arborist employed by the University), the Sweet Gum trees are near maximum age and are covered with Spanish Moss. The Oak and Pine trees appear to be generally in good condition. Based on the building footprint submitted, the 26-inch DBH Sweet Gum tree is not physically impacted by the building; however, its extensive root system will be impacted by construction, which could ultimately result in the death of the tree.

The LDC requires a canopy tree replacement ratio of three (3) to one (1) for any tree 10-inch DBH or greater. Therefore, twelve (12) replacement trees would be required.

**Town Commission Alternatives:**

Pursuant to the LDC, removal of grand trees requires approval by the Town Commission. This does not require a formal public hearing and notice, but would be advertised as any normal Commission meeting.

The Town Commission has at least two decision-making alternatives:

Alternative 1: Determine that there is no hardship or justification for removal of all of the Grand Trees (including the Sweet Gum trees) and that the building can be oriented to protect the trees. Therefore the Tree Removal Permit application is DENIED and the trees shall be preserved and protected.

Alternative 2: Determine that based on the justification statement, site constraints and photographs the removal of the three (3) Grand Trees (including the 24-inch DHB Sweet Gum tree) and one (1) 15-inch DBH Sweet Gum tree is warranted, and therefore, the Tree Removal Permit is APPROVED with the following conditions and/or stipulations:

1. Plant twelve (12) replacement canopy trees (per LDC list or other Town approved tree), each a minimum of three (3)-inch DBH and ten (10) feet in height, Florida Quality Grade One. Alternatively, pursuant to Section 12.4.9, pay the tree mitigation fee for up to fifty (50) percent (6 trees) of the required trees to be replaced. At least five (5) replacement trees shall be incorporated into the School of Business site and/or parking plan.

2. Granting of the Tree Removal Permit is contingent upon the University submitting a PUD site plan review application, and the Town approving said PUD site plan, prior to removal of any trees shown on the plan submitted with the Tree Removal application. The PUD site plan submittal shall include the PUD application requirements as well as the following:
  - a. Depict the tree species and location of the replacement trees as provided for in Condition #1.
  - b. Note that any required landscape buffer related to the Softball field and parking lot pursuant to Sec. 12.1 and 12.2 cannot count toward meeting the tree replacement requirement. Requirements related to landscape buffers are in addition to the required replacements trees.
3. The replacement trees shall be planted by the Applicant and inspected by the Town Planning Consultant prior to final building inspection of the School of Business project by the Town's Building Official. Any payments to the Tree Mitigation Fund must be made prior to final inspection approval. No final inspection approval will be issued by the Town's Building Official until these conditions are met.

This report has been prepared by:



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Jan A. Norsoph, AICP  
Engelhardt, Hammer & Associates, Inc.  
Town of St. Leo Planning Consultant

*Engelhardt, Hammer & Associates reserves the right to update this report upon becoming aware of new or updated information.*

**EXHIBIT A**

**APPENDIX A**  
**Tree Removal Application and Submittal Documents**

TOWN OF ST. LEO  
TREE REMOVAL APPLICATION

P.O. Box 2479, Saint Leo, Florida 33574  
352.588.2622 Fax 352.588.3010

Date January 12, 2010 Zoning District:   A   RDR   LDR   MDR   X\_IL   B   POL   L

Project Address   33701 State Road 52, Saint Leo, Florida 33574

Property Owner   Saint Leo University Incorporated Telephone (352) 588-8215

Property Parcel I.D.#   01-25-20-0000-03000-0000

Project Description: Removal of four (4) "grand trees" (as defined by Saint Leo Municipal Code § 12.4.3(C)) to prepare the site of the Saint Leo University School of Business building for construction.

Tree is diseased and deemed unsafe and verified by written documentation signed by a licensed professional (forester, arborist or horticulturalist). N/A If yes, attach documentation to this form.

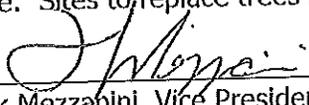
Information required for a single-family tree removal permit:

1. Identify all trees on the property, indicating the tree(s) to be removed either on property survey, aerial photograph, or hand drawn sketch. The plans shall delineate the tree species, height and size (DBH) to be removed.

Information required for residential subdivision, multi-family, commercial or institutional development tree removal permit.

1. Identify all trees on the property, indicating the tree(s) to be removed either on a site plan or aerial photograph (scale of one (1) inch: two hundred (200) feet or smaller). Plans or an aerial photograph shall delineate the tree species, height and size (DHB) to be removed. See attached.

Submit a written justification statement for the proposed tree removal based on the criteria contained above. Sites to replace trees must be included in site plans and project description. See attached.

  
\_\_\_\_\_  
Frank Mezzanini, Vice President of Business Affairs

  1/13/10  
Date

\_\_\_\_\_  
St. Leo Signature for Tree Removal Approval

\_\_\_\_\_  
Date

*Application must be completed by homeowner or an affidavit to Authorize Agent must be completed and notarized.*

*Form revised 08/11/09*

townofstleo2

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**From:** Michael Gradisher [Michael.Gradisher@saintleo.edu]  
**Sent:** Tuesday, February 02, 2010 3:52 PM  
**To:** townofstleo2  
**Cc:** Michael Gradisher  
**Subject:** FW: Tree Removal Permit  
**Attachments:** SKMBT\_C25010020209580.pdf

Below are the comments of Dan Fowler, an architect on the School of Business project, as to the orientation of the building and the 15 inch sweet gum tree. The attached PDF demonstrates that the tree's canopy encroaches into the building's footprint. The architects have also informed us that a good deal of the tree's roots would be destroyed in laying the foundation of the building.

We have been told that this particular sweet gum has a limited lifespan in any event. I will track down the faculty member with expertise on this matter and obtain his opinion and the basis thereof.

I will forward digital pictures of the tree once we have them.

Michael R. Gradisher  
Associate VP/General Counsel  
Saint Leo University  
(352) 588-7560 voice  
(352) 588-8511 fax  
[michael.gradisher@saintleo.edu](mailto:michael.gradisher@saintleo.edu) <<mailto:michael.gradisher@saintleo.edu>>

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**From:** Dan Fowler [<mailto:dfowler@lunz.com>]  
**Sent:** Tuesday, February 02, 2010 10:12 AM  
**To:** Michael Gradisher  
**Subject:** RE: Tree Removal Permit

The design of any structure is an ordered process, beginning with the most important considerations and working towards those of lesser importance. We typically begin looking at site constraints. In the case of the School of Business, the site is hemmed in on the south by the new campus access road, to the east by the traffic circle and necessity for a visual corridor from the main University entrance to the Student Center and Chapel Tower with the cross, to the north by the open campus commons, and to the west by an existing building and access road to parking which cannot be eliminated. It should be mentioned that the new campus access road, strengthening of the campus commons, and visual corridor view from the entrance are all major elements of the Master Planning process which was ten years in the making.

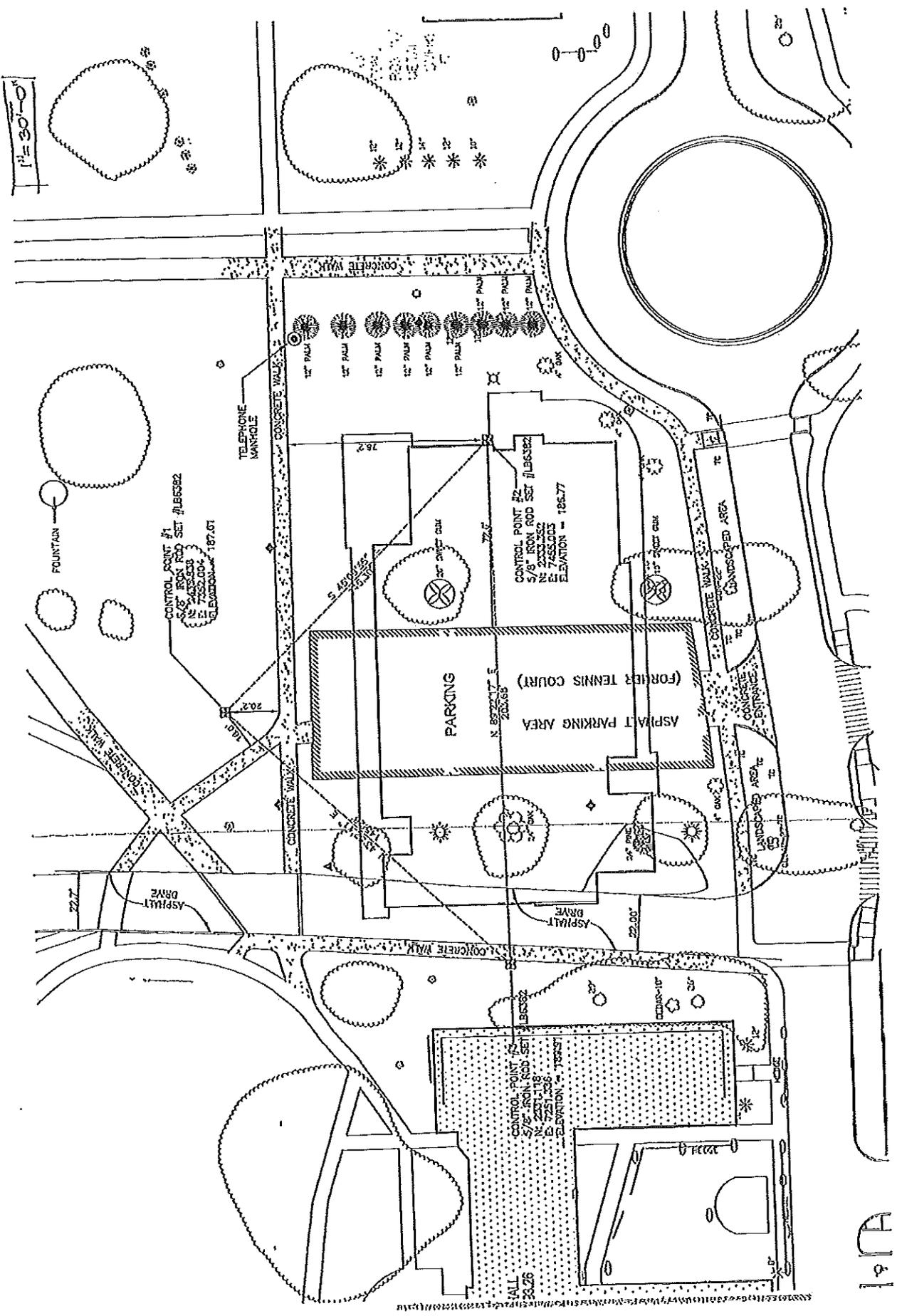
Next with the design process, the proposed building is programmed. That is, determining exactly what functions it will accommodate, what size it will be to meet the program requirements, and how the spaces will be arranged both horizontally and vertically to meet the program requirements.

We then 'marry' the site planning constraints with the program requirements to set the building on the site. Based on the master planning site constraints, and the building program designed to create a world class teaching environment for the School of Business, the site is extremely tight and the building is oriented in the only workable solution. The building cannot be reoriented and maintain the constraints imposed on it by the program and site.

The Sweet Gum is not listed on the tree preservation ordinance and so is irrelevant to the permit submittal, however, it appears that foundation construction is close enough to the root structure that it would be damaged sufficiently to kill it in time. In addition, we do not want a tree close enough to a building whereby in strong wind conditions it might sway into the building.

Regards,

2/11/2010



19 & 1

ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE SPECIFIED

**Saint Leo University**  
**“Grand Tree” Removal Project Description**

The University plans on building a new School of Business building on the parking lot (formerly a tennis court) adjacent to Saint Edward's Hall. The University will seek the required permits and approvals for this project after engaging a construction manager. We anticipate commencing construction in May 2010. In order to prepare the site in advance of construction, the University seeks to remove four trees which qualify as “grand trees” under the Town's tree ordinance. These trees are identified in the attached site plan by the width measurements indicated below on the left:

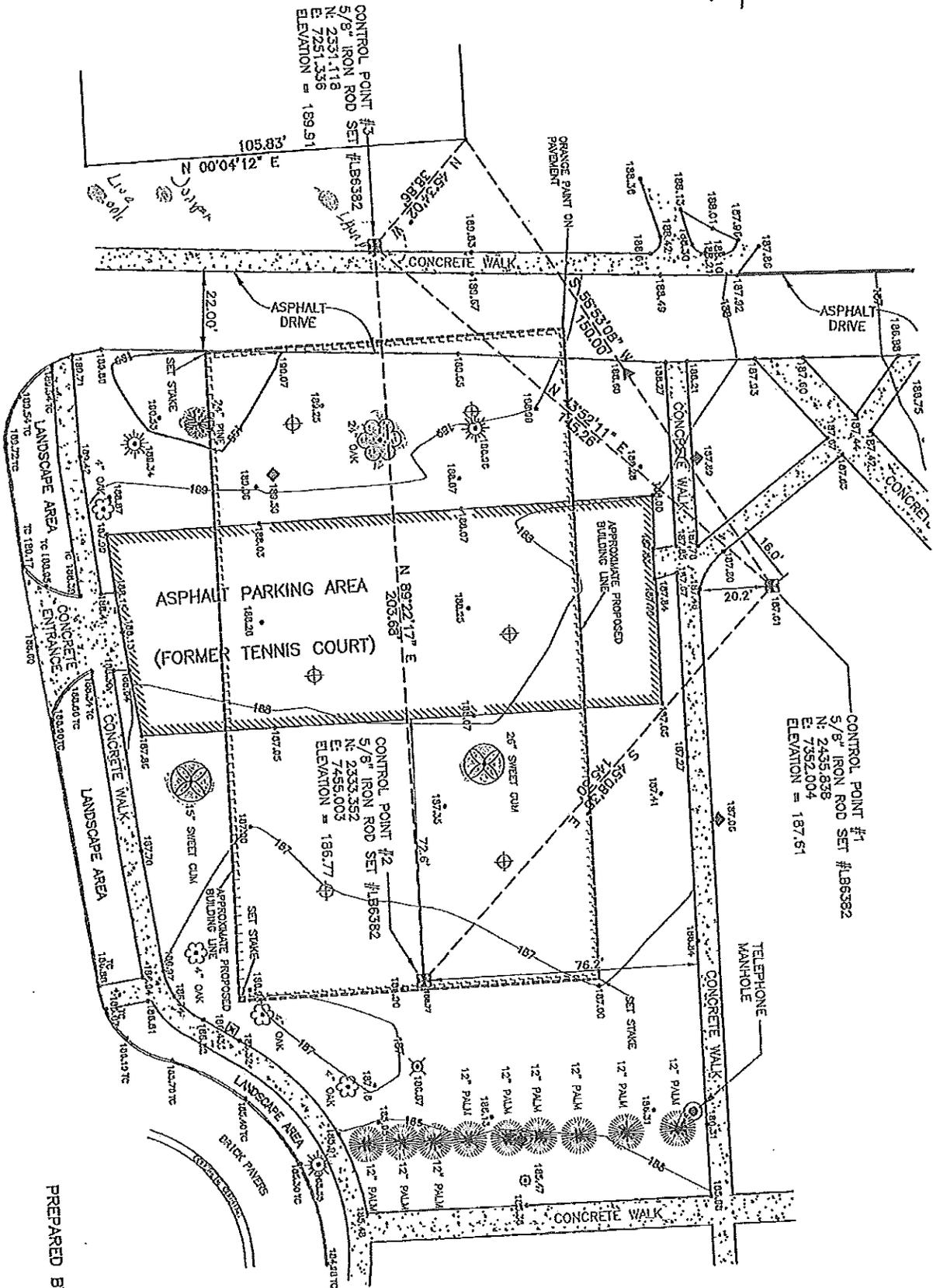
1. 24' inch oak = 90 inch DBH
2. 24' pine = 94 inch DBH
3. 26' sweet gum = 93 inch DBH
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The University will plant a total of twelve (12) trees on its campus to replace the four grand trees as required by Saint Leo Municipal Code § 12.4.6. The landscape plan for the School of Business project, which will show locations for the replacements trees, has not been completed at this time. Upon completion, the University will submit the landscape plan to the Town for approval.

Because of the longevity and historical significance of these trees to the University, we plan to use the wood from the pine for the atrium ceiling in the School of Business, and the wood from the oak in the flooring.



W/BUILDING



PREPARED BY : MAURI



**townofstleo2**

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**From:** Michael Gradisher [Michael.Gradisher@saintleo.edu]  
**Sent:** Monday, February 15, 2010 2:59 PM  
**To:** townofstleo2  
**Cc:** Dan Fowler  
**Subject:** FW: Trees at School of Business site  
**Attachments:** Trees 001.jpg; Trees 002.jpg; Trees 003.jpg; Trees 004.jpg; Trees 005.jpg

We'd appreciate it if you could forward these to Jan Norseph. These are pictures of the trees that are the subject of the tree removal application the University filed to remove four "grand" trees for construction of a new School of Business. The numbers referred to below correlate to the number given the tree in the application.

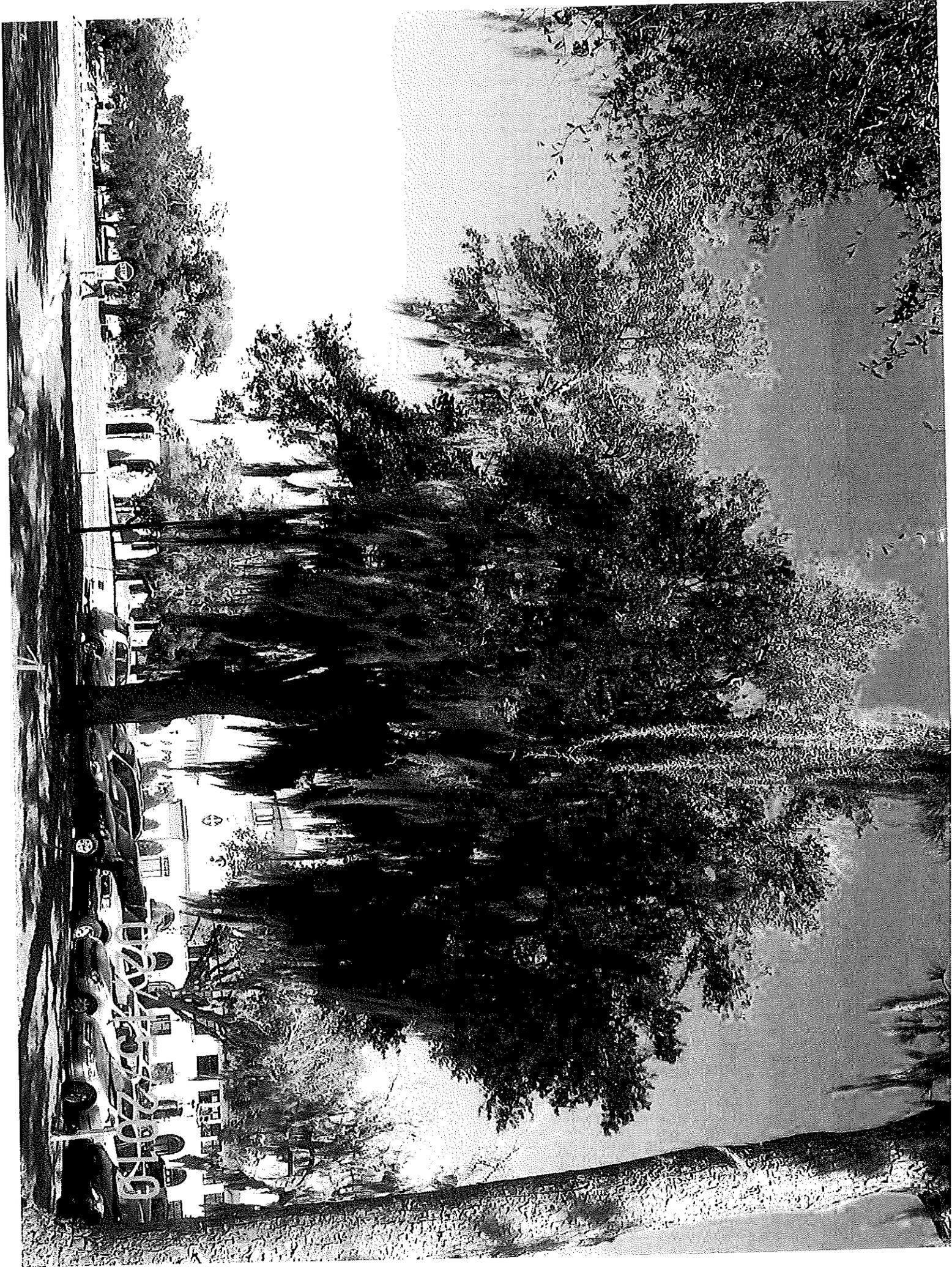
Picture 001 shows tree no. 2, the 24" pine (behind the tree in the foreground).  
Picture 002 shows the same tree.  
Picture 003 shows tree no. 1, the 24" oak.  
Picture 004 shows tree no. 4, the 15" sweet gum.  
Picture 005 shows tree no. 3, the 26" sweet gum.

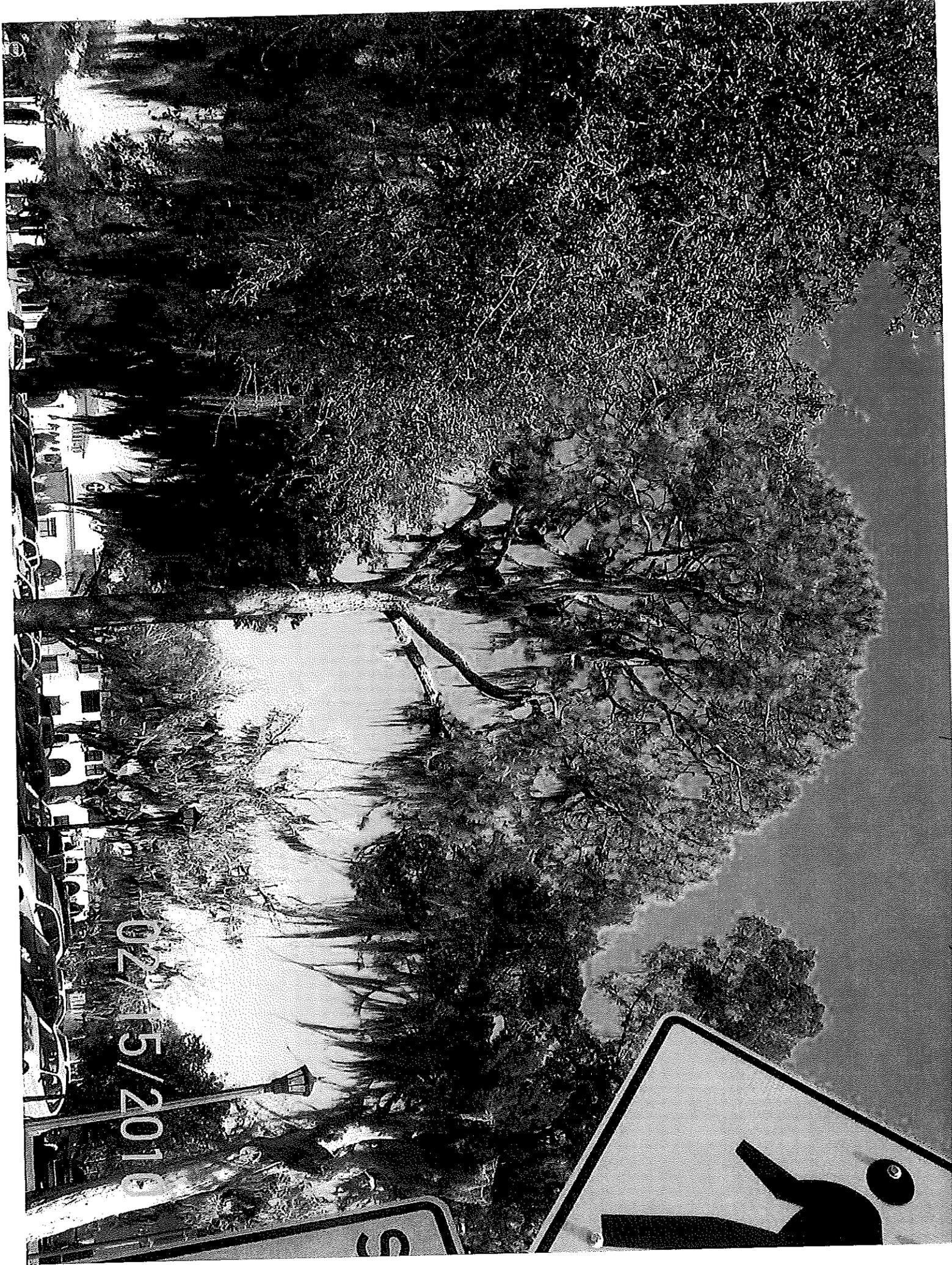
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[michael.gradisher@saintleo.edu](mailto:michael.gradisher@saintleo.edu)

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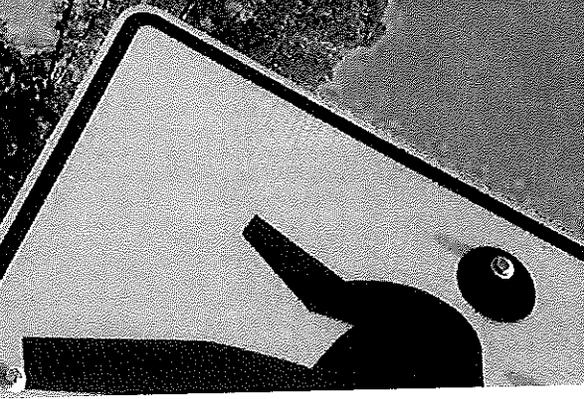
**From:** Jeffrey Aker  
**Sent:** Monday, February 15, 2010 2:11 PM  
**To:** Michael Gradisher  
**Subject:** Trees at Sob site

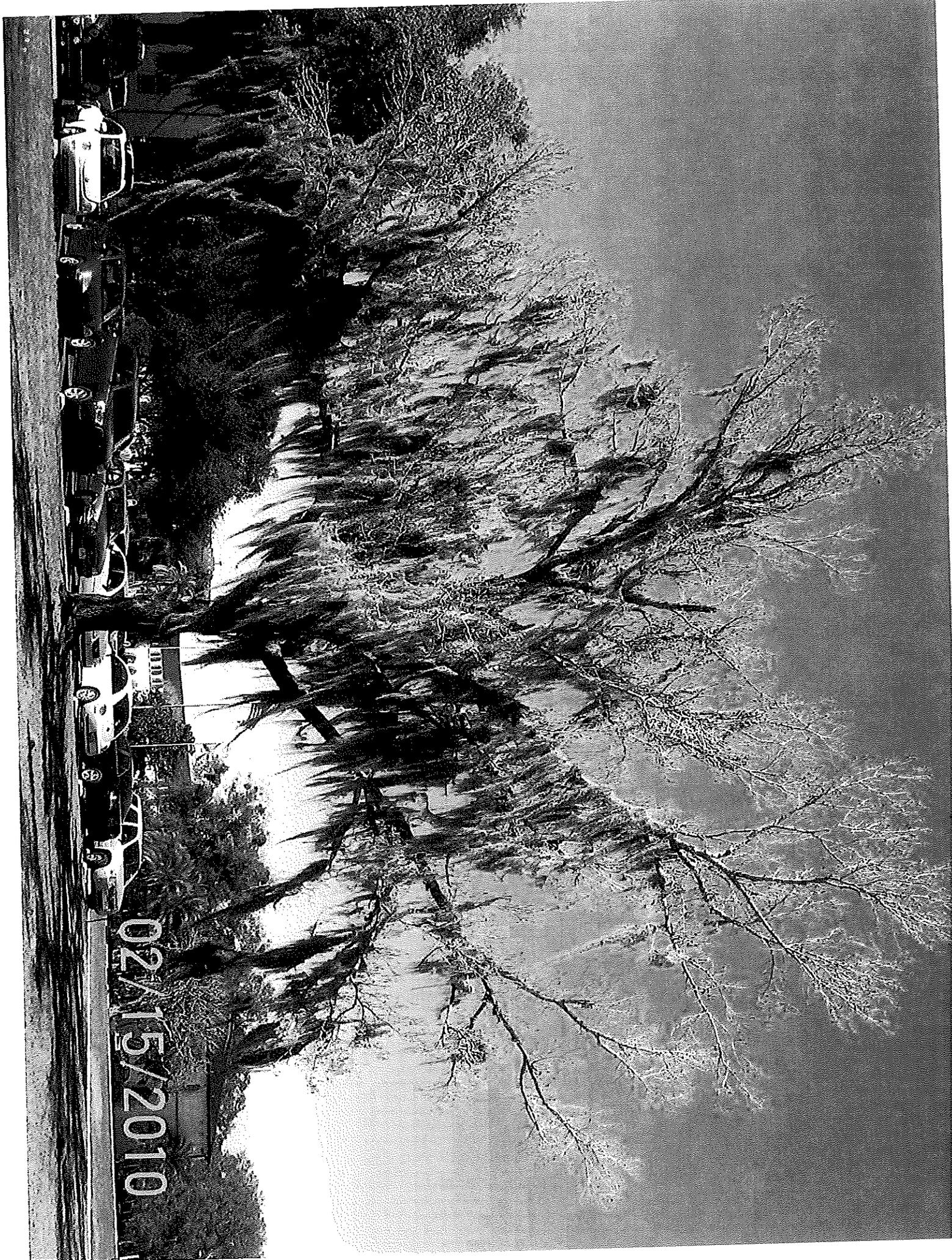
Jeffrey Aker  
Grounds Manager  
St. Leo University  
(352) 588-6403 Office  
(352) 467-0107 Cellular Phone





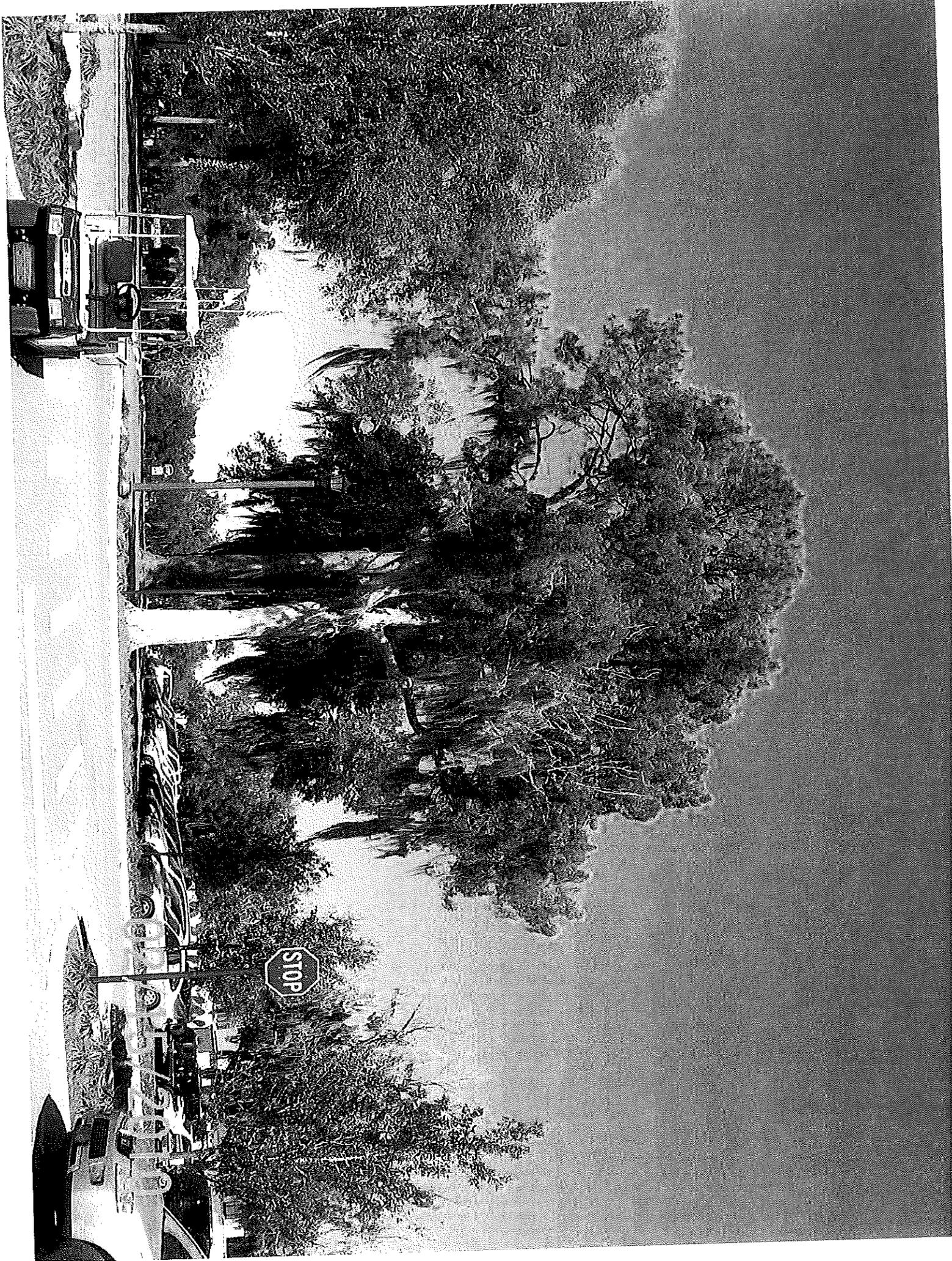
02/15/2010

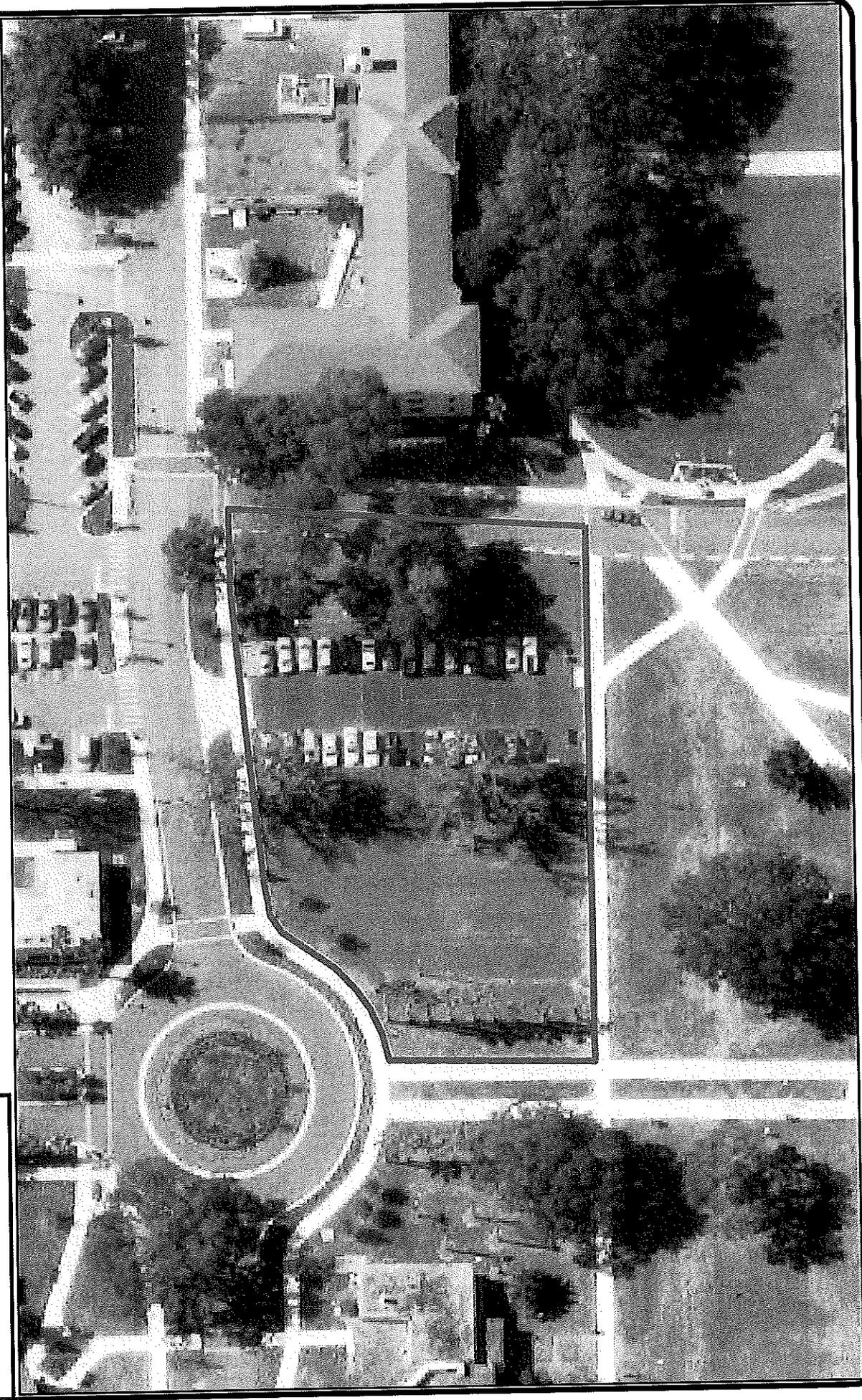




02/15/2010







0 60 Feet



Source: SVF/WMD 2009 Aerial

**EXHIBIT A**  
Saint Leo University  
School of Business Site



**ENGELHARDT, HAMMER & ASSOCIATES**  
Land Planning - GIS - Expert Testimony  
4343 Anchor Plaza Parkway, Suite 210, Tampa, Florida 33614  
Telephone (813) 839-8100, Fax (813) 839-8811

**TOWN OF ST. LEO  
TREE REMOVAL APPLICATION**

P.O. Box 2479, Saint Leo, Florida 33574  
352.588.2622 Fax 352.588.3010

Date January 12, 2010 Zoning District:   A   RDR   LDR   MDR   X\_IL   B   POL   L

Project Address **33701 State Road 52, Saint Leo, Florida 33574**

Property Owner **Saint Leo University Incorporated** Telephone **(352) 588-8215**

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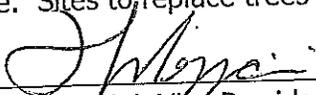
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\_\_\_\_\_  
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Date

\_\_\_\_\_  
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Form revised 08/11/09*

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2/11/2010



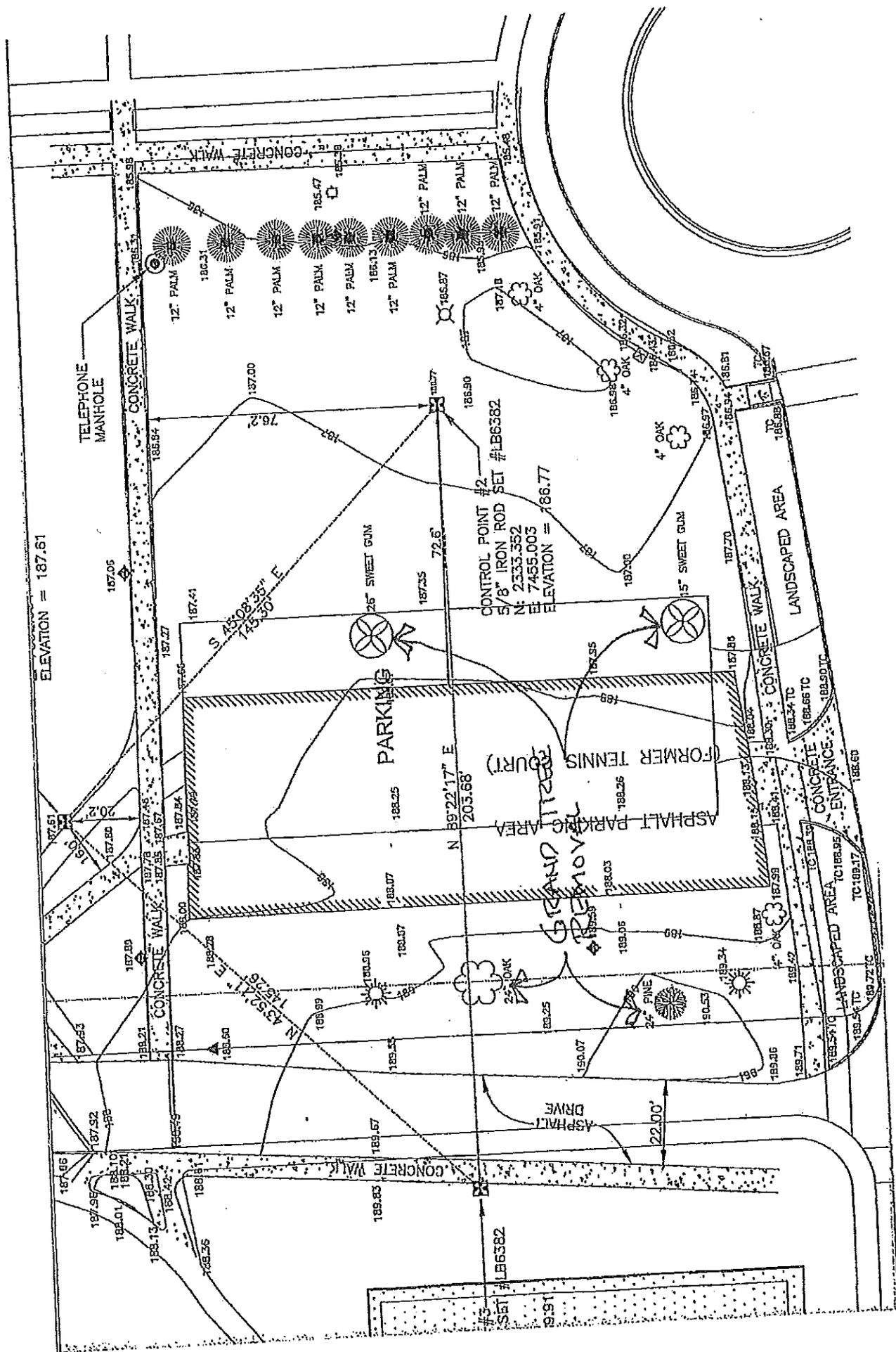
**Saint Leo University**  
**“Grand Tree” Removal Project Description**

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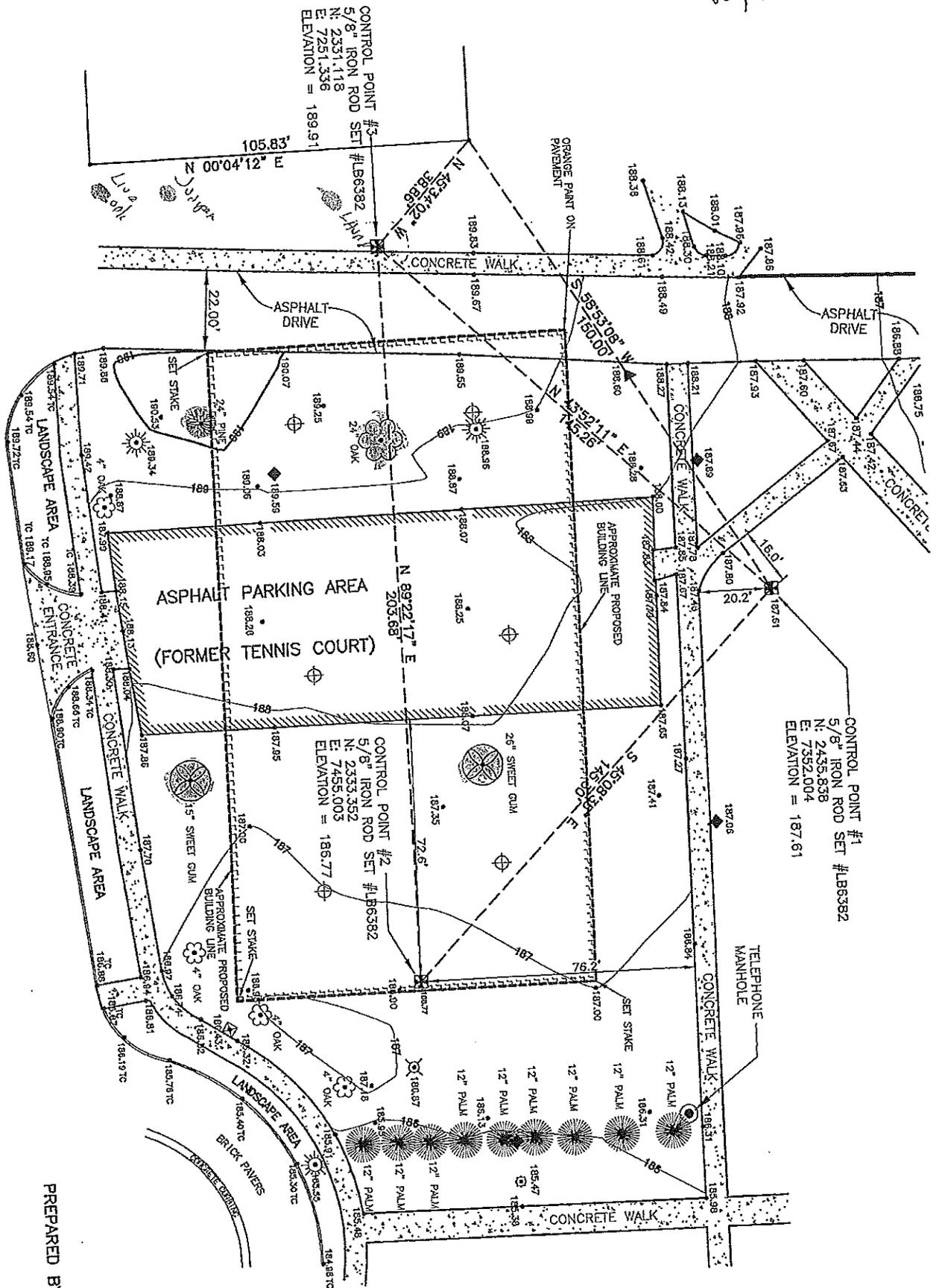
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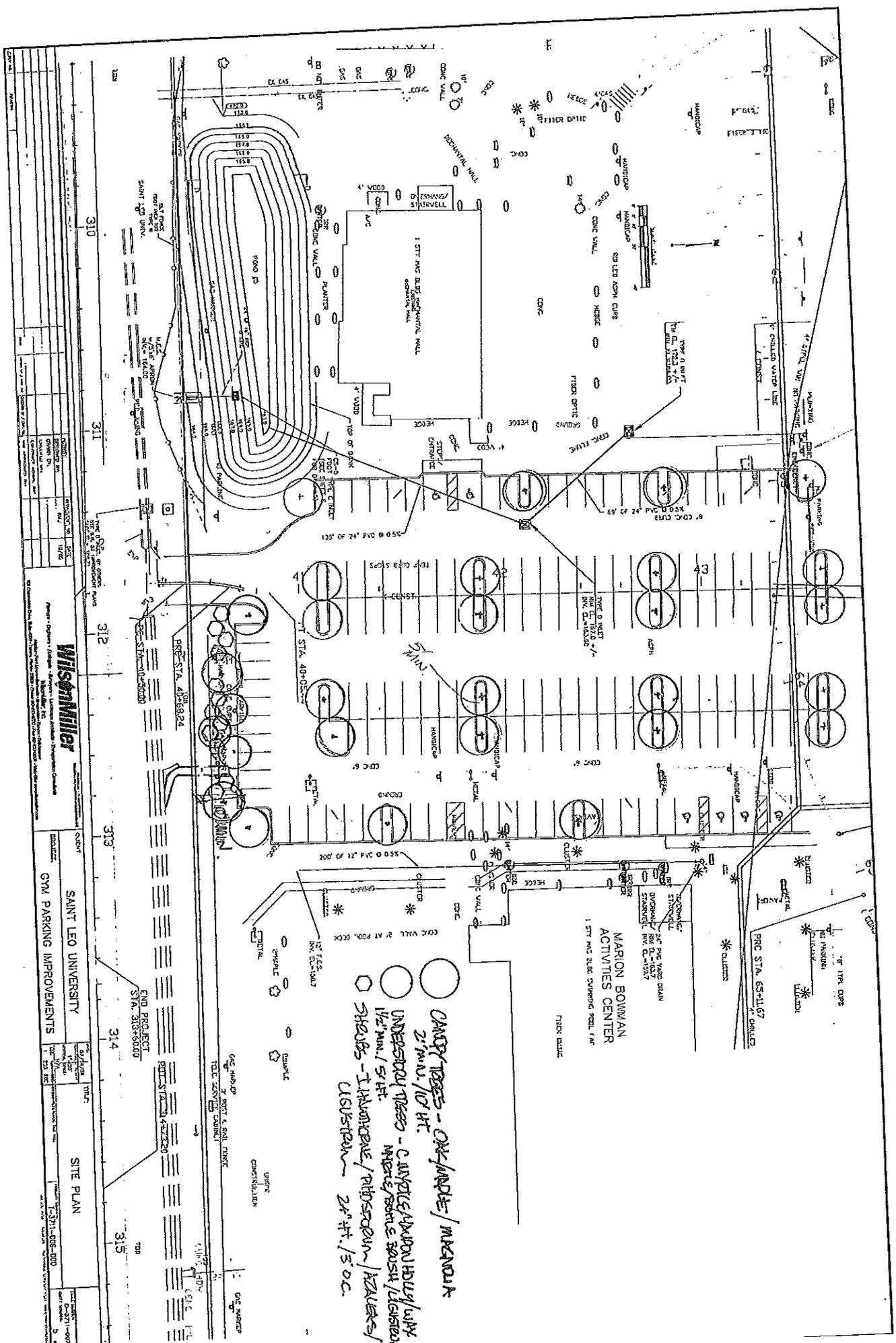
Because of the longevity and historical significance of these trees to the University, we plan to use the wood from the pine for the atrium ceiling in the School of Business, and the wood from the oak in the flooring.



W/BUILDING



PREPARED BY : MAURI



NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMITS	10/20/20	JM
2	ISSUED FOR CONSTRUCTION	11/15/20	JM
3	ISSUED FOR AS-BUILT	12/10/20	JM

**Wischmiller**

SAINT LEO UNIVERSITY  
GYM PARKING IMPROVEMENTS

SITE PLAN

CANYON TREES - OAK/Maple/MEADOWS  
 2" MIN. / 10' HT.  
 UNDERSTORY TREES - CANYON MAPLE/HOLY/LINN  
 1 1/2" MIN. / 5' HT.  
 SHRUBS - IRONWOOD/PHYSOCARPUS/HAZEL/SLY  
 2 1/2" HT. / 3' OC.

PROJECT NO. 20-000-000  
 SHEET NO. 1 OF 1  
 DATE: 10/20/20

**townofstleo2**

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**From:** Michael Gradisher [Michael.Gradisher@saintleo.edu]  
**Sent:** Monday, February 15, 2010 2:59 PM  
**To:** townofstleo2  
**Cc:** Dan Fowler  
**Subject:** FW: Trees at School of Business site

**Attachments:** Trees 001.jpg; Trees 002.jpg; Trees 003.jpg; Trees 004.jpg; Trees 005.jpg

We'd appreciate it if you could forward these to Jan Norseph. These are pictures of the trees that are the subject of the tree removal application the University filed to remove four "grand" trees for construction of a new School of Business. The numbers referred to below correlate to the number given the tree in the application.

Picture 001 shows tree no. 2, the 24" pine (behind the tree in the foreground).  
Picture 002 shows the same tree.  
Picture 003 shows tree no. 1, the 24" oak.  
Picture 004 shows tree no. 4, the 15" sweet gum.  
Picture 005 shows tree no. 3, the 26" sweet gum.

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**From:** Jeffrey Aker  
**Sent:** Monday, February 15, 2010 2:11 PM  
**To:** Michael Gradisher  
**Subject:** Trees at Sob site

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