

RESOLUTION NO. 12-03

RESOLUTION OF THE TOWN OF ST. LEO TOWN COMMISSION
APPROVING SAINT LEO UNIVERSITY INC. PRACTICE FIELD
LANDSCAPE BUFFER AND TREE REPLACEMENT PLANS.

WHEREAS, a general site plan review and variance application (SPR/VAR #11-A) was submitted by Saint Leo University, Inc. (Applicant) to approve a new practice field for Saint Leo University pursuant to the LDC Article X, Development Review Procedures And Development Standards For General Site Plans and Planned Unit Developments, and Article IX. Variances, and

WHEREAS, a Tree Removal Permit application (TRP #11-A) was submitted by Saint Leo University, Inc. for construction of a Practice Field pursuant to Article XII: Landscape Buffering and Tree Protection, Sec. 12.6 Tree Protection and Restoration, and

WHEREAS, a public hearing was advertised and held on July 11, 2011, 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 public hearing on these applications, and

WHEREAS, at the July 11, 2011 public hearing, the Town of St. Leo Town Commission approved the site plan review/variance (SPR/VAR #11-A) and tree removal (TRP#11-A) applications pursuant to conditions as contained in Resolutions #11-08 and #11-09, and

WHEREAS, on September 29, 2011 final Practice Field Landscape Buffer and Tree Replacement plans were submitted by the Applicant for review and approval.

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

SECTION A. CONDITIONS OF APPROVAL

At the July 11, 2011 Town Commission meeting, conditions of approval for the Practice Field Tree Removal and Site Plan Review/Variance applications were stipulated. The main conditions focused on preparation of a landscape plan along the Practice Field northern and eastern property boundaries and preparation of a landscape to demonstrate compliance with tree replacement requirements. These stipulations are summarized below:

1. Along the northern boundary, the following shall occur:
 - a. The first 65 feet from the east property boundary shall remain in its existing, undisturbed state.
 - b. For the remainder of the northern boundary, a Type C buffer per the Town's LDC shall be required. Existing trees shall remain and may be used to meet the LDC requirements. Native trees and shrubs, excluding palm trees, shall be used to meet the requirements.

2. Within the minimum 65 foot area between the east property boundary with Lake Jovita and the toe of slope for the Practice Field (the "Buffer Area"), the following shall occur:
 - a. For the first 220 feet along the northern end of the east property boundary, the Area shall remain in its existing, undisturbed state and no new plantings per the Town's LDC shall be required.
 - b. For the remainder of the east property boundary (227 feet),
 - i. The first 15 feet of the Area from the property boundary shall remain in its existing, undisturbed state.
 - ii. Within the remaining 50 feet of the Buffer Area, landscaping and trees shall be installed and maintained in a manner to achieve 80 percent opacity within 4 years in accordance with and as described in a buffer plan model. The buffer plan model shall be the standard used to demonstrate that the proposed plantings, with their associated growth projections, will achieve 80 percent opacity within 4 years. Native trees and shrubs, excluding palm trees, shall be used.
3. The conditions of approval for the tree removal permit included the above referenced conditions in addition to providing 238 replacement trees, of which 119 trees are to be planted within the Practice Field site, specifically along the north and east project boundaries.
4. The Practice Field landscape buffer and tree replacement plans are to be submitted to the Town Commission for review and acceptance on or before October 31, 2011.
5. In a coordination and consultation role, the Town's Planner shall coordinate and consult solely with Lake Jovita's licensed landscape architect and Saint Leo University's licensed landscape architect to produce a mutually agreed upon Buffer Plan Model.

SECTION B. FINDINGS AND CONCLUSIONS

In summary, the Practice Field landscape buffer and tree replacement plans have to address three major conditions of approval:

1. Compliance with the LDC landscape buffer requirements along the north boundary, except for the eastern 65 feet of the northern boundary, and 227 feet along the southern portion of the east boundary.
2. Prepare a landscape plan along 227 feet of the eastern boundary that would achieve 80 percent opacity in four years based on tree selection, growth size and location.
3. Provide the required replacement canopy trees per the Tree Removal Permit approval. This requires that a total of 238 canopy trees be planted, of which at least 119 trees must be planted at the Practice Field site.

Saint Leo University prepared a Practice Field landscape buffer plan that was reviewed by the landscape architect for the Lake Jovita Homeowners Association and the Town's Planning Consultant. Saint Leo University prepared a tree replacement plan that was reviewed by the Town's Planning Consultant.

Based on review of the Practice Field landscape buffer plan and tree replacement plan by the Town's Planning Consultant, and comments by the Lake Jovita Homeowners Association landscape architect, the Town Commission finds that it meets the intent of the Agreement between the University and the HOA, and conditions of approval for the Tree Removal and Site Plan Review/Variance applications.

The landscaping along the northern and eastern boundaries meets LDC buffer requirements. The landscape plan model for the 227 foot eastern boundary is projected to meet 80 percent opacity based on the types and number of canopy and understory trees provided, their location and their projected four year growth size. Further, the location and clustering of the trees provides for a tree grove effect as required in the Tree Removal conditions of approval. The landscape plan (Exhibit A- Sheets L-1 and L-2 dated September 22, 2011) provides a total of 171 canopy trees, 69 understory trees, and 642 shrubs.

The Practice Field buffer landscape plan provides for 158 replacement trees on-site. The replacement trees planted along the north and east boundaries (127 trees) exceed the required 119 trees. The University must provide an additional 80 additional trees elsewhere on the University campus to meet the total required 238 replacement trees. The University has submitted a tree replacement landscape plan, which provides for 80 trees. These trees will be planted along SR 52 and around the two new student housing buildings.

SECTION C. TOWN COMMISSION DECISION

The Town Commission hereby APPROVES the Practice Field Landscape Buffer and Tree Replacement Plans with the following conditions:

1. Upon completion of the project, the Town Commission or its designee shall be permitted by the Applicant to inspect all planted replacement trees pursuant to the Tree Removal Permit approval and landscape buffer (including trees utilized for the tree credit) for compliance. The Applicant within 45 days of said inspection shall be required to replace any trees or shrubs deemed to be in either poor condition or have died.
2. One (1) year after the completion of the project, the Town Commission or its designee shall be permitted by the Applicant to inspect all planted replacement trees and landscape buffer plantings (including trees utilized for the tree credit) for compliance. The Applicant shall be required within 45 days of said inspection to replace any trees or shrubs deemed to be in either poor condition or have died.
3. Four (4) years after the completion of the project, the Town Commission or its designee shall be permitted by the Applicant to inspect all planted replacement trees and landscape buffer plantings (including trees utilized for the tree credit) for compliance. The Applicant shall be required within 45 days of said inspection to replace any trees or shrubs deemed to be in either poor condition or have died.

SECTION D. EXHIBITS

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

Exhibit A: Town Planner's Memorandum with exhibits

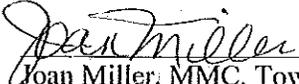
SECTION E. TOWN COMMISSION MOTION

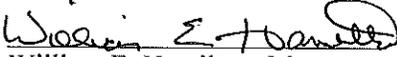
The foregoing resolution was adopted by the St. Leo Town Commission vote as follows:

William E. Hamilton, Mayor
Donna DeWitt, Mayor Protem
Richard Christmas
Robert Courtney
Jack Gardner

DULY PASSED AND ADOPTED this 10th day of October, 2011. This approval is valid for one (1) year from the date of approval, unless a construction permit has been issued prior to the expiration date.

ATTEST:


Joan Miller, MMC, Town Clerk


William E. Hamilton, Mayor

Approved as to form by:

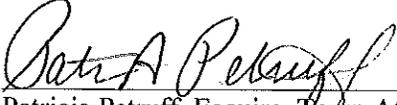

Patricia Petruff, Esquire, Town Attorney

EXHIBIT A
Town Planner's Report with Exhibits



ENGELHARDT, HAMMER & ASSOCIATES

Land Planning GIS Expert Testimony

4343 Anchor Plaza Parkway, Suite 220, Tampa, FL 33634

Telephone 813 889-8100 FAX 813 889-8100

MEMORANDUM

TO: Honorable William E. Hamilton, Mayor and Town
Commission Members

FROM: Jan A. Norsoph, AICP, Town Planning Consultant

DATE: September 29, 2011

RE: Saint Leo University Practice Field Landscape Plan Update

At the September 12 meeting there were questions regarding the calculation of the number of replacement trees. I reviewed my calculations and I found that I did make a minor calculation error. The following is an updated memorandum, which includes content from the previous memorandum as well as updated information.

At the July 11, 2011 Town Commission meeting, Saint Leo University and Lake Jovita Homeowners Association (HOA) reached an Agreement on conditions of approval for the Practice Field Tree Removal and Site Plan Review/Variance applications. The main conditions focused on preparation of a landscape plan along the Practice Field northern and eastern property boundaries. These conditions are summarized below:

1. Along the northern boundary, the following shall occur:
 - a. The first 65 feet from the east property boundary shall remain in its existing, undisturbed state.
 - b. For the remainder of the northern boundary, a Type C buffer per the Town's Land Development Code (LDC) shall be required. Existing trees shall remain and may be used to meet the LDC requirements. Native trees and shrubs, excluding palm trees, shall be used to meet the requirements.
2. Within the minimum 65 foot area between the east property boundary with Lake Jovita and the toe of slope for the Practice Field (the "Buffer Area"), the following shall occur:
 - a. For the first 220 feet along the northern end of the east property boundary, the Area shall remain in its existing, undisturbed state and no new plantings per the Town's LDC shall be required.
 - b. For the remainder of the east property boundary (227 feet),
 - i. The first 15 feet of the Area from the property boundary shall remain in its existing, undisturbed state.
 - ii. Within the remaining 50 feet of the Buffer Area, landscaping and trees shall be installed and maintained in a manner to achieve 80 percent opacity within 4 years. Native trees and shrubs, excluding palm trees, shall be used.

In order to prepare the landscape plan, Saint Leo University and the Lake Jovita Homeowner's Association designated licensed landscape architects to prepare a tree and plant selection plan, in a coordination and consultation with the Town's Planner to produce a mutually agreed upon tree and plant selection plan. The Saint Leo University landscape architect is Leigh Ann Lunz and the Lake Jovita Homeowner's Association landscape architect is Drew Copley. Pursuant to the Agreement, the tree and plant selection plan shall be submitted to the Town for presentation and acceptance by the Town Commission on or before October 31, 2011.

In summary, the buffer landscape and tree replacement plans have to address three major conditions of approval:

1. Compliance with the LDC landscape buffer requirements along the north boundary, except for the eastern 65 feet of the northern boundary, and 227 feet along the southern portion of the east boundary.
2. Prepare a landscape plan along 227 feet of the eastern boundary that would achieve 80 percent opacity in four years based on tree selection, growth size and location.
3. Provide the required replacement canopy trees per the Tree Removal Permit approval. This requires that a total of 238 canopy trees be planted, of which at least 119 trees must be planted at the Practice Field site.

Leigh Ann Lunz prepared various draft landscape plans for review and comment by Mr. Copley and me. It is my opinion, that most of Mr. Copley's comments have been incorporated into the landscape plan with the exception of the following (see attached letter):

- Mr. Copley requested that additional trees be added between the existing east buffer area (east 220' zone) to remain in its natural state and the Practice Field. The Agreement did not require additional plantings within this 220 foot area. However, the landscape plan does include oaks along the Practice Field edge behind the 220 foot buffer area.
- Mr. Copley requested that the trees shown originally in the first draft plan be reinstated along the north buffer. Approximately 19 canopy trees were deleted from the final plan. The Agreement only required that the north buffer meet LDC requirements and did not require meeting the 80 percent opacity standard. The north buffer in fact, exceeds LDC requirements.
- Mr. Copley requested that a maintenance agreement be part of approving the landscape plan. It is noted that the Agreement did not require a maintenance agreement. Pursuant to the conditions of approval and the Agreement, the University must meet the LDC and 80 percent opacity criteria, and therefore, must provide proper maintenance. If this is not achieved, then the University is required to correct any deficiency. There will be at least three inspections conducted by me or other Town designee. The first inspection will occur after all landscaping has been planted, the second inspection after one year and a final inspection after four years. Certainly, any comments by Mr. Copley or the HOA would be considered during each of these inspections. In the interim, if the residents have concerns about proper maintenance, then those concerns can be brought to the Town's attention, and if there are deficiencies (dead or dying trees or trees that do not

achieve the projected growth rate), then the Town will require the University to correct any deficiencies.

Mr. Copley also raised concern about the elimination of five canopy trees along the eastern buffer (227 foot zone) that were in the original draft plan relative to meeting the 80 percent opacity standard. Per my recommendation, five canopy trees along the eastern buffer (227 foot zone) that were eliminated have been reinstated on the final plan.

Based on Mr. Copley concerns previously discussed above, he is not recommending approval of the Practice Field landscape buffer plan.

At the September 12 meeting there were questions regarding the number of replacement trees. I reviewed my calculations and I found that I did make a minor calculation error. I indicated there were 137 on-site replacement tree credits and the number should have been 134. This still exceeds the on-site tree replacement requirement.

Based on conversation with Leigh Ann Lutz, a revised landscape plan was submitted (Exhibit A). The revised landscape plan provides a total of 171 canopy trees (the previous plan provided 148 trees), 69 understory trees (same as previous plan), and 642 shrubs (same as previous plan). The Applicant has provided more trees in order to have other campus area available for future tree replacement requirements.

The landscape buffers along the north (610 feet) and east (227 feet) exceed the buffer requirement, and therefore, the additional trees can be applied toward meeting the tree replacement requirement. A total of 238 replacement trees are required, of which 119 must be located on the Practice Field site. Based on the additional trees provided within the buffers, a tree replacement credit of 50 trees is applied to the additional 108 canopy trees provided elsewhere on the Practice Field site, but outside the required twenty (20) foot wide buffer areas. Therefore, the Practice Field landscape plan provides for 158 replacement trees on-site. The Practice Field tree removal approval required that at least fifty (50) percent of the replacement trees (119 trees) be located along the north and eastern boundaries. The on-site tree replacement plan provides 127 trees along the north and east boundary areas.

Based on the 158 trees provided on the Practice Field site, an additional 80 trees are required to be planted elsewhere on the University campus to achieve the total of 238 trees. As indicated previously, the University has the option of paying into the Tree Mitigation Fund. The University has submitted a Tree Replacement landscape plan, which provides 80 trees (Exhibit B). These trees will be planted along SR 52 and around the two new student housing buildings. The tree replacement along SR 52 provides for 59 trees and 21 trees are planted around the new student housing.

Table A on the following page provides a summary of compliance with landscape buffer and tree replacement requirements discussed above.

TABLE A
PRACTICE FIELD LANDSCAPE PLAN ANALYSIS

Buffer Area	Required	Buffer Provided	Tree Replacement Credit**
610' North Zone			
-Canopy Trees			Credit= 15
-Understory Trees	25 (15*)	30	[1:1 credit for canopy trees]
	31	42	Credit= 5
			[2 understory trees= 1 canopy tree credit]
227' East Zone			
-Canopy Trees	10	33	Credit= 23
-Understory Trees	12	27	Credit= 7
			[2 understory trees= 1 canopy tree credit]
Total	68	132 [64 trees available for tree replacement credit]	Credit= 50 [out of the 64 trees because some trees are understory trees]
Canopy Trees on Remaining Practice Field Area	-	-	108
Total Tree Replacement Credit			158*** [108+50 tree credit]
Required Tree Replacement: 238	Required on-site: 119	-	Provided: 158
	-	-	Required elsewhere on campus: 80 Provided: 80

Notes:

* Six (6) existing trees are preserved, which equates to a credit of ten (10) trees. Therefore, fifteen (15) new trees are required.

** Total trees provided per Landscape Plan Sheet L-2: 171 canopy trees and 69 understory trees. Trees provided beyond the LDC buffer requirements count toward meeting the tree replacement requirement. Canopy tree credits are at a 1:1 ratio and two (2) understory trees equal one (1) canopy tree.

*** Total trees provided (240) - 68 required buffer trees= 172 trees available to meet the tree replacement requirement. Because the landscaping along north and east boundaries exceed the required buffer there is a tree replacement credit of 50 trees. In addition to the required north and east buffer, the landscape plan provides an additional 108 canopy trees on-site. Therefore, the plan provides for 158 replacement trees on-site. The Tree Replacement Plan provides the required 80 trees.

I have reviewed the final landscape buffer plan and find that it meets the intent of the Agreement between the University and the HOA, the four year growth model, and conditions of approval for the Tree Removal and Site Plan/Variance applications.

The landscaping along the northern and eastern boundaries meets LDC buffer requirements. The landscape plan model for the 227 foot eastern boundary is projected to meet 80 percent opacity based on the types and number of canopy and understory trees provided, their location and their projected four year growth size. Further, the location and clustering of the trees provides for a tree grove effect as required in the Tree Removal conditions of approval.

Based on the analysis presented in this report, I recommend that the Town Commission approve the revised Practice Field landscape buffer and tree replacement plans.

cc: Joan Miller, Town Clerk
Patricia Petruff, Esquire, Town Attorney

Mr. Copley's Letter



COPLEY DESIGN ASSOCIATES, INC.
1666 Laney Drive • Palm Harbor • Florida • 34683 • Phone 727 787-2840

LANDSCAPE ARCHITECTURE • SITE PLANNING

PALM HARBOR, FLORIDA
License # LA-0001483

MOHRSVILLE, PENNSYLVANIA
License # LA-001396-R

August 31, 2011

Jan Norsoph
Englehardt, Hammer and Associates
4343 Anchor Plaza Parkway, Suite 220
Tampa, FL 33634
813 889-8100

RE: St. Leo University Practice Field Landscape Buffer

Dear Mr. Norsoph,

Upon review of the most recent landscape drawings provided by DIRT, the following deficiencies are noted:

North Buffer along Golf Course

- 1) Reduction of 19 Canopy trees mostly Live Oaks
- 2) Reduction of 9 shrubs

East Buffer

- 1) Reduction of 5 Canopy Trees mostly Live Oaks

Please note, Live Oaks are evergreen trees and were providing the most screening in the buffer zones.

The reduction in tree counts by DIRT is after I approved the landscape drawing for 80% opacity with the following conditions:

- 1) Cherry laurel trees as proposed on plans are changed to Magnolia.
- 2) Since there are no irrigation plans proposed, provide Maintenance specifications per industry standards on the plans.

The un-approved revised drawings emailed to you and me on August 25, 2011 as final landscape buffer plans for submittal to the town commission per Leigh Ann with DIRT, indicated Cherry Laurels were changed to Magnolias per my recommendation, however the drawings did not include maintenance items as presented to DIRT. In addition numerous trees were removed from previously reviewed and approved tree quantities and layout. Please refer to email dated 08.18.11.

August 31, 2011

The resulting design leaves holes in the proposed buffers and does not appear that this drawing will provide 80% opacity within 4 years.

The submitted plans are not acceptable for the above reasons.

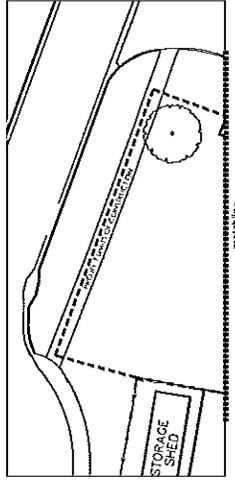
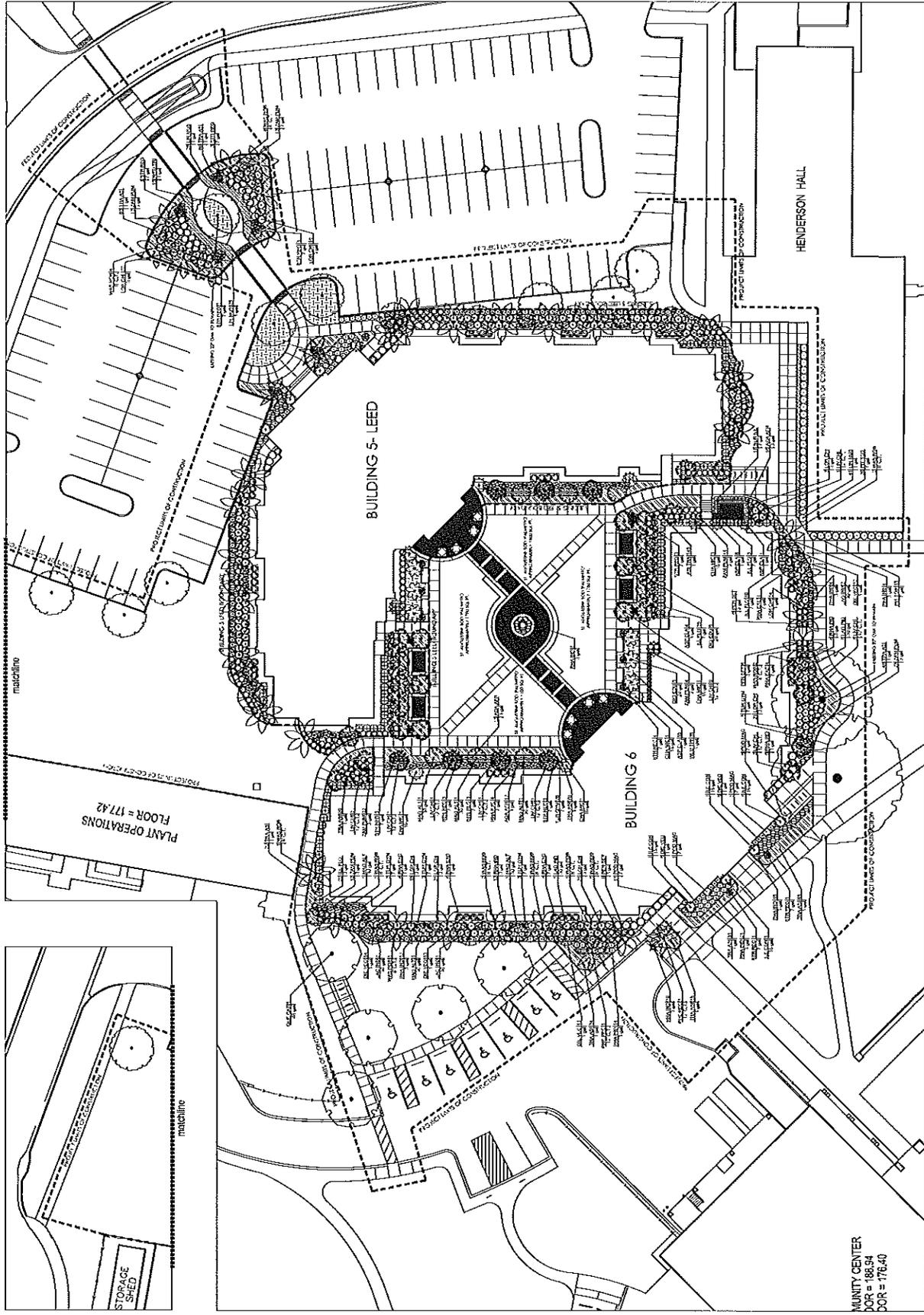
Please contact me at 727 787-2840 should you have questions or comments.

Sincerely,

Drew Copley, MLA
Registered Landscape Architect
COPLEY DESIGN ASSOCIATES

EXHIBIT A
Practice Field Landscape Buffer Plans
(Sheets L-1 and L-2 Dated 9/22/2011)

EXHIBIT B
Tree Replacement Plans
(Sheets L-1 Dated 9/26/2011 and LA-103, LB-103 and 203A and 203B Dated
8/5/2001)



matchline

PLANT OPERATIONS
FLOOR = 17742

TRUCKLINE

MUNITY CENTER
DOR = 188.94
DOR = 176.40

Landscape Planting Plan
1" = 20'-0"

0 10' 20'

LA-103



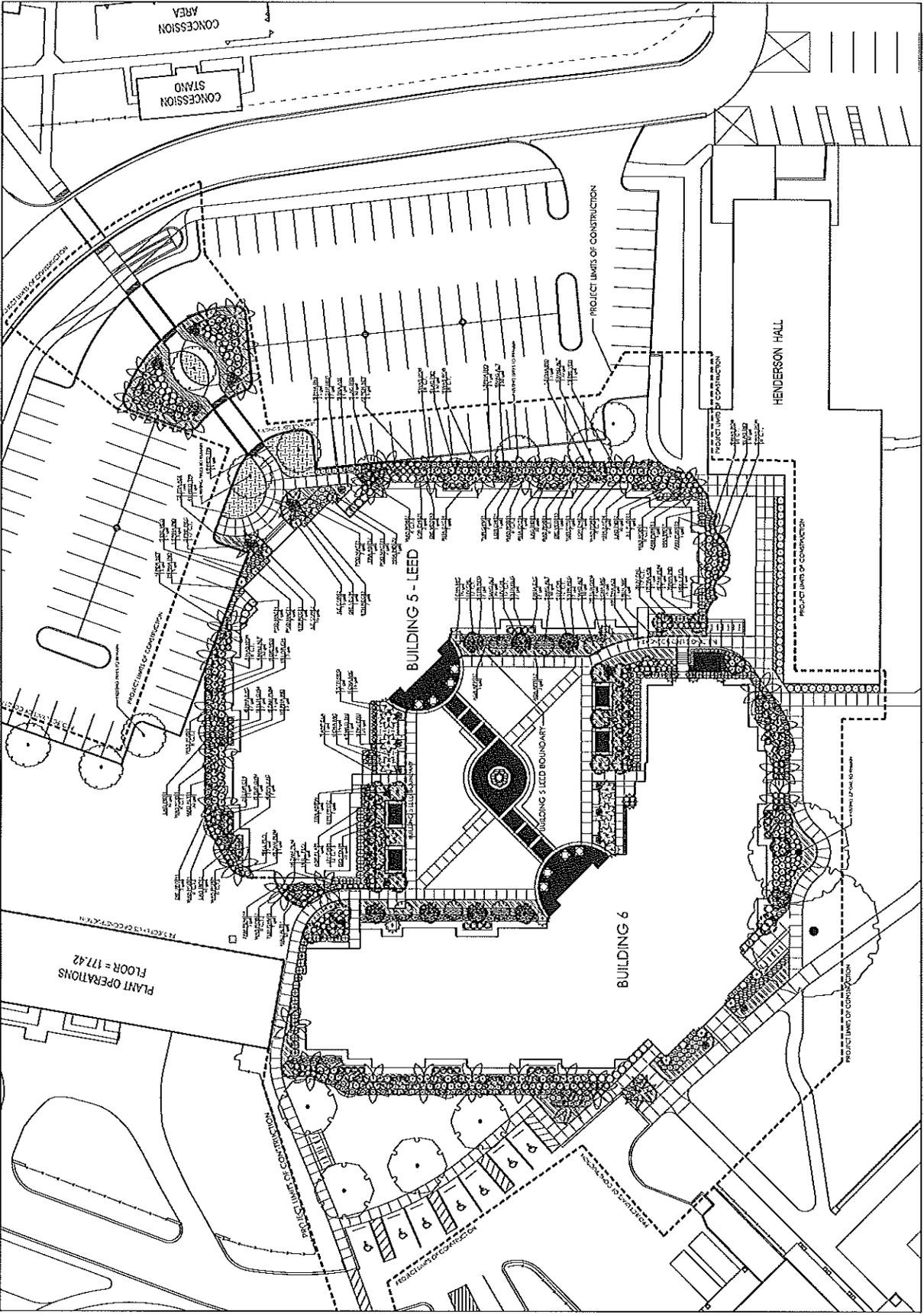
dirt

Saint Leo University New Student Housing - Building 6
Landscape Planting Plan



DATE: 09/04/02
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]

09/04/02



dirt
Landscape Architecture

Saint Leo University New Student Housing - Building 5
Landscape Planting Plan
DATE: 11/11/2014
BY: [Signature]



SCALE: 1/8" = 1'-0"
DATE: 11/11/2014
BY: [Signature]

09/04/02

LB-103

Landscape Planting Plan
1" = 20'-0"
0 10' 20'

