

Alternative #2  
TRP CASE: #11-B Modification #1

RESOLUTION NO. 12- 07

RESOLUTION OF THE TOWN OF ST. LEO TOWN COMMISSION APPROVING  
THE SAINT LEO UNIVERSITY INC. TREE REMOVAL REQUEST (TRP #11-B:  
MODIFICATION #1) WITH CONDITIONS.

WHEREAS, on October 10, 2011, the Town Commission approved a tree removal permit for construction of new soccer/lacrosse fields on top of a two-level parking garage (553 spaces) and two stormwater ponds. The approval permitted removal of the six (6) Grand Trees and 23 protected trees, which requires a total of 78 replacement trees, and

WHEREAS, a modification to the previously approved Tree Removal Permit (TRP #11-B) application has been submitted by Saint Leo University, Inc. pursuant to Article XII: Landscape Buffering and Tree Protection, Sec. 12.6 Tree Protection and Restoration to address erosion and wetland impacts discovered during construction, and

WHEREAS, the tree removal request for two (2) Grand Trees requires approval by the Town Commission. In addition, seven (7) protected trees are also being removed, and

WHEREAS, a public hearing was held on February 13, 2012, 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 project is located in the south central portion of the East Campus within an existing soccer field. The project entails development of new soccer/lacrosse fields on top of a two-level parking garage (553 parking spaces) and two stormwater ponds. On December 12, 2011, the Town Commission approved increasing the number of parking spaces to 714. The current application (TRP #11-B: Modification #1) results from erosion issues that surfaced during construction. As a result of these issues, and direction from SWFWMD to address erosion and wetland impacts, the removal of two (2) Grand Trees and seven (7) protected trees are required.

SECTION B. FINDINGS AND CONCLUSIONS

Based on the facts and analysis presented in the staff report (Exhibit A), and the Applicant's application, justification and submittal documents, the removal of two (2) Grand Trees and seven (7) protected trees is warranted.

The LDC requires a canopy tree replacement ratio of two (2) to one for any tree between 5-inch DBH and less than 10-inch DBH, a ratio of three (3) to one (1) for any tree 10-inch DBH to less than 20-inch DBH, and a ratio of four (4) replacement trees for each Grand Tree removed. Based on the application, a total of 28 replacement trees would be required as follows:

- Two grand trees = 8 trees
- Six protected trees (10” < 20” DBH) = 18 trees
- One protected tree (5” < 10” DBH) = 2 trees
- Total Trees Required = 28 trees

Based on a tree replacement credit of five trees, the total number of required replacements trees is 23 or the equivalent of 69 inches DBH (23 x 3-inch DBH). The Applicant has submitted a Tree Replacement Plan that provides for 23 trees, in addition to the previously required 78 replacement trees.

SECTION C. TOWN COMMISSION DECISION

The Commission has determined that based on the Applicant’s justification statement and consistency with the Comprehensive Plan and LDC, that the removal of the two (2) Grand Trees and 7 protected trees is warranted, and therefore, the Tree Removal Permit and Tree Replacement Plan are APPROVED with the following conditions:

1. All conditions of Tree Removal Permit #11-B approval remain in effect and Tree Replacement Plan approved on December 6, 2011.
2. The Applicant shall plant 23 replacement canopy trees (per LDC list or other Town approved tree), in addition to the previously required 78 trees. Each tree shall be a minimum of three (3)-inch DBH and ten (10) feet in height, Florida Quality Grade One.

Note that any required landscape buffer related to the project pursuant to Sec. 12.2 cannot count toward meeting the tree replacement requirement. Requirements related to landscape buffers are in addition to the required replacement trees.

3. Upon completion of tree planting, the Town Commission or its designee shall be permitted by the Applicant to inspect all planted replacement trees for compliance. The Applicant shall be required within 45 days of the date a written notice of said inspection is mailed to the Applicant to replace any trees or shrubs deemed to be in either poor condition or that have died.
4. Upon 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 for compliance. The Applicant shall be required within 45 days of the date a written notice of said inspection is mailed to the Applicant to replace any trees or shrubs deemed to be in either poor condition or that have died.
5. The portion of the jurisdictional wetland and concurrent forested area not previously dedicated as open space, shall be dedicated as permanent open space or preserved via a conservation easement. Such dedication or easement shall be approved by the Town Commission and recorded prior to final inspection approval.
6. Require the planting of four (4) additional replacement trees as a penalty for removal of the Two (2) Grand Trees without a permit. These trees shall be planted east of the Reclaimed Water project site along the boundary adjacent to the Lake Jovita development. The Applicant shall submit for approval by the town Planner a revised reclaimed Water Project Tree Replacement Plan depicting the location of the four (4) new replacement trees.

SECTION D. EXHIBITS

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

Exhibit A: Town Planner's Report with Attachments

SECTION E. TOWN COMMISSION MOTION

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

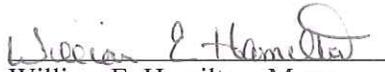
William E. Hamilton, Mayor  
Donna DeWitt, OSB  
Richard Christmas  
Robert Courtney  
Jack Gardner

DULY PASSED AND ADOPTED this 13<sup>th</sup> day of February, 2012. 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.

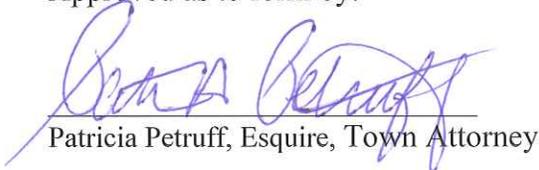
ATTEST:

Joan Miller, MMC, Town Clerk

  
\_\_\_\_\_

  
William E. Hamilton, Mayor

Approved as to form by:

  
Patricia Petruff, Esquire, Town Attorney



**Town of St. Leo**

**TREE REMOVAL/REPLACEMENT PLAN REVIEW (TRP) STAFF REPORT  
TRP# 11-B Modification #1:  
Saint Leo University Soccer/Lacrosse Fields and Parking Garage Project**

**Property Owner:** Saint Leo University Inc.  
**Applicant:** Same  
**Representative:** Frank Mezzanini  
**Request:** Approve removal of two Grand Trees, seven protected trees and approve a Tree Replacement Plan  
**Location/Legal Description:** South Central Quadrant of the Saint Leo University East Campus  
**Property Appraiser Folio:** 01-25-21-0000-03000-0000  
**Land Use Designation:** Institutional  
**Zoning:** Institutional

**Tree Removal Permit Historical Overview:**

On October 10, 2011, the Town Commission approved a tree removal permit for construction of new soccer/lacrosse fields on top of a two-level parking garage (553 spaces) and two stormwater ponds. The approval permitted removal of the six (6) Grand Trees and 23 protected trees, which requires a total of 78 replacement trees. The Town Commission also approved the related site plans (SPR/VAR #11-F and SPR/VAR #11-F Modification #1) for the project as well. On December 12, 2011, the Town Commission approved increasing the number of parking spaces to 714. This increase has no impact on any trees.

The tree removal permit approval was pursuant to a number of conditions. The relevant conditions pertinent to this review are as follows:

1. The Applicant shall plant 78 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 12.6.6 provide fewer, but larger than three (3)-inch DBH trees and/or pursuant to Section 12.6.9, pay the tree mitigation fee for the required replacement trees. However, given the number of trees removed, at least twenty-five (25) percent of the required replacement trees (20 trees) shall be planted around the project site. A majority of these replacement trees (11 trees) shall be planted along the east boundary adjacent to the wetland.

Note that any required landscape buffer related to the project pursuant to Sec. 12.2 cannot count toward meeting the tree replacement requirement. Requirements related to landscape buffers are in addition to the required replacement trees.

2. The Applicant shall submit a tree replacement plan by November 30, 2011 for review/approval by the Town's Planning Consultant. The replacement trees shall be planted by the Applicant and inspected by the Town Planning Consultant prior to final inspection of the Soccer/Lacrosse Field and Parking Garage project by the Town's Building Official or Planning Consultant. Any payments to the Tree Mitigation Fund must be made prior to final site inspection approval.

The Applicant submitted Tree Replacement Plans on November 30, 2011, which was approved on December 6, 2011. Based on review of the plans, the required number of replacement trees are met as well as the required minimum percentage of replacement trees to be planted on the Soccer/Lacrosse Fields site and along the east side of the parking garage. The Tree Replacement Plans provide for replacement on the Soccer/Lacrosse Fields site and on the Admissions Building site. The plans provide a total of 78 replacement trees, which meets the required 78 replacement trees. The plans provide the following:

- Soccer/Lacrosse Field/Parking Garage site: 50 canopy trees, 16 understory trees and 46 palms = 73 replacement trees. This represents 93.6 percent of the required replacement trees and exceeds the minimum required on-site criteria of twenty-five (25) percent. Further, the tree removal approval also required that a minimum of eleven (11) trees be planted along the east side; 17 are shown on the plan.

It is noted that new landscaping for the surface parking lot to the west is included in the above count. Ten (10) palms and 7 understory trees are shown, which equates to 7 replacement trees. This lot is a nonconforming lot as to the required LDC landscaping. The new landscaping would meet the LDC requirement of seven (7) trees. Because there is no change to the parking lot, LDC requirements related to parking lots that are nonconforming to landscape requirements would not be triggered. Therefore, the new landscaping is permitted to be counted as replacement trees.

- Admission Building site: One (1) canopy tree, 4 understory trees and 6 palms = 5 replacement trees.

#### **Tree Removal Permit Overview:**

The current application (Modification #1) results from the removal of two (2) Grand Trees without a permit, erosion issues that surfaced during construction and drainage modifications required by SWFWMD. It is noted that a stop work order was issued on January 12, 2012 when these issues arose related to wetland impacts and tree removal. As a result of these issues, and direction from SWFWMD to address erosion and wetland impacts, the following are proposed:

1. A retaining wall and spreader swale are required by SWFWMD at the southeast corner of the parking garage which will be located within the wetland buffer (Appendix A, Attachment #4). In addition, a flow dissipater structure and associated headwall will be located within the wetland. The wall and associated grading will result in the loss of two protected trees.
  - One 14-inch DBH Sweet Gum and one 12-inch DBH Sweet Gum.

2. A retaining wall and flow dissipater structure are required by SWFWMD at the northeast corner of the parking garage, which will be located within the wetland buffer (Appendix A, Attachment #6). This wall and associated grading will result in the loss of five protected trees and two grand trees.
  - Grand Trees: Two 20-inch DBH Sweet Gums (these were removed without a permit).
  - Protected Trees: One 18-inch DBH Sweet Gum, 15-inch Sweet Gums, 10-inch Sweet Gum, one 18-inch DBH Oak and one 8-inch DBH Oak.

Appendix A, Sheet TR-5 illustrates the previous approved tree removal request and this new tree removal request. It is noted that pursuant to the Applicant, a review of the tree line during construction revealed that two protected trees (a 5-inch DBH Sweet Gum and an 18-inch DBH Sweet Gum) that were previously shown to be removed will be preserved. Therefore, a credit of five trees can be applied to the required tree replacement for the original application or applied to this current application.

### Relevant LDC Sections

#### **Sec. 12.6 Tree Protection and Restoration**

##### Sec. 12.6.1 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. 12.6.3 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 at a public hearing pursuant to the requirements of Sec. 9.1.

##### Sec. 12.6.6. Tree Replacement

- A. Minimum tree replacement size is three (3)-inch DBH and ten (10) feet in height, and Florida No. 1 grade quality or better.

- 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. Required tree replacement is pursuant to sections C, D and E below or by providing replacement trees (greater than three (3)-inch DBH) equivalent to the total required DBH.
- C. Minimum number of replacement trees for the removal of a protected tree between five (5) inch DBH but less than ten (10)-inch DBH is at a ratio of two (2) replacement trees for each tree removed. Palm trees may be utilized as replacement trees at a ratio of three (3) palms per one replacement tree.
- D. The minimum number of replacement trees for a tree removed of ten (10)-inch DBH to less than twenty (20)-inch DBH is at a ratio of three (3) replacement trees for each tree removed.
- E. The minimum number of replacement trees for removal of a Grand Tree is at a ratio of four (4) replacement trees for each tree removed.

**Other Relevant LDC Sections and Comprehensive Plan Policies**

The following Comprehensive Plan policies relate to environmentally sensitive lands:

FLUE Policy 2.2.3. Land planning and development decisions, including but not limited to, rezonings, variances, special exception use, conditional use, planned unit developments and site plan reviews should strongly consider the established character of predominantly developed areas where changes of use or intensity of development are contemplated as well as the degree of compliance with the LDC.

CON Policy 1.2.1. Establish an LDC requirement by December 2010 for PUDs and subdivisions to preserve a percentage of their forested areas as dedicated open space or as a conservation easement and to require a minimum development setback buffer area around the forested areas.

Pursuant to the LDC, Sec. 7.11 B. 2. *“The minimum area to be preserved shall be determined by the Town Commission based on the survey and proposed development. However, no more than fifty (50) percent of the total forested area can be encroached with development. Any encroachment shall require mitigation of impacts.”*

The LDC (Sec. 7-11 A. 3.) requires jurisdictional wetlands to be dedicated as permanent open space or preserved via a conservation easement and Sec. 7.11 B. 4. requires delineated forested areas be dedicated as permanent open space or preserved via a conservation easement.

**Applicant’s Justification**

The following are more detailed statements explaining the issues related to the tree removal request and are verbatim excerpts from the application (Appendix A, Justification Statement):

*As construction began on the new soccer/lacrosse field complex two deviations to the original construction plans presented to the Town were required by the Southwest Florida Water Management District (SWFWMD). There is a steep bank located directly to the east of the Project that is the boundary between the upland project area and the eastern wetland. This bank has an average elevation difference of approximately 15 to 20-feet between the top and bottom of the slope. Due to the gradient of the slope and the material that makes up the bank, which was unknown at the time of the original submittal, stabilization is required in certain areas along the bank. Also, after learning of the bank material, design*

*changes have been required by SWFWMD to ensure that the bank will not erode and cause stabilization issues and potential harm to the wetland.*

*When construction began, the project engineer discovered the bank at the southeast corner of the project area was severely eroded and unstable. The slope was essentially being held together by a combination of construction debris, tree roots and soil. The erosion was so severe that the existing stormwater pipe that discharges into the wetland at this point is unsupported and has collapsed. The pipe collapse appears to have occurred many years ago and was not visible at the time of the original variance submission. To mitigate this problem the project engineer has developed a plan to stabilize the bank and reconstruct the stormwater pipe and outfall which in turn will return the integrity of the stormwater system (Attachment 4 – SE Bank Stabilization). This will include removing the unconsolidated material; reconstructing the stormwater pipe; and backfilling the slope with material that will stabilize the bank. Mitigation of this issue will require work in both the wetland buffer and the wetland itself. SWFWMD, who is requiring the bank to be stabilized and the stormwater system repaired, has given tentative approval. We have proposed a design that minimizes impacts to existing trees; however, this proposed project will require the removal of additional trees not included in the December 2011 Tree Removal Variance.*

*The northeast corner of the project area also requires a modification that will require the Town's consideration. The original site plan reviewed by the Town depicted a stormwater pipe discharging runoff from the northern part of the complex to the eastern wetland. The original plan proposed a "bubbler" at the end of the stormwater pipe to dissipate the energy of the stormwater flow as it exited the pipe to protect the bank from further erosion. This stormwater discharge is located at a specific point on the bank to ensure that the wetland will continue to receive adequate hydration from stormwater flows. When this design was proposed to SWFWMD within the Environmental Resource Permit (ERP) Application, the District rejected the proposed "bubbler" because of the potential for continued bank erosion. However, in lieu of the "bubbler" they suggested and subsequently permitted a spreader swale. This swale was, in their opinion, a more effective alternative to slow down the stormwater flow and better protect the bank from erosion (Attachment 6 – Spreader Swale). This change requires a bigger "footprint" for the swale and will require the removal of additional trees. The spreader swale was located in a position to minimize the number of trees to be removed but also function effectively as part of the stormwater management system.*

*The proposed plans for the modifications of both the southeast and northeast corners of the project site are required by SWFWMD and are necessary for the overall integrity of the bank which will lessen any potential impact to the eastern wetland system. As mentioned, this will require amendments to the existing Town variances for tree removal.*

### **Staff Review**

As noted, the variances result from erosion issues that surfaced during construction that require retaining walls per requirements of SWFWMD to address the erosion issues and protect the adjacent wetland.

The LDC requires a canopy tree replacement ratio of two (2) to one for any tree between 5-inch DBH and less than 10-inch DBH, a ratio of three (3) to one (1) for any tree 10-inch DBH to less than 20-inch DBH, and a ratio of four (4) replacement trees for each Grand Tree removed. Based on the application, a total of 28 replacement trees would be required as follows:

- Two grand trees = 8 trees
- Six protected trees (10" < 20" DBH) = 18 trees

- One protected tree (5” < 10” DBH) = 2 trees
- Total Replacement Trees Required = 28 trees

Based on a tree replacement credit of five (5) trees, as noted previously, the total number of required replacement trees is 23 or the equivalent of 69 inches DBH (23 x 3-inch DBH). The Applicant submitted a Tree Replacement Plan (Appendix A, Sheets L-102 and 103), which provides 23 replacement trees, in addition to the previously required 78 replacement trees. The new replacement trees are located within the new stormwater pond west of the Soccer/Lacrosse Field site. Pursuant to the original tree removal approval, at least twenty-five (25) percent of the required replacement trees (78 trees x 0.25= 20 trees) shall be planted around the project site. The original approved tree replacement plan showed 73 trees to be planted around the project site; therefore, the new replacement trees (23 trees) can be planted around the project site or elsewhere on campus.

**Town Commission Alternatives:**

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

Alternative 1: The Commission has determined that no hardship or justification for removal of the two (2) Grand Trees and 7 protected trees, and that the request is not consistent with the Comprehensive Plan; therefore, the Tree Removal Permit application is DENIED and the trees are to be preserved. Prior to permitting any construction activities within the northeast and southeast corners of the parking garage, pursuant to the no construction zone delineated in the stop work order issued on January 12, 2012, the Applicant shall submit a revised site plan for approval by the Town Planner with said trees preserved.

Alternative 2: The Commission has determine that based on the Applicant’s justification statement and consistency with the Comprehensive Plan and LDC, that the removal of the two (2) Grand Trees and 7 protected trees is warranted, and therefore, the Tree Removal Permit and Tree Replacement Plan are APPROVED with the following conditions:

1. All conditions of Tree Removal Permit #11-B approval remain in effect and Tree Replacement Plan approved on December 6, 2011.
2. The Applicant shall plant 23 replacement canopy trees (per LDC list or other Town approved tree), in addition to the previously required 78 trees. Each tree shall be a minimum of three (3)-inch DBH and ten (10) feet in height, Florida Quality Grade One.

Note that any required landscape buffer related to the project pursuant to Sec. 12.2 cannot count toward meeting the tree replacement requirement. Requirements related to landscape buffers are in addition to the required replacement trees.

3. Upon completion of tree planting, the Town Commission or its designee shall be permitted by the Applicant to inspect all planted replacement trees for compliance. The Applicant shall be required within 45 days of the date a written notice of said inspection is mailed to the Applicant to replace any trees or shrubs deemed to be in either poor condition or that have died.
4. Upon 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 for compliance. The Applicant shall be required within 45 days of the date a written notice of said inspection is mailed

to the Applicant to replace any trees or shrubs deemed to be in either poor condition or that have died.

5. The portion of the jurisdictional wetland not previously dedicated as open space, shall be dedicated as permanent open space or preserved via a conservation easement. Such dedication or easement shall be approved by the Town Commission and recorded prior to final inspection approval.
6. Require the planting of four (4) additional replacement trees as a penalty for removal of the two (2) Grand Trees without a permit. These trees shall be planted east of the Reclaimed Water project site along the boundary adjacent to the Lake Jovita development. The Applicant shall submit for approval by the Town Planner a revised Reclaimed Water Project Tree Replacement Plan depicting the location of the four (4) new replacement trees.

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.*

## **APPENDIX A**

### **Justification Statement, Applicant's Attachments 4 and 6, Tree Removal Survey (TR-5) and Tree Replacement Plans (L-102 and L103)**

**TOWN OF ST. LEO**  
**TREE REMOVAL PERMIT APPLICATION**  
P.O. BOX 2479, ST. LEO, FLORIDA 33574 - 352.588.2622 FAX 352.588.3010  
PLEASE SEE TOWN OF ST. LEO LAND DEVELOPMENT CODE 12.4 - 12.4.11

NOTE: It is incumbent upon the applicant to submit correct information. Any misleading, deceptive, incomplete or incorrect information may invalidate your approval.

DATE 1/20/12 ZONING DISTRICT A RDR MDR IL XB POL LJ  
PROPERTY ADDRESS 33701 SR 52, St. Leo, FL 33574  
PROPERTY OWNER St. Leo University  
Application must be completed by homeowner or attach notarized Affidavit to Authorize Agent.

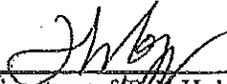
PROPERTY PARCEL I.D.# 01-25-20-0000-03000-0000  
REPRESENTATIVES NAME Frank Mezzanini PHONE(S) 352-588-8215  
Information required for a single-family tree removal permit:

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.
2. Is tree diseased?                     . If tree is diseased and deemed unsafe, please verify by written documentation signed by a licensed professional (forester, arborist or horticulturalist) and attach documentation.

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 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 (DBH) to be removed.
2. Tree is diseased and deemed unsafe and verified by written documentation signed by a licensed professional (forester, arborist or horticulturalist).                      If yes, attach documentation.  
Submit a written justification statement for the proposed tree(s) removal based on the criteria contained above. Sites to replace trees must be included in site plans and project description.

**FEE: \$50.00** In addition to the application fee, the applicant will be billed for the actual expenses related to the Town of St. Leo's Planning Consultant review of application. This may include, but not be limited to, time spend reviewing the application for completeness, preparing a report to the Town Commission, telephone conversations and/or written correspondence to the applicant, and attending any meetings with the applicant, including Commission meetings, if necessary. The Town Commission may request an advanced partial payment based on an estimate of the Planning Consultant's fees and expenses.

 Date: 1/23/2012  
Signature of Title Holder (Owner)  
 Date: \_\_\_\_\_ Application Expires: \_\_\_\_\_  
St. Leo Signature for Tree Removal Approval

Saint Leo University  
New Soccer/Lacrosse Field  
Tree Removal Permit Amendment and Wetland Variance Modification  
Justification Statement

The applicant is requesting amendments to the Town of St. Leo (Town) Tree Removal Permit and Wetland Variance approvals for additional work within wetlands and wetland buffer related to the Saint Leo University (SLU) New Soccer/Lacrosse Field Complex (Project). The tree removal permit and the wetland buffer variance were approved by the Town of St. Leo at an October 10, 2011 public hearing.

The Tree Removal Permit approval allowed for the removal of six (6) Grand Trees and 23 protected trees that required a total of 78 trees for replacement. A subsequent Tree Replacement Plan was submitted by the applicant in November 2011 and this plan was approved by the town in December 2011 with conditions.

The Wetland Buffer Variance allowed for the Project parking structure to encroach into the designated wetland buffer. This was due to the NCAA required size of the playing fields with the proper non-playing surface for safety considerations.

**Summary of Modifications to Previously Approved Site and Tree Removal Plans:**

Modifications to the previously approved site and tree removal plans are required by the Southwest Florida Water Management District (SWFWMD) to stabilize portions of the bank that separate the Project from the protected wetland to the east. Requirements and changes are detailed below in the justification statement and summarized in the following paragraphs.

Wetland Buffer and Wetland Encroachment: Bank stabilization requires the construction of retaining walls, stormwater pipes, spreader swales, bubblers and backfilling with clean soil to ensure the integrity of the slope and protect the wetland to the east. These changes require additional encroachment into both the wetland and wetland buffer. Changes in the total encroachment area compared to the originally approved site plan are minor and include:

- NE Bank Stabilization: Wetland Buffer - 165 square feet; Wetland – 0 square feet.
- SE Bank Stabilization: Wetland Buffer – 2,715 square feet; Wetland – 714 square feet.

Tree Removal Plan: Due to the required structural bank stabilization proposal, modifications to the approved tree removal plan are also required. The amended site plan now necessitates the removal of additional 23 trees (Table 1). Three (3) of these trees were inadvertently removed during the construction process and are not associated with the bank stabilization proposal. It should be noted that six (6) trees that were scheduled for removal, were subsequently saved in the construction process and were factored into the calculations for the mitigation requirements. All 23-trees will be replaced by 23-trees that are proposed to be planted around the new stormwater pond located west of the Project and along the tennis courts located to the northeast of the Project. Additionally, 4-trees will be planted in the buffer area of the Project.

**1. State the special conditions and/or circumstances applying to the building or other structure or land for which such variance is sought.**

As construction began on the new soccer/lacrosse field complex two deviations to the original construction plans presented to the Town were required by SWFWMD. There is a steep bank located directly to the east of the Project that is the boundary between the upland project area and the eastern wetland. This bank has an average elevation difference of approximately 15 to 20-feet between the top and bottom of the slope (Attachment 1 - Site Plan). Due to the gradient of the slope and the material that makes up the bank, which was unknown at the time of the original submittal, stabilization is required in certain areas. Also, after learning of the bank material, design changes have been required by SWFWMD to ensure that the bank will not erode any further in the future and cause stabilization issues and potential harm to the wetland.

When construction began, the project engineer discovered the bank at the southeast corner of the project area was severely eroded and unstable. The slope was essentially being held together by a combination of construction debris, tree roots and soil (Attachment 2 - Photo #1). The erosion was so severe that the existing stormwater pipe that discharges into the wetland at this point is unsupported and has collapsed (Attachment 3 - Photo #2). The pipe collapse appears to have occurred many years ago and was not visible at the time of the original variance submission. To mitigate this problem, the project engineer has developed a plan to stabilize the bank and reconstruct the stormwater pipe and outfall which in turn will return the integrity of the stormwater system (Attachment 4 – SE Bank Stabilization). This will include removing the unconsolidated material, reconstructing the stormwater pipe, and backfilling the slope with material that will stabilize the bank. Mitigation of this issue will require work in both the wetland buffer and the wetland itself. SWFWMD, who is requiring the bank to be stabilized and the stormwater system repaired, has given tentative approval (Attachment 5 – SWFWMD emails dated December 4, 2011 and January 9, 2012). We have proposed a design that minimizes impacts to existing trees; however, this proposed project will require the removal of additional trees not included in the December 2011 Tree Removal Variance.

The northeast corner of the project area also requires a modification that will require the Town's consideration. The original site plan reviewed by the Town depicted a stormwater pipe discharging runoff from the northern part of the complex to the eastern wetland. The original plan proposed a "bubbler" at the end of the stormwater pipe to dissipate the energy of the stormwater flow as it exited the pipe to protect the bank from further erosion. This stormwater discharge is located at a specific point on the bank to ensure that the wetland will continue to receive adequate hydration from stormwater flows. When this design was proposed to SWFWMD within the Environmental Resource Permit (ERP) Application, the District rejected the proposed "bubbler" because of the potential for continued bank erosion. However, in lieu of the "bubbler" they suggested and subsequently permitted a spreader swale. This swale was, in their opinion, a more effective alternative to slow down the stormwater flow and better protect the bank from erosion (Attachment 6 – Spreader Swale). This change requires a bigger "footprint" for the swale and will require the removal of additional trees. The spreader swale was located in a position to minimize the number of trees to be removed but also function effectively as part of the stormwater management system.

The proposed plans for the modifications of both the southeast and northeast corners of the project site are required by SWFWMD and are necessary for the overall integrity of the bank which will lessen any potential impact to the eastern wetland system. As mentioned, this will require amendments to the existing Town variances for tree removal and encroachment into the wetlands. It should be noted that none of the trees slated for removal are within the Visual Corridor for SLU or can be seen by Lake Jovita residents.

Table 1 outlines trees that must be removed for the proposed alterations to the NE and SE banks as required by SWFWMD. The location of these trees is depicted on Attachment 7.

Table 1 – Tree Removal Table

Stabilization Point	Sweet Gum	Ear Tree*	Camphor*	Live Oak	Laurel Oak *
Northeast Bank	1-10" 1-15" 1-18" <u>2-20" (Grand)</u> 5 Total	-	1-3" 1-5" <u>2-6"</u> 4 Total	1-8" <u>1-18"</u> 2 Total	<u>1-4"</u> 1 Total
Southeast Bank	1-12" <u>1-14"</u> 2 Total	3-4" 1-6" 1-8" 2-12" <u>1-24"</u> 8-Total	<u>1-5"</u> 1 Total	-	-

\*Not Protected

While three (3) trees were mistakenly removed, a re-review of the tree line during the construction process allowed an additional six (6) trees to be saved, which were previously scheduled for removal. These trees have been marked and will not be removed due to Project construction. We have highlighted these trees on Attachment 7. They include: 5" and 18" Sweet Gums; 5", 6" & 12" Camphor; and a 14" Ear Tree. Compensation for saving these trees is calculated in the mitigation credits as part of the Tree Replacement Plan.

In order to ensure that no other protected trees are impacted on this project site or future SLU construction projects, the applicant is proposing measures to better designate trees and inform contractors on tree protection. This will include designating trees with marked survey tape for protected trees; the use of silt fence to demarcate protected trees and lessen any potential impact to root systems; and a preconstruction site visit with contractors to ensure that protected trees will not be impacted.

- 2. Are the special conditions and/or circumstances peculiar to the property, structures, or building, and don't apply generally to neighboring lands, structures, or buildings in the same zoning district.**

Based on the response to question 1, there are numerous reasons and circumstances why the bank stabilization and stormwater repairs justify modifications to the variances for the proposed encroachment into the wetland and additional tree removal. SLU is a growing institution that is unique to other property, structures and neighboring properties within the Town.

- 3. Are the existing conditions and/or circumstances such that:
  - a. The strict application of the provisions of the Chapter would deprive the applicant of reasonable use of said land, building, or structure?****

Yes. The strict application of the provisions of this Chapter would not allow for bank stabilization and stormwater repairs to occur and potential harm to the wetland from both siltation and water quality impacts would occur.

- b. The peculiar conditions and circumstances pertaining to the variance request are not the result of the actions by the applicant.**

As described in our response to question 1, the conditions pertaining to the variance amendment is dictated by site conditions and the need to stabilize the bank and stormwater management system.

- 4. The variance request is in harmony with and serves the general intent and purpose of this Chapter and the Comprehensive Plan.**

In light of the bank restoration and stabilization along with the repair of the stormwater management system, SWFWMD and the applicant both view that the wetland encroachment is a minimal impact and additional tree removal are not contrary to the general intent of the Chapter.

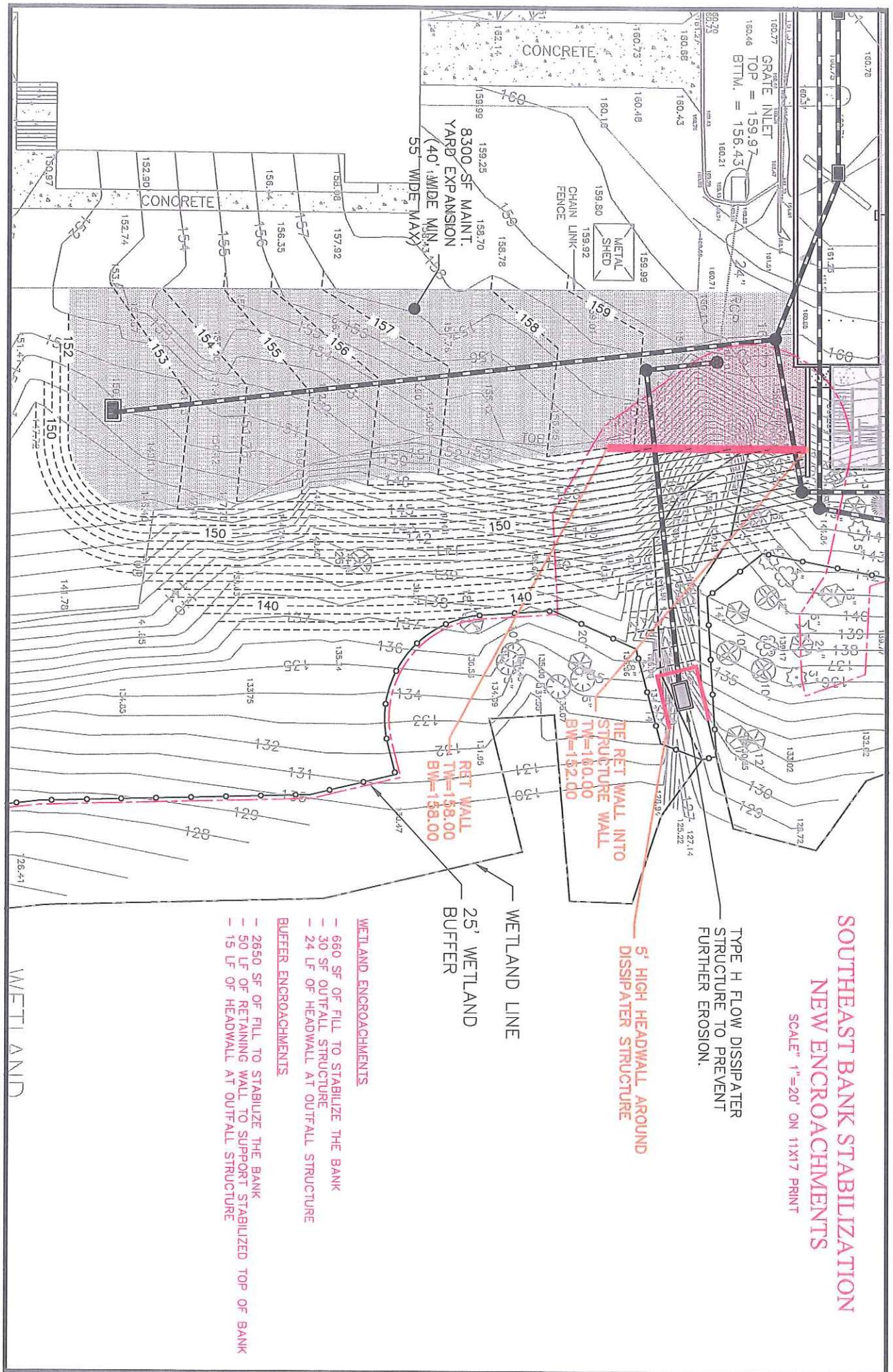
- 5. That the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.**

For the stated responses to question 1, this modification to the variances will not substantially interfere or injure the rights of others. This will only have a positive impact on other properties including those of SLU.

- 6. That allowing the variance will result in substantial justice being done considering both the public benefits intended to be secured by this Chapter and the individual hardships that will be suffered by a failure of the Town Commission to grant a variance.**

Based on the responses to question 1, we do not believe any individual hardships will occur due to the Town granting the modification to the variances

ATTACHMENT 4  
SE BANK STABILIZATION



**SOUTHEAST BANK STABILIZATION  
NEW ENCROACHMENTS**

SCALE" 1"=20' ON 11X17 PRINT

TYPE H FLOW DISSIPATER  
STRUCTURE TO PREVENT  
FURTHER EROSION.

5' HIGH HEADWALL AROUND  
DISSIPATER STRUCTURE

THE RET WALL INTO  
STRUCTURE WALL  
TW=160.00  
BW=152.00

WETLAND LINE  
25' WETLAND  
BUFFER

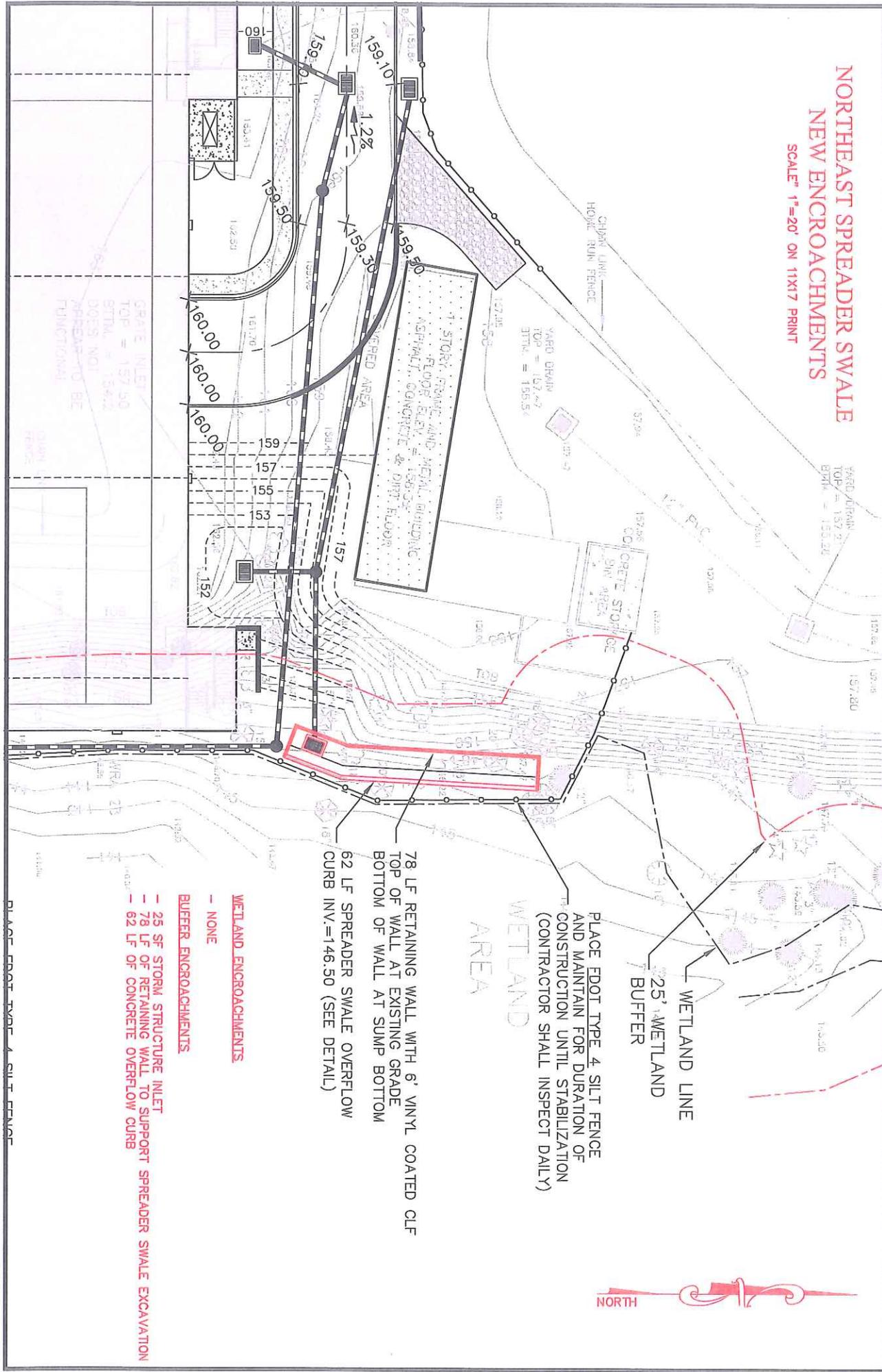
WETLAND ENCROACHMENTS

- 660 SF OF FILL TO STABILIZE THE BANK
  - 30 SF OUTFALL STRUCTURE
  - 24 LF OF HEADWALL AT OUTFALL STRUCTURE
- BUFFER ENCROACHMENTS
- 2650 SF OF FILL TO STABILIZE THE BANK
  - 50 LF OF RETAINING WALL TO SUPPORT STABILIZED TOP OF BANK
  - 15 LF OF HEADWALL AT OUTFALL STRUCTURE

WETLAND

ATTACHMENT 6  
NE SPREADER SWALE

**NORTHEAST SPREADER SWALE  
NEW ENCROACHMENTS**  
SCALE 1"=20' ON 11X17 PRINT



WETLAND LINE  
25' WETLAND BUFFER

PLACE EDOT TYPE 4 SILT FENCE AND MAINTAIN FOR DURATION OF CONSTRUCTION UNTIL STABILIZATION (CONTRACTOR SHALL INSPECT DAILY)

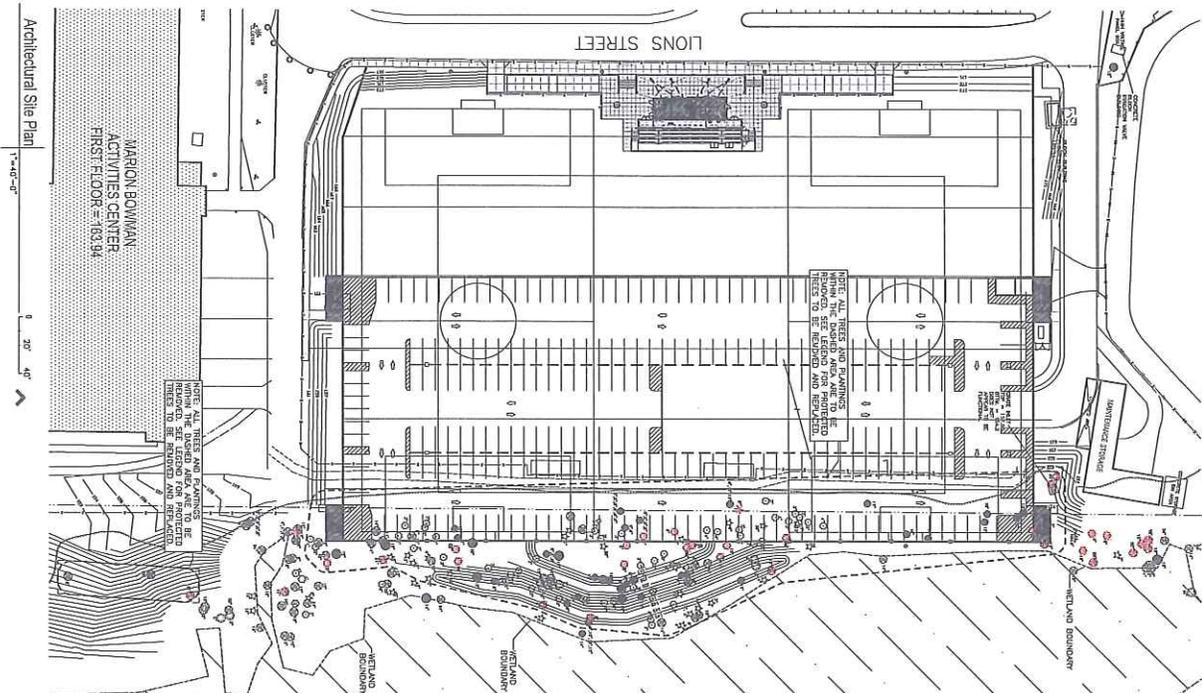
WETLAND AREA

78 LF RETAINING WALL WITH 6' VINYL COATED CLF  
TOP OF WALL AT EXISTING GRADE  
BOTTOM OF WALL AT SUMP BOTTOM  
CURB INV.=146.50 (SEE DETAIL)

- WETLAND ENCROACHMENTS**
- NONE
- BUFFER ENCROACHMENTS**
- 25 SF STORM STRUCTURE INLET
  - 78 LF OF RETAINING WALL TO SUPPORT SPREADER SWALE EXCAVATION
  - 62 LF OF CONCRETE OVERFLOW CURB

PLACE EDOT TYPE 4 SILT FENCE





Architectural Site Plan 1" = 4'-0"

- TREE LEGEND**  
**TREE SIZES NOTED ON MAP**
- ⊗ CONIFERS 60+ TREE
  - ⊗ CONIFERS 50-59 TREE
  - ⊗ CONIFERS 40-49 TREE
  - ⊗ CONIFERS 30-39 TREE
  - ⊗ CONIFERS 20-29 TREE
  - ⊗ CONIFERS 10-19 TREE
  - ⊗ CONIFERS 5-9 TREE
  - ⊗ CONIFERS 4-5 TREE
  - ⊗ CONIFERS 3-4 TREE
  - ⊗ CONIFERS 2-3 TREE
  - ⊗ CONIFERS 1-2 TREE
  - ⊗ CONIFERS 0-1 TREE
  - ⊗ CONIFERS TO BE REMOVED (Approved 11/29/11)
  - ⊗ CONIFERS TO BE REMOVED (Revised 01/29/12)
- 12/07/11 CALCULATIONS**
- PROPOSED TREES (LESS THAN 5" DBH)  
 47 TREES
- PROPOSED TREES (5" DBH OR GREATER)  
 12 TREES
- EXISTING TREES (5" DBH OR GREATER)  
 12 TREES
- EXISTING TREES (LESS THAN 5" DBH)  
 12 TREES
- 01/29/12 CALCULATIONS**
- PROPOSED TREES TO REMAIN (5" DBH OR GREATER)  
 12 TREES
- PROPOSED TREES TO BE REMOVED (5" DBH OR GREATER)  
 12 TREES
- EXISTING TREES TO REMAIN (5" DBH OR GREATER)  
 12 TREES
- EXISTING TREES TO BE REMOVED (5" DBH OR GREATER)  
 12 TREES
- PROPOSED TREES (LESS THAN 5" DBH)  
 12 TREES
- PROPOSED TREES (5" DBH OR GREATER)  
 12 TREES
- EXISTING TREES (5" DBH OR GREATER)  
 12 TREES
- EXISTING TREES (LESS THAN 5" DBH)  
 12 TREES
- GRAND TOTAL REMOVAL TREES = 24 TREES**



