

Alternative #2
RESOLUTION NO. 13-15

RESOLUTION OF THE TOWN OF ST. LEO TOWN COMMISSION
APPROVING WITH CONDITIONS PUD #13-A, MINOR MODIFICATION #1
TO THE BENEDICTINE SISTERS OF FLORIDA MASTER PLAN.

WHEREAS, a Planned Unit Development (PUD) application (PUD #13-A) was approved by the Town of St. Leo Town Commission on April 8, 2013 to construct a new monastery for the Benedictine Sisters of Florida pursuant to the LDC Article XII, Development Review Procedures And Development Standards For General Site Plans and Planned Unit Developments, and

WHEREAS, a Minor Modification to PUD #13-A, was filed by Holy Name Academy requesting a variance to LDC, Chapter IX, Section 12.2. Landscape Buffers between Incompatible Uses, and

WHEREAS, a public hearing was advertised and held on September 9, 2013, 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 meeting.

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

SECTION A. REQUEST

The Applicant is requesting variances to the Land Development Code (LDC) as follows (underline added for emphasis):

Sec. 12.2. Landscape Buffers between Incompatible Uses

A. Required landscape buffering is in accordance with the Landscape Buffer Matrix (Table A), which establishes buffer types and requirements from abutting uses. Figure A illustrates the planting requirements for each buffer type. The buffer width requirements are based on two landscaping alternatives: the provision of landscaping only or the provision of landscaping with a fence, decorative masonry wall or berm. Where a wall or fence is provided or required by this section, all landscaping shall be in front of the wall or fence. All landscape buffers are required to be irrigated with an in-ground water efficient system and, where possible, utilize reclaimed water.

Table A footnote #4

4. Institutional and Business uses, because of their level of activity and scale of development, require greater buffering from abutting single-family and multifamily residential districts. The minimum required landscape buffer width shall be twenty (20) feet, landscaped pursuant to the Buffer C planting requirements, and shall provide a six (6) foot high decorative solid fence or masonry wall. The required landscaping must be placed in front of the fence/wall.

For Institutional use adjacent to residentially zoned property and rights-of-way, a Type "C" buffer is required along the project's Wichers Road frontage (1,040 linear feet), which requires 4 Canopy trees, 5 Understory trees and 20 shrubs/100 linear feet. Based on 1,040 linear feet this equates to:

- 4 canopy trees= 42 trees

- 5 Understory trees= 52 trees
- 20 shrubs= 208 shrubs

The Applicant is requesting a variance to only provide 450 linear feet of buffer along Wichers Road, and only plant canopy trees. Based on the canopy tree requirement formula, this would require only five (5) trees.

SECTION B. FINDINGS AND CONCLUSIONS

PUD #13-A Minor Modification #1 substantially meets the development guidelines pursuant to Sec. 10.9, the requested variances substantially address Sec. 9.2 variance review criteria #2, #4, #5 and #6 and is consistent with the Town of St. Leo Comprehensive Plan and Land Development Code, subject to conditions, as evaluated in the staff report dated September 9, 2013 (Exhibit A).

SECTION C. TOWN COMMISSION DECISION

Based on findings by the Town Commission that there is some degree of hardship and that substantial consistency with the Comprehensive Plan and LDC will be achieved pursuant to implementation of the conditions delineated below, the Town Commission hereby APPROVES the variances to the length of required buffer and planting requirement with the following conditions:

1. A detailed landscape plan shall be provided to the Town Planning Consultant for approval prior to the issuance of any building permit for the site. The landscape plan shall address Wichers Road, parking lot, open space and stormwater landscape requirements.
2. The Applicant shall provide within 90 calendar days, an Agreement signed by the Applicant, for approval by the Town Commission that in essence states, that when the property to the west, which is designated and zoned Medium Density Residential, is developed for residential located along the Wichers Road frontage, the Applicant shall comply with the landscape buffer requirement at that time, pursuant to Sec. 12.2. Landscape Buffers between Incompatible Uses, along the subject property's Wichers Road frontage that is adjacent to the Medium Density Residential zoned property. Said Agreement shall be recorded in the public records of Pasco County by the Applicant, and shall run with the land.
3. A draft drainage easement document shall be provided to the Town Attorney and Town Planning Consultant for approval prior to the issuance of any building permit for the site. The easement shall be recorded and a copy provided to the Town Clerk prior to the issuance of a Certificate of Occupancy for the project (residences/office and chapel).
4. Submit final architectural drawings/elevations to the Town Planning Consultant for approval prior to the issuance of any building permit for the site.
5. Submit a copy of the SWFWMD permit approval to the Town Clerk prior to issuance of a building permit for the site.
6. Inspections by the Town staff will be conducted periodically to ensure that the grass spaces are functioning and not falling into a deteriorated state, such that the spaces are mostly dirt or mud. If such deterioration occurs, the Applicant will be required to pave the parking spaces.

7. That all other applicable state or federal permits be obtained before development commences and further that the issuance of the building permit does not in any way create any right on the part of the Applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the Town for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

The approval of PUD #13-A Minor Modification #1 is valid for same time frame as PUD #13-A (April 8, 2015), unless a building permit has been issued for the project (residence/office and chapel) before the expiration date or an extension is requested pursuant to Sec. 10.12. Future modifications to this PUD are subject to Sec. 10.10.

SECTION D. EXHIBIT A

The following documents are attached to this resolution and incorporated herein by reference:

Town Staff Report with exhibits and Applicant's application and supporting documents.

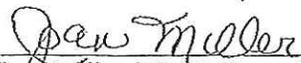
SECTION E. TOWN COMMISSION MOTION

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

John "Jack" Gardner, Mayor
Donna DeWitt, O.S.B.
James Hallett, O.S.B.
Robert Inslee
James Wells

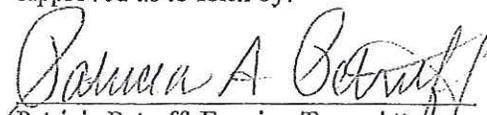
DULY PASSED AND ADOPTED this 9th day of September, 2013. This PUD #13-A Minor Modification #1 is approval is valid for the same time frame as PUD #13-A (until April 8, 2015).

ATTEST:


Joan Miller, MMC, Town Clerk


John "Jack" Gardner, Mayor

Approved as to form by:


Patricia Petrucci, Esquire, Town Attorney



TOWN OF ST. LEO STAFF REPORT
Benedictine Sisters of Florida Planned Unit Development Master Plan
PUD #13-A, Minor Modification #1
Town Commission Public Hearing Meeting
September 9, 2013

Applicant: Holy Name Academy

Representative: Brian G. Surak, P.E., Surak Engineering

Request: Approval of a minor modification to PUD #13-A for a variance to Article XII. Landscape Buffering and Tree Protection, Sec. 12.2. Landscape Buffers between Incompatible Uses.

Location/Legal Description: Generally the southeast corner of State Road 52 and Wichers Road. The area is an approximate 9.9 acre site within Folio #01-25-20-0000-02300-0030 along the east side of Wichers Road (Exhibit A-PUD Site Plan).

Land Use Designation: Institutional

Zoning: Institutional

PUD Modification #1 Application Overview

On April 8, 2013, the Town Commission approved PUD #13-A the construction of a new monastery for the Benedictine Sisters of Florida on an approximate 9.9 acre tract. The monastery facility consists of two buildings (one-story in height) totaling approximately 13,900 square feet, including 20 bedrooms, central kitchen facility and other related facilities (96 seat chapel, library, recreation areas and administration offices) with 46 parking spaces (Exhibit A- PUD Site Plan). Other buildings were noted as "future" and will require review and approval at a future date.

As part of the PUD #13-A approval, variances were granted to not require a buffer wall along Wichers Road, permit 29 grass parking spaces and permit the stormwater pond to be located on the adjacent property, which is also owned by Holy Name Academy.

The Applicant's application submittal and supporting documents, including variance justifications, are provided in Appendix A.

Variance Requests

1. The Applicant is requesting variances to the Land Development Code (LDC) as follows (underline added for emphasis):

- Sec. 12.2. Landscape Buffers between Incompatible Uses

A. Required landscape buffering is in accordance with the Landscape Buffer Matrix (Table A), which establishes buffer types and requirements from abutting uses. Figure A illustrates the planting requirements for each buffer type. The buffer width requirements are based on two landscaping alternatives: the provision of landscaping only or the provision of landscaping with a fence, decorative masonry wall or berm. Where a wall or fence is provided or required by this section, all landscaping shall be in front of the wall or fence. All landscape buffers are required to be irrigated with an in-ground water efficient system and, where possible, utilize reclaimed water.

Table A footnote #4

4. Institutional and Business uses, because of their level of activity and scale of development, require greater buffering from abutting single-family and multifamily residential districts. The minimum required landscape buffer width shall be twenty (20) feet, landscaped pursuant to the Buffer C planting requirements, and shall provide a six (6) foot high decorative solid fence or masonry wall. The required landscaping must be placed in front of the fence/wall.

For Institutional use adjacent to residentially zoned property and rights-of-way, a Type "C" buffer is required along the project's Wichers Road frontage (1,040 linear feet), which requires 4 Canopy trees, 5 Understory trees and 20 shrubs/100 linear feet. Based on 1,040 linear feet this equates to:

▪ 4 canopy trees=	42 trees
▪ 5 Understory trees=	52 trees
▪ 20 shrubs=	208 shrubs

The Applicant is requesting a variance to provide only 450 linear feet of buffer along Wichers Road (Exhibit A), and to only plant canopy trees. Based on the canopy tree requirement formula, this would require only five (5) trees.

Applicant's justification:

Although the adjacent property (to the west) is zoned Medium Density Residential, the adjacent property is an orange grove; therefore, the required length of buffer and landscaping materials is not necessary as much of the Monastery's Wicher Road frontage will be open space. The landscape buffer to be provided, 450 feet, will buffer the proposed Monastery buildings and parking areas. Just planting canopy trees would provide for a sufficient buffer.

Analysis of the PUD Minor Modification #1 relative to the relevant LDC Sec. 10.9 PUD Development Guidelines. It is noted that Development Guidelines #1 and #2, and #4-#9 were addressed in the original PUD approval.

3. **Compatibility:** The proposed PUD shall be compatible with adjacent land uses or zoning districts, or shall achieve compatibility through special design characteristics and buffers between incompatible uses to minimize differences between the proposed and existing surrounding land uses or zoning districts.

The proposed development is appropriate as a large portion of the Town is devoted to institutional uses: Benedictine Sisters of Florida, Order of St. Benedict of Florida and Saint Leo University. These uses have been historically associated with the Town as early as the late 1800s.

The future land uses and zoning surrounding the subject property are Agriculture to the north and east (which is land owned by Holy Name Academy) and Institutional and Medium Density Residential to the west. The Institutional land to the west is either owned by Saint Leo University, Holy Name Academy or Benedictine Sisters of Florida, Inc. The Medium Density Residential to the west is private property which is currently an orange grove and is divided from the subject site by Wichers Road, a local roadway. The properties to the south are in unincorporated Pasco County and designated Residential.

The subject site is not located in close proximity to any environmentally sensitive lands and the Town's land development code (LDC) provides for adequate buffering to adjacent residential uses. No detailed landscape plan has been submitted, but the project is meeting the 20 foot wide buffer requirement and is seeking a variance to the required length of buffer (1,040 feet) and to only plant canopy trees. No landscape plan has been submitted for the required open space or the stormwater retention pond. Detailed landscape plans will be required to be submitted for approval prior to issuance of a building permit.

Analysis:

The PUD modification substantially meets the development guidelines with conditions as noted; however, future development of the adjacent Medium Density Residential property warrants adequate buffering from the Monastery development as required by the LDC, Sec. 12.2. Landscape Buffers between Incompatible Uses.

Consistency of the proposed development with the goals, objectives and policies in the Comprehensive Plan.

Consistency was addressed in the original PUD approval.

Town Commission Variance Review Criteria:

Pursuant to the LDC (Section 9.2 A and B- Variance Hardship Criteria), *In making a decision on a variance request, the Town Commission shall consider the variance hardship criteria listed below.*

All variance applications shall include responses by the applicant to the following criteria:

- 1. State the special conditions and/or circumstances applying to the building or other structure or land for which such variance is sought.*
- 2. Are the special conditions and/or circumstances peculiar to the property, structures, or buildings, and do not apply generally to neighboring lands, structures, or buildings in the same zoning district.*
- 3. Are the existing conditions and/or circumstances such that:*
 - a. The strict application of the provisions of this Chapter would deprive the applicant of reasonable use of said land, building, or structure; and*
 - b. The peculiar conditions and circumstances pertaining to the variance request are not the result of the actions by the applicant.*
- 4. The variance request is in harmony with and serves the general intent and purpose of this Chapter and the Comprehensive Plan including, but not limited to, important visual corridors (as adopted by resolution No. 01-03) and maintaining the Town's rural character.*
- 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.*
- 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.*

Variance Analysis

The Applicant is requesting a variance to only provide 450 linear feet of buffer along Wichers Road, and only plant canopy trees. The requested buffer meets the buffer width (20 feet) requirement. The justification provided by the Applicant has merit, as the abutting property is currently an orange grove. However, any future modifications to the PUD, in conjunction with development of the abutting site for residential use, should require full compliance with the landscape buffer along the subject property's entire length of Wichers Road that abuts the Medium Density Residential zoned property.

Based on the analysis above and surrounding land use and zoning patterns, the requested variances substantially address variance review criteria #2, #4, #5 and #6.

Recommendations

Based on the facts and analysis presented in this report, two recommended possible Commission decision alternatives are described below.

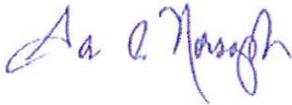
- Alternative 1: No hardship or substantial compliance with variance review criteria has been demonstrated for the requested landscape buffer variances, and therefore, the variance to the length of required buffer and planting requirement is DENIED. Therefore, landscape buffer compliance is required with the following stipulations:
 1. All conditions of approval for PUD #13-A remain in effect.
 2. A detailed landscape plan shall be provided to the Town Planning Consultant for approval prior to the issuance of any building permit for the site. The landscape plan shall address Wichers Road, parking lot, open space and stormwater landscape requirements.

- Alternative 2: Based on findings by the Town Commission that there is some degree of hardship and that substantial consistency with the Comprehensive Plan and LDC will be achieved pursuant to implementation of the conditions delineated below, the Town Commission hereby APPROVES the variances to the length of required buffer and planting requirement with the following conditions:
 1. A detailed landscape plan shall be provided to the Town Planning Consultant for approval prior to the issuance of any building permit for the site. The landscape plan shall address Wichers Road, parking lot, open space and stormwater landscape requirements.
 2. The Applicant shall provide within 90 calendar days, an Agreement signed by the Applicant, for approval by the Town Commission that in essence states, that when the property to the west, which is designated and zoned Medium Density Residential, is developed for residential located along the Wichers Road frontage, the Applicant shall comply with the landscape buffer requirement at that time, pursuant to Sec. 12.2. Landscape Buffers between Incompatible Uses, along the subject property's Wichers Road frontage that is adjacent to the Medium Density Residential zoned property. Said Agreement shall be recorded in the public records of Pasco County by the Applicant, and shall run with the land.
 3. A draft drainage easement document shall be provided to the Town Attorney and Town Planning Consultant for approval prior to the issuance of any building permit for the site. The easement shall be recorded and a copy provided to the Town Clerk prior to the issuance of a Certificate of Occupancy for the project (residences/office and chapel).
 4. Submit final architectural drawings/elevations to the Town Planning Consultant for approval prior to the issuance of any building permit for the site.
 5. Submit a copy of the SWFWMD permit approval to the Town Clerk prior to issuance of a building permit for the site.
 6. Inspections by the Town staff will be conducted periodically to ensure that the grass spaces are functioning and not falling into a deteriorated state, such that the spaces are mostly dirt or mud. If such deterioration occurs, the Applicant will be required to pave the parking spaces.

7. That all other applicable state or federal permits be obtained before development commences and further that the issuance of the building permit does not in any way create any right on the part of the Applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the Town for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

If approved, PUD #13-A Minor Modification #1, is valid for same time frame as PUD #13-A (April 8, 2015), unless a building permit has been issued for the project (residence/office and chapel) before the expiration date or an extension is requested pursuant to Sec. 10.12. Future modifications to this PUD are subject to Sec. 10.10.

This report has been prepared by:



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
PUD Site Plan Showing Proposed 450' Buffer Area

APPENDIX A
PUD/Variance Application and Variance Justification Statements



APPLICATION FOR VARIANCE
BY THE ST. LEO TOWN COMMISSION

NOTE: All applications are to be filled out completely and correctly, and submitted to the Town Clerk by the scheduled deadline date. It is incumbent upon the applicant to submit correct information. Any misleading, deceptive, incomplete or incorrect information may invalidate your approval. Applicant, or applicant's representative, must be present at the public hearing. The Public Hearing will be conducted pursuant to Quasi-Judicial Proceedings.

Fee for each related Variance: \$ 25.00 (See Note A below)

Staff Use Only

APPLICATION NO. _____ Date Rec'd _____ Date Sufficiency Determined _____
Public Hearing Date _____

APPLICANT (Title Holder(s)) Holy Name Academy
Address PO Box 2450, Saint Leo, FL Zip 33574 Phone 352-588-5320
Representative Brian G. Surak, P.E. - Surak Engineering, LLC
Address 3628 Valencia Cove Ct., Land O'Lakes, FL Zip 34639 Phone 813-244-5136
Architect/Engineer Surak Engineering, LLC
Address 3628 Valencia Cove Ct., Land O'Lakes, FL Zip 34639 Phone 813-244-5136
When Property Title Obtained 1961
Legal Description See attached
PIN Number(s) [County] 01-25-20-0000-02300-0030
General Location (Address) 12138 Wichers Road, San Antonio, FL 33576

Applicant acknowledges that a Certificate of Occupancy (CO) will not be granted until all required inspections are completed and fees paid.

Signature SR Bailey Date 8-9-2013
Title Holder(s)/Owner(s)

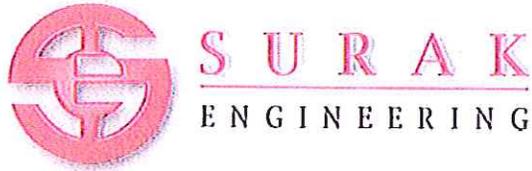
List all requested Variances here:

- 1) Variance to Code 12.2 Buffer Plantings - to reduce the length of buffer and required plantings
- 2) _____
- 3) _____

The applicant must also submit with the application, a Variance Justification Statement addressing the attached criteria. The applicant is required to submit a site plan and/or drawings or photographs to illustrate the requested variance.

NOTE A

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 the application. This may include, but not be limited to, time spent 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 the public hearing meeting. The Town Commission may request an advanced partial payment based on an estimate of the Planning Consultant's fees and expenses.



**Variance Justification Statement
Benedictine Sisters Monastery – Buffer Length and Plantings**

Section 12.2 "Landscape Buffers" of the Saint Leo Land Development Code (LDC) states the following:

"Institutional and business uses, because of their level of activity and scale of development, require greater buffering from abutting single-family and multifamily residential districts. The minimum required landscape buffer width shall be 20 feet, landscaped pursuant to the buffer C planting requirements, and shall provide a six-foot high decorative solid fence or masonry wall. The required landscaping must be placed in front of the fence/wall."

The Benedictine Sisters are requesting a variance for the following:

- a. Limit the length of the required buffer to the development portion of the site. The project site has approximately 1,040 LF of frontage along Wichers Road. However, the proposed development only takes up +/-450 LF of that frontage.
- b. Limit the amount of planting material required in this buffer. The developer is requesting that only the canopy trees be installed per the LDC criteria

This request meets the six (6) variance criteria as follows:

1. The special circumstance is that the proposed project only takes up a small portion of roadway frontage along Wichers Road. For this reason, a full length buffer would not serve much purpose. In addition, the property across Wichers Road is currently a citrus grove. The proposed buffer for the monastery project would be buffering the development from vacant land. In lieu of a full, Type "C" buffer, the applicant would like to plant the canopy tree component of the buffer. For a 450 LF buffer, this would require approximately 18 canopy trees. The PUD site plan has been updated to show the buffer requested and is included with this request.
2. The circumstance is peculiar to the property, as it has frontage to only rural, undeveloped areas.
3. A full length, Type "C" buffer would serve no purpose in this area, as there are no existing developments to buffer this project from.
4. This request meets the general intent of the LDC.
5. This variance would have no impact on adjacent, neighboring properties.
6. This variance is justified as the alternative, full buffer as required by the LDC, would serve no purpose at this time.