



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

SITE PLAN REVIEW AND APPEARANCE BOARD

Rainberry Bay Circle

Meeting	File No.	Application Type
May 22, 2024	2024-011-SPI-SPR-CL1	Level 1 Site Plan Modification with Landscape Waivers
Property Owner	Authorized Agent	
Lois Wiesler, Master Board President	John Haley PE	

Request

Consideration of a Level 1 Site Plan Modification for Rainberry Bay Circle including landscape mitigation, replacement of ROW curbs, and a landscape waiver request for LDR Section 4.6.16(H)(6).

Site Data & Information

Location: 2801 Rainberry Circle South

PCN: 12-43-46-07-04-007-0000

Total Development Area: 4.82 acres

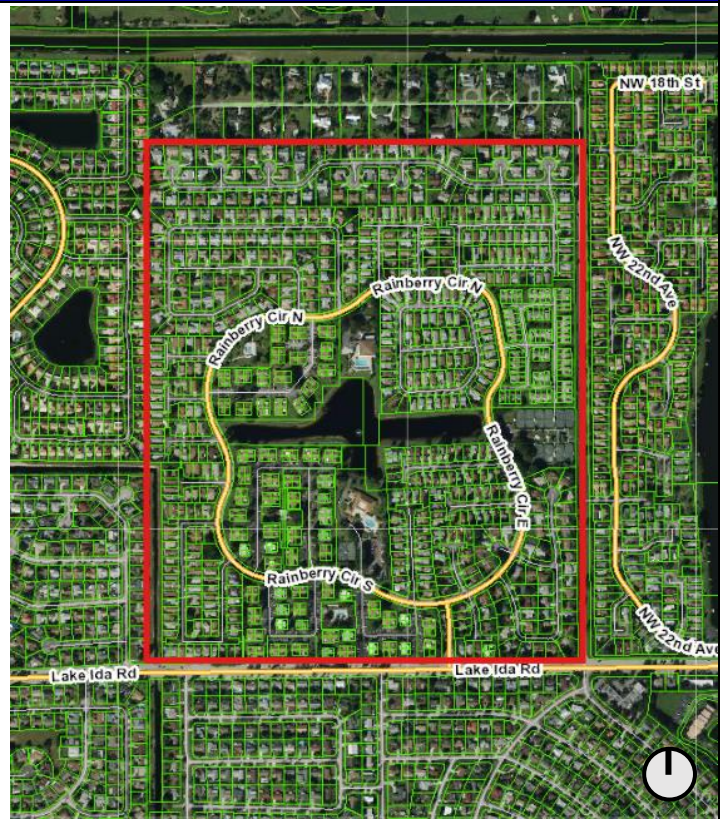
Land Use Designation: Medium Density Residential (MD)

Zoning District: Planned Residential Development (PRD) District

Adjacent Zoning:

- North, South, West & East: PRD

Use: Residential Clubhouse





Background

Rainberry Bay is a single family and multifamily community with approximately 900 dwelling units. The community was constructed in the 1970's and early 1980's. The planned residential development, Rainberry Bay, has recently re-paved Rainberry Circle through the issuance of permits. After the completion of the re-paved ROW, the applicant is requesting the removal of 19 trees due to the damaging of the existing roads and sidewalk. The removal of trees will require the mitigation of 37 trees.

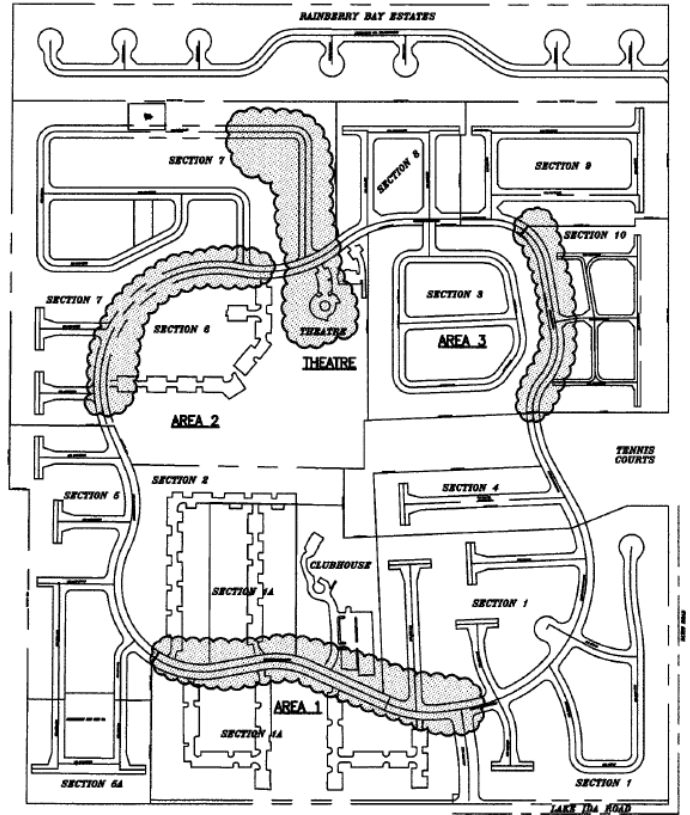
Description of Proposal

The proposed modification is limited to the mitigation of removed trees, and the replacement of curbs to Type "D" curbs for the recently re-paved ROW (Rainberry Circle). The areas clouded to the right are the areas the mitigated trees are proposed.

The request also includes a landscape waiver for LDR Section 4.6.16(H)(6). The waiver is limited to the mitigated trees utilized as the street trees along Rainberry Circle (North, South, and East).

The below table provides breakdown of tree mitigation requirement, pursuant to the mitigation requirement in LDR Section 4.6.19(E)(5)(b).

TREE #	COMMON NAME	BOTANICAL NAME	CANOPY HEIGHT (ft)	CANOPY WIDTH (ft)	DIAMETER AT BREAST HEIGHT (in)	HEALTH CONDITION	HEALTH CONDITION RATING %	NOTES	MITIGATION
1	Black Olive	<i>Bucida buxiana</i>	40	60	28	POOR	40%	See Arborist Report	1 - Tree
2	Black Olive	<i>Bucida buxiana</i>	40	40	25	FAR	45%	See Arborist Report	1 - Tree
3	Black Olive	<i>Bucida buxiana</i>	40	45	22	POOR	40%	See Arborist Report	1 - Tree
4	Black Olive	<i>Bucida buxiana</i>	45	52	31	FAR	60%	See Arborist Report	8 - Trees
5	Black Olive	<i>Bucida buxiana</i>	35	40	17	FAR	45%	See Arborist Report	1 - Tree
6	Black Olive	<i>Bucida buxiana</i>	40	50	19	FAR	45%	See Arborist Report	1 - Tree
7	Black Olive	<i>Bucida buxiana</i>	45	60	27	FAR	45%	See Arborist Report	1 - Tree
8	Black Olive	<i>Bucida buxiana</i>	45	48	25	POOR	40%	See Arborist Report	1 - Tree
9	Black Olive	<i>Bucida buxiana</i>	40	40	19	FAR	50%	See Arborist Report	5 - Trees
10	Black Olive	<i>Bucida buxiana</i>	40	35	21	FAR	45%	See Arborist Report	1 - Tree
11	Black Olive	<i>Bucida buxiana</i>	45	40	25	POOR	40%	See Arborist Report	1 - Tree
12	Black Olive	<i>Bucida buxiana</i>	40	35	23	FAR	45%	See Arborist Report	1 - Tree
14	Black Olive	<i>Bucida buxiana</i>	45	35	26	POOR	35%	See Arborist Report	1 - Tree
15	Black Olive	<i>Bucida buxiana</i>	40	40	19	FAR	50%	See Arborist Report	5 - Trees
16	Black Olive	<i>Bucida buxiana</i>	45	35	21	FAR	55%	See Arborist Report	5 - Trees
17	Black Olive	<i>Bucida buxiana</i>	40	40	21	POOR	35%	RECOMMEND REMOVAL ASAP - See Arborist Report	1 - Tree
21	Black Olive	<i>Bucida buxiana</i>	45	45	32	FAR	45%	See Arborist Report	1 - Tree
24	Black Olive	<i>Bucida buxiana</i>	40	45	32	FAR	40%	See Arborist Report	1 - Tree
25	Betehood	<i>Betula pinnatifida</i>	35	35	29	FAR	45%	FLEPPC ISB (as a Category I Invasive species)	1 - Tree
								Total Mitigation Trees Required:	37 Trees
								Total Mitigation Trees Provided:	37 Trees



Review & Analysis: Site Plan

LDR Section 2.4.10(A)(2)(d), Board Review

Level 1 and Level 2 Site Plan applications that are dependent upon waiver relief require action by the SPRAB and/or the City Commission.

LDR Section 2.1.6(E)(1), Board Action

The SPRAB has the authority to take action on the following items pursuant to the procedures and standards of the LDR, except where authority is granted to the Historic Preservation Board:

- (a) Level 1 or Level 2 Site Plan applications when associated with the following requests for relief:
 1. Waivers that do not require City Commission action.
 2. Reduction in the number of parking spaces required for specific uses, pursuant to Section 4.6.9(F)(1).
 3. Waivers to Section 4.6.16, Landscape Regulations.

LDR Section 2.4.10(A)(3)(a), Findings

Formal findings are not required for Level 1 Site Plan applications.

Due to the Level 1 Site Plan application requesting a waiver to LDR Section 4.6.16, the Level 1 must be reviewed by the Site Plan Review and Appearance Board.



Review & Analysis: Landscape Plan

LDR Section 2.4.10(A)(3)(c), Findings

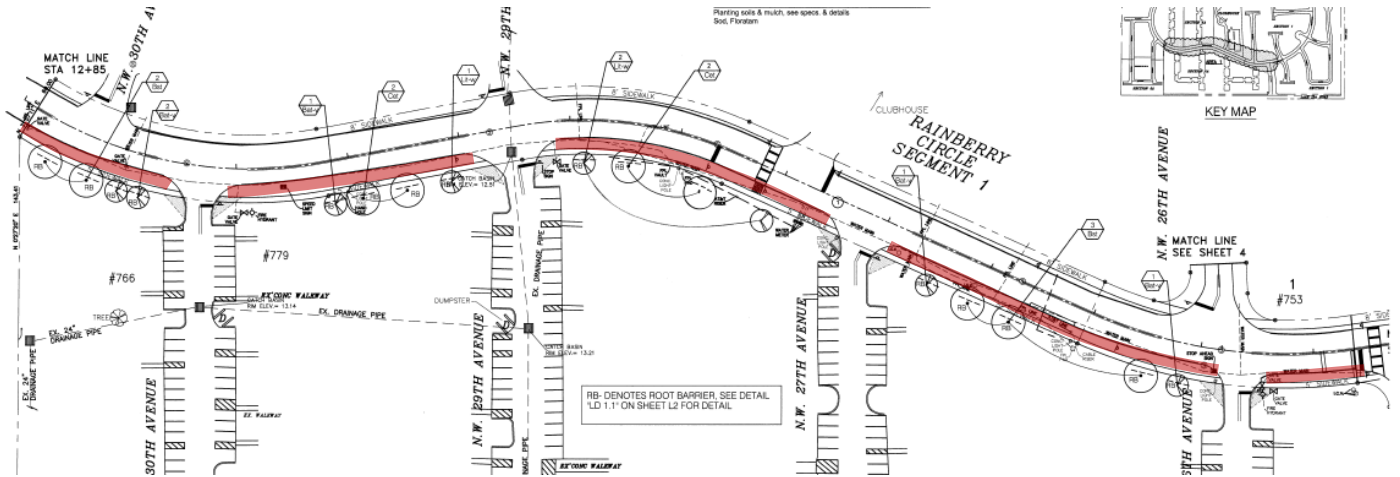
Landscape Plans, including modifications to existing landscaping, shall be consistent with Section 4.6.16, Landscape Regulations.

LDR Section 2.4.11(B)(5), Findings Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

- (a) Shall not adversely affect the neighboring area;
- (b) Shall not significantly diminish the provision of public facilities;
- (c) Shall not create an unsafe situation; and
- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.
- (e) Within the CBD, the following additional findings apply:
 1. The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls.
 2. The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.
 3. The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan.
 4. The waiver shall not reduce the quality of civic open spaces provided under this code.

LDR Section 4.6.16, Landscape Regulations

LDR Section 4.6.16(H)(6), Street trees for new residential developments. A themed landscape is very important for creating unity and common character within residential developments. Street trees are an integral component of creating a themed landscape and shall be required as per this section. All trees shall be in accordance with Section 4.6.16(E)(5). Tree selection shall be approved by City Staff. One street tree shall be required for every 40 linear feet of street frontage with a minimum of one tree per property. Street trees shall be located between the inside edge of sidewalk and edge of road pavement. Typical spacing for some commonly used street trees are listed in the below chart.



Pursuant to LDR Section 4.6.16(H)(6), street trees are required to be located between the inside edge of sidewalk and edge of road pavement (highlighted in red). If the trees were to be placed in the required location per LDR Section 4.6.16(H)(6), the trees would not comply with the AASHTO Green Book standards; the distance from edge of travel lane to any hazardous vehicle obstruction such as a tree for roadways with speed 35 to 45 mph, is 14 feet minimum. There is also an existing watermain and other utilities (AT&T, FP&L and cable TV) conflict with the required location of the street trees. The request is to locate the trees on the outside of the sidewalk adjacent to Rainberry Circle (North, South, and East).

Overall, the request is not anticipated to negatively affect the area or create an unsafe situation. The request will still be providing the required street trees, however, due to the Green Book standards and the conflicting utility lines, the trees cannot be placed in the required location without creating a hazardous situation and damaging existing utilities.



LDR Section 4.6.19, Tree preservation, protection, enforcement, and maintenance

LDR Section 4.6.19(E)(5)(b), Mitigation, *Mitigation is required as follows:*

Table 4.6.196(E)(5)(b)(i)			
	Condition Rating	Measurement	Replacement
Tree	50% or greater	Total diameter at breast height (DBH) inches of trees	Equivalent caliper inches of tree
	Less than 50%	Number of trees	Tree-for-tree basis
Palm	50% of greater	Number of palms	Comparable size and species on palm-for-palm basis
	Less than 50%	Number of palms	Palm-for palm basis

Of the removed trees, 15 of the trees have a rating less than 50% and will be replaced with a one-to-one ratio. The remaining four removed trees have a rating greater than 50% and will require replacement equivalent to the caliper inches of each tree. The total amount of trees required for mitigation is 37 trees.

Review By Others

No other review is required for request.

Optional Board Motions

- A. Move to **approve** the Level 1 Site Plan Modification for **Rainberry Bay Circle** including landscape mitigation, addition of sidewalk, replacement of ROW curbs, and a landscape waiver request for LDR Section 4.6.16(H)(6), by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- B. Move to **approve, as amended**, the Level 1 Site Plan Modification for **Rainberry Bay Circle** including landscape mitigation, addition of sidewalk, replacement of ROW curbs, and a landscape waiver request for LDR Section 4.6.16(H)(6), by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- C. Move to **denial** the Level 1 Site Plan Modification for **Rainberry Bay Circle** including landscape mitigation, addition of sidewalk, replacement of ROW curbs, and a landscape waiver request for LDR Section 4.6.16(H)(6), by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations.
- D. **Move to continue with direction.**