

City Commission Resolution 08-064

RESOLUTION NO. 08-064

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING PURSUANT TO SECTION 122-63 OF THE CODE OF ORDINANCES A MAJOR DEVELOPMENT PLAN FOR THE MERILI MCCOY KEY WEST BOTANICAL GARDEN ON THE PROPERTY LOCATED AT 5210 COLLEGE ROAD; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, at a meeting on January 17, 2008, and in Resolution No. 2008-001, the Key West Planning Board recommended approval with conditions of an application for Major Development for the Merili McCoy Key West Botanical Garden, on the property located at 5210 College Road; and,

WHEREAS, at a meeting on February 20, 2008, the City Commission amended conditions recommended by the Planning Board;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the proposed Major Development Plan for the property located at 5210 College Road is hereby approved, with conditions as follows:

1. The applicant shall use consistent terminology for future site development and approval processes, as follows: 5210 College Road (Monroe County Property Appraiser Real Estate Number

00072082.002000) shall be called the Original Key West Botanical Garden Site; and, 5100 College Road (Monroe County Property Appraiser Number Real Estate Number 00072080.001800) shall be called the Key West Botanical Garden Addition. Phases for each site shall be identified in reference to this terminology.

2. All surface disturbing activities that might occur due to development shall be monitored by a professional archaeologist.

3. The trailer and temporary education facility which were located in the Original Key West Botanical Garden site (which is zoned C-UH) in 2007 shall be removed from the C-UP zoning within two years of the Major Development Approval. In addition, the applicant shall perform after-the-fact mitigation acceptable to the City for any impacts to upland hammock which occurred or will occur from the placement and/or removal of the trailer prior to building permit issuance on the Key West Botanical Garden Addition site.

4. The applicant has obtained approval for Phase I of the Key West Botanical Garden Addition from the Liaison Committee, as required by the lease with the City; however, the applicant shall obtain approval of the Liaison Committee for each future phase of development prior to issuance of building permits.

5. The applicant shall obtain approval from the City Manager for the capital improvements proposed as part of this application prior to issuance of building permits for each phase.

6. The applicant shall obtain an after-the-fact permit from the Landscaping Department and Engineering Department for the landscaping that has been placed in the city right-of-way along

College Road. Further, the applicant shall coordinate the location of the proposed sidewalk with the City Engineer, and adjust the location if necessary, prior to building permit issuance for the first phase.

7. All improvements shall be ADA accessible and receive approval from the City's Bicycle/Pedestrian/ADA Coordinator.

8. The applicant shall obtain all necessary federal, state, and local permits prior to the commencement of any construction including the Botanical Garden contacting an independent engineer agreed to by the City, Key West Golf Club and Botanical Garden, to address hydrology concerns if the existing hydrology report is not acceptable to the City.

9. The applicant shall provide the City with a Floristic Evaluation of Phase I of the Key West Botanical Garden Addition which includes an inventory of plants with GPS locations within 30 days of Major Development Plan approval. GPS location specifications shall be provided as recommended by the Institute for Regional Conservation and approved by the City.

10. The applicant shall provide the City with a Floristic Evaluation of the remaining phases of the Key West Botanical Garden Addition which includes an inventory of plants with GPS locations within one year of the Major Development Plan approval. GPS location specifications shall be provided as recommended by the Institute for Regional Conservation and approved by the City.

11. The applicant shall provide the City an appropriately sourced inventory for the Original Key West Botanical Garden Site

with GPS locations within one year after the Major Development Plan approval. GPS location specifications shall be provided as recommended by the Institute for Regional Conservation and approved by the City.

12. All invasive exotic plants on the Key West Botanical Garden Addition, as defined by Exotic Pest Control Council as Category I plants, will be removed or eradicated in-place.

13. Small maturing seedlings of palms and trees over three feet in height and seedlings of medium to large maturing trees of six feet in height or above within Phase 1 of the Key West Botanical Garden Addition will be transplanted prior to building permit issuance. The applicant will provide a transplantation plan to the City for approval. Future phases in the Addition will provide a seedling relocation plan to the City for approval prior to building permit approval.

14. Within 30 days of Major Development Plan approval the applicant will reconfigure existing parking to ensure that there is no parking within the drip line of trees. Compacted areas will be aerated.

15. The applicant will prepare recommendations in accordance with state and federal regulations for any required treatment or management of contaminated sediments, if such contamination is identified.

16. Phase I site feature construction will not adversely impact the environment within the drip lines of existing trees. Boardwalk footers can be field adjusted as approved by an ISA

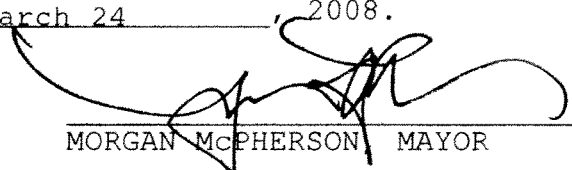
certified arborist in field; however, one inch or larger roots systems will be avoided.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 20th day of February, 2008.

Authenticated by the presiding officer and Clerk of the Commission on March 24, 2008.

Filed with the Clerk March 24, 2008.


MORGAN McPHERSON MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK

EXECUTIVE SUMMARY



To: Jim Scholl, City Manager

Through: Amy Kimball-Murley, AICP, Acting Planning Director

From: Brendon Cunningham

Date: 20 February 2008

RE: **A Major Development Plan Application** for property located at 5210 College Road (RE# 00072080-001800 & 00072082-002000)

ACTION STATEMENT

Request: Approval of **A Major Development Plan Application** for the expansion of the Key West Botanical Gardens

Location: 5210 College Road (RE# 00072080-001800 & 00072082-002000)

Zoning: PS (Public Services) and Conservation-Upland Hammock (C-UH) zoning districts

BACKGROUND

Previous City Actions:

Development Review Committee Meeting: 14 December 2007

Tree Commission: 7 January 2008 via Liaison Committee

Planning Board: 17 January 2008

Planning Staff Analysis:

The Key West Botanical Garden consists of two sites: the Original Key West Botanical Garden Site (where existing facilities are located); and, the Key West Botanical Garden Addition (which consists of the more recently acquired site). Both properties are included in an overall master plan. This application is for a proposed phased development of the Key West Botanical Garden Addition. However, because the application is part of a larger master plan this staff report and associated recommended conditions address the entire Botanical Garden facility.

The applicant is proposing to develop the property by restoring a freshwater pond and wetland, constructing a welcome center, educational and research facilities, Florida Keys Heritage Trail facility and associated paths and boardwalks and a parking area for automobile and tour-bus drop off.

The KWBGS has made an application to the South Florida Water Management District for development of the freshwater pond and associated wetlands in Phase I. The KWBGS is also proposing to use the development of the pond to sell mitigation credits to

off-site developers. The application to South Florida Water Management and the proposal to sell mitigation credits has not been approved by the city nor has the city reviewed nor signed the permit application request. More detailed landscape and Liaison Committee review of future phases of development will be required as noted in the proposed conditions of approval. Please note that the applicant's lease with the City establishes the Liaison Committee, which replaces the functions of the Tree Committee.

On June 1, 2007 an application for the installation of an office trailer and a propagation station was received and subsequently approved as an office trailer, nursery shade house and butterfly house by the Building Department. However, this development is not consistent with the existing Conditional Use Approval or the current zoning classification. In addition, some adjacent hammock vegetation may have been removed to construct the improvements. Therefore, relocation of the structures within 60 days as well as provision of mitigation for impacts is recommended by staff. Other recommended conditions address overall management objectives for the entire project.

RECOMMENDATIONS

The Planning Board is forwarding a recommendation of **conditional approval** to the City Commission. The conditions are as follows:

1. The applicant shall use consistent terminology for future site development and approval processes, as follows: 5210 College Road (Monroe County Property Appraiser Real Estate Number 00072082.002000) shall be called the Original Key West Botanical Garden Site; and, 5100 College Road (Monroe County Property Appraiser Number Real Estate Number 00072080.001800) shall be called the Key West Botanical Garden Addition. Phases for each site shall be identified in reference to this terminology.
2. All surface disturbing activities that might occur due to development shall be monitored by a professional archaeologist.
3. The trailer and temporary education facility which were located in the Original Key West Botanical Garden site (which is zoned C-UH) in 2007 shall be removed from the C-UP zoning within two years of the Major Development Approval. In addition, the applicant shall perform after-the-fact mitigation acceptable to the City for any impacts to upland hammock which occurred or will occur from the placement and/or removal of the trailer prior to building permit issuance on the Key West Botanical Garden Addition site.
4. The applicant has obtained approval for Phase I of the Key West Botanical Garden Addition from the Liaison Committee, as required by the lease with the City; however, the applicant shall obtain approval of the Liaison Committee for each future phase of development prior to issuance of building permits.
5. The applicant shall obtain approval from the City Manager for the capital improvements proposed as part of this application prior to issuance of building permits for each phase.
6. The applicant shall obtain an after-the-fact permit from the Landscaping Department and Engineering Department for the landscaping that has been placed in the city right-of-way along College Road. Further, the applicant shall

- coordinate the location of the proposed sidewalk with the City Engineer, and adjust the location if necessary, prior to building permit issuance for the first phase.
7. All improvements shall be ADA accessible and receive approval from the City's Bicycle/Pedestrian/ADA Coordinator.
 8. The applicant shall obtain all necessary federal, state, and local permits prior to the commencement of any construction.
 9. The applicant shall provide the City with a Floristic Evaluation of Phase I of the Key West Botanical Garden Addition which includes an inventory of plants with GPS locations within 30 days of Major Development Plan approval. GPS location specifications shall be provided as recommended by the Institute for Regional Conservation and approved by the City.
 10. The applicant shall provide the City with a Floristic Evaluation of the remaining phases of the Key West Botanical Garden Addition which includes an inventory of plants with GPS locations within one year of the Major Development Plan approval. GPS location specifications shall be provided as recommended by the Institute for Regional Conservation and approved by the City.
 11. The applicant shall provide the City an appropriately sourced inventory for the Original Key West Botanical Garden Site with GPS locations within one year after the Major Development Plan approval. GPS location specifications shall be provided as recommended by the Institute for Regional Conservation and approved by the City.
 12. All invasive exotic plants on the Key West Botanical Garden Addition, as defined by Exotic Pest Control Council as Category I plants, will be removed or eradicated in-place.
 13. Small maturing seedlings of palms and trees over three feet in height and seedlings of medium to large maturing trees of six feet in height or above within Phase I of the Key West Botanical Garden Addition will be transplanted prior to building permit issuance. The applicant will provide a transplantation plan to the City for approval. Future phases in the Addition will provide a seedling relocation plan to the City for approval prior to building permit approval.
 14. Within 30 days of Major Development Plan approval the applicant will reconfigure existing parking to ensure that there is no parking within the drip line of trees. Compacted areas will be aerated.
 15. Within 30 days of Major Development Plan approval the applicant shall analyze sediments in the Key West Botanical Garden Addition, Phase I, which are proposed for excavation. Based on testing results, the applicant will prepare recommendations in accordance with state and federal regulations for any required treatment or management of contaminated sediments, if such contamination is identified. A proposed action plan will be submitted to the City for review and approval. On-site use and stockpiling of sediments will only be allowed if supported by testing results, in a location approved by the City.
 16. Phase I site feature construction will not adversely impact the environment within the drip lines of existing trees. Boardwalk footers can be field adjusted as approved by an ISA certified arborist in field; however, one inch or larger roots systems will be avoided.

Staff recommends that the Planning Board conditions be maintained with two exceptions, as follows and as indicated by underlined text:

- **Condition 3:** The trailer and temporary education facility which were located in the Original Key West Botanical Garden site (which is zoned C-UH) in 2007 shall be removed from the C-UP zoning within 60 days of the Major Development Approval. In addition, the applicant shall perform after-the-fact mitigation acceptable to the City for any impacts to upland hammock which occurred or will occur from the placement and/or removal of the trailer prior to building permit issuance on the Key West Botanical Garden Addition site.
- **Condition 4:** The applicant has obtained approval for Phase I of the Key West Botanical Garden Addition from the Liaison Committee, as required by the lease with the City; however, the applicant shall obtain approval of the Liaison Committee for each future phase of development prior to issuance of building permits. In addition, future phases shall obtain landscape plan approval prior to building permit issuance.

Options / Advantages / Disadvantages:

Option 1. Approval of a major development plan to allow for the expansion of the botanical gardens **with conditions as suggested by City Staff.**

1. **Consistency with the City's Strategic Plan, Vision and Mission:** This action would provide enhanced services and attractions geared toward tourism, consistent with the mission and vision of the city.
2. **Financial Impact:** There is no direct financial impact to the city itself.

Option 2. Approval of a major development plan to allow for the expansion of the botanical gardens **with conditions as suggested by the Planning Board.**

1. **Consistency with the City's Strategic Plan, Vision and Mission:** This action would provide enhanced services and attractions geared toward tourism, consistent with the mission and vision of the city.
2. **Financial Impact:** There is no direct financial impact to the city itself.

Option 3. Approval of a major development plan to allow for the expansion of the botanical gardens **without conditions.**

1. **Consistency with the City's Strategic Plan, Vision and Mission:** This action would provide enhanced services and attractions geared toward tourism, consistent with the mission and vision of the city.
2. **Financial Impact:** There is no direct financial impact to the city itself.

Option 4. Deny application

1. **Consistency with the City's Strategic Plan, Vision and Mission:** This action would provide enhanced services and attractions geared toward tourism, consistent with the mission and vision of the city.

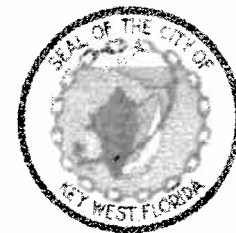
2. **Financial Impact:** There is no direct financial impact to the city itself.

CONSISTENCY WITH THE CITY'S VISION AND MISSION STATEMENT

This request if approved with conditions is consistent with the provision of quality, professional services to all City customers and with serving customers in the most cost effective way. The Planning Board found the application with conditions complied with the City's Land Development Regulations and Comprehensive Plan as outlined in the attached Planning Board Resolution and Planning Department Staff Report.

STAFF RECOMMENDATION

Option 1, **Approval with conditions as suggested by City Staff.**



**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**

To: Chairman and Planning Board members
From: Planning Department
Meeting Date: 17 January 2008
Agenda Item: **A Major Development Plan Application** for property located at 5210 College Road (RE# 00072080-001800 & 00072082-002000)

Request: **A Major Development Plan** to further develop the Key West Botanical Garden Society (KWBGS)

Applicant: IBI Group, Inc.

Property Owner/s: City of Key West

Location: 5210 College Road

Legal Description: RE#s00072080-001800 & 00072082-002000).

Zoning: PS (Public Service) and C-UH (Conservation Upland Hammock) Districts

Surrounding Zoning and Uses

The surrounding properties are made up of conservation areas, public service areas and a planned redevelopment district comprised of the Key West Golf Club and associated housing.

Permitted Uses in PS Zoning District:

- (1) Community centers, clubs and lodges.
- (2) Educational institutions and day care.
- (3) Golf course facilities.
- (4) Hospitals and extensive care.
- (5) Nursing homes, rest homes and convalescent homes.
- (6) Parks and recreation, active and passive.
- (7) Places of worship.
- (8) Business and professional offices.
- (9) Medical services.
- (10) Parking lots and facilities.
- (11) Veterinary medical services with or without outside kennels.

Conditional Uses in PS Zoning District:

- (1) Cemeteries.

- (2) Cultural and civic activities.
- (3) Protective services.
- (4) Public and private utilities.
- (5) Funeral homes.
- (6) Marinas.

Existing Conditions

Currently the property consists of two lots which are the location of the existing KWBGS. There are several parcels that make up the KWBGS. The zoning on the parcels are PS and C-UH. The Phase I improvements shall be limited to the scarified portion of the parcel located in the PS zoning district

Proposed Development

The application is a proposed phased master plan for the development of the KWBGS. The applicant is proposing to develop the property by restoring a freshwater pond and wetland, constructing a welcome center, educational and research facilities, Florida Keys Heritage Trail facility and associated paths and boardwalks and a parking area for automobile and tour-bus drop off. Phase I development, which is the subject of this application, is a request for approval of the freshwater pond and wetland area.

The KWBGS has made an application to the South Florida Water Management District for development of the freshwater pond and associated wetlands. The KWBGS is also proposing to use the development of the pond to sell mitigation credits to off-site developers. The application to South Florida Water Management and the proposal to sell mitigation credits has not been approved by the city nor has the city reviewed nor signed the permit application request.

Previous City Actions

- 2002: Approval by Planning Board Resolution 2002-004 of a Conditional Use Permit to create an entryway/reception area, including visitor center, restrooms, stage, plaza, landscaping, and water features.
- 2007: Approval by Resolution 07-159 of a Lease Agreement between the City and the Key West Botanical Garden Society for the second portion of the property

Process

Development Review Committee Meeting	14 December 2007
Planning Board Meeting:	17 January 2008
Tree Commission Meeting:	Not Yet Scheduled
City Commission Meeting:	Not Yet Scheduled

Evaluation for Compliance with the Land Development Regulations (LDRs) and Comprehensive Plan

Section 108-91 (2)(a) of the City of Key West LDRs requires any proposed residential development within the historic district, with more than four dwellings submit an application for a major development plan. Section 108-196(a) of the LDRs (review by planning board) states "after reviewing a major development plan or a minor development plan for a property and staff recommendations, the planning board shall act by resolution to approve, approve with

conditions, or disapprove it based on specific development review criteria contained in the land development regulations and the intent of the land development regulations and comprehensive plan....The planning board's decision on a major development plan or a minor development plan for a property in the historic district shall be advisory to the city commission.

Section 108-198 states "a development plan shall be reviewed by the city commission either in its final approval capacity or its appellate capacity, as provided in section 108-196(b). The city commission shall approve with or without conditions or disapprove the development plan based on specific development review criteria contained in the land development regulations and based on the intent of the land development regulations and comprehensive plan. The city commission may attach to its approval of a development plan any reasonable conditions, limitations or requirements that are found necessary, in its judgment, to effectuate the purpose of this article and carry out the spirit and purpose of the comprehensive plan and the land development regulations. Any condition shall be made a written record and affixed to the development plan as approved. If the city commission disapproves a development plan, the reasons shall be stated in writing".

Planning staff, as required by Chapter 108 of the City of Key West LDRs has reviewed the following for compliance with the city's LDRs and comprehensive plan.

Project Data			
		Permitted/Required	Proposed
Zoning	PS		PS
Lot Area	4.52 acres / 196891.2 sf	6000 sf	4.52 acres/196891.2 sf
Density	N/A	FAR 0.8	FAR 0.0386
Building coverage	0.005% / 1030 sf	40% / 78756.48 sf	4% / 7605 sf
Impervious	0.008% / 1655 sf	50% / 98445.6 sf	37% / 72754 sf
Building Height	N/A	25 feet	25 feet
Parking	1 space per 150 sf	51	40 + 31 bike / scooter
Flood Zone	AE	N/A	AE

Concurrency facilities and other utilities or service (Section 108-233)

Potable Water Supply

The applicant has provided the projected average daily potable water demands for this development. The Florida Keys Aqueduct Authority received the application packet and provided comments on this proposal for the December DRC meeting. The applicant will be required to submit a complete set of plans to determine meter requirements and System Development Fees.

It is estimated that each visitor will use approximately four gallons of potable water per day. The applicant expects that there will be approximately 200 visitors per day requiring 800 gallons of water. This represents an increase in potable water consumption.

Wastewater

The applicant has not provided the projected average daily wastewater demands for this development. The Utilities Department received the application packet; there were no comments concerning wastewater at the December DRC meeting.

Stormwater

The applicant submitted a conceptual drainage plan. The plans indicate an impervious surface ratio of 37% which is less than the maximum 50% permitted by Section I22-690(4)(a).

Per the city engineer, all final stormwater drainage plans must be approved prior to the issuance of building permits.

Solid Waste

The applicant has not provided the projected average daily solid waste demands for this development. The Utilities Department received the application packet; there were no comments concerning solid waste at the December DRC meeting.

The site plan indicates the location of what may be a dumpster but there is no direct reference to this in the application or the plans. The applicant shall be required to indicate the location of solid waste containers for solid waste. The location and screening of the containers shall comply with all regulations. If a front-end loaded container is used, it shall meet all the requirements of Section 108-279 through 108-281 of the LDRs.

Roadways/Traffic generation

This site is located near the intersection of U.S. One and College Road. There will clearly be a net increase in traffic. Using the ITE, seventh addition, the applicant states there will be approximately 20.65 weekday trips generated by this development. Staff would ask that the applicant provide trip generation numbers for the weekend as well. The applicant has not provided the potential impacts of additional electric car traffic on the surrounding roadways or pedestrian systems.

Fire Protection

All Life Safety elements shall be in place before a final CO will be issued. The applicant shall be required to maintain the existing emergency access to the rear (easterly property line) of the property. The Fire Marshal shall approve the location of this access prior to this item being forwarded to the City Commission.

Other public facilities

Keys Energy Services have no concerns at this time.

Appearance, design and compatibility (Section 108-234)

Compliance with Chapter 102; Articles 111, IV and V

The applicant has not received HARC approval for the design of the structures as the proposal falls within the jurisdiction of the HARC Planner. The HARC Planner has met with Planning Staff and offered the comments. The KWBGS site was recorded as an archaeological site. The garden was a WPA project to help promote early tourism along with the Key West Aquarium.

The HARC Planner has previously recommended to the KWBGs that a professional survey depicting all surface remains, such as the coral rock wall, be conducted. She also recommended that all surface disturbing activities that might occur due to development be monitored by a professional archaeologist.

Compliance with Section 108-956

Section 108-956 discusses the requirements for domestic water and wastewater. These issues have been discussed in the previous section of the report.

Chapter 110; Article II

Should any archeologically significant resources be discovered during the development of the site, the applicant shall be required to comply with this article of the LDRs.

The KWBGs site was recorded as an archaeological site. The garden was a WPA project to help promote early tourism along with the Key West Aquarium. The HARC Planner has previously recommended to the KWBGs that a professional survey depicting all surface remains, such as the coral rock wall, be conducted. She also recommended that all surface disturbing activities that might occur due to development be monitored by a professional archaeologist.

Site location and character of use (Section 108-235)

As previously discussed in this report, the site is located in the PS zoning district which permits public and private parks and recreation areas, and arts and cultural or civic facilities.

Appearance of site and structures (Section 108-236)

This section also requires review for compliance with the performance standards stipulated in Section 108-278 through 108-288. This development would seem to be comprised of harmonious design elements thus meeting the general intent.

Appearance of site and structures (Section 108-278)

The applicant does not require HARC approval for the design of the structures as the property is outside the historic district. However, the site is subject to review by the HARC planner due to its historical and archaeological significance.

The site plan has been laid out in a manner that permits safe and adequate pedestrian circulation. There are adequate internal and external pedestrian walkways.

The application does not include information on lighting for the proposed development; therefore staff is unable to evaluate the lighting plan at this time.

Location and screening of mechanical equipment, utility hardware and waste storage areas (Section 108-279)

The drawings do not indicate where the mechanical equipment will be placed. The application does not indicate the location of the solid waste containers. However, a small pad with what might appear to be a dumpster is shown on the plans. If a front-end loaded container is used, it shall meet all the requirements of Section 108-279 through 108-281 of the LDRs.

Utility lines (Section 108-282)

KEYS Energy will likely require the power lines be placed underground for this development. There were no comments or objections to this development.

Commercial and manufacturing activities conducted in enclosed buildings (Section 108-283)

All vending operations will take place in climate controlled buildings.

Exterior Lighting (Section 108-284)

The application does not include information on lighting for the proposed development; therefore staff is unable to evaluate the lighting plan at this time.

Signs (Section 108-285)

The site plan indicates the location of one entry sign. A separate permit will be required for the installation of any signs and the signs will be required to comply with Chapter 114 "Signs" of the LDRs.

Pedestrian sidewalks (Section 108-286)

The site plan indicates adequate pedestrian walkways.

Loading docks (Section 108-287)

Not applicable to this development.

Storage Areas (Section 108-288)

The site plan does indicate a storage shed.

On-site and off-site parking and vehicular, bicycle, and pedestrian circulation (Section 108-244)

As discussed in a previous section of this report the proposed development provides 40 car parking spaces and a combined 30 bicycle and scooter parking spaces that can augment the required car parking spaces at a 20% ratio. In this case, 51 car parking spaces would be required with an allowed replacement of 11 with bicycles. The site plan indicates adequate bicycle parking. The site plan has been laid out in a manner that permits safe and adequate pedestrian circulation. There are adequate internal and external pedestrian walkways.

Housing (Section 108-245)

The proposed redevelopment does not impact hurricane evacuation as this is a public / private recreation center.

Economic resources (Section 108-246)

The application did not provide an estimated average ad valorem tax yield from the proposed project or the average annual by type.

Special Conditions (Section 108-247)

The application as submitted complies with the intent of the LDRs and the city's comprehensive plan. The proposed development is not within any special zoning districts, adjacent to the airport or in proximately to waste treatment or disposal areas.

Construction management plan and inspection schedule (Section 108-248)

The applicant has not submitted a construction management plan or inspection schedule. The application materials indicate that a building permit will be submitted after approvals have been obtained and the development is intended to be constructed in four phases. Inspections will be performed as required by the Florida Building Code and the Key West building department.

Open Space, screening and buffers and landscaping (Article V and VI)

The applicant has not provided the open space ratio required for this project. However, as this is an application for the expansion of a botanical garden, it would seem likely that landscaping will be a priority.

A minimum of 70% of the plant material shall be native plant materials as defined by the code. The applicant shall submit a comprehensive landscape plan to be reviewed by the Tree Commission for compliance with all requirements of this article.

Off-street parking and loading (Article VII)

The site plan indicates adequate car and bicycle / scooter parking. The site plan has been laid out in a manner that permits safe and adequate pedestrian circulation. There are adequate internal and external pedestrian walkways.

Stormwater and surface water management (Article VIII)

The applicant submitted a conceptual drainage plan. The drainage plan indicates a proposed impervious surface ratio of 37% which does not exceed the maximum 50% permitted by Section 22-690(4)(a).

The city engineer states that all final stormwater drainage plans must be approved prior to the issuance of building permits.

Flood Hazard Areas (Division 4 - Sections 108-821 - 108-927)

The proposed development is located in the AE flood zone.

Utilities (Article IX)

Potable Water Supply

The applicant has provided the projected average daily potable water demands for this development. The Florida Keys Aqueduct Authority received the application packet and provided comments on this proposal for the December DRC meeting. The applicant will be required to submit a complete set of plans to determine meter requirements and System Development Fees.

It is estimated that each occupant will use approximately four gallons of potable water per day. There will be an increase in potable water consumption.

The applicant will install water conservation devices, such as low-flow plumbing fixtures, as required by the Florida Building Code.

Wastewater

20080117aMajDevPlan
5210 College Road

The applicant has not provided the projected average daily wastewater demands for this development. The Utilities Department received the application packet; there were no comments concerning wastewater at the December DRC meeting.

RECOMMENDATION

The Planning Department recommends that the Planning Board forward a recommendation of **conditional approval** to the City Commission. The conditions are as follows:

1. The applicant shall obtain Tree Commission approval prior to the application being forwarded to the city commission.
2. The Fire Marshal shall approve the location of the emergency access prior to this item being forwarded to the city commission.
3. A professional survey depicting all surface remains, such as the coral rock wall, shall be conducted and submitted to the HARC planner for review and approval prior to building permit issuance.
4. All surface disturbing activities that might occur due to development shall be monitored by a professional archaeologist.
5. The office trailers and temporary education facility in the C-UH zoning district shall be relocated to the PS zoning portion of the parcel.
6. The applicant shall obtain approval of the Liaison Committee as required by the lease agreement.
7. The applicant shall have the City sign the South Florida Water Management Permit for the pond.
8. The applicant shall obtain approval from the city manager for the capital improvements proposed as part of this application.
9. The applicant shall obtain an after-the-fact permit from the Landscaping Department and Engineering Department for the landscaping that has been placed in the city right-of-way along College Road.
10. All improvements shall be ADA accessible and receive approval from the city's Bicycle/Pedestrian/ADA Coordinator.
11. The applicant shall obtain all necessary federal, state, and local permits prior to the commencement of any construction.

PLANNING BOARD RESOLUTION
No. 2008-001

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD PURSUANT TO SECTION 108-196 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, APPROVING A MAJOR DEVELOPMENT PLAN APPLICATION FOR PROPERTY LOCATED AT 5210 COLLEGE ROAD (RE#'s 00072080-001800 & 00072082-002000); PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application for a Major Development Plan Approval was filed November 1, 2007, by the IBI Group, authorized agent for the lessee of the property, a portion of which is known as the Key West Botanical Garden Addition and which is located in the Public Services (PS) zoning district and the remainder of which is known as the Original Key West Botanical Garden site and is located in the Conservation-Upland Hammock (C-UP) zoning district; and

WHEREAS, the proposal is to allow for the expansion of the existing Key West Botanical Gardens into the Key West Botanical Garden Addition; and

WHEREAS, plans received November 1, 2007, were considered at the December 14, 2007 Development Review Committee meeting; and

WHEREAS, after public notice, the application for a Major Development Plan approval was heard by the Planning Board at its Regular Meeting of January 17, 2008; and

WHEREAS, for that meeting, there were seven notices sent with zero returned; and

WHEREAS, at that meeting, Acting Planning Director Amy Kimball-Murley, AICP, presented the staff report; and

WHEREAS, the Board heard Ms. Kimball-Murley recommend approval with conditions as modified; and

WHEREAS, the Planning Board modified Condition Three to extend the time frame for the removal of the education-office trailer and education facility from 60 days to two years; and

WHEREAS, the applicant stated they accepted the conditions; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the Planning Board approves the application for the Major Development Plan with the following conditions:

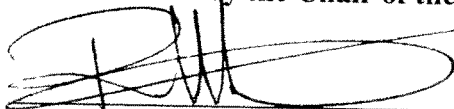
1. The applicant shall use consistent terminology for future site development and approval processes, as follows: 5210 College Road (Monroe County Property Appraiser Real Estate Number 00072082.002000) shall be called the Original Key West Botanical Garden Site; and, 5100 College Road (Monroe County Property Appraiser Number Real Estate Number 00072080.001800) shall be called the Key West Botanical Garden Addition. Phases for each site shall be identified in reference to this terminology.
2. All surface disturbing activities that might occur due to development shall be monitored by a professional archaeologist.
3. The trailer and temporary education facility which were located in the Original Key West Botanical Garden site (which is zoned C-UH) in 2007 shall be removed from the C-UP zoning within two years of the Major Development Approval. In addition, the applicant shall perform after-the-fact mitigation acceptable to the City for any impacts to upland hammock which occurred or will occur from the placement and/or removal of the trailer prior to building permit issuance on the Key West Botanical Garden Addition site.
4. The applicant has obtained approval for Phase I of the Key West Botanical Garden Addition from the Liaison Committee, as required by the lease with the City; however, the applicant shall obtain approval of the Liaison Committee for each future phase of development prior to issuance of building permits.
5. The applicant shall obtain approval from the City Manager for the capital improvements proposed as part of this application prior to issuance of building permits for each phase.
6. The applicant shall obtain an after-the-fact permit from the Landscaping Department and Engineering Department for the landscaping that has been placed in the city right-of-way along College Road. Further, the applicant shall coordinate the location of the proposed sidewalk with the City Engineer, and adjust the location if necessary, prior to building permit issuance for the first phase.
7. All improvements shall be ADA accessible and receive approval from the City's Bicycle/Pedestrian/ADA Coordinator.
8. The applicant shall obtain all necessary federal, state, and local permits prior to the commencement of any construction.
9. The applicant shall provide the City with a Floristic Evaluation of Phase I of the Key West Botanical Garden Addition which includes an inventory of plants with GPS locations within 30 days of Major Development Plan approval. GPS location specifications shall be provided as recommended by the Institute for Regional Conservation and approved by the City.
10. The applicant shall provide the City with a Floristic Evaluation of the remaining phases of the Key West Botanical Garden Addition which includes an inventory of plants with GPS locations within one year of the Major Development Plan approval. GPS location specifications shall be provided as recommended by the Institute for Regional Conservation and approved by the City.
11. The applicant shall provide the City an appropriately sourced inventory for the Original Key West Botanical Garden Site with GPS locations within one year after the Major Development Plan approval. GPS location specifications shall be provided as recommended by the Institute for Regional Conservation and approved by the City.
12. All invasive exotic plants on the Key West Botanical Garden Addition, as defined by Exotic Pest Control Council as Category I plants, will be removed or eradicated in-place.

13. Small maturing seedlings of palms and trees over three feet in height and seedlings of medium to large maturing trees of six feet in height or above within Phase 1 of the Key West Botanical Garden Addition will be transplanted prior to building permit issuance. The applicant will provide a transplantation plan to the City for approval. Future phases in the Addition will provide a seedling relocation plan to the City for approval prior to building permit approval.
14. Within 30 days of Major Development Plan approval the applicant will reconfigure existing parking to ensure that there is no parking within the drip line of trees. Compacted areas will be aerated.
15. Within 30 days of Major Development Plan approval the applicant shall analyze sediments in the Key West Botanical Garden Addition, Phase I, which are proposed for excavation. Based on testing results, the applicant will prepare recommendations in accordance with state and federal regulations for any required treatment or management of contaminated sediments, if such contamination is identified. A proposed action plan will be submitted to the City for review and approval. On-site use and stockpiling of sediments will only be allowed if supported by testing results, in a location approved by the City.
16. Phase I site feature construction will not adversely impact the environment within the drip lines of existing trees. Boardwalk footers can be field adjusted as approved by an ISA certified arborist in field; however, one inch or larger roots systems will be avoided.

Section 2. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the Chairman of the Planning Board and the Planning Director.

Passed at a meeting held January 17, 2008.

Authenticated by the Chair of the Planning Board and the Planning Director.

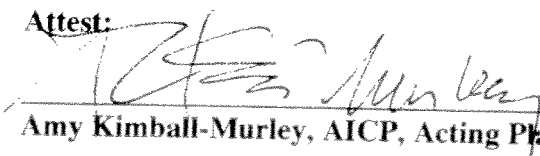


**Chairman Richard Klitenick
Key West Planning Board**

FEBRUARY 7, 2008

Date

Attest:

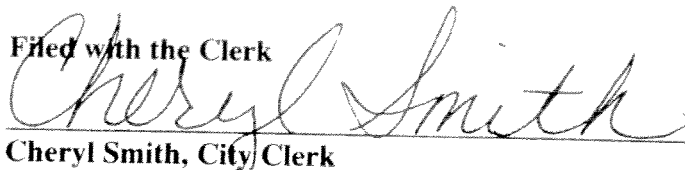


Amy Kimball-Murley, AICP, Acting Planning Director

February 13, 2008

Date

Filed with the Clerk



Cheryl Smith, City Clerk

2-13-08

Date