

Staff Review of Compliance



MEMO

TO: Amy Kimball-Murley
Planning Director

FROM: Cynthia Domenech-Coogle
Urban Forestry Program Mgr.

DATE: November 19, 2010

SUBJECT: 5210 College Road – Merili McCoy Key West Botanical Gardens - Development Approval

With regards to compliance review of the conditions set forth in Resolution 08-064 by the City of Key West City Commission at a meeting on February 17, 2008, most of the following items have been completed with a few requiring further work with extensions of timelines. Each condition concerning environmental or landscaping issues is addressed.

#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.

At present the trailers and temporary education facilities remain in the portion of the Original Key West Botanical Garden site. Due to the depressed economy, very active storm season of 2004 and 2005 and shortfalls in fundraising the applicant is requesting an extension. The next

proposed Phase (II) will incorporate the Education facility and removal of the buildings will take place at that time. The buildings exit has been maintained. After-the-fact mitigation has been completed.

#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.

Completed. The Liaison Committee approved Phase I of the Key West Botanical Garden Development. However, the Liaison Committee has not met since 2008 due to lack of issues requiring a meeting. Currently a meeting is scheduled for December 06, 2010. The members are Gregory Curry representing the City of Key West/Tree Commission, Vicki Grant representing the Merili McCoy Key West Botanical Gardens and Don Riggs appointed by the respective two.

#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.

Completed. Application was submitted and approved in April of 2008. Further, applicant has begun the coordinating process in regards to the proposed sidewalk to be installed on College Road.

#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 of Regional Conservation and approved by the City.

Completed. A Floristic Evaluation of Phase I of the Botanical Garden Addition was submitted in April of 2008.

#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.

Completed. The Floristic Evaluation has been completed for the Major Specimens within the Garden Addition area.

#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.

Completed. The inventory for the Original Garden was submitted and approved with the submitted Husbandry report in 2009.

#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.

Ongoing. A major invasive exotic removal program had begun in 2008. Currently, the Gardens are next in line for a grant to remove the remainder of the invasive exotic vegetation on the Addition portion in December of 2010.

#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.

Completed. Determination for transplanting and documentation was completed in April of 2008.

#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.

Completed. The parking lot has been reconfigured and aerated in 2008.

#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, on inch or larger roots systems will be avoided.

Completed. An ISA Certified Arborist was at the site at all times during boardwalk construction.

In conclusion the Merili McCoy Key West Botanical Garden staff and volunteers have made an outstanding effort to complete their requirements according to the stated resolution.

If you have any questions please call me at 809-3768.

PUBLIC WORKS FACILITY, 633 PALM AVENUE, KEY WEST, FL 33040
305/809-3768 office, 305/296-6152 fx

MEMO

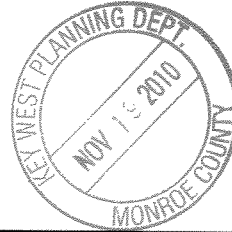
Key West Botanical Garden

To: Ms. Cynthia Domenech-Coogle / City of Key West

From: Misha D. McRAE, General Manager

Date: November 19, 2010

Subject: Commission Meeting Resolution Update



Due to the economy, past weather conditions and fundraising shortfalls, the KW Botanical Garden is requesting an extension pertaining to the unresolved resolution issues be presented to the City Commission for consideration at the next meeting.

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.

The garden is requesting an extension on the permit allowing the Education and Administration office trailers to remain at their current site, consider revising the resolution to set the time line of completion per Project Phase, notate the FCT requirement to have the project completed by 2016 and the move to happen on or before 2016. The next phase of the garden's restoration project includes Education and Office sites to be built that would satisfy the City of Key West and the FCT requirements, but due to mitigating circumstances listed has not be realized.

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.

Outstanding program issues have Phase I not completed with the garden not having any issues involving the Liaison Committee since 2008. A Liaison Committee meeting is tentatively scheduled for December 6, 2010 with committee members Greg Curry, Don Riggs and Vicki Grant.

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.

The continuing task of invasive exotic plants removal on the KW Botanical Garden addition has been ongoing and most recently addressed with a grant from the Bureau of Invasive Plant Management to be awarded in December 2010. The Botanical Garden is reported to be next on the list for the grant award. With this grant, the garden projects a completion of the invasive removal of addition for June 2011.



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

TO: Nicole Malo, Planner
FROM: Elizabeth Ignoffo, E.I., Permits and Contracts Engineer
CC: Doug Bradshaw, Senior Project Manager
DATE: November 18, 2010



**SUBJECT: Botanical Gardens: Major Development Plan Conditions
Item 6. Sidewalk Location Coordination**

Resolution No. 08-064 of the City of Key West Commission approved with conditions the Major Development Application for the Key West Botanical Garden. Conditions Item 6 requires the Key West Botanical Garden to coordinate the location of the proposed sidewalk with the City Engineer, adjust the sidewalk location if necessary, prior to building permit issuance.

At this time, the Engineering Department is unable to determine if sidewalk coordination took place. It is suggested that prior to development of Phase II and building permit issuance, the applicant shall coordinate the permit construction plans for the Key West Botanical Garden and Tropical Forest, including civil, utility, and drainage plans, with the City Engineer.

The following items are noted pertaining to the proposed Key West Botanical Garden and College Road sidewalks:

1. The Key West Botanical Garden Addition Development Site Plan, Sheet 3 of 10, shows a proposed 5' wide concrete sidewalk crossing the right-of-way intersecting the proposed College Road sidewalk.
2. The College Road Enhancements Plans show a proposed 5' wide sidewalk parallel to the College Road centerline, adjacent to the right-of-way northeasterly property line.
3. College Road Enhancements Plans show the proposed sidewalk will be 6 inches thick in areas that traverse entrances.
4. The existing business sign located at the original garden entrance will be relocated, due to conflict with the proposed College Road sidewalk.
5. Trees located in conflict with the location of the proposed College Road sidewalk will be removed. From the center line of Overseas Highway, approximately 285' north six (6) trees will be removed. Two trees, located approximately 375' north of the Overseas Highway center line, will be removed.

Nicole Malo

From: Diane Nicklaus
Sent: Tuesday, November 16, 2010 3:37 PM
To: Nicole Malo
Subject: RE: Requested documents

Nicole,

After a site visit this morning I provide the following information:

- The current ADA Guidelines are being met, both in the walkways, the doorways, and the handicapped restrooms.
- They understand that as they grow and expand that their ADA requirements will be changing and they will need approval for each building permit acquired for the different phases.
- I spoke with Misha McRae and we have a clear understanding of what was there to begin with as well as where the Gardens are going. At this point most of their necessary funding depends on financing.

The Botanical Gardens current ADA requirements, including ramping, path sloping, bathroom accessibility and signage are being met at this time.

Diane Nicklaus
Public Facilities/ADA Coordinator
809-3951
dnicklau@keywestcity.com

From: Nicole Malo
Sent: Tuesday, November 09, 2010 9:43 AM
To: Diane Nicklaus
Subject: RE: Requested documents

Are the ramps and entrances to existing buildings accessible and adequate to ADA standards?

Nicole Malo
Planner, City of Key West
305-809-3778

From: Diane Nicklaus
Sent: Tuesday, November 09, 2010 9:23 AM
To: Nicole Malo
Subject: RE: Requested documents

Nicole -

Regarding ADA issues for the Botanical Garden on College Road - Under the 2008 plan I see that they have four (4) handicapped spaces which appear to be in a good location and have close access to the proposed buildings. I believe they may be intending to move those spaces during the next phase of construction. I do not see anywhere where they list the total number of parking spaces. Four (4) ADA spaces would cover up to 100 parking spaces. I am unable to tell from the plans about ramping and accessible entrances to the current buildings. I believe they have ADA accessible restrooms in all their bath facilities.

Hope this helps. Let me know if I need to provide further information.

11/19/2010

Compliance Documentation