

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING MODIFICATIONS TO CONDITIONS ASSOCIATED WITH THE MAJOR DEVELOPMENT PLAN FOR THE MERILI MCCOY KEY WEST BOTANICAL GARDEN ON THE PROPERTY LOCATED AT 5100-5210 COLLEGE ROAD; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution No. 08-064, the City Commission approved with conditions an application for Major Development for the Merili McCoy Key West Botanical Garden, on the property located at 5210 College Road; and

WHEREAS, the applicant has requested modifications to some conditions included in the major development plan; and

WHEREAS, City staff has reviewed the request and recommends approval of the modifications;

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

Section 1: That the following amendments to the 16 conditions contained in Resolution No. 08-064 are hereby approved 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 0072082.00200) 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.

Proposed phases within the Key West Botanical Garden Addition and associated construction commencement dates shall be as follows:

<u>Phase 1: Freshwater Pond and Wetland</u>	<u>2008</u>
<u>Phase 2: FKOHT Trailhead and Parking</u>	<u>2015</u>
<u>Phase 3: Welcome/Interpretative Center</u>	<u>2015</u>
<u>Phase 4: Education/Research Facilities</u>	<u>2015</u>

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*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

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~~ upon the completion of the new education center in the Key West Botanical Garden Addition or by December 31, 2015, whichever occurs first. 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.

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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~~ sidewalk.

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 _____ day of _____, 2010.

Authenticated by the presiding officer and Clerk of the
Commission on _____, 2010.

Filed with the Clerk _____, 2010.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK