

Applicant Request

Nov. 18, 2010

City of Key West Planning Dept.
ATT: Amy Kimball-Murray
3140 Flagler Ave.
Key West, FL 33040



RE: REQUEST FOR MODIFICATION TO MAJOR DEVELOPMENT
APPROVAL FOR THE KEY WEST BOTANICAL GARDEN

Dear Amy:

This letter is written on behalf of the Key West Botanical Garden Society, Inc (hereafter "KWBGS") which operates the Key West Tropical Forest and Botanical Garden pursuant to a lease with the City of Key West.

Please accept this letter as an application for Modification to a Major Development Approval, Resolution 08-064, for the development of the property known as the Key West Botanical Garden Addition, which is that property acquired in 2004 by the City from the County with funding provided by the Florida Community Trust. The Addition is immediately adjacent to Original Key West Botanical Garden.

Construction commenced within twelve months of approval and has continued steadily and continuously since then.

Attached to this letter are copies of certain sheets from the approved drawings which accompany the above referenced approval. I apologize for the reduced size, but the full sized drawings are on file with the City and will certainly be easier to read. The copies attached to this letter however may assist you in locating the particular pages to which this request applies. We have provided you with digital copies of these pages.

Attached is the Cover Sheet, the Development Plan, and, most importantly for purposes of this request for amendment, the Phasing Plan.

As you can see from the Phasing Plan, the approved Plan envisions the work to be completed in four phases with start dates for each phase ranging from 2008 through

2010. §108-203 of the City code of Ordinances permits phased construction and the permitted phasing becomes the standard for determining expiration of the approval. The existing Development Approval has not expired as it envisioned construction of the final phase commencing in 2010 and continuing thereafter.

Phase 1, development of a fresh water pond and wetland habitat has been substantially completed and has generally been recognized as a great success. All key improvements required by the approval have been completed and are in use by the public.

Phases 2, 3 and 4 are more complicated. Phase 2 envisions the construction of center to function as the Florida Keys Overseas Heritage Trailhead and parking area. The structure would be approximately 1800 SF.

Phase 3 envisions the construction of a Welcome/Interpretive Center of approximately 1700 SF. This is what I would call a Visitor Center. This structure should be key to the future success of the Garden.

Phase 4 envisions the construction of three buildings to serve as an educational center and maintenance area.

Construction of Phases 2, 3 and 4 has been delayed as a result of the Great Recession which kicked in while our application for a Major Plan Development was pending. While we were able to obtain funding sufficient for the construction of Phase 1, we were not able to obtain financing sufficient to commence construction oh Phases 2, 3 and 4.

In the years prior to the granting of Major Plan Development, there was considerable concern expressed by the City Commission that KWBGS not commence construction without adequate funds to complete the construction so that no liens would be placed against City property. KWBGS made that commitment to the City and its decision to delay construction of Phases 2, 3 and 4 until sufficient financing was in hand is consistent with its representation to the City and recognizes the paramount concern of the City.

It is the current request of KWBGS that the existing Development Plan be amended to extend the deadlines for commencing construction on Phases 2, 3 and 4 to 2015. That would be consistent with the timeline established by the Florida Community Trust for development of the Key West Botanical Garden Addition. Hopefully that will allow sufficient time for KWBGS to acquire the financing necessary to complete the phases.

Conversely, there is no benefit to the City or the Garden in terminating the efforts of KWBGS, a non-profit organization of volunteers, to raise the required funds.

Additionally, the Development Plan envisions that the existing educational facilities, currently located on the Original Key West Botanical Garden Site be removed and that those activities be relocated to the new educational facilities in Phase 4. We are requesting that the time limit for removal of those existing facilities, stated in Para. 3 of the Resolution, be amended to 2015 as the new facilities have not yet been constructed.

Under city Code §108-91(c)(4), changes to specific conditions require the approval of the body which originally issued the approval, which in this case would be the City Commission.

Please let me know whether there is anything else which you need to process our application. We are available to answer any questions which you or your staff may have.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Rysman", with a long horizontal flourish extending to the right.

Peter Rysman
Atty. for KWBGS

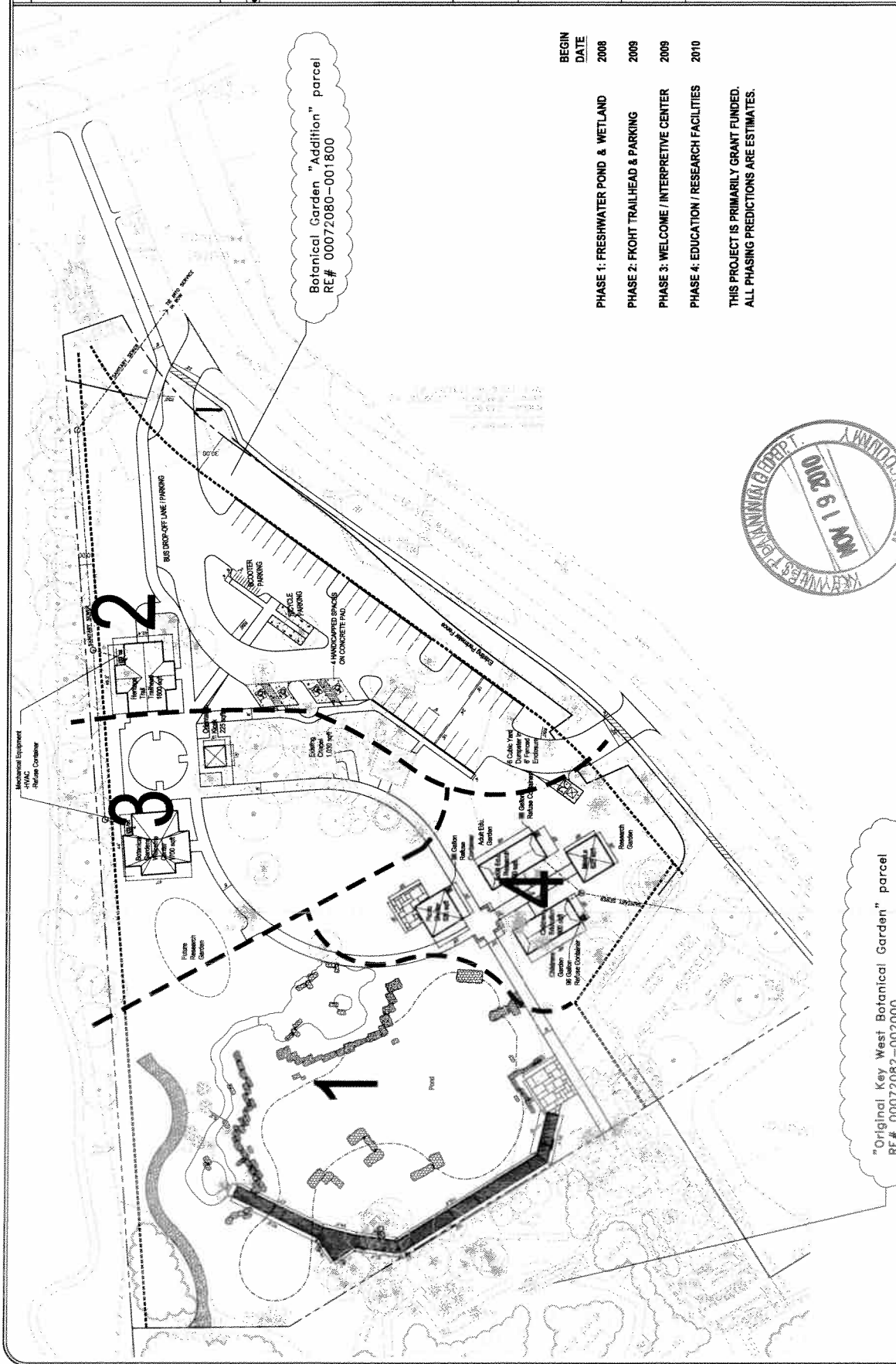
cc: Rick Harty,
Pres. KWBGS

NO.	DATE	DESCRIPTION
1	01-24-08	ISSUED FOR PERMITTING
2	01-24-08	ISSUED FOR PERMITTING
3	01-24-08	ISSUED FOR PERMITTING
4	01-24-08	ISSUED FOR PERMITTING
5	01-24-08	ISSUED FOR PERMITTING
6	01-24-08	ISSUED FOR PERMITTING
7	01-24-08	ISSUED FOR PERMITTING
8	01-24-08	ISSUED FOR PERMITTING
9	01-24-08	ISSUED FOR PERMITTING
10	01-24-08	ISSUED FOR PERMITTING

IBI GROUP, INC.
 ENGINEERS OF ALL TRADES
 1000 WEST WASHINGTON AVENUE
 SUITE 200
 MIAMI, FLORIDA 33135
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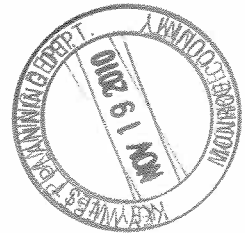
DATE:	01-24-08
DRAWN:	JCT
CHECKED:	JCT
SCALE:	1"=30'-0"
PROJECT NUMBER:	15178
SHEET:	10 OF 10

KEY WEST BOTANICAL GARDEN ADDITION PHASING PLAN

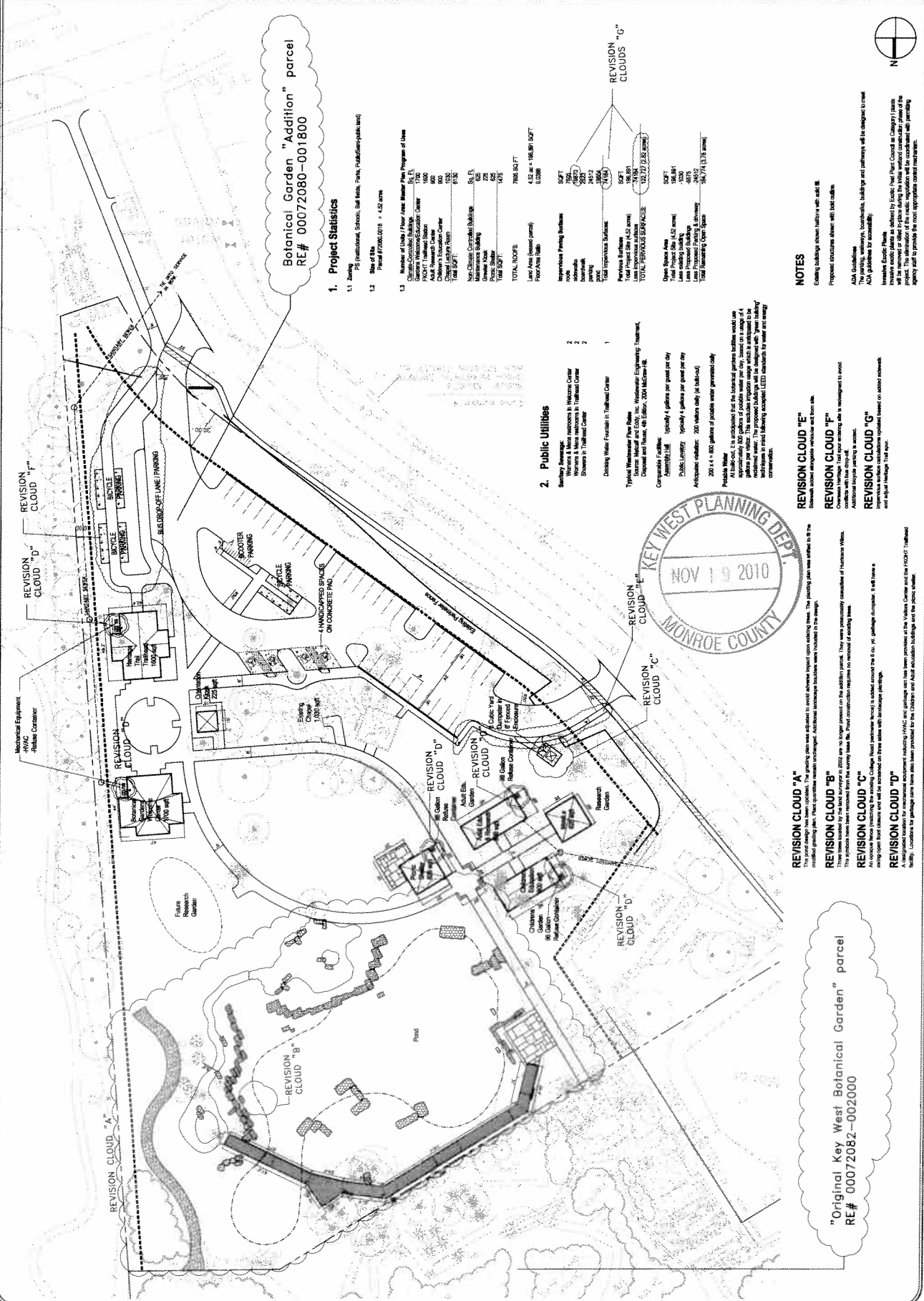


PHASE	DESCRIPTION	BEGIN DATE
PHASE 1:	FRESHWATER POND & WETLAND	2008
PHASE 2:	FKOHT TRAILHEAD & PARKING	2009
PHASE 3:	WELCOME / INTERPRETIVE CENTER	2009
PHASE 4:	EDUCATION / RESEARCH FACILITIES	2010

THIS PROJECT IS PRIMARILY GRANT FUNDED.
 ALL PHASING PREDICTIONS ARE ESTIMATES.



"Original Key West Botanical Garden" parcel
 RE.# 00072082-002000



Botanical Garden "Addition" parcel
 RE# 00072080-001800

1. Project Statistics

1.1 Zoning: P5 (Professional, Schools, Self-Help, Parks, Public/Community Use)

1.2 Size of Site: Total 2,020,018 sq. ft. ± 4.52 acres

1.3 Number of Units / Floor Area: Master Plan Program of Uses

Children's Education Center	1700
Adult Education Center	1700
Women's & Men's Restrooms	600
Children's Education Center	600
Adult Education Center	600
Women's & Men's Restrooms	600
Other	600
Total S.F.:	6,000

Additional Information:
 Total Impervious Surface: 1,100,000 S.F.
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2. Public Utilities

Sanitary: 2
 Storm: 2
 Sewer: 2

Typical Mechanical Plant Room:
 Source: Harsco and E.ON, Inc. (Watermark Engineering, Treatment, Disposal and Sales, 4th Edition, 2004 McGraw-Hill)

Comparable Facilities:
 1. Typically 4 gallons per gallon per day
 2. Typically 4 gallons per gallon per day
 3. Typically 4 gallons per gallon per day
 4. Typically 4 gallons per gallon per day

200 A ± 400 gallons of potable water guaranteed daily

NOTES

Existing buildings shown in white with red outlines.
 Proposed structures shown with black outlines.
 ADA Guidelines:
 ADA (Americans with Disabilities Act) guidelines will be designed to meet the requirements of the Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA).
 The information of this site plan is for informational purposes only. The information of this site plan is for informational purposes only. The information of this site plan is for informational purposes only.

REVISION CLOUD "A"

The original design has been updated. The grading plan was updated to avoid adverse impact upon existing trees. The parking plan was updated to fit the updated parking plan. These quantities remain unchanged. Additional landscape structures were included in the design.

REVISION CLOUD "B"
 Three trees located by the land survey in 2002 are no longer present on this addition parcel. They were previously considered of Fairbanks' status. The locations for these trees have been updated to the survey data. The final construction requires no removal of existing trees.

REVISION CLOUD "C"
 An outdoor floor (including the existing concrete) will be added to the parking area. The location for this floor will be updated to the survey data. The final construction requires no removal of existing trees.

REVISION CLOUD "D"
 The location for the parking area has been updated to the survey data. The final construction requires no removal of existing trees.

REVISION CLOUD "E"

Existing building shown in white with red outlines.
 Proposed structures shown with black outlines.
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REVISION CLOUD "F"

Existing building shown in white with red outlines.
 Proposed structures shown with black outlines.
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