



Our Mission: Create, sustain and grow a world-class garden.

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October 27, 2021

Barry A. Burton
Pinellas County Administrator
315 Court Street
Clearwater, FL 33756

Dear Administrator Burton,

We are writing to request that you waive provisions of Section 138-3654 of the Pinellas County Development Code requiring preservation of native trees and replacement of removed trees as it pertains to the construction of the proposed Majeed Discovery Garden at the Florida Botanical Gardens.

Our landscape architect firm, Coyle & Caron, has determined that approximately 25% of the existing trees on site would be included in the requisite replacement count as set forth in the code. They have informed us that a limited amount of this replacement can be absorbed at the Florida Botanical Gardens. To meet the code requirements would therefore require the FBG Foundation to pay into the County Tree Fund for a net caliper replacement of 314 inches in the amount of almost \$56,000. The attached document provides additional information.

The substantial hardship resulting from the application of this section of the code goes beyond the financial considerations. It is our opinion that although these criteria may be appropriate for commercial development they are inappropriate for application to a children's garden being constructed within a botanical garden. The Code dictates the types and amounts of plant material that can be used, which hinders the Foundation and the County from working toward our mutual mission to build a world-class botanical garden with a diverse plant collection.

This project has broad community support as shown by our over 500 donors and members that have voiced their support of the project and its benefits to our children through their continuing memberships and direct donations to the project. We hope you will agree and grant the requested waivers to acknowledge that relief from these criteria will realize benefits to the welfare of the general public and citizens of Pinellas County.

We thank you for consideration of our waiver requests.


Vernon Bryant
Executive Director


John Thomas
Foundation Board President

Attachment

Cc: Paul Cozzie, Spencer Curtis



ADDITIONAL INFORMATION

- Section 138-3654 holds that existing native trees shall be preserved and trees that are to be removed and deemed healthy per the County Tree Rating System shall be replaced inch-for-inch in caliper with trees from a pre-approved tree list. An additional option is to pay into a tree fund at a rate of roughly \$177/inch of tree caliper.
- Section 166-83 (f) (3) of the Code states that the County Administrator has the ability to waive the County's requirements when it is in the public interest to do so. This exception reads as follows: If it is in the welfare of the general public or citizens that the vegetation be removed for reasons other than set forth above.
- We ask for these requirements to be waived as the tree replacement requirements of the code are inhibiting the construction of the Majeed Discovery Garden at the Florida Botanical Gardens, a County Park. The Garden improvements, being created by the addition of this children's garden, already satisfy the intent of the code, which is to preserve open space and enhance it for the public welfare.
- The purpose of this garden is to provide an educational setting for children to connect with nature and explore the outdoors. The planned improvements include nature-inspired play structures and elements, gardens with pathways and benches, and two (2) open-air structures for educational programming.
- If one considers the Botanical Gardens' presence as a free, public garden, it is our position that this project will further improve public welfare by providing a place for education and enjoyment specifically targeted toward children, thereby meeting the criteria for exemption per Section 166-83 (f) (3).
- The requirements of Section 138-3654 are putting an undue burden on the project. This has led to the project incurring additional cost which will escalate if we are required to pay into the tree fund.
- Preservation of the majority of the existing trees was prioritized in the overall design and it is hard to comprehend how the intent of the provisions are not being met. The project is planned to be completely planted for the purposes of creating the special children garden.
- The 2.5-acre site for the garden is currently wooded except for the concrete path that bisects the site. As part of the plans, a comprehensive tree survey and evaluation of the trees to be removed was prepared by the Parks Department's arborist.
- Note that the project has prioritized preserving as many of the healthy trees as possible. The site currently supports 213 existing trees of 4" caliper or greater, primarily Laurel Oak (*Quercus hemisphaerica/laurifolia*) and Slash Pine (*Pinus elliotii*). Of those trees, 85 are slated for demolition, but only 24 require replacement per Section 138-3654(a)(4)(b). Of those 24 trees to be replaced: 11 are being demolished due to stormwater improvements and floodplain improvements that will restore wetland in the area, 7 are to be removed due to the impacts of proposed children play elements, and the remaining 6 are due to unavoidable conflicts with proposed hardscape, grading, and utility improvements.

- The application of the code would require that any remaining trees that have any impact within its dripline also be replaced. These trees impacts have not been fully assessed yet, but there are 32 of the 128 remaining trees that would potentially fall under this definition.
- Approximately 56 trees would be included in this replacement count, which is roughly 25% of the existing trees. Following the County's provisions for tree replacement, the total caliper for these trees would be 559 inches. This would be offset through our already-included planting of 114 trees, equivalent to 245 inches. This leaves a net caliper replacement of 314 inches which would require almost \$56,000 to be paid into the tree fund.
- Replacing 314 inches would require planting 157 2-inch caliper trees on site. The Botanical Garden does not have adequate places to locate this number of trees without their health and long-term viability being severely impacted.
- The Children's Garden plans include a number of unique specimen trees that cannot be counted toward tree caliper replacement since they are not part of the County Approved List. The County list has a limited variety of trees on the Approved Tree List which encourages commercial developers to provide suitable, sustainable landscaping. However, the aspirations of the gardens are to provide a unique plant collection for the public, and especially children, to enjoy that go far beyond those listed in the County's Approved Tree list.
- PCR has assigned to The Florida Botanical Gardens a specially trained horticulturist, who is leading a well-trained team of staff and volunteers in the maintenance and ongoing development of the Garden's plant collection, which includes many plants that would not be found in a typical commercial landscape. This Garden is intended to be a showcase for horticultural advances which directly influence landscape maintenance and sustainability practices in public, commercial, and private landscapes.
- To require the Gardens to conform to this restrictive plant list would be not appropriate and further hinders us from utilizing our entire proposed plant palette to meet the impact offset and further reduce any required contribution into the tree fund.
- If our only option is paying into the tree fund, this creates somewhat of a convoluted situation as the monies in the Tree Fund ultimately go to Pinellas County Parks and Conservation Resources, which manages the Florida Botanical Gardens.
- The Florida Botanical Garden Foundation, a nonprofit 501c3 organization, in keeping with our signed agreement with Pinellas County provides funds directly to PCR to help with the operation of the Garden. Having to pay into the Tree Fund would negatively impact our ability to provide direct support to the Gardens.
- The Majeed Discovery Garden is being funded totally through private donations from citizens of the Pinellas County community. To date funds donated to and committed by our Foundation total \$2,200,000. Due to permitting delays and COVID-19 related supply issues, our design and construction costs are projected to exceed this amount by several hundred thousand dollars.
- We are committed to the construction of a viable project that will enrich the young visitors to this County facility. Consequently, our fundraising efforts are continuing along with value engineering analyses and other measures to help align the project to our available funding