



# CITY of DESTIN

4200 Two Trees Road • Destin, Florida 32541



www.cityofdestin.com

**November 17, 2008**

**Order No. 09-03**

## **Final Development Order:**

### **“INDUSTRIAL PARK BUILDING ADDITION” A MINOR DEVELOPMENT (SP-08-16)**

Based upon the City's approval and issuance of this Development Order, on November 17, 2008, this document will serve as your Final Development Order, and includes all of the provisions and conditions in the attached Technical Review Committee Report.

#### **BACKGROUND / ISSUE:**

**Applicant:** Colt Development, LLC., is requesting approval of a Minor Development identified as “Industrial Park Building Addition”

**Request:** The proposed development consists of an addition of 3,348 square feet of warehouse space.

**Location:** The proposed development is located at Lot 2, Block A of Kelly Homes Subdivision in Destin, Florida (160 Industrial Park Road), and is more specifically known by the Property Appraiser's Parcel I.D. number 00-2S-22-0000-0058-0050.

**Parcel Size:** The current site area is 0.773 acres, more or less.

**Future Land Use:** Industrial (IN)

**Zoning District:** Industrial (IN)

**Density:** Allowed: N/A  
Proposed: N/A

**Intensity:** Allowed: 1.30 Floor Area Ratio (FAR) per Comprehensive Plan 2010  
Proposed: 0.202 FAR

**Application Date:** July 30, 2008

**TRC Date:** August 20, 2008

**Approved Site Plan Date:** November 17, 2008

#### **DETERMINATIONS:**

1. All the findings of the Technical Review Committee report dated November 17, 2008 are incorporated herein.

#### **CONDITIONS OF APPROVAL:**

1. Pursuant to the City of Destin Land Development Code:

Construction of infrastructure must commence within one (1) year of approval date (date from which the Final Development Order is issued by the Community Development Department) of the Final

Development Order on November 17, 2008 (no later than November 17, 2009), and must be completed as shown on plans approved by the Technical Review Committee.

**WARNING: If the applicant/owner has not obtained a building permit(s) for construction of infrastructure and that construction has not commenced within one (1) year of issuance of the final development order, the final development order will become null and void and the application for development order approval must be re-initiated. (Article 2, Section 2.10.00)**

**NOTE: An applicant/owner who desires to extend the twelve (12) month (1 year) deadline must submit a request to the Community Development Department, no less than thirty (30) days prior to the expiration of the twelve (12) month deadline to obtain a building permit and commence construction of infrastructure. The applicant may receive only one extension, and such extension shall not exceed one year. The applicant /owner should review Article 2, Section 2.21.00, of the Destin Land Development Code for further explanation of the Development Order extension process.**

2. If the applicant fully complies with the requirements of Condition No. 1 above, the concurrency capacity allocation status for **“Industrial Park Building Addition”** will be protected. **However, the protected concurrency status will be lost and the application for development order approval must be re-initiated if:**
  - A. **Construction permit(s) in association with construction of infrastructure are not obtained in accordance with Article 2, Section 2.10.00 of the Land Development Code to maintain concurrency, or**
  - B. **Construction of infrastructure activity ceases for a period exceeding one (1) year at any time during the term of this Final Development Order so that concurrency is not maintained under Article 6 of the Destin Land Development Code.**
3. The applicant must obtain City of Destin permits for the following activities on and off site (These may require appropriate bonding):
  - A. Disturbance of the City's right-of-way (Note: Applicant must obtain the proper ROW permit(s) from the Public Services Department prior to issuance of building permits, unless otherwise exempted by the Public Services Department.)
  - B. Pavement cuts.
  - C. Construction of any kind.
  - D. Clearing, grubbing, or demolition.
  - E. Paving, grading, drainage, sidewalks.
  - F. Signage.
  - G. Installation of utilities.
  - H. Construction trailers.
4. **Conditions Per Community Development Department:** Refer to pages 12 and 13 of the attached TRC Report dated November 17, 2008.
5. **Conditions Per Engineering Department:** Refer to pages 13 and 14 of the attached TRC Report dated November 17, 2008.
6. **Conditions Per Destin Water Users, Inc.:** Refer to page 14 of the attached TRC Report dated November 17, 2008.

## TECHNICAL REVIEW COMMITTEE REPORT

### “INDUSTRIAL PARK BUILDING ADDITION” A MINOR DEVELOPMENT (SP-08-16)

TRC Report: November 17, 2008

#### ISSUE:

**Applicant:** Colt Development, LLC., is requesting approval of a Minor Development identified as “Industrial Park Building Addition”

**Request:** The proposed development consists of an addition of 3,348 square feet of warehouse space.

**Location:** The proposed development is located at Lot 2, Block A of Kelly Homes Subdivision in Destin, Florida (160 Industrial Park Road), and is more specifically known by the Property Appraiser’s Parcel I.D. number 00-2S-22-0000-0058-0050.

**Parcel Size:** The current site area is 0.773 acres, more or less.

**Future Land Use:** Industrial (IN)

**Zoning District:** Industrial (IN)

**Density:** Allowed: N/A  
Proposed: N/A

**Intensity:** Allowed: 1.30 Floor Area Ratio (FAR) per Comprehensive Plan 2010  
Proposed: 0.202 FAR

**Application Date:** July 30, 2008

**TRC Date:** August 20, 2008

**Approved Site Plan Date:** November 17, 2008

#### DISCUSSION/FINDINGS:

Colt Development, LLC., is requesting approval of a Minor Development identified as “Industrial Park Building Addition.” The proposed development consists of an addition of 3,348 square feet of warehouse space. The proposed development is located at Lot 2, Block A of Kelly Homes Subdivision in Destin, Florida (160 Industrial Park Road), and is more specifically known by the Property Appraiser’s Parcel I.D. number 00-2S-22-0000-0058-0050. The current site area is 0.773 acres, more or less.

The proposed request is consistent with the Comprehensive Plan and Land Development Code, which includes a technical review, Concurrency Management review, and a Level of Service review.

The Technical Review Committee (TRC) reviewed and approved the project with specific conditions as stated below.

#### COMPREHENSIVE PLAN/ZONING:

The property currently has a Future Land Use designation of Industrial (IN) and a Zoning designation of Industrial (IN). The proposed use is consistent with the Industrial (IN) Future Land Use designation and is a permitted principal use within the Industrial (IN) Zoning District.

#### LAND USE TRANSITION & SPECIAL DESIGN CRITERIA:

Comprehensive Plan: 2010 Policy 1-2.1.7 requires that “*All property designated for nonresidential use on the FLUM shall be developed and designed to ensure a smooth land use transition between the said*

nonresidentially designated property and any directly abutting low rise residential property, either existing or identified on the FLUM.” The LDC requirements regulating “special design criteria” are “...to establish design criteria to preserve, protect, and enhance the economic vitality and character of the City of Destin.” This section also states, “These standards and regulations are intended to promote and protect the desired character of the City, including promoting multimodal transportation opportunities, and that ensure compatibility with surrounding development.” [LDC, §7.09.00].

Criteria for consideration to ensure smooth land use transition and special design include:

- Proximity of proposed nonresidential use to abutting low rise residential property
- Massing (Width and Depth), Height (Buildings) and Intensity (Floor Area Ratio)
- Traffic generation
- Setbacks and buffers
- Mechanical equipment
- Outdoor storage and display
- Solid waste collection areas
- Parking, loading, or accessway areas

**Proximity of proposed nonresidential use to abutting low rise residential property:**

The proposed development consists of an addition of 3,348 of warehouse space. The following is a description of the surrounding area:

LOCATIO N RELATIV E TO SUBJECT SITE	FUTURE LAND USE	ZONING	EXISTING LAND USE
North	Industrial (IN)	Industrial (IN)	North: Warehouse
South	Institutional (INST)	Institutional (INST)	South: Utility
East	Industrial (IN)	Industrial (IN)	East: Service Shops
West	Industrial (IN)	Industrial (IN)	West: Warehouse

As described herein, the surrounding uses warehouses, service shops, and utility. The intensity and density of development is below the maximum intensity provided for in the Land Development Code and density provided in the Comprehensive Plan. The density and Floor Area Ratio of the project is detailed below.

**Massing (Width and Depth), Height (Buildings) and Intensity (Floor Area Ratio):**

**Massing (Width and Depth) and Height (Buildings):**

The proposed development consists of a 3,348 square foot warehouse addition. The irregular shaped addition measures 43.4 feet wide by 110 feet deep and has a building height of 24 feet.

**Intensity (Floor Area Ratio - FAR):**

The FAR calculation methodology results in an FAR of 0.202, which is also below 1.30 and is calculated as follows:

**Total sq. ft. of existing and proposed buildings / sq. ft. of subject parcel = FAR**

$$6,796.4 \text{ sq. ft.} / 33,673.04 \text{ sq. ft.} = 0.202 \text{ FAR}$$

**Traffic Generation:**

Please refer to the “Traffic Analysis” section below.

**Setbacks and Buffers:**

The proposed development meets all of the required setbacks for the IN Zoning District.

	<b><u>Required</u></b>	<b><u>Buffers</u></b>	<b><u>Provided</u></b>
Front:	0 - 10'	N/A	57.8'
Rear:	0'	N/A	232'
Side:	0'	N/A	7.5'
Between Bldgs.:	10'	N/A	Buildings are connected

**Mechanical equipment:**

**Condition:** Outdoor mechanical equipment, such as heating, air conditioning, and ventilation systems, must be placed on the roof, in the rear or to the side of the building, or otherwise visually screened. In no case shall mechanical equipment be located between the principal structure and the front property line facing a right-of-way. All mechanical equipment located on the roof shall not be visible from adjacent properties or rights-of-way from heights equal to or less than the equipment. All mechanical equipment located in the rear or to the side of the building shall be enclosed by opaque fence, wall or hedge a minimum of six (6) feet in height or to the highest point of the equipment, whichever is lower. For air conditioning or other equipment requiring airflow, a lattice screen of at least 50 percent opacity shall be sufficient to meet this requirement.

**Outdoor storage and display:**

No storage or display areas are depicted on the approved site plan. Therefore, the outdoor storage and display of materials, equipment, and merchandise is not permitted for this proposed development.

**Solid waste collection areas:**

All non-construction related dumpsters, trashcans, and recycling bins are to be placed in solid waste collection areas or inside a building. Solid waste collection areas are to be set back a minimum of ten feet from any property line that abuts single-family, duplex or townhome uses and setback a minimum of five feet from any property line which abuts a non-residential or mixed use.

**Condition:** All solid waste collection areas shall be enclosed by a 100 percent opaque fence, wall, or hedge that is a minimum of six feet in height. All enclosures shall have gates that are 100 percent opaque.

**Parking, loading, or accessway areas:**

These characteristics of the proposed development are technically consistent with the Comprehensive Plan and LDC and are considered compatible. Further details are provided within the TRC Report regarding “Ingress/Egress” and “Parking.”

**The site plan for “Industrial Park Building Addition” complies with the City of Destin Comprehensive Plan Policy 1-2.1.7 and the Land Development Code §7.09.00.**

Any additional revisions to the site plan must be reviewed and approved by the appropriate Technical Review Committee members and may be subject to further analysis if required pursuant to provisions of the Comprehensive Plan [Policy 1-2.1.7] and Land Development Code [LDC, §7.09].

**CONCURRENCY MANAGEMENT:**

Concurrency requirements have been met:

Solid Waste: **X**  
Potable Water: **X**  
Sanitary Sewer: **X**  
Traffic: **X**  
Stormwater Management: **X**

**TRAFFIC ANALYSIS:**

According to the transportation/traffic concurrency review conducted by the City's Transportation Manager, currently represented by Renaissance Planning Group (RPG), Inc., and approved on November 3, 2008, the proposed development will not degrade the level of service of those major transportation modes and facilities in the City of Destin and complies with the goals, objectives, and policies of the multimodal transportation district as found in the City’s Comprehensive Plan: 2010.

As a requirements of the City’s multimodal transportation district, as adopted in Comprehensive Plan: 2010, the City’s Transportation Manager has reviewed and approved the applicant’s traffic impact analysis dated November 3, 2008.

**SUBDIVISION OR PUD - PLAT:**

Not applicable.

**AIRPORT PROTECTION:**

As proposed, this project is not affected by nor affects the Destin – Ft. Walton Beach Airport. The applicant has indicated on the development order application that the proposed project is not within the Airport Expansion Area. NOTE: If construction necessitates the use of a crane, or other obstruction, which exceeds Federal Aviation Administration FAR 77 Standards (normally 200 feet above ground level), the applicant must request a variance from the FAA for temporary encroachment into this restrictive area and a copy of a completed FAA Form 7460, must be placed on file with the City of Destin prior to the crane, or other obstruction, penetrating the restricted airspace.

**WHITE SANDS ZONE:**

The project property is not located in a White Sand Zone area.

**SIGNS:**

No overall sign approval is part of this application. All future signs must comply with the applicable section of the Destin Land Development Code in effect at the time a sign application is submitted.

**UTILITIES:**

All proposed utilities are required to be placed underground.

**COX COMMUNICATIONS:**

Cox Communications approved the project in a letter dated August 19, 2008.

**DESTIN FIRE CONTROL DISTRICT:**

The Destin Fire Control District approved the project in a letter dated August 20, 2008.

**GULF POWER:**

Gulf Power approved the project in a letter dated August 20, 2008.

**OKALOOSA GAS:**

Okaloosa Gas the project in a letter dated August 19, 2008

**EMBARQ:**

Sprint approved the project in a letter dated August 7, 2008.

**WATER/SEWER PROVIDER:**

Destin Water Users, Inc. approved the project in a letter dated August 20, 2008, and had the following conditions:

1. **Condition:** All revisions to the water and/or sewer utilities of any previously approved project must be re-approved by Destin Water Users, Inc. in writing at least 24 hours prior to implementation.
2. **Condition:** Field verified and scaled "as-built" plans including all utility infrastructures must be submitted to the City of Destin and forwarded to Destin Water Users, Inc. for final inspection by Destin Water Users, Inc. A written approval shall then be submitted to the City of Destin prior to issuance of Certificate of Occupancy by the City of Destin if there are no outstanding issues.

**STORMWATER:**

The City approved the stormwater management plan on September 19, 2008, and had the following **stormwater** related conditions:

1. **Note:** The Engineer of Record is cautioned to review the construction documents as submitted to assure thorough information is provided to allow proper construction. All stormwater management facilities shall be required to be constructed per the Codes of the City of Destin.
2. **Condition:** Prior to obtaining a Certificate of Occupancy, the Stormwater Operation/Maintenance Plan (SWOMP) shall be acknowledged and signed by the Owner.
3. **Condition:** Prior to obtaining any City permit, a copy of the NFWMD Stormwater Permit (if applicable) shall be provided.
4. **Condition:** If groundwater is observed standing in the storm structures, the SWMP shall be considered in non-compliance and a revised stormwater plan shall be resubmitted for review and approval.
5. **Condition:** Please abide by the general guidelines set forth in the FDEP's "Florida Development Manual: A Guide to Sound Land and Water Management".

**INGRESS/EGRESS:**

Ingress and egress to the proposed project is provided by the existing two-way ingress/egress accessway off of Industrial Park Road.

**PARKING:**

The project meets or exceeds the parking requirements of the Destin Land Development Code as indicated on the approved plans.

*Per code:*

Office: 1 space per 300 square feet of office space.  
Warehouse: 1 space per 1,000 square feet of warehouse space.

*Per site plan:*

Office: 1,736 square feet x 1 space per 300 sq. ft. = 6 parking spaces required  
Warehouse: 5,060 square feet x 1 space per 1,000 sq. ft. = 6 parking spaces required

Total Parking Required: 12 spaces including 1 handicap space  
Parking Provided: 13 spaces including 1 handicap space

**LOADING SPACE (ZONE):**

The project meets or exceeds the loading space requirements of the Land Development Code.

**REFUSE COLLECTION:**

Refuse collection is to be provided by dumpster service. The proposed dumpster must be screened by a gated opaque enclosure at least six feet tall.



**SIDEWALKS:**

A 5-foot wide concrete sidewalk is required along Industrial Park Road.

**OPEN SPACE/LANDSCAPE:**

**Open Space Requirements:**

Development Area (Total Area): 33,673.04 sq. ft. (0.773 acres, more or less)  
Required 25% Open Space: 8,418.26 sq. ft.  
Provided Open Space: 16,899.96

**Landscape Requirements:**

There will be twenty-two (22) chinese junipers or azaleas planted along the side of the addition facing the western property line.

**IMPACT FEES:**

The following impact fee amounts may be subject to change. Final impact fee amounts will be determinant upon the gross floor area of the development and whether exemption or credits are applicable and reevaluated at the time a Certificate of Occupancy is requested. **Any claims for exemption or credits must be made no later than the time a Certificate of Occupancy is requested. Refer to Article 19 of the Destin Land Development Code for specifics regarding impact fees.** The owner/applicant must pay the final impact fee amounts prior to the issuance of a Certificate of Occupancy:

**Police Protection:** The police protection impact fees were calculated using the following rates and fees:

Warehouse:

Impact Fee Rate = \$6.00 per 1,000 square feet  
New Warehouse Space = 3,348 sq ft  
Impact Fee for Warehouse = 3,348 sq. ft. x \$6.00 per 1,000 sq. ft. = **\$20.09**

Total Police Protection Impact Fees to be paid for "Industrial Park Building Addition": **\$20.09**

**Roads:** The roads impact fees were calculated using the following rates and fees:

Warehouse:

Impact Fee Rate = \$439.00 per 1,000 square feet  
New Warehouse Space = 3,348 sq ft  
Impact Fee for Warehouse = 3,348 sq. ft. x \$439 per 1,000 sq. ft. = **\$1,469.77**

Total Roads Impact Fees to be paid for "Industrial Park Building Addition": **\$1,489.86**

Parks: (not applicable)	=	\$0.00
Public Library: (not applicable)	=	\$0.00
Police Protection:	=	\$20.09
Roads:	=	\$1,469.77
<b>TOTAL</b>	=	<b><u>\$1,489.86</u></b>

**OTHER FEES:**

The fees listed below are subject to change and are based on the most recent information available (November 17, 2008). The fees must be paid by the applicant as part of the cost recovery associated with the proposed project:

City Traffic Consultant:	(Paid) \$542.74
City Compatibility Consultant:	N/A
City Surveyor:	N/A
City Stormwater Review Consultant:	N/A
Re-Review Fees (Community Dev.)	(Paid) \$400.00
Re-Review Fees (Engineering)	(Paid) \$100.00
Administrative Costs:	N/A
City Council Advertising:	N/A
<b>TOTAL (as of 11/17/08) =</b>	<b>Paid</b>

**COMMENTS/CONDITIONS:**

**Public Input:**

No public comments have been presented to staff at the time of this report.

**Per Community Development Department:**

1. **Condition:** Prior to obtaining any City permit, a copy of the NFWFMD Stormwater Permit (if applicable) shall be provided.
2. **Condition:** Prior to Certificate of Occupancy, assigned address numbers for principal buildings shall be displayed and clearly visible and legible, preferably reflective, from the street or private way on which the building fronts. *Ref. LDC Section 7.18.04.*
3. **Condition:** Prior to obtaining a Certificate of Occupancy, the Stormwater Operation/Maintenance Plan (SWOMP) shall be acknowledged and signed by the Owner.
4. **Condition:** The slab for all structures shall be constructed a minimum of 12 inches above the crown of the nearest street, except where topography will provide adequate drainage as certified by a professional engineer registered in the State of Florida. NOTE: Currently this condition is not met. Sheet 4 of 7 of the Commercial Site Plans illustrates a F.F.E. of 21.53. The average crown of "reconstructed" Main Street is above 24. *Ref. LDC Section 10.03.02.A.5.*
5. **Condition:** All existing and proposed utility lines on the subject property shall be located underground. *Ref.: LDC Section 20.12.00.*
6. **Condition:** Outdoor mechanical equipment, such as heating, air conditioning, and ventilation systems, must be placed on the roof, in the rear or to the side of the building, or otherwise visually screened. In no case shall mechanical equipment be located between the principal structure and the front property line or any property line facing a right-of-way. All mechanical equipment located on the roof shall not be visible from adjacent properties or rights-of-way from heights equal to or less than the equipment. All mechanical equipment located in the rear or to the side of the building shall be enclosed by opaque fence, wall or hedge a minimum of six feet in height or to the highest point of the equipment, whichever is lower. For air conditioning or other

equipment requiring airflow, a lattice screen of at least 50 percent opacity shall be sufficient to meet this requirement. *Ref. LDC Section 7.09.02.B.1.*

7. **Condition:** If groundwater is observed standing in the storm structures, the SWMP shall be considered in non-compliance and a revised stormwater plan shall be resubmitted for review and approval.
8. **Condition:** Please abide by the general guidelines set forth in the FDEP's "Florida Development Manual: A Guide to Sound Land and Water Management".
9. **Note:** The Engineer of Record is cautioned to review the construction documents as submitted to assure thorough information is provided to allow proper construction. All stormwater management facilities shall be required to be constructed per the Codes of the City of Destin.

Per Engineering Department:

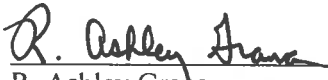
1. **Condition:** Prior to obtaining any City permits, obtain a City of Destin Right-of-Way Construction Permit from the City Engineering Department.
2. **Condition:** Refer to LDC Article 8.03.06. *Clear visibility triangle.* In order to provide a clear view of intersecting streets to motorists, there shall be a triangular area of clear visibility formed by two intersecting streets. The following standards shall be met:
  - a. Nothing shall be erected, placed, parked, planted or allowed to grow in such a manner as to materially impede vision between a height of two feet and ten feet above the grade, measured at the centerline of the intersection, except those signs or devices approved pursuant to section 16.01.00 of this Code. Note: The applicant is reminded that building setbacks must be observed so as to preserve clear visibility at intersections.
  - b. The clear visibility triangle shall be formed by connecting a point on each street centerline with such point to be located at a distance determined by the building setback requirements associated with the property and the zoning district within which the property is located. That is, the visibility distances shall be those established by the setback requirements within the city's zoning ordinance. Note: The visibility triangle shall be in accordance with the "Technical Construction Standards Manual," included in this Code, and the Florida Department of Transportation Standards Index.
3. **Condition:** Refer to LDC Article 8.01.00.B.2. Screening vegetation shall not be placed within five feet and maintain a minimum foliage clearance of three feet from any utility structure(s) including but not limited to water meters, valves, electrical/communication panels or poles, and shall not be placed around any water hydrant that could be used for fire protection.
4. **Condition:** Refer to LDC Article 8.01.00.C. Sidewalks, recreational trails, and bicycle ways shall be permissible in ROWs:
  - a. Landscaping located on abutting properties to sidewalks, recreational trails, and bicycle ways shall not create a safety hazard, and shall be trimmed or pruned to allow full width plus one foot on each side of the sidewalks, recreational trails, and bicycle ways, and the minimum vertical height of ten feet above grade, is clear.
  - b. Trees or shrubs shall not be planted within five feet from all streets or sidewalks, recreational trails, and bicycle ways.

5. **Condition:** Contractor shall not be allowed to utilize ANY public right-of-ways for any loading/unloading, staging or storage of construction materials, equipment or vehicles or unauthorized construction. Failure to comply with this requirement may void your city right-of-way construction permit until the violation is corrected. Voided permits must be reapplied for and application fees shall be assessed.
6. **Condition:** All pavement striping shall be thermoplastic per FDOT Standard Specifications for Road & Bridge Construction, Section 711 & 713.

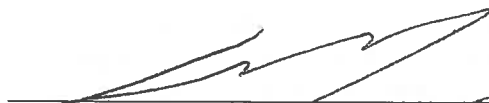
Per Destin Water Users, Inc.:

1. **Condition:** All revisions to the water and/or sewer utilities of any previously approved project must be re-approved by Destin Water Users, Inc. in writing at least 24 hours prior to implementation.
2. **Condition:** Field verified and scaled "as-built" plans including all utility infrastructures must be submitted to the City of Destin and forwarded to Destin Water Users, Inc. for final inspection by Destin Water Users, Inc. A written approval shall then be submitted to the City of Destin prior to issuance of Certificate of Occupancy by the City of Destin if there are no outstanding issues.

**SIGNATURE BLOCK:**

  
R. Ashley Graha  
Planning Manager

11-17-08  
Date

  
Colt Development, LLC  
Mike Buckingham, Managing Member

\_\_\_\_\_  
Date



# CITY of DESTIN

4200 Indian Bayou Trail • Destin, Florida 32541  
**OFFICE OF PLANNING DIVISION**  
Voice 850.837.4242 Fax 850.650.0693



[www.cityofdestin.com](http://www.cityofdestin.com)

[agrana@cityofdestin.com](mailto:agrana@cityofdestin.com)

December 13, 2010

Via: U.S. Mail

Colt Development, LLC  
Attn.: Mr. Mike Buckingham  
295 Azalea Drive, Suite 4  
Destin, Florida 32541

**Subject: "Industrial Park Building Addition: A Minor Development" – Expiration of Final Development Order No. 09-03**

Dear Mr. Buckingham:

This letter is to inform you that according to our records Final Development Order No. 09-03 has expired. Condition No. 1 of the Development Order and Article 2, section 2.21.00 of the Land Development Code (LDC) requires "...a building permit must be issued for either the construction of infrastructure or construction of the entire project and construction must commence within said one year period after which the permitted development activity may be completed provided the conditions of this section continue to be satisfied." The LDC further states "If a building permit is not issued within one year from the date of issuance of the final development order or a building permit is issued *and construction has not commenced within one year from the date of issuance of the final development order*, then the development order becomes null and void." The final development order for the above-mentioned project was issued on November 17, 2009. Building permit No. 0901480 was issued on November 12, 2009. On May 12, 2010 you requested and were granted a three-month extension to the previously approved building permit. However, construction had not commenced prior to August 12, 2010 as a result the building permit expired. Therefore, the City considers this Development Order null and void.

If you feel this determination has been made in error, then you will need to either: a) provide documentation prove that work was performed in accordance with said permit, the date said work started and was completed or b) complete an administrative appeal application, submit a \$500.00 application fee, submit a \$500.00 escrow fee (for cost recovery for outside consultants and administrative, advertising, mailing expenses) and file said application with the Community Development Department within 30 calendar days of date of this determination. The appeal process is described in Article 2, Section 2.22.00 of the Land Development Code (refer to attachment).

If you and/or your client wish to initiate the development order application process again, please contact my office to schedule a pre-application meeting to review the proposal. If you have any further questions or concerns, please do not hesitate to contact my office for assistance.

Page 2 of 2  
December 13, 2010  
SP-08-16 Industrial Park Building Addition

Please don't hesitate to call me if you have any further questions or concerns.

Sincerely,



R. Ashley Grana  
Planning Manager

RAG/

Attachments: LDC section 2.21.00  
LDC section 2.22.00

cc: City Manager, Greg Kisela  
City Land Use Attorney, Scott Shirley  
Community Development Director, Ken Gallander  
Code Enforcement Manager, David Bazylak  
File: 160 Industrial Park Road (Building Division)  
File: 2009 DO Log Book  
File: SP-08-16  
File: Letter Log