



# City of Destin

4200 Two Trees Road • Destin, Florida 32541  
Telephone (850) 837-4242 • Fax (850) 837-3267 • E-mail: cityhall@destin.net

February 14, 2000

**ORDER # 00-04**

## Final Development Order:

### **“TWIN LAKES PUD, PHASE II, 1<sup>st</sup> AMENDMENT” A MAJOR DEVELOPMENT (SP-99-44)**

Based upon the City Council's approval of this Development Order, on February 7, 2000, this document will serve as your Final Development Order, to include all of the provisions of the attached Technical Review Committee Report and with the following conditions, as specified by the City Council:

#### BACKGROUND / ISSUE:

**Applicant:** David Campbell, on behalf of Bonezzi Development Company  
**Location:** The proposed project is located off of Airport Road – adjacent to White Wilson.  
**Request:** Approval of a Major Development identified as “Twin Lakes PUD, Phase II, 1<sup>st</sup> Amendment”. The proposed project consists of an eight (8) building office (13,500 sq. ft.)/warehouse (27,300 sq. ft.) business park.  
**Parcel Size:** The property contains 3.26 acres +/-.  
**Future Land Use:** Mixed Use (MU)  
**Zoning District:** Business Retail (BR)  
**Density:** Not applicable.  
**Intensity:** 0.287 Floor Area Ratio  
**Application Date:** October 4, 1999  
**TRC Date:** October 20, 1999  
**Approved Site Plan Date:** December 14, 1999  
**Planning Commission Date:** January 6, 2000  
**City Council Date:** February 7, 2000

#### DETERMINATIONS:

1. A hearing was held by the Destin City Council on February 7, 2000, and approved the development by a vote of 6-0 with conditions; and
2. The Planning Commission considered the proposal on January 6, 2000 and recommended the City Council approve the proposed project as presented by staff. The motion to approve with the deletion of the Community Development Department's Condition #3 that stated, “Prior to

Community Development ♦  
(850) 837-5686  
Fax: (850) 837-7949

Engineering ♦  
(850) 837-5694

Building Inspections ♦  
(850) 654-1119  
Fax: (850) 837-7949

Public Works  
(850) 837-6869

Community Center ♦  
(850) 654-5184  
Fax: (850) 654-8998

Library  
(850) 837-8572  
Fax: (850) 837-5248

the issuance of a Building Permit, the architectural renderings must conform to the architectural style of 'Florida Vernacular; as depicted in the Community Redevelopment Area Plan" was passed unanimously by a vote of 6-0. Mr. Shores, Ms. Drowne, Mr. Clauson, Mr. Link, Ms. Castro, and Mr. Shirley voted for the motion. Mr. Breithaupt was not present.

3. All the findings of the Technical Review Committee report dated January 4, 2000 are incorporated herein.

**CONDITIONS OF APPROVAL FOR "TWIN LAKES PUD, PHASE II, 1<sup>ST</sup> AMENDMENT":  
A MAJOR DEVELOPMENT (SP-99-44)**

Pursuant to the City of Destin Land Development Regulations and the City of Destin Code of Ordinances:

1. Construction must commence within twelve (12) months of approval of the Final Development Order on February 7, 2000 (no later than February 7, 2001) and must be completed as shown on plans approved by the Technical Review Committee (stamp dated December 14, 1999).

**WARNING: If the applicant/owner has not obtained a construction permit(s) within 365 days of issuance of the final development order, the final development order is void and the application for plan approval must be re-initiated.**

**NOTE: An applicant/owner who desires to extend the twelve (12) month deadline shall submit a request to the Community Development Department, no less than sixty (60) days prior to the expiration of the twelve (12) month deadline to obtain a construction permit. The applicant/owner should review Article 2, Section 2.15.00 of the Destin Land Development Code for further explanation of the Development Order extension process.**

2. If "Twin Lakes PUD, Phase II, 1<sup>st</sup> Amendment" fully complies with the requirements of Condition Number 1 above, the concurrency status "Twin Lakes PUD, Phase II, 1<sup>st</sup> Amendment" is protected (for five years) through February 7, 2005. **The protected concurrency status, however, will be lost if:**

**Construction activity ceases for a period exceeding one (1) year at any time during the term of this Final Development Order, or**

**Construction permit(s) are not obtained in accordance with Section 2.09.00 of the Land Development Code to maintain concurrency.**

3. "Twin Lakes PUD, Phase II, 1<sup>st</sup> Amendment" 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.
  - 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. **Prior to the issuance of a Clearing/Demolition Permit**, a clearing/demolition plan must be reviewed and approved by the Community Development Department.
  5. **Prior to the issuance of a Building Permit**, the outdoor lighting plan must be amended to show the condition that the wattage of the proposed lighting be reduced from 400-watt lamps to between 200 and 300 watts.
  6. **Prior to the issuance of a Building Permit**, provide a copy of FDEP stormwater permit for project.
  7. **Prior to the issuance of a Certificate of Occupancy**, a joint drainage/maintenance agreement must be reviewed and approved by the City Attorney.
  8. **Prior to the issuance of a Certificate of Occupancy**, the landscaping must be inspected and approved by the Community Development Department.
  9. **Prior to the issuance of a Certificate of Occupancy**, the sidewalks must be repaired or installed.
  10. **Prior to the issuance of a Certificate of Occupancy**, submit an Operations & Maintenance Plan, which shall be acknowledged and signed by the owner. The Operations & Maintenance Plan shall contain, among other things the following statement: "Owner shall regrade swale/retention areas as required to maintain approved design cross-sections, line, and grade."
  11. **Requirements identified by the Technical Review Committee:**

**TECHNICAL REVIEW COMMITTEE REPORT**  
**"TWIN LAKES PUD, PHASE II, 1<sup>st</sup> AMENDMENT"**  
**A MAJOR DEVELOPMENT**  
**(SP-99-44)**

**TRC Report: January 4, 2000**

**ISSUE:**

**Applicant:** David Campbell, on behalf of Bonezzi Development Company  
**Location:** The proposed project is located off of Airport Road – adjacent to White Wilson.  
**Request:** Approval of a Major Development identified as "Twin Lakes PUD, Phase II, 1<sup>st</sup> Amendment". The proposed project consists of an eight (8) building office (13,500 sq. ft.)/warehouse (27,300 sq. ft.) business park.  
**Parcel Size:** The property contains 3.26 acres +/-.  
**Future Land Use:** Mixed Use (MU)  
**Zoning District:** Business Retail (BR)  
**Density:** Not applicable.  
**Intensity:** 0.287 Floor Area Ratio  
**Application Date:** October 4, 1999  
**TRC Date:** October 20, 1999  
**Approved Site Plan Date:** December 14, 1999  
**Planning Commission Date:** January 6, 2000  
**City Council Date (tentative):** February 7, 2000

**DISCUSSION/FINDINGS:**

David Campbell, on behalf of Bonezzi Development Company, is requesting approval of a Major Development identified as "Twin Lakes PUD, Phase II, 1<sup>st</sup> Amendment". The proposed project consists of an eight (8) building office (13,500 sq. ft.)/warehouse (27,300 sq. ft.) business park. The proposed project is located off of Airport Road, generally described by Property Appraiser's Tax I.D. number 00-2S-22-0000-0054-0020. The site consists of 3.26 acres +/-.

The existing Development Order (DO # 99-10) for Twin Lakes PUD vests Phase II for 10,000 sq. ft. of office and 10,000 sq. ft. of retail. The current application, Twin Lakes PUD, Phase II, 1<sup>st</sup> Amendment, is proposing 13,500 sq. ft. of office/retail and 27,300 sq. ft. of warehouse.

According to the traffic review conducted by the City's traffic consultant, Gay Hamilton Smith, the proposed development will return two (2) new PM Peak Hour directional trips on Segment "A" of U. S. Highway 98, one (1) new PM Peak Hour directional trips on Segment "B" of U.S. Highway 98, and zero (0) new PM Peak Hour directional trips on Segment "C" of U. S. Highway 98. Segment "A" currently has 51 PM Peak Hour directional trips available, Segment "B" has 379 PM Peak Hour directional trips available, and Segment "C" has 68 PM Peak Hour directional trips available. With this project, there will be 53 PM Peak Hour directional trips remaining for Segment "A", 380 for Segment "B", and 68 for Segment "C". The determination of traffic concurrency was

re-evaluated due to the fact that the land uses and their gross square footage differed from the originally approved project. With an updated land use determination, by the Bonezzi Development Company, the City's traffic consultant was then able to conduct a proper review of the proposed development (see Exhibit "A").

Staff has determined that the proposed request is compatible with the surrounding area. The existing uses of the surrounding properties are as follows:

North: Commercial/Vacant/Apartments/Townhomes

South: Vacant

East: Medical Clinic

West: Vacant

The proposed request is consistent with the Comprehensive Plan and Land Development Code, which include Compatibility review, Concurrency Management review, Level of Service review, and the Vision 2000 Plan.

This project is located within the Community Redevelopment Area. Staff believes that the proposed architectural elevations that were submitted do not conform to the architectural style of "Florida Vernacular" as depicted in the Community Redevelopment Area Plan (see Exhibit "B").

The Technical Review Committee reviewed the project on October 20, 1999, and approved the project with specific conditions and changes.

#### **COMPREHENSIVE PLAN/ZONING:**

The property has a Future Land Use Designation of Mixed Use (MU) and a Zoning Designation of Business Retail (BR). The proposed use is consistent with the MU Future Land Use Designation and is a permitted principal use in the BR Zoning District.

#### **COMPATIBILITY:**

The surrounding properties are as follows:

|        | <u>FLU</u> | <u>Zoning</u> | <u>Existing Use</u>                            |
|--------|------------|---------------|--|
| North: | LIU/C/MDR  | RGD/BR        | Commercial/Vacant/Apartments/Townhomes         |
| South: | MU         | RGD           | Vacant (approved for single-family residences) |
| East:  | MU         | RGD           | Medical Clinic                                 |
| West:  | IN         | IP            | Vacant   |

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements.

#### **A) Permitted uses, structures and activities allowed within the land use category;**

The proposed use is a permitted principal use in both the Mixed Use (MU) Future Land Use Designation and the Business Retail (BR) Zoning District.

**B) Building location, dimensions, height, and floor area ratio;**

The proposed buildings meet and exceed all of the required setbacks for the Business Retail (BR) Zoning District. The proposed buildings will be 64 feet and 10 feet from the west side property line, 58 feet from the east side property line, 59.5 feet from the front property line (north), and approximately 136 feet from the rear property line of this phase.

The BR Zoning District does not have a maximum building height. Building height in this district is determined by a compatibility analysis. The proposed heights of the commercial/warehouse buildings (1 story) are 23 feet. The total floor area ratio for the subject property (Phase II) is 0.287, which is below the 1.07 maximum.

The proposed buildings' dimensions are compatible with the surrounding buildings. The subject property currently is vacant. Directly to the north are two of the three proposed one story buildings (Kellum Office Plaza). To the east is a one-story building (White Wilson Medical Clinic) and the properties to the west and south (approved for single-family residences) are vacant.

**C) Location and extent of parking, access drives, and service areas;**

The proposed project meets the parking requirements (89 reg. 4 h. c. proposed / 87 reg. 4 h. c. required). It also meets the requirements for access drives (27 feet provided), service areas (dumpsters are enclosed by a six (6) foot high masonry wall), and loading spaces (five).

Staff had suggested that a future cross access be provided on the subject site in the southeastern portion to align with the White Wilson Medical Clinic parking lot lane. The applicant declined this suggestion.

**D) Traffic generation, hours of operation, noise levels, and outdoor lighting;**

According to the traffic review conducted by the City's traffic consultant, Gay Hamilton Smith, the proposed development will return two (2) new PM Peak Hour directional trips on Segment "A" of U. S. Highway 98, one (1) new PM Peak Hour directional trips on Segment "B" of U.S. Highway 98, and zero (0) new PM Peak Hour directional trips on Segment "C" of U. S. Highway 98. Segment "A" currently has 51 PM Peak Hour directional trips available, Segment "B" has 379 PM Peak Hour directional trips available, and Segment "C" has 68 PM Peak Hour directional trips available. With this project, there will be 53 PM Peak Hour directional trips remaining for Segment "A", 380 for Segment "B", and 68 for Segment "C". The determination of traffic concurrency was re-evaluated due to the fact that the land uses and their gross square footage differed from the originally approved project. With an updated land use determination, by the Bonezzi Development Company, the City's traffic consultant was then able to conduct a proper review of the proposed development (see Exhibit "A").

A review of the traffic generated, elevation plans, and architectural plans, in relation to lot sizes and use, indicates that the proposed project will be compatible with the surrounding development. An outdoor lighting plan is proposed at this time. However, staff recommends as a condition that the wattage of the proposed lighting be reduced from 400-watt lamps to between 200 and 300 watts. With this change, staff feels that negative impacts from the lighting would be decreased.

**E) Alteration of light and air;**

The proposed eight (8) one-story buildings will not significantly alter the light or air of the surrounding properties.

**F) Setbacks and buffers.**

The proposed buildings meet and exceed all of the required setbacks for the Business Retail (BR) Zoning District. The proposed buildings will be 64 feet and 10 feet from the west side property line, 58 feet from the east side property line, 59.5 feet from the front property line (north), and approximately 136 feet from the rear property line of this phase.

The overall site plan meets the open space requirements (26.4% provided / 18% required). The following buffers are required: the standard ten (10) foot vegetative landscape buffer area along the eastern and southern property lines, and a ten (10) foot front perimeter landscape buffer on the northern and western property lines.

Parking islands and required tree/vegetation/reforestation requirements have been satisfied.

**DENSITY:**

Not applicable.

**HEIGHT:**

The BT Zoning District does not have a maximum building height. Building height in this district is determined by a compatibility analysis. The proposed heights of the eight (8) commercial/warehouse buildings (one story) are 23 feet.

**FLOOR AREA RATIO:**

The total floor area ratio for the subject property (Phase II) is 0.287, which is below the 1.07 maximum.

**RIGHT-OF-WAY DEDICATION:**

No right-of-way dedication is required.

**CONCURRENCY MANAGEMENT:**

Concurrency requirements have been met:

Potable Water:   X   Roadways   X   Solid Waste   X    
Recreation:   X   Sewer:   X   Drainage:   X  

**TRAFFIC ANALYSIS:**

According to the traffic review conducted by the City's traffic consultant, Gay Hamilton Smith, the proposed development will return two (2) new PM Peak Hour directional trips on Segment "A" of U. S. Highway 98, one (1) new PM Peak Hour directional trips on Segment "B" of U.S. Highway

98, and zero (0) new PM Peak Hour directional trips on Segment "C" of U. S. Highway 98. Segment "A" currently has 51 PM Peak Hour directional trips available, Segment "B" has 379 PM Peak Hour directional trips available, and Segment "C" has 68 PM Peak Hour directional trips available. With this project, there will be 53 PM Peak Hour directional trips remaining for Segment "A", 380 for Segment "B", and 68 for Segment "C". The determination of traffic concurrency was re-evaluated due to the fact that the land uses and their gross square footage differed from the originally approved project. With an updated land use determination, by the Bonezzi Development Company, the City's traffic consultant was then able to conduct a proper review of the proposed development (see Exhibit "A").

**SUBDIVISION OR PUD - PLAT:**

Not applicable.

**AIRPORT PROTECTION:**

The subject site is not located within the airport protection area.

**SETBACKS:**

The proposed buildings meet and exceed all of the required setbacks for the Business Retail (BR) Zoning District.

|                 | <u>Required</u> | <u>Buffers</u> | <u>Provided</u>         |
|-----------------|-----------------|----------------|-------------------------|
| Front (north):  | 10'             | 10' FP         | 49.5' + 10' FP          |
| Side (east):    | 10'             | 5' CB          | 53' + 5' CB             |
| Side (west):    | 10'             | 10' FP         | 64' and 10' + 10' FP    |
| Rear (south):   | 10'             | 10' VB         | 136' + 10'VB            |
| Between Bldgs.: | 10'             | N/A            | 10' to nearest building |

Note: 10' FP = 10' Front Perimeter Landscaped Area, 10' VB = 10' Vegetative Buffer Area, and 5' CB = 5' Common Boundary Landscaped Area. The following buffers are required: the standard ten (10) foot vegetative landscape buffer area along the eastern and southern property lines, and a ten (10) foot front perimeter landscape buffer on the northern and western property lines.

**WHITE SANDS ZONE:**

The proposed project is not located within either of the White Sand Zones.

**SIGNS:**

The Code Enforcement Division has preliminarily approved the free-standing ground sign proposed with this project in a memo dated December 9, 1999.



**COX COMMUNICATIONS:**

Cox Communications approved the project at the October 20, 1999, TRC Meeting.

**DESTIN FIRE CONTROL DISTRICT:**

The Destin Fire Control District approved the project in a letter dated October 20, 1999.

**GULF POWER:**

Gulf Power approved the project in a letter dated October 20, 1999.

**OKALOOSA GAS:**

Okaloosa Gas approved the project at the October 20, 1999, TRC meeting.

**SPRINT:**

Sprint approved the project at the October 20, 1999, TRC meeting.

**UNIVERSAL COM:**

Universal Com approved the project at the October 20, 1999, TRC meeting.

**WATER/SEWER PROVIDER:**

Destin Water Users Inc. approved the project in a letter dated November 17, 1999.

**UTILITIES:**

Underground utilities are required for Phase II.

**STORMWATER:**

The City Engineer approved the stormwater plan in a letter dated December 14, 1999, with the following conditions:

1. Provide a copy of FDEP stormwater permit for project prior to obtaining a building permit.
2. A joint drainage/maintenance agreement was received and forwarded to the City Land Use Attorney. The City Land Use Attorney must approve these agreements prior to being placed on the City Council agenda.
3. Submit an Operations & Maintenance Plan, which shall be acknowledged and signed by the owner prior to obtaining a certificate of occupancy. It is not required prior to obtaining a development order or a building permit. The Operations & Maintenance Plan shall contain,

among other things, the following statement: "Owner shall regrade swale/retention areas as required to maintain approved design cross-sections, line, and grade."

Above-mentioned deficiencies must be satisfactorily addressed prior to the issuance of a building permit or as noted above in conditions 1-3.

**INGRESS/EGRESS:**

There are four (4) ingress/egress points (24 feet in width) for the proposed commercial/warehouse buildings. One (1) access is provided off of Airport Road and three (3) off of North Twin Lakes Boulevard. All ingress/egress points meet the requirements of the Destin Land Development Code.

Staff had suggested that a future cross access be provided on the subject site in the southeastern portion to align with the White Wilson Medical Clinic parking lot access aisle. The applicant declined this suggestion.

**SIDEWALKS:**

Five (5) foot wide sidewalks are required for this project. Portions of the existing sidewalk along Airport Road have been altered at the entrance to North Twin Lakes Boulevard and at the entrance into the proposed development. Five (5) foot wide sidewalks are also proposed along the western edge of the proposed development.

**REFUSE COLLECTION:**

Refuse collection is provided by dumpster service. The dumpster locations are indicated on the site plan and are enclosed by six (6) foot high masonry walls.

**LANDSCAPE:**

The project meets or exceeds the landscape requirements as follows:

OPEN SPACE:

142,215 sq. ft. of property x 18% = 25,600 sq. ft. required  
Site plan provides 26.4% = 37,619 sq. ft. provided

TREES REQUIRED:

Reforestation: 33      Perimeter: 17      Parking Lot: 13      Vegetative Buffer: 54  
(10 per acre)      (1 per 25')      (1 per 25')

Replacement: 0  
(removal of trees over 12" d.b.h.)

|   |            |
|---|------------|
| Existing Trees on Site (7" to 12" diameter):        | 0          |
| Protected Trees on Site (12" to 23" diameter):      | 0          |
| Preserved Trees on Site (24" or more diameter):     | 0          |
| Credits for Existing, Protected or Preserved Trees: | 0          |
| <b>TOTAL TREES REQUIRED:</b>                        | <u>117</u> |
| <b>TOTAL TREES PROVIDED:</b>                        | <u>117</u> |

The following buffers are required: the standard ten (10) foot vegetative landscape buffer area along the eastern and southern property lines and a ten (10) foot front perimeter landscape buffer on the northern and western property lines. The required ten (10) foot vegetative landscape buffer area shall provide a minimum of 100 percent opacity for that area between the finished grade level at the common boundary line and six (6) feet above said level and horizontally along the length of all common boundaries at the time of planting. All required trees shall have a minimum height of six (6) feet at time of planting and reach a crown of 20 feet at maturity. Trees having an average mature spread of crown less than 20 feet may be arranged in groupings so as to create the equivalent of 20 foot crown spread. If shrubs are used in the required buffer areas they must be a minimum of 12 inches in height when measured immediately after planting. **WARNING: A Certificate of Occupancy will not be issued until the required landscape material has been inspected and approved by the Community Development Department.**

**PARKING:**

Parking for the project is based on the following calculations:

Per code:

Commercial (Office/Retail)/Warehouse:

Commercial (Office/Retail): 1 space for every 200 square feet of gross floor area

Warehouse: 1 space for every 1,000 square feet of gross floor area for first 20,000 square feet devoted to warehousing.

1 space for every 2,000 square feet of gross floor area for the second 20,000 square feet.

Per site plan:

Commercial (Office/Retail)/Warehouse:

|   |               |
|---|---------------|
| 13,500 square feet of Commercial (Office/Retail)/200            | = 67.5        |
| 20,000 square feet for initial Warehouse gross floor area/1000  | = 20          |
| 7,300 square feet for remaining Warehouse gross floor area/2000 | = <u>3.65</u> |
| Total required parking spaces (including 4 handicap spaces)     | = 91          |

**TOTAL REQUIRED: 91 parking spaces (including 4 handicap spaces)**

**TOTAL PROVIDED: 93 parking spaces (including 4 handicap spaces)**

**LOADING SPACE (ZONE):**

Loading space for the project is based on the following calculations:

*Per code:*

Commercial (Office/Retail) Warehouse:

Commercial (Office/Retail): One (10 foot x 25 foot) space for the first 10,000 square feet of gross floor area, and one (10 foot x 25 foot) space for each additional 20,000 square feet.

Industrial (Warehouse): Shall provide one (10 foot x 25 foot) space for every 10,000 square feet of gross floor area.

*Per site plan:*

Commercial (Office/Retail)/Warehouse:

|   |               |
|---|---------------|
| First 10,000 square feet of Commercial (Office/Retail)        | = 1           |
| Remaining 3,500 square feet of Commercial (Office/Retail)     | = 1           |
| 27,300 square feet of total Warehouse gross floor area/10,000 | = <u>2.73</u> |
| Total required loading spaces                                 | = 5           |

**TOTAL REQUIRED: 5 loading spaces or 1,250 square feet of loading zone area.**

**TOTAL PROVIDED: There is potential for 7 loading spaces. Rather than providing individual spaces, the site plan delineates a loading zone area approximately 4,200 square feet.**

**STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT:**

1. A Florida Department of Environmental Protection general notice permit (for stormwater) has been requested for this project and will be on file once received.

**COMMENTS:**

There have been no comments of support or opposition filed with Staff regarding this project.

**CONDITIONS:**

Per Community Development:

1. Prior to the issuance of a Clearing/Demolition Permit, a clearing/demolition plan must be reviewed and approved by the Community Development Department.

2. Prior to the issuance of a Building Permit, the outdoor lighting plan must be amended to show the condition that the wattage of the proposed lighting be reduced from 400-watt lamps to between 200 and 300 watts. With this change, staff feels that negative impacts from the lighting would be decreased.
3. Prior to the issuance of a Building Permit, the architectural renderings must conform to the architectural style of "Florida Vernacular" as depicted in the Community Redevelopment Area Plan.
4. Prior to the issuance of a Certificate of Occupancy, the landscaping must be inspected and approved by the Community Development Department.
5. Prior to the issuance of a Certificate of Occupancy, the sidewalks must be repaired or installed.

Per City Engineer:

1. Provide a copy of FDEP stormwater permit for project prior to obtaining a building permit.
2. A joint drainage/maintenance agreement was received and forwarded to the City Land Use Attorney. The City Land Use Attorney prior to being placed on the City Council agenda must approve these agreements.
3. Submit an Operations & Maintenance Plan, which shall be acknowledged and signed by the owner prior to obtaining a certificate of occupancy. It is not required prior to obtaining a development order or a building permit. The Operations & Maintenance Plan shall contain, among other things the following statement: "Owner shall regrade swale/retention areas as required to maintain approved design cross-sections, line, and grade."

Above-mentioned deficiencies must be satisfactorily addressed prior to the issuance of a building permit or as noted above in conditions 1-3.

Gary Muller by [Signature]      2/14/00  
 Gary A. Muller,      Date  
 Acting Community Development Director

[Signature]      2/17/00  
 Bonezzi Development Company, Inc.      Date  
 Owner,  
 Bob Bonezzi,  
 President