



CITY of DESTIN

4200 Two Trees Road • Destin, Florida 32541



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November 20, 2008

Order No. 09-05

Final Development Order (Corrected):

“WEST HARBOR” A MINOR DEVELOPMENT (SP-07-25)

Based upon the City’s approval and issuance of this Final Development Order on November 20, 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.

PROJECT DESCRIPTION:

Choctaw Engineering, Inc., on behalf of Mr. Ronald Wright, is requesting approval of a Minor Development identified as “West Harbor.” The proposed development is a 4-lot single-family detached residential condominium. The site is located at 220 Sibert Avenue, Destin, FL, more specifically known as Property Appraiser’s parcel I.D. number 00-2S-22-0310-000D-1610. The total site area is 0.69 acres, more or less.

DETERMINATIONS:

1. All the findings of the Technical Review Committee report dated November 20, 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 20, 2008 (no later than September 30, 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 either the construction of infrastructure or construction of the entire project 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 2.21.00)

NOTE: Construction of infrastructure shall be defined as site work, grading, or other construction activity (not including clearing and grubbing or demolition of existing structures) related to installation of roadways, access drives, parking lots, underground utilities, stormwater or drainage facilities, or building foundations. (Article 2, Section 2.21.00)

NOTE: An applicant/owner who desires to extend the twelve (12) month (1 year) deadline for either the construction of infrastructure or construction of the entire project must submit a written 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 or construction of the entire project. 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 “West Harbor” 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 or construction of the entire project are not obtained in accordance with Article 2, Section 2.10.00 of the Land Development Code to maintain concurrency, or**
 - B. **Construction activity ceases for a period of one (1) year after a building permit for construction of infrastructure or construction of the entire project has been issued 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 Engineering Department prior to issuance of building permits, unless otherwise exempted by the City Engineer.)
 - 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 thru 13 of the attached TRC Report dated November 19, 2007.
5. **Conditions Per Engineering Department:** Refer to pages 13 thru 15 of the attached TRC Report dated November 19, 2007.
6. **Conditions Per Destin Water Users, Inc.:** Refer to page 9 of the attached TRC Report dated November 19, 2007.

TECHNICAL REVIEW COMMITTEE REPORT

"WEST HARBOR" A MINOR DEVELOPMENT (SP-07-25)

TRC Report: November 20, 2008

ISSUE:

- Applicant:** Choctaw Engineering, Inc., on behalf of Mr. Ronald Wright, is requesting approval of a Minor Development identified as "West Harbor."
- Request:** The proposed development is a 4-lot single-family detached residential condominium.
- Location:** The site is located at 220 Sibert Avenue, Destin, FL, more specifically known as Property Appraiser's parcel I.D. number 00-2S-22-0310-000D-1610.
- Parcel Size:** The total site area is 0.69 acres, more or less.
- Future Land Use:** Low Density Residential (LDR)
- Zoning District:** Low Density Residential – Village (LDR-V)
- Density:** Allowed: 5.81 dwelling units per acre in Low Density Residential – Village (LDR-V)
Proposed: 4 dwelling units / 0.69 acres = 5.81 dwelling units per acre
- Intensity:** Not applicable
- Application Date:** August 9, 2007
- TRC Date:** September 19, 2007
- Approved Site Plan Date:** November 20, 2008

DISCUSSION/FINDINGS:

Choctaw Engineering, Inc., on behalf of Mr. Ronald Wright, is requesting approval of a Minor Development identified as "West Harbor." The proposed development is a 4-lot single-family detached residential condominium. The site is located at 220 Sibert Avenue, Destin, FL, more specifically known as Property Appraiser's parcel I.D. number 00-2S-22-0310-000D-1610. The total site area is 0.69 acres, more or less.

The proposed project, as required by the Comprehensive Plan and the Land Development Code, has undergone a land use transition review that is detailed below under the "Land Use Transition" section of this TRC Report.

The proposed request as presented and described is consistent with the Comprehensive Plan and Land Development Code, which includes a Land Use Transition Review, Concurrency Management review, and a Level of Service review. This project is located within the Harbor Community Redevelopment Areas.

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 Map category of Low Density Residential (LDR) and a Zoning designation of Low Density Residential - Village (LDR-V). The proposed use, single family detached residential, is consistent with the Low Density Residential Future Land Use Map category and is a permitted principal use within the Low Density Residential - Village (LDR-V) Zoning District.

LAND USE TRANSITION:

The proposed development is for a 4-lot single-family residential detached condominium. The proposed land use is consistent with adjacent land uses, as shown below, and shall not require further evaluation with regards to buffers and smooth land use transition as required in Policy 1-2.1.7 of the Comprehensive Plan for protecting abutting single-family residential and other low rise residential properties from substantially dissimilar and potentially incompatible land uses. The following items aid in providing an overall project description to evaluating the proposed development:

1. Type of land use, zoning district, and land use category;
2. Building location, dimensions, height, and floor area ratio;
3. Location and extent of parking, access drives, and service areas;
4. Traffic generation, hours of operation, noise levels, and outdoor lighting;
5. Alteration of light and air; and
6. Setbacks and buffers.

1. **Type of Land Use, Zoning District, and Future Land Use Map Designation:**

The proposed land use will consist of single-family detached residential structures located on four (4) condominium owned lots. There will be a required a condominium homeowner’s association for purposes of managing and controlling the common areas. The property currently has a Future Land Use Map category of Low Density Residential (LDR) and a Zoning designation of Low Density Residential – Village (LDR-V). The proposed use is consistent with the “LDR” Future Land Use Map category and is a permitted principal use within the “LDR-V” Zoning District.

2. **Location of Structure, Dimensions, Height, and Floor Area Ratio:**

No structures are proposed with this development approval. The following is a description of the surrounding area:

LOCATION RELATIVE TO SUBJECT SITE	FUTURE LAND USE	ZONING	EXISTING LAND USES
North	Low Density Residential (LDR)	Low Density Residential - Village (LDR-V)	Single-family Residential
South	Low Density Residential (LDR)	Low Density Residential - Village (LDR-V)	Single-family Residential
East	Low Density Residential (LDR)	Low Density Residential - Village (LDR-V)	Single-family Residential

West	Low Density Residential (LDR)	Low Density Residential - Village (LDR-V)	Single-family Residential
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As described herein, the surrounding uses include single-family detached residential homes and vacant land. The density of development does not exceed the maximum allowed for in the Land Development Code and the Comprehensive Plan.

Density:

Allowed: 5.81 dwelling units per acre in Low Density Residential-Village (LDR-V)
Proposed: 4 dwelling units / 0.69 acres = 5.81 dwelling units per acre

Height:

The single family structures allowed shall have a maximum height of 35 feet from average grade or base flood elevation to the cornice line.

3. Location and Extent of Parking, Access Drives, and Service 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.”

4. Traffic Generation, Hours of Operation, Noise Levels and Outdoor Lighting:

- a. **Traffic Generation:** This analysis does not address traffic generation. Please refer to the “Traffic Analysis” section below.
- b. **Hours of Operation:** No commercial retail, service, or similar use is proposed, which would require hours of operation.
- c. **Noise Levels:** No adverse noise impacts have been identified with the proposed development.
- d. **Outdoor Lighting:** All proposed future revisions or additions to outdoor lighting plans must provide outdoor lighting specifications, including photometrics. Any future lighting must be shielded downward and away from adjacent properties in order to avoid spill-over and illumination into the night sky. The source of all illumination should not be visible from off-site.

5. Alteration of Light and Air: The plan does not generate any adverse impacts to light and air that would severely or adversely affect the surrounding properties.

6. Setbacks and Buffers: The setbacks and buffers meet or exceed the requirements for zoning district. Please reference the “Setbacks” section of this TRC report for further information regarding the proposed setbacks and buffers.

The site plan for “West Harbor” complies with the City of Destin Comprehensive Plan Policy 1-2.1.7 and the Land Development Code §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 traffic review conducted by the City's Transportation Manager, and approved on August 2, 2007, the proposed development will not degrade the level of service of those major transportation facilities in the City of Destin (urban collectors and arterials).

Traffic concurrency is satisfied for this project, as confirmed by the City's Transportation Manager after reviewing the applicant's traffic concurrency analysis dated July 26, 2007.

SUBDIVISION OR PUD - PLAT:

The proposed development is not a traditional platted subdivision per Chapter 177 of State Statutes. Ownership and the division of land will be documented and regulated per the requirements for condominium ownership.

Condition: Prior to the issuance of any City Permit, an ownership and maintenance association document (Condominium Documents, Covenants, and Restrictions) shall be submitted and recorded. The Condominium Documents shall clearly indicate the roads, common area, stairways, access aisles (driveways), lift station, conservation easement, and maintenance is the responsibility of the association and there shall be no recourse to the City or any other public agency. The ownership and maintenance association documents must be submitted to the Community Development Department to be reviewed and approved by Staff and the City Land Use Attorney. Additionally, a copy of the documents, once recorded, must be submitted back to the City of Destin.

WHITE SANDS ZONE:

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

PHASING:

The proposed development will not be a phased development.

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.

SETBACKS:

The proposed buildings meet and exceed all of the required setbacks for the following zoning district(s):

Low Density Residential-Village (LDR-V):

	<u>Required</u>	<u>Buffers</u>	<u>Provided</u>
Front :	20'	10' FP	49.4' including 10' FP
Side:	7.5'	5' CB	10.6' including 5' CB
Rear:	10'	5' CB	10.5' including 5' CB
Between Bldgs.:	10'	N/A	10.0'

Note: 10' FP = 10' Front Perimeter Landscaped Area, and 5' CB = 5' Common Boundary Landscaped 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:

Underground utilities/service (existing and proposed) are required.

COX COMMUNICATIONS:

Cox Communications approved the project in a letter dated September 24, 2007.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated September 19, 2007.

GULF POWER:

Gulf Power approved the project in a letter dated September 7, 2007.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated November 20, 2007.

EMBARQ:

Sprint approved the project in a letter dated September 10, 2007.

WATER/SEWER PROVIDER:

Destin Water Users, Inc. approved the project in a letter dated November 9, 2007, with 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.

ENGINEERING DEPARTMENT:

The City of Destin Engineering Department approved the project with conditions in a letter dated November 15, 2007.

STORMWATER MANAGEMENT:

The stormwater management plan was found acceptable and approved with conditions on November 15, 2007.

INGRESS/EGRESS:

The requirement for access is provided by a 22-foot wide two-way ingress and egress roadway from Sibert Avenue.

PARKING:

Per code:

Dwelling, single-family detached: 2.00 spaces per dwelling unit x 4 dwelling units = 8 parking spaces

TOTAL REQUIRED: 8 parking spaces

TOTAL PROVIDED: 8 parking spaces

LOADING SPACE (ZONE):

Not applicable.

REFUSE COLLECTION:

Refuse collection shall be provided by curbside pickup.

SIDEWALKS:

5-foot wide sidewalks are provided along the entire length of the roadway throughout the development site.

OPEN SPACE/LANDSCAPE:

Open Space Requirements (Site Plan):

Development Area (Total Area): 29,966 sq. ft. (0.69 acres, more or less)
Required 25% Open Space: 7,492 sq. ft.
Provided Open Space: 13,087 sq. ft. (43.7%)

Tree Requirements:

Credits for Existing Trees (2" to 6" diameter) on Site (7 trees x 2 credits per tree):	14
Credits for Existing Trees (7" to 12" diameter) on Site (19 trees x 3 credits per tree):	57
Credits for Existing Trees (13" to 19" diameter) on Site (1 tree x 4 credits per tree):	4
Credits for Existing Trees (20" to 24" diameter) on Site (0 trees x 5 credits per tree):	0
Total Reforestation Credits for saving Existing, Protected, or Preserved Trees:	<u>75</u>
Reforestation Trees (1 per every .10 of an acre: .69 x 10 = 6.9) Required on Site:	<u>7</u>
Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:	<u>0</u>

Note: Trees credited are those only located within common areas and the 50' wide tree preservation easement area. Per the Land Development Code, credit shall be received on the reforestation requirement of this section by preserving existing trees. Trees required for reforestation are in addition to other required trees within Article 12, Section 12.04.04.C.

Total Reforestation Trees Required on Site:	0
Front Perimeter Trees (1 per 25') Required on Site (SFD developments are exempt):	4
Parking Lot Trees (1 per end row and landscape island) Required on Site:	N/A
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site:	N/A
Replacement Trees (7-12" DBH Removed) 1 Tree X 3 Credits Required on Site:	3
Replacement Trees (12-19" DBH Removed) 1 Tree X 4 Credits Required on Site:	4
TOTAL TREES REQUIRED:	11
TOTAL TREES PROVIDED:	11
TOTAL TREES PROVIDED (Including credited trees to remain):	38

Unless otherwise noted, **all required trees must be a minimum of ten (10) feet high at time of planting and reach a crown of twenty (20) feet at maturity.** If the twenty (20) foot crown requirement is not met, additional trees shall be added and grouped together to meet the twenty (20) foot crown. If shrubs are used in the required buffer areas, they must be a minimum of twelve (12) inches in height when measured immediately after planting. **WARNING: A Certificate of Occupancy will not be issued until the required landscape material per the approved landscape plan has been inspected and approved by the Community Development Department.**

IMPACT FEES:

The following impact fee amounts are estimated may be subject to change. The impact fees were calculated based on the maximum of 1,284.4 square feet for two of the lots and maximum 1,543.5 square feet for the other two lots. Final impact fee amounts will be determinant upon the actual building square footage. Final impact fee amounts will also be determinant 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:

Parks: The park fees were calculated using the “Single-family detached = \$335 per unit” for 1,000 – 1,499 square feet and \$399 per unit for 1,500 – 1,999 square feet.

Single-family detached:

$$(2 \text{ proposed units} \times \$335) + (2 \text{ proposed units} \times \$399) = \$670.00 + \$798 = \mathbf{\$1,468.00}$$

Public Library: The public library fees were calculated using the “Single-family detached = \$112 per unit” for 1,000 – 1,499 square feet and \$133 per unit for 1,500 – 1,999 square feet.

Single-family detached:

$$(2 \text{ proposed units} \times \$112) + (2 \text{ proposed units} \times \$133) = \$224 + \$266 = \mathbf{\$490.00}$$

Police Protection: The police protection impact fees were calculated using the “Single-family detached = \$16 per unit” for 1,000 – 1,499 square feet and \$19 per unit for 1,500 – 1,999 square feet.

Single-family detached:

$$(2 \text{ proposed units} \times \$16) + (2 \text{ proposed units} \times \$19) = \$32 + \$38 = \mathbf{\$70.00}$$

Road: The road impact fees were calculated using the “Single-family detached = \$705 per unit” for 1,000 – 1,499 square feet and \$831 per unit for 1,500 – 1,999 square feet.

Single-family detached:

$$(2 \text{ proposed units} \times \$705) + (2 \text{ proposed units} \times \$831) = \$1,410 + \$1,662 = \mathbf{\$3,072.00}$$

Totals:		
Parks:	=	\$1,468
Public Library:	=	\$490
Police Protection:	=	\$70
Roads:	=	\$3,072
TOTAL:	=	\$5,100.00

OTHER FEES:

The fees listed below are subject to change and are based on the most recent information available (November 20, 2008). The fees must be paid by the applicant as part of the cost recovery associated with the proposed project:

City Traffic Consultant:	N/A
City Surveyor:	N/A
Re-Review Fees (Community Dev.)	Paid
Re-Review Fees (Engineering)	Paid
Administrative Costs:	Paid
City Council Advertising:	N/A
TOTAL (as of 11/13/08) =	\$0.00

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

FDEP stormwater and NPDES approvals (if applicable) shall be forwarded to the Public Services Department office for stamp received and then forwarded to the Community Development Department.

COMMENTS/NOTES/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 the issuance of any City Permit, an ownership and maintenance association document (Condominium Documents, Covenants, and Restrictions) shall be submitted and recorded. The Condominium Documents shall clearly indicate the roads, common area, stairways, access aisles (driveways), lift station, conservation easement, and maintenance is the responsibility of the association and there shall be no recourse to the City or any other public agency. The ownership and maintenance association documents must be submitted to the Community Development Department to be reviewed and approved by Staff and the City Land Use Attorney. Additionally, a copy of the documents, once recorded, must be submitted back to the City of Destin.
2. **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.*

3. **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.*
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. *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. **Prior to the issuance of a Certificate of Completion/Occupancy**, the landscaping and any outdoor lighting, if installed, must be inspected and approved by the Community Development Department. The lighting plan must provide specifications for the proposed outdoor lighting, including photometrics. All lighting must be shielded downward and away from adjacent properties in order to avoid spill-over and illumination into the night sky.
7. **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.
8. **Note:** If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be considered in non-compliance and a revised stormwater plan shall be resubmitted for review and approval.
9. **Note:** Please abide by the general guidelines set forth in the FDEP's "Florida Development Manual: A Guide to Sound Land and Water Management."
10. **Prior to the issuance of any City Permit:** FDEP stormwater and NPDES approvals shall be forwarded to the Public Services Department for stamp received and then forwarded to the Community Development Department.
11. **Prior to obtaining a Certificate of Completion/Occupancy:** The Stormwater Operation/Maintenance Plan (SWOMP) shall be acknowledged and signed by the owner.

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:** Prior to obtaining any City permits, obtain a NPDES Approval.
3. **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.

4. **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.
5. **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.
6. **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.

The project is located in the Old Destin Multi-Modal Transportation District. Provide an 8' wide sidewalk across the property within the Sibert Ave. ROW.

7. Backflow preventers are required to be located on the private property not in the public ROW.
8. The internal sidewalk shall be a minimum of 6" above the elevation of the roadway except at the driveways.

Erosion Control & Wetlands Comments

1. **Condition:** Provide a 24 hour contact person's phone number; that person shall have demonstrated ability in maintenance of erosion control measures.
2. **Condition:** Areas not being worked for 30 days or more shall be vegetated
3. **Condition:** All bare ground, stripped of vegetation during the clearing/grading process, shall be covered to the maximum extent practicable.
4. **Condition:** Non surfaced temporary construction driveway entrances, access roads and parking areas used by construction traffic shall be stabilized to minimize erosion and prevent tracking mud or soil from the site.
5. **Condition:** Stabilized construction entrance(s) shall be installed as the first step of clearing and grading.



CITY of DESTIN

4200 Indian Bayou Trail • Destin, Florida 32541

COMMUNITY DEVELOPMENT

Voice 850.837.4242 Fax 850.650.0693



www.cityofdestin.com

kgallander@cityofdestin.com

January 13, 2010

Mr. Ronald E. Wright
88 Terra Cotta Way
Destin, Florida 32541

Subject: West Harbor – Final Development Order No. 09-05 Special Economic Condition Extension Request

Dear Mr. Wright:

This letter is in response to your correspondence I received on December 31, 2009. As required, your request for an extension to Final Development Order No. 09-05 was received prior to January 1, 2010. Based on meeting this criterion and by adhering to the criteria of the extension as stated in Article 2, Section 2.21.01.D, the extension is granted until December 31, 2011 from the date of your written correspondence (December 28, 2009). This extension vests the final development order and enables the holder of the orders to delay commencement or continuance of construction, if necessary, until December 31, 2011.

Please do not hesitate to call me if you have any further questions or concerns.

Sincerely,

Kenrick S. Gallander, AICP
Community Development Director

KSG/

cc: File: Letter Log
Planning Manager, Ashley Grana - File: SP-07-25

Ronald E. Wright
rwright18@cox.net
88 Terra Cotta Way
Destin, Florida 32541
Telephone: (850) 654-4943
Cell: (850) 259-4925
Facsimile: (850) 244-5701

RECEIVED

DEC 31 2009

**COMMUNITY
DEVELOPMENT**

December 28, 2009

RE: Development order #0905(West Harbor)

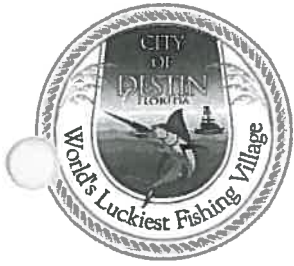
To whom it may concern.

I received a letter in December stating I was eligible for an extension of my development order until 2011. I would like to extend my development order for West Harbor Development #0905 Until 2011. Due to the present market conditions it would not be economical to develop this project at this time. If you need to contact me feel free to do so at the above contact information.

Thank You,



Ronald E Wright
Owner West Harbor Development



Community Development Planning Division

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-337-3123 | Fax: 850-650-0693 | www.cityofdestin.com

August 27, 2012

Via: U.S. Mail

Mr. Ronald E. Wright
88 Terra Cotta Way
Destin, FL 32541

**SUBJECT: "West Harbor: A Minor Development"
Expiration of Final Development Order No. 09-05**

Dear Mr. Wright:

This letter is to inform you that according to our records Final Development Order No. 09-05 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 signed on November 20, 2008. A request for a one-year extension to the requirement to "...obtain a building permit and commence construction" was approved on September 17, 2009. This extended the requirement to "...obtain a building permit and commence construction" to November 20, 2010. On December 31, 2009 the City received a request from you asking for approval of a 2-year extension under the provisions of the "Special Economic Condition" provisions adopted by the State Legislature. In reviewing its records, staff was unable to find a record of a building permit being issued for the development in question prior to the new December 31, 2011. 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 \$571.65 application fee and file said application with the Planning Division within 30 calendar days of date of this determination. It is important to note that you will also be responsible for cost recovery for outside consultants (if applicable) and administrative, advertising, mailing expenses. 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.



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If you have any questions or concerns, related to this issue, please don't hesitate to call or e-mail me.

Sincerely,



R. Ashley Grana
Planning Manager

RAG/

Attachments: LDC section 2.21.00
LDC section 2.22.00

cc: Community Development Director, Ken Gallander
City Land Use Attorney, Scott Shirley
Code Enforcement Manager, David Bazylak
File: 220 Sibert Avenue (Building Division)
File: 2009 DO Log Book
File: SP-07-25
File: Letter Log