

*Inspection  
Dept.*



# *The City of Destin*

Post Office Box 399 Destin, Florida 32540 (904) 837-4242 FAX (904) 837-3267

September 1, 1992

DO-92-08

Mr. Robert Goldsby \*  
Post Office Box 1109  
Destin, Florida 32540

RE: FINAL DEVELOPMENT ORDER FOR AZALEA GARDENS, A 37-LOT PLANNED UNIT DEVELOPMENT AND A MAJOR DEVELOPMENT LOCATED ON THE SOUTH SIDE OF AZALEA DRIVE AND ADJACENT TO THE UNOPENED PORTION OF MELVIN STREET RIGHT-OF-WAY, DESTIN, FLORIDA.

Dear Mr. Goldsby:

Based upon the City Council's approval of the above referenced project at its meeting on August 17, 1992, this letter will serve as your Final Development Order to include all the provisions of the attached Staff Reports and with the following conditions.

It will be necessary for you to post the appropriate security for infrastructure improvements or otherwise satisfy ordinance requirements for improvements prior to releasing the Mylar for recording. This must be done prior to August 16, 1993, or this proposed Development Order will expire, the Mylar will not be released, and the project will have to be resubmitted for review. All infrastructure improvements must be completed prior to issuance of individual building permits on the lots. This requirement includes:

1. Roads, drainage, water, sewer, etc. This includes paving of Melvin Street from Azalea Drive to Mountain Drive for which the City will reimburse you \$7,500 upon completion to City standards, and
2. An eight-foot (8) treated privacy fence must be installed along the southern boundary of the property adjacent to existing commercial uses, and
3. A ten (10) foot deep aluminum sheetpile retaining wall must be installed along Lots 21, 22 and 23 which will allow for elevation of the Azalea Gardens' lots abutting Beaconview Subdivision's east boundary to be lowered by four (4) feet, and

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4. The embankment along Melvin Street on Mr. Winton's property must be stabilized as specified in the revised drawings.

5. If you elect to install street lights within the development at your expense, a street light layout must be approved by the Public Works Director prior to installation.

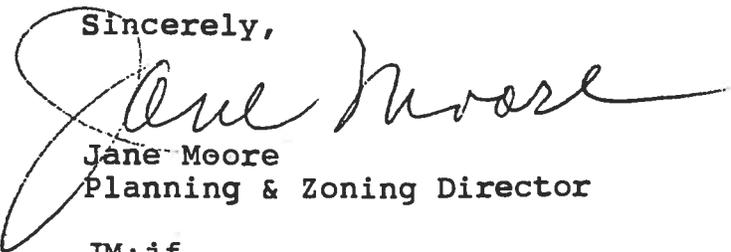
6. During construction, an on-site turning area for Lots 5 through 10 fronting Azalea Drive must be provided.

7. During construction, a minimum of four (4) trees per lot is required. Total number of trees required for the project is 141.

8. If the development is initiated within a one-year period your concurrency status is protected for five (5) years through August 16, 1997.

If you have any questions, or need any further assistance, please do not hesitate to contact my office.

Sincerely,



Jane Moore  
Planning & Zoning Director

JM:jf

Attachments

cc: Dana C. Matthews, Esquire  
Inspection Department

NOTE TO INSPECTION DEPT.

A compaction test is required for each house before a building permit can be issued.

Before Slab inspection 

# STAFF REPORT #1

## PLANNING AND ZONING DEPARTMENT AZALEA GARDENS

### A PLANNED UNIT DEVELOPMENT AND A MAJOR DEVELOPMENT AZALEA DRIVE JULY 16, 1992

#### ISSUE

Request for approval of Azalea Gardens, a 37-lot Planned Unit Development and a Major Development, located on the south side of Azalea Drive and adjacent to the unopened portion of the Melvin Street right-of-way. The request is made by Mr. Robert Goldsby. The site contains 249,363 s.f. (5.72 acres) more or less.

#### BACKGROUND

Mr. Goldsby submitted a stormwater management plan to the City in early 1991 which was approved by the City Engineer prior to the initiation of his present site work. The original stormwater management plan called for three terraced-type retaining walls (similar to Exhibit C of Mr. Elamad's report) on the west side of the property which would bring the elevation from approximately 45' (at the highest elevation) down to an elevation of approximately 25' on the roadbed. The cul-de-sac was located further south and further east of the west property line which provided a minimum depth of 120' for the lots adjacent to Beaconview. The original preliminary plan envisioned approximately twenty-five (25) building sites.

The present proposed layout deviates from the original design which was approved by the City Engineer. There are no retaining walls planned and the developer plans to slope the area adjacent to Beaconview instead; the cul-de-sac is closer to the west property line; and the cul-de-sac is located further north within the property.

The most shallow lots in the development abut Beaconview along the west property line. Lot 23, for example, is only 65' deep and is in an area containing some of the greatest slope differential. The engineers designing the Stormwater Management plan indicated that the developer plans to place homesites on these lots by utilizing split level type of construction. On lot 23 this would mean that the excavation would penetrate into the lot at least 45' (if you met the 20' front yard setback and had a 25' deep garage as the ground floor); this excavation, therefore, would be within 20' of the Beaconview Subdivision east property line. No restrictive covenants have been provided the staff which would address construction techniques or structural standards for homes within this area. Because staff was concerned about the stability of the

site when excavation occurs and the safety of the structures and property remaining at the higher level in Beaconview Subdivision as well as on adjacent lots within Azalea Gardens, we requested Mr. John Elamad, a structural engineer, to review the site and the plans to advise the City as to how the project could be safely developed without jeopardizing adjacent parcels (within Azalea Gardens or Beaconview Subdivision). During our conversations with Mr. Elamad he advised against any excavation of the lots without a complete retaining wall being in place along the west property line prior to initiation of any construction. He stated that it would not be advisable for individual property owners to install small sections of a retaining wall.

During this same conversation, Mr. Elamad also pointed out that as the project is designed, it was his opinion that there would be a shifting of sand once excavation is begun on the lots abutting Beaconview Subdivision which would affect not only the Beaconview properties but the adjacent lots within the Azalea Gardens as well. For example, if excavation was begun on Lot 23 (with no retaining wall in place) you would expect to have sand shifting from Lots 24 and 22 as well as from Beaconview. There have been no proposed safeguards presented by the developer to address these concerns. A copy of Mr. Elamad's written report is included with this Staff Report. The project engineer and Mr. Goldsby were advised of staff's concern and the project engineer was told the matter had been referred to the structural engineer for review. Based on the structural engineer's report, staff recommends that: see Staff Report #2 for resolution

1. The developer install a structural retaining wall along the west property boundary as part of the infrastructure improvements with the drawings to be designed by a Florida registered structural engineer with any slopes within these areas to be stabilized against erosion; or
2. Lots 21-25 be removed from the plat and designated as a commons area open space, landscaped buffer zone between this development and Beaconview subdivision with the slope to be stabilized with a filter cloth type of seed and mulch affixed to the slope to be installed by the developer as part of the infrastructure improvements; or
3. Decrease the number of lots (possibly delete Lots 17, 18 and 19) in a manner to allow for repositioning the road further to the east (creating greater depth to the lots abutting Beaconview Subdivision); include a mandated buffer zone on those lots sufficient to protect the required slope; and the slope to be stabilized by the developer with a filter cloth type of seed and mulch affixed to the slope as part of the infrastructure improvements; or

4. The developer propose a specific plan which will satisfy the safety concerns outlined above prior to approval of the project.

**ZONING/COMPREHENSIVE PLAN**

The property is zoned Residential Intensive Apartments (RIA) and the Land Use Category is Commercial. Traditionally land uses allowed within the Business Districts would be allowed within the Commercial designation. Planned Unit Developments are allowed in the Business Tourism district. Staff's interpretation is that this is an appropriate land use in accordance with previous projects approved in the Business Tourism district. Density for the project is 7.11 units per acre. The developer has stated he intends to place an 8' privacy fence along the south and west boundary lines in order to mitigate potential conflicts between the different adjacent land uses. These improvements would need to be part of the infrastructure improvements. See Staff Report #2.

**CONCURRENCY MANAGEMENT**

Concurrency requirements met:

Sanitary Sewer	<u>  X  </u>	Potable Water	<u>  X  </u>	Roadways	<u>  X  </u>
Solid Waste	<u>  X  </u>	Recreation	<u>  X  </u>	Drainage	<u>  X  </u>

**MYLAR - SUBDIVISION OR PUD**

The mylar has been received by the City.

**STORMWATER**

The stormwater management plan has been reviewed and approved by the City Engineer. The project engineer has certified that the project qualifies for swale exemption in accordance with requirements of DER. All stormwater improvements to be installed as a part of the infrastructure improvements.

**SIGNS**

No special signs have been requested.

**UTILITIES**

Underground utilities are required.

**STREET LIGHTS - LIGHTING PROVISIONS**

The developer has not indicated whether or not he intends to place street lights within the development at his expense. If he should elect to do so, however, he must bear all installation costs as well as the cost of the light fixtures because the City will not pay for any additional facilities charges. If the lights are installed and paid for by the Developer, the City will pay the base electricity bill. The streetlight layout and fixtures must be approved by the Public Works Director prior to installation.

**WATER/SEWER**

Water and sewer are available through Destin Water Users.

**INGRESS/EGRESS**

Access to the property is provided from Azalea Drive and Melvin Street (aka Third Street) which is presently unimproved. There is a new cul-de-sac street within the project, Goldsby Way, which meets the City's right-of-way requirements. The new street name has been approved by 911. The proposed plan shows Melvin Street being partially opened from Azalea Drive. In keeping with City requirements for other projects (Indian Creek Subdivision, Ridgewood Manor, etc.) and the Comprehensive Plan, staff advised the project engineer that this street would have to be paved to connect with Mountain Drive. The revised plans did not include the paving to connect to Mountain Drive; it stops short approximately 290'. During a recent Public Hearing regarding vacation of this right-of-way, there was opposition to closing Melvin Street from Mr. Goldsby who expressed desire to have access to his property from this direction. As a result of that Public Hearing and the opposition to the vacation of this portion of Melvin Street, the Planning Commission recommended to the City Council that the right-of-way NOT be vacated and that should this street ever be opened that it be opened entirely from Mountain Drive to Azalea Drive to allow for through traffic. **Staff recommends that the developer be required to connect the proposed paved area on Melvin Street to Mountain Drive. See Staff Report #2 for further comment/revisions.**

The plan for improving Melvin Street calls for excavation of a portion of the adjacent property on the east boundary of the right-of-way. Staff has requested from the developer an Affidavit that the property owner will allow for this excavation and submit a plan for stabilizing the slope once the property is altered. Staff provided the developer with a suggested Affidavit. **The Affidavit has been received and a stabilization plan is included on the construction drawings. Work must be included as part of the infrastructure requirements. See Staff Report # 2 for additional information.**

Access to lots 19, 20, and 21 must be from Goldsby Way--no access to these lots will be allowed from Azalea Drive in accordance with the City ordinances.

There are six (6) lots (Lots 5-10) with access only from Azalea Drive. In an effort to provide protection for residents and to maximize safety for Azalea Drive motorists, staff recommends that these 6 lots be required to provide on-site turning areas to avoid having automobiles backing into the street. **See Staff Report #2**

WHITE SANDS ZONE --Does not fall within White Sands zones.

SETBACKS

The typical foot prints shown on the drawing meets the minimum required for a Planned Unit Development. There are drainage easements which will dictate minimum setbacks on some of the lots. For example, Lot 3 would have a minimum side setback of 6' in order to clear the drainage easements on this lot.

SIDEWALKS

Sidewalks are required for the development. Sidewalks were not shown on the mylar adjacent to all lots. Staff has advised the surveyor so this may be corrected prior to the meeting. The small drawing (11" x 17") shows the sidewalks along Azalea Drive adjacent to lots 19, 20, and 21 to be angled to a point adjacent to the roadbed. The Public Works Director has not approved this design. This has been corrected on the Mylar.

LANDSCAPE

The project meets or exceeds the landscape requirements as follows:

OPEN SPACE:

249,363 s.f. of property X 18%	=	44,885.	s.f. required
Site plan provides 31 %	=	78,440.	s.f. provided

TREES REQUIRED:

Reforestation <u>57</u> (10 per acre x 5.7)	Perimeter <u>84</u> (2100 l.f./ 25')
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Protected Trees on Site (12" to 23" diameter):	<u>none</u>
Preserved Trees on Site (24" or more diameter):	<u>none</u>
Credits for Protected/Preserved Trees	: <u>none</u>
TOTAL TREES REQUIRED	: <u>141</u>
TOTAL TREES PROVIDED	: <u>*</u>

\*the engineer's calculations included a statement the developer will stipulate that each lot owner will plant a minimum of 3 (required to be 4) trees in the project's covenants but City has not received covenants and this requirement is not included on the Mylar. See Staff Report #2.

PARKING

Parking will be provided on each lot. Staff again recommends that a turnaround area be required on each lot facing Azalea Drive. This has been agreed to by Developer. See Staff Report #2

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**REFUSE COLLECTION**

Refuse collection is provided by: Curbside pickup.

**FIRE DEPARTMENT REVIEW**

The project has been reviewed and approved by the Fire Department.

**GENERAL COMMENTS**

Staff's concerns and recommendations and the additional information required from the developer are highlighted in this report. It is requested that they be addressed individually by the Planning Commission during your deliberations.

**REVISED**

**STAFF REPORT #2**

**PLANNING AND ZONING DEPARTMENT  
AZALEA GARDENS  
A PLANNED UNIT DEVELOPMENT AND MAJOR DEVELOPMENT  
AZALEA DRIVE  
AUGUST 6, 1992**

**SUPPLEMENTAL INFORMATION**

This project was considered by the Planning Commission at its meeting on July 16, 1992. Several unresolved issues were discussed during that meeting and the project was continued until the August 6, 1992 meeting. The Planning Department staff, the developer, his engineer and attorney met on July 20, 1992 to discuss these issues and arrived at agreement on most items.

**ISSUE #1**

**Structural integrity lots adjacent to Beaconview Subdivision:**

The plans have been revised to include a retaining wall along the more critical lots (21, 22, and 23). This is a 10' deep aluminum sheetpile wall which will allow for elevation of the Azalea Gardens lots abutting Beaconview Subdivision's east boundary to be lowered by 4'. This detail was designed by Mr. John Elamad, a registered structural engineer.

**STAFF'S RECOMMENDATION:**

1. There be a 10' maintenance easement shown on the Mylar along the rear lot line of lots 21, 22, and 23. This was agreed to by the developer during the followup meeting but as of the writing of this report the revised mylar has not been received to verify this information. **SHOWN ON MYLAR.**

2. The Restrictive Covenants include a requirement that owners of lots 21, 22 and 23 be required to maintain the retaining wall -- or that there be an association formed with this as part of the association's requirement. This was agreed to by developer but the Restrictive Covenants had not been received for staff to review at the time of the writing of this report.

**INCLUDED IN RESTRICTIVE COVENANTS VI.2.**

**ISSUE #2**

**Specific plan for mitigation of adjacent conflicting land uses.**

The developer has agreed to place a fence along the southern boundary of the property adjacent to the existing commercial uses. This will be included in his Development Order.

**TRY TO GET DECLARATION AS TO TYPE AND HEIGHT OF FENCE - WOOD,  
STUCCO**

ISSUE #3

Paving of Melvin Street from Azalea Drive to Mountain Drive

On the original plan, paving for Melvin Street stopped short of the southernmost property line of the proposed project. The revised plan shows the pavement has been extended to the southern boundary of the property but still contains no provision for a turnaround area.

**THIS ISSUE HAS NOT BEEN RESOLVED. SAND HAS BEEN REMOVED FROM A PORTION OF THE CITY'S RIGHT-OF-WAY.**

STAFF'S RECOMMENDATION:

1. That in keeping with the Comprehensive Plan and requirements placed on other developers, Melvin Street be paved from Azalea Drive to Mountain Drive in conjunction with the development of this project. The City may wish to consider a joint venture similar to its participation on Restaurant Row where the City paid for the ribbon curbing and the developer paid all other costs associated with the road construction, drainage, etc.
2. If the above recommendation is not implemented, a turnaround at the southernmost boundary must be provided in order to avoid deadend traffic with no turning radius.

ISSUE #3

Mylar correction to show the name "Melvin Street" instead of Third Street.

This correction is to be placed on the Mylar. **CORRECTION MADE.**

ISSUE #4

Affidavit from property owner adjacent to Melvin Street allowing developer to excavate his embankment along Melvin Street.

This Affidavit has been received and the drawings have been revised to show a specific detail for stabilizing this area. The developer will be responsible for stabilizing this area and this requirement must be included as part of his infrastructure installation prior to release of the Mylar.

**THIS WILL BE INCLUDED IN THE DEVELOPMENT ORDER.**

ISSUE #5

Turning areas for Lots 5-10 fronting Azalea Drive.

The developer agreed to provide an on-site turning area for these

lots and a detail has been included on the construction drawings. However, this requirements must be included on the Mylar or in the Restrictive Covenants neither of which staff had to review when this report was written. THIS IS INCLUDED IN THE RESTRICTIVE COVENANTS VI.5 AND WILL BE INCLUDED IN THE DEVELOPMENT ORDER.

**ISSUE #6**

**Landscape requirements to be included in Restrictive Covenants or note on Mylar.**

Staff did not have these documents to review prior to writing report. THIS IS INCLUDED IN THE RESTRICTIVE COVENANTS V.14.

**ISSUE #7**

**Easement on Mylar for Sanitary Sewer lines/maintenance**

Developer agreed to place on Mylar but staff did not have revised Mylar to review when this report was written.

**HAS BEEN INCLUDED IN THE RESTRICTIVE COVENANTS VI.3 AND ON THE MYLAR**

**GENERAL STAFF COMMENTS**

During the 7-20-92 meeting with the City staff, the developer and his representatives, the developer basically agreed to take the necessary steps to address all of the above concerns with the exception of the paving of Melvin Street from Azalea Drive to Mountain Drive. Staff's recommendation on this item remains as previously presented.

In addition, several of the above items must be reflected either on the Mylar or in the Restrictive Covenants. As previously stated, these documents had not been received for staff to review at the time of the writing of this report on 8-4-92. A verbal update on the status of these documents will be made at the 8-6-92 meeting.