



City of Destin

June 7, 2001

Order No. 01-17

Final Development Order:

“HARBOR MARINA & STORAGE”: A MAJOR DEVELOPMENT (SP-00-14)

Based upon the City Council’s approval of this Development Order, on May 14, 2001, 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: Campbell Engineering, Inc., on behalf of Claude F. Perry, Sr.

Location: The proposed project is generally located at 302 U. S. Highway 98 East, more specifically known as Property Appraiser’s parcel I. D. 00-2S-22-0630-0000-07D0.

Request: Approval of a Major Development identified as “Harbor Marina & Storage.” The proposed project consists of a 132 unit dry boat storage building containing 23,760 square feet, a 2,465 square foot restaurant building, a 336 square foot boat rental building, and an existing 27-slip marina.

Parcel Size: The property contains 1.26 acres +/-.

Future Land Use: Mixed Use (MU)

Zoning District: Business Tourism (BT)

Density: Not Applicable

Intensity: Allowed: 1.07 Floor Area Ratio
Proposed: 0.48 Floor Area Ratio

Application Date: February 16, 2000

TRC Date: March 15, 2000

Approved Site Plan Date: February 27, 2001

Planning Commission Date: April 5, 2001, and April 19, 2001

City Council Date: May 14, 2001

DETERMINATIONS:

1. A hearing was held by the Destin City Council on May 14, 2001, and the City Council approved the development by a vote of 6-0. Motion to approve the project as presented by staff, and documented in the TRC report, subject to all of the conditions identified within the report dated February 27, 2001 and amended on May 7, 2001.

2. The Planning Commission considered the proposal on April 5, 2001, and April 19, 2001, and recommended that the City Council approve the proposed project as presented by staff. The motion passed by a vote of 7-0; and
3. All the findings of the Technical Review Committee Report dated February 27, 2001, and amended on May 7, 2001, are incorporated herein.

CONDITIONS OF APPROVAL FOR "HARBOR MARINA & STORAGE," A MAJOR DEVELOPMENT (SP-00-14):

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

Construction must commence within twelve (12) months of approval of the Final Development Order on May 14, 2001 (no later than May 14, 2002), and must be completed as shown on the plans approved by the Technical Review Committee (stamp dated February 27, 2001).

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 the applicant fully complies with the requirements of Condition Number 1 above, the concurrency status for "Harbor Marina & Storage" is protected through May 14, 2006. The protected concurrency status, however, will be lost if:
 - A. Construction activity ceases for a period exceeding one (1) year at any time during the term of this Amended Final Development Order, or
 - B. Construction permit(s) are not obtained in accordance with Section 2.09.00 of the Land Development Code to maintain concurrency.
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.
 - 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 obtaining any City Permits, provide a copy of Florida Department of Environmental Protection (FDEP) stormwater permit.
5. Prior to the issuance of any City Permit, all outstanding costs associated with this project that are owed to the City must be paid in full.
6. Prior to the issuance of a Demolition Permit, a demolition plan must be submitted and approved by the Community Development Department.
7. Prior to the issuance of a Building Permit, a construction crane registration form, which has been approved by Okaloosa County Airport Authority, must be submitted (if necessary).
8. Prior to the issuance of a Building Permit, the Parking and Business Operation Agreement must be executed. Once the Agreement is executed, a copy must be recorded with the Clerk of the Circuit Court of Okaloosa County and a recorded original copy returned to the Community Development Department.
9. Prior to obtaining a Building Permit, provide all applicable Federal, State, and Destin Harbor Board approvals.
10. Prior to the issuance of a Certificate of Occupancy, all landscaping must be installed, inspected, and approved by the Community Development Department.
11. Prior to the issuance of a Certificate of Occupancy, all applicable impact fees must be paid.
12. If the applicant proposes outdoor lighting in the future, and if the proposed wattage of the bulbs is 250 watts or less, an outdoor lighting plan must be submitted to the Community Development Department for review and approval. If the proposed lighting plan indicates that the proposed wattage of the bulbs is greater than 250 watts, then the lighting plan will be considered a major deviation to the development order and will have to be reviewed by the Planning Commission and the City Council.
13. Prior to obtaining a Certificate of Occupancy, submit an Operations & Maintenance Plan, which shall be acknowledged and signed by the owner. 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 re-grade swale/retention areas as required to maintain approved design cross-sections, lines, and grade."
14. If groundwater is observed standing in the stormwater facilities, the stormwater management plan shall be void and the revised stormwater plan shall be re-submitted for review and approval.

TECHNICAL REVIEW COMMITTEE REPORT

“HARBOR MARINA & STORAGE”: A MAJOR DEVELOPMENT (SP-00-14)

TRC Report: February 27, 2001,
amended on May 7, 2001

ISSUE:

Applicant: Campbell Engineering, Inc., on behalf of Claude F. Perry, Sr.
Location: The proposed project is generally located at 302 U. S. Highway 98 East, more specifically known as Property Appraiser's parcel I. D. 00-2S-22-0630-0000-07D0.
Request: Approval of a Major Development identified as “Harbor Marina & Storage.” The proposed project consists of a 132 unit dry boat storage building containing 23,760 square feet, a 2,465 square foot restaurant building, a 336 square foot boat rental building, and an existing 27-slip marina.
Parcel Size: The property contains 1.26 acres +/-.
Future Land Use: Mixed Use (MU)
Zoning District: Business Tourism (BT)
Density: Not Applicable
Intensity: Allowed: 1.07 Floor Area Ratio
Proposed: 0.48 Floor Area Ratio
Application Date: February 16, 2000
TRC Date: March 15, 2000
Approved Site Plan Date: February 27, 2001
Planning Commission Date: April 5, 2001, and April 19, 2001
City Council Date: May 14, 2001

DISCUSSION/FINDINGS:

Campbell Engineering, Inc., on behalf of Claude F. Perry, Sr., is requesting approval of a Major Development identified as “Harbor Marina & Storage.” The proposed project consists of a 132 unit dry boat storage building containing 23,760 square feet, a 2,465 square foot restaurant building, a 336 square foot boat rental building, and an existing 27-slip marina. The proposed project is generally located at 302 U. S. Highway 98 East, more specifically known as Property Appraiser's parcel I. D. 00-2S-22-0630-0000-07D0. The property contains 1.26 acres more or less.

According to the traffic review conducted by the City's traffic consultant, Hamilton-Smith and Associates, Inc., the proposed development will generate seven (7) PM Peak Hour directional trips on Segment “A” of U. S. Highway 98. Segment “A” currently has 322 PM Peak Hour directional trips available and, with this project, there will be 315 PM Peak Hour directional trips remaining. Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's traffic consultant (See Exhibits “F” and “G”).

The City's compatibility consultant has reviewed the compatibility analysis (See Exhibit "C") that was submitted by the applicant and concurs with the applicant's findings that the proposed project is compatible with the surrounding area (See Exhibits "D" and "E").

The proposed request is consistent with the Comprehensive Plan and Land Development Code, which include Compatibility review, Concurrency Management review, and Level of Service review. This project is not located within the Community Redevelopment Area.

COMPREHENSIVE PLAN/ZONING:

The property has a Future Land Use designation of Mixed Use (MU) and a Zoning designation of Business Tourism (BT). The proposed use is consistent with the MU Future Land Use designation and is a permitted principal use in the BT Zoning district.

COMPATIBILITY:

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements. Refer to Exhibit "C" for the complete Compatibility Analysis Report finding the proposed project compatible with the surrounding area.

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. Refer to Exhibit "C" for the complete Compatibility Analysis Report, which describes the height and finds the proposed project compatible with the surrounding area.

FLOOR AREA RATIO:

The total floor area ratio for this project is 0.48.

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

Please refer to the attached Exhibits "F" through "K" for approved Concurrency Evaluation Certificates.

PHASING:

The applicant has proposed to construct the project in one (1) phase.

TRAFFIC ANALYSIS:

According to the traffic review conducted by the City's traffic consultant, Hamilton-Smith and Associates, Inc., the proposed development will generate seven (7) PM Peak Hour directional trips on Segment "A" of U. S. Highway 98. Segment "A" currently has 322 PM Peak Hour directional trips available and, with this project, there will be 315 PM Peak Hour directional trips remaining. Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's traffic consultant (See Exhibits "F" and "G").

SUBDIVISION OR PUD - PLAT:

Not applicable.

AIRPORT PROTECTION:

The subject site is not located within the airport protection 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 FAA for temporary encroachment into this restrictive area and a copy of 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 proposed project is located within White Sands Zone I. All fill material will have to comply with the White Sands Ordinance.

SIGNS:

No signs have been proposed with this project. All future signs must comply with the sign code section of the Destin Land Development Code in effect at the time a sign application is submitted.

SETBACKS:

The proposed building meets all of the required setbacks for the Business Tourism (BT) Zoning district. The BT Zoning district does not require side or rear setbacks for single-story buildings. However, landscape buffers are required on the side property lines of the proposed project and are listed below:

	Required	Buffers	Provided
Front (west):	10'	10' FP	22.0' +/- (dry storage) & 4.6' * (restaurant) including a 10' FP
Side (north):	None	5' CB	20.0' +/- (dry storage) & 326.0' (restaurant) including 5' CB
Side (east):	None	5' CB	20.2' +/- (dry storage) & 95.4' (restaurant) including 5' CB
Rear (south):	None	N/A	121.7' +/- (dry storage) & 8.9' (restaurant)
Between Bldgs.:	10'	N/A	N/A

* Note: The portion of the proposed restaurant building that is closest to the western property line is an existing building that the applicant is proposing to add on to (to the east). The applicant is not proposing to increase the non-conformity, in reference to the required ten (10) foot front setback.

Note: 10' FPLA = 10' Front Perimeter Landscaped Area, 10' VB = 10' Vegetative Buffer Area, and 5' CB = 5' Common Boundary Landscaped Area. A ten (10) foot Front Perimeter Landscape Area is required along the cross-access easement located on the western property line. A five (5) foot Common Boundary Landscape Area is required along the northern and eastern property lines.

COX COMMUNICATIONS:

Cox Communications approved the project at the March 15, 2000, TRC meeting.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated March 9, 2001.

GULF POWER:

Gulf Power approved the project in a letter dated March 15, 2000.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated March 15, 2000.

SPRINT:

Sprint approved the project in a letter dated March 15, 2000, TRC meeting.

UNIVERSALCOM:

Universal Com approved the project at the March 15, 2000, TRC meeting.

WATER/SEWER PROVIDER:

Destin Water Users, Inc., approved the project in a letter dated March 12, 2001.

UTILITIES:

Underground utilities are required.

STORMWATER:

The City Engineer approved the stormwater plan in a memorandum dated February 27, 2001, and had the following conditions:

1. Prior to obtaining any City Permits, provide a copy of Florida Department of Environmental Protection (FDEP) stormwater permit.
2. Prior to obtaining a Building Permit, provide all applicable Federal, State, and Destin Harbor Board approvals.
3. Prior to obtaining a Certificate of Occupancy, submit an Operations & Maintenance Plan, which shall be acknowledged and signed by the owner. 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 re-grade swale/retention areas as required to maintain approved design cross-sections, lines, and grade."
4. Condition: If groundwater is observed standing in the stormwater facilities, the stormwater management plan shall be void and the revised stormwater plan shall be re-submitted for review and approval.

INGRESS/EGRESS:

The ingress/egress point for the proposed development is provided by one (1) twenty-four (24) foot wide access easement off of U. S. Highway 98 East. Twelve (12) feet of the easement is on the far western most portion of the subject property, while the remaining twelve (12) feet of the easement is on the adjoining property to the west.

REFUSE COLLECTION:

Refuse collection is to be provided by dumpster service. The proposed dumpster is enclosed by a six (6) foot tall masonry wall with gates (100% opacity). The location of the dumpster and its screening is indicated on sheet 4 of 11 of the plans.

SIDEWALKS:

Not applicable.

LANDSCAPE:

The project meets or exceeds the landscape requirements of the Destin Land Development Code as indicated on the proposed plans and as follows:

Open Space Requirement:

22,506 sq. ft. of property x 18 % = 4,051.08 sq. ft. required
Site plan provides 57.0 % = 12,848.42 sq. ft. provided

Tree Requirements:

Credits for Existing Trees (2" to 6" diameter) on Site (0 trees x 2 credits per tree):	0
Credits for Existing Trees (7" to 12" diameter) on Site (1 trees x 3 credits per tree):	3
Credits for Existing Trees (13" to 19" diameter) on Site (0 trees x 4 credits per tree):	0
Credits for Existing Trees (20" to 24" diameter) on Site (2 trees x 5 credits per tree):	10
Total Reforestation Credits for saving Existing, Protected, or Preserved Trees:	<u>13</u>
Total Reforestation Credits for Trees Required on Site:	13
Reforestation Trees (1 per every .10 of an acre: $0.52 \times 10 = 5$) Required on Site:	<u>13</u>
Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:	<u>0*</u>

*Note: 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:	10
Parking Lot Trees (1 per end row and landscape island) Required on Site:	7
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site:	0
Replacement Trees (removal of trees over 12" d.b.h.) Required on Site:	<u>15</u>
TOTAL TREES REQUIRED:	32
TOTAL TREES PROVIDED:	37

A ten (10) foot Front Perimeter Landscape Area is required along the cross-access easement located on the western property line. A five (5) foot Common Boundary Landscape Area is required along the northern and eastern property lines. The required ten (10) foot Front Perimeter Landscape Buffer shall provide one (1) tree per twenty-five (25) linear feet of buffer. The required five (5) foot Common Boundary landscaping shall provide a minimum of fifty percent (50%) 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 within three (3) years of planting. All required trees must be a minimum of six (6) 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 has been inspected and approved by the Community Development Department.**

PARKING:

The project meets the parking requirements of the Destin Land Development Code as indicated on the approved plans and as follows:

Per code:

Dry Boat Storage Facilities:

1 parking space for each 4 boat storage spaces. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers.

Wave Runner/Jet Ski's:

1 parking space per every 4 slips.

Pontoon Boat:

2 parking spaces per each pontoon boat.

Power Boat:

1.5 parking spaces per each power boat.

Fare-carrying vessels:

5 parking spaces for each slip.

Offices:

1 space for every 200 sq. ft. of gross floor area.

Restaurants:

1 space for every 75 sq. ft. of gross floor area.

Per site plan:

Dry Boat Storage Facilities:

132 boat storage spaces / 1 space per 4 boat storage spaces. = 33 parking spaces (including 2 handicap spaces).

Wave Runner/Jet Ski's:

13 jet ski's / 1 parking space per every 4 slips. = 3 parking spaces.

Pontoon Boat:

5 pontoon boats / 2 parking spaces per each pontoon boat. = 10 parking spaces.

Power Boat:

8 power boats / 1.5 parking spaces per each power boat. = 12 parking spaces.

Fare-carrying vessels:

1 fare-carrying vessel slip / 5 parking spaces per each slip. = 5 parking spaces.

Offices:

336 sq. ft. boat rental building / 1 space per 200 sq. ft. = 2 parking spaces.

Restaurants:

2,465 sq. ft. restaurant building / 1 space per 75 sq. ft. = 33 parking spaces. *

TOTAL REQUIRED: 65 parking spaces (including 3 handicap spaces)

TOTAL PROVIDED: 65 parking spaces (including 3 handicap spaces)

* Note: The restaurant use is restricted to hours of operation of after 5:00 p.m. per Parking and Business Operation Agreement (See Exhibit "L"). The City Attorney has approved the Business Operation Agreement for legal sufficiency (See Exhibit "M").

LOADING SPACE (ZONE):

The project meets or exceeds the loading space requirements of the Destin Land Development Code as indicated on the approved plans and as follows:

Per code:

Retail Commercial, Service, & Commercial:

One (1) space for the first 10,000 sq. ft. of gross floor area or fraction thereof, and one space for each additional 20,000 square feet.

Per site plan:

Retail Commercial, Service, & Commercial:

2,465 sq. ft. restaurant building & 336 sq. ft. boat rental building / 1 per space for the first 10,000 sq. ft. = 1 loading space

TOTAL REQUIRED: 1 loading space

TOTAL PROVIDED: 1 loading space

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

1. A Florida Department of Environmental Protection (FDEP) general notice permit (for stormwater).

IMPACT FEES:

The owner/applicant must pay the following impact fees prior to the issuance of a Certificate of Occupancy:

Police Protection: The police protection impact fees were calculated using the “Industrial per 1,000 sq. ft. = \$5.87”, “Eating/Drinking per 1,000 sq. ft. = \$246.04”, and “Office per 1,000 sq. ft. = \$24.56” fee amounts under the “Non-residential – U.S. 98 Corridor” fee amount category.

$$(23,760 \text{ sq. ft.}) \times (\$5.87) = 139,471.20 / 1,000 = \$139.47$$

(sq. ft. of proposed Dry Boat Storage building) x (Industrial per 1,000 sq. ft. fee amount) = (figure) / (per 1,000 sq. ft.) = Impact Fee

$$(2,465 \text{ sq. ft.}) \times (\$246.04) = 606,488.60 / 1,000 = \$606.49$$

(sq. ft. of proposed Restaurant building) x (Eating/Drinking per 1,000 sq. ft. fee amount) = (figure) / (per 1,000 sq. ft.) = Impact Fee

$$(336 \text{ sq. ft.}) \times (\$24.56) = 8,252.16 / 1,000 = \$8.25$$

(sq. ft. of proposed Boat Rental building) x (Office per 1,000 sq. ft. fee amount) = (figure) / (per 1,000 sq. ft.) = Impact Fee

Total Police Protection Impact Fees to be paid for “Harbor Marina & Storage”: \$754.21

Road: The road impact fees were calculated using the “Warehouse/Storage per 1,000 sq. ft. = \$214.00”, “Restaurant: Quality per 1,000 sq. ft. = \$5,125.00”, “Office < 100,000 sq. ft. = \$822.00” fee amounts.

$$(23,760 \text{ sq. ft.}) \times (\$214.00) = 5,084,640 / 1,000 = \$5,084.64$$

(sq. ft. of Dry Boat Storage building) x (Warehouse/Storage fee amount) = (figure) / (per 1,000 sq. ft.) = Impact Fee

$$(2,465 \text{ sq. ft.}) \times (\$5,125.00) = 12,633,125 / 1,000 = \$12,633.13$$

(sq. ft. of restaurant building) x (Restaurant: Quality fee amount) = (figure) / (per 1,000 sq. ft.) = Impact Fee

$$(336 \text{ sq. ft.}) \times (\$822.00) = 276,192 / 1,000 = \$276.19$$

(sq. ft. of Boat Rental building) x (Office < 100,000 sq. ft. fee amount) = (figure) / (per 1,000 sq. ft.) = Impact Fee

Total Road Impact Fees to be paid for “Harbor Marina & Storage”: *\$17,993.96*

Parks: (not applicable)	=	\$0.00
Public Library: (not applicable)	=	\$0.00
Police Protection:	=	\$754.21
Roads:	=	\$17,993.96
TOTAL:	=	<u>\$18,748.17</u>

OTHER FEES:

The fees listed below are based on the most recent information available and are required to be paid by the applicant as part of the cost recovery associated with the proposed project:

City Compatibility Consultant:	\$702.10 (pd.)	Planning Commission Advertising:	\$194.68 (pd.)
City Traffic Consultant:	\$230.00 (pd.)	City Council Advertising:	\$185.85 (pd.)

COMMENTS:

Public Input:

Staff has received seven (7) letters of support for this application and no letters of opposition (See Exhibit “O”).

Per Community Development Department:

1. Prior to the issuance of any City Permit, all outstanding costs associated with this project that are owed to the City must be paid in full.

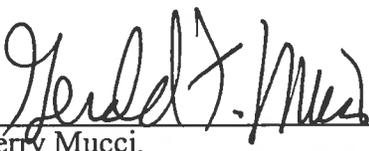
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3. Prior to the issuance of a Building Permit, a construction crane registration form, which has been approved by Okaloosa County Airport Authority, must be submitted (if necessary).
4. Prior to the issuance of a Building Permit, the Parking and Business Operation Agreement must be executed. Once the Agreement is executed, a copy must be recorded with the Clerk of the Circuit Court of Okaloosa County and a recorded original copy returned to the Community Development Department.
5. Prior to the issuance of a Certificate of Occupancy, all landscaping must be installed, inspected, and approved by the Community Development Department.
6. Prior to the issuance of a Certificate of Occupancy, all applicable impact fees must be paid.
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Per Engineering Department:

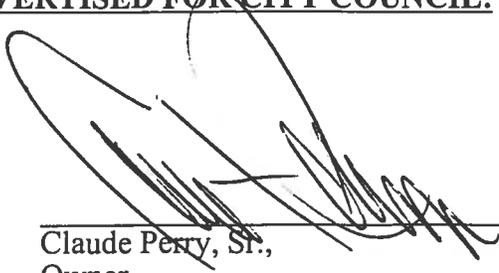
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4. If groundwater is observed standing in the stormwater facilities, the stormwater management plan shall be void and the revised stormwater plan shall be re-submitted for review and approval.

CONDITIONS PRIOR TO BEING ADVERTISED FOR CITY COUNCIL:

None.



 Jerry Mucci, Date
 Community Development Director



 Claude Perry, Sr., Date
 Owner