



CITY of DESTIN

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January 4, 2008

Order No. 08-03

HBT, LLC
James D. Monsees, Managing Member
1150 Airport Road, Unit 172
Destin, FL 32541

Subject: Addendum to Final Development Order No. 08-03

Dear Mr. Monsees:

Final Development Order No. 08-03 was issued on October 11, 2007, to the property owner, HBT, LLC. In general terms, the Final Development Order authorizes the construction of a unified development comprising of a 340-unit multi-family apartment complex on a portion of the land (the "TCR Parcel") and a 110-unit luxury motor home resort on a portion of the land (the "HBT Parcel"). The unified development is the result of the Amended Annexation Agreement among the City of Destin and HBT, LLC, which was signed by the City on April 16, 2007. The Amended Annexation Agreement recognized explicitly that the development of the property would be a joint effort with TCR Properties Limited Partnership ("TCR") and HBT, LLC ("HBT").

The purpose of this addendum letter is to clarify which party, TCR or HBT, shall be obligated to execute and finalize those conditions provided in Final Development Order No. 08-03 (as amended by this addendum, the "Development Order"). It shall also provide any additional conditions in order to enable both parties to obtain the necessary permits to move forward their respective portions of the unified development. See attached Exhibit "A" to reference all conditions, added conditions, or revised conditions (underlined or strike through) of the final development order. After each condition, a description of who is responsible for satisfying the condition and the consequences to the contemplated projects of failure of the condition is provided.

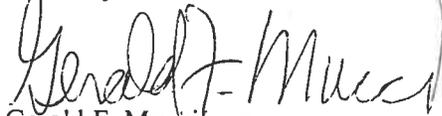
Again, the purpose of this division of responsibility is to ensure that TCR and HBT will be allowed to obtain building permits for their respective portions of the unified development if all common permitting and infrastructure construction is completed as required to support their respective portions of the development. In further explanation of the respective responsibilities and requirements, and to ensure that the public interest is fully protected, the following special conditions apply (and to the extent of any inconsistency between such special condition and the conditions contained in Exhibit A, these special conditions shall control):

1. Right-of-way permits will be obtained from Okaloosa County, and the City of Destin (if applicable), before permits are issued by the City of Destin for infrastructure construction by either TCR or HBT. TCR will obtain these right-of-way permits.

2. TCR must obtain a construction permit for construction of infrastructure on its parcel within one year of the issuance of the Development Order to maintain concurrency for the 340-unit multi-family apartment complex. In addition, this construction permit must include the infrastructure required for the common entrance, unless such common access permit has been issued previously to HBT.
3. HBT must obtain a construction permit for construction of infrastructure on its parcel of land within one year of the issuance of the Development Order to maintain concurrency for the 110-unit luxury motor coach resort. In addition, this construction permit must include the infrastructure required for the common entrance, unless such common access permit has been issued previously to TCR.
4. The Development Order requires that a Homeowners' Association be formed to manage and control all Common Areas of the Unified Development. However, the TCR parcel will be under single ownership as an apartment complex, and therefore TCR will have responsibility for all infrastructure development and maintenance within the boundary of its property. Common areas within the TCR portion of the development will NOT be under management and control of the Homeowners' Association to be created by HBT.
5. The HBT parcel is to be platted and the platted lots sold to individual buyers, and therefore, a Homeowners' Association will be required in order to manage and control the Common Areas within the HBT parcel. The common entrance to the development, which will be shared by TCR and HBT, will be under the control of TCR pursuant to a perpetual easement to be executed between TCR and HBT.
6. The Development Order includes a requirement on page 9 of 23 that a final plat must be approved by the City prior to any lot being sold or any building permit being issued. This requirement applies to the HBT parcel only and the platting of the lots to be sold pursuant to HBT's development plan for the luxury motor coach resort. The requirement does NOT apply to the development by TCR of the apartment complex, which will be under single ownership and does not need to be platted.

If I can be of any further assistance, please contact me at 837-4242.

Sincerely,



Gerald F. Mucci

Community Development Director

GFM/ksg

cc: City Clerk
P&I Division
Engineering Department
File: SP-07-08
File: 2008 D. O. Log
File: Letter Log

EXHIBIT "A"

Per Community Development Department:

1. **Prior to the issuance of any permit**, all outstanding fees shall be paid to the City of Destin. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
2. **Condition: Prior to the issuance of any City permit and prior to a connection being made to the County roadway (Commons Drive)**, a driveway connection permit shall be obtained from Okaloosa County. Any connection made before a permit is obtained will be a violation of County Ordinances. This condition applies to both parcels though the condition may be satisfied by the owner of either parcel.
3. **Condition: After the final certificate of occupancy for the TCR Parcel has been issued**, but no sooner than 90 days thereafter, during the next peak season time frame of April, June, or July, a signal warrant analysis will be performed. The analysis will be of actual field conditions at the time of the study to determine if a signal is warranted analysis at the intersection of Commons Drive and Henderson Beach Road. The signal warrant analysis and recommended improvements stated in the analysis shall be the sole responsibility of the developer with no cost to the City or County. Findings of the analysis shall be subject to review by both the City of Destin and Okaloosa County prior to acceptance/approval. Improvements, if any, required shall be subject to plan review by both the City of Destin and Okaloosa County. This condition applies only to the TCR Parcel. Failure by the owner of the TCR Parcel to comply with the condition will not adversely affect future permitting or existing approvals for the HBT Parcel.
4. **Condition: Prior to the sale of any portion of the HBT Parcel currently identified in this unified development plan**, a minor replat to adjust the existing lot line and to void the existing townhome subdivision shall be applied for and obtained by HBT, LLC. This condition applies only to the HBT Parcel. Failure by the owner of the HBT Parcel to comply with the condition will not adversely affect existing approvals for the TCR Parcel.
5. **Condition: Prior to final plat approval for the creation of the lots associated with the motor coach parcel (as identified on the approved replat) and before any lot can be sold or any building permit issued**, one of the following shall be adhered to for compliance with Article 7, Section 7.08.10, by HBT, LLC:
 - A. The developer may secure any necessary permits and install all improvements as shown on the approved construction drawings and certified by the developer's engineer.
 - B. The developer may post a performance bond accountable to the City Council to cover the full cost of improvements as estimated by the developer's engineer and approved by the city engineer. Such bond shall be released upon satisfactory installation of all improvements.

- C. The developer may sell or lease lots on contract and construct buildings provided that he agrees that all monies received from sale, lease, or other transfer shall be placed in escrow or other satisfactory account until such time as improvements are completed and approved by the city engineer. No deeds shall be issued or recorded until such approval has been obtained.
- D. The developer may post a letter of credit acceptable to the City Council for an amount necessary to complete all improvements required in the approval plans. Such letter of credit shall be released on satisfactory installation of all improvements.
- E. The developer may post with the City Council proof that a development loan has been approved by a recognized and approved lending institution, such development loan to be sufficient to cover the cost of improvements required in the approved plans, and the lender is bound to advance the funds as the work is completed, thereby providing for correction if the developer defaults.

This condition applies only to the HBT Parcel. Failure by the owner of the HBT Parcel to comply with the condition will not adversely affect future permitting or existing approvals for the TCR Parcel.

- 6. **Condition:** Since only a preliminary plat has been reviewed, the final plat for the creation of the lots associated with the motor coach parcel (as identified on the approved replat) will be required to be approved by the City prior to any lot being sold or any building permit issued in accordance with Article 2, Section 2.19.04 of the Land Development Code (October 11, 2007). This condition applies only to the HBT Parcel. Failure by the owner of the HBT Parcel to comply with the condition will not adversely affect future permitting or existing approvals for the TCR Parcel.
- 7. **Condition:** The dedication contained on the final plat shall clearly indicate the roads and maintenance of those roads are the responsibility of the homeowners' association created by HBT, LLC, without recourse to the city or any other public agency. This condition applies only to the HBT Parcel. Failure by the owner of the HBT Parcel to comply with the condition will not adversely affect future permitting or existing approvals for the TCR Parcel.
- 8. **Condition:** A transit stop exists on the Wal-Mart property; however, it is currently not within a ¼ mile of this proposed development. The applicant has the following conditional options to satisfy the Tier 2 transit requirement:
 - a. **Prior to the request for the dry-in inspection/foundation survey review:** Provide amended site and construction plans, necessary easements, right-of-way approvals, to relocate the existing transit stop on the Wal-Mart property to the eastern portion of the property and provide the required unobstructed path (pedestrian sidewalk) from the proposed development's main entrance to the relocated transit stop; or

- b. **Prior to the request for the dry-in inspection/foundation survey review:** Provide amended plans to locate a new transit stop within the Commons Drive right-of-way located near the main entrance. The transit stop plan shall include and identify a pullover area (15' wide x 40' long), transit passenger shelter, street furniture (bench for at least 8 people and one wheelchair), trash receptacle, transit map/signage, and pedestrian connectivity to the internal and external sidewalks. This transit stop shall be coordinated and approved by both Okaloosa County Transit and Public Works and The City of Destin; or
- c. **Prior to the request for the dry-in inspection/foundation survey review:** Provide amended plans to locate a new transit stop on the unified development property located near the main entrance. The transit stop plan shall include and identify a circulation route, pullover area (15' wide x 40' long), transit passenger shelter, street furniture (bench for at least 8 people and one wheelchair), trash receptacle, transit map/signage, and pedestrian connectivity to the internal and external sidewalks.

This condition applies only to the TCR Parcel. Failure by the owner of the TCR Parcel to comply with the condition will not adversely affect future permitting or existing approvals for the HBT Parcel.

- 9. **Condition:** All new development projects that include erecting a new building and/or structure shall be required to place all existing and proposed utility lines located on the subject property, regardless of who the utilities serve, underground. *Ref. LDC Section 20.12.00.* This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
- 10. **Condition:** There shall be no issues raised by developer, agents, or contractors to comply with the stated requirement that if the buffer area along the northern property line is deemed inadequate at the time a C.O./C.C. is requested, additional vegetation (trees, etc) will be planted as required by City Staff in accordance with the Land Development Code. This condition applies only to the HBT Parcel. Failure by the owner of the HBT Parcel to comply with the condition will not adversely affect future permitting or existing approvals for the TCR Parcel.
- 11. **Condition:** **The front perimeter trees along the multi-family apartment portion of the project are located in the ROW. Approval of the vegetation in the Commons Drive right-of-way shall be determined by Okaloosa County during the right-of-way permit application.** The Site Plan indicates that there is approximately 1,031 linear feet of frontage for the portion of the Unified Development Plan associated with the apartments. Therefore, the proposed number of front perimeter landscape trees is 41 trees subject to county approval. If county approval is not issued, a revised landscape plan shall be submitted to the City for review indicating how the intent of the front buffer will be met prior to the issuance of any certificate of occupancy. This condition applies only to the TCR Parcel. Failure by the owner of the TCR Parcel to comply with the condition will not adversely affect future permitting or existing approvals for the HBT Parcel.

12. **Condition:** The applicant indicates that the street lights exist on the HBT Parcel. The existing and proposed street lights shall be shown on the site plan to ensure compliance with Article 7, Section 7.08.09. If the street lights are the standard fixtures used and/or approved by Gulf Power, no photometric plan is needed. All lighting must be shielded downward and away from adjacent properties in order to avoid spill-over and illumination into the night sky. *Ref. LDC Section 7.09.02.B.10.p.* This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
13. **Condition:** Prior to Certificate of Occupancy/Completion of Phase 3, the professional in noise mitigation analysis shall certify that the project was built in accordance with approved plans and that the areas of operation of permitted motor homes will not exceed 75 db as measured from any off-site residential property line. *Ref. LDC Section 7.09.02.B.10.m.* This condition applies only to the HBT Parcel. Failure by the owner of the HBT Parcel to comply with the condition will not adversely affect future permitting or existing approvals for the TCR Parcel.
14. **Condition:** Motor homes shall not be maneuvered on-site after 10 p.m. or before 6 a.m. Power generators shall not be operated within 50 feet of residential areas unless there is a declared emergency. *Ref. LDC Section 7.09.02.B.10.l.* This condition applies only to the HBT Parcel. Failure by the owner of the HBT Parcel to comply with the condition will not adversely affect future permitting or existing approvals for the TCR Parcel.
15. **Condition:** Only Class A and C motor homes that are at least 26 feet in length are allowed within the luxury motor home resort. Motor home lot occupancy shall be limited to one Class A or C motor home. No trailers, tents, conversion vans, or fifth wheel vehicles shall be permitted on pad sites or within the luxury motor home resort development. No pad may be occupied continuously by the same motor home or occupant for longer than 180 days. *Ref. LDC Section 7.09.02.B.10.* This condition applies only to the HBT Parcel. Failure by the owner of the HBT Parcel to comply with the condition will not adversely affect future permitting or existing approvals for the TCR Parcel.
16. **Condition:** All interior landscaping areas shall be protected from vehicular encroachment by either f-type curbing or other similar means. *Ref. LDC Section 12.04.04.C.5.* This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.

17. **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 an 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)*. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
18. **Condition:** Outdoor lighting, if installed, must be inspected and approved by the Community Development Department. The lighting plan which shall be submitted prior to the issuance of any city permit 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. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
19. **Note:** To comply with *LDC Section 7.09.02.B.10.o*, the “on-site live-in management” will be provided by an individual living in a motor coach on-site. This condition applies only to the HBT Parcel. Failure by the owner of the HBT Parcel to comply with the condition will not adversely affect future permitting or existing approvals for the TCR Parcel.
20. **Note:** The following minimum infrastructure improvements shall be provided for the luxury motor home resort: water, sewer, and drainage facilities; cable or wireless communications infrastructure; high speed internet; and electrical connection for each pad not less than 50 amp service. *Ref. LDC Section 7.09.02.B.10.g*. This condition applies only to the HBT Parcel. Failure by the owner of the HBT Parcel to comply with the condition will not adversely affect future permitting or existing approvals for the TCR Parcel.
21. **Note:** Signage, if installed, must be approved by the Community Development Department. All signage shall require the issuance of city permit. All signage shall meet the requirements set forth in Article 16 of the City’s Land Development Code. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.

22. **Note:** 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)*. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
23. **Prior to issuance of a Certificate of Occupancy for the last of the improvements to be constructed on a parcel,** all improvements constructed within the County right-of-way shall enter the warranty period as specified by Chapter 6, Section 6.01.053 of the Okaloosa County Land Development Code. Okaloosa County will request that no Certificates of Occupancy for the last of the improvements to be constructed on a parcel shall be granted by the City of Destin until the roadway modifications proposed in County's right-of-way and the warranty package have been approved by the Board of County Commissioners. This condition applies to both parcels though the condition may be satisfied by the owner of either parcel.
24. **Prior to any utility work within the County's right-of-way,** shall require acquisition of a right-of-way permit from the Okaloosa County Road Division prior to work by the contractor within the right-of-way. This condition applies to both parcels though the condition may be satisfied by the owner of either parcel.
25. **Prior to issuance of a 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*. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
26. **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. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
27. **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. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.

28. **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. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
29. **Note:** Please abide by the general guidelines set forth in the FDEP's "Florida Development Manual: A Guide to Sound Land and Water Management." This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
30. **Prior to the issuance of any City Permit:** FDEP stormwater and NPDES approvals shall be forwarded to the city engineer's office for stamp received and then forwarded to the Community Development Department. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
31. **Prior to obtaining a Certificate of Completion/Occupancy:** The Stormwater Operation/Maintenance Plan (SWOMP) shall be acknowledged and signed by the owner. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.

Per Engineering Department:

Right-of-way (ROW) Comments:

1. **Condition: Prior to obtaining any City permits,** obtain Okaloosa County approval for right-of-way work. This condition applies to both parcels though the condition may be satisfied by the owner of either parcel.
2. **Condition:** Refer to LDC Article 8.03.06. *Clear visibility triangle.* In order to provide a clear view of intersecting streets to motorists, there shall be a triangular area of clear visibility formed by two intersecting streets. The following standards shall be met:
 - a. Nothing shall be erected, placed, parked, planted or allowed to grow in such a manner as to materially impede vision between a height of two feet and ten feet above the grade, measured at the centerline of the intersection, except those signs or devices approved pursuant to section 16.01.00 of this Code. **Note:** The applicant is reminded that building setbacks must be observed so as to preserve clear visibility at intersections.

- b. The clear visibility triangle shall be formed by connecting a point on each street centerline with such point to be located at a distance determined by the building setback requirements associated with the property and the zoning district within which the property is located. That is, the visibility distances shall be those established by the setback requirements within the city's zoning ordinance. Note: The visibility triangle shall be in accordance with the "Technical Construction Standards Manual," included in this Code, and the Florida Department of Transportation Standards Index.

This condition applies to both parcels though the condition may be satisfied by the owner of either parcel.

3. **Condition:** Refer to LDC Article 8.01.00.B.2. Screening vegetation shall not be placed within five feet and maintain a minimum foliage clearance of three feet from any utility structure(s) including but not limited to water meters, valves, electrical/communication panels or poles, and shall not be placed around any water hydrant that could be used for fire protection. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
4. **Condition:** Refer to LDC Article 8.01.00.C. Sidewalks, recreational trails, and bicycle ways shall be permissible in ROWs:
 - a. Landscaping located on abutting properties to sidewalks, recreational trails, and bicycle ways shall not create a safety hazard, and shall be trimmed or pruned to allow full width plus one foot on each side of the sidewalks, recreational trails, and bicycle ways, and the minimum vertical height of ten feet above grade, is clear.
 - b. Trees or shrubs shall not be planted within five feet from all streets or sidewalks, recreational trails, and bicycle ways.

This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.

5. **Condition:** Contractor shall not be allowed to utilize ANY public right-of-ways for any loading/unloading, staging or storage of construction materials, equipment or vehicles or unauthorized construction. Failure to comply with this requirement may void your county right-of-way construction permit until the violation is corrected. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.

6. The following shall be coordinated with Okaloosa County and incorporated into the right-of-way improvement plans as part of the County driveway connection permit:
 - a. Provide thermoplastic crosswalk and standard FDOT, reflective crosswalk signage in accordance with the MUTCD, for the crosswalk at the intersection of Commons Dr & Henderson Beach Blvd.
 - b. Provide sidewalk to replace existing on the east side of Henderson Beach Blvd. at proposed turn lane.
 - c. Provide an irrigated & landscaped median OR provide a striped median in accordance with FDOT Design Standard Index 17346 sheet 4 of 13 (traffic flows in opposing directions) AND Raised pavement markers (RPM) per Index 17352 sheet 2 of 2 (traffic flows in opposing directions).
 - d. Provide a yield bar on east bound deceleration lane into the site.
 - e. Provide straight traffic flow arrows in the thru lanes.
 - f. Provide 6" white edge striping along all new pavement lanes.
 - g. All pavement striping shall be thermoplastic per FDOT Standard Specifications for Road & Bridge Construction, Section 711 & 713.
 - h. Provide street lights in the improved area of ROW.
 - i. Mill the existing traffic lane a minimum of ¾" thick (the length of the new pavement) prior to the final lift of asphalt and resurface to achieve the required road smoothness per FDOT specifications.
 - j. Provide all required thickness, density and compaction test results prior to any Certificate of Occupancies (C.O.).
 - k. Provide Commons Drive paving, drainage and grading details.
 - l. Prior to starting construction of the site, the contractor shall provide a usable deceleration lane for the main construction ingress/egress point to further reduce the traffic impacts during the construction.

This condition applies to both parcels though the condition may be satisfied by the owner of either parcel.

Erosion Control & Wetlands Comments

1. **Condition:** Prior to obtaining any City permits for Phase 2 of the motor home resort or for the multi-family apartment portion, provide FDEP and Army Corp to provide jurisdictional wetland delineation or letters from FDEP and USACE that the wetlands are not jurisdictional or a permit (including the authorized use of a nationwide permit or deemed authorized use of a nationwide permit if the Army Corps does not timely respond to the nationwide permit application) from the FDEP and the Army Corps for the contemplated wetland impacts. Non-jurisdictional letters from other than the FDEP and USACE shall not be accepted. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
2. **Condition:** Provide a copy of the NPDES approval prior to obtaining any city permits. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
3. **Condition:** Areas not being worked for 30 days or more shall be vegetated. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
4. **Condition:** All bare ground, stripped of vegetation during the clearing/grading process, shall be covered to the maximum extent practicable. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
5. **Condition:** Surface water controls are required when development activity is in and/or over an open water body. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
6. **Condition:** One (1) temporary construction driveway entrance is allowed per construction site and shall be located such to minimize motor vehicle and pedestrian impacts on the adjacent properties and right-of-ways. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
7. **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. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.

8. **Condition:** Stabilized construction entrance(s) shall be installed as the first step of clearing and grading. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
9. **Condition:** Additional techniques to reduce soil tracking off of a site and onto a roadway such as wheel washing stations may be required. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
10. **Condition:** Any sediment that is tracked onto road pavement shall be removed immediately (prior to the end of the work day) by sweeping. The sediment collected by sweeping shall be removed from the roadway and stabilized on-site. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
11. **Condition:** Dust Control is required on all areas of development or redevelopment activities. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
12. **Condition:** A copy of all Federal, State and city permits (as applicable) shall be posted in a clearly visible location on the project site. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
13. **Condition:** Prior to final C.O., all temporary construction driveway entrances shall be removed and the right-of-way re-graded, restored and re-vegetated to original or better condition. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.
14. **Condition:** Any off-site catch basins, curb inlets or swale that required protection shall be cleaned. This condition applies to the TCR Parcel and the HBT Parcel independently. The owner of each parcel shall comply with the condition with respect to its parcel and shall not be affected by non-compliance by the owner of the other parcel.