



CITY of DESTIN

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October 4, 2004

Order No. 04-32

Final Development Order:

“BALEEN CONDOMINIUMS” (A MULTI-FAMILY DEVELOPMENT) A MAJOR DEVELOPMENT (SP-04-11)

Based upon the City Council's approval of this development order on September 20, 2004, 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: Davis Heritage, LTD, on behalf of Wamble Enterprises, Inc., is requesting approval of a Major Development identified as “Baleen Condominium.”

Request: The proposed development consists of removing all existing upland improvements and to redevelop the parcel with a 6-story, 10-unit multi-family residential condominium.

Location: The proposed development is located at 500 Harbor Boulevard (U.S. Highway 98 East), more specifically known as Property Appraiser's parcel I.D. No. 00-2S-22-0630-0000-03A6.

Parcel Size: The total site area is 0.549 acres, more or less.

Future Land Use: Current (Comprehensive Plan – 2000): Mixed Use (MU)

Zoning District: Business Tourism (BT)

Density: Allowed: 19.9 dwelling units per acre in Mixed Use (MU)
Proposed: 10 dwelling units / 0.549 acres = 18.2 dwelling units per acre

Intensity: Allowed: 1.07 Floor Area Ratio (FAR) per current Comprehensive Plan – 2000
Proposed: 0.75 FAR per Code Definition OR
0.395 FAR as defined in proposed Comprehensive Plan -2010

Application Date: May 3, 2004

TRC Date: June 16, 2004, delayed one month due to improper site sign posting.

Approved Site Plan Date: August 30, 2004

City Council Date: September 20, 2004

DETERMINATIONS:

1. The Destin City Council held a public hearing on September 20, 2004. The Council voted unanimously, to approve the project as presented in the agenda package and subject to all applicable conditions identified within the Final Development Order and TRC report dated August 27, 2004, with all necessary changes and updates, and contingent upon payment of all outstanding fees prior to the issuance of the Development Order.
2. All the findings of the Technical Review Committee report dated August 27, 2004, are incorporated herein.

CONDITIONS OF APPROVAL FOR "BALEEN CONDOMINIUM" A MAJOR DEVELOPMENT (SP-04-11):

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

Construction 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 October 4, 2004 (no later than October 4, 2005), 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) or has not commenced construction within one (1) year of issuance of the final development order, the final development order will become null and void and the application for plan approval must be re-initiated.

NOTE: An applicant/owner who desires to extend the twelve (12) month (1 year) deadline must submit a 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. The applicant may receive only one extension, and such extension shall not exceed one year. The applicant/owner should review Article 2, Section 2.15.00, of the Destin Land Development Code and City Ordinance 02-06-LC 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 "Baleen Condominiums" will be protected. However, the protected concurrency status will be lost if:
 - A. Construction activity ceases for a period exceeding one (1) year at any time during the term of this Final Development Order so that concurrency is not maintained under section 6.02.00.B.3 of the Destin Land Development Code, 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 (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. **Community Development Department Conditions:** Refer to pages 15, 16, and 17 of the attached TRC Report dated August 27, 2004, to reference the conditions.

TECHNICAL REVIEW COMMITTEE REPORT

“BALEEN CONDOMINIUMS” (A MULTI-FAMILY DEVELOPMENT) A MAJOR DEVELOPMENT (SP-04-11)

TRC Report: August 27, 2004

ISSUE:

Applicant: Davis Heritage, LTD, on behalf of Wamble Enterprises, Inc., is requesting approval of a Major Development identified as “Baleen Condominium.”

Request: The proposed development consists of removing all existing upland improvements and to redevelop the parcel with a 6-story, 10-unit multi-family residential condominium.

Location: The proposed development is located at 500 Harbor Boulevard (U.S. Highway 98 East), more specifically known as Property Appraiser’s parcel I.D. No. 00-2S-22-0630-0000-03A6. (Exhibit “A” Location Map).

Parcel Size: The total site area is 0.549 acres, more or less.

Future Land Use: Current (Comprehensive Plan – 2000): Mixed Use (MU)

Zoning District: Business Tourism (BT)

Density: Allowed: 19.9 dwelling units per acre in Mixed Use (MU)
Proposed: 10 dwelling units / 0.549 acres = 18.2 dwelling units per acre

Intensity: Allowed: 1.07 Floor Area Ratio (FAR) per current Comprehensive Plan – 2000
Proposed: 0.75 FAR per Code Definition OR
0.395 FAR as defined in proposed Comprehensive Plan -2010

Application Date: May 3, 2004

TRC Date: June 16, 2004, delayed one month due to improper site sign posting.

Approved Site Plan Date: August 30, 2004

City Council Date: September 20, 2004

DISCUSSION/FINDINGS:

Davis Heritage, LTD, on behalf of Wamble Enterprises, Inc., is requesting approval of a Major Development identified as “Baleen Condominium.” The proposed development consists of removing all existing upland improvements and to redevelop the parcel with a 6-story, 10-unit multi-family residential condominium. The proposed development is located at 500 Harbor Boulevard (U.S. Highway 98 East), more specifically known as Property Appraiser’s parcel I.D. No. 00-2S-22-0630-0000-03A6. The total site area is 0.549 acres, more or less.

The proposed project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review that is detailed below under the “Compatibility” section of this TRC Report.

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

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 Mixed Use (MU) and a Zoning designation of Business Tourism (BT). The proposed multi-family residential use is consistent with the Mixed Use (MU) Future Land Use Map category as an allowed use. The Business Tourism zoning district specifically allows for "Multifamily dwellings (not part of a planned unit development) meeting the RIA dimensional requirements" as a permitted principal use.

COMPATIBILITY:

The LDC requirements regulating compatibility are "*intended to ensure functional and attractive development by requiring that all future development be consistent with accepted planning practices and principles as well as natural area limitations*" [LDC, §7.09.01]. The Comprehensive Plan and Land Development Code further require that compatibility be measured based on the characteristics of proposed development and its impact on the immediate or surrounding area and especially homogeneous residential neighborhoods. Characteristics for consideration include:

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.

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

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

The proposed primary upland land use will consist of a 6-story multi-family residential building, accessory amenity building/owner storage, and pool. There shall be a required Homeowner's Association for purposes of managing and controlling the common areas and the required Declaration of Condominium shall also be recorded into public record. The property currently has a Future Land Use Map category of Mixed Use (MU) and a Zoning designation of Business Tourism (BT). The proposed multi-family residential use is consistent with the Mixed Use (MU) Future Land Use Map category as an allowed use. The Business Tourism zoning district specifically allows for "Multifamily dwellings (not part of a planned unit development) meeting the RIA dimensional requirements" as a permitted principal use.

LOCATION RELATIVE TO SUBJECT SITE	FUTURE LAND USE	ZONING	EXISTING LAND USES
North	Commercial (C)	Business Tourism (BT)	Retail, Professional Offices, Bank, Shopping Center, and Restaurant
South	Destin Harbor	Destin Harbor	Destin Harbor
East	Mixed Use (MU)	Business Tourism (BT)	Multi-family Residential and Restaurants
West	Mixed Use (MU)	Business Tourism (BT)	Restaurants, Multi-family Residential, and Restaurants

As previously described within the table, the surrounding uses include a various retail establishments, bank, professional offices, restaurants, multi-family residential, and vacant land. The proposed land use is consistent with the mixed-use character of this area and is deemed a compatible land use.

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

The 6-story building is located primarily in the center of the property with the pool and accessory amenity building located toward the southern end of the property (Exhibit "B"). The following is a description of the surrounding area and details of the development and site:

The density of the project and height of the structures are detailed below.

Density:

Allowed: 19.9 dwelling units per acre in the Mixed Use (MU) Future Land Use Map (FLUM) category.

Proposed: 10 dwelling units / 0.549 acres = 18.2 dwelling units per acre

The project is compliant in regards to not exceeding the maximum density allowed within the MU FLUM category.

Height:

The Residential Intensive Apartment (RIA) four or more family (3 or more floors) Zoning District is the applicable zoning district to help determine height for this development along with compatibility. The Residential Intensive Apartment (RIA) four or more family (3 of more floors) Zoning District is most applicable because of the fact the multifamily dwelling land use category as identified within the Business Tourism Zoning District must meet the most applicable RIA dimensional requirements. The proposed 6-story building is approximately 89 feet +/- high from the first finished floor to the top of the highest roof. Of the multi-story developments within the vicinity of this proposed development range in height from approximately 40' (Sailfish Yacht Club to over 120' (Destin Yacht Club). The height of the proposed development is comparable and of average height with the other multi-story developments

within the vicinity. Less than 200' to the east is an existing 6-story multi-family residential building, which is very much comparable to the height of this proposed 6-story building. The height of the proposed 6-story building is compatible with the character of buildings in the vicinity.

Floor Area Ratio:

The Mixed Use (MU) Future Land Use Map category has a maximum floor area ratio (FAR) of 1.07.

The FAR calculation methodology as defined in Article 3, Section 3.00.01 "Floor Area Ratio" of the Destin Land Development Code is as follows:

$$\frac{(\text{Total gross floor area}) - (\text{Total square feet of required setbacks and open space} + \text{parking})}{\text{Total square feet of site}} = \text{FAR}$$

$$\frac{36,675 \text{ sq. ft.} - 18,785 \text{ sq. ft.}}{23,902 \text{ sq. ft.}} = \text{FAR}$$

$$17,890 / 23,902 \text{ sq. ft.} = 0.75 \text{ FAR}$$

Utilizing the formula as defined above, the FAR of 0.75 is below the maximum of 1.07. Thus, the FAR is in compliance.

Utilizing the more common FAR calculation methodology as proposed in the Comprehensive Plan update results in an FAR of 1.53, which is above the current 1.07 FAR. The calculation is as follows:

$$\text{Total square feet of existing and proposed buildings} / \text{square feet of subject parcel} = \text{FAR}$$

$$36,675 \text{ sq. ft.} / 23,902 \text{ sq. ft.} = 1.53 \text{ FAR}$$

The Mixed Use (MU) Future Land Use Map category has a maximum floor area ratio (FAR) of 1.07. The project's code required FAR, as previously calculated, is compliant.

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:** The applicant has not identified any outdoor lighting at this time. For compatibility purposes, all proposed outdoor lighting must be presented to the Community Development Department as a photometrics plan for review and approval prior to the Certificate of Occupancy.
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 land use compatibility. Please reference the "Setbacks" section of the TRC report for further information regarding the proposed setbacks and buffers.

The site plan for the "Baleen Condominiums" development complies with the City of Destin Comprehensive Plan Policy 7.A.4.6 (p) and the Land Development Code §7.09 and is therefore deemed compatible with the surrounding area.

Any additional revisions to the site plan must be reviewed and approved by the appropriate Technical Review Committee members and may be subject to a compatibility analysis if required pursuant to provisions of the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09].

RIGHT-OF-WAY DEDICATION:

There are no right-of-way dedications proposed as part of this development.

CONCURRENCY MANAGEMENT:

Concurrency requirements have been met:

Solid Waste:
Potable Water:
Sanitary Sewer:
Traffic:
Stormwater Management:

Please refer to the attached Exhibits "D" through "H" for approved Concurrency Evaluation Certificates.

TRAFFIC ANALYSIS:

According to the traffic review conducted by the City's Transportation Manager, and approved on August 27, 2004, 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 June 30, 2004 (Exhibit "I").

SUBDIVISION OR PUD - PLAT:

The proposed development will be a multi-family residential use under condominium ownership and thus Condominium Documents are necessary. In lieu of providing draft Condominium Documents, the applicant has provided a Condominium Affidavit, dated August 13, 2004, (See Exhibit "J"). **Prior to the issuance of a Certificate of Occupancy**, the condominium documents must be reviewed and approved by the City Land Use Attorney and City Staff and properly recorded as stated within the Condominium Affidavit dated August 13, 2004. Additionally, a copy of the Condominium Documents, once recorded with the state, must be submitted to the City of Destin.

WHITE SANDS ZONE:

The project property is located in White Sand Zone I. Construction activity must comply with the City's White Sand Zone Ordinance requirements.

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):

RIA – Four or more (3 or more floors) Note: Distances provided for the following are from the 6-story building to property lines:

	<u>Required</u>	<u>Buffers</u>	<u>Provided</u>
Front (north):	20'	10' FP	46.0' including the 10' FP
Rear (south):	N/A along waterfront property		
Side (east):	24'	5' CB	24.15' including the 5' CB
Side (west):	24'	5' CB	24.15' including the 5' CB
Between Bldgs.:	10'	N/A	17.0'

Note: 10' FP = 10' Front Perimeter Landscaped Area, 10' VB = 10' Vegetative Buffer Area, and 5' CB = 5' Common Boundary Landscaped Area. The following buffers are required: the standard five (5) foot common boundary buffers along the eastern and western property lines.

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.

CITY OF DESTIN BUILDING OFFICIAL:

Building Official has no technical comments at this time. The Building Official did note the project appears to be in a FEMA flood zone. FEMA requirements must be addressed. A full set of construction plans, specification, and related documents shall be submitted to the International Code Council office in Birmingham for review and approval before any building permits will be issued.

COX COMMUNICATIONS:

Cox Communications approved the project in a letter dated June 7, 2004.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated June 16, 2004.

GULF POWER:

Gulf Power approved the project in a letter dated June 9, 2004.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated June 16, 2004.

SPRINT:

Sprint did not attend the TRC meeting nor did they provide documentation for this project. As a default, they approve the project.

WATER/SEWER PROVIDER:

Destin Water Users, Inc. approved the project in a letter dated July 30, 2004.

STORMWATER:

The stormwater management plan was found acceptable and approved on August 27, 2004, and had the following **stormwater** related conditions:

1. **Condition:** Prior to release for the dry-in inspection a Revised Topography Certification by a Florida Professional Engineer shall be required. The specific site design is intended to adequately manage the stormwater runoff up to and including the critical 25-year storm.

The Topography Certification by the Florida Professional Engineer, when a site is noncompliant with the 12-inch LDC requirement, is intended as a certification and verification that the “ topography will provide adequate drainage ” for the site during all events including those in excess of the specific design. If a Florida Professional Engineer is unable to make such Certification, the site shall be required to be brought into compliance with the LDC requirement.

2. **Condition:** Stormwater overflow openings shall be provided through the wall(s) of the lower level (16.0' level) to allow overflow discharge toward the harbor. The overflow openings shall be constructed at the floor elevation such that stormwater hydrostatic level in the garage area shall be limited to a maximum of depth of 8-inches (0.67 feet).
3. **Prior to issuance of a DO:** Provide a revised set of construction drawings with inlet sump detail referenced to all Type “C” and Type “E” Inlet details.
4. **Prior to obtaining a City permit for water side improvements,** provide copies of Destin Harbor Board approval and FDEP/USACOE submerged lands approval.
5. **Prior to obtaining a building permit,** a copy of the FDEP stormwater (based upon approved design) and NPDES approvals shall be forwarded to the City Engineer’s office.
6. **Condition:** If groundwater is observed standing in the proposed stormwater structures, the stormwater management plan shall be in non-compliance and a revised stormwater plan shall be re-submitted for review and approval.
7. **Prior to obtaining a Certificate of Occupancy:** The Stormwater Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following.

The SWOMP shall provide periodic and event maintenance for continued proper operation. The **periodic and event maintenance** shall include, as a minimum:

- a) **removal of silt and debris** from pavement areas, exfiltration systems, surface infiltration areas and catch basins,
- b) **Exfiltration system protection** from silt and debris along with maintenance and inspections to assure proper system function, and
- c) **maintenance of vegetative cover** in surface infiltration areas. Owner shall regrade swale/retention areas as required to maintain approved design cross-section(s), line(s), and grade(s).

The SWOMP shall also provide for a **30-day response to deficiencies noted by the City** during inspections.

COASTAL MANAGEMENT AND CONSERVATION:

The proposed project is located within the following "Special Flood Hazard Areas":

Coastal High Hazard Area: VE – 11' Base Flood Elevation

The City of Destin has received a certified statement dated August 18, 2004, from the project architect and noted on the approved site plan and architectural drawings provided for development order review that the development shall comply with the Federal Emergency Management Agency (FEMA) standards and the requirements set forth within the City of Destin Land Development Code, Article 11, Section 11.04.02 and Appendix E, Article III.

INGRESS/EGRESS:

There is currently one existing two-way non-conforming accessway to and from the property. This existing two-way accessway abutting the Harbor Boulevard (U.S. Highway 98 East) right-of-way will be offset to the east side of the property conforming to the code requirements, and be a maximum of 24 feet wide.

PARKING:

The project meets or exceeds the parking requirements of the Destin Land Development Code as indicated on the approved plans.

Per code:

Dwelling, multi-family – 5 stories or more: 2.00 spaces per dwelling unit
Rental Boat Slips: 1 space per slip

Per site plan:

10 dwelling units x 2.25 spaces = 22.5 parking spaces (22)
6 Rental Boat Slips = 6 parking spaces

10 dwelling, multi-family units x 2.25 spaces (per applicant indications) = 22 parking spaces

TOTAL REQUIRED: 28 parking spaces
TOTAL PROVIDED: 29 parking spaces (including 2 handicap spaces)

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 are as follows:

TOTAL REQUIRED: 1 loading space
TOTAL PROVIDED: 1 loading space

REFUSE COLLECTION:

Refuse collection is to be provided by "roll-out" dumpster service. Dumpster must be enclosed by fully opaque screen with gate.

SIDEWALKS/PEDESTRIAN CONNECTIVITY:

A 5-foot wide sidewalk is or shall be provided, if damaged within the Harbor Boulevard (U.S. Highway 98 East right-of-way. It should also be noted; the applicant is proposing to dedicate an 8' foot wide pedestrian cross access easement along the southern property line. This will be in place to provide the adequate area to continue the City's Harbor Boardwalk system.

OPEN SPACE/LANDSCAPE:

Open Space Requirements:

Development Area (Total Area): 23,902 sq. ft. (0.549 acres, more or less)
Required 18% Open Space: 4,302.4 sq. ft.
Provided Open Space: 4,762 sq. ft. (19.9%)

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 (0 trees x 3 credits per tree):	0
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 (0 trees x 5 credits per tree):	0
Total Reforestation Credits for saving Existing, Protected, or Preserved Trees:	<u>0</u>

Reforestation Trees (1 per every .10 of an acre: 0.549 x 10 = 5.5 Required on Site:	<u>6</u>
Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:	<u>6</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:	6
Front Perimeter Trees (1 per 25') Required on Site:	4
Parking Lot Trees (1 per end row and landscape island) Required on Site:	2
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site: (Includes additional vegetation per Compatibility Analysis)	0
Replacement Trees (removal of trees 12" d.b.h. or greater) Required on Site:	<u>0</u>

TOTAL TREES REQUIRED:	12
TOTAL TREES PROVIDED:	12

A five (5) foot Common Boundary Landscape Area is required along those property lines that directly abut an adjacent parcel (east and west). A ten (10) foot Front Perimeter Landscape Area is required along the northern property line. 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.

If required, the ten (10) foot Front Perimeter Landscape Buffer shall be calculated as one (1) tree per twenty-five (25) linear feet of buffer. Unless otherwise noted, 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 per the approved landscape plan has been inspected and approved by the Community Development Department.**

IMPACT FEES:

The following impact fee amounts may be subject to change. Final impact fee amounts will be determinant upon the number of units and 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 “Multi-family = \$113.03 per unit” amount.

Multi-family:

$$(10 \text{ units}) \times (\$113.03) = \$1,130.30$$

Public Library: The public library fees were calculated using the “Multi-family = \$76.19 per unit” amount.

Multi-family:

$$(10 \text{ units}) \times (\$76.19) = \$761.90$$

Police Protection: The police protection impact fees were calculated using the “Multi-family = \$14.50 per unit.”

Multi-family:

$$(10 \text{ units}) \times (\$14.50) = \$145.00$$

Road: The road impact fees were calculated using the “Multi-family = \$334.00 per unit.”

Multi-family:

$$(10 \text{ units}) \times (\$334.00) = \$3,340.00$$

Totals:

Parks:	=	\$1,130.30
Public Library:	=	\$761.90
Police Protection:	=	\$145.00
Roads:	=	\$3,340.00
TOTAL:	=	\$7,807.20

Totals for proposed individual unit:

Parks:	=	\$113.03
Public Library:	=	\$76.19
Police Protection:	=	\$14.50
<u>Roads:</u>	=	<u>\$577.00</u>
TOTAL:	=	\$780.72

OTHER FEES:

The fees listed below are subject to change and are based on the most recent information available (August 20, 2004). The fees must be paid by the applicant as part of the cost recovery associated with the proposed project:

City Traffic Consultant:	Paid from Escrow
City Compatibility Consultant:	N/A
City Surveyor:	N/A
Re-Review Fees (Community Dev.)	Paid
Re-Review Fees (Stormwater Man.)	Paid
Administrative Costs:	Paid
<u>City Council Advertising:</u>	<u>TBD</u>
TOTAL (as of 8/20/04) =	\$0.00 (Subject to change)

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING 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.

COMMENTS/CONDITIONS:

Public Input:

No public comments have been presented to staff at the time of this report.

Per Community Development Department:

1. **Prior to the issuance of the Development Order**, all outstanding costs associated with this project and are owed to the City must be paid in full.
2. The owner agrees that the swales shall be field adjusted if it is deemed the landscaping and grading do not provide adequate stormwater management. The Stormwater Management Plan shall be revised and submitted for City review to address any site changes.
3. **Prior to the issuance of a Certificate of Occupancy** the applicant in conjunction with the City of Destin shall prepare and grant an 8' wide cross access pedestrian easement (east/west) along the harbor (as depicted on the Site Plan, Sheet C4) to encourage and promote the City's Harbor Boardwalk.

4. **Prior to the issuance of a Certificate of Occupancy**, the condominium documents must be reviewed and approved by the City Land Use Attorney and City Staff and properly recorded as stated within the Condominium Affidavit dated August 13, 2004. Additionally, a copy of the Condominium Documents, once recorded with the state, must be submitted to the City of Destin.
5. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.
6. **Prior to the issuance of a Certificate of Occupancy**, the landscaping and all 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. **Prior to release for the dry-in inspection**, a Revised Topography Certification by a Florida Professional Engineer shall be required. The specific site design is intended to adequately manage the stormwater runoff up to and including the critical 25-year storm.

The Topography Certification by the Florida Professional Engineer, when a site is noncompliant with the 12-inch LDC requirement, is intended as a certification and verification that the "topography will provide adequate drainage" for the site during all events including those in excess of the specific design. If a Florida Professional Engineer is unable to make such Certification, the site shall be required to be brought into compliance with the LDC requirement.

8. Stormwater overflow openings shall be provided through the wall(s) of the lower level (16.0' level) to allow overflow discharge toward the harbor. The overflow openings shall be constructed at the floor elevation such that stormwater hydrostatic level in the garage area shall be limited to a maximum of depth of 8-inches (0.67 feet).
9. **Prior to issuance of a DO**: Provide a revised set of construction drawings with inlet sump detail referenced to all Type "C" and Type "E" Inlet details.
10. **Prior to obtaining a City permit for water side improvements**, provide copies of Destin Harbor Board approval and FDEP/USACOE submerged lands approval.
11. **Prior to obtaining a building permit**, a copy of the FDEP stormwater (based upon approved design) and NPDES approvals shall be forwarded to the City Engineer's office.
12. If groundwater is observed standing in the proposed stormwater structures, the stormwater management plan shall be in non-compliance and a revised stormwater plan shall be re-submitted for review and approval.
13. **Prior to obtaining a Certificate of Occupancy**: The Stormwater Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following:



CITY of DESTIN

4200 Two Trees Road • Destin, Florida 32541



www.cityofdestin.com

Office of Community Development

Voice - (850) 837-4242, ext: 140

Fax - (850) 337-0492

kgallander@cityofdestin.com

September 2, 2005

Dougherty and Chavez Architects
Attn: Carl Steuer, Project Manager
43000 Legendary Drive, Building C
Suite 240
Destin, FL 32541

Subject: Approval for Extension to Final Development Order No. 04-32 for Baleen Condominiums

Dear Mr. Steuer:

On September 1, 2005, a request was made on your behalf by your agent Mr. Carl Steuer, of Dougherty and Chavez Architects, for an extension to Final Development Order No. 05-02. After reviewing the request, the Community Development Director has conditionally approved the extension to Final Development Order No. 04-32, which as a condition shall meet all requirements and be in compliance with Article 2, Section 2.21.01 of the Land Development Code.

Note: The extension is valid for one year (October 4, 2006) from the original 12-month deadline of October 4, 2005.

If you have questions or need additional information, please contact my office.

Sincerely,

Kenrick S. Gallander, AICP
Current Planning Manager

KSG/

cc: Community Development Department (File SP-04-30)
File: 2004 Final Development Order Binder ✓
File: Letter Log
Building Division (Place copy with Final Development Order No. 04-32)
Carl Steuer (Fax: 850-650-5882)

Dougherty Architecture + Design P.A.
ARCHITECTS

Lic. P09000023252

November 19, 2009

Ashley Grana
Planning Manager
City of Destin
4200 Indian Bayou Trail
Destin, Florida 32541

Re: Tier 2 Zoning Compliance Letter – Baleen Condominium – Harbor Blvd. (.56ac.)

Dear Ashley,

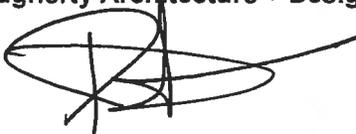
The attached documents are presented for review in order to get a Tier 2 zoning compliance letter for Baleen condominium. Of importance would be that a density of 14 units and Tier 2 approval are possible under current guidelines.

The unit profile sketch shows proposed setback and height compliance.

Should you have any questions, please do not hesitate to call me at (850) 650-5881 office or (850) 598-9881 cell

Respectfully,

Dougherty Architecture + Design PA.



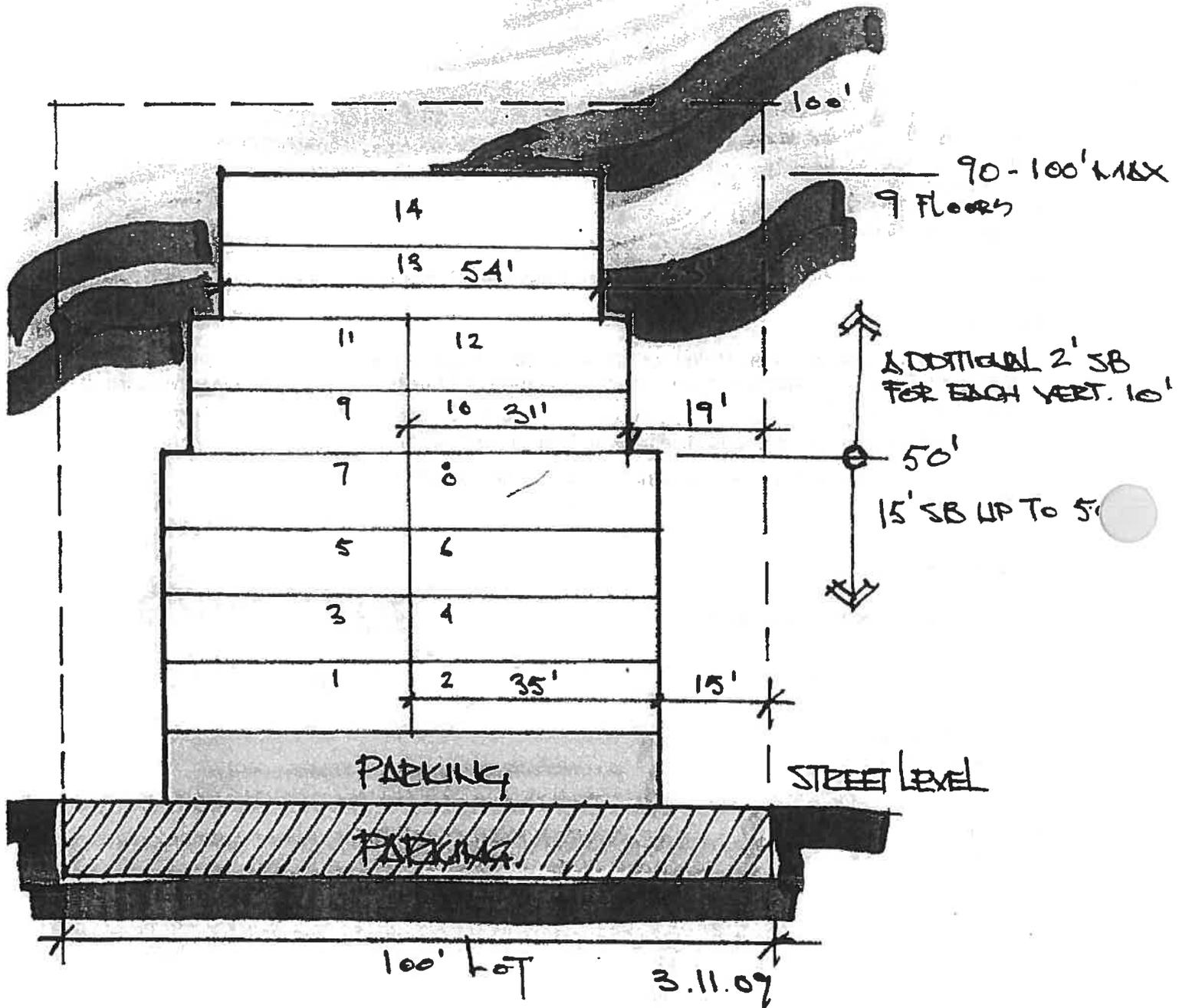
Joseph P. Dougherty
Principal Architect

Cc: Office File
Davis Companies

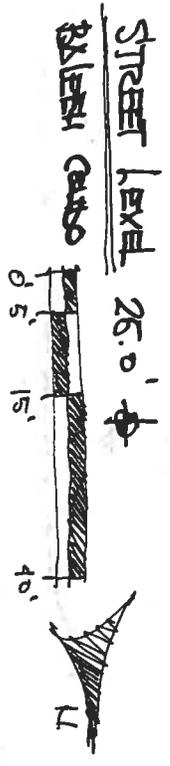
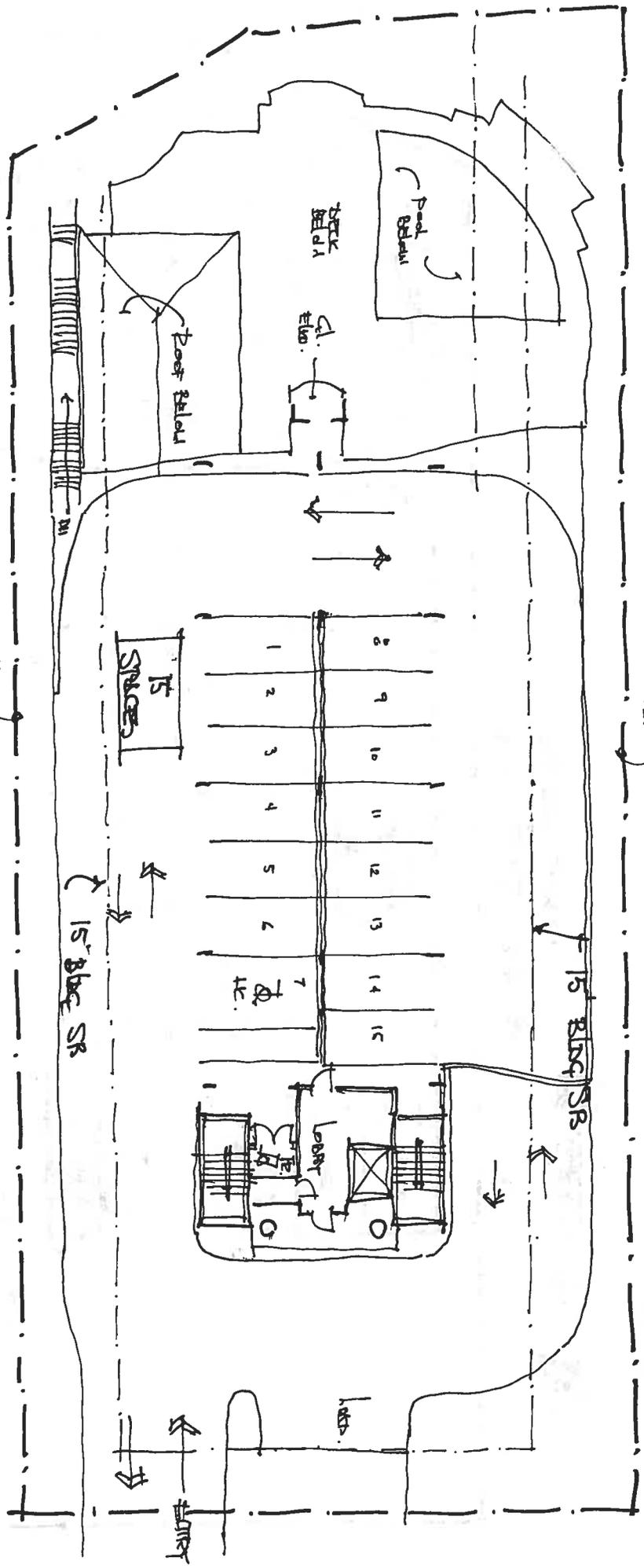
RECEIVED

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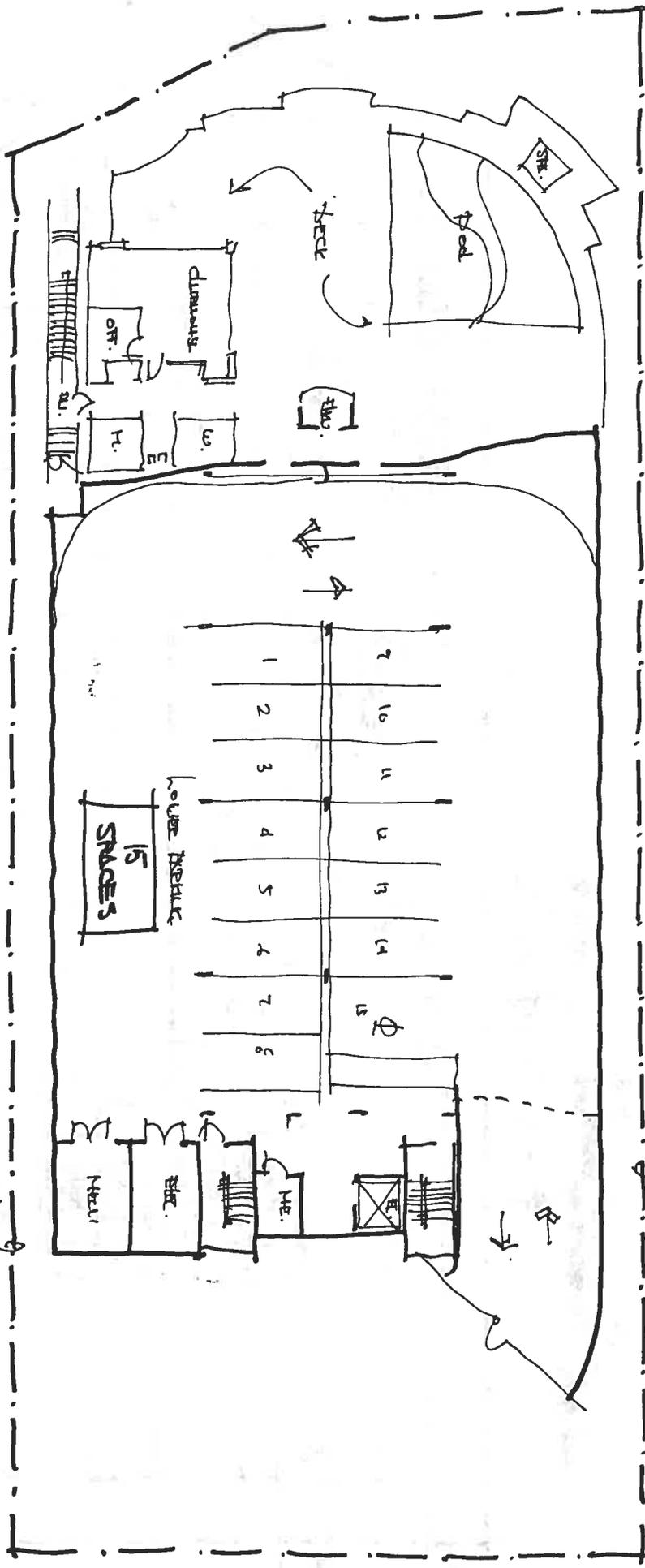
**COMMUNITY
DEVELOPMENT**



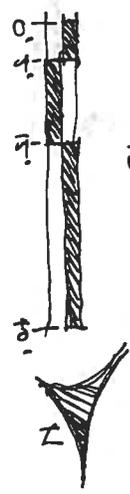
9 Fl. BOLEEN LIGHT PROFILE
 1" - 20' TIER II - (100' HT OR 9 Floors)



DOUGHERTY JR.
11.19.09



POOL LEVEL 160' x 119.09'



119.09'

