



CITY of DESTIN

4200 Two Trees Road • Destin, Florida 32541



www.cityofdestin.com

August 12, 2005

Order No. 05-33

Final Development Order:

“Beach Lofts” A MAJOR DEVELOPMENT (SP-05-08)

Based upon the City Council’s approval of this development order on August 1, 2005, this document will serve as your Final Development Order, to include all of the provisions of the attached Technical Review Committee Report, testimony, and with the following conditions as specified by the City Council:

BACKGROUND / ISSUE:

Applicant: Moore Bass Consulting, Inc. on behalf of S.F.B. Investment Company, LLLP is requesting approval of a Major Development identified as “Beach Lofts.”

Request: The proposed project is a 3 story, 15-unit multifamily residential condominium development, which includes a pool amenity area.

Location: The proposed development is located at the southeast corner of Beach Drive and Lola Circle, more specifically known as Property Appraiser’s parcel I.D. numbers 00-2S-22-0000-0011-0110. (Exhibit A on file)

Parcel Size: The total site area is 1.35 acres, more or less.

Future Land Use: Residential, Office, and Institutional (ROI)

Zoning District: Business Tourism (BT)

Density: Allowed: 12 units per acre
Proposed: 15 units / 1.35 acres = 11.1 units per acre

Intensity: Not Applicable

Application Date: November 29, 2004

TRC Date: December 15, 2004

Approved Site Plan Date: June 23, 2005

City Council Date: August 1, 2005

DETERMINATIONS:

1. The Destin City Council held a public hearing on August 1, 2005. The Council voted unanimously, 7-0, to approve the project as presented in the agenda package and subject to all applicable conditions identified within the Final Development Order, TRC report dated June 23, 2005, with all necessary changes and updates, testimony, and contingent upon payment of all outstanding fees prior to the issuance of the Development Order.

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:**

- A. Refer to pages 12 and 13 of the attached TRC Report dated June 23, 2005.

5. **Destin Water Users, Inc., Conditions:**

- A. Refer to page 8 of the attached TRC Report dated June 23, 2005.

COMPREHENSIVE PLAN/ZONING:

The property currently has a Future Land Use Map designation of Residential, Office, and Institutional (ROI) and a Zoning District designation of Business Tourism (BT). The proposed multifamily residential land use is consistent with the intent of the ROI Future Land Use Map designation as an acceptable land use pursuant to the Destin Comprehensive Plan - 2010. The Business Tourism (BT) zoning district specifically allows for the described use(s) (§7.12.01 (I) (ss), LDC).

LAND USE TRANSITION:

The Destin Comprehensive Plan – 2010 provides for Policy 1-2.1.1.7 to ensure buffers and a smooth land use transition. This policy specifically addresses that *“all property designated for nonresidential use shall be developed and designed to ensure a smooth land use transition between the said nonresidentially designated property and any directly abutting low rise residential property, either existing or identified on the FLUM.”*

The proposed project “Beach Lofts” is a residential project and does not require special development and design features to mitigate any substantial dissimilarities and potential incompatibilities.

DENSITY:

Allowed: 12 units per acre

Proposed: 15 units / 1.35 acres = 11.1 units per acre

FLOOR AREA RATIO:

Not applicable for residential projects.

HEIGHT:

The maximum height allowed within the ROI FLUM designation is 35 feet/3 stories. The height shall be measured from the highest point of the crown of the road, average grade of the subject property if it is not in an area that has a FEMA Minimum Base Flood Elevation, or FEMA Minimum Base Flood Elevation, whichever is higher, to the cornice line of the building.

The height as provided on the architectural elevations indicates from grade to the cornice line is 30 feet with three habitable stories, which is below the maximum allowed.

SUBDIVISION OR PUD - PLAT:

The proposed development will be a multifamily residential land 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 May 5, 2005, (See Exhibit I on file).

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 May 5, 2005. Additionally, a copy of the Condominium Documents, once recorded with the state, must be submitted to the City of Destin.

WHITE SANDS ZONE:

Not applicable.

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.

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:

Utilities/service (existing and proposed) shall be placed underground.

CITY OF DESTIN BUILDING OFFICIAL:

A review of the plans submitted resulted in no comments at this time. The Fair Housing Act will apply to this project and may require an elevator. A full set of signed and sealed construction plan as required by the Florida Building Code, Chapter 1 must be submitted to and be reviewed by the building department prior to issuance of a permit.

COX COMMUNICATIONS:

Cox Communications approved the project in a letter dated December 8, 2004.

4. **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.

5. **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: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltration areas and catch basins, and b) 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).

COASTAL MANAGEMENT AND CONSERVATION:

The proposed project is not located within any identifiable special flood hazard areas per the FEMA Flood Insurance Rate Maps.

INGRESS/EGRESS:

Primary ingress and egress to the proposed project is provided by a single, 24-foot wide, two-way access point along the northern property line of the project onto Lola Circle. A 20-foot wide, egress only accessway is proposed along the western property line onto Beach Drive. This egress was required as part of the Destin Fire Control District's technical review comments. This egress point shall be gated and signage shall be provided indicating "Emergency vehicle exit only."

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: 2.25 spaces per dwelling unit

Per site plan:

15 dwelling units x 2.25 spaces per dwelling unit =

TOTAL REQUIRED: 34 parking spaces

TOTAL PROVIDED: 38 (including 2 handicap spaces)

LOADING SPACE (ZONE):

Not applicable for low-rise multi-family residential land uses.

REFUSE COLLECTION:

Refuse collection is to be provided by dumpster service. All dumpsters and refuse handling area must be enclosed by fully opaque screen and gate.

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. Additional vegetation may be required per compatibility.**

IMPACT FEES:

The following impact fee amounts may be subject to change. Final impact fee amounts will be determinant upon the gross floor area or dwelling units of the overall development land use 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:

$$(15 \text{ units}) \times (\$113.03) = \$1,695.45$$

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

Multi-family:

$$(15 \text{ units}) \times (\$76.19) = \$1,142.85$$

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

Multi-family:

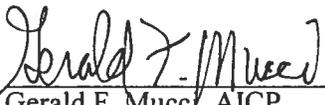
$$(15 \text{ units}) \times (\$14.50) = \$217.50$$

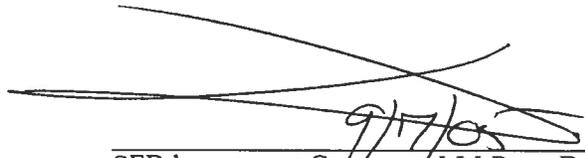
Road: The road impact fees were calculated using the “Multi-family dwelling unit = \$577.00 per unit.”

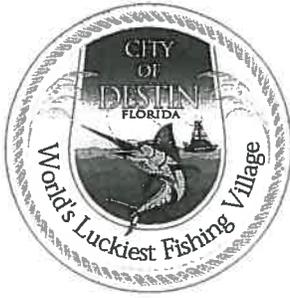
Multi-family:

$$(15 \text{ units}) \times (\$577.00) = \$8,655.00$$

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 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. The source of all illumination should not be visible from off-site.
7. **Note:** The Engineer of Record is cautioned to review the construction documents as submitted to assure thorough information is provided to allow proper construction. All stormwater management facilities shall be required to be constructed per the Codes of the City of Destin.
8. All perforated pipe and Exfiltration beds shall be inspected and approved by the Engineer of Record and the City of Destin prior to backfilling. Prior to inspection by the City of Destin, the Engineer of Record shall submit an inspection report that Certifies the compliance of the perforated pipe and exfiltration beds.
9. **Prior to obtaining any city permit**, a copy of the FDEP Stormwater & NPDES approvals shall be forwarded to the City Engineer's office.
10. 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.
11. **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: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltration areas and catch basins, and b) 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).
12. 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 stated within the approved Development Order, the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09] or if necessary as agreed upon by the City and the applicant prior to the issuance of the final development order.


 Gerald F. Mucci, AICP 8-12-2005
 Community Development Director Date


 SFB Investment Company, LLLP Date
 Owner
 Mr. Stephen F. Been, Managing Member



CITY of DESTIN

4200 Indian Bayou Trail • Destin, Florida 32541



www.cityofdestin.com

COMMUNITY DEVELOPMENT

Voice 850.837.4242 Fax 850.650.0693

kgallander@cityofdestin.com

December 21, 2009

Mr. David Smith, P.E., P.S.M
Managing Partner
Moore Bass Consulting of Destin, Inc.
1221 Airport Road, Suite 205
Destin, FL 32541

**Subject: Beach Lofts– Final Development Order No. 05-33 Special Economic
Condition Extension Request**

Dear Mr. Smith:

This letter is in response to your correspondence I received on December 18, 2009. As required, your request for an extension to Final Development Order No. 05-33 was received prior to January 1, 2010. Based on meeting this criterion and by adhering to the criteria of the extension as stated in Article 2, Section 2.21.01.D, the extension is granted until December 31, 2011 from the date of your written correspondence (December 18, 2009). This extension vests the final development order and enables the holder of the orders to delay commencement or continuance of construction, if necessary, until December 31, 2011.

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

Sincerely,

Kenrick S. Gallander, AICP
Community Development Director

KSG/

cc: File: Letter Log
Planning Manager, Ashley Grana - File: SP-05-28



Community Development Planning Division

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

September 29, 2011

Mr. John H. Byrnes
Attorney at Law
PO Box 191588
Atlanta Georgia 31119-1588

**Subject: Special Economic Condition Extension Request for DO 05-33,
SP-05-08, Beach Lofts, 130 Lola Cir**

Dear Mr. John H. Byrnes:

Your written request for the additional "special economic condition" extension for Final Development Order DO 05-33 was received prior to the December 31, 2011 expiration of the current extension. Based on meeting the criterion of Florida Statutes Chapter 2011-139, Section 73, your extension is granted until December 31, 2013. This extension vests the final development order and enables the holder of the Development Order to delay commencement or continuance of construction, if necessary, until December 31, 2013.

Should you have further questions or concerns, please do not hesitate to call.

Sincerely,

R. Ashley Grana
Interim Community Development Director

RAG/lwb

cc: DO Book, Project File:SP-05-08, Building File & Letter Log





Community Development Planning Division

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

October 15, 2012

Land Sales Development , LLC
Attn.: Mr. Scott A. Schmidt
PO Box 468509
Dunwoody, Georgia 31146

**SUBJECT: Beach Lofts – Final Development Order No. 05-33 “Special Economic Condition”
Extension Request – 130 Lola Circle**

Dear Mr. Schmidt:

This letter is in response to your letter dated September 21, 2012, requesting a “special economic condition” extension to the above referenced development order. Staff has discovered that sending you the initial letter of request was a mistake. This project has already received a **VESTED** determination do to the fact that the infrastructure has already been installed, inspected and accepted. The 2012 Special Economic Condition Extension request should not have been sent to you do to the fact project being vested and the fact that it applies to projects that have **not** started construction. The next step for your project is to apply for and receive a building permit for vertical construction.

Should you have any further questions or concerns, please do not hesitate to contact me either via e-mail (agrana@cityofdestin.com) or phone (850-582-4525).

Sincerely,

R. Ashley Grana
Planning Division Manager

RAG/

cc: **2005 DO Book**
Project File: SP-05-08
Building File: 130 Lola Circle
Letter Log

