



CITY of DESTIN

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September 9, 2008

Order No. 08-22

Final Development Order:

“BEACH POINTE CONDOMINIUMS” A TIER 3 MAJOR DEVELOPMENT (SP-07-06)

Based upon the City Council’s approval and the City’s issuance of this Final Development Order on August 18, 2008, this document will serve as your Final Development Order, and includes all of the provisions and conditions in the attached Technical Review Committee Report.

ISSUE:

- Applicant:** Choctaw Engineering, Inc., on behalf of Daniel J. Fitzpatrick and Theodore L. Jones
- Request:** The applicant is requesting approval of a Tier 3 Major Development, which consists of a 5-story, 5 long-term dwelling unit multi-family residential building with a rooftop pool amenity area, a dedicated 10-foot public beach access easement, dune walkover, and public open space/amenity area.
- Location:** The proposed development is located south of Scenic Highway 98, between Terra Cotta Way and the Okaloosa County/Walton County line, more specifically known as Property Appraiser’s parcel I.D. number 00-2S-22-0000-0041-0000 and addressed as 3680 Scenic Hwy 98.
- Parcel Size:** The total proposed site area is 0.459 acres, more or less.
- Future Land Use:** Crystal Beach Resort (CBR)
- Zoning District:** Crystal Beach Resort (CBR)
- Density:** Allowed: Up to 24 dwelling units per acre (If Tier 3 approval granted.)
24 x 0.459 = 11 dwellings possible if Tier 3 approval granted
Proposed: 5 dwelling units
- Intensity – Floor Area Ration (FAR):** Not applicable
- Application Date:** December 15, 2006
- TRC Date:** January 17, 2007
- Approved TRC Site Plan Date:** August 1, 2008
- City Council Date:** August 18, 2008

DETERMINATIONS:

1. All the findings of the Technical Review Committee report dated August 1, 2008, are incorporated herein.

CONDITIONS OF APPROVAL FOR "BEACH POINTE CONDOMINIUMS" A TIER 3 MAJOR DEVELOPMENT (SP-07-06):

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

Construction of infrastructure 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 September 9, 2008 (no later than September 9, 2009), 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) for either the construction of infrastructure or construction of the entire project and that construction has not commenced within one (1) year of issuance of the final development order, the final development order will become null and void and the application for development order approval must be re-initiated. (Article 2, Section 2.21.00)

NOTE: Construction of infrastructure shall be defined as site work, grading, or other construction activity (not including clearing and grubbing or demolition of existing structures) related to installation of roadways, access drives, parking lots, underground utilities, stormwater or drainage facilities, or building foundations. (Article 2, Section 2.21.00)

NOTE: An applicant/owner who desires to extend the twelve (12) month (1 year) deadline for either the construction of infrastructure or construction of the entire project must submit a written 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 of infrastructure or construction of the entire project. The applicant may receive only one extension, and such extension shall not exceed one year. The applicant /owner should review Article 2, Section 2.21.00, of the Destin Land Development Code for further explanation of the Development Order extension process.

2. If the applicant fully complies with the requirements of Condition No. 1 above, the concurrency capacity allocation status for "**Beach Pointe Condominiums**" will be protected. **However, the protected concurrency status will be lost and the application for development order approval must be re-initiated if:**
 - A. **Construction permit(s) in association with construction of infrastructure or construction of the entire project are not obtained in accordance with Article 2, Section 2.10.00 of the Land Development Code to maintain concurrency, or**
 - B. **Construction activity ceases for a period of one (1) year after a building permit for construction of infrastructure or construction of the entire project has been issued so that concurrency is not maintained under Article 6 of the Destin Land Development Code.**

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. **Conditions per City Council:**
 - a. The plans shall indicate the public beach access boardwalk has a clear width of 6 feet.
5. **Conditions per Community Development Department:** Refer to pages 14 thru 16 of the attached TRC Report dated August 1, 2008.
6. **Conditions per Engineering Department:** Refer to pages 16 thru 19 of the attached TRC Report dated August 1, 2008.

TECHNICAL REVIEW COMMITTEE REPORT

“BEACH POINTE CONDOMINIUMS” A TIER 3 MAJOR DEVELOPMENT (SP-07-06)

TRC Report: August 1, 2008

ISSUE:

- Applicant:** Choctaw Engineering, Inc., on behalf of Daniel J. Fitzpatrick and Theodore L. Jones
- Request:** The applicant is requesting approval of a Tier 3 Major Development, which consists of a 5-story, 5 long-term dwelling unit multi-family residential building with a rooftop pool amenity area, a dedicated 10-foot public beach access easement, dune walkover, and public open space/amenity area.
- Location:** The proposed development is located south of Scenic Highway 98, between Terra Cotta Way and the Okaloosa County/Walton County line, more specifically known as Property Appraiser’s parcel I.D. number 00-2S-22-0000-0041-0000 and addressed as 3680 Scenic Hwy 98.
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Proposed: 5 dwelling units

Intensity – Floor Area Ration (FAR): Not applicable

Application Date: December 15, 2006
TRC Date: January 17, 2007
Approved TRC Site Plan Date: August 1, 2008
City Council Date: August 18, 2008

DISCUSSION/FINDINGS:

Choctaw Engineering, Inc., on behalf of Daniel J. Fitzpatrick and Theodore L. Jones is requesting approval of a Tier 3 Major Development identified as “Beach Pointe Condominiums.” The proposed development consists of a 5-story, 5 long-term dwelling unit multi-family residential building with a rooftop pool amenity area, a dedicated 10-foot public beach access easement, dune walkover, and public open space/amenity area. The proposed development is located south of Scenic Highway 98, between Terra Cotta Way and the Okaloosa County/Walton County line, more specifically known as Property Appraiser’s parcel I.D. number 00-2S-22-0000-0041-0000 and addressed as 3680 Scenic Hwy 98. The total proposed site area is 0.459 acres, more or less.

The Technical Review Committee (TRC) has reviewed and approved the project with specific conditions as stated in applicable sections below. TRC approval determination is not inclusive of the Tier 3 public benefits (Article 7, Section 7.09.03.G.2), as that final determination lies with the City Council.

COMPREHENSIVE PLAN/ZONING:

The property currently has a Future Land Use designation of Crystal Beach Resort (CBR) and a Zoning designation of Crystal Beach Resort (CBR). The “Beach Pointe Condominiums” long-term multi-family residential development is consistent with the CBR Future Land Use designation of the Comprehensive Plan and is a permitted principal use in the CBR Zoning District.

TIER 2 SUPPLEMENTAL DESIGN STANDARDS:

Comprehensive Plan: 2010 Policy 1-2.1.8 states that “*Height, intensity, and density bonus provisions are provided in the HDR, CMU, SHMU, NHMU, TCMU, GRMU, HIMU, and CBR Land Use Designations. These provisions shall be initiated to stimulate reinvestment in high standards of design through implementation of a tiered regulatory system that grants incentives for actions that are consistent with design criteria that cannot otherwise be mandated. The outcome shall result in high quality, innovative development that enhances site and building design, achieves land use compatibility, promotes non-motorized mobility, and provides the opportunity for achieving extraordinary public benefit.*”

Section 7.09.03 of the Land Development Code contains supplemental design standards that shall be met in order to qualify for Tier 2 and subsequently Tier 3 height, intensity, and density bonuses. These supplemental standards include:

- Design criteria
- Open space
- Setbacks
- Landscaping
- Pedestrian amenities
- Design initiatives that accommodate transit needs
- Pedestrian and/or vehicular access

Design criteria (Building footprint, Building mass, façade, and elevations, Roofline design, Roofscape design, and Other architectural features:

See Exhibit “A”: “Beach Pointe Condominiums” Booklet, pages C-1 through C-5, D-1, E-1 through E-3, and I-1 through I-4.

Open space:

Tiered Land Use System developments proposed in the CBR future land use designation shall provide an additional five percent open space in addition to the required minimum of 25 percent for a total of 30 percent. The applicant is proposing 73.3% open space. The proposed amount of open space, as defined in the Land Development Code, for this development is as follows:

Total sq. ft. of provided open space / sq. ft. of subject parcel/development area = % open space

14,662 sq. ft. / 19,994.04 sq. ft. (Development Area) = 73.3% open space provided

Setbacks & Buffers:

The following setbacks shall apply to developments proposed in the CBR zoning district.

PROPERTY LINE	REQUIRED SETBACK	PROVIDED
North (front)	<ul style="list-style-type: none"> Ten (10) feet minimum and no maximum. 	<ul style="list-style-type: none"> 10.78 feet
West (side)	<ul style="list-style-type: none"> Min 10 ft. for any portion of a building having a height of 35 ft. or less Min 15 ft. for any portion of a building having a height above 35 ft. but below 50 ft. Additional 2 ft. setback for each 10 ft. or fraction thereof exceeding 50 ft. in height 	<ul style="list-style-type: none"> 0-35': 10.12 feet 35'+ 17.23 feet
East (side)	<ul style="list-style-type: none"> Min 10 ft. for any portion of a building having a height of 35 ft. or less Min 15 ft. for any portion of a building having a height above 35 ft. but below 50 ft. Additional 2 ft. setback for each 10 ft. or fraction thereof exceeding 50 ft. in height 	<ul style="list-style-type: none"> 0-35': 10.19 feet 35'+ 17 feet
South (rear)	<ul style="list-style-type: none"> As established by FDEP 	<ul style="list-style-type: none"> Varies

The proposed amended development meets all of the required setbacks for a Tier 3 development located in the CBR zoning district.

Landscaping:

All Tier 3 developments shall meet the following landscaping requirements (See also Exhibit "A": "Beach Pointe Condominiums" Booklet, page D-1):

Tree Requirements:

All required trees shall be a minimum of twelve (12) feet in height and have a three and one-half (3½) caliper at the time of planting. For those properties lying south of Harbor Boulevard and Emerald Coast Parkway palm trees cannot comprise more than 80 percent of the total number of all required trees. The number of required trees shall be increased by 20 percent above the minimum requirements for trees set forth in LDC Section 12.04.04. Trees having an average mature spread of crown less than 20 feet shall be arranged in groupings so as to create the equivalent of a 20-foot crown spread.

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.

The tree requirements for this development have been calculated as follows:

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" or 24" diameter) on Site (0 tree x 5 credits per tree):	0
Total Reforestation Credits for Existing, Protected, or Preserved Trees:	0
 Reforestation Trees (1 per every .10 of an acre: 0.459 x 10 = 5) Required on Site:	 <u>5</u>
 Total Reforestation Credits:	 <u>0</u>
Total Reforestation Trees Required on Site:	<u>5</u>

Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:	5
Front Perimeter Trees (1 per 25') Required on Site:	Exempt
Replacement Trees (removal of trees over 12" d.b.h.) Required on Site:	0
Parking Lot Trees (1 per end row and landscape island) Required on Site:	0
Trees Required on Site per LDC Section 12.04.04:	<u>5</u>
20 percent increase for Tier 3 Development (0.20 x 5 required trees = 1)	6
TOTAL TREES REQUIRED:	<u>6</u>
TOTAL TREES PROVIDED:	<u>11</u>

Shrub requirements:

All shrubs shall be sized in accordance to the following specifications: one-third shall be a minimum of 36 inches in height at the time of planting; one-third shall be a minimum of 18 inches in height at the time of planting; and one-third shall be ground cover plantings of a one gallon size. The number of required shrubs shall be increased by 20 percent above the minimum requirements for shrubs set forth in LDC Section 12.04.04.

Pedestrian amenities:

All Tier 2 developments “shall provide gathering/sitting areas that at a minimum include the following decorative pedestrian amenities: benches, waste containers, planters, and pedestrian lighting fixtures. Other types of pedestrian amenities may be incorporated and include: decorative water fountains, sculptures, drinking fountains, phone booths and bicycle racks.” [LDC, §7.09.03].

The proposed development provides a pedestrian amenities component, which incorporates a gathering/sitting area at the northeast portion of the development adjacent to the Scenic Hwy 98 right-of-way and adjacent to the public beach access. Included in this area are benches, shower rinse area, bike rack, waste containers, landscaping, and lighting. (See TRC Report Exhibit “A” – “Beach Pointe Condominiums” Booklet, pages D-1 and I-3.).

Design initiatives that accommodate transit needs:

“All developments located within a one-quarter mile radius of a transit stop shall contribute to the success of the transit system through contributions toward amenities and the creation of a safe and inviting pedestrian and transit atmosphere at all transit stop locations...” “Provision of additional transit infrastructure elements (e.g., transit shelter, street furniture, transit signs, contribution towards the transit operating fund, etc.) may be used as a multi-modal transportation mitigation measure for developments.” [LDC, §7.09.03].

A transit stop is proposed within one-quarter mile of the development. An unobstructed path is provided to the proposed transit stop via the City’s existing sidewalk network along Scenic Highway 98, which will also be upgraded as part of the Scenic Highway 98 Capital Improvement Plan. Rather than constructing the transit stop before the roadway improvements are completed, the developer shall pay into a fund established by the City in which the developer is committed to providing funding for the City to construct a transit stop to meet all adopted transit design standards to be in compliance with the Crystal Beach Multimodal District requirements.

Condition: Prior to the issuance of the first Certificate of Occupancy, the transit stop and any necessary pedestrian connections shall be properly designed in accordance with the Crystal Beach MMTD requirements and the associated cost to construct shall be paid to the City to construct the facility at a future date.

Pedestrian and/or vehicular access:

This requirement is only applicable for those properties located within the South Harbor Mixed Use (SHMU) zoning district.

TIER 3 STANDARDS:

Supplemental design analysis (See TRC Report Exhibit “A” – “Beach Pointe Condominiums” Booklet, pages C-1 through C-5, D-1, E-1 through E-3, and F-1 through F-2.)

The applicant has demonstrated to staff sufficient evidence through color architectural renderings, three-dimensional virtual computer images, massing study imaging, and shadow study imaging that the proposed project will not adversely impact adjacent properties, motorists, pedestrians, or segments of the population. Staff also determined that as a result of the applicant’s desire to increase the height of the structure an additional 10 feet/1 story does not constitute the need to analyze airflow dynamics through an extensive wind assessment study. Previous projects that have conducted wind assessment studies were on a level of adding an additional 60 feet/6 stories, more mass, and of a larger size than this project and as a result would have more potential to adversely impact adjacent properties, motorists, pedestrians, or segments of the population.

Public benefits:

Article 7, Section 7.09.03.G.2 of the Land Development Code, requires the applicant to present and “bear the burden of demonstrating that the specific character, design, and investment commitment is a significant public benefit. The City retains the decision making power to determine whether the **specific private investment, including the project amenities, together with the public benefits,** are commensurate with the increment of increased height, density or intensity that the applicant seeks.”

In order for the project to be approved, the City Council must be satisfied the applicant has provided **all** of the following:

1. **Dedicate \$2.00 per square foot of floor area developed into a dedicated “affordable workforce housing fund.”** The developer shall contribute \$36,892.00. (18,446 sq. ft. at \$2.00 per sq. ft.)
2. **The relocation and conversion of above ground utilities to below ground locations.** There are currently no above ground utilities on the property or within the adjacent right-of-way to be converted to below ground at this time.
3. **Construct open space malls and arcades serving as gathering places of the general public.** This parcel is approximately 100 feet wide and with a buildable depth of approximately 80 feet. Unlike many other properties within the City that are much larger in size and have the option to seek a Tier 3 development level, this parcel is extremely limited in its ability to truly support a general public gathering place such as an open space mall or arcade. The developer has worked with staff to meet the intent of this requirement within the limited area available. The area at the northeast portion of the property is devoted to an open space area for the general public to gather who are walking along Scenic Highway 98 and also who are utilizing the new public beach access. Pedestrian oriented furniture is proposed, which includes benches, trash receptacles, pedestrian lighting, a bike rack, and high quality/quantity landscaping.

4. **Create and/or reinforce a pedestrian friendly transit system.** A transit stop is proposed within one-quarter mile of the development. An unobstructed path is provided to the proposed transit stop via the City's existing sidewalk network along Scenic Highway 98, which will also be upgraded as part of the Scenic Highway 98 Capital Improvement Plan. Rather than constructing the transit stop before the roadway improvements are completed, the developer shall pay into a fund established by the City in which the developer is committed to providing funding for the City to construct a transit stop to meet all adopted transit design standards to be in compliance with the Crystal Beach Multimodal District requirements.

And at least one of the following:

1. **Beach access improvements.** The developer is providing a 10' wide public beach access easement from the Scenic Highway 98 right-of-way to the public beach. The developer is acknowledging the public beach is and shall be recognized as that area south of the designated and documented "Erosion Control Line" established during the City of Destin Beach Restoration Project. Note: A beach access currently exists along the eastern portion of the property. The prior owner of this property, Zephyr Development Enterprises, L.L.C., granted a 4 foot wide non-exclusive easement for the purchasers of units in the Beach Pointe Townhomes development on the north side of Scenic Highway 98 for access to and use of the beach.
2. **Off-site public parking garage.** Not applicable.
3. **Preserve significant view of the gulf, harbor, or bay.** Applicant has chosen not to pursue this benefit.
4. **Provide significant improvements to public infrastructure (private investment in off-site infrastructure improvements).** Applicant has chosen not to pursue this benefit.

(See TRC Report Exhibit "A" – "Beach Pointe Condominiums" Booklet, pages A-1 through A-7, D-1, and I-3.)

The City Council has final authority to determine whether the applicant has satisfied the Tier 3 public benefits as described in Article 7, Section 7.09.03.G.2 of the Land Development Code.

CONCURRENCY MANAGEMENT:

Concurrency requirements have been met:

Solid Waste: **YES, approved. (Exhibit "B")**

Potable Water: **YES, approved. (Exhibit "C")**

Sanitary Sewer: **YES, approved. (Exhibit "D")**

Traffic: **YES, approved. (Exhibit "E")**

Stormwater Management: **YES, approved. (Exhibit "F")**

TRANSPORTATION ANALYSIS:

According to the transportation/traffic concurrency review conducted by the City's Transportation Manager, currently represented by Renaissance Planning Group (RPG), Inc., and approved on August 4, 2008, the proposed development will not degrade the level of service of those major transportation modes and facilities in the City of Destin and complies with the goals, objectives, and policies of the multimodal transportation district as found in the City's Comprehensive Plan: 2010.

As a requirements of the City's multimodal transportation district, as adopted in Comprehensive Plan: 2010, the City's Transportation Manager has reviewed and approved the applicant's traffic impact analysis dated November 30, 2006 (Exhibit "E").

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 at this time, the applicant has provided a Condominium Affidavit (See Exhibit "G").

Condition: Prior to the issuance of a Certificate of Occupancy, the condominium documents, which incorporate the unification of property, must be reviewed, approved by City Staff, and properly recorded as stated within the Condominium Affidavit.

WHITE SANDS ZONE:

The project property is located in White Sand Zone I.

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:

Underground utilities/service (existing and proposed) are required. The project shall be compliant with the Tier 3 requirements for underground utilities.

Condition: Prior to the issuance of any Certificate of Occupancy, the applicant shall locate all applicable above-ground utilities on the property and within the adjacent right-of-way to below ground.

COX COMMUNICATIONS:

Cox Communications approved the project in a letter dated January 10, 2007.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated January 17, 2007.

GULF POWER:

Gulf Power approved the project in a letter dated January 16, 2007.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated January 17, 2007.

EMBARQ:

EMBARQ did not attend the TRC meeting nor did they provide documentation for this project. They approve the project by failing to attend or provide documentation.

CITY OF DESTIN BUILDING OFFICIAL:

Building Official's office provided preliminary technical comments to the applicant, which shall be addressed and/or readdressed during the building permit review process. A full set of construction plans, specification, and related documents for the development must be submitted to the Building Department for review and approval before any building permits will be issued.

WATER/SEWER PROVIDER:

South Walton Utilities, Inc. approved the project on August 24, 2007

ENGINEERING DEPARTMENT:

The City of Destin Engineering Department approved the project with conditions in a letter dated July 24, 2008. Conditions are provided on pages 13 through 16

STORMWATER MANAGEMENT:

The stormwater management plan was found acceptable and approved with conditions on August 2, 2007.

COASTAL MANAGEMENT AND CONSERVATION:

The proposed project is located within a Zone "X" and "VE: 11" special flood hazard area per the FEMA Flood Insurance Rate Maps. This project shall be constructed in compliance with the Federal Emergency Management Agency (FEMA)/National Flood Insurance Program (NFIP) standards and the requirements set forth within the City of Destin Land Development Code, Article 11, Section 11.04.00.

INGRESS/EGRESS:

Ingress and egress to the proposed project is provided by a two-way access point onto the Scenic Highway 98 ROW.

PARKING:

Per existing Land Development Code at time of Development Order application December 2006:

Dwelling, Multi-family (5 stories or more): 2.00 parking spaces per unit

5 units x 2 = 10 parking spaces

TOTAL REQUIRED: 10 parking spaces

TOTAL PROVIDED: 10 parking spaces

LOADING SPACE (ZONE):

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

TOTAL REQUIRED: 0 loading spaces for low rise buildings

REFUSE COLLECTION:

Refuse collection to be provided by curbside container service. All curbside containers must be stored within the designated trash storage enclosures as identified on the approved site plan.

SIDEWALKS/PEDESTRIAN CONNECTIVITY:

A 6' wide public sidewalks, interior pedestrian accessways, and appropriate crosswalk striping shall be provided as indicated on the site plan (See TRC Report Exhibit "A" – "Beach Pointe Condominiums" Booklet, page I-3). In addition to the required sidewalks and interior pedestrian connectivity, the developer will be establishing a 10' wide public beach access easement along the eastern side of the project.

IMPACT FEES:

The following impact fee amounts may be subject to change and are applicable to those land uses added to the overall master development. Final impact fee amounts will be determinant upon the number of units and gross floor area receiving a certificate of occupancy (C.O.) or certificate of completion (C.C.). Final impact fee amounts will also be determinant whether exemption or credits are applicable and reevaluated at the time a C.O. or C.C. is requested. Any claims for exemption or credits must be made no later than the time a C.O. or C.C. is requested. Refer to Article 19 of the Destin Land Development Code for specifics regarding impact fees.

The land uses identified below are from the "Fee Schedule" tables found in Article 19 of the Land Development Code and are those deemed most closely related to the land uses proposed in this development. The fee payer has the option of paying the fees identified below for the identified land use or they shall prepare and submit to the City Manager an independent fee calculation study for the land development activity for which a C.O. or C.C. is sought. The determination made by the City Manager may be appealed to the City Council by filing a written request with the City Manager within 10 days of the City Manager's determination. We advise the applicant to submit any independent fee calculation study as soon as possible for a determination. 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 C.O. or C.C.:

Parks: The park fees were calculated using the “Residential, 4,000 sq. ft. or more, per dwelling unit” and “Residential, 3,000 – 3,999 sq. ft. or more, per dwelling unit” amount.

2 units “Residential, 4,000 sq. ft. or more, per dwelling unit”: $\$649.00 \times 2 = \$1,298.00$
3 units “Residential, 3,000 – 3,999 sq. ft. or more, per dwelling unit”: $\$570.00 \times 3 = \$1,710.00$

Park Impact Fee: \$3,008.00

Public Library: The public library fees were calculated using the “Residential, 4,000 sq. ft. or more, per dwelling unit” and “Residential, 3,000 – 3,999 sq. ft. or more, per dwelling unit” amount.

2 units “Residential, 4,000 sq. ft. or more, per dwelling unit”: $\$217.00 \times 2 = \434.00
3 units “Residential, 3,000 – 3,999 sq. ft. or more, per dwelling unit”: $\$190.00 \times 3 = \570.00

Public Library Impact Fee: \$1,004.00

Police Protection: The police protection impact fees were calculated using the “Residential, 4,000 sq. ft. or more, per dwelling unit” and “Residential, 3,000 – 3,999 sq. ft. or more, per dwelling unit” amount.

2 units “Residential, 4,000 sq. ft. or more, per dwelling unit”: $\$31.00 \times 2 = \62.00
3 units “Residential, 3,000 – 3,999 sq. ft. or more, per dwelling unit”: $\$27.00 \times 3 = \81.00

Police Protection Impact Fee: \$143.00

Transportation: The transportation impact fees were calculated using the “Residential, 4,000 sq. ft. or more, per dwelling unit” and “Residential, 3,000 – 3,999 sq. ft. or more, per dwelling unit” amount.

2 units “Residential, 4,000 sq. ft. or more, per dwelling unit”: $\$1,315.00 \times 2 = \$2,630.00$
3 units “Residential, 3,000 – 3,999 sq. ft. or more, per dwelling unit”: $\$1,163.00 \times 3 = \$3,489.00$

Transportation Impact Fee: \$6,119.00

Totals:

Parks:	=	\$3,008.00
Public Library:	=	\$1,004.00
Police Protection:	=	\$143.00
<u>Transportation:</u>	=	<u>\$6,119.00</u>
TOTAL:	=	\$10,274.00

OTHER FEES:

The fees listed below are subject to change and are based on the most recent information available (May 9, 2008). The fees must be paid by the applicant as part of the cost recovery associated with the proposed project:

City Traffic Consultant:	Paid
City Surveyor:	N/A
Re-Review Fees (Community Dev.)	Paid
Re-Review Fees (Engineering)	Paid
Administrative Costs:	Paid
City Council Advertising:	Paid
TOTAL =	Paid

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/NOTES/CONDITIONS:

Public Input:

No public input has been provided as of the date of this report.

Per Community Development Department:

1. **Condition: Prior to the installation**, lighting, benches, drinking fountains, trash containers, planters and other hardscape items shall be incorporated into the design of the Scenic Highway 98 right-of-way improvements and as per the standards and specifications approved and adopted by the City.
2. **Condition: Prior to the issuance of the first Certificate of Occupancy**, the transit stop and any necessary pedestrian connections shall be properly designed in accordance with the Crystal Beach MMTD requirements and the associated cost to construct shall be paid to the City to construct the facility at a future date.
3. **Condition: Prior to the issuance of a Certificate of Occupancy**, the condominium documents must be reviewed, approved by City Staff, and properly recorded as stated within the Condominium Affidavit.
4. **Condition: Prior to the issuance of any Certificate of Occupancy**, the applicant shall locate all applicable above-ground utilities on the property and within the adjacent right-of-way to below ground.
5. **Condition: Prior to the issuance of any City permits**, all necessary easements applicable for this site and development shall be submitted, reviewed, approved and recorded in the public record.

6. **Condition:** This project is located within the White Sand Zone 1. Therefore, any fill shall meet the applicable requirements contained in the Land Development Code, Article 7, Section 11.07.00.
7. **Condition:** All non-construction related dumpsters, trashcans and recycling bins shall be placed in solid waste collection areas and shall be shielded from the view of adjacent properties. *Ref. LDC Section 7.09.02(B)(3).*
8. **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 opaque fence, wall or hedge a minimum of six (6) 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.
9. **Condition: Prior to installation,** all outdoor lighting 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.
10. **Condition:** In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the standards contained in Section 7.17.01(B) of Article 7 of the City's Land Development Code shall be applied to artificial light sources on all new coastal construction seaward of the Coastal Construction Control Line (CCCL).
11. **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.
12. **Note:** Each handicap accessible parking space must be prominently outlined with blue paint, and must be posted with a permanent above-grade sign bearing the international symbol of accessibility and containing the caption "PARKING BY DISABLED PERMIT ONLY." Such sign shall also indicate the penalty for illegal use of the space, which shall be a minimum fine of \$250.
13. **Note:** Curb ramps complying with Section 11-4.7 of the Florida Accessibility Code shall be provided wherever an accessible route crosses a curb.
14. **Condition: Prior to 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.*

15. **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).*
16. **Condition:** **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.
17. **Condition:** **Prior to obtaining a Certificate of Occupancy**, the Stormwater Operation/Maintenance Plan (SWOMP) shall be acknowledged and signed by the Owner.
18. **Condition:** **Prior to obtaining any City permit**, a copy of the FDEP stormwater and a NPDES Stormwater Construction Generic Permit (if applicable) approval shall be forwarded to the City Engineer's office and then forwarded to the Community Development Department.
19. **Note:** If groundwater is observed standing in the storm structures, the SWMP shall be considered in non-compliance and a revised stormwater plan shall be resubmitted for review and approval.
20. **Note:** Please abide by the general guidelines set forth in the FDEP's "Florida Development Manual: A Guide to Sound Land and Water Management," particularly those guidelines set forth for the construction and maintenance of exfiltration trenches.
21. **Condition:** All perforated piping 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, the Engineer of Record shall submit an inspection report that certifies the compliance.
22. **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.

Per Engineering Department:

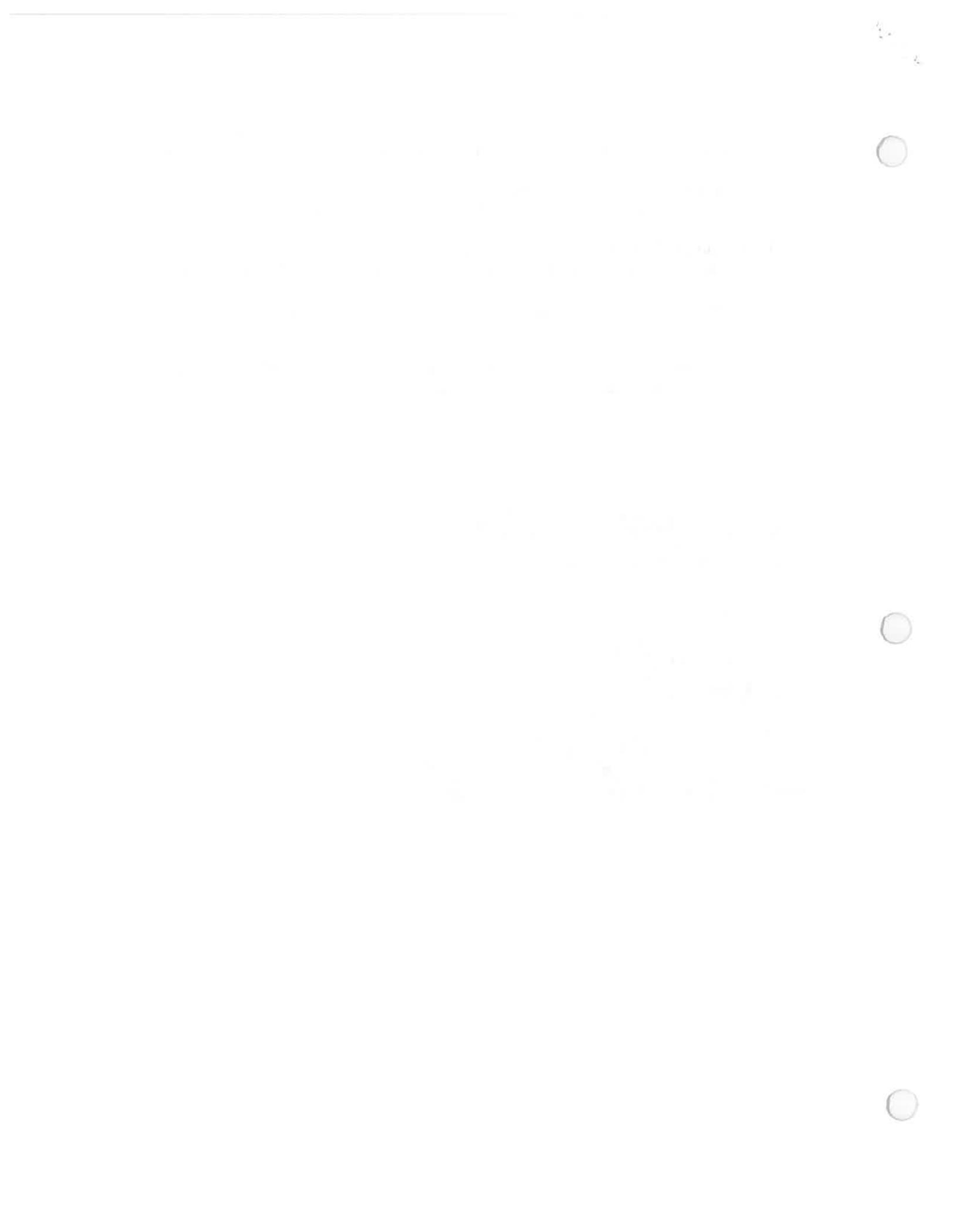
1. **Condition:** **Prior to obtaining any City permits**, obtain a City of Destin Right-of-Way Construction Permit from the City Engineering Department.
2. **Condition:** Prior to obtaining a any Certificate of Occupancy, all right-of-way infrastructure must be inspected, approved and accepted by the City
3. **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.

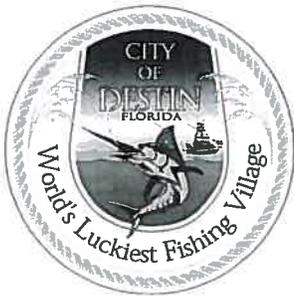
- b. The clear visibility triangle shall be formed by connecting a point on each street centerline with such point to be located at a distance determined by the building setback requirements associated with the property and the zoning district within which the property is located. That is, the visibility 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.
4. **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.
5. **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.
6. **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 city right-of-way construction permit until the violation is corrected. Voided permits must be reapplied for and application fees shall be assessed**
7. **Condition:** Driveways design does not allow adequate spacing for a gate. No gates will be considered.
8. **Condition:** All striping within the right-of-way shall be thermoplastic. When necessary, old striping shall be obliterated by grinding – over painting shall not be allowed.
9. **Condition:** The sidewalk across the driveway shall comply with the maximum 50:1 cross slope ADA requirement.
10. **Condition:** During construction crane booms shall not swing out over the ROW or adjacent private properties. These areas are open to the public and not part of the construction site. Failure to comply with this requirement may void your city right-of-way construction permit until the violation is corrected. All fees shall apply for repermitting.
11. **Condition:** Provide all required thickness, density and compaction test results for new pavement in the ROW, prior to any Certificate of Occupancies (C.O.).
12. **Condition:** Maintain close communication with the City Engineering office throughout construction within the ROW.

13. **Condition:** Provide a one year warranty on all required improvements within the public ROW per the acceptance process outlined in LDC Article 2. This warranty period shall begin at acceptance of all required public ROW improvements. At the end of the warranty period an inspection shall be made and all damaged infrastructure and/or dead landscaping shall be replaced by the developer at no cost to the city.
14. **Condition:** The beach access must meet the city standard for signage at the right-of-way and the beach sides and include a surf conditions flag pole. See Attached sheets.
15. **Condition:** Bicycle Rack, Blue Plastic Coated 5 Bicycle In-Ground Rack, Barco #GR6802 or Equivalent.
16. **Condition:** Trash Can; Blue Plastic Coated 32-Gal. Receptacle w/Dome lid & liner, Barco #PUPEX-32RDTL or Equivalent
17. **Condition:** Benches; Blue Plastic Coated 6' Portable, Barco # PR934-301 OR #PUP942SM-DV6 be bolted down to the decking OR shall be integrated into the handrails (if this option, provide details for approval prior to installation) OR Equivalent.
18. **Condition:** Equivalent substitutes must be pre-approved by the City Engineer.

Erosion Control & Wetlands Comments

1. **Condition:** Provide FDEP Coastal permit approval.
2. **Condition:** Provide a 24 hour contact person's phone number; that person shall have demonstrated ability in maintenance of erosion control measures.
3. **Condition:** Areas not being worked for 30 days or more shall be vegetated
4. **Condition:** All bare ground, stripped of vegetation during the clearing/grading process, shall be covered to the maximum extent practicable.
5. **Condition:** All beach side lighting shall be shielded and 'turtle friendly' type per FDEP and U.S. Fish and Wildlife requirements.
6. **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.
7. **Condition:** Stabilized construction entrance(s) shall be installed as the first step of clearing and grading.
8. **Condition:** Additional techniques to reduce soil tracking off of a site and onto a roadway such as wheel washing stations may be required.
9. **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.





CITY of DESTIN

4200 Indian Bayou Trail • Destin, Florida 32541



www.cityofdestin.com

August 14, 2009

Choctaw Engineering, Inc.
Attn: Mr. Mark C. Siner, President
112 Truxton Ave.
Fort Walton Beach, FL 32547

Subject: Beach Pointe Condominiums – Final Development Order No. 08-22 Extension Request

Dear Mr. Siner:

This letter is in response to your correspondence received by my office on August 7, 2009. As required, your request for an extension to Final Development Order No. 08-22 was received at least 30 days prior to the expiration date of September 9, 2009. Based on meeting this criterion and by adhering to the criteria of the extension as stated in Article 2, Section 2.21.01.B and C (See attached), the 12-month deadline to obtain a building permit and commence construction is conditionally granted.

I recommend consulting with the owners as to the affects of the extension request due the requirements of Article 2, Section 2.21.01.C. Changes to the code may benefit or could result in site design changes that you may feel are detrimental to your currently approved plan. I would advise you to periodically contact the City Clerk's Office to obtain any newly adopted ordinances and review them to determine the effects on the property. I understand the constraints you are facing in proceeding with developing the property. However, I would advise you to seriously consider moving forward with your project sooner rather than later so as to not be affected by any subsequent code requirements adopted after the issuance of your final development order.

I suggest you meet with my staff to discuss your existing plan, any changes required, and the review process involved several weeks prior to your application for any city permit to ensure compliance with Article 2, Section 2.21.00. Please don't hesitate to call me if you have any further questions or concerns.

If you feel any of these determinations or decisions have been made in error, you have the right to appeal the decision to the City's Board of Adjustment. The Administrative Appeal application is available at Destin City Hall in the Community Development Department and must be received completed within 30 calendar days from the date of this letter. The appeal process is typically a two or three month process.

Please don't hesitate to call me if you have any further questions or concerns.

COMMUNITY DEVELOPMENT DEPARTMENT

Voice – (850) 837-4242, ext. 3126 • Fax – (850) 650-0693 • E-mail – kgallander@cityofdestin.com

Sincerely,



Kenrick S. Gallander, AICP
Community Development Director

KSG/

Attachments:

Article 2, Section 2.21.01.B and C

cc: Ashley Grana, Planning Manager
File: 2008 Final Development Order Binder ✓
File: SP-07-06
File: Letter Log

COMMUNITY DEVELOPMENT DEPARTMENT

Voice – (850) 837-4242, ext. 3126 · Fax – (850) 650-0693 · E-mail – kgallander@cityofdestin.com

- b. Cashiers check;
 - c. Money order; or
 - d. Cash.
3. The amount of payment shall be 120 percent of the total construction cost for the required improvements ("future improvement payment).
 4. In addition to the future improvement payment, developer shall pay an administrative fee.
- D. *Future improvement payment* shall be made prior to the to issuance of a development order for commercial projects or a building permit for residential projects.
- E. *Future improvement payment*. At such time that the improvements can be made to the public right-of-way, easement, or City owned property, the City shall construct such improvements and use the future improvement payment to pay for the costs of the improvements. After completion of the improvements, any unused portion of the future improvement payment shall be returned to developer. If the future improvement payment is not sufficient to pay for the improvements, developer shall pay any shortfall to the City.
- (Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 07-32-LC, § 5, 5-7-07)

2.21.00. Final development order and extension of the commencement of construction deadline.

A final development order is valid for a period of one year from the date of issuance. However, a building permit must be issued for either the construction of infrastructure or construction of the entire project and construction must commence within said one year period after which the permitted development activity may be completed provided the conditions of this section continue to be satisfied. If a building permit is not issued within one year from the date of issuance of the final development order or a building permit is issued and construction has not commenced within one year from the date of issuance of the final development order, then the development order

becomes null and void. "construction of infrastructure" shall be defined as site work, grading, or other construction activity (not including land clearing and grubbing or demolition of existing structures) related to installation of roadways, access drives, parking lots, underground utilities, stormwater or drainage facilities, or building foundations. If construction activity ceases for a period of one year after a building permit for construction of the infrastructure or construction of the entire project has been issued, the development order will be considered null and void. No extensions to this deadline shall be allowed, except as set forth in section 2.21.01.

2.21.01. *Criteria for a request to extend the 12-month deadline to obtain a building permit and commence construction.*

- A. An applicant who desires to extend the 12-month deadline shall submit a written request to the community development department, no less than 30 days, prior to the expiration of the 12-month deadline to obtain a building permit and commence construction.
- B. An applicant may receive only one extension, and such extension shall not exceed one year.
- C. As a condition of approval for such an extension, the applicant's project shall meet any and all applicable code requirements that were adopted subsequent to the approval of the final development order for which an extension is being requested. The applicant will have to file an application, to amend to the previously approved development order, with the City prior to the issuance of any City permit for the subject property.

2.21.02. *Determination regarding request for extension.* All applications for extensions, as identified in section 2.21.01, shall be reviewed by the community development director with input from the appropriate technical review committee members for approval, approval with conditions, or disapproval.

2.21.03. *Establishing an application fee.* The City reserves the right to establish, by resolution,



CITY of DESTIN

4200 Indian Bayou Trail • Destin, Florida 32541

COMMUNITY DEVELOPMENT

Voice 850.837.4242 Fax 850.650.0693



www.cityofdestin.com

kgallander@cityofdestin.com

January 13, 2010

Mr. Rick Cramer, Agent
K&C Construction Management Services
12598 Emerald Coast Parkway, Suite 201
Miramar Beach, Florida 32550

**Subject: Beach Pointe Condominiums II – Final Development Order No. 08-22
Special Economic Condition Extension Request**

Dear Mr. Cramer:

This letter is in response to your correspondence I received on December 31, 2009. As required, your request for an extension to Final Development Order No. 09-10 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 31, 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-07-06



Community Development Planning Division

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

December 22, 2011

Mr. Bryan Freytag
White Rock Investments, LLC
1961 Northpointe Boulevard, Suite 100
Hixson Tennessee 37343-4556

**Subject: Special Economic Condition Extension Request for DO 08-22,
SP-07-06, Beach Point Condominium II, 3680 Scenic Highway 98**

Dear Mr. Bryan Freytag:

Your written request for the additional "special economic condition" extension for Final Development Order DO 08-22 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
Planning Manager

RAG/lwb

cc: DO Book, Project File:SP-07-06, Building File & Letter Log

