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City of Destin

January 28, 2003

Order No. 02-55

Final Development Order:

**“HARBORWALK – VILLAGE”:
A MAJOR DEVELOPMENT
(SP-00-57)**

Based upon the City Council’s approval of this Development Order on October 21, 2002, 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:** Pelican Point Harbor, Inc., on behalf of East Pass Investors, Inc., Kelly Boat Services, LLC, and Amos & Erhart & Melvin Trustees/Coleman L. Kelly Testamentary Trust.
- Request:** The proposed project, “HarborWalk – Village,” is a mixed-use development consisting of 199,999 sq. ft. of commercial shopping center and a 170-unit condominium.
- Location:** The proposed development will be generally located north of the Destin Harbor, south of U.S. Highway 98 East, and just east of the Destin “Marler” Bridge, more specifically known as Property Appraiser’s parcel I.D. numbers 00-2S-22-0630-0000-090A, 00-2S-22-0630-0000-0900, 00-2S-22-0630-0000-1000, 00-2S-22-0630-0000-10A0, and 00-2S-22-0630-0000-113A.
- Parcel Size:** The combined parcel area contains 14.70 acres, more or less
- Future Land Use:** Mixed Use (MU)
- Zoning District:** Business Tourism (BT)
- Density:** Allowed: 30 Lodging Units per acre
Proposed: 23.1 Lodging Units (339 bedrooms) per acre
- Intensity:** Allowed: 1.07 Floor Area Ratio (FAR)
Proposed: 0.72 FAR (per Code Definition: 0.21FAR)
- Application Date:** October 16, 2000
- TRC Date:** November 15, 2000
- Approved Site Plan Date:** August 26, 2002
- Planning Commission Date:** September 5, 2002
- City Council Date:** October 7, 2002, and October 21, 2002

DETERMINATIONS:

1. The Destin City Council held a hearing on October 7, 2002, and October 21, 2002. The City Council approved the development by a vote of 5-1. The recommended motion to approve the project as presented by staff, and documented in the TRC report, subject to all of the conditions identified within the report dated August 26, 2002, amended September 30, 2002, and October 21, 2002; and
2. The Planning Commission considered the proposal on September 5, 2002, and recommended that the City Council approve the proposed project as presented by staff. The motion passed by a vote of 4-1; and
3. All the findings of the Technical Review Committee report dated August 26, 2002, amended September 30, 2002, and October 21, 2002, are incorporated herein.

CONDITIONS OF APPROVAL FOR "HARBORWALK - VILLAGE": A MAJOR DEVELOPMENT (SP-00-57):

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

Construction must commence within twelve (12) months of approval of the Final Development Order on October 21, 2002 (no later than October 21, 2003).

WARNING: If the applicant/owner has not obtained a construction permit(s) within 365 days of issuance of the final development order, the final development order is void and the application for plan approval must be re-initiated.

NOTE: An applicant/owner who desires to extend the twelve (12) month deadline shall submit a request to the Community Development Department, no less than sixty (60) days prior to the expiration of the twelve (12) month deadline to obtain a construction permit. The applicant /owner should review Article 2, Section 2.15.00, of the Destin Land Development Code for further explanation of the Development Order extension process.

2. If the applicant fully complies with the requirements of Condition No. 1 above, the development order status for "HarborWalk - Village" is protected through October 21, 2007. However, the protected development order 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 Article 6, Section 6.02.00.B.3 of the Destin Land Development Code, or
 - B. Construction permit(s) are not obtained in accordance with Article 2, Section 2.09.00 of the Land Development Code to maintain concurrency.
 - C. In cases where construction is phased by the developer over a period of time exceeding one year, reserved capacity for any, or all phases, shall be retained by the developer so long as construction has proceeded in accordance with the schedule on which capacity allocations was originally based. If construction activity ceases, or if the phased development falls behind scheduled phases by a period of one-year following the issuance of the final development, capacity allocation for succeeding

phases, if any, shall be withdrawn and made available to other developers on first come-first served basis under Article 6, Section 6.02.00.B.3 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.
 - B. Pavement cuts.
 - C. Construction of any kind.
 - D. Clearing, grubbing, or demolition.
 - E. Paving, grading, drainage, sidewalks.
 - F. Signage.
 - G. Installation of utilities.
 - H. Construction trailers.
4. Prior to the issuance of the Development Order, all outstanding costs associated with this project that are owed to the City must be paid in full.
5. Prior to the issuance of the Development Order, the final set of plans will reference the Final Development Order by notation.
6. No Commercial or Residential Marina is approved with the application. Final design and configuration of all docks and piers shall be in accordance with Destin Harbors and Waterways Board, FDEP, U.S. Army Corps of Engineer's, and Destin City Council approvals.
7. Marina development must adhere to requirements set forth in the LDC, Article 11, Section 11.05.00 and Appendix B, Article III.
8. A note on sheet A-1.8 (Architectural Site Plan) shall state the following:

Each phase upon completion, when combined with prior phasing, will be in compliance with all codes, including but not limited to, set backs, parking, landscaping, open space, stormwater retention, floor area ratio, site lighting, pedestrian access ways, loading zones and dumpster location requirements per the City of Destin Land Development Code in effect on August 26, 2002. In the event that, at a subsequent date, any credits of reduction in Open Space Landscape (see Landscape Site Plan, L-3) are given for the Harborside Pedestrian Walk (L-3), then an appropriate pro rated amount of Open Space Landscape lying below 10 feet NGVD may be converted to other walkways or pedestrian oriented impervious open space.
9. A note on sheet A-1.8 (Architectural Site Plan) shall state the following:

Building heights for commercial zone = three stories maximum, excluding architectural features, such that village character maintained and no material obstruction of view corridors. Maximum building heights, including future and existing structures = 29'-0" from crown of Highway 98 at main entrance to eave of roof at the tallest occupiable portion of building. Height does not include architectural elements or ornamentation.
10. A note on sheet 4 of 11 (Civil Site Plan), sheet A-1.1 (Architectural Overall Site Plan), and sheet L1 (Landscape Plan) shall state the following, "All conditions identified within any and all HarborWalk Development Orders are applicable and shall be adhered to."

11. Each phase/zone, when combined with all prior phases/zones, will be required to comply with all applicable codes as of the date of the Overall Master Site Plan TRC approval (August 26, 2002). Prior to any building permit for each phase will require additional review and approval by City Staff for all applicable code compliance and cumulative code compliance. Working plans/drawings must be submitted to the Community Development Department for each phase in conjunction with the building permit application to the Building Department.
12. No above ground/below ground utility structures/materials or signage will interfere with the location of the required landscaping.
13. **Prior to the issuance of a Clearing/Grading Permit**, a clearing/grading plan must be submitted and approved by the Community Development Department.
14. **Prior to the issuance of any Building Permit (related to this Development Order)**, any and all easement agreements needed for that permit must be recorded.
15. **Prior to the issuance of a Building Permit**, a Construction Crane Registration Form, which has been approved by Okaloosa County Airport Authority, must be submitted.
16. It is anticipated that the Applicant may desire to transfer, in the future, one or more parcels or phases within the Project to third parties. Prior to any such conveyance, the Applicant shall submit a signed and sealed survey of any such property to be conveyed ("Replatted Property"), which will be reviewed by City Staff for technical compliance with this development order as a Minor Replat Application. The Applicant shall not be required to seek Planning Commission or City Council approval. Any transferee of the Replatted Property shall not be subject to any additional material and substantial restrictions other than those described in this development order, and such Replatted Property shall have all benefits and obligations described in this development order.
17. All outdoor lighting must be reviewed by the City of Destin prior to installation. Detailed photometric plans, outdoor lighting location plans, and lighting fixture details will be required for review.
18. **Prior to the issuance of any Certificate of Occupancy on any individual phase or building**, all applicable impact fees must be paid on such phase or building.
19. **Prior to the issuance of a Certificate of Occupancy**, the developer will comply with all code landscape material, tree protection (LDC Article 12, Section 12.04.04.D.1) and installation requirements, which all must be reviewed and approved by the Community Development Department, per phase.
20. **Prior to obtaining a demolition permit for any building**, the Applicant shall provide the Community Development Department with an "existing condition" signed and sealed survey of any building to be demolished or relocated in order to determine appropriate credit for impact fees for new construction.
21. The developer/owner shall provide at least eighteen (18) slips devoted to the charter boat fishing fleet.
22. City review and approval shall be required for each phase/zone as defined on Sheet A-1.8, 4 of 11, and 8A of 11, and shall be subject to the following:

- A. Any deviation from this final development order, which exceeds the following thresholds, shall be subject to the process required for major deviations to a final development order and pursuant to Article 2, Section 2.06.00 of the City of Destin Land Development Code.
- i. Alteration of the location of any:
 - a. Private road by more than five (5) feet. "Private road" shall be limited to the portion of a private road within the public right-of-way unless a change greater than (5) feet is required by Florida DOT in which case any changes required by FDOT shall also require City Engineering review and comment prior to issuance of the FDOT permit. Any other private road/vehicular accessway may deviate to the extent that it remains consistent with the "Village Character" as defined in Exhibit "K," (See attached) and maintains the general character as set forth on Sheet L3 of approved plans; or
 - b. Walkway that is not in general conformity with the walkway system as shown on Sheet L3 of the approved plans or which alteration thereof does not maintain substantial pedestrian connectivity from the public right-of-way to the harbor, from each road intersection, and which does not provide for a substantial pedestrian promenade along the harbor from Building "A" easterly to the east property line as delineated on Sheet L3 of the approved plans; or
 - c. Landscaping areas (adjustments to planters and plant beds may vary in number, size, and shape) that are not in substantial conformity with Sheet L1 of the approved plans and which do not maintain at least 18% open space landscape area (unless modified by the Community Development Department Condition No. 8.); or
 - d. Structures having a building footprint larger than 1,500 square feet that deviate more than 50 feet, or
 - e. Structures having a building footprint that are at or below the previously stated criteria ("d") and that do not remain consistent with the "Village Character" as defined in Exhibit "K" (See attached).
 - ii. Subject to Condition No. 8 above, any reduction in the total amount of open space landscape area; or
 - iii. Any change or increase of the use of the site or buildings in total; or
 - iv. Any increase in height beyond the limits as outlined on Sheet A1.8; or
 - v. Any amendment to a condition in the final development order that was expressly imposed by the City Council.
- B. Any deviation from this final development order and approved plans that is less than the thresholds specified above (minor deviation) shall be subject only to review and approval by the City Staff. No additional compatibility analysis will be required.

23. All site, parking, and stormwater design for each zone/phase shall meet the Destin LDC as of August 26, 2002 prior to each building permit per zone/phase.
24. The existing fuel tanks are in one location on existing engineering site plan (remove the note; to remain) and are shown in a different location on the proposed engineering site plan. Relocation of the existing fuel tanks shall require the appropriate Health Department permit sign off and soil contamination testing. Submit copies of approved permit and testing results prior to obtaining a building permit.
25. Prior to obtaining a building permit, the Site Demolition Plan appears to be incomplete. Provide all demolition information.
26. Prior to obtaining a building permit, all underground parking structures plans must be signed, sealed and dated by the structural engineer of record if plans are not created by the site civil engineer. Plans shall include but not be limited to, identifying individual parking spaces with dimensions, stormwater considerations (at ramps), accessibility, and loading spaces.
27. Prior to obtaining any city permit per Development Order, provide copies of FDOT connection, FDEP stormwater permits, and NPDES stormwater permits.
28. Prior to obtaining a city permit per zone/phase, provide copies of Destin Harbor Board approval and FDEP submerged lands permit for Marina Zone only.
29. Column supports for parking areas shall not encroach more than 12" into the sides of any one parking space.
30. Provide a cross-section of parking structure in relation to the green space above the parking structures to provide adequate soil to support the anticipated plant material. A landscape architect shall certify this requirement.
31. At the west accessway, the deceleration lane and a right in – right out with a raised island configuration shall provide enough of a physical deterrent to prevent motor vehicles traveling north from turning left. Any changes required by FDOT shall also require City Engineering review and comment prior to issuance of the FDOT permit. Additional right-of-way or easement dedication may be required.
32. Project approval is based upon the creation of the new entrance and/or median located west of and immediately adjacent to Building 80A. Such improvements will provide "right-in" and "right-out" only access and prevent to whatever extent possible any west bound Highway 98 traffic entering into this location and further preventing people exiting this location heading west on Highway 98 East. It is understood that the preferred solution is "Alternative A," which provides among other things for the closure of the now existing median cut. In the event such closure is not permissible by FDOT, then "Alternative B" is an approved solution. Any changes required by FDOT shall also require City Engineering review and comment prior to issuance of the FDOT permit. Additional right-of-way dedications or easements may be required.
33. The Stahlman Avenue cut shall be regraded/reconstructed as part of the first zone/phase of construction.
34. The maximum width of the Stahlman Ave. cut shall be 36' from curb face to curb face.

35. Remove all unused portions of existing driveway access cuts and replace with Type 'F' curbing along U.S. Hwy 98 E.

36. Fencing may be required at bridge embankment.

37. Construct the proposed permanent stormwater management facilities prior to the issuance of a Certificate of Occupancy for each phase.

City approved temporary stormwater management facilities may be utilized during construction of the permanent facilities for each phase. A reasonable review and approval timetable must be recognized by the applicant.

38. Ensure all handicap parking spaces are identified (striping & signs) and dimensioned on the site plan, including sign location.

39. Provide more exterior or well-marked interior ADA accessible routes to lower level and dock areas.

40. There appears to be substantial pedestrian traffic on the lower level of the site. Ensure crosswalks throughout and pedestrian crossing signs at either end of the lower level loop drive access.

41. All parking spaces adjacent to walkways which are flush with walkway or if walkway is less than 6-feet wide, provide wheel stops. Show on plans and provide details.

42. Re-locate utility and stormwater structures out of sidewalks and crosswalks.

43. Re-draw handicap parking space's ramp at Bamboo Willie's to show "as built" conditions.

44. Identify loading spaces with paint striping/signage. Show on striping/signage plan.

45. Dumpster cannot be included in the loading spaces.

46. Dumping operation, for dumpsters, shall not be in driving access lanes.

47. A cross-access/drainage/utility easement and agreement has been approved by Applicant and City Attorney and recorded on July 29, 2002 in OR Book 2372, Page 248, the Public Records of Okaloosa County.

48. Provide note on the on all exfiltration details on the Grading, Drainage, and Erosion Control Plan: The exfiltration beds shall be inspected by the engineer of record and the City Engineer prior to covering.

49. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be deemed in non-compliance and a revised stormwater plan shall be resubmitted for review and approval.

50. The project is in the White Sand Zone I. Any red clay or other staining material uncovered during demolition must be removed from the site within 92 hours of uncovering. Prior to importing any fill material onto the site, provide a sample of the fill to the City of Destin Environmental Officer for approval for White Sand Zone I use.

51. Submit an Operations & Maintenance Plan, which shall be acknowledged and signed by the owner prior to obtaining a Certificate of Occupancy. It is not required prior to obtaining a development order or a building permit. The Operations & Maintenance Plan shall contain, among other things, the following statement: "Owner shall regrade swale/retention areas as required to maintain approved design cross-sections, lines, and grade." Such obligation may be subsequently assigned to another responsible party with notice to the City of Destin.
52. It appears that a very large amount material (soil) will be leaving the site during construction. Provide a routing plan showing how this material will be excavated and removed from the site (truck, barge, etc.) and will be routed through the city. The plan shall include but not be limited to, dealing with wet material and traffic control, as necessary.

TECHNICAL REVIEW COMMITTEE REPORT

"HARBORWALK – VILLAGE": A MAJOR DEVELOPMENT (SP-00-57)

TRC Report: August 26, 2002, Amended September 30, 2002, and October 21, 2002

ISSUE:

Applicant: Pelican Point Harbor, Inc., on behalf of East Pass Investors, Inc., Kelly Boat Services, LLC, and Amos & Erhart & Melvin Trustees/Coleman L. Kelly Testamentary Trust.

Request: The proposed project, "HarborWalk – Village," is a mixed-use development consisting of 199,999 sq. ft. of commercial shopping center and a 170-unit condominium.

Location: The proposed development will be generally located north of the Destin Harbor, south of U.S. Highway 98 East, and just east of the Destin "Marler" Bridge, more specifically known as Property Appraiser's parcel I.D. numbers 00-2S-22-0630-0000-090A, 00-2S-22-0630-0000-0900, 00-2S-22-0630-0000-1000, 00-2S-22-0630-0000-10A0, and 00-2S-22-0630-0000-113A

Parcel Size: The combined parcel area contains 14.70 acres, more or less

Future Land Use: Mixed Use (MU)

Zoning District: Business Tourism (BT)

Density: Allowed: 30 Lodging Units per acre
Proposed: 23.1 Lodging Units (339 bedrooms) per acre

Intensity: Allowed: 1.07 Floor Area Ratio (FAR)
Proposed: 0.72 FAR (per Code Definition: 0.21FAR)

Application Date: October 16, 2000

TRC Date: November 15, 2000

Approved Site Plan Date: August 26, 2002

Planning Commission Date: September 5, 2002

City Council Date: October 7, 2002, and October 21, 2002

DISCUSSION/FINDINGS:

Pelican Point Harbor, Inc., on behalf of East Pass Investors, Inc., Kelly Boat Services, LLC., and Amos, Erhart and Melvin Trustees/Coleman L. Kelly Testamentary Trust is requesting approval of a Major Development identified as "HarborWalk – Village." The proposed mixed-use development consists of 199,999 sq. ft. of commercial shopping center and 170-unit condominium. The proposed development will be generally located north of the Destin Harbor, south of U.S. Highway 98 East, and just east of the Destin "Marler" Bridge, more specifically known as Property parcel I.D. numbers 00-2S-22-0630-0000-090A, 00-2S-22-0630-0000-0900, 00-2S-22-0630-0000-1000, 00-2S-22-0630-0000-10A0, and 00-2S-22-0630-0000-113A. The combined parcel area contains 14.70 acres, more or less.

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements with conditions as described on pages 11-14. Refer to the attached Compatibility Analysis from the City's Compatibility Consultant, Mr. Les Solin, and dated August 23, 2002. Mr. Solin also provided in a memorandum to Mr. Jerry Mucci on August 23, 2002 (See attached) further professional observations the City may want to consider in regards to the project. Staff wants to add that the applicant has contributed, as part of the City Council Report and Recommendation Exhibit "J", computer generated graphics and cross sections to facilitate a better understanding of the scale and relationships between the various components of this project.

The proposed request 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 not located within the Community Redevelopment Area.

The Technical Review Committee (TRC) reviewed and approved the project with specific conditions.

COMPREHENSIVE PLAN/ZONING:

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

COMPATIBILITY:

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements with conditions. Refer to the attached Compatibility Analysis from the City's Compatibility Consultant, Mr. Les Solin, and dated August 23, 2002.

As of September 5, 2002, Staff and Les Solin (Compatibility Consultant) have received additional graphic pictorials. Mr. Solin stated that he is satisfied with the additional documentation and affirms his previous determination that the project is compatible subject to Applicant's compliance with the conditions specified on pages 8 and 9 of Mr. Solin's August 23, 2002, Compatibility Analysis.

Note: Additional comments regarding this development and aspects of compatibility are provided in the "Comments/Conditions" section found on pages 18, 19, 20, and 21 of 27.

DENSITY:

Allowed: 30 Lodging Units per acre
Proposed: 23.1 Lodging Units (339 bedrooms) per acre

HEIGHT:

The BT Zoning District does not have a maximum building height. Building height in this district is determined by a compatibility analysis. Refer to the attached Compatibility Analysis Report from Les Solin, dated August 23, 2002, which describes the height and finds the proposed project compatible with the surrounding area in regards to height.

FLOOR AREA RATIO:

The Mixed Use Future Land Use designation 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:

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

$$\frac{(461,928 \text{ sq. ft.}) - (115,374 \text{ sq. ft.} + 213,816 \text{ sq. ft. of parking})}{640,332 \text{ sq. ft.}} = \text{FAR}$$

$$\frac{(461,928 \text{ sq. ft.}) - (329,190 \text{ sq. ft.})}{640,332 \text{ sq. ft.}} = \text{FAR}$$

$$132,738 \text{ sq. ft.} / 640,332 \text{ sq. ft.} = 0.21 \text{ FAR}$$

Utilizing the formula as defined above, the FAR of 0.21 is below the maximum of 1.07 and thus is in compliance.

Utilizing the more common FAR calculation methodology as proposed in the Comprehensive Plan update also results in an FAR of 0.72, which is below 1.07 and is as follows:

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

$$461,928 \text{ sq. ft.} / 640,332 \text{ sq. ft.} = 0.72 \text{ FAR}$$

RIGHT-OF-WAY DEDICATION:

No right-of-way dedication is required for this project.

CONCURRENCY MANAGEMENT:

Concurrency requirements have been met:

Potable Water: X Roadways X Solid Waste X
Recreation: X Sewer: X Drainage: X

TRAFFIC ANALYSIS:

According to the traffic review conducted by the City's traffic consultant, Renaissance Planning Group, Inc., the proposed development will generate 146 PM Peak Hour directional trips on Segment "A". Currently Segment "A" has 414 PM Peak Hour directional trips available. There will be 268 PM Peak Hour directional trips remaining for Segment "A." Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's traffic consultant.

SUBDIVISION OR PUD - PLAT:

Not applicable at this time.

WHITE SANDS ZONE:

The proposed project is located within White Sand Zone I.

PHASING:

The applicant is proposing to construct the project in phasing/zones: 1) Residential Zone, 2) Commercial Zone, and 3) Marina Zone. Each phasing/zone, when combined with all prior phase/zones, will comply with all applicable codes as of the date of the Overall Master Site Plan TRC approval (August 26, 2002). Prior to any building permit for each phase will require additional review and approval by City Staff for all applicable code compliance as of August 26, 2002. Working plans/drawings must be submitted to the Community Development Department for each phase in conjunction with the building permit application to the Building Department. The complete phasing plan is on Sheet A-1.8 of the approved plans as modified by the Applicant and Staff on September 5, 2002. Each phase upon completion, when combined with prior phasing, will be in compliance with all codes, including but not limited to, setbacks, parking, landscaping, open space, stormwater retention, floor area ratio, site lighting, pedestrian access ways, loading zones and dumpster location requirements per the City of Destin Land Development Code in effect on August 26, 2002. In the event that, at a subsequent date, any credits of reduction in Open Space Landscape (see Landscape Site Plan, L-3) are given for the Harborside Pedestrian Walk (L-3), then an appropriate pro rated amount of Open Space Landscape lying below 10 feet NGVD may be converted to other walkways or pedestrian oriented impervious open space.

AIRPORT PROTECTION:

The subject site is not located within the airport protection area. NOTE: If construction necessitates the use of a crane, or other obstruction, which exceeds Federal Aviation Administration FAR 77 Standards (normally 200 feet above ground level), the applicant must request a variance from 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 building meets and exceeds all of the required setbacks for the Business Tourism (BT) Zoning District. The BT Zoning District requires the following setbacks for a 13-story building: Front - 10 feet, Side - 20 feet + 2 feet for each story over four (38 feet), and Rear - 0 feet. The approximate setbacks provided for the proposed 13-story building are: Front - 77.0 feet and Side (East) - 690 feet.

SIGNS:

Although sign locations are proposed, no 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.

COX COMMUNICATIONS:

Cox Communications approved the project at the November 15, 2000, meeting.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated July 8, 2002.

GULF POWER:

Gulf Power approved the project in a letter dated November 14, 2000.

OKALOOSA GAS:

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

SPRINT:

Sprint approved the project in a letter dated November 15, 2000.

NEWSOUTH COMMUNICATIONS:

Newsouth Communications approved the project at the November 15, 2000, meeting.

WATER/SEWER PROVIDER:

Destin Water Users, Inc. approved the project in a letter dated April 17, 2002.

UTILITIES:

Underground utilities are required.

STORMWATER:

The City Engineer approved the stormwater plan in a letter dated August 6, 2002, and had the following stormwater related conditions, which have been amended as part of the applicant and City's agreed upon changes:

1. All site, parking & stormwater for each zone/phase shall meet the Destin LDC as of August 26, 2002, prior to each building permit per zone/phase.
2. **Prior to obtaining any city permit per Development Order**, provide copies of FDOT connection, FDEP stormwater permits, and NPDES stormwater permits.
3. Construct the proposed permanent stormwater management facilities prior to the issuance of a Certificate of Occupancy for each phase.

City approved temporary stormwater management facilities may be utilized during construction of the permanent facilities for each phase. A reasonable review and approval timetable must be recognized by the applicant.

4. Re-locate utility and stormwater structures out of sidewalks and crosswalks.
5. A cross-access/drainage/utility easement and agreement has been approved by Applicant and City Attorney and recorded on July 29, 2002 in OR Book 2372, Page 248, the Public Records of Okaloosa County.
6. Provide note on the on all exfiltration details on the Grading, Drainage, and Erosion Control Plan: The exfiltration beds shall be inspected by the engineer of record and the City Engineer prior to covering.

7. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be deemed in non-compliance and the revised stormwater plan shall be resubmitted for review and approval.
8. Submit an Operations & Maintenance Plan, which shall be acknowledged and signed by the owner prior to obtaining a Certificate of Occupancy. It is not required prior to obtaining a development order or a building permit. The Operations & Maintenance Plan shall contain, among other things, the following statement: "Owner shall regrade swale/retention areas as required to maintain approved design cross-sections, lines, and grade." Such obligation may be subsequently assigned to another responsible party with notice to City.

INGRESS/EGRESS:

Currently there are seven (7) ingress/egress points into the existing property. Of those seven (7) existing ingress/egress points, three (3) will remain in their current location and one shall be relocated and three (3) will be removed. The two western most accessways are designed for right-in/right-out only traffic. The right-in/right-out accessway cut between the west cut and Stahlman Avenue cut has been proposed for two different alternatives. Project approval is based upon the creation of the new entrance and/or median located west of and immediately adjacent to Building 80A. Such improvements will provide "right-in" and "right-out" only and prevent to whatever extent possible any west bound Highway 98 traffic entering into this location and further preventing people exiting this location heading west bound on Highway 98. It is understood that the preferred solution is "Alternative A" which provides among other things for the closure of the now existing median cut. In the event such closure is not permissible by FDOT than "Alternative B" is an approved solution. Any changes required by FDOT shall also require City Engineering review and comment prior to issuance of the FDOT permit. Additional right-of-way dedications or easements may be required.

At the west accessway, the deceleration lane and a right in – right out with a raised island configuration shall provide enough of a physical deterrent to prevent motor vehicles traveling north from turning left. Additional right-of-way dedication may be required. The two eastern accessways exist and only minor improvements will be made. All unused curb cuts along U.S. Highway 98 East will be removed and replaced with type "F" curbs.

The proposed ingress/egress points meet the requirements of the Destin Land Development Code.

REFUSE COLLECTION:

Refuse collection is to be provided by dumpster service. The proposed dumpsters, if located outside, will be screened by an opaque fence or wall, no taller than eight feet. Dumpsters will not be visible from off-site.

SIDEWALKS:

A five (5) ft. wide sidewalk is required along U.S. Highway 98 East and must be replaced or built prior to the issuance of a Certificate of Occupancy. If any existing sidewalks are destroyed or damaged during construction, they must be replaced by the developer. All proposed internal pathways and pedestrian connections must be maintained on site.

LANDSCAPE:

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

Open Space Requirements:

640,332 sq. ft. of property x 18 %	= 115,259.8 sq. ft. required
Site plan provides 18.02%	= 115,374 sq. ft. provided

Tree Requirements:

Credits for Existing Trees (2" to 6" diameter) on Site (67 trees x 2 credits per tree):	134
Credits for Existing Trees (7" to 12" diameter) on Site (28 trees x 3 credits per tree):	84
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 (1 trees x 5 credits per tree):	5
Total Reforestation Credits for saving Existing, Protected, or Preserved Trees:	<u>223</u>
Total Reforestation Credits for Trees Required on Site:	223
Reforestation Trees (1 per every .10 of an acre: 14.7 x 10 = 147) Required on Site:	<u>147</u>
Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:	<u>0*</u>

*Note: Per the Land Development Code, credit shall be received on the reforestation requirement of this section by preserving existing trees. Trees required for reforestation are in addition to other required trees within Article 12, Section 12.04.04.C.

Total Reforestation Trees Required on Site:	0
Front Perimeter Trees (1 per 25') Required on Site:	58
Parking Lot Trees (1 per end row and landscape island) Required on Site:	68
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site:	23
Replacement Trees (removal of trees over 12" d.b.h.) Required on Site:	<u>46</u>
TOTAL TREES REQUIRED:	195
TOTAL TREES PROVIDED (Does not include trees kept):	521

A five (5) foot Common Boundary Landscape Area is required along eastern property lines. 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. The required ten (10) foot Front Perimeter Landscape Buffer shall provide one (1) tree per twenty-five (25) linear feet of buffer. 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.

PARKING:

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

Per code:

Multifamily Resort: 1.75 spaces per dwelling unit

Retail (Shopping Center): 1 space per 250 square feet of gross floor area

Marina: In addition to parking requirements for other uses specified herein (see below), commercial marinas shall have 1 additional parking space for each boat slip housing non-fare carrying vessels.

Charter Boats: 5 spaces per boat

Sightseeing Boats: 1 space per 4 seats

Private Boats: 1 space per boat

Pontoon Boats: 2.2 spaces per boat

Personnel Watercraft (PWC): 0.26 spaces per PWC

Parasail/Snorkel Boat: 3 spaces per boat

Per site plan:

Multifamily Resort: 1.75 spaces per dwelling unit

170 units x 1.75 = 298 spaces

Retail (Shopping Center): 1 space per 250 square feet of gross floor area

199,999 square feet / 250 = 800 spaces

Marina: In addition to parking requirements for other uses specified herein commercial marinas shall have 1 additional parking space for each boat slip housing non-fare carrying vessels.

Charter Boats: 5 spaces per boat x 18 boats = 90 spaces

Sightseeing Boats: 1 space per 4 seats (5 boats w/ a total of 353 seats) 353 / 4 = 88 spaces

Private Boats: 1 space per boat x 49 boats = 49 spaces

Pontoon Boats: 2.2 spaces per boat x 12 boats = 26 spaces

Personnel Watercraft (PWC): 0.26 spaces per PWC x 38 PWCs = 10 spaces

Parasail/Snorkel Boat: 3 spaces per boat x 4 boats = 12 spaces

Total for Marina: 275 spaces

TOTAL REQUIRED: 1,373 parking spaces (including 24 handicap spaces)

TOTAL PROVIDED: 1,373 parking spaces (including 31 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 as follows:

TOTAL REQUIRED: 12 loading spaces
TOTAL PROVIDED: 12 loading spaces

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

1. An FDOT connection permit is required and must be submitted.
2. A Florida Department of Environmental Protection general notice permit (for stormwater) and NPDES Phase I approval must be obtained.
3. Submit a joint U.S. ACOE/FDEP Dredge and Fill approval, where and if applicable.

IMPACT FEES:

The owner/applicant must pay the impact fees prior to the issuance of a Certificate of Occupancy, per phase. However, the following impact fee amounts are preliminary. Final impact fee amounts will be determinant and adjusted upon whether exemption or credits are applicable. Any claims for exemption or credits must be made no later than the time of application for a Certificate of Occupancy per phase. Refer to Article 19 of the Destin Land Development Code for specifics regarding impact fees:

Parks: The parks impact fees were calculated using the "Resort Residential Unit" \$113.03 per unit category.

Resort Residential Unit:

170 units x \$113.03 per unit = **\$19,215.10**

Public Library: The public library impact fees were calculated using the "Resort Residential Unit" \$76.19 per unit category.

Resort Residential Unit:

170 units x \$76.19 per unit = **\$12,952.30**

Police Protection: The police protection impact fees were calculated using the "Residential - U.S. Highway 98 Corridor Resort Residential Unit per unit = \$14.64" category and "Non-residential - U.S. 98 Corridor Retail per 1,000 square feet = \$47.59."

Resort Residential Unit:

170 units x \$14.64 = **\$2,488.80**

Retail:

(199,999 square feet x \$47.59) / 1,000 = **\$9,517.95**

Total for Police Protection: \$12,006.75

Road: The road impact fees were calculated using the "Multi-family Dwelling Unit (per unit.) = \$334.00" category and "Retail > 100,000 square feet (per 1,000 square feet) = \$5,438.00."

Multi-family Dwelling Unit:

170 units x \$334.00 = \$56,780.00

Retail > 100,000 square feet (per 1,000 square feet):

(199,999 square feet x \$5,438.00) / 1,000 = \$1,087,594.56

Total for Road: \$1,144,374.56

Parks:	=	\$19,215.10
Public Library: (not applicable)	=	\$12,952.30
Police Protection:	=	\$12,006.75
<u>Roads:</u>	=	<u>\$1,144,374.56</u>
*TOTAL:	=	<u>\$1,188,548.71</u>

*The above stated impact fee amounts are preliminary. Final impact fee amounts will be determinant and adjusted upon whether exemption or credits are applicable. Any claims for exemption or credits must be made no later than the time of application for a Certificate of Occupancy per phase.

OTHER FEES:

The fees listed below are based on the most recent information available (1/10/03) and are required to be paid by the applicant as part of the cost recovery associated with the proposed project:

City Traffic Consultant:	Paid
City Compatibility Consultant:	Paid
City Surveyor:	N/A
Administrative Costs:	Paid
Planning Commission Advertising:	Paid
City Council Advertising:	<u>Paid</u>

TOTAL: Paid

COMMENTS/CONDITIONS:

Public Input:

All public comments received by the Community Development Department are on file.

Per Community Development Department:

The following are additional comments in regards to this development:

Staff commented to the applicant during the initial stages of this application that this is a complex and large-scale development project in an extremely sensitive location at the City's prime gateway. It has been mentioned that the varying topographic elevations, the various project floor levels, the significant height and mass, the various off-site views and perspectives from Marler Bridge, from the harbor, and from Highway 98, all contribute to a project complexity and location worthy of much more than the routine plan presentation in order to better understand the sense of compatibility of the project with the surrounding area. This is an extraordinary project proposed at an extraordinary location requiring extraordinary design presentation and media.

Staff commented on several occasions to the applicant that an "extraordinary design presentation" would be helpful, just to simply understand how this project interacts with its sensitive and critically important location at the City's gateway. This was requested not simply for trained staff and the compatibility consultant to better understand the project, but for the lay reviewers (Planning Commission and City Council) to fully understand the visual impacts of the project at this location.

Early on, staff (including the compatibility consultant) urged the applicant to provide either a scale model of the site in the context of the surrounding area, 3-D graphics from varying perspectives, and/or 3-D computer animation:

Throughout the technical review process (up to late June 2002), the applicant provided the plans and graphics required by code, plus several supplemental graphics including not typically submitted for review such as an "Open Space Plan" (Sheet L3), multiple architectural elevations from the waterside, walkways, and U.S. Highway 98, and various cross-sectional site plans.

While dismissing the use of scale models, after June 2002 the applicant ultimately began the preparation of 3-D artist renderings. While 3-D artist renderings are helpful in depicting the overall character of a project, such "artistic" devices may not as accurately depict the dimensions, scale, massing, and compatibility of a project in the context of its surroundings as accurately as would the other suggested media. It is our belief that more precise graphic devices of models and scaled graphics or animations are more helpful in this regard, however, the codes do not specifically require these other graphic devices.

For a project of this level of design complexity, such design presentation would not be extraordinary or excessive, but would be very helpful if not essential to a better understanding of the visual impact this project will have on the gateway to the City. This is especially true with regard to facilitate an improved visualization and understanding by the lay-reviewer.

It was not until the later portions of the technical review process (i.e. after July 2002) that the applicant began to provide 3-D artists renderings to the staff. For example, during his compatibility analysis, the City's compatibility consultant did not have the benefit of most, if any, of the 3-D artists' renderings contained in the presentation book provided as Exhibit "J." While the City's compatibility consultant's final report dated August 23 was made without the benefit of these artists renderings (and without the more accurate scale model of the site in the context of the surrounding area, 3-D graphics from varying perspectives, and/or 3-D computer animation), he nonetheless concluded in testimony during the Planning Commission meeting that such additional graphics do not alter his finding of "compatibility" of this development application pursuant to the Land Development Code and Comprehensive Plan of the City. He further stated that the additional graphics that were

provided after substantial completion of his compatibility report support help confirm his opinion concerning compatibility as strictly and narrowly construed pursuant to the compatibility guidelines of the Comprehensive Plan and Land Development Code.

As previously stated, neither the City's Land Development Code nor the Comprehensive Plan explicitly *require* the models or graphics that may be necessary to make the best informed compatibility conclusions for a complex project of this nature. However, it is reasonable to expect that if such devices were required, they would be helpful to arrive at better-informed conclusions.

It should also be noted that the sense of compatibility could be construed in two different ways:

1. In a relatively strict and narrow sense pursuant to the specific provisions and limitations of the compatibility section of the Comprehensive Plan and the Land Development Code, and
2. In a generic sense, e.g. how well the project appears to be integrated in its proposed setting and to what extent it positively or negatively impacts the properties surrounding it with regard to activities, economics, uses, aesthetics, design, height, views, scale, light, shadows, noise, traffic, light, air and a variety of other factors typically involved in perceptions of compatibility. Typical synonyms of compatibility are "harmonious", "well-matched", and "well-suited."

The strict and narrow concept of compatibility as formally required by the City's Comprehensive Plan and Land Development Code finds the project "compatible".

The broader generic sense of compatibility reveals many more variables than those identified in the compatibility sections of our ordinances. The generic sense of compatibility could also encompass non-physical attributes such as economic integration or synergism created by proximate uses. It could also encompass other design considerations that a strict ordinance-bound interpretation does not cover, such as the impact on the public of height and mass of buildings related to public places, for instance, the view from the Marler Bridge or from Highway 98 in front of the proposed project. This is the more subjective realm of architectural and urban design professionals that our ordinance does not necessarily accommodate. While there is a place for consideration of design issues in local government planning practice and in some forms of development legislation, great care must be taken in drafting and administering standards of this sort which often include local panels of design professionals as mediators within the review process.

Our ordinances do state that determination of compatibility is based on the characteristics of proposed development and *its impact on the immediate or surrounding area*. In addition, compatibility is defined as "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition." The public places of the Harbor and Highway 98 are part of the surrounding area, and these places and their views are uses and conditions that will be impacted in either a positive or negative manner by development. The City Council must consider whether the graphics and other information they have before them provide an adequate understanding of the visual impacts of the proposed development on the surrounding public places.

For example, the applicant provided various 3-D artist renderings from various points in the air (facing toward the northwest and toward the north), and at ground level *within* the site. These are not perspectives that provide views that the great majority of the public will observe from Highway 98. There are also various 2-D illustrations from ground level. But flat, 2-D drawings do not convey an easily discernable sense of scale and proportion. The graphics that are lacking are those that would give an improved portrayal of the project as viewed from the perspective of most of the public that would view this project: At vehicle level from the near side of the Marler Bridge and along the Highway 98 frontage of the project.

The City Council may or may not agree that the consultant had adequate information upon which to base his finding of compatibility. If the Council finds that conclusions of compatibility were based on

incomplete or inadequate information, they could find that the additional graphics provided in Exhibit J (which were not provided to the consultant) *are* adequate to confirm their position on compatibility, and take action accordingly. Or the Council could find that they need additional information to fully understand the project and to make a fully informed decision on its compatibility to assure that the surrounding *uses and conditions (Harbor and Highway 98) are positively or negatively impacted directly or indirectly by another use or condition* (the project).

On a final note, most projects, particularly of this scale and complexity, have desirable and some less desirable features. While the height, mass, and lack of visual integration of the proposed high-rise component on the west side of the site may be outside of the realm of what might be desired or expected for this site, there are several positive aspects of the proposal that may outweigh any negative perceptions of scale and height. For example, this project has several significant positive qualities that promote both formal and informal policies of the City such as:

- o The great majority of the site is low rise with varied rooflines.
- o The harbor boardwalk plan is facilitated.
- o The project will likely be the catalyst for quality redevelopment and revitalization along the harbor.

These benefits should be balanced against the sense of degree of compatibility of this project with the surrounding uses and conditions at this location.

The following conditions are required by the Community Development Department:

1. **Prior to the issuance of the Development Order**, all outstanding costs associated with this project that are owed to the City must be paid in full.
2. **Prior to the issuance of the Development Order**, the final set of plans will reference the Final Development Order by notation.
3. No Commercial or Residential Marina is approved with the application. Final design and configuration of all docks and piers shall be in accordance with Destin Harbors and Waterways Board, FDEP, U.S. Army Corps of Engineer's, and Destin City Council approvals.
4. Marina development must adhere to requirements set forth in the LDC, Article 11, Section 11.05.00 and Appendix B, Article III.
5. A note on sheet A-1.8 (Architectural Site Plan) shall state the following:

Each phase upon completion, when combined with prior phasing, will be in compliance with all codes, including but not limited to, set backs, parking, landscaping, open space, stormwater retention, floor area ratio, site lighting, pedestrian access ways, loading zones and dumpster location requirements per the City of Destin Land Development Code in effect on August 26, 2002. In the event that, at a subsequent date, any credits of reduction in Open Space Landscape (see Landscape Site Plan, L-3) are given for the Harborside Pedestrian Walk (L-3), then an appropriate pro rated amount of Open Space Landscape lying below 10 feet NGVD may be converted to other walkways or pedestrian oriented impervious open space.

6. A note on sheet A-1.8 (Architectural Site Plan) shall state the following:

Building heights for commercial zone = three stories maximum, excluding architectural features, such that village character maintained and no material obstruction of view corridors. Maximum building heights, including future and existing structures = 29'-0" from crown of Highway 98 at main entrance to eave of roof at the tallest occupiable portion of building. Height does not include architectural elements or ornamentation.

7. A note on sheet 4 of 11 (Civil Site Plan), sheet A-1.1 (Architectural Overall Site Plan), and sheet L1 (Landscape Plan) shall state the following, "All conditions identified within any and all HarborWalk Development Orders are applicable and shall be adhered to."
8. Each phase/zone, when combined with all prior phases/zones, will be required to comply with all applicable codes as of the date of the Overall Master Site Plan TRC approval (August 26, 2002). Prior to any building permit for each phase will require additional review and approval by City Staff for all applicable code compliance and cumulative code compliance. Working plans/drawings must be submitted to the Community Development Department for each phase in conjunction with the building permit application to the Building Department.
9. No above ground/below ground utility structures/materials or signage will interfere with the location of the required landscaping.
10. **Prior to the issuance of a Clearing/Grading Permit**, a clearing/grading plan must be submitted and approved by the Community Development Department.
11. **Prior to the issuance of any Building Permit (related to this Development Order)**, any and all easement agreements needed for that permit must be recorded.
12. **Prior to the issuance of a Building Permit**, a Construction Crane Registration Form, which has been approved by Okaloosa County Airport Authority, must be submitted.
13. It is anticipated that the Applicant may desire to transfer, in the future, one or more parcels or phases within the Project to third parties. Prior to any such conveyance, the Applicant shall submit a signed and sealed survey of any such property to be conveyed ("Replatted Property"), which will be reviewed by City Staff for technical compliance with this development order as a Minor Replat Application. The Applicant shall not be required to seek Planning Commission or City Council approval. Any transferee of the Replatted Property shall not be subject to any additional material and substantial restrictions other than those described in this development order, and such Replatted Property shall have all benefits and obligations described in this development order.
14. All outdoor lighting must be reviewed by the City of Destin prior to installation. Detailed photometric plans, outdoor lighting location plans, and lighting fixture details will be required for review.
15. **Prior to the issuance of any Certificate of Occupancy on any individual phase or building**, all applicable impact fees must be paid on such phase or building.

16. Prior to the issuance of a Certificate of Occupancy, the developer will comply with all code landscape material, tree protection (LDC Article 12, Section 12.04.04.D.1) and installation requirements, which all must be reviewed and approved by the Community Development Department, per phase.
17. Prior to obtaining a demolition permit for any building, the Applicant shall provide the Community Development Department with an "existing condition" signed and sealed survey of any building to be demolished or relocated in order to determine appropriate credit for impact fees for new construction.
18. The developer/owner shall provide at least eighteen (18) slips devoted to the charter boat fishing fleet.
19. City review and approval shall be required for each phase/zone as defined on Sheet A-1.8, 4 of 11, and 8A of 11, and shall be subject to the following:
 - A. Any deviation from this final development order, which exceeds the following thresholds, shall be subject to the process required for major deviations to a final development order and pursuant to Article 2, Section 2.06.00 of the City of Destin Land Development Code.
 - i. Alteration of the location of any:
 - a. Private road by more than five (5) feet. "Private road" shall be limited to the portion of a private road within the public right-of-way unless a change greater than (5) feet is required by Florida DOT in which case any changes required by FDOT shall also require City Engineering review and comment prior to issuance of the FDOT permit. Any other private road/vehicular accessway may deviate to the extent that it remains consistent with the "Village Character" as defined in Exhibit "K," (See attached) and maintains the general character as set forth on Sheet L3 of approved plans; or
 - b. Walkway that is not in general conformity with the walkway system as shown on Sheet L3 of the approved plans or which alteration thereof does not maintain substantial pedestrian connectivity from the public right-of-way to the harbor, from each road intersection, and which does not provide for a substantial pedestrian promenade along the harbor from Building "A" easterly to the east property line as delineated on Sheet L3 of the approved plans; or
 - c. Landscaping areas (adjustments to planters and plant beds may vary in number, size, and shape) that are not in substantial conformity with Sheet L1 of the approved plans and which do not maintain at least 18% open space landscape area (unless modified by the Community Development Department Condition No. 8.); or
 - d. Structures having a building footprint larger than 1,500 square feet that deviate more than 50 feet, or

- e. Structures having a building footprint that are at or below the previously stated criteria (“d”) and that do not remain consistent with the “Village Character” as defined in Exhibit “K” (See attached).
 - ii. Subject to Condition No. 8 on page 3 of 27 and Condition No. 5 on page 21 of 27, any reduction in the total amount of open space landscape area; or
 - iii. Any change or increase of the use of the site or buildings in total; or
 - iv. Any increase in height beyond the limits as outlined on Sheet A1.8; or
 - v. Any amendment to a condition in the final development order that was expressly imposed by the City Council.
- B. Any deviation from this final development order and approved plans that is less than the thresholds specified above (minor deviation) shall be subject only to review and approval by the City Staff. No additional compatibility analysis will be required.

Per Engineering Department (Derived from approval letter dated August 6, 2002):

1. All site, parking, and stormwater design for each zone/phase shall meet the Destin LDC as of August 26, 2002 prior to each building permit per zone/phase.
2. The existing fuel tanks are in one location on existing engineering site plan (remove the note; to remain) and are shown in a different location on the proposed engineering site plan. Relocation of the existing fuel tanks shall require the appropriate Health Department permit sign off and soil contamination testing. Submit copies of approved permit and testing results prior to obtaining a building permit.
3. Prior to obtaining a building permit, the Site Demolition Plan appears to be incomplete. Provide all demolition information.
4. Prior to obtaining a building permit, all underground parking structures plans must be signed, sealed and dated by the structural engineer of record if plans are not created by the site civil engineer. Plans shall include but not be limited to, identifying individual parking spaces with dimensions, stormwater considerations (at ramps), accessibility, and loading spaces.
5. Prior to obtaining any city permit per Development Order, provide copies of FDOT connection, FDEP stormwater permits, and NPDES stormwater permits.
6. Prior to obtaining a city permit per zone/phase, provide copies of Destin Harbor Board approval and FDEP submerged lands permit for Marina Zone only.
7. Column supports for parking areas shall not encroach more than 12” into the sides of any one parking space.
8. Provide a cross-section of parking structure in relation to the green space above the parking structures to provide adequate soil to support the anticipated plant material. A landscape architect shall certify this requirement.

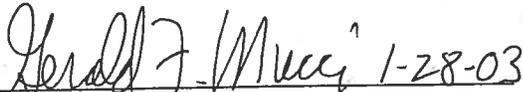
9. At the west accessway, the deceleration lane and a right in – right out with a raised island configuration shall provide enough of a physical deterrent to prevent motor vehicles traveling north from turning left. Any changes required by FDOT shall also require City Engineering review and comment prior to issuance of the FDOT permit. Additional right-of-way or easement dedication may be required.
10. Project approval is based upon the creation of the new entrance and/or median located west of and immediately adjacent to Building 80A. Such improvements will provide “right-in” and “right-out” only access and prevent to whatever extent possible any west bound Highway 98 traffic entering into this location and further preventing people exiting this location heading west on Highway 98 East. It is understood that the preferred solution is “Alternative A,” which provides among other things for the closure of the now existing median cut. In the event such closure is not permissible by FDOT, then “Alternative B” is an approved solution. Any changes required by FDOT shall also require City Engineering review and comment prior to issuance of the FDOT permit. Additional right-of-way dedications or easements may be required.
11. The Stahlman Avenue cut shall be regraded/reconstructed as part of the first zone/phase of construction.
12. The maximum width of the Stahlman Ave. cut shall be 36’ from curb face to curb face.
13. Remove all unused portions of existing driveway access cuts and replace with Type ‘F’ curbing along U.S. Hwy 98 E.
14. Fencing may be required at bridge embankment.
15. Construct the proposed permanent stormwater management facilities prior to the issuance of a Certificate of Occupancy for each phase.

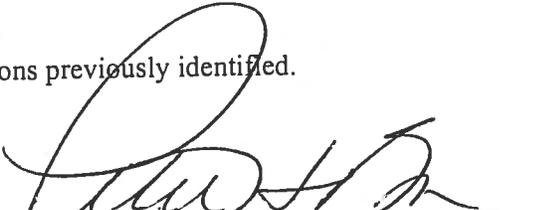
City approved temporary stormwater management facilities may be utilized during construction of the permanent facilities for each phase. A reasonable review and approval timetable must be recognized by the applicant.
16. Ensure all handicap parking spaces are identified (striping & signs) and dimensioned on the site plan, including sign location.
17. Provide more exterior or well-marked interior ADA accessible routes to lower level and dock areas.
18. There appears to be substantial pedestrian traffic on the lower level of the site. Ensure crosswalks throughout and pedestrian crossing signs at either end of the lower level loop drive access.
19. All parking spaces adjacent to walkways which are flush with walkway or if walkway is less than 6-feet wide, provide wheel stops. Show on plans and provide details.
20. Re-locate utility and stormwater structures out of sidewalks and crosswalks.
21. Re-draw handicap parking space’s ramp at Bamboo Willie’s to show “as built” conditions.
22. Identify loading spaces with paint striping/signage. Show on striping/signage plan.

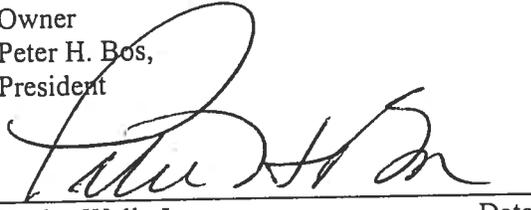
23. Dumpster cannot be included in the loading spaces.
24. Dumping operation, for dumpsters, shall not be in driving access lanes.
25. A cross-access/drainage/utility easement and agreement has been approved by Applicant and City Attorney and recorded on July 29, 2002 in OR Book 2372, Page 248, the Public Records of Okaloosa County.
26. Provide note on the on all exfiltration details on the Grading, Drainage, and Erosion Control Plan: The exfiltration beds shall be inspected by the engineer of record and the City Engineer prior to covering.
27. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be deemed in non-compliance and a revised stormwater plan shall be resubmitted for review and approval.
28. The project is in the White Sand Zone I. Any red clay or other staining material uncovered during demolition must be removed from the site within 92 hours of uncovering. Prior to importing any fill material onto the site, provide a sample of the fill to the City of Destin Environmental Officer for approval for White Sand Zone I use.
29. Submit an Operations & Maintenance Plan, which shall be acknowledged and signed by the owner prior to obtaining a Certificate of Occupancy. It is not required prior to obtaining a development order or a building permit. The Operations & Maintenance Plan shall contain, among other things, the following statement: "Owner shall regrade swale/retention areas as required to maintain approved design cross-sections, lines, and grade." Such obligation may be subsequently assigned to another responsible party with notice to the City of Destin.
30. It appears that a very large amount material (soil) will be leaving the site during construction. Provide a routing plan showing how this material will be excavated and removed from the site (truck, barge, etc.) and will be routed through the city. The plan shall include but not be limited to, dealing with wet material and traffic control, as necessary.

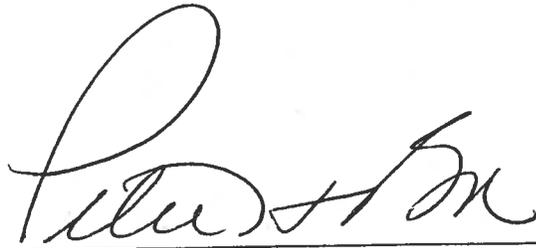
UNRESOLVED ISSUES:

There are no unresolved issues except for the conditions previously identified.


 Gerald F. Mucci, 1-28-03
 Community Development Director Date


 East Pass Investors, Inc., Date
 Owner
 Peter H. Bos,
 President


 HarborWalk, Inc. Date
 Tenant
 Peter H. Bos
 President



Pelican Point Harbor, Inc.

Date

Tenant

Peter H. Bos

President

*Kelly Boat Services, LLC

Owner

Paul Sims,

President

*Coleman L. Kelly Testamentary Trust

Amos & Erhart & Melvin Kelly Trust

Owner

Jarrett G. Melvin and Kent E. Amos

Trustees

*The identified property owners have signed a "Unity of Development Agreement (HarborWalk)." See the attached agreement for background facts and agreement language.

COMPATIBILITY ANALYSIS: HARBORWALK, A MAJOR DEVELOPMENT: SP-00-57

FOR CITY OF DESTIN, FLORIDA

PROJECT DESCRIPTION AND PURPOSE OF THIS REPORT

This compatibility analysis addresses a proposed major mixed-use redevelopment on a 14.70-acre (640,332 square feet) site located along the north shore of the Harbor, south of U. S. Highway 98, and east of the Destin Pass. The plan includes 199,999 square feet of retail commercial floor area, ticket booths, and kiosks, including the existing Lucky Snapper, Bamboo Willies, and Captain Kidd, structures that are existing restaurants, and the existing marina, which account for a cumulative total of 35,110 square feet. In addition, the proposed redevelopment includes a building containing 170 units, including 339 bedrooms with several building segments ranging from 9 to 13 stories in height and comprising 261,929 sq. ft. This report addresses the compatibility of the proposed development with the surrounding area.

The report: 1) identifies the compatibility requirements of the City of Destin that are contained in the City's Land Development Code [LDC, §7.09] and Comprehensive Plan [Policy 7.A.4.6 (p)]; 2) analyzes whether the proposed development complies with those requirements; and 3) provides an opinion regarding the compatibility of the proposed mixed-use development with surrounding development. Aside from addressing the compatibility issue, this report does not address issues regarding concurrency, including traffic generation or drainage.

DEFINITION OF "COMPATIBILITY" AND REQUISITE CONSIDERATIONS

In land use planning, "compatibility" means the extent to which a use(s) or development is capable of existing in harmony with other uses situated in its immediate vicinity. In the City's LDC as well as in Rule 9J-5, FAC, *compatibility* is defined as "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition." The City's Comprehensive Plan also includes this definition but elaborates more broad-based concerns consistent with accepted planning principles and practices.

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:

- Type of land use, zoning district, and land use category;
- Building location, dimensions, height, and floor area ratio;
- Location and extent of parking, access drives, and service areas;
- Traffic generation, hours of operation, noise levels and outdoor lighting;
- Alteration of light and air; and
- Setbacks and buffers.

DESCRIPTION OF SURROUNDING AREA

Table 1 illustrates the existing land use of surrounding properties as well as their Comprehensive Plan Future Land Use designations and zoning classifications:

	FUTURE LAND USE	ZONING	EXISTING LAND USE
North	Mixed Use	Business Tourism (BT)	Restaurant, Shopping Center, and Auto Service Station and Convenience Store
South	Harbor	Harbor	Destin Harbor
East	Mixed Use	Business Tourism (BT)	Office Building and Marina
West	Mixed Use	Business Tourism (BT)	Old Pass Lagoon and Destin Bridge

ANALYSIS OF COMPATIBILITY

A. **Type of Land Use, Zoning District, and Land Use Category.** Table 2 denotes the existing land use of the subject site as well as its Comprehensive Plan Future Land Use designation and zoning.

SUBJECT SITE	FUTURE LAND USE	ZONING	EXISTING LAND USE
HarborWalk	Mixed Use	Business Tourism (BT)	Marina and two restaurants

Table 3 lists proposed activities within the HarborWalk development, including the floor area and density.

Proposed Land Use	Commercial Sq. Ft.	Residential Sq. Ft.	Total Sq. Ft.	Units	Density
Proposed New Retail Buildings	162,652				
Proposed Ticket Booths and Kiosks					
Ticket Booths: 987	2,237				
Kiosks: 1,250					
Existing Buildings:					
Lucky Snapper Restaurant: 11,642					
Captain Kidd Restaurant: 10,756	35,110				
Former Hooters (to be Bamboo Willies) 4,679					
Marina 8,033					
Proposed Condominium Lodging Units		261,929			
Totals:	199,999	261,929	461,928	170 Units	11.56 units per acre

1. **General.** The activities cited in Table 3 are permitted uses in the MU Comprehensive Plan Future Land Use designation [§7.A.4.6, Comprehensive Plan] and in the BT zoning district [§7.12.01(I)(pp), LDC]. The proposed uses are consistent with the commercial uses abutting the property.
2. **Boardwalk.** The plan incorporates a major segment of the proposed boardwalk--a cornerstone of the adopted Comprehensive Plan.

B. **Location of Structure, Dimensions, Height, and Floor Area Ratio.** Located adjacent to the East Pass, the proposed redevelopment occupies the most strategically located site within the Destin Harbor Redevelopment Area—an area situated along the north shore of the Harbor and extending north to properties abutting the north side of US 98, from the East Pass to Benning Drive. The 14.7-acre site exceeds the size of any other Harbor area site held under common ownership by a factor of 3 or more. In addition to its location and size, the HarborWalk site has other significant and unique attributes, including approximately 1,460 linear feet of Harbor frontage as well as approximately 1,440 linear feet of frontage along US 98. Properties comprising the Destin Harbor Redevelopment Area, as herein defined, have been generally assembled in units of less than three acres and most parcels are considerably smaller than three acres. Therefore, largely due to land ownership patterns, including the limited size of properties comprising the Harbor Redevelopment Area, no existing development within the redevelopment area, no other sites within the Destin Harbor Redevelopment Area have the land available land resources to develop a multi-use project similar in scale to the subject proposal. The analysis below addresses the specific character of the proposed development.

1. **Location, Dimensions, and Height of Structures.** Table 4 identifies the buildings comprising the development, including the height and building coverage.

Building	Gross Floor Area	# of Stories					Bldg Coverage		
		Total			Above Bluff	Below Bluff	Total Bldg Footprint	Bldg Coverage	
		Stories	Height to Mid Pt. of Roof	High Pt.			Sq. Ft.	%	
A	13,281	2	40	49	1	1	6,930	155,423 sq. ft. floor area + 640,332 sq. ft. land area = 24.3% building coverage	
D Lodging	261,929	9-13	152	157	9-13	0	24,448		
D Retail	46,615	2	55	62	1	1	27,147		
E	16,340	2	42	62	0	2	9,822		
F	13,824	2	43	51	1	1	6,912		
G	13,880	1	26	32	1	0	13,880		
H	4,258	1	40	64	1	0	4,258		
I	8,804	1	34	52	1	0	8,804		
J	32,201	3	55	62	2	1	13,936		
K	6,570	1	23	29	1	0	6,570		
L	6,879	18	Not Available	46	0	1	6,568		
Cpt. Kidd	10,756	2	Existing Buildings		2	0	5,378		
Bamboo W.	4,679	1							4,679
L Snapper	11,642	2			1	1	5,821		
Marina	8,033	1			0	1	8,033		
Booths/ Kiosks	2,237	1	Low Rise		1	1	2,237		
Totals	461,928	Not Applicable					155,423		

a. **Location, Dimensions, and Height.** Table 4 also indicates that only one of the proposed 14 commercial buildings (Bldg. J—3-stories) exceeds two stories above existing grade. The high rise includes 170 units (including 339 bedrooms) and common area that account for 261,929 square feet (56.7percent) or of the total gross floor area (461,928 square feet) of the mixed-use project. The lodging accommodations are concentrated in a single U-shaped high-rise structure having a building footprint of 24,448 square feet. The architecture of this high-rise building has significant articulation, above ground setbacks, a varied roofline, and architectural embellishments. The high-rise structure ranges in height from 9 to 13 stories plus below ground level parking.

i. **Height of Building “D” (Lodging) Structure.** Table 5 compares the height of the high-rise relative to the Destin Yacht Club and Grand Harbor-- the only high-rise structures on the south side of US Highway 98 near the subject property. The proposed HarborWalk is taller than Destin Yacht Club and shorter than Grand Harbor.

HIGH RISE BLDGS. SOUTH SIDE OF US HWY. 98	HEIGHT
Proposed HarborWalk ¹	152' 0"
Destin Yacht Club	122' 8"
Grand Harbor	157' 0"

ii. **Height of Commercial Buildings.** Table 6 illustrates the mean height of all commercial buildings. The highest point on some structures is attributed to architectural embellishments such as spires, crow's nests, and watchtower or other architectural features that are consistent with and enhance the nautical theme of a Fishing Village.

Building	# of Stories	Mean Height (mid point of roof)	Cornice Height	Highest Elevation
A	2	+13'	+4'	+22'
D	2	+9.5'	+6'	+15'
E	2	+15'	+2'	+68' ²
F	2	+17'	+9'	+25'
G	1	+22'	+14'	+30'
H	1	+14.5'	+9.5'	+38.5' ²
I	1	+24.5'	+10.5'	+42.5' ²
J	3	+28'	+19'	+35'
K	1	+13.5'	+7.5'	+19.5'
L	1	(-9')	(-11')	+19' ²

¹ All heights from +33' elevation at crown of US Highway 98

² Highest point attributed to architectural embellishments such as spires, crow's nests, watchtowers, and other architectural features that reinforce a nautical theme.

b. **Relationship to Residential Property Off-site.** The closest residentially zoned property is approximately 470 feet removed from the subject site.

c. **Relationship of Building Coverage and Open Space by Type Open Space.** As the table below indicates, the site plan preserves 18.0% landscaped green area and 24.3% percent pedestrian oriented open space paths--a total of 42.3% or 6.2 acres as either green space or pedestrian open space. Impervious parking open space accounts for an additional 33.4% impervious open space. Therefore, over 75.7% of the site remains as impervious or green open space unobstructed from ground level to the sky. The concentration of 261,929 square feet of lodging accommodations within a high rise with a foot print of only 24,448 feet can be attributed to the significantly high percentage of open space. As the table illustrates, building coverage is only 24.3 percent of the site.

TABLE 7: OPEN SPACE BY TYPE VERSUS BUILDING COVERAGE (Total Site: 640,332 square feet)

Building Coverage		Impervious Parking Above Ground		Green Landscaped Open Space		Impervious Pedestrian Open Space		Total Landscaped & Pedestrian Open Space		Total Open Space including above Ground Parking	
Sq. Ft.	%	Sq. Ft.	%	Sq. Ft.	%	Sq. Ft.	%	Sq. Ft.	%	Sq. Ft.	%
155,423	24.3	213,816	33.4	115,374	18.0	155,719	24.3	270,744	42.3	484,909	75.7

d. **Pedestrian Linkages.** Sheet L3 denotes the HarborWalk open space plan and designates pedestrian ways. The site plan provides on-site multi-level pedestrian ways that connect the US Highway 98 sidewalk, with on-site parking, buildings, a dune walk, and a Harbor boardwalk.

2. **Floor Area Ratio.** The Comprehensive Plan and Land Development Code (LDC) allow for a maximum intensity of 1.07 Floor Area Ratio (FAR). The HarborWalk site plan has a 0.72 FAR [461,928 sq. ft. of floor area ÷ 640,332 sq. ft. of land area = 0.72 FAR]. The proposed FAR is only 67% of the maximum FAR allowed by the City pursuant to the Comprehensive Plan and the LDC.

C. Location and Extent of Parking, Access Drives, and Service Areas.

1. **Location and Extent of Parking and Access Drives.** The City Engineer is analyzing the location and extent of parking and access drives.

2. **Marina Facilities.** A major feature of the proposed project is the provision of marina facilities, including wet slips. Parking requirements for these activities is addressed by the City Engineer.

TABLE 8: WATERCRAFT

Type Watercraft	# of Watercraft (including fuel slips)
Charter Fishing Boats	18
Sight Seeing Boats	5
Private Boats	49
Fuel Slips	10
Pontoon Boats	12
Wave Runners	38
Parasail/Snorkel Boats	4
Total	136

3. **Service Areas.** The City Engineer is analyzing the location and design of service areas as well as the adequacy of access to and egress from such service areas.

D. Traffic Generation, Hours of Operation, Noise Levels and Outdoor Lighting.

1. **Traffic Generation and Pedestrian Safety.** The City Engineer and the City's traffic consultant are reviewing this issue. This analysis does not assess the impacts of traffic generated by the development on concurrency or the location, design, or specifications characterizing the internal traffic circulation facilities. However, pedestrian safety is a significant issue associated with any large-scale compatibility analysis. A signalized intersection exists at the intersection of US Highway 98 and Stahlman Drive, which is the main entrance to the HarborWalk development. This signalized intersection is equipped with a crosswalk and pedestrian control button that is operated manually by pedestrians. The City Engineer should consider requiring the applicant to provide support data that demonstrates the adequacy of existing traffic safety improvements.
2. **Hours of Operation.** No extraordinary provisions are recommended to curtail hours of operation.
3. **Noise Levels.** The applicant must comply with City ordinances governing noise.
4. **Outdoor Lighting.** The City's outdoor lighting consultant, Doug Matern, PE, President, Matern Professional Engineering, PA, offers the following evaluation. The lighting plan indicates the site lighting fixtures, type, specification, locations and photometric data showing foot-candle levels/patterns; however, no north arrow is denoted on the lighting plan.
 - a. **Revise Photometric Data.** Numeric photometric data was cut off short of or at the property line, therefore actual numeric foot-candle levels on adjacent properties were not provided for the City's consulting outdoor lighting engineer to review.
 - b. **Revise Lighting Plans to Include House Shields as Appropriate.** The drawings do not include house shields and do not denote adjacent land uses or lighting intensity across the property lines to the north and east. 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.
 - c. **Provide Data Regarding Lens Type.** No data was provided regarding the lens type; however, the applicant's lighting consultant, WLS, at MPE's request, provided additional cut sheets on two luminaires. Based on the information received, house shields are not included and convex lens as opposed to flat lens are proposed for use on the 40 feet pole mounted shoebox type lights. The second luminaire type, serving pedestrians and located on 13-foot poles, does not have glare control.
 - d. **Revise Lighting Plan along the East Property Line.** The photometrics indicate that the foot-candle levels range from approximately 11.9 to 0.3 within five feet of the east property line. This intensity will exceed the generally recommended 1.0 foot-candle level. However, in order to confirm a maximum acceptable foot-candle level along the east property line, the applicant must provide the City with the existing foot-candle levels at and ten feet beyond the property line in order that the City lighting consultant can determine the relationship between the existing and proposed lighting levels.

- e. **Revise Lighting Plan along the North Property Line.** The photometrics indicate foot-candle levels ranging from approximately 4.4 to 1.4 at approximately five feet south of the north property line. It appears that the light level on adjacent east property line will exceed our recommended 1.0 foot-candle level. This intensity will exceed the generally recommended 1.0 foot-candle level. However, in order to confirm a maximum acceptable foot-candle level along the east property line, the applicant must provide the City with the existing foot-candle levels at and ten feet beyond the property line in order that the City lighting consultant can determine the relationship between the existing and proposed lighting levels.
- f. **Pole Light Fixture Height and Lens.** The 40 feet pole mounted luminaires have convex lens. Considering the proposed height and absence of flat lens, MPE anticipates that the proposed lighting will likely project glare onto adjacent properties, driveways and streets.
- g. **General Requirement.** This evaluation focuses on review of lighting and photometrics to detect spill lighting and/or possible glare lighting onto adjacent properties. The analysis does not provide comment on lighting design or safety issues as those issues are the responsibility of the applicant's lighting professional.

E. **Alteration of Light and Air.** The plan does not generate any adverse impacts to light and air.

F. **Setbacks and Buffers.**

1. **Setbacks.** The proposed HarborWalk project meets minimum setback requirements. The arms of the U-shaped high rise structure are setback a distance of approximately 60 feet from US 98; the east side of the high rise structure is setback 705 feet from the east property line, the west side setback ranges between 80 feet and 260 feet from the western segment of US Highway 98, and the south side of the high rise structure is located over 200 feet north of the Harbor.
2. **Buffers.** The proposed HarborWalk is located adjacent to other commercial development. Therefore, the project does not require extensive buffers that are required to mitigate potential problems generated by commercial development situated immediately adjacent to residential development. In this case, the closest residentially zoned property is approximately 470 feet removed from the subject site.

The proposed landscape plan includes an array of plant material that significantly exceeds the minimum required by the Land Development Code, includes the planting of 520 trees. The landscape plan includes a line of canopy trees and clusters of hedge, shrubs, and accent trees that frame the 1,440 linear feet of frontage along US Highway 98, the system of entryways and drives, at grade parking areas, and pedestrian ways. Landscaping also lines the facades of most buildings presenting a soft contrast against the hardscape.

OPINION.

The HarborWalk mixed-use development will comply with the City of Destin Comprehensive Plan Policy 7.A.4.6 (p) and the Land Development Code criteria of §7.09 subject to compliance with conditions stated below, including submittal of a compliant lighting plan and compliance with requirements for managing the location and extent of parking, access drives, and service areas. The consulting lighting engineer shall review outdoor lighting and the City Engineer shall review the latter issues.

1. **Type of Land Use, Zoning District, and Land Use Category.** The type land use proposed is consistent with the Comprehensive Plan Future Land Use Map designation (MU), the zoning (BT).
2. **Location of Structure, Dimensions, Height, and Floor Area Ratio.** The plan meets quantitative criteria applying to all location, dimensional, and floor area criteria within the Comprehensive Plan and Land Development Code.
3. **Location and Extent of Parking, Access Drives, and Service Areas.** The City Engineer is evaluating these issues.
4. **Traffic Generation, Hours of Operation, Noise Levels and Outdoor Lighting.**
 - a. **Traffic Generation and Pedestrian Safety.** The City Engineer and the City's traffic consultant are reviewing this issue. This analysis does not assess the impacts of traffic generated by the development on concurrency or the location, design, or specifications characterizing the internal traffic circulation facilities. However, pedestrian safety is a significant issue associated with any large-scale compatibility analysis. A signalized intersection exists at the intersection of US Highway 98 and Stahlman Drive, which is the main entrance to the HarborWalk development. This signalized intersection is equipped with a crosswalk and pedestrian control button that is operated manually by pedestrians. The City Engineer should consider requiring the applicant to provide support data that demonstrates the adequacy of existing traffic safety improvements. The applicant shall comply with any conditions recommended by the City Engineer and the City's traffic consultant.
 - b. **Hours of Operation and Noise.** No extraordinary provisions are recommended to curtail hours of operation or to regulate noise.
 - c. **Outdoor Lighting.** The outdoor lighting requirements are conditional prior to issuance of a building permit for each phase within an identified development zone. However, the following comments by the City's lighting consultant must be addressed and/or incorporated as part of staff's review of the outdoor lighting prior to the issuance of a building permit for each phase within an identified development zone.
 - i. **Revise Photometric Data.** Numeric photometric data was cut off short of or at the property line, therefore actual numeric foot-candle levels on adjacent properties were not provided for the City's consulting outdoor lighting engineer to review.
 - ii. **Revise Lighting Plans to Include House Shields as Appropriate.** The drawings do not include house shields and do not denote adjacent land uses or lighting intensity across the property lines to the north and east. 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.

- iii. **Provide Data Regarding Lens Type.** No data was provided regarding the lens type; however, the applicant's lighting consultant, WLS, at MPE's request, provided additional cut sheets on two luminaires. Based on the information received, house shields are not included and convex lens as opposed to flat lens are proposed for use on the 40 feet pole mounted shoebox type lights. The second luminaire type, serving pedestrians and located on 13-foot poles, does not have glare control.
 - iv. **Revise Lighting Plan along the East Property Line.** The photometrics indicate that the foot-candle levels range from approximately 11.9 to 0.3 within five feet of the east property line. This intensity will exceed the generally recommended 1.0 foot-candle level. However, in order to confirm a maximum acceptable foot-candle level along the east property line, the applicant must provide the City with the existing foot-candle levels at and ten feet beyond the property line in order that the City lighting consultant can determine the relationship between the existing and proposed lighting levels.
 - v. **Revise Lighting Plan along the North Property Line.** The photometrics indicate foot-candle levels ranging from approximately 4.4 to 1.4 at approximately five feet south of the north property line. It appears that the light level on adjacent east property line will exceed our recommended 1.0 foot-candle level. This intensity will exceed the generally recommended 1.0 foot-candle level. However, in order to confirm a maximum acceptable foot-candle level along the east property line, the applicant must provide the City with the existing foot-candle levels at and ten feet beyond the property line in order that the City lighting consultant can determine the relationship between the existing and proposed lighting levels.
 - vi. **Pole Light Fixture Height and Lens.** The 40 feet pole mounted luminaires have convex lens. Considering the proposed height and absence of flat lens, MPE anticipates that the proposed lighting will likely project glare onto adjacent properties, driveways and streets.
 - vii. **General Requirement.** This evaluation focuses on review of lighting and photometrics to detect spill lighting and/or possible glare lighting onto adjacent properties. The analysis does not provide comment on lighting design or safety issues as those issues are the responsibility of the applicant's lighting professional.
5. **Alteration of Light and Air.** The plan does not generate any adverse impacts to light and air.
6. **Setbacks and Buffers.** The proposed HarborWalk is located adjacent to other commercial development. Therefore, the project does not require extensive buffers that are required to mitigate potential problems generated by commercial development situated immediately adjacent to residential development. In this case, the closest residentially zoned property is approximately 470 feet removed from the subject site.

Summary. In my professional opinion, subject to the above stated conditions, the development complies with the criteria for compatibility review contained in the Comprehensive Plan and Land Development Code. 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 as agreed upon by the City and the applicant as a condition of the final development order.

MEMORANDUM

TO: Jerry Mucci, AICP, Community Development Director
FROM: Les Solin, FAICP, Planning Consultant
SUBJECT: Notations for Staff Consideration Not Included in the Harborwalk Compatibility Analysis
DATE: August 23, 2002

The City may desire to require the applicant to submit computer generated graphics, cross-sections, or a scale model since three-dimensional illustrations that address the following specific issues. The supportive City policies that serve as a basis for the requests are also referenced herein. I advise the City to coordinate subsequent requests for the information with the City Engineer, planning staff, and City Land Use Attorney.

1. Impact on Access to Harbor, including safe and convenient passage for the handicapped.

Although in my professional opinion, the applicant has provided a system of pedestrian ways that significantly improve access to the harbor, the drawing do not address public safety considerations surrounding the design of terraced pedestrian way and structures that link segments of walk ways that are at sharply differing grades. Therefore, the City should consider requesting elevations, dimensions, and slope of pedestrian linkages, especially changes in grade. The exhibits should indicate design features and physical dimensions of bridges, stairways, and ramps, if any, that provide safe and convenient access to the Harbor, including access for the handicapped. These features are especially important where the topographic elevations are severe along the bluff.

2. Visual Impacts at eye level and above eye level.

Although in my professional opinion, the applicant has applied an overall design concept that enhances access to views, the City may desire to suggest that the applicant provide additional perspectives of view corridors that will be generated by the project's design, especially the enhanced access to views made available by the system of pedestrian linkages along the bluff line and the boardwalk. The applicant's architectural plans demonstrate the relative merit of the design concept applied (i.e., one high-structure complemented by several low-rise structure versus several mid-rise structures). The clustering of the lodging units in one high-rise structure preserves significant view corridors and visual access to the south horizon from points along US Highway 98. However, a lay citizen may not be able to perceive the visual access to waterfront, harbor, and the south horizon provided by the pedestrian ways along the bluff line and the boardwalk are not adequately demonstrated in the drawings.

City Policies Supporting Recommendation:

1. Comprehensive Plan:

- Policy 7.A.4.6 (p): Compatibility analysis criteria include consideration of natural areas, access, aesthetics, and views.
- Policy 11.A.1.4: Continue the City's practice of requiring mitigation or enhancement activities for development impacting Destin Harbor.
- Objective 11.A.9: Increase access to the beach or shoreline.
- Policy 11.A.9.1: Require public access ways through private developments to the shoreline.

2. Land Development Code:

- Sec. 7.09.00: Compatibility analysis criteria include consideration of natural areas, pedestrian movement, aesthetics, open space, landscaping, and buffers.

EXHIBIT K

“Village Character” is defined as the visual and physical features of a development that portrays a pedestrian-oriented, small-town look and feel. A development with “village character” is comprised of buildings having individual, unique appearance, each with its own personality and character. Other essential features include:

- An eclectic, as opposed to uniform, design of individual buildings in a cluster giving an impression that the various components of the development were created over a period of time, similar to the growth of a small downtown village where buildings were built at different times and were designed and owned by different persons. This concept is intended as the opposite of the “shopping center” look that normally has very uniform designs and materials.
- A pedestrian-friendly, inviting human scale, achieved by combining numerous pedestrian points of interest such as kiosks, rental booths, park benches, fishing boats, shaded areas, docks, sidewalk cafés, within the development.
- Provision of a seamless pedestrian flow into adjoining developments resulting in little notice that one is transitioning from one development to another.
- Design and materials that weather and endure architecturally in a manner that adds character and ambiance, as opposed to that of a traditional shopping center whose design and materials appear dated with age.
- Various structural design themes and components that are unique in character, with details pulled from existing, quality, diverse, building designs in the region as depicted in Exhibit “J”.
- Landscaping substantially beyond the minimum required by City ordinances located in a manner that creates a shaded, pedestrian, retail and restaurant cluster that will feel and look like a harbor-side village sensitive to the natural environment.
- Provides view corridors that continue line of sight to the harbor looking due south from the intersections of Stahlman Avenue and Calhoun Avenue.

Prepared by and return to:

Mitchell W. Legler, Esq.
Mitchell W. Legler, P.A.
300A Wharfside Way
Jacksonville, Florida 32207

Property Appraiser's Parcels:

#00-2S-22-0630-0000-10A0
#00-2S-22-0630-0000-113A
#00-2S-22-0630-0000-1000
#00-2S-22-0630-0000-0900
#00-2S-22-0630-0000-090A

29 113

UNITY OF DEVELOPMENT AGREEMENT
(HarborWalk)

THIS UNITY OF DEVELOPMENT AGREEMENT ("Agreement") is effective as of September 1, 2002, by and between:

PELICAN POINT HARBOR, INC., a Florida corporation, ("**Pelican**") and **KELLY BOAT SERVICES, LLC**, a Florida limited liability company ("**Kelly**");

HARBOR WALK, INC., a Florida corporation ("**Harbor**") and **ROBERT C. ERHART, JARRETT G. MELVIN and KENT E. AMOS**, as Trustees of the **Coleman L. Kelly Testamentary Trust** (the "**Trust**"); and

EAST PASS INVESTORS, INC., a Florida corporation ("**East Pass**").

BACKGROUND FACTS

Pelican is the long-term lessee of that real property owned by Kelly and more fully described on **Exhibit A** hereto (the "**Pelican Tract**"). Harbor is the long-term lessee of that real property owned by the Trust and more fully described on **Exhibit B** hereto (the "**Harbor Tract**"). East Pass is the owner of that real property more fully described on **Exhibit C** hereto (the "**East Pass Tract**"). The Pelican Tract, the Harbor Tract and the East Pass Tract are together called the "**Parcels**". Pelican, Harbor and East Pass are called "**Owners/Tenants in Possession**".

The parties hereto are collectively called the "**Owners**" and intend the Parcels to be developed as an integrated development to be known as HarborWalk Village as generally depicted on **Exhibit D** hereto as modified from time to time (the "**Master Development Plan**"). Thus, the Owners desire to establish certain rights for all of the Parcels as to rights to develop improvements on the Parcels as provided herein as the implementation of the Master Development Plan is believed by the Owners to enhance the utilization and value of each and all of the Parcels.

Harbor Walk, Inc. and
Pelican Point Harbor, Inc.
4460 Legendary Dr., Ste. 400

Kelly Boat Services, LLC
P. O. Box 5176
Niceville, FL 32578

Coleman L. Kelly Testamentary
Trust
P. O. Box 187
Destin, FL

[Handwritten signatures]



AGREEMENT

In consideration of the mutual benefits and covenants herein contained, it is agreed and declared as follows:

1. Background Facts. The Background Facts set forth above are agreed to be true and correct and are incorporated herein by this reference.

2. Definitions.

"Governmental Entities" shall mean the United States of America, the State of Florida, Okaloosa County, and the City of Destin, Florida, and all agencies, administrative divisions, subdivisions, courts and tribunals thereof.

"Laws, Rules and Regulations" shall mean all statutes, ordinances, constitutions, codes, charters, policies, orders, development orders, decrees, laws, rules, regulations, interpretations, rulings, judgments, zoning codes and all similar determinations of any Governmental Entity.

"Development Rights" means all rights of the Owners to develop the Parcels pursuant to all Laws, Rules and Regulations applicable to the Parcels and to the Master Development Plan, including, without limitation, rights arising out of zoning codes, density usage and allocation, set-back requirements, vested concurrency rights, impact fee calculations, parking requirements, public road usage and utility usage, ingress and egress, road cuts, building location, site plan approvals, water distribution and collection and storm water control.

3. Unity of Development.

a. Rights Spread. The Owners agree that with respect to the Development Rights the Parcels will be treated as one parcel of property with a single owner regardless of the number of actual owners and tenants for purposes of effecting and maintaining the Master Development Plan. Thus, the Development Rights applicable to one Parcel or to any and all successors and/or subdivisions thereof shall be spread to all of the Parcels and Development Rights that, but for this agreement, would be applicable to one Parcel, shall be available for use on another Parcel or Parcels and visa versa so long as such use is consistent with the Master Development Plan.



b. Use. The rights created by this Agreement shall be for the use and benefit of the Parcels; provided, however, that nothing contained in this Agreement shall be deemed to constitute a grant or dedication of any portion of the Property to the general public or for any public purpose whatsoever, it being the intention of the Owners that this Agreement is not intended to confer the status of a third-party beneficiary upon any person who is not an Owner, other than a mortgagee of any Owner.

4. Effect. The rights created by this Agreement are appurtenant to the Parcels, and may not be transferred, assigned or encumbered except as an appurtenance to the Parcels or in connection with the sale of any business conducted on any or all Parcels. The rights, benefits and obligations established by this Agreement (i) are made for the direct, mutual and reciprocal benefit of each and all Parcels, (ii) create mutual equitable servitudes on each Parcel in favor of each and all Parcels, (iii) constitute covenants running with the land, and (iv) shall bind and inure to the benefit of the Owners, their respective successors, assigns and mortgagees.

5. Amendment. This Agreement may be terminated or modified as to each Parcel only with the written consent of all Owner/Tenants in Possession as to the Parcels.

6. Severability. If any provision of this Agreement is, to any extent, declared by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement (or the application of such provision to persons or circumstances other than those in respect of which the determination of invalidity or unenforceability was made) shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

7. Entire Agreement. This Agreement together with the Exhibits attached hereto, constitutes the entire agreement between the parties with respect to the subject matter hereof and merges with and supersedes all prior or contemporaneous written or oral representations, warranties, agreements or understandings between the parties; provided, however, that this Agreement is supplemental to and does not replace that Reciprocal Easement Agreement among the parties hereto dated as of November 1, 2000, and recorded at book 2372, page 248, Official Records of Okaloosa County, Florida.

8. Further Assurances. Each Grantor agrees to execute any and all documents and perform any and all acts reasonably necessary to fully implement the intent of this Agreement. The consent to any changes in Development Rights relating to the Parcels

shall be given by the Owner/Tenants in Possession and shall be binding on all of the Parcels.

9. Counterparts. This Agreement may be executed in one or more counterparts each of which shall be an original but all of which shall constitute one and the same instrument.

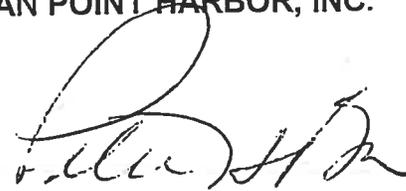
This Agreement has been executed and is effective as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

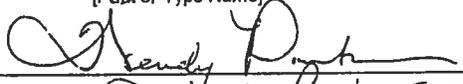
PELICAN POINT HARBOR, INC.



DANA H. Percival
(Print or Type Name)

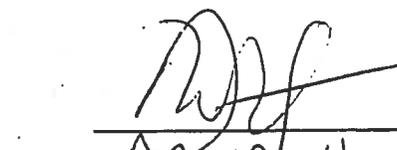
By: 

Peter H. Bos, President

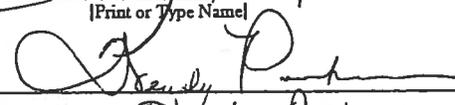


Wendy Parker
(Print or Type Name)

KELLY BOATING SERVICES, LLC



DANA H. Percival
(Print or Type Name)



Wendy Parker
(Print or Type Name)

By: 

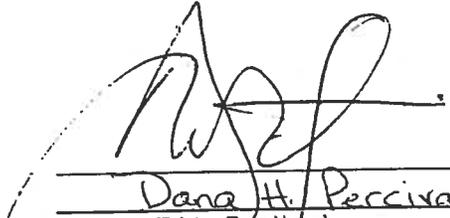
Paul Sims, President MANAGER

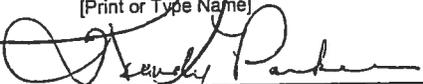
nl *nlh*



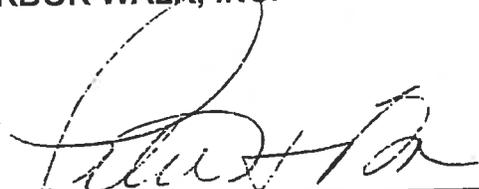
Signed, sealed and delivered
in the presence of:

HARBOR WALK, INC.



Dana H. Percival
[Print or Type Name]


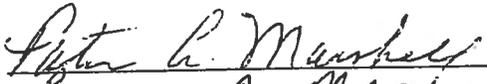
Wendy Parker
[Print or Type Name]

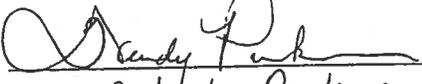
By: 

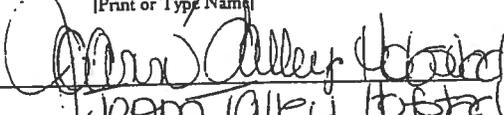
Peter H. Bos, President

COLEMAN L. KELLY TESTAMENTARY
TRUST

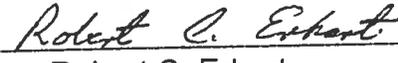
By its Trustees:



Patricia A. Marshall
[Print or Type Name]


Wendy Parker
[Print or Type Name]


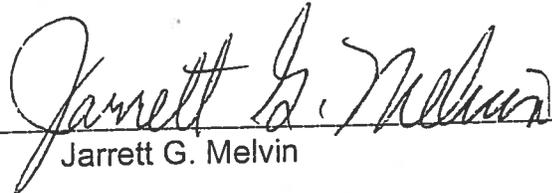
Joan Alley Hobbs
[Print or Type Name]



Robert C. Erhart



Patricia A. Marshall
[Print or Type Name]

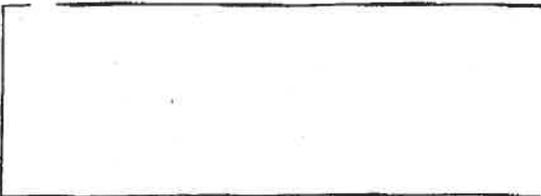


Jarrett G. Melvin

[Print or Type Name]

Kent E. Amos

[Print or Type Name]



Signed, sealed and delivered
in the presence of:

HARBOR WALK, INC.

[Print or Type Name]

By: _____
Peter H. Bos, President

[Print or Type Name]

**COLEMAN L. KELLY TESTAMENTARY
TRUST**

By its Trustees:

[Print or Type Name]

Robert C. Erhart

[Print or Type Name]

Jarrett G. Melvin

[Print or Type Name]

[Print or Type Name]
Carolyn Scarborough

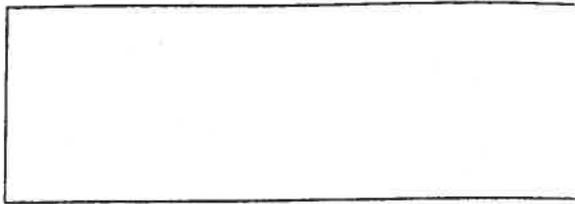
[Print or Type Name]

[Print or Type Name]
Kent E. Amos

Kent E. Amos

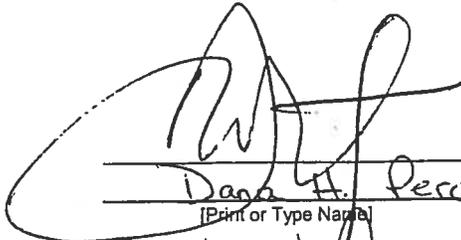
[Print or Type Name]
Stephanie Degeyter

[Print or Type Name]



Signed, sealed and delivered
In the presence of:

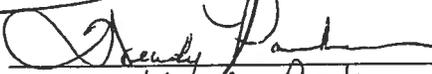
EAST PASS INVESTORS, INC.



Dana H. Percival
(Print or Type Name)

By: 

Peter H. Bos, President



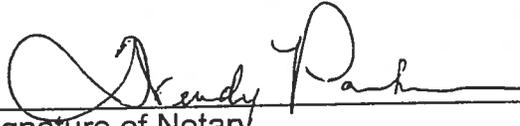
Wendy Parker
(Print or Type Name)

STATE OF FLORIDA
COUNTY OF OKALOOSA

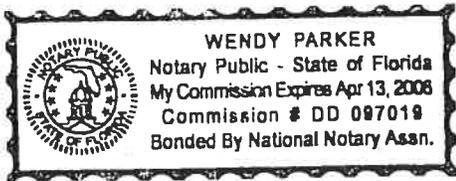
The foregoing instrument was acknowledged before me this 16th day of October, 2002, by PETER H. BOS, the President of **PELICAN POINT HARBOR, INC., HARBOR WALK, INC., and EAST PASS INVESTORS, INC.**, each a Florida corporation, on behalf of each such corporation, respectively. Such person: *(notary must check applicable box)*

- is/are personally known to me.
- produced a current Florida driver's license as identification.

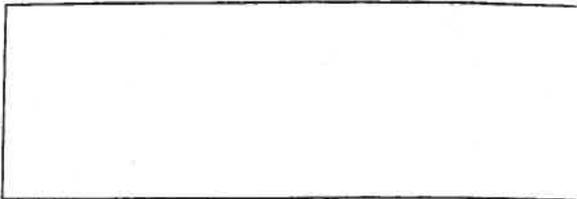
{Notary Seal must be affixed}



Signature of Notary



Name of Notary (Typed, Printed or Stamped)
Commission Number (if not legible on seal): _____
My Commission Expires (if not legible on seal): _____



STATE OF FLORIDA
COUNTY OF OKALOOSA

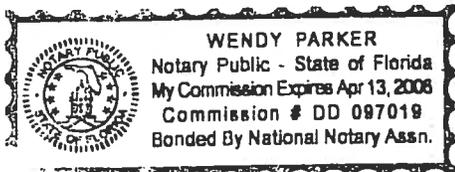
The foregoing instrument was acknowledged before me this 16th day of October, 2002, by Paul Sims, as an officer of **KELLY BOAT SERVICES, LLC**, a Florida limited liability company on behalf of each such company. Such person:
(notary must check applicable box)

- is/are personally known to me.
- produced a current Florida driver's license as identification.

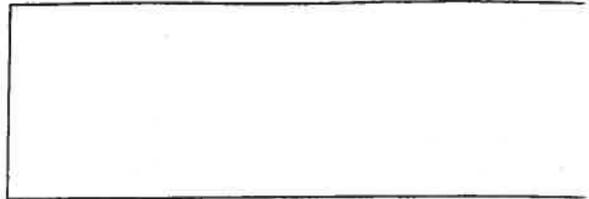
{Notary Seal must be affixed}



Signature of Notary



Name of Notary (Typed, Printed or Stamped)
Commission Number (if not legible on seal): _____
My Commission Expires (if not legible on seal): _____



STATE OF FLORIDA
COUNTY OF OKALOOSA

The foregoing instrument was acknowledged before me this 25th day of Oct., 2002, by ROBERT C. ERHART, Co-Trustee of the COLEMAN L. KELLY TESTAMENTARY TRUST, a Florida testamentary trust, on behalf of the Trust. Such person: *(notary must check applicable box)*

- is/are personally known to me.
- produced a current Florida driver's license as identification.

{Notary Seal must be affixed}

Patricia A. Marshall
Signature of Notary

Name of Notary (Typed, Printed or Stamped)

Commission Number (if not legible on seal): _____
My Commission Expires (if not legible on seal): _____

PATRICIA A. MARSHALL
Notary Public - State of Florida
My Commission Expires Jan. 8, 2006
Commission # DD 082836

STATE OF FLORIDA
COUNTY OF OKALOOSA

The foregoing instrument was acknowledged before me this 28th day of Oct., 2002, by JARRETT G. MELVIN, Co-Trustee of the COLEMAN L. KELLY TESTAMENTARY TRUST, a Florida testamentary trust, on behalf of the Trust. Such person: *(notary must check applicable box)*

- is/are personally known to me.
- produced a current Florida driver's license as identification.

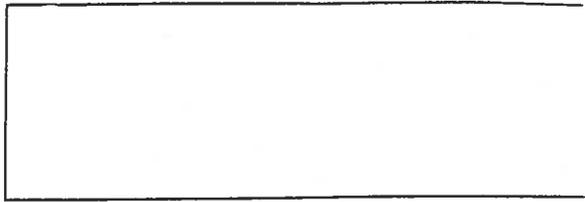
{Notary Seal must be affixed}

Patricia A. Marshall
Signature of Notary

Name of Notary (Typed, Printed or Stamped)

Commission Number (if not legible on seal): _____
My Commission Expires (if not legible on seal): _____

PATRICIA A. MARSHALL
Notary Public - State of Florida
My Commission Expires Jan. 8, 2006
Commission # DD 082836



STATE OF FLORIDA
COUNTY OF OKALOOSA

The foregoing instrument was acknowledged before me this 25th day of Oct., 2002, by KENT E. AMOS, Co-Trustee of the COLEMAN L. KELLY TESTAMENTARY TRUST, a Florida testamentary trust, on behalf of the Trust.
Such person: *(notary must check applicable box)*

- is/are personally known to me.
- produced a current Florida driver's license as identification.

{Notary Seal must be affixed}

Patricia A. Marshall
Signature of Notary

Name of Notary (Typed, Printed or Stamped)
Commission Number (if not legible on seal): _____
My Commission Expires (if not legible on seal): _____

PATRICIA A. MARSHALL
Notary Public - State of Florida
My Commission Expires Jan. 8, 2006
Commission # DD 082836

**** OFFICIAL RECORDS ****
BK 2372 PG 261

KEY:

- ¹Pelican Tract**
- ²East Pass Tract**
- ³Harbor Tract**

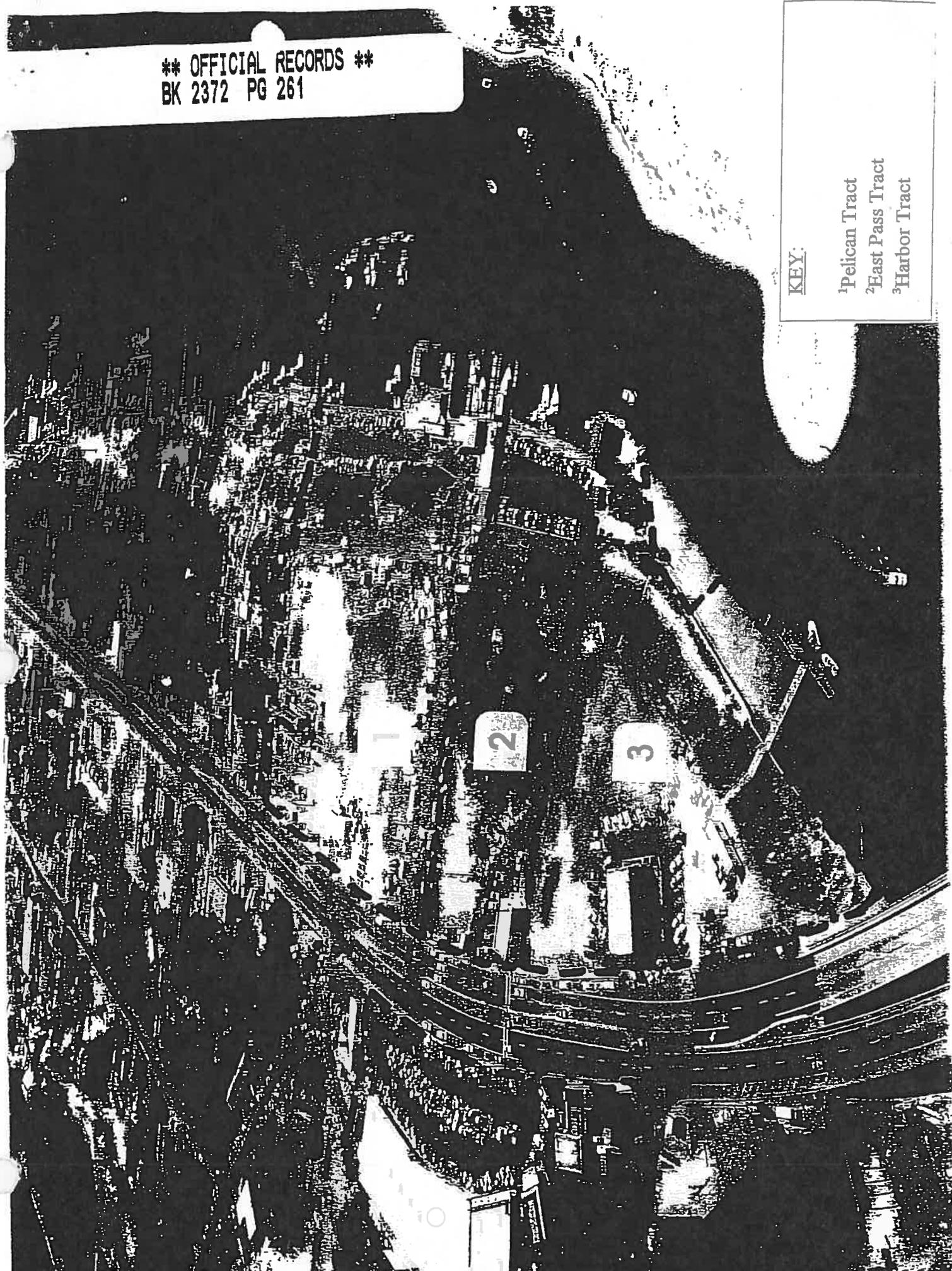


EXHIBIT A
Pelican Tract

LEGAL DESCRIPTION OF LEASED PREMISES

Lots 8 and 9, Moreno Point Military Reservation as recorded
in Deed Book 25, Page 573 of the public records of Okaloosa
County, Florida.

(as shown in attached aerial photo)

** OFFICIAL RECORDS **
BK 2372 PG 260

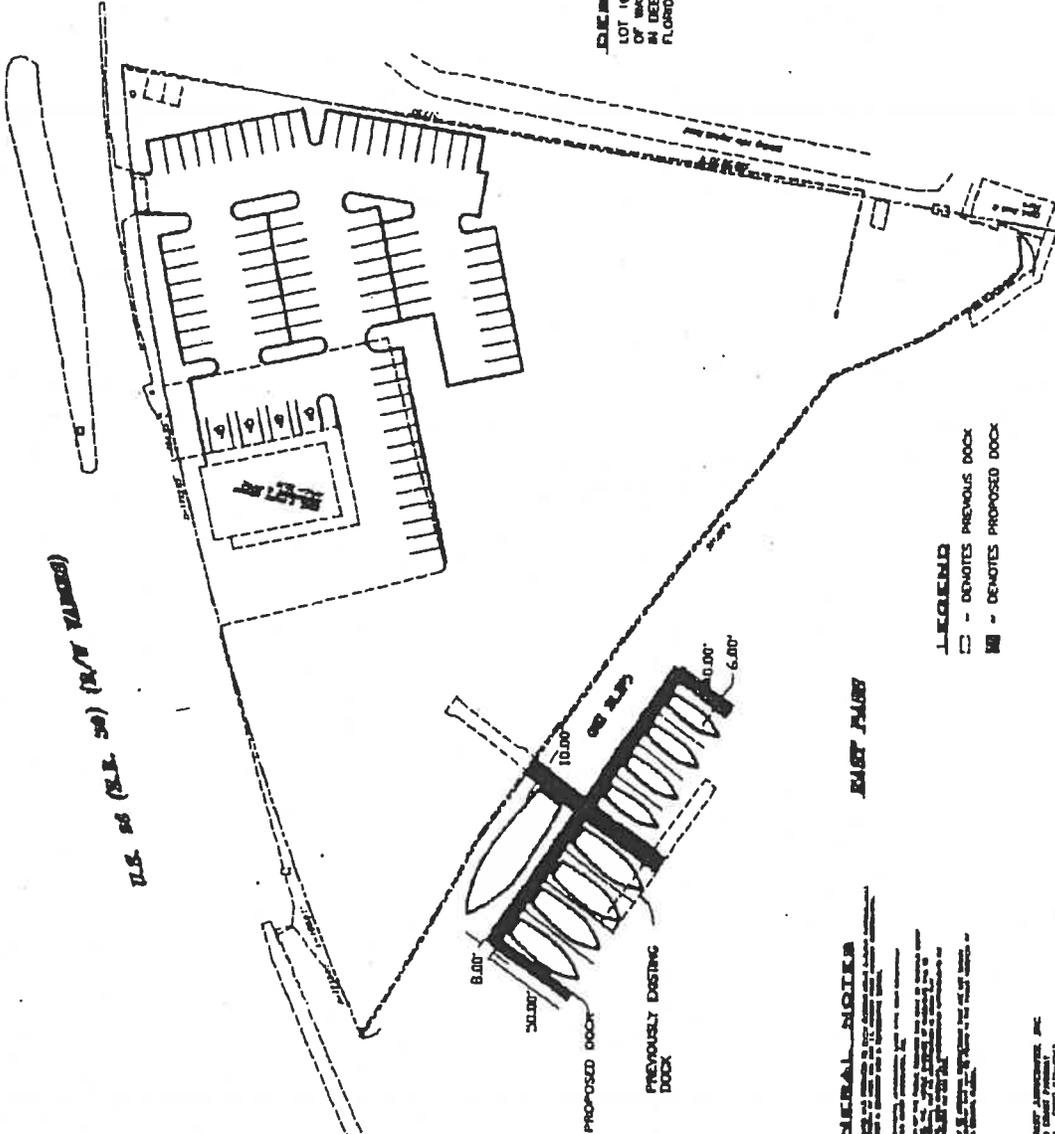


FILE # 1237999
OKALOOSA COUNTY, FLORIDA

RCU: JAN 17 1993 @ 9:44 AM
NEWMAN C BRACKIN, CLERK

EXHIBIT B
Harbor Tract

SKETCH
THIS IS NOT A BOUNDARY SURVEY



DESCRIPTION
LOT 10A AND 10AN PORTION OF LOT 11 LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF U.S. 90 MORENO POINT MARINA RESERVATION AS RECORDED IN DEED BOOK 75, PAGE 175 OF THE PUBLIC RECORDS OF DALLASSA COUNTY, FLORIDA.

REMARKS FOR REPLICATING
THIS SKETCH IS FOR INFORMATION ONLY AND DOES NOT REPRESENT A BOUNDARY SURVEY. IT IS NOT TO BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.

DATE	11-21-2011
PROJECT	REPLICATING SURVEY
CLIENT	STATE OF FLORIDA
LOCATION	LOT 10A AND 10AN, MORENO POINT MARINA RESERVATION, DEED BOOK 75, PAGE 175
SCALE	1" = 10'
DRAWN BY	[Signature]
CHECKED BY	[Signature]
DATE	11-21-2011

** OFFICIAL RECORDS **
BK 2372 PG 262

** OFFICIAL RECORDS **
BK 2093 PG 1760



EXHIBIT C
East Pass Tract

FILE # 1571688 RCD: Aug 27 1997 @ 02:56PM
Newman C. Brackin, Clerk, Okaloosa Cnty Fl

LEGAL DESCRIPTION:

LOT 10. OF "MORENO POINT MILITARY RESERVATION, OKALOOSA COUNTY, FLORIDA. SURVEY OF LOTS". AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE MARKING THE NORTHEAST CORNER OF THE LOT, SAID PIPE ALSO MARKING THE NORTHWEST CORNER OF LOT NO. 9, AND BEING IN THE SOUTHERLY RIGHT-OF-WAY LINE OF THE GULF COAST HIGHWAY SIXTY-SIX FEET (66') WIDE; SAID RIGHT-OF-WAY LINE BEING A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF ONE THOUSAND ONE HUNDRED AND FIVE FEET (1105') AND RUNNING THENCE BY MAGNETIC BEARINGS (MARCH 1930)

SOUTH NINE DEGREES TWENTY-SIX MINUTES TWENTY SECONDS WEST (S 9°26'20" W) A DISTANCE OF FIVE HUNDRED THIRTEEN AND FIFTY HUNDREDTHS FEET (513.50'), MORE OR LESS. TO A POINT ON THE SHORE LINE OF THE EAST PASS TO THE GULF OF MEXICO, AN IRON PIPE BEING IN LINE FOUR HUNDRED SIXTY-EIGHT AND FIFTY HUNDREDTHS FEET (468.50') FROM BEGINNING OF COURSE; THENCE

(2) IN A WESTERLY DIRECTION ALONG THE SAID SHORE LINE OF THE EAST PASS TO THE GULF OF MEXICO A DISTANCE OF TWO HUNDRED THIRTY-FIVE FEET (235') MORE OR LESS TO A POINT; THENCE

(3) NORTH NINE DEGREES TWENTY-SIX MINUTES TWENTY SECONDS EAST (N 9°26'20" E) A DISTANCE OF FOUR HUNDRED FOURTEEN AND FIFTY-EIGHT HUNDREDTHS FEET (414.58') MORE OR LESS. TO AN IRON PIPE IN THE AFORESAID SOUTHERLY RIGHT-OF-WAY LINE OF THE GULF COAST HIGHWAY, BEING A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF ONE THOUSAND ONE HUNDRED AND FIVE FEET (1105'). AN IRON PIPE BEING IN LINE EIGHTEEN AND FIVE TENTHS FEET (18.5'). MORE OR LESS. FROM THE BEGINNING OF COURSE; THENCE

(4) IN AN EASTERLY DIRECTION ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF ONE THOUSAND ONE HUNDRED AND FIVE FEET (1105'), BEING THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF THE GULF COAST HIGHWAY.. A DISTANCE OF TWO HUNDRED FORTY AND SIX HUNDREDTHS FEET (240.06') TO THE POINT OF BEGINNING.

COPY

** OFFICIAL RECORDS **
BK 2372 PG 263

