



# City of Destin

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March 19, 2004

Order No. 04-13

**Final Development Order:**

**“HARBORWALKVILLAGE – 1<sup>st</sup> AMENDMENT”:  
A MODIFICATION TO PREVIOUSLY APPROVED  
MAJOR DEVELOPMENT  
(SP-00-57 and SP-04-04)**

Based upon the City Council’s approval of this amended development order on March 2, 2004, this document will serve as your Final Amended 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:** East Pass Investors, Inc., on behalf of Pelican Point Harbor, Inc., Kelly Boat Services, LLC., and Amos, Erhart and Melvin Trustees/Coleman L. Kelly Testamentary Trust.
- Request:** The originally proposed project, “HarborWalk – Village,” was a mixed-use development consisting of 199,999 sq. ft. of commercial shopping center and a 170-unit condominium. The proposed modifications requiring council consideration relate to the following: 1) An increase of 122 dwelling units on site. The increase is a result of adding 48 units to the approved 170-unit condominium and providing an additional 74 units distributed throughout the development site. 2) An increase in height of “Building D” from three stories to four stories. Additional modifications to the development involve revised ingress/egress points, improved interior accessibility and circulation, design modification to the main tower to create two separate towers within the required height envelope, and an additional permissible third story for “Buildings A, F, G, H, I, J, K, and L”, which will house the added 74 dwelling units previously described. Note: For clarification, the developer has the right to distribute the additional 122 dwelling units throughout the development site so as to not increase the building height and/or footprint envelopes beyond the approved limits or increase the number of units beyond 292.
- 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: 19.9 dwelling units per acre  
Proposed: 292 dwelling units / 14.7 acres = 19.9 dwelling units per acre
- Intensity:** Allowed: 1.07 Floor Area Ratio (FAR)  
Proposed: Code Definition: -0.08 (Typical FAR methodology = 1.07 FAR)

**Modification Application Date:** December 18, 2003  
**TRC Date:** Not applicable for all TRC members to review this particular modification request  
**Approved Site Plan Date:** February 12, 2004  
**City Council Date:** March 2, 2004

**DETERMINATIONS:**

1. The Destin City Council held a public hearing on March 2, 2004. The Council voted 6-1, to approve the amended project as presented in the agenda package and subject to all applicable conditions identified within the Final Amended Development Order and TRC report dated August 26, 2002, and amended September 30, 2002, October 21, 2002, and February 12, 2004, with all necessary changes and updates, and contingent upon payment of all outstanding fees prior to the issuance of the Amended Development Order.
2. All the findings of the Technical Review Committee report dated August 26, 2002, and amended September 30, 2002, October 21, 2002, and February 12, 2004, are incorporated herein

**CONDITIONS OF APPROVAL FOR "HARBORWALKVILLAGE – 1<sup>st</sup> AMENDMENT": A MODIFICATION TO A PREVIOUSLY APPROVED MAJOR DEVELOPMENT (SP-04-04):**

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

Construction must commence within one (1) year of approval date (date from which the Final Amended Development Order is issued by the Community Development Department) of the Amended Final Development Order on March 19, 2004 (no later than March 19, 2005), and must be completed as shown on plans approved by the Technical Review Committee.

**WARNING:** If the applicant/owner has not obtained a building permit(s) or has not commenced construction within one (1) year of issuance of the final development order, the final development order will become null and void and the application for plan approval must be re-initiated.

**NOTE:** An applicant/owner who desires to extend the twelve (12) month (1 year) deadline must submit a request to the Community Development Department, no less than thirty (30) days prior to the expiration of the twelve (12) month deadline to obtain a building permit and commence construction. The applicant may receive only one extension, and such extension shall not exceed one year. The applicant /owner should review Article 2, Section 2.15.00, of the Destin Land Development Code and City Ordinance 02-06-LC for further explanation of the Development Order extension process.

2. If the applicant fully complies with the requirements of Condition No. 1 above, the concurrency capacity allocation status for "HaborWalk-Village, 1<sup>st</sup> Amendment" will be protected. However, the protected concurrency status will be lost if:
  - A. Construction activity ceases for a period exceeding one (1) year at any time during the term of this Final Development Order so that concurrency is not maintained under section 6.02.00.B.3 of the Destin Land Development Code, or
  - B. Construction permit(s) are not obtained in accordance with Section 2.09.00 of the Land Development Code to maintain concurrency.

3. The applicant must obtain City of Destin permits for the following activities on and off site (These may require appropriate bonding):

- A. Disturbance of the City's right-of-way (Must obtain ROW permit(s) from Engineering Department).
- 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.

**Notes and Conditions Per Community Development Department:**

**\*Please refer to pages 14 through 17 of the incorporated TRC Report.**

**Attached are two letters dated June 27, 2003 (Attachment "A"), and November 7, 2003 (Attachment "B"), which provide further clarification in regards to conditions of the original Final Development Order No. 02-55.**

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

**\*Please refer to page 17 through 19 of the incorporated TRC Report.**

**TECHNICAL REVIEW COMMITTEE REPORT**

**“HARBORWALKVILLAGE – 1<sup>st</sup> AMENDMENT ”:  
A MODIFICATION TO PREVIOUSLY APPROVED  
MAJOR DEVELOPMENT  
(SP-00-57 and SP-04-04)**

**TRC Report: August 26, 2002, Amended September 30, 2002, October 21, 2002, and  
February 12, 2004**

**ISSUE:**

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

**Request:** The originally proposed project, “HarborWalk – Village,” was a mixed-use development consisting of 199,999 sq. ft. of commercial shopping center and a 170-unit condominium. The proposed modifications requiring council consideration relate to the following: 1) An increase of 122 dwelling units on site. The increase is a result of adding 48 units to the approved 170 unit condominium and providing an additional 74 units distributed throughout the development site. 2) An increase in height of “Building D” from three stories to four stories. Additional modifications to the development involve revised ingress/egress points, improved interior accessibility and circulation, design modification to the main tower to create two separate towers within the required height envelope, and an additional permissible third story for “Buildings A, F, G, H, I, J, K, and L”, which will house the added 74 dwelling units previously described. Note: For clarification, the developer has the right to distribute the additional 122 dwelling units throughout the development site so as to not increase the building height and/or footprint envelopes beyond the approved limits or increase the number of units beyond 292.

**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: 19.9 dwelling units per acre

Proposed: 292 dwelling units / 14.7 acres = 19.9 dwelling units per acre

**Intensity:** Allowed: 1.07 Floor Area Ratio (FAR)

Proposed: Code Definition: -0.08 (Typical FAR methodology = 1.07 FAR)

**Modification Application Date:** December 18, 2003

**TRC Date:** Not applicable for all TRC members to review this particular modification request

**Approved Site Plan Date:** February 12, 2004

**City Council Date:** March 2, 2004

## **DISCUSSION/FINDINGS:**

East Pass Investors, Inc., on behalf of Pelican Point Harbor, Inc., Kelly Boat Services, LLC., and Amos, Erhart and Melvin Trustees/Coleman L. Kelly Testamentary Trust is requesting approval of a Modification (1<sup>st</sup> Amendment) to a previously approved Major Development identified as "HarborWalk – Village." The proposed modifications requiring council consideration relate to the following: 1) An increase of 122 dwelling units on site. The increase is a result of adding 48 units to the approved 170 unit condominium and providing an additional 74 units distributed throughout the development site. 2) An increase in height of "Building D" from three stories to four stories. Additional modifications to the development involve revised ingress/egress points, improved interior accessibility and circulation, design modification to the main tower to create two separate towers within the required height envelope, and an additional permissible third story for "Buildings A, F, G, H, I, J, K, and L", which will house the added 74 dwelling units previously described. Note: For clarification, the developer has the right to distribute the additional 122 dwelling units throughout the development site so as to not increase the building height and/or footprint envelopes beyond the approved limits or increase the number of units beyond 292. 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 amended project, as required by the Comprehensive Plan and the Land Development Code, has undergone an amended compatibility review and meets the minimum requirements with conditions as described on pages 14 - 19. Refer to the Compatibility Analysis Addendum dated February 12, 2004.

The proposed request is consistent with the Comprehensive Plan and Land Development Code, which include an amended Compatibility review, Concurrency Management review, and a Level of Service review. This project is located within the "Harbor District" Community Redevelopment Agency District.

The applicable Technical Review Committee (TRC) members reviewed and approved the modified 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 amended project, as required by the Comprehensive Plan and the Land Development Code, has undergone an amended compatibility review and meets the minimum requirements with conditions as described on pages 11 - 16. Refer to the Compatibility Analysis Addendum dated February 12, 2004.

**DENSITY:**

Allowed: 19.9 dwelling units per acre

Proposed: 292 dwelling units / 14.7 acres = 19.9 dwelling units per acre

**HEIGHT:**

The BT Zoning District does not have a maximum building height. Building height in this district is determined by compatibility and whether the proposed structures are three stories or more, which require increased setbacks. The new tower configuration does not result in an increase in height from the previously approved design of 157' 0" (13 Residential Floors above the parking deck). As currently proposed, the modified tower configuration has been reduced to a height of 150' 0" as measured from the crown of U.S. Highway 98 East. Note: The height of tallest structures cannot exceed the maximum approved height of 157' 0". Refer to the Compatibility Analysis Report Addendum dated February 12, 2004, which describes the height and finds the proposed amended project remains 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:

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

$$\frac{(685,155 \text{ sq. ft.}) - (735,483 \text{ sq. ft.})}{640,332 \text{ sq. ft.}} = \text{FAR}$$

$$-50,328 \text{ sq. ft.} / 640,332 \text{ sq. ft.} = -0.08 \text{ FAR}$$

Utilizing the formula as defined above, the FAR of -0.08 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 results in an FAR of 1.07, which is equal to the maximum FAR allowed and is as follows:

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

$$685,155 \text{ sq. ft.} / 640,332 \text{ sq. ft.} = 1.07 \text{ FAR}$$

**RIGHT-OF-WAY DEDICATION:**

No right-of-way dedication is required for this project at this time. Additional right-of-way dedication may be required as a result of the ingress/egress final design.

**CONCURRENCY MANAGEMENT:**

Concurrency requirements have been met:

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

**TRAFFIC ANALYSIS:**

According to the traffic review conducted by the City's Transportation Manager, the proposed modification to the development and the associated traffic analysis is satisfactory. Therefore, traffic concurrency is satisfied for this project.

**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 buildings meet and exceed all of the required setbacks for the Business Tourism (BT) Zoning District. The BT Zoning District requires the following setbacks for a 16-story building, which includes 12 stories of residential floors and a 4 story parking deck: Front - 10 feet, Side – 20 feet + 2 feet for each story over four (44 feet), and Rear - 0 feet. The approximate setbacks provided for the proposed for the 16 story building are: Front – 71.0 feet +/- and Side (East) – 655 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:**

Not applicable at this time.

**DESTIN FIRE CONTROL DISTRICT:**

The Destin Fire Control District approved the project in a letter dated February 10, 2004, with conditions:

1. Add 3' to the road width because of the building.
2. The current site plan offer better circulation but a utility plan is needed to place the fire hydrants strategically.
3. It is my understanding that because of limited access that all principle buildings will be sprinklered with the exception of Bamboo Willies.
4. Fire Lane will be stenciled every 75' on the lower half.
5. Any power operated access gates are to be siren activated.

**GULF POWER:**

Not applicable at this time.

**OKALOOSA GAS:**

Not applicable at this time.

**SPRINT:**

Not applicable at this time.

**WATER/SEWER PROVIDER:**

Not applicable at this time.

**UTILITIES:**

Underground utilities are required.

## **STORMWATER:**

**Note: The proposed modifications requested do not impact the currently approved stormwater management plan.** 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 a note on the 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, two (2) will remain in their current location and one (1) shall be relocated and four (4) will be removed. The previously proposed right-in/right-out accessway between the proposed far western accessway and Stahlman Avenue has been removed from the plan.

At the far western 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 %	= 115,260 sq. ft. required
Site plan provides 18 %	= 115,351 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:	46
	<hr/>
<b>TOTAL TREES REQUIRED:</b>	<b>195</b>
<b>TOTAL TREES PROVIDED (Does not include trees kept):</b>	<b>521</b>

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 (Land Development Code August 26, 2002)

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 (Land Development Code August 26, 2002)

**292 units x 1.75 = 511 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: 1,587 parking spaces (including 24 handicap spaces)**

**TOTAL PROVIDED: 1,768 parking spaces (including 28 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:**

$$292 \text{ units} \times \$113.03 \text{ per unit} = \$33,004.76$$

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

**Resort Residential Unit:**

$$292 \text{ units} \times \$76.19 \text{ per unit} = \$22,247.48$$

**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:**

$$292 \text{ units} \times \$14.64 = \$4,274.88$$

**Retail:**

$$(199,999 \text{ square feet} \times \$47.59) / 1,000 = \$9,517.95$$

**Total for Police Protection: \$13,792.83**

**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:**

$$292 \text{ units} \times \$334.00 = \$97,528$$

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

$$(199,999 \text{ square feet} \times \$5,438.00) / 1,000 = \$1,087,594.56$$

**Total for Road: \$1,185,122.56**

<b>Parks:</b>	=	<b>\$33,004.76</b>
<b>Public Library: (not applicable)</b>	=	<b>\$22,247.48</b>
<b>Police Protection:</b>	=	<b>\$13,792.83</b>
<b>Roads:</b>	=	<b>\$1,185,122.56</b>
<b>*TOTAL:</b>	=	<b><u>\$1,254,167.63</u></b>

**\*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 (2/25/04) and are required to be paid by the applicant as part of the cost recovery associated with the proposed project:

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

**TOTAL:** **TBD**

**COMMENTS/CONDITIONS:**

**Public Input:**

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

**Per Community Development Department:**

**Note: All comments and conditions, as applicable, from Final Development Order No. 02-55 (Exhibit C) shall remain in affect:**

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 and Amendments 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):

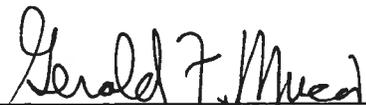
1. All site, parking, and stormwater design for each zone/phase shall meet the Destin LDC as of August 26, 2002 prior to each building permit per zone/phase.
2. The existing fuel tanks are in one location on existing engineering site plan (remove the note; to remain) and are shown in a different location 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. → *not w/ pin parking structure*
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.

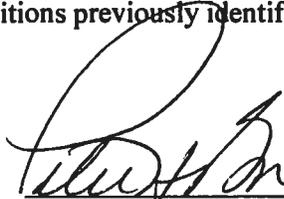
9. At the west accessway, the deceleration lane and a right in – right out with a raised island configuration shall provide enough of a physical deterrent to prevent motor vehicles traveling north from turning left. Any changes required by FDOT shall also require City Engineering review and comment prior 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 a note on the 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, 3-22-04  
 Community Development Director Date

  
 East Pass Investors, Inc., 4/7/04  
 Owner Date  
 Peter H. Bos,  
 President

 4/7/04  
\_\_\_\_\_  
Date

HarborWalk, Inc.  
Tenant  
Peter H. Bos  
President

 4/7/04  
\_\_\_\_\_  
Date

Pelican Point Harbor, Inc.  
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)" as acknowledged with the original Final Development Order No. 02-55.

