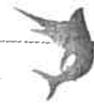




# CITY of DESTIN

4200 Two Trees Road • Destin, Florida 32541



www.cityofdestin.com

March 1, 2005

Order No. 05-26

## Final Development Order:

### **"Hidden Harbor" A MAJOR DEVELOPMENT (SP-04-03)**

Based upon the City Council's approval of this development order on February 22, 2005, this document will serve as your Final Development Order, to include all of the provisions of the attached Technical Review Committee Report, testimony, and with the following conditions as specified by the City Council:

#### BACKGROUND/ISSUE:

<b>Applicant:</b>	Choctaw Engineering, Inc., on behalf of Harbor Development, LLC, is requesting approval of a Major Development identified as "Hidden Harbor."
<b>Request:</b>	The proposed development consists of a 4-story, 4-unit, multi-family dwelling.
<b>Location:</b>	The proposed development is located at 742 Harbor Boulevard (U.S. Highway 98 East) and is more specifically known as Property Appraiser's parcel I.D. numbers 00-2S-22-0701-000M-0060 and 00-2S-22-0701-000M-0070. (Exhibit "A" for Location Map on file).
<b>Address:</b>	742 Harbor Boulevard (U.S. Highway 98 East)
<b>Parcel Size:</b>	The total site area is 0.60 acres, more or less.
<b>Future Land Use:</b>	Mixed Use (MU) – Comprehensive Plan 2000
<b>Zoning District:</b>	Residential Urban Duplex (RUD)
<b>Density:</b>	Allowed: 19.9 dwelling units per acre Proposed: 4 units / .60 acres = 6 units per acre
<b>Intensity:</b>	Allowed: 1.07 Floor Area Ratio Proposed: 0.159(LDC methodology) or 0.57 (Common methodology)
<b>Application Date:</b>	December 8, 2003
<b>TRC Date:</b>	January 15, 2004 and September 29, 2004 (Revised Plans)
<b>Approved Site Plan Date:</b>	May 25, 2004 and February 2, 2005 (Revised Plans)
<b>City Council Date:</b>	February 22, 2005

#### DETERMINATIONS:

1. The Destin City Council held a public hearing on February 22, 2005. The Council voted 5 to 0, to approve the project as presented in the agenda package and subject to all applicable conditions identified within the Final Development Order, TRC report dated May 25, 2004, Amended February 2, 2005, with all necessary changes and updates, testimony, and contingent upon payment of all outstanding fees prior to the issuance of the Development Order.

2. All the findings of the Technical Review Committee report dated May 25, 2004, Amended February 2, 2005, are incorporated herein.

**CONDITIONS OF APPROVAL FOR "Hidden Harbor" A MAJOR DEVELOPMENT (SP-04-03):**

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

Construction must commence within one (1) year of approval date (date from which the Final Development Order is issued by the Community Development Department) of the Final Development Order on March 1, 2005 (no later than March 1, 2006), 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 2.21.00, of the Destin Land Development Code for further explanation of the Development Order extension process.

2. If the applicant fully complies with the requirements of Condition No. 1 above, the concurrency capacity allocation status for "Hidden Harbor" 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 Article 6 of the Destin Land Development Code, or
  - B. Construction permit(s) are not obtained in accordance with Section 2.10.00 of the Land Development Code to maintain concurrency.
3. The applicant must obtain City of Destin permits for the following activities on and off site (These may require appropriate bonding):
  - A. Disturbance of the City's right-of-way (Note: Applicant must obtain the proper ROW permit(s) from the Engineering Department prior to issuance of building permits, unless otherwise exempted by the City Engineer.)
  - B. Pavement cuts.
  - C. Construction of any kind.
  - D. Clearing, grubbing, or demolition.
  - E. Paving, grading, drainage, sidewalks.
  - F. Signage.
  - G. Installation of utilities.
  - H. Construction trailers.

**4. Community Development Department Conditions:**

- A. Refer to pages 14 and 15 of the attached TRC Report dated May 25, 2004, Amended February 2, 2005.

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

- A. Refer to page 10 of the attached TRC Report dated May 25, 2004, Amended February 2, 2005.

## TECHNICAL REVIEW COMMITTEE REPORT

### "HIDDEN HARBOR" A MAJOR DEVELOPMENT (SP-04-03)

TRC Report: May 25, 2004, Amended February 2, 2005

#### ISSUE:

**Applicant:** Choctaw Engineering, Inc., on behalf of Harbor Development, LLC, is requesting approval of a Major Development identified as "Hidden Harbor."

**Request:** The proposed development consists of a 4-story, 4-unit, multi-family dwelling.

**Location:** The proposed development is located at 742 Harbor Boulevard (U.S. Highway 98 East) and is more specifically known as Property Appraiser's parcel I.D. numbers 00-2S-22-0701-000M-0060 and 00-2S-22-0701-000M-0070. (Exhibit "A" for Location Map on file).

**Address:** 742 Harbor Boulevard (U.S. Highway 98 East)

**Parcel Size:** The total site area is 0.60 acres, more or less.

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

**Zoning District:** Residential Urban Duplex (RUD)

**Density:** Allowed: 19.9 dwelling units per acre  
Proposed: 4 units / .60 acres = 6 units per acre

**Intensity:** Allowed: 1.07 Floor Area Ratio  
Proposed: 0.159(LDC methodology) or 0.57 (Common methodology)

**Application Date:** December 8, 2003

**TRC Date:** January 15, 2004 and September 29, 2004 (Revised Plans)

**Approved Site Plan Date:** May 25, 2004 and February 2, 2005 (Revised Plans)

**City Council Date:** February 22, 2005

#### DISCUSSION/FINDINGS:

Choctaw Engineering, Inc., on behalf of Harbor Development, LLC, is requesting approval of a Major Development identified as "Hidden Harbor." The proposed development consists of a 4-story, 4-unit, multi-family dwelling. The proposed development is located at 742 Harbor Boulevard (U.S. Highway 98 East) and is more specifically known as Property Appraiser's parcel I.D. numbers 00-2S-22-0701-000M-0060 and 00-2S-22-0701-000M-0070. The total site area is 0.60 acres, more or less.

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

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

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

### **COMPREHENSIVE PLAN/ZONING:**

The property currently has a Future Land Use designation of Mixed Use (MU) and a zoning designation of Residential Urban Duplex (RUD). The proposed use is consistent with the MU Future Land Use designation and is a use permitted by Special Exception within the RUD zoning district. The City of Destin's Board of Adjustment granted a Final Order on February 2, 2005, allowing for the use with conditions. These conditions are identified within this TRC report.

### **COMPATIBILITY:**

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

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

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

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

The property currently has a Future Land Use designation of Mixed Use (MU) and a zoning designation of Residential Urban Duplex (RUD). The proposed development consists of a 4-story, 4-unit, multi-family dwelling and two accessory buildings, one of which is pre-existing.

The proposed use, a multi-family, dwelling of up to four dwelling units within a single structure, up to four stories and 50 feet in height is permissible within the RUD zoning district as a special exception. To be granted a special exception for this use within the RUD zoning district certain design standards are required to achieve greater compatibility with the adjacent properties. These design standards address minimum side yard setbacks of 20 feet, maintaining existing natural vegetation, or providing for added landscaping to replace lost natural vegetation. On February 2, 2005, the City of Destin's Board of Adjustment reviewed and unanimously approved the request for a special exception as meeting the intent of the design standards and not adversely affects the public interest. Thus, by the land use being consistent with the Special Exception Final Order for a use within the RUD zoning district, the proposed project is compatible in regards to land use, zoning, and the future land use designation.

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

The main structure will be located 102 feet +/- from the northern property line, 69 feet +/- from the southern property line, 20 feet +/- from the eastern and western property lines and 10 feet between structures (Exhibit "B" on file). The following is a description of the surrounding area:

LOCATION RELATIVE TO SUBJECT SITE	FUTURE LAND USE	ZONING	EXISTING LAND USE
North	Commercial (C)	Business Tourism (BT)	Office Buildings, Restaurants, Shopping Center
South	Destin Harbor	Destin Harbor	Destin Harbor
East	Mixed Use (MU)	Residential Urban Duplex (RUD) & Residential Intensive Apartment (RIA)	Detached single-family dwellings and multi-family residential (Under Construction)
West	Mixed Use (MU)	Residential Urban Duplex (RUD)	Detached single-family dwellings, vacant, and multi-family residential

The location of the subject multi-family residential development is consistent with the MU future land use map designation and the RUD zoning district assigned to the site by special exception. The density of the project is detailed below. The structure within the proposed development is four stories in height. Height is detailed below.

As described herein, the surrounding uses include single-family residential (attached and detached), multi-family residential, and vacant undeveloped land. The proposed use is deemed complimentary to the surrounding uses and consistent with the current future land use trend in the area, which is a mixture of higher and lower density residential.

Density:

Allowed: 19.9 dwelling units per acre  
 Proposed: 4 units / .60 acres = 6 units per acre

Height:

The RUD Zoning District – Special Exception criteria has a maximum building height of up to 4 stories and 50 feet. The proposed multi-family structure is approximately 44 feet, 10 inches +/- high (four stories) from the ground slab to the mid point of the highest roof. The height of the proposed development is compatible and consistent with the character of buildings in the vicinity, which range from existing one story to 6-story structures and proposed 9-stories.

**Floor Area Ratio:**

The MU Future Land Use Map designation has a maximum Floor Area Ratio (FAR) of 1.07. Proposed FAR: 0.159 (LDC defined methodology) or 0.57 (Common utilized methodology)

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:

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

$$\frac{14,964 \text{ sq. ft.} - 10,817.5 \text{ sq. ft.}}{26,037 \text{ sq. ft.}} = \text{FAR}$$

$$4,146.5 \text{ sq. ft.} / 26,037 \text{ sq. ft.} = 0.159 \text{ FAR}$$

Utilizing the formula as defined above, the FAR of 0.04 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 0.54, which is below 1.07 and is calculated as follows:

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

$$14,964 \text{ sq. ft.} / 26,037 \text{ sq. ft.} = 0.57 \text{ FAR}$$

3. **Location and Extent of Parking, Access Drives, and Service Areas:**

These characteristics of the proposed development are technically consistent with the Comprehensive Plan and LDC and are considered compatible. Further details are provided within the TRC Report regarding "Ingress/Egress" and "Parking."

4. **Traffic Generation, Hours of Operation, Noise Levels and Outdoor Lighting:**

a. **Traffic Generation:** This analysis does not address traffic generation. Please refer to the "Traffic Analysis" section below.

b. **Hours of Operation:** Not applicable. The proposed uses are residential.

c. **Noise Levels:** No adverse noise impacts have been identified.

d. **Outdoor Lighting:** All proposed future revisions or additions to outdoor lighting plans must provide outdoor lighting specifications, including photometrics. Any future lighting must be shielded downward and away from adjacent properties in order to avoid spillover and illumination into the night sky. The source of all illumination should not be visible from off-site.

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

6. **Setbacks and Buffers:** The setbacks and buffers meet requirements for land use compatibility.

The site plan for the "Hidden Harbor" multi-family, dwelling development complies with the City of Destin Comprehensive Plan Policy 7.A.4.6 (p) and the Land Development Code §7.09.

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

**RIGHT-OF-WAY DEDICATION:**

There are no proposed right-of-way dedications.

**CONCURRENCY MANAGEMENT:**

Concurrency requirements have been met:

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

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

**TRAFFIC ANALYSIS:**

According to the traffic review conducted by the City's Transportation Manager, and approved on October 26, 2004, the proposed development will not degrade the level of service of those major transportation facilities in the City of Destin (urban collectors and arterials).

Traffic concurrency is satisfied for this project, as confirmed by the City's Transportation Manager after reviewing the applicant's traffic concurrency analysis dated October 4, 2004 (Exhibit "G" on file).

**SUBDIVISION OR PUD - PLAT:**

The proposed development will be a multi-family, dwelling residential use under condominium ownership and thus Condominium Documents are necessary. In lieu of providing draft Condominium Documents, the applicant has provided a Condominium Affidavit, dated March 29, 2004, (See Exhibit "I" on file). Condition: Prior to the issuance of a Certificate of Occupancy, the condominium documents, which incorporate the unification of property, must be reviewed, approved by City Staff, and properly recorded as stated within the Condominium Affidavit.

**WHITE SANDS ZONE:**

The project property is located in White Sand Zone I.

**PHASING:**

The proposed development will not be a phased development.

**AIRPORT PROTECTION:**

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 proposed building meets all of the required setbacks for the Special Exception - RUD Zoning District.

	<u>Required</u>	<u>Buffers</u>	<u>Provided</u>
Front (north):	20'	10' FP	*44.98' including the 10' FP
Side (west):	20'	5' CB	20.04' including the 5' CB
Side (east):	20'	5' CB	20.00' including the 5' CB
Rear (south):	0'	N/A	approx. 69'
Between Bldgs.:	10'	N/A	33'

Note: 5' FP = 5' Front Perimeter Landscaped Area for duplex properties, 10' VB = 10' Vegetative Buffer Area, and 5' CB = 5' Common Boundary Landscaped Area. The following buffers are required: the standard five (5) foot common boundary buffer along the eastern and western property lines. The 10' FP is required along the northern property line. \*Note: An existing legal non-conforming structure is to remain on site and be utilized by the residents. The structure is non-conforming because of the encroachment of 13.21' into the required 20' front setback.

**SIGNS:**

No overall sign approval is part of this application. Any and 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. Note: Proper measures shall be taken to provide an address sign along U.S. Highway 98 East.

**UTILITIES:**

Underground utilities/service (existing and proposed) are required.

**COX COMMUNICATIONS:**

Cox Communications approved the project in a letter dated September 9, 2004

**DESTIN FIRE CONTROL DISTRICT:**

The Destin Fire Control District approved the project in a letter dated November 2, 2004

**GULF POWER:**

Gulf Power approved the project in a letter dated January 15, 2004

**OKALOOSA GAS:**

Okaloosa Gas approved the project in a letter dated September 29, 2004

**SPRINT:**

Sprint approved the project in a letter dated September 13, 2004

**WATER/SEWER PROVIDER:**

Destin Water Users, Inc. approved the project in a letter dated October 20 2004. Please note the following as conditions of the Final Development Order:

1. All revisions to the water and/or sewer utilities of any previously approved project, must be reapproved by Destin Water Users, Inc., at least 24 hours prior to implementation. If you have question or concerns please call Steve Schmitt/Field Operations Manager (850) 837-6146 ext. 106 or Steve Benoit GIS Section Head (850) 837-6146 ext. 109.
2. Field verified "As-Built" Plans must be furnished to Destin Water Users, Inc., prior to the release of water service.

**STORMWATER:**

The stormwater management plan was found acceptable and approved on January 27, 2005, and had the following stormwater related notes and conditions:

1. **Note:** The Engineer of Record is cautioned to review the construction documents as submitted to assure thorough information is provided to allow proper construction. All stormwater management facilities shall be required to be constructed per the Codes of the City of Destin.
2. **Prior to obtaining a building permit,** a copy of the FDEP stormwater (based on current design) approval shall be forwarded to the City Engineer's office.
3. **Prior to obtaining a City permit for water side improvements,** provide copies of the Destin Harbor Board approval and FDEP/USACOE submerged lands approval.
4. **Condition:** If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be considered to be non-compliant and a revised stormwater plan shall be re-submitted for review and approval.
5. **Condition:** All perforated pipe and Exfiltration beds shall be inspected and approved by the Engineer of Record and the City of Destin prior to backfilling.

6. **Prior to obtaining a Certificate of Occupancy**, the Stormwater Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltrations area and catch basins, and b) maintenance of vegetative cover in surface infiltration areas. Owner shall regrade swale/retention areas as required to maintain approved design cross-section(s), line(s), and grade(s).

**INGRESS/EGRESS:**

A 22' +/- wide two-way ingress/egress access is proposed at the northern portion of the property connecting to Harbor Boulevard (U.S. Highway 98, East).

**PARKING:**

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

*Per code:*

Dwelling, multi-family (4 stories or less): 2.25 parking spaces per unit

*Per site plan:*

4-units x 2.25 spaces = 9 parking spaces

**TOTAL REQUIRED: 9 parking spaces**

**TOTAL PROVIDED: 9 parking spaces**

**LOADING SPACE (ZONE):**

Deemed not applicable for the proposed use.

**REFUSE COLLECTION:**

Refuse collection is to be provided by curbside pickup.

**SIDEWALKS:**

A 4' wide sidewalk is required adjacent to the northern property line and within the Harbor Boulevard (U.S. Highway 98, East) right-of-way. A continuous sidewalk exists; however, any portion damaged during construction shall be replaced prior to issuance of a Certificate of Occupancy. Pedestrian connectivity is effectively provided throughout the development.

**OPEN SPACE/LANDSCAPE:**

**Open Space Requirements:**

Site Development Area (Total Area): 26,037 sq. ft. (0.60 acres, more or less)

Required 18% Open Space: 4,687 sq. ft.

Provided Open Space: 11,276 sq. ft. (43.31%)

Tree Requirements:

Credits for Existing Trees (2" to 6" diameter) on Site (0 trees x 2 credits per tree):	0
Credits for Existing Trees (7" to 12" diameter) on Site (5 trees x 3 credits per tree):	15
Credits for Existing Trees (13" to 19" diameter) on Site (3 trees x 4 credits per tree):	12
Credits for Existing Trees (20" to 24" diameter) on Site (0 trees x 5 credits per tree):	0
Total Reforestation Credits for saving Existing, Protected, or Preserved Trees:	<u>27</u>
Reforestation Trees (1 per every .10 of an acre: 0.60 x 10 = 6 Required on Site:	<u>6</u>
<b>Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:</b>	<u><u>0</u></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:	4
Parking Lot Trees (1 per end row and landscape island) Required on Site:	3
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site: (Includes additional vegetation per Compatibility Analysis)	0
Replacement Trees (removal of trees 12" d.b.h. or greater) Required on Site:	0
<b>TOTAL TREES REQUIRED:</b>	<u>7</u>
<b>TOTAL TREES PROVIDED:</b>	<u>15</u>

A five (5) foot Common Boundary Landscape Area is required along those property lines that directly abut an adjacent parcel (east and west). A ten (10) foot Front Perimeter Landscape Area is required along the northern property line for multi-family properties. The required five (5) foot Common Boundary landscaping shall provide a minimum of fifty percent (50%) opacity for that area between the finished grade level at the common boundary line and six (6) feet above said level and horizontally along the length of all common boundaries within three (3) years of planting. If required, the ten (10) foot Front Perimeter Landscape Buffer shall be calculated as one (1) tree per twenty-five (25) linear feet of buffer. Unless otherwise noted, all required trees must be a minimum of six (6) feet high at time of planting and reach a crown of twenty (20) feet at maturity. If the twenty (20) foot crown requirement is not met, additional trees shall be added and grouped together to meet the twenty (20) foot crown. If shrubs are used in the required buffer areas, they must be a minimum of twelve (12) inches in height when measured immediately after planting. **WARNING: A Certificate of Occupancy will not be issued until the required landscape material per the approved landscape plan has been inspected and approved by the Community Development Department. See Special Exception Final Order (SPX-05-02) for additional landscape design requirements.**

IMPACT FEES:

The following impact fee amounts may be subject to change. Final impact fee amounts will be determinant upon the gross floor area of the development and whether exemption or credits are applicable and reevaluated at the time a Certificate of Occupancy is requested. Any claims for exemption or credits must be made no later than the time a Certificate of Occupancy is requested. Refer to Article 19 of the Destin Land Development Code for specifics regarding impact fees. The owner/applicant must pay the final impact fee amounts prior to the issuance of a Certificate of Occupancy:

Parks: The park fees were calculated using the "Multi-family = \$113.03 per unit" amount.

Multi-family:

$$(4 \text{ proposed units}) \times (\$113.03) = \$452.12$$

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

Multi-family:

$$(4 \text{ proposed units}) \times (\$76.19) = \$304.76$$

Police Protection: The police protection impact fees were calculated using the "U.S. 98 Corridor Resort Residential unit = \$14.64 per unit." (Note: This is the most similar land use available under this category.)

Resort Residential unit:

$$(4 \text{ proposed units}) \times (\$14.64) = \$58.56$$

Road: The road impact fees were calculated using the "Multi-family = \$577.00 per unit." (Note: This is the most similar land use available under this category.)

Multi-family:

$$(4 \text{ proposed units}) \times (\$577.00) = \$2,308.00$$

**Totals:**

Parks:	=	\$452.12
Public Library:	=	\$304.76
Police Protection:	=	\$58.56
Roads:	=	\$2,308.00
<b>TOTAL:</b>	=	<b>\$3,123.44</b>

**Totals for proposed individual unit:**

Parks:	=	\$113.03
Public Library:	=	\$76.19
Police Protection:	=	\$14.64
Roads:	=	\$577.00
<b>TOTAL:</b>	=	<b>\$780.86</b>

**OTHER FEES:**

The fees listed below are subject to change and are based on the most recent information available (March 11, 2005). The fees must be paid by the applicant as part of the cost recovery associated with the proposed project:

City Traffic Consultant:	Paid from Escrow
City Compatibility Consultant:	N/A
City Surveyor:	N/A
Re-Review Fees (Community Dev.)	Paid
Re-Review Fees (Stormwater Man.)	Paid
Administrative Costs:	\$10.80
City Council Advertising:	\$97.20
<b>TOTAL (as of 3/11/05) =</b>	<b>\$108.00 (Subject to change)</b>

**STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT**

If applicable, FDEP stormwater, FDEP beaches and shores, and NPDES approvals shall be forwarded to the city engineer's office for stamp received and then forwarded to the Community Development Department.

**COMMENTS/CONDITIONS:**

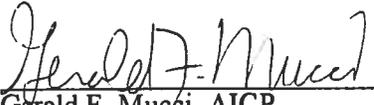
**Public and Applicant Input:**

Public concern/opposition was initially documented with the original development proposal. With a cooperative effort by the developer, neighbors, and City Staff, a compromise was established. An ordinance was approved on December 20, 2004, by the City Council to allow by special exception development in the RUD zoning district of structures up to four (4) dwelling units with a maximum height of 4 stories and 50 feet in height resulting in a more compatible and desirable development than may otherwise be achieved without the special exception process. Adhering to the requirements of the Final Order by the City of Destin's Board of Adjustment granting a special exception, the development plan was revised. Also as part of the cooperative effort, the parties involved reached an understanding of the agreement. This understanding of agreement with conditions is attached as (Exhibit "H" on file).

**Per Community Development Department:**

1. Prior to the issuance of the Development Order, all outstanding costs associated with this project and are owed to the City must be paid in full.
2. Prior to the issuance of a building permit for vertical construction, the remaining wall details shall be designed by a structural engineer and submitted to the City of Destin for review.
3. Prior to the issuance of a Certificate of Occupancy, all applicable impact fees must be paid.
4. Prior to the issuance of a Certificate of Occupancy, the condominium documents, which incorporate the unification of property, must be reviewed, approved by City Staff, and properly recorded as stated within the Condominium Affidavit dated March 29, 2004.

5. **Prior to the issuance of a Certificate of Occupancy**, the landscaping and outdoor lighting, if installed, must be inspected and approved by the Community Development Department. The lighting plan must provide specifications for the proposed outdoor lighting, including photometrics. All lighting must be shielded downward and away from adjacent properties in order to avoid spill-over and illumination into the night sky.
6. **Prior to the issuance of a Certificate of Occupancy**, an address sign must be properly installed along Harbor Boulevard (U.S. Highway 98, East).
7. **Note:** The Engineer of Record is cautioned to review the construction documents as submitted to assure thorough information is provided to allow proper construction. All stormwater management facilities shall be required to be constructed per the Codes of the City of Destin
8. **Prior to obtaining a building permit**, a copy of the FDEP stormwater (based on current design) approval shall be forwarded to the City Engineer's office.
9. **Prior to obtaining a City permit for water side improvements**, provide copies of the Destin Harbor Board approval and FDEP/USACOE submerged lands approval.
10. **Condition:** If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be considered to be non-compliant and a revised stormwater plan shall be re-submitted for review and approval.
11. **Condition:** All perforated pipe and Exfiltration beds shall be inspected and approved by the Engineer of Record and the City of Destin prior to backfilling.
12. **Prior to obtaining a Certificate of Occupancy**, the Stormwater Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltrations area and catch basins, and b) maintenance of vegetative cover in surface infiltration areas. Owner shall regrade swale/retention areas as required to maintain approved design cross-section(s), line(s), and grade(s).
13. Any additional revisions to the site plan must be reviewed and approved by the appropriate Technical Review Committee members and may be subject to a compatibility analysis if required pursuant to provisions stated within the approved Development Order, the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09] or if necessary as agreed upon by the City and the applicant prior to the issuance of the final development order.


3-1-05  
 \_\_\_\_\_  
 Gerald F. Mucci, AICP Date  
 Community Development Director

  
 \_\_\_\_\_  
 Harbor Development, LLC Date  
 Owner  
 Mr. James J. Wellborn,  
 Managing Member



# CITY of DESTIN

4200 Two Trees Road • Destin, Florida 32541



[www.cityofdestin.com](http://www.cityofdestin.com)

**Office of Community Development**  
**Phone: (850) 837-4242 ext. 3126**  
**Fax: (850) 337-0492**  
**Email: [kgallander@cityofdestin.com](mailto:kgallander@cityofdestin.com)**

February 6, 2006

Theriaque Vorbeck & Spain  
Attn: Mr. David A. Theriaque  
1114 East Park Avenue  
Tallahassee, FL 32301

**Subject: Hidden Harbor – Final Development Order Extension Request**

Dear Mr. Theriaque:

This letter is in response to your correspondence received to my office on January 26, 2006. Based on your research and the review and opinion of staff and our legal counsel, the new Comprehensive Plan provisions do not apply to Final Development Order No. 05-26.

As to the best of my knowledge and as of the date of this letter, no new ordinances amending the City's Land Development Code have been adopted that would significantly affect your client's ability to development the property as currently approved under Final Development Order No. 05-26. The only ordinance recently adopted is Ord. No. 05-13-LC. As you are aware, its main objective is to implement the Tier System as required by the Comprehensive Plan. The majority of the code changes do not impact the Hidden Harbor development. There are changes to the landscaping requirements, which now call for tree sizes to be a minimum of 10 feet in height and two and one-half inches (2 ½ ) caliper at the time of planting. Providing an amended landscape plan for staff review will enable us to ensure compliance with these new regulations.

City Staff believes it is still advisable to consult with your client as to the consequences of the extension request in that the requirements of Article 2, Section 2.21.01 of the LDC shall remain applicable. I would advise your client to periodically contact the City Clerk's Office to obtain any newly adopted ordinances and review them to determine the affects on the property.

The Community Development Department grants the one (1) year extension to your client's final development order as allowed under the requirements of Article 2, Section 2.21.01 of the LDC.

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

Sincerely,

Kenrick S. Gallander, AICP  
Current Planning Manager

KSG/

cc: File: Letter Log  
City Manager, Greg Kisela  
Community Development Director, Jerry Mucci, AICP  
Land Use Attorney, Scott Shirley



# CITY of DESTIN

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January 10, 2006

Theriaque Vorbeck & Spain  
Attn: Mr. David A. Theriaque  
1114 East Park Avenue  
Tallahassee, FL 32301

**Subject: Hidden Harbor – Final Development Order Extension Request**

Dear Mr. Theriaque:

This letter is in response to your correspondence received to my office on December 16, 2005. You inquired about the option to extend Final Development Order No. 05-26 pursuant to section Article 2, 2.21.00. Your request has been submitted 30 days prior to the twelve (12) month deadline of March 1, 2006, which if granted would extend the final development order to March 1, 2007.

You also requested confirmation from City Staff that since the issuance of the final development order no subsequent land development code (LDC) requirements have been adopted that would be applicable to your client's property. In addition to the LDC, I believe it is applicable to expand on this request as it is necessary to include the Comprehensive Plan – 2010 as being subsequently adopted by the City and certified by the State.

Since the issuance of the final development order the City has adopted Comprehensive Plan – 2010. With the adoption of Comprehensive Plan - 2010, the Future Land Use Map designation (FLUM) for the parcels associated with the Hidden Harbor project has changed from Mixed Use (MU) to Low Density Residential (LDR). As stated in Policy 1-2.2.2 under Table 1-2, the use allowed under the LDR FLUM designation is restricted to single-family residential with a maximum height of 35'<sup>3</sup>/<sub>8</sub> stories, and a maximum density of 5.81 units/acre. The development currently approved as part of final development order 05-26, is for a 4-story, 4-unit, multi-family residential dwelling. The current use, height, and density of the currently approved development as part of final development order 05-26 are not permissible under the newly adopted FLUM designation of LDR.

Due to the fact the FLUM designation changed, which would prevent the current project design from being permitted, City Staff has initiated the amendment process to the Comprehensive Plan to ensure continuance and allowance of the project as originally approved.

Based on the initiated Comprehensive Plan amendment, the Community Development Department grants the one (1) year extension to your client's final development order. However, please be advised that the initiated comprehensive plan amendment may not be approved. City Staff believes it is still advisable to consult with your client as to the consequences of the extension in that the requirements of Article 2, Section 2.21.01 of the LDC remain applicable.

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

Sincerely,



Kenrick S. Gallander, AICP  
Current Planning Manager

KSG/

cc: File: Letter Log ✓ *DO No : 05-26*  
City Manager, Greg Kisela  
Community Development Director, Jerry Mucci, AICP  
Land Use Attorney, Scott Shirley



# CITY of DESTIN

4200 Two Trees Road • Destin, Florida 32541



www.cityofdestin.com

March 10, 2009

Harbor Development, LLC  
Attn.: Mr. James J. Wellborn  
249 East Mack Bayou Drive  
Santa Rosa Beach, Florida 32459

**Subject: "Hidden Harbor: A Major Development" – Expiration of Final Development Order No. 05-26**

Dear Mr. Wellborn:

This letter is to inform you that according to our records the Final Development Order No. 05-26 has expired. Article 2, section 2.21.00 of the Land Development Code (LDC) requires "...a building permit must be issued for either the construction of infrastructure or construction of the entire project and construction must commence within said one year period after which the permitted development activity may be completed provided the conditions of this section continue to be satisfied." The LDC further states "If a building permit is not issued within one year from the date of issuance of the final development order or a building permit is issued and construction has not commenced within one year from the date of issuance of the final development order, then the development order becomes null and void." The final development order for the above-mentioned project was issued on March 1, 2005. A building permit for clearing, grading, wall demo, and site retaining wall was issued on February 23, 2007. However, the contractor notified the City that he canceled the permit on February 28, 2007. No further permits were issued for work on the property since then. Therefore, the City considers this Development Order null and void.

If you feel this determination has been made in error, then you will need to either: a) provide documentation prove that work was performed in accordance with said permit, the date said work started and was completed or b) complete an administrative appeal application, submit a \$500.00 application fee, submit a \$500.00 escrow fee (for cost recovery for outside consultants and administrative, advertising, mailing expenses) and file said application with the Community Development Department within 30 calendar days of date of this determination. The appeal process is described in Article 2, Section 2.22.00 of the Land Development Code (see attachment).

If you have any further questions or concerns, please do not hesitate to call for assistance.

Sincerely,

R. Ashley Grana  
Planning Manager

RAG/

## PLANNING DIVISION

Phone: (850) 837-4242 ext. 3175 Fax: (850) 650-0693 Email: agrana@cityofdestin.com