



CITY of DESTIN

4200 Two Trees Road • Destin, Florida 32541



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March 28, 2008

Order No. 08-13

Final Development Order:

**“CARETTA DUNES (pka BEACH CRYSTAL), 2nd AMENDMENT”
A TIER 3 MAJOR DEVIATION TO A PREVIOUSLY APPROVED
MAJOR DEVELOPMENT
(SP-08-04)**

Based upon the City Council's approval and the City's issuance of this Final Development Order on March 24, 2008, this document will serve as your Final Development Order, and includes all of the provisions and conditions in the attached Technical Review Committee Report.

ISSUE:

Applicant: Moore Bass Consulting, Inc., on behalf of Traship Holding, A.G., (A Swiss Corporation) and H. Dieter Blasbichler.

Request: The applicant is requesting approval of a Tier 3 Major Deviation (2nd Amendment) to a previously approved Major Development identified as “Caretta Dunes (previously known as Beach Crystal).” The proposed development amendment is a modification to the overall master plan development. The following outlines the specific components of the modification:

- The proposed deviation seeks Tier 3 approval to allow an additional 1 story and 16 units. The maximum number of stories and height proposed is 5 stories, 60feet.

Location: The proposed development is located south of Scenic Highway 98, between Tarpon Street and Sunfish Street, more specifically known as Property Appraiser's parcel I.D. numbers 00-2S-22-0580-000A-0090, 00-2S-22-0580-000A-0100, 00-2S-22-0580-000A-0110, 00-2S-22-0580-000A-0120, and the east 40' of 00-2S-22-0390-0000-00CA.

Parcel Size: The total proposed site area is 5.99 acres, more or less.

Future Land Use: Crystal Beach Resort (CBR)

Zoning District: Crystal Beach Resort (CBR)

Density: Previous Development Order: Up to 12 dwelling units per acre
64 units approved for total site / 5.99 acres = 10 d.u./acre
Proposed Tier 3: Up to 24 dwelling units per acre (If Tier 3 approval granted.)
80 units proposed overall for total site / 5.99 = 13 d.u./acre

Intensity – Floor Area Ration (FAR): Not applicable

2nd Amendment Application Date: December 21, 2007

TRC Date: January 16, 2008

Approved TRC Site Plan Date: February 19, 2008

City Council Date: February 25, 2008

DETERMINATIONS:

1. All the findings of the Technical Review Committee report dated February 19, 2008, are incorporated herein.

CONDITIONS OF APPROVAL FOR "CARETTA DUNES – 2nd AMENDMENT" A TIER 3 MAJOR DEVIATION TO A PREVIOUSLY APPROVED MAJOR DEVELOPMENT (SP-08-04):

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

Construction of infrastructure has commenced as approved under the original final development order. This amendment to the original final development order does not alter the timeframes required to maintain construction activity on the site to ensure concurrency is maintained and so that the development order does not become null and void.

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

2. If the applicant fully complies with the requirements of Condition No. 1 above, the concurrency capacity allocation status for "Caretta Dunes" will be protected. **However, the protected concurrency status will be lost and the application for development order approval must be re-initiated if:**
 - A. **Construction activity ceases for a period of one (1) year after a building permit for construction of infrastructure or construction of the entire project has been issued so that concurrency is not maintained under Article 6 of the Destin Land Development Code.**
3. The applicant must obtain City of Destin permits for the following activities on and off site (These may require appropriate bonding):
 - A. Disturbance of the City's right-of-way (Note: Applicant must obtain the proper ROW permit(s) from the Engineering Department prior to issuance of building permits, unless otherwise exempted by the City Engineer.)
 - B. Pavement cuts.
 - C. Construction of any kind.
 - D. Clearing, grubbing, or demolition.
 - E. Paving, grading, drainage, sidewalks.
 - F. Signage.
 - G. Installation of utilities.
 - H. Construction trailers.

4. **Conditions per Community Development Department:** Refer to pages 16 thru 18 of the attached TRC Report dated February 19, 2008.
5. **Conditions per Engineering Department:** Refer to pages 18 thru 20 of the attached TRC Report dated February 19, 2008.
6. **Conditions Per Destin Water Users, Inc.:** Refer to pages 11 and 12 of the attached TRC Report dated February 19, 2008.

TECHNICAL REVIEW COMMITTEE REPORT

**“CARETTA DUNES (pka BEACH CRYSTAL), 2nd AMENDMENT”
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(SP-08-04)**

TRC Report: February 19, 2008

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Application Date: December 21, 2007

TRC Date: January 16, 2008

Approved TRC Site Plan Date: February 19, 2008

City Council Date: February 25, 2008

DISCUSSION/FINDINGS:

Moore Bass Consulting, Inc., on behalf of Traship Holding, A.G., (A Swiss Corporation) and H. Dieter Blasbichler is requesting approval of a Tier 3 Major Deviation (2nd Amendment) to a previously approved Major Development identified as “Caretta Dunes (previously known as Beach Crystal).” The currently approved development is for a 4 story, 64-unit multifamily residential condominium complex, pool amenity area, a 5-foot public beach access easement, and the relocation of an existing 5-foot private beach access easement. The developer also agreed to design, obtain approval, and construct designated public beach access parking (estimated 5 or 6 parallel parking spaces) along the southwestern side of the Tarpon Street right-of-way (ROW). The proposed deviation seeks Tier 3 approval to allow an additional 1 story and 16 units. The proposed development is located south of Scenic Highway 98, between Tarpon Street and Sunfish Street, more specifically known as Property Appraiser’s parcel I.D. numbers 00-2S-22-0580-000A-0090, 00-2S-22-0580-000A-0100, 00-2S-22-0580-000A-0110, 00-2S-22-0580-000A-0120, and the east 40’ of 00-2S-22-0390-0000-00CA. The total proposed site area is 5.99 acres, more or less.

The following again details the sequence of this development to this point:

- Final Development Order No. 05-21: The proposed development consists of constructing a 4 story, 64-unit multifamily residential condominium complex, which includes a pool amenity area, a 5-foot public beach access easement, and the relocation of an existing 5-foot private beach access easement.
- Final Amended Development Order (1st Amendment-Simple Deviation) No. 05-28: As a result of architectural plan changes, the site plan structural footprint was amended to reflect added gross floor area. The amount of added gross floor area is considered de-minimus.
- The proposed deviation seeks Tier 3 approval to allow an additional 1 story and 16 units. The maximum number of stories and height proposed is 5 stories, 60feet.
- For the overall development, the applicant is representing to the City Council their findings for Tier 3 compliance with Article 7, Section 7.09.03 (See Exhibit “A”: Tier III Findings of Fact “Beach Crystal (Caretta Dunes) Condominium” dated January 24, 2008, pages 1-6, Figures 6-20, and Exhibit “B” – Wind Assessment – Refer to File SP-08-04). More specifically, the applicant shall prove the overall site is technically compliant and able to achieve additional height of 10 feet beyond the Tier 1 maximum of 50 feet, additional density to allow for 80 units, and no additional intensity by qualifying for the Tier 3 standards of Section 7.09.03.G and the public benefits if approved by the City Council.

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

COMPREHENSIVE PLAN/ZONING:

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

TIER 2 SUPPLEMENTAL DESIGN STANDARDS:

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

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

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

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

See Exhibit “A”: Tier III Findings of Fact “Beach Crystal (Caretta Dunes) Condominium” dated January 24, 2008, pages 1-3, Figures 13, 14, and 17 – 20. (See File: SP-08-04).

Open space:

Tiered Land Use System developments proposed in the CBR future land use designation shall provide an additional five percent open space in addition to the required minimum of 25 percent for a total of 30 percent. The applicant is proposing 65.2% open space. The proposed amount of open space, as defined in the Land Development Code, for this development is as follows:

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

170,166 sq. ft. / 260,924 sq. ft. (Development Area) = 65.2% open space provided

Setbacks & Buffers:

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

| PROPERTY LINE | REQUIRED SETBACK | PROVIDED |
|---------------|---|---|
| North (front) | <ul style="list-style-type: none"> Ten (10) feet minimum and no maximum. | <ul style="list-style-type: none"> 14 feet |
| West (side) | <ul style="list-style-type: none"> Min 10 ft. for any portion of a building having a height of 35 ft. or less Min 15 ft. for any portion of a building having a height above 35 ft. but below 50 ft. Additional 2 ft. setback for each 10 ft. or fraction thereof exceeding 50 ft. in height | <ul style="list-style-type: none"> Min. Required: 17 feet. Provided: 29.33 feet |
| East (side) | <ul style="list-style-type: none"> Min 10 ft. for any portion of a building having a height of 35 ft. or less Min 15 ft. for any portion of a building having a height above 35 ft. but below 50 ft. Additional 2 ft. setback for each 10 ft. or fraction thereof exceeding 50 ft. in height | <ul style="list-style-type: none"> Min. Required: 17 feet. Provided: 29.34 feet |
| South (rear) | <ul style="list-style-type: none"> As established by FDEP | <ul style="list-style-type: none"> Varies |

The proposed amended development meets all of the required setbacks for a Tier 2 development located in the CBR zoning district.

Landscaping:

All Tier 3 developments shall meet the following landscaping requirements.

Tree Requirements:

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

WARNING: A Certificate of Occupancy will not be issued until the required landscape material per the approved landscape plan has been inspected and approved by the Community Development Department.

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

| | |
|--|-----------|
| Credits for Existing Trees (2" to 6" diameter) on Site (0 trees x 2 credits per tree): | 0 |
| Credits for Existing Trees (7" to 12" diameter) on Site (0 trees x 3 credits per tree): | 0 |
| Credits for Existing Trees (13" to 19" diameter) on Site (0 trees x 4 credits per tree): | 0 |
| Credits for Existing Trees (20" or 24" diameter) on Site (0 tree x 5 credits per tree): | 0 |
| Total Reforestation Credits for Existing, Protected, or Preserved Trees: | 0 |
| Reforestation Trees (1 per every .10 of an acre: 5.99 x 10 = 60) Required on Site: | 60 |
| Total Reforestation Credits: | 0 |
| Total Reforestation Trees Required on Site: | 60 |

| | |
|--|-------------------|
| Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site: | 60 |
| Front Perimeter Trees (1 per 25') Required on Site: | 28 |
| Replacement Trees (removal of trees over 12" d.b.h.) Required on Site: | 0 |
| Parking Lot Trees (1 per end row and landscape island) Required on Site: | 6 |
| Vegetative Buffer Trees, if applicable, Required on Site: | N/A |
| Trees Required on Site per LDC Section 12.04.04: | <u>94</u> |
| 20 percent increase for Tier 2 Development (0.20 x 94 required trees = 18.8) | 112.8 |
| TOTAL TREES REQUIRED: | <u>113</u> |
| TOTAL TREES PROVIDED: | <u>162</u> |
| TOTAL TREES (Sabal Palm Reduction and a min. 12' tall) PROVIDED: | 114 |

Shrub requirements:

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

Pedestrian amenities:

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

The proposed development provides a pedestrian amenities component, which incorporates a gathering/sitting plaza area at the center of the development adjacent to the right-of-way, pedestrian walkways, and pedestrian amenities along Scenic Highway 98. Included in these areas are benches, waste containers, planters, landscaping, and lighting. (See TRC Report Exhibit “A” – Figures 10, 11, Sheet C4.0, and Sheets L-501-503 - See File: SP-08-04).

Design initiatives that accommodate transit needs:

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

An unimproved transit stop is located within one-quarter mile west of the development at the intersection of Pompano Street and Scenic Highway 98. An unobstructed path is provided to the unimproved transit stop via the City’s sidewalk along Scenic Highway 98. The applicant is committed to improving the existing transit stop to meet all adopted transit design standards and to upgrade the unobstructed path/sidewalk to 10 feet wide to be in compliance with the Crystal Beach Multimodal District requirements.

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

Pedestrian and/or vehicular access:

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

TIER 3 STANDARDS:

See Exhibit "A": Tier III Findings of Fact "Beach Crystal (Caretta Dunes) Condominium" dated January 24, 2008, pages 1-6, Figures 6-20, and Exhibit "B" – Wind Assessment for details on the applicant's intent to adhere to the Tier 3 standards (See File: SP-08-04).

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

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

1. **Dedicate \$2.00 per square foot of floor area developed into a dedicated "affordable workforce housing fund."** (See Exhibit "A": Tier III Findings of Fact "Beach Crystal (Caretta Dunes) Condominium" dated January 24, 2008, pages 5 and 6 and Figure 12 - See File: SP-08-04)
2. **The relocation and conversion of above ground utilities to below ground locations.** (See Exhibit "A": Tier III Findings of Fact "Beach Crystal (Caretta Dunes) Condominium" dated January 24, 2008, pages 5 and 6 and Figure 12 - See File: SP-08-04)
3. **Construct open space malls and arcades serving as gathering places of the general public.** (See Exhibit "A": Tier III Findings of Fact "Beach Crystal (Caretta Dunes) Condominium" dated January 24, 2008, pages 5 and 6 and Figure 12 - See File: SP-08-04)
4. **Create and/or reinforce a pedestrian friendly transit system.** (See Exhibit "A": Tier III Findings of Fact "Beach Crystal (Caretta Dunes) Condominium" dated January 24, 2008, pages 5 and 6 and Figure 12 - See File: SP-08-04)

And at least one of the following:

1. **Beach access improvements.** (See Exhibit "A": Tier III Findings of Fact "Beach Crystal (Caretta Dunes) Condominium" dated January 24, 2008, pages 5 and 6 and Figure 12 - See File: SP-08-04)
2. **Off-site public parking garage.** Not applicable.
3. **Preserve significant view of the gulf, harbor, or bay.** Applicant has chosen not to pursue this benefit.
4. **Provide significant improvements to public infrastructure (private investment in off-site infrastructure improvements).** (See Exhibit "A": Tier III Findings of Fact "Beach Crystal (Caretta Dunes) Condominium" dated January 24, 2008, pages 5 and 6 and Figure 12 - See File: SP-08-04)

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

CONCURRENCY MANAGEMENT:

Concurrency requirements have been met:

Solid Waste: **YES, approved. (Exhibit "C" - See File: SP-08-04)**

Potable Water: **YES, approved. (Exhibit "D" - See File: SP-08-04)**

Sanitary Sewer: **YES, approved. (Exhibit "E" - See File: SP-08-04)**

Traffic: **YES, approved. (Exhibit "F" - See File: SP-08-04)**

Stormwater Management: **YES, approved. (Exhibit "G" - See File: SP-08-04)**

TRANSPORTATION ANALYSIS:

According to the transportation/traffic concurrency review conducted by the City's Transportation Manager, currently represented by Renaissance Planning Group (RPG), Inc., and approved on February 18, 2008, the proposed development will not degrade the level of service of those major transportation modes and facilities in the City of Destin and complies with the goals, objectives, and policies of the multimodal transportation district as found in the City's Comprehensive Plan: 2010.

As a requirements of the City's multimodal transportation district, as adopted in Comprehensive Plan: 2010, the City's Transportation Manager has reviewed and approved the applicant's traffic impact analysis dated January 24, 2008 (Exhibit "F" - See File: SP-08-04).

SUBDIVISION OR PUD - PLAT:

The proposed development will be a multi-family residential use under condominium ownership and thus Condominium Documents are necessary. In lieu of providing draft Condominium Documents at this time, the applicant has provided a Condominium Affidavit, dated March 3, 2005, (See Exhibit "H" - See File: SP-08-04).

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

WHITE SANDS ZONE:

The project property is located in White Sand Zone I.

PHASING:

The proposed development will not be a phased development.

AIRPORT PROTECTION:

As proposed, this project is not affected by nor affects the Destin – Ft. Walton Beach Airport. The applicant has indicated on the development order application that the proposed project is not within the Airport Expansion Area. NOTE: If construction necessitates the use of a crane, or other obstruction, which exceeds Federal Aviation Administration FAR 77 Standards (normally 200 feet above ground level), the applicant must request a variance from the FAA for temporary encroachment into this restrictive area and a copy of a completed FAA Form 7460, must be placed on file with the City of Destin prior to the crane, or other obstruction, penetrating the restricted airspace.

SIGNS:

No overall sign approval is part of this application. All future signs must comply with the applicable section of the Destin Land Development Code in effect at the time a sign application is submitted.

UTILITIES:

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

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

COX COMMUNICATIONS:

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

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated January 16, 2008.

GULF POWER:

Gulf Power approved the project in a letter dated January 16, 2008.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated January 16, 2008.

EMBARQ:

EMBARQ approved the project in a letter dated January 8, 2008.

CITY OF DESTIN BUILDING OFFICIAL:

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

WATER/SEWER PROVIDER:

Destin Water Users, Inc. approved the project in a letter dated January 29, 2008, with the following conditions:

1. **Condition:** All revisions to the water and/or sewer utilities of any previously approved project must be re-approved by Destin Water Users, Inc. in writing at least 24 hours prior to implementation.

2. **Condition:** Field verified and scaled “as-built” plans including all utility infrastructures must be submitted to the City of Destin and forwarded to Destin Water Users, Inc. for final inspection by Destin Water Users, Inc. A written approval shall then be submitted to the City of Destin prior to issuance of Certificate of Occupancy by the City of Destin if there are no outstanding issues.

ENGINEERING DEPARTMENT:

The City of Destin Engineering Department approved the project with conditions in a letter dated February 14, 2008. Conditions are provided on pages 15 and 16.

STORMWATER MANAGEMENT:

The stormwater management plan was found acceptable and approved with conditions on January 25, 2008.

COASTAL MANAGEMENT AND CONSERVATION:

As required from the original development order, the proposed project is located within the VE16 special flood hazard area per the FEMA Flood Insurance Rate Maps. A certified statement from a licensed architect has been provided and is on file, dated February 1, 2005, indicating the proposed development will be designed and constructed in compliance with the Federal Emergency Management Agency (FEMA)/National Flood Insurance Program (NFIP) standards and the requirements set forth within the City of Destin Land Development Code, Article 11, Section 11.04.00.

INGRESS/EGRESS:

Ingress and egress to the proposed project is provided by a two-way access point at the western end of the project and a right-in/right-out only access point at the eastern end of the project, which both access the Scenic Highway 98 ROW. The redevelopment of the properties will reduce the number of access points from six to two.

PARKING:

The development is currently approved and required to provide 144 parking spaces (64 units x 2.25 parking spaces per unit = 144 spaces) based on the uses and the requirements applicable to the existing development order. The applicant has agreed that since the multimodal transportation district ordinance has yet to be adopted by the City Council, they will adhere to all parking requirements as drafted and once fully adopted. (See TRC Report Exhibit “A” – Sheet C4.0- See File: SP-08-04)

Per Original Development Order:

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

$$2.25 \times 64 \text{ units} = 144 \text{ parking spaces}$$

Per existing Land Development Code:

Dwelling, Multi-family (long-term and short-term): 3 bedrooms or more – 2.5 spaces per unit

80 (3 & 4 bedroom units) x 2.5 = 200
TOTAL: 200 spaces

Per DRAFT MMTD Ordinance:

Dwelling, Multi-family (short-term ONLY): 2-3 bedrooms – 2 spaces per unit
4 bedrooms or more – 2.5 spaces per unit
Bicycle: 10% of Total Vehicle Parking

60 (3 bedroom units) x 2 = 120
20 (4 bedroom units) x 2.5 = 50
TOTAL: 170 spaces
Bicycle TOTAL: 17 bicycle spaces

TOTAL Required (Existing LDC): 200 vehicle spaces
TOTAL Required (Proposed MMTD Ord.): 170 vehicle spaces and 17 bicycle spaces
TOTAL Proposed: 203 vehicle spaces and 28 bicycle spaces

Note: Double stacked parking shall be allowed for multi-family residential developments provided the parking spaces are specifically assigned to a particular unit. Specific language shall be provided within the Condominium Documents addressing parking space assignments.

LOADING SPACE (ZONE):

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

TOTAL REQUIRED: 3 loading spaces
TOTAL PROVIDED: 3 loading spaces

REFUSE COLLECTION:

Refuse collection is to be provided by dumpster service. All proposed dumpsters must be screened by a gated opaque enclosure at least six feet tall. The gates shall remain closed at all times except for when waste management services are collecting refuse from the site. If necessary, a sign shall be posted on the gates requiring the gates remain closed when not in service.

SIDEWALKS/PEDESTRIAN CONNECTIVITY:

10' wide public sidewalks, interior pedestrian accessways, and appropriate crosswalk striping shall be provided as indicated on the site plan (Exhibit "A" – Sheet C4.0- See File: SP-08-04). In addition to the required sidewalks and interior pedestrian connectivity, the developer will be vacating and relocating an existing private easement (See Exhibit "A" – Sheet C4.0- See File: SP-08-04) to the eastern side of the project for beach access and will also be providing a new 5' public access easement and pedestrian amenities to the beach (See Exhibit "A" – Sheet C4.0- See File: SP-08-04) along the western property line. Note: because the City of Destin has not previously recognized, improved nor maintained a public beach access across the property, the City has no basis on which to claim that a public beach access easement previously existed across the property.

IMPACT FEES:

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

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

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

Existing Land Use(s):

Hotel/Motel: \$50.46 x 52 units = \$2,623.92
Multifamily Dwellings: \$113.03 x 4 units = \$452.12
Single-family Dwellings: \$159.99 x 2 units = \$319.98
Subtotal: \$3,396.02

Multi-family:

\$113.03 x 80 units = \$9,042.40

Park Impact Fee Net Positive Difference: \$9,042.40 - \$3,396.02 = **\$5,646.38**

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

Existing Land Use(s):

Hotel/Motel: \$0.00 x 52 units = \$0.00
Multifamily Dwellings: \$76.19 x 4 units = \$304.76
Single-family Dwellings: \$107.84 x 2 units = \$215.68
Subtotal: \$520.44

Multi-family:

\$76.19 x 80 units = \$6,095.20

Public Library Impact Fee Net Positive Difference: \$6,095.20 - \$520.44 = **\$5,574.76**

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

Existing Land Use(s):

Hotel/Motel: \$13.07 x 52 units = \$679.64
Multifamily Dwellings: \$14.50 x 4 units = \$58.00
Single-family Dwellings: \$20.53 x 2 units = \$41.06
Subtotal: \$778.70

Multi-family:

\$14.50 x 80 units = \$1,160.00

Police Protection Impact Fee Net Positive Difference: \$1,160.00 - \$778.70 = **\$381.30**

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

Existing Land Use(s):

Hotel/Motel: \$1,365.00 x 52 units = \$70,980.00
Multifamily Dwellings: \$577.00 x 4 units = \$2,308.00
Single-family Dwellings: \$471.00 x 2 units = \$942.00
Subtotal: \$74,230.00

Multi-family:

\$577.00 x 80 units = \$46,160.00

Road Impact Fee Net Positive Difference: \$46,160.00 - \$74,230.00 = **~~-\$28,070.00~~ or \$0.00**

Totals:

| | | |
|--------------------|----------|--------------------|
| Parks: | = | \$5,646.38 |
| Public Library: | = | \$5,574.76 |
| Police Protection: | = | \$381.30 |
| Roads: | = | \$0.00 |
| TOTAL: | = | \$11,602.44 |

OTHER FEES:

The fees listed below are subject to change and are based on the most recent information available (February 8, 2008). The fees must be paid by the applicant as part of the cost recovery associated with the proposed project:

| | |
|---------------------------------|-----------------|
| City Traffic Consultant: | TBD |
| City Surveyor: | N/A |
| Re-Review Fees (Community Dev.) | \$500.00 |
| Re-Review Fees (Engineering) | \$300.00 |
| Administrative Costs: | TBD |
| City Council Advertising: | TBD |
| TOTAL (2/08/08) = | STBD |

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

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

COMMENTS/NOTES/CONDITIONS:

Public Input:

An email in opposition was submitted from the public to the City Council and Mayor. Following standard procedures, this email will be provided to the City Council and Mayor at the hearing. This email was presented to staff at the time of this report being finalized.

Pe · Community Development Department:

1. All comments, notes, and conditions, as applicable or otherwise amended, from Final Development Order No. 05-21 and No. 05-28 shall remain in effect.
2. **Condition: Prior to the installation**, lighting, benches, drinking fountains, trash containers, planters and other hardscape items shall be incorporated into the design of the Scenic Highway 98 right-of-way improvements and as per the standards and specifications approved and adopted by the City.
3. **Condition: Prior to the issuance of the first Certificate of Occupancy**, both the private and public beach accesses shall be constructed and functional as per the approved plans.
4. **Condition: Prior to the issuance of the first Certificate of Occupancy**, the transit stop and pedestrian connection shall be properly designed in accordance with MMTD requirements and the cost to construct shall be paid to the City to construct the facility at a future date.
5. **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.
6. **Note:** Double stacked parking shall be allowed for multi-family residential developments provided the parking spaces are specifically assigned to a particular unit. Specific language shall be provided within the Condominium Documents addressing parking space assignments.
7. **Condition: Prior to the issuance of any Certificate of Occupancy**, the applicant shall locate all above-ground utilities on the property and within the adjacent right-of-way to below ground.
8. **Condition: Prior to the issuance of any further City permits**, all necessary easements applicable for this site and development shall be submitted, reviewed, approved and recorded in the public record.
9. **Condition:** All non-construction related dumpsters, trashcans and recycling bins shall be placed in solid waste collection areas and shall be shielded from the view of adjacent properties. *Ref. LDC Section 7.09.02(B)(3).*

10. **Condition:** Outdoor mechanical equipment, such as heating, air conditioning, and ventilation systems, must be placed on the roof, in the rear or to the side of the building, or otherwise visually screened. In no case shall mechanical equipment be located between the principal structure and the front property line or any property line facing a right-of-way. All mechanical equipment located on the roof shall not be visible from adjacent properties or rights-of-way from heights equal to or less than the equipment. All mechanical equipment located in the rear or to the side of the building shall be enclosed by opaque fence, wall or hedge a minimum of six (6) feet in height or to the highest point of the equipment, whichever is lower. For air conditioning or other equipment requiring airflow, a lattice screen of at least 50 percent opacity shall be sufficient to meet this requirement.
11. **Condition: Prior to installation,** all outdoor lighting must be inspected and approved by the Community Development Department. The lighting plan which shall be submitted prior to the issuance of any city permit must provide specifications for the proposed outdoor lighting, including photometrics. All lighting must be shielded downward and away from adjacent properties in order to avoid spill-over and illumination into the night sky.
12. **Note:** Signage, if installed, must be approved by the Community Development Department. All signage shall require the issuance of city permit. All signage shall meet the requirements set forth in Article 16 of the City's Land Development Code.
13. **Note:** Each handicap accessible parking space must be prominently outlined with blue paint, and must be posted with a permanent above-grade sign bearing the international symbol of accessibility and containing the caption "PARKING BY DISABLED PERMIT ONLY." Such sign shall also indicate the penalty for illegal use of the space, which shall be a minimum fine of \$250.
14. **Note:** Curb ramps complying with Section 11-4.7 of the Florida Accessibility Code shall be provided wherever an accessible route crosses a curb.
15. **Condition: Prior to Certificate of Occupancy,** assigned address numbers for principal buildings shall be displayed and clearly visible and legible, preferably reflective, from the street or private way on which the building fronts. *Ref. LDC Section 7.18.04.*
16. **Note:** The slab for all structures shall be constructed a minimum of 12 inches above the crown of the nearest street, except where topography will provide adequate drainage as certified by a professional engineer registered in the State of Florida. *Ref. LDC Section 10.03.02(A)(5).*
17. **Condition: Prior to the issuance of a Certificate of Completion/Occupancy,** the landscaping and any outdoor lighting, if installed, must be inspected and approved by the Community Development Department.
18. **Condition: Prior to obtaining a Certificate of Occupancy,** the Stormwater Operation/Maintenance Plan (SWOMP) shall be acknowledged and signed by the Owner.

19. **Condition:** Prior to obtaining any City permit, a copy of the FDEP stormwater and a NPDES Stormwater Construction Generic Permit (if applicable) approval shall be forwarded to the City Engineer's office and then forwarded to the Community Development Department.
20. **Note:** If groundwater is observed standing in the storm structures, the SWMP shall be considered in non-compliance and a revised stormwater plan shall be resubmitted for review and approval.
21. **Note:** Please abide by the general guidelines set forth in the FDEP's "Florida Development Manual: A Guide to Sound Land and Water Management," particularly those guidelines set forth for the construction and maintenance of exfiltration trenches.
22. **Condition:** All perforated piping and exfiltration beds shall be inspected and approved by the Engineer of Record and the City of Destin prior to backfilling. Prior to inspection by the City, the Engineer of Record shall submit an inspection report that certifies the compliance.
23. **Note:** The Engineer of Record is cautioned to review the construction documents as submitted to assure thorough information is provided to allow proper construction. All stormwater management facilities shall be required to be constructed per the Codes of the City of Destin.

Per Engineering Department:

1. **Condition:** Prior to obtaining any City permits, obtain a City of Destin Right-of-Way Construction Permit from the City Engineering Department.
2. **Condition:** All new street pavement shall be subject to the testing requirements outlined in the Destin LDC and shall follow all procedures for permanent acceptance by the City.
3. **Condition:** Refer to LDC Article 8.03.06. *Clear visibility triangle*. In order to provide a clear view of intersecting streets to motorists, there shall be a triangular area of clear visibility formed by two intersecting streets. The following standards shall be met:
 - a. Nothing shall be erected, placed, parked, planted or allowed to grow in such a manner as to materially impede vision between a height of two feet and ten feet above the grade, measured at the centerline of the intersection, except those signs or devices approved pursuant to section 16.01.00 of this Code. Note: The applicant is reminded that building setbacks must be observed so as to preserve clear visibility at intersections.
 - b. The clear visibility triangle shall be formed by connecting a point on each street centerline with such point to be located at a distance determined by the building setback requirements associated with the property and the zoning district within which the property is located. That is, the visibility distances shall be those established by the setback requirements within the city's zoning ordinance. Note: The visibility triangle shall be in accordance with the "Technical Construction Standards Manual," included in this Code, and the Florida Department of Transportation Standards Index.

4. **Condition:** Refer to LDC Article 8.01.00.B.2. Screening vegetation shall not be placed within five feet and maintain a minimum foliage clearance of three feet from any utility structure(s) including but not limited to water meters, valves, electrical/communication panels or poles, and shall not be placed around any water hydrant that could be used for fire protection.
5. **Condition:** Refer to LDC Article 8.01.00.C. Sidewalks, recreational trails, and bicycle ways shall be permissible in ROWs:
 - a. Landscaping located on abutting properties to sidewalks, recreational trails, and bicycle ways shall not create a safety hazard, and shall be trimmed or pruned to allow full width plus one foot on each side of the sidewalks, recreational trails, and bicycle ways, and the minimum vertical height of ten feet above grade, is clear.
 - b. Trees or shrubs shall not be planted within five feet from all streets or sidewalks, recreational trails, and bicycle ways.
6. **Condition:** Contractor shall not be allowed to utilize ANY public right-of-ways for any loading/unloading, staging or storage of construction materials, equipment or vehicles or unauthorized construction. **Failure to comply with this requirement may void your city right-of-way construction permit until the violation is corrected. Voided permits must be reapplied for and application fees shall be assessed**
7. **Condition:** Reconstruct any broken sidewalk from joint to joint, across the entire right-of-way frontages as needed.
8. **Condition:** Sidewalk area crossing the drive access shall meet ADA flatness & slope requirements.
9. **Condition:** Maintain close communication with the City Engineering office throughout construction within the ROW.
10. **Condition:** Roadside swale shall meet proper elevation and grades after all landscaping is installed and landscaping shall not reduce retention volumes of the roadside swales.
11. **Condition:** Roadside parking on Tarpon Street design is acceptable in this submittal.

Erosion Control & Wetlands Comments

1. **Condition:** Provide FDEP NPDES permit approval and provide copy of the SWPPP.
2. **Condition:** Provide a 24 hour contact person's phone number; that person shall have demonstrated ability in maintenance of erosion control measures.
3. **Condition:** Areas not being worked for 30 days or more shall be vegetated
4. **Condition:** All bare ground, stripped of vegetation during the clearing/grading process, shall be covered to the maximum extent practicable.

5. **Condition:** Additional techniques to reduce soil tracking off of a site and onto a roadway such as wheel washing stations may be required.
6. **Condition:** Any sediment that is tracked onto road pavement shall be removed immediately (prior to the end of the work day) by sweeping. The sediment collected by sweeping shall be removed from the roadway and stabilized on-site.
7. **Condition:** Any liquid storage of petroleum, paint or any other hazardous material on site shall be a minimum of 75' from any environmentally sensitive area
8. **Condition:** Dust Control is required on all areas of development or redevelopment activities.
9. **Condition:** A copy of all Federal, State and city permits (as applicable) shall be posted in a clearly visible location on the project site.
10. **Condition:** Any off-site catch basins, curb inlets or swale that required protection shall be cleaned.

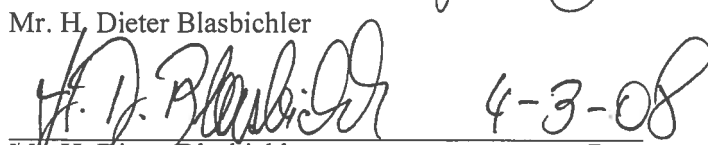
Per Destin Water Users, Inc.:

1. **Condition:** All revisions to the water and/or sewer utilities of any previously approved project must be re-approved by Destin Water Users, Inc. in writing at least 24 hours prior to implementation.
2. **Condition:** Field verified and scaled "as-built" plans including all utility infrastructures must be submitted to the City of Destin and forwarded to Destin Water Users, Inc. for final inspection by Destin Water Users, Inc. A written approval shall then be submitted to the City of Destin prior to issuance of Certificate of Occupancy by the City of Destin if there are no outstanding issues.


 _____ 3/28/08 _____
 Greg Kisela Date
 City Manager



 Traship Holding, A.G., Date
 Owner


 _____ 4-3-08 _____
 Mr. H. Dieter Blasbichler Date
 Owner



Community Development Planning Division

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

December 28, 2012

Beach Crystal, LLC
Attn.: Mr. David H. Head, Jr
P.O. Box 230
Point Clear, Alabama 36564

SUBJECT: Caretta Dunes (a.k.a. Beach Crystal) – Final Development Order No. 08-13 “Special Economic Condition” Extension Request – 3420 Scenic Highway 98

Dear Mr. Head:

This letter is in response to your letter dated December 27, 2012, requesting a “special economic condition” extension to the above referenced development order. Based on the legal guidance set forth in Section 24 (1) of Ch. 2012-205 Laws of Florida this development order is extended to the fullest extent possible to December 31, 2014. This determination enables the holder of the final development order to delay commencement or continuance of construction, if necessary, until December 31, 2014.

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

Sincerely,

R. Ashley Grana
Planning Division Manager

RAG/

cc: **2008 DO Book**
Project File: SP-08-04
Building File: 3420 Scenic Highway 98
Letter Log

