



CITY of DESTIN

4200 Two Trees Road • Destin, Florida 32541



www.cityofdestin.com

December 4, 2006

Order No. 07-05

Final Development Order:

**“LE MELANGE”
A MINOR (TIER 2) DEVELOPMENT
(SP-06-15)**

Based upon the City's approval and issuance of this Development Order, on December 4, 2006, this document will serve as your Final Development Order, and includes all of the provisions and conditions in the attached Technical Review Committee Report.

BACKGROUND / ISSUE:

Applicant: Jenkins, Stanford and Associates, Inc., on behalf of Le Melange Development, LLC, is requesting approval of “Le Melange,” a Minor (Tier 2) Development.

Request: The proposed development consists of a 10-story mixed use building with 55 long-term residential units and 50,393 square feet of commercial space.

Location: The proposed development is located at a parcel of land in unsectionalized Township 2 South, Range 22 West, in Destin of Okaloosa County, Florida (14060 Emerald Coast Parkway), more specifically identified with the following Tax Parcel I.D. Number: 00-2S-22-2860-0000-00B0.

Parcel Size: The current site area is 2.23 acres, more or less.

Future Land Use: Gulf Resort Mixed Use (GRMU)

Zoning District: Business Tourism (BT)

Density: Allowed (for a Tier 2 Development): 25.00 units per acre
Proposed: 24.66 units per acre

Intensity: Allowed: 1.30 Floor Area Ratio (FAR)
Proposed: 0.52 FAR

Application Date: March 29, 2006

TRC Date: April 19, 2006

Approved Site Plan Date: November 22, 2006

DETERMINATIONS:

1. All the findings of the Technical Review Committee report dated November 22, 2006 are incorporated herein.

CONDITIONS OF APPROVAL FOR "LE MELANGE" A MINOR (TIER 2) DEVELOPMENT (SP-06-15):

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

Construction of infrastructure must commence within one (1) year of approval date (date from which the Final Development Order is issued by the Community Development Department) of the Final Development Order on December 4, 2006 (no later than December 4, 2007), and must be completed as shown on plans approved by the Technical Review Committee.

WARNING: If the applicant/owner has not obtained a building permit(s) for either the construction of infrastructure or construction of the entire project and that construction has not commenced within one (1) year of issuance of the final development order, the final development order will become null and void and the application for development order approval must be re-initiated. (Article 2, Section 2.21.00)

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

NOTE: An applicant/owner who desires to extend the twelve (12) month (1 year) deadline for either the construction of infrastructure or construction of the entire project must submit a written request to the Community Development Department, no less than thirty (30) days prior to the expiration of the twelve (12) month deadline to obtain a building permit and commence construction of infrastructure or construction of the entire project. The applicant may receive only one extension, and such extension shall not exceed one year. The applicant /owner should review Article 2, Section 2.21.00, of the Destin Land Development Code for further explanation of the Development Order extension process.

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

3. The applicant must obtain City of Destin permits for the following activities on and off site (These may require appropriate bonding):
 - A. Disturbance of the City's right-of-way (Note: Applicant must obtain the proper ROW permit(s) from the Engineering Department prior to issuance of building permits, unless otherwise exempted by the City Engineer.)
 - B. Pavement cuts.
 - C. Construction of any kind.
 - D. Clearing, grubbing, or demolition.
 - E. Paving, grading, drainage, sidewalks.
 - F. Signage.
 - G. Installation of utilities.
 - H. Construction trailers.
4. **Conditions Per Community Development Department:** Refer to pages 18 thru 21 of the attached TRC Report dated November 22, 2006.
5. **Conditions Per Engineering Department:** Refer to pages 21 thru 22 of the attached TRC report dated November 22, 2006.
6. **Conditions Per Destin Water Users, Inc.:** Refer to page 22 of the attached TRC Report dated November 22, 2006.

TECHNICAL REVIEW COMMITTEE REPORT

"LE MELANGE" A MINOR (TIER 2) DEVELOPMENT (SP-06-15)

TRC Report: November 22, 2006

ISSUE:

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DISCUSSION/FINDINGS:

Jenkins, Stanford and Associates, Inc., on behalf of Le Melange Development, LLC, is requesting approval of "Le Melange," a Minor (Tier 2) Development. The proposed development consists of a 10-story mixed use building with 55 long-term residential units and 50,393 square feet of commercial space. The proposed development is located at a parcel of land in unsectionalized Township 2 South, Range 22 West, in Destin of Okaloosa County, Florida (14060 Emerald Coast Parkway), more specifically identified with the following Tax Parcel I.D. Number: 00-2S-22-2860-0000-00B0. The current site area is 2.23 acres, more or less.

The proposed request is consistent with the Comprehensive Plan and Land Development Code, which includes a technical and Concurrency Management review.

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 Gulf Resort Mixed Use (GRMU) and a Zoning designation of Business Tourism (BT). The proposed use is consistent with the Gulf Resort Mixed Use (GRMU) Future Land Use designation and is a permitted principal use within the Business Tourism (BT) Zoning Districts.

LAND USE TRANSITION & SPECIAL DESIGN CRITERIA:

Comprehensive Plan: 2010 Policy 1-2.1.7 requires that *“All property designated for nonresidential use on the FLUM shall be developed and designed to ensure a smooth land use transition between the said nonresidentially designated property and any directly abutting low rise residential property, either existing or identified on the FLUM.”* The LDC requirements regulating “special design criteria” are *“...to establish design criteria to preserve, protect, and enhance the economic vitality and character of the City of Destin.”* This section also states, *“These standards and regulations are intended to promote and protect the desired character of the City, including promoting multimodal transportation opportunities, and that ensure compatibility with surrounding development.”* [LDC, §7.09.00].

Criteria for consideration to ensure smooth land use transition and special design include:

- Surrounding development
- Mechanical equipment
- Outdoor storage and display
- Solid waste collection areas
- Parking, loading, or accessway areas

Surrounding development:

The proposed development consists of a 10-story mixed use building with 55 long-term residential units and 50,393 square feet of commercial space. The following is a description of the surrounding area:

LOCATION RELATIVE TO SUBJECT SITE	FUTURE LAND USE	ZONING	EXISTING LAND USE
North	COUNTY: Commercial (C)	COUNTY: Business Tourism (BT)	North: restaurant
South	Gulf Resort Mixed Use (GRMU)	Business Tourism (BT)	South: restaurant
East	Gulf Resort Mixed Use (GRMU)	Business Tourism (BT)	East: Silver Shell condominiums
West	Gulf Resort Mixed Use (GRMU)	Business Tourism (BT)	West: Sterling Shores condominiums

As described herein, the surrounding uses include restaurants and residential condominiums. The intensity and density of development is below the maximum intensity provided for in the Land Development Code and density provided in the Comprehensive Plan. The density and Floor Area Ratio of the project is detailed below.

Mechanical equipment:

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 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.

Outdoor storage and display:

Not applicable.

Solid waste collection areas:

All non-construction related dumpsters, trashcans, and recycling bins are to be placed in solid waste collection areas or inside a building. Solid waste collection areas are to be set back a minimum of ten feet from any property line that abuts single-family, duplex or townhome uses and setback a minimum of five feet from any property line which abuts a non-residential or mixed use.

Condition: All solid waste collection areas shall be enclosed by a 100 percent opaque fence, wall, or hedge that is a minimum of six feet in height. All enclosures shall have gates that are 100 percent opaque. These gates shall remain closed at all times except for when waste management services are collecting refuse from the site. If necessary, please post a sign on the gates requesting that these gates remain closed.

Parking, loading, or accessway areas (abutting residential uses):

The proposed development does not abut single-family, duplex or townhome uses. Therefore, parking, loading, accessways or service and utility areas are not required to be located ten (10) feet from the property line.

The site plan for “Le Melange” complies with the City of Destin Comprehensive Plan Policy 1-2.1.7 and the Land Development Code §7.09.00.

Any additional revisions to the site plan must be reviewed and approved by the appropriate Technical Review Committee members and may be subject to further analysis if required pursuant to provisions of the Comprehensive Plan [Policy 1-2.1.7] and Land Development Code [LDC, §7.09].

MASSING (WIDTH AND DEPTH) AND HEIGHT:

The proposed development consists of a 10-story mixed use building with 55 long-term residential units and 50,393 square feet of commercial space. The proposed building measures 401.5 feet wide by 135.5 feet deep. The proposed building is 10 stories with a proposed building height not exceeding 130 feet measured to the cornice line.

DENSITY (UNITS PER ACRE):

The density calculation methodology results in a proposed density of 24.66 units per acre. This proposed density is below the maximum allowable density for a Tier 2 development of 25.00 units per acre, and is calculated as follows:

Proposed Density = Total number of units proposed / acres of the subject parcel

Proposed Density = 55 units / 2.23 acres = 24.66 units per acre

INTENSITY:

The FAR calculation methodology results in an FAR of 0.52, which is also below 1.30 and is calculated as follows:

Total sq. ft. of commercial space / sq. ft. of subject parcel = FAR

50,393 sq. ft. / 97,274 sq. ft. = 0.52 FAR

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:

“Buildings shall be located and designed so as to maximize the ‘functional open space’ on the site. Such functional open space shall take the form of view corridors, outdoor gardens, walking areas, or areas for the congregation of people for social events...” “Additionally, buildings shall be oriented towards the public street frontage and shall be constructed as close to the adjacent right-of-way as possible in order to improve access from the multimodal transportation network. On-site parking shall not be located between buildings and the adjacent right-of-way...” “A continuous façade line shall be used along a block to provide an accessible and attractive streetscape...” “Windows and door openings shall provide transparency into ground floor non-residential development.” [LDC, §7.09.03].

The orientation and location of the proposed development maximizes functional open space by providing pedestrian access and amenities in several locations. Street-level shopping center spaces are proposed with atrium alcoves on the north side of the building adjacent to Emerald Coast Parkway. There will be several storefront openings in these areas for pedestrian access. The north side of the site will also provide additional functional open space by way of landscaping, benches, walkways and pedestrian amenities. The open courtyard located on the south side of the building will provide benches, tables, a decorative water fountain and hardscaped open space for pedestrian circulation.

Building mass, façade, and elevations:

“Facades shall be designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls, while providing visual interest that will be consistent with the community’s identity and character through the use of detail and scale and variations in rooflines and fenestration (i.e., character and interrelationships of façade design components including windows, dormers, doors, and roof design).” [LDC, §7.09.03].

The proposed development achieves visual interest through wall plan projections and recesses.

Roofline design:

“The use of varied rooflines, through the utilization of parapets and/or sloped roofs, is required.” [LDC, §7.09.03].

The proposed developments achieves a varied roofline through cupolas, roof offsets, and the separation of building towers above the 5th story.

Roofscape design:

“Fully pitched roofs are required to cover not less than 60 percent of the roof surface on all buildings. A minimum pitch of 4:12 and a maximum pitch of 12:12 are required for the fully pitched roof above the cornice line.” [LDC, §7.09.03].

Condition: Prior to the issuance of any City Permit, the applicant/owner shall **either** re-design the roofscape design to fully comply with Section 7.09.03.F.1.d of Destin’s Land Development Code, which requires fully pitched roofs over not less than 60 percent of the roof surface, **or** an amendment to this section of the Land Development Code, applied for by the applicant/owner, shall be approved by the Destin City Council. This amendment must permit the presently proposed mansard-style roof.

Other architectural features:

“Buildings facades shall be visually varied thru architectural design standards to include but are not limited to: color change; texture change; material module change; an expression of architectural or structural bays through a change in plane no less than 12 inches in width, such as an offset, reveal or projecting rib. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.” [LDC, §7.09.03].

The façade on all sides of the proposed development is visually varied by color, mass, scale, texture, and form.

Supplemental setback and buffering requirements from single-family, duplex, or townhome uses:

Not applicable.

Open space:

Tier 2 development proposed in the GRMU 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 proposed amount of open space for this development exceeds 30 percent and is calculated as follows:

Total sq. ft. of provided open space / sq. ft. of subject parcel = Percentage of open space

29,261 sq. ft. / 97,274 sq. ft. = 30.1 percent open space provided

Setbacks:

The following setbacks shall apply to developments proposed in the GRMU future land use designation that front Harbor Boulevard/Emerald Coast Parkway:

PROPERTY LINE	REQUIRED SETBACK
North (front)	<ul style="list-style-type: none">• Min 5 ft. to max 15 ft. for any portion of a building having a height below 40 ft.• Min 35 ft. for any portion of a building having a height above 40 ft.
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
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
South (rear)	<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
Between Bldgs.	<ul style="list-style-type: none">• Minimum 10 ft. separation distance between freestanding buildings

The proposed development meets all of the required setbacks for a Tier 2 development located in the GRMU Future Land Use district.

In addition, the following buffers are required: a ten-foot front perimeter landscaped area along the northern property line and along the eastern property line and a five-foot common boundary buffer along the western property line and along the southern property line.

Landscaping:

All Tier 2 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 trees x 5 credits per tree):	0
Total Reforestation Credits for Existing, Protected, or Preserved Trees:	<u><u>0</u></u>
Reforestation Trees (1 per every .10 of an acre: 2.23 x 10 = 22.3) Required on Site:	<u>23</u>
Total Reforestation Credits:	<u>0</u>
Total Reforestation Trees Required on Site:	<u><u>23</u></u>
Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:	23
Replacement Trees (removal of trees over 12" d.b.h.) Required on Site:	0
Perimeter Trees (1 per 25') Required on Site:	36
Parking Lot Trees (1 per end row and landscape island) Required on Site:	8
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site:	0
Conditional Compatibility Vegetation	0
Trees Required on Site per LDC Section 12.04.04:	<u><u>67</u></u>
20 percent increase for Tier 2 Development (0.20 x 67 trees = 13)	13
TOTAL TREES REQUIRED:	<u><u>80</u></u>
TOTAL TREES PROVIDED:	<u><u>93</u></u>

Shrub requirements:

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

Landscaping south of the coastal construction control line (CCCL):

Not applicable.

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 will provide decorative pedestrian amenities including, but not limited to: benches, waste containers, planters, pedestrian lighting fixtures, bicycle racks, and a decorative water fountain.

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].

The proposed development will incorporate the installation of a covered transit stop with an 8-person bench, waste container, and bicycle rack located adjacent to Restaurant Row.

Pedestrian and/or vehicular access:

Not applicable.

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 Consultant, and approved on November 17, 2006 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.

SUBDIVISION OR PUD - PLAT:

Not applicable.

AIRPORT PROTECTION:

The proposed project is located within the Airport Horizontal Zone, Conical Zone and Approach Zone as delineated in Subsections 7.15.01.A(2), (3) and (4) respectively. The proposed building height is approximately 145 feet above ground level to the top of the roof with a finished floor elevation of approximately 21.5 feet Above Mean Sea Level.

Accordingly, the following height restriction criteria are met by the project based on the site plans and information provided to City Staff:

1. Horizontal Zone: No structure or obstruction will be permitted in the horizontal zone that has a height greater than 150 above the airport height (Airport elevation is 21.06 feet Above Mean Sea Level AMSL). Height limitation at project site is 150 feet AMSL + 21.06 feet elevation at airport height = 171.06 feet AMSL minus 1.06 feet (the difference between runway elevation and the lower elevation at the project site) = 170 feet AMSL. The highest proposed height is below the maximum allowed.
2. Conical Zone - This zone includes an area extending outward from the periphery on the horizontal zone for a distance of 4,000 feet. Height is limited to 171.06 feet (150 feet plus 21.06 feet airport elevation) in the inner boundary with permitted height increasing one foot vertically for every 20 feet of horizontal distance measure outward from the inner boundary to a height of 350 feet above the airport height at the outer boundary. The highest proposed height is below the maximum allowed.
3. Approach Zone - Height limitation at project site is 21.06 feet + (3890 feet/34 X 1 foot elevation =120.4) = 135.5 feet AMSL. The highest proposed height is below the maximum allowed.

This project is in close proximity to the Destin Airport. The subject site is located within an airport protection area, more specifically the Airport Noise Zone "C" as described in the LDC, Article 7, Section 7.15.00. As a result of the subject site located within this Airport Noise Zone, it is a condition that the owner provides a "disclosure statement" for the properties to be sold and provide increased construction standards (Sound Level Requirements – SLR) for the structures. **Provide the following language within the approved and recorded Condominium Documents:**

"This note is to aid in notifying prospective purchasers of property identified hereon of any noise-impacted areas. The property as identified hereon is located within the Destin-Ft. Walton Beach Airport's *Noise Zone C*. A disclosure statement shall be completed and filed with the property deed for all residential property located in noise zone C."

Construction plans need to be certified and noted that they are compliant with SLR-25 reduction standards per the City's Land Development Code. **Provide the following note on all construction plans:**

"The buildings or structures as identified herein meet and/or exceed the City of Destin's Sound Level Reduction (SLR) requirements (See City of Destin Land Development Code, Article 7, Section 7.15.00 *Airport Zoning Regulations* and more specifically Division 1 and 3 of Okaloosa County Ordinance 82-19) through a combination of building design, choice of building materials and execution of construction details in accordance with architectural and acoustical principals."

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.

WHITE SANDS ZONE:

The proposed project is located within White Sands Zone II. All fill material will have to comply with the White Sands Ordinance for this area.

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:

All proposed utilities are required to be placed underground.

COX COMMUNICATIONS:

Cox Communications approved the project in a letter dated March 17, 2006.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated April 19, 2006.

GULF POWER:

Gulf Power approved the project in a letter dated April 4, 2006.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated April 19, 2006.

EMBARQ:

Embarq Corporation approved the project in a letter dated April 4, 2006.

WATER/SEWER PROVIDER:

Destin Water Users, Inc. approved the project in a letter dated November 28, 2006, and had 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:

The City of Destin Engineering Department approved the project in a memo dated November 20, 2006, and had the following conditions:

1. **Condition:** During the summer months after completion of the project, provide a traffic signal warrant study (during peak summer months) for the intersection of Emerald Coast Parkway and Restaurant Row. Factor into this study the traffic volumes for both this project and The Palms project. Should a traffic signal be warranted, the project shall be required to contribute a share of intersection/signal improvements.
2. **Condition:** Prior to obtaining any City permits, obtain a City of Destin Right-of-Way Construction Permit from the City Engineering Department.
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 of 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 ROW's:
 - 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:** Refer to LDC Article 8.03.04. *General design standards* for testing requirements and submit results to the City Engineer. Refer to LDC Article 2.20.00.E. *Procedure for acceptance by the City* for acceptance of new infrastructure in the right-of-way.

STORMWATER:

The City approved the stormwater management plan on November 15, 2006, and had the following stormwater related condition:

1. **Condition:** Prior to obtaining a Certificate of Occupancy, the Stormwater Operation/Maintenance Plan (SWOMP) shall be acknowledged and signed by the Owner.
2. **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.
3. **Condition:** Prior to obtaining any City permit, an original signed and sealed Stormwater Concurrency Evaluation Certificate shall be completed by the Engineer of Record.
4. **Condition:** 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.
5. **Condition:** 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.
6. **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 of the perforated pipe and exfiltration beds.

INGRESS/EGRESS:

There is one proposed ingress/egress accessway attributed to this development. This accessway adjoins the neighboring property to the south as this parcel was originally developed as part of a Planned Unit Development (PUD). The accessway is a two-way accessway measuring approximately 24 feet in width.

PARKING:

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

Per code:

Shopping Center: 1 space per 250 square feet of gross floor area.
Multi-family Dwelling, 5 stories or more: 2.00 spaces per dwelling unit.

Per site plan:

Shopping Center: 50,393 square feet x 1 space per 250 sq. ft. = 202 parking spaces required
Multi-family Dwelling: 55 dwelling units x 2 spaces per dwelling unit = 110 parking spaces required

Total Parking Required: 312 spaces
Parking Provided: 318 spaces including 10 handicap spaces, 1 of which is van accessible

LOADING SPACE (ZONE):

The project meets or exceeds the loading space requirements of the Land Development Code.

REFUSE COLLECTION:

Refuse collection is to be provided by dumpster service. The proposed dumpster 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, please post a sign on the gates requesting that these gates remain closed.

SIDEWALKS:

A 5-foot wide sidewalk is required along U.S. Highway 98 and along Restaurant Row.

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, the number of dwelling units, 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 parks impact fees were calculated using the following rates and fees.

Multi-family Residential (applied as Multi-family per the Fee Schedule for Parks):
Impact Fee Rate = \$113.03 per dwelling unit
Number of Dwelling Units = 55 dwelling units
Impact Fee for Multi-family Residential = 55 d.u. x \$113.03 per d.u. = **\$6,216.65**

Total Parks Impact Fees to be paid for "Le Melange": **\$6,216.65**

Public Library: The public library impact fees were calculated using the following rates and fees.

Multi-family Residential (applied as Multi-family per the Fee Schedule for Public Library):

Impact Fee Rate = \$76.19 per dwelling unit

Number of Dwelling Units = 55 dwelling units

Impact Fee for Multi-family Residential = 55 d.u. x \$76.19 per d.u. = **\$4,190.45**

Total Public Library Impact Fees to be paid for "Le Melange": **\$4,190.45**

Police Protection: The police protection impact fees were calculated using the following rates and fees.

Office (applied as U.S. 98 Corridor Office per the Fee Schedule for Police Protection):

Impact Fee Rate = \$24.56 per 1,000 square feet

New Office Space = 30,553 square feet

Impact Fee for Office Space = 30,553 sq. ft. x \$24.56 per 1,000 sq. ft. = **\$750.38**

Retail (applied as U.S. 98 Corridor Retail per the Fee Schedule for Police Protection):

Impact Fee Rate = \$47.59 per 1,000 square feet

New Retail Space = 19,840 square feet

Impact Fee for Retail Space = 19,840 sq. ft. x \$47.59 per 1,000 sq. ft. = **\$944.19**

Total Police Protection Impact Fees to be paid for "Le Melange": **\$1,694.57**

Roads: The roads impact fees were calculated using the following rates and fees:

Multi-family Residential (applied as Multi-family Dwelling Unit per the Fee Schedule for Roads):

Impact Fee Rate = \$577.00 per dwelling unit

New Multi-family Residential Dwelling Units = 55 dwelling units

Impact Fee for Multi-family Residential = 55 d.u. x \$577.00 per d.u. = **\$31,735.00**

Office (applied as Office under 100,000 square feet per the Fee Schedule for Roads):

Impact Fee Rate = \$1,421.00 per 1,000 square feet

New Office Space = 30,553 square feet

Impact Fee for Office Space = 30,553 sq. ft. x \$1,421.00 per 1,000 sq. ft. = **\$43,415.81**

Retail (applied as Retail under 100,000 square feet per the Fee Schedule for Roads):

Impact Fee Rate = \$3,702.00 per 1,000 square feet

New Retail Space = 19,840 square feet

Impact Fee for Retail Space = 19,840 sq. ft. x \$3,702.00 per 1,000 sq. ft. = **\$73,447.68**

Total Roads Impact Fees to be paid for "Le Melange": **\$148,598.49**

Parks:	=	\$6,216.65
Public Library:	=	\$4,190.45
Police Protection:	=	\$1,694.57
Roads:	=	<u>\$148,598.49</u>
TOTAL IMPACT FEES	=	<u>\$160,700.16</u>

OTHER FEES:

The fees listed below are subject to change and are based on the most recent information available (November 22, 2006). The fees must be paid by the applicant as part of the cost recovery associated with the proposed project:

City Compatibility Consultant:	N/A
City Surveyor:	N/A
City Traffic Consultant:	Paid
City Stormwater Review Consultant:	N/A
Re-Review Fees (Community Dev.)	Paid
Re-Review Fees (Engineering)	Paid
Administrative Costs:	Paid
<u>City Council Advertising:</u>	<u>N/A</u>
TOTAL (as of 11/22/06) =	Paid

COMMENTS/CONDITIONS:

Public Input:

No public comments have been presented to staff at the time of this report.

Per Community Development Department:

1. **Prior to the issuance of any City Permit**, all outstanding costs associated with this project that are owed to the City must be paid in full.
2. **Prior to the issuance of any City Permit**, the Condominium Affidavit prepared by City Staff shall be completed by the owner/applicant. This is required at this time so that you do not need to provide the necessary condominium documents at this early stage in the development process.
3. **Prior to the issuance of any City Permit**, the applicant/owner shall **either** re-design the roofscape design to fully comply with Section 7.09.03.F.1.d of Destin’s Land Development Code, which requires fully pitched roofs over not less than 60 percent of the roof surface, **or** an amendment to this section of the Land Development Code, applied for by the applicant/owner, shall be approved by the Destin City Council. This amendment must permit the presently proposed mansard-style roof.
4. **Prior to the issuance of any City permit**, please forward a copy of your approved FAA Permit to the City of Destin Community Development Office.
5. **Prior to the issuance of 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.
6. **Prior to the issuance of any City permit**, an original signed and sealed Stormwater Concurrency Evaluation Certificate shall be completed by the Engineer of Record.
7. **Prior to the issuance of a City permit for vertical construction**, the construction plans shall identify and illustrate the installation of awnings projecting from the building and extending over sidewalk in order to provide proper coverage for pedestrians and patrons.

8. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.
9. **Prior to the issuance of a Certificate of Occupancy**, the Stormwater Operation/Maintenance Plan (SWOMP) shall be acknowledged and signed by the Owner.
10. **Prior to the issuance of a 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.*
11. **Prior to the issuance of a Certificate of Occupancy**, all required parking and related landscaping shall be installed, inspected, and approved by the Community Development Department.
12. **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 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.
13. **Condition:** The subject site is located within an airport protection area, more specifically the Airport Noise Zone "C" as described in the LDC, Article 7, Section 7.15.00. As a result of the subject site located within this Airport Noise Zone, it is a condition that the owner provides a "disclosure statement" for the properties to be sold and provide increased construction standards (Sound Level Requirements – SLR) for the structures. **Provide the following language within the approved and recorded Condominium Documents:**

"This note is to aid in notifying prospective purchasers of property identified hereon of any noise-impacted areas. The property as identified hereon is located within the Destin-Ft. Walton Beach Airport's *Noise Zone C*. A disclosure statement shall be completed and filed with the property deed for all residential property located in noise zone C."
14. **Condition:** Construction plans need to be certified and noted that they are compliant with SLR-25 reduction standards per the City's Land Development Code. **Provide the following note on all construction plans:**

"The buildings or structures as identified herein meet and/or exceed the City of Destin's Sound Level Reduction (SLR) requirements (See City of Destin Land Development Code, Article 7, Section 7.15.00 *Airport Zoning Regulations* and more specifically Division 1 and 3 of Okaloosa County Ordinance 82-19) through a combination of building design, choice of building materials and execution of construction details in accordance with architectural and acoustical principals."
15. **Condition:** Trees or shrubs shall not be planted within five feet from all streets or sidewalks as measured from the center of the trunk to the edge of the sidewalk in the public right-of-way. *Ref. LDC Section 8.01.00.C.2.*
16. **Condition:** Restaurants and lounges (eat in or take out) and medical uses other than offices, altogether, shall not occupy more than 20 percent of the gross floor area of the total area designated as shopping center for purposes of calculating minimum parking requirements and shall be evaluated for compliance at the time of zoning review for business/occupational licensing.

17. **Condition:** 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. *Ref. LDC Section 7.09.03.F.5.*
18. **Condition:** Each accessible parking space must be prominently outlined with blue paint to be clearly distinguishable as a parking space designated for persons who have disabilities and must be posted with a permanent above-grade sign bearing the international symbol of accessibility, meeting the requirement of color and design approved by the Department of Transportation, containing the caption "PARKING BY DISABLED PERMIT ONLY," and indicating the penalty for illegal use of the space, which shall be a minimum fine of \$250.
19. **Condition:** In parking structures, one in every eight accessible spaces, but no less than one, shall be "van accessible." A van accessible space must provide a minimum vertical clearance of 98 inches at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s). When only one in eight spaces meet this height requirement, these spaces shall have an additional sign "Van-Accessible" mounted below the symbol accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.
20. **Condition:** A visual screen of vegetation running the entire length of the western, southern, and eastern property lines shall be installed within a five-foot side yard landscaped strip. Such vegetation shall provide a minimum of 50 percent opacity for that area between the finished grade level at the common boundary line and six feet above said level and horizontally along the length of all common boundaries within three years of planting. *Ref. LDC Section 12.04.04.B.1.b.*
21. **Condition:** All solid waste collection areas shall be enclosed by a 100 percent opaque fence, wall, or hedge that is a minimum of six feet in height. All enclosures shall have gates that are 100 percent opaque. These gates shall remain closed at all times except for when waste management services are collecting refuse from the site. If necessary, please post a sign on the gates requesting that these gates remain closed. *Ref. LDC Section 7.09.02.B.3.*
22. **Condition:** 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.*
23. **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.
24. **Condition:** All existing and proposed utility lines located on the subject property shall be installed underground. *Ref. LDC Section 20.12.00.*
25. **Condition:** 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.

26. **Condition:** 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.
27. **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 of the perforated pipe and exfiltration beds.
28. **Condition:** Any additional revisions to the Site Improvement Plans, Landscape Plans or Architectural Plans will require an amendment to the development order.

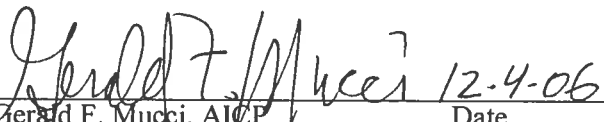
Per City of Destin Engineering Department:

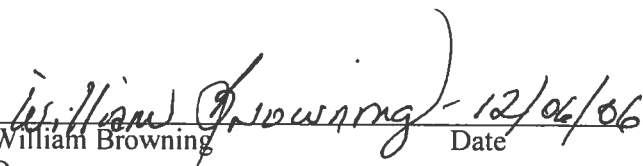
29. **Prior to the issuance of any City permits,** obtain a City of Destin Right-of-Way Construction Permit from the City Engineering Department.
30. **Condition:** During the summer months after completion of the project, provide a traffic signal warrant study (during peak summer months) for the intersection of Emerald Coast Parkway and Restaurant Row. Factor into this study the traffic volumes for both this project and The Palms project. Should a traffic signal be warranted, the project shall be required to contribute a share of intersection/signal improvements.
31. **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.
32. **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 of 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.

33. **Condition:** Refer to LDC Article 8.01.00.C. Sidewalks, recreational trails, and bicycle ways shall be permissible in ROW's:
- 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.
34. **Condition:** Refer to LDC Article 8.03.04. *General design standards* for testing requirements and submit results to the City Engineer. Refer to LDC Article 2.20.00.E. *Procedure for acceptance by the City* for acceptance of new infrastructure in the right-of-way.

Per Destin Water Users, Inc.:

35. **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.
36. **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.


Gerald F. Mucci, AICP Date
Community Development Director


William Browning Date
Owner



CITY of DESTIN

4200 Indian Bayou Trail • Destin, Florida 32541

COMMUNITY DEVELOPMENT

Voice 850.837.4242 Fax 850.650.0693



www.cityofdestin.com

kgallander@cityofdestin.com

January 13, 2010

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

Subject: Le Mélange – Final Development Order No. 07-05 Special Economic Condition Extension Request

Dear Mr. Cramer:

This letter is in response to your correspondence I received on December 31, 2009. As required, your request for an extension to Final Development Order No. 07-05 was received prior to January 1, 2010. Based on meeting this criterion and by adhering to the criteria of the extension as stated in Article 2, Section 2.21.01.D, the extension is granted until December 31, 2011 from the date of your written correspondence (December 31, 2009). This extension vests the final development order and enables the holder of the orders to delay commencement or continuance of construction, if necessary, until December 31, 2011.

Please do not hesitate to call me if you have any further questions or concerns.

Sincerely,

Kenrick S. Gallander, AICP
Community Development Director

KSG/

cc: File: Letter Log
Planning Manager, Ashley Grana - File: SP-06-15



Community Development Planning Division

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

December 30, 2011

Mr. Rick Cramer
K & C Construction Management Svcs LLC
12598 Emerald Coast Parkway West, Suite 201
Destin Florida 32550-2103

**Subject: Special Economic Condition Extension Request for DO 07-05,
SP-06-15, Le Melange, 14060 Emerald Coast Pkwy**

Dear Mr. Rick Cramer:

Your written request for the additional "special economic condition" extension for Final Development Order DO 07-05 was received prior to the December 31, 2011 expiration of the current extension. Based on meeting the criterion of Florida Statutes Chapter 2011-139, Section 73, your extension is granted until December 31, 2013. This extension vests the final development order and enables the holder of the Development Order to delay commencement or continuance of construction, if necessary, until December 31, 2013.

Should you have further questions or concerns, please do not hesitate to call.

Sincerely,

R. Ashley Grana
Planning Manager

RAG/lwb

cc: DO Book, Project File:SP-06-15, Building File & Letter Log





Community Development Planning Division

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

October 12, 2012

Hudson Realty Capital, LLC
Attn.: Mr. Bryan Marshburn
1591 Hayley Lane, Suite 102
Fort Myers, Florida 33907

**SUBJECT: Le Melange – Final Development Order No. 07-05 “Special Economic Condition”
Extension Request – 14060 Emerald Coast Parkway**

Dear Mr. Marshburn:

This letter is in response to your letter dated September 10, 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 4, 2012. This extension date was determined by adding the maximum extension allowed under Section 24 (1) of Ch. 2012-205 Laws of Florida (four years) to the two years allowed by the City of Destin’s Land Development Code for a total of six years from the date the Development Order was issued. This determination enables the holder of the final development order to delay commencement or continuance of construction, if necessary, until December 4, 2012.

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: 2007 DO Book
Project File: SP-06-15
Building File: 14060 Emerald Coast Parkway
Letter Log





Community Development Planning Division

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

October 12, 2012

Hudson Realty Capital, LLC
Attn.: Mr. Bryan Marshburn
1591 Hayley Lane, Suite 102
Fort Myers, Florida 33907

**SUBJECT: Le Melange – Final Development Order No. 07-05 “Special Economic Condition”
Extension Request – 14060 Emerald Coast Parkway**

Dear Mr. Schmidt:

This letter is in response to your letter dated September 10, 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 4, 2012. This extension date was determined by adding the maximum extension allowed under Section 24 (1) of Ch. 2012-205 Laws of Florida (four years) to the two years allowed by the City of Destin’s Land Development Code for a total of six years from the date the Development Order was issued. This determination enables the holder of the final development order to delay commencement or continuance of construction, if necessary, until December 4, 2012.

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: 2007 DO Book
Project File: SP-06-15
Building File: 14060 Emerald Coast Parkway
Letter Log

