



# CITY of DESTIN

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**October 4, 2004**

**Order No. 04-31**

**5<sup>th</sup> Amended Final Development Order:**

**“MARBELLA, 5<sup>th</sup> AMENDMENT”:  
A MAJOR DEVIATION TO A PREVIOUSLY APPROVED  
MAJOR DEVELOPMENT  
(SP-04-22)**

Based upon the City Council's approval of this amended development order on September 20, 2004, this document will serve as your Final Amended Development Order, to include all of the provisions of the attached Technical Review Committee Report and with the following conditions, as specified by the City Council:

**BACKGROUND / ISSUE:**

- Applicant:** Moore Bass Consulting, Inc., on behalf of Oak Harbor Development, LLC, is requesting approval of a Modification to a previously approved Major Development and is identified as “Marbella – 5<sup>th</sup> Amendment.”
- Request:** The proposed amendment consists of modifying the number of multi-family residential condominiums and structures within Phase III and to remove the proposed multi-family residential condominiums in Phase IV and to replace them with a proposal to subdivide and develop that portion of the site with five single-family townhomes.
- Location:** The proposed development and associated amendment is located at 770 Harbor Boulevard (U.S. Highway 98 East), more specifically known as Property Appraiser's parcel I.D. Nos. 00-2S-22-0701-000N-0010, 00-2S-22-0701-000M-0110, and 00-2S-22-0701-000M-0090.
- Parcel Size:** The property contains 8.98 acres more or less.
- Future Land Use:** Mixed Use (MU)
- Zoning District:** Residential Intensive Apartment (RIA)
- Density:**  
Allowed: 19.9 dwelling units per acre  
Proposed: 126 dwelling units (All Phases) / 8.98 acres = 14.0 dwelling units per acre
- Intensity:**  
Allowed: 1.07 Floor Area Ratio (FAR)  
Proposed: 0.94 FAR (per Code Definition: 0.46 FAR)
- 5<sup>th</sup> Amendment Application Date:** April 5, 2004
- 5<sup>th</sup> Amendment TRC Date:** April 21, 2004
- 5<sup>th</sup> Amendment Approved Site Plan Date:** August 18, 2004
- 5<sup>th</sup> Amendment City Council Date:** September 20, 2004

**DETERMINATIONS:**

1. All of the findings of the Final Development Order No. 99-35 and amended Development Order Nos. 02-35 and 04-03 are incorporated herein; and
2. This 5<sup>th</sup> Amended Development Order does not extend the overall concurrency status determined by the Original Development Order (No. 99-35); and
3. All the findings of the Technical Review Committee report dated August 18, 2004, are incorporated herein.

**CONDITIONS OF APPROVAL FOR “MARBELLA, 5<sup>th</sup> AMENDMENT:” A MAJOR DEVIATION TO A PREVIOUSLY APPROVED MAJOR DEVELOPMENT (SP-04-22):**

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

Construction must commence within one (1) year of approval date (date from which the original Final Development Order is issued by the Community Development Department) of the Final Development Order on August 27, 1999 (no later than August 27, 2000), and must be completed as shown on the latest approved plan, which were approved by the Technical Review Committee.

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

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

2. If the applicant fully complies with the requirements of Condition No. 1 above, the concurrency capacity allocation status for “Marbella – 5<sup>th</sup> Amendment” will be protected. However, the protected concurrency status will be lost if:
  - A. Construction activity ceases for a period exceeding one (1) year at any time during the term of this Final Development Order so that concurrency is not maintained under section 6.02.00.B.3 of the Destin Land Development Code, or
  - B. Construction permit(s) are not obtained in accordance with Section 2.09.00 of the Land Development Code to maintain concurrency.

3. The applicant must obtain City of Destin permits for the following activities on and off site (These may require appropriate bonding):
  - A. Disturbance of the City's right-of-way (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.

**Community Development Department Conditions:**

1. Refer to pages 14 and 15 of the attached TRC Report for conditions.

## TECHNICAL REVIEW COMMITTEE REPORT

### **“MARBELLA, 5<sup>th</sup> AMENDMENT”: A MAJOR DEVIATION TO A PREVIOUSLY APPROVED MAJOR DEVELOPMENT (SP-04-22)**

**TRC Report: August 18, 2004**

#### **ISSUE:**

**Applicant:** Moore Bass Consulting, Inc., on behalf of Oak Harbor Development, LLC, is requesting approval of a Modification to a previously approved Major Development and is identified as “Marbella – 5<sup>th</sup> Amendment.”

**Request:** The proposed amendment consists of modifying the number of multi-family residential condominiums and structures within Phase III and to remove the proposed multi-family residential condominiums in Phase IV and to replace them with a proposal to subdivide and develop that portion of the site with five single-family townhomes.

**Location:** The proposed development and associated amendment is located at 770 Harbor Boulevard (U.S. Highway 98 East), more specifically known as Property Appraiser’s parcel I.D. Nos. 00-2S-22-0701-000N-0010, 00-2S-22-0701-000M-0110, and 00-2S-22-0701-000M-0090.

**Parcel Size:** The property contains 8.98 acres more or less.

**Future Land Use:** Mixed Use (MU)

**Zoning District:** Residential Intensive Apartment (RIA)

**Density:** Allowed: 19.9 dwelling units per acre

Proposed: 126 dwelling units (All Phases) / 8.98 acres = 14.0 dwelling units per acre

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

Proposed: 0.94 FAR (per Code Definition: 0.46 FAR)

**5<sup>th</sup> Amendment Application Date:** April 5, 2004

**5<sup>th</sup> Amendment TRC Date:** April 21, 2004

**5<sup>th</sup> Amendment Approved Site Plan Date:** August 18, 2004

**5<sup>th</sup> Amendment City Council Date:** September 20, 2004

#### **DISCUSSION/FINDINGS:**

Moore Bass Consulting, Inc., on behalf of Oak Harbor Development, LLC, is requesting approval of a Modification to a previously approved Major Development and is identified as “Marbella – 5<sup>th</sup> Amendment.” The proposed amendment consists of modifying the number of multi-family residential condominiums and structures within Phase III and to remove the proposed multi-family residential condominiums in Phase IV and to replace them with a proposal to subdivide and develop that portion of the site with five single-family townhomes. The proposed development and associated amendment is located at 770 Harbor Boulevard (U.S. Highway 98 East), more specifically known as Property Appraiser’s parcel I.D. Nos. 00-2S-22-0701-000N-0010, 00-2S-22-0701-000M-0110, and 00-2S-22-0701-000M-0090.

The original proposed Marbella Development was approved on July 12, 1999, with specific conditions set forth by City Council and staff as described in Final Development Order No. 99-35. On July 15, 2002, the project was amended (“Marbella, 3<sup>rd</sup> Amendment”) and received an amended Final Development (No. 02-35) on July 22, 2002. All conditions previously described in Final Development Orders No. 99-35 and No. 02-35 are still in affect and will be carried forth if this amendment is approved and specifically modified by these amendments.

The specific differences between the Marbella, 5<sup>th</sup> Amendment and the previously approved amended development are as follows:

1. The applicant desires to alter the number of dwelling units within Phase III (current plan 30 dwelling units) and Phase IV (current plan 27 dwelling units).
2. Of the 57 dwelling units currently proposed in Phases III and IV, 52 dwelling units will be consolidated into a single 8-story structure rather than the current plan of 3, 3-story structures within the Phase III development area. The 5 remaining dwelling units will stay within the Phase IV development area as 3-story single-family "villas" platted as townhomes.
3. The height of the structure within Phase III will change. Height of structures in the RIA four or more (3 or more floors) zoning district is determined by the setback requirements (i.e. as the structure increases in height, so does the setback distances) and compatibility. The total height (as defined in the Destin Land Development Code) of the proposed 8-story building is proposed to be 99.7 feet (118.2 feet at mean roof height minus 18.5 feet finished floor elevation).

Again, the 3<sup>rd</sup> Amendment site plan called for the tallest structures within Phases III and IV to be 3 stories. The 5<sup>th</sup> Amendment site plan proposes an 8-story structure in Phase III and maintaining the 3-stories in Phase IV. The applicant's architect was able to design and orientate the 8-story structure so as to limit any perceived nuisances or compatibility concerns as a result of the increased height. The proposed 8-story structure's closest wall to the eastern property line is three feet farther away than previously planned and the eastern portion of the structure is stepped back at the 3-story level. (See Exhibit "B" Architectural Elevations Sheet A201).

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review. The applicant chose to complete their own analysis for review by City Staff. The analysis (See Exhibit "C") provided concludes that the amended project maintains compatibility with the surrounding area. The City Staff after reviewing the analysis agrees with the conclusion.

The proposed request is consistent with the Comprehensive Plan and Land Development Code, which include a Compatibility review, Concurrency Management review, and a Level of Service review. This project is located within the Town Center Community Redevelopment Area.

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

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

The property currently has a Future Land Use designation of Mixed Use (MU) and a zoning designation of Residential Intensive Apartment (RIA). The proposed use is consistent with the MU Future Land Use designation and is a permitted principal use in the RIA zoning district.

**COMPATIBILITY:**

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review. The applicant chose to complete their own analysis for review by City Staff. The analysis (See Exhibit "C") provided concludes that the amended project maintains compatibility with the surrounding area.

Prior to and during the City's review of this amendment the proposed changes to the Phase III development area were presented to the neighboring development to the east. City Staff also met on June 25, 2004, with some of the neighboring development property owners and management to discuss the change. There was no indication from them at that time that the proposed changes to the structure would negatively affect their development/property. They were pleased the developer/applicant was pro-active and included them into the process. However, the neighbors and management wanted to discuss their desire to NOT have such large trees/vegetation along the eastern property line as previously approved. They were concerned the City was requiring such an extensive vegetative buffer along the eastern property line. That statement was true as a result of previous plans and perceived compatibility issues. Now that the design of Phase III has changed, the neighbors want to ensure their view, although still limited, is not impaired by high vegetation. To satisfy this concern, a note has been added to the landscape plan to address the fact the height of the vegetation shall not extend beyond the height requirement of 6' (72") at maturity and maintained to not extent over the height limit.

**DENSITY:**

Allowed: 19.9 dwelling units per acre  
Proposed: 126 dwelling units (All Phases) / 8.98 acres = 14.0 dwelling units per acre

**HEIGHT:**

Height of structures in the RIA four or more (3 or more floors) zoning district is determined by the setback requirements (i.e. as the structure increases in height, so does the setback distances) and compatibility. The total height (as defined in the Destin Land Development Code) of the proposed 8-story building is proposed to be 99.7 feet (118 .2 feet at mean roof height minus 18.5 feet finished floor elevation). The proposed height of all structures meets the requirements set forth within the RIA four or more (3 or more floors) zoning district and is compatible with the surrounding area.

**FLOOR AREA RATIO:**

The Mixed Use Future Land Use designation has a maximum floor area ratio (FAR) of 1.07.

The FAR calculation methodology as defined in Article 3, Section 3.00.01 "Floor Area Ratio" of the Destin Land Development Code is as follows:

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

$$\frac{(369,046 \text{ sq. ft.}) - (189,448 \text{ sq. ft.})}{391,174 \text{ sq. ft.}} = \text{FAR}$$

179,598 sq. ft. / 391,174 sq. ft. = 0.46 FAR as indicated on the site plan

Utilizing the formula as defined above, the FAR of 0.55 is below the maximum of 1.07 and thus is in compliance.

Utilizing the more common FAR calculation methodology as proposed in the Comprehensive Plan update also results in an FAR of 0.823, which is below 1.07 and is as follows:

**Total square feet of existing and proposed buildings / square feet of subject parcel = FAR**

369,046 sq. ft. / 391,174 sq. ft. = 0.94 FAR as indicated on the application and site plan

**RIGHT-OF-WAY DEDICATION:**

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

**CONCURRENCY MANAGEMENT:**

Concurrency requirements have been met:

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

Please refer to the attached Exhibits "D" through "G" for approved Concurrency Evaluation Certificates.

**TRAFFIC ANALYSIS:**

No changes are necessary to the traffic analysis as a result of the proposed amendment. The Transportation Manager agreed with the applicant that the amendment request does not increase or decrease the number of dwelling units and thus would not generate any changes to the existing approved traffic analysis.

**SUBDIVISION OR PUD - PLAT:**

Due to the desires of the applicant to develop single-family "villas" owned as townhomes within the Phase IV area, a townhome plat must be reviewed, approved, and recorded prior to the issuance of any building permit for vertical construction. In addition to the proposed townhome subdivision plat, Condominium Documents for the portion to be under condominium ownership must be in place.

**Condition:** Prior to the issuance of a Building Permit for vertical construction, the plat, (See Exhibit "B"), must be reviewed, approved by the City of Destin, and recorded.

**Condition:** Prior to the issuance of a Certificate of Occupancy, the Condominium Documents must be submitted to the Community Development Department to be reviewed and approved by Staff and the City Land Use Attorney. Additionally, a copy of the Condominium Documents, once recorded with the state, must be submitted to the City of Destin.

**WHITE SANDS ZONE:**

The proposed project is located within White Sand Zone I.

**PHASING:**

The applicant has proposed to construct the project in four (4) phases. The first phase, Phase I is the nine (9) story, 69-unit condominium structure, which is currently under construction. Phase II is proposed to be the 58 slip marina. Phase III is the proposed east 52-unit, 8-story complex. Phase IV is the proposed west 5-unit, 3-story "villa" complex. The complete phasing plan is on Sheet 2 of the proposed site plan (See Exhibit "B").

**AIRPORT PROTECTION:**

The subject site is not located within the airport protection area. NOTE: If construction necessitates the use of a crane, or other obstruction, which exceeds Federal Aviation Administration FAR 77 Standards (normally 200 feet above ground level), the applicant must request a variance from the FAA for temporary encroachment into this restrictive area and a copy of a completed FAA Form 7460, must be placed on file with the City of Destin prior to the crane, or other obstruction, penetrating the restricted airspace.

**SETBACKS:**

The proposed buildings meet and exceed all of the required setbacks for the following zoning district(s):

RIA: four or more families (3 or more floors) zoning district:

	<u>Required</u>	<u>Buffers</u>	<u>Provided</u>
Front (north):	20'	10' FP	114' including the 10' FP
Side (east):	28'	5' CB	28.00' including the 5' CB
Side (west):	15'	10' VB	21.04' including the 10' VB
Rear (south):	N/A for waterfront property.		
Between Bldgs.:	10'	N/A	10.00'

**SIGNS:**

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

**CITY OF DESTIN BUILDING OFFICIAL:**

Building Official has no comments at this time. The Building Official did note that a full set of construction plans, specification, and related documents shall be submitted to the International Code Council office in Birmingham for review and approval before any building permits will be issued for the 8-story multi-family residential condominium structure.

**COX COMMUNICATIONS:**

Cox Communications approved the project in a letter dated April 19, 2004.



**DESTIN FIRE CONTROL DISTRICT:**

The Destin Fire Control District approved the project in a letter dated April 21, 2004.

**GULF POWER:**

Gulf Power approved the project in a letter dated April 21, 2004.

**OKALOOSA GAS:**

Okaloosa Gas approved the project in a letter dated April 21, 2004.

**SPRINT:**

Sprint approved the project in a letter dated April 15, 2004.

**WATER/SEWER PROVIDER:**

Destin Water Users, Inc. approved the project in a letter dated April 20, 2004.

**UTILITIES:**

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

**STORMWATER:**

The amended stormwater management plan was found acceptable and approved on August July 9, 2004, and had the following **stormwater** related conditions:

1. **Prior to obtaining a building permit**, a copy of the FDEP stormwater (based upon current design) and NPDES approvals shall be forwarded to the Community Development office.
2. **Condition:** If groundwater is observed standing in the proposed stormwater structures, the stormwater management plan shall be in non-compliance and a revised stormwater plan shall be re-submitted for review and approval.
3. **Prior to obtaining a Certificate of Occupancy**, the Stormwater Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltration areas and catch basins, and b) maintenance of vegetative cover in surface infiltration areas. Owner shall regrade swale/retention areas as required to maintain approved design cross-section(s), line(s), and grade(s).

## **CONSTRUCTION DRAWING ITEMS**

1. **Prior to issuance of the Development Order** - Provide details for Basin D pop-off and show location on site, grading and drainage plan sheets. All pop-off structures shall have skimmer devices included. **NOT ADEQUATELY ADDRESSED.** Show detail with skimmer assembly. The skimmer plate currently is not shown.
2. **Prior to issuance of the Development Order** - Add a Note that all perforated pipe and exfiltration beds shall be inspected and approved by the Engineer of Record and the City of Destin prior to backfilling. **NOT ADEQUATELY ADDRESSED.** Provide the note on Sheet 6.0 for "Typical Garage Drainage Section", Section G1-G1 and Section G2-G2.

### **INGRESS/EGRESS:**

The primary ingress/egress point for the proposed development is provided by a single two-way access drive off of Harbor Boulevard (U.S. Highway 98 East). The developer has amended the plan removing one emergency drive at the far western end of the property. The far eastern emergency drive remains. The proposed ingress/egress points meet the requirements of the Destin Land Development Code.

A deceleration turn lane will accompany the primary entry into the site. A portion of this new turn lane is proposed on the subject site. The City Engineer may require the land used for the turn lane, which lies upon the subject site, to be dedicated to the City as right-of-way.

### **REFUSE COLLECTION:**

Refuse collection is to be provided by dumpster service. The proposed dumpsters, if located outside, must be fully enclosed (opaque) and gated.

### **SIDEWALKS:**

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

### **LANDSCAPE:**

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

#### **Open Space Requirements:**

391,174 sq. ft. of property x 18 % + 171 sq. ft. per 2500 sq. ft. of garage parking = 81,248.7 sq. ft. required  
Site plan provides 47.2 % = 184,516 sq. ft. provided

**Tree Requirements:**

Credits for Existing Trees (2" to 6" diameter) on Site (206 trees x 2 credits per tree):	412
Credits for Existing Trees (7" to 12" diameter) on Site (163 trees x 3 credits per tree):	489
Credits for Existing Trees (13" to 19" diameter) on Site (15 trees x 4 credits per tree):	60
Credits for Existing Trees (20" to 24" diameter) on Site (0 trees x 5 credits per tree):	0
Total Reforestation Credits for saving Existing, Protected, or Preserved Trees:	<u>961</u>
Total Reforestation Credits for Trees Required on Site:	961
Reforestation Trees (1 per every .10 of an acre: 8.98 x 10 = 90) Required on Site:	90
Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:	<u>0*</u>

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

Total Reforestation Trees Required on Site:	0
Front Perimeter Trees (1 per 25') Required on Site:	37
Parking Lot Trees (1 per end row and landscape island) Required on Site:	12
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site:	13
Replacement Trees (removal of trees over 12" d.b.h.) Required on Site:	9

<b>TOTAL TREES REQUIRED:</b>	<b>71</b>
<b>TOTAL TREES PROVIDED (Does not include trees kept):</b>	<b>71</b>

A five (5) foot Common Boundary Landscape Area is required along eastern property lines. A ten (10) foot Front Perimeter Landscape Area is required along the northern property line and a ten (10) foot buffer zone is required along the western property line. The required five (5) foot Common Boundary landscaping shall provide a minimum of fifty percent (50%) opacity for that area between the finished grade level at the common boundary line and six (6) feet above said level and horizontally along the length of all common boundaries within three (3) years of planting. The eastern side 5' CB shall be maintained to no more than 6' tall. The required ten (10) foot Front Perimeter Landscape Buffer shall provide one (1) tree per twenty-five (25) linear feet of buffer. The required ten (10) foot buffer zone shall provide a six-foot tall continuous, opaque screen. All required trees must be a minimum of six (6) feet high at time of planting and reach a crown of twenty (20) feet at maturity. If the twenty (20) foot crown requirement is not met, additional trees shall be added and grouped together to meet the twenty (20) foot crown. If shrubs are used in the required buffer areas, they must be a minimum of twelve (12) inches in height when measured immediately after planting. **WARNING: A Certificate of Occupancy will not be issued until the required landscape material has been inspected and approved by the Community Development Department.**

**PARKING:**

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

Per code:

Dwelling, multifamily (5 stories or more); Dwelling, townhomes; marina, and Harbor Master's Office:

- 2.00 spaces per multifamily dwelling unit,
- 2.25 spaces per dwelling, townhouse
- 1 space per slip, and
- 1 space per 200 square feet of office

Per site plan:

Dwelling, multifamily, marina, and Harbor Master's Office:

121 dwelling units, 5 dwelling, townhouses, 58 slips, and 576 square feet office =  $(121 \times 2.00) + (5 \times 2.25) + (576 / 200) + 58 = 242 + 11.25 + 2.88 + 58 = 314$

**TOTAL REQUIRED: 314 parking spaces (including at least 8 handicap spaces)**  
**TOTAL PROVIDED: 353 parking spaces (including at least 8 handicap spaces)**

**LOADING SPACE (ZONE):**

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

**TOTAL REQUIRED: 4 loading spaces**  
**TOTAL PROVIDED: 5 loading spaces**

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

1. An FDOT permit is required and must be submitted prior to the issuance of a building permit.
2. A Florida Department of Environmental Protection general notice permit (for stormwater) has been issued for this project and is on file.

**IMPACT FEES:**

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

**Parks:** The parks impact fees were calculated using the "Multi-family" \$113.03 per unit category.

**Multi-family:**

126 units x \$113.03 = **\$14,242.78**

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

Multi-family:

126 units x \$76.19= **\$9,599.94**

Police Protection: The police protection impact fees were calculated using the "U.S. Highway 98 Corridor Resort Residential per unit = \$14.64" category.

Resort Residential:

126 units x \$14.64 = **\$1,844.64**

Road: The road impact fees were calculated using the "Multi-family dwelling unit (per dwelling unit.) = \$577.00" category and "Marina per berth = \$583.00."

Multi-family dwelling unit:

126 units x \$577.00 = **\$72,702.00**

Marina:

58 slips (berths) x \$583.00 = **\$33,814.00**

Parks:	=	\$14,242.78
Public Library: (not applicable)	=	\$9,599.94
Police Protection:	=	\$1,844.64
<u>Roads:</u>	=	<u>\$106,516.00</u>
TOTAL:	=	\$132,203.36

**OTHER FEES:**

The fees listed below are subject to change and are based on the most recent information available (July 30, 2004). The fees must be paid by the applicant as part of the cost recovery associated with the proposed project:

City Traffic Consultant:	<b>Paid</b>
City Compatibility Consultant:	<b>N/A</b>
City Surveyor:	<b>N/A</b>
Re-Review Fees (Community Dev.)	<b>Paid</b>
Re-Review Fees (Stormwater Man.)	<b>Paid</b>
Administrative Costs:	<b>Paid</b>
<u>City Council Advertising:</u>	<u><b>Paid</b></u>
<b>TOTAL (as of 7/30/04) =</b>	<b>\$0.00</b>

## COMMENTS/CONDITIONS:

### Public Input:

Prior to and during the City's review of this amendment the proposed changes to the Phase III development area were presented to the neighboring development to the east. City Staff also met on June 25, 2004, with some of the neighboring development property owners and management to discuss the change. There was no indication from them at that time that the proposed changes to the structure would negatively affect their development/property. They were pleased the developer/applicant was pro-active and included them into the process. However, the neighbors and management wanted to discuss their desire to NOT have such large trees/vegetation along the eastern property line as previously approved. They were concerned the City was requiring such an extensive vegetative buffer along the eastern property line. That statement was true as a result of previous plans and perceived compatibility issues. Now that the design of Phase III has changed, the neighbors want to ensure their view, although still limited, is not impaired by high vegetation. To satisfy this concern, a note has been added to the landscape plan to address the fact the height of the vegetation shall not extend beyond the height requirement of 6' (72") at maturity and maintained to not extent over the height limit.

### Per Community Development Department:

1. All conditions identified within Final Development Orders No. 99-35 and No. 02-35 are in affect, unless otherwise deleted or amended by the terms of approval of this application.
2. **Prior to the issuance of the Development Order**, all outstanding costs associated with this project that are owed to the City must be paid in full.
3. **Prior to the issuance of a Clearing/Grading Permit**, a clearing/grading plan must be submitted and approved by the Community Development Department.
4. **Prior to the issuance of a Building Permit**, a construction crane registration form, which has been approved by Okaloosa County Airport Authority, must be submitted (if necessary).
5. **Prior to the issuance of any Certificate of Occupancy**, all applicable impact fees must be paid.
6. **Prior to the issuance of a Certificate of Occupancy**, the landscaping and outdoor lighting (photometrics plan) must be inspected and approved by the Community Development Department.
7. Any additional revisions to the site plan must be reviewed and approved by the appropriate Technical Review Committee members and may be subject to a compatibility analysis if required pursuant to provisions of the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09].
8. **Prior to obtaining a building permit**, a copy of the FDEP stormwater (based upon current design) and NPDES approvals shall be forwarded to the Community Development office.
9. If groundwater is observed standing in the proposed stormwater structures, the stormwater management plan shall be in non-compliance and a revised stormwater plan shall be re-submitted for review and approval.

