CITY of DESTIN
4200 Two Trees Road • Destin, Florida 32541
www.cityofdestin.com

May 20, 2005 **Order No. 05-25**

Final Development Order:

"Norriego Pointe – A Residential Condominium"
A MAJOR DEVELOPMENT
(SP-04-45)

Based upon the City Council's approval of this development order on April 11, 2005, this document will serve as your Final Development Order, to include all of the provisions of the attached Technical Review Committee Report, testimony, and with the following conditions as specified by the City Council:

BACKGROUND / ISSUE:

Applicant: Pointe One, LLC, is requesting approval of a Major Development identified as "Norriego Pointe – A Residential Condominium."

Request: The proposed project is a multifamily residential development consisting of 79 dwelling units, parking garage, and swimming pools as part of a 9-story structure complex (125 feet from lowest finished floor of the parking garage to the highest roof per the Land Development Code height definition or 94 feet from the FEMA Base Flood Elevation to the cornice line of the building per the City adopted Comprehensive Plan: 2010 height definition). In addition to the site development, the landowner will be dedicating to the City of Destin a portion of the property for a 100-foot public right-of-way as an extension to the existing Gulf Shore Drive right-of-way.

Location: The proposed project is located on a vacant parcel, which is located northwest of East Pass Towers – Phase I and more specifically known as Property Appraiser's Parcel ID No. 00-2S-24-0000-0034-0000.

Parcel Size: The total site area, less the proposed 100-foot right-of-way land dedication, is 3.964 acres, more or less.

Future Land Use: High Density Residential (HDR)
Zoning District: Residential Intensive Apartment (RIA)
Density: Allowed: 19.9 dwelling units per acre
Proposed: 79 dwelling units / 3.964 acres = 19.9 dwelling units per acre
Intensity: Not applicable for residential development in the HDR Future Land Use Map designation
Application Date: August 2, 2004
TRC Date: August 18, 2004
Approved Site Plan Date: April 5, 2005
City Council Date: April 11, 2005

DETERMINATIONS:

1. The Destin City Council held a public hearing on April 11, 2005. The Council voted 6 to 1, to approve the project as presented in the agenda package and subject to all applicable conditions identified within the Final Development Order, TRC report dated April 5, 2005, with all necessary changes and updates, testimony, and contingent upon payment of all outstanding fees prior to the issuance of the Development Order.

2. All the findings of the Technical Review Committee report dated April 5, 2005, are incorporated herein.

CONDITIONS OF APPROVAL FOR "Norriego Pointe – A Residential Condominium" A MAJOR DEVELOPMENT (SP-04-45):

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

   Construction must commence within one (1) year of approval date (date from which the Final Development Order is issued by the Community Development Department) of the Final Development Order on May 20, 2005 (no later than May 20, 2006), and must be completed as shown on plans approved by the Technical Review Committee.

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

   NOTE: An applicant/owner who desires to extend the twelve (12) month (1 year) deadline must submit a request to the Community Development Department, no less than thirty (30) days prior to the expiration of the twelve (12) month deadline to obtain a building permit and commence construction. The applicant may receive only one extension, and such extension shall not exceed one year. The applicant /owner should review Article 2, Section 2.15.00, 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 "Norriego Pointe – A Residential Condominium" 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.

4. **Community Development Department Conditions:**

    A. Refer to pages 13, 14, and 15 of the attached TRC Report dated April 5, 2005.

5. **Engineering Department Conditions:**

    A. Refer to page 15 of the attached TRC Report dated April 5, 2005.

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

    A. Refer to page 9 of the attached TRC Report dated April 5, 2005.

TECHNICAL REVIEW COMMITTEE REPORT

"Norriego Pointe – A Residential Condominium"
A MAJOR DEVELOPMENT
(SP-04-45)

TRC Report: April 5, 2005

ISSUE:

Applicant: Pointe One, LLC, is requesting approval of a Major Development identified as "Norriego Pointe – A Residential Condominium."

Request: The proposed project is a multifamily residential development consisting of 79 dwelling units, parking garage, and swimming pools as part of a 9-story structure complex (125 feet from lowest finished floor of the parking garage to the highest roof per the Land Development Code height definition or 94 feet from the FEMA Base Flood Elevation to the cornice line of the building per the City adopted Comprehensive Plan: 2010 height definition). In addition to the site development, the landowner will be dedicating to the City of Destin a portion of the property for a 100-foot public right-of-way as an extension to the existing Gulf Shore Drive right-of-way.

Location: The proposed project is located on a vacant parcel, which is located northwest of East Pass Towers – Phase 1 and more specifically known as Property Appraiser's Parcel ID No. 00-2S-24-0000-0034-0000. (Exhibit A – On File)

Parcel Size: The total site area, less the proposed 100-foot right-of-way land dedication, is 3.964 acres, more or less.

Future Land Use: High Density Residential (HDR)
Zoning District: Residential Intensive Apartment (RIA)
Density: Allowed: 19.9 dwelling units per acre
Proposed: 79 dwelling units / 3.964 acres = 19.9 dwelling units per acre
Intensity: Not applicable for residential development in the HDR Future Land Use Map designation
Application Date: August 2, 2004
TRC Date: August 18, 2004
Approved Site Plan Date: April 5, 2005
City Council Date: April 11, 2005

DISCUSSION/FINDINGS:

Pointe One, LLC, is requesting approval of a Major Development identified as "Norriego Pointe – A Residential Condominium." The proposed project is a multifamily residential development consisting of 79 dwelling units, parking garage, and swimming pools as part of a 9-story structure complex (125 feet from lowest finished floor of the parking garage to the highest roof per the Land Development Code height definition or 94 feet from the FEMA Base Flood Elevation to the cornice line of the building per the City adopted Comprehensive Plan: 2010 height definition). In addition to the site development, the landowner will be dedicating to the City of Destin a portion of the property for a 100-foot public right-of-way as an extension to the existing Gulf Shore Drive right-of-way. The proposed project is located on a vacant parcel, which is located northwest of East Pass Towers – Phase 1 and more specifically known as Property Appraiser's Parcel ID No. 00-2S-24-0000-0034-0000. The total site area, less the proposed 100-foot right-of-way land dedication, is 3.964 acres, more or less.

The proposed project as depicted on the site plan(s) (Exhibit B – On File), as required by the Comprehensive Plan: 2000 and the Land Development Code, has undergone a compatibility review that is detailed below under the "Compatibility" section of this TRC Report.

The proposed request as presented and described is consistent with the Comprehensive Plan: 2000 and Land Development Code, which include a Compatibility review, Concurrency Management review, and a Level of Service review. Note: Reference to the City of Destin's adopted Comprehensive Plan: 2010 is to simply highlight the new method of measuring height of structures. However, this project was not reviewed under the adopted Comprehensive Plan: 2010.

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

COMPREHENSIVE PLAN/ZONING:

This application was reviewed pursuant to the City of Destin's Comprehensive Plan: 2000 and the current Land Development Code (LDC). The property currently has a Future Land Use Map designation of High Density Residential (HDR) and a Zoning District designation of Business Tourism (BT). The proposed multifamily residential land use is consistent with the intent of the High Density Residential (HDR) Future Land Use Map designation as an acceptable land use pursuant to the Comprehensive Plan - 2000. The Residential Intensive Apartment (RIA) zoning district specifically allows for the described use (§7.12.01 (E) (c), LDC). However, the proposed development must satisfy compatibility criteria established in Policy 7.A.4.6 (p), Comprehensive Plan and §7.09.00, LDC.

COMPATIBILITY:

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

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

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the requirements as detailed in the staff reviewed and accepted Compatibility Analysis, dated March 9, 2005, by Ms. Wendy Grey, AICP, of Wendy Grey Land Use Planning (See Exhibit C – On File).

City Staff accepts the above referenced compatibility analysis and agrees with the findings that the site development plan for the "Norriego Pointe – A Residential Condominium", a multifamily residential development complies with the City of Destin Comprehensive Plan Policy 7.A.4.6 (p) 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 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].

CONCURRENCY MANAGEMENT:

Concurrency requirements have been met:

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

Please refer to the attached Exhibits D through H (On File) for approved Concurrency Evaluation Certificates.

RIGHT-OF-WAY DEDICATION:

Within 90 days of the issuance of the Development Order or prior to the issuance of any buildin permit, whichever is sooner, the applicant shall dedicate to the City of Destin by general warranty deed, free and clear of encumbrances, the required land in order to provide a 100' wide ROW along the northeast portion of the development. (See sheet C4 Exhibit B – On File)

TRAFFIC ANALYSIS:

According to the traffic review conducted by the City's Transportation Manager and approved on April 6, 2005, 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 revised dated February 4, 2005 (Exhibit G – On File).

SUBDIVISION OR PUD - PLAT:

The proposed development will be a multifamily residential land use under condominium ownership and thus Condominium Documents are necessary. In lieu of providing draft Condominium Documents, the applicant has provided a Condominium Affidavit, dated March 28, 2005, (See Exhibit I – On File).

Prior to the issuance of a Certificate of Occupancy, the condominium documents must be reviewed and approved by the City Land Use Attorney and City Staff and properly recorded as stated within the Condominium Affidavit dated March 28, 2005. Additionally, a copy of the Condominium Documents, once recorded with the state, must be submitted to the City of Destin.

AIRPORT PROTECTION:

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

GENERAL SITE/STRUCTURE CHARACTERISTICS:

Density:

Allowed: 19.9 dwelling units per acre

Proposed: 79 dwelling units / 3.964 acres = 19.9 dwelling units per acre

The project is compliant in regards to not exceeding the maximum density allowed within the High Density Residential (HDR) FLUM category.

Floor Area Ratio:

Not applicable for residential land use development in the HDR Future Land Use Map designation

Height:

The Residential Intensive Apartment (RIA) four or more family (3 or more floors) Zoning District is the applicable zoning district to help determine height limitations for this development and in conjunction with compatibility (See Exhibit C – On File).

The proposed 9-story structure is designed to be 125 feet from lowest finished floor of the parking garage to the highest roof per the Land Development Code height definition. For further descriptive purposes and clarification, the height of the structure in relation to the City of Destin's currently adopted Comprehensive Plan: 2010 height definition, is 94 feet from the FEMA Base Flood Elevation (VE14) to the cornice line of the building.

SETBACKS:

The proposed buildings meet and exceed all of the required setbacks for the following zoning district(s): Residential Intensive Apartment (RIA) four or more, 3 or more floors dimensional requirements: (Note: Distances provided are from the proposed facility to the nearest property lines)

	Required Setbacks	Buffers	Provided
Front (northeast):	20'	10' FP	20.04' including the 10' FP
Back (southwest):	FDEP/CCCL determined	50' CON	50.65' including the 50' CON
Side (southeast):	30'	5' CB	32.39' including the 5' CB
Side (northwest):	30'	5' CB	30.07' including the 5' CB
Between Bldgs.:	10'	N/A	N/A

Note: 10' FP = 10' Front Perimeter Landscaped Area, 10' VB = 10' Vegetative Buffer Area, 50' CON = Conservation Use area buffer, and 5' CB = 5' Common Boundary Landscaped Area. The following buffers are required: 10' FP is required along the property abutting the right-of-way or proposed right-of-way, the standard five (5) foot common boundary buffers along the southeastern and northwestern property lines, and a 50' conservation area buffer along the rear property line along the East Pass.

WHITE SANDS ZONE:

The project property is located in White Sand Zone 1.

PHASING:

The proposed development will not be a phased development.

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:

Utilities/service (existing and proposed) shall be placed underground.

CITY OF DESTIN BUILDING OFFICIAL:

Building Official has no technical comments at this time. A full set of construction plans, specification, and related documents for the two condominium buildings, restaurant, and conference center must be submitted to the International Code Council office in Birmingham for review and approval before any building permits will be issued.

COX COMMUNICATIONS:

Cox Communications approved the project in a letter dated August 12, 2004.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated March 31, 2005

GULF POWER:

Gulf Power approved the project in a letter dated March 14, 2005.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated August 18, 2004.

SPRINT:

Sprint approved the project in a letter dated March 15, 2005.

WATER/SEWER PROVIDER:

Destin Water Users, Inc. approved the project in a letter dated March 17, 2005. Please note the following as conditions of the Final Development Order:

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

2. Field verified "As-Built" Plans must be furnished to Destin Water Users, Inc., prior to the release of water service.

3. The lift station shall be privately owned unless a complete set of specifications are issued, reviewed, and approved for DWU ownership.

4. Our records indicate an existing utility easement across the property. Please include this easement on the utility plans.

STORMWATER:

The stormwater management plan was found acceptable and approved with conditions on April 1, 2005. The following are **stormwater** related notes and conditions:

1. **Note**: The Engineer of Record is cautioned to review the construction documents as submitted to assure thorough information is provided to allow proper construction. All stormwater management facilities shall be required to be constructed per the Codes of the City of Destin.

2. **Prior to obtaining any city permit,** a copy of the FDEP Stormwater Documentation, FDEP Beaches and Shores, and NPDES approvals shall be forwarded to the City Engineer's office and Community Development Department.

3. **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.

4. **Prior to the issuance of the Final Development Order (D0):** Following approval by the Technical Review Committee submit a City of Destin Concurrency Evaluation Certification – Stormwater using the latest Revised Form with an original seal and signature by a Florida Professional Engineer of Record.

5. **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).

COASTAL MANAGEMENT AND CONSERVATION:

The proposed project is located within VE12, VE13, and VE14 special flood hazard areas per the FEMA Flood Insurance Rate Maps. A certified statement from a licensed architect has been provided and is on file, dated March 29, 2005, indicating the proposed development will be designed and constructed in compliance with the Federal Emergency Management Agency (FEMA)/National Flood Insurance Program (NFIP) standards and the requirements set forth within the City of Destin Land Development Code, Article 11, Section 11.04.00.

INGRESS/EGRESS:

Ingress and egress to the proposed project is provided by a 24.55-foot wide, two-way access point approximately 210 feet from the eastern property line and a 24-foot wide, two-way access point approximately 26 feet from the eastern property line.

PARKING:

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

Per code:

Dwelling, Multi-family (5 stories or more): 2.00 parking spaces per unit

Per site plan:

79-units x 2.00 spaces = 158

TOTAL REQUIRED: 158 parking spaces (including 6 handicap spaces)
TOTAL PROVIDED: 176 parking spaces (including 6 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 are as follows:

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

REFUSE COLLECTION:

Refuse collection is to be provided by dumpster service. All dumpsters and refuse handling area must be enclosed by fully opaque screen and gate.

SIDEWALKS/PEDESTRIAN CONNECTIVITY:

Sidewalks, interior pedestrian accessways, and appropriate crosswalk striping shall be provided as indicated on sheet C4 (Exhibit B – On File).

OPEN SPACE/LANDSCAPE:

Open Space Requirements:

Site Development Area (Total Area): 172,672 sq. ft. (3.964 acres, more or less)

Required 18% Open Space: 31,080.96. ft. + 2,923.7 sq. ft. (171 sq. ft. for every 2,500 sq. ft. of garage parking): TOTAL Required Open Space = 34,004.7 sq. ft.

Provided Open Space: 68,400 sq. ft. (39.6%) – (50% of land seaward of CCCL 60,473 sq. ft. / 2) = 38,163.5 sq. ft. (22.1%)

Tree Requirements:

Credits for Existing Trees (2" to 6" diameter) on Site (0 trees x 2 credits per tree):	0
Credits for Existing Trees (7" to 12" diameter) on Site (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" to 24" diameter) on Site (0 trees x 5 credits per tree):	0
Total Reforestation Credits for saving Existing, Protected, or Preserved Trees:	0
Reforestation Trees (1 per every .10 of an acre: 3.964 x 10 = 40 Required on Site:	40
Total Reforestation Trees (1 per every .10 of an acre minus credits) **Required on Site:**	**40**

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:	40
Total Reforestation Trees **Provided** on Site:	**49**
Front Perimeter Trees (1 per 25') Required on Site:	23
Front Perimeter Trees (1 per 25') **Provided** on Site:	**23**
Parking Lot Trees (1 per end row and landscape island) Required on Site:	0
Parking Lot Trees (1 per end row and landscape island) **Provided** on Site:	**0**
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site: (Includes additional vegetation per Compatibility Analysis)	0*
Replacement Trees (removal of trees 12" d.b.h. or greater) Required on Site:	0
TOTAL TREES REQUIRED:	63
TOTAL TREES PROVIDED:	**72**

*The number of trees provided shall be adjusted (increased) to address any compatibility requirements prior to the certificate of occupancy.

A five (5) foot Common Boundary Landscape Area is required along those property lines that directly abut an adjacent parcel (east and west). A ten (10) foot Front Perimeter Landscape Area is required along the northeastern 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.

If required, the ten (10) foot Front Perimeter Landscape Buffer shall be calculated as one (1) tree per twenty-five (25) linear feet of buffer. Unless otherwise noted, all required trees must be a minimum of six (6) feet high at time of planting and reach a crown of twenty (20) feet at maturity. If the twenty (20) foot crown requirement is not met, additional trees shall be added and grouped together to meet the twenty (20) foot crown. If shrubs are used in the required buffer areas, they must be a minimum of twelve (12) inches in height when measured immediately after planting. **WARNING: A Certificate of Occupancy <u>will not</u> be issued until the required landscape material per the approved landscape plan has been inspected and approved by the Community Development Department. Additional vegetation may be required per compatibility.**

<u>IMPACT FEES:</u>

The following impact fee amounts may be subject to change. Final impact fee amounts will be determinant upon the gross floor area of the overall development land use 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:

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

<u>Multi-family:</u>

$113.03 x 79 units = $8,929.37

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

<u>Multi-family:</u>

$76.19 x 79 units = $6,019.01

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

<u>Multi-family:</u>

$14.50 x 79 units = $1,145.50

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

Multi-family:

$577.00 x 79 units = $45,583.00

Totals:

Parks:	=	$8,929.37
Public Library:	=	$6,019.01
Police Protection:	=	$1,145.50
Roads:	=	$45,583.00
TOTAL:	=	**$61,676.88**

OTHER FEES:

The fees listed below are subject to change and are based on the most recent information available (March 14, 2005). The fees must be paid by the applicant as part of the cost recovery associated with the proposed project:

City Traffic Consultant:	**Paid**
City Compatibility Consultant:	**N/A**
City Surveyor:	**N/A**
Re-Review Fees (Community Dev.)	**Paid**
Re-Review Fees (Engineering Review.)	**Paid**
Administrative Costs:	**Paid**
City Council Advertising:	**TBD**
TOTAL (as of 3/14/05) =	**TBD**

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

A copy of the FDEP Stormwater Documentation, FDEP Beaches and Shores, and NPDES approvals shall be forwarded to the City Engineer's office and Community Development Department.

COMMENTS/CONDITIONS:

Public Input:

With regards to this development order application and since the development agreement was withdrawn from consideration, no public comment has been presented to staff at the time this report was prepared. However, numerous individuals have expressed their concerns to staff regarding the project as was previously proposed as part of the development agreement.

Per Community Development Department:

1. **Prior to the issuance of the Final Development Order,** all outstanding costs associated with this project and are owed to the City must be paid in full.

2. **Within 90 days of the issuance of the Development Order or prior to the issuance of any building permit, whichever is sooner,** the applicant shall dedicate to the City of Destin by general warranty deed, free and clear of encumbrances, the required land in order to provide a 100' wide ROW along the northeast portion of the development. (See sheet C4 Exhibit B – On File)

3. **Prior to obtaining any city permit,** a copy FDEP Stormwater Documentation, FDEP Beaches and Shores, and NPDES approvals shall be forwarded to the City Engineer's office to be stamped "Received" and then forwarded to the Community Development Department.

4. **Prior to the issuance of any building and/or clearing permit,** a detailed landscape plan must be submitted to the Community Development Department for review to comply with Article 12, Section 12.04.07 of the LDC.

5. **Prior to the issuance of a Certificate of Occupancy,** all applicable impact fees must be paid.

6. **Prior to the issuance of a Certificate of Occupancy,** the condominium documents must be reviewed and approved by the City Land Use Attorney and City Staff and properly recorded as stated within the Condominium Affidavit dated March 28, 2005. Additionally, a copy of the Condominium Documents, once recorded with the state, must be submitted to the City of Destin.

7. **Prior to the issuance of a Certificate of Occupancy,** a lighting/photometrics plan shall be submitted to City Staff for review and approval indicating the as-built lighting conditions. Any necessary changes shall be made prior to the issuance of a certificate of occupancy.

8. **Prior to the issuance of a Certificate of Occupancy,** the landscaping and outdoor lighting, if installed, must be inspected and approved by the Community Development Department. The lighting plan must provide specifications for the proposed outdoor lighting, including photometrics. All lighting must be shielded downward and away from adjacent properties in order to avoid spill-over and illumination into the night sky. The source of all illumination should not be visible from off-site.

9. **Note**: The Engineer of Record is cautioned to review the construction documents as submitted to assure thorough information is provided to allow proper construction. All stormwater management facilities shall be required to be constructed per the Codes of the City of Destin.

10. 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.

11. **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).

12. Any additional revisions to the site plan must be reviewed and approved by the appropriate Technical Review Committee members and may be subject to a compatibility analysis if required pursuant to provisions stated within the approved Development Order, the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09] or if necessary as agreed upon by the City and the applicant prior to the issuance of the final development order.

Per Engineering Department:

1. **Prior to obtaining a Right-of-Way Construction Permit**: Provide the construction design of the retaining wall to be located on the north side (Harbor) of the 100-foot right-of-way.

2. **Prior to obtaining a Right-of-Way Construction Permit**: Provide a landscaping plan for the right-of-way.

Gerald F. Mucci 5-20-05

Gerald F. Mucci, AICP Date
Community Development Director

Pointe II

By

Pointe One, LLC Date June 9, 2005
Owner
Mr. Lucius S. Evins, **III**
Managing Member