



CITY of DESTIN

+200 Two Trees Road • Destin, Florida 32541



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October 27, 2004

Order No. 05-04

Final Development Order:

**“THE PALMS OF DESTIN – RESORT AND CONFERENCE CENTER”
(A RESORT CONDOMINIUM DEVELOPMENT)
A MAJOR DEVELOPMENT
(SP-04-29)**

Based upon the City Council’s approval of this development order on October 11, 2004, 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:** Emerald Coast Associates, Inc., on behalf of Leo J. Salvatori, Trustee, is requesting approval of a Major Development identified as “The Palms of Destin – Resort and Conference Center.”
- Request:** The proposed project is a resort condominium and conference center complex consisting of 566 lodging units (416 front doors) within two, 12-story towers and 14, one-story poolside villas, a restaurant, meeting room, and complementary accessory uses.
- Location:** The proposed project is located on the vacant parcels east of Destin City Hall, west of the Emerald Coast Center, north of Emerald Coast Parkway, and south of Commons Boulevard and is more specifically known as Property Appraiser’s parcel I.D. numbers 00-2S-22-0000-0001-A070, 00-2S-22-0000-0001-A07A, and 00-2S-22-2300-000F-004E.
- Parcel Size:** The total site area is 14.30 acres, more or less.
- Future Land Use:** Commercial (C)
- Zoning District:** Business Tourism (BT)
- Density:** Allowed: 40 lodging units per acre in Commercial (C)
Proposed: 566 lodging units / 14.30 acres = 39.6 lodging units per acre
- Intensity:** Allowed: 1.07 Floor Area Ratio (FAR) per current Comprehensive Plan – 2000
Proposed: 0.49 FAR per Land Development Code Definition OR
1.00 FAR per more commonly used methodology
- Application Date:** May 3, 2004
- TRC Date:** May 19, 2004
- Approved Site Plan Date:** September 27, 2004
- City Council Date:** October 11, 2004 (Special City Council Hearing)

DETERMINATIONS:

1. The Destin City Council held a public hearing on October 11, 2004. The Council voted 4 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 September 27, 2004, 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 September 27, 2004, are incorporated herein.

CONDITIONS OF APPROVAL FOR "THE PALMS OF DESTIN – RESORT AND CONFERENCE CENTER" A MAJOR DEVELOPMENT (SP-04-29):

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 October 27, 2004 (no later than October 27, 2005), 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 "The Palms of Destin – Resort and Conference Center" 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:** Refer to pages 18, 19, and 20 of the attached TRC Report dated September 27, 2004.

TECHNICAL REVIEW COMMITTEE REPORT

**“THE PALMS OF DESTIN – RESORT AND CONFERENCE CENTER”
(A RESORT CONDOMINIUM DEVELOPMENT)
A MAJOR DEVELOPMENT
(SP-04-29)**

TRC Report: September 27, 2004, amended October 11, 2004

ISSUE:

- Applicant:** Emerald Coast Associates, Inc., on behalf of Leo J. Salvatori, Trustee, is requesting approval of a Major Development identified as “The Palms of Destin – Resort and Conference Center.”
- Request:** The proposed project is a resort condominium and conference center complex consisting of 566 lodging units (416 front doors) within two, 12-story towers and 14, one-story poolside villas, a restaurant, meeting room, and complementary accessory uses.
- Location:** The proposed project is located on the vacant parcels east of Destin City Hall, west of the Emerald Coast Center, north of Emerald Coast Parkway, and south of Commons Boulevard and is more specifically known as Property Appraiser’s parcel I.D. numbers 00-2S-22-0000-0001-A070, 00-2S-22-0000-0001-A07A, and 00-2S-22-2300-000F-004E. (Exhibit A: Location Map).
- Parcel Size:** The total site area is 14.30 acres, more or less.
- Future Land Use:** Commercial (C)
- Zoning District:** Business Tourism (BT)
- Density:** Allowed: 40 lodging units per acre in Commercial (C)
Proposed: 566 lodging units / 14.30 acres = 39.6 lodging units per acre
- Intensity:** Allowed: 1.07 Floor Area Ratio (FAR) per current Comprehensive Plan – 2000
Proposed: 0.49 FAR per Land Development Code Definition OR
1.00 FAR per more commonly used methodology
- Application Date:** May 3, 2004
- TRC Date:** May 19, 2004
- Approved Site Plan Date:** September 27, 2004
- City Council Date:** October 11, 2004 (Special City Council Hearing)

DISCUSSION/FINDINGS:

Emerald Coast Associates, Inc., on behalf of Leo J. Salvatori, Trustee, is requesting approval of a Major Development identified as “The Palms of Destin Resort and Conference Center.” The proposed project is a resort condominium and conference center complex consisting of 566 lodging units (416 front doors) within two, 12-story towers and 14, one-story poolside villas, a restaurant, meeting room, and complementary accessory uses. The proposed project is located on the vacant parcels east of Destin City Hall, west of the Emerald Coast Center, north of Emerald Coast Parkway, and south of Commons Boulevard and is more specifically known as Property Appraiser’s parcel I.D. numbers 00-2S-22-0000-0001-A070, 00-2S-22-0000-0001-A07A, and 00-2S-22-2300-000F-004E. The total site area is 14.30 acres, more or less.

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

The proposed request as presented and described is consistent with the Comprehensive Plan and Land Development Code, which include a Compatibility review, Concurrency Management review, and a Level of Service 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 Map category of Commercial (C) and a Zoning District designation of Business Tourism (BT). The proposed short term occupancy multifamily lodging use is consistent with the Commercial (C) Future Land Use Map category as an allowed use pursuant to City ordinance 151.19 (adopted 10/15/01). The Business Tourism zoning district specifically allows for hotels and motels (§7.12.01 (I) (I), LDC) and/or Multifamily dwellings (not part of a planned unit development) meeting the RIA dimensional requirements as a permitted principal use. However, the proposed development must satisfy compatibility criteria established in Policy 7.A.4.6 (p), Comprehensive Plan and §7.09.03, LDC.

COMPATIBILITY:

In land use planning, "compatibility" means the extent to which a use(s) or development is capable of existing in harmony with other uses situated in its immediate vicinity. In the City's LDC as well as in Rule 9J-5, FAC, *compatibility* is defined as "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition." The City's LDC also includes language that the "intent of a compatibility requirement is to promote an integration of land uses but not require separation." §7.09.03, LDC. The City's Comprehensive Plan also includes this definition but elaborates more broad-based concerns consistent with accepted planning principles and practices.

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 LDC also states that the purpose of compatibility is not "to preclude development based upon normal change or that inconvenience which might ordinarily be expected to result from the land development process; but, rather, it shall be the purpose of this provision to preclude any significant adverse impact that is measurable and can be documented...". The Comprehensive Plan and Land Development Code further require that compatibility be measured based on the characteristics of proposed development and its impact on the immediate or surrounding area and especially homogeneous residential neighborhoods. Characteristics for consideration include:

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

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

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

The proposed land use will consist of resort condominium and conference center, which includes 566 lodging units (416 front doors) within two, 12-story towers and 14, one-story poolside villas, a restaurant, meeting room, and complementary accessory uses. There shall be a required owner's association for purposes of managing and controlling the common areas and the required Declaration of Condominium shall also be recorded into public record as required by state regulations.

The property currently has a Future Land Use Map category of Commercial (C) and a Zoning District designation of Business Tourism (BT). The proposed short term occupancy multifamily lodging use is consistent with the Commercial (C) Future Land Use Map category as an allowed use pursuant to City ordinance 151.19 (adopted 10/15/01). The Business Tourism zoning district specifically allows for hotels and motels (§7.12.01 (I) (I), LDC) and/or Multifamily dwellings (not part of a planned unit development) meeting the RIA dimensional requirements as a permitted principal use.

LOCATION RELATIVE TO SUBJECT SITE	FUTURE LAND USE	ZONING	EXISTING LAND USES
North	Okaloosa County	Okaloosa County	Multi-family (Apartments) and Single-family detached
South	Mixed Use (MU)	Business Tourism (BT)	Short-term/Long-term Multi-family lodging and residential
East	Okaloosa County and Commercial (C)	Okaloosa County and Business General (BG)	Office/Warehouse, Shopping Center, Bank, and Restaurant
West	Public Lands (PL) and Okaloosa County	Public Lands and Institutions (PLI) and Okaloosa County	Government Offices (City Hall), Public Sports Complex, and restaurants

As previously described within the table, the surrounding uses include a shopping center, bank, professional offices/warehouse, restaurants, multi-family residential, and single-family residential. The proposed land use is consistent with the commercial character of this area and is deemed a compatible land use.

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

The resort complex contains five primary structures. A two story/three level parking garage located toward the northern portion of the property; one-story resort clubhouse centrally located within the property; two, 12-story towers on either side of a extensive pool/water recreation area farther south of the clubhouse; 14, one-story villas at the southern portion of the property. (Exhibit B). The following are further details of the project:

Density:

Allowed: 40 lodging units per acre in the Commercial (C) Future Land Use Map (FLUM) category.

Proposed: 566 lodging units / 14.30 acres = 39.6 lodging units per acre

The project is compliant in regards to not exceeding the maximum density allowed within the Commercial (C) FLUM category.

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 for this development along with compatibility. The Residential Intensive Apartment (RIA) four or more family (3 of more floors) Zoning District is most applicable because of the fact the multifamily land use category as identified within the Business Tourism (BT) Zoning District must meet the most applicable RIA zoning district dimensional requirements.

The proposed 12-story buildings are approximately 135 feet +/- high from the first finished floor to the highest point. Of the multi-story developments within the vicinity of this proposed development, the heights range from approximately 120' (Sterling Shores) to 170' (Silver Shells – St. Thomas Building). The height of the proposed development is comparable and of average height with the other similar land use multi-story developments within the vicinity (See table below). The overall height of the proposed 12-story buildings is deemed compatible with the character of buildings of similar land use and zoning district in the vicinity.

COMPARISON OF BUILDING HEIGHT As measured from the ground level to the highest point.	
<u>MULTI-STORY BUILDING HEIGHTS IN IMMEDIATE AREA</u>	<u>HEIGHT</u>
<i>Proposed Palms of Destin</i>	135' +/-
Silver Shells (St. Croix, St. Maarten, St. Lucia, St. Thomas, St. Barths, St. Kitts)	162' +/- (average of buildings)
Sterling Shores	120' +/-
Signature Beach	125' +/-

Based on the multi-story building heights within the immediate area and the distances the proposed structures are setback (see "Setbacks and Buffers" section below) from surrounding less intensive land uses (single-family detached neighborhood and the public lands), the proposed height of the project does not contribute negatively or create an overly significant adverse impact to the neighboring developments.

Floor Area Ratio:

The Commercial (C) Future Land Use Map category 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:

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

$$\frac{625,435 \text{ sq. ft.} - 316,781 \text{ sq. ft.}}{623,154 \text{ sq. ft.}} = \text{FAR}$$

$$308,654 / 623,154 \text{ sq. ft.} = 0.49 \text{ FAR}$$

Utilizing the formula as defined above, the FAR of 0.49 is below the maximum of 1.07. Thus, the FAR is in compliance.

The more common FAR calculation methodology results in an FAR of 1.00, which is below the current 1.07 FAR requirement.

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

$$625,435 \text{ sq. ft.} / 623,154 \text{ sq. ft.} = 1.00 \text{ FAR}$$

The Commercial (C) Future Land Use Map category has a maximum floor area ratio (FAR) of 1.07. The project's code required FAR and more commonly used FAR, as calculated, are considered compatible and compliant.

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

These characteristics of the proposed development are technically consistent with the Comprehensive Plan and LDC and are considered compatible. Further details are provided within the TRC Report regarding "Ingress/Egress" and "Parking." Based on input from City Staff and through coordination with Okaloosa County regarding impacts on Commons Boulevard, the applicant has agreed to and provided a proposed site plan that provides a vehicular and pedestrian system conducive to safe movements on and offsite. With the addition of dedicated right-turn and left-turn lanes on Two Trees Road and Commons Boulevard and the applicant's surety to dedicate the land necessary for the conceptual roundabout's ROW, the street network system is maintained and improved upon for continued safe vehicle and pedestrian movement.

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

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

- b. **Hours of Operation:** The commercial retail, service, or similar uses (restaurant, coffee shop, convenience/gift shop, etc.) proposed are ancillary in relation to the overall resort lodging use. No hours of operation restriction shall be applicable.
 - c. **Noise Levels:** No adverse noise impacts have been identified with the proposed development.
 - d. **Outdoor Lighting:** The applicant has not identified any outdoor lighting at this time. For compatibility purposes, all proposed outdoor lighting must be presented to the Community Development Department as a photometrics plan for review and approval prior to the issuance of a building permit for vertical construction.
5. **Alteration of Light and Air:** The plan does not generate any adverse impacts to light and air that would severely or adversely affect the surrounding properties.
6. **Setbacks and Buffers:** The 2-story (3 level) parking garage is setback from the northern property line approximately 30 feet, which is 10 feet greater than required by code. Existing conditions provide for an extensive vegetative buffer within the Commons Boulevard right-of-way (ROW). To ensure a similar vegetative buffer is provided due to the removal of the vegetation as a result of maintenance or creation of the drainage system in the Commons Boulevard ROW, the developer shall provide new or additional vegetation (deciduous tree variety, 10 to 12 feet in height at time of planting) along the north side of the property (onsite). The distance the parking garage is from the single-family detached home property lines is approximately 135 feet, which provides an adequate distance so as to not negatively impact the residential character of the adjacent neighborhood.

The 12-story towers are setback from the northern property line approximately 380 feet (required 20 feet), approximately 384 feet from the southern property line (required 20 feet), approximately 52 feet from the western property line, and approximately 55 feet from the eastern property line. In relation to the residential neighborhood to the north (Okaloosa County), the 12-story towers are approximately 485' from the nearest residential property line. This distance is deemed adequate so as to limit any "significant adverse impacts" that may be perceived by the size, bulk, height, intensity or density since the project is located within 300 feet of a residential use.

The setbacks and buffers for the proposed project meet and exceed the requirements for land use compatibility, which provides for a project that does not contribute negatively or create an overly significant adverse impact to the neighboring developments. Please reference the "Setbacks" section of the TRC report for further information regarding the proposed setbacks and buffers.

Based on the characteristics to measure compatibility, the proposed site plan for the "Palms of Destin –Resort and Conference Center" development and attributable conditions associated with the Final Development Order complies with the City of Destin Comprehensive Plan Policy 7.A.4.6 (p) and the Land Development Code §7.09 and is therefore deemed compatible with the surrounding area.

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

RIGHT-OF-WAY DEDICATION:

The applicant has provided to the Okaloosa County Board of County Commissioners a signed statement agreeing to deed property to the County, City of Destin, or both as deemed necessary to provide for the ability to construct the “contemplated” roundabout at the intersection of Two Trees Road and Commons Boulevard (See Exhibit D – Letter from Mr. Leo J. Salvatori). To further clarify and finalize this agreement, the following development order condition shall apply:

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, or Okaloosa County, or both as deemed necessary by general warranty deed, free and clear of encumbrances, the required parcels of land in order to provide the ROW necessary to construct the conceptual two-lane roundabout and appurtenances such as, but not limited to, sidewalks, bicycle lanes, drainage, and utilities at the intersection of Two Trees Road and Commons Boulevard (See Exhibit D-Okaloosa County Memorandum and Legal Descriptions).

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 E through I for approved Concurrency Evaluation Certificates.

TRAFFIC ANALYSIS:

According to the traffic review conducted by the City's Transportation Manager and Renaissance Planning Group, and approved on September 27, 2004, the proposed development will not degrade the level of service of those major transportation facilities in the City of Destin (urban collectors and arterials).

Traffic concurrency is satisfied for this project, as confirmed by the City's Transportation Manager and Renaissance Planning Group, after reviewing the applicant's traffic concurrency analysis dated September 20, 2004 (Exhibit J).

SUBDIVISION OR PUD - PLAT:

The proposed development will be a lodging 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 September 29, 2004, (See Exhibit K). **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 September 29, 2004. Additionally, a copy of the Condominium Documents, once recorded with the state, must be submitted to the City of Destin.

WHITE SANDS ZONE:

The project property is not located in either White Sand Zone I or II.

PHASING:

The proposed development will not be a phased development.

AIRPORT PROTECTION:

A Federal Aviation Administration (FAA) Aeronautical Study for a determination of "No Hazard" has been requested by the City and is currently been submitted by the Applicant to the FAA (Aeronautical Study Application No. 20004-ASO-2988-OE). The finalized aeronautical study shall be provided to the City of Destin, Community Development Department prior to the issuance of any building permit. The findings of the aeronautical study may result in a change to the project. Any deviation from the plan shall require the processing of an amendment to the development order and site plan.

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 135 feet above ground level or 155 feet from finished floor elevation of 20 feet.

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.

SETBACKS:

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

RIA – Four or more (3 or more floors) and RIA – Four or more (fewer than 3 floors):

Distances provided are from the 12-story buildings to property lines:

	<u>Required</u>	<u>Buffers</u>	<u>Provided</u>
Front (north):	20’	10’ FP	380’ including the 10’ FP
Front (south):	20’	10’ FP	385’ including the 10’ FP
Front (west):	20’	10’ FP	52’ including the 10’ FP
Side (east):	24’	5’ CB	54.9’ including the 5’ CB
Between Bldgs.:	10’	N/A	25.0’

Distances provided are from the 2-story parking garage building to property lines:

	<u>Required</u>	<u>Buffers</u>	<u>Provided</u>
Front (north):	20'	10' FP	30.4' including the 10' FP
Front (south):	20'	10' FP	720+' including the 10' FP
Front (west):	20'	10' FP	262' including the 10' FP
Side (east):	10'	5' CB	114.1' including the 5' CB
Between Bldgs.:	10'	N/A	22.0'

Distances provided are from the 1-story poolside villas building to property lines:

	<u>Required</u>	<u>Buffers</u>	<u>Provided</u>
Front (north):	20'	10' FP	450.0' including the 10' FP
Front (south):	20'	10' FP	144.9' including the 10' FP
Front (west):	20'	10' FP	30.7' including the 10' FP
Side (east):	10'	5' CB	69.1' including the 5' CB
Between Bldgs.:	10'	N/A	53.0'

Note: 10' FP = 10' Front Perimeter Landscaped Area, 10' VB = 10' Vegetative Buffer Area, and 5' CB = 5' Common Boundary Landscaped Area. The following buffers are required: the standard five (5) foot common boundary buffers along the eastern and western property lines.

SIGNS:

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

UTILITIES:

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

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 May 13, 2004.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated May 19, 2004.

GULF POWER:

Gulf Power did not attend the TRC meeting nor did they provide documentation for this project. They approve the project by default.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated May 19, 2004.

SPRINT:

Sprint did not attend the TRC meeting nor did they provide documentation for this project. They approve the project by default.

WATER/SEWER PROVIDER:

Destin Water Users, Inc. approved the project in a letter dated August 6, 2004.

STORMWATER:

The stormwater management plan was found acceptable and approved on October 7, 2004, and had the following **stormwater** related conditions:

1. **Condition:** If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be considered in non-compliance and a revised stormwater plan shall be resubmitted for review and approval.
2. **Prior to obtaining any city permit,** a copy of the FDEP Stormwater & NPDES approvals shall be forwarded to the City Engineer's office.
3. **Prior to obtaining a Certificate of Occupancy:** The Stormwater Operation / Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system shall require periodic maintenance for continued proper operation, including 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) and shall keep all inlets and exfiltration pipes clean and unobstructed.

COASTAL MANAGEMENT AND CONSERVATION:

The proposed project is not located within any identifiable special flood hazard areas per the FEMA Flood Insurance Rate Maps.

INGRESS/EGRESS:

Ingress and egress to the proposed project is provided by access points along Two Trees Road, Commons Boulevard, and by joint access and cross access with the existing developed property to the east.

PARKING:

The project meets or exceeds the parking requirements of the Destin Land Development Code as indicated on the approved plans. NOTE: Shear walls or columns may not encroach into parking spaces in the parking garage.

Per code:

Hotel/motel: 1 space for every room, plus 1 space for every 2 employees on the largest shift.

566 rooms (lodging units) + (10 employees / 2) = 571

Per site plan:

566 rooms (lodging units) + (10 employees / 2) = 571 + 91 additional spaces = 662 spaces

TOTAL REQUIRED: 571 parking spaces

TOTAL PROVIDED: 662 parking spaces (including 14 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: 7 loading spaces

TOTAL PROVIDED: 7 loading spaces

REFUSE COLLECTION:

Refuse collection is to be provided by "roll-out" dumpster service. Dumpster must be enclosed by fully opaque screen and gate.

SIDEWALKS/PEDESTRIAN CONNECTIVITY:

A 5-foot wide sidewalk shall be provided within the Commons Boulevard, Two Trees Road, and Emerald Coast Parkway rights-of-way.

OPEN SPACE/LANDSCAPE:

Open Space Requirements:

Development Area (Total Area): 623,514 sq. ft. (14.3 acres, more or less)

Required 18% Open Space: 112,232.52 sq. ft. + 171 sq. ft. for every 2,500 sq. ft. of garage parking: 202,350 sq. ft. parking garage / 2,500 sq. ft. x 171 sq. ft. = 13,840.7

TOTAL Required Open Space = 126,073.3 sq. ft.

Provided Open Space: 282,482 sq. ft. (45.3%)

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 (1 trees x 3 credits per tree):	3
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:	<u>0</u>
Reforestation Trees (1 per every .10 of an acre: 14.3 x 10 = 143 Required on Site):	<u>143</u>
Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:	<u>140</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:	140
Front Perimeter Trees (1 per 25') Required on Site:	90
Parking Lot Trees (1 per end row and landscape island) Required on Site:	17
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site: (Includes additional vegetation per Compatibility Analysis)	*
Replacement Trees (removal of trees 12" d.b.h. or greater) Required on Site:	<u>69</u>

TOTAL TREES REQUIRED:

316

TOTAL TREES PROVIDED:

361 or 841 if palms used

*Vegetative Buffer Trees will be determinant upon final site inspection.

A five (5) foot Common Boundary Landscape Area is required along those property lines that directly abut an adjacent parcel (east). A ten (10) foot Front Perimeter Landscape Area is required along the northern, southern, and western property lines. The required five (5) foot Common Boundary landscaping shall provide a minimum of fifty percent (50%) opacity for that area between the finished grade level at the common boundary line and six (6) feet above said level and horizontally along the length of all common boundaries within three (3) years of planting.

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

IMPACT FEES:

The following impact fee amounts may be subject to change. Final impact fee amounts will be determinant upon the number of 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 park fees were calculated using the "Hotel/Motel = \$50.46 per unit" amount.

Hotel/Motel:

$$(566 \text{ lodging units}) \times (\$50.46) = \$28,560.36$$

Public Library: Not applicable.

Police Protection: The police protection impact fees were calculated using the "Hotel/Motel = \$13.07 per unit" amount.

Hotel/Motel:

$$(566 \text{ lodging units}) \times (\$13.07) = \$7,397.62$$

Road: The road impact fees were calculated using the "Hotel/motel (ITE Code 310 or 320) = \$1,365.00 per room."

Hotel/motel (ITE Code 310 or 320):

$$(566 \text{ lodging units/rooms}) \times (\$1,365.00) = \$772,590.00$$

Totals:

Parks:	=	\$28,560.36
Public Library:	=	\$0.00
Police Protection:	=	\$7,397.62
Roads:	=	\$772,590.00
TOTAL:	=	\$808,547.98

OTHER FEES:

The fees listed below are subject to change and are based on the most recent information available (October 1, 2004). The fees must be paid by the applicant as part of the cost recovery associated with the proposed project:

City Traffic Consultant:	Paid from Escrow
City Compatibility Consultant:	N/A
City Surveyor:	N/A
Re-Review Fees (Community Dev.)	Paid
Re-Review Fees (Stormwater Man.)	Paid
Administrative Costs:	\$27.67
City Council Advertising:	TBD
TOTAL (as of 10/26/04) =	\$27.67 (Subject to change)

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

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

COMMENTS/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 the 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, or Okaloosa County, or both as deemed necessary by general warranty deed, free and clear of encumbrances, the required parcels of land in order to provide the ROW necessary to construct the conceptual two-lane roundabout and appurtenances such as, but not limited to, sidewalks, bicycle lanes, drainage, and utilities at the intersection of Two Trees Road and Commons Boulevard (See Exhibit D-Okaloosa County Memorandum and Legal Descriptions).
3. **Prior to the issuance of any building permit**, the finalized aeronautical study (No. 2004-ASO-2988-OE) and coordinated statement from the Okaloosa County Airport Authority Director shall be provided to the City of Destin, Community Development Department for review and acceptance.
4. **Prior to the issuance of any building permit**, 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.”
5. **Prior to the issuance of a building permit for vertical construction**, a certified Landscape Plan in accordance with LDC, Article 12, Section 12.04.07 shall be submitted to the Community Development Department for review and approval. To ensure a similar vegetative buffer is provided due to the removal of the vegetation as a result of maintenance or creation of the drainage system in the Commons Boulevard ROW, the developer shall provide new or additional vegetation (deciduous tree variety, 10 to 12 feet in height at time of planting) along the north side of the property (onsite). Additionally, landscaping for compatibility buffering purposes shall be provided if deemed necessary by City Staff.

6. **Within 90 days of the issuance of the Development Order**, the applicant shall dedicate to the City of Destin, or Okaloosa County, or both as deemed necessary the required parcels of land in order to provide the ROW necessary to construct the planned roundabout at the intersection of Two Trees Road and Commons Boulevard.
7. **Prior to the issuance of a Certificate of Occupancy**, 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.”

8. **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 September 29, 2004. Additionally, a copy of the Condominium Documents, once recorded with the state, must be submitted to the City of Destin.
9. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.
10. **Prior to the issuance of a Certificate of Occupancy**, the landscaping and all 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.
11. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be considered in non-compliance and a revised stormwater plan shall be resubmitted for review and approval.
12. **Prior to obtaining any city permit**, a copy of the FDEP Stormwater & NPDES approvals shall be forwarded to the City Engineer’s office
13. **Prior to obtaining a Certificate of Occupancy**: The Stormwater Operation / Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system shall require periodic maintenance for continued proper operation, including 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) and shall keep all inlets and exfiltration pipes clean and unobstructed.

