



CITY of DESTIN

4200 Two Trees Road • Destin, Florida 32541



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June 27, 2005

Order No. 05-29

Final Development Order:

“Plantation Townhomes” A MAJOR DEVELOPMENT (SP-05-05)

Based upon the City Council’s approval of this development order on June 20, 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: Jenkins, Stanford, and Associates, Inc., on behalf of the HBT, LLC, is requesting approval of a Major Development identified as “Plantation Townhomes.”

Request: The proposed project is a 96-unit townhome development with an amenity pool area.

Location: The proposed project is located on a newly annexed vacant parcel, which is located north/northeast of the intersection of Henderson Beach Road and Commons Boulevard and east of the new Grace Lutheran Church on Commons Boulevard and more specifically known as Property Appraiser’s Parcel ID No. 00-2S-22-0000-0001-A13S. (Exhibit A on file)

Parcel Size: The total site area is 11.198 acres, more or less.

Future Land Use: Urban Mixed Use (UMU)

Zoning District: Residential Urban Apartment (RUA)

Density: Allowed: 4.0 to 25.0 dwelling units per acre in UMU FLUM designation
Proposed: 96 dwelling units / 11.198 acres = 8.57 dwelling units per acre

Intensity: Not applicable.

Application Date: November 1, 2004

TRC Date: November 17, 2004

Approved Site Plan Date: June 3, 2005

City Council Date: June 20, 2005

DETERMINATIONS:

1. The Destin City Council held a public hearing on June 20, 2005. The Council voted 5 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 June 3, 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 June 3, 2005, are incorporated herein.

CONDITIONS OF APPROVAL FOR "Plantation Townhomes" A MAJOR DEVELOPMENT (SP-05-05):

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 June 27, 2005 (no later than June 27, 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 2.21.00, of the Destin Land Development Code for further explanation of the Development Order extension process.

2. If the applicant fully complies with the requirements of Condition No. 1 above, the concurrency capacity allocation status for "Plantation Townhomes" 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 Article 6 of the Destin Land Development Code, or
 - B. Construction permit(s) are not obtained in accordance with Section 2.10.00 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 11 and 12 of the attached TRC Report dated June 3, 2005.

5. Destin Water Users, Inc., Conditions:

A. Refer to page 7 of the attached TRC Report dated June 3, 2005.

6. City of Destin City Council Conditions:

A. **Before the first Certificate of Occupancy for a permanent structure is issued for Plantation Townhomes, an eastbound left turn lane shall be constructed on Commons Drive at the intersection of Commons Drive and the shared accessway between Plantation Townhomes and the Mattie Kelly Arts Foundation site. Such turn lane shall be designed and constructed in accordance with the standards of Okaloosa County and the City of Destin. The developer shall request and receive written approval from the City of Destin and Okaloosa County for this construction and shall be responsible for acquiring all required county permits. The City of Destin and Okaloosa County will have final joint approval of the design and constructed improvement.**

TECHNICAL REVIEW COMMITTEE REPORT

"Plantation Townhomes" A MAJOR DEVELOPMENT (SP-05-05)

TRC Report: June 3, 2005

ISSUE:

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DISCUSSION/FINDINGS:

Jenkins, Stanford, and Associates, Inc., on behalf of the HBT, LLC, is requesting approval of a Major Development identified as "Plantation Townhomes." The proposed project is a 96-unit townhome development with an amenity pool area. The proposed project is located on a newly annexed vacant parcel, which is located north/northeast of the intersection of Henderson Beach Road and Commons Boulevard and east of the new Grace Lutheran Church on Commons Boulevard and more specifically known as Property Appraiser's Parcel ID No. 00-2S-22-0000-0001-A13S. The total site area is 11.198 acres, more or less.

The proposed request as presented and described is consistent with the Okaloosa County Comprehensive Plan and Okaloosa County Land Development Code, which include a Concurrency Management review and a Level of Service review. This project was reviewed under the Okaloosa County's Comprehensive Plan and Land Development Code as required per the Annexation Agreement dated January 3, 2005. (Exhibit B on file)

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

COMPREHENSIVE PLAN/ZONING:

The property currently has a Future Land Use Map designation of Urban Mixed Use (UMU) and a Zoning District designation of Residential Urban Apartment (RUA). The proposed multi-family townhome development is consistent with the intent of the Urban Mixed Use (UMU) Future Land Use Map designation as an acceptable land use pursuant to the Okaloosa County Comprehensive Plan. The Residential Urban Apartment (RUA) zoning district allows for townhouse units as permitted principal uses. (Chapter 2, 2.01.11)

RIGHT-OF-WAY DEDICATION:

Not applicable.

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.

TRAFFIC ANALYSIS:

According to the traffic review conducted by the City's Transportation Manager and approved on June 13, 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 dated June 16, 2005 (Exhibit G on file).

SUBDIVISION OR PUD - PLAT:

The proposed development requires a townhome subdivision plat. In lieu of providing draft Covenants and Restrictions, the applicant has provided a Condominium/Townhouse Affidavit, dated April 12, 2005 (Exhibit I on file).

Condition: Prior to the issuance of a Building Permit for vertical construction, the final mylar plat based on the preliminary plat as depicted on Sheet PP-1, must be reviewed, approved by the City of Destin, and recorded.

Condition: Prior to the issuance of a Certificate of Occupancy, the Declaration of Covenants, Conditions, and Restriction documents must be reviewed and approved by the City Land Use Attorney. The Declaration of Covenants, Conditions, and Restriction documents must contain, at a minimum, the provisions stated in the affidavit dated April 12, 2005. Additionally, a copy of the Declaration of Covenants, Conditions, and Restriction documents that have been recorded with the Clerk of Courts must be submitted to the City of Destin.

WHITE SANDS ZONE:

Not applicable.

PHASING:

The proposed development is a not a phased development.

AIRPORT PROTECTION:

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

SETBACKS:

The proposed buildings meet and exceed all of the required setbacks for the following zoning district(s): Residential Urban Apartment (RUA).

Distances provided are from the proposed structures to the nearest property lines:

	<u>Required Setbacks</u>	<u>Buffers</u>	<u>Provided</u>
Front (south):	20'	10' FP	25' including the 10' FP
Back (north):	15' (Annexation Agreement)	10' VB	123' including the 10' VB
Side (east):	15' (Annexation Agreement)	10' VB	23.2' including the 10' VB
Side (west):	10'	10' VB	10.3' including the 10' VB
Between Bldgs.:	10'	N/A	15'

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: 10' FP is required along the property abutting the right-of-way and a ten (10) foot vegetative buffer along the northern, eastern and western property lines.

SIGNS:

No signage is proposed at this time.

UTILITIES:

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

CITY OF DESTIN BUILDING OFFICIAL:

A review of these plans resulted in no comments at this time. A full set of signed and sealed construction plans for the mixed use building as required by the Florida Building Code, Chapter 1 must submitted be submitted to and be reviewed by the building department prior to issuance of a permit.

COX COMMUNICATIONS:

Cox Communications approved the project in a letter dated November 8, 2004.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated March 30, 2005.

GULF POWER:

Gulf Power approved the project in a letter dated November 17, 2004.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated November 17, 2004.

SPRINT:

Sprint approved the project in a letter dated February 9, 2005.

WATER/SEWER PROVIDER:

Destin Water Users, Inc. approved the project with conditions in a letter dated November 16, 2004. 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. Please note that the existing 8" water main which proceeds north under Commons Drive is indicated on the plans incorrectly. Please contact Steve Schmitt of the correct location and resubmit plans with this correction.

STORMWATER:

The stormwater management plan was found acceptable and approved on May 24, 2005. The following are stormwater related notes and conditions:

1. **Condition:** Prior to obtaining any City permit, provide documentation proving the "wet weather pond" in the northwest portion of the property shown to be filled is not regulated by the United States Army Corps of Engineers.

2. **Condition:** Prior to obtaining 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).
3. **Condition:** Prior to obtaining any City permit, a copy of the FDEP stormwater permit certification shall be forwarded to the City.
4. **Condition:** Prior to obtaining any City permit, provide an NPDES Stormwater Construction Generic Permit (CGP) approval.
5. **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.

INGRESS/EGRESS:

Ingress and egress to the proposed project is provided by a two-way access point at the eastern end of the project connecting onto an existing accessway.

Condition: Prior to the issuance of a Certificate of Occupancy, a cross-access agreement for the proposed access must be submitted to the Transportation Manager for review, coordination with legal counsel, and approved.

PARKING:

The project meets or exceeds the parking requirements of the Okaloosa County Land Development Code as indicated on the approved plans and approved by the City of Destin Transportation Manager.

TOTAL REQUIRED: 2 per dwelling unit x 96 units = 192 parking spaces

TOTAL PROVIDED: 192 parking spaces

LOADING SPACE (ZONE):

Not applicable.

REFUSE COLLECTION:

Refuse collection is to be provided by curbside service.

SIDEWALKS/PEDESTRIAN CONNECTIVITY:

Sidewalks, interior pedestrian accessways, and appropriate crosswalk striping shall be provided as indicated on sheet C-2 (Exhibit B).

Conditional Note: The existing sidewalk on Commons Drive may remain as is. However, any new sidewalk must connect with the existing sidewalk and be adjacent to the property line.

OPEN SPACE/LANDSCAPE:

Open Space Requirements:

Site Development Area (Total Area): 487,784.5 SF (11.198 acres, more or less)
Required 30% Open Space (Per Annexation Agreement): 146,335.35 SF
Provided Open Space: 253,823.6 SF (52.0%)

Landscaping Requirements:

Canopy Trees: 255
Understory Trees: 300

Total Trees: 555 Provided

Total Shrubbery: 225 Provided

A ten (10) foot vegetative buffer is required along those property lines that directly abut an adjacent parcel (north, east, and west).

In accordance with the Annexation Agreement, all of the required trees shall be a minimum of 2" d.b.h. (diameter measured at breast height = 4.5' above grade when planted), Florida Number 1, and 12' feet in height at the time of planting. 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.

IMPACT FEES:

The following impact fee amounts may be subject to change. Final impact fee amounts will be determinant upon 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 "Multi-family = \$113.03 per unit" amount.

Multi-family:

96 proposed units x \$113.03 = \$10,850.88

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

Multi-family:

96 proposed units x \$76.19= \$7,314.24

Police Protection: The police protection impact fees were calculated using the "Residential - Outside Corridor Multi-Family = \$14.50" category.

Multi-family:

96 proposed units x \$14.50= \$1,392.00

Road: This category is not applicable as referenced in the Annexation Agreement (Exhibit B, page 9, Subsection F.)

Totals:

Parks:	=	\$10,850.88
Public Library:	=	\$7,314.24
Police Protection:	=	\$1,392.00
<u>Roads:</u>	=	<u>\$0.00</u>
TOTAL:	=	\$19,557.12

Totals for proposed individual townhouse:

Parks:	=	\$113.03
Public Library:	=	\$76.19
Police Protection:	=	\$14.50
<u>Roads:</u>	=	<u>\$0.00</u>
TOTAL:	=	\$203.72

OTHER FEES:

The fees listed below are subject to change and are based on the most recent information available (May 17, 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 Engineering Consultant:	\$1,630.78
City Surveyor:	N/A
Re-Review Fees (Community Dev.)	\$250.00
Re-Review Fees (Engineering Review.)	\$250.00
Administrative Costs:	Paid
<u>City Council Advertising:</u>	<u>TBD</u>
TOTAL (as of 5/17/05) =	\$2,130.78

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

FDEP stormwater and NPDES approvals shall be forwarded to the City Engineer's office to be stamped "Received" and then forwarded to the Community Development Department.

COMMENTS/CONDITIONS:

Public Input:

No public comment has been presented to staff at the time of this report.

Per Community Development Department:

1. **Prior to obtaining any city permit**, a copy of the FDEP stormwater, 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.
2. **Prior to the issuance of a Building Permit for vertical construction**, the final mylar plat based on the preliminary plat as depicted on Sheet PP-1, must be reviewed, approved by the City of Destin, and recorded.
3. **Prior to the issuance of a Certificate of Occupancy**, a cross-access agreement for the proposed access must be submitted to the Transportation Manager for review, coordination with legal counsel, and approved.
4. **Prior to the issuance of a Certificate of Occupancy**, the Declaration of Covenants, Conditions, and Restriction documents must be reviewed and approved by the City Land Use Attorney. The Declaration of Covenants, Conditions, and Restriction documents must contain, at a minimum, the provisions stated in the affidavit dated April 12, 2005. Additionally, a copy of the Declaration of Covenants, Conditions, and Restriction documents that have been recorded with the Clerk of Courts must be submitted to the City of Destin.
5. **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.
6. The existing sidewalk on Commons Drive may remain as is. However, any new sidewalk must connect with the existing sidewalk and be adjacent to the property line.
7. **Prior to obtaining any City permit**, provide documentation proving the "wet weather pond" in the northwest portion of the property shown to be filled is not regulated by the United States Army Corps of Engineers.

