

The City of Destin



4200 Two Trees Road, Destin, Florida 32541 (850) 837-4242 FAX (850) 837-3267
April 12, 2000 ORDER #00-18

Final Development Order:

**“BEACH POINTE HOMES –
A TIME SHARE CONDOMINIUM”
A MAJOR DEVELOPMENT
(SP-99-41)**

Based upon the City Council’s approval of this Development Order, on April 10, 2000, this document will serve as your Final Development Order, to include all of the provisions of the attached Technical Review Committee Report and with the following conditions, as specified by the City Council:

BACKGROUND / ISSUE:

Applicant: Ong-In Shin, on behalf of Zephyr Development Enterprises, L.L.C.
Location: The proposed project is generally located at 3659 Scenic U.S. Highway 98.
Request: Approval of a Major Development identified as “Beach Pointe Homes – a Time Share Condominium”. The proposed project consists of two (2) three-story lodging unit condominium buildings (each: 3,414 sq. ft. and totaling: 6,218 sq. ft.).
Parcel Size: The property contains .44 acre +/-.
Future Land Use: Crystal Beach Residential (CBR)
Zoning District: Business Tourism (BT)
Density: Allowed: 24.00 lodging units per acre.
Proposed: 13.63 lodging units per acre.
Intensity: Allowed: 0.500 Floor Area Ratio (under CBR).
Proposed: 0.356 Floor Area Ratio.
Application Date: October 4, 1999
TRC Date: October 20, 1999
Approved Site Plan Date: January 31, 2000
Planning Commission Date: March 16, 2000
City Council Date: April 10, 2000

DETERMINATIONS:

1. A hearing was held by the Destin City Council on April 10, 2000, and approved the development by a vote of 7-0 with conditions; and

2. The Planning Commission considered the proposal on March 13, 2000 and recommended the City Council approve the proposed project as presented by staff. The motion passed by a vote of 5-0.
3. All the findings of the Technical Review Committee report dated January 31, 2000 are incorporated herein.

CONDITIONS OF APPROVAL FOR "BEACH POINTE HOMES – A TIME SHARE CONDOMINIUM", A MAJOR DEVELOPMENT (SP-99-41):

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

1. Construction must commence within twelve (12) months of approval of the Final Development Order on April 10, 2000 (no later than April 10, 2001) and must be completed as shown on plans approved by the Technical Review Committee (stamp dated January 31, 2000).

WARNING: If the applicant/owner has not obtained a construction permit(s) within 365 days of issuance of the final development order, the final development order is void and the application for plan approval must be re-initiated.

NOTE: An applicant/owner who desires to extend the twelve (12) month deadline shall submit a request to the Community Development Department, no less than sixty (60) days prior to the expiration of the twelve (12) month deadline to obtain a construction permit. The applicant /owner should review Article 2, Section 2.15.00 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 Number 1 above, the concurrency status for "Beach Pointe Homes – A Time Share Condominium" is protected (for five years) through April 10, 2005. **The protected concurrency status, however, 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, 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.
 - 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. **Prior to the issuance of a Clearing/Grading Permit**, a clearing/grading plan must be reviewed and approved by the Community Development Department.
 5. **Prior to the issuance of a Building Permit**, a copy of the FDEP stormwater permit must be provided.
 6. **Prior to the issuance of a Certificate of Occupancy**, the plat will have to be recorded and the following will have to be provided to the City: 1) One (1) copy of the recorded mylar plat & recorded condominium documents, 2) Three (3) blueprints of the recorded plat, and 3) Two (2) 11" x 17" reduced copies of the recorded plat.
 7. **Prior to the issuance of a Certificate of Occupancy**, the landscaping must be inspected and approved by the Community Development Department.
 8. **Prior to the issuance of a Certificate of Occupancy**, the sidewalk must be installed.
 9. Requirements identified by the Technical Review Committee:

TECHNICAL REVIEW COMMITTEE REPORT

“BEACH POINTE HOMES – A TIME SHARE CONDOMINIUM” A MAJOR DEVELOPMENT (SP-99-41)

TRC Report: January 31, 2000

ISSUE:

Applicant: Ong-In Shin, on behalf of Zephyr Development Enterprises, L.L.C.
Location: The proposed project is generally located at 3659 Scenic U.S. Highway 98.
Request: Approval of a Major Development identified as “Beach Pointe Homes – a Time Share Condominium”. The proposed project consists of two (2) three-story lodging unit condominium buildings (each: 3,414 sq. ft. and totaling: 6,218 sq. ft.).
Parcel Size: The property contains .44 acre +/-.
Future Land Use: Crystal Beach Residential (CBR)
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DISCUSSION/FINDINGS:

Ong-In Shin, P. E., on behalf of Zephyr Development Enterprises, LLC, is requesting approval of a Major Development identified as “Beach Pointe Homes – a Time Share Condominium”. The proposed project consists of two (2) three-story lodging unit condominium buildings (each: 3,414 sq. ft. and totaling: 6,218 sq. ft.), with a total of six (6) lodging units. The proposed project is generally located at 3659 Scenic U.S. Highway 98, and generally described by Property Appraiser’s Tax I. D. number 00-2S-22-0000-0041-0000. The site consists of .44 acre +/-.

According to the traffic review conducted by the City’s traffic consultant, Gay Hamilton Smith, the proposed development will not impact Segment “C” of U. S. Highway 98. This is based on the fact that the project’s point of access is located more than ½ mile from U. S. Highway 98 via the local roadway network.

Staff has determined that the proposed request is compatible with the surrounding area. The existing uses of the surrounding properties are as follows:

North: Townhomes/Condominiums
South: Gulf of Mexico
East: Vacant
West: Townhomes

The proposed request is consistent with the Comprehensive Plan and Land Development Code, which include Compatibility review, Concurrency Management review, Level of Service review, and the Vision 2000 Plan. This project is not located within the Community Redevelopment Area.

The Technical Review Committee reviewed the project on October 20, 1999, and approved the project with specific conditions and changes.

COMPREHENSIVE PLAN/ZONING:

The property has a Future Land Use Designation of Crystal Beach Resort (CBR) and a Zoning Designation of Business Tourism (BT). The proposed use is consistent with the CBR Future Land Use Designation and is a permitted principal use in the BT Zoning District.

COMPATIBILITY:

The surrounding properties are as follows:

	<u>FLU</u>	<u>Zoning</u>	<u>Existing Use</u>
North:	CBR	BT	Townhomes/Condominiums
South:	N/A	N/A	Gulf of Mexico
East:	CBR	BT	Vacant
West:	CBR	BT	Townhomes

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

A) Permitted uses, structures and activities allowed within the land use category:

The proposed use is a permitted principal use in both the Crystal Beach Resort (CBR) Future Land Use Designation and the Business Tourism (BT) Zoning District.

B) Building location, dimensions, height, and floor area ratio:

The proposed buildings meet and exceed all of the required setbacks for the Business Tourism (BT) Zoning District. The proposed buildings set side-by-side on the property with 10.6 feet between them. Both of the buildings will have a 20-foot front setback, 15-foot side setback, and more than 120 feet from the Gulf of Mexico.

The BT Zoning District does not have a maximum building height. However, the Crystal Beach Resort (CBR) Future Land Use Designation states that all new development, residential and nonresidential, shall not exceed 4 stories, and shall not exceed 50 feet in height as measured

from the crown of the road. The limit of 4 stories or 50 feet includes both habitable and non-habitable space. Non-habitable space includes, but is not limited to, parking. Therefore, the maximum building height for this project is determined by the CBR Future Land Use designation since the Land Development Code (BT Zoning District) cannot override the Comprehensive Plan (CBR Future Land Use Designation). The proposed heights of the condominium buildings (3 stories) are 34.9 feet (mean of roof).

The proposed buildings' dimensions are compatible with the surrounding buildings. The subject property currently is vacant. Directly to the north are three-story townhomes (under construction) and to the south is the Gulf of Mexico. The property to the east is vacant and to the west are two-story townhomes.

C) Location and extent of parking, access drives, and service areas:

The proposed project meets the parking requirements (6 reg. 0 h. c. proposed / 4 reg. 0 h. c. required). It also meets the requirements for access drives (20.5 feet provided), service areas (no dumpsters are proposed), and loading spaces (not required for low-rise condominiums).

D) Traffic generation, hours of operation, noise levels, and outdoor lighting:

According to the traffic review conducted by the City's traffic consultant, Gay Hamilton Smith, the proposed development will not impact Segment "C" of U. S. Highway 98. This is based on the fact that the project's point of access is located more than ½ mile from U. S. Highway 98 via the local roadway network.

A review of the traffic generated, elevation plans, and architectural plans, in relation to lot sizes and use, indicates that the proposed project will be compatible with the surrounding development. An outdoor lighting plan is proposed at this time and staff is satisfied with the proposed plan. The applicant is proposing 60-watt wall mount and recessed lights on the front of the buildings. The lighting in the rear of the buildings (recessed lights) will have to be "Turtle Friendly" and approved by the Florida Department of Environmental Protection (FDEP).

E) Alteration of light and air:

The proposed three-story buildings will not significantly alter the light or air of the surrounding properties.

F) Setbacks and buffers:

The proposed buildings meet and exceed all of the required setbacks for the Business Tourism (BT) Zoning District. The proposed buildings set side-by-side on the property with 10.6 feet between them. Both of the buildings will have a 20-foot front setback, 15-foot side setback, and more than 120 feet from the Gulf of Mexico.

The overall site plan meets the open space requirements (81% provided / 18% required). The following buffers are required: the standard ten (10) foot front perimeter landscape buffer on the northern property line and the five (5) foot common boundary landscape buffer along the eastern and western property lines.

Parking islands and required tree/vegetation/reforestation requirements have been satisfied.

DENSITY:

The proposed project consists of two (2) three-story lodging unit condominium buildings (each: 3,414 sq. ft. and totaling: 6,218 sq. ft.), with a total of six (6) lodging units. Each condominium building will contain three (3) lodging units. The Crystal Beach Resort (CBR) Future Land Use designation allows for a density of 24.0 lodging units per acre. The density of this project is 13.63 lodging units per acre.

HEIGHT:

The BT Zoning District does not have a maximum building height. However, the Crystal Beach Resort (CBR) Future Land Use Designation states that all new development, residential and nonresidential, shall not exceed 4 stories, and shall not exceed 50 feet in height as measured from the crown of the road. The limit of 4 stories or 50 feet includes both habitable and non-habitable space. Non-habitable space includes, but is not limited to, parking. Therefore, the maximum building height for this project is determined by the CBR Future Land Use designation since the Land Development Code (BT Zoning District) cannot override the Comprehensive Plan (CBR Future Land Use Designation). The proposed heights of the condominium buildings (3 stories) are 34.9 feet (mean of roof).

FLOOR AREA RATIO:

The total floor area ratio for the subject property is 0.356, which is below the allowed maximum of 0.50.

RIGHT-OF-WAY DEDICATION:

No right-of-way dedication is required.

CONCURRENCY MANAGEMENT:

Concurrency requirements have been met:

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

TRAFFIC ANALYSIS:

According to the traffic review conducted by the City's traffic consultant, Gay Hamilton Smith, the proposed development will not impact Segment "C" of U. S. Highway 98. This is based on the fact that the project's point of access is located more than ½ mile from U. S. Highway 98 via the local roadway network.

SUBDIVISION OR PUD - PLAT:

The City Engineer approved the proposed plat in a memo dated January 12, 2000. The City Surveyor approved the proposed plat in a letter on January 31, 2000.

Prior to the issuance of a Certificate of Occupancy, the plat will have to be recorded and the following will have to be provided to the City: 1) One (1) copy of the recorded mylar plat & recorded condominium documents, 2) Three (3) blueprints of the recorded plat, and 3) Two (2) 11" x 17" reduced copies of the recorded plat.

AIRPORT PROTECTION:

The subject site is not located within the airport protection area.

SETBACKS:

The proposed buildings meet and exceed all of the required setbacks for the Business Tourism (BT) Zoning District. The BT Zoning District requires multi-family projects to comply with the schedule of dimensional requirements for the Residential Intensive Apartment (RIA) Zoning District. The RIA Zoning District has the following setbacks for structures 3 or more stories in height: front - 20 feet; side - 15 feet and rear - 20 feet.

	<u>Required</u>	<u>Buffers</u>	<u>Provided</u>
Front (north):	20'	10' FP	20' + 10' FP
Side (east):	15'	5' CB	15' + 5' CB
Side (west):	15'	10' CB	15' + 5' CB
Rear (south):	20'	N/A	120'+/-
Between Bldgs.:	10'	N/A	10.6' to nearest building

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 ten (10) foot front perimeter landscape buffer area along the northern property line, and a five (5) foot common boundary landscape buffer on the eastern and western property lines.

WHITE SANDS ZONE:

The proposed project is located within the White Sand Zone One. All fill material will have to comply with the White Sands Ordinance.

SIGNS:

No signs have been proposed with this project. All future signs must comply with the sign code section of the Destin Land Development Code in effect at the time a sign application is submitted.

COX COMMUNICATIONS:

Cox Communications approved the project at the October 20, 1999, TRC meeting.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated October 20, 1999.

GULF POWER:

Gulf Power approved the project in a letter dated October 20, 1999.

OKALOOSA GAS:

Okaloosa Gas approved the project at the October 20, 1999, TRC meeting.

SPRINT:

Sprint approved the project at the October 20, 1999, TRC meeting.

UNIVERSAL COM:

Universal Com approved the project at the October 20, 1999, TRC meeting.

WATER/SEWER PROVIDER:

South Walton Utility Company, Inc., approved the project in a letter dated September 29, 1999.

UTILITIES:

Underground utilities are required.

STORMWATER:

The City Engineer approved the stormwater plan in a letter dated January 12, 2000, with the following condition:

1. Provide a copy of FDEP coastal permit.

This condition must be satisfactorily addressed prior to the issuance of a building permit.

INGRESS/EGRESS:

There are two (2) ingress/egress points (20.5 feet in width) for the proposed condominium buildings. Both access points are provided off of Scenic Highway 98. All ingress/egress points meet the requirements of the Destin Land Development Code for width and distance separation.

SIDEWALKS:

A five (5) foot wide sidewalk is required for this project. The five (5) foot wide sidewalk is proposed along the northern edge of the proposed development, within the right-of-way of Scenic Highway 98.

REFUSE COLLECTION:

Refuse collection is to be provided by trashcan pickup. A dumpster location is not indicated on the site plan.

LANDSCAPE:

The project meets or exceeds the landscape requirements as follows:

OPEN SPACE:

19,166 sq. ft. of property x 18% = 3,450 sq. ft. required
Site plan provides 81% = 15,508 sq. ft. provided

TREES REQUIRED:

Credits for Existing Trees (2" to 6" diameter) on Site (0 trees x 2 credits per tree):	0
Credits for Existing Trees (7" to 12" diameter) on Site (0 trees x 3 credits per tree):	0
Credits for Existing Trees (13" to 19" diameter) on Site (0 trees x 4 credits per tree):	0
Credits for Existing Trees (20" or 24" diameter) on Site (0 trees x 5 credits per tree):	<u>0</u>
Total Reforestation Credits for Existing, Protected, or Preserved Trees:	<u><u>0</u></u>
 Reforestation Trees (1 per every .10 of an acre) Required on Site:	 5
Total Reforestation Credits for Trees Required on Site:	<u>0</u>
Total Reforestation Trees Required on Site:	<u><u>5</u></u>
 Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:	 5
Perimeter Trees (1 per 25') Required on Site:	4
Parking Lot Trees (1 per end row and landscape island) Required on Site:	4
Vegetative Buffer Trees (1 per 25') Required on Site:	0
Replacement Trees (removal of trees over 12" d.b.h.) Required on Site:	<u>0</u>
 TOTAL TREES REQUIRED:	 <u><u>13</u></u>
TOTAL TREES PROVIDED:	<u><u>18</u></u>

The following buffers are required: the standard ten (10) foot front perimeter landscape buffer area along the northern property line, and a five (5) foot common boundary landscape buffer on the eastern and western property lines. All required trees shall have a minimum height of six (6) feet at time of planting and reach a crown of 20 feet at maturity. Trees having an average mature spread of crown less than 20 feet may be arranged in groupings so as to create the equivalent of 20-foot

crown spread. If shrubs are used in the required buffer areas they must be a minimum of 12 inches in height when measured immediately after planting. **WARNING: A Certificate of Occupancy will not be issued until the required landscape material has been inspected and approved by the Community Development Department.**

PARKING:

The project meets or exceeds the parking requirements as follows:

Per code:

Multifamily Resort:

1.75 spaces per dwelling unit (require condominium documents filed with state allowing short term rentals for daily, weekly).

Per site plan:

Multifamily Resort:

1.75 spaces per dwelling unit x two (2) dwelling units = **3.5**
Total required parking spaces (including 0 handicap spaces) = **4.0**

TOTAL REQUIRED: 4 parking spaces (including 0 handicap spaces)

TOTAL PROVIDED: 6 parking spaces (including 0 handicap spaces)

LOADING SPACE (ZONE):

Loading space for the project is based on the following calculations:

Per code:

Low-Rise Condominium:

Low-Rise Condominium is not listed as requiring a loading space (zone).

Per site plan:

Low-Rise Condominium:

No loading space is proposed with this development.

TOTAL REQUIRED: 0

TOTAL PROVIDED: 0

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT:

1. A Florida Department of Environmental Protection general notice permit (for stormwater) has been requested for this project and will be on file once it is received.
2. A Florida Department of Environmental Protection beaches and shore permit (coastal permit) has been requested for this project and will be on file once it is received.

IMPACT FEES:

Please be advised that this project will require the following impact fees prior to the issuance of a Certificate of Occupancy if built according to this Development Order (# 00-18):

Parks: \$113.03 x 2 units (front doors)	=	\$226.06
Public Library: \$76.10 x 2 units (front doors)	=	\$152.20
Police Protection: \$14.50 x 2 units (front doors)	=	\$29.00
<u>Roads: \$334.00 x 2 units (front doors)</u>	=	<u>\$668.00</u>
TOTAL:	=	<u>\$1,075.26</u>

COMMENTS:

Public Input:

There have been no comments of support or opposition filed with Staff regarding this project.

Per Community Development Department:

1. Prior to the issuance of a Clearing/Grading Permit, a clearing/grading plan must be reviewed and approved by the Community Development Department.
2. Prior to the issuance of a Certificate of Occupancy, the plat will have to be recorded and the following will have to be provided to the City: 1) One (1) copy of the recorded mylar plat & recorded condominium documents, 2) Three (3) blueprints of the recorded plat, and 3) Two (2) 11" x 17" reduced copies of the recorded plat.
3. Prior to the issuance of a Certificate of Occupancy, the landscaping must be inspected and approved by the Community Development Department.

Per Engineering Department:

1. Prior to the issuance of a Building Permit, a copy of a FDEP coastal permit must be provided.
2. Prior to the issuance of a Certificate of Occupancy, the sidewalk must be installed.

CONDITIONS PRIOR TO BEING HEARD BY CITY COUNCIL:

None.

Gary Muller 4-12-00
Gary Muller Date
Acting Community Development Director

William R. Browning 4/19/00
Zephyr Development Enterprises, LLC Date
William R. Browning
Member