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September 24, 1999

ORDER #99-40

Final Development Order:

**"BEACH POINTE TOWNHOMES":
A MAJOR DEVELOPMENT
(SP-99-22)**

Based upon the City Council's approval of this Development Order, on September 13, 1999, 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: David Campbell on behalf of Zephyr Development Enterprises, LLC.
Location: The proposed project is located on the north side of Scenic Highway 98 approximately 300 feet from the Walton County line.
Request: Approval of a residential subdivision and a Major Development identified as "Beach Pointe Townhomes".
Parcel Size: The property contains 3.45 acres +/-.
Future Land Use: Crystal Beach Resort (CBR)
Zoning District: Business Tourism (BT)
Density: 10.72 d. u. per acre for a total of 37 dwelling units
Intensity: Not applicable
Application Date: March 29, 1999
TRC Date: April 21, 1999
Approved Site Plan Date: June 23, 1999
Planning Commission Date: August 5, 1999
City Council Date: September 13, 1999

DETERMINATIONS:

1. A hearing was held by the Destin City Council on September 13, 1999, and approved the development by a vote of 5-0 with conditions; and
2. The Planning Commission considered the proposal on August 5, 1999, and recommended the City Council approve the proposed project as presented by staff. The motion passed by a vote of 5-0. Mr. Clauson, Mr. Breithaupt, Mr. Link, Ms. Zollner, and Mr. Shirley voted for the motion. Ms. Drowne and Mr. Kroger were not present, and

3. All the findings of the Technical Review Committee report dated July 8, 1999 and amended September 13, 1999 are incorporated herein.

CONDITIONS OF APPROVAL FOR "BEACH POINTE TOWNHOMES": A MAJOR DEVELOPMENT (SP-99-22)

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 September 13, 1999 (no later than September 13, 2000) and must be completed as shown on plans approved by the Technical Review Committee (stamp dated September 13, 1999).

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.

2. If "Beach Pointe Townhomes" fully complies with the requirements of Condition Number 1 above, the concurrency status "Beach Pointe Townhomes" is protected (for five years) through September 13, 2004. **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. "Beach Pointe Townhomes" 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 and grubbing.
 - E. Paving, grading, drainage, sidewalks.
 - F. Signage.
 - G. Installation of utilities.
 - H. Construction trailers.
4. During all phases of the development process: A.) a vehicular access way must be provided and maintained for the residences that are located to the northwest of the project and B.) All utilities must remain active to the previously mention residences.

5. **Prior to the issuance of a Clearing Permit**, a clearing/demolition plan must be reviewed and approved by the Community Development Department.
6. **Prior to the issuance of a Building Permit**, the easement on the plat must be reduced to 24 feet rather than the 29 feet which takes into the common boundary buffer area.
7. **Prior to the issuance of a Building Permit**, the Condominium documents must be reviewed and approved by the City Attorney.
8. **Prior to the issuance of a Certificate of Occupancy**, the amended plat must be recorded with the Clerk of the Circuit Court of Okaloosa County. Then provide the Community Development Department with one copy of the recorded mylar plat and recorded Homeowners Association documents, three (3) blueprints of the recorded plat, and two (2) reduced copies (11" x 17") of the recorded plat.
9. **Prior to the issuance of a Certificate of Occupancy**, if exterior lighting is proposed a lighting plan must be reviewed and approved by the Community Development Department.
10. **Prior to the issuance of a Certificate of Occupancy**, the required landscaping must be inspected and approved by the Community Development Department.
11. **Prior to the issuance of a Certificate of Occupancy**, an Operations & Maintenance Plan which is acknowledged and signed by the owner must be submitted and approved by the Engineering Department. The Operations & Maintenance Plan shall contain, among other things, the following statement: "Owner shall regrade swale/retention areas as required to maintain approved design cross-sections, line, and grade."
12. **Prior to the issuance of a Certificate of Occupancy**, all utilities, including those to the residences located to the northwest of the project must be installed (underground).
13. Requirements identified by the Technical Review Committee:

**TECHNICAL REVIEW COMMITTEE REPORT
COMMUNITY DEVELOPMENT DEPARTMENT**

**“BEACH POINTE TOWNHOMES”
A MAJOR DEVELOPMENT
(SP-99-22)**

TRC Report: July 8, 1999 and amended September 13, 1999

ISSUE:

Applicant: David Campbell on behalf of Zephyr Development Enterprises, LLC.
Location: The proposed project is located on the north side of Scenic Highway 98 approximately 300 feet from the Walton County line.
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DISCUSSION/FINDINGS:

David Campbell, on behalf of Zephyr Development Enterprises, LLC, is requesting approval of a Major Development identified as “Beach Pointe Townhomes.” The proposed project consists of twenty-one (21) three-story townhomes and sixteen (16) two-story patio homes. The proposed project is located on the north side of Scenic Highway 98 approximately 300 feet from the Walton County line, more specifically known as Property Appraiser’s parcel I.D. number 00-2S-22-0000-0041-0000. The property contains 3.45 acres more or less.

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: Single-Family Residential
South: Scenic Highway 98/Vacant
East: Condominiums (Chateau Le Mer)
West: Condominiums (Enclave)/Single-Family Residential

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

The Technical Review Committee reviewed the project on April 21, 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 of Business Tourism (BT). The proposed use is a permitted principal use in both the CBR Future Land Use Designation and the BT Zoning District, provided that the proposed units remain as dwelling units (long-term rentals) and not lodging units (short-term rentals).

COMPATIBILITY:

The surrounding properties are as follows:

	<u>FLU</u>	<u>Zoning</u>	<u>Existing Use</u>
North:	MU	BT	Single-Family Residential
South:	CBR	BT	Scenic Highway 98/Vacant
East:	CBR	BT	Condominiums
West:	CBR	BT	Condominiums/Single-Family Residential

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 CBR Future Land Use Designation and the BT Zoning District.

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

The proposed building meets and exceeds all of the required setbacks for the Business Tourism (BT) Zoning District. The BT Zoning District requires the following setbacks: front - 10 feet (south property line); side – 15 feet (for three story buildings) – 10 feet (for two story buildings) (east & west property line) and rear - 20 feet (north property line).

The proposed buildings' dimensions are compatible with the surrounding buildings (e.g. Chateau Le Mer, which has two seven (7) story towers and The Enclave two (2) story Townhomes).

The BT Zoning District does not have a maximum building height. Building height in this district is determined by a compatibility analysis. The proposed height of the three (3) story Townhomes is 35 feet and 24 feet for the Patio Homes. The floor area ratio requirement does not apply to this project.

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

The proposed project meets the parking requirements (78 reg. & 5 h. c. proposed/required). It also meets the requirements for access drive (24 feet provided) and service areas (proposed dumpster enclosed with wall/fence).

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. No outdoor lighting plan is proposed at this time. As a condition, however, staff will require that a lighting plan be approved by the Community Development Department prior to a Certificate of Occupancy.

E) Alteration of light and air;

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

F) Setbacks and buffers.

The proposed building meets and exceeds all of the required setbacks for the Business Tourism (BT) Zoning District. The BT Zoning District requires the following setbacks: front - 10 feet (south property line); side – 15 feet (for three story buildings) – 10 feet (for two story buildings) (east & west property line) and rear - 20 feet (north property line).

The overall site plan meets the open space requirements (18% required/ 40% provided). The only buffers required are the standard five (5) foot common boundary landscape area on the north, east and west property lines and the standard ten (10) foot front perimeter landscape area on the south property line.

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

DENSITY:

The proposed project has a density of 10.72 units per acre, which is below the 12.0 units per acre that is allowed in the Crystal Beach Resort (CBR) Future Land Use Category for residential uses. Dwelling units (long-term rentals) not lodging units (short-term rentals) were used for the density calculations. The proposed project consist of a total of 37 dwelling units.

HEIGHT:

The BT zoning district does not have a maximum building height. Building height in this district is determined by a compatibility analysis. The proposed height of the three (3) story Townhomes is 35 feet and 24 feet for the Patio Homes.

FLOOR AREA RATIO:

Not applicable.

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 1/2 mile from U. S. Highway 98 via the local roadway network.

SUBDIVISION OR PUD - PLAT:

The City Surveyor, Hartman and Associates, Inc., approved the proposed plat in a letter dated July 27, 1999.

AIRPORT PROTECTION:

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

SETBACKS:

The proposed building meets and exceeds all of the required setbacks for the Business Tourism (BT) Zoning District. The BT Zoning District requires the following setbacks: front - 10 feet (south property line); side - 15 feet (for three story buildings) - 10 feet (for two story buildings) (east & west property line) and rear - 20 feet (north property line).

	<u>Required</u>	<u>Buffers</u>	<u>Provided</u>
Front (south):	10'	10' FPLA	10' + 10' FPLA
Side (east):	15'/10'	5' CB	53'/38' + 5' CB
Side (west):	15'/10'	5' CB	15'/10' + 5' CB
Rear (north):	20'	10' VB	235' + 10' VB
Between Bldgs.:	10'	N/A	12'(3 story)/86' + 60' (2 story)

Note: 10' FPLA = 10' Front Perimeter Landscaped Area, 10' VB = 10' Vegetative Buffer Area, and 5' CB = 5' Common Boundary Landscaped Area. A 10' Vegetative Buffer is required along the northern property line. A 5' Common Boundary Buffer is required along the eastern and southern property lines.

WHITE SANDS ZONE:

A portion of the proposed project is located within the White Sand Zone Two. 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 permit is submitted.

COX COMMUNICATIONS:

Cox Communications approved the project at the April 21, 1999, TRC meeting.

DESTIN FIRE CONTROL DISTRICT:

The Fire Department approved the project in a letter dated July 9, 1999.

GULF POWER:

Gulf Power approved the project at the April 21, 1999, TRC meeting.

OKALOOSA GAS:

Okaloosa Gas approved the project at the April 21, 1999, TRC meeting.

SPRINT:

Sprint approved the project at the April 21, 1999, TRC meeting.

UNIVERSAL COM:

Universal Com approved the project at the April 21, 1999, TRC meeting.

WATER/SEWER PROVIDER:

South Walton Utility, Inc., approved the project in a letter dated June 24, 1999.

UTILITIES:

Underground utilities are required.

STORMWATER:

A review by the City Engineer disclosed the following deficiency:

1. Submit an Operations & Maintenance Plan which shall be acknowledged and signed by the owner prior to obtaining a certificate of occupancy. It is not required prior to obtaining a development order or a building permit. The Operations & Maintenance Plan shall contain, among other things, the following statement: "Owner shall regrade swale/retention areas as required to maintain approved design cross-sections, line, and grade."

The stormwater management plan is accepted and approved with the exception of the above-mentioned item.

INGRESS/EGRESS:

The access drive for the proposed project meets the requirements of the Destin Land Development Code. However, per the City Council, access to the residences located to the northwest of the project shall remain open during the construction of the proposed units.

SIDEWALKS:

There is an existing sidewalk in place along the northern side of Scenic Highway 98.

LANDSCAPE:

The project meets or exceeds the landscape requirements as follows:

OPEN SPACE:

$$\begin{array}{l} \underline{150,411} \text{ sq. ft. of property} \times 18\% = \underline{27,074} \text{ sq. ft. required} \\ \text{Site plan provides } \underline{41.3\%} = \underline{62,233} \text{ sq. ft. provided} \end{array}$$

TREES REQUIRED:

Reforestation: <u>35</u> (10 per acre)	Perimeter: <u>5</u> (1 per 25')	Parking Lot: <u>14</u> (1 per end of parking row)	Vegetative Buffer: <u>Preserved</u> (1 per 25') <u>area shall remain as indicated on landscape plan</u>
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Protected Trees on Site (12" to 23" diameter):	<u>3</u>
Preserved Trees on Site (24" or more diameter):	<u>1</u>
Credits for Protected/Preserved Trees:	<u>0</u>
TOTAL TREES REQUIRED:	<u>58</u>
TOTAL TREES PROVIDED:	<u>350</u>

A ten (10) foot Vegetative Buffer Landscaping Area is required along the northern property line, which includes the existing vegetation to remain undisturbed. A 5' Common Boundary Buffer is required along the eastern and western property lines. The required five (5) foot Common Boundary landscaping shall provide a minimum of fifty percent opacity for that area between the finished

