



# The City of Destin

Post Office Box 399 Destin, Florida 32540 (904) 837-4242 FAX (904) 837-3267

September 14, 1993

Mr. W. C. Merrill, Jr.  
Operating Manager  
Henderson Beach Land Trust  
Post Office Box 6038  
Pensacola, Florida 32503-6038

DO-93-20

RE: FINAL DEVELOPMENT ORDER FOR CRYSTAL SANDS CONDOMINIUMS,  
PHASE I AND PHASE II, A MAJOR DEVELOPMENT

Dear Mr. Merrill:

Based upon the City Council's approval of the above referenced project at its meeting on September 7, 1993, this letter will serve as your Final Development Order to include all the provisions of the attached Staff Report and with the following conditions:

1. Under the requirements of the Land Development Regulations and Destin's Code of Ordinances, development must commence within a twelve-month period and building permits for this project must be obtained prior to September 6, 1994, or this approved Development Order will expire and the project will have to be resubmitted for review.

2. Prior to the issuance of a building permit, the following documents are required:

(a) Department of Environmental Protection (DNR) Permit for constructing seaward of the CCCL;

(b) Department of Environmental Protection (DNR) Permit for lighting compliance with sea turtle protection requirements;

(c) Department of Environmental Protection (DER) Permit for approval of lift station and extension of service;

(d) Condominium documents to reflect short term "rental" provisions in order for the facility to qualify for the 1.75 parking ratio. (Must be reviewed and approved by City Attorney)

Mr. W. C. Merrill, Jr.  
9-8-93 - Page 2

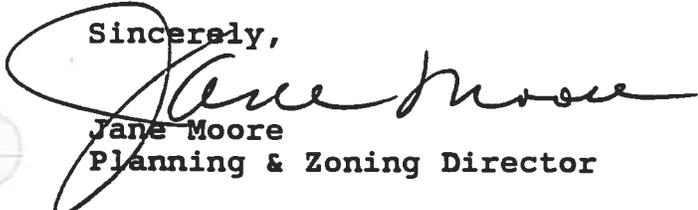
(e) the area under the building and parking lot must conform to the existing White Sands Ordinance, and that red clay outside this footprint be removed to the maximum extent possible and the beach and the contaminated pathways leading to the beach be restored by removing the red soil and replacing it with White sand and replanting sea oats in the foot paths as part of a dune restoration project;

*Paid 9/24/93*  
(f) Fifty-Five Dollars and Fifty Cents (\$55.50) legal advertisements and stormwater review by City Engineer.

3. If the development is initiated within a one-year period your concurrency status is protected for five years through September 7, 1998.

Best of luck with this project. Let us know if we can be of any further assistance.

Sincerely,

  
Jane Moore  
Planning & Zoning Director

JM:jf - Attachment  
cc: Inspection Department  
Mr. Freddie Schinz, Agent

**STAFF REPORT**  
**PLANNING AND ZONING DEPARTMENT**  
**CRYSTAL SANDS CONDOMINIUM - PHASES I & II**  
**A MAJOR DEVELOPMENT**  
**Highway 98 - Crystal Beach**  
**August 19, 1993**

**ISSUE**

Request for approval of **CRYSTAL SANDS CONDOMINIUM - PHASES I & II**, a Major Development. The proposed project will consist of a total of 85 units which includes: Phase I, a four-story, forty-seven (47) unit condominium; and Phase II, a four-story, thirty-eight (38) unit condominium. Request is made by Tiforp of Destin, Inc., Agent for Henderson Beach Land Trust. Property is located on County Road 2378 (Old Highway 98) at the Old Crystal Pier Site, Destin, Florida. Property contains 7.14 acres, more or less.

**ZONING/COMPREHENSIVE PLAN**

The property is zoned BT (Business Tourism) District and the Comprehensive Land Use Category is Mixed Use (MU) which allows for thirty (30) units per acre under the Comprehensive Plan. With an average of 11.9 units per acre, the proposed land use and density are consistent with these regulations. The building and its amenities lie seaward of the new CCCL adopted by the Department of Natural Resources in 1991 and will require a DNR Permit prior to the issuance of a building permit. The project appears to meet the 60/40 limitation of the State.

**CONCURRENCY MANAGEMENT**

Concurrency requirements met:

Sanitary Sewer	<u>  X  </u>	Potable Water	<u>  X  </u>	Roadways	<u>  X  </u>
Solid Waste	<u>  X  </u>	Recreation	<u>  X  </u>	Drainage	<u>  X  </u>

**MYLAR - SUBDIVISION OR PUD**

No Mylar is required for this type project.

**STORMWATER**

The Stormwater Management Plan for the site has been approved by the City Engineer. The project qualifies for swale exemption under DER guidelines and no DER permit is required.

**SIGNS**

The signs are centrally located on the property and meet the setback requirements. Signs must be located 10' from the property line and cannot use parking space.

**UTILITIES**

Underground utilities are required.

**WATER/SEWER**

Water and sewer are available through Destin Water Users. Developer to provide lift station which will require DER approval for extension of service. Developer to finalize water/sewer plans with DWU.

**INGRESS/EGRESS**

Access into the project is from Old Highway 98 through two twenty-four (24) foot driveways.

**WHITE SANDS ZONE**

The project lies within White Sands Zone #1 which requires all white fill material. There is existing red clay on much of the site which is known as the "Old Pier site". This has been generally used by the public over the years. There is erosion of this red clay onto the beach. The City Code requires that when a site is redeveloped that contains pre-existing discoloring materials (such as this red clay) and the nonconforming material is disturbed, the nonconforming materials must be immediately removed once disturbed. The developer contends that he can "develop" the site without disturbing this red clay. Staff's position is that it must be removed because he cannot develop the site without disturbing the red clay and, in fact, the red clay is already disturbed and spread due to water erosion and failure of the property owner to take proper precaution to avoid contamination of the beaches. This requirement and staff's interpretation of this section of the code has been made known to the present developer as well as others who have considered possible development of this property.

**AIRPORT PROTECTION**

This project lies outside the Airport Protection Zone and is not included in any Noise Zone.

**SETBACKS**

The setbacks for the project exceeds all setback requirements under the Ordinances.

**SIDEWALKS**

There are internal walkways provided on the site plan. Sidewalks will be required on Scenic Highway 98.

**LANDSCAPE**

The project meets or exceeds the landscape requirements as follows:  
OPEN SPACE:

311,200 s.f. of property X 18% = 56,016 s.f. required  
Site plan provides 4.33 acres of open space in addition to the landscaped areas on the perimeter and within the parking lot.

**TREES REQUIRED:**

Reforestation	<u>71</u>	Perimeter	<u>31</u>	Parking Lot	<u>29</u>
(10 per acre)		(1 per 25')		(Islands)	

Protected Trees on Site (12" to 23" diameter):	<u>none</u>
Preserved Trees on Site (24" or more diameter):	<u>none</u>
Credits for Protected/Preserved Trees	:
TOTAL TREES REQUIRED	: <u>131</u>
TOTAL TREES PROVIDED	: <u>131</u>

**PARKING**

The proposed develop meets or exceeds the parking requirements based on the following standards:

Parking Calculations of 1.75 spaces are for short term "resort" rentals, and developer must provide condominium documents with

provision for short term rentals prior to issuance of a building permit. These documents will require review and approval by the City Attorney to insure compliance with this Code requirement.

85 Units x 1.75 = 148.75 parking spaces required  
149.00 parking spaces provided  
(includes six (6) handicap parking spaces)  
There are two 10 x 25 loading spaces provided

**REFUSE COLLECTION**

Refuse collection is provided by dumpsters and these are shown on site plan.

**FIRE DEPARTMENT REVIEW**

The project has been reviewed and approved by the Fire Department. The developer has added the fire hydrants required.

**ENVIRONMENTAL ISSUES**

This project must comply with the requirements for lighting in accordance with state regulation relating to sea turtle protection. This will require an additional DNR permit which must be obtained prior to the issuance of a building permit.

The project is landward of the primary dune line and the Shoreline Protection Zone. Care must be taken during development to insure minimum impact on the dunes seaward of the building line.

**STATE/FEDERAL PERMITS REQUIRED**

DER     X     DNR     X     COE            OTHERS           

**BEACHFRONT PROPERTY**

This is beachfront property. Continued access to the beach is guaranteed through the existing 60' beach accessway including a dune crosswalk. This project does not include any imperious materials within this 60' accessway. It does utilize a portion for stormwater management. Some of the 131 trees which must be planted will also be placed on this easement.

**GENERAL COMMENTS**

Prior to issuance of a building permit the following items must be received:

1. DEP (DNR) Permit for constructing seaward of CCCL
2. DEP (DNR) Permit for lighting compliance with sea turtle protection requirements
3. DEP (DER) Permit/approval of lift station and extension of service (will be handled by DWU)
4. Condominium documents to reflect short-term rental provisions to be reviewed by City Attorney

*For Permit Dept.*

- e. R&R: Request Approval to Construct Crystal Sands Condominiums I & II; Phase I is 4-Stories and 47-Units and Phase II is 4-Stories and 38-Units, located on South Side of County Road 2378 at Old Crystal Pier Site, Fred Schinz

A report and recommendation from the Destin Planning Commission regarding approval of Crystal Sands Condominium, Phases I & II, was received and placed on file.

Councilman Mizell made a motion to approve the Crystal Sands Condominium, Phases I and II as recommended by the Planning Commission and the development order outlines the requirements for removal of red clay in the areas not occupied by the parking lot and the building's footprints, second Councilman Bradley.

After considerable discussion among Council, Staff, and Mr. Schinz regarding the removal of red clay and the white sands ordinance, Councilman Mizell withdrew his motion.

Councilman Kroeger made a motion to approve the Crystal Sands Condominium, Phases I and II as recommended by the Planning Commission, except that the area under the building and parking lot must conform to the existing white sands ordinance and that red clay outside this footprint be removed to the maximum extent possible and the beach and the contaminated pathways leading to the beach be restored by removing the red soil and replacing it with white sand and replanting sea oats in the foot paths as part of a dune restoration project, second Councilman Bradley. A roll call vote of 7-0 for approval was taken with Councilmen Bradley, Clark, Clary, Kroeger, Lloyd, Marler-Blue and Mizell voting yes.

- f) R&R: Request Approval to Modify the Previously Approved 798-Unit Destin Pointe Resort PUD to a Mixed Use Project Containing a Maximum of 298 Units, Curtis Gwin

A report and recommendation from the Destin Planning Commission regarding approval for Destin Pointe Resort, a Planned Unit Development and a Major Project, was received and placed on file.

Councilman Bradley made a motion to approve the amended site plan for the Destin Pointe Resort Planned Unit Development as recommended by the Planning Commission to include a maximum density of 298 dwelling units and that the City Clerk hold the mylar until Ordinance compliance for infrastructure are met, second Councilman Lloyd. After some discussion, a roll call vote of 7-0 for approval was taken with Councilmen Bradley, Clark, Clary, Kroeger, Lloyd, Marler-Blue and Mizell voting yes.

- g) Report: 'C' Weighted Noise Meter and Associated Costs

A report from the Planning and Zoning Director regarding the noise ordinance, equipment and a consultant was received and placed on file.

Ms. Moore updated Council on efforts to resolve the latest noise complaints stating that Nighttown personnel had worked

**REPORT AND RECOMMENDATION**

**TO: Destin City Council**

**FROM: Destin Planning Commission**

**SUBJ: Approval of Crystal Sands Condominium - Phases I & II**

**DATE: September 7, 1993**

=====

**BACKGROUND**

Request for approval of **CRYSTAL SANDS CONDOMINIUM - PHASES I & II**, a Major Development. The proposed project will consist of a total of 85 units which includes: Phase I, a four-story, forty-seven (47) unit condominium; and Phase II, a four-story, thirty-eight (38) unit condominium. Request is made by Tiforp of Destin, Inc., Agent for Henderson Beach Land Trust. Property is located on County Road 2378 (Old Highway 98) at the Old Crystal Pier Site, Destin, Florida. Property contains 7.14 acres, more or less.

**DISCUSSION**

The Planning Commission conducted a Public Hearing on this project at its August 19th meeting. No one at the meeting voiced any opposition to the proposed project. Staff advised the Planning Commission that the site contains red clay which was placed on the property years ago to accommodate parking for the Crystal Beach Pier. It was noted that there will have to be some mitigation of the damage which has been caused by this red clay which has been subject to water erosion. The extent of the requirement to remove the red clay will be based on a site inspection by the Planning Director and the City Engineer to insure compliance with the ordinance relating to removal of the non-conforming soil during construction.

**RECOMMENDATION**

Based on a vote of 5-0, the Planning Commission recommends approval of the Crystal Sands Condominium, Phases I and II and adopts the Staff Report as its Findings of Fact.

**SUGGESTED MOTION**

I move that we approve the Crystal Sands Condominium, Phases I and II as recommended by the Planning Commission.

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**STAFF COMMENTS:**

Subsequent to the Planning Commission meeting, the Planning Director and the Public Works Director conducted a site inspection to determine the most effective, least damaging, way to insure compliance with the White Sands Ordinance. The Public Works Director recommended that the area which would be under the building and the parking lot be left as undisturbed as possible

Report & Recommendation  
Crystal Sands Condo  
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since the building and parking lot design would provide containment; that the red clay outside this footprint would have to be removed to the maximum extent possible, and the beach and the contaminated pathways leading to the beach restored by removing the red soil and replacing it with white sand and re-planting sea oats in the footpaths as part of a dune restoration project.

Since the property is still owned by the Henderson Family Trust, the Trust has been put on notice that they must take immediate steps to begin the removal of the red clay which has already washed down onto the beach and to take emergency steps to keep further damage from occurring. The Henderson family has been most generous in allowing the public to use the site for parking and access to the beach and some of their reluctance to make changes on the site was their desire not to have to barricade the public from the site. However, the red clay has caused serious discoloration to the beach and this can no longer be ignored.

Reviewed and Approved By:

Date

City Manager  
P&Z Director  
Public Works Director

PC  
BRN

8-31-93  
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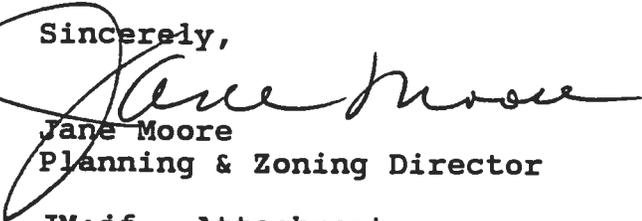
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