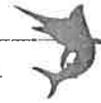




CITY of DESTIN

4200 Two Trees Road • Destin, Florida 32541



www.cityofdestin.com

September 30, 2003

Order No. 03-31

Final Development Order:

“DUNES OF CRYSTAL BEACH” A MAJOR DEVELOPMENT (SP-03-21)

Based upon the City Council's approval of this development order on September 15, 2003, 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:	Emerald Coast Associates, Inc., on behalf of The Pickney Family Limited Partnership and David P. Pfeil is requesting approval of a Major Development identified as “The Dunes of Crystal Beach.”
Request:	The proposed development consists of removing an existing single-family residence and constructing a 55,069 sq. ft., 20-unit, and 4-story condominium.
Location:	The proposed development will be located south of the intersection of Scenic Highway 98 and Mark Street.
Parcel Size:	The total proposed site area is 1.74 acres, more or less.
Future Land Use:	Crystal Beach Resort (CBR)
Zoning District:	Residential Intensive Apartment (RIA)
Density:	Allowed: 12 dwelling units per acre Proposed: 20 dwelling units / 1.74 acres = 11.5 dwelling units per acre
Intensity:	Allowed: 0.50 Floor Area Ratio (FAR) Proposed: 0.38 FAR per Land Development Code (0.67 Alternative FAR)
Application Date:	June 30, 2003
TRC Date:	July 16, 2003
Approved Site Plan Date:	August 28, 2003
City Council Date:	September 15, 2003

DETERMINATIONS:

1. The Destin City Council held a public hearing on September 15, 2003. The Council voted unanimously, 7-0, to approve the project as presented in the agenda package and subject to all applicable conditions identified within the Final Development Order and TRC report dated August 28, 2003, and amended September 16, 2003, with all necessary changes and updates, 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 August 28, 2003, and amended September 16, 2003, are incorporated herein.

CONDITIONS OF APPROVAL FOR "DUNES OF CRYSTAL BEACH" A MAJOR DEVELOPMENT (SP-03-21):

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 September 30, 2003 (no later than September 30, 2004), 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 "Dunes of Crystal Beach" 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.
 - 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 the Development Order**, all outstanding costs associated with this project that are owed to the City must be paid in full.
5. **Prior to the issuance of a Demolition/Grading Permit**, the demolition/grading plan must be submitted and approved by the Community Development Department.
6. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.
7. **Prior to the issuance of a Certificate of Occupancy (at least 14 days)**, the Condominium Documents must be submitted to the Community Development Department to be reviewed and approved by Staff and the City Land Use Attorney. The Condominium Documents must contain, at a minimum, the provisions stated in the Condominium Affidavit dated August 21, 2003. Additionally, a copy of the Condominium Documents that have been recorded with the state must be submitted to the City of Destin.
8. **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.
9. 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 stated within the approved Development Order, the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09] or if necessary as agreed upon by the City and the applicant prior to the issuance of the final development order.
10. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be considered to be non-compliant and a revised stormwater plan shall be re-submitted for review and approval.
11. **Prior to obtaining any city permit**, a copy of the FDEP stormwater & NPDES approvals shall be forwarded to the City Engineer's office.
12. **Prior to obtaining any city permit**, a copy of the FDEP coastal and beaches approvals shall be forwarded to the City Engineer's office.
13. **Prior to obtaining a Certificate of Occupancy**, Provide sufficient dune species vegetation on the re-graded dune to stabilize and protect the dune from wind erosion.
14. **Prior to obtaining a 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).

TECHNICAL REVIEW COMMITTEE REPORT

"DUNES OF CRYSTAL BEACH" A MAJOR DEVELOPMENT (SP-03-21)

TRC Report: August 28, 2003, and amended September 16, 2003

ISSUE:

Applicant: Emerald Coast Associates, Inc., on behalf of The Pickney Family Limited Partnership and David P. Pfeil is requesting approval of a Major Development identified as "The Dunes of Crystal Beach."

Request: The proposed development consists of removing an existing single-family residence and constructing a 55,069 sq. ft., 20-unit, and 4-story condominium.

Location: The proposed development will be located south of the intersection of Scenic Highway 98 and Mark Street.

Parcel Size: The total proposed site area is 1.74 acres, more or less.

Future Land Use: Crystal Beach Resort (CBR)

Zoning District: Residential Intensive Apartment (RIA)

Density: Allowed: 12 dwelling units per acre
Proposed: 20 dwelling units / 1.74 acres = 11.5 dwelling units per acre

Intensity: Allowed: 0.50 Floor Area Ratio (FAR)
Proposed: 0.38 FAR per Land Development Code (0.67 Alternative F R)

Application Date: June 30, 2003

TRC Date: July 16, 2003

Approved Site Plan Date: August 28, 2003

City Council Date: September 15, 2003

DISCUSSION/FINDINGS:

Emerald Coast Associates, Inc., on behalf of The Pickney Family Limited Partnership and David P. Pfeil is requesting approval of a Major Development identified as "The Dunes of Crystal Beach." The proposed development consists of removing an existing single-family residence and constructing a 55,069 sq. ft., 20-unit, and 4-story condominium. The proposed development will be located south of the intersection of Scenic Highway 98 and Mark Street. The total proposed site area is 1.74 acres, more or less.

The proposed project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements with conditions as described on pages 11 and 12 of the TRC Report. Refer to the complete Compatibility Analysis dated July 24, 2003.

The proposed request is consistent with the Comprehensive Plan and Land Development Code, which include a Compatibility review, Concurrency Management review, and a Level of Service review. This project is not located within the either of the City's Community Redevelopment Agency Districts.

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 designation of Crystal Beach Resort (CBR) and Zoning designations of Residential Intensive Apartment (RIA). The proposed use is consistent with the CBR Future Land Use designation and is a permitted principal use within the RIA zoning district.

COMPATIBILITY:

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the requirements with conditions. Refer to the complete Compatibility Analysis dated July 24, 2003.

DENSITY:

Allowed: 12 dwelling units per acre

Proposed: 20 dwelling units / 1.74 acres = 11.5 dwelling units per acre

HEIGHT:

Building height is regulated per the CBR Future Land Use designation, which allows structures to not exceed 4 stories and shall not exceed 50 feet in height as measured from the crown of the road. The proposed structure is approximately 49.33' high from the crown of the road to the cornice line. Refer to the complete Compatibility Analysis Report dated July 24, 2003, which finds the proposed project compatible with the surrounding area in regards to height.

FLOOR AREA RATIO:

The Crystal Beach Resort (CBR) Future Land Use designation has a maximum floor area ratio (FAR) of 0.50.

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:

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

$$\frac{55,069 \text{ sq. ft.} - 26,463 \text{ sq. ft.}}{75,707 \text{ sq. ft.}} = \text{FAR}$$

$$28,606 / 75,707 \text{ sq. ft.} = 0.38 \text{ FAR}$$

Utilizing the formula defined above, the FAR of 0.38 is below the maximums of 0.50 and thus is in compliance.

For information purposes only, the more common FAR calculation methodology is as follows:

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

$$55,069 \text{ sq. ft.} / 75,707 \text{ sq. ft.} = 0.67 \text{ FAR}$$

Note: The common FAR methodology, as shown above, is not an adopted standard and shall not be considered. The proposed Comprehensive Plan-2010 will not utilize FAR methodologies.

RIGHT-OF-WAY DEDICATION:

There are no proposed right-of-way dedications.

CONCURRENCY MANAGEMENT:

Concurrency requirements have been met:

Solid Waste: X

Potable Water: X

Sanitary Sewer: X

Traffic: X

Stormwater Management: X

Please refer to file SP-03-21 for the approved Concurrency Evaluation Certificates.

TRAFFIC ANALYSIS:

According to the traffic review conducted by the City's Transportation Manager, and approved on August 25, 2003, the proposed development will not degrade the level of service of those major transportation facilities (urban collectors and arterials: U.S. Highway 98 Segment "C", Scenic Highway 98, and Mathew Boulevard), which this proposed project impacts. Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's Transportation Manager.

SUBDIVISION OR PUD - PLAT:

The proposed development will be a condominium residential use and thus Condominium Documents are necessary. In lieu of providing draft Condominium Documents, the applicant has provided a Condominium Affidavit, dated August 21, 2003.

WHITE SANDS ZONE:

The project property is located in White Sand Zone I.

PHASING:

The proposed development will not be a phased development.

AIRPORT PROTECTION:

The subject site is not located within the airport protection 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 RIA Zoning District.

	<u>Required</u>	<u>Buffers</u>	<u>Provided</u>
Front (north):	20'	10' FP	42.0' including the 10' FP
Side (west):	20'	5' CB	20' including the 5' CB
Side (east):	20'	5' CB	34.2' including the 5' CB
Rear (south):	25'	N/A	approx. 150'
Between Bldgs.:	10'	N/A	N/A

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 buffer along the eastern and western property lines. The 10' FP is required along the northern property line.

SIGNS:

No overall sign approval is part of this application. Any and 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.

COX COMMUNICATIONS:

Cox Communications approved the project in a letter dated July 14, 2003.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated July 16, 2003.

GULF POWER:

Gulf Power approved the project in a letter dated July 14, 2003.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated July 16, 2003.

SPRINT:

Sprint approved the project in a letter dated July 8, 2003.

WATER/SEWER PROVIDER:

Destin Water Users, Inc. approved the project in a letter dated July 15, 2003.

STORMWATER:

The City Engineer approved the stormwater plan on August 25, 2003, and had the following stormwater related conditions:

1. **Prior to obtaining any city permit**, a copy of the FDEP stormwater and NPDES approvals shall be forwarded to the City Engineer's office.
2. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be deemed to be in non-compliance and a revised stormwater plan shall be re-submitted for review and approval.
3. **Prior to obtaining a 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).

INGRESS/EGRESS:

A 24' +/- wide two-way ingress/egress access off of Scenic Highway 98 is proposed at the near the northeast corner of the property.

PARKING:

The project meets or exceeds the parking requirements of the Destin Land Development Code as indicated on the approved plans.

Per code:

Dwelling, Multi-family (4 stories or less): 2.25 parking spaces per unit

Per site plan:

20-units x 2.25 spaces = 45

TOTAL REQUIRED: 45 parking spaces (including 2 handicap spaces)

TOTAL PROVIDED: 45 parking spaces (including 2 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: 1 loading space

TOTAL PROVIDED: 1 loading space

REFUSE COLLECTION:

Refuse collection is to be provided by dumpster service. All proposed dumpsters must be screened by a gated enclosure at least six feet tall or fully enclosed within a structure.

SIDEWALKS:

A 5' wide sidewalk is required adjacent to the northern property line and within the Scenic Highway 98 right-of-way.

OPEN SPACE/LANDSCAPE:

Open Space Requirements:

Site Development Area: 75,707 sq. ft. (1.74 acres, more or less)
Required 18% Open Space: 13,627 sq. ft.
Provided Open Space: 22,564 sq. ft. (30%)

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 (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" 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: 1.74 x 10 = 17.4 (18)) Required on Site:	<u>18</u>
Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:	<u>18</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:	18
Front Perimeter Trees (1 per 25') Required on Site:	11
Parking Lot Trees (1 per end row and landscape island) Required on Site:	4
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site: (Includes additional vegetation per Compatibility Analysis)	N/A
Replacement Trees (removal of trees 12" d.b.h. or greater) Required on Site:	<u>0</u>
TOTAL TREES REQUIRED:	33
TOTAL TREES PROVIDED:	33

A five (5) foot Common Boundary Landscape Area is required along those property lines that directly abut an adjacent parcel (east and west). A ten (10) foot Front Perimeter Landscape Area is required along the northern property line abutting a right-of-way. 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 such as in a Compatibility Analysis, 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. Reference the approved landscape plan for further plan requirements and details.**

IMPACT FEES:

The following impact fee amounts may be subject to change. Final impact fee amounts will be determinant upon the gross floor area of the development 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:

Park: The park impact fees were calculated using the “Multi-Family (per unit) = \$113.03” fee amount.

$$(20 \text{ units}) \times (\$113.03) = \$2,260.00$$

Public Libraries: The public libraries impact fees were calculated using the “Multi-Family (per unit) = \$76.19” fee amount.

$$(20 \text{ units}) \times (\$76.19) = \$1,523.80$$

Police Protection: The police protection impact fees were calculated using the “Multi-Family per unit = \$14.50” fee amount under the “Residential – Outside U.S. 98 Corridor” category.

$$(20 \text{ units}) \times (\$14.50) = \$290.00$$

Road: The road impact fees were calculated using the “Multi-Family/Condominium (per unit) = \$577.00” fee amount.

$$(20 \text{ units}) \times (\$334.00) = \$6,680.00$$

Parks:	=	\$2,260.00
Public Library:	=	\$1,523.80
Police Protection:	=	\$290.00
Roads:	=	\$6,680.00
TOTAL:	=	\$10,753.80

OTHER FEES:

The fees listed below are subject to change and are based on the most recent information available (September 10, 2003). The fees must be paid by the applicant as part of the cost recovery associated with the proposed project:

City Traffic Consultant:	Paid
City Compatibility Consultant:	Paid
City Surveyor:	N/A
Re-Review Fees (Community Dev.)	Paid
Re-Review Fees (Engineering Dept.)	Paid
Administrative Costs:	\$22.51
<u>City Council Advertising:</u>	Paid
TOTAL (as of 9/10/03) =	\$22.51 (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.

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. **Prior to the issuance of a Demolition/Grading Permit**, the demolition/grading plan must be submitted and approved by the Community Development Department.
3. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.
4. Prior to the issuance of a Certificate of Occupancy, the Condominium Documents must be submitted to the Community Development Department to be reviewed and approved by Staff and the City Land Use Attorney. The Condominium Documents must contain, at a minimum, the provisions stated in the Condominium Affidavit dated August 21, 2003. Additionally, a copy of the Condominium Documents that have been recorded with the state 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. 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 stated within the approved Development Order, the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09] or if necessary as agreed upon by the City and the applicant prior to the issuance of the final development order.

Per Engineering Department Letter dated August 25, 2003:

1. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be considered to be non-compliant and a revised stormwater plan shall be re-submitted 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.

