



**ORDER #97-34**

**Final Development Order:  
GRAND HARBOR CONDOMINIUM**

**Background/Issue**

**Applicant:** Grand Harbor Inc., Paul Freeman, President;  
Russell D. Aldrich, agent

**Property Location:** 662 U.S. Highway 98, south of U.S. Highway 98 and  
west of the southerly extension of Beach Drive.

**Request:** Approval of a Major Development for a ten (10)  
story- 47 unit condominium

**Parcel Size:** 2.45 acres, more or less

**Land Use Designation:** MU (Mixed Use)

**Zoning District:** BT (Business Tourism)

**Density:** 19.18 dwelling units per acre; permitted in the  
District 19.9

**Intensity:** 1.74 F.A.R; Not required for a residential project

**Application Date:** December 5, 1995

**Planning Commission Action:** Planning Commission recommended approval  
of the application for a development order to  
the City Council on January 18, 1996

**City Council Action:** City Council rejected the application for a  
development order on February 21, 1996

**Determinations:**

1. The City of Destin was ordered by Okaloosa County Circuit Court Judge Thomas T. Remmington to issue a development order for Grand Harbor on November 21, 1996, as a result of a lawsuit brought against the City by Grand Harbor Destin Inc. et al; and
2. Subsequent to a denial of a petition by the City to the 1st District Court of Appeals to rehear this case Judge Remmington's order became effective and binding on the City on Thursday, August 21, 1997; and

3. All the findings of the Staff Report from Jane Moore, Planning and Zoning Director, dated February 21, 1996, including the three (3) letters from Rodney Syfert of the Destin Fire Control District dated February 15, 1996, and a letter from Paul Freeman to Jane Moore dated February 15, 1996, and the Report and Recommendation form the Destin Planning Commission to the Destin City Council dated February 5, 1996, the Staff Report to the Planning Commission on Grand Harbor dated January 18, 1996, and all evidence presented to the Destin City Council at the quasi-judicial hearings conducted in this matter are incorporated herein.

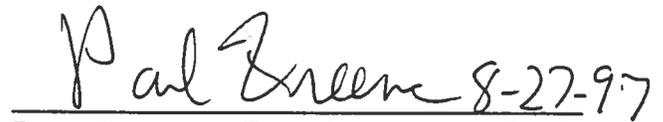
**Conditions of Approval for the Grand Harbor Condominium, a Major Development:**

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

1. Development must commence within twelve months of the date of issuance of the development order on August 27, 1997 (no later than August 26, 1998).
2. The concurrency status of Grand Harbor Condominium is identified in the attached Staff Report to the Planning Commission dated January 18, 1996; and
3. The concurrency status of Grand Harbor Condominium is protected (for five years) through February 20, 2001, IF Grand Harbor Condominium commences development within the twelve month period following the issuance of the Development Order on August 27, 1997.
4. City of Destin permits are required for the following activities on and off site:
  - a. disturbance to the city's rights of way;
  - b. pavement cuts
  - c. construction of any kind
  - d. clearing and grubbing
5. An approved, valid and current Department of Environmental Protection (DEP) permit for Grand Harbor Condominium must be presented to the city for the Stormwater Management Facilities prior to the issuance of a building permit.
6. The developer must locate the ingress/egress to the project at the Beach Drive intersection and he must bear all of the costs associated with the alteration of the traffic signal to a four-way light and improvements to Mrs. Fuller's driveway.

7. The developer must cluster at least 50 of the 200 trees planned for the project at the northwest corner of the property (where the billboard is to be removed) and must provide either a landscaped buffer or a fence between the eastern property line and boundary and the adjacent single family residence to the east.
8. A Florida Department of Transportation access permit is required and the improvements made as a result of this permit must be made at the developer's expense.
9. The development of any marina facilities on site must be approved by the Harbor Board and the City Council and Planning Commission approval will be required if the developer chooses some type of commercial marina.

  
Lockwood Wernet                      DATE  
Community Development Director

  
Paul Freeman, President                      DATE  
Grand Harbor Destin, Inc.

cc: Permit Department  
Paul Freeman

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STAFF REPORT

TO : DESTIN CITY COUNCIL  
FROM : JANE MOORE, DIRECTOR, PLANNING AND ZONING  
SUBJECT : REQUEST APPROVAL OF GRAND HARBOR CONDOMINIUM, A MAJOR DEVELOPMENT  
DATE : FEBRUARY 21, 1996

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ISSUE

Request for approval for Grand Harbor, a Major Development. The property is zoned BT (Business Tourism) District and the Land Use Category is MU (Mixed Use). The project consists of a 10-story building with 47 units to be generally located at the South intersection of Beach Drive and Highway 98. Request is made by Russell D. Aldrich, Emerald Coast Associates, agent for property owner Grand Harbor Destin Inc., Paul Freeman, President. The property contains 2.45 acres, more or less.

BACKGROUND

This project was presented to Council on February 5, 1996 and was continued until tonight's meeting. This continuance was given by Council in order to allow staff time to clarify the status of the Destin Fire Control District approval, to provide Council with a copy of the Traffic Study, and to allow the applicant to clarify their intentions for the area on the site plan designated as a future marina.

FIRE DEPARTMENT REVIEW

On February 6, 1996, staff met with Mr. Syfrett to clarify the Fire Department's position. Mr. Syfrett stated it was his intent to give conceptual approval for the project. He was requested to again look over the drawings to determine if there were any revisions he would like to have made prior to having the matter again presented to Council. On February 15, 1996, Mr. Rodney Syfrett gave the City staff a letter clarifying his comments at the TRC about the ladder truck. He advised it was never his expectation that the ladder truck would be able to reach the top of the building. He also provided the city with a letter of approval for the project consistent with other approval letters normally received from that agency. (Copy of letter of explanation and letter of approval contained in this packet.)

MARINA

The developer of Grand Harbor, Mr. Paul Freeman sent a letter to the city stating that it was his intention to have a marina at the Grand Harbor site. He advised, however, that until he knows exactly how many slips he needs he is not prepared to submit a drawing, other than the schematic drawing on file. (A copy of his 2-15-96 letter is included in this packet.)

As staff noted at the February 5th meeting, it will be necessary for Mr. Freeman to present his proposed marina application to the Harbor Board and the City Council for review. If he ultimately chooses to have some type of commercial marina, as opposed to residential slips, it would be necessary for the Planning Commission to review the upland improvements as part of that process. He cannot construct a marina without first obtaining City Council approval whether it is a residential or commercial marina,

TRAFFIC

A Traffic Impact Analysis and Concurrency Test was completed on this project. Under the Level of Service Standards (LOSS) adopted in the Land Development Code, each residential condominium unit will generate 5.2 trips per day. With 47 dwelling units in the complex, total traffic generated would be 244 trips per day. Current traffic counts from DOT show 36,253 existing AADT; maximum volume allowed is 38,577; available capacity is 2,324 trips. After deducting the 244 trips per day required for this project, there would still be 2,080 trips available.

PLANNING COMMISSION RECOMMENDATION

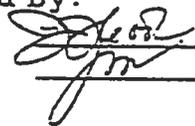
The Planning Commission conducted a Public Hearing on this project and based on a vote of 5-0 recommended approval of the project with the following conditions: (1) the developer must locate the ingress\egress for this project at the Beach Drive traffic signal and he must bear all of the costs associated with the alteration of the traffic signal to a four-way light and improvements to Mrs. Fuller's driveway; and (2) the developer must cluster at least 50 of the 200 trees planned for this project at the northwest corner of the property (where the billboard is to be removed) and must provide either a landscaped buffer or a fence between the eastern property boundary and the adjacent single family residence to the east.

STAFF COMMENTS

It is noted by staff that a DOT permit is required for access to the property and all improvements required by DOT as conditions of that permit must be made at the developer's expense.

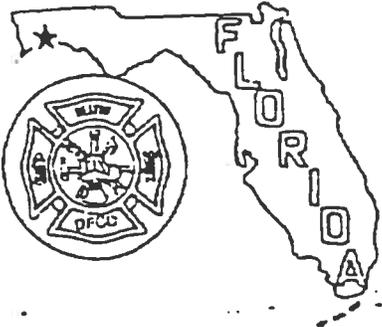
Staff has been unable to determine into which category of development this project falls under the Vision 2000 plan. It is noted that the Vision 2000 calls for High Density Development of up to 30 units per acre and up to 12 stories. It also calls for Harborfront development with an unspecified density but with a 2.0 Floor Area Ratio (no height is mentioned). We will continue to attempt to clarify this with the consultant prior to the meeting.

Reviewed and Approved By:  
City Manager  
P&Z Director



Date  
3/16/96  
3/16/96

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# DESTIN FIRE CONTROL DISTRICT

P.O. BOX 276 • DESTIN, FLORIDA 32540  
(904) 837-8413

RECEIVED

FEB 16 1996

DATE: February 15, 1996

PLANNING & ZONING

TO: PLANNING & ZONING DIRECTOR  
CITY OF DESTIN  
4200 TWO TREES ROAD  
DESTIN, FL. 32541

REF: Grand Harbor Condominium

This certifies that the above referenced project has been reviewed by the Destin Fire Control District at the Technical Review Committee Meeting and is conceptually:

- X (1) APPROVED AS SUBMITTED
- (2) APPROVED WITH THE FOLLOWING CONDITIONS:
- (3) DISAPPROVED

Construction drawings must be reviewed for compliance by the Destin Fire Control District prior to obtaining the City of Destin's Building Permit.

LIEUTENANT RODNEY SYFRETT, FIRE INSPECTOR  
FIRE PREVENTION BUREAU



**DESTIN FIRE CONTROL DISTRICT**

P.O. BOX 276 • DESTIN, FLORIDA 32540  
(904) 837-8413

RECEIVED

FEB 15 1996

PLANNING & ZONING

DATE: February 15, 1996 ....

TO: PLANNING & ZONING DIRECTOR  
CITY OF DESTIN  
4200 TWO TREES ROAD  
DESTIN, FL 32541

THE FOLLOWING HAS BEEN REVIEWED FOR COMPLIANCE BY THE DESTIN  
FIRE CONTROL DISTRICT FOR APPLICABLE CODES.

LOCATION: Hwy. 98 and Beach Dr. Southwest .....

PROJECT: Grand Harbor Condominium - Site Plan only .....

OWNER AND/OR CONTRACTOR: Mr. Russ Aldrich - 837-8242 .....

REMARKS, CONDITIONS, OR ADDITIONAL REQUIREMENTS;  
.....  
.....  
.....

RODNEY SYFRETT, LIEUTENANT/INSPECTOR  
FIRE PREVENTION BUREAU

**DESTIN FIRE CONTROL DISTRICT**

P.O. BOX 276 • DESTIN, FLORIDA 32540  
(904) 837-8413

**RECEIVED**

FEB 15 1996

**PLANNING & ZONING**

February 15, 1996

City of Destin  
Planning & Zoning  
Mrs. Jane Moore  
4200 Two Trees Rd.  
Destin, Fl 32541

Re: Grand Harbor Condominium

Dear Mrs. Moore,

I had stated at the December 19, 1995 Technical Review Committee meeting that the fire department access was unacceptable due to the configuration of the complex. I want to clarify that it was never my intention for the ladder truck to reach the "top" floors of a ten story building because it physically can't reach that far straight up and down. The intent is to reach the "upper" floors as opposed to only reaching the second or third floor as dictated by the restricted access of landscaping and parking.

On January 8, 1996 I had picked up Grand Harbor revised plans showing a 10' "fire lane" adjacent to the building. The Site Plan still showed the entrance west of Beach Dr. and Hwy. 98. This was still unacceptable because this 10' fire lane is of no value for truck access.

Through phone calls and faxes with Mr. Russ Aldrich on January 18, 1996 we came up with an acceptable "conceptual site plan". I signed and dated a faxed drawing from Mr. Aldrich and faxed it to the City as acceptable if the Planning and Zoning Commission would permit the entrance to be located at Beach Dr. and Hwy. 98. This was done because it was late in the day and the uncertainty if P & Z would allow the Beach Dr. entrance. The revisions of the of the drawings are consistent with my site drawing approval of January 18, 1996. The revisions satisfy the main concern of Fire Department access. Details, as usual, would be worked out later before a the City issues a building permit.

Sincerely,

Rodney Syfrett, Lt. Inspector  
FIRE PREVENTION BUREAU



## REPORT AND RECOMMENDATION

TO : DESTIN CITY COUNCIL  
FROM : DESTIN PLANNING COMMISSION  
SUBJECT : REQUEST APPROVAL OF GRAND HARBOR CONDOMINIUM, A  
MAJOR DEVELOPMENT  
DATE : FEBRUARY 5, 1996

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ISSUE

Request for approval for Grand Harbor, a Major Development. The property is zoned BT (Business Tourism) District and the Land Use Category is MU (Mixed Use). The project consists of a 10-story building with 47 units to be generally located at the South intersection of Beach Drive and Highway 98. Request is made by Russell D. Aldrich, Emerald Coast Associates, agent for property owner Grand Harbor Inc., Paul Freeman, President. The property contains 2.45 acres, more or less.

BACKGROUND

This development consists of a 10-story building; one below grade parking garage and nine above grade residential stories. This project is to be located between an unopened southerly right-of-way extension of Beach Drive to the east and a five-story (three above ground and two below grade) condominium to the west. Adjacent to the eastern boundary of the Beach Drive extension is a single family home. With 2.45 acres of property, the maximum density allowed at 19 units per acre would be 47 units; the project density is at the maximum allowed.

Across the street from the development on the north side of Highway 98, are three gas stations (one with a car wash) and multiple commercial land uses.

DISCUSSION

The Planning Commission held a public hearing on this project on Thursday, January 18, 1996. Russell Aldrich, Emerald Coast Associates, made the presentation for Grand Harbor.

No one in the audience spoke in opposition to this project. However, staff and Commissioner Dawe relayed concerns which had been expressed by the land owner of the single family home, Mrs. Kathleen Fuller. Ms. Fuller's major concern was the entrance into the property and she expressed support for the western entrance into the site.

Access into the site was discussed at length. The original plan located the entrance into the property just west of the Beach Drive intersection. This location concerned staff due to the fact that there was no median break providing direct access to the property for west bound traffic on Highway 98. In addition, drivers exiting the property desiring to travel north on Beach Drive would not be able to safely cross two lanes of traffic to access the left turn lane at the light in the short distance provided; traffic desiring to proceed west would have to go past McDonalds in order to make a U-turn in order to go west.

At staff's request, the developer proposed two additional options: 1) locate the entrance at the traffic signal or 2) move the entrance farther to the west. Staff recommended the alternative entrance at the light at the extension of Beach Drive

because (a) it provided a more safe access onto and from Highway 98 and reduced U-turns necessary; (b) it limited the clearing necessary on the Beach Drive right-of-way; (c) it would leave the tall dune/hill primarily intact between the site and Mrs. Fuller's home; and (d) car lights from the exiting traffic would not shine into Mrs. Fuller's home. The developer advised they would be willing to provide a buffer between Mrs. Fuller's home and the proposed project. The Planning Commission recommended that the developer be required to utilize the proposed entrance at the traffic signal for ingress/egress into the project; that they pay for improvements to have access to the light; and that they pay for all street improvements including reworking Mrs. Fuller's driveway.

Another concern of the Planning Commission was the height of the building compared to the surrounding property. Paul Freeman of Grand Harbor Inc., pointed out to the Commission that he had developed the Hidden Dunes project in South Walton County, a heavily landscaped property. He showed the Commission a more detailed site plan and elevation of the site and building. The building is to be situated along the bluff with the lower level below grade parking. The plans provide a substantial landscape buffer zone between the building's parking lot and Hwy 98. The end result, according to the developer, will be that the building will only appear to be six to seven stories in height and will be less intrusive on the surrounding properties than it might otherwise seem.

It was noted that there is an existing billboard sign located on the western side of the property which, according to the developer, would be removed. It was pointed out that this area had been cleared extensively by the billboard company. The Planning Commission requested that the developer replant this area with trees. The Planning Commission also requested the developer provide either a natural buffer or a fence type buffer between the property and the single family residence located to the east. Staff advised that the applicant had completed the compatibility checklist; that the building was located within 300' of a permitted residential use; and the Planning Commission should consider its compatibility on adjacent properties.

#### RECOMMENDATION

Following the above discussion and review of the application, based on a 5-0 vote, the Planning Commission found the project compatible with surrounding land uses; adopted the staff report as their Findings of Fact and recommended approval of the project with the two requirements 1) the developer must locate the ingress/egress for this project at the Beach Drive traffic signal and he must bear all of the cost associated with the alteration of the traffic signal to a four way light and improvements to Mrs. Fuller's driveway; and 2) the developer must cluster at least 50 of the 200 trees planned for this project at the northwest corner of the property and must provide either a landscape buffer or a fence between the property and the adjacent single family residence to the east;

#### SUGGESTED MOTION

I move that we approve Grand Harbor Condominium, a Major Development, to include the recommendations of the Planning Commission.

Reviewed and Approved By:  
City Manager  
P&Z Director

*DA Cook*  
*J. M.*

Date  
1/31/96  
1/31/96

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STAFF REPORT

PLANNING AND ZONING DEPARTMENT  
GRAND HARBOR  
A MAJOR DEVELOPMENT  
SOUTH INTERSECTION OF HWY 98 AND BEACH DRIVE  
JANUARY 18, 1996

ISSUE

Request approval of GRAND HARBOR, a Major Development, consisting of a ten story building (one parking level below grade and 9 residential stories above grade) containing 47 units total, to be located at the South intersection of Beach Drive and Highway 98, Destin, Florida. Request is made by Mr. Russell D. Aldrich, Emerald Coast Associates, as agent for Grand Harbor Destin, Inc., owner. The property contains 2.45 acres, more or less.

ZONING/COMPREHENSIVE PLAN - COMPATIBILITY

The property is zoned BT (Business Tourism) District and the Land Use Category is MU (Mixed Use). The proposed project is in compliance with these land use regulations.

The subject property is adjacent to the Old Pass Lagoon to the south. The property located to the east is a single family non-conforming residential use. The property to the west is Harbor House, a five-story condominium (three stories above grade and two below grade). The property to the north across Highway 98 is predominantly retail uses including Happy Stores, Circle K, Destin Glass, and Destin Full Service Car Wash.

The closest residential structure over 5 stories is Destin Yacht Club located 3/4 of a mile to the west of the proposed site. That project contains 12 stories. The area west of the site is predominately commercial with a mix of restaurants, offices and resort condominiums. The area to the east between the proposed site and the Sandpiper Cove condominium is predominately single family detached homes.

The overall height of this building is 135 feet (145 feet including the underground parking garage). The project is situated toward the western portion of the property to avoid undue impact on the single family home which is the residence of Mrs. Fuller. The parking lot is recessed from Highway 98 in order to preserve the stand of oaks trees on the perimeter of the site. However, due to height of the building, buffering alone will not shield the building entirely.

HARBOR WALK

The site plan provides for access along the harborfront in the event the Harbor Walk extends to this property once it is master planned.

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>N/A</u>	Drainage	<u>X</u>

MYLAR - SUBDIVISION OR PUD

Condominium Documents and an "As Built" site plan must be filed with the Planning

and Zoning Department upon completion after it has been recorded with Okaloosa County Clerk's Office.

#### STORMWATER

The Stormwater Management Plan for the site has been approved by the City Engineer. A DEP permit for stormwater management is required prior to the issuance of a building permit.

#### AIRPORT PROTECTION

N/A

NOTE: If construction necessitates the use of a crane, or other obstruction, which exceeds maximum height allowed, you must have an FAA permit for temporary encroachment into this restricted area and a copy must be placed on file with the City of Destin prior to the crane, or other obstruction, penetrating the air space.

#### SETBACKS

The setbacks required for this project (residential use located in the BT district) are 20' front, 32' side. The setbacks for this project meet or exceed the minimum requirements.

#### FLOOR AREA RATIO

This is not considered a commercial project and therefore not subject to FAR. However, in order for the Planning Commission and the City Council to have an idea of the bulk of the structure, staff has provided the FAR which is 1.74.

#### SIGNS

There are no signs requested for this property.

#### WATER/SEWER

Water and sewer is available through Destin Water Users.

#### FIRE DEPARTMENT REVIEW

As of the date of this report, 1-16-96, the Fire Department had not submitted its approval. There were concerns addressed by the Fire Department at the TRC regarding accessibility. This remains an unresolved issue.

#### UTILITIES

Underground utilities are required.

#### INGRESS/EGRESS

Access to the property is from Highway 98. Access is proposed by the applicant to be by a 19' driveway from Hwy. 98. DOT approval for State Highways is required. Permit must be filed with the Planning and Zoning Department prior to the issuance of a building permit.

Although the applicant prefers the entrance from Highway 98, after studying traffic patterns and conditions affecting access to Highway 98 as proposed, City Staff recommends that the entrance into the property be from the extension of Beach Drive with clearing of that right-of-way to that which is necessary to gain access into this property and Mrs. Fuller's. The developer should be required to pay for modification of the light to have access at Beach Drive and, if a right turn lane onto

Beach Drive is required by DOT, this cost should also be born by the developer.

Staff does not recommend that the entire length of the Beach Drive right-of-way be cleared. The drawings show that the centerline of the alternate entrance driveway is 75' south of the intersection.

SIDEWALKS

Sidewalks already exist on Highway 98. The site plan provides for internal circulation on the site for residents.

REFUSE COLLECTION

Refuse collection is provided by dumpster pick-up. Dumpsters must be shown on the site plan.

WHITE SANDS ZONE

The project does lie within White Sands Zone #2.

LANDSCAPE

The project meets or exceeds the landscape requirements as follows:

OPEN SPACE:

106,722 s.f. of property X 18% = 19,210 s.f. required

Site plan provides 18 % = 19,566 s.f. provided

TREES REQUIRED:

Reforestation 25 Perimeter 20 Parking Lot 13  
(1 per acre) (1 per 25')

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 :	<u>0</u>
TOTAL TREES REQUIRED :	<u>58</u>
TOTAL TREES PROVIDED :	<u>200</u>

PARKING

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

47 units X 2.25 sp/unit = 106 spaces required/106 provided

Handicapped spaces - 5 required/0 provided

~~The lack of required handicap spaces must be rectified and the required number of spaces provided on the site plan to insure the site plan can be in compliance.~~

The site plan provides for additional future parking which is to be associated with a possible marine to be constructed at some future date. This parking area is shown in the event that the marina is permitted and built; until that time, the area will be left in open space.

WETLANDS

There are jurisdictional wetlands on the property along the shore line. The request for a permit from COE has been filed.

STATE/FEDERAL PERMITS REQUIRED

DEP Stormwater Permit required.

GENERAL COMMENTS

There have been no objections filed with the Staff regarding this project.

UNRESOLVED ISSUES

1. Project has not received approval from the Destin Fire Control District.
2. Handicapped parking spaces are not clearly marked on the submitted site plan.
3. Location of main entrance has not been determined.

Staff recommends tabling this project until these issues are resolved.

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