



City of Destin

March 5, 2004

Order No. 02-56

Final Development Order:

**"HARBOR LIGHTS":
A MAJOR DEVELOPMENT
(SP-02-26)**

Based upon the City Council's approval of this Development Order, on October 21, 2002, 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: Choctaw Engineering, Inc., on behalf of JMJ/Harbor Lights, Inc., is requesting approval of a Major Development identified as "Harbor Lights."

Request: The proposed development consists of a 39-unit condominium and future 14-slip marina.

Location: The proposed development will be located on Holiday Isle, west of the termination of Durango Road, more specifically known as Property Appraiser's parcel I.D. numbers 00-2S-24-0869-0000-0000, 0010, 0020, 0030, 0040, 0050, 0060, and 0070.

Parcel Size: The combined parcel area contains 2.01 acres, more or less.

Future Land Use: High Density Residential (HDR)

Zoning District: Residential Intensive Apartment (RIA)

Density: Allowed: Maximum of 19.9 Dwelling Units per Acre
Proposed: 19.4 Dwelling Units per Acre

Intensity: Not applicable

Application Date: April 29, 2002

TRC Date: May 15, 2002

Approved Site Plan Date: August 28, 2002

Planning Commission Date: September 19, 2002

City Council Date: October 21, 2002

DETERMINATIONS:

1. The Destin City Council held a hearing on October 21, 2002. The City Council approved the development by a vote of 6-1. The recommended motion to approve the project as presented by staff, and documented in the TRC report, subject to all of the conditions identified within the report dated August 28, 2002, amended, September 19, 2002; October 14, 2002, and October 21, 2002; and
2. The Planning Commission considered the proposal on September 19, 2002, and recommended that the City Council approve the proposed project as presented by staff. The motion passed by a vote of 4-1; and

3. All the findings of the Technical Review Committee report dated August 28, 2002, amended, September 19, 2002, October 14, 2002, and October 21, 2002.

CONDITIONS OF APPROVAL FOR "HARBOR LIGHTS": A MAJOR DEVELOPMENT (SP-02-26):

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

Construction must commence within twelve (12) months of the issuance of the Final Development Order as approved by the City Council on ~~October 21, 2002~~ and must be completed as shown on the plans approved by the Technical Review Committee (stamp dated ~~October 21, 2002~~). *Amended 5, 2004*

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 development order for "Harbor Lights" is protected through October 21, 2007. The protected development order 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 Amended 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 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 Clearing/Grading Permit**, a clearing/grading plan must be submitted and approved by the Community Development Department.

6. **Prior to the issuance of the a Certificate of Occupancy**, the minor replat must be approved and recorded.
7. **Prior to the issuance of a Certificate of Occupancy**, the Declaration of Covenants, Conditions, and Restriction documents must be reviewed and approved by the City Land Use Attorney. The Declaration of Covenants, Conditions, and Restriction documents must contain, at a minimum, the provisions stated in the affidavit dated August 28, 2002. Additionally, a copy of the Declaration of Covenants, Conditions, and Restriction documents that have been recorded with the state must be submitted to the City of Destin.
8. **Prior to the issuance of any Certificate of Occupancy**, all applicable impact fees must be paid.
9. **Prior to the issuance of a Certificate of Occupancy**, the landscaping must be inspected and approved by the Community Development Department. The applicant shall provide ten (10) additional trees in the area south of the proposed building to help buffer the proposed development from the existing uses to the south.
10. All proposed future revisions or additions to outdoor lighting plans must provide outdoor lighting specifications, including photometrics. Any future 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.
11. 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.
12. **Prior to obtaining any city permits**, provide Florida Department of Environmental Protection (FDEP) stormwater (revised) approval.
13. **Prior to obtaining any permits for waterside construction**, submit a joint COE/FDEP dredge and fill, Destin Harbor Board approvals.
14. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be void and the revised stormwater plan shall be re-submitted for review and approval.
15. Loading space area shall have a minimum vertical clearance of 15' per Destin LDC 8.05.06.C.
16. **Prior to obtaining any city permits**, submit the condo documents for review and approval by the City's Land Use Attorney.

17. Access to and from Destin Harbor Resort shall be provided along a clean, smooth, all weather surface, and an unobstructed ingress/egress drive 24 feet wide during all stages of construction, except during the construction of the proposed access drive (construction of proposed access drive shall not be more than 3 weeks, barring adverse weather conditions).

During all construction activity associated with this Final Development Order, no vehicles shall be parked on or along the ingress/egress drive within four (4) feet of the edge of the pavement.

18. Patching and overlay on the utility trenching on the Sun King Property shall be brought to an original or better condition.
19. 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 re-grade swale/retention areas as required to maintain approved design cross-sections, lines, and grade."

TECHNICAL REVIEW COMMITTEE REPORT

"HARBOR LIGHTS": A MAJOR DEVELOPMENT (SP-02-26)

TRC Report: August 28, 2002 and
Amended September 19, 2002, October 14, 2002, and October 21, 2002

ISSUE:

Applicant: Choctaw Engineering, Inc., on behalf of JMJ/Harbor Lights, Inc., is requesting approval of a Major Development identified as "Harbor Lights."

Request: The proposed development consists of a 39-unit condominium and future 14-slip marina.

Location: The proposed development will be located on Holiday Isle, west of the termination of Durango Road, more specifically known as Property Appraiser's parcel I.D. numbers 00-2S-24-0869-0000-0000, 0010, 0020, 0030, 0040, 0050, 0060, and 0070.

Parcel Size: The combined parcel area contains 2.01 acres, more or less.

Future Land Use: High Density Residential (HDR)

Zoning District: Residential Intensive Apartment (RIA)

Density: Allowed: Maximum of 19.9 Dwelling Units per Acre
Proposed: 19.4 Dwelling Units per Acre

Intensity: Not applicable

Application Date: April 29, 2002

TRC Date: May 15, 2002

Approved Site Plan Date: August 28, 2002

Planning Commission Date: September 19, 2002

City Council Date: October 21, 2002

DISCUSSION/FINDINGS:

The proposed development consists of a 39-unit condominium and a 14-slip marina, which is to be permitted at future date. The property in question was originally platted as "Aqua Nest, A Planned Unit Development," which consists of a seven (7)-lot subdivision. The existing lots will be replatted into a single-lot. The proposed development will be located on Holiday Isle, west of the termination of Durango Road, more specifically known as Property Appraiser's parcel I.D. numbers 00-2S-24-0869-0000-0000, 0010, 0020, 0030, 0040, 0050, 0060, and 0070. The combined parcel area contains 2.01 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 8 and 9 of this Report. Refer to the attached Compatibility Analysis from the City's Compatibility Consultant, dated July 2, 2002.

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 Community Redevelopment Area.

The Technical Review Committee (TRC) reviewed and approved the project with specific conditions.

COMPREHENSIVE PLAN/ZONING:

The property currently has a Future Land Use designation of High Density Residential (HDR) and a zoning designation of Residential Intensive Apartment (RIA). The proposed use, "Residential Condominium," is consistent with the HDR Future Land Use designation and is considered a permitted use within the RIA Zoning District.

COMPATIBILITY:

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 8 and 9 of the TRC Report. Refer to the attached complete Compatibility Analysis from the City's Compatibility Consultant, dated July 2, 2002.

DENSITY:

The HDR Future Land Use designation allows for a maximum of 19.9 dwelling units per acre. The subject property contains 2.01 acres more or less. The density for this project is 19.4 dwelling units per acre, which is below the maximum allowed.

HEIGHT:

The "RIA four or more (3 or more floors) Zoning District does not have a maximum building height, except as dictated by the setback requirements as stated in the Destin Land Development Code (LDC), Article 7, Section 7.12.02, footnote C. As required by the LDC, the proposed project provides the appropriate setbacks to allow for the height of the structure. Building height is also affected by a compatibility analysis. Refer to the attached complete Compatibility Analysis Report, dated July 2, 2002, which finds the proposed project compatible with the surrounding area in regards to height.

FLOOR AREA RATIO:

Not applicable for the HDR Future Land Use Category.

RIGHT-OF-WAY DEDICATION:

No right-of-way dedication is required for this project.

CONCURRENCY MANAGEMENT:

Concurrency requirements have been met:

Solid Waste: **X**

Potable Water: **X**

Sanitary Sewer: **X**

Traffic: **X**

Stormwater Management: **X**

TRAFFIC ANALYSIS:

According to the traffic review conducted by the City's traffic consultant, Renaissance Planning Group, Inc., the proposed development will have no traffic impacts to U.S. Highway 98 East, pursuant to Article 6, Section 6.06.03 of the LDC. Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's traffic consultant.

SUBDIVISION OR PUD - PLAT:

The current property configuration of seven (7) parcels ("Aqua Nest" plat) are to be replatted to a single lot for the condominium. It is a condition, that the minor replat must be reviewed and approved by Staff prior the issuance of the Development Order. The applicant has also indicated in a signed Affidavit, dated August 28, 2002 that the Declaration of Covenants, Conditions, and Restriction documents have not yet been prepared, but are required as identified in the attached affidavit.

WHITE SANDS ZONE:

The proposed project is located within White Sand Zone I.

PHASING:

The proposed development is not to be phased.

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 4 or more (3 or more floors) Zoning District.

| | <u>Required</u> | <u>Buffers</u> | <u>Provided</u> |
|-----------------|------------------------|-----------------------|---|
| Front (N/A): | 20' | 10' FP | N/A: No right-of-way (ROW) |
| Side (north): | 26' | 5' CB | 30.4' + 5' CB |
| Side (south): | 26' | N/A | 130.28' |
| Side (east): | 26' | 5' CB | 29.5' + 5' CB |
| Side (west): | 26' | 5' CB | 39.6' + 5' CB |
| Rear (N/A): | 25' | 5' CB | N/A: No ROW to establish a front lot line |
| Between Bldgs.: | 10' | N/A | 15' 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: a five (5) common boundary buffer along the northern, eastern, and western property line.

SIGNS:

No sign approval is part of this application. 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.

COX COMMUNICATIONS:

Cox Communications approved the project in a letter dated May 8, 2002.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated July 8, 2002.

GULF POWER:

Gulf Power approved the project at the May 15, 2002, meeting.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated May 15, 2002.

SPRINT:

Sprint approved the project in a letter dated May 7, 2002.

NEWSOUTH COMMUNICATIONS:

Newsouth Communications approved the project at the May 15, 2002, meeting.

WATER/SEWER PROVIDER:

Destin Water Users, Inc. approved the project in a letter dated August 20, 2002, with conditions.

UTILITIES:

Underground utilities are required.

STORMWATER:

The City Engineer approved the stormwater plan in a letter dated July 5, 2002, and had the following stormwater related conditions:

1. **Prior to obtaining any city permits**, provide Florida Department of Environmental Protection (FDEP) stormwater (revised) approval.
2. **Condition:** If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be void and the revised stormwater plan shall be re-submitted for review and approval.

3. 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 re-grade swale/retention areas as required to maintain approved design cross-sections, lines, and grade."

INGRESS/EGRESS:

The ingress/egress point of this development is by means of an existing access/utility easement. The developer is proposing to relocate the existing easement to maintain and provide an improved means of access to and through the proposed development.

The proposed ingress/egress points meet the requirements of the Destin Land Development Code.

REFUSE COLLECTION:

Refuse collection is to be provided by interior collection centers into rollout containers.

SIDEWALKS:

No new sidewalks are required for this proposed development. However, if any existing sidewalks are destroyed or damaged during construction, they must be replaced by the developer. All proposed internal pathways and pedestrian connections must be maintained on site.

LANDSCAPE:

The project meets or exceeds the landscape requirements of the Destin Land Development Code as indicated on the proposed plans and as follows:

Open Space Requirements:

87,670.2 sq. ft. of property x 18 % = 15,780.6 sq. ft. required **plus** 682.3 sq. ft for the 171 sq. ft. per 2,500 sq. ft. of garage parking spaces requirement = 16,462.9 sq. ft.

Site plan provides 16,963.8 sq. ft. or 19.3 %

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 (5 trees x 3 credits per tree): | 15 |
| 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>15</u> |
| Reforestation Trees (1 per every .10 of an acre: 2.01 x 10 = 20) Required on Site: | <u>20</u> |
| Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site: | <u><u>5*</u></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: | 5 |
| Front Perimeter Trees (1 per 25') Required on Site: | 12 |
| Parking Lot Trees (1 per end row and landscape island) Required on Site: | 11 |
| Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site: | 10 |
| Replacement Trees (removal of trees over 12" d.b.h.) Required on Site: | 0 |

| | |
|---|-----------|
| TOTAL TREES REQUIRED: | 38 |
| TOTAL TREES PROVIDED (Per City Council condition, applicant must provide an additional 10 buffer trees south of the proposed main building): | 38 |

A five (5) foot Common Boundary Landscape Area is required along northern, eastern, and a portion of the western property lines. 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. The required ten (10) foot Front Perimeter Landscape Buffer shall provide one (1) tree per twenty-five (25) linear feet of buffer. 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.**

PARKING:

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

Per code:

Multifamily Resort: 1.75 spaces per unit

Per site plan:

Multifamily Resort: 1.75 spaces per unit

39 Units x 1.75 = 69 spaces

TOTAL REQUIRED: 69 parking spaces (including 3 handicap spaces)
TOTAL PROVIDED: 69 parking spaces (including 3 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 as follows:

TOTAL REQUIRED: 1 loading space
TOTAL PROVIDED: 1 loading space

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

1. Submit a joint U.S. ACOE/FDEP Dredge and Fill approval prior to any waterside construction permitting.

IMPACT FEES:

The following impact fee amounts are preliminary. Final impact fee amounts will be determinant upon whether exemption or credits are applicable. Any claims for exemption or credits must be made no later than the time of application for a Certificate of Occupancy per phase. Refer to Article 19 of the Destin Land Development Code for specifics regarding impact fees. The owner/applicant must pay the impact fees prior to the issuance of a Certificate of Occupancy:

Parks: The parks impact fees were calculated using the "Multi-Family" \$113.03 per unit category.

Resort Residential Unit:

39 units x \$113.03 per unit = ***\$4,408.17***

Public Library: The public library impact fees were calculated using the "Multi-Family" \$76.19 per unit category.

Resort Residential Unit:

39 units x \$76.19 per unit = ***\$2,971.41***

Police Protection: The police protection impact fees were calculated using the "Residential - Outside Corridor Multi-Family = \$14.50" category.

Multi-Family:

39 units x \$14.50 = ***\$565.50***

Road: The road impact fees were calculated using the "Multi-family/Condominium (per unit.) = \$334.00" category.

Multi-family/Condominium:

39 units x \$334.00 = ***\$13,026.00***

| | | |
|----------------------------------|---|----------------------------------|
| Parks: | = | <i>\$4,408.17</i> |
| Public Library: (not applicable) | = | <i>\$2,971.41</i> |
| Police Protection: | = | <i>\$565.50</i> |
| <u>Roads:</u> | = | <i>\$13,026.00</i> |
| TOTAL: | = | <u><i>\$20,971.08</i></u> |

OTHER FEES:

The fees listed below are based on the most recent information available and are required to be paid by the applicant as part of the cost recovery associated with the proposed project:

| | | | |
|--------------------------------|------|----------------------------------|----------|
| City Compatibility Consultant: | Paid | Planning Commission Advertising: | Paid |
| City Traffic Consultant: | Paid | City Council Advertising: | \$135.00 |
| City Surveyor: | Paid | Administrative Costs: | Paid |

COMMENTS/CONDITIONS:

Public Input:

Public comments were received prior the Planning Commission hearing and will be presented to the City Council when appropriate.

Per Community Development Department:

1. **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.
2. **Prior to the issuance of a Clearing/Grading Permit**, a clearing/grading plan must be submitted and approved by the Community Development Department.
3. **Prior to the issuance of the a Certificate of Occupancy**, the minor replat must be approved and recorded.
4. **Prior to the issuance of a Certificate of Occupancy**, the Declaration of Covenants, Conditions, and Restriction documents must be reviewed and approved by the City Land Use Attorney. The Declaration of Covenants, Conditions, and Restriction documents must contain, at a minimum, the provisions stated in the affidavit dated August 28, 2002. Additionally, a copy of the Declaration of Covenants, Conditions, and Restriction documents that have been recorded with the state must be submitted to the City of Destin.
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8. 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:

1. **Prior to obtaining any city permits**, provide Florida Department of Environmental Protection (FDEP) stormwater (revised) approval.

2. **Prior to obtaining any permits for waterside construction**, submit a joint COE/FDEP dredge and fill, Destin Harbor Board approvals.
3. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be void and the revised stormwater plan shall be re-submitted for review and approval.
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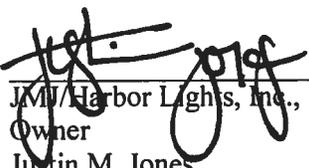
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UNRESOLVED ISSUES:

None, except for the conditions previously identified.


 Gerald F. Mucci, Date 3-5-04
 Community Development Director

  MARCH 5, 2004
 JMJ/ Harbor Lights, Inc., Date
 Owner
 Justin M. Jones,
 President

COMPATIBILITY ANALYSIS: HARBOR LIGHTS, A MAJOR DEVELOPMENT (SP-02-24)

FOR CITY OF DESTIN, FLORIDA

PURPOSE OF THIS REPORT

This compatibility analysis addresses the proposed Harbor Lights 7-story, 39-unit condominium located on a 2.01-acre site west of Durango Road in Holiday Isle. The site abuts the 7-story Destin Harbor Resort to the west and the Sun King Towers to the east, the Harbor to the north, and a canal to the south. This report addresses the compatibility of the proposed expansion with the surrounding area.

The report: 1) identifies the compatibility requirements of the City of Destin that are contained in the City's Land Development Code [LDC, §7.09] and Comprehensive Plan [Policy 7.A.4.6 (p)]; 2) analyzes whether the proposed development complies with those requirements; and 3) provides an opinion regarding the compatibility of the proposed development with the surrounding area. Aside from addressing the compatibility issue, this report does not address issues regarding the consistency of the proposed improvements with any other provisions of the City's Comprehensive Plan or the LDC.

DEFINITION OF "COMPATIBILITY" AND REQUISITE CONSIDERATIONS

In land use planning, "compatibility" means the extent to which a use(s) or development is capable of existing in harmony with other uses situated in its immediate vicinity. In the City's LDC as well as in Rule 1J-5, FAC, *compatibility* is defined as "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition." The City's Comprehensive Plan also includes this definition but elaborates more broad-based concerns consistent with accepted planning principles and practices.

The LDC requirements regulating compatibility are "*intended to ensure functional and attractive development by requiring that all future development be consistent with accepted planning practices and principles as well as natural area limitations*" [LDC, §7.09.01]. The Comprehensive Plan and Land Development Code further require that compatibility be measured based on the characteristics of proposed development and its impact on the immediate or surrounding area and especially homogeneous residential neighborhoods. Characteristics for consideration include:

- Type of land use, zoning district, and land use category;
- Building location, dimensions, height, and floor area ratio;
- Location and extent of parking, access drives, and service areas;
- Traffic generation, hours of operation, noise levels and outdoor lighting;
- Alteration of light and air; and
- Setbacks and buffers.

PROJECT DESCRIPTION

The proposed Harbor Lights 7-story, 39-unit condominium located on a 2.01-acre site west of Durango Road in Holiday Isle has a proposed density of 19. (39 units ÷ 2.01 acres = 19.4 units per acre.

DESCRIPTION OF SURROUNDING AREA

The surrounding properties are as follows:

| LOCATION RELATIVE TO SUBJECT SITE | FUTURE LAND USE | ZONING | EXISTING LAND USE |
|-----------------------------------|-----------------|--------|----------------------|
| North | None | None | Destin Harbor |
| South | None | None | Canal |
| East | HDR | RIA | Sun King Towers |
| West | HDR | RIA | Destin Harbor Resort |

ANALYSIS OF COMPATIBILITY

A. Type of Land Use, Zoning District, and Land Use Category.

| SUBJECT SITE | FUTURE LAND USE | ZONING | EXISTING LAND USE |
|--------------------------------------|-----------------|--------|-------------------|
| Proposed site of Harbor Lights Condo | HDR | RIA | Vacant |

The 39-unit residential condominium is a permitted use by right within the “High Density Residential” Comprehensive Plan Future Land Use designation [Section 7.A.4.6 (d), Destin Comprehensive Plan] and within the High Density Residential (HDR) zoning district [Section 7.12.01(E) (1) (c), Destin Land Development Code]. The proposed height and density is compatible with the immediately abutting properties as well as the surrounding area.

B. Location of Structure, Dimensions, Height, and Floor Area Ratio.

- 1. Location of Structures.** As stated above the proposed building and the 39 residential condominium units at a density of 19.4 units per acre (i.e., maximum allowable density is 19.9 units per acre) are permissible within the “HDR” Comprehensive Plan Future Land Use Map designation and within the “RIA” zoning district.

2. **Height.** The height of the proposed building is stated in the table below and is compatible with structures in the immediate vicinity. The roofline of the proposed building is varied.

| Height at Cornice | Mean Height of Tallest Roof | Top of Tallest Roof |
|-------------------|-----------------------------|---------------------|
| 75' 0" | 83' 9" | 92' 5" |

3. **Floor Area Ratio (FAR).** The proposed building has a floor area ratio of 0.92 [81,024 sq. ft. of gross floor area ÷ 87,670 sq. ft. of building area = 0.92 FAR]

C. Location and Extent of Parking, Access Drives, and Service Areas.

1. **Location and Extent of Parking and Access Drives.** The City Engineer is analyzing the location and extent of parking as well as the access-way providing service to the site and the related impacts to adjacent properties to the east.
2. **Service Areas.** The City Engineer is analyzing the location and design of service areas as well as the adequacy of access to and egress from such service areas.

D. Traffic Generation, Hours of Operation, Noise Levels and Outdoor Lighting.

1. **Traffic Generation.** The City Engineer is evaluating the is traffic generation
2. **Hours of Operation.** No extraordinary provisions are recommended to curtail hours of operation.
3. **Noise Levels.** The applicant must comply with City ordinances governing noise.
4. **Outdoor Lighting.** The outdoor lighting plan shall provide the following basic information within a scaled drawing(s) with north arrow, showing property boundaries, land use and zoning of abutting properties and abutting streets and rights-of-way. The drawing must indicate all existing and proposed structures, include a title block indicating the project name, date prepared, date of any revisions, the name, address, phone and fax number of the firm responsible for preparing the plan, and shall include the following technical specifications:
 - a. **Location of all Outdoor Lights.** The scaled drawing shall denote the location of all proposed lighting.
 - b. **Table of Lighting Characteristics.** A table indicating the following:
 - i. **Type of Fixture and IES Distribution.** Indicated type of fixture by name, manufacturer, and model number to facilitate the review process; Indicate the whether the fixture IES distribution is type II, type III-asymmetric, type IV-forward throw, type V- symmetric, other type.

- ii. **Lamp Characteristics.** Indicate the lamp characteristics, including wattage, degrees of tilt, and height of mounting (whether on a pole or on a building). Indicate whether the lamp position is vertical or horizontal and provide the isometric/photometric data for each fixture.
- iii. **Lens Type.** Indicate type of lens (flat or convex). The source of the illumination shall not be visible from off sight. Only flat lenses and horizontal lamps shall be approved on pole lights.
- iv. **House Shields.** Describe whether fixture is equipped with a house shield. A house shield generally shall be required on all perimeter lighting to avoid spill over of light and glare onto adjacent properties.
- v. **Isometric/Photometrics (i.e., Footcandle Levels).** Provide footcandle levels at the property line and also ten (10) feet outside of the subject property line. The footcandle level should generally be 0.2 to 0.5 adjacent to residential development. The City lighting review shall consider the prevailing pre-development footcandle levels and evaluate the relationship between the new lighting and the existing lighting levels

E. **Alteration of Light and Air.** The plan does not generate any adverse impacts to light and air.

F. **Setbacks, Buffers and Landscaping.** The subject application has been reviewed for compatibility with abutting properties and the surrounding area. The proposed use, density, and intensity are compatible with immediately surrounding properties. Therefore, no increased setbacks, buffers, and landscaping above minimum required by the Land Development Code are necessary to satisfy compatibility review criteria.

OPINION. The Harbor Lights site plan complies with the City of Destin Comprehensive Plan Policy 7.A.4.6 (p) and the Land Development Code §7.09, subject to compliance with the outdoor lighting requirements.

Summary. In my professional opinion, subject to the submittal and approval of required outdoor lighting plan, the site plan amendment complies with the criteria for compatibility review contained in the City of Destin Comprehensive Plan and the Land Development Code. 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 of the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09].