

The City of Destin



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

August 3, 1994

DO-94-22

Mr. Henry Maclin III
Crystal Beach Partners L.C.
621 Highway 98 East
Destin, FL 32541

Mr. Jamie Forbes III
Crystal Beach Partners L.C.
1132 St. Andrews Drive
Macon, GA 31210

Re: **FINAL DEVELOPMENT ORDER FOR SUMMERCHASE CONDOMINIUM, A MAJOR DEVELOPMENT (108-UNIT/16-STORY CONDOMINIUM - 4.1 ACRES)**

Gentlemen:

In order for your Final Development Order to be granted, it was necessary for you to have City Council approval of a Dune Restoration Plan. The Dune Restoration Plan presented by you was considered and approved by Destin City Council at their meeting on August 1, 1994. In accordance with ordinance requirements, we are forwarding a copy of your City-approved Dune Restoration Plan to the Department of Environmental Protection to the attention of Mr. Ong-In Shin and Mr. John Kea.

Based on the Summerchase Condominium Project having met the City's requirements and having received Council approval, this letter will serve as your Final Development Order to include all the provisions of the enclosed Amended 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 July 31, 1995, or this approved Development Order will expire and the project will have to be resubmitted for review (mobilization of construction trailers, materials and equipment does not meet this requirement);

2. If the development is initiated within a one-year period, your concurrency status is protected for five years through August 1, 1999;

3. Any improvements that require disturbance to the City's rights-of-way or pavement cuts require utility permits from the Public Works Department and appropriate bonding (road cuts on C.R. 2378 must be coordinated with Okaloosa County);

CC: DCA 9-29-94
DCA 11-17-94

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Re: Summerchase Condominium
Final Development Order
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4. A reminder that the project lies within the White Sands Zone and fill material must comply with code requirements; and

5. Should it be determined that improvements are required at the intersection of Crystal Beach Drive and C.R. 2378, you will be assessed a pro-rata share of the costs. You will be apprised, in advance, of any meetings to discuss required or proposed improvements so you and your engineer may have input into any decisions made.

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

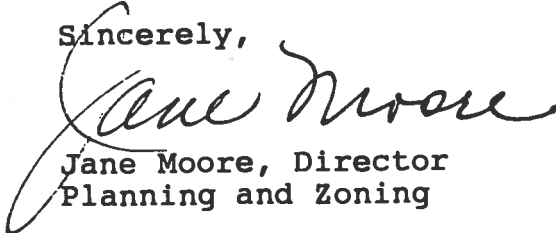
1. DNR permit for lighting compliance with sea turtle protection requirements;
2. DNR permit and Notice to Proceed for construction seaward of the CCCL; and
3. Official condominium documents to reflect short term "resort" rental provisions.

Once construction is completed and prior to the issuance of a Certificate of Occupancy, the following is required by the City:

1. Project engineer must certify that the facilities were built in compliance with the Stormwater Management Plan (this is in addition to any threshold inspections, etc. required by the Building Department); and
2. Developers must provide one 24" x 36" recorded copy of the "as-built" site plan and one 11 x 17 site plan for permanent record.

Please let us know if we can be of any further assistance or if you require clarification on any of the above information.

Sincerely,


Jane Moore, Director
Planning and Zoning

JM:dd
Enclosure: Amended Staff Report
cc: Inspection Department

AMENDED STAFF REPORT

PLANNING AND ZONING DEPARTMENT SUMMERCHASE CONDOMINIUM A MAJOR DEVELOPMENT SOUTH OF C.R. 2378 AT CRYSTAL BEACH DRIVE MAY 31, 1994

ISSUE

Request for approval of SUMMERCHASE CONDOMINIUM, a Major Development. The proposed project will consist of a 108-unit/16-story condominium, amenities and a boardwalk. The project is to be located on the south side of County Road 2378 (Old Highway 98) at Crystal Beach Drive. Request is made by Mr. Henry W. Maclin III and Mr. Jamie Forbes III of Crystal Beach Partners, L.C. Property contains 4.1 acres, more or less.

ZONING/COMPREHENSIVE PLAN

The property is zoned BT (Business Tourism) District and the Comprehensive Land Use Category is MU (Mixed Use). The proposed land use and density are consistent with these regulations. The maximum density under the Comprehensive Land Use Plan for this land use designation is 30 units per acre which would allow a maximum of 123 units on 4.1 acres.

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> |

The traffic circulation study was revised and resubmitted in accordance with the TRC requirements using a higher AADT based on the type of project. The City Engineer has approved the traffic circulation concurrency.

MYLAR - SUBDIVISION OR PUD

Mylar is not required for this project. Condominium documents providing for short term rentals must be filed with the State of Florida and be recorded with the Clerk of the Circuit Court. A copy of the recorded condominium site plan must be provided the City.

STORMWATER

The Stormwater Management Plan for the site has been approved by the City Engineer. The project engineer advised that the project qualifies for DEP (DER) General Permit (D.E.P. 17.25.03(2)). DEP requires certification by a certified engineer that the facilities were built in compliance with the plans. No Certificate of Occupancy may be issued by the City without this same certification.

SIGNS

No special signs are requested. Signage must be located 10' from any property line and cannot utilize a parking space. Also, signage must be in compliance with all provisions of the City's sign regulations.

UTILITIES

Underground utilities are required.

WATER/SEWER

Water and sewer are available through Destin Water Users.

INGRESS/EGRESS

Access to the property is from C.R. 2378 which has a 100' right-of-way. There are 2 driveways into the property at 24' each. There is an entrance into the upper deck parking level which aligns with Crystal Beach Drive. The entrance into the lower level parking is located east 218'. Due to concerns expressed by Staff regarding no direct on-site connection between the lower and upper parking levels, the developers presented revised drawings to include an internal on-site connection between the upper and lower parking decks. This plan has been approved by the City Engineer. The revised parking layout, as a result of this modification, provides for 193 parking spaces with 191 parking spaces being required.

WHITE SANDS ZONE

The project lies within:
Zone #1 X Only white fill material may be used on site.

SETBACKS

The project meets or exceeds all City setback requirements under the Ordinances. A 16-story building requires side setbacks of 34'; the project provides 92' on each side of the building. The 2-story garage is 20' from the front setback line at its closest point to C.R. 2378; our Ordinance requires 20' minimum. The garage structure is a freestanding structure and meets the requirement of 10' between buildings.

SIDEWALKS

Sidewalks are required.

LANDSCAPE

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

| | | | |
|----------------|--------------------------|----------------|---------------------|
| <u>178,596</u> | s.f. of property X 18% = | <u>32,141</u> | s.f. required |
| <u>30,882</u> | s.f. of garage parking = | <u>2,112**</u> | s.f. required |
| | | <u>34,253</u> | total s.f. required |
| | | <u>43,089</u> | s.f. provided |

**The area of the parking garage open space required in addition to 18% is calculated on 171 s.f. required for every 2,500 s.f. of garage space (30,882 divided by 2,500 s.f. x 171).

SUMMERCHASE CONDOMINIUM
AMENDED STAFF REPORT - MAY 31, 1994
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TREES REQUIRED:
Reforestation 41 Perimeter 16 Parking Lot 18
(10 per acre) (1 per 25') (Islands)

Protected Trees on Site (12" to 23" diameter): None
Preserved Trees on Site (24" or more diameter): None
Credits for Protected/Preserved Trees : None

TOTAL TREES REQUIRED : 65
TOTAL TREES PROVIDED : 65

PARKING

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

108 rental units x 1.75 spaces per unit = 189 spaces required
400' office space at 1 parking space per 200' = 2 spaces required

191 total parking spaces required/193 provided
(Includes 6 handicap spaces & 1 loading space 10' x 25')

Parking calculations of 1.75 spaces are for short term "resort" rentals. The draft condominium documents provide that all units are subject to daily or longer rentals. The final condominium documents with this provision for short term rentals must be presented prior to issuance of a building permit. This project includes upper and lower deck parking.

Also, four hundred (400) sq.ft. of office space is located within the condominium and, as a result of the parking layout modification, two parking spaces are provided/required.

In lieu of interconnecting the upper and lower levels of parking on-site, the developers had proposed to utilize parking "status" signs on both parking levels to assist with traffic circulation and, as an assurance of the continual use of these signs, this procedure was provided for in the Declaration of Condominium and the Association Condominium Documents. The draft documents provided that (a) "the Association will operate on a perpetual basis a parking status sign (lot full) to facilitate and minimize the ingress and egress from the project"; and (b) "all unit owners and guests will observe the parking status sign (lot full) to facilitate and minimize the ingress and egress from the project". However, subsequently the developers have provided for interconnecting the upper and lower levels of parking so the developers may opt to not have this provision included in the condominium documents.

REFUSE COLLECTION

Refuse collection is provided by dumpster pick-up.

FIRE DEPARTMENT REVIEW

The project has been reviewed and approved by the Fire Department. The upper level deck must support a thirty-five (35) ton ladder truck and the ramp must be designed so that the fire truck will not "drag or bottom out". The developers have agreed to these conditions. The Fire Department also signed off on the interconnecting ramp for the upper and lower parking levels.

ENVIRONMENTAL ISSUES

According to DNR's assessment of the location of the primary dune line, this project will impact the Shoreline Protection Zone. Prior to issuance of a building permit, the developers must have City Council approval on a dune restoration program to mitigate damage. Part of the DNR permit, according to Mr. Shin, will include such a provision and, once the DNR permit has been finalized, the requirements of that permit can be presented for Council approval. The Master Plan includes two elevated boardwalks which furthers policies in our Comprehensive Plan.

BEACHFRONT PROPERTY

The structure is seaward of the new CCCL line which will necessitate a DNR permit for construction in accordance with F.S. 163.053. All proposed improvements (except the dune crossovers) are landward of the old CCCL line. On May 18, 1994, the City's Planning Director spoke by telephone with Mr. Ong-In Shin with the DEP (DNR). Mr. Shin advised that he and the developers had a consultation meeting and that the footprint on the site plan is what he considers to be acceptable in relation to the other existing structures and permitted structures in that area. A certain level of non-structural retaining walls will be allowed but none more than 3' above grade. He has not completed his review on the application and is evaluating the decking around the pool area and will probably require that this be decreased. He advised that the parking seaward of the CCCL would have to be of pervious surface, which the developers have agreed would be turf block or some similar pervious material. Mr. Shin further advised that he may disallow the parking that lies seaward of the building line but has made no final decision as of this date.

If the final building footprint is changed or a portion of the parking is disallowed as a result of the DNR permit, a revised site plan must be submitted for review and approval.

The building is located in the in the revised FEMA "V" flood zones and will require enhanced construction standards.

GENERAL COMMENTS

There have been numerous telephonic and written objections filed with Staff regarding this project. The objections raised include sand dune protection and/or destruction; increased traffic flow and/or congestion; non-consistency with existing surrounding

structures as Crystal Beach consists of single family homes, daily/weekly rental cottages and low-rise condominiums/hotels; parking problems; construction on C.R. 2378 is "out of control"; loss of beach view and access for contiguous property owners; and the environmental impact will be detrimental. The objections to this project were received from local residents as well as visitors.

There have also been numerous telephonic and written correspondence received in support of this project. The support is based on furthering the development potential of Destin and increasing the revenue base; real estate investment opportunities; the property is zoned for this type of development; guidelines, rules and regulations imposed by the City, County and State have been strictly followed; and the landowners' right to develop. The correspondence received in support of this project has been from local residents only.

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

1. DNR permit for lighting compliance with sea turtle protection requirements;
2. DNR permit for construction seaward of the CCCL;
3. Official condominium documents to reflect short term "resort" rental provisions; and
4. Present a dune restoration plan to City Council for final approval because of impacts on primary dune.

Once construction is completed and prior to the issuance of a Certificate of Occupancy, the following is required by the City:

1. Project engineer must certify that the facilities were built in compliance with the Stormwater Management Plan (this is in addition to any threshold inspections, etc. required by the Building Department); and
2. Developers must provide one 24" x 36" recorded copy of the "as-built" site plan and one 11 x 17 site plan for permanent record.

The City of Destin



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

June 24, 1994

DO-94-22

Mr. Henry Maclin III
Crystal Beach Partners L.C.
621 Highway 98 East
Destin, FL 32541

Mr. Jamie Forbes III
Crystal Beach Partners L.C.
1132 St. Andrews Drive
Macon, GA 31210

Re: **PRELIMINARY DEVELOPMENT ORDER FOR SUMMERCHASE CONDOMINIUM, A MAJOR DEVELOPMENT (108-UNIT/16-STORY CONDOMINIUM - 4.1 ACRES)**

Gentlemen:

Based upon the City Council's approval of the above-referenced project at its meeting on June 6, 1994, this letter will serve as your Preliminary Development Order. In order to obtain your Final Development Order, it will be necessary for you to submit to City Council your DNR approved dune restoration plan. When you are prepared to submit this item to Council, please let this office know no later than the Tuesday preceding the next Council meeting. The City Council meets on the first and third Monday of each month.

Your Final Development Order will be conditioned upon the enclosed Staff Report and the following items:

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

1. DNR permit for lighting compliance with sea turtle protection requirements;
2. DNR permit for construction seaward of the CCCL;
3. Official condominium documents to reflect short term "resort" rental provisions; and
4. Compliance with the Council/DNR approved dune restoration plan.

Once construction is completed and prior to the issuance of a Certificate of Occupancy, the following is required by the City:

1. Project engineer must certify that the facilities were built in compliance with the Stormwater Management Plan (this is in

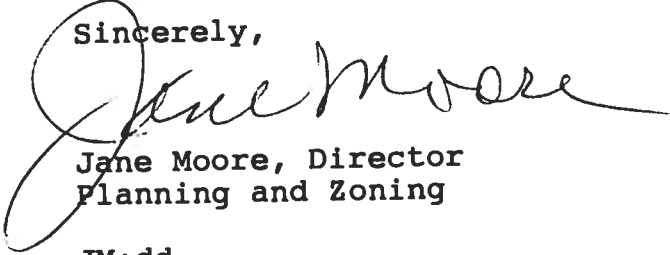
June 24, 1994
Crystal Beach Partners L.C.
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addition to any threshold inspections, etc. required by the Building Department); and

2. Developers must provide one 24" x 36" recorded copy of the "as-built" site plan and one 11 x 17 site plan for permanent record.

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

Sincerely,



Jane Moore, Director
Planning and Zoning

JM:dd
Enclosure
cc: Inspection Department

P&Z1\DEVORDER\SMRCHASE

83 repetition
45 from**REPORT AND RECOMMENDATION**

TO : DESTIN CITY COUNCIL

FROM : DESTIN PLANNING COMMISSION

SUBJECT: REQUEST APPROVAL OF SUMMERCHASE CONDOMINIUM, A MAJOR DEVELOPMENT

DATE : JUNE 6, 1994

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ISSUE

Request approval of **SUMMERCHASE CONDOMINIUM, a Major Development**. The property is zoned BT (Business Tourism) District. The project will consist of a 108-unit/16-story condominium, office space, amenities and a boardwalk to be located on the south side of County Road 2378 (Old Highway 98) at Crystal Beach Drive. Request is made by Mr. Henry W. Maclin III and Mr. Jamie Forbes III of Crystal Beach Partners, L.C. Property contains 4.1 acres, more or less.

DISCUSSION

The Planning Commission conducted a Public Hearing on this project at their meeting on Thursday, May 19, 1994. Mr. Henry W. Maclin III and Mr. Jamie Forbes III presented the application and spoke in support of the request.

During the Planning Commission meeting the following items were submitted in opposition to the project and staff entered them into the Official Records: a letter from Gail Breitenfeld; and a signed petition containing 170 signatures. As of the date of this Report and Recommendation, 77 letters of opposition have been received by staff and 35 telephone calls of opposition have been received. The objections to this project were received from local residents as well as visitors.

Below is a summary of the objections raised:

1. sand dune protection and/or destruction;
2. increased traffic flow and/or congestion and safety of road condition on CR 2378;
3. non-consistency with existing surrounding structures as Crystal Beach consists of single family homes, daily/weekly rental cottages and low-rise condominiums/hotels;
4. parking problems;
5. construction on C.R. 2378 is "out of control";
6. loss of beach view and beachfront access for contiguous property owners;
7. the environmental impact will be detrimental; and
8. reflection from windows on side of building;

cc: DCA
9-29-94

During the Planning Commission meeting the following items were submitted in support to the project and staff entered them into the Official Records: a copy of brochures for surrounding developments that are advertised as vacation rental cottages; and a list of property owners from the tax assessor's office evidencing that only 15% of the contiguous property owners actually live in Crystal Beach.

As of the date of this Report and Recommendation, 42 letters of support have been received by staff and 2 telephone calls of support have been received. The correspondence received in support of this project has been from local residents only.

Support for the project was based on:

1. furthering the development potential of Destin and increasing the revenue base;
2. real estate investment opportunities;
3. the property is zoned for this type of development;
4. the projects strict adherence to all guidelines, rules and regulations imposed by the City, County and State have been strictly followed; and
5. the landowners' right to develop property as long as they meet all adopted requirements.

Mrs. Moore advised that the staff and TRC review of the project revealed no unresolved non-compliance issues. She noted that as far as staff has been able to determine, the project: (a) meets all zoning, concurrency, parking, setback, landscaping and other site requirements of the City; (b) that there was presently a beach access adjacent to the building on the West and that the public was guaranteed by Florida Statutes access along the beach; (c) the developer will have to submit a dune restoration plan because of the impact on the Primary Dune (as required in Staff Report); (d) the closest windows on the side of the building were approximately 120' feet from the south driving lane and the City has no regulation addressing this issue; (e) and that this project, like all projects involving improvements seaward of the CCCL, were conditioned upon DNR approval and any major changes to the site plan as a result in DNR permit would require re-submittal and this condition was specified in the Staff Report.

During the discussion regarding safety/traffic issues, Mrs. Moore and Mr. Bergschneider advised they had discussed with the developers the possibility of having a three or four way stop placed at the intersection of Crystal Beach Drive and CR 2378 but felt that this decision should be deferred until either (1) the project is actually constructed and the impacts then evaluated; or Hutchison Street is constructed which would be the most desirable location for a 3-way stop. The developers were willing to have a 4-way stop at the Crystal Beach Drive intersection and were willing to pay any costs associated with having proper signs erected. They were also willing to pay a pro-rata share of any road improvements (turn lanes) which might be required on Crystal Beach Drive.

MEMORANDUM

TO: CITY COUNCIL

FROM: Jane Moore

SUBJ: R&R, SUMMERCHASE CONDOMINIUM

DATE: June 6, 1994

Please substitute the attached page 3 for the previously distributed page 3 of the R&R for the proposed Summer Chase Condominium Project. The only change was to the Recommendation #1 by the Planning Commission. The expanded recommendation is a more accurate reflection of the motion included in the Minutes of the Meeting. The newly added language is underlined for ease in determining change to the motion.

The Planning Commission recommended that the Public Safety Committee be requested to study this intersection along with Okaloosa County to determine what, if any, improvements are needed at the present time or anticipated as a result of this project's construction.

Staff reported that the application submittal drawings were complete, the proposed project was consistent with all regulations and the Comprehensive Plan, and the project meets all City requirements. The Planning Commission recommended approval of the project as submitted.

RECOMMENDATION

Following extensive discussion, based on a 5-0 vote, the Planning Commission made the following two recommendations:

1. Recommended to City Council approval of **SUMMERCHASE CONDOMINIUM, a Major Development**, with the developer accepting responsibility to fund appropriate measures to insure safety at the intersection, and incorporated the Staff Report as their Findings of Fact; and
2. Recommended that the Public Safety Committee be requested to study the traffic/safety concerns at the intersection of Crystal Beach Drive and CR 2378 and coordinate their efforts with proper Okaloosa County staff.

STAFF'S ADDITIONAL RECOMMENDATIONS:

Prior to the issuance of a building permit, staff will be required to submit to Council for approval a proposed development agreement to cover the developer's pro-rata share of the cost of any recommended improvements to the intersection of Crystal Beach Drive and Highway 98 which will be incurred as a result of the construction of this project with the developer being required to provide proper security to insure installation of required improvements if construction commences.

SUGGESTED MOTIONS

1. Move that we approve **SUMMERCHASE CONDOMINIUM, a Major Development**, and incorporate the Staff Report as recommended by the Planning Commission.
 2. Move that we request the Public Safety Committee to address the safety/traffic concerns at the intersection of Crystal Beach Drive and CR 2378 as proposed by the Planning Commission.
 3. Move that we adopt the Staff's Recommendation to require a binding development agreement for the developer's pro-rata share of improvements which will be required as result of this development at the intersection of Crystal Beach Drive and Highway 98.
- Reviewed and Approved by:

| | | |
|--------------|-------|-------|
| | | Date |
| City Manager | _____ | _____ |
| P&Z Director | _____ | _____ |