



City of Destin

4200 Two Trees Road • Destin, Florida 32541
Telephone (850) 837-4242 • Fax (850) 837-3267 • E-mail: cityhall@destin.net

May 15, 2000

ORDER #00-24

Final Development Order:

“MARLER CONDOMINIUM”: A MAJOR DEVELOPMENT (SP-00-01)

Based upon the City Council’s approval of this Development Order, on May 8, 2000, 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: Regional Engineering, Inc., on behalf of Olin Marler.
Location: The proposed project is generally located at 104 U.S. Highway 98 East, more specifically known as Property Appraiser’s parcel I. D. number 00-2S-22-0630-0000-07L0.
Request: Approval of a Major Development identified as “Marler Condominium.” The proposed project consists of a thirty-eight (38) multi-family unit condominium building that is six (6) stories on the north half and seven (7) stories on the south half. The applicant is also proposing to keep the existing eight (8) slip commercial marina and associated concession stands and ticket booths.
Parcel Size: The property contains 1.945 acres more or less.
Future Land Use: Mixed Use (MU)
Zoning District: Business Tourism (BT)
Density: Allowed: 19.9 d. u. per acre
Proposed: 19.5 d. u. per acre
Intensity: Allowed: 1.07 Floor Area Ratio
Proposed: 0.01 Floor Area Ratio
Application Date: January 3, 2000
TRC Date: January 19, 2000
Approved Site Plan Date: April 3, 2000
Planning Commission Date: April 20, 2000
City Council Date: May 8, 2000

Community Development ♦
(850) 837-5686
Fax: (850) 837-7949

Engineering ♦
(850) 837-5694

Building Inspections ♦
(850) 654-1119
Fax: (850) 837-7949

Public Works
(850) 837-6869

Community Center ♦
(850) 654-5184
Fax: (850) 654-8998

Library
(850) 837-8572
Fax: (850) 837-5248

DETERMINATIONS:

1. A hearing was held by the Destin City Council on May 8, 2000, and approved the development by a vote of 5-2 with conditions; and
2. The Planning Commission considered the proposal on April 20, 2000 and recommended the City Council approve the proposed project as presented by staff. The motion passed by a vote of 4-3; and
3. All the findings of the Technical Review Committee report dated April 3, 2000, are incorporated herein.

CONDITIONS OF APPROVAL FOR "MARLER CONDOMINIUM", A MAJOR DEVELOPMENT (SP-00-01):

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

Construction must commence within twelve (12) months of approval of the Final Development Order on May 8, 2000 (no later than May 8, 2001) and must be completed as shown on plat approved by the Technical Review Committee.

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 concurrency status for "Marler Condominium" is protected for five years (May 8, 2005). **The protected concurrency 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 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 obtaining any City permits**, provide approved copies of FDOT and FDEP permits.
 5. **Prior to the issuance of a Certificate of Occupancy**, the Condominium documents must have been reviewed and approved by the City Land Use Attorney.
 6. **Prior to the issuance of a Certificate of Occupancy**, the landscaping must be inspected and approved by the Community Development Department.
 7. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.
 8. **Prior to obtaining a Certificate of Occupancy**, an Operations and Maintenance Plan which shall be acknowledged by owner must be submitted. It is not required prior to obtaining a development order or a building permit. The Operations and Maintenance Plan shall contain, among other things, the following statement: "Owner shall regrade swale/retention areas as required to maintain approved design cross-section, lines, and grade."
 9. Per the approval by City Council: A) The applicant is encouraged and requested to voluntarily provide a pedestrian cross easement for the Harbor Walk, and B) Exhibit G, which identifies the phasing plan, is to be changed to reflect Phase I beginning within one (1) year of issuance of the Development Order.
 10. Findings and Requirements identified by the Technical Review Committee:

TECHNICAL REVIEW COMMITTEE REPORT

“MARLER CONDOMINIUM”: A MAJOR DEVELOPMENT (SP-00-01)

TRC Report: April 3, 2000

ISSUE:

Applicant: Regional Engineering, Inc., on behalf of Olin Marler.
Location: The proposed project is generally located at 104 U.S. Highway 98 East, more specifically known as Property Appraiser’s parcel I. D. number 00-2S-22-0630-0000-07L0.
Request: Approval of a Major Development identified as “Marler Condominium.” The proposed project consists of a thirty-eight (38) multi-family unit condominium building that is six (6) stories on the north half and seven (7) stories on the south half. The applicant is also proposing to keep the existing eight (8) slip commercial marina and associated concession stands and ticket booths.
Parcel Size: The property contains 1.945 acres more or less.
Future Land Use: Mixed Use (MU)
Zoning District: Business Tourism (BT)
Density: Allowed: 19.9 d. u. per acre
Proposed: 19.5 d. u. per acre
Intensity: Allowed: 1.07 Floor Area Ratio
Proposed: 0.01 Floor Area Ratio
Application Date: January 3, 2000
TRC Date: January 19, 2000
Approved Site Plan Date: April 3, 2000
Planning Commission Date: April 20, 2000
City Council Date: May 8, 2000

DISCUSSION/FINDINGS:

Regional Engineering, Inc., on behalf of Olin Marler is requesting approval of a Major Development identified as “Marler Condominium.” The proposed project consists of a thirty-eight (38) multi-family unit condominium building that is six (6) stories on the north half and seven (7) stories on the south half. The applicant is also proposing to keep the existing eight (8) slip commercial marina and associated concession stands and ticket booths. The proposed project is generally located at 104 U.S. Highway 98 East, more specifically known as Property Appraiser’s parcel I. D. number 00-2S-22-0630-0000-07L0. The property contains 1.945 acres more or less.

According to the traffic review conducted by the City's traffic consultant, Gay Hamilton Smith, the proposed development will generate only a fractional number (0.74) of new PM Peak Hour directional trips on Segment “A” of U. S. Highway 98. Segment “A” currently has 49 PM Peak Hour directional trips available and, with this project, there will be 48 PM Peak Hour directional

trips remaining. Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's traffic consultant (See Exhibit "C").

The City's compatibility consultant has determined that the proposed request is compatible with the surrounding area. The existing uses of the surrounding properties are as follows:

- North: U. S. Highway 98, Restaurant, & Vacant
- South: Destin Harbor
- East: Restaurants & Commercial Boat Slips
- West: Restaurant, Commercial Boat Slips, and Dry Boat Storage

The proposed request is consistent with the Comprehensive Plan and Land Development Code, which include Compatibility review, Concurrency Management review, Level of Service review, and the Vision 2000 Plan. This project is not located within the Community Redevelopment Area. However, the project is located within the proposed boundaries of the Destin Harbor Area Master Plan. Note: Staff had encouraged the applicant to provide an easement for the continuation of the Harbor Walk for pedestrian access. The applicant declined to provide such an easement.

The Technical Review Committee reviewed the project on January 19, 2000, and approved the project with specific conditions and changes. These conditions and changes have been completed as of April 3, 2000.

COMPREHENSIVE PLAN/ZONING:

The property has a Future Land Use designation of Mixed Use (MU) and a Zoning designation of Business Tourism (BT). The proposed uses are consistent with the MU Future Land Use designation and are permitted principal uses in the BT Zoning district.

COMPATIBILITY:

The surrounding properties are as follows:

	<u>FLU</u>	<u>Zoning</u>	<u>Existing Use</u>
North:	MU	BT	U. S. Highway 98, Restaurant, & Vacant
South:	MU	BT	Destin Harbor
East:	MU	BT	Restaurants & Commercial Boat Slips
West:	MU	BT	Restaurant, Commercial Boat Slips, and Dry Boat Storage

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements. Refer to Exhibit "D" for the complete Compatibility Analysis Report from the City's compatibility consultant, Ms. Gail Easley, dated February 23, 2000, finding the proposed project compatible with the surrounding area.

DENSITY:

The proposed project consists of thirty-eight (38) long-term units within a six (6) and seven (7) story condominium building (including parking garage). The Mixed-Use (MU) Future Land Use designation allows for a density of 19.9 dwelling units per acre. The applicant is proposing a density of 19.5 dwelling units per acre.

HEIGHT:

The BT Zoning district does not have a maximum building height. Building height in this district is determined by a compatibility analysis. Refer to Exhibit "D" for the complete Compatibility Analysis Report from Gail Easley, dated February 23, 2000, which describes the height and finds the proposed project compatible with the surrounding area.

FLOOR AREA RATIO:

The total floor area ratio for this project is 0.01, which is below the 1.07 maximum.

RIGHT-OF-WAY DEDICATION:

No right-of-way dedication is required.

CONCURRENCY MANAGEMENT:

Concurrency requirements have been met:

Potable Water: X Roadways X Solid Waste X
Recreation: X Sewer: X Drainage: X

TRAFFIC ANALYSIS:

According to the traffic review conducted by the City's traffic consultant, Gay Hamilton Smith, the proposed development will generate only a fractional number (0.74) of new PM Peak Hour directional trips on Segment "A" of U. S. Highway 98. Segment "A" currently has 49 PM Peak Hour directional trips available and, with this project, there will be 48 PM Peak Hour directional trips remaining. Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's traffic consultant (See Exhibit "C").

SUBDIVISION OR PUD - PLAT:

The applicant has indicated in a signed Condominium Affidavit that:

1. The Condominium Declaration will include a restriction, enforceable by the Condominium Association, providing that the dwelling units shall not be rented or leased for a term of not less than thirty (30) days;

2. The applicant will provide a draft of the Condominium documents with the above-referenced provision to the City's Community Development Department at least seven (7) days prior to recording the documents; and
3. The applicant will provide a copy of the final recorded version of the Condominium documents with the above-referenced provision to the City's Community Development Department at least seven (7) days prior to application for a Certificate of Occupancy.

The applicant has proposed to construct the project in two (2) phases (See Exhibit "G").

AIRPORT PROTECTION:

The subject site is not located within the airport protection area.

SETBACKS:

The proposed building meets and exceeds all of the required setbacks for the Business Tourism (BT) Zoning district. The BT Zoning district requires the following setbacks: front - 20 feet, side - 26 feet (for seven (7) stories), and rear - 0 feet (for waterfront lots).

	<u>Required</u>	<u>Buffers</u>	<u>Provided</u>
Front (north):	20'	10' FPLA	140.92' + 10' FPLA
Side (east):	26'	5' CB	27.81' + 5' CB
Rear (south):	0'	N/A	135' +/-
Side (west):	26'	5' CB	27.81' + 5' CB
Between Bldgs.:	10'	N/A	113' (minimum)

Note: 10' FPLA = 10' Front Perimeter Landscaped Area, 10' VB = 10' Vegetative Buffer Area, and 5' CB = 5' Common Boundary Landscaped Area. A ten (10) foot Front Perimeter Landscape Buffer is required along the northern property line. A five (5) foot Common Buffer is required along the eastern and western property lines.

WHITE SANDS ZONE:

The proposed project is located within White Sand Zone I. All fill material will have to comply with the White Sands Ordinance.

SIGNS:

No signs have been proposed with this project. All future signs must comply with the sign code section of the Destin Land Development Code in effect at the time a sign application is submitted.

COX COMMUNICATIONS:

Cox Communications approved the project at the January 19, 2000, TRC meeting.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated April 3, 2000.

GULF POWER:

Gulf Power approved the project in a letter dated January 19, 2000.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated January 19, 2000.

SPRINT:

Sprint approved the project at the January 19, 2000, TRC meeting.

UNIVERSALCOM:

Universal Com approved the project in a letter dated January 19, 2000.

WATER/SEWER PROVIDER:

Destin Water Users, Inc., approved the project in a letter dated March 28, 2000.

UTILITIES:

Underground utilities are required.

STORMWATER:

The City Engineer approved the stormwater plan in a letter dated March 30, 2000, and had the following conditions:

1. Prior to obtaining any City Permits, provide approved copies of FDOT and FDEP permits.
2. Prior to obtaining a Certificate of Occupancy, an Operations and Maintenance Plan which shall be acknowledged by owner must be submitted. It is not required prior to obtaining a development order or a building permit. The Operations and Maintenance Plan shall contain, among other things, the following statement: "Owner shall regrade swale/retention areas as required to maintain approved design cross-section, lines, and grade."

INGRESS/EGRESS:

The ingress/egress point for the proposed condominium building is located along the existing access drive off of U. S. Highway 98 East. The ingress/egress point meets the requirements (twenty-four (24) foot wide) of the Destin Land Development Code.

REFUSE COLLECTION:

Refuse collection is to be provided by curbside pick-up. No dumpsters are proposed or indicated on the site plan.

SIDEWALKS:

There is an existing five (5) foot wide sidewalk along the southern right-of-way of U. S. Highway 98 East. Sidewalks must be maintained or repaired if damaged.

LANDSCAPE:

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

Open Space Requirement:

84,704 sq. ft. of property x 18 %	= 15,247 sq. ft.
(12,706 sq. ft. garage parking/ 2,500 sq. ft.) x 171 sq. ft.	= + <u>855 sq. ft.</u>
	16,102 sq. ft. required
Site plan provides <u>20.74 %</u>	= <u>17,657 sq. ft.</u> provided

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 (8 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 (2 trees x 5 credits per tree):	<u>10</u>
Total Reforestation Credits for saving Existing, Protected, or Preserved Trees:	<u><u>10</u></u>

Total Reforestation Credits for Trees Required on Site:	10
Reforestation Trees (1 per every .10 of an acre: 1.94 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>10*</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:	10
Front Perimeter Trees (1 per 25') Required on Site:	6
Parking Lot Trees (1 per end row and landscape island) Required on Site:	20
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site:	0
Replacement Trees (removal of trees over 12" d.b.h.) Required on Site:	<u>8</u>
TOTAL TREES REQUIRED:	<u><u>44</u></u>
TOTAL TREES PROVIDED:	<u><u>99</u></u>

A five (5) foot Common Boundary Buffer is required along the eastern and western property lines, and a ten (10) foot Front Perimeter Landscape Area is required along the northern property line. The required ten (10) foot Front Perimeter Landscape Buffer shall provide one (1) tree per twenty-five (25) linear feet of buffer. 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 years of planting. 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 has been inspected and approved by the Community Development Department.**

PARKING:

The project meets the parking requirements of the Destin Land Development Code as indicated on the approved plans and as follows:

Per code:

Fare-carrying vessels:

5 parking spaces for each slip.

Retail:

1 space for every 200 square feet of gross floor area.

Dwelling, Multi-Family:

Resident parking	2.00 spaces per dwelling unit.
Visitor parking	0.25 spaces per dwelling unit.

Total spaces = 2.25 per multi-family dwelling unit.

Per site plan:

Fare-carrying vessels:

8 boat slips x 5 parking spaces for each slip = 40 parking spaces.

Retail:

596 sq. ft. (existing concession stand)
400 sq. ft. (existing ticket booths)
996 sq. ft. (total)

996 sq. ft. retail / 1 space per 200 sq. ft. = 5 parking spaces.

Dwelling, Multi-Family:

38 dwelling units x 2.25 per multi-family dwelling unit = 86 parking spaces

Credit:

Eight (8) existing parking spaces for the commercial marina were converted to landscape islands at the request of the City. No replacement was required due to the lessening of a non-conformity. This approach is consistent with the historical practice of the Community Development Department.

TOTAL REQUIRED: 123 parking spaces (including 3 handicap spaces)

TOTAL PROVIDED: 123 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:

Per code:

Fare-carrying vessels:

None listed.

Retail Commercial:

One (1) space for the first 10,000 square feet of gross floor area, and one (1) space for each additional 20,000 square feet.

Dwelling, Multi-Family:

One (1) space for the first 100,000 square feet of gross floor area or fraction thereof, and one (1) space for each additional 100,000 square feet or fraction thereof.

Per site plan:

Fare-carrying vessels: None required.

Retail Commercial: 596 sq. ft. (existing concession stand)
 400 sq. ft. (existing ticket booths)
 996 sq. ft. (total)

996 sq. ft. total of buildings/ 1 space per first 10,000 sq. ft. = 1 loading spaces.

Dwelling, Multi-Family:

106,586 sq. ft. building / 1 space per first 100,000 sq. ft. and one (1) space for each additional 100,000 square feet or fraction there = 2 loading space.

TOTAL REQUIRED: 3 loading spaces

TOTAL PROVIDED: 1 loading space * Plans must be revised to provide 3 loading spaces

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

1. A Florida Department of Environmental Protection general notice permit (for stormwater).
2. A Florida Department of Transportation driveway connection permit.

IMPACT FEES:

The owner/applicant must pay the following impact fees 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.

$$(38 \text{ units}) \times (\$113.03) = \underline{\$4,295.14}$$

$$(\text{number of units}) \times (\text{Multi-Family fee amount}) = \text{Impact Fee}$$

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

$$(38 \text{ units}) \times (\$76.19) = \underline{\$2,895.22}$$

$$(\text{number of units}) \times (\text{Multi-Family fee amount}) = \text{Impact Fee}$$

Police Protection: The police protection impact fees were calculated using the “Resort Residential(per unit) = \$14.64/unit” fee amount under the “Residential –U.S. 98 Corridor” category.

$$(38 \text{ units}) \times (\$14.64) = \underline{\$556.32}$$

$$(\text{number of units}) \times (\text{Multi-Family fee amount}) = \text{Impact Fee}$$

Road: The road impact fees were calculated using the “Multi-Family/Condominium (per unit) = \$334.00” fee amount.

$$(38 \text{ units}) \times (\$334.00) = \underline{\$12,692.00}$$

(number of units) x (Multi-Family/Condominium (per unit) fee amount) = Impact Fee

Parks: = \$ 4,295.14
Public Library: = \$ 2,895.22
Police Protection: = \$ 556.32
Roads: = \$12,692.00
TOTAL: = **\$20,438.68**

COMMENTS:

Public Input:

There have been no comments of support or opposition filed with Staff regarding this project.

Per Community Development Department:

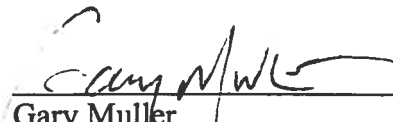
1. Prior to the issuance of a Certificate of Occupancy, the Condominium documents must have been reviewed and approved by the City Land Use Attorney.
2. Prior to the issuance of a Certificate of Occupancy, the landscaping must be inspected and approved by the Community Development Department.
3. Prior to the issuance of a Certificate of Occupancy, all applicable impact fees must be paid.

Per Engineering Department:

1. Prior to obtaining any City permits, provide approved copies of FDOT and FDEP permits.
2. Prior to obtaining a Certificate of Occupancy, an Operations and Maintenance Plan which shall be acknowledged by owner must be submitted. It is not required prior to obtaining a development order or a building permit. The Operations and Maintenance Plan shall contain, among other things, the following statement: "Owner shall regrade swale/retention areas as required to maintain approved design cross-section, lines, and grade."

Conditions of the Planning Commission and City Council:

1. The applicant is encouraged and requested to voluntarily provide a pedestrian cross easement for the Harbor Walk, and
2. That Exhibit G, which identifies the phasing plan, is changed to reflect Phase I beginning within one (1) year of issuance of the Development Order.



Gary Muller Date
Acting Community Development Director



Olin Marler Date
Owner



City of Destin

Office of Community Development

City Hall
4200 Two Trees Road
Destin, Florida 32541

Voice – (850) 837-4242, ext.: 140
Fax – (850) 837-7949
agrana@cityofdestin.com

May 17, 2001

Mr. & Mrs. Olin Marler
P.O. Box 1534
Destin, Florida 32540

RE: Development Order Extension Request for SP-00-01 Marler Condominiums, a Major Development

Dear Mr. & Mrs. Marler,

The City Council, at its March 5, 2001 meeting, approved your request for the extension of the Development Order (DO-00-24) for the above-mentioned project. This is the **only** extension you will receive to the initial twelve (12) month period to obtain construction permits for this project. You now have until May 8, 2002 to obtain construction permits, which are in accordance with the approved development order, for this project. It is also important to note that this extension **does not** extend the five (5) year deadline (May 8, 2005) for completing the project. All other provisions of Development Order No. 00-24 remain in full force. **Please keep a copy of this letter with your original Development Order for this project.**

If I can be of any further assistance, please contact me at 837-4242.

Sincerely,

A handwritten signature in black ink that reads "Gerald F. Mucci".

Gerald F. Mucci, AICP
Community Development Director

GFM/rag

cc: Engineering Department
Building Department
File: SP-00-01
File: Letter Log
File: 2000 DO Log