



August 12, 1999

ORDER #99-26

Final Development Order:

**“SILVER BEACH TOWERS CONDOMINIUM”:
A MAJOR DEVELOPMENT
(SP #99-10)**

Based upon the City Council’s approval of this Development Order, on May 4, 1999, this document will serve as the 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:** Resort Development of Naples Cay, Inc., and its agent, Mr. Becnel, President Silver Beach Development, Mr. Clary, owner
- Location:** 1050 Hwy 98 East (currently the site of Silver Beach Cottages)
- Request:** Approval of a Major Development identified as “Silver Beach Towers Condominium”. The proposed project consists of the following:
- A) The demolition of all existing structures (other than the retaining wall);
 - B) The construction of two (2) towers, each with staggered height from 16 stories (east and west sides) and 18 stories in the center; with a mix of dwelling and lodging condominiums – 76 dwelling units and 236 lodging units;
 - C) One on-site administrative/security office within each tower;
 - D) One swimming pool; and
 - E) One two-level parking garage.
- Parcel Size:** 10.7 acres
- Land Use:** MU (Mixed Use)
- Zoning District:** BT (Business Tourism)
- Density:** The Comprehensive Plan allows 30 lodging units per acre or 19.9 dwelling units per acre. The Comprehensive Plan also allows for Density Bonus Points. Staff has reviewed the applicant’s request for density bonus points and has determined that the applicant is eligible for 26 points. This equates to an additional 1.96 dwelling units per acre. A complete calculation of density is shown on page 12.

This project will consist of a mix of lodging and dwelling units for each building. The mix of units is proposed as follows:

- A) **Lodging:** 118 front doors containing two (2) bedrooms each = 236 lodging units
- B) **Dwelling:** 76 front doors = 76 dwelling units
- C) **Total:** 97 front doors in one tower and 97 front doors in the other tower for a grand total of 194 front doors. The 194 front doors equate to 312 units (236 lodging units and 76 dwelling units).

Intensity: 1.03 Floor Area Ratio, which is less than the maximum 1.07 allowed
Application Date: February 1, 1999
TRC Date: February 17, 1999 (*revisions received 2-16-99, 2-26-99, 3-5-99, 3-8-99, 3-24-99, 3-26-99, & 3-29-99*)
Approved Site Plan Date: **3-29-99 with conditions (amendments needed)**
Planning Commission Date: March 18, 1999 (Tabled to April 1, 1999 and tabled to April 15, 1999)
City Council Date: May 4, 1999 (tabled from April 12, 1999 and April 26, 1999)

DETERMINATIONS:

1. On April 15, 1999, the Planning Commission recommended the City Council to approve the proposed Major Development failed by a vote of 3-3. Mr. Link, Mr. Sauders, and Mr. Breithaupt voted against the motion; and Ms. Drowne was not present.
2. A hearing was held by the Destin City Council on May 4, 1999, whom approved the development with conditions; and
3. All the findings of the Technical Review Committee (TRC) report dated February 17, 1999, as amended on March 29, 1999, and April 13, 1999, are incorporated herein.

**CONDITIONS OF APPROVAL FOR "SILVER BEACH TOWERS CONDOMINIUM":
A MAJOR DEVELOPMENT (SP #99-10) :**

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

1. Construction must commence within twelve (12) months of approval of the Final Development Order on May 4, 1999 (no later than May 3, 2004) and must be completed as shown on plans approved with conditions by the City Council (stamp dated 3-29-99 with conditions – amendments needed).

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.

2. If "Silver Beach Towers Condominium" fully complies with the requirements of Condition Number 1 above, the concurrency status "Silver Beach Tower Condominiums" is protected (for five years) through May 3, 2004. **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. "Silver Beach Towers Condominium" must obtain City of Destin permits for the following activities on and off site (These may require appropriate bonding):
 - a. disturbance to the city's rights of way.
 - b. pavement cuts.
 - c. construction of any kind.
 - d. clearing and grubbing.
 - e. paving, grading, drainage, sidewalks.
 - f. signage.
 - g. installation of utilities.
 - h. construction trailers.
4. **Before the issuance of a building permit**, the applicant shall secure in written and recorded form, either of the following: A) a limited access easement agreement modifying the existing Club Destin easement with Emerald Towers to allow Gulf Terrace residents access to the beach over said easement; or B) a separate five (5) foot limited access easement for residents of Gulf Terrace, adjacent to the existing Club Destin easement, said easement to be an initial ten (10) years with renewal by mutual consent after or before the tenth (10th) year. This easement would be subject to the City waiving the five (5) foot common boundary buffer in the location of said easement.
5. **Before the issuance of a building permit**, the City surveyor's must approve the plat.
6. **Before the issuance of a building permit**, the FAA must have made a positive finding and grant final approval of the proposed development.
7. **Before the issuance of a building permit**, a revised site plan, indicating the following items, must be submitted and approved by the Community Development Director and City Engineer:
 - a. The required 50' conservation easement, along the Gulf;
 - b. The correct number of parking spaces, as indicated in the TRC report;
 - c. The correct number of dwelling units and lodging units with correct density bonus points referenced in this report; and

- d. Narrative notes that describe the type of vegetation (low water demand), drip irrigation and non-potable water source irrigation will be provided and required on the final landscape plan.
8. **Before the issuance of a building permit**, a formal landscape plan and irrigation plan must be approved by the Community Development Director.
9. **Before the issuance of a building permit**, a DEP Stormwater Permit is required and must be reviewed by the City Engineer.
10. **Before the issuance of a building permit for structures south of the CCCL**, a DEP Permit for construction south of CCCL is required and must be reviewed by the City Engineer.
11. **Before the issuance of a building permit**, FDOT roadway connection and stormwater connection permits are required and must be reviewed by the City Engineer.
12. **Before the issuance of a building permit**, the final plat must be recorded and copies provided to the City Engineer.
13. **Before the issuance of a building permit**, all Engineering re-review fees must be received.
14. **Before the issuance of a clearing permit/demolition permit**, a clearing plan/demolition plan must be presented to, and approved by the Community Development Director. This must include the names and addresses of the surrounding property owners within 300' of the project.
15. **Before the issuance of a Certificate of Occupancy**, a copy of the condo documents will be required to be reviewed and approved (the purpose is to verify the agreements of the number of lodging verses dwelling units).
16. **Before the issuance of a Certificate Of Occupancy**, the landscape material shall be inspected by the Community Development Department to ensure compliance with the Development Order.
17. **Before the issuance of a Certificate Of Occupancy**, any damages to the existing and/or required five (5) foot sidewalk, adjacent to the right-of-way lines of US Hwy 98 must be bonded, replaced, or installed.
18. **Before the issuance of a Certificate Of Occupancy**, all right-of-way improvements, signalization, infrastructure, etc., must be completed and inspected by the City Engineer.
19. Requirements identified by the Technical Review Committee:

**TECHNICAL REVIEW COMMITTEE REPORT
COMMUNITY DEVELOPMENT DEPARTMENT**

“SILVER BEACH TOWERS-CONDOMINIUM”

(SP #99-10)

TRC Report: February 17, 1999, amended March 29, 1999 and April 13, 1999

ISSUE

Applicant: Resort Development of Naples Cay, Inc., and its agent, Mr. Becnel, President Silver Beach Development, Mr. Clary, owner

Location: 1050 Hwy 98 East (currently the site of Silver Beach Cottages)

Request: Approval of a Major Development identified as “Silver Beach Towers Condominium”. The proposed project consists of the following:

- A) The demolition of all existing structures (other than the retaining wall);
- B) The construction of two (2) towers, each with staggered height from 16 stories (east and west sides) and 18 stories in the center; with a mix of dwelling and lodging condominiums – 76 dwelling units and 236 lodging units;
- C) One on-site administrative/security office;
- D) One swimming pool; and
- E) One two-level parking garage.

Parcel Size: 10.7 acres

Land Use: MU (Mixed Use)

Zoning District: BT (Business Tourism)

Density: The Comprehensive Plan allows 30 lodging units per acre or 19.9 dwelling units per acre. The Comprehensive Plan also allows for Density Bonus Points. Staff has reviewed the applicant’s request for density bonus points and has determined that the applicant is eligible for 26 points. This equates to an additional 1.96 dwelling units per acre. A complete calculation of density is shown on page 12.

This project will consist of a mix of lodging and dwelling units for each building. The mix of units is proposed as follows:

- A) **Lodging:** 118 front doors containing two (2) bedrooms each = 236 lodging units
- B) **Dwelling:** 76 front doors = 76 dwelling units
- C) **Total:** 97 front doors in one tower and 97 front doors in the other tower for a grand total of 194 front doors. The 194 front doors equate to 312 units (236 lodging units and 76 dwelling units).

Intensity: 1.03 Floor Area Ratio, which is less than the maximum 1.07 allowed

Application Date: February 1, 1999

TRC Date: February 17, 1999 (*revisions received 2-16-99, 2-26-99, 3-5-99, 3-8-99, 3-24-99, 3-26-99, & 3-29-99*)

Approved Site Plan Date: **3-29-99 with conditions (amendments needed)**

Planning Commission Date: March 18, 1999 (Tabled to April 1, 1999 and tabled to April 15, 1999)

City Council Date: May 4, 1999 (tabled from April 12, 1999 and April 26, 1999)

DISCUSSION:

Request for Approval of a Major Development identified as "Silver Beach Towers Condominium" is made by Mr. Tom Becnel. The proposed project consists of the following:

- A) The demolition of all existing structures (other than the retaining wall);
- B) The construction of two (2) attached buildings, one at a staggered height from 15 stories to 17 stories, the second building at 18 stories; with a mix of dwelling and lodging condominiums – 76 dwelling units and 236 lodging units;
- C) One on-site administrative/security office;
- D) One swimming pool; and
- E) One two-level parking garage.

The applicant will be providing a 50' conservation easement, landward of the MHWL. Staff has strongly encouraged the applicant to provide a minimum of a five (5) foot wide public beach access along the western property line (this would coincide with the existing 10' beach access for Club Destin, located to the west of this site). The applicant has not agreed to do so.

According to the review conducted by the City's traffic consultant, the proposed development will generate five (5) additional PM/PK HR directional trips on Segment "B" of Hwy 98. The trips generated on Segment "B" will not lower the LOS for the road system. The report has been reviewed and approved for concurrency purposes by the City's traffic consultant on March 22, 1999.

The compatibility review required by both the Comprehensive Plan and Land Development Code is documented within the TRC report.

The Technical Review Committee reviewed the project on February 17, 1999, and approved the project with specific conditions and changes on March 29, 1999. The applicant has not satisfied each specific condition at this time. However, staff anticipates that the applicant will satisfy each specific condition, prior to City Council meeting on April 26, 1999.

ZONING/COMPREHENSIVE PLAN

The property is zoned BT (Business Tourism) and the Future Land Use Category is MU (Mixed Use). The proposed use of a Condominium is a permitted principal use within the BT district. The proposed mix use of lodging and dwelling units is also allowed in the MU Future Land Use Category.

COMPATIBILITY

The uses surrounding this project are the following:

- North – BT zoning district, MU future land use, "Club Destin" at 2 stories and "Destin Dinner" at 1 story
- South – Gulf of Mexico
- East – BT zoning district, MU future land use, "Sterling Sands" at 9 stories
- West – BT zoning district, MU future land use, "Emerald Towers" at 15 stories

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum code requirements. The General Compatibility Checklist; the pre-compatibility report by the Gail Easley Co., dated January 14, 1999; the applicants submitted Compatibility Analysis dated February 1, 1999; and the Memorandum dated April 11, 1999, from the City's Land Use Attorney, were included in the compatibility review.

A) Permitted uses, structures and activities allowed within the land use category;

The use proposed for Silver Beach Condominium (multi-family residential condominium with recreational amenities) is consistent with surrounding future land use and zoning designations which allow condominiums, apartments, offices, commercial, and recreational development. The plan has designated the area in which the proposed project is to be located as a mixed-use district to be implemented through Business Tourism zoning. The area is characterized by uses which are consistent with that designation and the proposed multi-family development is functionally related to the surrounding uses such as multi-family residences (for both long and short-term residents), amusement parks, restaurants, and retail shops, which will serve the anticipated residents. The proposed 312 units (236 lodging units and 76 dwelling units) fall within the permitted density range established for the future land use category and zoning designation of the site, provided the 26 density bonus points are applied to the project. Therefore, the type of use proposed is compatible with surrounding uses, the zoning district, and the land use categories of the comprehensive plan.

B) Building location, dimensions, height, and floor area ratio;

The Silver Beach Condominium project is located on the current site of Silver Beach Cottages, south of US Highway 98, and lying on the Gulf of Mexico. The two proposed towers are set landward of the Department of Environmental Protection's (DEP) Coastal Construction Control Line (CCCL). All project amenities are designed to fit behind the CCCL, with the exception of the pool and deck. This area is designed to be placed between the current (1991) CCCL and the previous CCCL line and is in keeping with the developments to either side of the project. Dune walkovers will be provided for the residents of Silver Beach Condominium.

The BT zoning district does not limit building height except to require increased side and rear setbacks. The applicant is proposing to develop to the height permitted by the Federal Aviation Administration in relation to the horizontal surface for the Destin/Ft. Walton Airport for the western tower, while the eastern tower will be below maximum FAA heights. The FAA has reviewed the project and has indicated a maximum permitted height for the project of 208' based on National Geodetic Vertical Datum (NGVD) or 196 feet above the existing ground.

The actual location of each building is shown on the site plan. The residential buildings are oriented so each unit has a view of the Gulf of Mexico. In addition, the buildings' orientation continues to provide views of the Gulf to traffic along US Highway 98. The buildings meet all the set back requirements of the Land Development Code and the Code of Ordinances. Architectural and engineering design softens the image of the buildings. The garage level of the buildings is partially hidden from view, thus reducing the visual impact of the ground level structure. In addition, the first living level of each building is set back significantly from the edge of the garage level. This space is used for additional parking and green space to reduce the visual impact of an parking lot.

The purpose and intent of the compatibility review standard is to: 1) preserve the character of stable, mostly homogeneous residential neighborhoods which will require the maximum application of compatibility controls; and 2) avoid compatibility conflicts within other developed and developing areas of the City. (City of Destin Comprehensive Plan, Chapter 7, Policy 7.A.4.6.p.)

It is the intent of Policy 7.A.4.6.p., to encourage design treatments that reflect consideration of adjoining and surrounding development and land use.

The Comprehensive Plan requires the "City Planning Department", now the Community Development Department, to conduct a compatibility analysis based on the following compatibility characteristics, in relationship to the surrounding development in the immediate area: a) permitted uses, structures and activities allowed within the land use category; b) building location, dimensions, height, and floor area ratio; c) location and extent of parking, access drives and service areas; d) traffic generation, hours of operation, noise levels and outdoor lighting; e) alteration of light and air; and f) setbacks and buffers - fences, walls, landscaping and open space treatment.

In preparing the compatibility analysis for this project, staff has reviewed the project as an infill development.

In a review of a project under the infill scenario, staff must analyze the development patterns in the immediate area of the project. By definition, infill development can be described as development of buildings on scattered vacant sites in a built up area.

In reviewing the project as an infill development, staff must be cognizant of the general planning principle of transition. Transition, for infill development, requires using the infill compatibility approach, a general planning principle requires that any infill development should meet the height and bulk standards of the surrounding development. In fact, the relationship of the pieces is paramount to good urban design. This infill relationship implies compatibility through the necessary transition to the surrounding buildings.

By using the infill approach, the existing buildings are the standard, and the new building is the one that must "fit" the surrounding area (not visa versa).

The applicant has created a building that transitions from the nine (9) story building to the east (Sterling Sands) to the building on the west (Emerald Towers and Sun Destin). The proposal also varies the skyline within the project the construction of two (2) towers, each with staggered height from 16 stories (east and west sides) and 18 stories in the center. Finally, the project also maintains skyline view corridors on the sides, as well as the center.

Since these are residential buildings, the floor area ratio calculation does not apply to this project. However, the project as designed will remain within the 1.07 FAR maximum established in the LDC for the mixed use land use designation. With a total gross square footage of 478,740 square feet (includes both towers and the parking garage), Silver Beach Towers Condominium will have a FAR of 1.027.

The scale of the proposed residential structures (in particular the dimensions, density, and separation) are similar to other condominiums in the area. While the height of the two towers is higher than adjacent buildings, Silver Beach Towers Condominium falls within an acceptable planning increment of height differential to the adjacent building. This type of project may be found compatible with the development scheme and scale for the resort and residential development along the Gulf of Mexico and in the same BT zoning district from Gulf Shore Drive to Henderson Beach State Park.

C) Location and extent of parking, access drives, and service areas;

The relationship between parking, access drives, and service areas for Silver Beach Towers Condominium is similar to the relationships on properties in the surrounding area. The parking for residents and on-site visitors is predominantly located on the first level of the towers. An additional 120 parking spaces are located at the main entry level to the towers. An additional 83 parking spaces are proposed to be located at ground level at a future date, if required by a parking study. However, staff has determined that these parking spaces must be installed at this time. The project is not being phased and all required parking must be installed at the same time.

Ingress and egress to Silver Beach Condominium is at the existing signalized intersection of US Highway 98 and Airport Road, located at the northeast corner of the property. A right-turn lane has been designed as part of the project to minimize impacts to traffic on US Highway 98 and Airport Road. While the timing of the traffic signal may be adjusted to account for the additional traffic, no realignment of the intersection is necessary. This project will close two existing drive connections to US Highway 98.

Internally, the two-way drive provides a complete loop for residents and provides for adequate pedestrian movement and internal services/maintenance. Dumpsters will be located in the garage level and will be brought out by maintenance personnel for garbage pickup and returned to the garage after pickup. In addition each building has loading areas provided in the vicinity of the front of the building.

Access drives serve to direct traffic on-site and are compatible with the surrounding area and land use.

D) Traffic generation, hours of operation, noise levels, and outdoor lighting;

A traffic analysis, dated January 21, 1999, and revised February 15, 1999, was submitted by the applicant and forwarded to the City's traffic consultant. The applicant's report indicated that sixteen (16) PM/PK HR trips would be returned to Segment "B"; however, the City's consultant had concerns with the applicant's manual distribution. The City's consultant then reassessed the methodology used by the applicant.

The review of this proposed development will generate five (5) additional PM/PK HR directional trips on Segment "B" of Hwy 98; rather than returning sixteen (16) PM/PK HR trips. The trips generated on Segment "B"; however, will not lower the LOS for the road system. The report has been reviewed and approved for concurrency purposes by the City's traffic consultant on March 22, 1999.

As a multi-family project, the hours of operation will be similar to the other multi-family projects, both residential and resort, adjacent to Silver Beach Condominium and along the Gulf of Mexico with the City. The City of Destin has an established noise ordinance. Since the enactment of the Ordinance there have been no complaints against a condominium building. Since there are no restaurants, entertainment facilities, or other commercial businesses planned in this project, Silver Beach Towers Condominium will not create odors, fumes, vibrations, or other nuisances for adjacent properties.

Outdoor lighting will be low profile lighting consistent with other similar buildings along this section of the Gulf in Destin. The buildings will block light from the parking areas of the site from the beach. Lighting that is adjacent to the beach will be consistent with Fish and Wildlife and DEP regulations to ensure turtle protection. Final approval for lighting placed or seen from the south side (beach side) of Silver Beach Towers Condominium will be sought from DEP.

Silver Beach Towers Condominium will be compatible with surrounding residential projects in relation to hours of operation, noise, and light. The residential use of this site will not have a negative impact on adjacent residences or businesses. A lighting plan will be required to be reviewed to ensure that outdoor lighting is directed so as not to negatively affect the beach, public, or traffic.

E) Alteration of light and air;

This site currently exists as two parcels. One parcel is developed with Silver Beach Cottages that consists of 17 one and two-story buildings. The second parcel is a vacant undeveloped site with the exception that the existing 2-story motel is built across the eastern parcel line. Thus, the redevelopment of this site with the Silver Beach Towers Condominium project will see a moderate affect to air flow and lighting. However, it is not expected that there will be an undue negative impact from this development due to the setbacks from the property lines, and building separation from adjacent buildings and between the two towers themselves. The corridors between the buildings will continue to provide adequate room for the flow of air off of the Gulf of Mexico. Also, building design and placement continues to provide view corridors for traffic on US Highway 98. The configuration of the two towers on the site provides separation between individual buildings, and will not provide the "unbroken wall" which can affect sea breezes.

Another issue related to building height is that of shadowing. This can be an issue where the shadow cast will reduce or eliminate the access to sunlight by adjacent or nearby uses. It may also be an issue where shadows fall on beach habitat of sea turtles. The location and orientation of the buildings should avoid both of these issues. Destin's LDC does not require a shadow analysis;

however, due to the distance of the buildings north of the beach, it is not expected that shadowing will be a problem.

Overall, shadowing will remain on site and will not adversely affect surrounding properties. While development will change the air flow to some degree, it is not expected that there will be an undue negative impact from the redevelopment of this site with the Silver Beach Towers Condominium project. Even with the redevelopment changing the air flow, the flow from the Gulf of Mexico will be able to move around the towers and existing adjacent buildings without an adverse impact on surrounding property owners.

F) Setbacks and buffers.

This project meets all setbacks, landscaping, buffering, and open space requirements of the Land Development Code. The project will have extensive landscaping, open space, and a pervious surface of 62%. Both Sterling Sands and Emerald Tower have existing fences along the common property line. Silver Beach Towers will add landscaping and berming to define the site limits. The building separations are designed to provide view corridors between the buildings to the Gulf of Mexico. While the redevelopment of this site will change the view of the Gulf to passerby vehicles, the building separation prevents an unbroken wall mass, which will block all views of the Gulf. There are no undue negative impacts anticipated due to setbacks, buffers, and open space treatment.

Along US Highway 98, the project will use heavy landscaping and create a berm to provide a visual break to the property. In addition, the garage level of the buildings is over 80 feet from the front property line, and the towers themselves are over 125 feet from the road. In addition to the required landscaping, the applicant will place vegetation on the upper deck of the garage level for aesthetic appeal, recognizing that the extra green space will not be counted in the landscaping requirements.

Internally the project will be landscaped to provide a residential resort character. The driveway aisles will be lined with trees. Overall, the landscaping plan provides approximately 13.6 trees per acre. The environmental study indicates that no protected flora or fauna species were seen on this site. The site is proposed to have 62% open space, exceeding the 19.7% required by the land development code (18% for landscaping and 1.7 percent to offset the ground level parking garage). The dune and beach area of the site will be maintained and protected with dune walkovers.

Note: all landscaping will be provided with drip irrigation, automatic shut-off controls, low water demand plants, and the irrigation will be provided by a non-potable water source.

G) Consistency with accepted planning practices and principles

In addition to the six standards listed in the Destin LDC, compatibility is based upon accepted planning practices and principles, by policy in the Destin Comprehensive Plan. Therefore, a final consideration is the consistency with accepted principles and practices.

Scale: In the area of Silver Beach Towers Condominium, the existing developments to the east and west, located south of US Highway 98, are generally mid-to high-rise residential condominiums. They are generally set well back from the highway and close to the CCCL. The proposed development is similar in scale in terms of height and mass to the existing condominiums along

Segment AB@ of US Highway 98 (mass more so than height). The neighborhood is a beach resort area with a mix of mid- and high-rise condos on the south side of US Highway 98 and retail businesses on the north side that service the needs of both locals and tourists for amusement, restaurants, and shopping. Horizontally, human scale refers to linear distances, presence or absence of barriers, and pedestrian access. Because the area is well-defined, largely built-out with newer buildings, and separated from other areas, the impacts of the high-rise scale may not affect residential areas or other developments at a human scale based on height.

Vision Plan: Although Destin's Vision Plan, presented to and accepted by the City Council for intent, does not have the legal status of the Destin Comprehensive Plan, it does indicate the desires of the public regarding the character of future development in Destin. The Vision Plan shows this area as the Beach Walk Special Plan District, designated for resort uses. This area is not proposed for height limits, and focuses on commercial, lodging, entertainment, and restaurants. The Vision Plan suggests parking be located in structures, that the FAR not exceed 2.0, and that uses include retail, entertainment, public and open space, and hotel or motel uses. In other respects, it is consistent with design suggestions and recommendations contained in the Vision Plan-other than providing vertical beach access ways to the public beach.

DENSITY

The total site is 10.7 acres. The Comprehensive Plan allows 30 lodging units per acre or 19.9 dwelling units per. The Comprehensive Plan also allows for Density Bonus Points. In order to calculate the mix of dwelling (d.u.) and lodging (l.u.) units, in a single project, a simple equation is used. The basis for the equation is to establish the number of dwelling units a particular project is allowed to have, including density bonus, if allowed. In this case, the property is 10.7 acres, the Mixed Use Land Use allows 21.96 d.u. (19.9 d.u., plus 1.96 additional d.u. per acre for density bonus):

$$21.96 \times 10.7 = 234 \text{ d.u.}$$

Subtract the number of requested dwelling units:

$$234 - 76 = 158 \text{ d.u. remaining}$$

Multiply the remaining dwelling units (158) by the multiplier 1.5 (19.9 times 1.5 equals nearly 30 lodging units).

$$158 \times 1.5 = 237 \text{ l.u.}$$

The number of lodging units allowed is 237.

This process clearly equates the number of lodging units requested to the total number of dwelling units allowed.

The mix use of dwelling and lodging units is proposed as follows:

- A) **Lodging:** 118 front doors containing two (2) bedrooms each = 236 lodging units
- B) **Dwelling:** 76 front doors = 76 dwelling units
- C) **Total:** 97 front doors in one tower and 97 front doors in the other tower for a grand total of 194 front doors. The 194 front doors equate to 312 units (236 lodging units and 76 dwelling units).

With no density bonuses and no mix use of lodging and dwelling, the site would be allowed either one of the following: 212 dwelling units OR 321 lodging units.

Density review:

1. Density Bonus request: the submitted density bonus point request is supported by staff as presented. The total number of points awarded, as of date are 13. However, if additional information is provided on the type of vegetation, plant material, details of acreage of vegetation and details of irrigation, type of irrigation, and acreage of land to be irrigated, it may be possible to receive up to 13 additional points, for a total of 26. Staff did not agree to the points requested under "Access to Transportation Facilities".

2. Please note: 26 density points allows the following density:

A. Dwelling units:

- 1) 26 pts divided by 5 = 5.2
- 2) 5.2 multiplied by 2% increase in density = .104
- 3) .104 multiplied by 19.9 (dwelling units) = 2.06
- 4) 2.06 (new units per acre) plus 19.9 (dwelling units) = 21.96 dwelling units per acre.
- 5) **21.96 multiplied by 10.7 acres = 234.97 units = 234 dwelling units total**

HEIGHT

The applicant is proposing two (2) attached buildings, reaching a total height of 197' above mean sea level. The proposed elevation plans and architectural plans confirm this request and the proposed heights are allowed within the zoning district. **However, staff has received a Conditional No Hazard to Navigation letter from the FAA. A preliminary review from FAA concluded that the proposed would be an aviation obstacle.**

FLOOR AREA RATIO

Maximum FAR is 1.07. The applicant is proposing a total of 1.03 FAR.

RIGHT-OF-WAY DEDICATION

No right-of-way dedication is required.

CONCURRENCY MANAGEMENT

Concurrency requirements met:

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

TRAFFIC ANALYSIS

A traffic analysis, dated January 21, 1999, and revised February 15, 1999, was submitted by the applicant and forwarded to the City's traffic consultant. The applicant's report indicated that sixteen (16) PM/PK HR trips would be returned to Segment "B"; however, the City's consultant had concerns with the applicant's manual distribution. The City's consultant then reassessed the methodology used by the applicant.

The review of this proposed development will generate five (5) additional PM/PK HR directional trips on Segment "B" of Hwy 98; rather, than returning sixteen (16) PM/PK HR trips. The trips generated on Segment "B"; however, will not lower the LOS for the road system. The report has been reviewed and approved for concurrency purposes by the City's traffic consultant on March 22, 1999.

SUBDIVISION OR PUD – PLAT

The applicant has completed the required Condominium Plat, as requested by staff. Final Plat approval is requested with this Major Development review. The City Surveyor, who made comments to the plat, has reviewed the enclosed copy of the plat. The City surveyor's approval is required prior to City Council review for Plat approval.

AIRPORT PROTECTION

The subject site located within the airport protection area. No FINAL approval has been received from FAA. Prior to the City Council review of this Major Development, FAA must make a FINAL positive finding and approve the proposed development. 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 FAA for temporary encroachment into this restrictive area and a copy of completed FAA Form 7460, must be place on file with the City of Destin prior to the crane, or other obstruction, penetrating the restricted airspace.

SETBACKS

<u>Phase I</u>	<u>Required</u>	<u>Provided</u>	<u>Buffers</u>
Front (north):	20'	79'	10' FPLA
Side (west):	48'	50'	5' Common Boundary
Side (east):	48'	50'	5' Common Boundary
Rear (gulf):	100'	280'	50' conservation easement required.

<u>Phase II (parking lot)</u>	<u>Required</u>	<u>Provided</u>	<u>Buffers</u>
Front (north):	10'	90'	10' FPLA
Side (west):	5'	5'	5' Common Boundary
Side (east):	5'	5'	5' Common Boundary
Rear (gulf):	100'	310'	50' conservation easement required.

NOTE: The 5' common boundary, front perimeter boundary, parking islands, and reforestation requirements must meet Code and be inspected prior to issuance of any Certificate of Occupancies.

WHITE SANDS ZONE

The project lies within:

Zone #1 X Zone #2 _____ Neither _____, therefore, all fill material must meet the White Sand Zone Ordinance.

SIGNS

No signs are requested for approval at this time. Future signage must meet City Code.

WATER/SEWER

Destin Water User's Inc. approved the project in a letter dated March 25, 1999.

FIRE DEPARTMENT REVIEW

The Fire Department approved the project in a letter dated February 17, 1999.

OKALOOSA GAS

Okaloosa Gas approved the project at the February 17, 1999, TRC meeting.

UNIVERSAL COM

Universal Com approved the project at the February 17, 1999, TRC meeting.

SPRINT

Sprint approved the project at the February 17, 1999, TRC meeting.

UTILITIES

Underground utilities are required.

STORMWATER

The City Engineer approved the stormwater plan in a memorandum dated March 24, 1999.

INGRESS/EGRESS

The applicant will be removing two existing driveways on-site and providing a single driveway, with critical intersection improvements and a deceleration lane (on the south side of Hwy 98 East). This driveway, as requested by staff, will line up with the existing intersection.

SIDEWALKS

A five (5) ft. wide sidewalk is required along all existing rights-of-ways prior to the issuance of a certificate of occupancy. If any existing sidewalks are destroyed or damaged during construction, they must be repaired or replaced by the developer. NOTE: please provide pedestrian cross walks over the driveways to connect sidewalks.

REFUSE COLLECTION

Trash collection is provided by dumpster service. The roll-out dumpster locations are shown on the site plan, and are screened by a six (6) foot tall privacy fence/wall on three sides.

LANDSCAPE

This project meets the landscape requirements as follows:

OPEN SPACE: (Phase I&II)	
466,092 sq.ft. x 18% =	83,896.6 sq.ft. Required
171 sq.ft. per 2,500 sq.ft. of garage parking =	8,070 sq.ft. Required
	91,966 Total Required
	189,422 Provided (40.7%)

TREES REQUIRED:

Reforestation: <u>107</u>	Perimeter: <u>27</u>	Parking Lot: <u>13</u>
Buffers: <u>n/a</u>	Replacement of protected trees: <u>0</u>	

Protected Trees on Site (12" to 23" diameter):	<u>0</u>
Preserved Trees on Site (24" or more diameter):	<u>0</u>
Protected Trees being removed:	<u>0</u>
Preserved Trees being removed:	<u>0</u>
Protected Trees located in footprint:	<u>0</u>
Preserved Trees located in footprint:	<u>0</u>
Reforestation Credit for saved trees:	<u>4</u>

TOTAL TREES REQUIRED:	<u>147</u>
TOTAL TREES PROVIDED:	<u>147</u>

*Site plan, sheet 3-7, indicates the correct number of trees; however, it is missing one tree at north end of parking row (in the northwest corner). The Community Development Department, prior to the issuance of any Certificate of Occupancies, must approve all plant material and location.

PARKING

Parking for the project is based on the following calculations:

Per code:

2.25 spaces per dwelling unit

1.75 spaces per lodging unit

Per site plan:

118 front door lodging units x 1.75 (237 bed rooms) = 206 spaces

76 dwelling units x 2.25 = 171 spaces

Total Required = 377 spaces

Total Provided = 358 spaces

(A deficit of 19 spaces)

The site plan indicates that the developer may provide future parking spaces (92 spaces) as shown, if deemed necessary by the city. Staff is requiring that the site plan be amended to included the minimum required of 377 parking spaces on-site, prior to the issuance of a building permit.

This results in the following:

Total Required = 376 spaces

Total Provided = 376 spaces

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

1. A DEP Stormwater Permit is required and must be submitted prior to the issuance of a building permit.
2. Before the issuance of a building permit for structures south of the CCCL, a DEP Permit for construction south of CCCL is required and must be reviewed by the City Engineer.
3. A FDOT permit is required and must be submitted prior to the issuance of a building permit.

COMMENTS

Staff has received one letter from a resident of Gulf Terrace (who could not attend the May 4, 1999 meeting) requesting a public beach access be required on this site.

CONDITIONS:

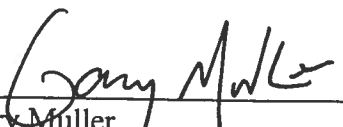
Per Community Development:

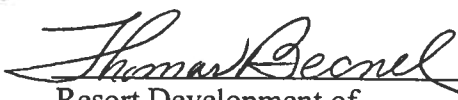
1. Prior to the issuance of any certificate of occupancies, all plant material and locations must be reviewed and approved by the Community Development Department.
2. The City surveyor's approval is required prior to the issuance of a building permit.

3. Prior to the issuance of a building permit for this Major Development, FAA must have made a positive finding and a FINAL approve the proposed development.
4. A revised site plan indicating the following items must be submitted and approved prior to the issuance of a building permit:
 - e. The required 50' conservation easement, along the Gulf
 - f. The correct number of parking spaces, as indicated in this report
 - g. The correct number of dwelling units and lodging units with correct density bonus points referenced in this report.
 - h. Narrative notes that describe the type of vegetation (low water demand), drip irrigation and non-potable water source irrigation will be provided and required on the final landscape plan.
5. Prior to the issuance of a construction permit, a copy of the condo documents will be required to be reviewed and approved. Purpose is to verify the agreements of the number of lodging verses dwelling.
6. A formal landscape plan and irrigation plan must be approved prior to issuance of a building permit.

City Council Conditions:

1. **Before the issuance of a building permit**, the applicant shall secure in written and recorded form, either of the following: A) a limited access easement agreement modifying the existing Club Destin easement with Emerald Towers to allow Gulf Terrace residents access to the beach over said easement; or B) a separate five (5) foot limited access easement for residents of Gulf Terrace, adjacent to the existing Club Destin easement, said easement to be an initial ten (10) years with renewal by mutual consent after or before the tenth (10th) year. This easement would be subject to the City waving the five (5) foot common boundary buffer in the location of said easement. Release of easement will be required to be reviewed and approved by the City Council.


 Gary Muller _____ Date 8-12-99
 Acting Community Development Director


 _____ Date
 Resort Development of
 Naples Cay, Inc., and
 Mr. Clary, owners