



# City of Destin

4200 Two Trees Road • Destin, Florida 32541

Telephone (850) 837-4242 • Fax (850) 837-3267 • E-mail: cityhall@destin.net

March 22, 2000

**ORDER # 00-10**

## Final Amended Development Order:

### **Silver Shells Beach Resort-Amendment No. 2** **A Major Deviation (SP#00-11)** **(Original DO#97-53 & Amendment No. 1 DO#99-16)**

Based upon the City's approval of this Development Order on February 22, 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**

**Type of Development:**  
**Applicant:**  
**Request:**

A major development and a planned unit development Resort Development Inc., Agent-Mr. Thomas R. Becnel Approval of Amendment No. 2 - a Major Deviation to the existing Development Order #97-53 & Development Order #99-16, known as "Silver Shells Beach Resort and a Planned Unit Development." Amendment No. 2 does not change the density, intensity, use, height, or floor area ratio of any part of the original Development Order or other requirements of the original Development Agreement, except as described below. Rather, Amendment No. 2 only amends the following: 1) additional dedication of 40 feet of beach to the City; 2) includes deadlines for the completion of sidewalks and parking along Restaurant Row; 3) mandates the payment of park and road impact fees; 4) establishes landscaping requirements for the western entrance of the twenty-five foot pedestrian walkway; 5) deletes the ten-foot setback along the City's right-of-way along old scenic Hwy 98; 6) authorizes the landing and a portion of two steps at the St. Maarten building to be located in the City's right-of-way along old scenic Hwy 98; 7) adds parking spaces for the clubhouse; 8) authorizes limited public use of the Clubhouse restaurant; 9) authorizes the construction of six additional cabanas at the St. Maarten Building; and 10) authorizes the construction of twenty additional cabanas with restroom and stairwell at the St. Thomas building and allows portions of all to be located within the City's right-of-way along old scenic Hwy 98.

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

**Property Location:** Southeast corner of Restaurant Row and Emerald Coast Parkway  
**Parcel Size:** 29.28 acres or 1,275,437 sq. ft., more or less (not including ROW Easement)  
**Land Use Designation:** MU (Mixed Use)  
**Zoning District:** BT/PUD (Business Tourism)/(Planned Unit Development)  
**Density:** 490 Units (174 Residential Units / 316 Resort Units consisting of 779 Lodging Units) (NO CHANGE)  
**Intensity:** FAR is 1.027; max allowed is 1.07 (NO CHANGE)  
**Application Date:** February 2, 2000  
**Planning Commission Date:** February 17, 2000  
**City Council Date:** February 22, 2000  
**Approved Site Plan:** Dated 01-31-00, revised on 02-04-00 and 02-28-00; stamped received March 2, 2000

**Determinations:**

1. All the findings of the Final Development Order #97-53, dated December 8, 1997, are incorporated herein; and
2. This Development Order does not extend any rights not already conferred by the Original Development Order (#97-53) or the 1<sup>st</sup> Amended Development Order (#99-16); and
3. All the findings of the Technical Review Committee report dated February 17, 2000, amended February 22, 2000, are incorporated herein.

**Conditions of Approval for Silver Shells Beach Resort - Amendment No. 2 : A Major Deviation (SP#00-11).**

Pursuant to the City Council determination of approval with conditions, the City of Destin Land Development Regulations, and the City of Destin Code of Ordinances:

1. Development must commence in accordance with the original Development Order and 1<sup>st</sup> amended Development Order, in addition to the stipulated timeframes of this 2<sup>nd</sup> amended Development Order. Failure to satisfy these timeframes will invalidate this approval and this Development Order will expire and the project will have to be resubmitted for complete review.
2. If the applicant fully complies with the requirements of Condition Number 1 above, the concurrency status of "Silver Shells Beach Resort, 2<sup>nd</sup> Amendment" is protected through December 28, 2002 (per DO # 97-56 & DO # 99-16). **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 Shells Beach Resort must obtain City of Destin permits for the following activities on and off site (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; and
  - h. construction trailer.
4. All conditions stated within the Development Agreement, the Original Development Order #97-53, and 1<sup>st</sup> Amended Development Order #99-16, must be satisfied.
5. City Council specific conditions of approval:
  - A. On April 9, 1998, the Silver Shells Corporation executed a Special Warranty Deed in which it conveyed eighty (80) feet of beach to the City as a condition of the Development Agreement. The applicant agrees that this dedication of the eighty (80) feet is a condition of this 2<sup>nd</sup> Amended Development Order.
  - B. A five (5) foot wide concrete sidewalk from the entrance of the St. Maarten building to the dedicated beach property and the twenty-three (23) paved parking spaces on the eastern boundary of Restaurant Row (due west of the St. Maarten building), shall be installed within 90 days of this executed Development Order.
  - C. The applicant acknowledges the applicability of all of the City's Impact Fee Ordinances, in effect as of the date of this 2<sup>nd</sup> Amended Development Order, to the Silver Shells Beach Resort project. Moreover, the applicant hereby withdraws all protests of any impact fees previously paid to the City, and waives any right the applicant may have had to challenge the imposition of such fees to the Silver Shells Beach Resort project.
  - D. The landscaping at the entrance of the grassed public pedestrian walkway of the City's right-of-way on old scenic Hwy 98, shall be open, by a width of not less than 25 feet and shall include signage necessary to alert the public to the pedestrian gateway, and to ensure that the public perceives that it is allowed to utilize the pedestrian walkway, which leads to the public dune walkovers.
  - E. Two (2) of the five (5) public dune walkovers shall be completed within six (6) months this executed Development Order.

- F. City is to install a vehicular barrier at entrance of pedestrian access. The vehicular barrier shall be designed **without preventing** access by EMS vehicles. *ARB*  
*Barrier design shall be approved by Tom Becnel before installation*
- G. The City agrees to delete the setback requirement of ten (10) feet from the City's right-of-way along old scenic Hwy 98. *M*
- H. The applicant is allowed to have the stairwell and landing with two steps at the St. Maarten building in the City's right-of-way along old scenic Hwy 98, per the approved site plan. Furthermore, six (6) additional cabanas, for a total of 18 cabanas, are allowed for the St. Maarten building.
- I. The Clubhouse may be utilized by the public, provided the appropriate impact fees are submitted to the City, and provided that an additional 35 parking spaces be provided for the Clubhouse, as shown on the approved site plan.
- J. The applicant may construct up to twenty (20) cabanas, with a restroom and stairwell, at the St. Thomas building within the City's right-of-way for old scenic Hwy 98, as shown on the approved site plan.
6. Requirements identified by the Technical Review Committee, dated February 17, 2000, and amended April 7, 2000:

**TECHNICAL REVIEW COMMITTEE REPORT  
COMMUNITY DEVELOPMENT DEPARTMENT**

**Silver Shells Beach Resort-Amendment No.2  
A Major Deviation (SP#00-11)**

**February 17, 2000 (amended February 22, 2000)**

**ISSUE**

<b>Type of Development:</b>	A major development and a planned unit development
<b>Applicant:</b>	Resort Development Inc., Agent-Mr. Thomas R. Becnel
<b>Request:</b>	Approval of Amendment No. 2 - a Major Deviation to the existing Development Order #97-53 & Development Order #99-16, known as "Silver Shells Beach Resort and a Planned Unit Development." Amendment No. 2 does not change the density, intensity, use, height, or floor area ratio of any part of the original Development Order or other requirements of the original Development Agreement, except as described below. Rather, Amendment No. 2 only amends the following: 1) additional dedication of 40 feet of beach to the City; 2) includes deadlines for the completion of sidewalks and parking along Restaurant Row; 3)

mandates the payment of park and road impact fees; 4) establishes landscaping requirements for the western entrance of the twenty-five foot pedestrian walkway; 5) deletes the ten-foot setback along the City's right-of-way along old scenic Hwy 98; 6) authorizes the landing and a portion of two steps at the St. Maarten building to be located in the City's right-of-way along old scenic Hwy 98; 7) adds parking spaces for the clubhouse; 8) authorizes limited public use of the Clubhouse restaurant; 9) authorizes the construction of six additional cabanas at the St. Maarten Building; and 10) authorizes the construction of twenty additional cabanas with restroom and stairwell at the St. Thomas building and allows portions of all to be located within the City's right-of-way along old scenic Hwy 98.

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**NOTE: The project must abide by all requirements of the "Development Agreement."**

### ZONING/COMPREHENSIVE PLAN

The property is zoned BT/PUD (Business Tourism)/(Planned Unit Development) and the Land Use Category is MU (Mixed Use). The proposed project complies with the City's land use regulations.

### COMPATIBILITY

North: BT and BG Zoning, C Land Use, Emerald Coast Parkway  
South: Gulf of Mexico  
West: BT Zoning, MU Land Use, Various uses including Grand Isle Grill, Oceanside V townhomes, Scampi's Restaurant, Hall's duplex  
East: PL Zoning, REC Land Use, Henderson Beach State Park

A Compatibility Analysis was conducted by The Gail Easley Company and was approved during the original Development Order. The requested changes in Amendment No. 2 do not alter compatibility previously reviewed and approved by the City Council.

**RIGHT OF WAY DEDICATION** No Change.

**FLOOR AREA RATIO (FAR) - COMMERCIAL AREA** No Change.

**CONCURRENCY MANAGEMENT**

Concurrency requirements met:

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

**TRAFFIC ANALYSIS**

A traffic analysis was conducted by Hamilton Smith & Associates, Inc., for the City of Destin which approves this second amended Development Order. City Council did not limit the use as depicted by the traffic consultant. Therefore, the analysis will be updated by the City.

**SUBDIVISION OR PUD - PLAT**

The plat was approved by City Council on March 8, 1999. No other plat or amended plat has been approved by City Council.

**STORMWATER**

The City Engineer has approved the stormwater plan.

**AIRPORT PROTECTION**

Amendment No. 2 does not change any previous requirements of this section.

**SETBACKS**

Amendment No. 2 only changes the previously required 10' setback along the old scenic Hwy 98 right-of-way, to a 0' setback along old scenic Hwy 98 right-of-way, for the cabanas, stairwells, and landing. No other changes to setbacks are approved.

**BUILDING HEIGHTS**

No Change.

**WHITE SANDS ZONE**

Amendment No. 2 does not change any previous requirements of this section.

**SIGNS**

Amendment No. 2 does not change any previous requirements of this section.

**WATER/SEWER**

Amendment No. 2 does not change any previous requirements of this section.

**FIRE DEPARTMENT REVIEW**

Amendment No. 2 does not change any previous requirements of this section.

**UTILITIES**

Amendment No. 2 does not change any previous requirements of this section.

**INGRESS/EGRESS**

Amendment No. 2 does not change any previous requirements of this section.

**SIDEWALKS**

Amendment No. 2 does not change any previous requirements of this section.

**REFUSE COLLECTION**

Amendment No. 2 does not change any previous requirements of this section.

**LANDSCAPE**

Amendment No. 2 does not change any previous requirements of this section.

**PARKING**

Amendment No. 2 amends the internal parking for the clubhouse. It does not, however, change the number of required public spaces or number of provided spaces per Development Order #99-16.

**DENSITY**

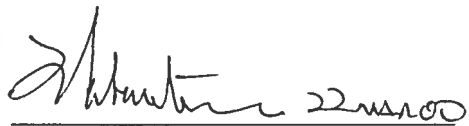
Amendment No. 2 does not change any previous requirements of this section.

**STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT**

Amendment No. 2 does not change any previous requirements of this section.

**COMMENTS / LETTERS**

The Community Development Department has received no letters of opposition or support to this major deviation.

  
\_\_\_\_\_  
Larry Rubenstein                      DATE  
City Manager  
City of Destin

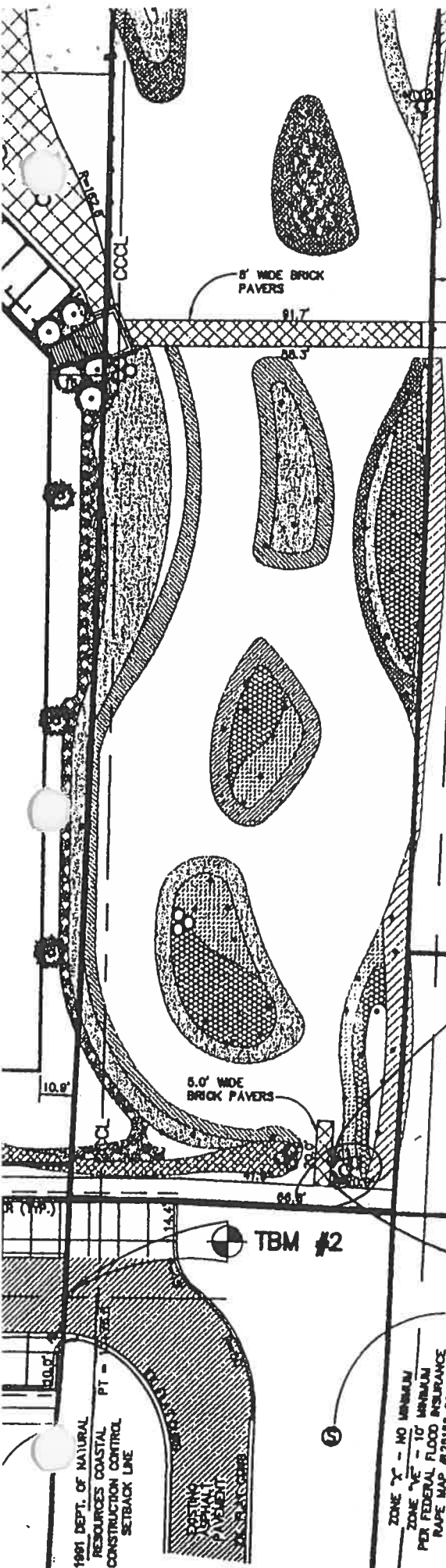
  
\_\_\_\_\_  
Tom Becnel                      DATE  
Agent for  
Silver Shells Beach Resort



**PUBLIC ENTRANCE**  
**TO**  
**JUNE DECKER PARK**  
**AND**  
**PEDESTRIAN WALKWAY**

*Ambrute* 22 MAR 2000

*Jim Recard*  
3/20/2000



ZONE X - NO MINIMUM  
 ZONE VE - 8' MINIMUM  
 PER FEDERAL FLOOD INSURANCE RATE  
 MAP #122158 COOZE (5 OF 10)  
 DATED JANUARY 2, 1992

ZONE VE - 8' MINIMUM  
 ZONE VE - 8' MINIMUM  
 PER FEDERAL FLOOD INSURANCE RATE MAP  
 MAP #122158 COOZE (5 OF 10)  
 DATED JANUARY 2, 1992

SIGN  
 LOCATION

*Shuman Beoral* 22 MAR 2000

NOT INCLUDED  
 LAND USE: VACANT  
 ZONING: BT  
 LAND USE CATEGORY: MU

*Shuman Beoral* 3/22/00

NOTE:  
 FINAL LANDSCAPING TO PROVIDE  
 25' WIDE PEDESTRIAN/E.M.S. PATH

NOTE:  
 ALL DIMENSIONS ARE TO FACE OF CURB  
 UNLESS OTHERWISE NOTED.

ZONE X - NO MINIMUM  
 ZONE VE - 10' MINIMUM  
 PER FEDERAL FLOOD INSURANCE  
 RATE MAP #122158 COOZ F  
 DATED JULY 3, 1996

1991 DEPT. OF NATURAL  
 RESOURCES COASTAL  
 CONSTRUCTION CONTROL  
 SETBACK LINE

POSTING  
 SIGNAL  
 PAVEMENT