



February 5, 1999

ORDER #99-03

Final Development Order:

TRANQUIL HARBOR CONDOMINIUM
A MAJOR DEVELOPMENT
(SP-98-52)

Based upon the City Council's approval of this Development Order, on January 25, 1999, 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: DAG Architects, Mr. Sam Blimling
Owner: Tranquil Harbor Developers, L.C., Ms. A. Delys Dearmon
Property Location: 604 Hwy 98, South and southeast corner of Benning Drive, previously known as Captain Jewel Melvin Restaurant.
Request: Approval of a Major Development identified as "Tranquil Harbor Condominium", consisting of one (1) three-story building containing eleven (11) residential units (long-term), with an underground parking garage.
Parcel Size: 0.529 acres more or less
Land Use Designation: MU (Mixed Use)
Zoning District: BT (Business Tourism)
Density: 20.86 units per acre (including 12 density bonus points added to the project)
Intensity: Floor Area Ratio equals 0.887
Application Date: November 2, 1998 (originally October 5, 1998)
TRC Date: October 21, 1998 and November 19, 1998
Approved Site Plan Date: December 7, 1998
Planning Commission Date: December 17, 1998
City Council Date: January 25, 1999

DETERMINATIONS:

1. A hearing was held by the Destin City Council on January 25, 1999, and approved the development by a unanimous vote; and

2. The Planning Commission considered the proposal on December 17, 1998, and recommended the City Council approve the proposed project as presented by staff. The motion passed by a 5-1 vote. Mr. Morgan voted in opposition and Ms. Drowne was absent; and
3. All the findings of the Technical Review Committee report October 21, 1998, November 19, 1998, and amended January 21, 1999, are incorporated herein.

CONDITIONS OF APPROVAL FOR TRANQUIL HARBOR CONDOMINIUM: A MAJOR DEVELOPMENT

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

1. Development and/or construction must commence within twelve (12) months of approval of the Development Order, on January 25, 1999, (no later than January 25, 2000) and must be completed as shown on plans approved by the Technical Review Committee.
2. The concurrency status of Tranquil Harbor Condominium is protected (for five years) through January 25, 2004, **IF condition Number 1 above is satisfied and should the developer stop building for a period exceeding one year from the date of the issuance of the last building permit, then all approvals become null and void for concurrency.** Construction permits must be obtained in accordance to Section 2.09.00 of the Land Development Code to maintain concurrency.
3. **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.**
4. Tranquil Harbor 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.
5. **Before the issuance of a building permit, a FDEP Stormwater Permit is required and must be submitted and reviewed by the City Engineer.**

6. **Before the issuance of a building permit, a FDOT Permit is required and must be submitted and reviewed by the City Engineer.**
7. **Before the issuance of a building permit, a COE Permit is required and must be submitted and reviewed by the City Engineer.**
8. **Before the issuance of a building permit for the private marina, Destin Harbor Board authorization must be submitted and reviewed by the Community Development Director and City Engineer.**
9. **Before the issuance of a certificate of occupancy, any damages to the existing and required five (5) foot sidewalk, adjacent to south right-of-way line of Hwy. 98, must be "bonded, replaced, or installed".**
10. **Before the issuance of a certificate of occupancy, the landscape material shall be inspected by the Community Development Department to insure compliance with the Development Order.**
11. **Requirements identified by the Technical Review Committee:**

**TECHNICAL REVIEW COMMITTEE REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
TRANQUIL HARBOR CONDOMINIUM
A MAJOR DEVELOPMENT
October 21, 1998, and November 19, 1998
*Amended January 21, 1999***

ISSUE

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Owner:	Tranquil Harbor Developers, L.C., Ms. A. Delys Dearmon
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DISCUSSION:

Tranquil Harbor Developers, L.C., Ms. A. Delys Dearmon, owner; DAG Architects, Mr. Sam Blimling, agent; request approval of a Major Development identified as "Tranquil Harbor Condominium", consisting of one (1) three-story building containing eleven (11) long-term residential units, with an underground parking garage.

The applicant further requests the approval of twelve (12) Density Bonus Points to allow eleven (11) residential units on 0.529 acres, rather than the ten (10) residential units allowed without the Density Bonus Points. The project is classified as a Major Development per the Land Development Code, Article 2, Section(s) 2.05.01.A.2. 10, & 11.

Staff has determined that the proposed request is compatible to the surrounding area. The applicant will demolish seven (7) existing long-term residential units and a restaurant. Both of these existing uses have vested trips. With the proposed redevelopment, the new single use of eleven (11) long-term residential units will generate less trips than the existing vested trips, resulting in a net positive gain for Segment "A" of seven (7) PM/PK HR trips. This has been reviewed and approved for concurrency purposes by the City's traffic consultant on November 30, 1998.

The proposed request is consistent with the Comprehensive Plan, Land Development Code, including the Compatibility review, Concurrency Management review, and LOS review.

The Technical Review Committee reviewed the project on October 21, 1998, and November 19, 1998, and approved the project with specific conditions and changes. These conditions and changes have been addressed by the applicant as of December 10, 1998.

ZONING/COMPREHENSIVE PLAN

The property is zoned BT (Business Tourism) with a Land Use Category of MU (Mixed Use). The proposed project complies with the City's Land Use Requirements.

COMPATIBILITY

North:	MU Land Use, BT Zoning: commercial, retail, lounge
South:	Destin Harbor
East:	MU Land Use, BT Zoning: office/residential, commercial
West:	MU Land Use, BT Zoning: commercial, retail, office

The project, as required by 7.09.00 of the Land Development Code, has undergone a compatibility review and meets the minimum code requirements. The General Compatibility Checklist and the following items were included in the compatibility review.

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

The proposed use and activity of a residential (long-term) condominium is a permitted use in the Mixed Use Future Land Use Category, as well as the BT Zoning District. The project contains a three-story residential (long-term) condominium, with an underground parking garage. The total building is 20,442 sq.ft. The building and use are compatible with the existing development pattern, the current zoning, and the existing future land use designation.

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

The proposed three-story residential (long-term) condominium building will be located 16' from the eastern, 60' from the northern, and 16' from the western, and 1' to 35' from the southern property lines (second and third floor balconies on the east end will be one (1) foot from the property line). The site, as well as the proposed building, meets all setback requirements and landscape buffer requirements. The building location, height, and floor area ratio comply the requirements of the Land Development Code, and is consistent with other development in the area.

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

The applicant will be providing both below grade and at-grade parking. The subject site also is removing two (2) existing driveways and creating a single, 27' wide access on Hwy 98, allowing adequate ingress and egress. There will be a total of 25 parking spaces, including one (1) handicap space. Additionally, there will be one loading space, as required by the LDC.

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

A traffic analysis, dated November 10, 1998, was conducted by J.E. Dorman & Associates, Inc. This report was reviewed by the City's traffic consultant. The City's traffic consultant determined that the end result, of not lowering the LOS for Segment "A" was achieved and supported. The City's traffic consultant also confirmed the demolition of seven (7) existing long-term residential units and a restaurant, would put vested trips back on the network. With the proposed redevelopment, the new single use of eleven (11) long-term residential units will generate less trips than the existing vested trips; resulting in a net positive gain for Segment "A" of seven (7) PM/PK HR trips. This has been reviewed and approved for concurrency purposes by the City's traffic consultant on November 30, 1998.

A review of the traffic generated, the hours of operation, the anticipated noise levels, and the proposed lighting plan indicates that the proposed project will be compatible with the surrounding development.

E) Alteration of light and air;

The current land use is residential (single and two story) and commercial (restaurant), while the propose redevelopment will be three stories. However, the City does not require specific tests for shadowing and lighting. The applicant is proposing eight (8) ground lights for the parking area and

thirteen (13) lights mounted within the trees. There will be no negative effect upon the alteration of light or air by this project.

F) Setbacks and buffers.

The site plan meets the open space and landscape requirements. The landscape requirements include a five (5) ft. common boundary (west and east), a ten (10) ft. frontage boundary (along Hwy 98), and a natural and improved vegetative buffer (south). The structure meets or exceeds the required setbacks. The location of the building and the required buffers minimize the impact of the development on the surrounding parcels.

DENSITY

The Mixed Use Future Land Use category allows 19.9 dwelling units (long-term) per acre. The proposed project contains 0.529 acres. The applicant is requesting a total of twelve (12) density bonus points to be awarded to this project in order to build an eleven (11) unit long-term residential condominium. The Community Development Director has determined that the request for density bonuses is valid, and has approved twelve (12) bonus points for this project. The equation for establishing density bonuses is found in Section 7.02 of the Land Development Code. This allows the following density:

Bonus Points Awarded	= 12	
DU's increase Factor	= 12 divided by 5	= 2.4
Bonus Percentage Factor	= 2.4 x 0.02	= 0.048
New Maximum DU's Allowed:	1.048 X 19.9	= 20.85
New Density (20.85) X parcel size (0.529 acres)		= 11.03 units

A complete analysis of the requested density bonus credits, submitted by the applicant, is included as an attachment to this report.

HEIGHT

The proposed project contains a three-story residential (long-term) condominium which has an approximate mean height of 37.5'+/- (as measured to the mean of the roof), and 42' to the peak of the roof. This is an allowable height in the BT Zoning District. There is no maximum allowable height in the BT Zoning District.

FLOOR AREA RATIO

The floor area ratio for the building is 0.887, no maximum is provided for long-term residential units.

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

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SUBDIVISION OR PUD - PLAT

A condominium plat and copy of the condominium documents is required prior to the issuance of a building permit, (other than demolition, clearing, or foundation permit). Condominium documents must provide evidence that the association will not allow short-term rentals.

AIRPORT PROTECTION

The subject site is not located within the airport protection area. NOTE: If construction necessitates the use of a crane, or other obstruction, which exceeds Federal Aviation Administration FAR 77 Standards (normally 200 feet above ground level), the applicant must request a variance from 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>Required</u>	<u>Provided</u>	<u>Buffers</u>
Front (North):	10'	60'	10' FPLA
Rear (South):	0'	1' to 35'	landscape buffer
Sides (West):	0'	16'	5' common boundary
Sides (East):	0'	16'	5' common boundary
Between Bldgs.:	10'	n/a	n/a

NOTE: The landscape buffers, 5' common boundary, and front perimeter boundary area must meet Code.

WHITE SANDS ZONE

The project is located within the White Sand Zone I , therefore, the White Sand Zone Ordinance applies to this project.

SIGNS

No signs are requested for this project. All future signage must comply with the Land Development Code, Appendix "A".

WATER/SEWER

Destin Water User's Inc. approved the project December 7, 1998.

FIRE DEPARTMENT REVIEW

The Fire Department approved the project in a letter dated November 19, 1998.

OKALOOSA GAS

Okaloosa Gas approved the project at the November 19, 1998, TRC meeting.

UNIVERSAL COM

Universal Com approved the project at the November 19, 1998, TRC meeting.

SPRINT

Sprint approved the project at the November 19, 1998, TRC meeting.

UTILITIES

Underground utilities are required.

STORMWATER

The City Engineer approved the project in a memorandum dated December 7, 1998, with 8 conditions. This memo is on file with the Community Development Department.

INGRESS/EGRESS

The applicant will be providing both below grade parking and at grade parking. The subject site also has a single 27' wide access on Hwy 98, allowing ingress and egress. This is an improvement over the current configuration, which has three (3) driveway openings. There will be a total of 25 parking spaces, including one (1) handicap space.

SIDEWALKS

A 5' wide sidewalk is required along Hwy 98. Prior to the issuance of a certificate of occupancy, the required sidewalk must be either installed or bonded. If any existing sidewalks are destroyed or damaged during construction, they must be repaired or replaced by the developer.

REFUSE COLLECTION

Trash collection is provided by dumpster service. The dumpster location is shown on the site plan.

LANDSCAPE

This project meets the landscape requirements as follows:

OPEN SPACE: 23,043sq.ft. of construction area x 18% = 4,147 sq.ft. **REQUIRED**
8,349 sq.ft. **PROVIDED**
= 36% open space provided

TREES REQUIRED:

Reforestation: 5 Perimeter: 7 Parking Lot: 8
Buffers: 0 Replacement of protected trees: 0

Protected Trees on Site (12" to 23" diameter): 0
Preserved Trees on Site (24" or more diameter): 0
Protected Trees being removed: 0
Preserved Trees being removed: 0
Protected Trees located in footprint: 0
Preserved Trees located in footprint: 0
Reforestation Credit for saved trees: 0
TOTAL TREES REQUIRED: 20
TOTAL TREES PROVIDED: 27

PARKING

Parking for the project is based on the following calculations:

Per code:

Residential: 2.25 spaces per unit (long-term multi-family)
2.25 x 11 Total = 24.75

TOTAL REQUIRED = 25 spaces including 1 handicapped

TOTAL PROVIDED = 25 spaces including 1 handicapped

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.

COMMENTS

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

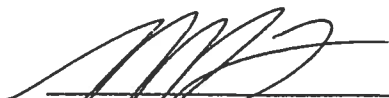
CONDITIONS


Per the City Engineer:

1. Provide copies of FDOT, FDEP, and COE permits and Destin Harbor Board authorization.
2. Exfiltration system must be inspected by the City Engineer prior to closing (covering up).
3. If groundwater is observed standing in any of the stormwater structures, the stormwater plan shall become void and a re-submittal shall be required for review and approval by the City Engineer.
4. Any lane closures on U.S. Hwy 98 must be approved by the City Engineer a minimum of 24 hours prior to closure. Closure during peak hours is prohibited. Peak hours are Monday through Thursday, 6-8 am and 4-6 pm; and Friday, 6-8 am and after 12 noon. Under no circumstances will U.S. Hwy 98 be used for loading/offloading of construction materials or equipment.
5. Handrails/fence around pool area.
6. ADA ramp required to pier/dock.
7. Construction plans for seawall must be submitted and approved prior to obtaining a building permit.
8. Submit an Operations & Maintenance Plan which shall be acknowledged and signed by the owner prior to obtaining a certificate of occupancy. It is not required prior to obtaining a development order or a building permit. The Operations and Maintenance Plan shall contain, among other things, the following statement: "Owner shall regrade swale/retention areas as required to maintain approved design cross-sections, line and grade."

Per the Community Development Director:

1. The applicant must provide a ten (10) foot conservation easement, along the Harbor, for the City's Harbor Walk.

 2/8/99
Robert P. Franke, AICP Date
Community Development Director

 2-12-99
Ms. A. Delys Dearmon, Date
Tranquil Harbor Developers, L.C.,
Owner