



November 10, 1998

ORDER # 98-24

Final Development Order:

98 PALMS -COMMERCIAL SUBDIVISION- LOTS 1&2 -
A MAJOR DEVELOPMENT

Based upon the City Council's conditional approval of this project on July 30, 1997, and the City Council's final approval of this project on June 8, 1998, 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 of Destin:

Background/Issue	
Applicant:	Henderson Beach Land Trust, land owner; Newton, Oldacre, McDonald, L.L.C., developer/authorized agent.
Property Location:	North side of US Highway 98 East, just to the east of the Shores Shopping Center.
Request:	Approval of a major development consisting of a 4 Lot commercial subdivision with Shopping Center, retail and office uses. The applicant proposes to develop Lots 1 and 2 at this time.
Parcel Size:	The current proposal consists of 19.06 acres in Lots 1 and 2 and an additional 4.27 acres for road right-of-way and private easements. Lot 3 contains 1.79 acres and Lot 4 contains 2.67 acres. For a total of 27.79 acres.
Land Use Designation:	C (Commercial)
Zoning District:	BT (Business Tourism)
Density:	N/A
Intensity:	FAR is approximately 0.166 (for Lots 1 and 2 only); max allowed is 1.07; no FAR is provided for Lots 3 or 4.
Application Date:	13 December 1996
Original City Council Approval:	City Council approved the project, subject to conditions on July 30, 1997.
TRC review of amendments:	April 23, 1998, May 14, 1998, May 26, 1998, & June 8, 1998
City Council Final Approval:	June 8, 1998
Site Plan date:	(site plan dated June 2, 1998, & signed June 3, 1998.)final master site plan dated September 2, 1998.

Determinations:

1. Quasi-judicial hearings were held by the Destin City Council on June 2, 1997, July 30, 1997, and June 8, 1998.
2. The City Council approved this development, with specific conditions, at its June 8, 1998, quasi-judicial hearing. These conditions are identified below.
3. The specific conditions (relating to the site plan) placed on the applicant by City Council in July 30, 1997, were: 1) concurrency is for the development of Lots 1 and 2 only; 2) concurrency for the proposed road infrastructure is for the entire project; 3) the driveway behind the Shores be designated as one-way north for a distance of approximately 100 to 150 feet and that 98 Palms developer install a median break to allow traffic to exit onto Gulf Shore Drive extension at this point; 4) the developer add a left turn lane off of Main Street onto 98 Palms Boulevard; and 5) that the street plan for the Gulf Shore Drive extension continue to provide the two southbound lanes on the Shores parcel. (See attached minutes).
4. An additional condition was placed upon the approval on July 30, 1997, to include the condition that "approval would be contingent upon either an agreement between the Shores owners and the applicant for the dedication of this right of way or a ruling by court jurisdiction; and if they have not commenced judicial proceedings within that period of time, the project is approved." (See attached minutes)
5. An agreement was reached between the applicant and the "Shores" owner (see attached letter, dated April 16, 1998, from Mary Kraemer to Robert P. Franke). The previously approved site plan changed due to this agreement; therefore, the City Council was asked to review the new site plan.
6. All the findings of the Technical Review Committee report are incorporated herein.

Conditions of Approval by City Council for the Final Development Order for 98 Palms Commercial Subdivision, Lots 1&2:

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

1. It is the City's determination that due to the length of time necessary to prepare this Development Order, development must commence within twelve (12) months of final approval of the Development Order language, on November 2, 1998, (no later than November 1, 1999); and
2. The concurrency status of 98 Palms is identified in the attached Technical Review Committee Report, dated May 1, 1997, as amended May 29, 1997, June 3, 1998, and June 8, 1998; and

3. The concurrency status of 98 Palms is protected for five (5) years through November 1, 2003, IF 98 Palms commences development within the above time period, beginning November 2, 1998, to November 1, 1999 (Note: construction permits must be received by November 1, 1999); and
4. City of Destin permits are required for the following activities on and off site:
 - a. disturbance to the City's rights of way
 - b. pavement cuts
 - c. construction of any kind
 - d. clearing and grubbing
 - e. signage
 - f. construction trailers
5. Lots 1 and 2 meet all concurrency requirements. Future development must meet all applicable concurrency requirements; and
6. Traffic concurrency is vested for Lot 1 through Lot 4 (this will vest trips for all DRI threshold development, as identified within the Traffic Analysis dated 8-18-98); and
7. Prior to the issuance of a building permit, an updated traffic analysis, for development up to the DRI threshold (Lots 1 through 4), must be submitted and approved by the Community Development Director; and
8. Prior to the issuance of a building permit, an updated Storm Water Management Plan must be submitted and approved by the City Engineer; and
9. Prior to the issuance of a building permit, a plat for the entire parcel must be submitted and approved by City Council; and
10. Prior to the issuance of a building permit, the site plan's "site data summary" table identifying square footage must be revised to be made consistent with both the square footage shown within each building footprint and the traffic analysis; and
11. Prior to the issuance of a building permit, the applicant must submit an updated site plan, based on City Council approval, and have the site plan found in compliance by Community Development Director; and
12. Prior to the issuance of a building permit, the applicant must request a "clearance letter" from the Department of Community Affairs, to remove any doubt that the project is not a Development of Regional Impact (DRI); and
13. All dedicated right-of-ways must meet City Code; and

14. The following provisions of the original conditional approval on July 30, 1997, have been superseded by the City Council action of June 8, 1998:
 - 1) concurrency is for the development of Lots 1 and 2 only; 2) concurrency for the proposed road infrastructure is for the entire project; 3) the driveway behind the Shores be designated as one-way north for a distance of approximately 100 to 150 feet and that 98 Palms developer install a median break to allow traffic to exit onto Gulf Shore Drive extension at this point; and 4) that the street plan for the Gulf Shore Drive extension continue to provide the two southbound lanes on the Shores parcel; and
15. The following provision of the original conditional approval on July 30, 1997, has been retained by the current City Council action of June 8, 1998: 1) the applicant shall add a left turn lane off of Main Street onto 98 Palms Boulevard; and
16. Prior to the issuance of a building permit, an approved, valid and current Florida Department of Environmental Protection (FDEP) permit for 98 Palms-Lots 1&2 must be presented to the City for the Stormwater Management Facilities; and
17. Prior to the issuance of a building permit, an approved, valid and current Florida Department of Transportation (FDOT) access permit for 98 Palms-curb cuts onto US Hwy 98 must be presented to the City for the ingress/egress off of U.S. Hwy 98; and
18. The improvements made as a result of the FDOT permit, referenced in paragraph #17 above, shall be made at the applicant's expense; and
19. Prior to the issuance of a building permit, an approved, valid and current Corps of Engineers (COE) permit for 98 Palms-Lots 1&2 must be presented to Community Development Department (if required by COE regulations); and
20. Prior to the issuance of a building permit, all handicap parking must meet ADA criteria i.e., handicapped individuals shall not be required to traverse parking or drive areas behind other parked vehicles, and verified by the City Engineer; and
21. Prior to the issuance of a building permit, the site plan must be reviewed by both Community Development Department and Engineering Department for consistency with the conditions of the City Council approval, the Development Order, the Land Development Code and the Comprehensive Plan; and
22. Prior to the issuance of a building permit, an official landscape plan must be reviewed and approved by the Community Development Department; and
23. The development of any lots, other than Lots 1&2, or structures other than those shown and approved on Lots 1&2, must be approved by the Technical Review Committee, Planning Commission, and receive City Council final approval, as a separate Development Order; and

24. Prior to the issuance of the Certificate of Occupancy, the applicant shall submit the Stormwater Operations and Maintenance Plan for approval by the City Engineer; and
25. Only that portion of the other lots necessary for maintaining site grading and utility construction shall be allowed; a grading plan shall be reviewed and approved by the City Engineer and Community Development Director prior to the issuance of a clearing permit; and
26. The proposed private drive known as "Gulf Shore Drive Extension," the western portion of 98 Palms Blvd. (80' proposed dedicated right-of-way), and the southern portion of Mattie Kelly Blvd (80' proposed dedicated right-of-way), as shown on the site plan for 98 Palms dated September 2, 1998, and submitted to the City of Destin on September 18, 1998, are to be constructed simultaneously with the construction of Phase I of 98 Palms. The eastern extension of 98 Palms Blvd, and the northern extension of Mattie Kelly Blvd. (80' proposed dedicated right-of-way), as shown on the site plan for 98 Palms dated September 2, 1998, as "proposed right-of-way", will be constructed as established in the phasing plan for any future development not vested for traffic concurrency subject to the provisions provided below.
 - a. The eastern extension of 98 Palms Boulevard (proposed 80' R-O-W) shall be extended and constructed across the applicants land to the east substantially as shown on the site plan for 98 Palms Shopping Center dated September 2, 1998, simultaneously with the development of any additional lot(s) not vested for traffic concurrency that front along or are adjacent to the proposed right-of-way of 98 Palms Boulevard.
 - b. The northern extension of Mattie Kelly Boulevard (proposed 80' R-O-W) shall be extended and constructed across the applicants land to the north substantially as shown on the site plan for 98 Palms Shopping Center dated September 2, 1998, simultaneously with the development of any additional lot(s) not vested for traffic concurrency that front along or are adjacent to the eastern side of the proposed right-of-way of Mattie Kelly Boulevard.
 - c. The eastern extension of 98 Palms Boulevard (proposed 80' R-O-W) shall be extended and constructed across the applicant's land to the east and the northern extension of Mattie Kelly Boulevard (proposed 80' R-O-W) shall be extended and constructed across the applicant's land to the north substantially as shown on the site plan for 98 Palms Shopping Center dated September 2, 1998, simultaneously with the development of any additional lot(s) not vested for traffic concurrency that front along or are adjacent to the western side of the proposed right-of-way of Mattie Kelly Boulevard.
 - d. The aforementioned provisions dealing with the proposed Mattie Kelly Boulevard and 98 Palms Boulevard rights-of-way shall not preclude the City from requiring extensions to either or both roads across the applicant's land substantially as shown

on the site plan for 98 Palms Shopping Center, dated September 2, 1998, as part of the approval of future development not vested for traffic concurrency, based upon legitimate planning justifications such as, but not limited to, concurrency and on-site traffic circulation.

- e. A note shall be included on the plat for this development delineating the requirements specified above regarding the extension of the proposed Mattie Kelly Boulevard and 98 Palms Boulevard rights-of-way.

27. Requirements identified by the Technical Review Committee.

**TECHNICAL REVIEW COMMITTEE REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
98 PALMS
A MAJOR DEVELOPMENT
US HIGHWAY 98 EAST, EAST OF THE SHORES SHOPPING CENTER
May 1, 1997, Amended May 29, 1997, June 3, 1998, and June 9, 1998**

ISSUE

Applicant: Henderson Beach Land Trust, land owner; Newton, Oldacre, McDonald, L.L.C., developer/authorized agent

Property Location: North side of US Highway 98 East, just to the east of the Shores Shopping Center

Request: Approval of a major development consisting of a 4 lot commercial subdivision with shopping center, retail, and office uses. The applicant proposes to develop Lots 1 and 2 at this time for a total of 137,881 sq. ft. of buildings

Parcel Size: The current proposal consists of 19.06 acres in Lots 1 and 2 and an additional 4.27 acres for road right-of-way and private easements. Lot 3 contains 1.79 acres and Lot 4 contains 2.67 acres. For a total of 27.79 acres.

Land Use Designation: C (Commercial)

Zoning District: BT (Business Tourism)

Density: N/A

Intensity: FAR is approximately 0.166 (for Lots 1 and 2 only); max allowed is 1.07; no FAR provided for Lots 3 or 4.

Application Date: 13 December 1996

Original City Council Approval Date: July 30, 1997

Subsequent City Council Approval: June 8, 1998

This project consists of the following parcels:

<u>PHASE I</u>	<u>Acreage</u>	<u>Building Gross Square Footage</u>	<u>Proposed Use</u>
Lot 1	14.79 acres	112,334 sq. ft.	Grocery Store and Shops
Lot 2	4.27 acres	<u>25,547 sq. ft.</u>	Retail/office
Total area	19.06 acres	137,881 sq. ft.	
R-O-W	<u>4.27 acres</u>	<u>0</u>	New Roads and Easements
Total	23.33 acres**	137,881 sq. ft.**	

** from site plan site data summary

<u>PHASE II</u>	<u>Acreage</u>	<u>Building Gross Square Footage</u>	<u>Proposed Use</u>
Lot 3	1.79 acres	10,000 sq. ft. approved	office & restaurant
Lot 4	2.67 acres	<u>12,000 sq. ft. approved</u>	retail & restaurant
Total	4.46 acres**	22,000 sq. ft.**	

** From Traffic Analysis data summary, dated 8-18-98, no site plan approval or Development Order approval, only traffic concurrency approval.

**NOTE: the applicant reserves the right to alter proposed uses, provided there is no net increase in trips generated, as identified in the Traffic Analysis, dated 8-18-98, and the uses are principal permitted uses within the zoning district.

ZONING/COMPREHENSIVE PLAN

The property is zoned BT (Business Tourism) and the Land Use Category is C (Commercial). The proposed project, Lots 1 & 2, complies with the Land Development Code. However, any future multi-family project in this development will require an amendment to the Future Land Use Map (FLUM).

COMPATIBILITY

North: Immediately to the north is the Gulf Power easement. North of the easement is industrial property and undeveloped residential (RGD) land.

South: US Highway 98 East. South of the road is a BT district.

West: The Shores Shopping Center in the BT district.

East: A vacant lot, zoned BT.

The City's Land Development Code requires major developments to undergo a compatibility review. During the project review, staff determined that the project met the minimum code requirements and the compatibility analysis establishes that the project will be compatible with adjacent and surrounding land uses. Staff reviewed the General Compatibility Checklist from the application package to review the compatibility of this proposed project. In addition, staff reviewed the proposed development in relationship to surrounding development in the immediate area on the following compatibility criteria:

- 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.

The proposed use and activities of the property for a shopping center and commercial space (both as retail and restaurants) is permitted in both the BT zoning district and the "C" Future Land Use category. The proposed structures will be low rise buildings (with none over 2 stories) which will be consistent with the existing commercial buildings in the surrounding area. The Shopping Center, located on Lot 1, will be set back off of US Highway 98 with adequate accessways being provided by the applicant. Three buildings will be located on Lot 2 and will be oriented towards US Highway 98 and Gulf Shore Drive. The dimensions, height and floor area ratio are compatible with the existing surrounding uses.

The applicant's design of the road infrastructure provides additional access for the project and will complete a segment of the proposed Azalea Corridor, with no public funds being expended in the construction. Also, Carlin Killam, Destin's previous traffic consultant, reviewed the applicant's traffic analysis and indicated that this project will not degrade the required LOS standards. In addition, there will be five curb cuts off of US Highway 98 and one off of Main Street providing direct access to 98 Palms. Lots 1 and 2 meet the City's parking requirements and provide adequate loading and service areas.

Per the amended site plan, a revised traffic analysis was provided, dated 8-18-98, by the applicant, prepared by Poole Engineering & Surveying, Inc. This traffic analysis was reviewed by the City's Traffic consultant, Hamilton Smith and Associates, who have made the following determination of this report (letter dated October 9, 1998):

"The US 98 Available Capacity Update as of March 1, 1998 shows sufficient trips available for Segments "A" and "B" to accommodate the project impact. More recent information developed for the City, regarding expired development orders, indicates additional capacity available on Segment "C", to accommodate the project impact."

The hours of operation are expected to be similar to the hours of the existing shopping centers in Destin. The site location is appropriate for the expected noise and lighting that will be generated by the project. With the Shores Shopping Center and Big Kahuna's located adjacent to the project, west

and east respectively, the development is similar in intensity. The Industrial property located directly to the north should not be unduly impacted by either noise or lighting at 98 Palms. US Highway 98 provides a break between the proposed 98 Palms project and the multi-family resort complexes and commercial activities to the south of the road. Here too, the existing commercial uses in this BT district will not be unduly affected by the 98 Palms project either due to similarity of use or hours of operation.

The design of the shopping center as a low rise complex should not materially alter the flow of air or light. The parcel is large enough that, as additional lots are proposed for development, the applicant can address these issues. Lots 1 and 2 meet all setback requirements in the LDC. There are no requirements for additional buffering on these two lots. When the north-eastern corner of the property is developed, the applicant will have to address buffering along the portion of property that is adjacent to the existing, generally undeveloped, RGD (Residential General Development) district.

RIGHTS-OF-WAY DEDICATION

This project is proposing to dedicate multiple new right of ways to the City. These include:

1. An east-west extension of Azalea Drive called "98 Palms Boulevard" - 80' width,
2. A north-south extension of Gulf Shore Drive, ending at an intersection with access to 98 Palms Boulevard- varies, but not less than a 50' width.
(NOTE: City Council, at its June 8, 1998, special meeting deleted this dedication.)
3. A north-south road on the eastern part of the project called "Mattie Kelly Boulevard"- 80' width.

Note: The intersection of "98 Palms Boulevard" and the extension of "Mattie Kelly Boulevard" will be constructed during a future phase, not this initial phase. From an access and safety review, the Fire Department acknowledged that they will be able to maneuver their vehicles through Lots 1 and 2 without the completion of this intersection as part of Phase 1. The Traffic Analysis also calculated the traffic capacity without the completion of this intersection in Phase 1. However, staff still recommends the completion of all roads during Phase I. Staff also recommends that the Gulf Shore Drive extension remain a public roadway, as identified in the City's Comprehensive Plan. (NOTE: The City Council, at their June 8, 1998, special meeting, allowed the Gulf Shore Drive extension to become a private roadway based on the agreement reached with the owner of the Shores Shopping Center. The Council did not require the completion of the proposed rights-of-way of in Phase I.)

MYLAR - SUBDIVISION OR PUD

A plat will have to be prepared for this commercial subdivision. The applicant will have to provide three copies of the Mylar to the City prior to issuance of building permits.

AIRPORT PROTECTION

Not applicable. 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 placed on file with the City of Destin prior to the crane, or other obstruction, penetrating the restricted airspace.

SETBACKS

The setbacks indicated here are for single story buildings:

	<u>Required</u>	<u>Provided</u>
Front:	10'	(100' +)
Side:	0'*FootnoteC&D	(50' +/- for buildings)
Rear:	0'*FootnoteC&D	(50' +/- for buildings)
Between Bldgs.	10'	(10' +)

Landscape buffers:

Sides:	5'*	Site plan will have to be submitted prior to issuance of a building permit, meeting all code provisions.
Rear:	5'*	
Front:	10'	

* For those parcels which abut residential districts the side and rear setbacks shall be minimum of 10' along the contiguous boundary with the residential district.

FLOOR AREA RATIO (FAR) - COMMERCIAL AREA

Maximum Floor Area Ratio allowed is 1.07; FAR on this project is 0.166 (refer to the table).

<u>Lot</u>	<u>Acreage</u>	<u>Building Gross Square Footage</u>	<u>FAR</u>	<u>Use</u>
Lot 1	14.79 acres	112,334 sq. ft.	0.17	Grocery Store and Shops
Lot 2	4.27 acres	25,547 sq.ft.	0.137	Retail/office
R-O-W	<u>4.27 acres</u>	<u>0</u>	<u>N/A</u>	New Roads
Total	19.05± acres (R-O-W not included)	137,881 sq. ft.	0.166	

*Note: no site plan or Development Order approval for Lot 3 or Lot 4, only traffic concurrency approved for Lots 3&4, per the Traffic Analysis dated 8-18-98.

DENSITY PROPOSED - RESIDENTIAL AREA

None proposed for Lots 1 through 4.

BUILDING HEIGHT

The applicant proposes to provide no more than a two-story building as part of this project.

CONCURRENCY MANAGEMENT

Concurrency requirements met for Lots 1 & 2:

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

WATER/SEWER

DWU approved the project as presented, in a letter dated March 27, 1997, with the following amendments:

1. All proposed 1 ½" meters will be upgraded to 2" meters;
2. The installation of the 10" tap on the water main will be performed by DWU;
3. All other taps, or line relocations are the responsibility of 98 Palms;
4. All lift stations will be installed and maintained privately; and
5. Provide DWU clarification as to the usage of some of the water and sewer lines shown in the center of the utility plan.

DWU added the below amendments to revised plans in a letter dated April 24, 1997:

1. Recommend water and sewer services going in to and out of buildings be alternating;
2. Recommend additional in-line valves for isolating water lines;
3. Lift stations need to meet Destin Water User's standards (Noted in revised Plans);
4. Need to reroute force main to tie into 10" force main parallel to US Hwy 98. (Noted in revised plans);
5. Sewer laterals not indicated for building pads A through D. (Noted in revised Plans); and
6. Stub-outs for lots 3 through 16 and the theater. (Per Previous Plans)

There is a second tap available off of Main Street if needed to support this project. These comments have been incorporated into 98 Palms' plans.

TRAFFIC ANALYSIS

A revised Transportation Concurrency report was conducted by Poole Engineering & Surveying, Inc., Tallahassee, Florida, and the report is on file in the Community Development Department. This report was submitted on April 24, 1997, the same day as the Technical Review Committee meeting. Carlin-Killam provided their report on May 20, 1997, which shows that this project meets concurrency requirements for the segments of US Highway 98. Poole Engineering submitted a revised traffic analysis on February 18, 1998, regarding a revised plan.

Per the amended site plan, a revised Traffic Analysis was provided, dated 8-18-98, by the applicant, prepared by Poole Engineering & Surveying, Inc. This Traffic Analysis was reviewed by the City's Traffic consultant, Hamilton Smith and Associates, who have made the following determination of this report (letter dated October 9, 1998):

"The US 98 Available Capacity Update as of March 1, 1998 shows sufficient trips available for Segments "A" and "B" to accommodate the project impact. More recent information developed for the City, regarding expired development orders, indicates additional capacity available on Segment "C", to accommodate the project impact."

INGRESS/EGRESS

There will be multiple access points for this project. The applicant is providing one entrance/exit (98 Palms Boulevard) off of Main Street and five access points (Gulf Shore Drive Extension, Mattie Kelly Boulevard, and three drive cuts) off of US Highway 98 East. While the applicant meets the

requirements of Section 8.04.01 of the LDC which requires 300 feet between access points on a Principle Arterial, staff recommends the reduction of at least one cut on US Highway 98 East to maintain traffic concurrency and traffic safety.

Michael Clary, a Principal Owner in the Shores Shopping Center, expressed, on May 29, 1997, the Shores Shopping Center's objection to the design of the intersection of Gulf Shore Drive Extension and US Highway 98 East. 98 Palms is proposing a turn lane onto an existing out parcel which is part of the Shores Shopping Center. This issue was debated at the July 30, 1997 City Council meeting. As a condition of approval, the City Council directed the applicant and the Shores owner to meet and attempt to reach an agreement on the entrance roadway configuration. That has been done, however, the agreement has not only reconfigured the initial part of the Gulf Shore Drive extension, but resulted in a redesign of several roadway segments. This final design was approved by the City Council on June 8, 1998. The revised site plan, dated September 2, 1998, received from the applicant on September 18, 1998, has been reviewed and approved by the City.

PARKING

The project meets the parking requirements based on the following standards:

<u>Lot</u>	<u>Building Gross Square Footage</u>	<u>Parking Use Requirement</u>	<u>Total Requirement</u>	<u>Provided</u>
Lot 1	112,334 sq. ft.	1 space for every 250 sq. ft. Shopping Center of gross floor area	449	584
Lot 2	25,547 sq. ft.	1 space for every 200 sq. ft. Retail/office of gross floor area	<u>128</u>	<u>154</u>
Total	137,881 sq. ft.		577	738

SIDEWALKS

Sidewalks are required on both sides of all existing and proposed roads. These must be installed as part of the infrastructure and be completed (bonded) and accepted by the City prior to the release of the Mylar and the issuance of any certificates of occupancy. (Sidewalks must be built or bonded)

REFUSE COLLECTION

Refuse collection will be provided by dumpster pick-up for all commercial activities in this project. Dumpster pads must be shown on the plans. The multi-family project will have to be addressed when actual architectural details become available for review.

WHITE SANDS ZONE

This southern 911.33 feet of the project along US Highway 98 East is in White Sands Zone Two and the applicant must meet requirements of Ordinance 029.1.

STORM WATER

The initial Storm Water Management Plan for the site has been reviewed by the City Engineer and approved on May 15, 1997. The applicant addressed and incorporated comments from the City Engineer at the March 27, 1997, and April 24, 1997, Technical Review Committee meetings.

Because of the redesign of the project, a new Storm Water Management Plan, including an updated Florida DEP permit, must be submitted and approved prior to issuance of building permits.

FIRE DEPARTMENT REVIEW

The project has been reviewed and approved by the Fire Department, which issued a letter of approval on April 24, 1997, for Phase I (Lots 1 and 2). The letter had a condition of placing three additional fire hydrants. These changes were indicated on drawings submitted on April 29, 1997. Any revisions to the site plan need to be reviewed by the Fire Department to ensure continued approval of the project.

UTILITIES

Underground utilities are required.

GULF POWER

The proposed project abuts the Gulf Power right-of-way on the northern property line. The applicant must acquire an agreement to use the right-of-way. The road infrastructure needs to be planned with the right-of-way. Gulf Power approves of the project other than these comments.

SIGNS

The updated site plan does not show any signs. They will have to be approved by the City following standard permitting procedures. No signs are approved with this Development Order. Furthermore, staff recommends the applicant provide a master sign plan applicable throughout the project.

LANDSCAPE

Individual site plans for each individual project must meet or exceed the landscape requirements.

The project provides the follows:

OPEN SPACE:

LOT 1:

644,252 s.f. of property x 18%	= 115,965 s.f. required
Site plan provides 19.4%	= 125,113 s.f. provided

LOT 2:

186,001 s.f. of property x 18%	= 33,480 s.f. required
Site plan provides 33.3%	= 61,924 s.f. provided

TREES REQUIRED: LOTS 1 and 2:

Reforestation <u>176</u> (1 per 1/10 acre)	Perimeter <u>193</u> (1 per 25')	Parking Lot <u>137</u> (Lots 1 and 2)
---	-------------------------------------	--

Protected Trees on Site (12" to 23" diameter):	<u>None</u>
Preserved Trees on Site (24" or more diameter):	<u>None</u>
Credits for Protected/Preserved Trees:	<u>0</u>
TOTAL TREES REQUIRED:	<u>521</u>

NOTE:

1) This includes reforestation and parking for Lots 1 and 2 only. Perimeter trees included are for lots 1-4. The applicant has not provided updated landscape plans.

2) A landscape plan must be submitted and approved prior to issuance of building permits, and said plan shall meet all City required landscaping requirements.

3) Lots in Phase II are to remain UNCLEARED until lots in Phase II receive individual development orders. However, only that portion of other lots necessary for maintaining site grading and utility construction, may be cleared by the developer, subject to the approval by the City Engineer and Community Development Director.

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

An updated DEP Stormwater Permit must be submitted prior to the issuance of a building permit.

DOT permits are required (City Engineer comments April 29, 1997). If site work requires dredging or filling, a USACE permit will be required.

GENERAL COMMENTS

The applicant confirmed at the June 8, 1998, special City Council Meeting that they will work with the City's Community Redevelopment Agency to help implement the Redevelopment Plan by coordinating the left turn lane on Main Street and the final location of "98 Palms Boulevard" through the project and its connection to Main Street.

There have been no objections filed with staff regarding this proposed development. However, on May 29, 1997, Michael Clary, a principal owner in the "Shores Shopping Center", objected to the intersection design of Gulfshore Extension and US Highway 98. The applicant and owner of the Shores have reached an agreement for the design of the Gulf Shore Drive extension.

The applicant should preserve as much of the existing dune as possible in the layout and landscaping design.

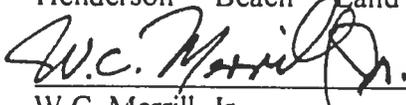
OUTSTANDING REQUIREMENTS

N/A


Robert P. Franke, AICP 11-19-98
DATE
Director of Community Development Department
City of Destin


Mr. Mark McDonald, or 11/23/98
DATE
Tom Newton, or
Bill Oldacre

And

Henderson Beach Land Trust,

W.C. Merrill, Jr. 11/25/98
DATE
Managing Partner

cc: City Clerk
City Land Use Attorney
Public Works
Permit Department
file

H:\p&z1\devorder\98plmdo3.wpd

