



# City of Destin

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December 3, 2002

Order No. 02-58

**Final Development Order:**

**“98 PALMS – PARCEL 4”  
A MAJOR DEVELOPMENT  
(SP-02-39)**

Based upon the City Council’s approval of this Development Order on November 18, 2002, 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:** Choctaw Engineering, Inc., on behalf of 98 Palms, Ltd., is requesting approval of a Major Development identified as “98 Palms – Parcel 4.”

**Request:** The proposed project consists of a 19,950 square foot building containing a 7,200 square foot restaurant and 12,750 square feet of retail space/shopping center.

**Location:** The proposed project will be generally located within the 98 Palms Shopping Center at the northwest corner of U.S Highway 98 East and Mattie Kelly Boulevard, more specifically known as Property Appraiser’s parcel I. D. No. 00-2S-22-0098-0000-0040.

**Parcel Size:** The property contains 2.67 acres, more or less.

**Future Land Use:** Commercial (C)

**Zoning District:** Business Tourism (BT)

**Density:** Not applicable

**Intensity:** Allowed: 1.07 Floor Area Ratio (FAR)  
Proposed: 0.172 FAR (per Code Definition: -0.298FAR)

**Application Date:** August 5, 2002

**TRC Date:** August 21, 2002

**Approved Site Plan Date:** October 1, 2002

**Planning Commission Date:** October 17, 2002

**City Council Date:** November 18, 2002

## DETERMINATIONS:

1. The Destin City Council held a hearing on November 18 2002. The City Council approved the development by a vote of 7-0. The recommended motion to approve the project as presented by staff, and documented in the TRC report, subject to all of the conditions identified within the report dated October 1, 2002, and amended November 12, 2002, and November 18, 2002.
2. The Planning Commission considered the proposal on September 5, 2002, and recommended that the City Council approve the proposed project as presented by staff. The motion passed by a vote of 7-0; and
3. All the findings of the Technical Review Committee report dated October 1, 2002, and amended November 12, 2002, and November 18, 2002, are incorporated herein.

## CONDITIONS OF APPROVAL FOR "98 PALMS – PARCEL 4": A MAJOR DEVELOPMENT (SP-02-39):

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

Construction must commence within twelve (12) months of approval of the Final Development Order on November 18, 2002 (no later than November 18, 2003).

**WARNING: If the applicant/owner has not obtained a construction permit(s) within 365 days of issuance of the final development order, the final development order is void and the application for plan approval must be re-initiated.**

**NOTE: An applicant/owner who desires to extend the twelve (12) month deadline shall submit a request to the Community Development Department, no less than sixty (60) days prior to the expiration of the twelve (12) month deadline to obtain a construction permit. The applicant /owner should review Article 2, Section 2.15.00, of the Destin Land Development Code for further explanation of the Development Order extension process.**

2. If the applicant fully complies with the requirements of Condition No. 1 above, the development order status is protected through November 18, 2007. **However, the protected development order concurrency status 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 so that concurrency is not maintained under section 6.02.00.B.3 of the Destin Land Development Code, or**
  - B. **Construction permit(s) are not obtained in accordance with Section 2.09.00 of the Land Development Code to maintain concurrency.**
3. The applicant must obtain City of Destin permits for the following activities on and off site (These may require appropriate bonding):
  - A. Disturbance of the City's right-of-way.
  - B. Pavement cuts.
  - C. Construction of any kind.

- D. Clearing, grubbing, or demolition.
  - E. Paving, grading, drainage, sidewalks.
  - F. Signage.
  - G. Installation of utilities.
  - H. Construction trailers.
4. **Prior to the issuance of the Development Order**, all outstanding costs associated with this project that are owed to the City must be paid in full.
  5. **Prior to the issuance of a Clearing/Grading Permit**, a clearing/grading plan must be submitted and approved by the Community Development Department.
  6. **Prior to the issuance of any Certificate of Occupancy**, all applicable impact fees must be paid.
  7. **Prior to the issuance of a Certificate of Occupancy**, the landscaping and outdoor lighting must be inspected and approved by the Community Development Department.
  8. Compatibility Analysis Conditions:
    - A. Any outdoor lighting plan must have illumination footcandle intensity equal to or less than other approved developments within the 98 Palms Shopping Center. All lighting must be shielded downward and away from adjacent properties in order to avoid spill-over and illumination into the night sky. The source of all illumination shall not be visible from off-site.
  9. Any additional revisions to the site plan must be reviewed and approved by the appropriate Technical Review Committee members and may be subject to a compatibility analysis if required pursuant to provisions stated within the approved Development Order, the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09] or if necessary as agreed upon by the City and the applicant prior to the issuance of the final development order.
  10. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be void and the revised stormwater plan shall be resubmitted for review and approval.
  11. **Prior to obtaining any city permit**, a copy of the FDEP Stormwater approval shall be forwarded to the City Engineer's office.
  12. **Prior to obtaining a Certificate of Occupancy**, the Stormwater Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltration areas and catch basins, and b) maintenance of vegetative cover in surface infiltration areas. Owner shall regrade swale/retention areas as required to maintain approved design cross-section(s), line(s), and grade(s).
  13. The project is in the White Sand Zone II. Prior to importing any fill material on the site, provide a sample of the fill to the City of Destin Environmental Officer for approval for White Sand Zone II use.

## TECHNICAL REVIEW COMMITTEE REPORT

### "98 PALMS – PARCEL 4" A MAJOR DEVELOPMENT (SP-02-39)

TRC Report: October 1, 2002, and amended November 12, 2002, and November 18, 2002

#### ISSUE:

**Applicant:** Choctaw Engineering, Inc.. on behalf of 98 Palms, Ltd.. is requesting approval of a Major Development identified as "98 Palms – Parcel 4."

**Request:** The proposed project consists of a 19,950 square foot building containing a 7,200 square foot restaurant and 12,750 square feet of retail space/shopping center.

**Location:** The proposed project will be generally located within the 98 Palms Shopping Center at the northwest corner of U.S Highway 98 East and Mattie Kelly Boulevard, more specifically known as Property Appraiser's parcel I. D. No. 00-2S-22-0098-0000-0040.

**Parcel Size:** The property contains 2.67 acres, more or less.

**Future Land Use:** Commercial (C)

**Zoning District:** Business Tourism (BT)

**Density:** Not applicable

**Intensity:** Allowed: 1.07 Floor Area Ratio (FAR)  
Proposed: 0.172 FAR (per Code Definition: -0.298FAR)

**Application Date:** August 5, 2002

**TRC Date:** August 21, 2002

**Approved Site Plan Date:** October 1, 2002

**Planning Commission Date:** October 17, 2002

**City Council Date:** November 18, 2002

#### DISCUSSION/FINDINGS:

Choctaw Engineering, Inc., on behalf of 98 Palms, Ltd.. is requesting approval of a Major Development identified as "98 Palms-Parcel 4." The proposed project consists of a 19,950 square foot building containing a 7,200 square foot restaurant and 12,750 square feet of retail space/shopping center. The proposed project will be generally located within the 98 Palms Shopping Center at the northwest corner of U.S Highway 98 East and Mattie Kelly Boulevard, more specifically known as Property Appraiser's parcel I. D. No. 00-2S-22-0098-0000-0040. The property contains 2.67 acres, more or less.

The proposed project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements with conditions as described on pages 8 and 9 of this report. Refer to the attached Compatibility Analysis from the City's Compatibility Consultant, Mr. Les Solin, and dated October 10, 2002.

The proposed request is consistent with the Comprehensive Plan and Land Development Code, which include a Compatibility review, Concurrency Management review, and a Level of Service review. This project is located within the Community Redevelopment Area.

The Technical Review Committee (TRC) reviewed and approved the project with specific conditions.

**COMPREHENSIVE PLAN/ZONING:**

The property currently has a Future Land Use designation of Commercial (C) and a Zoning designation of Business Tourism (BT). The proposed use is consistent with the C Future Land Use designation and is a permitted principal use within the BT zoning district.

**COMPATIBILITY:**

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements with conditions. Refer to the attached complete Compatibility Analysis from the City's Compatibility Consultant: Mr. Les Solin dated October 10, 2002.

**DENSITY:**

Not applicable.

**HEIGHT:**

The BT Zoning District does not have a maximum building height. Building height in this district is determined by a compatibility analysis. Refer to the attached complete Compatibility Analysis Report from Les Solin, dated October 10, 2002, which finds the proposed project conditionally compatible with the surrounding area in regards to height.

**FLOOR AREA RATIO:**

The C Future Land Use designation has a maximum floor area ratio (FAR) of 1.07.

The FAR calculation methodology as defined in Article 3, Section 3.00.01 "Floor Area Ratio" of the Destin Land Development Code is as follows:

$$\frac{(\text{Total gross floor area}) - (\text{Total square feet of required setbacks and open space} + \text{parking})}{\text{Total square feet of site}} = \text{FAR}$$

$$\frac{19,950 \text{ sq. ft.} - 54,642 \text{ sq. ft.}}{116,305 \text{ sq. ft.}} = \text{FAR}$$

$$-34,692 \text{ sq. ft.} / 116,305 \text{ sq. ft.} = -0.298 \text{ FAR}$$

Utilizing the formula as defined above, the FAR of -0.298 is below the maximum of 1.07 and thus is in compliance.

Utilizing the more common FAR calculation methodology as proposed in the Comprehensive Plan update results in an FAR of 0.29, which is also below 1.07 and is calculated as follows:

$$\text{Total square feet of existing and proposed buildings} / \text{square feet of subject parcel} = \text{FAR}$$

$$19,950 \text{ sq. ft.} / 116,305 \text{ sq. ft.} = 0.17 \text{ FAR}$$

**RIGHT-OF-WAY DEDICATION:**

No right-of-way dedication is required for this project.

**CONCURRENCY MANAGEMENT:**

Concurrency requirements have been met:

Solid Waste: **X**

Potable Water: **X**

Sanitary Sewer: **X**

Traffic: **X**

Stormwater Management: **X**

**TRAFFIC ANALYSIS:**

According to the traffic review conducted by the City's traffic consultant, Renaissance Planning Group, Inc., the proposed development will generate 4 additional PM Peak Hour directional trips on Segment "A", 3 additional PM Peak Hour directional trips on Segment "B", and 2 additional PM Peak Hour directional trips on Segment "C." As of the date of the approval, Segment "A" had 489 PM Peak Hour directional trips available, Segment "B" had 571, and Segment "C" had 328. Therefore, traffic concurrency is satisfied for this project.

**SUBDIVISION OR PUD - PLAT:**

Not applicable.

**WHITE SANDS ZONE:**

The proposed project is located within White Sand Zone II.

**PHASING:**

This proposed development is not to be phased.

**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 the FAA for temporary encroachment into this restrictive area and a copy of a 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 proposed buildings meet and exceed all of the required setbacks for the Business Tourism (BT) Zoning District.

	<b><u>Required</u></b>	<b><u>Buffers</u></b>	<b><u>Provided</u></b>
Front (south):	0'	10' FP	89.02' including the 10' FP
Front (east):	0'	10' FP	90.30' including the 10' FP
Side (north):	0'	5' CB	69.50' including the 5' CB
Side (west):	0'	5' CB	85.01' including the 5' CB
Between Bldgs.:	10'	N/A	N/A

Note: 10' FP = 10' Front Perimeter Landscaped Area, 10' VB = 10' Vegetative Buffer Area, and 5' CB = 5' Common Boundary Landscaped Area. The following buffers are required: the standard, a ten (10) foot front perimeter landscape buffer on the southern and eastern property lines and a five (5) common boundary buffer along the northern and western property lines.

**SIGNS:**

No sign approval is part of this application. All future signs must comply with the applicable section of the Destin Land Development Code in effect at the time a sign application is submitted.

**COX COMMUNICATIONS:**

Cox Communications approved the project in a letter dated August 19, 2002.

**DESTIN FIRE CONTROL DISTRICT:**

The Destin Fire Control District approved the project in a letter dated August 21, 2002.

**GULF POWER:**

Gulf Power approved the project in a letter dated August 21, 2002.

**OKALOOSA GAS:**

Okaloosa Gas approved the project in a letter dated August 21, 2002.

**SPRINT:**

Sprint approved the project in a letter dated August 15, 2002.

**NEWSOUTH COMMUNICATIONS:**

Newsouth Communications approved the project at the August 21, 2002, meeting.

**WATER/SEWER PROVIDER:**

Destin Water Users, Inc. approved the project in a letter dated September 18, 2002.

### **UTILITIES:**

Underground utilities are required.

### **STORMWATER:**

The City Engineer approved the stormwater plan in a letter dated October 1, 2002, and had the following stormwater related conditions:

1. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be void and the revised stormwater plan shall be resubmitted for review and approval.
2. **Prior to obtaining any city permit**, a copy of the FDEP Stormwater approval shall be forwarded to the City Engineer's office.
3. **Prior to obtaining a Certificate of Occupancy**, the Stormwater Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltration areas and catch basins, and b) maintenance of vegetative cover in surface infiltration areas. Owner shall regrade swale/retention areas as required to maintain approved design cross-section(s), line(s), and grade(s).

### **INGRESS/EGRESS:**

There are three proposed ingress/egress drives for the proposed development. A two-way accessway off of both of the existing western side and northern side drives shall be provided. A third 27' two-way drive at the northeast corner of parcel 4 and located off of Mattie Kelly Boulevard right-of-way shall be provided.

The proposed ingress/egress points meet the requirements of the Destin Land Development Code.

### **REFUSE COLLECTION:**

Refuse collection is to be provided by dumpster service. The proposed dumpsters will be screened by at least a six-foot tall and gated enclosure.

### **SIDEWALKS:**

If any existing sidewalks are destroyed or damaged during construction, they must be repaired or replaced by the developer. All proposed internal pathways and pedestrian connections must be maintained on site.

**LANDSCAPE:**

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

**Open Space Requirements:**

116,305 sq. ft. of property x 18 % required = 20,934.90 sq. ft. required  
116,305 sq. ft. of property x 29.47 % provided = 34,281.00 sq. ft. provided

**Tree Requirements:**

Credits for Existing Trees (2" to 6" diameter) on Site (0 trees x 2 credits per tree):	0
Credits for Existing Trees (7" to 12" diameter) on Site (0 trees x 3 credits per tree):	0
Credits for Existing Trees (13" to 19" diameter) on Site (0 trees x 4 credits per tree):	0
Credits for Existing Trees (20" to 24" diameter) on Site (0 trees x 5 credits per tree):	0
Total Reforestation Credits for saving Existing, Protected, or Preserved Trees:	<u>0</u>
Reforestation Trees (1 per every .10 of an acre: 2.67 x 10 = 27) Required on Site:	<u>27</u>
<b>Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:</b>	<b><u>27*</u></b>

\*Note: Per the Land Development Code, credit shall be received on the reforestation requirement of this section by preserving existing trees. Trees required for reforestation are in addition to other required trees within Article 12, Section 12.04.04.C.

Total Reforestation Trees Required on Site:	27
Front Perimeter Trees (1 per 25') Required on Site:	27
Parking Lot Trees (1 per end row and landscape island) Required on Site:	27
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site:	0
Replacement Trees (removal of trees over 12" d.b.h.) Required on Site:	0
(Conditional Compatibility Vegetation):	<u>0</u>
<b>TOTAL TREES REQUIRED:</b>	<b>81</b>
<b>TOTAL TREES PROVIDED:</b>	<b>81</b>

A five (5) foot Common Boundary Landscape Area is required along eastern, western, and southern property lines. A ten (10) foot Front Perimeter Landscape Area is required along the southern and eastern property lines. The required five (5) foot Common Boundary landscaping along the northern and western property lines shall provide a minimum of fifty percent (50%) opacity for that area between the finished grade level at the common boundary line and six (6) feet above said level and horizontally along the length of all common boundaries within three (3) years of planting. The required ten (10) foot Front Perimeter Landscape Buffer shall provide one (1) tree per twenty-five (25) linear feet of buffer. All required trees must be a minimum of six (6) feet high at time of planting and reach a crown of twenty (20) feet at maturity. If the twenty (20) foot crown requirement is not met, additional trees shall be added and grouped together to meet the twenty (20) foot crown. If shrubs are used in the required buffer areas, they must be a minimum of twelve (12) inches in height when measured immediately after planting. **WARNING: A Certificate of Occupancy will not be issued until the required landscape material per the approved landscape plan has been inspected and approved by the Community Development Department.**

**PARKING:**

The project meets or exceeds the parking requirements of the Destin Land Development Code as indicated on the approved plans.

Per code:

Restaurant: 1 space per 75 square feet of gross floor area

Shopping Center: 1 space per 250 square feet of gross floor area

Per site plan:

Restaurant: 1 space per 75 square feet of gross floor area

**7,200 sq. ft. / 75 = 96 parking spaces**

Shopping Center: 1 space per 250 square feet of gross floor area

**12,750 sq. ft. / 250 = 51 parking spaces**

**TOTAL REQUIRED: 147 parking spaces (including 4 handicap spaces)**

**TOTAL PROVIDED: 152 parking spaces (including 4 handicap spaces)**

**LOADING SPACE (ZONE):**

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

**TOTAL REQUIRED: 2 loading space**

**TOTAL PROVIDED: 2 loading space**

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

1. A Florida Department of Environmental Protection general notice permit (for stormwater).

**IMPACT FEES:**

The following impact fee amounts are preliminary. Final impact fee amounts will be determinant upon whether exemption or credits are applicable. Any claims for exemption or credits must be made no later than the time of application for a Certificate of Occupancy per phase. Refer to Article 19 of the Destin Land Development Code for specifics regarding impact fees. The owner/applicant must pay the impact fees prior to the issuance of a Certificate of Occupancy:

Police Protection: The police protection impact fees were calculated using the "Non-residential – U.S. 98 Corridor Retail per 1,000 sq. ft. = \$47.59" and "Eating/Drinking per 1,000 sq. ft. = \$246.04."

Retail:

$(12,750 \text{ sq. ft.} \times \$47.59) / 1,000 = \$606.77$

Eating/Drinking:

$(7,200 \text{ sq. ft.} \times \$246.04) / 1,000 = \$1,771.49$

**Total for Police Protection: \$2,378.26**

**Road:** The road impact fees were calculated using the "Retail under 100,000 sq. ft. (per 1,000 sq. ft.) = \$2,142.00" and "Quality Restaurant (per 1,000 sq. ft.) = \$5,125.00."

Retail < 100,000 sq. ft. (per 1,000 sq. ft.):

$$(12,750 \text{ sq. ft.} \times \$2,142.00) / 1,000 = \$27,310.50$$

Quality Restaurant (per 1,000 sq. ft.)

$$(7,200 \text{ sq. ft.} \times \$5,125.00) / 1,000 = \$36,900.00$$

**Total for Road: \$64,210.50**

Parks:	=	0
Public Library: (not applicable)	=	0
Police Protection:	=	\$2,378.26
Roads:	=	\$64,210.50
<b>TOTAL:</b>	=	<b>\$66,588.76</b>

**OTHER FEES:**

The fees listed below are based on the most recent information available and are required to be paid by the applicant as part of the cost recovery associated with the proposed project:

City Traffic Consultant:	\$148.62
City Compatibility Consultant:	Paid
City Surveyor:	N/A
Administrative Costs:	\$15.60
Planning Commission Advertising:	\$61.50
City Council Advertising:	\$99.22

**TOTAL (as of 12/2/02) = \$324.94**

**COMMENTS/CONDITIONS:**

Public Input:

No public comments have been presented to staff at the time of this report.

Per Community Development Department:

1. **Prior to the issuance of the Development Order**, all outstanding costs associated with this project that are owed to the City must be paid in full.
2. **Prior to the issuance of a Clearing/Grading Permit**, a clearing/grading plan must be submitted and approved by the Community Development Department.
3. **Prior to the issuance of any Certificate of Occupancy**, all applicable impact fees must be paid.
4. **Prior to the issuance of a Certificate of Occupancy**, the landscaping and outdoor lighting must be inspected and approved by the Community Development Department.

