



# City of Destin

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July 7, 2003

Order No. 03-19

**Final Amended Development Order:**

**“98 PALMS – PARCEL 4, 1<sup>st</sup> AMENDMENT”  
A MINOR DEVIATION TO A PREVIOUSLY  
APPROVED MAJOR DEVELOPMENT  
(SP-03-02)**

Based upon the City's approval of this Final Amended Development Order on July 2, 2003, this document will serve as your Final Amended 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 Minor Deviation to a previously approved Major Development identified as “98 Palms – Parcel 4, 1<sup>st</sup> Amendment.”

**Request:** The proposed amendment consists of adding an outdoor patio, revising the parking layout, and revising the grading of the site.

**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: 0.175 FAR (per Code Definition: -0.295FAR)

**1<sup>st</sup> Amendment Application Date:** February 7, 2003

**1<sup>st</sup> Amendment Approved Site Plan Date:** July 2, 2003

**DETERMINATIONS:**

1. All of the findings of the Final Development Order No. 02-58 are incorporated herein; and
2. All the findings of the Technical Review Committee report dated October 1, 2002, amended November 12, 2002, November 18, 2002, and July 2, 2003, are incorporated herein.

**CONDITIONS OF APPROVAL FOR "98 PALMS – PARCEL 4, 1<sup>st</sup> AMENDMENT": A MINOR DEVIATION TO A PREVIOUSLY APPROVED MAJOR DEVELOPMENT (SP-03-02):**

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

Construction must commence within one (1) year of approval date (date from which the Final Amended Development Order is issued by the Community Development Department) of the Final Amended Development Order on July 7, 2003 (no later than July 7, 2004), and must be completed as shown on plans approved by the Technical Review Committee.

**WARNING: If the applicant/owner has not obtained a building permit(s) or has not commenced construction within one (1) year of issuance of the final development order, the final development order will become null and void and the application for plan approval must be re-initiated.**

**NOTE: An applicant/owner who desires to extend the twelve (12) month (1 year) deadline must submit a request to the Community Development Department, no less than thirty (30) days prior to the expiration of the twelve (12) month deadline to obtain a building permit and commence construction. The applicant may receive only one extension, and such extension shall not exceed one year. The applicant /owner should review Article 2, Section 2.15.00, of the Destin Land Development Code and City Ordinance 02-06-LC for further explanation of the Development Order extension process.**

2. If the applicant fully complies with the requirements of Condition No. 1 above, the concurrency capacity allocation status for "98 Palms – Parcel 4, 1<sup>st</sup> Amendment" will be protected. However, the protected 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 Amended Development Order**, any and all outstanding costs associated with this project that are owed to the City must be paid in full.
5. **Prior to the issuance of any Certificate of Occupancy**, all applicable impact fees must be paid.
6. **Prior to the issuance of a Certificate of Occupancy**, the landscaping and outdoor lighting must be inspected and approved by the Community Development Department.
7. **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.
8. 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.
9. 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.
10. **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).
11. 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, 1<sup>st</sup> AMENDMENT" A MINOR DEVIATION TO A PREVIOUSLY APPROVED MAJOR DEVELOPMENT (SP-03-02)

TRC Report: October 1, 2002, amended November 12, 2002,  
November 18, 2002, and July 2, 2003

#### ISSUE:

- Applicant:** Choctaw Engineering, Inc., on behalf of 98 Palms, Ltd., is requesting approval of a Minor Deviation to a previously approved Major Development identified as "98 Palms – Parcel 4, 1<sup>st</sup> Amendment."
- Request:** The proposed amendment consists of adding an outdoor patio, revising the parking layout, and revising the grading of the site.
- 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: 0.175 FAR (per Code Definition: -0.295FAR)
- 1<sup>st</sup> Amendment Application Date:** February 7, 2003
- 1<sup>st</sup> Amendment Approved Site Plan Date:** July 2, 2003

#### DISCUSSION/FINDINGS:

Choctaw Engineering, Inc., on behalf of 98 Palms, Ltd., is requesting approval of a Minor Deviation to a previously approved Major Development identified as "98 Palms-Parcel 4, 1<sup>st</sup> Amendment." The proposed amendment consists of adding an outdoor patio, revising the parking layout, and revising the grading of the site. 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:**

No change to this section of the previously approved development order.

**COMPATIBILITY:**

No change to this section of the previously approved development order.

**DENSITY:**

Not applicable.

**HEIGHT:**

No change to this section of the previously approved development order.

**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:

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

$$\frac{20,376 \text{ sq. ft.} - 54,642 \text{ sq. ft.}}{116,305 \text{ sq. ft.}} = \text{FAR}$$

$$-34,692 \text{ sq. ft.} / 116,305 \text{ sq. ft.} = -0.295 \text{ FAR}$$

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 -0.295, which is also below 1.07 and is calculated as follows:

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

$$20,376 \text{ sq. ft.} / 116,305 \text{ sq. ft.} = 0.18 \text{ FAR}$$

**RIGHT-OF-WAY DEDICATION:**

No change to this section of the previously approved development order.

**CONCURRENCY MANAGEMENT:**

Concurrency requirements have been met:

Solid Waste: **X**

Potable Water: **X**

Sanitary Sewer: **X**

Traffic: **X**

Stormwater Management: **X**

**TRAFFIC ANALYSIS:**

No change to this section of the previously approved development order.

**SUBDIVISION OR PUD - PLAT:**

No change to this section of the previously approved development order.

**WHITE SANDS ZONE:**

No change to this section of the previously approved development order.

**PHASING:**

No change to this section of the previously approved development order.

**AIRPORT PROTECTION:**

No change to this section of the previously approved development order.

**SETBACKS:**

No change to this section of the previously approved development order.

**SIGNS:**

No change to this section of the previously approved development order.

**COX COMMUNICATIONS:**

No change to this section of the previously approved development order.

**DESTIN FIRE CONTROL DISTRICT:**

No change to this section of the previously approved development order.

**GULF POWER:**

No change to this section of the previously approved development order.

**OKALOOSA GAS:**

No change to this section of the previously approved development order.

**SPRINT:**

No change to this section of the previously approved development order.

**NEWSOUTH COMMUNICATIONS:**

No change to this section of the previously approved development order.

**WATER/SEWER PROVIDER:**

Destin Water Users, Inc. approved the project in a letter dated July 2, 2003.

**UTILITIES:**

Underground utilities are required.

**STORMWATER:**

The City Engineer approved the stormwater plan in a letter dated February 19, 2003, 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:**

No change to this section of the previously approved development order.

**REFUSE COLLECTION:**

No change to this section of the previously approved development order.

**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 28.3 % provided = 32,869.00 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:	25
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>79</b>
<b>TOTAL TREES PROVIDED:</b>	<b>79</b>

A five (5) foot Common Boundary Landscape Area is required along the western and northern 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:**

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

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

**Per site plan:**

**The Shopping Center is a total of 20,376 sq. ft.**

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

**12,550 sq. ft. + 4,075 sq. ft. (20% of 20,376 sq. ft total gross floor area allowed as restaurant)  
/ 250 = 67 parking spaces**

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

**3,751 sq. ft. (gross floor area above the 20% allowed as restaurant) / 75 = 50 parking spaces**

**TOTAL REQUIRED: 117 parking spaces**

**TOTAL PROVIDED: 150 parking spaces (including 6 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 spaces**

**TOTAL PROVIDED: 2 loading spaces**

**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:**

$$[(12,550 \text{ sq. ft.} + *4,075 \text{ sq. ft.})(\$47.59)] / 1,000 = \$791.18$$

**\*20% of 20,376 sq. ft. total gross floor area allowed as restaurant per definition of “Shopping Center” (Article 3, Section 3.00.00 of the LDC)**

**Eating/Drinking:**

$$(*3,751 \text{ sq. ft.} \times \$246.04) / 1,000 = \$922.90$$

**\*Remaining project gross floor area above the allowable 20% as restaurant in a Shopping Center**

**Total for Police Protection: \$1,714.08**

**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.):**

$$[(12,550 \text{ sq. ft.} + *4,075 \text{ sq. ft.})(\$2,142.00)] / 1,000 = \$35,610.75$$

**\*20% of 20,376 sq. ft. total gross floor area allowed as restaurant per definition of “Shopping Center” (Article 3, Section 3.00.00 of the LDC)**

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

$$(*3,751 \text{ sq. ft.} \times \$5,125.00) / 1,000 = \$19,223.88$$

**\*Remaining project gross floor area above the allowable 20% as restaurant in a Shopping Center**

**Total for Road: \$54,834.63**

Parks:	=	0
Public Library: (not applicable)	=	0
Police Protection:	=	\$1,714.08
Roads:	=	\$54,834.63
<b>TOTAL:</b>	=	<b>\$56,548.71</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:	<b>Paid</b>
City Compatibility Consultant:	<b>Paid</b>
City Surveyor:	N/A
Administrative Costs:	<b>Paid</b>
Planning Commission Advertising:	<b>Paid</b>
City Council Advertising:	<b>Paid</b>

**TOTAL (as of 3/10/03) = \$0.00**

**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 Amended Development Order, any and all outstanding costs associated with this project that are owed to the City must be paid in full.**
2. **Prior to the issuance of any Certificate of Occupancy, all applicable impact fees must be paid.**
3. **Prior to the issuance of a Certificate of Occupancy, the landscaping and outdoor lighting must be inspected and approved by the Community Development Department.**
4. **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.**
5. **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.**

