



# City of Destin

---

October 1, 2003

Order No. 03-28

**Final Development Order:**

**“BIG KAHUNA’S ENTRY RENOVATION”  
A MAJOR DEVELOPMENT  
(SP-03-19)**

Based upon the City Council’s approval of this development order on September 15, 2003, 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 Big Kahuna, Inc., dba Festival Fun Parks, LLC, is requesting approval of a Major Development identified as “Big Kahuna’s Entry Renovation.”

**Request:** The proposed development consists of removing and replacing existing retail, restrooms, bathrooms, and locker areas, updating some of the parking, and removing various “Kiddie Rides” and replacing them with a new 1,021 sq. ft. “Pro-Bowl Slide.”

**Location:** The proposed development is located at 1007 U.S. Highway 98 East.

**Parcel Size:** The total proposed site area is 23.3 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: 0.02 FAR (per Code Definition: -0.60 FAR)

**Application Date:** June 2, 2003

**TRC Date:** June 18, 2003

**Approved Site Plan Date:** August 28, 2003

**City Council Date:** September 15, 2003

**DETERMINATIONS:**

1. The Destin City Council held a public hearing on September 15, 2003. The Council voted unanimously, 7-0, to approve the project as presented in the agenda package and subject to all applicable conditions identified within the TRC report dated August 28, 2003, amended September 16, 2003, and as identified within the Final Development Order, and contingent upon payment of all outstanding fees prior to the issuance of the Development Order.

2. All the findings of the Technical Review Committee report dated August 28, 2003, are incorporated herein.

**CONDITIONS OF APPROVAL FOR "BIG KAHUNA'S ENTRY RENOVATION" A MAJOR DEVELOPMENT (SP-03-19):**

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 Development Order is issued by the Community Development Department) of the Final Development Order on October 1, 2003 (no later than October 1, 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 "Big Kahuna's Entry Renovation" 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 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 Certificate of Occupancy**, the landscaping and outdoor lighting, if installed, must be inspected and approved by the Community Development Department. The lighting plan must provide specifications for the proposed outdoor lighting, including photometrics. All lighting must be shielded downward and away from adjacent properties in order to avoid spill-over and illumination into the night sky.
6. 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.
7. An 80-foot wide transportation corridor is proposed along the full length of the northern boundary of this development. **Prior to obtaining any city permit for construction**, this area shall be shown on the site plan as a right-of-way dedicated to the City of Destin. Also, **prior to obtaining any city permit for construction**, City Staff and the City Council must approve the dedication and accept the 80 feet of land south of the development's northern boundary line for use as a right-of-way for a proposed transportation corridor.
8. **Prior to obtaining any city permit**, a copy of the FDEP stormwater and NPDES approvals shall be forwarded to the City Engineer's office.
9. Maintain the minimum handicap accessibility of 44" wide access between the handicap signs in the parking lot.
10. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be deemed to be in non-compliance and a revised stormwater plan shall be re-submitted for review and approval.
11. **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).

## TECHNICAL REVIEW COMMITTEE REPORT

### "BIG KAHUNA'S ENTRY RENOVATION" A MAJOR DEVELOPMENT (SP-03-19)

TRC Report: August 28, 2003, and amended September 16, 2003

#### ISSUE:

**Applicant:** Choctaw Engineering, Inc., on behalf of Big Kahuna, Inc., dba Festival Fun Parks, LLC, is requesting approval of a Major Development identified as "Big Kahuna's Entry Renovation."

**Request:** The proposed development consists of removing and replacing existing retail, restrooms, bathrooms, and locker areas, updating some of the parking, and removing various "Kiddie Rides" and replacing them with a new 1,021 sq. ft. "Pro-Bowl Slide."

**Location:** The proposed development is located at 1007 U.S. Highway 98 East.

**Parcel Size:** The total proposed site area is 23.3 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: 0.02 FAR (per Code Definition: -0.60 FAR)

**Application Date:** June 2, 2003

**TRC Date:** June 18, 2003

**Approved Site Plan Date:** August 28, 2003

**City Council Date:** September 15, 2003

#### DISCUSSION/FINDINGS:

Choctaw Engineering, Inc., on behalf of Big Kahuna, Inc., dba Festival Fun Parks, LLC, is requesting approval of a Major Development identified as "Big Kahuna's Entry Renovation." The proposed development consists of removing and replacing existing retail, restrooms, bathrooms, and locker areas, updating some of the parking, and removing various "Kiddie Rides" and replacing them with a new 1,021 sq. ft. "Pro-Bowl Slide." The proposed development is located at 1007 U.S. Highway 98 East. The total proposed site area is 23.3 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 10 and 11 of the TRC Report. Refer to the complete Compatibility Analysis dated July 1, 2003.

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 "Town Center" Community Redevelopment Agency District.

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

**COMPREHENSIVE PLAN/ZONING:**

The property currently has a Future Land Use designation of Commercial (C) and Zoning designations 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 requirements with conditions. Refer to the complete Compatibility Analysis dated July 1, 2003.

**DENSITY:**

Not applicable.

**HEIGHT:**

The BT Zoning District does not have a maximum building height. Building height in this district is determined by compatibility and whether the proposed structure is three stories or more, which requires increased setbacks. The proposed water amusement ride ("Pro-Bowl Slide) is approximately 40' high as the tallest point. Refer to the complete Compatibility Analysis Report dated July 1, 2003, which finds the proposed project compatible with the surrounding area in regards to height.

**FLOOR AREA RATIO:**

The Commercial (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:

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

$$\frac{19,984 \text{ sq. ft.} - 625,381.8 \text{ sq. ft.}}{1,015,383.6 \text{ sq. ft.}} = \text{FAR}$$

$$-605,397.8 / 1,015,383.6 \text{ sq. ft.} = -0.60 \text{ FAR}$$

Utilizing the formula as defined above, the FAR of -0.60 is below the maximums 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 0.44, which is below 1.07 and is calculated as follows:

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

$$19,984 \text{ sq. ft.} / 1,015,383.6 \text{ sq. ft.} = 0.02 \text{ FAR}$$

**RIGHT-OF-WAY DEDICATION:**

An 80-foot wide transportation corridor is proposed along the full length of the northern boundary of this development. **Condition:** This area should be shown on the site plan as a right-of-way dedicated to the City of Destin.

**CONCURRENCY MANAGEMENT:**

Concurrency requirements have been met:

Solid Waste: **X**  
Potable Water: **X**  
Sanitary Sewer: **X**  
Traffic: **X**  
Stormwater Management: **X**

Please refer to file SP-03-19 for the approved Concurrency Evaluation Certificates.

**TRAFFIC ANALYSIS:**

According to the traffic review conducted by the City's Transportation Manager, and approved on August 26, 2003, the proposed development does not impact traffic. Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's Transportation Manager.

**SUBDIVISION OR PUD - PLAT:**

Not applicable.

**WHITE SANDS ZONE:**

The project property is located in White Sand Zone II.

**PHASING:**

The proposed development will not be a phased development.

**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 BT Zoning District.

|                 | <b><u>Required</u></b> | <b><u>Buffers</u></b> | <b><u>Provided</u></b>           |
|-----------------|------------------------|-----------------------|----------------------------------|
| Front (south):  | 10'                    | 10' FP                | 10' including the 10' FP         |
| Side (east):    | 0'                     | 5' CB                 | Outside "Limits of Construction" |
| Side (west):    | 0'                     | 5' CB                 | Outside "Limits of Construction" |
| Rear (north):   | 0'                     | 5' CB                 | Outside "Limits of Construction" |
| Between Bldgs.: | 10'                    | N/A                   | 10'                              |

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 five (5) foot common boundary buffers along the northern, eastern, and western property lines. The 10' FP is required along the southern property line.

**SIGNS:**

No overall sign approval is part of this application. Any and 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.

**UTILITIES:**

Underground utilities/service (existing and proposed) are required.

**COX COMMUNICATIONS:**

Cox Communications approved the project in a letter dated June 6, 2003.

**DESTIN FIRE CONTROL DISTRICT:**

The Destin Fire Control District approved the project in a letter dated June 18, 2003.

**GULF POWER:**

Gulf Power approved the project in a letter dated June 18, 2003.

**OKALOOSA GAS:**

Okaloosa Gas approved the project in a letter dated June 17, 2003.

**SPRINT:**

Sprint approved the project in a letter dated June 9, 2003.

**WATER/SEWER PROVIDER:**

Destin Water Users, Inc. approved the project in a letter dated July 15, 2003.

**STORMWATER:**

The City Engineer approved the stormwater plan on July 15, 2003, and had the following stormwater related conditions:

1. **Prior to obtaining any city permit**, a copy of the FDEP stormwater and NPDES approvals shall be forwarded to the City Engineer's office.
2. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be deemed to be in non-compliance and a revised stormwater plan shall be re-submitted for review and approval.
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:**

Not applicable. There is no change to the development's existing ingress/egress access to the property.

**PARKING:**

The project meets or exceeds the parking requirements of the Destin Land Development Code as indicated on the approved plans. The renovation to the development and the removal of amusements rides does not require additional parking requirements.

**TOTAL PROVIDED: 700 parking spaces (including 12 handicap spaces)**

**LOADING SPACE (ZONE):**

The project meets or exceeds the loading space requirements of the Destin Land Development Code.

**REFUSE COLLECTION:**

Refuse collection is to be provided by dumpster service. All proposed dumpsters must be screened by a gated enclosure at least six feet tall.

**SIDEWALKS:**

A 4' wide sidewalk is required to be constructed to connect the parking area towards the rear of the development with the existing sidewalk along U.S. Highway 98 East.

**OPEN SPACE/LANDSCAPE:**

**Open Space Requirements:**

Development Area (Limits of Construction): 59,012 sq. ft. (1.35 acres, more or less)  
Required 18% Open Space: 10,622.16 sq. ft. within Limits of Construction  
Provided Open Space: 36,697 sq. ft. (62.2%)

**Tree Requirements:**

|   |                   |
|---|-------------------|
| Credits for Existing Trees (2" to 6" diameter) on Site (0 trees x 2 credits per tree):        | N/A               |
| Credits for Existing Trees (7" to 12" diameter) on Site (0 trees x 3 credits per tree):       | N/A               |
| Credits for Existing Trees (13" to 19" diameter) on Site (0 trees x 4 credits per tree):      | N/A               |
| Credits for Existing Trees (20" to 24" diameter) on Site (0 trees x 5 credits per tree):      | N/A               |
| Total Reforestation Credits for saving Existing, Protected, or Preserved Trees:               | <u>N/A</u>        |
| Reforestation Trees (1 per every .10 of an acre: 1.35 x 10 = N/A) Required on Site:           | <u>N/A</u>        |
| <b>Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:</b> | <u><b>N/A</b></u> |

**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:  | N/A        |
| Front Perimeter Trees (1 per 25') Required on Site:  | N/A        |
| Parking Lot Trees (1 per end row and landscape island) Required on Site:   | 4          |
| Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site:<br>(Includes additional vegetation per Compatibility Analysis) | N/A        |
| Replacement Trees (removal of trees 12" d.b.h. or greater) Required on Site:   | <u>N/A</u> |
| <b>TOTAL TREES REQUIRED:</b>   | <b>4</b>   |
| <b>TOTAL TREES PROVIDED:</b>   | <b>4</b>   |

A five (5) foot Common Boundary Landscape Area is required along those property lines that directly abut an adjacent parcel (north, west, and east). A ten (10) foot Front Perimeter Landscape Area is required along the southern property lines abutting rights-of-ways. The required five (5) foot Common Boundary landscaping 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. If required, the ten (10) foot Front Perimeter Landscape Buffer shall be calculated as one (1) tree per twenty-five (25) linear feet of buffer. Unless otherwise noted such as in a Compatibility Analysis, 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.**

**IMPACT FEES:**

As a result of a decrease in gross floor area and no increase in trip generation (traffic concurrency), there are no applicable impact fees associated with this development activity.

**OTHER FEES:**

The fees listed below are subject to change and are based on the most recent information available (September 10, 2003). The fees must 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:                     | <b>N/A</b>                         |
| Re-Review Fees (Community Dev.)    | <b>Paid</b>                        |
| Re-Review Fees (Engineering Dept.) | <b>Paid</b>                        |
| Administrative Costs:              | <b>\$11.26</b>                     |
| City Council Advertising:          | <b>Paid</b>                        |
| <b>TOTAL (as of 9/10/03) =</b>     | <b>\$11.26 (Subject to change)</b> |

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

FDEP stormwater and NPDES approvals shall be forwarded to the City Engineer's office.

**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 and are owed to the City must be paid in full.**

2. Prior to the issuance of a Certificate of Occupancy, the landscaping and outdoor lighting, if installed, must be inspected and approved by the Community Development Department. The lighting plan must provide specifications for the proposed outdoor lighting, including photometrics. All lighting must be shielded downward and away from adjacent properties in order to avoid spill-over and illumination into the night sky.
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Per Engineering Department Letter dated July 15, 2003:

1. Prior to obtaining any city permit, a copy of the FDEP stormwater and NPDES approvals shall be forwarded to the City Engineer's office.
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Gerald F. Mucci Oct 1, 2003  
 Gerald F. Mucci, AICP Date  
 Community Development Director

Maxwell Joseph Bruner 6/15/04  
 BK of Destin, Inc., Date  
 Owner/Landlord  
 Mr. Maxwell Joseph Bruner,  
 President