



City of Destin

September 28, 2001

Order No. 01-34

Final Development Order:

**“BOATHOUSE OYSTER BAR STORAGE BUILDING”:
A MINOR DEVELOPMENT
(SP-00-29)**

Based upon the City's approval of this Development Order, on September 24, 2001, this document will serve as your Final Development Order, and includes all of the provisions and conditions in the attached Technical Review Committee Report.

BACKGROUND / ISSUE:

Applicant: Dorman and Associates, Inc., on behalf of Action Marine Enterprises, Inc., on behalf of the Estate of Mildred Castro

Location: The proposed project is located at 288 U.S. Highway 98 East.

Request: Approval of a Minor Development identified as “Boathouse Oyster Bar Storage Building.” The proposed project consists of constructing a 330 square foot storage facility for the Boathouse Oyster Bar.

Parcel Size: The subject property contains 0.49 acres, more or less.

Future Land Use: Mixed Use (MU)

Zoning District: Business Tourism (BT)

Density: Not applicable

Intensity: Allowed: 1.07 Floor Area Ratio
Proposed: 0.24 Floor Area Ratio

Application Date: June 5, 2000

TRC Date: June 21, 2000

Approved Site Plan Date: September 24, 2001

DETERMINATIONS:

1. All the findings and requirements of the Technical Review Committee Report dated September 24, 2001, are incorporated herein.

**CONDITIONS OF APPROVAL FOR THE "BOATHOUSE OYSTER BAR STORAGE BUILDING":
A MINOR DEVELOPMENT (SP-00-29):**

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 September 24, 2001 (no later than September 24, 2002), and must be completed as shown on plans approved by the Technical Review Committee (stamp dated September 24, 2001).

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 will become void and the application for plan approval must be re-initiated.

NOTE: An applicant/owner who desires to extend the twelve (12) month deadline must 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 Number 1 above, the concurrency status for "Boathouse Oyster Bar Storage Building" will be protected for five (5) years through September 24, 2006. The protected concurrency status, however, 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, 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 any City Permit, all outstanding costs, if any associated with this project that are owed to the City, must be paid in full.
5. Prior to obtaining a Certificate of Occupancy/Completion, provide twenty-five (25) delineated parking spaces (wheel stops in gravel area and paint striping in asphalt areas).
6. Prior to obtaining a Certificate of Occupancy/Completion, provide one (1) handicap parking space, which complies with the Florida Accessibility Code for Building Construction, 1997 Edition.

7. **Prior to the issuance of a Certificate of Occupancy, all applicable impact fees must be paid.**
8. **No increase of impervious areas allowed.**
9. **By order of the City of Destin's Board of Adjustment, the progress of the applicant's development is required to be reviewed again after eighteen (18) months.**
10. **Action Marine Enterprises, Inc., or the current property owner is required to fulfill all landscaping and applicable Destin Land Development Code requirements six (6) months after the remediation project is complete.**

TECHNICAL REVIEW COMMITTEE REPORT
“BOATHOUSE OYSTER BAR STORAGE BUILDING”:
A MINOR DEVELOPMENT
(SP-00-29)

TRC Report: September 24, 2001

ISSUE:

Applicant: Dorman and Associates, Inc., on behalf of Action Marine Enterprises, Inc., on behalf of the Estate of Mildred Castro

Location: The proposed project is located at 288 U.S. Highway 98 East.

Request: Approval of a Minor Development identified as “Boathouse Oyster Bar Storage Building.” The proposed project consists of constructing a 330 square foot storage facility for the Boathouse Oyster Bar.

Parcel Size: The subject property contains 0.49 acres, more or less.

Future Land Use: Mixed Use (MU)

Zoning District: Business Tourism (BT)

Density: Not applicable

Intensity: Allowed: 1.07 Floor Area Ratio
Proposed: 0.24 Floor Area Ratio

Application Date: June 5, 2000

TRC Date: June 21, 2000

Approved Site Plan Date: September 24, 2001

DISCUSSION/FINDINGS:

Dorman and Associates, Inc., on behalf of Action Marine Enterprises, Inc., and on behalf of the Estate of Mildred Castro is requesting approval of a Minor Development identified as “Boathouse Oyster Bar Storage Building.” The proposed project consists of constructing a 330 square foot storage facility for the Boathouse Oyster Bar. In addition, the applicant requested, as a variance to the Board of Adjustment, that the landscape requirements associated with the proposed development be postponed due to the pending environmental remediation project. Once the remediation project is complete, Action Marine Enterprises, Inc., or the current property owner, will complete the landscape requirements within six (6) months. The proposed project is located at 288 U.S. Highway 98 East. The subject property contains 0.49 acres, more or less.

COMPREHENSIVE PLAN/ZONING:

The property has a Future Land Use Map Designation of Mixed Use (MU) and a Zoning Designation of Business Tourism (BT).

COMPATIBILITY:

The surrounding properties are as follows:

	<u>FLU</u>	<u>Zoning</u>	<u>Existing Use</u>
North:	Mixed Use	Business Tourism	Commercial
South:	N/A	N/A	Destin Harbor
East:	Mixed Use	Business Tourism	Commercial
West:	Mixed Use	Business Tourism	Commercial

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements.

The U.S. Highway 98 East corridor is an area that encompasses a variety of commercial land uses within the City of Destin. A storage facility of this size and the use it complements does not conflict with the various commercial uses along U.S. Highway 98 East.

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. The proposed height of the building to the top of the highest roof from the finished floor, as seen from the front elevation, is ten (10) feet six (6) inches, more or less.

FLOOR AREA RATIO:

The project has a 0.24 Floor Area Ratio, which is less than the maximum of 1.07 allowed.

RIGHT-OF-WAY DEDICATION:

There is no right-of-way dedication involved with this project.

CONCURRENCY MANAGEMENT:

Concurrency requirements have been met:

Potable Water: X Roadways: X Solid Waste: X
Recreation: X Sewer: X Drainage: X

TRAFFIC ANALYSIS:

According to the traffic review conducted by the City's traffic consultant, the proposed development will generate 1 PM Peak Hour directional trips on Segment "A" of U. S. Highway 98. Segment "A" currently has 298 PM Peak Hour directional trips available. There will be 297 PM Peak Hour directional trips remaining for Segment "A." Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's traffic consultant.

SUBDIVISION OR PUD - PLAT:

Not applicable.

AIRPORT PROTECTION:

The subject site is located within the airport protection area.

NOTE: If construction necessitates the use of a crane, or other obstruction, which exceeds Federal Aviation Administration FAR 77 Standards (normally 200 feet above ground level), the applicant must request a variance from FAA for temporary encroachment into this restrictive area and a copy of completed FAA Form 7460, must be placed on file with the City of Destin prior to the crane, or other obstruction, penetrating the restricted airspace.

SETBACKS:

	<u>Required</u>	<u>Buffers</u>	<u>Provided</u>
Front (northern):	10'	10' FP	10' including 10' FP
Side (western):	None	5' CB	9.9' including 5' CB
Side (eastern):	None	5' CB	5' CB
Back (southern):	None	None	None (Connected to existing structure)
Between Bldgs:	10'	N/A	48.2'

Note: 10' FP = 10' Front Perimeter Landscape Area, 5' CB = 5' Common Boundary Buffer, and 10' VB = 10' Vegetative Buffer. A 5' Common Boundary Buffer is required along the eastern and western property lines, a 10' Front Perimeter Landscape Area is required along the northern property line. However, this parcel does not abut or front on a public street or right-of-way. Thus, this requirement is not applicable. There is a ten (10) foot distance separation between structures required by the Land Development Code.

WHITE SANDS ZONE:

The proposed project is located within White Sand Zone 1.

SIGNS:

No signs have been proposed and approved with this project. All future signs must comply with the sign code section of the Destin Land Development Code in effect at the time a sign application is submitted.

COX COMMUNICATIONS:

Cox Communications approved the project at the June 21, 2000, TRC meeting.

DESTIN FIRE CONTROL DISTRICT:

Destin Fire Control District approved the project in a letter dated September 28, 2000.

GULF POWER:

Gulf Power approved the project in a letter dated June 21, 2000.

OKALOOSA GAS:

Okaloosa Gas approved the project at the June 21, 2000, TRC meeting.

SPRINT:

Sprint approved the project at the June 21, 2000, TRC meeting

NEWSOUTH:

NewSouth approved the project at the June 21, 2000, TRC meeting.

WATER/SEWER PROVIDER:

Destin Water Users, Inc., approved the project in a letter dated September 24, 2001.

UTILITIES:

All utilities are required to be underground.

STORMWATER:

The City Engineer approved with conditions the stormwater plan in a letter dated September 11, 2001.

INGRESS/EGRESS:

Access to the property is provided by an eleven (11) foot wide ingress drive and a second eleven (11) foot wide egress drive.

SIDEWALKS:

Not applicable.

REFUSE COLLECTION:

Refuse collection is provided by an enclosed dumpster as stated on the approved site plan.

LANDSCAPE:

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

Open Space Requirements:

<u>21,120</u> sq. ft. of property x 18% =	<u>3,802</u> sq. ft. required
Site plan provides approx. <u>18.3%</u> =	<u>3,860</u> 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" or 24" diameter) on Site (0 trees x 5 credits per tree):	0
Total Reforestation Credits for Existing, Protected, or Preserved Trees:	<u><u>0</u></u>
Reforestation Trees (1 per every .10 of an acre: 0.48 x 10 = 5) Required on Site:	<u>5</u>
Total Reforestation Credits (0 - 5 = -5 (0 remaining credits) or 5 required trees):	<u>5</u>
Total Reforestation Trees Required on Site:	<u><u>5</u></u>
Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:	5
Replacement Trees (removal of trees over 12" d.b.h.) Required on Site:	0
Perimeter Trees (1 per 25') Required on Site:	0
Parking Lot Trees (1 per end row and landscape island) Required on Site:	8

Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site:

TOTAL TREES REQUIRED:

0

TOTAL TREES PROVIDED:

13

13

A 5' Common Boundary Buffer is required along the eastern and western property lines. This parcel does not abut or front on a public street or right-of-way. Thus, the 10' front perimeter landscape area requirement is not applicable in this instance. The required five (5) foot Common Boundary Buffer must have a minimum of fifty (50) percent 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. 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 has been inspected and approved by the Community Development Department.**

PARKING:

The project meets or exceeds the parking requirements as follows:

Per code:

Restaurant:	1 space for every 75 square feet of gross floor area.
Retail (East Pass Watersports):	1 space for every 200 square feet of gross floor area.
Warehouse/storage (Marina):	1 space for every 1,000 square feet of gross floor area.
Warehouse/storage: (Fuel Tank Building)	1 space for every 1,000 square feet of gross floor area.
Warehouse/storage:	1 space for every 1,000 square feet of gross floor area.

Per site plan:

Restaurant:	981 square feet / 75 = 13 spaces
Retail (East Pass Watersports):	1200 square feet / 200 = 6 spaces
Warehouse/storage (Marina):	2000 square feet / 1,000 = 2 spaces
Warehouse/storage: (Fuel Tank Building)	650 square feet / 1,000 = 1 space
Warehouse/storage:	330 square feet / 1,000 = 1 space

TOTAL REQUIRED: 23 spaces

TOTAL PROVIDED: 25 spaces (includes 1 handicap parking space per the approved site plan)

LOADING SPACE (ZONE):

Per code:

Commercial: 1 loading space is required (10 feet wide and 25 feet long with 15 foot clearance) for the first 10,000 sq. ft. of gross floor area, and one space for each additional 20,000 sq. ft.

Per site plan:

Commercial: 1 loading space is required (10 feet wide and 25 feet long with 15 foot clearance) for 330 sq. ft. of gross floor area.

TOTAL REQUIRED: 1 loading space

TOTAL PROVIDED: 1 loading space

One 10' x 25' loading space is provided east of the Boathouse Oyster Bar

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT:

1. A Florida Department of Environmental Protection general notice permit (for stormwater) is not required. There is no increase of impervious area proposed.

IMPACT FEES:

The owner/applicant must pay the following impact fees prior to the issuance of a Certificate of Occupancy:

Police Protection: The police protection impact fees were calculated using the "Industrial per 1,000 sq. ft. = \$5.87" fee amounts under the "Non-residential -U.S. 98 Corridor" category.

$$(300 \text{ sq. ft.}) \times (\$5.87) = \$1,761.00 / 1,000 = \underline{\$1.76}$$

$$(\text{sq. ft. of building}) \times (\text{Industrial per 1,000 sq. ft. fee amount}) = (\text{figure}) / (\text{per 1,000 sq. ft.}) = \text{Impact Fee}$$

Total Police Impact Fees to be paid for "Boathouse Oyster Bar Storage Building": \$1.76

Road: The road impact fees were calculated using the "Warehouse/Storage" (per 1,000 sq. ft.) = \$214.00 fee amounts.

$$(300 \text{ sq. ft.}) \times (\$214.00) = 64,200.00 / 1,000 = \underline{\$64.20}$$

$$(\text{sq. ft. of building}) \times (\text{Warehouse/Storage per 1,000 sq. ft. fee amount}) = (\text{figure}) / (\text{per 1,000 sq. ft.}) = \text{Impact Fee}$$

Total Road Impact Fees to be paid for "Boathouse Oyster Bar Storage Building": \$64.20

Parks: (not applicable)	=	\$0.00
Public Library: (not applicable)	=	\$0.00
Police Protection:	=	\$1.76
Roads:	=	\$64.20
TOTAL:		<u>\$65.96</u>

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 Compatibility Expert:	Not utilized	Planning Commission Advertising:	Not applicable
City Traffic Consultant:	Not utilized	City Council Advertising:	Not applicable
City Surveyor:	Not utilized		

COMMENTS:

Public Input:

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

Per Community Development Department and the Engineering Department:

1. **Prior to the issuance of any City Permit**, all outstanding costs, if any associated with this project that are owed to the City, must be paid in full.
2. **Prior to obtaining a Certificate of Occupancy/Completion**, provide twenty-five (25) delineated parking spaces (wheel stops in gravel area and paint striping in asphalt areas).
3. **Prior to obtaining a Certificate of Occupancy/Completion**, provide one (1) handicap parking space, which complies with the Florida Accessibility Code for Building Construction, 1997 Edition.
4. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.
5. No increase of impervious areas allowed.
6. By order of the City of Destin's Board of Adjustment, the progress of the applicant's development is required to be reviewed again after eighteen (18) months.
7. Action Marine Enterprises, Inc., or the current property owner is required to fulfill all landscaping and applicable Destin Land Development Code requirements six (6) months after the remediation project is complete.

UNRESOLVED ISSUES:

None.

Gerald F. Mucci 9-28-01
 _____ Date
 Gerald F. Mucci,
 Community Development Director

See attached for
 _____ Date
 Estate of Mildred Castro,
 Owner
 Arnold Castro

Wanda Green 10/1/01
 _____ Date
 Action Marine Enterprises, Inc.,
 Leaseholder
 Wanda Green,
 President