



CITY of DESTIN

4200 Two Trees Road • Destin, Florida 32541



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January 8, 2009

Order No. 09-09

Final Development Order:

“DENNY’S” A MINOR DEVELOPMENT (SP-08-15)

Based upon the City's approval and issuance of this Development Order, on January 8, 2009, this document will serve as your Final Development Order, and includes all of the provisions and conditions in the attached Technical Review Committee Report.

ISSUE:

Kenneth Horne & Associates (Applicant), on behalf of Denny's Restaurants (Lessee) and Charles W. Clary (Owner/Lessor) is requesting approval of “Denny's”, a Minor Development. The proposed redevelopment consists of demolishing (or removing) an existing 2,637 square foot gross floor area (GFA) restaurant (Destin Diner) and constructing a 4,720 square foot GFA restaurant (Denny's) along with various parking, landscaping and other site improvements to comply with the current Land Development Code. The proposed development is located at 1530 Emerald Coast Parkway (U.S. Hwy. 98) in the City of Destin of Okaloosa County, Florida, more specifically identified with the following Tax Parcel I.D. Number: 00-2S-22-0000-0013-003D. The current overall parcel area is 0.803 acres, more or less. The overall proposed redevelopment site area is 0.803 acres, more or less. The proposed request is consistent with the Comprehensive Plan and Land Development Code, which includes a technical and concurrency Management review. The Technical Review Committee (TRC) reviewed and approved the project with specific conditions as stated below.

DETERMINATIONS:

1. All the findings of the Technical Review Committee report dated December 17, 2008 are incorporated herein.

CONDITIONS OF APPROVAL FOR “DENNY’S” A MINOR DEVELOPMENT (SP-08-15):

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

Construction of infrastructure 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 **January 8, 2009** (no later than **January 8, 2010**), and must be completed as shown on plans approved by the Technical Review Committee. *AW*

WARNING: If the applicant/owner has not obtained a building permit(s) for either the construction of infrastructure or construction of the entire project and that construction

has not commenced within one (1) year of issuance of the final development order, the final development order will become null and void and the application for development order approval must be re-initiated. (Article 2, Section 2.21.00)

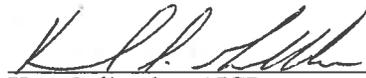
NOTE: Construction of infrastructure shall be defined as site work, grading, or other construction activity (not including clearing and grubbing or demolition of existing structures) related to installation of roadways, access drives, parking lots, underground utilities, stormwater or drainage facilities, or building foundations. (Article 2, Section 2.21.00)

NOTE: An applicant/owner who desires to extend the twelve (12) month (1 year) deadline for either the construction of infrastructure or construction of the entire project must submit a written 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 of infrastructure or construction of the entire project. The applicant may receive only one extension, and such extension shall not exceed one year. The applicant /owner should review Article 2, Section 2.21.00, 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 concurrency capacity allocation status for “Denny’s” will be protected. **However, the protected concurrency status will be lost and the application for development order approval must be re-initiated if:**
 - A. Construction permit(s) in association with construction of infrastructure or construction of the entire project are not obtained in accordance with Article 2, Section 2.10.00 of the Land Development Code to maintain concurrency, or
 - B. Construction activity ceases for a period of one (1) year after a building permit for construction of infrastructure or construction of the entire project has been issued so that concurrency is not maintained under Article 6 of the Destin Land Development Code.
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 (Note: Applicant must obtain the proper ROW permit(s) from the Public Services Department prior to issuance of building permits, unless otherwise exempted by the Public Services Director.)
 - 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. **Conditions Per Community Development Department:** Refer to pages 11 & 12 of the following TRC Report dated December 17, 2008.

5. **Conditions Per Public Services Department:** Refer to pages 13 & 14 of the following TRC Report dated December 17, 2008.
6. **Conditions Per Stormwater Coordinator:** Refer to pages 15 & 16 of the following TRC Report dated December 17, 2008.
7. **Conditions Per Utility Companies:** Refer to pages 17 through 24 of the following TRC Report dated December 17, 2008.

SIGNATURE BLOCK:

 1/8/09
Ken Gallander, AICP Date
Community Development Director

 1/8/09
Mr. Charles W. Clary Date
Owner

TECHNICAL REVIEW COMMITTEE REPORT

"DENNY'S" A MINOR DEVELOPMENT (SP-08-15)

TRC Report: December 17, 2008

ISSUE:

Applicant: Kenneth Horne & Associates (Applicant), on behalf of Denny's Restaurants (Lessee) and Charles W. Clary (Owner/Lessor) is requesting approval of "Denny's", a Minor Development.

Request: The proposed redevelopment consists of demolishing (or removing) an existing 2,637 square foot gross floor area (GFA) restaurant (Destin Diner) and constructing a 4,720 square foot GFA restaurant (Denny's) along with various parking, landscaping and other site improvements to comply with the current Land Development Code.

Location: The proposed development is located at 1530 Emerald Coast Parkway (U.S. Hwy. 98) in the City of Destin of Okaloosa County, Florida, more specifically identified with the following Tax Parcel I.D. Number: 00-2S-22-0000-0013-003D.

Parcel Size: The current overall parcel area is 0.803 acres, more or less. The overall proposed redevelopment site area (Lease Area) is 0.803 acres, more or less.

Future Land Use: Commercial General (CG)

Zoning District: Commercial General (GC)

Density: Allowed: N/A

Proposed: N/A

Intensity: Allowed: 1.30 Floor Area Ratio (FAR)

Proposed: 0.135 FAR

Application Date: July 30, 2008

TRC Date: August 20, 2008

Approved Site Plan Date: December 17, 2008

DISCUSSION/FINDINGS:

The proposed request is consistent with the City's Comprehensive Plan and Land Development Code, which includes a technical and concurrency management review. The members of the Technical Review Committee have each given their approval or approval with conditions to this project.

COMPREHENSIVE PLAN/ZONING:

The property currently has a Future Land Use designation of Commercial General (CG) and a Zoning designation of Commercial General (CG). The proposed use, "full-service restaurant" is consistent with the Commercial General (CG) Future Land Use designation and is a permitted principal use within the Commercial General (CG) Zoning Districts.

LAND USE TRANSITION & SPECIAL DESIGN CRITERIA:

Comprehensive Plan: 2010 Policy 1-2.1.7 requires that "*All property designated for nonresidential use on the FLUM shall be developed and designed to ensure a smooth land use transition between the said nonresidentially designated property and any directly abutting low rise residential property, either*

existing or identified on the FLUM.” The LDC requirements regulating “special design criteria” are “...to establish design criteria to preserve, protect, and enhance the economic vitality and character of the City of Destin.” This section also states, “These standards and regulations are intended to promote and protect the desired character of the City, including promoting multimodal transportation opportunities, and that ensure compatibility with surrounding development.” [LDC, §7.09.00].

Criteria for consideration to ensure smooth land use transition and special design include:

- Surrounding development
- Mechanical equipment
- Outdoor storage and display
- Solid waste collection areas
- Parking, loading, or accessway areas

Surrounding development:

LOCATION RELATIVE TO SUBJECT SITE	FUTURE LAND USE	ZONING	EXISTING LAND USE
North	Commercial General (CG)	Commercial General (CG)	Commercial: Time Share Condominium and Resort Hotel
South (Across US 98)	Gulf Resort Mixed Use (GMRU)	Gulf Resort Mixed Use (GMRU)	Silver Beach Towers Condominiums
East (Across Airport Road)	Commercial General (CG)	Commercial General (CG)	Commercial Strip – Fast Food, Retail Health Food, Video Rental
West	Commercial General (CG)	Commercial General (CG)	The Palace – Retail Souvenirs & Beach Wear

The proposed redevelopment consists of demolishing (or removing) an existing 2,637 square foot gross floor area (GFA) restaurant (Destin Diner) and constructing a 4,720 square foot GFA restaurant (Denny’s) along with various parking, landscaping and other site improvements to comply with the current Land Development Code. The intensity of development is below the maximum intensity provided for in the Land Development Code and in the Comprehensive Plan. The Floor Area Ratio of the project is detailed below.

Mechanical equipment:

Outdoor mechanical equipment, such as heating, air conditioning, and ventilation systems, must be placed on the roof, in the rear or to the side of the building, or otherwise visually screened. Please refer to the Comments and Conditions Section for specific requirements. *Ref. LDC Section 7.09.02(B)(1).*

Solid waste collection areas:

All non-construction related dumpsters, trashcans, and recycling bins are to be placed in solid waste collection areas or inside a building. Solid waste collection areas are to be set back a minimum of ten feet from any property line that abuts single-family, duplex or townhome uses. Please refer to Comments and Conditions Section. *Ref. LDC Section 7.09.02(B)(3).*

Parking, loading, or accessway areas (abutting residential uses):

Areas used or set aside for parking, loading, accessways or service and utility areas are separated by at least ten feet from the property line abutting single-family residential homes.

The site plan for “Denny’s” complies with the City of Destin Comprehensive Plan Policy 1-2.1.7 and the Land Development Code §7.09.00.

Any additional revisions to the site plan must be reviewed and approved by the appropriate Technical Review Committee members and may be subject to further analysis if required pursuant to provisions of the Comprehensive Plan [Policy 1-2.1.7] and Land Development Code [LDC, §7.09].

MASSING (WIDTH AND DEPTH) AND HEIGHT:

The existing building measures 59.4 feet wide by 53 feet deep (exclusive of entry feature). The proposed building is 83 feet wide by 51 feet deep. The building height is 19 feet 10 inches to the top of the roof parapet and is 30 feet to the top of the tower. The maximum allowable building height (Tier 1) is 50 feet.

DENSITY: Not applicable.

INTENSITY: The Floor Area Ratio (FAR) calculation methodology results in an FAR of 0.135, which is less than the allowable FAR of 1.30 and is calculated as follows:

$$\text{Total sq. ft. of proposed building} / \text{sq. ft. of subject parcel} = \text{FAR}$$

$$4720 \text{ sq. ft.} / 34,979 \text{ sq. ft.} = 0.135 \text{ FAR}$$

SETBACKS AND BUFFERS:

The proposed development meets all of the required setbacks for the CG Zoning Districts.

	<u>Required</u>	<u>Buffers</u>
Front (North):	16' - 26'	N/A
Side (East):	0'	N/A
Side (West):	0'	N/A
Rear (South):	0'	N/A
Between Bldgs.:	10'	N/A

Note: 10' FP = 10' Front Perimeter Landscaped Area, 10' VB = 10' Vegetative Buffer Zone and 5' CB = 5' Common Boundary Landscaped Area. This development is exempt from the buffer requirement.

CONCURRENCY MANAGEMENT: Concurrency requirements have been met as follows:

Solid Waste: Okaloosa County Solid Waste Dept. confirmed letter of April 23.

Potable Water: Destin Water Users Concurrency Certificate dated July 30.

Sanitary Sewer: Destin Water Users Concurrency Certificate dated July 30.

Traffic: Renaissance Planning Group Concurrency Certificate dated December 12.

Stormwater Management: Stormwater Coordinator approved with conditions on December 1.

TRAFFIC ANALYSIS:

According to the transportation/traffic concurrency review conducted by the City's Transportation Manager, currently represented by Renaissance Planning Group (RPG), Inc., and approved on December 12, 2008, the proposed development will not degrade the level of service of those major transportation modes and facilities in the City of Destin and complies with the goals, objectives, and policies of the multimodal transportation district as found in the City's Comprehensive Plan: 2010.

As a requirements of the City's multimodal transportation district, as adopted in Comprehensive Plan: 2010, the City's Transportation Manager has reviewed and approved the applicant's traffic impact analysis dated December 5, 2008.

SUBDIVISION OR PUD - PLAT: Not applicable.

AIRPORT PROTECTION:

As proposed, this project is not affected by nor affects the Destin – Ft. Walton Beach Airport. The applicant has indicated on the development order application that the proposed project is not within the Airport Expansion 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.

WHITE SANDS ZONE:

The proposed project is located within White Sands Zone 2. All fill material will have to comply with the White Sands Ordinance for this area.

SIGNS:

No sign approval has been granted with this final development order. 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 to the Permits and Inspections Division.

INGRESS/EGRESS:

Direct ingress and egress to the proposed project from Emerald Coast Parkway is provided by a 24' wide two way access way. Ingress is provided to this access way via a dedicated right turn lane which also incorporates a transit stop. This access way is non-conforming due to its location not meeting the minimum distance requirements from the intersection of Airport Road and Emerald Coast Parkway. However, this access is shared with Club Destin Resort and Club Destin Resort has an existing approved access easement.

PARKING:

The project meets or exceeds the parking requirements of the proposed Multi-modal Transportation District standards of the Destin Land Development Code as indicated on the approved plans.

Per code:

Full-service restaurants (722110): 1 space per 100 square feet of gross floor area.
A minimum of 10% of required parking spaces for bicycle parking

Per site plan:

Total Maximum Parking **Required:** 43 parking spaces
Total Minimum Parking **Required** (80% of maximum): 34 parking spaces
Bicycle Parking required: 10% of parking spaces provided = 4

Automobile and Bicycle Parking **Provided:**
38 automobile parking spaces including 2 handicap spaces
5 bicycle spaces

LOADING SPACE (ZONE):

The project meets or exceeds the loading space requirements of the Land Development Code, if adjacent parking east of the loading zone is signed "Employee Parking Only."

REFUSE COLLECTION:

All non-construction related dumpsters, trashcans, and recycling bins are to be placed in solid waste collection areas or inside a building. Solid waste collection areas are to be set back a minimum of ten feet from any property line that abuts single-family, duplex or townhome uses.

Refuse collection is to be provided by dumpster service. The proposed dumpster must be screened by a gated opaque enclosure at least six feet tall. The gates shall remain closed at all times except for when waste management services are collecting refuse from the site. If necessary, please post a sign on the gates requesting that these gates remain closed.

SIDEWALKS:

A 10' wide concrete sidewalk is required along Emerald Coast Parkway as indicated on the approved site plan. The City of Destin recently reconstructed Airport Road. No additional right-of-way improvements are required on the Airport Road frontage.

OPEN SPACE/LANDSCAPE:

Open Space Requirements:

Development Area (Total Area): 34,979 sq. ft. (.803 acres, more or less)
Required 25% Open Space: 8,745 sq. ft.
Provided Open Space: 8,786 sq. ft (25.1 %)

Front Perimeter / Common Boundary Requirements: Exempt per 12.04.04.B.3.a. (Must provide four shrubs for each required tree if exemption is used.)

Interior Parking Requirement: One tree per parking row termination: 10

Street Tree Requirement: One tree per 40' frontage on US 98 9

<u>Reforestation Requirement:</u> (1 tree per every .10 of an acre: .803 x 10 = 8)	<u>8</u>
<u>Total Reforestation Credits:</u>	<u>0</u>
TOTAL TREES REQUIRED:	<u>27</u>
TOTAL TREES PROVIDED:	<u>27</u>

Trees shall be a minimum of ten (10) feet in height and have a two and one-half (2½) caliper at the time of planting. Trees having an average mature spread of crown less than 20 feet shall be arranged in groupings so as to create the equivalent of a 20-foot crown spread. Shrubs 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:

The following impact fee amounts may be subject to change. Final impact fee amounts will be determinant upon the actual building square footage. Final impact fee amounts will also be determinant whether exemption or credits are applicable and reevaluated at the time a Certificate of Occupancy (C.O.) or Certificate of Completion (C.C.) is requested. Any claims for exemption or credits must be made no later than the time a C.O. or C.C. is requested.

The land uses identified below are from the "Fee Schedule" tables found in Article 19 of the Land Development Code and are those deemed most closely related to the land uses proposed in this development. The fee payer has the option of paying the fees identified below for the identified land use or they shall prepare and submit to the City Manager an independent fee calculation study for the land development activity for which a C.O. or C.C. is sought. The determination made by the City Manager may be appealed to the City Council by filing a written request with the City Manager within 10 days of the City Manager's determination. We advise the applicant to submit any independent fee calculation study as soon as possible for a determination. Refer to Article 19 of the Destin Land Development Code for specifics regarding impact fees. The owner/applicant must pay the final impact fee amounts prior to the issuance of a C.O. or C.C.:

Transportation: The transportation impact fees were calculated using the "Sit-Down Restaurant" category on the schedule of fees, the most closely attributable use to the proposed use for calculating the projected transportation impact fee. Impact fees for a Sit-down Restaurant are \$3,244 per 1000 square feet. The impact fee is calculated based upon the net increase in square footage over the previous restaurant.

Impact Fee Rate = \$3,244.00 per 1000 square feet
Proposed Restaurant Area= 4,270 square feet
Previous Restaurant Area= 2,637 square feet
Net increase = 1,633 square feet
Impact Fee for Business Area = \$3,244.00 x 1,633 = **\$5,297.45**

Total Roads Impact Fees to be paid for by "Denny's:" **\$5,297.45**

Parks: (not applicable)	=	\$0.00
Public Library: (not applicable)	=	\$0.00
Police Protection: (not applicable)	=	\$0.00
<u>Roads:</u>	=	<u>\$5,247.45</u>
TOTAL IMPACT FEES	=	<u>\$5,247.45</u>

OTHER FEES: None Outstanding

The fees listed below are subject to change and are based on the most recent information available (December 17, 2008). The fees must be paid by the applicant as part of the cost recovery associated with the proposed project:

City Compatibility Consultant:	N/A
City Surveyor:	N/A
City Traffic Consultant:	\$ 0
Re-Review Fees (Community Dev.)	\$ 0
Re-Review Fees (Engineering)	\$ 0
Previously Invoiced:	\$00.00
TOTAL (as of December 17, 2008) =	\$00.00

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 any City permit**, 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 Certificate of Occupancy**, all applicable impact fees must be paid.
3. **Prior to the issuance of a Certificate of Occupancy**, assigned address numbers for principal buildings shall be displayed and clearly visible and legible, preferably reflective, from the street or private way on which the building fronts. *Ref. LDC Section 7.18.04.*
4. **Prior to the issuance of a Certificate of Occupancy**, outdoor lighting, if installed, must be approved and inspected by the Community Development Department. The lighting plan which shall be submitted prior to the issuance of any city permit 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.
5. **Prior to the issuance of a Certificate of Occupancy**, all required parking and related landscaping shall be installed, inspected, and approved by the Community Development Department.
6. **Condition:** Signage, if installed, must be approved by the Community Development Department. All signage shall require the issuance of city permit. All signage shall meet the requirements set forth in Article 16 of the City's Land Development Code.
7. **Condition:** Outdoor mechanical equipment, such as heating, air conditioning, and ventilation systems, must be placed on the roof, in the rear or to the side of the building, or otherwise visually screened. In no case shall mechanical equipment be located between the principal structure and the front property line or any property line facing a right-of-way. All mechanical equipment located on the roof shall not be visible from adjacent properties or rights-of-way from

heights equal to or less than the equipment. All mechanical equipment located in the rear or to the side of the building shall be enclosed by opaque fence, wall or hedge a minimum of six feet in height or to the highest point of the equipment, whichever is lower. For air conditioning or other equipment requiring airflow, a lattice screen of at least 50 percent opacity shall be sufficient to meet this requirement. *Ref. LDC Section 7.09.02(B)(1).*

8. **Condition:** All solid waste collection areas shall be enclosed by a 100 percent opaque fence, wall, or hedge that is a minimum of six feet in height. All enclosures shall have gates that are 100 percent opaque. Please indicate this requirement on sheet 4 of 11 of the Site Construction Plans and state that the project will expect dumpster service. *Ref. LDC Section 7.09.02(B)(3).*
9. **Condition:** All wheel stops adjacent to sidewalks and walls shall be installed at least 30 inches from the adjacent sidewalk. *Ref. LDC Section 8.06.11.B.*
10. **Condition:** Curb ramps shall be provided at locations where a sidewalk intersects a curb.
11. **Condition:** Curb ramps shall be provided at all locations where an ADA-accessible route or access aisle intersects a curb.
12. **Condition:** Each handicap accessible parking space must be posted with a permanent above-grade sign bearing the international symbol of accessibility and the caption "PARKING BY DISABLED PERMIT ONLY." Such sign must also indicate the penalty for illegal use of the space. **This penalty shall be a minimum \$250 fine.**
13. **Condition:** If applicable, the slab for all structures shall be constructed a minimum of 12 inches above the crown of the nearest street, except where topography will provide adequate drainage as certified by a professional engineer registered in the State of Florida. *Ref. LDC Section 10.03.02.A.5.*
14. **Condition:** All new development projects that include erecting a new building and/or structure shall be required to place all existing and proposed utility lines located on the subject property, regardless of who the utilities serve, underground. *Ref. LDC Section 20.12.00.*
15. **Condition:** Please abide by the general guidelines set forth in the FDEP's "Florida Development Manual: A Guide to Sound Land and Water Management," particularly those guidelines set forth for the construction and maintenance of exfiltration trenches.
16. **Condition:** Any additional revisions to the site plan must be reviewed and approved by the appropriate Technical Review Committee members.

TRC MEMBER COMMENTS:

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated August 20, 2008.

SOLID WASTE DISPOSAL:

The Okaloosa County Solid Waste Department approved the project in a letter dated April 23, 2008.

PUBLIC SERVICES: ENGINEERING DIVISION:

The Engineering Division approved the project with conditions in the following memo dated December 1, 2008.

OFFICE OF PUBLIC SERVICES

MEMORANDUM

RECEIVED

DEC 2 2008

COMMUNITY
DEVELOPMENT

December 1 2008

TO: Planning Manager/Ashley Grana
FROM: Engineering Assistant II/ Joseph D. Bodi *JOB*
SUBJECT: SP-08-15, Denny's Restaurant, 1087 US Hwy 98 E
Right of Way & Wetlands Impact Review ONLY

A resubmittal was received on November 21, 2008 and the right-of-way & wetlands areas only were reviewed. ~~This project can not be approved at this time.~~ The Public Services Department has the following comments: *Joe*

CONDITIONS 9, 10 & 11 MUST BE CORRECTED ON PLANS BEFORE PERMITTING

1. **Condition:** Prior to obtaining any City permit, obtain a City of Destin Right-of-Way Construction Permit from the Public Services Department.
2. **Condition:** Prior to obtaining a City of Destin Right-of-Way Construction Permit, obtain an FDOT Connection and Drainage permit and submit a copy to the Public Services Department.
3. **Condition:** Refer to LDC Article 8.03.06. *Clear visibility triangle.* In order to provide a clear view of intersecting streets to motorists, there shall be a triangular area of clear visibility formed by two intersecting streets. The following standards shall be met:
 - a. Nothing shall be erected, placed, parked, planted or allowed to grow in such a manner as to materially impede vision between a height of two feet and ten feet above the grade, measured at the centerline of the intersection, except those signs or devices approved pursuant to section 16.01.00 of this Code. Note: The applicant is reminded that building setbacks must be observed so as to preserve clear visibility at intersections.
 - b. The clear visibility triangle shall be formed by connecting a point on each street centerline with such point to be located at a distance determined by the building setback requirements associated with the property and the zoning district within which the property is located. That is, the visibility distances shall be those established by the setback requirements within the city's zoning ordinance. Note: The visibility triangle shall be in accordance with the "Technical Construction Standards Manual," included in this Code, and the Florida Department of Transportation Standards Index.
4. **Condition** Refer to LDC Article 8.01.00.B.2. Screening vegetation shall not be placed within five feet and maintain a minimum foliage clearance of three feet from any utility structure(s) including but not limited to water meters, valves, electrical/communication panels or poles, and shall not be placed around any water hydrant that could be used for fire protection.

5. **Condition** Refer to LDC Article 8.01.00.C. Sidewalks, recreational trails, and bicycle ways shall be permissible in ROWs:
 - a. Landscaping located on abutting properties to sidewalks, recreational trails, and bicycle ways shall not create a safety hazard, and shall be trimmed or pruned to allow full width plus one foot on each side of the sidewalks, recreational trails, and bicycle ways, and the minimum vertical height of ten feet above grade, is clear.
 - b. Trees or shrubs shall not be planted within five feet from all streets or sidewalks, recreational trails, and bicycle ways.
6. **Condition:** Contractor shall not be allowed to utilize ANY public right-of-ways for any loading/unloading, staging or storage of construction materials, equipment or vehicles or unauthorized construction. **Failure to comply with this requirement may void your city right-of-way construction permit until the violation is corrected. Voided permits must be reapplied for and application fees shall be assessed**
7. **Condition:** Prior to obtaining any city permit, provide a debris & soil hauling plan (truck route) through the City. Any road damage that is determined to be caused by this project operation shall be required to be repaired prior to obtaining any Certificate of Occupancy (C.O.).
8. **Condition:** During construction crane booms shall not swing out over the ROW or adjacent private properties on either side of the project.
9. *4ae* **Condition:** Relocate the light poles on the west side of the driveway to the back side of the sidewalk.
10. **Condition:** Provide internal 24" wide white stop bar & stop sign placed at west decision point.
11. **Condition:** Provide street light and pole specs prior to city approval.
12. **Condition:** Provide lighting for the stairs on the east side of the building showing a minimum of 20 LUX/foot.
13. **Condition:** Sidewalk area crossing the drive access shall meet ADA flatness & slope requirements and shall be 6" thick.
14. **Condition:** Provide the words "BUS STOP" on the pavement in front of the bus stop area per FDOT Standard Index # 17346, Special Marking Areas, page 1 of 14.
15. **Condition:** All pavement striping shall be thermoplastic per FDOT Standard Specifications for Road & Bridge Construction, Section 711 & 713.
16. **Condition:** Provide all required thickness, density and compaction test results prior to any Certificate of Occupancies (C.O.).
17. **Condition:** Vehicle tracking and/or spilling of soil from the site is prohibited.

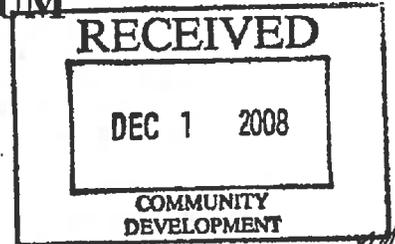
18. **Condition:** Any off-site catch basins, curb inlets or swale that required protection shall be cleaned prior to obtaining a C.O.
- cc:
PS Files

STORMWATER:

The City approved with conditions the stormwater management plan in the following memo dated December 1, 2008;

**OFFICE OF COMMUNITY DEVELOPMENT
STORMWATER REVIEW**

MEMORANDUM



DATE: December 1, 2008
TO: Hank Woollard, Planner
FROM: David M. Forstrom, Planner & Stormwater/Floodplain Manager
SUBJECT: SP-O8-15, Denny's, a Minor Development located at 1530 Highway 98 East
1st Re-submittal Stormwater Review Comments

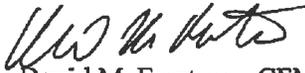
We received a re-submittal on November 17, 2008 from Kenneth Horne & Associates. The Stormwater Management Plan (SWMP) and the construction drawings are **hereby approved** with the following conditions as noted:

1. **Note:** The Engineer of Record is cautioned to review the construction documents as submitted to assure thorough information is provided to allow proper construction. All stormwater management facilities shall be required to be constructed per the Codes of the City of Destin.
2. **Condition:** Prior to obtaining a Certificate of Occupancy, the Stormwater Operation/Maintenance Plan (SWOMP) shall be acknowledged and signed by the Owner.
3. **Condition:** Prior to obtaining any City permit, a copy of the NFWFMD stormwater and a NPDES Stormwater Construction Generic Permit (if applicable) approval shall be provided.
4. **Condition:** Prior to obtaining any City permit, an original signed and sealed stormwater Concurrency Certificate shall be provided.
5. **Condition:** If groundwater is observed standing in the storm structures, the SWMP shall be considered in non-compliance and a revised stormwater plan shall be resubmitted for review and approval.

6. **Condition:** The Stormtech system shall be inspected and approved by the Engineer of Record and the City of Destin prior to backfilling. Prior to inspection by the City, the Engineer of Record shall submit an inspection report that certifies the compliance of the perforated pipe and exfiltration beds.

If you have questions or need additional information, please contact my office.

Sincerely,



David M. Forstrom, CFM
Planner & Stormwater/Floodplain Manager

File: Letter & Project

UTILITIES:

All proposed utilities are required to be placed underground. Comments from utility companies are as follows:

WATER/SEWER PROVIDER:

Destin Water Users, Inc. approved the project in a letter dated July 30, 2008.

Per Destin Water Users, Inc.:

1. **Condition:** All revisions to the water and/or sewer utilities of any previously approved project must be re-approved by Destin Water Users, Inc. in writing at least 24 hours prior to implementation.
2. **Condition:** Field verified and scaled "as-built" plans including all utility infrastructures must be submitted to the City of Destin and forwarded to Destin Water Users, Inc. for final inspection by Destin Water Users, Inc. A written approval shall then be submitted to the City of Destin prior to issuance of Certificate of Occupancy by the City of Destin if there are no outstanding issues.

GULF POWER COMPANY:

Gulf Power Company provided the following comments in a letter from Suzanne McDaniel dated August 20, 2008.

1. The service size and new electrical load requirements need to be stated.
2. Any existing facility relocations will also need to be stated.

COX COMMUNICATIONS:

Cox Communications stated it had no objections to the project in the following letter dated August 19, 2008. The letter also states that the Developer is responsible to contact Cox regarding any conflicts with existing Cox facilities and any relocation costs will be the responsibility of the Developer.



Cox Communications Gulf Coast, LLC
220 Ricketts Road, NW
Ft. Walton Beach, FL 32547
950.796.1269 tel

August 19, 2008

City of Destin
4200 Two Trees Rd.
Destin, FL 32541

To: Technical Review Committee
Re: SP-08-15 Denny's

Cox Communications has no objections to the above named project. Any conflicts with Cox Communications existing facilities will be the responsibility of the owner/developer to contact Cox Communications of said conflicts. All costs incurred for the relocation and/or replacement of Cox Communications owned facilities, aerial or underground is the sole responsibility of the owner or developer. Cox Communications must maintain an 18' clearance on DOT right-of-ways, including driveway cuts. Due to the nature of Gulf Power owned poles, that we lease, the cost to maintain the clearances is solely based on what Gulf Power charges us to upgrade the poles. Materials and man hours to transfer to the new poles are also added to the cost.

Please contact myself prior to building. To ensure access to building for cable and high speed internet access it is important that we meet prior to construction and conduit placement.

Sincerely,

Cyndi Owens

Construction Supervisor
Cox Communications
Office: 850-314-8151
cyndi.owens@cox.com

RECEIVED

AUG 20 2008

COMMUNITY
DEVELOPMENT



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OKALOOSA GAS:

Okaloosa Gas stated it had no objections to the project in the following letter dated August 20, 2008. However, the letter cautions of existing facilities.

08/19/2008 14:29 FAX 004 678 2165

OKALOOSA GAS DIST

004



Okaloosa Gas District

**OKALOOSA GAS DISTRICT
TECHNICAL REVIEW COMMITTEE, DESTIN
DATE 08/15/2008**

BUSINESS:

SP-08-15, Denny's Restaurant, a Minor Development

COMMENTS:

Okaloosa Gas has no objections to the above referenced project. However, please be advised that Okaloosa Gas has gas service to the existing building and it will have to be abandoned due to new construction. Okaloosa Gas has a 6" high pressure gas main in front of the building that will have to be located and protected. Please have the contractor contact Okaloosa Gas and Sunshine State One-Call Center prior to construction.

If you should have any questions, or require additional information, please call.

RECEIVED

Submitted by:

AUG 20 2008

Lara Riebel

**Essa Riebel
Systems Engineer**

**COMMUNITY
DEVELOPMENT**

P.O. Box 548 • Valparaiso, Florida 32580-0548 • (850) 729-4870 • FAX (850) 678-2165

EMBARQ:

Embarq Corporation provided criteria for service in the following letter dated August 7, 2008.

Voice | Data | Internet | Wireless | Entertainment

August 7, 2008

City of Destin
Community Development Department
4200 Two Trees Road
Destin, FL 32541

Re: SP-08-15, Denny's, a Minor Development located at 1083 Hwy 98 East

The following criteria must be met for any multi-family or commercial building.

1. A 4" x 8" x 3/4" painted plywood terminal board must be securely attached to the wall for mounting of telephone hardware (if inside terminal room is applicable) and dedicated to Embarq.
2. Four-inch PVC entrance conduit will be run from the property corner or utility easement into the mechanical room with no more than one 90 degree sweep. If an inside terminal room is not applicable the conduit will be turned up outside the building at the location of the telephone terminal. Size and location of either inside or outside terminal will be determined by an Embarq Corporation representative (Keith Nance, 850-664-3751).
3. Access to the power ground (MGN) within 5 feet of our terminal must be provided; alternatively, a No. 6 insulated copper ground wire from the MGN will be provided at the telephone terminal location.
4. Conduit and equipment room, if applicable, must be completed 60 days prior to Certificate of Occupancy date.

If you should require any additional information, please contact Keith Nance at 850-664-3751.

Sincerely,



Keith Nance - Network Engineer

Amh

cc: Chron File

RECEIVED

AUG 11 2008

COMMUNITY
DEVELOPMENT

City of Destin
Phone: 850-664-3005
Fax: 850-664-3115

SOLID WASTE COLLECTION:

Waste Management stated it had no objections to the project in the following letter dated August 19, 2008, but reserved the right to discuss. Specific requirements for solid waste collection were provided.

8508546659

Waste Mgmt Inc:FWB

08/19/08 08:20:26

3/1



WASTE MANAGEMENT

100 Hill Avenue NW
City: Winston-Salem, NC 27158
1-310-362-7111
Local-364-4441 fax

August 19, 2008

City of Dacula
Attn: Stephanie
1083 Hwy 98 East
Denny's
RL: SP-08-15

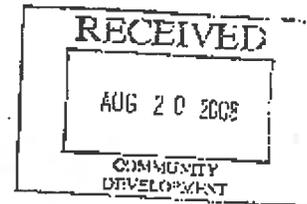
Dear Stephanie,

Waste Management has no objections with this project at this time. However, we reserve the right to discuss.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Cookman'.

Steve Cookman
Territory Manager
Waste Management Inc



From everyday collection to environmental protection. Think Green! Think Waste Management.

A small circular logo with a globe-like design.

Star Lockman



Dave Wallace
District Manager
Fr. Walton Beach Hunting/Tram

WASTE MANAGEMENT
108 Hill Ave. Fr. Walton Beach, FL 32548
(850) 301-2810 (850) 664-6659 Fax
(850) 695-1160 Mobile dwallace@wm.com

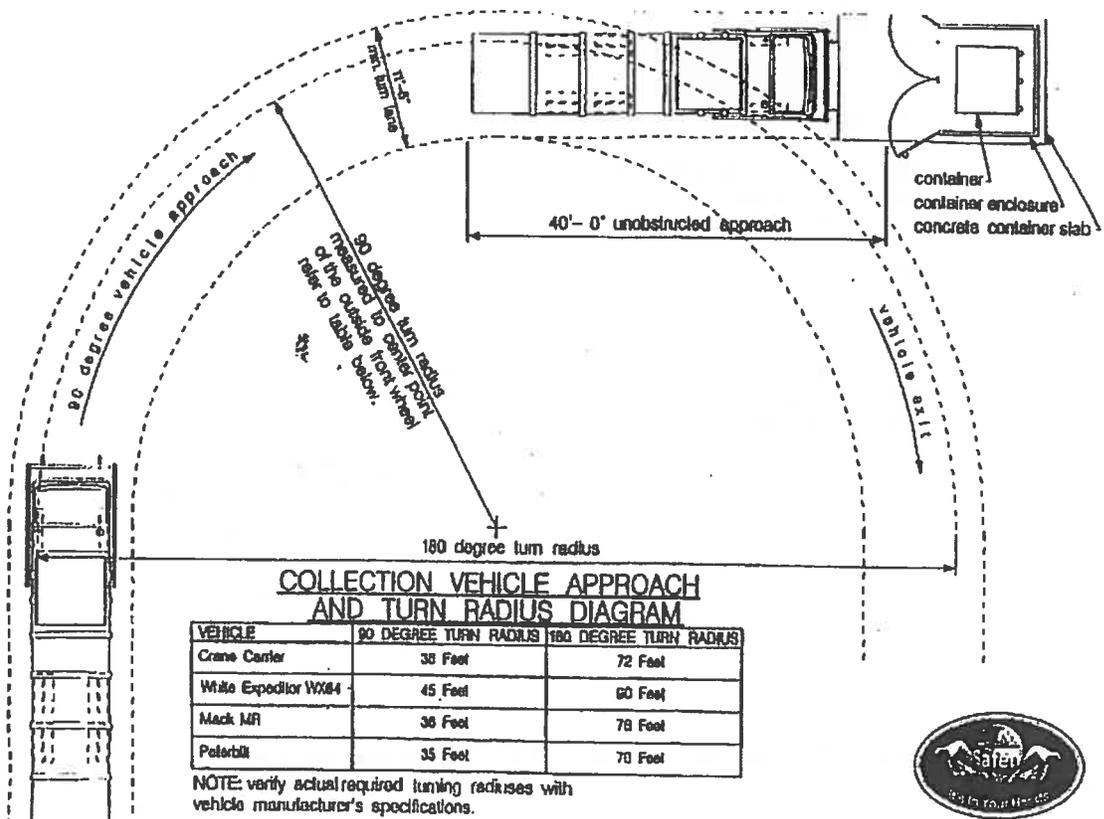
From everyday collection to environmental protection. From an 100% to 100% recycled paper. Think Green. Think Waste Management.

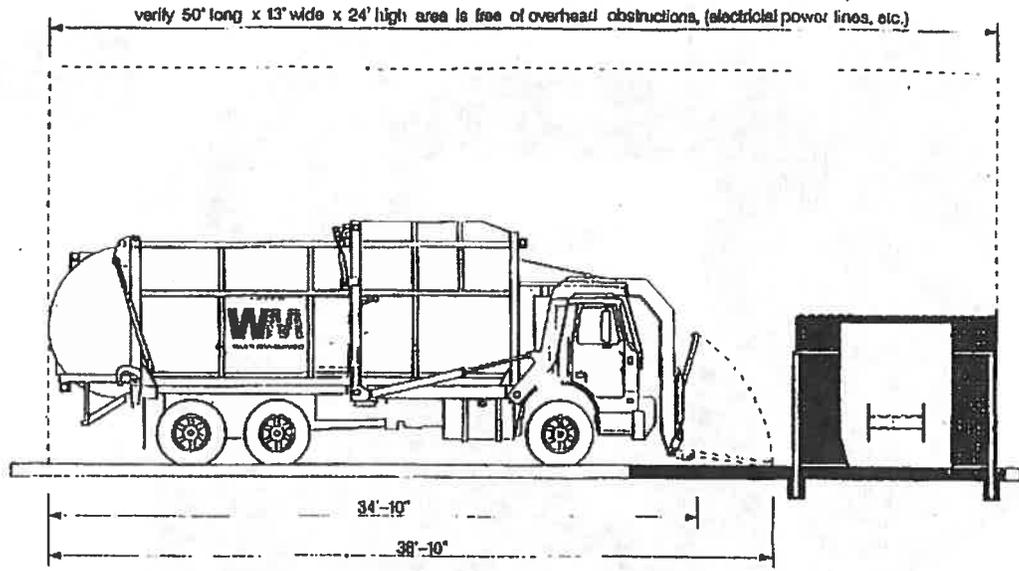
SITE EVALUATION

POSITION YOURSELF IN FRONT OF THE CONTAINER. (TURN AROUND LOOK AT THE APPROACH)

- IS THERE ENOUGH ROOM FOR THE VEHICLE THAT WILL SERVICE THE LOCATION.
- WILL A MOVING LANE OF TRAFFICE BE BLOCKED
- IS THE ROAD SURFACE ADEQUATE FOR THE VEHICLE THAT WILL SERVICE
- IS THERE EXISTING DAMAGE AT THE LOCATION

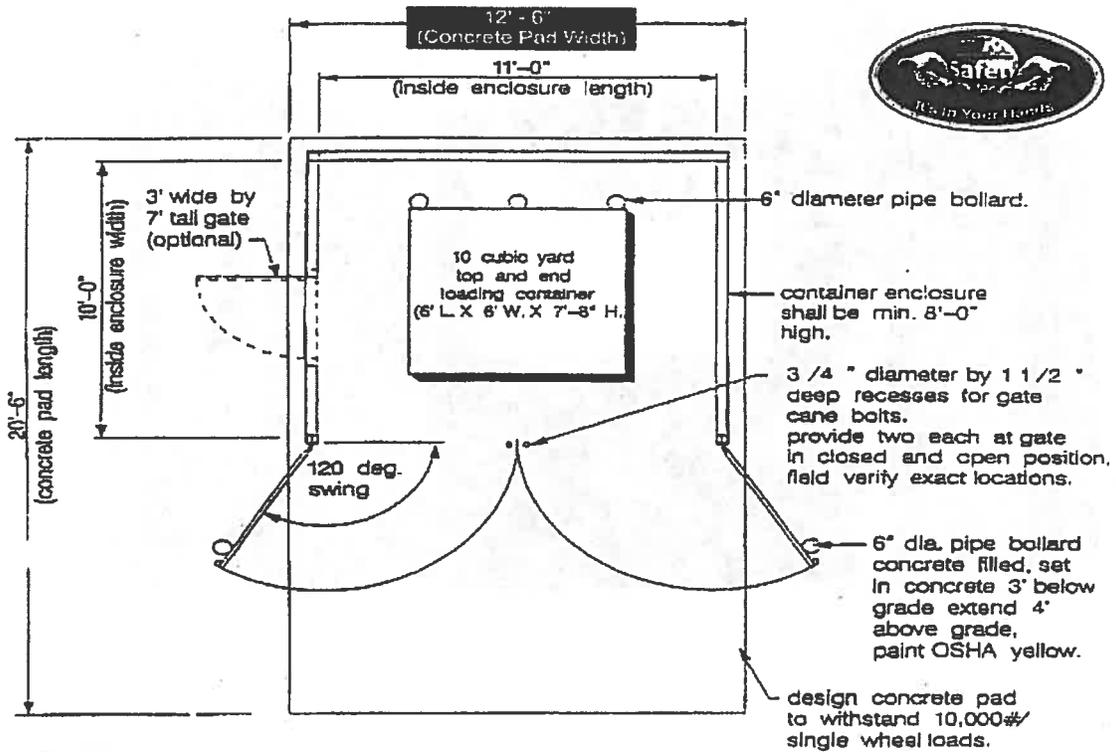
RECEIVED
AUG 20 2008
COMMUNITY DEVELOPMENT





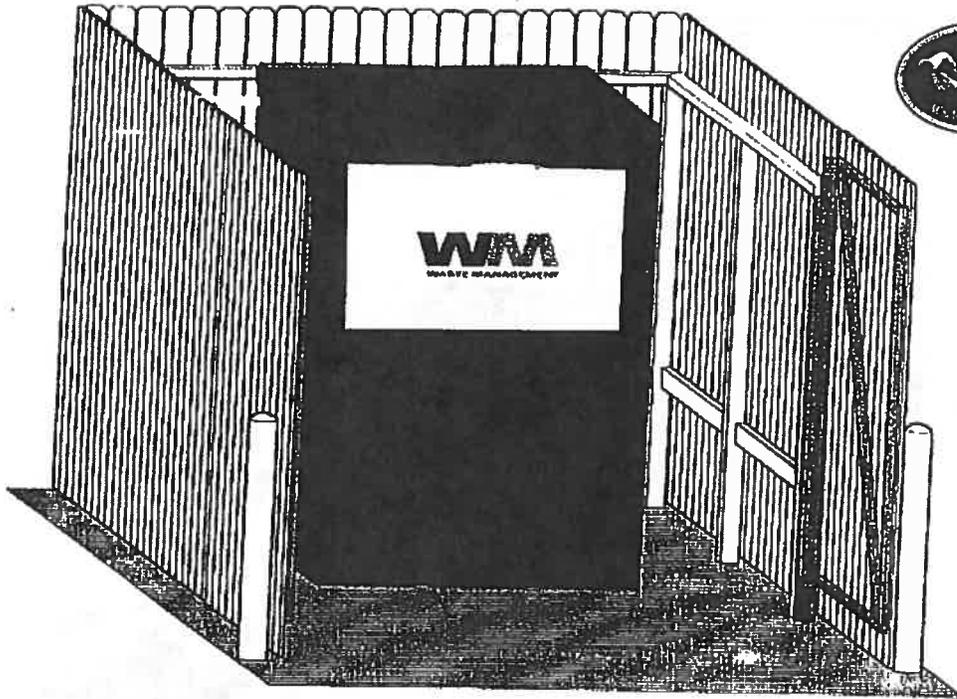
SIDE VIEW

NOTE: Vehicle shown is a 40 cu. yd. front end loading collection truck

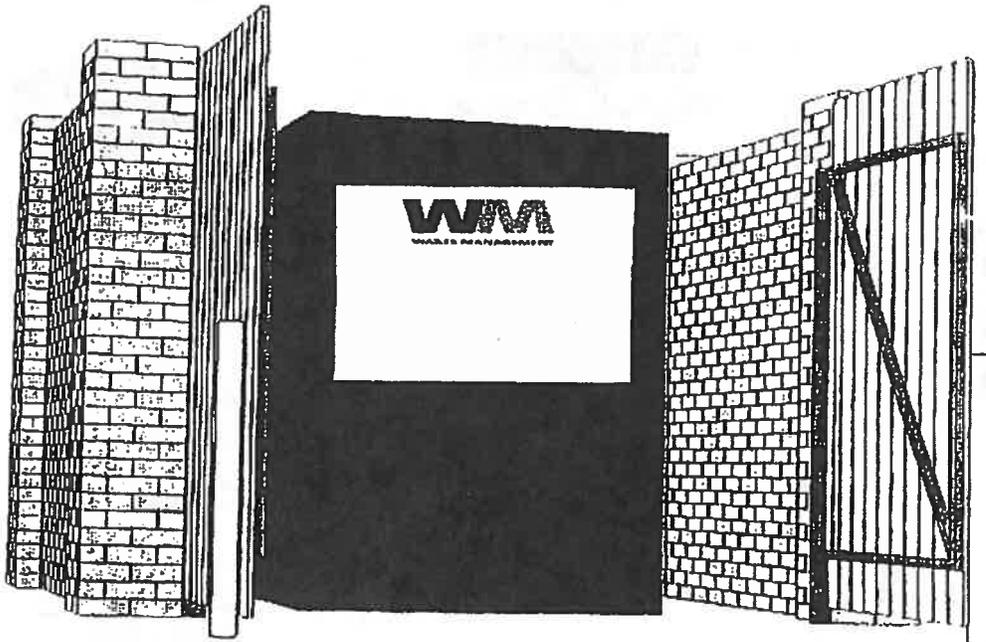


CONTAINER ENCLOSURE PLAN

SCALE : 1/4" = 1'-0"



WOOD FENCE CONTAINER ENCLOSURE



MASONRY CONTAINER ENCLOSURE



CITY of DESTIN

4200 Indian Bayou Trail • Destin, Florida 32541

OFFICE OF PLANNING DIVISION

Voice 850.837.4242

Fax 850.650.0693



www.cityofdestin.com

agrana@cityofdestin.com

November 24, 2009

Mr. Edward E. Bowles, PE, Project Engineer
Kenneth Horne & Associates, Inc. - Civil Engineers
7201 North 9th Avenue, Suite 6
Pensacola, Florida 32504-6600

SUBJECT: Denny's Restaurant – DO-09-09 Time Extension

Dear Mr. Bowles:

On November 23, 2009, the Community Development Department received a check in the amount of \$474.35 from Denny's, Inc. in payment of all outstanding fees associated with the Denny's Restaurant proposed for the NW corner of Airport Road and U.S. Highway 98 in Destin.

The Project is now in good standing with the Department and the request to extend DO-09-09 for a period of one year, via your letter of October 5, 2009 is hereby granted in compliance with Section 2.21.01 of the Land Development Code.

The City of Destin looks forward to working with Denny's to see this project come to fruition. If you have any questions, comments or concerns regarding the above, please feel free to contact me.

Sincerely,

R. Ashley Grana
Planning Manager

RAG/hw

Attachments

cc: Denny's Inc. – Attn: Development
Letter Log
SP-08-15 File
DO-09-09 File



CITY of DESTIN

4200 Indian Bayou Trail • Destin, Florida 32541



www.cityofdestin.com

COMMUNITY DEVELOPMENT

Voice 850.837.4242 Fax 850.650.0693

kgallander@cityofdestin.com

December 21, 2009

Mr. Edward E. Bowles, P.E.
Kenneth Horne & Associates, Inc.
P.O. Box 10669
Pensacola, FL 32524

Subject: Denny's Restaurant – Final Development Order No. 09-09 Special Economic Condition Extension Request

Dear Mr. Bowles:

This letter is in response to your correspondence I received on December 15, 2009. As required, your request for an extension to Final Development Order No. 09-09 was received prior to January 1, 2010. Based on meeting this criterion and by adhering to the criteria of the extension as stated in Article 2, Section 2.21.01.D, the extension is granted until December 31, 2011 from the date of your written correspondence (December 14, 2009). This extension vests the final development order and enables the holder of the orders to delay commencement or continuance of construction, if necessary, until December 31, 2011.

Please do not hesitate to call me if you have any further questions or concerns.

Sincerely,

Kenrick S. Gallander, AICP
Community Development Director

KSG/

cc: File: Letter Log
Planning Manager, Ashley Grana - File: SP-08-15



Community Development Planning Division

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-337-3123 | Fax: 850-650-0693 | www.cityofdestin.com

September 23, 2011

Mr. Edward E. Bowles, PE
Kenneth Horne & Associates, Inc.
7201 North 9th Avenue, Suite 6
Pensacola Florida 32524-6600

**Subject: Special Economic Condition Extension Request for DO 09-09,
SP-08-15, Denny's Restaurant, 1083 Highway 98 E**

Dear Mr. Edward E. Bowles, PE:

Your written request for the additional "special economic condition" extension for Final Development Order DO 09-09 was received prior to the December 31, 2011 expiration of the current extension. Based on meeting the criterion of Florida Statutes Chapter 2011-139, Section 73, your extension is granted until December 31, 2013. This extension vests the final development order and enables the holder of the Development Order to delay commencement or continuance of construction, if necessary, until December 31, 2013.

Should you have further questions or concerns, please do not hesitate to call.

Sincerely,

R. Ashley Grana
Interim Community Development Director

RAG/lwb

cc: DO Book, Project File:SP-08-15, Building File & Letter Log





Community Development Planning Division

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-337-3123 | Fax: 850-650-0693 | www.cityofdestin.com

September 28, 2012

Mr. Charlie Clary
PO Box 788
Shalimar, Florida 32579-0778

SUBJECT: Denny's Restaurant – Final Development Order No. 09-09 “Special Economic Condition” Extension Request – 1083 Highway 98 East.

Dear Mr. Clary:

This letter is in response to your letter dated September 26, 2012, requesting a “special economic condition” extension to the above referenced development order. Based on the legal guidance set forth in Section 24 (1) of Ch. 2012-205 Laws of Florida this development order is extended to the fullest extent possible to January 8, 2015. This determination enables the holder of the final development order to delay commencement or continuance of construction, if necessary, until January 8, 2015.

Should you have any further questions or concerns, please do not hesitate to contact me either via e-mail (agrana@cityofdestin.com) or phone (850-582-4525).

Sincerely,

R. Ashley Grana
Planning Division Manager

RAG/

cc: 2009 DO Book
Project File: SP-08-15
Building File: 1083 Highway 98 East
Letter Log

