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March 25, 1999

ORDER #99-12

Final Development Order:

"DESTIN CONVIENCE STORE":
A MAJOR DEVELOPMENT
(SP #99-01)

Based upon the City Council's approval of this Development Order, on March 8, 1999, 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: Gustin, Cothem and Tucker, Inc., Mr. James Barton, as agent
Destin Convenience Store, L.L.C., c/o Mr. Bennett York, Owner

Location: The southeast corner of the intersection of Emerald Coast Parkway and
Hutchinson Street.

Request: Approval of a Major Development identified as "Destin Convenience
Store". The proposed project consists of a single story convenience
store (4,676sq.ft.) with eight (8) fuel pumps and a detached automatic
car wash (1,196sq.ft.), containing a total of 5,872 sq.ft. The project
is desired to be constructed in two phases: Phase I consists of the
convenience store, car wash, and six (6) of the eight (8) fuel pumps;
Phase II consists of the remaining two (2) fuel pumps and the
removal of the billboard, and adding additional pavement.

Parcel Size: The property contains 1.24 acres.

Land Use: C (Commercial)

Zoning District: BT (Business Tourism)

Density: N/A

Intensity: 0.29 Floor Area Ratio

Application Date: January 5, 1999

TRC Date: January 20, 1999 (*revised plans reviewed 1-27-99, & 3-2-99*)

Approved Site Plan Date: Signed and Sealed January 27, 1999 (*stamped TRC approved February 22, 1999*)

Planning Commission Date: March 4, 1999

City Council Date: March 8, 1999

DETERMINATIONS:

The Planning Commission considered the proposal on March 4, 1999; and recommended the City Council approve the proposed project as presented by staff. The motion passed by a 4-2 vote. Mr. Morgan and Mr. Souders voted in opposition and Mr. Breithaupt was absent; and

A hearing was held by the Destin City Council on March 8, 1999, whom approved the development; and

All the findings of the Technical Review Committee report dated January 20, 1999 and amended February 22, 1999, are incorporated herein.

CONDITIONS OF APPROVAL FOR "DESTIN CONVIENCE STORE":A MAJOR DEVELOPMENT(SP #99-01)

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

1. Construction must commence within twelve (12) months of approval of the Development Order on April 6, 1999(no later than March 25, 2000) and must be completed as shown on plans approved by the Technical Review Committee (stamp dated 2-22-99).
2. The concurrency status of "Destin Convenience Store" is protected for five years (through March 25, 2004), **IF condition Number 1 above is satisfied and should the developer stop building for a period exceeding one year from the date of the issuance of the last building permit, then all approvals become null and void for concurrency.** Construction permits must be obtained in accordance to Section 2.09.00 of the Land Development Code to maintain concurrency.
3. **WARNING: If the applicant/owner has not obtained a construction permit(s) within 365 days of issuance of the final development order, the final development order is void and the application for plan approval must be re-initiated.**
4. "Destin Convenience Store" must obtain City of Destin permits for the following activities on and off site (These may require appropriate bonding):
 - a. disturbance to the city's rights of way.
 - b. pavement cuts.
 - c. construction of any kind.
 - d. clearing and grubbing.
 - e. paving, grading, drainage, sidewalks.
 - f. signage.
 - g. installation of utilities.
 - h. construction trailers.
5. **Before the issuance of a Clearing permit,** a clearing plan must be reviewed by the Community Development Director. Prior to the issuance of a clearing permit a list of

surrounding property owners within 300', (names and addresses), must be provided to the Community Development Department.

6. **Before the issuance of a building permit**, an FDEP Permit (stormwater permit) is required and must be submitted and reviewed by the City Engineer.
7. **Before the issuance of a building permit**, an FDOT permit is required and must be submitted and reviewed by the City Engineer.
8. **Before the issuance of a building permit**, an FDEP Permit (underground fuel tank permit) is required and must be submitted and reviewed by the City Engineer.
9. **Before the issuance of a building permit**, the applicant must provide a photometric layout for the entire site, including the canopy. This photometric layout must be reviewed and approved by the Community Development Director.
10. **Before the issuance of a building permit**, the applicant must extend the east-bound turn lane, on Hutchinson Street, southward of the proposed driveway connection. The design for the extended turn lane shall be reviewed and approved by the City Engineer, prior to issuance of a building permit. Construction of the extension must be completed prior to issuance of a certificate of occupancy for Phase I construction.
11. **Before the issuance of a certificate of occupancy**, the landscape material shall be inspected by the Community Development Department to insure compliance with the Development Order.
12. **Before the issuance of a certificate of occupancy**, any damages to the existing and required five (5) foot sidewalk, adjacent to south right-of-way line of Hwy. 98, must be "bonded, replaced, or installed".
13. Requirements identified by the Technical Review Committee:

**TECHNICAL REVIEW COMMITTEE REPORT
COMMUNITY DEVELOPMENT DEPARTMENT**

**"DESTIN CONVENIENCE STORE"
A MAJOR DEVELOPMENT**

(SP#99-01)

TRC Report: January 20, 1999, Amended February 22, 1999

ISSUE

Applicant: Gustin, Cothorn and Tucker, Inc., Mr. James Barton, as agent
Destin Convenience Store, L.L.C., c/o Mr. Bennett York, Owner

Location: The southeast corner of the intersection of Emerald Coast Parkway and
Hutchinson Street.

Request: Approval of a Major Development identified as "Destin Convenience
Store". The proposed project consists of a single story convenience
store (4,676sq.ft.) with eight (8) fuel pumps and a detached automatic
car wash (1,196sq.ft.), containing a total of 5,872 sq.ft. The project
is desired to be constructed in two phases: Phase I consists of the
convenience store, car wash, and six (6) of the eight (8) fuel pumps;
Phase II consists of the remaining two (2) fuel pumps and the
removal of the billboard, and adding additional pavement.

Parcel Size: The property contains 1.24 acres.

Land Use: C (Commercial)

Zoning District: BT (Business Tourism)

Density: N/A

Intensity: 0.29 Floor Area Ratio

Application Date: January 4, 1999

TRC Date: January 20, 1999

Approved Site Plan Date: February 1, 1999

Planning Commission Date: March 4, 1999

City Council Date: March 8, 1999

DISCUSSION:

Approval of a Major Development identified as "Destin Convenience Store". The proposed project consists of a single story convenience store (4,676sq.ft.) with eight (8) fuel pumps and a detached automatic car wash (1,196sq.ft.), containing a total of 5,872 sq.ft. The project is desired to be constructed in two phases: Phase I consists of the convenience store, car wash, and six (6) of the eight (8) fuel pumps; Phase II consists of the remaining two (2) fuel pumps and the removal of the billboard, and adding additional pavement.

The proposed project is generally located at the southeast corner of the intersection of Emerald Coast Parkway and Hutchinson Street.

Request is made by Gustin, Cothorn and Tucker, Inc., Mr. James Barton, as agent for Destin Convenience Store, L.L.C., c/o Mr. Bennett York, owner. The property contains 1.24 acres

The proposed request is consistent with the Comprehensive Plan, Land Development Code, including Compatibility review, Concurrency Management review, and LOS review.

The Technical Review Committee reviewed the project on January 20, 1999, and approved the project with specific conditions and changes. The applicant, as of February 22, 1999, has addressed these conditions and changes.

ZONING/COMPREHENSIVE PLAN

The property is zoned BT (Business Tourism) and the Future Land Use Category is C (Commercial). The proposed use "convenience store, 8 gas pumps, and detached automatic drive through car wash" is a permitted principle use within the BT district.

COMPATIBILITY

The uses surrounding this project are:

North: Emerald Coast Parkway, County (Walgreen and vacant)
South: BT Zoning: Vacant, Gulf Power Easement, and single family dwellings-south of easement
East: BT Zoning: Hutchinson Drive and Vanguard Bank
West: BT Zoning: Vacant

The project, as required by 7.09.00 of the Land Development Code, has undergone a compatibility review and meets the minimum code requirements. The General Compatibility Checklist and the following items were included in the compatibility review.

A) Permitted uses, structures and activities allowed within the land use category;

The proposed use and activity of a convenience store, 8 gas pumps, and detached automatic drive through car wash is a permitted use in the Commercial Future Land Use Category as well as the BT Zoning District. This proposed project consists of a single story convenience store (4,676sq.ft.) with eight (8) fuel pumps and a detached automatic car wash (1,196sq.ft.), containing a total of 5,872 sq.ft.

The site currently has a non-conforming billboard located along the northern property line. Billboards (off-site advertising) are now considered illegal signs, which can not be improved or altered. The billboard eventually will be replaced with a legal conforming ground sign. Staff is recommending that the billboard be removed prior to the issuance of the certificate of occupancy of Phase I construction, rather than during Phase II, as proposed by the applicant. NOTE: the City Council did not require the billboard to be removed during Phase I.

B) Building location, dimensions, height, and floor area ratio;

The proposed use and structures are consistent with the Land Development Code and Comprehensive Plan. The floor area ratio is required to be limited to a maximum of 1.07. This proposal does not exceed the maximum of 1.07.

C) Location and extent of parking, access drives, and service areas;

The applicant will be providing an additional driveway connection, with a deceleration lane, along Emerald Coast Parkway. FDOT has made preliminary comments, which are made part of this report. In addition, it is recommended that the applicant extend the east-bound turn lane on Hutchinson Street, southward of the proposed driveway connection.

Furthermore, the applicant has provided a future connection for the property to the south, in order to provide a future joint driveway connection onto Hutchinson Drive, as requested by staff. The applicant has also provided a joint driveway connection off of Emerald Coast Parkway for the property to the east.

D) Traffic generation, hours of operation, noise levels, and outdoor lighting;

Connelly & Wicker, Inc conducted a traffic analysis, dated January 4, 1999. According to the review conducted by the City's Traffic consultant, the proposed development will affect Segment "C" of Hwy 98; however, the consultant has verified that capacity exists for this project. Furthermore, the trips generated on Hutchinson Drive will not lower the LOS for the road system. The report has been reviewed and approved for concurrency purposes by the City's traffic consultant on January 21, 1998. Four (4) new PM/PK HR trips will affect Segment "C".

An outdoor lighting plan, distribution plan, has been provided to staff by Associated Manufacturers Agents of Mobile, Inc., dated January 30, 1999. Staff has reviewed this plan.

A review of the traffic generated, lighting plan, elevation plans, and architectural plans, in relation to lot sizes and use, indicates that the proposed project will be compatible with the surrounding development.

E) Alteration of light and air;

The applicant has provided a lighting distribution plan, dated January 30, 1999; however, the City does not require a specific test for shadowing and lighting. The subject development is proposing a total of eight (8) gasoline pumps at this site, with eight (8) luminaries at 455.0 watts each. The lighting distribution plan is attached and made part of this report. Since the photometric plan only shows lighting from parking lot light poles, it is recommended that the applicant provide a photometric layout for the entire site, including the canopy and that this photometric layout be reviewed and approved by the Community Development Director prior to issuance of a building permit.

F) Setbacks and buffers.

The overall site plan meets the open space requirements. The only buffers required are the standard 5 ft. common boundary landscape area on the east and south property lines, and the standard 10 ft. front perimeter landscape area on the north and west property lines.

Parking islands and required tree/vegetation/reforestation placement is also required. The proposed structures meet or exceed the required setbacks. The location of the building and the required

landscape areas minimize the impact of the structures on the surrounding parcels. The project will also have ten (10) percent more open space than required by the LDC.

DENSITY

N/A

HEIGHT

The applicant is proposing two (2) new detached single-story buildings. The proposed elevation plans and architectural plans confirm this request. The proposed heights are allowed within the zoning district.

FLOOR AREA RATIO

Maximum FAR is 1.07. This proposal does not exceed the maximum of 1.07 FAR.

RIGHT-OF-WAY DEDICATION

No right-of-way dedication is required; however, it is recommended that the applicant extend the eastbound turn lane, on Hutchinson Street, southward of the proposed driveway connection. The design for the extended turn lane shall be reviewed and approved by the city Engineer, prior to issuance of a building permit. Construction of the extension must be completed prior to issuance of a certificate of occupancy for Phase I construction.

CONCURRENCY MANAGEMENT

Concurrency requirements met:

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

TRAFFIC ANALYSIS

Connelly & Wicker, Inc conducted a traffic analysis, dated January 4, 1999. According to the review conducted by the City's Traffic consultant, the proposed development will affect Segment "C" of Hwy 98; however, the consultant has verified that capacity exists for this project. Furthermore, the trips generated on Hutchinson Drive will not lower the LOS for the road system. The report has been reviewed and approved for concurrency purposes by the City's traffic consultant on January 21, 1998. Four (4) new PM/PK HR trips will affect Segment "C".

SUBDIVISION OR PUD - PLAT

N/A

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 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>Phase I and II</u>		<u>Required</u>	<u>Provided</u>	<u>Buffers</u>
Front:	10'	10'		10' FPLA
Corner Front (secondary):	10'	10'		10' FPLA
Side (east & south):	0'	5' & 37'		5' Common Boundary

NOTE: The 5' common boundary, front perimeter boundary, parking islands, and reforestation requirements must meet Code.

WHITE SANDS ZONE

The project is **not** located within White Sand Zone I or II.

SIGNS

The applicant has requested approval for only the location of three (3) proposed ground signs. Future signage must meet City Code. It is also recommended that the billboard be removed prior to the issuance of the certificate of occupancy for Phase I construction.

WATER/SEWER

Destin Water Users Inc. approved the project in a letter dated February 22, 1999.

FIRE DEPARTMENT REVIEW

The Fire Department approved the project in a letter dated January 21, 1999.

OKALOOSA GAS

Okaloosa Gas approved the project at the January 20, 1999, TRC meeting.

UNIVERSAL COM

Universal Com approved the project at the January 20, 1999, TRC meeting.

SPRINT

Sprint approved the project at the January 20, 1999, TRC meeting.

UTILITIES

Underground utilities are required.

STORMWATER

The City Engineer approved the stormwater plan in a memorandum dated February 1, 1999. This memo is on file with the Community Development Department.

INGRESS/EGRESS

The applicant will be providing an additional driveway connection, with a deceleration lane, Emerald Coast Parkway. FDOT has made preliminary comments and is made part of this report. In addition, it is recommended that the applicant extend the eastbound turn lane on Hutchinson Street southward of the proposed driveway connection.

Furthermore, the applicant has provided a future connection for the property to the south, in order to provide a future joint driveway connection onto Hutchinson Drive, as requested by staff. The applicant has also provided a joint driveway connection off of Emerald Coast Parkway for the property to the east.

SIDEWALKS

A five (5) ft. wide sidewalk is required along Hutchinson Drive and must be built prior to the issuance of a certificate of occupancy. A five (5) ft. wide sidewalk is required along Emerald Coast Hwy and must be bonded prior to the issuance of a certificate of occupancy. If any existing sidewalks are destroyed or damaged during construction, they must be repaired or replaced by the developer.

REFUSE COLLECTION

Trash collection is provided by dumpster service. The dumpster location is shown on the site plan, and is indicated to be screened by a six (6) foot privacy fence on three sides, a gate on the front, and vegetation on three sides.

LANDSCAPE

This project meets the landscape requirements as follows:

OPEN SPACE: (Phase I&II) 1.24 acres x 18%	=	0.22 acres REQUIRED
		0.37 acres PROVIDED
	=	28% open space provided

TREES REQUIRED:

Both Phases:

Reforestation: <u>12</u>	Perimeter: <u>18</u>	Parking Lot: <u>6</u>
Buffers: <u>n/a</u>	Replacement of protected trees: <u>0</u>	

Protected Trees on Site (12" to 23" diameter):	0
Preserved Trees on Site (24" or more diameter):	<u>0</u>
Protected Trees being removed:	<u>0</u>
Preserved Trees being removed:	<u>0</u>
Protected Trees located in footprint:	<u>0</u>
Preserved Trees located in footprint:	<u>0</u>
Reforestation Credit for saved trees:	<u>0</u>
TOTAL TREES REQUIRED:	<u>36</u>
TOTAL TREES PROVIDED:	<u>48</u>

NOTE: all required trees must be 6' tall at planting, and reach a 20' crown at maturity.

PARKING

Parking for **both phases** of the project is based on the following calculations:

Per code:

Convenience store: 1 space per 150 sq.ft.
 Car wash: 2.5 spaces per bay

Per site plan:

Convenience store: 4,676 sq.ft. = 31 spaces
 Car wash: 1 bay = 2.5 spaces
Total = 33.5 spaces

TOTAL REQUIRED (Both Phases) = 33.5 spaces
TOTAL PROVIDED (Both Phases) = 42 spaces

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

An FDOT permit is required and must be submitted prior to the issuance of a building permit.
 An FDEP Permit (underground fuel tank permit) is required and must be submitted prior to the issuance of a building permit.
 An FDEP Permit (stormwater permit) is required and must be submitted prior to the issuance of a building permit.

COMMENTS

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

CONDITIONS:

Per Community Development:

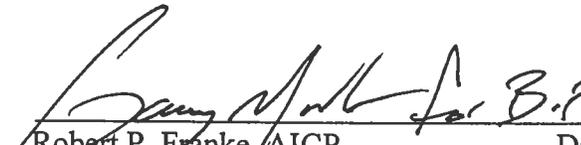
1. The applicant must extend the east-bound turn lane, on Hutchinson Street, southward of the proposed driveway connection. The design for the extended turn lane shall be reviewed and approved by the city Engineer, prior to issuance of a building permit. Construction of the

extension must be completed prior to issuance of a certificate of occupancy for Phase I construction.

2. The applicant shall provide a photometric layout for the entire site, including canopy. This photometric layout must be approved by the Community Development Director, prior to the issuance of a building permit.
3. A clearing plan must be presented and approved by the Community Development Director, prior to issuance of a clearing permit.

Per City Engineer:

1. If car wash water is observed running/pooling along driveway on Hwy. 98, a trench/grate will be required.
2. If groundwater is observed standing in stormwater structures, stormwater plan shall be void and require a revised re-submittal for approval.
3. A Health Department certificates for underground tank, is required and must be submitted prior to issuance of a building permit.
4. Provide state permits listed above.


Robert P. Franke, AICP
Community Development Director

Date

B.E. 4-6-99


Destin Convenience Store, L.L.C.,
c/o Mr. Bennett York, Owner,

Date

4/6/99