



October 12, 1998

ORDER #98-35

SP-98-39

Final Development Order:

**DESTIN ICE SEAFOOD MARKET AND KRYSTAL RESTAURANT:  
A MINOR DEVELOPMENT  
(SP #98-39)**

Based upon the City's approval of this Development Order on October 8, 1998, 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 Community Development Director:

**BACKGROUND / ISSUE:**

**Applicant:** Thomas V. Patton, Owner, James Richardson, Agent  
**Property Location:** Lots 9 thru 12, Block B, East Pass Addition (west of and adjacent to the existing Chevron Gas Stations located at the northwest corner of the intersection of Beach Drive and Highway 98 East.  
**Request:** Approval of a Minor Development containing a 2,126 square foot restaurant (Krystal) and a 3,468 retail building (Destin Seafood Market)  
**Parcel Size:** 0.92 acres / 40,000 square feet  
**Land Use Designation:** C (Commercial)  
**Zoning District:** BT (Business Tourism)  
**Density:** N/A  
**Intensity:** FAR = 0.15  
**Application Date:** July 6, 1998  
**TRC Date:** July 23, 1998 (re-heard at TRC on August 20, 1998)  
**Approved Site Plan Date:** Signed and Sealed September 10, 1998 (stamped TRC approved October 8, 1998)

**DETERMINATIONS:**

1. All the findings of the Technical Review Committee report dated July 23, 1998, as amended August 20, 1998 and October 2, 1998, are incorporated herein.

**CONDITIONS OF APPROVAL FOR DESTIN ICE SEAFOOD MARKET AND KRYSTAL RESTAURANT: A MINOR DEVELOPMENT (SP #98-39)**

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

1. Development and/or construction must commence within twelve (12) months of approval of the Development Order on October 8, 1998 (no later than October 7, 1999) and must be completed as shown on plans approved by the Technical Review Committee (dated 9-10-98).
2. The concurrency status of Destin Ice Seafood Market and Krystal Restaurant is identified in the attached TRC Report dated July 23, 1998, and as amended August 20, 1998 and October 2, 1998, and is protected (for five years) through October 7, 2003, **IF** Destin Ice Seafood Market and Krystal Restaurant commences development within the twelve month period following approval of the Development Order, October 8, 1998. Construction permits must be obtained in accordance to Section 2.09.00 of the Land Development Code to maintain concurrency.
3. Destin Ice Seafood Market and Krystal Restaurant 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.
4. **Before the issuance of a building permit**, a DEP Stormwater Permit is required and must be submitted and reviewed by the City Engineer.
5. **Before the issuance of a building permit**, a FDOT Driveway Connection Permit is required and must be submitted and reviewed by the City Engineer.
6. **Before the issuance of a building permit**, the applicant must provide the City with an executed parking/land restriction agreement, as provided by the City's Attorney.
7. **Before the issuance of a certificate of occupancy**, the required five foot (5') wide sidewalk adjacent to the southern boundary line and fronting on Highway 98 East, must be "bonded or installed", if damaged or modified by the development.
8. Requirements identified by the Technical Review Committee:

**TECHNICAL REVIEW COMMITTEE REPORT  
DESTIN SEAFOOD MARKET AND KRYSTAL RESTAURANT  
July 23, 1998 and August 20, 1998 (amended on October 2, 1998)**

**ISSUE**

**Applicant:** Thomas V. Patton, Owner, James Richardson, Agent  
**Property Location:** Lots 9 thru 12, Block B, East Pass Addition (west of and adjacent to the existing Chevron Gas Stations located at the northwest corner of the intersection of Beach Drive and Highway 98 East.  
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**TRC Date:** July 23, 1998 (re-heard at TRC on August 20, 1998)  
**Approved Site Plan Date:** signed and sealed September 10, 1998

**DISCUSSION:**

James Richardson, Agent for Thomas V. Patton, Owner, requests approval of a minor development identified as Destin Seafood Market and Krystal Restaurant. The project contains two, one-story commercial buildings composed of a 3,468 square foot retail seafood market (Destin Seafood Market) and a 2,126 square foot restaurant (Krystal).

The project is located on lots 9 thru 12, Block B, East Pass Addition, more precisely, west of and adjacent to the existing Chevron Gas Station located at the northwest corner of the intersection of Beach Drive and Highway 98 East. The property contains 0.92 acres, more or less.

The Technical Review Committee reviewed the project on August 20, 1998, and approved the project with specific changes. These changes have been addressed by the applicant.

**ZONING/COMPREHENSIVE PLAN**

The property is zoned BT (Business Tourism) and the Land Use Category is C (Commercial). The proposed project complies with the Land Development Code and Future Land Use requirements.

**COMPATIBILITY**

North: RUD Zoning, M1DR Land Use, Single family residence  
South: BT Zoning, C Land Use, Hwy 98 East  
East: BT Zoning, C Land Use, Chevron Gas Station & Beach Drive  
West: BT Zoning, C Land Use, Exxon Gas Station

The project, as required by Ordinance 152.23, has undergone a compatibility review and meets the minimum code requirements. There are no unresolved or outstanding compatibility issues associated with this project.

**DENSITY**

Not Applicable.

**HEIGHT**

The proposed project contains two (2) buildings: a one-story restaurant, which has a height of approximately 18 feet, and a one-story retail market, which has a height of approximately 19 feet. These heights are allowable in the BT Zoning District.

**FLOOR AREA RATIO**

The floor area ratio for both buildings is 0.15, which is below the 1.07 maximum allowed.

**RIGHT OF WAY DEDICATION**

Not Applicable.

**CONCURRENCY MANAGEMENT**

Concurrency requirements met:

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

**TRAFFIC ANALYSIS**

A Traffic analysis, dated June 16, 1998, was conducted for this project by J.E. Dorman & Associates, Inc. This report indicates that 577 AADT trips will be generated by this project which converts to **30 PM Peak Hour/peak direction trips**; 9% of the 30 PM Peak Hour/peak direction trips affect Beach Drive (equaling 3 PM Peak/Hr directional trips), while the remaining 91% of the 30 PM Peak Hour/peak direction trips affect Segment "A" of Hwy 98 (equaling 27 PM Peak/Hr directional trips). The trips generated by this project do not reduce the adopted LOS for Segment A of Highway 98. **(Total number of PM Peak Hour/Peak Directional available as of October 2, 1998, is 84. Approval of this project will reduce the total number of available trips for Segment "A" to 57 PM Peak Hour/Peak Directional.)**

**SUBDIVISION OR PUD - PLAT**

Not Applicable.

**AIRPORT PROTECTION**

Not applicable. 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 place on file with the City of Destin prior to the crane, or other obstruction, penetrating the restricted airspace.

**SIGNS**

No signs are approved with this Development Order. Future signage must meet requirements of the Land Development Code, Appendix "A".

**SIDEWALKS**

A 5' wide sidewalk is required along Highway 98 East. Any damage to the existing sidewalk shall be repaired or replaced by the developer. The existing drive-cut shall be removed. And a level sidewalk constructed in its place.

**SETBACKS**

<b>Krystal</b>	<b><u>Required</u></b>	<b><u>Buffers</u></b>	<b><u>Provided</u></b>
Front (south)	10'	10' FPLA	74' and 10'FPLA
Side (east)	0'	5' CB	145' and 5' CB
Side (west)	0'	5' CB	38' and 5' CB
Rear (north)	10'	10' VB	53' and 10' VB
Between Bldgs:	10	N A	65'

<b>Destin Seafood Market</b>	<b><u>Required</u></b>	<b><u>Provided</u></b>	<b><u>Buffers</u></b>
Front (south)	10'	10' FPLA	74' and 10'FPLA
Side (east)	0'	5' CB	15' and 5' CB
Side (west)	0'	5' CB	132' and 5' CB
Rear (north)	10'	10' VB	59' and 10' VB
Between Bldgs:	10	N A	65'

**NOTE:** 10' FPLA = 10' Front Perimeter Landscaped Area, 10' VB = 10' Vegetative Buffer Area, and 5' CB = 5' Common Boundary Area. A 10' VB is required along the northern property line. A 5' CB is required along the eastern and western property lines.

**WHITE SANDS ZONE**

The project lies in White Sand Zone #2. No red clay, red sand, yellow sand, or other tinted fill material shall be used.

**WATER/SEWER**

Destin Water User's Inc. approved the project August 20, 1998.

**FIRE DEPARTMENT REVIEW**

The Fire Department approved the project in a letter dated July 23, 1998.

**OKALOOSA GAS**

Okaloosa Gas approved the project at the July 23, 1998, TRC meeting.

**UNIVERSAL COM**

Universal Com approved the project at the July 23, 1998, TRC meeting.

**SPRINT**

Sprint approved the project at the July 23, 1998, TRC meeting.

**UTILITIES**

Underground utilities are required

**STORMWATER**

The City Engineer approved the project in a memorandum dated September 14, 1998. This memo is on file with the Community Development Department.

**INGRESS/EGRESS**

Access to the property is provided by a 27' wide two-way drive connecting to Highway 98 East. Additionally, a cross access agreement has been provided by the developer which allows for cross-access between the adjacent properties on the east (Chevron) and west (Exxon).

**REFUSE COLLECTION**

Trash collection is provided by dumpster service. Dumpsters are shown on the site plan.

**LANDSCAPE**

This project meets the landscape requirements as follows:

OPEN SPACE:

40,000 sq.ft. of property x 18% =

REQUIRED=7,200

PROVIDED=11,724 (29.3%)

TREES REQUIRED:

Reforestation: 10    Perimeter: 8                      Parking Lot: 16                      Buffers: 8\*

Protected Trees on Site (12" to 23" diameter):	<u>  2  </u>
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>
Credit for saved trees:	<u>  0  </u>
<b>TOTAL TREES REQUIRED:</b>	<b><u>  42  </u></b>
<b>TOTAL TREES PROVIDED:</b>	<b><u>  42  </u></b>

A 10' Vegetative Buffer Landscaping Area is required along the northern property line which includes a planting of 1 tree per 25 linear feet of buffer and a 6' high wooden fence or masonry wall along the entire length of said buffer area. \*\*Note: Two "Protected Trees" shall remain standing and be incorporated in the 10 Vegetative Buffer Area. A 5' Common Boundary Buffer is required along the eastern and western property lines. The required 5' Common Boundary landscaping shall provide a minimum of fifty percent opacity for that area between the finished grade level at the common boundary line and six feet above said level and horizontally along the length of all common boundaries within three years of planting. All required trees must be a minimum of 6' at time of planting and reach a crown of 20' at maturity. If the 20' crown requirement is not met, additional trees shall be added and grouped together to meet the 20' crown. WARNING: A Certificate of Occupancy shall not be issued until a landscaping requirements have been met.

**PARKING**

Parking for the project is based on the following calculations:

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

Retail = 1 space per 200 square feet of gross floor area

Restaurant (Krystal) = 2,126 s.f. / 75 s.f. = 30.04 = 28 spaces

Retail (Destin Seafood Market) = 3,468 s.f. / 200 = 18.08 = 17 spaces

28 + 17 = 45 spaces

**TOTAL REQUIRED = 45 spaces including 2 handicapped**

**TOTAL PROVIDED = 45 spaces including 2 handicapped**

**Note:** A parking agreement and restriction agreement is required prior to the issuance of a building permit, due to the fact that 3 parking spaces are located on the Chevron site (under same ownership). This requirement is in accordance with the letter from the City Attorney, dated October 8, 1998.

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

1. A DEP Stormwater Permit is required and shall be submitted prior to the issuance of a building permit.
2. A FDOT Driveway Connection Permit is required and shall be submitted prior to the issuance of a building permit.

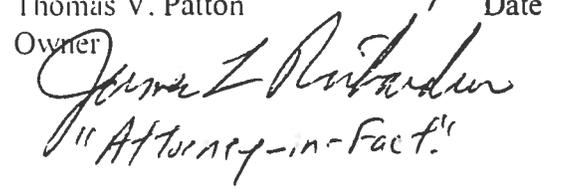
**COMMENTS**

There have been no public comments filed with Staff regarding this project.

**UNRESOLVED ISSUES**

NONE

  
 Robert P. Franke, AICP  
 Community Development Director  
 Date 10/14/98

  
 Thomas V. Patton  
 Owner  
 Date 10/20/98  
  
 "Attorney-in-Fact"

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