



# City of Destin

---

March 6, 2002

Order No. 02-13

## Second Amended Final Development Order:

**“DESTIN SHOPPING CENTER – MINI-STORAGE (A.K.A. SHIPWRECK, LTD.),”  
2<sup>ND</sup> AMENDMENT”: A MAJOR DEVIATION  
TO A PREVIOUSLY APPROVED  
MAJOR DEVELOPMENT  
(SP-01-10)**

Based upon the City Council’s approval of this Development Order, on March 5, 2002, this document will serve as your Second Amended 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:** Destin Shopping Center, L.L.C.  
**Location:** The proposed project is generally located at 960 U.S. Highway 98 East, more specifically known as Property Appraiser’s parcel I. D. 00-2S-22-0000-0019-0020.  
**Request:** Approval of a Major Development identified as “Destin Shopping Center – Mini-Storage, 2<sup>nd</sup> Amendment.” The proposed project consists of adding mini-storage units, parking spaces, and associated mechanical, electrical, and fire rooms under the existing building.
- Parcel Size:** The property contains 2.65 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 (FAR)  
Proposed: 0.41 Floor Area Ratio (FAR)
- 2<sup>nd</sup> Amendment Application Date:** April 2, 2001  
**2<sup>nd</sup> Amendment TRC Date:** April 18, 2001  
**2<sup>nd</sup> Amendment Approved Site Plan Date:** February 8, 2002  
**2<sup>nd</sup> Amendment Planning Commission Date:** February 21, 2002  
**2<sup>nd</sup> Amendment City Council Date:** March 5, 2002

### DETERMINATIONS:

1. A hearing was held by the Destin City Council on March 5, 2002, and the City Council approved the development by a vote of 5-2. Motion to approve the project as presented by staff, with changes indicated at the meeting and documented in the TRC report, subject to all of the conditions identified within the report dated February 8, 2002, amended on February 22, 2002, and amended on March 5, 2002; and
2. The Planning Commission considered the proposal on February 21, 2002, and recommended that the City Council approve the proposed project as presented by staff. The motion passed by a vote of 4-0; and

3. All the findings of the Technical Review Committee Report dated February 8, 2002 amended on February 22, 2002, and amended on March 5, 2002 are incorporated herein.

**CONDITIONS OF APPROVAL FOR "DESTIN SHOPPING CENTER – MINI-STORAGE (A.K.A. SHIPWRECK, LTD.), 2<sup>ND</sup> AMENDMENT, A MAJOR DEVIATION TO A PREVIOUSLY APPROVED A MAJOR DEVELOPMENT (SP-01-10):**

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

Construction must commence within seven (7) months of approval of the Final Development Order on March 5, 2002 (no later than October 31, 2002), and must be completed as shown on the plans approved by the Technical Review Committee (stamp dated February 8, 2002).

**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.**

**NOTE: An applicant/owner who desires to extend the twelve (12) month deadline shall 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 "Destin Shopping Center – Mini-Storage, 2<sup>nd</sup> Amendment" is protected through October 31, 2002. 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 the Development Order, all outstanding costs associated with this project that are owed to the City must be paid in full.
5. Prior to the approval of the foundation survey, provide an original signed, sealed, and dated engineering Certificate in accordance with Destin LDC appendix C, Article XV, Section 6-531.(4).

6. **Prior to the issuance of any Certificate of Occupancy, all applicable impact fees must be paid.**
7. **Prior to the issuance of a Certificate of Occupancy, the required rear buffer landscaping must be inspected and approved by the Community Development Department.**
8. **Prior to the issuance of any Certificate of Completion or Certificate of Occupancy, all requirements et forth in the Compatibility Analysis prepared by Les Solin and Associates must be completed.**
9. **Prior to the issuance of the Certificate of Occupancy or Certificate of Completion for the mini-warehouses pursuant to subject Development Order, the applicant shall change the color of the entire rear (south-facing) wall of Sunsations Plaza to a color jointly agreed upon by the Dunes of Destin Homeowners Association and the applicant.**
10. **A revised landscape plan indicating species, height, caliper, quantity, and location of landscape material shall be prepared within 60 days of the approval of this Development Order that provides for an 100% opaque vegetative landscape buffer, upon planting, located along the south property line of the site. Such opaque buffer shall be provided to a minimum height of not less than 16 feet. Such opaque vegetative buffer shall be installed prior to the issuance of a Certificate of Completion or a Certificate of Occupancy for the use approved by this Development Order.**
11. Required vertical clearance to proposed storage units is subject to Building Department and Fire District Approvals.
12. The vertical clearance shall be clearly and permanently posted on the building above the ingress by a reflective sign. Ensure that the minimum clear elevation is represented on the sign.
13. Any additional revisions to the site plan must be reviewed and approved by the appropriate Technical Review Committee members and may be subject to a compatibility analysis if required pursuant to provisions of the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09].

**“DESTIN SHOPPING CENTER – MINI-STORAGE (A.K.A. SHIPWRECK, LTD.),”  
2<sup>ND</sup> AMENDMENT”: A MAJOR DEVIATION  
TO A PREVIOUSLY APPROVED  
MAJOR DEVELOPMENT  
(SP-01-10)**

**TRC Report: February 8, 2002,  
amended on February 22, 2002, and  
amended on March 5, 2002**

**ISSUE:**

**Applicant:** Destin Shopping Center, L.L.C.  
**Location:** The proposed project is generally located at 960 U.S. Highway 98 East, more specifically known as Property Appraiser’s parcel I. D. 00-2S-22-0000-0019-0020.  
**Request:** Approval of a Major Development identified as “Destin Shopping Center – Mini-Storage, 2<sup>nd</sup> Amendment.” The proposed project consists of adding mini-storage units, parking spaces, and associated mechanical, electrical, and fire rooms under the existing building.  
**Parcel Size:** The property contains 2.65 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 (FAR)  
Proposed: 0.41 Floor Area Ratio (FAR)  
**2<sup>nd</sup> Amendment Application Date:** April 2, 2001  
**2<sup>nd</sup> Amendment TRC Date:** April 18, 2001  
**2<sup>nd</sup> Amendment Approved Site Plan Date:** February 8, 2002  
**2<sup>nd</sup> Amendment Planning Commission Date:** February 21, 2002  
**2<sup>nd</sup> Amendment City Council Date:** March 5, 2002

**DISCUSSION/FINDINGS:**

Destin Shopping Center, L.L.C., is requesting approval of a Major Deviation to a previously approved Major Development identified as “Destin Shopping Center – Mini-Storage, 2<sup>nd</sup> Amendment.” The proposed project consists of adding mini-storage units, parking spaces, and associated mechanical, electrical, and fire rooms under the existing building. The proposed project is generally located at 960 U. S. Highway 98 East, more specifically known as Property Appraiser’s parcel I. D. 00-2S-22-0000-0019-0020. The property contains 2.65 acres more or less.

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements. Refer to Exhibit “B” for the complete Compatibility Analysis from the City’s Compatibility Consultant, Mr. Les Solin, dated February 15, 2002, finding the proposed project compatible with the surrounding area.

The proposed request is consistent with the Comprehensive Plan and Land Development Code, which include Compatibility review, Concurrency Management review, and Level of Service review. This project is not located within the Community Redevelopment Area.

## **COMPREHENSIVE PLAN/ZONING:**

The property currently has a Future Land Use designation of Mixed Use (MU) and a Zoning designation of Business Tourism (BT). The proposed use is consistent with the MU Future Land Use designation and is a permitted principal use in the BT Zoning district.

Compatibility is an outstanding issue pursuant to the Comprehensive Plan relative to the prior approved development order (the existing building). More specifically, Policy "7.A.4.6. p., Compatibility" reads, in part, "The City shall ensure the compatibility of adjacent and surrounding land uses. ... Compatibility means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that *no use or condition is unduly negatively impacted directly or indirectly by another use or condition*. The compatibility of land uses is dependent on numerous development characteristics, which may impact adjacent or surrounding uses. These include: ... *general appearance and aesthetics*... Applicants shall submit detailed project plans demonstrating that the project is compatible based on analysis of standards in this policy... Development proposals shall be designed to *insure that the overall design and function of the proposed developments are compatible and harmonious with the character of adjoining and surrounding areas*. ... It is the intent of this policy to *encourage design treatments that reflect consideration of adjoining and surrounding development and land use*."

Color is a major component of design. Various homeowners in the Dunes of Destin subdivision, located adjacent to and south of subject development, have complained about the bright mustard yellow color of the large south wall of the existing shopping center. The color has been described as excessively bright, garish, and generally incompatible with the design of the adjacent residential neighborhood.

According to Article 2, Section 2.12.02 *General Plan Requirement Checklist* the development order application shall include "Architectural elevations of all buildings sufficient to convey the basic architectural intent of the proposed improvements." Color, especially with regard to the building that has been completed pursuant to the former Development Order, is a significant component of "architectural character." The previously approved development order (DO-00-53) did not contain any information with regard to color, which, under the current circumstances, was a significant omission because color, in this instance, is an predominant design feature of that building.

The applicant has verbally offered to mitigate the concern of the residents to the south by offering to change the color of the south wall of Sunsations Plaza (a.k.a. Destin Shopping Center) to one that is more harmonious with the colors in the adjoining residential subdivision. This action, along with the supplemental vegetative buffer required in the compatibility analysis, should significantly improve design compatibility between this commercial and the adjoining residential use.

## **COMPATIBILITY:**

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements. Refer to Exhibit "B" for the complete Compatibility Analysis from the City's Compatibility Consultant, Mr. Les Solin, dated February 15, 2002, finding the proposed project compatible with the surrounding area.

There is a residual compatibility issue related to architectural character (color) of the prior issued development order. This issue is discussed in detail in the section above titled "Comprehensive Plan/Zoning."

**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 use and its redesign of the ground floor area will not change the approved height of the existing building. Refer to Exhibit "B" for the complete Compatibility Analysis Report from Les Solin, dated February 15, 2002 for additional analysis of height for this project.

**FLOOR AREA RATIO:**

The Mixed Use Future Land Use designation has a maximum floor area ratio (FAR) of 1.07. The overall FAR for the entire project is 0.41, which is below the 1.07 allowed.

**RIGHT-OF-WAY DEDICATION:**

No right-of-way dedication is required for this project.

**CONCURRENCY MANAGEMENT:**

Concurrency requirements have been met:

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

Please refer to the attached Exhibits "C" through "G" for approved Concurrency Evaluation Certificates.

**TRAFFIC ANALYSIS:**

According to the traffic review conducted by the City's traffic consultant, Renaissance Planning Group, Inc., the proposed development will generate 2 PM Peak Hour directional trips on Segment "B". Currently Segment "B" has 26 PM Peak Hour directional trips available. There will be 24 PM Peak Hour directional trips remaining for Segment "B." Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's traffic consultant (See Exhibit "C").

**SUBDIVISION OR PUD - PLAT:**

Not applicable.

**WHITE SANDS ZONE:**

The proposed project is located within White Sand Zone I. If any fill material is used for the project it will have to comply with the White Sands Ordinance.

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

**SETBACKS:**

The building meets and exceeds all of the required setbacks for the Business Tourism (BT) Zoning district. The BT Zoning district requires the following setbacks for a two-story building: front - 10 feet, side – 0 feet, and rear - 0 feet. The proposed use and its redesign of the ground floor area will not change the approved setbacks of the existing building. Refer to Exhibit “B” for the complete Compatibility Analysis Report from Les Solin, dated February 15, 2002 for additional analysis regarding height.

**SIGNS:**

No signs have been proposed 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.

**PHASING:**

The applicant has proposed to construct the project in one (1) phase.

**COX COMMUNICATIONS:**

Cox Communications approved the project at the April 18, 2001 TRC meeting.

**DESTIN FIRE CONTROL DISTRICT:**

The Destin Fire Control District approved the project in a letter dated June 7, 2001.

**GULF POWER:**

Gulf Power approved the project in a letter dated April 17, 2001.

**OKALOOSA GAS:**

Okaloosa Gas approved the project in a letter dated April 18, 2001.

**SPRINT:**

Sprint approved the project at the April 18, 2001 TRC meeting.

**NEWSOUTH COMMUNICATIONS:**

Newsouth Communications approved the project at the April 18, 2001 TRC meeting.

**WATER/SEWER PROVIDER:**

Destin Water Users, Inc. approved the project in a letter dated December 18, 2001.

**UTILITIES:**

Underground utilities are required.

### **STORMWATER:**

The City Engineer approved the stormwater plan in a memorandum dated November 30, 2001, and had the following conditions:

1. Condition: Required vertical clearance to proposed storage units is subject to Building Department and Fire District Approvals.
2. Condition: The vertical clearance shall be clearly and permanently posted on the building above the ingress by a reflective sign. Ensure that the minimum clear elevation is represented on the sign.
3. Prior to the approval of the foundation survey, provide an original signed, sealed, and dated engineering Certificate in accordance with Destin LDC appendix C, Article XV, Section 6-531.(4).

### **INGRESS/EGRESS:**

The ingress/egress point for the proposed development is currently provided by two (2) twenty-seven (27) foot wide access drives, one off of U.S. Highway 98 and another off of the side access easement. The proposed use and its redesign of the ground floor area will not change the approved existing ingress/egress points.

### **REFUSE COLLECTION:**

Refuse collection is to be provided by dumpster service. The existing dumpsters are screened with a six (6) foot tall wood fence and wooden gates that provide 100% opacity. No changes are proposed to either of the two (2) existing dumpster enclosures.

### **SIDEWALKS:**

A five (5) foot wide concrete sidewalk currently exists along the southern right-of-way of U.S. Highway 98.

### **LANDSCAPE:**

The project meets or exceeds the landscape requirements of the Destin Land Development Code as indicated on the proposed plans. Please refer to the Compatibility Analysis Report from Les Solin, dated February 15, 2002 (See Exhibit "B") for addition landscaping requirements for the project.

### **PARKING:**

The project meets or exceeds the parking requirements of the Destin Land Development Code as indicated on the approved plans.

#### **Per code:**

Shopping Center:

1 space per 250 square feet of gross floor area.

Mini-Storage:

No minimum parking shall be required for the mini-storage units provided that the aisle widths between buildings are a minimum of 18 feet and through access or turnaround space is provided. Parking shall be required for the square footage devoted to other uses on the site.

Per site plan:

Retail:

30,898 sq. ft. retail building / 1 space per 250 sq. ft. = 124 parking spaces (including 5 handicap space).

Mini-Storage:

None.

**TOTAL REQUIRED: 124 parking spaces (including 5 handicap spaces)**

**TOTAL PROVIDED: 125 parking spaces (including 5 handicap spaces)**

**LOADING SPACE (ZONE):**

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

Per code:

Retail:

One (1) space for the first 10,000 sq. ft. of gross floor area and one (1) space for each additional 20,000 square feet.

Per site plan:

Retail:

30,898 sq. ft. retail building sq. ft. / 1 per space for the first 10,000 sq. ft. & 1 per each additional 20,000 sq. ft. = 2 loading space.

**TOTAL REQUIRED: 2 loading space**

**TOTAL PROVIDED: 2 loading space**

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

None for this amendment.

**IMPACT FEES:**

The owner/applicant must pay the following impact fees prior to the issuance of a Certificate of Occupancy for the Mini-Warehouse use contained in this application:

Police Protection: The police protection impact fees were calculated using the "Industrial per 1,000 sq. ft. = \$5.87" fee amount.

Industrial:

$$(16,958 \text{ sq. ft.}) \times (\$5.87) = 99,543.46 / 1,000 = \$99.54$$

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

Total Police Protection Impact Fees to be paid for "Destin Shopping Center, 2<sup>nd</sup> Amendment": \$99.54

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

Mini-Warehouse:

$$(16,958 \text{ sq. ft.}) \times (\$214.00) = 3,629,012 / 1,000 = \$3,629.01$$

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

Total Road Impact Fees to be paid for "~~Village Commercial~~": \$3,629.01

Parks: (not applicable)	=	\$0.00
Public Library: (not applicable)	=	\$0.00
Police Protection:	=	\$99.54
<u>Roads:</u>	=	<u>\$3,629.01</u>
<b>TOTAL:</b>	=	<b><u>\$3,728.55</u></b>

**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 Consultant: \$1,666.25 (\$968.75 pd.)	Planning Commission Advertising: \$66.00 (pd.)
City Traffic Consultant: \$363.51 (pd.)	City Council Advertising: \$94.50 <i>pd.</i>
City Surveyor: N/A	

**COMMENTS:**

Public Input:

Staff has received a letter from the General Manager of SouthBay by the Gulf, dated July 5, 2001, concerning the color of the building and the stormwater management system.

Per Community Development Department:

1. Prior to the issuance of the Development Order, all outstanding costs associated with this project that are owed to the City must be paid in full.

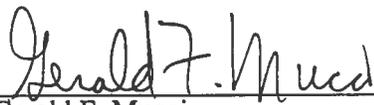
2. Prior to the issuance of any Certificate of Occupancy, all applicable impact fees must be paid.
3. Prior to the issuance of a Certificate of Occupancy, the required rear buffer landscaping must be inspected and approved by the Community Development Department.
4. Prior to the issuance of any Certificate of Completion or Certificate of Occupancy, all requirements set forth in the Compatibility Analysis prepared by Les Solin and Associates must be completed.
5. Prior to the issuance of the Certificate of Occupancy or Certificate of Completion for the mini-warehouses pursuant to subject Development Order, the applicant shall change the color of the entire rear (south-facing) wall of Sunsations Plaza to a color jointly agreed upon by the Dunes of Destin Homeowners Association and the applicant.
6. Any additional revisions to the site plan must be reviewed and approved by the appropriate Technical Review Committee members and may be subject to a compatibility analysis if required pursuant to provisions of the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09].

Per Engineering Department:

1. Condition: Required vertical clearance to proposed storage units is subject to Building Department and Fire District Approvals.
2. Condition: The vertical clearance shall be clearly and permanently posted on the building above the ingress by a reflective sign. Ensure that the minimum clear elevation is represented on the sign.
3. Prior to the approval of the foundation survey, provide an original signed, sealed, and dated engineering Certificate in accordance with Destin LDC appendix C, Article XV, Section 6-531.(4).

Per City Council:

1. A revised landscape plan indicating species, height, caliper, quantity, and location of landscape material shall be prepared within 60 days of the approval of this Development Order that provides for an 100% opaque vegetative landscape buffer, upon planting, located along the south property line of the site. Such opaque buffer shall be provided to a minimum height of not less than 16 feet. Such opaque vegetative buffer shall be installed prior to the issuance of a Certificate of Completion or a Certificate of Occupancy for the use approved by this Development Order."

  
 Gerald F. Mucci, 3-7-02  
 Community Development Director Date

  
 Destin Shopping Center, L.L.C., 3-14-02  
 Owner Date  
 Shlomo "Sonny" Assraf,  
 President