



February 5, 1999

ORDER #99-04

Final Development Order:

DESTINY COMMERCIAL CENTER
A MAJOR DEVELOPMENT
(SP-98-42/54)

Based upon the City Council's approval of this Development Order, on January 25, 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: Crystal Beach Development of Destin, Ltd., Mr. Jay Odom
Owner: Crystal Beach Development of Destin, Ltd., Mr. Jay Odom
Property Location: Southwest corner of Emerald Coast Parkway and Tranquility Lane; Lot 26 through Lot 41, Destination subdivision.
Request: Approval of a Major Development identified as "Destiny Commercial Center", consisting of a 18,900 sq.ft. single-story specialty retail building.
Parcel Size: 2.07 acres
Land Use Designation: MU (Mixed Use)
Zoning District: BT (Business Tourism)
Density: N/A
Intensity: FAR less than 1.07
Application Date: November 2, 1998
TRC Date: November 19, 1998
Approved Site Plan Date: December 7, 1998
Planning Commission Date: December 17, 1998
City Council Date: January 25, 1999

DETERMINATIONS:

1. A hearing was held by the Destin City Council on January 25, 1999, and approved the development by a unanimous vote; and

2. The Planning Commission considered the proposal on December 17, 1998, and recommended the City Council approve the proposed project as presented by staff. The motion passed by a 5-1 vote. Mr. Souders voted in opposition and Ms. Drowne was absent; and
3. All the findings of the Technical Review Committee report November 19, 1998, and amended January 21, 1999, are incorporated herein.

CONDITIONS OF APPROVAL FOR DESTINY COMMERCIAL CENTER: A MAJOR DEVELOPMENT

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 January 25, 1999, (no later than January 25, 2000) and must be completed as shown on plans approved by the Technical Review Committee.
2. The concurrency status of Destiny Commercial Center is protected (for five years) through January 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. Destiny Commercial Center 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 building permit, a FDEP Stormwater Permit is required and must be submitted and reviewed by the City Engineer.**

6. **Before the issuance of a building permit**, a unity of title will be required for Lot 26 through Lot 41, Destination subdivision.
7. **Before the issuance of a certificate of occupancy**, the applicant shall provide an engineer's estimate for future sidewalk installation along U.S. Hwy 98.
8. **Before the issuance of a certificate of occupancy**, a "cash bond" for the required sidewalks must be received by the City Engineer and approved prior to obtaining a certificate of occupancy.
9. **Before the issuance of a certificate of occupancy**, the frontage road must be constructed westward to Gulfstarr Drive and eastward to Tranquility Lane.
10. **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.
11. Requirements identified by the Technical Review Committee:

**TECHNICAL REVIEW COMMITTEE REPORT
COMMUNITY DEVELOPMENT DEPARTMENT
DESTINY COMMERCIAL CENTER
A MAJOR DEVELOPMENT
November 19, 1998, *amended January 21, 1999***

ISSUE

Applicant:	Crystal Beach Development of Destin, Ltd., Mr. Jay Odom
Owner:	Crystal Beach Development of Destin, Ltd., Mr. Jay Odom
Property Location:	Southwest corner of Emerald Coast Parkway and Tranquility Lane; Lot 26 through Lot 41, Destination subdivision.
Request:	Approval of a Major Development identified as "Destiny Commercial Center", consisting of a 18,900 sq.ft. single-story specialty retail building.
Parcel Size:	2.07 acres
Land Use Designation:	MU (Mixed Use)
Zoning District:	BT (Business Tourism)
Density:	N/A
Intensity:	FAR less than 1.07
Application Date:	November 2, 1998
TRC Date:	November 19, 1998
Approved Site Plan Date:	December 7, 1998
Planning Commission Date:	December 17, 1998
City Council Date:	January 25, 1999

DISCUSSION:

Crystal Beach Development of Destin, Ltd., Mr. Jay Odom, president, requests approval of a Major Development identified as "Destiny Commercial Center", consisting of a 18,900 sq.ft. single-story specialty retail building. The project is classified as a Major Development per the Land Development Code, Article 2, Section(s) 2.05.01.A.3.

Staff has determined that the proposed request is compatible to the surrounding area. The proposed site will generate nine (9) new PM/PK hour trips that affect Segment "C". To reduce the number of new PM/PK hour trips, the developer proposes to complete the frontage road through to Gulfstarr Drive and Tranquility Lane, consistent with Article 6, Section 6.04.00, of the Land Development Code. By calculating the impact the new connections will have on the previously approved development, in this area, the net result is only three (3) PM/PK hour trips. The report has been reviewed and approved for concurrency purposes by the City's traffic consultant on November 30, 1998, and updated December 15, 1998.

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

The Technical Review Committee reviewed the project on November 19, 1998, and approved the project with specific conditions and changes. These conditions and changes have been addressed by the applicant as of December 7, 1998.

ZONING/COMPREHENSIVE PLAN

The property is zoned BT (Business Tourism) with a Land Use Category of MU (Mixed Use). The proposed project complies with the City's Land Use Requirements.

COMPATIBILITY

North:	MU Land Use, County Zoning: Emerald Coast Parkway
South:	CBN Land Use, BT Zoning: vacant, single-family home
East:	MU Land Use, BT Zoning: vacant, commercial
West:	MU Land Use, BT Zoning: commercial, retail, restaurant

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 specialty retail is a permitted use in the Mixed Use Future Land Use Category as well as the BT Zoning District. The project contains a 18,900 sq.ft. single-story specialty retail building. The building and uses are compatible with the existing development pattern, the current zoning, and the existing future land use designation.

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

The single-story specialty retail building, as proposed, will be located 18' from the eastern, 14' from the northern, 68.5' from the western, and 151' from the southern property lines. The site and the proposed building meet all setback and landscape buffer requirements. The building's location, height, and floor area ratio comply with the requirements of the Land Development Code.

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

The project will be providing an essential cross-access connection between Gulfstarr Drive and Tranquility Lane. The project also has two (2) access ways on Tranquility Lane. Both access drives are 26' in width, allowing ingress and egress. The project proposes 141 parking spaces, including five (5) handicap spaces, which exceeds the requirement by 46 spaces. Additionally, there will be one loading space, as required by the LDC.

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

A traffic analysis, dated October 28, 1998, was conducted by Connelly & Wicker, Inc. This report was reviewed and approved by the City's traffic consultant. Furthermore, the City's traffic consultant determined that the end result of not lowering the LOS for Segment "C" was achieved and supported. The City's traffic consultant further stated that the cross-access connection, as shown on the applicant's traffic report, Composite Sketch "B", is required as a condition of the development order, as it is the basis for not lowering the LOS for Segment "C" of Highway 98 (see attached).

Minimum standards for concurrency are found in Article 6 of the Land Development Code. The applicant's traffic analysis emphasizes the cross access connection of the frontage road to Gulfstarr Drive. Article 6, Section 6.04.00.A. requires necessary facilities and services to be in place prior to the issuance of a development permit.

The City's traffic consultant also noted that the applicant's traffic analysis works only if the proposed use is neighborhood commercial, rather than general commercial. Since the applicant's traffic analysis shows the development will pull trips from the neighborhood to the south, our consultants analysis notes that it is important that the applicant be allowed only neighborhood commercial uses in the building; if not, then the traffic model will not work and new trips will be added to Emerald Coast Parkway.

The applicant's traffic analysis had a trip distribution of 60% to the south (using connections to Gulfstarr Drive and Tranquility Lane) and 40% to Emerald Coast Parkway. Staff found the distribution unacceptable and asked our consultant to re-evaluate a distribution (and resulting traffic impact) that will more closely resemble a distribution that can be expected. Ms. Hamilton Smith conducted a re-evaluation and has concluded that a 70% (north) and 30% (south) split will more closely resemble the actual distribution. In addition, based on this re-evaluation, the project would add three (3) new PM/PK hour trips to Emerald Coast Parkway (Segment "C"). These new trips can be accommodated based on the updated traffic analysis conducted by Hamilton Smith and Associates.

Because of the proposed connections to Gulfstarr Drive and Tranquility Lane, the City's traffic consultant also reviewed the previous analysis for Cuvee Beach, Resort Video, and the Willow's. The City's consultant determined that the addition of the frontage road greatly reduced the new PM/PK hour trips for these three (3) developments, thereby creating new capacity on Emerald Coast Parkway.

A review of the traffic generated, the hours of operation, the anticipated noise levels, and the proposed lighting plan indicates that the proposed project will be compatible with the surrounding development.

E) Alteration of light and air;

The current land use is vacant, therefore, there will be an alteration of light and air. However, the City does not require specific tests for shadowing and lighting. The applicant is proposing six (6) 10'-13' tall post lights for the parking area with low incandescent lights. There will be an alteration of light or air by this project, simply because its current use is a vacant lot. The addition of lights for the parking lot will not, however, be incompatible with surrounding uses.

F) Setbacks and buffers.

The site plan meets the open space and landscape requirements. The landscape requirements include a five (5) ft. common boundary (west), a ten (10) ft. frontage boundary along both Emerald Coast Parkway and Tranquility Lane, and a ten (10) ft. vegetative buffer (south). The structure also exceeds the required setbacks. The location of the building and the required buffers minimize the impact of the structures on the surrounding parcels.

DENSITY

N/A

HEIGHT

The proposed project contains a single-story building which has an approximate height of 28'+/-, as measured to the mean of the roof; and 35' to the peak of the roof. This is an allowable height in the BT Zoning District. There is no maximum allowable height in the BT Zoning District.

FLOOR AREA RATIO

The floor area ratio for the building is below the 1.07 maximum allowed.

RIGHT-OF-WAY DEDICATION

No right-of-way dedication is required, however, the applicant is required to provide a cross-access connection, as shown on the applicant's Composite Sketch "B" of the Traffic Report, prior to the issuance of a certificate of occupancy for the proposed development (in addition to a sidewalk being

installed or bonded within the right-of-way as depicted on the site plan). The cross-access frontage road is required per Article 6, Section 6.04.00.A. of the Land Development Code.

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 October 28, 1998, was conducted by Connelly & Wicker, Inc. This report was reviewed and approved by the City’s traffic consultant. Furthermore, the City’s traffic consultant determined that the end result of not lowering the LOS for Segment “C” was achieved and supported. The City’s traffic consultant further stated that the cross-access connection, as shown on the applicant’s traffic report, Composite Sketch “B”, is required as a condition of the development order, as it is the basis for not lowering the LOS for Segment “C” of Highway 98 (see attached).

Minimum standards for concurrency are found in Article 6 of the Land Development Code. The applicant’s traffic analysis emphasizes the cross access connection of the frontage road to Gulfstarr Drive. Article 6, Section 6.04.00.A. requires necessary facilities and services to be in place prior to the issuance of a development permit.

The City’s traffic consultant also noted that the applicant’s traffic analysis works only if the proposed use is neighborhood commercial, rather than general commercial. Since the applicant’s traffic analysis shows the development will pull trips from the neighborhood to the south, our consultant’s analysis notes that it is important that the applicant be allowed only neighborhood commercial uses in the building; if not, then the traffic model will not work and new trips will be added to Emerald Coast Parkway.

The applicant’s traffic analysis had a trip distribution of 60% to the south (using connections to Gulfstarr Drive and Tranquility Lane) and 40% to Emerald Coast Parkway. Staff found the distribution unacceptable and asked our consultant to re-evaluate a distribution (and resulting traffic impact) that will more closely resemble a distribution that can be expected. Ms. Hamilton Smith conducted a re-evaluation and has concluded that a 70% (north) and 30% (south) split will more closely resemble the actual distribution. In addition, based on this re-evaluation, the project would add three (3) new PM/PK hour trips to Emerald Coast Parkway (Segment “C”). These new trips can be accommodated based on the updated traffic analysis conducted by Hamilton Smith and Associates.

Because of the proposed connections to Gulfstarr Drive and Tranquility Lane, the City’s traffic consultant also reviewed the previous analysis for Cuvee Beach, Resort Video, and the Willow’s. The City’s consultant determined that the addition of the frontage road greatly reduced the new PM/PK hour trips for these three (3) developments, thereby creating some new capacity on Emerald Coast Parkway.

Finally, by re-evaluating the distribution; it was determined that the traffic model works, regardless of the use of the building.

SUBDIVISION OR PUD - PLAT

This is not applicable, however, a unity of title will be required prior to the issuance of a building permit, for Lot 26 through Lot 41, Destination subdivision.

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>Required</u>	<u>Provided</u>	<u>Buffers</u>
Front (North & East):	10'	14' & 18'	10' FPLA
Rear: (none corner lot)	0'	n/a	n/a
Sides (West):	0'	68'	5' common boundary
Sides (South):	0'	151'	10' vegetative buffer
Between Bldgs.:	10'	n/a	n/a

NOTE: The landscape buffers, 5' common boundary, and front perimeter boundary area must meet Code.

WHITE SANDS ZONE

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

SIGNS

All signage must comply with the Land Development Code, Appendix "A".

WATER/SEWER

Destin Water User's Inc. approved the project November 19, 1998.

FIRE DEPARTMENT REVIEW

The Fire Department approved the project in a letter dated November 19, 1998.

OKALOOSA GAS

Okaloosa Gas approved the project at the November 19, 1998, TRC meeting.

UNIVERSAL COM

Universal Com approved the project at the November 19, 1998, TRC meeting.

SPRINT

Sprint approved the project at the November 19, 1998, TRC meeting.

UTILITIES

Underground utilities are required.

STORMWATER

The City Engineer approved the project in a memorandum dated December 7, 1998, with three (3) conditions. This memo is on file with the Community Development Department.

INGRESS/EGRESS

The applicant will be providing an essential cross-access connection between Gulfstarr Drive and Tranquility Lane. The subject site also has two (2) access ways on Tranquility Lane. Both access drives are 26' in width, allowing ingress and egress. The approval of the traffic report and project are conditioned upon the applicant constructing the proposed cross-access, as shown on the applicant's traffic report, Composite Sketch "B". Minimum standards for concurrency are found in Article 6 of the Land Development Code. The applicant's traffic analysis emphasizes the cross-access connection of the frontage road to Gulfstarr Drive. Article 6, Section 6.04.00.A. requires necessary facilities and services to be in place prior to the issuance of a development permit.

SIDEWALKS

A five (5) ft. wide sidewalk is required along both Emerald Coast Parkway and Tranquility Lane. Prior to the issuance of a certificate of occupancy, the required sidewalks must be either installed or bonded. 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.

LANDSCAPE

This project meets the landscape requirements as follows:

OPEN SPACE: 90,028sq.ft. of construction area x 18% = **16,205 sq.ft. REQUIRED**
16,718 sq.ft. PROVIDED
= 19% open space provided

TREES REQUIRED:

Reforestation: 21 **Perimeter: 25** **Parking Lot: 20**
Buffers: 16 **Replacement of protected trees: 0**

Protected Trees on Site (12" to 23" diameter): 0
Preserved Trees on Site (24" or more diameter): 0
Protected Trees being removed: 0
Preserved Trees being removed: 0
Protected Trees located in footprint: 0
Preserved Trees located in footprint: 0
Reforestation Credit for saved trees: 0

TOTAL TREES REQUIRED: 82
TOTAL TREES PROVIDED: 82

PARKING

Parking for the project is based on the following calculations:

Per code:

Retail: 1 space per 200 sq.ft. of building
18,900/200 Total = 95

TOTAL REQUIRED = 95 spaces including 5 handicapped
TOTAL PROVIDED = 141 spaces including 5 handicapped

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

1. A DEP 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 the City Engineer:

1. Sedimentation/erosion control device locations are not shown (all around).
2. Provide an engineer's estimate for future sidewalk installation along U.S. Hwy 98. A cash payment must be received by the City of Destin's Finance Department prior to obtaining a certificate of occupancy.
3. Show how rain runoff from building is channeled to retention area, in particular the north and east sides.

Per Community Development:

1. The frontage road must be constructed westward to Gulfstarr Drive and eastward to Tranquility Lane, prior to the issuance of a building permit certificate of occupancy for the commercial center.
2. ~~That the number of parking spaces be reduced to 105 spaces (10% more than required) rather than the 141 spaces (48% more than required) shown. The 36 spaces should be removed along the southern boundary, and be replaced by additional landscaping.~~
3. ~~The conditions identified by the City Engineer.~~

Note: Comments number 1, 2, & 3 were amended or removed per City Council, on January 25, 1999.



Robert P. Franke, AICP
Community Development Director
2/5/99
Date



Mr. Jay Odom,
c/o Crystal Beach Development of Destin,
Ltd., Owner
2/18/99
Date

h:\p&z\lgary\ord&do\do\do99-04