



# City of Destin

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November 25, 2002

Order No. 02-57

**Final Development Order:**

**“DESTINY COMMERCIAL – PHASE II”  
A MAJOR DEVELOPMENT  
(SP-02-36)**

Based upon the City Council’s approval of this Development Order on November 18, 2002, 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:** Jay Odom, on behalf of Crystal Beach Development of Destin, LLC is requesting approval of a Major Development identified as “Destiny Commercial – Phase II.”

**Request:** The proposed development consists of a 19,622 sq. ft. shopping center.

**Location:** The proposed development will be generally located at the southwest corner of U.S. Highway 98 (Emerald Coast Parkway) and Tranquility Lane, more specifically known as Property Appraiser’s parcel I.D. numbers 00-2S-22-0101-000A-0260 through 00-2S-22-0101-000A-0370.

**Parcel Size:** The combined parcel area contains 1.55 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: 0.29 FAR (per Code Definition: -0.303 FAR)

**Application Date:** August 2, 2002

**TRC Date:** August 21, 2002

**Approved Site Plan Date:** October 1, 2002

**Planning Commission Date:** October 17, 2002

**City Council Date:** November 18, 2002

**DETERMINATIONS:**

1. The Destin City Council held a hearing on November 18 2002. The City Council approved the development by a vote of 7-0. The recommended motion to approve the project as presented by staff, and documented in the TRC report, subject to all of the conditions identified within the report dated October 1, 2002, and amended November 12, 2002, and November 18, 2002.
2. The Planning Commission considered the proposal on September 5, 2002, and recommended that the City Council approve the proposed project as presented by staff. The motion passed by a vote of 7-0; and
3. All the findings of the Technical Review Committee report dated October 1, 2002, and amended November 12, 2002, and November 18, 2002, are incorporated herein.

**CONDITIONS OF APPROVAL FOR "DESTINY COMMERCIAL CENTER – PHASE II": A MAJOR DEVELOPMENT (SP-02-36):**

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

Construction must commence within twelve (12) months of approval of the Final Development Order on November 18, 2002 (no later than November 18, 2003).

**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 development order status for "Destiny Commercial Center – Phase II" is protected through November 18, 2007. The protected development order 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 Amended 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 issuance of a Clearing/Grading Permit**, a clearing/grading plan must be submitted and approved by the Community Development Department.
  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 landscaping must be inspected and approved by the Community Development Department.
  8. Compatibility Analysis Conditions:
    - A. The applicant/property owner shall provide a new eight (8) foot tall wood privacy fence along the south property line of the applicant/owner's property if the existing fence becomes damaged in the future or otherwise becomes a maintenance or safety concern of the City or the residents of Destiny.
    - B. Four (4) deciduous canopy trees, at least twelve feet tall, for every one-hundred (100) linear feet adjacent to the north side of the fence; plus
    - C. Lower story native trees [such as *Myrica cerifera* (Wax Myrtle)] at least 8 feet tall at time of planting. The lower story Wax Myrtle must be planted at a ratio of three trees, or equivalent, for every one deciduous canopy tree. The Wax Myrtle trees, or equivalent, must be planted to fill the separation area between the deciduous canopy trees. All trees must meet Florida No. 1 nursery standards. Palms must be avoided in favor of deciduous tree that are more effective in visually screening commercial operations and more effectively buffer noise generated by service vehicles. **The trees must be shown and referenced on Sheet 4 of 6 prior to the issuance of a Certificate of Occupancy.**
    - D. Service deliveries shall not occur between the hours of 10pm and 6am in order not to adversely impact adjacent residential facilities to the south.
    - E. Prior to installing any outdoor lighting, the applicant must first submit plans for such outdoor lighting to the City for review and approval. The plans must provide specifications for the proposed outdoor lighting, including photometrics. Any future lighting must be shielded downward and away from adjacent properties in order to avoid spill over and illumination into the night sky. The source of all illumination should not be visible from off-site.
  9. 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 stated within the approved Development Order, the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09] or if necessary as agreed upon by the City and the applicant prior to the issuance of the final development order.

10. Prior to obtaining any city permit, provide a future sidewalk payment for Emerald Coast Pkwy, right-of-way frontage.
11. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be void and the revised stormwater plan shall be resubmitted for review and approval.
12. **Prior to obtaining any city permit, provide a FDEP Stormwater approval.**
13. Submit an Operations & Maintenance Plan, which shall be acknowledged and signed by the owner prior to obtaining a Certificate of Occupancy. It is not required prior to obtaining a development order or a building permit. The Operations & Maintenance Plan shall contain, among other things, the following statement: "Owner shall regrade swale/retention areas as required to maintain approved design cross-sections, lines, and grade." **Please submit a signed and dated original prior to obtaining a Certificate of Occupancy.**



## TECHNICAL REVIEW COMMITTEE REPORT

### “DESTINY COMMERCIAL – PHASE II” A MAJOR DEVELOPMENT (SP-02-36)

TRC Report: October 1, 2002, and amended November 12, 2002, and November 18, 2002

#### ISSUE:

**Applicant:** Jay Odom, on behalf of Crystal Beach Development of Destin, LLC is requesting approval of a Major Development identified as “Destiny Commercial – Phase II.”

**Request:** The proposed development consists of a 19,622 sq. ft. shopping center.

**Location:** The proposed development will be generally located at the southwest corner of U.S. Highway 98 (Emerald Coast Parkway) and Tranquility Lane, more specifically known as Property Appraiser’s parcel I.D. numbers 00-2S-22-0101-000A-0260 through 00-2S-22-0101-000A-0370.

**Parcel Size:** The combined parcel area contains 1.55 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: 0.29 FAR (per Code Definition: -0.303 FAR)

**Application Date:** August 2, 2002

**TRC Date:** August 21, 2002

**Approved Site Plan Date:** October 1, 2002

**Planning Commission Date:** October 17, 2002

**City Council Date:** November 18, 2002

#### DISCUSSION/FINDINGS:

Jay Odom, on behalf of Crystal Beach Development, LLC, is requesting approval of a Major Development identified as “Destiny Commercial – Phase II.” The proposed development consists of a 19,622 square foot shopping center. The proposed development will be generally located at the southwest corner of U.S. Highway 98 (Emerald Coast Parkway) and Tranquility Lane, more specifically known as Property Appraiser’s parcel I.D. numbers 00-2S-22-0101-000A-0260 through 00-2S-22-0101-000A-0370. The combined parcel area contains 1.55 acres, more or less.

The proposed project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements with conditions as described on pages 2, 3, and 4, and reiterated on pages 12 and 13. Refer to the attached Compatibility Analysis from the City’s Compatibility Consultant, Mr. Les Solin, dated August 21, 2002, and revised on September 23, 2002.

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

The Technical Review Committee (TRC) reviewed and approved the project with specific conditions.

**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 within the BT zoning district.

**COMPATIBILITY:**

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements with conditions. Refer to the attached Compatibility Analysis from the City's Compatibility Consultant; Mr. Les Solin dated August 21, 2002, and revised on September 23, 2002.

**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. Refer to the attached Compatibility Analysis Report from Les Solin, dated August 21, 2002, and revised on September 23, 2002, which finds the proposed project conditionally compatible with the surrounding area in regards to height.

**FLOOR AREA RATIO:**

The Mixed Use Future Land Use designation has a maximum floor area ratio (FAR) of 1.07.

The FAR calculation methodology as defined in Article 3, Section 3.00.01 "Floor Area Ratio" of the Destin Land Development Code is as follows:

$$\frac{\text{(Total gross floor area)} - \text{(Total square feet of required setbacks and open space + parking)}}{\text{Total square feet of site}} = \text{FAR}$$

$$\frac{19,622.99 \text{ sq. ft.} - 40,109 \text{ sq. ft.}}{67,566.56 \text{ sq. ft.}} = \text{FAR}$$

$$-20,486.01 \text{ sq. ft.} / 67,566.56 \text{ sq. ft.} = -0.303 \text{ FAR}$$

Utilizing the formula as defined above, the FAR of -0.303 is below the maximum of 1.07 and thus is in compliance.

Utilizing the more common FAR calculation methodology as proposed in the Comprehensive Plan update results in an FAR of 0.29, which is also below 1.07 and is calculated as follows:

$$\text{Total square feet of existing and proposed buildings} / \text{square feet of subject parcel} = \text{FAR}$$

$$19,622.99 \text{ sq. ft.} / 67,566.56 \text{ sq. ft.} = 0.29 \text{ FAR}$$

**RIGHT-OF-WAY DEDICATION:**

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

**CONCURRENCY MANAGEMENT:**

Concurrency requirements have been met:

Solid Waste: X  
Potable Water: X  
Sanitary Sewer: X  
Traffic: X  
Stormwater Management: X

Please refer to file SP-02-36 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 6 additional PM Peak Hour directional trips on Segment "C." As of the date of the TRC approval and prior the finalized annual traffic update, Segment "C" had 6 PM Peak Hour directional trips available. Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's traffic consultant.

**SUBDIVISION OR PUD - PLAT:**

Not applicable.

**WHITE SANDS ZONE:**

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

**PHASING:**

This proposed development is not to be phased.

**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 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 proposed buildings meet and exceed all of the required setbacks for the Business Tourism (BT) Zoning District.

	<b><u>Required</u></b>	<b><u>Buffers</u></b>	<b><u>Provided</u></b>
Front (north):	0'	10' FP	146.23' including the 10' FP
Side (east):	0'	5' CB	6.34' including the 5' CB
Side (west):	0'	5' CB	7' including the 5' CB
Rear (south):	0'	5' CB	11' including the 5' CB
Between Bldgs.:	10'	N/A	N/A

Note: 10' FP = 10' Front Perimeter Landscaped Area, 10' VB = 10' Vegetative Buffer Area, and 5' CB = 5' Common Boundary Landscaped Area. The following buffers are required: the standard, a ten (10) foot front perimeter landscape buffer on the northern property line and a five (5) common boundary buffer along the eastern, western, and southern property line.

**SIGNS:**

No sign approval is part of this application. 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.

**COX COMMUNICATIONS:**

Cox Communications approved the project in a letter dated August 19, 2002.

**DESTIN FIRE CONTROL DISTRICT:**

The Destin Fire Control District approved the project in a letter dated September 5, 2002.

**GULF POWER:**

Gulf Power approved the project in a letter dated August 21, 2002.

**OKALOOSA GAS:**

Okaloosa Gas approved the project in a letter dated August 21, 2002.

**SPRINT:**

Sprint approved the project in a letter dated August 15, 2002.

**NEWSOUTH COMMUNICATIONS:**

Newsouth Communications approved the project at the August 21, 2002, meeting.

**WATER/SEWER PROVIDER:**

Destin Water Users, Inc. approved the project in a letter dated September 18, 2002.

**UTILITIES:**

Underground utilities are required.

**STORMWATER:**

The City Engineer approved the stormwater plan in a letter dated September 9, 2002, and had the following **stormwater** related conditions:

1. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be void and the revised stormwater plan shall be resubmitted for review and approval.
2. **Prior to obtaining any city permit**, provide a FDEP Stormwater approval.
3. Submit an Operations & Maintenance Plan, which shall be acknowledged and signed by the owner prior to obtaining a Certificate of Occupancy. It is not required prior to obtaining a development order or a building permit. The Operations & Maintenance Plan shall contain, among other things, the following statement: "Owner shall regrade swale/retention areas as required to maintain approved design cross-sections, lines, and grade." **Please submit a signed and dated original prior to obtaining a Certificate of Occupancy.**

**INGRESS/EGRESS:**

There are two proposed ingress/egress drives for the proposed development. Two two-way accessways off of the existing 24' private access drive will be provided.

The proposed ingress/egress points meet the requirements of the Destin Land Development Code.

**REFUSE COLLECTION:**

Refuse collection is to be provided by dumpster service. The proposed dumpster will be screened by at least a six-foot tall enclosure as depicted on sheet 2 of 6 "Site and Utility Plan."

**SIDEWALKS:**

Prior to obtaining any City Permits, provide a future sidewalk payment for Emerald Coast Parkway right-of-way frontage. If any existing sidewalks are destroyed or damaged during construction, they must be repaired or replaced by the developer. All proposed internal pathways and pedestrian connections must be maintained on site.



**LANDSCAPE:**

The project meets or exceeds the landscape requirements of the Destin Land Development Code as indicated on the proposed plans and as follows:

**Open Space Requirements:**

67,566.56 sq. ft. of property x 18 % required = 12,161.98 sq. ft. required  
67,566.56 sq. ft. of property x 21.3 % provided = 14,425.00 sq. ft. provided

**Tree Requirements:**

Credits for Existing Trees (2" to 6" diameter) on Site (0 trees x 2 credits per tree):	0
Credits for Existing Trees (7" to 12" diameter) on Site (5 trees x 3 credits per tree):	15
Credits for Existing Trees (13" to 19" diameter) on Site (0 trees x 4 credits per tree):	0
Credits for Existing Trees (20" to 24" diameter) on Site (0 trees x 5 credits per tree):	0
Total Reforestation Credits for saving Existing, Protected, or Preserved Trees:	<u>15</u>
Reforestation Trees (1 per every .10 of an acre: 1.55 x 10 = 16) Required on Site:	<u>16</u>
Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:	<u>1*</u>

\*Note: Per the Land Development Code, credit shall be received on the reforestation requirement of this section by preserving existing trees. Trees required for reforestation are in addition to other required trees within Article 12, Section 12.04.04.C.

Total Reforestation Trees Required on Site:	1
Front Perimeter Trees (1 per 25') Required on Site:	12
Parking Lot Trees (1 per end row and landscape island) Required on Site:	12
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site:	0
Replacement Trees (removal of trees over 12" d.b.h.) Required on Site:	0
(Conditional Compatibility Vegetation):	<u>64</u>
<b>TOTAL TREES REQUIRED (includes conditional compatibility vegetation):</b>	<b>89</b>
<b>*TOTAL TREES PROVIDED:</b>	<b>89</b>

\*The applicant has agreed to the compatibility conditions for the vegetation screen.

A five (5) foot Common Boundary Landscape Area is required along eastern, western, and southern property lines. A ten (10) foot Front Perimeter Landscape Area is required along the northern property line. The required five (5) foot Common Boundary landscaping shall provide a minimum of fifty percent (50%) opacity for that area between the finished grade level at the common boundary line and six (6) feet above said level and horizontally along the length of all common boundaries within three (3) years of planting. The required ten (10) foot Front Perimeter Landscape Buffer shall provide one (1) tree per twenty-five (25) linear feet of buffer. All required trees, except those as described within the compatibility analysis conditions, must be a minimum of six (6) feet high at time of planting and reach a crown of twenty (20) feet at maturity. If the twenty (20) foot crown requirement is not met, additional trees shall be added and grouped together to meet the twenty (20) foot crown. If shrubs are used in the required buffer areas, they 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.**

**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

Per site plan:

Shopping Center: 1 space per 250 square feet of gross floor area

**19,622 sq. ft. / 250 = 78 parking spaces**

**TOTAL REQUIRED: 78 parking spaces (including 4 handicap spaces)**

**TOTAL PROVIDED: 78 parking spaces (including 4 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:

**TOTAL REQUIRED: 1 loading space**

**TOTAL PROVIDED: 1 loading space**

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

- 1. A Florida Department of Environmental Protection general notice permit (for stormwater).

**IMPACT FEES:**

The following impact fee amounts are preliminary. Final impact fee amounts will be determinant upon whether exemption or credits are applicable. Any claims for exemption or credits must be made no later than the time of application for a Certificate of Occupancy per phase. Refer to Article 19 of the Destin Land Development Code for specifics regarding impact fees. The owner/applicant must pay the impact fees prior to the issuance of a Certificate of Occupancy:

Police Protection: The police protection impact fees were calculated using the "Non-residential - U.S. 98 Corridor Retail per 1,000 sq. ft. = \$47.59."

Retail:

$(19,622 \text{ sq. ft.} \times \$47.59) / 1,000 = \$933.81$

**Total for Police Protection: \$933.81**

Road: The road impact fees were calculated using the "Retail under 100,000 sq. ft. (per 1,000 sq. ft.) = \$2,142.00."

Retail < 100,000 sq. ft. (per 1,000 sq. ft.):

(19,622 sq. ft. x \$2,142.00) / 1,000 = **\$42,030.32**

**Total for Road: \$42,030.32**

Parks:	=	0
Public Library: (not applicable)	=	0
Police Protection:	=	\$933.81
Roads:	=	<u>\$42,030.32</u>
<b>TOTAL:</b>	=	<u><b>\$42,964.13</b></u>

**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 Traffic Consultant:	Paid
City Compatibility Consultant:	Paid
City Surveyor:	N/A
Administrative Costs:	Paid
Planning Commission Advertising:	Paid
City Council Advertising:	\$99.23

**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 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 a Clearing/Grading Permit, a clearing/grading plan must be submitted and approved by the Community Development Department.
3. Prior to the issuance of any Certificate of Occupancy, all applicable impact fees must be paid.
4. Prior to the issuance of a Certificate of Occupancy, the landscaping must be inspected and approved by the Community Development Department.
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  - A. The applicant/property owner shall provide a new eight (8) foot tall wood privacy fence along the south property line of the applicant/owner's property if the existing fence becomes damaged in the future or otherwise becomes a maintenance or safety concern of the City or the residents of Destiny.

- B. Four (4) deciduous canopy trees, at least twelve feet tall, for every one-hundred (100) linear feet adjacent to the north side of the fence; plus
  - C. Lower story native trees [such as *myrica cerifera* (Wax Myrtle)] at least 8 feet tall at time of planting. The lower story Wax Myrtle must be planted at a ratio of three trees, or equivalent, for every one deciduous canopy tree. The Wax Myrtle trees, or equivalent, must be planted to fill the separation area between the deciduous canopy trees. All trees must meet Florida No. 1 nursery standards. Palms must be avoided in favor of deciduous tree that are more effective in visually screening commercial operations and more effectively buffer noise generated by service vehicles. The trees must be shown and referenced on Sheet 4 of 6 prior to being heard by the Planning Commission.
  - D. Service deliveries shall not occur between the hours of 10pm and 6am in order not to adversely impact adjacent residential facilities to the south.
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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 stated within the approved Development Order, the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09] or if necessary as agreed upon by the City and the applicant prior to the issuance of the final development order.

Per Engineering Department (Derived from approval letter dated September 9, 2002):

1. Prior to obtaining any city permit, provide a future sidewalk payment for Emerald Coast Pkwy, right-of-way frontage.
2. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be void and the revised stormwater plan shall be resubmitted for review and approval.
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Gerald F. Mucci, AICP      Date  
Community Development Director

  
Crystal Beach Development      Date  
of Destin, Ltd.,  
Mr. Jay Odom,  
President



# COMPATIBILITY ANALYSIS: DESTINY COMMERCIAL PHASE II, A MAJOR DEVELOPMENT: SP-02-36

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FOR CITY OF DESTIN, FL

## PURPOSE OF THIS REPORT

Destin Commercial, Phase II, is proposed to include a retail sales building containing 19,622.99 square feet on a 1.55-acre (67,566.56 square feet) site located on the south side of Emerald Parkway, approximately 200 feet west of Tranquility Lane. This report addresses the compatibility of the proposed development with the surrounding area.

The report: 1) identifies the compatibility requirements of the City of Destin that are contained in the City's Land Development Code (LDC, §7.09) and Comprehensive Plan; 2) analyzes whether the proposed development complies with those requirements; and 3) provides an opinion regarding the compatibility of the proposed development.

Aside from addressing the compatibility issue, this report does not address issues regarding the consistency of the proposed improvements with any other provisions of the City Comprehensive Plan or the LDC.

## DEFINITION OF "COMPATIBILITY" AND REQUISITE CONSIDERATIONS

In land use planning, "*compatibility*" means the extent to which a use(s) or development is capable of existing in harmony with other uses situated in its immediate vicinity. In the City's LDC as well as in Rule 9J-5, FAC, *compatibility* is defined as "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 City's Comprehensive Plan also includes this definition but elaborates more broad-based concerns that are consistent with accepted planning principles and practices.

The LDC requirements regulating compatibility are "*intended to ensure functional and attractive development by requiring that all future development be consistent with accepted planning practices and principles as well as natural area limitations*" [LDC, §7.09.01].

The Comprehensive Plan and Land Development Code further require that compatibility be measured based on the characteristics of proposed development and its impact on the immediate or surrounding area and especially homogeneous residential neighborhoods. Characteristics for consideration include:

- Type of land use, zoning district, and land use category;
- Building location, dimensions, height, and floor area ratio;
- Location and extent of parking, access drives, and service areas;
- Traffic generation, hours of operation, noise levels and outdoor lighting;
- Alteration of light and air; and
- Setbacks and buffers.



**PROJECT DESCRIPTION**

Destin Commercial, Phase II, is proposed to include a retail sales building containing 19,622.99 square feet on a 1.55-acre (67,566.56 square feet) site located on the south side of Emerald Parkway, approximately 200 feet west of Tranquility Lane.

**DESCRIPTION OF SURROUNDING AREA**

The land uses immediately adjacent to the proposed development are denoted in the table below:

LOCATION RELATIVE TO SUBJECT SITE	FUTURE LAND USE	ZONING	EXISTING LAND USE
North	Unincorporated County	Unincorporated. Co.	Unincorporated County
South	CBN	BT	Single Family Residential Lots
East	MU	BT	Commercial building
West	MU	BT	Willows Shops

**ANALYSIS OF COMPATIBILITY**

A. **Type of Land Use, Zoning District, and Land Use Category.** The following table sets forth the existing City land use policies adopted for the subject property:

CHARACTERISTICS OF SUBJECT SITE			
FUTURE LAND USE	ZONING	EXISTING LAND USE	PROPOSED LAND USE
MU	BT	Vacant	Retail Sales

**Land Use.** The proposed retail commercial uses are allowed and are consistent with the Mixed Use (MU) Comprehensive Plan Future Land Use Plan designation [i.e., Comprehensive Plan Policy 7.A.4.6 (h)] provided the intensity of the uses comply with the height, area, and bulk restrictions of the Land Development Code (LDC) [Section 7.12.02, LDC]. Retail commercial land uses are permitted uses within the BT zoning district [Section 7.12.01(I)(1)(a), LDC]. The proposed retail land uses are consistent with the Comprehensive Plan provided compatibility criteria are met.

The remainder of the report will address land use compatibility criteria pursuant to criteria stated in Comprehensive Plan Policy 7.A.4.6 (p) and Section 7.09.00 (.01-.03). This compatibility analysis is intended to evaluate whether the proposed development is compatible with the neighboring properties. If the development is determined to be incompatible, then the analysis will identify anticipated adverse impacts that render the proposed development incompatible with neighboring properties.

B. **Building Location, Dimensions, Height, and Floor Area Ratio.** The proposed 19,622.99 square feet building will have a floor area ratio (FAR) of 0.29 [19,662.99 sq. ft. of building area ÷ 67,566.56 sq. ft. of land area = 0.29 FAR]. The 0.29 FAR is consistent with the FARs within the immediate vicinity.

The proposed development has no residential component. The proposed building has a substantially differing land use, function, and design when contrasted with the character of the single-family residential lots that directly abut the property to the south. The purpose of this compatibility analysis is to ensure that the proposed development, including the specific functions, operations, and design of the proposed land uses use will not negatively impact neighboring residential properties. Therefore, this analysis is intended to prevent neighboring Destiny single-family residential properties from being adversely impacted by the general appearance and aesthetics of the commercial retail activities, including the differing character of use, building design, fenestration, roof, mass, scale, and other dissimilar design characteristics. In addition, the analysis is intended to prevent any nuisance impacts occasioned by noise, glare, odor, traffic generation, or other negative impacts that may characterize the planned development.

The potential adverse impacts generated by the proposed development on adjacent residential uses to the south can be mitigated by maintaining the existing wood privacy fence that is approximately ten foot (10') tall and located along the south property line. In addition, the south property line should include substantive vegetative buffers to mitigate the transition in use, especially visual impacts and noise generated by traffic, patrons, and service vehicles. The vegetative buffer should include two staggered rows along the south property line consisting of the following:

- Four (4) deciduous canopy trees, at least twelve feet tall, for every one-hundred (100) linear feet adjacent to the inside of the fence; plus
- Lower story native trees [such as *myrica cerifera* (Wax Myrtle)] at least 8 feet tall at time of planting. The lower story Wax Myrtle must be planted at a ratio of three Wax Myrtle trees, or equivalent, for every one deciduous canopy tree. The Wax Myrtle trees, or equivalent, must be planted to fill the separation area between the deciduous canopy trees. All trees must meet Florida No. 1 nursery standards. Palms must be avoided in favor of deciduous tree that are more effective in visually screening commercial operations and more effectively buffer noise generated by service vehicles.

Commercial development locating adjacent to a residential development is required to provide "buffer zone landscaping" [cross reference Section 7.10.02 (D), LDC]. In this case, an existing fence provides a partial buffer between the planned commercial and residential development. The fence, located along the common property line of the Destiny East single-family residential subdivision and the subject site, is an amenity constructed by Destiny East within its common area. As a condition of this site plan approval, the applicant must agree to provide a new eight (8) foot tall wood privacy fence along the south property line of the applicant's property if the existing fence becomes damaged in the future or otherwise becomes a maintenance or safety concern to the City or the residents of Destiny East. This condition shall apply to successors in ownership of the subject commercial site.

C. **Location and Extent of Parking, Access Drives, and Service Areas.**

**Parking and Public Safety.** This review does not evaluate the parking requirements. The design of the parking lot does not minimize potential conflicts between vehicles backing out of parking stalls and other vehicles accessing, exiting, and/or circulating within the parking lot. In addition, the loading zone is located in an area that will require loading and unloading within the primary driveway used for general circulation of automobiles and possibly pedestrians since no sidewalks are provided.

*Consultant notation: The undesirable characteristics of the parking lot design are intensified by a possible lack of parking. The applicant has applied a formula of one space per 250 square feet of gross floor area to determine the number of parking spaces required as opposed to using the code requirement for general retail commercial activities: one space per 200 square feet of gross floor area. The proposed principal uses appear to be retail commercial activities. The size, square footage, and design of the improvements do not appear to conform to the characteristics of a shopping center. The smallest shopping center is generally defined as a neighborhood shopping center that typically requires ten acres and 100,000 +/- square feet of gross floor area [Moskowitz and Lindbloom, The Illustrated Book of Definitions]. Such shopping centers typically provide common amenities such as sidewalks, uniform signage and lighting, primary driveways or service roads that are void of abutting parking stalls, and other site amenities. The circulation pattern of a shopping center parking lot has a lesser parking requirement because of its large scale, diverse array of shops, and the fact that each patron trip generally results in visits to two or more stores.*

**Service Areas.** The review does not evaluate the adequacy of the dumpster site location. Hours of service vehicle deliveries should be curtailed during 9PM-7AM in order to avoid adverse impacts to adjacent residential properties to the south.

#### **D. Traffic Generation, Hours of Operation, Noise Levels and Outdoor Lighting.**

**Traffic Generation.** This analysis does not address traffic generation or the impact of additional traffic on the roadway system.

**Hours of Operation and Noise Levels.** The store hours should be curtailed during 9PM-7AM in order not to adversely impact adjacent residential facilities to the south.

**Outdoor Lighting.** No lighting is proposed as part of the site plan. Prior to installing any outdoor lighting, the applicant must first submit plans for such outdoor lighting to the City for review and approval. The plans must provide specifications for the proposed outdoor lighting, including photometrics. Any future lighting must be shielded downward and away from adjacent properties in order to avoid spill over and illumination into the night sky. The source of all illumination should not be visible from off-site.

**E. Alteration of Light and Air.** The plan as presented does not restrict access to light and air.

**F. Setbacks and Buffers.** Aside from the additional rear yard buffer needed to appropriately buffer and screen commercial buildings and noise impacts from single-family homes within the Destiny East subdivision, the plan accommodates required setbacks and buffers.



**OPINION.** The proposed retail development is compatible with the surrounding area subject to the following conditions:

1. **Land Us Requires Additional Buffer and Screening.** The potential adverse impacts generated by the proposed development on adjacent residential uses to the south can be mitigated by the following:
  - a. **Responsibility for Maintenance of Fence.** As a condition of this site plan approval, the applicant must agree to provide a new eight foot (8') tall wood privacy fence along the south property line of the applicant's property if the existing fence becomes damaged in the future or otherwise becomes a maintenance or safety concern to the City or the residents of Destiny East. This condition shall apply to successors in ownership of the subject commercial site.
  - b. **Install Vegetative Buffer along South Property Line.** The applicant shall install along the south property line a substantive vegetative buffer to mitigate the transition in use, especially visual impacts and noise generated by traffic, patrons, and service vehicles. The vegetative buffer should include two staggered rows along the south property line consisting of the following:
    - i. Four (4) deciduous canopy trees, at least twelve feet tall, for every one-hundred (100) linear feet adjacent to the north side of the fence; plus
    - ii. Lower story native trees [such as *myrica cerifera* (Wax Myrtle)] at least 8 feet tall at time of planting. The lower story Wax Myrtle must be planted at a ratio of three Wax Myrtle trees, or equivalent, for every one deciduous canopy tree. The Wax Myrtle trees, or equivalent, must be planted to fill the separation area between the deciduous canopy trees. All trees must meet Florida No. 1 nursery standards. Palms must be avoided in favor of deciduous tree that are more effective in visually screening commercial operations and more effectively buffer noise generated by service vehicles.

2. **Location and Extent of Parking, Access Drives, and Service Areas.**

The City Engineer shall evaluate parking, access drives, and service areas. Reference "Consultant Notations," regarding parking in the analysis.

4. **Traffic Generation, Hours of Operation, Noise Levels and Outdoor Lighting.**

- a. **Traffic Generation.** This analysis does not address traffic generation or the impact of additional traffic on the roadway system.
- b. **Noise Levels and Hours of Operation.** The service deliveries should be curtailed during 9PM-7AM in order not to adversely impact adjacent residential facilities to the south.



- c. **Outdoor Lighting.** No lighting is proposed as proposed as part of the site plan. Prior to installing any outdoor lighting, the applicant must first submit plans for such outdoor lighting to the City for review and approval. The plans must provide specifications for the proposed outdoor lighting, including photometrics. Any future lighting must be shielded downward and away from adjacent properties in order to avoid spill over and illumination into the night sky. The source of all illumination should not be visible from off-site.
- d. **Alteration of Light and Air.** The plan as presented does not restrict access to light and air.
- e. **Setbacks and Buffers.** Aside from the additional rear yard buffer needed to appropriately buffer and screen commercial buildings and noise impacts from single-family homes within the Destiny East subdivision, the plan accommodates required setbacks and buffers.

**Summary.** In my professional opinion, subject to the above conditions, the site plan complies with the criteria for compatibility review contained in the City of Destin Comprehensive Plan and the Land Development Code. If the City Council approves any one or all of the above stated conditions, prior to issuance of a building permit, the conditions approved by the City Council must be incorporated into the site plan. The revised site plan must be reviewed and approved by the appropriate members of the Technical Review Committee.



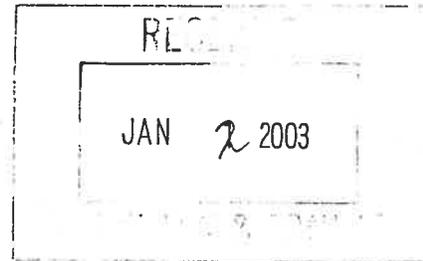


## *Crystal Beach Development*

January 2, 2003

Via Hand Delivery

Jerry Mucci  
Community Development Director  
City of Destin  
4200 Two Trees Road  
Destin, FL 32541



RE: Destiny Commercial – Phase II (SP-02-36)

Dear Mr. Mucci:

Attached is the executed Development Order for my above referenced project. I write to address some of the issues relative to this project and this Development Order, and would like this letter to be on City record with the attached Development Order. These issues are as follows:

- 1) On page 2 of 14 of the attached Development Order, under **CONDITIONS OF APPROVAL FOR "DESTINY COMMERCIAL CENTER – PHASE II": A MAJOR DEVELOPMENT (SP-02-36)**, Numbers 1 & 2 state the 1 year time frame that construction must start within and the protected status of the Development Order ends November 18, 2003. I believe this should be November 25, 2003, as this is the date the Development Order was actually signed by the City and became usable by the applicant.
- 2) On page 4 of 14 of the attached Development Order, Number 10, the provision for a future sidewalk payment... Currently, the City Engineering Department is requiring this payment to be cash only with no guaranty that a sidewalk will ever be built because FDOT will not permit a sidewalk at this time. My request, which I already provided to the City under separate cover on December 27, 2002, is to provide the City with a Letter of Credit good for 24 months, and if a sidewalk is not built by then, either my Letter of Credit would be returned or I would renew it for an additional 24 months. I want a sidewalk and don't mind paying for it. I just don't see the need for this to be a cash payment with no time frame for construction and no time frame or provisions at all to refund my money in the event a sidewalk is not built.

Jerry Mucci  
Community Development Director, City of Destin  
January 2, 2003  
Page 2

- 3) On page 11 of 14 of the attached Development Order, under IMPACT FEES...I will be applying for a credit against my road impact fees because I have constructed, at my own expense, for the general public's use, a frontage road that reduces trips on Hwy 98 and makes traffic safer for all the people accessing all the businesses by way of this frontage road. This frontage road now allows businesses that previously had access to only 1 curb cut to now have access to multiple curb cuts and median cuts.

Also, you will find enclosed, a check in the amount of \$99.23 for City Council advertising, which satisfies Number 4, Page 3 of 14 of the attached Development Order, payment of all outstanding cost associated with this project.

In addition, you will also find attached, the DEP stormwater permit, as required per Number 12, Page 4 of 14 of the attached Development Order.

Thank you for your assistance, and please call if you have any questions or would like to discuss any of the issues relating to this project.

Sincerely,

Jay Odom

Enclosures: Fully Executed Development Order  
Payment by check in the amount of \$99.23  
DEP Stormwater Permit

Cc: Jill Silverboard, City Manager

