



# City of Destin

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July 22, 2002

Order No. 02-34

## 2<sup>nd</sup> Amended Final Development Order:

**“EMERALD COAST CENTRE, 2<sup>nd</sup> AMENDMENT (RUBY TUESDAY)”:  
A MAJOR DEVIATION TO A PREVIOUSLY APPROVED  
MAJOR DEVELOPMENT  
(SP-02-01)**

Based upon the City Council’s approval of this Development Order, on July 15, 2002, and on the subsequent correction to the Technical Review Committee (TRC) Report by staff, this document will serve as your Final Development Order, to include all of the provisions of the attached TRC and with the following conditions, as specified by the City Council:

### BACKGROUND / ISSUE:

- Applicant:** Choctaw Engineering, Inc., on behalf of Emerald Coast Centre, Ltd.  
**Location:** The proposed project is generally located at the southwest corner of the Emerald Coast Centre Development along Emerald Coast Parkway, specifically known as Property Appraiser’s parcel I. D. 00-2S-22-0000-0001-A020. This specific parcel contains 12.20 acres more or less.  
**Request:** Approval of a Major Deviation to a previously approved Major Development identified as “Emerald Coast Centre, 2<sup>nd</sup> Amendment (Ruby Tuesday).” The proposed project consists of a 5,752 square foot restaurant.  
**Current Parcel Size:** The property contains 12.1 acres more or less.  
**Proposed Parcel Size:** The proposed parcel 0.96 acres more or less  
**Future Land Use:** Commercial (C)  
**Zoning District:** Business General (BG)  
**Density:** Not applicable  
**Intensity:** Allowed: 1.07 Floor Area Ratio (FAR)  
Proposed: 0.14 Floor Area Ratio (FAR)  
**Application Date:** January 2, 2002  
**TRC Date:** January 16, 2002  
**Approved Site Plan Date:** June 14, 2002  
**Planning Commission Date:** June 20, 2002  
**City Council Date:** July 15, 2002

### DETERMINATIONS:

1. All of the findings of the Final Development Order No. 00-22 and the 1<sup>st</sup> Amended Final Development Order No. 01-37 are incorporated herein; and
2. This 2<sup>nd</sup> Amended Development Order does not extend the overall concurrency status determined by the Original Development Order (No. 00-22); and

3. All the findings of the Technical Review Committee report dated April 3, 2000, amended on September 11, 2001, amended on June 14, 2002, and amended on July 8, 2002 are incorporated herein.

**CONDITIONS OF APPROVAL FOR "EMERALD COAST CENTRE, 2<sup>nd</sup> AMENDMENT (RUBY TUESDAY):" A MAJOR DEVIATION TO A PREVIOUSLY APPROVED MAJOR DEVELOPMENT (SP-02-01):**

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 2nd Amended Final Development Order on July 15, 2002 (no later than July 15, 2003), and must be completed as shown on the plans approved by the Technical Review Committee (stamp dated June 14, 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 "Emerald Coast Centre, 2<sup>nd</sup> Amendment" is protected through May 8, 2005. **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 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 any City permit**, the plat must be finalized and recorded.

6. **Prior to obtaining any City Permit**, provide a future sidewalk payment for a 5' wide concrete sidewalk along the Emerald Coast Pkwy. R.O.W. (Engineer's cost estimate [signed and sealed] required. Payment is equal to 120% of cost.)
7. **Prior to the issuance of a Clearing/Grading Permit**, a clearing/grading plan must be submitted and approved by the Community Development Department.
8. **Prior to the issuance of a Building Permit**, a construction crane registration form, which has been approved by Okaloosa County Airport Authority, must be submitted (if necessary).
9. **Prior to the issuance of any Certificate of Occupancy**, all applicable impact fees must be paid.
10. **Prior to the issuance of a Certificate of Occupancy**, the landscaping must be inspected and approved by the Community Development Department.
11. **Prior to the issuance of a Certificate of Occupancy**, the lighting plan must be reviewed and approved by the Community Development Department.
12. **Prior to obtaining a Certificate of Occupancy**, the Stormwater Management Plan shall be acknowledged and signed by the Owner.
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].
14. If groundwater is observed standing in stormwater structure, the Stormwater Management Plan shall be void and require a Stormwater Management Plan to be reviewed and approved.

## TECHNICAL REVIEW COMMITTEE REPORT

### "EMERALD COAST CENTRE, 2<sup>nd</sup> AMENDMENT (RUBY TUESDAY)": A MAJOR DEVIATION TO A PREVIOUSLY APPROVED MAJOR DEVELOPMENT (SP-02-01)

TRC Report: June 14, 2002, and amended on July 8, 2002

#### ISSUE:

- Applicant:** Choctaw Engineering, Inc., on behalf of Emerald Coast Centre, Ltd.
- Location:** The proposed project is generally located at the southwest corner of the Emerald Coast Centre Development along Emerald Coast Parkway, specifically known as Property Appraiser's parcel I. D. 00-2S-22-0000-0001-A020. This specific parcel contains 12.20 acres more or less.
- Request:** Approval of a Major Deviation to a previously approved Major Development identified as "Emerald Coast Centre, 2<sup>nd</sup> Amendment (Ruby Tuesday)." The proposed project consists of a 5,752 square foot restaurant.
- Current Parcel Size:** The property contains 12.1 acres more or less.
- Proposed Parcel Size:** The proposed parcel 0.96 acres more or less
- Future Land Use:** Commercial (C)
- Zoning District:** Business General (BG)
- Density:** Not applicable
- Intensity:** Allowed: 1.07 Floor Area Ratio (FAR)  
Proposed: 0.14 Floor Area Ratio (FAR)
- Application Date:** January 2, 2002
- TRC Date:** January 16, 2002
- Approved Site Plan Date:** June 14, 2002
- Planning Commission Date:** June 20, 2002
- City Council Date:** July 15, 2002

#### DISCUSSION/FINDINGS:

Choctaw Engineering, Inc., on behalf of Emerald Coast Centre, Ltd., is requesting approval of a Major Deviation to a previously approved Major Development identified as "Emerald Coast Centre Addition, 2<sup>nd</sup> Amendment." The proposed project consists of adding a 5,752 sq. ft. restaurant. The proposed project is generally located at the southwest corner of the Emerald Coast Centre, more specifically known as Property Appraiser's parcel I. D. 00-2S-22-0000-0001-A020. This specific parcel contains 12.20 acres more or less.

This specific location was previously approved for a 3,556 square foot fast-food style restaurant.

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 Exhibit "C" for the complete Compatibility Analysis from the City's Compatibility Consultant, Mr. Les Solin.

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 and changes.

**COMPREHENSIVE PLAN/ZONING:**

The property currently has a Future Land Use designation of Commercial (C) and a Zoning designation of Business General (BG). The proposed use is consistent with the C Future Land Use designation and is a permitted principal use in the BG 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 Exhibit "C" for the complete Compatibility Analysis from the City's Compatibility Consultant, Mr. Les Solin.

**DENSITY:**

Not applicable.

**HEIGHT:**

The BG Zoning district does not have a maximum building height. Building height in this district is determined by a compatibility analysis. Refer to Exhibit "C" for the complete Compatibility Analysis Report, which describes the height and finds the proposed project compatible with the surrounding area in regards to height.

**FLOOR AREA RATIO:**

The Commercial Future Land Use designation has a maximum floor area ratio (FAR) of 1.07. The overall FAR for the entire project is 0.14, which is below 1.07. Due to the fact this proposed development is utilizing an offsite "Parking Area Easement" to accommodate a portion of the required parking, the method of calculating the FAR per the Destin Land Development Code would be misleading. Thus, staff is only providing the FAR methodology and result more commonly utilized and described in the Development Order Application.

**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 "D" through "H" 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 RETURN 7 PM Peak Hour directional trips on Segment "C." Currently Segment "C" has 2 PM Peak Hour directional trips available. There will be 9 PM Peak Hour directional trips remaining for Segment "C." Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's traffic consultant (See Exhibit "D").

**SUBDIVISION OR PUD - PLAT:**

Not applicable.

**WHITE SANDS ZONE:**

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

**PHASING:**

No phasing is a part of this development.

**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 building meets and exceeds all of the required setbacks for the BG Zoning district. The BG Zoning district requires the following setbacks: front - 10 feet, side - 0 feet, and rear - 0 feet. The setbacks provided for the proposed structure are: front - 100.51 feet (south), sides 57.49 feet (west) and 52.28 feet (east), 24.86 feet (north).

**SIGNS:**

No signs, only their locations, have been proposed with this project. All signs must comply with the sign code 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 January 9, 2002.

**DESTIN FIRE CONTROL DISTRICT:**

The Destin Fire Control District approved the project in a letter dated February 19, 2002.



**SIDEWALKS:**

A five (5) foot wide concrete sidewalk is required along the northern right-of-way Emerald Coast Parkway. Prior to obtaining any city permit, provide a future sidewalk payment for a 5' wide concrete sidewalk along the Emerald Coast Pkwy. R.O.W. (Engineer's cost estimate [signed and sealed] required. Payment is equal to 120% of cost.)

**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:**

41,696.1 sq. ft. of property x 18 %	= 7,505.3 sq. ft. required
Site plan provides <u>26.0%</u>	= <u>10,834.3</u> 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 (9 trees x 3 credits per tree):	27
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>27</u>
Total Reforestation Credits for Trees Required on Site:	27
Reforestation Trees (1 per every .10 of an acre: 0.96 x 10 = 10) Required on Site:	<u>0</u>
Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:	<u>0*</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:	0
Front Perimeter Trees (1 per 25') Required on Site:	9
Parking Lot Trees (1 per end row and landscape island) Required on Site:	24
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:	<u>0</u>
<b>TOTAL TREES REQUIRED:</b>	<b>33</b>
<b>TOTAL TREES PROVIDED:</b>	<b>34</b>

A five (5) foot Common Boundary Landscape Area is required along eastern and western lines. A ten (10) foot Front Perimeter Landscape Area is required along the southern 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 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 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:

Restaurant:

1 space per 75square feet of gross floor area.

Per site plan:

Restaurant:

5,752 sq. ft. restaurant / 75 sq. ft. = 77 parking spaces

**TOTAL REQUIRED: 77 parking spaces (including 4 handicap spaces)**

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

Note: Per the City's Land Use Attorney's opinion and approval by staff, a "Parking Area Easement" was established to ensure all parking requirements were satisfied.

**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:

Restaurant:

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

Per site plan:

Restaurant:

5,752 sq. ft. building sq. ft. / the first 10,000 sq. ft. = 1 loading space

**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) has been issued for this project and is on file.

**IMPACT FEES:**

The owner/applicant must pay the following impact fees prior to the issuance of a Certificate of Occupancy:

Police Protection: The police protection impact fees were calculated using the “U.S. Highway 98 Corridor Eating/drinking per 1,000 sq. ft. = \$246.04” category.

Eating/drinking:

$$(5,752 \text{ sq. ft.}) \times (\$246.04) = 1,415,222.00 / 1,000 = \$1,415.22$$

$$(\text{sq. ft. of proposed retail building}) \times (\text{Restaurant per 1,000 sq. ft. fee amount}) = (\text{figure}) / (\text{per 1,000 sq. ft.}) = \text{Impact Fee}$$

Road: The road impact fees were calculated using the “Quality Restaurant” (per 1,000 sq. ft.) = \$5,125.00” fee amount.

Quality Restaurant:

$$(5,752 \text{ sq. ft.}) \times (\$5,125.00) = 29,479,000.00 / 1,000 = \$29,479.00$$

$$(\text{sq. ft. of proposed retail building}) \times (\text{Quality Restaurant per 1,000 sq. ft. fee amount}) = (\text{figure}) / (\text{per 1,000 sq. ft.}) = \text{Impact Fee}$$

Parks: (not applicable)	=	\$0.00
Public Library: (not applicable)	=	\$0.00
Police Protection:	=	\$1,415.22
<u>Roads:</u>	=	<u>\$29,479.00</u>
<b>TOTAL:</b>	=	<b><u>\$30,894.22</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:	\$0.00	Planning Commission Advertising:	\$55.00
City Traffic Consultant:	\$0.00	City Council Advertising:	TBD
City Surveyor:	N/A	Extra Administrative Costs	\$67.66

**COMMENTS:**

Public Input:

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

Per Community Development Department:

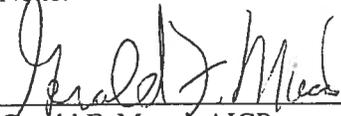
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4. Prior to the issuance of a Building Permit, a construction crane registration form, which has been approved by Okaloosa County Airport Authority, must be submitted (if necessary).
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7. Prior to the issuance of a Certificate of Occupancy, the lighting plan must be reviewed and approved by the Community Development Department.
8. 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. If groundwater is observed standing in stormwater structure, the Stormwater Management Plan shall be void and require a Stormwater Management Plan to be reviewed and approved.
2. Prior to obtaining any city permit, provide a future sidewalk payment for a 5' wide concrete sidewalk along the Emerald Coast Pkwy. R.O.W. (Engineer's cost estimate [signed and sealed] required. Payment is equal to 120% of cost.)
3. Prior to obtaining a Certificate of Occupancy, the Stormwater Management Plan shall be acknowledged and signed by the Owner.

OUTSTANDING ISSUES:

None.

  
Gerald F. Mucci, AICP  
Community Development Director

7-23-02  
Date

  
Emerald Coast Centre, Ltd.,  
Owner  
Samuel Parker Grimmer,  
General Partner

8-13-02  
Date