



City of Destin

August 20, 2003

Order No. 03-22

Final Development Order:

**"GALATI YACHT CENTER"
A MAJOR DEVELOPMENT
(SP-02-38)**

Based upon the City Council's approval of this development order on August 4, 2003, 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: Design/Build Systems, Inc., on behalf of Galati Brothers of Florida, Inc., is requesting approval of a Major Development identified as "Galati Yacht Center."

Request: The proposed development consists of a new two-story 6,048 sq. ft. sales office building and boat yard facility.

Location: The proposed development is located at 126 U.S. Highway 98 East, more specifically known as Property Appraiser's parcel I.D. number 00-2S-22-0630-0000-07JA. The total site area is 1.31 acres, more or less.

Parcel Size: The total site area is 1.31 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 Overall: 0.139 FAR (per Code Definition: -0.173 FAR)

Application Date: August 5, 2002

TRC Date: August 21, 2002

Approved Site Plan Date: June 27, 2003

City Council Date: August 4, 2003

DETERMINATIONS:

1. The Destin City Council held a public hearing on August 4, 2003. The Council voted unanimously, 7-0, to approve the project as presented in the agenda package and subject to all applicable conditions identified within the TRC report dated June 27, 2003, and contingent upon payment of all outstanding fees prior to the issuance of the Development Order.

2. All the findings of the Technical Review Committee report dated June 27, 2003, are incorporated herein.

CONDITIONS OF APPROVAL FOR "GALATI YACHT CENTER" A MAJOR DEVELOPMENT (SP-02-38):

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

Construction must commence within one (1) year of approval date (date from which the Final Development Order is issued by the Community Development Department) of the Final Development Order on August 20, 2003 (no later than August 20, 2004), and must be completed as shown on plans approved by the Technical Review Committee.

WARNING: If the applicant/owner has not obtained a building permit(s) or has not commenced construction within one (1) year of issuance of the final development order, the final development order will become null and void and the application for plan approval must be re-initiated.

NOTE: An applicant/owner who desires to extend the twelve (12) month (1 year) deadline must submit a request to the Community Development Department, no less than thirty (30) days prior to the expiration of the twelve (12) month deadline to obtain a building permit and commence construction. The applicant may receive only one extension, and such extension shall not exceed one year. The applicant /owner should review Article 2, Section 2.15.00, of the Destin Land Development Code and City Ordinance 02-06-LC for further explanation of the Development Order extension process.

2. If the applicant fully complies with the requirements of Condition No. 1 above, the concurrency capacity allocation status for "Galati Yacht Center" will be protected. However, the protected concurrency status 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 so that concurrency is not maintained under section 6.02.00.B.3 of the Destin Land Development Code, 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 Certificate of Occupancy**, the proposed development to the north (SP-03-01: Parking lot redevelopment) of this proposed development must have received a Certificate of Completion (Community Development Department and Engineering Department Site Approval).
6. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.
7. **Prior to the issuance of a Certificate of Occupancy**, the landscaping and outdoor lighting, if installed, must be inspected and approved by the Community Development Department. The lighting plan must provide specifications for the proposed outdoor lighting, including photometrics. All lighting must be shielded downward and away from adjacent properties in order to avoid spill-over and illumination into the night sky.
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 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.
9. The project is in the White Sand Zone I. Any red clay or other staining material uncovered during demolition must be removed from the site within 98 hours of uncovering. Prior to importing any fill material onto the site, provide a sample of the fill to the City of Destin Environmental Officer for approval for White Sand Zone I use.
10. **Prior to obtaining a building permit**, a copy of the FDEP stormwater approval shall be forwarded to the City Engineer's office.
11. **Prior to obtaining a city permit for waterside improvements**, provide copies of Destin Harbor Board approval and FDEP/USACOE submerged lands approvals.
12. Due to the extremely minimal sediment traps in the catch basins feeding into the exfiltration gallery, provide for additional maintenance and inspections for the sediment traps in the stormwater operation and maintenance plan.
13. If groundwater is observed standing in the proposed stormwater structures, the stormwater management plan shall be deemed non-compliant and a revised stormwater plan shall be resubmitted for review and approval.
14. **Prior to obtaining a Certificate of Occupancy**, the Stormwater Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltration areas and catch basins, and b) maintenance of vegetative cover in surface infiltration areas. Owner shall regrade swale/retention areas as required to maintain approved design cross-section(s), line(s), and grade(s).

TECHNICAL REVIEW COMMITTEE REPORT

"GALATI YACHT CENTER" A MAJOR DEVELOPMENT (SP-02-38)

TRC Report: June 27, 2003

ISSUE:

Applicant: Design/Build Systems, Inc., on behalf of Galati Brothers of Florida, Inc., is requesting approval of a Major Development identified as "Galati Yacht Center."

Request: The proposed development consists of a new two-story 6,048 sq. ft. sales office building and boat yard facility.

Location: The proposed development is located at 126 U.S. Highway 98 East, more specifically known as Property Appraiser's parcel I.D. number 00-2S-22-0630-0000-07JA. The total site area is 1.31 acres, more or less.

Parcel Size: The total site area is 1.31 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 Overall: 0.139 FAR (per Code Definition: -0.173 FAR)

Application Date: August 5, 2002

TRC Date: August 21, 2002

Approved Site Plan Date: June 27, 2003

City Council Date: August 4, 2003

DISCUSSION/FINDINGS:

Design/Build Systems, Inc., on behalf of Galati Brothers of Florida, Inc., is requesting approval of a Major Development identified as "Galati Yacht Center." The proposed development consists of a new two-story 6,048 sq. ft. sales office building and boat yard facility. The proposed development is located at 126 U.S. Highway 98 East, more specifically known as Property Appraiser's parcel I.D. number 00-2S-22-0630-0000-07JA. The total site area is 1.31 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 8 and 9 of the TRC Report. Refer to the complete Compatibility Analysis from the City's Compatibility Consultant, Mr. Les Solin, and dated August 22, 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 Agency District

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

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 requirements with conditions. Refer to the complete Compatibility Analysis from the City’s Compatibility Consultant; Mr. Les Solin dated August 22, 2002.

DENSITY:

Not applicable.

HEIGHT:

The BT Zoning District does not have a maximum building height. Building height in this district is determined by compatibility and whether the proposed structures are three stories or more, which the proposed structure is only two stories. Refer to the complete Compatibility Analysis Report from Les Solin, dated August 22, 2002, which finds the proposed project compatible with the surrounding area in regards to height.

FLOOR AREA RATIO:

The Mixed Use (MU) 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:

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

$$\frac{7,923 \text{ sq. ft.} - 17,790.26 \text{ sq. ft.}}{56,979 \text{ sq. ft.}} = \text{FAR}$$

$$-10,142.26 \text{ sq. ft.} / 56,979 \text{ sq. ft.} = -0.173 \text{ FAR (Overall Site)}$$

Utilizing the formula as defined above, the FAR of -0.173 is below the maximums 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 0.20, which is below 1.07 and is calculated as follows:

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

$$7,923 \text{ sq. ft.} / 56,979 \text{ sq. ft.} = 0.139 \text{ FAR}$$

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**

TRAFFIC ANALYSIS:

According to the traffic review conducted by the City's traffic consultant, Renaissance Planning Group, Inc., dated August 20, 2002, the proposed development will return 19 additional PM Peak Hour directional trips on Segment "A" due to the change of use. As of the date of the TRC approval, Segment "A" had 474 PM Peak Hour directional trips available. Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's traffic consultant, as confirmed by the City's traffic consultant.

SUBDIVISION OR PUD - PLAT:

Not applicable.

WHITE SANDS ZONE:

The project property is located in either White Sand Zone I.

PHASING:

The proposed development will not be a phased 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 proposed buildings for Lot 4 (5th Amendment Area) meet and exceed all of the required setbacks for the BT Zoning District.

	<u>Required</u>	<u>Buffers</u>	<u>Provided</u>
“Front” (north):	N/A	5’ CB	138’ +/- including the 10’ FP
Side (east):	0’	5’ CB	56.96’ including the 5’ CB
Side (west):	0’	5’ CB	21’ including the 5’ CB
Rear (south):	0’	N/A	N/A
Between Bldgs.:	10’	N/A	19’’

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 five (5) foot common boundary buffers along the northern, eastern, and western property lines. (Note: Due to the “land locked” status of this lot, it does not abut the principal street right-of-way. Thus, there is no true front lot 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. Note: A sign location easement is proposed in order for the proposed business along the harbor to adequately indicate an address and the business at that location.

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 August 21, 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.

WATER/SEWER PROVIDER:

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

UTILITIES:

Underground utilities/service (existing and proposed) are required.

STORMWATER:

The City Engineer approved the stormwater plan on July 7, 2003, and had the following stormwater related conditions:

1. **Prior to obtaining a building permit**, a copy of the FDEP stormwater approval shall be forwarded to the City Engineer's office.
2. Due to the extremely minimal sediment traps in the catch basins feeding into the exfiltration gallery, provide for additional maintenance and inspections for the sediment traps in the stormwater operation and maintenance plan.
3. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be deemed to be in non-compliance and a revised stormwater plan shall be re-submitted for review and approval.
4. **Prior to obtaining a Certificate of Occupancy**, the Stormwater Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltration areas and catch basins, and b) maintenance of vegetative cover in surface infiltration areas. Owner shall regrade swale/retention areas as required to maintain approved design cross-section(s), line(s), and grade(s).

INGRESS/EGRESS:

A 24' +/- wide two-way ingress/egress access is proposed to connect with a proposed cross-access easement to be obtained with the adjoining property to the north. Additional ingress/egress access will be provided along the southwestern side of the property in combination with an additional cross access easement with the property to the west.

PARKING:

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

Per code:

Retail: 1 space per 200 square feet of gross floor area.

Per site plan:

7,923 gross square feet/200 = 40 parking spaces

TOTAL REQUIRED: 40 parking spaces

TOTAL PROVIDED: 44 parking spaces (including 2 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 are as follows:

TOTAL REQUIRED: 1 loading space

TOTAL PROVIDED: 1 loading space

REFUSE COLLECTION:

Refuse collection is to be provided by dumpster service. All proposed dumpsters must be screened by a gated enclosure at least six feet tall.

SIDEWALKS:

Not applicable.

OPEN SPACE/LANDSCAPE:

Open Space Requirements:

Development Area (Total Area): 56,979 sq. ft. (1.31 acres, more or less)

Required 18% Open Space: 10,256.22 sq. ft.

Provided Open Space: 12,053.1 sq. ft. (23.4%)

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 (1 trees x 3 credits per tree):	3
Credits for Existing Trees (13" to 19" diameter) on Site (10 trees x 4 credits per tree):	40
Credits for Existing Trees (20" to 24" diameter) on Site (3 trees x 5 credits per tree):	15
Total Reforestation Credits for saving Existing, Protected, or Preserved Trees:	<u>58</u>
Reforestation Trees (1 per every .10 of an acre: 1.31 x 10 = 14 Required on Site:	<u>14</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:	0
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: (Includes additional vegetation per Compatibility Analysis)	N/A
Replacement Trees (removal of trees 12" d.b.h. or greater) Required on Site:	<u>10</u>
TOTAL TREES REQUIRED:	12
TOTAL TREES PROVIDED:	12

A five (5) foot Common Boundary Landscape Area is required along those property lines that directly abut an adjacent parcel (north, east, and west). A ten (10) foot Front Perimeter Landscape Area is not required. 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. If required, the ten (10) foot Front Perimeter Landscape Buffer shall be calculated as one (1) tree per twenty-five (25) linear feet of buffer. Unless otherwise noted, 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 per the approved landscape plan has been inspected and approved by the Community Development Department.**

IMPACT FEES:

The following impact fee amounts may be subject to change. Final impact fee amounts will be determinant upon the gross floor area of the shopping center development and whether exemption or credits are applicable and reevaluated at the time a Certificate of Occupancy is requested. Any claims for exemption or credits must be made no later than the time a Certificate of Occupancy is requested. Refer to Article 19 of the Destin Land Development Code for specifics regarding impact fees. The owner/applicant must pay the final impact fee amounts 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:

$$(6,048 \text{ sq. ft. of proposed structures} \times \$47.59) / 1,000 = \$287.82$$

Total for Police Protection: \$287.82

Road: The road impact fees were calculated using the “Retail Under 100,000 s.f. per 1,000 sq. ft. = \$3,702.00.”

Retail Under 100,000 s.f.:

$$(6,048 \text{ sq. ft.} \times \$3,702.00) / 1,000 = \$22,389.70$$

Total for Road: \$22,389.70

Totals:

Parks:	=	\$0.00
Public Library:	=	\$0.00
Police Protection:	=	\$287.82
Roads:	=	\$22,389.70
*TOTAL:	=	\$22,677.52

OTHER FEES:

The fees listed below are subject to change and are based on the most recent information available (June 5, 2003). The fees must 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
Re-Review Fees (Community Dev.)	Paid
Re-Review Fees (Engineering Dept.)	Paid
Administrative Costs:	Paid
Planning Commission Advertising:	Paid
<u>City Council Advertising:</u>	<u>\$94.77</u>
TOTAL (as of 8/11/03) =	\$94.77 (Subject to change)

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

FDEP stormwater approvals shall be forwarded to the city engineer's office.

COMMENTS/CONDITIONS:

Public Input:

No public comments have been presented to staff at the time of this report.

Per Community Development Department:

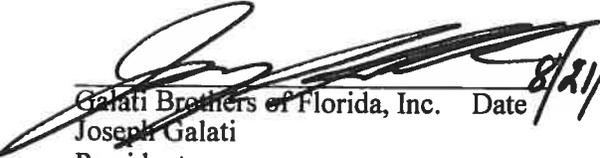
1. **Prior to the issuance of the Development Order**, all outstanding costs associated with this project that are owed to the City must be paid in full.
2. **Prior to the issuance of the Development Order**, all outstanding plan changes, if any, must be submitted to staff for review and approval.
3. **Prior to the issuance of the Development Order**, all proposed easements and agreements must be reviewed and approved by the City Attorney. (This condition supersedes the last sentence in the City Engineer's condition No. 4 on page 9 of 9.)
4. **Prior to the issuance of a Certificate of Occupancy**, the proposed development to the north (SP-03-01: Parking lot redevelopment) of this proposed development must have received a Certificate of Completion (Community Development Department and Engineering Department Site Approval).
5. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.
6. **Prior to the issuance of a Certificate of Occupancy**, the landscaping and outdoor lighting, if installed, must be inspected and approved by the Community Development Department. The lighting plan must provide specifications for the proposed outdoor lighting, including photometrics. All lighting must be shielded downward and away from adjacent properties in order to avoid spill-over and illumination into the night sky.

7. 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 Letter dated June 9, 2003:

1. The project is in the White Sand Zone I. Any red clay or other staining material uncovered during demolition must be removed from the site within 98 hours of uncovering. Prior to importing any fill material onto the site, provide a sample of the fill to the City of Destin Environmental Officer for approval for White Sand Zone I use.
2. **Prior to obtaining a building permit**, a copy of the FDEP stormwater approval shall be forwarded to the City Engineer's office.
3. **Prior to obtaining a city permit for waterside improvements**, provide copies of Destin Harbor Board approval and FDEP/USACOE submerged lands approvals.
4. Provide a cross-access/drainage/utility easement and agreement for the north and west adjacent properties. If a cross-access/drainage/utility easement and agreement does not exist for the north and west adjacent properties, then a cross-access/drainage/utility easement and agreement is required, it must be forwarded to the City for review and approval by the City Attorney. This project will be advertised for City Council meeting after the easement agreement has been approved by the City Attorney.
5. Due to the extremely minimal sediment traps in the catch basins feeding into the exfiltration gallery, provide for additional maintenance and inspections for the sediment traps in the stormwater operation and maintenance plan.
6. If groundwater is observed standing in the proposed stormwater structures, the stormwater management plan shall be deemed non-compliant and a revised stormwater plan shall be resubmitted for review and approval.
7. **Prior to obtaining a Certificate of Occupancy**, the Stormwater Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltration areas and catch basins, and b) maintenance of vegetative cover in surface infiltration areas. Owner shall regrade swale/retention areas as required to maintain approved design cross-section(s), line(s), and grade(s).


Gerald F. Mucci, AICP
Community Development Director
Date 8-22-03


Galati Brothers of Florida, Inc.
Joseph Galati
President
Date 8/21/03