

The City of Destin



4200 Two Trees Road Destin, Florida 32541 (904) 837-4242 FAX (904) 837-3267

May 23, 1997

ORDER # 97-22

Amended Final Development Order:

HARBOR WALK SHOPPING CENTER (F.K.A. PELICAN POINT HARBOR), A MAJOR DEVELOPMENT

Background/Issue

Applicant: Legendary Inc., owner; Greg Clauson, Vice President, Legendary, Inc., agent
Property Location: 76 US Highway 98 East
Request: Approval of a time extension of a Major Development consisting of three (3) existing restaurants, existing commercial space and proposed commercial space up to 83,250 sq. ft., and a joint parking area.
Parcel Size: 8.27 acres, more or less
Land Use Designation: MU (Mixed Use)
Zoning District: BT (Business Tourism)
Density: N/A
Intensity: The project's FAR is 0.23
Original City Council Approval Date: June 1, 1992

Determinations:

Based upon the City Council's approval of a time extension for Harbor Walk Shopping Center at its meeting on May 19, 1997, this document will serve as your Amended Final Development Order.

All the findings of the Technical Review Committee report are incorporated into and made a part of this development order.

Conditions of Approval for the Harbor Walk Shopping Center, Major Development:

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

1. Under the requirements of the Land Development Regulations and Destin's Code of Ordinances, development must commence within twelve months of City Council approval on May 19, 1997 (no later than May 18, 1998);

and one half (1 1/2) years, through November 18, 1998, IF Harbor Walk Shopping Center commences development within the twelve-month period following City Council approval on May 19, 1997;

4. City of Destin permits are required for the following on and off-site activities:
 - a. disturbance to the City's rights of way,
 - b. pavement cuts,
 - c. construction of any kind, and
 - d. clearing and grubbing;
5. An approved, valid and current Department of Environmental Protection (DEP) permit for Harbor Walk Shopping Center must be presented to the City for the Stormwater Management Facilities prior to the issuance of a building permit; and
6. Existing requirements identified by the May 21, 1992, Technical Review Committee (Staff) Report and amended on May 15, 1997:

ISSUE

Request is for approval of a time extension for Harbor Walk Shopping Center, an 83,250 square foot shopping center and marina located at the Kelly Dock site, Highway 98. The request is made by Legendary, Inc., for Pelican Point Harbor, Inc. The Shopping Center will include retail shops, restaurants, and office space. At build-out, the site will contain a maximum of 83,250 sq. ft. of building space. The site contains 8.27 acres. Of the remaining gross square footage to be built, a maximum of 12,000 additional square feet may be dedicated to restaurant uses.

BACKGROUND

The Kelly Dock site is a partially developed site with a marina containing forty (40) boat slips; office facilities; three (3) restaurants (Hooter's, Chan's, and Lucky Snapper); and a booking booth.

ZONING/COMPREHENSIVE PLAN

The property is zoned Business Tourism (BT) and is designated Mixed Use (MU) under the Comprehensive Plan. The project is in compliance with these regulations.

CONCURRENCY MANAGEMENT

Concurrency requirements met:

Potable Water	<u> X </u>	Roadways	<u> X </u>	Solid Waste	<u> X </u>
Recreation	<u> X </u>	Sewer	<u> X </u>	Drainage	<u> X </u>
Fire Department	<u> X </u>				

The project meets the concurrency management requirements. A copy of the traffic study is on file.

STORMWATER

The stormwater management plan has been submitted. The plan calls for the use of

the "turfblock brick pavers" in the parking lot to facilitate the drainage plan. There have been several revisions, and the City Engineer has reviewed these as part of the site plan. The City Engineer will continue to review the project as it is built out and ensure the stormwater retention requirements continue to be met by the applicant. Certification received and is attached.

INGRESS/EGRESS:

Access to the site is from Highway 98. There were originally five (5) driveway cuts into the property, which have been reduced to two (2) cuts. The overall plan calls for one entrance/exit which will align with the traffic light at Stahlman Avenue and Highway 98. The original development order required all other driveway cuts would be closed, however, an existing cut at the eastern side of the property will be kept open to provide additional egress capacity. The developer will post signs limiting this cut to egress only. The developer, Staff, and representatives from the Department of Transportation have jointly reviewed the proposed plan for the development to have access at the light and it has received the conceptual approval of the DOT staff. The exit lane at the light is twenty-four (24) feet wide, which would allow for flexibility in traffic patterns as the needs are established (i.e. right turn lane, etc.).

WHITE SANDS ZONE #1

The project lies within the White Sands Zone #1. There will be removal of some of the existing asphalt paving, and it will be necessary for the developer to remove all of the red clay base material which is disturbed during re-development of the site and use only white fill material.

LANDSCAPING

The development to date, along with the drawings submitted for the individual buildings, indicates there is adequate open space to minimally comply with the 18% open space requirement:

64,843 s.f. required - 66,790 s.f. provided

There are preserved and protected trees on the site and all of these are being protected. A total of forty-four (44) existing trees will be left on the site and the developer will receive a total tree credit of 163 trees.

The road frontage and reforestation requirement for trees is 109; 44 trees are required for the parking lot islands for a total of 153 trees. There are 260 trees provided including the tree credits as outlined above. The site plan envisions heavily landscaped areas within the open space.

FIRE DEPARTMENT APPROVAL

During the TRC meeting, the Fire Department expressed concern with the aisle widths on the lower level and the clearances under the proposed walkways and elevated decks. These items have been resolved to the satisfaction of the Fire Department. Other concerns such as possible requirements for sprinkler systems, etc., are items which would have to be addressed at the time construction drawings are presented for a building permit. To Staff's knowledge, the requirements of the Fire Department have been met.

PARKING

Parking for the shopping center meets the code requirements and is based on the following calculations:

Shopping Center

83,250 s.q. shops, restaurants, etc., at 1 space per 250 sq. ft. = 333

Marina

40 total slips with any combined use that does not exceed 142 required parking spaces = 142

TOTAL PARKING SPACES REQUIRED

475

There are loading spaces and refuse collection areas strategically located on the site.

WATER/SEWER

Water and sewer are available to the site, and the water lines have been increased to meet the requirements discussed at the TRC meeting.

UNDERGROUND UTILITIES

The central portion of the Shopping Center will have underground utilities, and the developer has indicated he will include power supply in the parking lot to service future festival activities. There will probably be overhead power service along the eastern and western boundaries.

GENERAL COMMENTS

At time construction is initiated, the Staff will work with the developer to ensure that required parking is met as the development occurs in phases. Because there are existing structures with on-going businesses on the site, some of the modifications to the site will be expected to take place during a period of time to allow for expiration of leases, etc. The projected time frame for completion of the project is estimated at 3 years.

36 months GEB Dur

D. Lockwood Wernet
D. Lockwood Wernet, Director
Community Development Department
City of Destin

6/13/97
Date

Greg Clauson, Vice President
Greg Clauson, Vice President
Pelican Point Harbor, Inc.
Legendary, Inc.

6/13/97
Date

Legendary

385 Highway 98 East, Suite 60, Destin, Florida 32541
Tel: 850.654.6500
Fax: 850.654.6027

July 16, 1998

RECEIVED

JUL 21 1998

PLANNING & ZONING

City of Destin
Attention: Bob Franke
4200 Two Trees Road
Destin, FL 32541

RE: Extension of Development Order Number 97-22

Dear Mr. Franke,

Please accept this letter as a formal request to have the above mentioned Development Order extended 36 months. The current Development Order (previously extended) shall expire in November of this year and for the reason given below we will be prohibited from proceeding with our proposed project.

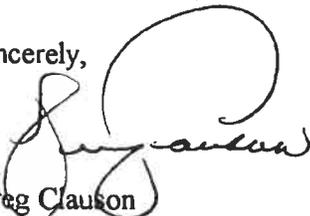
The adjacent property to the west (Windward Marina), as you are aware, has spent several months in the permitting process in attempts of gaining a permit to construct a dry storage marina. Our organization has objected to the project, determining their project would not only adversely effect navigability in the harbor, but it would also be inconsistent with our plans for construction under the current Development Order. Their proposed project, if approved, is so inconsistent with our plans for a pedestrian friendly boardwalk along the harbor (hence our d.b.a., HarborWalk) that our project could potentially require numerous revisions.

The diverse nature of the two businesses has limited our abilities to obtain financing. The "industrial" nature of the dry storage project is perceived by the lending community as presenting a business environment in which construction under our current Development Order would be unsuccessful due to the extreme diversity of the project.

Therefore, we elected not to proceed with our project until such time as a determination was final on the success of the adjacent property owner to obtain a permit. It is our current understanding that the City's decision to reject the project is being appealed in the court system which further delays our progressing forward.

Please advise information relative to the procedure required to advance our request, if any, beyond this letter. Thanks for your assistance in this matter.

Sincerely,



Greg Clauson
Vice President
Pelican Point Harbor

The City of Destin



4200 Two Trees Road, Destin, Florida 32541 (850) 837-4242 FAX (850) 837-3267

October 19, 1998

Mr. Greg Clauson
c/o Pelican Point
385 East Hwy 98
Destin, Florida 32541

Re: Development Extension Request

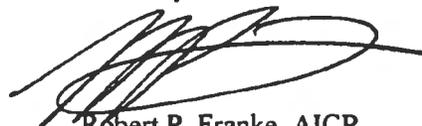

Dear Mr. Clauson:

In response to your request for guidance regarding the status of Pelican Point's current development order (set to expire November 30, 1998), I can offer the following:

The City Council postponed hearing your request for an extension, based on staff's recommendation that Council wait until an Ordinance is in place to address such requests. In the event that Council does not adopt the Ordinance prior to the expiration of your development order, I am willing to extend said development order, in 30 day increments, until the Council can hear your request.

If I can be of further assistance, please let me know.

Sincerely,


Robert P. Franke, AICP
Community Development Director

cc: Interim City Manager/Jill Scroggs
City Land Use Attorney/David Theriaque

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