City of Destin

September 29, 2003 **Order No. 03-30**

Final Development Order:

"HOME PLACE FURNITURE"
A MAJOR DEVELOPMENT
(SP-02-61)

Based upon the City Council's approval of this development order on September 15, 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:	Steve Roberts, on behalf of HCB Limited Partnership, is requesting approval of a Major Development identified as "Home Place Furniture."
Request:	The proposed development consists of removing the vacant "Porterhouse Grill" restaurant and constructing a 40,675 sq. ft. furniture store and warehouse.
Location:	The proposed development will be located at 36000 Emerald Coast Parkway.
Parcel Size:	The total proposed site area is 2.12 acres, more or less.
Future Land Use:	Commercial (C)
Zoning District:	Business Tourism (BT) and Business Retail (BR)
Density:	Not applicable
Intensity:	Allowed: 1.07 Floor Area Ratio (FAR) Proposed: 0.44 FAR (per Code Definition: 0.06 FAR)
Application Date:	December 2, 2002
TRC Date:	December 18, 2002
Approved Site Plan Date:	August 28, 2003
City Council Date:	September 15, 2003

DETERMINATIONS:

1. The Destin City Council held a public hearing on September 15, 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 Final Development Order and TRC report dated August 25, 2003, and amended September 16, 2003, with all necessary changes and updates, 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 August 25, 2003, and amended September 16, 2003, are incorporated herein.

CONDITIONS OF APPROVAL FOR "HOME PLACE FURNITURE" A MAJOR DEVELOPMENT (SP-02-61):

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 September 29, 2003 (no later than September 29, 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 "Home Place Furniture" 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,** 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. All conditions identified within the Compatibility Analysis, dated December 11, 2003, shall be required to mitigate the adverse impacts as identified within the analysis.

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. **Prior to obtaining any city permit,** provide a future sidewalk payment for Emerald Coast Parkway right-of-way frontage.

10. **Prior to obtaining any city permit,** provide an NPDES Stormwater Construction Generic Permit approval.

11. 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.

TECHNICAL REVIEW COMMITTEE REPORT

"HOME PLACE FURNITURE"
A MAJOR DEVELOPMENT
(SP-02-61)

TRC Report: August 28, 2003, and amended September 16, 2003

ISSUE:

Applicant:	Steve Roberts, on behalf of HCB Limited Partnership, is requesting approval of a Major Development identified as "Home Place Furniture."
Request:	The proposed development consists of removing the vacant "Porterhouse Grill" restaurant and constructing a 40,675 sq. ft. furniture store and warehouse.
Location:	The proposed development will be located at 36000 Emerald Coast Parkway.
Parcel Size:	The total proposed site area is 2.12 acres, more or less.
Future Land Use:	Commercial (C)
Zoning District:	Business Tourism (BT) and Business Retail (BR)
Density:	Not applicable
Intensity:	Allowed: 1.07 Floor Area Ratio (FAR) Proposed: 0.44 FAR (per Code Definition: 0.06 FAR)
Application Date:	December 2, 2002
TRC Date:	December 18, 2002
Approved Site Plan Date:	August 28, 2003
City Council Date:	September 15, 2003

DISCUSSION/FINDINGS:

Steve Roberts, on behalf of HCB Limited Partnership, is requesting approval of a Major Development identified as "Home Place Furniture." The proposed development consists of removing the vacant "Porterhouse Grill" restaurant and constructing a 40,675 sq. ft. furniture store and warehouse. The proposed development will be located at 36000 Emerald Coast Parkway. The total proposed site area is 2.12 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 7 and 8 of the TRC Report. Refer to the complete Compatibility Analysis dated December 11, 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 either of the City's Community Redevelopment Agency Districts.

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 Commercial (C) and Zoning designations of Business Tourism (BT) and Business Retail (BR). The proposed use is consistent with the C Future Land Use designation and is a permitted principal use within the BT and BR zoning districts.

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 dated December 11, 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 structure is three stories or more, which requires increased setbacks. The proposed structure is one story and meets all setback requirements. Refer to the complete Compatibility Analysis Report dated December 11, 2002, which finds the proposed project compatible with the surrounding area in regards to height.

FLOOR AREA RATIO:

The Commercial (C) 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:

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

$$\frac{\text{40,675 sq. ft. – 35,170 sq. ft.}}{\text{92,418.89 sq. ft.}} = \text{FAR}$$

5,505 / 92,418.89 sq. ft.= -0.06 FAR

Utilizing the formula as defined above, the FAR of 0.06 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 0.44, which is below 1.07 and is calculated as follows:

Total square feet of existing and proposed buildings / square feet of subject parcel = FAR

40,675 sq. ft. / 92,418.89 sq. ft. = 0.44 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 the file SP-02-61 for the approved Concurrency Evaluation Certificates.

TRAFFIC ANALYSIS:

According to the traffic review conducted by the City's Transportation Manager, and approved on August 26, 2003, the proposed development will return 20 PM Peak Hour directional trips on Segment "C" due to the removal of the existing restaurant. As of the date of the TRC approval, Segment "C" had 231 PM Peak Hour directional trips available. Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's Transportation Manager.

SUBDIVISION OR PUD - PLAT:

Not applicable.

WHITE SANDS ZONE:

The project property is not located in either White Sand Zone I or II.

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 meet and exceed all of the required setbacks for the BT Zoning District.

	Required	Buffers	Provided
Front (north):	10'	10' FP	66.5' including the 10' FP
Front (west):	10'	10' FP	180' including the 10' FP
Side (west):	0'	5' CB	29.9' including the 5' CB
Side (north):	0'	5' CB	0'
Side/Rear (south):	0'	5' CB	21.3' including the 5' CB
Side/Rear (east):	0'	5' CB	5.7' 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 five (5) foot common boundary buffers along the eastern, western, northern and southern property lines. However, the structure has been setback further along southern property line to ensure adequate buffering from the single-family residence to the southeast of the property and residential development directly south.

SIGNS:

No overall sign approval is part of this application. However, the location of a proposed ground sign is identified on the approved site plan. 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.

UTILITIES:

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

COX COMMUNICATIONS:

Cox Communications approved the project in a letter dated December 12, 2002.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated January 7, 2003.

GULF POWER:

Gulf Power approved the project at the December 18, 2002, TRC meeting.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated December 17, 2002.

SPRINT:

Sprint approved the project in a letter dated December 10, 2002.

WATER/SEWER PROVIDER:

Destin Water Users, Inc. approved the project in a letter dated July 8, 2003.

STORMWATER:

The City Engineer approved the stormwater plan on August 20, 2003, and had the following **stormwater** related conditions:

1. 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.

2. **Prior to obtaining any city permit,** provide an NPDES Stormwater Construction Generic Permit approval.

INGRESS/EGRESS:

A 24' +/- wide two-way ingress/egress access is proposed along the north property line abutting the Emerald Coast Parkway (U.S. Highway 98) right-of-way. A second 24' +/- wide two-way ingress/egress access is proposed along the west property line abutting the Regions Way right-of-way.

PARKING:

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

Per code:

Furniture Store: 1 space per 500 gross square feet.

Warehouse: 1 space per 1,000 gross square feet.

Per site plan:

35,532 sq. ft. (Furniture Store) / 500 = 71.0
5,143 sq. ft. (Warehouse) / 1,000 = 5.1

TOTAL REQUIRED: 76 parking spaces (including 4 handicap spaces)
TOTAL PROVIDED: 79 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 are as follows:

TOTAL REQUIRED: 2 loading spaces
TOTAL PROVIDED: 2 loading spaces

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:

A 5' wide sidewalk is required adjacent to the northern property line and within the Emerald Coast Parkway (ECP) right-of-way. The applicant, prior to obtaining any city permit, shall provide a future sidewalk payment for this portion of the sidewalk along ECP. A 5' wide sidewalk is required adjacent to the western property line and within the Regions Way right-of-way.

OPEN SPACE/LANDSCAPE:

Open Space Requirements:

Development Area (Total Area): 92,419 sq. ft. (2.12 acres, more or less)
Required 18% Open Space: 16,635 sq. ft.
Provided Open Space: 16,669 sq. ft. (18%)

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 (0 trees x 3 credits per tree):	0
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:	0
Reforestation Trees (1 per every .10 of an acre: 2.1 x 10 = 21 Required on Site:	21
Total Reforestation Trees (1 per every .10 of an acre minus credits) **Required on Site:**	**0**

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:	21
Front Perimeter Trees (1 per 25') Required on Site:	13
Parking Lot Trees (1 per end row and landscape island) Required on Site:	18
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:	0
TOTAL TREES REQUIRED:	**52**
TOTAL TREES PROVIDED:	**53**

A five (5) foot Common Boundary Landscape Area is required along those property lines that directly abut an adjacent parcel (north, south, west, and east). A ten (10) foot Front Perimeter Landscape Area is required along the western and northern property lines abutting rights-of-ways. 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 such as in a Compatibility Analysis, 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 <u>will not</u> be issued until the required landscape material per the approved landscape plan has been inspected and approved by the Community Development Department.**

IMPACT FEES:

No impact fees are associated with the proposed project, due to the redevelopment characteristics of the property from an existing restaurant (more intense use) to a new furniture store (less intense use). More specifically and as stated previously, the proposed project is not negatively impacting the transportation system and in fact is returning 20 PM Peak Hour trips onto Segment "C."

OTHER FEES:

The fees listed below are subject to change and are based on the most recent information available (September 16, 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**
City Council Advertising:	**Paid**
TOTAL (as of 9/16/03) =	**Paid**

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

NPDES approvals shall be forwarded to the City of Destin.

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 and are owed to the City must be paid in full.

2. **Prior to the issuance of a Certificate of Occupancy,** all applicable impact fees must be paid.

3. **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.

4. 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 August 20, 2003:

1. **Prior to obtaining any city permit,** provide a future sidewalk payment for Emerald Coast Parkway right-of-way frontage.

2. **Prior to obtaining any city permit,** provide an NPDES Stormwater Construction Generic Permit approval.

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.

Gerald F. Mucci 9-29-03

Gerald F. Mucci, AICP Date
Community Development Director

10/29/03

Hanks Furniture, Inc., Date
Owner
Henry C. Browne,
President