



# City of Destin

August 2, 2001

Order No. 01-25

## First Amended Final Development Order:

**“98 PALMS (WALGREENS), 1<sup>st</sup> AMENDMENT”:  
A MINOR DEVIATION TO A PREVIOUSLY  
APPROVED MAJOR DEVELOPMENT  
(SP-00-66)**

Based upon the City's approval of this Development Order, on June 27, 2001, this document will serve as your First Amended Final Development Order, to include all of the provisions and conditions of the attached Technical Review Committee Report:

## BACKGROUND / ISSUE:

**Applicant:** Choctaw Engineering, Inc., on behalf of 98 Palms, Ltd., Corporate General, Inc., general partner of Newton Oldacre McDonald.

**Location:** The proposed project is to be located within the 98 Palms shopping center, more specifically Lot 2.

**Request:** Approval of a Minor Deviation to a previously approved Commercial Plat and Major Development identified as “98 Palms (Walgreens), 1<sup>st</sup> Amendment.” The proposed amendment consists of: A) reducing the vested square footage of Lot 1 from 112,334 sq. ft. to 111,950 sq. ft. and transferring the difference of 490 sq. ft. from Lot 1 to Lot 2; B) combing the transferred 490 sq. ft. of retail space with the 14,000 square of previously vested retail space (balance of Lot 2 sq. ft.) to construct a 14,490 square foot Walgreens Drugstore; and C) re-plating (shifting) the boundary lines between Lots 1 and 2 of 98 Palms subdivision.

**Parcel Size:** The subject property contains 4.30 acres more or less.

**Future Land Use:** Commercial (C)

**Zoning District:** Business Tourism (BT)

**Density:** Not applicable

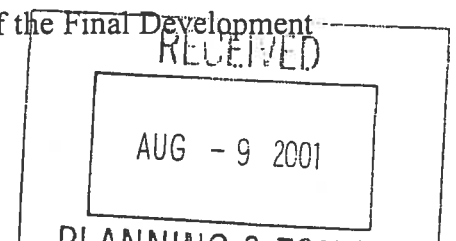
**Intensity:** Allowed: 1.07 Floor Area Ratio  
Proposed: 0.14 Floor Area Ratio

**1<sup>st</sup> Amendment Application Date:** December 4, 2000

**1<sup>st</sup> Amendment Approved Site Plan Date:** June 27, 2001

## DETERMINATIONS:

1. All of the findings, conditions of approval, requirements, etc... of the Final Development Order No. 98-24 are incorporated herein; and



2. This First Amended Development Order does not extend the overall concurrency status determined by the Original Development Order (No. 98-24); and
3. All the findings of the Technical Review Committee report dated May 1, 1997, amended May 29, 1997, June 3, 1998, July 9, 1998, and July 31, 2001, and are incorporated herein.

**CONDITIONS OF APPROVAL FOR "98 PALMS (WALGREENS), 1<sup>st</sup> AMENDMENT": A MINOR DEVIATION TO A PREVIOUSLY APPROVED MAJOR DEVELOPMENT (SP-00-66):**

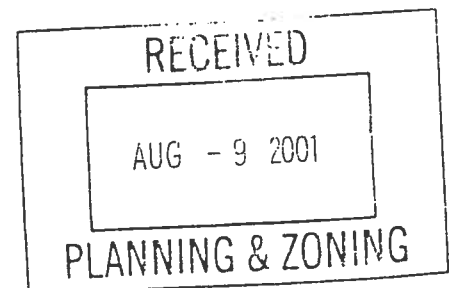
1. Pursuant to the City of Destin Land Development Code and the City of Destin Code of Ordinances:

Construction must commence within twelve (12) months of approval of the Final Development Order on June 27, 2001 (no later than June 27, 2002), and must be completed as shown on the plans approved by the Technical Review Committee (stamp dated June 27, 2001).

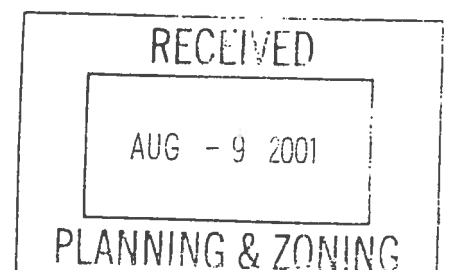
**WARNING: If the applicant/owner has not obtained a construction permit(s) within 365 days of issuance of the final development order, the final development order is void and the application for plan approval must be re-initiated.**

**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 "98 Palms (Walgreens), 1<sup>st</sup> Amendment" is protected through November 1, 2003. **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 any City Permit, 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 Permit, a clearing plan must be submitted and approved by the Community Development Department.
  6. Prior to the issuance of a Certificate of Occupancy for the Walgreens building, the plat will have to be recorded and the following will have to be provided to the City:
    - A. One (1) 24" x 36" copy of the recorded mylar plat, and
    - B. Three (3) 24" x 36" blueprint copies of the recorded plat, and
    - C. Two (2) 11" x 17" reduced copies of the recorded plat.
  7. Prior to the issuance of a Certificate of Occupancy, all required parking and related landscaping shall be installed, inspected, and approved by the Engineering and Community Development Departments.
  8. Prior to the issuance of a Certificate of Occupancy, all applicable impact fees must be paid.
  9. Prior to the issuance of a Certificate of Occupancy, provide proof of recording of the Affidavit of Error to the City of Destin Engineering Department.
  10. Findings and requirements identified by the Technical Review Committee:



**TECHNICAL REVIEW COMMITTEE REPORT**

**“98 PALMS (WALGREENS), 1<sup>st</sup> AMENDMENT”:  
A MINOR DEVIATION TO A PREVIOUSLY  
APPROVED MAJOR DEVELOPMENT  
(SP-00-66)**

**TRC Report: May 1, 1997, amended May 29, 1997, June 3, 1998, July 9, 1998,  
and July 31, 2001**

**ISSUE:**

**Applicant:** Choctaw Engineering, Inc., on behalf of 98 Palms, Ltd., Corporate General, Inc., general partner of Newton Oldacre McDonald.

**Location:** The proposed project is to be located within the 98 Palms shopping center, more specifically Lot 2.

**Request:** Approval of a Minor Deviation to a previously approved Commercial Plat and Major Development identified as “98 Palms (Walgreens), 1<sup>st</sup> Amendment.” The proposed amendment consists of: A) reducing the vested square footage of Lot 1 from 112,334 sq. ft. to 111,950 sq. ft. and transferring the difference of 490 sq. ft. from Lot 1 to Lot 2; B) combing the transferred 490 sq. ft. of retail space with the 14,000 square of previously vested retail space (balance of Lot 2 sq. ft.) to construct a 14,490 square foot Walgreens Drugstore; and C) re-plating (shifting) the boundary lines between Lots 1 and 2 of 98 Palms subdivision.

**Parcel Size:** The subject property contains 4.30 acres more or less.

**Future Land Use:** Commercial (C)

**Zoning District:** Business Tourism (BT)

**Density:** Not applicable

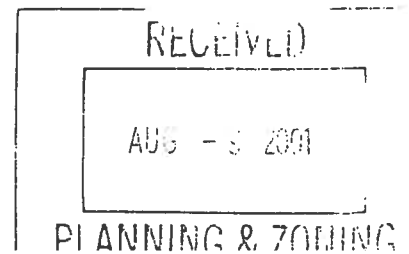
**Intensity:** Allowed: 1.07 Floor Area Ratio  
Proposed: 0.14 Floor Area Ratio

**1<sup>st</sup> Amendment Application Date:** December 4, 2000

**1<sup>st</sup> Amendment Approved Site Plan Date:** June 27, 2001

**DISCUSSION:**

Choctaw Engineering, Inc., on behalf of 98 Palms, Ltd., Corporate General, Inc., general partner of Newton Oldacre McDonald is requesting approval of a Minor Deviation to a previously approved Major Development (DO-98-24) identified as “98 Palms (Walgreens), 1<sup>st</sup> Amendment.” The proposed amendment consists of: A) reducing the vested square footage of Lot 1 from 112,334 sq. ft. to 111,950 sq. ft. and transferring the difference of 490 sq. ft. from Lot 1 to Lot 2; B) combing the transferred 490 sq. ft. of retail space with the 14,000 square of previously vested retail space (balance of Lot 2 sq. ft.) to construct a 14,490 square foot Walgreens Drugstore; and C) re-plating (shifting) the boundary lines between Lots 1 and 2 of 98 Palms subdivision.



**COMPREHENSIVE PLAN/ZONING:**

No change to this section of the previously approved development order by this amendment.

**COMPATIBILITY:**

The uses surrounding this project are the following:

No change to this section of the previously approved development order by this amendment.

**A) Permitted uses, structures, and activities allowed within the land use category;**

The proposed use (retail sales/pharmacy) is an allowed use within the Business Tourism (BT) Zoning District.

**B) Building location, dimensions, height, and floor area ratio;**

The proposed 14,490 square foot building is to be located on the southwest corner of the 98 Palms shopping center property on Lot 2. The height, as identified to the peak of the highest roof is thirty-nine (39) feet or thirty-five (35) feet to the mean of the highest roof. The proposed floor area ratio (FAR) is 0.14, which is below the maximum of 1.07.

**C) Location and extent of parking, access drives, and service areas;**

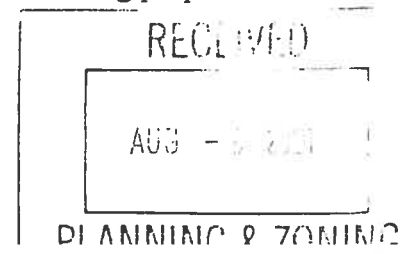
The proposed project meets the parking requirements (73 reg. including 3 h.c. / 73 reg. & 3 h.c. proposed/required), which is explained in detail in the parking section of this report. It also meets the requirements for access drives and service areas. For more detailed information on these two areas, please refer to the ingress/egress and refused collection sections of this report.

**D) Traffic generation, hours of operation, noise levels, and outdoor lighting;**

According to the traffic review conducted by the City's traffic consultant, the proposed development will not generate any increase in vehicle trips over the originally vested 403 trips. There is no increase due to the fact that the applicant has reduced the square footage of the proposed gross floor area for the structures on Lot 1, which then will account for the increase in the square footage of the buildings (Walgreens and existing retail building) on Lot 2. The hours of operation are expected to be similar to the hours of the existing retail pharmacy centers in Destin. The site location is appropriate for the expected noise and lighting that will be generated by the project. It should be noted that approval for outdoor lighting is not part of this application.

**E) Alteration of light and air;**

The proposed single-story building will not alter the light or air of the surrounding properties.



**F) Setbacks and buffers;**

The proposed building meets and exceeds all of the required setbacks and buffer requirements for the Business Tourism (BT) Zoning district. The setbacks and buffers are explained in more detail in the setback section of this report.

**G) Consistency with accepted planning practices and principles.**

No change to this section of the previously approved development order by this amendment.

**DENSITY:**

No change to this section of the previously approved development order by this amendment.

**HEIGHT:**

The height, as identified to the peak of the highest roof is thirty-nine (39) feet, which does exceed the height of the existing shopping center structures. The height to the mean of the highest roof is thirty-five (35) feet.

**FLOOR AREA RATIO:**

The total floor area ratio for this project is 0.14, which is below the 1.07 maximum.

**RIGHT-OF-WAY DEDICATION:**

No change to this section of the previously approved development order by this amendment.

**CONCURRENCY MANAGEMENT:**

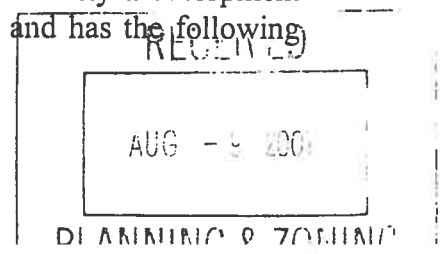
No change to this section of the previously approved development order by this amendment.

**TRAFFIC ANALYSIS:**

According to the traffic review conducted by the City's traffic consultant, the proposed development will not generate any increase in vehicle trips over the originally vested 403 trips. There is no increase due to the fact that the applicant has reduced the square footage of the proposed gross floor area for the structures on Lot 1, which then will account for the increase in the square footage of the buildings (Walgreens and existing retail building) on Lot 2.

**SUBDIVISION OR PUD – PLAT:**

The City Surveyor approved the minor re-plat in a letter dated June 26, 2001. The City Engineer approved the minor re-plat in a memo dated June 25, 2001. The Community Development Department approved the minor re-plat in a memo dated June 18, 2001 and has the following condition:



1. Prior to the issuance of a Certificate of Occupancy for the Walgreens building, the plat will have to be recorded and the following will have to be provided to the City:

- A. One (1) 24" x 36" copy of the recorded mylar plat, and
- B. Three (3) 24" x 36" blueprint copies of the recorded plat, and
- C. Two (2) 11" x 17" reduced copies of the recorded plat.

**AIRPORT PROTECTION:**

No change to this section of the previously approved development order by this amendment.

**SETBACKS:**

	<u>Required</u>	<u>Buffers</u>	<u>Provided</u>
Front (southern):	10'	10' FP	202.51' including 10' FP
Side (western):	None	5' CB	53.98' including 5' CB
Side (eastern):	None	5' CB	47.35' including 5' CB
Back (northern):	None	5' CB	426.38' including 5' CB
Between Bldgs:	10'	N/A	170.00'

Note: 10' FP = 10' Front Perimeter Landscape Area, 5' CB = 5' Common Boundary Buffer, and 10' VB = 10' Vegetative Buffer. A 10' Front Perimeter Landscape Area is required along the southern property line and 5' Common Boundary Buffer is required along the eastern, western, and northern property lines. There is a ten (10) foot distance separation between structures required by the Land Development Code.

**WHITE SANDS ZONE:**

No change to this section of the previously approved development order by this amendment.

**SIGNS:**

Approval for signs is not part of this application.

**COX COMMUNICATIONS:**

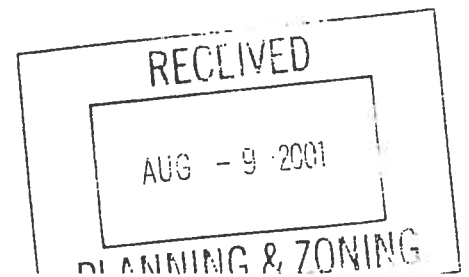
No change to this section of the previously approved development order by this amendment.

**DESTIN FIRE CONTROL DISTRICT:**

The Fire Department approved the project in a letter dated June 20, 2001.

**GULF POWER:**

Gulf Power approved the project in a letter dated December 20, 2000.



**OKALOOSA GAS:**

Okaloosa Gas approved the project at the December 20, 2000, TRC meeting.

**SPRINT:**

Sprint approved the project at the December 20, 2000, TRC meeting.

**NEWSOUTH COMMUNICATIONS:**

NewSouth Communications approved the project in a letter dated December 20, 2000.

**WATER/SEWER PROVIDER:**

Destin Water Users, Inc., approved the project in a letter dated February 6, 2001.

**UTILITIES:**

All utilities are required to be underground.

**STORMWATER:**

The City Engineer approved the stormwater plan in a memorandum dated June 26, 2001.

**INGRESS/EGRESS:**

There are multiple ways to access the proposed retail development. There is a one-way entrance onto the property from the western entry drive that extends directly across from Gulf Shore Drive and off of U.S. Highway 98 East. Farther along the western entry drive towards the north there is a proposed two-way accessway. The third access to the development is just east of the proposed building, which is proposed to be a two-way drive off of the existing entry drive off of U.S. Highway 98 East. All driveways compile with the Destin Land Development Code for maximum drive widths.

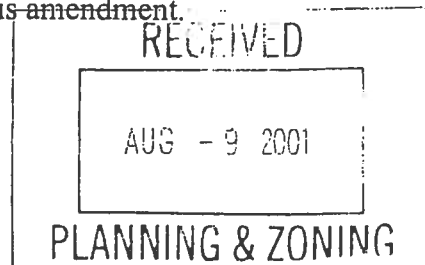
**REFUSE COLLECTION:**

Refer to sheet 3 of 9 of the approved site plan for exact location of the dumpsters and associated fencing. The two (2) dumpsters are enclosed by a six (6) foot tall wood fence with two (2) sets of gates. The gates and fence will provide 100% opacity.

**SIDEWALKS:**

No change to this section of the previously approved development order by this amendment.

**LANDSCAPE:**





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

Open Space Requirement:

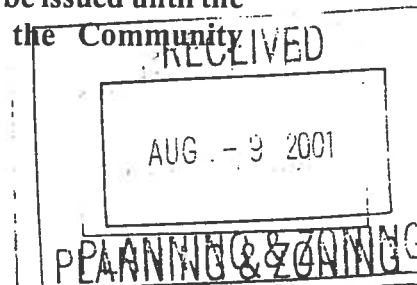
The project meets or exceeds the landscape requirements of the Destin Land Development Code as indicated on the approved plans and as follows:

187,395.08 sq. ft. of property x 18% = 33,731.11 sq. ft. required  
 Site plan provides 32.6% = 61,086.70 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 (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" or 24" diameter) on Site (0 trees x 5 credits per tree):	<u>0</u>
Total Reforestation Credits for Existing, Protected, or Preserved Trees:	<u><u>0</u></u>
Reforestation Trees (1 per every .10 of an acre: 4.30 x 10 = 43) Required on Site:	<u>43</u>
Total Reforestation Credits (43 - 0 = 43 (0 remaining credits or 43 required trees):	<u>43</u>
Total Reforestation Trees Required on Site:	<u><u>43</u></u>
Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:	43
Replacement Trees (removal of trees over 12" d.b.h.) Required on Site:	0
Perimeter Trees (1 per 25') Required on Site:	22
Parking Lot Trees (1 per end row and landscape island) Required on Site:	29
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site:	<u>0</u>
<b>TOTAL TREES REQUIRED:</b>	<b>94</b>
<b>TOTAL TREES PROVIDED:</b>	<b><u><u>94</u></u></b>

A 10' Front Perimeter Landscape Area is required along the southern property line and 5' Common Boundary Buffer is required along the northern, western, and eastern property lines. The required five (5) foot Common Boundary Buffer must have a minimum of fifty (50) percent 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. 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 as follows:

*Per code:*

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

*Per site plan:*

Retail: 14,490 square feet / 200 square feet = 73 spaces

**TOTAL REQUIRED: 73 spaces (includes 3 handicap parking space)**

**TOTAL PROVIDED: 73 spaces (includes 3 handicap parking space)**

**LOADING SPACE (ZONE):**

*Per code:*

Service: loading space is required (10 feet wide and 25 feet long with 15 foot vertical clearance) for the first 10,000 sq. ft. of gross floor area.

*Per site plan:*

Service: 2 loading spaces are required (10 feet wide and 25 feet long with 15 foot vertical clearance) for 14,490 sq. ft. of gross floor area.

**TOTAL REQUIRED: 2 loading spaces**

**TOTAL PROVIDED: 2 loading spaces**

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

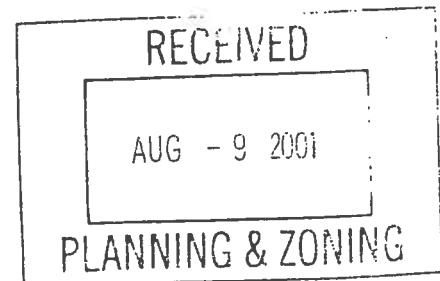
1. A Florida Department of Environmental Protection general notice permit (for stormwater) has been issued for this project and is on file.

**IMPACT FEES:**

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

**Parks:** Not applicable.

**Public Library:** Not applicable.



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

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

$$(14,490 \text{ sq. ft.}) \times (\$47.59) = \$689,579.10 / 1,000 = \$689.58$$

Total Police Impact Fees to be paid for "98 Palms (Walgreens), 1<sup>st</sup> Amendment": \$689.58

**Road:** The road impact fees were calculated using the "Retail < 100,000 square feet. (per 1,000 sq. ft.) = \$2,142.00" fee amount.

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

$$(14,490 \text{ sq. ft.}) \times (\$2,142.00) = \$31,037,580 / 1,000 = \$31,037.58$$

Subtotal Road Impact Fees to be paid for "98 Palms (Walgreens), 1<sup>st</sup> Amendment": \$31,037.58

Parks: (not applicable)	=	\$0.00
Public Library: (not applicable)	=	\$0.00
Police Protection:	=	\$689.58
Roads:	=	\$31,037.58
<b>TOTAL:</b>	=	<b><u>\$31,727.16</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 Expert: Not utilized	Planning Commission Advertising: Not applicable
City Traffic Consultant: \$405.66 (pd.)	City Council Advertising: Not applicable
City Surveyor: \$194.00 (pd.)	City Land Use Attorney: \$506.25 (pd.)
City Attorney: \$135.00 (pd.)	

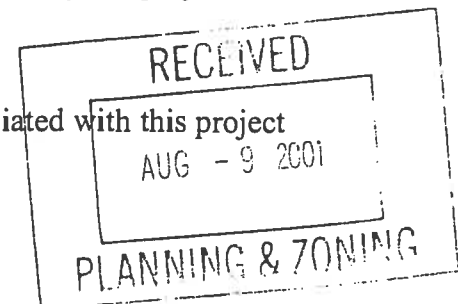
**COMMENTS:**

**Public Input:**

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

**Community Development:**

1. Prior to the issuance of any City Permit, 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 Permit, a clearing plan must be submitted and approved by the Community Development Department.
3. Prior to the issuance of a Certificate of Occupancy for the Walgreens building, the plat will have to be recorded and the following will have to be provided to the City:
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5. Prior to the issuance of a Certificate of Occupancy, all applicable impact fees must be paid.

Engineering Department:

1. Prior to the issuance of a Certificate of Occupancy, provide proof of recording of the Affidavit of Error to the City of Destin Engineering Department.

UNRESOLVED ISSUES:

None.

Gerald F. Mucci 8-02-01  
Gerald F. Mucci, AICP Date  
Community Development Director

TE Newton 8/03/01  
98 Palms Ltd., Corporate General, Inc., G.P. Date  
Owner  
Thomas E. Newton,  
President

