



City of Destin

August 7, 2002

Order No. 02-37

Final Development Order:

**“BRUSTER’S ICE CREAM SUNSAIL PLAZA:”
A MINOR DEVELOPMENT
(SP-02-29)**

Based upon the City's approval of this Final Development Order, on August 6, 2002, this document will serve as the Final Development Order, and includes all of the provisions and conditions in the attached Technical Review Committee Report.

BACKGROUND / ISSUE:

Applicant: Barry Gold of Summit Enterprises Partners, Inc., Owner
Location: The proposed project will be located on Lot 11 in the Sunsail Plaza Subdivision. The Tax Parcel Identification number for this property is #00-2S-22-2380-0000-0110.
Request: Approval of a Minor Development identified as “Bruster’s Ice Cream Sunsail Plaza.” The proposed project is a one-story (1,196 square feet) ice cream and yogurt shop.
Parcel Size: .58 Acres/25,356.90 square feet
Future Land Use: Mixed Use (MU)
Zoning District: Business Tourism (BT)
Density: Not Applicable
Intensity: Not Applicable 1.07 → .05
Application Date: June 3, 2002
TRC Date: June 19, 2002
Approved Site Plan Date: August 6, 2002

DETERMINATIONS:

1. All the findings and requirements of the Technical Review Committee Report August 6, 2002, are incorporated herein.

CONDITIONS OF APPROVAL FOR THE “BRUSTER’S ICE CREAM SUNSAIL PLAZA”: A MINOR DEVELOPMENT (SP-02-29):

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 August 6, 2002 (no later than August 6, 2003), and must be completed as shown on plans approved by the Technical Review Committee (stamp dated August 6, 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 will become void and the application for plan approval must be re-initiated.

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NOTE: An applicant/owner who desires to extend the twelve (12) month deadline must 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 “Bruster’s Ice Cream Sunsail Plaza” will be protected for five (5) years through August 6, 2007. **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 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/Grading Permit**, a clearing/grading plan must be submitted and approved by the Community Development Department and the City Engineer.
6. **Prior to obtaining a Building Permit**, a copy of the FDEP stormwater approval shall be forwarded to the City Engineer’s Office.
7. **Prior to obtaining a Building Permit**, provide a future sidewalk payment for the 5’ wide concrete sidewalk that will be installed within the right-of-way along Emerald Coast Parkway from the west property line to Gulfstarr Drive.
8. **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.
9. **Prior to the issuance of a Certificate of Occupancy**, the lighting must be in place and all of the requirements and deficiencies as identified by the City’s lighting consultant must be addressed.
10. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.

11. **Prior to the issuance of a Certificate of Occupancy**, the Stormwater Maintenance Plan shall be acknowledged and signed by the owner.

TECHNICAL REVIEW COMMITTEE REPORT

**“BRUSTER’S ICE CREAM SUNSAIL PLAZA:”
A MINOR DEVELOPMENT
(SP-02-29)**

TRC Report: August 7, 2002

ISSUE:

Applicant: Barry Gold of Summit Enterprises Partners, Inc., Owner
Location: The proposed project will be located on Lot 11 in the Sunsail Plaza Subdivision. The Tax Parcel Identification number for this property is #00-2S-22-2380-0000-0110.
Request: Approval of a Minor Development identified as “Bruster’s Ice Cream Sunsail Plaza.” The proposed project is
Parcel Size: .58 Acres/25,356.90 square feet
Future Land Use: Mixed Use (MU)
Zoning District: Business Tourism (BT)
Density: Not Applicable
Intensity: Not Applicable
Application Date: June 3, 2002
TRC Date: June 19, 2002
Approved Site Plan Date: August 1, 2002

DISCUSSION/FINDINGS:

Mr. Gold is requesting approval of a Minor Development identified as “Bruster’s Ice Cream Sunsail Plaza.” The proposed project is a one-story (1,196 square feet) ice cream and yogurt shop.

COMPREHENSIVE PLAN/ZONING:

The property has a Future Land Use Designation of Mixed Use (MU) and a Zoning Designation of Business Tourism (BT). The proposed use is consistent with these land use regulations.

COMPATIBILITY:

The surrounding properties are as follows:

	<u>FLU</u>	<u>Zoning</u>	<u>Existing Use</u>
North:	Unincorporated	Unincorporated	Unincorporated
South:	Commercial	BT	Office warehouse
East:	Commercial	BT	Vacant, Storage Warehouse, Resort Video
West:	Commercial	BT	Pool and Patio Furniture Store

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements.

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

The proposed construction is a commercial land use, which is a permitted principal use in both the Mixed

Use Land Use Category and the BT Zoning District.

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

The proposed warehouse is located on Lot 11 in the Sunsail subdivision and is located on the south side of Emerald Coast Parkway. The building is approximately 26 feet wide and 42 feet long and 15 feet high. The Floor Area Ratio (FAR) proposed for this project is 0.05. The Future Land Use Designation for this area is Mixed Use, which has an allowable FAR of 1.07. Therefore, the proposed project would be in compliance.

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

According to the regulations in the City of Destin's Land Development Code, 16 parking spaces are required for this development. 29 parking spaces have been provided, including two (2) handicapped parking spaces.

The property meets the requirements for access by providing two 24 foot two-way driveways off of Gulfstar Drive.

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 generate 5 PM Peak Hour directional trips on Segment "C" of U. S. Highway 98/Emerald Coast Parkway. Segment "C" currently has 285 PM Peak Hour directional trips available. There will be 281 PM Peak Hour directional trips remaining for Segment "C." Therefore, traffic concurrency is satisfied for this project.

The proposed development meets all of the requirements for noise and hours of operation. Lighting plans have been submitted, and the applicant has been notified of the lighting deficiencies that need to be corrected. The Certificate of Occupancy is conditional upon these lighting deficiencies being satisfied.

E) Alteration of light and air;

The height of the proposed development (measured from the mean of the roofline) is only 15 feet, and there are adequate setbacks between properties. Therefore, this development will not alter the light or air of the surrounding properties.

F) Setbacks and buffers.

The BT Zoning district requires the following setbacks: front - 10 feet, side - 0 feet, and rear - 0 feet. (Note: There are no side or rear setback requirements due to the fact that the property is not contiguous to a residential district boundary.) The proposed building will be 68.45 +/- feet from the front property line (north) facing U.S. Highway 98/Emerald Coast Parkway, 23.23 feet from the side property line (east) facing Gulfstar Drive and Lot 12, 5 feet from the side property line (west) facing Lot 10, and 136.50 feet from the rear property line (south.) All measurements are taken from the closest point of the proposed building to the nearest property line. The proposed building meets all of the required setbacks for the Business Tourism (BT) Zoning district.

The overall site plan meets the open space requirement (18% required / 44.3% provided). The following buffers are required: the standard ten (10) foot front perimeter landscape buffer along the northern property lines, and the standard five (5) foot common boundary landscape buffer on the western and eastern

property lines.

Tree replacement, parking island, and reforestation requirements have been satisfied (refer to Landscape section of this report).

DENSITY:

Not applicable. No habitable structures are proposed with this development.

HEIGHT:

The proposed addition is 15 feet high, which is within the height requirement in the BT Zoning District.

FLOOR AREA RATIO:

The Floor Area Ratio (FAR) for the proposed project is 0.05. The Future Land Use Designation for this property is Mixed Use, which has an allowable FAR of 1.07. Therefore, the proposed development meets FAR requirements.

RIGHT-OF-WAY DEDICATION:

There is no right-of-way dedication involved with this project.

CONCURRENCY MANAGEMENT:

Concurrency requirements have been met:

Potable Water: X Roadways: X Solid Waste: X
Recreation: X Sewer: X Drainage: X

TRAFFIC ANALYSIS:

According to the traffic review conducted by the City's traffic consultant, the proposed development will generate 5 PM Peak Hour directional trips on Segment "C" of U. S. Highway 98/Emerald Coast Parkway. Segment "C" currently has 285 PM Peak Hour directional trips available. There will be 281 PM Peak Hour directional trips remaining for Segment "C." Therefore, traffic concurrency is satisfied for this project.

SUBDIVISION OR PUD - PLAT:

Not applicable.

AIRPORT PROTECTION:

The subject site is not located within the airport protection area.

SETBACKS:

The BT Zoning district requires the following setbacks: front - 10 feet, side - 0 feet, and rear - 0 feet. (Note: There are no side or rear setback requirements due to the fact that the property is not contiguous to a residential district boundary.) The proposed building will be 68.45 +/- feet from the front property line (north) facing U.S. Highway 98/Emerald Coast Parkway, 23.23 feet from the side property line (east) facing Gulfstar Drive and Lot 12, 5 feet from the side property line (west) facing Lot 10, and 136.50 feet from the rear property line (south.) All measurements are taken from the closest point of the proposed building to the nearest property line. The proposed building meets all of the required setbacks for the Business Tourism (BT) Zoning

district.

WHITE SANDS ZONE:

The proposed project located outside of both White Sand Zones.

SIGNS:

All future signs must comply with the sign code section of the Destin Land Development Code in effect at the time a sign application is submitted.

NEW SOUTH COMMUNICATIONS:

Not applicable.

COX COMMUNICATIONS:

Cox Communications approved the project in a letter dated June 13, 2002.

DESTIN FIRE CONTROL DISTRICT:

Destin Fire Control District approved the project at the June 19, 2002, TRC Meeting.

GULF POWER:

Gulf Power approved the project in a letter dated June 14, 2002.

OKALOOSA GAS:

Not applicable.

SPRINT:

Sprint approved the project in a letter June dated June 14, 2002.

WATER/SEWER PROVIDER:

Destin Water Users, Inc., approved the project in a letter dated August 6, 2002.

UTILITIES:

All utilities are required to be underground.

STORMWATER:

The City Engineer approved with conditions the stormwater plan in a letter dated July 24, 2002.

INGRESS/EGRESS:

The property meets the requirements for access by providing two 24-foot two-way driveways off of Gulfstar Drive.

SIDEWALKS:

A future infrastructure payment for a new 5' sidewalk is required within the right-of-way along Emerald Coast Parkway from the west property line to the Gulfstarr Drive edge of pavement. A new 5' wide sidewalk is required to be installed within the right-of-way of Gulfstarr Drive.

REFUSE COLLECTION:

Refuse collection is to be provided by dumpster service. All proposed dumpsters are to be screened with a six (6) foot tall wood fence or block wall and a gate to provide 100% opacity. The location of the dumpster and is indicated on sheets 3 of the plans.

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 Requirements:

<u>20,000</u> sq. ft. of property x 18%	=	<u>3,600</u> sq. ft. required
Site plan provides <u>26%</u>	=	<u>5,205</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 (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):	0
Total Reforestation Credits for Existing, Protected, or Preserved Trees:	<u><u>0</u></u>
Reforestation Trees (1 per every .10 of an acre: .58 x .10 = 6) Required on Site:	<u>6</u>
Total Reforestation Credits:	<u>0</u>
Total Reforestation Trees Required on Site:	<u><u>6</u></u>
Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:	6
Replacement Trees (removal of trees over 12" d.b.h.) Required on Site:	3
Perimeter Trees (1 per 25') Required on Site:	17
Parking Lot Trees (1 per end row and landscape island) Required on Site:	8
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site:	0
TOTAL TREES REQUIRED:	<u><u>34</u></u>
TOTAL TREES PROVIDED:	<u><u>34</u></u>

A 5' Common Boundary Buffer is required along the western, eastern, and southern property lines, and a 10' Front Perimeter Landscape Area is required along the northern property line. The required five (5) foot Common Boundary Buffer shall provide 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.**

PHASING:

The applicant has proposed to construct the project in a single phase. Therefore, the construction plans do not contain a phasing plan.

PARKING:

The project meets or exceeds the parking requirements as follows:

Per code:

Restaurant: 1 space for every 75 square feet of gross floor area.

Per site plan:

Restaurant: 1,196 square feet / 75 = 16 spaces

TOTAL REQUIRED: 16 spaces

TOTAL PROVIDED: 29 spaces (includes 2 handicap parking spaces)

LOADING SPACE (ZONE):

Per code:

Retail business and services: 1 loading space is required (10 feet wide and 25 feet long with 15 foot clearance) for the first 10,000 sq. ft. of gross floor area or part thereof.

Per site plan:

Retail business and services: 1 loading space is shown (10 feet wide and 25 feet long with 15 foot clearance)

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).

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 “Retail per 1,000 sq. ft. = \$49.57” fee amount under the “Non-residential – Inside U.S. 98 Corridor” category.

$$(1,196 \text{ sq. ft.}) \times (\$49.57) = 59,285.72 / 1,000 = \$59.29$$

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

Total Police Protection Impact Fees to be paid for “Bruster’s Ice Cream Sunsail Plaza”: \$59.29

Road: The road impact fees were calculated using the “Retail under 100,000 square feet = \$2,142.00 per 1,000 square feet” fee amount.

$$(1,196 \text{ sq. ft.}) \times (\$2,142.00) = 2,561,832.00 / 1,000 = \$2,561.83$$

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

Total Road Impact Fees to be paid for “Bruster’s Ice Cream Sunsail Plaza”: \$2,561.83

Parks: (not applicable)	=	\$0.00
Public Library: (not applicable)	=	\$0.00
Police Protection:	=	\$59.29
Roads:	=	<u>\$2,561.83</u>
TOTAL: =		<u>\$2,621.12</u>

OTHER FEES:

Not applicable.

COMMENTS:

Public Input:

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

Per Community Development Department:


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/Grading Permit**, a clearing/grading plan must be submitted and approved by the Community Development Department and the City Engineer.
3. **Prior to the issuance of a Certificate of Occupancy**, the lighting must be in place and all of the requirements and deficiencies as identified by the City's lighting consultant must be addressed.
4. **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
5. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.

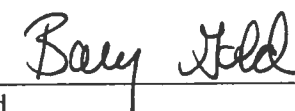
Per Engineering Department:

1. **Prior to obtaining a Building Permit**, a copy of the FDEP stormwater approval shall be forwarded to the City Engineer's Office.
2. **Prior to obtaining a Building Permit**, provide a future sidewalk payment for the 5' wide concrete sidewalk that will be installed within the right-of-way along Emerald Coast Parkway from the west property line to the Gulfstarr Drive edge of pavement.
3. **Prior to the issuance of a Certificate of Occupancy**, the Stormwater Maintenance Plan shall be acknowledged and signed by the owner.

UNRESOLVED ISSUES:

None.


Gerald F. Mucci, Date 8-08-02
Community Development Director


Barry Gold, Date 8/8/02
Owner