



City of Destin

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January 10, 2000

ORDER #99-43

Final Development Order:

“PIER 98 CENTRE”:
A MAJOR DEVELOPMENT
(SP #99-13)

Based upon the City Council’s approval of this Development Order, on June 7, 1999, this document will serve as the 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:** Ms. Delys Dearmon, as agent
Pier 98 Centre Development, L.C., Owner
- Location:** The proposed project is located at the northwest corner of the intersection of Hwy 98 and Benning Street (formally known as “Fish Heads”).
- Request:** Request Approval of a Major Development identified as “Pier 98 Centre”. The proposed project consists of a five (5) story building with a third-story roof garden, including offices, a bank (with two (2) drive-through windows), retail (23,600 sq.ft.), and an evening restaurant (4,560sq.ft.), containing a total of 28,160 sq.ft.
- Parcel Size:** The property contains 1.15 acres.
- Land Use:** C (Commercial)
- Zoning District:** BT (Business Tourism)
- Density:** N/A
- Intensity:** 0.56 Floor Area Ratio
- Application Date:** March 1, 1999
- TRC Date:** March 17, 1999
- Approved Site Plan Date:** April 12, 1999 (revisions required per City Council)
- Planning Commission Date:** April 15, 1999
- City Council Date:** June 7, 1999 (tabled from April 12, 1999 and April 26, 1999)

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Engineering ♦
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Community Center ♦
(850) 654-5488
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Library
(850) 837-8572
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DETERMINATIONS:

1. On April 15, 1999, the Planning Commission recommended the City Council to approve the proposed Major Development passed by a vote of 5-0. Mr. Morgan and Ms. Drowne were not present.
2. A hearing was held by the Destin City Council on June 7, 1999, whom approved the development with conditions; and
3. All the findings of the Technical Review Committee (TRC) report dated February 17, 1999, as amended on March 29, 1999, April 13, 1999, and November 18, 1999, are incorporated herein.

CONDITIONS OF APPROVAL FOR "PIER 98": A MAJOR DEVELOPMENT (SP #99-13):

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

1. Construction must commence within twelve (12) months of approval of the Final Development Order on November 18, 1999 (no later than November 18, 2000) and must be completed approved with conditions by the City Council (**major amendments to the site plan needed**).

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.

2. If "Pier 98" fully complies with the requirements of Condition Number 1 above, the concurrency status "Pier 98" is protected (for five years) through June 7, 2004. **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. "Pier 98" must obtain City of Destin permits for the following activities on and off site (These may require appropriate bonding):
 - a. disturbance to the city's rights of way.
 - b. pavement cuts.
 - c. construction of any kind.
 - d. clearing and grubbing.
 - e. paving, grading, drainage, sidewalks.
 - f. signage.
 - g. installation of utilities.
 - h. construction trailers.

4. **Before the issuance of a demolition permit**, the applicant shall submit and receive an approval of a demolition plan by the Community Development Director.
5. **Before the issuance of a building permit**, the applicant shall provide staff with a recorded and approved-shared parking/hours of operation restriction agreement. The City Attorney must approve the shared parking/hours of operation restriction agreement prior to recording.
6. **Before the issuance of a building permit**, the applicant shall provide and record an updated cross-access easement agreement. The City Attorney must approve the cross-access easement agreement prior to recording. Should either party void the cross-access in this location for any reason, then the five (5) foot common boundary buffer along the western property line shall be required, unless a variance by the City has been approved.
7. **Before the issuance of a building permit**, a revised site plan, indicating the following items, must be submitted and approved by the Community Development Director and City Engineer:
 - a. The parking garage shall be reduced to two stories;
 - b. The plan shall be amended to reflect: a five (5) story building with a third-story roof garden, including offices, a bank (with two (2) drive-through windows), retail (23,600 sq.ft.), and an evening restaurant (4,560sq.ft.), containing a total of 28,160 sq.ft. (this was the design presented to Planning Commission);
 - c. The revised stormwater plan to be approved by the City Engineer;
 - d. The site plan must be amended to include the required open space, not including the garden roof area;
 - e. The site plan must be amended to provide all required spaces as standard spaces per the LDC.
 - f. The site plan must be amended to demonstrate that the two (2) drive-through lanes are capable of providing a five (5) car stacking lane.
 - g. A revised traffic report to reflect the above; and
 - h. All other code requirements satisfied for the amended site plan.
8. **Before the issuance of a building permit**, the City Engineer approval of the site plan and stormwater plan is required, as well as, receive all applicable review fees paid to the City Engineer.
9. **Before the issuance of a building permit**, the applicant shall provide a photometric layout for the entire site, including canopy. The Community Development Director must approve the photometric layout.
10. **Before the issuance of a building permit**, the Community Development Director must approve a formal landscape plan and irrigation plan.
11. **Before the issuance of a building permit**, a DEP Stormwater Permit is required and must be reviewed by the City Engineer.

12. **Before the issuance of a certificate of occupancy**, the landscape material shall be inspected by the Community Development Department to ensure compliance with the Development Order.
13. **Before the issuance of a certificate of occupancy**, any damages to the existing and/or required five (5) foot sidewalk, adjacent to the right-of-way lines of Hwy 98, or Benning Drive must be “bonded, replaced, or installed”.
14. **Before the issuance of a certificate of occupancy**, all infrastructure improvements must be completed by the applicant and inspected by the City Engineer.
15. Requirements identified by the Technical Review Committee:

**TECHNICAL REVIEW COMMITTEE REPORT
COMMUNITY DEVELOPMENT DEPARTMENT**

“PIER 98 CENTRE”

A MAJOR DEVELOPMENT

(SP#99-13)

TRC Report: March 17, 1999, Amended April 13, 1999, and November 18, 1999.

ISSUE

Applicant: Ms. Delys Dearmon, as agent
Pier 98 Centre Development, L.C., Owner

Location: The proposed project is generally located at the northwest corner of the intersection of Hwy 98 and Benning Street (formally known as “Fish Heads”).

Request: Request Approval of a Major Development identified as “Pier 98 Centre”. The proposed project consists of a five (5) story building with a third-story roof garden, including offices, a bank (with two (2) drive-through windows), retail (23,600 sq.ft.), and an evening restaurant (4,560sq.ft.), containing a total of 28,160 sq.ft.

Parcel Size: The property contains 1.15 acres.

Land Use: C (Commercial)

Zoning District: BT (Business Tourism)

Density: N/A

Intensity: 0.56 Floor Area Ratio

Application Date: March 1, 1999

TRC Date: March 17, 1999

Approved Site Plan Date: April 12, 1999 (revisions required per City Council)

Planning Commission Date: April 15, 1999

City Council Date: June 7, 1999 (tabled from April 12, 1999 and April 26, 1999)

DISCUSSION:

Ms. Delys Dearmon, as agent for Pier 98 Centre Development, L.C., owner; requests approval of a Major Development identified as “Pier 98 Centre”. The proposed project consists of a five (5) story

building with a third-story roof garden, including offices, a bank (with two (2) drive-through windows), retail (23,600 sq.ft.), and an evening restaurant (4,560sq.ft.), containing a total of 28,160 sq.ft. The proposed project is generally located at the northwest corner of the intersection of Hwy 98 and Benning Drive. The property contains 1.15 acres.

The proposed request is consistent with the Comprehensive Plan, Land Development Code, including Compatibility review, Concurrency Management review, and LOS review.

The Technical Review Committee reviewed the project on March 17, 1999, and approved the project with specific conditions and changes. The applicant, as of April 12, 1999, has addressed these conditions and changes – other than for Engineering.

ZONING/COMPREHENSIVE PLAN

The property is zoned BT (Business Tourism) and the Future Land Use Category is C (Commercial). The proposed uses, “offices, bank, and restaurant”, are permitted principal uses within the BT district and FLU Category.

COMPATIBILITY

The uses surrounding this project are:

- North: BT Zoning: Vacant, non-conforming single-family home and commercial
- South: BT Zoning: Hwy 98 and commercial
- East: BT Zoning: Sexton’s seafood market
- West: BT Zoning: Hog’s Breath restaurant and bar

The project, as required by the Land Development Code and Comprehensive Plan, has undergone a compatibility review and meets the minimum code requirements. The General Compatibility Checklist, the applicant’s compatibility report, and the following items were included in the compatibility review.

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

The proposed use and activities are permitted uses in the Commercial Future Land Use Category as well as in the BT Zoning District. The proposed project consists of a five (5) story building with a third-story roof garden, including offices, a bank (with two (2) drive-through windows), retail (23,600 sq.ft.), and an evening restaurant (4,560sq.ft.), containing a total of 28,160 sq.ft.

The site currently has a single-story bar, “Fish Heads”, located on site. The property is located outside of the Community Redevelopment Area, however, is located within the study boundaries of the Harbor Task Force.

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

The proposed use and structures are consistent with the Land Development Code and Comprehensive Plan. The floor area ratio is required to be limited to a maximum of 1.07. This proposal does not exceed the maximum of 1.07. The front portion of the building fronting on Hwy 98, will stop at three stories, including a garden roof on the third story. The remaining portion of the building continues to five

stories. Behind this building is a two-level open parking garage. The total height of the five-story building is proposed at approximately 75'. (As shown on the elevation plans attached to the staff report submitted to the Planning Commission and City Council)

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

The applicant will be removing two of the three existing driveways on Hwy 98, and removing one of the two driveways on Benning Drive. The remaining driveway on Hwy 98 (at the western corner) will be an egress only (right turn only), and Benning Drive will have a single two-way (ingress and egress) driveway at the northern portion of the property. **Staff is requesting that a right-turn lane be provided on Benning Drive for right-turns onto Hwy 98. This would require the applicant to provide a southbound right turn lane on Benning Drive, both northward and southward of the proposed driveway connection to the right-of-way line of Hwy 98. (THIS IS BEING COMPLETED BY THE MARBELLA PROJECT)**

Furthermore, the subject property has an existing cross-access requirement with the neighbor to the west. This is located on the western property line. Therefore, no common boundary buffer can be obtained in this area. **Should the cross-access in this location be voided for any reason by either party, then the five foot common boundary buffer along the western property line shall be required, unless a variance by the City has been approved.**

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

Hall Planning & Engineering, Inc. conducted a traffic analysis, dated March 3, 1999. According to the review conducted by the City's Traffic consultant, the proposed development will substantially affect Segment "A" of Hwy 98; however, the consultant has verified that capacity exists for this project. Furthermore, the trips generated on Benning Drive will not lower the LOS for the road system. The report has been reviewed and approved for concurrency purposes by the City's traffic consultant on March 16, 1999. **This project will generate twenty (20) new PM/PK HR directional trips that will affect Segment "A." This will leave five (5) PM/PK HR directional trips on Segment "A" for future projects.**

An outdoor lighting plan will be provided prior to the City Council public meeting.

A review of the traffic generated and elevation/architectural plans, in relation to lot sizes and uses, indicates that the proposed project will be compatible with the surrounding development.

E). Alteration of light and air;

The applicant has provided a staggering building which provides a varied roof line, and in turn a varied skyline; however, the City does not require a specific test for shadowing and lighting. The applicant is proposing a single five-story building, however, the front portion will stop at three-stories, with a garden roof top, the remaining portion will be four stories with a fifth floor in the center, providing two roof lines. Staff is recommending that the applicant provide a photometric layout for the entire site, including the canopy and that this photometric layout be reviewed and approved by the Community Development Director prior to the issuance of building permit.

F). **Setbacks and buffers.**

The overall site plan does not meet the open space requirements, unless the garden roof on the third-story is included. Staff has determined that this does not satisfy the LDC requirements. Therefore, the site plan must be amended to include the required open space, not including the garden roof area. The only buffers required are the standard 5 ft. common boundary landscape area on the west and north property lines, and the standard 10 ft. front perimeter landscape area on the south and east property lines. However, the west property line is required to have a cross-access drive for the abutting property to the west. **Therefore, no 5' common boundary buffer can be obtained in this area. Should the cross-access in this location be voided for any reason by either party, then the five-foot common boundary buffer along the western property line shall be required, unless a variance by the City has been approved.**

Parking islands and required tree/vegetation/reforestation placement is also required. The proposed structures meet or exceed the required setbacks. The location of the building and the required landscape areas minimize the impact of the structures on the surrounding parcels. The project will also have one and a half (1 ½) percent more open space than required by the LDC.

DENSITY

N/A

HEIGHT

The applicant is proposing a single five-story building. The proposed elevation plans and architectural plans confirm this request. The front portion of the building fronting on Hwy 98, will stop at three stories, including a garden roof on the third-story. The remaining back portion of the building continues to five stories. Behind this building is a two-level open parking garage. The total height of the five-story building is proposed at approximately 75'. The proposed heights are allowed within the zoning district.

FLOOR AREA RATIO

Maximum FAR is 1.07. This proposal offers a FAR of 0.56.

RIGHT-OF-WAY DEDICATION

No right-of-way dedication is required; however, it is recommended **that a right-turn lane be provided on Benning Drive for right turns onto Hwy 98. This would require the applicant to provide a southbound right-turn lane on Benning Drive, both northward and southward of the proposed driveway connection to the right-of-way line of Hwy 98.** The design for the extended turn lane shall be reviewed and approved by the City Engineer, prior to issuance of a building permit. Construction of the extension must be completed prior to issuance of a certificate of occupancy. This is to be completed by the Marbella project pursuant to their development orders.

CONCURRENCY MANAGEMENT

Concurrency requirements met:

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

TRAFFIC ANALYSIS

Hall Planning & Engineering, Inc. conducted a traffic analysis, dated March 3, 1999. According to the review conducted by the City’s traffic consultant, the proposed development will substantially affect Segment “A” of Hwy 98; however, the consultant has verified that capacity exists for this project. Furthermore, the trips generated on Benning Drive will not lower the LOS for the road system. The report has been reviewed and approved for concurrency purposes by the City’s traffic consultant on March 16, 1999. **This project will generate twenty (20) new PM/PK HR directional trips that will affect Segment “A.” This will leave five (5) PM/PK HR directional trips on Segment “A” for future projects.**

(NOTE, A REVISED TRAFFIC REPORT WAS SUBMITTED, HOWEVER, CITY COUNCIL DID NOT APPROVE THE REVISED, RATHER THE ORIGINAL DESIGN, AS PRESENTED TO THE PLANNING COMMISSION.)

SUBDIVISION OR PUD - PLAT

N/A

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 FAA for temporary encroachment into this restrictive area and a copy of completed FAA Form 7460, must be place on file with the City of Destin prior to the crane, or other obstruction, penetrating the restricted airspace.

SETBACKS

<u>Project</u>	<u>Required</u>	<u>Provided</u>	<u>Buffers</u>
Front (Hwy 98):	10'	10'	10' FPLA
Corner Front (secondary-Benning):	10'	10'	10' FPLA
Side (west & north):	0'	5' & 37'	5' Common Boundary (north only, west has a cross-access drive existing in this location)

NOTE: The 5' common boundary, front perimeter boundary, parking islands, and reforestation requirements must meet the LDC.

WHITE SANDS ZONE

The project is located within White Sand Zone II. All fill material and exposed material shall conform to the White Sand Zone Ordinance.

SIGNS

No signage is requested for approval at this time. All proposed signage will be required to meet Appendix A of the LDC.

WATER/SEWER

Destin Water Users Inc. approved the project in a letter dated April 12, 1999.

FIRE DEPARTMENT REVIEW

The Fire Department approved the project in a letter dated March 17, 1999.

OKALOOSA GAS

Okaloosa Gas approved the project at the March 17, 1999, TRC meeting.

UNIVERSAL COM

Universal Com approved the project at the March 17, 1999, TRC meeting.

SPRINT

Sprint approved the project at the March 17, 1999, TRC meeting.

UTILITIES

Underground utilities are required.

STORMWATER

The City Engineer **has not approved** the stormwater plan in accordance with the memorandum dated March 16, 1999, with 17 comments. No updated memorandum has been received. This memo is on file with the Community Development Department. **The City Engineer must approve the revised site plan, per City Council, prior to the issuance of a building permit.**

INGRESS/EGRESS

The applicant will be removing two of the three existing driveways on Hwy 98, and removing one of the two driveways on Benning Drive. The remaining driveway on Hwy 98 (at the western corner) will be an egress only (right turn only), and Benning Drive will have a single two-way (ingress and egress)

driveway at the northern portion of the property. Staff is requesting that a right-turn lane be provided on Benning Drive for right turns onto Hwy 98. This would require the applicant to provide a southbound right-turn lane on Benning Drive, both northward and southward of the proposed driveway connection to the right-of-way line of Hwy 98. (THIS IS BEING COMPLETED BY THE MARBELLA PROJECT)

Furthermore, the subject property has an existing cross-access requirement with the neighbor to the west. This is currently existing and located on the western property line. Therefore, no common boundary buffer can be obtained in this area. Should the cross-access in this location be voided for any reason by either party, then the five foot common boundary buffer along the western property line shall be required, unless a variance by the City has been approved.

SIDEWALKS

A five (5) ft. wide sidewalk is required along Benning Drive and must be built prior to the issuance of a certificate of occupancy. A five (5) ft. wide sidewalk exists on Hwy 98 and must be improved, repaired, or modified prior to the issuance of a certificate of occupancy. If any existing sidewalks are destroyed or damaged during construction, they must be repaired or replaced by the developer.

REFUSE COLLECTION

Trash collection is provided by dumpster service. The dumpster location is shown on the site plan, and is indicated to be screened by a six (6) foot privacy fence on three sides, and a gate on the front.

LANDSCAPE

This project meets the landscape requirements as follows:

OPEN SPACE: 50,184 sq.ft. x 18% plus 171 sq.ft. per 2,500 sq.ft. of parking garage	
	REQUIRED = 10,444 sq.ft.
	PROVIDED = 10,753sq.ft. with roof garden

The overall site plan does not meet the open space requirements, unless the roof garden on the third-story is included. Staff has determined that this does not satisfy the LDC requirements. **THEREFORE, THE SITE PLAN MUST BE AMENDED TO INCLUDE THE REQUIRED OPEN SPACE, NOT INCLUDING THE GARDEN ROOF AREA.**

TREES REQUIRED:

Reforestation: <u>11</u>	Perimeter: <u>18</u>	Parking Lot: <u>16</u>
Buffers: <u>n/a</u>	Replacement of protected trees: <u>0</u>	

Protected Trees on Site (12" to 23" diameter):	<u>0</u>
Preserved Trees on Site (24" or more diameter):	<u>0</u>
Protected Trees being removed:	<u>0</u>

Preserved Trees being removed:	<u>0</u>
Protected Trees located in footprint:	<u>0</u>
Preserved Trees located in footprint:	<u>0</u>
Reforestation Credit for saved trees:	<u>0</u>
TOTAL TREES REQUIRED:	<u>45</u>
TOTAL TREES PROVIDED:	<u>85</u>

NOTE: all required trees must be 6' tall at planting, and reach a 20' crown at maturity.

PARKING

Parking for the project is based on the following calculations:

Per code:

Office/retail/bank: 1spaces per 200 sq.ft. plus 5 car stacking lane for each drive-thru.
 Restaurant: 1 space per 75 sq.ft.

Per site plan:

Office/retail/bank: 23,600 sq.ft. (open 6 a.m. to 6 p.m.) = 118 spaces
 Restaurant: 4,560 sq.ft. (open only after 6 p.m.) = 61 spaces

Total = 118 spaces

TOTAL REQUIRED = 118 spaces (with recorded shared parking/hours of operation restriction)
TOTAL PROVIDED = 118 spaces (including 6 spaces being compact)

Staff has determined that the six compact spaces are not appropriate for required spaces, only overflow spaces, therefore, the site plan must be amended in provide all required spaces as standard spaces per the LDC. Furthermore, the recorded shared parking/hours of operation restriction must be approved by the City Attorney, prior to issuance of any building permits.

The site plan must also be amended to demonstrate that the two (2) drive-through lanes are capable of providing a five (5) car stacking lane.

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

1. An FDOT Permit is required and must be submitted prior to the issuance of a building permit.
2. An FDEP Permit (stormwater permit) is required and must be submitted prior to the issuance of a building permit.

COMMENTS

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

