



City of Destin

September 21, 2001

Order No. 01-05

First Amended Final Development Order:

"PIER 98 CENTRE, 1st AMENDMENT":
A MINOR DEVIATION TO A PREVIOUSLY APPROVED
MAJOR DEVELOPMENT
(SP-00-38)

Based upon the City's approval of this Development Order, on February 6, 2001, this document will serve as your 1st Amended 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 on June 7, 1999, and by the Community Development Department on February 6, 2001:

BACKGROUND / ISSUE:

Applicant: Ms. Delys Dearmon, Managing Member, on behalf of Pier 98 Centre Development, L.C.

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: Approval of a Minor Deviation to a previously approved Major Development identified as "Pier 98 Centre, 1st Amendment" for the removal of the building's roof garden on the third floor, the removal of the teller lanes, a change of use from a bank to retail space, and a total building square footage increase of less than ten (10) percent from 28,160 sq. ft. to 30,580 sq. ft.

Parcel Size: The subject property contains 1.15 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: 0.61 Floor Area Ratio

1st Amended Application Date: July 6, 2000

1st Amended TRC Date: August 16, 2000

1st Amended Approved Site Plan Date: February 6, 2001

DETERMINATIONS:

1. All the findings of Final Development Order No. 99-43 are incorporated into this First Amended Final Development Order; and
2. This First Amended Development Order does not extend the overall concurrency status determined by the original Final Development Order (No. 99-43); and

3. All the findings of the Technical Review Committee report dated March 17, 1999, amended on April 13, 1999, November 18, 1999, and February 6, 2001, are incorporated herein.

CONDITIONS OF APPROVAL FOR THE "PIER 98 CENTRE, 1st AMENDMENT": A MINOR DEVIATION TO A PREVIOUSLY APPROVED MAJOR DEVELOPMENT (SP-00-38):

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

1. Development and/or construction must commence within twelve (12) months of approval of the Amended Final Development Order, on February 6, 2001, (no later than February 6, 2002) and must be completed as shown on plans approved by the Technical Review Committee.

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 "Pier 98 Centre" is protected for five (5) 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. 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, except for impact fees.

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**, the applicant shall provide a photometric layout for the entire site, including canopy. The Community Development Director must approve the photometric layout.
8. **Before the issuance of a Building Permit**, a FDEP Stormwater Permit is required and must be reviewed by the City Engineer.
9. **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.
10. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.
11. **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, and Benning Drive must be "replaced where damaged or installed."
12. **Before the issuance of a Certificate of Occupancy**, all infrastructure improvements must be completed by the applicant and inspected by the City Engineer.

TECHNICAL REVIEW COMMITTEE REPORT

“PIER 98 CENTRE, 1st AMENDMENT”: A MINOR DEVIATION TO A PREVIOUSLY APPROVED MAJOR DEVELOPMENT (SP-00-38)

TRC Report: March 17, 1999, Amended April 13, 1999, November 18, 1999, and
February 6, 2001

ISSUE:

Applicant: Ms. Delys Dearmon, Managing Member, on behalf of Pier 98 Centre Development, L.C.

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: Approval of a Minor Deviation to a previously approved Major Development identified as “Pier 98 Centre, 1st Amendment” for the removal of the building’s roof garden on the third floor, the removal of the teller lanes, a change of use from a bank to retail space, and a total building square footage increase of less than ten (10) percent from 28,160 sq. ft. to 30,580 sq. ft.

Parcel Size: The subject property contains 1.15 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: 0.61 Floor Area Ratio

1st Amended Application Date: July 6, 2000

1st Amended TRC Date: August 16, 2000

1st Amended Approved Site Plan Date: February 6, 2001

DISCUSSION/FINDINGS:

Ms. Delys Dearmon, Managing Member, on behalf of Pier 98 Centre Development, L.C., is requesting approval of a Minor Deviation to a previously approved Major Development identified as “Pier 98 Centre, 1st Amendment.” The minor deviation constitutes the removal of the building’s roof garden on the third floor, the removal of the teller lanes, a change of use from a bank to retail space, and a total building square footage increase of less than ten (10) percent from 28,160 sq. ft. to 30,580 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.

COMPREHENSIVE PLAN/ZONING:

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

COMPATIBILITY:

The uses surrounding this project are:

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 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 fourth and fifth-story roof gardens, office/retail space (25,000 sq. ft.), and an evening restaurant (5,580sq.ft.), containing a total of 30,580 sq. ft.

The site currently is vacant. 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 front portion of the building fronting on Hwy 98, is a non-staggered five (5) story structure with the fourth and fifth floor encompassing roof gardens. Behind this building is a single-level open parking garage.

The BT zoning district does not have a maximum building height. Building height in this district is determined by a compatibility analysis. The proposed height of the five (5) story restaurant and office/retail building is approximately seventy-five (75) feet to the ridge of the highest roof. The total floor area ratio for this project is 0.61, which is below the 1.07 maximum.

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 a right turn only egress and a right turn only ingress, 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, the common boundary buffer cannot be installed along this entire area. **Should the cross-access in this location be voided for any reason by either party, then the full 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;

The existing development order (No. 99-43) identifies 20 PM Peak Hour trips being generated in Segment "A." According to the traffic review conducted by the City's traffic consultant, the proposed amended development will generate an additional 2 PM Peak Hour directional trips on Segment "A" of U. S. Highway 98 (a total of 22). Segment "A" currently has 147 PM Peak Hour directional trips available. There will be 145 PM Peak Hour directional trips remaining for Segment "A." Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's traffic consultant.

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 is proposing a single five-story building, however, the front portion encompasses a fourth story and fifth story roof gardens. The City does not require a specific test for shadowing and lighting. 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 proposed building meets and exceeds all of the required setbacks for the Business Tourism (BT Zoning district (refer to the setback section of this report).

The overall site plan meets the open space requirement (18% required / 20.9% provided). The following buffers are required: the standard five (5) foot common boundary landscape area on the western (minus cross-access agreement) and northern property lines and the standard ten (10) foot front perimeter landscape area on the eastern and southern property lines.

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

DENSITY:

Not applicable.

HEIGHT:

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

FLOOR AREA RATIO:

The project has a 0.61 Floor Area Ratio, which is less than the maximum of 1.07 allowed.

RIGHT-OF-WAY DEDICATION:

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

CONCURRENCY MANAGEMENT:

Concurrency requirements have been met:

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

TRAFFIC ANALYSIS:

The existing development order (No. 99-43) identifies 20 PM Peak Hour trips being generated in Segment "A." According to the traffic review conducted by the City's traffic consultant, the proposed amended development will generate an additional 2 PM Peak Hour directional trips on Segment "A" of U. S. Highway 98 (a total of 22). Segment "A" currently has 147 PM Peak Hour directional trips available. There will be 145 PM Peak Hour directional trips remaining for Segment "A." Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's traffic consultant.

SUBDIVISION OR PUD - PLAT:

Not applicable.

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	26' including 10' FP
Front (eastern):	10'	10' FP	15.2' including 10' FP
Side (western):	None	5' CB	60' including 5' CB
Back (northern):	None	5' CB	170' including 5' CB
Between Bldgs:	10'	N/A	N/A

Note: 10' FP = 10' Front Perimeter Landscape Area, 5' CB = 5' Common Boundary Buffer, and 10' VB = 10' Vegetative Buffer. A 5' Common Boundary Buffer is required along the western and northern property line, a 10' Front Perimeter Landscape Area is required along the southern and eastern property line.

WHITE SANDS ZONE:

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

SIGNS:

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

COX COMMUNICATIONS:

Cox Communications approved the project at the August 16, 2000, TRC meeting.

DESTIN FIRE CONTROL DISTRICT:

Destin Fire Control District approved the project in a letter dated August 16, 2000.

GULF POWER:

Gulf Power approved the project in a letter dated August 16, 2000.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated August 16, 2000.

SPRINT:

Sprint approved the project in a letter dated August 15, 2000.

UNIVERSALCOM/NEWSOUTH:

UniversalCom/NewSouth approved the project in a letter dated November 15, 2000.

WATER/SEWER PROVIDER:

Destin Water Users, Inc., approved the project in a letter dated December 15, 2000.

UTILITIES:

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

STORMWATER:

The City Engineer approved the stormwater plan in a memo dated November 22, 2000, with the following conditions:

1. Prior to obtaining a building permit, provide a copy of FDOT drainage/connection approval.
2. Any change to the column layout or further impact to the 9' x 19' parking space shall void the engineering approval.

INGRESS/EGRESS:

Access to the property is provided by a ten (10) foot right turn only ingress and a ten (10) foot right turn only egress accessway on U.S. Highway 98 East and a twenty (20) foot two-way accessway on Benning Drive.

SIDEWALKS:

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

REFUSE COLLECTION:

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 Requirements:

50,185 sq. ft. x 18% plus 171 sq. ft. per 2,500 sq. ft. of 20,320 sq. ft. of parking garage area:

$$(50,185 \times .18) + (20,320/2,500 \times 171) = \underline{10,423} \text{ sq. ft. required}$$

Site plan provides 20.9% = 10,509 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: $1.15 \times 10 = 12$) Required on Site:	<u>12</u>
Total Reforestation Credits (0 - 12 = -12 (0 remaining credits) or 12 required trees):	<u>0</u>
Total Reforestation Trees Required on Site:	<u><u>12</u></u>
Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:	12
Replacement Trees (removal of trees over 12" d.b.h.) Required on Site:	0
Perimeter Trees (1 per 25') Required on Site:	18
Parking Lot Trees (1 per end row and landscape island) Required on Site:	2
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site:	0
TOTAL TREES REQUIRED:	<u><u>32</u></u>
TOTAL TREES PROVIDED:	<u><u>80</u></u>

A 5' Common Boundary Buffer is required along the western and northern property lines, a 10' Front Perimeter Landscape Area is required along the eastern and southern property lines. 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.**

PARKING:

The project meets or exceeds the parking requirements as follows:

Per code:

- Office and Retail: 1 space for every 200 square feet of gross floor area.
- Restaurant: 1 space for every 75 square feet of gross floor area.

Per site plan:

- Office and Retail (open 6 a.m. to 6 p.m.): 25,000 square feet / 200 = 125 spaces
- Restaurant (open only after 6:00pm): 5,580 square feet / 75 = 75 spaces

TOTAL REQUIRED: 125 spaces (with recorded shared parking/hours of operation restriction and includes 5 handicap parking space)

TOTAL PROVIDED: 126 spaces (includes 5 handicap parking space)

LOADING SPACE (ZONE):

Per code:

Office/Commercial: 1 loading space is required (10 feet wide and 25 feet long with 15 foot clearance) for the first 75,000 sq. ft. of gross floor area, and one space for each additional 25,000 sq. ft.

Per site plan:

Office/Commercial: 1 loading space is required (10 feet wide and 25 feet long with 15 foot clearance) for 25,000 sq. ft. of gross office and retail floor area.

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:

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", "Eating/Drinking per 1,000 sq. ft. = \$246.04", and the "Office per 1,000 sq. ft. = \$24.56" fee amounts under the "Non-residential - U.S. 98 Corridor" categories.

(sq. ft. of Retail) x (Retail per 1,000 sq. ft. fee amount) = (figure) / (per 1,000 sq. ft.) = Impact Fee

$$(5,580 \text{ sq. ft.}) \times (\$47.59) = \$265,552.20 / 1,000 = \underline{\$265.55}$$

(sq. ft. of Eating/Drinking) x (Eating/Drinking per 1,000 sq. ft. fee amount) = (figure) / (per 1,000 sq. ft.) = Impact Fee

$$(5,580 \text{ sq. ft.}) \times (\$246.04) = \$1,372,903.20 / 1,000 = \underline{\$1,372.90}$$

(sq. ft. of Office) x (Office per 1,000 sq. ft. fee amount) = (figure) / (per 1,000 sq. ft.) = Impact Fee

$$(19,420 \text{ sq. ft.}) \times (\$24.56) = \$476,955.20 / 1,000 = \underline{\$476.96}$$

Subtotal Police Impact Fees to be paid for "Pier 98": \$2,115.41

Road: The road impact fees were calculated using the "Office < 100,000 sq. ft. per 1,000 sq. ft. = \$822.00", "Retail < 100,000 sq. ft. = \$2,142.00", and Restaurant: Quality per 1,000 sq. ft. = \$5,125.00 fee amount.

(sq. ft. of Office) x (Office < 100,000 sq. ft. per 1,000 sq. ft. fee amount) = (figure) / (per 1,000 sq. ft.)
= Impact Fee

$$(19,420 \text{ sq. ft.}) \times (\$214.00) = \$4,155,880 / 1,000 = \underline{\$4,155.88}$$

(sq. ft. of Retail) x (Retail < 100,000 sq. ft. per 1,000 sq. ft. fee amount) = (figure) / (per 1,000 sq. ft.)
= Impact Fee

$$(5,580 \text{ sq. ft.}) \times (\$214.00) = \$1,194,120 / 1,000 = \underline{\$1,194.12}$$

(sq. ft. of Restaurant) x (Restaurant: Quality per 1,000 sq. ft. fee amount) = (figure) / (per 1,000 sq. ft.)
= Impact Fee

$$(5,580 \text{ sq. ft.}) \times (\$214.00) = \$1,194,120 / 1,000 = \underline{\$1,194.12}$$

Subtotal Road Impact Fees to be paid for "Pier 98": \$6,544.12

Parks: (not applicable)	=	\$0.00
Public Library: (not applicable)	=	\$0.00
Police Protection:	=	\$2,115.41
Roads:	=	<u>\$6,544.12</u>
TOTAL:		<u>\$8,659.53</u>

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:	\$90.00	City Council Advertising:	Not applicable
City Surveyor:	Not utilized		

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, except for impact fees.
2. **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.

3. **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.
4. **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.
5. **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.
6. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.

Per Engineering Department:

1. **Before the issuance of a Building Permit**, a FDEP Stormwater Permit is required and must be reviewed by the City Engineer.
2. **Before the issuance of a Building Permit**, provide a copy of FDOT drainage/connection approval.
3. **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, and Benning Drive must be "replaced where damaged or installed."
4. **Before the issuance of a Certificate of Occupancy**, all infrastructure improvements must be completed by the applicant and inspected by the City Engineer.
5. Any change to the column layout or further impact to the 9' x 19' parking space shall void the engineering approval.
6. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be void and a revised stormwater plan must be resubmitted for review and approval.

UNRESOLVED ISSUES:

None, other than the conditions as listed on pages 2 and 3 of this Development Order.

Gerald F. Mucci 9-21-01
 Gerald F. Mucci, Date
 Community Development Director

Ms. Delys Dearmon 12-20-01
 Pier 98 Centre Development L.C., Date
 Owner
 Ms. Delys Dearmon,
 Managing Member