



# City of Destin

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September 29, 2003

Order No. 03-29

**Final Development Order:**

**"BIANCO RESTAURANT"  
A MAJOR DEVELOPMENT  
(SP-03-13)**

Based upon the City Council's approval of this development order on September 15, 2003, this document will serve as your Final Development Order, to include all of the provisions of the attached Technical Review Committee Report and with the following conditions, as specified by the City Council:

**BACKGROUND / ISSUE:**

**Applicant:** Emerald Coast Associates, Inc., on behalf of Valentine Group, LLC, is requesting approval of a Major Development identified as "Bianco Restaurant."

**Request:** The proposed development consists of a 5,421 sq. ft. restaurant and 294 sq. ft. bakery.

**Location:** The proposed development will be located at the southeast corner of Emerald Coast Parkway and Tranquility Lane.

**Parcel Size:** The total proposed site area is 1.03 acres, more or less.

**Future Land Use:** Mixed Use (MU)

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

**Density:** Not applicable

**Intensity:** Allowed: 1.07 Floor Area Ratio (FAR)  
Proposed: 0.12 FAR (per Code Definition: -0.12 FAR)

**Application Date:** May 5, 2003

**TRC Date:** May 21, 2003

**Approved Site Plan Date:** August 25, 2003

**City Council Date:** September 15, 2003

**DETERMINATIONS:**

1. The Destin City Council held a public hearing on September 15, 2003. The Council voted unanimously, 7-0, to approve the project as presented in the agenda package and subject to all applicable conditions identified within the Final Development Order and TRC report dated August 25, 2003, and amended September 16, 2003, with all necessary changes and updates, and contingent upon payment of all outstanding fees prior to the issuance of the Development Order.

2. All the findings of the Technical Review Committee report dated August 25, 2003, and amended September 16, 2003, are incorporated herein.

**CONDITIONS OF APPROVAL FOR "BIANCO RESTAURANT" A MAJOR DEVELOPMENT (SP-03-13):**

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

Construction must commence within one (1) year of approval date (date from which the Final Development Order is issued by the Community Development Department) of the Final Development Order on September 29, 2003 (no later than September 29, 2004), and must be completed as shown on plans approved by the Technical Review Committee.

**WARNING: If the applicant/owner has not obtained a building permit(s) or has not commenced construction within one (1) year of issuance of the final development order, the final development order will become null and void and the application for plan approval must be re-initiated.**

**NOTE: An applicant/owner who desires to extend the twelve (12) month (1 year) deadline must submit a request to the Community Development Department, no less than thirty (30) days prior to the expiration of the twelve (12) month deadline to obtain a building permit and commence construction. The applicant may receive only one extension, and such extension shall not exceed one year. The applicant /owner should review Article 2, Section 2.15.00, of the Destin Land Development Code and City Ordinance 02-06-LC for further explanation of the Development Order extension process.**

2. If the applicant fully complies with the requirements of Condition No. 1 above, the concurrency capacity allocation status for "Bianco Restaurant" will be protected. However, the protected concurrency status will be lost if:
  - A. Construction activity ceases for a period exceeding one (1) year at any time during the term of this Final Development Order so that concurrency is not maintained under section 6.02.00.B.3 of the Destin Land Development Code, or
  - B. Construction permit(s) are not obtained in accordance with Section 2.09.00 of the Land Development Code to maintain concurrency.
3. The applicant must obtain City of Destin permits for the following activities on and off site (These may require appropriate bonding):
  - A. Disturbance of the City's right-of-way.
  - B. Pavement cuts.
  - C. Construction of any kind.
  - D. Clearing, grubbing, or demolition.
  - E. Paving, grading, drainage, sidewalks.
  - F. Signage.
  - G. Installation of utilities.
  - H. Construction trailers.

4. **Prior to the issuance of the Development Order**, all outstanding costs associated with this project that are owed to the City must be paid in full.
5. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.
6. The masonry capped wall must be installed along the south property line as proposed. Similarly, the landscape material proposed on the north side of the wall, must include evergreen trees with a minimum height of 10 to 12 feet at time of planting. These evergreen trees shall have a separation distance and foliage density that provides a 75% opaque screen above the masonry wall at the time of planting. The increased buffer is required to avoid nuisance impacts occasioned by illumination from outdoor lighting and vehicle headlights, odor impacts emanating from the dumpster, and potential adverse visual and noise impacts associated with traffic generation, parking lots, related activities of service vehicles.
7. As stated on the application, hours of loading and unloading should be restricted to between 7AM and 10PM to avoid undue noise within the residential area to the south.
8. **Prior to the issuance of a Certificate of Occupancy**, the landscaping and outdoor lighting, if installed, must be inspected and approved by the Community Development Department. The lighting plan must provide specifications for the proposed outdoor lighting, including photometrics. All lighting must be shielded downward and away from adjacent properties in order to avoid spill-over and illumination into the night sky. The source of all illumination should not be visible from off-site.
9. Any additional revisions to the site plan must be reviewed and approved by the appropriate Technical Review Committee members and may be subject to a compatibility analysis if required pursuant to provisions stated within the approved Development Order, the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09] or if necessary as agreed upon by the City and the applicant prior to the issuance of the final development order.
10. **Prior to obtaining any city permit**, provide a future sidewalk payment to include handrails along retaining wall for Emerald Coast Pkwy. Right-of-way frontage extending to the east edge of pavement of Tranquility Lane.
11. The entire second floor area ceiling height shall not exceed 5'-11' above the floor.
12. The space of 1,221 square feet is shown in the middle of the restaurant as "open area not for restaurant use." The open/garden area shall have no restaurant seating.
13. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be deemed to be in non-compliance and a revised stormwater plan shall be re-submitted for review and approval.
14. **Prior to obtaining any city permit**, a copy of the FDEP stormwater and NPDES approvals shall be forwarded to the City Engineer's office.

15. **Prior to obtaining a Certificate of Occupancy, the Stormwater Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltration areas and catch basins, and b) maintenance of vegetative cover in surface infiltration areas. Owner shall regrade swale/retention areas as required to maintain approved design cross-section(s), line(s), and grade(s).**

## TECHNICAL REVIEW COMMITTEE REPORT

### "BIANCO RESTAURANT" A MAJOR DEVELOPMENT (SP-03-13)

TRC Report: August 25, 2003, and amended September 16, 2003

#### ISSUE:

**Applicant:** Emerald Coast Associates, Inc., on behalf of Valentine Group, LLC, is requesting approval of a Major Development identified as "Bianco Restaurant."

**Request:** The proposed development consists of a 5,421 sq. ft. restaurant and 294 sq. ft. bakery.

**Location:** The proposed development will be located at the southeast corner of Emerald Coast Parkway and Tranquility Lane.

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**Future Land Use:** Mixed Use (MU)

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

**Density:** Not applicable

**Intensity:** Allowed: 1.07 Floor Area Ratio (FAR)  
Proposed: 0.12 FAR (per Code Definition: -0.12 FAR)

**Application Date:** May 5, 2003

**TRC Date:** May 21, 2003

**Approved Site Plan Date:** August 25, 2003

**City Council Date:** September 15, 2003

#### DISCUSSION/FINDINGS:

Emerald Coast Associates, Inc., on behalf of Valentine Group, LLC, is requesting approval of a Major Development identified as "Bianco Restaurant." The proposed development consists of a 5,421 sq. ft. restaurant and 294 sq. ft. bakery. The proposed development will be located at the southeast corner of Emerald Coast Parkway and Tranquility Lane. The total proposed site area is 1.03 acres, more or less.

The proposed project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements with conditions as described on pages 12 and 13 of the TRC Report. Refer to the complete Compatibility Analysis dated July 21, 2003.

The proposed request is consistent with the Comprehensive Plan and Land Development Code, which include a Compatibility review, Concurrency Management review, and a Level of Service review. This project is not located within the either of the City's Community Redevelopment Agency Districts.

The Technical Review Committee (TRC) reviewed and approved the project with specific conditions as stated below.

**COMPREHENSIVE PLAN/ZONING:**

The property currently has a Future Land Use designation of Mixed Use (MU) and Zoning designations of Business Tourism (BT). The proposed use is consistent with the MU Future Land Use designation and is a permitted principal use within the BT zoning district.

**COMPATIBILITY:**

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the requirements with conditions. Refer the complete Compatibility Analysis dated July 21, 2003.

**DENSITY:**

Not applicable.

**HEIGHT:**

The BT Zoning District does not have a maximum building height. Building height in this district is determined by compatibility and whether the proposed structure is three stories or more, which requires increased setbacks. The proposed structure is approximately 26'-8" high (less than three stories) to the ridgeline of the main roof. Refer to the complete Compatibility Analysis Report dated July 21, 2003, which finds the proposed project compatible with the surrounding area in regards to height.

**FLOOR AREA RATIO:**

The Commercial (C) Future Land Use designation has a maximum floor area ratio (FAR) of 1.07.

The FAR calculation methodology as defined in Article 3, Section 3.00.01 "Floor Area Ratio" of the Destin Land Development Code is as follows:

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

$$\frac{5,421 \text{ sq. ft.} - 10,676 \text{ sq. ft.}}{44,946 \text{ sq. ft.}} = \text{FAR}$$

$$-5,255 / 44,946 \text{ sq. ft.} = -0.12 \text{ FAR}$$

Utilizing the formula as defined above, the FAR of -0.12 is below the maximums of 1.07 and thus is in compliance.

Utilizing the more common FAR calculation methodology as proposed in the Comprehensive Plan update results in an FAR of 0.12, which is below 1.07 and is calculated as follows:

$$\text{Total square feet of existing and proposed buildings} / \text{square feet of subject parcel} = \text{FAR}$$

$$5,421 \text{ sq. ft.} / 44,946 \text{ sq. ft.} = 0.12 \text{ FAR}$$

**RIGHT-OF-WAY DEDICATION:**

There are no proposed right-of-way dedications.

**CONCURRENCY MANAGEMENT:**

Concurrency requirements have been met:

Solid Waste: X  
Potable Water: X  
Sanitary Sewer: X  
Traffic: X  
Stormwater Management: X

Please refer to the file (SP-03-13) for approved Concurrency Evaluation Certificates.

**TRAFFIC ANALYSIS:**

According to the traffic review conducted by the City's Transportation Manager, and approved on August 21, 2003, the proposed development will generate 36 PM Peak Hour directional trips on Segment "C." As of the date of the TRC approval, Segment "C" had 231 PM Peak Hour directional trips available. Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's Transportation Manager.

**SUBDIVISION OR PUD - PLAT:**

Not applicable.

**WHITE SANDS ZONE:**

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

**PHASING:**

The proposed development will not be a phased development.

**AIRPORT PROTECTION:**

The subject site is not located within the airport protection area. NOTE: If construction necessitates the use of a crane, or other obstruction, which exceeds Federal Aviation Administration FAR 77 Standards (normally 200 feet above ground level), the applicant must request a variance from the FAA for temporary encroachment into this restrictive area and a copy of a completed FAA Form 7460, must be placed on file with the City of Destin prior to the crane, or other obstruction, penetrating the restricted airspace.

**SETBACKS:**

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

	<b><u>Required</u></b>	<b><u>Buffers</u></b>	<b><u>Provided</u></b>
Front (north):	10'	10' FP	78.04' including the 10' FP
Front (west):	10'	10' FP	75.5' including the 10' FP
Side (east):	0'	5' CB	40.5' including the 5' CB
Side (south):	0'	10' VB	47.5' including the 10' VB
Between Bldgs.:	10'	N/A	N/A

Note: 10' FP = 10' Front Perimeter Landscaped Area, 10' VB = 10' Vegetative Buffer Area, and 5' CB = 5' Common Boundary Landscaped Area. The following buffers are required: the standard five (5) foot common boundary buffer along the eastern property line. The 10' FP is required along the northern and western property lines. The 10' VB along the southern property line per the Compatibility Analysis.

**SIGNS:**

No overall sign approval is part of this application. Any and all future signs must comply with the applicable section of the Destin Land Development Code in effect at the time a sign application is submitted.

**UTILITIES:**

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

**COX COMMUNICATIONS:**

Cox Communications approved the project in a letter dated May 20, 2003.

**DESTIN FIRE CONTROL DISTRICT:**

The Destin Fire Control District approved the project in a letter dated July 30, 2003.

**GULF POWER:**

Gulf Power approved the project in a letter dated May 12, 2003.

**OKALOOSA GAS:**

Okaloosa Gas approved the project in a letter dated May 21, 2003.

**SPRINT:**

Sprint approved the project in a letter dated May 12, 2003.



**WATER/SEWER PROVIDER:**

Destin Water Users, Inc. approved the project in a letter dated June 16, 2003.

**STORMWATER:**

The City Engineer approved the stormwater plan on August 21, 2003, and had the following stormwater related conditions:

1. **Prior to obtaining any city permit**, a copy of the FDEP stormwater and NPDES approvals shall be forwarded to the City Engineer's office.
2. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be deemed to be in non-compliance and a revised stormwater plan shall be re-submitted for review and approval.
3. **Prior to obtaining a Certificate of Occupancy**, the Stormwater Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltration areas and catch basins, and b) maintenance of vegetative cover in surface infiltration areas. Owner shall regrade swale/retention areas as required to maintain approved design cross-section(s), line(s), and grade(s).

**INGRESS/EGRESS:**

A 24' +/- wide two-way ingress/egress access off of Tranquility Lane is proposed at the northwest portion of the property. A second access point is proposed to provide for a future cross access connection to the adjacent property to the east.

**PARKING:**

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

**Per code:**

Restaurant: 1 space per every 75 sq. ft. of gross floor area

General Retail (Bakery): 1 space per every 200 sq. ft. of gross floor area

**Per site plan:**

5,127 sq. ft. of Restaurant / 75 = 68 spaces

\*294 sq. ft. of Retail Bakery / 200 = 2 spaces

\*Bakery and Restaurant hours do not overlap resulting in a 2-space reduction. Bakery hours are 8am – 5pm and Restaurant hours are 5pm – close.

**TOTAL REQUIRED: 68 parking spaces**

**TOTAL PROVIDED: 68 parking spaces (including 3 handicap spaces)**

**LOADING SPACE (ZONE):**

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

**TOTAL REQUIRED: 1 loading space**  
**TOTAL PROVIDED: 1 loading space**

**REFUSE COLLECTION:**

Refuse collection is to be provided by dumpster service. All proposed dumpsters must be screened by a gated enclosure at least six feet tall.

**SIDEWALKS:**

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

**OPEN SPACE/LANDSCAPE:**

**Open Space Requirements:**

Development Area: 44,946 sq. ft. (1.03 acres, more or less)  
Required 18% Open Space: 8,090.3 sq. ft.  
Provided Open Space: 10,676 sq. ft. (24%)

**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 (1 trees x 3 credits per tree):	3
Credits for Existing Trees (13" to 19" diameter) on Site (0 trees x 4 credits per tree):	0
Credits for Existing Trees (20" to 24" diameter) on Site (0 trees x 5 credits per tree):	0
Total Reforestation Credits for saving Existing, Protected, or Preserved Trees:	<u>3</u>
Reforestation Trees (1 per every .10 of an acre: 1.03 x 10 = 10.3 (11)) Required on Site:	<u>11</u>
<b>Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:</b>	<b><u>8</u></b>

**Note:** Per the Land Development Code, credit shall be received on the reforestation requirement of this section by preserving existing trees. Trees required for reforestation are in addition to other required trees within Article 12, Section 12.04.04.C.

Total Reforestation Trees Required on Site:	8
Front Perimeter Trees (1 per 25') Required on Site:	16
Parking Lot Trees (1 per end row and landscape island) Required on Site:	10
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site: (Includes additional vegetation per Compatibility Analysis)	7
Replacement Trees (removal of trees 12" d.b.h. or greater) Required on Site:	<u>3</u>
<b>TOTAL TREES REQUIRED:</b>	<b>44</b>
<b>TOTAL TREES PROVIDED:</b>	<b>44</b>

A five (5) foot Common Boundary Landscape Area is required along those property lines that directly abut an adjacent parcel (east). A ten (10) foot Front Perimeter Landscape Area is required along the northern and western property lines abutting rights-of-ways. A ten (10) foot Vegetative Buffer is required per compatibility. The required five (5) foot Common Boundary landscaping shall provide a minimum of fifty percent (50%) opacity for that area between the finished grade level at the common boundary line and six (6) feet above said level and horizontally along the length of all common boundaries within three (3) years of planting. If required, the ten (10) foot Front Perimeter Landscape Buffer shall be calculated as one (1) tree per twenty-five (25) linear feet of buffer. Unless otherwise noted such as in a Compatibility Analysis, all required trees must be a minimum of six (6) feet high at time of planting and reach a crown of twenty (20) feet at maturity. If the twenty (20) foot crown requirement is not met, additional trees shall be added and grouped together to meet the twenty (20) foot crown. If shrubs are used in the required buffer areas, they must be a minimum of twelve (12) inches in height when measured immediately after planting. **WARNING: A Certificate of Occupancy will not be issued until the required landscape material per the approved landscape plan has been inspected and approved by the Community Development Department. Reference the approved landscape plan for further plan requirements and details.**

**IMPACT FEES:**

The following impact fee amounts may be subject to change. Final impact fee amounts will be determinant upon the gross floor area of the development and whether exemption or credits are applicable and reevaluated at the time a Certificate of Occupancy is requested. **Any claims for exemption or credits must be made no later than the time a Certificate of Occupancy is requested. Refer to Article 19 of the Destin Land Development Code for specifics regarding impact fees.** The owner/applicant must pay the final impact fee amounts prior to the issuance of a Certificate of Occupancy:

**Police Protection:** The police protection impact fees were calculated using the “Eating/drinking, per 1,000 sq. ft. –U.S. 98 Corridor = \$246.04” and “Retail per 1,000 sq. ft. = 47.59 fee schedules.

**Eating/drinking:**

$$5,127 \text{ sq. ft.} \times \$246.04 / 1,000 = \$1,261.45$$

**Retail:**

$$294 \text{ sq. ft.} \times \$47.59 / 1,000 = \$13.99$$

**TOTAL for Police = \$1,275.44**

**Road:** The road impact fees were calculated using the “Restaurant: Quality = \$8,858.00 and Retail Under 100,000 sq. ft. = \$3,702.00” fee schedules.

**Restaurant: Quality:**

$$5,127 \text{ sq. ft.} \times \$8,858 / 1,000 = \$45,414.97$$

**Retail Under 100,000 sq. ft.:**

$$294 \text{ sq. ft.} \times \$3,702.00 / 1,000 = \$1,088.39$$

**TOTAL for Road = \$46,503.36**

Parks:	=	\$0.00
Public Library:	=	\$0.00
Police Protection:	=	\$1,275.44
Roads:	=	\$46,503.36
<b>TOTAL:</b>	<b>=</b>	<b>\$47,778.80</b>

**OTHER FEES:**

The fees listed below are subject to change and are based on the most recent information available (September 18, 2003). The fees must be paid by the applicant as part of the cost recovery associated with the proposed project:

City Traffic Consultant:	\$1,000 escrow - \$536.56 charged = \$463.44 escrow
City Compatibility Consultant:	\$463.44 escrow - \$1,248.75 charged = -\$785.31 (Paid)
City Surveyor:	N/A
Re-Review Fees (Community Dev.)	Paid
Re-Review Fees (Engineering Dept.)	Paid
Administrative Costs:	Paid
City Council Advertising:	Paid
<b>TOTAL (as of 9/18/03) =</b>	<b>NONE</b>

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

FDEP stormwater and NPDES approvals shall be forwarded to the City Engineer's office.

**COMMENTS/CONDITIONS:**

**Public Input:**

No public comments have been presented to staff at the time of this report.


**Per Community Development Department:**


1. **Prior to the issuance of the Development Order**, all outstanding costs associated with this project and are owed to the City must be paid in full.
2. **Prior to obtaining any city permit**, a replat or "Unity of Title" must be submitted for review and approval by the City.
3. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.
4. The masonry capped wall must be installed along the south property line as proposed. Similarly, the landscape material proposed on the north side of the wall, must include evergreen trees with a minimum height of 10 to 12 feet at time of planting. These evergreen trees shall have a separation distance and foliage density that provides a 75% opaque screen above the masonry wall at the time of planting. The increased buffer is required to avoid nuisance impacts occasioned by illumination from outdoor lighting and vehicle headlights, odor impacts emanating from the dumpster, and potential adverse visual and noise impacts associated with traffic generation, parking lots, related activities of service vehicles.

5. As stated on the application, hours of loading and unloading should be restricted to between 7AM and 10PM to avoid undue noise within the residential area to the south.
6. **Prior to the issuance of a Certificate of Occupancy**, the landscaping and outdoor lighting, if installed, must be inspected and approved by the Community Development Department. The lighting plan must provide specifications for the proposed outdoor lighting, including photometrics. All lighting must be shielded downward and away from adjacent properties in order to avoid spill-over and illumination into the night sky. The source of all illumination should not be visible from off-site.
7. Any additional revisions to the site plan must be reviewed and approved by the appropriate Technical Review Committee members and may be subject to a compatibility analysis if required pursuant to provisions stated within the approved Development Order, the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09] or if necessary as agreed upon by the City and the applicant prior to the issuance of the final development order.

Per Engineering Department Letter dated August 21, 2003:

1. **Prior to obtaining any city permit**, provide a future sidewalk payment to include handrails along retaining wall for Emerald Coast Pkwy. Right-of-way frontage extending to the east edge of pavement of Tranquility Lane.
2. The entire second floor area ceiling height shall not exceed 5'-11' above the floor.
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 Gerald F. Mucci, AICP      Date 9-29-03  
 Community Development Director

  
 Valentine Group, L.L.C.      Date  
 Owner  
 George C. Valentine, III  
 President