



City of Destin

June 25, 2003

Order No. 03-17

Final Amended Development Order:

**“GATEWAY OF DESTIN – SHOPPES AT PARADISE ISLE, 5th AMENDMENT”
A MAJOR DEVIATION TO A PREVIOUSLY APPROVED
MAJOR DEVELOPMENT
(SP-03-05)**

Based upon the City Council’s approval of this amended development order on June 16, 2003, this document will serve as your Final Amended 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: Seaside Engineering & Surveying, Inc., on behalf of Gateway of Destin Ltd., (Paradise Development Group, Inc.) is requesting approval of a Major Deviation to a previously approved Major Development identified as “Shoppes at Paradise Isle.”

Request: The proposed development consists of adding a 175,000 sq. ft. shopping center to the existing platted commercial subdivision (existing vacant Lot 4), which contains three previously developed outparcels.

Location: The proposed development is located along Emerald Coast Parkway, Hutchinson Street, and Crystal Beach Drive, more specifically known as Property Appraiser’s parcel I.D. numbers 00-2S-22-1003-0000-0040 and 00-2S-22-1223-0000-0010 through 00-2S-22-1223-0000-0040.

Parcel Size: The combined property contains 22.36 acres (deviation development area is 17.57 acres),

Future Land Use: Low Intensity Urban (LIU) and Commercial (C)

Zoning District: Business Tourism (BT)

Density: Not applicable.

Intensity: Allowed Lot 4 and Overall: Commercial (C) = 1.07 Floor Area Ratio (FAR)
Low Intensity Urban (LIU) = 0.50 FAR
Proposed Lot 4: 0.23 FAR (per Code Definition: -0.55 FAR)
Proposed Overall: 0.20 FAR (per Code Definition: -0.62 FAR)

Application Date: February 3, 2003

TRC Date: February 19, 2003

Approved Site Plan Date: May 19, 2003

Planning Commission Date: June 5, 2003

City Council Date: June 16, 2003

DETERMINATIONS:

1. The Destin City Council held a hearing on June 16, 2003. The City Council approved the development by a vote of 4-1. The recommended motion to approve the project as presented by staff, and documented in the TRC report, subject to all of the conditions identified within the report dated April 28, 2003, and amended May 16, 2003, and June 17, 2003.
2. The Planning Commission considered the proposal on May 15, 2003, and recommended that the City Council approve the proposed project as presented by staff. The motion passed by a vote of 4-0; and
3. All the findings of the Technical Review Committee report dated April 28, 2003, and amended May 16, 2003, and June 17, 2003, are incorporated herein.

CONDITIONS OF APPROVAL FOR "GATEWAY OF DESTIN – SHOPPES AT PARADISE ISLE, 5th AMENDMENT" A MAJOR DEVIATION TO A PREVIOUSLY APPROVED MAJOR DEVELOPMENT (SP-03-05):

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 June 25, 2003 (no later than June 25, 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 "Gateway of Destin – Shoppes at Paradise Isle, 5th Amendment" 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. All conditions of the previous Development Orders (No. 01-42, 01-44, 02-02, and 02-50) are applicable and remain in affect
5. **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.
6. **Prior to the issuance of any City Building Permit**, all proposed minor replats must be reviewed, approved, and recorded in the public record.
7. It is anticipated that the applicant may desire to transfer, in the future, one or more parcels within the Project to third parties. Prior to any such conveyance, the applicant shall submit a signed and sealed survey of any such property to be conveyed ("Replatted Property"), which will be reviewed by City Staff for technical compliance with this development order as a Minor Replat Application. The applicant shall not be required to seek Planning Commission or City Council approval. Any transferee of the Replatted Property shall not be subject to any additional material and substantial restrictions other than those described in this development order, and such Replatted Property shall have all benefits and obligations described in this development order.
8. According to the plans prepared by Seaside Engineering, sheet C3A identifies a "Permissible Building Area Envelope." This proposed concept is technically acceptable so as to provide the applicant the ability to work within a restricted area with the following conditions:
 - i. The total building area within the envelope cannot exceed 136,500 sq. ft. (175,000 sq. ft. for the entire 5th amendment development area.)
 - ii. No building shall be greater than 75,000 sq. ft.
 - iii. No single tenant shall be larger than 40,000 sq. ft.
 - iv. All delivery and refuse removal areas shall enter from the front and/or side of buildings and/or be screened from the adjacent residential neighborhood with a minimum 8-foot masonry wall and 14-foot masonry wall between structures.

- v. The development, if deviated from the proposed design as shown on sheet C3, will be required to comply with all applicable codes and shall require additional review and approval by City Staff for all applicable code compliance and cumulative code compliance. Working plans/drawings must be submitted to the Community Development Department and in conjunction with the building permit application to the Building Department.
9. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.
10. **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.
11. **Prior to the issuance of a Certificate of Occupancy**, the outdoor lighting for the development currently named "Shoppes of Paradise Key," which is northwest of the proposed development shall be modified with devices to shield the light downward and away from adjacent properties south of the subject site in order to avoid spill-over and illumination into the night sky.
12. **Compatibility Analysis Conditions** (If the City Council approves any one or all of the following compatibility analysis conditions as stated in Mr. Solin's report, prior to issuance of a building permit, the conditions approved by the City Council must be incorporated into the site plan.) The revised site plan must be reviewed and approved by the appropriate Technical Review Committee members.
 - A. The site plan evaluation is based on a shopping center having a total of 167,300 square feet of floor area as allocated to the subject buildings on sheet C3 of the plans prepared by Seaside Engineering. The development of an additional 7,700 sq. ft. of gross floor area will require revised plans that indicate the specific location of the floor area and attendant plan revisions necessary to accommodate the additional floor area. This revision will require review and approval of a minor deviation to the plan by the Technical Review Committee.
 - B. **Buffer South of Fire Lane.** Two rows of staggered Leyland Cypress trees shall be located south of the fire lane. The applicant's "Tree Location Plan" includes tree specifications of 6 feet at time of planting. In order to establish an adequate buffer pursuant to Comprehensive Plan Policy 7.A.4.6 (p) and §7.09.03, LDC, these cypress trees must be from 12 to 14 feet tall at the time of planting.
 - C. **Buffer Along South (Rear) Property Line.** The landscape plan illustrates *Myrica cerifera* (wax myrtle), along the rear property line with a height of 12 inches at time of planting. In order to establish an adequate buffer pursuant to Comprehensive Plan Policy 7.A.4.6 (p) and §7.09.03, LDC, the *Myrica cerifera* (Wax Myrtle) must be from 6 to 8 feet at the time of planting. The plantings must form a 95% opaque screen at least 6 feet tall at planting. **The revised landscape/pathway plan identified as Exhibit 1 at the June 16, 2003, City Council meeting shall be the plan the applicant will abide by.**

All trees must meet Florida No. 1 nursery standards. The proposed revisions to the landscaping, screening and buffering should be incorporated into the site plan pursuant to specifications herein described. These actions are necessary to mitigate the adverse impacts of potentially incompatible structures, land uses and activities, including the loading and unloading of service vehicles, commercial illumination and glare, utility hardware, and the mass of the commercial structures.

- D. **Fire Lane.** Access to the fire lane should be controlled to prevent unauthorized use of the facility. The location of this facility is very near the single-family subdivision to the south and should be adequately protected against unauthorized use by tenants of the buildings and the general public. **(Per the request of the applicant and agreed upon by Staff, Mr. Solin, and the Planning Commission, a collapsible bollard system must be installed at each end of the fire lane so as to satisfy this condition.)**
- E. **Noise Levels.** There shall be no outside storage in order to: 1) maintain an attractive gateway appearance; and 2) protect the single-family residential development abutting the south side of the proposed center.

Note: Planning Commission approved the above referenced conditions as modified.

13. **Prior to the issuance of a Certificate of Occupancy**, the applicant will provide a wide pedestrian pathway/linear park within the 100' Gulf Power Easement. This proposed pedestrian pathway/linear park shall include all necessary easements and use permits from the property owner and Gulf Power. The City of Destin shall be responsible for maintenance of the asphalt pathway once completed by the applicant.
14. Determinant upon the tenant occupancy, the developer shall provide adequate storage for shopping carts and areas for bicycle racks.
15. 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.
16. **Prior to obtaining a building permit**, a copy of the FDEP stormwater, NPDES and FDOT connection approvals shall be forwarded to the city engineer's office.
17. If groundwater is observed standing in the proposed stormwater structures, the stormwater management plan shall be deemed non-compliant and a revised stormwater plan shall be resubmitted for review and approval.
18. **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).

19. A minimum of two (2) groundwater monitoring piezometers shall be installed in the area of the permanent stormwater retention pond. Groundwater elevations shall be measured at least monthly, for a period of one year, to determine the actual groundwater elevation for final design.

TECHNICAL REVIEW COMMITTEE REPORT

"GATEWAY OF DESTIN – SHOPPES AT PARADISE ISLE, 5th AMENDMENT" A MAJOR DEVIATION TO A PREVIOUSLY APPROVED MAJOR DEVELOPMENT (SP-03-05)

TRC Report: May 19, 2003, and amended June 6, 2003, and June 17, 2003

ISSUE:

Applicant: Seaside Engineering & Surveying, Inc., on behalf of Gateway of Destin Ltd., (Paradise Development Group, Inc.) is requesting approval of a Major Deviation to a previously approved Major Development identified as "Shoppes at Paradise Isle."

Request: The proposed development consists of adding a 175,000 sq. ft. shopping center to the existing platted commercial subdivision (existing vacant Lot 4), which contains three previously developed outparcels.

Location: The proposed development is located along Emerald Coast Parkway, Hutchinson Street, and Crystal Beach Drive, more specifically known as Property Appraiser's parcel I.D. numbers 00-2S-22-1003-0000-0040 and 00-2S-22-1223-0000-0010 through 00-2S-22-1223-0000-0040.

Parcel Size: The combined property contains 22.36 acres (deviation development area is 17.57 acres),

Future Land Use: Low Intensity Urban (LIU) and Commercial (C)

Zoning District: Business Tourism (BT)

Density: Not applicable.

Intensity: Allowed Lot 4 and Overall: Commercial (C) = 1.07 Floor Area Ratio (FAR)
Low Intensity Urban (LIU) = 0.50 FAR
Proposed Lot 4: 0.23 FAR (per Code Definition: -0.55 FAR)
Proposed Overall: 0.20 FAR (per Code Definition: -0.62 FAR)

Application Date: February 3, 2003

TRC Date: February 19, 2003

Approved Site Plan Date: May 19, 2003

Planning Commission Date: June 5, 2003

City Council Date: June 16, 2003

DISCUSSION/FINDINGS:

Seaside Engineering & Surveying, Inc., on behalf of Gateway of Destin Ltd., (Paradise Development Group, Inc.) is requesting approval of a Major Deviation to a previously approved Major Development identified as "Shoppes at Paradise Isle." The proposed development consists of adding a 175,000 sq. ft. shopping center to the existing platted commercial subdivision, which contains three previously developed outparcels. The proposed development is located along Emerald Coast Parkway, Hutchinson Street, and Crystal Beach Drive, more specifically known as Property Appraiser's parcel I.D. numbers 00-2S-22-1003-0000-0040 and 00-2S-22-1223-0000-0010 through 00-2S-22-1223-0000-0040. The total development site area is 22.36 acres (deviation development area is 17.57 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 8, 9, 10, and 11 of this report. Refer to the complete Compatibility Analysis from the City's Compatibility Consultant, Mr. Les Solin, and dated May 15, 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 Community Redevelopment Agency District

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

COMPREHENSIVE PLAN/ZONING:

The property encompassing the proposed development currently has a Future Land Use designation of Low Intensity Urban (LIU) and Commercial (C) and a Zoning designation of Business Tourism (BT). The proposed use has been deemed consistent with the Commercial and LIU Future Land Use designation as a result of extensive coordination and cooperation between the applicant, staff, consultants, and abutting neighborhood representatives. The proposed shopping center addition 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 to the complete Compatibility Analysis from the City's Compatibility Consultant; Mr. Les Solin dated May 15, 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 structures have multiple stories, which none of the proposed structures are more than one story. Refer to the complete Compatibility Analysis Report from Les Solin, dated May 15, 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 FAR of 1.07. The LIU Future Land Use designation is not specific for commercial uses, however, it could be argued that the commercial FAR mirrors the 0.50 FAR as it relates to the residential uses.

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:

(Total gross floor area) - (Total square feet of required setbacks and open space + parking) = FAR
Total square feet of site

193,528 sq. ft. - 795,195 sq. ft. = FAR
974,018 sq. ft.

-601,667 sq. ft. / 974,018 sq. ft. = -0.62 FAR (Overall Site)

175,000 sq. ft. - 597,875 sq. ft. = FAR
765,294 sq. ft.

-422,875 sq. ft. / 765,294 sq. ft. = -0.55 FAR (Lot 4, 5th Amendment Area)

Utilizing the formula as defined above, the FAR of -0.18 is below the maximums of 1.07 and 0.50 and thus is in compliance.

Utilizing the more common FAR calculation methodology as proposed in the Comprehensive Plan update results in an FAR of 0.20, which is below 1.07 and 0.50 and is calculated as follows:

Total square feet of existing and proposed buildings / square feet of subject parcel = FAR

193,528 sq. ft. / 974,018 sq. ft. = 0.20 (0.199) FAR (Overall Site)

175,000 sq. ft. / 765,294 sq. ft. = 0.23 FAR (Lot 4, 5th Amendment Area)

RIGHT-OF-WAY DEDICATION:

No right-of-way dedication is required for this project.

CONCURRENCY MANAGEMENT:

Concurrency requirements have been met:

Solid Waste: **X**

Potable Water: **X**

Sanitary Sewer: **X**

Traffic: **X**

Stormwater Management: **X**

TRAFFIC ANALYSIS:

According to the traffic review conducted by the City's traffic consultant, Renaissance Planning Group, Inc., dated March 6, 2003, the proposed development will generate 79 additional PM Peak Hour directional trips on Segment "C." As of the date of the TRC approval, Segment "C" had 322 PM Peak Hour directional trips available. Therefore, traffic concurrency is satisfied for this project, as confirmed by the City's traffic consultant, as confirmed by the City's traffic consultant (See Exhibit "D")

SUBDIVISION OR PUD - PLAT:

All minor replats must be reviewed, approved, and recorded in the public record prior to the issuance of any building permit.

WHITE SANDS ZONE:

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

PHASING:

This development will not be a phased development as characterized in the development order application (Article 2, Section 2.12.02). The applicant shall provide all site infrastructure as required by the development order prior to the certificate of occupancy of the first structure with the exception the required parking may be constructed on a building-by-building basis.

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 for Lot 4 (5th Amendment Area) meet and exceed all of the required setbacks for the BT Zoning District.

	<u>Required</u>	<u>Buffers</u>	<u>Provided</u>
Front (north):	0'	10' FP	635' +/- including the 10' FP
Front (east):	0'	10' FP	40' including the 10' FP
Front (west):	0'	10' FP	90.83' including the 10' FP
Side (south):	0'	10' VB	129.24 including the 10' VB
Between Bldgs.:	10'	N/A	40'

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 ten (10) foot front perimeter landscape buffer on the northern, eastern, and western property line and a ten (10) foot vegetative boundary buffers along the southern property line. The southern vegetative buffer has been increased in depth and the requirements based on the compatibility analysis findings and opinion. For further details regarding the vegetative buffer, see the complete Compatibility Analysis Report, dated May 15, 2003.

SIGNS:

The only sign approval for this development is based on the information provided for the size and location of the ground sign at the entrance off of Emerald Coast Parkway. See the City Council Report Exhibit "I" to reference the proposed ground sign. The sign area, which is approximately 140.25 sq. ft., is allowed based on the allowable transfer of sign area from other frontages. The maximum allowable sign area is 160 sq. ft. 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.

COX COMMUNICATIONS:

Cox Communications approved the project in a letter dated February 13, 2003.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated February 19, 2003.

GULF POWER:

Gulf Power approved the project in a letter dated February 18, 2003.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated February 19, 2003.

SPRINT:

Sprint approved the project in a letter dated February 7, 2003.

WATER/SEWER PROVIDER:

Destin Water Users, Inc. approved the project in a letter dated March 17, 2003.

UTILITIES:

Underground utilities are required.

STORMWATER:

The City Engineer approved the stormwater plan in a letter dated April 29, 2003, and again on May 21, 2003, had the following **stormwater** related conditions:

1. **Prior to obtaining a building permit**, a copy of the FDEP stormwater, NPDES and FDOT connection approvals shall be forwarded to the city engineer's office.
2. If groundwater is observed standing in the proposed stormwater structures, the stormwater management plan shall be deemed non-compliant and a revised stormwater plan shall be resubmitted 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 15' +/- wide one-way ingress and one-way egress access (with a mountable type "E" curb and 5' of a compactable drivable surface) is proposed off of Emerald Coast Parkway and the northern most ingress/egress access along Crystal Beach Drive. The existing ingress/egress access points at these locations will be altered. A third and fourth 27' wide ingress/egress access is proposed further south along Crystal Beach Drive. A fifth 27' wide ingress/egress access is proposed along Hutchinson Street.

PARKING:

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

Per code:

Shopping Center: 1 space per 250 square feet of gross floor area.

Per site plan:

175,000 gross square feet (maximum allowed)/250 = 700 parking spaces

TOTAL REQUIRED: 700 parking spaces (including 14 handicap spaces)

TOTAL PROVIDED: 703 parking spaces (including 14 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: 8 loading spaces

TOTAL PROVIDED: 17 loading spaces

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 must be installed/replaced along portions of Crystal Beach Drive and Hutchinson Street right-of-way (ROW) that abuts the proposed project property. The 5' wide sidewalk along the portion of Emerald Coast Parkway ROW that abuts the proposed site has been bonded. In addition to the external sidewalks and to enhance pedestrian connectivity and walkability in this sector of the City, the applicant is proposing a 6' wide pedestrian accessway within the 100' Gulf Power Easement as shown on the approved site plan.

OPEN SPACE/LANDSCAPE:

Open Space Requirements:

Development Area (Total Area): 974,018 sq. ft. (22.36 acres, more or less)
Development Area (Amendment Area): 765,294 sq. ft. (17.57 acres, more or less)
Required (Total Development Area) 18% Open Space: 175,323.24 sq. ft.
Required (Amendment Area) 18% Open Space: 137,752 sq. ft.
Provided Open Space (Total Development Area): 237,131 sq. ft. (24%)
Provided Open Space (Amendment Area): 213,528 sq. ft. (28%)

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: 17.57 x 10 = 176) Required on Site:	<u>176</u>
Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:	<u><u>173</u></u>

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:	173
Front Perimeter Trees (1 per 25') Required on Site:	56
Parking Lot Trees (1 per end row and landscape island) Required on Site:	117
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site: (Includes additional vegetation per Compatibility Analysis)	101
Replacement Trees (removal of trees 12" d.b.h. or greater) Required on Site:	<u>10</u>
TOTAL TREES REQUIRED:	457
TOTAL TREES PROVIDED:	706

A five (5) foot Common Boundary Landscape Area is required along those property lines that directly abut an adjacent parcel not inclusive of this commercial subdivision. A ten (10) foot Front Perimeter Landscape Area is required along the northern, eastern, and western property lines. 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. The required 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, 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. NOTE: Per the attached Compatibility Analysis buffer condition, a staggered row of Leyland Cypress trees (12' to 14' at time of planting) shall be located south of the fire lane. In addition, a vegetative buffer must be planted along the property line abutting the residential subdivision. Per the compatibility analysis, this buffer shall be provided with *Myrica cerifera* (Wax Myrtle) at least 6' to 8' tall at time of planting and they must form a 95% opaque screen at time planting. 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.**

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 shopping center 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 "Non-residential – U.S. 98 Corridor Retail per 1,000 sq. ft. = \$47.59."

Retail:

$(175,000 \text{ sq. ft. maximum allowed} \times \$47.59) / 1,000 = \$8,328.25$

Total for Police Protection: \$8,328.25

Road: The road impact fees were calculated using the "Retail 100,000 s.f. and Over per 1,000 sq. ft. = \$9,400.00."

Retail 100,000 s.f. and Over:

$(175,000 \text{ sq. ft. maximum allowed} \times \$9,400.00) / 1,000 = \$1,645,000.00$

Total for Road: \$1,645,000.00

Totals:

Parks:	=	\$0.00
Public Library:	=	\$0.00
Police Protection:	=	\$8,328.25
<u>Roads:</u>	=	<u>\$1,645,000.00</u>
*TOTAL:	=	\$1,653,328.25

*These impact fees are estimated and based on the assumption that the project will be built to its maximum allowable size of 175,000 square feet.

OTHER FEES:

The fees listed below are subject to change and are based on the most recent information available (June 25, 2003). The fees must be paid by the applicant as part of the cost recovery associated with the proposed project:

City Traffic Consultant:	Paid
City Compatibility Consultant:	Paid
City Surveyor:	N/A
Re-Review Fees (Community Dev.)	Paid
Re-Review Fees (Engineering Dept.)	Paid
Administrative Costs:	Paid
Planning Commission Advertising:	Paid
<u>City Council Advertising:</u>	<u>Paid</u>
TOTAL (as of 6/25/03) =	\$0.00

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

FDEP stormwater, NPDES and FDOT connection approvals shall be forwarded to the city engineer's office.

COMMENTS/CONDITIONS:

Public Input:

As of the date of this report, some residents of the abutting neighborhood to the south have expressed concerns and displeasure in regards to the proposed development.

Per Community Development Department:

1. All conditions of the previous Development Orders (No. 01-42, 01-44, 02-02, and 02-50) are applicable and remain in affect.
2. **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.
3. **Prior to the issuance of any City Building Permit**, all proposed minor replats must be reviewed, approved, and recorded in the public record.
4. It is anticipated that the applicant may desire to transfer, in the future, one or more parcels within the Project to third parties. Prior to any such conveyance, the applicant shall submit a signed and sealed survey of any such property to be conveyed ("Replatted Property"), which will be reviewed by City Staff for technical compliance with this development order as a Minor Replat Application. The applicant shall not be required to seek Planning Commission or City Council approval. Any transferee of the Replatted Property shall not be subject to any additional material and substantial restrictions other than those described in this development order, and such Replatted Property shall have all benefits and obligations described in this development order.
5. According to the plans prepared by Seaside Engineering, sheet C3A identifies a "Permissible Building Area Envelope." This proposed concept is technically acceptable so as to provide the applicant the ability to work within a restricted area with the following conditions:
 - i. The total building area within the envelope cannot exceed 136,500 sq. ft. (175,000 sq. ft. for the entire 5th amendment development area.)
 - ii. No building shall be greater than 75,000 sq. ft.
 - iii. No single tenant shall be larger than 40,000 sq. ft.
 - iv. All delivery and refuse removal areas shall enter from the front and/or side of buildings and/or be screened from the adjacent residential neighborhood with a minimum 8-foot masonry wall and 14-foot masonry wall between structures.

- v. The development, if deviated from the proposed design as shown on sheet C3, will be required to comply with all applicable codes and shall require additional review and approval by City Staff for all applicable code compliance and cumulative code compliance. Working plans/drawings must be submitted to the Community Development Department and in conjunction with the building permit application to the Building Department.
6. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.
7. **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.
8. **Prior to the issuance of a Certificate of Occupancy**, the outdoor lighting for the development currently named "Shoppes of Paradise Key," which is northwest of the proposed development shall be modified with devices to shield the light downward and away from adjacent properties south of the subject site in order to avoid spill-over and illumination into the night sky.
9. Compatibility Analysis Conditions (If the City Council approves any one or all of the following compatibility analysis conditions as stated in Mr. Solin's report, prior to issuance of a building permit, the conditions approved by the City Council must be incorporated into the site plan.) The revised site plan must be reviewed and approved by the appropriate Technical Review Committee members.
 - B. The site plan evaluation is based on a shopping center having a total of 167,300 square feet of floor area as allocated to the subject buildings on sheet C3 of the plans prepared by Seaside Engineering. The development of an additional 7,700 sq. ft. of gross floor area will require revised plans that indicate the specific location of the floor area and attendant plan revisions necessary to accommodate the additional floor area. This revision will require review and approval of a minor deviation to the plan by the Technical Review Committee.
 - C. **Buffer South of Fire Lane.** Two rows of staggered Leyland Cypress trees shall be located south of the fire lane. The applicant's "Tree Location Plan" includes tree specifications of 6 feet at time of planting. In order to establish an adequate buffer pursuant to Comprehensive Plan Policy 7.A.4.6 (p) and §7.09.03, LDC, these cypress trees must be from 12 to 14 feet tall at the time of planting.
 - D. **Buffer Along South (Rear) Property Line.** The landscape plan illustrates *Myrica cerifera* (wax myrtle), along the rear property line with a height of 12 inches at time of planting. In order to establish an adequate buffer pursuant to Comprehensive Plan Policy 7.A.4.6 (p) and §7.09.03, LDC, the *Myrica cerifera* (Wax Myrtle) must be from 6 to 8 feet at the time of planting. The plantings must form a 95% opaque screen at least 6 feet tall at planting. **The revised landscape/pathway plan identified as Exhibit 1 at the June 16, 2003, City Council meeting shall be the plan the applicant will abide by.**

All trees must meet Florida No. 1 nursery standards. The proposed revisions to the landscaping, screening and buffering should be incorporated into the site plan pursuant to specifications herein described. These actions are necessary to mitigate the adverse impacts of potentially incompatible structures, land uses and activities, including the loading and unloading of service vehicles, commercial illumination and glare, utility hardware, and the mass of the commercial structures.

- E. **Fire Lane.** Access to the fire lane should be controlled to prevent unauthorized use of the facility. The location of this facility is very near the single-family subdivision to the south and should be adequately protected against unauthorized use by tenants of the buildings and the general public. **(Per the request of the applicant and agreed upon by Staff, Mr. Solin, and the Planning Commission, a collapsible bollard system must be installed at each end of the fire lane so as to satisfy this condition.)**
- F. **Noise Levels.** There shall be no outside storage in order to: 1) maintain an attractive gateway appearance; and 2) protect the single-family residential development abutting the south side of the proposed center.

Note: Planning Commission approved the above referenced conditions as modified.

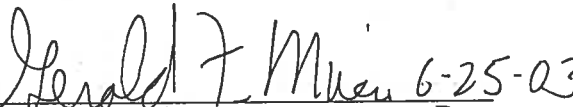
- 10. **Prior to the issuance of a Certificate of Occupancy,** the applicant will provide a wide pedestrian pathway/linear park within the 100' Gulf Power Easement. This proposed pedestrian pathway/linear park shall include all necessary easements and use permits from the property owner and Gulf Power. The City of Destin shall be responsible for maintenance of the asphalt pathway once completed by the applicant.
- 11. Determinant upon the tenant occupancy, the developer shall provide adequate storage for shopping carts and areas for bicycle racks.
- 12. 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.

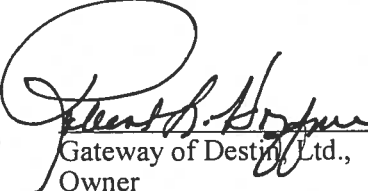
Per Engineering Department:

- 1. **Prior to obtaining a building permit,** a copy of the FDEP stormwater, NPDES and FDOT connection approvals shall be forwarded to the city engineer's office.
- 2. If groundwater is observed standing in the proposed stormwater structures, the stormwater management plan shall be deemed non-compliant and a revised stormwater plan shall be resubmitted for review and approval.
- 3. The plat review for MR-03-05 was completed under a separate memorandum dated April 28, 2003.
- 4. The plat review for MR-03-06 was completed under a separate memorandum dated April 28, 2003.

5. **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).

6. A minimum of two (2) groundwater monitoring piezometers shall be installed in the area of the permanent stormwater retention pond. Groundwater elevations shall be measured at least monthly, for a period of one year, to determine the actual groundwater elevation for final design.


 _____ Date 6-25-03
 Gerald F. Mucci, AICP
 Community Development Director


 _____ Date
 Gateway of Destin, Ltd.,
 Owner
 Mr. Robert L. Hoffman
 Vice President