



City of Destin

February 5, 2002

Order No. 02-07

Final Development Order:

**“VILLAGE COMMERCIAL”:
A MAJOR DEVELOPMENT
(SP-01-39)**

Based upon the City Council’s approval of this Development Order, on February 4, 2002, 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: Village Enterprises of Destin, Inc.

Location: The proposed project is generally located on the north side of U.S. Highway 98 East (503 U.S. Highway 98 East) just west of Taco Bell, more specifically known as Property Appraiser’s parcel I. D. 00-2S-22-0310-0008-2700.

Request: Approval of a Major Development identified as “Village Commercial.” The proposed project consists of 10,860 square feet of commercial space.

Parcel Size: The property contains 1.49 acres more or less.

Future Land Use: Commercial (C)

Zoning District: Business Tourism (BT)

Density: Not applicable

Intensity: Allowed: 1.07 Floor Area Ratio (FAR)
Proposed: 0.19 Floor Area Ratio (FAR)

Application Date: October 1, 2001

TRC Date: October 17, 2001

Approved Site Plan Date: December 17, 2001

Planning Commission Date: January 17, 2002

City Council Date: February 4, 2002

DETERMINATIONS:

1. A hearing was held by the Destin City Council on February 4, 2002, and the City Council approved the development by a vote of 7-0. 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 December 17, 2001 and amended on January 30, 2002; and
2. The Planning Commission considered the proposal on January 17, 2002, and recommended that the City Council approve the proposed project as presented by staff. The motion passed by a vote of 5-0; and

3. All the findings of the Technical Review Committee Report dated December 17, 2001 and amended on January 30, 2002 are incorporated herein.

CONDITIONS OF APPROVAL FOR "VILLAGE COMMERCIAL," A MAJOR DEVELOPMENT (SP-01-39):

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

Construction must commence within twelve (12) months of approval of the Final Development Order on February 4, 2002 (no later than February 4, 2003), and must be completed as shown on the plans approved by the Technical Review Committee (stamp dated December 17, 2001).

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 "Village Commercial" is protected through February 4, 2007. The protected concurrency status, however, will be lost if:
 - A. Construction activity ceases for a period exceeding one (1) year at any time during the term of this Amended 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 the Development Order, all outstanding costs associated with this project that are owed to the City must be paid in full.
5. Prior to obtaining any City Permit, copies of FDEP stormwater and FDOT connection approvals shall be forwarded to the City Engineer's office.
6. Prior to the issuance of a Clearing/Grading Permit, a clearing/grading plan must be submitted and approved by the Community Development Department.

7. Prior to the issuance of a Building Permit, a construction crane registration form, which has been approved by Okaloosa County Airport Authority, must be submitted (if necessary).
8. Prior to the issuance of any Certificate of Occupancy, all applicable impact fees must be paid.
9. 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 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).
10. Prior to the issuance of a Certificate of Occupancy, the sidewalks along Melvin Street and Mountain Drive must be installed and accepted by the City.
11. Prior to the issuance of a Certificate of Occupancy, the landscaping must be inspected and approved by the Community Development Department.
12. Prior to installing any outdoor lighting, the applicant must first submit plans for such outdoor lighting to the City for review and approval. The plans must provide specifications for the proposed outdoor lighting, including photometrics. Any future lighting must be shielded downward and away from adjacent properties in order to avoid spill-over and illumination onto adjacent properties, public streets and highways, and the night sky. The source of all illumination should not be visible from off-site.
13. 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 of the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09].
14. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be void and a revised stormwater management plan shall be resubmitted for review and approval.

TECHNICAL REVIEW COMMITTEE REPORT

“VILLAGE COMMERCIAL”: A MAJOR DEVELOPMENT (SP-01-39)

TRC Report: December 17, 2001 and
amended on January 30, 2002

ISSUE:

Applicant: Village Enterprises of Destin, Inc.

Location: The proposed project is generally located on the north side of U.S. Highway 98 East (503 U.S. Highway 98 East) just west of Taco Bell, more specifically known as Property Appraiser's parcel I. D. 00-2S-22-0310-0008-2700.

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Parcel Size: The property contains 1.49 acres more or less.

Future Land Use: Commercial (C)

Zoning District: Business Tourism (BT)

Density: Not applicable

Intensity: Allowed: 1.07 Floor Area Ratio (FAR)
Proposed: 0.19 Floor Area Ratio (FAR)

Application Date: October 1, 2001

TRC Date: October 17, 2001

Approved Site Plan Date: December 17, 2001

Planning Commission Date: January 17, 2002

City Council Date: February 4, 2002

DISCUSSION/FINDINGS:

Village Enterprises of Destin, Inc. is requesting approval of a Major Development identified as “Village Commercial.” The proposed project consists of 10,860 square feet of commercial space. The proposed project is generally located on the north side of U.S. Highway 98 East (503 U.S. Highway 98 East) just west of Taco Bell, more specifically known as Property Appraiser's parcel I. D. 00-2S-22-0310-0008-2700. The property contains 1.49 acres more or less.

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements. Refer to Exhibit “B” for the complete Compatibility Analysis from the City's Compatibility Consultant, Mr. Les Solin, dated December 12, 2001, finding the proposed project compatible with the surrounding area.

The proposed request is consistent with the Comprehensive Plan and Land Development Code, which include Compatibility review, Concurrency Management review, and Level of Service review. This project is not located within the Community Redevelopment Area.

COMPREHENSIVE PLAN/ZONING:

The property currently has a Future Land Use designation of Commercial (C) and a Zoning designation of Business Tourism (BT). The proposed use is consistent with the C Future Land Use designation and is a permitted principal use in the BT Zoning district.

COMPATIBILITY:

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and does meet the minimum requirements. Refer to Exhibit "B" for the complete Compatibility Analysis Report from the City's compatibility consultant, Mr. Les Solin, dated December 12, 2001, finding the proposed project compatible with the surrounding area.

DENSITY:

Not applicable.

HEIGHT:

The BT Zoning district does not have a maximum building height. Building height in this district is determined by a compatibility analysis. The mean height of the proposed building is 31.0 feet. Refer to Exhibit "B" for the complete Compatibility Analysis Report from Les Solin, dated December 12, 2001, which describes the height and finds the proposed project compatible with the surrounding area in regards to height.

FLOOR AREA RATIO:

The Commercial Future Land Use designation has a maximum floor area ratio (FAR) of 1.07. The overall FAR for the entire project is 0.19, which is below the 1.07 allowed.

RIGHT-OF-WAY DEDICATION:

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

CONCURRENCY MANAGEMENT:

Concurrency requirements have been met:

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

Please refer to the attached Exhibits "C" through "G" for approved Concurrency Evaluation Certificates.

TRAFFIC ANALYSIS:

According to the traffic review conducted by the City's traffic consultant, Renaissance Planning Group, Inc., the proposed development will generate 13 PM Peak Hour directional trips on Segment "A". Currently Segment "A" has 330 PM Peak Hour directional trips available. There will be 317 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 (See Exhibit "C").

SUBDIVISION OR PUD - PLAT:

Not applicable.

WHITE SANDS ZONE:

The proposed project is located within White Sand Zone II. All fill material used for the project will have to comply with the White Sands Ordinance.

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 building meets and exceeds all of the required setbacks for the Business Tourism (BT) Zoning district. The BT Zoning district requires the following setbacks for a two-story building: front - 10 feet, side - 0 feet, and rear - 0 feet. The setbacks provided for the proposed two-story building are: front(s) - 11.27' & 198.0' feet and side - 5.0' & 41.35' feet. The reason why the project has two front setbacks is that it has two street frontages, which are U. S. Highway 98 East and Mountain Drive.

SIGNS:

No signs have been proposed with this project. All future signs must comply with the sign code section of the Destin Land Development Code in effect at the time a sign application is submitted.

PHASING:

The applicant has proposed to construct the project in one (1) phase.

COX COMMUNICATIONS:

Cox Communications approved the project in a letter dated October 5, 2001.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated October 17, 2001.

GULF POWER:

Gulf Power approved the project in a letter dated October 17, 2001.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated October 17, 2001.

SPRINT:

Sprint approved the project in a letter dated October 5, 2001.

NEWSOUTH COMMUNICATIONS:

Newsouth Communications approved the project in a letter dated October 17, 2001.

WATER/SEWER PROVIDER:

Destin Water Users, Inc. approved the project in a letter dated November 21, 2001.

UTILITIES:

Underground utilities are required.

STORMWATER:

The City Engineer approved the stormwater plan in a memorandum dated December 17, 2001 (revised January 23, 2002), and had the following conditions:

1. Prior to obtaining any City Permit, copies of FDEP stormwater and FDOT connection approvals shall be forwarded to the City Engineer's office.
2. 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 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).
3. If groundwater is observed standing in the stormwater structures, the stormwater management plan shall be void and a revised stormwater management plan shall be resubmitted for review and approval.

INGRESS/EGRESS:

The ingress/egress point for the proposed development is provided by two (2) twenty-four (24) foot wide access drives, one off of Melvin Street and one off of Mountain Drive, and one (1) sixteen (16) foot wide off U.S. Highway 98. The proposed ingress/egress point meets the requirements of the Destin Land Development Code. The location of the ingress/egress point is indicated on sheet 4 of 10 of the plans (See Exhibit "H").

REFUSE COLLECTION:

Refuse collection is to be provided by dumpster service. The proposed dumpster is screened with a six (6) foot tall masonry wall and wooden gates to provide 100% opacity. The location of the dumpster and its screening is indicated on sheet 4 of 10 of the plans (See Exhibit "H").

SIDEWALKS:

A five (5) foot wide concrete sidewalk is required along the eastern right-of-way of Melvin Street and the southern right-of-way Mountain Drive. Prior to the issuance of a Certificate of Occupancy, the sidewalks along Melvin Street and Mountain Drive must be installed and accepted by the City. The location of all of the sidewalks are indicated on sheet 4 of 10 of the plans (See Exhibit "H").

LANDSCAPE:

The project meets or exceeds the landscape requirements of the Destin Land Development Code as indicated on the proposed plans and as follows:

Open Space Requirement:

65,000 sq. ft. of property x 18 % = 11,700 sq. ft. required
 Site plan provides 24.75 % = 16,086 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 (1 trees x 4 credits per tree):	4
Credits for Existing Trees (20" to 24" diameter) on Site (1 trees x 5 credits per tree):	5
Total Reforestation Credits for saving Existing, Protected, or Preserved Trees:	<u>9</u>
Reforestation Trees (1 per every .10 of an acre: 1.50 x 10 = 15) Required on Site:	15
Total Reforestation Credits for Trees Required on Site:	<u>9</u>
Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:	<u>6*</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:	6
Front Perimeter Trees (1 per 25') Required on Site:	20
Parking Lot Trees (1 per end row and landscape island) Required on Site:	16
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site:	0
Replacement Trees (removal of trees over 12" d.b.h.) Required on Site:	<u>2</u>
TOTAL TREES REQUIRED:	44
TOTAL TREES PROVIDED:	44

A five (5) foot Common Boundary Landscape Area is required along the entire eastern, a portion of the western, and a portion of the southern property lines where they abut adjoining parcels. A ten (10) foot Front Perimeter Landscape Area is required along the northern, western, and southern property lines that abut street frontages. 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 provide one (1) tree per twenty-five (25) linear feet of buffer. 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 of the Destin Land Development Code as indicated on the approved plans.

Per code:

Retail:

1 space per 200 square feet of gross floor area.

Indoor/Outdoor Recreation, not otherwise specified:

1 space per 150 square feet of gross floor area or ground area.

Per site plan:

Retail:

12,406.8 sq. ft. retail building / 1 space per 200 sq. ft. = 62 parking spaces (including 3 handicap space).

Indoor/Outdoor Recreation, not otherwise specified:

3,174 sq. ft. pool area / 1 space per 150 sq. ft. = 21 parking spaces (including 1 handicap space).

TOTAL REQUIRED: 83 parking spaces (including 4 handicap spaces)

TOTAL PROVIDED: 83 parking spaces (including 4 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 as follows:

Per code:

Retail:

One (1) space for the first 10,000 sq. ft. of gross floor area and one (1) space for each additional 20,000 square feet.

Per site plan:

Retail:

12,406 sq. ft. retail building sq. ft. / 1 per space for the first 10,000 sq. ft. & 1 per each additional 20,000 sq. ft. = 2 loading space.

TOTAL REQUIRED: 2 loading space

TOTAL PROVIDED: 2 loading space

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

- 1. A Florida Department of Environmental Protection general notice permit (for stormwater).
- 2. A Florida Department of Transportation permit (for driveway connection).

IMPACT FEES:

The owner/applicant must pay the following impact fees prior to the issuance of a Certificate of Occupancy:

Police Protection: The police protection impact fees were calculated using the "Retail per 1,000 sq. ft. = \$47.59" fee amount under the "Non-residential – U.S. 98 Corridor" category.

Retail:

$$(10,860 \text{ sq. ft.}) \times (\$47.59) = 516,827.40 / 1,000 = \$516.82$$

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

Total Police Protection Impact Fees to be paid for "Village Commercial": \$516.82

Road: The road impact fees were calculated using the "Retail < 100,000 sq. ft. (per 1,000 sq. ft.) = \$2,142.00" fee amount.

Retail:

$$(10,860 \text{ sq. ft.}) \times (\$2,142.00) = 23,262,120 / 1,000 = \$23,262.12$$

$$(\text{sq. ft. of proposed retail building}) \times (\text{Retail < 100,000 sq. ft per 1,000 sq. ft. fee amount}) = (\text{figure}) / (\text{per 1,000 sq. ft.}) = \text{Impact Fee}$$

Total Road Impact Fees to be paid for "Village Commercial": \$23,262.12

Parks: (not applicable)	=	\$0.00
Public Library: (not applicable)	=	\$0.00
Police Protection:	=	\$516.82
Roads:	=	<u>\$23,262.12</u>
TOTAL:	=	<u>\$23,778.94</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 Consultant:	\$375.00	Planning Commission Advertising:	\$52.00 (pd.)
City Traffic Consultant:	\$350.57 (pd.)	City Council Advertising:	\$87.75 (pd.)
City Surveyor:	N/A		

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 the Development Order, all outstanding costs associated with this project that are owed to the City must be paid in full.
2. Prior to the issuance of a Clearing/Grading Permit, a clearing/grading plan must be submitted and approved by the Community Development Department.
3. Prior to the issuance of a Building Permit, a construction crane registration form, which has been approved by Okaloosa County Airport Authority, must be submitted (if necessary).
4. Prior to the issuance of any Certificate of Occupancy, all applicable impact fees must be paid.
5. Prior to the issuance of a Certificate of Occupancy, the landscaping must be inspected and approved by the Community Development Department.
6. Prior to installing any outdoor lighting, the applicant must first submit plans for such outdoor lighting to the City for review and approval. The plans must provide specifications for the proposed outdoor lighting, including photometrics. Any future lighting must be shielded downward and away from adjacent properties in order to avoid spill-over and illumination onto adjacent properties, public streets and highways, and the night sky. The source of all illumination should not be visible from off-site.
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Per Engineering Department:

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OUTSTANDING ISSUES:

None.

Gerald F. Mucci 2-06-02

Date
Gerald F. Mucci, AICP
Community Development Director

Douglas E Best 2/18/02

Date
Village Enterprises of Destin, Inc.,
Owner
Mr. Douglas E. Best,
President