



**AGENDA
LOCA PLANNING AGENCY
THURSDAY, JANUARY 21, 2021
5:30 PM
DESTIN CITY HALL BOARDROOM**

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. NOMINATION OF CHAIRMAN & VICE CHAIRMAN**
 - A. Chairman**
 - B. Vice Chairman**
- 4. TRAINING/INFORMATION**
 - A. Sunshine & Public Records Law Training - Kyle Bauman**
- 5. APPROVAL OF MINUTES**
 - A. October 15, 2020**
- 6. NEW BUSINESS**
 - A. Proposed Conditional Use 21-01-CU – Panda Express**
- 7. DIRECTOR'S REPORT**
- 8. NEXT MEETING DATE: TBD**
- 9. ADJOURNMENT**

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the City Clerk at (850) 837-4242 at least 48 hours prior to the hearing. If a person decides to appeal any decision made with respect to any matter considered at such meeting, such person will need a record of the proceeding and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (Sec. 286.0105, Florida Statutes)

RESOLUTION 19-27

The City of Destin's Enhanced Public Records
Policy

BRIEF HISTORY OF THE CITY'S PUBLIC RECORDS POLICIES

- ④ In addition requirements set forth in Florida Statutes, the City has had in place additional, internal requirements and protocols since 2009 relating to public records and how to handle public record requests. These policies help ensure that the law is adhered to and that the City's goal of full transparency is met.
- ④ See, Operating Instruction ADM-05; Operating Instruction ADM-35; Operating Instruction ADM-56.
- ④ These policies were legally sufficient and represented more stringent requirements than those in place at most state agencies and local governments. In fact, most state agencies and local governments do not have any written policy in place and rely strictly on Chapter 119, Florida Statute. See, The Florida Public Records Act in the Era of Modern Technology, Ralph A. DeMeo and Lauren M. DeWeil (Florida Bar Journal, Vol. 92, No. 9).

BRIEF HISTORY OF THE CITY'S PUBLIC RECORDS POLICIES

- ④ While legally sufficient, the City's internal Public Records Policies were disjointed and located in separate locations, making compliance more difficult than necessary.
- ④ The attorneys and City staff identified this as an area that could be strengthened and made more efficient by adopting a new policy containing all internal requirements in a single location and strengthening mechanisms already in place beyond those found in Chapter 119, Florida Statutes.
- ④ On November 4, 2019, the attorneys and City staff presented Resolution 19-27 for Council's consideration and Council adopted the Resolution in its entirety.
- ④ Resolution 19-27 is substantially similar to the City of Tallahassee's policy, which legal scholars believe is the "model template for other agencies and local governments to adapt and apply." The Florida Public Records Act in the Era of Modern Technology, Ralph A. DeMeo and Lauren M. DeWeil (Florida Bar Journal, Vol. 92, No. 9)

EMAILS -- DO'S AND DON'TS FOR ELECTED OFFICIALS

Do's

- ④ Use your @cityofdestin email address for all correspondence relating to City business. (D.05).
- ④ If you receive an email at your private email address, then immediately transfer it to your @cityofdestinemail address. (D.05)

Don'ts

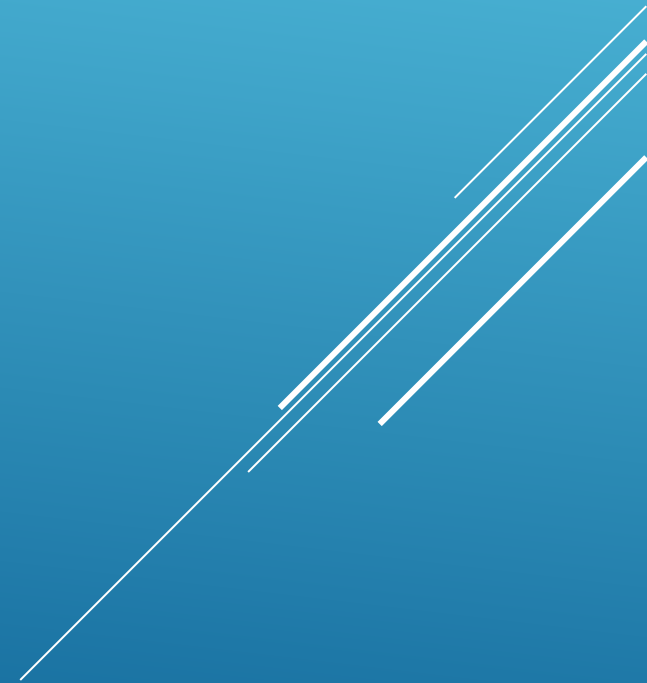
- ④ Use any other email address for any correspondence relating to City business. (D.05)

TEXT MESSAGING & OTHER FORMS OF INSTANT, WRITTEN COMMUNICATION (E.G., DIRECT MESSAGES ON FACEBOOK, TWITTER, INSTAGRAM, SKYPE, ETC.) -- DO'S AND DON'TS FOR APPOINTED OFFICIALS

Do's

- ④ If you receive or send a text message from your private phone, then you must transmit the text message to your City issued phone or @cityofdestin email address. (D.06)

Don'ts



SOCIAL MEDIA ACCOUNTS -- DO'S AND DON'TS FOR APPOINTED OFFICIALS

Do's

- ④ If you maintain social media accounts, then you must maintain all public records relating to your board or committee on such accounts. (D.07).
- ④ If you maintain accounts and the City receives a public records request, then you must thoroughly search your account and produce any responsive material to the City Clerk. (D.07)

Don'ts

- ④ Delete any social media account relating to the business of your board or committee. (D.07, E.01)
- ④ Delete any public or private message that you may have created or received from any individual or entity relating to the business of your board or committee. (D.07, E.01).

COMMENTS/QUESTIONS

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Sunshine Law Handout

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City of Destin City Attorney

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Last Updated: November 2020

****** This Handout is intended to be used as a basic overview of the Sunshine Law and no Board or Council Member should rely on it when taking specific actions which may be impacted by the Sunshine Law. Please contact me and City staff if you have specific questions before taking action and we will respond to you as quickly as possible. ******

The 2018 Government in the Sunshine Manual can be found at:

[http://myfloridalegal.com/webfiles.nsf/WF/MNOS-AXJGEU/\\$file/2018+Government+in+the+Sunshine+Manual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-AXJGEU/$file/2018+Government+in+the+Sunshine+Manual.pdf)

Laws can be found at:

<http://leg.state.fl.us/>

WHAT IS THE SUNSHINE LAW?

- Two interrelated but separate laws are colloquially referred to as the “Sunshine Law”:
 - **(1) Public Records Act** – Chapter 119, Fla. Stat. (2018)
 - Primary Purpose: Provide the public “a right to access to the records of the state and local governments as well as to private entities acting on their behalf.”
 - http://leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0119/0119ContentsIndex.html&StatuteYear=2018&Title=%2D%3E2018%2D%3EChapter%20119
 - **(2) Government in the Sunshine Law** – § 286.011, Fla. Stat. (2018); Art. I, § 24, Fla. Const.
 - Primary Purpose: Provide the “public a right of access to governmental proceedings of public boards or commissions at both the state and local levels.”
 - http://leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0286/Sections/0286.011.html
- Florida has arguably the broadest, most “public-friendly,” laws in the entire country and you immediately became subject to these laws the second you were appointed to this Board.

THE PUBLIC RECORDS ACT

- Lengthy statute, but application to advisory boards is relatively simple.
- General Rule: Any record you generate or receive in connection with your role on a City board is a public record and any member of the public has the right to request to view these records at any time. See Inf. Op. to Nicoletti, November 18, 1987.
- What is a “public record”?
 - “All materials used or received in connection with official business *used to perpetuate, communicate, or formalize knowledge.*”
 - “Public Records” are very broad, essentially including *any* written document and most non-written material. For example:
 - Physical documents such as: “papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software.” § 119.011(12), Fla. Stat. (2018).
 - Electronic documents such as: emails, documents generated in word processing software (including this Handout!), text messages, etc.
- Are there any exemptions?
 - Yes, there are lengthy exemptions listed in the statute, however, most of these will **not** apply to advisory boards. These exemptions are sometimes complex and heavily litigated.
 - Therefore, if the City receives a public records request and City staff asks you to turn over public records related to the particular subject contained in that request, do **not** try to determine by yourself whether the document is (a) a public record; and (b) whether an exemption is applicable. Instead, contact my office and City staff and allow us the opportunity to review the record.
 - **If the “public record” is located on my personal device is it exempted?**
 - **NO! This is a common misconception. Just because something is located only on your personal device does not mean that it is exempt.** The inquiry is whether the item is “used to perpetuate, communicate, or formalize knowledge” relating to City business, and where this information is located is irrelevant.
- What happens if I violate the Public Records Act?
 - **Knowing Violations** are a first degree misdemeanor, punishable by removal from office, up to one year in prison, and/or a \$1000 fine.
 - “Non-knowing Violations” are non-criminal but still subject to a \$500 fine.
- Rules of Thumb: When you generate or receive any document relating to your position, always presume that the document is a “public record” that will eventually be subject to the public’s view. Also, if you generate receive a “public record,” retain it and **do not** destroy it to ensure compliance with the Public Records Act.

GOVERNMENT IN THE SUNSHINE LAW

- Shorter statute, but it has generate tons of litigation and its application to advisory boards is more impactful than the Public Records Law.
- Basic Sunshine Law Requirements:
 - (1) “Meetings” of public boards or commissions must be open to the public;
 - (2) Reasonable notice of these meetings must be given to the public; and
 - (3) Minutes of the meetings must be taken, promptly recorded, and open to public inspection.
 - Most of these you do not need to worry about because City staff ensures compliance. Your primary concern is making sure that “meetings” do not take place outside publicly noticed meetings.
- What is a “meeting”?
 - The Sunshine Law defines “meeting” very broadly to include:
 - (a) informal meetings of two or more members; and
 - (b) electronic communications between two or more members regarding any foreseeable matter which could come before the board.
- Examples of specific scenarios:
 - One member sends a text message to another board member saying he is “against agenda item 2(b).”
 - This is an obvious but important example of strictly forbidden actions.
 - One board member sends an email to another board member’s husband stating that he is “against agenda item 2(b).”
 - Also likely a violation. You cannot use an intermediary to do indirectly what you cannot do directly.
 - One board member sends an email to City staff explaining why they are “against agenda item 2(b).”
 - Because staff are not elected or appointed officials, this communication is likely ok. If, however, you have reason to believe staff might disclose this information to other board members, then it is a violation.
 - One board members emails strictly factual information regarding item 2(b) to other board members.
 - Likely, it is technically ok to share strictly factual information directly with each other, however, because of how the information could be interpreted it is strongly discouraged. The better practice is to ask staff to include the information in the Agenda material.
 - Two board members carpool to a meeting.
 - This is ok, so long as you do not discuss any matter which foreseeably could come before the board.
 - However, because of the possible appearance of impropriety, these types of actions are discouraged.
 - Two board members are at the same charity event.
 - This is ok, so long as you do not discuss any matter which foreseeably could come before the board with the other board member.
 - The board took official action on agenda item 2(b) at a publicly noticed meeting. After the meeting, two board members discuss agenda item 2(b).

- Because boards have the inherent authority to change their positions on items at any time it is “reasonably foreseeable” that the item might come before the board again and, therefore, this type of action is strongly discouraged.
- What happens if I violate the Government in the Sunshine Law?
 - **Knowing Violations** can result in 2nd degree misdemeanor charges, with penalties up to 60 days in jail and up to a \$500 fine.
 - **“Not-knowing” Violations** are non-criminal but still subject to a fine of up to \$500.
 - Also, failure to comply could **void the board’s actions** relating to the subject matter of the violation.
- **Rules of Thumb:** Always err on the side of caution and, outside of publicly noticed meetings, do not engage in any discussions or communications with other elected or appointed officials regarding pending matters before your board or any reasonably foreseeable matter that might come before your board. Also, generally it is ok for you to privately communicate with City staff and City attorneys regarding such matters provided there are no other elected or appointed city officials present or copied on the communication.

STANDARDS OF CONDUCT FOR PUBLIC OFFICERS

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Last Updated: November 2020

***** This Handout is intended to be used as a basic overview of the Standards of Conduct for Public Officials and no Board or Council Member should rely on it when taking specific actions which may be impacted by the Chapter 112, Florida Statutes. Please contact me and City staff if you have specific questions before taking action and we will respond to you as quickly as possible. *****

Laws can be found at:
<http://leg.state.fl.us/>

WHAT ARE THE STANDARDS OF CONDUCT FOR PUBLIC OFFICERS?

“A public office is a public trust.”
– Article II, Section 8, Florida Constitution

- **Chapter 112.313, Florida Statutes**, describes a series of “standards of conduct” public officers must adhere to. Essentially, the standards of conduct are the basic statutory principles of ethics public officials are legally obligated to adhere to.

GIFTS

- **Solicitation or Acceptance of Gifts (Bribery):** You are not allowed to solicit or accept anything of value, including a gift, loan, reward, promise of future employment, favor or service, based upon any understanding that your vote, official action, or judgment would be influenced by the gift or promise. § 112.313(2), *Fla. Stat.*
- **Unauthorized Compensation:** You cannot accept anything of value when you know or should know that the item is being given to influence your vote or other action. § 112.313(4), *Fla. Stat.*
 - Also applies to your spouse and minor children.
- You are always prohibited from soliciting any gift and from accepting any gift when the gift is intended to influence your actions as an elected official.

BUSINESS PROHIBITIONS

- **Doing Business with the City:** You are not allowed to purchase, rent, or lease any realty, goods, or services for the City from any business entity of which you are an officer, partner, director, or proprietor or in which the officer has a material interest. § 112.313(3), *Fla. Stat.*
 - Also applies to your spouse and children.
- **Conflicting Employment or Contractual Relationships:** You cannot hold any employment or contractual relationship with any entity which is subject to the regulation of or is doing business with the City. § 112.313(7), *Fla. Stat.*
 - Legal tests to determine whether there is a conflict:
 - Is the conflict frequently recurring?
 - Does the conflict impede the full and faithful discharge of public duties?

GENERAL PROHIBITIONS

- **Misuse of Public Position:** You cannot corruptly use or attempt to use your position or any property or resource within your trust to secure special privilege, benefit, or exemption for yourself. § 112.313(6), *Fla. Stat.*
- **Disclosure or Use of Certain Information:** You cannot disclose or use information not available to members of the general public and gained by reason of your official position for your personal gain or benefit or the personal gain or benefit of any other person or business entity. § 112.313(8), *Fla. Stat.*

REQUIRED ETHICS TRAINING & FINANCIAL DISCLOSURE

- All elected municipal officials must complete at least 4 hours of ethics training each year. § 112.3142, *Fla. Stat.*
- All elected municipal officials must file a financial disclosure with the Florida Commission on Ethics no later than July 1 each year. § 112.3144, *Fla. Stat.*

CONSEQUENCES

- Generally, this statute is policed by the Florida Commission on Ethics and violation of the statute can lead to punishments including impeachment, removal from office, suspension from office, public censure and reprimand, a civil penalty not to exceed \$10,000, and restitution of any pecuniary benefits received because of the violation committed. § 112.317, *Fla. Stat.*
- Can also carry criminal penalties in some instances.

VOTING CONFLICTS

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Last Updated: November 2020

****** This Handout is intended to be used as a basic overview of the Voting Conflicts and no Board or Council Member should rely on it when taking specific actions which may be impacted by the Chapter 112, Florida Statutes. Please contact me and City staff if you have specific questions before the meeting at which the conflict will arise and we will respond to you as quickly as possible. ******

Laws can be found at:

<http://leg.state.fl.us/>

WHAT IS A VOTING CONFLICT?

§ 112.3143, Florida Statutes

- A voting conflict arises when you are prohibited from voting on a specific matter coming before your board. In instances in which you do not have a conflict, you must vote. § 286.012, Fla. Stat.
- Designed to avoid situation where a public officer is tempted to exercise the powers of his or her office to promote the interest of someone other than the public because of that someone's relationship to the officer.

Statutory Language:

- You cannot vote on any measure which would
 - inure to your "special private gain or loss,"
 - which you know would inure to the special private gain or loss of any "principal by whom you are retained" or to the parent organization or subsidiary of a corporate principal by which you are retained, or
 - which you know would inure to the special private gain or loss of your "relative" or business associate.

Definitions:

- **"Principal by whom retained"** – means an individual or entity that has permitted or directed another to act on behalf of the principal for compensation, salary, pay, or consideration. E.g., your client or employer. Also, the parent, subsidiary, or sibling organization of your client or employer.
- **"Relative"** – means your father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

- **“Business associate”** – means any person or entity engaged in or carrying out a business enterprise with a public officer, public employee, or candidate as a partner, joint venture, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property. § 112.312(4), Fla. Stat.
- **“Special private gain or loss”** – means an economic benefit or harm that would inure to you, your relative, your business associate, or principal.

WHO IS PROHIBITED FROM BENEFITTING?

- Four classes of people are prohibited from benefiting from the public officer’s vote:
 - (1) The public officer;
 - (2) A relative;
 - (3) A business associate;
 - (4) A principal, subsidiary, or parent corporation of a principal.

WHAT KIND OF BENEFITS ARE PROHIBITED?

“Special Private Gain or Loss”

- This is the test by which voting conflicts are determined. There are four factors to look for:
 - (1) The size of the class affected by the vote;
 - (2) The nature of the interests involved;
 - (3) The degree to which the interests of all members of the class are affected by the vote;
 - (4) The degree to which the officer, relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.
- Standards – Depending on the type of special gain or loss, three different “standards” are considered:
 - *Special private gain or loss* – the gain or loss must be *special* and *private* to the officer, relative, business associate, or principal. Cannot be general.
 - *Size of the class test* – typically, the Commission on Ethics applies the “1% Rule” which means that if the special gain or loss of people prohibited from benefitting is less than 1% of the total class affected, then there is no voting conflict.
 - *Remote and speculative test* – generally, the special private gain or loss must be somewhat concrete and certain in order to rise to the level of a voting conflict.

WHAT TO DO WHEN YOU HAVE A CONFLICT

- Four steps are required:
 - (1) *Announce* the conflict at the meeting;
 - (2) *Abstain* from voting on the matter;
 - (3) *Disclose* the conflict on the Conflict Form provided to you by the City Clerk;
 - (4) *File* the completed version of the Conflict Form with the City Clerk, who will properly file it and include it in the minutes of the meeting.
- You are also prohibited from participating in discussion on the matter.

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**LOCAL PLANNING AGENCY
MEETING MINUTES
OCTOBER 15, 2020 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Meeting to order on Thursday, October 15, 2020 at 5:30 p.m., in the Destin City Hall Boardroom; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

James T. Wood, Jr.
Darryl Shelton
Jason Klosterman
Corey Ledbetter
Don David
Kevin Schmidt

Staff Members Present

Kim Montgomery, Deputy City Clerk
Traci Goodhart, Stormwater Specialist/Planner
Daniel Butler, Planner
Kimberly Kopp, Land Use Attorney
Kyle Bauman, City Attorney

3. APPROVAL OF MINUTES:

**January 23, 2020
August 20, 2020**

Motion by Agency member Shelton seconded by Agency member David to approve the both the January 23, 2020 & August 20, 2020 minutes as written, passed with a vote of 6-0.

4. NEW BUSINESS:

A. Proposed Conditional Use 20-01-CU Harbor Place Townhomes

The Land Use Attorney read the description of the Conditional Use request and informed the members that this is a Quasi-Judicial Hearing.

Emerald Coast Associates, Inc. is requesting a Major Development Order (20-17-SP) and preliminary plat approval of a Major Subdivision (20-18-MS) and Conditional Use (20-01-CU) approval. The project consists of fifty-four (54) long-term residential townhome units, along with the associated infrastructure. The subject site contains 4.57 acres to be divided into 54 lots. The associated Parcel IDs are 00-2S-22-0310-000E-E170; 00-2S-22-0310-000E-E17B; 00-2S-22-0310-000E-E17A.

The Clerk swore in the following individuals for testimony:
Dean Burgis
Shane Cannon
Sandy Trammell

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Karl Trammell

Mr. Dean Burgis, Engineer of Record for the applicant, Shane Cannon explained the location and the details of the project to the LPA members. He also stated this project meets all of the compatibility requirements in the code.

The Land Use Attorney explained to the members that this is the first Conditional Use to come before them and there are three elements within the application that they will be reviewing.

- Major Development Order. The major development order outlines the land development standards within for this project.
- Major Subdivision is essentially Platting this project and identifying setbacks, boundaries and buffers as well as all the other requirements in the LDC for this type of project, and then lastly
- The Conditional Use

She explained further that this request for a multi-family detached are considered Conditional Uses within the ROI-VR District and are required to come before them for recommendation to City Council. In addition, she explained this project was granted a Variance from the Board of Adjustment in January of this year to relocate the sidewalk because the elevation of Crane's Place would not allow sidewalks to be installed.

The Planning Staff, Traci Goodhart covered all requirements of the Land Development Code (LDC) that the application is required to meet for the Major Development Order, a Major Subdivision and the Conditional Use and informed the members project has met them all.

The Land Use Attorney informed the members their responsibility is to review the application for consistency with the Comprehensive Plan. Pointing out that staff has testified, as well as the staff report, tells you that the request is consistent with the Comprehensive Plan. Additionally, Policy 1.1-2 discusses the ROI zoning district and provides that single family and multi-family long-term residential units are allowed. Additionally, this request is for multi-family long term units meets the height requirements in both the Comprehensive Plan and the LDC and are indicated in the staff report at 35-feet / 3 Stories. She also spoke of how staff has testified that this request also meets the multimodal requirements in the Comprehensive Plan. And it is staff's opinion is that this request is consistent and should be recommended for approval.

The Chairman asked for clarification, when the motion is made, is their responsibility to approve, or not approve Conditional Use, Major Development Order (20-17-SP) and preliminary plat approval of a Major Subdivision (20-18-MS). According to the Land Use Attorney all three are a part of the approval.

Agency member Schmidt asked how the parking requirements are laid out for this proposal.

According to Mr. Burgis, there are two parking spaces per unit with one within the garage structure and the other in the driveway as well as 12 overflow spaces throughout the property.

Agency member Schmidt also asked if on street parking would be allowed and if there will be a

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HOA associated with the project. According to Mr. Burgis, there will be an HOA associated with this project in order to maintain roads and parking restrictions, stormwater and general upkeep of all common areas. Agency member Schmidt then asked about the back of the units that face Azealia Drive and would the units be visible from the road similar to the ones that are on Airport Road. According to Mr. Burgis, the ones along the roadways will be privacy fenced.

Chairman Wood asked what the 37 trips generated was based on the traffic concurrency.

According to Mrs. Goodhart, the traffic concurrency analysis is determined by a Transportation Engineering Software. That looks at the peak hours, which are between 4-7 p.m. when the maximum trips are generated. And based upon the analysis, the information and the size of this project, being 54 townhome units, as proposed; it was analyzed, that 37 trips was predicted to be the maximum.

The Chairman opened the hearing to the public.

Sandy Trammell of 3823 Indian Trail spoke of owning property on Mountain Drive that abuts this project and how they agreed with the applicant for installing the sidewalks on Melvin. With the future transit stop going in, people may start walking, which would eliminate some of the traffic coming out of the project going towards Harborwalk. She did comment that she does not feel that the traffic counts are correct.

Karl Trammell of 3823 Indian Trail questioned the posting of the signage for the project and what is the required timeframe is for when it is supposed to be posted, what the requirements are for the public to be notified prior to it going before City Council. And lastly, he feels that there will be sluffing of the sand onto his property from what is left of Wildcat Mountain and other properties nearby and is concerned for his fence on his property.

Josh Tatum of 150 Azalea Drive spoke in favor of this project and how it will provide homes for some of the employees of his business.

Curtis Speagler business owner in Destin spoke of being in favor of this project because of the need for affordable housing in the city.

Michael Shoults of 913 Peacock's Point agreed with Mr. Speagler regarding need for affordable housing in the city. Adding that this is a nice, well designed project and is in favor of it.

Mr. Dean Burgis addressed each one of Mr. Trammell's concerns he broached. And staff confirmed that the signage was installed within the required 10-day notice requirements. Adding that the prior LPA meeting was delayed so, it was actually displayed longer than required.

Mr. Cannon addressed Mr. Trammell's concern for his fence by stating that their intention is to fence the entire perimeter of the property except for the areas that already has fencing. And as long as it's in good shape he has no intention of replacing what's existing. With the exception of the ingress/egress into the property.

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Motion by Agency member Shelton, seconded by Agency member Ledbetter to recommend City Council approve Proposed Conditional Use 20-01-CU Harbor Place Townhomes The motion passed with a 6-0 vote.

B. Proposed Ordinance 20-06-LC Marina Siting

The City Attorney read the ordinance by title into the record.

ORDINANCE NO. 20-06-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING SECTION 11.05.00 OF THE LAND DEVELOPMENT CODE; AMENDING REGULATIONS FOR MARINA SITING; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Agency member Klosterman spoke of his concerns he has regarding the language in the Commercial Marine Businesses located in the South Harbor Mixed Use and asked for clarification on commercial marine businesses who operate and have passenger vessel and must provide designated docking facilities and the requirements to pump out. As well as small charter board captains that come in and dock in the harbor to take people fishing. The Land Use Attorney explained that what they are required to look at is the language that is underlined and struck through. And any businesses that exist at this time are considered legal non-conforming and this ordinance would not affect their businesses if they are operating with a current business tax receipt.

The Chairman pointed out that there is language in the ordinance that speaks of the Tier System on page 8 of 10 that needs to be removed. The LUA took note and thanked the Chairman for bring that to staff's attention.

Agency member Shelton asked if the upland cuts pertains to other parts of the city. According to Mrs. Goodhart, the only areas of the city where upland cuts exist is on Holiday Isle. He also asked about the consequences of after-the-fact permits and how the fines need to be steeper to prohibit that action. According to the LUA, there is other language in the Code that applies to those problems. Also, Mr. Zunguze explained that staff is working to strengthening that language in the Code.

Chairman Wood opened the hearing to the public.

Mrs. Sandy Trammell questioned the requirements for pontoon boats and jet ski rentals that are docked in slips used to have a charter boat. Noting how unsafe they are because of people having to walk over the boats to get to the vessel they rented and she feels this issue needs to be addressed.

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Mr. Mike Shoults questioned the requirements for docking facilities for livery vessels in the South Harbor Mixed Use and Calhoun Mixed Use zones. Adding that the language is vague and rather confusing to him. And suggested adding language after the word, “facilities” *that comply with the livery vessel permit for that property.*

Agency member Klosterman suggested that they table the ordinance so that some of the issues he brought up could be looked at by staff and then brought back to them before going to Council.

Motion by Agency member Klosterman to table this ordinance. The motion died for lack of a second.

Agency member Shelton made the motion to recommend City Council approve ordinance 20-06-LC with discussed language added and changes made as discussed with Agency member Schmidt providing the second. A roll call vote of 5-1 was taken with Agency member Klosterman dissenting.

C. Proposed Ordinance 20-18-LC eScooter Ban

The City Attorney read the ordinance by title into the record.

ORDINANCE NO. 20-18-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ARTICLE 3 “DEFINITIONS” OF THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 8 OF THE LAND DEVELOPMENT CODE TO PROHIBIT MOTORIZED SCOOTER RENTAL BUSINESSES, OFFICES, AND OTHER RELATED LAND USES WITHIN THE CITY OF DESTIN; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Land Use Attorney explained City staff reached out to the Council, on whether to create a pilot program to control or to ban commercial eScooters within the City of Destin. And last September, staff received direction to create an ordinance to ban commercial eScooters within the city. Additionally, staff noticed that Panama City Beach was trying to do the same thing and explained how they got challenged and upheld. Therefore, staff has based this code from the results of that challenge.

The Chairman opened the hearing to the public. With no one coming forward to comment, he closed the public hearing and asked the members for comment or a motion.

Agency member Schmidt asked if a Segway fell under the definition of a scooter. It was determined that they do not and those businesses that have tours would not be affected by this ordinance.

The Land Use Attorney pointed out that this ordinance would also not affect private use within the confines of a property, such as Harborwalk. Noting that it only prohibits the operation of commercial

businesses for this use in the city.

For clarification, Agency member David asked what exactly is being banned. According to the Land Use Attorney, the ordinance will ban the act of providing renting, delivering a motor scooter, or the solicitation of that service in the city. In essence, it will ban the businesses from operating in the city, not the uses.

Agency member Schmidt recommended staff to add to the language of the definition for eScooters in the ordinance “battery powered, or gas operated scooters.”

Motion by Agency member Schmidt, seconded by Agency member Klosterman to recommend City Council adopt Ordinance 20-18-LC with the additional change to include battery powered, solar powered and other means to operate scooters. The motion passed with a 6-0 vote.

D. Proposed Ordinance 20-29-LC Luxury Motor Home Resorts/CMUV

The City Attorney read the title of the Ordinance into the record.

ORDINANCE NO. 20-29-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ARTICLE 7, ZONING AND REGULATORY CONTROLS, OF THE LAND DEVELOPMENT CODE; CHANGING THE LIST OF PERMITTED, CONDITIONAL AND PROHIBITED USES TO INCLUDE LUXURY MOTOR HOME RESORTS AS A CONDITIONAL USE IN THE CALHOUN MIXED USE VILLAGE (CMU-V) ZONING DISTRICT; AMENDING TABLE 7-2, TABLE OF ALLOWABLE USES; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Daniel Butler, Planner explained to the Agency members that Council directed staff to create an ordinance that would regulate the zoning and regulatory controls of a luxury home motor resort within Calhoun Mixed Use Village (CMUV) Zoning District. And currently, the LDC outlines the zoning and regulatory controls for this in Article seven, adding that there is already Land Development Standards for this use, per Table 7-2, of the Table of Allowable Uses. And this is currently listed as a permitted use in the Gulf Resort Mixed Use (GRMU) Zoning District, as well as the Bay Resort Mixed Use (BRMU) Zoning District. And as defined in the city's LDC, a luxury motorhome is a motorhome longer than 26 feet, and having a current market value of not less than \$100,000.00 based on the current edition of the National Automobile Dealers Association Pricing Guide, and has to be maintained and be rust and cracked free. Additionally, staff recommends the members look at the revised Tables 7-2 of the Allowable Uses to Conditional Uses within this CMUV Zoning District.

Chairman Wood opened the hearing to the public for comment.

DRAFT

Mr. Mike Buckingham of 510 Calhoun Avenue spoke of recently purchasing a parcel of land and how as it relates to this ordinance where he is wanting to have high end luxury RV rentals and how his plan is to have plus or minus 16 sites. He explained that they would be equivalent to comparing a Viking Yacht to pontoon boat, And that these high-end RVs costs anywhere in the neighborhood of around a half million dollars and spoke of how the restrictions would bring in the type of customers he feels the city would want. And he is requesting their approval and recommendation of this ordinance.

The Land Use Attorney informed the Agency members that the application Mr. Buckingham is referring to has not been made yet and cannot be made until this use is allowed in the CMUV zoning district. Emphasizing that they are only considering the ordinance that would allow Luxury RVs as a conditional use in the CMUV zoning district and nothing more.

Mr. Jim Ball, Destin resident spoke of how #10 describes Luxury Motor Home Resorts and the language says a minimum parcel size lot must be 10 acres. And asked if staff plans to change the size of the acreage that would allow Luxury RV park? According to the LUA, not at this time. Mr. Ball then pointed out that there are not lot sizes in the zoning district to support this. Mr. Zunguze answered that is for the market to determine that statement. And lastly, Mr. Ball pointed out that this use is currently not allowed. According to Mrs. Goodhart, that is the reason for this ordinance to allow such as use as a Conditional Use Application if it's adopted.

Mr. Mike Shoults, 913 Peacock's Point spoke against the ordinance stating that he owns several parcels in Destin and two abut Mr. Buckingham's property. He spoke of how he has been working with the city for the past few years making upgrades to his properties in this zoning district and does not feel that recreational vehicles fits into what is in the general area of this zoning district. He addressed his concerns of these types of vehicles having to take the neighborhood streets to exit out of Destin as well as how they could potentially cause additional back ups in traffic for other vehicles truing to access properties in along Calhoun and Sibert Avenues.

Mr. Brad Shoults, 138 Calhoun and owns several parcels in the CMUV Zoning District spoke of how he is against this ordinance as well. And stated that he does not feel that this kind of use is the right thing to allow in this area of Destin.

Mr. Mike Buckingham stated for the record that there are plenty of people that own RV's in the area and can get in and out with no issues.

Agency member David asked if someone owned a parcel smaller than 10-acres in this district, would they apply for a Variance to allow this use.

The Land Use Attorney advised the members regarding the lot sizes, they could always start low, such as one acre. And that way when an application comes in, staff can make the recommendations based on the detailed criteria that is currently in the code for Conditional Uses, which is Article seven.

Agency member Schmidt asked, for procedures sake, what the next steps are for this ordinance and

request.

According to the Land Use Attorney, the ordinance will go to council, for first reading, and if it's approved on first reading, it will go to a second reading and adoption. If it's not approved on first reading, then it will end right there. Or, if approved on first reading, they could vote to send it back before the LPA for additional work if they wanted to add more to it. Then it would have to go through the 1st and 2nd readings again. And when a Conditional Use Application request comes in, just like the one they heard earlier, it would come before them first and then on to Council to be heard just once, for approval or denial.

Motion by Agency member Klosterman, seconded by Agency member Schmidt to recommend City Council adopt Ordinance 20-29-LC, with the amendment to the language by replacing the 10-acres to 1-acre parcel. A roll call vote of 3-3 was taken with Agency members Klosterman, Schmidt, and Chairman Wood in favor of the motion and Agency members Ledbetter David, and Shelton voting against the motion. So, the motion fails.

There was a procedural discussion on what steps the Agency members could take by either making a motion to table the ordinance and make recommendations on what they feel needs to be added to the ordinance or to make the recommendation for Council to not adopt the ordinance.

Motion by Agency member David to recommend City Council deny the adoption of Ordinance 20-29-LC with Agency member Ledbetter providing the second. A roll call vote of 3-3 was taken with Agency members Ledbetter, Shelton, and David voting for the motion and Agency members Klosterman, Schmidt and Chairman Wood voting against the motion.

The Land Use Attorney informed the Agency members that staff will take this ordinance to City Council and inform them in the staff report that it was a tie both ways. Therefore, they were unable to get a recommendation.

5. DIRECTOR'S REPORT:

Staff reminded the Agency members the importance for everyone to use their city issued emails for all city related business.

The City Attorney explained to the members reason why they were issued city e-mail addresses was for their own protection. He provided the members of an example of if the City would get into any public records litigation, and if you are still using your private e-mail address, you could be subject to court review. Which could include the court going through your private e-mails and by law they can go so far as confiscating your computer.

6. NEXT MEETING: November 19, 2020

7. ADJOURNMENT:

DRAFT

Having no further discussion at this time, the meeting adjourned at 7:45 p.m.

Adopted and approved this _____ day of _____ 2020.

James Wood, Jr. Chairman

Kim Montgomery, Destin City Clerk

DRAFT

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: January 21, 2021
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Public Hearing

TO: Local Planning Agency

THRU: Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney
Lauren Witt, Principal Planner

FROM: Traci Goodhart, Planner/Stormwater Manager
Daniel Butler, City Planner
Himangi Mutha, Planner

DATE: January 18, 2021

SUBJECT: Proposed Conditional Use 21-01-CU – Panda Express

I. BACKGROUND: Dan Waguespack is requesting a Conditional Use (21-01-CU) approval for a quick service restaurant. The existing site is approximately 0.7 acres and currently is the location of the vacant Edwin Watts Golf store. The applicant is proposing to demolish the existing building, parking lot, landscaping, and drive aisles, and reuse existing utilities and storm water basins. The proposal includes a new 2,381 sq. ft. Panda Express restaurant with a drive-thru lane and ±400 square feet patio for outdoor dining. The associated Parcel ID is 00-2S-22-0588-0000-0030.

II. DISCUSSION: The proposed site is in the Commercial General (CG) Zoning District. The proposed use of a restaurant is a conditional use in the Commercial General (CG) zoning district. This is a review of the conditional use ONLY, and the site will be reviewed for full compliance with the City's Codes at the time a development order application is submitted. The following includes a review and analysis of the proposed use based on the **Future Land Use element of the Comprehensive Plan and criteria for conditional uses outlined in the Land Development Code.**

A. COMPREHENSIVE PLAN POLICY ELEMENTS:

As directed by the City's **Comprehensive Plan (Policy 1-2.3.2)**, the CG zoning district is intended to accommodate "retail, service, and other commercial uses, commercial hotels, motels, bed and breakfast establishments, other commercial

transient living accommodations as well as multiple-family short-term residential uses.” The proposed use of restaurant is included in the service industry and therefore is in line with the intent of the CG district.

B. LAND DEVELOPMENT CODE/ZONING ELEMENTS:

The following includes a review and analysis of the proposed conditional use based on the criteria outlined in **Section 7.12.10 of the Land Development Code:**

C. CONDITIONAL USE ELEMENTS:

In accordance with **Section 7.12.10**, Land Development Code, Staff has provided the following review based on the requested conditional use:

Criteria for Conditional Use, per Article 7.12.10.C, Land Development Code:

1. LAND USE COMPATIBILITY

Adjacent Land Uses: The proposed restaurant is a quick services restaurant along the Hwy 98 corridor bounded on Emerald Coast Parkway (US Hwy 98). The site is compatible with the current surrounding uses which include: a proposed gym and ice cream parlor to the west, restaurant to the east, and a shopping plaza and church complex to the south. There is an existing restaurant building with a drive-thru lane and a drive thru window within the plaza.

Offsite Impacts: There are no anticipated offsite impacts, as the proposed restaurant is similar in scale to other commercial developments in the area and is of sufficient size to accommodate all required landscaping and buffering needed to mitigate negative impacts.

2. SUFFICIENT SIZE, SITE SPECIFICATIONS, AND INFRASTRUCTURE

Size: The applicant is proposing a 2,381 square feet restaurant, which is 22’6’ tall, a 12’ drive thru lane and 400 square feet patio for outdoor dining on a 0.7 acre parcel, which is large enough to accommodate all required facilities and design requirements related to a restaurant. As shown on the preliminary site plan, the applicant is proposing screening, buffers, landscaping, and off- street parking.

Access and Internal Circulation: Access is provided from Emerald Coast Parkway and an internal street within the development. Additionally, the applicant is proposing to add a cross-access to the property directly to the east. This would allow for continued circulation between the two adjacent properties

and the shopping center to the south.

Urban Design Enhancement: While the full design will be reviewed at the time a development order is submitted, the site is of sufficient size to provide the necessary screening, buffers, landscaping, setbacks, and open space as required by the Land Development Code.

3. PROPER USE OF MITIGATIVE TECHNIQUES

The proposed site plan provides large buffers on all sides of the property and intends to utilize the existing driveway which connects to Highway 98. Additionally, by adding a cross access to the property to the east, a safe alternative is provided for patrons to visit multiple adjacent businesses without being required to use Emerald Coast Parkway for a short distance.

4. HAZARDOUS WASTE

No hazardous waste is anticipated to be generated by this use.

5. OVER PROLIFRATION OF USE

This portion of Emerald Coast Parkway is an already an established commercial corridor. The nearest restaurant with a drive-thru is located approximately one-third of a mile to the east of the proposed site. Therefore, the proposal of a restaurant is compatible with surrounding commercial uses without over proliferation of quick service restaurants.

6. COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES

At the time the development order application is submitted, the project will be reviewed for compliance with all City requirements.

III. RECOMMENDATIONS: As the proposed development satisfies all of the above-mentioned criteria required of a conditional use request, Staff recommends the Local Planning Agency recommend approval of the proposed conditional use, 21-01-CU, pending the issuance of a development order and approval of all applicable City and State permits.

Please note, once a development order application has been submitted and reviewed by the Technical Review Committee, it will be required to be reviewed and approved by the Local Planning Agency and City Council prior to the issuance of a development order.

IV. RECOMMENDED MOTION: I move that the Local Planning Agency

recommend City Council approve Conditional Use 21-01-CU, pending the submittal and approval of the required development order application.

Attachments:

1. 21-01-CU_Application
2. Edwin Watts Golf Shop - DO-95-09_201302081314469011



City of Destin

Community Development Department

Planning Division

City of Destin Annex

4100 Indian Bayou Trail

Destin, Florida 32541

Phone (850) 654-1119 • Fax (850) 460-2171

www.cityofdestin.com

REQUEST FOR LOCAL PLANNING AGENCY PUBLIC HEARING CONDITIONAL USE APPLICATION

_____ – _____ – CU
(project number assigned by planning staff)

All applications must be emailed or shared with planning@cityofdestin.com.

A pre-application meeting is required prior to submitting this application. If a pre-application meeting has not been held, the application is considered incomplete and will not be processed. Completed applications shall be submitted to the Community Development Department – Planning Division, City of Destin Annex, 4100 Indian Bayou Trail, Destin, Florida 32541 or emailed to planning@cityofdestin.com.

You are fully responsible for researching and knowing any and all laws, which may be applicable and affect the outcome of the any decision on your application request. The City assumes no responsibility or liability relating to your failure to research and know all applicable laws including, but not limited to, state, federal and city laws, codes, land development regulations and comprehensive plan.

1. AGENT/APPLICANT: Dan Waguespack

Mailing Address: 1683 Walnut Grove Avenue

City: Rosemead State: CA Zip Code: 91770

Business Phone number: 626-799-9898 Fax number: 626-372-8288

Email: dan.waguespack@pandarg.com

2. PROPERTY OWNER: James Watts

Mailing Address: 308 West James Lee Boulevard

City: Crestview State: FL Zip Code: 32536

Business Phone number: 850-240-6031 Fax number: _____

3. PROPERTY INFORMATION:

Street Address: 34898 Emerald Coast Parkway, Destin, FL 32541

Current Zoning: CG Future Land Use: CG

See attached.

5. IN ORDER TO SECURE A CONDITIONAL USE, THE LOCAL PLANNING AGENCY THAT YOUR CONDITIONAL USE REQUEST SATISFIES THE FOLLOWING CRITERIA OF THE CITY'S LAND DEVELOPMENT CODE (PLEASE PROVIDE A WRITTEN RESPONSE ALONG WITH ANY OTHER SUPPORTING DOCUMENTATION):

- A. *Land Use Compatibility.*** The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.

See attached.

- B. *Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use.*** The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

See attached.

- C. *Proper use of mitigative techniques.*** The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

See attached.

- D. *Proper use of mitigative techniques.*** The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to

prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

See attached.

- E. *Hazardous waste.* The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.

See attached.

- F. *Avoid over-proliferation of uses.* An over-proliferation of similar uses within a zoning district shall not be permitted. The City Council shall review the existing uses within the zoning district in determining whether a conditional use shall be approved or denied.
See attached.
-
-
-

- G. *Compliance with applicable laws and ordinances.* A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to an approval of a conditional use in order to protect the public health, safety, and welfare.
See attached.
-
-

6. THE FOLLOWING ITEMS ARE REQUIRED FOR A COMPLETE APPLICATION:

- ✓ 1. Completed Application - The applicant must fill out all applicable areas of the application. The application must be submitted to the Planning Division of the Community Development Department, City Hall Annex, 4100 Indian Bayou Trail, Destin, Florida 32541 or emailed to planning@cityofdestin.com.
- ✓ 2. Letter of Request - The applicant must submit a letter of request that clearly states what they are requesting.
- ✓ 3. Proof of Ownership - The affidavit of ownership must be executed, notarized, and submitted. A letter of authorization is required if the applicant is other than the owner.
- ✓ 4. Agent Affidavit / Special Power of Attorney (if applicable) - If the applicant is other than the owner of the property under consideration for review.
- ✓ 5. Legal Description - A complete legal description of the subject property must be submitted for use in the legal advertisement.
- ✓ 6. Characteristics of the Proposed Conditional Use -
 - (1) Scale and intensity of the proposed conditional use as measured by the following:
 - i. Floor area ratio.
 - ii. Traffic generation.
 - iii. Square feet of enclosed building for each specific use.
 - iv. Proposed employment.
 - v. Proposed number and type of service vehicles: and
 - vi. Off-street parking needs.
 - (2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection including the following:
 - i. Utilities.
 - ii. Public facilities, especially any improvements required to ensure compliance with concurrency management.
 - iii. Roadway or signalization improvements, or other similar improvements.
 - iv. Accessory structures or facilities; and
 - v. Other unique facilities/structures proposed as part of site improvements.
 - (3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:
 - i. Open space.
 - ii. Setbacks from adjacent properties.
 - iii. Screening and buffers:

- iv. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
- v. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.

- ✓ 7. Application Fee: [Fee Schedule](#)
(FY2019 Schedule of Fees, Resolution 19-11, adopted 08/05/19, effective 08/06/19)

Application fee includes Initial Submittal Reviews only. Subsequent Submittal Reviews and all mailing costs will be invoiced to the Applicant; invoices must be paid prior to submittal of additional Submittal Review Packages.

Accepted Payments are Cash, Check, MasterCard or Visa. Checks shall be made payable to the City of Destin and submitted to the Planning Division, Community Development Department, City Hall Annex, 4100 Indian Bayou Trail, Destin, Florida 32541

- ✓ 7. Site Plan - Submit a **DIGITAL** site plan (PDF's via SharePoint, Dropbox, or other document sharing site), to scale, showing the proposed improvement or location of the specific request. The site plan shall contain an affidavit that the plan accurately depicts the property, improvements and proposed improvements. The applicant may provide a current survey (not older than ninety (90) days), which provides the same information, in lieu of a site plan. Digital plans shall be emailed or shared with planning@cityofdestin.com

- ✓ 8. Additional Information – Any other documents or requirements, which are mandated by the Code or deemed necessary by staff in reference to the specific request, made may be required.

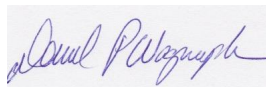
NOTE:

1. In granting any conditional use, the Local Planning Agency may prescribe appropriate conditions and safeguards in conformity with any zoning ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of the zoning ordinance.
2. The Local Planning Agency may prescribe a reasonable time limit within which the action for which the conditional use is required shall be begun or completed or both.
3. The City of Destin Planning Division will notify in writing abutting property owners of record within three hundred (300) feet of the subject property in accordance with LDC 2.17.00. The cost of this notification will be the responsibility of the applicant.
4. This application must be filled out completely and must be signed by the owner or his designated agent. If the applicant is different than the owner of the subject property, then an agent affidavit is required from the owner of the property that is under consideration for the Local Planning Agency hearing. The agent affidavit must be completely filled out and submitted with this application. If the property is in multiple ownership, then all of the owners or their designated agent(s) must sign this application.
5. A request for postponement must be submitted to the Community Development Department at least 10 working days prior to the originally scheduled meeting date. Costs for re-advertisements, public notice mailings, and all applicable fees will be the responsibility of the applicant.

I HAVE READ THE INFORMATION IN THIS APPLICATION AND HAVE FILLED IN ALL ANSWERS CORRECTLY TO THE BEST OF MY ABILITY.

APPLICANT:

SIGNATURE:



DATE:

11/16/2020

PRINTED NAME:

Dan Waguespack

Letter of Conditional Use Request

Panda Express – 34898 Emerald Coast Parkway, Destin, FL

4. APPLICANT'S REQUEST:

The applicant is requesting that a conditional use application for a Panda Express quick service restaurant at the property located at 34898 Emerald Coast Parkway be accepted. The applicant feels that the use would be harmonious and consistent with the surrounding area as this is a highly commercial corridor along U.S. 98 with many similar commercial uses.

Existing Conditions:

The prospective +/- 0.7-acre site for the proposed Panda Express is located within the city limits of Destin, Florida at 34898 Emerald Coast Parkway. The site is bound on the north by Emerald Coast Parkway (US98), on the west by a vacant building which is proposed to house a gym and an ice cream parlor, on the east by a restaurant, and on the south by a shopping plaza and church complex. The existing building to the west has an existing drive-thru lane and drive-thru window. In the existing condition, the site is occupied by a vacant Edwin Watts golf store complete with parking, landscaping, utilities, and a fire hydrant. The entire site is heavily overgrown by grass and weeds. Many of the trees and shrubs on site need to be trimmed or pruned.

Proposed Improvements:

Panda Express intends to demolish the existing Edwin Watts building, parking, interior landscaping, and drive-aisles. Panda Express intends to keep the existing driveway off of US98 intact and will try to reuse as much of the existing utilities wherever feasible.

Panda Express intends to construct a 2,381 SF, 22'-6" tall restaurant with a 12' wide drive-thru lane and approximately 400 SF patio for outdoor dining. The existing stormwater basins on site will be reused wherever feasible and an underground detention system will be installed to account for the removal of any unused existing retention basins.

5. IN ORDER TO SECURE A CONDITIONAL USE, THE LOCAL PLANNING AGENCY THAT YOUR CONDITIONAL USE REQUEST SATISFIES THE FOLLOWING CRITERIA OF THE CITY'S LAND DEVELOPMENT CODE (PLEASE PROVIDE A WRITTEN RESPONSE ALONG WITH ANY OTHER SUPPORTING DOCUMENTATION):

- a. *Land Use Compatibility.* The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.

and other general commercial uses. The scale, intensity, and traffic impact of the proposed restaurant is similar to other quick service restaurants along the Hwy 98 corridor and is harmonious and consistent with the current uses in the immediate vicinity; therefore, granting of this conditional use will not cause any adverse impacts to the immediate vicinity.

- b. *Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use.* The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

The proposed 0.70-acre site falls within the range of site size that Panda Express typically develops. As can be seen on the proposed site plan, the size and shape of the site allows for good circulation between the site and the adjacent properties. In order to improve the circulation of the area even more, the proposed site plan shows adding a cross-access to the property directly to the east of the Panda Express. This would provide full circulation between Panda Express, the two adjacent users, and the shopping center to the rear. Furthermore, the size of the site is adequate to provide the required screening, buffers, landscaping, off-street parking, etc. as can be seen on the proposed site plan.

- c. *Proper use of mitigative techniques.* The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

The proposed site plan provides larger buffers on all sides from the property lines than is required by code. The proposed site plan also intends to leave the existing driveway connection to U.S. 98 as is. Public safety and welfare should be increased due to the proposed site plan introducing a cross-access point to the adjacent property to the east. All applicable codes and criteria will be met for the design of the proposed site and no adverse impacts to the public are anticipated.

- d. *Proper use of mitigative techniques.* The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

This item appears to be a copy of item c above; therefore, please reference the response to item c.

- e. *Hazardous waste.* The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.

The proposed use is a restaurant with a drive-thru which does not generate hazardous waste, nor does it require the use of hazardous materials in its operation; therefore, no adverse impacts to wellfields, aquifer recharge areas, or other conservation resources are anticipated.

- f. *Avoid over-proliferation of uses.* An over-proliferation of similar uses within a zoning district shall not be permitted. The City Council shall review the existing uses within the zoning district in determining whether a conditional use shall be approved or denied.

The nearest restaurant with a drive-thru is the Sonic located approximately one-third of a mile to the east of the proposed site at 34960 Emerald Coast Parkway. No other similar uses within the same zoning are within the vicinity of the proposed site. As mentioned in 5a above, the overall character of the zoning is commercial, even though there are not many quick service restaurants.

- g. *Compliance with applicable laws and ordinances.* A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to an approval of a conditional use in order to protect the public health, safety, and welfare.

The proposed project intends to obtain all required permits from all governmental agencies. the site plan as proposed meets all requirements from the City of Destin.

RW MANAGEMENT, LLC

November 10, 2020

Re: Letter of Authorization

To Whom It May Concern:

I, James Watts, am the owner of RW Management which is the owner of the property at 34898 Emerald Coast Parkway, Destin, FL 32541. Please let this letter serve as authorization for CFT NV Developments, LLC; Panda Express, Inc.; and Ingenium Enterprises, LLC, to apply for and obtain all required permits and entitlements for the proposed Panda Express project at the property located at 34898 Emerald Coast Parkway, Destin, FL 32541.

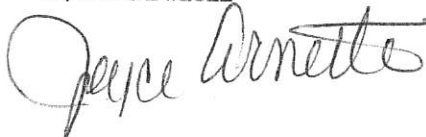
Sincerely,



James Watts

RW Management

 Joyce Arnette
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG242009
Expires 8/24/2022



**AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY**

KNOWN ALL MEN BY THESE PRESENTS, THAT I, James Watts am
presently the owner and/or leaseholder at 34898 Emerald Coast Pkwy, Destin, and desiring
to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do
make, constitute and appoint CFT NV Developments, LLC

whose address is 1120 N. Town Center Drive,, County of Clark, State of Nevada,
Suite 150
my Attorney-in-Fact to act as follows, GIVING AND GRANTING unto said attorney full power to act as

my agent in any and all matters pertaining to: permitting and entitlements for the proposed Panda Express
located at 34898 Emerald Coast Parkway, Destin, FL 32541.

FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary acts in the execution of
the aforesaid authorization with the same validity as I could effect if personally present. Any act or thing
lawfully done hereunder by the said attorney shall be binding on myself and my heirs, legal and personal
representative, and assigns.

PROVIDED; however, that any and all transactions conducted hereunder for me or for my account shall be
transacted in my name, and that all endorsements and instruments executed by the said attorney for the
purpose of caring out the foregoing powers shall contain my name, followed by that of my said attorney
and the designation "Attorney-in-Fact."

OWNER

Signature

James Watts

Printed Name

STATE OF

Florida

COUNTY OF

Okaloosa

The foregoing instrument was acknowledged before me by means of physical presence ☒ or online

notarization, this 11th day of Nov, 2020, by

(name of person acknowledging)

James Watts

Signature of Notary

Printed Name of Notary or Seal

Personally known ☒ OR Produced Identification ☐

Type of Identification Produced _____



Joyce Arnette
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG242009
Expires 8/24/2022

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Joyce Arnette
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG242009
Expires 8/24/2022

March, 2020



Okaloosa County Property Appraiser

Parcel Summary

Parcel ID 00-2S-22-0588-0000-0030
Location Address 34898 EMERALD COAST PKWY
 DESTIN 32541
Neighborhood DEE HWY98@MID BAY BR (100501.10)
Brief Tax Description* CRYSTAL BCH PLAZA II LOT 3
**The Description above is not to be used on legal documents.*
Property Use Code STORES, 1 (001100)
Sec/Twp/Rng 00-2S-22
Tax District Destin (District 10)
Millage Rate 12.6845
Acreage 0.000
Homestead N
Acreage (GIS) 0.72
Business Name WATTS GOLF SHOPS
Fire District N/A

[View Map](#)

Owner Information

Primary Owner
 Rw Management Ltd
 308 W James Lee Blvd
 Crestview, FL 325360000

Valuation

	2020 Certified Values	2019 Certified Values	2018 Certified Values	2017 Certified Values
Building Value	\$409,825	\$393,941	\$368,418	\$322,373
Extra Features Value	\$12,373	\$12,373	\$12,373	\$12,373
Land Value	\$632,120	\$632,120	\$625,862	\$596,059
Land Agricultural Value	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0
Just (Market) Value	\$1,054,318	\$1,038,434	\$1,006,653	\$930,805
Assessed Value	\$1,054,318	\$1,038,434	\$1,006,653	\$930,805
Exempt Value	\$0	\$0	\$0	\$0
Taxable Value	\$1,054,318	\$1,038,434	\$1,006,653	\$930,805
Maximum Save Our Homes Portability	\$0	\$0	\$0	\$0

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

Land Information

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
001100	STORE 1FLR	142.00	FF	0	210

Building Information

Building 1
Type RETAIL STR
Total Area 7,074
Heated Area 6,986
Exterior Walls WD FR STUC;
Roof Cover BUILT-UP;
Interior Walls CUST PANEL;
Frame Type STEEL
Floor Cover CARPET;
Heat AIR DUCTED
Air Conditioning CENTRAL
Bathrooms 0
Bedrooms 0
Stories 1
Actual Year Built 1995
Effective Year Built 1995

Extra Features

Code	Description	Number of Items	Length x Width x Height	Units	Unit Type	Effective Year Built
ASPHAT	ASPHALT C	1	0 x 0 x 0	11,100	SF	1995
WALKCM	WALKWAY C	1	0 x 0 x 0	1,133	SF	1995

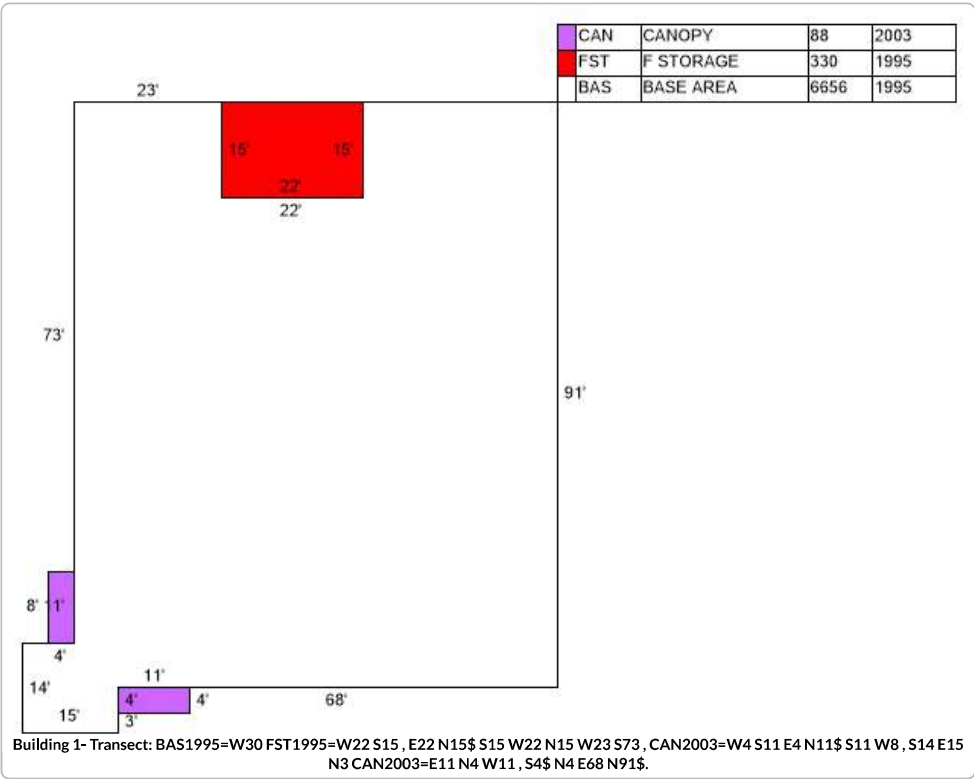
Building Area Types

Type	Description	Sq. Footage	Year
BAS	BASE AREA	6,656	1995
FST	F STORAGE	330	1995
CAN	CANOPY	88	2003

Sales

Multi Parcel	Sale Date	Sale Price	Instrument	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
N	07/27/2006	\$1,300,000	WD	2735	241	Unqualified (V)	Improved	WATTS INVESTMENTS LTD	R W MANAGEMENT LTD
N	08/27/1997	\$100	WD	2093	1546	Unqualified (U)	Improved	WATTS INVESTMENTS	WATTS INVESTMENTS LTD
N	07/01/1995	\$20,000	WD	1932	559	Unqualified (U)	Vacant		WATTS INVESTMENTS

Sketches



[Print Sketches](#)

Generate Owner List by Radius

Distance:

Feet

Use Address From: ☒ Owner ☐ Property

Select export file format:

☒ Show All Owners

☐ Show Parcel ID on Label

Skip Labels

The Okaloosa County Property Appraiser's Office (OCPA) makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. Just (Market) Value is established by the Property Appraiser for ad valorem tax purposes. It does not represent anticipated selling price. Current year assessments are as of January 1st and are based on previous year sales activity. All website information is subject to change

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[GDPR Privacy Notice](#)



Last Data Upload: 11/6/2020, 11:40:29 AM

[Version 2.3.92](#)

Without benefit of title examination
this instrument was prepared by:
Wright Moulton
Moulton McEachern & Walker
5041 Bayou Boulevard, Suite 300
Pensacola, FL 32503

Property Appraisers Parcel
Identification No.: 00-2S-22-0588-0000-0030

STATE OF FLORIDA
COUNTY OF OKALOOSA

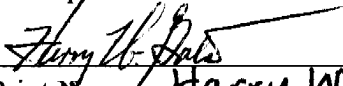
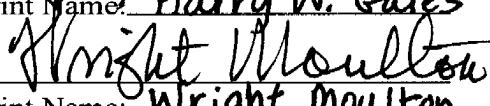
WARRANTY DEED

Watts Investments, Ltd., a Florida limited partnership, for and in consideration of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt of which is acknowledged, conveys to RW Management, Ltd., a Florida limited partnership, whose post office address is 900 Sara Drive, Shalimar, FL 32579, its successors and assigns, forever, the real property described on annexed Exhibit A.

Grantor fully warrants title to the above-described property and will defend the same against the lawful claims of all persons whomsoever.

DATED this 27th day of July, 2006.

Signed, sealed and delivered
in the presence of:


Print Name: Harry W. Gates

Print Name: Wright Moulton

WATTS INVESTMENTS, LTD., a Florida
limited partnership

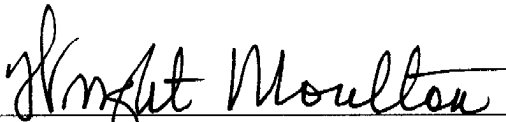
By Its General Partner

WATTS MANAGEMENT, INC., a Florida
corporation

By: 
James R. Watts
Its President

STATE OF FLORIDA
COUNTY OF OKALOOSA

The foregoing instrument was acknowledged before me this 27th day of July, 2006
by James R. Watts, President of Watts Management, Inc., a Florida corporation, as General
Partner of Watts Investments, Ltd., a Florida limited partnership, on behalf of the corporation,
who is personally known to me.

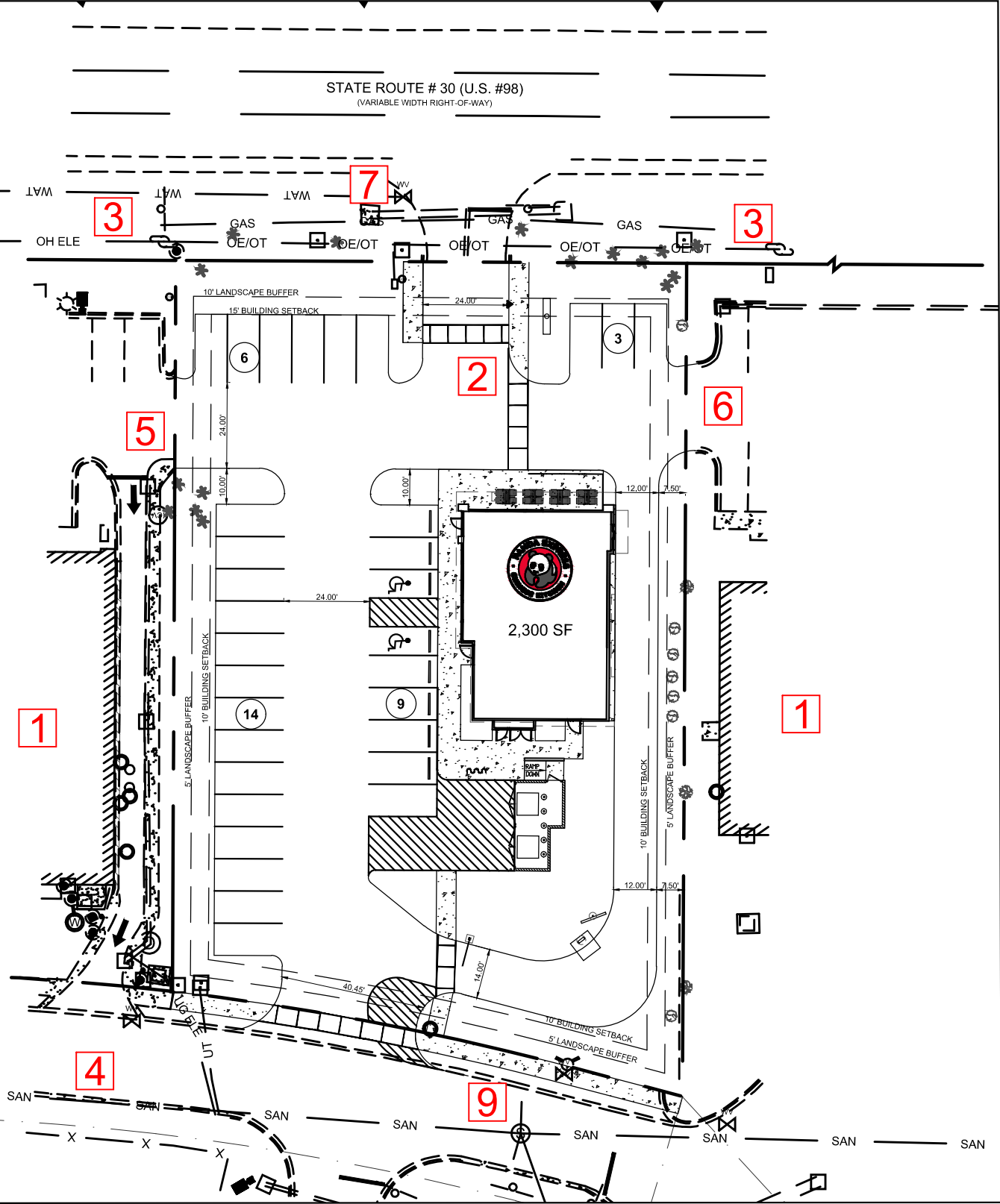


Notary Public, State of Florida



EXHIBIT A

Lot 3, CRYSTAL BEACH PLAZA 2, A Resubdivision of Lots 3 and 4, Crystal Beach Plaza, as recorded in Plat Book 15, Pages 33 and 34, being recorded in Plat Book 15, Pages 86 & 87, of the Public Records of Okaloosa County, Florida.



- CHARACTERISTICS OF PROPOSED CONDITIONAL USE**
- SCALE AND INTENSITY:**
 - FLOOR AREA RATIO: 0.077
 - TRAFFIC GENERATION: 78 PM PEAK HOUR TRIPS ANTICIPATED
 - SF OF ENCLOSED BUILDING: 2,381 SF
 - PROPOSED EMPLOYMENT: UP TO 15 EMPLOYEES
 - PROPOSED NUMBER AND TYPE OF SERVICE VEHICLES: ONE REFUSE TRUCK FOR TRASH COLLECTION AFTER HOURS AND ONE WB-67 SEMI-TRAILER FOR DELIVERIES AFTER HOURS
 - OFF-STREET PARKING NEEDS: 30-40 OFF-STREET SPACES
 - ON OR OFF-SITE IMPROVEMENT NEEDS:**
 - UTILITIES: SITE WILL REQUIRE GAS, WATER, ELECTRIC, TELECOM, AND SANITARY SEWER SERVICE. ALL REQUIRED UTILITIES ARE AVAILABLE TO THE SITE.
 - PUBLIC FACILITIES: NO PUBLIC FACILITY IMPROVEMENTS ARE EXPECTED TO BE REQUIRED FOR THE PROPOSED USE. THE EXISTING FACILITIES ARE EXPECTED TO BE ADEQUATE TO SERVE THE SITE.
 - ROADWAY OR SIGNALIZATION IMPROVEMENTS: NO ROADWAY OR SIGNALIZATION IMPROVEMENTS ARE REQUIRED. THE SITE IS AN EXISTING COMMERCIAL SITE WITH EXISTING ACCESS TO US98. A NEW CROSS-ACCESS WILL BE PROPOSED BETWEEN THE SUBJECT SITE AND THE ADJACENT SITE TO THE EAST.
 - ACCESSORY STRUCTURES OR FACILITIES: A DUMPSTER ENCLOSURE WHICH MEETS ALL CITY REQUIREMENTS WILL BE CONSTRUCTED NEAR THE REAR OF THE SITE.
 - OTHER UNIQUE STRUCTURES OR FACILITIES PROPOSED AS PART OF SITE IMPROVEMENTS: NONE.
 - ON-SITE AMENITIES PROPOSED TO ENHANCE SITE & PLANNED IMPROVEMENTS:**
 - OPEN SPACE: ENOUGH GREEN SPACE WILL BE PROVIDED TO MEET THE 25% GREEN SPACE REQUIREMENT.
 - SETBACKS FROM ADJACENT PROPERTIES: ALL CITY IMPOSED SETBACKS WILL BE ADHERED TO.
 - SCREENING AND BUFFERS: LANDSCAPING WILL BE PROVIDED TO SCREEN THE USE AS REQUIRED BY CITY CODE. LARGER LANDSCAPE BUFFERS ARE BEING PROVIDED ON ALL 4 SIDES OF THE LOT THAN REQUIRED BY CITY CODE.

SITE INFORMATION		
SITE DATA	JURISDICTION: CITY OF DESTIN	
	ZONING: CG - COMMERCIAL GENERAL	
BUILDING DATA	AREA: ±30,858 SF , ± 0.70 AC	
	UNDERGROUND STORMWATER DETENTION REQUIRED	
SETBACKS & BUFFERS	AREA: 2,381 SF	SEATS: 88
	BUILDING SETBACKS:	LANDSCAPE STRIP:
PARKING LOT REQUIREMENTS	FRONT: 15'	FRONT: 10'
	REAR: 10'	REAR: 5'
	SIDE: 10'	SIDE: 5'
	SIDE: 10'	SIDE: 5'
PROPOSED PARKING	MINIMUM PARKING REQUIRED: 32	
	ONE (1) SPACE FOR EVERY 75 SF OF GROSS FLOOR AREA. ASSUMING A 2,381 SF BUILDING, A MINIMUM 32 SPACES ARE REQUIRED.	
LANDSCAPE REQUIREMENTS	MAXIMUM PARKING ALLOWED: NONE	
	DRIVE AISLE: 24'	
LANDSCAPE REQUIREMENTS	REGULAR SPACES (9'X19') = 30	
	ACCESSIBLE SPACES (8'X19') = 2	
LANDSCAPE REQUIREMENTS	TOTAL PARKING SPACES = 32	
	GREEN SPACE REQUIRED: 25%	
LANDSCAPE REQUIREMENTS	GREEN SPACE PROVIDED: 26% (8,025 SF)	
	LANDSCAPE ISLANDS ARE REQUIRED EVERY 15 SPACES.	

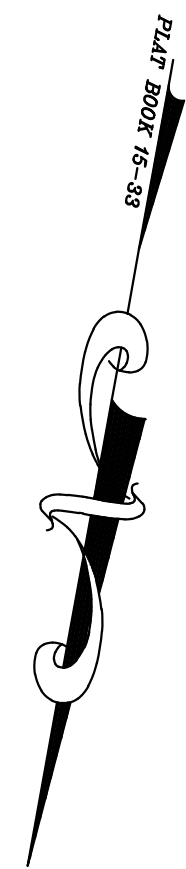
ISSUES & CONCERNS	
GENERAL INFORMATION #	1. THE EXISTING PROPERTY LINE SHOWN HEREIN HAS BEEN DIGITIZED FROM A SURVEY PROVIDED BY FREELAND SURVEYORS, DATED 12/18/2018.
	2. PEDESTRIAN ACCESS TO RIGHT-OF-WAY IS REQUIRED.
GENERAL INFORMATION #	3. FDOT PLANS SHOW THAT FDOT WILL BE INSTALLING SIDEWALKS ALONG ROW.
	4. SHARED ACCESS ROAD WITH CRYSTAL BEACH PLAZA.
GENERAL INFORMATION #	5. VEHICULAR CROSS ACCESS REQUIRED.
	6. PROPOSED CROSS ACCESS TO ADJACENT PARCEL. TO BE NEGOTIATED BY PANDA EXPRESS.
GENERAL INFORMATION #	7. NEW TAPS REQUIRED FOR DOMESTIC WATER & IRRIGATION.
	8. PROPOSED UNDERGROUND STORMWATER DETENTION POND.
GENERAL INFORMATION #	9. PORTION OF ACCESS ROAD WILL NEED RECONSTRUCTING FOR SANITARY SEWER CONNECTION.
	1. A VARIANCE IS BEING REQUESTED FOR THE PITCHED ROOF REQUIREMENT.



NO.	REVISIONS	BY	DATE

DATE:	11/11/2020
SCALE:	1"=40'
PROJECT #:	200061
FILE NAME:	200061 SITE PLAN.DWG
CAD/RE/PM:	LW//NK/NK





VICINITY MAP (NOT TO SCALE)

CURRENT OWNER OF RECORD: RW MANAGEMENT LTD. 308 W. JAMES LEE BLVD. CRESTVIEW, FL 32536	
BASIS OF BEARINGS AND BENCHMARK: BEARINGS AND ELEVATIONS BASED ON GPS "RTK" OBSERVATION OF FLORIDA DOT MONUMENT "57-00-C14V" NAD 83 - NAVD 88	
POSSIBLE PROJECTIONS: NONE OBSERVED	

ALTA/NSPS CERTIFICATE:

TO: PANDA EXPRESS, INC. AND FIDELITY NATIONAL TITLE INSURANCE COMPANY:

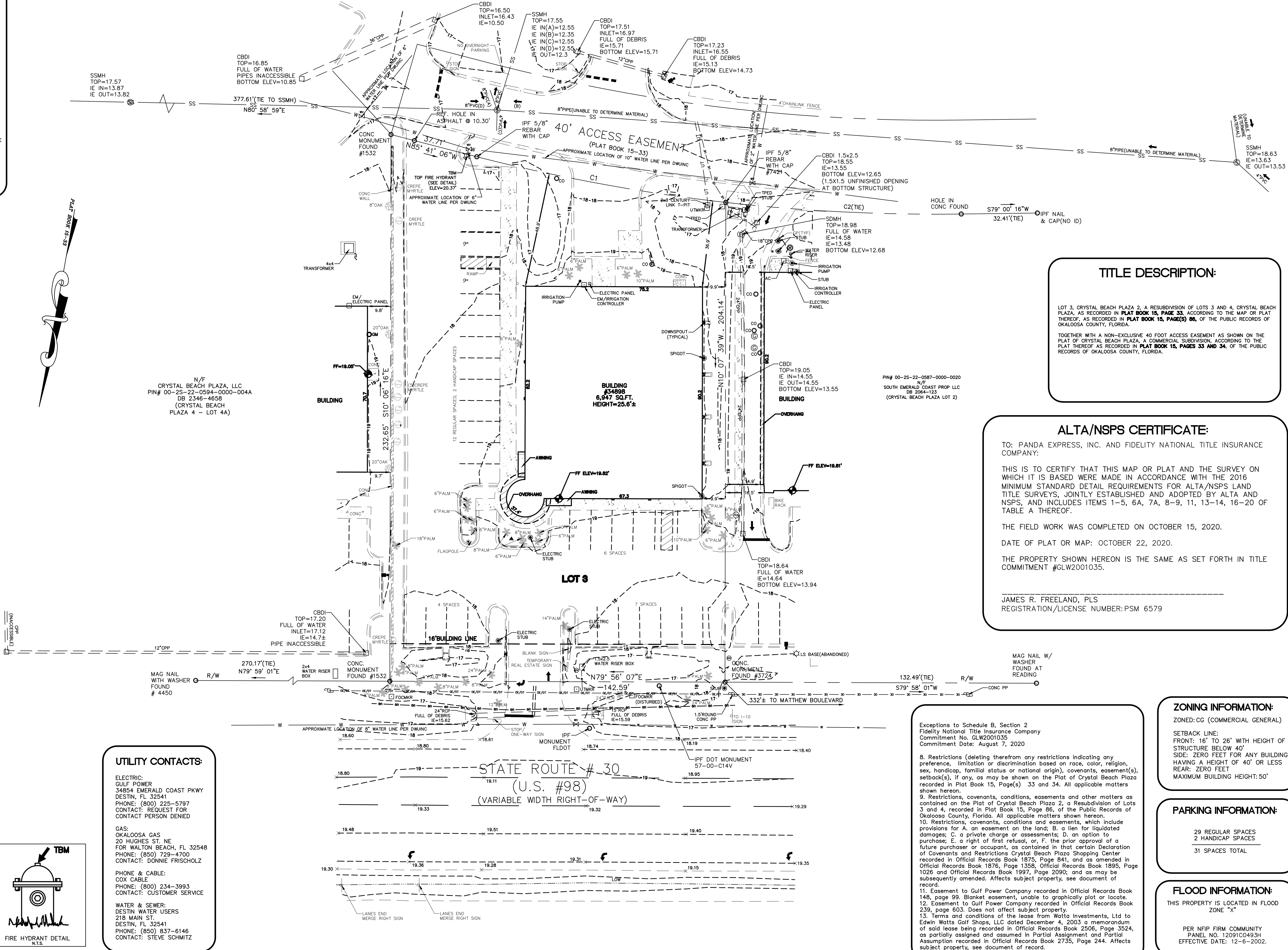
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-5, 6A, 7A, 8-9, 11, 13-14, 16-20 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON OCTOBER 15, 2020.

DATE OF PLAT OR MAP: OCTOBER 22, 2020.

THE PROPERTY SHOWN HEREON IS THE SAME AS SET FORTH IN TITLE COMMITMENT #GLW2001035.

JAMES R. FREELAND, PLS
REGISTRATION/LICENSE NUMBER: PSM 6579



STATE OF FLORIDA
TWSF 2S, R22W
CITY OF DESTIN
OKALOOSA COUNTY

ALTA/NSPS AND TOPOGRAPHIC
SURVEY FOR
PANDA EXPRESS, INC.
LOT 3 CRYSTAL BEACH PLAZA II

SITE ADDRESS:
34898 EMERALD COAST PARKWAY
DESTIN, FL 32541

A technical drawing of a fire hydrant. It features a dome-shaped top with a horizontal flange. An arrow points to the top of the dome, labeled "TBM". The main body of the hydrant has a circular outlet. The base of the hydrant is shown with wavy lines representing ground. Below the drawing, the text "FIRE HYDRANT DETAIL" and "N.T.S." are printed.

UTILITY CONTACTS:

ELECTRIC:
GULF POWER
34854 EMERALD COAST PKWY
DESTIN, FL 32541
PHONE: (800) 225-5797
CONTACT: REQUEST FOR
CONTACT PERSON DENIED

GAS:
OKALOOSA GAS
20 HUGHES ST. NE
FOR WALTON BEACH, FL 32544
PHONE: (850) 729-4700
CONTACT: DONNIE FRISCHOLZ

PHONE & CABLE:
BOX CABLE
PHONE: (800) 234-3993
CONTACT: CUSTOMER SERVICE

WATER & SEWER:
DESTIN WATER USERS
218 MAIN ST.
DESTIN, FL 32541
PHONE: (850) 837-6146
CONTACT: STEVE SCHWITZ

STAFF REPORT
PLANNING AND ZONING DEPARTMENT
EDWIN WATTS GOLF SHOP
LOT 3, CRYSTAL BEACH PLAZA
EMERALD COAST PARKWAY
MAY 17, 1995

DO-95-09

ISSUE

Request approval to construct Edwin Watts Golf Shop (6,750 s.f.) located on Lot 3, Crystal Beach Plaza. The site contains .657 acres, more or less (28,628 s.f.). The project owner is Watts Investments; agent is Devon D. Pelham, P.E.

BACKGROUND

This project is a Minor Development. It is located in the Crystal Beach Plaza Commercial Subdivision.

ZONING/COMPREHENSIVE PLAN

The zoning for the property is BR and the Land Use Category is LIU. The proposed project is consistent with these regulations.

CONCURRENCY MANAGEMENT

Concurrency requirements met:

Sanitary Sewer	<u>X</u>	Potable Water	<u>X</u>	Roadways	<u>X</u>
Solid Waste	<u>X</u>	Recreation	<u>X</u>	Drainage	<u>X</u>

STORMWATER

The Stormwater Management Plan has been reviewed and approved by the City Engineer. A DEP permit for stormwater management is required prior to the issuance of a building permit.

SIGNS

No signs are shown on the site plan.

UTILITIES

Underground utilities are required.

STREETLIGHTS

Adequate parking lot lighting must be provided or a streetlight along Emerald Coast Parkway must be installed.

WATER/SEWER

Water and sewer are available from Destin Water Users.

INGRESS/EGRESS

Access is provided from Emerald Coast Parkway and from the private internal street within the development. A DOT permit is required for the Emerald Coast entrance. This is to be a shared driveway and developer is responsible for installation of any decel lanes or improvements required to obtain a DOT permit. "Right Turn Only" or "No Left Turn" signs must be erected at the exit. The internal street must be completed prior to the issuance of a Certificate of

Occupancy since this is the route to access the loading zone and dumpster.

WHITE SANDS ZONE

The project lies within:

Zone #1 _____ Zone #2 _____ Neither X

SETBACKS

The project is in compliance with required setbacks.

SIDEWALKS

5' sidewalks are required on the private street. They are also required along Emerald Coast Parkway unless DOT denies the permit.

LANDSCAPE

The project meets or exceeds the landscape requirements.

OPEN SPACE:

28,628 s.f. of property X 18% = 5,153 s.f. required

Site plan provides 21 % = 6,130 s.f. provided

TREES REQUIRED:

Reforestation 7 Perimeter 5 Parking Lot 6
(10 per acre) (1 per 25') (Islands)

Protected Trees on Site (12" to 23" diameter): _____

Preserved Trees on Site (24" or more diameter): _____

Credits for Protected/Preserved Trees : _____

TOTAL TREES REQUIRED : 18

Must have complete landscape prior to building permit issuance.

BUFFER ZONE REQUIRED n/a PROVIDED: _____

PARKING

The proposed develop meets or exceeds the parking requirements based on the following standards:

6,750 s.f. divided by 200 s.f. = 34 required/provided

(Includes 2 handicap spaces)

One required 10 x 25 loading space is provided.

REFUSE COLLECTION

Refuse collection is provided by an on-site dumpster.

FLOOR AREA RATIO

The Floor Area Ratio (FAR) for this project is .235.

FIRE DEPARTMENT REVIEW

The project has been reviewed and approved by the Fire Department.

ENVIRONMENTAL ISSUES

None known.

STATE/FEDERAL PERMITS REQUIRED

DEP x FDOT x

H:\P&Z1\REPORTS\EDWATTS