



CITY of DESTIN

+200 Two Trees Road • Destin, Florida 32541



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June 27, 2005

Order No. 05-30

Final Development Order:

“Mattie Kelly Arts Center” A MAJOR DEVELOPMENT (SP-05-14)

Based upon the City Council’s approval of this development order on June 20, 2005, this document will serve as your Final Development Order, to include all of the provisions of the attached Technical Review Committee Report, testimony, and with the following conditions as specified by the City Council:

BACKGROUND/ISSUE:

- Applicant:** Gustin, Cothem, and Tucker, Inc., on behalf of Mattie Kelly Arts Foundation is requesting approval of a Major Development identified as “Mattie Kelly Arts Center.”
- Request:** The proposed project is a phased cultural arts village encompassing a mixed-use building (indoor theater, classrooms, and offices), an outdoor theater and lawn, and an artist’s village.
- Location:** The proposed project is located on a newly annexed vacant parcel, which is located north of the new Grace Lutheran Church on Commons Boulevard and more specifically known as Property Appraiser’s Parcel ID No. 00-2S-22-0000-0001-B17F. (Exhibit A on file)
- Parcel Size:** The total site area is 44.92 acres, more or less.
- Future Land Use:** Urban Mixed Use (UMU) and Recreation (REC)
- Zoning District:** Residential Urban Apartment (RUA), Business Tourism (BT), and Business General (BG)
- Density:** Allowed: 4.0 to 25.0 dwelling units per acre in UMU FLUM designation
Proposed: 6 dwelling units / 44.92 acres = 0.13 dwelling units per acre
- Intensity:** Allowed: 0.55 Floor Area Ration
Proposed: 0.02
- Application Date:** February 1, 2005
- TRC Date:** February 16, 2005
- Approved Site Plan Date:** June 3, 2005
- City Council Date:** June 20, 2005

DETERMINATIONS:

1. The Destin City Council held a public hearing on June 20, 2005. The Council voted unanimously, 6 to 0, to approve the project as presented in the agenda package and subject to all applicable conditions identified within the Final Development Order, TRC report dated June 3, 2005, with all necessary changes and updates, testimony, and contingent upon payment of all outstanding fees prior to the issuance of the Development Order.

2. All the findings of the Technical Review Committee report dated June 3, 2005, are incorporated herein.

CONDITIONS OF APPROVAL FOR "Mattie Kelly Arts Center" A MAJOR DEVELOPMENT (SP-05-14):

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

Construction must commence within one (1) year of approval date (date from which the Final Development Order is issued by the Community Development Department) of the Final Development Order on June 27, 2005 (no later than June 27, 2006), and must be completed as shown on plans approved by the Technical Review Committee.

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

NOTE: An applicant/owner who desires to extend the twelve (12) month (1 year) deadline must submit a request to the Community Development Department, no less than thirty (30) days prior to the expiration of the twelve (12) month deadline to obtain a building permit and commence construction. The applicant may receive only one extension, and such extension shall not exceed one year. The applicant /owner should review Article 2, Section 2.21.00, 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 No. 1 above, the concurrency capacity allocation status for "Mattie Kelly Arts Center" will be protected. However, the protected concurrency status will be lost if:
 - A. Construction activity ceases for a period exceeding one (1) year at any time during the term of this Final Development Order so that concurrency is not maintained under Article 6 of the Destin Land Development Code, or
 - B. Construction permit(s) are not obtained in accordance with Section 2.10.00 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 (Note: Applicant must obtain the proper ROW permit(s) from the Engineering Department prior to issuance of building permits, unless otherwise exempted by the City Engineer.)
 - 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. **Community Development Department Conditions:**

A. Refer to pages 10 and 11 of the attached TRC Report dated June 3, 2005.

5. **Destin Water Users, Inc., Conditions:**

A. Refer to page 7 of the attached TRC Report dated June 3, 2005.

6. **City of Destin City Council Conditions:**

A. **Before the first Certificate of Occupancy for a permanent structure is issued for the Mattie Kelly Arts Foundation site, an east-bound left turn lane shall be constructed on Commons Drive at the junction of Commons Drive and the shared accessway between Plantation Townhomes and the Mattie Kelly Arts Foundation site. Such turn lane shall be designed and constructed in accordance with the standards of Okaloosa County and the City of Destin. The developer shall receive written approval from the City of Destin and Okaloosa County prior to construction and shall be responsible for acquiring all required county permits. The City of Destin and Okaloosa County will have final joint approval of the design and constructed improvement.**

TECHNICAL REVIEW COMMITTEE REPORT

“Mattie Kelly Arts Center” A MAJOR DEVELOPMENT (SP-05-14)

TRC Report: June 3, 2005

ISSUE:

Applicant: Gustin, Cothorn, and Tucker, Inc., on behalf of Mattie Kelly Arts Foundation is requesting approval of a Major Development identified as “Mattie Kelly Arts Center.”

Request: The proposed project is a phased cultural arts village encompassing a mixed-use building (indoor theater, classrooms, and offices), an outdoor theater and lawn, and an artist’s village.

Location: The proposed project is located on a newly annexed vacant parcel, which is located north of the new Grace Lutheran Church on Commons Boulevard and more specifically known as Property Appraiser’s Parcel ID No. 00-2S-22-0000-0001-B17F. (Exhibit A on file)

Parcel Size: The total site area is 44.92 acres, more or less.

Future Land Use: Urban Mixed Use (UMU) and Recreation (REC)

Zoning District: Residential Urban Apartment (RUA), Business Tourism (BT), and Business General (BG)

Density: Allowed: 4.0 to 25.0 dwelling units per acre in UMU FLUM designation
Proposed: 6 dwelling units / 44.92 acres = 0.13 dwelling units per acre

Intensity: Allowed: 0.55 Floor Area Ration
Proposed: 0.02

Application Date: February 1, 2005

TRC Date: February 16, 2005

Approved Site Plan Date: June 3, 2005

City Council Date: June 20, 2005

DISCUSSION/FINDINGS:

Gustin, Cothorn, & Tucker, Inc., on behalf of the Mattie Kelly Arts Foundation is requesting approval of a Major Development identified as “The Mattie Kelly Arts Center.” The proposed project is a phased cultural arts village encompassing a mixed-use building (indoor theater, classrooms, and offices), an outdoor theater and lawn, and an artist’s village. The proposed project is located on a newly annexed vacant parcel, which is located north of the new Grace Lutheran Church on Commons Boulevard and more specifically known as Property Appraiser’s Parcel ID No. 00-2S-22-0000-0001-B17F. The total site area is 44.92 acres, more or less.

The proposed request as presented and described is consistent with the Okaloosa County Comprehensive Plan and Okaloosa County Land Development Code, which include a Concurrency Management review and a Level of Service review. This project was reviewed under the Okaloosa County's Comprehensive Plan and Land Development Code as required per the Annexation Agreement dated January 18, 2005, and is subject to all other provisions of the Annexation Agreement (TRC Report Exhibit B). (Exhibit B on file)

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

COMPREHENSIVE PLAN/ZONING:

The property currently has a Future Land Use Map designation of Urban Mixed Use (UMU) and Recreation (REC) and Zoning District designations of Residential Urban Apartment (RUA), Business Tourism (BT) and Business General (BG). The proposed mixed use cultural arts development is consistent with the intent of the Urban Mixed Use (UMU) and Recreation (REC) Future Land Use Map designations as an acceptable land use pursuant to the Okaloosa County Comprehensive Plan. The Residential Urban Apartment (RUA), Business Tourism (BT) and Business General (BG) zoning districts provide for community buildings and similar public facilities, theaters, schools teaching art, dancing, or music, offices, and residential land uses (Chapter 2, 2.01.11, 2.01.15, and 2.01.16.)

RIGHT-OF-WAY DEDICATION:

Not applicable.

CONCURRENCY MANAGEMENT:

Concurrency requirements have been met:

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

Please refer to the attached Exhibits D through H (on file) for approved Concurrency Evaluation Certificates.

TRAFFIC ANALYSIS:

According to the traffic review conducted by the City's Transportation Manager and approved on June 13, 2005, the proposed development will not degrade the level of service of those major transportation facilities in the City of Destin (urban collectors and arterials).

Traffic concurrency is satisfied for this project, as confirmed by the City's Transportation Manager after reviewing the applicant's traffic concurrency analysis dated May 20, 2005 (Exhibit G on file).

SUBDIVISION OR PUD - PLAT:

Not applicable.

WHITE SANDS ZONE:

Not applicable.

PHASING:

The proposed development is a two-phased development. Phase I consists of the parking facility, mixed use building, and theaters. Phase II consists of the artist’s village housing and lake pavilion.

AIRPORT PROTECTION:

As proposed, this project is not affected by nor affects the Destin – Ft. Walton Beach Airport. The applicant has indicated on the development order application that the proposed project is not within the Airport Expansion Area. NOTE: If construction necessitates the use of a crane, or other obstruction, which exceeds Federal Aviation Administration FAR 77 Standards (normally 200 feet above ground level), the applicant must request a variance from the FAA for temporary encroachment into this restrictive area and a copy of a completed FAA Form 7460, must be placed on file with the City of Destin prior to the crane, or other obstruction, penetrating the restricted airspace.

SETBACKS:

The proposed buildings meet and exceed all of the required setbacks for the following zoning district(s): Residential Urban Apartment (RUA), Business Tourism (BT) and Business General (BG).

Distances provided are from the proposed facility to the nearest property lines:

	<u>Required Setbacks</u>	<u>Buffers</u>	<u>Provided</u>
Front (south):	20'	10' FP	545' including the 10' FP
Back (north):	10'	N/A	35'
Side (east):	10'	5' CB	54' including the 5' CB
Side (west):	10'	5' CB	60' including the 5' CB
Between Bldgs.:	10'	N/A	N/A

Note: 10' FP = 10' Front Perimeter Landscaped Area, 10' VB = 10' Vegetative Buffer Area, and 5' CB = 5' Common Boundary Landscaped Area. The following buffers are required: 10' FP is required along the property abutting the right-of-way, the standard five (5) foot common boundary buffers along the eastern and western property lines.

SIGNS:

No signage is proposed at this time.

UTILITIES:

Utilities/service (existing and proposed) shall be placed underground.

CITY OF DESTIN BUILDING OFFICIAL:

A review of these plans resulted in no comments at this time. A full set of signed and sealed construction plans for the mixed use building as required by the Florida Building Code, Chapter 1 must be submitted to the ICC plans review department for review. The building department will review the remaining building and the outdoor theater plans. Review of all plans by the ICC and the building department must be complete prior to issuance of a permit.

COX COMMUNICATIONS:

Cox Communications approved the project in a letter dated February 14, 2005.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated April 19, 2005.

GULF POWER:

Gulf Power approved the project in a letter dated February 7, 2005.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated February 15, 2005.

SPRINT:

Sprint approved the project in a letter dated February 9, 2005.

WATER/SEWER PROVIDER:

Destin Water Users, Inc. approved the project in a letter dated March 10, 2005. Please note the following as conditions of the Final Development Order:

1. All revisions to the water and/or sewer utilities of any previously approved project, must be reapproved by Destin Water Users, Inc., at least 24 hours prior to implementation. If you have questions or concerns please call Steve Schmitt/Field Operations Manager (850) 837-6146 ext. 106 or Steve Benoit GIS Section Head (850) 837-6146 ext. 109.
2. Field verified "As-Built" Plans must be furnished to Destin Water Users, Inc., prior to the release of water service.

STORMWATER:

The stormwater management plan was found acceptable and approved on May 11, 2005. The following are stormwater related notes and conditions:

1. **Condition:** Prior to obtaining any City permit, provide documentation from the US Army Corps of Engineers (ACOE) that they are not claiming jurisdiction on the noted isolated wetlands on Sheet 1.

2. **Condition:** Prior to obtaining any City permit, provide documentation from the Florida Department of Environmental Protection (FDEP) and ACOE dredge and fill permits pertaining to wetland impacts along gravel road crossing the existing wetlands and for the improvements associated with the Lake Pavilion in Phase II.
3. **Condition:** Prior to obtaining Certificate of Occupancy, the *Stormwater Maintenance Plan* shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltration areas and catch basins, and b) maintenance of vegetative cover in surface infiltration areas. Owner shall regrade swale/retention areas as required to maintain approved design cross-section(s), line(s), and grade(s).
4. **Condition:** Prior to obtaining any City permit, a copy of the FDEP stormwater permit certification shall be forwarded to the City.
5. **Condition:** Prior to obtaining any City permit, provide an NPDES Stormwater Construction Generic Permit (CGP) approval.
6. **Condition:** If groundwater is observed standing in the proposed stormwater structures, the stormwater management plan shall be in non-compliance and a revised stormwater plan shall be re-submitted for review and approval.

INGRESS/EGRESS:

Ingress and egress to the proposed project is provided by a two-way access point at the southern end of the project and a secondary cross-access point at the southeastern end of the project, which both access the Commons Drive West ROW.

PARKING:

The project meets or exceeds the parking requirements of the Okaloosa County Land Development Code as indicated on the approved plans and approved by the City of Destin Transportation Manager.

TOTAL PROVIDED: 523 parking spaces (including 7 handicap spaces)

LOADING SPACE (ZONE):

The project meets or exceeds the loading space requirements of the Okaloosa County Land Development Code as indicated on the approved plans and approved by the City of Destin Transportation Manager:

TOTAL PROVIDED: 2 loading spaces

REFUSE COLLECTION:

Refuse collection is to be provided by dumpster service. All dumpsters and refuse handling area must be enclosed by fully opaque screen and gate.

SIDEWALKS/PEDESTRIAN CONNECTIVITY:

Sidewalks, interior pedestrian accessways, and appropriate crosswalk striping shall be provided as indicated on sheet 2 (Exhibit B).

OPEN SPACE/LANDSCAPE:

Open Space Requirements:

Site Development Area (Total Area): 1,956,893 SF (44.92 acres, more or less)
Required 25% Open Space: 489,223.25 SF
Provided Open Space: 1,102,468 SF (56.3%)

Landscaping Requirements:

Canopy Trees: 51
Understory Trees: 80

Total Trees: 131 Provided

Total Shrubbery: 134 Provided

A five (5) foot Common Boundary Landscape Area is required along those property lines that directly abut an adjacent parcel (south, east, and west). 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.

Unless otherwise noted, all required trees must be a minimum of six (6) feet high at time of planting and reach a crown of twenty (20) feet at maturity. If the twenty (20) foot crown requirement is not met, additional trees shall be added and grouped together to meet the twenty (20) foot crown. If shrubs are used in the required buffer areas, they must be a minimum of twelve (12) inches in height when measured immediately after planting. **WARNING: A Certificate of Occupancy will not be issued until the required landscape material per the approved landscape plan has been inspected and approved by the Community Development Department. Additional vegetation may be required.**

IMPACT FEES:

Not applicable for this development in accordance with the Annexation Agreement.

OTHER FEES:

Not applicable for this development in accordance with the Annexation Agreement.

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

FDEP stormwater and NPDES approvals shall be forwarded to the City Engineer's office to be stamped "Received" and then forwarded to the Community Development Department.

COMMENTS/CONDITIONS:


Public Input:


No public comment has been presented to staff at the time of this report.

Per Community Development Department:

1. **Prior to obtaining any city permit**, a copy of the FDEP stormwater, FDEP beaches and shores, and NPDES approvals shall be forwarded to the City Engineer's office to be stamped "Received" and then forwarded to the Community Development Department.
2. **Note:** Request for a certificate of occupancy shall be made not less than 10 days prior to the requested certificate of occupancy date.
3. **Prior to the issuance of a Certificate of Occupancy**, the landscaping and outdoor lighting, if installed, must be inspected and approved by the Community Development Department. The lighting plan must provide specifications for the proposed outdoor lighting, including photometrics. All lighting must be shielded downward and away from adjacent properties in order to avoid spill-over and illumination into the night sky. The source of all illumination should not be visible from off-site.
4. **Prior to obtaining any City permit**, provide documentation from the US Army Corps of Engineers (ACOE) that they are not claiming jurisdiction on the noted isolated wetlands on Sheet 1.
5. **Prior to obtaining any City permit**, provide documentation from the Florida Department of Environmental Protection (FDEP) and ACOE dredge and fill permits pertaining to wetland impacts along gravel road crossing the existing wetlands and for the improvements associated with the Lake Pavilion in Phase II.
6. **Prior to obtaining Certificate of Occupancy**, the *Stormwater Maintenance Plan* shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltration areas and catch basins, and b) maintenance of vegetative cover in surface infiltration areas. Owner shall regrade swale/retention areas as required to maintain approved design cross-section(s), line(s), and grade(s).
7. **Prior to obtaining any City permit**, a copy of the FDEP stormwater permit certification shall be forwarded to the City.
8. **Prior to obtaining any City permit**, provide an NPDES Stormwater Construction Generic Permit (CGP) approval.
9. **Note:** The Engineer of Record is cautioned to review the construction documents as submitted to assure thorough information is provided to allow proper construction.
10. If groundwater is observed standing in the proposed stormwater structures, the stormwater management plan shall be in non-compliance and a revised stormwater plan shall be re-submitted for review and approval.

11. Any additional revisions to the site plan must be reviewed and approved by the appropriate Technical Review Committee members and may be subject to a compatibility analysis if required pursuant to provisions stated within the approved Development Order, the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09] or if necessary as agreed upon by the City and the applicant prior to the issuance of the final development order.


Gerald F. Mucci, AICP Date
Community Development Director


Mattie Kelly Arts Foundation Date
Owner
Ms. Yvonne Freeman, Chairman of the Board



CITY of DESTIN

4200 Indian Bayou Trail • Destin, Florida 32541



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COMMUNITY DEVELOPMENT

Voice 850.837.4242 Fax 850.650.0693

kgallander@cityofdestin.com

December 21, 2009

Ms. Marcia Hull
Executive Director
Mattie Kelly Arts Foundation
4323 Commons Dr. West
Destin, FL 32541

**Subject: Mattie Kelly Cultural Arts Village – Final Development Order No. 05-30
Special Economic Condition Extension Request**

Dear Ms. Hull:

This letter is in response to your correspondence I received on December 17, 2009. As required, your request for an extension to Final Development Order No. 05-30 was received prior to January 1, 2010. Based on meeting this criterion and by adhering to the criteria of the extension as stated in Article 2, Section 2.21.01.D, the extension is granted until December 31, 2011 from the date of your written correspondence (December 17, 2009). This extension vests the final development order and enables the holder of the orders to delay commencement or continuance of construction, if necessary, until December 31, 2011.

Please do not hesitate to call me if you have any further questions or concerns.

Sincerely,

Kenrick S. Gallander, AICP
Community Development Director

KSG/

cc: File: Letter Log
Planning Manager, Ashley Grana - File: SP-05-14



Community Development Planning Division

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-337-3123 | Fax: 850-650-0693 | www.cityofdestin.com

January 18, 2013

Mattie Kelly Arts Foundation, Inc.
Attn.: Ms. Marcia Hull
4323 Commons Drive West
Destin, Florida 32541

SUBJECT: Mattie Kelly Arts Foundation – Final Development Order No. 05-30 “Special Economic Condition” Extension Request – 4323 Commons Drive West

Dear Ms. Hull:

This letter is in response to your letter dated December 4, 2012, requesting a “special economic condition” extension to the above referenced development order. Based on the legal guidance set forth in Section 24 (1) of Ch. 2012-205 Laws of Florida this development order is extended to the fullest extent possible to August 12, 2014. This determination enables the holder of the final development order to delay commencement or continuance of construction, if necessary, until August 12, 2014.

Should you have any further questions or concerns, please do not hesitate to contact me either via e-mail (agrana@cityofdestin.com) or phone (850-582-4525).

Sincerely,

R. Ashley Grana
Planning Division Manager

RAG/

cc: 2005 DO Book
Project File: SP-05-14
Building File: 4323 Commons Drive West
Letter Log

