

APRIL 30, 2012 – SPECIAL MEETING

The Board of County Commissioners, Walton County, Florida held a Regular Meeting on April 30, 2012 at 5:00 p.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida, to discuss The Driftwood Restaurant.

The following Board members were present: Commissioner Scott Brannon, Chairman; Commissioner Kenneth Pridgen, Vice-Chairman; Commissioner Larry Jones, Commissioner Cecilia Jones, and Commissioner Sara Comander. Mr. Gregory Kisela, County Administrator; and Attorney Toni Craig, County Attorney; were also present.

Chairman Brannon called to order the continued Public Hearing to discuss The Driftwood Restaurant, a major development order application submitted by Bonezzi Development Company, consisting of 6,792 square feet of restaurant with a future land use of Coastal Center. The project is located on Scenic Gulf Drive approximately 240 feet east of Miramar Beach Drive. **(Exhibit 1: Staff Report (Duplicate Submission: See also Exhibit 1 March 13, 2012-Regular Meeting; Exhibit 1 April 10, 2012-Regular Meeting))**

Attorney Toni Craig, County Attorney, gave an overview of the previous meetings regarding The Driftwood Restaurant. Those intending on speaking were sworn in during the April 10, 2012 Regular Meeting.

Attorney Dana Matthews, Matthews and Hawkins, Council for Avalon Dune Homeowners' Association, recalled Ms. Debbie Dantin, Dantin Consulting, witness for the respondent, to resume the questioning that began on April 10, 2012. Attorney David Theriaque, Theriaque & Spain, Council for the Petitioner, had no questions for the witness.

Attorney Matthews called Ms. Pat Blackshear, Blackshear Planning, Inc., to present and discuss her Compatibility Analysis and Consistency Findings for The Driftwood Restaurant

project (*See Exhibits 2-6 April 10, 2012 Regular Meeting*). Ms. Blackshear discussed her analysis, Coastal Center and Coastal Center Mixed Use designations, and the impact of the project on the surrounding areas. She also noted the high pedestrian traffic in the area surrounding the project. Attorney Matthews entered into evidence a site map, from the Property Appraiser's Office, with a breakdown of the uses for each parcel in the surrounding area. Attorney Theriaque objected to its submission stating that there is no documentation stating the evidence's accuracy. Attorney Craig stated that the document will not be submitted as evidence due to the lack of authenticity of the information's source. Discussion ensued regarding the validity of the evidence.

Commissioner L. Jones asked Ms. Blackshear to discuss the size of the residential parcels. Ms. Blackshear stated that she could not address the exact size but felt that 85% of the parcels fit within the intent of the Coastal Center land use designation.

Ms. Blackshear continued with her testimony of her analysis. She discussed the inconsistencies of the project with adjacent uses, with supporting commercial use, and with the Land Development Code (LDC) and Comprehensive Plan. Attorney Matthews asked Ms. Blackshear to address the impact of the Walton County Driveway Policy, adopted by the Board on February 14, 2006, (*See Exhibit 7 Dantin Consulting Traffic Study: April 10, 2012-Regular Meeting*) on this project. She briefly discussed the driveway policy, and then completed the conclusion of her analysis.

Attorney Theriaque submitted the FLUM Policy and LDC Policy (**Exhibit 2: Petitioner-FLUM Policy L-1.3.6; Exhibit 3: Petitioner-LDC Policy 13.04.00** (*also referred to as Exhibits 14 and 15*)), and then cross-examined Ms. Blackshear by questioning the comparisons of the physical aspects of the project to that of the surrounding uses; Floor Area Ratio (FAR);

interpretation and language of the Policies L-1.3.6 Coastal Center and L-1.3.7 Coastal Center Mixed Use; and the use of public and private beach accesses. Ms. Blackshear responded to each of Attorney Theriaque's questions and stated that she did not have the information regarding the physical comparisons such as square footage and height, but felt that the inconsistency is with the use not the physical features of the project.

The meeting recessed at 6:48 p.m. and reconvened at 7:03 p.m.

Attorney Theriaque continued cross examining Ms. Blackshear regarding her analysis and interpretations of the policies of the LDC.

Attorney Matthews questioned Ms. Blackshear regarding the impact of the physical features of the project on her analysis, and the maximum Floor Area Ratio (FAR). Ms. Blackshear responded to Attorney Matthews' questions and reiterated that it is the project's use that is incompatible, not the physical features. Attorney Matthews also questioned Ms. Blackshear regarding her interpretation of the LDC as it relates to this project.

Attorney Theriaque again questioned Ms. Blackshear regarding the proposed FAR, and the public rights-of-way. Ms. Blackshear stated that the project's FAR is below the maximum allowed, and that the rights-of-way cannot be used without the permission of the Board. She stated that the intent of San Antonio Street is public use.

Chairman Brannon addressed the compatibility issue and stated that per policy that a compatibility study was not required. However, he felt that compatibility is at the heart of the issue. Ms. Blackshear read LDC 5.00.01 Purpose and Intent which stated that a development is to be compatible with neighboring uses.

Commissioner L. Jones questioned Ms. Blackshear regarding the mass and scale, and what standard is used to determine compatibility. Ms. Blackshear referred to the Comprehensive

Plan's definition of compatibility and to LDC 5.00.02A-Requirements for All Developments. She stated that the use should not negatively affect adjacent uses, and felt that the project, as proposed, does not have sufficient land to meet design standards. Discussion ensued regarding a site plan that would not negatively affect adjacent uses and traffic circulation.

Chairman Brannon asked Ms. Dantin to address the ingress/egress condition stated in the Staff Report. Ms. Dantin discussed the inadequacy of the access as a loading zone. Chairman Brannon asked if the project, as it is presented, included the ingress/egress for Scenic Gulf Drive. Ms. Dantin stated that the plan being presented includes full access to the site on Scenic Gulf Drive. Discussion continued on the full access to the site.

Attorney Matthews requested to submit two documents as individual exhibits: a letter of opposition from Mr. Tom Anderson, and research received from the Property Appraiser's Office. Attorney Craig reminded Attorney Matthews that the Property Appraiser's Office information was previously rejected due to lack of authenticity. **(Exhibit 4: Respondent-Anderson Letter (also referred to as Exhibit 16))**

Ms. Wendy Grey, Wendy Grey Land Use Planning, LLC, was called by Attorney Theriaque as a witness for the petitioner. Ms. Grey briefly discussed her educational and occupational history. Attorney Theriaque distributed a copy of Ms. Grey's resume which was previously submitted into evidence. *(See Exhibit 2-Petitioner Wendy Grey Resume: March 13, 2012-Regular Meeting)* Attorney Theriaque submitted an aerial map of the proposed project, and the Unit Count in the Vicinity of Proposed Driftwood Restaurant **(Exhibit 5: Petitioner-Aerial Map, Exhibit 6: Petitioner-Unit Count (also referred to as Exhibits 17 and 18))**. He questioned Ms. Grey regarding her assessment. Ms. Grey discussed her analysis of the project and its compatibility with the surrounding area. Attorney Matthews objected to the submission of

the Unit Count document on the basis of authenticity. Discussion ensued regarding the validity of the submission. Attorney Craig stated that the document can be allowed since it does state who performed the research and the source of the information. Attorney Theriaque continued his questioning of Ms. Grey, and submitted photos of the surrounding area uses, and the Florida Statute definition of compatibility. (**Exhibit 7: Petitioner-photos; Exhibit 8: Petitioner-Definition (also referred to as Exhibits 19 and 20)**) Ms. Grey continued discussing the project details, the compatibility and consistency with the surrounding area, the FAR, and the requirement of a compatibility analysis. She felt that there would be no negative impact on the area by this project. Commissioner L. Jones stated that since a compatibility analysis was not required for this project, he questioned if there was a scenario where a compatibility analysis could be required. Ms. Grey stated that the project, as it is currently designed, meets LDC and Comprehensive Plan requirements and thereby does not require a compatibility analysis. Discussion continued on a staff directed compatibility analysis. Attorney Theriaque continued questioning Ms. Grey regarding the compatibility of the project with the surrounding uses.

Attorney Matthews cross-examined Ms. Grey regarding the number of residential units within the surrounding areas. Attorney Theriaque questioned Ms. Grey regarding the availability of the project to the people who would be within walking distance.

The meeting recessed at 8:25 p.m. and reconvened at 8:33 p.m.

Mr. Gregory Kisela, County Administrator, stated that he had met with the Attorneys during the break and reported that there were a few more hours of witness questioning, and public comment. He recommended a continuance of the issue to May 14, 2012 at 5:00 p.m. at the South Walton Courthouse Annex in Santa Rosa Beach, FL.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to continue The Driftwood Restaurant to May 14, 2012 at 5:00 p.m. at the South Walton Courthouse Annex in Santa Rosa Beach. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye. (**Exhibits: Staff Report 1; Petitioner Exhibits 2, 3, 5-8; Respondent Exhibit 4; Ex Parte: Pridgen, Comander, Brannon**)

The Public Hearing recessed at 8:35 p.m. to reconvene May 14, 2012 at 5:00 p.m. at the South Walton Courthouse Annex in Santa Rosa Beach, FL.


Commissioner Scott Brannon, Chair


Martha Ingle, Clerk of Courts