

JUNE 5, 2012 – SPECIAL MEETING

The Board of County Commissioners, Walton County, Florida, held a special meeting on Tuesday, June 5, 2012, at 5:00 p.m., at the South Walton Courthouse Annex to continue the public hearing for the Driftwood Restaurant request.

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

Commissioner C. Jones led the invocation followed by the Pledge of Allegiance to the American Flag. Chairman Brannon called the meeting to order to discuss a major development order application submitted by Bonezzi Development Company for the Driftwood Restaurant. The project consists of 6,792 square feet of restaurant with a future land use of Coastal Center and is located on Scenic Gulf Drive, approximately 240 feet east of Miramar Beach Drive.

Attorney Toni Craig, County Attorney, stated that public comments and case have been concluded and the two attorneys will provide closing arguments. The Board will then make a decision on the project. Both Attorney Theriaque and Attorney Matthews provided the Board with a memorandum for review.

Attorney Dana Matthews discussed the request and effect a project of this size would have on the community and surrounding properties. The Driftwood Restaurant project is not considered a supporting commercial use and is incompatible with the neighborhood. The applicant has made no effort to limit the hours of operation, outdoor music and entertainment, to include noise attenuation, or enhance landscaping and buffers for the project. Attorney Matthews urged the Board to deny the Driftwood Restaurant project.

The meeting recessed at 5:31 p.m. and reconvened at 5:34 p.m.

Attorney David Theriaque clarified that a land use change of Coastal Center is the current designation and a land use change has not been requested. The Driftwood Restaurant project is much lower than the maximum limitations set. A compatibility analysis was not required for this project and the impacts are not unduly negatively impacting the surrounding areas. All requirements have been met and a left turn lane could be added. He suggested adding more dense landscaping in an effort to limit noise as an approval condition. All requirements of the Land Development Code and Comprehensive Plan have been met. Attorney Theriaque urged the board to approve the Driftwood Restaurant project.

Commissioner Pridgen recommended having a 30 foot buffer with a privacy fence and canopy trees on both sides. Attorney Theriaque suggested to increase to a 30 foot buffer, trees, and a privacy fence on the west side (Avalon Dunes) and decrease the buffer to 10 feet on the east side (San Antonio Street).

Attorney Matthews recommended a 50 foot buffer on each side with large trees in the landscaping.

Attorney Craig suggested reviewing the improved landscaping recommendations and allow staff to review it.

Mr. Jason Bryan, Planning Department, requested to allow staff to review the improved landscaping before further discussion.

The meeting recessed at 6:02 p.m. and reconvened at 6:20 p.m.

Mr. Bryan recommended the following changes after reviewing the improved landscaping plan to include in the motion: 1) increase the western buffer to 30 feet with a 100% vegetative buffer at 12 foot high and include an 8 foot fence the length of the Avalon Dunes

building, and 2) reduce the eastern buffer to 10 feet. The Planning Commission conditions must also be met: 1) eliminate the right in and right out only connection on Scenic Gulf Drive, 2) improve San Antonio Street with additional gravel to accommodate a 24 foot drive, and 3) enter into an agreement for maintenance of San Antonio Street as long as the development operates as a restaurant. Staff also required that all federal and state permits are acquired.

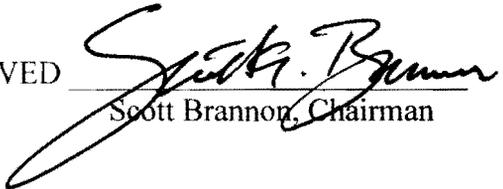
Attorney Theriaque also requested to include the condition stipulated in the hearing to delete demolition note 10 on drawing 1 and general note 9 on drawing 2 on the site plan. He stated that they are working on a joint agreement with the county.

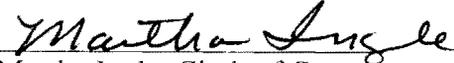
Attorney Matthews clarified that the opposition of the project is not due to the buffer but several issues with the project. He suggested redesigning the project and to reduce the restaurant size.

Commissioner L. Jones discussed San Antonio Street, the Land Development Code, and the project mass and scale of the proposed building. The supporting evidence shows that the project does meet the minimum requirements.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the Driftwood Restaurant project with the following conditions for the development order: 1) Planning Commission recommendations are met, 2) buffer changes as discussed are met, 3) the addition of a left turn lane and right deceleration lane. Also to include a condition that before any vertical construction begins that the pending lawsuit is settled in favor of the applicant. Ayes 3, Nays 2. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Nay, C. Jones Nay. **(Ex Parte: Brannon, Pridgen, Comander, C. Jones)**

There being no further business, the meeting adjourned at 6:35 p.m.

APPROVED 
Scott Brannon, Chairman

ATTEST 
Martha Ingle, Clerk of Courts