

MINUTES OF SPECIAL MEETING
TOWN COUNCIL

June 23, 1980

THE SPECIAL MEETING of the Town of Cinco Bayou Town Council was called to order by Mayor Balsley at 5:20 P.M.

ROLL CALL: Present: Councilman Johnston Councilman Peek
 Councilman Usrey Councilman Davis
 Councilman Perry

 Also Present: Town Clerk Borchik Steve Chew-PGDN
 Town Attorney Powell Buddy Runnels
 Town Recorder Hembree

SILENT PRAYER

PUBLIC HEARING: VARIANCE REQUEST - MR. RUNNELS

Mr. Runnels requested the Town Council to consider a height variance in the amount of thirty (30) feet; or in total, a building to be constructed on lots 13 and 14, block 1, that would not be greater than sixty-five (65) feet in height.

Motion made by Mr. Peek to grant the variance request, seconded by Mr. Perry. The motion was carried unanimously.

PUBLIC HEARING: ORDINANCE NO. 68

PROVIDING FOR THE ADOPTION OF THE COMPREHENSIVE PLAN FOR THE TOWN OF CINCO BAYOU.

Attorney Powell performed the second reading of the ordinance by title only as follows: "An ordinance for the Town of Cinco Bayou, Florida, adopting a Comprehensive Plan for the Town of Cinco Bayou, Florida, pursuant to the Local Government Comprehensive Planning Act of 1975 (Chapter 163, Part 2, Florida Statutes 1979); providing for severability of any portion declared invalid; repealing all ordinances in conflict herewith; and providing for the effective date hereof."

Motion made by Mr. Perry to approve the second reading of ordinance no. 68, seconded by Mr. Usrey. Motion carried unanimously.

Motion made by Mr. Perry to enact the ordinance and adopt the Comprehensive Plan, seconded by Mr. Johnston. Motion carried unanimously.

Motion made by Mr. Peek to pay the final ten percent (10%) to the county for the preparation of the Comprehensive Plan, seconded by Mr. Usrey. Motion carried unanimously.

ADJOURNMENT: The Council adjourned at approximately 6:05 P.M. on Monday, June 23, 1980.

Irene E. Balsley
MAYOR

ATTEST:

Albert B. Bachley
TOWN CLERK

NOTE: A mechanical recording has been made of the foregoing procedures of which these minutes are a part, and is on file in the office of the Town Clerk.

OBJECTIONS TO COMPREHENSIVE PLAN- OSBORNE PRYOR

1. TOWN ACREAGE INCORRECT - PLAN SAYS 225 ACRES INCLUDING WATER. PRYOR STATED 160 ACRES OF LAND - TOWN STOPS AT WATER!
2. MAPS IN PLAN DO NOT SHOW STREET FROM OPP BLVD INTO AREA LABELED PARK. (BETWEEN LT 22, BL 24 AND LT 22, BL 25)
3. MAP IS CORRECT WHERE CINCO BAYOU WEST LINE INTERSECTS KIDD BAYOU - BUT - FT WALTON ALSO CLAIMS PART OF THE SAME AREA ACCORDING TO THEIR ACCEPTANCE OF THE SHADY OAKS SUBDIVISION.
4. MAP SHOWS ROAD BY LAGUNA PARK HOWEVER CINCO BAYOU HAS TAKEN ROAD INTO THE PARK AND FENCED IT. PRYOR NEEDS THIS ROAD FOR ACCESS TO HIS LANDS ALONG THE BAYOU!.
5. SINCE THE AREA NOW CALLED GLENWOOD PARK IS IN LITIGATION, THE PARK DESIGNATION SHOULD NOT BE USED - THE AREA SHOULD BE UNDESIGNATED. (PAGES 7-8 and 7-9)



June 19, 1980

Town Council of Cinco Bayou
ATTN: Mayor Irene Balsley and Members of
the Council
35 Kelly Avenue
Ft. Walton Beach, FL 32548

Ladies and Gentlemen:

Please accept this letter as a formal request for the Town Council of Cinco Bayou to consider a height variance in the amount of thirty (30) feet; or, in total, a building to be constructed on lots 13 and 14, block 1, that would be not greater than sixty-five (65) feet in height.

This consideration will be subject to all governmental approvals such as the Department of Environmental Regulation, Okaloosa County Sewer & Water Department, Okaloosa County Planning & Zoning, etc.

This request is in behalf of Regency Home Builders, whose plans are to build approximately thirty-four (34) units in an approximately five-story structure at the above stated location. Your preliminary approval, subject to finalization of the above mentioned permits required, would be appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Buddy Runnels Jr." The signature is written in dark ink and is positioned above the typed name.

Davage J. Runnels, Jr.
Secretary

cc: Rick Powell, Attorney At Law

Board of County Commissioners

HAYWARD T. HAYES
BILL W. PEEBLES, JR.
MOE A. HERSH

DISTRICT 1
DISTRICT 2
DISTRICT 3

OKALOOSA COUNTY

CRESTVIEW, FLORIDA 32536

TEL. 904 - 682-2711

LARRY Y. ANCHORS DISTRICT 4
MICHAEL M. MITCHELL DISTRICT 5
NEWMAN C. BRACKIN CLERK

June 13, 1980

MEMORANDUM

TO: Mr. Al Borchik, Town Clerk

FROM: Mr. Mark Gill, Director Budget and Planning

SUBJECT: Cinco Bayou Master Plan

In that I will be out-of-town on June 23, I offer the following comments regarding those concerns expressed by the Town Council during the June 12, 1980 Town Council Meeting:

1. Although the State must review the Master Plan, which it has done, any objections are not binding upon the local government.
2. The Master Plan can be amended by the Town anytime it appears necessary. Amendments to the Plan are made by the Town Council through local ordinance/resolution. Amendments do not require State approval. The attached and underlined portion of the State Statute indicates that if an amendment involves more than 5% of the land, the amendment must be sent to Tallahassee. However, this does not mean that the State must approve of such an amendment. In fact, the State will simply insert the amendment in their copy of the Cinco Bayou Master Plan. To restate these points, I will say that amendments do not require State approval. There is no review process required. The adoption of amendments is entirely a local matter.
3. Considering that the adoption deadline for the Master Plan is July 1, 1980, it is my recommendation that the Plan be adopted. After adoption, the Town will be free to amend any portion that appears too binding.

Playground Daily News

6/23/80

Leg. 9323 -

NOTICE OF PROPOSED ENACTMENT OF ORDINANCE

The Town Council of the Town of Cinco Bayou, Florida, proposes to enact an ordinance adopting a comprehensive plan for the Town of Cinco Bayou in accordance with Florida's Local Government Comprehensive Planning Act of 1975. Such an ordinance may be inspected by the public at the Town Hall of the Town of Cinco Bayou, Florida, and shall be heard for second reading and be considered for enactment by the Town Council of the Town of Cinco Bayou, Florida, at the day of the special council meeting to be held at 5:00 o'clock P.M. June 23, 1980, of the Town Hall. At the time of this special meeting, interested parties may appear and be heard with respect to the proposed Ordinance.

Albert S. Borchick, Jr.
Town Clerk

9323 June 16, 23 1980

6/23/80

Leg. 9349

NOTICE OF PROPOSED ENACTMENT OF RESOLUTION

A PUBLIC HEARING will be held on the following proposed Resolution at 5 P.M., on June 23, 1980, in the Town Hall, Cinco Bayou, Florida, at which time the Town Council will consider its adoption into law. The Resolution in its entirety may be inspected at the office of the Town Clerk during regular office hours, 8 A.M. to 3 P.M., Monday through Friday. All interested parties may appear at the meeting and be heard with respect to this proposed Resolution.

RESOLUTION

amending the building height requirements of Lots 13 and 14, Block 1, now zoned R-1, in anticipation of construction of Townhouses.

ALBERT S. BORCHICK, JR.
Town Clerk

June 22, 23, 1980

Cinco Bayou Adopts Comprehensive Plan

By STEVE CHEW

Daily News Staff Writer

Cinco Bayou councilmen on Monday formally adopted the town's comprehensive plan, despite objections by Fort Walton Beach contractor Osborne Pryor that the plan includes land whose ownership is disputed.

The comprehensive plan is a state-mandated outline of the town's long-range development and land use.

Pryor, who has claimed portions of Cinco Bayou bottomland and whose claims of legal title to parks within the town have resulted in considerable legal wrangling, submitted five objections to be considered by the council:

- Pryor said the town covers 160 acres and that its limits stop at the water, while the plan says that town covers 225 acres including water.

- Pryor said the maps in the plan do not show a street from Opp Boulevard into an area labeled a park between Lot 22, Block 24 and Lot 22, Block 25.

- Pryor said a map in the plan is correct where Cinco Bayou's west line intersects Kidd Bayou, but that Fort Walton Beach also claims part of the same area.

- Pryor said a map in the plan shows a road by Laguna Park but the town has taken the road into the park and fenced it. Pryor said he needs that road for access to his claimed lands along the bayou.

- Pryor said that because ownership of the area known as Glenwood Park is being contested, the park designation should not be used.

Pryor was not present at the Monday night meeting and council members did not discuss his objections. An ordinance adopting the town's comprehensive plan was passed unanimously.

Councilman Phil Johnston earlier this month voiced concern about the council having the power to amend the plan without having such changes okayed by state officials.

But in a June 13 letter from Mark Gill,

director of budget and planning for Okaloosa County, town officials were told they have the power to make changes without state approval.

"Although the state must review the master plan, which it has done, any objections are not binding upon the local government," the letter said.

Gill's letter explained that the plan "can be amended by the town anytime it appears necessary. Amendments to the plan are made by the town council through local ordinance/resolution. Amendments do not require state approval."

The town councilmen on Monday voted to pay Okaloosa County \$350 for Gill's help in preparing the comprehensive plan. The \$350 was 10 percent of Gill's fee the town had held until the plan became effective.

In other action Monday, council members voted unanimously to grant a 30-foot variance to the town's 35-foot height restriction for a Destin homebuilding firm that's planning a five-story condominium project on Yacht Club Drive.

The variance stipulated that the firm — Regency Home Builders Inc. — would pay all related advertising and legal fees the town might incur. The variance also said construction of the project must begin within a year.

In a June 19 letter from the firm's secretary, Buddy Runnels Jr., the firm formally asked the council to consider a height variance for the project. The letter said the condominium complex would be no taller than 65 feet.

The council on June 12 gave Runnels verbal approval for a 20-foot variance to the town's existing limit. Runnels said Monday he wanted a 30-foot variance because the elevation in the area fluctuates and he needed some "leeway" to work with.

The project will consist of 34 units ranging in price from about \$75,000 to \$135,000, according to Runnels.