

**Planning and Zoning Commission  
Regular Meeting  
October 22, 2003**

The Planning and Zoning Commission (P&Z) of the City of Titusville, Florida met in regular session in the Council Chamber of City Hall, located at 555 South Washington Avenue on Wednesday, October 22, 2003 at 7:00 p.m.

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Vice Chairman Jim Crowell called the meeting to order at 7:05 p.m. Present were Secretary Thomas Taylor, Members Lorene Shafer, Fred Banks, Sean Williams and Paul Secor. Chairman Fayson and Member Cox were excused. Also present were City Attorney Dwight Severs, Senior Planner Randy Woodruff, and Recording Secretary Tammy Holton.

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The first item of business was the approval of the minutes for the October 8, 2003 regular meeting. Member Shafer moved to approve the minutes. Member Banks seconded the motion. The motion carried unanimously.

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Vice Chairman Crowell reviewed the quasi-judicial procedures verifying that all persons wishing to speak have signed an oath card; that all agenda items have been properly advertised; and member's comments if they have visited sites; or spoken to any members of the public regarding an item to be reviewed.

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**Old Business:**

Rezoning #14-2003 John Evans, Attorney - The applicant is requesting a rezoning from Single-Family Medium Density (R-1b) & Open Space & Recreation (OR) to Multi-Family Low Density (R-2) & Open Space & Recreation (OR). Located on the north side of Kings Highway, lying south of Shepherd Drive in the Industrial Park and west of Grissom Parkway. Randy Woodruff gave an overview of the request.

John Evans, 1702 South Washington Avenue – In favor. Told P&Z that he accepts tabling the item until November 5<sup>th</sup> P&Z meeting.

Member Banks made a motion to table Rezoning #14-2003 until the November 5<sup>th</sup> P&Z meeting. Member Shafer seconded the motion.

Member Shafer – yes

Secretary Taylor – yes

Vice Chairman Crowell – yes

Member Banks – yes

Member Williams – yes

Member Secor - yes

**New Business:**

Rezoning #16-2003 Theodore R. Heath - The applicant is requesting a rezoning from Office Professional (OP) to Community Commercial (CC). Located at 2215 Garden Street. Randy Woodruff gave an overview of the request and relayed conditions recommended by staff for approval.

Dr. Larry Williamson, 2191 Garden Street – Against. Stated he appreciated notice of the intent to rezone. Gave a history of the past request for rezoning. Told P&Z that the building visually blocks his property from the road. Informed P&Z that the State of Florida will be taking away parking in order to resurface Garden Street and that parking spaces are at a premium in the area. Told P&Z that the patrons from the bar have vandalized his property and also parked on his property. Discussion followed.

Paul Raulerson, 103 Nidy Avenue - Against. Told P&Z that he was representing 33 residents who have signed a petition against the rezoning. Spoke with Mr. Carter and he stated he would expand the building, if zone change approved this business would be larger. Would not like to see this type of business restaurant/bar in a residential area. Requested the rezoning not be approved. There have been several occurrences of patrons fighting, urinating in the parking lot, drugs sales and sex outside the facility. Discussion followed.

Secretary Taylor made a motion for denial of Rezoning #16-2003. Member Shafer seconded the motion.

Member Banks – no  
Vice Chairman Crowell – yes  
Member Shafer – yes  
Secretary Taylor – yes  
Member Williams – yes  
Member Secor - yes

Rezoning #17-2003 Rodney M. Honeycutt, P.E. - The applicant is requesting a rezoning from Neighborhood Commercial (NC) to Community Commercial (CC). Located at the northwest corner of Westview Lane and State Road 50. Randy Woodruff gave an overview of the request.

John Evans 1702 South Washington Avenue – In favor. Told P&Z that he represents the applicant and gave a history of what the applicant (Rex TV and Stereo) would do within the zoning change. Stipulated that the applicant would limit activities to ones that already exist for the business.

Rodney Honeycutt, 5195 South Washington Avenue – In favor. Presented P&Z with a conceptual site plan and relayed the intentions of the applicant for the new building. Discussion followed. Secretary Taylor asked what type of buffering would be used. Mr. Honeycutt told P&Z that it would be a combination of fencing and landscaping. A neighbor had asked for no fencing due to breezeway being blocked. Applicant would be willing to working the resident to integrate his request.

Jane Butler 4565 Camelot Drive – In favor. Told P&Z that for 2 ½ years she mowed the property. Concerned that if property is raised draining would flow into her property. Voiced concerns about fencing blocking breezeway. Not opposed to nice landscaping or shrubs. Asked that dumpster not be placed next to her window.

Glen Hier, 4581 Camelot Drive – Neither. Informed P&Z that he owned three lots and sold one to Ms. Butler. Does not want paving 10 feet from his property and no fencing. Does not want to

have breezeway blocked. Discussion followed. Mr. Honeycutt told P&Z that he would work with Mr. Hier to try to satisfy his 40-foot opening requirement and no fencing. Discussion followed.

Member Secor made a motion for approval of Rezoning #17-2003 with the condition that the applicant work with staff during the site plan process to incorporate neighbors concerns and that the applicant stay within the CC zoning uses.

Vice Chairman Crowell – yes

Secretary Taylor – yes

Member Shafer – yes

Member Banks – yes

Member Williams – yes

Member Secor - yes

Conditional Use Permit #22-2003 Jack & Jill’s Playschool and Nursery, Inc. - The applicant requests a Conditional Use Permit to expand an existing Childcare Facility. Located at 305 Acorn Drive. Randy Woodruff gave an overview of the request. Discussion followed.

Jacqueline Kahrs, 305 Acorn Drive – In favor. Told P&Z that she is the president of Jack and Jill Child Care and stated they have been in business for eight years. Informed P&Z that the expansion would allow school age children to have a room only for them. This would allow them not to be in with pre-school children. Stated she is not actively seeking any new enrollments. Discussion followed.

Member Banks made a motion for approval of CUP #22-2003 with staff recommendation and conditions. Member Shafer seconded the motion.

Member Banks – yes

Secretary Taylor – yes

Member Shafer – yes

Vice Chairman Crowell – yes

Member Williams – yes

Member Secor - yes

Comprehensive Plan Amendment (CPA) No. 04-01 (Ordinance #XX-2003).

- **CPA 04-01A** Voluntary annexation of ±46 acres located west side of South Street (S.R. 405) and east of I-95 approximately 1,500 feet north of Cheney Highway (S.R. 50) with Commercial – High Intensity and Conservation land use.
- **CPA 04-01B** Voluntary annexation of ±612 acres located in the vicinity of S. Carpenter Road and Fox Lake Road with Residential and Conservation land use
- **CPA 04-01C** Voluntary annexation of ±63 acres located east of I-95 approximately 2,000 feet south of Garden Street (S.R. 406) with Residential and Conservation land use.
- **CPA 04-01D** Voluntary annexation of ±17 acres located east of I-95 approximately 3,000 feet south of Cheney Highway (S.R. 50) with Residential and Conservation land use.
- **CPA 04-01E** Voluntary annexation of ±34 acres located in the vicinity of N. Singleton Avenue and Parrish Road with Residential and Conservation land use.

Don Land gave an overview of each element for CPA 04-01.

04-01-A

John Evans, 1702 South Washington Avenue – In favor. Told P&Z that the property north of Lowe's is planned for a commercial project. In order to obtain City of Titusville water and sewer, the property must be annexed into the City.

04-01-B

Don Land relayed to P&Z that the Titusville Environmental Commission made a motion to suggest to the City that an independent environmental assessment be obtained for the property. Mr. Land relayed to P&Z the maximum densities for the area. Discussion followed.

John Evans, 1702 South Washington Avenue - In favor. Told P&Z that he represented the applicant. Wanted P&Z and the residents to remember that this is a recommendation to the State for these properties to be annexed, does not include rezoning at this time. Client has agreed to drop request from R1-B to R-2 for a residential subdivision and not multi-family. This is a unique piece of property and the intent is to develop a single-family subdivision. Wetlands have been identified; project would be invisible for the road. Relayed to P&Z that there are no scrub jays on this particular property and wetlands will be protected. Discussion followed.

Charles Moehle, 65 Country Club Road, Cocoa Beach – Informed P&Z that the request for annexation is to obtain water and sewer services. Asking for rural residential max of 2 units per acre. The project would be a gated community with private roads.

Don Human, 1965 Tranquility Lane – Against. Does not want Titusville to annex in this area. The residents currently have septic tanks and wells and do not want City services. If annexed then maximum building could occur. Majority of neighbors are opposed to this annexation. Discussion followed. Stated he does have a water service agreement.

Dan Criss, 1945 Tranquility Lane – Against. Likes being in the County, City has more rules that would lessen their current lifestyle.

Stanley Foster, 1940 Tranquility Lane – Against. Has four acres and has lived in Titusville for over 40 years. Purchased his dream home and does not want to be annexed into the City. Does not want smaller homes to depreciate the value of his home. Concerned with water supply shortage, job market is low in Titusville, wetland concerns and traffic would be horrendous. Requested tabling until residents could seek legal counsel for another meeting. Discussion followed.

Barbara Doran, 1960 Tranquility Lane – Against. Just recently purchased property and chose this area for the security and seclusion. If annexed then the homes already there are over built.

Donald Page, 3593 Thal Road - Against. Concerned that annexation is premature; the City is not prepared to take on the wetlands. Thinks there will be an impact to schools and water supply.

Julie Clark, 3625 Thal Road – Against. Wants area to remain SEU zoning, concerned that property values will go down and overcrowding of schools. Did not receive enough time with notification.

Gloria Heiden, 3612 Thal Road – Against. Has environmental concerns; higher density and sewage would taint water.

Michael Myjack, 1615 South Carpenter Road – Against. Stated there are scrub jays, gopher tortoises and other wild life in the area. Thought this was a cover scheme to rezone the whole area.

Tom Stewart, 3734 Thal Road – Against. Employed with Brevard County. Does not want area to be over populated.

Stan Retz, 3230 Treetop Drive – In favor. Seems that the City could have more control over development than Brevard County, therefore in favor of annexation.

Mark Gow, 3995 Fox Lake Road – Against. Agreed that this is a scheme, big development pushes aside the little people. Notification was not timely. Asked to have item tabled.

John Evans, 1702 South Washington Avenue - Rebuttal. There is a sewer force main that would need to be extended at the applicants expense. There is enough water, and wetlands will be preserved. Urged P&Z to recommend approval of transmittal to City Council. Told P&Z that most of the residents have a signed water agreement and now do not like the agreement that they signed but have used City water for years. Discussion followed.

Charles Moehle, 65 Country Club Road, Cocoa Beach – Rebuttal. The 56 acres that he is involved with would not impose on the wetlands. There are two City water lines that serve that property with enough capacity and an existing sewer line that is a force main. As a property owner we are entitled to a profit for the property. Urged P&Z to pass this process on so it can be studied.

Ruth Johnson, 457 Fawn Avenue - Against. Did not think that there was sewage already in the area and residents would have to pay for sewage. Real estate companies, not just private individuals, are promoting this not just an individual property owner.

04-01C

Lois Sexton, 100 South Singleton – Neither. Concerned that the area is wet. Cannot build without filling the area with dirt. Randy Woodruff verified the location for Ms. Sexton. She was fine with the location.

04-01D

Nancy Merchant, 8133 Windover Way – Against. Does not understand the rezoning, since it is a Lake. Does not want to see mobile homes visible from her property. Should remain County property. Discussion followed. Stated there has always been access from the road behind her property, there was not need to fill-in the lake.

Fred Renaud, 3300 Royal Oak Drive – In favor. Told P&Z that he has owned the property since 1965, has a permit from SJWMD to put concrete in the lake. Does not own the County right-of-way. Would like to be able to access his property from the south side of the lake. Feels it is the right time to take advantage of the market and it is contiguous to the City.

P&Z recessed for a five-minute break.

04-01E

Jackson Blankenship, Sr., 2190 Singleton Avenue, Mims – Against. Voiced concerns for dwelling density and size of dwellings. Most homes there currently are built on at least an acre of

land. Traffic would increase significantly with the density of five units per acre. Property values would suffer.

Michael Stone, 2180 Singleton Avenue – Against. What does the State do with the transmittal? Don Land told P&Z the process the State takes for Comprehensive Plan Amendments. Voiced concerns of traffic flow and speed of traffic.

Marlene Blankenship, 2190 Singleton Avenue, Mims – Against. Not opposed to development, but would like to have only one unit per acre.

Susan March, 2120 Singleton Avenue – Against. Thought the City has too many eggs in one basket. Improve Titusville and don't extend out and take what we have.

Julian Lindenauer, 2035 N. Singleton Avenue, Mims – Against. Received notice on Friday and began contacting neighbors in the area, most did not receive notices. Not concerned with the lack of restaurants or shopping plaza in the area, did not want urbanization. Asked P&Z to reject the request.

Clayton Elliott, 3220 Parrish Road – Against. Concerned for wild life and traffic. Did not agree with contiguous properties. Wants to have one unit per acre.

Charles Filko, 3320 Parrish Road - Against. Concerned about short notice, density, wetlands and traffic. Requested item be tabled for 30 days or denied.

Member Shafer made a motion to recommend to City Council that they proceed with transmittal with the exception of property north of Parrish Road. Secretary Taylor seconded the motion. Discussion followed.

Secretary Taylor – yes

Member Shafer – yes

Vice Chairman Crowell – yes

Member Banks – no

Member Williams – no

Member Secor - yes

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**Reports:**

Vice Chairman Crowell – Reported to P&Z on the conference he and Chairman Fayson attended in Naples, Florida.

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**Adjournment:**

The meeting adjourned 11:05 p. m.