

**Planning and Zoning Commission
Regular Meeting
October 8, 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 8, 2003 at 7:00 p.m.

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Vice Chairman Jim Crowell called the meeting to order at 7:00 p.m. Present were, Secretary Thomas Taylor, Members Lorene Shafer, John Beasley, Keith Cox, and Fred Banks. Chairman George Fayson was 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 September 17, 2003 regular meeting. Member Banks moved to approve the minutes. Secretary Taylor 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. Member Cox stated he had spoken to the public on one of the items but would not affect his vote.

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Old Business:

P&Z September 17, 2003 Request to Public Works – Jim Herron, Public Works email comments. Randy Woodruff told P&Z that the email response from Mr. Herron is the only information that staff had attained. Discussion followed.

Member Cox made a motion to remove CUP #11-2003 from the table. Member Banks seconded the motion. There was a unanimous voice vote.

Conditional Use Permit #11-2003 - The applicant is requesting a Conditional Use Permit for recycling facilities within the Industrial (M-2) zoning designation. Located at 4475 South Street. Randy Woodruff gave an overview of the request and relayed to P&Z the eight (8) conditions recommended by staff for approval. Vice Chairman Crowell asked City Attorney Dwight Severs if all previous code enforcement violations had been satisfied. Mr. Severs told P&Z that to date all issues had been cleared. Discussion followed.

Doug Baker, 1702 South Washington Avenue – In favor. Told P&Z that he represented the applicant and gave a history of the violations and steps taken to bring the property into compliance. Stated the applicant had no objections to the conditions place by staff. Informed P&Z that Mr. O'Leary is a proprietor of a recycling center in Cocoa and the he would be taking

over the recycling center on South Street as per an agreement between Mr. Feher and Mr. O'Leary. Discussion followed. Member Cox asked if Mr. O'Leary has entered into a contract to purchase the property. Mr. Baker told P&Z that the two men are in negotiations, but there was no contract in place at the present time. Discussion followed.

Gregory O'Leary, 4475 Highway 405 – In favor. Stated his Cocoa facility takes in post consumer goods. The material is weighed, segregated and then shipped to an end-user. Materials are not left lying around the premises. Certified with DEP and have a second-hand dealers license. Informed P&Z that the front acre of the 405 and South Street property will be vacant, grass will be planted and the recycling facility would be in the back of the property and hardly visible from the road. Discussion followed. P&Z asked if the surrounding business owners had approached him with any concerns or questions. Discussion followed. Member Shafer suggested having an agreement in place before going to City Council.

Member Shafer made a motion for approval of CUP #11-2003 with staff recommendations and conditions and with the stipulation that a contract is in place before going before City Council and Code Enforcement Board. Member Cox asked if a friendly amendment would be accepted to state all fines be settled before CUP is approved. Member Shafer did not accept friendly amendment. Discussion followed. Member Cox seconded the motion. Secretary Taylor made a friendly amendment to state the front 200 feet not be used for recycling facility. Member Shafer accepted the friendly amendment and added plus behind house. Member Cox accepted the friendly amendment.

Member Banks – yes

Vice Chairman Crowell – yes

Member Cox – yes

Member Shafer – yes

Secretary Taylor – yes

Member Beasley - yes

New Business:

Design Review 12 North Washington Avenue K.F.C. – The franchise is being required by the corporate offices to make renovations to the façade. Randy Woodruff gave an overview of the requested design changes.

Herman Stoll, 607 Lake Drive – In favor. Told P&Z that he would answer any questions. Secretary Taylor asked if the business would be closed during renovations. Mr. Stoll stated it would be closed for 5 days. Discussion followed.

Member Cox made a motion for approval of Design Review for 12 North Washington Avenue, K.F.C. Member Banks seconded the motion.

Vice Chairman Crowell – yes

Secretary Taylor – yes

Member Beasley – yes

Member Shafer – no

Member Banks – yes

Member Cox – yes

Preliminary Plat Review for Bent Oak Meadowridge - The development is located at the northeast corner of Grissom Parkway and Meadow Oaks Avenue. Randy Woodruff gave an overview of the request. Discussion followed. Member Cox voiced concern that a homeowners

association should be formed to properly maintain the property so the City does not have to incur that expense.

Doug Baker, 1702 South Washington Avenue – In favor. Informed P&Z that he represented Condev, the developer; Mr. Wallace McCulloch the engineer on record is present. Mr. Baker stated a declaration is in place for a homeowners association for the property and there are provisions for fencing and landscape placement. Discussion followed.

Wallace McCulloch, 5195 South Washington Avenue – In favor. Told P&Z that he is the engineer on record and discussed fencing. Discussion followed. Member Cox stated he would like to see consistency and that the area be properly maintained. Discussion followed.

Secretary Taylor made a motion for approval of Preliminary Plat for Bent Oak at Meadowridge. Member Shafer seconded the motion.

Member Cox – yes

Member Beasley – yes

Member Banks – yes

Secretary Taylor – yes

Member Shafer – yes

Vice Chairman Crowell – yes

Rezoning #15-2003, John H. Evans, P.A. - The applicant is requesting a rezoning from Multi-Family Medium Density (R-2) to Single-Family Medium Density (R-1b). Located at Barna Avenue & 1st Street, Sun Valley. Randy Woodruff gave an overview of the request. Discussion followed.

Doug Baker, 1702 South Washington Avenue – In favor. Told P&Z that he was representing Daphne Stevens, and she has a contract with Condev to purchase the property. In agreement with staff recommendation and conditions. Discussion followed.

Member Shafer made a motion for approval of Rezoning #15-2003 with staff recommendation and conditions. Motion was seconded by Member Banks.

Secretary Taylor – yes

Member Beasley – yes

Member Shafer – yes

Vice Chairman Crowell – yes

Member Banks – yes

Member Cox - yes

SSA #18-2003 William F. Koch III - Voluntary annexation of ±7.61 acres land with Commercial – High Intensity Land Use and Community Commercial (CC) zoning designation. Located at the southwest corner of South Washington Avenue (US #1) and S.R. 405. Randy Woodruff gave an overview of the request. A brief discussion followed.

Member Cox made a motion for approval of SSA #18-2003 to include annexation and land use change to CC. Secretary Taylor seconded the motion.

Member Beasley – yes

Member Shafer – yes

Secretary Taylor – yes

Vice Chairman Crowell – yes

Member Banks – yes

Member Cox - yes

SSA #19-2003 Forward Design and Development - Change of land use and rezoning of ±7.17 acres land from Commercial – High Intensity to Residential Land Use and Community Commercial (CC) to Multi-family High Density Residential (R-3) zoning designation with a density cap of 10 units/acre. Located at 450 Christian Court. Randy Woodruff gave an overview of the request.

Loys Ward, 1707 South Washington Avenue – In favor. Relayed history of the property to P&Z. Stated the contract to purchase is subject to rezoning to residential. Most commercial is now locating to the south end of town leaving the north area more conducive to residential. At this time, there are no plans to develop the property. Discussion followed. Mr. Ward told P&Z that R-3 zoning allows 15 units per acre but he would be willing to cap at 10 units per acre. Discussion followed.

Renee Kusterer, Dahlia Avenue- Against. Relayed to P&Z that she was speaking for herself and several neighbors in that area. Stated the residents are curious as to why the rezoning change now, concerned as to what may be developed on the property in the future. Would not like to see apartments. Noted that the Fire Department had a concern as to water availability. Discussion followed.

Member Beasley made a motion for approval of SSA #19-2003. Member Shafer seconded the motion.

Member Banks – yes

Vice Chairman Crowell – yes

Member Cox – yes

Member Shafer – yes

Secretary Taylor – yes

Member Beasley – yes

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Adjournment:

The meeting adjourned 9:00 p. m.