

**Planning and Zoning Commission
Regular Meeting
November 5, 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, November 5, 2003 at 7:00 p.m.

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Vice Chairman Jim Crowell called the meeting to order at 7:01p.m. Present were Secretary Thomas Taylor, Members Keith Cox, Lorene Shafer, John Beasley and Fred Banks. Chairman Fayson was excused. Also present were City Attorney Dwight Severs, Planning Administrator Keith Cunningham, Senior Planner Randy Woodruff, Housing Community Development Director Marie Engblom, and Recording Secretary Tammy Holton.

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The first item of business was the approval of the minutes for the October 22, 2003 regular meeting. Member Shafer moved to approve the minutes. Member Banks seconded the motion.

Vice Chairman Crowell – yes

Member Cox – yes

Member Shafer – yes

Member Banks – yes

Secretary Taylor – yes

Member Beasley - yes

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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.

Member Cox made a motion to table Rezoning #14-2003 until the December 3, 2003 regular P&Z meeting as requested by the applicant. Motion was seconded by Member Banks.

Member Beasley – yes

Member Shafer – yes

Secretary Taylor – yes

Vice Chairman Crowell – yes

Member Banks – yes

Member Cox - yes

New Business:

Façade Improvement 605 Palm Avenue – Randy Woodruff reported to P&Z of the address correction from 606 as stated to the actual address 605 Palm Avenue. Marie Engblom gave a presentation to P&Z regarding the requested improvements and a history of the building at 605 Palm Avenue. Discussion followed. Vice Chairman Crowell asked if Ms Engblom would make a presentation to P&Z on the Façade Improvement process. Ms. Engblom stated she would be happy to make a presentation.

Secretary Taylor made a motion for approval of Façade Improvements to 605 Palm Avenue. Member Shafer seconded the motion.

Member Banks – yes
Vice Chairman Crowell – yes
Member Cox – yes
Member Shafer – yes
Secretary Taylor – yes
Member Beasley - yes

Rezoning #19-2003 John H. Evans, on behalf of, Riverfront Developers, L.L.C. The applicant seeks a rezoning from Regional Mixed Use 600 and Opens Space and Recreation (OR) to Regional Mixed Use 100, 200, 300, 400 and Open Space and Recreation (OR). In addition, the applicant seeks Conceptual Master Plan approval. The subject property is located at the northeast corner of State Road 405 and U.S. Highway 1. Randy Woodruff gave an overview of the request.

John Evans, 1702 South Washington Avenue – In favor. Reported to P&Z that the applicant is proceeding under the regional mixed-use zoning and gave an overview of the intent for the property. Told P&Z that this would be coming before P&Z many times along project phases. Requested the support of P&Z. Discussion followed. Mr. Evans told P&Z that the applicant is not applying for a Marina at this time due to extensive process for the submittal.

Member Cox made a motion for approval of Rezoning #19-2003 with staff recommendation. Motion was seconded by Member Beasley.
Vice Chairman Crowell – yes
Secretary Taylor – yes
Member Beasley – yes
Member Shafer – yes
Member Banks – yes
Member Cox - yes

Member Banks made a motion to amend the agenda to bring items seven and eight (AIP #6-2003 and CUP #24-2003) before item three (Easement Vacation #4-2003). Motion was seconded by Member Shafer. There was a unanimous voice vote.

Area Impact Plan Review #6-2003 Rio Del Sol - Consulting Civil Engineers, Inc. (CCEI) has submitted an Area Impact request on behalf of Maurice Kodsi, Tricon Real Estate, Inc., for a proposed mid-rise condominium project on property located on the east side of South Washington Avenue directly east of the eastern terminus of Coquina Drive.

Conditional Use Permit #24-2003 Sid Chehayeb, P.E., on behalf of Maurice Kodsi The applicant requests a Conditional Use Permit for additional building height for property currently zoned

Shoreline Mixed Use (SMU). Property located on the east side of South Washington Avenue directly east of the eastern terminus of Coquina Drive.

Member Shafer made a motion to table AIP #6-2003 and CUP #24-2003 until the November 19, 2003 P&Z meeting as requested by the applicant. Member Banks seconded the motion.

Vice Chairman Crowell – yes

Secretary Taylor – yes

Member Beasley – yes

Member Shafer – yes

Member Banks – yes

Member Cox - yes

Easement Vacation #4-2003 Herbert Wolfe - A request has been submitted to vacate a ten-foot drainage easement located between lots 11 and 12, Block 1, Gibson Heights Subdivision. Randy Woodruff gave an overview of the request. Discussion followed. Member Cox asked if staff had as previously requested by P&Z issued a letter to the utilities providers to provide timely reviews. Randy Woodruff told P&Z that staff had not issued the letter to this date but would make sure that it is done.

Secretary Taylor made a motion for approval of Easement Vacation #4-2003. Member Shafer seconded the motion.

Member Cox – yes

Member Beasley – yes

Member Banks – yes

Secretary Taylor – yes

Member Shafer – yes

Vice Chairman Crowell - yes

Easement Vacation #5-2003 Robert H. Robinson for Sam Ackley Homes - A request has been submitted to vacate the turn around portion of the access easement for the Hidden Creek Subdivision. Randy Woodruff gave an overview of the request. Discussion followed.

Robert Robinson, 3421 Noble Street – In favor. Reported to P&Z that Mr. Ackley no longer owns the property and Mr. Robinson is now the landowner. Informed P&Z of the intent for the property. Discussion followed.

Member Cox made a motion for approval of Easement Vacation #5-2003. Member Beasley seconded the motion.

Secretary Taylor – yes

Member Beasley – yes

Member Shafer – yes

Vice Chairman Crowell – yes

Member Banks – yes

Member Cox - yes

Area Impact Plan Review #5-2003 2103 South Washington Avenue - Consulting Civil Engineers, Inc. (CCEI) has submitted an Area Impact request on behalf of Maurice Kodsi, Tricon Real Estate, Inc., for a proposed mid-rise condominium project on property located at 2103 South Washington Avenue. Randy Woodruff gave an overview of the request. Mr. Severs suggested opening the public hearing for both AIP #5-2003 and CUP #23-2003 together since both items are interrelated.

Conditional Use Permit #23-2003 Sid Chehayeb, P.E., on behalf of Maurice Kodsi The applicant requests a Conditional Use Permit for additional building height. Located at 2103 South Washington Avenue. Randy Woodruff gave an overview of the request. Discussion followed.

Jack Kirschenbaum, 1800 W. Hibiscus Boulevard, Ste 138, Melbourne - In favor. Reported to P&Z that he is the Attorney representing the applicant. Relayed to P&Z the architectural plan. There will be two buildings with eight floors housing two units per floor. The project completed will be 14.44 units per acre. The project will be constructed in one phase as to not impact surrounding areas for extended periods. Told P&Z that staff conditions are acceptable to the applicant.

Sid Chehayeb, 2910 Garden Street – In favor. Reported to P&Z the setbacks for the project. Discussion followed.

Ted Garrod, 124 Park Lane – Against. Told P&Z that he has been a resident for many years. Voiced concerns for building height exceeding the 50 feet limitation, traffic congestion and setbacks being limited.

Mary Garrod, 124 Park Lane – Against. Stated she would have liked to have the property dedicated for a park. Voiced concern for building height and increased CUP applications to allow height restrictions to be exceeded. Expressed a need for a traffic light if the project is approved. Asked P&Z to retain the height limitation at 50 feet.

Jack Kirschenbaum, 1800 W. Hibiscus Boulevard, Ste 138, Melbourne - Rebuttal. The applicant is entitled under the present zoning classification of a height of 50 feet; the applicant is requesting to go to 90 feet. There are no plans or request for the river to be filled. There will be no increase in density. Traffic for 32 units will not add any significant impact to existing traffic. There is a median cut in front of the driveway, all these issues will be discussed at the site plan development phase. Discussion followed.

Secretary Taylor made a motion for approval of AIP #5-2003 and CUP #23-2003 with staff recommendation and conditions. Member Banks seconded the motion.

Member Beasley – yes

Member Shafer – yes

Secretary Taylor – yes

Vice Chairman Crowell – yes

Member Banks – yes

Member Cox - yes

Conditional Use Permit #25-2003 Kiddie Kove Child Care Learning Center - The applicant seeks a Conditional Use Permit to allow a childcare facility for property zoned Community Commercial (CC). The subject property is located east of Sisson Road approximately 200 feet north of State Road 405. Randy Woodruff gave an overview of the request. Member Cox asked about fencing. Randy Woodruff told P&Z that fencing would be discussed at the site plan review process.

James Yates, 4123 Sweet Bay Drive, Mims – In favor. Gave a history of the present daycare to P&Z. Relayed that the facility needs to expand in order to be in the best interest of the children. The amount of children housed is roughly around 170-180 in the first phase and the second phase would be roughly an additional 75 children. The capacities are regulated by the various State Agencies. Discussion followed.

Randy Woodruff told P&Z that Knight Industries sent an email to staff and wanted to make sure that their facility would be on record as a defense contractor with the testing of weapons at their location, but did not oppose the granting of CUP #25-2003. Discussion followed.

Member Cox made a motion for approval of CUP #25-2003 with staff recommendation and conditions and in addition to make sure any playground areas are fenced. Member Banks seconded the motion.

Secretary Taylor – yes

Member Beasley – yes

Member Shafer – yes

Vice Chairman Crowell – yes

Member Banks – yes

Member Cox - yes

Area Impact Plan Review #4-2003 Roger Molitor – The applicant has submitted an Area Impact request for three proposed patio homes at 5415, 5418, and 5421 Riveredge Drive. Randy Woodruff gave an overview of the request.

Roger Molitor, 5401 Riveredge Drive – In favor. Mr. Molitor gave P&Z a history of the property. Asked P&Z to approve the AIP for three single-family patio homes. Discussion followed.

Claudette Beggs, 5337 Riveredge Drive – In favor. Declared she was thrilled that Mr. Molitor is developing with the same vision that the residents there are requesting.

Rose Easley, 5101 Riveredge Drive – In favor. Very happy with proposed patio homes. Voiced concerns about trees being removed without a permit and a stop work order issued against Mr. Molitor. Asked if the first home was going to be a model home and open to the public. Vice Chairman Crowell told Ms. Easley that Mr. Molitor previously stated that he would be living in the first unit. Randy Woodruff told P&Z that the Code Enforcement Department is working on the remove of trees.

Patricia Mooney, 5425 Riveredge Drive – In favor. Voiced concerns that the AIP plan did not address elevations and parking lot with stormwater run-off. Requested a completed AIP plan be submitted prior to approval. Randy Woodruff told P&Z that the AIP submitted by the applicant did meet all criteria and that is why it was accepted. There are conditions recommend by staff that will address Ms. Mooney’s concern at the site plan review process. Discussion followed. Ms. Mooney stated she still had concerns with the breezeway on the south end. Randy Woodruff

told P&Z that due to time constraints the applicant only addressed the one lot at the time of submission but sent a letter to staff to incorporate the additional two lots under one AIP review. Each lot would have to meet the breezeway requirements under City codes. Discussion followed.

Member Cox made a motion for approval of AIP #4-2003 with the correction that Lots 10, 11 and 12 be used instead of addresses, due addresses being incorrect. Member Beasley seconded the motion.

Member Beasley – yes

Member Shafer – yes

Secretary Taylor – yes

Vice Chairman Crowell – yes

Member Banks – yes

Member Cox - yes

Small Scale Amendment #20-2003 Roger Molitor - (1) Change of land use and rezoning of ± 0.97 acres land from Commercial – High Intensity to Residential Land Use and Regional Commercial (RC) to Multi-family High Density Residential (R-3) zoning designation with a density cap of 10 units/acre. (2) Rezone ±9.57 acres land from Residential Manufactured Housing Park (RMH-2) to Multi-family High Density Residential (R-3). South side of S.R. 50 west of FEC Railroad. Randy Woodruff gave an overview of the request.

Roger Molitor, 5401 Riveredge Drive – In favor. Presented to P&Z an aerial view of the proposed area and reported the intent for the property. Mr. Molitor told P&Z that the multi-family units would be rental apartments. Discussion followed.

Patricia Firmat, Gainesville, Florida – Neither. Told P&Z that she is one of the owners of Whispering Pines Mobile Home Park along with her sisters (Linda Derwick and Anne Booth). Voiced concerns that residents are mostly 55 and older and are legally exempt from accepting children and younger adults into their community. There is a quiet lifestyle and stable environment in Whispering Pines and the residents feel that this proposed plan would infringe on their current lifestyle. Would like to make sure that there is enough sound barrier/buffer to provide sense of privacy and provide tranquility to the residents. Requested a brick wall barrier that would run the length of Whispering Pines. Ms. Firmat requested that drainage be addressed so she would not incur any problems to her property. Discussion followed.

Anne Booth, 157 Slash Pine Court, New Smyrna Beach – Neither. Read into the record a letter of objections from resident Ms. Rosalyn Bogert, 35 Patricia Lane. The partnership has not finalized their opinion on the project but stated they would still like to have sufficient buffering.

Gilbert Curtis, 4845 Clover Lane – Neither. Told P&Z that he was afraid that the residents would lose their nice peaceful quiet neighborhood with the new 138 neighbors. Voiced concerns for level of service for the mobile home park with the new project. Requested a buffer between two communities with a minimum of 50-feet with a permanent wall buffer.

Lena Steinke, 4730 Periwinkle Lane – Neither. Hoped new neighbors would be considerate and kind to residents.

Discussion followed.

Roger Molitor, 5401 Riveredge Drive – Rebuttal. Would like to be able to make Whispering Pines residents happy willing to compromise within reason. Stated he would like to leave as much native preservation along railroad tracks as possible to offer a buffer. Discussion followed.

Secretary Taylor made a motion for approval of SSA #20-2003. Member Shafer seconded the motion.

Member Banks – yes

Vice Chairman Crowell – yes

Member Cox – yes

Member Shafer – yes

Secretary Taylor – yes

Member Beasley - yes

Comprehensive Plan Amendment (CPA) No. 04-01.

The proposed two (2) additional components are being added to the transmittal package reviewed by the Local Planning Agency (LPA) on 10/22/03. Randy Woodruff gave an overview of the request to add these two items to the original transmittal.

- **CPA 04-01F** Voluntary annexation of ±20 acres generally located west of I-95, east and south of Fox Lake Road. The applicants are requesting Residential land use and Rural Residential (RR) zoning.

Member Shafer made a motion for approval of CPA 04-01F. Secretary Taylor seconded the motion.

Vice Chairman Crowell – yes

Secretary Taylor – yes

Member Beasley – yes

Member Shafer – yes

Member Banks – yes

Member Cox – yes

- **CPA 04-01G** Voluntary annexation of ±71 acres located at the southwest intersection of Singleton Avenue and Parrish Road. The applicants are requesting Residential land use and Multi-Family medium Density (R-2) zoning with a density cap of five units per acre.

Adam Armaganian, 4760 North US 1, Melbourne – In favor. Reported to P&Z the intentions for the request. Discussion followed.

Member Beasley made a motion for approval of CPA 04-01G with staff recommendation.

Secretary Taylor seconded the motion.

Secretary Taylor – yes

Member Beasley – yes

Member Shafer – yes

Vice Chairman Crowell – yes

Member Banks – yes

Member Cox - yes

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Reports:

Staff – Informed P&Z that a Developer Agreement had been presented to P&Z at the last meeting by City Attorney Dwight Severs and asked if P&Z had any comments. P&Z stated that they had no comments relating to the agreement.

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Adjournment:

The meeting adjourned 9:55 p. m.