

**Planning and Zoning Commission  
Regular Meeting  
January 21, 2004**

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, January 21, 2004 at 7:00 p.m.

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Chairman Fayson called the meeting to order at 7:00 p.m. Present were Vice Chairman Jim Crowell, Secretary Thomas Taylor, Members Keith Cox, Lorene Shafer, Fred Banks John Cipolletti, and Sean Williams. Also present were City Attorney Dwight Severs, Executive Director of Community Development Roy Crawford, Planning Administrator Keith Cunningham, 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 January 21, 2004 regular meeting. Member Banks moved to approve the minutes with any necessary corrections. Member Shafer seconded the motion. There was a unanimous voice vote approval.

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Chairman Fayson 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 would abstain from voting on New Business item number four due to conflict of interest and he would stand to gain financially.

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**Consent Agenda:**

Design Review Gemini Memorial Improvements – Randy Woodruff gave an overview of the request. Discussion followed.

Vice Chairman Crowell made a motion for approval of Design Review for Gemini Memorial Improvements. Member Shafer seconded the motion. There was a unanimous voice vote.

**Old Business:**

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. Randy Woodruff gave an overview of the request.

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 Cox made a motion to remove AIP #6-2003 and CUP #24-2003 from the table. Member Banks seconded the motion.

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

Discussion followed.

Sid Chehayeb, 2910 Garden Street - In favor. Informed P&Z that he is the consulting engineer, will not fill-in areas sloping toward the river. Project is less than 0.7 miles from SR 50. There is no property in that area that could be developed. There will be a 47% breezeway for the project. The condominiums would cost between \$350 and \$400,000. Building will be eleven stories over a garage. Will work with staff's recommendation and landscape requirements. This will be luxury condominiums for the City of Titusville. The project will be exactly like the artist rendering presented to P&Z. Discussion followed.

Karen Mills, 425 Maple Place – Against. A survey done in 2003 by the City of Titusville stated that the citizens wanted the waterfront protected and no high-rise condominiums. This takes away from people coming to watch the Space Shuttle launches. Suggested referring back to the poll; be for the people and not for developers. Member Shafer stated that Ms. Mills is a member of the Titusville Environmental Commission and is speaking on their behalf. Ms. Mills stated she is a member of the commission but is speaking only as a citizen and not a member. Discussion followed.

Bob Snyder, 1090 South Carpenter Road. – Against. Owns property south of this property. Voiced frustration on this project it has been bounced around and tabled for some time. This deal is wrong; height restriction is being violated. Presented P&Z with a petition of thirty-six signatures all against the development. This building does not fit with the City, sets precedence.

Discussion followed.

Maurice Kodsi, 925 North Parkway, Merritt Island - Stated this in his opinion is a high-rise. Discussion followed.

Member Cox made a motion for approval of AIP #6-2003 and CUP #24-2003. Vice Chairman Crowell seconded the motion.

Member Banks – yes

Vice Chairman Crowell – yes

Member Cox – yes

Member Shafer – yes

Secretary Taylor – no

Chairman Fayson – yes

Member Beasley - no

### **New Business:**

Ordinance #2-2004 Modifying the Definition of a Lot – At the November 25, 2003 City Council meeting staff was asked to modify the definition of “Lot” in the LDR’s. Randy Woodruff gave a brief overview of the request. Roy Crawford gave a simple definition of a lot to P&Z and relayed to them that submerged lands cannot be filled or built upon. Member Beasley asked if property owners would not pay taxes. Mr. Crawford stated that the owners of submerged lands could make a case to the property appraiser’s office that they should not pay taxes. Discussion followed. Member Cox stated he is opposed to this ordinance, owners bought their property according to the current ordinances, this limits property owner’s rights. This is a dangerous situation; we have no right to change the definition of a lot. Member Cox stated that he had recently read *Mugged by the State*, by Randall Fitzgerald since it related to this particular issue. Why ask the City of Titusville to change the definition by someone that does not even reside in the City and probably never will. Discussion followed. Dwight Severs relayed to P&Z a brief overview of the laws as related to vested rights. Discussion followed.

Bob Snyder, 4260 South Washington Avenue – In favor. Agreed that private rights should be defended. This has to do with submerged lands; the riverfront and wetlands are a different issue.

Vice Chairman Crowell made a motion to recommend denial of Ordinance #2-2004 to City Council. Member Beasley seconded the motion.

Member Cox – yes

Member Beasley – yes

Member Banks – yes

Secretary Taylor – yes

Member Shafer – yes

Chairman Fayson – yes

Vice Chairman Crowell - yes

Ordinance xx –2004 Single Family Patio Home R1-D Zoning District – Amending the Land Development Regulations in order to create the Single Family Patio Home (R1-D) zoning district. Randy Woodruff gave an overview of the request. Discussion followed.

Secretary Taylor made a motion to adopt Ordinance xx-2004 Single Family Patio Home R1-D Zoning District. Member Shafer seconded the motion.

Secretary Taylor – yes

Member Beasley – yes

Chairman Fayson – yes

Member Shafer – yes

Vice Chairman Crowell - yes

Member Banks – yes

Member Cox - yes

Ordinance #3-2004 Clarifying and permitting the resubmittal of a large-scale Comprehensive Plan Amendment - At the 11/25/03 City Council meeting, City Council requested that staff prepare a draft ordinance allowing the same large-scale Comprehensive Plan Amendments denied by City Council to be resubmitted after six (6) months. Randy Woodruff gave an overview of the request.

Donald W. Page, 3593 Thal Road – Against. Requested P&Z deny this ordinance. Questioned why would someone be allowed to bring back a project that previously had problems and had been denied. Why should staff have to review the exact same item over again. Discussion followed. Mr. Page suggested that a project should never be brought in with the same conditions.

Vice Chairman Crowell made a motion to adopt Ordinance #3-2004 with the recommendation that the second denial be changed to one (1) year instead of two (2).

Member Shafer seconded the motion.

Chairman Fayson – yes

Vice Chairman Crowell – yes

Member Cox – yes

Member Shafer – yes

Member Banks – yes

Secretary Taylor – yes

Member Beasley - yes

Rezoning #2-2004 Francis H. Pearce - The applicant is requesting a rezoning from Rural Residential (RR) to General Use (GU) at 704 N. Dixie Avenue. Randy Woodruff gave an overview of the request. Discussion followed.

Frank Pearce, 704 N. Dixie Avenue – In favor. The airports concerns are not founded; the birds cannot clear a two-foot fence. This does not represent a danger to aircrafts.

Mr. Scott Carr Director of Facilities with the Titusville-Cocoa Airport Authority submitted a letter via fax to recommend against the request because birds could collide with aircraft. Discussion followed.

Secretary Taylor made a motion for approval of Rezoning #2-2004 from RR to GU.

Member Beasley seconded the motion.

Member Beasley – yes

Member Shafer – yes

Secretary Taylor – yes

Chairman Fayson – yes

Vice Chairman Crowell – yes

Member Banks – yes

Member Cox – abstained.

SSA #4-2004 John H. Evans on behalf of J.W. Childre, Trustee - Change of land use and rezoning of 9.39 acres of land from Commercial High Intensity Land Use and Community Commercial (CC) zoning to Residential Land Use and Multifamily, Medium Density (R-2) zoning. Located at the southwest corner of Dairy Road and North Singleton Avenue. Randy Woodruff gave an overview of the request. Discussion followed. John Cipolletti stated that the current capacity of the middle school would be questionable and would be difficult to support an increase in students. Discussion followed.

Doug Baker, 1702 South Washington Avenue – In favor. Informed P&Z that he represented the applicant for this property. Agreed with staff's report and recommendation. Conservation easement would provide a buffer from the proposed development and Tituswoods. Discussion followed.

Member Cox made a motion for approval of SSA #4-2004 with the stipulation that in the interest of public safety that an apartment project would be required to have an entrance and exit on Dairy Road and Singleton Avenue. Member Banks seconded the motion.

Member Banks – yes

Vice Chairman Crowell – yes

Member Cox – yes

Member Shafer – yes

Secretary Taylor – yes

Chairman Fayson – yes

Member Beasley - yes

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**Adjournment:**

The meeting adjourned 9:19 p. m.