

**Planning and Zoning Commission
Regular Meeting
March 17, 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, March 17, 2004 at 7:00 p.m.

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Vice Chairman Taylor called the meeting to order at 7:00 p.m. Present were Members Beasley, Secor, Williams, Tulley and Fuller. Chairman Fayson, Secretary Shafer and Members Banks and Cipolletti were excused. Also present were Attorney Richard Rogers, Executive Director of Community Development Roy Crawford, Planning Administrator Keith Cunningham, Redevelopment Specialist Courtney Harris, Planner Don Land and Recording Secretary Tammy Holton.

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The first item of business was the approval of the minutes for the February 18, 2004 regular meeting. Member Tulley moved to approve the minutes as corrected. Member Secor seconded the motion. There was a unanimous voice vote approval.

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Vice Chairman Taylor 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 Fuller informed P&Z that she would abstain from voting on Consent Agenda Item #1 Preliminary Plan Review for Waterside @ LaCita due to conflict of interest.

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Keith Cunningham reported to P&Z that the Titusville Environmental Commission (TEC) at their March 17, 2003 regular meeting made a motion to recommend that the City expedite the ordinances for landscape, tree preservation and open space. Mr. Cunningham then reviewed the consent agenda items with P&Z.

CONSENT AGENDA ITEMS

Preliminary Plat Review for Waterside at LaCita - This is a Preliminary Plat Review for the Waterside @ LaCita development. The development is located east of Oak Hill Drive and is zoned PUD/R-1b. The project will consist of 50 patio home lots on 16.65 acres. Keith Cunningham gave an overview of the request.

Design Review - Commercial façade improvements for 5 Main Street. The applicant has submitted façade improvements for the east and south side of the building at 5 Main Street.

Right-of-Way Vacation #1-2004 Thomas D. Scanlon – The applicant has submitted a request to vacate the 50’ x 200’ right-of-way on Knox McRae Drive as described in right-of-way deed in Book 1170, Page 680, Public Records of Brevard County, Florida.

Right-of-Way Vacation #2-2004 Linwood V. Rice of Honeycutt & Associates - A request has been submitted to vacate those portions of the 20-foot wide platted right-of-way lying between lots 104 and 105 and between lots 120 and 121 and a 25 foot wide right-of-way lying south of lots 120 through 125.

Discussion followed.

Thomas Scanlon, 808 South Denning Drive, Winter Park, Florida – In favor. Mr. Scanlon submitted to P&Z letters voicing no objections from all utility providers.

Woody Rice, 5195 South Washington Avenue – In favor. Explained to P&Z the intentions to vacate the right-of-way in order to protect the wetlands as a conservation easement. Discussion followed.

Member Secor made a motion to approve items one through four on the Consent Agenda. Member Beasley seconded the motion.

Member Beasley – yes

Vice Chairman Taylor – yes

Member Tulley – yes

Member Secor – yes

Member Williams – yes

Attorney Rogers informed P&Z that Member Fuller only abstained from item one and should be able to vote for items two through four.

Member Fuller voted Yes on items two through four.

New Business:

Member Tulley made a motion to amend agenda item six of new business to item one.

Member Fuller seconded the motion. There was a unanimous voice vote approval.

Conditional Use Permit #2-2004 Frank Connell - The applicant is requesting a Conditional Use Permit to allow outdoor recreational and commercial amusements in a

Regional Commercial (RC) zoning district. Located at 4710 South Washington Avenue. Don Land gave an overview of the request. Discussion followed.

Motion was made by Member Fuller to table CUP #2-2004 until the regular P&Z meeting on April 21, 2004. Member Tulley seconded the motion.

Member Secor – yes

Member Beasley – yes

Vice Chairman Taylor – yes

Member Tulley – yes

Member Williams – yes

Member Fuller – yes

AIP #5-2003 Consulting Civil Engineers, Inc. (CCEI) – An application has been submitted to amend the Area Impact request on behalf of Maurice Kodsi, Tricon Real Estate, Inc., for a proposed mid-rise condominium project. The amended area now includes the current Howard Johnson Hotel property, which is located just north of the area described in previous AIP request. Don Land gave an overview of the request.

Conditional Use Permit # 23-2003 Sid Chehayeb, P.E., on behalf of Maurice Kodsi - The applicant requests an amendment to Conditional Use Permit #23-2003 for additional building height and a Conditional Use Permit for Additional Density (19.79 units per acre. Located at 2103 South Washington Avenue. Don Land gave an overview of the request.

Mary Garrod, 124 Park Lane – Against – Ms. Garrod told P&Z that she has been a Titusville resident since 1957. Did not want outsiders to come into Titusville and change existing code to accommodate their needs.

Thurman Garrod, 124 Park Lane - Against. Felt the apartment complex would be hanging over the water.

Ron Norris, 1240 Riverside Drive – Against. Thanked P&Z for the great job they have done within the last few years. Stated he would be willing to meet with developers to discuss his concerns as long as all residents on Riverside Drive would be notified of the meeting.

Kathleen Burson, 385 Delespine Avenue – Against. Reviewed with P&Z items from the Comprehensive Plan relating to the Coastal Management Element.

Anita Yount, 714 Indian River Avenue – Neither. Stated she was impressed with citizens who had done their homework. Concerned with unbridled growth in the area. Relayed to P&Z her history of serving on similar boards and as Mayor with Palm Beach County. Asked P&Z to consider residents opinions.

Philip Nohrr, 621 Nightingale Drive, Indialantic, Florida – Told P&Z that the applicant would be happy to set up meetings with the residents to discuss their concerns and the project with all neighbors.

Member Secor made a motion to table AIP #5-2003 and CUP #23-2003 until May 19, 2004. Member Tulley seconded the motion.

Member Beasley – yes
Vice Chairman Taylor – yes
Member Tulley – yes
Member Secor – yes
Member Fuller – yes
Member Williams - yes

Vice Chairman Taylor called for a five minutes recess.

Ordinance # –2004 adding the School Board Member appointee to the Planning and Zoning Commission/Local Planning Agency as a non-voting member - On 2/24/04, City Council approved the advisability to proceed with an ordinance, which adds the School Board appointee to the P&Z/LPA as a non-voting member. Keith Cunningham gave an overview of the ordinance. Discussion followed.

Member Fuller made a motion to adopt Ordinance #xx-2004 adding the School Board Member as a non-voting member. Member Beasley seconded the motion.

Member Beasley – yes
Vice Chairman Taylor – yes
Member Tulley – yes
Member Secor – yes
Member Fuller – yes
Member Williams - yes

Ordinance #16-2004 amending the Land Development Regulations by clarifying the resubmittals of a rezoning, comprehensive plan amendment, conditional uses or annexation – At the 2/27/04 City Council directed staff to prepare of a new ordinance clarifying the existing ordinance. Keith Cunningham gave an overview of the ordinance. Discussion followed. Member Tulley voiced concerns with the term “significant changes”.

Discussion continued.

Member Tulley made a motion to adopt Ordinance #16-2004 as written. Member Fuller seconded the motion.

Member Tulley – yes
Member Secor – yes
Vice Chairman Taylor – yes
Member Beasley – yes
Member Williams – yes
Member Fuller - yes

Ordinance #xx-2004 which adopts the Community Redevelopment Plan Supplement - Pursuant to Florida Statutes 163.360, 163.361 and 163.362, Ordinance # xx –2004 adopts the redevelopment plan update dated February 2004. The Community Redevelopment Agency (CRA) has reviewed the plan and recommends approval. Keith Cunningham introduced Courtney Harris as the new Redevelopment Specialist for the City. Ms. Harris gave an update and overview of the redevelopment plan supplement. Discussion followed. Keith Cunningham relayed to P&Z the changes that had occurred since the last update in 1996. Member Tulley suggested reexamining the vision statement to reflect the verbiage used in the downtown’s assets paragraph. Discussion followed.

Member Beasley made a motion to accept the Ordinance, which adopts the Community Redevelopment Plan Supplement. Member Fuller seconded the motion. Discussion followed.

Member Beasley – yes
Vice Chairman Taylor – yes
Member Tulley – yes
Member Secor – yes
Member Fuller – yes
Member Williams – yes

Ordinance #20-2004- Adding a conceptual site plan as an exhibit on land use applications. Keith Cunningham gave an overview of the request. Discussion followed.

Member Tulley made a motion to request a recess in order to review additional codes. Member Fuller seconded the motion.

Member Secor – no
Member Beasley – no
Vice Chairman Taylor – no
Member Tulley – yes
Member Williams – yes
Member Fuller – yes

Motion did not carry.

Member Secor made a motion to approve Ordinance #20-2004. Member Williams seconded the motion.

Member Tulley - yes
Member Secor – yes
Vice Chairman Taylor – yes
Member Beasley – yes
Member Williams – yes
Member Fuller - yes

Rezoning #6-2004 Mr. Rowland, on behalf of the Christian Science Society - The applicant is requesting a rezoning from General Use (GU) to Single-Family, Medium

Density (R-1B) at 705 Harrison Street. Don Land gave an overview of the request. Don Land read into the record comments from Member Cipolletti relating to the rezoning request. Discussion followed.

James Rowland, 45 Sunset Drive – In favor. Mr. Rowland told P&Z that he is the Chairman of the Board for the church. Informed P&Z of the intent for the property stated only four lots would be possible for the property. The church had been approached to sell the property to use for one home. Discussion followed.

Crizzer Kennedy, 600 Hanover Drive – Neither. Voiced concerns for not having a high-rise in the area.

Discussion followed.

Member Beasley made a motion for approval of Rezoning #6-2004. Member Fuller seconded the motion.

Member Tulley – yes

Member Beasley – yes

Vice Chairman Taylor – yes

Member Secor – yes

Member Fuller – yes

Member Williams - yes

Conditional Use Permit #3-2004 O’Leary Enterprises, Gregory O’Leary - The applicant requests to amend Conditional Use Permit #11-2003 by removing the condition requiring no fencing westward of the existing building within the Industrial (M-2) zoning designation. Located at 4475 South Street. Don Land gave an overview of the request.

Gregory O’Leary, 4475 South Street – In favor. Explained to P&Z the history of the fence installation and City Council’s ruling. Mr. O’Leary stated he does not own the property and the present owner will not allow him to move the fence at this time. Mr. O’Leary informed P&Z that he would be taking ownership of the property on November 1, 2004 per a lease to buy agreement. Discussion followed. Mr. O’Leary informed P&Z that he is currently working with the City on landscaping to beautify the area. Discussion followed.

Robert Rennie, 4607 Ashley Drive – Neither. Concerned that P&Z did not like the fence color, citizens should not have to submit to the color schemes of public officials. The fence is substantially well built and the color does not bother him. Did not understand the reasoning for moving the fence 200 feet back.

Discussion followed.

Member Secor made a motion to amend CUP #3-2004 condition item number four to add a date of completion that is equal to LDR’s of 11/11/04. Discussion followed. Attorney Rogers clarified the LDR section for P&Z. Member Secor amended his original motion

to a completion date of 2/1/05. Member Beasley seconded the motion. Discussion followed.

Member Beasley – yes
Vice Chairman Taylor – yes
Member Tulley – yes
Member Secor – yes
Member Fuller – yes
Member Williams – yes

SSA #5-2004 Kevin J. Demers, D.C. - Change of land use and rezoning of ±0.69 acres land from Residential to Commercial – Low Intensity Land Use and Single Family Medium Density Residential (R-1B) to Neighborhood Commercial (NC) zoning designation. Located at 2208 S. Hopkins Avenue. Don Land gave an overview of the request. Discussion followed.

Kevin Demers, 2208 South Hopkins Avenue – In favor. Relayed to P&Z his intentions to have a chiropractic office on the property and that it would not set any special conditions for the area. The integrity of the property would be maintained. Vice Chairman Taylor asked if Mr. Demers would keep the property commercial with no residential intent. Mr. Demers confirmed for P&Z that it would not be used in a residential capacity.

Mary Garrod, 124 Park Lane – Neither. Told P&Z the traffic flow for that section of Hopkins Avenue is very dangerous. This information was determined by research from 1982 through 1994 by the past homeowners association. Asked P&Z to consider traffic concerns and utilities for the property.

Member Beasley made a motion for approval of SSA #5-2004. Member Secor seconded the motion.

Member Tulley – yes
Member Secor – yes
Vice Chairman Taylor – yes
Member Beasley – yes
Member Williams – yes
Member Fuller - yes

Reports:

Staff - Discussed that the next P&Z meeting on April 7, 2004 would be a workshop and there would be no public hearing items.

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Adjournment:

The meeting adjourned 10:07 p.m.