

**Planning and Zoning Commission
Regular Meeting
May 5, 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, May 5, 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 Taylor Secretary Shafer, Members Banks, Beasley, Fuller and Tulley. Member Secor and Cipolletti were excused. Also present were City Attorney Dwight Severs, Planning Administrator Keith Cunningham, Senior 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 April 21, 2004 regular meeting. Member Banks moved to accept the minutes with corrections. Member Tulley 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. Chairman Fayson stated he did visit the sites but spoke to no one and his visit would not effect his decision of the items.

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New Business:

Ordinances #24-2004 and #25-2004 - Adding a voluntary provision for cluster single family development in the Residential Estate (RE) and Single Family High Density (R1-C) zoning district with onsite open space. Don Land gave an overview of the request. Discussion followed. Member Beasley voiced concerns for the rights of property owners on golf courses. Discussion followed. Member Tulley asked about the difference between upland and wetlands. Don Land told P&Z how the current Land Development Regulations (LDR) is used to determine the difference for density. Discussion followed. Chairman Fayson asked if both ordinances were to be heard together. Mr. Severs told P&Z that both ordinances were listed together on the agenda and could be heard together and voted on separately if the board so desired. Discussion followed.

Gloria Heiden, 3612 Thal Road - In favor. Has worked long and hard to get an agreement that works for all concerned.

Michael Myjak, 1615 South Carpenter Road – In favor of Ordinance 24 and against 25. On Ordinance 24 in favor of the idea of clustering, but there are still some problems that need to be addressed. Voiced concerns for upland percentages and buffers.

Kathleen Burson, 385 Delespine Avenue – In favor of Ordinance 24. This work very well, it complements the work the she and Mr. Myjak did with the rural overlay district. The ordinance helps to protect the environment. Stated cluster density has to start low, which works for the RE zoning. Against Ordinance #25-2004 it does not work. Discussion followed. Ordinance 25 is the opposite of the way 24 works. There is a minus gain in lots under Ordinance 25 a penalty is given if lots are clustered. Discussion followed.

Steve Jack, 3111 Parker Street, Mims - Against Ordinance 25, in favor of Ordinance 24. Rural areas should be transitioning to lower densities.

Pete Petyk, 1237 Little Oak Circle – Against Ordinance 25. Presented P&Z with a calculation sheet detailing the differences between R1-C and R1-C Clustering. Suggested P&Z vote no and sending it back to planning for more clarification. High-density zoning is degrading the area and hurting Titusville.

Tiffany Johnson, 457 Fern Avenue – Neither. Requested that P&Z tweak the ordinance relating to uplands and buffering.

Veronica Clifford, 2928 Long Lake Drive – Against. RE zoning is global and should not be, developers will be able to chose and this is not best for Titusville. Do not force RE cluster zoning on everyone in the RE zoning districts.

Michael Myjak, 1615 South Carpenter Road – Against Ordinance 25. Stated the he and Ms. Burson have spent several hours reviewing these items and have come up with a proposed rural overlay district. Mr. Myjak summarized for P&Z the proposed rural overlay district.

Discussion followed.

Member Tulley made a motion for approval of Ordinance #24-2004 as written. Member Banks seconded the motion.

Member Beasley – yes
Vice Chairman Taylor – yes
Secretary Shafer – yes
Chairman Fayson – yes
Member Tulley – yes
Member Banks – yes
Member Fuller – yes

Member Tulley made a motion for denial of Ordinance #25-2004. Member Beasley seconded the motion. Discussion followed. Member Tulley recommended that City Council ignore this ordinance in its entirety.

Member Beasley – yes
Member Banks – yes
Secretary Shafer – no
Vice Chairman Taylor - yes
Chairman Fayson – yes
Member Tulley – yes
Member Fuller - yes

P&Z recessed for five minutes.

Ordinance #26-2004 – Elimination in counting submerged lands east of U.S. Highway One in the computation of residential density. Keith Cunningham gave an overview. Discussion followed.

Bob Snyder, 4460 Bethany Lane - In favor. This ordinance is long overdue, appropriate and needed.

Michael Myjak, 1615 South Carpenter Road – In favor. Since you cannot build on land under water then you should not be able to calculate in density. Waterfront is a cherished asset that the citizens can enjoy and should be preserved.

Peter Petyk, 1237 Little Oak Circle – In favor. Presented P&Z with a history of the City of Titusville’s LDR codes relating to submerged land in density calculations.

Laura Ward, 5317 Riveredge Drive – In favor. Relayed to P&Z that in the past there was a strict code relating to using submerged lands in density calculations. This was in the codes in the past and has since been dropped, but it is still there and needs to be adhered to.

Veronica Clifford, 2928 Long Lake Drive - In favor. Agreed that submerged land density should not be calculated.

Tiffany Johnson, 457 Fern Avenue – Against. Property owners of riverfront land do pay taxes on the submerged lands and should be able to gain value from their property.

Discussion followed.

Vice Chairman Taylor made a motion to adopt Ordinance #26-2004. Member Beasley seconded the motion.

Member Banks – yes

Member Tulley – yes

Vice Chairman Taylor – yes

Secretary Shafer – no

Chairman Fayson – yes

Member Beasley – yes

Member Fuller - yes

Vice Chairman Taylor asked for clarification from the public present requesting to speak on the remaining agenda items. There were several oath cards that would have the public hearing open until after midnight. P&Z suggested having each person speak once with an additional two minutes added to the allotted time. Discussion followed.

Don Land reminded P&Z that they would be acting as the Local Planning Agency for the remainder of the new business agenda items.

Comprehensive Plan Amendment (CPA) #04-01 - Florida Statutes Chapter 163.3187, allows the City to amend its comprehensive plan twice per calendar year. This is the first amendment for calendar year 2004. The Local Planning Agency is required to conduct public hearings on the ordinances listed below which annex certain properties adopt CPA #04-01 and apply zoning to certain properties then make recommendations to City Council. Staff reviewed the proposed amendments with P&Z.

Charles Moehle, P.O. Box 1417, Cocoa Beach - In favor. Clarified the location for Item D Ordinance #27-2004 and told P&Z of the intention to bring in more commercial uses such as Cracker Barrel and Lowes. Stated he would answer any questions that the board had. Discussion followed. Mr. Moehle stated he would like to also speak in favor on Item F Ordinance #29-2004.

Michael Myjak, 1615 South Carpenter Road – Against. Voiced concerns on CPA #04-01A for the increase in intensity of zoning, traffic use and road improvements/conditions. Mr. Myjak had problems with changing the future land use map to higher densities. Mr. Myjak stated DCA comments were given relaying caution for the amendment.

Charles Moehle, P.O. Box 1417, Cocoa Beach – Rebuttal. Addressed comments from DCA that Mr. Myjak mentioned, he is blowing them out of proportion. Stopping growth and stopping everything is not appropriate for Titusville.

Nancy Merchant, 8133 Windover Way – Against Item F Ordinance #29-2004. There is no benefit to annexing a lake into the City of Titusville. Worked with the St Johns River Water Management District to stop the applicant from filing in the lake. Don Land told P&Z that the owner had indicated to staff that he had no plans for the lake. Discussion followed.

Veronica Clifford, 2928 Long Lake Drive - Against. Stated that several items listed would be rezoned to RE that was previously discussed with oppositions voiced.

Adam Armaganian, 4760 North US Highway One, Melbourne - In favor of Item G Ordinance #30-2004 and R1-C zoning. Plans submitted to the City would house 70 units, which is less than two units per acre. A plan was outlined to save upland and wetlands. This would be more conservative than the County allows.

Polly Phillips, 1742 N. Singleton Avenue – Against Item G Ordinance #30-2004. Recommended that P&Z not annex properties around Singleton Avenue and Parrish Road. Discussion followed.

Pete Petyk, 1237 Little Oak Circle – Against Item G Ordinance #30-2004. Voiced concerns for zoning, school overcrowding and traffic congestion.

Laura Ward, Riveredge Drive – Against Item F Ordinance #29-2004. Stated that Council just passed an ordinance that required plans be submitted for annexations. Mr. Land told P&Z that these applications were submitted before adoption of that ordinance. Discussion followed.

Christina Crosbie, 3400 Teal Street - Against Items G, H and Ordinances #30 and 31-2004. Concerned that property values will decrease and low-income houses will be put in the area. Addressed drainage and flooding issues in the area.

Suzanne Stuckey, 1855 Cowan Drive – Against Item G Ordinance #30-2004. Not opposed to annexation of Parrish property but concerned for zoning. Voiced concerns for traffic on Singleton Avenue, overcrowding of schools and water usage. Asked Council to listen to residents in the area and not developers to consider concerns voiced at the community meetings. Discussion followed.

Steve Jack, 3111 Parker Street, Mims – Against Item G and H, Ordinance #30 and 31-2004. Voiced concerns for wetlands and environmental issues since the area was used previously for dumping.

David Hill, 3361 Delaware Avenue – Against CPA 04-01E.

Gloria Heiden, 3612 Thal Road – In favor CPA #04-01F, H and R. Asked P&Z to pass CPA #04-01. Let the City of Titusville have the property, but be concerned for current problems that exist within the city currently. Have an outside firm update Comprehensive Plan.

Tiffany Johnson, 457 Fern Avenue - Against Items J and K Ordinance #33 and 34-2004. Voiced concerns for zoning changes.

Secretary Shafer made a motion to approve Items D, E, F, G, H, I, J, and K; Ordinances #27, 28, 29, 30, 31, 32, 33 and 34-2004. Member Banks seconded the motion. Discussion followed. Member Fuller voiced concerns that each item should be voted separately since the public present had concerns with different items. Member Tulley agreed with Member Fuller. Discussion followed. Member Banks withdrew his second. Motion died.

Discussion followed.

Member Tulley made a motion to amend the agenda to hear Ordinance #35-2004 amending Future Land Use Map and Future Land Use Elements before voting on Ordinances #27 through 34-2004. Member Banks seconded the motion.

Member Beasley – yes
Vice Chairman Taylor – yes
Secretary Shafer – no
Chairman Fayson – yes
Member Tulley – yes
Member Banks – yes
Member Fuller - yes

Mr. Land gave an overview of Ordinance #35-2004. Discussion followed.

Member Banks made a motion for approval of Ordinance #35-2004. Vice Chairman Taylor seconded the motion.

Member Banks – yes
Member Tulley – no
Vice Chairman Taylor – yes
Secretary Shafer – no
Chairman Fayson – yes
Member Beasley – yes
Member Fuller – yes

Vice Chairman Taylor made a motion to approve CPA 04-01A and Item D. Secretary Shafer seconded the motion.

Member Tulley – no
Secretary Shafer – yes
Chairman Fayson – yes
Member Beasley – no
Vice Chairman Taylor – yes
Member Banks – yes
Member Fuller – no

Member Beasley made a motion to approve CPA 04-01 Ordinance #28-2004. Member Fuller seconded the motion.

Member Beasley – yes
Member Banks – yes
Secretary Shafer – yes
Vice Chairman Taylor – yes
Chairman Fayson – yes
Member Tulley – yes
Member Fuller – yes

Member Beasley made a motion for approval of Ordinance #29-2004 and CPA 04-01C. Vice Chairman Taylor seconded the motion.

Secretary Shafer – yes
Member Beasley – yes
Chairman Fayson – yes
Vice Chairman Taylor – yes
Member Tulley – yes
Member Banks – yes
Member Fuller – no

Vice Chairman Taylor made a motion for approval of Ordinance #30-2004 and CPA 04-01D with the condition that density be calculated for R1-B zoning. Secretary Shafer seconded the motion.

Member Beasley – yes
Vice Chairman Taylor - yes
Secretary Shafer – yes
Chairman Fayson – yes
Member Tulley – no
Member Banks – yes
Member Fuller – no

Vice Chairman Taylor made a motion for approval of Ordinance #31-2004 and CPA 04-01E with the condition that density be calculated for R1-B zoning. Secretary Shafer seconded the motion.

Member Banks – yes
Member Tulley – no
Vice Chairman Taylor – yes
Secretary Shafer – yes
Chairman Fayson – yes
Member Beasley – yes
Member Fuller – yes

Secretary Shafer made a motion for approval of Ordinance #32-2004 and CPA 04-01F with the condition that density be calculated for R1-B zoning. Vice Chairman Taylor seconded the motion.

Member Tulley – yes
Secretary Shafer – yes
Chairman Fayson – yes
Member Beasley – yes
Vice Chairman Taylor – yes
Member Banks – yes
Member Fuller – yes

Member Beasley made a motion for approval of Ordinance #33-2004 and CPA 04-01H. Member Fuller seconded the motion.

Member Beasley – yes
Member Banks – yes
Secretary Shafer – yes
Vice Chairman Taylor – yes
Chairman Fayson – yes
Member Tulley – yes
Member Fuller – yes

Member Beasley made a motion for approval of Ordinance #34-2004 and CPA 04-01R. Vice Chairman Taylor seconded the motion.

Secretary Shafer – yes
Member Beasley – yes
Chairman Fayson – yes
Vice Chairman Taylor – yes
Member Tulley – yes
Member Banks – yes
Member Fuller - yes

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Petitions and Requests from Public Present:

Michael Myjak, 1615 South Carpenter – Wanted to see smart growth and responsible planning.

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Adjournment:

The meeting adjourned 11:30 p.m.