

**Planning and Zoning Commission  
Regular Meeting  
June 2, 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, June 2, 2004 at 7:00 p.m.

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Chairman Fayson called the meeting to order at 7:00 p.m. Present were Secretary Shafer, Members Banks, Beasley, Fuller, Secor, Williams and Tulley. Vice Chairman Taylor and Member Cipolletti were excused. Also present were City Attorney Dwight Severs, Interim Community Director Hugh Williams, Planning Administrator Keith Cunningham, Junior Planner Mandy Chivers, Stormwater Utility Administrator Chuck Denman and Recording Secretary Tammy Holton.

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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:**

Resolution No. xx-2004 approving Boye Avenue as a public right-of-way – Brevard County E911 Addressing has indicated that the alley known as Boye Avenue has never been officially approved by the City as a public right-of-way. Keith Cunningham gave an overview of the request. Discussion followed.

Member Beasley made a motion for adoption of Resolution No. xx-2004 approving Boye Avenue as a public right-of-way. Member Secor seconded the motion. There was a unanimous voice vote for adoption.

Discussion followed.

Ordinance No. xx-2004 - Amending LDR Section 35-61(e) by deleting the provisions that provided for additional impervious coverage through the use of pervious pavement within the Area of Critical Concern. Keith Cunningham gave an overview of the request. Mr. Denman stated he would answer any questions P&Z had. Discussion followed.

John Evans, 1702 South Washington Avenue – Against. The ordinance is fifteen years old and the main concerns then were for the aquifer recharge. Voiced concerns that there were no studies done to justify the change to the ordinance. Did not want P&Z to rubber stamp this issues, suggested P&Z table for further research. Discussion followed.

Motion was made by Member Secor to table Ordinance No. xx-2004 - Amending LDR Section 35-61(e) by deleting the provisions that provided for additional impervious coverage through the use of pervious pavement within the Area of Critical Concern. Secretary Shafer seconded the motion. There was a voice vote Six (6) Yes and One (1) No.

Ordinance #37-2004 - Rezoning property located at 1301 Armstrong Drive from Planned Industrial Development (PID) to Public Use (P) as requested by Brevard Innovative Charter School (Rezoning #8-2004). Keith Cunningham gave an overview of the request. Discussion followed. Mr. Severs reviewed the current codes relating to the request with P&Z. Discussion followed.

John Evans, 1702 South Washington Avenue – In favor. Told P&Z that he was representing the school. Reported to P&Z that of the full house of parents he and only a few would speak. Told P&Z that this ordinance is a life or death for the school. The current building has been sold to Hospice of St. Francis and the school has been notified that they must vacate. There is an immediate need for a facility, they would not have time to get financing and build a new facility. Astrotech has safeguards regulating hazardous waste so that it would not escape the building. The only opposition to the project comes form the airport based on alleged noise. There was a noise study stating it meets all requirements. Asked P&Z to approve the Ordinance.

Ron Watford, 2742 Demaret Drive – In favor. Shared with P&Z various letters of support from Congressmen and State Representatives.

Pat O’Sullivan, 4673 Canard Road, Melbourne – In favor. Told P&Z that she is the Assistant Charter Director. Ms. O’Sullivan gave a history of the school and the commitment of the parents and facility. Asked for support from P&Z.

Dara Yarosh Gravela, 705 Hollins Drive – In favor. Stated she is a proud parent of two charter school students. Informed P&Z of the reason to send her children to the school. Urged P&Z to step-up to the plate and do what is right for the City and the citizens.

Shelley Price, 7250 Camilo Road – In favor. Miss Price told PZ that she attends fifth grade as the school and explained why she enjoys attending Sculptor Charter School.

Annie Weidmer, 4942 Mandolin Court, Melbourne – In favor. Stated that she is a teacher at Sculptor Charter School. Reported to P&Z the curriculum that strives to prepare students for the challenges they must face in the world.

Veronica Clifford, 2928 Long Lake Drive – Against. Agreed that school is very important, but the issue is for rezoning. Has a business in the industrial area and this would affect the industrial park if rezoned. Voice concerns for the safety of children in the industrial park.

Tim Pickles, 3490 North US Highway 1, Cocoa – Against. Mr. Pickles told P&Z that he is the attorney representing the Titusville-Cocoa Airport Authority. The parents have represented whole-heartedly that they have a commitment to their school. Stated that a school is strictly prohibited, but a day care according to current codes is a conditional use. This is an industrial park in your LDR codes and is not planned for schools. Suggested that P&Z review the application for relevance to the current city codes, compatibility and zoning categories. Discussion followed. Asked P&Z recommend denial.

Scott Carr, Titusville-Cocoa Airport Authority – Against. Informed P&Z that he is the Deputy Executive Director for the airport. Told PZ that there are approximately 300-400 flights a day at the airport. Secretary Shafer asked Mr. Carr to provide that data to the planning staff before the next P&Z meeting. Discussion followed.

P&Z called for a three-minute recess.

John Evans, 1702 South Washington Avenue – Rebuttal. Stated it is called an industrial park, but there is only light manufacturing done with some office buildings in the area. Did not see how a well run and maintained school would lessen property values for surrounding business'. Stated that the parents would not send their children to a place where they knew that they would be in danger. Discussion followed

Secretary Shafer made a motion to approve Ordinance #37-2004 Rezoning property located at 1301 Armstrong Drive from Planned Industrial Development (PID) to Public Use (P) as requested by Brevard Innovative Charter School (Rezoning #8-2004). Member Williams seconded the motion. Discussion followed. Member Tulley suggested maybe allowing the school to temporarily reside there until the school can build a school in a more suitable location. Discussion followed. Secretary Shafer stated she would be agreeable with a friendly amendment stating a limited timeframe for occupancy of the building until such time the school could build in a different location. Discussion followed.

Member Banks – no

Member Tulley – no

Member Secor – no

Secretary Shafer – yes

Chairman Fayson – no

Member Beasley – yes

Member Williams – yes

John Evans, 1702 South Washington Avenue – Told P&Z that the applicant is pursuing the same things addressed by Member Tulley. There are several factors that would be

involved with such a condition. Stated he could not amend at this time without permission of the owner of the property.

Member Tulley made a motion to recommend to City Council that they assign staff with the responsibility to find a creative way to allow the school to function. Member Williams seconded the motion.

Member Tulley – yes

Secretary Shafer – yes

Chairman Fayson – no

Member Beasley – yes

Member Banks – yes

Member Secor – yes

Member Williams – yes

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**Adjournment:**

The meeting adjourned 9:20 p.m.