

**Planning and Zoning Commission
Regular Meeting
September 3, 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, September 3, 2003 at 7:00 p.m.

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Chairman George Fayson called the meeting to order at 7:00 p.m. Present were Vice Chairman Crowell, Secretary Thomas Taylor, Members Lorene Shafer, John Beasley, Keith Cox, and Fred Banks. Also present were City Attorney Dwight Severs, Planning 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 August 20, 2003 regular meeting. Member Banks moved to approve the minutes. Secretary Taylor seconded the motion. The motion carried unanimously.

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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.

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New Business:

Rezoning #12-2003 - Randy Woodruff reported to P&Z that the item had been withdrawn at the applicant's request.

Right of Way Vacation Request #4-2003 - A request has been submitted to vacate a portion of the right-of-way of Mariner's Way, specifically, the westernmost 4.1 feet of the Mariner's Way right-of-way, a twenty foot right-of-way, abutting the east property lines of Lots 7 and 8, Re-subdivision of the City of Titusville, Florida, as recorded in Plat Book 1, Page 160, of the public records of Brevard County, Florida. Randy Woodruff gave an overview of the request. Discussion followed.

Doug Baker, 1702 South Washington Avenue – In favor. Reported to P&Z that he had attempted several times to contact Bright House Network regarding comments for the project and as of this date has had no response. Discussion followed. Told P&Z that the 4.1 feet requested in the application will be specific to the property on lots 7 and 8. Discussion followed.

Member Cox made a motion for approval of Right of Way Vacation Request #4-2003 for the westernmost 4.1 feet of lots 7 and 8 subject to receiving comments from Bright House Networks. Member Shafer seconded the motion.

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

Right of Way Vacation Request #5-2003 - A request has been submitted to vacate a portion of a 20' right-of-way located on the south side of S.R. 405, specifically, that portion of the 20' wide platted right-of-way lying south of Lots 90, 91, 92, and 93 and north of Lots 100, 102, and 103, Section 29, Township 22 South, Range 35 East as shown on Plat of Titusville Fruit and Farm Lands Company Subdivision as recorded in Plat Book 2, Page 29, of the public records of Brevard County, Florida, lying within the parcel of land described in Official Records Book 2395, Page 952 of the Public Records of Brevard County, Florida. Randy Woodruff gave an overview of the request. Member Cox asked if receiving comment letters from utility providers was becoming more difficult. Randy Woodruff told P&Z that it has been a problem. Discussion followed.

Woody Rice, 5195 South Washington Avenue – In favor. Told P&Z that he had received a comment letter from BellSouth but not Bright House and had contacted them several times. Reported to P&Z that the right of ways in the Titusville Fruit and Farm Land was never dedicated to do anything. Right of way at the back of the lots will be dedicated as a conservation easement to protect the wetlands. Discussion followed.

Secretary Taylor made a motion for approval of Right of Way Vacation Request #5-2003.

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

Conditional Use Permit #20-2003, Charlie's Grand Palace, Inc. for Gabe & Nadina Kajj - The applicant is requesting a Conditional Use Permit to indoor recreational and commercial amusement in a Community Commercial (CC) zoning district per Sec. 59-344(h) of the LDR's. Located at 2400 South Hopkins. Randy Woodruff gave an overview of the request. Member Cox reported he would abstain from voting due to a conflict of interest. Discussion followed.

Thomas E. Norwood, 1049 Rockledge Drive – In favor. Told P&Z he is the manager of the plaza. Stated it would be an adult entertainment establishment such as bingo, a clean operation. Felt parking would not be a problem for the plaza. Would work toward acquiring overflow parking in the Miracle City Mall parking lot. This business would create good tax revenue for the City. Requested approval without having to obtain a signed commitment from Miracle City Mall. Discussion followed.

Charles Ragan, 1107 Meadow Lark Road – In favor. Told P&Z that the Fire Marshall set capacity at 50-60 people. Discussed hours of operations. There will not be any alcohol served in

the establishment. Discussion followed. Member Cox suggested obtaining letters from other tenants stating they are in agreement with the applicant using their parking spaces.

Vice Chairman Crowell made a motion for approval of Conditional Use Permit #20-2003 with staff recommendation and subject to the applicant attempting to contact Miracle City Mall for overflow parking as well as contacting the other tenants in the plaza. Member Beasley seconded the motion.

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

SSA #14-2003, Sheila Curtin - The applicant is requesting a change of land use from Residential to Commercial – Low Intensity and a rezoning from Single-Family Medium Density (R-1B) to Neighborhood Commercial (NC). Located at 1670 Shelley Place. Randy Woodruff gave an overview of the request. Discussion followed. Randy Woodruff clarified that the request is for land use and zoning change and not a right of way vacation. Discussion followed.

John Curtin, 1670 Shelley Court – In favor. Explained the reason for a land use and zoning change and not a right of way vacation.

Member Banks made a motion for approval of SSA #14-2003 with staff recommendations. 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

SSA #15-2003, Anthony J. Berman - Change of land use and rezoning of ±3.57 acres land with Industrial Land Use and Light Industrial Services and Warehousing (M-1) zoning designation. Located at 2500 Merry Lane. Randy Woodruff gave an overview of the request.

Anthony J. Berman, 2500 Merry Lane – In favor. Told P&Z that before he bought the land he had done research with the city before the purchase so that he could use the property as he intended. Chairman Fayson asked about noise levels. Mr. Berman told P&Z that it would not be the type of business to create loud noises, mostly kit assemblies. Stated he did not need access from the airport but would be nice to have. Currently working to obtain an agreement with the airport. Informed P&Z of the types of aircraft and pilots that would be using the light aircraft, these type of aircraft are a step above ultra-lights. Discussion followed.

Paul J. Turner, 551 North Washington Avenue - Against. Told P&Z that there is a history with the property, he had requested the City to allow him to expand for use with airplanes. Surrounding residents voted down the request and staff told him that he could not put any warehousing there only patio homes. Loys Ward was brought in to deal with the City and work

out the details. City would not zone for M-1, reported to P&Z the he and his partner gave up and built homes and stated he would not be able to sell property if zoned M-1. Discussion followed.

Anthony J. Berman, 2500 Merry Lane – Rebuttal. Told P&Z that he understood Mr. Turner being upset, but he is on the other side of the road and sits in the middle of residential. Airport Authority would not allow planes to go across the road to his property. Stated he had done research before buying the property to make sure that he would be able to rezone to M-1. Discussion followed.

Member Cox made a motion for denial of SSA #15-2003. Member Banks seconded the motion.
Secretary Taylor – no
Member Beasley – no
Chairman Fayson – no
Member Shafer – no
Vice Chairman Crowell – no
Member Banks – no
Member Cox – yes

Motion did not carry. Discussion followed.

Member Shafer made a motion for approval of SSA #15-2003 with staff recommendation and conditions. Motion was seconded by Secretary Taylor. Discussion followed.

Member Beasley – yes
Member Shafer – yes
Secretary Taylor – yes
Chairman Fayson – yes
Vice Chairman Crowell – yes
Member Banks – no
Member Cox – no

Discussion followed.

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Reports:

City Staff - Reported to P&Z that there is a conference in Naples, Florida for Planning and Zoning Boards. Discussion followed

Chairman Fayson – Voiced concerns relating to sidewalks with private contractors repairing areas and leaving debris. Discussion followed. Reported heavy debris on the east side of Park Avenue between Country Club Drive and Park Avenue Baptist Church, suggested the City examine the area.

Member Cox - Made a motion to request City Council author a letter to be sent to the utility providers to respond within 45 days to the City's request for comments. Possibly, have City Attorney provide proper wording. Discussion followed. Motion was seconded by Member Banks.

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 9:05 p. m.