

City Council
Special Meeting
July 30, 2002

The City Council of the City of Titusville, Florida met in special session in the Council Chamber on the second floor of City Hall, 555 South Washington Avenue, on Tuesday, July 30, 2002.

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Mayor Ron Swank called the meeting to order at 6:35 p.m. Present were Members Conrad Eigenmann, and Ken Ward. Also in attendance were City Manager Tom Harmer, City Attorney Dwight Severs, Executive Director of Community Development Roy Crawford, Planning Administrator Keith Cunningham, and Administrative Secretary Fanita Mitchell. Vice-Mayor Jeff Rainey and Member Chris Broome were absent.

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Mayor Swank asked for a moment of silence and the entire assembly stood to recite the Pledge of Allegiance to the Flag.

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The purpose of the meeting was to review the land use/zoning on Riveredge Drive. This action was relative to the items tabled from the May 28, 2002 regular meeting.

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Mayor Swank reviewed the Quasi-Judicial Proceedings and confirmed that all persons wishing to speak had signed an Oath Card. He confirmed that all agenda items had been properly advertised and council members commented if they had visited any of the sites and if they had spoken to any members of the public regarding an item to be reviewed.

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Next, was the preliminary plat review for Rio Del Sol, a patio-home subdivision located on the east side of U.S. Highway One across from Coquina Avenue. Mayor Swank indicated that the item would be tabled to the August 1, 2002 special meeting.

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Advisability for an ordinance amending the *Land Development Regulations* text amendment to increase the Residential Density in the Central Business District (CBD) zoning district. City Manager Harmer reported that the applicant withdrew the request. City council took no action.

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Advisability for an ordinance amending the *Land Development Regulations* text amendment to increase the Residential Density in the Shoreline Mixed Use (SMU) zoning district. City Manager Harmer reported that the applicant withdrew the request. City council took no action.

Next was Planning staff presentation regarding density and land use designation on the southern end of Riveredge Drive and advisability for an ordinance limiting residential density.

City Manager Harmer indicated that Planning Administrator Keith Cunningham would provide an update. A PowerPoint presentation highlighted several properties on Riveredge Drive as well as addressed some of the density concerns expressed at the May 28, 2002 regular council meeting.

Mr. Cunningham provided some historical background on the preparation of the draft ordinance. He reported the boundary limits of the proposed ordinance. The south line of Holiday Inn would be the northern boundary; the southern boundary would be the Hidden Creek subdivision on the extreme end; the eastern boundary would be the Indian River; and the western boundary would be the west line of properties on Riveredge Drive. The unique uses along Riveredge Drive were also a factor in developing the ordinance as well as the lack of secondary access for the dead end street, and concerns raised by property owners on Riveredge Drive.

Mr. Cunningham reported that density concerns were addressed with the residents on both a county and city level. The proposed ordinance limited the density of properties along Riveredge Drive to six units per acre and residential land use. Densities up to eight units per acre were allowed as a conditional use. He noted that only residential uses would be permitted in the SMU (a) category. The maximum height was 35 feet; it was also noted that an Area Impact Plan would be required for new properties developed on Riveredge Drive. Mr. Cunningham stated that council had the option of authorizing staff to advertise the ordinance as presented and to proceed with the public hearing or to amend the proposed ordinance and authorize staff to proceed with the public hearing process.

Roy Crawford, Executive Director of Community Development, summarized comments made by Mr. Cunningham. He noted that the purpose of the Comprehensive Plan was to address the future appearance of the Shoreline Mixed Use (SMU) zoning district. He stated that the applicant had amended his proposal to address some of the concerns raised by council at its May 28, 2002 meeting.

Mayor Swank opened the public hearing. James Hilderbrand, Patty Mooney, Laura Ward, Claudette Beggs, Vikki Weinberg, Tom LaForge, and Adam Hencin expressed concern with the proposed development. They suggested that the developers agree to a six-unit per acre density limitation not to exceed 35 feet maximum height. Bob Robertson and Terry Galvin suggested that council leave the Shoreline Mixed Use at 15 units per acre and 50-foot building height. In their opinion to restrict the Shoreline Mixed Use zoning classification to six units per acre at a maximum height of 35 feet would limit financing for the proposed development.

Patrice Holley and Tom Holley spoke in favor of the proposed development. They felt that six units per acre were a disadvantage to the developer. Mr. Holley stated that council should welcome new growth to Riveredge Drive because the majority of the residences on Riveredge Drive were townhomes. In his opinion, the proposed development would increase the city's tax base. Discussion continued regarding setback and breezeway requirements for the proposed development. Member Ward was not comfortable amending a section of the ordinance changing the Shoreline Mixed Use zoning classification to complete residential zoning on Riveredge Drive.

Member Eigenmann agreed with comments made by Member Ward. Member Ward felt that each case should be reviewed on an individual basis. He suggested that the higher densities should be developed along U.S. Highway One. Member Eigenmann asked if the developer would consider resubmitting the application with a lesser density.

Council took no action to proceed with an ordinance limiting residential density along Riveredge Drive; there was no consensus on the issue.

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The meeting recessed at 7:35 p.m. and reconvened at 7:45 p.m.

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Mayor Swank reviewed the Quasi-Judicial Proceedings and confirmed that all persons wishing to speak signed an Oath Card. He confirmed that all agenda items were properly advertised and council members commented if they had visited any of the sites and if they had spoken to any members of the public regarding an item to be reviewed.

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The next item of business was Ordinance No. 22-2002 amending the Comprehensive Plan by addressing two small scale amendments along Riveredge Drive.

- Small Scale Amendment 2002-12 assigning Shoreline Mixed Use land use to a paved 50-foot strip on the west side of Riveredge Drive just south and just west of 5402 Riveredge Drive as requested by Roger Molitor on behalf of Pollyanna Kittredge. The Planning and Zoning Commission recommended approval with conditions.
- Small Scale Amendment 2002-13 assigning Shoreline Mixed Use land use and Shoreline Mixed Use (SMU) zoning for property at 5415 and 5421 Riveredge Drive (property lying on both the east and west sides of said roadway as requested JMJ USA, Inc. owner. The Planning and Zoning Commission recommended multi-family residential (R-3) zoning and residential land use.

City Attorney Severs read ORDINANCE NO. 22-2002, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING ORDINANCE NO. 60-1988 WHICH ADOPTED THE COMPREHENSIVE PLAN OF THE CITY, BY AMENDING VARIOUS ELEMENTS OF SAID PLAN AND MAPS BY AMENDING THE FUTURE LAND USE MAPS BY CHANGING THE FUTURE LAND USE OF A 50-FOOT STRIP OF PROPERTY LOCATED ON THE WEST SIDE OF RIVEREDGE DRIVE JUST SOUTH AND JUST WEST OF 5402 RIVEREDGE DRIVE FROM PLANNED INDUSTRIAL PARK TO SHORELINE MIXED USE LAND USE; AMENDING THE FUTURE LAND USE MAP TO ANNEX CERTAIN PROPERTIES LOCATED AT 5415 AND 5421 RIVEREDGE DRIVE WITH A SHORELINE MIXED USE LAND USE CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE by title only.

City Manager Harmer indicated that Planning Administrator Keith Cunningham would provide a brief update. Mr. Cunningham addressed Small Scale Amendment (SSA) Nos. 12-2002 and 13-

2002. As to SSA No. 12-2002, Roger Molitor, on behalf of Pollyana Kettredge, proposed to construct condominiums on the site, which was consistent with the Shoreline Mixed Use (SMU) zoning district. The amendment assigned Shoreline Mixed Use land use to a paved 50-foot strip on the west side of Riveredge Drive just south and just west of 5402 Riveredge Drive. The combined parcel would increase the buildable land area and density available to the applicants.

The applicant for SSA 13-2002 requested a voluntary annexation, land use change and rezoning for Shoreline Mixed Use land use and Shoreline Mixed Use zoning. The applicant proposed to construct a 25-unit condominium project on the site at 5415 and 5421 Riveredge Drive (property lying on both the east and west sides of said roadway). The site had access to installed potable water and force main sewer lines. The Planning and Zoning Commission recommended approval of the request by designating a Residential Land use of 15 units per acre with a 35-foot height restriction.

Mayor Swank opened the public hearing. Tom Holley spoke in favor of the proposal. He suggested that council keep the densities as high as possible for that specific area. James Furlong expressed his frustration with the process and did not want to delay the project any longer. Mr. Furlong stated that the proposal would be at its optimum performance at 12 units per acre.

Discussion continued regarding the number of units per acre. Member Eigenmann stated that he would support development along the line of nine to ten units per acre. Mr. Furlong indicated that he did not want to delay the project any longer and agreed to the project being reduced to nine units per acre. Attorney Severs recommended that council restrict the property owner to a specific number of units per acre when annexations were involved so that the Area Impact Plan would come back with a precise number of units because that appeared to be the concern of the residents on Riveredge Drive.

Tom LaForge, Claudette Beggs, Patty Mooney, James Hilderbrand, and Laura Ward spoke in opposition to the request. Ms. Ward stated that current proposal was an improvement from the original 25 unit proposal; however, the residents on Riveredge Drive felt comfortable with the units being constructed at a density of six units per acre opposed to the twelve. She asked that council deny SMU zoning classification for Riveredge Drive. Terrance Galvin suggested that council take advantage of an opportunity for the City of Titusville to progress.

No one else wished to speak; Mayor Swank closed the public hearing.

Mayor Swank indicated that he could not support fifteen units per acre on a road that did not have adequate access and egress. Member Ward stated that he could support the project at nine units per acre, although he felt that council should address the density concerns along Riveredge Drive. Mayor Swank commented on council's position of voting for the Shoreline Mixed Use land use which allowed 15 units per acre, particularly in light of the fact that council took no action on the SMU sub classification. Attorney Severs indicated that Mr. Furlong had the option to amend his request to a lesser density. Mayor Swank expressed concern with Mr. Molitor's application since he was not present to request a lesser density. Mr. Furlong expressed his frustration for the delay with the project and indicated that he would reduce the proposal to nine units per acre and submit the Area Impact Plan to begin the project.

Mayor Swank asked whether the proposed nine units were feasible for the area since that was the intent of council as it was looking toward a better future for the City of Titusville. Member Ward

indicated that it was important that City Council did not set precedence. He felt it was better to deal with the applicants on a case-by-case basis. Attorney Severs indicated that if the applicant agreed to the nine units per acre, council could make a decision on the request.

Mayor Swank asked Ms. Ward to comment on the issue. Ms. Ward felt that multi family should be on a collector street according to the Multi-family Medium Density Residential (R-2) zoning classification. She added that there was so much mixed use on Riveredge Drive and recommended that staff seriously address the density issue. Ms. Ward wondered if Mr. Furlong were to sell the property, could another developer request to change the land use for the property. She stated that the residents on Riveredge Drive would agree to the proposed development being at eight units per acre. Mr. Crawford commented on statement made by Ms. Ward. He noted that the particular section of the *Land Development Regulations* that Ms. Ward referenced regarding the Multifamily Medium Density (R-2) zoning classification provided a purpose and intent of a specific area.

Mr. Crawford addressed Ms. Ward's concern relative to the ownership of the property. If approved, the conditions made by Mr. Furlong would be binding upon future owners. Mayor Swank asked Attorney Severs to also address Ms. Ward's concerns relative to the Shoreline Mixed Use land use. Attorney Severs advised that the issue could be addressed both ways: as the Multifamily Medium Density (R-2) and (R-3) and as the Shoreline Mixed Use. The difference was that the (R-2) and (R-3) zoning classifications gave a specific indication of the minimum requirement, but the Shoreline Mixed Use "was silent" as it did not provide a specific minimum requirement.

Discussion continued regarding the density issue. Member Eigenmann moved to approve SSA 2002-13 assigning Shoreline Mixed Use land use and Shoreline Mixed Use zoning to property at 5415 and 5421 Riveredge Drive contingent upon a residential density limitation not to exceed nine units per acre as agreed to by the owner (Mr. Furlong) earlier in the meeting. It was understood that the density limitation would be binding upon future owners. Member Ward seconded. There was a roll call vote:

Mayor Swank	yes
Member Eigenmann	yes
Member Ward	yes

The motion carried.

Member Ward then moved to approve SSA 2002-12 assigning Shoreline Mixed Use land use and Shoreline Mixed Use zoning to property located on the west side of Riveredge Drive approximately 611 feet north of the southern terminus of the roadway contingent upon a residential density limitation not to exceed nine units per acre subject to the owner's concurrence (Mr. Molitor). It was understood that the density limitation would be binding upon future owners. Member Eigenmann seconded. There was a roll call vote:

Member Eigenmann	yes
Member Ward	yes
Mayor Swank	yes

Member Eigenmann moved to adopt Ordinance No. 22-2002 amending the Comprehensive Plan by approving Small Scale Amendment Nos. 2002-12 and 2002-13 contingent upon a residential

density limitation not to exceed nine units per acre. Member Ward seconded. There was a roll call vote:

Member Ward	yes
Mayor Swank	yes
Member Eigenmann	yes

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Attorney Severs read ORDINANCE NO. 23-2002 AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING SECTION 7, OF CHAPTER 63-2001, LAWS OF FLORIDA, SPECIAL ACTS OF 1963, BY ANNEXING CERTAIN PROPERTY LOCATED AT 5415 AND 5421 RIVEREDGE DRIVE ON THE EAST AND WEST SIDE OF RIVEREDGE DRIVE TO BE INCLUDED WITHIN THE CITY LIMITS; DESIGNATING LAND USE CLASSIFICATION; PROVIDING ZONING CATEGORY; AND PROVIDING FOR AN EFFECTIVE DATE by title only.

City Manager Harmer indicated that Ordinance No. 23-2002 referenced Mr. Furlong's property and recommended that council consider the same language as used in Small Scale Amendment Nos. 2002-13 and 2002-13.

Mayor Swank opened the public hearing. James Hilderbrand, Patty Mooney, Bob Robertson. opposed annexation of the property located at 5415 and 5421 with a Shoreline Mixed Use land use zoning classification. Laura Ward expressed concern with the Area Impact Plan as it related to the split land. Attorney Severs indicated that there was a specific area of the Area Impact Plan that addressed Ms. Ward concerns. The AIP must cover the entire property. It was recommended that there be a split of the units for the property to make sense in the code.

Discussion continued regarding the process of the Area Impact Plan because Ms. Ward felt that council's decision regarding the density for the proposed annexation was excessive compared to the residential homes on Riveredge Drive. She felt that a height restriction should be required for the area. In her opinion, Riveredge Drive should be considered as a low rise, as well as, a low-density neighborhood.

No one else wished to speak. Mayor Swank closed the public hearing.

Member Ward moved to adopt Ordinance No. 23-2002 contingent upon a residential density limitation not to exceed nine units per acre as agreed to by the owner earlier in the meeting. It was understood that the density limitation would be binding upon future owners. Member Eigenmann seconded. There was a roll call vote:

Member Ward	yes
Mayor Swank	yes
Member Eigenmann	yes

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Next was Ordinance No. 24-2002. Attorney Severs read AN ORDINANCE AMENDING ORDINANCE NO. 5-1993 OF THE CITY OF TITUSVILLE, FLORIDA, BY AMENDING THE

ZONING MAP MADE A PART OF SAID ORDINANCE BY REFERENCE BY CHANGING A PAVED FIFTY FOOT STRIP OF PROPERTY ON THE WEST SIDE OF RIVEREDGE DRIVE JUST SOUTH AND JUST WEST OF 5402 RIVEREDGE DRIVE FROM ITS PRESENT PLANNED INDUSTRIAL DEVELOPMENT (PID) CLASSIFICATION TO SHORELINE MIXED USE (SMU) CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE by title only.

Mayor Swank opened the public hearing. James Hilderbrand spoke in opposition. Mayor Swank closed the public hearing.

Member Ward moved to adopt Ordinance No. 24-2002 contingent upon a residential density limitation not to exceed nine units per acre. It was understood that the density limitation would be binding upon future owners. Member Eigenmann seconded. There was a roll call vote:

Mayor Swank	yes
Member Eigenmann	yes
Member Ward	yes

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Mayor Swank did not feel that it was appropriate to review the Area Impact Plan for Aventura on the Bay since the applicant submitted changes earlier that morning. Mayor Swank opened the public hearing. Rodney Honeycutt spoke in favor of the request because the plans had been amended. Member Eigenmann stated that it was not fair to make a decision on the plan because the proposal had not gone through the proper process. Laura Ward expressed concern regarding council making a decision on the Area Impact Plan. City Manager Harmer explained the AIP process. Patty Mooney asked that council review the AIP before making a recommendation. Member Eigenmann moved that the item be tabled not to exceed 30 days. Member Ward seconded. The motion passed unanimously.

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The meeting adjourned at 9:45 p.m.

Ronald G. Swank, Mayor

ATTEST:

Karan J. Rounsavall, City Clerk