

City Council  
Special Meeting  
February 3, 2004

The Titusville City Council met in special session on Tuesday, February 3, 2004 in the Council Chamber of City Hall, 555 South Washington Avenue, Titusville, Florida beginning at 6:35 p.m.

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Present were Mayor Ron Swank, Vice-Mayor Ken Ward, Council Members Conrad Eigenmann, and Jeff Rainey. Member Jeff Rainey arrived at 6:40 p.m. Also in attendance were City Manager Tom Harmer, City Attorney Dwight Severs, and Assistant City Clerk Wanda Wells. Member Chris Broome was absent.

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Mayor Swank called the meeting to order and asked for a moment of silence. The entire assembly stood and recited the Pledge of Allegiance to the Flag.

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City Manager Harmer reviewed the agenda and distributed draft summary of visioning meeting held on January 29, 2004 regarding riverfront development.

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Member Eigenmann moved to table the Area Impact Plan for mid-rise condominium development in a Shoreline Mixed Use (SMU) zoning district at 2103 South Washington Avenue and Conditional Use Permit No. 23-2003 to allow building height to exceed the maximum 50-foot height limitation in a Shoreline Mixed Use zoning district for property located at 2103 South Washington Avenue. Vice-Mayor Ward seconded the motion and it carried unanimously. Member Rainey was not present during this motion.

The planning staff recommended tabling Area Impact Plan and Conditional Use Permit No. 23-2003 due to applicant submitting a revised application to include additional acreage, density, and land area of the proposed site. The application would be re-advertised and reheard by the Planning and Zoning Commission prior to making its recommendation to city council.

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Member Rainey arrived at 6:40 p.m.

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The first item on the agenda was discussion on future riverfront development in the City of Titusville.

Executive Director of Community Development Roy Crawford presented a powerpoint presentation highlighting past approvals, current ordinances, lot definition, current proposals, breezeway requirements, tax implications, other localities, current conditions, and other considerations.

Susan Cossey expressed concern of breezeways and heights of all obstructions that prevent view of the river in Titusville.

Peter Petyk commented on having a referendum, areas needing clean up along the river, and impact fees. He supported height restriction along the riverfront property.

John Evans commented on breezeway clause within the *Land Development Regulations* being difficult to understand. He supported development of higher buildings along the riverfront property.

Woody Rice commented on growth and city policies that have allowed growth in the city. He also commented on breezeways, rights of property owners, and public parks.

Daniel Treder expressed his excitement of new projects developed in the area. He commented on the growth in Cocoa Village, docks along the river, and the development on the riverfront and other properties in Titusville.

Laura Ward commented on keeping a small town atmosphere in Titusville. She also commented on future tax base if council allowed patio homes on east side of river and condominiums on the west side of the river. Ms. Ward also expressed concern of allowing development of condominiums on the east side of the river.

Kathleen Bursen commented on the comprehensive plan future land use element, the 2003 citizen survey, and strengthening the direction of our future through a redevelopment planning process.

No one else wished to speak.

City Attorney Severs commented on the historical background on issues relating to the riverfront property.

Council discussed height limitations in Cocoa including Cocoa Village, issues discussed during visioning meeting, council's vision of the riverfront property, breezeway along the river, policies that were currently in place for Shoreline Mixed Use zoning district, height of single story homes along river, submerged lands, citizens purchasing riverfront property and donating said property to the city, lot definition as defined in the *Land Development Regulations*, implementing incentives for developers, rights of property owners, completing vision meetings prior to making a decision, allowing a fence that prevented a visual view of river, having a referendum, access to local streets, and quality of developments allowed in Titusville.

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The meeting recessed at 8 p.m. and reconvened at 8:10 p.m.

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Council discussed implementing incentives for developers. Member Eigenmann moved to direct staff to review the possibility of options of various incentives on the east and west side of the river relative to height, density, and breezeway and come back to council with a clearer definition of breezeway. Vice-Mayor Ward seconded the motion and it carried unanimously.

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The next item was the second and final public hearing on Ordinance No. 2-2004 amending the *Land Development Regulations*, specifically Section 27-11 by modifying the definition of “lot” to exclude submerged lands in the calculation of density, lot size, and setbacks for waterfront properties.

Mayor Swank read Ordinance No. 2-2003, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING SECTION 2-11 (DEFINITIONS) BY MODIFYING THE DEFINITION OF “LOT” AND PROVIDING FOR AN EFFECTIVE DATE by title only.

Executive Director of Community Development Roy Crawford gave a brief overview of Ordinance No. 2-2004. The purpose of the ordinance was to modify the definition of “lot” to clarify the computation of lot size, density, and setbacks on waterfront properties. Currently, the code was silent on the utilization of submerged lands along the Indian River to compute density requirements. The proposed ordinance would not allow submerged lands to be used in the calculation.

Mayor Swank opened the public hearing.

Peter Petyk supported the adoption of Ordinance No. 2-2004 and commented on the cost for construction on wetlands.

Daniel Treder stated that submerged lands were not the issue and commented on the densities allowed for properties with submerged lands.

Bob Snider asked council to adopt Ordinance No. 2-2004 which does not allow submerged lands to be included to compute density requirements.

Mark Pugh asked whether Ordinance No. 2-2004 would include properties near lakes, retention ponds, etc. Mr. Pugh expressed concern of adopting this ordinance, which he felt would change his rights as a property owner for his property that was located in the South Lake area.

Jim Tulley did not support the use of submerged lands to calculate lot size, density, etc. He also requested that council develop a vision for the riverfront property prior to making a decision.

Kathleen Bursen commented on boardwalks and submerged lands. She requested council determine how high the developers would be allowed to build if they were going to allow high-rise condominiums.

Laura Ward stated submerged lands on the riverfront and South Lake area must be treated differently. She commented on setbacks, projects allowed on small parcel of lands, CRA district, and the Boeing property.

Veronica Clifford asked for clarification on how submerged lands were calculated currently. She suggested completing the visioning workshops prior to making a decision.

No one else wished to be heard and the public hearing was closed.

Council discussed ordinance as written and expressed concern of language contained in ordinance as to whether it would be clearly understood in regards to submerged lands on the riverfront and South Lake area.

Vice-Mayor Ward moved to deny Ordinance No. 2-2004. Member Rainey seconded the motion and the roll call was:

Mayor Swank	yes
Member Rainey	yes
Member Eigenmann	yes
Vice-Mayor Ward	yes

The motion carried.

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The final items to be heard were Area Impact Plan for mid-rise condominium development (Rio Del Sol) in a Shoreline Mixed Use (SMU) zoning district located on the east side of U.S. Highway One at the eastern terminus of Coquina Avenue and Conditional Use Permit No. 24-2003 to allow building height to exceed the maximum 50-foot height limitation in a Shoreline Mixed Use (SMU) zoning district for property located on the east side of U.S. Highway One at the eastern terminus of Coquina Avenue. The Planning and Zoning Commission recommended approval.

Senior Planner Randy Woodruff commented on development and reviewed staff recommendations including: (1) applicant shall meet all criteria/conditions as noted in Section E-1 of planning report; (2) project shall be subject to the site plan provided (dated October 28, 2003); (3) project shall be subject to the artist rendering provided by the applicant; (4) covered parking at ground level under the building structure would provide sixty-six parking spaces with the remaining sixty-six spaces being located in the open area north of the units; (5) each condo unit would provide housing in the size range of 2,000 to 2,700 square feet; (6) amenities shall include a recreation room for the residents, outdoor pool, and other items; (7) site plan shall

comply with all LDR requirements including stormwater management systems/retention pond systems prior to discharge to the Indian River; (8) site to comply with the 25% breezeway requirement; and (9) site to comply with all landscape requirements.

Mayor Swank opened the public hearing

Sid Chehayeb stated developer had agreed with staff's recommendations and offered to answer any questions.

Daniel Treder commented on the property in question. He felt the development of the property would increase commercial business in the area including an abandoned gas station and area restaurants. He felt the project would benefit the city.

Bufford Harris expressed concern regarding the view of the river if the project was approved. Mr. Harris and his wife owned the bed and breakfast inn immediately behind Porky's restaurant on U.S. Highway One.

Bob Snider did not feel the project was a good fit in the community. He also expressed concern regarding setbacks and asked council to deny said project.

Veronica Clifford was opposed to approving the project and allowing developers to build 120 feet up. She suggested continuing visioning meetings prior to making decision.

Jim Tulley did not feel the project belonged in Titusville. He believed allowing this project would increase the possibility of other developers wanting to construct condominiums in the area. He stated the citizens would like to keep the view of the river.

Kathleen Bursen submitted photo of water front condominiums. She expressed concern of the view of the river for the owners of the Bed and Breakfast inn, which was located directly behind Porky's BBQ restaurant.

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The meeting recessed at 10 p.m. and reconvened at 10:08 p.m.

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Laura Ward expressed concern of allowing developers to use submerged lands to calculate lot size, density, etc. She did not feel this project was compatible for the riverfront property.

Peter Petyk stated he depends on growth to make a living in Titusville and commented on the community in general.

Sid Chehayeb responded to concerns made by citizens. He commented on surrounding properties.

No one else wished to speak and the public hearing was closed.

City Attorney Severs reviewed memorandums regarding quasi-judicial proceedings including procedures for making disclosures.

Mayor Swank, Vice-Mayor Ward, Members Broome and Eigenmann disclosed they had spoken with developer and/or visited site prior to meeting.

Council discussed stormwater provisions, breezeway requirements, fence, cleaning up areas along the river, and tax base for the city.

It was now 10:38 p.m. Vice-Mayor Ward moved to extend the meeting for 15 minutes. Member Eigenmann seconded the motion and it carried unanimously.

Discussion ensued regarding tax base, visioning meetings, meeting with citizens to discuss concerns, future projects, property rights, and incentives.

It was now 10:55 p.m. Vice-Mayor Ward moved to extend meeting an additional 15 minutes. Member Rainey seconded the motion and it carried unanimously.

Vice-Mayor Ward moved to approve Area Impact Plan for mid-rise condominium development (Rio Del Sol) in a Shoreline Mixed Use (SMU) zoning district located on the east side of U.S. Highway One at the eastern terminus of Coquina Avenue and Conditional Use Permit No. 24-2003 to allow building height to exceed the maximum 50-foot height limitation in a Shoreline Mixed Use (SMU) zoning district for property located on the east side of U.S. Highway One at the eastern terminus of Coquina Avenue. Member Rainey clarified whether this would allow trees in the breezeways. Council agreed trees would be allowed. Member Rainey seconded the motion and the roll call was:

Member Rainey	yes
Member Eigenmann	no
Vice-Mayor Ward	yes
Mayor Swank	yes

The motion carried three to one.

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The meeting adjourned at 11 p.m.

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Ronald G. Swank, Mayor

ATTEST:

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Karan J. Rounsavall, City Clerk