CITY OF TITUSVILLE
PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY
NOTICE OF REGULAR MEETING
February 18, 2015
555 S. Washington Avenue Titusville, Florida 32796
Council Chamber at City Hall
6:00 PM

Notice

All persons who anticipate speaking on any Public Hearing item must fill out an Oath Card to be heard on that agenda item and sign the oath contained thereon. These cards are located on the table near the entrance to the Council Chamber or may be obtained from the Recording Secretary. This meeting will be conducted in accordance to the procedures adopted in Resolution #24-1997

Those speaking in favor of a request will be heard first, those opposed will be heard second, and those who wish to make a public comment on the item will speak third. The applicant may make a brief rebuttal if necessary. A representative from either side, for or against, may cross-examine a witness.

Anyone who speaks is considered a witness. If you have photographs, sketches, or documents that you desire for the Commission to consider, they must be submitted into evidence and will be retained by the City. Please submit such exhibits to the Recording Secretary.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. DETERMINATION OF A QUORUM
5. APPROVAL OF MINUTES
   A. February 4, 2015
      Approve Minutes
6. QUASI-JUDICIAL CONFIRMATION PROCEDURES

   The following items are subject to quasi-judicial rules of procedure. Anyone wishing to speak on any of these items must first sign a Public Hearing Agenda Card and sign the oath contained thereon. Those speaking in favor of a request will be heard first. If you have photographs, sketches, or documents that you desire for Planning and Zoning to consider, they must be submitted into evidence and will be retained by the City. Submit these exhibits to the Recording Secretary.

7. CONSENT AGENDA ITEMS
8. OLD BUSINESS
9. NEW BUSINESS
A. Rezoning No. 1-2015
Conduct Public Hearing of Rezoning No. 1-2015 and related Ordinance No. 5-2015 amending the zoning map by changing a 0.55 acre property located at 2880 South Hopkins Avenue, from its present Light Industrial Services and Warehousing (M-1) zoning to Community Commercial (CC) zoning; and providing for an effective date.

10. REPORTS

11. PETITIONS AND REQUESTS FROM PUBLIC PRESENT

12. ADJOURNMENT

Any person who decides to appeal any decision of the Planning and Zoning Commission with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26 Florida Statutes, should at least 48 hours prior to the meeting, submit a written request to the chairperson of the meeting that the physically handicapped person desires to attend.
City of Titusville  
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Planning and Zoning Commission Members
From: Peggy Busacca, Community Development Director
Subject: February 4, 2015 Minutes

Department/Office:

Recommended Action:
Approve Minutes

Summary Explanation & Background:

Alternatives:

Item Budgeted:

Source/use of funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

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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, February 4, 2015 at 6:00 p.m.

Chairman Williams called the meeting to order at 6:00 p.m. Present were Secretary Chambers, Dr. Tibbitts, Dr. Fayson, Member Ritchie, Member Bobik and School Board Member Hare. Vice Chairman Chavier and Member Baker were absent. Also in attendance were Senior Planner Trevor Traphagen, Assistant City Attorney Chelsea Farrell, Deputy Building Official Koert Van Wormer and Recording Secretary Laurie Dargie.

Dr. Fayson motioned to approve the minutes from the January 21, 2015 regular meeting. Secretary Chambers seconded. There was a unanimous voice vote.

**Quasi-Judicial Confirmation Procedures**  
None

**Consent Agenda Items**  
None

**Old Business**  
None

**New Business**

**Election of Officers**  
Assistant City Attorney Farrell advised the Commission that an Election is held each February for the Chairman, Vice Chairman and Secretary positions. Assistant City Attorney Farrell advised that nominations need to be made for each position and then voted upon.

Dr. Fayson made a motion to retain all present officers from the previous year. Dr. Tibbitts seconded.
Roll call was as follows:

- Dr. Tibbitts: Yes
- Secretary Chambers: Yes
- Dr. Fayson: Yes
- Member Ritchie: Yes
- Chairman Williams: Yes

Motion passed.

**SSA# 10-2014 and Ordinance No. 4-2015**

Mr. Traphagen gave an overview of this item.

Loys Ward of 528 Poinsettia Avenue Titusville, Florida came to speak in favor of this item. Mr. Ward said he is present on behalf of both the property owner and proposed purchaser of the property. Mr. Ward said the purchaser of the property is Sandra Lanier. Mr. Ward said he has reviewed the entire Staff report and has no issues and agrees with all of the findings. Mr. Ward said this property was platted back in the 20’s and has never been used. Mr. Ward said the property is on US Highway 1 and in his opinion is not appropriate for a single-family residence. Mr. Ward said apartments are to the north and commercial is to the south. Mr. Ward said it has a fairly high-intensity commercial use across from the new Shiloh’s restaurant. Mr. Ward said he sent certified letters to all of the immediate adjacent property owners to inform them of the request and asked if the property owners had any concerns or comments to contact him. Mr. Ward said he only received one response, which was from a Dr. Cruz who is part owner of the apartment complex who said he would have no problem from him regarding the request. Mr. Ward requested that the Commission approve this request.

Sandra Lanier of 920 Leather Fern Lane Mims, Florida came to speak in favor of this item. Ms. Lanier is the owner of Brevard Animal and Sporting Goods in Titusville, Florida. Ms. Lanier said she has owned a small business in Titusville for coming up on six years and the business continues to grow larger and larger. Ms. Lanier said she would like to build her own building, which will allow her business to grow and enable her to hire additional employees. Ms. Lanier said she currently has three full time equivalents and in the next year, she would like to have six to ten full time employees. Ms. Lanier said she would like to build in Titusville.

Dr. Fayson asked Ms. Lanier where her current business is located. Ms. Lanier said 1309 S. Washington Avenue. Ms. Lanier said she rents a small house and the parking lot is very small which hinders business. Ms. Lanier said that she started this business with $20,000.00, and has grown it to be annually making one million dollars thus far. Dr. Fayson said he is glad to hear of her success and growth in Titusville.

Warren H. “Bud” Abbott of 479 N Divae Avenue Titusville Florida came to say he was in favor of this item.
Patricia Abbott of 3549 S. Washington Avenue came to speak against this item. Ms. Abbott congratulated Ms. Lanier on the success of her business. Ms. Abbott said she and her husband have owned the property east of this lot for about twenty years. Ms. Abbott said she and her husband plan to build a retirement home and the property east of the proposed business is the site that they plan to build the home on. Ms. Abbott said she did not expect a rezoning of the property next to her property and it is disappointing. Ms. Abbott said she is not against growth in Titusville. Ms. Abbott said the property to the west of this lot is a residence and the apartments are residential. Ms. Abbott said the lot is very beautiful and she would hate to see the oak trees get removed. Ms. Abbott said this area from Highway 50 onto US Highway 1, which covers about a mile up to the lot, is not a retail zone. Ms. Abbott said that there are restaurants, service industries and offices with the exception of the SPCA. Ms. Abbott said the rest of the area is not really a retail corridor. Ms. Abbott said she hopes the Commission will consider that there are residents on three sides of this property.

Dr. Fayson said he was impressed that the site being considered tonight is located on US Highway 1. Dr. Fayson said that the commercial zoning is coming more onto US Highway 1 and the residential is slowly going away. Ms. Abbott said that most of the lots on the river are residential. Dr. Fayson asked if Ms. Abbott has any interest in buying the lot that is before the Commission right now. Ms. Abbott said she might be interested.

Mr. Ward said this property is fronting on US Highway 1. The property has a little over 120 feet of frontage on US Highway 1. Mr. Ward said that the address of the property comes from the assignment of the access because the driveway would be off Pineda right across the apartment complex to the north of the property, which has a high-intensity. Mr. Ward said this property is an appropriate use and good for the community. Mr. Ward said he understands Ms. Abbott’s concern but he would build somewhere else.

Chairman Williams asked if there are any established curb cuts on US Highway 1 to this property. Mr. Ward so no, and Florida Department of Transportation (FDOT) will not allow this. Mr. Ward said that FDOT would not want stopping or slowing down to impede the flow of traffic. Mr. Ward said that FDOT does not typically permit access from a highway if there is an alternative access available that does not connect to the highway itself.

Chairman Williams asked what the buffer requirements are adjacent to the residential zoned properties. Mr. Traphagen read number 7 of page 27 of the agenda packet regarding the buffering and screening from adjacent uses. Mr. Traphagen said that screening and buffering would be further addressed through the site plan process.

Dr. Fayson made a motion to approve SSA# 10-2014 and Ordinance No. 4-2015. Member Ritchie seconded.

Roll call was as follows:

Dr. Fayson: Yes
Secretary Chambers: Yes
Chairman Williams advised that a plan for US 1 Corridor study was done for Highway US 1 and the plan was to have commercial for the front facing lots and that weighed heavily on his decision.

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Reports

Mr. Traphagen said Deputy Building Official Koert Van Wormer has come to the meeting to address the Commission’s questions regarding accessory structures and the permitting of these structures with regards to anchoring them down.

Dr. Fayson said that he and Vice Chairman Chavier had concerns regarding objects that were not anchored down on the property and asked Mr. Van Wormer if he could inform the Commission regarding the requirements for accessory structures and anchoring etc.

Deputy Building Official Koert Van Wormer brought a copy of the 2014 Florida Statute, Title XXXII, Chapter 489.103, (20) (21) and read the statute to the Commission.

(20) The sale, delivery, assembly, or tie-down of prefabricated portable sheds that are not more than 250 square feet in interior size and are not intended for use as a residence or as living quarters. This exemption may not be construed to interfere with the Florida Building Code or any applicable local technical amendment to the Florida Building Code, local licensure requirements, or other local ordinance provisions.

(21) The sale, delivery, assembly, or tie-down of lawn storage buildings and storage buildings not exceeding 400 square feet and bearing the insignia of approval from the department showing compliance with the Florida Building Code.

Mr. Van Wormer said this statute simply states that if a product is stamped with the Department of Community Affairs (DCA) approval no permit is required to install it. Mr. Van Wormer said that there are pros and cons to this. Mr. Van Wormer said he has 15 years’ experience doing this job in Melbourne and Melbourne only went to these properties to inspect the location of the accessory structure to make sure it met setback requirements. Mr. Van Wormer said the City of Titusville is finally starting to grow and the building department of the City of Titusville is not growing with regards to building inspectors. Mr. Van Wormer said to inspect jobs for zoning issues such as this would take the inspectors away from doing the jobs of enforcing the Florida Building Codes on safety for construction, plumbing, electrical etc. Mr. Van Wormer said that any structure that is not DCA approved would need to be permitted and inspected however, this kind of structure is one out of two-hundred permits for these type of structures. Mr. Van Wormer said you cannot buy a shed from Lowes or Home Depot without it being DCA approved.
Chairman Williams asked if a permit is required if a DCA approved structure is put on a concrete pad. Mr. Van Wormer said this is correct in certain situations. Chairman Williams asked if a pad was put down for a shed instead of footings, the building department would prefer to not inspect them. Mr. Van Wormer said if someone put a concrete pad in the backyard that is 4 to 5 inches thick and placed a DCA shed on it and the instructions are followed for anchoring, no inspection is needed. Mr. Van Wormer said according to the statute if it is less than 250 square feet it is exempt from permitting. Mr. Van Wormer said he does not necessarily agree with this but it does allow the building inspectors to focus on the heftier jobs and enforcing the Florida Building Codes. Mr. Van Wormer said the City does receive calls from neighbors who turn in neighbors who are putting up sheds. Code Enforcement can go to the location, conduct an inspection to see if the shed location meets the requirements, and determine if the size of the shed should have required a permit, then the building department can get involved if needed.

Chairman Williams said the concern is for safety and sometimes we do need protection from our neighbors. Chairman Williams said if the building inspectors are already going out to a location to inspect a concrete pad why can they not go ahead and enforce that the shed has to be tied down. Mr. Van Wormer said if an inspector was going to inspect a concrete pad that was put down for no particular reason; normal concrete flat work does not require an inspection provided it meet the zoning rules. If a piece of concrete called flat work is going to be used to put a structure on, it is no longer considered flat work and would require special concrete, footers, location and require a plan for what is going on it before any permit is issued for the concrete. Mr. Van Wormer said however if a 120 square feet shed is put on a pad it is exempt from the statute. Chairman Williams said he understands that the City does not need more regulations for what they can and cannot do on their properties but on the other hand, safety has to be looked at also.

Secretary Chambers asked about 200 square foot and 400 square foot sheds, do they have to meet wind velocity regulations. Mr. Van Wormer referred back to 2014 Florida Statute, Title XXXII, Chapter 489.103, (21). Mr. Van Wormer said the differences in the code are because it was not done at the same time and the DCA did not exist at one time.

Dr. Tibbitts asked about the DCA stamp. Mr. Van Wormer said the DCA stamp means this structure is designed to the Florida Building Code requirements for the area in which it is installed. This does not mean that it is being installed in the correct location. Mr. Van Wormer said if it was sold in Orlando and installed in Titusville, there might be problems due to different wind speeds.

Chairman Williams thanked Mr. Van Wormer for taking the time to come and speak to the Commission.

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Assistant City Attorney Farrell wanted to give a friendly reminder of what the Planning and Zoning Commission By-laws state regarding attendance for the Commission members. Assistant City Attorney Farrell read from the by-laws the following:
Any member of the Commission who fails to attend 3 or more consecutive regular meetings shall automatically forfeit membership in the Commission and the Chairman shall so inform the City Council. Any member of the Commission who fails to attend more than 50% of the regular, special or workshop meetings during a 6 month period shall automatically forfeit membership on the Commission and the Chairman shall so inform the City Council. Upon approval of the City Council, the Council may authorize a member to miss more than 3 consecutive meetings or more than 50% of the regular, special or workshop meetings during a 6 month period.

Assistant City Attorney Farrell also pointed out that Robin Ritchie is the newest full time Commission member and Melvia Scott is now an alternate member.

Dr. Tibbits said that when meetings are held on days other than the regular Wednesday nights, she is unable to make those meetings. Assistant City Attorney Farrell said she will make a note of that.

Dr. Fayson said regular meetings are held on Wednesday nights. He asked if the meeting was changed to a different night would it still be considered a regular meeting. Assistant City Attorney Farrell said yes, it would still be considered a regular meeting with a date change. Assistant City Attorney Farrell said that this past September 2014 the meeting dates were changed due to a conflict with the Council Chamber being available, but the meetings were still considered as regular meetings. Dr. Fayson asked that Ms. Farrell look into reviewing the By-laws relating to meetings that are changed from the regular Wednesday nights and maybe have the By-laws address what happens when the meeting dates are changed relating to consecutive meetings. Assistant City Attorney Farrell agrees that this should be addressed in the By-laws. Dr. Fayson added that the Chairman can also make a recommendation that the Commission retain a member. Chairman Williams agreed with Dr. Fayson that in the past when this situation has come up that the Commission can vote to keep the Commission member.

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School Board Member Hare said she spoke to Mr. Lindemann and has an update. Mr. Lindemann said the School Board is happy to announce that the Facilities Department has hired a new person Susan Hann as the new Director of Planning and Project Management. Her team will be contracting and managing the facilities renewal projects funded by the voter approved sales tax increase. To complement that process the School Board will be finalizing the appointment of Independent Citizens Oversight Committee or the ICOC at the February 10, 2014 School Board meeting. The key focus of the ICOC is to ensure the funds generated by the half-cent surtax on sales are being spent in accordance to the published site based priority list. The ICOC will have an organizational meeting later in the month and will be reviewing the facility renewal, educational technology and school securities projects.

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Dr. Tibbitts said she is glad to be back after being out sick.

Dr. Fayson said he is glad to see Dr. Tibbitts and Secretary Chambers back.
Secretary Chambers said he is glad to be back. Secretary Chambers said he has not heard anything from the Affordable Housing Authority in several months. Chairman Williams asked that Staff find out what is going on with the Affordable Housing Authority.

Dr. Fayson said that he heard that the Miracle City Mall building will be knocked down on Sunday February 8, 2014 and a gathering is to take place to celebrate. Deputy Building Official Koert Van Wormer said the rumor is that the Miracle City Mall building will be demolished on Sunday. Mr. Van Wormer said they might have a celebration party on Sunday; however, no demolition work will be done on Sunday so please do not think that there will be any wrecking balls or explosions because that is not the case.

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Petitions and Requests from Public Present
None

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Adjournment 6:56 p.m.
City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Planning and Zoning Commission Members
From: Peggy Busacca, Community Development Director
Subject: Rezoning No. 1-2015 from Light Industrial Services and Warehousing (M-1) to Community Commercial (CC) at 2880 South Hopkins Avenue.

Department/Office: Community Development

Recommended Action:
Conduct Public Hearing of Rezoning No.1-2015 and related Ordinance No. 5-2015 amending amending the zoning map by changing a 0.55 acre property located at 2880 South Hopkins Avenue, from its present Light Industrial Services and Warehousing (M-1) zoning to Community Commercial (CC) zoning ; and providing for an effective date.

Summary Explanation & Background:
The Applicant, Robert L. Galke and Rebecca S. Galke, on behalf of the owner Linda Hammonds, Trustee, is requesting a rezoning of an approximately 0.55 acre parcel located at 2880 South Hopkins Avenue from the Light Industrial Services and Warehousing (M-1) zoning district to the Community Commercial (CC) zoning district in the Commercial High Intensity Comprehensive Plan Future Land Use designation. The purpose of this rezoning is to establish a retail use. The parcel is located on the west side of Hopkins Avenue approximately 400 feet south of Harrison Street.

Alternatives:
1. Recommend approval, as presented
2. Recommend approval, with changes
3. Do not recommend approval

Item Budgeted:
NA

Source/use of funds/Budget Book Page:
NA

Strategic Plan:
No. 1 – Quality of LifeNo. 2 – Economic Development

Strategic Plan Impact:
The current M-1 zoning district is consistent with the Commercial High Intensity FLU designation per FLUE Policy 1.9.10(G), “Light Industrial Services and Warehousing (M-1) zoning that has been established within areas designated as High Intensity Commercial land use prior to
September 2013 shall be deemed to be consistent with the High Intensity Commercial designation.” The CC zoning district is the most appropriate zoning classification for commercial uses on Hopkins Avenue.

**ATTACHMENTS:**

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PLANNING AND ZONING COMMISSION AGENDA ITEM

Rezoning (REZ) No. 1-2015

Meeting Date: February 18, 2014
Prepared By: Trevor Traphagen, Senior Planner
Applicant(s): Robert L. and Rebecca S. Galke
Applicant’s Request: Request to rezone property from Light Industrial Services and Warehousing (M-1) to Community Commercial (CC).
Staff Recommendation: Conduct Public Hearing of an ordinance to amend the zoning map.

Background Information
The applicant, Robert L. and Rebecca S. Galke, on behalf of the owner, Linda Hammonds, is requesting to rezone a parcel at 2880 S. Hopkins Avenue from the Light Industrial Services and Warehousing (M-1) district to Community Commercial (CC) in the Commercial High Intensity Future Land Use (FLU) for purposes of establishing a retail store. The applicant requests the ability to sell outdoor furniture as a retail use in an existing building. The parcel is located on the west side of Hopkins Avenue approximately 400 feet south of Harrison Street and is approximately 23,958+ sq.ft. (0.55 acres).

Property Information

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<td>Proposed</td>
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Surrounding Property Information

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<td>North</td>
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<td>Community Commercial (CC)</td>
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<tr>
<td>South</td>
<td>Mixed Commercial Uses (Lazy Gator Lounge, Tattoo, Salon)</td>
<td>Commercial High Intensity</td>
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<tr>
<td>East</td>
<td>Single Family Homes (Alhambra Villas Subdivision)</td>
<td>Residential Low Density</td>
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West | F.E.C. Railway, Single Family Homes (Colonial Heights Subdivision) | Residential Low Density (R-1B) | Single Family Medium Density (R-1B)

Staff Analysis
This parcel is located adjacent to Hopkins Avenue, which is primarily a commercial corridor and connector between the Downtown area and Cheney Highway (SR 50). The west side of the Hopkins Avenue corridor is comprised of commercial and warehouse uses, while the east side is a mix of commercial and residential uses. The property is currently zoned Light Industrial Services and Warehousing (M-1). The proposed CC rezoning is consistent with the existing uses and zoning in the area. The existing development is comprised of an approximate 6,000 sq. ft. building with a showroom and warehouse and an approximately 1,600 sq. ft. detached accessory building with 8 garage doors. The site currently has two points of access, both on Hopkins Avenue.

The CC zoning request is consistent with the Commercial High Intensity FLU. The land use allows a Floor Area Ratio (FAR) of 1.0 or 23,958 sq. ft. of non-residential uses. The existing buildings on site cover approximately 7,600 sq. ft. or 0.31 FAR. No additional development is proposed.

This parcel was zoned Light Industrial Services and Warehousing (M-1) in 1993. The M-1 zoning district permits a variety of industrial uses including, but not limited to, mechanical repair, machine shops and bottling plants. Retail is not a permitted use in the M-1 district with the exception of retail sales in conjunction with permitted and conditional uses in the district. Approval of the rezoning request to Community Commercial (CC) will allow retail activities as permitted uses.

Rezoning Criteria
Section 47-102(c) of the Land Development Code (LDC) lists the review criteria under which the Planning and Zoning Commission and the City Council review rezoning applications. The following are staff’s findings regarding the rezoning request to CC.

1. **Comprehensive Plan Consistency Statement.** The rezoning request in REZ application No. 1-2015 is consistent with the following Objectives and Policies of the Comprehensive Plan.

   [Future Land Use Element (FLUE)] Objective: 1.9 and subsequent Policies 1.9.1 through 1.9.8: Commercial Land Uses. The City of Titusville shall provide for appropriate and adequate land for commercial land uses through the designation of Commercial High Intensity and Commercial Low Intensity land use designations on the Future Land Use Map.

   [FLUE] Policy 1.9.10: Locations for High Intensity Commercial land use shall be deemed appropriate providing the following factors are additionally complied with:

   A. Sites for high intensity commercial development shall be located near the intersections of arterials and/or collector roadways. Sites shall be developed in a compact, cluster type pattern rather than new commercial strip centers. Intersection locations shall be preferable to linear development.

   B. Land development regulations shall establish performance requirements for high intensity commercial land use, including residential compatibility, as well as floor area ratio, maximum lot coverage, maximum impervious surface ratio, screening, height, setbacks, glare, landscaping and architectural compatibility.
C. Infill development into established commercial strip areas shall be preferred over the expansion of such strip centers. Strip centers should be centered at intersections and extend no further than ½ mile from said intersections.

D. Impacts upon traffic circulation shall be mitigated, through right-of-way dedication for road widening and frontage access streets, the assessment of impact fees and the provision and/or expansion of pedestrian and bicycling facilities, as deemed appropriate by the location and type of commercial impacts.

E. Automotive oriented uses shall be clustered within established high intensity commercial areas adjacent to major and minor arterials rather than at scattered locations.

F. Internal traffic movements of high intensity commercial development shall be designed in a manner that provides for pedestrian and vehicular traffic compatibility and safety.

G. Light Industrial Services and Warehousing (M-1) zoning that has been established within areas designated as High Intensity Commercial land use prior to September 2013 shall be deemed to be consistent with the High Intensity Commercial designation.

H. Economic Opportunity Districts shall permit the temporary use of existing structures which vacancy or underutilization has created a blighted or depressed area, as determined by Council.

[FLUE] Policy 1.9.11: The City shall further delineate, through its land development regulations, commercial zoning mechanisms to create zoning categories of neighborhood commercial, community commercial, regional commercial, and office. Each category shall be further delineated with appropriate locations and performance criteria.

1.1. Public facilities are available and concurrent with the development per the Comprehensive Plan and Land Development Regulations. The properties are located in the City’s urban service area. Water and sewer is available to serve the property.

Transportation impacts were determined based on the utilization of the existing approximately 6,000 sq.ft building as a retail center. A 6,000 sq.ft retail center will generate approximately 258 daily vehicular trips [ITE 8th ed]. This will not impact the level of service (LOS) on Hopkins Avenue.

Solid Waste is available to serve the property.

1.2. Public streets are adequate to access the property. This property has approximately 190 feet of frontage on Hopkins Avenue and there are 2 points of access, both on Hopkins Avenue. Hopkins Avenue is an arterial road per Sec. 39-40(c) of the Code.

1.3. The land will support the proposed development and should not be subject to flooding or other physical constraints. No new development is proposed for this site. This property has a FEMA flood zone designation of “X”

1.4. Environmental impact. No new development is proposed.
2. The rezoning application is consistent with the Land Development Regulations. The proposed uses are consistent with the requested zoning district.

3. Consistency of existing zoning. The existing zoning, if deemed consistent with the Comprehensive Plan, shall be presumed correct unless substantial change in the area has occurred since the original zoning. The current M-1 zoning district is consistent with the Commercial High Intensity FLU designation per FLUE Policy 1.9.10(G), “Light Industrial Services and Warehousing (M-1) zoning that has been established within areas designated as High Intensity Commercial land use prior to September 2013 shall be deemed to be consistent with the High Intensity Commercial designation.” The CC zoning district is the most appropriate zoning classification for commercial uses on Hopkins Avenue.

4. The intensity of the current and proposed zoning are the same and consistent with the development in the area. This rezoning is not likely to depreciate the property values in the area. The rezoning is consistent with the development in the area and will not depreciate values.

5. The application is consistent with zoning in the area. The proposed zoning is consistent with the adjacent CC zoning on Hopkins Avenue.

6. Neighborhood impact. That the application will protect the public health, safety, morals or welfare of the general public. The staff does not believe the uses allowed in the CC zoning district will create a nuisance to the general public.

7. Buffering and screening from adjacent uses. The property is separated from existing single family homes and commercial uses by the FEC to the west and Hopkins to the east. Development of the property shall adhere to the buffer and screening criteria of Chapter 35 Article II “Environmental Protection and Conservation” of the Code.

8. Substantial reasons why the property cannot be used in the existing zoning district. Retail is not a permitted uses within the M-1 zoning district unless it is associated with an additional use permitted in the M-1 zoning district. The applicant requests the ability to sell outdoor furniture as a retail use in an existing building.

**Recommendation**

Based on the above findings, the staff recommends approval of application REZ No. 1-2015 to rezone the parcel located at 2880 Hopkins Avenue from the Light Industrial Services and Warehousing (M-1) district to Community Commercial (CC) in the Commercial High Intensity Future Land Use.
## APPLICATION FOR REZONING

Please submit a completed application to the Planning Division for payment and meeting scheduling. Chapter 47 of the Titusville Land Development Regulations contains the instructions for filing and the required exhibits. INCOMPLETE APPLICATIONS SHALL NOT BE ACCEPTED.

### 1. Project Information

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<td>BACK HOME LEISURE FURNITURE</td>
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### 2. Applicant/Owner

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<tr>
<td>ROBERT L. GALKE REBECCA S. GALKE</td>
<td>LAMPS HAMMONDS TRUSTEE</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street Address</th>
<th>Street Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>34 FAIRSTEN DRIVE</td>
<td>P.O. BOX 125</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>TITUSVILLE, FL</td>
<td>32780</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Telephone</th>
<th>Fax</th>
</tr>
</thead>
<tbody>
<tr>
<td>321-273-3712</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E-Mail Address</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:GALKE@ATT.NET">GALKE@ATT.NET</a></td>
</tr>
</tbody>
</table>

### 3. Applicant Status

- [ ] Owner
- [ ] Tenant
- [ ] Agent
- [x] Other (Buyer)

### 4. Parcel ID

<table>
<thead>
<tr>
<th>Parcel ID</th>
<th>Tax Accr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>22-35-15-04-00000.00</td>
<td>2204683</td>
</tr>
</tbody>
</table>

### 5. Site Size (Attach Legal Description)

- Acres: .55

### 6. Current Land Uses

- SUBJECT: C-WAREHOUSING, DISTRIBUTING, INLAND TERMINAL, PARI & STORAGE WAREHOUSE
- NORTH: RESTAURANT/CAFETERIA
- SOUTH: C-MIXED USE COMMERCIAL
- EAST: R-SINGLE FAMILY RESIDENTIAL
- WEST: FLORIDA EAST COAST RAILROAD

### 7. Current Designation

- Future Land Use: COMMERCIAL HIGH
- Zoning: M-1
<table>
<thead>
<tr>
<th>8. Building Status</th>
<th>Existing Building(s) on the site?</th>
<th>New Building(s) proposed?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

| 9. Proposed Zoning & Reason for Request |  |
|----------------------------------------| VACANT PROPERTY                  |

<table>
<thead>
<tr>
<th>10. Proposed Maximum Density (If applicable)</th>
<th>Dwelling Units/Acre: N/A</th>
<th>Total Density: N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

| 11. Proposed Maximum Intensity (If applicable) |  |
|------------------------------------------------| N/A                      |

<table>
<thead>
<tr>
<th>13. Note any previous Rezonings on the site</th>
<th>ORD S-1993</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>14. Check other applications submitted</th>
<th>Annexation</th>
<th>Vacation of Easement</th>
<th>Conditional Use Permit</th>
<th>Master Plan Approval</th>
<th>Vacation of Right of Way</th>
<th>Site Plan</th>
<th>Subdivision Plat</th>
<th>Other</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>15. Narrative</th>
<th>Please provide a brief description of your request and the proposed project:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>REZONING REQUEST TO &quot;C&quot; TO ALLOW FOR RETAIL SALES OF OUTDOOR POOL &amp; PATIO FURNITURE.</td>
</tr>
</tbody>
</table>
All applications shall be submitted to the Planning Department and officially logged in by 4:00 p.m. on deadline dates.
Incomplete applications and applications without appropriate backup information/justification will not be accepted and will not be considered to be officially submitted until the appropriate information is submitted.
Meeting dates for incomplete applications will not be set until all required information is submitted.
Petitions requiring review from other boards or commissions prior to being forwarded to the Planning and Zoning Commission (P&Z)/City Council are not guaranteed placement on the schedule noted above.
All meeting agendas will be posted on the City’s web site and staff reports for the request can be obtained by contacting the Planning Department at 321-393-5825.

ACKNOWLEDGEMENT

1. I am the owner and/or legal representative of the owner of the property described, which is the subject of this application.

2. All answers to the questions in said application and all surveys and/or site plans and data attached to and made a part of this application are honest and true to the best of my knowledge and belief. By my signature below, I acknowledge that I have complied with all submittal requirements and that this request package is complete. I further understand that an incomplete application submittal may cause my application to be deferred.

3. Should this application be granted, I understand that any condition(s) imposed upon the granting of this request shall be binding to the owner, his heirs, and successors in title to possession of the subject property.

4. I understand that I must attend all applicable meetings and have been informed of the meeting date(s) and time(s). I understand that if I fail to appear at an applicable meeting, the appropriate Board or Commission may either table or deny the request.

5. I understand that my request if approved does not encumber provision of utility, road or other City infrastructure capacity. The analysis provided by staff of existing levels of service for public facilities and services in the vicinity of the parcel identified in this application is a non-binding analysis, and does not guarantee capacity will be available in the future or encumber/reserve capacity for any period of time.

This matter is subject to quasi-judicial rules of procedure. Interested parties should limit contact with the City Council, Board of Adjustment & Appeals, and Planning & Zoning Commission on this topic to properly noticed public hearings or to written communication to the City Clerk's Office, City of Titusville, P.O. Box 2806, Titusville, FL 32781.

(Signature)  

(Date)

FOR OFFICE USE ONLY

DATE RECEIVED: 11/5/15

ACCEPTED BY: TREVE TRAPPHAGEN

PLANNING AND ZONING COMMISSION DATE & TIME: APR 8TH 2015
CITY COUNCIL DATE & TIME: APR 28TH 2015

CASE NUMBER:
ORDINANCE NO. 5-2015

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 0.55 ACRE PROPERTY LOCATED WEST OF HOPKINS AVENUE AND SOUTH OF HARRISON STREET, THE ADDRESS BEING 2880 SOUTH HOPKINS AVENUE, FROM ITS PRESENT LIGHT INDUSTRIAL SERVICES AND WAREHOUSING (M-1) ZONING CLASSIFICATION TO COMMUNITY COMMERCIAL (CC) ZONING CLASSIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF TITUSVILLE, FLORIDA

as follows:

Section 1. Ordinance No. 5-1993 is hereby amended by amending the Zoning Map of the City of Titusville, Florida, made a part of said Ordinance by reference, by designating the following described property:

All of Block 5, except the South 50 feet, Replat of Alhambra Villas, a subdivision according to the Plat thereof, as recorded in Plat Book 10, Page 29, Public Records of Brevard County Florida.

Being approximately 0.55 acres.

To be rezoned from Light Industrial Services and Warehousing (M-1) to Community Commercial (CC) zoning.

Section 2. This ordinance shall take effect immediately.

PASSED AND ADOPTED this ___ day of _____________, 2015.

__________________________________
James H. Tulley Jr., Mayor

ATTEST:

__________________________________
Wanda F. Wells, City Clerk