

Windover Entrance Rezoning Information

REASONS WHY YOU SHOULD SPEAK OUT AGAINST THE REZONING



History

- In April 1984, Jack Eckerd (owner at the time) applied to the City of Titusville to annex the 13.22 acre property, parcel id # 22-35-32-00-00009.0-0000.00 (behind the old "Roost") at the Windover entrance into the City and change the zoning from BU-1 to R-2A (Ord. No. 35-1984)
- In **1992** the City of Titusville adopted Ordinance No.7-1992, as a result of a legal challenge brought against the City of Titusville by the Florida Department of Community Affairs for, among other things, not adequately protecting environmentally sensitive lands (DOAH Case # 90-0745GM). As a result of this ordinance, Conservation land use and Open Space and Recreation (OR) zoning were added to Titusville code and were added on to this property (due to wetland issues), changing the zoning from R-2A to R-2 & "OR". Every since 1992, the ± 8 acres that run along Windover Way have been designated as Open Space and Recreation Zoning and Conservation Land Use. The remaining ±5 acres that front on S.R. 405 identified as "R-2".
- In August **2002**, Jack Eckerd applied to the City to have the R-2 portion of the property changed from R-2 (multi-family low density) to CC (Community Commercial) (see SSA #18-2002). The application and Planning Staff report dated August 12, 2002 page 3 states, "**The Open Space and Recreation (OR) District is established to provide for conservation and protection of sensitive lands within the City. It is intended that this district WILL NOT function as a holding designation for land but rather a PERMANENT CLASSIFICATION in order to ensure that present and future residents of the City are able to enjoy the benefits of the natural environment of the City.**" (SSA 18-2002 pg 3 & page 10 & City of Titusville LDR Article VI, Div. 3, Sec. 59-641). It goes on to say that while the community commercial (CC) district is being established for commercial uses "**The Open Space & Recreation portion (of the property) WILL REMAIN. The request will lay the groundwork for commercial development while PRESERVING EXISTING CONSERVATION FEATURES.**" (SSA 18-2002 pg 10) **See MAP # 1** for existing "OR" and "CC" boundaries
- Per Titusville's Comprehensive Plan, Future Land Use Element, "Permitted uses within the Conservation land use shall be limited to conservation, recreation, open space, and stormwater management systems consistent. One home site per 5 acres is allowed as a conditional use.
- In June **2004**, the Pearsons purchased the entrance property from Jack Eckerd for \$125,000, with ±5 acres of Community Commercial (CC) zoned property with frontage on SR 405 frontage, with ± 8 acres of Open Space and Recreation (OR) zoned property with a Conservation land use along Windover Way. **See MAP # 1.**

Issue #1

- The property along Windover Way (8 acres) has been zoned OR with Conservation Land Use since 1992. This was reiterated again during the 2002 rezoning, which again confirmed on the record that the OR zoning was permanent and the conservation features were to be protected. Since August of 2002, there has been no zoning action on this property until this application (SSA #16-2005).
- The current landowner has applied to the City to partition off 3 lots along Windover Way (approx 2.3 acres uplands) and rezone the property from Conservation Land use and Open Space and Recreation Zoning to Residential One land use and Residential Estate Zoning. This application continues to leave 50' frontage on Windover Way outside of the requested rezoning area. That is the width needed to put in a road according to Brevard County Road engineers.
- The owner has continued to insist on a minimum of three lots with a very small amount of buildable uplands. Home sites would be forced up very close to Windover Way with small setbacks. Limited uplands will result in **the destruction of many of the large old trees along the Windover entrance** just to fit a home site and driveway on these lots. Not to mention what will happen if businesses allowed under "RE" zoning are ever built. AND there is the road width access to the remainder of the property still to contend with. What do you **REALLY** think is the possibility that those sites will closely match what we currently have in Windover?
- The property was purchased with 8 acres zoned OR and it should remain that way. If the Pearson's want to build a single family home then OR zoning allows one single family residence on 5 acres.

Issue #2

- The City has begun revising its procedures to address administrative rezoning, based on our objections and all our calls to the City. However, the problem is that they are proposing an "interim" process that could allow the remainder of the property, including the 50 ft access to be once again administratively rezoned (without public input) to Commercial. The only resolution to that will resolve this issue for ALL the Windover Way Frontage to get the City Council reject SSA #16-2005 and to retain the OR zoning as a permanent classification, as their code states. Other City CC zoned property in our vicinity is the Sun Belt Rental on 405, the Burger King across from Wal-Mart and the Circle K gas station on HWY. 50. Would you want any of these to use Windover Way as the entrance to these businesses?
- A 50' access road would REQUIRE the landscaped median in the entrance to be torn up. **The application going before the City Council STILL IDENTIFIES 50 FEET ON WINDOVER WAY AND THE APPLICANT CONTINUES TO STATE IT IS FOR FUTURE ACCESS TO THE COMMERCIAL ZONED PROPERTY.**

BOTTOM LINE

- We DO NOT SUPPORT SAA #16-2005 because of the two above issues.**
- The Property is OR, was advertised to be OR permanently and should stay that way. The City of Titusville should deny the requested rezoning at the City Council Meeting Nov. 8th.

**We need YOUR help...get involved...make phone calls...
visit neighbors...attend meetings**

WHAT YOU CAN DO:

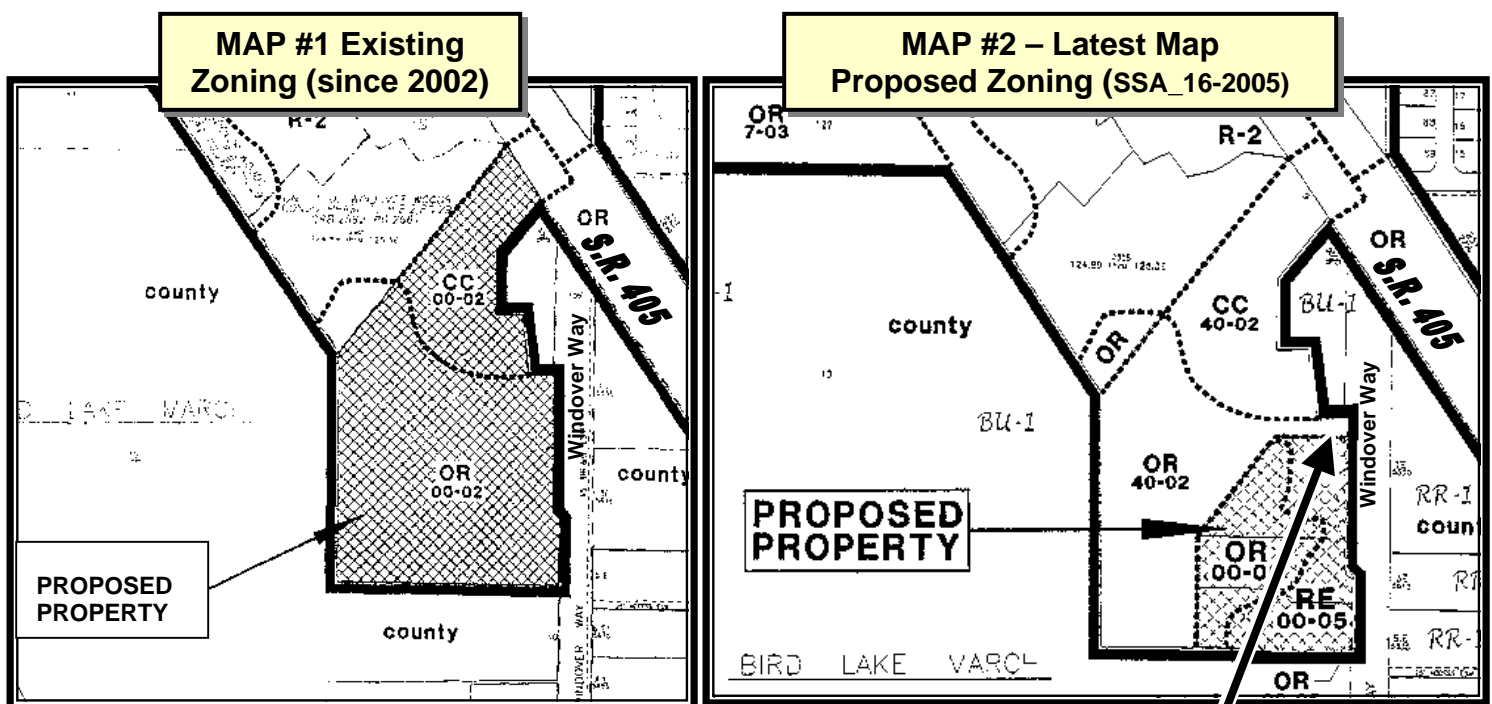
We need **EVERYONE** to ATTEND the City Council Meeting and **OBJECT TO THE REZONING**

**City Council Meeting
Titusville City Hall
November 8, 2005 6:30 pm**

****NOTE:** The city has been known to change the dates of meetings especially with a controversial issue. Call ahead to make sure the agenda has not been changed at City Clerk 383-5774

PLEASE CALL and/or EMAIL ALL THE BELOW:

- The City Mayor, Ron Swank at 383-5802 and protest. Email is mayor@titusville.com
- The City Manager, Tom Harmer at 383-5770 and protest.
- The City Attorney, Dwight Severs at 383-5692 and protest.
- City Council Conrad Eigenmann email conrad.eigenmann@titusville.com
- City Council Jim Tulley email jim.tulley@titusville.com
- City Council Paul Secor email paul.secor@titusville.com



On the most recent map for the rezoning City staff redrew the zoning lines AGAIN so that there is ONCE AGAIN a 50 ft (road width) connection to Windover Way for the remainder of the property.

Note the small amount of uplands on 2 lots. This will push home sites up close to

**Have Questions?
Call Sandy 269-0492
or Connie 383-9268**

**Once the bulldozers arrive – it will be TOO LATE
SO SPEAK OUT NOW!!**