



CITY OF TITUSVILLE

BOARD OF ADJUSTMENTS AND APPEALS

AGENDA

Regular Meeting

January 29, 2025 - 6:00 PM

Council Chamber at City Hall

555 South Washington Avenue, Titusville, FL 32796

Any person who decides to appeal any decision of the Board of Adjustments and Appeals, 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.

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 No. 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.

Applicants for land use and zoning related items are advised that the resumes of staff members who prepare applicable staff reports are on file in the City Clerk's Office.

1. CALL TO ORDER

- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL AND DETERMINATION OF A QUORUM**
- 4. APPROVAL OF MINUTES**
 - A. December 5, 2024 Minutes**
Approve Minutes
- 5. QUASI-JUDICIAL CONFIRMATION PROCEDURES**
 - A. Verify all persons wishing to speak before the committee has signed an Oath Card.**
 - B. Chairman confirms that all agenda items have been properly advertised.**
 - C. Member's statements if they have visited any of the sites or spoken to any members of the public regarding an item to be reviewed today.**
- 6. CONSENT AGENDA**
- 7. OLD BUSINESS**
- 8. NEW BUSINESS**
 - A. Appeal No. 1-2024 Apollo Gardens Site Development Permit**
Deny the appeal.
- 9. PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT**
- 10. REPORTS**
 - A. Approval of Semi-Annual Report**
- 11. ADJOURNMENT**

City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Board of Adjustments and Appeals
From: Brad Parrish, Community Development Director
Subject: **December 5, 2024 Minutes**
Department/Office: Development Services

Recommended Action:

Approve Minutes

Summary Explanation & Background:

Alternatives:

Modify the minutes.

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. BAA 12.5.24

DRAFT

Board of Adjustments and Appeals

Regular Meeting

December 5, 2024

The Board of Adjustments and Appeals (BAA) of the City of Titusville, Florida, met in regular session in Council Chambers, on Wednesday, December 5, 2024

XXX

Chairman Thomas Taylor called the meeting to order at 6:00 p.m. and asked the assembly to recite the Pledge of Allegiance to the Flag.

XXX

Present were Chairman Thomas Taylor, Vice-Chairwoman Margaret Van Deven, Member Smith-Rodriguez, Member Richard Wheelus, Member Gina Beckles and Alternate Member John Greene. Also, in attendance were Planner Tabitha Armstrong, Community Development Director Brad Parrish, Assistant City Attorney Chelsea Farrell, City Engineer Ashleigh Smith, and Administrative Assistant Kim Amick. It was determined that a quorum was present.

XXX

Assistant City Attorney Farrell swore in new Alternate Member Carshonda Wright.

XXX

Vice-Chairwoman Van Deven made a motion to approve the minutes for October 23, 2024. Member Wheelus seconded. All in attendance voted to approve the minutes.

XXX

Chairman Thomas Taylor confirmed the quasi-judicial procedures verifying that all persons wishing to speak before the board has signed an oath card.

XXX

Tabith Armstrong confirmed that all agenda items had been properly advertised.

XXX

Chairman Thomas Taylor called for members' statements if they had visited any of the sites.

XXX

Consent Agenda Items

DRAFT

None

XXX

Old Business

Since Alternate Member Greene was a voting member at the original hearing of this item on October 23, 2024, he will be sitting for the clarification.

Jesse Wright provided the recording secretary with a handout for the Board, Clarification: Modified.

Variance 21-2024 – Motion of Clarification

Brad Parrish stated the agenda item is not a public hearing it is basically just staff asking for clarification on your action. He stated this topic is based on an application that was heard at the last meeting in October specifically requesting in Variance 21-2024 for property located at 3550 S. Washington Avenue, to consider requested variance to Land Development Regulations, Section 34-128(a)(1)(a) to allow the qualification of a non-residential minor division without meeting the condition that the water, sewer and reuse be provided by the addition of a service lateral only for each lot being proposed, no main extension required, for property located in the Urban Village Zoning District at said location. He stated that was the initial request. On page 11 of the Agenda Packet is the Development Order which is unsigned because when they brought it to the Chair there was some discussion on what was really stated. They looked back at the minutes and watched the meeting again and staff has some questions. Brad read the conditions on the Development Order.

Brad stated staff had some discussion of what happened, and a letter was drafted by Ashleigh Smith which is on page 10 of the Agenda Packet. Brad summarized the letter dated November 4, 2024.

Ashleigh Smith provided the Board with drawings to help clarify the variance request.

Discussion followed.

Chelsea Anderson, 1530 US 1, Rockledge, Florida, answered questions from the Board.

Member Greene stated he accepted the negotiated settlement between the applicant and the City of Titusville.

Member Smith-Rodriguez stated her second holds.

Brad stated staff is going to summarize.

Ashley stated the following:

DRAFT

Clarification #1 - It will not be six (6) months, they will tie it to the Site Plan timeframe.

Clarification #2 – They clarified it is for water and sewer.

Clarification #3 – They clarified this is for Phase I utilities knowing that a portion of the utilities will not be built and will be in Phase II, which will be sometime in the future.

Clarification #4 – They will accept easements for all of the water mains, but they will be unrecorded and held in escrow.

Member Greene stated yes to the clarification.

Member Smith-Rodrigues agreed.

Roll call was as follows:

Chairman Taylor	Yes
Vice-Chairwoman Van Deven	Yes
Member Smith-Rodriguez	Yes
Member Wheelus	Yes
Alternate Member Greene	Yes

Motion passed.

Alternate Member Greene was excused.

XXX

New Business

Member Beckles took a seat on the dais for the remaining items.

Variance 22-2024 – 1018 & 1020 Orange Street

Tabitha Armstrong reviewed the staff report explained what the applicant was requesting.

Discussion followed.

Bruce Moja, 1250 West Eau Galle Boulevard, Melbourne, Florida, spoke in favor of this item.

Michael Graue, 2862 Chappel Wood Court, Oviedo, Florida, spoke in favor of this item.

Member Wheelus stated with reference to Variance 22-2024, 1018 and 1020 Orange Street, he recommends approval of the variance request to LDR Chapter 28, Section 28-317, with the following condition:

DRAFT

1. Any improvements be restricted to the footprint of the building.

Member Smith-Rodriguez seconded.

Roll call was as follows:

Member Beckles	Yes
Member Smith-Rodriguez	Yes
Member Wheelus	Yes
Chairman Taylor	Yes
Vice-Chairwoman Van Deven	Yes

Motion passed.

Variance 23-2024 – 3125 Columbia Boulevard

Tabitha Armstrong reviewed the staff report explained what the applicant was requesting.

Discussion followed.

Jonathan Skinner, Rockledge, Florida, spoke in favor of this item.

Member Van Deven, with reference to Variance 23-2024 at 3125 Columbia Boulevard, made a motion to grant the variance to allow a second sign as requested.

Member Beckles seconded.

Roll call was as follows:

Member Wheelus	Yes
Chairman Taylor	Yes
Vice-Chairwoman Van Deven	Yes
Member Beckles	Yes
Member Smith-Rodriguez	Yes

Motion passed.

Variance 24-2024 – 1793 Crossbill Drive

Tabitha Armstrong reviewed the staff report explained what the applicant was requesting.

Toni Shifalo, 715 Tropic Street, Apartment A, Titusville, Florida 32796, spoke against this item.

Michael Myjak, 4420 Alpine Lane, Titusville, Florida 32780, spoke against this item.

DRAFT

Discussion followed.

Member Wheelus made a motion to deny Variance 24-2024 based on it would grant rights to the owner that others are not allowed.

Member Beckles seconded.

Vice-Chairwoman Van Deven	Yes
Member Beckles	Yes
Member Smith-Rodriguez	Yes
Member Wheelus	Yes
Chairman Taylor	Yes

Motion passed.

XXX

Petitions and Requests from the Public Present

Toni Shifalo, 715 Tropic Street, Apartment A, Titusville, Florida, spoke about artificial turf and plants and the effects on the environment.

Reports

Staff – None.

Members – Member Smith-Rodriguez suggested, if it could be done, the city has empowered the environmental committee to do certain things or to find certain things, it might be helpful to attach a reason why the artificial turf or the synthetic plant are not permitted by the code. She knows in her real job, she will make a statement as to what she is finding and sometimes she says, see the case law on this topic or see the case laws written here or if she is dealing with mental health issues, and she attaches a piece of paper that says, this assessment includes things so people understand why she is making the ruling. She stated perhaps if a committee or commission or a report could be included in the code in that section to explain to people why (a) she thinks it would help people understand what the request is for and against and (b) the next time there is a variance here they can't count on the two citizens to be here for every single variance to make this compelling argument and if they are going to be bound by the evidence presented that day it may have a different outcome. She thinks including it in the code would allow them to refer to that as part of the reason to deny a request when appropriate and to grant it when otherwise appropriate. She stated if council is considering certain things, then she would encourage that.

City Attorney – Assistant City Attorney Farrell stated we are going to miss Member Smith-Rodriguez as one of our valued board members. She stated this is her last night.

DRAFT

Chairman – Chairman Taylor stated we now have a vacancy for a full-time member. He stated if anyone would like to make application, please see the City Clerk.

Assistant City Attorney Farrell stated the Clerk's Office will reach out to the two alternates to see if they are interested in becoming a regular member and she will take that into consideration and then the City Council will evaluate that in addition to any other pending applications to full fill the vacancy.

Adjournment was at 8:01 p.m.

City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Board of Adjustments and Appeals
From: Brad Parrish, Community Development Director
Subject: **Appeal No. 1-2024 Apollo Gardens Site Development Permit**
Department/Office: Community Development

Recommended Action:

Deny the appeal.

Summary Explanation & Background:

The Apollo Gardens Apartments site plan was approved on September 19, 2023. On November 11, 2024, Site Development Permit No. PSDP24-000205 for Project No. J22-5424, the Apollo Gardens apartments, was issued authorizing on-site construction. On December 5, 2024, Vickie J. Conklin (Appellant) submitted an application to appeal the approval and issuance of the site development permit.

Prior to consideration of the appeal, the Board must determine whether the appellant is an affected property owner as required per Section 34-249 of the Land Development Regulations.

Alternatives:

Concur with the appeal.

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1 Notice of Appeal and Exhibits

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2 Appeal 1-2024 Staff Report

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3 HDR vs Collector Arterial - Complete

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4 HDR vs Collector & Arterial - Complete with Aerials

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5 Appeal 1-2024 LEGAL MEMO

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6 Resolution No. 24-1997

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7 DIVISION_2.____APPEALS_TO_THE_BOARD_OF_ADJUSTMENT__APPEAL_OF_A
. DMINISTRATOR_



Received

DEC 05 2024

City of Titusville
Planning Department

To be completed by City staff:

Case No. _____

Date: _____

Fee Paid: _____

Signed: _____

City Staff

CITY OF TITUSVILLE, FLORIDA
NOTICE OF APPEAL
(Chapter 31, Article IV, Land Development Regulations)

Notice of Appeal
(Must be filed within thirty (30) days of date decision rendered.)

The Board of Adjustments & Appeals
City of Titusville
Titusville, Florida

The undersigned hereby appeals a decision of an administrative official of the City of Titusville, based on:

___ Code of Ordinance Vol. I

___ Building Codes

☒ Code of Ordinance Vol. II/Land Development Regulations

___ Life Safety Code

☒ Other Comprehensive Plan

Exhibits A-E
attached

Order and/or Ruling appealed:

Site Development Permit PSDP24-000205

Apollo Gardens LLP
Project J22-5424

Date of Ruling: 11-11-2024

Order and/or Ruling appealed: _____

Date of Ruling: _____

Grounds for appeal: Proposed development is not a conventional MF development, and is NOT consistent with Strategy 1.13.11 and Policies 1.14.5 and 1.14.16 of Titusville Comprehensive Plan. See attached letter dated 7-17-2024

Legal description of property: PT of SW 1/4 of NW 1/4 AS DES
in ORB 1526 pg 532
(see attached)

Affected Property Owner:

Apollo Gardens LLP (Carroll)

Name (print or type)

1398 SW 1st St FL 12

Street Address

Miami FL 33135

City and State

Appellant:

VICKIE J CONKLIN

Name (print or type)

2920 Royal Oak Drive

Street Address

Titusville FL 32780

City and State

314-614-0999

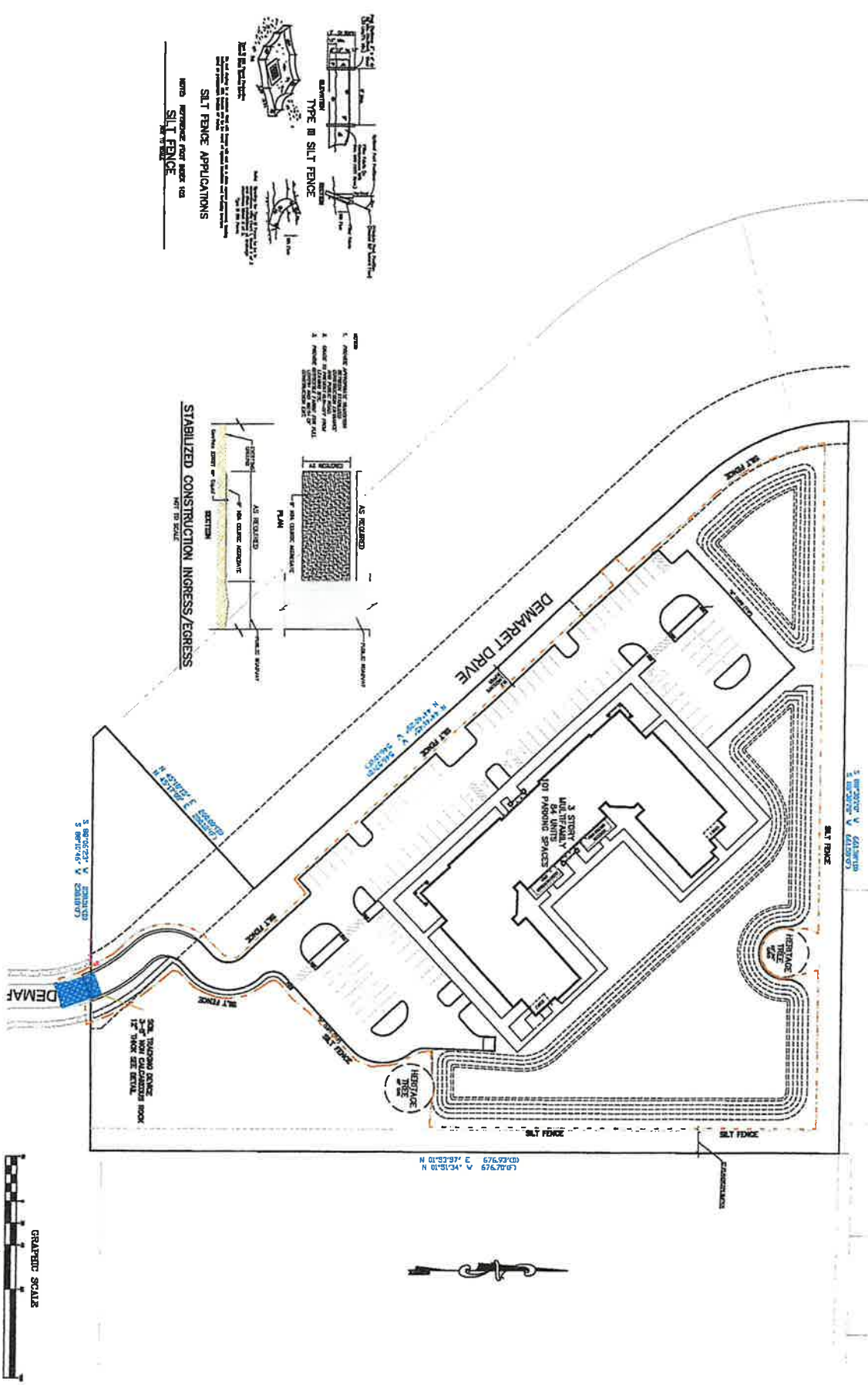
Telephone Number

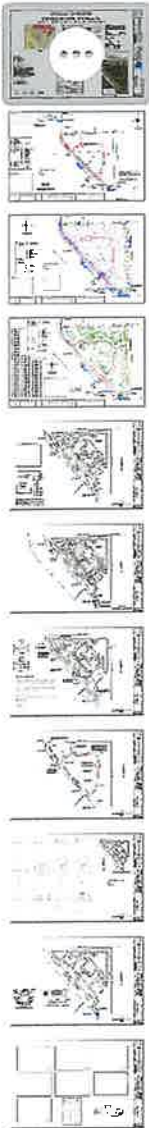
Vickie J Conklin

Signature of Appellant

INSTRUCTIONS TO APPLICANT:

1. Use one application for each request.
2. File with City staff (one copy will be returned to appellant along with decision of the board).
3. Filing fee of \$475.00 due at time of filing (Should board sustain the appeal, fee will be refunded).





City of Titusville Preliminary Concurrency Assessment

Project Name: Apollo Garden Apartments		Date: March 3, 2023	
Project Description: Multifamily - 84 units - 1 building			
Residential Density (dwelling units): 84		Non-Residential Intensity (1,000 s.f.): -	
Total Water Capacity*		5.429 MGD	
Less Current Demand**		4.477 MGD	
Less Future Commitments (FDEP/Water Supply Allocation permits)		0.313 MGD	
Remaining Capacity***		0.639 MGD	
Estimated Unit Based Water Demand****		84.00	0.0252 MGD
*Total Water Capacity permitted flow is 6.01 MGD minus 10% reservation **12 Month Rolling Average ***Remaining capacity subject to change without notice - This is neither a commitment nor a reservation of this capacity. ****Based on 100 gallons/capita/day or 250 gallons/unit/day in accordance with Section 10 of the City's Concurrency Technical Manual Water is reserved for this project only upon issuance of a Water Supply Capacity Allocation Permit in accordance with City Code Section 21-50.			
Wastewater			
Total Wastewater Capacity*		6.750 MGD	
Less Current Demand**		4.689 MGD	
Less Future Commitments (FDEP Permits)		0.601 MGD	
Remaining Capacity***		1.460 MGD	
Estimated Unit Based Wastewater Demand****		84.00	0.0189 MGD
*Total Wastewater Capacity based on Design capacity of Blue Heron and Osprey Treatment Facilities **12 Month Rolling Average ***Remaining capacity subject to change without notice - This is neither a commitment nor a reservation of this capacity. ****Based on 75 gallons/capita/day or 225 gallons/unit/day in accordance with Section 10 of the City's Concurrency Technical Manual			
Traffic Circulation			
Primary Access			
Street Name: Barna Avenue	Adopted LOS:	Max Capacity:	15,600 ADT
Current Conditions			
Roadway Segment: Country Club - Harrison		2021 E+C Count:	9,300 ADT
		Volume/Count Ratio:	0.60
Future Conditions			
Roadway Segment:		Existing + New Count:	9,914 ADT
		Volume/Count Ratio:	0.64
Secondary Access			
Street Name: Aguinaldo Ave	Adopted LOS:	Max Capacity:	ADT
Current Conditions			
Roadway Segment:		2019 E+C Count:	ADT
		Volume/Count Ratio:	
Future Conditions			
Roadway Segment:		Existing + New Count:	ADT
		Volume/Count Ratio:	
Institute of Transportation Engineers (ITE) Index Number*:		220 Index	
Average Vehicle Trips per Unit on a Weekday:		6.74 ADT	
Total Average Vehicle Trips for this Development on a Weekday:		614 ADT	
*Institute of Transportation Engineers Trip Generation rates or Latest Edition, [Sec. 10.3.1.2 of the Transportation Technical Manual]			
Recreation/Open Space			
City Population: 50,200		Required Recreation/Open Space:	401.60 AC
Adopted LOS (acres/1,000 population): 8		Current Recreation/Open Space:	566.60 AC
		Existing Available Recreation/Open Space Capacity:	165.00 AC
Project Population: 187		Required Recreation/Open Space:	1.50 AC
		Remaining Recreation/Open Space Capacity:	163.50 AC
Staff Comments			
Traffic Study <u>is</u> required			
Evaluated By: JM, KB, AS		Evaluation Expiration Date: 8/30/2023	

CONCURRENCY

OVER, 5/31/2024 11:24:26 AM

POINT OF COMMENCEMENT
EASEMENT FOR DRAINAGE AND UTILITIES
(O.R.B. 2087, PG. 1986)
NORTHWEST CORNER OF THE NORTHEAST 1/4
OF SECTION 16, TOWNSHIP 22 SOUTH, RANGE 35 EAST

All Records > By: Address > Search > [Enter an address or address range such as 100-200 Main St]

Use Advanced Address Search

Home > Search Results > Record Details > Permit

Permit Details: PSDP24-000205

Property Address: 2727 DEMARET DR, TITUSVILLE, FL 32780 | Parcel: 2207868

Property Owner: APOLLO GARDENS LLLP

Summary Information

> 0 Inspection(s) Found

Jump To: Permit Information | Inspection Information | Violations | Attachments | Contractor Information | Applicant Information | Owner Information | Licensee Information | Construction Details | Miscellaneous Fields

Back To

Permit Information		Non-Subdivision	
Number	PSDP24-000205	Category	ISSUED
Type	Site Permit - Class 2	Status	11/11/2026
Applied Date	10/31/2024	Expire Date	No Data to Display
Issue Date	11/11/2024	Final Date	
Work Description	Site Work Only - Apollo Gardens		
Stipulations	No Data to Display		
Project	J22-5424		
Go to project			

Inspection Information		Result	
Inspection Type	Inspector	Scheduled Date	Completed Date
No records to display.			

Violations		Inspection	
Show All	Violation Type	Date Found	Date Corrected
No records to display.			



NONE

Wrong exemption? Maybe this is why...



Property Use:

9908 - VACANT RESIDENTIAL LAND (MULTI-FAMILY, UNPLATTED)



Total Acres:

7.03



Site Code:

0001 - NO OTHER CODE APPL.



Plat Book/Page:

0000/0000



Subdivision Name:

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Land Description:

PT OF SW 1/4 OF NW 1/4 OF NE 1/4 AS DES IN
ORB 1526 PG 532

Value

Category

2024



Market Value:

\$175,751



Agricultural Classified Use Value:

\$0



Assessed Value Non-School:

\$175,751



Assessed Value School:

\$175,751



Homestead Exemption:

\$0



Additional Homestead:

\$0



Other Exemptions:

\$0

Top



RALF BROOKES, ATTORNEY

Board Certified in City, County and Local Government Law

Richard C. Broome
City Attorney
City of Titusville
555 S Washington Avenue
Titusville, FL 32796

July 17, 2024

**SUBJECT: OBJECTIONS TO MULTIFAMILY DEVELOPMENT BY CARRFOUR
SUPPORTIVE HOUSING AT 2727 DEMARET DRIVE, TITUSVILLE FLORIDA**

Mr. Broome:

On behalf of my client group, Royal Oak Neighbors LLC, Vickie Conklin, Agent, I am writing to you per Florida Bar rules to express my clients' objections and opposition to the Apollo Gardens development at 2727 Demaret Drive adjoining the Royal Oaks golf course.

Attached to this letter is the resume of Max Forgey, AICP, an expert land use planner who has also been retained by the client group and offers the following justifications for denial of the multifamily development by Carrfour Supportive Housing at 2727 DEMARET DRIVE Titusville, Florida.

My clients request denial of the above-referenced Apollo Gardens project based upon the above strategy and policies.

Justifications for denial. Notwithstanding the FLUM designation and zoning on the parcel, this proposed development is not a conventional multifamily development. Ingress/ egress is on Demaret Drive, which is deeded to Spanish Oaks HOA which has not granted access.

The proposed development is NOT consistent with Strategy 1.13.11 and Policies 1.14.5 and 1.14.16 of the Titusville Comprehensive Plan which are stated verbatim below:

Strategy 1.13.1.1

The US 1 Corridor Neighborhoods Land Use District shall protect the interior established single-family areas of the neighborhoods by preventing commercial and multi-family encroachment, unless appropriate areas for commercial and multi-family uses are identified by a Neighborhood Plan.

Policy 1.14.5:

Medium density residential uses (maximum 10 units per acre) shall consider existing and proposed land uses to ensure compatibility. Further, such densities shall be located adjacent to at least a collector street, unless the property is located along the following

local road, which already has a multi-family development pattern and is capable of supporting higher density: Rock Pit Road (from Tropic Street to South Street).

Policy 1.14.6:

High density residential uses (maximum 15 units per acre) or mobile homes shall consider existing and proposed land uses to ensure compatibility. Further, such densities shall be located adjacent to at least a collector or arterial street unless the property is located along the following local road, which already has a multi-family development pattern and is capable of supporting higher density: Rock Pit Road (from Tropic Street to South Street).

Respectfully yours,

/s/ Ralf Brookes, Attorney
and
/s/ Max Forgey AICP

cc. Vickie Conklin

Max Forgey AICP
d/b/a FORGEY PLANNING LLC
236 SE 45th Street
Cape Coral FL 33904
239.560.5864
max@forgeyplanning.com

Certification

AICP (American Institute of Certified Planners) Certification #051,330 Florida Chapter, APA Member in good standing since 1993. A national professional certification maintained by the American Planning Association. AICPs must first meet educational standards and then pass an examination covering all aspects of professional planning practice, and are expected to maintain their membership through a self-directed program of study that is monitored by the national organization, which includes regular training in law and ethics.

Professional Experience

Forgey Planning

Cape Coral, FL

Owner. 2008-present. A solo planning practice concentrating comprehensive planning work for Lee and Sarasota Counties, the City of North Port, and the Captiva Community Panel. Developed a template for auditing the effectiveness of existing local governments comprehensive plans which has been applied in Sarasota County and the City of North Port. An expert witness since 2013, working on more than 30 cases in 25 Florida counties and municipalities, appearing before planning commissions, city councils, county commissions, hearing examiners, administrative law judges, and circuit court. Qualified as an expert witness in Lee County Hearing Examiner proceedings.

Zoning Technologies

Cape Coral, FL

President. 2011-2017. A start-up subsection 'S' corporation that specialized in restructuring and updating local government comprehensive plans and developing implementation strategies which employ automation to create linked tools (e.g. application forms, automated worksheets, case reports, and adopting resolutions). The Zoning Technologies expert system prototype products were marketed statewide and were demonstrated at the American Planning Association (APA) national conference in Atlanta in 2014.

Osceola County, Florida

Kissimmee, FL

Planning Coordinator. 2005-2008. Authored key elements of the Osceola County Comprehensive Plan and most of the County's 2008 Evaluation and Appraisal Report.

Clay County, Florida

Green Cove Springs, FL

Senior Planner. 2003-2005. Authored the county's Interlocal Service Delivery Agreement Report (ISDAR) mandated by the Florida legislature, identifying all service overlaps between and among all local governments within Clay County.

Lake County, Florida

Tavares, FL

Planning Director. 2001-2003. Staff liaison to the Environmental Lands Management Advisory Committee, a citizen organization created by the Board of County Commissioners to study the creation of an environmental land program. Recommended policies were ratified in November 2002, when Lake County voters approved a one-third mil assessment for the acquisition of environmental lands.

Southwest Florida Regional Planning Council

North Fort Myers, FL

Planner. 1997-1998. Reviewed local government plan amendments throughout the six-county area and authored "The Platted Lands Challenge" report.

Charlotte County, Florida

Port Charlotte, FL

Community Development Director 1995-1997; Planning Director 1990-1995. Early in my tenure, Gulf Development Corporation (GDC), the County's largest land subdivider, declared bankruptcy, shifting responsibility for completion of roads, bridges, drainage works, and utilities, to the public sector and forcing a host of development decisions upon the local government and public agencies. I had three memorable achievements during these seven years:

- Managed the research, preparation, and adoption of the County's Evaluation and Appraisal Report (EAR) and Comprehensive Plan. Aggressively negotiated with the Florida Department of Community Affairs (DCA) to remove the Plan's not-in-compliance finding.
- Led the staff team that rewrote the Charlotte County Comprehensive Plan and was the point person in the successful four-year effort to negotiate a stipulated settlement agreement between the Board of County Commissioners and the Florida Department of Community Affairs to find Charlotte County's Comprehensive Plan in compliance with Florida's Growth Management Act.
- Advocated against the rezoning of 42 parks (illustrated as such on GDC sales maps and the County's Future Land Use Maps) to residential uses. The Company's receivers eventually relented on their policy position and donated 41 parcels to the people of Charlotte County.

City of Cape Coral, Florida

Cape Coral, FL

Deputy Planning Director. 1985-1990. Authored and supervised preparation of key elements of the 1988 Comprehensive Plan (the City's first plan under the 1985 Growth Management Act) and the City's 1989 Land Development Code.

Education**Indiana University**

Bloomington, IN

Master of Public Affairs (MPA) from the O'Neil School of Public and Environmental Affairs, 1982. Concentration in Urban and Regional Planning.

Bachelor of Arts (BA), 1976. Undergraduate degree in English Literature and History.

Important Cases, Continuing Education, Writing & Teaching

- Program chair for APA Florida/ FPZA "Warped Tour '22: (Mostly) Land Use Law & Decision-making for Planners" tentatively planned for Southern Lee County October-November 2022.
- Presenting a panel "Incorporation, Annexation, and Disincorporation" with Joseph M. Mazurkiewicz, Jr., Jim Studiale, AICP, and Luke Lirot, Esq. at APA Florida state conference in Orlando September 7, 2022.
- Co-presented a panel "Legislative and Quasi-judicial: What Every Planner Needs to Know" with Attorney Andrew Dickman, AICP, at annual conference of Florida Planning and Zoning Association on Captiva Island June 3, 2022.
- Program Chair for "The Swamp Peddlers", an APA Florida/ Florida Planning & Zoning Association symposium conducted on August 6, 2021 in Punta Gorda. Keynote speaker Jason Vuic and other presenters explored the legacy of land sales scams in Southwest Florida on the twentieth anniversary of the General Development Corporation bankruptcy.
- Designed and co-presented "Land Use 101", a seminar for planning commissioners, elected officials, and new planners, hosted by the City of Cape Coral on June 16 and July 14, 2021 with co-presenters Vince Cautero, AICP, the City's Community Development Director, and Attorney Ralf Brookes.
- Expert witness for client West Villagers for Responsible Government (WV4RG), a citizen organization which challenged the annexation of the 8730-acre non-contiguous West

Villages subdivisions into the City of North Port. The City Commission rejected the Villagers' challenge by a unanimous vote, but following appeal presented by attorney Luke Lirot, the Twelfth District overturned the City's order denying petition for contraction in *West Villagers for Responsible Government v. City of North Port*.

- Moderated a panel for law credit at the September 9, 2020 Zoom-facilitated American Planning Association's Florida state conference. Co-presenters were attorneys Karen Consalo, Thomas Hawkins, and Andrew Dickman. "The Rules are Very Different Here: How to Reform Florida's Land Use Decision-making Process" surveyed the inconsistencies among local governments' handling of land use decision-making and proposed a new Environmental Land Management Study (ELMS) to improve those processes.
- Attended and participated in American Planning Association Florida chapter's 18th annual Public Policy Workshop at Florida State University, Tallahassee February 2020.
- Drafted update of Town of Fort Myers Beach Sign Ordinance to reflect SCOTUS *Reed v. Gilbert* opinion for Weiler Engineering Fall 2019-Winter 2020.
- Program chair for "*How High is the Water, Ma?: Rising Sea Level on the Florida Gulf Coast and what we can do about it,*" sponsored by Friends of Boca Grande Community Center, March 22, 2019 at the Boca Grande Community Center Auditorium.
- Member, *Faith Presbyterian Affordable Housing Board*, a not-for-profit corporation which aspires to offer quality housing for low- and moderate-income persons in Cape Coral. Appointed 2018; appointment ended December 2020.
- Received 2018 American Planning Association Florida Chapter, Promised Lands section's first-ever *Wayne Daltry Award for Planning Programs* for developing professional education symposia.
- Prepared *policy audit of Town of Fort Myers Beach Comprehensive Plan* for Weiler Engineering, Summer 2018.
- Program chair for American Planning Association symposium "*Warped Tour '18: Land Use Law for Planners*" March 23, 2018 in Punta Gorda.
- Attended and participated in the hurricane-shortened APA Florida chapter annual conference in Daytona Beach September 4-6, 2017. Led panel with Greg Beliveau, AICP and Jane West Esq. entitled "*How to Build a Better Client.*"

- Program chair for Captiva Community Panel/ Florida APA symposium *"Now in My Back Yard: Rising Sea Level on Florida's Gulf Coast and what can be done about it"* January 13, 2017 at South Seas Resort on Captiva Island.
- Co-authored article with Karen Consalo, Esq. *"Best Practices for Local Government Land Use Decision-making"* in Summer 2016 edition of *Florida Planning*.
- Speaker at American Planning Association Florida Chapter Annual Conference in Tampa, September 9, 2016. *"A Pre-tirement Guide for Perplexed Planners: Making the Transition to Solo Practitioner."*
- Attended and participated in CLE International's annual *Land Use Law symposium* in Tampa, August 18-19, 2016, and August 6-7, 2015.
- Speaker at University of Central Florida 2016 Public Administration Research Conference April 8, 2016. Topic: *"What's the Big Idea: New Software that Aids Land Use Decisions."*
- Attended and participated in APA Florida chapter annual conference in Hollywood, Florida September 10-13, 2015.
- Coordinator and presenter for daylong FAPA-sponsored symposium *"Everything You Ever Wanted to Know about Florida Land Use"* in Cape Coral May 16, 2014.

Profile

Max Forgey is an experienced land use planner with more than three decades of professional experience and exceptional success in administration of local government comprehensive planning strategies, land development and regulatory controls, governmental relations, and public policy communications. Primary clients are governmental organizations and private property owners.

His professional knowledge encompasses creating and developing community and small-area plans, urban design and architectural standards, land development entitlements, project management, and expert witness testimony. Max has worked on more than 30 cases across 25 Florida counties and municipalities, appearing before local planning agencies, city and county elected bodies, hearing examiners, administrative law judges, and circuit court proceedings.

Max also actively participates in and leads speaking engagements at professional development conferences and symposia through the Promised Lands section of the American Planning Association Florida chapter, with the American Institute of Certified Planners, with 1000 Friends of Florida and other organizations.

Qualifications

- FORGEY PLANNING. Owner of an urban planning and land-use consulting practice.
- Master of Public Affairs (MPA) in Urban and Regional Planning, Indiana University.
- Member American Institute of Certified Planners (AICP).
- Qualified as an expert witness in Lee County Hearing Examiner proceedings.
- Former Planning and Community Development Director in Charlotte County.
- Former Planning Commissioner (LPA), City of Cape Coral, Florida.

Accomplishments

- Established FORGEY PLANNING, an urban planning and land use consulting practice.
- Developed a template for auditing the effectiveness of existing local governments comprehensive plans and zoning code for internal consistency of plan policy framework.
- Authored “The Platted Lands Challenge” report for the six-county area of Southwest Florida offering policy guidance for platted, scattered-lot properties.
- Development of implementation strategies which employ automation to create linked mixed media tools for restructuring and updating local government planning and zoning regulations.

Jurisdictions Accepting Max Forgey as Expert AICP Planning Witness Opinion

Bonita Springs	Bradenton
Cape Coral (5)	Charlotte County (2)
Collier County (2)	DeSoto County
Fort Myers Beach (2)	Hardee County
Hendry County (C Court)	Hernando County
Highlands County	Hillsborough County (3)
Hillsboro Beach	Lantana
Lee County (8)	Miramar
Monroe Co (ALJ)	North Port
Orange County	Ormond Beach
Pasco County (2)	Palm Beach County (ALJ)
Polk County (C court)	Punta Gorda (2)
St. Johns County (4)	Sarasota County
Suwannee County	Venice

Addendum to Appeal of Site Development Permit PSDP24-000205

December 5, 2024

This project is not a conventional MultiFamily Development. Carrfour, the applicant, has categorized this project as Supportive Housing.

Normal traffic patterns of multifamily housing cannot be applied. This project consists of 84 units, each 1 bedroom, of residents considered as High Utilizers of Behavioral Health Services experiencing severe and persistent mental illness and/or a concurring Substance Use Disorder. Hertitage Park, a sister facility located in Melbourne has 80 units: they experienced 436 police/EMT calls in a 1 year period (all times of the day and night) for felonies, overdose, theft, and altercations. In addition, more traffic would be generated from social service vans transporting residents to Rockledge for substance abuse therapy. The city of Titusville has documented that Demaret Drive is considered a "Local Road."

Foot traffic will be increased as well, due to some residents not having private transportation. Walking to Winn Dixie via Demaret on local roads is a distance of 1 mile, whereas hopping the gate at Spanish Oaks Condominiums and trespassing on private property is 0.4 miles. Which route do you think the residents will take? How many more police calls will result from trespassing violations?

Please refer to the City of Titusville Preliminary Concurrency Assessment (attached) describing traffic circulation with primary access as Barna Avenue and Aguinaldo Ave, neither of which are contiguous to the property location of 2727 Demaret Drive. The traffic study completed by Carrfour does not reflect the true impact of this project.

Eight four (84) single bedroom single bath apartments with health services does not fit the multifamily format, and is not congruent with the area. Land Development regulations of the city of Titusville state "development shall not adversely impact upon existing uses or change the character of the area in which it is located."



City of Titusville Community Development Department

BOARD OF ADJUSTMENTS AND APPEALS

Appeal No. 1-2024

Meeting Date: January 29, 2025
Prepared By: Brad Parrish, Community Development Director
Applicant/Owner: Vickie Conklin, Appellant

BACKGROUND INFORMATION

Location: 2727 Demaret Dr, Titusville, FL. Tax No. 2207868. Parcel I.D. 22-35-16-00-34

Zoning: Multifamily High Density (R-3)

Administrative Interpretation:

The Apollo Gardens site plan was approved on September 19, 2023, consistent with the Land Development Regulations and the Comprehensive Plan. On November 11, 2024, Site Development Permit No. PSDP24-000205 for Project No. J22-5424, the Apollo Gardens apartments, was issued authorizing on-site construction.

Background

On December 5, 2024, the appellant submitted appeal No. 1-2024. Pursuant to Section 34-250, “The notice of appeal shall be filed within thirty (30) days after the decision complained of has been rendered.” The completed appeal application was submitted within the required timeframe.

The Apollo Gardens project is a multifamily apartment building with 84 residential units. The property is zoned Multifamily High Density Residential (R-3). The project is permitted in the R-3 zoning district. The property is designated with the Comprehensive Plan High Density Residential Future Land Use District. The property has frontage on Demaret Drive, which is a public right-of-way.

ANALYSIS

According to the appellant, the Apollo Gardens project is not a conventional multifamily development, and is not consistent with Comprehensive Plan Future Land Use Element Strategy 1.13.11, Policy 1.14.5 and Policy 1.14.6 [The appeal incorrectly cites Policy 1.14.16.].

The comprehensive plan and LDRs do not define a conventional multifamily development. The LDRs defines Multifamily dwellings as a building containing two (2) or more dwelling units [Chapter 37]. The LDRs do not distinguish between an owner-occupied condominium type multifamily development and apartments for rent. Multifamily dwellings such as duplex, triplex, quadraplex, etc. are permitted in the R-3 zoning district [Sec 28-54 Use Table]. The R-3 zoning district is consistent with the High Density Residential Future Land Use District [Sec. 27-21 Land Use/Zoning Consistency Matrix].

Strategy 1.13.11 is not applicable to the Apollo Gardens property. The Strategy describes the US 1 Corridor Future Land Use District, which was specifically created to implement the US 1 Corridor Master Plan, adopted in 2007. The property is not located within the boundaries of the US 1 Corridor Master Plan.

Policy 1.14.5 is also not applicable to the Apollo Gardens property. The Policy describes the Medium Density Residential Future Land Use District. The Apollo Gardens property is not designated Medium Density Residential.

The crux of the appeal is whether Policy 1.14.6 is applicable to the Apollo Gardens property. The Policy describes the High Density Residential Future Land Use District. In 1988, the City Council adopted the Comprehensive Plan. The City Council also designated several properties, including the Apollo Gardens property, with the High Density Residential Land Use District consistent with the Comprehensive Plan. The Policy was cited as Objective 10, Policy 1D and stated,

“High Density Residential uses (9.1 to 15 units per acre) or mobile homes shall consider existing and proposed land uses to ensure compatibility. Further, such densities shall be located adjacent to at least a minor arterial street.”

The City Council determined consistency with the Comprehensive Plan, including the policy statement related to densities located adjacent to at least a minor arterial street. Harrison Street and Barna Avenue are the only adjacent roads that would have qualified as minor arterial streets.

The appeal is based upon the current policy which was amended in 2007, 19 years after City Council had determined consistency with the comprehensive plan and designation of the property as High Density Residential, to state the following:

“High density residential uses (maximum fifteen (15) units per acre) or mobile homes shall consider existing and proposed land uses to ensure compatibility. Further, such densities shall be located adjacent to at least a collector or arterial street unless the property is located along the following local road, which already has a multi-family development pattern and is capable of supporting higher density: Rock Pit Road (from Tropic Street to South Street).”

Harrison Street and Barna Avenue are collector roads according to the City’s LDRs. The property is consistent with the policy statement related to densities located adjacent to a collector.

The permit was issued consistent with the comprehensive plan, including the High Density Residential Future Land Use District Policy.

Enclosed is a map identifying the location of properties with the High Density Residential Future Land Use District.

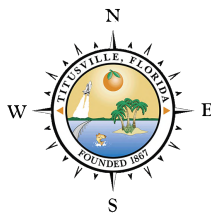
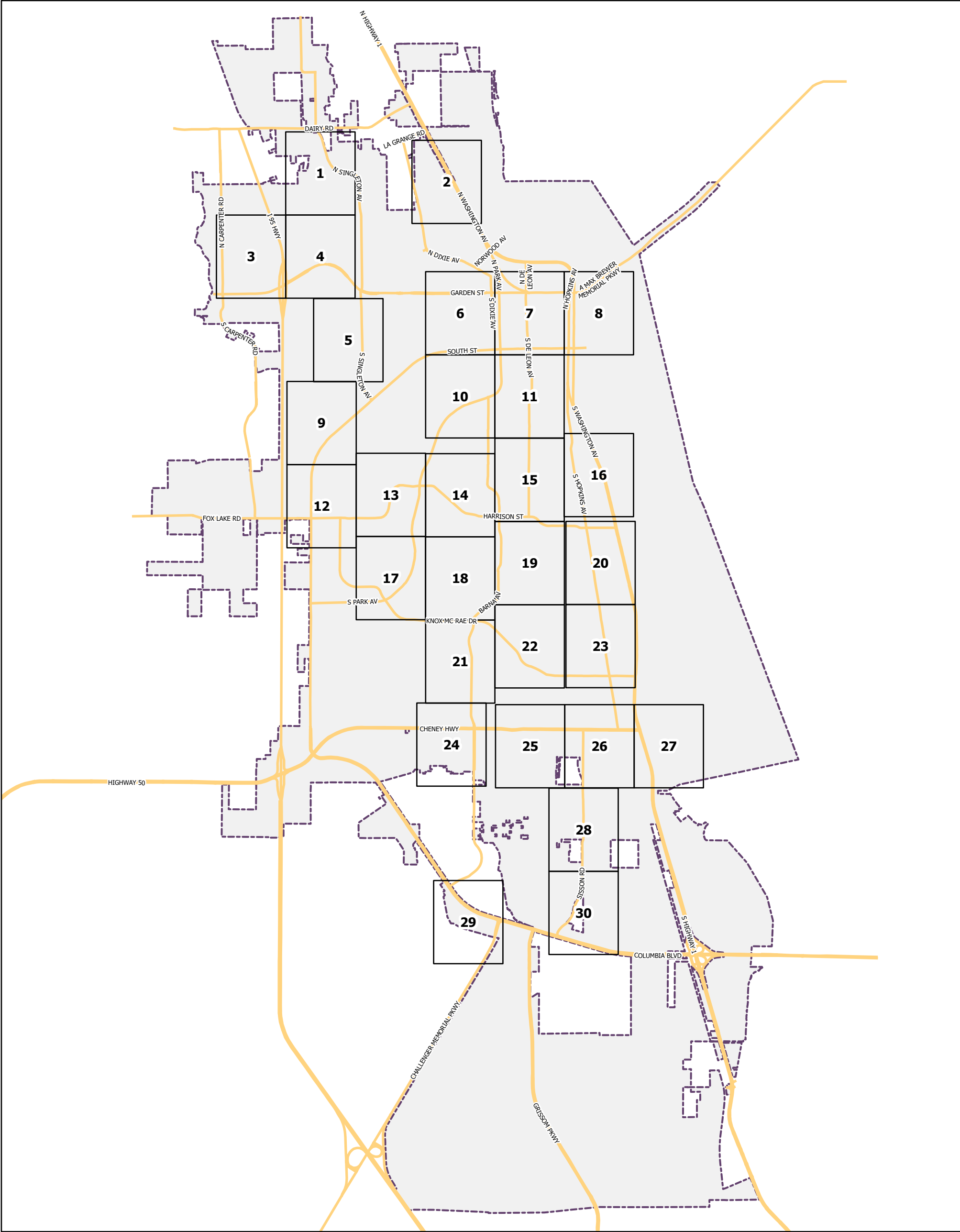
RECOMMENDATION

Concur with the administrative interpretation and deny the appeal.

BOARD OF ADJUSTMENTS & APPEALS ACTION

BAA Action: _____ ☐ Approved ☐ Denied
(date)

HDR - Collector & Arterial Grid Index



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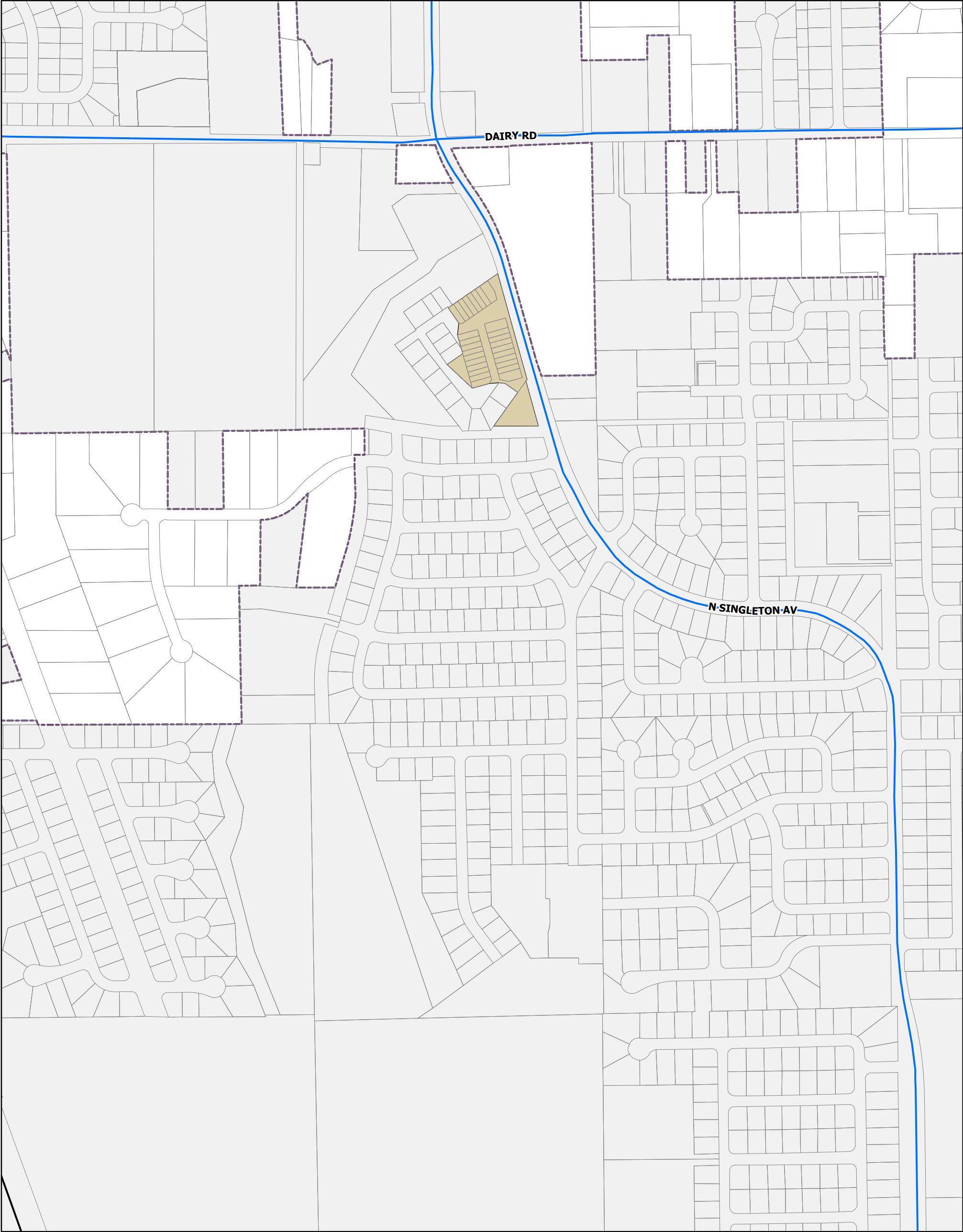
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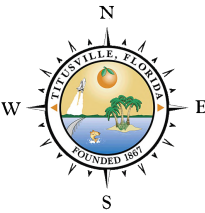
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HDR vs Collector & Arterial





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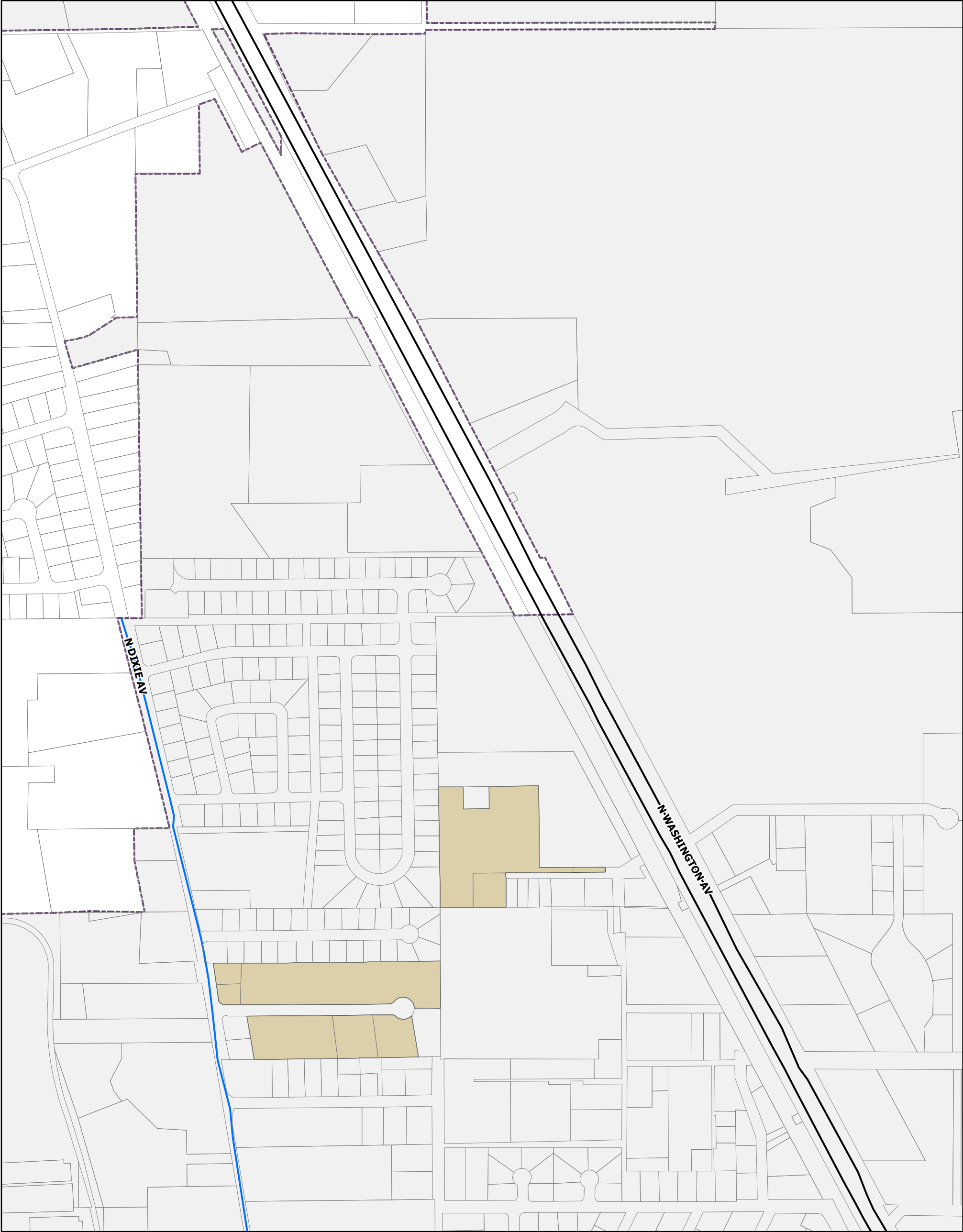
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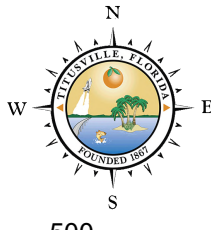
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HDR vs Collector & Arterial





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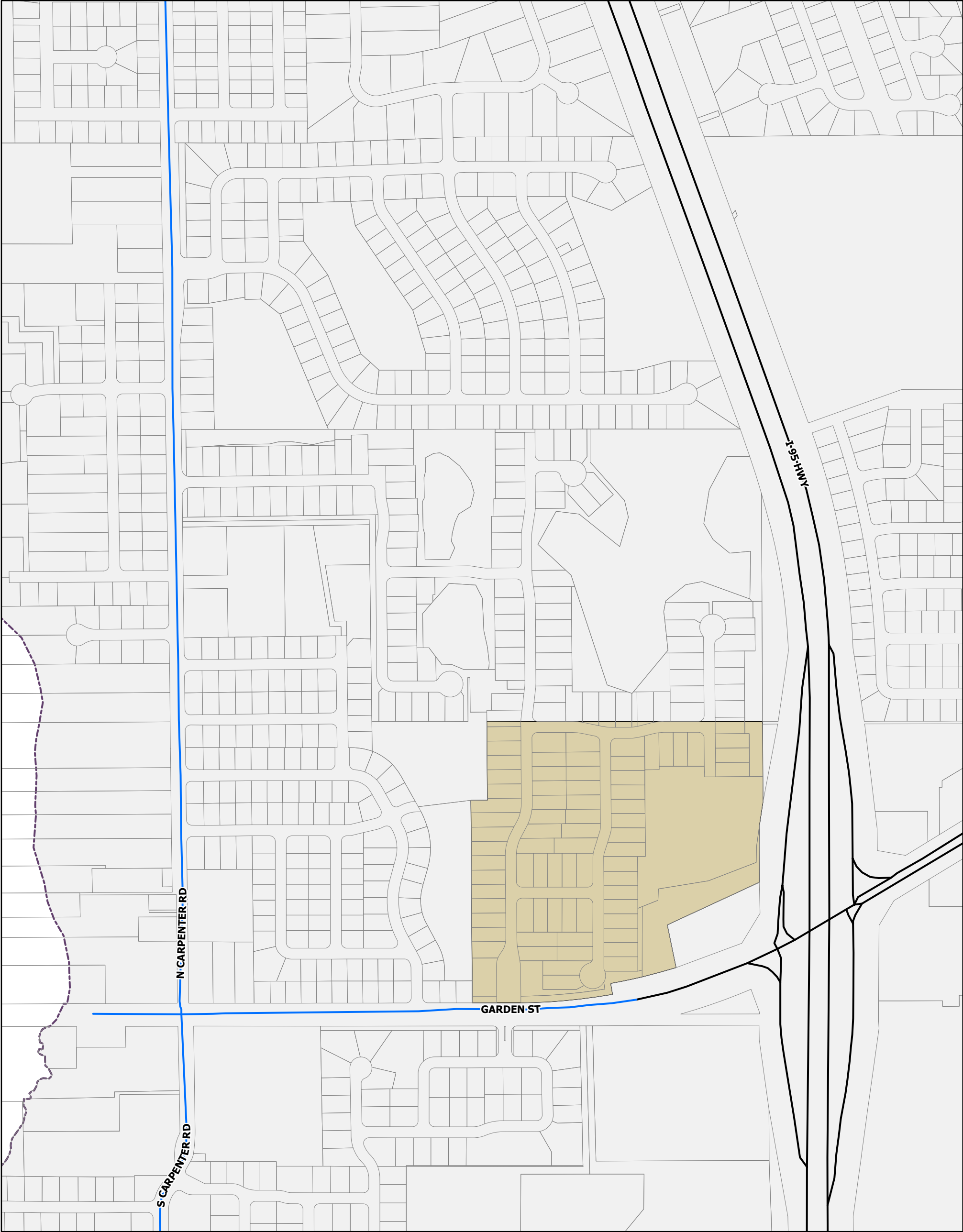
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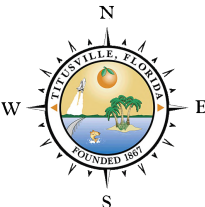
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HDR vs Collector & Arterial





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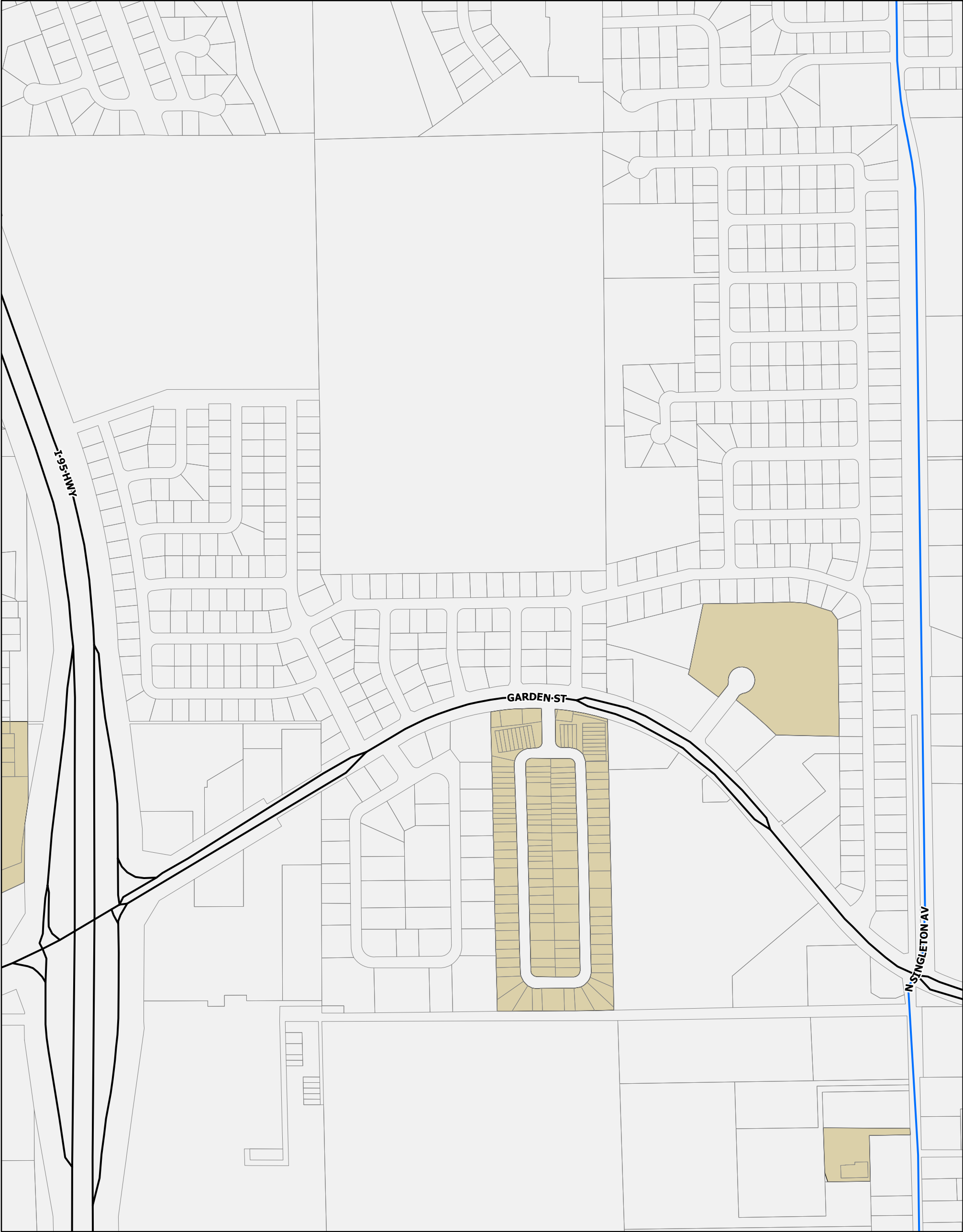
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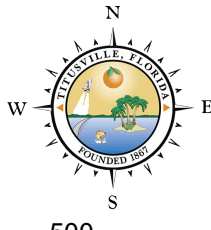
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HDR vs Collector & Arterial





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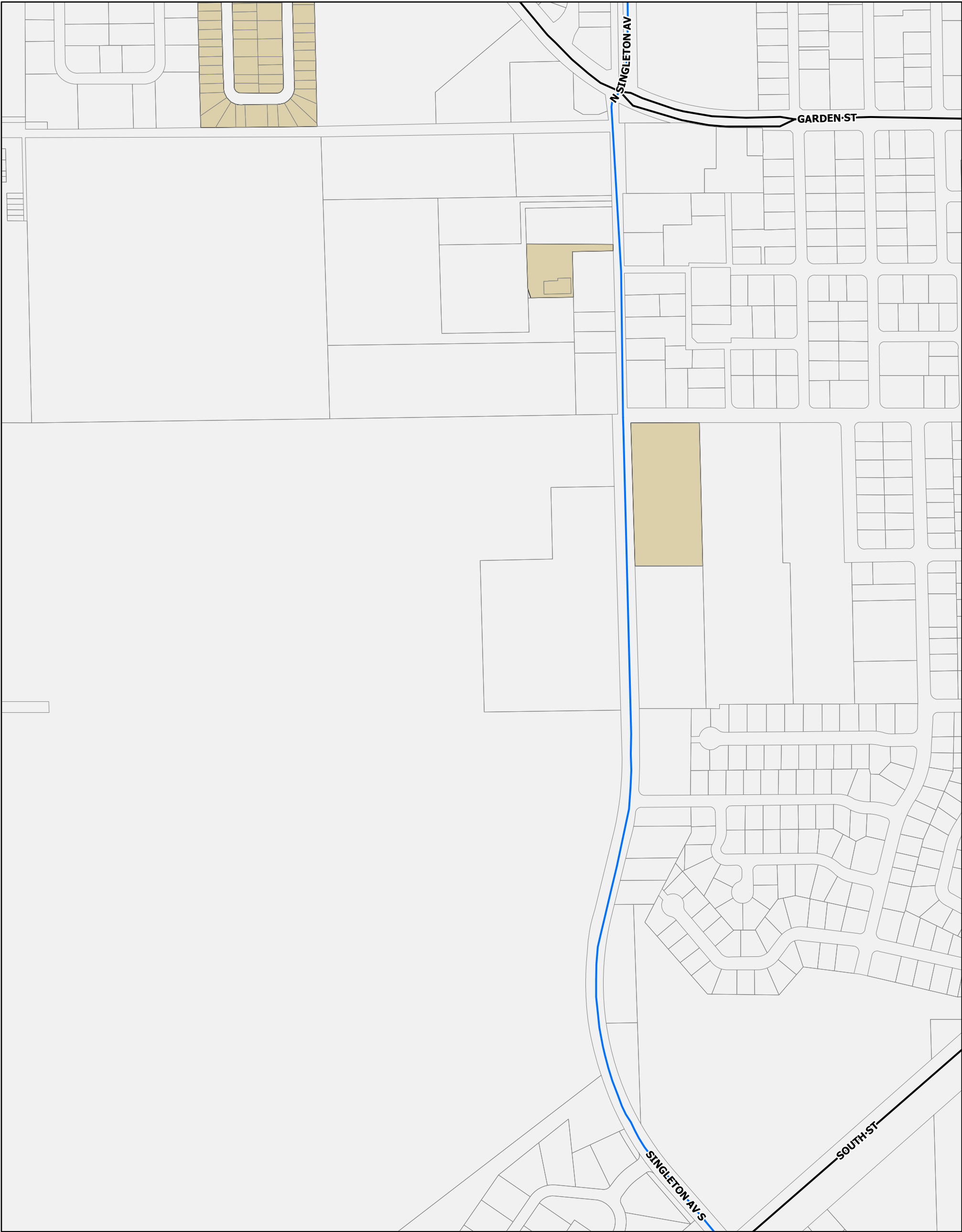
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HDR vs Collector & Arterial





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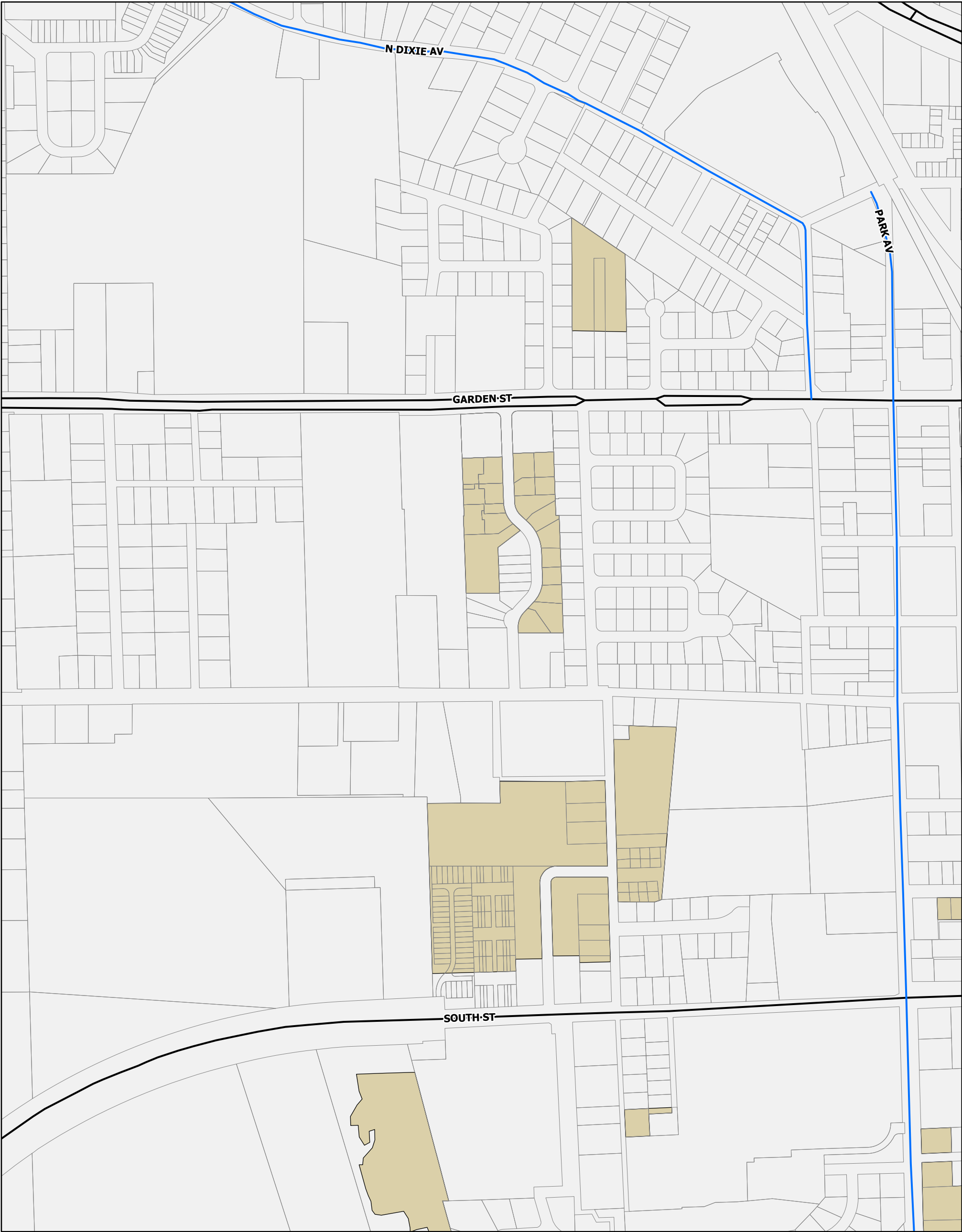
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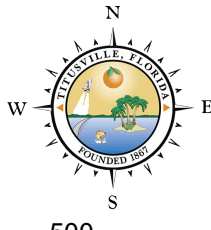
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HDR vs Collector & Arterial





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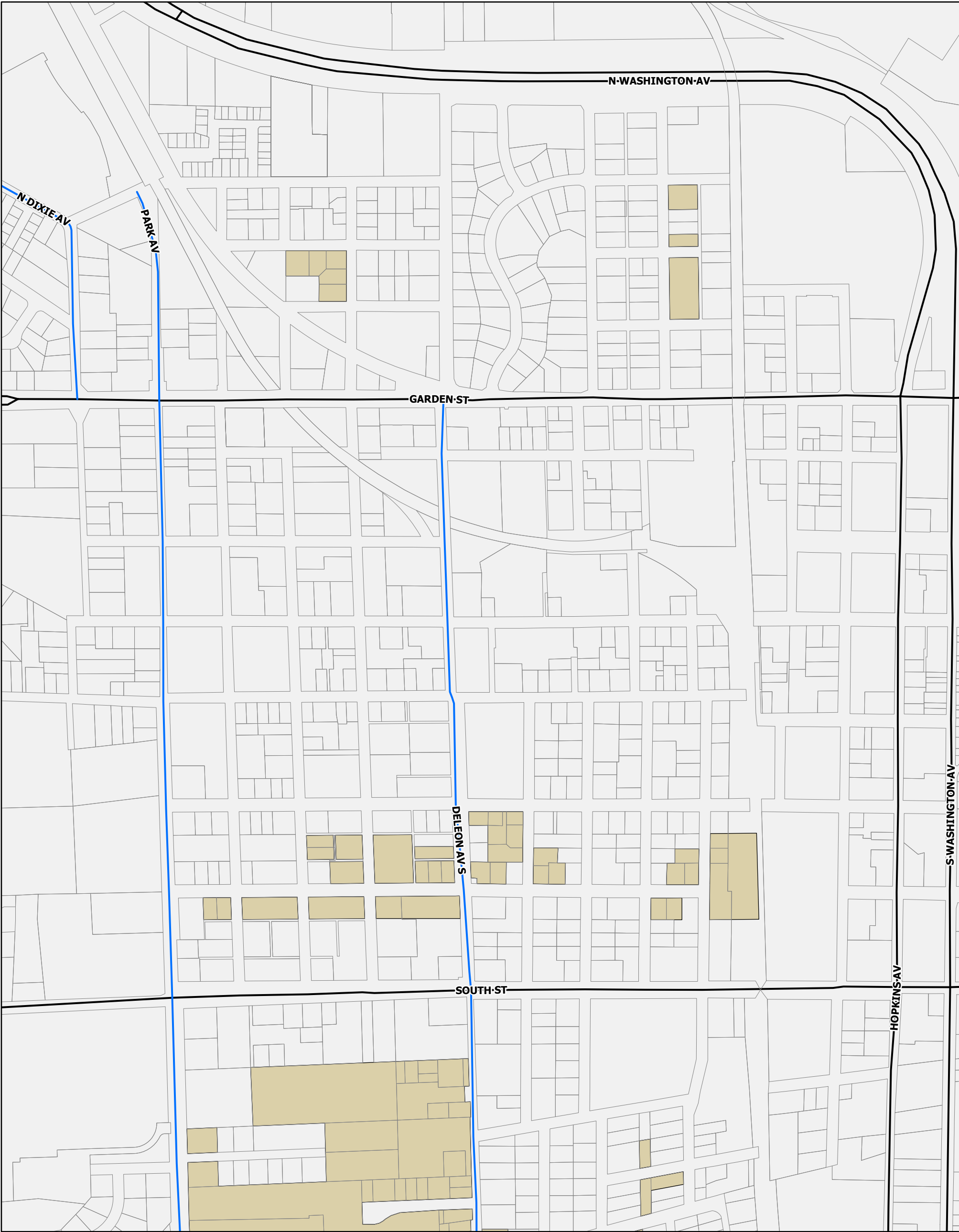
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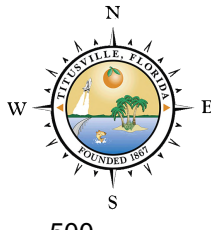
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HDR vs Collector & Arterial





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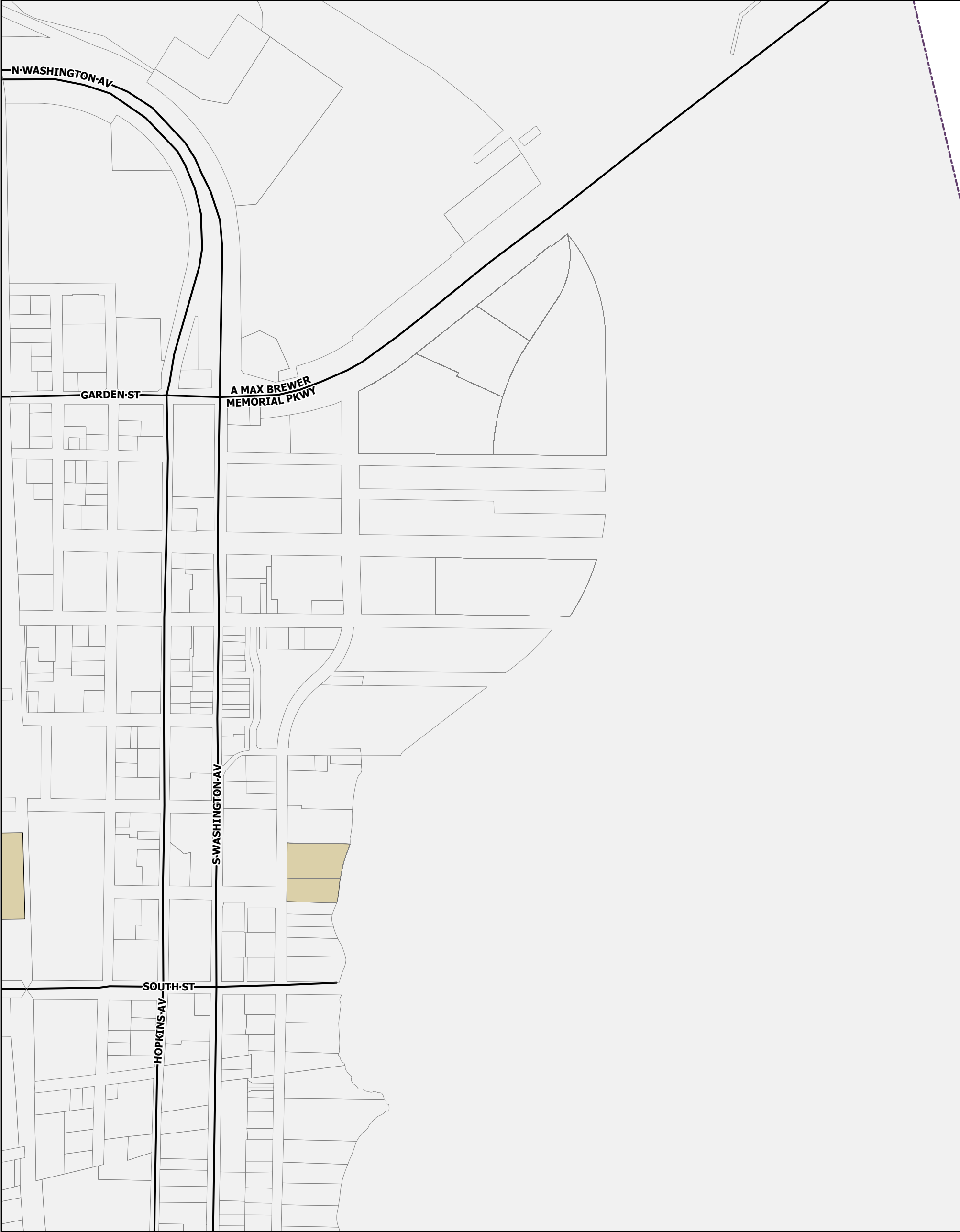
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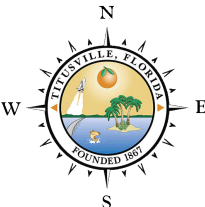
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HDR vs Collector & Arterial





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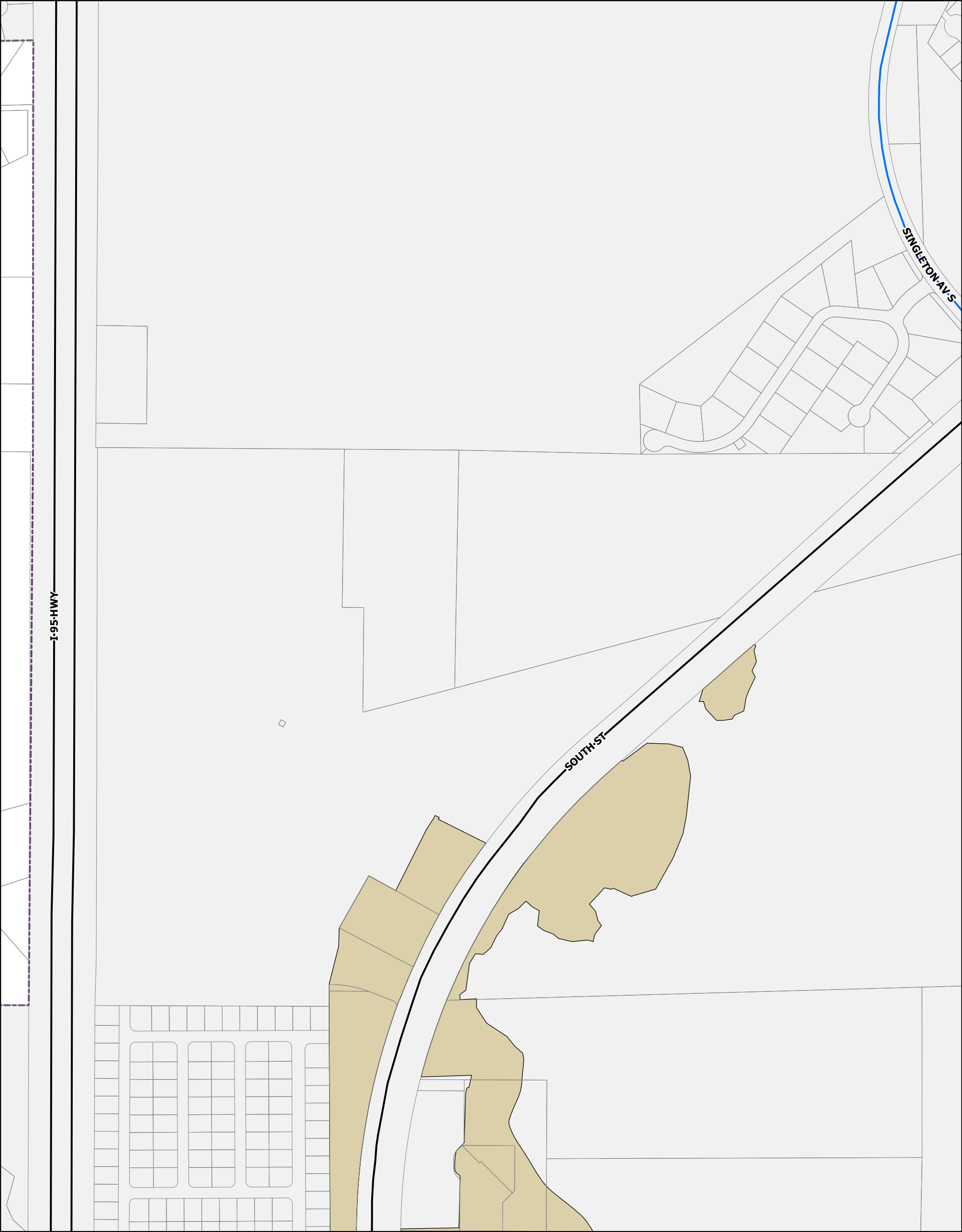
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HDR vs Collector & Arterial



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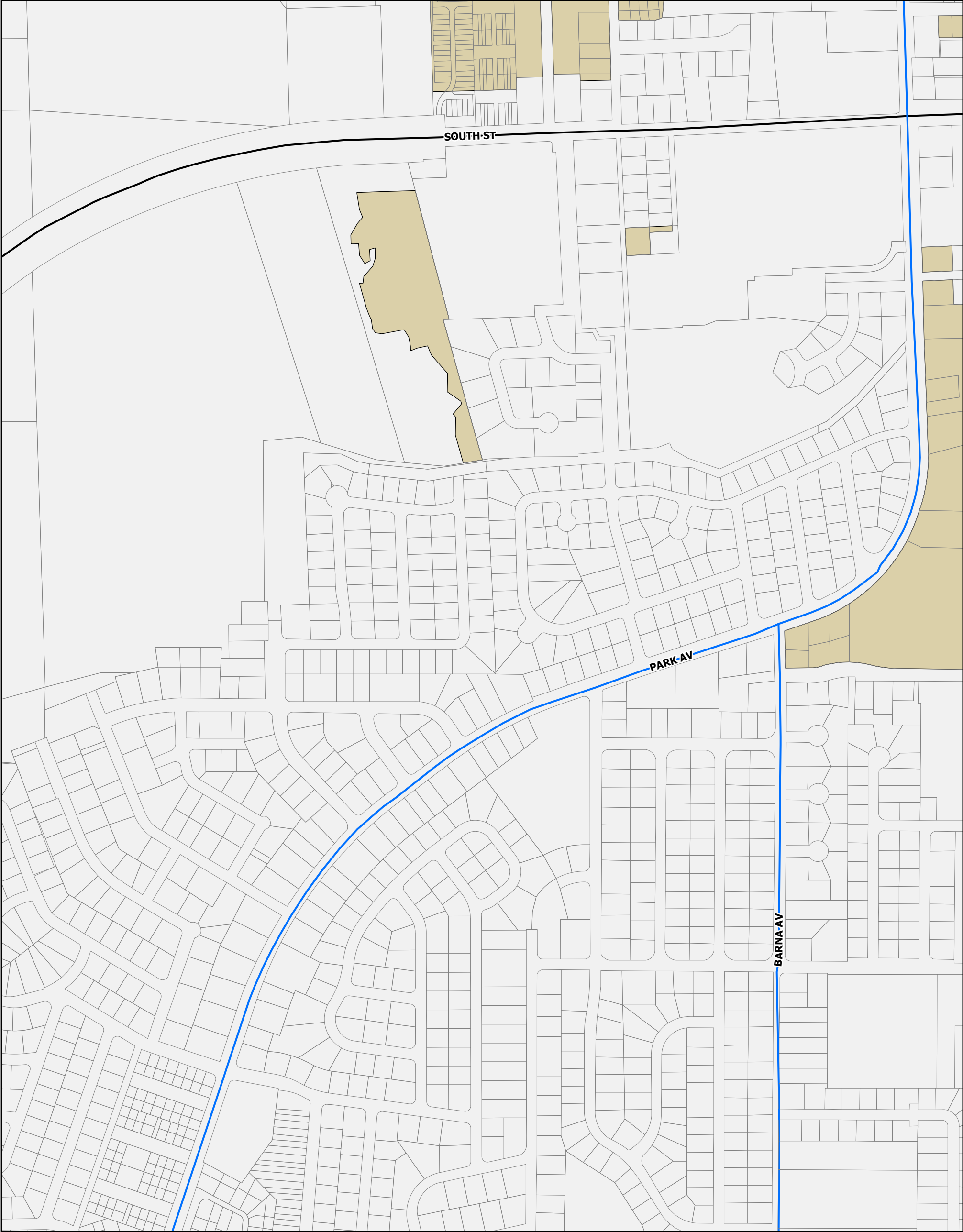
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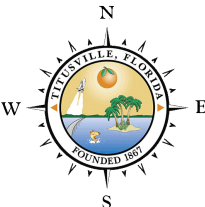
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HDR vs Collector & Arterial





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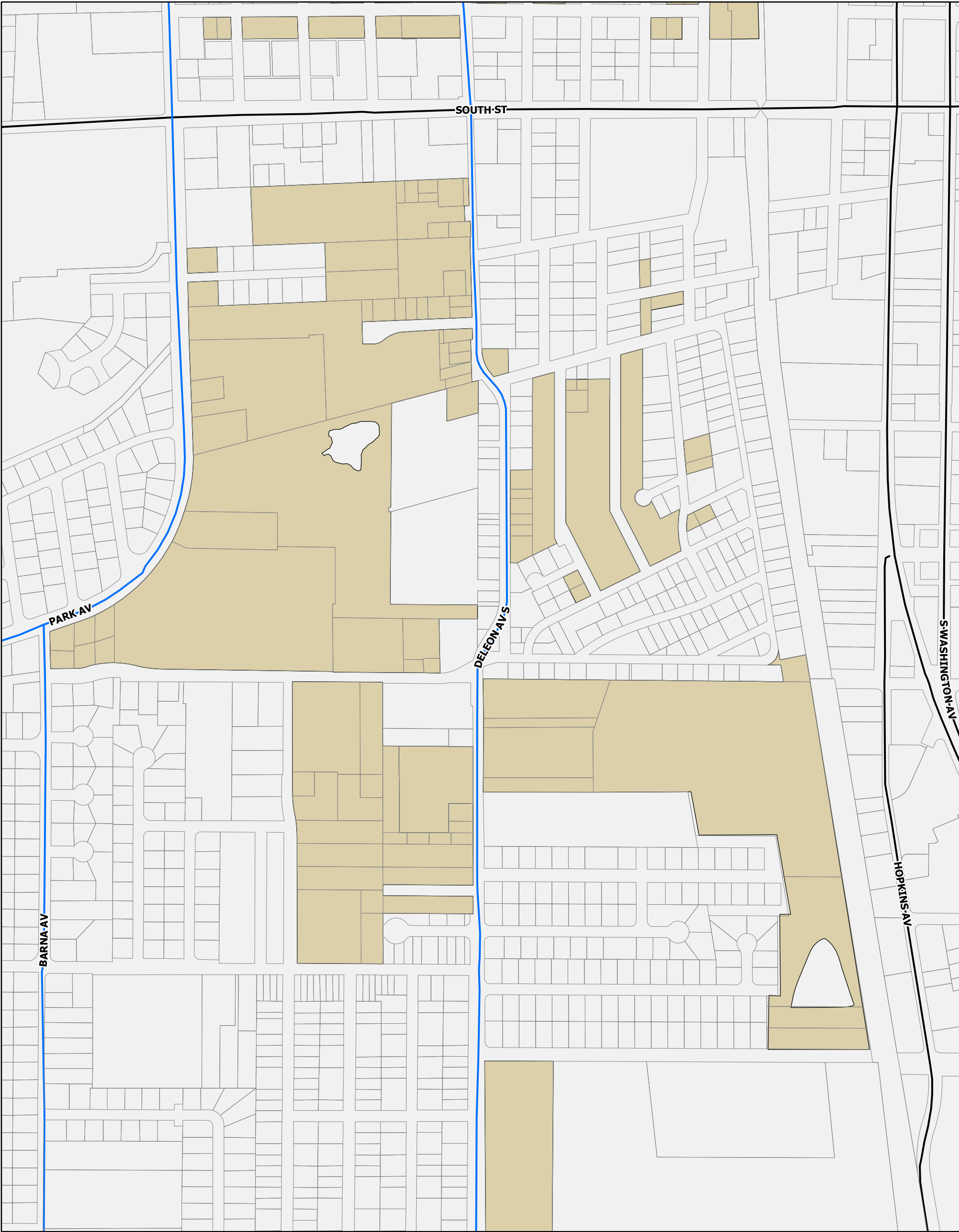
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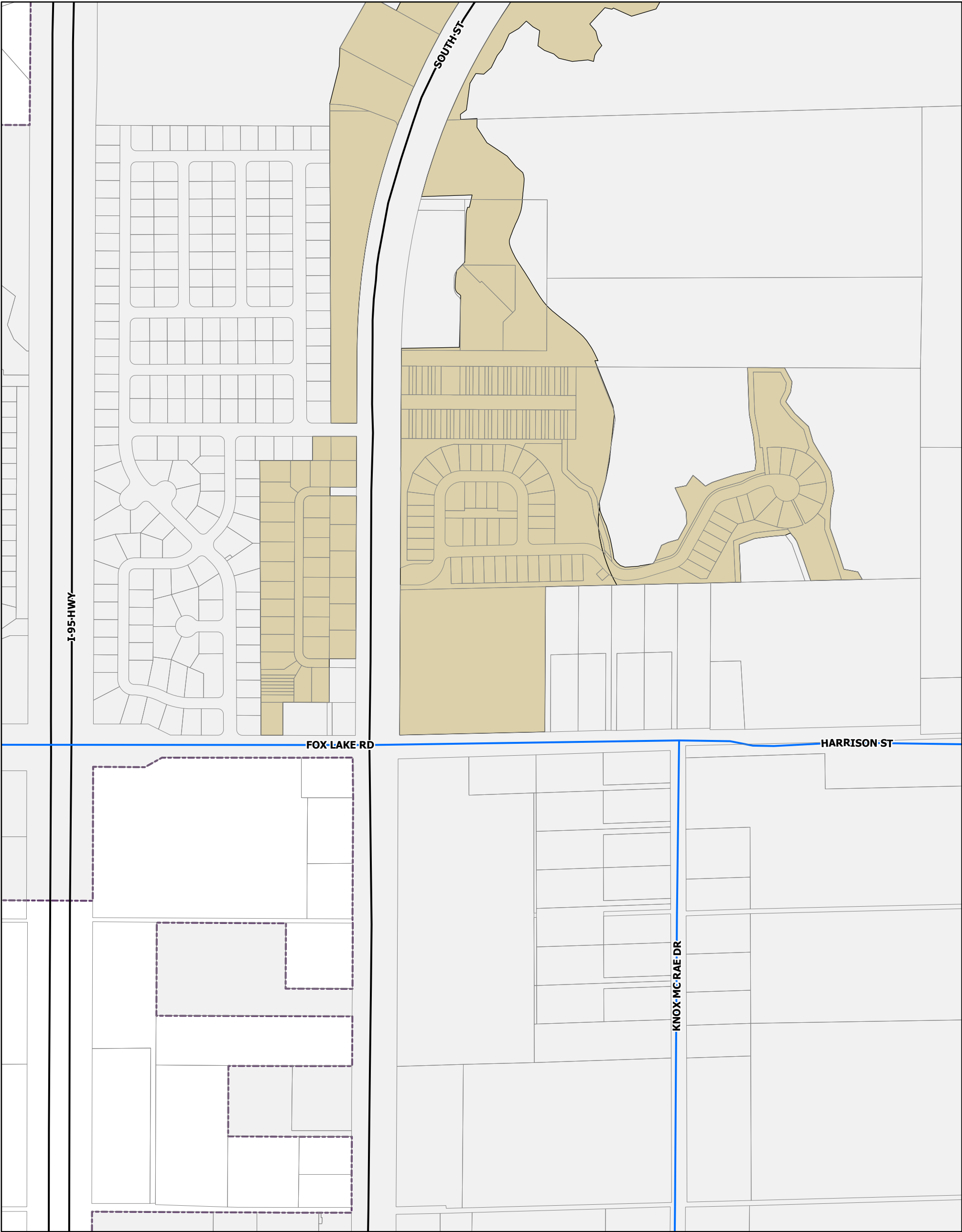
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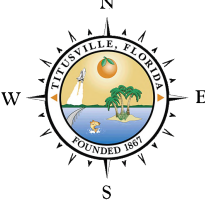
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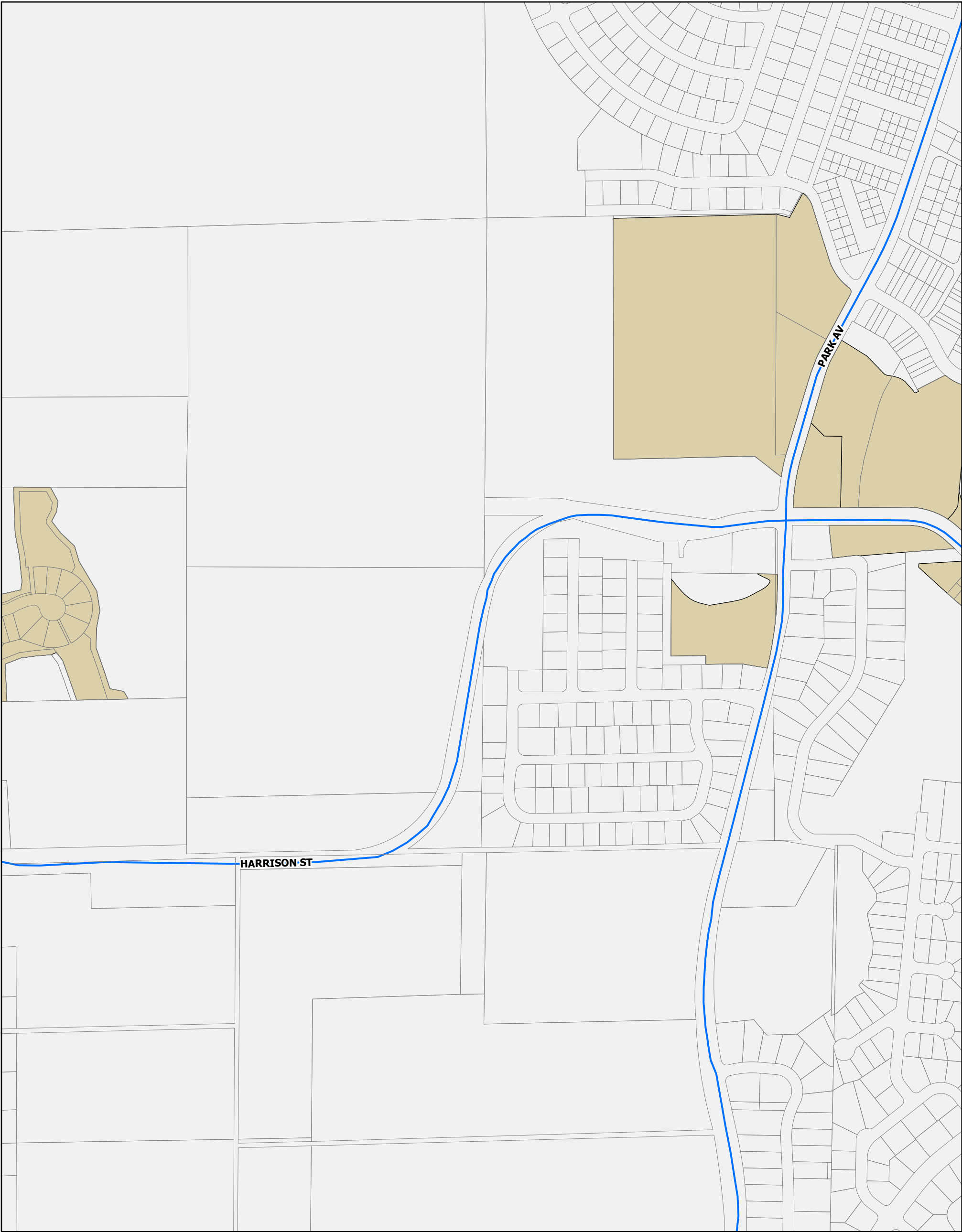
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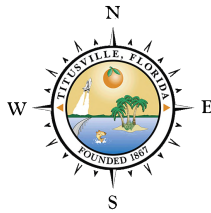
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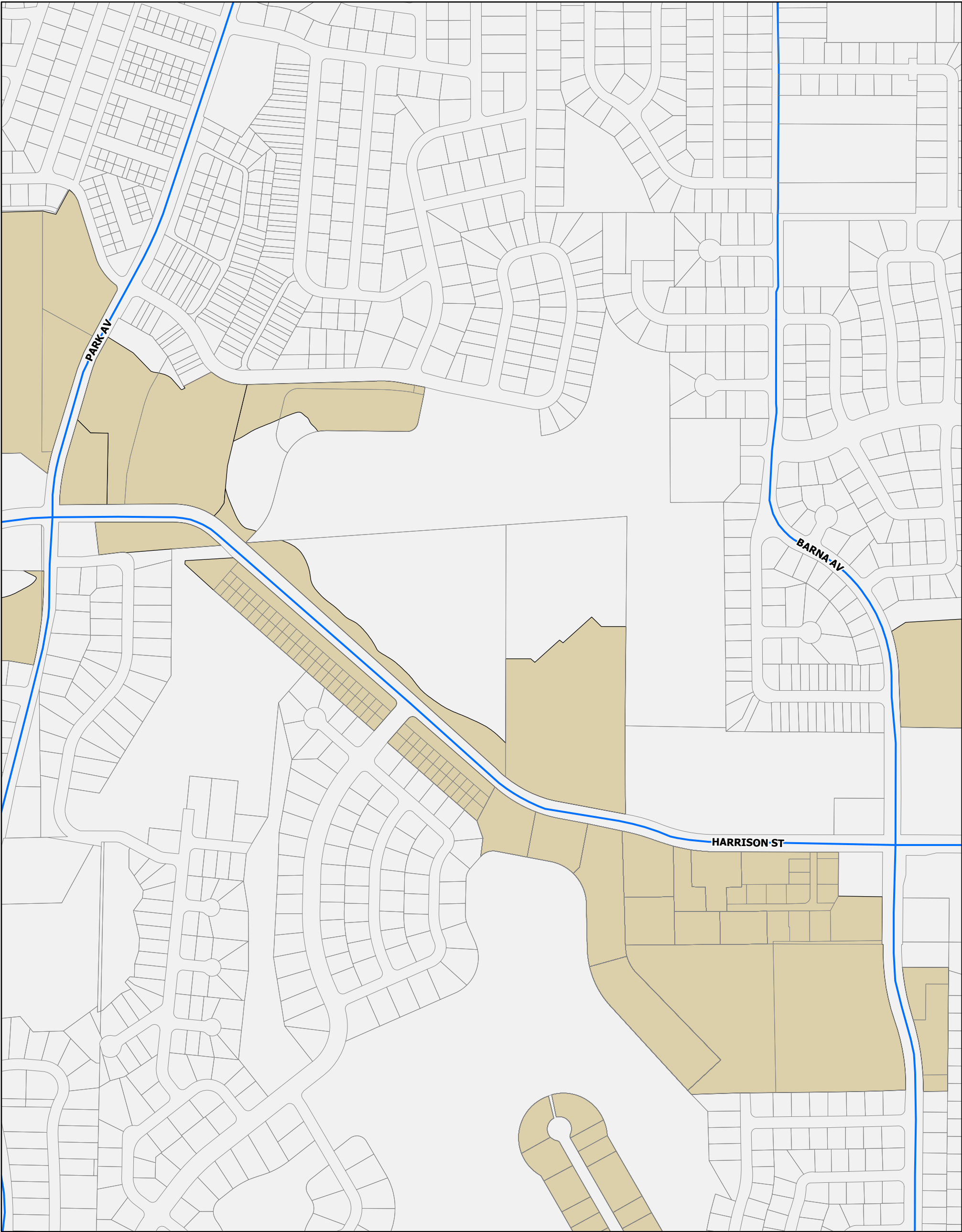
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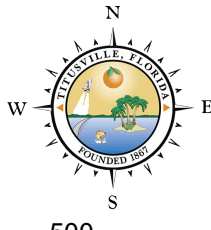
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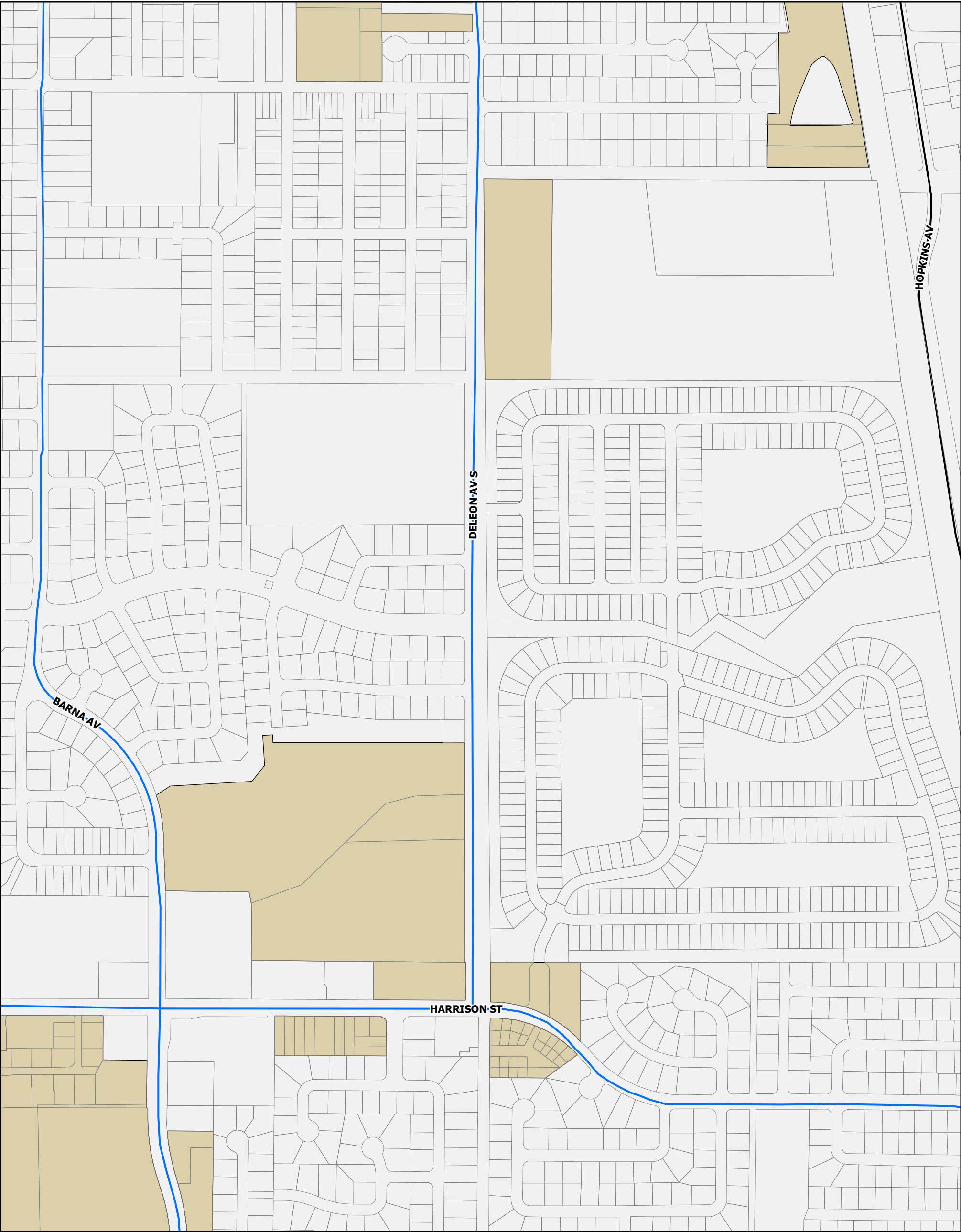
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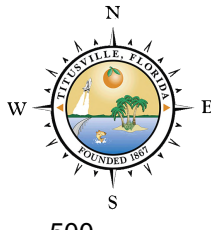
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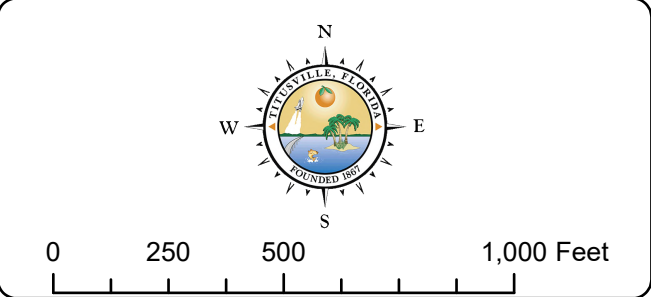
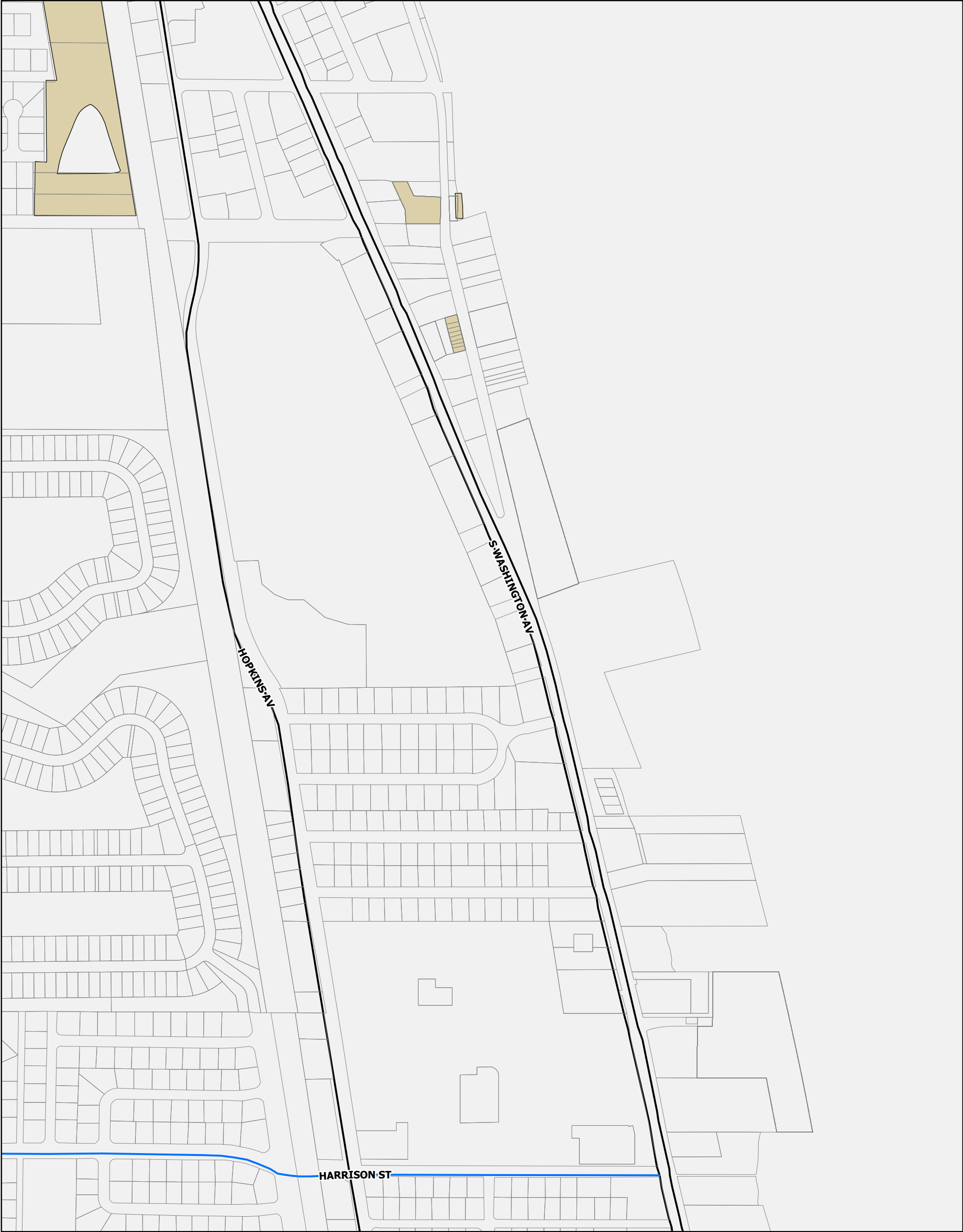
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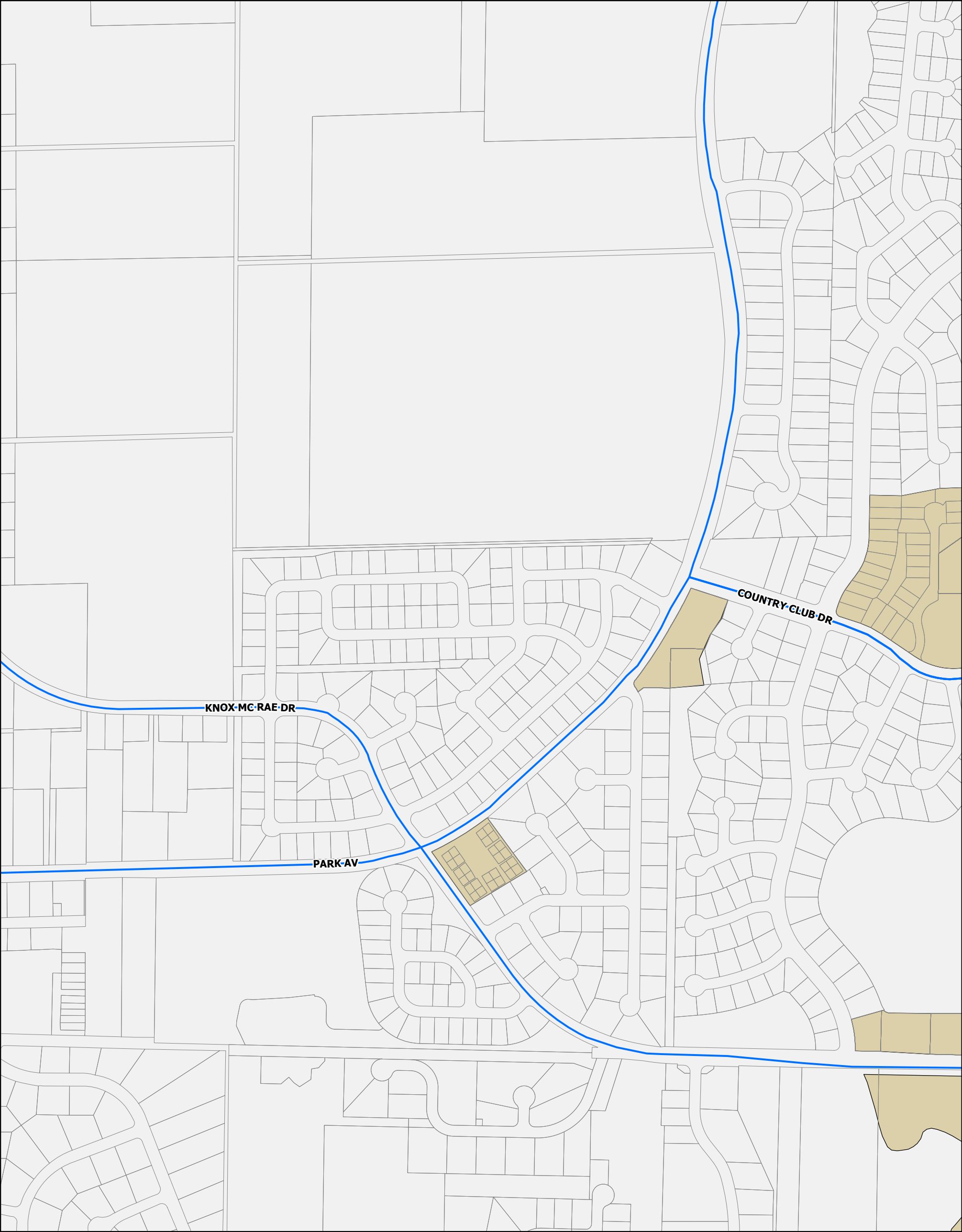
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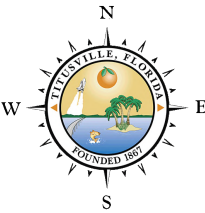


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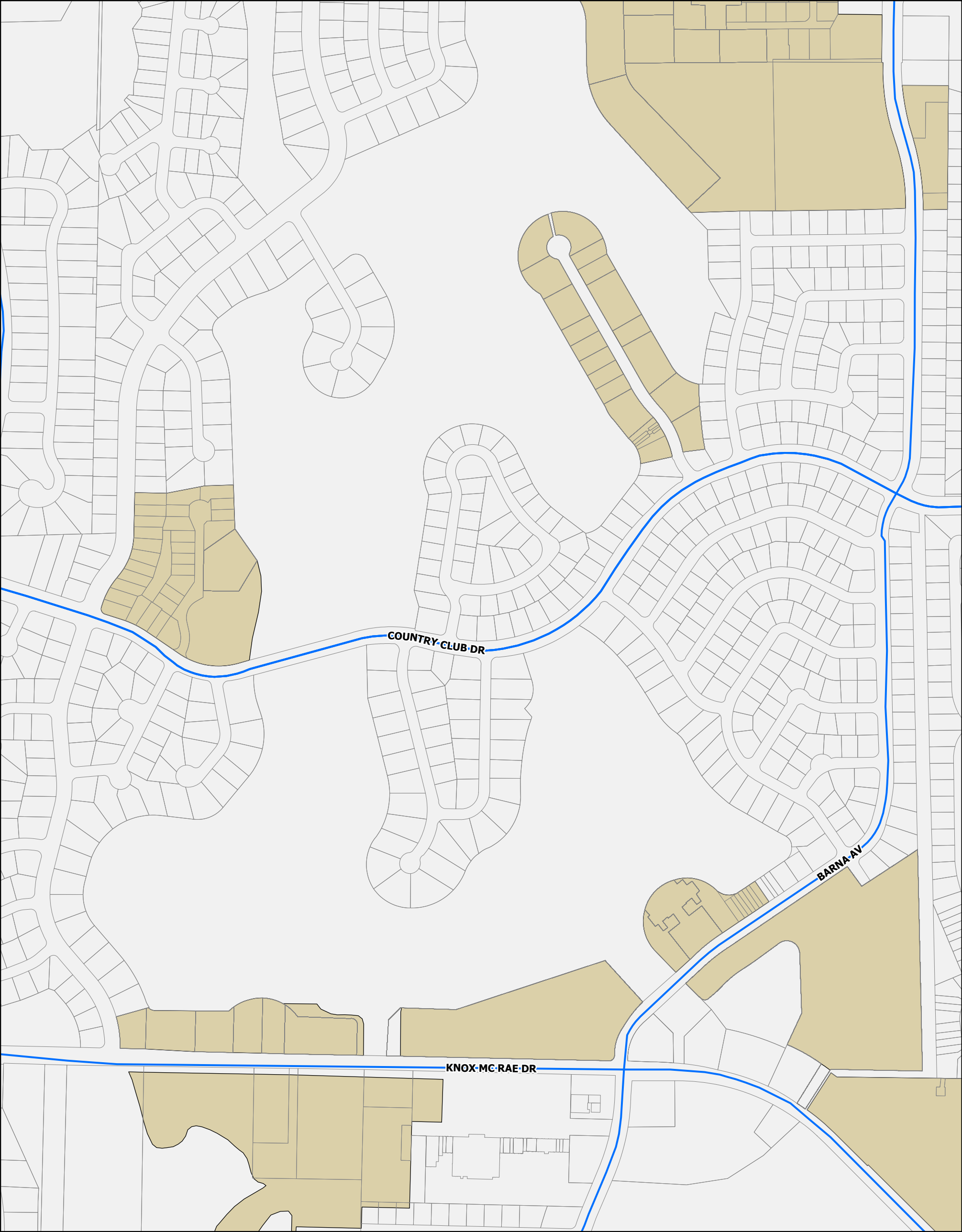
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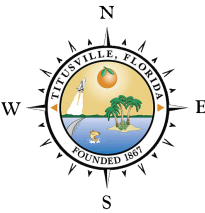
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HDR vs Collector & Arterial





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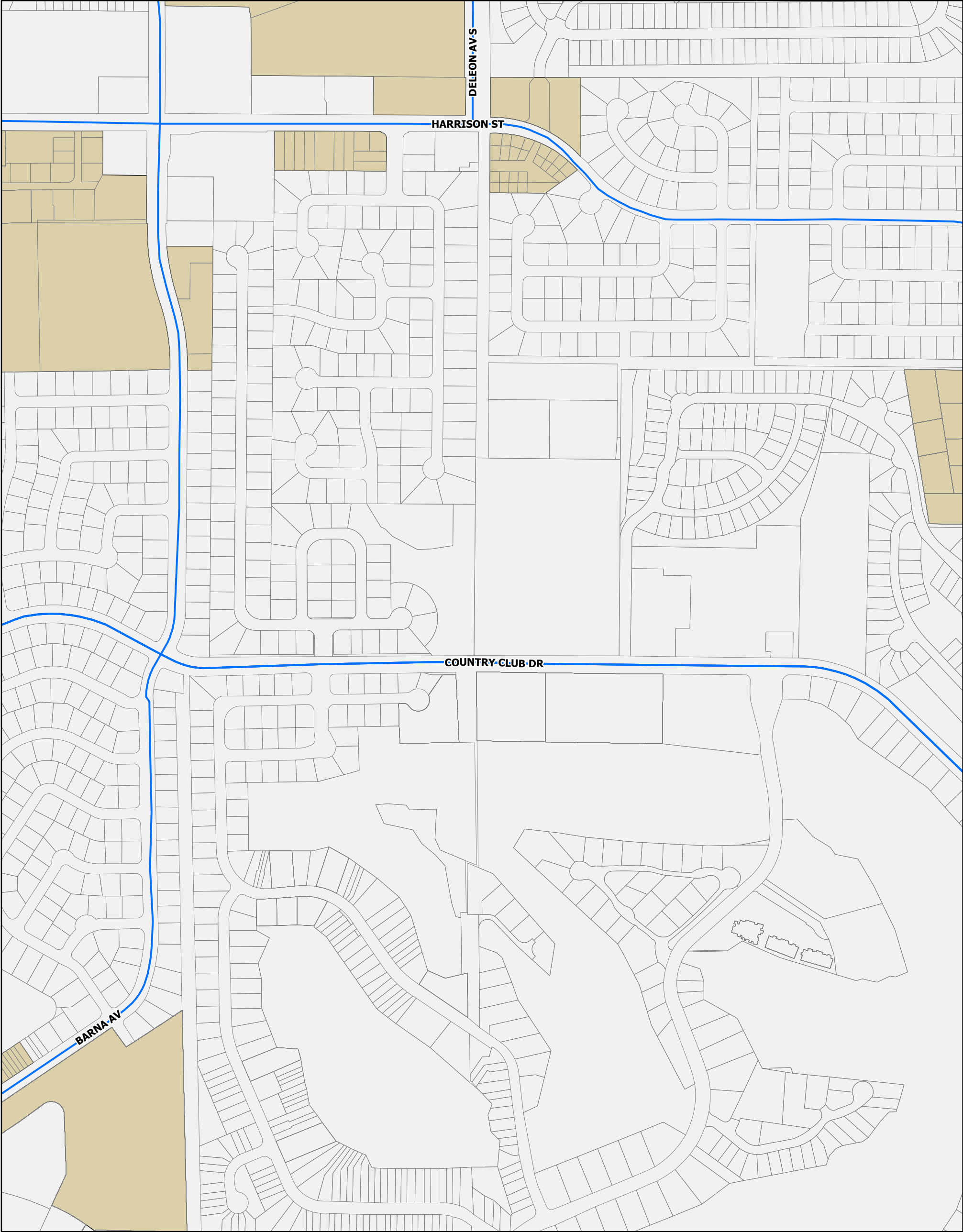
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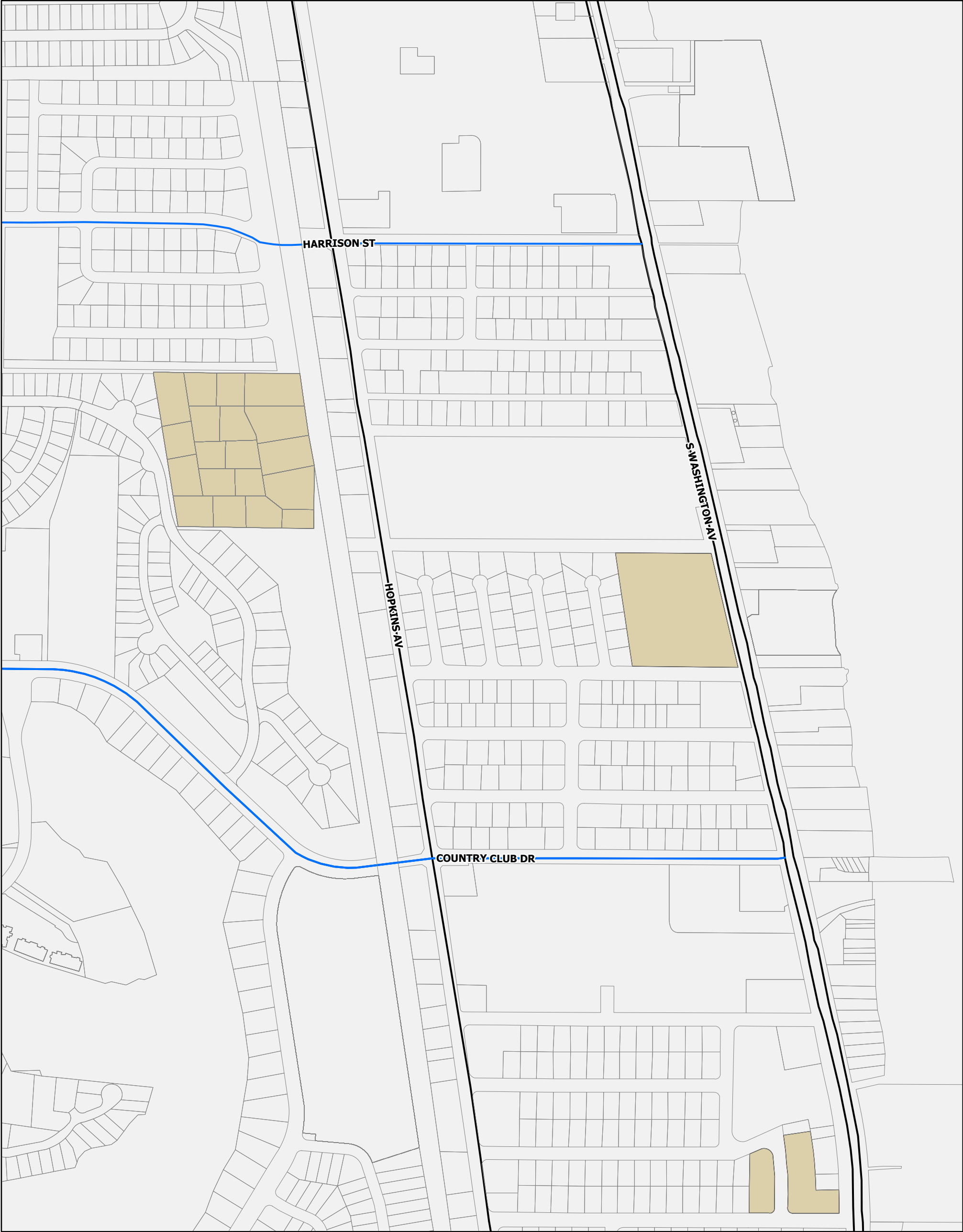
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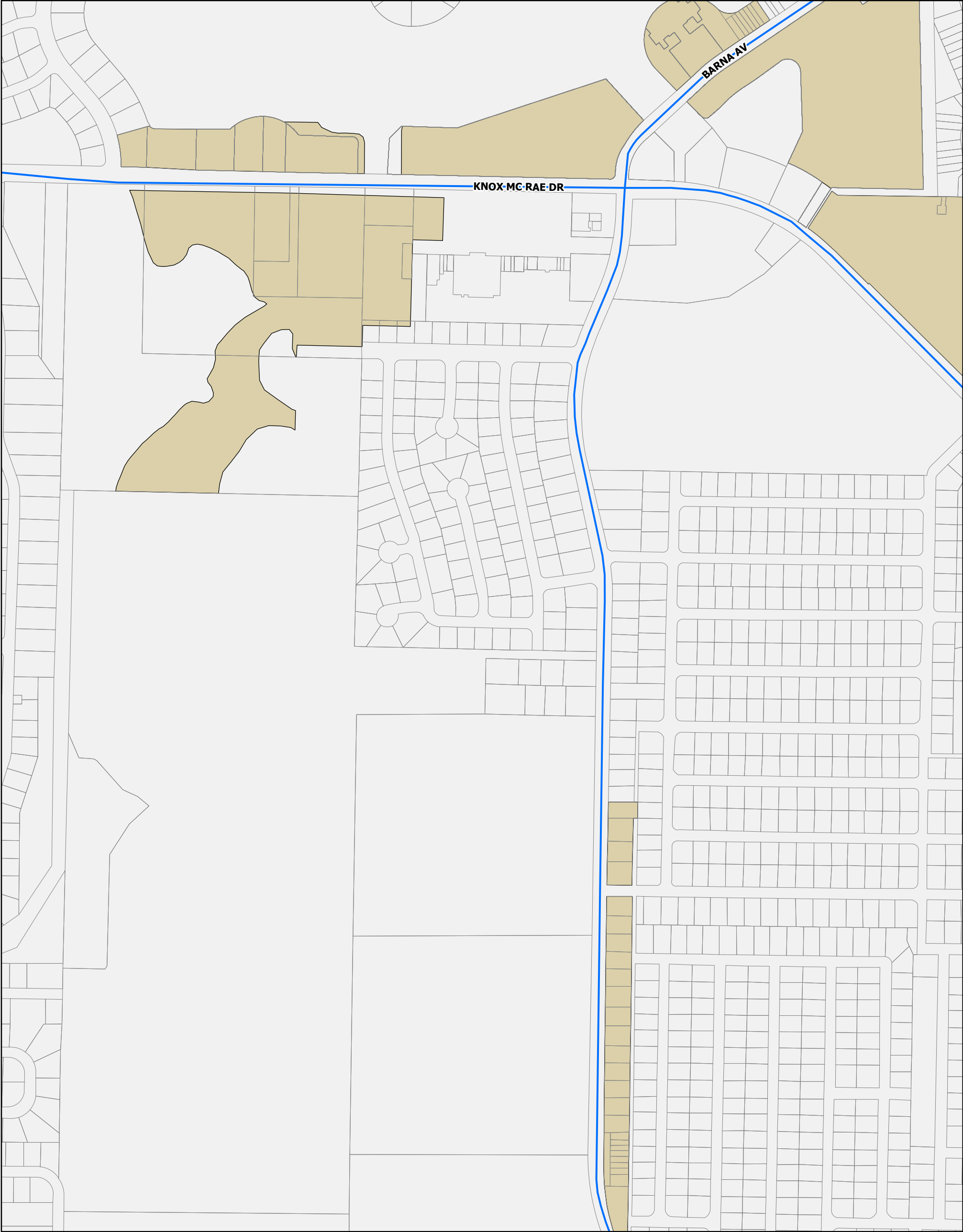
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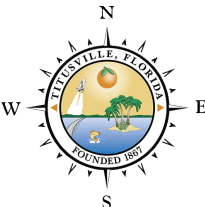
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HDR vs Collector & Arterial





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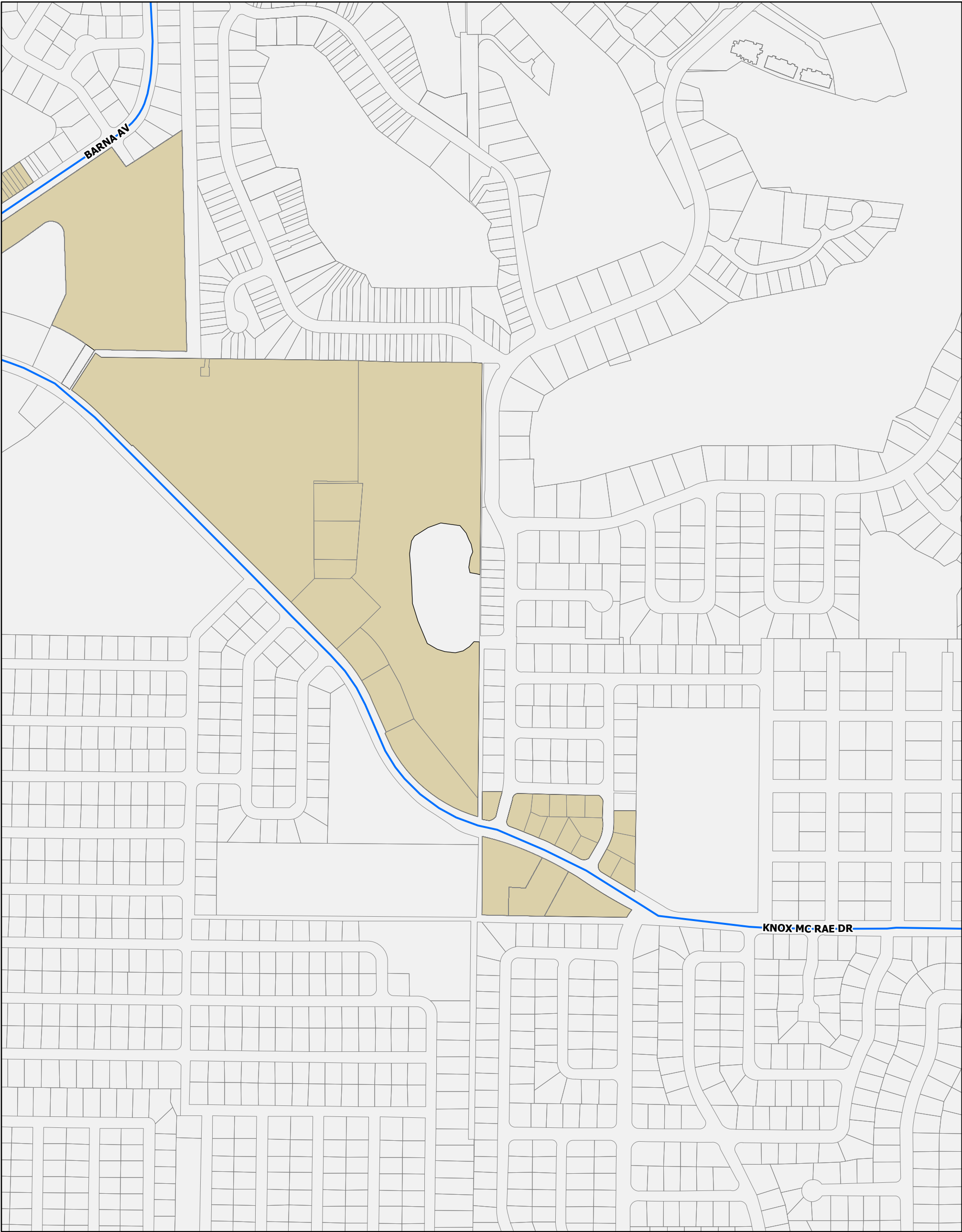
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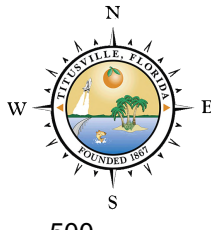
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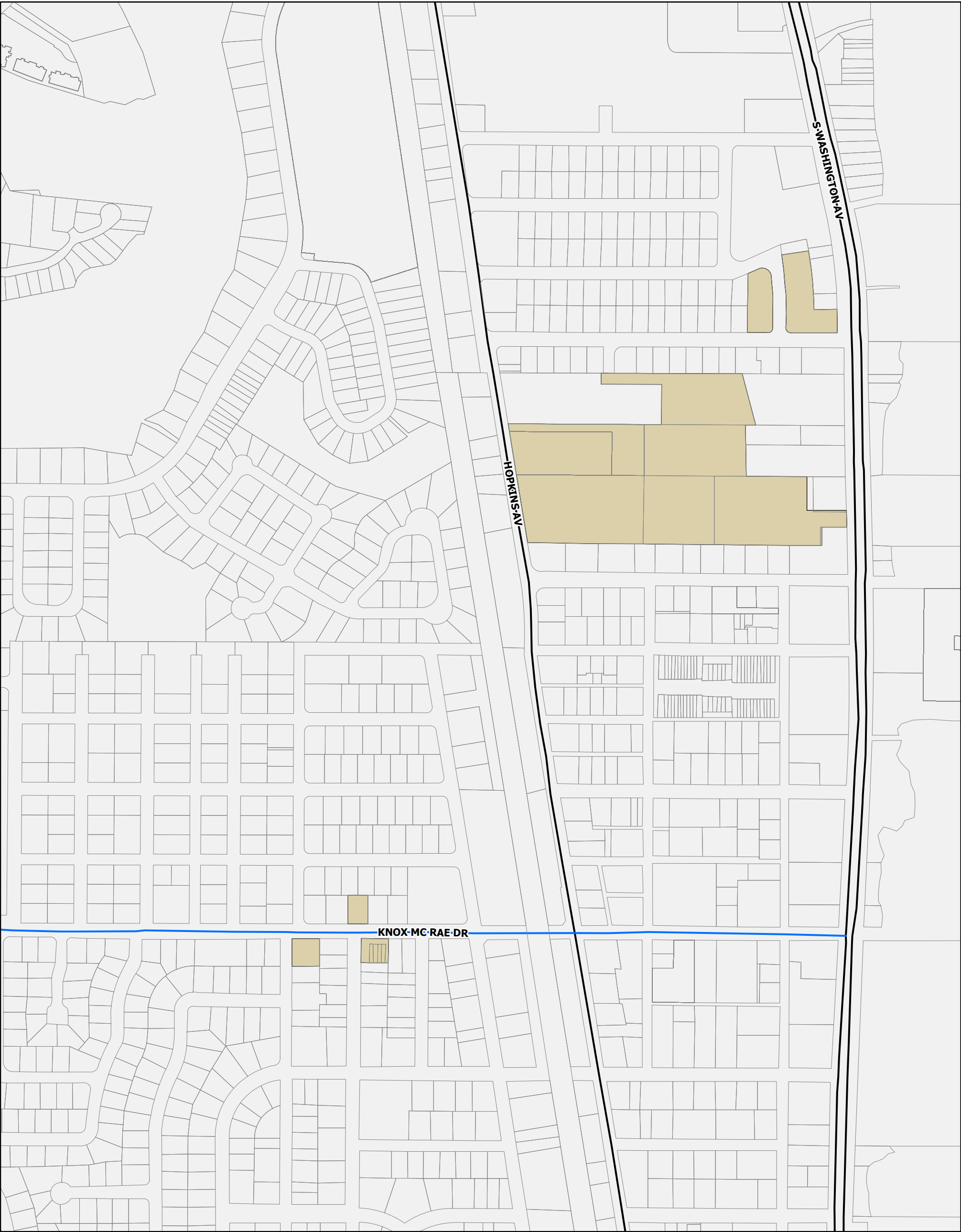
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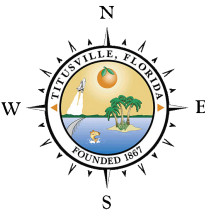
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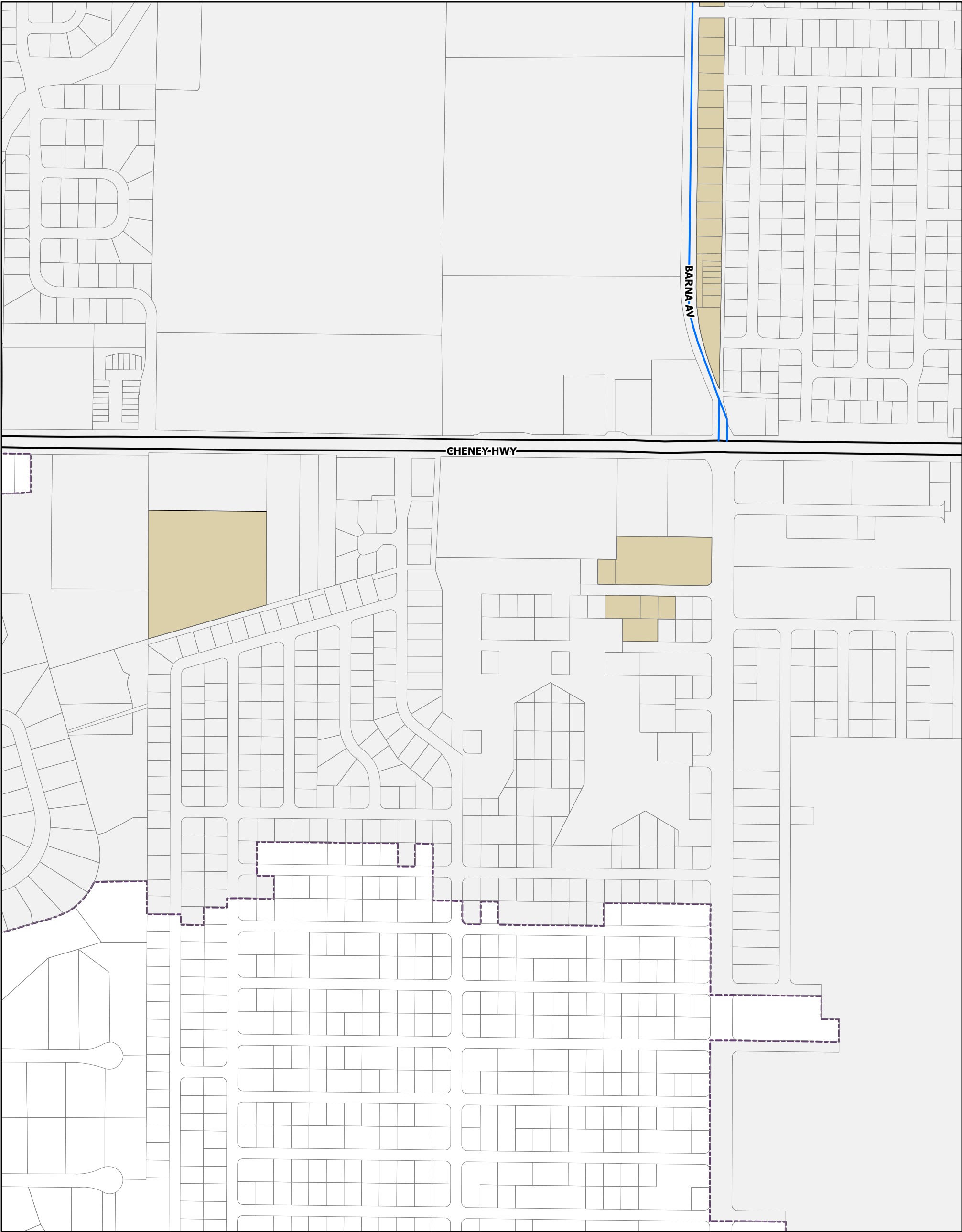
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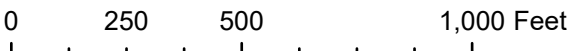
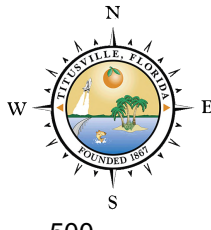
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1/21/2025

Future Land Use

 High Density Residential

Parcels

 Parcels

Street Type

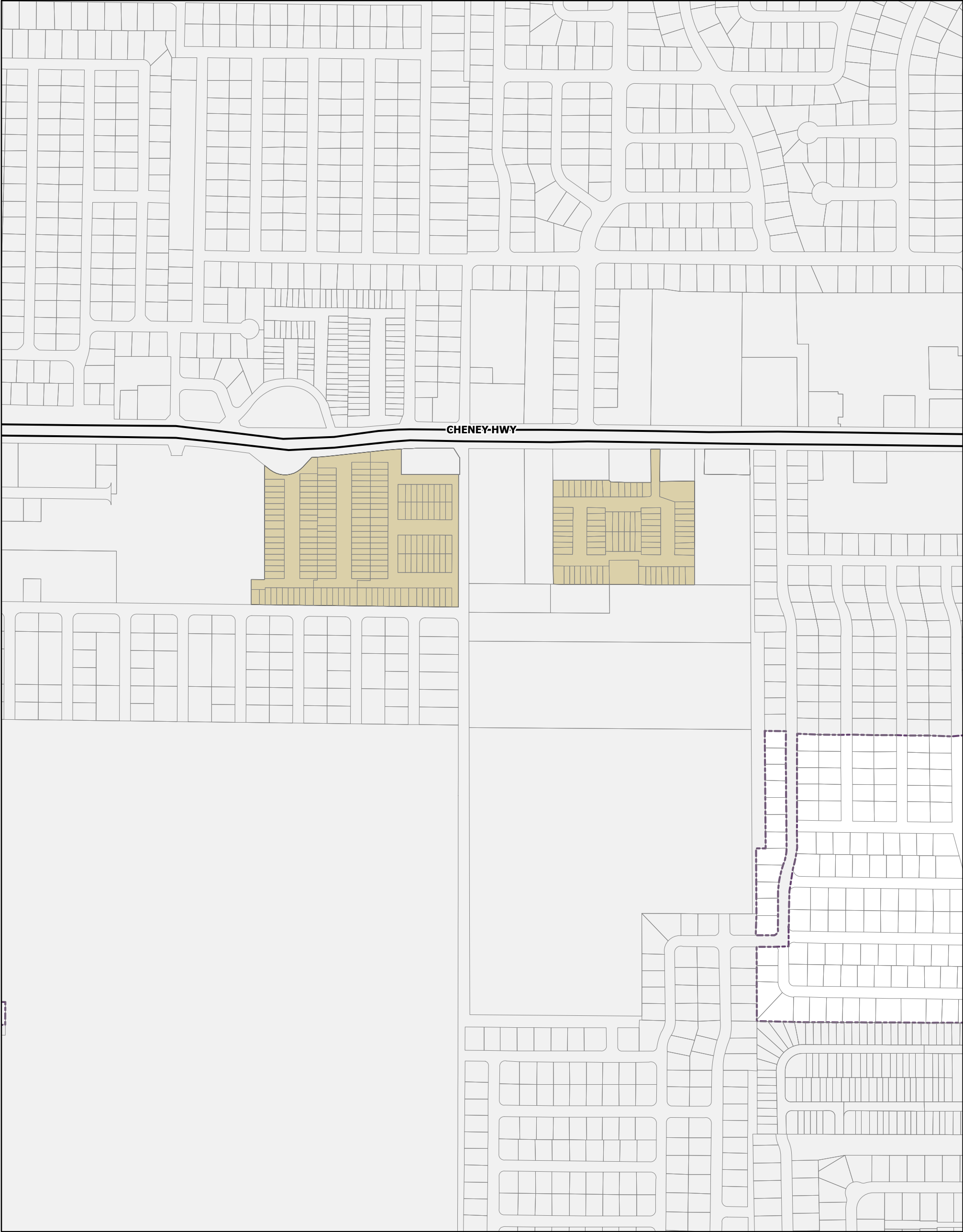
 Arterial

 Collector

City Limits

 City Limits

HDR vs Collector & Arterial





0 250 500 1,000 Feet

1/21/2025

Future Land Use

 High Density Residential

Parcels

 Parcels

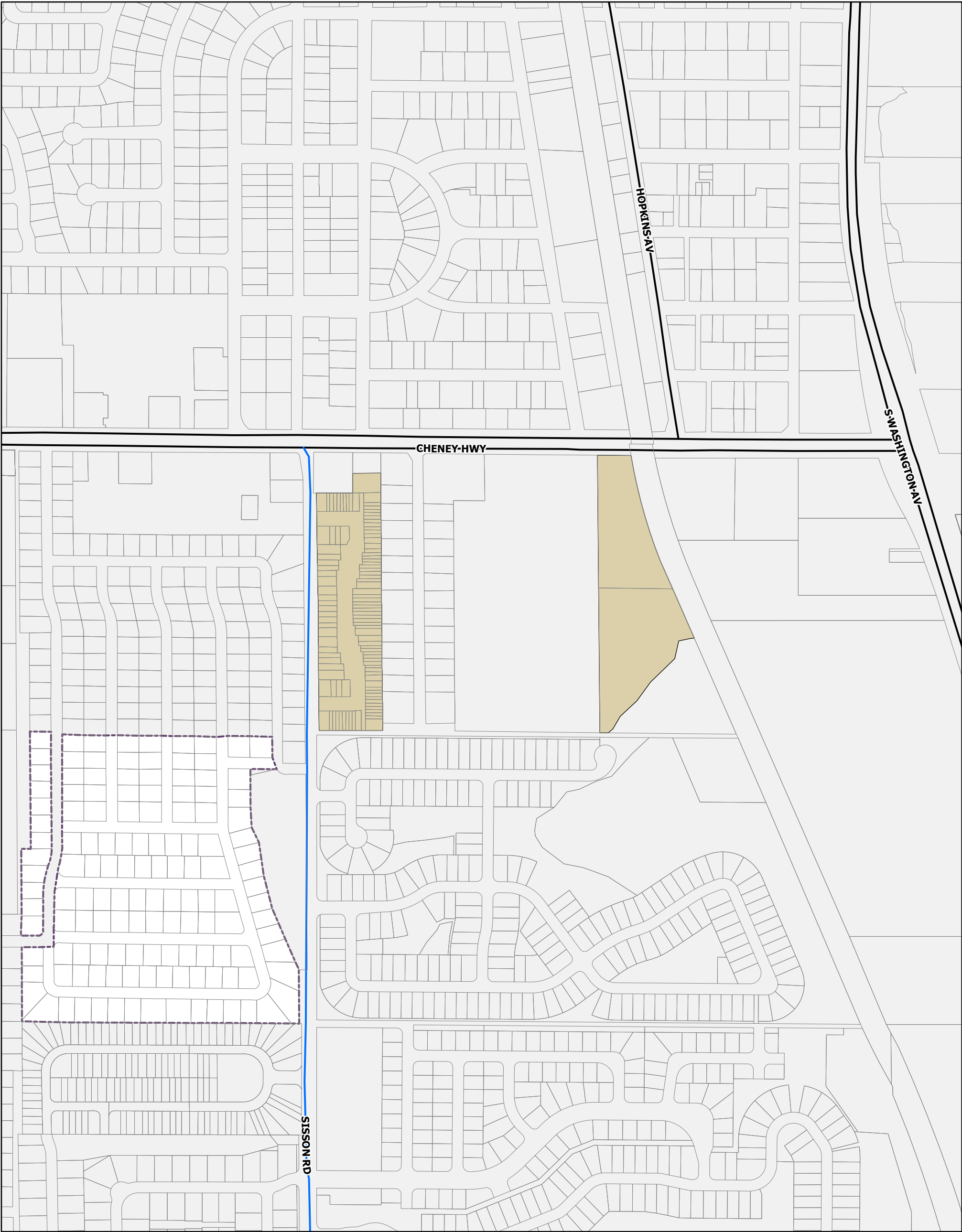
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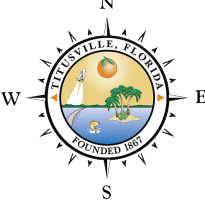
 Arterial

City Limits

 City Limits

HDR vs Collector & Arterial





0 250 500 1,000 Feet

1/21/2025

Future Land Use

 High Density Residential

Parcels

 Parcels

Street Type

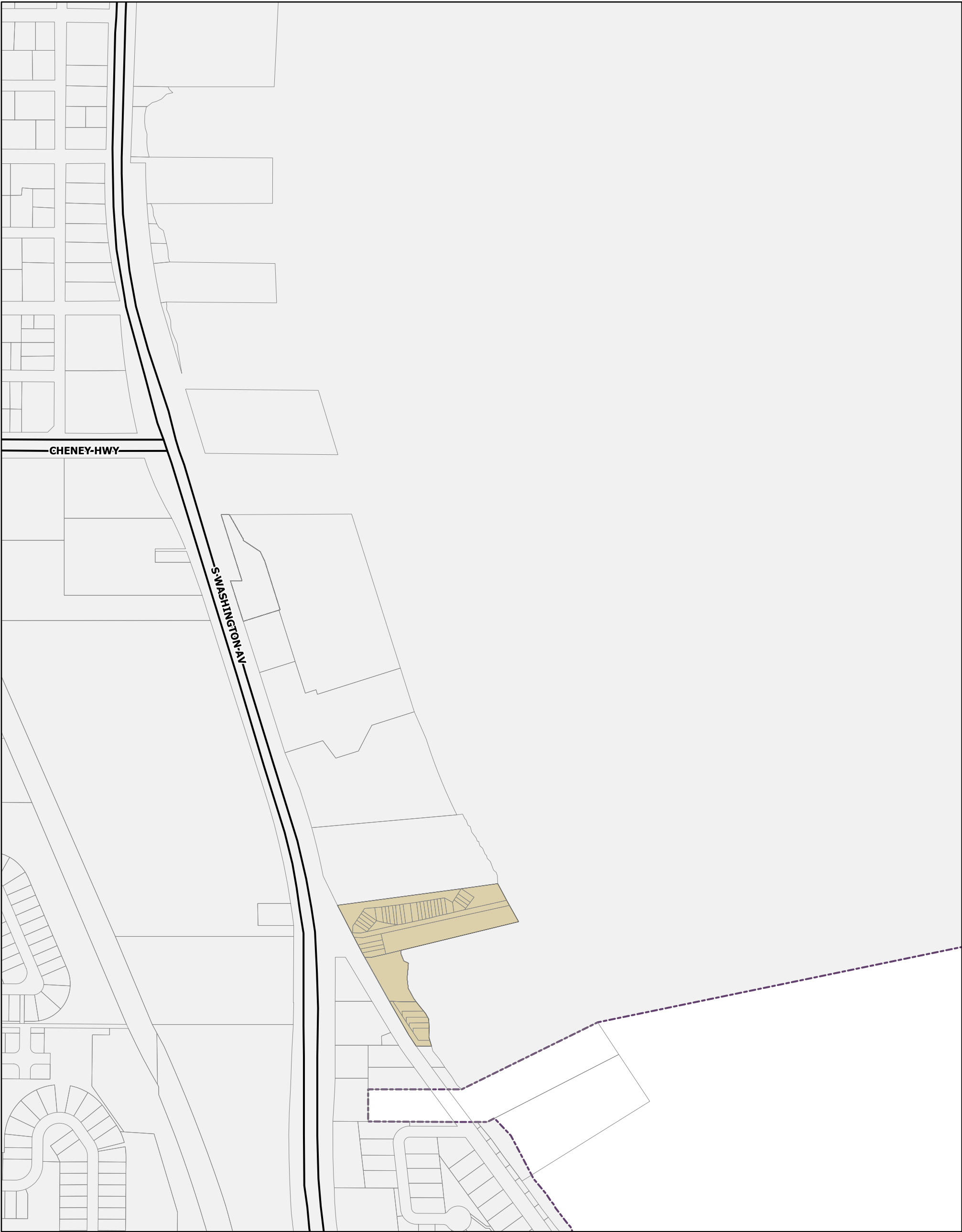
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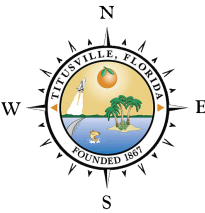
 Collector

City Limits

 City Limits

HDR vs Collector & Arterial





0 250 500 1,000 Feet

1/21/2025

Future Land Use

High Density Residential

Parcels

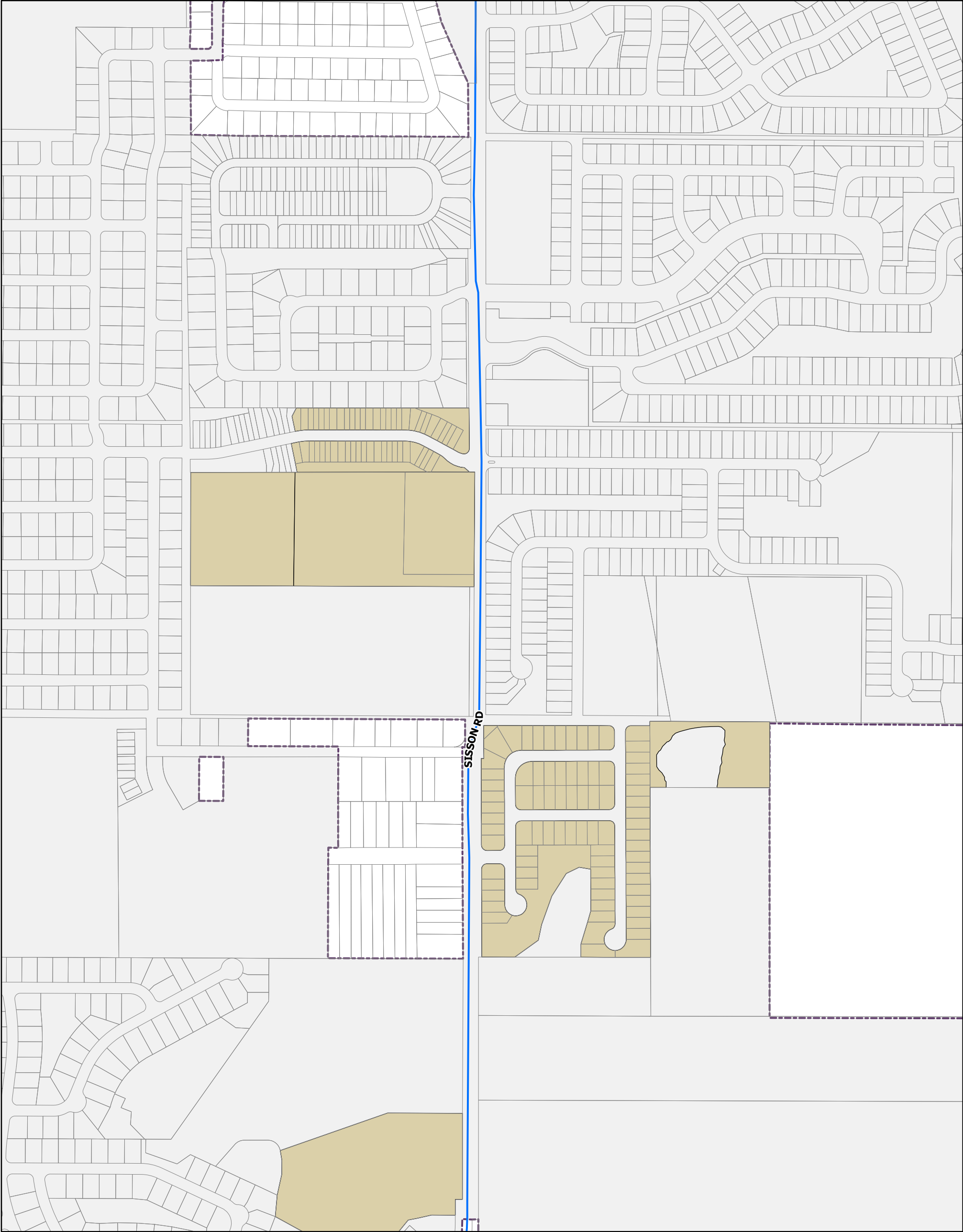
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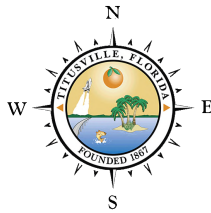
Arterial

City Limits

City Limits

HDR vs Collector & Arterial





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1,000 Feet

1/21/2025

- Future Land Use

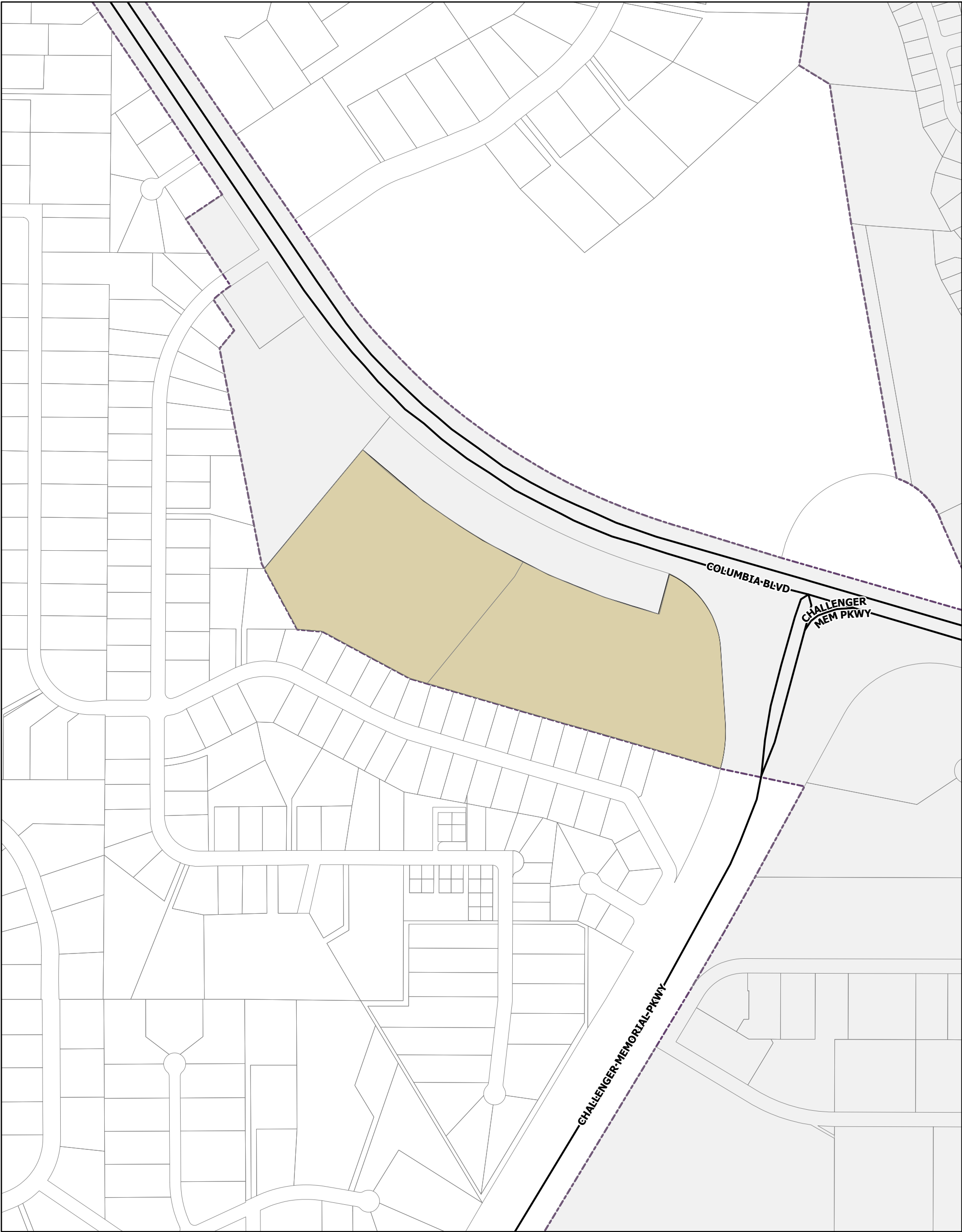
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- Parcels

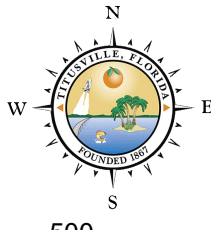
Parcels
- Street Type

Collector
- City Limits

City Limits

HDR vs Collector & Arterial





0 250 500 1,000 Feet

1/21/2025

Future Land Use

High Density Residential

Parcels

Parcels

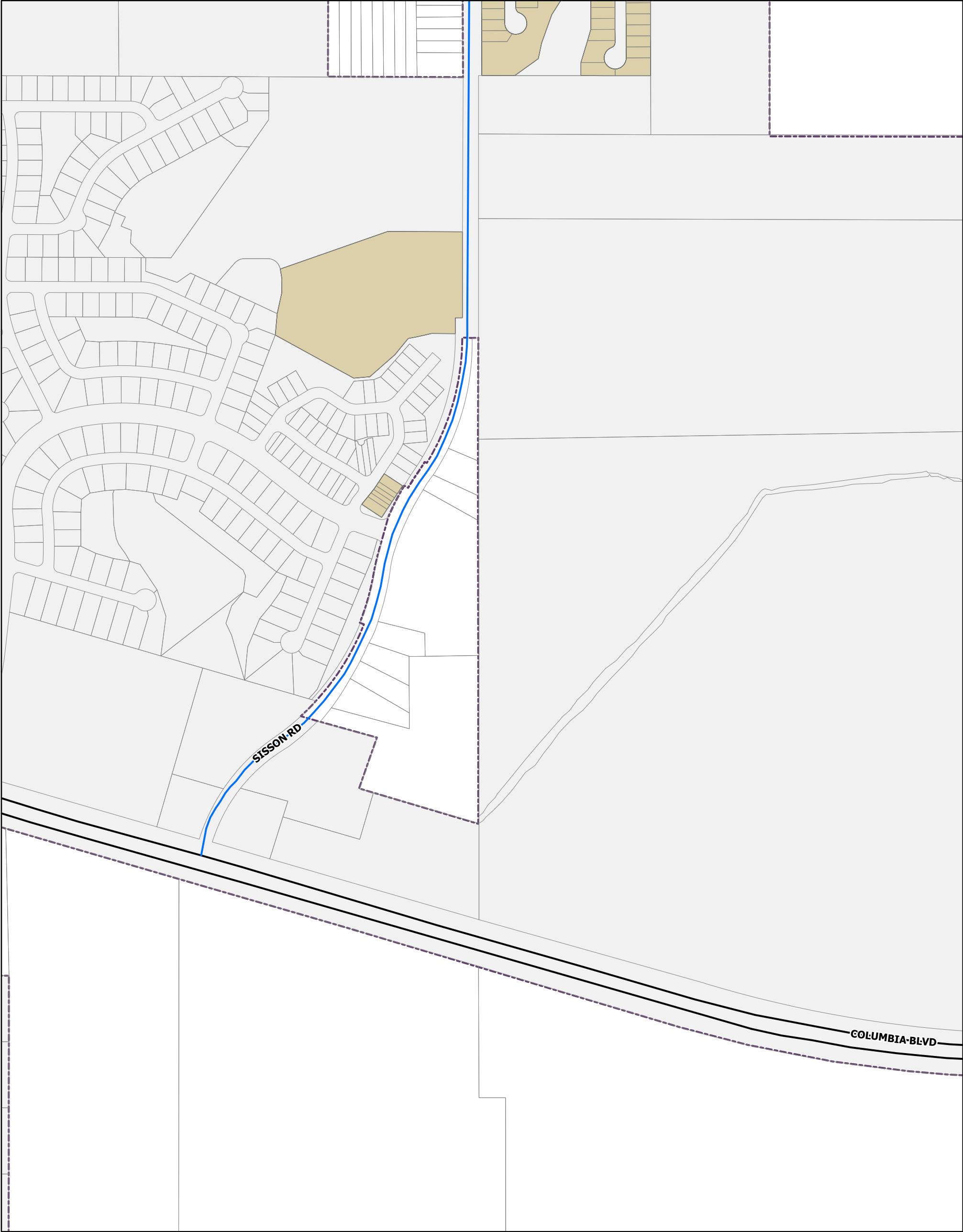
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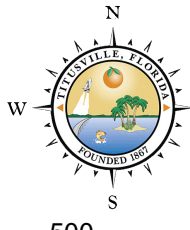
Arterial

City Limits

City Limits

HDR vs Collector & Arterial





0 250 500 1,000 Feet

1/21/2025

- Future Land Use

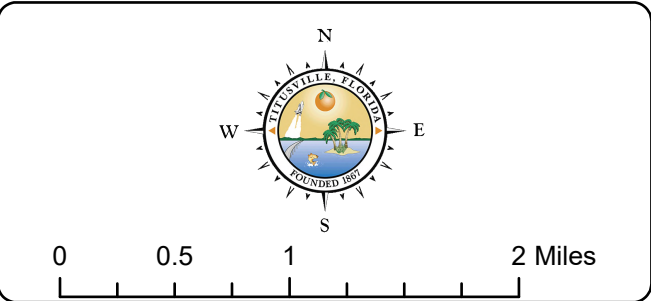
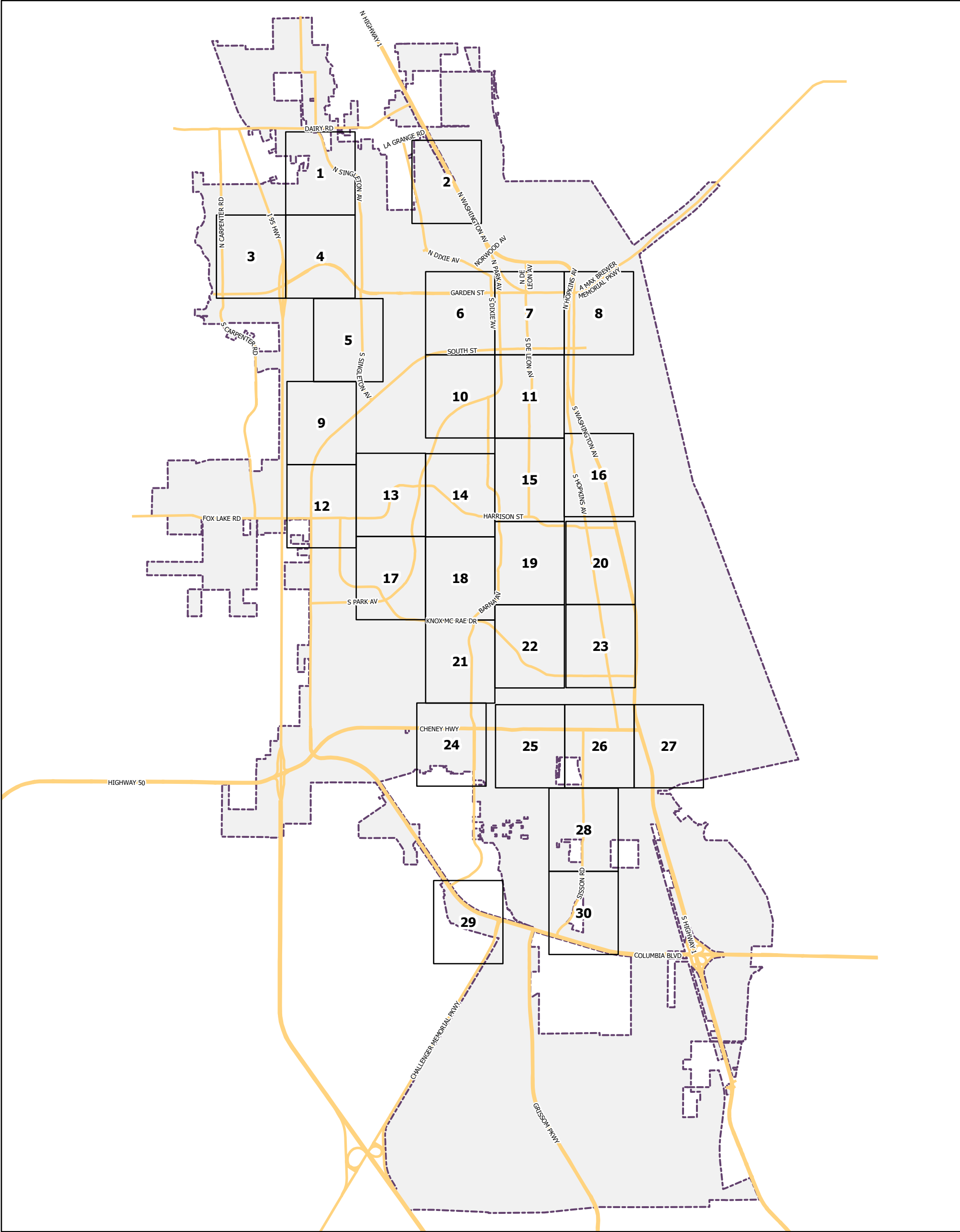
 - High Density Residential
- Parcels

 - Parcels
- Street Type

 - Arterial
 - Collector
- City Limits

 - City Limits

HDR - Collector & Arterial Grid Index



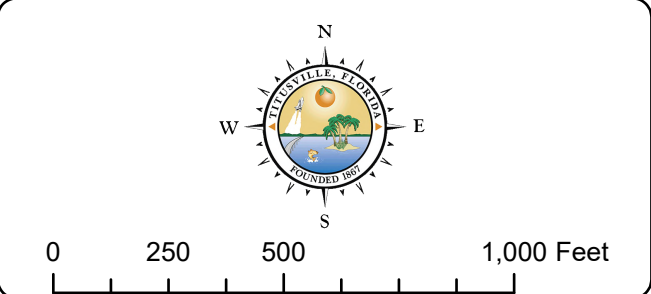
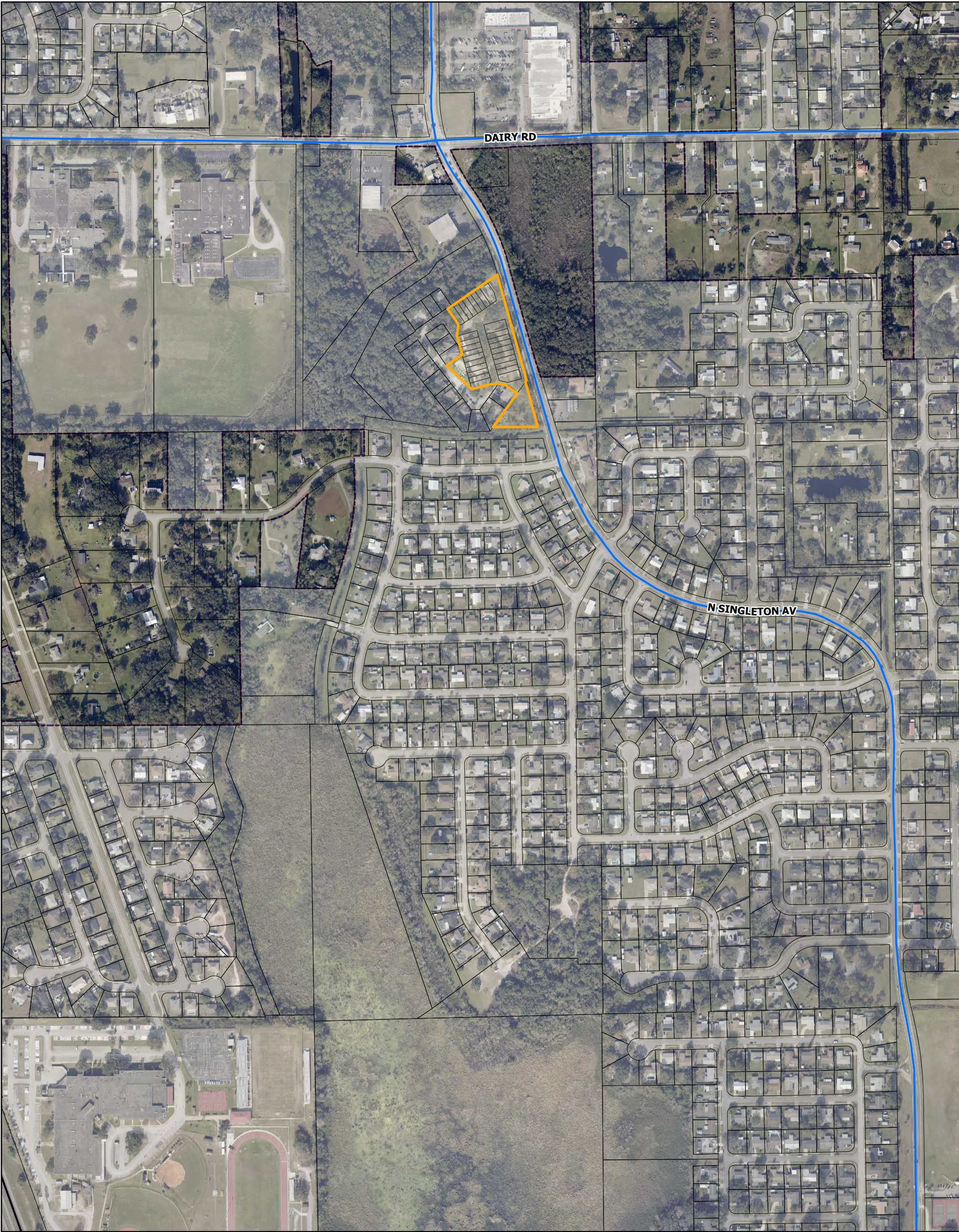
1/21/2025

City Limits

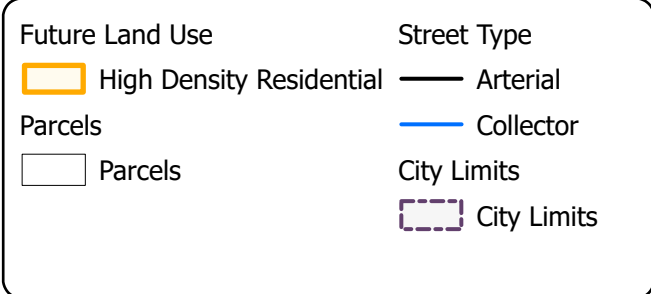
City Limits

GridIndexHDR

HDR vs Collector & Arterial

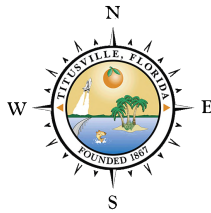


1/21/2025



HDR vs Collector & Arterial





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250

500

1,000 Feet

1/21/2025

Future Land Use



High Density Residential

Parcels



Parcels

Street Type



Arterial



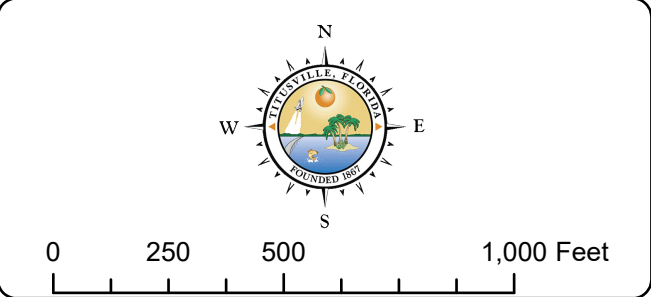
Collector

City Limits



City Limits

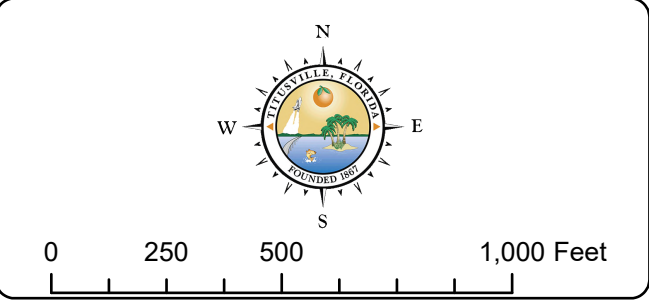
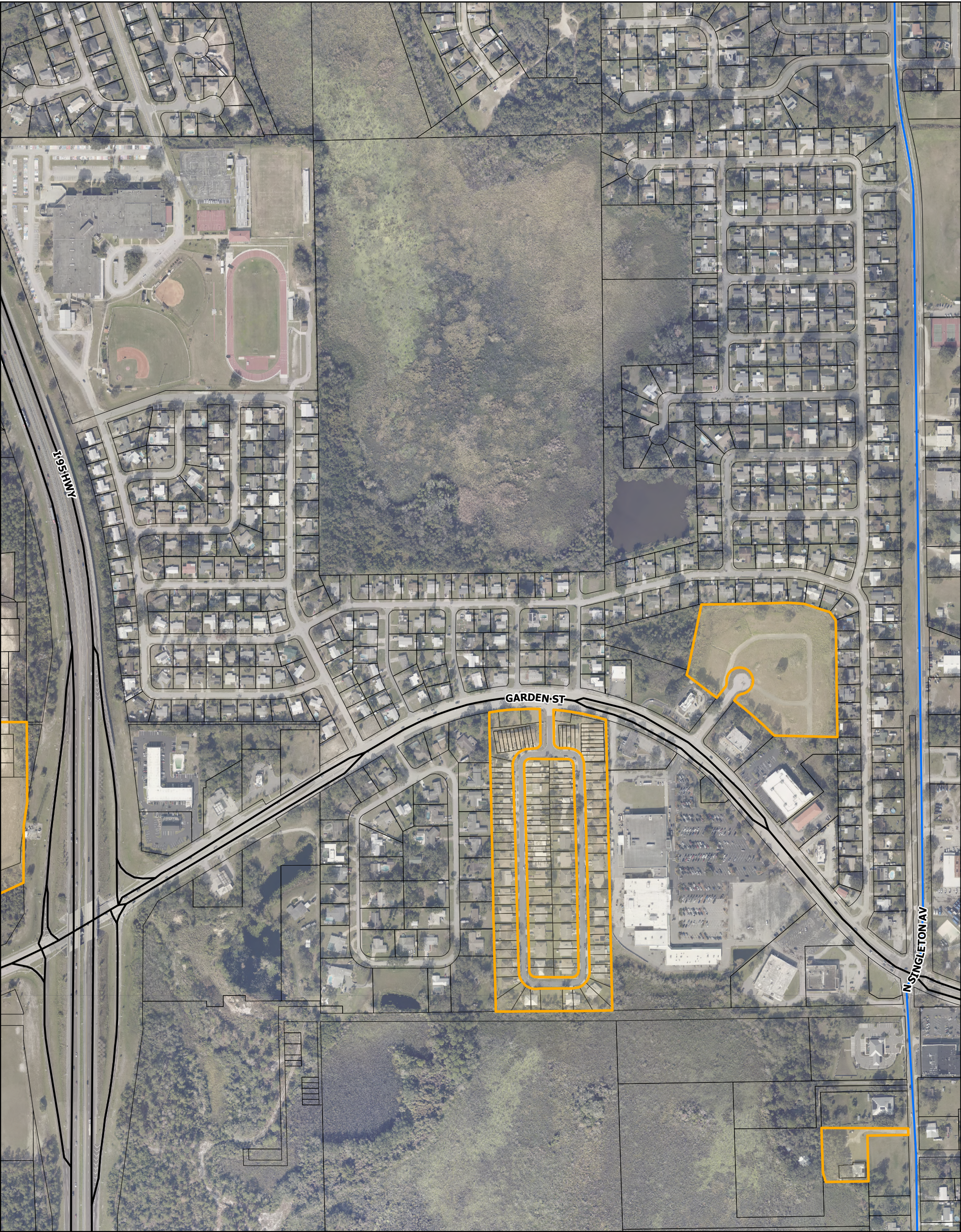
HDR vs Collector & Arterial



1/21/2025

Future Land Use	Street Type
High Density Residential	Arterial
Parcels	Collector
Parcels	City Limits
	City Limits

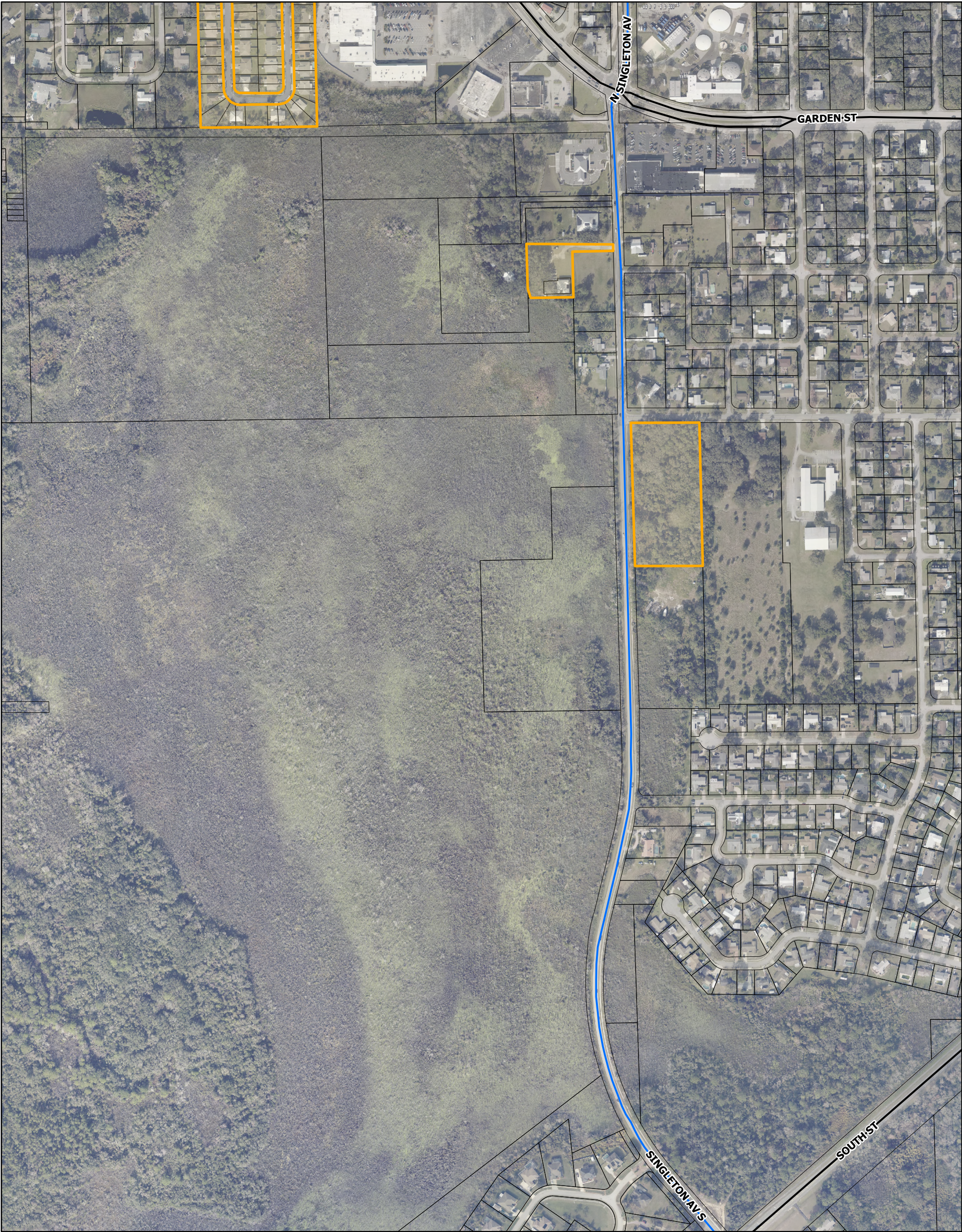
HDR vs Collector & Arterial



1/21/2025

Future Land Use	Street Type
High Density Residential	Arterial
Parcels	Collector
City Limits	City Limits

HDR vs Collector & Arterial





02505001,000 Feet

1/21/2025

Future Land Use

High Density Residential

Parcels

Parcels

Street Type

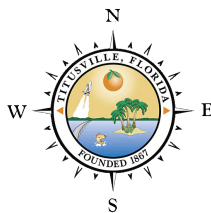
Arterial

Collector

City Limits

City Limits

HDR vs Collector & Arterial

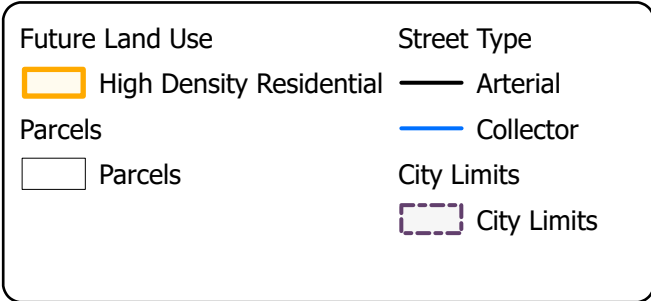
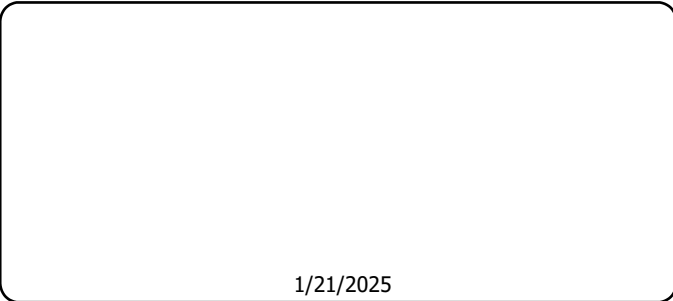
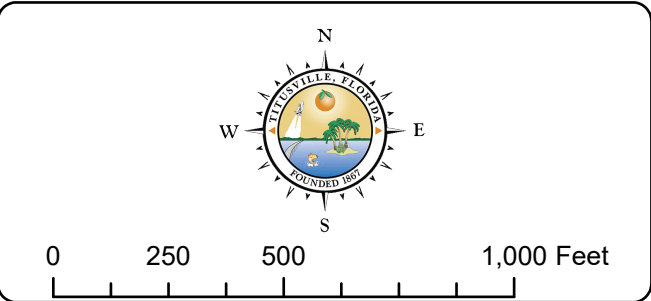
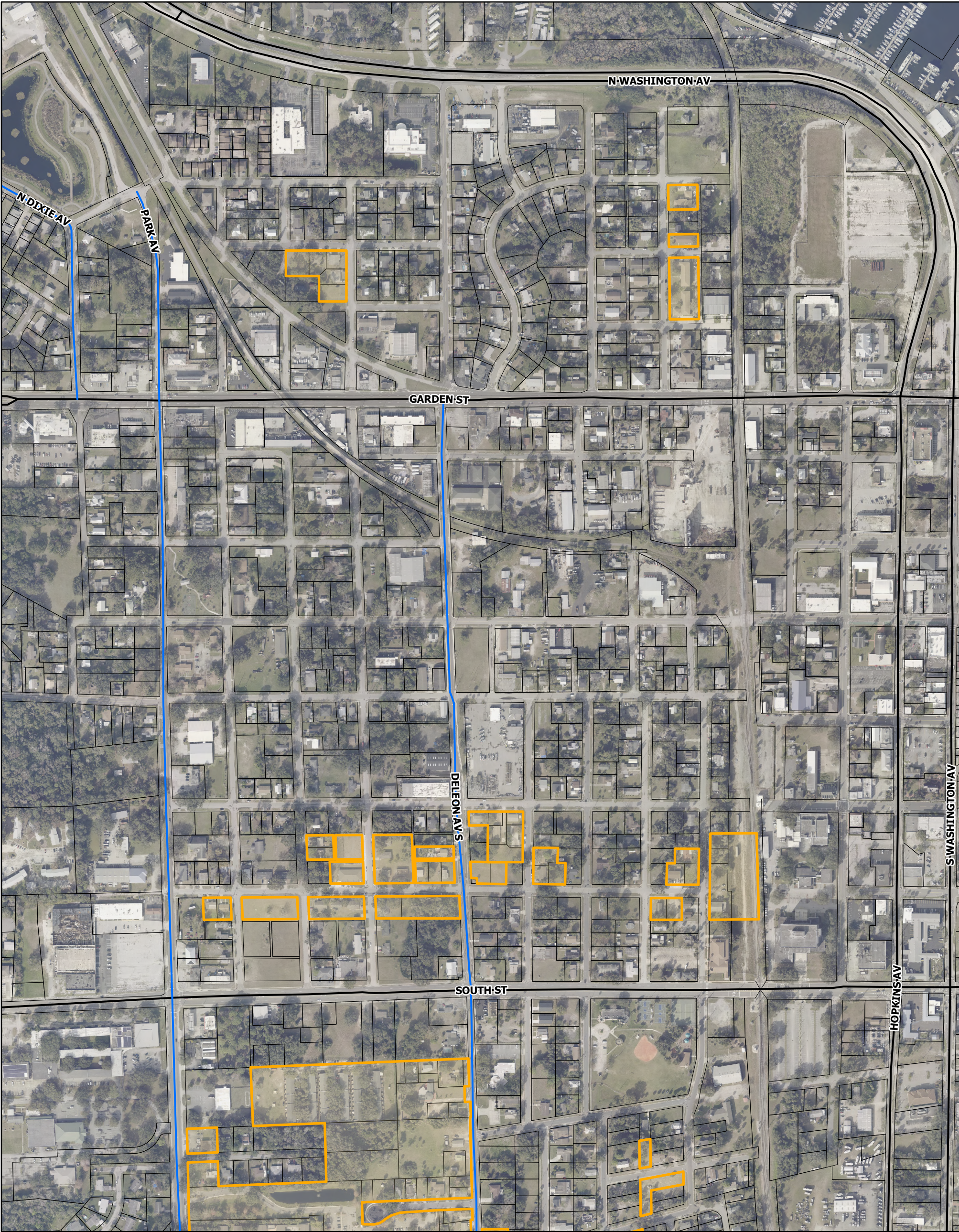


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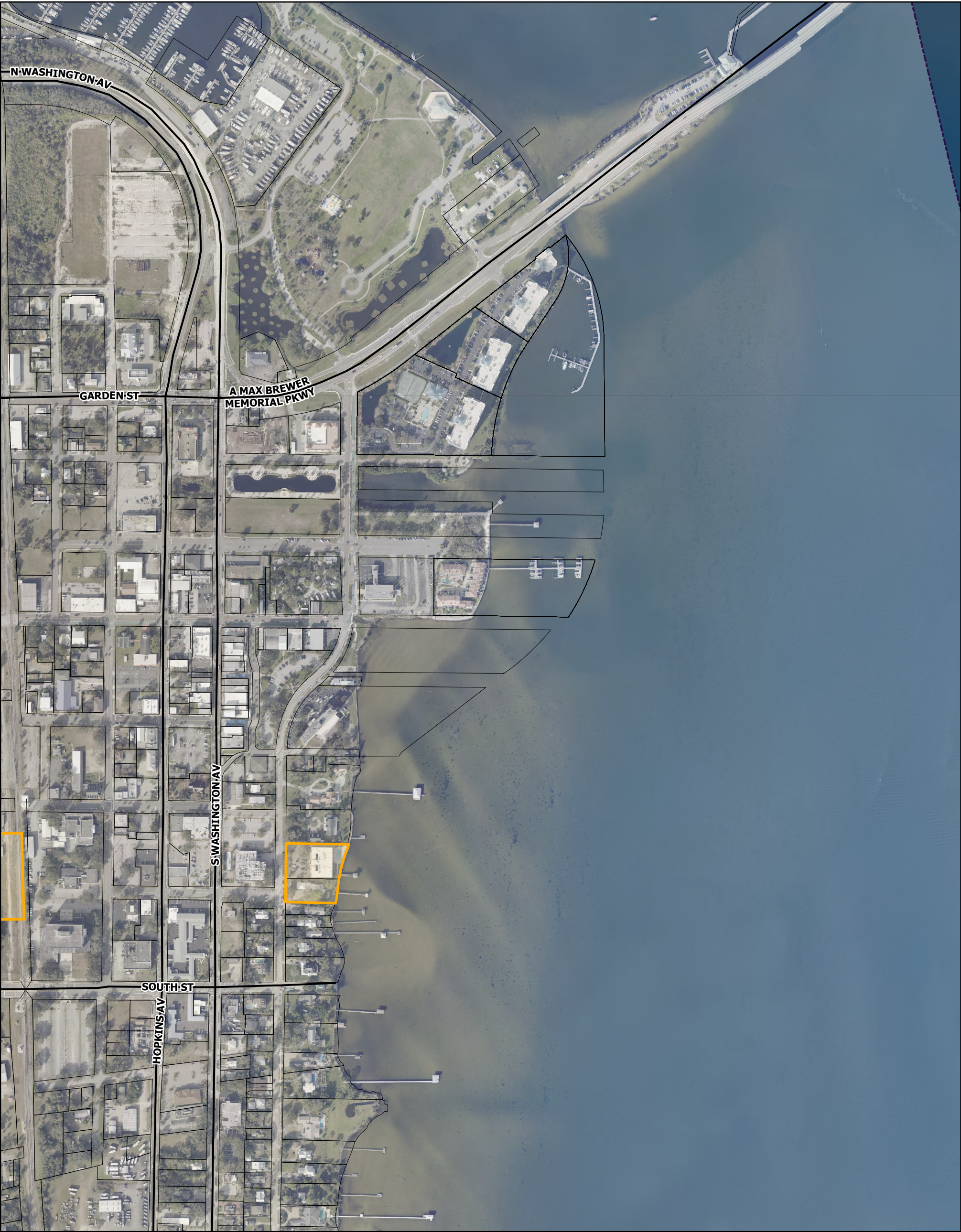
1/21/2025

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| Future Land Use | Street Type |
| High Density Residential | Arterial |
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| Parcels | City Limits |
| | City Limits |

HDR vs Collector & Arterial



HDR vs Collector & Arterial



0

250

500

1,000 Feet

1/21/2025

Future Land Use

High Density Residential

Parcels

Parcels

Street Type

Arterial

City Limits

City Limits

HDR vs Collector & Arterial





0 250 500 1,000 Feet

1/21/2025

- Future Land Use

 -  High Density Residential
- Street Type

 -  Arterial
 -  Collector
- Parcels

 -  Parcels
- City Limits

 -  City Limits

HDR vs Collector & Arterial





0 250 500 1,000 Feet

1/21/2025

Future Land Use

High Density Residential

Parcels

Parcels

Street Type

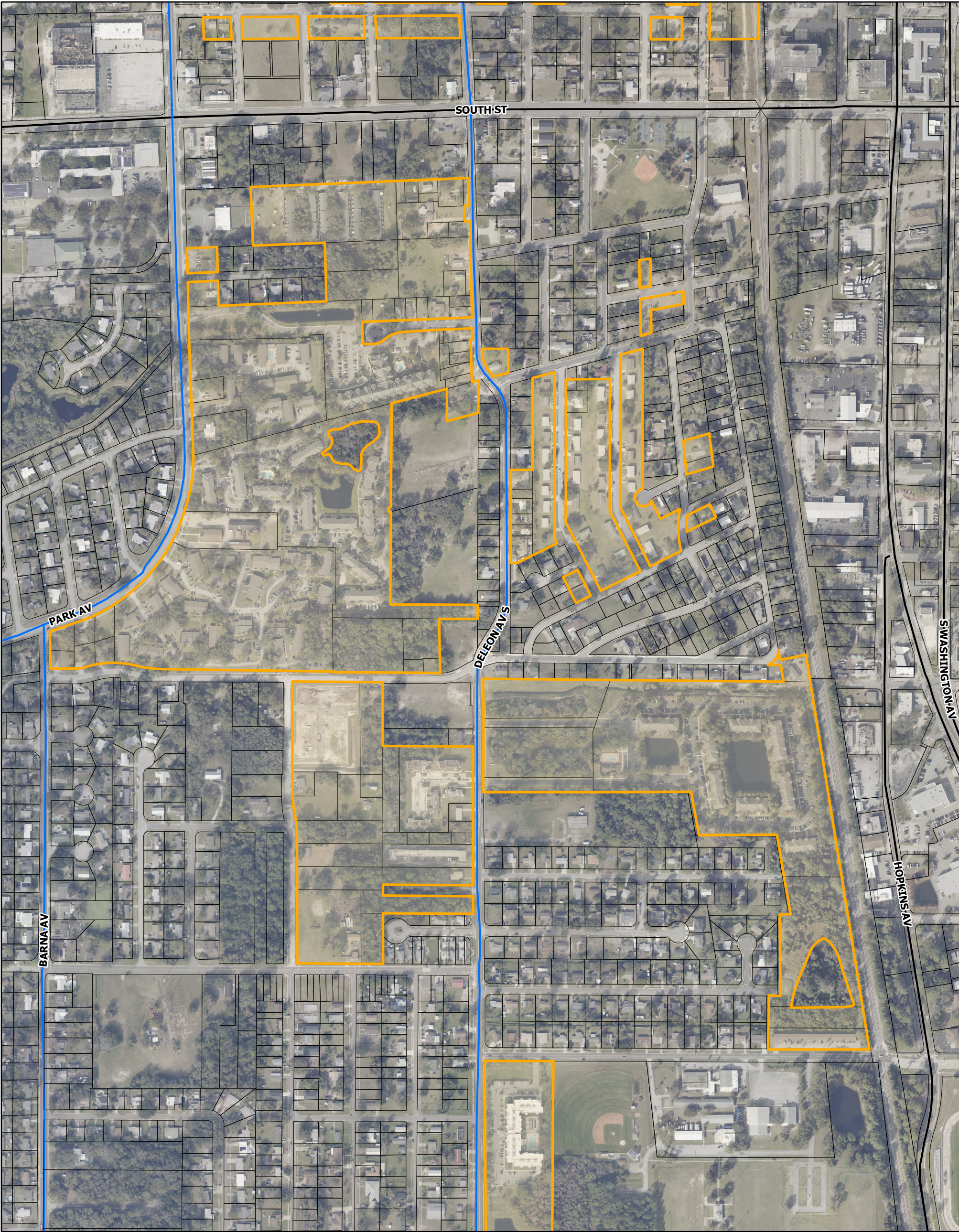
Arterial

Collector

City Limits

City Limits

HDR vs Collector & Arterial





0 250 500 1,000 Feet

1/21/2025

Future Land Use

High Density Residential

Parcels

Parcels

Street Type

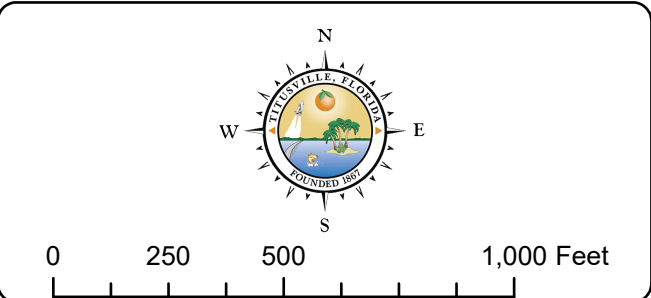
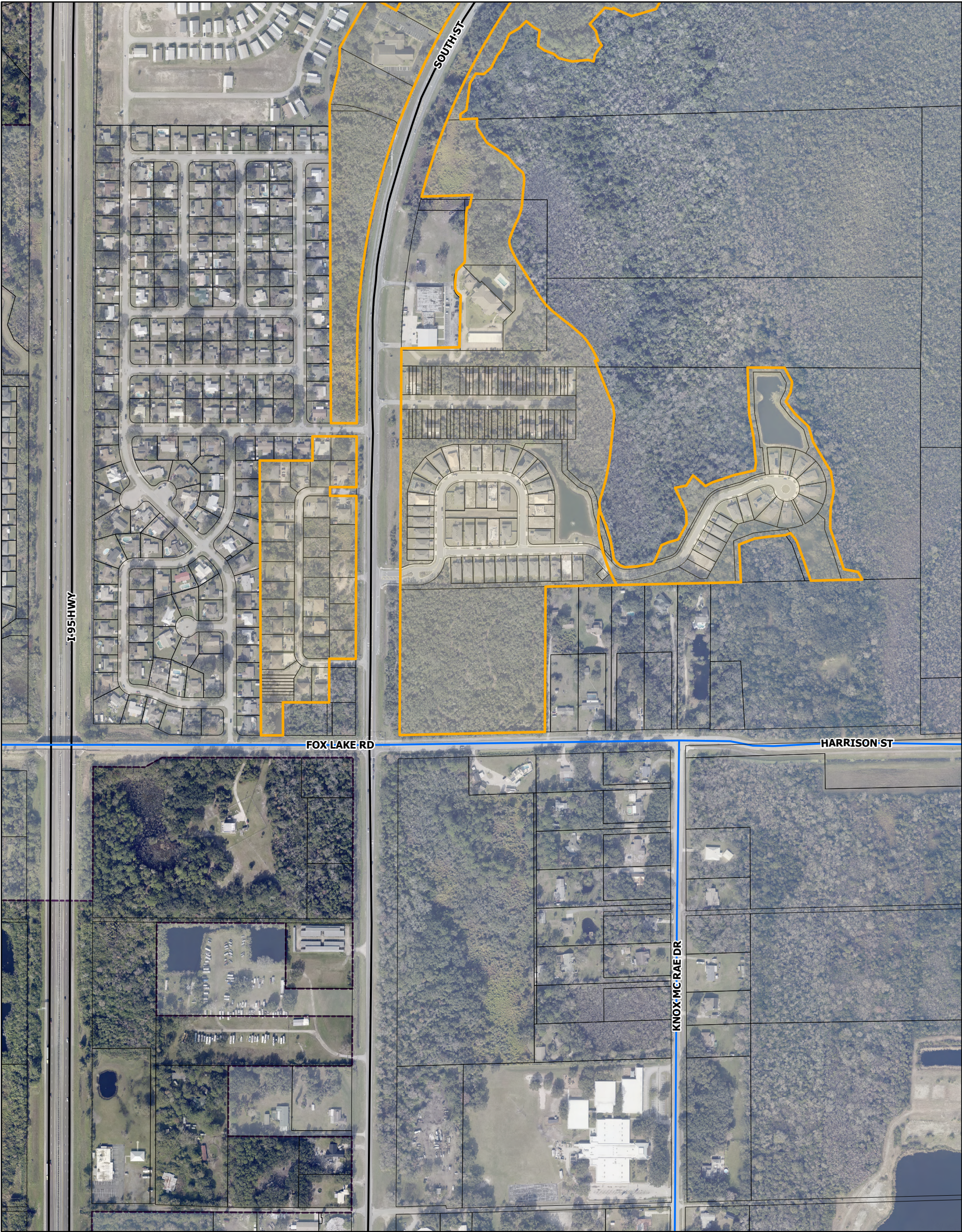
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City Limits

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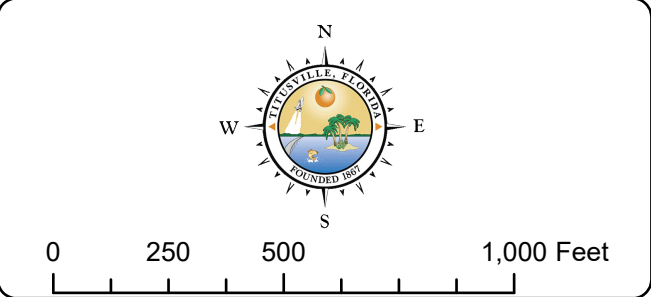
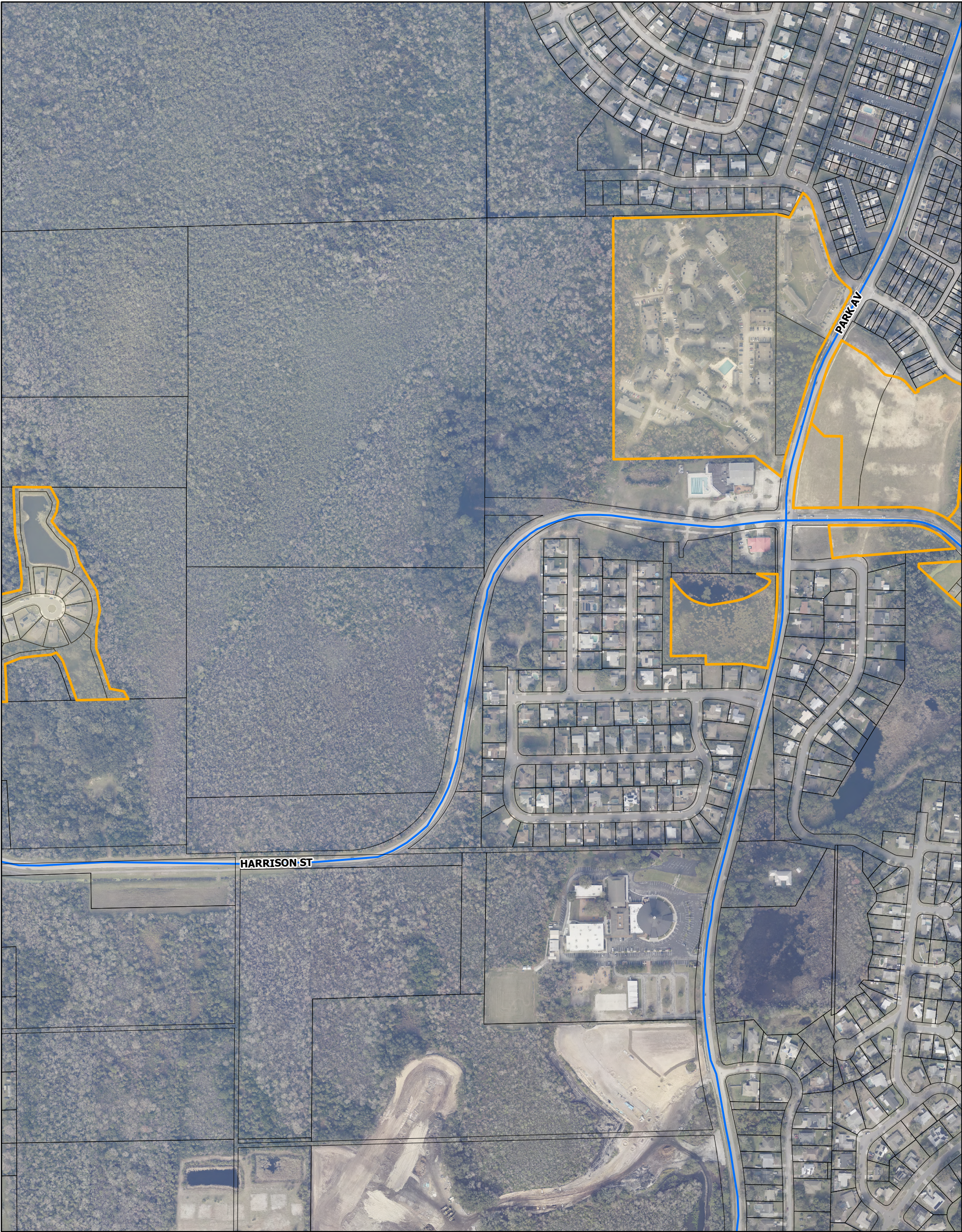
HDR vs Collector & Arterial



1/21/2025

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| Future Land Use | Street Type |
| High Density Residential | Arterial |
| Parcels | Collector |
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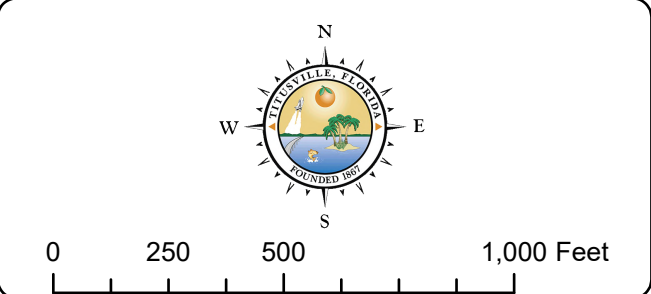
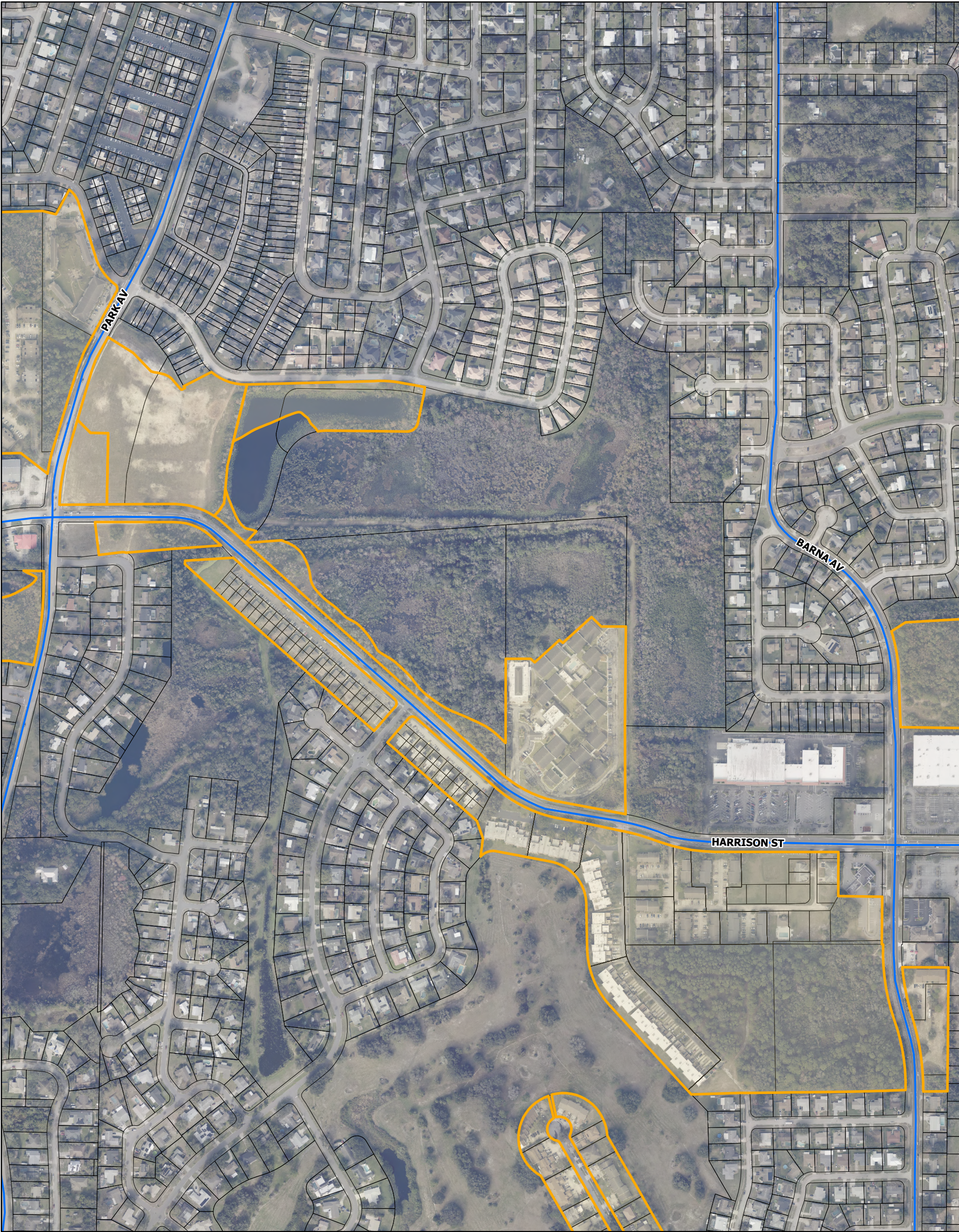
HDR vs Collector & Arterial



1/21/2025

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| Future Land Use | Street Type |
| High Density Residential | Collector |
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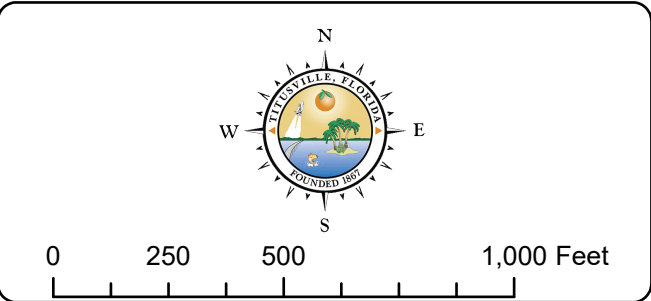
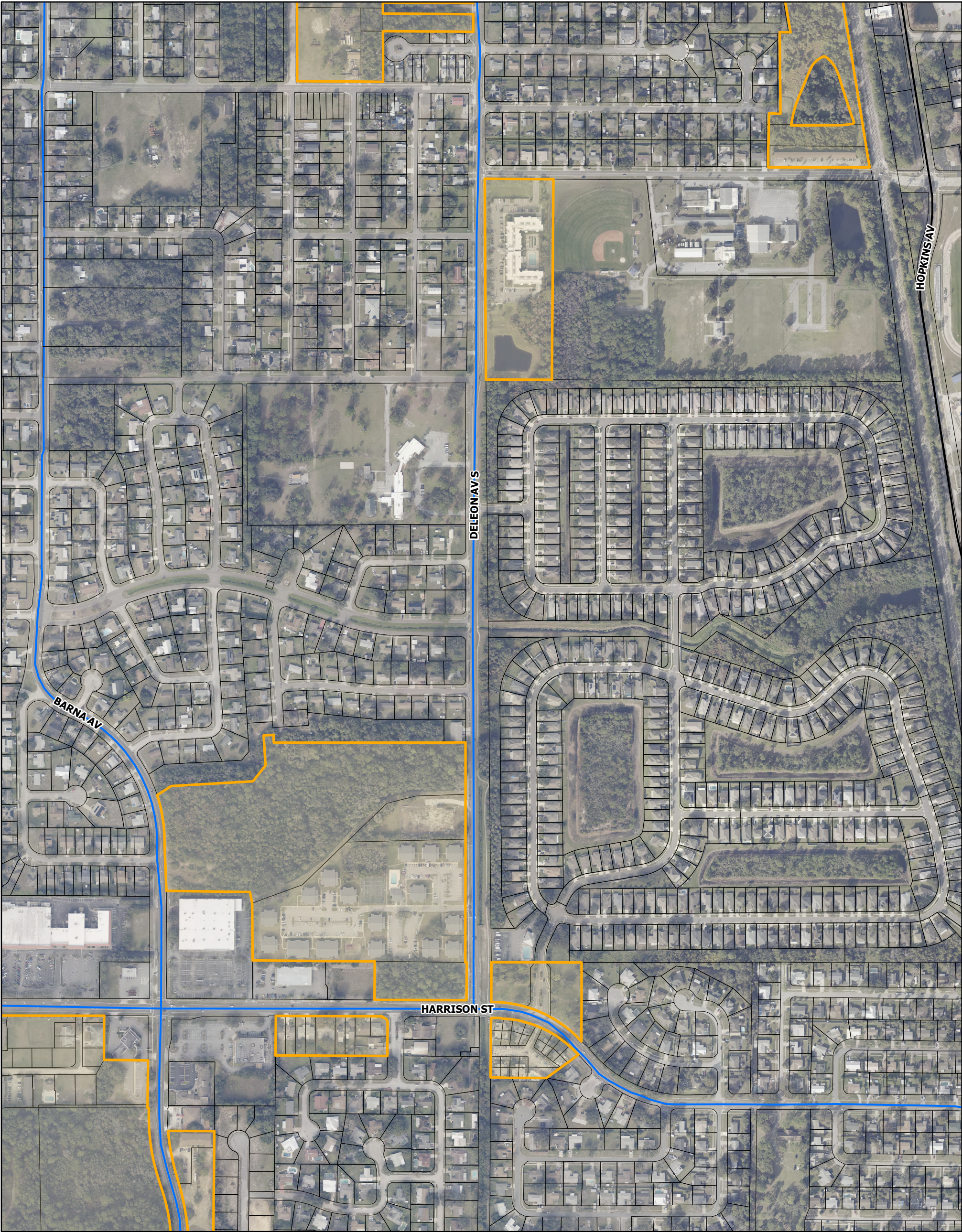
HDR vs Collector & Arterial



1/21/2025

Future Land Use	Street Type
High Density Residential	Collector
Parcels	City Limits
Parcels	City Limits

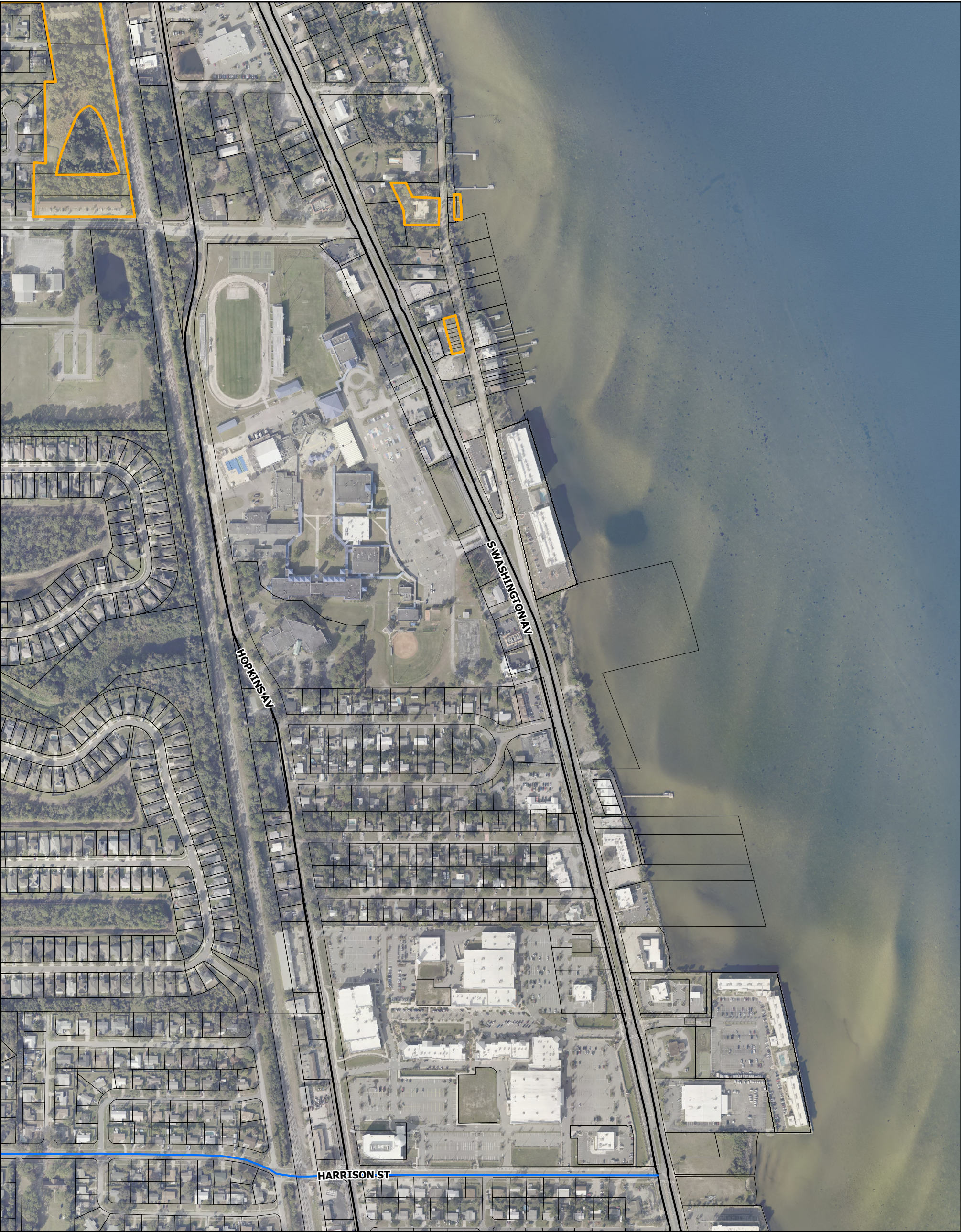
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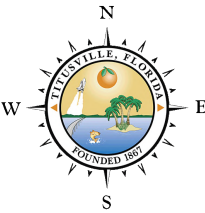


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| Future Land Use | Street Type |
| High Density Residential | Arterial |
| Parcels | Collector |
| Parcels | City Limits |
| | City Limits |

HDR vs Collector & Arterial





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1,000 Feet

1/21/2025

- Future Land Use

High Density Residential
- Parcels

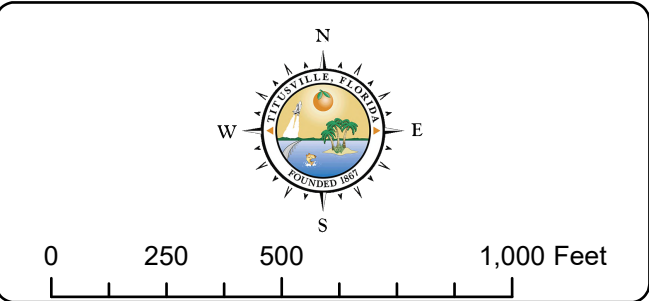
Parcels
- Street Type

Arterial

Collector
- City Limits

City Limits

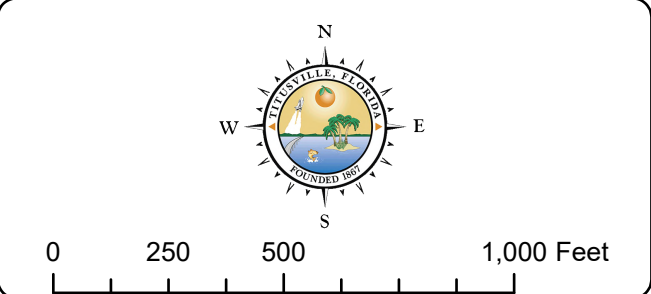
HDR vs Collector & Arterial



1/21/2025

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| Future Land Use | Street Type |
| High Density Residential | Collector |
| Parcels | City Limits |
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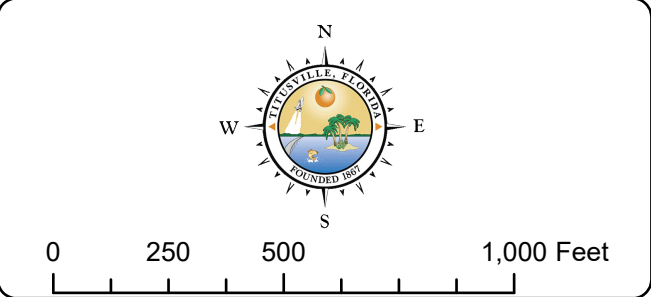
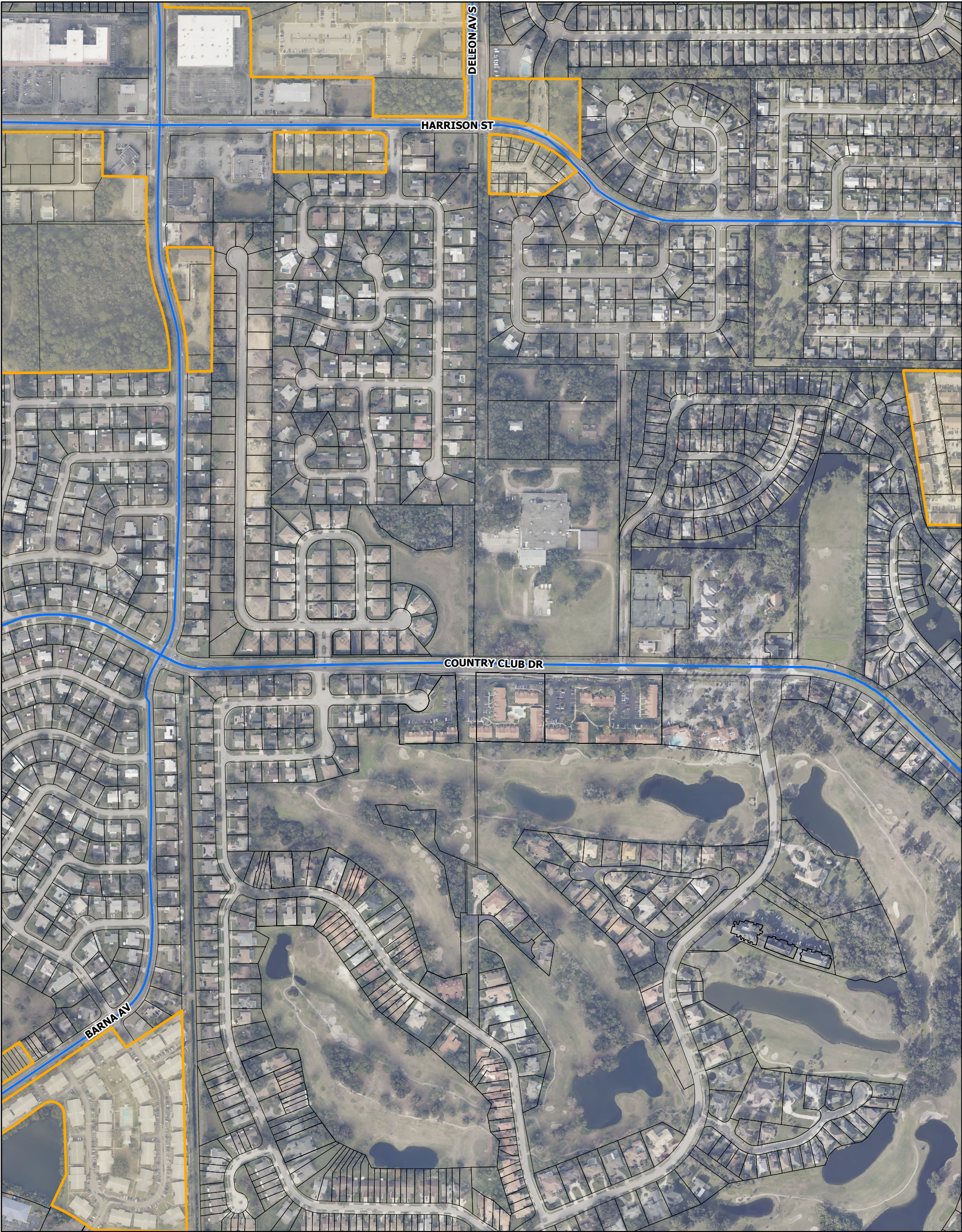
HDR vs Collector & Arterial



1/21/2025

Future Land Use	Street Type
High Density Residential	Collector
Parcels	City Limits
Parcels	City Limits

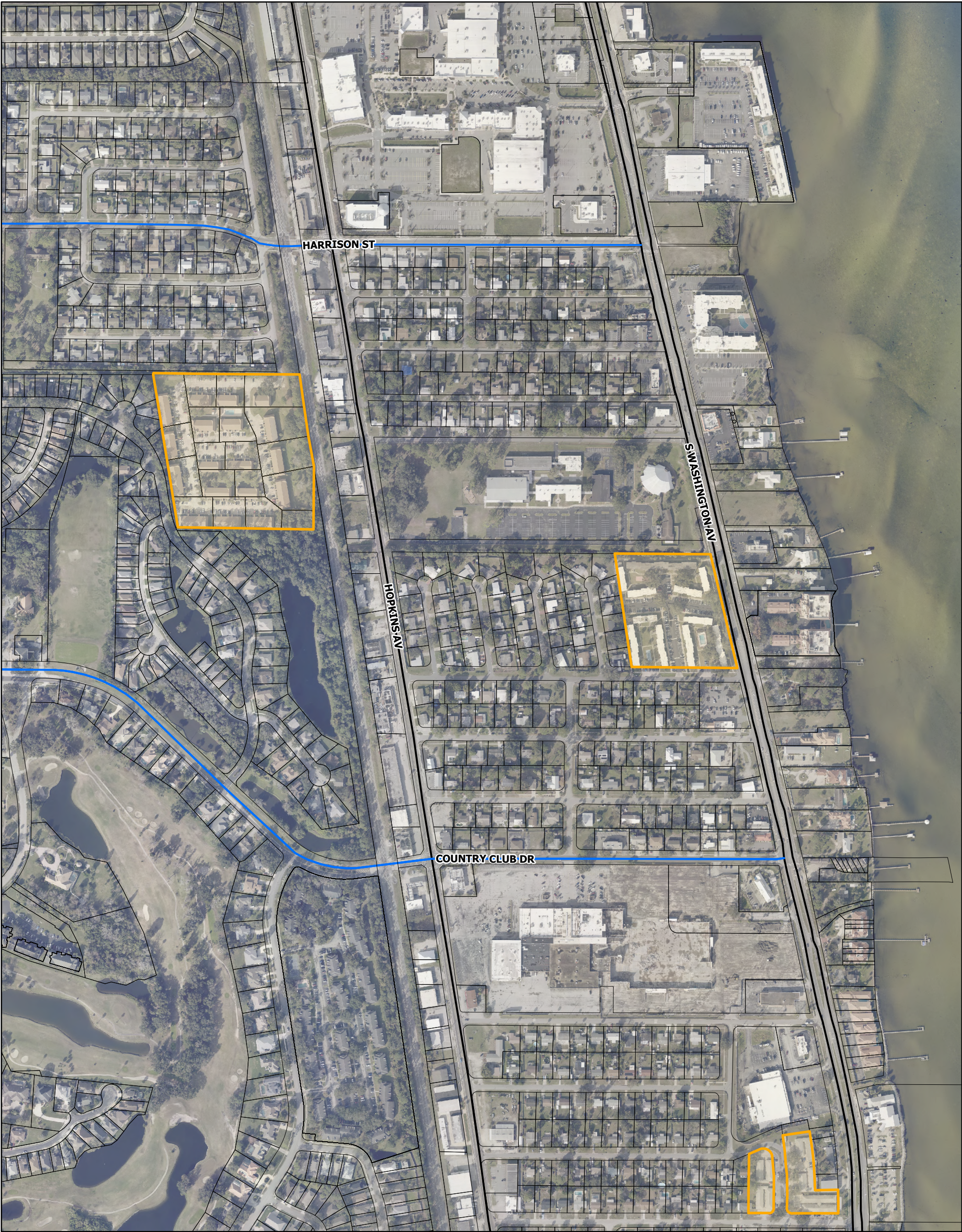
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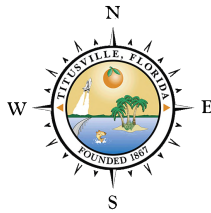


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| Future Land Use | Street Type |
|  High Density Residential |  Collector |
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HDR vs Collector & Arterial





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1/21/2025

- Future Land Use

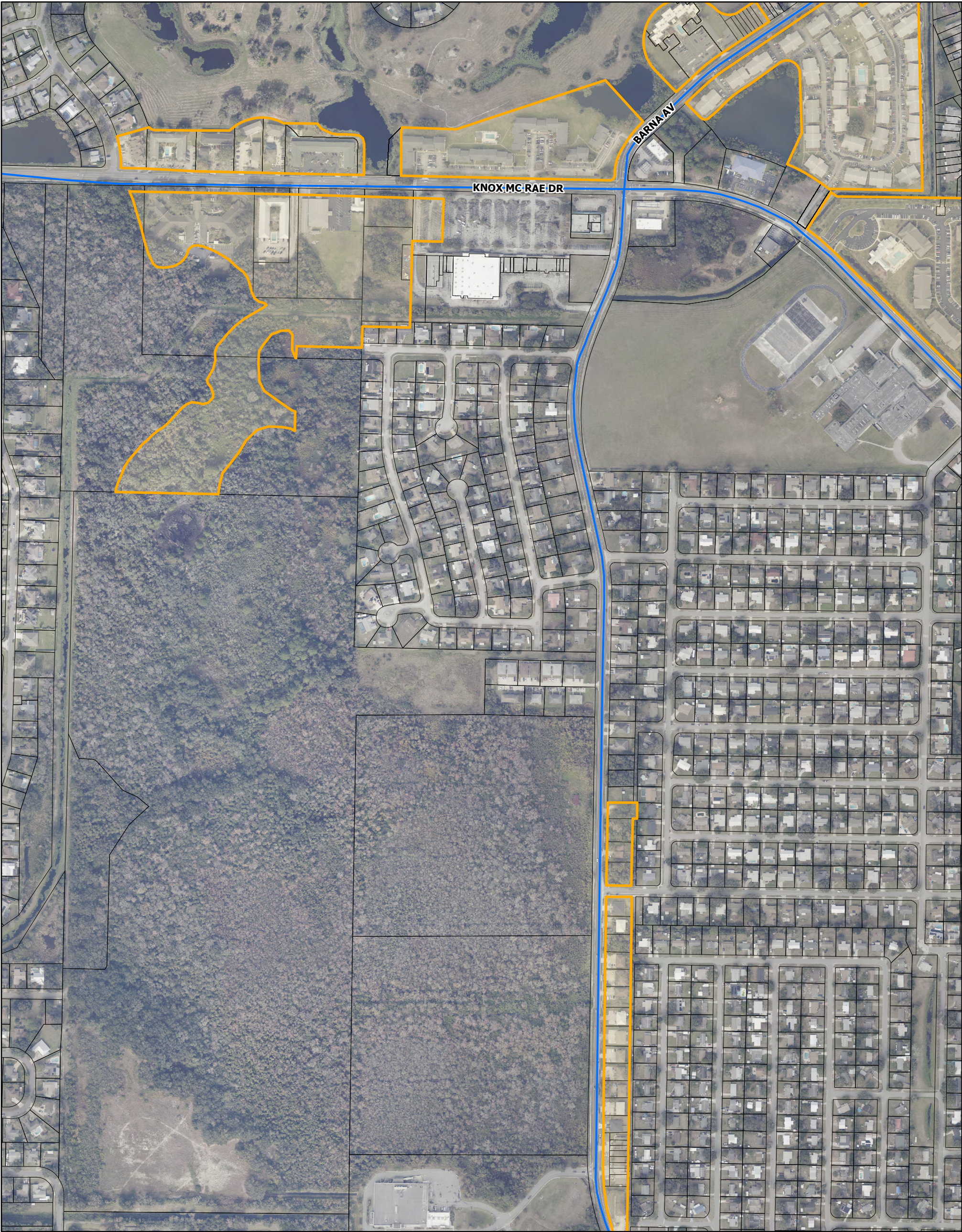
 -  High Density Residential
- Parcels

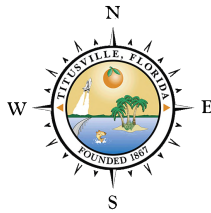
 -  Parcels
- Street Type

 -  Arterial
 -  Collector
- City Limits

 -  City Limits

HDR vs Collector & Arterial





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1,000 Feet

1/21/2025

- Future Land Use

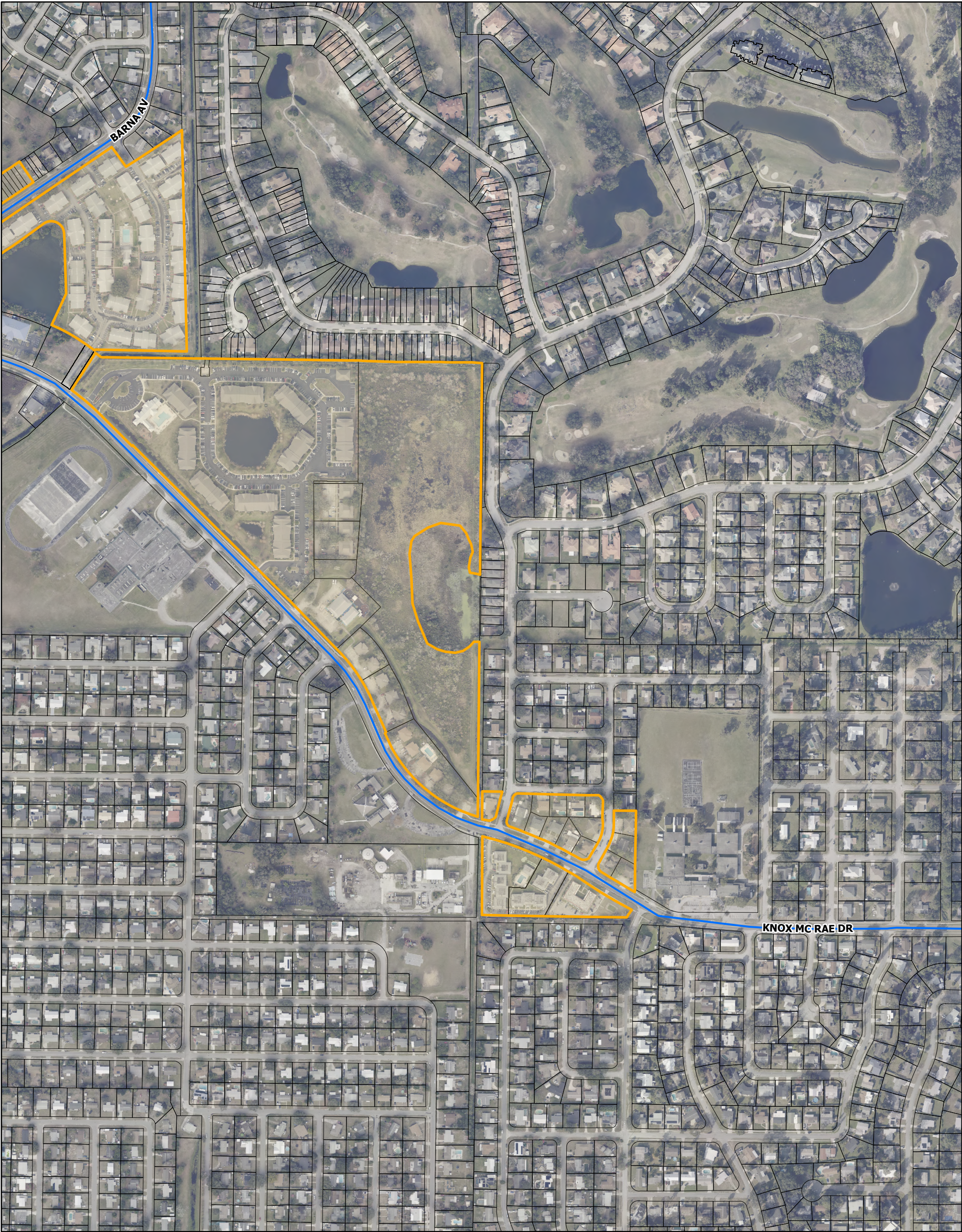
High Density Residential
- Parcels

Parcels
- Street Type

Collector
- City Limits

City Limits

HDR vs Collector & Arterial



0 250 500 1,000 Feet

1/21/2025

Future Land Use

High Density Residential

Parcels

Parcels

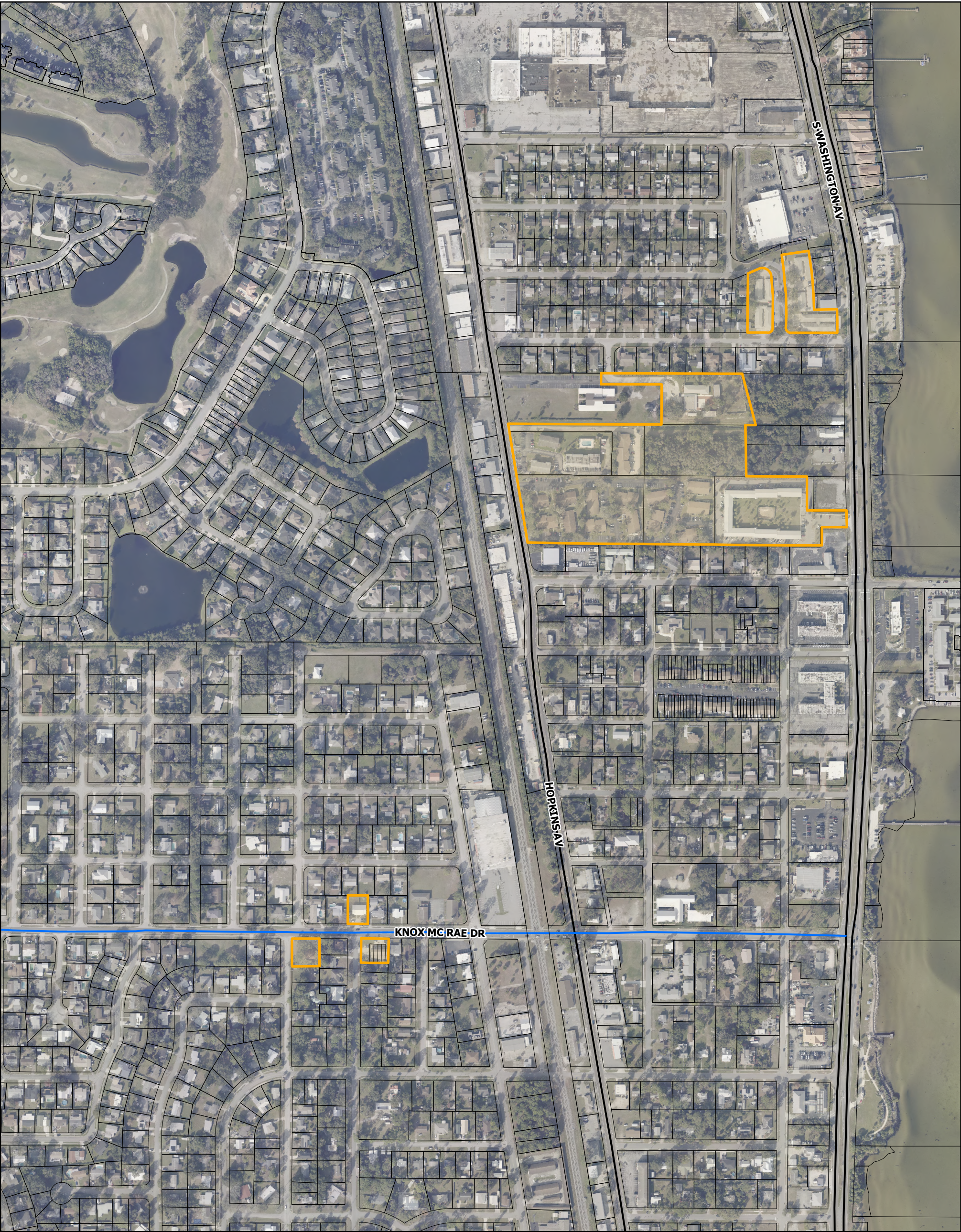
Street Type

Collector

City Limits

City Limits

HDR vs Collector & Arterial





0 250 500 1,000 Feet

1/21/2025

Future Land Use

 High Density Residential

Parcels

 Parcels

Street Type

 Arterial

 Collector

City Limits

 City Limits

HDR vs Collector & Arterial





0 250 500 1,000 Feet

1/21/2025

Future Land Use

High Density Residential

Parcels

Parcels

Street Type

Arterial

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City Limits

City Limits

HDR vs Collector & Arterial



1/21/2025

Future Land Use

High Density Residential

Parcels

Parcels

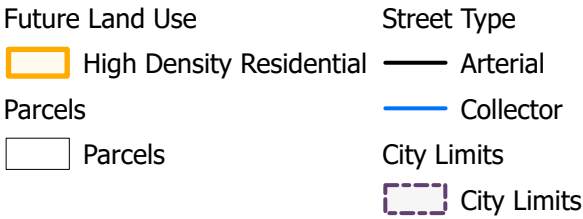
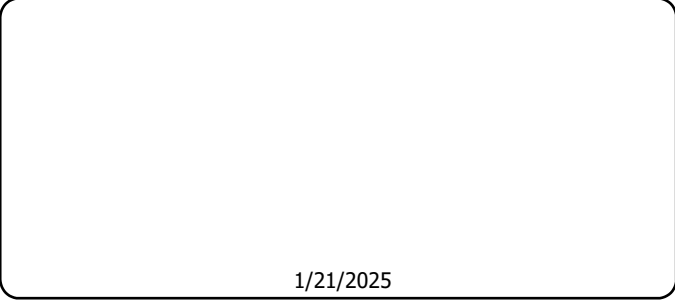
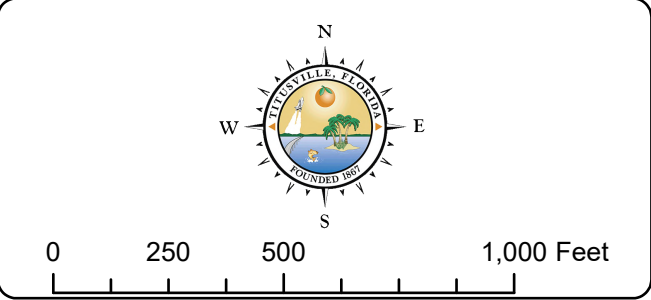
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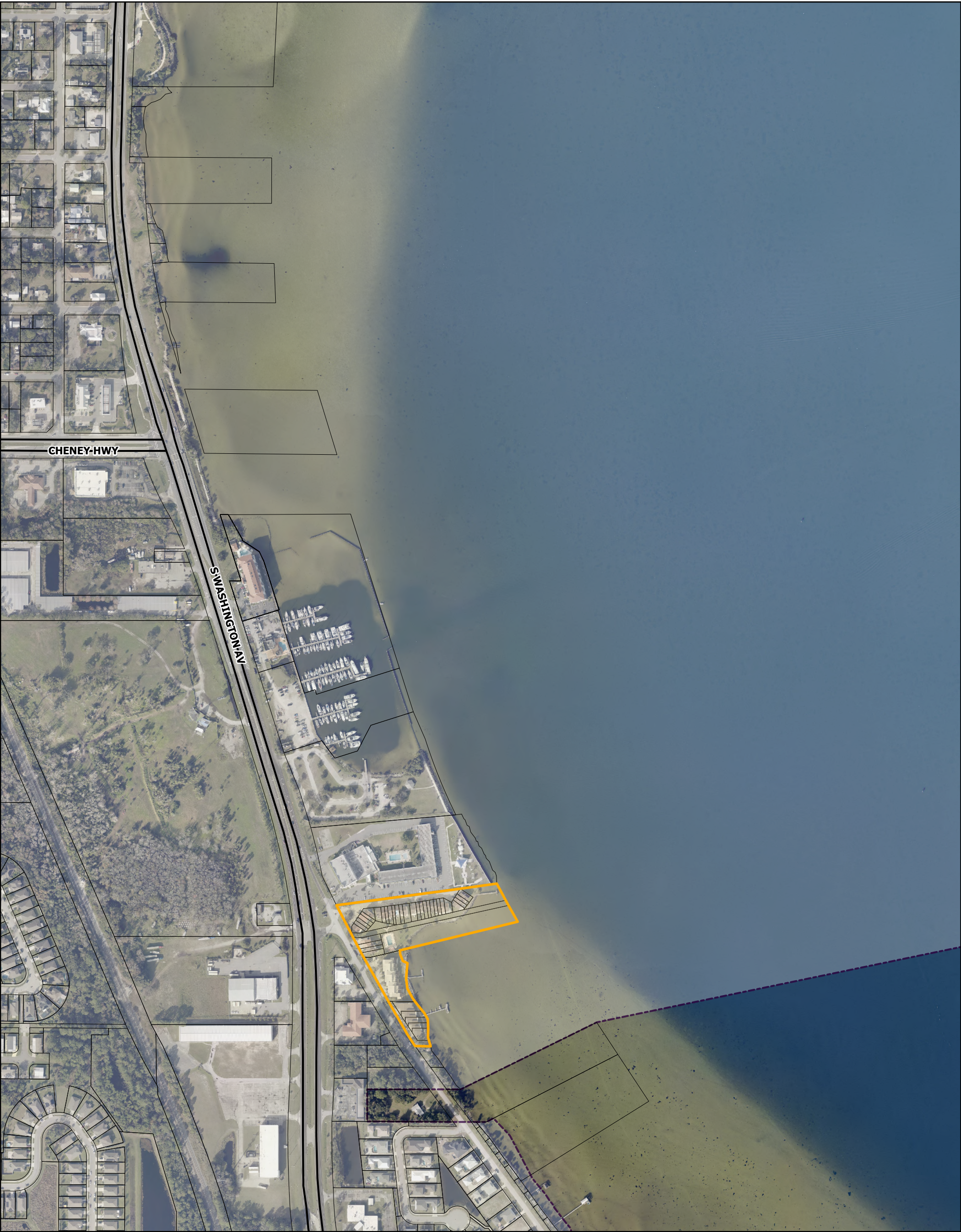
City Limits

City Limits

HDR vs Collector & Arterial



HDR vs Collector & Arterial



0

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1,000 Feet

1/21/2025

Future Land Use

High Density Residential

Parcels

Parcels

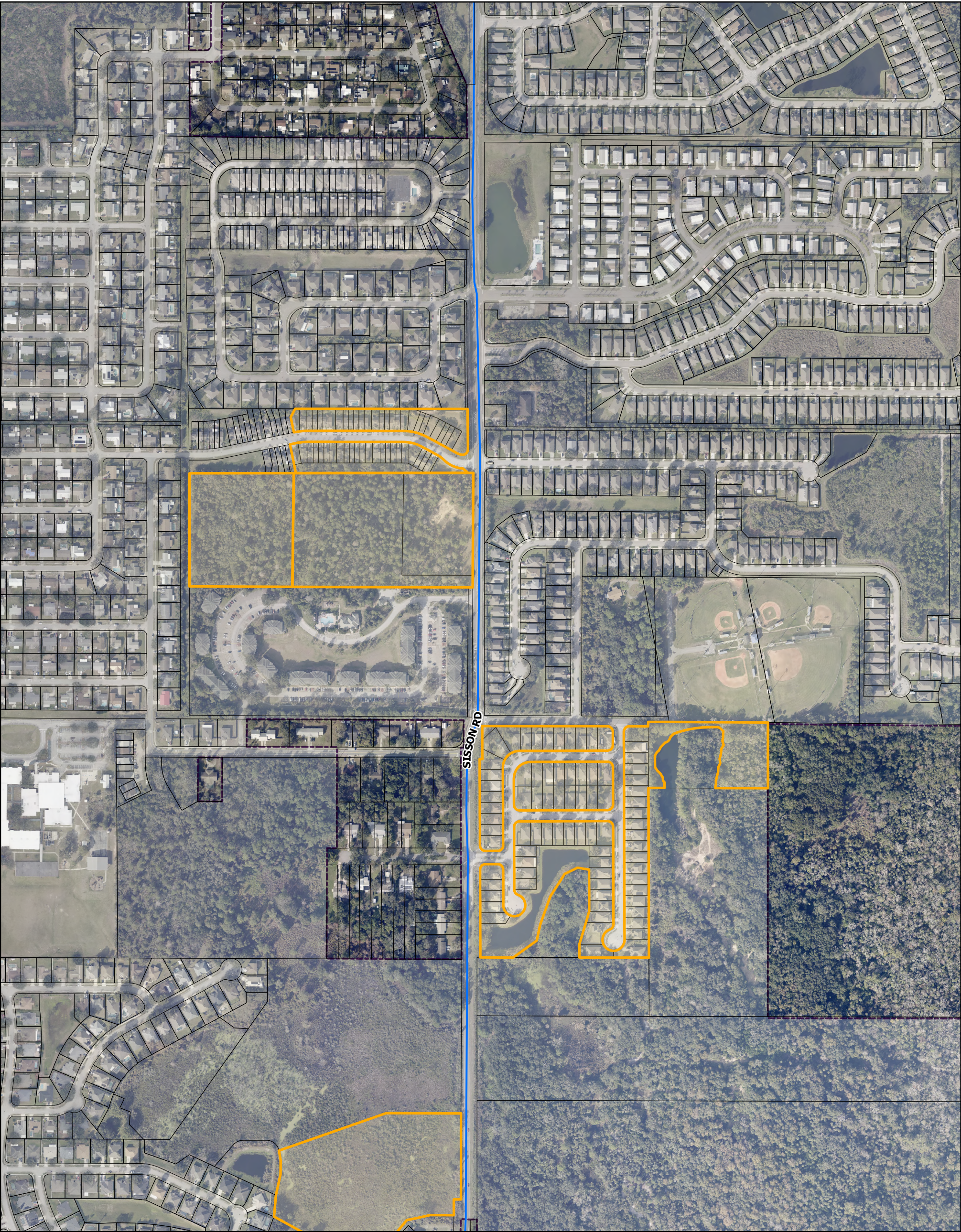
Street Type

Arterial

City Limits

City Limits

HDR vs Collector & Arterial



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1,000 Feet

1/21/2025

Future Land Use

High Density Residential

Parcels

Parcels

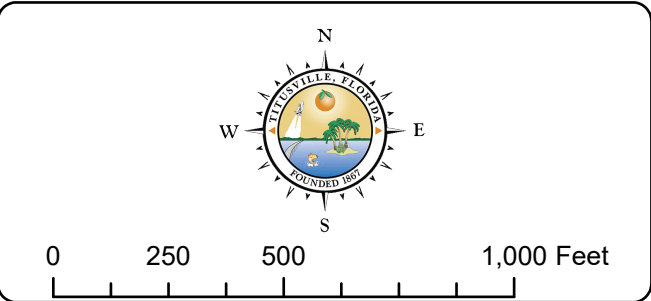
Street Type

Collector

City Limits

City Limits

HDR vs Collector & Arterial

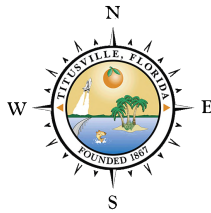


1/21/2025



HDR vs Collector & Arterial





0 250 500 1,000 Feet

1/21/2025

Future Land Use

 High Density Residential

Parcels

 Parcels

Street Type

 Arterial

 Collector

City Limits

 City Limits



City of Titusville City Attorney's Office

BOARD OF ADJUSTMENTS AND APPEALS

Appeal No. 1-2024

Meeting Date: January 29, 2025
Prepared By: Chelsea Farrell, Assistant City Attorney
Applicant: Vickie J. Conklin, Appellant

MEMORANDUM

The City of Titusville received a Notice of Appeal from Vickie J. Conklin, Appellant, on December 5, 2024, appealing the issuance of a Site Development Permit for Apollo Gardens Apartments issued to Apollo Gardens LLLP for the property located at 2727 Demaret Drive, Titusville, Florida 32780. The permit was issued on November 11, 2024.

Pursuant to Titusville Code Section 34-249, "Any **affected property owner** or his agent may file an appeal." Accordingly, the first issue to be addressed by the Board of Adjustments and Appeals will be whether the Appellant is an "affected property owner" with standing to appeal the issuance of the Site Development Permit.

If the Board finds that the Appellant has established standing as an "affected property owner" to present this appeal, the Board will proceed to hear the merits of the appeal and render a decision.

A copy of Resolution No. 24-1997 is enclosed in the agenda packet, providing the quasi-judicial rules of procedure. Titusville Land Development Regulations, Chapter 34, Procedures, Article V, Variances and Appeals, Division 2., *Appeals to the Board of Adjustment (Appeal of Administrator)*, is also provided in the agenda packet.

RESOLUTION NO. 24 - 1997

A RESOLUTION OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING RESOLUTION NO. 25-1995 BY DELETING ANY SITE SPECIFIC COMPREHENSIVE PLAN AMENDMENTS FROM THE QUASI-JUDICIAL PROCEDURE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Titusville has, by motion, previously adopted and from time to time amended rules of procedure to govern the conduct of hearings and other matters coming before the City Council; and,

WHEREAS, as a result of recent developments of case law, the City Council deems it to be in the best interests of the health, safety and welfare of the citizens of the City of Titusville to provide rules of procedure to govern hearings before the City Council and its administrative Boards when meeting in a quasi-judicial capacity in zoning related matters; and,

WHEREAS, the City Council wishes to adopt rules of procedure for quasi-judicial matters; and,

WHEREAS, the City Council realizes that case law is still developing regarding administrative Boards meeting in a quasi-judicial capacity in zoning related matters, as such, the City Council acknowledges that this Resolution will have to be amended from time to time to keep abreast of future developments in case law related to this subject matter; and,

WHEREAS, the Florida Supreme Court in Brevard County v. Snyder, 620 So.2d 469 (Fla. 1993) found that certain proceedings conducted by the administrative Boards are quasi-judicial proceedings and that substantial competent evidence must be contained in the record to support a decision of the Board; and,

WHEREAS, the Florida Supreme Court in Martin County v. Yusem, 22 Fla. L. Weekly S156 (March 27, 1997) has found that all comprehensive plan amendments are legislative; and,

WHEREAS, the case of Jennings v. Dade County, 589 So.2d 1337 (Fla. 3d DCA 1991) prohibits ex-parte communications with Board members in hearings involving quasi-judicial proceedings; and,

WHEREAS, public officials such as the Board members are frequently contacted by citizens desiring to express their opinions in matters coming before the Board; and,

WHEREAS, the City Council of the City of Titusville desires to implement the process and procedure authorized by *Chapter 286.0115, Florida Statutes* that establishes the process and procedure for disclosure of contact by citizens with public officials; and,

WHEREAS, Administrative Board members will endeavor to avoid off-the-record comments from citizens in quasi-judicial proceedings and desires to establish a process or procedure for disclosure of inadvertent contact by citizens with members of the Boards in said proceedings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF TITUSVILLE, FLORIDA, AS FOLLOWS:

Section 1. INTENT AND PURPOSE.

1.1. The City of Titusville recognizes that administrative Boards often serve in a quasi-judicial capacity concerning zoning related matters. As such, all interested parties should be afforded certain minimal due process safeguards in the form of due notice, a fair opportunity to be heard in person and through counsel, the right to present evidence, and the right to cross examine adverse witnesses. Furthermore, the City Council recognizes the requirements of applicable law regarding the evidence and other matters which may be considered when making a quasi-judicial determination in a zoning related matter.

1.2. The rules and procedures set forth in this resolution are applicable only to administrative Boards serving in a quasi-judicial capacity concerning zoning related matters.

Section 2. DEFINITIONS. For purposes of this Resolution only, the following definitions shall apply when applicable (defined terms appear in Capital Letters):

2.1. *Board* means a City administrative body acting in a quasi-judicial capacity concerning zoning related matters, including, but not limited to: Board of Adjustments, Code Enforcement Board, Planning and Zoning Board, Community Redevelopment Agency, City Council or any other administrative body acting in such a capacity.

2.2. *Competent Substantial Evidence* means sufficiently relevant and material evidence a reasonable mind would accept as adequate to support a conclusion.

2.3. *Expert* means a person who is qualified in a subject matter by knowledge, skill, experience, training, or education.

2.4. *Interested Party* means an individual, corporation, business, or land trust, estate, trust, partnership, association, or other legal entity whose interest may be adversely affected by a Board's action.

2.5. *Site-Specific* means a zoning related matter which has an impact on a limited number of persons or property owners and include identifiable parties and interests. Specifically not included is comprehensive rezoning or any comprehensive plan changes.

2.6. *Quasi-Judicial* is determined by the essential nature of the Board's actions.

A. The Board's actions are quasi-judicial providing:

- (1) an interested party is provided notice and a hearing;
- (2) judgment of the Board is contingent on the consideration of evidence made at a hearing;
- (3) the Board adjudicates private rights of a particular person after a hearing; and,
- (4) the Board's decision can be viewed as a policy application rather than policy setting.

B. *Quasi-judicial* shall include public hearings where variances, appeals, conditional use permits, site-specific zoning changes, or other site-specific development orders are considered.

C. *Quasi-judicial* does not include comprehensive rezoning or any comprehensive plan changes of any size.

2.7. *Zoning related matter* means a public hearing where a Board considers variances, conditional use permits, appeals, site-specific zoning changes, or development orders.

Section 3. NOTICE AND SCHEDULING OF PUBLIC HEARINGS.

3.1. Notice and scheduling requirements for public hearings held before a Board shall be provided in accordance with applicable state law and City ordinances.

Section 4. EX-PARTE COMMUNICATIONS.

4.1. INTENT.

The City Council of the City of Titusville recognizes that in quasi-judicial proceedings such as zoning related matters that said proceedings have been recognized by the Florida courts to constitute quasi-judicial decisions which must be based upon competent substantial evidence contained in the record in the proceedings.

The City Council recognizes that in accordance with the case of Jennings v. Dade County, 589 So.2d 1336 (Fla. 3d DCA 1991), that in quasi-judicial proceedings that information or evidence is to be presented at a hearing before the Board. In addition, it is recognized that as public officials, citizens demand and expect the right to voice their opinions to local public officials.

In recognition of the nature of quasi-judicial proceedings and the public's expectation of being able to voice their opinions to local public officials, it is the intention of the City Council for its Boards to avoid contacts other than at hearings before the Board and that it is the desire and intent of the City Council to establish a process and procedure for disclosure of inadvertent ex parte communications.

4.2. PROCESS AND PROCEDURE.

A. In the event a member of a Board receives an ex parte communication outside of the hearing or proceeding before the Board, said Board member shall disclose and make a part of the record before final action is taken the identity of the person, group or entity with whom the communication took place and the subject of the communication including all opinions or facts discussed. Said disclosure shall be made before or during the public hearing at which a vote is to be taken on said matter and any persons having opinions contrary to those expressed in the ex parte communication shall be given a reasonable opportunity to refute, rebut or respond to the communication.

B. In the event a member of a Board receives or reads a written communication from any person relating to a quasi-judicial proceeding pending before the Board, said written comments shall be disclosed and made a part of the record before final action is taken by the Board, and any person having an opinion to the contrary to that expressed or disclosed in the written communication or opinion shall be given a reasonable opportunity to refute or rebut and respond to the communication.

C. In the event a member of a Board conducts an investigation or site visit or receives any expert opinions regarding quasi-judicial proceedings pending before the Board, then in that event said investigation or site visit or opinion shall be disclosed and

made a part of the record before final action is taken by the Board, and any person having an opinion to the contrary to that expressed in the investigation or site visit or opinion shall be given a reasonable opportunity to refute or rebut and respond to the communication.

4.3. PRESUMPTION.

In the event an ex-parte communication should occur as described herein and disclosure is made in accordance with the process and procedure described above, then in that event any official action taken by the Board in any quasi-judicial proceeding shall remove any presumption of prejudice arising from said ex-parte communication where an ex-parte communication has occurred.

Section 5. HEARING PROCEDURE. The following outline will be followed in conducting hearings:

5.1. At the beginning of a meeting, the Mayor or Chairperson shall review the order of presentation, opportunity for public participation and opportunity for cross examination of witnesses. The Mayor and Chairperson will advise that any written, photographic, or other demonstrative evidence relied upon during the presentation must be submitted into the record and will not be returned.

5.2. The Clerk has available an oath to be signed by all persons who anticipate speaking on any public hearing item. (See Section 7)

5.3. All persons who anticipate they may speak, will be asked to sign up for the public hearing item(s) they wish to address.

5.4. Open public hearing for particular item.

5.5. Ask attorney to read ordinance (if required).

5.6. Ask clerk to confirm the advertising and notice requirements for the public hearing item have been satisfied.

5.7. Remind each witness to state their name, address (firm or company if consultant), and whether they have been sworn.

5.8. REQUEST STAFF PRESENTATION.

A. Presentation should include: (1) the nature of the request; (2) the identification and discussion of issues to be determined by the Board; and (3) staff recommendation.

B. Enter into evidence the staff report and all exhibits presented or referred to by staff during its presentation. Also enter into evidence staff's resume.

C. Inquire of applicant if they wish to cross examine the staff presenter.

5.9. REQUEST APPLICANT PRESENTATION.

A. Ensure that all documents, photographs, drawings or other evidence referred to by the presenter or witness is entered into the record.

B. Allow cross examination of witness(es) by staff representative.

5.10. PUBLIC COMMENT.

A. Open floor to public comment taking speakers in order they signed up and allow cross examination of witness(es) by applicant and staff representative.

B. Ensure that all documents, photographs, drawings or other evidence referred to by the presenter or witness is entered into the record.

C. Open floor to additional speakers who failed to sign up. Ensure they are sworn.

5.11. APPLICANT'S REBUTTAL.

A. Applicant may introduce into evidence only on points raised during the public comment phase to rebut new issues.

B. Ensure that all documents, photographs, drawings or other evidence referred to by the presenter or witness is entered into the record.

5.12. Questions from Board members and staff to any presenters (Board members' comments and questions are appropriate throughout the proceeding).

5.13. Close public comment and open discussion among Board members. No additional evidence may be introduced.

5.14. Close public hearing and vote. If public hearing is to be continued, continue to a time and date certain within thirty (30) days. Readvertising and notice will not be

necessary. If continued to an unspecified time and date, readvertising and notice **will be** required.

5.15. **VOTING OF MEMBERS.** Any Board member who was absent from a prior meeting in which a specific case was heard shall review the record of the prior proceeding and such review shall be acknowledged by the Board member on the record prior to taking a vote with respect thereto.

Section 6. EVIDENTIARY REQUIREMENTS.

6.1. **BURDEN OF PROOF.** The burden of proof in quasi-judicial hearings concerning zoning related matters shall be in accordance with all applicable local, state and federal law. The burden of proof shall be as follows:

A. The initial burden is on the landowner to demonstrate that their petition or application for use of privately owned lands (rezoning, conditional use permit, variance, site plan approval, etc.) complies with the reasonable procedural requirements of the zoning ordinance, hardship requirements (if applicable) and that the proposal is consistent with the comprehensive plan.

B. Upon such showing by the landowner, the burden shifts to the Board to demonstrate that maintaining the existing zoning classification with respect to the property accomplishes a legitimate public purpose (not arbitrary, discriminatory, or unreasonable).

C. After such showing by the Board, the landowner's only recourse is to assert and prove that the actions of the Board in denying the petition or application are confiscatory and thereby constitutes a taking.

6.2. **BASIS FOR BOARD DECISION MAKING.** The Board is not required to make findings of fact in a quasi-judicial proceeding involving a zoning related matter. However, the following shall be applicable in the Board's decision-making process:

A. All interested parties should be given a full and fair opportunity to express their views.

B. The Board must have before it competent substantial evidence to support its findings and judgment which also must be in accord with essential requirements of local, state and federal law.

C. While the Board should hear the objections of interested parties, the Board's judgment must be based on the facts adduced, and not on the mere polling of interested parties. In other words, the function of a quasi-judicial board is to make a determination on the basis of facts adduced and upon relevant zoning principles as set forth in a zoning ordinance rather than conduct a plebiscite of the neighbors.

D. Standing alone, opinions and objections of interested parties are not factual evidence and not a sound basis for denial of a petition or application for quasi-judicial action on a zoning related matter unless supported by facts, ordinance criteria or comprehensive plan requirements.

6.3. CONSISTENCY WITH COMPREHENSIVE PLAN. The City should have the discretion to decide the maximum development density of a particular area provided the Board approves some development that is consistent with the comprehensive plan and the City's decision is supported by competent substantial evidence.

A. A Board should recognize that the City's comprehensive plan establishes a long range maximum limit on the possible intensity of land use. It does not establish a minimum limit on the possible intensity of land use. Thus, a property owner is not necessarily entitled to the zoning change sought by proving consistency with the comprehensive plan when the Board's action is also consistent with the plan.

6.4. LAYMAN AND EXPERT WITNESSES. The following rules of evidence shall serve as a Board's guideline when determining how much weight should be afforded the testimony received in a quasi-judicial proceeding.

A. **GENERAL.** The Board shall not consider the testimony of a witness unless:

(1) The witness has personal knowledge of the fact in which the witness will testify to; and,

(2) In the case of testimony consisting of opinions or inferences, the testimony is qualified under paragraph 6.4.B. or C;

(3) Argument or opinions of attorneys is generally not evidence unless based upon personal factual knowledge.

B. **LAYMAN WITNESSES.** Lay witnesses will be encouraged to give information based upon their personal knowledge and may give opinions or expert

testimony only if they are qualified to express an opinion or have special knowledge or training or the opinion expressed does not require special knowledge or training

C. **EXPERT WITNESSES.** Testimony of an expert witness is qualified under this paragraph C. only if the Board determines:

(1) Whether the subject matter is **proper** for expert testimony because scientific, technical, or other specialized skill will help the Board understand the evidence being presented, or help to establish a fact in issue; and,

(2) Whether the witness is adequately **qualified** to express an opinion on the matter.

D. **QUALIFYING A WITNESS AS AN EXPERT.** For purposes of paragraph C. of this section, a witness is qualified as an expert witness only if the Board determines so in accordance with the following procedure:

(1) An interested party has the burden of requesting, and this request shall be made prior to proffering the testimony, the Board to make a determination the witness is an expert;

(2) By majority vote, the Board will determine whether the witness satisfies the criteria in Section 6.4.C. *supra*;

(3) If the Board determines the witness is qualified to testify as an expert, the witness will testify and be cross examined for the record and the Board may give weight and consideration to the expert's opinion;

(4) If the Board determines that the witness does **not** qualify to testify as an expert, or if an interested party fails to request the Board to determine the qualifications of the expert in accordance with this paragraph, the witness may still testify and be cross examined for the record, however, the Board shall not give any weight or consideration to the opinion of the witness.

6.5. **QUALIFICATIONS OF CITY STAFF.** City staff members testifying before a Board in a quasi-judicial proceeding must:

A. State for the record their qualifications, or

B. Place on record a resume listing their qualifications.

6.6. **RECORD OF THE PROCEEDINGS.** Any facts, copies of evidence, or exhibits (including any maps or photos) relied on by the Board as a basis for their decision must be on record. Failure to include evidence on record could result in the Board's decision being reversed by a reviewing court.

6.7. **EVIDENTIARY STANDARD.** Although quasi-judicial proceedings are not controlled by strict rules of evidence and procedure, the Board should attempt to limit evidence or testimony which is hearsay, irrelevant, repetitive, or unfounded in law or fact.

6.8. **PRESENTATION.** All interested parties must be afforded the opportunity to present evidence, cross examine witnesses, and be informed of all the facts upon which the Board acts.

Section 7. SWEARING IN OF PARTIES.

7.1. Before testifying, each witness shall sign in and declare on the record that they will testify truthfully by taking an oath in the following or similar manner:

I (state witness' name) swear or affirm to tell the truth, the full truth and nothing but the truth.

Section 8. SEPARABILITY AND REPEAL OF CONFLICT.

8.1. **SEPARABILITY CLAUSE.** If any section, paragraph, subdivision, clause, sentence, or provision of this Resolution shall be adjudged by any court or competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Resolution, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which judgment or decree shall be rendered.

8.2. CONFLICT WITH OTHER LAWS.

A. All resolutions or parts thereof in conflict with this Resolution or inconsistent with this Resolution are hereby repealed to the extent of said conflict or inconsistency.

B. These rules shall be construed in a manner which is consistent with applicable local, state and federal law, and to the extent there is a conflict, applicable local, state and federal law shall prevail.

8.3. CONFLICT WITH OTHER BOARD POLICIES AND PROCEDURES.

A. It is recognized that each Board may have preestablished policies and procedures to conduct Board business. Thus, to the extent such policies do not conflict with the rules and procedures set forth in this Resolution and applicable local, state and federal law, they shall remain in full force and effect.

B. Preestablished and new Board policies and procedures may be amended or created from time to time so long as no conflict exists with this Resolution and applicable local, state and federal law.

Section 9. AMENDMENT OF THIS RESOLUTION. The City Council may amend this Resolution from time to time in order to comply with new developments and modifications in applicable state or federal case law, *Florida Statutes*, or other related law.

Section 10. EFFECTIVE DATE. That this Resolution shall take effect May 27, 1997.

PASSED AND ADOPTED this 27th day of May, 1997.



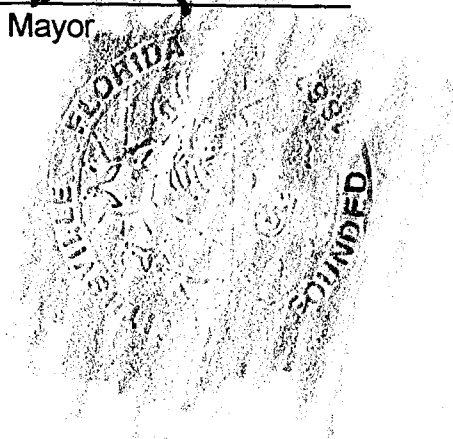
Larry D. Bartley, Mayor

ATTEST:



Maureen V. Phillips, Assistant City Clerk

DWS:jh/C:\WINWORD\RESOL\QUASIJUD.RES



***DIVISION 2. APPEALS TO THE BOARD OF ADJUSTMENT (APPEAL OF
ADMINISTRATOR)***

Sec. 34-241. Basis of decisions.

The Board of Adjustments and Appeals, when so appealed to, may modify or reverse the interpretation of the responsible City official.

Sec. 34-242. Contents.

A decision of the Board of Adjustments and Appeals to vary the application of any city ordinance or to modify an order of the responsible City official shall specify in what manner such variation and modification is made, the conditions upon which it is made and the reason therefor.

Sec. 34-243. Effect; vote; filing

Every decision of the Board of Adjustments and Appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing, and shall indicate the vote upon the decision. Every decision shall be maintained by the City and shall be open to public inspection, and a certified copy shall be sent by mail or otherwise to the appellant.

Sec. 34-244. Delay.

The Board of Adjustments and Appeals shall in every case reach a decision without unreasonable or unnecessary delay.

Sec. 34-245. Appropriate action by City official.

If a decision of the Board of Adjustments and Appeals reverses or modifies a refusal, order or disallowance of the responsible City official, or varies the application of any provision of any ordinance, the responsible City official shall immediately take appropriate action in accordance with such decision.

Sec. 34-246. Requests to be heard expeditiously.

The Board of Adjustments and Appeals shall hear and decide all appeals, variance requests, and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice in accordance with Section 34-228 and obtain the necessary information to make sound decisions.

Sec. 34-247. Burden of proof in appeals and variances.

When an appeal is taken to the Board of Adjustment and Appeals in accordance with this section, the Administrator shall have the initial burden of presenting to the Board sufficient evidence and argument to justify

the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.

Sec. 34-248. Appeals of site plan.

- (a) *Procedural appeals:* Any applicant that is aggrieved by a procedural decision by the Administrator may file a written appeal within thirty (30) days after the decision in dispute, accompanied by the appropriate fee. Appeals shall be filed with the City Manager and shall state fully the grounds for the appeal and all facts relied upon by the petitioner. The City Manager shall schedule the appeal for the consideration of the Board of Adjustments and Appeals (BAA) within sixty (60) days of receipt of the appeal.
- (b) *Technical appeals:* Any applicant that is aggrieved by a technical decision of the Administrator or any other staff member empowered by the code may file a written appeal within thirty (30) days after the decision in dispute, accompanied by the appropriate fee. Appeals shall be filed with the Administrator and shall state fully the grounds for the appeal and all facts relied upon by the petitioner. The Administrator shall schedule the appeal for consideration by the Board of Adjustments and Appeals (BAA) within sixty (60) days of receipt of the appeal.

Sec. 34-249. Forms.

Appeals from a decision of an administrative official shall be filed on forms provided by the City unless otherwise provided for herein. Any affected property owner or his agent may file an appeal.

Sec. 34-250. Notice of appeal.

The notice of appeal shall be filed within thirty (30) days after the decision complained of has been rendered. This requirement is jurisdictional and the appeal period shall not be enlarged. In case an emergency condition exists, which in the opinion of the responsible City official, might be unsafe or endanger the health, safety or welfare of the public, said official may limit the time for such appeal to a shorter period than thirty (30) days.

Sec. 34-251. Filing fee.

See the adopted fee schedule.

Sec. 34-252. Hearing and decision.

The Board of Adjustments and Appeals, after due notice has been given, shall hold a public hearing on said appeal. A copy of the Board's decision shall be mailed within five (5) calendar days to the appellant by the Recording Secretary of the Board.

Sec. 34-253. Index of decisions.

The Recording Secretary shall index all decisions by the Board by the case number and include the name of the appellant and the ordinance and section involved in the appeal.

Secs. 34-254—34-260. Reserved.

City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Board of Adjustments and Appeals

From:

Subject: **Approval of Semi-Annual Report**

Department/Office: Development Services

Recommended Action:

Summary Explanation & Background:

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. Semi-Annual Updates Fall 2024

Board of Adjustments and Appeals Semi-Annual Report

Items Reviewed Between July, 2024 to December, 2024

Var. No.	Description
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#17-2024	A variance to Land Development Regulations Chapter 28, Section 28-39(g)(1) to allow a 3-foot 10-inch rear yard setback instead of the required 5-foot rear yard setback for a pool enclosure and Section 28-391(g)(2) to allow a 6-foot side yard setback instead of the required 10-foot side yard setback for a pool enclosure for property at 1302 Riverside Drive - APPROVED.
#18-2022	A variance to Land Development Regulations Chapter 30, Section 30-182(a)(1) to allow more than the required 4-foot maximum height for a fence or wall in any required front yard setback for property at 4260 Alpine Lane - DENIED.
#19-2024	A variance to Land Development Regulations Chapter 28, Section 28-304(c) to allow less than the required ten (10) foot interior side yard setback for property at 4160 Byron Avenue - APPROVED.
#20-2024	A variance to Land Development Regulations Chapter 28, Section 28-391 to reduce the side and rear setbacks for an above ground pool for property at 37 E. Towne Place - WITHDRAWN.
#21-2024	A variance to Land Development Regulations Chapter 34, Section 34-128(a)(1)(a) to allow the qualification of a nonresidential minor division without meeting the condition that the water, sewer and reuse be provided by the addition of a service lateral only for each lot being proposed (no main extension required) for property at 3550 S. Washington Avenue - APPROVED WITH CONDITIONS.
#22-2024	A variance to Land Development Regulations Chapter 28, Section 28-317(c) to allow a rear yard setback of zero (0) feet for a primary structure instead of the required minimum of twenty (20) feet for property at 1018 and 1020 Orange Street - APPROVED WITH A CONDITION.
#23-2024	A variance to Land Development Regulations Chapter 32, Section 32-10(a)(2) to allow one (1) additional wall sign for a building that has only one (1) street frontage (on an existing paved ROW) for property located at 3125 Columbia Boulevard - APPROVED.
#24-2024	A variance to Land Development Regulations Chapter 30, Section 30-321(f) to allow the use of prohibited material in the form of artificial turf for property located at 1793 Crossbill Drive - DENIED.

Date of Decision
7/24/2024
8/28/2024
9/25/2024
10/23/2024
12/5/2024
12/5/2024
12/5/2024