

PORT ST. JOHN DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The Port St. John Dependent Special District Board met in regular session on Wednesday, January 3, 2024, at 6:00 p.m., at the Port St. John Library, 6500 Carole Ave., Port St. John, Florida.

Board members present were: Vaughan Kimberling, Chair; Kevin Shropshire, Vice Chair; Carmella Chinaris; Wendy Porter-Hyde; and Maureen Rupe.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; and Jennifer Jones, Special Projects Coordinator.

The meeting was called to order by the Chair at 6:00 p.m.

Chair and Vice Chair Nominations

Motion by Kevin Shropshire, seconded by Carmella Chinaris, to nominate Vaughan Kimberling as Chair. The motion passed unanimously.

Motion by Maureen Rupe, seconded by Carmella Chinaris, to nominate Kevin Shropshire as Vice Chair. The motion passed unanimously.

Approval of the June 7, 2023, Minutes

Motion by Kevin Shropshire, seconded by Carmella Chinaris, to approve the minutes of June 7, 2023. The motion passed unanimously.

(23SS00011) 3955 Kings Hwy, LLC (Bryan Potts) requests a Small Scale Comprehensive Plan Amendment (23S.11), to change the Future Land Use designation from RES 8 and CC to all CC, on 3.5 acres, located on the southeast corner of Kings Highway and the Florida East Coast Railroad. (No assigned address. In the Cocoa area.) (Tax Account 2423666) (District 1)

(23Z00049) 3955 Kings Hwy, LLC (Bryan Potts) requests a change of zoning classification from AU (Agricultural Residential) and BU-2 (Retail, Warehousing, and Wholesale Commercial) to all BU-2, on 3.5 acres, located on the southeast corner of Kings Highway and the Florida East Coast Railroad. (No assigned address. In the Cocoa area.) (Tax Account 2423666) (District 1)

Bryan Potts, 2494 Rose Spring Drive, Orlando, stated his clients were in the process of designing a self-storage facility on the larger parcel, and intended to maximize the property by putting the stormwater on the adjacent smaller parcel, but it did not have the proper zoning. The larger parcel has the proper zoning and Future Land Use. He said it could have been re-designed and the pond could have been taken off of the smaller parcel, but the storage facility has a lot of square footage, so the client decided to change the land use and zoning.

Maureen Rupe asked if there are any environmental issues on the property. Mr. Potts replied there are no issues on the property at all. Ms. Rupe asked if there were any Scrub Jays on the property. Mr. Potts replied not that he is aware. He stated official engineering submittals have not been done yet, but he has done preliminary studies and did not find anything. He added, if the zoning is approved, the project will go to the County for site plan approval.

Kevin Shropshire stated the staff comments mention the subject property has almost entirely aquifer recharge soil, and asked if Mr. Potts will be turning a pervious surface into a completely impervious surface. Mr. Potts replied except for the stormwater pond, and it will be designed to recover the appropriate stormwater.

Mr. Shropshire asked if Mr. Potts plans to build up the elevation of the property. Mr. Potts replied he doesn't think the elevation will need to be built up because the water table is decent and it is a recharge area.

Mr. Shropshire asked if changing the land use to Community Commercial conflicts with the small area study that was done a few years ago. Jeffrey Ball replied no, that study was primarily to regulate residential density.

Mr. Shropshire stated the staff comments mention there may be specimen trees on site, and asked if Mr. Potts found any that will need to be removed. Mr. Potts replied he wanted to talk to staff at a pre-application meeting, but full engineering plans are required, and there cannot be pre-app meeting until the property is rezoned.

No public comment.

Motion by Wendy Porter-Hyde, seconded by Maureen Rupe, to approve the Small Scale Comprehensive Plan Amendment (23S.11), to change the Future Land Use designation from RES 8 and CC to all CC. The motion passed unanimously.

Motion by Carmella Chinaris, seconded by Wendy Porter-Hyde, to approve a change of zoning classification from AU and BU-2 to all BU-2. The motion passed unanimously.

(23Z00079) Anabeth Nazario requests a change of zoning classification from RU-1-9 (Single-Family Residential) to RU-1-11 (Single-Family Residential), on 0.47 acres, located on the north side of Aspen Lane, approx. 150 ft. west of Leonard Ave. (6510 & 6520 Aspen Lane, Cocoa) (Tax Account 2320163) (District 1)

Anabeth Nazario, 12819 Ohio Woods Lane, Orlando, stated she would like to rezone in order to build a single-family residence.

Carmella Chinaris asked staff the difference between RU-1-9 and RU-1-11. Jeffrey Ball replied in this case, there is an inconsistency between the existing zoning and the land use. The Residential 4 land use designation is not compatible with the RU-1-9 zoning. RU-1-9 requires a minimum living area of 900 square feet, and RU-1-11 requires minimum of 1,100 square feet, but both classifications are single-family residential.

Ms. Chinaris asked if Ms. Nazario is combining the two lots to be able to build a bigger house. Ms. Nazario replied the size of the house has not changed, but the land use doesn't match the current zoning, and that is why she needs to rezone to RU-1-11.

Vaughan Kimberling asked the square footage of the proposed house. Ms. Nazario replied it is 1,400 square feet.

Mr. Ball stated the board heard a similar request last year. This subject property has more significant wetlands, but when it was platted it was platted as Tract D and there was no maintenance responsibility, and the plat did not designate a specific use. He said over time, it was purchased by different owners and two lots were created from it. The entire neighborhood was built as RU-1-9 and considered non-conforming lots of record, but these properties do not fall under that non-conforming status and need to be rezoned to be in compliance with the land use.

Mr. Kimberling asked if the surrounding properties are zoned RU-1-9. Mr. Ball replied yes, the whole area is RU-1-9, except the lot that was rezoned to RU-1-11 last year under the same circumstances. Tract D was originally platted in 1977; in 1998 Tract D was split into two lots, and that is when they lost the nonconforming status.

Ms. Chinaris asked if all of the lots in the area zoned RU-1-9 are out of compliance. Mr. Ball replied no, because they were created prior to 1988 when the Comprehensive Plan came into effect.

PSJ Meeting

January 3, 2024

Page 3

Mr. Kimberling asked if the other lots will need to be rezoned. Mr. Ball replied no, because they were built under the old regulations and they are grandfathered. He stated the subject property needs to be rezoned because it was split from Tract D in 1998, which was after 1988 and the comp plan.

Motion by Kevin Shropshire, seconded by Carmella Chinaris, to approve the change of zoning classification from RU-1-9 to RU-1-11. The motion passed unanimously. Maureen Rupe abstained from voting.

Upon consensus, the meeting was adjourned at 6:27 p.m.