

PORT ST. JOHN DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The Port St. John Dependent Special District Board met in regular session on Wednesday, February 8, 2023, 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; Randy Rodriguez; Wendy Porter-Hyde; Maureen Rupe; Carmella Chinaris; and Greg Messer.

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

The meeting was called to order by the Vice Chair at 6:05 p.m.

Approval of the January 4, 2023, Minutes

Motion by Randy Rodriguez, seconded by Carmella Chinaris, to approve the minutes of January 4, 2023. The motion passed unanimously.

(22Z00049) Edita Realty (James McKnight)

A change of zoning classification from BU-1 (General Retail Commercial) to RU-2-10 (Medium Density Multi-Family Residential), on 0.40 acres, located on the north and northeast corner of Avon St., approx. 200 ft. east of Osceola Ave. (950 & 960 Avon St., Port St. John) (Tax Accounts 2302548 & 2302549) (District 1)

Jim McKnight, 1675 S. Fiske Boulevard, Rockledge, stated the subject property is two lots totaling four-tenths of an acre, with a Future Land Use designation of Community Commercial, and a current zoning classification of BU-1. He stated the request is for RU-2-10, limited to two duplexes for a total of four units, with each unit having approximately 1,300 square feet of living area. He said the requested zoning is a transitional buffer from the commercial to the north; the property abuts BU-1 on three sides, with a Dollar General to the north, and more commercial to the west. He stated removing the commercial from the two lots would benefit the character of the area because it would not be appropriate to have commercial traffic coming from a primarily residential street.

Carmella Chinaris asked if sewer is mandated. Jeffrey Ball replied it depends on availability. Vaughan Kimberling noted the staff comments mention a sewer connection to the north property line.

Wendy Porter-Hyde asked if Mr. McKnight foresees an increase in traffic if the zoning is changed to multi-family. Mr. McKnight replied it would be four living units versus what could be there if developed commercially, and depending on what could be built there commercially, multi-family would be a decrease in traffic.

Greg Messer stated if the property was developed with a professional office it might generate 8 - 10 cars per hour versus what residential would generate. He said four residences will generate less traffic than a commercial office.

Mr. Kimberling asked if the Dollar General and auto parts store are also zoned BU-1. Mr. McKnight replied yes.

Mr. Kimberling stated changing the zoning to RU-2-10 would bring it down to more of a transitional zoning between commercial and residential.

Ms. Rupe asked if the applicant will provide the advanced 65% nitrogen septic tanks if sewer is not available. Mr. McKnight replied he believes it is required, but his client would prefer to connect to sewer.

Public comment.

Brian Willis, 131 Osceola Avenue, Port St. John, stated when he bought his property 16 years ago he was told that some of the nearby property was commercial, but the property along Avon was residential. He said two duplexes is four families, 16 people, and 8 cars on less than a half-acre. He stated he doesn't want commercial either, but two duplexes would be crowded.

Julie Benson, 130 Manth Avenue, Port St. John, stated she has lived on Manth Avenue for 30 years. She said several neighbors were present for the January 4th hearing which was scheduled according to the Happenings newspaper article written by Maureen Rupe, and she wonders if the board stalled the meeting hoping people would lose interest. She stated the Comprehensive Plan does not comport with how the applicant is trying to rezone the property and it should not be changed. She asked if a transportation study will be done to see how it will affect Manth Avenue. She noted since speedbumps were put in west of Manth Avenue, many cars take a short cut to Publix, and there is more traffic since the Dollar General and O'Reilly's have opened on the corner of Kings Highway and U.S. 1. She said there are families with small children who ride bikes on the street, along with disabled adults and elderly people who walk. She asked if a stormwater study has been done to see how the drainage will affect the residential properties already in existence. She said if the rezoning is approved it will negatively impact the value of the homes, character, and integrity of the neighborhood. Two or more stories will affect the ability to view rocket launches and fireworks. She said if the property was commercial as opposed to residential, people would not be using Manth Avenue, because the commercial customers would use Kings Highway and U.S. 1. She stated multi-family residential means it could be HUD housing or low-income housing, which undoubtedly brings crime, vandalism, and a lot of younger people to the area, along with additional vehicles and speeding vehicles traveling down Manth Avenue. She said approving the rezoning would diminish the enjoyment, safety, and quality of life of the neighborhood.

Ms. Rupe said Ms. Benson is correct that she wrote about the issue in the Happenings newspaper, and asked staff if it was against the Sunshine Law. Mr. Ball replied as long the article was fact-based and Ms. Rupe did not discuss how she intended to vote on the matter, it is not against Sunshine.

Catherine Brodt, 161 Osceola Avenue, Port St. John, stated the proposed zoning will change the character of the neighborhood, which is mostly residential. Homeowners live in the neighborhood, not renters, and the proposed duplexes will bring in people who are not wanted in the community.

Mr. McKnight stated after the Hurricane Nicole in November, staff communicated with him that the request would move forward with January hearings, but he was going to be out of town and asked to be delayed until February, and that is why there was not a hearing in January. He said traffic impacts are something to look at as far as what is there, which is commercial and would have a greater impact than residential.

Ms. Chinaris stated the lots are deep and narrow, and asked how he plans to build the duplexes. Mr. McKnight replied when measuring back, there has to be the proper footage at a certain setback, and one of the lots is narrower than the other, so it will have a deeper setback from the street, and building them independently will allow for that.

Mr. Kimberling asked if the duplexes would be single-story. Mr. McKnight replied yes.

Ms. Chinaris asked staff which zoning classification allows for only single-family. Mr. Ball replied there are many zoning classifications that only allow single-family. Ms. Chinaris asked the zoning of the neighborhood. Mr. Ball replied it is RU-1-7 and RU-1-9. Ms. Chinaris asked if RU-1-7 and RU-1-9 allows for multi-family. Mr. Ball replied no. Ms. Chinaris asked if it is within the auspices of the board to make a recommendation to change the zoning from BU-1 to RU-1-9, which is single-family residential. Mr. Ball replied yes, that could be part of the motion.

Mr. Messer stated if single-family, it would be two families, and as it stands right now, the potential rezoning would be four families. The current zoning on the property allows for a broad spectrum of commercial that would generate a lot more traffic than four families. There could be big truck traffic in the neighborhood servicing BU-1 property.

Mike Dillon, 191 Manth Avenue, Port St. John, stated according to the document he has, each unit will have 575 square feet of living area, which means all four of the units would fit inside his house and that would devalue his property.

Ms. Chinaris clarified that what Mr. Dillon read was the minimum living area requirements for RU-2-10 zoning, not the applicant's proposed plans for minimum living area.

Jalaine Spears, 971 Palm Street, Port St. John, asked if there has been a study on the sewage or the septic's that the proposal will affect. She said four years ago, she had sewage back up into her house from all the people who live there now, and stated the area was not built for that many people.

Ms. Porter-Hyde stated sooner or later someone will develop the property. She said when weighing it against commercial, there is already plenty of commercial in the area, and the subject property seems more suitable for residences than another commercial enterprise.

Ms. Chinaris stated the board is an advisory board, and in the past, the board has advised against several things that added septic tanks to Port St. John, but the County Commission approved them anyway. She told the audience that Rita Pritchett is their Commissioner and when she votes she should hear from the residents. She said it would not be enough for the Port St. John Board to deny the requested zoning because that does not protect the neighborhood. She said her motion would be to change the two lots to RU-1-9, single-family residential.

Mr. Rodriguez stated the board can only make a recommendation, it doesn't have control to limit what goes in there, except to limit the zoning on what could go there. Right now, there could be uses on the property that could produce a lot more traffic than two duplexes. The property owner is the only one who can request a change of zoning; the board cannot dictate that, although it sounds like it can suggest RU-1-9. He said for the moment, the board can recommend to leave it as BU-1, or downzone it to a duplex with four families.

Mr. Shropshire asked staff if the board can recommend a different zoning as an advisory board. Mr. Ball replied if the board recommends something different than what the applicant has requested, then the motion needs to identify the thought process on why that zoning classification is a better fit.

Mr. Shropshire stated he feels that makes the board liable. Mr. Ball stated the applicant represents the owner and has the ability to act as the owner in these cases.

Mr. Kimberling advised the board has not made those recommendations in the past, it's always been

the property owner who comes forward with a rezoning request.

Ms. Chinaris stated the board is in the position to speak for the benefit of residents of Port St. John, and Port St. John is a single-family community. She said if the board is going to make a recommendation to the County Commission it should be what the neighborhood is asking, which is to be protected from BU-1 zoning. She asked why it would be beyond the board's scope to recommend a change to RU-1-9.

Mr. Kimberling stated there is a fiduciary responsibility that the board is making a change to land it doesn't own; the owners have to make the request. He said the board also has to look at the Future Land Use and if what is being proposed complies.

Mr. Messer stated the simple thing for the board to do is deny the request, and then the applicant will have to seek alternatives. Ms. Chinaris noted that doesn't protect the people in the neighborhood and their property values.

Mr. Ball noted the next hearing is Monday, February 13th, in front of the Planning & Zoning Board, and then the Board of County Commissioners on March 2nd.

Motion by Randy Rodriguez, seconded by Kevin Shropshire, to recommend approval of a change of zoning classification from BU-1 to RU-2-10, and also recommend the applicant amend the request from RU-2-10 to RU-1-7. The motion passed unanimously.

Ms. Chinaris stated she doesn't believe the motion is worded clearly enough that the board recommends RU-1-7, as it fits better with the neighborhood.

Upon consensus, the meeting was adjourned at 6:47 p.m.