

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, February 13, 2023**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Brian Hodgers (D2); Robert Sullivan (D2); Ben Glover, Vice Chair (D3); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Bruce Moia; Logan Luse (D4-Alt.) (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Jane Hart, Planner III; Paul Body, Planner III; Trina Gilliam, Planner II; Melissa Wilbrandt, Associate Planner; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

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) (22Z00049) (Tax Accounts 2302548 & 2302549) (District 1)

Jeffrey Ball noted the Port St. John Dependent Special District Board heard the request on February 8, 2023, and recommended approval of RU-2-10, and also recommended the applicant amend the request from RU-2-10 to RU-1-7.

Jim McKnight, 1675 S. Fiske Boulevard, Rockledge, stated the subject property is comprised of two lots that are two-tenths of an acre each, which is why request is for RU-2-10 in order to build two duplexes at approximately 1,300 square feet per unit. He said the property is bounded on the north by a new Dollar General and commercial property, and commercial property to the west as well. There is single-family on the east and south sides. The proposed duplexes would act as a transition and buffer from the commercial to the existing single-family residential, and removing the commercial zoning would be beneficial to the area and consistent with the neighborhood. He said some questions came up in regards to sewer and he has learned that the duplexes will be connected to sanitary sewer along the north property line. He said under the current BU-1 zoning, there are many uses that could be developed on the property, and with a total of four residential units there will be less impact from traffic than if commercial uses were on the property.

Mark Wadsworth asked why the Port St. John board recommended approval of RU-2-10 and also recommended changing the request to RU-1-7. Mr. McKnight replied he believes they want to see single-family.

John Hopengarten asked about parking at the duplexes. Mr. McKnight replied each unit will have required parking similar to a single-family home. Mr. Hopengarten asked if the units would have garages. Mr. McKnight replied there are no plans for garages.

Mr. Hopengarten stated the layouts of the duplexes are poor, and he's afraid if it goes forward, the quality of the design of the facility will be poor, which would affect the neighborhood. He asked if the sewer line for Dollar General is on their property. Mr. McKnight replied it is extended to the property line of the subject property.

Public comment.

Jalaine Spears, 971 Palm Street, Port St. John, stated she has lived in the neighborhood for 30 years and she has watched it change from a quiet neighborhood to constant traffic; two people have been hurt at Palm and Avon Streets because people ignore the stop signs and do not obey the speed limit. She said the proposed duplexes will add 16 cars to the already dangerous situation, and a traffic study should be done in the area in order for the proposed development to proceed. Adding multi-family homes or a business will add additional stress on the road and sewer system that is already inadequate, and will affect property values. She said the county does not maintain the current sewer system properly; a few years ago she had a sewage disaster in my home; the nearby pediatric doctor's office was also flooded with sewage. She said she disagrees with allowing the neighborhood to be further ruined with commercial property, or even worse, multi-family homes. She said she hopes the board does not approve the rezoning change for Edita Realty, and please consider the current residents. She said the property owner has a right to sell, but not until further research and studies have been done on changing the small single-family neighborhood to multi-family or commercial.

Julie Benson, 130 Manth Avenue, Port St. John, stated at the Port St. John meeting, the board members said they would approve the RU-2-10 so that if the Planning and Zoning board did not approve RU-2-10, the applicant could re-apply for RU-1-7, and not have to return to the Port St. John board. She said she has lived on Manth Avenue for over 30 years, which is the oldest section of Port St. John and she's sure that in the Comprehensive Plan there was never any plan for multi-family in the area. She said the traffic on Manth Avenue has grown immensely since the speed bumps have been put in on the streets to the west, and more cars use Manth as a short cut to Publix. She stated the EPA needs to be contacted before anything further is built in the area because there are residents who periodically have sewer odors emanating from the ditches. She asked how many parking spaces would be on each of the proposed units if each unit will be approximately 1,300 square feet. She said there is the potential of four spaces for each unit, which would be 16 vehicles, and if there are not enough parking spaces available, the tenants will park on the street, which is on a curve. She stated the current residents would not have a problem keeping the current commercial zoning, or having a single-family home on each lot to comply with the RU-1-7 and RU-1-9 in the immediate vicinity. They would rather wait and see what commercial business would be developed on the two lots, because most of the commercial traffic would go to Kings Highway instead of using Manth Avenue, and commercial traffic would be during business hours instead of 24 hours per day. She said approving the rezoning will affect property values in a negative way, as well as change the character and integrity of the neighborhood, and significantly diminish the enjoyment, safety, and quality of life. She concluded that the residents do not want multi-family in the community.

Mike Dillon, 191 Manth Avenue, Port St. John, stated he is against the proposal. He said the board members would not want duplexes in their neighborhoods. He stated he doesn't want increased crime, or to have to guard his property. He asked the board to not approve the rezoning.

Mr. McKnight stated the Comprehensive Plan allows for the proposed use; it doesn't mean it has to be granted, but it does allow it. His client's intention is to remove the commercial classification and develop something transitory between what is now single-family and what is clearly commercial. He noted two duplexes do not increase vandalism. He said the traffic count when considered against commercial would be significantly less. The comments about the design, garages, and carports will be noted and passed along to his client. He added, the property is served by sewer and it can only be connected if there is capacity, which the County will determine.

Bruce Moia asked if it is Mr. McKnight's opinion that the request is a down-zoning. Mr. McKnight replied yes.

Mr. Moia stated the property is currently zoned commercial, and asked Mr. McKnight if it has been his experience that commercial generates more traffic than residential. Mr. McKnight replied yes.

Mr. Hopengarten asked if the current residents' sewer will be affected if the proposed duplex is on a sewer line to the north, and asked if the residents could connect to it if it would supply them with a better system than they have currently.

Mr. McKnight stated he doesn't know, but his client would be connected to the nearest point available.

Mr. Moia stated the property will be connected to a gravity sewer system, and gravity runs until it gets to a lift station and then the lift station is maintained by Brevard County. He said the lift station serves thousands of residents and if it has not been maintained, then that is on the County. He asked if there are commercial uses that would generate exponentially more sewer and water needs than four residential units. Mr. McKnight responded yes, BU-1 includes a long list of commercial uses, some of which could be developed on the property and some that could not be developed.

Ben Glover stated it is a unique property because it is BU-1, and there is no multi-family there now, but the proposal is less intense than what could potentially be developed.

Mr. Moia noted in a lot of areas of the county, multi-family is a typical buffer between single-family and commercial.

Mr. Glover stated in some of the beachside communities, duplexes are no longer allowed.

Mr. Moia stated he understands the comments that were made, but he doesn't necessarily agree with a lot of them because the proposed use will be a reduction in traffic and a reduction in infrastructure impact.

Motion by Bruce Moia, seconded by Ron Bartcher, to recommend approval of a change of zoning classification from BU-1 to RU-2-10. The motion passed unanimously.

Upon consensus, the meeting adjourned at 4:06 PM.