



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.5.

3/2/2023

Subject:

Edita Realty (James McKnight) requests a change of zoning classification from BU-1 to RU-2-10. (22Z00049) (Tax Accounts 2302548 & 2302549) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from BU-1 (General Retail Commercial) to RU-2-10 (Medium Density Multi-Family Residential).

Summary Explanation and Background:

The applicant is requesting to change the zoning of two properties from BU-1 to RU-2-10. The request is to develop two duplexes, one on each parcel. The RU-2-10 zoning classification allows for apartments; however, the applicant is proposing duplexes which could acts as a transition from the more intense commercial now under construction to the north and west, and the single-family residential to the south and east. The proposed RU-2-10 zoning permits multi-family uses, single-family residences, duplexes, resort dwellings, and foster homes, at a density of up to 10-units per acre on 7,500 square-foot lots.

The developed character of the surrounding area is a mixture of commercial, single-family and multi-family residential zoning classifications developed with retail, single-family and multi-family uses. The closest multi-family zoning is to the east across North U.S. 1, approximately 380-feet from the subject parcels. The subject property would be the only parcel with RU-2-10 zoning, west of N. US 1. There is a comparable zoning across N. U.S. 1 zoned RU-2-15 (12) that allows density of up to 12-units per acre on 7,500 square-foot lots.

The Board may wish to consider whether the request is consistent and compatible with the surrounding area.

On February 8, 2023, the Port St. John Dependent Special District Board heard the request and unanimously approved the requested RU-2-10 zoning classification, and further recommended the applicant amend the request to the RU-1-7 (Single-Family Residential) zoning classification.

On February 13, 2023, the Planning & Zoning Board heard the request and unanimously recommended approval of the requested RU-2-10 zoning classification.

Clerk to the Board Instructions:

Once resolution is received, please execute and return a copy to Planning and Development.

Resolution 22Z00049

On motion by Commissioner Tobia, seconded by Commissioner Feltner, the following resolution was adopted by a unanimous vote:

WHEREAS, Edita Realty has requested a change of zoning classification from BU-1 (General Retail Commercial) to RU-2-10 (Medium Density Multi-Family Residential), on property described as Lots 4 & 5, Block 33, North Port St. John, Unit 3, as recorded in ORB 9647, Pages 2868 - 2872, of the Public Records of Brevard County, Florida. **Section 13, Township 23, Range 35.** (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); and

WHEREAS, a public hearing of the Port St. John Dependent Special District Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Port St. John Dependent Special District Board recommended that the application be approved, and further recommended the applicant amend the request from RU-2-10 to RU-1-7; and

WHEREAS, a public hearing of the Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Planning and Zoning Board recommended that the application be approved as requested; now therefore,

WHEREAS, the Board, after considering said application and Port St. John Dependent Special District Board's and the Planning & Zoning Board's recommendations, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as requested; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from BU-1 to RU-2-10, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of March 2, 2023.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

Rita Pritchett, Chair
Brevard County Commission

As approved by the Board on March 2, 2023.

ATTEST:

RACHEL M. SADOFF, CLERK

(SEAL)

PSJ Board Hearing – February 8, 2023
P&Z Board Hearing - February 13, 2023

Please note: A Conditional Use Permit will generally expire on the three year anniversary of its approval if the use is not established prior to that date. Conditional Use Permits for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the Director of the Planning and Development, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

"The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare."

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

22Z00049

Edita Realty

BU-1 (General Retail Commercial) to RU-2-10 (Medium-Density Multiple-Family Residential)

Tax Account Numbers: 2302548, 2302549
Parcel I.D.s: 23-35-13-02-33-4, 23-35-13-02-33-5
Location: 950 Avon Street, Cocoa, FL 32927 and 960 Avon Street, Cocoa, FL 32927 (District 1)
Acreage: 0.4 acres

PSJ Board: 02/08/2023
Planning & Zoning Board: 02/13/2023
Board of County Commissioners: 03/02/2023

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C).

	CURRENT	PROPOSED
Zoning	BU-1	RU-2-10
Potential*	Up to 17,424 sq. ft. (0.4-acres) of commercial	4 multi-family units
Can be Considered under the Future Land Use Map	YES CC	YES CC

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

Background and Purpose of Request

The applicant is requesting to change the zoning of two (2) properties from BU-1 (General Retail Commercial) to RU-2-10 (Medium-Density Multi-Family Residential). The application is proposing to develop two (2) duplexes; one (1) on each parcel. Duplexes could act as a transition from the more intense commercial now under construction to the north and west and the single-family residential to the south and east. The zoning classification, RU-2-10 (Medium-Density Multi-Family Residential) allows multi-family residences.

Per Resolution **Z-9120** which became effective as of April 26, 1993, the zoning was changed from RU-1-7 & RU-1-9 to BU-1. The BU-1 (General Retail Commercial) zoning classification would allow for commercial uses.

Land Use

The subject property is currently designated as Community Commercial (CC). The proposed RU-2-10 zoning may be considered consistent with the Community Commercial (CC) Future Land Use Element.

Residential development or the integration of residential development with commercial development can be permitted in the Community Commercial (CC) land use designation, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and area designated for residential use on the Future Land Use Map.

Activities permitted in Community Commercial (CC) Future Land Use designations Policy 2.7 are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. Residential, Institutional and Transient commercial uses are just a few of permitted development activities that are permitted.

Applicable Land Use Policies

FLU Policy 2.2 – Role of Zoning Regulations in the Designation of Commercial Lands

The zoning process regulates the types and intensities of uses for a parcel of land. Criteria which aid in assessing zoning compatibility, shall include consideration of the following standards:

Criteria:

- A. Permitted/prohibited uses;

The applicant proposes to develop the subject property as two (2) duplexes, one (1) on each parcel. Section 62-1372 provides that duplexes may be permitted in RU-2-10 zoning in areas designated as Community Commercial on the Future Land Use Map.

- B. Existing commercial zoning trends in the area;

There have not been any zoning actions within 0.5-mile over the past 3 years.

- C. Compatibility of the proposed use with the area, pursuant to Administrative Policy 3;

This multi-family development could be considered downzoning due to the lower intensity uses allowed.

- D. Impact upon Level of Service (LOS) standards for roads, potable water service, sanitary sewer service and solid waste disposal;

The preliminary concurrency analysis did not indicate that the proposed development has the potential to cause a deficiency in the transportation adopted level of service. The subject site is within the City of Cocoa's service area for potable water and the closest connection is located by Avon Street at the front of the property. The subject parcel has access to central sewer to the north property line.

- E. Impact upon natural resources, including wetlands, floodplains, and endangered species; and

The following land use issues were identified: aquifer soil and Indian River Lagoon Nitrogen Reduction Septic Overlay. Parcel #2302549 is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required.

- F. Other issues which may emerge specific to a particular property which may be addressed through performance-based zoning criteria.

This property will need to comply with Brevard County Performance Standards noted within Section 62-2251 through 62-2272 of Brevard County Code.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of the Future Land Use Element.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

The applicant is proposing developing two (2) duplexes, one (1) on each lot. It is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Member Appraisal Institute) appraisal can determine if material reduction has or will occur due to the proposed use.

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

The area immediately surrounding the subject properties to the north and west is under construction as a commercial retail store. To the east is also under

construction as a commercial automotive retail store. The subject properties would act as a buffer between the intense commercial uses and the less intense residential use.

2. actual development over the immediately preceding three years; and

There have been two (2) developments within this area in the preceding three (3) years. 20SP00031 is currently under construction in the adjacent parcel to the north developing a commercial retail store. 21BC25716 is also under construction in the parcel to the east abutting Highway 1.

3. development approved within the past three years but not yet constructed.

There have not been any development approvals within the past three (3) years that have not been constructed.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

The developed character of the surrounding area is a mixture of commercial, single-family and multi-family residential zoning classifications developed with retail, single-family and multi-family uses. The closest multi-family zoning is to the east across North U.S. 1, approximately 380-feet from the subject parcels. The subject property would be the only parcel with RU-2-10 zoning, west of N. US 1. There is a comparable zoning across N. U.S. 1 zoned RU-2-15 (12) that allows density of up to 12-units per acre on 7,500 square-foot lots.

The parcel to the north and west is zoned BU-1 on 1.39-acres and is currently being built as a commercial retail store. The parcel to the east is zoned BU-1 on 1.04-acres and remains undeveloped. To the southeast is a single-family residence on 0.22-acres and zoned RU-1-7. And to the south are two (2) parcels with single-family residences on 0.24-acres zoned RU-1-9.

The subject property would be the only parcel with RU-2-10 zoning in the surrounding area and may be considered spot zoning or an introduction; it also can be considered as a transition between residential and commercial. There is a comparable zoning across ROW of US Highway 1 zoned RU-2-15 (12) that allows density of up to 12-units per acre on 7,500 square foot lots.

The proposed RU-2-10 zoning classification permits multi-family residential uses, single-family residences, duplexes, resort dwellings, and foster homes, at a density of up to 10-units per acre on 7,500 square foot lots.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Commercial Retail Store (under construction)	BU-1	CC
South	SF Residences	RU-1-9	RES 8 (Directive)
East	Undeveloped land	BU-1	NC
West	Commercial Retail Store (under construction)	BU-1	CC

BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit duplex development.

The RU-1-9 classification permits single family residences on minimum 6,600 square foot lots, with a minimum width of not less than 66 feet and depth of not less than 100 feet. The minimum house size is 900 square feet. A permitted-use with conditions in this classification is resort dwellings (short-term rental of 90 days or less).

RU-2-10 classification permits multifamily dwellings, duplexes and resort dwellings. The minimum lot size is 7,500 square feet and maximum density is ten (10) units per gross acre. Maximum lot coverage is 40%. Duplexes have a minimum floor area of 1,150 square feet and 575 square feet per unit.

There have been no zoning actions within a half-mile radius of the subject property within the last three years.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Kings Highway, between Grissom Parkway and US Highway 1, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 33.33% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.11%. The corridor is anticipated to operate at 33.44% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

The subject site is within the City of Cocoa's service area for potable water. The subject parcel has access to County sewer line to the north of the property line.

Environmental Constraints

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay

Parcel No. 2302549 is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required.

For Board Consideration

The Board may wish to consider whether the request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary**

Item #22Z00049

Applicant: Edita Realty

Zoning Request: BU-1 to RU-2-10

Note: Applicant wants to build two duplexes

P&Z Hearing Date: 11/14/22; **BCC Hearing Date:** 12/01/22

Tax ID Nos: 2302548 and 2302549

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay

Parcel No. 2302549 is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required.

Land Use Comments:

Aquifer Recharge Soils

The subject parcels contain mapped aquifer recharge soils (Pomello sand) as shown on the USDA Soil Conservation Service Soils Survey map. Mapped topographic elevations indicate the soils are

designated as Type 3 Aquifer Recharge that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Indian River Lagoon Nitrogen Reduction Overlay

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer is not available, then the use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required if applicable. If a septic system is applicable, NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

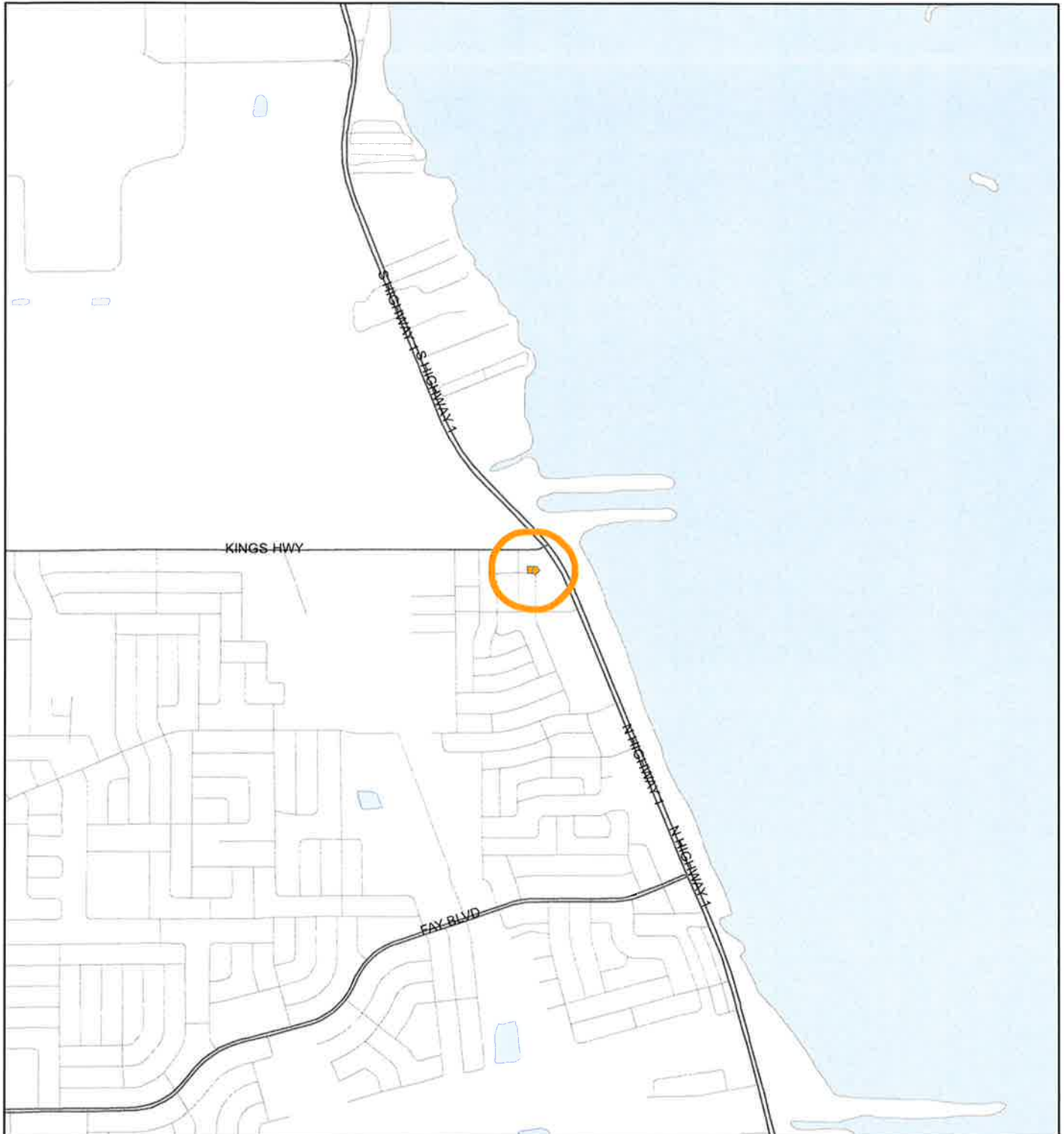
Land Clearing and Landscape Requirements

Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), a purpose and intent of the ordinance is to encourage the protection of Heritage Specimen and Protected Trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation, and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM. Land clearing is not permitted without prior authorization by NRM. Applicant should contact NRM at 321-633-2016 prior to performing any

LOCATION MAP

EDITA REALTY

22Z00049



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/30/2022

— Buffer
— Subject Property

ZONING MAP

EDITA REALTY

22Z00049



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

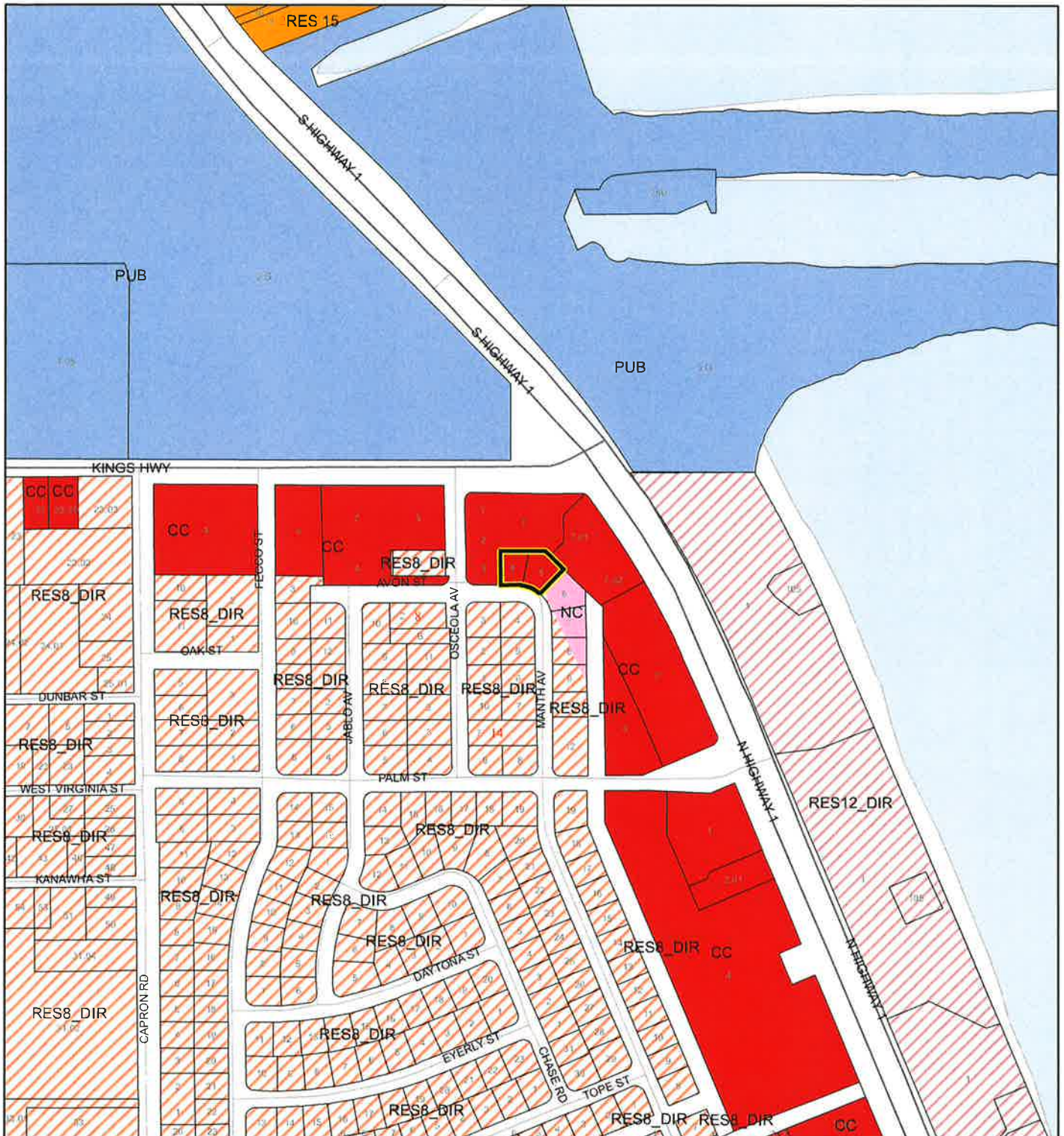
Produced by BoCC - GIS Date: 8/30/2022

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

EDITA REALTY

22Z00049



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

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Produced by BoCC - GIS Date: 8/30/2022

AERIAL MAP

EDITA REALTY

22Z00049



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2021

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/30/2022

 Subject Property

 Parcels

NWI WETLANDS MAP

EDITA REALTY

22Z00049



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/30/2022

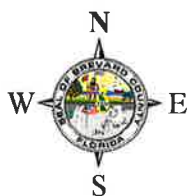
National Wetlands Inventory (NWI)

Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
Freshwater Emergent Wetland	Other
Freshwater Forested/Shrub Wetland	Riverine
	Subject Property
	Parcels

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

EDITA REALTY

22Z00049



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/30/2022

SJRWMD FLUCCS WETLANDS

- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

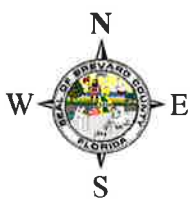
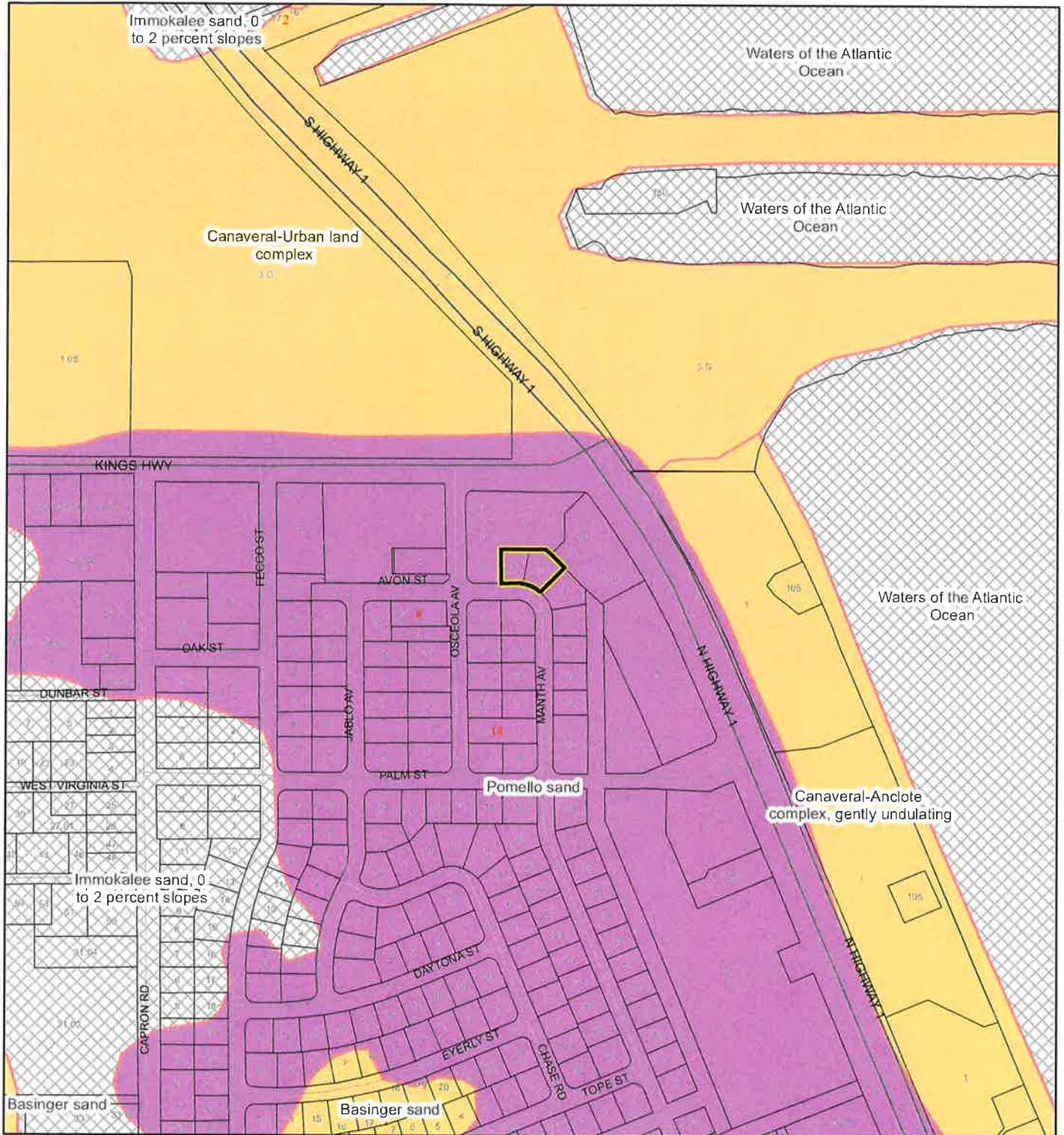
Subject Property

Parcels

USDA SCSSS SOILS MAP

EDITA REALTY

22Z00049



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/30/2022

USDA SCSSS Soils

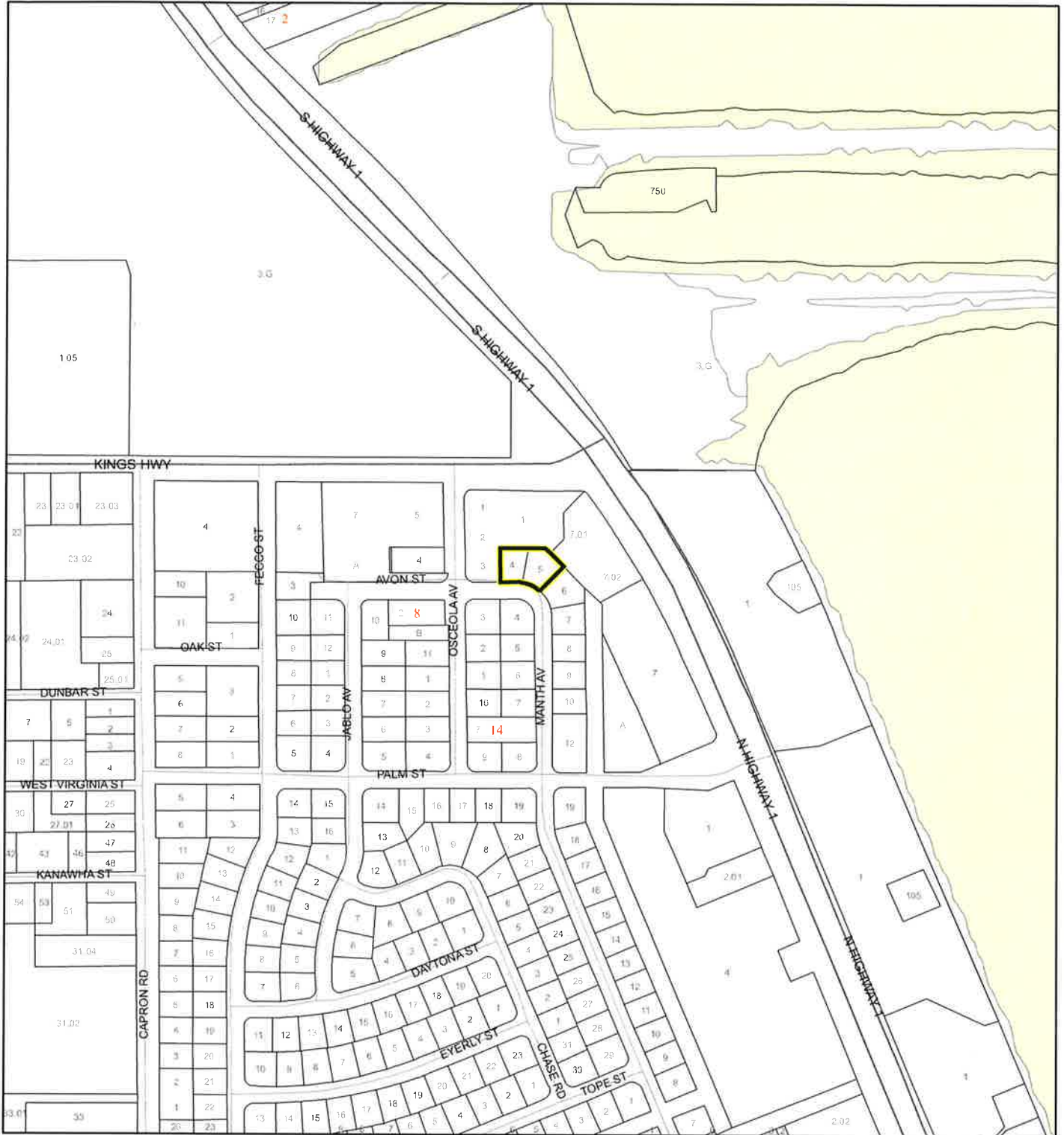
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

EDITA REALTY

22Z00049



1:4,800 or 1 inch = 400 feet

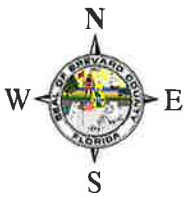
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/30/2022

FEMA Flood Zones		
 A	 AO	 X
 AE	 Open Water	
 AH	 VE	
 Subject Property	 Parcels	

COASTAL HIGH HAZARD AREA MAP

EDITA REALTY
22Z00049



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/30/2022

Subject Property

Parcels

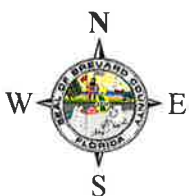
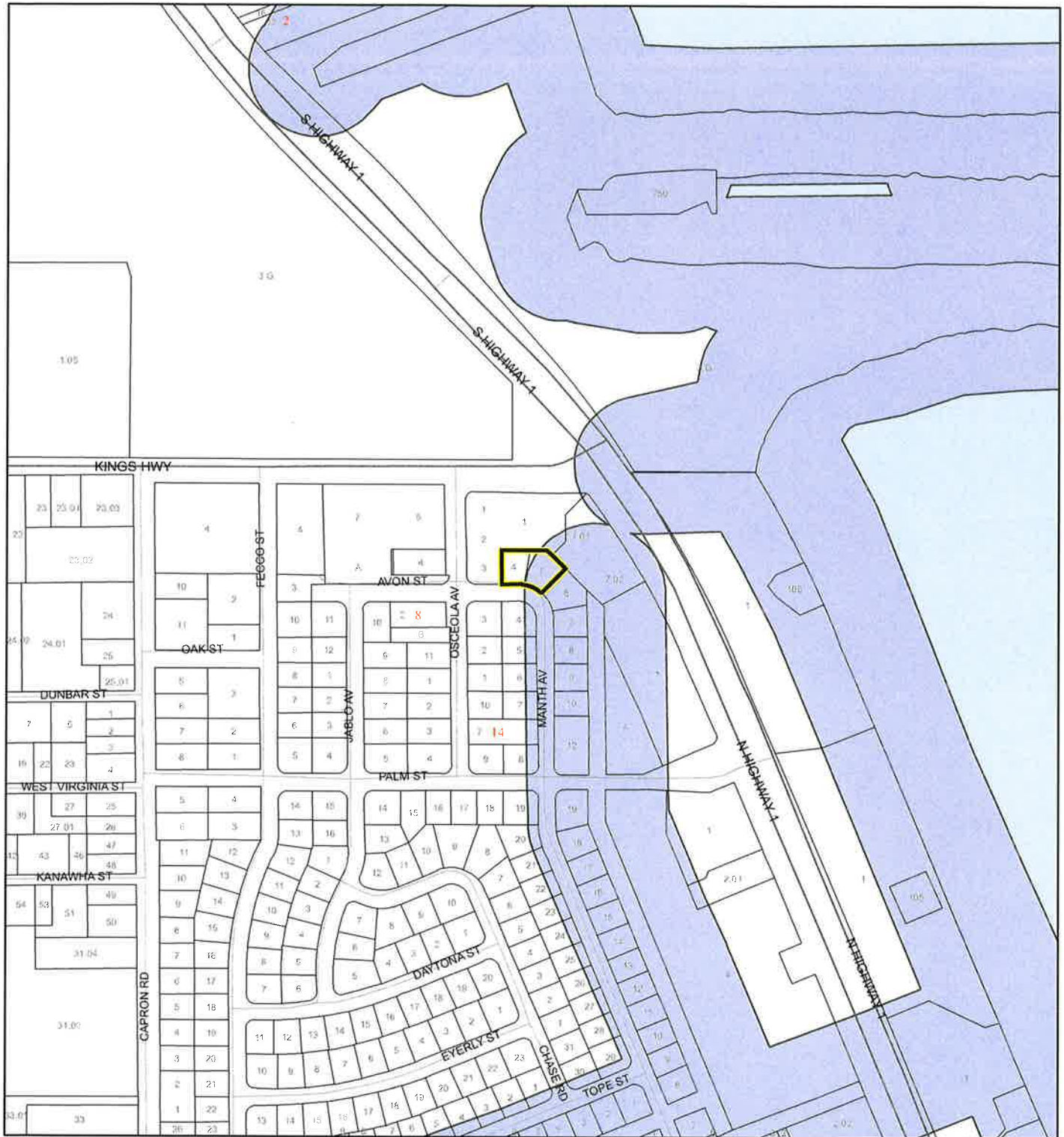
Coastal High Hazard Area

SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

EDITA REALTY

22Z00049



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/30/2022

— Subject Property

□ Parcels

Septic Overlay

40 Meters

60 Meters

All Distances

EAGLE NESTS MAP

EDITA REALTY

22Z00049



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/30/2022

 Subject Property

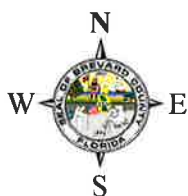
 Parcels

 Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

EDITA REALTY

22Z00049



1:4,800 or 1 inch = 400 feet

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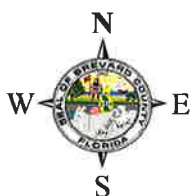
Produced by BoCC - GIS Date: 8/30/2022

- Subject Property
- Parcels
- Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

EDITA REALTY

22Z00049



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

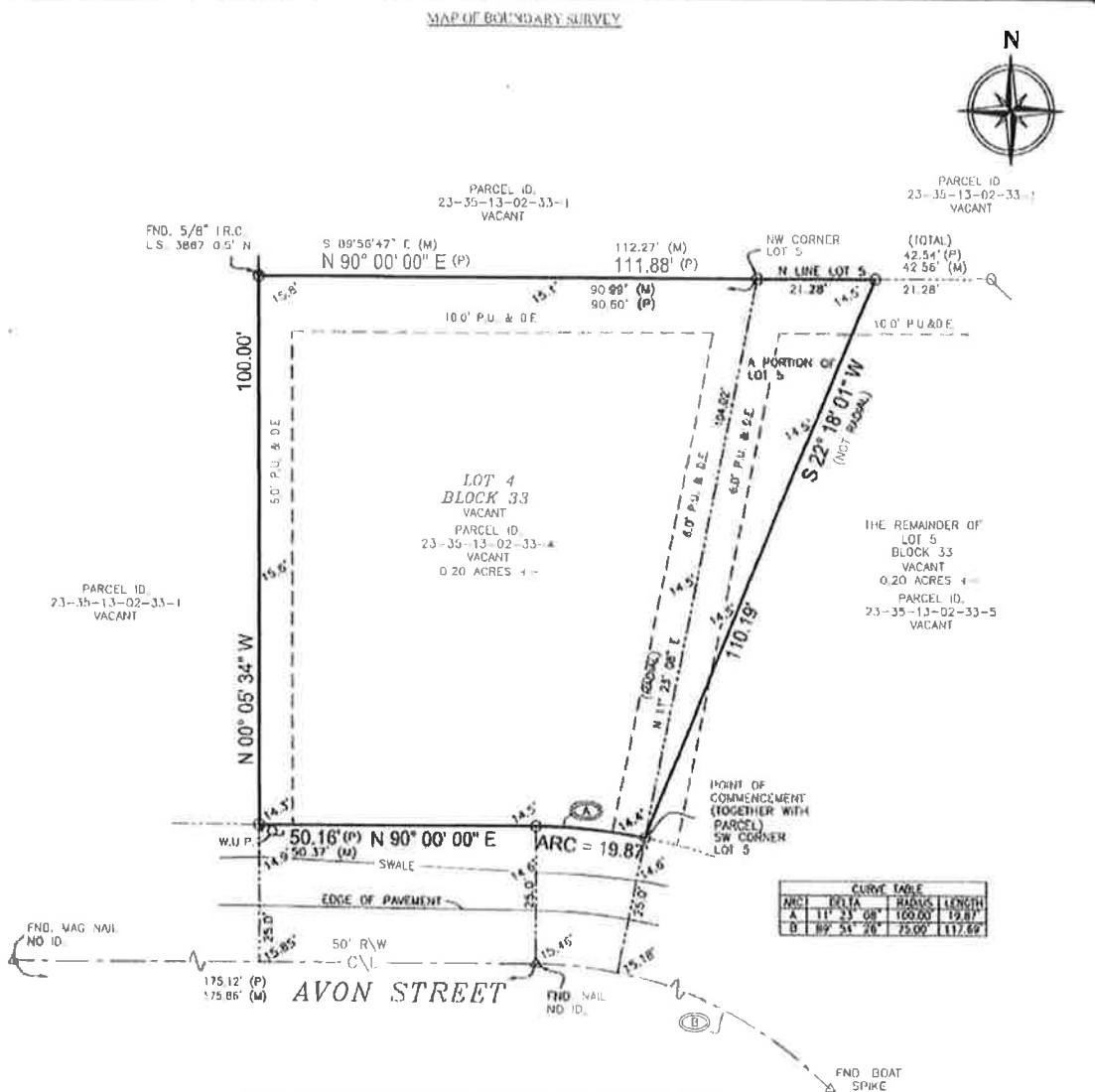
Produced by BoCC - GIS Date: 8/30/2022

SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels



LOT 4, BLOCK 33, NORTH PORT ST JOHN UNIT THREE, ACCORDING TO THE
 PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE(S) 50 THROUGH 52,
 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

TOGETHER WITH A PORTION OF SAID LOT 5, BLOCK 33, NORTH PORT ST. JOHN UNIT THREE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 5, BLOCK 33 NORTH
PORT ST. JOHN UNIT THREE AND RUN N 1°23'08" E., ALONG THE WEST LINE
OF SAID LOT 5, A DISTANCE OF 104.02 FEET, TO THE NORTHWEST CORNER
OF SAID LOT 5; THENCE RUN S 89°56'47" E., ALONG THE NORTH LINE OF
SAID LOT 5, A DISTANCE OF 21.28 FEET; THENCE RUN S 22°18'01" W.,
ALONG A NON-RADIAL LINE, A DISTANCE OF 110.19 FEET TO THE POINT OF
BEGINNING.

ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.20 ACRES MORE OR LESS.

SURVEYORS' NOTES:

1. This property is located in Flood Zone(s) X, X, The Residence is lying in Flood Zone(s) X, Map No. 17090SC01010, Parcel No. 310, Suffix H, Community No. 125092, Effective Date, January 26, 2021
2. The bearings shown are based on an Assumed North Meridian, Being S 90°00'00" W along the CENTER line of MARINE AVE.
3. This is Real Property being situated in Section 13, Township 23S, Range 35E
4. The Surveyor has not abstracted the property, only plotted or furnished easements or encumbrances that affect the property are shown
5. Underground improvements are not located unless requested.
6. Elevations if shown herein based on NAVD83 DRYLAND COUNTY T.M. # 386-04 Elev. = 19.05'
7. Elevations shown as 22.95' are existing spot elevations. Elevations shown as 22.95' are proposed elevations.

LEGEND & ABBREVIATIONS

LEGEND & ABBREVIATIONS ○ = Set 5/8" IRC
 △ = Set nail with metal disc □ = Set concrete monument with disc
 ◇ = 4' C.L.F. — = 6" VINYL FENCE
 — = 6' W.F.

CERTIFIED TO: RALPH MCCOIG

Eric Nielsen

Digitally signed by Eric Niebler
Date: 2022.03.28 12:44:37

Certified By:

I, Eric Mattson, Professional Surveyor & Mapper, No. 5266, L.B. 0916, State of Florida, certify this map of survey meets the standards set per Florida Administrative Code 59-17.031 pursuant to Chapter 472.027 per Florida Statutes.

Eric Nielsen Land Surveying, Inc.

Revisions: 12 STONE STREET, COCOA, FL 32022
Tel: 321.638.4404

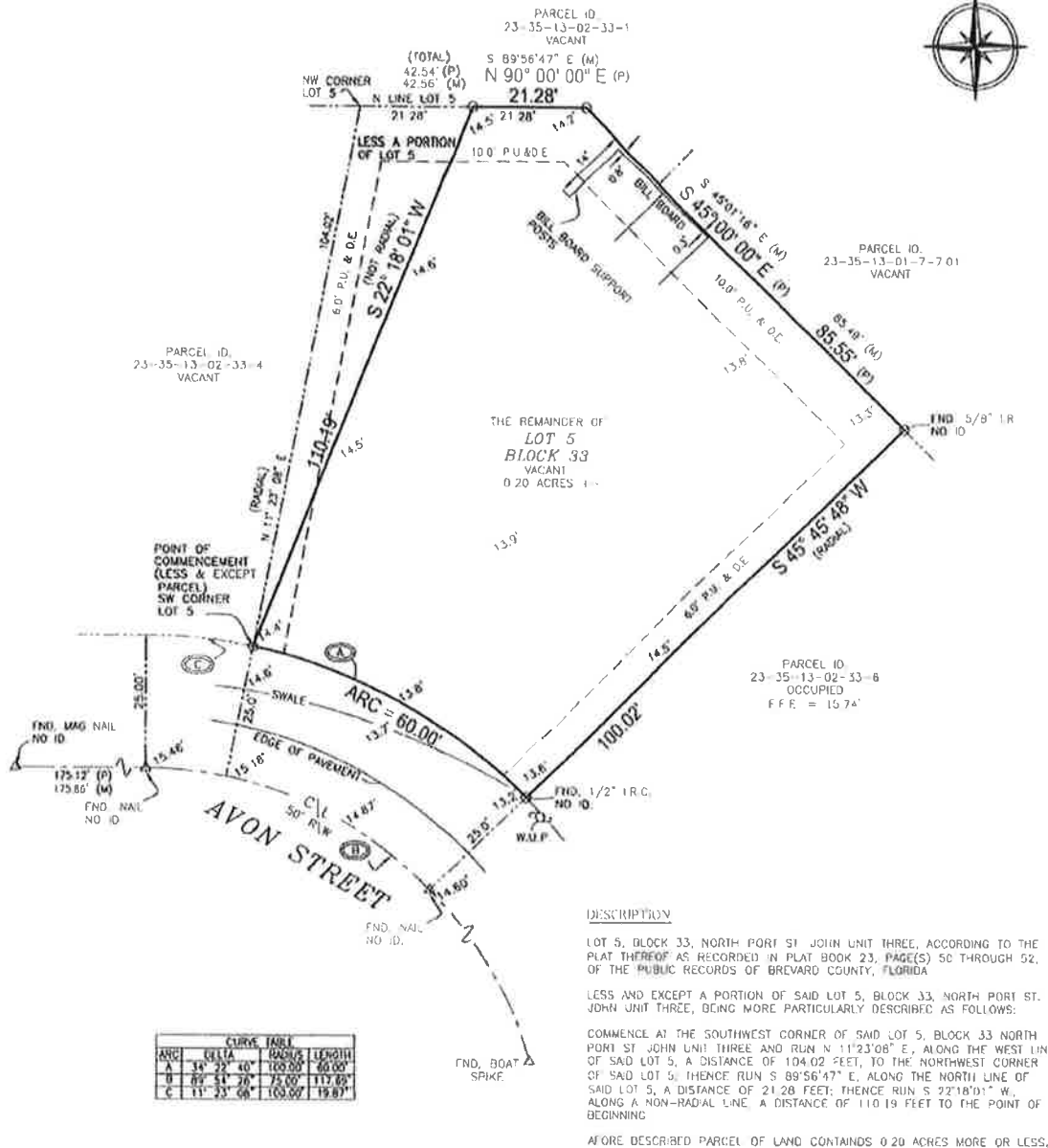
Phc. (321) 631-5654
email: richensurging@tiscali.co.uk

SCALE:	DATE:	JOB NO
1" = 20'	6-28-2022	22-280-06



UNLESS IT BEARS THE SEAL & SIGNATURE OF A FLORIDA LICENSED SURVEYOR THIS SURVEY IS FOR INFORMATIONAL PURPOSES ONLY.

MAP OF BOUNDARY SURVEY



ARC	DELTA	RADIUS	LENGTH
0	0° 00' 00"	0	0.00
1	0° 01' 00"	1.00	0.02
2	0° 02' 00"	2.00	0.04
3	0° 03' 00"	3.00	0.06
4	0° 04' 00"	4.00	0.08
5	0° 05' 00"	5.00	0.10
6	0° 06' 00"	6.00	0.12
7	0° 07' 00"	7.00	0.14
8	0° 08' 00"	8.00	0.16
9	0° 09' 00"	9.00	0.18
10	0° 10' 00"	10.00	0.20
11	0° 11' 00"	11.00	0.22
12	0° 12' 00"	12.00	0.24
13	0° 13' 00"	13.00	0.26
14	0° 14' 00"	14.00	0.28
15	0° 15' 00"	15.00	0.30
16	0° 16' 00"	16.00	0.32
17	0° 17' 00"	17.00	0.34
18	0° 18' 00"	18.00	0.36
19	0° 19' 00"	19.00	0.38
20	0° 20' 00"	20.00	0.40
21	0° 21' 00"	21.00	0.42
22	0° 22' 00"	22.00	0.44
23	0° 23' 00"	23.00	0.46
24	0° 24' 00"	24.00	0.48
25	0° 25' 00"	25.00	0.50
26	0° 26' 00"	26.00	0.52
27	0° 27' 00"	27.00	0.54
28	0° 28' 00"	28.00	0.56
29	0° 29' 00"	29.00	0.58
30	0° 30' 00"	30.00	0.60
31	0° 31' 00"	31.00	0.62
32	0° 32' 00"	32.00	0.64
33	0° 33' 00"	33.00	0.66
34	0° 34' 00"	34.00	0.68
35	0° 35' 00"	35.00	0.70
36	0° 36' 00"	36.00	0.72
37	0° 37' 00"	37.00	0.74
38	0° 38' 00"	38.00	0.76
39	0° 39' 00"	39.00	0.78
40	0° 40' 00"	40.00	0.80
41	0° 41' 00"	41.00	0.82
42	0° 42' 00"	42.00	0.84
43	0° 43' 00"	43.00	0.86
44	0° 44' 00"	44.00	0.88
45	0° 45' 00"	45.00	0.90
46	0° 46' 00"	46.00	0.92
47	0° 47' 00"	47.00	0.94
48	0° 48' 00"	48.00	0.96
49	0° 49' 00"	49.00	0.98
50	0° 50' 00"	50.00	1.00
51	0° 51' 00"	51.00	1.02
52	0° 52' 00"	52.00	1.04
53	0° 53' 00"	53.00	1.06
54	0° 54' 00"	54.00	1.08
55	0° 55' 00"	55.00	1.10
56	0° 56' 00"	56.00	1.12
57	0° 57' 00"	57.00	1.14
58	0° 58' 00"	58.00	1.16
59	0° 59' 00"	59.00	1.18
60	0° 00' 00"	60.00	1.20

DESCRIPTION

LOT 5, BLOCK 33, NORTH PORT ST. JOHN UNIT THREE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE(S) 50 THROUGH 52, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

LESS AND EXCEPT A PORTION OF SAID LOT 5, BLOCK 33, NORTH PORT ST. JOHN UNIT THREE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 5, BLOCK 33, NORTH PORT ST. JOHN UNIT THREE AND RUN N 11°23'08" E, ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 104.02 FEET, TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE RUN S 89°56'47" E, ALONG THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 21.28 FEET; THENCE RUN S 22°18'01" W, ALONG A NON-RADIAL LINE, A DISTANCE OF 110.19 FEET TO THE POINT OF BEGINNING.

ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.20 ACRES MORE OR LESS.

SURVEYOR'S NOTES:

- This property is located in Flood Zone(s) X. The residence is lying in Flood Zone(s) X. Map No. 12009DC0310H, Parcel No. 310, Suffix H, Community No. 125092, Effective Date, January 25, 2021.
- The bearings shown are based on an Assumed North Meridian, Being S 90°00'00" W along the CENTER line of MARLIN AVE.
- This is Real Property being situated in Section 13, Township 23S, Range 35E.
- The Surveyor has not abstracted the property. Only plotted or furnished easements or encumbrances that affect the property are shown.
- Underground improvements are not located unless requested.
- Elevations if shown herein based on NAVD83 BREVARD COUNTY B.M. # 386-04 Elev. = 19.05'
- Elevations shown as 22.95' are existing spot elevations. Elevations shown as 22.95' are proposed elevations.

LEGEND & ABBREVIATIONS:

Δ = Set 5/8" I.R.C.
 □ = Set nail with metal disc □ = Set concrete monument with disc
 —○— = 4" C.L.F. —○— = 6" VINYL FENCE
 —○— = 6" W.F. —○— = 6" VINYL FENCE
 - - - - - = OHPL
 --- = Center line
 (B.M.)=Benchmark, (C.N.C.)=Concrete, (C.V.)=Centerline, (C.B.S.)=Concrete Block Structure
 (C.B.S.)=Concrete Block Structure, (C.A.S.)=Concrete and Screened,
 (C.M.)=Concrete Monument, (C.M.P.)=Corrugated Metal Pipe, (C.L.F.)=Chain Link Fence
 (C.D.)=Dead End, (E.M.)=Electric Meter, (F.F.)=Finished Floor Elevation, (End) = End,
 (P.R.)=Fixed Point of Reference, (R.C.)=Iron Rod with Cap, (P.P.)=Iron Pipe
 (C.W.)=Gas Water, (B.B.)=Buried Business, (L.S.)=Licensed Surveyor, (M.)=Mounted
 (C.S.)=Master End Section, (N.A.D.)=Not a One, (O.R.B.)=Official Record Book
 (OHPL)=Over Head Power Line, (I.C.P.)=Permanent Control Point, (P)=Plot
 (P.B.)=Point of Beginning, (P.O.C.)=Point of Commencement
 (P.R.M.)=Permanent Reference Monument, (P.H.A.C.)=Public Utility & Drainage Easement
 (R.R.)=Range, (R.C.P.)=Reinforced Conc. Pipe, (R.W.)=Right of Way, (S.C.)=Section
 (W.F.)=Woods, (W.P.)=Wood Utility Pole, (W.F.S.)=Wood Frame Structure, (W.W.)=Water Meter

CERTIFIED TO: RALPH MCCOY

Eric Nielsen

Digitally signed by Eric Nielsen
Date: 2022.07.28 12:47:43

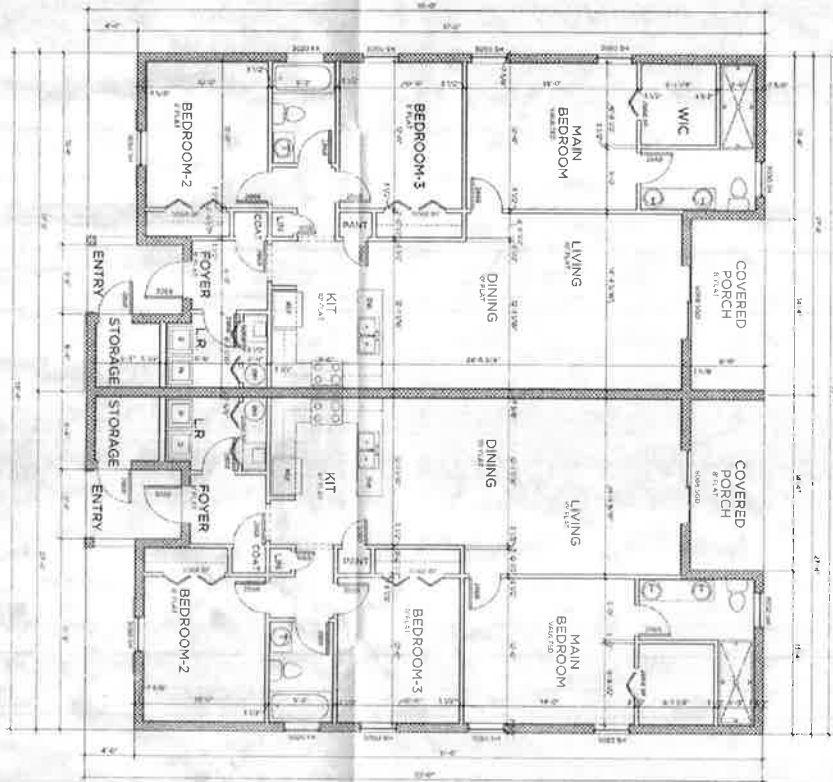
Certified By:
 Eric Nielsen Professional Surveyor & Mapper, No. 5306, L.B. #946, State of Florida
 certifies the map of survey meets the standards set per Florida Administrative Code
 61C-17.001 pursuant to Chapter 122.077 per Florida Statute.

Eric Nielsen Land Surveying, Inc.

12 STONE STREET, COCOA, FL 32922
 P.O. Box 1611-5654
 email: nielsenlandsurveying@bellsouth.net
 SCALE: 1" = 20' DATE: 6-28-2022 JOB NO: 22-281-06



UNLESS IT BEARS THE SEAL & SIGNATURE OF A FLORIDA LICENSED SURVEYOR THIS SURVEY IS FOR INFORMATIONAL PURPOSES ONLY

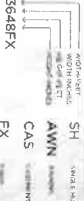


FLOOR PLAN
1/4" = 1'-0"

DOOR KEY



WINDOW KEY



3080 FRENCH
DOOR HEIGHTS
DOOR HEIGHTS SHALL BE 6'8" MIN. TO 6'10" MAX. ALL DOOR HEIGHTS SHALL BE 6'8" MIN. TO 6'10" MAX. ALL DOOR HEIGHTS SHALL BE 6'8" MIN. TO 6'10" MAX.

3648 FX
WINDOW HEIGHTS
WINDOW HEIGHTS SHALL BE 4'0" MIN. TO 4'6" MAX. ALL WINDOW HEIGHTS SHALL BE 4'0" MIN. TO 4'6" MAX. ALL WINDOW HEIGHTS SHALL BE 4'0" MIN. TO 4'6" MAX.

AREA CALCULATIONS

ITEM	AREA	UNIT
1. FLOOR AREA	100.00	SQ. FT.
2. FLOOR AREA	100.00	SQ. FT.
3. FLOOR AREA	100.00	SQ. FT.
4. FLOOR AREA	100.00	SQ. FT.
5. FLOOR AREA	100.00	SQ. FT.
6. FLOOR AREA	100.00	SQ. FT.
7. FLOOR AREA	100.00	SQ. FT.
8. FLOOR AREA	100.00	SQ. FT.
9. FLOOR AREA	100.00	SQ. FT.
10. FLOOR AREA	100.00	SQ. FT.
11. FLOOR AREA	100.00	SQ. FT.
12. FLOOR AREA	100.00	SQ. FT.
13. FLOOR AREA	100.00	SQ. FT.
14. FLOOR AREA	100.00	SQ. FT.
15. FLOOR AREA	100.00	SQ. FT.
16. FLOOR AREA	100.00	SQ. FT.
17. FLOOR AREA	100.00	SQ. FT.
18. FLOOR AREA	100.00	SQ. FT.
19. FLOOR AREA	100.00	SQ. FT.
20. FLOOR AREA	100.00	SQ. FT.
21. FLOOR AREA	100.00	SQ. FT.
22. FLOOR AREA	100.00	SQ. FT.
23. FLOOR AREA	100.00	SQ. FT.
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26. FLOOR AREA	100.00	SQ. FT.
27. FLOOR AREA	100.00	SQ. FT.
28. FLOOR AREA	100.00	SQ. FT.
29. FLOOR AREA	100.00	SQ. FT.
30. FLOOR AREA	100.00	SQ. FT.
31. FLOOR AREA	100.00	SQ. FT.
32. FLOOR AREA	100.00	SQ. FT.
33. FLOOR AREA	100.00	SQ. FT.
34. FLOOR AREA	100.00	SQ. FT.
35. FLOOR AREA	100.00	SQ. FT.
36. FLOOR AREA	100.00	SQ. FT.
37. FLOOR AREA	100.00	SQ. FT.
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39. FLOOR AREA	100.00	SQ. FT.
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41. FLOOR AREA	100.00	SQ. FT.
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51. FLOOR AREA	100.00	SQ. FT.
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53. FLOOR AREA	100.00	SQ. FT.
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56. FLOOR AREA	100.00	SQ. FT.
57. FLOOR AREA	100.00	SQ. FT.
58. FLOOR AREA	100.00	SQ. FT.
59. FLOOR AREA	100.00	SQ. FT.
60. FLOOR AREA	100.00	SQ. FT.
61. FLOOR AREA	100.00	SQ. FT.
62. FLOOR AREA	100.00	SQ. FT.
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GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE FLORIDA BUILDING CODE (FBC).
2. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
3. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
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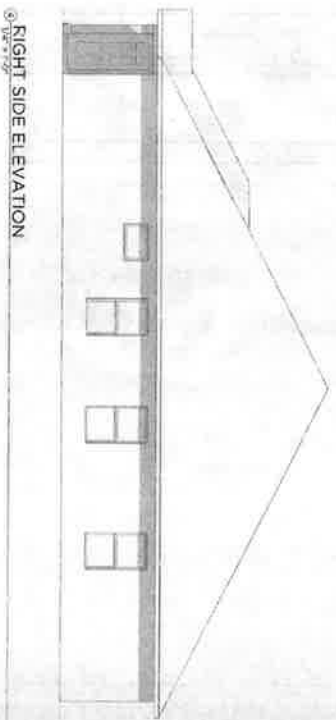
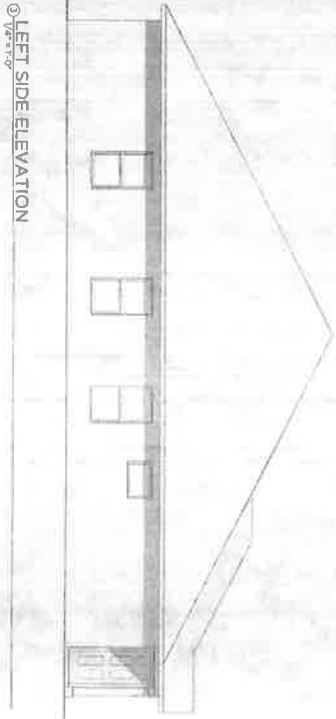
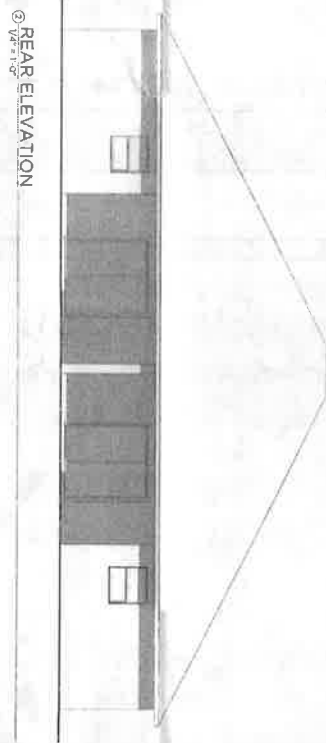
DUPLEX FOR AVON STREET

A101

EDWARD F. SHINSKIE
4707 WILD TURKEY RD
MIMS, FLORIDA 32754
321-863-3223
PER47515
shinskie@prss.com

THIS SET HAS BEEN
REVIEWED BY THE
LOCAL BUILDING DEPARTMENT
AND IS SUBJECT TO
THEIR APPROVAL.
THE CONTRACTOR
SHALL BE RESPONSIBLE
FOR OBTAINING ALL
NECESSARY PERMITS
AND INSURANCE.





DUPLEX FOR AVON STREET

A201

EDWARD F. SHINSKIE
4707 WILD TURKEY RD
MIMS, FLORIDA 32754
321-863-3223
PE#4751S
ekshinskie@aol.com

[illegible]

2705 Cape Lane
Malbourne, FL 32054
321/991-5700



From: [Julie Benson](#)
To: [Jones, Jennifer](#)
Subject: Re: ID# 22Z00049
Date: Tuesday, November 8, 2022 12:12:08 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Ok thank you very much. We want to make sure we attend but don't want to put anyone in possible jeopardy.

We do not want the rezoning because it will make more traffic on our road in Manth Ave as there are children that ride bikes etc on that road. We have a nice little community and don't want property values to decline due to probably more crime if multi family is allowed. We also feel that it would cause roads to be expanded and possibly sidewalks having to be put in. We also don't want low income housing which invites crime and people not caring about others presently living in our area. Some people already speed down this road since it is the only road without speed bumps. Since speed bumps have been added to the other streets our street has lots more vehicles already because of the only shortcut to Publix without speed bumps.

I would appreciate you forwarding my concerns to the appropriate people as I will be out of town the rest of this week and part of next week. Thank you very much

Julie Benson
130 Manth Ave

Sent from my iPhone

> On Nov 8, 2022, at 10:38 AM, Jones, Jennifer <jennifer.jones@brevardfl.gov> wrote:
>
> Hi, Julie
>
> We have not heard for certain if the meeting will be cancelled. I will let you know as soon as I hear something. I'm hoping to have answers later today.
>
> Jennifer
>
> -----Original Message-----
> From: Julie Benson <jbenson130@yahoo.com>
> Sent: Tuesday, November 8, 2022 9:53 AM
> To: Jones, Jennifer <jennifer.jones@brevardfl.gov>
> Subject: ID# 22Z00049
>
> [EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.
>
> ID#22z00049
>
> There is a meeting tomorrow night at the port St. John library and myself and neighbors are wondering if it is still on with the potential hurricane coming our way
>
> Thank you
>
> Julie Benson
>
> Sent from my iPhone

From: [Julie Benson](#)
To: [Jones, Jennifer](#)
Subject: Re: ID# 22Z00049
Date: Tuesday, November 8, 2022 12:32:11 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Jennifer

We also have elderly and handicapped people on our street and excess traffic and the possibility of higher crime in our area would be detrimental to our community

Thank you

Julie Benson

Sent from my iPhone

> On Nov 8, 2022, at 12:11 PM, Julie Benson <jbenson130@yahoo.com> wrote:

>

> Ok thank you very much. We want to make sure we attend but don't want to put anyone in possible jeopardy.

>

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> Julie benson

> 130 Manth Ave

>

> Sent from my iPhone

>

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>> Jennifer

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>> -----Original Message-----

>> From: Julie Benson <jbenson130@yahoo.com>

>> Sent: Tuesday, November 8, 2022 9:53 AM

>> To: Jones, Jennifer <jennifer.jones@brevardfl.gov>

>> Subject: ID# 22Z00049

>>

>> [EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the

content is safe.

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>> ID#22z00049

>>

>> There is a meeting tomorrow night at the port St. John library and myself and neighbors are wondering if it is still on with the potential hurricane coming our way

>>

>> Thank you

>>

>> Julie benson

>>

>> Sent from my iPhone

From: kitten354@aol.com
To: [Commissioner, D1](#)
Subject: ID# 22Z00049 Rezoning 950 & 960 Avon St., Port St John
Date: Thursday, February 9, 2023 10:02:35 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

We bought two lots and built our home on 191 Manth Ave. Port St. John 14 years ago in 2009. Changing this zoning will significantly devalue our property values.

My husband and I are senior citizens, my husband is in stage 4 cancer, we also have a disabled son that we care for 24/7. We walk these streets to get our exercise, it is very important for us to be in a family-oriented community. We are surrounded by caring loving neighbors. We have various families that have small children that ride bikes in the road or people that walk their children or dogs on the street. We also have elderly and disabled in our community. Putting multi housing in an area that only consists of single-family homes in old part of Port St. John is not consistent with our existing neighborhood. This would significantly diminish the enjoyment, safety, and quality of life in our existing neighborhood.

We believe the EPA needs to be contacted before any project is approved in this area. There is a problem. This is the oldest section of Port Saint John, and the sewer system just can't handle the overload. We know there is a strong sewer smell coming from the ditch in front of our house from time to time. A neighbor had her whole home flooded with raw sewage a couple years ago. Others have complained about sewer odors when they turn their water on from time to time.

We believe multi-Family housing will most likely make more traffic on our roads, possibly more crime and vandalism and children running the streets.

We very strongly disagree with allowing the commercial property to be rezoned to RU-10. We would prefer commercial over multi-housing. We do not have that designation anywhere near us and you should not allow this to be changed just because a developer asks. That zoning does not fit into our little community. Let them build a single-family unit per lot like the rest of us have.

Again, we request you vote against the RU-10 designation for this property. For reasons stated above including, there is no designation like that near us. We are zoned RU-7 and RU-9 single-family. We would not have a problem with single-family, we do not want multi-family consisting of 1 duplex on each lot.

Please vote against the rezoning and represent the citizens that do not want this rezoning to be approved.

Sincerely,

Donna & Mike Dillon & Danny

From: [Jalaine Spears](#)
To: [Commissioner, D1](#)
Cc: [Jones, Jennifer](#)
Subject: ID# 22Z00049 Zoning change request for 950 and 960 Avon Street
Date: Monday, February 27, 2023 9:53:39 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Once again we are asking that the Commissioners do not pass the zoning change for multifamily housing on 950 and 960 Avon Street. ID #22Z00049

The Port St. John committee suggested strongly that the zoning be changed to single family housing at the Feb. meeting at the Cocoa Library. But at the 13 Feb. meeting at the County Govt Center, they all voted to accept the change to accomodate Adita Realty to build multi family homes on the two lots. One of the commissioners commented that the design for the homes was very poor, but that seemed to have no effect on the vote to accept multi family homes, putting all 4 families on very small lots with no regard to what this will do to our neighborhood.

Cocoa Beach has already denied multi family homes in their community and Port St John has a population twice of Cocoa Beach, so why would we want to do this now in the oldest part of Port st John? We have already told you that the County Water Department has told the residents that the sewer system is NOT designed for the amount of people that are currently residing in our area. Even the Pediatric Doctor office on Kings Highway has had sewer issues as told to me by the Officer Manager. But, yet, you continue to allow additional buildings to come in knowing that we have all had to deal with sewer issues.

Four families in that small area will definitely put an additional burden on an old and overtaxed sewage system. I know that none of you live in the area, so all you can see is additional tax revenue for the county. So far there are NO multi family homes in our area and we are very concerned as to why now we have to suffer for the greed of others. I implore you to come down and VIEW the lots for yourself before you allow the destruction of this area. You were voted into office to serve the needs of the community and multi family homes are not that.

The lots are at the end of a curve. There is not enough parking space for two families, let alone four. Think about the inconvenience you will be causing the residents of this street, let alone the additional traffic. Single family homes would be a much better usage of this land. Think about if your parents lived on this street, would you be so hasty to allow this 4 family unit to be built if they lived here? I beg you to please come and VIEW this area and reconsider allowing this many people to be living in such a small area. There are currently NO two story homes in this area and to add that into the neighborhood will certainly be incongruous to what has been originally built. Plus as they are to be Section 8 housing, you are adding the possibility of crime to our area with lower income housing folks and no pride in home ownership as rentals.

If single family homes were built, they could be sold or at least better maintained by the owners than total rental property. Most of the current residents have spent many years, even decades improving their properties. Think how this will affect our home values, inconveniences of new construction for months and result in a lifetime of additional devaluation, additional traffic and sewer problems. Please vote NO on the request for a zoning change.

Sincerely,
Jalaine K. Spears
971 Palm Street
27 February 2023

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) requests 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 be beneficial to 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. Maureen Rupe stated sewer is available east of the railroad tracks.

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 potential 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 a 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 County 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 on the streets 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 been built 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. If it is two or more stories, it 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, and she requested the board deny the rezoning.

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, Jennifer Jones 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. Chinarris 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 what is 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 the 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. He said there will be increased crime and vandalism if developed as duplexes.

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 everyone needs to understand that 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, which is single-family residential.

Mr. Rodriguez stated the board can only recommend, 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 down-zone 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 he 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.

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 Rodgers (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 Esseeesse, 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.

From: [jkspears1](#)
To: [Commissioner, D1](#)
Subject: Re: ID# 22Z00049 Rezoning 950 and 960 Avon Street, Port St. John
Date: Monday, February 13, 2023 6:43:35 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Yes

Sent via the Samsung Galaxy S8+, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: "Commissioner, D1" <D1.Commissioner@brevardfl.gov>
Date: 2/12/23 2:18 PM (GMT-05:00)
To: Jalaine Spears <jkspears1@gmail.com>
Subject: Re: ID# 22Z00049 Rezoning 950 and 960 Avon Street, Port St. John

We will look at this tomorrow in more detail. Are you referring to commercial businesses on US1 ? Just trying to locate your reference.

From Rita Pritchett

On Feb 12, 2023, at 1:45 PM, Jalaine Spears <jkspears1@gmail.com> wrote:

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To: D1.Commissioner@brevardfl.gov

I have lived at 971 Palm Street since 1986, 37 years and have seen it be turned from a nice family community into a race track due to commercial building. It used to have 3 cars a day go up or down Palm Street. Now there is a constant flow of traffic all day long, speeding up and down the neighborhood. I have seen two people get hurt by cars hitting them, as they ignore the stop signs. Even the school bus races through our neighborhood and the security trucks that have money in them.

A traffic study should definitely be completed in this area as the stop signs and speed limit signs are mostly ignored.

I have spent all of those years improving my property with my late husband.

There are no other multi housing homes in PSJ and doing so now will only increase the traffic and sewer problems.

A few years ago I had a major sewage disaster happen in my home as I live on the end run of the sewer system. I had over \$50,000 in damages because the county does not maintain the sewer system that we currently have properly. They do not have adequate employees to flush out the pumping stations on a regular basis and that is only accomplished when the neighbors start complaining that their toilets are not flushing and backing up. This was told to me by the County Supervisor, who asked that I not use his name for obvious reasons. The old part of PSJ is not meant to house all the current homes and now businesses that are here. The Pediatric Doctor office has had multiple issues with their plumbing and back ups in their system. I had to contact Rita Pritchard and Channel 6 News to get restitution for the horrible problem that occurred from too many people on an old sewer system. There definitely needs to be a traffic, EPA and sewer feasibility study before any more construction further exacerbates our neighborhood. Manth street, as all the other streets in this area are very narrow two lane streets. Adding multi family homes or businesses will add additional stresses on the road and sewer system that is already inadequate for our needs. Having commercial trucks use the road that curves around these 2 lots would certainly put an undue burden on the residents of Manth and Avon Streets.

I totally disagree with allowing the neighborhood to be further ruined with more commercial property or worse, multi-family housing and I fervently pray that you will not approve a zoning change request from Adita Realty. Please rethink the needs of the current residents over a real estate broker who is only worrying about increasing his personal wealth. He has the right to sell, but not until further research and studies have been done on changing our neighborhood from single family to another business or multi family housing. Think about how you all would feel if this was your own neighborhood.

As I sit here and compose this letter, about 30 minutes, 50 cars have gone up and down the street. That does not include the motorcycles and cars with the boom boxes that frequent the area mostly at dark and drag races through our neighborhood.

Yours truly,
Jalaine K Spears