

## Port St. John Dependent Special District Board Minutes

The Port St. John Dependent Special District Board met in regular session on Monday, March 3, 2003, at 6:00 p.m., in the Port St. John Community Center, 6650 Corto Road, Cocoa, Florida.

**Board members present were:** Carmine Ferraro, Chairman; Randy Rodriguez, Bill Workman, Bill Ainsworth, Richard Smith and Richard Basso.

**Staff members present were:** Rick Enos, Zoning Manager; and Jennifer Golden, Operations Specialist I.

Carmine Ferraro called the meeting to order at 6:00 p.m., and welcomed Mr. Basso and Mr. Smith to the Board. He then called for a motion to approve the minutes of the February 12<sup>th</sup> meeting.

Bill Workman made a motion to approve the minutes.

Randy Rodriguez seconded the motion.

Carmine Ferraro asked if there was any discussion.

Richard Smith said that on pages 24 and 25, the minutes say Richard Smith, and it should be Richard Smith.

Bill Workman made an amended motion to include the changes on pages 24 and 25.

Randy Rodriguez seconded the motion.

Carmine Ferraro called for a vote on the motion, as stated, the motion passed unanimously.

**(PSJ30201) STEPHEN AND MARY JO BARKASZI** – (Stephen Barkaszi) requests a change of classification from RU-1-9 (Single-Family Residential) and RR-1 (Rural Residential) to all RR-1 (Rural Residential) on property described in **Section 14, Township 23, Range 35**. (3.83 acres) Located approx., 270 ft. N. of Cinema St. approx., 135 ft. W. of Carillon Ave.

**Bill Workman made a motion to approve the zoning request with a Binding Development Plan limiting the number of horses to 14. Bill Ainsworth seconded the motion. The motion passed unanimously.**

Carmine Ferraro said that first, he would like to discuss how the meeting will happen, and what they are going to try to do. He stated that they are going to have the applicants come up and introduce themselves and explain what they want to do with their property, and then they will invite any member of the public to come up, one at a time, and speak of whether they are for or against the issue. He reminded everyone to speak as loudly as they can, so it will be recorded

into the minutes, and that they should state their name and address. He asked that they do not have public comment while someone is speaking, and when public comment is closed, the item will come back to the Board, and there will be no further public comment, unless someone from the Board recognizes someone from the public who has a question or comment. He told the applicants that the Port St. John Board can only make a recommendation, and it is part of the two-step process. He added that they will go in front of the County Commission on March 6<sup>th</sup>, and the Commissioners will take the Port St. John Board's recommendation, along with any other information they get and make a binding decision regarding the zoning issue.

Steven Barkaszi approached the Board and handed them some materials. He stated that his address is 7341 Glenwood Road., Port St. John. He said he was there to discuss the potential rezoning of approximately four acres that is adjacent to his property. He said that the property in question was originally a ten-acre tract and was split into four different lots, and they purchased the three acres that is currently zoned RR-1 in 1993. He stated that later on, the two lots that were adjoining their property came up for sale, and they purchased those lots, and they are zoned single-family residential. He said they would like to have it changed to RR-1 so they can utilize the property for riding trails and some pasture grazing, but he is not interested in having any more stables on the property. He added that when they purchased the property, it was completely overgrown with exotics, and there are still some hardwood trees on the property that they managed to salvage. He added that they have tried to keep everything as natural as possible. He said they have put fencing around the entire perimeter, privacy fencing along areas where there are homes and four or five foot wire fencing around the rest of the perimeter. He said they have tried to create a park-like setting that would be a nice place for their children and the neighborhood children to play and still be within the safety of their yard. He said there is a lot of wildlife in the area, even though they are in the middle of a well-developed residential community, and that is part of the attraction for them, the fact that they are close to everything and still have the park-type setting. He said that currently, they have one home, a barn, fenced pastures and a large area that they currently use for the riding arena. He added that there is about a one-fourth acre pond that was excavated for the home. He told the Board that if they look at their aerial view, they can see that they have some idea of what they are trying to do. He said that in the back, there is a heavily wooded area that is for riding trails, and there is at least a 20-ft. buffer all the way around the perimeter for visual and sound barriers. He stated that they are interested in breeding, raising and training sport horses for their own use, and it is not a "pony party" place, or a riding facility for the public, but for their own use and enjoyment. He added that they would be breeding horses with the potential to sell, but they are really trying to do it for themselves, but if there is a market for one of the horses, then they will sell, but that would be to make it self-sufficient in some way, but not as a business, by any means. He said that right now, their kids have ponies, but eventually they will graduate to horses, and they have young horses that they are training for the children to ride later on. He stated that they have invested a lot into it, and they are serious about what they are trying to do, and fit into the community. He stated again that they do not do "pony parties" or trail rides, and they do not board any horses, and their horses do not leave the property to walk down the street, and all the riding is to be done within the property. He said the property has closed access, so people are not coming in and out from any way, other than their front gate, so there is not a lot of traffic. He stated that they try to take care of all the animals as best they can, and the veterinary care is handled by the local veterinarian, and all the shots are up to date. He said that because of their

situation of having four acres that they are unable to use for anything, that has put a lot of pressure on their current three acres, and there are issues they have to deal with on the smaller property. He said that as far as pest management is concerned, flies, mosquitoes, and rodents are not good for the horses or the neighborhood. and they do what they can to manage that. He said it is managed through feed-through fly treatment, that goes into the manure and kills the larvae, or they can also use automatic sprayers as well as managing everything they can as best they can. He stated that there are sprays that control mosquitoes, and they try to make sure there is no standing water, so there are no water buckets or troughs, which are notorious for breeding mosquitoes, and they are emptied and changed everyday. He said that they can't claim that horse manure doesn't have an odor, but they do everything possible to maintain an appropriate setting for the neighborhood. He stated that there is usually an odor when there is a long drought followed by rain. He added that they don't have a manure pile like a lot of places have, where it's collected and put into a large pile and composted. He said they spread everything very thin so it dries and doesn't collect such an odor, and they do things like liming regularly in the spring and fall to control odors, as well as maintain soil conditions. He also said there are no sprinklers on the new property which also helps keep things from getting out of control. He said that for pastures, they have four main pastures for grazing and some turn-out areas that they have had a lot of pressure lately, and that is why they want to expand and create some new pasture areas. He said that they really like the neighborhood, and they have a lot of friends there, and children in the area that are the same age as their children. He said they live close to his work, which is at the Florida Solar Energy Center, where he works as a Research Engineer, and they are close to their church. He added that his wife has a home base for her work as an ecological consultant, and 99.9% of her work is in the field, and they are in a nice central location to work out of. He stated that they looked at moving before the property came up for sale, but property is difficult to come by and is sometimes too wet or too far away, or some other reason. He said if the zoning is not approved, then they will have to make some hard decisions about what they are going to do and how they are going to do it. He concluded by saying that the bottom line is that they want to be good neighbors to the neighborhood, and they realize that this is something that not everybody will understand or appreciate, but they have really tried to maintain a good report with everyone. He said there are several people in their neighborhood who support what they are trying to do, but a lot of people could not attend the meeting. He added that he has made an attempt to go around the neighborhood and talk to people, and there are people who have expressed concerns, and some who are very supportive. He added that they want to stay there and find a way to fit into the neighborhood.

Mary Jo Barkaszi, 7341 Glenwood Road, said that she wanted to stress that their horses are not like backyard pets and they are not pony party horses, and one horse from their breeding program actually represented the United States in the Pan American Games. She said their horses will not be treated sub-standarily, and everything they do with their horses is very strict and very by-the-book, clean and orderly, and they do not take it lightly. She said they have some really nice animals in their barn, and they're not going to let them stand in a pile of urine or manure, or have flies all over them.

Carmine Ferraro read a letter of objection into the record. (See attached.)

Tom Topolinski, 7278 Carillon Avenue, Port St. John, said he lives on the northeast corner of the Barkaszi's property. He pointed to his property on a map. He stated that he and his wife have lived there since 1988, and lived there when the original owners came to them and asked if they minded them rezoning. He added that at that time, they said it was in order for them to have a couple of horses for their family. He said that at the time, there were a lot of people in the neighborhood who were up in arms against it, and apparently the objection didn't win, and the rezoning went through. He said that after living next door to just a couple of horses, he has noticed the smell, and it is somewhat offensive, and although it does not smell all the time, it is noticeable at least a couple of times a week. He said his main objection is that they are not a rural community and if they all wanted to move into a rural community, and have horses, they would do that. He said he does not think that the area is conducive to a horse farm, and to his understanding, with the new zoning, there would be a potential of 11 more horses, and he can only imagine what it would smell like with double the amount of horses. He stated that he has no objection to people living in a rural community and having an acre or two with horses, but they are not in that kind of community, and their community is predominately a suburban community with one-fourth acre lots. He said that another concern is the fact that it sounds like they could board horses in the future, and there could be a business there. He asked what that would do to the surrounding property values. He said that the potential is there, and if it is rezoned now, and someone else buys it, and they don't have the same intentions, they could do a lot of additional things, such as parties for their friends and family, and having people bring their horses over or breeding. He concluded that he does not think that the area is conducive for a farm.

Bill Workman asked staff if in RR-1, they are allowed to have parties and rent out stalls.

Rick Enos said no, in the RR-1 zoning classification, horses are an accessory use to the residence and the residence is the primary use. He said that horses in RR-1 are like pets, and you are not allowed to run a business, breed horses or board other people's horses. He said that the purpose of horses in RR-1 is just for the personal use of the occupants of the house.

Bill Ainsworth asked staff how many different businesses would be allowed on the property if the zoning were changed from RU-1-9 to RR-1.

Rick Enos said it would not permit any more businesses than the current zoning would.

Bill Ainsworth asked what fell under that.

Rick Enos said it is not based upon the zoning change, you can have certain home occupations in any residential zone, but it doesn't vary based upon whether it's RU-1-9 or RR-1. He said that the only difference in those classifications is that you can have horses for personal use in RR-1, but you cannot in RU-1-9.

Bill Ainsworth said that if they sold their property in four or five years, then the horses would be the only issue.

Rick Enos said yes, the ability to have horses would stay with the property, and the property could be sold several times, and the use would stay with the property.

Becky Smith, 4750 Cinema Street, Port St. John, said that the Barkaszis are her friends and she has spent a lot of time at their house and at their barn, hanging out with the horses. She showed the Board where her property is on a map, and said it is immediately adjacent to the property in question. She said the Barkaszis keep an absolute immaculate facility, and she has never been offended by the odor or noise that comes from the property, and she can't imagine that they would do anything to the back of the property that would reduce the value. She said that the thing that scares her is that if they don't get it rezoned, then they will sell it, and pretty soon it will be like the rest of Port St. John, one fourth acre lots with houses on them. She said that right now, there are big trees and lots of wildlife, and some buffering of city noise, and that is what makes their quality of life excellent. She said she can look out her windows now and see trees, not 15 houses.

Helen Dezendorf, 6383 Fairchild Ave, Port St. John, said that previously, there have been occasions where people have bought property and were told by the realtor or developer that they can get it rezoned to whatever they want without any problems. She said she would like to know what the Barkaszis' expectations were when they bought the property, and if they were told that it was not a big deal to go from RU-1-9 to RR-1, and did they get the feeling that it would not be a big deal, and is that why they bought the extra acreage. She said she would also like to know how many of the neighbors are not happy as opposed to how many who happy.

Carmine Ferraro said there were three who expressed concerns, and one who had written a letter, so that would make four objections. He added that there were 19 in support of the rezoning.

Helen Dezendorf said she wanted to know if when they bought the land, if the realtor told them they would have no problem getting it rezoned.

Bill Ainsworth said he personally drove around the area and spoke to about 10 of the neighbors, and none of them had any objections, although not everybody was home at the time.

Helen Dezendorf said she has an objection to the ongoing problem of realtors telling people that they will be able to rezone their property, and then people buying property based on the feeling that it would not be a problem to rezone.

Carmine Ferraro said that there is nothing the Port St. John Board can do about that, but he understands her concerns. He said he thought that the County recently created some kind of ordinance that said it must be disclosed on the deed if there is a wetlands issue, or some type of issue, because of all the flooding in Palm Bay.

Randy Rodriguez said that the State has a regulation that you must disclose anything that materially affects value that is not obvious. He said realtors could be personally sued for financial damages, and the State will take licenses away for making things up.

Helen Dezendorf said she has no objections to the horses, and she does not live in the area of the property in question. She said she just thought that maybe this is another case where people are coming to the Board thinking it is not a big deal to rezone, because the person who sold it to them said it was not a problem.

Richard Basso asked staff if there is a formula used to determine the taxing purposes.

Rick Enos said he is sure there is a formula, but he is not sure if it changes for the zoning change, and whether or not that would change how the property is taxed.

Randy Rodriguez said there is a difference in the millage.

Bill Workman said it is minimal.

Bill Ainsworth said he went out and looked at the property, and they have their home in the front, and just behind them is three or four acres. He added that the area they are looking at buying is house-locked, and there are no roads in or out. He said it will be an addition to what they already have.

Mary Jo Barkaszi said that is correct, and they have already bought the property.

Bill Ainsworth said it's not like a road could be put in there and someone turn around and build houses, just due to the fact that it's all land.

Carmine Ferraro said it is effectively land-locked.

Richard Smith said yes, with the exception of one small flag opening on the northern part.

Carmine Ferraro said that is the gate access. He asked if there were any other public comment.

Lisa Ruffe, 7137 Carillon Avenue, Port St. John, said she has known the Barkaszi's for over 12 years, and she and her husband have lived on Carillon since 1989. She said she was excited when the Barkaszi's bought the property, because she knew what type of people they were. She added that they are environmentalists, and they believe in keeping everything natural, and that is one thing they are losing now in Port St. John. She said that right behind her is Marianna Oaks, and they level it, take all the trees out, and the houses are pushed up as far as they can get to the lot lines, and there are houses in her backyard. She said that for the Barkaszi's to take the property and turn it into what they are doing is not going to put a negative into the community, and it's going to be a positive. She said that all she has to say is that they need to look at it as a positive and not a negative.

Jerry Dousey, 7254 Carillon Avenue, asked Mr. Ainsworth when he was out to talk to the neighbors.

Bill Ainsworth said it had been about two weeks ago.

Jerry Dousey said his objection to the rezoning is that the smell is bad, and everything is not as nice as everybody says. He said he doesn't know how long he will live there, but there is no one who lives closer to the Barkaszis than he does. He said their barn is closer to his house than to their own. He passed out some pictures to the Board. He said the applicants built a large shed, close to his property line, and asked if he minded after they put it up. He said he didn't mind the shed and he didn't mind if they had a couple of horses, but now that they have as many horses as they do, and Mr. Barkaszi said he would have kids come in and ride around, he hopes he has insurance in case someone gets hurt. He showed the Board some corrals that back up to his fence and showed that the area is covered with leaves and horse manure. He said the smell is bad, and it will get a lot worse before it gets better, and if he goes to sell his property, they will have to tell the prospective buyers to come back when it's dried out a little bit. He said that Steve said he is breeding horses on the property, and he asked Mr. Enos if breeding is allowed in RR-1.

Rick Enos said no, they cannot breed horses.

Jerry Dousey said they would have to ask the Barkaszis if they will continue to breed horses.

Rick Enos said that if he thinks they are breeding horses, he can call Code Enforcement.

Jerry Dousey said that no one came around and got signatures, and no one lives closer to Steve's house than he does. He said that Steve showed up on Sunday to tell him what they plan on doing. He said that he knew he was going to do this, but decided he would not ask any of the neighbors. He said he has no objection to it, but it is going to depreciate the value of his house and everyone's house around them, but it will appreciate the Barkaszi's.

Michael Woltman, 7242 Carillon Avenue, said he is Jerry's neighbor, and he has to disagree with Jerry, because his house is right behind the two pastures that he is talking about. He said yes, there is a smell occasionally, as Mr. Barkaszi said, on dry and hot days. He said that being environmentalists, they do try to spread the manure very thin and cover it with leaves and do what is necessary to decompose it in a non-offensive manner. He said when he and his wife bought their house, the thing that drew them to the neighborhood was having that property behind them, because he does not want to see 30 or 40 houses behind them, and he would rather have seven acres behind them. He said he understands what the Barkaszis do, and to clarify what Mr. Barkaszi said earlier about having riding trails, it's not really riding trails. He added that Mrs. Barkaszi does some training of horses for equestrian stuff, and it is a hobby of hers. He said that is the kind of riding trails he thinks they are talking about, not bringing a bunch of people in and riding through like they do at other ranches in Canaveral Groves. He said he would like to go on record as being for the rezoning.

Steve Kelly, 7124 Carillon Avenue, said he does not think that the property is an appropriate place for this type of use, being that it is right in the middle of a community like Port St. John. He said that his biggest worry is that the Barkaszis might sell the property, and that would leave the door wide open for someone else to come in with other intentions. He said they might not intend to do that, but you never know, and it would leave the next party to acquire that land more flexibility to expand and have more horses and do more things with it. He said he doesn't want to see houses go in there either, and he does not think that horses, are appropriate in the area.

Betsy Castillio, said she is Steve's sister, and she just moved to Port St. John from Baltimore. She added that they moved here, for the quality of life that they saw here, and because it is a nice community in an urban setting. She said she has her children over at the property all the time, as well as other neighborhood children. She said that from what she understands about the property, it was the original tract for a farm. She said that Mrs. Barsaszi is an excellent rider, and she does it for herself, and the horses are very well taken care of. She stated that they moved to the area because they saw how nice it was, and from her perspective, she sees that there are more problems with some of the properties that are degraded in the area, with odors and noises, coming from those houses that would be more offensive to her, and more degrading to her property, than a park-like setting in her backyard. She said she has looked and could not find an area where homes were not smacked up against another house, and looking into someone else's bedroom. She said that Port St. John is a nice community and they would like to stay there, and the Barkaszi's are trying to improve the community. She said she would not want to see more homes built. She asked if the schools and hospitals could handle more homes.

Carmine Ferraro asked if there was any one else to speak to the item. Seeing none, he called Mr. Barkaszi back to the Board.

Steven Barkaszi said that breeding, in the way that the County describes it, is standing a stallion and bringing mares in and actually doing the breeding on site. He said the breeding that is done with his horses is artificial insemination that is done in Ocala. He said that the mares that stay on the property are pregnant, but it is not a breeding facility, and in fact, all their colts are gelded before they are a year old. He said they take breeding very seriously, and a lot of the foals that they have had are bred with frozen semen from Europe or other places, and that is not a very easy venture. He said he did not see the pictures that the gentleman showed earlier, but they were probably of his junk pile. He said it is a relatively small area, and they have some stuff stored there. He added that he spoke with Jerry about it over the weekend and found out what his concerns were, and he understands his point, and as of today, he has made an effort to clean some of the things up that are a problem for Jerry. He said they have developed a better relationship with the neighborhood by talking with them and finding out what their concerns are. He stated that the field that is out there with all the leaves does need to be taken care of, and they are in the process of refurbishing the pastures and planting new seeds. He said the pasture on the opposite side of Jerry's house has already been refurbished, and next, they will do the other side, but right now it is a mess, and they need to be taken care of before the warm weather sets in. He said the kids that are coming in are neighbor kids, and they are not bringing kids in and charging admission. He said they are their friends, and if they are going to sue them if something happens, then that would be unfortunate, but they are friends that they trust, and relatives. He stated that before he purchased the property, it was very overgrown, except a small area that was cleared out where someone was cultivating marijuana plants. He added that they went and told the policeman who lives around the corner. He said there were junk cars there, and people were actually living in those woods for a while, so they have tried to clean it up, and the fence helped. He said that nothing is ideal for anybody, but they are trying to do what they can. He stated that as he went around and talked to people, they expressed that they liked having horses there, but unfortunately, not everyone could attend the meeting. He said that they are going to continue to have horses on the property they currently have that is zoned for horses, and they want to be



good neighbors. He added that they did know the risk when they bought the property, and they were given some idea that rezoning may be not-so difficult because of the situation that it is completely land-locked, and because they already have an adjacent piece of property that is zoned for horses, and they did understand that. He stated that he did not know how to address the complaint that came from Patrick Land, but he understands the concerns of the people who are close by. He concluded by saying that they want to fit into the neighborhood and be an asset to the neighborhood, and they certainly don't want to be a detriment. He added that if there are concerns, they want to make sure they take care of them.

Mary Jo Barkaszi said they are not planning on selling the property.

Carmine Ferraro closed the public comment and brought the item back to the Board.

Richard Basso said that in talking with some of the neighbors, he heard the comment that there are off-road vehicles being used on the property, and they are noisy.

Steve Barkaszi said they do have a small tractor.

Richard Basso said he is thinking more along the lines of a four-wheeler.

Steven Barkaszi said they have one to pull some equipment with, but it is not recreational.

Bill Workman said he has lived in Port St. John for over 30 years, and he has seen a lot of houses built, and a lot of land that was just horses, be developed into houses. He said that there used to be hawks, owls and nesting flying squirrels, and those are very rare in Florida. He stated that if the Barkaszis keep the property the way that it is, and just clear out the underbrush, then it will keep the nature in Port St. John. He said that in other areas, squirrels are being chased out because the environment isn't balanced. He said he is in favor of the zoning change because it is an upgrade from RU-1-9.

Carmine Ferraro asked if he wanted to put that in the form of a motion.

Bill Workman said he will make a motion to approved the zoning change.

Bill Ainsworth seconded the motion.

Carmine Ferraro asked if there was any discussion.

Bill Ainsworth said he has walked the whole area and around the whole neighborhood, and he apologizes that he didn't get to speak to everyone. He stated that it seemed to him that when he was looking at the property, it was well kept and well maintained. He added that there was some horse manure on the property, but he thinks that when someone has horses, it is expected. He added that the Barkaszis have some beautiful horses, and they are well-kept, and they seem to be happy, and the kids seem happy. He added that he sees no objections with them having the extra piece of property, because they already have the horses, and they will still have the same amount

of horses but they will have a little bit more land. He said he didn't see any four-wheel drive vehicles when he showed up twice, unexpectedly, and he has no objections to the zoning change.

Randy Rodriguez said they have had a lot of things brought up that are incidental to the zoning change, and their task in considering whether they recommend approval or disapproval is based on seven administrative policies. He said the policies say whether the land itself can support that job, and if it is feasible, given the area that they are in. He said a change from RU-1-9 to RR-1 in this neighborhood is actually an upgrade in zoning, and not a substantially higher one, and if someone builds a house in RR-1, it has to be a little bit bigger. He said that RR-1 does allow horses, which is probably the biggest issue, and it is actually a less demanding use of the land. He said that if the Barkaszi did have an ATV of some sort on the property, they have seven acres and whether it's RU-1-9 or RR-1, it is their land to do that with, and denying or approving the zoning change won't change that part. He said that Administrative Policy Three discusses whether the proposed use would cause a material reduction in the value of the abutting lands or improved developments. He also said that Administrative Policy Four discusses whether the character of the neighborhood or area should be a factor if it is rezoned. He stated that that falls back into that he does not think the change from RU-1-9 to RR-1 is a factor in itself, and it just means that a bigger house would have to be built, and it would require more land. He said the allowance of the horses seems to be the underlying issue in this request. He said the people who have expressed concerns have been more opposed to the horse smell than the actual horses. He said that part of considering what is good for the financial value of the surrounding homes includes the chance that they might sell the property. (Inaudible.) He said he believes that everyone would still rather have vacant land and trees and squirrels, than the potential of having dozens of smaller houses.

Richard Smith said that when he interviewed for his position on the Board, he said that he would abstain from voting on this item because he had prior knowledge of the issue, but he would like to offer some comment.

Carmine Ferraro asked staff if there is a form to fill out when someone abstains.

Rick Enos said that if someone were to get some kind of personal financial gain because they were associated somehow with the property, then they should abstain.

Richard Smith said he would not receive financial gain.

Carmine Ferraro asked if he would have to abstain just because he is a resident in close proximity.

Rick Enos said no, he would not.

Richard Smith said that during the last meeting, knowing that this item was coming up, he did disclose that he had an opinion on it in advance, and held out that that was the case. He said that he believed that the Board members took that into consideration when they determined which of the candidates would be an appropriate one to add to the Board. He said he does not want to run counter to informal commitments that were made during the last meeting.

Carmine Ferraro said he believed that one of the questions that was asked of the candidates was if they could go ahead and vote on the issue, based on the technical information and public input, without being influenced. He said that Mr. Smith said he would be able to do that, and asked him if he still felt that way.

Richard Smith said he does not recall specifically whether he was asked that question, but he understands that, and agrees that given his responsibility to the Board and to the community, he would need to be an impartial judge of the information presented.

Carmine Ferraro said he would not have a reason for Mr. Smith to have to abstain from voting and he has no objection to him voting on the item. He asked if anyone else had an objection to Mr. Smith voting.

Bill Workman said no, if there was not a financial gain.

Carmine Ferraro said that at the last meeting, Mr. Smith was very upfront, and his biggest concern was if he would have financial gain. He said there was an instance where he had prior association with the Port St. John Baptist Church, and when they came before the Board, he voted on the issue because he had the duty, and he thinks that Mr. Smith is saying that he understands that.

Richard Smith said it was his understanding that the property in question was part of ten contiguous acres that was owned by three related members of the Potts family. He said that basically, it can be viewed that rather than taking one-fourth acre-size lots and planting an RR-1 on it, they are looking at what used to be a rural land use that was enveloped by a higher density residential use. He stated that one of the family members who was affiliated with the ten contiguous acres is one of the ones who are in support of the zoning change. He also said that one of the existing family members is his next door neighbor, who is contiguous to the property, and has no objection, and was present at the last meeting. He said he thinks that historic land use is important, but he does not know what the property was zoned prior to 1990. He asked Rick Enos if the property became RR-1 in 1990.

Rick Enos said the parcel with the current residence on it was rezoned to RR-1 in 1990, but prior to that, it was zoned RU-1-9, like the rest of Port St. John. He said that single-family zoning goes back to approximately the early 1960's, when the subdivision was platted.

Richard Smith said that one way to look at it, in terms of Administrative Policy Three, is to ask if the small lots that were put around that property are consistent with improving the value of that property as it stood prior to all of it being cut up around it. He said he thinks it can be looked at from two different points, depending on where you are, and he agrees that RR-1 is a higher use of the property relative to minimum house size. He said that some speakers have a legitimate concern about some of the odor issues, and it is his understanding that there has been only one documented odor complaint. He added that they have lived in the house for ten years, and so the zoning pre-dates them being there. He asked the Barkaszi's if there was only one formal complaint in the ten years that they have been there, to the best of their knowledge.

Steven Barkaszi said yes.

Richard Smith said he is interested to know why some of the other speakers who felt so strongly of the odor did not bring their complaints to the County. He said it is also his understanding that there is a privacy fence that separates some of the speaker's properties from the Barkaszi's property, and it's six feet in height. He added that in order to take pictures of the property, one would have to stick a camera over the top of the fence, and that is something that someone would not be able to see simply by standing on their property. He said he wished there was a covenant that could be created, relative to where manure might be spread, to minimize the potential for that being a problem for adjacent neighbors. He said he is hearing property owners who are sensitive to the issue, but the concern of what could happen in the future with other not-so-cooperative neighbors is reason for them to be concerned. He said it is his personal opinion that the quality of life for that area of Port St. John is enhanced by the current use of the property, and it would be enhanced by an RR-1 zoning, and he would support it for that reason.

Bill Workman said he lives in the front of Port St. John, and they get a bad smell that they can't do anything about and it is a sickening smell. He said he is not saying that horses are any better, but their smell can't be as bad as the smell up front.

Carmine Ferraro asked Mr. Barkaszi how many horses he currently has on the property.

Steven Barkaszi said there are currently 11 horses on their property.

Carmine Ferraro asked Rick Enos if that is in compliance with the zoning, and how many horses are allowed per acre.

Rick Enos said he did not know how much property they had.

Steven Barkaszi said they have three acres.

Rick Enos said yes, that is in compliance.

Carmine Ferraro asked Mr. Barkaszi how many horses they had when they first bought the property.

Steven Barkaszi said they started with four horses.

Carmine Ferraro said they went from four horses to 11, and he asked if that was a result of the breeding.

Steven Barkaszi said it was a result of the breeding and ponies for the children.

Carmine Ferraro asked if he has been on the property for ten years.

Steven Barkaszi said that his mother and Mary Jo's father were sick with cancer, and he took a sabbatical from work, and they left for approximately two years in mid '95 to mid '97. He said they purchased the property in 1993, and they did rent it out for that period of time.

Carmine Ferraro asked when the four horses were first brought to the property.

Steven Barkaszi said they were first there 1993, when they built the barn.

Carmine Ferraro said the RU-1-9 property to the south is zoned strictly for residential; thereby, they cannot utilize any of that land for the existing 11 horses, and that is creating the crowding problem. He asked if changing the property to the south to RR-1 would increase the total density, in terms of the amount of horses they can have.

Rick Enos said they would legally be able to add as many as 15 more horses.

Carmine Ferraro said that Mr. Barkaszi mentioned that they have no intention of going beyond the 11 horses. He asked staff if there was a way to have some kind of a binding site agreement that would limit the horses to 11; thereby, allowing them to utilize the land. He said that they have 11 horses and maybe by spreading them over the land, it might make the situation better.

Rick Enos said they can submit a binding development plan, which is essentially a written agreement between the County and the property owner, and it is enforceable by County law. He said it is a voluntary document that Mr. Barkaszi would submit to the County in support of his application, and he can write anything he wants under that document. He added that if Mr. Barkaszi is willing to limit the entire site to 11 horses, then the Board could rely on that commitment in making their decision.

Carmine Ferraro said he thinks that in reviewing the item, and looking at the technical information, and looking at the administrative policies that they have to follow, he believes there is some incompatibility of this type of use in what looks to be a residential neighborhood. He said the Barkaszi seem like very responsible people, and he is sure that horses are going to have odors. He said he went by the property that day and thought he smelled something, but he was not 100% sure because it was cold out. He said that they have a problem looking at it strictly from the administrative policy, and whether the proposed uses would create any type of odor, noise, lighting or traffic, or whether the proposed use might cause a material deduction of five percent or more of the value of the existing property. He said that in other words, there are 11 horses that are there now, and they are allowed to be there. He asked if there was a way to provide some protection to the adjacent property owners and still allow the Barkaszi to do what they want to do. He said it sounds like it would make the situation better, and he was really not prepared to support the item if there was not a way that they might be able to bring some type of a voluntary binding development plan in that would give some assurances to the neighbors that the situation can be somewhat controlled. He said that if the Barkaszi were to move and someone less responsible took over the property, it could become a terrible situation. He said he drove around the whole area and did not see anything else that resembled farm land, and it is a residential neighborhood in flavor and design. He stated that maybe the property shouldn't have been zoned RR-1 in the first place, because it wasn't consistent with the rest of the neighborhood.

He said that he would be willing to support the zoning change if the applicant was willing to bring them some type of binding development plan to limit the number of horses, and the amendment changed to reflect that.

Bill Workman said the opposite could happen if the Barkaszi's decide to sell their property. He said someone could come in, if it is not changed to RR-1, and put in a bunch of 900-square foot houses. He said if it is changed to RR-1 and in the future they decide to build, they have to have one-acre lots for each house. He said a one-acre lot would put a nicer house on that property than a bunch of 900-square foot houses, and a percentage of that 900 square feet could be a carport.

Carmine Ferraro said that what he is trying to do is look at it from the administrative policy, and weigh it that way. He added that they have 11 horses where they are right now, and they are all squeezed on one piece of property, and they can't use the other portion of that property. He said he thinks that as a Board, they have to be responsible that they don't create any precedence that would go against the administrative policy, because they are supposed to be looking at technical information and the public comment. He said he thinks there is a sufficient public comment that when it goes before the County Commission, they are going to request something similar to a binding development plan. He added that it may be proactive for the Port St. John Board to submit it now, and show them that they are being a responsible board, and that they are looking at the public comment on the one hand, and also trying to accommodate the Barkaszi's. He said that if there would be willingness to allow the motion to be amended to reflect the binding development plan, and if the Barkaszi's are willing to put that forward, then he would be inclined to support the motion.

Bill Ainsworth asked if the Barkaszi's sell their property in the future, if the Board could get a book and see the breakdown, and everything that would fall under that category.

Rick Enos asked if he was talking about the zoning code.

Bill Ainsworth said yes, there is a zoning book and if they wanted to change from residential to what they are trying to do right now, there would probably be two or three pages of items that could go on that property after they sell it. He asked Mr. Enos if that was correct.

Rick Enos said yes.

Bill Ainsworth said that as of right now, he has no idea what the other items might be.

Rick Enos said the difference in this case is horses, and that is all. He said that in the RU-1-9 portion, they cannot have horses at all, as that is purely residential. He said the RR-1 would allow horses in addition to the residence, and that is the only real difference.

Bill Workman said they are also larger lots.

Rick Enos said yes, but as far as use is concerned, horses are the only real difference.

Several speakers spoke at once.

Carmine Ferraro said the issue of property value is a little more technical than what they think, and there would be a lot of criteria that an appraiser would use. He added that he thinks that the most important thing a property value is going to influence is whether someone wants to buy the house. He asked Steven Barkaszi if he would be willing to voluntarily submit a binding development plan along the lines that they have stated.

Steven Barkaszi said that 27 horses would be excessive, so yes, he would be willing to limit the number.

Carmine Ferraro said if they have 14 right now, would he be willing to limit that to 11.

Mary Jo Barkaszi said they have 11 horses on the property right now.

Richard Smith told the Barkaszis that their current zoning of the three acres would allow for 12 horses.

Carmine Ferraro asked if they would be willing to submit a binding development plan that would limit the horses to 12 on the entire property.

Steven Barkaszi said that two horses per acre would equal 14 horses and that would give them a buffer.

Carmine Ferraro said that 14 horses would be the maximum, and that is three more horses than they currently have. He asked Bill Workman if he would be willing to amend his motion to include a binding development plan.

Bill Workman said that in the binding development plan, they have to say how many horses they are limiting it to.

Carmine Ferraro said yes, there would be no more than 14 horses and if the neighbors want to sit and count horses and discover there are 15, they can call Code Enforcement.

Bill Workman said he will amend his motion to include a binding development plan that limits the property to two horses per acre.

Carmine Ferraro asked staff if that would make 14 horses.

Rick Enos said they need to know if they are talking about two horses per acre or 14 horses.

Richard Basso said the motion should say they are not to exceed 14 horses.

Carmine Ferraro asked if anything else needed to be submitted for a binding development plan.

Rick Enos said there is a special format that the County uses, and they will provide the Barkaszi with that, and as soon as the County Commission approves it, Zoning staff will take them through that process.

Carmine Ferraro asked if the property will be cleared for riding trails, if the rezoning is granted.

Mary Jo Barkaszi said it won't be cleared any more than it already is.

Carmine Ferraro asked if there was a way for them to work more with their neighbors and provide a better environment for how everything is on the entire property. He said in other words, he was asking if they could limit more of what is closer to people's fences.

Steven Barkaszi said yes.

Carmine Ferraro asked if they could put in the binding development plan that they would be willing to sit down with the neighbors and address the neighbor's concerns.

Several speakers spoke at once.

Rick Enos said if there were specific measurable standards that they wanted to agree to, then that could be put into the binding development plan, but to force them is another thing. He said you cannot put into a binding development plan that they spoke to every neighbor around.

Carmine Ferraro said that what he is suggesting to the Barkaszi is that it may behoove them to sit down with the neighbors who have objections before the County Commission meeting, and if there is a way to bring something that might bring that opposition to a support, and could be worked into the site plan. He said to have that presented to the County Commission will be better received by the Commission.

Richard Basso asked about runoff and drainage ditches, and whether the County monitored that.

Steven Barkaszi said they are not monitored, but in the Best Management Practices, it does address runoff and things like that. He said that the Best Management Practices is for the Wellington area of West Palm Beach, and they are close to the everglades, so they are very conservative in that respect.

Richard Smith asked Mr. Barkaszi if he would incorporate the specifications from the Wellington plan, including issues relating to runoff and to maximum horses per acre, into the binding development plan.

Steven Barkaszi said yes, as the Best Management Practices apply to them, seeing as how they were written for the Wellington area.

Richard Smith said that if there are specific things they can do to measure objectively, then that is one thing, but they shouldn't offer up that they are going to follow the Best Practices unless they have a clear understanding of what it is that they are owning up to.



Mary Jo Barkaszi said that is her concern also.

Steven Barkaszi said reducing the number of horses per acre is a major step.

Carmine Ferraro said that they will want to have their things together for the Commission meeting.

Richard Smith said it may not be necessary to deal specifically with the ground water issues because there is already an existing regulation that covers those things.

Bill Workman said that anyone who has a complaint can call Code Enforcement, and Code Enforcement will see if the complaint is valid, and take care of it.

Bill Workman made a motion to approve the rezoning request with a binding development plan to limit the horses on the property to 14.

Bill Ainsworth seconded the motion.

Carmine Ferraro called for a vote on the motion, as stated, and the motion passed unanimously. He reminded the public that they can only make a recommendation, and it will be considered by the County Commissioner on the 6<sup>th</sup>, and they will make a final decision. He stated that the Board is not allowed to conduct any further business.

Bill Workman asked if it was too late to advertise for the meeting on the 12<sup>th</sup>.

Carmine Ferraro said it was his understanding that they are not to meet unless the County calls the meeting.

Rick Enos said he thought they could meet on the 12<sup>th</sup> to discuss the other business, but it will have to be advertised.

Bill Workman asked if there was enough time to advertise.

Rick Enos said he did not know that there was a limit, since there are no zoning items to be considered, but he will have to check into that. He said that the best he can do is get back to them.

Bill Ainsworth asked if staff has notified the new members that they have to have an oath of office and a \$10 check sent to the State, prior to them being voted in.

Rick Enos said that may have come from the Supervisor of Elections Office, but that is not something that Planning and Zoning would handle.

Bill Ainsworth said that the State of Florida recommends that every appointed member has to take an oath of office.

Rick Enos said that comes from the Supervisor of Elections Office.

Bill Ainsworth said yes, that is who he talked to.

Bill Workman asked if Christine Lepore could attend the meeting on the 12<sup>th</sup>.

Rick Enos said he would pass that request on to the County Attorney's Office.

Carmine Ferraro said he is resigning from the Board, and he has a letter of resignation. He said that he has some health issues, and he cannot sit on the Board anymore. He said that he did not want to leave the Board hanging, but there is a quorum now, so at their next meeting, they will have to elect a new Chair.

Rick Enos asked the Board if they would like to do that on the 12<sup>th</sup>.

Bill Workman said yes, if possible.

Randy Rodriguez said he would like to accept the resignation on the 12<sup>th</sup>, because with Carmine resigning tonight they are back holding their breath for a quorum.

Carmine Ferraro said they did not know when they were going to meet again.

Randy Rodriguez said he would be happy to call the County Attorney's Office, if Carmine didn't want to, but he really thinks they need to hold a meeting on the 12<sup>th</sup>.

Carmine Ferraro said he knows of several people who are interested in serving on the Board, and he is not in a position to serve any longer. He added that he does not feel like he's leaving the Board in any kind of a precarious situation, and he hung in for this item because he didn't want to abandon the Barkaszi.

Richard Smith said that Carmine should be able to do whatever he feels like he needs to do. He said that beyond that, he would like to compliment him for steering the Board in the direction of a compromise this evening that address most people's concerns. He added that he thinks it was done very well and professionally, and he applauds him for his efforts.

Bill Workman made a motion to adjourn the meeting.

Randy Rodriguez seconded the motion.

Carmine Ferraro called for a vote on the motion as stated, and the motion passed unanimously.