

PORT ST. JOHN DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The Port St. John Dependent Special District Board met in regular session on Wednesday, September 12, 2012, at 6:00 p.m., at the Port St. John Library, 6500 Carole Ave., Port St. John, Florida.

Board members present: Joan Calvert; Carmella Chinaris; Vaughan Kimberling, Chair; Pete Costello; Wendy Porter, Vice-Chair; Greg Messer; and Randy Rodriguez.

Staff members present: Cindy Fox, Planning, Zoning & Enforcement Manager; and Candy Hanselman, Administrative Support Services Manager.

Vaughan Kimberling – Good evening, everybody. Thank you for coming to the hearing this afternoon. We have a zoning request to change RU-1-9 to RP at 1168 Fay Boulevard. We'll open up the discussion with – who do we have here representing the property, Dr. Keller? Would you please state your name for the record.

DISTRICT 1

V.B.4. (12PZ-00050) – BARBARA K. KELLER – requests a change RU-1-9 to RP on 0.36 acre. Located on the north side of Fay Blvd, approx. 500 ft. west of U.S. 1. (1168 Fay Blvd., Port St. John)

PSJ Recommendation: Kimberling/Chinaris – Approved. Vote was unanimous, with Rodriguez abstaining.

Carmine Ferraro – Carmine Ferraro, with Carmel Development. And I'm here today representing Barbara Keller for the zoning request. Do you want me to go ahead and...

Vaughan Kimberling – Yes, if you'd go ahead and present your package to us.

Carmine Ferraro – Good evening, board. I'm here to present the zoning request for consideration of granting a zoning change from RU-1-9 to RP, Residential Professional, at 1168 Fay Boulevard. I want to take a few minutes and highlight some of the points that are contained in the staff zoning comments. I'm referring to pages 18 through 21. I only have pages 18 through 21. Do they have other pages?

Candy Hanselman – No. They get fit in with the other pages going to the Commission. The other comments were for the P&Z Board.

Carmine Ferraro – So if I reference that, will they know where I'm referencing?

Candy Hanselman – Yes.

Carmine Ferraro – O.K., thank you. The current zoning can be considered under the future land use, which is checked "yes". The proposal can be considered under the future land use, which is marked "yes". And the proposal maintains acceptable levels of service. And the more detailed, regarding the traffic, the current volume is 16,280 average daily trips, which is at about 48 percent of its capacity. The proposed volume would add 17 trips per day, bringing it to 16,297, remaining at a 48-percent capacity. The level of service would remain unchanged. The surrounding properties, to the north and west are RU-1-9. And let me do this. Let me pass out this aerial with some details on it. It's the same aerial I have up here (referring to exhibits on an easel). So the surrounding property to the north and to the west is single-family residences. The property to the east is an insurance office. And the property to the south is IN zoning, L, which is industrial light "sic" (should be institutional use-low intensity), where the church is located. Under other considerations, RP zoning can be considered in a residential 8 future land use designation if it is considered transitional. What I'd like to point out in more detail with the handout is why we feel this is supported. The subject property is located about 500 feet from U.S. Highway 1. That's measuring our property boundary to the corner there where the pharmacy store is. The subject property fronts a major arterial that has businesses along Fay Boulevard,

between U.S. 1 to Grissom Parkway. And I know most of you are familiar with Port St. John. There's certain areas of business, and then certain areas of residential. Most of the residential professional is located from U.S. 1 to the railroad tracks, along Fay Boulevard. More importantly, and we think this is one of the major points, is that all of the properties east of where we're requesting are already business. So in terms of transition, we are going from the commercial to the residential professional, and then to the residential single family. Page 20 of your staff comments suggests that the logical point for transition would be extended to the west side of Espanol, which again, as I stated, has mostly a small (unintelligible) of professional uses (unintelligible) the railroad tracks. And we agree with this. As part of the process – and I was, my company, was hired as a consultant for Ms. Barbara Keller. And Ms. Barbara Keller is the owner of ERA Showcase Properties. She is already a resident of – they are already a resident here, businesswise, in Port St. John. They're located right over here on the other side of the street. And they lease the property. So they purchased this so that they would close that office and then move to this property, which is closer to U.S. 1. And they felt it would give them a little more visibility, and they would own the property, as well. As part of the process, we conducted an open house meeting. So we basically looked at the four corners of the property, and we created a 500-foot radius. And we mailed out 47 invitations to all of the property owners in the area, inviting them to come out and talk to us, ask any questions, and answer any questions. We did that on September 5th. I had two attendees that showed. Dean – I don't want to mispronounce his name – he's a chiropractor – Ribado, and Patti Generale, both showed. We had four other individuals call us. And I have – I did not make copies of it, but I have a file copy of everyone we mailed to, the letter, if you want to look at that later. But, basically, what I did is I took, of those four phone calls and the two people that showed, took a summary of the comments. And the comments were as follows: "What was the use?" That was the number one question. "What are you going to do." "What's it going to be?" "What about signage?" "What are you going to do about signage?" "How will you deal with site lighting?" One question was regarding traffic on Espanol, wanting to know whether the increase of use would create more traffic onto Espanol. And we showed them the zoning report for that, the staff comments. "Would the property façade be changed?" "Is it going to still look like a house, or is it going to look more like a commercial building?" "Where will the parking be located?" So, in essence, I've answered the first question, which is it's going to be a real estate office. As far as the signage goes, we are going, provided we get the approval, through a site plan process, for which there will have to be some parking added, and there will have to be the removal of the existing septic system and a new septic system put in, because they cannot connect to sewer, and the old septic system will not work for the needs that they have. So they're putting in a brand new septic. They designed the site on a concept plan, thus far. And we haven't gone through any of the site plan process. So everything in the front will just remain the way it is, and the parking will be located in the back. What I'm going to do is just give you a copy of that so you can study this and ask me any questions. And this is a working concept that we have right now. So the plan is to keep it looking as much as a single-family house. They will have to replace the roof. They will remove the shed and the other ugly little building that's in the back. They're going to, more than likely, close this in and increase their floor space. This is a detached garage area that's going to remain the same. So, basically, from the street, the property is not going to look different and, hopefully, it's going to look a lot better. They chose to locate their property in the back on purpose, because they want to try to keep the front looking as aesthetically pleasing as possible. So what we did is we basically answered in person at this meeting, and we sent emails out. And I made a comment. It was a general comment. I'll just kind of read it back to you that, "The owner wants to be a good neighbor, and has been in Port St. John for some time. And I've taken all the comments that you are seeing into consideration, have provided a concept plan, and explained that we have to submit an application for a site plan. Many of these questions will be decided during that process." We explained that the agencies that review site plans will most likely address many of these questions, and they will have to comply with codes and ordinances that are already in place. One of the – if I lived right next door, I would ask the same question about lighting. "Are the lights going to be on all the time?" And, of course, the answer is no. Based on the site lighting requirements, there will be a sign that's lit, and it will be turned off at whatever the hour required is to turn signs off. Nobody is going to be in the real estate office at 2:00 o'clock in the morning, so there isn't any need to be any signage illuminated. So we got good responses from the people. Basically, they were all supportive. They said that – I guess this property has had some history of vandalism. There was a homeless person, I think, that had been living in there for a while. There had been some damage.

The neighbors felt like, because of who it was, and what they've seen, and what we explained, that they felt like this was going to be good for the neighborhood. And, of course, we invited everybody to come out to both meetings. So, in closing, I know that zoning is not a cut and dried matter. And you guys are tasked with an important job when you consider these requests. It is my professional opinion that we meet the requirements, for the reasons I've stated, in supporting the zoning change. And I would ask that you approve our request, as presented. I'll be happy to reserve any remaining time I have to answer questions or speak, if somebody comes in.

Vaughan Kimberling – Thank you. At this time, are there any questions or comments from the board?

Carmella Chinaris – I have a question. About the signage, does any – can anyone tell me what the rule is, as it now exists, about the height, size and that kind of thing?

Cindy Fox – The RP zoning has very specific rules for signage. I can come back and answer that question after I look it up. I don't know it off the top of my head.

Carmella Chinaris – Because I'm concerned about something. As far as I recall – I just drove by it – Patti Generale's sign is unobtrusive and...

Carmine Ferraro – She has a (unintelligible) marquee sign in the parking lot, and she also has something on her building, as well.

Carmella Chinaris – But it's not glaring, and it's not oversized.

Cindy Fox – I actually don't have a copy of the sign code with me. All I have is just the zoning regulations. The sign code is its own separate chapter. But this board can make a recommendation on the sign size, if you want.

Randy Rodriguez – The RP limitation is pretty low. The total signage gets calculated into that, and the (unintelligible) of the sign involved gets calculated into that. And she had to have an engineering drawing that proposed to do that. Patti is using pretty much every square inch she's allowed on it. It's maybe not the best reference, but she went and had the one built on her house (unintelligible) remaining area that could be covered (unintelligible).

Carmella Chinaris – Yes, I went by it, too. Now, is the entrance to the parking lot then, that's going to be through what's now a green grassy area at the end of the building?

Carmine Ferraro – Right now, the proposal, we've got the driveway on Espanol. And from many, many, many, many years ago, you have a cut here on Fay Boulevard, and the actual cut is there. It's not an approved permitted cut. So what we are requesting is that we have – and this is existing. This would go around the back. And that is an issue that will be addressed by County staff, Engineering Department, to determine whether – and Traffic – whether they're going to approve that. There is a strong likelihood that they may restrict this somewhat. And we're prepared for that. That's okay, as long as can get to the back and park, and then get back out again.

Joan Calvert – I have a question. Isn't this the property that, up until a couple years ago, was a beauty salon, this site?

Several people answered that it was.

Joan Calvert – I recall this, very well. So, to my recollection, the address was not Fay Boulevard. Am I correct?

Carmine Ferraro – I've heard so many things about that... (Ms. Calvert and other board members began speaking at once; therefore, some of Mr. Ferraro's comments are inaudible) ...I don't know the answer to...

Joan Calvert – And the reason I'm bringing this up is because the person that owned the house and had the beauty salon in there said that they could not put any signs on Fay, because the correct address was Espanol, that it was not zoned properly and that - she had a home occupation type license for the beauty salon. And that area, the building to the north, attached, semi-attached, I guess, to the house, that was the beauty salon. The mailbox was out front on Espanol. So I don't know how the Fay Boulevard...

Carmine Ferraro – We received the address from the County tax rolls, and it said 1168 Bay Boulevard on it.

Joan Calvert – That's funny, because the mailbox is out front on Espanol.

Greg Messer – When it was a residence, I believe it was an Espanol address, because years ago, my family used to live down the street from that house. And I remember a mailbox being there, because I almost hit it one time on a motorcycle.

Joan Calvert – O.K. Then you'd remember. The point I'm making is that when she received her permit to have a beauty salon there, she was not allowed to have any signage, whatsoever, because it was considered residential. And they wouldn't give her an exception.

Cindy Fox – And that is true. As a home occupation, you're very limited in your signage.

Joan Calvert – That's right.

Cindy Fox – And this is going to RP. They would be allowed...

Board members began speaking.

Joan Calvert – I just wanted to clarify that.

Randy Rodriguez – A handful of things, Mr. Chairman. There is also another home occupation business right down the road from that, on Fay, if everyone's seen that barber pole. Because that's residential, he can't put a sign up, but he sure as heck can put a barber pole out on his building, which he did.

Joan Calvert – And paint it.

Randy Rodriguez – I'm not approving that. I'm just saying that's how that is. I think the notes cover it, pretty well. First, let me say I'm going to abstain from voting on this issue, because I am a competitor just down the road, the Property Place Real Estate. So I'll abstain from the voting portion on this issue. That will be for someone else. This building has been in front of the advisory board a couple of times. And the local residents have come down on a couple of them before, because it's just not been a very desirable residential property. Although the ordinary use of RP is to transition from heavier business to a residential, this one transitions from an already RP. But the only neighbor being that current insurance office, it has never really attracted a family to go there, which meant it's spent some significant time vacant. And even the beautician that was in there, the neighbors were happy that somebody keeping it clean and safe was a whole lot better than vagrants migrating back from what was the old Huntley Jiffy Store. If anyone is not familiar with Mrs. Keller and her other businesses, she has several other sites. And speaking just for this one owner, even though the zoning will far exceed her life span, she does very nice-looking properties. She has one in Merritt Island. She has one in Suntree. She has one in Melbourne. She has one out on the beach. And all of them are good-looking units. As Carmine said, the one they're in now is not an indicator of her, if somebody else owns it. But,

previously, the ERA Showcase before was owned by the owner of ERA Showcase before Mrs. Keller, and overhauled that old beat up, busted up, falling apart model, when no one wanted to live on the railroad tracks. So they have a history of making things better. I believe the surrounding residents, even though we're upping zoning on this one property, would appreciate someone getting in there and taking care of it, keeping it mowed, keeping it clean, keeping it vagrant free, you know, would be just fine with the extension of RP. And Espanol really does make a good natural boundary (unintelligible). The only one really affected by it is the immediate neighbor behind, and they'll probably prefer not to see the vermin running in and out of the grass. When the house gets vacant, there is a lack of maintenance. I think that part will do really well. On the negative side, currently, the drawing of this parking runs right through property that I don't believe she's going to own, the 30-foot drainage right-of-way, which the County may or may not be happy to provide.

Carmine Ferraro – They've had – engineer had preliminary discussions with the County on this. So he has done a little bit of research before he put this drawing together. And the indication is that you can pave over a drainage easement. They felt there was not – it was not completely objectionable, just out, that they would give consideration to that, which would be the only way to have the access around the building.

Joan Calvert – There's really not that much space back there behind that building.

Carmine Ferraro – What?

Joan Calvert – There's not really that much space back behind that building.

Carmine Ferraro – There is not. There really is a limited amount. You got a shed back there. But you really are going to pull a few parking spaces here, and a few here, and that's it.

Randy Rodriguez – (unintelligible) ...future uses, again, beyond Mrs. Keller's current endeavor, some things that may not work for it. But the ordinary business of a real estate office is done on the road. You don't really spend a lot of time there, except for your secretary.

Carmine Ferraro – Is it true that residential professional limits the type of uses? Is that correct?

Cindy Fox – It is limited to a professional office...

Carmine Ferraro – Chiropractor, insurance office.

Cindy Fox – Right, certainly something of a medical nature could generate more people that would come to (unintelligible) and stay. And then perhaps a real estate office (unintelligible). The board has the option of limiting this property to RP as a real estate office, only. That would be an option. And, Mr. Rodriguez, you do not have to abstain from voting, because you're not financially gaining as a result of this vote.

Randy Rodriguez – I'm financially losing, if it puts this business on the property.

Cindy Fox – I was just pointing out that unless you have a financial gain, you do not have a conflict.

Greg Messer – Have they addressed anything with the natural vegetation buffer? I know – I'm asking questions about that. I've got another property we're looking to develop (unintelligible), and they're talking about a natural vegetation buffer all the way around that. That may get into your parking. But then you also mentioned some additional square footage they're going to add, enclose, on the front of the building. That's going to require additional parking, and I don't know that you're going to have that there.

Carmine Ferraro – Based on the initial calculations, again, they believe that they're going to meet those requirements. But in terms of vegetative buffer, the only comment we received was from Ms. Generale to please remove the Brazilian pepper trees.

Greg Messer – No, I'm not talking about the neighbors. I'm talking about (unintelligible).

Carmine Ferraro – Yes, it will probably require – yes, there's got to be requirements for that that they're going to have to probably plant some trees or...

Greg Messer – Then that may shift some of your parking around from the back of the building. Were you trying to get it on a side or something like that, maybe, not...

Carmine Ferraro – The thing about this property is...

Greg Messer – (unintelligible) ...for the neighbors.

Carmine Ferraro - They can't put parking here. They just can't, because the septic field is going here, and they don't have – 'cause they looked at what their options, and they don't have a turning radius here to be safe to bring the cars around. It's this, or it's going to be nothing. So if they can't get a site plan approved, or they can't get parking back here, then they're not going to be able to use the property for (unintelligible). But they felt, having it got to this point, if we are approved, with is on the 4th of October, they're going to submit their preliminary – their LD-100 and their preliminary site plan review right after that.

Joan Calvert – Is the property being bought contingent upon?

Carmine Ferraro – She owns it.

Joan Calvert - She owns it now.

Vaughan Kimberling – Are there any more comments or questions from the board? (no response) Well, with that in mind, I'm prepared to place a motion to accept this request to rezone this property to RP. All those in favor, raise your hands.

Cindy Fox – Someone needs to make a motion and a second.

Vaughan Kimberling – I made a motion. Anybody second the motion?

Carmella Chinaris – I'll second.

Vaughan Kimberling called the question on the motion, and the board recommended approval of the item. The vote was unanimous, with Randy Rodriguez abstaining.

The meeting was adjourned at 6:21 p.m.