

## PORT ST. JOHN DEPENDENT SPECIAL DISTRICT BOARD MINUTES

The Port St. John Dependent Special District Board met in regular session on Wednesday, April 11, 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, Zoning Support Manager.

Vaughan Kimberling – Good evening, everybody. Thanks for coming to the Port St. John Dependent District Advisory Board meeting tonight on April 11, 2012. We're here tonight to look at the rezoning request by Branko & Valeria Pejic to request a change from RU-1-9 zoning to RP, with a binding development plan, located on the property at the northeast corner of Fay Boulevard and Pleasant Avenue. The first order of business tonight is to read the minutes from the last meeting.

Motion by Joan Calvert, seconded by Carmella Chinaris, to approve the minutes from the Port St. John meeting on March 7, 2012. The vote was unanimous to approve the minutes, as submitted.

### DISTRICT 1

**V.B.3. (12PZ-00007) – BRANKO & VALERIA PEJIC** – request a change from RU-1-9 to RP, with a Binding Development Plan, on 0.26 acre, Located on the northeast corner of Fay Blvd. & Pleasant Ave. (6305 Pleasant Ave., Port St. John)

**PSJ Recommendation: Porter/Calvert – Approved. Vote was 5:2, with Chinaris and Rodriguez voting nay.**

Branko Pejic – I am Dr. Branko Pejic. My wife, Valeria Pejic. And we are Port St. John residents for over 12 years. And I have private practice. I am physician, private practice, more than ten years in this area. I have many patients in this area. My practice is small. I have just my wife, who is a nurse, and me. We have slow pace, but we try to do good job. And we see patients every half an hour. We live in Port St. John on Fay Boulevard, 4620 Fay Boulevard. And, last year, we bought a property just beside us. This is the property on the corner of Fay and Pleasant. It was foreclosure property. It's very in bad condition. It's not livable now. It does not have a condition, and it needs a lot of work, but the location is good. And we would like to invest money and make it like a physician office for us. According to establishment of zoning classification and consistency with comprehensive plan – I'm not lawyer, but what I understood, it is compatible, according to this Section 62-1255. This is a Residential 4, and according to this, it says yes, classification may be considered if used as transitional, per Policy 2.14, or if permitted by Policy 2.17, of the Future Land Use Element, as applicable. Therefore, according to this law, it is possible. We also submitted very stringent binding development plan. In this plan – should I read it?

Board members responded that they had copies of the binding development plan.

Branko Pejic – Just to tell that, in this binding development, we restricted this use only for physician office, one physician, one nurse and one receptionist, if needed. Therefore, it never will be crowded. It cannot be used for other purpose, only physician office. Since we have also limited number of patients, average eight to ten, (unintelligible). It's about that. We schedule every half an hour patient. Therefore, in our office, patients wait usually five minutes, and that is all. Usually one car parked – between zero and two cars – because one patient comes, other goes. Therefore, we schedule in half an hour. We do not plan to make any noise or any disturbance for the neighborhood, because we live there also, and we are motivated to make it quiet. This building is neglected at this moment, but we are willing to invest money to make it looking nice, functional, for the patient and for us, for good for (unintelligible). We would invest money and make this building looking nice,

where it is not. Plus, we want to hire local contractor, who will hire local subcontractors, and basically makes a little work for this community. I think it's beneficial. Therefore, I see this like a win-win situation, in my view. (unintelligible) will be more space. City will (unintelligible) be nice, be more taken care of. Neighbors will not have any noise, because we put binding development restriction; therefore, there is no possibility to make some disturbance, or anything else. And we are requesting permission, or allowance, to do it. And we would like to get some comments, plus to say that we are willing to do all improvement which needed. We got some input about the parking, which should be located. We completely agree. We accept all what is needed. We are willing to do it to everybody's benefit. Therefore, please tell me if there is any question, and I will be happy to answer, if I am able to.

Vaughan Kimberling – Thank you, Mr. Pejic.

Branko Pejic – One moment, please. My wife just reminded me. There was some comment what was after our request, some comment that said that, "Given the lack of established commercial on the north side of Fay Boulevard, this location cannot be considered transitional between higher and lower intensity uses." I just would like to (unintelligible) that kind of comment that there is a business property on corner of Grissom and Fay, which is not far from us. Plus, two houses west from this property is the football field, and there is a lot of, you know, crowd. Plus, (unintelligible) is a church, that is also kind of frequent. Therefore, I would just say comment that we do get commercial around. We're not isolated case. Plus, it was something mentioned that access is via Fay Boulevard. I think it's wrong. Access is from the Pleasant. Therefore, Fay would not be impacted. And especially if we move this parking far from the Fay, it would be completely safer than it is presently now. At this moment, this house is empty. I do not do anything with it, until we see what's going to happen. We just bought it like a foreclosure property. We pay property tax on it, and it stays empty. And we are ready to invest and make it functional.

Vaughan Kimberling – Thank you. So I heard you say that you would move parking to the north side of the property?

Branko Pejic – Yes. If it is requirement, yes, we will be happy to do it.

Joan Calvert – We could make that a requirement. Correct?

Cindy Fox – You could. I would caution the applicant that without some site review - you know, if you're on septic – you know, you don't want to park on your septic tank. And there's all sorts of other things. I would caution you to bind yourself to that, without at least getting some advice to make sure that that's a possibility. You might know for sure, but I would caution you before you bind yourself to that.

Vaughan Kimberling – You just bought the property.

Branko Pejic – Yes.

Vaughan Kimberling – Do you know where the septic tank is?

Branko Pejic – Yes, I know. It is toward the west, between existing parking, (unintelligible) the parking, but it is not extensive. There is more space, more to work on it.

Vaughan Kimberling – Is it in the front yard?

Branko Pejic – Yes. But, again, just – if it is only problem, we are willing to change it. If it is the only kind of problem, worst case scenario, we make new septic.

Vaughan Kimberling – Understand. There's a lot of other considerations when you go to moving a septic tank and a drain field.

Branko Pejic – Yes, O.K. We are flexible.

Vaughan Kimberling – Glad to hear about your flexibility. Any comments, questions, from the panel?

Pete Costello – What kind of practice do you have?

Branko Pejic – Family practice. I'm board-certified family practice physician, and I have privilege in Wuesthoff Hospital and Parrish, and go to (unintelligible).

Pete Costello – A question, for our own education, is physician's offices are perceived to have drugs in them, therefore targets (unintelligible) crime. What do you do to lock up drugs?

Branko Pejic – I do not hold narcotics, at all.

Pete Costello – No narcotics?

Branko Pejic – No, no narcotics in my office.

Pete Costello – Memo to all criminals in the area.

Joan Calvert – Well, I think it's a great location for exposure, and to clean up that corner. And they're going to beautify.

Pete Costello – That house has been – appearance-wise, it's been suffering for many, many years, through numerous owners, I believe.

Greg Messer – A lot of Fay Boulevard's in that condition, through.

Pete Costello – Yes, but I just thought of that one.

Branko Pejic – This is complete reconstruction; therefore, it's a good site. We are going to make investment, including nice landscape space, put in some sod, and some landscape.

Carmella Chinaris – Where is your practice, currently?

Branko Pejic – My practice is currently located on 4795 Fay Boulevard, in the back of the gas station.

Joan Calvert – Kangaroo.

Branko Pejic – Kangaroo, yes.

Wendy Porter – To the right of the Greenhouse Florist on the corner.

Branko Pejic – Behind the gas station. We are there four or five years.

Carmella Chinaris – Is a zoning change the only way that this can be accomplished?

Cindy Fox – Yes, it is.

Carmella Chinaris – Because my concern is that this is totally residential, from this property east. And my concern is that these residents will then end up with a checkerboard...

Cindy Fox – I will say that RP zoning is the only zoning that is really considered residential, where it would allow for a professional office. So this is as good as it would get, that the staff would feel comfortable bringing forward. So if you're worried about more residential professional, that's one thing. But if you're worried about more BU-1-A, or BU-1 or the higher commercials, I don't know that that would be something that staff would be encouraging about, or that we would even want along Fay Boulevard. So, really, RP would be the max that staff would feel comfortable even bringing forward to this board. And this would be the only opportunity for them to have this office in this location.

Carmella Chinaris – But if we allow for this to be rezoned, isn't it possible that in the future you could have a multiple-physician office in that same spot, where the traffic is – I mean, then you get four or five doctors, where – you know, that's a concern. For the residents on that...

Cindy Fox – You're talking about just this property? Or are you talking about other properties to be added later?

Carmella Chinaris – Well, we're only considering rezoning this one lot. Is that...

Cindy Fox – This property. He has submitted a binding development plan that says that it's a one-physician office. That will run with the land. He would have to come back to the board and have that taken off in order for there to be multiple physicians in this location.

Carmella Chinaris – So that would be binding with that zoning change, no matter who owns the property?

Cindy Fox – Yes, that's correct.

Branko Pejic – One physician, one nurse, and eventually receptionist. That's the maximum. No more possibility by this binding development plan.

Vaughan Kimberling – Any more questions from the panel?

Randy Rodriguez – It sounds like a good business. Dr. Pejic's reputation precedes him. Feel good on all that. However, (unintelligible) specifically in zoning, RP is generally used as a transition from commercial to residential. We're not doing that here. We're creating a new residential level surrounded by residential. It's going to impact the neighbor on the other side, certainly the east side. I hate to say it doesn't matter, because that seems kind of rude. But you are the neighbor, so...

Branko Pejic – Yes.

Randy Rodriguez – So we know, at the moment, to the east-side neighbor, it doesn't have...

Branko Pejic – East-side neighbor...

Randy Rodriguez – No one has ever had clear review of what's intended for the property. But on the north side, the property across the street on the west side, you're starting to isolate a couple of properties there between the ball park now, and commercial. And you're creating (unintelligible) properties on Fay or Grissom now (unintelligible). That corner at Pleasant is not going to be pleasant to get out of, if you're a customer on a regular basis. Not that the road itself is bad, but the traffic coming off Fay, trying to get out of there in a hurry, reaction time is just nil. Even with parking on the north side (unintelligible). I am not sure (unintelligible) this property how that parking lot is going to get zoned. At the very, very best, you're going to need a variance. By

the time the setbacks for the house are done, and the setback from the building, that's not going to work out too well.

Wendy Porter – But, as Dr. Pejic pointed out, he doesn't have much traffic. He has a low-volume business. There's never more than two cars, maximum, he pointed out.

Randy Rodriguez – It's not exactly high volume. If you're not that patient trying to get out of that corner, it's not a problem, at all.

Joan Calvert – Well, for any family living there, if the same situation occurs, you still have to get out of that corner.

Randy Rodriguez – For a typical family living there, they're going in and out once or twice a day. Now, you're moving that to 16 a day. But, again, it's the individual opportunity for a customer (unintelligible).

Carmella Chinaris – Doctor, what hours will your office be open?

Branko Pejic – Usually 10:00 to 5:00. And, of course, we are closed during the night.

Vaughan Kimberling – Would that be just Monday through Friday?

Branko Pejic – Yes. Occasionally, somebody gets acute problem, I see them. But the rule is...

Vaughan Kimberling – So normal business hours...

Branko Pejic – Yes, normal. Some of our patient has some acute problem, fever or something, we would see them on Saturday, but it will be not the rule. It would be just a situation that happens.

Randy Rodriguez – It would be fair to say it's neither an emergency room nor an urgent care clinic. So you're not getting that kind of traffic.

Branko Pejic – No, absolutely not. I got a survey here, if anybody wants to see the survey, copy of the survey. This is the west side. I do not see problem with parking, especially if we move it more toward north, to be farther from intersection. That should actually – in that case, it will be safer than it is now.

Joan Calvert – And you would, of course, park next door on your own property.

Branko Pejic – Yes.

Joan Calvert – So there is no traffic...

Several board members, and the applicant, spoke at once.

Branko Pejic – Our car will not be there. We do not use car to get to the job.

Carmella Chinaris – What about signage? Do you have plans for particular signage?

Branko Pejic – I am open, depending on the regulation. I don't need a big sign. Whatever is allowed, I will put. People know me; therefore, I don't need some big sign. I don't have it now. Therefore, it depends on the regulation.

Carmella Chinaris – Maybe on the building? I'm concerned that anything that you would put on the property itself would then be a – you know, vision, when you're trying to pull out; whereas...

Branko Pejic – We would not put anything which would obstruct the vision. And we will try to make it looking nice, but to not change the general view. We will try to keep it looking residential.

Vaughan Kimberling – I see we have an audience here tonight. Is there anybody that would like to have the floor?

Jim Holman – My name is Jim Holman. I live at 4650 Fay Boulevard. I have no problem with him having an office here, at all. And if he can make his yard look as good as mine – I got one of the best yards in Port St. John. So if he can make it like that, he'll be good to go.

Carmella Chinaris – Where are you, as far as...

Jim Holman – Across the street.

Carmella Chinaris – Across Fay?

Several people spoke at once.

Vaughan Kimberling – Directly across from the property.

Carmella Chinaris – So that would be to the west.

Jim Holman – Yes. The one with the pool truck sitting there all the time.

Vaughan Kimberling – Thank you, Mr. Holman. Is there anybody else that would like to – sir, come on up.

William David Hicks – William David Hicks. I live at 1030 Barclay Drive, Port St. John. I've been a patient with Dr. Pejic for about 11 years, I believe. And I just want you to know, when he tells you that he doesn't have a lot of traffic, it's – he's one of the rare doctors where you don't have to wait. When I come in, there's usually one car there, if – and they're usually coming out as I come in. And we've sent several people to – friends of ours that – and they've become patients. And they just can't believe that there's actually a doctor still that does that, you know. You know, I'm used to going to doctors, waiting for three hours with 30 other people in the waiting room. I assure that's never happened in the 11 years that I've known him. And I think it's a great idea, and Port St. John's lucky to have him.

Vaughan Kimberling – Thank you, Mr. Hicks. Is there anybody else that would like to step up?

Ron Mansfield – I'm Ron Mansfield. This is my mother, Joan. And we occupy the property just to the north, which abuts right up to it. And we don't have any problem with Dr. Pejic doing that. It won't be a problem. Whatever the County says that needs to be done, like the traffic, the sign, he'll take care of it. Not a problem.

Carmella Chinaris – So you're the neighbor right to the north?

Ron Mansfield – Yes, right to the north. Whatever the County's going to require, plus more, I'm sure he'll take care of it and be right. My only concern was the one-doctor thing. I didn't want like – as long as it's just one doctor, and it can't change later, you know, that kind of thing, where maybe something happens, he moves on, and somebody buys it, and they want to put three doctors in there at a time, and have all kinds of, you know – one doctor can only have so many patients. I'm okay with that.

Vaughan Kimberling – Mr. Mansfield, could you give us your address for when it goes up to the County Commission?

Ron Mansfield – 4629 Ponds Drive.

Vaughan Kimberling – So they will be able to match it up. Thank you.

Carmen Parise – My name is Carmen Parise, and I'm representing the Christian Church at Port St. John, across the street. And I have a question. Why are you picking that location, knowing there's so many other vacant buildings, offices and facilities around Port St. John? Why are you moving into a residential?

Branko Pejic – Because it is - we bought it, and we kept...

Carmen Parise – That's your only reason?

Branko Pejic – Yes.

Carmen Parise – O.K. And...

Branko Pejic – It's empty now, and we would like to...

Carmen Parise – O.K. And do you know where the street – you know where the street light is, right? Down by the other church next to us, the main light, the intersection.

Branko Pejic – Yes.

Carmen Parise – And you know there's a mall there, and a park, and everything like that.

Branko Pejic – Yes.

Carmen Parise – Are you planning on putting a turn lane or anything into your property, on the street? Is there going to be any amends to the street, changes for turning your cars in, or anything like that?

Branko Pejic – No.

Carmen Parise – O.K. And you guys are not worried about traffic, it sounds like. But I'm a little concerned with it, and I'm surprised you're not, Jim. I know Jim. And – because he has four kids, and they teach at home. So do I. So that's more traffic in an area that's already bad, traffic-wise. And I know, because I go to church there every day, except on Friday. So I see the traffic. So there is a lot of traffic there, And it is difficult, because there are no turn lanes. O.K.? So you're just increasing the traffic during the day. And you're saying, "O.K., there's nobody driving around during the day." Well, on Sundays, maybe not on Sundays, yes. I'm speaking of, why increase something that doesn't need increased.

Branko Pejic – I kind of disagree. I will not increase. Traffic will not increase, at all.

Carmen Parise – O.K. Well, that was my main concern. And, also...

Dr. Pejic and Ms. Parise spoke at once; therefore, their remarks are unintelligible.

Branko Pejic – I will tell you that it would be – when I said eight to ten - therefore, in eight hours will be eight cars.

Carmen Parise – O.K. I still don't see why...

Branko Pejic – One car per hour. Therefore, I do not see traffic...

Carmen Parise – I've lived in Port St. John for 21 years, 22 years, and I don't like it being commercialized. I'm against it for that reason, personally. But as representing the church, I'm concerned about parking. I'm concerned about traffic. I'm concerned about people getting in and out of there, because we're already seeing people having difficulty getting in and out of there. It's sort of like jet when you can. There's no pause. That little island in the middle is the only place, right in front of our church entrance itself, is where everyone sort of does their pause and takes off.

Branko Pejic – I don't know, maybe (unintelligible) church, because it is going to be parked on Fay. But it will go to Pleasant. Therefore, it – when their car will go towards Fay...

Carmen Parise – O.K., but what I'm just referring to is just the increase, period. I don't see the necessity of it.

Branko Pejic – I understand. I just trying to explain this will not impact on the Fay, which is traffic, will impact on the Pleasant. And, as I said, it could be average...

Carmen Parise – Well, it will be Fay. Because my mother-in-law uses you, Elizabeth, and she comes up, and when she's driving and looking for it, she slows down, she looks, you know. So it's not that. That's just not the whole story. I'm just saying I don't see the necessity of it, as a Port St. John resident, of increasing that area unnecessarily. I don't see a real motivation, other than, oh, you get to walk to work. Well, you're walking to work now. So I don't really see a motivation there to mess with something that doesn't need to be messed with. That's just the way I see it.

Branko Pejic – Yes, I understand. Well, you know, possibly your view and my view are different, you know. I know my job, and I think that it will be more space for me. And I will invest money in this. And I hope that working in this for the next ten years, or more, (unintelligible) health, you know, I will get this money back and...

Carmen Parise – Yes, but see, that's my point. I...

Cindy Fox – We really can't go back and forth. You need to address the board.

Carmen Parise – O.K. The point would be then, for me, is why wouldn't he be using something that already exists?

Vaughan Kimberling – Thank you.

Branko Pejic – It's financial. Financial.

Greg Messer – From a business standpoint, he's saving the money he would be paying in rent. He's paying towards the mortgage of a property he would already own.

Carmen Parise – So there's nothing else...

Several board members spoke at once.

Cindy Fox – Wait, wait...

Several people continued to speak at once.



Greg Messer – The extra traffic is already there, anyway. They're only going another block down the road for his existing practice. They would still be on Fay Boulevard, regardless.

Carmen Parise – That intersection is my concern.

Cindy Fox – As a staff person, let me just say that they will have – if the property is rezoned to RP, before they actually open a business, they will be put through what they call a change of use plan. When something changes over from residential to commercial, then it has a full review, which will look at parking. It will look at traffic and all of the other things that are needed to support a commercial property. They will analyze the parking. I know that he's saying that it's just one or two cars there and that they won't park there, but there is a minimum standard for the site, based on the size of the building you have. He may need at least ten parking spots. So there are lots of things that he's going to have to do after the rezoning to make sure that his property is brought up to the County standards for a residential professional piece of property.

Carmella Chinaris – Will this binding agreement change, based upon – because – and if it does, does it – will it come back before this board?

Cindy Fox – The binding development plan is a voluntary document that the applicant has submitted for your review. It is up to the Board of County Commissioners to enter into this agreement with the applicant. Up until that time they enter into that agreement, it can change, and it would not come back before you. It does go back to the Board, after approval, for one more review on a consent agenda.

Vaughan Kimberling – I have one question. If the doctor moves out of this property after it has been approved for this use, does the zoning revert back to...

Cindy Fox – No, sir, it does not.

Vaughan Kimberling – It stays where it's at.

Cindy Fox - Both the zoning and the binding development plan would run with the land, until someone actually made an application and came back to have it altered or removed.

Vaughan Kimberling – Is there anybody else from the audience that would like to speak? (no response)

Greg Messer – The only thing that I see is Policy 2.6. I'm in favor in this, by the way, but when we push this forward to the County Commission, it's not going to meet the requirements, I don't think, in two of the four issues. With it being a commercial cluster, it's supposed to be spaced a half a mile apart. And then (A), commercial clusters should be at collector and arterial intersections, and that kind of thing. And I think that may be a problem passing the Board. But if they can pass that with the Board, I'm for it. I don't have any problem with it.

Carmella Chinaris – What page are you on?

Greg Messer – Eighteen. The second to the last page in the Brevard County – it's Planning & Zoning Board members...

Cindy Fox – It's the staff comments.

Greg Messer – It said that it should be – “This request should be evaluated within the context of Policy 2.6.” I don't think it's going to be a problem, but I'm just – you know, when we pass it forward to them, if they have to look at that same criteria, it may create some issues. But, outside of that, I mean...

Carmella Chinaris – But this isn't commercial. This is a request for residential professional. Is that right?

Greg Messer – That's neighborhood commercial.

Vaughan Kimberling – Any more comments from the panel? (no response) The audience? (no response) I'd like to, at this point, take a vote for approval of this recommendation to go from RU-1-9...

Cindy Fox – Someone needs to make a motion.

Wendy Porter – I make a motion that we do approve this change from RU-1-9 to RP.

Joan Calvert – I second the motion.

Vaughan Kimberling called the question, and the board recommended approval of the request. The vote was 5:2 with Carmella Chinaris and Randy Rodriguez voting nay.

Cindy Fox – For the audience, this will go in front of the Board of County Commissioners on May 3<sup>rd</sup>, at 5:00 p.m., in the Government Center, Viera.

The meeting was adjourned at 6:33 p.m.