

**PLANNING & ZONING COMMISSION/LOCAL PLANNING AGENCY MEETING
Wednesday December 6, 2023, 5:05P.M. MINUTES**

- 1. **CALL TO ORDER:** Chair Akers called the meeting to order at 5:05p.m.
- 2. **PLEDGE OF ALLEGIANCE:** The Pledge was recited.
- 3. **ROLL CALL:**
Present: Buddy Akers Chair, Commissioner Michael Barone, Commissioner Claudia Luna, Alternate Commissioner Eric Boissat, Alternate Commissioner Dominic Foti, Commissioner Michael Ruehman, Commissioner Jose Cardozo
Also Present: City Manager Mark Mathes, City Attorney John Rhodeback, City Planner Robert Loring, Recording Secretary Miriam Bedolla and Dulce Villaseñor, Mr. Statan, Hannah Novelli.
- 4. **APPROVAL OF MINUTES:**
 - a) September 20, 2023 - Meeting

Chairman Buddy Akers introduced the minutes, he asked if there were any questions or changes, being there were none he recommended a motion to approve.

MOTION by Commissioner Ruehman, **SECONDED** by Chairman Akens to approve the Minutes for P&Z Meeting for September 20, 2023.

ALL AYES:

MOTION CARRIED 7-0

- 5. **PUBLIC HEARING:**
 - a) **RESOLUTION NO. 2023-18/A** RESOLUTION OF THE PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY FOR THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, RECOMMENDING THE CITY COUNCIL ADOPT ORDINANCE NO. 2023-13 AMENDING THE CITY OF FELLSMERE OFFICIAL ZONING MAP TO ADD A ZONING CLASSIFICATION OF PDD-PLANNED DEVELOPMENT DISTRICT FOR 0.58 ACRES, MORE OR LESS OWNED BY EMILANO ALMANZA AND SAN JUANITA ALMANZA./**PUBLIC HEARING**

City Attorney John Rhodeback read Resolution No. 2024-18 by title only.

Presentation of Proposal:

City Manager Mathes led the presentation, outlining the details of the proposed rezoning. The property in question, located at 12645 County Road 512, previously housed various commercial activities, including the former tenants Fruteria Nuno and a two-story building. The proposal aimed to formalize the commercial uses of the property and presented a site plan depicting the layout, including parking areas and storage facilities.

Justification for Plan Development Zoning:

The need for Plan Development zoning was explained, primarily to accommodate additional uses and ensure compliance with specific standards, particularly regarding setbacks and landscaping requirements. The presentation emphasized the need to formalize the existing uses and provide flexibility for future development.

Conditions of Approval:

A detailed discussion followed regarding the conditions of approval for the project. Special conditions, including land dedication for road widening, landscaping requirements, and noise

control measures, were highlighted. The conditions also addressed issues such as access to paved roads, buffer zones, and compliance with city regulations.

Discussion and Clarifications:

commissioners sought clarification on various aspects of the proposal, including the buffer zone, landscaping, parking arrangements, and noise mitigation measures. Concerns were raised regarding visual screening, storage height limits, and stormwater management. City Manager Mathes and City Planner Loring provided explanations and reassurances, addressing the concerns raised by the commissioners.

Conclusion and Vote:

After a thorough discussion and consideration of the proposal and its conditions, the Planning Commission voted on the resolution.

MOTION by Commissioner Ruehman **SECONDED** by Commissioner Cardozo, to approve **Resolution No. 2023-18.**

ALL AYES:

MOTION CARRIED 7-0

RESOLUTION NO. 2023-19/A RESOLUTION OF THE PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY FOR THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, RECOMMENDING THE CITY COUNCIL ADOPT RESOLUTION NO. 2023- 20 APPROVING THE FINAL DEVELOPMENT PLAN FOR A PLANNED DEVELOPMENT.

City Attorney John Rhodeback read Resolution No. 2024-19 by title only.

Discussion and Conclusion:

Robert city planner led discussion this resolution was very briefly discusses as City Manager Mathes stated this was just a part 2 of resolution 2023-18/A all commissioners agreed no further discussion.

MOTION by Commissioner Ruehman **SECONDED** by Alternate Commissioner Foti, to approve **Resolution No. 2023-19.**

ALL AYES:

MOTION CARRIED 7-0

b). RESOLUTION NO. 2023-48/A RESOLUTION OF THE PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY FOR THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, RECOMMENDING THE CITY COUNCIL ADOPT ORDINANCE NO. 2023-28 AMENDING THE CITY OF FELLSMERE OFFICIAL ZONING MAP TO ADD A ZONING CLASSIFICATION OF POD-PLANNED DEVELOPMENT DISTRICT FOR 3.0 ACRES, MORE OR LESS OWNED BY INDIAN RIVER COUNTY FOR FIRE STATION 7./**PUBLIC HEARING**

City Attorney John Rhodeback read Resolution No. 2024-48 by title only.

City Planner Loring highlighted the layout of the area, noting the presence of homes and vacant spaces. Emphasis was placed on the lack of direct access to the fire station from surrounding neighborhoods, with the only access point being via 98th Ave.

Concerns were raised about increased traffic and noise due to emergency responses, but it was clarified that the fire station's operations would not significantly impact existing traffic conditions. Robert city planner assured that emergency vehicle movements were standard and would not pose a safety risk to residents.

Additionally, the presentation outlined the installation of water and sewer lines during

construction, which would benefit nearby residents by providing access to essential services.

MOTION by Commissioner Ruehman **SECONDED** by Commissioner Cardozo, to approve **Resolution No. 2023-48.**

ALL AYES:

MOTION CARRIED 7-0

RESOLUTION NO. 2023-49/A RESOLUTION OF THE PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY FOR THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, RECOMMENDING THE CITY COUNCIL ADOPT RESOLUTION NO. 2023- 50 APPROVING THE FINAL DEVELOPMENT PLAN FOR A PLANNED DEVELOPMENT ON 3.0 ACRES, MORE OR LESS, FOR FIRE STATION 7 OWNED BY INDIAN RIVER COUNTY, FLORIDA LOCATED ON THE CORRIGAN RANCH. / **PUBLIC HEARING**

City Attorney John Rhodeback read Resolution No. 2024-49 by title only.

Discussion and Conclusion:

City Manager Mathes explained this is a second public hearing related to the exact same project as previous public hearing, this public hearing is to approve the site plan, previous was for rezoning. if you have any additional comments, you'd like to share this would be your opportunity to share them. No additional comments.

MOTION by Commissioner Cardozo **SECONDED** by Commissioner Barone to approve **Resolution No. 2023-49** as amended recommending the City Council adopt Resolution No. 2023-50 on the condition it includes relief from the 10% dedication requirement.

6). NEW BUSINESS:

a). Election of Chair and Vice-Chair

Chairman Akers moved on to the nomination of Vice Chair. Commissioner Jose Cardozo got nominated to be Vice Chairman. Chairman Akers asked him if he accepted the nomination, Commissioner Cardozo accepted. Chairman made motion to keep same Chair and Vice Chair, all commissioners agreed.

MOTION by Commissioner Ruehman **SECONDED** by Commissioner Barone to keep Buddy Akers as Chairman and Jose Cardozo as Vice Chair for another term.

b). Sunshine Law & Guide to The Code of Ethics Presentation by City Attorney Rhodeback

Commissioners were informed about the legal requirements surrounding public meetings, including openness to the public, reasonable notice, and the recording of minutes.

City Attorney Rhodeback explained the implications of violating the Sunshine Law, highlighting potential legal consequences such as avoiding actions taken in violation and payment of attorney fees. Examples of previous violations and their repercussions were provided to underscore the importance of compliance.

Commissioners were advised on the various scenarios where Sunshine Law violations could occur, including exchanges via email, text messages, or other digital communication platforms. The importance of consulting with legal counsel if unsure about potential violations was emphasized.

Conclusion:

The Sunshine Law concluded with Commissioners being encouraged to seek clarification or guidance from legal counsel if needed. The discussions provided valuable insights into the operational and legal aspects of the topics at hand.

7). PUBLIC COMMENTS: Chairman Akers asked if anyone from the public had a comment to send a chat or call and to state their name and address for the record. Hanna Novelli stated her concerns were answered with this meeting and she welcomes the fire station to the neighborhood, Chairman Akers closed the public comments.

8). Next Meeting: TBA

9). ADJOURNMENT:

MOTION by Chairman Akens **SECONDED** by Commissioner Cardozo to adjourn.

There being no further business Chairman Akers adjourned the meeting at 6:05 pm.

These minutes were approved by the City of Fellsmere Planning and Zoning Commission/ Local Planning Agency at their meeting held on 17th day of April 2024.



Dulce Villasenor, Recording Secretary
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