

**PLANNING & ZONING COMMISSION/LOCAL PLANNING AGENCY MEETING
Wednesday February 7, 2024 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 Ruehman, Commissioner Michael Barone, Commissioner Claudia Luna, Alternate Commissioner Eric Boissat, Alternate Commissioner Dominic Foti

Excused: Commissioner Jose Cardozo.

Also Present: City Manager Mark Mathes, City Attorney John Rhodeback, City Planner Robert Loring, Recording Secretary Dulce Villaseñor, Shinski Teijon LLC, Juan Nuno, Susan Adams, Patricia Horn, Eric Nuno

4. PUBLIC HEARING:

- a) **RESOLUTION NO. 2024-02** 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. 2024-03 APPROVING THE CONDITIONAL USE PERMIT AND FINAL DEVELOPMENT PLAN FOR ONE (1) MOBILE FOOD VENDING UNIT OWNED BY FRUTERIA NUNO, LLC AND LOCATED AT 32 NORTH BROADWAY, FELLSMERE, FLORIDA IN THE NORTH BROADWAY OVERLAY DISTRICT PURSUANT TO THE LAND DEVELOPMENT CODE SECTIONS 3.23 AND 9.6. / **PUBLIC HEARING**

City Attorney John Rhodeback read Resolution No. 2024-02 by title only.

City Planner Loring commenced with the discussion of Resolution No. 2024-02, concerning the approval of a conditional use permit and final development plan for a mobile food vending unit owned by Fruteria Nuno LLC. The unit is located at 32 N Broadway, within the North Broadway Overlay District. Various relief provisions were discussed, including permission for alcohol service, parking requirements, vending machine placement, and building design standards. Concerns were raised about fairness regarding permit regulations for established businesses compared to temporary vendors. Questions were also raised about alcohol sales and compliance with state regulations.

Public Comments: Susan Adams, representing Marsh Landing, expressed excitement about business development on Broadway but raised concerns about the proximity of the food truck to her banquet room, requesting additional buffering for noise and lighting. She also highlighted frustrations regarding regulatory disparities between established businesses and temporary vendors.

Fruteria Nuno Response: The applicant assured the commission of their intention to minimize disruptions and comply with regulations. They emphasized their commitment to operating responsibly and serving as good neighbors.

Commission Deliberation: The commission discussed potential solutions, including landscape buffering and compliance enforcement for temporary vendors. Concerns were raised about accessibility requirements and the timeline for ramp construction. The need for proactive code enforcement to address non-compliance issues was emphasized.

Chairman Akers asked the commissioners if they had any questions hearing none he moved on to next item.

MOTION by Commissioner Ruehman **SECONDED** by Alternate Commissioner Boissat, to approve **Resolution No. 2024-02** as amended.

ALL AYES:

MOTION CARRIED 6-0

- b) **RESOLUTION NO. 2024-14** 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. 2024- 06 AMENDING THE CITY OF FELLSMERE OFFICIAL ZONING MAP TO ADD A ZONING CLASSIFICATION OF PDD-PLANNED DEVELOPMENT DISTRICT FOR 5.20 ACRES, MORE OR LESS LOCATED ON THE EAST SIDE OF OPERATION HOPE AND OWNED BY TEAGAN, LLC, A FLORIDA LIMITED LIABILITY COMPANY. / **PUBLIC HEARING**

City Attorney John Rhodeback read Resolution No. 2024-14 by title only.

City Planner Loring addressed the zoning classification of planned development for a 5.2-acre property on the east side of Operation Hope, owned by Tegan LLC. The proposal included plans for a storage and maintenance building. Relief provisions were requested due to the building's design and location. Discussion centered on road access, drainage, and lighting requirements.

Public Comments: Patricia Horn concerns were expressed about potential noise and visual impacts on neighboring properties. Requests were made for landscape buffering to mitigate these impacts.

Applicant Response: Shinski Teijon LLC The applicant acknowledged concerns and expressed willingness to address them through additional landscaping and design adjustments.

Commission Deliberation: The commission deliberated on the project's impact on neighboring properties, drainage considerations, and future road expansions.

MOTION by Commissioner Ruehman **SECONDED** by Commissioner Luna, to approve **Resolution No. 2024-14** as amended.

ALL AYES:

MOTION CARRIED 6-0

- c) **RESOLUTION NO. 2024-15/** 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. 2024- 16 APPROVING THE FINAL DEVELOPMENT PLAN FOR A PLANNED DEVELOPMENT ON 5.20 ACRES, MORE OR LESS, FOR A STORAGE AND MAINTANENCE BUILDING LOCATED ON THE EAST SIDE OF OPERATION HOPE AND OWNED BY TEAGAN, LLC, A FLORIDA LIMITED LIABILTY COMPANY. / **PUBLIC HEARING**

City Attorney John Rhodeback read Resolution No. 2024-15 by title only.

City Planner Loring explained Resolution No. 2024-15 involved a zoning map amendment for the same property discussed in Resolution No. 2024-14. The commission discussed the proposed changes and their implications for future development.

Public Comments: No additional public comments were made on this agenda item.

Commission Deliberation: The commission considered the implications of the zoning map amendment and its alignment with the city's development goals.

MOTION by Commissioner Ruehman **SECONDED** by Alternate Commissioner Boissat, to approve **Resolution No. 2024-15**.

ALL AYES:

MOTION CARRIED 6-0

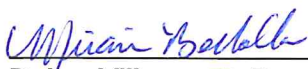
5. PUBLIC COMMENTS: Chairman Akers asked if anyone from the public had a comment to send a chat or call and to state their name and address for the record. hearing none, Chairman Akers closed the public comments.

6. NEXT MEETING:

7. ADJOURNMENT:

MOTION by Commissioner Ruehman **SECONDED** by Commissioner Akers to adjourn. There being no further business Chairman Akers adjourned the meeting at 6:15 pm.

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



~~Dulce Villasenor~~, Recording Secretary
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