



22 S Orange St Fellsmere, Florida 32948
Telephone: (772) 646-6309 Fax: (772) 646-6359
<https://meet.goto.com/885183565>

AGENDA

PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY MEETING WEDNESDAY JUNE 5, 2024 – 5:05 P.M.

1. **CALL TO ORDER:**
2. **PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**
4. **APPROVAL OF MINUTES:**
 - a) May 15, 2024
5. **PUBLIC HEARING:**
 - a) **RESOLUTION NO. 2024-31/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. 2024-32 APPROVING THE CONDITIONAL USE PERMIT AND SITE PLAN FOR ONE (1) MOBILE FOOD VENDING UNIT LOCATED AT 1005 VERNON STREET IN THE C-1 ZONING DISTRICT. /PUBLIC HEARING**
6. **PUBLIC COMMENTS:**
7. **NEXT MEETING:**
8. **ADJOURNMENT:**

Courtesy Access to Meeting

As a courtesy to the public, the city will attempt to provide coverage of the meeting by internet or telephonic means. Due to unforeseen technical or other difficulties access to the meeting may be interrupted or may not be possible at all via internet or by telephonic means, which will result in your inability to participate in the meeting. Should such technical difficulties occur, the meeting will continue without interruption and without your participation. To be assured of participation in the proceedings you must attend the meeting in person. For your information participation by internet or telephone does not constitute "presence" at the meeting under Florida law.

Please join my meeting from your computer, tablet, or smartphone.

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Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that: If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26 Florida Statutes, any person who may need special accommodations or translators for this meeting must contact the City Clerk's Office at (772) 646-6301 or the TDD Line 772-783-6109 at least 48 hours in advance of the meeting.

Copies of the proposed Ordinance and Resolution are available for review in the Office of the City Clerk, 22 S. Orange Street, Fellsmere FL between the hours of 8:30 a.m. and 12 noon and 1:00 p.m. and 5:00 p.m., Monday through Friday. Interested parties may appear at the meeting and be heard with respect to the proposed Ordinance and Resolution. The City Clerk must receive written comments at least 3 days prior to the Council meetings.

De conformidad con la Sección 286.0105 de los Estatutos de la Florida, la Ciudad informa al público de que: Si una persona decide apelar una decisión tomada por la junta, agencia o comisión con respecto a cualquier asunto considerado en dicha reunión o audiencia, necesitará un registro de los procedimientos, y que, para tal fin, él o ella puede necesitar asegurarse de que se realice un registro literal de los procedimientos, registro que incluya el testimonio y la evidencia sobre la cual se basará la apelación.

De acuerdo con la Ley de Estadounidenses con Discapacidades y la Sección 286.26 de los Estatutos de la Florida, las personas con discapacidades que necesiten adaptaciones especiales para participar en esta reunión deben comunicarse con la secretaria municipal al (772) 646-6301 o comunicarse con la Línea TDD 772-783-6109, al menos 48 Horas antes de la reunión.

Copias de las propuestas Ordenanzas y / o Resoluciones están disponibles para su revisión en la Oficina de la secretaria municipal de la ciudad, 22 S. Orange Street, Fellsmere FL entre las 8:30 a.m. y 12 mediodía y 1:00 p.m. y 5:00 p.m. de lunes a viernes. Las personas interesadas pueden asistir a la reunión y ser escuchadas con respecto a las propuestas de las Ordenanzas y Resoluciones. La secretaria municipal debe recibir comentarios por escrito al menos tres (3) días antes de las reuniones del Consejo.

P&Z20240605AGENDA.DOC

PLANNING & ZONING COMMISSION/LOCAL PLANNING AGENCY MEETING
WEDNESDAY May 15, 2024 5:05PM

MINUTES

1. **CALL TO ORDER:** Chair Akers called the meeting to order at 5:07PM
2. **PLEDGE OF ALLEGIANCE:** The Pledge was recited.
3. **ROLL CALL:**
 - Present:** Commissioner Claudia Luna, Alternate Commissioner Dominic Foti, Alternate Commissioner Eric Boissat, City Attorney John Rhodeback, and Chair Buddy Akers
 - Excused:** Commissioner Michael Ruehman
 - Not Excused:** Commissioner Michael Barone,
 - Also Present:** Recording Secretary Miriam Bedolla and City Planner Robert Loring
 - Alternate Commissioner Dominic Foti** will be filling in for Commissioner Michael Ruehman
 - Alternate Commissioner Eric Boissat** will be filling in for Commissioner Michael Barone
4. **APPROVAL OF MINUTES:**
 - a) April 17, 2024
 - b) May 1, 2024

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

MOTION by Commissioner Jose Cardozo, **SECONDED** by Commissioner Claudia Luna to approve the minutes for April 17, 2024, and May 1, 2024.

ALL AYES:

MOTION CARRIED 5-0

5. **PUBLIC HEARING:**
 - a) **RESOLUTION NO. 2024-31/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. 2024-32 APPROVING THE CONDITIONAL USE PERMIT AND SITE PLAN FOR ONE (1) MOBILE FOOD VENDING UNIT LOCATED AT 1005 VERNON STREET IN THE C-1 ZONING DISTRICT.
/PUBLIC HEARING

Chairman Akers introduced the Resolution.

City Planner Robert Loring stated that Resolution No. 2024-31 would be tabled for June 5th, 2024.

Chairman Akers moved on to the next item on the agenda and introduced the next resolution.

b) **RESOLUTION NO. 2024-45/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. 2024-20 AMENDING CHAPTER 1 FUTURE LAND USE ELEMENT, GOAL FLUE A. LAND USE OBJECTIVE FLUE A-3 INFILL DEVELOPMENT AND REDEVELOPMENT, POLICY FLUE A- 3.2, OVERLAY DISTRICT BOUNDARIES AND CHAPTER 1 FUTURE LAND USE ELEMENT, GOAL FLUE B, FUTURE LAND USE MAP OBJECTIVE FLUE B-5 GARAFOLO; FURTHER AMENDING THE FUTURE LAND USE MAP TO ADD 10.37 ACRES MORE OR LESS AS CR512 OLD TOWN OVERLAY DISTRICT, ALL AS REQUESTED BY MARIAN ESTATES./**PUBLIC HEARING**

City Attorney John Rhodeback read Resolution No. 2024-45, by title only

City Planner Loring stated the number of town homes and single homes have changed and altered the total acreage of available commercial property to 10.37. He also stated that there was an overlay standard that is applied to the proposed development which will require the developer to provide an architectural style that meets the CR 512 district which would be an old Florida style.

Chairman Akers asked about the lot size and if the issue was resolved on how small they were.

Joseph Paladin, the owner of the project stated the 40ft lots have been eliminated and that all of the concerns the City Council have been addressed and changes to what the city wanted.

Alternate Commissioner Dominic Foti asked what the time line to start the project. Mr. Paladin stated he was as soon as he got final approval. He was ready to break ground. He stated he was ready to go he had everything in line, money was in the bank, and all contractors are local.

Chairman Akers asked if anyone had any other questions, hearing none he continued.

MOTION by Commissioner Claudia Luna, **SECONDED** by Alternate Commissioner Dominic Foti to adopt Resolution No. 2024-45.

ALL AYES:

MOTION CARRIED 5-0

Chairman Akers opened the Public Hearing and asked if anyone in the audience wished to speak on this matter to come to the podium and state their name and address for the record.

6. PUBLIC COMMENTS:

Jen Aranes – 13960 101st Street, Fellsmere – County Resident – He asked Mr. Paladin how long would it be for the commercial part of the project would it be to get something in so it did not sit as empty property. Mr. Paladin stated that he wanted to put a CVS in next to it but he was waiting to see what size grocery store they wanted to put in as they wanted 50,000sqft and he could give them 70,000sqft.

Mary Kay Lantz – 14350 97th Street, Fellsmere – County Resident – Asked about how would they be straitening Babcock Street to make it connect to CR 512.

Wesley Mills from 22nd PL. Vero Beach, FL. – Engineer – Stated the city already owned a significant portion of the right of way that is wooded and had been dedicated to the road to realign the road. It will have a slight jog in it but the two will come together.

Alternative Commissioner Foti asked if there was going to be a traffic light there. Mr. Mills stated not as part of their plan and was unsure of the future plans. Their project does have some intersection improvements at Myrtle and some light changes and the straightening of the road.

Mr. Mills also stated that the project would be phased and some of the offsite improvements would also be phased. Babcock would be part of Phase 2 and from talking to Mark and the City Council their real interest is widening CR 512 so that is more of a first Phase and of course the turn lanes are also part of this project and be done right away, so the focus will be on the widening on CR 512 from Myrtle to Willow and getting that complete and then working on the straightening on Babcock.

Chairman Akers asked if anyone else from the public had any other comment hearing none, he closed the public hearing.

7. NEXT MEETING: June 5th, 2024

8. ADJOURNMENT:

There being no further business Chairman Akers adjourned the meeting at 5:30 pm.

These minutes were approved by the City of Fellsmere Planning & Zoning Commission/Local Planning Agency at their meeting held on _____ day of _____, 2024.

Miriam Bedolla

P&Z20240515MINUTES.DOC

**PLANNING COMMISSION/LOCAL PLANNING AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS**

MEETING DATES **PZ:** June 5, 2024, **COUNCIL:** June 6, 2024

REQUEST: Conditional Use and Final Development Plan Approval to allow one (1) food truck in the C-1 zoning district with onsite parking, stormwater retention, and future outdoor seating. The property is located at 1005 Vernon Street, the applicant is Mr. & Mrs. Brown.

REASON FOR REQUEST: To allow the owner to complete site plan improvements to operate a permanently placed mobile food service with future outdoor seating located on site. Please refer to Resolution #2024-32 for a list of requested design relief and recommended conditions of approval.

DESCRIPTION: Food trucks are allowed as Conditional Use if approved by City Council. The applicant is proposing site and perimeter and onsite landscaping that will meet the City of Fellsmere standards for the C-2 Commercial District standards. The site will be served by a new on-site parking area that will be located to the east of the proposed food truck location. The new seating areas will be implemented in a future phase as shown on the Final Development Plan; the existing driveway located at the northeast corner of the property will be improved to accommodate new traffic on site and provide a stormwater drainpipe as required.

CONCURRENCY ISSUES:

Water – Water service exists to the existing property. Adequate capacity exists within the water plant and service lines to accommodate the added demand.

Sewer – The use will be serviced by sewer service. Currently, adequate capacity exists within the sewer plant and service lines to accommodate the added demand.

Transportation –A traffic study has not been provided; however, it appears that the use would not cause excessive trip generation as a result of the uses proposed on site. The City has proposed within the proposed resolution a clause that would require the applicant to cease or curtail any retail activities until such a time as any parking issue is remedied on site.

Stormwater – The plan as submitted is compliant with the standard for projects located within the FWCD that are not subject to oversight from SJWRMD – in essence, holding back 2” over the entire site. This site is also under the purview of a Master Stormwater system that accounts for all properties lying along N. Broadway.

Solid Waste – Mandatory solid waste service for nonresidential uses. Adequate capacity exists within the Indian River County landfill.

Recreation – Not applicable for nonresidential uses.

Public Schools – Not applicable for nonresidential uses.

CONSISTENCY WITH COMPREHENSIVE PLAN: The property has a Commercial District future land use and a C-2 Commercial zoning district classification. Permanently placed Food trucks are only allowed with Conditional Use approval.

CONDITIONS OF APPROVAL: Please refer to City Council Resolution #2024-32 containing the recommended conditions of approval.

STAFF RECOMMENDATION: Recommend the Planning and Zoning Board recommend City Council approval of the request with the attached site sketch and conditions of approval.

RECOMMENDED PZ/LPA MOTION/ACTION: Via Resolution #2024-31, recommend the City Council approve the Conditional Use as set forth in City Council Resolution #2024-32.

RESOLUTION NO. 2024-31

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. 2024-32 APPROVING THE CONDITIONAL USE PERMIT AND SITE PLAN FOR ONE (1) MOBILE FOOD VENDING UNIT LOCATED AT 1005 VERNON STREET IN THE C-1 ZONING DISTRICT.

WHEREAS, the Planning and Zoning Commission/Local Planning Agency held an advertised public hearing on _____, 2024 to consider a Conditional Use Permit and Site Plan for Anthony B. Brown, Sr. (the “Applicant”) located on land as described in Resolution No. 2024-32 (“the Property”); and

WHEREAS, the Planning and Zoning Commission/Local Planning Agency has reviewed the Conditional Use Permit and Site Plan and determined them to be in conformity with the Comprehensive Plan and applicable provisions of the Land Development Code (the “Code”); and

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission/Local Planning Agency for the City of Fellsmere, as follows:

SECTION 1. The Planning and Zoning Commission/Local Planning Agency for the City of Fellsmere in accordance with Section 17.19 E. 3. of the Code held a Public Hearing and heard comments from the public on _____, 2024 regarding the Conditional Use Permit and Site Plan for the Applicant.

SECTION 2. The Conditional Use Permit and Site Plan are in conformity with the official plans and policies of the City and with the general purpose, goals, objectives, policies and standards of the Comprehensive Plan, Land Development Code and the Code of Ordinance of the City of Fellsmere. The following findings of fact required by Section 17.19 C. of the Code are made:

- a. The proposed conditional use will not have an undue adverse effect upon nearby property.
- b. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.
- c. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through building design, site design, landscaping, and screening.
- d. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development and use of neighboring property, in accordance with applicable district regulations.
- e. The proposed conditional use will be served by adequate public facilities and

services, including roads, police protection, fire protection, solid waste disposal, water, sewer, drainage structures, parks and mass transit.

SECTION 3. The Planning and Zoning Commission/Local Planning Agency for the City of Fellsmere, Florida, recommends to the City Council that they adopt Resolution No. 2024-32 approving the Conditional Use Permit and Site Plan for one (1) Mobile Food Vending Units.

SECTION 4. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was moved for adoption by Commission Member _____, The motion was seconded by Commission Member _____ and, upon being put to a vote, the vote was as follows:

Chair, Revis "Buddy" Akers	_____
Commission Member Michael Barone	_____
Commission Member Jose Cardozo	_____
Commission Member Michael T. Ruehman	_____
Commission Member Claudia Luna	_____
Alternate Commission Member Dominic Foti	_____
Alternate Commission Member Eric Boissat	_____

The Chairman thereupon declared this Resolution fully passed and adopted this _____ day of _____, 2024.

PLANNING & ZONING COMMISSION
CITY OF FELLSMERE, FLORIDA

REVIS "BUDDY" AKERS, CHAIRMAN

ATTEST:

Dulce Villasenor, Commission/Agency Secretary

**RESOLUTION
NO. 2024-32**

A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, PERTAINING TO THE GRANTING OF CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL FOR ONE (1) MOBILE FOOD VENDING UNIT OWNED BY ANTHONY B. BROWN, SR. AT 1005 VERNON STREET; PROVIDING FOR RATIFICATION; CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; APPROVAL OF CONDITIONAL USE PERMIT AND SITE PLAN; CONDITIONS OF APPROVAL; REPEAL OF CONFLICTING PROVISIONS; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Anthony B. Brown, Sr. (the “Applicant”) has applied for a Conditional Use Permit (“CUP”) and Site Plan approval for vacant of land described in Exhibit ‘A’ attached hereto and by this reference made a part hereof (the “Property”); and

WHEREAS, the Applicant has applied for a Conditional Use Permit and Site Plan approval for one (1) Mobile Food Vending Unit for the Property; and

WHEREAS, the Planning and Zoning Commission heard the Applicant’s request and received the input, comments and evidence from all interested persons and determined that the Conditional Use Permit and Site Plan were consistent with the applicable provisions of the Comprehensive Plan and Land Development Code and thereafter recommended approval of the Conditional Use Permit and Site Plan at their _____, 2024 meeting; and

WHEREAS, the City Council has received the input, comments and evidence from all interested persons, citizens, and affected persons; and

WHEREAS, the City Council has determined that the approval of the Applicant's request for a Conditional Use Permit and Site Plan are consistent with the Goals, Objectives, and Policies of the Comprehensive Plan, the Land Development Code (the “Code”) and the Code of Ordinances of the City of Fellsmere as required in Section 17.19C of the Land Development Code (“LDC”); and

WHEREAS, the City Council has determined that the approval of the Site Plan is consistent with Article XIV of the Land Development Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fellsmere, Indian River County, Florida, as follows

SECTION 1. RATIFICATION. The above recitals are hereby ratified, confirmed and adopted as legislative findings of the City Council.

SECTION 2. CONSISTENT WITH COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE. The Conditional Use Permit Application is consistent with the general purpose, goals, objectives, policies and standards of the Comprehensive Plan 2035, Land Development Code and the Code of Ordinance of the City of Fellsmere. The following findings of fact required by Section 17.19 C. of the Code are made:

- a. The proposed conditional use will not have an undue adverse effect upon nearby property.
- b. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.
- c. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through building design, site design, landscaping, and screening.
- d. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development and use of neighboring property, in accordance with applicable district regulations.
- e. The proposed conditional use will be served by adequate public facilities and services, including roads, police protection, fire protection, solid waste disposal, water, sewer, drainage structures, parks, and mass transit.

SECTION 3. APPROVAL OF CONDITIONAL USE PERMIT AND SITE PLAN. Subject to the requirements and conditions set forth in Section 4 of this Resolution, the Conditional Use Permit and Site Plan for one (1) Mobile Food Vending Unit for the Property located at 1005 Vernon Street and more particularly described in Exhibit 'A', are hereby approved.

SECTION 4. CONDITIONS OF APPROVAL. The approval of the Conditional Use Permit and Site Plan are subject to and expressly conditioned on the continuous satisfaction of, and compliance with, the following conditions and requirements:

1. Before commencement of development, the Applicant shall obtain all Federal, State, County and Local permits as may be applicable to any new development, redevelopment, or use of the Property and to continuously keep such permits current and in good standing. Issuance of this development order by the City does not create any right on the part of the Applicant to obtain a permit from a Federal, State, County or Local agency and does not create any liability on the part of the City for issuance of a development order if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a Federal, State, County or Local agency or undertakes actions that result in a violation of Federal, State, County or Local agency or undertakes actions that result in a violation of Federal, State, County or Local law. See Section 166.033 F. S.

2. After the first year following the issuance of a Certificate of Occupancy or a final inspection for the improvements, the City Council shall have the authority to hold hearings at any time to review the Mobile Food Vending Units activity for compliance with all conditions and requirements of approval and all applicable ordinances and resolutions of the City. If the use of the Property is not in compliance, the City Council may amend the Conditions of Approval, revoke or suspend the Local Business Tax Receipt (occupational license), terminate the Final Site Plan and Conditional Use, or refer the matter to the Code Enforcement Special Master as a code violation for other sanctions as deemed appropriate.
3. The use, occupancy, development, or redevelopment of the Property shall be limited to and in accordance with the Final Site Plan attached hereto as Exhibit 'B' and by this reference made a part hereof. Where specific provisions in this Resolution or in the Land Development Code are not addressed on the Site Plan, the specific provisions of this Resolution or in the Land Development Code shall apply to the development on the Property.
4. All public or private improvements required under the terms of this Resolution shall be constructed at the expense of and by the Applicant as approved by the City.
5. Deferral from Architectural elevations being submitted for the proposed future outdoor seating area until such a time as a building permit is applied for. The existing temporary structure shall be removed within twelve (12) months of the effective date of this resolution.
6. Payment in lieu of planting and maintenance of Street Trees along N. Willow due to future construction. The City will procure, install, and maintain required trees along the roadway at a later date. Payment shall be \$150 of the required caliper for a total cost of \$1,800.00 – this is inclusive for three (3) required trees. Payments shall be made to the City of Fellsmere within twelve (12) months of the effective date of this resolution.
7. Memorializing that no additional Open Space (interior) trees will be required as result of the development provided that the existing trees found on site are kept and maintained in a manner consistent with the Land Development Code.
8. The Applicant shall install the required landscaping that meets the District standards within six (6) months of the effective date of this Resolution. The applicant shall prepare a landscape plan for review and approval by the City no later than thirty (30) days prior to installation of required landscaping.

9. The Applicant shall install one handicap parking space with ADA path to main entrance to serve the development within ninety (90) days of the effective date of this Resolution.
10. The Applicant shall obtain a driveway/patio permit for the installation of new brick-paver patio and/or concrete parking area.
11. The Applicant shall remove all improvements upon the Property that are in conflict with the Final Site Plan and Landscape Plan and return such areas to sod or landscaping.
12. Concurrent with the construction of any portion of the brick paver or concrete outdoor dining pad, the Applicant shall construct an ADA compliant access to the proposed patio area from Vernon Street and from the parking area to the Mobile Food Vending Unit.
13. The Applicant is proposing to use a stabilized millings surface for the proposed parking area. The Applicant shall maintain the millings surface parking free of grass or weed intrusions and keep the millings surface in a neat and orderly arrangement confined only to the areas shown on the Final Site Plan. At the sole discretion of the City, the Applicant shall convert the millings surface parking spaces to an alternative City-approved stabilized surface within sixty (60) days of receiving written notification from the City.
14. All new signs, site lighting and all site furnishings will require compliance with the City's sign, lighting, and architectural standards to the extent signs, lighting and site furnishings are so regulated. Signage on any umbrellas or street furniture is prohibited.
15. No outdoor sales shall be conducted from a vehicle, trailer, truck, or other device and/or vehicle, with the exception of the singular approved food truck.
16. The Applicant shall subscribe for and maintain solid waste pick up service from a solid waste hauler having a franchise with the City and shall construct the required dumpster enclosure in Phase II, as shown on the Final Site Plan.
17. The Applicant shall comply with all requirements in Section 5.3 DD Mobile Food Vending Units of the Land Development Code.
18. Applicant shall obtain a Business Tax Receipt (BTR) from the City of Fellsmere for the one (1) mobile food vending unit and all other businesses or vending units on site.
19. If the parking provided on site is determined by the City, at its sole discretion, to be inadequate to serve the demand for parking generated by the use of the Property, the Applicant shall be required to limit the use of the Property commensurate with the available parking to support such use or construct

additional parking within sixty (60) days of receipt of written directive of the City.

20. The Applicant shall enter into a required payment agreement with the City for the Indian River County Impact Fees requirement for Restaurant Uses prior to issuance of a building permit for each phase of construction as noted below:

PHASE I- Construction of a 22 x 9 Food Truck pad, internal sidewalk, and stabilized parking area (198 sq feet of developed area times \$20.39 equaling a IRC impact fee of \$4,037.22 (\$20,396 per 1000 s.f. of development or \$20.39 per square foot).

PHASE II- Construction of a outdoor seating area pergola, or pavilion for the use of outdoor seating 360 square feet equaling a IRC impact fee of \$7,340.40.

21. As provided in Section 17.19 I, Land Development Code, the Conditional Use Permit and Site Plan granted by this Resolution may be revoked for:

- A. Violation of any condition or requirement imposed in this Resolution.
- B. Upon complaint and proof of adverse effect on adjacent properties.

The Conditional Use Permit and Site Plan may be revoked only after the City Council holds a public hearing, unless the permittee consents to a revocation of the Conditional Use Permit and Site Plan. If the permittee provides written consent to the revocation to the City Manager or designee, he shall revoke the Conditional Use Permit and Site Plan and notify the City Council of the revocation.

22. A violation of any of the conditions or requirements of approval shall constitute a code violation subject to enforcement through the Code Enforcement Special Master, unless a different remedy is specifically provided in any such condition or requirement, in which case such different remedy shall either supersede this provision or be in addition to code enforcement action as determined by the City.

SECTION 5. REPEAL OF CONFLICTING PROVISIONS. All previous resolutions or parts thereof, which conflict with the provisions of this Resolution, to the extent of such conflict, are superseded and repealed.

SECTION 6. SEVERABILITY. If any section, part of a sentence, paragraph, phrase or word of this Resolution is for any reason held to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Resolution without such unconstitutional, invalid or inoperative part.

SECTION 7. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was moved for adoption by Council Member _____ . The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

Mayor, Joel Tyson	_____
Council Member Fernando Herrera	_____
Council Member Inocensia Hernandez	_____
Council Member Gerald W. Renick	_____
Council Member Jessica Salgado	_____

The Mayor thereupon declared this Resolution duly passed and adopted this _____ day of _____, 2024.

CITY OF FELLSMERE, FLORIDA

Joel Tyson, Mayor

ATTEST:

Maria Sanchez-Suarez, City Clerk

EXHIBIT "A"
TO
RESOLUTION NO. 2024-32

Legal Description of Lot (Real Property)

Lot 123 and 124, Block 5, Hall, Carter and James Subdivision, a subdivision plat of Fellsmere Farms Company Tract 1354, in Township 31 South, Range 37 East, according to the plat thereof, as recorded in Plat Book 3, Page 31, of the Public Records of Indian River County, Florida.

EXHIBIT "B"
TO
RESOLUTION NO. 2024-32

Site Plan

SITE DATA:

ADDRESS 1005 N. VERNON ST. ZONING: C-1 / GEN. CDM.	
SITE AREA = 8,712 SQ. FT.	100.0%
DEVELOPED AREA = 8,712 SQ. FT.	100.0%
OPEN AREA = 7,582 SQ. FT.	87.03%

PERVIOUS AREAS	TOTAL = 7,582 SQ. FT.	87.03%
STONE DRIVE AND PARKING	= 2,504 SQ. FT.	27.74%
RETENTION POND	= 1,780 SQ. FT.	20.43%
LANDSCAPING & OPEN AREAS	= 3,298 SQ. FT.	38.86%

IMPERVIOUS AREAS	TOTAL = 1,130 SQ.FT.	12.97%
H/C PARKING & SIDEWALK	= 306 SQ.FT.	3.51%
FOOD TRUCK	= 464 SQ.FT.	5.33%
FUTURE OUTDOOR SEATING AREA	= 360 SQ.FT.	4.13%

SEC. 3.25 TABLE 3E C-1 DEVELOPMENT STANDARDS:

PROPOSED	REQUIRED
LOT WIDTH= 108.50'	100' MINIMUM
LOT DEPTH= 80.0'	100' MINIMUM *
LOT AREA= 8,712.0 S.F.	12,000 S.F. MINIMUM *
FRONT SETBACK = 14.0'	35' MINIMUM *
CORNER SETBACK= 23.0'	15' MINIMUM
SIDE SETBACK = 30.0'	7.5' MINIMUM
REAR SETBACK = 50.0'	25' MINIMUM
MAXIMUM HEIGHT= 15.0'	35' MAXIMUM
MAX. BLDG LENGTH 35.0'	65' MAXIMUM
MIN BLDG SIZE 360 SQ.FT.	NO REGULATION
MAX. COVERAGE +/- 64.78%	85% MAXIMUM

RELIEF REQUESTED: *
 LOT DEPTH- 100' MIN. TO 80'
 LOT AREA- 12,000 SQ. FT. MIN. TO 8,712 SQ. FT.
 FRONT SETBACK - 35' MIN. TO 14'
 DEFER FROM SIDEWALK BEING CONSTRUCTED ALONG EAST R.O.V. AT WILLOW STREET.

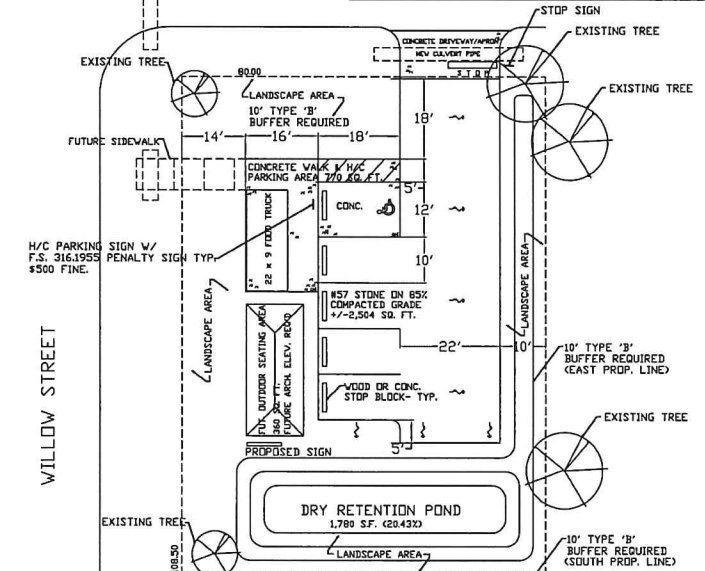
SCOPE OF WORK:
 THE PROJECT CONSISTS OF ONE (1) PERMANENT FOOD TRUCK WITH PARKING, COVERED OUTDOOR SEATING, LANDSCAPING, AND A STORMWATER RETENTION SYSTEM LOCATED ON SITE.

LEGAL DESCRIPTION:
 TRACT 1354, BLOCK 6, LOTS 147 & 148

EXHIBIT 'B'

TRAFFIC IMPACT STATEMENT:

BASED UPON ITE MANUAL v 11.0 THE TOTAL NUMBER OF DAILY TRIPS IS EXPECTED TO BE UNDER THE CITY'S 100 COUNT THRESHOLD.



LANDSCAPING NOTE:

THE LANDSCAPING AREAS AS SHOWN ARE GENERAL LOCATION AREAS. THE APPLICANT SHALL PREPARE A SEPARATE LANDSCAPE PLAN FOR REVIEW AND APPROVAL BY THE CITY THAT MEETS DISTRICT STANDARDS. LANDSCAPING SHALL BE INSTALLED NO GREATER THAN SIX (6) MONTHS FROM FINAL SITE PLAN APPROVAL.

BROWN'S FOOD TRUCK- FINAL SITE PLAN VIA CONDITIONAL USE APPROVAL 1005 N. VERNON STREET

City: _____
 Planning/Name: _____
 Date: _____

RL: 3/17/2024

CONTACT INFORMATION:
 PASTOR ANNIE BROWN
 queenbrown57@yahoo.com

Project: _____
Sheet: A-1
 Date: March 17, 2024
 Scale: 1" = 20'-0"

FINAL SITE PLAN- BROWN'S FOOD TRUCK

