

6. Public Hearing for Firenze Plaza (H-2024-0007) by Aaron Zuzack, Browman Development Company, Inc., located at 3182 E. Mount Etna Dr.

- A. Request: Modified Development Agreement to modify the existing development agreement (DA) (Inst.#2017-041827) to include new owner's information and revised concept plan for the four (4) commercial lots north of E. Mount Etna Dr.
- B. Request: Conditional Use Permit for a 3,320 sq. ft. bank with a drive-through for an automatic teller machine (ATM).

Seal: All right. And with that does anybody need a bio break or do you want to go ahead and keep going on this? Okay. I would like to open File No. H-2024-0007, for Firenze Plaza. We will begin with the staff report. You are back, Linda.

Ritter: Good evening again. So, this application is for a development agreement modification for a new DA and a conditional use permit. So, this is for the property located at 3182 East Mount Etna Drive and it's located in the C-C zone and it's 1.933 acres. So, the applicant is requesting a modification to the existing development agreement to update the owner's information and revise the concept plan's elevation, site and landscape plans to reduce the commercial square footage from 20,000 square feet to 11,000 square feet, a reduction of 9,000 square feet. The applicant submitted two concept plans with the DA modification. The current CUP is only approving the drive through on the southern portion of the property for the proposed bank. Staff is not in support of the other drive through, which would be this one on the northern property and, therefore, does not support Concept Plan A. So, the applicant did provide a legal description for the boundary of the new DA and staff did recommend some revisions for this. One of the revisions of the concept plan is to show the entrance to the property at the location that is currently there, because the utilities are already installed. The current entrance to the property is along here along Mount Aetna. The applicant did receive approval from the highway district to relocate that further west, but staff is not in support of that, because the utilities have already been installed and, then, the -- we asked them to -- again, we don't want that drive through on the northern property right next to the proposed residential units that will be there. It was something that we talked about at our pre-application meetings, but the applicant is allowed to submit what they feel they would like to see for their proposal. So, the hours of operations for this bank ATM will be -- it's 24 hours a day, seven days a week, because it is just an ATM where people drive up to it to get money from the bank. Again, utility services were installed with this development with the Firenze Plaza Subdivision. As with anything -- any stubs not used shall be abandoned per the city requirements. Access, again, is from Mount Etna via South Eagle Road. There is no direct access to the property from Eagle Road and, again, the applicant is requesting to relocate the entrance to the property further west. Again staff is not in support of that proposal. Parking for this required -- for this proposed bank is one space for every 500 square feet of gross floor area. Based on the 3,182 square feet for the bank

a minimum of six parking spaces is required. A total of 32 parking spaces are being proposed, which exceeds the UDC standards and a minimum of one bicycle parking space is required for every 25 vehicles. So, therefore, we are requiring two bicycle spaces for this and they have depicted a bicycle rack on the landscape plan. There is existing landscaping along North Eagle Road, which is an arterial. The applicant is proposing a 16 foot landscape buffer along Mount Etna and a -- with a five foot detached sidewalk and the applicant also is proposing a 25 foot landscape buffer along the west property line as a buffer to the residential uses with a seven foot sidewalk. The applicant is also proposing a fence along the boundary to the west and north of the properties. This is a perimeter fence that they are proposing for the property and, again, building elevations were submitted for this -- the proposed Chase Bank. The building materials consist of smooth face CMU panels, glass and fiber cement. Staff has -- we did review the design, which complies with -- they appear to comply with the design standards, but they will be required to submit a certificate of zoning compliance, as well as a design review to be reviewed and approved administratively by the city. We did receive written testimony on this. We received two comments that were not in support of the bank at this location and so with this we ask that -- our recommendation is approval of the modification and the conditional use permit per the conditions and findings of our staff report, which is for the DA to not recommend Concept A and to leave the entrance to the property in its existing location. The applicant is here and they do have a presentation, so --

Seal: All right. Thank you very much. Would the applicant like to come forward? Either one will work I have been told. I don't speak from there very often, so -- need your name and address for the record, please.

Thompson: Absolutely. Mr. Chair, Tamara Thompson. I'm with The Land Group. Our address is at 462 East Shore Drive in Eagle and we do have a PowerPoint if we can pull that up. With me here is Aaron Zuzack. He is with Browman Development. They are the property owner and the developer of this. So, we are going to tag team this if you -- if you will allow us, and I have -- I have some history on the project. I have been working on this site since 2016. So, I thought I would just kind of give you a brief history and, then, I will turn it over to Aaron to give the rest to you. So, our applications before you tonight is a development agreement modification and a conditional use permit and we will go into those in more detail and thank you to staff and Linda for her -- for her report. I just wanted to give you a bit of history. So, this was the original application for the property. It was the 40 acres on that -- on that corner of Eagle and Ustick. We annexed and zoned that with a preliminary plat in 2017. I'm sorry. Our applications were 2016. They were approved in February of 2017. But this is how that ended up. So, of the 40 acres, 24 of that, which is roughly 60 percent, was zoned R-8 and, then, the C-C zone for this -- for the -- the 16 acres, which is in the blue. So, what we are talking about and -- well, let me just continue. So, then, what we have here is this was our concept plan when we first did our annexation and preliminary plat and you can see the way it has developed is -- is consistent with that. With our final plat we did all of the improvements, so -- does this work? I don't know if that works. Good. So, you can see the -- the sidewalks along this road Montague here, all of the sidewalks -- both sides of Mount Etna and, then, Cubola. So, all of the sidewalks and street trees were installed for the entire 40 acres. All the

public improvements. And, then, the large landscape setbacks along Eagle Road and Mount Etna and this -- these four lots are the lots that we are talking about tonight. So, of the total, the property is -- that we are looking at is roughly five percent. Of the commercial area it's 12.5 percent. So, just to give you that -- that context there. The preliminary plat was approved, again, in February of 2017. The development agreement was recorded in May of 2017. Albertson's opened in June of 2022 and all of these improvements were done with that and the final plat, then, with all those improvements was recorded in October of 2022. Let's see here. Here is just a few of the existing site photos that you can see. This one on the left is looking north on Eagle Road and the one on the right is looking west on Mount Etna and that is in your staff report. And here, again, is just the area in green is -- is what we are here for tonight, that 12.5 percent of the commercial property and, then, just to show you the preliminary plat and, then, the final plat. So, just wanted to give you some context of -- of where we have been and where we are going. During the entitlement process we did do a layout on the residential. The residential has -- has never been submitted, other than just zoning the property. It's currently still owned by Albertson's. The balance of the commercial has been purchased by Browman and Aaron will discuss that, but we just wanted to show you on that north property line -- if you can see here -- the -- one of the conditions was to line those up, so when a preliminary plat does come in for the residential those need to be lined up one to one, so that those northern -- the -- the existing homes and the new homes will be comparable and so what I -- what -- the main thing I wanted to show you here is what that does on that end for the cul-de-sac is it really doesn't lend itself to have any houses there with the way that that cul-de-sac needs to go with having those lots the same size on the one to one for the existing and the new and, then, again, that's that side. So, I will turn it over to Aaron here.

Zuzack: Excuse me. Good evening, Mr. Chair and Commission. My name is Aaron Zuzack. I'm the vice-president of Browman Development Company. Browman Development Company is a family-owned, long-term owner and operator of retail properties. We take pride in our developments. We are not a merchant builder or developer that is looking to build and sell our properties. We manage everything in house. You know, we are here to invest in the community and to provide the best in class, grocery anchored, neighborhood shopping center. Chase Bank will not only provide essential financial services, but also generate employment opportunities for the community. The bank is synergistic with the existing development and our goal is to complement the bank with an adjacent development on that northern parcel as well. You know, we started our journey in involvement in Firenze Plaza over three years ago. We purchased the property from Albertson's in early 2022 and since, then, we have constructed and helped construct and finish the Albertson's and open it in June of '22. We have also constructed four additional high quality retail and commercial buildings on site. We worked very hard to enhance the quality of the development by bringing best in class tenants and setting a new standard by enhancing the architectural design of the development. I have personally spent a great deal of time ensuring that the design theme of a shopping center, the architectural standards throughout the shopping center, are of the highest quality. We are excited to deliver to the community great tenants and public spaces that can be enjoyed by the neighborhood and the community. The DA modification process has really

been a long road for us. We have been working on this for well over 250 days. We -- we first had our pre-app meeting in early November with the city last year and we have been fortunate to work with staff and appreciate staff's thoughtful analysis of the application and we are in agreement with all of the conditions, except for two concerns raised by staff during -- regarding certain aspects of our proposal and, you know, first I would like to address the concern regarding the location of the driveway. We are requesting -- oh. Thank you. We are requesting the relocation of the driveway for a couple of reasons. Number one, we believe that the relocation of this driveway will help divert traffic away from the building entrances in the proposed development minimizing potential conflict between customers' vehicles and pedestrians directly in front of these buildings and businesses. This driveway is our only access to both properties. We have no other access to the property, other than from Mount Etna, and it's currently 219 feet from Eagle Road. We are requesting to move it an additional 89 feet, which will be a total of 308 feet from Eagle Road. The relocation of the driveway is actually going to provide an additional 89 feet of additional site distance for vehicles leaving the property, so that they could see how -- better visibility of vehicles coming on to Mount Etna from Eagle. In our experience, you know, direct cross-access driveways on public streets can at times be challenging for drivers to navigate the crossroad to access one site to the other, trying to get across multiple lanes of traffic. So, having an offsetting opposing driveway can at times be easier to navigate. In addition, the driveway relocation has been approved by ACHD and the relocation meets all of ACHD's policies and development standards. ACHD stated in their Findings and Consideration 3.1C that the applicant's proposal meets district policy and should be approved as proposed. We respectfully request to modify Condition A1, 2.8 and 2.8A to allow the development to proceed with the relocated driveway. The second concern I want to address is city staff has expressed disapproval of the second drive through use as shown on site Plan A for the north parcel and our development agreement modification application proposal. While we respect their concerns, we are really only requesting to modify the development agreement document to provide flexibility for multiple site configurations and allow uses under the C-C zoning designation. The city will retain full discretionary approval through the existing conditional use permit process for any future drive through use on that north parcel. So, we respectfully request to modify Condition A1.1A to keep both Concept Plan A and B in the development agreement modification. In conclusion, I respectfully request that the Planning and Zoning Commission's approval of our development agreement modification and conditional use permit application for Chase Bank with the minor changes as I presented. I'm available here to answer any questions and thank you for your time and consideration.

Seal: Commissioners, any questions? I -- I do have a question real quick. Sorry.

Lorcher: No. You're good.

Seal: Okay. Thank you. On the -- the Chase Bank and having the two different drive throughs, I tend to agree to having too many drive throughs in one location is not a good idea. If anybody wants to partake in Costco you will see why. The -- and -- and I have been to several Chase Bank locations that don't have a drive through. Is that a possibility here or are they just -- is that what they want in that location?

Zuzack: It is what they want in the location. I think, you know, the world has changed since the pandemic and I think that it's imperative to have that amenity -- to have a drive through ATM. It's a -- you know, drive throughs are challenging. You know, there is so many different types of drive throughs. You can -- it's hard to fit every drive through in one bucket; right? And in one box and -- and -- and that's why there is a conditional use permit process; right? Because not every drive through can fit in the same category. You can have, you know, de minimis drive throughs, like ATM's where there is not a lot of stacking or you can also have drive throughs that are extreme stacking situations. We don't know what the user is going to be on that northern parcel, but we want to avoid going through the development agreement modification process again, because it is a 250 day process when you start -- from start to finish between drafting plans up and -- and going to the pre-application meetings and, then, actually submitting, it's a very lengthy process that -- that is challenging, whereas, the city already has a mechanism in their hand to use the conditional use permit process to have a discretionary approval of, you know, accepting or denying a drive through.

Seal: Okay.

Thompson: If I could just add there, it really is just being transparent that we don't know what that north parcel is going to be and just adding that flexibility there. It's not tying the city's hands that -- that -- that they have to approve a conditional use permit for that, it's just being transparent that we may ask for one in the future and we didn't want to have to go through the development agreement modification process. So, that was -- that was the -- the intent behind that.

Seal: Okay. Thank you. Anything else, Commissioners?

Lorcher: Mr. Chair? So, the northern -- or the southern parcel is going to be the bank, Chase Bank, and so you don't have a tenant for the one that's closer to Albertson's: that's what you are saying; correct?

Zuzack: We do not. So, we don't have a tenant for the northern building --

Lorcher: Building.

Zuzack: Yeah. Partial. And, you know, we -- we vision that to be either be a multi-tenant retail style building, but, honestly, today we don't know.

Lorcher: Right. I mean your concept works as long as it's not like an In-N-Out.

Zuzack: Right.

Lorcher: Because, then, you have got so much things going around in circles you are not going to be able to handle anything. As far as the expenses are concerned to move the utilities, is that something your organization is willing to take on?

Zuzack: Absolutely. Absolutely. It's part of the development process. So, it's something that we fully know going into this process that all the costs are borne on the development.

Lorcher: And ACHD gave you -- gave that -- gave you their blessing to move the entrance to your commercial parcel 89 feet further back?

Zuzack: Correct. Yeah. The standard I believe for offsetting opposing driveways is 75 feet from each other and we exceed that at 89 feet.

Lorcher: And there will be a center turn lane in between or there will just be two lanes?

Zuzack: There is a center turn lane in between.

Lorcher: Okay. I'm good. Thanks.

Thompson: I'm sorry, I just have to say something. So, to the utilities -- the pipes are in the ground, but they have never been used, so I just -- I think that's important that, you know, there is -- there is pipes in the ground, but they have not been connected to anything at this point.

Seal: Okay. Commissioner Smith.

Smith: Thank you, Mr. Chair. I guess there is a question for staff regarding the -- if they -- if they are willing to -- to pay for the -- the utilities and -- and the -- the moving of that, that I'm fine with that. My only remaining question is that cross-access that was discussed and I was wondering if you could speak to that.

Ritter: Yes, Commission. So, the cross-access was put in -- it was part of the approved preliminary plat and final plat for Firenze Plaza Subdivision. So, that was something that was required with that. We do require cross-access when we do plats in commercial developments, that we get that cross-access for -- for people to not have to go back out onto the main roads and that's why we require the cross-access and that was the location that was approved with that development and that's why staff does not want it to move, because there are -- even though things may not be hooked up yet, but there are easement -- city easements there. The utilities are in there, so that is why we didn't want it -- the access point moved.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: For staff again. So, would they -- for the development agreement would they ask for a variance to not have it directly across, so that it's more like an S turn? So, if I'm coming out of Albertson's you are suggesting that I want to go straight across whatever the -- the annex road is to get to Chase Bank, as opposed to coming out turning left and,

then, turning right again, is that what you are saying? Okay. I guess it's not a question. It's more of a statement. A clarification if you will.

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: Looking at -- sorry. I'm trying to find the right page in the -- if I'm -- if I'm looking at kind of this map -- if I'm going from Albertson's and I'm trying to go to Chase -- this is a question for staff. I don't really want to cross that close to Eagle, to be honest. I would prefer going -- is it Cubola -- is the -- the road parallel with Eagle to the west. Is the lower road -- is there a possibility for us to act -- like I guess my question is has there been some analysis done on the thought of letting them move this and, then, when whatever is developed to their immediate west you are creating not a stub, but an ability to cross-access with that development. So, someone coming from Albertsons could go northbound into Cubola into whatever the parking lot is for that development that would be there and, then, come in to Chase without having to cross immediately next to Eagle, because that's -- I -- I -- I think that's just -- my issue is -- is I understand the cross-access aspect, but I don't know that I would want to be going that -- straight across that close to potential impact point.

Ritter: Commission, the access straight across there goes into the residential area. That's the R-8 residential area there.

Smith: That is R-8 immediately to the west of the development?

Ritter: Yes.

Smith: Got it. I got it. Okay. Never mind. I retract. Sorry.

Thompson: Sorry, I -- I'm not following. So, the -- the area in red on here is the -- the property that we are talking about, that -- can you see that? That red up --

Smith: Yeah. I was -- I was floating an idea that now I see doesn't make sense, so --

Thompson: So -- and I -- and I also want to say I'm not sure what the cross-access has anything to do, because these are public roads, which ACHD has jurisdiction of, so -- so, I -- I wasn't following your --

Smith: Yeah. I guess I -- so, with the -- the caveat that it doesn't look like it's feasible, my thought was allowing this movement and, then, for ability to kind of navigate a little bit better from Albertson's, being able to go north on Cubola and, then, if there were an ability to turn, then, right into that parking lot from whatever is developed there in the future. Not feasible I see now. But that was -- that's kind of where my head was at, so --

Zuzack: If you don't mind, you know, I actually think moving the driveway is going to be easier for -- for -- for vehicles to -- to maneuver there and the reason I say that is because if you are coming out of the Albertson's Center, you know, there is a lot -- a lot happening right there at that intersection coming off Eagle Road and cars are coming off of Eagle and you have to, then, try to jump two lanes of traffic, plus the -- the -- the -- you know, the -- the turn lane in the middle while all these vehicles are moving, whereas, you can come out of -- out of the driveway into that center turn lane and wait for vehicles to pass that are coming off of Eagle and, then, take a right into our proposed Chase development. So, I think, you know, moving this actually is safer for a number of reasons and that's one of them. The other is that if you are leaving the Chase development, having that extra 90 feet of vision -- of sight vision you can see vehicles, you know, that are coming on to Mount Etna easier and the third thing I would say is that there are a lot of ways to access the site. You know, there is -- there is -- you can exit out of Albertson's a little bit further west in front of one of our other multi-tenant shop buildings that we just built and, then, make a right and, then, you would be able to make a left into the Chase site. So, there is a number of different ways to access it and -- and so at the end I think moving it actually provides a safer configuration.

Smith: Thank you.

Seal: Commissioner Lorcher, anything?

Lorcher: So, the proposal is for the DA modification, which goes to City Council, is to offer both options; is that what I'm hearing? Is that what we are voting on tonight?

Seal: Correct.

Lorcher: And, then, the --

Seal: Essentially we would need to modify -- we would need a modification to the motion in order to allow for that. Staff has said that they do not want Option A included. They -- or Concept A included. They would like that stricken. So, if we would like to give them the opportunity to have Concept A and Concept B go to City Council we will need to make sure that that's mentioned in --

Lorcher: The motion.

Seal: -- the motion. Uh-huh.

Lorcher: And as -- and it's your wish that both concepts be presented to City Council and you will accept whichever one they decide on; correct?

Zuzack: That's correct. And -- and that in addition to modifying the conditions to allow us to move the driveway, because Condition A1 had stated that within 15 days prior to the City Council hearing the applicant shall provide a revised concept plan that shows the property access in the existing location. We would -- we would request to strike that from

the conditions of approval, so that we have -- so, that we can move the driveway as proposed on the site plan.

Lorcher: Yeah. I think it's -- that's probably City Council's decision. And, then, the second part is to allow the development agreement to offer two drive throughs; correct? Isn't that the second thing we are kind of voting on? That's not -- that's not the CUP, is it?

Seal: No. That's the -- I mean, essentially, the two things in contention right now are either the Concept A or Concept B.

Lorcher: Uh-huh.

Seal: Concept A is the drive through or not a drive through.

Lorcher: Oh. Okay.

Seal: On the northern bound property and, then, the second piece is the -- moving the -
- the entrance.

Lorcher: Okay. All right. Thank you. Just needed to clarify.

Thompson: So, just to clarify, it's not Option A or B, it's Option A and B. So, in the future whatever that ends up being, we don't have to come back for a modification.

Zuzack: A DA modification.

Thompson: Yeah.

Zuzack: Because there is already the conditional use permit process which will, you know, vet the drive-through use.

Seal: Commissioner Sandoval, do you have anything to add or any questions?

Sandoval: No questions.

Seal: Okay.

Ritter: Commissioner?

Seal: Go right ahead.

Ritter: I noticed that in the red line strike through for the modification you -- the applicant had stricken through the R-8 zoning and I think that was a mistake. Your red line strikethrough version that you sent in to staff. So, I think that was a mistake that you guys struck out that the R-8 zoning on that document -- I just wanted to make sure that -- that is left in the DA, that you are not trying to take that out.

Zuzack: We are not trying to make any changes to the residential zoning.

Ritter: Okay. So, the only thing that we are -- is just updating the owners and just the four lots here.

Zuzack: Yeah. And frank -- I mean, frankly, all -- the only thing we were trying to update exactly on this entire development agreement modification was just this -- this two acre piece of the entire development. We didn't really -- we are not proposing to make any other changes other than just the two acres.

Ritter: Okay.

Seal: Anything from the Commissioners? Really quick. Do we have anybody signed up to testify?

Lomeli: Thank you, Mr. Chair. We do.

Seal: Okay. Thank you.

Lomeli: We do have Joy Livingston that signed up online. I don't see her name on Zoom.

Seal: Do we have anybody online that would like to testify? If so, please, hit the raise hand button. Quite a few people online tonight. Anybody in Chambers want to testify at all?

Lomeli: Mr. Chair, Romeo Gervais.

Seal: Good evening, sir. Need your name and address for the record, please.

Gervais: Perfect. My name is Romeo Gervais. I live at 3019 East Fratello Street, the residential immediately north of this project. As Tamara said, I guess I would like to start with a little history, too. So, when I moved into this area there was goose hunting in my backyard and geese falling out of the -- it was the county line. So -- so, it's changed quite a bit in the years and -- and certainly to be expected I think with development and growth of the city. As staff had mentioned -- and I think both staff and the applicant had kind of addressed -- one of my big concerns with the DA modification was the red line proposal in the documents online. I think -- I think it's been pretty well put on the record here that the intention is not to change some of the requirements, but if you look in the records on the file on page three and four of the DA redline modification, the applicant strick -- had stricken conditions 5-D, H, I, J and L and I'm not in support of that modification. So, it sounds like everybody is in agreement that that's not really part of the proposal, but just putting that on the record that those conditions are tied to that R-8 zoning and, then, the interfaces between the existing residential and the development, so -- the -- the other thing I guess I would mention is I do support staff's comments with the removal of the second drive through or C-1 if you will. Plan sheet C-1. That drive through -- when we initially came in with this subdivision it wasn't intended to be a -- kind of a neighborhood

office if you will. It was kind of proposed as doctor's offices, things like that. Kind of a lower use, 8:00 to 5:00, Monday through Friday kind of use. Not necessarily opposed to injecting some of the retail or even the bank. The bank maintains those same hours. Not really that opposed to a drive through ATM. I think, once again, low usage, but as that site plan to the north -- or to the north would potentially propose that additional drive through, I think there is some use conflict that it creates or could create that I don't think was intended with the initial development, if you will, with an office use. So, going from, you know, cornfield, estate residential kind of in the comp plan when I bought my lot, to now a mixed-use -- at least compatible R-8 with office now going to some mixed-use retail -- okay. But going all the way to an In-N-Out probably not supported. Or definitely not supported by me. So, that -- that would be a couple of different things there. Do support staff's comments with regards to the access location. I have no opinion. So, whatever you guys so decide with that I don't know that it's a big deal. The other component with the DA site plan that I guess I would ask for is it's currently showing three different dumpster locations, two kind of on the merge joint lot line, one up on the north closer to the residential. Being so close -- it's 250 feet or so to existing residential I get worried about dumping and things like that, so -- and I apologize, I'm probably going over my time, but I have a lot of -- I do agree or appreciate the landscaping and the 25 foot buffer yards. But as they did with the final plat, I would ask that they continue that or put in that entire fencing around the whole lot now, as this -- when the Chase Bank comes in it's going to create that use and, once again, I think is pertinent to the CUP for the Chase Bank where it's impacting the residences right now. So, I would ask that that landscaping be added there. And with that I guess I would stand for any questions.

Seal: No questions. But there are going to be empty seats on the Commission. I invite you to apply with that. Thank you. I really do appreciate citizenry that pays attention to the finer details and that was very detailed.

Gervais: Maybe part of my day job, Commissioner.

Seal: That's -- that's okay.

Gervais: Thank you.

Seal: Thank you. Madam Clerk, anyone else?

Lomeli: We have a Mark -- I apologize, I don't want to mess his name up. Blocovich?

Seal: No? Anyone else? No? Anyone else want to testify? Going once. Going twice. Anybody online? Haven't seen anybody hit the raise hand button. All right. With that would the applicant would like to come back up for any rebuttals?

Zuzack: Yes, Mr. Chair. I think I would like to potentially explain I think the confusion on the DA red lines. When we applied for this there was some confusion on whether or not this should be a new development agreement, because, you know, we are one owner inside of a master plan per se of Albertson's still retains ownership of the residential, we

have ownership of the retail shopping center and so when I red line to the document I was trying to create -- I mean I provided our -- my comments, our comments, to the city staff and I was trying to create it -- cater it more towards just the two acres, because that's all we were trying to do is modify the two acres. So, I just wanted to clarify that component to it of the confusion.

Seal: Okay. Thank you. Appreciate the clarification. Commissioner Smith, do you have something on that?

Smith: Yeah. I did have one question regarding the dumpsters that was brought up. I figured since we are doing this might as well just see if there is an opportunity to clean anything up. Regarding -- there is fencing proposed, et cetera, but regarding the proximity on the -- the northernmost dumpster location, but also considering the fact that west of this there would be additional residential property. Are -- are those set in stone or are we envisioning potentially moving them away from residential properties? Is that -- would that be kosher for us to -- would that be amenable for us to include some language around that?

Zuzack: So, I think -- well, the dumpster for the southern half, the Chase Bank side, is something that -- that's the location that fits very well and complementary to the circulation of their facility. It's also, you know, relatively de minimis in terms of what's being, you know, used there. You know, we also -- you know, to address the concerns about illegal dumping, we -- you know, we manage everything in house. We have -- property managers are very diligent and that's something that we don't accept and if it -- you know, if there is illegal dumping we get rid of it as quickly as possible. It's something we don't -- you know, there is a few things in our company that are really important to us and that is one of them. As it relates to the site plan and the location of the dumpsters on the northern half, that's something that I envision would be vetted through the conditional use permit process when and -- when that does come forward those locations would be heavily, you know, looked at in compatibility to the development that we are proposing at that time. So, to answer your question, I think, yes, there is some flexibility. We don't know who the user is. It's definitely not In-N-Out, you know, so -- but we are -- we are -- you know, we are -- we don't -- we don't have a user today and -- and at that -- when we do -- when we have that user that's when we would, you know, present a site plan, you know, through that process and we could work on it then.

Smith: Thank you.

Seal: Quick -- one final -- oh. Kurt, go ahead. I just had a question on the -- is -- as I'm conceptualizing the -- the property in general is would -- would you consider moving Chase Bank north?

Zuzack: No. I think that's a -- that's something that they feel very strongly about that they want to be at that location. It's -- it's predicated on the -- the deal moving forward, to be honest with you.

Seal: Okay. That just would solve a lot of the issues that we are talking about immediately, so -- just had to ask.

Zuzack: Understood. Understood.

Seal: Kurt, you had something to add?

Starman: With your permission I had a quick clarifying question for the applicant and -- you had a screen -- you had one of your screens up just a moment ago that showed your proposed changes to the DA language. Can you pull it up one more time real quick? Perfect. I just want to clarify with the applicant. The -- near the top third of the page where it inserts Plan A and B, that -- that's your proposed change; correct?

Zuzack: Yes, sir.

Starman: I just want to -- I just want to confirm I think -- and I think your colleague mentioned this, but I think would that make sense to have Plan A or B? I agree that you can't do both. It's one or the other; correct?

Zuzack: That -- that is correct. It's one or the other. But we would respectfully request to have both plans included in the DA modification, so that we have flexibility to, you know, have multiple options when it comes to the future development of that northern parcel.

Starman: Yeah. Thank you. I appreciate that. I understand that one hundred percent. I'm just saying from a grammatical and technical perspective to accomplish the goal you just mentioned I think that language needs to say that consistent with the -- with Concept Plan A or B. That gives you the possibility of one or the other, but you can't -- it's not possible to do both; right? It's one or the other.

Zuzack: That's correct.

Starman: Okay. So, we will -- we will collaborate with you between now and City Council.

Zuzack: Perfect.

Starman: Thank you.

Parsons: Mr. Chair, if I could just add -- at least give Aaron some assurances, since he's bringing up the DA process. It really isn't that complicated and I'm sorry that it's taken this long to get you here. But in my experience with DA modifications the City Attorney's Office will prepare that document and if you are successful in achieving it and/or concept plan, then, those will be -- both those concept plans would be attached to the new DA that would be subject to the two acre parcel. So, we will have you covered either way, Aaron, so it really should say or -- but, again, we can -- if the Commission feels like they want to make that recommendation tonight we will certainly change that as we transition to City Council.

Zuzack: Thank you for the clarification.

Seal: Okay. Commissioners, anything further? No? All right. Thank you very much. Appreciate your time. And with that I will take a motion to close the public hearing for File No. H-2024-0007 for Firenze Plaza.

Smith: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2024-0007. All in favor, please, say aye. Public hearing is closed.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: I will jump in real quick on this one. So, as -- as far as the Concept A and B, I understand the reasoning behind keeping both of those in there. I understand the desire to not have that, but I don't think that we want to cut them off at the -- at the knees on that one at this point in time. There might be something that goes in there. God forbid it actually be an In-N-Out. But I -- I -- you know, there -- there may be a use case that goes in there that, you know, nobody's thought of yet that we all go, wow, I really wish that could go in there. We just can't do it, because of, you know, something that was excluded. So, I don't know what that might be, but I hope it comes to Meridian. On moving the drives -- the -- the drive aisle there -- the drive -- the entrance, I understand the idea that if we offset it that it becomes easier. That is one side of the argument. But the -- kind of the reasoning behind having that direct access is you have eye contact. So, when I'm going out and I'm coming in I have got eye contact with somebody. I know what they are doing across the street for me. They know what my intentions are as well. Where if you have three offsets in a very very short amount of time, you are just going to have everybody going to the same place all at the same time. So, I think that that is a consideration that we need to make. Generally speaking I'm kind of supportive of staff as I have been educated over the years. I have my own opinions and as I'm educated on things I learned that there is a lot of good reasons for some of the regulations that we have that we haven't always thought of. So, that's a consideration for me on that. As far as getting to that, following Commissioner Smith's logic, to be honest, if I had to go to the bank over there that's exactly the route I would take. I would go behind Albertson's or to the -- to the west and I would come around the other way, just so I didn't have to cut all the way across in order to get there, so -- I mean, unfortunately -- fortunately or unfortunately, Albertson's put their entrances and exits -- exits where they are. We do have, you know, specifics in the code that kind of regulate that. So, I would -- I would be more apt to support staff in that decision. Other than that, wish you all the luck in the world on this. Glad to see more development for businesses coming into Meridian.

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: Again for the second time tonight, I think I'm -- I'm exactly flipped of where you are at, although I don't -- you know, I don't feel so strongly about it that it needs to be some certain way. I do tend to support the moving of the -- of the -- of the entry -- entry - - of that entrance to the property. I think that that makes sense to me. Again, with the understanding that I'm more of a layman and I haven't probably had many of those conversations. Just intuitively that kind of makes a little more sense to my head. But I - - my thought around Concept A versus B -- my only thought is there is something that were to go in there, they still could approach it with another DA mod, if I'm -- if I'm not mistaken and I almost am wondering if the intention is to probably have something that's not a drive through in there, if it's worth adding an extra step of scrutiny with a DA mod, if they were to put another drive through in there. So, again, I don't feel super strongly in either of these. I'm generally in support of the application either way, but those are just some thoughts that kind of where my head's at at the moment.

Seal: Commissioner Lorcher? Commissioner Sandoval?

Lorcher: Mr. Chair?

Seal: Go right ahead.

Lorcher: Not knowing who the north client is going to be, I feel like is a hindrance to make a good choice as far as whether or not to offer two drive throughs or not. I mean one could be a dry cleaner, you know, or it could be -- I think there was a Jersey Mike's, but it -- it could be a Subway. It could be -- you know, it could be anything; right? It could be something high volume. It could be something very low volume. And I -- and I -- that's the challenge that I have. But also understanding and acknowledging your comments since the pandemic the way we manage our business and whether we eat or we dine or we bank or whatever we do is -- is definitely more in our cars and I don't see that going away anytime soon. So, I don't know, I'm -- I'm kind of torn on this one as well. I think the best thing to do at this point is to provide City Council with as many options as possible and I -- you know, I understand staff's concern for the -- the drive through or the drive across the -- where it connects, but I also see the value of it being staggered. So, I would be more -- I would be in favor of what the DA modification to say plan A or B to go -- to recommend for City Council.

Seal: Okay. Commissioner Sandoval, anything to add?

Sandoval: Mr. Chair, so to me it -- it actually makes sense to have the off -- offset, so people aren't trying to jet across both lanes at the same time quickly. Again, I think that's a good option to -- to move forward and as far as the north end of the site, you know, it looks like it's going to be residential and if it is right now at least be the open space, they will probably put, you know, adequate screening. It will be a consideration if there is a drive through there. So, I think we should leave both Options A and B -- or B, however you want to word it, to City Council.

Seal: All right. Thank you very much.

Smith: Mr. Chair?

Seal: Are you ready to make a motion?

Smith: I more have a question for Commissioner Lorcher just to make sure I'm on the same page. Commissioner Lorcher, did you -- was your intention to keep -- so A or B, but keep staff's recommendation to leave the drive aisle where it is or did you have --

Lorcher: I actually don't have a preference, so -- I mean if it's -- if it's a rule, then, we should follow those rules. But, you know, grocery -- grocery store parking lots can get a little crazy, especially with all the retail that they have around here, personally I would do what you would do, I would go around the back and kind of come around, because I -- I personally wouldn't want to shoot across. But that's -- that's me. And I don't like turning left either, so -- or driving at night. So, you know, don't count me as like a normal driver. But I mean I would -- if it was me I would probably like it staggered just because that was more of a sight line away from Eagle Road. But if it's a rule in the city that says we want that cross-access then -- and this is the only exception in the city, then, we should follow that rule. So, I -- I don't know if there is other exceptions to it or not, but --

Seal: Bill?

Parsons: Mr. Chair, Members of the Commission, in this particular case there isn't a rule for that -- well, there is a rule for that access is that they take access from a local street, which they are doing. So, them keeping the curb cut where it is or moving it is not violating any rule and in our world and as you mentioned, Chairman, it's just best practice to have driveways align. That's what we are trying to do. And since the utilities are already there, you know, we want to be cognizant of our Public Works partners that we are not putting - - making sure no one's encroaching or impacting those utilities that are underground. That's why we are having the discussion with you on keeping the curb cut. But there is no zoning ordinance rule that says he can't move that, because he is still taking access from a local street. Now, on the cross-access issue, the applicant owns the property, so, technically, there is no cross-access. He can't grant himself access. He owns both properties. But when looking at the recorded plat, there are CC&Rs in place that speak to how that cross-access is to occur in the development and we don't get copies of the CC&Rs. So, I'm only bringing this up just to let the developer know that if it does get sold in the future that's something that may have to be addressed, if one of those parcel sells off and someone comes to the city and ask us about cross-access we are going to be like you need to pull the CC&Rs and see how it's spelled out. Just for the records and make it clear on that. So, long story short, is if you want them to -- if you support their -- their request to remove that and the applicant's provided you the guidance to do that. If you want to side with staff, again, they are in front of you as a body tonight, so Council will have another bite at the apple to discuss relocation and the two concept plans as you have already discussed.

Seal: Okay. Thank you. Appreciate the clarification on that. If there is no more questions I'm more than happy to take --

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: I got one. I think it's just some context, I think, because this is more of a recommendation and City Council can -- can take it or modify it or -- I think I will go with kind of where -- it seems like the -- the room is at at the moment. So, with that being said, after considering all staff, applicant, and public testimony I move to recommend approval to the City Council File No. H-2024-0007 as presented in the staff report for the hearing date of July 18th, 2024, with a modification to allow Concept Plan A or B -- or A and B or whatever that language is and to allow the applicant to go forward with the offsetting of the driveway per their request.

Seal: Do I have a second?

Lorcher: Second.

Seal: It's been moved and seconded to recommend approval of File No. H-2024-0007 for Firenze Plaza with the aforementioned modifications. All in favor, please, say aye. Opposed nay? Motion passes. Thank you very much. Appreciate all the time on this.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

7. Planning and Zoning Commission Elections

Seal: And with that we will go back to Item No. 3, which is the Planning and Zoning Commission elections. I will be stepping down as chair and so we need to elect a new chair and if that happens to be Maria, then, we will also elect a vice-chair and I'm not -- and I'm not it.

Lorcher: Not a lot of people here tonight.

Seal: Yeah. Yeah. I mean I have, you know, put thought into this and Commissioner Sandoval is brand -- brand new and -- and still learning the ropes. You know, we have some folks that have indicated that their time is going to be tough to fulfill on Planning and Zoning as well. Some of those folks are not with us tonight as well. So, if I'm making a recommendation or a motion, then, likely, I will go with the experience of the Commission so far and that would be with Commissioner Lorcher as president and I mean with that my next recommendation would be Commissioner Smith be the assistant chair. That's kind of where I'm at with things and I'm more than welcome to discuss all of that.

Lorcher: Are you nodding that that would be in agreement with you?

Smith: Yeah. I think that's totally fair. I'm anticipating being on this Commission for the foreseeable future, so --

Seal: Good.

Lorcher: So, what do we do next? Do I get to make the motion for this? Do I get to make a motion, Kurt?

Starman: Mr. Chairman, Commissioners, any of the Commissioners can make a motion, including the chair. So, whoever would like to make the motion -- I know somewhat awkward if you are part of the motion. You can do that as well. There is no prohibition against that. So, whoever -- whichever Commissioner would like to make a motion that would be appropriate or would be fine and -- whether that's you, Mr. Chairman, or someone else.

Seal: Okay. I will -- I would love to do this. It's -- then it's not all about me. I move that Commissioner Lorcher is the next chair of the Commission.

Smith: Second.

Seal: It's been moved and seconded to elect Commissioner Lorcher as chair of Planning and Zoning Commission. All in favor, please, say aye. Opposed nay? Congratulations.

Lorcher: Thank you.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: With that I will -- I also make a motion to elect Commissioner Smith as the vice-chair for the Planning and Zoning Commission.

Lorcher: I second that.

Seal: It's been moved and seconded to elect Commissioner Smith as the vice-chair of Planning and Zoning. All in favor, please, say aye. Opposed nay? Welcome to the -- welcome to the assistant chair position.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: So, good deal. And I don't know if there is anything that the two of you officially need to do. Maria's already well versed in what needs to happen in pre-meetings and things like that and so I will let her pass that education on to you in your -- your new duties. Kurt, was there something you want to add?

Starman: No.

Seal: Okay. I saw you hit the button, so I'm quick draw on this one. With that I will take one more motion.

Lorcher: Mr. Chair, I motion we adjourn.

Smith: Second.

Seal: It's been moved and seconded that we adjourn. All in favor, please, say aye. We are adjourned. Thanks everyone.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

MEETING ADJOURNED AT 8:52 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

ANDREW SEAL - CHAIRMAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK