

**Minneola Planning & Zoning Commission  
Minutes**

**September 18, 2023 at 6:30 PM**

**Minneola City Hall**

The City of Minneola Planning & Zoning Commission was called to order by Chairman Paul Giacalone. Also present were Vice-Chairman Jeff Henderson, Commissioner Leonard Jackson, Commissioner William McCoy, Commissioner Oscar Trujillo. Alternate Member Nathan Focht, Vice-Mayor Debbie Flinn (Council Liaison), Mark Johnson (City Manager), Ramon Flores (Code Enforcement Supervisor) Scott Gerken (City Attorney), Joyce Heffington (City Planner), and Corey DeVogel (Planning Technician).

**CALL TO ORDER**

**Chairman Paul Giacalone** called the meeting to order.

**MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE**

A moment of silence was observed, and the Pledge of Allegiance was led by **Commissioner Oscar Trujillo**.

**AGENDA REVIEW**

**Scott Gerken** noted that it would be helpful for the board to talk about agenda packet processes at the end of the meeting.

**PUBLIC COMMENTS**

**Chairman Giacalone** called for public comment.

No public comments.

**MINUTES**

**Chairman Giacalone** noted an error in the June 5<sup>th</sup> 2023 Minutes Final Reports section about having the packets in the Monday before the meetings.

**MOTION by Vice-Chairman Henderson, SECONDED by Commissioner Trujillo to approve the Minutes with the addition of speaking with Heather on the packets.**

**AYE:** McCoy, Giacalone, Jackson, Focht

**NAY:** None

**MOTION PASSED: 5-0**

47 **DISCUSSION ITEMS**

48

49 **Scott Gerken** swore in all that wished to speak.

50

51 **Item 2: Hills of Minneola Developer Agreement Amendment**

52

53 **Joyce Heffington** detailed Item 2, pertaining to pods 3, 10, 11, 12, 13, 14, 15 and 16 only. It

54 would allow for 5-story mixed use with commercial at the bottom and apartments above. It

55 would also cover self-storage including RV and boat storage. Staff can't recommend since it is

56 not what the code allows, but if the council and commission wish to do it, they will support

57 whatever they wish to do.

58

59 **Chairman Giacalone** inquired about missing stamped plans and CDs on the application form.

60 He inquired into whether all of the signs for advertising had been posted.

61

62 **Tara Tedrow (Applicant Representative)** noted that they had posted all signs in coordination

63 with the city, verifying the postings as was required prior to the meeting. She noted that a digital

64 Dropbox had been submitted along with paper copies and CDs in a timely manner.

65

66 **Chairman Giacalone** replied that he did not get to see the plans.

67

68 **Tara Tedrow** replied that there is a share file that can be shared after the hearing if needing

69 moving forward.

70

71 A power point presentation was given on the Hills PUD and proposed concept plan and specifics

72 for properties owned by Minneola Land LLC and Advent Health.

73

74 **Borron Owen (Legal Counsel for Advent Health)** stated that with the exceptions of a few

75 items, Advent Health is in support of the staff report. He described the plans for the hospital

76 along with its planned usage type. He noted that the main items of issue pertained to meeting

77 code with retaining walls, grade and signage. He also noted that they had created a schedule to

78 have Advent Health of Minneola open and functioning by November 2025. To do so, they would

79 need a recommendation to take to council by October, so they could have permitting completed

80 before the end of the year and construction started. Hospitals of this magnitude take about two

81 years to construct. Being one of the largest employers in the area, they fully expect that Advent

82 Health will bring many jobs, much of which are high paying, along with expanded medical

83 facilities to the people they serve. He noted that there would be estimated only a few flights per

84 week since the helicopter will be stationed in Orlando to bring trauma victims from Minneola to

85 Orlando. The ambulance also was only for transporting patients to another hospital. Neither are

86 for responding to the Turnpike, that is the responsibility of 911.

87

88 **Commissioner Jackson** disclosed that he had spoken to Skorman about aspects of the project,

89 particularly Crooked Can Brewery and architectural designs.

90



91 **Vice-Chairman Henderson** disclosed that he spoke to Skorman shortly on the previous Friday  
92 as well. He inquired if due to the aggressive build schedule, would there be a brick and mortar or  
93 tilt wall hospital.  
94

95 **Borron Owen** responded that it would be prefabricated. He noted that the architect has designed  
96 several Advent Health hospitals in the Central Florida area.  
97

98 **Vice-Chairman Henderson** noted that he likes the sign on the turnpike, though he wished it  
99 would say "HOSPITAL" instead for easier understanding in emergency situations.  
100

101 **Commissioner McCoy** inquired about the ingress and egress.  
102

103 **Borron Owen** noted that it is more than a quarter of a mile outside of the DOT limited access  
104 requirement so they don't have an issue with the DOT from the interchange separation  
105 requirement.  
106

107 **Commissioner McCoy** asked how many employees there would be.  
108

109 **Borron Owen** replied that they could have 1,000 employees at full build.  
110

111 **Commissioner Trujillo** asked if there were any plans to expand the footprint on the property, as  
112 well as if they will become a trauma center.  
113

114 **Borron Owen** noted that there are preservation areas as well as future development. He does not  
115 expect that the hospital would get bigger, but they could put medical offices consistent with their  
116 zoning. But he does not see it getting larger than that. He also noted that they are not licensed  
117 under a trauma center, nor are they actively pursuing it.  
118

119 **Alternate Member Focht** disclosed that he had conversations with the applicant about this  
120 project, surrounding developers and residents have called him over the weekend. He noted that  
121 the Developer Agreement says there is 50-foot cuts asking how accurate that would be.  
122

123 **Borron Owen** responded that it would not be nearly 50'.  
124

125 **Vice-Chairman Henderson** replied that it may have been 50% for a different parcel on pods 14-  
126 16, Industrial side.  
127

128 **Alternate Member Focht** noted that more signs may be desired in this case, so that people can  
129 find where the hospital is in an emergency.  
130

131 **Borron Owen** replied that he agreed and wants people to easily be able to find the facility.  
132

133 **Alternate Member Focht** expressed concern for the helipad. Noting that it appears to be very  
134 close to commercial buildings on the next property and the flight path on approach over the  
135 Dreamfinders section of The Hills.  
136

137 **Borrón Owen** replied that the helicopter will be dropping in from higher above more than doing  
138 a lowered approach.

139  
140 **Chairman Giacalone** disclosed that he had a conversation with Skorman, Matt Young and at the  
141 end of the conversation, if there was anything they could do for the city, they are there for you.  
142 He stated that they should do something for the Minneola High School students, who have worn  
143 the same uniforms for 13 years. He has it listed on his Facebook page for anyone that would  
144 want to help. He noted that there are several schools within the area and more coming on  
145 Hancock Rd. (K-8). He asked if Advent Health would help the city, county, and schoolboard in  
146 getting more aggressive road signs for the schools on Hancock Rd.

147  
148 **Borrón Owen** replied yes, and that they intend to be community partners. They can't do  
149 everything, but they will do what they can.

150  
151 **Chairman Giacalone** called for public comment on the item.

152  
153 **Mark Johnson** clarified for the City of Minneola that the request made by the Chair in no way  
154 reflects the decision of the city or the board.

155  
156 **Commissioner McCoy** said he understood.

157  
158 **Tara Tedrow** addressed questions on the slideshow concerning the proposed self-storage pod  
159 and Hills City Center.

160  
161 **Commissioner Jackson** inquired as to how the grocery stores would fit into the overall design  
162 of the Hills City Center.

163  
164 **Chairman Giacalone** asked how many stories the parking garages would be.

165  
166 **Tara Tedrow** noted that it still depends and it will be based upon market and demand as well as  
167 how many cars would need parking.

168  
169 **Vice-Chairman Henderson** inquired about 1039 additional homes with mixed use and why  
170 there would be such a large increase.

171  
172 **Tara Tedrow** provided details on the mixed use and non-residential standards, noting it was  
173 always contemplated that there would be mixed use on the project.

174  
175 **Vice-Chairman Henderson** inquired about a cell tower mentioned in the packet.

176  
177 **Tara Tedrow** noted that there would not be a cell tower.

178  
179 **Scott Gerken** believed it was just referenced in the original PUD.

180  
181 **Tara Tedrow** discussed the message center along with alcohol sales within restaurants and  
182 breweries.



183  
184 **Alternate Member Focht** asked why things could not be looked at on a case by case as opposed  
185 to any and all.

186  
187 **Tara Tedrow** replied that it is the nature of a PUD, creating an ability to take footprints to  
188 market.

189  
190 **Alternate Member Focht** expressed concern about a larger building concept on the future phase  
191 of the proposal.

192  
193 **Tara Tedrow** confirmed it would not be big enough to fall under the big box store classification.

194  
195 **Alternate Member Focht** noted that the storage area would back up to Sugarloaf residents and  
196 wanted to make sure that they would take special care to properly buffer the back viewpoint.

197  
198 **Tara Tedrow** noted that it's location and zoning has enhanced buffer requirements that are  
199 larger on the rear of the property since they adjacent to a residentially zoned site (County AG  
200 zoning).

201  
202 **Alternate Member Focht** returned to mixed use, noting that the proposal says 65% of the first  
203 floor must be business. What is the justification and what would be the other 35%.

204  
205 **Tara Tedrow** replied that there might be a first-floor lobby, elevator shaft, or utility room, or  
206 pool among other uses.

207  
208 **Alternate Member Focht** noted that he struggled with the connector road to Minneola Ridge  
209 not being there.

210  
211 **Tara Tedrow** They had not designed the access points nor have they done enough sitework or  
212 layout to figure out where it should go and it would be a premature request. She noted she  
213 understood why there is a desire for their neighbor to have clarity. She noted that they are not a  
214 party to the agreement. They can not unilaterally amend it, nor place demands on the city to  
215 amend something written many years ago and two times survived amended and restated  
216 iterations of this development agreement. It says it will be done at site plan because that is when  
217 the code requires connector roads to be determined, not at conceptual plan. They will absolutely  
218 comply with the requirement to provide that connector road because it says that they have to not  
219 only in the Development agreement that they are not modifying the provision of, but it is stated  
220 in their D.A. amendment and on their conceptual plans. The only risk to them, if in the future if  
221 the road goes through the building on the northern end, they would have to come back and  
222 amend their plans to account for that, so the risk is on them as developers because they showed  
223 something that might require them to come back and amend the DA again in the future to  
224 account for it. They can't do anything with the upper portion of the project, which is a future  
225 phase. Down the road, they will get with Lake County, the city and their adjacent neighbor to go  
226 through proper site planning for where the road is going to go.

227  
228 **Alternate Member Focht** asked that if it did change, they would modify the north area.

229  
230 **Tara Tedrow** replied that they would have to.

231  
232 **Alternate Member Focht** asked if the grain tower for The Crooked Spoon would be a cosmetic  
233 or functional grain tower.

234  
235 **Tara Tedrow** replied that she could find out but believed it might be cosmetic.

236  
237 **Alternate Member Focht** discussed the billboards noting that it was on the turnpike, facing the  
238 industrial property, so it is not an issue. He inquired if the signs on the roofs would be facing the  
239 Hills or Turnpike.

240  
241 **Tara Tedrow** confirmed it would be facing the turnpike.

242  
243 **Alternate Member Focht** expressed concern about opening up the board to potentially not  
244 being able to say no to the next to come around in a similar situation, possibly setting a  
245 precedent. Even though he liked most of the project, he expressed concern for what will be  
246 changed for the others that would come.

247  
248 **Scott Gerken** responded that the PUD is a negotiated agreement where there is a give and take  
249 that goes into it under the 163 Developer Agreement, which allows it. There is a logic to  
250 allowing it in that space. The non legal issue is that the board always wished to be fair and no  
251 doubt with a developer in a similar situation, they would like to extend the same courtesies and  
252 do the same thing.

253  
254 **Chairman Giacalone** asked if any events would be planned on the parking garages.

255  
256 **Tara Tedrow** replied that they were looking to hire a lifestyle and entertainment coordinator  
257 specific to the entire project, to hold events subject to permits. Crooked Can also is looking to  
258 bring special events to their 2 acres.

259  
260 **Chairman Giacalone** called for public comment.

261  
262  
263  
264 **Brent Spain (Representative of Jen FL 30 LLC and Richland Developers INC.)** commended  
265 the presentation and noted that the item before the commission is an amendment to the existing  
266 Hills of Minneola Development Agreement, under which JEN FL 30 is defined as the owner. On  
267 behalf of JEN FL, he requested that this matter be tabled or continued to a future date. The  
268 reason being JEN FL, needs a reasonable amount of time to review what was submitted to ensure  
269 that there are no adverse impacts to its interests and rights. They found out about it and asked for  
270 a copy of the proposed development agreement and got multiple reiterations on Wednesday  
271 afternoon. They received the current development agreement on Friday afternoon, getting less  
272 than one business day to review it. It may be that they won't have any issue with what is being  
273 proposed, they just haven't had the opportunity to review it. He noted that the applicant  
274 emphasized other pods would not be affected. The proposed Amended Development Agreement



Recital 9 talks about a revised conceptual plan replacing the conceptual plan from the Hills of Minneola that has been amended several times since it was originally approved. The conceptual plan would apply to his client's property as well. He noted a new table on the plan that misstates the maximum allowed units; 3,971 dwelling units when the maximum is 4,170. The suggestion of not affecting other people would be premature, and they should be able to go through it with a fine-tooth comb. He noted that it was moving with great expediency, based upon his experience with the City of Minneola, stating the application is dated August 4<sup>th</sup> with a public hearing in the following month. He noted that in section 3A there is a development schedule with two interesting parts. One, the total program for the development is wrong showing 3,971. It also shows the start of section 3A "Contingent on adoption of a comprehensive plan amendment. Section 6 of the PUD agreement shall be replaced in its entirety with the following" table. The developer agreement under chapter 163 is that it is consistent with the city's comprehensive plan. He never came across one that says it is contingent on the adoption of the comprehensive plan amendment, essentially saying this development agreement is inconsistent with the comp plan unless the comp plan is amended. Section .4 3c talks about water, wastewater and reuse. JEN FL is in the process of finalizing its utility agreement with the city. He noted that the drafter added language regarding how these entities will pay their share to ensure there are adequate facilities for water and sewer, but how would it fit in with the utility agreement JEN FL is working out with the city. They are not against what is being asked for, but the speed the document is being processed does not allow sufficient time. Section 3f of the proposed agreement, now has a single sentence saying ML owner and Advent Health shall comply with all concurrency requirements, which they don't have issue with. They would have an issue with the number of trips. Section 23 of the existing developer agreement currently vests the entire development program for this project. More detail needs to be added to 3f to spell out that the 1,039 residential units are not entitled to any of the vested trips under paragraph 23 of the development agreement. Regardless of when they are built, a transportation analysis would need to be done. A pro rata improvement on top of what his client has done. Section 4a in the proposed development agreement amending a table in section 1 of the development standards, essentially replacing it in its entirety. It deletes condition 9 in the table and there is language in condition 11 stating self-storage facility shall be permitted only on pod 14-16, though there is a self-storage facility on a different pod in the Hills of Minneola. Section 4b, the maximum allowed development program is misstated, taking units away from his client. Section 4c is amending the residential standards table. It is not an underlined redline but may impact the property potentially. Some language was added about the 1,039 units about lot sizes. There is an exclusion for townhomes on their pods. He stated these can be worked out, but they need time and can't be worked out on such a short notice.

**Chairman Giacalone** agreed about the amount of time to review the documents being insufficient.

**Brent Spain** noted that his agenda packet did not have the conceptual plan. Regarding the cross-connectivity with Richland. He stated their concern is with the required cross connection, which was a major point of negation which generated section 10B. The future development section on the slide shows physical buildings on it. They tried to say nothing on there is satisfying the requirements of section 10B. The text in the development agreement, recital 10 says the final layout of buildings on pods 11-13a shall be in general accordance with the conceptual locations



shown on the conceptual masterplan attached hereto as exhibit C1. They are dropping buildings where the connection is supposed to be. Section 4G Says the MLO owner property shall design pods 11-13a in substantial accordance with the conceptual masterplan attached hereto as exhibit C1. There is a notation on the plan that says the building layout, orientation and site design are conceptual only, adjustments to the actual locations and uses of the buildings and the phase shall be treated as minor development approvals in the code. It would be the only schematic that doesn't call out the cross access. His email asked that the cross connection be reflected and that there be a condition or note that the connection will be at North Hancock and Briar Rose. The signage exhibit has the access out to Briar Rose Boulevard and his client has a site plan going through review from September 2022, in which they have to show the connection on the shared property line. Lake County wants it to end on a lighted intersection at Briar Rose.

**Carolyn Noble (Sugarloaf area resident)** expressed concern about the storage area being proposed, asking that they be examined for the number of stories, the access to the facility, whether it was off of 561A or Sugarloaf Mountain Road as well as walls and fencing.

**Matt Young (Richland Developers)** stated he is not there to oppose their development but is extremely concerned about the interconnection. He discussed Richland's work with the city and the Sugarloaf water plant. He stated there would be a good opportunity to evaluate things. He asked that it would be tabled until the issues are resolved.

**Richard Jerman (JEN FL 30)** stated for the record that they have no objections or problems with the applicants, both Minneola Land and Advent Health, instead with the city. He noted that he would want the same treatment for similar approvals and the speed in which the item went through.

**Tara Tedrow** noted in the current Developer Agreement Amendment was amended and restated by JEN FL in 2019. The original owner did not sign it. Regarding trips, utilities and the utility plant, she noted the demand generated from the project is specific to what they would build. They would have to meet concurrency when the plans are brought forward. That would be when they could work on some of the demand issues. Regarding the building on the future phase, they would take the building off and put a number to what it corresponds to, the intensity, and square footage, figuring what the design and location will be under Section 10B of the development agreement at that time. Section 10B says it will specifically be done at site plan where they would determine the road location. She noted that the project was not rushed and that it had started with staff back in April 2022.

**Borron Owen** noted that they probably should have been two separate applications - The Advent Health project separate from the Minneola Land Amendment. He suggested they split the applications and Advent have their own Developer Agreement Amendment separate from Minneola Land, asking the Commission to consider tabling the item until October 2<sup>nd</sup> at the next P&Z meeting. He will work with the city attorney and Minneola Land attorney to create their own amendment, not wanting to get caught in a delayed circumstance.

**Scott Gerken** confirmed that they could direct the splitting of the two so that in two weeks, there would be two amendments. The hope would be for an amendment for the hospital along with



their site plan and hopefully they would be ready to move it through the council on the two October dates.

**Borron Owen** suggested that if the splitting was to continue, they do the amendment in two weeks and their site plan at the same time.

**Joyce Heffington** discussed how the notification and advertising with Scott Gerken would be factored since it had been previously advertised.

**Scott Gerken** noted that final approval of the site plan will probably want to wait until the 2<sup>nd</sup>.

**MOTION by Commissioner McCoy, SECONDED by Commissioner Trujillo to table Item 2: Hills of Minneola Developer Agreement Amendment until October 2<sup>nd</sup> and have the application split.**

**AYE:** McCoy, Trujillo, Giacalone, Henderson, Jackson

**NAY:** None

**MOTION PASSED: 5-0**

**Chairman Giacalone** called for a 5 minute recess.

**Item 3: Advent Health Hospital Site Plan**

**Scott Gerken** noted that the same people that swore in for Item 2 will still be sworn in for Item 3 and 4.

**Joyce Heffington** read out Item 3, describing the proposed hospital being proposed in two phases. A 204,066 square foot building with 80 beds for phase 1. Phase 2 will add 40 bed and a 60,000 square foot medical building. A walking path area would be included to promote healthy living. She noted that it would be good for the city. Not only for jobs, but for public health as well.

**Vice-Chairman Henderson** asked if the site plan could be approved, even without the developer agreement being approved since it was to be split.

**Joyce Heffington** replied that it can be approved on the condition that it is approved.

**Alternate Member Focht** noted that the changes to the Developer Agreement still had a few specific to the hospital.

**Joyce Heffington** noted that the main thing was with the sign plan and parking regarding visibility on the front due to the facility size.

**Chairman Giacalone** inquired as to how the board would like to move forward with the item.

**Borron Owen** presented the idea of completing the item so that it could go to City Council, conditioned upon approval of the amendment.

**MOTION by Commissioner Jackson, SECONDED by Commissioner McCoy to approve Item 3 Advent Health Site Plan conditioned on the execution of the Development Agreement and the issues brought forth by the city staff.**

**AYE:** McCoy, Trujillo, Giacalone, Henderson, Jackson

**NAY:** None

**MOTION PASSED: 5-0**

**Item 4: Ordinance 2023-25 Comp Plan Amendment Hills of Minneola**

**Joyce Heffington** read out and described Item 4, noting the original comprehensive plan limits the number of residential units in the hills without specifying the residential type. In order to have mixed units, more units would need to be added on. It also specifically says it will need to be mixed use. It can't be single family houses or apartments.

**Chairman Giacalone** requested that the city manager purchase a new microphone for the main podium due to sound issues.

**Terra Tedrow** clarified that the Comp Plan Amendment lays out a total density permitted over the entirety of the Hills, which they do not trip with what they are proposing. There was always mixed use, just never a line item. In discussions with Scott Gerken it was believed to be cleaner and better to have it's own line item in the Comprehensive Plan to clarify that there are a maximum number of mixed use residential units that do not take away from the other traditional townhome residential. Which is why a Comp Plan Amendment was brought forth. To not change anything, only putting the mixed-use element into the comprehensive plan, so that it is finally defined.

**Mark Johnson** expressed thanks for the providing of vertical mixed use and parking garages.

**Chairman Giacalone** asked if the board would see all of the plans and presentations before the next meeting.

**Mark Johnson** replied yes.

**Scott Gerken** noted that a Comp Plan amendment can take some time since it goes off to the state. He also noted that in the Development Agreement, that it was contingent on the Comp Plan Amendment and even anticipates it. If for some reason, the comp plan amendment wasn't approved, it would affect the thousand residential units. The rest of the project could still move forward, but it is a request to amend the comp plan. The overall density was fine, but there was a maximum cap of residential units, which is now being exceeded.



459  
460 **Alternate Member Focht** asked if this would fall under the Live Local Act, asking if they even  
461 had an option to not allow it.

462  
463 **Scott Gerken** replied that Live Local is still subject to Comp Plans, so the comp plan limitations  
464 would have stopped it, so they could technically say no.

465  
466 **Alternate Member Focht** noted that it does reduce the drive trips since more will be local but  
467 noted the bad image from another thousand units coming, from those that won't want more. He  
468 also asked that it be worded not to be turned into a residential neighborhood.

469  
470 **Scott Gerken** noted language in the connectivity section that affects that as well.

471  
472 Commissioner Jackson expressed that he is impressed by what he has seen.

473 **MOTION by Commissioner Trujillo, SECONDED by Vice-Chairman Henderson to approve**  
474 **Item 4 Ordinance 2023-25 Comp Plan Amendment Hills of Minneola as presented.**

475  
476 **AYE:** McCoy, Trujillo, Giacalone, Henderson, Jackson

477  
478 **NAY:** None

479  
480 **MOTION PASSED: 5-0**

481  
482 **Item 5: Ordinance 2023-26 Mixed Use**

483  
484 **Scott Gerken** read out Item 5.

485  
486 **Joyce Heffington** described Item 5, noting that the Live Local Act did not provide much  
487 definition for mixed use, nor does the city of Minneola. The desire would be to have a minimum  
488 of 60% commercial on the first floor, before any units could be vertically above it. Similar to  
489 what is being proposed in The Hills. The city can require mixed use under Live Local because  
490 much less than 20% of the total land is zoned commercial or industrial. This would provide  
491 services many people need that will be moving in. The city code also does not completely define  
492 what town houses are, so a definition would be desired. A big issue with town houses is parking.  
493 The city would like to put a requirement that town houses are four units max together. Each unit  
494 will need a garage and one designated parking space in front of the unit. There would be other  
495 requirements such as a front and back yard. In between each building, there will need to be a  
496 parking lot to hold an additional parking space for each of the units, for their guests, extra car  
497 etc.

498  
499 **Commissioner Trujillo** noted that he would like to make a recommendation to the item. He  
500 noted that most town homes' parking garage is for one car. He recommended making the garage  
501 and driveway fit two cars with enough space for two cars to get in without blocking the sidewalk.  
502 Make the parking on the street cut out for cars to pull into, leaving the road full size. He  
503 recommends the garage can't be changed into a living space. Two car driveways,  
504

505 **Commissioner Jackson** asked if making a 2-car garage requirement would affect the pricing.

506  
507 **Commissioner Trujillo** responded that people moving into townhomes would prefer it because  
508 they don't realize it until after the fact.

509  
510 **Commissioner Jackson** asked where the 4 unit comes from or if it is standard.

511  
512 **Commissioner Trujillo** responded that most town homes he manages have four to five with a  
513 dividing firewall in between.

514  
515 **Chairman Giacalone** noted that he has seen some townhome developments with a two-car  
516 garage in the rear of the building, providing a separation between the garage and the townhome,  
517 with no driveway in the front of the townhome, only parking. Similarly to an alley.

518  
519 **Commissioner Trujillo** inquired with Joyce Heffington as to whether the discussed topic would  
520 need to be put into the motion.

521  
522 **Joyce Heffington** responded they would need to include it as part of the motion.

523  
524 **MOTION by Commissioner Trujillo, SECONDED by Commissioner McCoy to approve**  
525 **Item 5: Ordinance 2023-26 Mixed Use with a review of the transcript of Commissioner**  
526 **Trujillo's comments for what they should consider and what Chairman Giacalone**  
527 **mentioned.**

528  
529 **AYE:** McCoy, Trujillo, Giacalone, Henderson, Jackson

530  
531 **NAY:** None

532  
533 **MOTION PASSED: 5-0**

534  
535 **FINAL PUBLIC COMMENTS**

536  
537 **Commissioner Trujillo** inquired how he received a phone call on his cell phone from an applicant.

538  
539 The rest of the board noted that they each received a call as well.

540  
541 **Scott Gerken** noted that there was a records request for their email addresses, but not one for their  
542 phone numbers.

543  
544 **Alternate Member Focht** noted that it may be in their city email signature as well.

545  
546 **Mark Johnson** noted that there was also a request for their numbers as well.

547  
548 **Scott Gerken** informed the board that they do not have an obligation to speak on the phone. Some  
549 people prefer not to so they would not have to disclose it. The safest thing is not to, but it would  
550 have to be disclosed, which does not need to take place until the final hearing.



551  
552 **Chairman Giacalone** inquired as to agenda submittal times.

553  
554 **Scott Gerken** noted that the board had expressed a desire to get the agenda the Monday before the  
555 meeting. He noted that the issue staff sometimes run into is that things sometimes come in between  
556 the agenda being sent out and the meeting, generally supplemental attachments. He asked the board  
557 how they would prefer to receive the items.

558  
559 **Chairman Giacalone** noted on item 2 that it says the applicant has to have the information in on  
560 the 15<sup>th</sup> of the month prior to the meeting. At Orange County, he has a deadline for plans and asked  
561 what the issue as to why it can't get done on the 15<sup>th</sup> and if something comes in, tell them it can't  
562 get on the agenda for the next month. If it comes in on the 13<sup>th</sup> and something is missing, it will  
563 have to be pushed to the next month.

564  
565 **Scott Gerken** noted that as a general rule it would be fine, unless Joyce or Mark had any issue.  
566 After the 15<sup>th</sup>, the hospital came to the city on a tight agenda, and that they could not wait until  
567 October and had to have the meeting in September. The amendment to the Developer Agreement  
568 was something that was worked until the 11<sup>th</sup> hour. This one was an anomaly and going forward  
569 with the one week rule and the 15<sup>th</sup> deadline, staff may not have a problem with it, except they get  
570 a lot of heat from the business community saying they're not being business friendly.

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572 **Commissioner Trujillo** noted that he doesn't mind if a picture or a small supplemental item comes  
573 in after the cutoff, but when it comes to amendments and larger items, would not work, not giving  
574 enough time to review.

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576 **Scott Gerken** confirmed that minor things after the deadline is fine, but 15<sup>th</sup> will be the deadline.

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578 **Alternate Member Focht** noted some issue in allowing applicants to hand forms to the board  
579 during an items discussion. He noted that he had reviewed everything but when changes came in,  
580 he got a general Dropbox link, and since the modifications were not noted, he had to review  
581 everything twice. He asked that if an item is amended after being given to the board, to have the  
582 modified items noted to prevent re-reviewing the items without knowing which specific items were  
583 changed.

#### 584 585 **FINAL REPORTS**

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587 **Vice-Mayor Flinn** noted that on September 30<sup>th</sup> at 9:00am will be a kickball fundraiser called  
588 Kick for Cancer.

589  
590 No staff reports.

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594 **MOTION by Commissioner McCoy, SECONDED by Commissioner Trujillo to adjourn.**

595  
596 **AYE:** McCoy, Trujillo, Giacalone, Henderson, Jackson

597

598 **NAY:** None

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600 **MOTION PASSED: 5-0**

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602 *(Meeting adjourned at 10:15 P.M.)*

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608  2 October 2023  
\_\_\_\_\_  
Jeff Henderson, Vice-Chairman

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611 **ATTEST:**

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Corey DeVogel, Planning Technician