

Downtown Investment Authority
Governance Committee Meeting

Thursday, June 23, 2016 – 9:00 a.m.



City Hall at St. James
117 West Duval St., 1st Floor Lynwood Roberts Room

DIA APPEAL #2016-01 GATE STATION
DRAFT MEETING MINUTES

Board Members Present: Jim Bailey, Chairman, Jack Meeks, Vice Chairman, and Oliver Barakat; Brenna Durden, Craig Gibbs, Ron Moody and Kay Harper-Williams

Committee Board Members Absent: Rob Clement

Office of General Counsel: John Sawyer

Council Member: None

Attendees: Aundra Wallace, DIA Chief Executive Officer; Guy Parola, DIA Redevelopment Manager; Jim Klement, DIA Development Coordinator, Karen Underwood-Eiland, DIA Executive Assistant and Former Downtown Development Review Board Member: Roland Udenze

I. CALL TO ORDER

Pledge of Allegiance

Chairman Bailey called the Appeal Hearing to order at approximately 9:00 a.m.

Chairman Bailey stated the purpose of the meeting is to accept, deny or make amendments to the decision of the DDRB. Chairman Bailey asked anyone wishing to speak to complete a public speaker card, identify their names and reminded Board Members to disclose any ex-parte communication with any party of the group.

Board Member Moody stated that he received numerous emails from both parties.

Board Member Durden received numerous emails and correspondence that was forwarded to the DIA Staff for public records. She also met with appellant Kay Ehas and Steve Diebenow whom represents Gate Petroleum.

Board Member Gibbs was contacted and received emails but did not read them.

Board Member Durden stated that her decision will be based upon the evidence presented today.

Board Member Barakat met with Steve Diebenow and received emails from him on 6/22. He spoke with Kay Ehas on 6/3 and 6/15 and to her on 5/26, 6/4 6/15 and 6/22 and met her on 6/13. Chairman Bailey met and spoke with Diebenow 6/1. Received a call from Kay Ehas on 6/14 and met with her on 6/20. He also received a call from Alex Coley, Milt Hays and provided all emails to Karen Underwood for the record.

Board Member Meeks received phone calls from John Peyton and Kay Ehas but did not meet with either. Numerous emails were submitted and were not read in detail.

Jim Klement provided background pertaining to the DIA Appeal #2016-01, known as the Gate Station located at 426 Park Street. This is an appeal of action taken by the Downtown Development Review Board ("DDRB") regarding DDRB application #2016-004.

Roland Udenze, AIA, LEED AP and former DDRB Member since 2004 provided a ten (10) minute presentation highlighting the DDRB decision process. A handout was provided to the Board. He reported that the issue was relating to the canopy being able to see the store on Park Street and safety concerns.

The Board provided relevant questions relating to being consistent with the overlay, safety issues for pedestrian and security and if there were any access to Forest Street.

Jason Teal, OGC commented that Roland Udenze provided background in terms of the DDRB process. He advised that the DIA's decision today would be based upon evidence that would be heard in the record today. The Board should not be influenced by what DDRB did. From a legal standpoint, the DIA's decision should be based upon substantial evidence received today.

Chairman Bailey opened the floor for Appellant Kay Ehas. Kay Ehas provided a fifteen minute presentation. A copy of the presentation and materials were furnished. Ms. Ehas was appealing the site design because it does not comply with the Downtown Zoning Overlay or support the intent of the CRA Plan and its redevelopment goals. She was accompanied by Fred Pope, COJ Site Planner and Professional Landscape Architect and provided information as a private citizen. He commented regarding the alternative site plans for the Gate gas station.

The Board provided relevant questions regarding access to Forest Street, and the speculation of FDOT.

Ms. Ehas stated that she spoke Jim Knight, FDOT regarding the access.

Chairman Bailey opened the floor for Appellee, Steve Diebenow. Mr. Diebenow referenced materials of site plan 3-B was not provided a week before the hearing and could not be discussed. Jason Teal stated that the Office of General Counsel does rule on those types of things. He informed the Board that there was a deadline for submission of all materials that would be presented at today's hearing.

Steve Diebenow called for a ten (10) minute recess to converse with his experts regarding the site plan 3-B site plan, because they have never seen it.

Chairman Bailey called for recess of the appeal hearing at 10:11 a.m. but conducted other DIA meeting business and asked for conversations not related to the DIA business are taken outside of the room.

Chairman Bailey moved to the DIA Regular Meeting Agenda and called for approval of the May 18, 2016 Board of Directors meeting minutes.

Board Member Durden provided corrections to page 7 reflecting Resolution 2016-03-01; by adding DIA to task seven (7) at the end of the sentence.

A MOTION WAS MADE BY BOARD MEMBER GIBBS AND SECONDED BY BOARD MEMBER MEEKS APPROVING THE MAY 18, 2016 DIA BOARD OF DIRECTORS REGULAR MEETING MINUTES AS AMENDED. THE MOTION PASSED UNANIMOUSLY 7-0.

Chairman Bailey recessed the Regular meeting at 10: 16 a.m.

Chairman Bailey reconvened the appeal hearing at 10:21 a.m.

Steve Diebenow provided a 20 minute presentation. All copies of documentary evidence were submitted to the Board Members. He was accompanied by a team of professionals. Bradford Davis, PE, LEED AP, Bradley Wester, DP, LEED AP BD+C, Courtland Eyrick, MAI, Timothy Miller, AIA, Janet Whitmill, RLA, and Kenneth Wilson, Gate Petroleum.

Chairman Bailey recognized and welcomed CEO Wallace.

The Board made relevant comments regarding a gas station being placed on public open space. Jason Teal read the Ordinance code Section 656.361.11 – Setback or “Build To” Lines. An inquiry was made regarding Gate’s decision for positioning the store front on the street being unsafe for pedestrians and did the appellee request access to Forest Street. Was there any evidence that the pumps behind the store on the street front are a less safe concept? A discussion was made regarding access to Forest Street with FDOT.

Mr. Diebenow answered questions and stated that those issues were previously addressed during the DDRB workshop that was held on March 24th. He referenced the Business Investment and Development Plan Goals, in Exhibit “I” on page 2-3 a. increase the opportunities for Downtown employment. Kenneth Wilson stated that discussions with FDOT involved multiple projects in Duval and St. Johns County. The FDOT has agreed to transfer the portion of Chelsea Street that it owns to Gate, so long as Gate agrees to be restricted from obtaining a curb cut on Forest Street.

Comments from the Public - were taken up and on file

Chairman Bailey stated that the Board does not take the appeal lightly. He stated that the DIA's greatest asset is embracing our river. He also commented that the DDRB worked hard at the workshop.

The Board made relevant comments.

Board Member Moody commented that Gate Petroleum has been around a long time and designed a good product.

Board Member Durden appreciated the appellant, appellee and Gate Petroleum on their presentations and understands the challenge to put these kinds of appeal hearings together. She is not in support the current site plan; the building does not meet the setback and built to lines and was too critical to the ultimate development of Brooklyn. She referenced Goal 4, To improve the walkability, viability and connect to the adjacent neighborhoods and the St. Johns River while creating highly walkable nodes. She would not want the Board to approve a design with six (6) deviations that would not take into account what the Board already knows about Park Street.

Board Member Gibbs reported that safety studies are important. Gate Petroleum has gas stations all over the State and hold extensive experience. He is in support of the DDRB's decision.

Board Member Barakat thanked Steve Diebenow for all of the information provided. He thanked Kay Ehas for bringing this matter to the DIA Board's attention. As a former DDRB member, he is sensitive to the exercise that they went through. The DIA has spent many hours agonizing over the details of the Business Investment Plan regarding incentives and it is important that the BID is conformed to the highest degree possible. He is not in support of the DDRB's decision unless someone else says something to change his mind as he did not want to be a hindrance to the development

Board Member Meeks stated that he is willing to support the DDRB's decision and concurs with Board Member Barakat of not wanting to be a hindrance to the development.

Board Member Williams described the Brooklyn area to a young professional to start her business. She appreciates the redesign of the gas station. She requested more time to ponder on her decision.

CEO Wallace stated that this meeting needed to relocate to the Don Davis Room due to another meeting.

Chairman Bailey stated that a motion was needed to approve, deny or modify the appeal.

II. ACTION ITEMS

**A MOTION WAS MADE BY A SHOW OF HANDS TO DENY THE APPEAL OF THE DDRB DECISION OF APPLICATION 2016-004 GATE STATION.
THE MOTION PASSED 5-2**

III. NEXT MEETING TO BE DETERMINED

There being no further business, The Appeal of DDRB Decision of Application 2016-004 Gate Station. Chairman Bailey adjourned the meeting at approximately 12:45P.M.

The written minutes for this meeting are only an overview of what was discussed. For verbatim comments of this meeting, an audio CD is available upon request. Please contact Karen Underwood, at (904) 630-3492, or by email at karenu@coj.net.

DRAFT FOR CIRCULATION NOT APPROVED BY THE BOARD