

CITY OF JACKSONVILLE  
DOWNTOWN DEVELOPMENT REVIEW BOARD  
SPECIAL MEETING

Proceedings held on Thursday, August 24, 2023,  
commencing at 2:06 p.m., at the Jacksonville Public  
Library, 303 North Main Street, Multipurpose Room,  
Jacksonville, Florida, before Diane M. Tropa, FPR, a  
Notary Public in and for the State of Florida at Large.

BOARD MEMBERS PRESENT:

- MATT BROCKELMAN, Chairman.
- LINZEE OTT, Vice Chair.
- GARY MONAHAN, Secretary.
- FREDERICK JONES, Board Member.
- JOANA BERLING, Board Member.
- WILLIAM J. SCHILLING, JR., Board Member.
- JOSEPH LORETTA, Board Member.

ALSO PRESENT:

- JIMMY PELUSO, City Council Member.
- GUY PAROLA, DIA, Operations Manager.
- RIC ANDERSON, DIA, Marketing and Communications.
- SUSAN KELLY, DIA, Redevelopment Coordinator.
- SUSAN GRANDIN, Office of General Counsel.

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1 BOARD MEMBER OTT: Linzee Ott, board vice  
2 chair.  
3 BOARD MEMBER JONES: Fred Jones, board  
4 member.  
5 BOARD MEMBER BERLING: Joana Berling,  
6 board member.  
7 BOARD MEMBER SCHILLING: Bill Schilling,  
8 board member.  
9 MR. PAROLA: Guy Parola, staff.  
10 MS. KELLY: Susan Kelly, staff.  
11 MR. ANDERSON: Ric Anderson, staff.  
12 THE CHAIRMAN: All right. Thank you all.  
13 Just a quick note as we get started, a  
14 little process change. What we're going to do  
15 at DDRB going forward is going to be to more  
16 closely mirror the Planning Commission and the  
17 City Council with respect to how they move into  
18 a posture to consider items.  
19 So what you'll notice today is that,  
20 instead of doing the normal process we've done  
21 for a number of years where we'll go around  
22 with board discussion and then have a motion at  
23 the end, we'll have a motion at the beginning  
24 simply to move an item into a posture for us to  
25 discuss. After a motion is made and seconded,  
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1 PROCEEDINGS  
August 24, 2023 2:06 p.m.

2 - - -

3 THE CHAIRMAN: Good afternoon, board  
4 members and members of the public. At  
5 2:06 p.m., I would like to call the  
6 August 24th, 2023, DDRB special meeting to  
7 order.  
8 And before we get started with the agenda,  
9 why don't we go around with board and staff  
10 introductions.  
11 And Mr. Peluso, Councilman Peluso, why  
12 don't we start with you? Thank you for joining  
13 us.  
14 COUNCIL MEMBER PELUSO: Thank you, Chair.  
15 I appreciate it.  
16 Jimmy Peluso, City Council, District 7.  
17 Just here to sit in.  
18 Thank you.  
19 MS. GRANDIN: Susan Grandin, Office of  
20 General Counsel.  
21 BOARD MEMBER LORETTA: Joe Loretta.  
22 BOARD MEMBER MONAHAN: Gary Monahan, board  
23 secretary.  
24 THE CHAIRMAN: Matt Brockelman, board  
25 chair.  
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1 we will have a board discussion. At that  
2 point, conditions, amendments, et cetera can be  
3 offered. That's just a little process change  
4 we're going to do starting today. It's been  
5 something I discussed with General Counsel for  
6 the last couple of months.  
7 And Secretary Monahan will be our -- the  
8 equivalent of the City Council's floor leader,  
9 who does all of the moving of the items. And I  
10 just wanted to restate for the record,  
11 Mr. Monahan making that motion does not signify  
12 support or opposition for any particular item.  
13 It is simply a procedural move to get the board  
14 in the correct posture to consider an item.  
15 All right. With that, let's move on to  
16 Action Item A, the approval of the August 10th,  
17 2023, DDRB regular meeting minutes.  
18 BOARD MEMBER MONAHAN: Move the item.  
19 THE CHAIRMAN: All right. There's been a  
20 motion to approve the minutes.  
21 Is there a second?  
22 BOARD MEMBER OTT: Second.  
23 THE CHAIRMAN: And a second.  
24 All those in favor, please say aye.  
25 BOARD MEMBERS: Aye.  
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1 THE CHAIRMAN: Any opposed?  
 2 BOARD MEMBERS: (No response.)  
 3 THE CHAIRMAN: By your action, show the  
 4 minutes from August 10th adopted.  
 5 Moving on to Action Item B, DDRB  
 6 Application 2023-016, 1 TIAA Bank Field, a sign  
 7 design review.  
 8 And, Ms. Kelly, if we could please have  
 9 the staff report.  
 10 MS. KELLY: Yes, sir.  
 11 DDRB Application 2023-016 is for the  
 12 design review of the sign permit package for  
 13 TIAA Bank Field, home of the Jacksonville  
 14 Jaguars. The application is related to the  
 15 sign permit that was forwarded to the DDRB for  
 16 design review. As most of you know, the change  
 17 is being requested to facilitate a corporate  
 18 transition from TIAA Bank to EverBank.  
 19 They're proposing four signs total. These  
 20 would be replacement signs, two stadium marquee  
 21 signs, and two exterior club signs. Each of  
 22 the north and south marquee signs are designed  
 23 to be 766 square feet, and the existing  
 24 structural frame is going to be reused, so only  
 25 the existing letters and logos are going to be  
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1 removed and replaced. The exterior club signs  
 2 are on the east and west elevations, and they  
 3 are -- as designed, they're just slightly  
 4 larger, 27 square feet, than existing.  
 5 Staff finds that the proposed signs mimic  
 6 the existing in scale, placement, and  
 7 illumination and are consistent with the  
 8 history of signage for the stadium. Staff is  
 9 recommending approval of this application for  
 10 the sign permits.  
 11 Thank you.  
 12 THE CHAIRMAN: Thank you, Ms. Kelly.  
 13 Are there any questions from board members  
 14 for staff?  
 15 BOARD MEMBERS: (No response.)  
 16 THE CHAIRMAN: Seeing none, we'll open the  
 17 public hearing.  
 18 Ric, are there any public comment cards or  
 19 anybody on Zoom with their hands raised?  
 20 MR. ANDERSON: We do have two speaker  
 21 request cards. One is from Nancy Powell.  
 22 MS. POWELL: Not for this project.  
 23 MR. ANDERSON: No, sir, we don't.  
 24 THE CHAIRMAN: Thank you, Ric.  
 25 Seeing no public comment, we'll close the  
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1 public hearing.  
 2 BOARD MEMBER MONAHAN: Mr. Chair, move the  
 3 item.  
 4 THE CHAIRMAN: All right. There's been a  
 5 motion to approve DDRB application 2023-016.  
 6 Is there a second?  
 7 BOARD MEMBER BERLING: Second.  
 8 THE CHAIRMAN: And there's been a second.  
 9 Any board discussion?  
 10 And, Mr. Loretta, let's start with you.  
 11 BOARD MEMBER LORETTA: I have no  
 12 discussion.  
 13 THE CHAIRMAN: Secretary Monahan.  
 14 BOARD MEMBER MONAHAN: No comments,  
 15 Mr. Chair.  
 16 THE CHAIRMAN: Vice Chair Ott.  
 17 BOARD MEMBER OTT: No comments, Mr. Chair.  
 18 THE CHAIRMAN: Mr. Jones.  
 19 BOARD MEMBER JONES: No comments,  
 20 Mr. Chair.  
 21 THE CHAIRMAN: Ms. Berling.  
 22 BOARD MEMBER BERLING: No comments.  
 23 THE CHAIRMAN: And Mr. Schilling.  
 24 BOARD MEMBER SCHILLING: No comments.  
 25 THE CHAIRMAN: And I, likewise, do not  
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1 have any additional comments.  
 2 All right. All those in favor of  
 3 approving the application, please say aye.  
 4 BOARD MEMBERS: Aye.  
 5 THE CHAIRMAN: Any opposed?  
 6 BOARD MEMBERS: (No response.)  
 7 THE CHAIRMAN: By your action, show DDRB  
 8 application 2023-016 adopted unanimously.  
 9 Okay. Let's move on to Action Item C,  
 10 which was the original purpose for the special  
 11 meeting, and I just want to make a quick note  
 12 on the process we'll be going through. So as  
 13 usual, we'll have a staff report. Sort of in  
 14 supplement to that staff report, the applicant  
 15 will have ten minutes to present any updates  
 16 and supplementary comments to their project  
 17 that they'd like us to consider.  
 18 After the applicant presentation, we will  
 19 go back to staff for the staff recommendation.  
 20 And then, after the staff recommendation, I  
 21 will ask the board to disclose any ex parte  
 22 communications that you've had prior to this  
 23 meeting. After ex parte declarations, we will  
 24 move on to public comment. And then after  
 25 public comment, we, as usual, will go on to our  
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1 action for the day.

2 And just to give you an idea of how we

3 anticipate that working today since this is one

4 agenda item, but there are several pieces, the

5 first action item we'll consider is the zoning

6 exception, and then we will consider each of

7 the deviations on an individual basis. And

8 after that, we will consider the final approval

9 as a whole.

10 And so at each step in that process, board

11 members, you will have an opportunity to

12 discuss, add conditions, ask questions,

13 et cetera. So there will be plenty of time for

14 discussion on all of that.

15 And I also just want to point out that,

16 since there is so much information that we'll

17 discuss today as part of this project, I will

18 ask the board in a moment to allow public

19 comment for individual public speakers to go

20 from the three-minute usual time limit up to a

21 five-minute time limit to allow public comment

22 to be extended so that public commenters have

23 an opportunity to incorporate more feedback on

24 all the pieces of this project, and per our

25 bylaws, that requires a simple majority vote of

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1 application's consideration.

2 And, Ms. Kelly, if we can turn it over to

3 staff for the staff report. And I believe

4 Mr. Parola will be helping us with that today.

5 MR. PAROLA: Okay. Thank you,

6 Mr. Chairman and board.

7 Just a couple of housekeeping items. If

8 those in attendance in the audience did not

9 pick up a single page, front and back, this

10 sheet was for your benefit so that you have all

11 the deviations, and as the board considers each

12 deviation, you'd be able to keep track of it on

13 here, or if during your five minutes, you want

14 to speak to a particular deviation, you will

15 have the section of the Code by which you may

16 speak to it. So hopefully, we find that

17 helpful.

18 While they're getting those, I think we

19 should start off with the conceptual approval

20 that happened, I believe, in March of this past

21 year. I believe there were maybe eight sort of

22 conditions that came out of it, and I'd briefly

23 like to go over those, so I'll read in title or

24 summary the condition.

25 The first condition was, prior to

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1 the board.

2 So with that, hopefully that gives a

3 little bit of clarity on to what the next

4 period of time is going to look like for the

5 board.

6 And, at this point, I would ask for

7 somebody to consider a motion to amend the time

8 limit from three minutes to five minutes for

9 our public comment period.

10 BOARD MEMBER OTT: Mr. Chairman, I'd like

11 to motion to extend the public comment time

12 period from three to five minutes for this

13 item.

14 THE CHAIRMAN: All right. Thank you.

15 There's been a motion. Is there a second?

16 BOARD MEMBER MONAHAN: Second.

17 THE CHAIRMAN: And there's been a second.

18 All those in favor, please say aye.

19 BOARD MEMBERS: Aye.

20 THE CHAIRMAN: Any opposed?

21 BOARD MEMBERS: (No response.)

22 THE CHAIRMAN: All right. By your action,

23 show the public comment has been extended from

24 three minutes to five minutes.

25 Okay. With that, let's get started on the

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1 submittal for final, we'll identify all the

2 deviations sought. That's fairly easy. We

3 have and will be going over those one, two,

4 three, four -- five deviations as we proceed

5 today.

6 The site plan shall be redesigned to be

7 consistent with -- essentially, more consistent

8 with the build-to lines. Since -- right?

9 Since conceptual, the building has been brought

10 to the southeast corner of the property, so the

11 Bay and Broad side. If you're just looking at

12 it, there's approximately 96 feet of building

13 on Broad Street and 71 on Bay. As was last

14 time, there's no building frontage along

15 Jefferson Street or Forsyth Street.

16 The third one was transparency

17 calculations on the elevations shall be

18 checked. We have checked the transparency, and

19 we'll go over that in our deviation discussion.

20 The fourth one was the solid expanse of

21 wall on the ground level of the building's

22 north elevation -- so the portion of the

23 building that fronts Forsyth Street, albeit set

24 back from Forsyth Street -- shall not exceed

25 20 feet in width.

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1 We've acknowledged that the design  
2 includes a mural for that particular treatment.  
3 However, conceptual approval included a  
4 condition for the applicant to continue to work  
5 with the community and the Cultural Council, so  
6 at least staff would be interested in their  
7 presentation to see where they've landed on  
8 that.

9 Number 5, the developer is to continue  
10 work with staff in providing urban open space  
11 along the perimeter of the vehicle use areas.  
12 We have actually met with the applicant at  
13 least twice on this -- or maybe just twice on  
14 this. And just to give kind of an idea, when  
15 you go to look at the site plan, which we'll  
16 have up in a minute, you'll notice we have wide  
17 sidewalks that lead into an additional 10 feet.  
18 So the idea is that the -- their buffer and our  
19 sidewalks lead into one urban open space, and  
20 we'll -- we can talk about that.

21 Final -- prior to final approval, the  
22 applicant shall submit detailed sections. They  
23 have, so I think when you're going in, you're  
24 going to see their site plan.

25 Shade study. They have submitted a shade  
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1 study. And if you look at their response to  
2 it, they've got about 57 percent shade,  
3 40 percent on the sidewalk. We'll confirm  
4 during ten-set review. So we always look at  
5 that, but we don't think that's going to be an  
6 issue.

7 Number 8, the applicant shall continue to  
8 work with the Cultural Council, greater  
9 Jacksonville and the LaVilla community on the  
10 project design and related public art, so on  
11 and so forth.

12 The first paragraph there was a holdover  
13 from July 27th, in which we said -- it was  
14 presented to staff that there were ongoing  
15 conversations. We couldn't confirm those  
16 conversations, and we actually sort of heard  
17 the opposite. But since July 27th, on  
18 August 10th, the morning of August 10th,  
19 Councilman Peluso held a community meeting in  
20 the LaVilla room of City Hall of which the  
21 applicant's agents and -- in the applicants  
22 was in there, and they had heard from these two  
23 people from the community. Whether that's, you  
24 know, enough to kind of push this thing  
25 forward, in your minds, you'll have to decide,

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1 but in all fairness, they -- they did have  
2 another opportunity.

3 So just to go over the project again, if  
4 you look at activated areas by floor, the first  
5 floor has about 3,400 square feet of market  
6 space; the second floor, about 2,600 square  
7 feet of restaurant and dining; and then a  
8 really expansive rooftop seating area and  
9 restaurant.

10 This is the revised site plan. When I say  
11 "revised," I mean from March of this year. You  
12 can see where they brought the building closer  
13 to the corner of Bay and Broad Street. You can  
14 also see the -- sort of the dotted black line,  
15 which shows the demarcation of the extra  
16 10 feet of their landscape area, as well as  
17 where our sidewalk areas are. So if you  
18 combine them both, I think the minimum would be  
19 on Jefferson. That's about 17 feet combined.  
20 And I think the maximum is probably near the  
21 corner of Bay and Broad, and I think that gets  
22 you about 22 feet.

23 Next slide.

24 This is the landscape plan that they've  
25 submitted. Staff is still going to ask them to  
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1 make sure that they work with us on the LaVilla  
2 District hardscape plan. So, in other words,  
3 hey, make sure your furnishings match this and  
4 furnishings are like that.

5 I do want to point out something on here  
6 because we do have a condition that speaks to  
7 urban open space. In this very limited  
8 instance, very limited instance, we are  
9 supportive of them moving the landscape outside  
10 of the amenity area to the private side of the  
11 sidewalk, right? And the reason for that is  
12 there's lot of -- right -- because of the use,  
13 there's just a lot of vehicle use area. So it  
14 seemed more appropriate, for the pedestrian  
15 experience, that we move that landscaping and  
16 seating to that -- outside of the -- outside of  
17 the sidewalk area instead of having it between  
18 you and the right-of-way. So kind of hoping  
19 that makes sense. And if anybody else is going  
20 to develop in the area, just understand that  
21 we're not trying to suppress set precedence  
22 here. We're trying to deal with a rather  
23 unique use.

24 A couple of things during our  
25 conversations with -- with the applicant that  
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1 they've agreed to change. When this originally  
2 came through, it was just sort of a flat roof,  
3 right, on the canopy. And when you looked at  
4 sort of the pylons or whatever you would call  
5 them -- the columns of the fueling island  
6 stations, they were -- to our appearance, were  
7 just ina. They've got a nice facade that we --  
8 we like, quite frankly. We've asked them to  
9 carry that through, which isn't unheard of for  
10 them. I think on Atlantic Avenue [sic],  
11 they've carried through the -- at least the  
12 veneer of the building into these columns.  
13 We've asked them to do the same. We asked them  
14 to put a pitch on the roof, and the pitch on  
15 the roof mirrors sort of the pitches on the  
16 building themselves. So that was a change they  
17 made as well.

18 Again, just -- the order of actions.  
19 We'll do the zoning exception, the five  
20 deviations, and then final approval so that  
21 the -- everybody here is -- it's -- we're going  
22 to do them all in sync first. In other words,  
23 staff is going to give you a real brief summary  
24 of all of them so we all can catch up to them  
25 before public comment. Then we're going to go

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1 back and revisit one by one by one by one by  
2 one.

3 Let me say this, though: You can approve  
4 one without approving another, right? You can  
5 approve the exception because maybe you don't  
6 have a problem with the use. Maybe you have a  
7 problem with Deviation Number 3. You can amend  
8 Deviation Number 3. You can move this thing  
9 forward in parts or in whole. Okay? So just  
10 kind of keep that in mind, you know, as we try  
11 to get to -- to a place.

12 THE CHAIRMAN: All right. Thank you,  
13 Mr. Parola.

14 With that, let's go ahead and hear from  
15 the applicant.

16 (Mr. Gabriel approaches the podium.)

17 THE CHAIRMAN: Mr. Gabriel, no reminder  
18 needed, but please state your name and address  
19 for the record.

20 MR. GABRIEL: Good afternoon.

21 Jason Gabriel, under the law firm of Burr  
22 & Forman, and I'm here on behalf the applicant.

23 Thank you all for being here today and  
24 appreciate it. And we're sort of at a --  
25 hopefully, the tail end of a long process.

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1 I just want to give a brief background,  
2 discuss sort of the site location and the  
3 project itself, summarize some of the community  
4 input that we had gathered over the past  
5 several months and what's been accomplished,  
6 and then briefly cover the requests that are  
7 being asked for here today.

8 So just real quick, by way of  
9 introduction, here today with me is the actual  
10 CEO and president of First Coast Energy,  
11 Daily's, which is Mr. Aubrey Edge, who's  
12 sitting back there; Max Glober, who is the  
13 director of marketing with the management  
14 company of Daily's; Jordan Elsbury is a  
15 managing partner at Ballard; Peter Ma is a  
16 professional engineer and executive vice  
17 president at ETM; and Robert Wulbern, who's our  
18 project architect. So everyone is here today.  
19 The team's here so we can hopefully address and  
20 answer any questions you might have.

21 So, briefly, by way of background, the  
22 inception of this project really goes back  
23 several years, really over four years ago when  
24 the CEO and president, Mr. Aubrey Edge,  
25 discussed with the City the idea of developing

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1 a tract of land right here in downtown, and in  
2 particular, right here in -- well, right down  
3 the street in LaVilla.

4 So in May of 2020, Mr. Edge embarked on  
5 purchasing this particular approximately  
6 1.5-acre piece of property, basically a full  
7 city block, spending over \$2-and-a-half million  
8 in the process on just property acquisition  
9 costs, not to mention other costs involved, to  
10 aggregate these several properties or parcels  
11 into one cohesive development.

12 Mr. Edge, himself, and representatives of  
13 Daily's worked with DIA at the time in  
14 appropriating the right development for this  
15 site that basically sits and is situated in  
16 substantial proximity, as you know, to the base  
17 of the Acosta Bridge.

18 So this is -- this concept and where it  
19 is -- thank you -- is evident as you look at  
20 where this property is situated. When you look  
21 at the actual special exception that's being  
22 sought as part of this final approval  
23 application, the zoning exception being  
24 requested is for, quote, a multi-story,  
25 mixed-use facility, including not more than 16

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1 filling or fueling stations and a minimum of  
 2 5,000 square feet of restaurant space, as well  
 3 as at least one other permitted use such as  
 4 office or retail, and that's precisely what's  
 5 being proposed here at the site.  
 6 It's also important to note or point out  
 7 that the Downtown Overlay specifically  
 8 contemplates this exception by definition, as  
 9 I've just articulated it in this mixed-use  
 10 format, expressly within this LaVilla District.  
 11 So literally each component part of the use is  
 12 called out individually, but with a purpose  
 13 that it be authorized in the aggregate, and I  
 14 think that's important. Each element of the  
 15 use, as expressed in the Code, is  
 16 interdependent on the other, and this is  
 17 precisely what's being proposed.  
 18 So with that -- am I able to control this  
 19 here or ...  
 20 MS. KELLY: No.  
 21 (Off microphone.)  
 22 MR. GABRIEL: Okay. Maybe just the next  
 23 slide?  
 24 I'm going to talk about the vicinity  
 25 location real quick. This property, as I  
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1 mentioned, is one full downtown city block,  
 2 bounded by four main thoroughfares, as you can  
 3 see up on the screen; West Bay Street to the  
 4 south, Broad Street to the east, West Forsyth  
 5 Street to the north, and North Jefferson Street  
 6 to the west.  
 7 Specifically, with those four main  
 8 thoroughfares bounding each side of the  
 9 property, the project will be surrounded by a  
 10 JTA Park-n-Ride surface parking lot to the  
 11 south, right at the base of the Acosta Bridge,  
 12 with the ingress/egress ramps with the four  
 13 overpass connectors, and six if you include the  
 14 Jefferson Street and Broad Street connectors;  
 15 and the Water Street Garage to the southeast;  
 16 the Forsyth Street surface parking lot to the  
 17 west and northwest; and a vacant, cleared  
 18 commercial lot to the north; as well as  
 19 additional premium parking to the northeast and  
 20 a mixed-use commercial retail office cluster of  
 21 buildings to the east.  
 22 So the Daily's project will be an  
 23 enhanced, high-quality complement and added  
 24 value to the current existing cluster of uses  
 25 situated right around this site, both in  
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1 substance and visually.  
 2 If we could go back to the color-coded  
 3 land -- yeah, there we go -- the land use  
 4 designation. I think it's important to note  
 5 also that the property itself and the lands  
 6 surrounding it are all -- I mean, essentially  
 7 the whole Downtown Overlay, but in this  
 8 particular area, it's all within the Central  
 9 Business District, the CBD, land use  
 10 designation, and the CCBD, Commercial Central  
 11 Business District, zoning classification. So  
 12 these are, by definition, once again, multiuse  
 13 assortments of downtown commercial uses that  
 14 are and will interconnect with other sites  
 15 throughout.  
 16 If we could go to the site plan real  
 17 quick. And I'll try to be brief, sort of  
 18 overview, but as you can see from the site  
 19 plan, consistent with community input and a  
 20 conversation that's been had on multiple  
 21 occasions throughout the year, our project team  
 22 relocated the main market building from the  
 23 middle of the site to the southeast corner of  
 24 the property, closer to the Broad Street and  
 25 Bay Street node, with landscaping, seating, and  
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1 pedestrian access points throughout.  
 2 If we could go to the floor plans real  
 3 quick.  
 4 As you know by now, there's a -- what's  
 5 proposed is a three-story floor plan building  
 6 with -- that consists of a Daily's Market on  
 7 first floor, the Bold City Brewery restaurant  
 8 layout on the second floor, and then a  
 9 rooftop -- restaurant seating on the rooftop on  
 10 the third floor.  
 11 Go to the elevation renderings.  
 12 So these are the street-view elevation  
 13 renderings. And please note that this mural  
 14 that's depicted on there is simply a  
 15 placeholder. This particular art articulation  
 16 will be further refined and decided with input  
 17 and response from the Cultural Council and the  
 18 LaVilla community. But it's just there for  
 19 illustration purposes.  
 20 Building massing. One more slide maybe.  
 21 Yeah, there we go.  
 22 Yeah, and this is just a rendition of the  
 23 massing design so you can, you know, get a  
 24 sense of the project's presence and context in  
 25 the area.  
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1 So upon the inception of this project and  
2 the development, it had been planned,  
3 obviously, for a convenience store and a fuel  
4 pump concept. In response to some of the  
5 initial feedback, and I guess I would call  
6 general discomfort with that primary use in  
7 isolation, the -- there was also a question  
8 about the general layout and aesthetics of the  
9 development. So with that, began the intake  
10 process from the community, working with DIA,  
11 DDRB staff, other City officials, essentially  
12 to rethink project.

13 And so that's -- that's really what the  
14 team did. So in addition to the dozens of  
15 meetings with City staff and officials and  
16 individual community stakeholders, there was a  
17 public hearing, just to briefly recap, at the  
18 DDRB on January 12th of this year, a community  
19 town hall meeting with a district Council  
20 member at the time and community stakeholders,  
21 and an open forum on February 21st. A DDRB  
22 workshop and conceptual approval/public hearing  
23 on March 17th.

24 We met with community stakeholders,  
25 including Mr. Ennis Davis, earlier this month,  
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1 which was actually very educational for me.  
2 And then we also had a -- an open public  
3 meeting, as was mentioned earlier, on  
4 August 10th. And, of course, we're here today  
5 on August 24th.

6 So in response to those various community  
7 inputs and meetings and the, you know,  
8 several -- I would call -- some call it good  
9 ideas; I call it good ideas -- concessions  
10 were -- were proposed and were adopted by the  
11 project team because, of course, we want to  
12 balance making this a beautiful, conforming  
13 site with the rules, another establishment in  
14 downtown, and at the same time, respect the  
15 history and cultural area and proximity that it  
16 has to the -- you know, and also valuing the  
17 historical context of Broad Street and the  
18 history that goes behind that.

19 So with that, we focused -- and I'm going  
20 to kind of bucket this into three sort of sets  
21 of ideas/concessions that were adopted. One  
22 is -- well -- and I'll -- and briefly, it's the  
23 focus and elevations of the secondary uses of  
24 the project, kind of enhancing those. That's  
25 number one.

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1 Number two, enhancing the aesthetics and  
2 landscaping and overall look of the project.  
3 And number three, overhauling the building  
4 layout and the site plan geography.

5 So on the first, the forward-focused  
6 secondary uses that were elevated -- rather  
7 than relying on the usual convenience store and  
8 pump station standard, there was a heavy  
9 persuasion that was placed on intensifying the  
10 proposed secondary uses. And this is a  
11 mixed-use project, so we were asked to elevate  
12 those other retail and commercial uses. So  
13 that's what the team did. We went back to the  
14 drawing board, incorporated a local home-grown  
15 restaurant and brewery concept into the plan,  
16 Bold City Brewery.

17 We created a second floor full-service  
18 restaurant and intertwined one of -- one of  
19 Jacksonville's original brewery concepts into  
20 that, into the mix, who are, by the way,  
21 providentially, also looking for more kitchen  
22 and brewing space.

23 So we also created a third-floor rooftop  
24 setting that complements the brewery and the  
25 restaurant and creates yet another fun and

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1 attractive downtown amenity for downtown  
2 residents, workers, visitors to connect. And  
3 the brewery facility is also a nod to LaVilla's  
4 historical past, combining the historical  
5 LaVilla pre-prohibition past to the present and  
6 the future, something I learned from meeting  
7 with Mr. Davis. I thought that was really  
8 interesting.

9 The second bucket is the aesthetics, the  
10 landscaping, the looks. In line with the  
11 community and DIA's staff input, the color  
12 scheme of the project was reconstituted, the  
13 roof of the fuel canopy was pitched, the entire  
14 design of the project was urbanized, the fuel  
15 pumps were enhanced with building-matching  
16 masonry, the facades of the building were all  
17 re-curated with much more glass or transparency  
18 and hopefully the appearance of transparency as  
19 well. More vegetation with a diverse plant  
20 palette was programmed. And other pedestrian  
21 pathway features were incorporated throughout.  
22 And, of course, the enhanced costs of the  
23 realized costs should be noted here.

24 And lastly, the building layout and site  
25 plan. And this is, I would submit, perhaps the

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1 most consequential, and that's the overall --  
2 the overhaul of the building location and site  
3 plan, where the main building was relocated  
4 from the middle of the -- if we can go back to  
5 the site plan real quick -- from the middle of  
6 the city block to the southeast corner of Broad  
7 and Bay. And this movement and redirection of  
8 the site to the site corner created more  
9 opportunity for a more urbanized setting in  
10 context and an appropriate dedication to the  
11 Broad Street side of LaVilla, with Jefferson  
12 Street on the other side being the more  
13 uber-busy connector that it is with the highway  
14 system.

15 So with that, I wanted to briefly touch on  
16 the approvals being sought. I think they were  
17 summarized by Mr. Parola, but, essentially, I  
18 guess there are three buckets. One is the  
19 zoning exception, which, again, is for a  
20 multistory, mixed-use facility, including not  
21 more than 16 filling or fueling stations and a  
22 minimum of 5,000 square feet of restaurant  
23 space as well as at least one other permitted  
24 use such as office or retail.

25 Number two are the five sets of  
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1 deviations, the build-to line deviations, the  
2 urban open space deviations, the transparency,  
3 parking, and entrance deviations.

4 And, of course, lastly, that kind of  
5 encapsulates everything is just the final  
6 approval itself. You know, we have this  
7 two-phase approval process in downtown where  
8 you have the conceptual, which has obviously  
9 already occurred, and then you have this final  
10 approval that is to take place here.

11 I'll just say with regard -- and I -- and,  
12 Mr. Chairman, I don't want to go on too long,  
13 but, again, we have the team here. We can get  
14 to more granular detail on the deviations being  
15 sought. I will say real quick, with the  
16 respect to the deviations, there's a general  
17 overlap between each of those elements being  
18 sought for relief, so in no case is a deviation  
19 being sought in totality. I want to mention  
20 that. In other words, oftentimes a deviation's  
21 needed for a part or partial aspect of the  
22 requirement. And where the project is  
23 requesting the relief, it's never due to any  
24 cost or expense. It's really more in line with  
25 making this not -- not alleviating the cost or

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1 expense, but it's really to accommodate  
2 important functional and operational aspects of  
3 this site in a unique, innovative, high quality  
4 mixed-use project. That's really what the gist  
5 of the changes and reliefs are being asked for  
6 are for.

7 You know, again, we're talking about  
8 downtown here where flexibility and innovation  
9 and functionality is paramount, obviously.  
10 And, again, you know, working with this  
11 particular city block at this location -- it's  
12 surrounded by the four major downtown  
13 thoroughfares at the base of the Acosta  
14 Bridge -- it -- it is important to note.

15 So with that, obviously, I'm available for  
16 any questions. The team is here, available for  
17 any questions.

18 I will say, in addition to the -- all the  
19 input that's been had to date, there are  
20 several conditions, and I think Mr. Parola --  
21 you guys may get into that, I guess, in a bit.  
22 But, you know, we're here to hopefully address  
23 any questions and hopefully finalize all of  
24 this.

25 But I appreciate the time, Mr. Chair, and  
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1 your time here today, board members.

2 THE CHAIRMAN: Thank you, Mr. Gabriel.

3 And we appreciate the whole team being  
4 here. I imagine there will be questions  
5 throughout the meeting.

6 So with that, before we get back to  
7 Mr. Parola's recommendations, if there are any  
8 questions at this point for the applicant,  
9 board members, I'll certainly entertain those  
10 now.

11 BOARD MEMBER OTT: Mr. Chair, I have a  
12 question.

13 THE CHAIRMAN: Sure.

14 BOARD MEMBER OTT: This question is in  
15 general maybe to the applicant, maybe to  
16 visitors either in person or online.

17 In the March meeting, the board added an  
18 eighth condition for the applicant to continue  
19 conversations with the LaVilla Heritage Trail &  
20 Gateway Committee. Can anyone present please  
21 provide the dates, locations, and attendees of  
22 those conversations, other than the workshop  
23 that was hosted by Councilman Peluso.

24 MR. GABRIEL: And I'll have -- Mr. Elsbury  
25 will get up and say a few words about that, but

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1 I will note -- I think he specified some of  
2 the community's -- I will note that -- there  
3 were plenty of individual one-on-one meetings,  
4 but I'll note that there was the -- the DDRB  
5 meeting on January 12th, a community town hall  
6 meeting with the district Council member and  
7 the community stakeholders that was held on  
8 February 21st. The workshop and conceptual  
9 approval, obviously, on March 17th, and then  
10 individual meetings that took place throughout,  
11 and then, of course, the August 10th one, but  
12 Mr. Elsbury can elaborate.

13 MR. ELSBURY: Thank you.

14 Jordan Elsbury on behalf of Daily's.

15 And just to briefly elaborate, because I  
16 need to do a quick calendar check, obviously, I  
17 will give the individual meetings that we had.  
18 I just need to compare calendar notes between  
19 the Daily's team and myself.

20 BOARD MEMBER OTT: That would be great. I  
21 would appreciate seeing that list before this  
22 meeting is over.

23 Thank you, Mr. Chairman.

24 THE CHAIRMAN: Sure.

25 Mr. Gabriel, I'll kind of direct this to

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1 whoever on the team wants to answer, perhaps  
2 Mr. Globber. Talking about the mixed-use  
3 facility, I know we're -- we focus a lot here  
4 on design and what changes were made since,  
5 obviously, that seemed to be what caused the  
6 deferral, but can you talk a little bit about  
7 the mixed-use facility, what the bottom floor  
8 market is going to be like, hours of operation,  
9 the Bold City operation, to the extent that you  
10 can talk about it, any programming for the  
11 rooftop.

12 Just kind of give us a sense of, when this  
13 thing is up and running, what should downtown  
14 residents, visitors, et cetera expect to see  
15 and what kind of experience would they expect  
16 to get there.

17 MR. GABRIEL: I'll have Mr. Globber get up  
18 and talk about some of those business  
19 operations, but once again, just as a sort of  
20 prelude to that, obviously, this is a mixed  
21 use. It's an innovative approach to, you know,  
22 this sort of establishment, especially situated  
23 right here in this city block in downtown, but  
24 I'll let Mr. Globber kind of get into that.

25 MR. GLOBBER: Sure. The downtown --

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1 THE CHAIRMAN: Mr. Globber -- yeah, there  
2 you go.

3 MR. GLOBBER: Thank you for having us.

4 The first floor is going to be 24 hours a  
5 day, 365, like all of our other Daily's, so  
6 premium convenience store offering. Second  
7 floor is going to be the Bold City taproom and  
8 restaurant, so they're going to actually  
9 approve beer on site there and serve premium  
10 food. And then the rooftop is going to be a  
11 bar, full -- full beer and liquor bar. So we  
12 don't know the hours of the second and third  
13 floor, but that's kind of the whole concept in  
14 a nutshell.

15 THE CHAIRMAN: Thanks.

16 Just a quick follow-up. So they will have  
17 a restaurant as part of the second floor space,  
18 it looks like. Should we expect it to be  
19 similar to their operation on -- over at their  
20 other full-service location where they've got  
21 the food offerings there or ...

22 MR. GLOBBER: Correct. Yeah, it will be  
23 similar. It will probably be a more robust  
24 menu than what they've got at Rosselle Street.

25 And then they've got a downtown taproom on Bay

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1 Street, which, you know, we've mentioned in  
2 previous meetings, it's not actually viable, so  
3 they plan to close the downtown taproom and  
4 move their operations here.

5 So, like I said, they will be brewing beer  
6 and then serving food. But to answer your  
7 original question there, it's going to be a  
8 more robust offering than what you've seen at  
9 the other two Bold City locations.

10 THE CHAIRMAN: All right. Thank you.

11 Any additional board questions at this  
12 point?

13 Mr. Loretta.

14 BOARD MEMBER LORETTA: It's kind of a  
15 question to the applicant, but then the staff.  
16 The graphics are on Page 35 and 36. I do not  
17 see that in my package that's been provided to  
18 me. Do you all -- I mean, does anybody else  
19 have it?

20 BOARD MEMBER BERLING: (Off microphone.)  
21 I was (inaudible), no. It --

22 BOARD MEMBER LORETTA: Yeah, so I'm --  
23 it's weird where we don't have these graphics  
24 that -- this sketch right here on Page 35, it's  
25 kind of the first time I've seen this sketch.

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1 It's completely different than what's been in  
2 the past.  
3 THE CHAIRMAN: Mr. Parola, do you want to  
4 address that?

5 MR. PAROLA: I do. I think they're  
6 presenting it for a massing exercise only. I  
7 understand that they show the full glazing on  
8 here, and maybe it's sort of challenging when  
9 you're looking at it. Take the full glazing  
10 out of there and just imagine a gray box.  
11 They're just illustrating the massing of the  
12 building. The amount of glazing is -- we'll  
13 address later, but it is not a 100 percent  
14 transparent facade at the ground floor.

15 BOARD MEMBER LORETTA: Okay. So I guess  
16 my question/partial concerns to the client --  
17 typically at final, you're all supposed to be  
18 bringing an architectural board, materials,  
19 colors, this, that, and the other. Do you all  
20 have that with you today?

21 MR. GLOBER: We don't have an  
22 architectural board that you're referring to,  
23 but when we're talking about this rendering  
24 specifically, Mr. Parola was correct. This is  
25 just to kind of highlight moving the building  
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1 to the corner of that lot. This doesn't  
2 represent the final landscape plan. But those  
3 details are included in this packet.

4 BOARD MEMBER LORETTA: So I just struggle  
5 within the packet to understand if we're  
6 talking about yellow brick, if we're talking  
7 about gray brick. I mean, the colors kind of  
8 change a bunch within the overall package.

9 MR. GABRIEL: If you don't mind -- if I  
10 may, Mr. Chair, we could probably have our  
11 project architect get up here and walk us  
12 through that.

13 THE CHAIRMAN: Yeah, Please do.

14 MR. GABRIEL: Mr. Wulbern.

15 I think that would be good to address that  
16 particular question.

17 (Mr. Wulbern approaches the podium.)

18 MR. WULBERN: Good afternoon. Robert  
19 Wulbern.

20 And finishes on this are drawing out of  
21 the palette that currently exists on the --  
22 that we use on all the Daily's stores around  
23 town. The brick is a general --

24 THE CHAIRMAN: Would you mind just  
25 speaking a little bit closer to the microphone

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1 so we can --

2 MR. WULBERN: Sure, sure, yeah.

3 The finishes are, in general, an  
4 enhancement of the finishes that we are using  
5 on the Daily's stores around town. The brick  
6 is the same brick that we use on the -- on the  
7 store on Hendricks Avenue, for example. The  
8 roof would be a medium bronze standing seam.  
9 The wood tones up on the top are a Nichiha  
10 panel, and I'm trying to recall the color name  
11 off the top of my head. I believe we've  
12 picked -- cedar is the color that we picked for  
13 that -- for that tone.

14 BOARD MEMBER LORETTA: And then I think my  
15 last question -- it's a little bit about the  
16 glazing, but if I look at the floor plan on the  
17 ground floor -- and it's facing Broad Street,  
18 right? Yeah, facing Broad Street, we've got,  
19 on the ground floor -- or is that the third  
20 floor? Which floor -- I think it's the ground  
21 floor, yeah, has refrigerators there and so  
22 forth. So, basically, am I understanding that  
23 the Broad Street elevation, albeit glazing, is  
24 a faux or a fake glazing; is that correct?

25 MR. WULBERN: Yes, sir, that would be --  
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1 the intent is to give the impression of  
2 glazing. But given the uniqueness of the floor  
3 plan that we're dealing with on the ground  
4 floor, the need for refrigerator units, which  
5 typically end up being around the perimeter of  
6 the -- of the market space, the glazing would  
7 not be a -- would not be a transparent glazing.

8 BOARD MEMBER LORETTA: Okay. Thank you.  
9 I just wanted to confirm I was  
10 interpreting that correctly.

11 THE CHAIRMAN: Okay. Any additional  
12 questions at this point?

13 BOARD MEMBER BERLING: Can I ask --

14 THE CHAIRMAN: Ms. Berling.

15 BOARD MEMBER BERLING: -- the architect to  
16 come back?

17 I'm just curious, if we're using faux  
18 windows, why we didn't do that to break up the  
19 large wall on Forsyth.

20 MR. WULBERN: I --

21 BOARD MEMBER BERLING: Because one of the  
22 comments that had been --

23 MR. WULBERN: I apologize --

24 BOARD MEMBER BERLING: -- (inaudible) --

25 MR. WULBERN: -- I had my back turned.

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1 I -- just to --  
 2 (Simultaneous speaking.)  
 3 BOARD MEMBER BERLING: I apologize.  
 4 One of the previous comments from the  
 5 board was that we have this huge wall with no  
 6 openings, and the response from the applicant  
 7 was that -- based off of the usage, that was  
 8 impossible. So we asked for more clarity as to  
 9 what was happening on the floor plates to  
 10 ensure that that was actually factual.

11 In looking at it, you could actually have  
 12 glazing in -- in some of that area, but beyond  
 13 that, if you're going to use faux windows  
 14 anyway, wasn't there an opportunity to use them  
 15 here as well and not have such a huge mural on  
 16 this wall?

17 MR. WULBERN: Sure. I mean, absolutely  
 18 there's, you know, a lot of different design  
 19 solutions that we could have come up with.

20 In this particular case, on the Forsyth  
 21 side, we had -- that is our emergency stairs  
 22 that comprises probably about -- between the  
 23 bathrooms and the emergency stairs, probably  
 24 comprises about 80 percent of the linear  
 25 surface of the -- of each floor.

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1 just speak a little bit more on that, that  
 2 would be much appreciated.  
 3 MR. WULBERN: Regarding the landscaping?  
 4 BOARD MEMBER BERLING: Yes, and visibility  
 5 and what the overall intent is because there's  
 6 a balance we have to strike.  
 7 MR. WULBERN: Sure. Understood,  
 8 understood. I'm going to let Peter come up and  
 9 talk about that.

10 MR. GABRIEL: Peter is going to come up  
 11 and address that.

12 And I just wanted to say one thing too. I  
 13 think when we get into the conditions, there is  
 14 a proposal, I think, that will help on that  
 15 side of it with the activation actually  
 16 balancing some of the -- the focus on the Broad  
 17 Street side of this property, so ...

18 BOARD MEMBER BERLING: You can understand,  
 19 like, the fear. Like, we approve it, but then  
 20 the landscape changes drastically when it  
 21 actually is finalized. And so I just want to  
 22 have an understanding of the plan.

23 THE CHAIRMAN: And, Peter, before you go,  
 24 maybe this is a question for Guy as well since  
 25 that is part of the -- one of the conditions

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1 And the windows that we'd be putting in  
 2 there wouldn't, you know -- wouldn't really  
 3 gain us much, in my estimation, and we felt  
 4 that we would be better served by providing  
 5 some -- you know, taking advantage of the  
 6 opportunity to provide some artwork for  
 7 downtown.

8 BOARD MEMBER BERLING: And then while I  
 9 have you, one of the comments was that we're  
 10 not there as far as landscaping is concerned,  
 11 because I -- because I was looking at some of  
 12 the species that you've selected. One of our  
 13 previous comments, I think, during the March  
 14 meeting was in regards to crime prevention by  
 15 design, by activating this area with Daily's,  
 16 that it would actually help with crime  
 17 prevention was the thought process there.

18 And so it's hard to ascertain from the  
 19 pictures as well as -- because it changes, the  
 20 landscaping plan changes, and then you're also  
 21 saying that it's uncertain. I'd really like  
 22 more clarity as to what the final is going to  
 23 look like. I know we want a buffer, but we  
 24 also want to have that, like, activation for  
 25 safety in the community. And so if you could

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1 that's proposed is -- in the staff  
 2 recommendations. It's a -- it's a good  
 3 question. Can you just give the board just a  
 4 reminder or an overview of what happens after a  
 5 final approval if there is a condition like  
 6 that where there are certain things that need  
 7 to be continued to be refined, and it looks  
 8 like here, it's -- it's talking about making  
 9 sure that it's consistent with the LaVilla  
 10 District standards. What does that look like?  
 11 What does a conversation between the applicant  
 12 and the staff look like as you move toward  
 13 permitting?

14 MR. PAROLA: Thank you.  
 15 To the Chair and the -- through the Chair  
 16 as well, the reason that condition is phrased  
 17 the way it is is because we have a landscape  
 18 palette, we have a hardscape palette, and  
 19 that's our go-to, right? So the only thing  
 20 we're looking at deviating is where it's  
 21 located.

22 We think, right, staff -- and sometimes  
 23 staff gets it wrong or needs a little help by  
 24 the board. We think that we want it -- we want  
 25 the buffer there. They have a 6-foot, I'm

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1 assuming, faux wrought iron fence they're  
 2 proposing there. So there's a lot of eyes on  
 3 the street, so -- it's a really busy street,  
 4 right? So I don't know that we share the same  
 5 concern. It doesn't mean we're right and  
 6 everybody else is wrong.  
 7 And I don't know if I answered your  
 8 question, but I sure as heck tried.  
 9 THE CHAIRMAN: Maybe we'll just come back  
 10 to it.  
 11 Peter, if you want to just give an  
 12 overview of the thought process behind the  
 13 current landscape plan, and then we can go from  
 14 there.  
 15 MR. ELSBURY: Just briefly, Mr. Chairman.  
 16 Jordan Elsbury. And I -- I have the dates and  
 17 times I'll give to you -- I'll read to you  
 18 after Peter talks.  
 19 But just for an additional layer of  
 20 clarity, when we met with staff relative to the  
 21 vegetation plan, we had some ideas that are  
 22 consistent with what we normally do at some of  
 23 our Daily's locations. They educated us to the  
 24 section of the Ordinance Code that is pretty  
 25 specific on congruence with the vegetation plan

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1 for that LaVilla area, so our commitment to  
 2 them was simply we'll take the vegetation  
 3 provided in the Code.  
 4 BOARD MEMBER BERLING: Okay.  
 5 MR. MA: Sure. This is Peter Ma,  
 6 England-Thims & Miller, 14775 Old St. Augustine  
 7 Road.  
 8 Can you repeat the question again, please?  
 9 BOARD MEMBER BERLING: I just wanted  
 10 clarity because every image seems to be  
 11 different as far as landscaping. We said it  
 12 wasn't final yet, and so it would change, and  
 13 so I just wanted to have a better understanding  
 14 of what we're really thinking. But I think  
 15 between staff and the answers, I have more  
 16 clarity, so thank you.  
 17 MR. MA: Okay. Great. Thanks.  
 18 THE CHAIRMAN: All right. And,  
 19 Ms. Berling, obviously, as we move past this,  
 20 feel free to continue to bring up the question  
 21 if you need more clarity as we go.  
 22 All right. Any additional --  
 23 Mr. Schilling, go ahead.  
 24 BOARD MEMBER SCHILLING: Thank you,  
 25 Mr. Chairman. I did have a question.

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1 So in the rendering, the -- I think it was  
 2 the -- Page 36. It shows a wall that -- it  
 3 looks like along the Broad Street and the Bay  
 4 Street sides of the building, and I was going  
 5 to ask -- and just in looking at it, it looks  
 6 like maybe pedestrian access isn't planned from  
 7 those sides of the building. Can you all take  
 8 a minute and maybe walk us through how  
 9 pedestrians would access this building? It  
 10 seems straightforward where folks pumping gas  
 11 will come in from the Jefferson Street side,  
 12 but how about pedestrians on the other sides of  
 13 the buildings?  
 14 MR. WULBERN: Sure. Access is, as you  
 15 pointed out, primarily from the -- from the  
 16 fueling point of view, is on the Jefferson  
 17 Street side of the building. And the other  
 18 pedestrian -- main pedestrian entrance is  
 19 considered the Bay and Broad intersections.  
 20 And that articulated corner that you see in the  
 21 rendering here, that is where the main entrance  
 22 into the store is, and main entrance would be  
 23 on Broad -- would actually be on Broad Street.  
 24 And then within that articulated corner,  
 25 that is where the stair circulation and

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1 elevator circulation is. It takes you up to  
 2 the restaurant and on up to the rooftop bar.  
 3 BOARD MEMBER SCHILLING: So then is the  
 4 wall that's shown along Broad, is that -- right  
 5 now, is that just a concept, and there would  
 6 actually be a break in that wall so pedestrians  
 7 could get from the Broad Street sidewalk to  
 8 that entrance?  
 9 MR. WULBERN: Correct, yes.  
 10 BOARD MEMBER SCHILLING: Okay.  
 11 MR. WULBERN: Yes. This is always the  
 12 trouble with renderings. You know, you start  
 13 with a rendering with one concept, and then it  
 14 morphs and morphs and morphs, and when you get  
 15 here, it's -- there is actually no real  
 16 retaining wall planned between Broad, Bay and  
 17 the store. You would be able to go from the  
 18 sidewalk more or less at level into the store  
 19 without having to change heights and step over  
 20 walls or have anything obstructing your ability  
 21 to get into the store.  
 22 BOARD MEMBER SCHILLING: Very good.  
 23 That's what I was hoping the answer was going  
 24 to be. So there definitely will be pedestrian  
 25 access --

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1 MR. WULBERN: Yeah, absolutely.  
 2 Absolutely, absolutely.  
 3 BOARD MEMBER SCHILLING: And then one  
 4 maybe a little off-the-wall question is -- in  
 5 the -- thank you. It was Number 35.  
 6 But the next one, 36, one of the things  
 7 that jumps out at me is -- and I know it's  
 8 branding. I know it's branding colors. But on  
 9 the canopy, the yellow and red just in this  
 10 exhibit goes to my concern of how bright and in  
 11 your face that is going to be. Is there -- and  
 12 I understand the Shell logo color that's --  
 13 that's a logo. But is there any way to  
 14 possibly consider something that's maybe a  
 15 little more muted on that canopy as far as  
 16 branding colors?  
 17 MR. ELSBURY: Thank you.  
 18 Through the Chair, Board Member Schilling,  
 19 we -- yeah, we had this conversation with  
 20 Mr. Edge, who is present, and there are  
 21 branding rights agreements, et cetera, as you  
 22 can image. However, I believe we do have a  
 23 condition in our agreement that, should this  
 24 body condition our approval on a color scheme  
 25 that's more -- I mean, obviously, we can't do  
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1 clarity on what that is.  
 2 MR. MA: I believe that's a 6-foot-high  
 3 wrought-iron-style type of fencing, very  
 4 similar to the -- I guess the -- the project  
 5 west of us.  
 6 BOARD MEMBER LORETTA: Thank you.  
 7 THE CHAIRMAN: Mr. Schilling.  
 8 BOARD MEMBER SCHILLING: Sorry,  
 9 Mr. Chairman, but to follow up on Board Member  
 10 Loretta's question. So on the Exhibit A, I'm  
 11 trying to understand exactly where that fence  
 12 is going to be. Is that where the black dots  
 13 are, the line of black dots on the site plan  
 14 exhibit where the fence is going to be?  
 15 MR. MA: That's correct. The black dots.  
 16 BOARD MEMBER SCHILLING: Black dots.  
 17 Okay. Thank you.  
 18 THE CHAIRMAN: Any additional questions  
 19 from the board at this point?  
 20 BOARD MEMBERS: (No response.)  
 21 THE CHAIRMAN: All right. Mr. Elsbury,  
 22 please.  
 23 MR. ELSBURY: Through the Chair to  
 24 member -- to Board Member Ott, I have some  
 25 dates and times and locations. On August 7th,  
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1 anything about the physical Shell logo, but  
 2 specifically, what we've heard from talking to  
 3 board members and the community, it's the  
 4 yellow and red striping that they took a little  
 5 bit of issue with.  
 6 I think the easiest thing to do would  
 7 probably be to match that with the color facade  
 8 of the building. If you were going to do so,  
 9 it will look similar. But if you guys have  
 10 different ideas about a color scheme, we'd  
 11 accept that. But if -- long story short, if  
 12 this body conditions the approval that we  
 13 change that color scheme, we can do so.  
 14 BOARD MEMBER SCHILLING: Okay. Thank you.  
 15 Thank you, Mr. Chair.  
 16 THE CHAIRMAN: Thank you, Mr. Schilling.  
 17 Any additional -- Mr. Loretta.  
 18 BOARD MEMBER LORETTA: Yeah, so my last  
 19 question -- similar to the architecture and  
 20 lack of information provided tonight, the  
 21 fencing that's wrapping around this or whatnot,  
 22 I have no -- we haven't seen anything. I don't  
 23 know what that is. Can -- I mean, I guess, you  
 24 know, if we're going to approve this somehow  
 25 today, then we need to have a pretty good  
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1 3:00 p.m., the law offices of Burr & Forman, we  
 2 met with Mr. Ennis Davis to discuss pedestrian  
 3 activity opportunity. March 21st is when I  
 4 began conversations with the Cultural Council,  
 5 specifically Diana Donovan. On April 3rd, the  
 6 Daily's team and I met with Diana Donovan and  
 7 Kat Wright to talk about placemaking, the  
 8 process of going through the Cultural Council,  
 9 the solicitation of the art, the selections  
 10 committee, and getting our arms around what  
 11 that would look like. And we have had multiple  
 12 conversations since then about that process.  
 13 We've made the decision to utilize them for any  
 14 public art opportunities. On March 17th, at  
 15 2:00 p.m., Max Glober, our marketing director,  
 16 met with LaVilla community representative  
 17 Adrian, who is present today.  
 18 So those are the meetings in addition to  
 19 the ones that you stated.  
 20 BOARD MEMBER OTT: Through the Chair,  
 21 thank you, Mr. Elsbury.  
 22 THE CHAIRMAN: All right. Any additional  
 23 questions from the board at this point?  
 24 BOARD MEMBERS: (No response.)  
 25 THE CHAIRMAN: Seeing none. Mr. Parola,  
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1 why don't we go back to the staff report for  
2 the recommendations phase, and then we'll go  
3 from there.

4 MR. PAROLA: All right. Thank you.

5 And I'm sorry, I just want to make this  
6 abundantly clear, the condition on the zoning  
7 exception is only self-amending depending on  
8 what actions you take in the six items  
9 following this. Okay.

10 So the condition would read, if approved  
11 as presented, that whatever comes out of the  
12 deviations or whatever comes out of final is  
13 rolled up into here. Okay? So just everybody  
14 is in. Fantastic. So that's the condition  
15 for the zoning exception. You can go to Pages  
16 2 and 4 of the staff report. That gives all  
17 the reasoning why. And we've printed out staff  
18 reports for everybody else in the audience,  
19 should they want to read it or should they have  
20 any questions about it during public comment.

21 We have Deviation Number 1. Again, for  
22 the audience's benefit there is a -- sort of is  
23 a matrix here, or a table, that tells you where  
24 we're at. So for now, for the audience, we're  
25 at Deviation 1-A. It looks like in addressing

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1 the build-to line.

2 Can we go back to the previous slide?  
3 Thank you.

4 So just a minute for the board to absorb.  
5 These are the deviations. This is how it  
6 affects -- in summary, the build-to line says,  
7 bring your building to the front. Okay?

8 They brought the building to the corner of  
9 Bay and Broad, so one might be asking why does  
10 all of Broad still -- and Bay still need a  
11 deviation, and that's a pretty good question to  
12 ask. That is because, if you read the strict  
13 letter of the Code, it requires you to bring it  
14 within 2 feet or right up to the pedestrian  
15 realm, right? And if the pedestrian realm is  
16 defined as the amenity zone, then the  
17 pedestrian clear area, then you have the  
18 frontage area, this would have to be on that.  
19 This is set back for 10 feet. Makes sense if  
20 you have a primary entrance on a corner. We  
21 understand that.

22 So if we can go to the next slide.

23 So the deviation -- only to the extent  
24 that is shown on the site plan -- which is  
25 currently dated July 6th, 2023. We also

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1 conditioned it on: Broad and Bay Street  
2 intersection shall be an active known -- node.  
3 Remaining corners may deviate from the  
4 requirements.

5 Next one, please.

6 This is urban open space. So as you  
7 recall, sort of the idea here was, in staff's  
8 mind, right, in part based on the conceptual  
9 approval that came through by this board in  
10 March, was that we wanted to take their  
11 landscape area, our sidewalk area and make it a  
12 more activated area, just blur the lines and  
13 make it one so you have an exaggerated sidewalk  
14 and walking area. It deviates from it because  
15 you've got to look at the strict definition of  
16 urban and open space. That includes everything  
17 has to be activated. It's not just  
18 landscaping, et cetera. And currently, right  
19 now, if you look at it, really the only urban  
20 open space that gets closest to the definition  
21 is at the intersection of Broad and Bay street.  
22 Fair enough?

23 Our recommendation -- again, we're relying  
24 on the site plan dated July 6th. That's going  
25 to be the extent to which the deviations are

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1 approved, and that's what staff is going to be  
2 looking for when they go to ten-set. You will  
3 notice that we put semiprivate urban open space  
4 that will be provided at the corner of Bay and  
5 Broad. And for those of you who remember when  
6 the new JEA building came in, we had a similar  
7 condition. It had a similar corner with a  
8 similar main entrance, and we sort of have then  
9 blurred the lines of public and private to  
10 incorporate an exaggerated entrance. So we're  
11 just saying, let's continue to work on that.

12 Next slide. Thank you.

13 Deviation Number 3, I believe, is the  
14 transparency.

15 To Mr. Loretta, I want you to look at, in  
16 the bottom right-hand corner -- or just on the  
17 right-hand corner, three Gs and three As. The  
18 ground floor of this building, as they ride  
19 against Broad Street and a portion of Bay  
20 Street, as you mentioned, were back of house.  
21 Their treatment of it is to imitate depth or  
22 imitate transparency. That's why those are  
23 there. Staff is generally supportive of it. I  
24 shouldn't say "generally." We are supportive  
25 of it, because when you look at the rest of the

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1 building, if you go to the second floor, it's  
2 darn near all glazing, right? And then when  
3 you go to the top of it, you then have rooftop  
4 activation on top of that. So we don't see  
5 this as an expansive facade of wall on these  
6 two sides. You know, West Forsyth Street, yes,  
7 I mean, it just -- it is what it is. And their  
8 solution to it is to continue to work with the  
9 Cultural Council and the community on coming up  
10 with a more artistic plan for it. We can  
11 discuss that.

12 Next slide, Susan. Thank you.

13 Again, we're referencing the July 6th --  
14 or June 22nd elevation. So that's what we're  
15 going to rely on as they go through building  
16 permits. Glazing were included as part of the  
17 transparency calculations for each facade,  
18 shall be illustrated again on those building  
19 plans. And along Bay and Broad Street, we just  
20 say they do have portions of glazing, and  
21 they're 22 and 23 percent, respectively, so  
22 we'll be looking at what they show as actual  
23 glazing to have 60 percent light transmittance  
24 through it. So, essentially, we're just  
25 regurgitating the Ordinance Code just as a,

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1 hey, here is what we're looking at when you  
2 show glazing.

3 Next slide.

4 Deviation Number 4 is parking. This  
5 really sort of goes hand in hand with Deviation  
6 Number 2 for urban and open space. But,  
7 really, if you look at the crux of this, it's  
8 really to allow the number of parking spaces  
9 they have that don't ride interior to a framed  
10 lot. Okay?

11 So you can kind of look at accumulation of  
12 Deviation Number 1, which is the build-to line,  
13 Deviation Number 2, which is the urban open  
14 space, and you sort of ride into this logically  
15 if you're following, or I can be -- no, I  
16 should probably not talk more.

17 Next slide, please.

18 Again, we reference the plans dated July  
19 6th, the number of parking spaces not to exceed  
20 45, and then we say, parking shall be located  
21 as shown on the site plan. So, again, I can't  
22 stress this enough, we are going to be looking  
23 to the site plan and as it's currently scaled  
24 in saying that's what things are going to be,  
25 assuming this goes through as staff is

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1 recommending.

2 Deviation Number 5 is building entrances.  
3 This is kind of a unique one. There are no  
4 building entrances on the Forsyth Street side,  
5 as you can see, and they've acknowledged that's  
6 really sort of back of house.

7 There is an entrance at the corner of Bay  
8 and Broad. If you look at the Ordinance Code,  
9 and you have a corner, we actually encourage  
10 you to stick an entrance there. And then, of  
11 course, they have got entrances that face their  
12 pumps, as any other sort of gas station would.  
13 Again, just read -- the condition is -- take a  
14 look at June 22nd, when you go to permitting,  
15 because that's what we're going to be looking  
16 at.

17 And then final approval. First thing  
18 final approval does is incorporates any of the  
19 deviations -- any conditions in the deviations  
20 are -- in the way they're approved gets folded  
21 in this, and then it gets folded into the  
22 zoning exception.

23 We really want to address signage on the  
24 first condition. The first condition they  
25 have, signage location plan. We understand

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1 that their plan we're showing right now is  
2 under the allowable amount of signage. We want  
3 to give them the ability to work with us to go  
4 up 10 percent on any individual side on the  
5 frontage providing they stay within the  
6 allowable signage. Frankly, the reason for  
7 that is staff looked at one of the signs, where  
8 it was located, and thought, you know, you may  
9 want to increase that. It might actually kind  
10 of look a little better.

11 And then the second one -- so it goes  
12 without saying, but we do like to fold these in  
13 sometimes. If you are showing any freestanding  
14 sign on your property, you have to come back  
15 for a special sign exception. That's just the  
16 way it works. And then the applicant will  
17 continue to work with staff to show the  
18 requirements that the amenity area, pedestrian  
19 clear area are consistent with the LaVilla  
20 standards. Okay?

21 So that's all. Are there any questions  
22 before public comments?

23 And let me say this: When it goes to  
24 action, we're going to go back to the first  
25 slide for the zoning exception, talk through

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1 it, and we'll just go one by one by one  
2 so everyone can follow along, if that works for  
3 the Chair.

4 THE CHAIRMAN: Yes. Thank you,  
5 Mr. Parola.

6 Any board questions for staff at this time  
7 before we move on to public comment?

8 BOARD MEMBERS: (No response.)

9 THE CHAIRMAN: Mr. Parola, I just have  
10 one, to put a fine point on it.

11 So for Deviation 3, the transparency  
12 requirement -- because when I first saw the  
13 building renderings, and I was kind of trying  
14 to wrap my head around the deviation, as I  
15 understand it, it's only needed in this case  
16 because, for the purpose of the deviation, it's  
17 between the height of 2 and 10 feet up above  
18 the sidewalk or the Riverwalk grade, correct?  
19 So that the applicant, in this case or any  
20 other, doesn't get any credit for the second  
21 floor being extremely glazed as well; is that  
22 true?

23 MR. PAROLA: To the Chair, I don't know  
24 that I agree with the way that was phrased  
25 because I just -- just only to the extent that  
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1 staff reached this conclusion. Staff would not  
2 have reached this conclusion if it were a  
3 single-story building, or if they carried their  
4 treatment of the first floor to other floors.  
5 I think we -- our recommendation would have  
6 went a lot different. But because they do have  
7 a massive amount of glazing on the second floor  
8 and then an activated rooftop, I'm sure that's  
9 where it mitigates ...

10 THE CHAIRMAN: Yeah, I guess my point  
11 there was the percentages look low when you're  
12 looking at the deviations, but that's only  
13 because you're calculating the glazing. I  
14 mean, you -- we, technically, are only  
15 calculating glazing on the first floor. If you  
16 take into account the glazing that exists on  
17 the second floor, that number would be higher.

18 MR. PAROLA: Yes.  
19 THE CHAIRMAN: Okay. All right. Any  
20 questions from the board?  
21 BOARD MEMBERS: (No response.)  
22 THE CHAIRMAN: If not, right before we  
23 move on to public comment, I do want the board  
24 members to declare ex parte communications that  
25 they have had as part of this, so hopefully  
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1 you're ready to declare that.

2 Mr. Schilling, why don't we just start  
3 with you, please.

4 BOARD MEMBER SCHILLING: Yes, sir,  
5 Mr. Chairman.

6 So the items that I have -- I received a  
7 July 26th email from Ms. Nancy Powell,  
8 requesting a deferral of the item on the July  
9 meeting and concerns about the deviations.

10 I also had a phone call with Mr. Jason  
11 Gabriel, I don't know the exact date, but the  
12 week of July 31st, to talk about the project  
13 and the changes that have been made to the  
14 project in response to comments received.

15 I also received an August 23rd email from  
16 Ms. Nancy Powell being concerned about there  
17 not being changes and concerns about too many  
18 deviations.

19 I did have a phone call today with  
20 Mr. Jason Gabriel, just providing an update on  
21 some of the revisions to the project and the  
22 input from the community meeting that was held  
23 on August 10th.

24 As well, I received, via Mr. Parola, the  
25 meeting minutes from Councilman Peluso's  
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1 meeting, community workshop on August 10th.

2 And I also received and reviewed the  
3 summary of recommendations provided by  
4 Mr. Ennis Davis.

5 And that's everything I have. Thank you,  
6 sir.

7 THE CHAIRMAN: All right. Thank you,  
8 Mr. Schilling.

9 And, board members, as we have done in the  
10 past, since several of these emails were sent  
11 to the entire board, just feel to echo the same  
12 email that Mr. Schilling received from each  
13 party.

14 Ms. Berling.

15 BOARD MEMBER BERLING: I received the same  
16 emails from -- though one of which, from today,  
17 I did not open. City Council Member Jimmy  
18 Peluso and myself spoke earlier in the week,  
19 and there were text messages received from  
20 Mr. Ennis [sic].

21 THE CHAIRMAN: All right. Mr. Jones.

22 BOARD MEMBER JONES: Likewise, I received  
23 the same email correspondence as my colleagues  
24 from Ms. Nancy Powell.

25 In addition, I received an email  
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1 correspondence today from Mr. Michael Dunlap,  
2 and I also had a phone call with Ms. Brittany  
3 Norris yesterday, as well as a phone call with  
4 Councilman Peluso earlier in the week.

5 THE CHAIRMAN: All right. Thank you.  
6 And, Ms. Grandin, just a point of  
7 clarification on the ex parte. Does it -- is  
8 ex parte, is that inclusive of conversations we  
9 have with public officials and staff, or is it  
10 only private officials and, like, the  
11 applicant? Do we have to declare our  
12 conversations with Council members or the  
13 mayor's office, et cetera? And happy to do so  
14 out of an abundance of transparency, but just  
15 curious.

16 MS. GRANDIN: Yeah, so the ex parte, if  
17 it's a lobbying kind of conversation, then you  
18 would declare it. If it's staff, you don't  
19 have to declare it. That's not ex parte, but  
20 it could be that a Council member would be  
21 lobbying for something. I don't know. Doesn't  
22 necessarily have to happen, but you would be  
23 the judge of that because you would have been  
24 the one receiving the ex parte communication.

25 Good question.

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1 THE CHAIRMAN: All right. Thank you,  
2 Ms. Grandin.  
3 Vice Chair Ott.

4 BOARD MEMBER OTT: Thank you, Mr. Chair.  
5 I received August 2nd text messages from  
6 Ennis Davis, in which he sent me some early  
7 rough sketches of some alternative design  
8 suggestions that were then included in the  
9 packet that Guy emailed to the board.

10 I attended the August 8th workshop hosted  
11 by Councilman Peluso. I did that in person.

12 I had a phone call with Councilman Peluso  
13 on August 21st.

14 I received the email from Nancy Powell on  
15 August 23rd, and then the same email from  
16 Mr. Dunlap on the 24th.

17 Thank you.

18 THE CHAIRMAN: All right. Thank you.  
19 Secretary Monahan.

20 BOARD MEMBER MONAHAN: Thank you,  
21 Mr. Chair.

22 I received the same communications from  
23 Ms. Powell via email, those being on July 26th  
24 and August 23rd, as well as the email from  
25 Mr. Michael Dunlap on August 23rd.

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1 THE CHAIRMAN: Mr. Loretta.

2 BOARD MEMBER LORETTA: I would have had  
3 the similar emails from everyone else.

4 Had a conversation with the mayor's  
5 office, Brittany Norris, on the 22nd. Council  
6 Member Peluso on the 23rd. And nothing other  
7 than, you know, prior meetings that were  
8 declared ex parte.

9 THE CHAIRMAN: All right. Thank you.

10 I also received the same email  
11 correspondence from Ms. Powell as well as  
12 Mr. Dunlap.

13 On August 4th, I had a meeting with Ennis  
14 Davis to discuss the project as well as his  
15 suggestions for improvement.

16 On August 7th, I had a meeting with  
17 Mr. Davis again, as well as the Daily's  
18 development team, which consisted that day of  
19 Jordan Elsbury, Jason Gabriel, and Max Glober,  
20 where we discussed the project and also  
21 discussed Mr. Ennis' suggestions for  
22 improvement.

23 On August 24th, I had a subsequent meeting  
24 with Mr. Elsbury where, again, we discussed the  
25 project, and I inquired about the development

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1 team's efforts to incorporate some of  
2 Mr. Davis' suggestions.

3 And then on the date of our last regular  
4 DDRB meeting where this was deferred, that  
5 morning I did have a conversation with  
6 Councilman Peluso as well as Brittany Norris in  
7 the mayor's office where we discussed the day's  
8 agenda as well as the deferral, and we had  
9 brief subsequent conversations solely for the  
10 purposes of organizing the community meeting  
11 that Mr. Peluso ended up hosting earlier this  
12 month.

13 All right. If that covers everyone's  
14 ex parte communications, let's open the public  
15 hearing and public comment portion.

16 And, Ric, you're up.

17 MR. ANDERSON: Thank you, sir.

18 The first card we received is from Carnell  
19 Oliver.

20 THE CHAIRMAN: And just as a reminder, the  
21 public does have five minutes for this since  
22 it's an extended period.

23 (Audience member approaches the podium.)

24 AUDIENCE MEMBER: Yes. My name is  
25 Carnell. Address is on file.

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1 I don't mind businesses trying to make  
2 money, but we're at a point in time in our  
3 local community -- I'm an overview kind of  
4 person. I understand all the technical pieces.  
5 Everybody is trying to get things right. But  
6 this is a bad project for this community. We  
7 want to know the reason why? We have one gas  
8 station is that is already up the street, and  
9 that is the BP gas station. Then you got the  
10 7-Eleven. Then you also have -- also the  
11 Shells.

12 But when I walk past that -- walk past  
13 that property sign, you got overgrown grass.  
14 This is LaVilla. LaVilla has always been a  
15 black community, and you got overgrown grass.  
16 It really shows me the intention of how much  
17 respect a private corporation has for a  
18 particular community. To me, that's a slap in  
19 the face because if you have an intention of  
20 improving the community, one of the things that  
21 you can basically do is keep the grass cut, and  
22 if you're not willing to do that, then why  
23 should we do business with you when you can't  
24 help beautify this community, especially in  
25 communities that I know they carry a lot of

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1 weight and prestige internationally, especially  
2 locally in our community. I'm not in favor of  
3 this project based on that.

4 And number two, the last meeting that I  
5 came here to, one of the board members,  
6 Mr. Loretta, asked specifically a question  
7 about can you bring in a black business to help  
8 with this project. One of my priorities is  
9 trying to integrate black ownership of  
10 businesses, and if you can't do that, then why  
11 should I play with you? Why should this  
12 project continue?

13 This project, to me, is not worth the  
14 baggage that it carries because physically -- I  
15 know a lot of y'all -- a lot of the slides that  
16 you saw was pretty slides of what they did in  
17 the beginning, but if you drive past there now,  
18 you got overgrown grass. Where is the respect  
19 for a community that's always been black?

20 I know we're trying to move in a -- move  
21 in a direction in that area where we have  
22 everything that we want, but that area and that  
23 property where this is, it's not getting the  
24 level of respect that it deserves.

25 I'm not trying to really take up a lot of  
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1 people's time. I understand that a lot of  
2 negotiations have been worked out, but it's not  
3 working for me because there was one condition  
4 that I voiced my opinion about, a black-owned  
5 business on that property sign.

6 Questions were asked, and I listened very  
7 carefully to those questions. That's the  
8 reason why I stood right there, because I want  
9 to know -- I want to be reminded of the  
10 questions that I asked the last time I was at  
11 this board meeting, and I didn't get not one  
12 answer that I wanted coming out of these  
13 developers' mouths.

14 It's all self-interest. Where is the  
15 value of the people that started that  
16 community? Where is the respect for A. Philip  
17 Randolph? Where is the respect for the Weldon  
18 Johnson brothers? There's no respect for this  
19 community. Only thing they want to do is come  
20 in there and make money in our community and go  
21 back to the suburbs. That's not fair.

22 I would rather see that property being  
23 bought by the City and donated to an  
24 organization that actually can do something  
25 meaningful and respectful of the black

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1 community, but also bring in the Cultural  
2 Council. Maybe we can be a partner in this.  
3 But for me, this project is a no-go. And I'm  
4 not going to be longwinded, and I yield the  
5 rest of my time.

6 THE CHAIRMAN: Thank you, Mr. Oliver.

7 MR. ANDERSON: Next, we have Ennis Davis.  
8 (Audience member approaches the podium.)

9 AUDIENCE MEMBER: Ennis Davis. My address  
10 is on file. I'm not going to take too much  
11 time. I've got a hard drop.

12 But, you know, essentially, we had a  
13 workshop that took place in -- early this  
14 month, and a few months ago, back in March, we  
15 had the condition to speak to the community,  
16 and from what I'm understanding is technically  
17 only two people have been spoken to, Adrian and  
18 myself, who, we both, are here today.

19 One thing that we would like to know is --  
20 there was a number of things that were  
21 discussed, I would assume, in both those  
22 meetings, and how is that incorporated into  
23 what we're seeing today? And if things were  
24 not incorporated, why? I think you all should  
25 know that.

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1 So with that being said, nothing much has  
2 really changed over the course of eight months  
3 other than shifting the building to the  
4 south -- southeast corner of the property. So  
5 in all intents and purposes, when we're calling  
6 this mixed-use, we're essentially looking at a  
7 two-story Busy Bee or a Cracker Barrel since we  
8 share the same interests as in back of the  
9 house. Yet, we still have the struggle on how  
10 to connect with the rest of the community  
11 around here.

12 So I really don't have much to say after  
13 that. You do have some recommendations and  
14 suggestions I gave earlier on how to better  
15 integrate this project into the rest of the  
16 community, but, you know, we only talked to two  
17 people at this point, and it doesn't seem like  
18 the majority of what we've talked about in  
19 those meetings have been incorporated.

20 So thank you.

21 THE CHAIRMAN: Thank you, Mr. Davis.

22 Ric, before you go on -- Mr. Gabriel, I  
23 just want to point out that you all do have,  
24 also at the end of public comment, a  
25 five-minute response period if you so choose to

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1 take it.

2 MR. GABRIEL: Thank you.

3 THE CHAIRMAN: All right. Go ahead.

4 Next.

5 MR. ANDERSON: All right. Next, we have  
6 Nancy Powell.

7 (Audience member approaches the podium.)

8 AUDIENCE MEMBER: Hi. Nancy Powell. I am  
9 executive director of Scenic Jacksonville.

10 You know, I follow DDRB and have done so  
11 for at least four years since I became  
12 executive director. I haven't seen a project  
13 that I can recall that has so many deviations.

14 I followed your update to the design  
15 standards. You guys have some good design  
16 standards, and to deviate five different  
17 deviations multiple times kind of collectively  
18 tells you that this project doesn't meet the  
19 design standards that you have created and  
20 would like to uphold. And if we uphold the  
21 standards, we will get the community that we  
22 want.

23 So when I listened to the conversation  
24 today, what struck me was that we really don't  
25 know what the building is going to look like.

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1 We don't know what the landscape plan really  
2 is. The transparency on the walls, so from  
3 Broad Street and Bay Street, are really -- if  
4 you're walking along the street, you're not  
5 seeing anything inside. And then when you go  
6 around the building, you're going to see a  
7 mural, so nothing there. And then the other  
8 sides of the project, you're going to have a  
9 6-foot fence. So from the pedestrian  
10 experience, it's not really interacting with  
11 the surroundings, which is maybe not stated  
12 directly here. So I just feel like -- let's  
13 uphold our standards. That's my plea.

14 THE CHAIRMAN: Thank you, Ms. Powell.

15 MR. ANDERSON: Next is Adrian Swanigan.  
(Audience member approaches the podium.)

17 AUDIENCE MEMBER: Good afternoon, Board.  
18 My name is Adrian Swanigan. My address is on  
19 file.

20 And I won't -- I'll be kind of brief today  
21 in hopes that we uphold the standards that were  
22 created by the DDRB and other members of  
23 government who established an overlay to  
24 protect the integrity and the as-built  
25 environment of urban spaces and urban areas.

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1 Today, I even have a question for General  
2 Counsel because up until today, we're voting on  
3 deviations that the community hasn't seen until  
4 today. I asked about the deviations to -- I  
5 asked the applicant, actually, on the 10th at  
6 Councilman Peluso's public hearing, and no one  
7 spoke to the deviations on the record.

8 You know, I even wonder, is this legal, or  
9 if there is any violation to Sunshine about the  
10 community not being advised before the final  
11 approvals. I don't think the applicant  
12 actually supplied enough information to ask for  
13 the final approval, and the conversations that  
14 they spoke about that were had with the  
15 community, we spoke about activation and a way  
16 to make this plan integrate with the community,  
17 and the Heritage Trail Committee was never met  
18 with as a whole body, so -- the eighth  
19 recommendation that was voted on on March 27th  
20 at the Heritage Trail Committee be engaged, not  
21 the Cultural Council, and two members of the  
22 community.

23 So I think we have a matter at hand that  
24 we would like to see the DDRB act in its power  
25 and uphold the standards.

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1 Thanks.  
2 THE CHAIRMAN: Thank you, Mr. Swanigan.  
3 And I also just want to state for the  
4 record that the deviations that we're  
5 considering today, I do believe were publicly  
6 published in our last DDRB meeting packet as  
7 well as this one, so they have been publicly  
8 available now for what? About a month plus,  
9 maybe five or six weeks.

10 MR. SWANIGAN: Could I ask a question,  
11 Chairman?

12 THE CHAIRMAN: Briefly.

13 MR. SWANIGAN: Okay. Can anyone recall  
14 the comment that was made on August 10th when  
15 the deviation question was posed to the  
16 applicants and no one responded? I asked in  
17 front of Councilman Peluso, would they agree to  
18 work on, you know, integrating changes, and the  
19 deviations was never spoke to.

20 THE CHAIRMAN: Thank you.

21 And I'll just kind of say this, for very  
22 specific reasons, I think Councilman Peluso's  
23 public meeting was distinct and separate from a  
24 DDRB meeting, so that meeting was probably not  
25 the appropriate time to discuss those, but

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1 that's why we are here today.  
2 Ric, are there any additional public  
3 comments?  
4 MR. ANDERSON: Yes, sir. Devonne  
5 Phillips.

6 (Audience member approaches the podium.)

7 AUDIENCE MEMBER: Devonne Phillips.

8 Right now, I'm not in a credentialed, but I  
9 am a potential owner under contract at 1095  
10 Farwell Street, which is the Johnson Commons  
11 community.

12 So I've been online, and I've watched all  
13 that's been going on with this. I moved here  
14 four months ago. I've been driving from 959,  
15 which is directly across the Acosta, to see my  
16 house being built every day. And the thing  
17 that I -- that bothers me is, yeah, we have  
18 people trying to come into this community, and  
19 we have people -- potentially 91 families  
20 coming into this community, and 91 families,  
21 that poses at least 91 extra vehicles, and most  
22 families have two, so potentially 200 vehicles.

23 So I, myself, like the development that's  
24 going on with this project. I would like to  
25 see it move forward because that's going to be

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1 me. That's going to be my community. That's  
2 going to be my gas station. I would want to  
3 walk from my house to a restaurant or a bar.  
4 Right now, I can't do that. I have to get in  
5 my car and drive everywhere.

6 What's going to happen in the next eight  
7 months when 91 of these families move in?  
8 That's 91 cars moving around when we could  
9 potentially just walk. We don't have anywhere  
10 to walk to right now from my house. I can go  
11 have a drink. I don't have to get in my car.  
12 And I could walk back home safely.

13 So I understand some of the concerns  
14 for -- that other people have, but when I drive  
15 every single day from 959 to go check out my  
16 house -- and every single day I go over there.  
17 All I see is nothing, empty buildings, no  
18 people walking. The only development I see is  
19 in my little neighborhood, the park and the  
20 townhouses that are being built for us.

21 Like, what are we going to have to do?  
22 Are we -- what amenities are we going to have  
23 in our community that we can go to? In the  
24 middle of the night, if my kid wants a snack,  
25 or I need some milk, or I need a soda, I can

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1 walk down there. So I appreciate this  
2 development.  
3 I would hope that in the very near future,  
4 we can see some growth on the development, and,  
5 like the other speaker said, yeah, I see the  
6 property every day. It is -- the grass is  
7 growing up over there, and every day that I  
8 drive past it, I'm hoping, like, can someone  
9 please -- let's do something to move this  
10 forward because me, I would personally like it,  
11 and I'm sure a lot of people who are going to  
12 move in the Johnson Commons community or  
13 neighborhood, they are going to love it too  
14 because it's access for us, three blocks away  
15 from where we are, and it gives us the  
16 opportunity to get stuff that we need, get gas  
17 on our way to work instead of having to go into  
18 Brooklyn, and Brooklyn -- Brooklyn has  
19 restaurants, they have gas stations, they have  
20 a grocery store.

21 And we're trying to -- if we want to try  
22 to build LaVilla, like, what are we doing? I  
23 haven't seen much action in LaVilla other than  
24 our townhouses being built and a park being  
25 built. I love the park. The park is not going

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1 to do anything for me because my kid is too old  
2 for a park. Yeah, they may have concerts  
3 there, but is that going to be something I use  
4 every day? No. Possibly, the gas station.  
5 Absolutely. Because I'll go get my Lotto  
6 ticket from there every single day or go get a  
7 soda or a snack.

8 So I love the -- I would say I love it. I  
9 appreciate the development. I hope to see more  
10 action in LaVilla because that's -- that is my  
11 community. I have invested in that community.  
12 I purchased a home in that community. And this  
13 is not like apartments where after one year,  
14 someone is going to move. Like, we're coming  
15 in permanent residents, and we need something  
16 to keep us there, not just empty, vacant lots  
17 or buildings.

18 And that's all I have. Thank you.

19 THE CHAIRMAN: Thank you, Mr. Phillips.

20 MR. OLIVER: Chairman --

21 THE CHAIRMAN: Mr. Oliver, I'm sorry,  
22 we're not going to get into a back-and-forth  
23 where public commenters are rebutting each  
24 other.

25 MR. ANDERSON: We have nothing further,  
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1 sir.

2 THE CHAIRMAN: Okay. Thank you, Ric.  
3 Mr. Gabriel, if you and the development  
4 team want up to five minutes to respond to  
5 anything, you know, it's part of the  
6 quasi-judicial process. You have that right,  
7 and we'll give it to you.

8 MR. GABRIEL: Sure. Thank you, Mr. Chair.

9 And we'll try to be pretty brief. I just  
10 want to explain a couple of things. I'd like  
11 to start with adopting the last speaker's  
12 comments fully and wholly.

13 Mr. Parola or Ms. Kelly, can you pull up  
14 that flash drive I brought up? I just want to  
15 show one diagram and walk you through just a  
16 couple of points on it.

17 THE CHAIRMAN: This isn't going to turn  
18 into a DIA meeting, is it?

19 MR. GABRIEL: While she's pulling that up,  
20 I'll just tee it up for Mr. Ma. He's going to  
21 walk you through. It's a site plan that shows  
22 the sort of traffic reality, operational  
23 reality of the site. I'll have Mr. Ma kind of  
24 walk you through it.

25 But, again, the importance of it is  
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1 because we had very, very, I thought,  
2 educational and productive meetings with  
3 various people, not the least of which was  
4 Mr. Davis. And he did provide, I thought, some  
5 creative illustrations and proposals. And I  
6 don't want to speak for him or unduly, you  
7 know, oversimplify what he contributed to the  
8 discussion, but one of the big features that he  
9 focused on --

10 Well, let me start with, there's a big  
11 sensitivity and focus to Broad Street, okay,  
12 for cultural, historical reasons, et cetera,  
13 and there was a focus in our discussion on that  
14 northeast portion sort of fattening out, should  
15 I say, the -- that pad up there, and there's  
16 some operational realities as to why we can't,  
17 to a T, do what he proposed.

18 Having said that -- and I'll have Mr. Ma  
19 walk you through that. Having said that, we do  
20 have -- you know, when the appropriate time,  
21 Mr. Chair, is at hand, we have a proposed  
22 condition that I think can, hopefully,  
23 generally provide some comfort that we'll be  
24 working with staff on activating the two  
25 corners and the pedestrian lane in between the

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1 two parallel to Broad Street.

2 But before I get into that, Mr. Ma will  
3 walk you through the diagram.

4 THE CHAIRMAN: Thanks.

5 I think probably the time will be either  
6 during our discussion about the deviations or  
7 at the final approval. We'll see when we get  
8 there.

9 Mr. Ma.

10 MR. MA: Hello. Yes, I believe back in  
11 the March meeting, I had described this  
12 verbally on how our truck route would work, so  
13 we put this in an exhibit for you. Because of  
14 the way the -- all four street [sic] is one  
15 way, and where our gas tanker comes from,  
16 basically off Acosta, we utilized this program  
17 called AutoTURN, which runs inside AutoCAD  
18 software, and we select -- select different  
19 truck profiles, and this is our gas tanker  
20 profile.

21 So what you see there is -- you know,  
22 because where the store is and where the tanks  
23 are placed, as far away from the store as  
24 possible, and the way that the gas tank --  
25 tankers fuel up on the right side, there's

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1 really only one way for the tanks to come in  
2 and out. So, basically, it comes in off of the  
3 Acosta Bridge, onto Broad Street, takes a left,  
4 and then, you know, we try to avoid any other  
5 cars, vehicles in that area, and then fuel up  
6 at the gas tank to the northwest, and then it  
7 comes out on Jefferson Street.

8 So because of the tanker -- the trailing  
9 edge does not follow the front wheels. You  
10 would have to make those -- radius wider. So  
11 making a U-turn on a gas tanker is really  
12 unrealistic and dangerous, so this is -- this  
13 is our exhibit that really, basically, went  
14 with the verbal description I had back in  
15 March.

16 MR. ELSBURY: And just briefly because I  
17 know we're probably out of time, and just  
18 something for the board to consider relative to  
19 what we're showing you here, the concept that  
20 we presented at conceptual approval that -- we  
21 took the feedback and reoriented the building  
22 and reconfigured the site, that's what we're  
23 used to in terms of doing business. That site  
24 plan back in March is how we can most  
25 effectively operate the development that we're

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1 proposing.  
2 But based off of the feedback, we have  
3 reconfigured the site to look like this,  
4 which -- we understand the aesthetics, the  
5 frontage, everything that was desired by DDRB,  
6 but that is why it is in the tight parameters  
7 that it is now, because of the reorientation of  
8 the building.

9 Thank you.  
10 THE CHAIRMAN: Okay. Thank you.  
11 I believe we did actually have one hand  
12 raised on Zoom, so Adrienne Burke -- let's give  
13 Adrienne an opportunity to speak.  
14 ZOOM MEMBER: Hi. Thank you.  
15 Can you all hear me?  
16 THE CHAIRMAN: Yes.  
17 ZOOM MEMBER: Okay. Perfect. Thank you  
18 so much for coming back to us on the Zoom call.  
19 I appreciate the opportunity to speak.

20 My name is Adrienne Burke. I'm with the  
21 Community Planning Collaborative. Our address  
22 is 221 North Hogan Street, Suite 237, here in  
23 Jacksonville, ZIP 32202.

24 I'm an AICP-certified planner. I'm a  
25 licensed attorney in Florida. I've been an

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1 urban planner for 15 years. Former positions  
2 I've held include planning director, and most  
3 recently, I was principal planner for  
4 Miami-Dade County. I also was a director of  
5 Riverside Avondale Preservation for a couple of  
6 years, so I have a pretty good understanding of  
7 the City's Code and how it works.

8 And I just wanted to offer the comments  
9 that, you know, in planning, mixed-use projects  
10 are considered good fits for urban areas, in  
11 part, in recognition of the traditional urban  
12 design, the built environment patterns that  
13 historically occurred in urban communities like  
14 LaVilla.

15 However, I would argue it's really  
16 disingenuous to call this a mixed-use project.  
17 I'm surprised that hasn't come up during this  
18 multi-month process and that no one has  
19 questioned that. I'd venture to say that a  
20 majority of planners would not consider this a  
21 mixed-use project. If the Land Development  
22 Regulations in Jacksonville support this  
23 project as meeting a mixed-use definition, I  
24 really encourage the City to revisit that.

25 A truly mixed-use project would be some  
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1 combination of commercial, residential, or  
2 office. As presented, this project is a  
3 relatively low intensity, suburban style,  
4 single-use project with only commercial uses on  
5 one site, and the term "mixed use" for this  
6 project appears to be an attempt to convey a  
7 better fit for this urban area than it actually  
8 is.

9 The integration of other uses, like  
10 housing or office space on this site, would  
11 make it a genuine mixed-use in a manner that  
12 better supports urban development in LaVilla --  
13 excuse me -- such as the prior speaker, who's  
14 moving to the neighborhood, referenced wanting  
15 to see.

16 If the project is approved as it is, as a  
17 minimum, I would just please acknowledge that  
18 it's not a mixed-use project. And, again, if  
19 the City supports this type of project as mixed  
20 use through the definitions in the Code, that  
21 really needs to be revised, especially for the  
22 Urban Core.

23 So I appreciate your time today. Thank  
24 you.

25 THE CHAIRMAN: Thank you, Ms. Burke.  
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1 Ms. Grandin or staff, you know, this is  
 2 actually something that we had discussed a  
 3 little bit behind the scenes with each other.  
 4 Does anybody want to just comment on that? I  
 5 know that there's been -- that question has  
 6 come up before, and we've all landed on this is  
 7 a mixed-use per the Code.  
 8 MR. PAROLA: Yeah. To the Chair, and  
 9 going to the -- to the speaker, whether or not  
 10 the Ordinance Code needs to be changed, you  
 11 know, I can't comment on that. What I can  
 12 comment on is it actually does meet the  
 13 definition of a mix of uses. And furthermore,  
 14 it meets specifically this special zoning  
 15 exception as to what's required.  
 16 That's all I can speak to.  
 17 THE CHAIRMAN: Thank you, Mr. Parola.  
 18 Appreciate it.  
 19 Ric, seeing no additional public comment,  
 20 we'll --  
 21 MR. ANDERSON: I see no other hands  
 22 online.  
 23 THE CHAIRMAN: Thank you.  
 24 So we'll close the public hearing. And  
 25 following our process -- before we get started  
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1 by reference.  
 2 THE CHAIRMAN: All right. There's been a  
 3 motion.  
 4 Is there a second?  
 5 BOARD MEMBER SCHILLING: Second.  
 6 THE CHAIRMAN: And there's been a second.  
 7 All right. Let's go into board discussion  
 8 on the zoning exception specifically, and let's  
 9 start with Mr. Schilling.  
 10 BOARD MEMBER SCHILLING: Thank you,  
 11 Mr. Chairman.  
 12 You know, in thinking through the request  
 13 for the exception and -- which is specifically  
 14 related to the use and the gas station, in  
 15 thinking of that use in downtown, this -- in  
 16 the overlay area, in my opinion -- and I can't  
 17 think of very many parcels, but this is a  
 18 parcel, in my mind, where this exception makes  
 19 sense with each of the roads that the -- that  
 20 border this property are highly traveled roads.  
 21 It's right at the ramps to the Acosta Bridge  
 22 and seems like a great location for this  
 23 service, which, as we heard from one of the  
 24 speakers, is a needed service for not only  
 25 folks that work downtown but hopefully many of  
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1 here, I do want to give folks an opportunity  
 2 for a quick break, so let's -- let's do a  
 3 five-minute break, come back at 3:46.  
 4 We're going to do a ten-minute break.  
 5 We're going to come back at 3:51.  
 6 (Brief recess.)  
 7 THE CHAIRMAN: All right. Thank you,  
 8 everybody. We will resume at 3:51 p.m.  
 9 And with that, we will go on to our action  
 10 items for the day, and we will try to follow  
 11 the process as best we can.  
 12 So, Secretary Monahan, why don't we get  
 13 started here.  
 14 BOARD MEMBER MONAHAN: Thank you,  
 15 Mr. Chair.  
 16 I would like to move the first item for  
 17 this project, being the zoning exception, with  
 18 the staff recommendations as follows: Based on  
 19 the foregoing criteria, Pages 2 through 4 of  
 20 the staff report, the Downtown Development  
 21 Review Board staff supports approval of the  
 22 special exception sought subject to the  
 23 conditions for final develop- -- Development  
 24 Review Board approval and deviations whose  
 25 conditions for approval are incorporated herein  
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1 our future residents that live downtown, so  
 2 thank you.  
 3 THE CHAIRMAN: Thank you, Mr. Schilling.  
 4 And I also just want to remind the board,  
 5 that since we have so much information in front  
 6 of us, for the next several minutes, feel free,  
 7 if you have any questions either of staff or  
 8 the applicant that you need to ask, we can also  
 9 do that.  
 10 Ms. Berling.  
 11 BOARD MEMBER BERLING: I would echo Member  
 12 Schilling's sentiment, and I appreciate  
 13 Adrienne Burke, (inaudible), her public  
 14 comment.  
 15 I would have to agree, though, in addition  
 16 to meeting with the letter of the law, I think  
 17 a special exemption in this case goes further  
 18 into the spirit. We could technically put  
 19 residential on this space and that would tick a  
 20 box, but that would be the wrong use in this  
 21 position, so, yeah, I -- I appreciate all the  
 22 commentary, but -- but I'd have to agree that,  
 23 in this case, it seems fitting for this lot.  
 24 THE CHAIRMAN: Thank you, Ms. Berling.  
 25 Mr. Jones.  
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1 BOARD MEMBER JONES: Yeah, I agree, but  
 2 for different reasons. I just think use-based  
 3 zoning is really kind of antiquated in a  
 4 downtown, so I'm less concerned about the use  
 5 in -- in this context for exception purposes or  
 6 zoning purposes.  
 7 THE CHAIRMAN: Vice Chair Ott.  
 8 BOARD MEMBER OTT: If I could have said  
 9 what Fred did, I would.  
 10 I remain supportive of the use of a gas  
 11 station. I remain supportive of the use of a  
 12 brewery on this site.  
 13 THE CHAIRMAN: Secretary Monahan.  
 14 BOARD MEMBER MONAHAN: Thank you,  
 15 Mr. Chair.  
 16 Not to opine anything that's already been  
 17 said, I -- I tend to agree as well. Yeah,  
 18 the -- the presentation of these uses adds  
 19 something to this neighborhood that in the  
 20 neighborhood does not currently exist. I think  
 21 that's a positive.  
 22 THE CHAIRMAN: Mr. Loretta.  
 23 BOARD MEMBER LORETTA: I have no further  
 24 comments than what has been shared with the  
 25 board.

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1 THE CHAIRMAN: All right. Thank you.  
 2 And the only thing I'll add, unlike some  
 3 requests for exceptions that come before us,  
 4 this one is very clearly something that the  
 5 City, both at the DIA administration level as  
 6 well as the City Council, thoroughly evaluated  
 7 and adopted back in the 2019 downtown Code  
 8 changes with this kind of project, I think,  
 9 directly in mind. So I do think, for all the  
 10 reasons my colleagues said, this is an  
 11 appropriate exception and set of uses.  
 12 And I'll also add that I wouldn't  
 13 encourage the public to derive that an approval  
 14 for something like this today means that this  
 15 is something they should expect to see  
 16 consistently going forward. I think this is  
 17 few and far between, and this is an appropriate  
 18 use of -- of our power to grant an exception.  
 19 So with that, if there are no other board  
 20 comments, let's go ahead and bring it to a  
 21 vote.  
 22 All those in favor of the zoning exception  
 23 piece of this project, please say aye.  
 24 BOARD MEMBERS: Aye.  
 25 THE CHAIRMAN: Sorry. Ms. Grandin.

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1 MS. GRANDIN: Does it go along with the  
 2 conditions that the staff -- I think that was  
 3 part of the motion, right?  
 4 THE CHAIRMAN: It was, yes.  
 5 MS. GRANDIN: Okay. Thank you.  
 6 THE CHAIRMAN: Thank you for the  
 7 clarification.  
 8 All those in favor, please say aye.  
 9 BOARD MEMBERS: Aye.  
 10 THE CHAIRMAN: Any opposed?  
 11 BOARD MEMBERS: (No response.)  
 12 THE CHAIRMAN: All right. By your action,  
 13 show that the zoning exception has been  
 14 granted.  
 15 And let's move on to action item 2, which  
 16 now we're getting into the deviations. And  
 17 I'll ask the secretary to move the item.  
 18 And then, Mr. Parola, you said that  
 19 we'll -- we'll kind of start over and go one by  
 20 one through these. I'll sort of defer to you  
 21 on how you envision handling that, or we could  
 22 just start with board discussion and go from  
 23 there.  
 24 MR. PAROLA: To the Chair, I envision  
 25 exactly what we're doing. We would, again, put

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1 this on the slide. Everybody can see it,  
 2 everybody's clear on the action that's in front  
 3 of you, and you have your discussion or ask us  
 4 questions or ask the applicant questions.  
 5 THE CHAIRMAN: Fantastic.  
 6 BOARD MEMBER MONAHAN: Mr. Chair, move the  
 7 item, deviation 1, build-to line to include  
 8 staff's recommendations as follows: Deviation  
 9 from Section 656.361.6.2.A.2, (a), (b), (d),  
 10 (g), (k) and (l), build-to lines only to the  
 11 extent that is illustrated on the  
 12 site/streetscape plans dated July 6, 2023,  
 13 Exhibit A, and subject to the following  
 14 condition: Broad and Bay Street intersections  
 15 shall be an active node; remaining corners may  
 16 deviate from the requirements.  
 17 THE CHAIRMAN: Okay. There's been a  
 18 motion. Is there a second?  
 19 BOARD MEMBER SCHILLING: Second.  
 20 THE CHAIRMAN: And a second.  
 21 Okay. Let's move on to board discussion  
 22 on this item.  
 23 And, Mr. Loretta, why don't we start with  
 24 you this time.  
 25 BOARD MEMBER LORETTA: All right. I'd

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1 like to make some recommendations, in addition  
2 to what has been stated, for me to feel  
3 comfortable for approval.

4 However, I see, Mr. Parola, a few items  
5 here as basically discussed -- urban open  
6 space -- would driveways and driveway widths be  
7 appropriate at this time or would it be more  
8 appropriate at the final approval time?

9 MR. PAROLA: Through the Chair, I don't  
10 know if I understand the question.

11 BOARD MEMBER LORETTA: So -- so -- I don't  
12 know. I've got, like, a list of eight, nine,  
13 ten items here that, if we can maybe figure out  
14 how to add them as additional conditions, then  
15 I could see possibly getting through final  
16 approval by myself through the rest of the day.  
17 And some of them may be stating the fact that  
18 driveways are a maximum of 32 feet in width.  
19 And so that example right there, would that be  
20 appropriate at this time or a later time?

21 MR. PAROLA: Through the Chair, that's  
22 more appropriate at final.

23 BOARD MEMBER LORETTA: Okay. Thank you.

24 So in regards to that -- and we're talking  
25 about build-to line -- and, again -- I guess,  
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1 Mr. Parola, let me know if these are  
2 appropriate for a later time or whatnot.

3 I would like to request a minimum of  
4 12-foot pavement surrounding the entire  
5 property along -- then with a 10-foot landscape  
6 buffer, other than one adjacent to the  
7 commercial building.

8 Next, I would like to see --

9 THE CHAIRMAN: I'm sorry. One second,  
10 Mr. Loretta.

11 Would it be helpful for the board -- could  
12 we get the site plan maybe in front of us on  
13 the screen, so as Board Member Loretta or  
14 anyone else talking it through, we can track  
15 it?

16 I apologize, Mr. Loretta.

17 BOARD MEMBER LORETTA: No problem.

18 And I'll maybe explain a little bit for  
19 everybody while I go through this, using my  
20 magnifying glass on my camera on my phone and  
21 trying to zoom into this tinny, little text  
22 here, right?

23 We've got -- let's say on the western  
24 edge, the sidewalk, 7 feet. And then we've got  
25 a 10-foot landscape buffer. But you can

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1 actually see that -- the drive aisle between  
2 the pumps and the parking on the east is  
3 30 feet wide. The drive aisle between the  
4 pumps and the parking on the west is around 50,  
5 60 feet wide. That's just extreme excess  
6 pavement there that could be enhanced and  
7 increased into additional pavement and/or  
8 landscape on the western edge. We're pretty  
9 darn close to the 12 feet sidewalk and 10 feet  
10 landscape everywhere else, and so that was  
11 where that condition was being requested.

12 The second is, enhancing the urban open  
13 space adjacent to the commercial establishment  
14 on Broad Street. And, basically, what that is,  
15 is you have kind of --

16 THE CHAIRMAN: Sorry. That one -- maybe  
17 we kick that to the urban open space deviation,  
18 if -- if we're talking about making changes to  
19 the urban open space contemplated on the site,  
20 would the deviation specific to that topic be  
21 the most appropriate place to discuss that?

22 BOARD MEMBER LORETTA: You're right. Bear  
23 with me. I'm sorry. I've got a lot of things  
24 written down here.

25 So I think primarily on this, the build-to  
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1 line, if we could have a consistent 12 feet  
2 wide pavement and 10 feet of landscape other  
3 than where the commercial building is, it seems  
4 very simple to accommodate that by the  
5 applicant. And that would be my request with  
6 this -- this comment here. I have no problem  
7 other than that.

8 Thank you.

9 THE CHAIRMAN: Okay. Thank you,  
10 Mr. Loretta.

11 And what I might ask, just for the sake of  
12 the process as we continue, is -- Mr. Loretta,  
13 thank you for stating that now. I think that's  
14 good so that the applicant can hear it and  
15 maybe consider it as we continue talking.

16 And then, each individual board member, if  
17 you have recommendations like that, please  
18 state it when your time comes, but then let's  
19 hold until the end of discussion on each item  
20 to then offer potentially as an amendment,  
21 which would be an additional condition added,  
22 if that makes sense.

23 Thank you, Mr. Loretta.

24 Secretary Monahan.

25 BOARD MEMBER MONAHAN: No comments.

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1 THE CHAIRMAN: And, by the way, Applicant,  
2 feel free -- if you're ready to respond at any  
3 point, feel free. Otherwise, maybe we can just  
4 wrap it all up at the end, if --

5 MR. GABRIEL: No, I think that's  
6 probably -- sorry. Yeah, I do think that --  
7 that would be better, probably wholesale right  
8 at the end. But if I could -- just so that we  
9 can contemplate -- and I appreciate the time  
10 for us to contemplate it. Can we repeat that  
11 again? You said 12 feet of pavement, 10 feet  
12 of landscaping where there's no building; is  
13 that what I heard?

14 BOARD MEMBER LORETTA: Yes. So other than  
15 driveways and where the building is located,  
16 12 feet of pavement and 10 feet of landscape.  
17 And so primarily the impact is on the western  
18 edge, which seems very simple, possibly a  
19 little bit of the northwestern corner, and --  
20 but it -- overall, it seems like you should be  
21 able to accomplish this.

22 The biggest issue that you probably have  
23 and that I have as well is your examples here  
24 are so tiny that you really need a magnifying  
25 glass to read it.

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1 THE CHAIRMAN: Secretary Monahan.  
2 BOARD MEMBER MONAHAN: No comments on this  
3 deviation, Mr. Chair.

4 THE CHAIRMAN: Okay. Vice Chair Ott.  
5 BOARD MEMBER OTT: Thank you, Mr. Chair.

6 So as we go through these deviations, I'm  
7 going to use Ordinance Chapter 656.361.22 to  
8 guide my commentary, which states, "The DDRB  
9 may authorize a deviation for many of the  
10 requirements of subpart H or the BID Plan if it  
11 makes a positive finding based on substantial,  
12 competent evidence of each of the following  
13 criteria." There are five criteria listed.  
14 And this is what I use to guide my evaluation  
15 of each of these deviations.

16 The first is whether there are practical  
17 or economic difficulties in carrying out the  
18 requirement. And as this property is mostly a  
19 blank slate, they had -- the applicant has the  
20 opportunity to address the build-to lines, so  
21 it would be invalid to claim practical or  
22 economic difficulties in satisfying this  
23 particular deviation.

24 The second one is reducing costs, if it  
25 would accomplish some result that is in the

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1 MS. GRANDIN: Mr. Chairman?

2 THE CHAIRMAN: Ms. Grandin.

3 MS. GRANDIN: I have a quick clarification  
4 question for Mr. Loretta.

5 So the 10 -- the 12 feet of pavement, you  
6 mean from back of curb, in toward the property,  
7 and then at the -- whatever that is, 10 feet  
8 inside the property from there?

9 BOARD MEMBER LORETTA: Yes. I'm just  
10 requesting that's, like, the minimum.

11 MS. GRANDIN: Okay.

12 BOARD MEMBER LORETTA: So if it's 15 feet  
13 of pavement, whatever at the southeast, 20 feet  
14 of pavement, that's great, but the minimum, you  
15 know, would be 12 feet of pavement -- I mean,  
16 that, I think, is really the required sidewalk  
17 width anyway for the LaVilla neighborhood is  
18 the minimum sidewalk width, so I don't know why  
19 that would be a qualm here.

20 You know, really the southern edge has  
21 got, basically, 11 feet 3, and then 10 feet.  
22 So, I mean, quite frankly, all we've got to do  
23 is adjust the pavement in by another 7 inches.  
24 It should not be that complicated.

25 MS. GRANDIN: Thank you.

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1 public interest. I don't see cost reduction as  
2 a valid argument, again, since it's a blank  
3 parcel, and also since urban open space is one  
4 of the deviations being sought and discussed.

5 Diminishing property values in the area  
6 surrounding, or injuring neighboring property  
7 rights. This build-to line  
8 conversation/deviation is creating -- which is  
9 also wrapped up in deviation number 5, which is  
10 the parking -- is creating an inactive, dead,  
11 void space in the fabric of our downtown, so I  
12 do see harm to neighboring property values. I  
13 do see harm in the future to the vitality of  
14 our downtown with respect to build-to lines.

15 The next one is detrimental to public  
16 health, safety or welfare. Again, I'm going to  
17 reference the -- this is kind of the same one,  
18 is the surface parking and the inactivity  
19 caused in the void space by not building to the  
20 build-to lines on three of the four streets.

21 And the last one is, proposed reduction  
22 furthers the -- sorry, proposed reduction or  
23 deviation furthers the objectives, policies,  
24 design and intentions of the BID Plan. And I  
25 do not believe by allowing a deviation of the

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1 build-to lines that it matches the spirit,  
 2 objective or intent of the BID Plan.  
 3 Specifically, with respect to build-to  
 4 lines, I was reading an article about the  
 5 responsibility of building to the street by  
 6 Tristan Cleveland. It's an nice read. And a  
 7 quote from this article is that,  
 8 "Fundamentally, cities are a collection of  
 9 three things; buildings, streets, and people.  
 10 If buildings fail to create streets where  
 11 people want to be, it makes it harder and less  
 12 enjoyable to participate in city life,  
 13 (inaudible), everything that depends on human  
 14 interaction, including economic growth."  
 15 Those are my comments on the build-to  
 16 deviation, number 1.  
 17 THE CHAIRMAN: Thank you, Vice Chair Ott.  
 18 Mr. Jones.  
 19 BOARD MEMBER JONES: Yes, Mr. Chair.  
 20 Yeah, I don't agree with any of the  
 21 deviations or don't support any of the  
 22 deviations for the build-to lines for some of  
 23 the reasons that fellow Board Member Ott just  
 24 articulated.  
 25 I think in many ways this is sort of a  
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1 self-imposed hardship throughout the site. So  
 2 from that standpoint -- I mean, I can go on  
 3 about theories of walkability and what is  
 4 really an indicator of what -- and it's not  
 5 just murals and things of that nature, so --  
 6 but, again, it just doesn't meet the litmus  
 7 test.  
 8 Thank you.  
 9 THE CHAIRMAN: Thank you, Mr. Jones.  
 10 Ms. Berling.  
 11 BOARD MEMBER BERLING: No additional  
 12 comment right now.  
 13 THE CHAIRMAN: Mr. Schilling.  
 14 BOARD MEMBER SCHILLING: Mr. Chairman, I'm  
 15 supportive of the deviation and -- and have no  
 16 further comments at this time.  
 17 THE CHAIRMAN: All right. Thank you,  
 18 Mr. Schilling.  
 19 I do have a question for the applicant.  
 20 And some of these probably go back to what we  
 21 heard from Mr. Ennis [sic] over the last  
 22 months, so I just want to give you all an  
 23 opportunity to kind of explain why some of the  
 24 changes that he requested either were not made  
 25 by choice or were not made by what you would  
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1 argue is necessity.  
 2 So to that end, I guess my question is --  
 3 or one of the things that Ennis recommended as  
 4 a means of creating more space on the site for  
 5 potentially a programmed corner at Broad and  
 6 Forsyth was to -- and this is directly related  
 7 to the build-to line -- was to actually shift  
 8 the corner building at Broad and Bay east and  
 9 then south a number of feet to bring it closer  
 10 to the build-to line, which would open up more  
 11 space elsewhere on the site. And I see that  
 12 the location of the building on this corner  
 13 hasn't changed at all. I don't know if that's  
 14 right or wrong, but I'm just asking, what was  
 15 the thought process there when you evaluated  
 16 the feasibility of doing that? And was there a  
 17 decision (inaudible) as to why you ended up  
 18 keeping it the same place?  
 19 MR. ELSBURY: Thank you, Mr. Chairman.  
 20 And then I'll let -- I'll let Jason speak  
 21 after I address it previously -- or briefly.  
 22 We did meet with Mr. Dennis -- or  
 23 Mr. Davis to talk about potential  
 24 opportunities, specifically on that -- Broad  
 25 and Forsyth. I know that he presented a couple  
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1 of different opportunities, really, to -- one  
 2 was the creation of an entirely different  
 3 development parcel, I think an ice cream store  
 4 or something like that.  
 5 And then, really, we tried to turn the  
 6 focus to something that reasonably fits within  
 7 the area that doesn't impact the business  
 8 operations too much. And that's kind of where  
 9 we hit a standstill, not from a disagreement  
 10 perspective, but really a -- an idea  
 11 perspective on what potentially could go there.  
 12 We do -- and it's probably prudent at the  
 13 end, for final approval. We do have a  
 14 condition that we want to discuss with you guys  
 15 about how we can ensure activation and  
 16 pedestrian involvement at that particular  
 17 location as well as other locations around the  
 18 building.  
 19 But, I mean, to address, generally -- and  
 20 I think I stated this a couple of months ago.  
 21 If the desire is for that specific use, both on  
 22 the fuel pump station side, the restaurant, the  
 23 brewery operation, the rooftop bar, the site  
 24 configuration is really an element of the use.  
 25 You -- there are only so many ways to design  
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1 and floor plan out the way this use works that  
2 does not severely impact or handicap our  
3 ability to actually run the operation.

4 And that's -- that's really where we are,  
5 and that's where the discussion with Ennis  
6 went, which was further altering the site plan.  
7 And his -- you know, his idea was squeeze a  
8 couple of feet here, squeeze a couple of feet  
9 there, shrink your parking spaces, do compact  
10 instead of full-size. Those -- you really  
11 impede the success of the business operation  
12 there. And, obviously, we need -- we need it  
13 to be successful so that they can stay there  
14 long-term.

15 THE CHAIRMAN: All right. It may be just  
16 something to think about as we -- as we get  
17 down the road on this because I know this also  
18 came up -- I can't remember if it was in  
19 Councilman Peluso's workshop or one of our  
20 prior discussions, but there was even an idea  
21 that, if you didn't shift the building at all,  
22 perhaps a piece of the Broad Street corridor,  
23 where the building is, could be programmed with  
24 outdoor seating or something of the like so  
25 it's not just a sidewalk with nothing as folks

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1 approach the building and patronize the  
2 establishment.

3 Feel free to speak on it.

4 MR. ELSBURY: Yeah, right now within the  
5 existing plan, what we would do at this site --  
6 we are already contemplating outdoor seating,  
7 where people could bring the food down and  
8 interact with pedestrians on the sidewalk. We  
9 are contemplating something as well on the  
10 Broad and Forsyth stuff to further activate it,  
11 but our current plans really already speak to  
12 outdoor dining, what have you, on the Broad  
13 Street section.

14 THE CHAIRMAN: Okay. And so, in general,  
15 I mean, I agree with the staff report on this.  
16 I'm supportive of this deviation, and I think a  
17 general theme for this one, and also the others  
18 as we go through them, at least for me as I was  
19 contemplating where to land on these, is that a  
20 lot of what we've been trying to do over the  
21 last number of months isn't necessarily  
22 eliminate the need for any deviations because I  
23 don't think many people would think it's  
24 realistic that we could do a use like this,  
25 with a zoning exception that we just approved,

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1 and not have deviations as part of that, just  
2 by design.

3 So I think the exercise has been, how do  
4 we effectively minimize the deviations in a way  
5 that, one, allows the establishment to flourish  
6 because I -- I don't think we can lose sight of  
7 that. Ultimately, this needs to be successful.  
8 But also get us as close as we can to some of  
9 the pedestrian activation elements and the  
10 other pieces of the design code that are very  
11 intentional about why those regulations are in  
12 place.

13 So I'll just say that. I mean, that --  
14 that sort of informed my thinking here, in  
15 addition to the staff recommendation, but  
16 I'm -- I'm supportive of this and I look  
17 forward to the board's continued conversation  
18 on this and the other deviations.

19 Are there any additional comments on this  
20 particular deviation?

21 BOARD MEMBERS: (No response.)

22 THE CHAIRMAN: And if not, I'll go back to  
23 Mr. Loretta because I know he had thought of --  
24 of the potential condition as an amendment,  
25 if -- if that's still something you want to

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1 entertain, then we can have the applicant  
2 respond to it if -- if they're ready.

3 BOARD MEMBER LORETTA: Yes. I mean, I  
4 feel like that's a condition that I'd like to  
5 request for me to approve this deviation.

6 And I understand -- you know, really I  
7 kind of aligned with what you just described --  
8 I mean, the end -- you know, the exception --  
9 we allow for this exception for a gas station  
10 to be built with -- whatever we want to call  
11 the mixed use. I'll give the fact that a  
12 restaurant allows for that, and -- and so the  
13 kicker of it is -- and, you know, unless we're  
14 going to have all the pumps under some sort of  
15 covered roof, we're going to end up with some  
16 form of site plan like this, and so I do think  
17 it is, again, similar to what you just said,  
18 Mr. Brockelman. We're going to have some form  
19 of deviations here.

20 THE CHAIRMAN: So I'll defer now to the  
21 applicant. If you've had a chance to discuss  
22 it -- again, some of this might not be things  
23 you can talk off the cuff on, but I think  
24 Mr. Loretta earlier outlined the idea of -- of  
25 shifting some of the parameters of -- of the

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1 pedestrian zone pavement and the landscaping  
2 zone, so I'll -- if you'd like to address that,  
3 I want to give you the opportunity before a  
4 potential motion is made on an amendment.

5 MR. GABRIEL: And, if I may, Mr. Chairman,  
6 is the -- just so I understand the process,  
7 these conditions that were -- are we going to  
8 take them up at the end or are we just trying  
9 to contemplate them now?

10 THE CHAIRMAN: So I'll -- I'll defer a  
11 little to Ms. Grandin on this. I think we can  
12 probably do it either way. I think the  
13 original intention, as we planned for this  
14 meeting at the staff level, was to do it -- a  
15 condition like that, since it's specific to the  
16 build-to, I believe, was to put it as part of  
17 this deviation. And then the final approval,  
18 once we get there, would include all of the  
19 conditions on each deviation as well as any  
20 general conditions.

21 MR. GABRIEL: And I appreciate the -- you  
22 know, obviously, the thoroughness in taking  
23 these one by one. I do -- you know, I think in  
24 talking to staff, they are going to relate it.  
25 You know, there's going to be overlap. I think

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1 based on, you know, the -- the competent,  
2 substantial evidence, et cetera, but that the  
3 granting of the deviation is also contingent  
4 upon the applicant satisfying conditions that  
5 are listed at final approval, which is --

6 It's sort of obvious, but the idea would  
7 be that on each deviation -- we could approve  
8 deviations, but maybe wait to add conditions to  
9 the end at final that would apply to one or  
10 more of the deviations as we go so we don't  
11 have to do this -- every deviation, there might  
12 be amendments, some of the amendments might be  
13 identical between deviations if they touch  
14 different deviations. Does that make sense?  
15 Just trying to clean up the process.

16 MS. GRANDIN: Mr. Chair, to answer your  
17 question, I think it's -- it's a matter of  
18 whether everybody can kind of keep it all held  
19 in their head. I'm going to be taking notes.  
20 I wrote down the suggested conditions that  
21 Mr. Loretta had, just to make sure that --

22 I -- I really don't see how it affects the  
23 other deviations, but there might be an  
24 instance where, you know, one of them does  
25 affect another one, but just -- just, in my

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1 as Ms. Ott pointed out as well, there's some  
2 elements in this one that you'll see in, you  
3 know, deviation number 5, for example.

4 And so I only say that by ways of -- none  
5 of these deviations are complete or -- or  
6 should I say wholesale. It's -- it -- we're  
7 looking at variations of each requirement  
8 because of trying to accommodate the reality  
9 and the operational functionality of the site,  
10 but --

11 But with that, give me a moment because  
12 that particular item that Mr. Loretta brought  
13 up, we -- we do need to verify it. We don't  
14 want to do something that will hamstring the  
15 whole project, obviously. And I'm not  
16 saying -- it may very well not, but we do want  
17 to verify that.

18 THE CHAIRMAN: Ms. Grandin, what -- do we  
19 have ability -- to that point -- and some of  
20 these items, as we go along, may require a  
21 little more thought from the applicant, and  
22 we're already asking a lot in real time for  
23 some of these things. Could we simply add  
24 language to the deviations as we go to add a  
25 line saying that we're granting this deviation

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1 mind, it would -- if it was me, I would want to  
2 do them one at a time and then have some things  
3 to offer at the end that might add or subtract  
4 something that you had, but it -- it really is  
5 up to you. It's not a legal question.

6 THE CHAIRMAN: Okay. And I'll -- maybe  
7 I'll -- why don't we try to do it that way, and  
8 I -- because I think Mr. Loretta has made it  
9 pretty clear that something like that, unless  
10 there's a substantial technical reason why it  
11 can't be achieved, is probably going to impact  
12 his vote on final. And so rather than having  
13 to, every single deviation, worry about, are we  
14 getting certain people's votes here or there,  
15 just understand that Mr. Loretta perhaps may be  
16 willing to approve this deviation right now,  
17 but in a number of minutes, when we get to  
18 final approval, if his condition is then added  
19 as an amendment isn't satisfied, that might  
20 change his vote on final approval. And if  
21 final approval gets voted down, it doesn't  
22 matter what the deviations look like because  
23 the whole application has been denied.

24 MR. PAROLA: Mr. Chairman, I'm sorry, I  
25 feel like we're taking individual action

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1 items -- and then if you have to reopen an  
2 action item, it has to be done by the  
3 prevailing -- there are these things that just  
4 are confusing to me. Staff would very much  
5 like to have the process we have right here.

6 If you have a condition, attach it to a  
7 deviation, and then go from there because  
8 you're establishing competent, substantial  
9 evidence -- I'm not the attorney here, but  
10 on -- on each and every deviation, and now  
11 you're approving it on a theoretical -- you  
12 know, this theory that you're going to adopt a  
13 condition somewhere down the line. And if they  
14 don't, then we're taking our vote away?

15 THE CHAIRMAN: That -- that makes sense to  
16 me. Then I would also ask -- because we had  
17 discussed earlier -- that on final approval,  
18 what if somebody else wants to offer a  
19 different condition that we should have  
20 addressed during the deviation? Because at  
21 that point, it's like the opportunity has  
22 passed. So I just want to make sure that the  
23 board has enough flexibility, as we work  
24 through the process, to both verbalize what  
25 they want to verbalize but not lose an

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1 and the applicant comes up and asks us to  
2 reconsider that deviation condition for  
3 whatever reason, then we can go through the  
4 reconsideration process.

5 But once we get to final approval, if --  
6 if you missed your window as a board member to  
7 offer a condition that relates to a deviation,  
8 just know that we've gone past that deviation  
9 and the only way we're doing that condition at  
10 that point is if we reopen consideration on  
11 that deviation.

12 MS. GRANDIN: That makes sense.

13 THE CHAIRMAN: Sorry. Was that -- are  
14 we -- are we following that?

15 MS. GRANDIN: Yes.

16 THE CHAIRMAN: Okay. All right.

17 BOARD MEMBER LORETTA: The only element,  
18 though, is there still may be some conditions  
19 people want to talk about that don't relate to  
20 deviations or --

21 THE CHAIRMAN: One hundred percent. And  
22 we will absolutely do that at final.

23 Okay. So, Mr. Loretta, I'll -- I'll turn  
24 the floor back over to you, and --

25 And, Applicant, if you want to opine now,  
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1 opportunity later in the process to do  
2 something as well.

3 MS. GRANDIN: So Mr. Chair -- through the  
4 Chair to Guy, what you're saying is you would  
5 like the board to take action on each deviation  
6 one at a time, which I think is what we were  
7 kind of going for, but what Chair Brockelman  
8 just said was also something we considered,  
9 that if -- if at the end of the day, for the  
10 final approval, if something needs to be  
11 changed in one of the deviations, I mean, would  
12 you not allow that or -- or do you think we  
13 should open it up for reconsideration, that  
14 particular deviation?

15 I mean, I -- I agree with you that it  
16 ought to be -- it -- just for me, it ought to  
17 be done one at a time, one deviation at a time,  
18 so we get all the conditions down for that  
19 deviation and then move on to the next one  
20 because I -- I see them as different, but --

21 THE CHAIRMAN: So why don't we do this:  
22 Let's do one at a time. We can consider  
23 Mr. Loretta's amendment condition as part of  
24 this deviation. If it gets adopted and if we  
25 then get to final down the road this afternoon

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1 you can do that, or wait until the end. But  
2 again, if you wait until the end and you're  
3 asking us to reopen consideration on something  
4 that might have already passed, that's going to  
5 be another hurdle.

6 BOARD MEMBER LORETTA: Okay. So for  
7 exception -- or deviation number 1, build-to  
8 line, I would like to make a condition that  
9 states, other than where adjacent to the -- to  
10 the proposed commercial building, a 12-foot  
11 minimum sidewalk from back of curb, followed by  
12 10-foot landscape buffer, is required. And  
13 then we'll add also "other than at the  
14 driveways" as well.

15 THE CHAIRMAN: So I'm trying to  
16 reference -- maybe, Ms. Grandin, you can help  
17 me with this. If we're trying to modify the  
18 deviation -- I'm looking through the (a), (b),  
19 (d), (g), (k), (l) -- the pieces in Code where  
20 this deviation would live, and which one we're  
21 trying to amend with what Mr. Loretta just  
22 mentioned.

23 MR. PAROLA: If I could, Mr. Chairman,  
24 because we referenced the site plan dated  
25 July 23, we're just going to change the site

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1 plan. And if it's voted on, we now have a site  
2 plan that's going to have 12-foot sidewalks and  
3 then a 10-foot landscape buffer. It's going to  
4 be agnostic to the driveway widths, which I  
5 understand you may want to address that at a  
6 later date. So no harm, no foul if those  
7 change. And it's not going to affect where the  
8 Daily's building is for the 96 feet that runs  
9 along Broad Street and for the 71-plus-or-minus  
10 feet that runs along Bay Street.

11 THE CHAIRMAN: All right. We can do that.  
12 Great.

13 Okay. To the applicant, before we discuss  
14 that amendment, do you have any reaction at  
15 this point on that?

16 MR. GABRIEL: I do think there's an  
17 operational reality on two of the sides that  
18 I'd like Mr. Ma to explain.

19 MR. MA: Yeah, so currently the sidewalk  
20 on -- on Jefferson Street is 7 feet, according  
21 to the site plan. And on the northwest corner  
22 of Forsyth -- not exactly sure where that is,  
23 but it's not 12 feet. So if we go 10 -- or  
24 12 feet sidewalk and then 10 feet landscape  
25 buffer, that will eat into our -- gosh, that's

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1 one, two -- 13 parking spaces. That would  
2 really eliminate those parking spaces. So that  
3 would really -- operationally, I believe that's  
4 not -- that's going to impact -- that's going  
5 to impact the business.

6 BOARD MEMBER LORETTA: Come on. I -- I'm  
7 trying to give faith that you're a good  
8 engineer. I've known you for 15-plus years,  
9 Buddy. I mean, we've got that pump island to  
10 the parking on the right. It's 30 feet there.

11 The pump island to the parking on the left is  
12 around 55 feet wide. You do not need that  
13 excessive volume of driveway space there. Your  
14 graphics -- if we were to bring back up your  
15 driveway graphic, you also don't need that.

16 So, I mean -- man, I mean, please help me  
17 today to continue to respect yourself and  
18 England-Thims & Miller.

19 MR. MA: I appreciate that, but the  
20 reality is that the -- you know, the truck  
21 route is really -- it's really trying not to  
22 impact the parking lot, and an additional  
23 5 feet or whatever, that's -- that really is  
24 going to eat up into the parking spaces that we  
25 have shown.

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1 BOARD MEMBER BERLING: Can we throw it up,  
2 the -- the image, since we have it?

3 THE CHAIRMAN: The northwest corner of the  
4 site plan?

5 BOARD MEMBER BERLING: No, the (off  
6 microphone).

7 THE CHAIRMAN: In the meantime -- so  
8 Mr. Loretta has stated that he -- I mean,  
9 that's an amendment that he's offered which  
10 would be a condition to deviation 1. Before we  
11 go any further, is there a second for that  
12 motion?

13 BOARD MEMBERS: (No response.)

14 THE CHAIRMAN: And if there's no second,  
15 then the motion dies.

16 BOARD MEMBER BERLING: Second adding the  
17 buffer, correct?

18 THE CHAIRMAN: The second would be to add  
19 a condition to this deviation as stated by  
20 Mr. Loretta, yeah, to -- to have --

21 BOARD MEMBER BERLING: I second.

22 THE CHAIRMAN: There's been a second.  
23 And behind us and on your screen is the  
24 traffic flow map.

25 So let's move on to board discussion on  
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1 the amendment.

2 Secretary Monahan.

3 Sorry. Mr. Parola.

4 MR. PAROLA: Thank you.

5 I just want to make sure I'm reading this  
6 right. Your parking spaces are measuring at  
7 20 feet deep?

8 MR. MA: Correct.

9 MR. PAROLA: Okay. So you could go to a  
10 parking space at 9 by 18, right? So you're --  
11 you've already gained 2 feet on the western  
12 side. Just bear with me on the map. And then  
13 go with the western side of the building,  
14 you've still got 20-foot length parking spaces  
15 there. So if you took those down to 9 by 18,  
16 you're now just missing -- I don't think  
17 you've -- missing anything now, because you've  
18 gained 4 feet and you only needed to gain 3,  
19 right, to get your -- or you needed to gain 5,  
20 so you're -- you're shy one foot, if the math  
21 is right.

22 MR. MA: Correct. The 9-by-18s are really  
23 minimum size. I mean, the -- the -- really,  
24 what I believe -- prefer parking spaces, as  
25 Publix uses as well, is 10 by 20. That's what

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1 we have shown here.  
 2 MR. PAROLA: Okay.  
 3 THE CHAIRMAN: Secretary Monahan.  
 4 BOARD MEMBER MONAHAN: (Inaudible.)  
 5 THE CHAIRMAN: Vice Chair Ott.  
 6 BOARD MEMBER OTT: Sorry. Are we --  
 7 THE CHAIRMAN: Sorry. We're in discussion  
 8 on the amendment to add a condition --  
 9 BOARD MEMBER OTT: So -- no.  
 10 THE CHAIRMAN: All right. Mr. Jones.  
 11 BOARD MEMBER JONES: I agree with that  
 12 amendment. It doesn't change my position on  
 13 the build-to lines as a whole, though.  
 14 THE CHAIRMAN: Ms. Berling.  
 15 BOARD MEMBER BERLING: No further  
 16 comments.  
 17 THE CHAIRMAN: Mr. Schilling.  
 18 BOARD MEMBER SCHILLING: Through the  
 19 Chair, a couple of questions for Board Member  
 20 Loretta. So -- so I follow it -- so the  
 21 12 foot would be the sidewalk width. And it  
 22 looks like the applicant has provided a 10-foot  
 23 landscape buffer. So it sounds like the -- so  
 24 it does not sound like that's anything  
 25 different. So you're -- you're asking to  
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1 maintain the buffer, and what we're really  
 2 talking about is increasing the width of the  
 3 sidewalk; is that -- that's correct?  
 4 BOARD MEMBER LORETTA: Yeah. Basically,  
 5 I'm just looking for 22 feet of sidewalk, then  
 6 landscape, before you get into internal  
 7 curbing.  
 8 BOARD MEMBER SCHILLING: Okay. And then  
 9 the 12 foot is being driven by a recommendation  
 10 for the LaVilla district; is that -- is that  
 11 where the recommendation is coming from? Or --  
 12 in your thinking of making the recommendation?  
 13 BOARD MEMBER LORETTA: I mean, in general,  
 14 I think that a majority of downtown has minimum  
 15 12-foot sidewalks, is -- is kind of the minimum  
 16 sidewalk width. I mean, you can get smaller if  
 17 necessary. I mean, again, you can see right  
 18 here, there's an excess of 50 feet of pavement  
 19 between the pump islands and the parking spaces  
 20 on the western side. There's 31 or 37 -- I  
 21 can't see the graphic very well -- on the  
 22 eastern side. And so, I mean -- you know, I'm  
 23 asking for 5 feet here. They can still keep  
 24 20-feet [sic] parking spaces.  
 25 BOARD MEMBER SCHILLING: No further  
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1 questions.  
 2 Thank you.  
 3 THE CHAIRMAN: Thank you, Mr. Schilling.  
 4 Mr. Loretta, just -- I mean, this is  
 5 going to seem like an obvious question.  
 6 Mr. Schilling kind of got to it. Is there --  
 7 so the integrity of the Code is, obviously,  
 8 important and should be important to all of us.  
 9 Is there a specific goal when -- when you think  
 10 about getting a larger sidewalk width at that  
 11 spot, is it -- is it just -- is it the general  
 12 idea of getting a wider sidewalk?  
 13 And kind of where I'm going with this is,  
 14 if we're going to ask for real-time changes  
 15 from the applicant, we can certainly do that,  
 16 but I want to make sure that we're doing it for  
 17 reasons that are sufficient. And I know that's  
 18 a subjective term, but I -- do you have a -- is  
 19 it really just based on the belief that the  
 20 sidewalk around the entire site should be at  
 21 least 12 feet, and that's just a pointed  
 22 principle for you?  
 23 BOARD MEMBER LORETTA: I mean, I think the  
 24 sidewalks within downtown Jacksonville should  
 25 be a minimum of 12 feet. I mean, you know, I'm  
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1 glad to choose not to make any of these  
 2 recommendations and turn everything down here  
 3 today. But if we want to try to accomplish  
 4 some semblance of approval at the end of the  
 5 day, then, regretfully, I'm going to request  
 6 some of these, you know, modifications.  
 7 THE CHAIRMAN: Secretary Monahan.  
 8 BOARD MEMBER MONAHAN: Thank you.  
 9 Through the Chair to staff, what is the  
 10 average sidewalk width in downtown?  
 11 MR. PAROLA: Through the Chair --  
 12 BOARD MEMBER MONAHAN: Ballpark --  
 13 ballpark figure.  
 14 MR. PAROLA: I couldn't begin to tell you.  
 15 We're four square miles that include Brooklyn,  
 16 LaVilla, the Southbank. I just don't know. I  
 17 mean, we really prefer 8 feet, but you've  
 18 really got to go and add 4 feet in amenity area  
 19 and then 2 feet to the frontage area. So now  
 20 you're looking at whatever that number is, 14.  
 21 But in all fairness to the applicant's  
 22 side of the equation, you're folding in, in the  
 23 frontage area and the amenity area, into their  
 24 10 feet. Mr. Loretta wants to accomplish a  
 25 12-foot minimum. It's hard for staff to say we  
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1 don't want 12-foot sidewalks. We just --  
 2 BOARD MEMBER MONAHAN: Thank you.  
 3 THE CHAIRMAN: So, Mr. Loretta, I'll just  
 4 ask sort of another question because Mr. Parola  
 5 made a good point. Typically, when we're  
 6 looking at these widths, it does include the  
 7 amenity area, et cetera. How -- is the  
 8 landscape portion here as important to you as  
 9 the sidewalk width, for example? I mean, if --  
 10 if they made the landscape thing a little bit  
 11 narrower but the sidewalk the full width or  
 12 incorporated more of an amenity zone, so to  
 13 speak -- because, typically, I don't think we  
 14 see a landscape zone. It's kind of built in to  
 15 the overall zone, the three-part zone that we  
 16 deal with, so ...

17 BOARD MEMBER LORETTA: So in downtown  
 18 streetscapes, you kind of have the amenity zone  
 19 and then the pedestrian zone. And the whole  
 20 reason for the amenity zone is basically to  
 21 keep people safe from vehicular traffic. Okay?  
 22 So that's why we have a 4-foot [sic] amenity  
 23 zone throughout downtown and then 8 feet.

24 All I'm really doing is trying to combine  
 25 those two and say let's make a 12-foot-wide  
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1 driveway here or walkway. I'm glad to continue  
 2 to keep a 4-foot amenity zone here and have no  
 3 plant material and have 4 feet of brick  
 4 pavement, and then 8 feet of sidewalk. You  
 5 know, it's -- it's the same thing, regardless.

6 I don't -- I guess in the grand scheme of  
 7 things, you know, 12 feet -- the first few feet  
 8 nobody's going to be walking because you have  
 9 high speeds of traffic adjacent to this. And  
 10 so --

11 I mean, hopefully, I'm giving you a good  
 12 enough answer. I just -- it's -- to me, this  
 13 is pretty basic urban design.

14 THE CHAIRMAN: No, you totally are, and  
 15 that's -- that's kind of why I asked, is if --  
 16 if that's the important piece -- because it  
 17 sounds like you honed in there on the safety  
 18 aspect too. If -- if -- for them, if they  
 19 said, we can cut into our landscape zone, we'll  
 20 give you a wide sidewalk and a -- with the  
 21 normal amenity zone, does that satisfy what  
 22 you're trying -- looking for, or is the  
 23 landscape zone also something that is just what  
 24 you want to keep constant?

25 BOARD MEMBER BERLING: Mr. -- can I ask a  
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1 question, Mr. Chairman? He proposed the -- a  
 2 contingency, correct? And we're kind of  
 3 pleading on the part of the applicant for why  
 4 we should modify his suggestion, or -- I mean,  
 5 is that what we're doing right now?

6 THE CHAIRMAN: No. I think what we're  
 7 doing is -- this is a very atypical project.  
 8 And typically -- and staff and I have discussed  
 9 this for a while now. We wouldn't see a site  
 10 plan that has a pedestrian zone, a landscape  
 11 zone. It would be built into the zone that  
 12 Mr. Loretta just outlined.

13 And so I think what we're trying to do is  
 14 accomplish multiple goals here at once because  
 15 I think what we're hearing is -- simultaneously  
 16 a DDRB board member saying, if I don't get  
 17 this, I won't -- I may not support the project.  
 18 But we're also hearing the applicant saying,  
 19 this is an operational nonreality. And is  
 20 there a way to solve that where both sides get  
 21 what they need? And that's just the hazard of  
 22 negotiating in real time in a board meeting,  
 23 but, frankly, it's part of the public process.

24 BOARD MEMBER BERLING: But to the safety  
 25 aspect of it, on the applicant's piece, I think  
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1 we just saw the map to see that it is doable,  
 2 so that negates that argument, so now we're  
 3 back to Mr. Loretta's contingent -- that  
 4 contingency, right, in order to support it? So  
 5 aren't we closer to just voting on it?

6 BOARD MEMBER LORETTA: And I guess -- I  
 7 mean, the difference -- the difference between  
 8 this and other projects is, you do have a  
 9 landscape requirement when it's parking  
 10 adjacent. And so we actually do have a  
 11 landscape requirement here, and so it is -- it  
 12 is different. It's not as though this is just  
 13 I'm making some requested claim or so forth.  
 14 So they would still have a required -- a  
 15 landscape buffer between the parking and any  
 16 sidewalk, and that would have had to have been  
 17 through a deviation.

18 So, quite frankly, what staff did was very  
 19 generous, I think, to them, which was giving  
 20 them the fact that pushing the landscape on the  
 21 back side -- and, you know, I mean, we're  
 22 cutting hairs. I mean, could it make -- be  
 23 10 and 8 feet? Could it be 10 and 10 feet?  
 24 All sorts of stuff, but I guess my preference  
 25 would be 12 feet and 10 feet.

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1 THE CHAIRMAN: Yeah. Well, I'll tell you  
 2 what, I'm going to support your motion and  
 3 we'll just -- we'll go from there.  
 4 So any additional board comment?  
 5 BOARD MEMBERS: (No response.)  
 6 THE CHAIRMAN: And if not, all those in  
 7 favor of Mr. Loretta's amendment, please say  
 8 aye.  
 9 BOARD MEMBERS: Aye.  
 10 THE CHAIRMAN: Any opposed?  
 11 BOARD MEMBERS: (No response.)  
 12 THE CHAIRMAN: Show the amendment adopted.  
 13 We're back on deviation 1, inclusive of  
 14 Mr. Loretta's amendment.  
 15 If there are any additional comments on  
 16 deviation 1, we can hear that now. Otherwise,  
 17 the item has been moved and seconded, and we  
 18 can take it to a vote.  
 19 BOARD MEMBERS: (No response.)  
 20 THE CHAIRMAN: All right. All those in  
 21 favor of approval for deviation 1 as amended,  
 22 please say aye.  
 23 BOARD MEMBER LORETTA: Aye.  
 24 BOARD MEMBER MONAHAN: Aye.  
 25 BOARD MEMBER BERLING: Aye.

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1 Street; remaining frontage may deviate from  
 2 urban open space requirements.  
 3 THE CHAIRMAN: Thank you.  
 4 There's been a motion. Is there a second?  
 5 BOARD MEMBER SCHILLING: Second.  
 6 THE CHAIRMAN: And a second.  
 7 All right. Let's move on to board  
 8 discussion. Mr. Schilling, can we start with  
 9 you this time, please?  
 10 Sorry. Mr. Parola.  
 11 MR. PAROLA: Thank you.  
 12 Just so everyone is clear, so as we move  
 13 forward -- you've amended that site plan, so  
 14 just assume, in what you're saying, we're going  
 15 to amend the date on that site plan to reflect  
 16 today's date because we know -- okay?  
 17 THE CHAIRMAN: Yeah. Thank you,  
 18 Mr. Parola.  
 19 Mr. Schilling.  
 20 BOARD MEMBER SCHILLING: I don't have any  
 21 comments at this time.  
 22 Thank you.  
 23 THE CHAIRMAN: Ms. Berling.  
 24 BOARD MEMBER BERLING: No comments.  
 25 THE CHAIRMAN: Mr. Jones.

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1 BOARD MEMBER SCHILLING: Aye.  
 2 THE CHAIRMAN: Aye.  
 3 Any opposed?  
 4 BOARD MEMBER OTT: Nay.  
 5 BOARD MEMBER JONES: Nay.  
 6 THE CHAIRMAN: All right. Show two nays  
 7 and five yeas. The amendment is --  
 8 (Reporter clarification.)  
 9 THE CHAIRMAN: Sure. So voting in favor  
 10 of deviation 1, Mr. Loretta, Mr. Monahan,  
 11 myself, Ms. Berling, and Mr. Schilling. Voting  
 12 against were Ms. Ott and Mr. Jones.  
 13 THE REPORTER: Thank you.  
 14 THE CHAIRMAN: Sure.  
 15 Okay. Let's move on to deviation  
 16 number 2.  
 17 BOARD MEMBER MONAHAN: Move the item,  
 18 Mr. Chair, Deviation Number 2 being urban open  
 19 space with staff's recommendation as follows:  
 20 Deviation from Section 656.361.6.2.B.5, Urban  
 21 Open Space, only to the extent that is shown on  
 22 the site streetscape plan dated July 6, 2023,  
 23 Exhibit A, and subject to the following  
 24 condition: Semi-private urban open space shall  
 25 be provided at the corner of Bay and Broad

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1 BOARD MEMBER JONES: No comment.  
 2 THE CHAIRMAN: Vice Chair Ott.  
 3 BOARD MEMBER OTT: Mr. Chair, thank you.  
 4 Again, using Ordinance Chapter 656.361.22,  
 5 we talked about urban open space being tied in  
 6 with some of these other deviations,  
 7 specifically sub -- the -- criteria C. By not  
 8 meeting this requirement, future neighboring  
 9 projects are going to be negatively impacted,  
 10 thinking specifically about the activation that  
 11 will be in LaVilla for generations to come.  
 12 Urban open space is not merely  
 13 landscaping. It is not merely a bike lock. It  
 14 is not merely seating. It is not merely trash  
 15 cans or lighting. And the urban open space is  
 16 semiprivate provided, and I don't feel it  
 17 satisfies the five criteria that meet a  
 18 deviation.  
 19 Thank you.  
 20 THE CHAIRMAN: Thank you, Vice Chair Ott.  
 21 Secretary Monahan.  
 22 BOARD MEMBER MONAHAN: Thank you,  
 23 Mr. Chair.  
 24 Through the Chair to the applicant, you  
 25 mentioned the contemplation of some type of

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1 outdoor street-level seating. Can you explain  
 2 a little bit more about that? If it has been  
 3 contemplated further, exactly where?  
 4 (Mr. Globber approaches the podium.)  
 5 MR. GLOBER: Sure. So the southeast  
 6 corner of the property kind of has a little bit  
 7 of space, obviously, between the -- the main  
 8 building and the street. What we talked  
 9 about -- to the City about doing is not having  
 10 permanent dining and seating outside, but maybe  
 11 for such occasions like Oktoberfest, the  
 12 inevitable situation where the Jaguars win the  
 13 playoffs, we could activate that space, as well  
 14 as potentially some of the parking to the north  
 15 of the structure, and -- and kind of have room  
 16 to have outdoor festival-style celebrations  
 17 from time to time. So it wouldn't be something  
 18 that would be a permanent fixture, but it  
 19 would -- it would occur kind of around a -- an  
 20 event schedule.  
 21 BOARD MEMBER MONAHAN: Through the Chair,  
 22 thank you. Through the Chair to the applicant,  
 23 would you at all be amenable to making it  
 24 permanent? I think that's really important to  
 25 street-level activation. And I tend to agree

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1 with Vice Chair Ott. There's not a lot of that  
 2 happening here, and I -- I'd really like to see  
 3 permanent outdoor seating.  
 4 MR. GLOBER: So when it -- we're  
 5 specifically talking about the southeast corner  
 6 of the property?  
 7 BOARD MEMBER MONAHAN: (No audible  
 8 response.)  
 9 MR. GLOBER: And "permanent" would mean  
 10 that the seating and chairs would be fixed  
 11 permanently outside?  
 12 BOARD MEMBER MONAHAN: Maybe not fixed,  
 13 but they could be tables and chairs that could  
 14 move, but they would remain there most of  
 15 the --  
 16 MR. GLOBER: During operating hours --  
 17 BOARD MEMBER MONAHAN: Correct.  
 18 MR. GLOBER: -- or something like that?  
 19 BOARD MEMBER MONAHAN: So if it -- if  
 20 someone were to decide they want to sit  
 21 outside, they had the option to.  
 22 MR. GLOBER: Sure. I'm not sure -- you  
 23 guys make the conditions, but -- I'm not sure  
 24 how you would exactly word that, but we're not  
 25 opposed to adding outdoor seating when it's

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1 the -- appropriate for the Bold City Brewery.  
 2 BOARD MEMBER MONAHAN: Mr. Gabriel --  
 3 Mr. Parola maybe needs to be recognized.  
 4 THE CHAIRMAN: Mr. Parola.  
 5 MR. PAROLA: Thank you so much.  
 6 To the applicant, I just want to make sure  
 7 I'm understanding this. So you said during  
 8 operating hours. If you're a 24-hour facility,  
 9 did you want to tie that to a specific business  
 10 unit operating hours? That may not be 24 hours  
 11 a day. I don't know that we need seating at  
 12 3 a.m.  
 13 MR. GLOBER: Agreed. No, the -- the first  
 14 floor can be a store that operates 24 hours a  
 15 day. The second and third floor, Bold City  
 16 Brewery and restaurant, are going to have  
 17 different operating hours, so I'm -- I'm just  
 18 not sure how you would condition this, but --  
 19 but, you know, we -- as I said originally, we  
 20 intended not -- we intend on having that space  
 21 activated during certain times like Oktoberfest  
 22 and other -- and other events.  
 23 BOARD MEMBER MONAHAN: Thank you.  
 24 THE CHAIRMAN: Mr. Loretta.  
 25 BOARD MEMBER LORETTA: I guess I'd like to

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1 see a little bit more urban open space on the  
 2 eastern side of the building. You know, I feel  
 3 like we should capture 50 to 75 percent to  
 4 100 percent of it be all urban open space. I  
 5 mean, they could do this in so many different  
 6 ways. They could just put in large planters  
 7 and then have cafe tables.  
 8 And really, like -- Gary, to what you're  
 9 stating, all they really need to do is move  
 10 them into storage. The biggest issue is going  
 11 to be storage. I understand they may not want  
 12 to keep them out at night because of vandalism  
 13 and so on and so forth, so I'm --  
 14 So I would really love to make a condition  
 15 that states, you know, a little bit larger than  
 16 what they have right now, which is almost the  
 17 absolute minimum. And then --  
 18 You know, if you could zoom out, the  
 19 northeast and northwest corners of Forsyth and  
 20 Broad and Forsyth and then Jefferson, it's  
 21 like, if we could just chamfer the pavement --  
 22 I mean, my gosh, if we just chamfered the  
 23 pavement, like, you know, a 5-, 8-foot chamfer,  
 24 which would be of no impact to inside the  
 25 property or anything of that nature, it would

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1 then open up the -- the walkway width and  
 2 provide, you know, the tiniest amount of urban  
 3 open space and/or, you know, location for a  
 4 future art feature in those two, you know,  
 5 critical nodes for pedestrians going north to  
 6 the actual LaVilla development.  
 7 And so, I mean, I'd, you know, at a  
 8 minimum, love to kind of request that we all  
 9 consider that as a board.  
 10 Thank you.  
 11 THE CHAIRMAN: Thank you, Mr. Loretta.  
 12 I have no additional comments at this  
 13 time. So maybe I'll throw it back to you,  
 14 Mr. Loretta, if you do want to offer an  
 15 amendment --  
 16 MR. GABRIEL: Mr. Chair, I don't mean to  
 17 interrupt. And, obviously -- if I may?  
 18 THE CHAIRMAN: Uh-huh.  
 19 MR. GABRIEL: I only mention this because  
 20 now I've heard it for the third time, including  
 21 Mr. Loretta just now.  
 22 We were going to propose a condition at  
 23 the end which I thought was kind of a catchall  
 24 at the final approval stage that I think -- you  
 25 can hear it and decide for yourself -- will

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1 capture a lot of this in a way that -- where  
 2 we're not necessarily -- these are all good  
 3 points, obviously, and we're trying to,  
 4 obviously, in real time here, see if they work  
 5 with the operational functionality of this  
 6 property, but we do have a condition, I think,  
 7 will hopefully meet the balance -- and I don't  
 8 know if you want to go through that now -- that  
 9 might assuage some of these concerns, or we can  
 10 wait till the end, but I'll let you --  
 11 THE CHAIRMAN: If you think it's relative  
 12 to the discussion we're having, then please --  
 13 MR. GABRIEL: Yeah. And again, I think it  
 14 will hopefully speak to several of the items  
 15 I've heard, but -- and I'll share this. I've  
 16 got several printed, and I can share with the  
 17 dais over here, but this is the condition.  
 18 I'll just read it into the record. And again,  
 19 I thought it was maybe appropriate maybe toward  
 20 the end with the final approval, but --  
 21 "The developer shall work with DDRB staff,  
 22 the Cultural Council, and other downtown  
 23 stakeholders in activating the following  
 24 portions of the property as shown in the  
 25 attached site plan as an urban open space as

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1 that term is defined in the City code: The  
 2 West Forsyth, slash, Broad Street corner and  
 3 the West Bay Street, slash, Broad Street corner  
 4 of the subject property and the Pedestrian Zone  
 5 in between those two corner lots that are  
 6 parallel to Broad Street."  
 7 So again, I know I'm -- first time you're  
 8 hearing it. I'm happy to pass out the proposed  
 9 condition to all of you if you want to maybe  
 10 contemplate it, but I would hope and I'd submit  
 11 that that hopefully achieves -- again, urban  
 12 open space, as Ms. Ott, you know, put into the  
 13 record, is a defined term and it is expansive  
 14 on a few different items, not just grass and  
 15 things like that.  
 16 So anyway, for your consideration.  
 17 THE CHAIRMAN: I would -- my initial  
 18 reaction is that would probably be germane to  
 19 this discussion since it is specific to urban  
 20 open space and could be even a condition for --  
 21 for this item, but -- Mr. Loretta.  
 22 BOARD MEMBER LORETTA: No, I think that's  
 23 great. I just would ask, you know, are you  
 24 open to adding the northwest corner, which  
 25 would be the intersection of Forsyth and

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1 Jefferson Street?  
 2 And -- I mean, again, what I'm saying  
 3 is -- my intent -- just draw a little  
 4 chamfer -- if you know what a chamfer is --  
 5 with a, you know, straight line versus a radius  
 6 and just put, like, a 7-foot chamfer on it.  
 7 And you're truly only, you know, growing the  
 8 pavement by a few feet there, but what it would  
 9 do is really open up the pedestrian realm.  
 10 MR. GABRIEL: And we would be fine with  
 11 that. We'll add the third corner to that,  
 12 which would be the northwest corner of Forsyth  
 13 and Jefferson, active urban open space as  
 14 defined, and I think that hopefully strikes a  
 15 balance.  
 16 I'm going to pass this out, but,  
 17 obviously, with the idea that we include  
 18 that -- that third corner.  
 19 THE CHAIRMAN: So then what I might  
 20 suggest is, once we get copies of this,  
 21 Mr. Loretta, since it was your original intent,  
 22 if it -- if you're comfortable with it, if it  
 23 serves the purpose you were seeking, perhaps  
 24 you could offer that, but I'll leave that to  
 25 you.

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1 BOARD MEMBER LORETTA: And I'm sorry, if I  
2 could ask Mr. Parola or, I guess, the rest of  
3 the board -- I mean, one of the other things I  
4 was hoping to see maybe -- so they did  
5 reference the development to the west, and it  
6 had their -- their 6-foot fencing. The 6-foot  
7 fencing to the west is at least book-end by  
8 brick columns that are about 7 feet tall, you  
9 know, at the end of the fencing line and kind  
10 of defines a little bit more -- do we think  
11 that would be appropriate here at the urban  
12 open space, or is that more appropriate at a  
13 later date to talk about?

14 MR. PAROLA: Through the Chair, I mean,  
15 they're meeting -- they're meeting the Code.  
16 They're allowed to do either. They're allowed  
17 to do the 3 and then the 3 foot of faux wrought  
18 iron -- or wrought iron, and then they're  
19 allowed to do 6 foot, just -- the wrought iron.

20 I think, since you're -- you're creating  
21 20 feet around it, I don't know that staff has  
22 an opinion one way or the other to be honest  
23 with you.

24 BOARD MEMBER LORETTA: Okay. I'm -- I  
25 will (off microphone).

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1 So what I'll do is just read the -- the  
2 condition. Just give me one second and let me  
3 add one more corner here.

4 Okay. So the proposed condition for -- I  
5 want to say item -- Deviation Number 2, "The  
6 developer shall work with DDRB staff, the  
7 Cultural Counter" -- "Council, and other  
8 downtown stakeholders in activating the  
9 following portions of the property as shown in  
10 the attached site plan."

11 (Simultaneous speaking.)

12 MS. GRANDIN: You've got to go really  
13 slow.

14 BOARD MEMBER LORETTA: Yes, ma'am. I'm  
15 sorry. I thought it was written down so you'd  
16 have that.

17 Let me start over.

18 "The developer shall work with the DDRB  
19 staff and the Cultural Council and other  
20 downtown stakeholders in activating the  
21 following portions of the property as shown in  
22 the attached site plan as urban open space as  
23 that term is defined in City Code: The West  
24 Forsyth/Broad Street intersection, or corner,  
25 the West Bay Street/Broad Street corner, the

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1 West Forsyth and Jefferson Street corner of the  
2 subject properties and the Pedestrian Zones in  
3 between those two corners along Broad Street."

4 THE CHAIRMAN: Okay. There's been a  
5 condition added as an amendment -- or offered  
6 as an amendment by Mr. Loretta.

7 Is there a second?

8 BOARD MEMBER SCHILLING: Second.

9 THE CHAIRMAN: And there's been a second.

10 Any discussion on this proposed condition?

11 BOARD MEMBERS: (No response.)

12 THE CHAIRMAN: Seeing none, all those in  
13 favor, please say aye.

14 BOARD MEMBERS: Aye.

15 THE CHAIRMAN: Any opposed?

16 BOARD MEMBERS: (No response.)

17 THE CHAIRMAN: Show the amendment  
18 unanimously adopted.

19 We are back on deviation 2 as amended. Is  
20 there any additional discussion on deviation 2?

21 BOARD MEMBERS: (No response.)

22 THE CHAIRMAN: Seeing none, all those in  
23 favor of adopting -- or approving deviation 2  
24 as amended, please say aye.

25 BOARD MEMBER LORETTA: Aye.

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1 BOARD MEMBER MONAHAN: Aye.

2 BOARD MEMBER BERLING: Aye.

3 BOARD MEMBER SCHILLING: Aye.

4 THE CHAIRMAN: Aye.

5 Any opposed?

6 BOARD MEMBER OTT: Nay.

7 BOARD MEMBER JONES: Nay.

8 THE CHAIRMAN: All right. And I'll read

9 it for the record. Again in favor,  
10 Mr. Schilling, Ms. Berling, myself,  
11 Mr. Monahan, and Mr. Loretta. And opposed were  
12 Mr. Jones and Ms. Ott.

13 All right. Deviation number 3.

14 BOARD MEMBER MONAHAN: Mr. Chair, move  
15 item number 3 -- Deviation 3, excuse me,  
16 transparency with the staff recommendations as  
17 follows:

18 Deviation from Section 565.361.6.2.G.  
19 [sic], Transparency, only to the extent that  
20 it's illustrated on building elevation plans  
21 dated June 22, 2023, Exhibit B.

22 Glazing, where included as part of the  
23 transparency calculations for each facade,  
24 shall be as illustrated on the elevations dated  
25 June 22nd, 2023, Exhibit B, provided by the

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1 applicant for this final DDRB approval.  
 2 Along Bay and Broad Streets, glazing not  
 3 otherwise included within the transparency  
 4 calculation for the ground floor facades will  
 5 provide an illusion of depth either through  
 6 shadowbox or spandrel or other treatment as may  
 7 be approved by DIA staff providing that the  
 8 treatment [sic] sufficient to accomplish the  
 9 intent of this condition.  
 10 Minimum transparency along Bay and Broad  
 11 Streets shall be 22 percent and 23 percent,  
 12 respectively. All glazing above the first  
 13 floor shall provide a minimum visible light  
 14 transmittance of 60 percent.  
 15 A mural, living wall, or other equivalent  
 16 treatment will be placed along the Forsyth  
 17 Street elevation.  
 18 THE CHAIRMAN: Thank you, Mr. Monahan.  
 19 There's been a motion. Is there a second?  
 20 BOARD MEMBER SCHILLING: Second.  
 21 THE CHAIRMAN: Thank you, Mr. Schilling.  
 22 All right. Mr. Loretta, if we could start  
 23 with you, please, for discussion.  
 24 BOARD MEMBER LORETTA: I have no comments  
 25 on this one.

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1 can we fine-tune that a little bit? Like,  
 2 compromise, and -- and be more clear and  
 3 concise about what we're, like, offering?  
 4 Like, can we say X amount of feet and then  
 5 we'll have a living wall and then X amount of  
 6 feet will be mural, and just break it up a  
 7 little bit, because you're -- you're offering  
 8 both solutions. And since it's not fully  
 9 designed here, there's a possibility and a nice  
 10 potential to make it more living wall and turn  
 11 that corner nicely. And then I would have an  
 12 easier time getting past the fact that it's  
 13 just a big span of -- of potential mural.  
 14 MR. ELSBURY: Sure. And in speaking with  
 15 our client -- sorry, Jordan, through the Chair,  
 16 we -- in speaking with our client, we -- in  
 17 preparation for this -- the mural is our  
 18 initial proposal for you-all to consider, but a  
 19 hybrid, as much glass as you want there, as  
 20 much glazing --  
 21 BOARD MEMBER BERLING: (Off microphone.)  
 22 MR. ELSBURY: So like --  
 23 BOARD MEMBER BERLING: (Off microphone.)  
 24 (Simultaneous speaking.)  
 25 MS. GRANDIN: (Off microphone.)

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1 Thank you.  
 2 THE CHAIRMAN: Secretary Monahan.  
 3 BOARD MEMBER MONAHAN: No comments.  
 4 Thank you, Mr. Chair.  
 5 THE CHAIRMAN: Vice Chair Ott.  
 6 BOARD MEMBER OTT: Thank you, Mr. Chair.  
 7 Again, considering the five criteria that  
 8 would lead me to approve a deviation -- I'm  
 9 thinking back to my earlier discussion of eyes  
 10 on the street, safety at this particular  
 11 intersection. This is a relatively small  
 12 portion of the ground floor area that is going  
 13 to be actual transparent glazing. And I  
 14 understand the back of house constraints, but I  
 15 am not -- I'm not able to support a deviation  
 16 to this extent given the five criteria in  
 17 ordinance chapter [sic].  
 18 THE CHAIRMAN: Thank you, Vice Chair Ott.  
 19 Mr. Jones.  
 20 BOARD MEMBER JONES: No comment.  
 21 THE CHAIRMAN: Ms. Berling.  
 22 BOARD MEMBER BERLING: Can we dialogue  
 23 about this for a second, guys? I'm having a  
 24 hard time getting past this huge wall, painted.  
 25 And I know the deviation, it gives options. So

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1 MR. ELSBURY: So --  
 2 MS. GRANDIN: Microphone.  
 3 BOARD MEMBER BERLING: I was not a part of  
 4 the -- the last meeting where we, you know,  
 5 brainstormed some of this stuff, so I'm just  
 6 throwing it out there.  
 7 MR. ELSBURY: Yeah. I think, if you look  
 8 at one of the other sides of the building, it  
 9 contemplates a living wall. So to the extent  
 10 you-all can build consensus amongst your board,  
 11 some hybrid relative to glazing, mural, living  
 12 wall, we would -- you know, maybe the -- maybe  
 13 the restaurant has -- is glazed, or -- or we --  
 14 my point in saying that is it's really that  
 15 it's really the pleasure of the board how much  
 16 changes you would like on that rear wall.  
 17 BOARD MEMBER BERLING: So could -- could I  
 18 propose, then -- because I'm not sure how we  
 19 want to handle this, a percentage, like, a --  
 20 like, a basic percentage; like, X percent -- no  
 21 more than X percent will be a mural, and these  
 22 other two considerations have to have -- for  
 23 the rest of the space. Is that appropriate?  
 24 MR. ELSBURY: Yeah.  
 25 BOARD MEMBER BERLING: I'm kind of asking

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1 staff. So I guess I -- I'd like to add the  
2 contingency that no more than 50 percent be a  
3 mural and the remainder 50 percent be either  
4 all living wall or living wall in conjunction  
5 with some glazing, whether actual or the  
6 appearance of glazing, spandrel or what have --  
7 have you.

8 THE CHAIRMAN: Okay. Ms. Berling has  
9 offered a condition as an amendment that no  
10 more than 50 percent of that wall facing  
11 Forsyth Street should be a mural and the  
12 remainder would be either -- or some -- some  
13 combination of living wall and additional  
14 glazing.

15 MS. KELLY: May I -- sorry. Through the  
16 Chair, may I ask a quick question for  
17 clarification?

18 What do you -- again, just because staff  
19 will be reviewing these and things. Do you  
20 have a preference in terms of, like, location,  
21 second floor, third floor, north --

22 BOARD MEMBER BERLING: I was thinking  
23 verticality, right? Like, bands, vertical  
24 bands, like, kind of tied from the ground up  
25 and then would kind of draw you into that open

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1 transparency of any kind. I'm saying that this  
2 could be an added -- right?

3 You're adding a screen wall, if you will,  
4 that allows for growth and therefore -- and  
5 thereby it doesn't compromise the integrity of  
6 the interior. I did look at the interior of  
7 the space, just for -- for the record, I am a  
8 licensed architect.

9 MR. ELSBURY: Sure. Yeah, as long as the  
10 dictation on the alternative to the mirror --  
11 mural is not solely transparency.

12 BOARD MEMBER BERLING: (Off microphone.)

13 No, there is no requirement for  
14 transparency. That is (inaudible) --

15 MR. ELSBURY: Great.

16 BOARD MEMBER BERLING: (Off microphone.)

17 THE CHAIRMAN: So I think the intent  
18 was -- the intent is less transparency, more  
19 breaking up the large expanse of flat wall.

20 BOARD MEMBER BERLING: Thank you.

21 THE CHAIRMAN: Okay. There's been a  
22 motion. Is there a second to add this as an  
23 amendment to this condition?

24 BOARD MEMBER MONAHAN: Second.

25 THE CHAIRMAN: And there's a second.

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1 space, and then invite you into that open space  
2 and kind of activate that, so activate you from  
3 the ground floor up to the third floor and have  
4 that continuity is ...

5 MR. ELSBURY: Through the Chair to Board  
6 Member -- just something to contemplate is the  
7 interior and what's happening on the inside.

8 So this specific wall on the back side, if --  
9 on the second floor, that's -- there are  
10 bathrooms there. So when we think about  
11 going --

12 BOARD MEMBER BERLING: (Off microphone.)

13 Vertical. So you can have vertical. I  
14 didn't say (inaudible) --

15 THE CHAIRMAN: Ms. Berling, would you mind  
16 hitting the --

17 BOARD MEMBER BERLING: So my --

18 THE CHAIRMAN: -- button? Thanks.

19 BOARD MEMBER BERLING: So my solution  
20 doesn't require that you have any penetration  
21 into your wall. I understand back of house.

22 And so if 50 percent of it is the mural and the  
23 other 50 percent is a living wall, that is a --  
24 an application onto a wall that could be -- and  
25 completely opaque. So I'm not requiring

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1 Any discussion on the amendment?

2 Mr. Schilling.

3 BOARD MEMBER SCHILLING: Thank you,  
4 Mr. Chairman.

5 And as a question of clarification -- so  
6 the mural area that is currently shown is not  
7 the entire north side of the building. So is  
8 the motion specifically the 50 percent of the  
9 panel area that they're currently showing would  
10 be mural and 50 percent some other item or --  
11 just wanted to clarify that. I'm assuming it's  
12 not 50 percent of the entire north end of the  
13 building.

14 BOARD MEMBER BERLING: It is not. It is  
15 just in that singular plane, so where the  
16 building stops is not included in that.

17 THE CHAIRMAN: Okay. Any additional  
18 comments from the board on the amendment?

19 BOARD MEMBERS: (No response.)

20 THE CHAIRMAN: Seeing none, all those in  
21 favor of the amendment, please say aye.

22 BOARD MEMBERS: Aye.

23 THE CHAIRMAN: Any opposed?

24 BOARD MEMBERS: (No response.)

25 THE CHAIRMAN: Show the amendment adopted.

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1 We're back on Deviation 3 as amended. Any  
 2 additional comments on Deviation 3?  
 3 BOARD MEMBERS: (No response.)  
 4 THE CHAIRMAN: Seeing none, all those in  
 5 favor of approving Deviation 3 as amended,  
 6 please say aye.  
 7 BOARD MEMBER LORETTA: Aye.  
 8 BOARD MEMBER MONAHAN: Aye.  
 9 BOARD MEMBER BERLING: Aye.  
 10 BOARD MEMBER SCHILLING: Aye.  
 11 BOARD MEMBER JONES: Aye.  
 12 THE CHAIRMAN: Aye.  
 13 Any opposed?  
 14 BOARD MEMBER OTT: Nay.  
 15 THE CHAIRMAN: And let the record reflect  
 16 that in favor was Mr. Schilling, Ms. Berling --  
 17 Mr. Jones, I believe you were in favor of this  
 18 one?  
 19 BOARD MEMBER JONES: (Nods head.)  
 20 THE CHAIRMAN: Myself, Mr. Monahan, and  
 21 Mr. Loretta, with Ms. Ott as a dissenting.  
 22 All right. Let's move on to deviation 4.  
 23 BOARD MEMBER MONAHAN: Mr. Chair, move  
 24 item -- move the item -- deviation 4, parking,  
 25 with staff recommendations as follows:  
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1 Deviation from Section 656.361.6.2.K.1(d), (e);  
 2 and Section 565.361.6.2.K.3(b)(2) [sic],  
 3 Parking, only to the extent that it is shown on  
 4 the site/streetscape plans dated July 6th,  
 5 2023, Exhibit A, and subject to the following  
 6 condition: Number of parking spaces not to  
 7 exceed 45. Parking shall be located as shown  
 8 on the site plan dated July 6th, 2023,  
 9 Exhibit A.  
 10 THE CHAIRMAN: Thank you, Mr. Monahan.  
 11 Mr. Parola.  
 12 MR. PAROLA: Again, just for the record,  
 13 that date in both places is going to change to  
 14 today's date.  
 15 THE CHAIRMAN: Yes. Thank you for the  
 16 reminder on that.  
 17 There's been a motion. Is there a second?  
 18 BOARD MEMBER SCHILLING: Mr. Chairman,  
 19 just real quickly -- and Board Member Monahan,  
 20 I -- there was one more staff condition, that  
 21 parking shall be screened consistent with Code  
 22 requirements. I'm assuming you will -- would  
 23 like that to be a part of the motion?  
 24 BOARD MEMBER MONAHAN: Yeah, it's not -- I  
 25 don't have that, but yes.  
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1 BOARD MEMBER SCHILLING: So on the sheet  
 2 of paper that Mr. Parola passed out, it said,  
 3 "Parking shall be screened consistent with Code  
 4 requirements."  
 5 BOARD MEMBER MONAHAN: I would like to  
 6 include that as well.  
 7 BOARD MEMBER SCHILLING: Second.  
 8 THE CHAIRMAN: Thank you, Mr. Schilling,  
 9 for the second and the clarification.  
 10 All right. Let's move on to board  
 11 discussion.  
 12 And, Mr. Schilling, can we start with you?  
 13 BOARD MEMBER SCHILLING: I'm in support of  
 14 this deviation and have no further comments.  
 15 THE CHAIRMAN: Ms. Berling.  
 16 BOARD MEMBER BERLING: I echo  
 17 Mr. Schilling's sentiments.  
 18 THE CHAIRMAN: Mr. Jones.  
 19 BOARD MEMBER JONES: No comment.  
 20 THE CHAIRMAN: Vice Chair Ott.  
 21 BOARD MEMBER OTT: Thank you,  
 22 Mr. Chairman.  
 23 The design of this project feels pretty  
 24 suburban, as noted by most of the community  
 25 feedback, largely in part because of the large  
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1 amount of surface parking. We have a lot of  
 2 surface parking in downtown as it is, and I  
 3 would like to see less of it.  
 4 Combined with the meager amount of  
 5 semiprivate open space -- which urban open  
 6 space is supposed to be provided as a condition  
 7 of more surface parking, which we've already  
 8 addressed. I -- I cannot support this  
 9 deviation. I'll leave it there.  
 10 THE CHAIRMAN: Thank you, Vice Chair Ott.  
 11 Secretary Monahan.  
 12 BOARD MEMBER MONAHAN: Thank you,  
 13 Mr. Chair.  
 14 Through the Chair to the applicant, can  
 15 you explain why you need so much parking on the  
 16 site? I mean, I know we -- we've kind of been  
 17 through this before, but an explanation as to  
 18 why this many spaces is what you're asking for.  
 19 MR. ELSBURY: Through the Chair to Board  
 20 Member Monahan -- and I can have the engineers  
 21 engineer it, but just from a practicality  
 22 standpoint, I'll -- I'll bring that up first.  
 23 There's really two things I'd like to address.  
 24 Our business partner in this endeavor,  
 25 Bold City Brewing, are going to operate an  
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1 on-site brewing location, taproom, and a  
2 full-scale restaurant. They, obviously, have  
3 the location over in Riverside, and they dipped  
4 their toe in -- on Bay Street for a downtown  
5 location. That site is closing, and it's not  
6 because the brewing operation -- or they have  
7 bad beer or anything. It's foot traffic and  
8 parking concerns. There are single-digit days  
9 in a year where that business does well. And  
10 if you talk to those that are working in the  
11 establishment, the number one complaint is lack  
12 of parking. And while I think we all  
13 understand how much parking there is downtown,  
14 consumer behavior matters most when we're  
15 trying to operate a successful business.

16 The other thing I'll say -- and we -- we  
17 workshopped this with our client a little bit  
18 yesterday. The parking, I guess, on the  
19 Forsyth and Broad area, that kind of  
20 rectangular cube, I think -- to piggyback on  
21 what Max said earlier about ongoing commitment  
22 to the pedestrian activity, we foresee multiple  
23 times a year where we would contemplate closing  
24 that section of the parking lot to vehicular  
25 traffic for events that we could plan.

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1 So, for example, obviously, that entrance  
2 off Broad is where our trucks come in and out  
3 of. But if we know we're having a Jaguars  
4 playoff game party or we're having Oktoberfest,  
5 we can put bollards there, close that off so  
6 you don't have any traffic ingress and  
7 egressing, shut that corner of the parking lot,  
8 and create an opportunity for people to come  
9 off of the pedestrian sidewalk, right onto the  
10 development, and have bands, food trucks,  
11 et cetera, out there for open-to-the-public  
12 parties, so --

13 The gentleman that has purchased the place  
14 in Johnson Commons -- this is just another  
15 programmable venue, if you will. That cube of  
16 parking is where we would probably concentrate  
17 that and close off the vehicular activity in  
18 and out of it multiple times a year.

19 THE CHAIRMAN: Mr. Loretta.

20 BOARD MEMBER LORETTA: I had no comments  
21 until you just made that -- would you be open  
22 to, then, making that northeastern corner, you  
23 know, out of brick pavers or concrete pavers or  
24 something, enhance the pavement?

25 The only downside is -- I do understand

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1 you're having your truck -- your gas tanker  
2 drive through there, but at least it would be  
3 open to enhancing the pavement in that section  
4 based on what you just described.

5 MR. ELSBURY: Stand by, please.

6 THE CHAIRMAN: I'll give them a moment to  
7 confer on that.

8 Joe, while we wait for an answer to that,  
9 any other discussion points?

10 BOARD MEMBER LORETTA: No, I have nothing  
11 further on this parking-related deviation.

12 THE CHAIRMAN: Thank you.

13 Mr. Jones, we'll go back to you while  
14 we -- unless, Mr. Elsbury, are you all ready to  
15 opine? Would you like a couple of moments  
16 there?

17 MR. ELSBURY: I think we're prepared to  
18 opine. And I'll let Max jump over my shoulder  
19 if I say something that's changed in the last  
20 couple of seconds.

21 I think we -- generally, we're okay with  
22 the concept, like -- but I think we would want  
23 to quantify it, not as the whole area being  
24 brick paved, but maybe incorporate as a  
25 condition that we're going to do some amount of

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1 brick paver features so that if we need to  
2 contemplate the trucks going in and out of  
3 there so they're not consistently tearing up  
4 one -- one particular area, maybe it's where  
5 the parking spaces are --

6 BOARD MEMBER LORETTA: I mean, if I may,  
7 I -- I hate that -- actually, I mean, this is  
8 not anything I really want to die on the vine  
9 on, so it's, like, this would be kind of a cool  
10 element based on what you guys were describing  
11 that you're wanting to use for the future. So  
12 I just -- I'd almost make it a recommendation,  
13 unless the rest of the group wants to say  
14 anything, but I do see Fred Jones making a  
15 statement or wanting to talk.

16 THE CHAIRMAN: Mr. Jones.

17 BOARD MEMBER JONES: Yeah. And again, it  
18 has nothing really to do with that, but just  
19 the overall parking count. What's the time on  
20 the two-way on Forsyth Street? Because,  
21 obviously, once we two-way Forsyth Street, we  
22 will probably be gaining -- dimensionally, I --  
23 I could see 20 to 24 additional spaces of  
24 on-street parking right adjacent to this  
25 parcel, which would be a -- you know, an added

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1 benefit, presumably, to this and the other  
2 businesses that would open around there.

3 So the more that we get into the two-way  
4 and -- we'd be able to gain on-street parking  
5 and safety benefits as well for the pedestrians  
6 as a buffer. Just wanting to know what's  
7 our -- maybe our timetable on that.

8 MR. PAROLA: Through the Chair --

9 BOARD MEMBER JONES: (Inaudible.)

10 MR. PAROLA: Through the Chair, we're  
11 going to process a purchase order change and  
12 get them -- get them under contract, so we've  
13 got -- I don't know, let's call it the next six  
14 to eight weeks, hopefully, we start digging.

15 I'm going to be honest with you. I do not  
16 know how many spaces we'll gain. The  
17 right-of-way widths downtown are fun, so --

18 And if I could just speak to Mr. Lor- --  
19 to Joe's -- we heard you. Since we're doing  
20 urban open space, we've got to work on it  
21 anyway. Can you just leave that -- we can talk  
22 about the design elements to it and go from  
23 there.

24 BOARD MEMBER LORETTA: Yeah, I -- I don't  
25 think that needs to be a condition. I just --

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1 spaces. However, in the future, as that  
2 two-way happens, if additional spaces -- let's  
3 call it -- let's just make it fun and call it  
4 ten spaces are created there -- there are ten  
5 spaces right now on the northeast corner of  
6 Forsyth. If there was a way that the City and  
7 the applicant in the future had an opportunity  
8 for a P3 to incorporate those on-street parking  
9 spaces, should they end up existing, it seems  
10 to me that would solve our problem at Forsyth  
11 and Broad in totality because you can take  
12 those ten spaces and fully integrate it into  
13 that corner.

14 Again, I don't think we have the certainty  
15 to say that now, but perhaps there's a  
16 condition to say -- and a -- at the conclusion  
17 of the two-way project, can that trigger a  
18 future discussion by DDRB and the DIA?

19 MR. PAROLA: To the Chair, I understand  
20 what you're saying. And I understand the  
21 conversation you and I have had before. That  
22 conversation occurred prior to the agreement  
23 and the amended condition on urban open space,  
24 to put it in that corner. Our discussion  
25 occurred prior -- I'm just thinking this

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1 you know, they brought something up, and I  
2 think it would be worthwhile for them to  
3 consider.

4 Thank you.

5 THE CHAIRMAN: Mr. Jones, any other  
6 additional questions?

7 BOARD MEMBER JONES: No. Just throwing  
8 that out there for consideration with the total  
9 count.

10 THE CHAIRMAN: No, I appreciate that.

11 And, Mr. Parola, let me kind of go on that  
12 a little bit. I know some of this we just  
13 don't know yet.

14 So one thing that we've done in the  
15 past -- I think -- I think back to the  
16 Jacksonville Historical Society, is -- based on  
17 the known conditions today being potentially  
18 different than the known conditions in the  
19 future, we built in sort of a timed further  
20 review between the applicant and DDRB. I think  
21 in that case, it might have been several years  
22 down the road.

23 On something like this, I don't think we  
24 want to try to bind the developer to something  
25 that we don't know the answer to, about these

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1 through -- prior to the fact that we said we're  
2 going to have urban open space meeting the  
3 definition -- so that -- part of that  
4 definition is 25 feet in length going for the  
5 duration of Broad Street, and the fact that  
6 you've now got -- well, up here you have a  
7 12-foot clear zone, 12-foot sidewalk, 10-foot  
8 landscape area. You're really talking about  
9 20 feet. That's -- that would be the depth of  
10 your retail base.

11 So, yes, we can. I don't know what you do  
12 with the 20 feet, though.

13 THE CHAIRMAN: Right. And I'm not trying  
14 to solve that future use question for that  
15 parcel. I guess my -- my thing -- and it's  
16 become clear throughout this process, the  
17 applicant feels -- and I believe rightly so --  
18 that parking is an important component,  
19 especially for the Bold City aspect of this  
20 project, so they don't want to give that up  
21 today. We feel it's important to maximize the  
22 urban open space.

23 Maybe today we've done what we can, but in  
24 the future there might be an opportunity for  
25 something more, and can we vote in a mechanism

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1 to guarantee that conversation in the future,  
2 without guaranteeing a certain outcome? At  
3 least we know that that conversation will  
4 happen.

5 MR. PAROLA: Through -- yes, we can. I  
6 would say that I think they're -- they're going  
7 to spend some money here and make a business  
8 decision that they probably don't want to  
9 revisit in three years. But how about we do  
10 this: Staff is more than willing to engage  
11 them and report back in three years and -- and  
12 kind of go from there.

13 Just the way this is going, I just -- I  
14 don't know what we'd do with that condition, to  
15 be quite frank with you. I'm just trying to be  
16 honest.

17 THE CHAIRMAN: Yeah. I mean, if there is  
18 a way for staff to make a note where we can  
19 ensure that happens, then --

20 MR. PAROLA: (Off microphone.)

21 THE CHAIRMAN: Sure. Or, you know, at the  
22 completion of the two-way, and once we -- once  
23 we know.

24 MR. ELSBURY: When we pull our CO.

25 THE CHAIRMAN: All right. Any additional  
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1 MR. ELSBURY: For reference, just the --  
2 the new Daily's that we built for just -- in  
3 suburbia or wherever we're purchasing land and  
4 building a -- the new Daily's contemplates 60  
5 to 65 parking spaces. And, obviously, that's  
6 just single use.

7 THE CHAIRMAN: Ms. Ott.

8 BOARD MEMBER OTT: Mr. Chairman, according  
9 to Google map satellite view, there are 18  
10 striped spaces, one of which is handicapped,  
11 and there's a separate parking bay -- I'm going  
12 to call it -- over by the car wash area that's  
13 dedicated to the vacuums for the car wash.

14 THE CHAIRMAN: Okay. One additional  
15 question. I just circled this, and I might  
16 have just been counting this wrong. I think  
17 the condition talks about no more than 45  
18 spaces. I think when I counted it up, based on  
19 the site plan, I came out to somewhere in the  
20 low 40s. I'm just wondering if there was a  
21 reason -- if -- if that is a discrepancy, and  
22 I'm not just going blind at 5:15, if there was  
23 a reason that 45 was the number.

24 MS. KELLY: If I may, to the Chair, the  
25 original site plan had, like -- I think that's  
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1 comments?

2 BOARD MEMBER MONAHAN: One more question,  
3 if I may, Mr. Chair.

4 Through the Chair to the applicant, how  
5 many spaces are at the Daily's location on  
6 Atlantic in San Marco?

7 MR. GLOBER: I don't have that information  
8 handy, Mr. Monahan.

9 BOARD MEMBER MONAHAN: Thank you.

10 MR. GLOBER: But roughly -- you know,  
11 speaking in generalities, roughly -- roughly  
12 this amount.

13 BOARD MEMBER BERLING: Without the mix of  
14 use? This is an added element (off  
15 microphone)?

16 Like, this is an added element and it has  
17 the same amount of parking?

18 MR. GLOBER: Just for added context as  
19 well, you know, and not -- not specific to the  
20 San Marco location, but a new Daily's in  
21 suburbia, if you will, requires about  
22 three-and-a-half acres, so -- you know, it's  
23 all relative, right? But, you know, this, to  
24 us, is a -- is a very compact space.

25 BOARD MEMBER OTT: Mr. Chair?  
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1 where that number came from, if I remember  
2 correctly. And this site plan has a little bit  
3 less. And the applicant, in their  
4 justification for their deviations, they  
5 basically requested to have the same of amount  
6 of parking spaces as presented in their  
7 original conceptual site plan.

8 THE CHAIRMAN: Okay. I mean, it's not --  
9 may be a difference of one or two spaces. It  
10 wasn't a huge concern. I was just curious.

11 Okay. Any additional comments?

12 BOARD MEMBERS: (No response.)

13 THE CHAIRMAN: Seeing none, I don't think  
14 we have an amendment for this one, so all of  
15 those in favor of deviation 4, please say aye.

16 BOARD MEMBER LORETTA: Aye.

17 BOARD MEMBER MONAHAN: Aye.

18 BOARD MEMBER BERLING: Aye.

19 BOARD MEMBER SCHILLING: Aye.

20 THE CHAIRMAN: Aye.

21 Any opposed?

22 BOARD MEMBER OTT: Nay.

23 BOARD MEMBER JONES: May.

24 THE CHAIRMAN: All right. And for the  
25 record, in favor are Mr. Schilling,

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1 Ms. Berling, myself, Mr. Monahan, and  
 2 Mr. Loretta. And in opposition were Mr. Jones  
 3 and Ms. Ott.  
 4 All right. Mr. Secretary, if we could get  
 5 in the right posture for the fifth and final  
 6 deviation.  
 7 BOARD MEMBER MONAHAN: Yes, sir.  
 8 Mr. Chair, move deviation 5, entrances, to  
 9 include staff's recommendations and the  
 10 following: Deviation from Section  
 11 565.361.6.2.F.2 [sic], Entrances, only to the  
 12 extent that it is illustrated on building  
 13 elevation plans dated today's date,  
 14 August 24th, 2023, Exhibit B.  
 15 BOARD MEMBER SCHILLING: Second.  
 16 THE CHAIRMAN: Thank you, Mr. Monahan.  
 17 And there's a second from Mr. Schilling.  
 18 All right. Let's start again with board  
 19 discussion. Mr. Loretta, can we please start  
 20 with you?  
 21 BOARD MEMBER LORETTA: I have no  
 22 discussion in regards to building entrances for  
 23 this deviation.  
 24 THE CHAIRMAN: Mr. Monahan.  
 25 BOARD MEMBER MONAHAN: No comments,  
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1 Mr. Chair.  
 2 THE CHAIRMAN: Ms. Ott.  
 3 BOARD MEMBER OTT: No comments.  
 4 THE CHAIRMAN: Mr. Jones.  
 5 BOARD MEMBER JONES: No comments.  
 6 THE CHAIRMAN: Ms. Berling.  
 7 BOARD MEMBER BERLING: No comment.  
 8 THE CHAIRMAN: Mr. Schilling.  
 9 BOARD MEMBER SCHILLING: No comment.  
 10 THE CHAIRMAN: And I also have no comments  
 11 on this deviation.  
 12 Seeing no additional comments, let's vote.  
 13 All of those in favor of approving  
 14 deviation 5 for entrances, please say aye.  
 15 BOARD MEMBERS: Aye.  
 16 THE CHAIRMAN: Any opposed?  
 17 BOARD MEMBERS: (No response.)  
 18 THE CHAIRMAN: Show that deviation  
 19 adopted.  
 20 All right. And we are on the final  
 21 portion of this, which is the final DDRB  
 22 approval, which is inclusive of the deviations  
 23 we just considered and also have a number of  
 24 other staff recommendations.  
 25 Mr. Monahan, would you mind putting us in  
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1 the correct posture?  
 2 BOARD MEMBER MONAHAN: Certainly.  
 3 Move the item, Mr. Chair, DDRB final  
 4 approval to include staff's recommendations,  
 5 seven conditions as stated on Pages 37 and 38  
 6 of the staff report, in addition to the  
 7 conditions relating to the requested  
 8 deviations, staff proposes: To the extent that  
 9 wall and canopy signs do not exceed the square  
 10 footages for wall and canopy signs per Section  
 11 656.133, signage is to be as shown on building  
 12 elevation plans dated today, August, 24th,  
 13 2023.  
 14 DDRB staff may approve an increase or a  
 15 decrease of up to 10 percent in size for any  
 16 one particular sign providing that the  
 17 aggregate of signage does not exceed square  
 18 footages for wall and canopy signs per Section  
 19 656.133. Further, this condition does not  
 20 eliminate the need for special sign exceptions  
 21 relating to any freestanding sign.  
 22 The applicant will continue to work with  
 23 staff to ensure the requirements for the  
 24 amenity area and pedestrian clear area (i.e.,  
 25 sidewalk) are consistent with the landscape,  
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1 hardscape, and street furnishings per the  
 2 LaVilla District standards.  
 3 THE CHAIRMAN: Thank you, Mr. Monahan.  
 4 There's been a motion. Is there a second?  
 5 BOARD MEMBER SCHILLING: Second.  
 6 THE CHAIRMAN: And a second from  
 7 Mr. Schilling.  
 8 MR. PAROLA: I'm sorry, Mr. Chairman.  
 9 Can -- just -- I'm assuming, Gary, it was  
 10 implied that whatever amendments to any  
 11 deviation is going to be stacked on to the  
 12 first sentence?  
 13 BOARD MEMBER MONAHAN: That would be  
 14 correct.  
 15 THE CHAIRMAN: Thank you, Mr. Parola, for  
 16 the clarification.  
 17 And let's start with board comments.  
 18 Mr. Schilling.  
 19 BOARD MEMBER SCHILLING: Thank you,  
 20 Mr. Chairman.  
 21 I am supportive of the overall final  
 22 approval for this project and think that it  
 23 is -- it's a good location and a needed use for  
 24 this area.  
 25 The one thing -- and, again -- and I think  
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1 it was Board Member Loretta's expression, not  
 2 that -- not the hill to die on for me, but I am  
 3 interested to know if any of the other board  
 4 members would support an amendment to have a  
 5 more neutral color on the canopy other than the  
 6 red and yellow. That would be the only item  
 7 that I would consider as -- right now, as  
 8 proposing an amendment to this item.  
 9 THE CHAIRMAN: Mr. Schilling, I don't want  
 10 to get out in front of the board, but I know  
 11 that the applicant spoke to that and said  
 12 they'd -- I think they'd be willing to do that.  
 13 So, if you want, we could add that on as an  
 14 amendment condition now.  
 15 BOARD MEMBER SCHILLING: I'm happy to wait  
 16 to hear the consensus of the -- of the members.  
 17 BOARD MEMBER BERLING: That was literally  
 18 my only amendment now, so I appreciate that.  
 19 Thank you.  
 20 THE CHAIRMAN: Ms. Berling, any other  
 21 comments?  
 22 BOARD MEMBER BERLING: No, I'd just like  
 23 to say that I -- I think that the canopy has  
 24 come a long way from when we started in March.  
 25 And I much appreciate that.

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1 You know, I drive down to Ponte Vedra, and  
 2 I see that Shell gas station, and I wonder, why  
 3 can't do we do better here and not (inaudible)  
 4 downtown? So I think you heard us and you made  
 5 modifications and I appreciate your willingness  
 6 to do it again here, so thank you.  
 7 THE CHAIRMAN: Mr. Jones.  
 8 BOARD MEMBER JONES: Again, I think -- I  
 9 never had an issue with the use, per se. I  
 10 just feel like -- and I think -- even  
 11 fundamentally today, I think some of the tenor  
 12 of the conversation -- I don't even know if we  
 13 were quite ready for final today. I think  
 14 there were a lot of questions about, you know,  
 15 material types and uncertainties around the way  
 16 the bottom -- the ground floor will look, the  
 17 materials, the glazing, that kind of thing.  
 18 So that -- that aside -- but overall, I  
 19 just think, you know, trying to -- you know,  
 20 we've done a lot of work with our downtown  
 21 standards. And looking at a lot of gas  
 22 stations across this country that are urban --  
 23 I just noticed one in Savannah, Parker's. You  
 24 would never know it was even a gas station. I  
 25 just feel like -- it's just tough for me to

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1 support this, just given -- given our criteria  
 2 and the number of deviations.  
 3 THE CHAIRMAN: Thank you, Mr. Jones.  
 4 Vice Chair Ott.  
 5 BOARD MEMBER OTT: Thank you,  
 6 Mr. Chairman.  
 7 I remain supportive of the gas station  
 8 use. I remain supportive of the restaurant and  
 9 brewery/market use. I -- I love Bold City and  
 10 Daily's. Y'all are great local businesses that  
 11 I will continue to support.  
 12 I also take rules very seriously. I like  
 13 rules; I think rules matter. I think  
 14 enforcement of rules is important too. This  
 15 community created a set of rules for itself in  
 16 the form of our zoning ordinance, in the form  
 17 of our Downtown Overlay, and in the form of the  
 18 BID Plan. And these five deviations are too  
 19 substantial in nature and too great a departure  
 20 from downtown's codified overlay for me to  
 21 support this project.  
 22 THE CHAIRMAN: Thank you, Vice Chair Ott.  
 23 Secretary Monahan.  
 24 BOARD MEMBER MONAHAN: Thank you,  
 25 Mr. Chair.

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1 Yeah, I, first of all, would like to thank  
 2 DIA staff, board colleagues, and the applicant.  
 3 I think there's -- there's no denying that we  
 4 did good work here today. And, you know, also  
 5 cannot deny that progress has been made since  
 6 we first saw this.  
 7 I do not think this project is perfect,  
 8 but I don't know if any project ever is. I do  
 9 believe the addition of uses to this  
 10 neighborhood will create a net benefit, and so  
 11 I -- that's why I'm supporting it today.  
 12 Thank you, Mr. Chair.  
 13 THE CHAIRMAN: Thank you, Secretary  
 14 Monahan.  
 15 Mr. Loretta.  
 16 BOARD MEMBER LORETTA: So first, I should  
 17 probably almost apologize to the board and then  
 18 also to Peter Ma, who's no longer here, but I  
 19 apologize to the board for getting a little  
 20 sensitive earlier today and being disrespectful  
 21 to Mr. Ma.  
 22 Going past that, I would like to make a  
 23 modification that's discussed in [sic] the  
 24 building awning. And then, you know, I  
 25 wouldn't mind two others, but I'd really just

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1 prefer at least the first.  
 2 Right now we have all these driveway  
 3 widths, which are not dimensioned on this, and  
 4 they're about 45 feet wide, the majority of  
 5 them. However, actually, the northeast corner  
 6 is around 30 feet wide. This is actually  
 7 30 feet wide if you look at the dimensions on  
 8 some of the stuff and -- that Peter Ma did  
 9 represent substantial evidence with his exhibit  
 10 that he provided. And the truck was able to  
 11 make it through that 30-foot driveway in the  
 12 northeast corner, and then basically make it  
 13 through the western driveway, which is larger  
 14 than 30 feet wide, or 32 feet wide right now,  
 15 but you can see there's plenty of space there.  
 16 And I'm more referring to the -- the driveway  
 17 exhibit, not this one.  
 18 So my general request -- I mean, the two  
 19 access points from Forsyth and Bay are just --  
 20 they're, like, 50 feet wide. It's just  
 21 craziness. It -- inappropriate for downtown.  
 22 I'm not going to force, you know, 24 feet wide,  
 23 this, that, and the other. I'd love to get rid  
 24 of the Forsyth one, quite frankly, but, you  
 25 know, at least if we can make them all 32 feet  
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1 condition he stated. Is there a second?  
 2 BOARD MEMBER SCHILLING: I'll make a  
 3 second and then let's discuss it.  
 4 THE CHAIRMAN: It's been seconded, and now  
 5 we're going to discuss the amendment.  
 6 Mr. Schilling.  
 7 BOARD MEMBER SCHILLING: All right.  
 8 Through the Chair to Board Member Loretta, a  
 9 question I have on the canopy is -- is one, to  
 10 clarify that it definitely does not apply to  
 11 the logo, so -- so certainly whoever -- right  
 12 now it's shown as Shell, but that logo -- that  
 13 would be my intent when I raise that.  
 14 But as well -- and I -- I don't know that  
 15 I wanted to state a specific color, but  
 16 certainly a more neutral color that matched the  
 17 building, subject to final staff approval,  
 18 so -- so I don't know if we need to just add  
 19 that to -- as clarification or -- or --  
 20 Mr. Chairman.  
 21 THE CHAIRMAN: I think we'll -- we'll keep  
 22 discussing. And, Mr. Loretta, if you wouldn't  
 23 mind just letting that marinate a little bit  
 24 because I think your motion specifically was  
 25 either a dark bronze or a finish that matched  
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1 wide as a maximum, that would be my request for  
 2 the rest of the board.  
 3 So I threw out a third, but I'm not going  
 4 to, you know, beg you all to close the Forsyth  
 5 driveway to approve this. Basically, it's just  
 6 two. One is, make all of the four driveways a  
 7 maximum of 32 feet wide, one at 90 degrees, and  
 8 then -- and then the other is just the awning  
 9 color to -- you know, for me, it should either  
 10 match the building or just make it bronze, so,  
 11 you know, a dark gray.  
 12 THE CHAIRMAN: So, Mr. Loretta, why don't  
 13 we start with the awning. I mean, I'll -- I'll  
 14 leave it to you or Mr. Schilling to make that  
 15 motion with -- or if you want to leave the --  
 16 the finish to staff with just a general  
 17 understanding that it's consistent with the  
 18 facade of the building. It's at -- at your  
 19 pleasure.  
 20 BOARD MEMBER LORETTA: I think we'll be  
 21 more specific and make sure that -- that the  
 22 awning facade shall match the building color  
 23 and/or be a dark bronze color.  
 24 THE CHAIRMAN: Okay. Mr. Loretta has made  
 25 a motion to amend the final approval to add the  
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1 the facade and -- I mean, that's basically,  
 2 like, a neutral facade, but I want to make sure  
 3 y'all are in alignment there. And we'll -- but  
 4 when you get there, you can -- when we get back  
 5 to you on discussion, you can opine there.  
 6 Ms. Berling, any discussion on -- on the  
 7 amendment?  
 8 BOARD MEMBER BERLING: Obviously, bronze  
 9 color, not material, but I -- I would be in  
 10 favor of Mr. Schilling's take or wording on --  
 11 on this issue, neutral, and then staff approval  
 12 (inaudible) but not specified.  
 13 THE CHAIRMAN: Mr. Jones, any comment?  
 14 BOARD MEMBER JONES: No comments.  
 15 THE CHAIRMAN: Vice Chair Ott.  
 16 BOARD MEMBER OTT: I like the -- sorry. I  
 17 like Board Member Berling's suggestion about  
 18 the language to have neutral colors and to try  
 19 to match the building materials, Mr. Chairman.  
 20 THE CHAIRMAN: All right. Thank you.  
 21 Secretary Monahan.  
 22 BOARD MEMBER MONAHAN: I would concur with  
 23 the previous comments.  
 24 Thank you.  
 25 THE CHAIRMAN: And we're back to you,  
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1 Mr. Loretta. What's -- would you like to amend  
 2 your motion, if that's --  
 3 BOARD MEMBER LORETTA: I would love to  
 4 amend the motion to say that the canopy awning  
 5 will match either the building color or be a  
 6 neutral color tone, at the discretion of staff.  
 7 THE CHAIRMAN: With consistent materials  
 8 to the facade? I believe I heard --  
 9 BOARD MEMBER LORETTA: (Nods head.)  
 10 MR. PAROLA: (Off microphone.)  
 11 THE CHAIRMAN: All right. I concur with  
 12 all of that.  
 13 Okay. Seeing no further discussion on the  
 14 amendment --  
 15 BOARD MEMBER SCHILLING: An amended  
 16 second.  
 17 THE CHAIRMAN: All right. Seeing no  
 18 further discussion on the amendment, it's been  
 19 properly made and seconded.  
 20 All those in favor of the amendment,  
 21 please say aye.  
 22 BOARD MEMBERS: Aye.  
 23 THE CHAIRMAN: Any opposed?  
 24 BOARD MEMBERS: (No response.)  
 25 THE CHAIRMAN: Show the amendment adopted.  
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1 I don't see why it wouldn't be able to be 32 on  
 2 Jefferson, and so I'm just asking that we have  
 3 all four of those driveways be 32 feet wide  
 4 at -- again, at that 90-degree intersection.  
 5 THE CHAIRMAN: So you know the motion  
 6 Mr. Loretta is about to make, and I'll give you  
 7 a chance if you want to explain why there's  
 8 that discrepancy so we understand it going into  
 9 a discussion here.  
 10 MR. GABRIEL: If I may, respectfully, if  
 11 we can agree to a friendly amendment perhaps to  
 12 no more -- we will attempt the 32, but can we  
 13 agree to no more than 35 feet in width at all  
 14 of those with the aspiration to 32?  
 15 And one more thing. Just in full  
 16 disclosure, we just need to revisit one more --  
 17 and I hope it's taken in a respectful friendly  
 18 amendment fashion. The first condition we  
 19 talked about earlier today regarding the 12 and  
 20 10 feet, we just want to revisit one more thing  
 21 on that. Other than that, I know we've made a  
 22 lot of progress today.  
 23 THE CHAIRMAN: So let's deal with this  
 24 first because I believe if we reconsider the  
 25 other one, we're going to have to reconsider  
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1 And that was for the -- the canopy striping,  
 2 the color.  
 3 MR. ELSBURY: Not the driveway.  
 4 THE CHAIRMAN: No.  
 5 So, Mr. Loretta, back to you, if you want  
 6 to socialize the amendment for a driveway width  
 7 and then we can get the applicant's take.  
 8 BOARD MEMBER LORETTA: Okay. So you can  
 9 see here in this exhibit, the northeast corner,  
 10 you can actually see it's fairly well  
 11 dimensioned right there. It's 30 feet wide.  
 12 And so that driveway width is actually 30 feet  
 13 wide.  
 14 I guess I'm making a statement that I'd  
 15 like all the -- four driveways to have a width  
 16 of a maximum 32 feet wide. The one on Forsyth  
 17 and one off Bay are -- far exceed 32 feet wide.  
 18 You can see that -- it seems like it's 37 feet  
 19 wide between the canopy and the parking space.  
 20 And then, actually, as you go further north,  
 21 the entry on West Forsyth is around 40, 45 feet  
 22 wide. And then it's probably closer to the 37  
 23 to 40 feet wide to the south. Maybe it is  
 24 around the 37 feet. And then you can't really  
 25 tell what is on Jefferson, but, quite frankly,  
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1 the deviation, which will open that can of  
 2 worms.  
 3 But Mr. Loretta, so you've heard the  
 4 applicant's stance that they'd be amenable to  
 5 35, at maximum, with the goal of 32. Does that  
 6 satisfy your desire to shrink the entrances?  
 7 BOARD MEMBER LORETTA: I mean, honestly,  
 8 it's, like, you know, I could be asking for  
 9 urban -- I could be asking for urban flare  
 10 curbs and they need to be 24 feet wide. I  
 11 mean, I -- I'm amazed that you're pushing back  
 12 on that.  
 13 MR. GABRIEL: Okay. Let me -- are we  
 14 negotiating here?  
 15 THE CHAIRMAN: I think at this point --  
 16 so we've heard the applicant's position.  
 17 Mr. Loretta, if you would like to make a  
 18 motion, you can make whichever motion you'd  
 19 like on this, and then we'll -- we'll discuss  
 20 it and consider it.  
 21 BOARD MEMBER LORETTA: I mean -- I guess  
 22 I'll relate to our civil engineer on the group.  
 23 You can see the map. What is your opinion?  
 24 BOARD MEMBER SCHILLING: Through the  
 25 Chair, so I agree, Board Member Loretta, with  
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1 your concern about how wide these driveways  
2 are, which are making for longer pedestrian  
3 crossings of these driveways. I would like to  
4 see them skinnier, more narrow on the  
5 driveways, but I would share -- I would love to  
6 work some language in this to give staff a  
7 little bit of flexibility. I would hate for  
8 Mr. Ma to come back and say, "Man, I needed  
9 32.9 feet to get the truck to work," although  
10 it looks like Jefferson, I think, is 31.7, and  
11 I think the Broad Street driveway looks like it  
12 meets -- so we're really talking about the  
13 Forsyth and the Bay Street --

14 So I don't know if there's a way, as part  
15 of your motion, maybe to work in a little bit  
16 of flexibility with staff.

17 BOARD MEMBER LORETTA: I mean, I suppose  
18 my flexibility would be that staff would, you  
19 know, share the engineering plans with our  
20 engineer on the board and allow him to review  
21 it at the time of permit. I would give that  
22 flexibility, but, I mean, quite frankly, again,  
23 with the two east-west roads that -- you know,  
24 I mean, a UPS truck should be able to make a  
25 24-foot urban flare driveway, so why they need

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1 to be 35 feet is beyond me.  
2 MR. GABRIEL: Mr chair, I could probably  
3 help real quick. If it helps, can we agree  
4 with 33 feet? We're trying to confirm this,  
5 obviously, on the -- on the fly here, but we  
6 believe we can live with 33 feet to just give  
7 some flexibility to inches.

8 BOARD MEMBER LORETTA: That is fine.  
9 We'll go with 33 feet.

10 THE CHAIRMAN: Okay. So I believe there's  
11 been -- Mr. Loretta, if I'm understanding you,  
12 you would like to add a condition that  
13 neither -- none of the four ingress-ingress  
14 points can be in excess of 33 feet wide; is  
15 that your --

16 BOARD MEMBER LORETTA: Yes, sir.

17 THE CHAIRMAN: Thank you, sir.

18 All right. Is there a second on that?

19 BOARD MEMBER BERLING: Second.

20 THE CHAIRMAN: And there's a second.

21 Any further discussion on that amendment  
22 as a condition?

23 MS. GRANDIN: Mr. Chair?

24 THE CHAIRMAN: Ms. Grandin.

25 MS. GRANDIN: Is it to base of curb or

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1 edge of curb?  
2 MR. PAROLA: It's 90 degrees. We know  
3 where it's at.

4 BOARD MEMBER LORETTA: Yeah. I mean, so  
5 right now their engineer is not here. They're  
6 drawing something that I'm guessing is  
7 18 inches wide, and so I will go to edge of  
8 pavement, which would actually give them an  
9 extra one foot, which would make it 35 feet.

10 MS. GRANDIN: Okay. So edge of pavement.

11 THE CHAIRMAN: Okay. So --  
12 (Simultaneous speaking.)

13 THE CHAIRMAN: Thirty-three feet, edge of  
14 pavement, is what we've heard as clarification.  
15 That motion was seconded.

16 Any further discussion on the amendment?

17 BOARD MEMBERS: (No response.)

18 THE CHAIRMAN: Seeing none, all those in  
19 favor of adopting the amendment as a new  
20 condition, please say aye.

21 BOARD MEMBERS: Aye.

22 THE CHAIRMAN: Any opposed?

23 BOARD MEMBERS: (No response.)

24 THE CHAIRMAN: All right. Show the  
25 amendment adopted as Condition 9, with

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1 Condition 8 being the canopy color and  
2 materials.

3 All right. Board members, I know we want  
4 to go back to Mr. Gabriel's request here.  
5 Before we do, are there any additional  
6 comments?

7 Mr. Parola.

8 MR. PAROLA: This is kind of why I wanted  
9 all the conditions riding with the amendments.

10 How do you open up, Ms. General Counsel,  
11 an item that was voted on by this board?

12 MS. GRANDIN: Reconsideration would be by  
13 the prevailing side. So somebody from the  
14 prevailing side would need to make a motion for  
15 reconsideration.

16 THE CHAIRMAN: So before we -- we would  
17 first need to deal with the current action  
18 item, which is the final approval; is that  
19 correct? And then we can go forward to  
20 potential reconsideration?

21 MS. GRANDIN: Right. Because I think what  
22 you've done is you've approved the amendments.  
23 Now you need to vote on the final approval as  
24 amended.

25 THE CHAIRMAN: Okay. And I was the last

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1 person, I believe, to speak, so I'll make my  
 2 comments short on this.

3 I mean, I agree with everything the board  
 4 members have said, including the shortcomings  
 5 of the project that I -- you know, to some  
 6 extent, I don't think were the fault of the  
 7 applicant. I think anyone at this particular  
 8 site, which is probably one of the most  
 9 traffic-oriented sites in the entire LaVilla  
 10 neighborhood, would have had to deal with.

11 For me at a macro level, getting over some  
 12 of these things, it's what is going to provide  
 13 the best chance for the 24-hour, 7-day-a-week  
 14 market and the new flagship downtown Bold City  
 15 Brewery restaurant to succeed. And that -- if  
 16 that is successful, I think this project is  
 17 going to end up being a catalyst for a lot of  
 18 development around LaVilla. That doesn't mean  
 19 it's the perfect design. It doesn't mean it  
 20 has every single piece that the LaVilla  
 21 stakeholders wanted. And potentially in the  
 22 future, hopefully, as LaVilla densifies and is  
 23 reinvigorated, there could be changes here that  
 24 are closer to that ideal.

25 But for me, as a former downtown resident  
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1 for seven years and one who would have  
 2 desperately wanted, as Mr. Phillips said during  
 3 public comment, to have more locations just  
 4 like this, even if they're not perfect urban  
 5 locations, to me, going against something like  
 6 this because of the challenges that it still  
 7 has would be sacrificing the big picture in  
 8 pursuit of smaller items. So it doesn't mean  
 9 they're not important. It's just for me,  
 10 personally, the mixed-use development is the  
 11 most important part of this project and I want  
 12 to do whatever I can to make sure that is  
 13 successful.

14 So with that, if there are any additional  
 15 board comments, I would love to hear it;  
 16 otherwise, let's vote on final approval.

17 BOARD MEMBERS: (No response.)

18 THE CHAIRMAN: So all of those in favor of  
 19 final DDRB approval for application 2023-003  
 20 with the staff conditions as well as the  
 21 additional conditions that we've articulated  
 22 over the last several minutes, please say aye.

23 BOARD MEMBER LORETTA: Aye.  
 24 BOARD MEMBER MONAHAN: Aye.  
 25 BOARD MEMBER BERLING: Aye.

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1 BOARD MEMBER SCHILLING: Aye.  
 2 THE CHAIRMAN: Aye.  
 3 Any opposed?  
 4 BOARD MEMBER OTT: Nay.  
 5 BOARD MEMBER JONES: Nay.  
 6 THE CHAIRMAN: All right. Let the record  
 7 reflect that in favor were Mr. Schilling,  
 8 Ms. Berling, myself, Mr. Monahan, and  
 9 Mr. Loretta. And dissenting were Ms. Ott and  
 10 Mr. Jones. So it carries five to two.

11 With that being said, I think the  
 12 applicant does have a request that we  
 13 potentially look at something else.

14 So, Mr. Gabriel, the floor is yours if  
 15 you'd like to ask us to do something there.

16 MR. GABRIEL: Thank you.

17 Yeah, and it's really not necessarily a  
 18 wholesale reconsideration of that first  
 19 condition regarding the 12 feet, 8-, and then  
 20 10-foot landscaping, but I'd submit a -- just a  
 21 modification to it.

22 So if you look at the site plan -- and,  
 23 obviously, the staff can verify this. But the  
 24 pedestrian zone and the landscaping in the  
 25 northeast part, Forsyth and Broad, is at  
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1 22 feet. You've got 10 feet of landscape,  
 2 12 feet of pedestrian. So perfectly fine  
 3 there.

4 You have 20 feet, which is 10 and 10,  
 5 along the -- the Broad Street strip. And then  
 6 you have 23 feet on the West Bay Street side of  
 7 the -- that Broad and Bay Street corner, but  
 8 then you sort of get a little less on the other  
 9 side -- on the Jefferson Street side.

10 So the request is for the -- the areas on  
 11 the site plan that are not depicted as 22 feet,  
 12 which obviously meets that first condition, we  
 13 would ask -- respectfully ask that we operate  
 14 within 17 feet. So, in other words -- you  
 15 know, whether that's 10 feet of landscaping and  
 16 7 feet of pavement or some variation therein,  
 17 but that's -- that's what we're respectfully  
 18 asking is to operate within that 17 feet.

19 THE CHAIRMAN: Okay. That's the request.  
 20 I'm not necessarily following that. I'm  
 21 wondering if anybody else did because for me,  
 22 it was like, are we going from 22 feet of total  
 23 space? You're asking us now to decrease that  
 24 to 17 when the whole point of the last one was  
 25 to increase it all to 22?

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1 MR. GABRIEL: Well, I suppose so, yeah.  
 2 I mean, when we went back to look at this  
 3 in the -- in the realm of the operational  
 4 functionality of the whole site, we absolutely  
 5 can do the full 22 feet, which is the 10 feet  
 6 of landscaping and 12 feet of pedestrian zone  
 7 in certain areas, but there are some areas  
 8 where we won't be able to.  
 9 So the minimum -- there's probably a  
 10 better or more elegant way to craft this  
 11 condition, but what we're asking is to -- for  
 12 the parts on the site plan that are not at the  
 13 22 feet, that we -- we limit it to 17 feet, as  
 14 in no more than 17 feet. And that could be  
 15 a -- you know, a combination of landscaping and  
 16 sidewalk that operates within that 17 feet.  
 17 And, Mr. Parola, I don't know if that's  
 18 making any sense to you, but that's what we're  
 19 asking for.  
 20 THE CHAIRMAN: So here's what I'll say:  
 21 From a process standpoint, it -- to reconsider  
 22 an item, it takes, as you heard earlier, a  
 23 member of the prevailing side to make the  
 24 motion to reconsider and then we can vote from  
 25 there. So there were a number of us who were  
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1 it seems to be questionable as to whether or  
 2 not we can even do anything. And, frankly, I  
 3 think at this point, I -- I'm struggling to see  
 4 what you're trying to accomplish.  
 5 MR. ELSBURY: If I may, Mr. Chairman --  
 6 and I'll attempt to -- I'd just like to ask  
 7 Susan a question relative to that, considering  
 8 you guys just adopted it.  
 9 As to final approval, we indicated before  
 10 the final approval, we just wanted to talk  
 11 about it and we could address it after the  
 12 fact. And there wasn't an issue raised there,  
 13 but as it relates to the actual site plan and  
 14 trying to get as close as we can to Board  
 15 Member Loretta's recommendation, if we're just  
 16 looking at total space in totality, yours is at  
 17 the 22, we can pull some of our site plan in a  
 18 little bit on those two -- on those two  
 19 specific areas where we're short right now, and  
 20 feel very comfortable getting into 20. So the  
 21 minimum, where it's not already 22, only in  
 22 areas that are currently falling short of that,  
 23 we would just ask for the minimum to be 20.  
 24 THE CHAIRMAN: That sounds completely  
 25 different than what Mr. Gabriel just said.  
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1 on the prevailing side of that deviation. I  
 2 think there were five of us. If any of those  
 3 members would like to make a motion to  
 4 reconsider --  
 5 MS. GRANDIN: Mr. Chair?  
 6 THE CHAIRMAN: Ms. Grandin.  
 7 MS. GRANDIN: I was just asking  
 8 Mr. Loretta to see if he knew. I think that  
 9 the Code requires a 10-foot buffer along the  
 10 vehicular use area. So in order to narrow that  
 11 down, you need to have a zoning variance to do  
 12 that, so I'm not sure that the suggestion --  
 13 you can't just do that in this procedure.  
 14 THE CHAIRMAN: So here's -- based on the  
 15 advice of OGC and based on what we've already  
 16 done here today, my recommendation is that --  
 17 well, it sounds like we may not have a  
 18 choice -- that if this is something that's so  
 19 integral to the business operations and that  
 20 what we talked about in the past can't be  
 21 accomplished but for killing the project, that  
 22 that might be something that we want to --  
 23 y'all want to come back for at the next DDRB  
 24 meeting and we can limit the discussion  
 25 potentially just to that deviation. Right now  
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1 MR. GABRIEL: Let me say, in good faith,  
 2 we are trying -- we have an actual CAD system  
 3 on this guy's iPad, and we're trying to, in  
 4 good faith, make lemonade out of some of these  
 5 lemons, no offense.  
 6 So we're just -- we just went and  
 7 verified, and I'm asking three different times,  
 8 20 feet would be liveable, 23 feet is not. I'm  
 9 sorry, 22 feet. We're just asking for the  
 10 20 feet in the space -- in the parts of the  
 11 site plan that don't already have the 22 feet.  
 12 We do have it in parts of the site plan, and  
 13 staff can verify that, but there are portions  
 14 of the site plan that don't. And if we were to  
 15 go to 22 feet, it eliminates some parking.  
 16 That's the problem.  
 17 THE CHAIRMAN: So again, five -- one of  
 18 the prevailing side members can bring it up  
 19 again, but I thought the discussion was --  
 20 there was just a disagreement from board  
 21 members and members of the applicant team about  
 22 whether or not it would truly be sacrificing  
 23 parking, with some people saying, if there were  
 24 a few parking spaces impacted, those could be  
 25 compact -- more compact spaces, while leaving  
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1 the rest of the site at full-size spaces.  
2 And so I -- again, any of the prevailing  
3 side members can bring it up, but I just feel  
4 like that was a discussion we already had and  
5 it was just an agree-to-disagree situation.  
6 But again, if any of the five want to make a  
7 motion to reconsider ...

8 BOARD MEMBER SCHILLING: Mr. Chairman, I  
9 was just going to share -- and I think I'm of  
10 like mind with you, that -- I know y'all are  
11 trying to do this on the fly, and it would  
12 probably be prudent to, you know, see what that  
13 site plan actually looks like and may be  
14 prudent to -- if that is something that, as you  
15 go through that site plan process, you do see  
16 it as an absolute issue, something that maybe  
17 we could schedule for the next meeting, if --  
18 if that needed to be reconsidered.

19 THE CHAIRMAN: So let me ask staff a  
20 question. As they're getting ready for  
21 permitting, I assume you'll be meeting with  
22 them, reviewing the site plan changes that  
23 we've all made here today. I would struggle to  
24 say -- or to ask how you would verify  
25 what's surmountable, what's not surmountable.

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1 But if -- if in staff's discretion -- whatever  
2 that means -- it's something that deserves the  
3 board's attention, could that very narrow  
4 question be brought back to us at our next --  
5 whatever the next scheduled board meeting was,  
6 to avoid a delay but also fix a problem, if a  
7 true problem exists?

8 MR. PAROLA: To the Chair, I think in  
9 deference to everybody that has given very  
10 generously of their time, including the  
11 audience, we would like this as a -- put to  
12 bed. If it's 22 feet, fantastic. If it's  
13 20 feet, then that's what we'll verify at the  
14 end of the day.

15 THE CHAIRMAN: Does anybody want to make a  
16 motion to revisit?

17 BOARD MEMBERS: (No response.)

18 THE CHAIRMAN: Seeing none --

19 MR. GABRIEL: Mr. Chairman, if I may, to  
20 the Office of General Counsel, I mean, this is  
21 an operation reality issue. Is this appealable  
22 to Council? I mean, I hate to -- we're talking  
23 about 2 feet in one corner of the property,  
24 maybe a second part of the property on the  
25 Jefferson side. That's all we're talking

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1 about. And I'd hate for us to get to this  
2 point with a lot of good, productive work --

3 BOARD MEMBER LORETTA: Mr. --  
4 MR. GABRIEL: -- so --

5 THE CHAIRMAN: So -- well, Ms. Grandin, I  
6 think that was a -- just for the board's  
7 knowledge, what are their appeal rights in this  
8 case? I would assume they could appeal an  
9 approval, but just ask that the approval be  
10 broader, to City Council, or to DIA? What's  
11 the approval process?

12 MS. GRANDIN: Yes, it's to DIA.

13 MR. GABRIEL: And, Mr. Chair, I mean,  
14 we -- in good faith, we did ask for -- I tried  
15 to note at one point that there is this open  
16 item. And, respectfully, we were waiting for  
17 the final approval. We were under the  
18 impression we could revisit it if we needed to,  
19 and we're only doing it because we really need  
20 to.

21 THE CHAIRMAN: I understand that. I think  
22 the -- the open question at that point was the  
23 final approval, not the deviations, because  
24 they were all separate votes. So that -- that  
25 was -- went back to right what I said at the

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1 beginning about, if we attach conditions to  
2 deviations, then as we move on from deviations,  
3 to reopen the deviations would require the  
4 motion to reconsider.

5 So, I mean, look, what I would ask -- I  
6 think you've gotten a pretty good result here  
7 today, all things considered. What I would ask  
8 is that, if you truly need an appeal, I'm sure  
9 the DIA staff can get you on a DIA board  
10 agenda. Otherwise, if it truly is the 2 feet  
11 at that corner, in all fairness, that seems  
12 like a solvable question, but I -- I'm a layman  
13 here, so --

14 With that being said, that concludes our  
15 business for today. Are there any public  
16 comments at this point?

17 MR. ANDERSON: No, sir.

18 THE CHAIRMAN: Mr. Swanigan, was that --

19 MR. SWANIGAN: (Off microphone.)

20 THE CHAIRMAN: Okay. I thought I -- would  
21 you mind filling out a speaker card if you  
22 haven't already? You can do it after.

23 MR. SWANIGAN: (Off microphone.)

24 THE CHAIRMAN: Sure.

25 MR. SWANIGAN: (Off microphone.)

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1 We've heard a lot from everybody  
2 (inaudible) feedback from the public, and  
3 y'all, you know, gave a final approval. I just  
4 think -- you know, I thought that the  
5 deviations were discussed amongst board  
6 members. There was no more input from  
7 anywhere. And we had two board members that  
8 stood solid today and upheld the standards, and  
9 then we had a lot of, you know, people that,  
10 you know, felt that this project was -- the  
11 site plan was accepted -- acceptable, and I  
12 just think that in the future -- this was a  
13 kangaroo type of process.

14 I have a lot of questions for OGC, even  
15 down to the order of us voting on the exception  
16 before we voted on the deviations. So once we  
17 gave the zoning exceptions -- I stood here and  
18 watched the whole plan be picked apart, and we  
19 went back and forth on things that -- they  
20 basically undid the whole plan and nothing was  
21 never addressed that we've been -- had major  
22 concerns for nine months now.

23 So in the future, we have to do a better  
24 job than this. There are policies in place  
25 that nobody, you know, implemented or, you  
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1 know, warranted them to be applied. You know,  
2 we seen a lot of advocating for the applicant,  
3 but we seen no board members have the public's  
4 interest in mind.

5 So, you know, going forward in the future,  
6 maybe we can get some more -- you know, like,  
7 some energy around, you know, even the public  
8 and, you know, members of the community some  
9 advocacy, instead of just the applicant  
10 because that's all I heard today was people  
11 making exceptions and people giving all kind of  
12 considerations to the applicant, but nobody  
13 adhered to the rules.

14 I seen Mr. Loretta go several times and  
15 could get -- couldn't get any support to  
16 support his concerns. And it's blatantly  
17 stated in all of the overlays and rules that  
18 this project doesn't fit. And it was shoved  
19 down the community's throat after nine months  
20 of deliberation and nobody took in account  
21 major concerns on this actual site plan.

22 So I just think today -- we got to do a  
23 better job. This was horrible. Going through  
24 this whole process, kangaroo changes the day of  
25 the hearing. We changed the whole structure of

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1 the hearing with no public warning. So, you  
2 know, in the future, we have to find a better  
3 process, and this process -- OGC, is this  
4 process challengeable? Can the public  
5 challenge an appeal on this approval?

6 THE CHAIRMAN: Ms. Grandin, I'll ask you  
7 after public comment what the public's rights  
8 are.

9 MR. SWANIGAN: Okay. Thanks.

10 THE CHAIRMAN: Thank you, Mr. Swanigan.

11 To that point, I mean, I -- Ms. Grandin,  
12 the applicant has appeal rights through the  
13 exercise. Who else has appeal rights, if any,  
14 in this process?

15 MS. GRANDIN: People with standing, which  
16 means people that are affected parties have the  
17 appeal rights.

18 You know, the way that we went through the  
19 process of having the staff do the report and  
20 then the applicant and, you know, public  
21 comment, the way that it was, that was a very  
22 good process to do. The public had an  
23 opportunity, five minutes apiece, to talk about  
24 it, and that satisfies due process.

25 THE CHAIRMAN: All right. Thank you,  
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1 Ms. Grandin.  
2 Ric, any additional public comments at  
3 this point?

4 MR. ANDERSON: No, sir.

5 THE CHAIRMAN: All right. Seeing none, I  
6 do want to thank the staff, the board members,  
7 the members of the public who showed up, the  
8 applicants. Everybody put in a lot of work  
9 today and over the last number of months, and  
10 I -- and I know many others -- appreciate your  
11 patience and your hard work.

12 So with that, let's adjourn the meeting at  
13 5:53 p.m.

14 Thanks.

15 (The foregoing proceedings were adjourned  
16 at 5:53 p.m.)

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1 CERTIFICATE OF REPORTER

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3 STATE OF FLORIDA)

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4 COUNTY OF DUVAL )

5

6

7 I, Diane M. Tropa, Florida Professional  
8 Reporter, certify that I was authorized to and did  
9 stenographically report the foregoing proceedings and  
10 that the transcript is a true and complete record of my  
11 stenographic notes.

12

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14

15 DATED this 13th day of September 2023.

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Diane M. Tropa  
Florida Professional Reporter

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