

CITY OF JACKSONVILLE
DOWNTOWN DEVELOPMENT REVIEW BOARD
MEETING

Proceedings held on Thursday, February 9, 2023,
commencing at 2:00 p.m., at City Hall, 117 West Duval
Street, Lynwood Roberts 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.
TREVOR LEE, Board Member.
FREDERICK JONES, Board Member.
CRAIG DAVISSON, Board Member.
WILLIAM J. SCHILLING, JR., Board Member.
JOSEPH LORETTA, Board Member.

ALSO PRESENT:

GUY PAROLA, DIA, Operations Manager.
INA MEZINI, Strategic Initiatives Coordinator.
SUSAN KELLY, Redevelopment Coordinator.
CARLA LOPERA, Office of General Counsel.
AL FERRARO, City Council Member.

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1 BOARD MEMBER SCHILLING: Bill Schilling,
2 DDRB member.
3 BOARD MEMBER MONAHAN: Gary Monahan, DDRB
4 member.
5 BOARD MEMBER OTT: Linzee Ott, DDRB
6 member.
7 COUNCIL MEMBER FERRARO: Al Ferraro, City
8 Council, District 2.
9 MS. LOPERA: Carla Lopera, Office of
10 General Counsel.
11 THE CHAIRMAN: Matt Brockelman, Chairman
12 of DDRB.
13 All right. Let's move to our first action
14 item, Item A, approval of the January 12th,
15 2023, DDRB regular meeting minutes. Hopefully,
16 the board members have had a chance to review
17 the minutes. If there are any changes, we can
18 have those now; otherwise, I will entertain a
19 motion.
20 BOARD MEMBER LEE: Motion to approve.
21 BOARD MEMBER DAVISSON: Second.
22 THE CHAIRMAN: There's been a motion to
23 approve and there's been a second.
24 All of those in favor of approving the
25 minutes, please say aye.
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1 P R O C E E D I N G S
February 9, 2023 2:00 p.m.

2 - - -

3 THE CHAIRMAN: Good afternoon, everybody.
4 I will call the meeting to order at 2 p.m.
5 for our February Downtown Development Review
6 Board meeting.

7 Just a quick note, our microphones are not
8 working as of now, so I'll ask the board
9 members to please enunciate when you speak.
10 But we're in a pretty small room, so hopefully
11 you all can hear us as we go through the
12 agenda.

13 Before we get started, let's just quickly
14 do introductions, maybe start with Mr. Parola.

15 MR. PAROLA: Guy Parola, Downtown
16 Investment Authority.

17 MS. KELLY: Susan Kelly, Downtown
18 Investment Authority.

19 BOARD MEMBER JONES: Fred Jones, Downtown
20 Development Review Board.

21 BOARD MEMBER LORETTA: Joe Loretta, DDRB.

22 BOARD MEMBER LEE: Trevor Lee, Downtown
23 Development Review Board member.

24 BOARD MEMBER DAVISSON: Craig Davisson,
25 DDRB.

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1 BOARD MEMBERS: Aye.
2 THE CHAIRMAN: Any opposed?
3 BOARD MEMBERS: (No response.)
4 THE CHAIRMAN: All right. By your action,
5 show the minutes from the January meeting
6 adopted.
7 Action Item B, DDRB application 2023-004,
8 Wells Fargo special sign exception.
9 Ms. Kelly, can we please have the staff
10 report?
11 And we'll open the public hearing for this
12 item now as well.
13 MS. KELLY: Okay. DDRB application
14 2023-004 is for a special sign exception for
15 the Wells Fargo building identification wall
16 sign.
17 Located in the Central Core District of
18 the Downtown Overlay Zone, the current yellow
19 Wells Fargo sign received final approval from
20 DDRB in August 2011.
21 With regards to the high-rise building
22 identification wall sign, the request was to
23 allow for an increase in the allowable sign
24 area. Ultimately, the request was approved to
25 allow for two signs, one facing Bay and one
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1 facing Independent Drive, with a total area per
2 sign not exceed 2,230 square feet each.

3 The applicant is proposing replacement of
4 these two signs with signs that are the same,
5 but a little smaller, at 2,186 square feet
6 each, and with the letter color changed from
7 yellow to red. It's the red that would be with
8 the Wells Fargo brand.

9 While the applicant is requesting sign
10 areas that would exceed the 400 square feet
11 that is allowable under the code, the building
12 currently has approved signage that exceeds the
13 allowable square footage.

14 The applicant plans to replace the letters
15 only, such that the colors of the letters are
16 the red and not the yellow.

17 Several high-rise building identification
18 wall signs in the area currently exceed the
19 allowable 400 square feet max and use colors
20 consistent with the logo or brand of the anchor
21 tenant.

22 No change is proposed to the illumination
23 of the building identification sign. The
24 current face-lit, back-lit, channel letters are
25 compatible with the code.

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1 Staff finds that the replacement sign is
2 consistent in both size and placement with
3 other high-rise building identification signs
4 in this district, so staff recommends approval
5 of the application.

6 I do want to add in that the DDRB special
7 committee on signs -- the sign code revisions
8 is literally, like, at this moment, looking at
9 wall signs for high-rise building
10 identification. And we are in the process of
11 forming, like, a little info packet about
12 what's been approved recently; what's the
13 percentage, you know, increase of those signs;
14 what is the illumination of them. So we are in
15 the data -- sort of a data-gathering mode for
16 that committee at this time.

17 So this concludes the staff report. I'll
18 see if we can --

19 Ina, if you get a chance, can we put the
20 slides -- there we go. Thank you -- to show
21 some images.

22 THE CHAIRMAN: All right. Thank you,
23 Ms. Kelly.

24 Is there a presentation from the applicant
25 at this time?

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1 MR. GREAVES: (Indicating.)

2 THE CHAIRMAN: Yes, sir. Please come up
3 to the podium.

4 (Mr. Greaves approaches the podium.)

5 THE CHAIRMAN: And, for the record, just
6 state your name, which company you're with, and
7 the address.

8 MR. GREAVES: Good afternoon to all.

9 My name is Keishaun Greaves. I'm the
10 representative for Southeastern Lighting
11 Solutions out in Daytona Beach.

12 Basically, what's going on with the sign
13 is that -- we're just replacing like for like.

14 So what exactly is on the building we're going
15 to take down, we're going to refurbish it, and
16 we're going to just -- we're just changing the
17 colors to say it plain.

18 So I was hoping that you guys and City
19 Council would give me an approval so I can go
20 out there and install it.

21 THE CHAIRMAN: Thank you, sir.

22 MR. GREAVES: Thank you.

23 THE CHAIRMAN: Before we move to board
24 comments, if -- are there any public comments
25 for this agenda item, Ms. Mezini?

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1 MS. MEZINI: I believe there's one public
2 comment for this agenda item. And I apologize,
3 is this for (inaudible)?

4 THE CHAIRMAN: It is, yes.

5 MS. MEZINI: Okay. Then there's one
6 public commenter for this agenda item, and that
7 is Tracey Arpen.

8 THE CHAIRMAN: And just a reminder for
9 everybody in the room, if you do want to speak
10 in public comment on any of these agenda items
11 specifically, please fill out one of those blue
12 cards that are at the check-in table.

13 (Audience member approaches the podium.)

14 AUDIENCE MEMBER: Tracey Arpen, 8338
15 Daffin Lane.

16 I'd like to talk about some issues with
17 the size of downtown signs. This particular
18 application may not be the one to suddenly get
19 religion on, but I think it does point out some
20 of the problems, you know, both with the manner
21 in which -- or the frequency with which sign
22 exceptions have been granted, sign waivers.

23 And also, with all due respect to
24 (inaudible), I think in the staff report -- you
25 know, for example, when it talks about the new

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1 sign is consistent with the branding of the
2 company, that is irrelevant. You won't find
3 that anywhere in the criteria at all. It talks
4 about whether it's consistent with the
5 architecture and style of the building.

6 Similarly, with respect to -- you know, I
7 think the report says both -- it's consistent
8 both in size and -- and placement with other
9 high-rise buildings in the vicinity. And that
10 also is not what the language in the code says.
11 It talks about whether it preserves a desirable
12 existing sign pattern. And I think whether
13 it's desirable is what the current code
14 provides, which is -- for a high-rise like
15 that, a maximum of 400 square feet.

16 Also, with respect to the report, it does
17 include one smaller sign, the 555 building, but
18 it overlooks others that have -- in the area
19 that have not asked for a sign waiver.

20 The Trust building right across the plaza,
21 the Hyatt, FIS, all have managed to make due
22 with signs that are within the 400 square feet,
23 not to mention the ones like Bank of America
24 and the old Enterprise Center, which is now 225
25 Water Street.

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1 comments.

2 THE CHAIRMAN: All right. Thank you.
3 We'll move on to board comments. And,
4 Mr. Jones, let's start with you.

5 BOARD MEMBER JONES: Thank you, Mr. Chair.
6 I have no comments at this time.

7 THE CHAIRMAN: All right. Mr. Loretta.

8 BOARD MEMBER LORETTA: If I could ask the
9 applicant to come back up.

10 I just --

11 (Mr. Greaves approaches the podium.)

12 BOARD MEMBER LORETTA: I feel like I
13 didn't understand what you were stating. So
14 you are going to take each letter down,
15 refurbish it, and put that exact letter back
16 up; did I hear that?

17 MR. GREAVES: Correct. Yes, sir.

18 BOARD MEMBER LORETTA: And so is there not
19 a film or, like, acrylic over the front of the
20 letters?

21 MR. GREAVES: I haven't actually been up
22 there to do a survey myself, so I cannot state
23 exactly what's surrounding the letters, but
24 normally they're fastened to a wall with
25 (inaudible) or tie prongs and tie screws,

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1 I think these sign waiver exceptions
2 should, first of all, be truly an unusual
3 exception and not a routine. And, second of
4 all, you know, when you consider a sign like
5 Wells Fargo, it -- it's not the only one. TIAA
6 Bank, One Call, these aren't slight waivers in
7 the sign size. I think the Wells Fargo sign is
8 five times the 400 square feet. And I think
9 when you're getting into a waiver of that
10 magnitude, you're ignoring the criteria and
11 you're blowing a huge hole in the sign
12 regulations downtown. An awful lot of effort
13 went into doing those.

14 As I said, this is kind of a unique case
15 because it's replacing the letters on the sign
16 that's already up there, but I think it does
17 point out the problems in the past with the
18 excessive granting of these and the need for
19 the DDRB and the staff to take a closer look at
20 whether these signs really meet the criteria in
21 the Ordinance Code for a sign waiver.

22 THE CHAIRMAN: Thank you, sir.

23 Ms. Mezini, any additional public
24 comments?

25 MS. MEZINI: No additional public

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1 something of that nature.

2 But after you guys give us permission to
3 proceed, we would do the survey, get all the
4 necessary information, and then proceed with
5 the take-down and put them back up.

6 BOARD MEMBER LORETTA: Yeah. I'm just
7 trying to -- I'm trying to recall what it looks
8 like in daytime, basically, is my question.

9 MR. GREAVES: Now, if we refer to that
10 second page where -- Page 2, it will show you
11 what it looks like today, what it looks like in
12 the daylight. I actually drove past the
13 building before getting here.

14 BOARD MEMBER LORETTA: Page 2?

15 MR. GREAVES: Yep.

16 BOARD MEMBER LORETTA: I'll find it. I've
17 got -- Page 2 is this (indicating). What is
18 Page 2 referring to?

19 THE CHAIRMAN: (Off microphone.)

20 MS. KELLY: It's this (indicating).

21 BOARD MEMBER LORETTA: Essentially,
22 looking at that, it's red right there.

23 THE CHAIRMAN: I think it's on the right.

24 BOARD MEMBER LORETTA: Yeah. So, I mean,
25 is it -- I guess I was envisioning this was

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1 kind of an illuminated -- so right now, it's --
 2 it literally looks yellow during the daytime?
 3 MR. GREAVES: (Off microphone.)
 4 BOARD MEMBER LORETTA: Okay. And so it's
 5 going to look red at nighttime -- or red during
 6 the daytime and now?
 7 MR. GREAVES: Correct.
 8 BOARD MEMBER LORETTA: So it's obviously
 9 got a -- it's got to have some sort of acrylic
 10 panel or some sort of panel over it to have a
 11 color during the daytime, right?
 12 MR. GREAVES: How our letters are normally
 13 made, our fabricator would put a film behind
 14 the actual plastic and put one over. So, like,
 15 that red you see is the actual --
 16 BOARD MEMBER LORETTA: So it's a film
 17 that's creating that color?
 18 MR. GREAVES: Correct.
 19 BOARD MEMBER LORETTA: Thank you.
 20 That's what -- I'm just trying to
 21 understand exactly if we're just truly
 22 refurbishing -- and, basically, we're just
 23 going to put in a different bulb inside is what
 24 we're truly doing; is that correct?
 25 MR. GREAVES: Correct.

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1 BOARD MEMBER LORETTA: Thank you.
 2 MR. GREAVES: A fancy LED retro, yes.
 3 Thank you.
 4 BOARD MEMBER LORETTA: Okay.
 5 THE CHAIRMAN: Mr. Lee.
 6 BOARD MEMBER LEE: No comments.
 7 THE CHAIRMAN: Mr. Davisson.
 8 BOARD MEMBER DAVISSON: The initial sign
 9 was granted -- and I fully concur with the
 10 person that spoke.
 11 What was your name?
 12 MR. ARPEN: Tracey Arpen.
 13 AUDIENCE MEMBER: We can barely hear you.
 14 BOARD MEMBER DAVISSON: Since this is a
 15 larger -- this is not a larger sign, I can't
 16 deny the change. However, if this sign were up
 17 the first time, I'd strongly deny it being a
 18 tremendous exception to the rule.
 19 That's all.
 20 THE CHAIRMAN: Mr. Schilling.
 21 BOARD MEMBER SCHILLING: No comment.
 22 Thank you.
 23 THE CHAIRMAN: Mr. Monahan.
 24 BOARD MEMBER MONAHAN: No comment.
 25 THE CHAIRMAN: Ms. Ott.

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1 BOARD MEMBER OTT: I think I will maybe
 2 make a referral or a comment tonight to the
 3 sign committee board members, inspired by
 4 Mr. Arpen's comments.
 5 In color theory, red is the color that the
 6 human eye is drawn to first before any other
 7 colors. Yellow is the color that's -- the
 8 human eye goes to second. So it's a very
 9 visible sign, not only because of its size, but
 10 also because of its color.
 11 The color scheme in Jacksonville, if you
 12 look at the other high-rises on the Southbank
 13 and on the Northbank, are all kind of in the
 14 cool color side of the wheel, a lot of blues,
 15 greens, not a whole lot of reds and yellows.
 16 That's on the warm side. So this will contrast
 17 and stand out more than the original yellow
 18 does.
 19 And I see that -- I guess on the -- I'm
 20 not sure if that's the underside or the back
 21 side. It's kind of hard to tell. It looks
 22 like it's going to be white now instead of the
 23 red that was there.
 24 But I think that's maybe something our
 25 sign committee should just consider, if we

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1 haven't already, is kind of the overarching
 2 color scheme of these signs in downtown. We,
 3 obviously, have a lot of blues, grays, because
 4 of our natural environment, and it's really
 5 lovely. So just for consistency, that might be
 6 something we want to be thinking about.
 7 THE CHAIRMAN: All right. Council Member
 8 Ferraro.
 9 COUNCIL MEMBER FERRARO: I thought I knew
 10 everything. I just learned something new.
 11 No comment.
 12 THE CHAIRMAN: All right. To follow up on
 13 what Ms. Ott was talking about, yes, I think
 14 there are probably three things the sign
 15 committee is looking at right now with respect
 16 to these wall signs. The color is one, the
 17 brightness and the intensity of nighttime
 18 illumination, or illumination is another --
 19 and, then, of course, the big-ticket item is
 20 the total square footage and where we're going
 21 on that and where we want to go in the future.
 22 You know, this isn't really indicative of
 23 anything the applicant has done here since
 24 they're kind of caught in the middle of the
 25 timing of all this, but I'll be voting against

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1 this today simply because -- I think for two
2 reasons. One is we are very literally in the
3 midst of working on some revisions to this. So
4 where we end up as a board in the next few
5 months is likely to be different than where we
6 are today.

7 But then the other thing is the -- the
8 scale of how outside of the regulations this
9 sign is. And as it's been pointed out, it's
10 not just this sign. There are a number of
11 downtown skyline signs that fall kind of
12 underneath this, where in the past the board
13 and staff have granted exceptions, not for
14 being a little bit outside of our guidelines,
15 but even being way outside.

16 And at some point I might think the
17 board -- we have a responsibility to kind of
18 say, grandfathering signs in maybe isn't enough
19 because that's how 20 years down the road we
20 still have signs that are way outside the code.

21 So for that reason, I'll be voting against
22 it today. But, of course, I'm just one vote.

23 And, Ms. Lopera, just for -- for the sake
24 of clarity, on this and any other item, if the
25 board were to vote down something, the only

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1 scenario where they couldn't come back and try
2 again is if their application was substantially
3 the same, right?

4 MS. LOPERA: Correct. They are precluded
5 from bringing the exact same item back to you
6 for a period of one year. They can bring you
7 something different for your approval, they can
8 do that; otherwise, it's a one-year wait.

9 THE CHAIRMAN: Okay.

10 All right. Well, that concludes my
11 comments.

12 I guess with that, I'll entertain a motion
13 from the board or further discussion, if any
14 other board members have any additional
15 comments they would like to offer.

16 BOARD MEMBER LEE: I'll make a motion to
17 approve.

18 THE CHAIRMAN: All right. There's been a
19 motion by Mr. Lee to approve.

20 Is there a second?

21 BOARD MEMBER MONAHAN: Second.

22 THE CHAIRMAN: And a second by Board
23 Member Monahan.

24 All those in favor, please say aye.

25 BOARD MEMBER MONAHAN: Aye.

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1 BOARD MEMBER DAVISSON: Aye.

2 BOARD MEMBER JONES: Aye.

3 BOARD MEMBER LEE: Aye.

4 BOARD MEMBER LORETTA: Aye.

5 BOARD MEMBER SCHILLING: Aye.

6 THE CHAIRMAN: Those opposed, say nay.
7 Nay.

8 BOARD MEMBER OTT: Nay.

9 THE CHAIRMAN: All right. The motion
10 carries with two against.

11 All right. Congratulations.

12 MR. GREAVES: Thank you, sir.

13 THE CHAIRMAN: And let's move on to action
14 item C, DDRB application 2023-005, Jacksonville
15 Children's Chorus deviation.

16 And, Ms. Kelly, let's get a staff report
17 on that.

18 And the public hearing for this is open.

19 MS. KELLY: All right. DDRB application
20 2023-005 is a request for a deviation from the
21 transparency requirements. The Jacksonville
22 Children's Choir, the JCC, seeks to install
23 window art features on their new storefront at
24 62 North Main Street, which is a ground floor
25 unit in the newly finished VyStar parking

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1 garage in the Central Core District.

2 It's on the slide projector in front of
3 you. I think most of you are familiar with
4 that.

5 The JCC is located -- or will be located
6 in the southwest quadrant of the intersection
7 of Forsyth and Main Street with the primary
8 frontage along Main.

9 The applicant seeks to install video vinyl
10 of choral performances on the far left and far
11 right storefront glass panes with photo vinyl
12 art, static stills, on the alternating glass
13 panes between the video vinyl. So the --

14 If you go to the next slide.

15 The one that's on the screen is what is in
16 your report. However, I had noted and
17 mentioned to the applicant that the rendering
18 they provided shows full-length windows, when
19 the windows that are installed are, like --
20 have a knee wall in front and they're not full
21 length. So they have revised this page. So
22 this is not a revision from the staff report.
23 It's just that their rendering was revised, so
24 that's what I've handed out to you all. It
25 shows that it's a half wall. It shows the

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1 alternating static stills. And then those
2 larger ones on the left and the right would be
3 the video vinyl. And the applicant can speak
4 more to the specifics.

5 Per the transparency requirements, at
6 least 50 percent of each new or reconstructed
7 building facade between the height of 2 and
8 10 feet above the sidewalk grade shall be
9 transparent. The current glazing, just the
10 windows, do meet this requirement. However,
11 the installation of window art would result in
12 a deficiency.

13 Further, the requirements state that glass
14 materials at the street level shall exhibit
15 visible light transmittance of a minimum of
16 60 percent. Realistically, the applicant is
17 not able to ensure that this requirement will
18 be met given the variability and visible light
19 transmittance of the semi-transparent vinyl
20 art. And, as such, seeks a deviation from this
21 requirement as well.

22 Next slide.

23 Approval of the deviation would allow for
24 an artistic installation at the ground level of
25 a major corridor in downtown. The project is

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1 THE CHAIRMAN: Okay. Thank you,
2 Ms. Kelly.

3 Let's get a presentation from the
4 applicant.

5 (Mr. Dailey approaches the podium.)

6 THE CHAIRMAN: And just a reminder to
7 state your name and address for the record.

8 MR. DAILEY: Darren Dailey. I'm president
9 and artistic director of the Jacksonville
10 Children's Chorus, and we will be shortly
11 moving into our new headquarters at 62 North
12 Main Street.

13 This is an extraordinary opportunity for
14 our city to honor its children and in an
15 artistic endeavor. I don't know how many of
16 you are familiar with the work of the
17 Jacksonville Children's Chorus. We're one of
18 the most diverse children's choirs in the
19 United States. We won national awards for it.
20 And last year we won the American prize in
21 choral music, the youth division. So we remain
22 number one in that particular category.

23 So we want to honor our city by letting
24 them know, even when we're not doing live
25 performances, that we are available there to

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1 consistent with the BID Plan as it would
2 increase the vibrancy of downtown, support the
3 installation of an aesthetic enhancement, and
4 promote a cultural program housed in downtown.

5 The request would not reduce the cost of
6 development, and there's no indication that the
7 proposed deviation would negatively impact
8 property values or be detrimental to the public
9 health, safety or welfare.

10 Ultimately, allowing for the deviation
11 from the transparency requirements would allow
12 for the JCC to install the window art, which
13 would provide interest, color, and movement at
14 the street level.

15 Based on the foregoing, staff recommends
16 approval of DDRB application 2023-005 subject
17 to the following conditions: One, that the
18 video vinyl screens must be turned off or
19 removed if not fully operational as designed;
20 and two, that none of the window installations
21 shall be used for signage, including donor
22 recognition. And that condition is to,
23 obviously, sort of mark that line between the
24 signage and the art installation.

25 This concludes the staff report.

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1 them for entertainment.

2 And that concludes my presentation.

3 THE CHAIRMAN: All right. Thank you, sir.

4 If there are any questions from the board,
5 we can take those now; otherwise, we'll move
6 along to public comments.

7 Ms. Ott.

8 BOARD MEMBER OTT: I'm not sure what page
9 this is. Sorry. On this page (indicating),
10 there is a box -- I'm just wondering if you
11 could talk about if there is going to be any
12 color to the glazing of the glass. There's a
13 box that says "clear," but then it also says,
14 "Before glass selection is approved,
15 (inaudible) of glass," so what are we thinking?

16 MR. DAILEY: So the glass goes
17 continuously from above the knee wall all the
18 way to the very top of the window. There's not
19 a blank spot at the very top, as I think the
20 rendering suggests, because now we have
21 bulletproof glass on the entire storefront.

22 BOARD MEMBER OTT: And will there be UV
23 film, any sort of tint on the -- I'm not
24 talking about the art panels; I'm talking about
25 the actual transparent glass panels. Is there

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1 any film or any tint or anything --
 2 MR. DAILEY: There is no tint. And as I
 3 understand it, they're going to be as
 4 transparent as -- I mean, we don't have a
 5 sample of it, but from what we're being told,
 6 they'll be transparent when they're not in use.
 7 BOARD MEMBER OTT: Okay.
 8 THE CHAIRMAN: Mr. Monahan.
 9 BOARD MEMBER MONAHAN: Thank you.
 10 Through the Chair to the applicant, is
 11 there any plan to replace these, you know,
 12 maybe annually or as they weather from --
 13 MR. DAILEY: We were told that we have to
 14 replace these every two to three years, just
 15 depending on how frequently we run them. And
 16 we will probably run them until about 9 o'clock
 17 at night, probably not turn them on until
 18 8 o'clock in the morning. So we want to
 19 preserve them. We know that there's not a lot
 20 of pedestrian traffic after -- at least not
 21 yet, before or after those times, as well as
 22 morning automobile traffic.
 23 BOARD MEMBER MONAHAN: Yeah.
 24 MR. DAILEY: Thank you.
 25 THE CHAIRMAN: Yeah, Ms. Ott.

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1 Scenic Jacksonville.
 2 I don't -- I just want to clarify what I
 3 think we just heard and saw. These are video
 4 panels. So these are going to be video; is
 5 that -- like, all of these panels are going to
 6 be moving? Is that what's happening? Is that
 7 what we're -- is that what we're -- it's not
 8 just a static image? It's a video image; is
 9 that -- is that what we're talking about here?
 10 THE CHAIRMAN: Darren, would you like to
 11 just clarify?
 12 MR. DAILEY: Sure. So the majority of the
 13 images in front of you are static images.
 14 Those are images of kids representing the
 15 diversity of the Children's Chorus. The side
 16 panels are video panels.
 17 MS. POWELL: The side panels -- which ones
 18 are the side panels?
 19 MR. DAILEY: So the side panels,
 20 unfortunately, are not on this rendering, so --
 21 Ms. Kelly has a copy of it. You'll be able to
 22 see where the --
 23 MS. POWELL: I'm sorry.
 24 MR. DAILEY: No, that's absolutely fine.
 25 That's why we're here.

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1 BOARD MEMBER OTT: Sorry.
 2 Thinking from a safety perspective, the
 3 side of the building on which those transparent
 4 panels will be located, it looks like maybe
 5 there might be office space on that side.
 6 Could you talk about the uses --
 7 MR. DAILEY: Yeah, so the office --
 8 BOARD MEMBER OTT: -- that back up to --
 9 MR. DAILEY: -- space -- we intentionally
 10 put the offices on the exterior because that's
 11 where a lot of the activity is going to be
 12 during the day, so it will help activate that
 13 space. Plus, it creates a second sound barrier
 14 for when we are rehearsing and recording and
 15 performing on the inside, of the -- of the
 16 office there.
 17 BOARD MEMBER OTT: Okay. Great choice.
 18 Thank you.
 19 THE CHAIRMAN: All right. Seeing no more
 20 board questions, let's move to public comment.
 21 Ms. Mezini.
 22 MS. MEZINI: Nancy Powell.
 23 THE CHAIRMAN: Ms. Powell.
 24 (Audience member approaches the podium.)
 25 AUDIENCE MEMBER: Hi. Nancy Powell with

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1 MS. POWELL: So there are video panels?
 2 MR. DAILEY: And when those are not being
 3 projected, then you can see through them.
 4 MS. POWELL: But they're going to be
 5 moving -- from 8 a.m. to 9 p.m. they're going
 6 to be moving images?
 7 MR. DAILEY: That's the plan, unless I'm
 8 told otherwise.
 9 THE CHAIRMAN: And, Darren, would you mind
 10 clarifying maybe -- so where will these side
 11 panels be located?
 12 MR. DAILEY: The video panels will be on
 13 the far right and the far left. So on the far
 14 left of your rendering is my office and on the
 15 far right is our team room or our conference
 16 room.
 17 THE CHAIRMAN: So, essentially, the
 18 corners of -- is that Forsyth and Main, and
 19 then down there closer to Main and -- is that
 20 Bay?
 21 MR. DAILEY: Correct.
 22 So, for example, this month is Black
 23 History Month, so we'll be performing -- we'll
 24 be presenting music on those screens for Black
 25 History Month. And the other types of special

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1 events where we're singing that music of that
 2 particular period or artist, that will be
 3 available to the public.
 4 THE CHAIRMAN: Thank you, sir.
 5 Ms. Powell, I'll give you a chance to --
 6 MS. POWELL: Okay. Yeah --
 7 THE CHAIRMAN: -- continue.
 8 MS. POWELL: -- I just -- you know, I
 9 think it's not -- it's not advertising.
 10 Obviously, I mean, it's -- I just think that
 11 transparency -- I would just say from a
 12 regulation standpoint, I -- nobody wants to
 13 speak against the chorus. They're wonderful.
 14 I'm glad they're coming. It's great.
 15 But downtown -- you know, transparency of
 16 windows is a really, really, really important
 17 part of downtown; walkability, friendly, people
 18 friendly, being able to see into windows. That
 19 is super important. And so, again, somebody
 20 does this and then it can snowball into other
 21 types of things, especially from a video
 22 standpoint. Anyway, it's something to really
 23 think about.

24 THE CHAIRMAN: Thank you, Ms. Powell.
 25 Ms. Mezini.
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1 MS. MEZINI: Tracey Arpen.
 2 (Audience member approaches the podium.)
 3 AUDIENCE MEMBER: Again, Tracey Arpen,
 4 8338 Daffin Lane.
 5 I did not plan to speak on this until I
 6 realized some of them are video images. I
 7 would point out that the sign subcommittee is
 8 looking at this very issue, and there does not
 9 seem to be -- at least my consent -- my sense
 10 is there's not a strong feeling for moving
 11 image videos on signage downtown. There's
 12 current discussions -- or somewhere -- to be
 13 static images that would change at a certain
 14 frequency --
 15 I would just point out that you can't
 16 choose between nonprofits and profits, between
 17 institutions and businesses you like and the
 18 ones you don't support. This is going to set a
 19 precedent. You can't say, well, you know, it's
 20 not good for the city, it's not good from an
 21 aesthetics or a traffic safety standpoint on
 22 the next one that comes along if you said it
 23 was okay here.

24 I would urge you to perhaps, if you're
 25 inclined to approve the overall package,
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1 approve the package but not approve the part
 2 for the -- for any moving videos until the
 3 subcommittee does its work. And then if they
 4 want to continue to pursue the video images
 5 and -- they'll either come back and say it's
 6 consistent with what you go along with, we'd
 7 like an approval, or they can come back and
 8 say, we know it's not authorized in the code,
 9 but here's why we think we deserve a waiver.
 10 I'd just hate for you to put a seal of
 11 approval on this and be stuck with it downtown
 12 for the next couple of decades, and, more
 13 importantly, perhaps set a precedent for other
 14 people who are going to come along and say, "It
 15 was good enough for the Children's Chorus, it's
 16 good enough for me."
 17 THE CHAIRMAN: Thank you, sir.
 18 Ms. Mezini, are there any additional
 19 public comments?
 20 MS. MEZINI: No.
 21 THE CHAIRMAN: All right. The public
 22 hearing is now closed.

23 And before we move to board comments, just
 24 a clarifying question for staff because we
 25 discussed this a little bit. Can you talk
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1 about the rationale for why staff believes the
 2 moving -- the moving installation here would
 3 not be constituted as a sign?
 4 MR. PAROLA: Absolutely. If I could --
 5 and I appreciate what Tracey is saying, and I
 6 get it.
 7 What I will point out is, we're not
 8 looking for you to advertise stuff. We're not
 9 looking at (inaudible). What we're looking for
 10 with this -- let me give you a perfect analogy.
 11 If you went to -- or next year, if you go to
 12 Friendship Fountain, you're going to see a
 13 video projection into the fountain itself.
 14 Within the next year, 18 months, you're going
 15 to see a video projection from Riverfront
 16 Plaza, so the park there onto the performance
 17 center. And there's going to be videos as a
 18 part of this. While the frequency is going to
 19 be a little different, the -- the theory is
 20 kind of still the same.

21 So while we don't want to see anybody's
 22 logo run up there -- and we've had pretty
 23 thorough conversations about what that would
 24 constitute if they did try to add signage.
 25 We view this as something unique in where
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1 it's located. So you do have to look at where
 2 it's located. Let's talk about what it looks
 3 like from Forsyth Street to the river, shall
 4 we? We have -- on your left-hand side, if
 5 we're driving south, we have a parking deck, a
 6 beautiful, two-story parking deck. Once we
 7 pass this piece of property, we have a blank
 8 wall on a parking deck, then we have a
 9 four-lane roadway, and then we have two
 10 on-ramps.
 11 So while this may not be a suitable idea
 12 for Laura Street and Adams Street, is it a
 13 suitable idea for some place that's really,
 14 really dead and no matter what glazing you put
 15 on there, it probably isn't going to activate
 16 it? Staff would argues yes.
 17 THE CHAIRMAN: Okay. Thank you,
 18 Mr. Parola.
 19 (Mr. Arpen approaches the podium.)
 20 THE CHAIRMAN: Tracey, I'm sorry, we
 21 already closed the public comment, and --
 22 MR. ARPEN: I just need to correct one
 23 point he made about whether it's a sign or not,
 24 just to say as a person who did the City's sign
 25 ordinance for years, it defines a sign that is
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1 something that draws attention to goods,
 2 products or services offered inside. And I
 3 think this clearly is a sign.
 4 THE CHAIRMAN: All right. Let's move on
 5 to board comments, and let's start on this
 6 side. Ms. Ott, we'll start with you.
 7 BOARD MEMBER OTT: Thanks, Mr. Chair.
 8 I'm so sorry. Could I ask two more
 9 questions?
 10 THE CHAIRMAN: Sure.
 11 BOARD MEMBER OTT: Just real quickly, do
 12 we know what the -- are you able to talk about
 13 the lease or the occupancy, length of time
 14 expectations for JCC?
 15 MR. DAILEY: Yes, I am thrilled to tell
 16 you that we'll be there for about 20 years.
 17 BOARD MEMBER OTT: I love it. Okay.
 18 Great.
 19 The second question, is it -- is this
 20 installation envisioned to have accompanying
 21 speakers that will play samples of the --
 22 MR. DAILEY: Yes.
 23 BOARD MEMBER OTT: All right. Awesome.
 24 That's -- sorry. That's all I have.
 25 I do love the new -- seeing public art
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1 that has been moved out front. I think it's
 2 really nice.
 3 I do understand the concerns about future,
 4 maybe, signs that try to take this approach,
 5 but I also really like the interest and the
 6 (inaudible) that these installations provide,
 7 so I think it's creative. Huge fan of JCC, so
 8 I support this one.
 9 THE CHAIRMAN: Mr. Monahan.
 10 BOARD MEMBER MONAHAN: Thank you,
 11 Mr. Chair.
 12 Through the Chair to the applicant, I
 13 apologize if I'm asking you the same question
 14 again, but nonstatic window coverings you said
 15 will be replaced every few years?
 16 MR. DAILEY: Yes, that's correct.
 17 Just the technology will advance and the
 18 technology will just have to be replaced.
 19 BOARD MEMBER MONAHAN: How about the
 20 static window coverings?
 21 MR. DAILEY: Static, we were told every
 22 two years because of the sunlight. It will
 23 just ultimately affect the -- the (inaudible).
 24 BOARD MEMBER MONAHAN: Thank you.
 25 Thank you, Mr. Chair.
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1 THE CHAIRMAN: Any comments, Mr. Monahan,
 2 or --
 3 BOARD MEMBER MONAHAN: That was it.
 4 Thank you.
 5 THE CHAIRMAN: Mr. Schilling.
 6 BOARD MEMBER SCHILLING: Thank you,
 7 Mr. Chairman.
 8 And I'll ask probably the same question
 9 again because I heard you say something and I
 10 read in here, and I didn't totally understand
 11 it, but it was the reference to the video
 12 vinyl. So it's not actually a monitor, so
 13 it's -- and you mentioned --
 14 MR. DAILEY: So the technology is going
 15 very, very, quickly. So we have a couple of
 16 options. Either the vinyl itself will have the
 17 image that's coming to it; otherwise, there
 18 will be a projector on the inside that projects
 19 on it. And then we're looking at cost and
 20 what's going to last the longest and be the
 21 best investment of the Children's resources --
 22 of the Children's Chorus's resources.
 23 BOARD MEMBER SCHILLING: And then I'll --
 24 and so I'll share and then follow up with a
 25 question. So I know we've got the two
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1 versions. The version that was originally in
2 our staff report, where basically it looked
3 like each -- there was alternating window panes
4 with the pictures. And I guess -- I think to
5 some of the concerns that have been raised here
6 today, I notice in the new image we got today,
7 the video panels, honestly, are large. I mean,
8 they're taking up four window panes.

9 MR. DAILEY: That's correct.
10 BOARD MEMBER SCHILLING: And there are two
11 of them, so you have two large window panes.

12 Can you share what went into the design
13 and the thinking that -- do y'all definitely
14 need two, one on each end, versus, like, one in
15 the middle or -- can you elaborate on that?

16 MR. DAILEY: You know, we looked at trying
17 to stretch it six or seven windows. And it was
18 just -- it was going to be too much as far as
19 being dominant, as far as the space is
20 concerned. And the thought was, based on the
21 distance pedestrians are from it, as well as
22 traffic that's stopped there for the bridge,
23 that it was just -- it was going to be too
24 dominant, aesthetically, and it was better to
25 split the image than to just have something a

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1 little too bold, if you will.

2 BOARD MEMBER SCHILLING: And will both of
3 the video vinyls, will they be playing the
4 exact same thing --

5 MR. DAILEY: They will.

6 BOARD MEMBER SCHILLING: -- at the same
7 time?

8 MR. DAILEY: And then they will be
9 synchronized with the sounds.

10 BOARD MEMBER SCHILLING: Okay. Thanks.

11 Mr. Chairman, I don't have any other
12 questions.

13 THE CHAIRMAN: All right. Thank you,
14 Mr. Schilling.

15 Mr. Davisson.

16 BOARD MEMBER DAVISSON: I think I've
17 heard, as suggested -- if the video screens
18 were removed from this list, I could support
19 it. But with the video screens -- it's treated
20 as signage. It's simply signage.

21 And as bad as it sounds with the
22 Children's Choir [sic], I don't think we can
23 discriminate between profit and nonprofit at
24 this time. It's something that we're seriously
25 dealing with on the signage committee, is

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1 static and nonstatic signs.
2 I know -- this would be, in the future,
3 handled -- it will be handled as far as the
4 square footage of allowable signage of a
5 storefront. So if you're -- I can support it,
6 but I can't support the video.

7 THE CHAIRMAN: Thank you, Mr. Davisson.
8 Mr. Lee.

9 BOARD MEMBER LEE: Thank you, Mr. Chair.
10 So if it's a projection, is the -- the

11 projection is going to be on the inside and --
12 MR. DAILEY: That's correct.

13 BOARD MEMBER LEE: -- it will reflect a
14 negative or a reverse image onto the glass?

15 MR. DAILEY: That's exactly right.

16 BOARD MEMBER LEE: Okay. That was my only
17 question, so -- I appreciate that.

18 Thank you.

19 THE CHAIRMAN: Okay. Mr. Loretta.

20 BOARD MEMBER LORETTA: Can you explain how
21 the sound is working? So I want to understand
22 this part. So we're pumping out noise into the
23 right-of-way. Can you just walk us through
24 that?

25 MR. DAILEY: I don't like to think of our
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1 recordings as "noise," although in rehearsals
2 sometimes you could definitely define it as
3 such.

4 BOARD MEMBER LORETTA: Yeah, well --

5 MR. DAILEY: But yes, we'll have
6 recordings of the Children's Chorus playing.

7 And I am mindful of our neighbors because we
8 want to be a good neighbor.

9 BOARD MEMBER LORETTA: No, I mean, it
10 makes sense. With no sound, then I'm like, how
11 are you reflecting Black History Month with,
12 you know, sound with the children singing? And
13 so --

14 But this is a tough one. I mean, we've
15 been -- you know, we've been completely opposed
16 to this in the sign committee. And, I mean,
17 I'm just -- I mean, I understand, Guy, where
18 you're coming from, but -- if we were to have a
19 video of a grocery store and they're just kind
20 of showing produce and showing someone walking
21 and -- I mean, what's the difference here?
22 It's just still kind of generally advertising
23 that use.

24 So I -- I just don't feel like we should
25 be approving the application with the -- with

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1 the screens.
 2 Go on, Ms. Kelly. I'm glad to hear
 3 further.
 4 MS. KELLY: May I --
 5 THE CHAIRMAN: Ms. Kelly.
 6 MS. KELLY: So, to Mr. Loretta's point, I
 7 understand with your reference to, like, if a
 8 grocery store was doing it. But as staff would
 9 see it, like Mr. Parola already said, this is
 10 singing; like, it's arts and culture and
 11 entertainment, so that's a very specific type
 12 of use. And so that's how we're seeing it.
 13 So I understand what you're saying. And
 14 that is -- and, of course, we -- you know, the
 15 conditions can for sure be modified in terms of
 16 making it super clear that it's not signage,
 17 but we spoke with the applicant about that very
 18 deliberately because we want to treat this as
 19 if -- this is a performance for the street.
 20 It's just a video performance.
 21 That's all.
 22 BOARD MEMBER LORETTA: Yeah, I appreciate
 23 that. And I guess -- so I understand how we
 24 can try to get around it. But if you're
 25 like -- I don't know if there's -- is there a
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1 where, on the sign committee -- like, if
 2 they're truly putting a projector on the inside
 3 to a screen on the inside, do we even have
 4 purview then?
 5 I mean, you know -- so thus far what we've
 6 been talking about is, like, an LED screen on
 7 the outside of the building, not something on
 8 the inside projecting out. And so it kind of
 9 goes back to, does this even -- do we even have
 10 a say?
 11 THE CHAIRMAN: Perhaps Ms. Lopera can help
 12 you.
 13 MS. LOPERA: Can you restate the question,
 14 through the Chair, please?
 15 BOARD MEMBER LORETTA: Okay. So on the
 16 sign committee -- it's one of those things I
 17 think I mentioned last committee, but we've
 18 been considering signage -- or, let's say, for
 19 lack of a better term, a TV or an LED screen on
 20 the outside of a building having a
 21 visualization, some sort of -- something,
 22 right?
 23 Well, in this sense, they're utilizing --
 24 they're considering utilizing a projector on
 25 the inside of the building just shooting out an
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1 way, then, that we can -- I mean, is there a
 2 way that we could kind of have the approval
 3 based on the fact that it is being envisioned
 4 as art and not a sign or something of that
 5 nature?
 6 I mean, because -- I mean, do you
 7 understand what I'm saying? Is there something
 8 that we can put into this that says to, you
 9 know, Whole Foods that you can't have this?
 10 MS. KELLY: So, through the Chair,
 11 something that I have done with other boards
 12 is, I put the intention in the condition. I
 13 have no idea if that is okay with OGC, but --
 14 so it might say, XXX shall blah, blah, blah,
 15 with the intent that the use exhibits arts and
 16 culture on -- within the street activation.
 17 So I put the intention in the condition
 18 before so that it's very clear, if somebody is
 19 reading it in two years or three years, it's
 20 like, oh, well, that's what they wanted.
 21 You know, so I don't know if that's ...
 22 THE CHAIRMAN: Mr. Loretta.
 23 BOARD MEMBER LORETTA: Sorry. One more
 24 last question.
 25 It's kind of interesting because this is
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1 image to the window that may have a piece of
 2 plastic on the inside, but the bottom line is
 3 everything they're doing is on the inside of
 4 the building in this instance. So, candidly,
 5 does this board even have purview to even weigh
 6 it one way or the other?
 7 MS. LOPERA: Well, through the Chair, my
 8 opinion is that it creates some sort of
 9 visualization on the outside, which is why they
 10 require the deviation from the transparency
 11 requirement.
 12 Am I correct on that, staff?
 13 So what you do on the inside creates
 14 something that can be seen from the outside,
 15 right? So --
 16 BOARD MEMBER LORETTA: But the
 17 transparency is for -- like, brick versus
 18 window. If they have -- I mean, it's not like
 19 a tinting of the window. It's solid surface
 20 versus window, right?
 21 MS. LOPERA: Well, through the Chair, is
 22 it not vinyl versus window? I guess I'll defer
 23 to --
 24 BOARD MEMBER LORETTA: Well, there's still
 25 a window. It's just a vinyl inside. I mean,
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1 again, I'm -- it's just -- the real question, I
 2 guess, is -- I don't know. I'll be quiet.
 3 THE CHAIRMAN: I think -- well, I think
 4 it's fair to say for the purposes of the
 5 conversation that staff's opinion, including
 6 OGC, is that for today we do have the purview,
 7 so let's act on what we're being advised, at
 8 least for now.
 9 Joe, do you have any other comments?
 10 BOARD MEMBER LORETTA: No. I'm sorry. I
 11 was --
 12 THE CHAIRMAN: That's okay.
 13 All right. Mr. Jones.
 14 BOARD MEMBER JONES: I mean, I think
 15 sometimes we're missing the forest for the
 16 trees here. But I think, again, for this, I
 17 couldn't agree with staff more. I mean, we're
 18 making -- we've been spending so much time on
 19 this board talking about garages and how ugly
 20 they are and we're trying to add vibrancy and
 21 color and dynamism to downtown. So my view
 22 is -- like I said, this is -- like, it could be
 23 our Radio City Music Hall. This could be an
 24 iconic space that you're going by.
 25 Technology, with signage, is changing. I
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1 think it just means that the board has more
 2 things that they have to do, look at, and
 3 examine about what -- what's possible here.
 4 And I think, especially for a nonprofit --
 5 I know one of the conditions here -- I did have
 6 a question about no donor recognition. And
 7 what was that -- I mean, can you explain that a
 8 little bit, why that was the case?
 9 MS. KELLY: Yeah. Through the Chair, we
 10 just wanted to make sure, again, that the focus
 11 is on arts, entertainment, culture, singing,
 12 essentially an opportunity for them to provide
 13 that entertainment to the street. And if you
 14 start using it as donor recognition, then
 15 you're really starting to blur that line, and
 16 we don't want to --
 17 BOARD MEMBER JONES: Yeah, I know it's a
 18 nonprofit and you want to give recognition to
 19 the people that are making this thing viable --
 20 MR. DAILEY: Our community has been
 21 incredibly generous, so we're --
 22 BOARD MEMBER JONES: Yeah, exactly. So I
 23 understood the intent there. That's -- I just
 24 wanted to clarify that.
 25 But, again, I -- I agree. I think -- you
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1 know, and I think we have the opportunity as a
 2 board to look at these things on a case-by-case
 3 basis, but I think with this -- I couldn't
 4 agree more, that this is a real opportunity to
 5 showcase what's possible with a garage. You
 6 know, so don't forget that.
 7 THE CHAIRMAN: Thank you, Mr. Jones.
 8 Councilman Ferraro.
 9 COUNCIL MEMBER FERRARO: Thank you.
 10 First of all, you guys do a great job at
 11 the veterans functions that you have, the
 12 singing and the -- it's taken very well and
 13 everybody enjoys it.
 14 I'm playing devil's advocate for just a
 15 second. So I sat on here when we approved 531
 16 State Street, where it was a nonprofit that put
 17 a sign up that was supposed to be just for
 18 things that were happening on that nonprofit.
 19 And I just pulled it up on my phone here, and
 20 it shows where they used it as a political sign
 21 now. So I think that's what I'm hearing here,
 22 is can this be used for something down the
 23 road, when I know when I sat on here, it was
 24 supposed to be just for -- my understanding was
 25 for information on just that -- that nonprofit.
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1 But I hear what you're saying, and I think
 2 everybody's in support, from what I'm hearing,
 3 of moving forward with what you're talking
 4 about. I think they're afraid of what it might
 5 be down the road, so just -- that was one of
 6 the things.
 7 The other thing I wanted to bring up is --
 8 I don't know if this went through traffic
 9 engineering because I know sitting on City
 10 Council the past seven-and-a-half years, I know
 11 that signs that have a certain change -- and I
 12 think it was eight or five seconds -- was
 13 something that was of concern.
 14 So I would hate for this to move on
 15 through without having questions, because I
 16 know when it comes in front of us we have a
 17 thousand questions. And I just wanted to put
 18 it out there, of not saying I support it or I
 19 don't, I just wanted to put that out there.
 20 THE CHAIRMAN: Thank you, sir.
 21 MR. PAROLA: Through the Chair --
 22 THE CHAIRMAN: Yeah, but before we get to
 23 Ms. Ott -- so you want to respond to that or --
 24 MR. PAROLA: I do.
 25 THE CHAIRMAN: I was going to frame it
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1 into a question if --
 2 MR. PAROLA: I think the councilman's
 3 points are really well taken. And even though
 4 Mr. LeDew gets everything, you know, he's got
 5 843 square miles to worry about, not just our
 6 little four. So if it's okay with the chair,
 7 and if it makes the councilman feel
 8 comfortable, because his points are really well
 9 taken, we'll get with FDOT.
 10 And I think we even spoke with -- we'll
 11 get with FDOT, so we'll get with Jim Knight and
 12 we'll get with Chris LeDew, and they'll give
 13 their sign-offs before anything gets plastered
 14 on their windows, if that suits the way we were
 15 going with this.
 16 COUNCIL MEMBER FERRARO: I just didn't
 17 want you guys running into a speed bump. I
 18 think --
 19 MR. PAROLA: That's a great point.
 20 COUNCIL MEMBER FERRARO: -- the Children's
 21 Choir [sic] is a great thing. I just didn't
 22 want to see these not be addressed. That's
 23 all.
 24 MR. PAROLA: Absolutely. Thank you,
 25 Councilman.

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1 great job coming up with that. And thank you
 2 to Darren for working with them on that.
 3 So I'm comfortable with this. I think the
 4 board made a lot of good points.
 5 And, Ms. Ott, I think your third condition
 6 is a reasonable one. We've done things like
 7 that in the past to make sure that the current
 8 applicant's benefits were achieved, but we
 9 didn't unintentionally expand benefits to a
 10 different organization with a totally different
 11 purpose, so --
 12 BOARD MEMBER OTT: Do you need a motion?
 13 THE CHAIRMAN: Yeah.
 14 BOARD MEMBER OTT: Mr. Chair, I'd like to
 15 make a motion that we include an additional
 16 requirement that -- conditioning that the
 17 approval be based on occupancy of this
 18 particular tenant.
 19 THE CHAIRMAN: Okay. So let's -- yeah,
 20 let's deal with that motion first. And then
 21 assuming that passes, let's wrap it up into the
 22 full thing.
 23 So Board Member Ott has made a motion to
 24 add a third condition as she articulated. Is
 25 there a second?

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1 THE CHAIRMAN: Ms. Ott, do you have
 2 additional comment?
 3 BOARD MEMBER OTT: Thanks, Mr. Chair.
 4 To staff, I'm not sure if this would be
 5 appropriate, or the board would be interested
 6 in this, but maybe adding an additional
 7 condition to say, if the tenant occupancy
 8 should change at any point in time, that these
 9 signs are to be removed upon vacation of the
 10 space, something to that effect.
 11 THE CHAIRMAN: All right. Yeah. I mean,
 12 just quickly, I think everyone has kind of hit
 13 on this, but, to me, the two -- and staff did a
 14 great job of this. I know they've had a lot of
 15 conversations with the applicant.
 16 For me, the distinction between art and
 17 sign was important. And I think it -- there is
 18 sort of a two-part test for this. One, the
 19 mission and the daily operations of the
 20 organization in question. In this case,
 21 clearly an artistic, creative organization.
 22 And then, of course, the implementation of
 23 the visual element, and we -- I talked to staff
 24 a lot about how to make sure that wasn't
 25 interpreted as a sign. I think they've done a

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1 BOARD MEMBER SCHILLING: Second.
 2 THE CHAIRMAN: Mr. Schilling has seconded
 3 that motion.
 4 All those in favor of adding a third
 5 condition, please say aye.
 6 BOARD MEMBERS: Aye.
 7 THE CHAIRMAN: Any opposed?
 8 BOARD MEMBERS: (No response.)
 9 THE CHAIRMAN: Okay. Show that condition
 10 added.
 11 And now I'll look for a motion on the
 12 entire recommendation as amended. And just a
 13 reminder, I believe -- Ms. Lopera, correct me
 14 if I'm wrong. But because this is a deviation,
 15 the brave soul who offers this motion is going
 16 to have to read into the record the findings
 17 that staff has presented us with, if that is
 18 the motion in question?
 19 MS. LOPERA: I would prefer that, yes.
 20 THE CHAIRMAN: Okay.
 21 BOARD MEMBER SCHILLING: Mr. Chairman,
 22 from the discussion that Mr. Loretta was having
 23 and the idea that Ms. Kelly had -- I thought it
 24 was a good point -- with also adding a
 25 condition, something to the effect of that the

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1 intent of the video screens, vinyls, whatever
 2 we're calling them, is to support the arts and
 3 culture.
 4 So I wanted to throw that out there, see
 5 if the board would support that, as well as a
 6 motion.
 7 BOARD MEMBER LORETTA: I'll second that.
 8 BOARD MEMBER JONES: I have a question
 9 about the additional -- I agree with you, Board
 10 Member Schilling.
 11 Are we sort of boxing ourselves in with
 12 that first condition? What if another artistic
 13 nonprofit comes in and would want to do the
 14 same thing? So are you just saying this
 15 particular -- they have to come back -- I mean,
 16 what if they wanted to use the same equipment,
 17 just -- we just made them come back through the
 18 process?
 19 BOARD MEMBER SCHILLING: Yes.
 20 BOARD MEMBER JONES: Okay. Just wanted to
 21 clarify that.
 22 THE CHAIRMAN: So, Mr. Schilling, perhaps
 23 what we could do -- I'm trying to think of --
 24 Ms. Lopera, kind of direct us here.
 25 On number 2 maybe, since it talks about
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1 the window installations already not being used
 2 for signage, perhaps we can just add a little
 3 tail on to the end of that, making sure that
 4 the intent as an art piece is incorporated?
 5 BOARD MEMBER SCHILLING: Yes, sir,
 6 Mr. Chair, that would be perfect.
 7 MS. LOPERA: Through the Chair to Board
 8 Member Schilling, you can maybe make a motion
 9 to amend the conditions to add the intent here.
 10 BOARD MEMBER SCHILLING: Perfect.
 11 So, Mr. Chairman, I will propose a
 12 motion -- make a motion that we amend Condition
 13 Number 2 to add verbiage to the end of the
 14 sentence to the effect that the intent of the
 15 video is to support the arts and culture. And
 16 any further refinement, Ms. Lopera can sort of
 17 add to that.
 18 THE CHAIRMAN: Ms. Lopera, is that
 19 sufficient?
 20 MS. LOPERA: That's sufficient, if there's
 21 a second.
 22 THE CHAIRMAN: All right. Mr. Schilling
 23 has made a motion.
 24 Is there a second?
 25 BOARD MEMBER LORETTA: I'll second.
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1 THE CHAIRMAN: Mr. Loretta has seconded.
 2 All those in favor of modifying Condition
 3 Number 2, please say aye.
 4 BOARD MEMBERS: Aye.
 5 THE CHAIRMAN: Any opposed?
 6 BOARD MEMBERS: (No response.)
 7 THE CHAIRMAN: Show Condition 2 modified.
 8 And now let's look for a motion on the
 9 entire recommendation as amended.
 10 BOARD MEMBER JONES: Motion to approve as
 11 amended.
 12 THE CHAIRMAN: Thanks for volunteering,
 13 Mr. Jones.
 14 BOARD MEMBER JONES: I was just so excited
 15 about this. I haven't had this yet, so --
 16 everybody gets their turn.
 17 THE CHAIRMAN: Right. So I think what we
 18 do is we go point by point and then read the
 19 findings into the record.
 20 BOARD MEMBER JONES: Section 656.361.8.B,
 21 general deviation criteria, number 1, the
 22 effect of the proposed deviation is consistent
 23 with and furthers the objectives, policy,
 24 design, and intentions of the BID Plan.
 25 The finding -- ultimately, the deviation
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1 would result in an artistic installation at the
 2 ground level of a major corridor in downtown.
 3 This is Main Street.
 4 The proposed installation would exhibit a
 5 combination of choral photos as well as clips
 6 from performances, resulting in the showcase of
 7 the Jacksonville Children's Chorus, JCC, as a
 8 cultural opportunity in downtown.
 9 This effort is aligned with the following
 10 goals and objectives of the BID Plan:
 11 Redevelopment Goal Number 4, to increase
 12 the vibrancy of downtown for residents and
 13 visitors through arts, culture, history,
 14 sports, theatre, events, parks and attractions.
 15 Strategic objectives. Support the
 16 installation of public art and aesthetics and
 17 sensory enhancements as well as wayfinding and
 18 technology throughout downtown.
 19 Market and promote downtown programming
 20 and visitor attractions, increase the number of
 21 daily visits to downtown.
 22 Number 2, the request is not based
 23 exclusively upon the desire to reduce the cost
 24 of developing the site, but would accomplish a
 25 substantial public benefit.
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1 Finding: This request would not reduce
2 the cost of development. According to the
3 applicant, the request is to showcase the JCC's
4 work through public art and activation. And
5 staff finds that this would accomplish a
6 substantial public benefit.

7 Three, the proposed deviation will not
8 diminish property values in the area
9 surrounding the site and will not interfere
10 with or injure the rights of adjacent
11 properties.

12 The finding: There is no indication that
13 the request will negatively impact property
14 values in the area or interfere with the rights
15 of adjacent properties.

16 Number 4, the request is not a
17 self-imposed hardship. Finding: The request
18 for deviation from the transparency
19 requirements in order to install a public art
20 piece. The specifics of this request do not
21 constitute a self-imposed hardship.

22 Number 5, the proposed reduction or
23 deviation will not be detrimental to the public
24 health, safety, or welfare, result in
25 additional public expense or the creation of

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1 hospital or arena.

2 And the finding is, the use of ground
3 floor space at this location is very unique and
4 not commonly found throughout downtown. The
5 space is the main location for the Jacksonville
6 Children's Chorus, which is a local nonprofit
7 organization that provides choral music,
8 education for all children, and enhances art
9 and culture across the city through their
10 performances.

11 Number 2, the use must be protected from
12 light, or visibility into the space would
13 create a bona fide security concern. And the
14 finding there: While the window art pieces
15 would provide a measure of security for
16 employees and children, the window
17 installations would ultimately provide benefit
18 as an activation tool for this intersection.

19 Three, the design of the exterior facade
20 incorporates living walls, murals, and other
21 facade treatments that would engage the
22 pedestrian in the space where transparency
23 would be required.

24 The finding: The design and functionality
25 of the window would engage the pedestrian in

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1 nuisances.

2 And the finding: The proposed deviation
3 will not be detrimental to the public health,
4 safety and welfare and will not result in
5 additional public expense or the creation of
6 nuisances.

7 Number 6, either there are unique site
8 characteristics, such as a parcel shape,
9 location, existing utility easements, et
10 cetera, that prevent development consistent
11 with these regulations, or strict compliance
12 with these regulations will cause undue
13 economic hardship to the developer or
14 applicant.

15 The finding: The applicant is not able to
16 calculate the light transmittance reasonably
17 and confidently in advance of the installation.
18 In accordance with the code requirements, an
19 installation of the vinyl window art will
20 likely cause the transparency percentage to
21 fall short of the 50 percent requirement.

22 Section 656.361.6.2.G, Transparency,
23 number 1, the use of the ground floor space is
24 unique and not commonly found throughout
25 downtown, such as a museum, convention center,

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1 the space where transparency would be required.
2 The pieces would provide interest, color, and
3 movement at the street level.

4 The recommendation: Based on the
5 foregoing, Downtown Development Review staff
6 supports approval of DDRB application 2023-005
7 subject to the following conditions:

8 Number 1, video vinyl screens must be
9 turned off or removed if not fully operational
10 as designed. Number 2, none of the window
11 installations shall be used for signage,
12 including donor recognition.

13 Help me out here because I know we have
14 something about art.

15 Number 3, the approval for the signs must
16 be -- what is the --

17 MS. KELLY: (Inaudible.)

18 BOARD MEMBER JONES: The intent for Number
19 2, including -- including the donor -- is that
20 the screens will be used for arts and cultural
21 purposes only.

22 MS. KELLY: (Inaudible.)

23 BOARD MEMBER JONES: And that the approval
24 is specific to this tenant only.

25 THE CHAIRMAN: All right. Thank you,

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1 Mr. Jones.
 2 There has been a motion made by Mr. Jones.
 3 Is there a second?
 4 BOARD MEMBER MONAHAN: Second.
 5 THE CHAIRMAN: And Mr. Monahan has offered
 6 a second.
 7 All those in favor of approving DDRB
 8 application 2023-005 with the staff
 9 recommendations as amended, please say aye.
 10 BOARD MEMBERS: Aye.
 11 THE CHAIRMAN: Any opposed?
 12 BOARD MEMBERS: (No response.)
 13 THE CHAIRMAN: All right.
 14 Congratulations.
 15 MR. DAILEY: Thank you for your time, your
 16 questions, your comments and consideration.
 17 Have a wonderful afternoon.
 18 THE CHAIRMAN: Okay. Board members, let's
 19 move to our final action item, Item D,
 20 Ordinance 2023-007, the Southbank mixed-use PUD
 21 rezoning.
 22 Let's open the public hearing.
 23 And, Ms. Kelly, can we get a staff report
 24 on this item?
 25 MS. KELLY: Yes. Through the Chair to the
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1 board, I would like to ask Ms. Lopera or
 2 somebody to go ahead and give us a little lay
 3 of the land because this is a rezoning. This
 4 is not, like, conceptual or final approval.
 5 MS. LOPERA: Yes. So through the Chair to
 6 the board members, this item, 2023-007, is a
 7 rezoning. And as you may or may not recall,
 8 there was prior legislation that came before
 9 this board a year or two ago, that, if passed,
 10 would have been policy-setting; meaning, it
 11 would have amended the Downtown Overlay to
 12 allow something similar to this request as a
 13 permissible use by exception. However, that
 14 legislation never passed.
 15 And so whether you were here on this board
 16 or you weren't, whether you were in favor of it
 17 or you were not, that recommendation that was
 18 made on the proposed legislation has no bearing
 19 on your consideration of this specific
 20 application or the merits of it.
 21 So you're hearing a rezoning based on your
 22 duty under Chapter 656 of the Ordinance Code to
 23 review and make decisions regarding a zoning
 24 request pertaining to properties within the
 25 Downtown Overlay Zone.
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1 The burden of proof for rezonings is borne
 2 by the applicant who must prove by substantial,
 3 competent evidence that the proposed rezoning
 4 is, one, consistent with the Comp Plan; two,
 5 furthers the goals, objectives and policies of
 6 the Comp Plan; and three, is not in conflict
 7 with any portion of the City's land use
 8 regulations.
 9 So in those three things, they must
 10 provide substantial, competent evidence. So
 11 what is that? So just as a quick reminder,
 12 substantial, competent evidence includes the
 13 reports and recommendations of staff, which you
 14 have in your packet. It includes expert
 15 testimony, when the expert gives testimony that
 16 is within their area of expertise of known
 17 facts. And it can also be citizen testimony so
 18 long as it's not based on mere opinions.
 19 What is not substantial, competent
 20 evidence is arguments of attorneys,
 21 unfortunately; and citizen testimony that is
 22 based on opinions or, like, polls of residents
 23 or that type of thing.
 24 So just as a reminder, courts have long
 25 upheld that reports and recommendations of
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1 local government Planning staff have been
 2 considered expert testimony and are sufficient
 3 to sustain a quasi-judicial zoning decision.
 4 And I'm available for any questions at any
 5 time.
 6 THE CHAIRMAN: Thank you, Ms. Lopera.
 7 And just a clarifying question for the
 8 board's benefit. Can you tell the board just
 9 the general process of this legislation and
 10 what the board's role is here today and what
 11 happens next, based on the board's actions?
 12 MS. LOPERA: Sure. So this is an
 13 application/project named the Southbank
 14 mixed-use PUD. It is a proposed mixed-use
 15 development that you can review and determine
 16 your recommendation on this rezoning request.
 17 After this, it will go -- your
 18 recommendation will be forwarded on. So this
 19 is just a recommendation, but it is within your
 20 purview to discuss and determine how you want
 21 to make that decision.
 22 THE CHAIRMAN: Thank you.
 23 Ms. Kelly, we'll go back to you for the
 24 staff report.
 25 MS. KELLY: Yes, sir.
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1 Ordinance 2023-007 is a request for a
2 rezoning from the Commercial Central Business
3 District, CCBD, to Planned Unit Development, to
4 the PUD. Located in the Southbank district,
5 the subject site is approximately 1.01 acres
6 and consists of four parcels. The subject site
7 is located at the southwest corner of Hendricks
8 Avenue and Prudential Avenue.

9 If you're not familiar with that, there is
10 that Thai Basil [sic] restaurant. Right now,
11 it's kind of on -- across from the hotel.

12 Offices and restaurants are located across
13 Hendricks Avenue from the subject site and
14 hotels are located across Prudential Drive.

15 This intersection is a major commercial
16 node in the Southbank district as it
17 establishes a change in character from the
18 mid-rise office and commercial uses to the
19 high-rise hospitality uses that flank the
20 Southbank Riverwalk, which is less than
21 1,000 feet north of the subject site.

22 The rezoning is being sought to allow for
23 a mixed-use building with ground-floor retail
24 and personal property self-storage on the
25 second through fifth floor.

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1 support.

2 Personal property self-storage facilities
3 are permissible by grant of a zoning exception
4 in the Church, Brooklyn, and LaVilla districts,
5 as well as within some conventional zoning
6 districts that do have vacant land that are
7 less than a half mile from the subject site.

8 This node also serves as a significant
9 intersection with regards to site (inaudible).
10 As shown on the City's on-street bikeways and
11 trails network map, bike lanes and shared lanes
12 are provided on both sides of each roadway at
13 this location.

14 Staff finds that using approximately
15 150,000 square feet of the building space for
16 storage at this location within downtown is
17 inconsistent with the Comprehensive Plan as
18 well as the BID Plan.

19 By nature of their function, personal
20 property self-storage facilities do not promote
21 more people on the street. Further, the
22 proposed use does not contribute to trip
23 origins and/or destinations for pedestrians and
24 cyclists.

25 The proposed use, if approved, would mean

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1 Personal property self-storage uses are
2 not permitted or permissible within the CCBD,
3 in the Southbank district, of the Downtown
4 Overlay, which is why the applicant is seeking
5 a rezoning to a PUD.

6 The staff report provides history with
7 regards to the 2010 ordinance that amended the
8 downtown portion of the Zoning Code. The use
9 of personal property self-storage was
10 contemplated in this amendment. Ultimately,
11 after all of the public input and action by
12 City Council, personal property self-storage
13 facilities were excluded from the Southbank
14 district.

15 The ground-floor retail or a similar
16 commercial use that is mentioned in the written
17 description is welcome at this location.
18 However, approximately 150,000 square feet of
19 personal property self-storage space, which is
20 about 80 percent of the structure, is proposed,
21 making the self-storage use the primary use of
22 the site.

23 While self-storage uses are considered
24 a support use to multifamily, they do not need
25 to be adjacent to the multifamily that they

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1 that a large amount of space is taken up in
2 downtown and would offer very small density,
3 jobs, residential or otherwise in return.

4 For these reasons, the proposed primary
5 use of personal property self-storage is
6 inconsistent with the Comprehensive Plan and
7 the BID Plan, as well as the spirit and intent
8 of the zoning district.

9 The applicant has provided conceptual
10 renderings of the proposed project.

11 And, Ms. Mezini, can you flip it two
12 slides?

13 MS. MEZINI: (Complies.)

14 MS. KELLY: Thank you.

15 However, the board should note that this
16 submittal is insufficient for conceptual review
17 by DDRB. As such, staff has not prepared an
18 analysis of the building size, architecture,
19 nor any other aspects of the project related to
20 the public or private realm regulations in
21 subpart H. This report focuses on analysis of
22 the use itself.

23 For the reasons stated, and more as
24 provided in the staff report, staff recommends
25 denial of ordinance 2023-007.

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1 THE CHAIRMAN: Okay. Thank you,
 2 Ms. Kelly.
 3 Is there a presentation from the
 4 applicant?
 5 (Mr. Diebenow approaches the podium.)
 6 MR. DIEBENOW: Good afternoon, Chairman
 7 and members of the board.
 8 My name is Steve Diebenow, One Independent
 9 Drive, Suite 1200.
 10 Just a quick housekeeping item, I think
 11 it's appropriate at this point -- and I would
 12 just ask the General Counsel if she agrees,
 13 that maybe you do quasi-judicial disclosures so
 14 that there's ex parte disclosures before we
 15 start.
 16 Under quasi-judicial matters, board
 17 members are allowed to talk to applicants,
 18 they're allowed to talk to neighbors, but one
 19 of the prerequisites is -- and to make sure
 20 everybody's doing this right is that folks
 21 disclose those conversations. So if it's okay
 22 with you, Madam -- Chairman --
 23 MS. LOPERA: That would be appropriate at
 24 this time, Mr. Chairman.
 25 THE CHAIRMAN: Okay. Let's start --
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1 on January 26th, and we discussed the details
 2 of the site plan and the potential rezoning.
 3 THE CHAIRMAN: Mr. Schilling.
 4 BOARD MEMBER SCHILLING: And, similarly, I
 5 received the emails that were referenced.
 6 And I also spoke with Mr. Diebenow,
 7 representing the applicant, earlier this week
 8 and then this morning as well.
 9 THE CHAIRMAN: Mr. Davisson.
 10 BOARD MEMBER DAVISSON: I spoke with
 11 Mr. Diebenow twice, and I've received a number
 12 of emails, and I believe most of them -- all of
 13 them have come through Susan Kelly.
 14 THE CHAIRMAN: Mr. Lee.
 15 BOARD MEMBER LEE: Yeah. I also had
 16 ex parte communication with Mr. Diebenow, twice
 17 earlier this week and again this morning.
 18 Also, I've received numerous emails. Similar
 19 to Ms. Ott, they were either copied by staff or
 20 forwarded to staff.
 21 THE CHAIRMAN: Mr. Loretta.
 22 BOARD MEMBER LORETTA: I received multiple
 23 emails -- I'm sure everybody else did -- that
 24 came through staff or were forwarded. And I
 25 did speak with Mr. Diebenow once on the 31st in
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1 Ms. Ott.
 2 BOARD MEMBER OTT: I'm going to copy the
 3 role that Mr. Schilling set for us last
 4 meeting. DDRB, I think as a body, received
 5 quite a few emails from various community
 6 members. At least the ones I received, staff
 7 was either copied on all of those or we -- has
 8 been forwarded all of those. So staff has a
 9 complete list of the -- about two dozen, maybe
 10 three dozen that we -- that the board received,
 11 so I won't list them all.
 12 I, myself, have -- the San Marco
 13 Preservation Society held a town hall meeting
 14 about the topic, so I attended that and
 15 observed and listened.
 16 I also had a phone conversation with
 17 Mr. Steve Diebenow on February 1st. The
 18 content of which -- he provided his view of
 19 background events leading to this application.
 20 And I asked about additional sites, sort of
 21 surveying the (inaudible).
 22 THE CHAIRMAN: Mr. Monahan.
 23 BOARD MEMBER MONAHAN: Thank you, Ms. Ott,
 24 for that beautiful summation.
 25 I also met with Mr. Diebenow in my office
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1 person and then once earlier today as well.
 2 The conversations were introducing the project.
 3 THE CHAIRMAN: Mr. Jones.
 4 BOARD MEMBER JONES: I, too, have received
 5 ex parte communications from the same list of
 6 emails that were received and forwarded by
 7 staff, as well as two conversations with
 8 Mr. Steve Diebenow, one today and I believe two
 9 days ago.
 10 THE CHAIRMAN: And, Ms. Lopera, since
 11 Councilman Ferraro is an ex-officio member,
 12 he's not bound by the same --
 13 MS. LOPERA: (Shakes head.)
 14 THE CHAIRMAN: Okay.
 15 All right. I also received a lot of the
 16 same emails. Mr. Diebenow and I met on
 17 February 2nd to discuss the project and had a
 18 couple of subsequent conversations this week.
 19 And I -- and I encourage the board
 20 members, just go back through your in-boxes and
 21 make sure any emails you've got, if staff
 22 wasn't copied, let's go ahead and make sure you
 23 forward those to staff.
 24 And I think probably at this point we're
 25 probably in a good posture.
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1 So, Mr. Diebenow, we'll yield the floor
 2 back to you.
 3 MR. DIEBENOW: Thank you, Mr. Chairman.
 4 I'm going to pass out an aerial photo just
 5 so everyone knows -- and everyone knows the
 6 property generally, but I'm going to pass out
 7 an aerial photo to make it a little easier.
 8 And then I'm going to ask Boyd Simpson to
 9 come up and introduce himself -- he's the
 10 developer on the project -- give some
 11 background about his company. I'm going to
 12 make some comments after that. And then Mike
 13 Saylor, who is our expert, is going to talk as
 14 well.
 15 So I'll -- I'll pass these maps out while
 16 Mr. Simpson is making his way up.
 17 (Mr. Simpson approaches the podium.)
 18 THE CHAIRMAN: And, Mr. Simpson, if you
 19 would just remember to state your name and your
 20 address for the record, please.
 21 MR. SIMPSON: My name is Boyd Simpson.
 22 I'm from Atlanta, Georgia. My office is at
 23 1170 Peachtree Street, in the midtown area of
 24 Atlanta.
 25 So after being born in Lakeland, Florida,
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1 as a ninth generation Floridian, I went to
 2 Georgia Tech. And I'm an engineer by original
 3 training. Subsequently, obtained an MBA from
 4 the Wharton School of Business in Pennsylvania.
 5 In 1988, I founded a company, of which I
 6 am now the president and CEO. And we are
 7 engaged in investment and development in
 8 commercial real estate. We operate only in the
 9 southeastern United States by choice. We have
 10 about 2 billion in assets. We're engaged in
 11 office, retail, multifamily, self-storage,
 12 mixed-use, and land development of varying
 13 amounts.
 14 We have about 120 employees. Our office
 15 in Florida is in Maitland. We have owned
 16 property for some years off and on in
 17 Jacksonville. At the moment, other than having
 18 this particular property under contract, we do
 19 not own anything in the Jacksonville market.
 20 Our last project in Jacksonville was a
 21 self-storage project, not mixed-use as this one
 22 is, out of Herlong, about five or six miles
 23 outside of the city, which we've subsequently
 24 sold.
 25 We only develop self-storage facilities in
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1 connection with CubeSmart. And I think it's
 2 important that I give you just a few brief
 3 details. CubeSmart is one of the five largest
 4 self-storage owners and managers in the United
 5 States. They are listed on the public -- New
 6 York Stock Exchange. Their market
 7 capitalization, as of today, is about 12 and a
 8 half billion. They operate, as of
 9 December 31st, 1,264 self-storage facilities
 10 throughout the United States. They are
 11 consistently ranked as the number one
 12 third-party manager of self-storage facilities.
 13 And we only work with CubeSmart. So when
 14 we find a site or a potential site, we -- the
 15 first thing we do is ask CubeSmart, "What do
 16 you think about this site?" They have way more
 17 data than we do. They can apply artificial
 18 intelligence to it. This is a big, deep data
 19 exercise.
 20 We've developed 24 CubeSmart facilities.
 21 This one is ranked the most desired location of
 22 those 24. What does that mean? It means the
 23 demand, which they estimate would be brought to
 24 this facility, is the strongest of any of the
 25 24 locations we've developed.
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1 We developed a number of properties in
 2 Florida, Virginia, North Carolina, and Georgia,
 3 et cetera. So it's important to know that, for
 4 us, this is not a casual focus, but a rather
 5 serious focus.
 6 I understand the controversy. I've been
 7 in this business a long time. But our goal is
 8 to develop a first-class facility, independent
 9 of what its use might be, that is safe, secure,
 10 well-constructed, and is consistent with
 11 community standards.
 12 We believe that our project here is
 13 consistent with the standards contained in the
 14 code. Our experts agree with us. We'll let
 15 them speak to you about those details.
 16 We appreciate your support. We understand
 17 that there are political complications to this,
 18 but I think if you look at the code and the
 19 facts and the quality of sponsorship that is
 20 involved with the project, you can find a way
 21 to support it.
 22 It will be an important, useful amenity to
 23 the community. It will create jobs. It will
 24 improve the tax base. It provides almost
 25 four-and-a-half times the amount of retail
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1 which is on the site today.
2 We're going to spend about \$27-and-a-half
3 million to build it. Compare that with your
4 current tax base. It will not impose excessive
5 infrastructure burdens.

6 So I just want you to understand that
7 we're committed to quality, just as CubeSmart
8 is committed to quality.

9 Any suggestion that the facility in any
10 fashion is negative to either value or security
11 or the neighborhood is really not founded.

12 I thank you for your time today, and I
13 hope you will find a way to support our
14 application, and I'll turn it back over to the
15 experts.

16 THE CHAIRMAN: Thank you, Mr. Simpson.

17 MR. DIEBENOW: Mr. Chairman, if I could,
18 I'm going to pass a few things out as I go
19 along. And I'll just -- I'll pass them over to
20 the General Counsel and ask her to pass them
21 around to maybe save time.

22 I already -- the property we're talking
23 about is at the corner of Hendricks and
24 Prudential. I want to give you this next slide
25 to further orient you about the parcels that

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1 we're talking about.

2 So the one that I'm passing out now has
3 the parcels that are proposed for the mixed-use
4 project outlined in yellow, and then there are
5 two parcels that are Xed out, one that's in red
6 and one in black.

7 The reason that I'm passing this out is
8 to, again, let you know the history of the
9 site. Before Mr. Simpson had this property
10 under contract, the entirety of that site --
11 the yellow outlined portions, as well as the
12 black -- the Xed-out portions in red and black
13 were all under contract at the same time for a
14 proposed affordable housing deal. That is,
15 they were going to develop a multifamily
16 development. This was a developer out of
17 Miami. And they had applied for tax credits
18 through the State of Florida. All of that
19 property was aggregated under a single contract
20 and it was big enough to accomplish not only
21 structured parking, but also a multifamily use.

22 When they were not successful getting
23 their historic tax credits, the portions that
24 are Xed out in red and black were immediately
25 sold.

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1 The red box is an office building,
2 one-story office building. It's owned by
3 We Insure. It's an insurance company. The
4 black -- blacked-out X on the back is the
5 parking that supports that property, and they
6 have a driveway that goes from Prudential all
7 the way through the parcel, back to Home
8 Street.

9 So those two parcels are gone, and they
10 were bought by a family, and that lease that
11 We Insure has is for ten years with several
12 renewals. And, as a result, the only parcels
13 that were left to develop are the yellow
14 parcels, and they were marketed for many years
15 by Frost Weaver.

16 And the northern parcels that are fronting
17 on Prudential are owned by one lady, a very
18 nice lady. And the parcel on Home Street in
19 the back is owned by a gentleman who lives here
20 in Jacksonville as well.

21 So I wanted to give you that history
22 because this is not -- this property is a
23 challenging property. It's not big enough for
24 multifamily. It's not big enough for office,
25 when you include what is required for parking.

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1 And even though this property has an
2 unlimited height available under the overlay,
3 it's not financially feasible to develop either
4 multifamily or office.

5 So when Mr. Simpson first approached us
6 about this project and he indicated an interest
7 in developing ground-floor retail, along with
8 self-storage uses above, I was very excited
9 because I felt like it was the perfect use for
10 the -- for the site.

11 I'll give you a little history, then --
12 and the General Counsel did this already, but
13 originally we asked to change the overlay. I'm
14 not going to rehash all that history. The
15 reason we did that is we wanted to be very
16 transparent and up front about what we thought
17 was a missing use in the code.

18 When we eventually ended up at City
19 Council, the comments at City Council were very
20 direct. It was basically, we don't want to
21 change the overlay in general; we would rather,
22 if you do this, that you do it through a PUD.

23 And there were half a dozen Council
24 members, including the district councilwoman
25 that said, I don't support a change in the

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1 overlay, but if they want to try this, the PUD
2 is the appropriate way to do it. And as a
3 result, after that meeting, we waited two or
4 three months to kind of evaluate everything and
5 figure out if we wanted to go forward. And
6 eventually Mr. Simpson said, yes, let's take
7 that advice and let's file for a rezoning.

8 So, again, you know, the question is
9 really, is a PUD appropriate here? And PUDs
10 aren't typically, as you all know, something
11 that you see here at DDRB very often.

12 So, of course, they're -- they're entirely
13 appropriate. Our Downtown Overlay calls out
14 PUDs as a permitted secondary zoning district.
15 That is the -- you can apply for a PUD in
16 downtown pursuant to the code. There's not a
17 loophole. It's not like we're working around
18 the overlay. We're not working against the
19 Comprehensive Plan. In fact, the Comprehensive
20 Plan permits personal self-storage, just like
21 it permits retail.

22 And the PUD, in our opinion, and the
23 guidance that we received from City Council,
24 was an appropriate way to seek this unique
25 combination of uses.

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1 Mr. Simpson already mentioned, currently
2 on the site there's about 4,000 square feet of
3 restaurant and office. This proposal has -- as
4 you can see on the site plan behind you or in
5 your package, this proposal has 16,000 square
6 feet of space that's available for restaurants,
7 for office, and for retail uses.

8 Now, Mr. Simpson also mentioned that they
9 don't do this casually, that they spend a lot
10 of time working on data to figure out if the
11 site is a good location. This kind of feeds
12 into another reason why the PUD is appropriate.

13 When the overlay was adopted in 2019 --
14 lots of things have changed since then. And we
15 have a little bit different characterization of
16 what happened in 2019 when the overlay was
17 adopted. That's really not important for our
18 conversation today, but what we believe is that
19 since 2019 there have been 4,000 residential
20 units that have been -- either construction has
21 started, entitled, or under various stages of
22 approval. Some have already been built; 2,500
23 on the Southbank and another 1,500 within a
24 mile, in San Marco. And then, on top of that,
25 another 700 on the Southbank that were already

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1 existing, plus another 1,500 on the Northbank.
2 My point is that something has changed
3 since 2019, and that is specifically
4 4,000 units have been added on the Southbank or
5 within a mile.

6 Overlays aren't static. Overlays don't
7 stay the same all the time. That's why there's
8 a provision to allow you to -- to file for a
9 PUD. Specifically, our code allows a PUD to be
10 used in order to add a use. We're adding that
11 not willy-nilly. We're adding it because we've
12 demonstrated, we think, through the market
13 study that was part of our application -- I
14 have another copy here today that I'll pass
15 out. But the market study demonstrates that
16 there is a need for this use.

17 So what does the PUD do? Everyone has
18 talked a lot about self-storage. That seems to
19 be the overriding factor that everyone is
20 talking about. What's overlooked in the staff
21 report and what's overlooked in a lot of the
22 letters that we've received -- and we haven't
23 received all of them, I'm sure, but at least
24 the ones that have been forwarded to us, what's
25 missing is that I think everyone is ignoring

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1 the fact that there's 16,000 square feet of
2 retail, along with covered parking, at this
3 location. That's what's being proposed.

4 So the reason that the PUD is appropriate
5 is because you can combine those uses that are
6 entirely compatible -- both are commercial.
7 You can combine restaurants, retail and
8 self-storage and office all in the same
9 location. And the PUD is the -- is a tool that
10 you can use to kind of glue all of those uses
11 together, and then include design criteria.

12 For example, we committed to meet all of
13 the overlay requirements. We also committed to
14 have certain percentages of mix of uses. And
15 we took that as -- we took that from guidance
16 we received the last time we were in front of
17 this board.

18 So 20 percent of the uses are mixed
19 throughout the building; 10 percent of the
20 square feet, if they're on the ground floor.
21 And as a result, the PUD is the tool that
22 allows you to stitch all that together.

23 Now, again, we know it's compatible. This
24 isn't -- it's new for Jacksonville. This would
25 be the first vertically integrated mixed-use

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1 project that includes self-storage in
2 Jacksonville, but Mr. Simpson and his
3 organization have done another one of these --
4 I'm going to pass this out real quick -- in
5 Winter Park.

6 So most of you have seen these pictures
7 already, but this is a photograph of the exact
8 facility that they developed in Winter Park.
9 It has three to four stories of self-storage
10 above 10,000 square feet of retail. The retail
11 is 100 percent leased. They're on long-term
12 leases that end starting in 2027 and go through
13 2031. They have, on the ground floor,
14 grab-and-go breakfasts. They have a dress
15 shop, they have a fitness facility, a nail
16 salon, other retail uses. Again, completely
17 compatible in Winter Park, ground-floor retail
18 with self-storage above.

19 So this isn't a -- it's new to
20 Jacksonville, but it's not a concept that is --
21 that is foreign, and certainly demonstrates the
22 ability to do both of these uses at the same
23 time.

24 Finally, I'll say that what the PUD does
25 in this case is it really implements the

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1 Comprehensive Plan. The Comprehensive Plan
2 permits self-storage. The Comprehensive Plan
3 permits, obviously, retail, office, and all the
4 other uses. The PUD is using -- is being used
5 for exactly what it was intended to, and that
6 is to implement the Comprehensive Plan in a way
7 that is unique and innovative in downtown with
8 the most intense personal property self-storage
9 use in Jacksonville. And as staff observes, we
10 want the most intense uses to be located in our
11 downtown.

12 I'm going to stop there and ask Mr. Saylor
13 to come up, if I could, Mr. Chairman. And he
14 will have just a few comments for you regarding
15 the application.

16 (Mr. Saylor approaches the podium.)

17 MR. SAYLOR: Good afternoon.

18 So I'm Mike Saylor. Some of you know me.
19 I've been a planner here in Jacksonville for
20 25 years. And --

21 THE CHAIRMAN: Mr. Saylor, would you mind
22 stating your address for the record?

23 MR. SAYLOR: Oh, sure. Yeah, I'm sorry.
24 I should remember that.

25 12581 Sawpit Road, on Black Hammock

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1 Island, Jacksonville.

2 So, yeah, I've lived in Jacksonville a
3 good, long while. I have had eight addresses
4 that I've lived at in Jacksonville, five of
5 them in San Marco, one of them on the
6 Southbank, so I know this neighborhood.

7 Some of you know that I served on this
8 board. I served on the DIA. I was on the
9 Planning Commission for eight years, so I've
10 reviewed a couple thousand PUDs. So I've got
11 some history that will help you understand why
12 I'm up here in the capacity that I'm here.

13 You should have a copy of my resume. I
14 apologize if you got the full version. And you
15 have a copy of the affidavit that I signed off
16 on. And I apologize for that as well, the
17 small print, but I was trying to be thorough.

18 Basically, Steve has been very good about
19 describing to you the policy issues and the
20 legal issues regarding this application. So
21 real quick, I'm going to try and distill, or
22 critique, if you will, a response to the staff
23 report that's before you on the zoning.

24 Basically, the staff report, I broke it
25 down into, like, 20 points, talking points.

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1 I'm not going to address every one of them
2 because, to be honest, I wouldn't have written
3 that report quite that way. Some of the
4 talking points are redundant of one another.
5 Some of them are actually conflicting. You
6 know, we're basically being critiqued for not
7 being dense enough or intense enough without a
8 real description of what that means.

9 In terms of population density,
10 absolutely, we don't have residential, but
11 there's not a requirement that we meet
12 residential. We are -- in response to
13 residential, we are supporting residential, and
14 the staff report does say that.

15 What we do have is a building between 50
16 and 60 feet tall at what's stated in the report
17 as being a key intersection that meets to punch
18 out the entrance to the Southbank Riverwalk
19 area.

20 We're never going to be able to compete
21 with San Marco Place; it's 200 feet tall, it's
22 700 feet north of us. But what we're proposing
23 to do is pretty urban; four to five stories
24 with a floor area ratio which I roughly
25 calculated to be four, which is pretty standard

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1 in urban America. The floor area ratio is four
2 to five, which you'll find in most places. The
3 Loop in Chicago is actually, like, 25 feet, but
4 we're not going to get there.

5 So we have gone through the staff report
6 and, again, we think that the density/intensity
7 is just right. We're proposing to put a benign
8 use on top of some very active use. We've got
9 16,000 square feet of active retail, of
10 storefronts accessed from the sidewalk. We'll
11 actually double -- we'll be double what is
12 already existing, what is only existing along
13 Riverplace Boulevard.

14 The only storefront/sidewalk-accessible
15 space that you've got on Riverplace from Main
16 Street all the way to our site, 150 square --
17 excuse me -- 150 lineal feet under San Marco
18 Place. That's the biggest, at San Marco Place.
19 We're proposing 250 lineal feet of street
20 frontage of what we've been talking about for
21 40 years that we want for downtown. Now, if
22 we're not contributing to the district, I just
23 don't know what else we can do.

24 One of the -- one of the issues that's
25 been raised is -- raised by citizens, not in
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1 comment, if you do have questions about this
2 application or any aspect of it, either for
3 Mr. Saylor or any other members of the
4 application team, now is a good time to start
5 those. And, of course, you can always ask
6 additional questions later during the
7 discussion as things come up.

8 Are there any questions at this particular
9 point?

10 Mr. Loretta.

11 BOARD MEMBER LORETTA: My only question is
12 really more to staff, and I don't know if this
13 is a good time or not, but, you know, would
14 staff like to provide any rebuttal to
15 Mr. Saylor's analysis? Is that appropriate now
16 or should I wait? I kind of wouldn't mind
17 hearing that before public comment.

18 THE CHAIRMAN: Yeah. I mean, this is the
19 time for board questions, and to staff is
20 appropriate. Is there -- can you be any more
21 specific?

22 BOARD MEMBER LORETTA: Well, I mean, so
23 staff has the report. The applicant's expert
24 questioned staff's report. And so I just
25 was -- I would love to hear if staff had a
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1 the staff report, but -- traffic safety,
2 pedestrian and cyclist safety. Okay. So
3 you're familiar with this site. It's actually
4 occupied by Basil Thai restaurant. Basil Thai
5 has an out-of-code parking lot with a driveway
6 section that actually opens up onto the
7 crosswalk, across Prudential Drive.

8 It's a dead-end parking lot. If that
9 parking lot is full during the lunch hour, you
10 pull into that parking area and you can't find
11 a parking spot, your only option out is to back
12 into moving traffic. That moving traffic could
13 be a car or it could be bicyclists. So we're
14 getting rid of that. That's a public benefit
15 that I think everybody should accept.

16 You know, we -- we're going to bring this
17 entire site up to code. We're going to
18 activate three orphan parcels that don't have
19 too many other options. We're trying to meet
20 the objectives of the -- of our redevelopment
21 plans.

22 So I think what I'm going to do is just
23 let you guys ask me some questions.

24 THE CHAIRMAN: Thank you, Mr. Saylor.
25 Board members, before we move to public
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1 rebuttal to their expert's report. Does that
2 make sense?

3 THE CHAIRMAN: It makes sense. I just --
4 I don't want us to get to the place where we're
5 having staff debate the applicant. I think the
6 staff report and the applicant's
7 presentation --

8 BOARD MEMBER LORETTA: That's fine.

9 THE CHAIRMAN: But if there's a specific
10 point you want to harp on --

11 BOARD MEMBER LORETTA: No, no, no. That's
12 fine. I just -- I just didn't know if we
13 wanted to provide staff the opportunity to
14 provide an additional opinion on their end.

15 THE CHAIRMAN: So let me ask it to maybe
16 Ms. Kelly this way: If there are pieces of the
17 staff report you want to rehighlight based on
18 what the applicant has told us, maybe that's
19 responsive to what Mr. Loretta is asking.

20 MS. KELLY: I think --

21 MR. PAROLA: I think I would say two
22 things. Mike's been around a while, and I get
23 it. And we're both offering two pieces of
24 competent and substantial evidence from two
25 practitioners in planning with 40-something

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1 years of experience, and you're just going to
2 have to look at those and weigh it and come to
3 your own decision.

4 Here's what I will say, though: It's not
5 going to be an observation of 38 pages or
6 however many pages there are. It's just going
7 to be a general observation of their
8 conversation. This is a PUD for a use, right?
9 Because our CCBD land use and the Southbank
10 district allow you to stack any of the pallet
11 of uses allowed either generally in the CCBD
12 zoning district or specifically in this
13 overlay.

14 This is in a PUD, the stack of uses,
15 right? It may be an element of the PUD, but
16 it's a PUD for a use. And that use is personal
17 property storage because it's not otherwise
18 allowed in this overlay district. So that's
19 more of a point. I just don't want people to
20 get confused, like, oh, the only way you can
21 stack uses in downtown is through a PUD. No,
22 that's not really a true statement. So I just
23 wanted to add that clarity, and I think that's
24 all I want to say.

25 THE CHAIRMAN: Okay. Board members, any
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1 questions for the applicant at this particular
2 time? If not, we'll move on to public comment.

3 MS. KELLY: (Indicating.)

4 THE CHAIRMAN: Yeah, sure.

5 MS. KELLY: I wanted to add to that. So
6 another thing with regards to intensity and
7 density. So Mr. Saylor is correct in his
8 calculations of the floor area ratio, I'm sure.

9 What I would say is that when you look at
10 that, it's a -- it can be a little bit slight
11 of hand. I've been working with the
12 Comprehensive Plan for over a decade, I helped
13 to write some of those policies, and I can tell
14 you with clarity that the intent of the Central
15 Business District land use category is an urban
16 lifestyle, population density. We all know --
17 we all are here for the mission and vision of
18 downtown.

19 Having what I personally see as a zombie
20 use, a building with no life associated with
21 it, for four stories, that is -- that's against
22 the intent of the Zoning Code for the Downtown
23 Overlay and it is against the policies in the
24 Comp Plan. Again, we can throw all kinds of
25 words and things and whatever, but that's --

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1 that's as I see it. And, again, I'm a planner
2 with a couple of decades of experience as well.

3 THE CHAIRMAN: Thank you.

4 Seeing no board questions at this
5 particular time, Ms. Mezini, let's move on to
6 public comment.

7 And just a reminder for the public,
8 everyone will get an opportunity, three minutes
9 to speak, and Ms. Mezini will help us keep
10 time.

11 MS. MEZINI: And I apologize if I
12 mispronounce names, but we'll get started here.

13 First is Jeff Schembera.
14 (Audience member approaches the podium.)

15 THE CHAIRMAN: And also a reminder for the
16 public to restate your name and address for the
17 record.

18 Thank you.

19 AUDIENCE MEMBER: Good try. I do that all
20 the time with the people in the building I live
21 in.

22 It's Jeff Schembera. I live at 1431
23 Riverplace Boulevard.

24 I'm currently the president of the
25 association for the Peninsula, which is within
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1 a block of the proposed site that you were
2 hearing about.

3 Within that block, on Riverplace
4 Boulevard, we have San Marco Place, we have the
5 Strand, and we have the Peninsula. There's
6 1,200 people-plus living in those three towers.

7 Recently, the City took the -- Riverplace
8 Boulevard and gave it a road diet. It went
9 from four lanes to two lanes. It slowed down
10 traffic, brought in more pedestrians, brought
11 in more people with bicycles, dog walkers. It
12 accomplished what was supposed to happen when
13 you put -- put a road like Riverplace Boulevard
14 on a road diet.

15 This is an incompatible use in terms of
16 what's going to go on that corner, a block from
17 12- -- the most dense city block in
18 Jacksonville or Duval County, the most dense.

19 The Peninsula did a survey when this was
20 an overlay issue, and our residents in the
21 survey voted 172 opposed to a self-storage
22 warehouse, and 2 in favor, and 1 we couldn't
23 tell; they didn't make their position known.

24 Think about what we're talking about,
25 150,000 square feet of self-storage. And where

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1 are those trucks going to come from? They're
2 going to come from the north and they're going
3 to come from the south. If they come from the
4 north, they're going to go down the road that
5 we just eliminated two lanes on. So it will
6 become a troublesome situation.

7 Also, I'm going to put on my other hat
8 now. I'm on the board of the Downtown
9 Dwellers, which consists of the six towers,
10 three on the Northbank, three on the Southbank.
11 And they voted, when this was an overlay issue,
12 to oppose this because the three towers are,
13 obviously, on the Southbank, but on the
14 Northbank they were in fear that it would open
15 the door for something to occur there.

16 I will end by saying -- simply saying that
17 the 1,200 people who live in that block, a
18 block away from what's being proposed, are all
19 residents of Duval County, and the developer is
20 not, Mr. Diebenow is not, but we are. And we
21 would -- we would strongly oppose this and
22 encourage you to be -- accept the staff
23 recommendations.

24 Thank you.

25 THE CHAIRMAN: Thank you.

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1 MS. MEZINI: Next up is Pam Sorenson.
2 (Audience member approaches the podium.)

3 AUDIENCE MEMBER: So my name is Pam
4 Sorenson. I've never been to one of these
5 before.

6 The only reason I'm here is because I'm
7 passionate about this issue. I've lived in
8 San Marco for over 40 years. I've lived on the
9 Southbank for seven years.

10 We live in a historic and unique district.
11 It brings tourists, it brings residents. We
12 have Treaty Park, which is -- would be one
13 block away from this development.

14 I'm so glad you brought up the Winter Park
15 development. I grew up in Winter Park. And a
16 simple Google Earth search showed that that
17 CubeSmart development, although it does have a
18 Winter Park address -- it's 1201 Lewis Drive --
19 it is nowhere near the historic Winter Park
20 district. In fact, it's across a multi-lane
21 divided highway, 1792. It's one block away
22 from a U-Haul trailer rental place. It is
23 nowhere near our San Marco and Southbank area.

24 We've encouraged residents and tourists
25 alike to come to the river taxi; to come to our

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1 renovated, hopefully-soon-reopened Friendship
2 Fountain; and our Riverwalk. And this would
3 ruin the feel of our neighborhood. So I just
4 cannot fathom in any way, shape or form that
5 this could possibly pass, that this could
6 possibly be any benefit to downtown, to the
7 Southbank or San Marco.

8 Thanks so much.

9 THE CHAIRMAN: Thank you, Ms. Sorenson.

10 MS. MEZINI: Lauren Carlucci.

11 (Audience member approaches the podium.)

12 AUDIENCE MEMBER: Hi.

13 I'm Lauren Carlucci. I am a resident of
14 San Marco, 1551 Alexandria Place North.

15 I am also the president of San Marco
16 Preservation Society. You all should have
17 received an email from the Society showing our
18 opposition and our support of the staff report
19 regarding this PUD.

20 A couple of things that we wanted to
21 highlight is that this does not appear to be
22 consistent with the Comprehensive Plan, and it
23 seems like the only reason we're looking at
24 this PUD right now is to create a singular use.

25 This PUD for a mixed-use development

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1 really only contemplates one use in particular,
2 which is self-storage. Even though they do
3 note that they will have other uses on the
4 bottom floor, they're not clearly defined in
5 the PUD, so we don't know if that's restaurants
6 or retail, or if any of that is even viable, or
7 if it's even something -- I mean, I haven't
8 done the numbers, but I think it would be an
9 interesting study to see how much of the
10 ground-floor retail in Jacksonville is actually
11 currently leased because my feeling is that
12 it's just going to be empty shelves on the
13 bottom floor. So it's just going to be a huge
14 dead space.

15 Also -- so I talked about that.

16 Also, because the mixed uses are not
17 defined and we don't really know what's going
18 there, it just leaves your mind to wonder. But
19 as I was thinking about it, when we moved into
20 our house, we renovated it, and we used the
21 storage facility on Kings Avenue, which is, I
22 don't know, a few miles away from this site.
23 And, you know, the facility was great. And
24 it's located behind the Bearded Pig. So if you
25 guys know where that is --

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1 I never once drove to a storage
 2 facility -- I certainly didn't walk there. And
 3 I didn't drive there in my, you know,
 4 workout/moving clothes and then go have lunch
 5 on the bottom floor or even at the Bearded Pig,
 6 or, like, go in and go clothes shopping at a
 7 retail store. It's just -- I can't really
 8 imagine a scenario where the ground-floor uses
 9 actually related to the storage uses above.
 10 So whenever I think about a PUD, a planned
 11 unit development, I would imagine that it would
 12 be a better planned development than this.
 13 This just seems like an excuse to pass this one
 14 use.
 15 I do remember that, previously, when it
 16 was heard as a legislative decision, hearing
 17 that the applicant or the representative for
 18 the applicant didn't want to go the PUD route
 19 because he felt it would be creating a use
 20 through a PUD, he didn't really expound on
 21 that. Clearly, they've changed their mind.
 22 But anyway, it doesn't support walkability.
 23 And regarding redevelopment goal number 8,
 24 to simplify this whole process, this is clearly
 25 more complicated than just simply following the
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1 Code, which was the whole purpose of the
 2 overlay, to give people clear, perfect
 3 guidelines of what can be developed.
 4 (Timer notification.)
 5 MS. CARLUCCI: That sounds like my time is
 6 up.
 7 One last thing. There is a historic
 8 property next door. It is the oldest
 9 residential building on the Southbank, and it
 10 was a part of the original City of South
 11 Jacksonville. We're concerned about the
 12 preservation of that building and the scale in
 13 relation to this proposed development.
 14 So thank you.
 15 THE CHAIRMAN: Thank you, Ms. Carlucci.
 16 MS. MEZINI: Zimmerman Boulos.
 17 (Audience member approaches the podium.)
 18 AUDIENCE MEMBER: Hi. Zimmerman Boulos,
 19 Sorrento Road, in San Marco.
 20 I'm a lifetime board member for San Marco
 21 Preservation, former JEDC chairman, member of
 22 the Airport Arms Commission. Started the
 23 Greenscape tree sale/giveaway 30 years ago, and
 24 I added a quarter million trees to
 25 Jacksonville's landscape.
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1 For 30 years I've been working on the
 2 things that most of you love about San Marco:
 3 The Lions fountain; renovation of the entire
 4 San Marco Square sidewalk, street furniture,
 5 streetlights; incorporated Balis Park into
 6 that. I raised \$600,000 for eight pieces of
 7 public art in this -- in and around the square
 8 up by MOSH, before there was even art in public
 9 places.
 10 I was a referee; I traveled the world for
 11 international soccer. I saw public art in all
 12 beautiful places around the world that inspired
 13 me to get involved.
 14 Other things we've done are the --
 15 Preservation Hall, which Lori Boyer floated
 16 down the river. It was a church that was going
 17 to be torn down. South Jax City Hall, fire
 18 station renovation, San Marco Square
 19 improvements, Hendricks Avenue improvements.
 20 Where Aardwolf is, the old ice house, we
 21 kept that from being torn down. Panera wanted
 22 to build their building there. Planted 500
 23 trees in the area.
 24 And all the council people before that we
 25 worked with: Lori Boyer, Matt Carlucci, Art
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1 Shad, Howard Dale, Ginny Myrick, George Banks,
 2 LeAnna Cumber; Mayors Delaney, Peyton; John
 3 Pappas, Mike Saylor, Bill Killingsworth from
 4 the -- from the City.
 5 Our goals are always to make San Marco
 6 safe, aesthetically pleasing, vibrant,
 7 walkable, enjoyable, beautiful, bikeable. We
 8 have high property values. We contribute a
 9 high tax base to the city. It's a highly
 10 desirable area. That's why we've had all the
 11 development there.
 12 So the rezoning is not in character with
 13 the surrounding area and everything we've done
 14 to improve the area over the last 30 years.
 15 It's not wanted by the San Marco community. We
 16 had a public hearing. Seventy people came to
 17 the meeting, which was a lot. I believe all
 18 seventy were against it.
 19 So, you know, we all -- we all sit in the
 20 stadium and chant "Duval." You know, well,
 21 we're part of Duval. We're a really good part
 22 of Duval. And we've worked hard to make it one
 23 of the best parts of Duval.
 24 And you all -- thank you for all the time
 25 that you volunteer to do this for no pay. You
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1 represent us and our community, and we don't
 2 want this because we feel like we can do much
 3 better in that area, on that -- on that parcel,
 4 and so we would like your support.
 5 And we'll -- we'll continue to make
 6 San Marco Place that -- that you're proud of
 7 and you that you can bring your friends and
 8 guests to visit when they're in town.
 9 So thank you.
 10 THE CHAIRMAN: Thank you, Mr. Boulos.
 11 MS. MEZINI: Ms. Powell.
 12 (Audience member approaches the podium.)
 13 AUDIENCE MEMBER: Hi. Nancy Powell, 1848
 14 Challen Avenue, Jacksonville, 32205.
 15 As you all know, I'm the executive
 16 director of Scenic Jacksonville. I'm also the
 17 former chair of the Riverside Preservation --
 18 Riverside Avondale Preservation Society [sic],
 19 and had the opportunity to work with the
 20 San Marco Preservation Society on a number of
 21 issues. And, you know, what a gift San Marco
 22 Preservation and all of these people have done
 23 to make that neighborhood so desirable and to
 24 extend it down to the Southbank. I really
 25 think you need to take a lot of what you just
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1 heard into serious consideration.
 2 We followed, you know, the original
 3 overlay in 2019. We also followed the issue
 4 last year. We participated in that, so -- as
 5 Steve said, you know, things aren't static, but
 6 last year, at this time, you reconfirmed that
 7 this use should not be in the Southbank. It is
 8 allowed in other parts of the -- of downtown.
 9 So I've been -- I've been struck -- having
 10 worked in the downtown now for several years, I
 11 don't think I've seen a PUD in downtown. And
 12 that was the goal of the overlay, was to have
 13 the zoning take care of itself so that you
 14 don't have to spend City Council time on
 15 multiple PUDs, and it's worked, and so --
 16 Our zoning committee talked about this
 17 earlier last week. It's comprised of
 18 architects, landscape architects. You may have
 19 gotten -- some of your emails may have been
 20 from some of those folks, but we unanimously
 21 agreed that, you know, a PUD is not
 22 appropriate. Once you open it up now, you open
 23 up that overlay, it will come back again
 24 multiple times, over and over and over again,
 25 and you'll spend a lot of time on PUDs.
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1 We know, being in San Marco and
 2 Riverside/Avondale, PUDs are the standard way
 3 that people get stuff done. It's -- the Zoning
 4 Code should be reformed in those areas, which
 5 we do have overlays, and -- anyway, that's a
 6 big topic.
 7 But I think the downtown -- what struck
 8 me, working downtown, is that this is working
 9 as intended, and you-all should uphold your own
 10 overlay. This use is not a part of it. It
 11 seems pretty simple.
 12 THE CHAIRMAN: Thank you, Ms. Powell.
 13 MS. MEZINI: That concludes public
 14 comment.
 15 THE CHAIRMAN: Okay. Mr. Diebenow, do you
 16 have any additional comments you would like to
 17 make to us?
 18 (Mr. Diebenow approaches the podium.)
 19 MR. DIEBENOW: Yeah, just a couple, if I
 20 could, Mr. Chairman. Thank you.
 21 So the one -- the characterization of the
 22 use as being a zombie use is just not -- again,
 23 that ignores the ground-floor retail.
 24 So what you've got today is you've got
 25 4,000 square feet of -- with a dilapidated
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1 parking lot that doesn't meet ADA standards.
 2 It doesn't meet traffic standards. Cars can
 3 back out onto the street, as Mr. Saylor
 4 observed. And what we're proposing is a
 5 building that not only provides four times as
 6 much space, but it also conforms with all the
 7 rules and regulations of downtown. And the
 8 PUD, we've committed that we will not seek any
 9 deviations from the overlay.
 10 And Ms. Kelly appropriately observed that
 11 we're not here to talk about the design review.
 12 If we get through the PUD process, then we
 13 would come back to this group and talk about
 14 the exact design.
 15 But the characterization of the use as
 16 being a zombie use just completely ignores the
 17 ground-floor activation that takes place.
 18 In terms of neighborhood support, the
 19 gentleman who's the president of the Peninsula
 20 HOA observed that there were lots of folks in
 21 this area, and there are. We have letters of
 22 support from all of the apartment communities
 23 in the area, with the exception of one, which
 24 was either the Strand or the Peninsula. I get
 25 them confused. I'm not sure which one is the
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1 condos and which one is the apartments.
 2 But all the other apartment communities
 3 that surround on the Southbank have written
 4 letters of support because this is a use that
 5 their residents need. So it's -- it's not just
 6 the existing residents, but it's also the folks
 7 that live there on the Southbank that need the
 8 use as well.
 9 And, again, it doesn't really matter how
 10 many are in support, how many are against. I
 11 really would stress and ask you to look at the
 12 criteria. But this is not a proposal that is
 13 without support, without community support, I
 14 guess I would say.
 15 The second -- the next point I want to
 16 make about Winter Park -- and the very nice
 17 lady -- I wrote her name down, I think her
 18 first name was Pam -- said that Winter Park,
 19 that that self-storage use is located away from
 20 the historic district, on the other side of the
 21 highway. That's exactly what's being proposed
 22 here. This use -- this mixed use with retail
 23 on the ground floor and self-storage above is
 24 being proposed on the other side of the
 25 highway, away from the historic San Marco area.

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1 Certainly, it's -- what really surprises
 2 me is that -- the position that's being taken
 3 by Mr. Boulos and others is basically, hey,
 4 bring us the self-storage closer to San Marco.
 5 I really don't understand the rationale of
 6 that --
 7 MR. BOULOS: That's not our position.
 8 MR. DIEBENOW: -- but what they're -- what
 9 they're advocating for is that it's not
 10 appropriate for downtown, but just look on the
 11 other side of the -- of the highway, which is
 12 closer to San Marco.
 13 Look, the self-storage unit that was
 14 referenced about being on Kings that's
 15 available, Kings Avenue, it's 95 percent
 16 leased. That's why we're asking for this use
 17 to be added.
 18 You know, not all people in San Marco
 19 Place eat sushi, but that doesn't mean that
 20 San Marco Place isn't a mixed-use building.
 21 They have a sushi restaurant on the ground
 22 floor. Same thing here.
 23 It's not that you have a self-storage
 24 person dropping something off and then using
 25 the use downtown or downstairs. The use

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1 downstairs is always available. And as a
 2 result, people that are coming from the
 3 Southbank and traveling towards San Marco have
 4 a place where they can stop and they can go to
 5 a restaurant, or they can stop and shop, or
 6 they can stop and get their hair done or their
 7 nails done. It actually provides a connection
 8 from the Southbank towards -- further back into
 9 the neighborhood.
 10 Finally, regarding Ms. Powell's comments
 11 about the use of a PUD and -- in general, and
 12 that we're going to create a slippery slope,
 13 look, in other overlays in Jacksonville there
 14 are restrictions. So in the San Marco Overlay,
 15 you can't use a PUD to aggregate lots.
 16 Similarly, in Arlington -- in the Arlington
 17 Overlay, you can't use a PUD to deal with
 18 height or setbacks.
 19 There aren't any restrictions like that in
 20 downtown. In downtown, a PUD is a permitted
 21 secondary zoning district without any
 22 limitations on its use.
 23 I've been doing this for about 25 years.
 24 I've done two PUDs downtown; Berkman Plaza,
 25 which was obviously two or three downtown

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1 visions or downtown plans ago, and this one.
 2 It's not a decision that's made lightly.
 3 It's only made -- the use of a PUD to add a
 4 use, at least from my perspective, is only
 5 appropriate when you can demonstrate that the
 6 use is needed. And so that's the value of the
 7 market study and the testimony that Mr. Simpson
 8 provided, is that things have changed. We are
 9 successful downtown with multifamily uses, and
 10 as a result, this supporting use for
 11 multifamily and for residents is entirely
 12 appropriate. The PUD is actually the most
 13 direct route and the easiest route to add the
 14 use for your consideration.
 15 So we appreciate the opportunity and look
 16 forward to the debate, and available to answer
 17 questions, of course.
 18 THE CHAIRMAN: All right. Thank you,
 19 Mr. Diebenow.
 20 Seeing no additional public comment, we
 21 will close the public hearing and we will move
 22 on to board comments. And let's start with
 23 Mr. Jones.
 24 BOARD MEMBER JONES: Thank you, Mr. Chair.
 25 Again, this -- this is a really -- it's a

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1 really challenging issue. I think, you know,
2 you're dealing with a lot of, you know,
3 emotions and, you know, there's NIMBYism,
4 there's YIMBYism that's going on. And, you
5 know, I think trying to keep separating it
6 purely from the design component -- because I
7 think there's a lot of deliberation. I mean,
8 that's really what our board does, is -- is
9 look at how we can make a great product. You
10 know, and just looking at it through the lens
11 of land use and the legalities --

12 You know, the issue that I keep coming
13 back to is -- around the PUDs, it's an approved
14 secondary use district. And, you know, again,
15 until we say PUDs are not allowed downtown,
16 it's a tool that we can use. And I think about
17 it from the standpoint --

18 I sat on the Planning Commission in
19 Jacksonville Beach where we got to see it a
20 lot. I sat on the -- I was vice mayor of
21 Neptune Beach where we deliberated whether
22 multifamily could go into a vacant Kmart. And
23 that went to court. A lot of emotions around
24 those issues with density and intensity.

25 My -- the concern that I have is that

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1 if -- you know, with -- with what's allowed
2 here and how maybe a court of law may view
3 this. Would they see this as sort of an
4 arbitrary, capricious or unreasonable treatment
5 of this parcel of land when we do allow these
6 uses -- I mean, albeit in different locations.
7 I think there -- it's a little bit concerning
8 that we allow -- you know, in a Church,
9 LaVilla, Brooklyn, but it's not allowed here, I
10 think, in -- within the CCB- -- in the CBD
11 zoning.

12 So I just -- the issue of it being
13 potentially a spot zoning is a little bit of --
14 concerning to me, because that assumes that,
15 you know, this is an unjustified exception for
16 this parcel. I don't believe that's the case.

17 So, again, you know, just kind of
18 struggling with it from a pure land use
19 decision and the way that, you know, this might
20 be viewed potentially in a court of law if it
21 was appealed and -- and the way somebody might
22 view it.

23 I think it's just -- I mean, it's a --
24 it's a struggle here. I think that, until we
25 say, you know, PUDs are not an approved

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1 secondary use district, I think we're going to
2 have these. You can have these situations
3 occur. And so, you know, I think it's -- it's
4 tough to say -- like, purely deny it based on
5 the process even.

6 I think, again, you have an issue where --
7 you know, you could look at the Comprehensive
8 Plan -- I can pull it out, too. And there's a
9 lot of operative goals, objectives, and
10 policies that you can couch for and couch
11 against, so -- but I do think that there's a
12 little bit of a challenge here that we're in
13 when we're still allowing this as a permitted
14 secondary use.

15 And, you know, storage facilities are
16 here, and -- and, again, I think with an urban
17 center, sometimes we're trying to get away from
18 so much of the use-based approach. In a
19 Central Business District, we're more about
20 form and design. You know, we have garages
21 everywhere. We're trying to get them not to
22 look like garages.

23 So I -- just from that standpoint, I
24 think, you know, it's a -- I'm struggling a
25 little bit with that.

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1 THE CHAIRMAN: Thank you, Mr. Jones.
2 Mr. Loretta.

3 BOARD MEMBER LORETTA: I'd like to ask, I
4 guess, Ms. Lopera and our staff, if I may, what
5 happens next? Walk me through the schedule
6 again because -- I mean, in the end, we're
7 acting as the Planning Commission. So even if
8 the Planning Commission were to recommend
9 denial, it still moves on to LUZ and then to
10 City Council, correct?

11 MS. LOPERA: Correct.

12 BOARD MEMBER LORETTA: And so staff has
13 recommended a denial, but what are we
14 actually -- what are we actually voting on?
15 Are we voting on our recommendation for
16 approval of the rezoning, or are we just voting
17 on them moving forward, or what are we voting
18 on?

19 MS. LOPERA: Through the Chair, you are
20 voting on this request to rezone the property.
21 And your recommendation will be forwarded to
22 the LUZ Committee. Whatever you decide, it
23 will be forwarded to them, and they will make
24 their decision as they see fit.

25 BOARD MEMBER LORETTA: Thank you.

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1 And, obviously, the staff report will
 2 still be a part of that?
 3 MS. LOPERA: Correct.
 4 MS. KELLY: So, through the Chair, the
 5 recommendations are from the staff, you know,
 6 so staff gives their recommendation, you-all
 7 are a recommendation, LUZ provides a
 8 recommendation, and then ultimately City
 9 Council is the final decision-maker.
 10 With a PUD -- so you would either deny,
 11 approve, or you can have conditions on a PUD
 12 rezoning. So conventional zonings, you cannot
 13 have conditions. The PUD, you can add
 14 conditions. So there's, like, an extra option,
 15 I guess, so to speak, in there.
 16 But that's what's in front of you.
 17 BOARD MEMBER LORETTA: Yeah. And so there
 18 was -- I was a little maybe confused by what
 19 Guy said at the end.
 20 The bottom line is, what they're asking
 21 for is some assemblance of commercial, retail,
 22 restaurant on the ground floor, with then a
 23 storage facility above. And that's all a part
 24 of the PUD, and that's all we're -- that's the
 25 only thing we're really talking about, correct?
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1 making my property valuable for me.
 2 So I look at this, and it's like, we've
 3 got the old Reddi-Arts across the street. And
 4 I don't have the full aerial to show, but I'm
 5 guessing that's around .8 acres. This is about
 6 1.1. And so on .8 acres, you've got this -- we
 7 got to see what could be done at Reddi-Arts.
 8 And, I mean, I'm going to say that's generally
 9 not so great, but we did approve it. They did
 10 a good job of not (inaudible) that word.
 11 So, in the end, like here, we -- we
 12 actually probably have more commercial than
 13 what is going to be on that Reddi-Arts parcel.
 14 And then, I mean, if it's -- if it is office
 15 above, there are people walking around. But if
 16 it's office above, to quote one of the -- there
 17 would be a lot more traffic on Prudential or
 18 Hendricks than -- than if there was -- for the
 19 storage facility. I mean, so it's not going to
 20 become a traffic situation. Maybe there's a
 21 heavier vehicle issue, but not a -- a traffic
 22 issue.
 23 I mean, I -- I guess I just struggle to
 24 understand what the heartburn is from staff
 25 other than, you know, at some point it was made
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1 MS. KELLY: Uh-huh.
 2 BOARD MEMBER LORETTA: So one of the
 3 things that I've always been intrigued by, and
 4 especially with COVID and the lack of, you
 5 know, our leasing space downtown -- you know,
 6 in my mind, I'm like, some of these towers that
 7 probably have -- let's say they have -- maybe
 8 they are leased out, but let's say there's four
 9 floors of a tower that's just sitting their
 10 vacant. If I was one of those tower owners,
 11 I'd be asking the City like crazy to turn those
 12 into storage because there's probably next to
 13 no storage available in the downtown area.
 14 And I don't know -- you know, let's say
 15 the AT&T building -- or the -- I don't know,
 16 the Bank of America building, if four floors
 17 wanted to turn into storage, would it really
 18 make sense to turn that down? I mean, you
 19 know, is that truly a big issue, as long as
 20 they can figure out how to properly maintain
 21 and (inaudible) an elevator for that?
 22 That's just a thought I've had. And, I
 23 mean, I'm amazed that that hasn't come forward
 24 because if I was in that building, I'd be
 25 trying to figure out how to get any way of
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1 a determination to not include it, but it
 2 wasn't specifically excluded. If it was
 3 excluded, that would be a whole different
 4 thing, right? I mean --
 5 MR. PAROLA: So, if I could, Mr. Chairman,
 6 I think the heartburn that we have is, we have
 7 the bus rapid transit. We have Riverplace
 8 Boulevard that we converted to highly
 9 pedestrian. We're looking at an area where
 10 there is a sea of surface parking next door to
 11 it that we would like to have density and
 12 people walking around to show that property
 13 owner -- to build that up.
 14 I mean, it sort of just snowballs. And if
 15 I'm being frank -- and maybe OGC can opine on
 16 this. I don't know that it's our
 17 responsibility to prove that it shouldn't be a
 18 PUD. By the way, even as a secondary zoning
 19 district, it's not a presumed zoning district,
 20 right? That's why there are criteria that need
 21 to be met.
 22 So I guess -- you know, you've just got to
 23 look at the preponderance. We couldn't find
 24 (inaudible) of what they put in front of you,
 25 but, you know, that's -- that's really the
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1 staff's position, is you have 150,000 square
2 feet that is not going to generate people
3 walking around. I don't know how you -- that's
4 just --

5 BOARD MEMBER LORETTA: Yeah. No, I
6 understand. Yeah -- and I just -- I mean, but
7 if -- if they were to just come in with a
8 one-floor development with 16,000 square feet
9 of commercial and didn't have a use above, then
10 we'd approve it with no problem probably.

11 MR. PAROLA: I'm not sure what you're
12 saying.

13 BOARD MEMBER LORETTA: Probably. I'm not
14 saying we would, but I'm basically saying it's
15 very difficult to believe we wouldn't. And so
16 even if we want to call it a zombie use above,
17 if architecturally it looks nice, is there --
18 are we really creating a problem?

19 But I understand all sorts of stuff, so
20 I'm going to be quiet and let other people
21 convince me one way or the other.

22 THE CHAIRMAN: Thank you, Mr. Loretta.
23 Mr. Lee.

24 BOARD MEMBER LEE: Thank you, Mr. Chair.
25 Appreciate that.

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1 As an architect, you know, I find this one
2 to be interesting and challenging in a lot of
3 different levels. And DDRB consistently
4 battles against dead uses, and one of these
5 that we battle against are parking garages.
6 These are storage for vehicles. And we -- I
7 feel like we fight like crazy to get retail
8 uses or ground-level uses or activation uses on
9 these garages because the people that build
10 these garages don't want to spend the money to
11 put in a different use other than the garage
12 that supports their office building or their
13 multifamily.

14 And I view these kind of uses in a similar
15 fashion where we've got to provide resources --
16 support resources for the communities that
17 we're building, like garages, like storage,
18 like -- one of the other projects that comes to
19 mind is the BellSouth building, the AT&T
20 building right as you enter San Marco. This is
21 a switch building that has absolutely no use
22 and it's a completely dead facade on all four
23 sides, and it's been there for as long as I've
24 lived in San Marco, which is -- just outside of
25 San Marco, which has been my entire life.

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1 And I recognize, as an architect, that we
2 have to provide a way to allow these things if
3 we're going to have a thriving community. And
4 they've done it in a somewhat creative and
5 interesting way, and so I -- I definitely give
6 kudos to the team in that respect, that we're
7 getting 14,000 square feet of retail.

8 To Mr. Loretta's point, that -- if that's
9 all they were bringing, this would be a fairly
10 easy, noncontroversial decision to make, not
11 that we would be making that on the PUD; it
12 would be a standard approval process.

13 We're getting the added benefit of more
14 support and resource space above it and into
15 the community, and somehow I find that to be
16 interesting and compelling and -- and worth
17 discussion and worth seeing where this goes,
18 personally.

19 As an architect that looks for ways of
20 adding these kind of things to -- to the
21 projects, to my multifamily clients that are
22 constantly looking for storage in their
23 apartment buildings, and they don't want to
24 build for their residents because it's so
25 expensive, they turn to projects like this and

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1 say, "Look, we're going to build a multifamily
2 project. And, oh, by the way, you've got this
3 right down the street. You've got a grocery
4 store, you've got some storage, you've got the
5 water taxi. There are all of these other
6 amenities that are available to you as a
7 downtown resident."

8 And our goal is not just to get 10,000
9 really downtown, but -- now we're getting more.
10 But we're going to continue to see, I think,
11 these kind of support projects come up more and
12 more often, and we ought to find a creative way
13 to integrate them into our community is my
14 thinking.

15 Thank you, Mr. Chairman.

16 THE CHAIRMAN: Thank you, Mr. Lee.
17 Mr. Davisson.

18 BOARD MEMBER DAVISSON: Yeah, I've been
19 reading about, you know, other cities that --
20 they're dealing with the same issue regarding
21 self-storage, you know, in the urban areas.
22 And some have restricted it, some have limited
23 restrictions on the distance you could have
24 between storage units. And some have handled
25 it precisely the way the applicant has.

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1 And, you know, I have no doubt that the
2 storage of this -- of this mixed-use will be a
3 viable business. This thing will be filled up.
4 It's the retail that I'm concerned about.

5 But the first thing I did when I -- you
6 know, you think about, what is a PUD? A PUD is
7 basically overcoming -- it's a vehicle to
8 overcome zoning obstacles to create a unique
9 vision. And so I ask -- the first question to
10 myself is, would we allow -- exactly as it is
11 on the footprint, would we allow a
12 single-story, 16,000-square-foot retail on this
13 site with nothing else, just one story? And I
14 believe that we would. And we have.

15 And then I ask, well, then, what's the
16 problem with four stories above what we would
17 approve on the first floor? It requires no
18 more land than retail has; it's above it. It
19 has little impact on the city's infrastructure.
20 It has the widest parking use of any project
21 type by code with the City ordinance. And it
22 has the lightest traffic as well, regarding
23 storage.

24 The retail component, if you're going to
25 be worried about parking, that's the one you

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1 need to be worried about, but we don't require
2 parking in downtown and we don't promote
3 parking in downtown.

4 So as a concept and an idea, you know,
5 I -- I don't dismiss it. The only thing it
6 doesn't promote -- well, there's a few things.
7 And what it doesn't promote is the vibrancy --
8 at least the top part. It doesn't promote any
9 type of vibrancy, nor do parking lots or
10 parking garages downtown either. They don't
11 either. You know, but they promote a need.
12 And so this has got, I think, kind of a similar
13 argument to that.

14 So that's just my thoughts on the whole
15 idea of the use, and now I'm going to step over
16 to the other side, and this really doesn't have
17 anything to do with the use because this is not
18 a design review, but what I'm seeing is the
19 result of what the use -- what the use can be
20 and will be.

21 And what I -- what I do take -- I guess
22 what I do take issue with is what this
23 architectural mass, whatever skin you put on it
24 in our skyline is -- and, you know,
25 architecture should always have good intentions

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1 for the advancement of our downtown, or any
2 part of Jacksonville for that matter. And I
3 think that's -- that's my simplified
4 definition, the intent of the downtown
5 guidelines.

6 You know, and as I was kind of sitting
7 here struggling with this idea of signage for
8 the arts -- you know, architecture is an
9 expression and a -- and it's a social art and
10 function that rests on our culture.

11 So what is a five-story building made to
12 look like, multifamily housing say about us?
13 It's our footprint in time. And, frankly, I
14 think -- you know, when I see what the result
15 is, it's a ruse. It's a deception. It's an
16 illusion. And I call it Downtown Disney. And,
17 to me, it's a creative idea, but the result, to
18 me, is offensive, so --

19 And it also -- you know, I'm -- I'm not
20 going to go there because that's not what this
21 is about, but I understand the idea and the
22 concept, but I also look at the result of what
23 that concept is going to come before us in the
24 future.

25 So the struggle for use I understand, but

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1 if you could provide true -- honest and true
2 architecture that's exceptional, I might have
3 had a completely different look at this, but
4 that's not what was put in front of me. And,
5 again, this is not a design review of what they
6 put in front of us.

7 So, you know, finally, if it -- if you
8 can't make the architecture honest, of a use to
9 be appropriate with its use, then it doesn't
10 belong. And that's kind of my final word on
11 this.

12 THE CHAIRMAN: Thank you, Mr. Davisson.
13 Mr. Schilling.

14 BOARD MEMBER SCHILLING: Thank you,
15 Mr. Chairman.

16 Through the Chair to Ms. Kelly or
17 Mr. Parola, so -- and, again, this is the first
18 time I've seen a PUD for this board. How does
19 this affect -- or does it affect the actual
20 conceptual and final design review?

21 So is this completely -- so should -- when
22 this project -- this rezoning goes to City
23 Council, should it be approved, then does the
24 applicant still come back to this board for, I
25 think some of the things that Mr. Davisson is

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1 concerned about, to talk about architecture and
 2 all those things we would normally review?
 3 MS. KELLY: Yes. So through the Chair to
 4 Mr. Schilling, if it were approved at
 5 Council -- so here's sort of the weird bit
 6 about a PUD. A PUD, the written description,
 7 which is the long list of all the (inaudible)
 8 and the uses, that is officially part of the
 9 legislation, and then so is the site plan. So
 10 the site plan is what they're tied to.
 11 So what would likely happen -- totally
 12 spit-balling here, but what would likely happen
 13 is there would be some sort of condition
 14 attached to their PUD that somebody would put
 15 out there that says something about the design
 16 subject to DDRB, partially because as part of
 17 their exhibit, they did submit renderings, but
 18 you -- it would still ultimately -- and this is
 19 even in their written description, that it
 20 would need to come through DDRB for conceptual
 21 and final, and they also committed that they're
 22 not going to seek any deviations. So things
 23 like that are still -- it would still need to
 24 come through for review. The weird part is
 25 that that site plan rules.

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1 BOARD MEMBER SCHILLING: Okay.
 2 MR. DIEBENOW: Mr. Chair --
 3 THE CHAIRMAN: Mr. Diebenow.
 4 MR. DIEBENOW: -- if I may -- again, Steve
 5 Diebenow.
 6 So, yeah, the site plan -- from our
 7 perspective, we view the site plan and the
 8 elevations as conceptual. So we know that they
 9 may shift around a little bit. Not every
 10 little modulation on the frontage may be
 11 exactly where it is, but -- so -- and, again, I
 12 think that the way Ms. Kelly described it is
 13 exactly right. Review the condition added to
 14 the rezoning, if it were approved, saying that
 15 we would be bound to the conceptual site plan
 16 of a certain date, and -- and the elevations
 17 probably would need to be referenced. They
 18 might say -- they might be part of the
 19 application, but they're not going to approve
 20 the elevations.
 21 We fully understand that if we are
 22 approved, we'd have to come back for the full
 23 conceptual and final review by this body.
 24 BOARD MEMBER SCHILLING: Perfect. All
 25 right. So thank you for answering that. That

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1 was helpful.
 2 And so I guess I'll share my thoughts and
 3 where I'm at.
 4 And, Mr. Diebenow, in back-to-back
 5 meetings, you brought us a couple of tough ones
 6 to work through here.
 7 So -- Mr. Jones, to your point, so the PUD
 8 is an allowed secondary zoning district, but --
 9 but what's in the PUD certainly is what we're
 10 discussing now. And I think this is boiling
 11 down certainly to use and compatibility and
 12 consistency of the use being the mini storage
 13 use.
 14 And, you know, right now we have
 15 substantial, competent evidence that has been
 16 put before us that we're using to evaluate
 17 the -- our staff has prepared -- and Ms. Kelly
 18 and Mr. Parola, in their staff report, to me,
 19 it couldn't be any more clear that they believe
 20 that this use is not compatible. And at the
 21 same time, we have the applicant who has
 22 submitted substantial, competent evidence
 23 saying their belief that this use is
 24 compatible.
 25 And I'm sharing all the same struggles

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1 right now of what is the right answer and --
 2 and, Mr. Davisson, to your point, I agree. Had
 3 this come to us as a 16,000-square-foot retail,
 4 restaurant, all kinds of uses, we probably
 5 eagerly would have said yes. Maybe not
 6 eagerly. That may be an exaggeration. But we
 7 probably would have said yes.
 8 And so now it's almost as if we're getting
 9 the bonus of 16,000 square feet and a use that
 10 I agree, I think would provide a service to the
 11 thousands of residents that are coming to the
 12 Southbank, and many of them are already there.
 13 So I'm really struggling with that. And
 14 I've tried to think through -- and I don't have
 15 the answer, honestly, of, is there anything we
 16 can do from a condition standpoint to try to
 17 make this more palatable? And I'm just
 18 bringing that up as a suggestion. I don't know
 19 what those conditions are. I don't have those
 20 answers that maybe address some of the
 21 citizens' concerns because I think many of them
 22 are very, very valid, and I don't want those to
 23 go overlooked.
 24 So, you know, I mean, honestly, right now
 25 I'm completely on the fence. And if any of the

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1 board members have any recommended conditions
2 or a way to go on this, I'm -- those are my
3 comments right now, so I'll end there and I am
4 all ears.

5 THE CHAIRMAN: Thank you, Mr. Schilling.
6 Mr. Monahan.

7 BOARD MEMBER MONAHAN: Thank you,
8 Mr. Chair.

9 Like all my fellow committee members, this
10 is not an easy contemplation. But I think
11 what's important to point out is our -- one of
12 our -- a few of our overall goals are to
13 increase vibrancy and walkability and
14 engagement on the ground level across downtown,
15 no matter what the use is. And to call this a
16 zombie use or a dead use here and not refer to
17 it the same way where it's allowed I think is
18 something interesting to consider.

19 As someone who lives in an apartment, I
20 rent a self-storage unit from CubeSmart.

21 Granted, I do not live in San Marco. As staff
22 mentioned, this is a supportive use, and I
23 don't see -- if there's -- Mr. Diebenow,
24 correct me if I'm wrong. You said 4,000
25 additional units coming on line around this

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1 area?

2 MR. DIEBENOW: That's what's reflected in
3 the PUD application, yes, sir.

4 BOARD MEMBER MONAHAN: Thank you.

5 I think it's important that we provide
6 that supportive use, especially if a number of
7 these are apartments, that they may, granted,
8 have in-development -- in -- in-unit storage,
9 like mine does, but it's cheaper for me to rent
10 from CubeSmart than it is to rent a storage
11 unit in my apartment building or in my
12 development.

13 So I think as a supportive use, it's --
14 the market demands it almost necessary. And
15 with the addition of the ground-floor retail,
16 whatever it may be, I think is a bonus to the
17 use.

18 And a storage facility may not attract
19 pedestrians, but I would argue that the current
20 site, the way it is, is also not attracting
21 many pedestrians either, except for customers
22 to the restaurant and to the back office
23 parcel, which is not part of this site plan.

24 So I think all those things are important
25 to consider, but I would love to continue the

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1 conversation and hear what Ms. Ott has to say.

2 THE CHAIRMAN: Thank you, Mr. Monahan.

3 As you wish. Ms. Ott.

4 BOARD MEMBER OTT: Thank you, Mr. Chair.

5 So like Mr. Monahan, I am considering the
6 goals of this board, of this body, and I
7 also -- I also -- what is chief in my mind in
8 considering the intent of our zoning documents,
9 our zoning codes, and also the decades of work,
10 research, community input that went into
11 crafting those documents because it was
12 considerable -- and there have been amendments
13 and there was a lot of work that were put into
14 those as well.

15 The intent of this board, of downtown, of
16 the organization of DIA is to make downtown a
17 vibrant, pedestrian-friendly, engaged, active
18 downtown. And this use, it does provide some
19 activation, but it is not the type of
20 activation that we need a block or two from the
21 Riverwalk when extensive -- I mean, massive,
22 incredible work is being done downtown to
23 activate our Riverwalk, to connect our
24 Southbank and our Northbank, the two
25 gateways -- if you're not familiar with

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1 San Marco, the two gateways into San Marco,
2 which, as Mr. Boulos pointed out, is a
3 wonderful and well-preserved neighborhood --
4 are San Marco Boulevard and Hendricks Avenue.

5 This spot is, for all intents and
6 purposes, the gateway to the San Marco
7 neighborhood if you were exiting the Riverwalk.
8 So for my friends who visit Jacksonville, who
9 haven't been here before, when they walk the
10 Riverwalk and come up Hendricks and wanting to
11 get a bite to eat, wanting to find some
12 entertainment, wanting to see the San Marco
13 neighborhood, this is what they'll be passing
14 by.

15 And it is a behemoth next to our oldest
16 remaining residential building that survived
17 after the Great Fire of 1901. 1451 Home Street
18 was built in 1909. It's a precious, little
19 building, and I personally would love to see
20 that building activated and loved. The setback
21 of this storage facility immediately adjacent
22 to that home is tight, to say the least.

23 To speak about the -- the feasibility, if
24 not storage -- we have talked about other
25 uses -- other mixed-use -- excuse me --

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1 projects on this exact parcel. They're saying
2 that multifamily or office is not feasible on
3 this exact parcel because of the parking. And
4 I would submit to the entire community/city of
5 Jacksonville that multifamily, office, and
6 storage are not the only three things,
7 certainly to the San Marco community and the
8 Southbank neighborhood, but -- downtown needs.
9 I think there are uses in the middle, infill,
10 that we could see in this parcel that does not
11 make as much money. As Mr. Simpson referred
12 to, of the 24 locations, this is the one --
13 this is the one most desirable because of the
14 demand.

15 To the Winter Park example, a Google map
16 search does confirm that it is not located
17 within a historic neighborhood, as Mr. Diebenow
18 pointed out. And this is not going within the
19 historic downtown proper San Marco Square;
20 however, it is going within our downtown. And,
21 again, within our goals to make downtown
22 vibrant and exciting and to draw people into
23 the neighborhood, draw people to and from the
24 Northbank to the Southbank, this use does
25 not -- does not excite, it does not engage.

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1 If this should pass, I would like to see a
2 condition for the retail to be leased within a
3 certain amount of time after construction is
4 completed. That was a condition of the San
5 Marco Promenade buildings. It was not filled.
6 Some of those retail -- ground-floor retail
7 spaces are still empty to this day. But that
8 was a condition of that construction project; I
9 would like to see that here.

10 Another condition I would like to see, if
11 the site plan does change -- I know
12 Mr. Diebenow said that this was conceptual. I
13 would like to see that the retail portion does
14 not decrease, that that footage either stays
15 equal to the 1,642 square feet, as mentioned in
16 the PUD, or that it increases.

17 I have been hearing about this project for
18 a very long time. It was first presented to
19 the San Marco Preservation Society's board in
20 February of 2021. Since that time, we've heard
21 a lot from the community about this use, and
22 where it's not -- the community's input may not
23 be competent, substantial evidence. I think
24 the voice of the community is very important in
25 considering the use and the rezoning of this

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1 property. The neighborhood, from Mandarin to
2 downtown to Riverside, has said that the
3 residents don't want it.

4 And the reason that self-storage is not
5 currently included as a permissible use, right
6 now, at this time, on this parcel, is because a
7 street over, on Kings -- beginning on Kings
8 Avenue and running up Philips, which is -- we
9 talk about walking distance. And I know we're
10 not walking to storage facilities, but near
11 street -- feet -- less than half a mile away is
12 land that is currently zoned for this use.

13 So when the applicant -- I don't want to
14 call it a threat, but says that they're going
15 to bring self-storage closer to the heart of
16 San Marco, with the consideration that there is
17 land closer to the heart of San Marco along
18 Philips, along Kings, it is currently zoned for
19 this use, I think that's something to consider.

20 I think there is land that could really
21 use activation and revitalization in those
22 spaces right now, but this site -- I don't
23 believe this use is going to be the active and
24 vibrant use that we need in this gateway to and
25 from our downtown.

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1 THE CHAIRMAN: All right. Thank you,
2 Ms. Ott.

3 I think Council Member Ferraro left us for
4 a bit, so I'll kind of offer up a few comments
5 and then we can go back around if anybody has
6 any additional discussion.

7 A lot of great information presented by
8 staff, presented by the applicant. I went
9 through all of it, like a lot of you, spent a
10 lot of time this week and last week thinking
11 about this.

12 Ultimately, for me, it comes down to
13 something pretty simple, and -- and it really,
14 to me, is -- it's kind of clear. I don't
15 support this simply because I don't think this
16 is the way to use a PUD downtown.

17 I think this project is a great example of
18 a nice personal storage facility that we could
19 see in one of the other several districts where
20 it's currently allowed by exception. And if it
21 went through that process, I presume we'd
22 probably have a simpler reaction to it.

23 And I think the point of PUDs isn't to
24 just pick that up from there and drop it here
25 in a district where it's not permitted. I

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1 think a PUD, at least for me personally, would
 2 have been better received on something like
 3 this -- and I understand there are variables at
 4 play that preclude it, but if there were other
 5 uses in addition to these two, if there were a
 6 multifamily component or something like that
 7 where the innovative intent behind a PUD is
 8 being achieved in a real sense --
 9 So that's just kind of where I'm at on it,
 10 but I'm happy to open it up for further
 11 discussion among the board members.
 12 BOARD MEMBER JONES: I just have a general
 13 question. Why is this use acceptable in the
 14 historic Church, historic LaVilla, historic
 15 Brooklyn, but not allowed in historic --
 16 THE CHAIRMAN: Mr. Parola -- or, staff, do
 17 you want to --
 18 BOARD MEMBER JONES: -- Southbank or
 19 San Marco? You know, this is on the Southbank.
 20 But I just think, if I was a resident of
 21 LaVilla, I might be offended that, "Oh, it's
 22 okay here. You know, we'll deal with it. I'm
 23 living across the street." But if I'm in the
 24 Southbank area, it's not -- anyway.
 25 MR. PAROLA: Well, I mean, I think
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1 LaVilla, the answer is, as I recall -- because
 2 there is so much vacant land there, and there
 3 was so much land that was next to Beaver
 4 Street, (inaudible) street, the highways, we
 5 already had three- or four-lane highways that
 6 parallel -- you know, I mean, that encapsulated
 7 a large swath of undeveloped land, we kind of
 8 absorb it, and then we get lost in the fray
 9 without taking too much density away.
 10 If you're looking at the other districts,
 11 they -- frankly, they existed, right? I mean,
 12 the Church district, if I'm not mistaken,
 13 there's a -- there was a unit that existed
 14 prior to the overlay. If I go to Brooklyn,
 15 there was one that existed prior to the
 16 overlay. The one that was approved more
 17 recently, prior to the overlay changing in
 18 2019, is next to an FDOT pond, next to a
 19 highway. So, I mean, I think there -- you have
 20 to look at the geography and what's inside of
 21 that geography to get to your answer.
 22 MS. KELLY: And I'll add on to what
 23 Mr. Parola just said, that they're not
 24 permitted -- one, it's permitted by exception.
 25 It's not just permitted by right. And, two,
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1 there are design criteria associated with them,
 2 like the mixed use of, like, certain
 3 percentages of this and that. So it's not just
 4 an isolated facility. So there were some
 5 caveats.
 6 THE CHAIRMAN: Mr. Loretta.
 7 BOARD MEMBER LORETTA: I'd like to ask
 8 fellow Board Member Davisson a question. I got
 9 a little confused where you're going with --
 10 obviously -- I guess, I -- I think I understood
 11 that you were dissatisfied with the
 12 architecture right now, but it seemed like you
 13 were dissatisfied because you felt like it was
 14 just a four-floor faux facade and that bothers
 15 you. And maybe that's correct, but I was
 16 hoping you could explain that further. And
 17 then, is it just because it looks kind of
 18 multifamily-esqe, that's what bothers you? If
 19 it looked [sic] office, would that bother you?
 20 If it looked [sic] hotel, would that bother
 21 you? Can you help me to understand what you're
 22 referring to?
 23 And I realize, again, we're not --
 24 THE CHAIRMAN: I just want to remind
 25 everyone that -- to keep the design comments
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1 limited.
 2 And if I understand you correct- --
 3 Mr. Davisson, you can chime in -- I think you
 4 were talking about how the site plan informs
 5 the eventual design, but I'll let you speak to
 6 that.
 7 BOARD MEMBER DAVISSON: Well, I -- my
 8 issue was with -- that the land use -- it's
 9 going to require -- this is a -- this is the
 10 result of having to do this, where we have to
 11 do architecture in downtown that is
 12 pretentious. I'm not picking a style or
 13 anything like that. I'm just -- it could have
 14 been done another way. But if we've got to
 15 hide what the -- if we have to hide what the
 16 use is, then we've got an issue with what we're
 17 building. And that's what -- and I even made
 18 the statement, it's a reflection of who we are,
 19 what we're building today in downtown. That's
 20 the issue that I have. It's more of a moral
 21 issue.
 22 BOARD MEMBER LORETTA: Thank you.
 23 That's what I was trying to understand,
 24 more specifically what you were stating.
 25 Thank you.
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1 THE CHAIRMAN: Council Member Ferraro, we
2 just finished up the first round, if you would
3 like to offer any commentary. I just wanted to
4 let you know.

5 COUNCIL MEMBER FERRARO: Thank you.

6 THE CHAIRMAN: Any additional comments
7 from the board?

8 Mr. Lee -- and I guess I'll just go in
9 order in case anybody has anything.

10 BOARD MEMBER LEE: No.

11 THE CHAIRMAN: Okay. Mr. Monahan.

12 BOARD MEMBER MONAHAN: I think -- I mean,
13 Mr. Davisson, I certainly hear your point, but
14 to say, if we have to hide the use maybe we
15 should contemplate whether we have to have it,
16 we do that for parking garages, which are
17 necessary. We do that with other uses that are
18 necessary. And I would call this a necessary
19 use, maybe not today, right now, but with
20 thousands of units coming on line, it's
21 certainly a necessary use.

22 THE CHAIRMAN: Mr. Davisson.

23 BOARD MEMBER DAVISSON: Well, I think
24 that's two completely different issues. The
25 design of a parking garage -- and I've seen

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1 THE CHAIRMAN: Just briefly.

2 MR. DIEBENOW: Yeah. I was just going to
3 reflect on the conditions that -- Ms. Ott, you
4 had mentioned conditions, so --

5 THE CHAIRMAN: Sure.

6 MR. DIEBENOW: We would be able to agree
7 to a condition about the square footage having
8 to remain what's on the site plan or greater,
9 but the other condition about having to lease
10 it within a certain period of time, it is
11 not -- it's impossible for us to agree to that.
12 That said, we're not building the space to
13 leave it vacant. So on one condition yes, on
14 the other condition no.

15 THE CHAIRMAN: Thanks.

16 Okay. And just a reminder to the board --
17 yeah, and after a motion is made, we can
18 certainly debate the motion.

19 BOARD MEMBER LEE: (Inaudible.)

20 MS. LOPERA: Yes. Through the Chair to
21 the board, I mean, your options at this point
22 are to move -- somebody could make a motion to
23 adopt the staff report and -- essentially, it's
24 moving to deny it. You can move to approve or
25 you can move to approve with conditions and

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1 parking garages that exist that are
2 outstanding. This is -- the way it's
3 presented, is Disney. It is an illusion to
4 what its use is. That's the difference.

5 BOARD MEMBER MONAHAN: No further --

6 THE CHAIRMAN: Okay. Board members, any
7 additional comments? And if not, in the
8 interest of going somewhere, you know, we do
9 have a few options before us. We've got a
10 staff recommendation. Certainly a board member
11 can make a motion to either accept that or to
12 kind of put that aside and either recommend
13 that the board -- make a motion that the board
14 recommend approval or denial as a stand-alone
15 motion to the City Council.

16 So the floor is open for any board member
17 who would like to do something, or add
18 conditions, if there are conditions to be --

19 BOARD MEMBER DAVISSON: If I may?
20 (Mr. Diebenow approaches the podium.)

21 MR. DIEBENOW: Oh, I'm sorry.

22 THE CHAIRMAN: Let's give Mr. Diebenow
23 a --

24 BOARD MEMBER DAVISSON: Go ahead.

25 MR. DIEBENOW: I just --

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1 then state them for the record.

2 If you do move to approve or approve with
3 conditions, I would ask that you state on the
4 record the competent and substantial evidence
5 you used to support that motion because it is
6 contradictory to the staff report.

7 MR. DIEBENOW: Sorry. So, for example --
8 and if I could, so if you move to deny, there's
9 the staff report. If you move to approve,
10 there's the affidavit and the testimony that
11 was given today. I don't think the General
12 Counsel is asking you to cite which sentence
13 and which report or which paragraph supports
14 the approval. Maybe I'm mistaken, but
15 Mr. Parola characterized earlier that there was
16 competent and substantial evidence on both
17 sides.

18 THE CHAIRMAN: I'll let Ms. Lopera answer
19 that, but I assume what she was probably saying
20 is if board members would like to, while
21 they're making motions, I guess they could fall
22 back on what you just mentioned, Mr. Diebenow,
23 or they could, as part of the motion, state the
24 substantial evidence and competent evidence
25 they're using in support of their motion.

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1 Mr. Davisson.
 2 BOARD MEMBER DAVISSON: If this should
 3 pass, it would imply that the retail, if that's
 4 the intended use, would remain that use in
 5 perpetuity. If there's a way -- what I'm
 6 getting at is -- somebody brought it up. One
 7 of the citizens brought it up, about we've got
 8 this -- we've got the structure, we've got
 9 retail below. And, you know, there's a bait
 10 and switch. The retail hasn't happened when
 11 you back door the storage. You know, that
 12 would be a disaster to this PUD. And that
 13 would be -- as far as the use goes, that would
 14 be -- because primarily -- if what we're
 15 talking about here is over 100,000 square foot
 16 of storage, but, again, I go back to, what's on
 17 the first level, would we approve that? And we
 18 probably would alone. So that's -- to me,
 19 that's the important component to this whole
 20 thing. And without it -- without it, we have a
 21 completely different conversation.

22 THE CHAIRMAN: So a question for General
 23 Counsel, then. On PUDs -- and this, I guess,
 24 is a specific example. The PUD specifically
 25 talks about the first floor activated space,

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1 as strong as possible, this body would
 2 recommend that a condition be added to the
 3 legislation itself that requires the ground
 4 floor either is not self-storage or will be a
 5 minimum of 16,000 square feet of the activated
 6 uses -- and that, frankly, is the only way we
 7 can be consistent with the Comprehensive Plan
 8 anyway, so we certainly would agree to that
 9 concept.

10 BOARD MEMBER LORETTA: Really quick,
 11 Steve. In the end, though, let's say
 12 2,500 square feet, the back pad is the
 13 commercial space for the storage facility. So
 14 I just want to make sure that at least
 15 everybody kind of understands that part. So of
 16 the 16,000 square feet, approximately
 17 2,500 square feet of it will be this commercial
 18 space for the storage facility, the check-in
 19 place.

20 MR. DIEBENOW: I'm really glad you brought
 21 this up.

22 And, Mr. Chairman, may I address this?
 23 This is a pretty fine point in all of the
 24 details.

25 Your code requires that no more than
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1 retail, et cetera. To Mr. Davisson's point,
 2 beyond that, is there anything we can do or
 3 City Council could consider to strengthen that
 4 or does that kind of stand on its own, if the
 5 PUD application says that's what's going to be
 6 there, that is what needs to be followed, and
 7 what happens down the road is what it is?

8 MS. LOPERA: Well, to the Chair, so,
 9 generally, on these, any conditions that are
 10 included have to have the agreement of the
 11 applicant. That is a component.

12 THE CHAIRMAN: Okay.

13 MR. DIEBENOW: So -- and, if I can, I
 14 mean, that's exactly right. And we would agree
 15 to a condition to that effect. And the best
 16 way to incorporate that would be a
 17 recommendation from this body that that
 18 condition be included as a condition in the
 19 legislation itself.

20 If there's just a line in the staff report
 21 that is subject to maybe a lower standard of
 22 review in terms of a future change again --
 23 Mr. Simpson, the Simpson organization, have no
 24 intention and will not be putting self-storage
 25 on the ground floor. If you want to make that

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1 25 percent of any frontage -- of any street
 2 frontage be permitted for the office, for the
 3 self-storage use, in -- in the other zonings,
 4 if you will. And it also requires that
 5 50 percent of any frontage along the road must
 6 be activated.

7 So on the back part that's on Home Street,
 8 that space is about 114 feet wide.
 9 Fifty-seven feet is for parking and vehicular
 10 use area. The other 57 feet is retail. So it
 11 meets the 50/50 requirement, 50 percent
 12 activated, 50 percent vehicular use area on
 13 Home Street.

14 We would prefer to put that storage/office
 15 use on Home Street, but that would require
 16 that -- that that 25 percent limitation be
 17 changed. So if you wanted to make a minimum
 18 square footage or a maximum square footage for
 19 the retail space or lower the percentage that's
 20 required for the -- for the retail, for the
 21 storage use to be located, we would like that
 22 to be on Home Street, but that would require a
 23 revision or a condition from this board or --
 24 or LUZ to allow that to happen.

25 We don't want the office use serving the
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1 self-storage use to be on the prominent corner.
 2 We want to -- we want activated uses there.
 3 But to put it on the back of the building or to
 4 put it on Home Street would require just a
 5 slight revision to the language that's included
 6 in the PUD, which we would agree to, if that's
 7 the will of the board, to permit the office use
 8 supporting the self-storage to be located on
 9 Home Street.

10 MR. SIMPSON: Might I simply make a
 11 corrected statement?

12 THE CHAIRMAN: Briefly, Mr. Simpson.

13 MR. SIMPSON: I'm not trying to be
 14 argumentative, but just to correct -- the
 15 office for the self-storage facility is not
 16 included in the 16,000 square feet. It is on
 17 the first floor and it's clearly shown on the
 18 site plan. It's about 1,000 square feet. That
 19 office, in addition to servicing customers as
 20 they come and go, of course, also sells retail
 21 products, packaging goods, et cetera, but it's
 22 not in the 16,000 square feet. It's in
 23 addition.

24 THE CHAIRMAN: Thanks.

25 All right. Board members, we are still
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1 trying to get to a posture to take action one
 2 way or the other on something. So if a board
 3 member has a motion they'd like to make,
 4 whether it's about conditions or the item as a
 5 whole --

6 BOARD MEMBER LEE: I think we have to move
 7 this along, you know, to make a vote on it, so
 8 if I could make a commentary before making a
 9 motion --

10 THE CHAIRMAN: Sure. Yeah, the discussion
 11 is still open until --

12 BOARD MEMBER LEE: Let's move it to a
 13 vote, so what I'd like to do is make a motion
 14 to approve with the conditions. And we have a
 15 couple on the table, or three on the table,
 16 potentially, that I'd like to add to the motion
 17 to approve and then we can come to a vote and
 18 see if we want to do it or not. I'll make that
 19 initial motion and then I think we ought to
 20 have some debate on adding the conditions.

21 THE CHAIRMAN: Okay. So what we'll do is
 22 we'll treat the conditions, then, as amendments
 23 to your motion so that way we can debate them
 24 individually.

25 Mr. Lee has -- if I understood him
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1 correctly, he has made a motion that the DDRB
 2 recommend approval to the City Council of
 3 Ordinance 2023-007.

4 That motion has been made. Is there a
 5 second?

6 BOARD MEMBER MONAHAN: Second.

7 THE CHAIRMAN: There is a second by
 8 Mr. Monahan.

9 So now I guess, Mr. Lee, the floor is
 10 yours if you want to start the discussion about
 11 conditions you would like to add to that and we
 12 can discuss those.

13 BOARD MEMBER LEE: Yeah. I think
 14 Ms. Ott's condition of requiring a minimum
 15 square foot of retail has got to be a part of
 16 this motion, 16,000 square feet is what I
 17 understand.

18 MR. DIEBENOW: And, Mr. Chairman, because
 19 it's a contract zoning, the -- I'm required to
 20 come up and say yes or no so that we can make
 21 it -- the contract -- again, we would agree to
 22 that condition, if that was what was
 23 (inaudible).

24 THE CHAIRMAN: Okay.

25 BOARD MEMBER LEE: We would have a motion
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1 either in conjunction with that one as number
 2 one or as number two, that no self-storage can
 3 be used outside of the office component on the
 4 ground floor.

5 MR. DIEBENOW: And we would agree to that
 6 as well.

7 BOARD MEMBER LEE: That's the only two
 8 that I have, that I took from the board members
 9 comments.

10 THE CHAIRMAN: Okay. Is there any
 11 discussion on those two conditions from the
 12 board?

13 MS. LOPERA: (Inaudible.)

14 THE CHAIRMAN: All right. So maybe
 15 perhaps restate the original motion,
 16 incorporating those two.

17 BOARD MEMBER LEE: I'll make a motion for
 18 approval with the following conditions: The
 19 first condition is that the ground floor retail
 20 will consist of no less than 16,000 square
 21 feet, not including the retail component of the
 22 office, of the self-storage function.

23 And the second condition would be that no
 24 self-storage functions could be used on the
 25 ground level, outside of their office and
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1 retail component.
 2 THE CHAIRMAN: As it relates to the
 3 evidence presented, would you like to
 4 incorporate the applicant's affidavit as --
 5 BOARD MEMBER LEE: Right. Citing the
 6 specific evidence, substantial evidence cited
 7 or written down on the affidavit by Michael
 8 Saylor.
 9 THE CHAIRMAN: Okay. There's been a
 10 motion by Mr. Lee for approval with the two
 11 conditions he articulated.
 12 Mr. Monahan, was that a second for that as
 13 well?
 14 BOARD MEMBER MONAHAN: Yes, sir. Second.
 15 THE CHAIRMAN: Okay. There is a second.
 16 All those in favor --
 17 BOARD MEMBER SCHILLING: Mr. Chair.
 18 THE CHAIRMAN: Oh, sure. I'm sorry.
 19 BOARD MEMBER SCHILLING: I was going to
 20 propose another potential condition for -- at
 21 least to further the discussion of whether --
 22 THE CHAIRMAN: Are you open to --
 23 BOARD MEMBER LEE: Yes.
 24 THE CHAIRMAN: -- potentially add a third
 25 condition?

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1 THE CHAIRMAN: Mr. Diebenow, is that kind
 2 of the (inaudible)?
 3 MR. DIEBENOW: Yes, sir, it sure is.
 4 BOARD MEMBER JONES: How about the
 5 architecture?
 6 THE CHAIRMAN: We're not dealing with the
 7 design at this particular stage.
 8 So, Mr. Lee, would you like to incorporate
 9 that third condition into your original motion?
 10 BOARD MEMBER LEE: Yeah. Do I need to
 11 restate it?
 12 MS. LOPERA: You can move to amend --
 13 because you made a motion to approve and it was
 14 seconded. And then if you move to amend and
 15 add two conditions --
 16 (Simultaneous speaking.)
 17 THE CHAIRMAN: He withdrew, restated the
 18 motion, adding the two conditions. And now I'm
 19 asking him if he would like to withdraw the
 20 motion again to incorporate the third --
 21 MS. LOPERA: Or you can amend it to add a
 22 third. Either way.
 23 BOARD MEMBER LEE: I'll amend my motion to
 24 add the third condition requiring the office
 25 location be on Home Street.

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1 Okay.
 2 BOARD MEMBER SCHILLING: And have the
 3 board consider a condition that would have all
 4 the retail frontage on Prudential be
 5 essentially retail with frontage that does not
 6 include the office so that the office would be
 7 on the secondary retail frontage on Home
 8 Street.
 9 MR. DIEBENOW: And, again, we would agree
 10 to that condition. It would take some tweaking
 11 in the language, but it's easy to accomplish.
 12 We would agree to that condition.
 13 THE CHAIRMAN: Mr. Parola.
 14 MR. PAROLA: It's got two frontages that
 15 staff really cares about, not just Prudential.
 16 MR. DIEBENOW: We would agree on Hendricks
 17 as well --
 18 MR. PAROLA: Thank you.
 19 MR. DIEBENOW: -- that it would be on
 20 Hendricks or Prudential --
 21 (Simultaneous speaking.)
 22 BOARD MEMBER SCHILLING: So --
 23 THE CHAIRMAN: Maybe to phrase that the
 24 office frontage will be on Home Street?
 25 BOARD MEMBER SCHILLING: Correct, yes.

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1 THE CHAIRMAN: Okay. There's been a
 2 motion. Is there a second?
 3 BOARD MEMBER MONAHAN: Second.
 4 THE CHAIRMAN: Mr. Monahan seconded the
 5 motion.
 6 All those in favor, say aye.
 7 BOARD MEMBER MONAHAN: Aye.
 8 BOARD MEMBER DAVISSON: Aye.
 9 BOARD MEMBER JONES: Aye.
 10 BOARD MEMBER LEE: Aye.
 11 BOARD MEMBER LORETTA: Aye.
 12 BOARD MEMBER SCHILLING: Aye.
 13 THE CHAIRMAN: Any opposed?
 14 Nay.
 15 BOARD MEMBER OTT: Nay.
 16 THE CHAIRMAN: All right. Show -- by your
 17 action, show that Ordinance 2023-007 is
 18 forwarded to City Council with a recommendation
 19 to approve --
 20 MS. LOPERA: With conditions.
 21 THE CHAIRMAN: -- with conditions.
 22 And the vote count, I believe, was four in
 23 favor, two -- or sorry, six in favor, two
 24 against.
 25 MS. LOPERA: I have noted six-two.

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1 THE CHAIRMAN: Yeah.
 2 Okay. That wraps up our action items.
 3 Ms. Kelly, I know you wanted to briefly
 4 poll us on our March meeting, so why don't we
 5 do that.
 6 MS. KELLY: Through the Chair, you have
 7 all kinds of emails from me about scheduling.
 8 So to be brief here and since you're all here
 9 except for Mr. Harden, in March, lots of
 10 things. We've got TPC, which seems like it
 11 might be a conflict, and then we have spring
 12 break.
 13 Just by a show of hands, if you can pull
 14 up your calendars for me, are you able -- as
 15 far as you know, right now at this moment, are
 16 you -- if you are able to attend the March 9th
 17 meeting, please raise your hand.
 18 One, two, three, four. Okay. So that is
 19 sketchy.
 20 Okay. March 16th, if you, at this moment,
 21 are able to -- that's three and a half. So
 22 either way, we're really going to be --
 23 BOARD MEMBER OTT: I'll know by Monday.
 24 MS. KELLY: You'll know by Monday? Okay.
 25 So I'll kind of touch base with Mr. Harden
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1 which I think is a Tuesday. The 28th. Anybody
 2 else besides Mr. Lee?
 3 (Simultaneous speaking.)
 4 MS. KELLY: Whenever you want on the 28th.
 5 BOARD MEMBER LORETTA: I could do, like,
 6 9 a.m. because I have a flight to Dallas
 7 at 12:00.
 8 MS. KELLY: Mr. Schilling, you said you
 9 could --
 10 BOARD MEMBER SCHILLING: I could do 9:00.
 11 BOARD MEMBER JONES: Could we do Zoom?
 12 Will there be Zoom ability? It's a workshop.
 13 MR. PAROLA: We don't really need a
 14 quorum, but I'd like to say, if you show up to
 15 any workshop in person, this might be the one.
 16 THE CHAIRMAN: I have to be in DC, so --
 17 MS. KELLY: On the 28th?
 18 THE CHAIRMAN: Correct. I'll Zoom in.
 19 MS. KELLY: Okay. So we'll figure that
 20 one out. So right now we're really looking at
 21 the 28th at 9 a.m., and we will -- we're going
 22 to --
 23 MR. PAROLA: Perfect. Thank you.
 24 MS. KELLY: -- make a note of that.
 25 THE CHAIRMAN: Thank you, Susan. I know
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1 as well --
 2 THE CHAIRMAN: We'll keep working on it.
 3 MS. KELLY: This is looking difficult.
 4 MR. PAROLA: We need people for the
 5 workshop on the 21st of February -- so some
 6 time between the 22nd and the 28th for the
 7 Daily's Place (inaudible) prior to going to
 8 March. (Inaudible.)
 9 MS. KELLY: I was going to actually email
 10 each one of you individually and ask about the
 11 24th and 28th.
 12 (Simultaneous speaking.)
 13 BOARD MEMBER LEE: The 28th -- do you want
 14 to do the hand thing?
 15 MS. KELLY: Hands. All right. The 24th,
 16 February 24th. Show of hands. What is that?
 17 That's a Friday.
 18 THE CHAIRMAN: Friday, February 24th.
 19 MS. KELLY: That's a Friday.
 20 MR. PAROLA: Sorry, this is super
 21 important.
 22 (Simultaneous speaking.)
 23 MS. KELLY: So we have three on the 24th.
 24 Okay. Four on 24th.
 25 All right. So show of hands for the 28th,
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1 it's hard to wrangle us sometimes.
 2 So let me ask Ms. Mezini one thing. Are
 3 there any general public comments?
 4 MS. MEZINI: No public comment.
 5 THE CHAIRMAN: Okay. Seeing no public
 6 comments, we will adjourn at 4:52.
 7 Thank you, Board Members.
 8 (The foregoing proceedings were adjourned
 9 at 4:52 p.m.)
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1 CERTIFICATE OF REPORTER

2

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

13

14

15 DATED this 21st day of February 2023.

16

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Diane M. Tropa
Florida Professional Reporter

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