



**Downtown Development Review Board (DDRB)
Meeting
Hybrid Virtual/In-Person Meeting
Thursday, August 24, 2023 2:00 p.m.**

MEETING MINUTES

Board Members (BMs) Present: M. Brockelman (Chair); L. Ott (Vice Chair); G. Monahan (Secretary); J. Berling; F. Jones; J. Loretta; and B. Schilling

Board Members Excused: C. Harden and T. Lee

DIA Staff Present: Susan Kelly, Redevelopment Coordinator; Guy Parola, Operations Manager; Ina Mezini, Strategic Initiatives Coordinator; and Ric Anderson, Marketing and Communications Specialist

Office of General Counsel: Susan Grandin, Esq.

I. CALL TO ORDER

Board Chair Brockelman called the meeting to order at **2:06 p.m.** Mr. Brockelman asked for introductions from Board Members and Staff and provided an overview of the agenda and review process.

II. ACTION ITEMS

A. APPROVAL OF THE AUGUST 10, 2023 DDRB REGULAR MEETING MINUTES

Board Chair Brockelman opened the floor for comment. Seeing none, he called for a motion.

A MOTION WAS MADE BY BOARD MEMBER MONAHAN TO APPROVE THE AUGUST 10, 2023 MEETING MINUTES, SECONDED BY BOARD MEMBER OTT.

THE MOTION PASSED 7-0.

B. DDRB APPLICATION 2023-016: 1 TIAA Bank Field, Sign Permit Review

Susan Kelly with the DIA provided a staff report for the sign permit review and stated that staff recommends approval of the sign permits.

The public hearing was opened with a motion to move the item by Board Member Monahan, seconded by Board Member Berling. The Chair opened the floor to questions. Seeing none, he opened the floor for public comment. With no public comment, the Chair asked each Board Member for comments. Board Members had no comments, and the Chair put the item to a vote.

THE MOTION PASSED 7-0 TO RECOMMEND APPROVAL OF THE SIGN PERMIT PACKAGE.

C. DDRB 2023-003: DAILY'S MIXED-USE PROJECT, ZONING EXCEPTION, DEVIATIONS, AND FINAL APPROVAL

Guy Parola with the DIA provided the order of the hearing. The Chair expressed a desire to extend the public comment period from three to five minutes per speaker. **Board Member Ott made a motion to change the requirements to allow for five minutes, and Board Member Monahan provided the second. The Board approved the time extension, 7-0.**

The Chair reiterated the hearing process, and Mr. Parola provided a detailed staff report (request for zoning exception, five deviations, and final DDRB approval). Included within Mr. Parola's staff report was a synopsis of the revisions made from the conceptual submittal in March 2023. Mr. Parola noted that within the final site plan, the landscape area is outside of the sidewalk area, towards the property itself rather than in the amenity zone (typ). Despite staff's approval of this feature for this application for reason's stated within the report, Mr. Parola noted that this should not be viewed as precedent-setting.

Jason Gabriel introduced the project and the development team. In going through the presentation, Mr. Gabriel noted that the mural shown on the Forsyth Street elevation was just a place-holder and would be refined further. Mr. Gabriel also provided dates that community input was received as well as an overview of their justification and changes made since conceptual approval was received.

Chairperson Brockelman asked if Board Members had any questions. Board Members had questions about community conversations that were had other than at Council Member Peluso's town hall; specificity regarding the rendering included in the presentation; availability of a material board; final landscaping; the large mural space on the Forsyth Street elevation; the yellow and red colors on the gas canopy; and specificity regarding the fencing material. The applicant responded in turn providing the names and dates of conversations with community members; stating that a material board was not available but that the materials would be consistent with current Daily's; noting that the elevation along Forsyth can be revised to have faux windows and/or artwork; and stating that the yellow and red of the gas canopy can be changed. Mr. Parola explained that the rendering in the presentation was a massing exercise and does not accurately reflect the proposed transparency and that landscaping and fencing will be consistent with the code and District Standards.

Mr. Parola went through the staff recommendation in detail – recommending approval of the Zoning Exception with conditions matching those approved during Final, and recommending Final DDRB Approval with Conditions.

Board Members declared ex-parte communications, and the Chair asked for public comment. Chairperson Brockelman asked for public comment. Five people spoke in opposition. Their primary concerns were that nothing had changed since the conceptual submittal; that too many

deviations from the code were being requested; that the project is not mixed-use; and that not enough meaningful community input was received and incorporated. One person spoke in favor of the proposed development, stating that they would use the facility and that LaVilla needs amenities, particularly to serve those moving into Johnson Commons (currently under construction).

The Chair closed the public hearing and called for a 10-minute break.

Chairperson Brockelman asked for Board comments as they took up each vote. **Board Member Monahan made a motion to move the Zoning Exception, which was seconded by Board Member Schilling. Board Members felt that the use was appropriate, voting to approve the Zoning Exception with staff conditions, with a 7-0 vote.**

Board Member Monahan motioned to move Deviation #1 with staff conditions, and Board Member Schilling seconded the motion. Board Member Loretta requested to add a condition that a minimum of 12 feet of pavement surround the property as a sidewalk, with 10 feet of landscaping except at the location of the building and driveways. Board Member Jones stated that this deviation appeared to be a self-imposed hardship, and Board Member Ott stated no positives findings for this deviation. **Board Member Loretta made a motion to amend the approval to include a condition that a minimum 12-foot sidewalk (from back of curb) followed by a 10-foot landscaped buffer is required except where adjacent to the proposed commercial building and driveways. Board Member Berling seconded the motion. The amendment was approved with a 7-0 vote. The Chair called for a vote on Deviation #1. The deviation was approved as amended with a 5-2 vote, with Board Members Ott and Jones in opposition. Note – all conditions going forward related to the submitted date of the site plan will be revised to August 24, 2023 to reflect the amendment.**

Board Member Monahan motioned to move Deviation #2 with staff conditions, and Board Member Schilling seconded the motion. Board Member Ott stated that there were no positive findings in favor of the deviation. Board Member Monahan asked about programming the exterior (along Broad Street) with outdoor seating. Board Member Loretta requested Urban Open Space along the east side of the building and chamfered pavement at the corners of the parcel to increase the sidewalk width. In response, Mr. Gabriel presented a new condition regarding Urban Open Space, “The developer shall work with DDRB staff, the Cultural Council, and other downtown stakeholders in activating the following portions of the property as shown in the attached site plan as an urban open space as that term is defined in the City code: The West Forsyth/Broad Street corner and the West Bay Street/Broad Street corner of the subject property and the Pedestrian Zone in between those two corner lots that are parallel to Broad Street.” This condition was read into the record and was well received by the Board. **Board Member Loretta made a motion to amend the approval, revising the applicant’s proposed condition to include the northwest corner (Forsyth/Jefferson) of the property as well. Board Member Schilling seconded the amendment. The amendment was approved with a 7-0 vote. The Chair called for a vote on Deviation #2. The deviation was approved as amended with a 5-2 vote, with Board Members Ott and Jones in opposition.**

Board Member Monahan motioned to move Deviation #3 with staff conditions, and Board Member Schilling seconded the motion. Board Member Ott stated that there were no positive findings in favor of the deviation. **Board Member Berling made a motion to include a condition that no more than 50% of the paneled area (currently shown as a mural) be a mural and that the remainder of the wall be a living wall or living wall in conjunction with partial glazing, with the intent being that the finishes are oriented vertically. Board Member Monahan seconded the motion for the amendment. The amendment was approved in a 7-0 vote. The Chair called for a vote on Deviation #3. The deviation was approved as amended with a 6-1 vote, with Board Member Ott in opposition.**

Board Member Monahan motioned to move Deviation #4 with staff conditions, and Board Member Schilling seconded the motion. Board Member Ott stated that there were no positive findings in favor of the deviation and that the parking made the development appear suburban. Board Member Monahan asked the applicant why so many spaces were necessary; the applicant responded that additional parking was needed for Bold City. Board Member Jones asked staff about the timing of the 2-way street project, which would impact Forsyth. **The Chair called for a vote on Deviation #4. The deviation was approved with staff conditions with a 5-2 vote, with Board Members Ott and Jones in opposition.**

Board Member Monahan motioned to move Deviation #5 with staff conditions, and Board Member Schilling seconded the motion. Mr. Parola noted that staff conditions would be updated to reflect the August 24th date (applicable to sites plans and elevations). Board Members had no comments regarding this deviation. **The Chair called for a vote on Deviation #5. The deviation was approved with staff conditions, with a 7-0 vote.**

Board Member Monahan motioned to move Final Approval with staff conditions and the amended conditions for each deviation, and Board Member Schilling seconded the motion. Board Member Jones stated that the application is not ready for final approval and that too many deviations are being requested. Board Member Ott stated that the deviations from the Zoning Overlay and the BID Plan are too substantial to approve. **Board Member Loretta made a motion to add a condition that the colors of the gas canopy (excluding the logo) either match the color of the building materials or be a neutral color at the discretion of staff. Board Member Schilling seconded, and the amendment was approved 7-0. Board Member Loretta made a motion that no driveways shall exceed 33-feet in width (to the edge of curb); Board Member Berling seconded. The motion was approved 7-0. The Chair called for a vote on Final Approval. Final Approval was approved with staff conditions and amendments with a 5-2 vote, with Board Members Ott and Jones in opposition.** The applicant requested that the Board reconsider the condition related to Deviation #1. Board Members did not make a motion to revisit the item.

III. OLD BUSINESS

None.

IV. NEW BUSINESS

None.

V. PUBLIC COMMENTS

Adrian Swanigan briefly stated his disappointment in the lack of attention paid to public comments and community concern and asked about the appeal process.

VI. ADJOURNMENT

Chairperson Brockelman adjourned the meeting at approximately 5:53 p.m.

The written minutes for this meeting are only an overview of what was discussed. For verbatim comments for this meeting, a recording or transcript is available upon request. Please contact Susan Kelly at 904-255-5307 or ksusan@coj.net.