



**Downtown Development Review Board (DDRB)
Special Meeting
Hybrid Virtual / In-Person Meeting**

Tuesday, April 9, 2024, 3:00 p.m.

MEETING MINUTES

Board Members (BMs) Present: M. Brockelman (Chair); L. Ott (Vice Chair); G. Monahan (Secretary); J. Berling; E. Davis; C. Dawson; F. Jones; and T. Lee

Board Members Excused: J. Loretta

DIA Staff Present: Susan Kelly, Redevelopment Coordinator; Guy Parola, Director of Operations; and Ava Hill, Administrative Assistant

Office of General Counsel: Carla Lopera, Esq. and Jason Teal, Esq.

I. CALL TO ORDER

Chair Brockelman called the meeting to order at **3:00 p.m.** and explained the order of events for the special meeting. Following this explanation, the Chair asked for introductions.

The Chair asked Board Members for any ex parte declarations. Each Board Member had ex parte to declare; declarations are on file with the Downtown Investment Authority.

II. ACTION ITEMS

A. ORDINANCE 2024-0152: DOWNTOWN SOUTHBANK MULTI-FAMILY MIXED-USE PUD

Guy Parola with the DIA delivered the staff report to the Board with a recommendation of denial. Mr. Parola pointed out that any site plan filed with the PUD rezoning is conceptual since the design of the site plan and any structures are subject to review by the DDRB for consistency with the Downtown Zoning Overlay. Mr. Parola stated that staff finds that the proposed rezoning from Commercial Central Business District (CCBD) to Planned Unit Development (PUD) is inconsistent with the BID and CRA Plan and the Comprehensive Plan. The primary finding being that permitting the personal property self-storage use is the only reason for the PUD rezoning as all other uses within the written description are allowed by right within the CCBD zoning district. As a result, the PUD rezoning is unnecessary and an attempt to circumvent the Overlay.

Chair Brockelman opened the public hearing and asked if the Board had any questions for staff. Seeing none, he invited the applicant to the podium for their presentation.

Steve Diebenow, representing the developer, introduced his team. Among the team, Mr. Boyd Simpson, who is the owner of the proposed project, gave introductory remarks including a re-

telling of last year's process and the subsequent mediation. Jason Teal, with the City's Office of General Counsel (OGC), interjected noting that limitations on the disclosure of the mediation were in effect. Mr. Diebenow presented the project's proposed rezoning and noted that Vestcor has joined the development team to provide affordable housing units as one of the uses in the project. Mr. Diebenow continued his presentation by arguing against the findings of the staff report.

Chair Brockelman asked if the Board had any questions for the applicant.

- Board Member Davis asked the applicant about community engagement efforts that had taken place and subsequently asked what the outcomes of those efforts had been. Mr. Diebenow recounted meetings with the San Marco community, including but not limited to the San Marco Merchants Association and the San Marco Preservation Society. Mr. Diebenow stated that his team met with four (4) community members last summer and following that interaction, were under the assumption that adding residential and rooftop activation would garner community support for the project.

Seeing no additional Board questions, the Chair opened the floor for public comment. Public comment is summarized below.

Eleven (11) members of the public expressed opposition to the personal property self-storage use. Specific concerns included setting a precedent in other Downtown Districts; creating a "warehouse district" on the Southbank; allowing a PUD to circumvent the Code; and undermining the success of the Downtown Zoning Overlay.

One (1) member of the public was in favor of the project, specifically with regards to the inclusion of the affordable housing use.

The Chair offered Mr. Diebenow time to respond to public comments. Mr. Diebenow argued that self-storage, retail, and residential offer a viable mix of uses, and he referenced a market study submitted by his team that illustrates that the area is underserved for self-storage.

Chair Brockelman closed the public hearing and asked for a motion.

Board Member Monahan made a motion to recommend denial of Ordinance 2024-0152; Board Member Berling seconded the motion.

The Chair asked for a Board discussion.

- Board Member Jones stated that he sees a clear demand for self-storage use and that he feels the use should be allowed by-right. He also stated that there would likely be opportunities for design improvements that might soften the proposed use.

Mr. Teal with OGC asked to clarify the settlement agreement before Board discussion begins in earnest. He clarified that nothing was pre-ordained in the settlement agreement regarding decision-making; the agreement merely expedites the application.

The meeting returned to Board discussion.

- Board Member Dawson asked for clarification regarding the \$6.5 million request for public funding. Mr. Diebenow explained the economic incentives and how they are being requested for the affordable housing use only.

Carla Lopera with OGC reminded the Board that their decision must be based on competent and substantial evidence and that staff's findings are competent and substantial evidence. Information from Mr. Diebenow is not considered such.

The meeting returned to Board discussion.

- Board Member Ott stated that if the rezoning moves forward, she would like to propose some conditions. These conditions were handed out to the Board Members, staff, and the applicant. While those were being reviewed, Ms. Ott stated that she is concerned about the precedent and is not supportive of the self-storage use.

[Board Member Ott's proposed conditions:

- A. A minimum of 8,500 square feet of the ground floor space must be dedicated for retail uses unrelated to self-storage or residential leasing activities.*
- B. In order to promote a mixture of retail uses and hours of operation, of the ground floor retail square footage not related to self-storage or residential leasing activities, 50% must be dedicated to restaurant and 50% must be dedicated to retail.*
- C. The ground floor retail square footage not related to self-storage or residential leasing activities must contain a full-service restaurant open on nights and/or weekends.*
- D. Fifty percent of the ground-floor mixed use square footage (NOT related to the residential or storage leasing) AND 50% of the residential units must be leased, occupied, AND operational BEFORE the self-storage units may begin leasing.*
- E. The self-storage access and hours of operation shall be limited daily beginning at 6:00 AM and ending at 10:00 PM.]*

- Board Member Monahan noted that the goal is to activate Downtown. He stated that the site is currently not vibrant and that the self-storage use is not on the ground floor.
- Board Member Davis agreed that there is a market for the use of self-storage and that the PUD is the appropriate process. However, he expressed concern that there has been no authentic community consensus-building and that the proposed rezoning might set a precedent.
- Board Member Lee stated that the problem was not the use, but rather, was likely architectural. He mentioned that Channelside in Tampa has successfully integrated a variety of uses. He also felt that the self-storage use should not be allowed by-right but needs to be discussed on a case-by-case basis.
- Board Member Berling agreed with Board Member Lee, noting that the PUD is the appropriate avenue for inclusion of the self-storage use and that the community wants activation and density. She was eager to address the architecture on Thursday

[subsequent design review meeting] and stated that she would support conditions regarding specific uses.

- Board Chair Brockelman referenced the intent of the Zoning Code, stating that the Downtown Overlay intentionally restricts the use of self-storage.
- Board Member Dawson commented that the Overlay is five (5) years old but that the world has changed dramatically in that time.
- Board Member Jones stated that he was not concerned about the issue of precedence because each item that comes before the Board is analyzed on a case-by-case basis. He added that some design changes would improve the project – more walk-and-talk zones, hiding the storage, and adding more transparency on the ground floor.
- Board Member Davis reminded the Board that the PUD process is a public process and that the Board has a responsibility to the public.

Board Chair Brockelman asked for a vote on the original motion to recommend denial. Three (3) members voted in favor (Ott, Brockelman, and Davis), with five (5) in opposition. The motion failed.

Board Member Lee made a motion to recommend approval of the rezoning, citing the applicant’s binder (supplemental information) as evidence. Board Member Jones provided a second.

Board Member Berling asked about the five (5) conditions proposed by Board Member Ott. Mr. Diebenow stated that his client agreed with conditions A and E as written. *[The Chair reads all of Ms. Ott’s originally proposed conditions into the record.]* Mr. Diebenow stated that his client cannot agree to conditions C and D because they are too restrictive to allow the market to function for this project. He also added that condition B could be revised to capture the intent while providing for market flexibility.

Board Member Ott noted that the intent of her proposed conditions is to ensure a true mix of uses with a mix of hours. She expressed concern about the activation of the 1st floor, citing the failed activation of the self-storage facility in Murray Hill. Mr. Simpson, the developer, expressed his commitment to retail, while noting that constraining the project would not leave room for market flexibility.

Board Member Lee made a motion to amend the motion on the floor, adding conditions A and E, and revising condition B. Board Member Dawson provided a second.

The amendment was approved, 8-0.

Board Member Lee made a motion to recommend approval with the conditions, per the amendment. Board Member Monahan seconded the motion.

The motion was approved, 7-1, with Board Member Ott in opposition.

Ordinance 2024-0152 was recommended for approval with the following conditions:

- 1. A minimum of 8,500 square feet of the ground floor space must be dedicated for retail uses unrelated to self-storage or residential leasing activities.**
- 2. In order to promote a mixture of retail uses and hours of operation, of the ground floor retail square footage not related to self-storage or residential leasing activities, part must be dedicated to restaurant and part must be dedicated to retail.**
- 3. The self-storage access and hours of operation shall be limited daily beginning at 6:00 AM and ending at 10:00 PM.**

III. OLD BUSINESS

None.

IV. NEW BUSINESS

None.

V. PUBLIC COMMENTS

The Chair opened public comment.

One member of the public commented that sea level rise and flood waters were a concern in this area and that the developer should ensure that delivery vans did not park in the bike lanes.

VI. ADJOURNMENT

There being no further business, Chair Brockelman adjourned the meeting at approximately **5:29 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.