



CITY OF TAMPA

Jane Castor, Mayor

Office of the City Attorney

Andrea Zelman
City Attorney

September 13, 2024

NOTICE OF REQUEST FOR RELIEF PURSUANT TO SECTION 70.51, FL. ST.

RE: BLC 22-185, 1411 N. 17th St., 1707 E. 4th Ave., and 1715 E. 4th Ave., owners, James Hettinger LLC and Clendenon Properties LLC ("Petitioner")

Dear Property Owner/Participant at City Council Hearing:

Attached please find a copy of the Request for Relief filed by Petitioner in the above-referenced matter. Petitioner is seeking relief from City Council's August 1, 2024, action when Council overturned an approved certificate of appropriateness in BLC 22-185 for property located at 1411 N. 17th St., 1707 E. 4th Ave., and 1715 E. 4th Ave., Tampa, Florida ("Subject Property"). You are receiving this notice because you are either (1) an owner of real property contiguous to the Subject Property, or (2) a person who presented testimony at the City Council public hearing on August 1, 2024. Because the backup documentation to the Request for Relief is voluminous, you may access the full PDF document at <https://www.tampa.gov/city-attorney> under "Quick Links" (file name "Request for Relief FLUEDRA BLC 22-185").

Pursuant to Section 70.51, F.S., a Special Magistrate has been retained by the City and Petitioner to conduct the proceedings. **The mediation is scheduled for October 25, 2024, starting at 9:00 a.m., at the law offices of Burr Forman, 201 N. Franklin Street, Suite 3200, Tampa, Florida 33602. If you wish to participate in the mediation, you must advise the undersigned in writing at dana.crosbycollier@tampagov.net within 21 days of receipt of this letter (kindly respond on or before October 8, 2024).** Failure to advise of your election in a timely manner will prohibit you from participating in the mediation. If you elect to participate, you will not be granted party or intervenor status; pursuant to statute, your participation is limited to addressing issues regarding alternatives, variances, and other types of adjustments to the development order which may impact your substantial interests.

If a resolution cannot be reached during the scheduled mediation, the Special Magistrate will hold a subsequent hearing to determine the impact of City Council's action relating to BLC 22-185. Any subsequent hearing date will be set by the Special Magistrate at the conclusion of the mediation.

Thank you for your attention to this matter.

Sincerely,

Dana Crosby Collier
Senior Assistant City Attorney

cc: Scott Steady, Esq., Special Magistrate
Jim Shimberg, Esq., for Petitioner

Enclosure: Request for Relief

315 East Kennedy Blvd., 5th Floor • Tampa, Florida 33602 • (813) 274-8996 • FAX: (813) 274-8809

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RECEIVED

AUG 30 2024

CITY OF TAMPA
LEGAL DEPARTMENT

August 30, 2024

VIA HAND DELIVERY AND EMAIL

Mayor Jane Castor
City of Tampa
306 East Jackson Street
Tampa, FL 33602
jane.castor@tampagov.net

Councilman Guido Maniscalco
Chair of the City of Tampa City Council
315 E. Kennedy Blvd.
Tampa, FL 33602
guido.maniscalco@tampagov.net

Ms. Andrea Zelman, Esq.
City of Tampa City Attorney
315 E. Kennedy Blvd.,
Tampa, FL 33602
andrea.zelman@tampagov.net

Re: Request for Relief under the Florida Land Use and Environmental Dispute Resolution Act, Section 70.51, Florida Statutes

Dear Mayor Castor, Chairman Maniscalco, and Ms. Zelman:

This is a Request for Relief under the Florida Land Use and Environmental Dispute Resolution Act, section 70.51, Florida Statutes (“**FLUEDRA**”), on behalf of James Hettinger LLC and Clendenon Properties LLC (collectively, the “**Petitioners**”), for real property located at 1411 N 17th St; 1707 E 4th Ave; 1715 E 4th Ave, Tampa, FL 33605 (the “**Property**”). See **Exhibit A** (Property Deed). Our intent is to work with the City through the FLUEDRA process to resolve this issue in a way that protects the Petitioners’ property rights. Petitioners reserve the right to amend this Request for Relief.

As described below, the City of Tampa City Council (“**City Council**”) unreasonably overturned the Barrio Latino Commission’s (“**BLC**”) unanimous approval of the Petitioners’ Certificate of Appropriateness to construct a legally conforming structure consisting of a 93-unit apartment building with an attached neighborhood bodega (the “**Project**”) which included an approved and vested Design Exception for offsite parking (collectively, the “**Proposed Use**”). This denial occurred at the City Council’s August 1, 2024, public hearing, based on the motion to deny. The Petitioners obtained notice of the City Council’s action through their participation in

the hearing, and the action is documented in the transcript of the August 1, 2024, hearing, attached as **Exhibit B**.

While the City Council failed to document the Denial in a formal order or document (in violation of its clear obligation under §§ 166.033(1) and (3), Fla. Stat.), the City Council's action (hereinafter, the "Development Order") constitutes a development order for the purposes of FLUEDRA.¹ The Development Order was both unreasonable and unlawful, and unfairly burdens the Petitioners' Proposed Use of the Property.

A. Brief Statement of Petitioners' Proposed Use of the Property.

The subject Property is an assemblage located at 1411 N 17th St, 1707 E 4th Ave, and 1715 E 4th Avenue in Tampa's YC-6 zoning district. Under Section 27-177(a)(1)(f) of the Tampa City Code, this "subdistrict comprises land devoted to general and intensive commercial uses located on the southern fringe of the historic district and which will provide a transition to the industrial uses south of the historic district." Permitted uses in this district include (1) storefront/residential, office, commercial, and (2) dwelling, multiple-family. Petitioners seek to build the Project and Proposed Use, which are fully compliant with the applicable zoning regulations.

The Petitioners applied for the off-site parking plan in January 2024. That application received administrative approval on January 19, 2024. **See Exhibit C**. Appeal of that decision was available pursuant to Code Section 27-61, however, under Section 27-61(d) any aggrieved person had 14 days to appeal. No one appealed, and the off-site parking approval is now final and vested. Therefore, as a matter of law under the City Code, the Project can include and rely on the approved off-site parking plan.

After working with community groups to best suit the development for the neighborhood and various Project iterations, the Project came before the BLC on March 27, 2024.

B. Description of the Development Order.

Pursuant to Sections 27-91 through 27-106, the BLC oversees the issuance of Certificates of Appropriateness to developments throughout the district. Section 27-95(a)(1) states that the BLC's responsibilities involve the "approval or disapproval of plans related to ... new construction." Their goals are to "strengthen the city's economic base," "establish, stabilize, and improve property values," and "to foster economic development and manage growth." *Sec 27-91*. The issuance of a Certificate of Appropriateness is - and must be - predicated on using the criteria set forth in City of Tampa Zoning and Land Development Code, Division 4, specifically Section 27-98.

At the BLC hearing, opponents appeared and objected to the Project based almost entirely on the administratively approved and vested off-site parking plan. They also raised other concerns

¹ Section 70.51(6)(b), Fla. Stat, requires a petition for relief under FLUEDRA to include a copy of the development order. Because the City Council illegally failed to issue a formal order denying the Certificate of Appropriateness, Petitioner's attach the transcript of the proceedings as the required Development Order.

about the design.

With respect to the parking issue, Assistant City Attorney Dana Crosby Collier instructed the Committee members to base their vote on the premise that:

The parking—alternative parking arrangement—is a design exception, an administrative process allowed under our code. The applicant is bringing to you a plan showing adequate parking based on the City’s code.

Attorney Collier further counseled that, based on the opposition to the previously approved parking plan, Committee members were “being asked to re-review staff’s decision [regarding parking], and that’s not appropriate for this board.” At the meeting, the Committee unanimously voted to issue a Certificate of Appropriateness for the Project, addressing any non-parking concerns regarding compliance with Section 27-94 by imposing conditioning that required Petitioners to work with the BLC to finalize the encroachment process, redefine the entrance, and choose lighting, hardware, signage, and accessories. The letter confirming the BLC approval is attached as **Exhibit D**.

After the BLC approval, a neighboring property owner (the “**Objecting Neighbor**”) appealed the approval to the City Council. A copy of the Objecting Neighbor’s Petition for Review of the BLC’s decision to the City Council is attached as **Exhibit E**. The Objecting Neighbor’s petition recited the same complaints addressed by the BLC decision and then, again, asked the City Council to reevaluate the Project’s parking.

On August 1, 2024, the City Council held a public hearing reevaluating the Certificate of Appropriateness. Again, the attack on the Project was predicated on the Petitioners’ already vested off-street parking approval.

The BLC’s unanimous approval of the Project constituted competent substantial evidence in the record before the City Council to support the Certificate of Appropriateness. In addition, the record before the BLC included the Architectural Review & Historic Preservation Board’s March 28, 2024, letter approving the Project. Petitioners also provided expert testimony and reports in support of the Project.

Conversely, the Objecting Neighbor and other opponents failed to submit competent substantial evidence that the Application did not meet the legal criteria. Instead, they attacked the parking. As reflected in the transcript, at the conclusion of the City Commission hearing, Commissioner Miranda made the following motion to grant the appeal and deny the Certificate of Appropriateness:

Chairman, I move to overturn the BLC decision and hereby deny the Certificate of Appropriateness requested on the applicant on BLC 22-185 for the property located 1715 E 4th Avenue, 1411 E 17th Avenue, and 1701 E 4th Avenue for new construction of a four-level apartment complex, one-level parking, and site improvement because the new construction and site improvements are not consistent with the City Code, Ybor City Design guidelines, Secretary of Interior

Standards for the reason following: **That it doesn't have the required amount of parking in the section if itself to hold.** It has a lease that has a termination clause within the lease, within the five years or the seven years, whatever it was. That doesn't meet those standards. It's higher, it's much more bulkier than before and to use that as an example is that with all those cigar factories that were shown to us, they were there for a reason. And the reason was that people lived there. They walked to work. Things change in life. Once I had curls. I don't have that anymore. But it's the same thing. You have to understand that things move and change for a reason. Sometimes for the better, and sometimes for not. Thank you." -Charles Miranda motioning to deny.

Exhibit B, P. 19. (emphasis added).

That motion passed (the "Denial"). *Id.* In short, the City Council denied the Certificate of Appropriateness - not on the adopted standards governing the application before it – but improperly based on its disagreement with the Project's approved and vested parking agreement.

C. Brief Statement of the Impact of the Development Orders on the Ability of Petitioners to Achieve the Proposed Use of the Property.

The City Council's Denial will prevent Petitioners from developing desperately needed housing in Historic Ybor City in a Project that meets all City Codes. The Denial is unreasonable and unfairly burdens Petitioners' Proposed Use of the Property.

1. The Council's Action Violated the Essential Requirements of Law and Will Not Survive Certiorari Scrutiny.

The Circuit Court will quash the Development Order. On its face, the City Council's Denial fails to follow the essential requirements of the law because the Denial was not based on the adopted criteria governing the decision, as set out in Section 27-98, but on the vested parking agreement, which was not properly before the Council.

The City Council's jurisdiction and authority over the Certificate of Appropriateness is established and constrained by the criteria contained in Section 27-94. *See Naples v. Cent. Plaza of Naples, Inc.*, 303 So. 2d 423, 425 (Fla. 2d DCA 1974) ("The only criteria upon which the Council could legally base its decision were those set forth in the ordinance."); *Nash-Tessler v. N. Bay Vill.*, 17 Fla. L. Weekly D2337 (Fla. 3d DCA October 13, 1992) (parking concerns and public opposition insufficient grounds to deny application where those were not criteria set out in the ordinance).

In addition, Petitioners met their burden to produce competent substantial evidence supporting the application. The Certificate of Appropriateness had unanimous BLC approval. The BLC's decision was consistent with all of the applicable Code criteria in Section 27-94. The Staff reviewed individual parts of the Project and verified all complied with the City Code. The record includes the parking approval, and the City's attorney confirmed on the record that the parking approval was not a valid basis on which to deny the Certificate of Appropriateness. There is no

competent substantial evidence in the record to deny the application because the denial was not based on the published criteria in Section 27-94.

Therefore, the City Council's Denial was illegal on its face, patently unreasonable, and imposes an unfair burden on the Petitioners' Proposed Use of the Property.

2. The Development Order Creates a Claim Pursuant to the Bert J. Harris Private Property Rights Protection Act.

The Project obtained all required City approvals other than the Certificate of Appropriateness under Sections 27-91 through 106, of the Ybor City Historic District regulations. Those regulations were adopted in 2014.

Because the Project met all other codes, the Proposed Use is an "existing use" for the purpose of Section 70.001, Florida Statutes, also known as the Bert J. Harris Private Property Rights Protection Act ("**Bert Harris Act**"). Here, application of the Ybor City Historic District Regulations leaves the Property without a reasonable use and imposes an inordinate burden on the "existing use" of the Property for the Proposed Use. Existing use includes "reasonably foreseeable, non-speculative land uses which are suitable for the subject real property and compatible with adjacent land uses." *Id.* § 70.001(3)(b)(2), Fla. Stat. Accordingly, Petitioners have a claim pursuant to the Bert Harris Act. Compensation for the actual loss in the fair market value of the property and attorneys' fees are available to a successful plaintiff for such a claim.

Moreover, the Denial's imposition of an inordinate burden on Petitioner's existing use of the Property for the Proposed Use was per-se unreasonable and imposes an unfair burden on the Property.

3. The Development Order Creates a Claim pursuant to 42 U.S.C. § 1983, Equal Protection.

Section 42 U.S.C. § 1983 exists to remedy instances where an act or omission done under color of law deprives a person of a right, privilege, or immunity secured by the United States Constitution or Laws of the United States. In overruling the BLC's Project approval, the City acted under color of law - as that term is defined under 42 U.S.C. § 1983. Specifically, the City acted under color of the Code.

Petitioners have a property right created under the Laws of Florida and recognized and protected by the United States Constitution in development of the Property consistent with the City Code. Here, the staff approved the parking plan and that approval became vested when it was not timely appealed. The Project approval met all of the criteria set forth in the Code for approval and was supported by undisputed record evidence. Nonetheless, the City overruled the BLC's approval. City Council's expressed reasons for denial were pretextual because the denial yielded to prevailing political winds and appeasing the resident objectors—who simply did not want the development.

The Equal Protection Clause of the United States Constitution requires that government entities treat similarly situated persons or entities alike. The City Council has approved similarly

situated developments in the same part of Ybor City as the Project. For example, the City recently approved a Certificate of Appropriateness for the Las Ybor City Homes at the S.W. corner of 4th Avenue and 17th Street, which has similar height, massing, and site impacts. In overruling the BLC's approval, the City treated Petitioners differently from similarly situated applicants whose development approvals were supported and approved. The unequal application of the Code depending on behind-the-scenes politics constitutes an intentional and discriminatory exercise of power applied in an irrational and wholly arbitrary manner, without any reasonable or rational basis for such disparate treatment. The City therefore violated Petitioners' constitutional guarantee of Equal Protection under the law as provided by the Fifth and Fourteenth Amendments to the U.S. Constitution. Damages and attorneys' fees are available to a successful plaintiff for such claims.

Because the Denial violated Petitioners' rights to equal protection, it is also unreasonable and unfairly burdens Petitioners' Proposed Use of the Property.

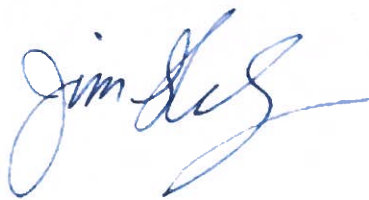
D. Certificate of Service Showing the Parties, Including the Governmental Entity, Served.

The Certificate of Service is attached.

E. Relief Requested.

Accordingly, the Petitioners hereby request the City forward this Petition to a Special Magistrate to be mutually agreed upon within 10 days to initiate the hearing procedures under FLUEDRA. After the proceedings contemplated by FLUEDRA, the Petitioners request the City Commission to approve its Proposed Use, either through settlement or a recommendation of the Special Magistrate, along with any other relief that may be appropriate.

Cordially,

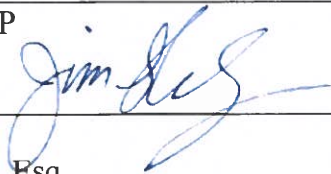


James H. Shimberg, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2024, this document was sent via hand delivery and by e-mail to Mayor Jane Castor, 306 East Jackson St., Tampa, Florida 33602 (Jane.Castor@tampagov.net), City Attorney Andrea Zelman, Esq., 315 E. Kennedy Blvd., Tampa, Florida 33602 (Andrea.Zelman@tampagov.net) and Tampa City Council Chair Guido Maniscalco, 315 E. Kennedy Blvd. Tampa, Florida 33602 (Guido.Maniscalco@tampagov.net), and also by email to Bill Carlson (Bill.Carlson@tampagov.net), Alan Clendenin (Alan.Clendenin@tampagov.net), Gwendolyn Henderson (Gwendolyn.Henderson@tampagov.net), Lynn Hurtak (Lynn.Hurtak@tampagov.net), Charlie Miranda (Charlie.Miranda@tampagov.net), and Luis Viera (Luis.Viera@tampagov.net).

SHUBIN LAW GROUP



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Tampa, Florida 33602
Telephone: (813) 608-4182
Attorney for
JAMES HETTINGER LLC AND CLENDENON
PROPERTIES LLC.

INDEX OF EXHIBITS

Exhibit	Description
A	The "Property" – Special Warranty Deed, April 15, 2022
B	Transcript - Tampa City Council public hearing, August 1, 2024
C	City's administrative approval of Parking, January 19, 2024
D	Barrio Latin Commission (BLC) Final Approval – Parking, March 27, 2024
E	Objecting Neighbor's Petition for Review of the BLC's decision to the City Council

Exhibit A

Prepared by and Return to:
Robert Young, III
An employee of Benefit Title Services, LLC
212 S. Magnolia Ave.
Tampa, FL 33606
Our File Number: 22-18342

Consideration: \$4,500,000.00
Documentary Stamp Taxes: \$31,500.00
Parcel ID number: A-18-29-19-4WV-000065-00004.0, A-18-29-19-4WV-000065-00003.0, A-18-29-19-4WV-000065-00001.0

For official use by Clerk's office only

STATE OF Florida)
COUNTY OF Hillsborough)
) **SPECIAL WARRANTY DEED**

THIS INDENTURE, made this 18th day of April, 2022, between Shiver Ybor Properties, Inc., a Florida corporation, whose mailing address is: 2224 Grant Street, Tampa, FL 33605, party of the first part, and James Hettinger LLC, a Florida limited liability company, as to an undivided 50% interest and Clendenon Properties LLC, a Florida limited liability company, as to an undivided 50% interest, as tenants in common, whose mailing address is: 523 Erie Avenue, Tampa, FL 33606, party/parties of the second part,

WITNESSETH:

First party, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, aliens, remises, releases, conveys and confirms unto second party/parties, his/her/their heirs and assigns, the following described property, to wit:

See Attached Schedule "A"

Subject, however, to all covenants, conditions, restrictions, reservations, limitations, easements and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the party of the first part hereby covenants with said party of the second part, that it is lawfully seized of said land in fee simple: that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the party of the first part.

IN WITNESS WHEREOF, first party has signed and sealed these present the date set forth on: **April 18, 2022.**

Signed, sealed and delivered
in the presence of:

Shiver Ybor Properties, Inc., a Florida corporation

Laura B Escobar
Witness signature

Laura B Escobar
Print witness name

Robert Young III
Witness signature

Robert Young III
Print witness name

By: [Signature]
Print Name: **Damon C. Shiver**
Title: **Chief Executive Officer**

(Corporate Seal)

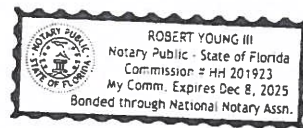
State of Florida
County of Hillsborough

THE FOREGOING INSTRUMENT was acknowledged before me by means of physical presence or online notarization, this 18th day of April, 2022 by **Damon C. Shiver, Chief Executive Officer of Shiver Ybor Properties, Inc., a Florida corporation** who is either

personally known to me or
 who has produced FL Driver License as identification.

[Signature]
Notary Public

Robert Young III
Print Notary Name



My Commission Expires: 12-8-2025
Notary Seal

Schedule "A"

Parcel 1:

Lots 1, 2, East 50 feet of Lot 3, Block 65, Ybor and Co's Subdivision, according to the map or plat thereof as recorded in Plat Book 1, Page(s) 22, of the Public Records of Hillsborough County, Florida.

Parcel 2:

West 20 feet of Lot 3 and East 50 feet of Lot 4, Block 65, Ybor and Co's Subdivision, according to the map or plat thereof as recorded in Plat Book 1, Page(s) 22, of the Public Records of Hillsborough County, Florida.

Parcel 3:

West 20 feet of Lot 4 and 5, Block 65, Ybor and Co's Subdivision, according to the map or plat thereof as recorded in Plat Book 1, Page(s) 22, of the Public Records of Hillsborough County, Florida.

Parcels 1, 2, and 3 being also described as follows:

Lots 1, 2, 3, 4, and 5, Block 65, Ybor and Co's Subdivision, according to the map or plat thereof as recorded in Plat Book 1, Page(s) 22, of the Public Records of Hillsborough County, Florida.

Exhibit B

03:02:08PM AND YOU ARE GOOD TO GO.
03:02:09PM >>GUIDO MANISCALCO: COUNCILMAN MIRANDA.
03:02:11PM >>CHARLIE MIRANDA: THANK YOU, MR. CHAIRMAN.
03:02:13PM I AM LOOKING AT THE REVIEW AND THREE MOTIONS MADE BY THAT
03:02:17PM BOARD.
03:02:17PM MOTION TO DENY REMOVAL OF TREE 13 PASSED 5-0.
03:02:21PM MOTION TO APPROVE THE REMOVAL OF TREE 21 FAILED FOR LACK OF
03:02:26PM A SECOND.
03:02:26PM THEN THE THIRD MOTION WAS, MOTION TO COMPLETE DENIAL OF TWO
03:02:30PM GRAND TREE REMOVALS PASSED 3-2.
03:02:35PM COMMISSION HAD TO KNOW THERE WERE TWO VOTES AND DEALING WITH
03:02:39PM THE SAME THING THAT WAS DEALT BEFORE.
03:02:40PM SO WE CAN'T -- IT FAILED OVER THERE 3-2 BECAUSE -- I MEAN,
03:02:46PM IF I WAS THE PETITIONER, I WOULD HAVE A PETITION TO REMOVE
03:02:49PM ONE TREE.
03:02:50PM BECAUSE ALREADY, THIS BOARD, TOO, SAID THEY WOULD VOTE IN
03:02:55PM SOME SENSE.
03:02:56PM BUT YOU CAME UP WITH THE REMOVAL OF THE TWO TREES.
03:02:58PM AND ONE TRY, I UNDERSTAND IT IS IN THE LEVERAGE OF
03:03:03PM RIGHT-OF-WAY THAT COULD BE -- THIS PROPERTY OR THE OTHER
03:03:06PM PROPERTY.
03:03:06PM I AM NOT SEGUIN TESTING ANYTHING THAT I HEARD FOR GRANTED
03:03:09PM AND THAT'S WHAT I HAVE DONE.
03:03:11PM BUT I CAN TELL YOU WHAT I DID.
03:03:13PM YOU GUY DID IT AND NOT US.
03:03:14PM >>GUIDO MANISCALCO: COUNCILMAN CARLSON.
03:03:20PM A MOTION ON THE FLOOR FROM COUNCILWOMAN HURTA.
03:03:22PM SECOND FROM COUNCILMAN VIERA.
03:03:24PM ROLL CALL VOTE.
03:03:25PM >>ALAN CLENDENIN: YES.
03:03:34PM >>LUIS VIERA: YES.
03:03:39PM >>CHARLIE MIRANDA: YES.
03:03:41PM >>BILL CARLSON: NO.
03:03:42PM >>LYNN HURTA: YES.
03:03:44PM >>GUIDO MANISCALCO: YES.
03:03:44PM >>CLERK: MOTION CARRIED WITH CARLSON VOTE NOTHING AND
03:03:49PM HENDERSON BEING ABSENT.
03:03:51PM >>GUIDO MANISCALCO: THANK YOU VERY MUCH.
03:03:52PM NEXT ITEM IS ITEM 53.
03:03:54PM >>DANA CROSBY COLLIER: GOOD AFTERNOON, CHAIR, MY NAME IS
03:04:09PM DANA CROSBY COLLIER, I AM ASSISTANT CITY ATTORNEY AND BOARD
03:04:15PM COUNSEL FOR THE PARRY YO LA TIME KNOW COMMISSION.
03:04:18PM YOU HAVE BEFORE YOU AGENDA ITEM NUMBER 53, FILE
03:04:24PM NUMBER BLC-22-185 PROPERTY IS 1715 EAST 4th AVENUE, 1411
03:04:35PM NORTH 17th STREET AND 1707 EAST 4th AVENUE IN YBOR.
03:04:39PM OWNERS AND THE AGENTS ARE JIM SHIMBERG AND STEPHANIE GAINES.
03:04:44PM THE PETITIONER IN THIS CASE IS AN AGGRIEVED PERSON,
03:04:49PM NICK CAPITANO, INC. REPRESENTED BY AGENT MARK BENTLEY WHO
03:04:54PM SPOKE AT THE MARCH 26, 2024 BLC PUBLIC HEARING ON THIS
03:04:58PM MATTER.
03:04:58PM FILE NUMBER BLC-22-185 IS A REQUEST FOR CERTIFICATE OF
03:05:07PM APPROPRIATENESS FOR A FOUR-LEVEL APARTMENT COMPLEX WITH OVER
03:05:11PM A ONE-LEVEL PARKING -- PARKING WITH SITE IMPROVEMENTS.
03:05:15PM FOLLOWING THE PUBLIC HEARING ON MARCH 26, THE BLC
03:05:19PM UNANIMOUSLY APPROVED THE CERTIFICATE OF APPROPRIATENESS WITH
03:05:23PM CONDITIONS.
03:05:23PM THIS MATTER WAS SET FOR CITY COUNCIL VERY VIEW ON JUNE 20;
03:05:28PM HOWEVER, THE AGGRIEVED PERSON/PETITIONER DID NOT NOTICE THE
03:05:32PM MATTER.
03:05:32PM SO THE MATTER IS NOW PROPERLY NOTICED AND BEFORE YOU TODAY.
03:05:36PM AT THE BLC AND IN ITS PETITION FOR REVIEW TODAY, THE
03:05:40PM PETITIONER PRIMARILY EXPRESSIONS ISSUES WITH AN OFF-SITE
03:05:43PM PARKING AGREEMENT THAT WAS ADMINISTRATIVELY APPROVED BY
03:05:47PM STAFF JANUARY 19, 2024.
03:05:49PM THIS WAS THREE MONTHS PRIOR TO THE BLC HEARING.
03:05:53PM THE OFF-SITE PARKING AGREEMENT IS A DE-1, ALLOWED UNDER YOUR
03:05:58PM CODE AND IT IS PERMITTED TO BE SPECIFICALLY WITHIN THE
03:06:02PM PURVIEW OF THE ZONING ADMINISTRATOR AND NOT THE BLC.
03:06:06PM IT WAS NOT BEFORE THE BLC WHEN THIS PETITION WAS BROUGHT
03:06:10PM FORWARD AS -- FOR A CERTIFICATE OF APPROPRIATENESS AND NOT
03:06:15PM BEFORE CITY COUNCIL FOR REVIEW TODAY.
03:06:16PM I PROVIDED COUNCIL WITH PACKETS CONTAINING PROCEDURES FOR
03:06:19PM THIS HEARING, WHERE THE PETITIONER IS SOMEONE OTHER THAN A
03:06:23PM PROPERTY OWNER.
03:06:24PM SAMPLE MOTIONS TO ASSIST YOU AT THE END OF THE HEARING, AND
03:06:28PM THE RELEVANT SECTIONS OF CODE FOR THIS REVIEW.
03:06:31PM WE LOOKED AT 27-61, THE PROCESS FOR BOARD REVIEW.
03:06:34PM AND WE ALSO ARE LOOKING IN THIS MATTER AT 27-98, WHICH IS
03:06:41PM THE CERTIFICATE OF APPROPRIATENESS AS GRANTED BY YOUR BLC.
03:06:45PM I SPECIFICALLY CALL TO YOUR ATTENTION SUBSECTIONS 27-98-N
03:06:51PM WHICH STATES THAT THE ZONING ADMINISTRATOR AND NOT THE BLC
03:06:55PM IS THE SOLE ADMINISTRATOR RELATING TO PARKING REQUIREMENTS.
03:06:58PM CITY COUNCIL WILL APPLY, AGAIN, THE DE NOVO STANDARD OF
03:07:02PM REVIEW.
03:07:03PM THIS MEANS YOU ARE NOT LIMITED IN YOUR REVIEW TO
03:07:05PM INFORMATION, DOCUMENTATION OR EVIDENCE UPON WHICH THE BLC'S
03:07:09PM DECISION WAS BASED.
03:07:10PM THE COUNCIL WILL FOLLOW ALL APPLICABLE ORDINANCES AND MAY
03:07:16PM RECEIVE NEW EVIDENCE AT THIS HEARING.
03:07:18PM IN A MOMENT MR. RON VILA OF THE BARRIO LATINO COMMISSION
03:07:23PM STAFF WILL PROVIDE AN OVERVIEW OF THE APPLICATION AND
03:07:26PM THE BLC DECISION.
03:07:26PM CITY STAFF IS ALSO AVAILABLE -- ZONING STAFF IS AVAILABLE
03:07:30PM ONLINE IF YOU HAVE ANY QUESTIONS.

03:07:32PM AT THE END OF THE HEARING, YOU AI FIRM THE DECISION OF
03:07:36PM THE BLC AND AFFIRM APPROVING THE CERTIFICATE OF
03:07:40PM APPROPRIATENESS OF THE FOUR-LEVEL COMPLEX OVER ONE-LEVEL
03:07:45PM PARKING, OVERTURN THE DECISION OF BLC DENYING THAT
03:07:49PM CERTIFICATE OF APPROPRIATENESS OR REMAND THE MATTER BACK TO
03:07:53PM THE BLC FOR FURTHER DIRECTION CONSISTENT WITH YOUR
03:07:56PM DIRECTION.
03:07:56PM CITY COUNCIL MAY IMPOSE CAN BE ON THE APPROVAL WITH THE
03:08:00PM CONCURRENCE OF THE PROPERTY OWNER.
03:08:01PM I AM HAPPY TO TAKE ANY QUESTIONS FOR WHAT INFORMATION
03:08:05PM PROVIDED YOU.
03:08:05PM AND IF YOU HAVE NO QUESTIONS, I WILL TURN IT OVER TO MR.
03:08:09PM RON VILA.
03:08:10PM >>GUIDO MANISCALCO: MR. SHELBY.
03:08:11PM >>MARTIN SHELBY: COUNCIL, MOTION TO RECEIVE AND FILE ANY
03:08:16PM EX-PARTE COMMUNICATIONS.
03:08:18PM >>GUIDO MANISCALCO: MOTION BY MR. VIERA.
03:08:20PM SECONDED BY COUNCILMAN MIRANDA.
03:08:23PM MR. VILA.
03:08:25PM >>RON VILA: RON VILA, STAFF FOR HISTORIC PRESERVATION AND I
03:08:31PM HAVE BEEN SWORN.
03:08:32PM THIS IS THE APPLICATION THAT IS IN FRONT OF YOU THIS
03:08:39PM AFTERNOON WHICH IS BLC-22-000-185 FOR THE ADDRESS 1707 EAST
03:08:47PM 4th AVENUE.
03:08:48PM IN THE HYDE PARK HISTORIC DISTRICT.
03:08:51PM ATTACHED TO THIS PARCEL OF THE UNDERLYING ZONING OF YC-6.
03:08:58PM HEIGHT IN THE ZONING APPLICATION COULD GO UP TO 60 FEET.
03:09:01PM THE REQUEST ACCOMPANIED SQUARE FOOTAGE OF 66,000 SQUARE
03:09:05PM FEET.
03:09:05PM IT IS ONE LEVEL OF PARKING WITH FOUR LEVELS OF LIVING ABOVE.
03:09:10PM THERE WERE NO VARIANCES ATTACHED TO THEIR REQUEST WHEN THEY
03:09:14PM CAME FORWARD.
03:09:15PM JUST TO GET YOU FAMILIAR WITH THE SITE.
03:09:22PM THE RED INDICATES THE YBOR CITY LOCAL HISTORIC DISTRICT.
03:09:27PM PROPERTY IN QUESTION IS INDICATED BY THE ARROW.
03:09:29PM IT DOES FACE FOURTH AVENUE.
03:09:32PM AS THE NORTH FACADE.
03:09:34PM TO THE WEST, YOU HAVE 17th AVENUE.
03:09:37PM TO THE 8TH OFF ANGEL AVILA STREET.
03:09:42PM AND AN OPERATIONAL ALLEY TO THE REAR.
03:09:44PM THIS IS A CURRENT OVERHEAD.
03:09:48PM OBVIOUSLY THE PROPERTY IN QUESTION IS HIGHLIGHTED WITH A
03:09:55PM GREEN PARCEL.
03:09:56PM AS I STATED, THERE IS AN ALLEY THAT WILL BE OPERATIONAL IF
03:10:00PM THIS PROJECT COMES FORWARD AND SAY PROVED.
03:10:02PM THIS IS VERY INSTRUMENTAL.
03:10:05PM YOU CAN SEE THE DENSITY OF THE ROOF THAT COVERS THE PARCELS
03:10:10PM OF THE -- OF THE ABUTTING OR THE IMMEDIATE AREA.
03:10:14PM JUST TO WALK YOU THROUGH THE STREET FACADES.
03:10:18PM THIS IS PART OF THE PARCEL THAT IS GOING TO BE -- GOING TO
03:10:22PM BE BUILT UPON.
03:10:23PM THIS IS A NONCONTRIBUTING STRUCTURE.
03:10:25PM THIS WILL BE REMOVED.
03:10:26PM THIS WAS FORMED AS WE WORK FROM THE EAST TO THE WEST GOING
03:10:32PM DOWN 4th AVENUE.
03:10:34PM WE ARE CONTINUING TO THE WEST.
03:10:36PM THERE IS AN EMPTY PARCEL.
03:10:37PM THIS WAS A STRUCTURE THAT WAS RELOCATED.
03:10:41PM THAT IS NOT PART OF THE SUBJECT SITE.
03:10:45PM TERMINATING AT THE CORNER OF 17th STREET AND FOURTH AVENUE,
03:10:53PM THIS IS ON THE EASTERN BORDER.
03:10:56PM AND THEN JUMPING THE STREET, THIS IS FOURTH AVENUE HERE,
03:11:03PM 17th STREET TO THE EAST.
03:11:04PM AND THAT IS NEW CONSTRUCTION THAT WAS REVIEWED AND APPROVED
03:11:10PM BY THE BARRIO LATINO COMMISSION.
03:11:12PM FOURTH AVENUE TO THE NORTH, YOU HAVE A SERIES OF COTTAGES.
03:11:17PM I SPOKE ABOUT THE ALLEY THAT IS BEHIND THE SUBJECT SITE.
03:11:22PM IT IS CURRENTLY OPEN, UNIMPROVED.
03:11:24PM GOING TO THE SITE PLAN, THE ALLEY IN THE REAR WILL BE A
03:11:35PM ONE-WAY ALLEY FROM 17th STREET TO ANGEL AVILA SENIOR STREET.
03:11:42PM THIS FOOTPRINT OF THE PROPERTY IN QUESTION.
03:11:46PM YOU SEE HOW IT UNDULATES AND COMES BACK AND LONG THE STREET
03:11:53PM FACADE, IT HAS AN ELEVATION THAT COMES UP.
03:11:58PM THEN COMES IN AT THE MAIN ENTRANCE AND CONTINUES OPINION A
03:12:03PM SMALLER SECTION ON THE EASTERN PORTION OF THE BUILDING.
03:12:09PM I WANTED TO INCLUDE SOME ELEVATIONS.
03:12:11PM THIS IS THE NORTH ELEVATION, WHICH FACES 4th AVENUE.
03:12:17PM THIS IS JUST A CLOSE-UP OF THE AREA.
03:12:21PM OF THE ENTRANCE.
03:12:22PM THE EXISTING ELEVATIONS.
03:12:27PM THE SOUTH ELEVATION IS ALONG THE ALLEY.
03:12:32PM YOU SEE THE VEHICULAR ACCESS ON THE MAIN FLOOR.
03:12:36PM AND THEN THE FOUR LEVELS ABOVE.
03:12:38PM AND THEN THE TWO BOOK ENDS, YOU HAVE THE EAST ELEVATION AND
03:12:41PM THE WEST ELEVATION.
03:12:42PM AND TO CONCLUDE, THIS RENDERING TO PUT EVERYTHING IN
03:12:50PM PERSPECTIVE FOR YOU.
03:12:51PM B LC 22-0000185 FOR THE ADDRESS 1707 EAST 4th AVENUE MADE
03:13:05PM APPLICATION TO THE BARRIO LATINO COMMISSION ON JUNE --
03:13:10PM EXCUSE ME, JULY 6, 2022.
03:13:12PM AND THEN THE FINAL APPROVAL WAS MARCH 26, 2024.
03:13:16PM FINAL APPROVAL WITH CONDITIONS.
03:13:18PM STAFF WAS IN COMMUNICATION WITH THE DEVELOPERS THROUGHOUT
03:13:25PM THE WHOLE PROJECT.

03:13:25PM YOU SAW IT TOOK CLOSE TO TWO YEARS TO COMPLETE.
03:13:29PM STAFF'S REPORT THAT IT WAS CONSISTENT WITH YBOR CITY DESIGN
03:13:35PM GUIDELINES, THE PLANS WE REVIEWED ON MARCH 6, 2024.
03:13:39PM AND THEN ULTIMATELY WHAT WAS REVIEWED AT THE PUBLIC HEARING.
03:13:44PM THE PUBLIC HEARING ON MARCH 26, 2024, THE MOTION IS AS
03:13:53PM FOLLOWS: THE APPLICANT DID ADDRESS ALL OF STAFF'S CONCERNS
03:13:57PM AT THE PUBLIC HEARING.
03:13:59PM THE MOTION TO GRANT A CERTIFICATE OF APPROPRIATENESS FOR THE
03:14:05PM DRAWINGS AND DOCUMENTS PRESENTED AT THE PUBLIC HEARING
03:14:09PM IN BLC 22-185 FOR THE PROPERTY LOCATED AT 1715 EAST 4th
03:14:14PM AVENUE.
03:14:15PM AND THERE WAS MULTIPLE ADDRESSES ASSOCIATED WITH THIS
03:14:19PM PROJECT.
03:14:19PM AND ALSO, IT TALKS ABOUT 1707 EAST 4th AVENUE FOR THE
03:14:23PM FOLLOWING CONDITIONS.
03:14:24PM SO AS THEY GO THROUGH THE PROCESS, IF IT IS APPROVED TODAY,
03:14:28PM THESE FOUR BULLET ITEMS WILL HAVE TO BE REFLECTED ON THE
03:14:31PM DRAWINGS WE REVIEW, FINALLY SIGN OFF ON THEM.
03:14:34PM AND FORWARD THEM TO THE BUILDING DEPARTMENT.
03:14:36PM WORK WITH THE CITY STAFF ON THE ENCROACHMENT PROCESS.
03:14:40PM THERE IS SOME ENCROACHMENTS ON THE FACADE THAT COME INTO THE
03:14:44PM CITY RIGHT-OF-WAY.
03:14:45PM TO LOOK TO EXPLORE A BRICK MATERIAL AT THE ENTRANCE, TO
03:14:50PM STRENGTHEN THAT CENTER CORE, TO TRY TO DISTINGUISH THE
03:14:54PM ENTRANCE TO THE USE OF LANDSCAPING AS WELL, AND TO WORK WITH
03:14:57PM STAFF ON THE FINAL SELECTION FOR LIGHTING, HARDWARE, SIGNAGE
03:15:01PM AND ACCESSORIES.
03:15:01PM THAT'S THE MOTION THAT CAME FORWARD, BECAUSE BASED UPON THE
03:15:05PM FINDING OF FACTS, THE PROPOSED PROJECT IS CONSISTENT WITH
03:15:08PM THE DESIGN GUIDELINES OF THE CITY OF TAMPA FOR THE FOLLOWING
03:15:13PM REASONS, THAT IS MEETS THE DESIGN CRITERIA FOR NEW
03:15:16PM CONSTRUCTION BASED ON THE HEIGHT, THE WIDTH, FACADE WIDTH
03:15:20PM AND SETBACKS WITH THE SIMILARITIES AND DETAILS AND FORMS OF
03:15:24PM BUILDING MATERIALS AND THAT MOTION CAME FORWARD FOR A 4-0
03:15:32PM VOTE.
03:15:33PM IT WAS UNANIMOUS.
03:15:34PM I'M HERE TO ANSWER ANY QUESTIONS.
03:15:36PM >>GUIDO MANISCALCO: YES, MA'AM.
03:15:36PM >>LYNN HURTAK: CAN YOU GO BACK TO THE SITE PLAN.
03:15:39PM I JUST -- WHAT ARE THOSE BLUE THINGS ALONG 4th AVENUE?
03:15:52PM ARE THOSE APARTMENTS OR ARE THOSE OFFICES?
03:15:54PM WHAT -- WHAT IS THAT?
03:15:59PM >>RON VILA: STATES ON THE PLAN AND THE UPPER PORTION THESE
03:16:03PM ARE MICRO UNITS.
03:16:04PM THEY ARE SMALL UNITS BUT TRANSITIONAL.
03:16:07PM >>LYNN HURTAK: OH, OKAY.
03:16:08PM MY OTHER QUESTION IS, IT SEEMS LIKE BASS -- WAS APPROVED.
03:16:18PM WHAT ARE WE HERE FOR?
03:16:21PM I WANTED TO KNOW WHY ARE WE HERE?
03:16:23PM >>ALAN CLENDENIN: WANTED TO KNOW THE SAME THING.
03:16:25PM >>DANA CROSBY COLLIER: DANA CROSBY COLLIER WITH THE CITY
03:16:27PM ATTORNEY'S OFFICE.
03:16:27PM THE PETITIONER IN THIS CASE IS REPRESENTED BY MR. BENTLEY
03:16:31PM AND HE WILL BE SPEAKING IN A MOMENT.
03:16:32PM THEY ARE -- THEY ARE AFFECTED PERSONS.
03:16:35PM THE PROPERTY OWNER RESIDES WITHIN 300 FEET OF THIS PROPERTY.
03:16:40PM AND THEY AND AT THE HEARING TO OBJECT TO THE PROJECT.
03:16:44PM SO THE AGGRIEVED PERSON IS NOT THE OWNER.
03:16:46PM >>LYNN HURTAK: OH, OKAY.
03:16:48PM THANK YOU.
03:16:49PM >>GUIDO MANISCALCO: ANYBODY ELSE?
03:16:51PM THANK YOU VERY MUCH, MR. VILA.
03:16:54PM NOW THE PRESENTATION BY MR. BENTLEY.
03:16:58PM >> GOOD AFTERNOON.
03:17:01PM >>GUIDO MANISCALCO: STATE YOUR NAME.
03:17:02PM >> MARK BENTLEY, 400 NORTH ASHLEY DRIVE, TAMPA, 33602.
03:17:07PM GOOD AFTERNOON, COUNCIL.
03:17:09PM I REPRESENT VARIOUS PROPERTY OWNERS IN THE IMMEDIATE
03:17:12PM VICINITY OF THE SUBJECT PROPERTY INCLUDING THE CHILLURA
03:17:17PM AND CAPITANO INTEREST AND OTHER PROPERTY OWNERS.
03:17:20PM HERE IS A MAP SHOWING THE SCOPE OF OUR PRESENTATION IN
03:17:23PM YELLOW.
03:17:24PM THESE PROPERTY OWNERS BELIEVE THAT AS A RESULT OF APPROVAL
03:17:30PM BY THE BLC, THEY WILL BE ADVERSELY IMPACTED BY THE MASSIVE
03:17:34PM SIZE, SCALE AND MASSING AND LACK OF PARKING ASSOCIATED WITH
03:17:39PM THE SUBJECT PROJECT.
03:17:41PM TO CRYSTALLIZE THE ISSUE BEFORE CITY COUNCIL TODAY, THE --
03:17:49PM THE DISPUTE IS CONCERNING THE BLC'S DECISION AND OUR
03:17:54PM CLIENT'S BELIEVE THAT THEY HAVE FAILED TO PROPERLY APPROVED
03:18:01PM THE CRITERIA IN THE HISTORIC DISTRICT.
03:18:03PM THIS THE CRITERIA INCLUDED PER CODE -- AND I WILL TAKE ISSUE
03:18:07PM WITH WHAT MISS CROSBY SUGGESTED TO YOU THAT PARKING IS NOT
03:18:11PM AN ISSUE BEFORE THE BARRIO LATINO.
03:18:15PM BUT THE CODE SAID MUST CONSIDER THE APPLICATION OF THE COMP
03:18:18PM PLAN, CHAPTER 27, INCLUDING PARKING REQUIREMENTS AND THE
03:18:21PM CRITERIA SHE IDENTIFIED THAT ARE BEFORE YOU THAT ARE APPLIED
03:18:26PM TO A C.A.
03:18:27PM AND WHICH IS FUNDAMENTALLY THE CRITERIA FOR C.A. IS NOT
03:18:32PM GENERALLY COMPATIBILITY.
03:18:34PM SLIDE 3, RYAN.
03:18:39PM THE BLC IS CHARGED WITH THE RESPONSIBILITY OF ENSURING
03:18:46PM COMPATIBILITY AND THE PRIMARY DISTRICT IS ONE-STORY HISTORIC
03:18:51PM FAMILY HOMES.
03:18:52PM I NOTICED THE PHOTOS, RON SHOWED ONE SHOT OF A BUNGALOW.

03:18:59PM BUT THAT IS PRIMARILY THE MAJORITY USE IN THE VICINITY OF
03:19:02PM THE SUBJECT PROPERTY.
03:19:03PM THE PROJECT IS CURRENTLY DESIGN WILL HAVE A DEVASTATING
03:19:07PM IMPACT AND FOREVER ALTER THE CHARACTER OF THIS AREA AND
03:19:13PM EXACERBATE AN EXISTING SITUATION.
03:19:15PM SLIDE 4.
03:19:16PM THE TAMPA COMPREHENSIVE PLAN HISTORIC PRESERVATION ELEMENT
03:19:20PM SUGGESTS THAT LARGER HOMES IN NEIGHBORHOODS OF TRADITIONALLY
03:19:22PM SMALLER HOMES IN HISTORIC DISTRICT SHOULD NOT AFFECT THE
03:19:26PM NEIGHBORHOOD AND CHARACTER OF THE HISTORICALLY SIGNIFICANT
03:19:29PM STRUCTURES.
03:19:30PM THE PLAN ALSO TALKS ABOUT PARKING IN TERMS OF COMPATIBILITY
03:19:40PM THAT YOU NEED TO EVALUATE PARKING AS WELL.
03:19:43PM JUST IN PASSING, COUNCIL, AND TO THE BENEFIT OF YOUR LEGAL
03:19:51PM COUNSEL, MR. SHELBY, THAT WE NOTICE THAT THE BLC NEEDS TO
03:19:57PM MAKE FINDINGS OF FACTS IN THEIR WRITTEN ORDER.
03:20:00PM IF YOU EXAMINE THEIR DECISION WHICH IS PROBABLY IN THE
03:20:03PM BACK-UP, IT FAILS TO INCLUDE THE REQUIRED INFORMATION IS
03:20:07PM THEREFORE AND ENOUGH FOR THE COUNCIL JECT THE BLC'S
03:20:17PM DECISION.
03:20:17PM SLIDE FIVE, THE PROJECT, IS CC-35.
03:20:23PM LAND USE CATEGORY.
03:20:24PM THAT I A LOWS AS OF RIGHT EITHER A F.A.R. OF 2.0 OR 30 UNITS
03:20:31PM PER ACRE.
03:20:31PM PROJECT. 4 ACRE IN SIZE AND APPLY 30 UNITS PER ACRE ALLOW
03:20:37PM FOR ROUGHLY 25 UNITS; HOWEVER, 93 UNITS ON THIS PROPERTY.
03:20:41PM HOW DID THAT HAPPEN?
03:20:46PM SO IF YOU LOOK AT THE TAMPA COMPREHENSIVE PLAN, IT ONLY
03:20:53PM ALLOWS A USE OF F.A.R. IF IT IS DETERMINED -- THAT IS ON THE
03:20:57PM SLIDE HERE -- TO BE COMPATIBILITY AND I WILL QUOTE FROM THE
03:21:00PM COMP PLAN BECAUSE THIS IS IMPORTANT.
03:21:01PM IF F.A.R. A APPLIED TO A RESIDENTIAL PROJECT TO DETERMINE A
03:21:06PM SITE'S MAXIMUM DENSITY POTENTIAL, DEVELOPMENT WILL BE
03:21:09PM COMPATIBILITY IN SIZE AND SCALE TO THE SURROUNDING
03:21:12PM RESIDENTIAL BUILT ENVIRONMENT.
03:21:14PM WHAT THAT MEANS YOU CAN'T SIMPLY -- YOU ARE SIMPLY NOT
03:21:16PM ENTITLED TO USE THE MAXIMUM F.A.R. NEEDS TO BE AN ANALYSIS
03:21:21PM IN TERMS OF THE COMPATIBILITY OF THE SURROUNDING
03:21:24PM NEIGHBORHOOD ENVIRONMENT BASED ON MASSING AND SCALE.
03:21:26PM THINGS LIKE THAT.
03:21:29PM IF COUNCIL REVIEWED THE RECORD NO ONE MADE THE DECISION THAT
03:21:33PM 93 UNITS INSTEAD OF 25 WAS COMPATIBLE WITH THE SCALE OF THE
03:21:38PM BUILT-OUT ENVIRONMENT.
03:21:40PM THAT WAS NOT DONE.
03:21:41PM THE SITUATION IS EXACTLY WHY CITY COUNCIL WITH INPUT FROM
03:21:45PM ITS PROFESSIONAL ZONING STAFF AND THE PUBLIC SHOULD MAKE
03:21:48PM THESE ZONING DECISIONS AS WITH ALL DUE RESPECT THE BLC IS
03:21:53PM NOT EQUIPPED TO DO THAT.
03:21:54PM IN OTHER WORDS, COUNCIL TAKES A HOLISTIC LOOK AT A PROJECT
03:21:57PM AND NOT JUST A FEW COMPONENTS.
03:22:01PM SLIDE SIX.
03:22:03PM SO HERE IS THIS LARGE -- WE CALL IT RECTANGULAR BOX THAT IS
03:22:08PM BEING DROPPED INTO THE NEIGHBORHOOD.
03:22:10PM YOU CAN SEE 265 LINEAR FEET LONG ON 4th.
03:22:15PM 60 FEET DEEP.
03:22:16PM AND 60 FEET IN HEIGHT.
03:22:20PM IT IS CALLED "THE FINAL SOLUTION."
03:22:24PM THIS IS A SITUATION THAT COUNCIL OFTEN HEARS A SUGGESTION
03:22:28PM THAT A DEVELOPER IS TRYING TO PUT TEN POUNDS OF SUGAR IN A
03:22:31PM FIVE POUNDS OF BAG.
03:22:32PM THAT IS EXACTLY WHAT IS HAPPENING HERE.
03:22:34PM LET'S GO TO SEVEN.
03:22:35PM HERE IS THE SURROUNDING NEIGHBORHOOD.
03:22:39PM THESE HISTORIC HOMES.
03:22:41PM THIS IS DIRECTLY NORTH.
03:22:43PM NEXT SLIDE.
03:22:46PM THIS IS DIRECTLY EAST OF THE SUBJECT SITE.
03:22:49PM WHAT'S INTERESTING HERE -- AND WE WILL TALK ABOUT IT IN A
03:22:55PM SECOND -- ALL THE PARKING ON 4th IN FRONT OF THESE -- SINCE
03:22:58PM THESE HOMES CAN'T PROVIDE PARKING ON-SITE, THEY HAVE PERMITS
03:23:02PM TO PARK ON THE RIGHT-OF-WAY.
03:23:04PM THAT IS IMPORTANT HERE BECAUSE WHEN WE START TALKING OF THE
03:23:06PM PARKING DEFICIENCY WITH RESPECTS TO THE PROJECT, HOW IT WILL
03:23:10PM IMPACT THE NEIGHBORHOOD AS WELL.
03:23:11PM AND SLIDE 9.
03:23:13PM THIS IS A SUBJECT SITE TO BE DEVELOPED THAT HAS AN EXISTING
03:23:16PM BUNGALOW.
03:23:17PM WHAT THEY INTEND TO DO BASED ON OUR REVIEW OF THE PLAN IS
03:23:20PM NOT SHOW A WHOLE LOT OF RESPECT TO THIS STRUCTURE EITHER IS
03:23:24PM TO PUT A 60-FOOT WALL RIGHT UP NEXT TO THE SIDE OF THIS
03:23:30PM BUILDING.
03:23:30PM SO WE TALK OF 27-98.
03:23:35PM HERE AGAIN, THE MAIN CHARGE OF THE BLC IN THE FIRST
03:23:39PM PARAGRAPH SAYS SHALL CONSIDER THE COMPATIBILITY OF THE NEW
03:23:42PM CONSTRUCTION WITHIN THE EXISTING CHARACTER OF THE YBOR CITY
03:23:46PM DISTRICT.
03:23:47PM EXISTING CHARACTER.
03:23:49PM OKAY.
03:23:49PM I SHOWED YOU WHAT THE EXISTING CHARACTER OF THE IMMEDIATE
03:23:52PM NEIGHBORHOOD.
03:23:52PM AND IT SAYS, WHEN YOU ARE DOING THAT, CONSIDER SCALE,
03:23:56PM HEIGHT, WIDTH, MASSING, BUILDING FORM, ETC., ETC.
03:23:59PM SO JUST BASED ON COMPATIBILITY AND THE TRAFFIC IMPACT ALONE,
03:24:04PM THE BLC NEVER QUESTIONED 25 UNITS -- AND THE BLC 25 VERSUS

03:24:13PM 39 UNITS AND DID NOT HEAR ANY TESTIMONY OR EVIDENCE TO
03:24:15PM SUPPORT 93 UNITS.
03:24:17PM THE PROJECT IS CLEARLY NOT COMPATIBLE.
03:24:20PM I WANT TO TALK ABOUT THE IMPACTS OF THE PROJECT.
03:24:24PM WHAT I JUST MENTIONED TO YOU.
03:24:26PM A TYPICAL SIGN IN FRONT OF THESE UNITS ON 4th AVENUE.
03:24:30PM IT SAYS RESIDENTIAL PERMIT REQUIRED.
03:24:31PM NEXT SLIDE.
03:24:32PM I WANT TO TALK OF THE PARKING DEFICIENCY.
03:24:40PM WE ARE NOT HERE TO CHALLENGE THE VALIDITY OF THE DE-1 ISSUED
03:24:45PM BY THE CITY EVEN THOUGH THE INFORMATION PROVIDED BY THE
03:24:47PM APPLICANT WAS INACCURATE AND INDUCED THE CITY KIND OF ON
03:24:53PM FALSE PRETENSES OF THE PERMIT.
03:24:54PM AND WE WILL TALK ABOUT THAT IN A SECOND.
03:24:56PM SO THE APPLICANT PURPORTED TO HAVE A LEASE AT THE SUBJECT
03:25:01PM PROPERTY.
03:25:06PM AND ALL -- UNDER 12 HERE, BLC IS SUPPOSED TO CONSIDER
03:25:17PM PARKING UNDER CHAPTER 27 AS I MENTIONED AT THE BEGINNING OF
03:25:21PM THE PRESENTATION.
03:25:22PM SO IN THIS CASE, THE DEVELOPER, BECAUSE HE HAS A MAX OUT
03:25:29PM THE F.A.R. WITH NOT FULFILL PARKING ON-SITE.
03:25:34PM THE DEVELOPER ENTERED INTO A LONG-TERM LEASE AGREEMENT AS
03:25:37PM REQUIRED BY THE CITY CODE.
03:25:38PM BUT SINCE IT HAS A 90-DAY TERMINATION PROVISION, IT IS
03:25:43PM ACTUALLY A REVOCABLE LICENSE UNDER FLORIDA LAW.
03:25:46PM IF YOU CAN TERMINATE UNILATERALLY A LEASE THAT IS SUPPOSED
03:25:50PM TO BE SEVEN YEARS AFTER 90 DAYS, IT IS NOT A LEASE.
03:25:54PM YOU CAN CALL IT A LEASE.
03:25:56PM YOU CAN CALL IT WHATEVER YOU WANT.
03:25:57PM THEY NEVER GOT A LEASE.
03:25:58PM SINCE IT IS A 90-DAY TERM NATION PROVISION, NOT A LONG-TERM
03:26:03PM LEASE AS REQUIRED BY THE CITY.
03:26:04PM ALSO THE SECOND REQUIREMENT BY THE CITY, THAT PARKING HAS TO
03:26:08PM BE WITHIN 1,000 LINEAR FEET WHICH IT IS NOT.
03:26:11PM I DON'T WANT TO HARP ON THAT TOO MUCH.
03:26:12PM IMPORTANTLY, THE OWNER OF THE PARKING AREA THAT IS THE --
03:26:16PM THE LESSOR OR THE SUBJECT PURPORTED LEASE HAS ALREADY
03:26:21PM PROVIDED AN ANTICIPATORY OF THE LEASE.
03:26:31PM THE MIND'S EYE.
03:26:34PM ADDRESSED TO MR. ANDY SCAGLIONE.
03:26:36PM IT SAYS THE PARKING AGREEMENT SIGNED WITH LION'S IS ONLY
03:26:40PM TEMPORARY AND NOT LONG-TERM.
03:26:43PM AGREEMENT HAS A 90-DAY EXIT CLAUSE AS WE PLAN TO BUILD ON
03:26:47PM THE PROPERTY IN THE NEXT YEAR OR SO MAKING IT UNAVAILABLE
03:26:52PM FOR PARKING.
03:26:53PM 93-UNIT PROJECT WITH A THIRD OF THE PARKING A QUARTER MILE
03:26:56PM AWAY.
03:26:56PM NOW THEY WILL NOT HAVE THE RIGHT TO PARK AND MEET REQUIRED
03:26:59PM CODES.
03:26:59PM NOW WHAT HAPPENS TO THOSE CARS THAT WERE INTENDED TO PARK IN
03:27:03PM THIS OFF-SITE PARKING LOT?
03:27:10PM THE PROJECT HAS 3,000 SQUARE FOOT OF RETAIL TOO THAT
03:27:13PM REQUIRES PARKING.
03:27:14PM UNDER FLORIDA LAW, I THINK THIS IS BLACK LETTER LAW, MR.
03:27:18PM SHELBY, YOU MIGHT HOPEFULLY AGREE WITH ME FOR ONCE IS A
03:27:22PM PERMIT ISSUED IN VIOLATION OF LAW OR MISTAKE A FACT SOMEBODY
03:27:26PM VOID.
03:27:26PM IF YOU FILE AN APPLICATION WITH THE CITY AND MISREPRESENT
03:27:31PM THE FACT TO INDUCE THE CITY TO THE PERMIT, THAT IS A VOID OF
03:27:37PM A PERMIT.
03:27:38PM THE CITY RELIED UPON INACCURATE INFORMATION AND ERRONEOUSLY
03:27:43PM ISSUED A PARKING PERMIT.
03:27:45PM THE PURPORTED LANDLORD SAID THE PARTIES OVER.
03:27:50PM YOU WILL NOT HAVE THE RIGHT TO PARK.
03:27:51PM SO THEY DO NOT HAVE PARKING, AND THE BLC DID NOT PROPERLY
03:27:59PM REQUIRE PARKING AS IT IS REQUIRED TO DO SO UNDER THE REVIEW
03:28:04PM CRITERIA.
03:28:04PM WE BROUGHT UP THE ISSUES DURING THE BLC.
03:28:08PM THE ATTORNEY FOR THE BLC TRIED TO SHUT US DOWN.
03:28:12PM THEY HAVE A DE-1 SO YOU CAN'T TALK OF PARKING.
03:28:17PM BUT ON THE CON TARRY, THE CODE SAYS YOU SHOULD CONSIDER
03:28:21PM PARKING AND WE IDENTIFIED ALL OF THESE DEFECTS.
03:28:24PM WE ARE NOT HERE TO APPEAL THE DE-1.
03:28:27PM THE WAY THE PROCESS WORKS, COUNCIL, THAT IS NOT EVEN
03:28:32PM PUBLISHED AND TEN DAYS TO FILE THE APPEAL AND PEOPLE DON'T
03:28:35PM KNOW ABOUT THAT.
03:28:36PM THE POINT IS, FLOSS LEASE -- THERE IS NO LEASE WITH THIS
03:28:42PM PROPERTY.
03:28:42PM IN CONCLUSION, WE ARE NOT OPPOSED TO DEVELOPMENT BUT SEEKING
03:28:47PM A COMPATIBLE PROJECT OF CHARACTER IN TERMS OF MASSING AND
03:28:51PM SCALE IN THE SURROUNDING AREA THAT ALSO HAS SUFFICIENT
03:28:54PM PARKING.
03:28:55PM WE WANT TO OFFER UP A COUPLE OF SOLUTIONS.
03:28:57PM WE DON'T WANT TO SEE THE PROJECT KILLED OFF, IT IS JUST TOO
03:29:01PM BIG OF A PROJECT.
03:29:01PM 93 UNITS.
03:29:02PM AND HERE AGAIN, THE COMP PLAN WITHOUT THE F.A.R. SAYS IT
03:29:05PM SHOULD BE 25 UNITS.
3:29:08PM ONE OF THE OPTIONS MIGHT BE -- AND THIS RELATES TO THE
3:29:09PM NECESSITY FOR ADDITIONAL PARKING -- REDUCE THE SCALE AND
3:29:12PM MASSING, WHICH WILL REDUCE THE PARKING DEMAND.
3:29:14PM OR, IN THE ALTERNATIVE, THE DEVELOPER APPLIES FOR A YC-9
3:29:22PM ZONING, WHICH IS YBOR'S EQUIVALENT OF A PD, SO THE NEIGHBORS
3:29:26PM CAN WEIGH IN AND CITY COUNCIL, WITH ITS PLANNING COMMISSION

3:29:30PM AND ZONING STAFF, CAN ADDRESS THESE ISSUES CONCERNING
3:29:33PM COMPATIBILITY, INCLUDING PARKING DEFICIENCIES.
3:29:36PM SO THANK YOU VERY MUCH FOR YOUR TIME.
3:29:38PM APPRECIATE IT.
3:29:39PM >>GUIDO MANISCALCO: COUNCILWOMAN HURTA.
3:29:40PM >>LYNN HURTA: QUESTIONS FOR STAFF.
3:29:42PM WHAT IS THE PARKING REDUCTION ASKED FOR IN THIS?

3:29:57PM >> THERE IS NO PARKING REDUCTION.
3:29:59PM >>LYNN HURTA: I UNDERSTAND.
3:30:00PM BUT TAKING THE OFF-SITE PARKING AWAY, LIKE, HOW MUCH PARKING
3:30:03PM DO THEY HAVE FOR WHAT THEY NEED?
3:30:07PM >> THEY DISPLACED 29 SPOTS THAT WERE SUPPOSED TO BE ON-SITE
3:30:12PM TO A SEPARATE LOCATION THAT MET CITY OF TAMPA CODE AT THE
3:30:16PM TIME.
3:30:17PM IT WAS REVIEWED BY THE ZONING DEPARTMENT AND NO PROJECT GOES
3:30:22PM FORWARD IN FRONT OF THE ARC OR BLC WITHOUT ALL THEIR
3:30:27PM ENTITLEMENTS IN PLACE.
3:30:27PM SO THE NUMBER OF UNITS IS A MOOT POINT.
3:30:30PM THE PARKING MET THE CRITERIA AT THE TIME THAT THE BARRIO
3:30:34PM LATINO COMMISSION LOOKED AT THIS PROJECT.
3:30:37PM EVERYTHING FELL INTO PLACE.
3:30:40PM >>LYNN HURTA: OKAY.
3:30:40PM THANK YOU.
3:30:40PM ONE MORE QUESTION.
3:30:49PM THE UNIT, WHEN I LOOKED AT THE SITE PLAN, IT LOOKED LIKE
3:30:54PM THEY WERE ONE BEDROOMS AND STUDIOS.
3:30:57PM >> THERE ARE MULTIPLE DIFFERENT UNIT TYPES IN THERE.
3:31:00PM >>LYNN HURTA: BUT THEY ARE SMALL.
3:31:03PM >> SOME ARE ENTRY LEVEL AND SOME UP TO ONE AND TWO BEDROOMS.
3:31:06PM THE CONFIGURATION HAS CHANGED OVER TIME.
3:31:08PM I DON'T KNOW WHAT THE ULTIMATE COUNT OUT TO.
3:31:11PM BUT YOU HAVE THE DEVELOPER WHO IS GOING TO SPEAK NEXT.

3:31:14PM >>LYNN HURTA: OH, I DIDN'T REALIZE THAT.
3:31:15PM THANK YOU.
3:31:18PM >> MR. CHAIRMAN, I LEFT OUT ONE POINT.
3:31:20PM CAN I MAKE FOR TEN SECONDS?
3:31:22PM I THINK MS. HURTA RAISED A GOOD POINT.
3:31:25PM MARK BENTLEY ONCE AGAIN.
3:31:27PM IN ALL THE CITY OF TAMPA, THE MOST MINIMAL PARKING
3:31:33PM REQUIREMENTS ARE IN YBOR CITY.
3:31:34PM IT'S NOT LIKE THE BALANCE OF THE CITY.
3:31:35PM IT IS SIMPLY ONE PARKING SPACE PER UNIT, WHERE THE BALANCE
3:31:40PM OF THE CITY YOU GO BY BEDROOMS, GUEST PARKING, AND THINGS
3:31:43PM LIKE THAT.
3:31:44PM THIS PROJECT COULDN'T EVEN MEET THE MOST MINIMAL PARKING
3:31:47PM STANDARD THAT YOU HAVE IN THE CITY OF TAMPA.
3:31:49PM >>GUIDO MANISCALCO: FOR THE RECORD, HE STILL HAD TIME LEFT
3:31:51PM IN HIS 15 MINUTES.
3:31:55PM >> JUST FROM THE CITY'S POSITION, HE'S CORRECT BY STATING
3:31:59PM THAT THE PARKING IN THE YBOR CITY AREA IS REDUCED, BUT AT
3:32:05PM THE TIME THIS PROJECT CAME FORWARD IT MET THE CODE THAT'S IN
3:32:08PM PLACE.
3:32:09PM >>GUIDO MANISCALCO: THANK YOU VERY MUCH.
3:32:09PM NEXT UP, WE HAVE THE PROPERTY OWNER OR REPRESENTATIVE.
3:32:15PM SIR, YOU HAVE 15 MINUTES.
3:32:16PM PLEASE STATE YOUR NAME.
3:32:17PM >> GOOD AFTERNOON, COUNCIL.

3:32:18PM MY NAME IS JIM SHIMBERG, 1001 WATER STREET, HERE
3:32:23PM REPRESENTING DON CLENDENON AND JIM HETTINGER, THE DEVELOPERS
3:32:27PM OF THIS PROJECT.
3:32:28PM ALSO WITH ME IS STEPHANIE GAINES WHO IS THE ARCHITECT WITH
3:32:31PM OVER 30 YEARS OF EXPERIENCE DESIGNING PROJECTS IN YBOR WHO
3:32:34PM CAN SPEAK IN A LITTLE MORE DETAIL IN A SECOND.
3:32:37PM FIRST OF ALL, LET'S TALK ABOUT GOOD FAITH FOR A MINUTE.
3:32:41PM OUR CLIENT BOUGHT THIS PROPERTY 2022.
3:32:45PM THEY WORKED WITH STAFF.
3:32:47PM THEY WORKED WITH THE NEIGHBORHOOD.
3:32:48PM THEY'VE HAD MEETINGS WITH SOME OF MR. BENTLEY'S CLIENTS.
3:32:53PM THEY INTENDED TO DESIGN A PROJECT THAT CAME TO THE BLC WITH
3:32:56PM NO WAIVER REQUEST.
3:32:57PM THEY MET THE PARKING BY AN OFF-SITE PARKING AGREEMENT.
3:33:00PM UNFORTUNATELY, THIS WAS I THINK EITHER OUR FOURTH OR FIFTH
3:33:03PM OFF-SITE PARKING AGREEMENT BECAUSE EVERY TIME WE ENTERED
3:33:07PM INTO ONE, THE PERSON CALLED US BACK AND SAID, SORRY, WE NEED
3:33:11PM TO TERMINATE.
3:33:12PM DON'T KNOW WHY, BUT HAPPENED MULTIPLE OCCASIONS. THIS
3:33:14PM PARTICULAR AGREEMENT WITH THE LIONS EYE INSTITUTE, I KNOW
3:33:17PM MR. BENTLEY PRODUCED AN E-MAIL TO MR. ANDY SCAGLIONE, WHO IS
3:33:21PM NOT MY CLIENT.
3:33:22PM MY CLIENT HAS BEEN PAYING \$1600 TO LIONS EYE INSTITUTE EVERY
3:33:26PM MONTH AND SPOKE TO THEM AS RECENTLY AS YESTERDAY AND TOLD
3:33:28PM THEM THEY HAD NO PLANS TO EXPAND.

3:33:31PM I ALSO TOTALLY DISAGREE THAT WE MISREPRESENTED ANYTHING.
3:33:34PM WE CAME TO THE CITY WITH A PROJECT THAT HAD BEEN THOROUGHLY
3:33:37PM VETTED BY STAFF, WE VIEWED JUST LIKE THE LAST HEARING YOU
3:33:41PM LOOKED AT WHERE YOU LISTENED TO WHAT THE VARIANCE REVIEW
3:33:44PM BOARD DECIDED.
3:33:46PM IN THIS CASE, WEIGHED PROJECT WHERE OUR CLIENT WORKED VERY
3:33:49PM CLOSELY WITH MR. VILA AND MR. FERNANDEZ AND THEIR STAFF IN
3:33:53PM COMING UP WITH A PROJECT THAT CLEARLY MET ALL THE CODES.

3:33:58PM AND MS. GAINS CAN SPEAK TO THAT IN A SECOND.
3:34:01PM THE BLC HAD A VERY THOROUGH HEARING WHERE THEY CONSIDERED
3:34:06PM ALL OF THE APPLICABLE STANDARDS AND REQUIREMENTS.
3:34:08PM THEY SPOKE TO EACH ONE OF THOSE ISSUES IN DETAIL.
3:34:11PM THEY VOTED UNANIMOUSLY TO SUPPORT THE PROJECT.
3:34:15PM THEY WERE CLEARLY TOLD AT THE BEGINNING THAT THE OFF-SITE
3:34:17PM PARKING AGREEMENT HAD BEEN APPROVED BY STAFF.
3:34:20PM IT WAS A STAFF APPROVAL.
3:34:21PM THEY COULD HAVE APPEALED THAT THROUGH A DIFFERENT MECHANISM.
3:34:23PM IF FOR SOME REASON THE PARKING AGREEMENT GETS TERMINATED,
3:34:26PM OUR CLIENT WILL GET ANOTHER PARKING AGREEMENT BEFORE THEY
3:34:30PM MOVE FORWARD WITH THE PROJECT.
3:34:31PM THAT'S NOT THE ISSUE.
3:34:32PM I UNDERSTAND THAT MR. BENTLEY'S CLIENTS ARE CONCERNED ABOUT
3:34:34PM OFF-STREET PARKING, BUT THAT IS A VALID ISSUE, NO ONE IS
3:34:38PM ENTITLED TO THOSE OFF-STREET SPACES.
3:34:40PM THAT'S WHY OUR CLIENT ENTERED INTO AN OFF-SITE PARKING

3:34:43PM AGREEMENT AND TOOK OUT THE PROVISION THAT SAID WE COULD
3:34:46PM CANCEL IT.
3:34:47PM WE CAN'T CANCEL THE AGREEMENT.
3:34:48PM THE ONLY PERSON THAT CAN CANCEL IT IS THE OTHER SIDE.
3:34:50PM WE EVEN STARTED PAYING THEM 8 OR 9 MONTHS AGO, WHICH IS
3:34:54PM UNHEARD OF.
3:34:56PM NOBODY DOES THAT.
3:34:57PM ANOTHER PROJECT IN YBOR WHERE YOU START PAYING WHEN YOU USE
3:35:01PM THE PARKING SPACES.
3:35:02PM WE HAVEN'T USED ONE PARKING SPACE AND PAID THEM \$1600 A
3:35:05PM MONTH FOR THE LAST EIGHT OR NINE MONTHS.
3:35:08PM WE CONTINUE TO KEEP DOING THAT FOR THE PROJECT TO HAVE THE
3:35:13PM APPROPRIATE PARKING.
3:35:14PM LET ME ASK MS. GAINES TO COME UP A MINUTE AND SPEAK TO HOW
3:35:21PM THE PROJECT WAS DESIGNED TO MEET THE SCALE AND SCOPE OF YBOR
3:35:24PM REQUIREMENT.
3:35:24PM >>LYNN HURTAK: CAN I JUST ASK YOU A QUESTION ABOUT PARKING
3:35:27PM WHILE WE'RE HERE?
3:35:28PM >> SURE.
3:35:29PM >>LYNN HURTAK: WE ARE ALLOWED TO ENTER -- TO GET NEW
3:35:34PM INFORMATION, AND I WOULD JUST BE CURIOUS -- I DON'T EVEN
3:35:41PM KNOW IF THIS IS SOMETHING WE CAN DO, BUT WOULD YOU BE
3:35:46PM WILLING TO HAVE -- WHAT IS THE WORD I'M LOOKING FOR?
3:35:54PM SOMETHING ADDED TO THE SITE PLAN THAT SAYS THAT FOLKS WHO
3:36:00PM ARE IN THIS DEVELOPMENT WOULDN'T BE ALLOWED TO APPLY FOR A

3:36:04PM STREET PARKING DECAL?
3:36:06PM WE CAN'T DO THAT.
3:36:08PM OKAY.
3:36:09PM THEN NEVER MIND.
3:36:10PM THANKS.
3:36:11PM >>GUIDO MANISCALCO: YES, MA'AM.
3:36:12PM PLEASE STATE YOUR NAME.
3:36:13PM >> STEPHANIE DECEMBER GAINES WITH GROH ARCHITECTURE.
3:36:17PM WE ARE A RECENT MERGER OF CURTS GAINES HALL JONES
3:36:20PM ARCHITECTURE AND ROJO ARCHITECTURE.
3:36:22PM TWO TAMPA BASED FIRMS, ONE OVER 50 YEARS OLD AND ONE
3:36:26PM 30 YEARS OLD.
3:36:28PM WE'VE BEEN WORKING IN THIS AREA FOR THOSE 30, 40 YEARS.
3:36:33PM I'M NOT HERE TO TOUT MYSELF, JUST TO SAY THAT OUR CLIENTS
3:36:38PM WHO ARE DEVELOPERS FROM PHILADELPHIA AND KEY WEST, HIRED
3:36:45PM PEOPLE WITH A LOT OF EXPERIENCE.
3:36:46PM WE'VE DONE ALL SORTS OF PROJECTS FROM LITTLE TINY
3:36:50PM SINGLE-FAMILY ADDITIONS TO THE UNION PHASE ONE OF GASWORX
3:36:56PM WHICH IS BEING COMPLETED NOW.
3:36:57PM WE'VE DONE LOTS OF SINGLE-FAMILY HOMES.
3:36:58PM WE'VE WORKED WITH THE BLC STAFF I THINK BEFORE RON EVEN GOT
3:37:06PM THERE.
3:37:07PM I DON'T WANT TO AGE MYSELF, BUT, YOU KNOW, WE THOROUGHLY
3:37:15PM ACKNOWLEDGE AND APPRECIATE THE JOB THAT THE STAFF HAS OF
3:37:19PM ENFORCING THE YBOR CITY GUIDELINES.

3:37:22PM THERE ARE THREE PAGES IN THE 95-PAGE DOCUMENT THAT ARE
3:37:26PM RELATED TO NEW CONSTRUCTION.
3:37:28PM THREE PAGES.
3:37:29PM THESE WERE WRITTEN -- THEY ARE THE SAME GUIDELINES I'VE BEEN
3:37:35PM USING TO WORK WITH ON PROJECTS FOR OVER 30 YEARS.
3:37:38PM AND I'M NOT BLAMING STAFF.
3:37:40PM I'M SURE IT'S A TIME ISSUE, BUT THEY ARE OUTDATED.
3:37:44PM AND I THINK THAT A LOT OF PEOPLE DON'T UNDERSTAND.
3:37:49PM WHEN YOU FIND HOLES IN THE GUIDELINES WHERE VERY LITTLE IS
3:37:55PM DEFINED, THEN YOU ARE TO GO TO THE NATIONAL PARK SERVICE
3:38:00PM GUIDELINES.
3:38:00PM AND, OF COURSE, THOSE ARE VERY THOROUGH, VERY INVOLVED AND
3:38:03PM THAT IS WHAT WE USE.
3:38:05PM WE WORKED WITH STAFF.
3:38:07PM WE SPENT TWO HOURS IN THE OFFICIAL REVIEW PROCESS -- TWO
3:38:13PM HOURS -- TWO YEARS FROM, YOU KNOW, IF I BACK UP FROM TODAY.
3:38:17PM BEFORE THAT, WE SPENT A YEAR WORKING WITH STAFF BEFORE WE
3:38:20PM MADE AN OFFICIAL APPLICATION.
3:38:24PM THESE CLIENTS, I HAVE TO CORRECT JIM ON ONE THING, THESE
3:38:30PM CLIENTS ACTUALLY ORIGINALLY PLANNED ON SUBMITTING FOR, AND
3:38:33PM DID ACTUALLY MAKE APPLICATION THAT THEY WITHDREW BECAUSE IT
3:38:37PM WAS BASED ON A REQUEST FOR A VARIANCE OF PARKING.
3:38:42PM WE HAVE 63 SPACES ON-SITE AND WE'RE DEDICATING 22 ADDITIONAL
3:38:49PM NONTRADITIONAL PARKING SPACES FOR OTHER TYPES OF VEHICLES.

3:38:53PM BUT AFTER MEETING WITH SEVERAL NEIGHBORHOOD GROUPS AND STAFF

3:38:57PM WITH THE BLC, WE REALIZED THAT THE TIMING WAS NOT RIGHT TO
3:39:03PM ASK FOR A VARIANCE.
3:39:04PM THERE ARE A LOT OF UNDERLYING PARKING ISSUES IN YBOR NOW
3:39:07PM THAT THIS PROJECT CAN'T SOLVE.
3:39:08PM BUT WE CERTAINLY WEREN'T GOING TO MAKE IT A WORSE PROBLEM.
3:39:12PM SO THAT'S WHEN WE WITHDREW OUR APPLICATION AND CAME BEFORE
3:39:15PM THE BOARD WITH A PROJECT THAT MET PARKING REQUIREMENTS BY
3:39:26PM PROVIDING THE OFF-SITE PARKING.
3:39:27PM THE UNITS, SORRY, I JOTTED DOWN A LOT OF NOTES AND I'M GOING
3:39:32PM TO BE PROBABLY RAMBLING.
3:39:33PM THE ISSUE OF GOING WITH YC 9, YOU KNOW, THAT IS A PLANNED
3:39:37PM DEVELOPMENT REQUEST THAT NORMALLY WHEN WE WORK WITH
3:39:43PM DEVELOPERS, THE VERY FIRST THING WE DO IS TRY TO DESIGN A
3:39:47PM PROJECT THAT MEETS THE CRITERIA GIVEN, THAT IS WITHIN THE
3:39:51PM RIGHT, WITHIN THE ZONING CODE.
3:39:53PM AND YC 9 IS RESERVED FOR THOSE PROJECTS THAT NEED ALL KINDS
3:39:57PM OF EXCEPTIONS TO THAT BASE ZONING.
3:40:02PM WE'RE NOT ASKING FOR ANY EXCEPTIONS TO THE CURRENT ZONING OR
3:40:05PM TAMPA COMPREHENSIVE PLAN.
3:40:06PM I THINK THAT THE LOCATION OF THE PROPERTY, WHICH I WILL SHOW
3:40:11PM YOU, I KNOW EVERYBODY KNOWS WHERE IT IS, BUT I THINK IT'S
3:40:14PM IMPORTANT FOR A COUPLE OF REASONS TO SHOW YOU THIS, IF I
3:40:22PM COULD.
3:40:22PM WHICH IS 3D OF THE AREA WITH THE ZONING AREAS DEPICTED.
3:40:29PM IT'S A LITTLE HARD TO TELL, BUT THE DARKER YELLOW OR THE

3:40:34PM ORANGE COLOR IS THE YC 7 DISTRICT, WHICH IS ONE TWO-STORY
3:40:42PM DWELLING NEIGHBORHOOD ZONING.
3:40:44PM AND THE YC 6, WHICH IS WHAT WE'RE IN, IS A TRANSITIONAL ZONE
3:40:51PM BETWEEN THE LARGER SCALE BUILDINGS TO THE SOUTH ALONG ADAMO.
3:40:54PM FOR REFERENCES, THIS IS VERY KEY ASPECT.
3:41:00PM I HAVE THE ENTIRE BLC PRESENTATION HERE, AND I WOULD LOVE TO
3:41:03PM SHOW IT TO YOU, BUT THAT'S NOT WHY WE'RE HERE.
3:41:06PM I'M TRYING TO MAKE IT AS BRIEF AS POSSIBLE.
3:41:09PM CIGAR FACTORIES WERE TRADITIONALLY IN NEIGHBORHOODS RIGHT
3:41:17PM NEXT TO ONE-STORY HOMES, TWO-STORY HOMES.
3:41:20PM WE ARE CHARGED BY THE GUIDELINES TO FIND A REFERENCE FOR
3:41:25PM DESIGNING OUR BUILDING AND THE REFERENCE THAT WE USE ARE
3:41:27PM CIGAR FACTORIES.
3:41:29PM THIS CIGAR FACTORY IS A BLOCK AWAY FROM THE PROJECT.
3:41:32PM HERE IS OUR PROJECT.
3:41:33PM HERE IS THE CORRAL WODISKA BUILDING WHICH WHAT THIS IS.
3:41:38PM THIS IS A NEW PROJECT, I SAY NEW, PROBABLY 15, 20 YEARS OLD
3:41:42PM NOW, BUT APPROVED BY THE BLC WHICH IS DIRECTLY ADJACENT TO
3:41:45PM THE PROPERTY.
3:41:45PM SO IT IS A LARGER SCALE BUILDING THAN THE IMMEDIATE
3:41:51PM SURROUNDING HOMES, BUT IT STILL FITS IN THE CHARACTER THAT
3:41:55PM MAKES YBOR CITY WHAT IT IS, WHICH IS A LIVING, WORKING
3:42:00PM COMMUNITY.
3:42:01PM THE OWNERS COULD HAVE CHOSEN TO PUT IN FEWER LARGE UNITS,
3:42:06PM BUT THAT'S NOT WHAT THE MARKET -- THAT'S NOT THE MARKET THEY

3:42:09PM WANT TO GO AFTER.
3:42:11PM THEY ARE TRYING TO PROVIDE WORKFORCE HOUSING FOR PEOPLE WHO
3:42:15PM WORK IN YBOR AND DOWNTOWN.
3:42:18PM AND THE REASON THAT THEY WERE GOING TOWARD A VARIANCE IN THE
3:42:21PM BEGINNING WAS BECAUSE THEY ARE TRYING TO PROMOTE ALTERNATE
3:42:26PM TRANSPORTATION THOUGHTS.
3:42:27PM BUT REALIZE, OF COURSE, LIKE I SAID THAT WE WEREN'T READY
3:42:31PM FOR THAT YET.
3:42:32PM THERE ARE ISSUES IN YBOR THAT THIS CLIENT HAS AGREED TO HELP
3:42:41PM WITH, ASSIST WITH THE PARKING IS ONE OF THOSE ISSUES.
3:42:44PM THEY EVEN BROUGHT UP THE IDEA OF BANNING THEIR RESIDENTS
3:42:50PM FROM TAKING, DOING THE PARKING PASSES, BUT WE'RE TOLD WE'RE
3:42:56PM NOT ALLOWED TO DO THAT.
3:42:57PM BUT THEY WILL DISCOURAGE THEM AS MUCH AS THEY CAN.
3:43:01PM THEY MADE CHANGES, REDUCING THE MASSING AND SCALE OF THE
3:43:05PM BUILDING BY 12%.
3:43:09PM THERE'S A WHOLE SEQUENCE OF EXHIBITS THAT WE PROVIDED AT THE
3:43:12PM HEARING FOR THAT.
3:43:16PM THERE'S ONLY A THOUSAND SQUARE FEET OF RETAIL.
3:43:18PM I DON'T KNOW WHERE THE 3,000 CAME FROM, BUT A THOUSAND
3:43:21PM SQUARE FEET OF RETAIL WHICH IS A LITTLE BODEGA ON THE
3:43:24PM CORNER.
3:43:25PM LITTLE NEIGHBORHOOD BODEGA.
3:43:26PM PARKING IS NOT DEFICIENT.
3:43:29PM WE'RE ALLOWED TO USE F.A.R. AND THAT ALLOWS, INSTEAD OF

3:43:32PM DENSITY, WE'RE ALLOWED TO USE EITHER ONE.
3:43:34PM AND THAT ALLOWS US A VARIETY OF DIFFERENT SIZES OF UNITS.
3:43:39PM WE HAVE MOSTLY STUDIO AND ONE BEDROOM.
3:43:42PM THERE ARE SIX TWO-BEDROOM UNITS IN THE ENTIRE COMPLEX.
3:43:46PM AFTER MEETING WITH THE NEIGHBORS, WE ALSO MADE CHANGES TO,
3:43:53PM WE HAVE A LITTLE SMALL ROOFTOP AREA, SO WE MADE CHANGES TO
3:43:57PM THAT AREA TO MINIMIZE THE USE, AT THE TIME OF THE USE OF
3:44:01PM THAT AND THE SQUARE FOOTAGE AND TO ELIMINATE A POOL THAT HAD
3:44:04PM BEEN PROVIDED.
3:44:06PM THESE CLIENTS IN PARTICULAR ARE VERY SENSITIVE AND WANT TO
3:44:09PM BE CONTRIBUTING, POSITIVELY CONTRIBUTING TO THE
3:44:13PM NEIGHBORHOOD.
3:44:13PM THANK YOU.
3:44:15PM >>GUIDO MANISCALCO: ALL RIGHT.

3:44:16PM WHO IS NEXT?
3:44:17PM MR. SHIMBERG, ANYBODY ELSE?
3:44:20PM >> WE'LL RESERVE THE REST OF OUR TIME FOR REBUTTAL.
3:44:23PM >>GUIDO MANISCALCO: THANK YOU VERY MUCH.
3:44:23PM AT THIS TIME, I'LL OPEN IT UP TO PUBLIC COMMENT.
3:44:28PM WE DO NOT HAVE ANY REGISTERED SPEAKERS.
3:44:29PM IF YOU WISH TO SPEAK ON THIS ITEM, PLEASE COME UP AND STATE
3:44:32PM YOUR NAME.
3:44:32PM YOU'LL HAVE THREE MINUTES.
3:44:38PM >> MATTHEW CAMPO, 1725 EAST 5th AVENUE.
3:44:43PM I'M ONE PROPERTY NORTH OF THIS PARTICULAR PROJECT.

3:44:46PM THERE'S BEEN A LOT OF DISCUSSION TODAY, BUT I WANT TO KEY IN
3:44:49PM ON TWO THINGS.
3:44:50PM ONE IS APPROPRIATE.
3:44:52PM THAT'S THE INTENTION OF WHAT I UNDERSTAND THE BARRIO'S
3:44:55PM FUNCTION IS, IS DETERMINE WHETHER IT'S APPROPRIATE, NOT JUST
3:45:00PM THE STRUCTURE, BUT THE SITE AND HOW THE SITE FUNCTIONS WITH
3:45:03PM THE PROJECT.
3:45:04PM THE SECOND PART I WANT TO FOCUS ON IS MASSING.
3:45:08PM THERE'S A BIT OF A JUDGMENT CALL ON MASSING.
3:45:13PM ON THIS PARTICULAR PROJECT, THEY ARE BUILDING -- THIS IS ONE
3:45:25PM OF THE ELEVATIONS THAT THEY PROVIDED.
3:45:27PM THIS LITTLE AREA OVER HERE IS AN EXISTING STRUCTURE.
3:45:29PM THIS IS FROM THE ARCHITECT.
3:45:33PM THIS IS THEIR HEIGHT RELATIVE TO THEIR STRUCTURE.
3:45:35PM THIS IS THE 60-FOOT LEVEL HERE AND THIS IS A 70-FOOT LEVEL,
3:45:40PM WHICH IS -- IT'S A BUILDING 70 FEET TALL.
3:45:45PM GET RIGHT DOWN TO IT.
3:45:46PM THE OTHER PORTION, AGAIN, THIS GOES BACK TO THE MASSING.
3:45:49PM THIS PARTICULAR BUILDING IS ABOUT 281 FEET WIDE.
3:45:54PM ANYWHERE BETWEEN 60 AND 70 FEET TALL.
3:45:57PM IF YOU GO UP AND DOWN 4th STREET IN EITHER DIRECTION,
3:46:00PM THERE'S NO STRUCTURE WHATSOEVER THAT'S COMPATIBLE AND
3:46:02PM COMPARABLE TO THIS.
3:46:03PM EVERYTHING ELSE IS 120 FEET.
3:46:05PM I KNOW BECAUSE I MEASURED THEM.

3:46:06PM THE HEIGHTS ARE ABOUT 50.
3:46:07PM WHEN YOU START TALKING ABOUT MASSING AND HOW -- THEY MADE AN
3:46:13PM ATTEMPT TO ADDRESS MASSING BY BASICALLY CHANGING SOME
3:46:14PM COLORING AND PUT SOME ELEVATIONAL CHANGE IN THERE.
3:46:20PM AT THE END OF THE DAY, WHEN YOU'RE STANDING IN FRONT OF THE
3:46:22PM BUILDING, IT DOESN'T LOOK LIKE TWO BUILDINGS.
3:46:24PM IT IS A BUILDING THAT'S 280 FEET WIDE, 70 FEET TALL
3:46:28PM SURROUNDED BY SMALLER SINGLE-STORY STRUCTURES.
3:46:31PM THAT'S MY MAIN THING WITH THE PROJECT, MY OBJECTION TO IT IS
3:46:34PM THAT THE MASSING WAS NOT REALLY ACCOUNTED FOR.
3:46:36PM I THINK THE BLC FOCUSED ON THE BUILDING AND THE ARCHITECTURE
3:46:40PM RATHER THAN HOW IT FITS OVERALL INTO THE OVERALL DEVELOPMENT
3:46:42PM OR THE OVERALL AREA THAT WE HAVE RIGHT THERE.
3:46:45PM THAT'S MY ONE PARTICULAR COMPONENT THAT I WANT TO BRING UP
3:46:50PM TODAY.
3:46:51PM >>GUIDO MANISCALCO: THANK YOU VERY MUCH, SIR.
3:46:53PM ANYBODY ELSE WHO WISHES TO SPEAK?
3:46:54PM COME ON UP AND STATE YOUR NAME.
3:47:00PM >> GOOD AFTERNOON.
3:47:00PM ANDY JOE SCAGLIONE.
3:47:03PM I'M HERE TO SPEAK ON TWO BEHALVES.
3:47:05PM ON THE 17,000 MEMBERS OF THE GREATER TAMPA REALTORS AND WE
3:47:09PM HAD -- I HAD BEEN MEETING ACTUALLY, HAD SOME CONSTRUCTIVE
3:47:13PM MEETING WITH ATTORNEY JOHN -- ABOUT AMENDING SECTION
3:47:19PM 27.283.6, METHODS OF PROVIDING REQUIRED PARKING AND LOADING.

3:47:27PM THERE IS A DEVELOPER LOOPHOLE HERE.
3:47:30PM AND THE LOOPHOLE ALLOWS YOU TO GO SIGN A LEASE THAT YOU'RE
3:47:36PM REQUIRED FOR FIVE YEARS, BUT YOU CAN HAVE CANCELLATION.
3:47:41PM THAT'S NOT A FIVE-YEAR LEASE.
3:47:42PM IN THIS CASE, THERE WAS A SEVEN-YEAR LEASE WITH A 90 DAY
3:47:46PM CANCELLATION.
3:47:47PM THAT IS NOT A SEVEN-YEAR LEASE.
3:47:48PM THAT IS A 90-DAY LEASE.
3:47:50PM THEN YOU SAY WELL WE'LL GO PROVIDE, WE'LL GET OTHER PARKING.
3:47:53PM THERE IS NO OTHER PARKING IN THIS AREA.
3:47:55PM YOU HAVE HISTORIC BUILDINGS THAT CAN'T BE TORN DOWN.
3:47:58PM THERE ARE NO OPTIONS ONCE THIS LEASE.
3:48:00PM AND THIS LEASE, THE CEO OF THE LIONS INSTITUTE WROTE ME AN
3:48:04PM E-MAIL SAYING I'M USING THIS PROPERTY WITHIN A YEAR.
3:48:07PM HE'LL COLLECT THEIR MONEY RIGHT NOW, BUT WHEN HE NEEDS THE
3:48:10PM PROPERTY, SO WHERE IS ALL THAT OFF-SITE PARKING, WHERE ARE
3:48:14PM THEY GOING TO GO?
3:48:15PM AGAIN, THIS IS ON THE BACKS OF NEIGHBORHOODS AND IT
3:48:18PM CONTINUES TO HAPPEN THROUGHOUT THE CITY AND WE DON'T KNOW
3:48:21PM HOW MANY TIMES IT HAS HAPPENED THAT WE DON'T KNOW ABOUT.
3:48:23PM THAT'S WHY WE HAVE THE PROBLEMS IN THESE NEIGHBORHOODS THAT
3:48:27PM RESIDENTS, THEY HAVE BUSINESSES AND APARTMENT COMPLEXES THAT
3:48:31PM THEY BUILD THEM, MAKE THEIR MONEY AND THEY ARE GONE AND THE
3:48:35PM NEIGHBORHOOD HAS TO SUFFER AND THAT'S WRONG.
3:48:37PM OKAY.

3:48:37PM THAT'S WRONG.
3:48:38PM THIS IS A CASE I'M IN THE TALKING ABOUT THE STRUCTURE.
3:48:41PM I'M TALKING STRICTLY THAT'S WHAT IS RIGHT.
3:48:43PM YOU HEAR ME ALL THE TIME.

3:48:45PM QUALITY VERSUS QUANTITY.
3:48:46PM BY ALLOWING THIS LOOPHOLE THAT YOU CAN TRY TO -- THIS
3:48:52PM AGREEMENT, I LOOKED AT IT, IT'S NOT EVEN RECORDED.
3:48:54PM IN FACT, IT DOESN'T EVEN HAVE THE SPECIFICS OF WITNESSES TO
3:48:58PM BE RECORDED.
3:48:58PM TOTALLY UNACCEPTABLE.
3:49:01PM CAN'T HAVE A -- YOU CAN'T PRESENT YOU HAVE A SEVEN-YEAR
3:49:06PM LEASE WHEN YOU HAVE A 90-DAY CANCELLATION.
3:49:11PM EVERYBODY KNOWS THAT.
3:49:11PM I'D LIKE YOU TO CONSIDER THAT BECAUSE THAT'S WHAT IS REALLY
3:49:14PM VERY UPSETTING TO ME.
3:49:18PM IT'S ON THE BACKS OF THE NEIGHBORHOODS, WHICH IS NOT RIGHT.
3:49:20PM THANK YOU VERY MUCH.
3:49:24PM >>GUIDO MANISCALCO: THANK YOU VERY MUCH.
3:49:25PM NEXT SPEAKER.
3:49:25PM PLEASE STATE YOUR NAME.
3:49:28PM >> HI.
3:49:28PM MY NAME IS CARROLL ANN BENNETT.
3:49:30PM I WOULD LIKE TO SPEAK IN SUPPORT OF MR. CAMPO AND MR.
3:49:33PM SCAGLIONE AND THE AGGRIEVED PARTY THAT MR. BENTLEY AND MR.
3:49:37PM MANASSE SO APTLY REPRESENTED.

3:49:40PM THIS CASE SEEMS PRETTY CLEAR TO ME THAT IT'S INAPPROPRIATE.
3:49:45PM I HAD RELATIVES FROM MASSACHUSETTS COME AND STAY WITH US,
3:49:48PM AND I TOOK THEM THROUGH YBOR TO SHOW THEM HOW WONDERFUL IT
3:49:52PM IS.
3:49:52PM THIS IS OBVIOUSLY OUT OF CHARACTER.
3:49:54PM IT'S GOING TO BE SO BAD FOR THE NEIGHBORHOODS.
3:49:57PM THE TEN POUNDS OF SHIZZLE SUGAR IN A FIVE-POUND BAG.
3:50:02PM I JUST WANT TO REMIND YOU WHAT HAPPENED IN HYDE PARK WHERE
3:50:08PM YOU'VE GOT THESE OLD NEIGHBORHOODS WITH NARROW DRIVEWAYS AND
3:50:11PM NARROW STREETS AND LIMITED PARKING.
3:50:13PM PEOPLE ARE GOING TO PARK THE CLOSEST THEY CAN SO THEY CAN
3:50:17PM LEASE PARKING SOMEPLACE ELSE.
3:50:19PM THEY ARE NOT GOING TO USE IT IF THERE'S ANYTHING CLOSER,
3:50:22PM WHICH MEANS THAT THE PEOPLE WHO ALREADY LIVE THERE, WHEN A
3:50:25PM HOME HEALTH CARE WORKER COMES, WHEN A PLUMBER COMES, WHEN
3:50:30PM THEY HAVE GUESTS AND RELATIVES OVER, THEY ARE NOT GOING TO
3:50:32PM HAVE A PLACE TO PARK.
3:50:34PM AND THAT OFF-STREET PARKING IS NOT AVAILABLE TO THEM, WHERE
3:50:39PM THEY HAVE TO SCHLEPP THEIR CASSEROLES.
3:50:43PM I WANT TO SPEAK IN FAVOR OF THE APPLICANT AND THE NEIGHBORS
3:50:47PM WHO HAVE SPOKEN AND ASK YOU TO PLEASE DENY THIS.
3:50:50PM IT'S OBVIOUSLY A LOOPHOLE.
3:50:52PM THERE IS A PROBLEM WITH THE PARKING.
3:50:53PM A CANCELLATION.
3:50:55PM THEY SAID THEY HAD FOUR PEOPLE CANCEL.

3:50:56PM THAT TELLS YOU ALL YOU NEED TO KNOW.
3:51:00PM THERE IS NO LEASE FOR PARKING.
3:51:01PM THANK YOU.
3:51:01PM >>GUIDO MANISCALCO: THANK YOU VERY MUCH.
3:51:02PM NEXT SPEAKER, PLEASE STATE YOUR NAME.
3:51:06PM >> GOOD AFTERNOON.
3:51:06PM STEPHANIE POYNOR.
3:51:08PM MAN, THAT JUDGE OVER THERE THAT RULED FOR THE LIBERTY GROUP
3:51:13PM THE OTHER DAY, SHE STRIKES AGAIN.
3:51:15PM A BAD IDEA THAT MEETS CODE, BUT DOESN'T MEET THE COMMONSENSE
3:51:20PM TEST.
3:51:20PM CASE NUMBER ONE TODAY, GOOD PLAN TURNED DOWN, COMMON SENSE
3:51:24PM APPLIED BY TAMPA CITY COUNCIL, NO JUDGE CAN DO THAT BUT YOU.
3:51:28PM COMMON SENSE WAS APPLIED AND WE MOVED FORWARD.
3:51:31PM CASE NUMBER TWO, CRAPPY PLAN TURNED DOWN, COMMON SENSE
3:51:34PM APPLIED, YOU UPHELD IT.
3:51:36PM HERE WE ARE WITH CASE NUMBER THREE, CRAPPY PLAN, APPROVED,
3:51:39PM COMMON SENSE APPLIED HERE, WHICH MEANS YOU SHOULD BE
3:51:42PM REVERSING THIS APPROVAL.
3:51:43PM WHY IN THE WORLD IS THERE A 70-FOOT BUILDING BEING BUILT ON
3:51:48PM THAT CORNER WITH NO PARKING?
3:51:51PM NO PARKING.
3:51:53PM WHAT PART OF THAT DON'T PEOPLE UNDERSTAND UNLESS EVERYBODY
3:51:57PM IS GOING TO PARK IN A 717 LOT AND THEY WILL BE BROKE BY THE
3:52:01PM END OF THE MONTH.

3:52:02PM THIS ISN'T GOING TO BE AFFORDABLE BECAUSE THEY ARE PAYING
3:52:05PM ALL THEIR MONEY FOR PARKING.
3:52:06PM I SUPPORT THE APPLICANT IN THIS PARTICULAR SITUATION.
3:52:10PM I SUPPORT THE NEIGHBORS BECAUSE THIS DOES NOT MEET THE
3:52:13PM CHARACTER OF THE NEIGHBORHOOD.
3:52:15PM WHY ARE WE -- I'M BEFUDDLED.
3:52:17PM MASSING IS A HUGE ISSUE.
3:52:20PM DEBBIE ZOMERMAAND HAS BEEN PREACHING ON THAT FOR YEARS.
3:52:25PM WE HAVE TO GIVE FOLKS PLACES TO PARK BECAUSE, I'M SORRY,
3:52:28PM WE'RE NOT NEW YORK.
3:52:29PM WE'RE NOT BOSTON.
3:52:30PM WE'RE NOT ANY OF THOSE PLACES WHERE YOU CAN GET ON MASS
3:52:33PM TRANSIT.
3:52:34PM THANK YOU.
3:52:34PM >>GUIDO MANISCALCO: THANK YOU VERY MUCH.
3:52:35PM NEXT SPEAKER, PLEASE.
3:52:36PM PLEASE STATE YOUR NAME.
3:52:39PM >> GOOD AFTERNOON, COUNCIL.
3:52:42PM FRANK CAPITANO, LIVE PARTNERS DEVELOPMENT, 2000 EAST 11th
3:52:47PM AVENUE YBOR CITY.

3:52:48PM WE'VE BEEN DEVELOPING IN YBOR FOR THREE GENERATIONS, MOVING
3:52:52PM ON TO OUR FOURTH GENERATION NOW.
3:52:53PM I THINK MY SON ACTUALLY TOOK A JOB IN YBOR TODAY WORKING
3:52:56PM WITH A REAL ESTATE COMPANY.
3:52:58PM WHAT I WANTED TO SHARE IS WE'RE PRO DEVELOPMENT.

3:53:02PM AS YOU KNOW, WE DEVELOP QUITE A BIT IN YBOR.
3:53:05PM FOR US, IT'S JUST MAKING SURE THAT EVERYTHING IS DONE WHAT
3:53:10PM IS APPROPRIATE.
3:53:10PM AS ANDY JOE SCAGLIONE MENTIONED EARLIER, THE PARKING THAT
3:53:17PM MET -- WHAT BELIEVE TO MEET THE DESIGN EXCEPTION TO US IS
3:53:21PM NOT.
3:53:21PM IF YOU HAVE THE ABILITY TO CANCEL IT, ANSWER THE QUESTION,
3:53:23PM WHERE ARE THOSE FOLKS GOING TO PARK ONCE THE LEASE IS
3:53:26PM CANCELED?
3:53:27PM THEY ARE GOING TO COME BACK AND PARKING ALL OVER THE STREETS
3:53:31PM WHERE THE RESIDENTS ARE TODAY.
3:53:32PM THAT'S BEEN ONE OF OUR BIGGEST ARGUMENTS.
3:53:35PM I'LL LEAVE ALL THE DESIGN AND THE SCALE AND THE MASSING TO
3:53:38PM OTHERS.
3:53:38PM BUT THE BIGGEST CONCERN HAS BEEN HOW THE PARKING DESIGN
3:53:42PM EXCEPTION WAS APPROVED.
3:53:44PM THANK YOU.
3:53:44PM >>GUIDO MANISCALCO: THANK YOU VERY MUCH.
3:53:45PM IS THERE ANYBODY ELSE?
3:53:46PM I HAVE A QUESTION, CONSIDERING THE SIZE AND THE MASSING, ARE
3:53:53PM THERE ANY CIGAR FACTORIES?
3:53:54PM BECAUSE AN IMAGE WAS -- ARE THERE ANY CIGAR FACTORIES AS
3:53:58PM LARGE AS THIS DESIGN?
3:54:01PM >> CIGAR FACTORIES OUT THERE THAT ARE OF THE PERIOD THAT ARE
3:54:04PM LARGER.

3:54:05PM THEY HAVE SIMILAR FOOTPRINTS.
3:54:07PM AS PART OF HER PRESENTATION MOVING FORWARD AND FROM THE
3:54:09PM BARRIO LATINO COMMISSION, SHE USED THOSE AS REFERENCES.
3:54:13PM AND WHEN IT'S MY TIME TO REBUT, I'LL SHOW A LITTLE BIT OF
3:54:16PM THAT AS WELL.
3:54:17PM >>GUIDO MANISCALCO: THANK YOU VERY MUCH.
3:54:18PM AT THIS TIME, ANY ADDITIONAL STAFF COMMENT BEFORE WE GO TO
3:54:21PM REBUTTAL?
3:54:22PM YES, MA'AM.
3:54:23PM >> THIS IS OUR STAFF REBUTTAL PERIOD.
3:54:26PM DANA CROSBY COLLIER WITH THE CITY ATTORNEY'S OFFICE.
3:54:30PM I HAVE TWO BRIEF THINGS, AND THEN I'LL TURN IT OVER TO RON.
3:54:33PM THE FIRST ITEM IS REGARDING THE AGREEMENT, IT DOES HAVE A
3:54:38PM PROVISION THAT THE TERMINATION OF THE AGREEMENT DOES NOT
3:54:41PM RELIEVE THE DEVELOPER OF THEIR RESPONSIBILITY TO PROVIDE
3:54:44PM THIS OFF-SITE PARKING.
3:54:46PM THIS IS A STANDARD AGREEMENT WE USE IN OUR OFFICE ON THESE
3:54:50PM ARRANGEMENTS THAT ARE PERMISSIBLE UNDER 27-283.6, AND THAT
3:54:55PM IS INCLUDED IN THE AGREEMENT SO THAT THEY KNOW THAT THEY
3:54:59PM MUST PROCURE OTHER PARKING FOR THOSE 29, 30 SPOTS, IF THIS
3:55:05PM AGREEMENT GOES AWAY.
3:55:06PM THE SECOND THING I JUST WANTED TO ADD IS I DID DIRECT YOUR
3:55:11PM ATTENTION AT THE BEGINNING TO THE ZONING ADMINISTRATOR.
3:55:14PM WE DID TALK A LITTLE BIT, RON MENTIONED A LITTLE BIT ABOUT
3:55:17PM HOW WE ROUTE PROJECTS WHEN THEY COME IN THE DOOR, WE HAVE A

3:55:21PM DRC MEETING ON THEM AS STAFF AND WE TALK ABOUT THE DIFFERENT
3:55:25PM ZONING AND DIFFERENT PARKING AND OTHER THINGS, LIKE THE
3:55:28PM F.A.R. AND THINGS OF THAT NATURE.
3:55:30PM ALL OF THIS IS DISCUSSED IN STAFF BEFORE IT EVER GOES TO THE
3:55:34PM BARRIO.
3:55:35PM AND JUST TO SHOW YOU SOME OF THE OTHER THINGS THAT THE
3:55:37PM ZONING ADMINISTRATOR IN ADDITION TO PARKING WILL CONSIDER,
3:55:41PM ALONG WITH OTHER STAFF, STORMWATER AND NATURAL RESOURCES,
3:55:43PM THE USUAL GROUP OF CITY STAFF.
3:55:46PM I'LL GO AHEAD AND TURN IT OVER TO RON TO FINISH UP OUR TIME.
3:55:54PM >>RON VILA: RON VILA, STAFF WITH HISTORIC PRESERVATION.
3:55:57PM A COUPLE OF THINGS TO TOUCH UPON THAT STAFF AND THE BARRIO
3:56:01PM LATINO COMMISSION BOTH SUPPORT AND SAID IT WAS CONSISTENT
3:56:04PM WITH OUR CRITERIA.
3:56:05PM AS THE PROJECT COMES FORWARD, WHEN IT COMES INTO OUR OFFICE,
3:56:11PM AS DANA STATED, WE ROUTE IT THROUGH THE DIFFERENT
3:56:14PM DEPARTMENTS.
3:56:15PM NATURAL RESOURCES, ZONING, LEGAL, STORMWATER, AND
3:56:18PM TRANSPORTATION, ALL LOOK AT EVERY PROJECT FOR THE
3:56:21PM CONSISTENCY WITH THEIR CODES.
3:56:22PM IF IT DOESN'T MEET THEIR CODE INITIALLY, THEY MODIFY THE
3:56:25PM PLAN.
3:56:25PM THE PROJECT DOES NOT MOVE FORWARD UNTIL IT MEETS ALL CITY
3:56:30PM DEPARTMENTS AT THAT PRELIMINARY STAGE.
3:56:31PM AS IT GOES THROUGH THE PROCESS, THERE MIGHT BE SOME MORE

3:56:34PM JOGGING AS IT GOES TO THE PLANS EXAMINER.
3:56:37PM BUT AT THAT PRELIMINARY STAGE, IT MEETS ALL THE CRITERIA.
3:56:41PM THEY TALKED ABOUT THE UNIT COUNT.
3:56:44PM ONCE AGAIN, THE ZONING DEPARTMENT, THE ZONING ADMINISTRATOR,
3:56:47PM ERIC COTTON, REVIEWED THIS.
3:56:49PM IT MET THE CRITERIA FOR THE PARKING THAT WAS SUBMITTED AT
3:56:53PM THAT TIME AND FOR THE F.A.R. FOR THE UNIT COUNT.
3:56:56PM THIS IS THE PROPERTY IN QUESTION AGAIN.
3:57:06PM I USED THIS EARLIER.
3:57:08PM YOU SEE THE LOT COVERAGE ON SOME OF THESE.

3:57:11PM SOMEBODY SPOKE EARLIER, THIS IS ABSOLUTELY CORRECT.
3:57:14PM THIS IS TRANSITION AREA FROM THE INDUSTRIAL TO THE MORE
3:57:18PM DENSE RESIDENTIAL.
3:57:20PM THEN YOU GET INTO THE COMMERCIAL CORE ON 7th AVENUE.
3:57:23PM INITIALLY, WHEN STAFF STARTED TO ENGAGE IN THIS PROCESS, WE
3:57:28PM WORKED WITH THE DESIGN TEAM.
3:57:30PM THEY ARE ENTITLED TO GO FROM LOT LINE TO LOT LINE TO 60-FOOT
3:57:34PM IN HEIGHT.
3:57:34PM THIS WAS THE ORIGINAL BALL OF CLAY, IF YOU WILL.
3:57:38PM FIRST ALTERATION, THEY TOOK OUT SOME MASSING ON THE TOP.
3:57:45PM SECOND ALTERATION, WHICH TOOK MANY MONTHS TO GET TO THIS
3:57:49PM LEVEL, TOOK OFF SOME OF THE SIDE PIECES TO LOWER THE SCALE
3:57:53PM AT THE PEDESTRIAN LEVEL AND SOME HEIGHT AS WELL.
3:57:55PM THE THIRD, AS SHE TALKED ABOUT, HAD SOME ROOF COMPONENTS UP
3:58:01PM THERE.

3:58:02PM THE NEIGHBORHOOD WAS CONCERNED ABOUT THE TRAVELING OF THE
3:58:06PM NOISE AND GATHERING ON THE ROOFTOP AND THE POOL.
3:58:09PM ALL THAT WAS ELIMINATED OR SOME OF THAT WAS ELIMINATED.
3:58:12PM AND THEN THE FINAL SOLUTION, WHICH THE BOARD REVIEWED AND
3:58:16PM THIS WAS STAFF'S, WHAT WE GENERATED OUR STAFF REPORT ON.
3:58:22PM THERE ARE MANY DIFFERENT ILLUSTRATIONS AND I DON'T HAVE THE
3:58:26PM TIME TO GO THROUGH EVERYTHING, BUT AS PART OF HER DUE
3:58:29PM DILIGENCE AND HER PRESENTATION GOING FORWARD, THE HISTORIC
3:58:34PM CIGAR FACTORY WAS USED AS A REFERENCE AND THEN SOME NEW
3:58:37PM CONSTRUCTION AS WELL WAS USED AS REFERENCE THAT WAS APPROVED
3:58:41PM BY THE BARRIO LATINO COMMISSION.
3:58:43PM AND THAT CONCLUDES MY PORTION.
3:58:44PM I THINK MY TIME IS UP.
3:58:46PM >>GUIDO MANISCALCO: THANK YOU VERY MUCH.
3:58:47PM ANY OTHER STAFF COMMENTS BEFORE I GO TO PETITIONER REBUTTAL?
3:58:50PM PETITIONER REBUTTAL, YOU HAVE FIVE MINUTES, FOLLOWED BY
3:58:55PM PROPERTY OWNER REBUTTAL, ALSO FIVE MINUTES.
3:58:58PM YES, SIR, PLEASE STATE YOUR NAME.
3:59:00PM >> MARK BENTLEY ONCE AGAIN.
3:59:01PM CONCERNING THE PARKING, ACTUALLY, WHEN YOU REALLY ANALYZE
3:59:04PM IT, THERE WAS NEVER A REAL DESIGN EXCEPTION APPROVAL.
3:59:10PM NUMBER ONE, THE INFORMATION SUBMITTED WAS INACCURATE.
3:59:12PM WASN'T A LONG-TERM LEASE.
3:59:15PM 90-DAY TERMINATION.
3:59:17PM IN THAT RESPECT, IT DIDN'T MEET THE DE 1.

3:59:21PM NUMBER TWO, EVEN AS WE SPEAK HERE AT THE TIME OF THE BLC
3:59:25PM HEARING, IN ORDER TO HAVE A DE 1 TO ACTUALLY APPROVE DE 1,
3:59:29PM YOU HAVE TO RECORD IT.
3:59:31PM IN SPITE OF ALL THIS CHAOS AND DISCUSSION ABOUT THE LEASE,
3:59:35PM IT'S NEVER BEEN RECORDED.
3:59:38PM THE REASON IT HASN'T BEEN RECORDED BECAUSE THE LIONS EYE
3:59:42PM SAID IT'S NOT GOING TO HAPPEN ANYMORE.
3:59:44PM SO THERE NEVER WAS OR IS AS WE SPEAK A DE 1 BECAUSE THEY
3:59:48PM NEVER RECORDED IT.
3:59:49PM THAT'S ONE OF THE FOUR ELEMENTS OR FOUR REQUIREMENTS TO HAVE
3:59:52PM A DE 1.
3:59:53PM HERE AGAIN THE BARRIO IS SUPPOSED TO CONSIDER THAT UNDER ITS
3:59:57PM CHARGE, UNDER THE CRITERIA.
3:59:58PM AND I THINK WE HAVE THAT RIGHT HERE.
4:00:03PM THESE ARE THE REVIEW CRITERIA FOR THE BARRIO.
4:00:06PM YOU CAN SEE I'M POINTING TO PARKING COMPLIANCE.
4:00:10PM MS. CROSBY MENTIONED THAT, OH, BY THE WAY, IN THE LEASE,
4:00:14PM THERE IS A LITTLE PARAGRAPH AT THE END THAT THE CITY PUTS IN
4:00:17PM THERE, HEY, BY THE WAY, IF YOU TERMINATE THIS LEASE AND
4:00:21PM DON'T HAVE PARKING IN THE FUTURE, YOU NEED TO GET PARKING.
4:00:23PM THAT'S ALL THAT SAYS.
4:00:25PM IT'S NOT ENFORCEABLE.
4:00:27PM IT'S TOTALLY MEANINGLESS.
4:00:29PM JUST SOME FEEL-GOOD LANGUAGE TO TELL A DEVELOPER, PUT THEM
4:00:33PM ON NOTICE, IF THE LIONS EYE TERMINATES THE LEASE ON YOU,

4:00:37PM YOU'RE DONE.
4:00:37PM LET'S GO BACK TO THE COMP PLAN, RYAN.
4:00:41PM HERE AGAIN, IF F.A.R. IS APPLIED TO A RESIDENTIAL PROJECT TO
4:00:50PM DETERMINE A SITE'S MAXIMUM DENSITY IT SHALL BE COMPATIBLE IN
4:00:54PM CHARACTER AND SCALE WITH THE SURROUNDING RESIDENTIAL BUILT
4:00:58PM ENVIRONMENT.
4:00:58PM AND BASED ON THE EVIDENCE AND TESTIMONY I SHOWED YOU, WHICH
4:01:02PM IS THE PRIMARY USE IN THE IMMEDIATE VICINITY, SHOTGUN,
4:01:07PM SINGLE-FAMILY HOMES, NOT COMPATIBLE IN CHARACTER AND SCALE
4:01:10PM AND THEREFORE SHOULDN'T HAVE BEEN ENTITLED TO USE THE F.A.R.
4:01:14PM SHOULD HAVE BEEN REQUIRED TO USE THE STRAIGHT DENSITY WHICH
4:01:16PM WOULD BE 30 UNITS PER ACRE UNDER CC 35 WHICH WOULD RESULT IN
4:01:20PM THIS PROJECT HAVING A MAXIMUM OF 25 UNITS.
4:01:23PM AND THEN BACK TO THE DE 1, HERE AGAIN, IT'S NOT LEGITIMATE
4:01:32PM -- AND THE INFORMATION SUPPLIED WAS INACCURATE OR DETERMINED
4:01:35PM TO BE INACCURATE LATER ON UNDER FLORIDA LAW, IT IS A
4:01:38PM NULLITY.
4:01:38PM IT'S VOID.
4:01:39PM THAT DOESN'T EXIST NOW.
4:01:41PM EVEN AS WE SPEAK RIGHT NOW, JUST BASED ON THE FACT THAT IT
4:01:44PM HASN'T BEEN RECORDED, THERE IS NO OFFICIAL DE-1.
4:01:47PM SO WE JUST CAN'T PUSH THAT OFF THE TABLE.
4:01:50PM HEY, AT THE TIME OF THE HEARING, ERIC COTTON SAID THIS.
4:01:53PM IT REALLY DIDN'T EVEN EXIST AT THAT POINT IN TIME.
4:01:55PM THERE WAS A LETTER OUT THERE FROM ERIC COTTON, BUT THESE

4:01:59PM GUYS NEVER FULFILLED THE CONDITIONS TO QUALIFY FOR THE DE 1.
4:02:04PM SO NO ONE EVER DETERMINED COMPATIBILITY BASED ON F.A.R.
4:02:17PM THERE'S INSUFFICIENT PARKING.
4:02:19PM IT'S OUT OF CHARACTER.
4:02:21PM ONCE THIS LOT IS NOT AVAILABLE, SURE, THESE GUYS MIGHT BE
4:02:26PM PAYING RENT ON IT AND THAT IS JUST THE DEAL BECAUSE THEY
4:02:29PM HAVEN'T TOLD THEM THEY CAN'T USE IT ANYMORE.
4:02:31PM ONCE THIS LOT IS RENDERED INACCESSIBLE, YOU'RE GOING TO HAVE
4:02:34PM A THIRD OF THEIR PARKING SCRAMBLING TO FIND SOMEWHERE TO
4:02:38PM PARK IN THIS NEIGHBORHOOD.
4:02:40PM WHERE PARKING IS ALREADY NOT AVAILABLE IN THE RIGHTS-OF-WAY
4:02:43PM AND ACTUALLY HAVE TO HAVE A CITY PERMIT TO DO THAT.
4:02:45PM ALL IN ALL, BASED ON THESE DISCREPANCIES IN TERMS OF LACK OF
4:02:49PM COMPATIBILITY, CHARACTER, IT'S OUT OF SCALE, TAKES UP AN
4:02:53PM ENTIRE CITY BLOCK AND JUST DWARFS EVERYTHING AROUND IT, THIS
4:02:56PM IS A REAL FRAGILE ECOSYSTEM IN SOUTHEAST YBOR HERE.
4:03:01PM THIS IS LIKE PURE YBOR WITH SHOTGUN HOUSES.
4:03:04PM SURE THERE ARE SOME SCATTERED CIGAR FACTORIES HERE AND
4:03:06PM THERE.
4:03:06PM BUT FUNDAMENTALLY YOU HAVE ONE- OR TWO-STORY HOMES HERE.
4:03:09PM NOW WE'RE TAKING UP AN ENTIRE BLOCK HERE WITH THIS LARGE
4:03:13PM RECTANGLE THAT THEY DRESSED UP A LITTLE BIT AND SAYING THAT
4:03:17PM IT MEETS THE BARRIO STANDARDS.
4:03:18PM I'LL TELL YOU, BEING AT THE BARRIO MEETING, WHEN I BROUGHT
4:03:21PM UP PARKING TO THEM AND I GOT BRUSHED OFF BY THE CITY

4:03:24PM ATTORNEY, HEY, BENTLEY IS REALLY TRYING TO APPEAL A DE 1
4:03:29PM I SAID, NO, THERE ARE PARKING CONCERNS, HERE IS WHY.
4:03:31PM THE BARRIO WAS FRUSTRATED THAT THEY COULDN'T TALK ABOUT
4:03:34PM PARKING.
4:03:34PM I'LL TELL YOU THAT, IF YOU LOOK AT THE TRANSCRIPT HERE.
4:03:38PM VERY CONCERNED.
4:03:38PM THANKS FOR YOUR TIME.
4:03:41PM APPRECIATE IT.
4:03:42PM >>GUIDO MANISCALCO: THANK YOU VERY MUCH, SIR.
4:03:43PM NEXT UP, MR. SHIMBERG, GO AHEAD.
4:03:46PM PLEASE STATE YOUR NAME.
4:03:47PM >> HI.
4:03:47PM AGAIN, JIM SHIMBERG.
4:03:49PM ON BEHALF OF THE DEVELOPERS.
4:03:51PM MY CLIENTS ARE VERY REPUTABLE DEVELOPER FROM OUT OF TOWN.
4:03:57PM THEY CAME TO TAMPA.
4:03:59PM THEY BOUGHT A VERY EXPENSIVE PIECE OF PROPERTY IN YBOR.
4:04:02PM HIRED ONE OF THE MOST EXPERIENCED ARCHITECTS IN YBOR.
4:04:05PM THEY FOLLOWED EVERY STANDARD IN YOUR CODE.
4:04:07PM THEY WENT THROUGH A TWO-YEAR PROCESS.
4:04:12PM FOR SOME REASON A LOT OF THE LANDOWNERS AROUND THERE ALSO
4:04:15PM BIG DEVELOPERS DON'T WANT THEIR PROJECT TO HAPPEN AND I'M
4:04:18PM NOT SURE REALLY WHY.
4:04:19PM OUR GUYS HAVE DONE EVERYTHING BY THE BOOK.
4:04:22PM THEY CAME IN HERE WITH NO VARIANCES.

4:04:24PM MR. BENTLEY IS THROWING OUT THINGS THAT HE HAS NOT PROVEN.
4:04:28PM I REALLY HAVE A PROBLEM WITH THAT.
4:04:30PM I'M JUST SAYING WE DID EVERYTHING BY THE BOOK.
4:04:32PM WE WENT TO THE BARRIO WHICH IS THE GROUP THAT YOU GUYS
4:04:35PM DESIGNATED TO LOOK AT THESE KIND OF ISSUES AND CONSIDER MASS
4:04:37PM AND SCALE AND ALL THESE DIFFERENT ISSUES.
4:04:40PM WE HAD A VERY EXTENSIVE HEARING WITH A LONG EXTENSIVE
4:04:44PM ARCHITECTURAL PRESENTATION.
4:04:44PM WE LISTENED TO ALL THE SAME NEIGHBORS AND MR. CAPITANO WAS
4:04:48PM NOT THERE, BUT EVERYBODY ELSE WAS THERE AND SPOKE.
4:04:51PM HEARD ALL THE SAME ISSUES.
4:04:52PM VOTED 4-0 TO APPROVE THIS PROJECT.
4:04:54PM MY CLIENTS JUST WANT TO BE ABLE TO MOVE FORWARD WITH THE
4:04:57PM PROJECT.
4:04:58PM I WOULD ASK THAT YOU DENY THIS APPEAL AND ALLOW THEM TO MOVE
4:05:02PM FORWARD WITH THE PROJECT.
4:05:02PM THANK YOU FOR YOUR TIME.
4:05:03PM >>GUIDO MANISCALCO: THANK YOU VERY MUCH.
4:05:04PM ANYTHING ELSE BEFORE I ASK FOR A MOTION TO CLOSE?
4:05:10PM ANY QUESTIONS OR COMMENTS?
4:05:11PM COUNCIL MEMBER CLENDENIN.
4:05:17PM >>ALAN CLENDENIN: MS. CROSBY COLLIER.
4:05:23PM OF QUESTION.
4:05:26PM THERE WAS AN ALLEGATION BY I GUESS AN APPLICANT APPEALING
4:05:32PM THIS TODAY ABOUT THE PROVISION IN THAT CONTRACT FOR PARKING,

4:05:35PM SAYING THAT IT WAS NONENFORCEABLE, THAT IT WAS FLUFF.
4:05:38PM CAN YOU GIVE YOUR LEGAL OPINION ON THAT CLAUSE?
4:05:42PM >>DANA CROSBY COLLIER: I CAN DO BETTER.
4:05:46PM I CAN ASK MS. SUSAN JOHNSON VELEZ TO RESPOND BECAUSE SHE
4:05:53PM DRAFTS THE AGREEMENTS, AND SHE IS HERE TO OFFER YOU THE
4:05:53PM INFORMATION THAT BACKS UP OURS.
4:05:54PM >>ALAN CLENDENIN: EVEN BETTER.
4:05:55PM BUT WAIT, THERE IS MORE.
4:05:57PM >>SUSAN JOHNSON-VELEZ: COULD YOU REPEAT THE QUESTION,
4:06:00PM PLEASE?
4:06:01PM >>ALAN CLENDENIN: THERE WAS A CLAIM MADE BY THE APPLICANT
4:06:04PM AND THIS THAT THE PARKING PROVISION IN THIS AGREEMENT WAS
4:06:08PM NOT ENFORCEABLE.
4:06:14PM >>SUSAN JOHNSON-VELEZ: THE ONE THAT TALKS ABOUT TERMINATION
4:06:16PM OF --
4:06:17PM >>ALAN CLENDENIN: CORRECT.

4:06:18PM THAT THEY WOULD STILL HAVE TO FIND PARKING.
4:06:21PM IF THE AGREEMENTS WITH THE LIONS CLUB WAS TO GO AWAY IN FIVE
4:06:24PM YEARS AND THEY WOULD STILL BE REQUIRED TO PROVIDE PARKING.
4:06:31PM >>SUSAN JOHNSON-VELEZ: THERE IS AN ACKNOWLEDGMENT OF THAT.
4:06:33PM WE HAVE NOT HAD AN EXPERIENCE WHERE SOMEBODY DID NOT HAVE
4:06:37PM SUFFICIENT PARKING OR IT WAS ALLEGED THAT THERE WAS
4:06:41PM INSUFFICIENT PARKING.
4:06:42PM THIS IS A FORM THAT I HELPED CREATE SEVERAL YEARS AGO IN
4:06:46PM ORDER TO TRY TO ADDRESS SOME OF THE CONCERNS THAT YOU'VE

4:06:49PM HEARD TODAY ABOUT OFF-SITE PARKING.
4:06:51PM WE OBVIOUSLY CAN'T CONTROL ALL THE PROVISIONS IN A LEASE
4:06:56PM BETWEEN PRIVATE PARTIES.
4:06:59PM I DON'T KNOW -- I THINK AS MS. CROSBY COLLIER HAS TOLD YOU,
4:07:03PM THIS IS ONE OF THE CRITERIA THAT THE BLC CONSIDERED, WHETHER
4:07:07PM OR NOT THERE WAS SUFFICIENT PARKING.
4:07:09PM AND IT WAS BASED ON A DETERMINATION FROM THE ZONING
4:07:11PM ADMINISTRATOR THAT IN THIS CASE THERE WAS SUFFICIENT
4:07:14PM PARKING.
4:07:15PM I DON'T KNOW --
4:07:16PM >>ALAN CLENDENIN: IT'S COMMON THAT WE DO USE THESE
4:07:19PM AGREEMENTS FOR LIKE LIQUOR LICENSE OR ANYTHING ELSE, AN
4:07:22PM ESTABLISHMENT THAT HAS OFF-SITE PARKING SO WE APPROVE USES
4:07:25PM OF PROPERTY BASED ON OFF-SITE PARKING BASED ON THESE TYPE OF
4:07:28PM AGREEMENTS ALL THE TIME, DON'T WE?
4:07:30PM >>SUSAN JOHNSON-VELEZ: THAT'S CORRECT.
4:07:31PM >>ALAN CLENDENIN: THAT'S WHAT I THOUGHT.
4:07:33PM THE ASSUMPTION OR THE WAY IT WAS PRESENTED WAS LIKE THIS WAS
4:07:37PM OUT OF BOUNDS.
4:07:39PM I'M SAYING THIS IS VERY COMMON.
4:07:40PM >>SUSAN JOHNSON-VELEZ: TYPICALLY IF SOMEBODY, AS I THINK THE
4:07:43PM PROPERTY OWNER AND DEVELOPER'S COUNSEL HAS TOLD YOU, YOU CAN
4:07:46PM EITHER REQUEST A WAIVER FROM THE PARKING, WHICH COUNCIL ALSO
4:07:49PM CONSIDERS, OR IF YOU DON'T WANT TO REQUEST A WAIVER, YOU CAN
4:07:52PM TRY TO GET OFF-SITE PARKING THROUGH ONE OF THESE TYPES OF

4:07:56PM AGREEMENTS AND THAT IS ALLOWABLE UNDER OUR CODE.
4:07:58PM >>ALAN CLENDENIN: VERY GOOD.
4:07:59PM THANK YOU SO MUCH.
4:07:59PM >>GUIDO MANISCALCO: ANYBODY ELSE BEFORE I ASK FOR A MOTION
4:08:02PM TO CLOSE?
4:08:02PM IS THERE A MOTION TO CLOSE?
4:08:04PM MOTION TO CLOSE FROM COUNCIL MEMBER CLENDENIN.
4:08:06PM SECOND FROM COUNCIL MEMBER VIERA.
4:08:07PM ALL IN FAVOR?
4:08:08PM AYE.
4:08:09PM WHAT IS THE PLEASURE OF COUNCIL?
4:08:14PM GO AHEAD, SIR.
4:08:16PM >>ALAN CLENDENIN: IF THIS ISN'T EVIDENCE THAT SOMETIMES THE
4:08:20PM BEST INTENTIONS GO -- I DON'T KNOW.
4:08:24PM IT'S LIKE THIS IS A WORST-CASE SCENARIO OF HOW IMPOSSIBLE IT
4:08:29PM IS TO GET ANYTHING DONE IN THE CITY OF TAMPA, THAT WE PUT UP
4:08:34PM SO MANY OBSTACLES -- THIS IS WHY WE CAN'T HAVE GOOD THINGS.
4:08:38PM I'VE HEARD THIS TIME AND TIME AGAIN, RUNNING FOR OFFICE,
4:08:42PM ABOUT HOW COMPLICATED IT IS TO GET THROUGH THIS PROCESS.
4:08:45PM I'LL TELL YOU AS SOMEBODY WHO HAS GONE THROUGH THE ARC
4:08:48PM PROCESS -- RON REMEMBERS -- IT WAS A HORRIBLE EXPERIENCE OF
4:08:53PM TRYING TO JUMP THROUGH THESE HOOPS.
4:08:55PM SO WE HAVE THESE FOLKS THAT ARE COMING IN AND TRYING TO
4:08:58PM BUILD A PROJECT THAT HAVE CLEARLY GONE THROUGH, I MEAN,
4:09:02PM YEARS NOW OF WORK AND NOW WE HAVE STAFF WHICH, BY THE WAY,

4:09:06PM IS PROBABLY HUNDREDS OF HOURS OF SUBJECT MATTER EXPERTS AND
4:09:12PM LEGAL EXPERTS.
4:09:13PM OBVIOUSLY THE ARCHITECTS AND THE ARCHITECTURAL EXPERTS FROM
4:09:16PM THE BARRIO AND EVERYTHING UNDER THE SUN.
4:09:22PM WE GET THIS FOR AN HOUR AND A HALF, BUT THERE ARE PEOPLE
4:09:25PM MUCH SMARTER AND MUCH MORE EXPERIENCED THAN US THAT ARE
4:09:28PM LOOKING AT THIS.
4:09:31PM I JUST DON'T GET IT.
4:09:33PM I LOOKED AT THE SCOPE AND THE SCALE.
4:09:35PM WE'RE FAMOUS FOR OUR CIGAR FACTORIES AND THESE BUILDINGS AND
4:09:39PM TRANSITION, YOU'VE GOT REALLY REPLACING SOME OF THESE
4:09:45PM BUILDINGS THAT ARE JUST TERRIBLE BETWEEN THE CROSSTOWN,
4:09:49PM ADAMO DRIVE, TIN ROOF OLD WAREHOUSES THAT DON'T REALLY
4:09:53PM CONTRIBUTE.
4:09:54PM WE'RE REALLY BEGGING PEOPLE TO MOVE INTO THIS AREA BECAUSE
4:09:57PM WE WANT LESS BARS AND MORE PEOPLE, RIGHT?
4:09:59PM SO WE WANT HOUSING.
4:10:01PM WE WANT TO CREATE -- YOU GOT TO CREATE HOUSING, DO IT
4:10:04PM SOMEWHERE, IF WE KEEP PUTTING UP OBSTACLES NOBODY WILL COME
4:10:08PM HERE AND BUILD HOUSES.
4:10:09PM NOBODY WILL COME HERE AND BUILD BUILDINGS IF WE MAKE IT THIS
4:10:13PM DIFFICULT TO DO.
4:10:14PM I APPLAUD THE APPLICANT, THOSE BUILDING THIS, JUMPED THROUGH
4:10:21PM ALL THE HOOPS.
4:10:22PM OTHER PEOPLE WOULD HAVE ALREADY WALKED AWAY AND SAY THIS

4:10:26PM BURDEN IS TOO MUCH TO TRY TO MEET.
4:10:28PM I THINK OBVIOUSLY WHAT THEY PRESENTED IS WITHIN SCALE, IT'S
4:10:34PM IN A TRANSITIONAL AREA.
4:10:36PM THE ACCOMMODATIONS THAT WERE MADE AND ADJUSTMENTS MADE WERE
4:10:40PM GREAT.
4:10:41PM HOPEFULLY ONE DAY WE'LL BE ABLE TO PROVIDE TRANSPORTATION

4:10:44PM THAT PEOPLE WON'T NEED THE PARKING.
4:10:46PM UNTIL THAT TIME, THEY HAVE ACCOMMODATED THAT.
4:10:48PM WE NEED WORKFORCE HOUSING, SO THAT'S WHY I'M OKAY WITH
4:10:53PM SMALLER HOUSES, SMALLER UNITS DOWN THERE BECAUSE IT PROVIDES
4:10:56PM HOUSING FOR PEOPLE THAT ARE WORKING MAYBE IN YBOR CITY AND
4:10:59PM SOME OF THE YOUNG PROFESSIONALS WORKING DOWN THERE.
4:11:01PM IT'S A GOOD LOOKING PROJECT AND I THINK IT WILL CONTRIBUTE
4:11:05PM TO THE CHARACTER OF YBOR CITY.
4:11:07PM THANK YOU.
4:11:08PM >>GUIDO MANISCALCO: COUNCIL MEMBER HURTAK AND THEN MIRANDA.
4:11:11PM >>LYNN HURTAK: YES, I ACTUALLY AGREE WITH EVERYTHING YOU
4:11:13PM SAID WHEN REALLY LOOKING AT IT, THE SCALE, IT'S A LITTLE
4:11:17PM TALLER THAN THE BUILDING ACROSS THE STREET BUT IT FITS INTO
4:11:21PM THE CIGAR FACTORY ETHOS.
4:11:26PM HONESTLY, THIS IS COMPLETELY DIFFERENT THAN WHAT WE SEE IN
4:11:28PM OTHER AREAS OF THE CITY, WHERE IN THIS AREA WE WANT TO SEE
4:11:32PM STUDIOS AND ONE BEDROOMS AND SMALLER UNITS BECAUSE THESE ARE
4:11:36PM THE TYPES OF PEOPLE THAT YOUNG PROFESSIONALS THAT ARE MOVING
4:11:38PM INTO THIS AREA, I MEAN, EVENTUALLY MAYBE THERE MIGHT BE

4:11:42PM FAMILIES, BUT THAT IS NOT WHAT YBOR IS RIGHT NOW.
4:11:45PM I THINK THIS IS A WORTHY PROJECT.
4:11:53PM >>GUIDO MANISCALCO: COUNCILMAN MIRANDA.
4:11:54PM >>CHARLIE MIRANDA: I JUST WANT TO SPEAK, I WAS BORN AND
4:11:56PM RAISED IN YBOR CITY.
4:11:59PM I STILL THINK LIKE I'M IN YBOR CITY.
4:12:01PM I LOVE EVERYTHING THAT HAS BEEN SAID BY EVERYONE.
4:12:05PM BUT LET ME GIVE YOU SOME BACKGROUND ON SOME THINGS.
4:12:09PM WHY WERE THE CIGAR FACTORIES BUILT THAT BIG?
4:12:12PM YOU KNOW WHY, BECAUSE THEY HAD A LOT OF WORKERS.
4:12:17PM AND THEY HAD A HIGH DEMAND FOR THE PROJECT.
4:12:20PM WHY IS IT, AND THEY DIDN'T NEED A CAR.
4:12:23PM HAD A STREETCAR, EVERYBODY LIVES IN WEST TAMPA, YBOR CITY OR
4:12:28PM IN THE HEIGHTS RIGHT AROUND THE BAYSHORE, THERE WAS A
4:12:33PM STREETCAR EVERYWHERE.
4:12:34PM ALL THE WAY TO LINEBAUGH AND FLORIDA AVENUE.
4:12:36PM SO THEY DIDN'T NEED A CAR.
4:12:40PM NOW YOU NEED A CAR.
4:12:43PM SO WHEN YOU LOOK AROUND AND YOU SEE THE DENSITY, DENSITY IS
4:12:48PM FOR TWO REASONS ON THAT.
4:12:49PM YOU HAD MORE WORKERS THAN YOU HAD SUPPLY.
4:12:54PM AT ONE TIME, TAMPA WAS PRODUCING MORE CIGARS THAN THE WHOLE
4:12:58PM COUNTRY OF CUBA, BELIEVE IT OR NOT.
4:13:00PM SO WHEN YOU GO BACK AND YOU LOOK AT THAT, CORRAL WODISKA,
4:13:08PM THAT WAS THE ONE SHOWN.

4:13:09PM YOU HAD ONE WEST TAMPA, CHESTNUT AND ARMENIA.
4:13:14PM YOU HAD MANY OF THEM.
4:13:18PM ALSO SOMETHING CALLED THE BUCKEYE.
4:13:22PM I DON'T KNOW HOW MANY OF YOU HEARD OF A BUCKEYE.
4:13:24PM BUCKEYE IS ANY MORE THAN WHAT?
4:13:26PM A LITTLE GARAGE THAT YOU HAD NEXT TO YOUR HOUSE AND YOU MADE
4:13:29PM YOUR OWN CIGARS, MAYBE ONE OR TWO EMPLOYEES AND YOU SOLD
4:13:33PM THEM.
4:13:34PM ALL THAT I REMEMBER.
4:13:35PM I CAN ALSO SAY THAT WHEN YOU LOOK AT WHAT'S HAPPENING HERE,
4:13:40PM I'VE HAD THE PLEASURE OF SERVING FOR A LITTLE BIT OF TIME.
4:13:43PM AND I REMEMBER SOMETHING JUST LIKE THIS IN AN AREA SOUTHEAST
4:13:47PM OF US THAT WE DID THAT.
4:13:48PM IT BIT ME ALL OVER YOU KNOW WHERE.
4:13:52PM BECAUSE WHAT WAS SAID HERE ABOUT THOSE CONTRACTS IS A FACT.
4:13:56PM YEAH, HAVE A LEASE, COULD PUT A BAR AND RESTAURANT HERE.
4:14:00PM THE PROBLEM IS, THEY HAD A LEASE FOR FIVE YEARS AND IN THREE
4:14:04PM MONTHS, THE GUY WANTED TO SELL IT AND YOU HAD TO BREAK THE
4:14:06PM LEASE.
4:14:07PM SO I'VE DONE THAT AND I'VE BEEN THERE.
4:14:09PM AND I'M NOT DISPUTING WHAT MY GOOD PEOPLE IN THE BARRIO
4:14:13PM LATINO SAID, MR. VILA, MR. FERNANDEZ, THEY ARE VERY
4:14:16PM HONORABLE AND AT THAT TIME THEY WERE RIGHT.
4:14:18PM BUT I'M NOT AT THAT TIME.
4:14:20PM THERE IS NO PARKING TO BE HAD WITHIN REASON OF TAMPA, THE

4:14:28PM CITY, DOWNTOWN.
4:14:29PM PEOPLE WORK DOWNTOWN SOMETIMES PARK FIVE, SIX, SEVEN BLOCKS
4:14:32PM AWAY BECAUSE THEY CAN'T AFFORD THE PARKING STRUCTURE THAT WE
4:14:34PM HAVE HERE.
4:14:35PM YOU GO TO YBOR CITY ON A SATURDAY NIGHT, FRIDAY NIGHT, AND
4:14:41PM YOU TRY TO FIND PARKING.
4:14:43PM IN FACT, THE CITY HAS PLANNED TO PUT ANOTHER PARKING GARAGE
4:14:48PM SOMEWHERE IN THE EASTERN PART AROUND 22nd STREET.
4:14:51PM THAT WAS BACK WHEN GRECO WAS MAYOR AFTER WE BUILT THE
4:14:55PM NORIEGA PARKING GARAGE NEXT TO THE CUBAN CLUB.
4:15:00PM ALL THAT WAS PLANNED.
4:15:03PM WE DIDN'T HAVE THE MONEY TO BUILD THE OTHER ONE, EVEN THOUGH
4:15:06PM FOR A WHILE WOULD HAVE BEEN MORE THAN LIKELY HALF EMPTY OR
4:15:09PM HALF FULL.
4:15:10PM THE WAY YOU LOOK AT IT DEPENDS ON WHO YOU ARE.
4:15:12PM THESE THINGS I'VE LIVED.
4:15:15PM IT'S A WONDERFUL PROJECT.
4:15:17PM IT HAS EVERYTHING YOU NEED.
4:15:20PM HOWEVER, THERE'S ONE THING THAT BOTHERS ME, AND THAT'S
4:15:23PM PARKING.
4:15:23PM YOU HEARD ME SAY ABOUT DOWNTOWN ITSELF, I VOTED AGAINST THE
4:15:27PM ONE ON NORTH BOULEVARD AND CLEVELAND BECAUSE THE F.A.R.

4:15:32PM WANTED .02 AND IT CAME WITH .04 AND UNIVERSITY OF TAMPA TOLD
4:15:36PM THEM, DON'T COME TO MY PARKING SPOT BECAUSE I'LL HAUL THE
4:15:40PM CARS OFF.

4:15:41PM THAT WAS DONE IN THIS CHAMBER ABOUT TWO YEARS AGO.
4:15:44PM IT'S NOT ANTI- OR FOR ANYTHING, BUT WHAT I LEARNED HERE IS
4:15:51PM BE CAREFUL WHAT YOU ASK FOR BECAUSE YOU'RE LIABLE TO GET IT.
4:15:54PM IT'S A SITUATION THAT IT'S A GOOD THING, BAD THING, IT'S A
4:16:01PM WONDERFUL THING, BUT THE PARKING GOT ME RIGHT IN THE HEART.
4:16:05PM YOU HAVE TO HAVE PARKING WHEN YOU HAVE A STRUCTURE THAT BIG.
4:16:09PM YOU DON'T HAVE ANY -- THE STREETCAR GOES THERE ALL RIGHT BUT
4:16:12PM IT GOES JUST FROM DOWNTOWN THERE.
4:16:15PM DOESN'T SPREAD OUT AND BRING PEOPLE IN.
4:16:17PM THAT COST 11 MILLION TO WAY BACK IN THE GRECO
4:16:21PM ADMINISTRATION.
4:16:21PM NOW IT COSTS YOU 11 MILLION TO GO TWO INCHES.
4:16:24PM LET'S FACE IT.
4:16:25PM THAT'S A FACT.
4:16:26PM I'M A LITTLE HESITANT ABOUT SAYING WHAT MY COLLEAGUES SAID
4:16:30PM THAT THEY ARE FOR IT.
4:16:31PM I CAN'T SUPPORT IT BECAUSE OF WHAT I SAID.
4:16:34PM I'VE LIVED IT.
4:16:35PM I UNDERSTAND WHAT IT IS.
4:16:36PM PEOPLE WALK TO WORK AND THEY LIVE RIGHT CLOSE TO THE
4:16:40PM FACTORY.
4:16:40PM WALK HOME, HAVE LUNCH AND GO BACK TO THE FACTORY.
4:16:43PM I CAN NAME YOU MANY PROMINENT PEOPLE, NOT MYSELF, OF COURSE.
4:16:46PM OTHERS THAT LIVED THERE THAT DID THAT, THEIR PARENTS DID
4:16:49PM THAT FOR A LIVING.

4:16:50PM I KNOW WHAT IT IS.
4:16:52PM IT WAS A WONDERFUL PLACE, STILL IS.
4:16:54PM TIMES HAVE CHANGED.
4:16:55PM THANK YOU, MR. CHAIRMAN.
4:16:56PM >>GUIDO MANISCALCO: COUNCILMAN CARLSON.
4:17:02PM >>BILL CARLSON: I GOT DINGED ALREADY.
4:17:04PM [LAUGHTER]
4:17:04PM AS THE TESTIMONY SAID, YBOR IS A SENSITIVE PLACE IN ITS
4:17:18PM DEVELOPMENT AND IT'S DEVELOPING DIFFERENTLY IN DIFFERENT
4:17:22PM PARTS, AND THE REASON WHY THERE ARE SEVERAL DIFFERENT OWNERS
4:17:26PM COMING FORWARD IS BECAUSE THEY SEE THAT IN THAT PARTICULAR
4:17:32PM AREA, THE SIZE OF THIS IS NOT CONSISTENT WITH THE
4:17:36PM DEVELOPMENT THAT'S THERE.
4:17:37PM IF THERE WERE STILL 200 CIGAR FACTORIES AND THEY WERE LINED
4:17:42PM UP AND THIS WAS RIGHT NEXT TO IT, IT WOULD BE CONSISTENT.
4:17:45PM BUT THE DEVELOPMENT PATTERN IN THAT AREA HAS BEEN DIFFERENT
4:17:49PM AS THEY SHOWED IN THE PHOTOS.
4:17:52PM I'M ALSO CONCERNED ABOUT THE PARKING SITUATION.
4:17:55PM >>GUIDO MANISCALCO: COUNCILMAN CLENDENIN.
4:17:56PM >>ALAN CLENDENIN: ABOUT THE -- I CAUTION BECAUSE WE HEARD
4:18:01PM TESTIMONY THAT THE PARKING, WHEN THE APPLICATION WAS PUT IN
4:18:04PM BECAUSE WE HAVE LAWS HERE TO DEAL WITH, MAKING SURE WE
4:18:08PM DEFEND OUR POSITION THAT THE PARKING WAS IN ACCORDANCE WITH,
4:18:13PM IT'S MY UNDERSTANDING THAT THE PARKING WAS IN ACCORDANCE
4:18:14PM WITH THE RULES SO THEY WERE IN COMPLIANCE.

4:18:17PM THAT'S MY UNDERSTANDING.
4:18:19PM NO MORE TESTIMONY.
4:18:20PM UNLESS PEOPLE WANT TO REOPEN THE HEARING.
4:18:26PM >> NO.
4:18:26PM >> NO.
4:18:27PM >>ALAN CLENDENIN: SO THE OTHER THING IS, COUNCILMAN CARLSON,
4:18:32PM I THINK IF YOU GO BACK AND LOOK AT THE PICTURES, YOU'LL SEE
4:18:35PM IT WASN'T IN SCOPE AND SCALE BECAUSE THE CIGAR FACTORIES ARE
4:18:38PM SCATTERED ALL THE WAY AROUND, ESPECIALLY ON THAT SECTION OF
4:18:42PM THE SOUTHERN PART OF YBOR CITY AND THE OTHER DEVELOPMENT
4:18:47PM APPROVED BY A PREVIOUS COUNCIL WAS ALSO IN THE SCOPE AND
4:18:51PM SCALE.
4:18:51PM THE MAJORITY OF THE BUILDING IN THE SOUTH PARTS OF YBOR CITY
4:18:56PM ARE COMMERCIAL AND WAREHOUSE EVEN, AND NOT NECESSARILY
4:19:00PM SINGLE-FAMILY NEIGHBORHOOD.
4:19:02PM PLUS, AGAIN, I THINK WE HAVE TO COME TO A TERM THAT HUNDREDS
4:19:09PM OF HOURS OF SUBJECT MATTER EXPERTS LOOKED AT THIS.
4:19:12PM UNLESS YOU HAVE A LEGAL REASON TO OVERTURN THEIR DECISION, I
4:19:17PM JUST CAN'T SEE ANOTHER REASON.
4:19:19PM I MOVE TO AFFIRM THE BLC -- IT'S NOT OPINION.
4:19:21PM IT'S LEGAL.
4:19:22PM MOVE TO AFFIRM THE BLC DECISION TO APPROVE THE CERTIFICATE
4:19:25PM OF APPROPRIATENESS REQUESTED IN THE APPLICATION NUMBER BLC
4:19:28PM 22-185 FOR THE PROPERTY LOCATED AT 1715 EAST 4th AVENUE,
4:19:34PM 1411 NORTH 17th STREET AND 1701 EAST 4th AVENUE FOR THE

4:19:40PM CONSTRUCTION OF A NEW FOUR-LEVEL APARTMENT COMPLEX OVER ONE
4:19:43PM LEVEL PARKING AND SITE IMPROVEMENTS BECAUSE THE NEW
4:19:46PM CONSTRUCTION AND THE SITE IMPROVEMENTS ARE CONSISTENT WITH
4:19:48PM THE CITY CODE, THE YBOR CITY DESIGN GUIDELINES AND THE
4:19:52PM SECRETARY OF INTERIOR STANDARDS.
4:19:54PM >>GUIDO MANISCALCO: DO WE HAVE A SECOND?
4:19:55PM >>LYNN HURTAK: SECOND.
4:19:56PM >>GUIDO MANISCALCO: WE HAVE A MOTION.
4:19:57PM THIS IS TO AFFIRM AND APPROVE AND A SECOND FROM COUNCIL
4:20:00PM MEMBER HURTAK.
4:20:01PM COUNCIL MEMBER VIERA.
4:20:02PM >>LUIS VIERA: IT'S FUNNY, THERE ARE A LOT OF HEARINGS YOU

4:20:05PM COME IN AND THINK YOU'LL VOTE ONE WAY AND SOMETHING SMALL
4:20:08PM THAT GETS YOU THAT KIND OF GOES THE OTHER WAY.
4:20:10PM THIS IS ONE THAT I REALLY, REALLY WANT TO VOTE FOR AS A
4:20:14PM PROJECT, COUNCILWOMAN HURTAK AND COUNCILMAN CLENDENIN I
4:20:16PM THINK HAVE VERY WISELY STATED BENEFITS OF IT, I CONTINUE TO
4:20:20PM GO BACK TO THE PARKING ISSUE.
4:20:23PM THAT'S WHAT BOTHERS ME ON THIS.
4:20:25PM AS PRESENTED IT'S NOT SOMETHING I FEEL COMFORTABLE RELYING
4:20:31PM ON.
4:20:32PM I ALMOST WISH AND I'M NOT MOTIONING FOR THIS, BUT I ALMOST
4:20:35PM WISH THAT WE COULD -- AGAIN, NOT MOTIONING FOR THIS BECAUSE
4:20:39PM IT IS ALMOST OBNOXIOUS, CONTINUE THIS TWO MONTHS SO THAT
4:20:42PM SOMETHING ELSE COULD BE DONE ON THE PARKING SO THIS PROJECT

4:20:46PM WOULDN'T BE LOST.
4:20:47PM THAT'S WHAT I WISH.
4:20:48PM THAT'S WHAT I KEEP GOING BACK TO IN MY HEAD.
4:20:51PM >>GUIDO MANISCALCO: COUNCIL MEMBER HURTAK.
4:20:52PM >>LYNN HURTAK: THANK YOU.
4:20:53PM THE THING IS, THE WAY THIS SITS RIGHT NOW, THEY DO HAVE THE
4:21:01PM PARKING.
4:21:01PM LIKE, LEGALLY, THEY DO.
4:21:03PM WHAT COULD HAPPEN, WE DENY THIS BASED ON PARKING, THEY'LL
4:21:06PM COME BACK AND SUE BECAUSE THEY DO HAVE THE PARKING.
4:21:10PM THAT'S THE ISSUE.
4:21:11PM THE ISSUE IS, ACCORDING TO THIS, AND OUR LAWYERS HAVE
4:21:17PM TESTIFIED.
4:21:18PM THE LAWYER WHO LITERALLY WRITES THESE FOR THE REST OF THE
4:21:23PM CITY HAS TESTIFIED THAT THIS PARKING REQUIREMENT IS SIMILAR
4:21:27PM TO THE ONES WE DO ALL OVER THE CITY AND IT IS LEGAL.
4:21:32PM UNLESS WE COME UP WITH A DIFFERENT WAY TO APPROVE PARKING, I
4:21:35PM DON'T THINK THERE'S ANY OTHER WAY, UNLESS YOU'RE SAYING THE
4:21:39PM ONLY PARKING AVAILABLE MUST BE ON-SITE.
4:21:41PM AND THAT'S REALLY HARD IN A CITY WHERE YOU HAVE LESS THAN 4%
4:21:46PM OF AVAILABLE LAND.
4:21:48PM >>GUIDO MANISCALCO: COUNCIL MEMBER MIRANDA.
4:21:49PM >>CHARLIE MIRANDA: THANK YOU VERY MUCH, MR. CHAIRMAN.
4:21:50PM I THINK A LITTLE DIFFERENT.
4:21:51PM I BELIEVE EVERYBODY IS RIGHT HERE.

4:21:56PM PARKING LEASE TO ME IS NOTHING MORE THAN A MARRIAGE.
4:21:59PM EVEN IN A MARRIAGE YOU HAVE A DIVORCE.
4:22:02PM IF YOU HAVE A LEASE, IT HAS A TERMINATION CLAUSE, I THINK
4:22:07PM YOU'LL GET DIVORCED THANK YOU.
4:22:09PM >>GUIDO MANISCALCO: WE HAVE A MOTION.
4:22:10PM MR. SHELBY, YES, SIR.
4:22:11PM >>MARTIN SHELBY: MARTIN SHELBY, CITY COUNCIL ATTORNEY.
4:22:14PM I JUST WANT TO REMIND COUNCIL AGAIN, THIS IS A DE NOVO
4:22:18PM HEARING.
4:22:18PM AND YOU HAVE THE OPPORTUNITY TO HEAR ALL THE TESTIMONY AND
4:22:21PM WEIGH ALL THE TESTIMONY.
4:22:23PM I DO HAVE THAT PARTICULAR CODE WITH REGARD TO PARKING THAT'S
4:22:25PM BEEN RAISED, BUT I DON'T WANT TO HAVE THE HEARING REOPENED
4:22:29PM UNLESS COUNCIL WANTS TO HEAR WHAT THE SECTION SAYS.
4:22:32PM OTHER THAN THAT --
4:22:33PM >>ALAN CLENDENIN: I MAKE A MOTION TO REOPEN THE HEARING
4:22:35PM BECAUSE I WOULD LIKE TO HEAR WHAT IT SAYS.
4:22:37PM AT LEAST WE'RE DEALING WITH LEGAL FACTS.
4:22:41PM >>MARTIN SHELBY: YOU WERE NOT PROVIDED WITH THAT SECTION IN
4:22:43PM WHAT YOU WERE PROVIDED BY THE CITY ATTORNEY'S OFFICE.
4:22:47PM >>ALAN CLENDENIN: MAKE A GOOD DETERMINATION, WE NEED TO
4:22:49PM KNOW, WE ALSO NEED TO KNOW THE VULNERABILITIES OF THE CITY
4:22:53PM AND WHETHER SOMEBODY COULD OVERTURN OUR DECISION.
4:22:55PM >>GUIDO MANISCALCO: WE HAVE A MOTION TO REOPEN THE HEARING
4:22:57PM FROM COUNCILMAN CLENDENIN.

4:22:59PM SECOND FROM COUNCILMAN VIERA.
4:23:00PM ALL IN FAVOR?
4:23:01PM AYE.
4:23:01PM ANY OPPOSED?
4:23:02PM >>MARTIN SHELBY: THE SECTION THAT HAS BEEN REFERRED TO, AS A
4:23:05PM MATTER OF FACT, ONE OF THE SPEAKERS CITED IT SPECIFICALLY.
4:23:09PM SECTION 27-283.6, SUB B.
4:23:19PM ACTUALLY, IT WOULD BE ACTUALLY C, B IN PAREN AND THEN C.
4:23:24PM WAS THAT PROVIDED TO COUNCIL, COUNSELOR?
4:23:31PM JUST FOR THE PURPOSE OF THE RECORD, CORRECT ME IF I'M WRONG,
4:23:40PM WAS THAT PROVIDED TO CITY COUNCIL AS PART OF THE PACKET?
4:23:43PM >> 27-283.6 I BELIEVE YOUR PETITIONER PROVIDED IT.
4:23:47PM I DID NOT PROVIDE IT.
4:23:50PM >>MARTIN SHELBY: THANK YOU.
4:23:51PM LET ME READ IT FOR THE PURPOSES OF THE RECORD.
4:23:53PM IT SAYS THE CONTINUED AVAILABILITY OF OFF-SITE PARKING
4:23:56PM SPACES NECESSARY TO MEET THE REQUIREMENTS OF THIS ARTICLE
4:24:00PM SHALL BE ENSURED BY A LONG-TERM LEASE OR OTHER METHOD
4:24:04PM ACCEPTABLE TO THE CITY ATTORNEY'S OFFICE AND SHALL BE FILED
4:24:08PM WITH ZONING ADMINISTRATORS AND RECORDED BY THE APPLICANT IN
4:24:12PM THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY.
4:24:15PM >>LYNN HURTAK: THANK YOU.
4:24:15PM MOTION TO CLOSE.
4:24:16PM >>GUIDO MANISCALCO: IS THAT SATISFACTORY?
4:24:17PM MOTION TO CLOSE FROM COUNCIL MEMBER HURTAK, SECOND FROM

4:24:21PM COUNCIL MEMBER VIERA.
4:24:21PM ALL IN FAVOR?

4:24:22PM AYE.
4:24:23PM COUNCIL MEMBER CLENDENIN, YOU HAVE READ YOUR MOTION TO
4:24:28PM APPROVE AND AFFIRM.
4:24:30PM >>ALAN CLENDENIN: YEAH.
4:24:31PM IT STILL STANDS.
4:24:32PM AGAIN, AS FAR AS THE LEGAL DEFENSE, THAT'S THE LEGAL
4:24:35PM DOCUMENT.
4:24:36PM I HAVE AN OPINION ABOUT PARKING BUT THIS IS WHAT THE LEGAL
4:24:39PM STANDARD IS.
4:24:39PM >>GUIDO MANISCALCO: IS THE SECOND STILL THERE?
4:24:42PM >>LYNN HURTAK: OH, YEAH, ABSOLUTELY.
4:24:44PM >>GUIDO MANISCALCO: WE HAVE A MOTION AND SECOND.
4:24:45PM LET'S DO A ROLL CALL VOTE.
4:24:46PM THIS IS TO APPROVE AND AFFIRM.
4:24:49PM >>BILL CARLSON: NO.
4:24:51PM >>LYNN HURTAK: YES.
4:24:52PM >>ALAN CLENDENIN: YES.
4:24:54PM >> HENDERSON?
4:24:54PM VIERA?
4:24:55PM >>LUIS VIERA: NO.
4:24:56PM >>CHARLIE MIRANDA: NO.
4:24:59PM >>GUIDO MANISCALCO: NO.
4:25:00PM >> THE MOTIONED FAILED WITH CARLSON, VIERA, MIRANDA, AND

4:25:04PM MANISCALCO VOTING NO AND HENDERSON BEING ABSENT.
4:25:06PM >>GUIDO MANISCALCO: WHO WISHES TO MAKE THE MOTION TO DENY?
4:25:13PM GO AHEAD, SIR.
4:25:15PM >>CHARLIE MIRANDA: I MOVE TO OVERTURN THE BLC DECISION AND
4:25:19PM HEREBY DENY THE CERTIFICATE OF APPROPRIATENESS REQUESTED ON
4:25:22PM THE APPLICANT ON BLC 22-185 FOR THE PROPERTY LOCATED AT 1715
4:25:27PM EAST 4th AVENUE, 1411 EAST 17th AVENUE AND 1701 EAST
4:25:34PM 4th AVENUE FOR NEW CONSTRUCTION OF FOUR LEVEL APARTMENT
4:25:37PM COMPLEX, ONE LEVEL PARKING AND SITE IMPROVEMENTS BECAUSE THE
4:25:42PM NEW CONSTRUCTION AND SITE IMPROVEMENTS ARE NOT CONSISTENT
4:25:45PM WITH THE CITY CODE, YBOR CITY DESIGN GUIDELINES, SECRETARY
4:25:48PM OF INTERIOR STANDARDS FOR THE REASONS FOLLOWING THAT IT
4:25:51PM DOESN'T HAVE THE REQUIRED AMOUNT OF PARKING IN THE SECTION
4:25:57PM -- IT HAS A LEASE THAT HAS A TERMINATION CLAUSE WITHIN THE
4:26:02PM LEASE.
4:26:02PM WITHIN THE FIVE YEARS.
4:26:05PM OR THE SEVEN YEARS, WHATEVER IT WAS, DOESN'T MEET THE
4:26:09PM STANDARDS.
4:26:10PM HIGHER, MUCH MORE BULKIER THAN BEFORE.
4:26:15PM TO USE THAT AS AN EXAMPLE, WHEN ALL THOSE CIGAR FACTORIES
4:26:18PM SHOWN TO US, THEY WERE THERE FOR A REASON.
4:26:21PM AND THE REASON WAS THAT PEOPLE LIVED THERE.
4:26:23PM THEY WALKED TO WORK.
4:26:24PM THINGS CHANGE IN LIFE.
4:26:26PM ONCE I HAD CURLS.

4:26:28PM I DON'T HAVE THAT ANYMORE.
4:26:30PM BUT IT IS THE SAME THING.
4:26:32PM YOU HAVE TO UNDERSTAND THAT THINGS MOVE AND CHANGE FOR A
4:26:34PM REASON.
4:26:35PM SOMETIMES FOR THE BETTER AND SOMETIMES FOR NOT.
4:26:38PM THANK YOU.
4:26:38PM >>GUIDO MANISCALCO: DO WE HAVE A SECOND?
4:26:39PM SECOND FROM COUNCILMAN VIERA.
4:26:42PM COUNCIL MEMBER HURTAK.
4:26:43PM >>LYNN HURTAK: THANK YOU.
4:26:44PM I WANT TO CITE SECTION 27-283.6, SUBSECTION B IN MY REFUSAL.
4:26:52PM IN LIEU OF ACTUAL CONSTRUCTION ON REQUIRED ON-SITE PARKING
4:26:55PM SPACES, ALL OR ANY PORTION OF THE OFF-STREET PARKING
4:26:59PM REQUIRED IN THIS ARTICLE MAY BE PROVIDED AS FOLLOWS.
4:27:03PM AND THEY HAVE FOUR DIFFERENT REASONS.
4:27:05PM THIS IS IN OUR CITY CODE.
4:27:07PM THIS IS WHAT THESE DEVELOPERS DID.
4:27:09PM IT IS LEGAL.
4:27:11PM AND IN DENYING IT, THAT'S NOT LEGAL.
4:27:14PM >>CHARLIE MIRANDA: THANK YOU.
4:27:15PM >>GUIDO MANISCALCO: WE HAVE A MOTION AND A SECOND.
4:27:17PM LET'S DO A ROLL CALL VOTE.
4:27:22PM >>LUIS VIERA: YES.
4:27:23PM >>CHARLIE MIRANDA: YES.
4:27:24PM >>BILL CARLSON: YES.

4:27:26PM >>LYNN HURTAK: NO.
4:27:27PM >>ALAN CLENDENIN: IN ACCORDANCE WITH 27-283.6, I DON'T
4:27:32PM BELIEVE THIS IS IN COMPLIANCE WITH OUR CODE, SO NO.
4:27:36PM >>GUIDO MANISCALCO: YES.
4:27:37PM >>THE CLERK: MOTION CARRIED WITH HURTAK AND CLENDENIN VOTING
4:27:39PM NO AND HENDERSON BEING ABSENT.
4:27:43PM >>GUIDO MANISCALCO: THANK YOU VERY MUCH.
4:27:44PM NEXT IS ITEM 55.
4:27:54PM [SOUNDING GAVEL]
4:27:55PM >>BILL CARLSON: WE'RE GETTING TOWARD THE END OF THE DAY.
4:27:57PM ONE OF THE ISSUES -- YEAH, THAT IS THE ONE.
4:28:05PM I KNOW FOLKS ARE HERE TO SPEAK ABOUT THIS.
4:28:11PM ALSO IN TALKING WITH ONE OF THE INTERESTED PARTIES, I KNOW
4:28:14PM NEW INFORMATION HAS COME IN TODAY.
4:28:16PM I WOULD SUGGEST WE CONTINUE THIS TO NOVEMBER 7.
4:28:21PM NUMBER 55.
4:28:25PM >>LYNN HURTAK: I'LL SECOND THAT.
4:28:26PM >>GUIDO MANISCALCO: NOW THAT WE HAVE A SECOND.

Exhibit C



City of Tampa

Jane Castor, Mayor

Development and Growth Management Development Coordination

2555 E Hanna Ave
Tampa, Florida 33610

Office (813) 274-3100

January 19, 2024

James Hettinger LLC and Clendenon Properties LLC

Attn: Donn Clendenon

523 Erie Ave.

Tampa, FL 33606

Subject: DE1-23-110/Off-Site Parking agreement

Address: 1411 N 17th St., 1707 E 4th Ave., and 1715 E 4th Ave.

Folio: 190052.0000, 190051.0000 & 190049.0000

Dear Mr. Clendenon:

The above referenced property, generally located at 1411 N 17th St., 1707 E 4th Ave., and 1715 E 4th Ave., is zoned Ybor City - 6 (YC-6). The property is subject to the requirements of the YC-6 district as outlined in Section 27-177.

On March 7, 2023, a Design Exception 1 was filed to request offsite parking. The applicant requests to obtain, use, and lease, 31 off-site parking spaces from 1410 N 21st Street in order to support the required parking count for a 93-unit apartment complex proposed to be developed on or about the subject address. Required parking for this development is 93 parking spaces, 71 spaces are being provided on-site with the remainder and surplus being provided by the 31-space offsite parking agreement.

Pursuant to the application, the owner/developer is proposing to construct an apartment complex (BLC-22-0000185) at the subject location.

The request as stated above and illustrated on the site plan, dated November 15, 2023, to provide offsite parking on the property is **APPROVED**. It is determined that this plan is consistent with the development in the area (Exhibit A):

Based on our review, the findings are as follows:

1. The applicant is requesting an alternative design to Sec. 27-283.4 joint use of facilities parking requirement, to provide 31 offsite parking spaces for the construction of a 93-unit apartment complex.
2. The Transportation Division and Legal Department has reviewed the request and have found it consistent.
3. The applicant has provided a narrative and site plan demonstrating the development location.
4. There has been one objection in writing to the subject offsite parking request.
5. Per Section 27-60, the request will allow a reasonable allowance of use under the specific circumstances and will neither interfere with the rights of others or is injurious to the public health, safety, or general welfare and is consistent with the development in the area.
6. For your reference the following has been used in making this determination: City's Accela system, City's ESRI system, Chapter 27 of the City's Code of Ordinances, and the application file.

This approval shall be valid for a period of one (1) year from the approval date, during which the property owner must begin the associated development/construction work. If no development/construction activity occurs on the land related to the approved exception within the one-year period, the approval shall expire.

If you disagree with any part of this determination, you may petition for review pursuant to Section 27-61 with the City of Tampa City Clerk's office.

Please be aware that an alternative design does not guarantee that the property can be used as proposed unless other factors such as, installation of utility systems, drainage facilities, design standards, parking, landscaping, and environmental protection concerns are considered. Development of the property is subject to compliance with all City of Tampa Land Development Codes. Please note that this approval gives no approval for the removal of trees from this site nor for the encroachment into the protective radius of the trees.

Please check the Plat, Survey, Title Policy and all other documentation relating to your property prior to design and construction. The City of Tampa and its staff DO NOT review for compliance with individual private deed restrictions and covenants during permit review. The issuance of a building permit by the City of Tampa signifies that the project is in compliance with the zoning codes of the City of Tampa and City of Tampa and Florida building code. The issuance of a building permit DOES NOT ensure compliance with private deed restrictions or covenants.

Please do not hesitate to call if you should need any additional information at (813) 274-3100 x 2.

Note that the City of Tampa Code may be reviewed at: www.municode.com

Sincerely,



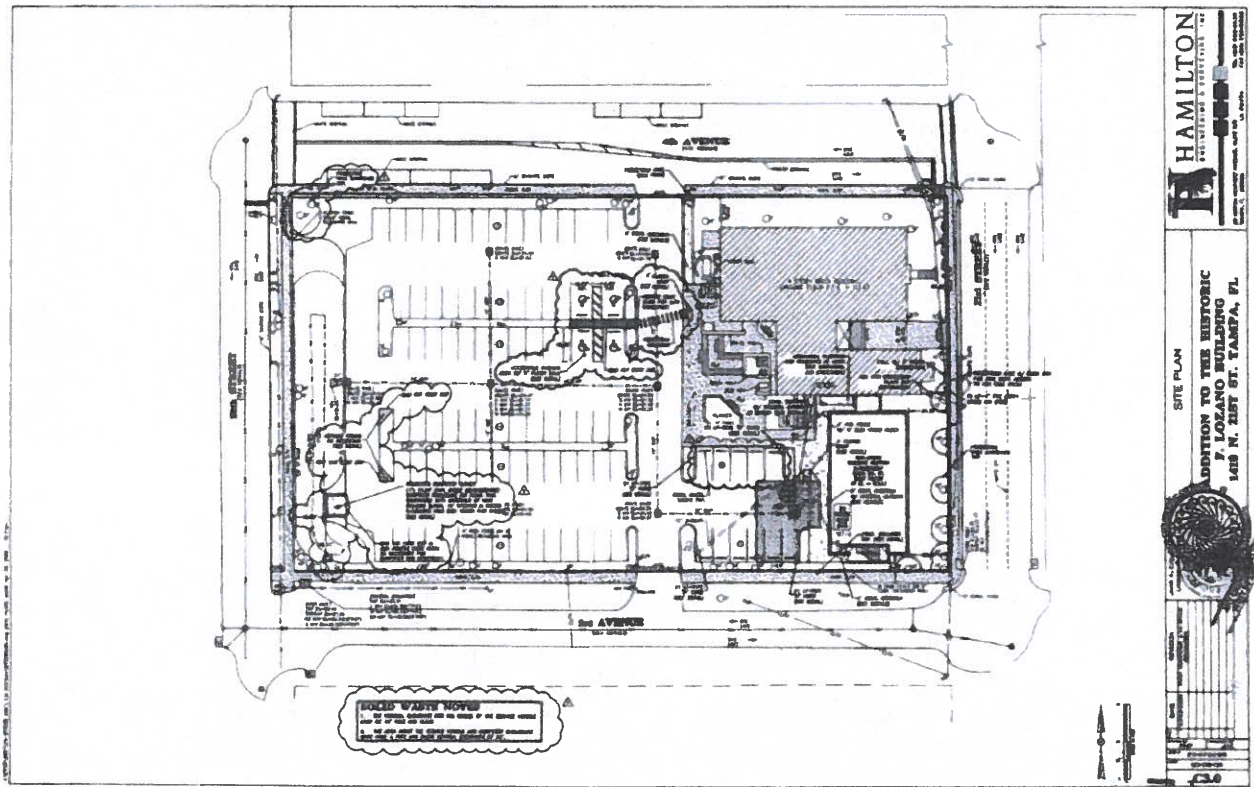
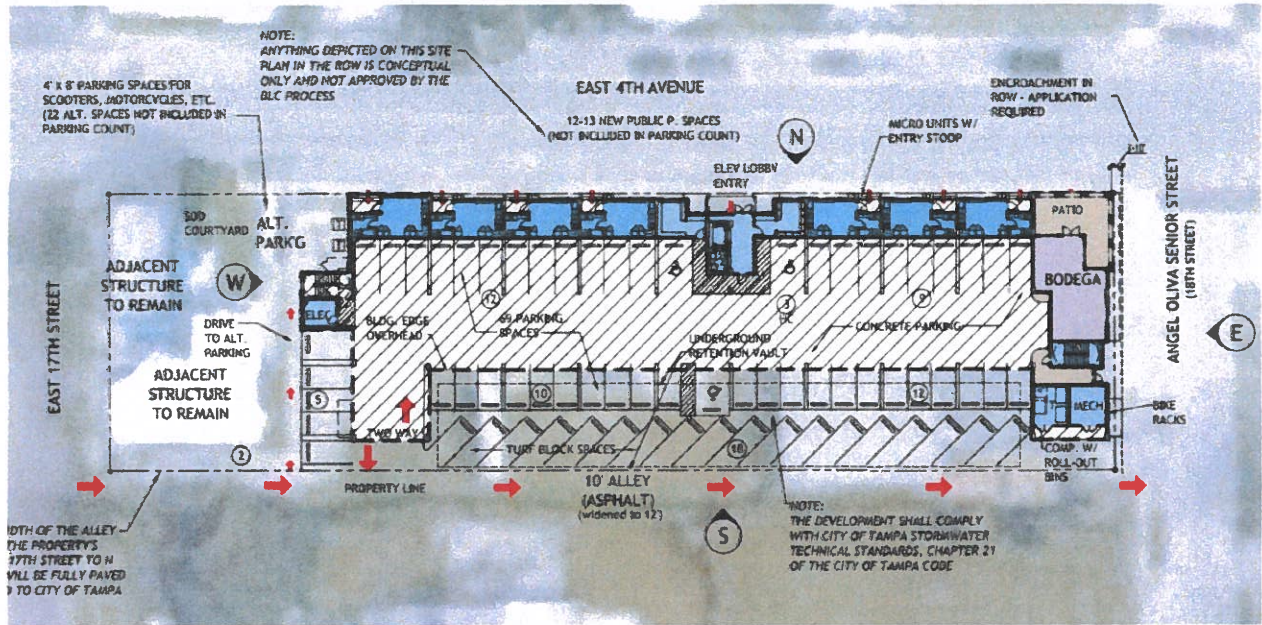
Joel Sousa, Urban Planner II
Development Coordination

Pursuant to Florida Statutes Section 166.033, the issuance of this approval does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Pursuant to Florida Statutes Section 166.033 all other applicable state or federal permits must be obtained before commencement of the development.

Cc: Stephanie Harrison-Bailey
HYNCA
2015 E 7th Ave.
Tampa, FL 33605
stephanie.j.harrison@gmail.com

Exhibit A



This DE1 approval is for the provision of 31 offsite parking spaces, only.

Exhibit D



City of Tampa

Jane Castor, Mayor

Development & Growth Management Architectural Review & Historic Preservation

2555 E. Hanna Avenue
Tampa, FL 33610

(813) 274-3100 Option 3

March 27, 2024

Stephanie Gaines
1213 E. 6th Ave.
Tampa, FL 33605

Re: BLC 22-185, 1715 E. 4th Avenue (1411 N. 17th Street, 1707 E. 4th Avenue)
C.A. - New Construction: 4-Level Apartment Complex over 1-Level Parking
Site Improvements

Dear Ms. Gaines:

The Barrio Latino Commission (BLC) reviewed the referenced application at its March 26, 2024, Public Hearing. The BLC voted **Final Approval** for the issuance of a Certificate of Appropriateness (CA) with the following conditions:

- Work with city staff on the encroachment process
- Look to explore a brick material at the entrance of the building
- Try to distinguish the entrance through use of landscaping
- Work with staff to final lighting, hardware, signage, and accessories

In order to receive the CA, a digital copy of the final construction drawings is required to be uploaded to record number BLC 22-185, in Accela prior to submitting for a construction permit.

Work performed pursuant to a CA shall be started within five (5) years. This five (5) year period commences upon the BLC's written approval of the CA. The work will be inspected during and after construction in order to ensure compliance with the CA as issued.

Failure to comply with the CA as approved will be a violation of the Tampa Zoning Code and shall be subject to the fines and penalties set forth in Chapter 9, City of Tampa Code of Ordinances.

The BLC action is limited to issuance of a CA and, if applicable, granting specific variances. The owner and/or agent are independently responsible to obtain any other appropriate permits and/or approval required.

Please let me know if you have any questions or need assistance.

Sincerely,

Dennis W. Fernandez
Architectural Review & Historic Preservation, Manager

Exhibit E

PETITION FOR REVIEW FORM

TYPE OF HEARING: (MUST BE FILED WITHIN 10 WORKING DAYS OF DECISION):

- ARCHITECTURAL REVIEW COMMISSION (ARC)
- BARRIO LATINO COMMISSION (BLC)
- VARIANCE REVIEW BOARD (VRB)
- DECISION OF THE ZONING ADMINISTRATOR/HISTORIC PRESERVATION MANAGER
- FORMAL DECISION OF THE ZONING ADMINISTRATOR

Name of Petitioner: Mark Bentley, Esq., B.C.S., AICP (Authorized Agent for Nick Capitano Inc.)

Mailing Address (state, city, zip): 400 N Ashley Drive, Suite 3100, Tampa, FL 33602

Telephone Number:	Day: <u>813-225-2500</u>	Evening:
-------------------	--------------------------	----------

E-Mail Address (For notification purposes): development@jpfirm.com

Address of Subject Property: 1715 E 4th Ave (1411 N 17th St., 1707 E 4th Ave.)

PETITIONER IS:

- Applicant of the underlying decision
- Owner
- Aggrieved person who participated in the decision and is the owner of property within 300 feet of the subject parcel

If Petitioner is not the property owner or the applicant of the original request, this form must be sent to the property owner and the applicant of the original request by Certified Mail no later than five (5) days after this Petition for Review is filed.

Date of Original Review Decision: 3/28/2024 (BLC-22-0000185) (Attach copy of the written decision)

State your basis for the Petition for Review. You must include the applicable City of Tampa Code Section that you assert was not correctly applied:

See attached basis for Petition for Review.

I, the undersigned petitioner, hereby certify that all information on this petition is true and correct.

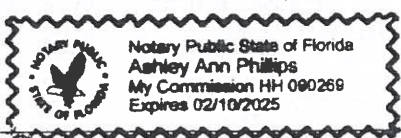
Mark Bentley
Signature of Petitioner

State of Florida Physical Presence or Online Notarization
County of Hillsborough

Sworn to and subscribed before me this 10th day of April, 2024 by Mark Bentley, who is/are personally known to me _____ or has produced _____ as identification.

Ashley Ann Phillips
Notary Signature

Seal:



Receipt Number: 30807 724059

Date Filed:



City of Tampa

Jane Castor, Mayor

Development & Growth Management Architectural Review & Historic Preservation

2555 E. Hanna Avenue
Tampa, FL 33610

(813) 274-3100 Option 3

March 27, 2024

Stephanie Gaines
1213 E. 6th Ave.
Tampa, FL 33605

Re: BLC 22-185, 1715 E. 4th Avenue (1411 N. 17th Street, 1707 E. 4th Avenue)
C.A. - New Construction: 4-Level Apartment Complex over 1-Level Parking
Site Improvements

Dear Ms. Gaines:

The Barrio Latino Commission (BLC) reviewed the referenced application at its March 26, 2024, Public Hearing. The BLC voted **Final Approval** for the issuance of a Certificate of Appropriateness (CA) with the following conditions:

- Work with city staff on the encroachment process
- Look to explore a brick material at the entrance of the building
- Try to distinguish the entrance through use of landscaping
- Work with staff to final lighting, hardware, signage, and accessories

In order to receive the CA, a digital copy of the final construction drawings is required to be uploaded to record number BLC 22-185, in Accela prior to submitting for a construction permit.

Work performed pursuant to a CA shall be started within five (5) years. This five (5) year period commences upon the BLC's written approval of the CA. The work will be inspected during and after construction in order to ensure compliance with the CA as issued.

Failure to comply with the CA as approved will be a violation of the Tampa Zoning Code and shall be subject to the fines and penalties set forth in Chapter 9, City of Tampa Code of Ordinances.

The BLC action is limited to issuance of a CA and, if applicable, granting specific variances. The owner and/or agent are independently responsible to obtain any other appropriate permits and/or approval required.

Please let me know if you have any questions or need assistance.

Sincerely,

Dennis W. Fernandez
Architectural Review & Historic Preservation, Manager

Petition for Review – BLC-22-0000185

This Petition for Review outlines numerous issues with the BLC approval for application BLC-22-0000185. Land Development Code Section 27-98 outlines the standards that should be applied when making a decision on a Certificate of Appropriateness application in the Ybor City Historic District. This project fails on multiple fronts to demonstrate how it complies with Section 27-98(k), Section 27-98(l), and Section 27-283.6.

Section 27-98(k) states, the BLC shall use the design standards, Secretary of the Interior's Standards, Chapter 27, and other applicable provisions of the City of Tampa Code of Ordinances when making determinations on Certificate of Appropriateness application.

The approval of BLC-22-0000185 fails to consider the historical and architectural significance of the area in which it is proposed. The project fails to demonstrate the relationship between such work and other buildings, structures or objects on the landmark site or other property in the Ybor City Historic District. Additionally, the project's proportion, shape, positioning, location, pattern, and size is too large for this parcel. The project cannot contain the code required amount of parking on-site and relies on a DE1 approval that fails to meet the code requirements for off-site parking. Reducing the density/intensity of the project would allow for sufficient parking on-site and an appropriately scaled project that meets the required codes.

Section 27-98(l) states, the BLC shall consider the compatibility of the new construction with the existing character of the Ybor City Historic District. The BLC shall include the following additional points in its consideration of an application for new construction, while applying the Secretary of the Interior's Standards, Chapter 27, and other applicable provisions of the City of Tampa Code of Ordinances:

- (1) Scale: height and width;
- (2) Massing and building form;
- (3) Setback;
- (4) Building height;
- (5) Orientation and site coverage;
- (6) Alignment, rhythm, and spacing;
- (7) Building form and proportions;
- (8) Trim and detail; link between old and new;
- (9) Fenestration; and
- (10) Roof forms.

The approval of BLC-22-0000185 fails to demonstrate how the project meets criteria 1 -7 above and fails to demonstrate how the project is compatible with the existing character of the Ybor City Historic District. The scale, height, and width of the project is unlike the surrounding properties and the proposed massing is inconsistent and incompatible with the surrounding neighborhood. This is a clear situation of cramming too much density/intensity on a parcel that cannot contain the uses while meeting the required codes. A scaled down version meeting all code requirements would be compatible and consistent with the Ybor City Historic District.

Petition for Review – BLC-22-0000185

Also, the BLC approval was partially based off inaccurate data submitted to the zoning department through DE1-23-0000110. This design exception approval letter, attached hereto as Exhibit "A", granted off-site parking for the proposed development. There are numerous issues surrounding this matter which indicate that the Design Exception approval was issued in error. These material discrepancies are as follows:

1. Termination Clause in the lease
 - The lease that was provided for the approval of the "long term" parking, attached hereto as Exhibit "B", allows for early termination, which does not provide parking for 7 years, stated in the lease, for the residential/retail development located at 1715 E. 4th Avenue (BLC-22-0000185). Also, the lease has a 90-day exit clause, which allows the property owner to terminate the lease for the parking, which will leave the proposed development at 1715 E. 4th Avenue in violation. Accordingly, the document is actually a revocable license and fails to meet the long-term lease requirement.
2. Inaccurate distance provided to staff (over 1,000' distance).
 - The site plan labeled, 4th AVE APARTMENTS ALTERNATIVE PARKING, attached hereto as Exhibit "C", was associated with the aforementioned DE1 and BLC request and shows the distance from the proposed development to the off-site parking lot is 896', which is incorrect. The Lions Eye Institute has a brick and metal fence on the west property boundary, which does not allow pedestrian or vehicular access. Additionally, the fence and wall continue along the north and south boundary of the Lions Eye Institute until the gated access points for pedestrians and vehicles. The actual measurement is around 1,046', which does not comply with code.
3. Email from Lions Eye Institute
 - Jason Woody, CEO of the Lions Eye Institute advised (see email attached hereto as Exhibit "D") that the reason the agreement has a 90-day exit clause is that they plan to build on the Lions Eye Institute property, which would eliminate the off-site spaces for the proposed development at 1715 E. 4th Avenue.
4. Recording
 - The document has not been recorded as required by code. The reason being the Lions Eye Institute did not want the title to the property clouded by this agreement, or have it impede the ability to redevelop the property and/or obtaining financing.

This DE1 approval fails to meet Section 27-283.6(b) subparts b (1000') and c (long term lease/recording). Therefore, this evidence supports the fact that the DE1 approval letter should be nullified based on the City relying upon material misrepresentation of the facts by the applicant.

In Summary, BLC-22-0000185 fails to demonstrate compliance with Section 27-98(k), Section 27-98(l), and Section 27-283.6. The project's scale, height, and massing are out of character for the Ybor City Historic District and the project is not compatible with the existing neighborhood. We request this BLC approval be overturned and denied based off the code criteria listed in this Petition for Review as it shows the project does not meet the code, nor the intent of the code for the Ybor City Historic District.

Exhibit "A"



City of Tampa
Jane Castor, Mayor

**Development and Growth Management
Development Coordination**

2555 E Hanna Ave
Tampa, Florida 33610

Office (813) 274-3100

January 19, 2024

James Hettinger LLC and Clendenon Properties LLC
Attn: Donn Clendenon
523 Erie Ave.
Tampa, FL 33606

Subject: DE1-23-110/Off-Site Parking agreement
Address: 1411 N 17th St., 1707 E 4th Ave., and 1715 E 4th Ave.
Folio: 190052.0000, 190051.0000 & 190049.0000

Dear Mr. Clendenon:

The above referenced property, generally located at 1411 N 17th St., 1707 E 4th Ave., and 1715 E 4th Ave., is zoned Ybor City - 6 (YC-6). The property is subject to the requirements of the YC-6 district as outlined in Section 27-177.

On March 7, 2023, a Design Exception 1 was filed to request offsite parking. The applicant requests to obtain, use, and lease, 31 off-site parking spaces from 1410 N 21st Street in order to support the required parking count for a 93-unit apartment complex proposed to be developed on or about the subject address. Required parking for this development is 93 parking spaces, 71 spaces are being provided on-site with the remainder and surplus being provided by the 31-space offsite parking agreement.

Pursuant to the application, the owner/developer is proposing to construct an apartment complex (BLC-22-0000185) at the subject location.

The request as stated above and illustrated on the site plan, dated November 15, 2023, to provide offsite parking on the property is **APPROVED**. It is determined that this plan is consistent with the development in the area (Exhibit A):

Based on our review, the findings are as follows:

tampagov.net

1. The applicant is requesting an alternative design to Sec. 27-283.4 joint use of facilities parking requirement, to provide 31 offsite parking spaces for the construction of a 93-unit apartment complex.
2. The Transportation Division and Legal Department has reviewed the request and have found it consistent.
3. The applicant has provided a narrative and site plan demonstrating the development location.
4. There has been one objection in writing to the subject offsite parking request.
5. Per Section 27-60, the request will allow a reasonable allowance of use under the specific circumstances and will neither interfere with the rights of others or is injurious to the public health, safety, or general welfare and is consistent with the development in the area.
6. For your reference the following has been used in making this determination: City's Accela system, City's ESRI system, Chapter 27 of the City's Code of Ordinances, and the application file.

This approval shall be valid for a period of one (1) year from the approval date, during which the property owner must begin the associated development/construction work. If no development/construction activity occurs on the land related to the approved exception within the one-year period, the approval shall expire.

If you disagree with any part of this determination, you may petition for review pursuant to Section 27-61 with the City of Tampa City Clerk's office.

Please be aware that an alternative design does not guarantee that the property can be used as proposed unless other factors such as, installation of utility systems, drainage facilities, design standards, parking, landscaping, and environmental protection concerns are considered. Development of the property is subject to compliance with all City of Tampa Land Development Codes. Please note that this approval gives no approval for the removal of trees from this site nor for the encroachment into the protective radius of the trees.

Please check the Plat, Survey, Title Policy and all other documentation relating to your property prior to design and construction. The City of Tampa and its staff DO NOT review for compliance with individual private deed restrictions and covenants during permit review. The issuance of a building permit by the City of Tampa signifies that the project is in compliance with the zoning codes of the City of Tampa and City of Tampa and Florida building code. The issuance of a building permit DOES NOT ensure compliance with private deed restrictions or covenants.

Please do not hesitate to call if you should need any additional information at (813) 274-3100 x 2.

Note that the City of Tampa Code may be reviewed at: www.municode.com

Sincerely,



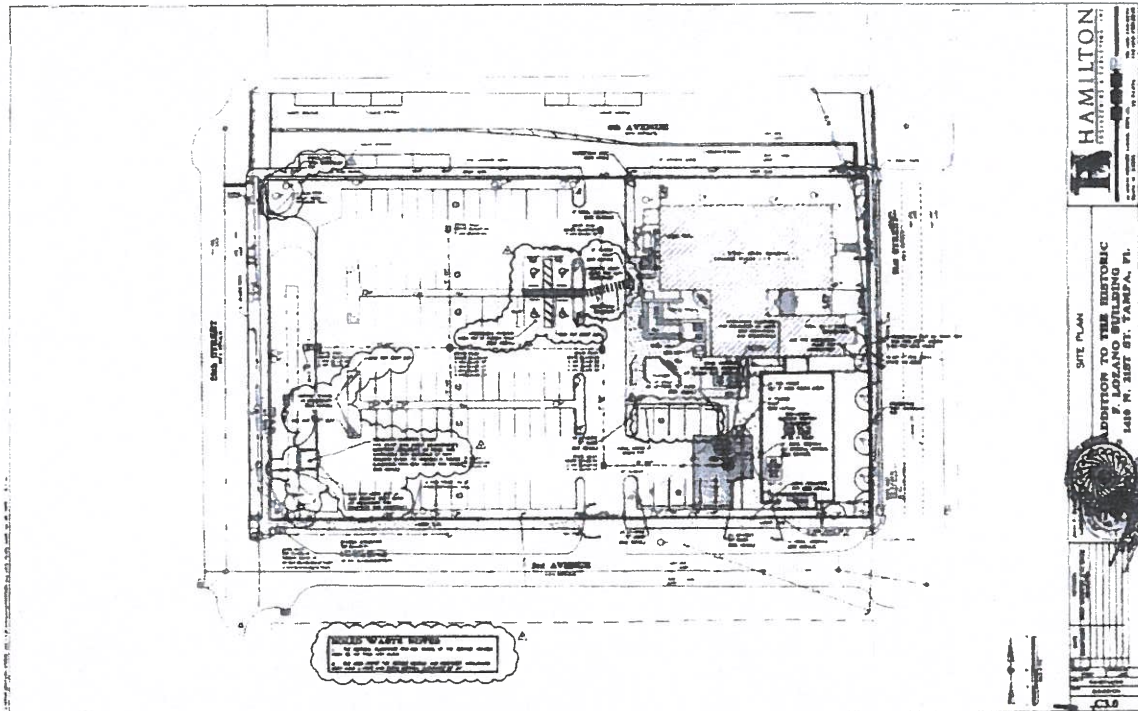
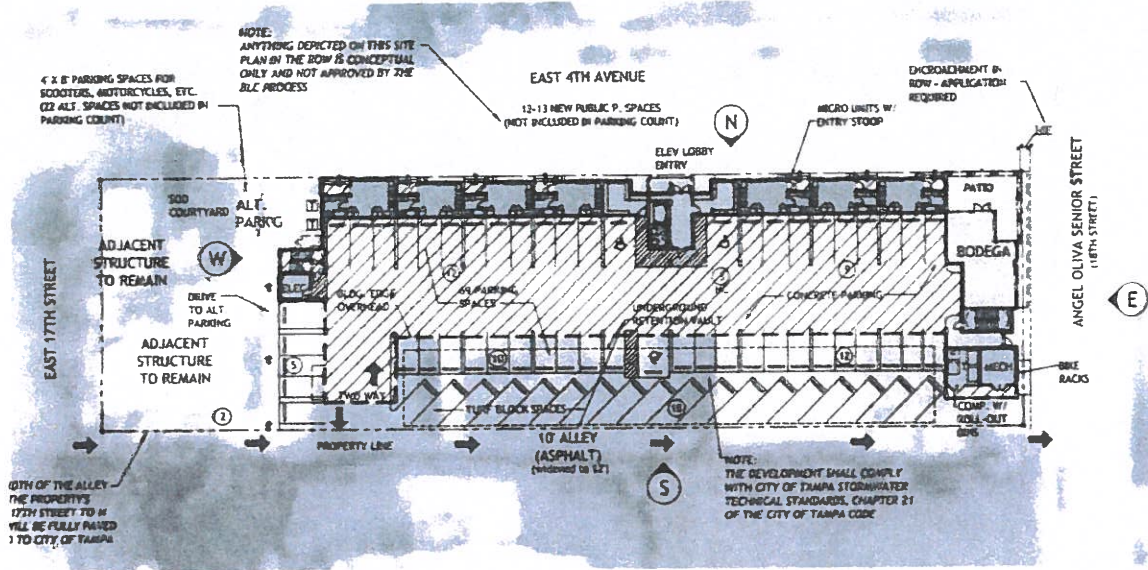
Joel Sousa, Urban Planner II
Development Coordination

Pursuant to Florida Statutes Section 146.011 the issuance of this approval does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requests approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Not valid for Florida Statutes Section 146.011 all other applicable state and federal permits must be obtained before development commences on the site.

Cc: Stephanie Harrison-Bailey
HYNCA
2015 E 7th Ave.
Tampa, FL 33605
stephanie.j.harrison@gmail.com

Exhibit A



This DE1 approval is for the provision of 31 offsite parking spaces, only.

Exhibit "B"

PARKING AGREEMENT

This **PARKING AGREEMENT** (the "Agreement") is made and entered into this 10th day of September 2023 by and between **Lessor Lions World Vision Institute**, a nonprofit organization registered in the State of Florida ("Lessor") with offices at 1410 N. 21st Street, Tampa, Florida 33605 and **CLENDENON PROPERTIES LLC**, a Florida limited liability company, and **JAMES HETTINGER LLC**, a Florida Limited Liability Company, as tenants in common (the "Developers") with offices at 523 Erie Avenue, Tampa, Florida 33606, the foregoing sometimes being individually referred to herein as a "Party" or collectively as the "Parties".

WHEREAS, Lessor is a provider of parking spaces;

WHEREAS, the Developers are the owners of that certain parcel of land to be developed and located at 1411 North 17th Street, 1707 East 4th Avenue, and 1715 East 4th Avenue, Tampa, Florida 33605, the same being more particularly identified as Hillsborough County Folio Nos. 190052-0000, 190051-0000, and 190049-0000, respectively (the "Ybor Development"); and

WHEREAS, this Agreement is executed for the purpose of satisfying the off-site parking requirements of Section 27-283.6 of the City of Tampa Code of Ordinances (the "Code") for the benefit and as a result of the future development of the Ybor Development, and is intended to ensure the continued availability of off-site parking spaces for the Ybor Development as described herein. The Developers will need to provide leased parking spaces for residents of the Ybor Development and their guests, and invitees (the "Benefitted Parties"); and

WHEREAS, subject to and upon the terms and conditions set forth herein, Lessor has agreed to lease to the Developers a total of 31 parking spaces for use only by the Benefitted Parties; and

WHEREAS, the Parties hereto desire to enter into this Agreement to set forth each other rights and obligations with respect to the foregoing matters.

NOW, THEREFORE, for in consideration of the above recitals, the mutual promises, covenants and undertakings contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Parties, it is agreed as follows:

1. **Integration of Recitals**. The foregoing recitals are accurate, true and correct and constitute matters agreed to herein by the Parties.
2. **Term**. This Agreement shall become effective as of October 1, 2023 (the "Effective Date") and shall continue in existence for a period of seven (7) years from the Commencement Date, whereupon the same shall automatically renew for successive five (5) year term unless otherwise sooner terminated by either Party hereto.
3. **Early Termination**. Notwithstanding the foregoing, Lessor shall have the right to terminate this Agreement effective any time after October 1, 2024 upon at least ninety (90) days' written notice to the Developers. The Developers shall pay Lessor all compensation owed up to the termination date of the Agreement as described in Section 4 herein. The Developers shall have the right to terminate this Agreement if a change in zoning regulations or other applicable law eliminates the requirement for additional parking spaces for the Ybor Development.
4. **General Scope of Agreement/Grant of Space**. Lessor hereby leases to the Developers (the "Space") a total of 31 parking spaces (each a "Parking Space" with 2 or more being referred to as the "Parking Spaces"), on a monthly basis, at the location and for the Parking Location and Rates hereinafter set forth, subject to and upon the terms and conditions set forth in this Agreement.

Commencement Date of Agreement (the "Commencement Date"): October 1, 2023

Parking Location (the "Parking Location"):
(Depicted and described in Exhibit A hereof) 1410 N 21st Street, Tampa, FL 33605

Number of Parking Spaces: 31 Parking Spaces

Parking Rates (the "Space Fees"): *\$50.00 per space per month

The Developers acknowledge and agree that the right to use the Parking Spaces is subject to and conditioned upon the Developers' full and timely performance of all obligations set forth herein (including, without limitation, all Space Fees due and payable hereunder).

Developers acknowledge and agree that it shall be responsible for paying the respective Fees for the Parking Spaces therefor during the entire term of this Agreement, regardless of whether the Developers utilizes all of the Parking Spaces each and every month.

5. **Parking Rules and Regulations.** The Developers are responsible for observing and agree to abide by (and to cause all Benefitted Parties to observe and to abide by) all rules, regulations, terms, and conditions concerning the parking of motor vehicles at the Parking Locations, as promulgated and prescribed by Lessor from time to time.

6. **Space Fees; Payments.** The Developers agree to pay Lessor, in advance, the monthly Parking Fee equal to the sum of the products obtained by multiplying the respective number of Parking Spaces requested hereunder (in no event less than 31 Parking Spaces) for each Parking Space by the respective Rate herein for such Parking Location together with applicable sales tax thereon. The Parking Fee shall be due and payable, in advance, on or before the 1st day of each successive calendar month for the following month parking term during the Term of this Agreement. Any Space Fee payment that is not received, in full, on or by the 5th day of the month in which it was due, shall be assessed a late fee equal to \$5.00 per Parking Space reserved (regardless of the partial amount of payment made) and thereafter, any motor vehicles of Benefitted Parties parked in any Parking Location shall be subject to the maximum daily posted rate for such Parking Location, until such time as the total Space Fee due and payable, together with the assessed Late Fees and other charges due hereunder, is paid, in full. Any Space Fee payment that is not received, in full, by the 5th of the month in which it was due, shall result in an immediate suspension of the Parking Space and all parking privileges thereunder, whereupon any motor vehicles of Benefitted Parties parked in any Parking Location shall be deemed unauthorized motor vehicles (unless they have otherwise paid the applicable posted rate for the subject Parking Location), and shall be subject to ticketing/fining, immobilization and/or towing/removal at the owner's sole cost and expense. The Parking Space and parking privileges thereunder may, in Lessor's sole discretion, be restored upon payment, in full, of the total Space Fee due and payable, together with the assessed Late Fees and other charges due hereunder, provided that the Developers have timely and properly paid, in full, all Space Fees and other amounts due hereunder during the previous six consecutive months.

7. **Method of Payment of Rent.** Monthly Space Fee and any additional charges to be paid to Lessor shall be paid electronically through wire transfer, ACH or direct deposit of immediately available federal funds and shall be initiated by Developers for payment on or before the applicable Payment Date; provided, however, if the Payment Date is not a business day, then payment shall be made on the succeeding business day. Lessor shall provide Developers with appropriate wire transfer, ACH or direct deposit information.

8. **Limitation on Liability.** The Developers acknowledge and agree that no bailment relationship is or shall be created hereby, and that Lessor is not responsible for and does not in any manner agree to safeguard or be responsible for safeguarding motor vehicles parked at the Parking Location nor does Lessor assume the care, custody, and/or control of any vehicle(s) parked pursuant to the Space and rights granted herein. All risk of loss, damage to and theft of any motor vehicle (and/or any contents or personal belongings therein) parked at the Parking Location shall remain with the owner of such motor vehicle, and Lessor shall have no liability and/or responsibility therefor, including, without limitation, damage caused by third

parties and/or other Benefitted Parties. The Developers agree to indemnify, defend, and hold Lessor harmless from and against any and all claims, damages, liabilities, losses, causes of action, costs, and/or expense asserted by any Benefitted Party and arising out of or in connection with, directly or indirectly, any loss, damage to or theft of a motor vehicle (and/or any contents or personal belongings therein) while or during the time such motor vehicle was parked in a Parking Space at a Parking Location hereunder (whether properly or improperly). In the event that the Benefitted Party suffers any damage or loss (whether to person or property), said Benefitted Party shall look solely to Developer's or his or her insurance coverage, if any, and shall make no claim whatsoever against Lessor.

9. **Default; Remedies.** Upon any occurrence or existence of a breach of this Agreement or a default which does not result in termination as set forth above, either Party may pursue such remedies provided herein or any other remedies provided by law or equity. Lessor's pursuit of any remedy provided herein shall not constitute a forfeiture or waiver of any Space Fees due from the Developers or of any damages accruing to Lessor by any reasonable violation of any of the covenants and provisions contained in this Agreement.

10. **Force Majeure.** If it shall become impossible on account of the occurrence of *force majeure* for Lessor to fulfill its obligations under this Agreement, the Parties shall be excused from the performance of such obligations for the period that such performance is impossible. The term "*force majeure*" as used herein, shall include, but not be limited to: (i) fire, earthquake, flood, tornado, acts of God, strikes or other labor disturbances beyond the reasonable control of Lessor, riot or civil commotion, failure of power, restrictive government laws or regulation, court order, insurrections, war, or any other matter or situation of a like nature (including hostility, with or without formal declaration of war); and (ii) any law, regulation or order of any government authority prohibiting the ingress to or egress from the Premises or any restriction of such ingress and egress on account of street construction or repairs, provided such events were not reasonably foreseeable by either party at the time it entered into this Agreement. In the event such *force majeure* event continues uninterrupted for a period of 10 days, Lessor may immediately terminate this Agreement by providing the Developers with written notice thereof.

11. **Notices.** Except as otherwise set forth herein, any notice to Lessor or the Developers shall be in writing and shall be delivered to the address set forth in the preamble of this Agreement. Notice shall be deemed given upon receipt or refusal of service. All written notices shall be delivered by either certified or registered mail, hand delivery or a nationally recognized overnight delivery service. Notwithstanding the foregoing, Lessor may, in its sole discretion, rely on any oral notice from the Developers and, in cases in which time is of the essence, may notify the Developers by telephone, email, facsimile, or other personal notice. In addition, all notices, demands, and requests which may be given or which are required to be given by either party to the other under this Agreement, and any exercise of a right of termination provided by this Agreement, shall be in writing and delivered to the addresses set forth in the preamble to this Agreement. In addition to any notice to Lessor or the Developers, any party delivering a termination notice in accordance with Section 3 hereof shall deliver a copy of such termination notice to the following addresses:

Developers:
James Hettinger
523 Erie Avenue
Tampa FL 33606

City:
Zoning Administrator
City of Tampa
1400 North Boulevard Tampa,
FL 33602

With copy to: City Attorney's Office
City of Tampa
315 East Kennedy Boulevard
Tampa, FL 33602

Developers shall also deliver notice to the City at the above address in the event of any change of use, change of ownership or change of occupancy of the Parking Location.

12. **Governing Law.** This Agreement shall be construed and governed by the laws of the State of Florida without regard to its internal conflicts of laws principles.

13. **Severability.** Should a court of competent jurisdiction determine that any provision of this Agreement is unenforceable under the laws of the State of Florida the remaining provisions of this Agreement shall nonetheless remain in full force and effect and be binding upon the Parties hereto.

14. **Waiver of Trial by Jury.** Lessor and the Developers each agree to and they do hereby waive trial by jury in any action, proceeding or counterclaim brought by either of the Parties hereto against the other on any matters whatsoever arising out of or in any way connected with this Agreement.

15. **No Waiver.** No waiver or breach of any covenant, condition, or agreement contained shall operate of a waiver of the covenant, condition, or agreement itself, or any subsequent breach thereof.

Attorney's Fees. In the event any legal action, arbitration, mediation, lawsuit, or other court action is instituted by Lessor to enforce the terms and conditions of this Agreement, Lessor, if they prevail in such legal action, shall be entitled to collect from the Developers all costs of enforcement of the Agreement, including court costs and reasonable attorney fees, at both trial and appeal.

16. **No Implied Duties or Warranties.** LESSOR'S DUTIES SHALL NOT INCLUDE ANY IMPLIED DUTIES OF CARE NOT EXPRESSLY SET FORTH HEREIN. NO REPRESENTATIONS AND/OR WARRANTIES HAVE BEEN MADE BY LESSOR WITH RESPECT TO THE PARKING LOCATION, THE SUITABILITY THEREOF (INCLUDING, WITHOUT LIMITATION, THE ABSENCE OR PRESENCE OF ANY LATENT OR OBVIOUS DEFECTS) AND/OR THE SECURITY OR SAFETY THEREOF. THE DEVELOPERS HEREBY WAIVES ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE PARKING LOCATIONS WHICH MAY EXIST BY OPERATION OF LAW OR IN EQUITY, INCLUDING, WITHOUT LIMITATION, ANY WARRANTY OF FITNESS FOR A PARTICULAR USE OR PURPOSE.

17. **Amendment.** This Agreement may not be amended or modified in any manner, except in a written instrument signed by the Parties hereto.

18. **Assignment.** Developers may not assign this agreement without the prior written consent of Lessor, which consent may be granted, withheld or conditioned, in Lessor's sole discretion.

19. **Multiple Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and when taken together shall constitute one and the same instrument. A signature page may be detached from one counterpart and attached to another to form a fully executed agreement. For purposes of facilitating the execution of this Agreement, the Parties hereto agree that facsimile or other electronic reproductions of the signatures of the Parties hereon shall be given the same force and effect as an original, and each Party hereto waives the right to assert the exchange of electronic copies hereof as a defense to the validity or enforceability of this Agreement.

20. **The Developers' Responsibilities.** In addition to the responsibilities herein, the Developers will comply with the following:

- a. Termination of this Agreement shall not relieve the Developers of their obligation to provide required parking for the Ybor Development under the Code; the Developers must provide required parking either on the Parking Location or obtain other off-site parking in accordance with Section 27-283.6 of the Code.

- b. The Developers shall cause a copy of this Agreement or a Memorandum of Agreement to be filed with the Zoning Administrator and recorded in the public records of Hillsborough County, Florida, and shall provide a copy of the recorded document to the City at the addresses set forth in Section 11.

21. **Insurance.** The Benefitted Parties shall not use the Parking Location unless and until the Developers secure and maintain (i) Commercial General Liability insurance with a combined single occurrence limit of not less than \$2,000,000.00 and an umbrella coverage of not less than \$5,000,000.00; and (ii) Commercial Automobile Liability for any auto and hired and non-owned autos in an amount not less than \$1,000,000.00 per accident. The Developers shall also maintain Workers' Compensation insurance in the amount required under the law of the State of Florida. Such policies shall name Lessor as additional insured.

22. **Entire Agreement.** This Agreement, together with the Exhibits attached hereto, constitutes the complete and entire understanding and agreement between the Parties with respect to the subject matter hereof, and all prior inconsistent agreements, understandings and/or arrangements are hereby declared null and void.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the Effective Date first set forth above.

LESSOR:

LIONS WORLD VISION INSTITUTE

A Florida Nonprofit

By: _____

Name: Jason Woody

Title: President & CEO

THE DEVELOPERS:

CLENDENON PROPERTIES LLC

a Florida limited liability company, and

JAMES HETTINGER LLC & CLENDENON

PROPERTIES LLC a Florida Limited Liability Company

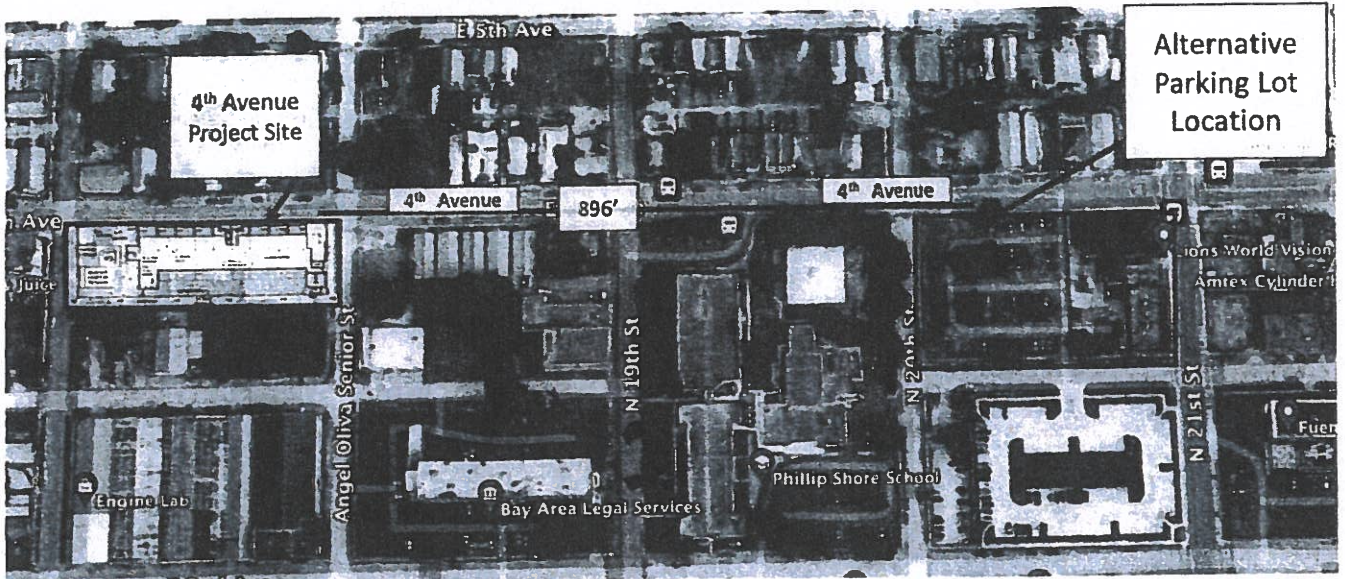
By: James Hettinger Donn Clendenon

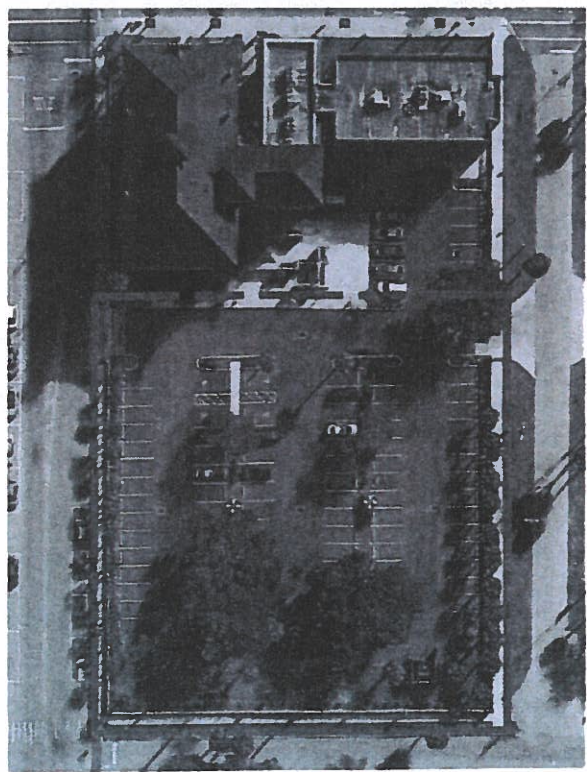
Name: James Hettinger & Donn Clendenon

Title: Managing Members

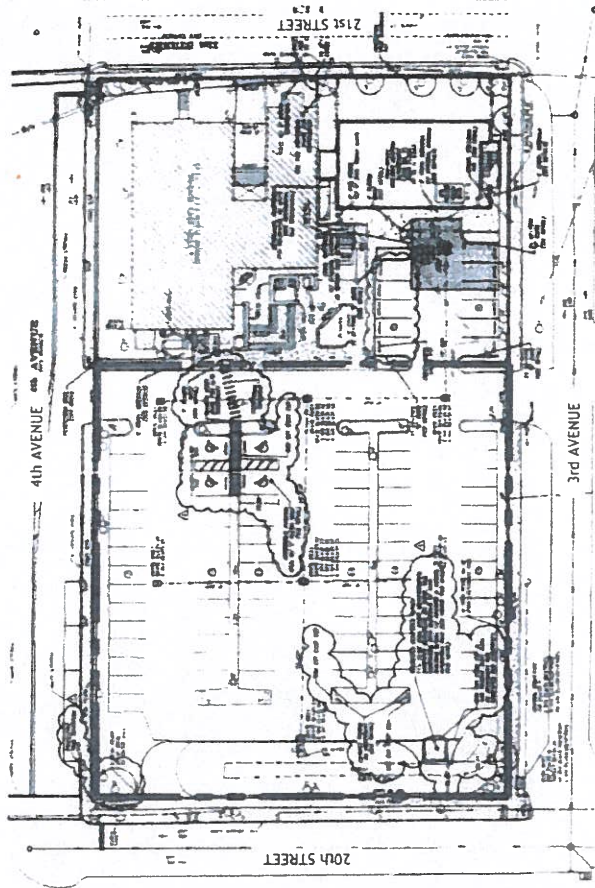
Exhibit A
Parking Area Below

Lessor Parking Lot
1410 N 21st Street, Tampa Florida 33605

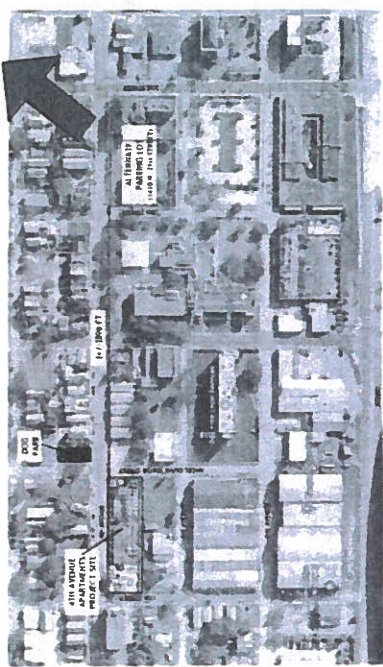




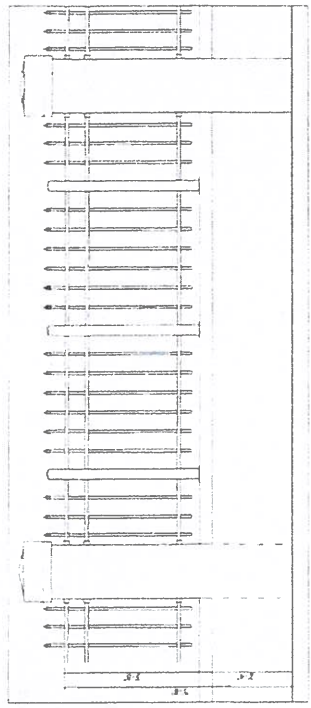
2 AERIAL PLAN
Scale 1/8" = 1'-0"



1 SITE PLAN
Scale 1/8" = 1'-0"



3 VICINITY MAP
Scale N.T.S.



4 TYPICAL FENCING ELEVATION
Scale 1/4" = 1'-0"

4TH AVE APARTMENTS
ALTERNATIVE PARKING

ARCHITECTURE
ARCHITECTS
213 E. 8TH AVE.
DENVER, CO 80202
PHONE: 303.733.8000
FAX: 303.733.8000
WWW.AAARCHITECTS.COM

PROJECT NO. 213
DATE: 10/2008
DRAWING NO. 4TH AVE APARTMENTS
ALTERNATIVE PARKING
FENCING LAYOUT
BY: JAC
A1.00

Exhibit "D"

From: Jason Woody <Jason.Woody@lwvi.org>

Date: March 26, 2024 at 9:21:58 AM EDT

To: ajstally@aol.com

Subject: Parking

To Whom this May Concern:

The parking agreement signed with Lions is only temporary and not long term. The agreement has a 90 day exit clause as we plan to build on the property in the next year or so making it unavailable for parking.

Jason Woody
Lions Eye Institute
Sent via EyePhone



MASTER AFFIDAVIT

AFFIDAVIT TO APPLY FOR A ZONING CODE RELATED APPLICATION and AUTHORIZED AGENT FOR AN APPLICATION TO THE CITY OF TAMPA

Multiple authorizations may be necessary if there is more than one property owner.

APPLICATION/RECORD NUMBER: BLC-22-0000185

PROPERTY (LOCATION) ADDRESS(ES): 1806 E 3rd Ave. Tampa

FOLIO NUMBER(S): 189999-0000

"That I am (we are) the owner(s) and record title holder(s) of the property noted herein"

Property Owner's Name(s): Nick Capitano Inc.

"That this property constitutes the subject of an application for the Petition for Review - BLC-22-0000185"

I, THE UNDERSIGNED APPLICANT/AGENT, HEREBY CERTIFY THAT ALL INFORMATION ON THIS APPLICATION IS TRUE AND COMPLETE AND HEREBY AUTHORIZE AND ALLOW REPRESENTATIVES OF THE CITY TO ACCESS THE PROPERTY UNDERGOING REVIEW FOR THE ABOVE REFERENCED REQUEST. IF MY PROPERTY IS GATED, I WILL PROVIDE ACCESS TO THE PROPERTY UPON REQUEST FROM THE CITY. I ALSO CONSENT TO THE POSTING OF A SIGN ON MY PROPERTY IF THERE IS A THIRD-PARTY SUBMITTAL OF A PETITION FOR REVIEW.

"That this affidavit has been executed to induce the City of Tampa, Florida, to consider and act on the above described application and that the undersigned has(have) appointed and does(do) appoint the agent(s) stated herein as his(their) agent(s) solely to execute any application(s) or other documentation necessary to affect such application(s)" (if applicable).
AGENT'S NAME: Johnson Pope Bokor Ruppel & Burns, LLP (Mark Bentley & Ryan Manasse)

The undersigned authorizes the above agent(s) to represent me (us) and act as my (our) agent(s) at any public hearing on this matter (if applicable).

The undersigned authorizes the above agent(s) to agree to any conditions necessary to effectuate this application. Both owner and agent must sign and have their names notarized.

<p>STATE OF FLORIDA COUNTY of <u>H. Hillsborough</u></p> <p>Sworn to (or affirmed) and subscribed before me by means of physical present or online notarization, this <u>9</u> day of <u>April</u> 202<u>4</u> by</p> <p><u>Joseph Capitano</u> / <u>J Capitano</u> Printed Name / Signature</p> <p><u>Stephanie A. Petrucelli</u> Signature and Stamp of Notary Public</p> <p>Personally known or produced identification</p> <p>Type of identification</p> <div data-bbox="414 1564 803 1701"> </div>	<p>STATE OF FLORIDA COUNTY of <u>Hillsborough</u></p> <p>Sworn to (or affirmed) and subscribed before me by means of physical present or online notarization, this <u>10th</u> day of <u>April</u> 202<u>4</u> by</p> <p><u>Mark Bentley</u> / <u>Mark Bentley</u> Printed Name / Signature</p> <p><u>[Signature]</u> Signature and Stamp of Notary Public</p> <p>Personally known or produced identification</p> <p>Type of identification</p> <div data-bbox="1128 1522 1526 1659"> </div>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

* If the applicant/owner is a corporation, trust, LLC, Professional Association or similar type of arrangement, please provide documentation from the corporation, trust, etc., indicating that you have the ability to authorize the application.



MASTER AFFIDAVIT

AFFIDAVIT TO APPLY FOR A ZONING CODE RELATED APPLICATION and AUTHORIZED AGENT FOR AN APPLICATION TO THE CITY OF TAMPA

Multiple authorizations may be necessary if there is more than one property owner.

APPLICATION/RECORD NUMBER: BLC-22-000185

PROPERTY (LOCATION) ADDRESS(ES): 1806 E 3rd Ave Tampa

FOLIO NUMBER(S): 189999-0000

"That I am (we are) the owner(s) and record title holder(s) of the property noted herein"

Property Owner's Name(s): Nick Capitano Inc.

"That this property constitutes the subject of an application for the Petition for Review - BLC-22-000185"

I, THE UNDERSIGNED APPLICANT/AGENT, HEREBY CERTIFY THAT ALL INFORMATION ON THIS APPLICATION IS TRUE AND COMPLETE AND HEREBY AUTHORIZE AND ALLOW REPRESENTATIVES OF THE CITY TO ACCESS THE PROPERTY UNDERGOING REVIEW FOR THE ABOVE REFERENCED REQUEST. IF MY PROPERTY IS GATED, I WILL PROVIDE ACCESS TO THE PROPERTY UPON REQUEST FROM THE CITY. I ALSO CONSENT TO THE POSTING OF A SIGN ON MY PROPERTY IF THERE IS A THIRD-PARTY SUBMITTAL OF A PETITION FOR REVIEW.

"That this affidavit has been executed to induce the City of Tampa, Florida, to consider and act on the above described application and that the undersigned has(have) appointed and does(do) appoint the agent(s) stated herein as his(their) agent(s) solely to execute any application(s) or other documentation necessary to affect such application(s)" (if applicable).

AGENT'S NAME: Johnson Pope Bokor Ruppel & Burns, LLP (Mark Bentley & Ryan Manasse)

The undersigned authorizes the above agent(s) to represent me (us) and act as my (our) agent(s) at any public hearing on this matter (if applicable).

The undersigned authorizes the above agent(s) to agree to any conditions necessary to effectuate this application. Both owner and agent must sign and have their names notarized.

STATE of FLORIDA COUNTY of <u>H. Hillsborough</u>	STATE of FLORIDA COUNTY of <u>Hillsborough</u>
Sworn to (or affirmed) and subscribed before me by means of physical present or online notarization, this <u>9th</u> day of <u>April</u> 202 <u>4</u> by	Sworn to (or affirmed) and subscribed before me by means of physical present or online notarization, this <u>10</u> day of <u>April</u> 202 <u>4</u> by
<u>Joseph Capitano</u> Printed Name	<u>Ryan Manasse</u> Printed Name
<u>[Signature]</u> Signature	<u>[Signature]</u> Signature
<u>[Signature]</u> Signature and Stamp of Notary Public	<u>[Signature]</u> Signature and Stamp of Notary Public
Personally known or produced identification	Personally known or produced identification
Type of identification	Type of identification

STEPHANIE A. PETRUCELLI
MY COMMISSION # HH 178344
EXPIRES: October 24, 2025
Bonded Thru Notary Public Underwriters

Notary Public State of Florida
Ashley Ann Phillips
My Commission HH 090269
Expires 02/10/2025

* If the applicant/owner is a corporation, trust, LLC, Professional Association or similar type of arrangement, please provide documentation from the corporation, trust, etc., indicating that you have the ability to authorize the application.



Department of State / Division of Corporations / Search Records / Search by Entity Name /

Detail by Entity Name

Florida Profit Corporation
NICK CAPITANO, INC.

Filing Information

Document Number 202930
FEI/EIN Number 59-6081028
Date Filed 05/27/1957
State FL
Status ACTIVE
Last Event AMENDMENT
Event Date Filed 07/30/1993
Event Effective Date NONE

Principal Address

1320 E. 9TH AVE.
TAMPA, FL 33605

Changed: 04/27/2004

Mailing Address

1320 E. 9TH AVE.
TAMPA, FL 33605

Changed: 03/15/2005

Registered Agent Name & Address

CAPITANO, JOSEPH JR
1320 E. 9TH AVE.
TAMPA, FL 33605

Name Changed: 04/30/2007

Address Changed: 04/27/2004

Officer/Director Detail

Name & Address

Title President

Capitano, Joseph, Sr.
1320 E. 9TH AVE.
TAMPA, FL 33605

Title Treasurer

Capitano, Joseph, Jr.
1320 E. 9TH AVE.
TAMPA, FL 33605

Title VP

GARCIA, ALFONSO, III
1320 E 9TH AVE
TAMPA, FL 33605

Title Secretary

GARCIA, RICHARD C
1320 E 9TH AVE
TAMPA, FL 33605

Annual Reports

Report Year	Filed Date
2021	04/29/2021
2022	04/26/2022
2023	04/25/2023

Document Images

04/25/2023 - ANNUAL REPORT	View image in PDF format
04/26/2022 - ANNUAL REPORT	View image in PDF format
04/29/2021 - ANNUAL REPORT	View image in PDF format
04/30/2020 - ANNUAL REPORT	View image in PDF format
04/29/2019 - ANNUAL REPORT	View image in PDF format
05/31/2018 - ANNUAL REPORT	View image in PDF format
04/28/2017 - AMENDED ANNUAL REPORT	View image in PDF format
04/26/2017 - ANNUAL REPORT	View image in PDF format
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06/09/2015 - AMENDED ANNUAL REPORT	View image in PDF format
04/23/2015 - ANNUAL REPORT	View image in PDF format
04/30/2014 - ANNUAL REPORT	View image in PDF format
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05/01/2012 - ANNUAL REPORT	View image in PDF format
04/29/2011 - ANNUAL REPORT	View image in PDF format
04/30/2010 - ANNUAL REPORT	View image in PDF format
04/29/2009 - ANNUAL REPORT	View image in PDF format
04/29/2008 - ANNUAL REPORT	View image in PDF format
04/30/2007 - ANNUAL REPORT	View image in PDF format