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March 13, 2024

VIA- HAND DELIVERY AND EMAIL

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
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 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 PRH 2713 Bayshore Acquisition, LLC and Congregation Rodeph Sholom, Inc. (collectively, the “**Petitioners**”), for real property located at 2713 Bayshore Blvd, Tampa, FL 33629 (the “**Property**”). *See Exhibit A* (Property Deed).¹ We hope to use FLUEDRA to work with the City to resolve this issue in a way that protects the Petitioners’ property rights.²

As described below, the City of Tampa City Council (“**City Council**”) has unreasonably denied the Petitioners’ application to rezone the Property to allow a mixed-use development consisting of: (1) the current place of religious assembly and (2) a 26-story, 42-unit multifamily project (the “**Rezoning Application**”). *See Exhibit B* (Rezoning Application REZ 24-6); **Exhibit C** (Rezoning Development Order). This denial occurred on February 9, 2024 at a public hearing before City Council and was later rendered on February 13, 2024. A copy of the transcript is

¹ PRH 2713 Bayshore Acquisition, LLC, has a legal and equitable interest in the Property as contract purchaser, and Congregation Rodeph Sholom, Inc. is the fee owner of the Property.

² Petitioners reserve the right to amend this Request for Relief when the City fully responds to outstanding public records requests filed on February 13, 2024.

attached as **Exhibit D**. The City's denial of the Rezoning Application constitutes a development order that is both unlawful and unfairly burdens the use of the Property.

Pursuant to section 70.51(6), Florida Statutes, a Request for Relief must contain:

- (a) A brief statement of the owner's proposed use of the property;
- (b) A summary of the development order or description of the enforcement action. A copy of the development order or the documentation of an enforcement action at issue must be attached to the request;
- (c) A brief statement of the impact of the development order or enforcement action on the ability of the owner to achieve the proposed use of the property; and
- (d) A certificate of service showing the parties, including the governmental entity, served.

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

The Future Land Use designation for the Property is Residential-35 ("**R-35**"). The zoning for the Property is Planned Development ("**PD**") and currently only allows a place of religious assembly and daycare. Testimony at the hearing was clear that the current operation on the Property alone is not economically viable in the long term. Accordingly, Petitioners are requesting to maintain the place of religious assembly, which has existed in its current location since the 1960's, and add a multifamily residential building where the place of religious assembly's parking lot currently exists, with shared parking for both uses.

Initially, Petitioners filed a Comprehensive Plan Amendment to the Residential-83 ("**R-83**") Future Land Use designation with a companion rezoning application. *See* TA/CPA 22-13. The R-83 Future Land use designation would allow 111 multifamily units by right or 123 dwelling units with a bonus. The companion rezoning application requested 60 multifamily units at a height of 352 feet. *See* REZ 22-93. In response to community concerns, Petitioners modified the Comprehensive Plan Amendment application to change the requested Future Land Use category to Residential-50 ("**R-50**"). Petitioners later withdrew the Comprehensive Plan Amendment application and revised the rezoning application to request 50 multifamily units through a bonus density agreement, for a proposed density of 34.9 dwelling units per acre. The application included five new waiver requests and two previously approved waivers, and included a request to remove three grand trees. The application was denied on May 11, 2023, with Council specifically referencing waivers and not referencing the height provisions of the Comprehensive Plan in any way. **Exhibit E**.

On October 16, 2023, Petitioners submitted the Rezoning Application. Petitioners redesigned the plan to reduce the height by 3 stories, reduce the unit count, eliminate the need for a bonus density agreement, and eliminated all new waiver requests while eliminating one previously approved waiver. More specifically, Petitioners proposed the following changes in response to community and City Council feedback:

1. Reduction in proposed luxury condominiums from 50 units to 42 units;
2. Reduction in density from 34.9 units per acre to 29.3 units per acre;
3. Elimination of request for a bonus density agreement to increase the density above 30 dwelling units per acre;
4. Reduction in height from 29 stories (329 feet) to 26 stories (317 feet);
5. Reduction in parking from 201 spaces to 189 spaces;
6. Removed ALL new waiver requests;
7. Removed one existing waiver that runs with the land allowing for reduced parking;
8. Removed the pickle ball court;
9. Retained all grand oak trees;
10. Retained more than 50% of live trees on the Property;
11. Increased the VUA buffer on Ysabella Avenue for sound mitigation and privacy;
12. Increased the setback from the north Property border (facing the Garden Club) to 20 feet;
13. Removed the prior request to increase the security fence from three feet to six feet;
14. Increased landscaping and open spaces by providing nearly double the required green space and providing nearly triple the required native trees and total number of trees; and
15. Proposing sidewalk, pedestrian crossing, and lighting enhancements for safer mobility.

Because of these changes, the City of Tampa Development Coordination Manager reduced the twelve month period that would typically prohibit the refiling of an application for a zoning change pursuant to his authority in Code Section 27-150(b).

B. Description of the Development Order.

On February 9, 2024, City Council held a public hearing on the Rezoning Application. A copy of Petitioners' presentation is attached as **Exhibit F**. Despite City Staff's support of the Rezoning Application and Planning Commission Staff's finding of consistency with the City of Tampa Comprehensive Plan, City Council voted to deny the Rezoning Application without any competent substantial evidence in the record to support its decision. Indeed, the Staff Report (attached as **Exhibit G**) includes competent substantial evidence in support of each of the rezoning criterion set forth in City of Tampa Land Development Code Section 27-136. The Staff Report also evaluates every applicable Comprehensive Plan goal, objective, or policy and explains how the Project satisfies or furthers these regulations. Petitioners also provided expert testimony and reports in support.

The Rezoning Development Order provides the following basis for denial:

That Council moves to deny said petition due to the failure of the applicant to meet its burden of proof to provide competent and substantial evidence that the development, as conditioned and shown on the site plan, is consistent with the Comprehensive Plan and City Code. Failure to comply with Land Development Code, Section 27-136-1; Promote the efficient and sustainable use of land and infrastructure, with careful consideration of potential adverse impacts to onsite natural elements, surrounding impacted neighborhood(s), and cultural resources.

Section 27-136-5; Encouraging flexible land development which reduces transportation needs, conserves energy, and will maximize the preservation of natural resources. Section 27-136-6; Promote and encourage development where appropriate in location, character, and compatibility with the surrounding impacted neighborhood(s), built environment, and existing geography. Further; Land Use Policy 1.2.6 encourages small-medium development particularly of unique design to enhance Tampa's urban character. Land Use Policy 1.2.20; Design new structures to create transitions in form between adjacent or nearby buildings, or open space. Land Use Policy 8.14.1; A development should not exceed the densities and intensities as defined by the Land Use Planned Categories. Also, in the Comprehensive plan and the Vision Map, indicates where citizens and planners believe additional growth and higher density should occur, and where neighborhoods should remain unchanged and stable. There are six levels of intensity to indicate where development should be focused. South Tampa and New Tampa are a level 1, meaning no significant changes in the established area. Further; the Comprehensive Plan talks about South Tampa characteristics like environmental qualities that would be compromised by increased urbanization. Specifically, the downside of urbanization because of the environmental nature of South Tampa; limited access to transportation, facilities, limited opportunities to create more community facilities. Policy 1.1.8; emphasizes diverse housing; South Tampa districts should maintain the character of the established neighborhoods. Land Use Policy 1.2.28; Limit the use of planned development district zoning petitions to allow development consistent with future land use designation, but otherwise not permitted in current, land use. Objective 2.1; Regulate the levels of building intensity. Land Use Policy 2.1.1; Compatible with surrounding character. Land Use Policy 9.2.2; Impacts of development projects on the existing physical and social framework and character of the affected area should be recognized. Land Use Policy 9.3; Development should be compatible. Land Use Policy 9.3.8; New residential development projects shall be minimally disruptive to adjacent areas. Bayshore Boulevard Land Use Policy Objective 20.4; Continue to recognize Bayshore as regionally attractor, major community asset. Continue to preserve and enhance the balance of the natural and physical environments along Bayshore Boulevard in a manner which will continue to provide the City's residents, regional neighbors and national and internal visitors with a unique and environmental experience in the core of the urban area. CM Objective 1.1; Direct future population concentrations away from the coastal high hazard area. Further, no net increase in overall residential density within the CHHA. CM Objective 1.7; Lack of transportation and evacuation planning. CM Objective 1.7.2; The need to ensure priority is placed on maintaining the capacity of highways that are designated as regional evacuation routes. These routes are over capacity, and we would herby be adding a lot more density.

Exhibit C. The City's decision to deny the Rezoning Application and Rezoning Development Order is not only legally deficient but will also subject the City to claims for damages and attorney's fees.

1. The Development Order Will Not Survive Certiorari Scrutiny.

The Development Order will be quashed by the circuit court. On its face, the Development Order fails to follow the essential requirements of the law. As a matter of law, Petitioners met their burden of proof because the Rezoning Application had unanimous City Staff and Planning Commission Staff support. The Florida Supreme Court in *Board of Cty. Comm'rs of Brevard Cty. v. Snyder*, 627 So. 2d 469, 471 (Fla. 1993) set forth the burden shifting framework for rezoning applications to isolate quasi-judicial bodies “from the more politicized activities of local government, much as the judiciary is constitutionally independent of the legislative and executive branches.” *Lee County v. Sunbelt Equities, II, Ltd. P’ship*, 619 So. 2d 996, 1001 (Fla. 2d DCA 1993). The applicant’s burden under *Snyder* is met the moment when local government staff finds the project is consistent with the Comprehensive Plan and in compliance with the Code. *See Village of Palmetto Bay v. Palmer Trinity Private Sch., Inc.*, 128 So. 3d 19, 27 (Fla. 3d DCA 2012); *Balm Rd. Invest., LLC v. Hillsborough Cnty. Bd. of Cnty. Comm'rs*, 336 So. 3d 776, 777 (Fla. 2d DCA 2022); *Dibbs v. Hillsborough County Board of County Commissioners*, No. 22-CA-004891 (Fla. 13th Cir. Ct. Mar. 28, 2023); *Mattamy Tampa/Sarasota, LLC, v. Hillsborough County*, No. 21-CA-3990 (Fla. 13th Cir. Ct. Apr. 3, 2023).

Here, City Staff found that the Rezoning Application is consistent with all of the applicable Code criteria in Section 27-136 and Planning Commission Staff reviewed the Comprehensive Plan goals, objective, and policies and determined that the Rezoning Application is consistent with the Comprehensive Plan. Consequently, Petitioners met their burden of proof. This shifted the burden to the City to provide competent substantial evidence of a legitimate public purpose for maintaining the existing zoning and that this decision is not arbitrary, discriminatory, or unreasonable. *Board of Cty. Comm'rs of Brevard Cty. v. Snyder*, 627 So. 2d 469, 471 (Fla. 1993). The City did not attempt to meet this burden. Neither did the City have any competent substantial evidence in support of its burden that would justify a denial.

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

Section 70.001, Florida Statutes, also known as the Bert J. Harris Private Property Rights Protection Act (“**Bert Harris Act**”), creates “a separate and distinct cause of action from the law of takings” and provides “for relief, or payment of compensation, when a new law, rule, regulation, or ordinance of the state or a political entity in the state, as applied, unfairly affects real property.” § 70.001(1), Fla. Stat. Specifically, when a governmental entity inordinately burdens “an existing use of real property or a vested right to a specific use of real property, the property owner is entitled to relief.” *Id.* § 70.001(2). Existing use is defined to include “reasonably foreseeable, nonspeculative land uses which are suitable for the subject real property and compatible with adjacent land uses.” *Id.* § 70.001(3)(b)(2).

The Development Order constitutes an inordinate burden to an existing use of the Property because the proposed development is a reasonably foreseeable land use which is suitable for the Property and compatible with the surrounding area—which is a high rise neighborhood. Moreover,

in discussing the denial, City Council cited to the following Comprehensive Plan provision within the R-83, R-50 and R-35 future land use categories: “Building heights that are typically (number of stories varies by location, special district or overlay district): up to 8 stories” Councilmembers clearly stated that this provision limited the Property to 8 stories. This interpretation constitutes an arbitrary rule that was newly developed on the fly to deny the Rezoning Application.

Accordingly, Petitioners have a claim pursuant to the Bert Harris Act. Compensation for the actual loss in fair market value of the property and attorney’s fees are available to a successful plaintiff for such a claim. Petitioners’ Bert Harris Act Notice of Claim will be sent to the special magistrate after it is served on the City.

3. The Development Order Creates a Claim pursuant to the Religious Land Use and Institutionalized Persons Act

The Rezoning Application is protected under the Religious Land Use and Institutionalized Persons Act (“**RLUIPA**”), 42 U.S.C. §§ 2000cc. RLUIPA prohibits a government “from imposing a substantial burden on an entity’s or person’s religious exercise unless the government demonstrates that the imposition of the burden is in furtherance of a compelling interest and is the least restrictive means of furthering that compelling interest.” *City Walk–Urban Mission Inc. v. Wakulla Cnty. Florida*, 471 F. Supp. 3d 1268, 1275 (N.D. Fla. 2020). The City’s denial of the Rezoning Application meets at least one of the jurisdictional prerequisites for the application of RLUIPA, which applies when a “substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.” *Westchester Day Sch. v. Village of Mamaroneck*, 417, F. Supp. 2d 477, 541 (S.D. N.Y. 2006) (quoting 42 U.S.C. § 2000cc(a)(2)).

The Rezoning Application is a religious exercise, which is defined to include “certain facilities that are not at all times themselves devoted to, but are inextricably integrated with and **reasonably necessary to facilitate**, such ‘religious exercise.’” *See Westchester Day Sch.*, 417 F. Supp. 2d at 544 (emphasis added). In part, the Rezoning Application would have provided a modest increase in the amount of dedicated parking spaces for both members and visitors. This would have allowed the Congregation to facilitate the needs of the existing community—especially during high attendance Holy Days—and educate the community at large about the Jewish people and their religious practice. Similarly, the Rezoning Application would have allowed the Congregation to more effectively engage in community outreach because newcomers from the shared residential structure will be exposed to the Congregation’s religious, philanthropic, and community events. Indeed, even features like setbacks (which remain unchanged from the school that is being demolished), access, and greenspace are reasonably necessary to facilitate religious exercise and fall within the ambit of RLUIPA. The Rezoning Application would have provided protection from the elements, heightened safety and security for attendees, and accessibility features such as elevators. These components are self-evidently necessary due to the Congregation’s aging population. Thus, the Rezoning Application was reasonably necessary to

facilitate the Congregation's practice of religion and falls within the broad definitions of "religious exercise" under RLUIPA.

Petitioners only sought approval of what is *already allowed* under the Comprehensive Plan and the Code, and indeed had already been developed surrounding the Property. Even if City Council were correct that the word "typically" should be disregarded in the Comprehensive Plan, RLUIPA requires City Council to demonstrate that the burden it is placing on the Congregation is the "least restrictive means of furthering" the City's interests. Accordingly, the City's denial of the Rezoning Application is in violation of RLUIPA. Damages and attorney's fees are available to a successful plaintiff for such a claim.

4. 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 denying the Rezoning Application, 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 Comprehensive Plan and the Code.

Petitioners have a property right created under the Laws of Florida and recognized and protected by the United States Constitution. The Rezoning Application met all of the criteria set forth in the Comprehensive Plan and Code for approval, and was supported by undisputed record evidence. Nonetheless, the City denied the Rezoning Application. City Council's expressed reasons for denial were pretextual because the denial was to yield to prevailing political winds and appease 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. City Council has approved similarly situated developments in the same part of Bayshore Boulevard as the Rezoning Application. *See* The Ritz-Carlton Residences Tampa (REZ 22-67), Altura Bayshore (REZ 22-72), and The Sanctuary at Alexandra Place (REZ 18-28). In denying the Rezoning Application, the City treated Petitioners differently from similarly situated applicants whose applications for rezoning were supported and approved. The unequal application of the Comprehensive Plan and Code on an ad hoc basis 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. Similarly, the City violated the Equal Protection prong of RLUIPA for the same reasons. Damages and attorney's fees are available to a successful plaintiff for such claims.

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

As described above, the City's denial of the Rezoning Application will prevent Petitioners from redeveloping an obsolete parking lot that is situated between a neighbor's dirt surface parking lot and an adjacent high-rise residential tower. In sum, the City violated Petitioners' private property rights and equal protection rights under the United States Constitution, and substantially burdened the Congregation's right to religious exercise.

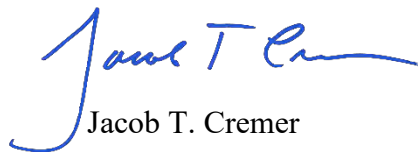
D. Certificate of Service Showing the Parties, Including the Governmental Entity, Served.

The Certificate of Service is attached.

E. Relief Requested.

Accordingly, the Rezoning Development Order is unreasonable and unfairly burdens Petitioners' ability to preserve the existing place of religious assembly and to redevelop the Property. Based on the unreasonable Development Order, Petitioners demand a mediation under FLUEDRA.

Cordially,



Jacob T. Cremer

Enclosures

cc: Nicole Neugebauer MacInnes, Esq. (via email: NNeugebauer@stearnsweaver.com)
John Shubin, Esq. (via email: jshubin@shubinlawgroup.com)
Jim Shimberg, Esq. (via email: jshimberg@shubinlawgroup.com)

CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2024, this document was sent via hand delivery and by e-mail to 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 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).

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<u>/s/Jacob T. Cremer</u> Jacob T. Cremer, Esq. Florida Bar No. 0083807 jcremer@stearnsweaver.com rjgarcia@stearnsweaver.com Nicole Neugebauer MacInnes, Esq. Florida Bar No. 1025043 nneugebauer@stearnsweaver.com rjgarcia@stearnsweaver.com 401 East Jackson Street, Suite 2200 Tampa, Florida 33602 Phone: 813-222-5048 Attorneys for PRH 2713 BAYSHORE ACQUISITION	and John K. Shubin, Esq. Florida Bar No. 771899 E-mail: jshubin@shubinlawgroup.com E-mail: hbly@shubinlawgroup.com James H. Shimberg, Jr., Esq. Florida Bar No. 436836 E-mail: jshimberg@shubinlawgroup.com E-mail: hbly@shubinlawgroup.com 615 Channelside Drive, Suite 204 Tampa, Florida 33602 Telephone: (305) 381-6060 Fax: (305) 381-9457 Attorneys for CONGREGATION RODELPH SHOLOM, INC.

EXHIBIT LIST

Exhibit A – Property Deed

Exhibit B – Rezoning Application REZ 24-6

Exhibit C – Rezoning Development Order

Exhibit D – Transcript of the February 9, 2024 City Council Hearing

Exhibit E – Minutes of the May 11, 2023 City Council Hearing

Exhibit F – PowerPoint Presentation for REZ 24-6

Exhibit G – City of Tampa and Planning Commission Staff Report for REZ 24-6

Exhibit A

Warranty Deed

This Indenture, Made this 5th day of October, A. D. 1964

Between J. W. Gray and Avanelle Gray, his wife,

of the County of Hillsborough, in the State of Florida, parties of the first part, and

CONGREGATION RODOPH SHOLOM, INC., a Florida corporation,
with post office address
Tampa

of the County of Hillsborough, in the State of Florida, party of the second part.

Witnesseth, That the said parties of the first part, for and in consideration of ~~the~~ other valuable considerations and the sum of Ten-----Dollars, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said party of the second part its successors, heirs and assigns, forever, the following described land, situate, lying and being in the County of Hillsborough and State of Florida, to-wit:

Lots 35 to 40 inclusive of REVISED PLAT OF MADRID SUBDIVISION, according to map or plat thereof recorded in Plat Book 2, page 69 of the public records of Hillsborough County, Florida, except that part of Lots 35 and 36 described as follows: Beginning at a point on the southerly boundary of Lot 35 and on the northerly boundary of Barcelona Street of the REVISED MAP OF MADRID SUBDIVISION, Plat book 2, page 69, distant from the southwest corner thereof 99.1 feet in an easterly direction measured along the southerly boundary of said Lot 35 for a point of beginning; running thence in a southeasterly direction 80 feet along the southerly boundary of said Lot 35 and a projection thereof to the westerly boundary line of the Bayshore Boulevard as revised and now in occupation; thence in a northeasterly direction along the westerly boundary of said Bayshore Boulevard 75 feet; thence in a westerly or northwesterly direction 80 feet parallel with the southerly boundary of said Lot 35; thence in a southwesterly direction parallel with the Bayshore Boulevard 75 feet to the point of beginning, being a portion of Lots 35 and 36 of the said REVISED MAP OF MADRID SUBDIVISION, Plat Book 2, page 69.

AND

Lot 25 of PALMA CEIA SUBDIVISION, according to map or plat thereof recorded in Plat book 6, page 48 of the public records of Hillsborough County, Florida, and a triangular strip of land commencing at a point which is the center of Palmira Avenue on the north boundary line of Bayshore Boulevard and run thence North 52 degrees 54 minutes West 285.08 feet to an iron pipe, run thence South 45 degrees 59 minutes West 44.9 feet to an iron pipe, run thence South 13 degrees 59 minutes West 25.0 feet to a stake, and run thence along the center line of Palmira Avenue a distance of 100.95 feet to a stake, and run thence Southeasterly 191.35 feet to the point of beginning, as is shown by a survey of that part of Lots 13, 14 and 15, PALMA CEIA SUBDIVISION, Plat Book 6, page 48 and a portion of the northerly half of Palmira Avenue, ALSO all that portion of Palmira Avenue bound on the north by the preceding described property and Lot 25 of PALMA CEIA SUBDIVISION, Plat Book 6, page 48, bound on the East by the northwesterly right-of-way line of Bayshore Boulevard, bound on the South by Lots 37, 38 and 40 of REVISED MAP OF MADRID SUBDIVISION, Plat Book 2, page 69 and bound on the west by the South-easterly right-of-way line of Ysabella Avenue.

And the said parties of the first part do hereby fully warrant title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said parties of the first part have hereunto set their hand and seal the day and year above written.

Signed, sealed and delivered in presence of us:

M. Ross
E. Rieble

J. W. Gray
Avanelle Gray

State of Florida,
County of HILLSBOROUGH

REC. 1355 PG 804

I Herby Certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, J. W. Gray and Avanelle Gray, his wife,

to me well known to be the person described in and who executed the foregoing deed, and acknowledged before me that they executed the same freely and voluntarily for the purpose therein expressed.

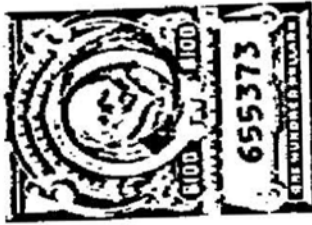
And I Further Certify. That the said Avanelle Gray, known to me to be the wife of the said J. W. Gray, on a separate and private examination taken and made by and before me, separately and apart from her said husband, did acknowledge that she made herself a party to said deed for the purpose of renouncing, relinquishing and conveying all her right, title and interest, whether dower, homestead or of separate property, statutory or equitable, in and to the lands described therein, and that she executed the said deed freely and voluntarily and without any compulsion, constraint, apprehension or fear of or from her said husband.

Witness my hand and official seal at Tampa
County of Hillsborough and State of Florida, this 5th
day of October, A. D. 1964.

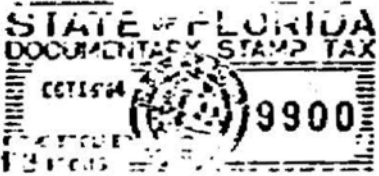
My commission expires:



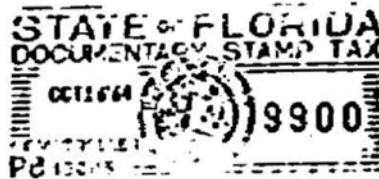
Agnes D. Jones
Notary Public, State of Florida.



HILLSBOROUGH COUNTY



HILLSBOROUGH COUNTY



HILLSBOROUGH COUNTY



RAMCO FORM D
WARRANTY DEED
TO FROM

Oliver Bell

B 3173?

RECEIVED
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CLERK SUPPL. COURT
HILLSBOROUGH COUNTY, FLA.



HILLSBOROUGH COUNTY



Exhibit B

**NARRATIVE TO
PLANNED DEVELOPMENT
APPLICATION**

**CONGREGATION RODEPH SHOLOM,
INC.**

**Submitted by:
Jacob T. Cremer, Esquire
Nicole Neugebauer, Esquire
David M. Smith, Director of Development and Zoning
Stearns Weaver Miller
401 East Jackson Street, Suite 2100
Tampa, Florida 33602
(813) 222-5057**

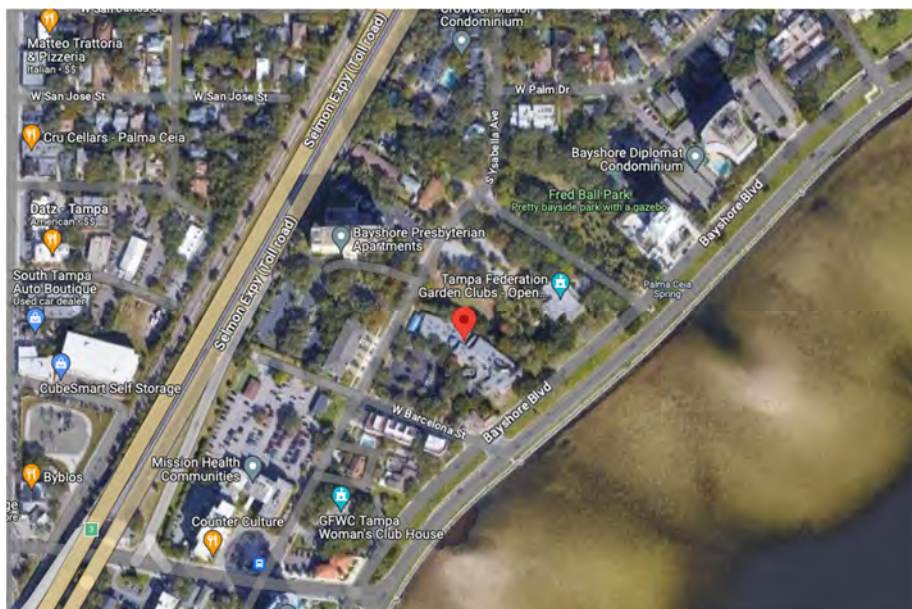
October 16, 2023

Project Narrative

This is a request to preserve an existing place of religious assembly and develop a 42-unit multifamily residential project on \pm 2.1 acres of real property located at 2713 Bayshore Blvd, Tampa, FL 33629 (Folio 127099-0000) (the “**Property**”). This Property recently went through the rezoning process in the City of Tampa (the “**City**”) and after significant community and City Council feedback, the Applicant is proposing a new project with the following changes:

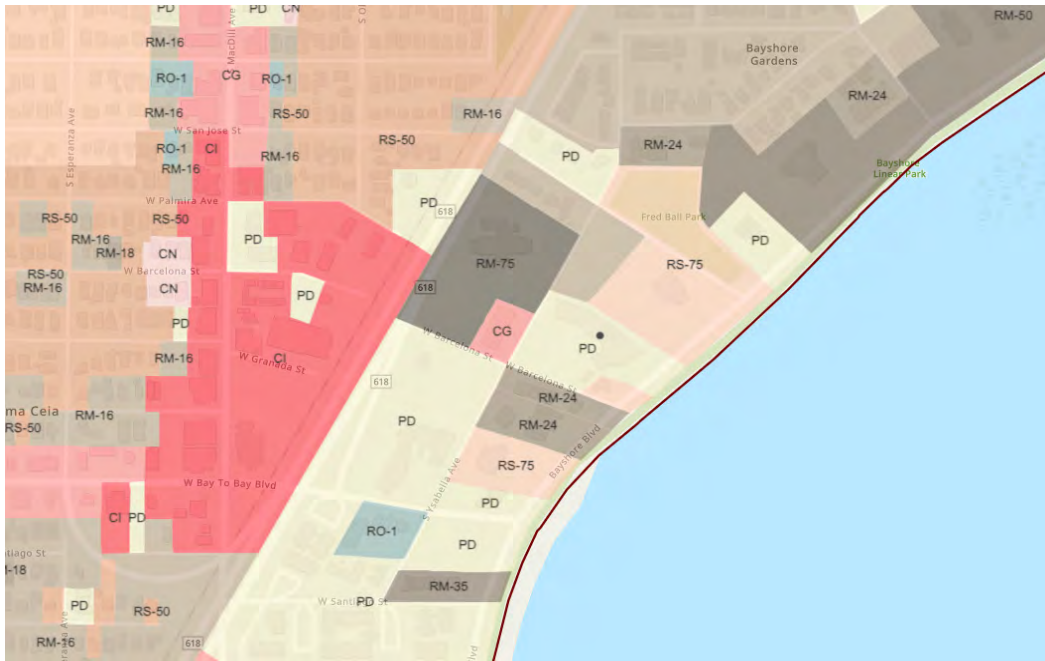
1. Reduction in proposed luxury condominiums from 50 units to 42 units;
2. Reduction in density from 34.9 units per acre to 29.3 units per acre;
3. Elimination of request for a bonus density agreement to increase the density above 30 dwelling units per acre;
4. Reduction in height from 29 stories (329 feet) to 26 stories (317 feet);
5. Reduction in parking from 201 spaces to 189 spaces;
6. Removed ALL new waiver requests;
7. Removed one existing waiver that runs with the land allowing for reduced parking;
8. Removed the pickle ball court;
9. Retained all grand oak trees;
10. Retained more than 50% of live trees on the Property;
11. Increased the VUA buffer on Ysabella Avenue for sound mitigation and privacy;
12. Increased the setback from the north Property border (facing the Garden Club) to 20 feet;
13. Removed the prior request to increase the security fence from three feet to six feet;
14. Increased landscaping and open spaces by providing nearly double the required green space and providing nearly triple the required native trees and total number of trees;
15. Proposing sidewalk, pedestrian crossing, and lighting enhancements for safer mobility;

Vicinity Map

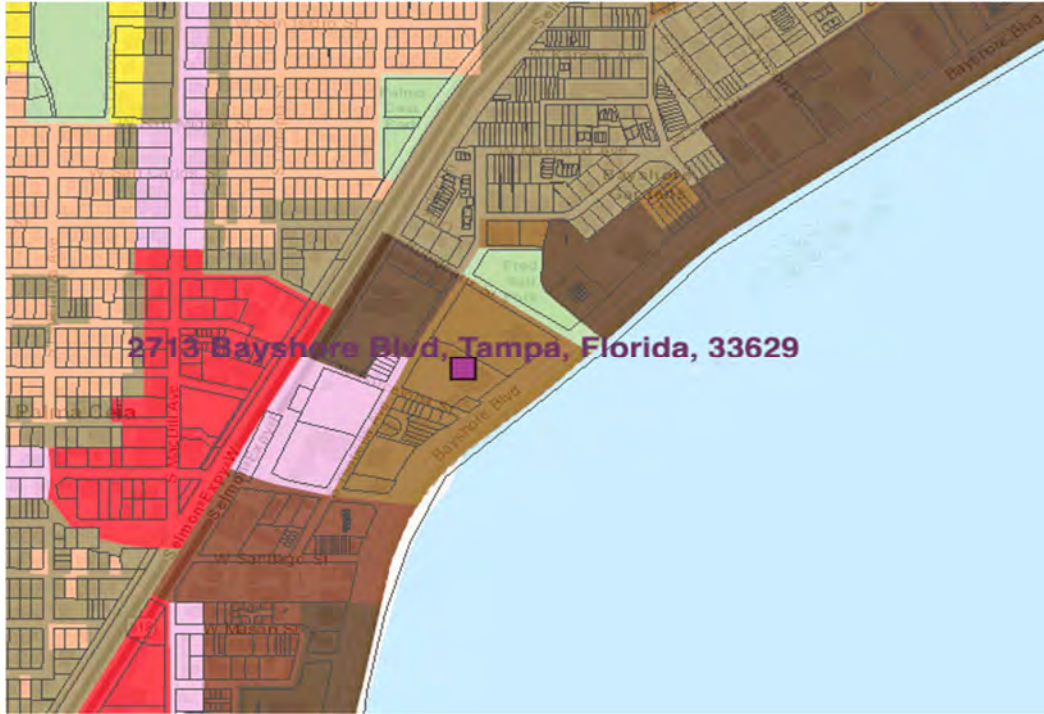


The Property is currently zoned Planned Development (“PD”). See REZ-05-148 & SUB-16-02). The Future Land Use designation for the Property is Residential-35 (“R-35”). The Property is in the South Tampa Planning District.

Zoning Map



Future Land Use Map



A. Request for Infill Redevelopment for a Place of Religious Assembly and Residential Development

The request is for a rezoning of an existing Planned Development to Planned Development to add 42 luxury condominiums to an existing place of religious assembly and eliminate an existing preschool (the “**Project**”). The Property was developed as a place for religious assembly in 1969. The Applicant is requesting to add 42 luxury condominiums to the Property in order to fund needed repairs to the existing place of religious assembly. Specifically, the Applicant is requesting the following:

1. A 42-unit luxury condominium building with an internal health club, café/lounge, and low-impact amenity deck:
 - a. A maximum height of 26 stories (317 feet), with a ground floor lobby, 3 stories of structured parking, an amenity floor, and 21 stories of luxury condominiums;
 - b. Building setbacks of 10 feet (east); 25 feet (west), 20 feet (north), and 20 feet (south);
 - c. 189 parking spaces (elimination of previously approved parking waiver);
 - d. Greenery wall along the north and south garage façade for additional aesthetic enhancement;
 - e. Resurfacing on Ysabella and Barcelona Street and a mid-block crossing on Ysabella;
 - f. Nearly double the required greenspace and nearly triple the required native trees and total number of trees required by Code;
2. A religious place of assembly (existing).

B. Consistency with Comprehensive Plan

The Project is consistent with the Comprehensive Plan requirements for the R-35 Future Land Use category. The R-35 Future Land Use category allows medium density uses, including multifamily dwelling units up to 30 dwelling units per acre or 35 dwelling units per acre with bonus provisions met. Alternatively, property in the R-35 Future Land Use category may be developed up to 0.6 FAR. The Property is approximately 2.1 acres. The minimum lot size required to keep the 18,014 square foot place of religious assembly is 30,023 (FAR of 0.6). Accordingly, approximately 62,439 square feet (1.43 acres) are available for the multifamily units. This equates to a density of 29.37 dwelling units per acre (42 units/1.43 acres). The Project is also consistent with the following Comprehensive Plan Goals, Objectives, and Policies:

- LU Policy 1.1.8: Provide diverse housing opportunities that are efficiently served by transit in the New Tampa and South Tampa Districts while maintaining the character of established residential neighborhoods.
- LU Objective 1.2: Create inspired urban design while respecting Tampa's human scale, unique history, aesthetics, natural environment, and sense of community identity as the City changes and evolves.
- LU Policy 2.1.1: Encourage compact, higher-density development that is compatible with its surrounding character.
- LU Policy 2.1.2: Use limited land resources more efficiently and pursue a development pattern that is more economically sound, by encouraging infill development on vacant and underutilized sites.
- LU Objective 4.2: Improve the pedestrian experience through excellent urban design.
- LU Policy 4.3.6: Ensure that sidewalks interconnect with existing or future sidewalks on adjacent properties and on the public right-of-way.
- LU Policy 8.14.1: Development shall not exceed the densities and intensities as defined by the land use plan categories, and incorporated herein as reference.
- LU Objective 9.2: Ensure that there is an adequate amount of land planned for residential purposes to accommodate the projected population.
- LU Policy 9.2.1: Protect, promote and maintain residential neighborhoods, in order to preserve an adequate amount of residential land for existing and future population growth.
- LU Objective 9.3: Compatible development and redevelopment to sustain stable neighborhoods and ensure the social and economic health of the City.
- LU Objective 9.4: Accommodate the greatest concentration of housing in desirable, pedestrian-oriented urban areas having convenient access to regional transit stations, where the mix of activity provides convenient access to a full range of residential services and amenities, and opportunities for people to live within walking distance of employment.
- LU Policy 9.4.1: Encourage higher-density multifamily development in pedestrian-oriented urban areas with access to transit, a broad range of services and amenities and access to employment to:
 - o Encourage housing development of a medium to large scale with heights greater than those in low rise areas;

- Accommodate larger scale structures while maintaining the livability of these communities, including measures which minimize the appearance of bulk; or
- Promote high-density residential development in Business Centers and Urban Villages.
- LU Objective 9.8: Provide for the concentration of housing in areas where public transit and local services are conveniently available and accessible for pedestrians.
- LU Policy 9.8.1: Use moderate-density multifamily zones in multifamily areas to provide additional housing opportunities, by:
 - Encouraging infill projects and conversions of existing buildings which are compatible with existing mixes of houses and small-to-moderate scale apartment buildings; or
 - Providing for new residential development at moderate densities which can fill in vacant or underdeveloped sites in neighborhoods with existing moderate density residential structures.
- LU Policy 9.8.4: Accommodate housing at densities sufficient to promote pedestrian activity and frequent transit service, as well as support local businesses providing neighborhood services.
- LU Objective 20.4: Continue to recognize Bayshore Boulevard, from Brorein Street to Gandy Boulevard (“Bayshore Boulevard”), as a regional attractor and a major community asset. Continue to preserve and enhance the balance of the natural and physical environments along Bayshore Boulevard in a manner which will continue to provide the City’s residents, regional neighbors, and national/international visitors with a unique environmental experience in the core of the urban area.
- LU Policy 20.4.2: Promote pedestrian connectivity by completing improvements as feasible and practical to existing sidewalk segments.
- NE Policy 1.3.9: Relate new buildings to the context of the neighborhood and community.
- HSG Objective 1.3: Ensure that an adequate supply of housing is available to meet the needs, preferences and financial capabilities of Tampa’s households now and in the future in all neighborhoods.
- HSG Policy 1.3.1: Designate sufficient land for residential development to accommodate Tampa’s share of regional household growth.
- HSG Policy 1.3.3: Continue to monitor residential development to ensure that there are adequate sites to accommodate demand.
- HSG Policy 1.3.4: Encourage new housing on vacant, infill, or underutilized land.

C. Compatibility with Development Pattern

“Compatibility means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition” § 163.3164(9), Fla. Stat. The Project is compatible with the surrounding development pattern and is an ideal infill redevelopment opportunity, replacing a surface parking lot and small preschool building with a higher density use consistent with the surrounding area. To the north of the Property is the Tampa Garden Club, an event venue, Fred Ball Park, the Sanctuary (17-story condominium building), and

the Bayshore Diplomat Condominiums (18-story condominium building). To the west is the Bayshore Presbyterian Apartments, a 15-story multifamily building, and single-family attached uses. To the south of the Property are single-family attached uses.

The area surrounding the Project has not been developed to its intended potential. As noted in the Planning Commission Staff Report for REZ 22-93, the existing density of the nearby properties in the R-35 Future Land Use category is 14.27 dwelling units per acre (based on 15 sample sites), or 40% of the intended density. Approximately 4.07 acres to the west and northwest are within the Residential-83 (“**R-83**”) Future Land Use category, which allows up to 75 dwelling units per acre by right or 83 dwelling units with a bonus agreement, and those properties have been developed at a density of 16.12 dwelling units per acre (based on 5 sample sites) or 19% of the intended density. Planning Commission staff considers this area “underdeveloped.” By approving the Project, the City would be utilizing an underdeveloped surface parking lot for residential development in an area that is planned for significantly more residential development than currently exists.

D. Transportation/Parking

In accordance with approved City methodology, the traffic analysis found that approval of the Project will not result in a traffic increase from the existing uses. The Applicant is proposing 189 parking spaces (84 spaces for the place of religious assembly and 105 spaces for the luxury condominiums).

E. Connectivity

Connectivity and internal roadways are shown on the site plan included with this submittal package. The Project proposes a residential entrance off Ysabella Avenue into a porte cochere, one entry drive off Barcelona Street, and one entry/exit point on Barcelona Street. The Applicant has agreed to provide off-site mill and resurfacing of Barcelona Street and Ysabella Avenue to improve these roadways.

F. Natural Resources

In response to public comment, the Applicant has agreed to preserve all grand trees on the Property. In addition, the Applicant has agreed to retain more than 50% of the required live trees onsite and will provide nearly double the required greenspace on the Property. Further, the Applicant will provide nearly triple the required native trees and number of trees required by Code.

G. Waivers

The Applicant has removed all new waiver requests and has removed a previously approved waiver request related to parking. All congregation and resident parking will be shared within one garage.

The only remaining waiver on the Property is a previously approved waiver to allow access to local streets (Ysabella Avenue and Barcelona Street). This waiver was required for the place of

religious assembly and daycare facility since those are non-residential uses. The waiver cannot be removed because the place of religious assembly is remaining on the Property and because the place of religious assembly's location on the Property precludes access to Bayshore Blvd. In addition, the Applicant does not control the corner at Bayshore Blvd and Barcelona Street in order to add an access point at Bayshore Blvd. Access to Bayshore Blvd would therefore not be possible without tearing down the place of religious assembly.

The waiver is not required to be renewed with the instant request because this application requests a multifamily residential use and residential uses are allowed to access local streets under the Code today. However, as part of this application, the Applicant is removing the daycare facility use which is the largest traffic generator on the Property today.

H. Conclusion

The Applicant has worked very hard with neighbors, organizations and other stakeholders to design this new Project. This request reflects significant adjustments and concessions to the originally proposed project in direct response to these neighborhood conservations. As a result, the proposed Project is a better project that will not only enhance the surrounding community, but serve as an example as to how new development may best assimilate with existing residents and collocate with existing uses.

Exhibit C

Nicole Neugebauer

From: Jazmean Afanador <Jazmean.Afanador@tampagov.net>
Sent: Tuesday, February 13, 2024 3:56 PM
To: Jake Cremer; Abbye Feeley; Andrea Zelman; Camaria Pettis-Mackle; Cate Wells; David Hey (heyd@plancom.org); Debbie Crawford; Dennis Fernandez; Erin Bradley; Evan Johnson; Jennifer Malone; John Bennett; Melissa Zornitta; Morris Massey; Phyllis Ho-Zuhars; RoseMary Hall; Sharon Snyder; Shawny Tim; Shelisia Jackson; Stephen Benson; Susan Johnson-Velez; Eric Cotton; Joel Sousa; LaChone Dock; Laura Marley; Samuel Thomas; Susan Johnson; Astonah Turner; Carl Brody; Dana CrosbyCollier; Emma Gregory; Gina Grimes; Marcella Hamilton; Megan Birnholz; Rob Mosakowski; Ursula Richardson
Cc: Suling Lucas; Brittney SandovalSoto; Denise Brown; Charline SotoQuintana; Jazmean Afanador
Subject: MOTIONS COUNCIL EVENING SESSION February 8, 2024, at 5:01 p.m. Agenda #8 - File No. REZ-24-06



Office of the City Clerk

3rd Floor, City Hall

315 E. Kennedy Boulevard

Tampa, Florida 33602

Phone: 813-274-8397

Fax: 813-274-8306

MOTION ACTION

COUNCIL EVENING SESSION FEBRUARY 8, 2024, at 5:01 P.M.

TO: Planning and Development and Planning Commission Motion Group

Land Rezoning Motion Group

Legal Motion Group

City Council Staff

Jake Cremer – applicant’s representative

File No. REZ-24-06

Motion: (Hurtak-Carlson) That Council moves to deny said petition due to the failure of the applicant to meet its burden of proof to provide competent and substantial evidence that the development, as conditioned and shown on the site plan, is consistent with the Comprehensive Plan and City Code. Failure to comply with Land Development Code, Section 27-136-1; Promote the efficient and sustainable use of land and infrastructure, with careful consideration of potential adverse impacts to onsite natural elements, surrounding impacted neighborhood(s), and cultural resources. Section 27-136-5; Encouraging flexible land development which reduces transportation needs, conserves energy, and will maximize the preservation of natural resources. Section 27-136-6; Promote and encourage development where appropriate in location, character, and compatibility with the surrounding impacted neighborhood(s), built environment, and existing geography. Further; Land Use Policy 1.2.6 encourages small-medium development particularly of unique design to enhance Tampa’s urban character. Land Use Policy 1.2.20; Design new structures to create transitions in form between adjacent or nearby buildings, or open space. Land Use Policy 8.14.1; A development should not exceed the densities and intensities as defined by the Land Use Planned Categories. Also, in the Comprehensive plan and the Vision Map, indicates where citizens and planners believe additional growth and higher density should occur, and where neighborhoods should remain unchanged and stable. There are six levels of intensity to indicate where development should be focused. South Tampa and New Tampa are a level 1, meaning no significant changes in the established area. Further; the Comprehensive Plan talks about South Tampa characteristics like environmental qualities that would be compromised by increased urbanization. Specifically, the downside of urbanization because of the environmental nature of South Tampa; limited access to transportation, facilities, limited opportunities to create more community facilities. Policy 1.1.8; emphasizes diverse housing; South Tampa districts should maintain the character of the established neighborhoods. Land Use Policy 1.2.28; Limit the use of planned development district zoning petitions to allow development consistent with future land use designation, but otherwise not permitted in current, land use. Objective 2.1; Regulate the levels of building intensity. Land Use Policy 2.1.1; Compatible with surrounding character. Land Use Policy 9.2.2; Impacts of development projects on the existing physical and social framework and character of the affected area should be recognized. Land Use Policy 9.3; Development should be compatible. Land Use Policy 9.3.8; New residential development projects shall be minimally disruptive to adjacent areas. Bayshore Boulevard Land Use Policy Objective 20.4; Continue to recognize Bayshore as regionally attractor, major community asset. Continue to preserve and enhance the balance of the natural and physical environments along Bayshore Boulevard in a manner which will continue to provide the City’s residents, regional neighbors and national and internal visitors with a unique and environmental experience in the core of the urban area. CM Objective 1.1; Direct future population concentrations away from the coastal high hazard area. Further, no net increase in overall residential density within the CHHA. CM Objective 1.7; Lack of transportation and evacuation planning. CM Objective 1.7.2; The need to ensure priority is placed on maintaining the capacity

of highways that are designated as regional evacuation routes. These routes are over capacity, and we would herby be adding a lot more density. The title of said ordinance was read in full. Motion carried by voice roll call vote of 5-2 with Henderson and Viera voting no.

Jazmean Afanador

City Clerk Support Technician, City Clerk

City of Tampa / 315 E Kennedy Blvd 3rd Floor / Tampa, Florida 33602

p: 813-274-7079 / e: Jazmean.Afanador@tampagov.net

Exhibit D

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ORIGINAL

1 CITY OF TAMPA CITY COUNCIL MEETING
2 EVENING FINAL AGENDA
3 FILE NO. REZ-24-06 & FILE NO. DA24-2854

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13 DATE: FEBRUARY 8, 2024

14 REPORTER: LAURYN ROMERO

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1 APPEARANCES

2 ON BEHALF OF THE PETITIONER:

3 Jacob T. Cremer, Esquire

4 Stearns Weaver Miller

5 401 East Jackson Street

6 Suite 2100

7 Tampa, Florida 33602

8 Telephone No.: (813) 222-5051

9 E-mail: jcremer@stearnsweaver.com

10 ON BEHALF OF THE ALTURA BAYSHORE CONDOMINIUM

11 ASSOCIATION:

12 Jane Graham, Esquire

13 Sunshine City Law

14 737 Main Street

15 Suite 100

16 Safety Harbor, Florida 34695

17 Telephone No.: (727) 291-9526

18 E-mail: jane@sunshinecitylaw.com

19 Also Present: Guido Maniscalco; Chair - District 2 At-
20 Large, Alan Clendenin; Chair Pro-Tem - District 1 At-
21 Large, Lynn Hurtak; District 3 At-Large, Bill Carlson;
22 District 4, Gwendolyn Henderson; District 5, Charlie
23 Miranda; District 6, Luis Viera; District 7, Martin
24 Shelby; City Council Attorney, Lachone Dock, Tom
25 Connoley, Carol Anne Bennett, Samantha Decker, Norma
Barquette, Diana Sullivan, Dean Houser, Steven
Hovenstock, Kathy Schevarria, Michelle Walk, Emily
Phelan, Robert Stern, Charles Gotier, Kelsey Truhecky,
Cate Wells, David Smith, Brenda Johnson, Jim Shimberg,
Betty Griffin, Zoey Diaz, Terry Webster, Todd Pressman,
Diane Rivera, Alexandra Darryl, Alexandra Arrigo, Brenda
Johnson, Joanne Wedge, Robert Weck, Christine Evans, Jay
Jones, Johnathan Scott, Nick Perez, Adrian Vanheist,
Joanne Houser, James Alver, Laura Alver, Martin Cabanna,
Cather Cabanna, Rochelle Walk, Michelle Deltamaro, Tim
Everrett, Adrian Vanheist, Jack Ross, Sidel Envogel,
Maria Casiano, Pamela Carpenter, Genelle Gavelli, Nicole
Perry, Avery Marcadus, Steve Fraiser, Paula Perry, Dana
Jasper, Paula Meckley, Tracy Riley, Courtney Honing,
Laura Crister, Warren Harris, Lorraine Perino, Michael
Meckley, Kennan Poole, Marcy Baker, Vance Smith, Mark
Gessner, Dennis Levine, Jonathan Tannin, Bob Whitmore,
Jill Corcoran, Hailey Sasser, Kitty Wallace, Steve
Hershchwitz, Nick Stocco, Patrick Cimino, Lori
Rabinowitz, Marge Miller, Sally Dean, Joanne Houser,



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APPEARANCES CONTINUED

Also Present:

James Alver, Laura Alver, Martin Cabanna, Cather
Cabanna, Llyod Stern, Alex Derimo , Maureen Aroll, Vince
Coyle, Tony Everett, Stephanie Poynor



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STIPULATION

The PUBLIC MEETING was taken at TAMPA CITY COUNCIL CHAMBERS, 315 EAST KENNEDY BOULEVARD, 3RD FLOOR, TAMPA, FLORIDA 33602 on THURSDAY the 8th day of FEBRUARY 2024 at approximately 9:49 p.m. (ET); said PUBLIC MEETING was taken pursuant to the AGREED UPON RULES OF THE PRESENT PARTIES.



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PROCEEDINGS

MR. MANISCALCO: Welcome back to Tampa City council. Roll call, please.

Carlson?

MR. CARLSON: Here.

MR. MANISCALCO: Hurtak?

MS. HURTAK: Here.

MR. MANISCALCO: Clendenin?

MR. CLENDENIN: Here.

MR. MANISCALCO: Henderson?

MS. HENDERSON: Present.

MR. MANISCALCO: Viera?

Yes.

Miranda?

MS. MIRANDA: Here.

MR. MANISCALCO: Maniscalco? Here. You have a physical quorum. Thank you very much, Ms. Locke. I think Mr. Shelby wanted to address public comment. Mr. Shelby, go ahead.

MR. SHELBY: Yes. Thank you. Mark Shelby, City council attorney. Good evening City council and members of the public. The first thing I'd like to ask Counsel to do at this time. We've already earlier this evening received and filed ex parte communications -- written ex parte communications



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1 that have been available for public inspection.
2 That already being done, I'm going to ask you now
3 relative to this case are there any -- have there
4 been any ex parte communications that need to be
5 disclosed?

6 MR. CLENDENIN: So long before I was a Counsel
7 person, I attended a meeting at the Garden Club
8 where they did discuss the issues of development
9 next door. I did necessarily participate in those
10 discussions. I mean -- I mean, in a casual way
11 because I was not on Counsel at the time.

12 MR. SHELBY: Okay. And you can be fair and
13 impartial? Base your decision on the evidence in
14 the record today?

15 MR. CLENDENIN: Yes.

16 MR. SHELBY: Thank you. Anybody else? Okay.
17 Thank you. The other thing that is something that
18 we have -- I have discussed with the applicant's
19 representative, Mr. Cremer, was the order of
20 business of taking public comment. And the
21 suggestion is that after the staff presentation, the
22 petitioner have the opportunity to use their time
23 for a presentation. And the request then is to have
24 the representatives of the Temple Rodeph Shalom to
25 be able to speak, and I believe -- how many did you



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1 say, Mr. Cremer, then?

2 MR. CLENDENIN: Three.

3 MR. SHELBY: Three. And then following that,
4 there are the representatives of the Garden Club,
5 and I believe there are three representatives as
6 well, if I understand correctly. Do you recall who
7 they are, sir? Or --

8 MR. CLENDENIN: I believe --

9 MR. SHELBY: I know Mr. Pressman this morning.

10 MR. CLENDENIN: Yes, Mr. Pressman.

11 MR. SHELBY: And then there are two others, and
12 I believe they each have speaker waiver forms. Your
13 name, sir, is?

14 MR. GOTIER: Charles Gotier.

15 MR. SHELBY: Charles Gotier and then -- and
16 again, Counselor, your name is?

17 MS. GRAHAM: Jane Graham.

18 Jane Graham. And I believe that is with the
19 agreement of Mr. Cremer, is it?

20 MR. CLENDENIN: Yes, sir.

21 MR. SHELBY: And then from that going forward,
22 you'll be going in numerical order as Ms. Edwards
23 stated. You agreed to that. Thank you very much.
24 Ms. Wells, you have the floor.

25 MS. WELLS: Thank you. Kate Wells for the



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1 department. Mr. Chairman, members of Counsel, we
2 are here on item number eight, file number REZ 24-
3 06.

4 I wanted to briefly address Counsel on this
5 issue before I turn it over to staff for the initial
6 presentation. Many of the Council members will
7 remember a rezoning that involved this property that
8 was considered by City council on May 11th, 2023.

9 It was under petition number REZ 22-93. There have
10 been questions asked as to why it is permitted for
11 this item to come before the Counsel on another
12 petition for reforming when 12 months have not gone
13 by since the last denial. Section 27-150 of the
14 City of Tampa Land Development Code does prohibit
15 the re -- the consideration of a rezoning involving
16 the same parcel for a period of 12 months after a
17 denial. However, there is the ability by code for
18 that 12 month period to be waived if the zoning
19 administrator finds that the new application is
20 significantly different from what was considered
21 previously and addresses the basis for denial.

22 So Eric Cotton in his position as zoning
23 administrator made that determination. That in
24 fact, the petition that is before you this evening
25 may be considered in under that 12 month period,



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1 because it complies with the criteria in the code.
2 So I want to be clear that decision itself is not
3 before Counsel to be debated. That decision has
4 already been made. So to the extent that members of
5 the public want to address that I would recommend
6 that they spend their three minutes or however much
7 time they have on issues that are possibly before
8 this Counsel and not the issue of this being
9 considered in under a 12 month period. So I'm
10 available if you have any questions.

11 MR. MANISCALCO: Any questions? Thank you.
12 Yes, sir?

13 MR. SHELBY: And Mr. Chairman, I would just
14 like to add for Counsel and for the record and
15 certainly for the public to remind you, Counsel,
16 that this decision is to be based upon competent
17 substantial evidence. We've all heard about
18 evidence that -- of both relevant and material to
19 the decisions you have to make, and you have the
20 criteria of the code in front of you. I ask that
21 you refer to it. You are going to be finders of
22 fact, and in that capacity to make a determination.
23 You take the facts as you find them, and you apply
24 them to the criteria in the code in order to arise
25 at the decision.



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1 I will ask the public to remain mindful of the
2 Counsel's responsibility and to decide this case, in
3 fact, based upon competent substantial evidence.
4 And I'll give you an example of things that are not.
5 One in particular is the number of signatures on a
6 petition. The courts have found is not competent
7 substantial evidence.

8 So with that in mind, Counsel, I just ask you
9 to be mindful of your obligation and to listen to
10 the facts, take the testimony, rely on the evidence,
11 and apply the code. And I thank you.

12 MR. MANISCALCO: Thank you very much. Yes,
13 ma'am.

14 MS. DOCK: Thank you, Chairman and Counsel.
15 LaChone Dock, Development Coordination. I can go
16 ahead and introduce item number eight. This is REZ
17 24-06. It's for the property located at 2713
18 Bayshore Boulevard. The applicant is represented by
19 Jacob Cremer. The request is to rezone the property
20 from PD Planned Development, which currently allows
21 for place of religious assemblies, to PD Planned
22 Development for the use of basic religious assembly
23 and residential multi-family on site. So I'll turn
24 it over to Emily to give her report and I'll come
25 back and give my report.



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1 MS. PHELAN: Emily Phelan, Planning Commission
2 staff. The subject site is located within the South
3 Tampa Planning District in the Bay -- in the
4 Bayshore Gardens neighborhood. The site is located
5 within the Coastal High Hazard Area and Evacuation
6 Zone A. This is an aerial of the subject site,
7 which is located here, and the surrounding area
8 contains a mixture of uses. This segment of Bayshore
9 Boulevard contains light commercial, single family
10 detached, single family residential, public uses,
11 and also multi-family uses. The Bayshore
12 Presbyterian Apartments are here. And I'm going to
13 butcher this, but Altura Bayshore is located here,
14 and offices are to the west of the subject site as
15 well.

16 This is in the future land use map. Again, the
17 subject site is here, and it's represented with the
18 residential 35 future land use designation. This
19 pink color is the community mixed use 35
20 designation, this dark brown is residential 83, and
21 residential 50 is down here. The residential 35
22 designation allows consideration of media mixed
23 residential uses including multi-family. The multi-
24 family uses, and place of religious assembly can be
25 considered within the R35 designation.



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1 The maximum -- the minimum lot size required to
2 receive the 18,014 square foot place of religious
3 assembly is 30,023 square feet. After subtraction,
4 the minimum lot size required, approximately 1.43
5 acres can be cons -- can be considered for
6 residential development.

7 The PD proposes 42 dwelling units on the
8 remaining 1.43 acres. Since the proposed request is
9 below 30 dwelling units per acre, a bonus position
10 agreement is not required. Planning Commission
11 staff finds the request consistent with the density
12 and intensity -- and intensity anticipated under the
13 residential 35 designation.

14 Planning Commission staff reviewed the existing
15 designations of the surrounding area of the R35
16 designated parcels. The existing density is 14.27
17 dwelling units per acre based on 15 sample sites,
18 which is approximately 40 percent of the density
19 anticipated under the R35. Approximately 4.07 acres
20 to the west and northwest of the subject site are
21 parcels designated R83. This area has an existing
22 density of 16.12 dwelling units based on five sample
23 sites, which is approximately 19 percent of the
24 density anticipated under the R83. Given the
25 density and intensity anticipated in this area of



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1 the city, the surrounding area can be considered
2 underdeveloped.

3 As I pointed out earlier, the Bayshore
4 Presbyterian Apartments is a 15 story, multi-family
5 development northeast of the site on South Ysabella
6 Avenue. Altura Bayshore here is a 22 story high
7 rise. It is located south of this site. There are
8 several 15 to 18 story towers near the subject site
9 along Bayshore Boulevard, and several other taller
10 structures north of the site along -- also along
11 Bayshore Boulevard.

12 Planning Commission staff finds the request
13 will not alter the character of the surrounding
14 area. Further the request supports land use policy
15 2.1.1, which seeks to encourage compact higher
16 density development that is compatible with the
17 surrounding character. The comprehensive plan seeks
18 to promote pedestrian activity along Bayshore
19 Boulevard. Sidewalks are provided along the
20 adjacent public rights of way, and the building
21 entrances to the residential development are
22 oriented towards South Ysabella Avenue.

23 Additionally, internal pedestrian connections are
24 proposed along with a crosswalk from the place of
25 religious assemblies entrance to the sidewalk on



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1 West Barcelona Street. Pedestrian connections will
2 help ensure pedestrian safety and accessibility.

3 The comprehensive plan also encourages high
4 density, multi-family development in pedestrian
5 oriented urban areas with access to transit
6 services, employment, and amenities. The PD
7 supports this policy direction due to the site being
8 adjacent to transit services along Bayshore
9 Boulevard, and it is within a quarter mile of West
10 Bay to Bay Avenue and South MacDill Avenue. And the
11 site is also within proximity of two public parks.

12 The request supports many policies as it
13 relates to housing the city's population. The
14 comprehensive plan encourages new housing on vacant
15 and underutilized land to ensure an adequate supply
16 of housing is available to meet the needs of Tampa's
17 present and future populations. And the request
18 will provide additional housing choices in the
19 Bayshore Gardens neighborhood.

20 The subject site is also within the Coastal
21 High Hazard area and Evacuation Zone Eight, and as
22 such rezonings that increase the number of
23 residential units shall mitigate any impacts on
24 shelter space demand and ensure any impacts on
25 shelter space demand are mitigated during the site



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1 time review process.

2 The proposed request is consistent with the
3 density anticipated under the R35 designation and is
4 comparable and compatible to the surrounding area.

5 And that concludes my presentation.

6 MR. MANISCALCO: Thank you very much. Yes,
7 ma'am.

8 MS. DOCK: Thank you again, Counsel. Lachone
9 Dock, Development Coordination. And this PD
10 rezoning report that they would allow for that use
11 of the residential multi-family along with the
12 existing use of a place of religious assembly on
13 site. This request would allow the addition and the
14 construction of a residential tower containing 42
15 units.

16 The existing place of religious assembly on
17 site contains 18,014 square feet. The lot area
18 contains 92,463 square feet or a little bit over two
19 acres. The micro home building being proposed is
20 317 feet. The setbacks are to the north and south
21 20 feet, to the west 25 feet, and to the east ten
22 feet. The parking spaces required is 179 spaces,
23 and 189 spaces are provided.

24 So this is the site plan that was submitted by
25 the applicant, which is on record. So the existing



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1 building --this is the existing temple building
2 that was referenced. This is the building that
3 contains the 18,014 square feet. This building
4 would remain the micro home height proposed for
5 this. The 30 feet. It would not exceed the 30 feet
6 in height. This would be the location of the new
7 residential multi-family tower on the site, which
8 would be on the western portion of the site.

9 On this site plan, you will see this is
10 Barcelona Street. This is Bayshore Boulevard. This
11 is the development. So access to the site. There
12 are two points of vehicular access. And this is on
13 Barcelona Street. There's one point of access where
14 you have an entry only ingress, and you can travel
15 to the parking that's located here to the west.
16 There are two surface parking spaces here in front
17 of the temple. There are also two points of access
18 that are located here along the west. There is a
19 vehicular drive which allows for drop off and then
20 access for the residential tenants located on that
21 drive.

22 There are elevations submitted with this
23 request. So this is your eastern elevation, and
24 this is the north elevation. It's located here.

25 And then on the bottom, you have your west elevation



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1 here. And then this is your southern elevation.

2 And I'd like to show the aerial of the site. So
3 this is the site, which is located here in red.
4 This is Bayshore Boulevard. So you can see directly
5 south of the site you have your R75 zoning as well
6 as to the north residential single family. But
7 there's also the residential multi-family that's
8 located north and northwest of the site with R16 and
9 R75 designation. South of Barcelona you have your
10 residential multi-family zoning along with a couple
11 of residential single family, and then the PD's
12 allowed for your multi-family uses on those
13 properties.

14 And then I have photos of the site. So this is
15 the site on Bayshore, and this is the east side of
16 the site that's located here. We're looking south
17 on Bayshore. This is a closeup of the site.
18 Another view of that eastern boundary of the site.
19 This is a different view, the eastern portion of the
20 site. This is the site to the left. It is a
21 northeast if you're looking east on Bayshore. This
22 is internal to the site. This is the temple to
23 remain. This is from Barcelona, and this is looking
24 at the site from Barcelona. This is another view of
25 the site. This is south of the site. This is at the



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1 southwest corner Barcelona, west of the site. This
2 is another view west, which is a multi-family. This
3 is west of the site, so this is the view if you're
4 looking northeast on Ysabella. This is the site off
5 to the right in the picture. This is north of the
6 site. And then this is south. This is east of the
7 site. This is at the corner. This is that
8 nonresidential. It is located in that pocket. This
9 is further north of the site, Fred Ball Park.
10 Southwest of the site, leaning back around, that's
11 the northwest corner of Barcelona and Ysabella. And
12 then this is the -- this is a picture, and this is
13 at the Garden Club. And this is showing the area
14 where, like, the demo would occur. The daycare
15 that's there would be demoed. And that's the view
16 looking southwest.

17 So one thing I wanted to mention and put onto
18 the record, Ms. Wells gave an introduction of the
19 background and how we got here today. But I just
20 wanted to put into the record the modifications
21 which were made to the site plan from the first
22 submittal to this submittal which is before you now,
23 and just for the record to state the differences.
24 So this new site plan, it's not asking for a bonus.
25 This request is a reduction in the number of units



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1 from the initial request of 50 units to the current
2 request of 42 units. There's also a reduction in the
3 height in the building. The next change is that all
4 new waivers have been removed. So that initial
5 request had five waivers that were requested, and
6 there are no new waivers with this request. All
7 grand trees are being retained on site. And then
8 also they are retaining more than 50 percent of the
9 trees on site. That'll be retained. So those
10 modifications made that difference and that finding
11 for the zoning administrator to have this come back
12 before Counsel.

13 And with that, the DRC staff reviewed this
14 request. We find it consistent. There are site
15 plan modifications to be made between first and
16 second reading. I would like to also turn it over
17 to Jonathan Scott with mobility so that Jonathan can
18 talk for a few moments about transportation, and
19 then staff is available after that time for any
20 questions. Thank you.

21 MR. SCOTT: Jonathan Scott, Transportation.
22 Transportation finds the project consistent. They
23 were not required to do a traffic study. They did
24 provide a traffic memo. There's actually a decrease
25 in the traffic based on the existing uses. They



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1 have a daycare. So based on IT trip generation,
2 they had an existing local street access waiver for
3 the place of religious assembly in -- since 2005.
4 And then the multi-family use doesn't require a
5 local street access waiver. And the access that's
6 on Barcelona, there's already existing access in
7 place for religious assembly and multi-family use at
8 Ysabella. Further access and no new waivers are
9 required as -- wanted to point that out.

10 MR. MANISCALCO: Thank you very much. All
11 right. Who's next? Take it to the applicant now.
12 Please state your name. Yes, sir.

13 MR. CREMER: Thank you. Mr. Chair. Jake
14 Cremer with Stearns Weaver Miller, 401 East Jackson
15 Street. I do have a presentation if we can pull
16 that up.

17 And Mr. Chair, while -- housekeeping matters
18 before we -- before we start. So I do have a couple
19 of items. I'd like to introduce into the record, if
20 I may approach.

21 MR. MANISCALCO: Sure.

22 MR. CREMER: Okay. So these are -- these are
23 support letters that we received at our office
24 directly in the last couple days, I don't believe
25 they're in the record yet, as well as proposed



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1 conditions -- two additional proposed conditions
2 that I'll address during my -- during my
3 presentation that we're proposing based on community
4 discussions over the last couple days.

5 Okay. Mr. Chair, Counsel, thank you for your
6 time tonight. I represent the Related Group, the
7 applicant for this rezoning, as well as the next
8 hearing which is a Related development agreement.
9 We'll talk about that later. I'd like to start with
10 bringing up Mr. Nick Perez of the Related Group.
11 Thank you.

12 MR. MANISCALCO: Thank you.

13 MR. PEREZ: Thanks. Good evening, Council
14 members. Thank you for giving us the time this
15 evening.

16 My name is Nick Perez, and I'm president of the
17 condominium division at Related Group. Since my
18 father started this company in 1979 in Miami, we've
19 had -- we've been fortunate enough to expand our
20 reach building residential communities all
21 throughout the country and expanding all throughout
22 Latin America. But still to this day with all of
23 our travels, our family still considers Tampa to be
24 our second home.

25 You may be familiar with some of -- with some



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1 of our signature Tampa developments that have been
2 completed or are actively in construction. Our
3 affordable housing projects in the West River
4 District that Related is developing in conjunction
5 with Tampa Housing Authority, the middle market
6 projects like Manor Riverwalk on Hillsborough River,
7 and the upscale projects like the Ritz-Carlton
8 Residences on Bayshore, just down the street from
9 the site we're discussing this evening.

10 While we are tremendously proud of our
11 developments, our pride extends far beyond any
12 physical structures. We are equally as proud of our
13 dedication to developing communities and enriching
14 lives.

15 MR. MANISCALCO: Wait, sir. Before you --
16 before you continue on. Just stop his time. If
17 everybody that's going to speak would please stand
18 up, raise your right hand, and we'll swear you in.

19 THE REPORTER: Please raise your right hand.
20 Thank you. Do you swear or affirm the testimony
21 you're about to give is the truth and nothing but
22 the truth? Thank you.

23 MR. SHELBY: We stopped the clock, but we lost
24 a few seconds there. Sir, you affirm that
25 everything you said to this point is correct?



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1 MR. MANISCALCO: Go ahead. I apologize for the
2 interruption.

3 MR. PEREZ: No worries. Thank you. Thank you
4 for the catch, too.

5 See, my father started his life out -- not set
6 out to become a developer or even a businessman. He
7 started his career as an urban planner in the City
8 of Miami with the passion of improving cities and
9 the lives of its residents. My family invests in
10 cities over the long haul beyond construction of
11 buildings. The organization's focus on arts and
12 culture, health and wellbeing, education, the
13 environment, and economic development, connecting
14 our projects to public spaces cell -- and
15 celebrating history is something for which Related
16 has been particularly recognized, specifically here
17 in the Tampa community with some of our
18 developments. Whether commissioning a local artist
19 to create a mosaic mural at Mary Bethune Apartments,
20 to bringing the riverwalk to the west side of the
21 river and Manor Riverwalk apartments, or repurposing
22 in the neighboring community of St. Pete, the
23 historic bank building into a thriving mixed-use
24 community, our family believes strongly in promoting
25 and enhancing these communities, their history, and



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1 their culture.

2 That's why we were so interested, and quite
3 frankly honored, when Rodeph Shalom Synagogue
4 approached us to build a residential community on a
5 portion of their property. Because we believe that
6 this proposed allocation concept can serve as a
7 blueprint to preserve and protect similar iconic
8 Tampa landmarks that otherwise may other -- that may
9 otherwise be priced out of their long time
10 locations. By sharing the current site and building
11 their proposed residential community, Rodeph Shalom
12 Synagogue may retain its current Bayshore Boulevard
13 locations for generations to come.

14 Just like my father first set out in 1972, I
15 continue to appreciate opportunities to build and
16 enrich communities. And we believe our project
17 before you for consideration this evening is such an
18 opportunity. I respectfully ask that you approve
19 our rezoning request this evening and thank you-all
20 that you do for Tampa.

21 MR. MANISCALCO: Yes, sir.

22 MR. CREMER: Thank you, Nick. Jake Cremer
23 again for the record. Counsel, as I was thinking
24 about how to prepare tonight, I thought, because of
25 the property we're considering, that a quote from



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1 King Solomon. He had it right. He said, "The way
2 of a fool is right in his own eyes, but a wise one
3 listens to advice." That's why we're back here
4 tonight. We listened to you.

5 I'm new to the team --brought me on to try to
6 bring a fresh perspective. We have the rest of our
7 team as well. They brought me on to help figure out
8 what can we do? What can we bring that's new to the
9 table? I realize at first glance some things may
10 seem similar, but we've done a lot of work, and this
11 is a new project.

12 This project is a creative co-location concept.
13 It's infill exactly where the city needs it near
14 transportation corridors, near parks, near the
15 Bayshore Greenway. We're proposing a 26-story
16 building with 42 residences. Both uses are fully
17 parked. We're making offsite mobility improvements
18 that we were not last time. And in our development
19 agreement we're proposing both improvements to Fred
20 Ball Park as well as height -- future height
21 restrictions on the existing synagogue site to keep
22 it remaining as a buffer between the tower and
23 Bayshore.

24 The Rodeph Shalom congregation has been located
25 here since 1969, for 55 years. When the current



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1 building was constructed, it was celebrated across
2 the state. I found newspaper articles for its
3 unusually large white menorah sculpture. And this
4 is one of only a small handful of cultural resources
5 that remain on Bayshore today. That's what gives it
6 a diverse, eclectic feel. So the community -- I
7 think we have a one in a generation opportunity to
8 work with the congregation to preserve this
9 resource. This project represents that opportunity,
10 and in many ways this project is better than the
11 code requires because of its limited 42-unit scale.
12 For example, Bayshore requires only a 63-foot center
13 line setback. The synagogue is already twice that,
14 and the tower we're proposing is over four times
15 that.

16 Now, last year the comment was made that this
17 Counsel cannot speculate what may or may not happen
18 to the synagogue, and I don't disagree with that.
19 But what I think you can consider is how this
20 proposal is better than what the code would
21 otherwise allow on this site. And it most certainly
22 would allow a developer to come to you with a
23 request to build over 70 units with much low --
24 lesser setbacks. With that, I'd like to have David
25 Smith, our expert land planner, talk about



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1 consistency. Thank you.

2 MR. SMITH: Good morning, Councilmen. David
3 Smith, Director of Development and Zoning for
4 Stearns Weaver Miller. I've been practicing in
5 Hillsborough County in Tampa for 40 -- 46 years. 15
6 of those were with Hillsborough County or working
7 for them in their planning departments and also
8 their community development program.

9 What Jake has described to you is what the
10 concept is now and how the synagogue has been put in
11 place. What I have up on the graphic is a little
12 history. The history basically says back in the
13 '60s there was a Bayshore study done. The Bayshore
14 study said, "Gee, we actually are developing a very
15 low density, not much revenue, and we really need to
16 consider having more dense development." So what
17 came out of that in '61, in that study, was in 1989
18 the zoning was R3HR, which is multi-family high
19 rise. And the quoted section is from the
20 regulations at the time, which basically,
21 surprisingly said, "Unlimited height in this zone."
22 This is an evolutionary process, as the codes change
23 over time. Things change over time. And what we
24 have today is a time of change for this particular
25 property.



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1 I logged into the details with staff and the
2 Planning Commission and all the explanation I've
3 gone into, but we've provided a supplemental
4 planning study by our firm that supports and came to
5 the same conclusion that this project is compatible
6 and consistent with comprehensive planning. The
7 comprehensive planning category of R35 was intended
8 to --ever since the original Bayshore plans to
9 provide needed housing in the Bayshore corridor,
10 which is the jewel of Tampa along the bay. And what
11 we have today is an opportunity to not look at
12 what's around the property that has been there for
13 50 years: the Event Center, or Tampa Garden Center,
14 the other -- the Women's Center that's there. The
15 fact that there's low density town homes. These are
16 actually just realities of over time what people
17 have been able to fit on their property. Six town
18 homes here, seven town homes here because of the
19 depth of the properties. Matter of fact, one of the
20 sections of town homes is actually created on a
21 property that used to be part of the PD for the
22 temple.

23 So as we look at what the context is, this
24 property is 35 units per acre. With bonus density,
25 we're looking at 30 units per acre. When you look at



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1 the surrounding environment, we have Altura, which has
2 been referenced by staff, we have Bayshore Presbyterian,
3 two multi-story multifamily developments. You have the
4 park further to the north, sanctuary closer to the park
5 than we are, and then you have the event center for
6 Tampa Garden Club, and you have the synagogue.

7 What I was shocked to find out is when you
8 looked at the uses in the area, that private nonprofits
9 basically occupy and do not pay any taxes to the city,
10 even though they're cultural resources. For
11 Presbyterian Towers because it's a home for the aged,
12 the Garden Club because it's a private nonprofit, the
13 Wellness Center because it is a club, and the synagogue
14 because it is not -- it's a religious institution.

15 So I'm looking at this area and the
16 infrastructure needs, and this project provides a golden
17 opportunity for a high-end project, a quality project
18 that's located in a context that's sensitive to its
19 surroundings, in that we're significantly set back from
20 the event center and the open spaces of the Garden Club,
21 and we are no closer than Altura was to the townhome
22 properties that are adjacent to us and adjacent to them.

23 So I think it's significant to look at the
24 fact that this is what the context really is. When you
25 look at Bayshore, it is an amalgamation of evolution and



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1 development. We have old towers, we have new towers, we
2 have mid-rise, we have low-rise, we have town homes. All
3 these are a fabric of an urban community. And probably
4 the commission said it better, is when you look at the
5 underdevelopment of the parcels, they need to meet the
6 housing needs of the public and the -- and the people
7 that are living here. If we keep on developing at low
8 density and not take opportunities to get higher
9 density, we are not going to be able to support the
10 growth coming to the community.

11 So looking around at this project, looking up
12 and down Bayshore, people are worried about more high
13 rises. We think when you look at your comprehensive
14 plan, and you look at the built environment, there are
15 very few opportunities left within the current land use
16 categories for these -- I'd call them signature projects
17 -- to occur. Thank you.

18 MR. CREMER: Thank you. One of the last -- one
19 of the concerns from last year was whether we'd done
20 enough community engagement. So we hired a
21 community relations professional who lives and works
22 in this area very close to this site. We -- she
23 worked with us to have two community meetings. The
24 first community meeting was actually what resulted
25 in us proposing the Fred Ball Park Development



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1 Agreement. We held a second community meeting in
2 order to talk about that specific agreement. So
3 there's a lot of words on this slide, but this is
4 just some of the changes we've made. Ultimately, all
5 of these changes are what resulted, I think, in
6 getting staff recommendation of approval this time
7 on the project.

8 To me, the biggest ones, I think every single
9 one of you last time -- last year, I think every --
10 all of you mentioned waivers were a big concern.
11 They're gone. All the new waivers are gone, and one
12 of the old waivers about parking is gone. So these
13 -- both of these buildings are fully parked. The
14 only remaining waiver is for access to the
15 synagogue. That waiver runs with the land, and I
16 believe is also protected under federal law that
17 protects religious institutions. That's also unheard
18 of for new towers in the -- in Bayshore. Altura had
19 three waivers, sanctuary had two, Stovall had seven.

20 So we made a lot of changes. I'm not going to
21 go through every single one of these. We can go
22 back to any of them if you like, and our expert team
23 is here. We're saving the -- all of the grand trees.
24 We've added a green wall. As you can see, our
25 proposed building is adjacent to our neighboring



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1 event center's dirt surface parking lot. We don't
2 know what their intentions are there long-term, but
3 we wanted to be a good neighbor, and that's why
4 we're providing that green wall. As you can see
5 here, in-between the event center and our building
6 is the synagogue. The synagogue is the buffer.

7 We also are proposing offsite mobility
8 enhancements. We're proposing to resurface two
9 streets. We're also proposing a mid-block crossing
10 as well as a sidewalk across the street that we
11 would not be otherwise required to do, because we
12 heard from the Bayshore Presbyterian -- excuse me,
13 the Presbyterian Apartments that they had some
14 concerns about mobility. Now, that ultimately
15 resulted in -- I realize we have another hearing,
16 but I just want you to understand the context of why
17 we proposed the Fred Ball Park improvements. It's
18 because, if you look here on the top left on
19 Rubidoux, there are no sidewalks. Sidewalks are
20 impractical because of the -- because of the tree --
21 that beautiful tree canopy.

22 So what we're proposing in that development
23 agreement, and we can talk more about that in the
24 next hearing, is for the first time, connecting
25 safely pedestrians to get from Bayshore all the way



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1 to Ysabella, and you can't do that today. So we're
2 going to replace the existing path and add to that.
3 So with that, our whole team is here if you have any
4 questions. Otherwise, we'll be happy to address the
5 public on rebuttal. Thank you.

6 MR. MANISCALCO: Thank you very much. Any
7 question or comments from Council members? Yes,
8 sir. Do we now hear from -- is it Pressman on the
9 other -- the other side?

10 MR. SHELBY: No, actually it's --

11 MR. MANISCALCO: Sir, go ahead. And do you
12 have a speaker waiver report or are you going to be
13 speaking for three minutes.

14 MR. VIERA: Three minutes.

15 MR. MANISCALCO: Okay.

16 MS. WELLS: I actually have a question for the
17 team -- development team. And it might be in the
18 site plan, but I don't see it right now in my staff
19 report. What is the square footage of the -- of the
20 residential space? Like how -- what square foot per
21 unit or square foot for all the actual units?

22 MR. CREMER: Are you asking for the square
23 footage of individual units or the entire tower?

24 MS. WELLS: The entire tower or just like an
25 average per unit. I mean, they all look like they



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1 might be the same. If they are, then just per unit.

2 MR. SMITH: So the overall amenity space of the
3 towers is 275,000 square feet. The units are 4,500
4 to 5,000 square feet, assuming that they're built at
5 two per floor.

6 MS. WELLS: Okay. Thank you.

7 MR. MANISCALCO: Yes, sir, Counsel Member
8 Clendenin.

9 I see on the site plan, the setback for the
10 tower on the south side, which is a generous 38
11 feet. I don't see that setback, but on the -- well,
12 I take it maybe it -- is it 61? Is that what I'm
13 seeing from the property line? What's the closest
14 -- what's the closest -- the closest that tower gets
15 to the northern property line?

16 MR. SMITH: David Smith, Stearns Weaver Miller.
17 It is on the site plan. It is 61.3 feet. So you
18 have 20 feet to the face of the parking garage and
19 then the tower is set back, so --

20 MR. MANISCALCO: An additional 41 feet.

21 MR. SCOTT: Yes, sir.

22 MR. MANISCALCO: Okay.

23 Anybody else? All right. Yes, sir. Please
24 state your name.

25 MR. STERN: Lloyd Stern, 18039 U.S. Highway 41



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1 in Lutz. Honorable Members of City council, I stand
2 before you today as the President of Congregation
3 Rodeph

4 Shalom. My faith and my community means
5 everything to me and to the hundreds of other
6 congregants at the synagogue. I extend my heartfelt
7 thanks for your time and attention. Our congregation
8 Rodeph Shalom holds a unique and cherished place in
9 Tampa -- in the Tampa community. For over a century, we
10 have been a steadfast fixture in the heart of this
11 vibrant city, and this past weekend, we celebrated a
12 significant milestone: 120 years of service to both the
13 Jewish community and the broader Tampa Bay community.

14 During this remarkable journey, our
15 congregation has been more than just a place of worship
16 and has been a sanctuary, a safe haven for Jews to
17 gather and connect. Moreover, it has been a beacon of
18 generosity and goodwill. We have opened our doors to
19 first responders and our military, providing them the
20 space to meet and utilize as needed. We have tirelessly
21 supported local food banks and charitable organizations,
22 giving our time, energy, and resources to uplift those
23 in need in our community. It has truly hurt -- it has
24 truly hurt me that the people we consider to be our
25 neighbors and friends have engaged in anti-Semitic



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1 behavior in the past few months.

2 Our relationship with our neighbors has been
3 nothing short of harmonious, a relationship we have
4 cherished until recently. The proposed tower, which has
5 stirred concerns among our neighbors, is intended to be
6 situated next to their paved parking lot, not next to
7 their beautiful gardens. I want to reassure you that
8 Congregation Rodeph Shalom has diligently worked
9 alongside our neighbors and the Related Group to address
10 any concerns, striving to eliminate all variances.

11 The only practical considerations, there's a
12 symbol of immense importance that we wish to highlight.

13 When people pass by Bayshore Boulevard and see
14 the menorah, it sends a powerful message to everyone.
15 It symbolizes that Tampa is a city that welcomes all,
16 regardless of their beliefs and background. We proudly
17 embrace diversity: Jewish, Black, white, LGBTQ, and
18 anyone who chooses to visit or make Tampa Bay their
19 home. Tampa has transformed significantly since my days
20 as a high schooler at Chamberlain High School. Change
21 can be daunting, but it is essential for growth. I
22 commend our city's leadership for making the tough
23 decisions needed to pave the way for progress as we
24 continue to evolve. Let us remember that our collective
25 future hinges on embracing change.



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1 Today, I earnestly implore you, our dedicated
2 city council members, to cast your vote in favor of this
3 vital project. It promises to bring housing
4 opportunities, millions of dollars in revenue, and most
5 importantly secures the future of an institution that
6 has been an integral part of Tampa's identity for 120
7 years.

8 MR. MANISCALCO: Thank you very much, sir.

9 MR. STERN: Thank you.

10 MR. MANISCALCO: Yes, sir. Please state your
11 name.

12 MR. QUEIROLO: Hi. I'm Sam Queirolo, 101 East
13 Kennedy Boulevard, Suite 2800. I'm a board
14 certified real estate lawyer with Shumaker Law Firm.
15 And I represent the Congregation Rodeph Shalom in
16 connection with the subject property in connection
17 with the real estate negotiations they've had over
18 the years during the perspective sale of the
19 property. The congregation's interest is not just
20 out of a property owner selling its property to a
21 developer. The congregation in this instance is
22 also will be the closest neighboring owner to the
23 proposed new resident -- residential project, so the
24 congregation has certainly a desire to ensure a
25 sensible development.



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1 Since its original construction, the
2 congregation has been a respected part of this Tampa
3 community and in generations of families have
4 experienced significant life events on this
5 property. The congregation has made carefully
6 deliberate planning and budgeting decisions over the
7 years. And the long- established land use
8 categories in development patterns and the
9 associated land values that go with that have
10 factored significantly into the congregation's
11 decisions. During my representation of the
12 congregation. It has -- it has received in and
13 resisted several substantially larger offers from
14 developers whose only interest was redeveloping the
15 entire site into a much larger project by right for
16 a much larger development. And it resisted those
17 offers because the congregation prefers to retain
18 the current synagogue location that they hold so
19 dearly.

20 The congregation has carefully and deliberately
21 negotiated a deal that preserves their existing
22 facility while allowing the developer to develop a
23 smaller residential development that is consistent
24 with the underlying land use standards for the site.
25 This has been confirmed by the city staff report and



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1 its recommendation. As part of their carefully
2 negotiated deal, the congregation also stands to
3 achieve needed funds and significant enhancements
4 that will improve the synagogue's operations for
5 years to come, improvements such as increased
6 parking, covered and lighted parking, covered
7 walkways, and boundary security associated with the
8 combined site.

9 I don't doubt that those in opposition to this
10 application have heartfelt concerns about
11 overcrowding in the Tampa -- in beautiful Tampa --
12 city of Tampa. But respectfully, that is not a basis
13 for denying this compliant application as that would
14 unreasonably deny the congregation the value and
15 benefits of its protected property right. Thank you
16 for your consideration.

17 MR. MANISCALCO: Thank you very much. Yes,
18 sir. Please state your name.

19 MR. SHIMBERG: Final speaker. Good evening,
20 Counsel. My name is Jim Shimberg, and I'm partner
21 with the Shubin Law Group at 615 Channelside Drive.
22 My partner, John Shubin, and I have recently been
23 added to the legal team on behalf of the
24 congregation. Thank you for hearing us out tonight.
25 A few quick points. As you've heard and probably



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1 know, these are tough financial times for many
2 religious institutions and the congregation is
3 trying to maintain a presence at this very visible
4 location and obviously will benefit correctly from
5 the financial assistance from this transaction.

6 As you've heard, they have property rights that
7 must be respected here. Over the years, they've
8 been a good neighbor ever since this was built in
9 the late 1960s. The city has made it clear in all
10 of its planning regulatory documents that this area
11 of Bayshore is appropriate for high rise
12 residential. Everyone knew this. The Bayshore
13 Presbyterian Highrise Apartments were also built in
14 1969 along with the Garden Club building. Over the
15 decades, city council has approved one project after
16 another up and down Bayshore. And I believe about
17 five projects have been approved since 2020 in the
18 general area surrounding the congregation. All of
19 this shows that the congregation has distinct
20 investment backed expectations in being able to use
21 its property residentially.

22 It also shows that the city has been a catalyst
23 in changing the neighborhood and it would be
24 arbitrary and unreasonable not to give the
25 congregation the same treatment. Now that Related



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1 has presented a project that has staff support and
2 no waivers, we believe that as a matter of
3 protecting the congregation's fundamental property
4 rights, this project should be approved.

5 Now one last point. When I became city
6 attorney in 2011, I inherited a lawsuit against the
7 city that it had been paying for several years
8 related to the denial of a residential tower in
9 Bayshore a few blocks from here. As you may know,
10 this case was ultimately settled by the city for a
11 lot of money, and I urge you to think carefully
12 before making your final vote in this case.

13 There was a lot of public opposition in that
14 case and the city denial of the project was made
15 more on emotion than on the legal standing of the
16 case. Unfortunately, in that case, the city had to
17 pay out millions of dollars, the project got
18 approved, and there's now a tower there. So I would
19 just ask you to consider that. Thank you for your
20 time.

21 MR. MANISCALCO: Thank you very much. Yes,
22 sir.

23 MR. MIRANDA: If I may, and I'm not trying to
24 challenge Mr., -- the Counselor who is told to be a
25 very fine gentleman. And I was here when that



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1 happened, and it wasn't because of the zoning. It
2 was because Counsel -- some Council members wanted
3 to tell the developer how to build the building; am
4 I correct?

5 MR. PEREZ: All I know is how much we paid out.

6 MR. MIRANDA: Yes or no?

7 MR. PEREZ: There were some Council members --

8 MR. MIRANDA: All right. Thank you very much.

9 That's why we got sued, not because of the zoning.

10 It was because they wanted to implement certain
11 changes in the building that they had no reason to
12 do that. It was about the air conditioners on top
13 of the roof, part of it, and something about with
14 the aesthetic of the outside of the building. Thank
15 you very much.

16 MR. MANISCALCO: Thank you very much. Yes,
17 sir. Mr. Pressman, I believe you're up, and then we
18 have Charles and then Jane.

19 MR. SHELBY: --for seven speakers.

20 MR. MANISCALCO: Yes, he has -- I'm sorry?

21 MR. SHELBY: Mr. Pressman has seven names. If
22 you are here, please acknowledge your presence.
23 Betty Griffin? Betty Griffin.

24 MS. GRIFFIN: Here.

25 MR. SHELBY: Thank you. Zoey Diaz?



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1 MR. MANISCALCO: She's there in the back.

2 MR. SHELBY: Oh, some people have left? Okay.

3 Let's see who we have.

4 MS. DIAZ: I'm short.

5 MR. SHELBY: That's okay. You could either
6 raise your hand or say me or something to catch my
7 eye. Terry Webster. Terry. Webster. We will pass
8 Terry Webster. Diane Rivera. Diane Rivera.

9 MS. RIVERA: Diana?

10 MR. SHELBY: Diane -- D-I-A-N-N-E is what it
11 looks like.

12 MS. RIVERA: Hello.

13 MR. SHELBY: Thank you. It's -- a lot of
14 people between you and there. Okay. Brenda
15 Johnson. Brenda Johnson.

16 MS. GRIFFIN: Over here.

17 MR. SHELBY: Thank you. Joanne Wedge? Thank
18 you. Robert Weck?

19 MR. MANISCALCO: Yes.

20 MR. SHELBY: Thank you. Now we have one
21 additional name that I could see is Terry Webster,
22 Joanne Wedge, Robert Weck. I believe the names are
23 identical, and I don't see any additional names on
24 here. So I believe it's one, two, three, four, five,
25 six and three is nine, sir. Is there another -- I



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1 mean, I can call out the name one more time. The
2 name that didn't respond was Terry Webster.

3 MS. GRAHAM: She is not here.

4 MR. SHELBY: Okay. Thank you.

5 MR. MANISCALCO: Anyone that doesn't want to
6 speak and take her place?

7 MR. SHELBY: Nine minutes.

8 MR. MANISCALCO: Thank you.

9 Thank you.

10 MR. PRESSMAN: Mr. Chairman and Council
11 members, Todd Pressman, 202nd Avenue South Number
12 451, St. Petersburg. I am proudly representing the
13 Tampa Garden Federation. This is a PD change.
14 Let's be very clear. This is a PD change from a
15 residential assembly preschool, a radical change to
16 multifamily, which was 317 feet, but now it's 349
17 feet. That's changed since this PowerPoint has been
18 presented to you. This is our slide for May of last
19 year. The issue is about compatibility between
20 uses. This is the same slide. Nothing has changed
21 for us and the residents I represent, and I am
22 representing other residents of the community. The
23 opinion is that these two uses are like oil and
24 water. It's the exact same issue today for us,
25 which has not been discussed by your staff in any



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1 analysis, is an incompatibility of uses.

2 This long time successful iconic 55-year-old
3 business will be dismantled and destroyed in three
4 different ways that I will show you. But let me first
5 set the scene because that's most important. The heart
6 is the outdoor wedding garden: idyllic, private, nice
7 interior component, gorgeous moss-draped trees. Here's
8 my last speaker, Mr. Attorney.

9 MR. SHELBY: Your name? Your name, please,
10 ma'am?

11 MS. JONES: Jay Jones.

12 MR. SHELBY: Jay Jones is not on the list. It's
13 -- is she -- are you waiving your time?

14 MS. JONES: Yes.

15 MR. SHELBY: Okay. Thank you.

16 MR. MANISCALCO: Thank you, Mister --

17 MR. PRESSMAN: Spectacular wedding garden. And
18 how do they present themselves on the web?

19 Spectacular venue. Your event will be private and
20 exclusive. Looks over our spectacular wedding
21 garden. That is their business. This is their
22 website and how they present themselves. They do a
23 lot of corporate events. They have kids in the
24 garden during the summer and other events as well.
25 But what's proposed now? What is different?



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1 Well, prior as I handed in the PowerPoint, it
2 was 329 feet, or it was 329 feet back in May.
3 Today, it's 349 feet as we understand. So there's
4 virtually the same size or height -- excuse me, the
5 same height building that is equivalent to the
6 Channelside Towers in the Tampa Marriott downtown.
7 Those are massive buildings. That is what is
8 proposed here at a 20-foot setback to the Garden
9 Club.

10 What's your metric on that? Your metric is a
11 1200 percent change under the PD. You hear their
12 folks talk about land use category, land use
13 category, land use category. They wish and hope
14 they only had the land use category because they're
15 under a PD. The PD restricts them. That is their
16 land use regulation. There's no residential. It
17 will go to high density residential, again, under
18 the PD. This is the current one or two story
19 structures currently as compared to the structure I
20 showed you.

21 When you look at their narrative that they've
22 submitted, they indicate they want to add 42 luxury
23 units to fund needed repairs. I don't see that in
24 your policies or under your comp plan policies.
25 They also indicate in that submittal that the area's



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1 planned for significantly more residential
2 development. That is not correct, in our opinion,
3 because they're under a PD -- again, land use
4 category, land use category, land use category. And
5 when they showed that huge red area on the entire
6 property, you have to come in and change the PD. I
7 would suggest too, in our opinion, that is a
8 misdirection to present to you, in our opinion,
9 because they have to deal with the PD. I think the
10 comment was, anyone can come and ask for that.
11 Well, that can happen with any project, again, not
12 by the regulated PD in place. And the waivers that
13 have been fixed from the last time is not an
14 advancement or an enticement of an issue. Those are
15 issues that should have been fixed last time when
16 they brought this before you.

17 Here's the difference of amenity plans. You
18 see there's no difference from May to now. It's
19 virtually the same. The orientation is exactly the
20 same directly to the Garden Center. One hundred
21 percent and direct to the Garden Center. Site plan
22 looks virtually the same. So what are the impacts
23 -- the very unique and important impacts.

24 Generations of Tampa's regional families and
25 brides choose this iconic site for 55 years. They



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1 are booked and have deposits, Friday, Saturday, and
2 Sunday through 2025. Brides book 18 months in
3 advance. So what do we have? We have the Garden
4 Club, the summer kitchen, the pool. I live in a big
5 building. The summer kitchen is a party area. You
6 can have five, ten. 50 -- we had 100 people today in
7 our building for a birthday party. There's grills.
8 It's a kitchen. It is very loud, drinking, and
9 that's fine, but it's a loud area. A pool -- well,
10 you get kids outside and there's a lot of kids in
11 the building, and they're using their outside
12 voices, and they're yelling and screaming. What are
13 we supposed to do when we have a wedding, or they
14 have a wedding and there's kids screaming or there's
15 a huge party next door? That is a terrible impact
16 of 42 stories, looming, prying and peering into the
17 heart of this wedding garden. That is their
18 business. They would lose that serenity, that
19 privacy, the exclusivity that they sell, because as
20 well, the entire balcony is a view on that garden.
21 Dogs barking on balconies? That happens all
22 the time. Kids in the pool. That's a loss of
23 privacy and wedding gawkers. When people see a --
24 particularly women see a woman in a wedding dress at
25 a party, they want to look at the dress. They want



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1 to see how they look. They want to see how big the
2 party is. Those are elements of impact and
3 customers, and potential customers can move right
4 onto to the competition.

5 So this is already occurring. When you start
6 getting headlines like this in the newspaper, what
7 happens? Brides start calling. Headline after
8 headline after headline after story after story.
9 Brides are calling. I gave you a deposit. Why are
10 you closing? Why are you leaving? Am I getting my
11 money back? What's going on with your property?
12 They are already being terribly affected by just the
13 PR. You are all in the PR business. You know what
14 headline after headline does.

15 Next would be disclosure of loss of privacy or
16 serenity in the quiet garden. If this is approved,
17 they have to call every bride up to 2025 and tell
18 them what's happening and disclose. What do you
19 think a bride on the most important day is going to
20 do? They're going to wait around to see if they're
21 open, or if there's a huge construction project?
22 Third, the property or the business will be
23 destroyed with the two to three year demolition and
24 construction project of a unit tower. Again, they're
25 booked 18 months in advance. So what is it going to



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1 look like? Is it going to look like this next door?

2 And maybe it'll sound something like this. Do
3 you take this lawfully wedded man to be your
4 husband? Hello? Hello? Can you hear me? Or maybe
5 it'll be something like this. Do you take this
6 woman to be -- can you hear me? Can you hear me?
7 Because quite frankly, again, your event will be
8 private and exclusive with a spectacular wedding
9 garden. Those don't go together, ladies and
10 gentlemen, and here's the test. Here's the test.
11 They're still working. I can't get them to stop
12 working.

13 If this were -- if the Garden Club were a
14 school, an auto repair, an office, or a movie
15 theater, whatever, this would be perfectly fine.
16 But because of the 55-year-old iconic use next door,
17 it doesn't work. The temple folks, with great
18 respect, talked about their rich history of 55
19 years, and they do have that. But so does the
20 Garden Club, and these are the elements that will be
21 destroyed. So long time successful business, Tampa
22 iconic, is already occurring by fear of lost
23 privacy, serenity, quiet, natural, idyllic. Every
24 day these newspaper articles happen, which will
25 happen today; disclosure, which will be required to



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1 every customer up to 2025 for brides and other
2 groups who have paid deposits; and of course, three
3 year demolition.

4 Tampa construction, 7 to 6 on Monday, 8:00 a.m.
5 to 6:00 p.m. on Saturday. Oh, and Sunday, you
6 can still do pile drivers and jackhammers. That's
7 okay from 10:00 a.m. to 6:00 p.m. Bride parties
8 arrive at 1:00 p.m. They're going to arrive to all
9 what you've seen and what you've heard. Code
10 enforcement is extremely lengthy. It doesn't work in
11 these situations. And we all know subcontractors
12 follow all the rules -- follow all the rules for
13 bonuses and emphasis.

14 A couple other points. This is a rare
15 undisturbed park-like area. It's about five acres.
16 And I would suggest to you that along with the
17 spring of -- spring of Fred Park, the Related
18 Company's offer is an indication of how important it
19 is to leave this area as an open park-like area.

20 It's a low developed area from Fred Ball Park to
21 Tampa Garden Club, Rodeph Shalom, two-story condos,
22 Women's -- Tampa Women's Club. In fact, their
23 planner pointed this out. He talked about all these
24 non-profits in this area as a low area as -- he
25 didn't say a special area, but obviously, it is a



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1 special area.

2 But your official city review criteria has one
3 main priority. Do no harm. Consider potential
4 adverse impacts. Encourage compatibility. Planning
5 commission, consider impacts. Show the intent of
6 the city. Show a unique environmental experience in
7 the core of the urban area. Relate new buildings
8 and development to the context of the neighborhood.

9 Ms. Tammy Waterman is a certified planner,
10 master planner, and her opinion is that this -- and
11 she knows the Garden Club. She's worked there for
12 20 years as a planner. She has put in the record a
13 letter that this will be a destroying of this
14 property.

15 MR. MANISCALCO: Thank you very much.

16 MR. PRESSMAN: Thank you.

17 MR. MANISCALCO: All right. Next up we have
18 Charles, who has a speaker waiver form as well. If
19 you could please submit the speaker waiver form to
20 the attorney and the attorney will read the names
21 listed.

22 MR. SHELBY: I see seven names. If you could
23 just make sure I hear or see you. Tom Connoley.

24 MR. CONNOLEY: Right here.

25 MR. SHELBY: Thank you. Norma Barquette. Norma



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1 Barquette.

2 UNIDENTIFIED SPEAKER: She's here, but she's in
3 the other room on the second floor.

4 MR. MANISCALCO: All right. Then I'll make a
5 note, and if she comes in and speaks. Norma
6 Barquette.

7 MR. SHELBY: Yeah, she's on the second floor.

8 MR. MANISCALCO: All right. Go down the rest.

9 MR. SHELBY: Diana Sullivan?

10 MS. SULLIVAN: Here.

11 MR. SHELBY: Thank you. Linda Day?

12 MR. MANISCALCO: Here.

13 MR. SHELBY: Thank you. Christine Evans?

14 MR. MANISCALCO: Here.

15 MR. SHELBY: Thank you. Dean Houser.

16 MR. HOUSER: Yes.

17 MR. SHELBY: Thank you. Kathy Schevarria?

18 UNIDENTIFIED SPEAKER: It's Schevarria.

19 MR. SHELBY: Ms. Schevarria, forgive me. Where
20 are you?

21 UNIDENTIFIED SPEAKER: She's downstairs, too.

22 MR. SHELBY: She's downstairs, too.

23 UNIDENTIFIED SPEAKER: She didn't make the cut.
24 Yeah, they cut us off because of the attorneys.

25 MR. SHELBY: Okay. We'll see if we can remedy



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1 that --Ms. Schevarria --Kathy Schevarria and Norma
2 Barquette. In the meantime one, two, three, four,
3 five plus three is eight, and we'll see if the other
4 two can come up.

5 MR. MANISCALCO: Thank you.

6 MR. SHELBY: So that's how many minutes?

7 MR. MANISCALCO: Eight minutes.

8 MR. SHELBY: Okay. Thank you.

9 MR. MANISCALCO: Please state your name, sir.

10 MR. GOTIER: Yes. Mr. Chairman, my name is
11 Charles Gotier. I reside at 1780 Copperfield
12 Circle. That's in Tallahassee, Florida. I am a
13 planner. I have been hired by the Tampa Garden Club
14 to independently review this zoning proposal, which
15 I --I've done. I did submit a written report for
16 the record. I'd also like to make a copy available
17 to you right now, a hard copy if that's permissible.

18 MR. CLENDENIN: Sure.

19 MR. GOTIER: Let me introduce myself very
20 quickly as the clock is running. I was a resident
21 of Tampa in the early 1970s. I went to USF. It's
22 an entirely different town now. In fact, I, you
23 know, played a quiet role in the background, but it
24 was really your work that has built Tampa into one
25 of the premier cities in the country.



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1 MR. CLENDENIN: Are you Norma Barquette?

2 MR. SCOTT: No.

3 MR. CLENDENIN: All right, so add two more
4 minutes to his time. Thank you very much.

5 MR. SCOTT: Thank you. As I was saying, Tampa
6 has become a premier city, in fact, in the whole
7 Nation. There's a lot to be proud of, but I know the
8 challenges you face day to day, week by week. I
9 appreciate that. And one of the challenges is
10 balancing pressures from new growth while protecting
11 the historic qualities that has propelled your
12 success. I think that's what this case is about. I
13 think the key issue in this matter is the building
14 height, the proposed 26 stories, whether it's
15 compatible with adjacent and nearby usage, and
16 whether it fits in with the R35 future land use
17 category.

18 Let me tell you about my qualifications. Like
19 Mr. Smith, I've been in the business for 46 years
20 now. It's hard to believe. I'm a certified planner.
21 I was inducted as a fellow into the Institute of
22 Certified Planners, which is the highest award
23 available at the national level. I've been a chief
24 planner for Collier County, the zoning administrator
25 for Lee County. I've worked for major consultants



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1 on development proposals large and small. I've
2 worked for 17 years as a senior official at the
3 Department of Community Affairs. I had my hands on
4 and played a role in the review of over 5,000
5 comprehensive plan packages, PRIs, including for the
6 city of Tampa. How all that happened, I really
7 can't explain. I'm actually a shy individual.

8 Now, let me get to it and refocus.

9 Compatibility. Compatibility is about adjacent and
10 nearby uses. When you look at the adjacent and
11 nearby uses to the subject property, the proposal is
12 incompatible, and that is the height, the mass, the
13 scale of the development, and my focus is on the
14 building height, not so much the number of unit, but
15 the building height. It simply conflicts with the
16 low two-story Tampa Garden Club and its function.
17 It conflicts with the adjacent single family home.
18 It conflicts with the townhouse residence right
19 across the road, four stories. It conflicts with
20 Fred Ball Park just to the north of the -- of the
21 Garden Club.

22 And that, in my mind, is the key issue, the
23 building height. And because of it, I mean, Mr.
24 Pressman talked about a number of things. There's
25 adverse visual impacts. That's important. There's



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1 a loss of privacy. There's shadowing. There's
2 noise. There's a fundamental degradation in the
3 quality of life of those existing uses there in the
4 Bayshore neighborhood.

5 Now, regarding the building height, I'm a
6 little confused. The staff report and the
7 applicant's narrative talked about 317 feet. Mr.
8 Cremer, a little earlier, you know, the slides that
9 talk about 278 feet. From Ms. Locke I've seen an e-
10 mail that talked about 297 feet. Excuse me. Yeah,
11 349 -- 349 feet. So there's a -- there's a lack of
12 clarity about the final building height, and I think
13 that needs to be tied down. So it could be 317
14 where you could add 10 percent to that. I think it
15 amounts to the same thing. Too tall a building in
16 the wrong place given the adjacent uses.

17 The graphic here, you know, illustrates it, and
18 you're familiar with this. The Garden Club may be
19 seen next door in light green. Two-story building.
20 There's the wedding area, of course, parking and
21 ground. On the corner, you have a single family
22 home. You have the townhouses right across the
23 street. These are all within the R35 future land
24 use district. I think the focus, again, needs to be
25 on the adjacent and nearby uses with attention to



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1 the -- to the R35 District. And the staff report, I
2 noticed, it looked at development within 1,000 feet,
3 far away from the subject property. It looked at
4 tall buildings half a mile away. And I've seen the
5 same thing in the applicant's submittal. So they're
6 looking far beyond the adjacent nearby usage, where
7 I believe we need to focus on the Garden Club, the
8 single family, the townhouses, the Women's Club and
9 the office building. All those are within that R35
10 District.

11 I boxed in on this graphic the extent of that
12 district. It's not 13 acres. And that -- are the
13 -- those are the uses within that district. It
14 seems to me that the applicant should have sought an
15 R83 District. R35 just isn't an appropriate
16 district, particularly in regard to the building
17 height.

18 So my compatibility conclusion is really based
19 on the adjacent and nearby uses, and my consistency
20 view is it's simply inconsistent with the balance of
21 that R35 district. If the building heights are
22 sought, well, it should be in a different district.
23 There should be an amendment to the district. It's
24 just out of step, out of order.

25 My report includes a number of policies and



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1 citations. One policy I'd like to focus on for a
2 moment. I've heard reference to under development.
3 I don't think this is underdeveloped. In fact, I
4 think this is an important part of Tampa's heritage.
5 This swathe of green, low-intensity use is very
6 important to Bayshore Boulevard, which you
7 characterize in your plan as an emerald jewel. You
8 commit in your plan to continue to preserve and
9 enhance the balance of natural and physical
10 environments in Bayshore Boulevard. So this isn't
11 undeveloped. This is a precious part of that jewel
12 that you have.

13 Several other points. I see I'm running out of
14 time already. Building height. I don't understand
15 how you get the 26 stories. In your comprehensive
16 plan there is a matrix. It says medium density,
17 such as R35, you could have eight stories. How is
18 this justified? It could be justified by a special
19 district, an overlay or a location. Only location
20 applies here, and this location doesn't support that
21 scale of building.

22 So again, the problem here is not that number
23 units. It's the scale of the building. And all
24 this is symptom of too much stuff on one site. Too
25 much development. Over development. When you look



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1 at it, the density is maximized without
2 consideration of any bonuses. The floor area ratio
3 would be maximized on the site. Gratified that
4 parking labor is off the table, since that is a --
5 parking is a problem in this neighborhood. Site
6 access. All this access is not a -- not an
7 arterial, not a collector, and access is local
8 streets. So the bottom line, based on my analysis,
9 is too much development on too small a site in the
10 wrong location.

11 Finally, I'd like to touch on -- housing area.
12 You know how serious of issue that is if you've seen
13 it. Substantial areas along Bayshore and the high
14 hazard zone. That means it's vulnerable to
15 stormwater surge and soft water flooding in a
16 Category 1 event. It gets worse as the events go up
17 and as sea level rises. So I think that also works
18 to temper the degree of development, which would
19 draw down that building code. So it is a high-risk
20 area. This proposal would put people and property
21 in harm's way. My recommendation is no, it's not
22 appropriate. I'd recommend that you say no. Not
23 good enough. Wrong place. Thank you very much.

24 MR. CREMER: Mr. Chair, if I may, I'd like to
25 cross examine Mr. Gotier?



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1 MR. MANISCALCO: My attorney is -- there he is.
2 Mr. Cremer wishes to cross examine this previous
3 witness. Is that appropriate Mr. Shelby? All
4 right. And Counsel Member Carlson wanted to ask a
5 question. Would that be appropriate to ask a
6 question of the gentleman?

7 MR. SHELBY: Yes, questions are appropriate.
8 Cross examine? You'd like to cross examine?

9 MR. CREMER: Yes, sir.

10 MR. SHELBY: Can we do that after we take
11 Council members' questions?

12 MR. CREMER: Yes, sir.

13 MR. SHELBY: Thank you.

14 MR. MANISCALCO: Go ahead, Councilman Carlson.

15 MR. CARLSON: You cited Florida Statute
16 161.3164 in terms of compatibility, and you talked
17 about the staff report as going as far as 1,000
18 feet, and you said that we should only -- we should
19 only consider adjacent nearby uses. So two
20 questions. One is, does it say somewhere in
21 Statute, is there -- is there some legal basis for
22 adjacent nearby uses v. 1,000 feet? And then, as a
23 stated by the applicant, there is a -- there are two
24 high rise buildings kind of across the street, so
25 would they be considered adjacent nearby uses also?



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1 MR. SCOTT: Statute doesn't specify for
2 adjacent or nearby. Your own plan policies refer to
3 adjacent, nearby in context of compatibility.

4 MR. CLENDENIN: Do you know where that is --

5 MR. SCOTT: (indiscernible.)

6 MR. CLENDENIN: I know you from Tallahassee. Do
7 you remember the number?

8 MR. SCOTT: Well, that policy is actually in
9 the applicant's supplemental planning analysis,
10 which -- it would take me a while to find.

11 MR. CLENDENIN: Okay. Thank you.

12 MR. SCOTT: But the -- it's your plan. It's
13 your plan.

14 MR. CLENDENIN: Okay.

15 MR. SCOTT: And as far as nearby other uses
16 that are tall? Yes, they exist, and they're in
17 different future land use categories. They're not
18 in R35. R35 says typically eight stories. The
19 medium density. If you want to talk about R83,
20 which is high density, typically, those building
21 heights can be much taller. So I look at it very
22 differently outside of this particular R35 district.

23 MR. CLENDENIN: Thank you.

24 MR. GOTIER: Yes, sir.

25 MR. MANISCALCO: All right. Mr. Cremer, if you



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1 wish to cross-examine the gentleman, go ahead.

2 MR. SHELBY: And, Mr. Cremer, I do have a
3 request for you, if you don't mind? If you could
4 direct your request forward if possible? So it does
5 serve two purposes. Counsel can hear it, the
6 microphone picks it up, and so basically, you answer
7 -- your question and answer comes through the chair.
8 Thank you.

9 MR. CREMER: Understood. Yes, sir.

10 MS. GRAHAM: Counsel, may I reserve the right
11 to redirect?

12 MR. SHELBY: To redirect?

13 MS. GRAHAM: Yes.

14 MR. SHELBY: Let me -- let me weigh that while
15 the cross-examination continues.

16 MR. CREMER: Thank you. Just a few questions.
17 Mr. Gotier, would you agree with me that a planner
18 should consider the built environment in the
19 compatibility analysis?

20 MR. GOTIER: Yes. Yes.

21 MR. CREMER: Mr. Gotier, you just -- I'm --
22 I've been reviewing your report here at -- just got
23 it, but I don't see a mention in your report of the
24 Altura, the Sanctuary, the Ritz Residences,
25 Aquatica, or Presbyterian Apartments.



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1 Are those in -- are those references in your
2 report to those towers?

3 MR. GOTIER: No.

4 MR. MANISCALCO: And, Mr. Cremer, I'm going to
5 ask you to just take a step closer to your
6 microphone and --

7 MR. CREMER: Thank you.

8 MR. MANISCALCO: -- direct forward, please.

9 MR. CREMER: Mr. Gotier, were you an expert
10 witness opposing development in a case called
11 Conservancy of Southwest Florida v. Collier County
12 and Collier Enterprises in Collier County?

13 MR. GOTIER: Yes, sir. In Circuit Court,
14 Collier County.

15 MR. CREMER: Mr. Gotier, in that case,
16 concerning your expert opinion, did the judge find
17 that in the end, quote, "Mr. Gotier's opinion rests
18 upon the omission of key words from the GMP and the
19 addition of words and requirements that do not exist
20 in the GMP. Accordingly, the Court gives his opinion
21 minimal weight"?

22 MR. GOTIER: That's accurate, and I'd like to
23 explain.

24 MR. CREMER: Thank you. No further questions.
25 I'd like to enter this into the record, please.



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1 MR. SHELBY: All right. Thank you very much.
2 Thank you very much, sir. With regard to the
3 redirect, I believe it would be appropriate for you
4 to continue to consider either using your time or if
5 you need additional time for whatever reason for due
6 process, if you have a -- if you're representing a
7 -- somebody who's in the notice area, my suggestion
8 is, it's very unusual. We don't -- we have not had a
9 redirect. I'm not familiar with --for redirect.
10 You haven't even spoken or identified or
11 participated yet. So my suggestion is, if you want
12 to have him -- if you want to raise that issue
13 during your time, you can have the opportunity to do
14 that at this time.

15 MS. GRAHAM: Okay. One request is --

16 MR. SHELBY: Well, no -- yes. I'm sorry? No,
17 I'm just saying when you come up, you can use your
18 time however you see fit.

19 MS. GRAHAM: Okay.

20 MR. MANISCALCO: But not right now.

21 MS. GRAHAM: All right. I appreciate that.

22 MR. SHELBY: Thank you.

23 MS. GRAHAM: If Mr. Gotier could finish his
24 response to Mr. Cremer, though. I believe that he
25 was --



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1 MR. SHELBY: I don't -- well, I believe he -- I
2 think I believe he did finish his request, at least
3 as far as Mister -- Mr. Cremer was concerned. You
4 offered to explain it?

5 MR. SCOTT: I responded he was correct, but
6 there was an explanation.

7 MR. SHELBY: Now, the answer is, frankly -- and
8 I'm not suggesting or proffering it, and this is
9 true for not only this witness just as Councilman
10 Carlson has done, but any counsel member can make
11 inquiry you of any witness they wish to be able to
12 answer any questions they may have at your
13 opportunity.

14 MR. MANISCALCO: Counsel Member Hurtak? I
15 would like him to explain.

16 MR. GOTIER: Yes, ma'am. I've been qualified
17 as an expert witness in 39 cases. Probably 35 of
18 them came out my direction. In this particular
19 case, it did not. It had to do with a thousand-acre
20 development area with 2000 units located south of
21 Immokalee, pursuant to a rural land stewardship
22 program. The comprehensive plan called for a
23 walkable community, and there were a series of
24 policies in the comprehensive plan that spoke to
25 walkability. The policy in the -- that prevailed in



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1 the judge's conclusion was a single policy that said
2 walkability will be achieved through sidewalks.
3 Required sidewalks. My analysis had to do with walk
4 lengths, you know, distances to destinations,
5 perimeter distances. I outlined a scenario of one
6 single perimeter road with a sidewalk.

7 MR. MANISCALCO: Thank you.

8 Thank you very much.

9 MR. SCOTT: And the judge didn't agree.

10 MR. MANISCALCO: Thank you. Counsel Member
11 Henderson, Counsel Member Viera.

12 MS. HENDERSON: Thank you, Chair. I just have
13 a couple of questions. So are you familiar with the
14 previous project that the opposing members presented
15 compared to this one?

16 MR. GOTIER: Not in detail, no, ma'am.
17 Generally.

18 MS. HENDERSON: Just generally?

19 MR. GOTIER: Yes, ma'am.

20 MS. HENDERSON: What they were asking for --

21 MR. GOTIER: Yes, ma'am.

22 MS. HENDERSON: Okay. So they went from five
23 waivers to no waivers. They were putting up the
24 green wall. They're having the -- these
25 improvements, these significant improvements. The



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1 folks that are asking you to represent them, was it
2 presented where you were able to look at the project
3 and make a decision, or was it -- were you hired to
4 speak against the project just in general?

5 MR. GOTIER: No, ma'am. I would never survive
6 that way, or --

7 MS. HENDERSON: So they paid you, and then you
8 told them that you --

9 MR. GOTIER: No.

10 MS. HENDERSON: -- supported them?

11 MR. GOTIER: They approached me. I studied it.
12 I reached an initial opinion. I said, I think this
13 is what I would conclude. I continued my work, you
14 know, under a formal engagement, and reached a final
15 conclusion. So no, I don't jump into cases I don't
16 agree with.

17 MS. HENDERSON: I understand. If you studied
18 it --

19 MR. GOTIER: I look down hard at all of them.

20 MS. HENDERSON: I understand. If you studied
21 it, why would it -- the previous body of work that
22 was being presented for that site be a part of your
23 consideration when you were making your decision?

24 MR. GOTIER: Well, it was, and I want to be
25 clear. I did look at it.



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1 MS. HENDERSON: I thought you said you weren't
2 familiar with it?

3 MR. GOTIER: I said I'm generally familiar with
4 it. The building height was slightly higher. There
5 were different -- you know, additional waivers. And
6 to me, it's substantially the same project. It's a
7 very tall building on a small site adjacent to --

8 MS. HENDERSON: No, it's not the same because
9 our staff determined that it wasn't the same, so.
10 But anyway, thank you. I appreciate it. Thank you.

11 MR. GOTIER: Yes, ma'am. I just have a
12 different opinion.

13 MR. MANISCALCO: Councilor Viera, Councilor
14 Miranda.

15 MR. MIRANDA: Yes, sir. And I could ask a
16 number of questions but it's going to be a late
17 night. I appreciate you, sir, in your coming down
18 here. Just a really quick question for you. You
19 mentioned I think it was 39 cases you testified in,
20 unless -- if I heard in correctly. How much of a
21 percentage of your income in the work that you do is
22 provided from expert work as it pertains to -- if
23 you can estimate that?

24 MR. GOTIER: Well, all of it, really. In terms
25 of filed legal proceedings?



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1 MR. MANISCALCO: Uh-huh.

2 MR. GOTIER: Probably two thirds.

3 MR. MANISCALCO: Okay. Again --

4 MR. GOTIER: Two thirds.

5 MR. MANISCALCO: --late night. I'm just --
6 thank you.

7 MR. GOTIER: Yes, sir.

8 MR. MANISCALCO: -- counsel Member Miranda.

9 MR. MIRANDA: (indiscernible.) Let me just
10 ask, during that case, how long have you been doing
11 this?

12 MR. GOTIER: Over 46 years. Quite a number of
13 the cases were when I represented the Department of
14 Community Affairs. I've worked on my own the last
15 10 years. I've had clients throughout Central and
16 South Florida South Florida. I'm probably in two
17 final legal proceedings a year. Most of them were
18 representing the state. Some --

19 MR. MIRANDA: I want to make sure to put this
20 in a -- in context. You had 39 cases, of which 35
21 were ruled in your favor. Does that by a judge, or
22 by who?

23 MR. GOTIER: By either an administrative law
24 Judge or a Circuit Court Judge. That's an
25 approximate number.



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1 MR. MIRANDA: Okay.

2 MR. GOTIER: The majority. The majority of it,
3 most definitely.

4 MR. MANISCALCO: Thank you very -- thank you
5 very much. Yes, sir? I'm sorry?

6 MR. CLENDENIN: --and the --and the city
7 attorney. I've never seen this situation before
8 where an opposing party wanted to cross examine, and
9 it appears that there are --there may be
10 potentially multiple attorneys representing multiple
11 parties. I don't know. Everybody's not identified
12 themselves of who they represent. But could we just
13 get -- for the record, could we get clarification as
14 to whether agreed parties have the right to cross
15 examine, and do they have any special entitlement
16 other than three minutes that they would get in
17 public comment?

18 MR. SHELBY: Well, what you're saying is,
19 you're raising the issue, I believe, with regard to
20 Ms. Graham? Jane Graham?

21 MR. CLENDENIN: I don't know -- I don't know
22 what other attorneys are representing other parties
23 out there, but what --and there are two -- there
24 are two parties in the applicant. I don't know how
25 many parties there are on the other side, but what



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1 would -- what would qualify as a -- as a party that
2 would have the right -- special status to represent
3 a group and cross-examine witnesses?

4 MS. WELLS: If I may, Kate Wells, with the
5 department. At this point, the parties to this
6 proceeding are the City of Tampa and the applicant.
7 Anyone else that is participating are interested
8 members of the public, but they're not -- they do
9 not have party status.

10 MR. CLENDENIN: And are there two applicants or
11 just -- is the applicant only Related, or is it also
12 Rhoda?

13 MS. WELLS: I'll defer to Mr. Cremer on that.

14 MR. CLENDENIN: The applicant is the Related
15 Group. Rhoda Shalom is the landowner.

16 Okay. So there's only one --

17 But there's -- no there's no special right or
18 status to agreed parties to have any comments other
19 than three minutes for whoever they have.

20 MS. WELLS: Well, at this point, we have
21 members of the public that are interested in the
22 outcome of this proceeding. I wouldn't say that
23 they are aggrieved parties during this proceeding,
24 because a decision has not been made --

25 MR. CLENDENIN: But just anybody -- it -- just



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1 anybody who has any other opinion other than the
2 applicant, if they have an attorney here
3 representing them, do they have any rights?

4 MS. WELLS: I believe only parties have the
5 right to cross examine.

6 MR. CLENDENIN: Okay.

7 MS. WELLS: I believe.

8 MR. CLENDENIN: Thank you.

9 MS. WELLS: Mr. Shelby can confirm that.

10 MR. MANISCALCO: Thank you very much. Okay?

11 Thank you, sir.

12 MR. SCOTT: Thank you, Members.

13 MR. MANISCALCO: All right. Next up, we have
14 Jane Graham who has a speaker waiver form with five.

15 MR. SHELBY: And do I have a -- you have a
16 speaker waiver form?

17 MS. GRAHAM: Yes, I do. Thank you.

18 MR. SHELBY: Okay. And, Ms. Graham, for the
19 record, you do not represent any parties in this
20 case; is that correct?

21 MS. GRAHAM: Yes, that's correct. I represent
22 Altura Basin Condominium Association.

23 MR. SHELBY: Okay. Thank you. So if you want
24 to reference the conversation in part of your time,
25 but with regard to cross-examination, I think that



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1 the determination has been made with -- resulting
2 that for you and everybody else so situated. If I
3 can hear your presence, please? I see five names.
4 Joanne Houser?

5 MS. HOUSER: Yes.

6 MR. SHELBY: Thank you. James Alver?

7 MR. ALVER: Here.

8 MR. SHELBY: Thank you. Laura Alver?

9 MS. ALVER: Here.

10 MR. SHELBY: Thank you. Martin Cabanna?

11 MR. CABANNA: Here.

12 MR. SHELBY: And Catherine Cabanna?

13 MS. CABANNA: Here.

14 MR. SHELBY: Five additional minutes for a
15 total of eight. Thank you.

16 MR. MANISCALCO: Yes, ma'am.

17 MS. GRAHAM: Thank you.

18 MR. MANISCALCO: Please state your name. Go
19 ahead.

20 MS. GRAHAM: Thank you. Good evening, City
21 council. My name is Jane Graham. I am an attorney
22 and founder of Sunshine City Law at 737 Main Street,
23 Safety Harbor. I represent Altura Bayshore
24 Condominium Association. On behalf of my client, we
25 respectfully request that you deny this application



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1 tonight. Altura adopts the arguments of the Tampa
2 Garden Club and expert testimony of expert land use
3 planner Charles Gotier. Last May, the city council
4 unanimously denied resolution 2293, the old
5 application, and tonight you're considering this new
6 application, which is substantially similar and
7 still incompatible with the surrounding area.

8 The application fails to comply with the
9 requirements of plan development under Section 27-
10 136 LDC, and is still inconsistent with City of
11 Tampa comprehensive plan. The applicant has removed
12 their requests for new waivers, but there are still
13 unresolved issues with overdevelopment,
14 compatibility, and impacts to the surrounding
15 neighborhoods.

16 If you look at the renderings of the building
17 from last May and the new one under consideration,
18 it's actually hard to tell the difference. If you
19 look at some of the details of the old plans and new
20 site plans -- let's scroll down to a couple of them.
21 The top floor last time was 329. This time, it's
22 317. The difference is 12 feet, a 3.5 percent
23 reduction. The highest point of the building last
24 time was 356. Now, the site plan doesn't actually
25 include this number in your application for the new



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1 one. However, there's an e-mail, confirmed by Ms.
2 Lachone Dock, that it would be 349, and that's
3 something that's by e-mail. That's not what we have
4 seen in the document, but we thought it would --
5 it's worth sharing with you. That's a 1.9 percent
6 reduction and just the difference of seven feet.

7 The floors have gone down from 29 to 26, a
8 difference of two. Or, a difference of three. Now,
9 the interesting thing is that the gross floor area
10 is the same. So the bulk massing and scale of the
11 building remains, and this is actually surprising
12 because there are eight fewer units, but the
13 applicant expanded the individual units to be larger
14 and cover the same area.

15 So here's the odd thing as well. If you
16 approve this rezoning tonight, the applicant can ask
17 the zoning administrator for a modification of the
18 site plan that could almost negate these reductions
19 under Section 27-138(7) allows the zoning
20 administrator to approve non-substantial changes to
21 the site plan, and that wouldn't come back in front
22 of you. One of those is that they can increase up
23 to two stories. So you have a 29-floor building
24 that was rejected last year, and it could still
25 become a 28-story building.



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1 On the other hand, the surrounding area has not
2 significantly changed since last May, when the
3 counsel found this proposal in compatible. The
4 application -- the applicant has listed eight
5 buildings within a 0.6-mile radius, but none of
6 those were actually approved after May 11, 2023. So
7 what this means is that when you decided last year
8 that it was incompatible with the area, well, there
9 -- nothing has changed. It's still incompatible.
10 And the site plans from last May and the one for
11 today are actually -- include identical adjacent
12 parcel data tables, which notably mostly includes
13 institutional and single-family uses.

14 The applicant has specifically called out
15 Altura as a prime example of size and character
16 appropriate and compatible for Bayshore Boulevard,
17 and Altura appreciates being a prime example, but
18 it's not actually situated on Bayshore Boulevard,
19 and it's oriented to the Lee Roy Selmon Expressway,
20 and is in a CMU35 mixed-use district.

21 In comparison, the Related Groups project is
22 distinct because it is within -- in a cluster of
23 existing public and quasi-public land uses along
24 Bayshore Boulevard. An unusual and distinct
25 example, it's a little enclave within Bayshore



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1 Boulevard itself.

2 There are additional inconsistencies in the
3 comprehensive plan, which are included in a letter
4 that I had submitted, and I'll provide copies for
5 the record as well. Among those is, I'd like to
6 call out Land Use Policy 9.3.8 regarding impacts to
7 the surrounding area. Altura's future residents have
8 concerns about impacts on traffic to the surrounding
9 streets. Public transit is really not a viable
10 option in this area in the future, and there's also
11 limited information that's been provided about
12 impacts from delivery trucks, service staff, and
13 garbage trucks on-site. The loading zone empties
14 onto Isabella, and it can be there's -- little
15 clearance for turns.

16 This is going to be a long night, and you're
17 going to be hearing a lot of testimony. As you
18 listen tonight, you need to decide whether the
19 applicant has met their burden with competent,
20 substantial evidence under 27-136, among others.
21 I'm providing you with a cheat sheet, which has a
22 suggested motion to deny close sections that are
23 highlighted under 27-136, and also the waivers and
24 227, as well as sections of the comprehensive plan
25 that are inconsistent, so I'd like to enter that



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1 into the record when I'm finished.

2 To go back to competent substantial evidence,
3 generalized statements, even from experts, are not
4 competent substantial evidence. Now, on the other
5 hand, it might seem easy to dismiss the credibility
6 of layperson testimony. However, Florida law
7 considers as competent substantial evidence that
8 when the public is presenting actual and specific
9 facts that are relevant, then that's -- that is
10 competent substantial evidence. On top of that,
11 testimony on subjective matters that do not require
12 expertise, such as the development's impact on the
13 area's natural beauty, that is also competent
14 substantial evidence, and so you will hear that
15 directly tonight. If you've received generalized
16 statements of support, know that that -- if it's
17 just the generalized statement, that should be
18 disregarded.

19 A few final thoughts on some of the legal
20 issues and procedural flaws, and I'm not going to go
21 into full detail on this, but we would dispute the
22 fact that the waivers run with the land, even the
23 one regarding the collective streets, because when
24 you look at the section for a plan development, it
25 actually has to comply. If it -- if it is a



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1 substantial change, then the rezoning process is
2 reset, and it has go through the full analysis. We
3 also dispute that this should even be in front of
4 you. I have described this more in the letter.

5 Finally, the applicant's contention that a refusal
6 to allow this property to be rezoned tonight is some
7 kind of taking that's baseless. They argue that
8 it's reverse spot zoning, but actually a zoning
9 ordinance which denies an owner of the maximum
10 profitable use of their land is not
11 unconstitutionally confiscatory.

12 MR. MANISCALCO: Thank you very much.

13 MS. GRAHAM: Thank you very much. And I'd like
14 to provide, for the record, the suggested Motion to
15 Deny and also copies of the letter, which have
16 already been provided.

17 MR. MANISCALCO: All right. Please give this
18 to your attorney, and he'll submit it to the record.

19 MS. GRAHAM: Thank you.

20 MR. MANISCALCO: All right. Mr. Cremer, do you
21 wish to --

22 MR. CREMER: I was just --

23 MR. MANISCALCO: All right. We're going to
24 start the public comments or continue the public
25 comments. First is Rochelle Walk. Ma'am, please



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1 state your name.

2 MS. SULLIVAN: Hi. My name is Rochelle
3 Friedman Walk. I live at 371 Channelside Walkway,
4 Tampa, Florida. I am a board member and a past
5 president of the Tampa JCCs in Federation. I am
6 also the immediate past chair of the TOP Jewish
7 Foundation, and I am an active member of
8 Congregation Rodeph Shalom.

9 First of all, I would like to thank you, our
10 mayor, our police, our fire, and service providers
11 for your continued leadership in protecting our city
12 and in protecting our Jewish community and
13 protecting our Jewish institutions. This has been a
14 very difficult year for our Jewish community, as I
15 think everybody knows with the rise of antisemitism
16 and the hate crimes that we have endured. And I
17 thank you and the city for everything that you do to
18 make sure that we are safe.

19 I'm here today specifically to discuss the
20 long-term protection of the business of Congregation
21 Rodeph Shalom. We heard about the business that
22 we're -- that's next door at Bayshore Gardens. And
23 I just want to, you know, remind you that Rodeph
24 Shalom, yes, we're a congregation. We're also a
25 business. We are in the business of providing



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1 religious institution of religious service to our
2 Jewish community. And we just celebrated, as you
3 heard, our 120th anniversary in the city of Tampa.

4 There have been a number of economic studies
5 that have shown a decline in philanthropic giving
6 all to charitable organizations, to churches,
7 synagogues, and other faith-based and other types of
8 -- we call it

9 Sadaqah -- but other types of organizations
10 that provide charitable services. This is true,
11 especially since the year 2000. For Congregation Rodeph
12 Shalom, that means that our aging building and our
13 abilities to support quality programming to continue and
14 bring in quality leadership to our pulpit will
15 ultimately be burdened by the fact that we have a bigger
16 challenge: raising money. We have had a huge need to
17 increase security at our synagogue. I go every Friday
18 night. Every Friday night, there are guards that we
19 have to outside our building to protect us.

20 Okay. For these reasons, I encourage you to
21 think about what it means to our congregation. I know
22 there was a conversation about parking. In reality,
23 parking is going to be a much easier situation. We are
24 out of property. The Garden Club does not let us park
25 next door during our Holy Days anymore. I think they've



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1 even towed cars recently, and we need more parking. This
2 project gives us more parking.

3 MR. MANISCALCO: Thank you very much.

4 MR. SHELBY: Ms. Walk?

5 MS. SULLIVAN: Yes.

6 MR. SHELBY: Do you have your number that
7 you --

8 MS. SULLIVAN: One. I put it right there. I'm
9 sorry --

10 MR. SHELBY: Thank you. No, no, that's
11 perfect.

12 MS. SULLIVAN: Thank you.

13 MR. SHELBY: That's just a reminder for those
14 people when they come up and their number is called
15 or the name is called, they can put their number in
16 there as a request. Thank you.

17 MS. SULLIVAN: Thank you.

18 MR. MANISCALCO: You very much. Next speaker
19 is Michelle Vatalaro.

20 MS. WELLS: Uh-huh. Number 3.

21 MR. MANISCALCO: All right. Put the number in
22 the bin. Yes, ma'am. Please state your name, and
23 go ahead.

24 MS. VATALARO: Okay. My name is Michelle
25 Vatalaro. I'm a past president of the Tampa Garden



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1 Club, and I'm a member of the current Board of
2 Directors. I've listened to the presentation by the
3 Related Group. What I'm still waiting for, and what
4 I don't think they have told us, is what is the
5 value of this project to the community as a whole?
6 It's my understanding there is supposed to be
7 evidence of public value attached to changing the PD
8 designation. We know that the four new owners who
9 can afford the millions to buy these units will now
10 have a Bayshore view. We know that the synagogue
11 will get funding for their membership out of this,
12 but what do the rest of us get? We haven't heard
13 mention of even one way in which this eyesore is
14 going to be a benefit to the entire community.

15 This commercial style building is not part of a
16 business center as is Altura. It provides no
17 purpose, such as affordable housing, such as the
18 Presbyterian Apartments do. It makes no effort to
19 blend into the surrounding neighborhood, which is
20 comprised of low rise, traditional homes, many of
21 which are over 100 years old. This building looks
22 like it was designed for Miami Beach or some other
23 neighborhood. There is no thought even given to a
24 minimum of architectural interest.

25 There are no benefits for the community



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1 described except for the wealthy, so let's talk
2 about the potential for harm. The harm to Tampa
3 Garden Club is real. We are a non-profit charitable
4 organization that utilizes a property, not only to
5 protect green space in Tampa, but to generate funds,
6 which are given back to the community in various
7 ways. This menacing tower is already threatening
8 our future business, and relocation of our club is
9 not an option. No one in their right mind believes
10 that this project contains enough parking spaces for
11 the residents or the temple members. Related and
12 the synagogue are already asking us to park cars at
13 the Garden Club. The sanctuary was built under the
14 tenure of my presidency. They've always needed
15 parking spaces during their construction, and
16 they're still asking us for spaces.

17 Historically, the Garden Club has provided
18 overflow parking for the neighbors, but we have
19 clients who rent our business, and we can't continue
20 to be working as a full-time community parking lot
21 because no other public parking has been made
22 available by the city. Our lot did not use to be a
23 sand lot. The heavy use of it has turned it into a
24 sand pit. The trucks that park in our lot break,
25 our irrigation pipes, they drive over our shrubs,



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1 and they litter us with trash. We had plans to re-
2 landscape three years ago and develop an educational
3 garden, but those plans have been placed on hold.

4 So I ask that City Council take a comprehensive
5 look into these problems prior to adding to them.
6 There are other areas of Tampa with more space for
7 development. Not everyone can leave -- have a
8 Bayshore address. And again, tell me what is the
9 benefit to the community as a whole? And I resent
10 the comment that the Tampa Garden Club has engaged
11 in the antisemitic behavior --

12 MR. MANISCALCO: Thank you very much. All
13 right. Item -- person number 4 is Tim Everett.
14 Please drop your number in the container.

15 MR. EVERETT: Thank you. My name is Tim
16 Everett. I live at 2719 Ysabella, which is
17 directly across the street from the proposed project.
18 Couple things: number one, thank you, Mr. Pressman, for
19 use of this photograph. As you can see, we have Altura,
20 which is located right there. This is the proposed new
21 site here. And this is where I live, right there. I
22 live in a two bedroom townhouse, and if this new project
23 goes through, our townhouse community there will be
24 virtually blocked from the sun. Altura is to the south,
25 which is blocking us from the -- from any sunshine



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1 there. The new project will block us from the east. We
2 won't get any sunrise at all. So it's going to be
3 really problematic just from a living standpoint. And I
4 heard one of the members say, you know, I try to put
5 myself in their shoes if I lived there. So put yourself
6 in my shoes. I'm living there, and I'm going to be
7 blocked by two giant high rise buildings.

8 The other thing is going to be traffic. I'm
9 kind of surprised that there -- there's not a traffic
10 study being done on this, given the fact that Altura is
11 going to have 67 residences, and this new project will
12 have, what, 42, 44 residences. That traffic coming down
13 Ysabella to Bay to Bay, right now, you can't get onto
14 Bay to Bay easily because it's all backed up at MacDill.
15 So I think that the very least, traffic study needs to
16 be done to see whether this is even feasible from a
17 traffic standpoint. Also, from an evacuation standpoint
18 during a storm, I think it'd be very difficult for all
19 of us to get out of there at that time.

20 Those are really the main issues I have with
21 the project. I mean, I understand that, you know, the
22 builder has the right to build, but I just think it is
23 really going to be detrimental to the neighborhood and
24 particularly to our little townhouse community as well
25 as the townhouse community across Barcelona there. So I



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1 -- I'm opposed to this project, and I would hope that
2 you would vote against it. All right. Thank you for
3 time.

4 MR. MANISCALCO: Thank you. Next is Adrian
5 Vanheist. Please take your number and drop it in
6 the container and state your name.

7 MR. VANHEIST: Good evening, Council members. I
8 appreciate you listening to me. And I'm here --

9 MR. MANISCALCO: Please state your name, sir.

10 MR. VANHEIST: Oh, I'm sorry. My name is
11 Adrian. Vanheist.

12 MR. MANISCALCO: All right.

13 MR. VANHEIST: Okay. And that, in my remarks,
14 I plan to focus on the people in the community where
15 I live, Bayshore Presbyterian Apartments, and we are
16 at 2909 West Bayshore or Barcelona Street. It is a
17 special community where I live, and many of the
18 residents that I am with tonight live there as well.
19 It's a special community of about 200 residents, and
20 they come from all parts of the United States, and
21 they have many different backgrounds: teachers,
22 office workers laborers. Some work -- have worked
23 in industry and manufacturing, and the list can go
24 on and on. There is a lot of variety in that
25 community where we live.



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1 There is a lot of variety, but one thing that
2 we have in common, for the majority, we're on the older
3 side with most of us being well over 70, and so we're in
4 the twilight years of our life. Some have lived in our
5 community at Bayshore -- at Bayshore Presbyterian for 20
6 years. And in our advancing years, there are
7 limitations that come with that. We may drive less, but
8 we may walk more. Our walking for exercise for
9 ourselves and our pets takes us around our immediate
10 neighborhood and our pets know exactly where all the
11 fire hydrants are.

12 The point that I am trying to make is this,
13 that in our residence and in our close surroundings, we
14 have a situation that has affected the quality of our
15 lives. And there is little that can surpass the beauty
16 of a sunrise as the beams of light that shimmer across
17 the bay, observed by many from their apartment windows.
18 Yes, they are going to be losing that. And so this is
19 our neighborhood, and we are the elderly. And I've
20 heard it said that a community is judged by the way it
21 treats it -- treats its elders. And you are our city
22 council. Will Tampa be known that it treats its senior
23 citizens well?

24 MR. MANISCALCO: Thank you very much.

25 MR. SHELBY: That is our question. Thank you.



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1 MR. MANISCALCO: Thank you very much. Next is
2 Sidel Envogel.

3 MS. ENVOGEL: Sidel.

4 MR. MANISCALCO: Sidel. Yes, ma'am. Please
5 put your number in the basket and state your name.

6 MS. ENVOGEL: My name is Sidel Envogel. I want
7 to talk about something really important. Since I
8 live at a over 65 building on Bayshore or near
9 Bayshore, I want to -- I want to say that we have a
10 problem. We have ambulances, we have fire trucks,
11 and we have police coming to our building more than
12 once a day. Now, if we had this big building, we'd
13 never get -- we'd have a lot of dead people, because
14 you can't get there in time. It's hard enough to get
15 into our building because we have only two
16 elevators, none of which is freight. So if the
17 freight elevator is used, we have one elevator.
18 Health is at -- an essence.

19 I have been a resident of Tampa for something
20 like 65 years, and I've taken Tampa Road sometimes
21 to the betterment and sometimes not. But in our
22 instance, we have no place to put ambulances or get
23 into the parking lot. If you figure it out, when we
24 have Gasparilla of 500,000 people coming, okay,
25 where are we going to put these cars? They can't



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1 come to our spot, but they try. So you know, there
2 -- there's a lot of different avenues, different
3 things that are happening now on this particular
4 street, and I would vote no.

5 MR. MANISCALCO: Thank you very much.

6 MS. WELLS: Thank you.

7 MR. MANISCALCO: Yes, ma'am. Next is Maria
8 Grasio. Yes, ma'am.

9 MS. GRASIANO: Thank you. My name is Maria
10 Grasio. I'm also a resident of Bayshore
11 Presbyterian Senior Apartments. You guys have been
12 saying just Presbyterian Apartment. It's Senior
13 Apartments. Secondly, I very much resent being told
14 I'm antisemitic as a neighbor, which I am not.

15 MR. SHELBY: Ma'am. Ma'am. Excuse me.

16 MS. WELLS: Being called an aged resident.

17 MR. SHELBY: If I can stop the time. Ma'am,
18 I'm going to make this comment generally to
19 everybody, but it certainly does apply in this case.
20 Please direct your comments to the city council and
21 to the -- and to this body here and please face
22 forward so that your mic can pick up your voice so
23 it can be recorded and broadcast. Thank you.

24 MS. GRASIANO: I can project, but I am 81 years
25 old and loving my life at Bay Shore Presbyterian



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1 Senior Apartments. I decided back in 1992 that when
2 I got old enough, I would move there. And I have
3 fulfilled that, which now, because of all this
4 construction that's going on, we have a problem.
5 Ysabella is a very narrow two lane street. You have
6 construction vehicles now with Altura. It has been
7 going on, but they don't come all the way to our
8 building. But with this new construction, they
9 would be there at our building. We would have an
10 impact to the roads that I don't know if anyone's
11 considered it. I know there hasn't been a traffic
12 set.

13 Secondly, I don't think anyone has stopped to
14 see what the impact is to the actual road bed and
15 the road material. You're going to have heavy
16 equipment. You're going to have tractor trailers
17 delivering. When they start laying foundations or
18 putting in the pillars and caissons. They're going
19 to be pounding. And I don't know if any of you have
20 ever lived when they're pounding for hours, day
21 after day, months at a time, and I'm sure it's not
22 just going to be four pillars. It's going to be
23 much more than that for the size of that building.
24 I don't know if that's been considered.

25 And the damage that will do not just to



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1 disturbing our peace and quiet and quality of life
2 as residents of this city -- forget that we're
3 elderly --but the fact that it's going to totally
4 disturb our way of life. That is disturbing and
5 impacting the neighborhood, which is part of the
6 code. Those are the things that have to be
7 considered.

8 My second concern is sewer and water. Anybody
9 that's lived on Bayshore knows that is not up-to-
10 date for the kind of quantity of buildings and
11 residences that are going in. When you're putting
12 in towers with that many residents or people moving
13 in, that's an impact on the sewer and -- okay.
14 We're running out of time. And my last concern was
15 evacuation, which has been commented on because we
16 have a mandatory evacuation in that area.

17 I thank you for your time. I hope you will
18 consider all of the thoughts that we have given to
19 you today.

20 MR. MANISCALCO: Thank you very much. Next up
21 is Pamela Carpenter. Is there a Pamela Carpenter
22 here?

23 MS. CARPENTER: I'm 9. Do you have a number 8
24 somewhere?

25 MR. MANISCALCO: You are number 9?



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1 MS. CARPENTER: Yes.

2 MR. MANISCALCO: Yes. No. We're on number 9.
3 Charles Gotier was number 8.

4 MS. CARPENTER: Oh, all right. I didn't know
5 that. Okay. Okay.

6 MR. SHELBY: Please put the number in the
7 bucket and --

8 MS. CARPENTER: I have a copy of my
9 presentation, but I only wrote seven.

10 MR. SHELBY: You only wrote seven.

11 MS. CARPENTER: I know -- I have a lot of
12 pictures to share, and it would be helpful if you
13 can read the words, if I don't get to all of them.
14 Pamela Carpenter, 24 years on Ysabella. My
15 testimony -- my expert testimony is only what I know
16 from living on the street. I didn't actually get to
17 compare notes with a lot of the speakers, but I have
18 come to some of the same conclusion.

19 I want to start with the rendering of the
20 perspective of building. This is Ysabella. Even
21 though we keep talking about Bayshore, the building
22 itself, the massive building, is on Ysabella. Keep
23 your eye on this little green area here. It's very
24 important to us and some of the speakers that you
25 already heard.



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1 So that view is going south. I ask you to turn
2 around in that same grassy area and look north, and
3 this is what you will see. You will see Ysabella.
4 You can't see even the center line there. There's
5 no sidewalk on the left-hand side, which would be
6 the west side. You then come onto homes that look
7 like they should be in Charleston or the Savannah.
8 You then come onto the corner of Palm. Two hundred
9 yards away are homes that are 100 years old. You go
10 further into our neighborhood, and you will see
11 single family homes and residences.

12 Yes. We have town homes. Yes, we have some
13 apartments, but we have a lot of single family
14 homes, not as many as we used to. The street of
15 Moody itself has lost six of its bungalows. It's
16 only a two block area. They're now duplexes.

17 Okay. You've had some concerns from several of
18 us about our street. This is a view -- now I'm
19 looking south again on Ysabella. The Garden Club is
20 basically in this photo and then the picture on the
21 right, the Presbyterian Tower is on the right. They
22 have no sidewalk in front of the Presbyterian Tower
23 today. I don't know why. It just never got one.
24 So in the first report over a year ago, because this
25 is the third time we've been here in less than a



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1 year, or just a year, which is amazing. But they
2 said there were sidewalks on both sides. There are
3 not sidewalks on both sides. Directly across from
4 where this is being proposed, there is no sidewalk.

5 And so I think there's going to be a bit of a
6 problem in the neighborhood when construction would
7 start as to how we would actually get up and down
8 our streets. Okay. So again, I -- and there has
9 been a very generous offer from Related to do
10 paving, and I think that's great, but the project
11 wouldn't start until 2026. And that means the
12 paving of the street wouldn't happen until 2029.

13 I did my own analysis on the towers, and I just
14 want you to look at one number. On the vacant lots
15 of the six buildings -- someone else mentioned the
16 six towers -- seven would be the Related tower for
17 the synagogue -- there were two homes in that area.
18 As a result of these buildings only -- not
19 everything else on Bayshore -- just these six
20 buildings, the net increase in residences is 208.
21 And I'm sorry the transportation gentleman's not
22 here, but I do believe it needs a mobility study
23 because you're putting a lot of additional units.
24 You have some additional pictures.

25 My conclusion is that we really want to see the



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1 synagogue stay on Bayshore, the Garden Club to
2 thrive, and we'd like to see an R35 8-story, medium
3 density building --

4 MR. MANISCALCO: Thank you very much. All
5 right. Next speaker is Lloyd Stern.

6 MR. SHELBY: He already spoke.

7 MR. MANISCALCO: He already spoke? Thank you
8 very much, sir. Donelda Gallagly (phonetic). Did I
9 say it correctly?

10 MS. GALLAGLY: You did.

11 MR. MANISCALCO: Good. I get my name butchered
12 my whole life, so I try to -- try to be careful.
13 Yes, ma'am. Just say your name and drop the number
14 there.

15 MS. GALLAGLY: My name is Donelda Gallagly, and
16 I live at 2542 West Palm Drive. This is a small
17 condo building, just three stories tall with only
18 eight units in it. And it backs directly onto Fred
19 Ball Park. I'm a citizen and a resident of the area
20 that will be negatively affected by the building of
21 the Related project on the synagogue product --
22 property.

23 We in the neighborhood have been -- have
24 endured continuous condo construction for the last many
25 years. This -- the disruptions the building of these



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1 developments have caused us include: we can't get onto
2 Bay to Bay from Ysabella or off Bay to Bay to Ysabella
3 without long waits for an opening in the traffic. The
4 stretch of Bay to Bay from Bayshore to MacDill has a
5 congested traffic pattern that I believe verges on
6 unsafe. Ysabella is torn up and potholed to something
7 worse than a third world country. Since there's no
8 continuous sidewalk walking is a challenge, if not
9 unsafe. Construction crews arbitrarily stop traffic on
10 Ysabella and cause unpredictable delays of varying
11 length so that their giant trucks, cranes, and machines
12 can get in and out of their sites.

13 There are no objections to this project that
14 you've heard or that you will hear tonight that I
15 disagree with. As a group, we are well-informed and
16 well organized. We're aware that whatever form the
17 current Related project plan has, it will exceed it,
18 just as it has done with the Ritz-Carlton project.

19 In closing. Let me share with you that I am
20 an influencer. Whomever of you votes in favor of this
21 project will experience me spreading the word to your
22 constituents that your priorities are increasing the
23 city tax base, mollifying developers wanting to come to
24 our area, and ignoring the comprehensive city plan and
25 city code. If you support this project, I'll tell them



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1 that your priorities are not listening to your
2 constituents and representing the demonstrated wishes of
3 neighborhood residents. To vote for this project is
4 irresponsible, and you would not be doing the job that
5 you've been elected to do. Please. I beg you. Vote no
6 to this project.

7 MR. MANISCALCO: Thank you very much. Next up
8 is Paula Perry, number 12. Come on down.

9 MS. PERRY: Hi. How are you?

10 MR. MANISCALCO: Thank you very much. Please
11 state your name.

12 MS. PERRY: I'm Paula Perry.

13 MR. SHELBY: Just put your number in the bin
14 there.

15 MS. PERRY: Oh, sure.

16 MR. CARLSON: If you wanted to keep it as as a
17 souvenir.

18 MS. PERRY: Pardon me?

19 MR. CARLSON: Do you want to keep it as a
20 souvenir?

21 MS. PERRY: Oh. Okay. Good evening. I'm a
22 resident of Tampa. I've been a resident for 40
23 years. I'd like to actually thank Related. They've
24 brought a sense of unity to our community. And once
25 again, we all agree this building does not fit. It



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1 doesn't work. It's not compatible with our community
2 and our neighborhood.

3 I have several resolutions in opposition from
4 neighborhoods and community groups that include the
5 Tampa Garden Club, Historic Hyde Park, Beach Park
6 Women's Club, the Harbor Island Community Services
7 Association, Beach Park Women -- Beach Park Home
8 Owners Association, South Neighborhood Association
9 of Harbor Island, and Bayshore Townhouses Owners
10 Association. And we have over 1800 residents that
11 have signed a petition and e-mailed letters in
12 opposition to it. It just shows it's a broader
13 support, and that we were opposed to it.

14 The project's total height is 349 feet. If
15 they -- I reached out. It was not on the site plan.
16 I asked Commissioner Dock, and she e-mailed me late
17 last week. So it's 349 feet. I'll share the e-
18 mail. It's currently zoned PD for place of
19 religious assembly with future land use of R35, not
20 zoned residential. It's in a FEMA flood zone with
21 Coastal High Hazard area. They request, you know,
22 building this imposingly tall tower 26 stories, 42
23 units on 1.43 acres with more than 275,000 square
24 feet living space.

25 In addition, the applicant requests permission



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1 to make improvements to Barcelona and Ysabella
2 Streets. This could actually prove detrimental to
3 the entire Bayshore Gardens neighborhood, which
4 could result in the loss of access to these
5 important city streets while the projects are staged
6 for the duration of construction. Approving this
7 application grants the applicant's legal
8 entitlement, and in addition to entitlement, any
9 changes to the site plan considered non-substantial
10 can be approved by the city of Tampa administrator
11 alone. This actually occurred between the first and
12 second hearing for the Related's Ritz Tower projects
13 on Santiago, which included but was not limited to,
14 an increase in height, number of units, reduction of
15 setbacks, and a reduction of green trees and green
16 space.

17 There's a shortage of parking. The Rodeph
18 Shalom Synagogue applied for and was granted a PD
19 change rezoning in two design exceptions in 2015 and
20 2016 for the Barcelona parcel that has served as
21 parking to the congregation. They received a 30-
22 space parking waiver, and we, the Garden Club, have
23 tried to help alleviate the shortage for parking by
24 granting them free parking during early morning
25 services, High Holy Days, preschool events,



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1 funerals, other gatherings, so long as it does not
2 interfere with the rental of our property of our
3 venue and parking. Allowing this tower would
4 devastate our venue. And our Tampa Garden Club has
5 worked so hard to build and respectfully ask for you
6 to deny this application. And thank you for your
7 service here this late evening. Thank you.

8 MR. MANISCALCO: Thank you very much. As long
9 as we get off by 7:30, I can take my youngest to
10 school. I'm fine.

11 MS. PERRY: I have some things to enter into
12 the record, if I may.

13 MR. MANISCALCO: Yes, ma'am --

14 MS. PERRY: Okay. Thank you. Okay.

15 (EXHIBIT MARKED FOR IDENTIFICATION)

16 MR. MANISCALCO: All right. Next speaker is
17 13, Abraham Marcadus, who has a Speaker Waiver Form
18 with four people.

19 MS. WELLS: Thank you.

20 MR. SHELBY: Do you have a Speaker Waiver for
21 me?

22 MR. MANISCALCO: They'll call your -- they'll
23 call your name. Yes, sir. Please give the list to
24 the attorney, and he's going to read the names on
25 it. Step up to the lectern, sir. Your name, sir,



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1 is --

2 MR. MARCADUS: Hi. My name is Dr. Abraham
3 Marcadus.

4 MR. SHELBY: Oh, Mister -- Dr. Marcadus, now
5 you have how many names on here? I see --

6 MR. MARCADUS: Three names.

7 MR. SHELBY: Which names are they?

8 MR. MARCADUS: Steve Kreitzer (phonetic).

9 MR. SHELBY: Is Steve Kreitzer here?

10 MR. MILLER: Mark Miller and Francine Levine.

11 MS. LEVINE: Here.

12 MR. SHELBY: Is Mark Miller, you say? And
13 what's the last name?

14 MR. MILLER: Francine Levine and Steve
15 Kreitzer.

16 MR. CARLSON: (indiscernible.) Okay. Did Mike
17 add one for Abe?

18 MR. MANISCALCO: Have you -- have you -- have
19 you signed any other speaker waiver form?

20 UNIDENTIFIED SPEAKER: I did it with Sally D.
21 And she said I was the substitute speaker waiver.

22 MR. MANISCALCO: I didn't catch what that
23 meant. A substitute speaker waiver.

24 MR. MARCADUS: I don't think I going to need
25 it.



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1 UNIDENTIFIED SPEAKER: Yeah. You're going to
2 need it for something?

3 MR. MARCADUS: I'm not going to need it.

4 MR. MANISCALCO: 6 -- 6 minutes.

5 MR. MARCADUS: Okay. Thank you. My name my
6 name is Dr. Avery Marcadus. I live on 2619 Bayshore
7 Boulevard next to Fred Ball Park and less than a
8 block from the property. I'm a fourth generation
9 Tampa native and a lifelong -- a lifelong member,
10 past president, and current board member of Rodeph
11 Shalom. This proposal should be approved for
12 several reasons. This plan balances responsible
13 growth with enhancing my neighborhood. I have a
14 unique perspective as not just a member of
15 congregation Rodeph Shalom, but also as a neighbor.
16 I live in the neighborhood and I have an interest in
17 seeing my neighborhood benefit from the enhancements
18 and responsible growth that Related has to offer.
19 This plan offers a sensible solution. It avoids
20 another massive building directly on Bayshore
21 Boulevard. It improves the landscaping, the
22 sidewalks, and crosswalks. Related funds will help
23 enhance Fred Ball Park. It allows more Tampa
24 citizens to enjoy our special waterfront. In
25 addition, the city currently is receiving no tax



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1 dollars from this valuable piece of real estate.

2 This plan will bring increased revenue for Tampa and
3 strengthen our tax base -- tax base.

4 Secondly, this plan is good for Tampa, but it's
5 also vital for Rodeph Shalom. Rodeph Shalom is a
6 Bayshore Boulevard -- on Bayshore Boulevard is a
7 landmark. Along with the -- along with the
8 Presbyterian Church, a Catholic school, Rodeph
9 Shalom's Jewish presence on Bayshore, reflects the
10 diversity and tolerance that Tampa is known for.

11 But as a small minority, staying financially viable
12 and remaining at the present location, this has
13 increasingly become a challenge. This plan allows
14 Rodeph Shalom to establish an endowment to remain on
15 Bayshore Boulevard for many years to come.

16 Thirdly, this property is not being utilized at
17 its highest and best use. The underlying reason
18 that this issue is so problematic is that a Jewish
19 synagogue on the property is not the highest and
20 best use of this land. The highest and best use
21 would probably be to develop the entire property
22 with the largest condominium that the land will
23 support. Rodeph Shalom is situated on land that is
24 much more valuable to a developer than it is to a
25 Jewish congregation. It makes no sense for Rodeph



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1 Shalom to continue to tie up its equity in this
2 expensive real estate when it needs the funds to
3 exist. Without this deal, it is not practical for
4 Rodeph Shalom to remain on this property. The land
5 is simply too valuable. Unless we all believe that
6 an aging Jewish synagogue and the little pink house
7 shoved into the corner is the best use for this
8 property, then this land will become something else.
9 And if Rodeph Shalom was not there to moderate the
10 plan, the entire property will develop to its
11 highest and best use. And as neighbors, we should
12 all be concerned with the consequences.

13 Rodeph Shalom has turned down numerous offers
14 to sell the entire property for significantly more
15 than the current one. But eventually, the
16 congregation will be forced to realize some of its
17 land value by selling either a portion of the
18 property or the entire property. With this related
19 plan, Rodeph Shalom will be able to realize a
20 portion of the land value without resorting to
21 development of the entire property. This plan
22 balances Rodeph Shalom's needs with the least
23 disruption of the neighborhood. Finally, larger
24 projects have already been approved in the area.

25 From where I live next to Fred Ball Park, I can see



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1 at least three other projects, buildings of a much
2 larger scale, that are currently under construction
3 near the property. Unless the city decides that no
4 further growth is planned for Bayshore Boulevard,
5 denying this more limited proposal while allowing
6 the large ones to proceed, unfairly disadvantages
7 the congregation and its many long-time Tampa
8 residents to want to make the best use of their
9 property for their future.

10 Related to this plan to take an empty parking
11 lot and turn it into residencies will give Tampa
12 citizens the chance to enjoy the Bayshore area.
13 It'll enhance the neighborhood and provide funds to
14 beautify Fred Ball Park and to provide income
15 producing property for the city. The plan is a win
16 for the neighborhood, the synagogue, and the city,
17 and it should be approved. Tampa will continue to
18 grow, but rejecting further development to keep the
19 status quo is not an option. Let's build the future
20 that makes growth. What our -- and what -- that
21 balances growth is what makes our community special.
22 Please vote for this -- in favor of this proposal.
23 Thank you.

24 MR. MANISCALCO: Thank you very much. Jonathan
25 Moore, number 14.



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1 MR. MOORE: Good evening or good morning. My
2 name's Jonathan Moore, 1501, West Cleveland. I'm
3 president of a local owner's representative firm. I
4 come you guys on many rezones. I've been a
5 consultant of congregation Rodeph, but tonight I'm
6 here on my own time. I'm a Florida registered
7 architect and I've worked on over 500 projects in
8 the City of Tampa. I feel this particular project
9 is smart development. I feel it is good for Tampa
10 and right for this site. We talk a lot about
11 community. We talk a lot about working around
12 trees, appropriate density, sustainable growth. This
13 project is all of those. I was present for the
14 first hearing and the applicant listened to what
15 staff said. They went back and complied with most
16 all of the requests. This project should be a slam
17 dunk. You heard staff finding the project
18 consistent.

19 Some of the specific changes that interest me
20 is we're now preserving all of the grand oak trees
21 on site. We're retaining more than 50 percent of
22 the required live trees. And with regards to
23 parking, remember, we're removing a 100 child
24 preschool from the site and replacing it with a 42
25 unit residential project, a less dense project when



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1 you talk about traffic. I'm so appreciative of city
2 council for taking the time to listen to everybody
3 tonight. I think it's run fantastic. Thank you for
4 your time. And I'm very proud to support this
5 project and encourage you to do the same. Thank you
6 very much.

7 MR. MANISCALCO: Please state your name?

8 MS. MECKLEY: Paula Meckley. I am the current
9 president of the Tampa Garden Club. And I've been
10 --I live about a mile away from this development.
11 The Tampa comprehensive plan is very clear about
12 encouraging design compatibility based on the form
13 and surrounding built environments and natural
14 features. This particular area of Bayshore
15 Boulevard is a special place with lower density due
16 to the topography surroundings of natural spring of
17 Fred Ball Park and the abundance of the grand oak
18 trees surrounding the properties, like the Tampa
19 Garden Club and yes, even Rodeph Shalom's low
20 profile synagogue and their school add to that open
21 feeling. These properties create a place sandwiched
22 between Bayshore Boulevard and Cross County
23 Expressway.

24 Is it the goal of development to have a
25 balance? The club's comprehensive plan states that.



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1 When does the creep of these enormous buildings
2 stop? This kind of development is destroying
3 existing neighborhoods by changing the fabric of
4 Bayshore Boulevard neighborhoods, in the
5 comprehensive plan, policy any 2.4 states, "The area
6 -- in areas not to exceed -- in areas not expected
7 to take significant amounts of growth, areas of
8 stability, encourage limited scope of work that
9 focus on specific issues or concerns rather than
10 broad, multi-focused planning processes."

11 All right. So let's look at that comprehensive
12 plan. Says there's two districts, South Tampa and
13 New Tampa, and that these characteristics clearly
14 show limited growth opportunities and that these are
15 areas of stability. So environmental qualities that
16 would be compromised by increased urbanization,
17 that's us. Limited access to transportation
18 facilities, that's us, which would be ineffective to
19 improve. There's no new stuff coming south of
20 Kennedy for transportation. Limited opportunities to
21 create more community facilities. Getting rid of
22 open spaces, that's exactly what we're doing. We're
23 getting rid of these open spaces. And our services.
24 We don't have enough firefighters. We don't have
25 enough police officers. Unable to the flood plug --



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1 the flood -- the flood -- we're in the flood zone.
2 This building would be in a flood zone. Land use
3 policy 1.2.3 states, "Relate new buildings and
4 development to the context of the neighborhood and
5 community."

6 If you continue to allow this kind of
7 development, you city council are single-handedly
8 changing the context of this neighborhood and
9 community. The Tampa Garden Club has repeatedly,
10 repeatedly said, we're not against development. And
11 we've tried to discuss a less intrusive building
12 that provides a transition into the surrounding
13 neighborhood and they wouldn't even consider it.
14 They wouldn't even talk to us about it. So look,
15 promote physical environment with the highest
16 quality of emphasis. That's policy 1.2.16, and it
17 says that that is close to the identity of each
18 neighborhood.

19 MR. MANISCALCO: Thank you, very much.

20 MS. WELLS: Please deny this. Thank you.

21 MR. MANISCALCO: Yes, ma'am. Next is Tracy
22 Widely 16, who has a secret form, 3D robbery.
23 Please give the form to the attorney who will
24 document this. Thank you. Ms. Riley? Sean Riley?

25 MS. WELLS: Here.



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1 MR. MANISCALCO: Thank you. Mrs. Stephlin.

2 MS. STEPHLIN: Here.

3 MR. MANISCALCO: Thank you. Nancy Nelson.

4 MS. NELSON: Here.

5 MR. MANISCALCO: Please state your name. Go
6 ahead.

7 MS. RILEY: My name is Tracy Riley. Members of
8 the Tampa City council. Good evening or good
9 morning, wherever we are. I'm here as a designated
10 representative of the Rose Garden Circle. As a
11 private citizen of South Tampa and as a
12 representative of over 1700 South Tampa residents
13 that signed the petition against this development.
14 There is so much attention focused on this little
15 park. I feel like it wants its story told. In
16 1845, families of current residents came to the
17 spring because they believed it could heal their
18 ailments. As you can see in the historic photos
19 here. In the early 1900s, it became a public
20 recreational pool with its own trolley stock.
21 Sadly, due to rumors that typhoid was in the water,
22 it was closed and concreted over. Then county
23 commissioner, Fred Ball, purchased the park for the
24 county and gave it to the city where it remained in
25 disrepair until 1988. When Rose Circle Point



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1 officially adopted it, and decided to raise the
2 money to build Fred Ball Park and excavate Palma
3 Ceia Spring in partnership with the city.

4 We, with the City of Tampa Parks and
5 Recreation, have been the park's long term
6 caretakers ever since. It was recently written in
7 the Tampa Bay Times that the park needs some work.
8 It needs some love. This is one item we can
9 certainly all agree on as the primary reason that
10 the park needs work, is because the real estate
11 developer of the sanctuary destroys the park during
12 the building's construction. The developer promised
13 to fix the damage and make the park ADA compliant.
14 But those promises never came to fruition, and the
15 developer was never held accountable for them. Let's
16 not make the same mistake. Rose Circle has
17 demonstrated commitment to the park's preservation
18 since its inception and has hosted a yearly garden
19 tour for over 30 years, the proceeds of which go
20 directly to the park's improvements. We have been
21 working with the city to repair the park and are
22 currently sponsoring multiple projects to repair and
23 renovate. We have a continued partnership with
24 Keeping Tampa Bay Beautiful and Bayshore
25 Neighborhood Garden Association. And recently we



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1 have partnered with Ecosphere Restoration Institute,
2 who provided me a letter which I provided to you as
3 well.

4 There you go. A nonprofit that specializes in
5 Spring Restoration and preservation projects who
6 recently restored Ukulele Spring. Through this
7 partnership, we intend to restore the historic Palma
8 Ceia Spring for future generations to enjoy. Rose
9 Circle has recently filed to have the Palma Ceia
10 Spring designated as a historical landmark.

11 Additionally, Rose Circle has worked with the Tampa
12 Parks and Recreation Department to understand their
13 desired improvements for the park. And we, with the
14 support of the Tampa Garden Club, are prepared to
15 raise the necessary funds to see that those
16 improvements are made. Rose Circle intends to keep
17 up our collaborative partnership with the city as we
18 continue to enhance the park, and most importantly,
19 we will keep our promises. If the Related Group
20 really does care about the preservation of the parks
21 in South Tampa, then let them show it by donating
22 no-strings-attached funds to local organizations
23 that restore our parks Tampa Garden Club and Rose
24 Circle look forward to our continued partnership in
25 collaboration with the City of Tampa Parks and Rec.



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1 Thank you for your time and attention. I ask you to
2 please vote no on this development resolution
3 agreement.

4 MR. MANISCALCO: Thank you very much. The next
5 speaker is 17. Yes, ma'am. Please state your name
6 and put the number in.

7 MS. HONING: Good evening. My name is Courtney
8 Honing and I am a South Tampa resident. I'm also
9 the civic chair for the Tampa Garden Club. I'm here
10 to ask that you deny that the rezoning request
11 before you here tonight. I would like to make the
12 important point that the Tampa Garden Club, which is
13 directly next door to the proposed rezoning, is a
14 small women-owned women-run business. I would
15 expect that if I ask each of you Council members if
16 you support small business in Tampa, you would say
17 yes. Well, now is your chance to prove it. The
18 Tampa Comprehensive Plan states on Page 327 that we
19 consider rezoning, the city council must consider
20 the implications to neighboring property. The
21 impact of the ongoing construction, the noise, the
22 traffic could be a detriment to both current and
23 future bookings for weddings and all types of events
24 at the Tampa Garden Club.

25 The quietness of the property will be unfairly



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1 implicated. Can you imagine the shadow of the large
2 tower and its -- what it will place over your
3 beautiful wedding garden who would want concrete
4 spraying going on next door, next to your beautiful
5 wedding event? I draw your attention to what the
6 City of Tampa own website states about small
7 businesses. "Successful small businesses are
8 essential to maintaining a healthy economy. The
9 City of Tampa recognizes the challenges faced by
10 many small and minority-owned businesses and offers
11 valuable informational services and programs to help
12 us -- to help you remain competitive." Please help
13 us remain competitive, and to continue to offer our
14 wonderful services to this community.

15 Our small business, a venue rental, allows us
16 to use that money not only to maintain our building.
17 It allows us to do philanthropic work throughout
18 Hillsboro County. We have installed butterfly
19 gardens in schools, vegetable gardens in schools,
20 build community gardens, worked with Master Garden
21 community events, plant a tree at elementary
22 schools, and worked with Tampa Bay Beautiful and
23 parking for cleanup after Gasper (phonetic) left. I
24 could go on and on about the philanthropic work at
25 the Tampa Garden Club. But what's important here is



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1 that our ability to give back to the community is
2 now in jeopardy. We are not opposed to development
3 itself. We as much as anyone wants able to be a
4 successful thriving city. We are asking for
5 compatible development, for Florida statute
6 compatibility means a condition in which land uses
7 or conditions can coexist in relative proximity to
8 each other, in stable fashion over time, such as no
9 use or condition is unduly negatively impacted
10 directly by another use or condition. This proposed
11 building is obviously not compatible with the
12 surrounding neighborhood, is not compatible with
13 surrounding businesses. Zoning is in place for a
14 reason. Only the current zoning should be allowed.
15 Thank you for hearing me this evening.

16 MR. MANISCALCO: Thank you very much. Next up
17 is Laura Crister, number 18? Yes, ma'am. Please
18 state your name.

19 MS. CRISTER: Good morning, and thank you
20 Council members. I -- I've cut my remarks to the
21 bone in respect to the hour and to your time. Thank
22 you very much for the opportunity. My name is Laura
23 Crister to my family and I have been members of
24 congregation Rodeph Shalom for 50 years, and I
25 served as it president from 2014 to 2016. The



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1 synagogue and the Garden Club were built within a
2 few years of each other, and all of us who have
3 lived here for a while know that Tampa and
4 especially South Tampa and the entire Bayshore
5 Boulevard neighborhood has been changing in the
6 ensuing decades. Growth and change are a fact of our
7 community's life, and it would be disingenuous to
8 say that this plan would be the big change in the
9 neighborhood. Our building, with its distinctive
10 menorah design place in Bayshore Boulevard is a sign
11 and a symbol of the star inclusivity of our
12 community.

13 To be able to remain on our site sends a
14 message to all of Tampa that this Jewish
15 congregation and its members have a future as well
16 as a past in this city. Most of our members live in
17 South Tampa, probably three quarters of us within
18 two to three miles of the synagogue, with many of
19 those members being Bayshore residents -- Bayshore
20 Boulevard residents as well. Our building is used
21 every day of the week for worship, for meetings, and
22 to provide community service. Having this
23 innovative plan will enable us to ensure that the
24 long-term sustainability of Rodeph Shalom will exist
25 and we will be able to maintain our iconic presence



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1 on Bayshore Boulevard. We have been good neighbors
2 for 55 years and it is our intention to continue to
3 do so. I respectfully ask that the council allow us
4 to have that opportunity. And thank you for your
5 time.

6 MR. MANISCALCO: Yes, ma'am. Thank you very
7 much. Jack Ross.

8 MR. ROSS: Good morning, Mr. Chairman and
9 Deputy Counsel. Thank you very much. My name is
10 Jack Ross. I'm a long-time Tampa resident. I am a
11 long-time member of the Board of Shalom, and I'm
12 here tonight representing -- this morning
13 representing the Tampa JCCs Confederation at 522
14 North Howard Avenue. As you're aware, the JCC
15 operates a preschool at Rodeph Shalom. Jonathan
16 Moore mentioned we have a census of 100. It's
17 actually 130, so we're replacing the traffic of 130
18 parents coming at all times of the day with the 42
19 residents. Now, the JCC and the Federation fully
20 supports this redevelopment plan. In fact, we're
21 actively looking for alternative sites for our
22 preschool as we speak.

23 This is not about the sound effects of
24 construction. Even right now, the city is tearing
25 up and improving Howard Avenue. The city has met



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1 with us, our organization, other businesses. We
2 sat, we coordinate, and we work around the
3 construction. Construction is always going to
4 happen. So it's not about the sound effects that
5 occurred. And it's not about the nuptials that'll
6 be interrupted. Among my many hats that I wear at
7 the organization at the Tampa JCCs and Federation.
8 I am a supervisor of our event center and we have
9 weddings all the time, and they are Friday evenings
10 and they're Saturday mornings and Saturday evenings
11 and Sunday mornings. And they're -- never in six
12 years that we've operated on Monday, Tuesday,
13 Wednesday, but they are a group thing. In any
14 event, I'm not telling you their calendar, but I'm
15 telling you as a person who's supervising an event
16 center with nuptials that, during the week and
17 during business hours, is not typically the bread
18 and butter of an organization that holds this.

19 But what this is, this project is, is smart --
20 a smart project that a number one city like Tampa
21 should highlight. It's responsible development that
22 preserves and blends campus culture with its history
23 and new development. It ensures that both the
24 garden club and the synagogue continue their
25 important work for the next 100 years. The



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1 developer Related has actively engaged with the
2 garden club and other neighbors and made concessions
3 and revisions to ensure the new development
4 integrates well into the existing surroundings.
5 This collaborative approach has improved the project
6 immensely, and shows a commitment to being a good
7 neighbor. Related has also entered into an
8 agreement. As we understand, that ensures that the
9 site will be sold in the future. A future loan
10 would not be able to develop beyond the height of
11 Rodeph Shalom as it currently exists. And so that
12 it brings this agreement brings the certainty and
13 stability to the area while preserving the character
14 of the neighborhood, and I would ask you to approve
15 the petitioner's request. Thank you.

16 MR. MANISCALCO: Thank you very much, sir.
17 Warren Harris. Yes, sir. Please state your name.

18 MR. HARRIS: Good morning. My name is Warren
19 Harris. I'm a resident of Tampa, and I'm also a
20 member of Rodeph Shalom. And I would mention that
21 over the last 120 years, there have been thousands
22 of members of Rodeph Shalom, almost all of whom have
23 been citizens of Tampa. And it occurs to me that
24 part of your responsibility is to make sure that
25 there are adequate taxes being paid on the property



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1 in Hillsborough County and in the City of Tampa.
2 There's only one plan here that's been proposed that
3 would generate some income from the property that is
4 being described as both the synagogue and the
5 women's center. So I'm in favor of the program and
6 I would ask you to consider it strongly.

7 I'm also concerned about the eventual use of
8 the property. I have been a member of Rodeph for
9 many years, and I've raised my children here and I
10 would like them to be members of Rodeph and I'd like
11 Rodeph to be in that location. This program, this
12 proposal, allows Rodeph to stay put and utilize the
13 asset of its property. My concern is if this is
14 denied and no development occurs in this location,
15 eventually that property will continue to rise in
16 value. And one day someone will come into the
17 leader's Rodeph, and give them enough money that
18 they will be willing to walk away from the entire
19 program -- from the entire property. And then you'll
20 be confronted with an even larger condominium, with
21 even more people directly on Bayshore, instead of
22 behind the synagogue in Bayshore.

23 It occurs to me that this is like that TV
24 commercial we saw years ago where they said, you can
25 either pay me now or you can pay me later. Either



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1 way, the number of people moving into Hillsborough
2 County, and specifically, into the City of Tampa, is
3 growing. We can't stop it. It's something that
4 happens and we're going to accommodate those people,
5 and they're going to want to live on Bayshore or
6 near Bayshore, and they're going to want high-rise
7 -- a high-rise location where they have a water
8 view. They're either going to be in a small condo
9 that's being proposed now, or a much bigger one if
10 we don't allow it. Thank you.

11 MR. MANISCALCO: Thank you very much. That
12 concludes the first sheet of speakers.

13 MS. HENDERSON: Joe, if you could take a 20-
14 minute recess.

15 MR. MANISCALCO: Let's do the two online folks.
16 Okay. If they could turn -- the people that are
17 online, I have only Sandy Peaceman is the only
18 person I have.

19 UNIDENTIFIED SPEAKER: And Lorraine.

20 MR. MANISCALCO: Oh, and Lorraine. Okay. So
21 Sandy --

22 MR. CLENDENIN: Mr. Chairman.

23 MR. MANISCALCO: Yes.

24 MR. CLENDENIN: Sorry to interrupt. Sandy
25 Peaceman is part of our team. You couldn't make it



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1 here today. He doesn't look to speak at this time.

2 MR. MANISCALCO: Okay. So we have Lorraine
3 Perino. Lorraine Perino, if you are on, please
4 unmute yourself and turn on your camera. Raise your
5 right hand, and we will swear you in. Is she on?

6 UNIDENTIFIED SPEAKER: I'm not real sure.

7 MR. MANISCALCO: Yes. All right, let's do a --

8 MS. HENDERSON: Okay. Yes. We can do a 20-
9 minute recess and miss everyone.

10 UNIDENTIFIED SPEAKER: Here she is.

11 MR. MANISCALCO: All right. Ms. Perino, if you
12 would, there you go. Please unmute yourself, raise
13 your right hand, and we will swear you in.

14 THE REPORTER: Do you swear or affirm the
15 testimony you're about to give is the truth and
16 nothing the truth?

17 Please unmute yourself. Thank you. Ms.
18 Perino, please unmute yourself. We can't hear you.

19 MS. WELLS: Can you hear me now?

20 MR. MANISCALCO: Yes, ma'am. Please state your
21 name. Go ahead.

22 MS. Perino: Good evening. I'm Lorraine
23 Perino, president of the Tampa Street Advocacy Group. I
24 want to express my strong opposition to the TG request
25 from the Miami developer, The Millennium Group. 2021,



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1 Bay Oaks Property, 4 percent tree retention. Related to
2 report approval from the City of Tampa to remove 32
3 protected oak trees. The value of our oaks, which are
4 on the cusp of becoming grand oaks, from the Bay Oaks
5 Property, including two grand oaks. Related also
6 attempted to remove a right of way across the street,
7 which wasn't even on its property. And all Related
8 [audio cuts out 02:36:20] 76 Street from this property.
9 2022, Mitchell Avenue, behind the Bay Oaks property, 4
10 percent tree retention. Related group received
11 permission from the city to remove 21 percent of oak
12 from this property, including one grand oak. 2023, Lafa
13 Tower Project, Parker Street. 0 percent through
14 retention. Related tower project was read to the second
15 zoning permit, allowing trees on that property to be
16 reduced from 50 percent to 100 percent. Related came
17 through seven right of ways for protected trees on
18 Parker Street. 2024, Bay Oaks synagogue property, 50
19 percent proposed to retention. The city allows the
20 current regarding the request by Related to instruct a
21 massively inappropriate 26 joint high-rise tower in an
22 area that is known from medium density only.

23 The Related reported an additional 22
24 protected oaks removed. Plus an additional 8 trees,
25 resulting in the grand total of 31 trees removed. And



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1 pursuing an aggressive agenda of unbridled development
2 and -- for the last four years in a row, the Related
3 Group has been committed to destroy large numbers of
4 Tampa trees until to date, it has now removed 104 of
5 Tampa's trees, including six feet of Tampa's most
6 valuable trees, grand and the oaks. That is a hugely
7 significant number of trees removed from a city whose
8 tree canopy has already decreased by 4 percent in the
9 last five years, 18 percent in South Tampa alone. But
10 wait, that's not enough. With the 22 protected oaks
11 that they want to remove from the Baker property, plus
12 the additional 8 trees, the number of trees that related
13 will have removed from all of these properties will be a
14 grand total of 134 trees.

15 And the number of grand trees and protected
16 trees removed will be a grand total of 82 of Tampa's
17 most valued oak trees. Related has proved to be a one
18 hand tree killing machine. When it comes to removing a
19 significant portion of Tampa's tree canopy, it created a
20 track record that's truly appalling. If this rezoning
21 is approved, it will not only advance the information of
22 Tampa's declining tree canopy, it will also ruin the
23 Tampa Garden Club primary source of income. This
24 rezoning request is an nonstarter on so many levels. Too
25 high a density for the area. Too many trees destroyed



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1 by one developer alone. Too high a density for a
2 coastal haphazard district. How many more valued trees
3 the city will allow Related to destroy in the name of
4 progress.

5 MR. MANISCALCO: Thank you, very much.

6 MS. WELLS: Please don't allow them to grant
7 this request.

8 MR. MANISCALCO: Thank you very much. We're
9 going to take a 20-minute recess so we can bring up
10 the next group of people --

11 MS. HENDERSON: Yes.

12 MR. MANISCALCO: -- we have -- yes, Ms. Woods.

13 MS. HENDERSON: Yes.

14 MR. MANISCALCO: With regards to the people who
15 are present in the room now --

16 MS. HENDERSON: Right. The people that are --

17 MR. MANISCALCO: Can you turn the microphone
18 safely, please?

19 MS. HENDERSON: So the people that are present
20 in the room now they have already spoken. I know we
21 do have some that do need to stay in the room, but
22 for those that have already spoken, if they could
23 exit and go down to either the second floor or the
24 first floor, because I do not have enough seats if
25 they stay. There are -- there are some people in



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1 here that will --are going to have to be in the
2 third wave. I'm not trying to be rude or
3 disrespectful, but I do need to speak for a second
4 wave folks. So if I do have to ask them to, you
5 know, to step outside, it's just because their
6 number hasn't come up yet.

7 MR. MANISCALCO: Thank you. Thank you. We're
8 on a recess for 20 minutes.

9 (OFF THE RECORD)

10 MR. MANISCALCO: All right. Good morning,
11 everyone. Welcome back to Tampa City council. Roll
12 call, please.

13 MS. GALLAGLY: Carlson?

14 MR. CARLSON: Here.

15 MS. GALLAGLY: Burtek? (phonetic)

16 MR. SHELBY: Here.

17 MS. GALLAGLY: Lindenan? (phonetic)

18 MS. APPLETON: Here.

19 MS. GALLAGLY: Henderson?

20 MS. HENDERSON: Present.

21 MS. GALLAGLY: Viera? Miranda?

22 MR. VIERA: Here.

23 MS. GALLAGLY: Maniscalco?

24 MR. MANISCALCO: Here.

25 MS. GALLAGLY: (indiscernible.)



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1 MR. MANISCALCO: Thank you very much. Welcome
2 to the new group of speakers. Please stand and
3 raise your right hand if you are going to be
4 speaking, I'm going to swear you in. If you are
5 going to be speaking, please stand and raise your
6 right hand. I'm about to swear them in.

7 MS. GALLAGLY: Do you swear or affirm the
8 testimony you're about to give is the truth and
9 nothing but the truth?

10 UNIDENTIFIED SPEAKER: Yes, I do.

11 MS. GALLAGLY: Thank you. You may seated.

12 MR. MANISCALCO: All right. We're going to
13 continue with public comment. Speaker number 21 is
14 Scott Meckley, who has a speaker waiver form with
15 four people.

16 Mr. Meckley, if you could please give the form
17 to our attorney and he will read off the names on
18 your form.

19 MR. SHELBY: Thank you. Please make your
20 presence known. Nadine Appleton?

21 MS. APPLETON: Here.

22 MR. SHELBY: Thank you. Margo Watson?

23 MR. MANISCALCO: Here.

24 MR. SHELBY: Richard Miller?

25 MR. MILLER: Here until Sunrise.



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1 MR. SHELBY: Grace Kelly?

2 MR. MANISCALCO: Here.

3 MR. SHELBY: Thank you. We have four names,
4 four additional minutes, for a total of seven.

5 MR. MANISCALCO: Thank you very much. Yes,
6 sir. Please state your name, and you have seven
7 minutes.

8 MR. MECKLEY: Good morning. Thank you for your
9 time. My name is Michael Meckley. My address is
10 2715 West Chatan, which is a short walk to Bayshore.
11 I've lived there for 35 years and on average, I'm on
12 Bayshore at three or four times a week, either
13 driving, walking or biking.

14 I am in favor of developing our city to support
15 our population growth and provide suitable housing
16 for the people who work and live in our community.
17 I want the synagogue to remain and thrive in its
18 current location. At the same time I want the Tampa
19 Garden Club to remain and thrive in its current
20 location.

21 What I am not in favor of is making exceptions
22 to allow non-compatible uses that negatively impact
23 the surrounding area, especially when the exceptions
24 are for the benefit of a few uber wealthy
25 individuals. I'm also not in favor of making



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1 exceptions to the benefit of one community
2 organization, in this case, the synagogue, to the
3 detriment of another community organization, the
4 Garden Club.

5 This application involves a simple issue, the
6 height and scale of the proposed building and how it
7 collides with the last, large continuous green space
8 left on Bayshore Boulevard. This pocket -- you've
9 seen this before, this pocket from Bay to Bay to
10 Fred Ball Park, it's unique, it's different, it's
11 special and it should not be lumped in with the rest
12 of Bayshore Boulevard.

13 When evaluating this application, the height
14 and scale of the building, I would ask you to
15 consider the following. When referencing Bayshore
16 Boulevard, the Tampa Comprehensive Plan indicates
17 the balance of private development, the public realm
18 and the natural environment along Bayshore Boulevard
19 is like no other throughout the city.

20 Objective 20.4 requires the city to continue to
21 preserve and enhance the balance of the natural and
22 physical environment along Bayshore Boulevard,
23 you've heard that before. Don't be tricked into
24 thinking this request and its compatibility is
25 similar to other prior applications along Bayshore



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1 Boulevard, it's not. Of anything along Bayshore
2 this pocket that you've heard people talk about from
3 Bay to Bay to Fred Ball, between Isabella and
4 Bayshore, best embodies what the Tampa Comprehensive
5 Plan tries to articulate.

6 I don't think anything better reflects the
7 harmonious balance the Tampa Comprehensive Plan
8 calls for; expansive green space with low rise
9 buildings, including the iconic synagogue and the
10 iconic Tampa Garden Club surrounded by an old city
11 neighborhood with similar low rise buildings. And
12 we're not running out of places to build in this
13 corridor; the Comprehensive Plan includes a
14 significant number of undeveloped medium and high
15 density parcels in this area. We don't need to add
16 density on R35 parcels.

17 The Tampa Comprehensive Plan has no definition
18 of surrounding neighborhood -- or surrounding area
19 or a neighborhood, so the applicant uses a large
20 area while those in opposition, like me, use a
21 narrow focus; we've heard this come up. My point
22 here is, since there's no definition, it seems you
23 have a latitude to determine this definition on a
24 case by case basis based on the facts and
25 circumstances at hand, which in this case is this



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1 special, unique pocket that is displayed here.

2 Others have mentioned this, moving on to the
3 development, I'm having a case of Deja vu. One of
4 these models is the prior application, the other one
5 is this application. The prior application was
6 denied, 6 to 0. While we all appreciate the
7 applicant removing the waivers requested back in May
8 2023, let's look at the scale and the density of the
9 current application, compared to the prior one.

10 Height, there's a ton of numbers being thrown
11 around. The ones I saw were 354 and 349, which is a
12 five-foot difference; pretty well displayed right
13 here. Total square feet, we heard this before 275 in
14 May, still 275. I'm a CPA, 275 minus 275 is a
15 change of zero. Density, the building footprint and
16 lot coverage last May was 53.9 and now it's 49.8;
17 that's an 8 percent decrease.

18 As it was with the May 2023 application, the
19 reason the scale and size of this development is so
20 offensive is not complicated. It's because the
21 units are going to average over 5,000 feet. They
22 said 4,500 to 5,000, if it's 42 units at 5,000,
23 that's 210,000; this is 275, somewhere we lost
24 65,000. We definitely need more housing in Tampa,
25 but the housing we need is workforce housing, not



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1 rich people housing.

2 So final important point -- by the way, this is
3 the new development, this is the old one. You can
4 see they shrunk the bottom a little to get rid of
5 the waivers and they had to add an extra floor of
6 parking in there.

7 The final important point, and this has come
8 up, too. The applicant completely ignored the input
9 of the surrounding neighbors as it relates to height
10 and scale of the development. This was a
11 significant objection that was totally dismissed in
12 the name of profit. Yes, they eliminated the
13 waivers, which were objectionable to the surrounding
14 neighbors and many others, but otherwise their
15 engagement -- here's their engagement with the
16 community.

17 The height and scale is non-negotiable; that's
18 not what I call listening to the neighborhood. They
19 did not listen to the surrounding neighbors or the
20 community. They removed the waivers for optics and
21 ignored the critically important issue of
22 neighborhood compatibility, scale, and impact. From
23 every standpoint, the requested change is negative
24 to the surrounding area.

25 The burden is on the applicant to provide



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1 competent substantial evidence and among other
2 things that proposed development is consistent with
3 the Tampa Comprehensive Plan, consistent with the
4 city code, compatible with surrounding neighborhood
5 in overall site design and scale, provides an
6 appropriate transition into the surrounding
7 neighborhood, is consistent in character with the
8 surrounding neighborhood and does not substantially
9 interfere or injure the rights of others.

10 You've heard a lot about all that tonight. The
11 applicant has failed to provide confidence
12 substantial evidence related to any of these. I
13 also want to point out the motion you approved to
14 deny 6, 0 last time in May 2023, included specific
15 language on these exact same items. And the facts
16 as it relates to these items has not changed since
17 the last application.

18 Lastly, I want to point out that the city staff
19 last time, other than natural resources, which had
20 to do with the trees, found the May 2023 application
21 consistent when you denied it, 6 to 0. So to go
22 against the city staff, again, would be consistent
23 with your May 2023 vote. Please preserve the area
24 and represent the entire community by denying this
25 application.



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1 MR. MANISCALCO: Thank you very much. No, no,
2 no, no, no, no clapping. All right. The next
3 speaker is Marcy Baker, number 22. Do you have your
4 ticket? Oh, never mind. All right. Please state
5 your name.

6 MS. BAKER: Hello, my name is Marcy Baker and I
7 live right on Bayshore Boulevard at 610 West Lawn
8 Avenue. I have been a member of Rodeph Shalom my
9 entire life. I was bat mitzvah and married there,
10 and my daughter was bat mitzvah at Rodeph. As a
11 synagogue member and past president, I'm excited for
12 this deal with Related to help ensure the long term
13 financial future of Rodeph Shalom so that my
14 daughter will be able to be married there.

15 As a Bayshore resident, I am happy to learn
16 that this development project will result in
17 significantly less traffic that accompanies the
18 current JCC located on Rodeph's property. The
19 preschool will be relocated when this project is
20 built; and as you've already heard, we have 130
21 students in that preschool. Much of the current
22 neighborhood traffic problems are caused by overflow
23 from drop off and pick up and traffic from the
24 preschool.

25 Also, I understand Related has committed to



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1 significantly improve Fred Ball Park and other
2 benefits to the greater neighborhood, such as
3 sidewalks and lighting improvements. We've already
4 seen pictures of where there's not very many
5 sidewalks in the area.

6 Some of the benefits for the neighborhood
7 include repaving Isabella and Barcelona, adding
8 crosswalks so the senior living residents can safely
9 get to Fred Ball Park. And I'm thrilled to hear
10 Related is donating money to upgrade a city asset
11 that has been neglected too long, and that's Fred
12 Ball Park.

13 Last and not least, having lived in Tampa for
14 over 50 years, I have seen firsthand the growth that
15 is happening in Bayshore Boulevard as a desirable
16 location. Anything that gets built moving forward
17 will be adjacent to someone. If a developer does
18 their best to address all reasonable neighborhood
19 concerns, shouldn't that be looked upon favorably?
20 Why would this building, that preserves a historical
21 synagogue on Bayshore Boulevard not get the same
22 approval that so many other buildings on Bayshore
23 have gotten? Thank you.

24 MR. MANISCALCO: Thank you very much. Next is
25 Lori Rabinowitz. Yes, ma'am. Please state your



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1 name.

2 MS. RABINOWITZ: My name is Lori Rabinowitz,
3 I'm a member of congregation Rodeph Shalom, and I'm
4 -- I currently serve on the executive board.

5 Throughout the evening and morning I've heard the
6 question, what is this project going to do for the
7 community? The plan is just as much a win for our
8 community as it is for our synagogue. Not only does
9 this plan save our place of worship, but it will
10 generate hundreds of thousands of dollars, if not
11 more in property taxes, that will go directly to the
12 -- to the city's infrastructure. We need to embrace
13 the growth of our community.

14 Throughout the night I've heard people wanting
15 sidewalks, talking about more firefighters, more
16 police and more water. People are complaining about
17 the infrastructure with no solutions, and this
18 proposal generates revenue for the city. And the
19 Related group did listen to the community's concerns
20 and has since come up with a revised plan to remove
21 all previously requested waivers, preserve all
22 planted oak trees and remove the proposed pickle
23 ball court, all of which show genuine respect and
24 consideration for our community.

25 The proposed development is on the furthest



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1 point away from the Garden Club, with the synagogue
2 being adjacent to the Garden Club. We don't see
3 this to affect the Garden Club's business. Thank
4 you for your time, and I appreciate that you vote in
5 favor of the project.

6 MR. MANISCALCO: Yes, ma'am. Thank you very
7 much. Next speaker is item -- or person number 24,
8 Keenan Poole? Yes, sir. Please state your name.

9 MR. POOLE: My name is Kennan Poole and I
10 reside at 3203 Bayshore Boulevard, commonly known as
11 the Stovall Condo Building. What the Related group
12 has done to our building is a travesty. They have
13 overbuilt that structure and created a concrete
14 jungle that City Planning and Zoning approved with
15 the approval of three of the present Counsel.

16 We are outraged by your behavior, totally. We
17 put up with concrete over spraying twice, our cars
18 and our building. Our building has to be repainted
19 due to the negligence of the Related Group and
20 Coastal Construction. You allowed 22 trees to be
21 bulldozed over and eight Grand Oaks to be removed.
22 Where were the environmentalists? Where were the
23 tree huggers? We were left alone and abandoned.
24 You people thought you could run over a bunch of old
25 people; I'm young, and I'm here to fight for them.



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1 Also, I'm a little dismayed about the Temple.
2 Where in the scriptures are they observing the
3 commandment, love thy neighbor as thyself? They are
4 settling out for the almighty dollar. I'm a retired
5 CPA, give me your financial statements and your tax
6 returns and I will school you on how to live within
7 your means. I will teach you proper budgeting
8 measures that you can exemplify and not come here
9 and cry the poor man. I'm done.

10 MR. MANISCALCO: Thank you very much. The next
11 speaker is Carol Anne Bennett. Do you have the
12 speaker waiver form?

13 MR. SHELBY: Could you make your presence
14 known, Emily Smile?

15 MR. MANISCALCO: Here.

16 MR. SHELBY: Thank you. Nancy Chrislow
17 (phonetic)?

18 MS. CHRISLOW: Here.

19 MR. SHELBY: Thank you. Cheryl Smith?

20 MS. SMITH: Here.

21 MR. SHELBY: Thank you. CJ Smith?

22 MR. SMITH: Here.

23 MR. SHELBY: Thank you. And Mike Fanning?

24 MR. FANNING: Here.

25 MR. SHELBY: And is Mike McNabb?



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1 MR. MANISCALCO: Here. Mister -- okay. Mr.
2 McNabb, where are you? Did you speak earlier?

3 MR. MCNABB: No. Different item.

4 MR. MANISCALCO: On a different item.

5 MR. SHELBY: Yeah, he didn't speak.

6 MR. MANISCALCO: It's been a long night. Thank
7 you. Okay. Nine minutes left.

8 MS. BENNETT: My name is Carol Anne Bennett,
9 I'm a lifelong resident of Tampa. This citation was
10 presented by Gina Grimes at the --meeting --
11 hearing. It has never been the law that a landowner
12 is always entitled to the highest and best use of
13 their land. Landowners are guaranteed reasonable use
14 of their land, and reasonable use does not guarantee
15 that you can build every conceivable concoction.

16 Please look at Page 2 of my handout. This
17 property is R35, it has a medium density land use,
18 but they are asking for a height that is even taller
19 than a high density land use. On Page 134 of the
20 Comp Plan, it says, "High density should be up to 24
21 stories." So even for high density, a 26-story
22 tower is too tall.

23 The Comp Plan clearly states medium density is
24 up to eight stories. You know what the Comp Plan
25 doesn't say? It doesn't say the developer is



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1 guaranteed 5,000 square foot condos. It doesn't say
2 they are guaranteed five and six bedrooms. The Comp
3 Plan does not say the sky is the limit. The Comp
4 Plan language is plain; unfortunately, some people
5 are not plain-spoken, they like to wiggle around
6 between words. They like to say, words don't mean
7 what you think they mean. Children like to do that,
8 teenagers like to do that, lawyers like to do that.

9 But playing word games doesn't change the
10 meaning of words. I grew up with parents who didn't
11 play; I bet some of you did, too. If my father told
12 me up to two cookies, we both knew exactly what that
13 meant. It meant that if I took three cookies, I
14 wasn't going to be sitting down for a couple of
15 days. My father wasn't stupid and he wasn't tricked
16 by slippery talk.

17 Look at Page 3. This is every multi-family
18 zoning category allowed in R35. Look at the next
19 page, the tallest multi-family building the Comp
20 Plan envisions for R35 is 60 feet; I repeat 60 feet.
21 The Comp Plan never envisioned a 26-story tower for
22 R35. This project is absurdly in excess of the 60
23 feet or eight stories the Comp Plan planned for.

24 This PD is one giant waiver. I asked staff if
25 they thought 26 stories was consistent with R35?



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1 They said it is not their job to determine if the
2 height is consistent in a PD; they said it is City
3 Council's job. Their job is to determine if the --
4 if the density is consistent. Read their reports,
5 no staff report says 26 stories is consistent or
6 compatible with R35.

7 In Eric Cotton's e-mail about the early
8 resubmittal, he says, "The issue of compatibility
9 between the high rise and surrounding properties can
10 only be determined by Council." Staff did not
11 determine this.

12 Related says this is the same as the other
13 towers on Bayshore, that is not true. Please look
14 at Page 5 in your packet. You will see that there
15 is only one other complex on Bayshore with R35
16 medium density, and that one is only three stories
17 high, three stories. Look at its density, the
18 density is actually greater than this project.
19 Greater density, but only three stories; that is
20 absolute proof that you can build density within
21 height limits if the units are smaller, which makes
22 them more affordable to a lot of people. Look at my
23 list, every other tower on Bayshore has a higher
24 density land use every single one. In addition, all
25 of those, except for Related's other project of



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1 Ritz-Carlton is shorter than this one.

2 Look at my next page; this is from Related's
3 evidence notebook. Every project they cited has a
4 land use different than R35. They could not cite
5 even one similar size project with R35. 26 stories
6 is not characteristic of R35, it is out of
7 character. The Comp Plan says you must not approve
8 a rezoning that is out of character. You must also
9 evaluate the existing development pattern of a
10 neighborhood. The Staff Report clearly states the
11 existing development pattern of this neighborhood is
12 14.27 dwelling units per acre on R35 parcels and
13 16.12 dwelling units per acre on R83 parcels.

14 The shortage of enormous, obscenely luxurious
15 condos that are bigger than my two-story house is
16 not the housing crisis you need to solve. I am
17 going to give you a piece of paper like this. Every
18 time someone can't find something nice enough, even
19 though they can pay more, make a mark, keep this in
20 your pocket and in a month show it to me, I bet it
21 will look like this.

22 Related says they are saving Grand trees, so if
23 I want to know what someone will do, I look at what
24 they are done -- what they have done. These are
25 seven large oaks that are just off site of the



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1 Related's Ritz-Carlton site before construction,
2 they are not on Ritz's property. These are those
3 trees today, no barriers around the protected root
4 zone, heavy equipment and trailers parked on top of
5 roots. A code enforcement complaint has been filed.

6 These are other offsite oaks; you can see the
7 protective barrier was ignored. At one point
8 Related actually had porta-potties on top of their
9 roots; you can see damage to the roots from trucks.
10 A complaint was filed and a new barricade was
11 erected; you can see it didn't last long either.
12 Another complaint was filed, it was erected again
13 and as of Tuesday, it was still up.

14 Related said they would preserve two oaks on
15 the Ritz-Carlton site. They pruned this Grand tree
16 without a permit, an assessment of the damage found
17 three limbs were improperly removed and there were
18 wounds on multiple branches; it is unknown if the
19 tree will survive this damage. Most -- more
20 recently, the protective barriers where Grand Oaks
21 at the Ritz site were removed and a trench was dug
22 around them. The city inspector said tree roots
23 were cut, there was erosion and sediment violation
24 and the barricades need to be replaced. Related
25 says they will preserve the Grand trees on this new



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1 project.

2 If I want to know what someone will do, I look
3 at what they have done. These are pictures of the
4 damage done to the Ritz's neighbor's property.

5 Slurry blew off the top stories onto their homes and
6 cars. There's the car, there's more of the house.
7 The construction will be seven days a week, imagine
8 this landing on a bride during a wedding? This
9 porch roof was sheared off when a big piece of
10 plywood flew off one of the top stories. These are
11 bags of trash the neighbor picked up in her yard.
12 This is the example of the debris that ended up in
13 the Bay.

14 The current landowners financial goals are not
15 competent and substantial evidence. It is
16 irrelevant to this hearing and you cannot legally
17 consider it. This project increases density in the
18 CHHA, it is out of character with existing
19 development pattern, it is out of character for
20 medium -- for medium density. If you approve this,
21 you will be changing the definition of every medium
22 density property in the city. You will be violating
23 what the Comp Plan and vision for R35. Enough with
24 the PDs, enough with increasing density in the CHHA.
25 Grow Tampa responsibly; just say no to stupid



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1 growth. Thank you.

2 MR. MANISCALCO: Thank you very much. Next up
3 is Pat Cimino, number 27?

4 MS. Cimino: Good evening -- or good morning,
5 I'm Patrick Cimino, I'm president of HHP&A and I thank
6 you for your due diligence and perseverance. Carol Anne
7 is a very hard act to follow, I would say.

8 I really want to emphasize a lot what she and
9 Scott Meckley said, because they -- I think that that is
10 at the heart of the concern for the whole community. I'm
11 very bothered, and I know Counsel here recommended me
12 not focus on the report or the fact that this was
13 allowed to come early.

14 As Scott explained, this height mass density
15 scale, it's the same thing you-all looked at in May,
16 unless my eyes are going bad. So why is this brought
17 back early, what's the criteria for that? And I think
18 the -- and I have no disrespect for the Planning staff,
19 but they also do a lot of what they're told from above,
20 so we don't have confidence in them. They turn this 180
21 degrees in a moment's notice and that happens all the
22 time. So guess what? We, the tax paying citizens don't
23 trust them.

24 So with that said, I'll make your life easy.
25 My board recommended you deny this request; we -- I



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1 recommend it myself. It's not compatible with the
2 surrounding area, which is in fact a historic patch,
3 unmarvelled in any other place on Bayshore; this much
4 green space, that's it, unique. It's been told that
5 that has to be pointed out. Two, it's incompatible with
6 other parts of the neighborhood where there is housing.
7 Three, the mass scale and density are out of place; it
8 should be eight stories high; excessive is not optimal.

9 They do not deserve this and as Carole Ann
10 said, this is not even a consideration for hardship. And
11 that's being brought up tonight. This -- you-all cannot
12 look at hardship, and it would kind of be embarrassing
13 to do that. But nonetheless, it's not hardship. So I
14 highly recommend you deny this as you did in May,
15 unanimously; it has not changed.

16 MR. MANISCALCO: Thank you very much, sir. Next
17 we have Dana Jasper who has a speaker waiver form.
18 Would you -- yes, ma'am, please submit your form to
19 the attorney and he's going to read out the name for
20 the individuals.

21 MR. SHELBY: Margo Watson?

22 MR. MANISCALCO: Here.

23 MR. SHELBY: Thank you. Alison Murray?

24 MS. MURRAY: Here.

25 MR. SHELBY: Two additional names.



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1 MR. MANISCALCO: Please state your name, ma'am?

2 MS. JASPER: I'm going to be using all slides
3 here, so --

4 MR. MANISCALCO: All right. Just state your
5 name before you speak.

6 MS. JASPER: CBA Council members, Dana Jasper,
7 President, Bayshore Townhouse Owners Association. I
8 live within 200 feet of the proposed development,
9 and I would like to speak with you this evening
10 regarding the reasons to deny this building request.
11 I was waiting for the -- thank you.

12 I'd like to discuss the residential entrance
13 driveway, the height and the number of stories, and
14 now how this high rise is incompatible with our
15 neighborhood.

16 First, I'd like to direct your attention to the
17 developer's plans in their General Notes section in
18 which they state that, all development on site is to
19 comply with all technical standards. Referring you
20 to Tampa Ordinates Section 22-291; this is the
21 Transportation Technical Manual 2023 edition, which
22 has been adopted as the full force of effect.

23 And within the technical manual, our design
24 standards, specifically driveway designs for
25 residential driveways that access local streets.



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1 And I'm going to be referring to specifically figure
2 2-10, which is in the packet that I gave to you.
3 I'd further like to note that the Planning
4 Commission has deemed both South Isabella and West
5 Barcelona as global streets.

6 Looking at figure 2-10, you will see that it is
7 a requirement that a residential driveway be a
8 minimum of 25 feet from the intersection. If you
9 look at the developer's plan, you'll see that their
10 residential entrance is a mere 13 feet from the
11 intersection of Barcelona and Ysabella, therefore it
12 does not meet the minimum technical requirement.

13 Next, I draw your attention to Tampa Ordinance
14 Section 27-227; this is the permitted uses for a
15 planned development. It does state, "The type or
16 types of land uses permitted must be consistent in
17 all respects to the Comprehensive Plan." Not some,
18 not most, but all.

19 Next, I show you the Comprehensive Planning, in
20 this we have the land use category matrix,
21 specifically for residential 35, medium density uses
22 and the key characteristics. It does say that
23 building heights are up to eight stories for medium
24 density. At 26 stories, this building would be over
25 three times the number of stories specified in the



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1 Comprehensive Plan for medium density. In fact, it
2 would exceed even the 24 stories that are specified
3 for high density.

4 Next, I draw your attention to Comprehensive
5 Plan Policy NE 1.1-2, and I will read this in its
6 entirety. "Continue to protect and enhance single
7 family neighborhoods by providing sensitive
8 transitions between neighborhoods and adjoining
9 areas. And requiring new development, both private
10 and public to respect and respond to those existing
11 physical characteristics, buildings, streets, open
12 spaces in city form that contribute to the overall
13 character and livability of the neighborhood."

14 This is a graph I put together in which I
15 wanted to demonstrate to you the difference in
16 heights for the buildings that are on Ysabella.
17 This is the garden center, the synagogue, the four
18 story and two story townhomes, the one-story Women's
19 Club and the two-story office building. This is in
20 high contrast to a 317-foot high-rise that is
21 proposed. One of these things is not like the
22 other, one of these things does not belong.

23 The prior policy in the Comprehensive Plan
24 discussed sensitive transitions. That is a
25 sensitive transition; that is not a sensitive



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1 transition. Next, I'd like to discuss the why this
2 26-story high-rise is not compatible with our
3 neighborhood. The name of our neighborhood is
4 called Bayshore Garden, that name says it all. It
5 is a name that evokes images of greenery and open
6 spaces, not towering high-rises. I live less than
7 200 feet from the proposed high-rise. Weekly, I
8 walk 20 miles from my home down Ysabella Avenue
9 through Red Ball Park and all the streets of
10 Bayshore Gardens. I have a very personal, boots on
11 the ground perspective of my neighborhood.

12 I regularly engage with neighbors, meaningful
13 chance encounters at the ground level, whether it's
14 shadow as a homeowner, who is replacing books in her
15 free little library or conversations with neighbors
16 who are doing their landscaping in the heat of
17 summer. These are just a couple of the hundreds of
18 neighborly encounters I've had.

19 Our low rise neighborhood promotes connectivity
20 where the neighbors easily interact and foster
21 relationships. Front yards become extensions of
22 living spaces. The neighborhood thrives in harmony
23 with homes that share similar scale.

24 The proposed high-rise with its massive
25 vertical orientation, and let's not forget the



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1 security fencing, undermines genuine opportunities
2 for chance and encounters and strips away human
3 neighborly connections. This high-rise would not
4 create value for our community. Rather it would
5 create a human silo of disconnected residents that
6 serve the primary interests of a single entity.

7 This isn't just a neighborhood issue. The
8 broader community does not support this rezoning as
9 evidenced by the over 1800 e-mails you-all received
10 that were in opposition to this rezoning.

11 MR. MANISCALCO: Thank you very much.

12 MS. JASPER: The community wants to be heard.
13 Are you listening?

14 MR. MANISCALCO: Thank you very much.

15 MR. SHELBY: If I can --

16 MR. MANISCALCO: Yes.

17 MR. SHELBY: Mr. Chairman, if I can. Ms.
18 Jasper?

19 MS. JASPER: Yes.

20 MR. SHELBY: The papers you had to me were not
21 what you showed on the screen. Do you want to place
22 those in --

23 MS. JASPER: I do.

24 MR. SHELBY: You do?

25 MS. JASPER: Yes. I did it very small just for



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1 the --but I do want to submit all these as well.

2 Uh- huh. Thank you.

3 MR. MANISCALCO: Thank you very much. Our next
4 speaker is Vance Smith. He has a speaker waiver
5 form of three people.

6 MR. SHELBY: Thank you. Celia Smith, please.
7 Thank you. Michael Holback (phonetic)?

8 MS. CHRISLOW: Here.

9 MR. MANISCALCO: Thank you. And Carol Guyton?
10 Thank you. Three additional minutes for a total of
11 six.

12 All right. Mr. Smith, please state your name
13 and you have six minutes.

14 MR. SMITH: My name is Vance Smith. I reside
15 at 3501 -- Boulevard. I'm here to take an
16 opposition of this petition, REZ230606. I have a
17 bit of a different perspective than many of the
18 objections prepared tonight. I want to take you
19 back to November of 2022 when the comprehensive plan
20 amendment presented for discussion with a similar PD
21 plan, site control plan, that is virtually identical
22 to what's before you tonight. That application for
23 a comprehensive plan amendment proposed to change
24 the district from R35 to R83 and it was denied. And
25 as a consequence, his own application was also



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1 denied.

2 When that didn't go well, they came and filed
3 another application for comprehensive plan
4 amendment, changing to from R35 to R50. And for
5 some reason, that was withdrawn. And then we come
6 to May 11, again with the same PDA site control plan
7 as it was in the comprehensive application from
8 November '22 and is in May 11, 2023. Those
9 substantial site plans were identical in terms of
10 height, scale, square footage, and general
11 amenities.

12 We're back tonight. There's no more
13 difference. I ask you to consider if it was not
14 appropriate to change R35 through a comprehensive
15 plan amendment, to R83 in November '82. Tell us
16 where the differences are that make it appropriate
17 to change from low --medium density R35 to high
18 density R83 today? The comp plan section and the
19 goals, objectives, and policies, objective 8.14.3
20 says that "Planning development rezoning is not to
21 be used for the sole purpose of waiving established
22 land development regulations." And I believe that
23 is precisely what is occurring here, Related is
24 asking you to return this without using a
25 comprehensive plan amendment to an R83 type high



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1 density, high-rise unit. It should be denied.

2 MR. MANISCALCO: Thank you very much, sir. Our
3 next speaker is Mark Gessner, speaker number 30.
4 Please state your name. Go ahead, sir.

5 MR. GESSNER: Good morning. My name is Mark
6 Gessner and I'm the executive director of the Tampa
7 JCC. You heard from my colleague that Jack Ross a
8 while ago about a variety of reasons why we're
9 supportive of this plan. I want to emphasize just
10 one point. Our preschool has been on this property
11 for almost 30 years. Many of our families have grown
12 up there and it's near and dear to us. It's near
13 and dear to the Jewish community at large. While
14 it's a short term disruption for us, it's -- we can
15 deal with the short term. What's more troubling
16 would be upsetting the long term sustainability and
17 strength of our community.

18 This is an anchor in our community. It is the
19 only conservative synagogue in the community and we
20 support it, because we want to see that strength for
21 many years to come and we need that support now more
22 than ever. So we look forward to a healthy
23 community for years to come in support of Rodeph.

24 MR. MANISCALCO: Thank you very much, sir. Next
25 is Dennis Levine, number 31. Yes, sir. Please



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1 state your name.

2 MR. Levine: Thank you, Chairman. My name is
3 Dennis Levine. I'm a lifelong resident of Tampa and a
4 lifelong resident, a member of Rodeph Shalom Synagogue.
5 And I want to make a few points. I'm nostalgic. I miss
6 eating lunch at the Colonnade and I miss eating at --
7 Gardens, but -- and I would prefer there be no condos on
8 Bayshore. But Tampa's a much different place from the
9 little town that I grew up in. And I'm so proud of what
10 Tampa's become.

11 Things have changed. Condos on Bayshore are a
12 reality. If you stand on Bayshore Boulevard at Beta
13 Bay, you'll see at least ten condominium buildings. This
14 current application is not unusual and it's not
15 inconsistent with the current neighborhood use. This is
16 substantial evidence. You can see it with your own
17 eyes. This is what Tampa is becoming.

18 So any talk that this project is not
19 consistent with the neighborhood is nonsense. I would
20 say the concerns of the Garden Club, I hear that, but
21 let's be clear. Nobody lives in Garden Club. Nobody
22 lives there. I understand it's a club. They're not --
23 they're not -- they're not residents. This application
24 is consistent with what's happening on Bayshore.

25 I want to add something else. Several members



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1 of this Council were members when you considered the
2 rezoning of the Stovall House five years ago. The
3 surrounding neighborhoods, the people who actually lived
4 next to that property, they lived there, came out in
5 massive protested. I was one of them. Why? I owned a
6 house directly behind the Stovall property. I spoke
7 passionately as my neighbors did about the negative
8 impact that the project would have on our neighborhood,
9 how it was inconsistent, incompatible. What happened?
10 We all know what happened. Council approved that
11 rezoning, including a liquor license for the Stovall
12 House.

13 Why? Well, because they said it was
14 consistent with what's happening on Bayshore Boulevard.
15 They talked about the future vision of Tampa as
16 America's next great city. I suppose, also, they
17 figured the neighbors would just have to deal with it.
18 And we did. I ended up selling my house to Blake Casket
19 because I wasn't going to build a house next to that
20 club and all the parking. Nothing different here. I
21 ask the City council to be consistent with the city's
22 vision of the continued transformation of Tampa and the
23 transformation of Bayshore Boulevard, and ask you to
24 support this rezoning. Thank you.

25 MR. MANISCALCO: Thank you very much, sir.



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1 Thank you.

2 MR. MIRANDA: -- I was on the Counsel then and
3 I've ordered it.

4 MR. PEREZ: I know you did, sir.

5 MR. MIRANDA: Thank you very much.

6 MR. PEREZ: I know you did.

7 MR. MANISCALCO: Next up is Jonathan Tannin,
8 number 32. Yes, sir. Please state your name.

9 MR. TANNIN: Good morning. My name is Jonathan
10 Tannin. I'm a resident of Tampa. I'm a board
11 member at Congregation Rodeph Shalom, and I
12 volunteer there as a volunteer Sunday school
13 teacher. Rodeph is a Tampa landmark that, like many
14 other institutions, has faced rising costs. This
15 project will allow us to maintain our building in
16 its existing location and to hopefully remain there
17 for generations to come.

18 We've been doing great things with our Sunday
19 school program. We recently hired a new education
20 director. We can bring in a lot of new kids and we
21 hope to be able to continue doing that and building
22 on that. I've heard people talk about the impact of
23 this project on the community. We are part of the
24 Tampa community, we're part of the Bayshore
25 community, and we'd like to continue to contribute



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1 to that for, as I said, generations to come into the
2 indefinite future. Others have talked about how
3 this project will benefit Tampa. It will bring tax
4 revenue to the city. It will generate jobs through
5 the construction project. It will generate business
6 for the new residential units, will generate
7 business for local businesses. So this is a good
8 thing for the city.

9 I'm also a lawyer. Land use is not my area,
10 but I think it's important to recognize that this is
11 a quasi-judicial proceeding, which means that you-
12 all need to be fair and impartial and vote based on
13 the evidence before you. It's not about how
14 charismatic or folksy or funny or angry the speakers
15 up here are, or how many opponents there are versus
16 how many supporters. It's about whether you've been
17 presented with competent substantial evidence to
18 support the rezoning. And you've heard that
19 evidence from your own staffers. You've heard that
20 it's consistent with the comprehensive plan of
21 Tampa. You've heard that it will improve the
22 traffic in the area through eliminating the existing
23 traffic waiver. And it's also consistent with other
24 residential towers that are in this area. It will
25 not disrupt the community. You've heard the



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1 evidence. You need to vote in favor and I encourage
2 you to vote in favor. Thank you.

3 MR. MANISCALCO: Thank you very much, sir.
4 Next, our speaker is Bob Whitmore. Please state
5 your name, sir. You will have three minutes.

6 MR. WHITMORE: I'll try not to be numerous
7 funny or whatever the other thing was. Bob
8 Whitmore, executive director of City Tree, received
9 next to Grand Tree. Woo. I'm humbled, but that has
10 changed the project because nothing else, nothing
11 else has changed. They got rid of the pickle ball
12 court, too. So I think we're not looking into that.
13 But really, I can't talk about trees in this
14 project, thanks of course to the fact that this city
15 allows 50 percent of the trees to be removed by a
16 developer. 32 protected trees are exact in this
17 instance. Not that they had to remove 50 percent,
18 but hey, said we could, so let's take them all. And
19 then there's the fact that they're getting tree
20 credits for a tree that wasn't even threatened and
21 isn't even on the property. And I hope somebody
22 asks Ricky about that when he comes up.

23 But Related has, as you've heard, has an
24 abysmal record of preserving trees up to and
25 including the day I walked the representative for



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1 Related Ritz-Carlton project, stand here and
2 defiantly refuse a request from this Counsel to
3 protect a 200 year old tree with a permeable
4 sidewalk, then ran from the building of with --
5 chasing them, which was actually pretty funny.

6 So since Bob Whitmore, a city tree can't talk
7 about trees, Bob Whitmore, the citizen would like to
8 share a few thoughts. Taxes. Is that what they
9 really think this is about? Taxes. Revenue at the
10 cost is not what -- revenue at any cost is not what
11 this Counsel does to be our applicant. And it's not
12 what we do here in Tampa. And then they speak about
13 underdeveloped property. Underdeveloped property,
14 the siren song of the developer, any property that
15 had --hasn't had a shovel put into it is
16 underdeveloped. Even single family homes on single
17 lots. I've seen in these chambers, Steve says
18 they're underdeveloped. But you know what I haven't
19 heard tonight? 10 pounds of crap in a five pound
20 bag, which is what this is. It's a monster. It's
21 not Tampa. Is this what we really want to become,
22 really? I'd drive by that Ritz-Carlton monument to
23 tree-mageddon ruined Bayshore Boulevard. They ruined
24 it, and it's hard to look at it. It seriously,
25 seriously is.



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1 This project is not just incompatible with the
2 area, it's incompatible in Tampa. We are not Miami.
3 There, I said it. And this project sets a precedent
4 or at least attempts to continue a precedent set by
5 the Ritz-Carlton. That was a heck of a mistake. It
6 was a mistake that this is our way of saying no.
7 Bayshore will not become a row of monolithic
8 brutalist structures with no architectural value.

9 And let's be clear, we don't want to see the
10 synagogue close, but we will not ransom the
11 character of Bayshore to save it. I'm sorry. We
12 just won't. There are lots of reasons to say, you
13 know this one, it's big, it's ugly, and no one wants
14 it built. Not one of your constituents wants this
15 built unless of course they're making money on it.
16 And that is not a reason to go ahead and say yes.
17 So the fact is, I want to propose for consideration
18 Tampa does not want this kind of construction on
19 Bayshore Boulevard. Thank you very much. You can
20 stop it.

21 MR. MANISCALCO: Next is Jill Corcoran, number
22 34.

23 MS. WELLS: Thank you.

24 MR. MANISCALCO: All right, please state your
25 name. You have three minutes.



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1 MS. CORCORAN: My name is Jill Corcoran. I
2 live at the corner of Bayshore Boulevard and
3 Santiago Street. I've been living the nightmare of
4 the Ritz-Carlton for the last two years. I have
5 only had about four hours to sleep because my flight
6 got in very late last night. So I apologize for my
7 words. But I have dealt with these folks over the
8 last year. I appreciate everybody came up and
9 talked about the actual size results. They're
10 absolutely right. We don't need that big of a
11 building. And certainly not for some sort of --
12 residences. But I've also made a list of dozens of
13 laws, ordinances, and regulations that The Related
14 Group blatantly disregards every day. If not every
15 day, at least twice a week. They work before hours
16 and after hours. They are less than 1500 feet from
17 residences, mainly mine and the nine neighbors I
18 live next to, and they are out there at 7:00 in the
19 morning on Saturdays using jackhammers, which is not
20 allowed until after 10:00 a.m. They work, even this
21 last week, they're working at 5:00 in the morning.
22 They're working at 11:00 at night.

23 And when I go up to them and I ask them, and
24 this is going to be my question for everyone here in
25 this Counsel, what am I supposed to do? I've called



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1 the police. I've called the city. I filed
2 complaints. I've done everything I possibly can, but
3 I've gone two years of, you know, getting a decent
4 night's slip. I had to leave the country for a
5 month, so I can enjoy my Christmas. And I'll tell
6 you why. My neighbor who stayed for Christmas, on
7 Christmas Day came home at 6:30 at night. This is
8 30 minutes past the time they're allowed to be out
9 there. And was told by a woman standing in the
10 middle of the street, she could not come down the
11 street. She says, I live on the street. The girl
12 said, Nope, I'm sorry, we can't let you down the
13 street. And she said, I'm sorry. But I'm going
14 down the street, and she went around her. And she
15 screamed vulgarities at her. Christmas night.

16 So then, a couple hours later, she comes back
17 again because now she's coming back from her dad's
18 house for dinner and the same woman is out there and
19 threw herself on the car. I can give you the police
20 case number. The police had to be called to get
21 this woman off of her car so that she could get down
22 her street on Christmas night. That's just one of a
23 million of these that I can point out to you. I
24 have copious quantities of video and pictures that
25 you can see that are blatantly disregarding your



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1 ordinances, the state's laws, the county's laws,
2 everybody's laws, because they don't care about any
3 of us.

4 They say they want to be a good neighbor.
5 They're horrific neighbors. I'm here to judge that
6 because I have lived through this. This is my home
7 that Caroline was showing earlier. That's the
8 garbage that's been in my yard. These are the bags
9 and bags that I've collected. They're at the point
10 now where they're at felony littering, because at a
11 certain weight, you will become a felony littering
12 person. This is the stuff that lands in my yard, in
13 my garden, on all of my things. This is my car. It
14 is covered with white stuff because they keep
15 dropping it off their building. Every bit of grass
16 that I've had for 20 years that I've lived there, I
17 had a decent lawn and now I've got nothing but
18 trouble.

19 They put in the sidewalk. They told you that
20 they weren't going to take it out, but then they
21 went to the news and they said, oh, we'll take it
22 out. But they haven't. And when I called this
23 morning, they said, no, we're not going to.

24 MR. MANISCALCO: Thank you very much. All
25 right. Our next speaker is --



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1 MS. WELLS: Can I get an answer? What do I do
2 about all the laws and ordinances they break?

3 MR. SHELBY: I'm sorry, ma'am. This is not an
4 opportunity for a dialogue with Council.

5 MR. CLENDENIN: Can I ask one --

6 MS. WELLS: It's the same thing again from the
7 city. Pardon?

8 MR. CREMER: I want -- I want -- can I ask her?

9 MR. MANISCALCO: Absolutely.

10 MS. WELLS: Yeah.

11 MR. CREMER: I want to ask her a question. Did
12 you just say that the sidewalk that went behind the
13 tree is still there?

14 MS. WELLS: Yes.

15 MR. CREMER: And they --

16 MS. WELLS: And the giant curve is too, and
17 I've watched two people fall over it.

18 MR. CLENDENIN: Thank you.

19 MS. WELLS: And I asked today, would they
20 remove it, and they said no.

21 MR. MANISCALCO: Thank you very much.

22 UNIDENTIFIED SPEAKER: And I tripped over it.

23 MR. CLENDENIN: Clarification. They did not
24 construct any more sidewalk, correct? It's just
25 that -- this portion that like two routes down, is



1 that what you mean?

2 MS. WELLS: Yes.

3 MR. CLENDENIN: There's no sidewalk around the
4 tree, right?

5 MS. WELLS: No, but what they did do is they
6 shoveled a bunch of rocks and dirt and stuff over
7 the structural roots and I had to go out and pick
8 that up.

9 MR. MANISCALCO: Thank you very much. All
10 right. Next speaker is Hailey Sasser, number 37.
11 Thank you very much. Please state your name.

12 MS. SASSER: Hello, everyone. My name is
13 Hailey Sasser and I'm a Tampa resident. I am also
14 one of the many brides that has chosen Tampa Garden
15 Club as their wedding venue. I'm actually getting
16 married next weekend at the Tampa Garden Club. So
17 I'm speaking here tonight or this morning, not on
18 behalf of myself, but on behalf of future brides,
19 who will choose this as their wedding venue.

20 I chose this venue because it's truly one of a
21 kind. It's a great location, prettiest view of
22 Bayshore and very close to downtown. It has the
23 most beautiful ceremony space, serene, peaceful.
24 And you can't find that at other wedding venues.
25 Definitely not in this area. And for the reasons



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1 that people have already previously stated, I'm
2 afraid that the beauty of the Tampa Garden Club will
3 be diminished for future couples if this project is
4 -- moves forward and there is already enough high-
5 rises and condos on Bayshore Boulevard, please do
6 not build another one. Thank you.

7 MR. MANISCALCO: Thank you very much. Our next
8 speaker is Kitty Wallace, number 38.

9 MS. WELLS: Thank you.

10 MR. MANISCALCO: Yes, ma'am. Please state your
11 name.

12 MS. WALLACE: Hi, good morning. My name's
13 Kitty Wallace. I live in 902 North Collins Lane in
14 Wellswood and I am past president of the Garden
15 Club. And I'm here not to say any of these things
16 that we've heard. There is some really well
17 constructed sentences. It is almost 2:00 in the
18 morning, and I am not going to give you one of those
19 because I'm really tired. But I am going to say
20 that I remember when Ybor City declared that there
21 would be no buildings taller than four stories. And
22 so I think it must be possible that a Counsel can
23 decide on the height of the building in their
24 jurisdiction. And you guys are in charge of Tampa.
25 And so I'm saying, why did we not do that? If



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1 we could look at that again, I think that would
2 address these issues and the concerns that we have
3 that, you know, we don't want this to become another
4 Miami. That gentleman was terrific earlier, who
5 said we are not Miami. So I say, let's look at
6 that. Let's see if we can't define the height of
7 the buildings on Bayshore and when all the other
8 buildings are somewhere in the neighborhood of 150
9 to 170 feet high and this building is some kind of
10 320 feet high, whatever. Isn't that like
11 gargantuanly out of place? I say it is. So I say
12 please, vote no. Thank you.

13 MR. MANISCALCO: You very much. Our next
14 speaker is Steven Hershchwitz. Yes, sir.

15 MR. SHELBY: Please state your name. You have
16 three minutes.

17 MR. HERSCHWITZ: Sure. My name is Steve
18 Hershchwitz. So heard a lot of things bantered out
19 tonight. I came to Tampa about 23 years ago. Was
20 stationed at Bill. My wife and I decided to retire
21 here because we love the neighborhood. We love the
22 city. We love everything about it. And also
23 because of Rodeph Shalom. So I am a member of
24 Rodeph Shalom. My daughter was bar mitzvahed there,
25 and I'm now the vice president of that. Let's put



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1 all that aside for a minute. Because we all have our
2 reasons why we want to keep the Tampa -- the Garden
3 Club and Rodeph in place, as I do.

4 But I've heard the word incompatible a lot. And
5 I think everybody in this room, when we walk out
6 those front doors, if you go take a drive down
7 Bayshore Boulevard, you're going to see a lot of
8 high-rise buildings. It is compatible. There is no
9 difference. Also, this building is not going to be
10 on Bayshore Boulevard. We keep hearing that, but
11 it's not. It's going to be on Ysabella. Part of
12 what this -- part of the design structure that was
13 put forth, ensures that, because it keeps Rodeph
14 Shalom on Bayshore Road, its green frontage and what
15 have you.

16 The Garden Club is at Tampa landmark, no doubt
17 about that. As is the synagogue. And this proposed
18 development will not affect either one's ability to
19 conduct their business. I've been to a wedding at
20 the Tampa Garden Club and the noise that I heard was
21 on Bayshore Boulevard. It wasn't noise from any
22 construction or anything. It was a lot of noise,
23 but it was still a beautiful wedding. We've been a
24 -- we've been great peaceful neighbors with the
25 Tampa Garden Club for over 50 years. They have



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1 their parties, their very large parties, weddings,
2 the food trucks. We applaud their efforts, because
3 it allows them to survive. We would never have the
4 audacity to tell them how to run their business. We
5 can't become an event space ourselves because we're
6 a house of worship. So that's not what we do. We
7 rely strictly on our -- on donations and what have
8 you.

9 Our synagogue sits next to the Garden Club's
10 outdoor space. The proposed tower is on the back
11 part of ours. It's next to their dirt lot where
12 they have their parking lot. And maybe it was a
13 green grass at one time or other type of thing. But
14 in all the time I've been here, it has not been. It
15 is literally the furthest point away from the Garden
16 Club is where they're going to build this building.
17 The synagogue -- further, there's a developer
18 agreement in place. I've heard a number of times
19 about a second tower maybe going up or something
20 like that. There's actually an agreement in place
21 that prevents that. So I'm not sure where that came
22 from, but it's certainly not going to happen. And I
23 do appreciate the comments.

24 So all I would say is -- and another thing is
25 when people have said, well, you're not going to use



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1 that. You're not going to sell the Shul and sell
2 all the land and build something better. Well, we
3 may end up having to do that. If that's the case,
4 so be it. But anyway, okay. I appreciate you taking
5 the time to listen to us.

6 MR. MANISCALCO: Yes, sir.

7 MR. SCOTT: And listening to everybody here at
8 2:00 in the morning. I really do. Thank you.

9 MR. SHELBY: Thank you very much, sir. Our
10 next speaker is Nick Stocco, who has a speaker
11 waiver form with seven people. Yes. Yes, sir --

12 Please make your presence known. Harriet
13 Pryor?

14 MS. PRYOR: Here.

15 MR. SHELBY: Charles Laroche?

16 MR. MANISCALCO: Here.

17 MR. SHELBY: Elaine Sullivan? Elaine Sullivan?
18 Is there a Joanne McNabb?

19 MS. MCDABB: Here.

20 MR. SHELBY: Have we spoken previously?

21 MS. MCDABB: Different case.

22 MR. SHELBY: Different case. Okay. George
23 Sprankel (phonetic)?

24 MS. JASPER: Here.

25 MR. SHELBY: Thank you. Sandra Sprankel?



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1 MS. SPRANKEL: Here.

2 MR. SHELBY: Thank you. Lorraine Bowes?

3 Lorraine Bowes? No response. Mary Jo Shank?

4 MS. SHANK: Here.

5 MR. SHELBY: Thank you. one, two, three, four,
6 five, six for a total of nine minutes.

7 MR. MANISCALCO: Wait, did you say five or --

8 MR. SHELBY: It's what I have --

9 MR. MANISCALCO: I have 1, 2, 3 --

10 MR. SHELBY: 4, 5, 6.

11 MR. MANISCALCO: Okay. Nine minutes.

12 MR. SHELBY: Yes, sir. Please state your name.

13 MR. STOCCO: Good morning. Nick Stocco,
14 resident of the Team of Firefighters Union, also
15 resident of the city of Tampa.

16 MR. MANISCALCO: Mr. Stocco?

17 MR. STOCCO: Yes, sir.

18 MR. MANISCALCO: Could you stop the records?
19 Sorry to interrupt, but I -- I'm I -- for the
20 purposes of the record, in what capacity are you
21 speaking here today?

22 MR. STOCCO: President of the Tampa of
23 Firefighters.

24 MR. MANISCALCO: Thank you.

25 MR. STOCCO: You're welcome. First and



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1 foremost, thank you, everybody. It's late. It's
2 actually mind blowing on the amount of people that
3 are here and how well you-all have conducted this
4 operation with this many people. So kudos to Ms.
5 Edwards and definitely a big huge round of applause
6 to all those in the audience that have come to
7 speak, especially the elderly, I'm maybe the
8 youngest in the room, and probably the most tired,
9 so I applaud you. I do have some maps that I want
10 to show on this Elmo.

11 MR. SHELBY: I think that might be -- that
12 might be the best I can get for now. Sorry about
13 that.

14 MR. SCOTT: I was going to play a video, but
15 I'll deviate from that. Before I begin, I want to
16 say on behalf of the firefighters, we're not here
17 for, we're not here against. We're here on
18 firefighter issues. And what we're going to present
19 is a workload analysis on how conditions are right
20 now for facts based off of high-rise responses and
21 the workload on the firefighters that's being put on
22 by this community. Had these developments included
23 a fire station on the first floor, we'd probably be
24 here in favor for that. But we're here to just
25 present some facts.



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1 This map here, it shows a percentage of
2 population of under 5 and over 65 years of age. The
3 highest percentage of a vulnerable population are in
4 the South Central area between Stations 9 and 12,
5 which are right here. The other most important area
6 is East of Station 15, along Hillsborough Bay and
7 West of Station 14 and 15, right along this corridor
8 here, down here. These are our groups where our
9 people are most vulnerable, the elderly above 65.

10 We saw it here today, the limited mobility to go
11 from one floor to the next. When an emergency
12 arises, the first thing that goes out, other than
13 the fire alarm is the discontinuation of elevators.
14 And when the elevators stop working, people need to
15 use flight of stairs. Firefighters are known for
16 going in to rescue people and up these stairwells.
17 But what we need is more firefighters.

18 Studies have shown that the more firefighters
19 that arrive to the scene of a fire, the less time it
20 takes to complete all tasks associated with fire
21 suppression, search and rescue, and other critical
22 fire ground activities. A high-rise building is
23 defined as a building higher than seven stories or
24 75 feet. From a fire department response
25 capability, some large commercial structures are



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1 considered as high rises, not due to their height,
2 but their size. Some examples of the University of
3 Tampa, HCC Robinson High school, Plain High School.
4 And it's due to the high hazard of occupants that
5 they have. The initial dispatch to a high rise
6 alarm calls for a minimum of 43 firefighters. Here
7 below, I have some of the stations and where the
8 firefighters are. Is that, as you can see in the
9 areas of South Tampa stations, 19 15, 14, 3, 17, 8,
10 0 are not allowed to leave because it's at the
11 airport and 9 are what would make the initial
12 response of a high-rise incident in South Tampa.
13 This is what it would look like at an initial
14 response and how many stations would be wiped out by
15 just one call for a burnt toast. No smoke, no fire,
16 but just an initial response for a high rise. And
17 that's how many stations would get wiped out. Once
18 we arrive on scene, if we determine if there's any
19 smoke or fire, it would double the response due to
20 the workload analysis. And this is how many
21 stations would be wiped out. That's about 80
22 firefighters for any high rise response and any high
23 rise that has smoker flames shown. And that's how
24 many resources are depleted in the city that's in
25 current days' time today, this would be applicable



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1 if every unit were in service. That's if no one was
2 on a call and we get we average a call every six
3 minutes. This map is, if every unit is available,
4 it identifies where we can assemble 43 firefighters
5 within 10 minutes and 10 seconds. All the areas in
6 gray are all areas that cannot be covered for an FPA
7 standard. What those indicate is travel time. We
8 keep hearing Ysabella. We keep hearing in Bay to
9 Bay. I spent three years as a fireman down at South
10 Tampa. There's only one aerial truck down there and
11 one aerial truck that takes Dale Mabry to Bay to Bay
12 and Isabella to Paul to Howard to reach the estates
13 senior citizen owner. Because it's the only way
14 they would be able to hit Howard from Palm Ceia
15 because we couldn't take Morrison because the truck
16 was too big and the road was too narrow and there'd
17 be too many vehicles down Morrison. So from a
18 respondent analysis point, the facts are we do not
19 have sufficient coverage in the city to cover those
20 gray areas on this map from travel time and a high
21 hazard response. The only way to improve travel
22 distance is to build more stations since the
23 beginning of the travel is from the starting point,
24 we will as firefighters, continue to advocate the
25 facts on the needing more firefighters for as



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1 response areas, not just on this issue, but on all
2 issues. And we will continue to come here as we've
3 seen this --

4 MR. MANISCALCO: Thank you very much.

5 MR. STOCCO: Thank you everybody for your time.

6 MR. MANISCALCO: Yes, sir. Thank you. Next is
7 Sally Dean. Sorry --

8 MR. CLENDENIN: Mr. Chair. Wait.

9 MR. MANISCALCO: Yes, sir. Mister --

10 MR. CREMER: Yes, sir. Mr. Chair, I just need
11 to respectfully object to this testimony and not
12 focus on the reasoning at hand. I do come from a
13 farm, a family of farmers and first responders, so
14 thank you for your service.

15 MR. SCOTT: Thank you very much.

16 MR. MANISCALCO: Yes. Ma, please state your
17 name.

18 MS. DEAN: Hi. It's Sally Dean and I think
19 they're playing a video? Video?

20 MR. MANISCALCO: Your video?

21 MR. SHELBY: Yes.

22 MR. MANISCALCO: Did you submit a video?

23 MR. SHELBY: Yes.

24 MR. MANISCALCO: Okay. They'll -- give us a
25 moment here. We'll bring it up.



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1 MR. SHELBY: I have --

2 MR. MANISCALCO: Its part -- this part -- this
3 part of your presentation?

4 MR. SHELBY: Yeah. It's just -- you want
5 anything else that's a student at the Rodeph -- a
6 speech. She could not be here, so she submitted the
7 video.

8 MR. MANISCALCO: Okay. Is this in addition, do
9 you have --

10 MR. SHELBY: I'm not going to speak, it's just
11 in the video.

12 MR. MANISCALCO: Okay. It -- you can play the
13 video that was received --

14 UNIDENTIFIED SPEAKER: From Sally Dean.

15 MR. MANISCALCO: From Sally Dean.

16 UNIDENTIFIED SPEAKER: -- with Carol. Was it
17 Carol --

18 Carol.

19 MR. MANISCALCO: Carol. And the one that runs
20 about three minutes?

21 MR. SHELBY: No 1:25 --

22 MR. MANISCALCO: One minute and 45 seconds.
23 Raise the volume. Start from the beginning. Rewind
24 it.

25 MS. ARRIGO: Attending an important discussion



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1 for --

2 MR. MANISCALCO: Please start from the
3 beginning. You --

4 (VIDEO RECORDING PLAYED)

5 MS. ARRIGO: I feel like new connection to my
6 -- hi. My name is Danielle Hosh. I'm a junior at
7 Plant High School, and I live at 3904 in -- Street.
8 I'm unable to speak to you in person tonight as I'm
9 at the Jewish Community Center, along with my --
10 religious school attending an important discussion
11 for teens of Israel writing antisemitism. Even at
12 my young age, I feel a deep connection to my
13 synagogue. My family has been a part of Rodeph
14 Shalom for five generations. My great grandparents
15 were married at Roto and I'm one of 34 members of my
16 family to become a bot or bar mitzvah congregation
17 Rodeph Shalom so far. More than that, my loved
18 dedication to Judaism all began at Rodeph. From
19 attending preschool -- and going to family programs
20 for the young child to learning about my religion
21 and making lifelong friends at religious school to
22 not volunteering every week as a teacher's assistant
23 at Sunday school and wonderful experiences that our
24 synagogue have helped shape the young adult I am
25 today. It has always been a source of pride for me



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1 to see Rodeph Shalom as a landmark on Bayshore
2 Boulevard. I think it sends a powerful message to
3 Tampa Bay and the world of Tampa in an accepting
4 diverse and inclusive community. Rodeph Shalom has
5 a bright future, and I consider myself a part of
6 that future. The Jewish faith is passed on through
7 our parents and I hope to one day begin and worship
8 with my own children. In our beautiful synagogue on
9 Bayshore Boulevard. You have the power to make this
10 dream a reality. This issue is a matter of simple
11 economics for the long term financial wellbeing of
12 our synagogue. Our presence here today signifies
13 our search for a solution to ensure we can remain in
14 our beloved home. Please vote yes. On REZ-246 to
15 ensure Rodeph Shalom will continue to thrive on
16 Bayshore Boulevard for generations to come.

17 (VIDEO RECORDING STOPPED)

18 MR. SHELBY: Mr. Chair.

19 MS. ARRIGO: Yes.

20 MR. SHELBY: Martin Shelby, city council
21 attorney. My apologies for all these issues coming
22 up during this hearing. But I realize that in a
23 quasi- judicial setting, there's no opportunity for
24 cross- examination here. I don't think there's any
25 objection, but I just want Counsel to be aware that



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1 in light of that, we're going to have to be very
2 mindful of when people submit these sort of
3 testimonies that are prerecorded. So I would ask
4 Counsel to waive that accordingly that there's been
5 no opportunity here if there was one. So we just
6 have to be mindful of that in the future and please
7 be just aware of that as we weigh all the evidence.

8 MR. MANISCALCO: Thank you very much, sir. Our
9 next speaker is Steven Hovenstock. Yes, sir.

10 MR. HOVENSTOCK: My name is Steven Hovenstock.
11 Thank you. Thank there's my name. Good morning. I
12 appreciate everyone being here such a long -- for
13 such a long term. The proposed development on the
14 congregation Rodeph Shalom property shows that Tampa
15 is an inclusive community that values its history
16 while embracing growth. This co-location allows the
17 synagogue to exist along with moving forward with
18 the development of Tampa. The Counsel can
19 demonstrate with this approval, a willingness to
20 adapt and find innovation -- innovative solutions to
21 preserve cherished landmarks. The co-location plan
22 is a win-win for Tampa and congregation Rodeph
23 Shalom. This preserves a part of Tampa history. The
24 fact is Bayshore is becoming more urban. This
25 approval will allow religious services to be



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1 adjacent to living quarters, not only having housing
2 in the area. The city and all of the community
3 members will also benefit from promised improvements
4 proposed by Related Company for Fred Ball Park and
5 the adjacent neighborhood, including landscaping
6 sidewalks, a new crosswalk for improved access from
7 the Presbyterian Senior Apartments to the park and
8 the promise to repave Isabella and Barcelona
9 Streets. If all that's not enough, this will take
10 property currently generating zero property taxes,
11 to a property generating around \$1 million a year in
12 property taxes for the Citizens of Tampa. Please
13 approve this change. Thank you.

14 MR. MANISCALCO: Thank you very much. My next
15 speaker is Alexandra Arrigo and then I have
16 Alexandra Darryl. Yes, ma'am. Please state your
17 name.

18 MS. ARRIGO: Hi. I'm Alex Arrigo resident at
19 91 North Central Ave in downtown Tampa. I can walk
20 to the synagogue. Over the last seven years. I've
21 seen rental prices rise drastically making housing
22 unaffordable. As a former UT student, I aim to own
23 a home, but with a meeting house price at \$416,000,
24 that seems to be impossible. I believe Tampa's
25 housing shortage is a court issue. The proposed



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1 condo tower offers a solution. If Baby Boomers
2 retiring in large numbers, there's a growing demand
3 for housing options like this. By transitioning
4 from home ownership to condo living, these
5 individuals can help alleviate housing pressure in
6 today's vacancies. Thereby driving on prices.
7 Voting yes for initiatives that foster housing
8 development is important to retain. Our city's
9 educated and talented graduates. A generation is
10 Tampa's future. It's easy for those who have
11 enjoyed the benefits of home ownership for decades
12 to oppose projects like this condo tower. I urge
13 you to consider the long term implications of your
14 decision on the future of Tampa and the next
15 generation of homeowners by improving projects.
16 Like the luxury condo power. We're not only
17 creating opportunities for individuals like myself,
18 but also laying the groundwork for a prosperous and
19 inclusive future. Please prioritize the needs of
20 our entire community, and vote yes. Thank you very
21 much.

22 MR. MANISCALCO: Thank you very much. Next up
23 we have Alexandra, please state your name.

24 MS. DERIMO: Yes. Hi. I'm Alex Derimo . I
25 live at 6207 Southwest Shore Boulevard in Tampa, and



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1 I'm here to show my support for this proposed
2 project as a young professional and recent graduate
3 of the University of Tampa, I have witnessed the
4 rapid growth in Tampa Bay in the housing crisis that
5 our community faces. I myself have experienced
6 immense struggles in finding housing, both renting
7 and buying. The shortage of housing in Tampa has
8 created a depressing challenge in accommodating the
9 150 people who have moved here every day over the
10 last decade, this lack of housing has led to
11 skyrocketing home crisis making it increasingly
12 difficult for young individuals like myself to live
13 in the area. Not only does this make purchasing a
14 home unaffordable, but it encourages Urban Sprawl,
15 forcing us to live on the outskirts of Tampa
16 resulting in the development of low density car
17 dependent neighborhoods. I urge you to consider the
18 benefits of this project and the effects it will
19 have on our community for generations to come. The
20 rejection of this project will hinder community
21 development and housing availability, further
22 enhancing housing access and equity. We as a
23 community need to prioritize the creation of housing
24 to meet the growing demand of this area. Thank you.

25 MR. MANISCALCO: Thank you very much. Maureen



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1 48. State your name.

2 MS. AROLL: Yes. Thank you. My name is
3 Maureen Aroll. I'm the managing director of
4 Investments at Wells Fargo Advisors. And I live at
5 3401 Bayshore Boulevard. I have lived on Bayshore
6 or within blocks of the boulevard since 1981. I'm
7 an avid runner and walker. I'm out there every day,
8 four to five miles over an hour. I love the
9 boulevard. I'm committed to this space and I
10 approached this decision with an open mind. I sat
11 in community meetings from both sides and I'm here
12 to advocate for this project. One of my jobs is
13 helping the 10,000 baby boomers who are turning age
14 65 every single day here. I personally advise 200
15 affluent Tampan families who are on an average age
16 of 67. They are either already retired or nearing
17 retirement and not a financial planning session goes
18 by without them discussing the desire to downsize.
19 They are your market who are going to buy these
20 condominiums and they are going to be selling their
21 single family homes. To me, that's a win-win. We
22 have to get this inventory moving. So that is just
23 one of the many reasons I am in support of this.
24 Secondarily, Fred Ball Park, I've been going there
25 since my children were in baby joggers and without a



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1 doubt, it's got a lot of potential, but it needs a
2 tremendous amount of work. I believe in our
3 community, my home on Shakten (phonetic) was
4 actually on the Rose Circle tour. These are
5 fabulous groups. However, this park needs
6 professional help and big bucks. And I think we
7 would be giving up a tremendous opportunity to not
8 work with Related on providing the guidance and
9 professional assistance and funding that will bring
10 this part up to the standards that we're seeing at
11 Water Street. My clients are not going to move to
12 Water Street or to downtown Tampa, which they think
13 are sketchy. What they want is the beauty and
14 serenity of Bayshore, they have visited my condo,
15 the garage, which I'm sorry, for the gentleman who
16 lost his lunch spot, but the buildings are
17 comparable. My building has 71 units. I have never
18 heard a complaint about dogs barking or streets
19 being crowded because of our vehicles. This
20 building is 40 percent smaller. I think we have to
21 take a step back and understand that progress is
22 coming and we have an opportunity to guide this.
23 And with that, I wish you-all a very good night.
24 Thank you.

25 MR. MANISCALCO: Thank you very much. Vince



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1 Coyle (phonetic), you're next. Yes, sir. Please
2 state your name.

3 MR. COYLE: Vince Coyle. I apologize. My
4 presentation may not be as crisp -- a higher graph
5 choice, so I'm going to try to get through this as
6 quickly as possible. So my wife and I, we live at
7 2812 West Barcelona Street, which is essentially
8 ground zero for both the Altura Construction
9 project, which we've lived for the last three years.
10 And if you would improve the co-development in the
11 synagogue project, we'll have another three years of
12 living the construction nightmare. I would ask you
13 to just kind of say no to this, adding another
14 skyscraper. That is really incompatible with the
15 character of this area. Well, now my wife and I
16 moved here in June 2018, there was no Altura. There
17 was no Ritz-Carlton. It was just across the street,
18 a nice, quiet stable synagogue. Ideal neighbor. Now
19 we have this co-development neighbor, which is
20 inconsistent, incompatible with the premise that we
21 brought back in June 2018, low up -- low
22 development, low density, two story, three story.
23 That was it. Today, if I walk out, like, my unit, I
24 walk 20 -- 20 steps to the left looming up above is
25 Altura. If this project goes forward, I won't even



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1 need to leave the townhouse. And I'll see another
2 monolith going up going up for -- let me give you a
3 couple of visuals over here. This is the
4 construction nightmare we've been living. See that.
5 Okay. So this was taken -- I'm sorry. This was
6 taken on Monday. Okay. That stood there blocking
7 our exit from the house 15 minutes before it moved
8 away. Again, this happened not daily, but
9 frequently enough that we're we -- we're unable to
10 leave our unit. Then if we're able to escape the
11 construction vehicle, then we run -- of this
12 controlled intersection as they're directing traffic
13 at the intersection. This has been our reality for
14 the last three years. Now, I want to contrast that
15 with the picture I took this evening before I came
16 the quietude of the synagogue as I want, as I once
17 knew it. That's the synagogue. When I hear about
18 the traffic reduction as a result of the project, it
19 is -- that's not going to happen. The synagogue
20 during the day, there's some activity. But at night
21 it's quiet. The weekend is eerily, quiet and on
22 Fridays, actually -- oh, well, anyway --

23 MR. MANISCALCO: Be still. Be still.

24 MR. SHELBY: Oh, okay. Okay. So anyway, at
25 the end of the day, I'm sympathetic to the plight of



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1 the congregation. An aging congregation finding it
2 difficult to replace its members in the financial
3 contribution of an increasingly, you know -- the
4 younger generation. We in the Catholic community
5 face, the same thing. At the end of the day. Their
6 financial plight is irrelevant to the issue before
7 you. Does this development meet the code? Okay.

8 Thank you.

9 MR. MANISCALCO: Thank you very much. Next on
10 the list, I have Toni Everett, but I don't see her
11 in the room. She was. See anybody else coming in?
12 Anybody else coming in? Yes, ma'am.

13 MS. EVERRETT: I am Toni Everett. My family
14 has been here since grand grandparents to grand
15 children, and we were very concerned about Tampa and
16 Bayshore and the future of Bayshore. You've heard
17 all this about the big mega building that could be
18 built. But what about the developer that may come
19 and go? These developers Related Group have been
20 committed here for years. They've given donations,
21 they have built low income middle income and high
22 income. They have donated to many of the charities
23 in Tampa consistently, and they are dependable and
24 you can count on, care about what happens in Tampa.
25 And I'd like to also address some of the concerns of



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1 the Garden Club. First of all, when a development
2 takes the away trees, they have to replant trees to
3 compensate. Secondly, when -- if they're afraid
4 about us looking at the weddings, they're going to
5 have the green space and the green wall and on the
6 lower floors, they're going to have trouble seeing
7 the wedding. On the higher floors. You have
8 terraces that, if you're in the unit, it's
9 impossible to see the ground. Unless you go to the
10 edge of the terrace and you can look down and see
11 dots and the green space. So they're not going to
12 be able to see the weddings, secondly, I mean, in
13 addition, the benefit to Tampa with the higher
14 taxes, maybe we can get our infrastructure --
15 potholes done in the south in the town and everybody
16 would benefit by not having so many repairs to their
17 park. Plus we might get enough money from the taxes
18 to do -- to build a new fire station near there.
19 And also they're worried about the impact of noise
20 after the building's built. I know plenty of people
21 that would be glad to donate to the Garden Club for
22 them to have a new venue on the ball -- on the
23 ballpark side, where they have a magical wedding
24 venue and not hear the ongoing noise from the --
25 MR. MANISCALCO: Thank you very much.



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1 MS. WELLS: I hope you will vote. Yes.

2 MR. MANISCALCO: Thank you. Our last speaker,
3 please say your name. You have a speaker waiver
4 form with seven names. Is that correct?

5 MS. BENTLEY: Yes. And my motion maker was
6 attached to Carol Anne, the pink paper mainly, so
7 you defined it, but Carol Ann's motion maker are
8 better than mine.

9 MR. MANISCALCO: Please make your presence.
10 Known -- Bentley?

11 MS. BAISLEY: Here.

12 MS. BENTLEY: I'm sorry?

13 MS. BAISLEY: Here.

14 MR. MANISCALCO: Carolyn Frank Baisley
15 (phonetic). Thank you. Karen Roberts.

16 MS. ROBERTS: Here.

17 MR. MANISCALCO: Suzanne Carl.

18 MS. CARL: Here.

19 MR. MANISCALCO: Jean --

20 MS. KIMLEY-HORN: Here.

21 MR. MANISCALCO: Kimley-Horn?

22 MS. KIMLEY-HORN: Here.

23 MR. MANISCALCO: Cindy Goer?

24 Here. Thank you. That is a total of 10
25 minutes. Thank you very much. Please state your



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1 name.

2 MS. POYNOR: Good evening or Good morning.
3 Stephanie Poynor. I don't know how to act with 10
4 minutes. First of all, I -- you know, I've heard so
5 much since I've been back in here this evening.
6 First of all, nobody lives at the synagogue to --
7 somebody pointed out nobody lives at the Garden
8 Club. Well, nobody lives at the synagogue. I wish
9 that I get -- worked as hard on getting Road Yard at
10 47th Street started for available -- or affordable
11 housing as they have on this project. This has been
12 I -- I've been trying to figure out what it was and
13 it's been like an air hockey game. How many feet is
14 it high? How do we want to -- do we want to do a
15 PD? Do we want R83? Do we not -- do we withdraw
16 it? Do we want to change the height? How tall
17 really is it? I mean, I'm just so freaking
18 confused. I just want to hear the absolute cut and
19 dry truth, because the bottom line is you can't
20 change the height of the building when it's built.
21 And we've heard a whole bunch of different things
22 here tonight, which really kind of scares me. This
23 hearing is not about religion. It's about land use
24 and confidence substantial evidence. The financial
25 future of the synagogue has nothing to do with this.



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1 Sorry. It has nothing to do with religion. This is
2 about land use and you have to focus on that. It
3 has no bearing on the land use issues. I attended a
4 information meeting on the 24th. Mr. Cremer said,
5 we are asking that they tailored the zoning category
6 just for this property. And I thought, well, isn't
7 that convenient for that property? Not for the
8 properties, rounding it -- around it. And he also
9 goes, and this was only a few minutes after when he
10 asked me why I was there. Was I there to represent
11 the Garden Club or the neighborhoods. And I said,
12 well, isn't that kind of the same? And he said,
13 well, you know, one property shouldn't dictate what
14 happens to the other properties around it. And I'm
15 thinking, isn't that what is going on with this PD
16 or this rezoning rather? Isn't that what's going on
17 here? That is changing everything for everybody.

18 I -- I'd like to point out that the Stone Wall
19 House, city council, guess what? They all got fired
20 most of them. Did we love you, Charlie, you're
21 still here. We love you -- we love you. But they
22 got fired. That was the last Council that -- count
23 to everybody who came in here and did whatever the
24 hell the developers wanted. The other towers that
25 were approved now -- oh, hold on. I need to show



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1 this. Mr. Kramer submitted a 358 page document
2 called evidence, and I never seen one like that.
3 358 pages. Oh, my God. The comp plan only has 382.
4 He didn't leave any of the land use code out. He
5 couldn't have possibly because over and over and
6 over again, page after page, here it is. Okay. So
7 these are from Mr. Cremer's document that he
8 submitted. 368 pages is from the application of the
9 applicant's evidence of this report.

10 Now we've got these buildings and see, we've
11 got this 349. That's the Ritz-Carlton. But here
12 we're talking about 317 here. I was lost. Please.
13 Somebody ask how tall this building is really going
14 to be to somebody while they're under oath as I
15 don't know. Because we've heard a whole lot of
16 different numbers from -- now, the next tallest
17 structure, okay, besides that one, besides the Ritz-
18 Carlton, which is also a Related Group project mind
19 you, okay. It is 274 feet tall. So if this
20 building is either going to be 75 feet higher or 43
21 feet higher. I don't know which, but you know what?
22 The 75 feet higher is higher than medium density
23 supposed to be to start with. So what we're not
24 even talking about the same ballpark and none of
25 these are R35. I would like to remind you that,



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1 like my friend, Mr. Smith said, they had the -- they
2 had the opportunity to go for R83 and they went
3 through it and said, no, we don't want to do that.
4 So you know, just leave that on the table. Leave
5 that on the table. We also have and so here we get
6 again, we've got the reduction in 29 stories and the
7 26, but it's still a whole bunch higher than it's
8 supposed to be. I don't get it. I really want to
9 know how high was the old one. How high's the new
10 one. The new one is really what's important. Okay.
11 And let's remove the pickleball court. Guess what?
12 They left a blank space in the building exactly the
13 size of the pickle ball court. Now, what do you
14 think is going to happen when it gets turned over to
15 the condo association? I bet you 20 bucks, it'll
16 become a pickleball court, you know why? Because
17 who's going to go chase him down. I think we all
18 know that the city's not going to chase him down
19 unless the Garden Club is making complaints about
20 it. Now, this is -- this is still that applicant's
21 evidence and support. I love that the bus routes
22 are on there. Oh, my gosh. I know that all 42 of
23 those resident are going to run. The heart bus.
24 Are you kidding me? Really? This is baffling them
25 with the BS. It so much junk in this document that



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1 you cannot get through it all. And I didn't want
2 to. But what I really liked was that we left this
3 one in here, "encourage small and medium skeletal
4 development, particularly of unique design to
5 enhance turf campus, urban character." Small and
6 medium. This is extra large. I wish my friend from
7 the football team came back this time. That was
8 here last time because he was extra. So anyway, I
9 also like, you know, speaking of him, there are a
10 lot less people here tonight than there were last
11 year. You know why? Because everybody who was here
12 last year did this for free, everybody who's here,
13 who thinks this is a good idea is getting money in
14 some way, shape or form. I'm sorry. But the folks
15 who are here for free, you think about it? Now, we
16 got to go back to our density. Okay. I like this.
17 I like this. I like this. I never handed this to
18 some folks. Okay. So can I get close enough? And
19 Carol Anne gave you a copy of this too? I think,
20 but the interesting part is it says up to 24 stories
21 for high density. So this joker is two stories
22 higher than high density than what it's supposed to
23 be in Caroline gave you a copy of this. It's in her
24 -- it's in her packet. I -- I'm sorry. I can't get
25 it focused. It's 2:00 in the morning. I'm tired.



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1 And I want to make sure I got my roadmap, planned
2 use, Jake's -- let's see. Evidence for the projects.
3 Oh. Oh, and Mr. Cotton said, as the zoning
4 administrator, that you guys have to make -- you
5 guys have to make the decision about compatibility.
6 Does it go with the 30-foot high Garden Club, like
7 Ms. Dana, back there, said? No, it doesn't. It
8 doesn't go next door. Why are we putting it there?
9 If they want to build, they can still build 35 units
10 to the acre on that property. They just can't build
11 it 26 stories high and make it \$5 million.

12 I have never been so flabbergasted at a
13 statement in my life as I was in the last 10 minutes
14 because I cannot -- I -- \$5 million, and I'm just
15 graduating from college. I mean, I would never ever
16 have the money for a \$5 million property and nor
17 will the majority of the the people in this room.
18 This is not helping our housing crisis. They can
19 build reasonably priced condominiums and still make
20 a profit. They don't have to make \$200 million to do
21 it. And I'm going to remind you -- there's a couple
22 little things I need to remind you of. Number 1, I
23 saw this article -- and I haven't even read the
24 article yet, but I sure do like the title, Florida
25 Developers Want to Scare You Into Letting Them Have



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1 Their Way. Think about that.

2 I'll go through that; will you? I'm tired of
3 this. This is ridiculous. Here's our penny.
4 Here's our penny. Cut it into a hundred little tiny
5 pieces. You get seven of them for Fred Ball Park, if
6 they get their way. The Garden Club and the Rose
7 Circle have stood here tonight. They've shown you
8 what they'll do repeatedly, that they will do what
9 they say they will do, and they will take care of
10 the community around them.

11 These guys are telling you, well, if we get our
12 way, then we'll give you this money. And you know,
13 Ms. Everett, I've never met her before, but I just
14 thought it was interesting how generous they are.

15 These folks are so generous, why haven't they
16 already given money to Fred Ball Park? Why did they
17 need a development agreement to do it? Bottom line
18 is they need a development agreement because they're
19 hoping like hell that you guys will be impressed and
20 give them what they want. I don't -- I have -- I
21 have bigger faith in you. I know each and every one
22 of you personally, and I have bigger faith in you.
23 You are not the Stovall House Council and I'm sure
24 as hell glad of it. Thank you.

25 MR. MANISCALCO: Thank you very much. That



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1 concludes public comment. Mr. Shelby, gets the
2 traditional five minutes for rebuttal.

3 Mr. Cremer, you've read the rules and the
4 procedure --

5 MR. CREMER: I have.

6 MR. MANISCALCO: You're familiar with what has
7 been said. You have an opportunity to rebut. Per
8 Counsel rules, you're allowed five minutes, unless
9 because of due process, there's something that
10 requires more. So --well, do you have anything
11 that you --what time --how much did you set --how
12 much are you requesting in the time that we set for
13 it?

14 MR. CREMER: Mr. Chair, I would request that
15 five extra minutes or 10 minutes in light of the
16 several hours.

17 MR. MANISCALCO: Okay. Go ahead. You're going
18 to have 10 minutes for rebuttal. Please state your
19 name.

20 MR. CREMER: Sure. Could we pull my
21 presentation back up, please?

22 MR. MANISCALCO: Yeah. And you want your
23 original presentation brought up?

24 MR. CREMER: Yes, please.

25 MR. MANISCALCO: All right. See if he can --



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1 if you can bring up his original -- initial
2 presentation. There it is. All right. It'll be up
3 on the big screen. Give me, a second.

4 All right. State your name. You have 10
5 minutes.

6 MR. CREMER: Thank you. Jake Cremer with
7 Stearns Weaver Miller. I'd like to bring up a
8 couple of experts first. Thank you.

9 MR. MANISCALCO: And if we could have silence
10 in the room. Thank you very much. Go ahead, Mr.
11 Peterika.

12 MR. PETERIKA: Thank you, Counsel. Rick
13 Peterika, 3080 Seventh Avenue, and I have been sworn
14 in. I want to give you a quick hypothetical. With
15 the grand trees that have been preserved and the
16 trees that -- protected the trees we're proposed to
17 remove, there's no mitigation required, but if there
18 were and we excluded the grand trees, we'd have to
19 mitigate 46, 2.5-inch trees, and we're required to
20 plant 38, 2.5-inch trees, which totals 210 inches in
21 total, once it goes to permits. Currently, with the
22 landscape plan submitted with 20 10-inch oaks to
23 propose, there's 222 inches proposed back on the
24 site, which the intent of that mitigation
25 calculation of 2.5 inches is to replace the canopy



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1 in five years. We're replacing more than that,
2 using a conjured extra mitigation method that I'm
3 just using to explain it on how much more we're
4 providing canopy back than would be required.

5 MR. CLENDENIN: Thank you very much, sir. Mr.
6 Smith.

7 MR. SMITH: Good evening. David Smith, Stearns
8 Weaver Miller. To make it very brief, there's been
9 a lot of statements about what's in the matrix. How
10 tall and how tall can you be in various categories?
11 Well, I think the simple answer is that those items
12 that are in the comprehensive plan are not maximum
13 heights. They are typical heights of key
14 characteristics of the District. Because if that --
15 if that was not the case, the Altura, CMU 35, could
16 -- would've only been approved for five stories.
17 Clearly, it's not. If you look at any other RM 50
18 category or any of the developments that occurred
19 there, if they wanted those height ranges, they
20 would all be much, much shorter.

21 So those were just planning guidelines that
22 we're saying, Hey, typically, this is what the
23 height would be.

24 And also, when you have standard zoning
25 districts, usually the standard -- standards zoning



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1 districts reflect those lower caps. Getting back to
2 Mr. Gotier's testimony, clearly, Mr. Gotier has a
3 lot of experience, but he doesn't have a lot of
4 experience in Tampa. I've gone through his report.
5 There's several references or mis-references to
6 comprehensive plans and policies that are not
7 actually applicable to this case. They deal with
8 non-residential being proposed in an area of
9 residential.

10 So I just want to point out there are several
11 errors in his report. And he -- also, if you took
12 his point of view, is that -- comprehensive plan
13 doesn't matter. You can change it as many times as
14 you want. But if there was a single-story house
15 there in 1960 and there's a single-story house there
16 now, you can't have anything taller than a single-
17 story house. And we all know that the evolution of
18 the comprehensive planning in this city and across
19 the state has evolved over time so that the new
20 goals and objectives and demands are reflected in
21 the new comprehensive plan. It doesn't mean you
22 don't have to consider compatibility, but I think if
23 you look at context, many more tall buildings are
24 located right next to single family, right next to
25 townhomes, without having a negative, adverse



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1 effect.

2 Last comment on the Garden Club and the venue.
3 I believe there was a mischaracterization of the
4 orientation of the building that's actually oriented
5 more directly towards Bayshore, not directly at the
6 event center. The separation of 200 -- there's
7 approximately 208 feet from the podium, and as you
8 get higher up -- geometry is, not really my strong
9 suit --but you actually get further away on the
10 site distance basis. So that -- this prying,
11 looking, hanging over -- or looking at the wedding
12 venue is not a reality. The reality is that there's
13 200-plus-foot separation from the garden area.
14 There's trees in-between, and it will -- this
15 building will not be hanging over that event center.
16 With that I complete my remarks because it's a late
17 night. And I could probably go on and on, and you-
18 all heard me do that before. Thank you very much.

19 MR. MANISCALCO: We need silence in the
20 audience.

21 MR. CLENDENIN: Yeah, it's all --

22 MR. MANISCALCO: Seriously. Thank you. Thank
23 you very much. Mr. Cremer. Go ahead.

24 MR. CREMER: Thank you. Jake Cremer, again. If
25 we could pull my presentation back off on your



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1 screen, please?

2 MR. MANISCALCO: Yes. It'll come up on the
3 screen.

4 MR. CREMER: Thank you. So my friend, Ms.
5 Poynor and I rarely agree on things, but she did
6 bring up a couple of good points. And so I want to
7 give assurance that the height under the code that
8 we are proposing is 317 feet on top of that. What I
9 would like to request of Counsel, I -- I've spoken
10 to the City Attorney's Office. We will commit to
11 that being a site plan requirement so that we can
12 not go through the sub-change process and increase
13 that later. Altura, by the way, has gone through a
14 sub-change process to increase their restaurant
15 entitlements. So we are giving up the ability to
16 change our height through an administrative process.
17 I'll offer that on the record.

18 The other point she raised was the pickleball
19 court, and the pickleball court is gone. The
20 pickleball court has been gone for a long, long
21 time. But to give people assurance, we have
22 proposed a condition to staff, and it says, "Under
23 no circumstances shall the outdoor amenity deck
24 include a sport court, including pickleball,
25 basketball, volleyball, badminton, or tennis." If



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1 you can think of any other, we will put them in.

2 The third -- if you look at the site plan, the
3 third condition that we're offering tonight --
4 again, this is based on community feedback, and
5 we've heard some tonight, concerns about elderly and
6 safety on Ysabella -- the sidewalk that is across
7 Ysabella from our site, that we are proposing to
8 fill in that gap. We have proposed language so that
9 that -- we would -- we will work with Public Work so
10 that that sidewalk segment is constructed before the
11 closure of any right-of-way on our project. So in
12 other words, we are going to do -- we will construct
13 that sidewalk absolutely as soon as possible.

14 I -- I'll place this case on the record. There
15 were quite a few comments about shade, light, views.
16 The Fontainebleau case from 1959, we've known for a
17 very, very long time. No one has a right to view.
18 No one has a right to air. No one has a right to
19 light in Florida. That's what the cases say, unless
20 they buy it.

21 MR. SHELBY: Excuse me. I'm sorry. Mr.
22 Chairman, if I can? I'm sorry. Can you stop the
23 clock, please? Mr. Chairman, forgive me, but
24 Counsel and the Chair did ask people to -- in the
25 audience to be quiet. Mr. Chairman, if you find this



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1 disruptive, you can rule them out of order and have
2 them removed from the chambers. So I'm going to ask
3 if the Chair would please instruct them that if they
4 do, they might be very well ruled out of order if
5 they disrupt.

6 MR. MANISCALCO: Yes. Counsel Member Viera.

7 MR. VIERA: I -- I'll just say this -- thank
8 you, Mr. Shelby -- that, you know, it's 2:50, and I
9 understand folks in the audience are frustrated.
10 And sometimes when it's really, really late, you
11 lose your faculties a little bit. I've practically
12 done that myself up here, but I would just ask that
13 everybody just keep it as quiet as possible, and
14 we'll get through this. We appreciate you. Thank
15 you.

16 MR. MANISCALCO: Mr. Cremer, you mentioned the
17 what case from 1959?

18 MR. CREMER: The -- it's the Fontainebleau. My
19 French pronunciation might be --

20 MR. MANISCALCO: In Miami?

21 MR. CREMER: --but I'm happy to enter that
22 into the record. So the Fontainebleau --

23 MR. MANISCALCO: Yeah. Thank you very much. Do
24 you have sufficient copies for the Counsel, or do
25 you have a copy you can pass?



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1 MR. CREMER: I have a copy we can pass. Yes, I
2 do.

3 MR. MANISCALCO: And you want this part entered
4 into the record?

5 MR. CREMER: Yes. That one -- I wanted to --
6 it's been a while, but I wanted to address a couple
7 things that Mr. Pressman said. You know, Mr.
8 Pressman, I almost forgot that the Garden Club was
9 on Bayshore and the event venue was on Bayshore when
10 he was speaking. And if you look at their website,
11 really what they are pointing to is their views on
12 Bayshore of Bayshore. When you look at -- on the
13 left side of the screen, when you look at their
14 garden center, their event -- this is where they
15 have the weddings. The back -- in the background,
16 is the same synagogue that we're proposing to you
17 would be the buffer.

18 And, you know, let's be honest. Urban weddings
19 are not unusual, right? If you -- if you look at
20 Tampa Marriott on Waterside, Sarasota Ritz, these
21 are very dense, urban environments that are in a
22 wedding. They -- they're weddings in a hotel, and
23 they are at the bottom of the hotel. So any --
24 anyone can view those. This is not unusual. People
25 book these weddings all day long. And, you know,



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1 the surface parking lot next door, this is what --
2 this is -- this is what we are adjacent to. We are
3 adjacent to a dirt surface parking lot on one side.

4 This is a pretty intense use. Mr. Pressman's
5 presentation mentioned that they could have up to 1,500
6 people at a time. This is the adjacent use. This is an
7 intense urban use, and boy, those cars are parked
8 awfully close to the trees. This is what's on the other
9 side. This is what's on the other side of our proposed
10 development: The Altura tower. It's a very close
11 comparable. Look, we realize that change is hard. We
12 will absolutely commit -- at the Council's pleasure to
13 move this forward, we will commit to sitting down with
14 the Garden Club and seeing if we can come up with a way
15 to work together and give them a commitment on how we
16 can help them during the construction process. It's a
17 two-way street, but we will absolutely sit down with
18 them.

19 For this application, the law is very clear.
20 A case called Snyder said that, once we meet our burden,
21 the burden shifts to the opponents to show that our use
22 of our property is reasonable. They have not done that.
23 You cannot tell me that having our property as a parking
24 lot is reasonable when this is next door. Thank you.
25 Thank



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1 MR. MANISCALCO: You very much. Mr. Kramer.
2 Counsel Member Clendenin, has got a question for Mr.
3 Shelby.

4 MR. SHELBY: Yes. I have a question to inquire
5 of Mr. Cremer.

6 MR. CLENDENIN: Yes, sir.

7 MR. SHELBY: Mr. Cremer, early on, at the
8 beginning of this hearing, you provided for the
9 record and passed out to Counsel two conditions that
10 you were going to present. And it appears that you
11 referenced those two in your rebuttal, but you also
12 had a third one; is that correct?

13 MR. CREMER: Yes, that is correct.

14 MR. SHELBY: Okay. I just wanted be clear that
15 the Council does have the first two, and you have
16 agreed to then add that third one --

17 MR. CLENDENIN: The third --

18 MR. SHELBY: --about the height?

19 MR. CREMER: Yes, sir. The third -- I've
20 spoken to Ms. Wells, and we would have to work out
21 the language of that and come back for a second
22 briefing --

23 MR. SHELBY: Thank you.

24 MR. CREMER: -- of that third condition.

25 MR. MANISCALCO: Thank you very much. Counsel



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1 Member Clendenin, you had a --

2 MR. CLENDENIN: Yes, sir. Earlier, one of your
3 other presenters referred to a landscape plan.

4 Because I -- I've been wondering about the landscape
5 buffer between your -- this proposed property and
6 the adjacent properties. Only thing I found on your
7 -- present in your site plan was the tree
8 assessment, not necessarily a landscape plan.

9 MR. MANISCALCO: Yes, ma'am. Please state your
10 name.

11 MS. TRUHEKKY: Hi, I'm Kelsey Truhekky. I'm
12 the landscape architect. I work for the agency that
13 partners with David at 307 South 25th Ave,
14 Hollywood, Florida. And so I do believe that there
15 was a landscape plan prepared, and there was --
16 should have been submitted. And I do know that
17 natural resources are defined in it, yes.

18 MR. CLENDENIN: See, I'm not -- I'm actually
19 online on my --

20 MS. TRUHEKKY: And it's not?

21 MR. CLENDENIN: It's not there.

22 MS. TRUHEKKY: Okay. No problem, but --

23 MR. CLENDENIN: The landscape plan is not a
24 part here.

25 MS. WELLS: Absolutely.



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1 MR. CLENDENIN: Okay.

2 It's not here. But you have -- was your -- I
3 understand you're asking about the plan, but is --

4 Well, because I think it's -- I think it's --
5 an point important element is the buffer between
6 your construction project and the adjacent
7 properties. And I think -- I mean, some of that, I
8 think, you -- in fact, it's been referred to a
9 couple of times in the presentation about that. And
10 specifically you were -- a quote -- a quote was
11 entered a few moments ago referring to a landscape
12 plan. So it's just -- it's just been hanging out
13 there without documentation.

14 MR. MANISCALCO: We're -- we'll bring it up on
15 the overhead here. We can clean that up.

16 MS. TRUHEKKY: And I can speak to what we are
17 proposing as a buffer in-between our properties and
18 the adjacent property. You know, we --

19 MR. MANISCALCO: It's coming up. There we go.

20 MS. TRUHEKKY: During the last hearing, we did,
21 you know, bring in and change our plan in response
22 to a lot of the comments we've heard here, and
23 especially in regards to the Garden Club and
24 buffering our property from there. And so we have
25 proposed to keep the current tree buffer that they



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1 have in place, as well as provide brush and other
2 ground cover at a high level, and additionally, some
3 very large live oaks that would provide the visual
4 buffer in-between our property and theirs in
5 addition to the green wall we are proposing on the
6 outside of the structure.

7 MR. MANISCALCO: Can you state your name again?

8 MS. WELLS: Kelsey Truhecky.

9 MR. MANISCALCO: Thank you very much. All
10 right. Does that answer your question.

11 MR. CLENDENIN: I get that. I don't know if it
12 does or not. I see a lot of circles on the doc, but
13 it's not a lot explanation or a lot of -- a lot of
14 clarity of, like, what that's actually going to look
15 like and how -- and how it actually provides -- and
16 I see one of the City's staff.

17 May I -- may I have staff speak?

18 MS. MARY: All right. Erin Mary, Development
19 Coordination. So I can just point out -- so these
20 larger circles here are -- they're proposing 20 10-
21 inch caliber live oaks. So a normal replacement
22 tree is 2.5 inches in caliber. So these are five
23 times as large as that. In addition, you can see
24 they're here along the VUA buffer, along Ysabella,
25 and then along we offer between the garden club and



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1 the new building. And the project is providing 20-
2 foot setbacks from these trees, which is to
3 accommodate them, and they space out these Type 1
4 live oaks well so they can actually form a, you
5 know, Campbell Canopy.

6 MR. CLENDENIN: And is there a landscape plan
7 on the -- of the existing portion of the property
8 that's going to remain in the existing building?

9 MS. MARY: Did they put landscaping on the new
10 -- on the old portion?

11 MR. CLENDENIN: Yeah, any additional
12 landscaping going on in that area?

13 MS. MARY: Yes.

14 MR. CLENDENIN: On the right?

15 MS. MARY: They have additional new trees on
16 the existing portion as well.

17 MR. CLENDENIN: What about the buffer between
18 the Garden Club wedding venue and the temple to
19 smooth out that transition between the existing
20 building and new building?

21 MS. MARY: Nothing new is proposed along here,
22 except for the existing trees that exist.

23 MR. CLENDENIN: Thank you.

24 MR. MANISCALCO: All right. Thank you very
25 much. Anybody else? Yes, sir. Mr. Cremer?



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1 MR. CREMER: Yes, Your Honor. May we bring my
2 presentation back up? I think there's a slide that
3 may help address that -- one of Councilman
4 Clendenin's questions.

5 MR. MANISCALCO: Okay. Which slide?

6 MR. CREMER: It was the slide on the green
7 wall. Just so you can see some of the tree canopy.
8 I just wanted to show the existing tree canopy there
9 that would be observed. I was --

10 MR. SHELBY: Is that an actual photo of what
11 exists there now, or is that supplement? Is that --
12 is that supplemented?

13 MR. CREMER: It is supplemented only with the
14 proposed tower overlay onto the existing graphic.

15 MR. SHELBY: But the tree canopy is existing?

16 MR. CREMER: Yes, sir. The tree canopy is
17 existing, and I also just spoke to staff. The
18 landscaping plan is not normally attached to the PD
19 site plan, but we would be willing to attach the
20 plan we just showed you to the PD.

21 MR. MANISCALCO: Anybody else? If it's the
22 pleasure of Council, do you wish to close it here?

23 MS. WELLS: Motion to close. Oh.

24 MR. MANISCALCO: Wait, Miss, please state your
25 name.



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1 MS. DOCK: Yes. Lachone Dock, Development
2 Coordination. So just for the record, there are
3 four items to be amended on the revision sheet is
4 what I count so far. So that's the working with
5 public works on the construction of the sidewalk;
6 that is the outdoor amenity being limited to the --
7 to certain activities, and not having the outdoor
8 amenity deck include a pickleball court, et cetera;
9 and then the third item is to limit the height to
10 317 feet. The fourth item is to attach the
11 landscape plan in the PD site plan. And that will
12 be on the revised revision sheet in addition to the
13 revision sheet provided.

14 MR. MANISCALCO: And the report.

15 MS. WELLS: Thank you, Counsel.

16 MR. MANISCALCO: And --

17 MR. SHELBY: If I can -- Mr. Chairman, if I can
18 inquire of Mr. Cremer as to the fourth item to
19 attach the landscape plan to the site plan; would
20 you agree to that?

21 MR. CREMER: Yes, I did.

22 MR. SHELBY: Thank you.

23 MR. MANISCALCO: Thank you. Very good. So we
24 have four items that will be added. All right
25 Motion to close from Counsel Member Hurtak, second



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1 from Counsel Member Viera. All in favor?

2 COUNCIL MEMBERS: Aye.

3 MR. MANISCALCO: All right. The hearing is now
4 closed. What is the pleasure of Counsel?

5 MS. HURTAK: I just want to make comment. I
6 think I'm just going to start by saying no one is
7 owed a PD.

8 MS. HENDERSON: What'd you say?

9 MS. HURTAK: No one is owed a PD. No one -- no
10 one is owed a PD, and the future land use of this is
11 R35 for the entire block, which is eight stories.
12 And I'm not sure why a building can't be built in
13 eight stories to accomplish what they want to
14 accomplish. You don't have to have 5,000-square-
15 foot apartments. It is possible to do. People said
16 that it's unusual. It's -- it is an unusual piece.
17 This part of Bayshore is unusual. It has, and as
18 testimony showed, very specific uses that you don't
19 see along the rest of Bayshore. And I believe it is
20 inconsistent. So I just -- I'm not going to support
21 this, and this is a different Council than the
22 Stovall House Council, than the other whatever tower
23 things. We have to really think, as our future land
24 use, what we want this area to look like. We can --
25 we can define that, and we've heard from the



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1 community what they want it to look like. And I
2 think we can -- I think they can build something
3 within the eight stories. They have the right to do
4 that, but they don't have a right to a PD.

5 MR. MANISCALCO: Thank you very much. Council
6 Member Carlson.

7 MR. Carlson: Yeah. Just comments. I voted
8 against the Ritz-Carlton and for a lot of reasons. One
9 of them is that the building was 23 feet from the
10 building next to it.

11 And every time I drive by it, I am 100 percent
12 happy with that decision, even though some of the media
13 said, why was Counsel so stupid to vote -- why were some
14 Council members so stupid to vote against that?

15 And probably we'll get similar tomorrow, but
16 what we've got to do is stick to what the rules are. And
17 the rules are there to protect property owners. And
18 there are a lot of property owners around here who have
19 expectation, stability, and predictability in land use.
20 And so when somebody comes in and wants to change the
21 rules, then we look at it and we have to weigh the
22 competent, substantial evidence. There's stacks and
23 stacks of competent, substantial evidence in opposition
24 to this, and I don't think there's an entitlement to
25 this huge massing and scale and density, height.



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1 As my colleague said, a smaller project --
2 what that -- the proposer made a made a comment, like,
3 is it -- are you going to take away our right to do
4 anything and just make us have a parking lot?

5 No, and -- but as the public showed, it's
6 essentially the same building. It's only slightly
7 different. And I have to tell you from years of being
8 involved in projects like this in the past, I -- this is
9 the -- and since I've been on Council, I've never had
10 five hours of public feedback. This is the worst
11 relationship I've ever seen between the developer and
12 the public. I -- whatever happens, and I hope that
13 everybody goes back, because this is a huge amount of
14 investment time that's unnecessary if the public and
15 developers have a positive relationship.

16 Also, I -- I've been involved in the Jewish
17 community over the years. I've been involved in ROTA.
18 My son went to -- more than 20 years ago, went to JCC.
19 This is -- the -- none of this stuff about religion or
20 the use of the synagogue is competent, substantial
21 evidence, and in my opinion, we can't consider it in
22 that.

23 And so if anybody says, well, you voted for or
24 against this because you're in favor or against the
25 Jewish community, none of that is evidence, just like it



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1 wouldn't be anywhere else.

2 If -- we have to set that aside and just look
3 at the rules and the evidence. And I think, you know,
4 based on the height and scale and everything, I think
5 there's plenty of competent, substantial evidence that
6 we can go through. Well, whatever happens, I know the
7 developer has a great reputation, and I hope that this
8 relationship between the community and the developer
9 improves in the future, so we can approve your
10 investments in the future.

11 MR. MANISCALCO: Sir?

12 MR. CLENDENIN: Let me give some thoughts, and
13 I -- and I appreciate it. It's always -- and by the
14 way, if you need it, here's the clock at 3:05 a.m.

15 -- so pardon me for any mistakes, just respectfully.
16 I wanted -- and I know everybody on Counsel agrees
17 with this, but I really appreciate everybody being
18 here at 3:00 a.m. That -- that's -- I don't think
19 I've ever seen that at City Council in my six or
20 seven years, however long I've been on there.

21 I think it's important to talk about what this
22 case is about, and it is not about because when we
23 vote on something, I think there's certain things
24 that should be left off the table. One of them is
25 Related Group. Whether there's people who vote, we



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1 love them, there's people who vote, we don't love
2 them, that, to me, has no relevancy if not competent
3 substantial evidence in this case. The use of the
4 land, and like Councilman Carlson said that the
5 issue of faith and religious affiliation has no
6 bearing on this case. There were mentions -- a
7 couple on religious bias. Obviously, a very big
8 issue is anti-Semitism. I -- I've been very
9 outspoken on that issue, but it's not relevant in
10 the analysis here.

11 In my opinion, threats to move -- I don't want
12 to say threats. Again, 3:00 a.m. Statements that,
13 potentially, the synagogue may move if this doesn't
14 go forward, not relevant to this case. Taxes -- the
15 City of Tampa will probably pay more taxes if this
16 passes, to me, not relevant. You got to have
17 competent, substantial evidence. I always say that
18 you need -- if you're going to have a school, you
19 got to have a license to support a school, whether
20 you vote for something or against something. I
21 always say in making votes on land-use decisions,
22 I'm an attorney. I practiced law for, gosh, over 20
23 years. Sometimes I don't feel like a 20-year
24 lawyer, but I guess I am according to the Florida
25 Bar. And I voted no the first time this came



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1 through, and I was very outspoken on that because
2 there were too many waivers. It was a size 40 waist
3 in size 34 pants, and I was very outspoken. That
4 was a check that I felt I could write to the
5 community that wouldn't bounce in the future. And
6 what I mean by bounce, I mean, accountability from
7 our judicial system, the courts, because this
8 obviously doesn't end at City council.

9 Obviously, there's a lot of emotion here in the
10 room that there's -- when you get a project like
11 this, and especially in the crown jewel of Tampa,
12 Bayshore, there's going to be a lot of resistance.
13 The resistance was right the first hearing, and it
14 is justified and reasonable, I guess, if you will.
15 It's -- what's the word -- understandable is what
16 I'm looking at. You know, there have been a lot of
17 changes that have been made. All the waivers are
18 gone. We have a positive staff report. The main
19 issue in defining a consistency -- the main issue
20 for me is if the design by virtue of its massing of
21 the building is different than what's on Bayshore.
22 We have a planning commission report that seems to
23 say that there is no real point of distinction.
24 That's the main issue for me, which is, if there
25 were going to be a denial, it would be on that sole



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1 issue. But, you know, that's what I'm looking for on
2 this. You can probably tell in my remarks where I'm
3 leaning on this, but I just wanted to give my
4 thoughts at 3:10 a.m. Thank you.

5 MR. MANISCALCO: Councilor Miranda?

6 MR. MIRANDA: Thank you. I also voted -- the
7 first time. It came back within -- before the year,
8 and when you look at substantial change, what is it?
9 Is it going from 329 feet to 317 feet? Is that
10 substantial? Depends how you count. When you look
11 at the square footage of the -- of the building
12 275,028, the first time. Second time, 275,428. Is
13 there a difference? When you look at the highest
14 point of the -- between the first and the second,
15 seven feet. Is that substantial?

16 So before I go any further, there's over 100
17 testimonies, individuals that testified today, and
18 just that alone tells you that the people are
19 interested in one way or the other, and they came
20 out today to express their feelings on how they felt
21 on this one project. And these things are difficult.
22 They're not easy for the petitioner. They're not
23 for the neighborhood. They're not easy for the
24 elected officials. But we're the one that are
25 making this decision, and it is a very difficult



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1 one. They're not easy. Any zoning is not easy.

2 And I'll give you an example. Whichever way
3 that it goes today, 50 percent of you will be happy.
4 The other 50 percent of you will not be so happy.

5 But if the same 100 people come back tomorrow, those
6 that are a little on the happy side are more likely
7 to leave sad, and the ones that were sad are more
8 likely to leave happy. So it don't matter who you
9 are -- zoning is something that changes, not because
10 of what the people say, but what's on paper and
11 what's reality. And these are the things, I think,
12 that Councilman Viera was alluding to. In my
13 opinion, there's a minimal change between the first
14 and the second, not a substantial change.

15 If I do the numbers of what is 12 feet
16 mathematically between 329 and 317, you'd be
17 surprised it's only, as you well know, 3 percent or
18 so. And that's substantial? A size of a building
19 this high, of today's standard, if you look at the
20 size of a football field plus another 49 feet. The
21 size before was the size of a football field plus 56
22 feet. The naked eye can't even tell the difference.
23 The size of the -- of the field, if you look at a
24 baseball, diamond 356 and 349 are the alleys in the
25 right center and left center. (indiscernible.) So



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1 what I'm saying is, I see very little to no
2 difference or change, because the square footage is
3 the same. But you're telling us that in a field of
4 356 feet, 275,028 square feet fits into it. But in
5 the field of 349 feet, which is seven feet shorter,
6 the same 275,028 feet fit in. So is there any
7 substantial change in that? That's what tells me
8 the difference of between the 356 and the 349? It
9 is the same building, based on simple math. Thank
10 you, Mr. Chairman.

11 MR. MANISCALCO: Yes, sir. Yes, ma'am?

12 MS. HENDERSON: I feel weird saying good
13 morning. I have, in my head, just gone back and
14 forth on both sides of this issue. It really breaks
15 my heart to even have to be in a position to make a
16 decision on this, because it's really tough. I see
17 both sides of it. When it comes to there being some
18 relevancy in the project, you've worked hard to get
19 rid of waivers, and it's a beautiful building and
20 structure. I don't see a problem with it. It just
21 happens to sit in a spot on Bayshore that has all of
22 these folks in here, you know, fighting for it not
23 to be a project that we approve.

24 But at the same time, there is evidence on the
25 side where it could be built, and South Tampa just



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1 doesn't like it. Even if it was half the size, I
2 know that you-all would fill this room. You would
3 because you are consistent that way. And since the
4 time that I've been, you know, sitting up here, you
5 fight to not have South Tampa be -- because South
6 Tampa doesn't need anything else. And so it just is
7 a difficult decision for me because I like the
8 project and I want to support it, but there's also
9 an aspect where I understand, you know, why the
10 community is fighting, and it's the -- it's the
11 little things regarding the construction process,
12 and caring about the neighbors, and those kind of
13 concerns that, you know, are weighing on me as well.
14 Whatever my decision is today, I just want you --
15 you- all to know that it is -- that I understand
16 both sides of it, and I just, you know, wish that we
17 could do -- I wish we could make everybody happy
18 tonight, and I know that's not going to be the case.

19 MR. MANISCALCO: Mr. Shelby?

20 MR. SHELBY: Just -- counsel, and this is just
21 in general to bring you back to where you need to be
22 as a board, and I say this because it's 3:15 in the
23 morning, and it's a very difficult hearing in my
24 experiences and probably the longest, most difficult
25 hearing that I've experienced since I've been



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1 sitting in this seat. Yes, it's a very impactful
2 decision, so I don't know whether you need to take a
3 break? To take a drink? But what I'm suggesting to
4 you is that what I need you to do is, I need you to
5 concentrate on the tasks at hand. It's not a
6 balancing of issues. First of all, it is necessary,
7 and we've heard Councilman Viera talk about what are
8 relevant issues in this case. I would harken you
9 back to what he said. But as important, you have
10 heard testimony. Competence of substantial evidence
11 is not beyond a reasonable doubt. It is not clear
12 and convincing evidence. The Court has said that it
13 is substantial. Your determination, of course, it
14 would be reviewed by a Court, but based on evidence
15 that's been induced at a hearing, upon which you can
16 make your decision. It's not weighing things. It's
17 finding whether the criteria in the code have been
18 met.

19 And then what you do is, you look at the
20 evidence either in support or in opposition to the
21 provisions of the code, and you come to a decision,
22 and you come to a consensus, and you put that in a
23 form of a motion. That is your task at hand. If
24 you have findings of facts that you want to specify,
25 drawing upon which you make your decision, I suggest



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1 you put that into your motion, put that into the
2 record. It's not one person's motion, ultimately,
3 but a motion is made. If Council wants to add to it,
4 any council member can do so. So that's where I ask
5 that you focus your attention.

6 MR. MANISCALCO: Thank you very much. Having
7 said that -- council members, again, I'm looking at
8 this image here, and I see a separation of the
9 towers to the right here, separated by a road,
10 correct? I see on the left side where the proposed
11 tower is at, in terms of massing and scale, but also
12 how this is unique to other parts of Bayshore. And
13 when I say unique is you have the park next door.
14 You have the Garden Club structure. You have lower-
15 level -- you know, they're limited to just a few
16 stories. I see -- you know, it was mentioned many
17 times, R35 up to eight stories, medium density. This
18 is not medium density.

19 I think, again, as Bayshore has changed,
20 different parts of Bayshore are different, meaning
21 you have the -- like, south of Bay to Bay, you have
22 more the density and more of the high rises facing
23 the bay, but on this side you have what's left of
24 the green space, you know, the part that I mentioned
25 and whatnot. It's -- you know, in regards to the



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1 surrounding properties, the parcel in general, and
2 the size and mass of the structure, I just -- I
3 don't know. You know, that's -- see, the -- again,
4 the separation from the towers just to the right of
5 this image, it's different, separated by a street.
6 It's -- I don't know, so -- who's next?

7 (indiscernible) -- and Clendenin, and then Viera,
8 and then Hurtak.

9 MR. CLENDENIN: So you know, ever since I've
10 got on Counsel, everybody keeps telling me every
11 single one of these types of counsel meetings and
12 it's never been like this before, so obviously I'm
13 the problem.

14 Second of all -- that's it. I'm the problem.
15 It's me. So on these, I actually agree with staff
16 about the substantial change. I think one thing you
17 missed, Councilman Miranda, was the square footage
18 of the footprint of the building actually shrunk
19 substantially. So actually what was touching the
20 dirt was wrong. So I don't know how they did that.
21 I know they raised it. They got another level of
22 parking. And so somehow that -- also, the profile
23 of the building shifted dramatically south, so that
24 the space between the northern boundary and the
25 tower, I think it more than double, if I mean, more



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1 than doubled if I recall correctly. The -- and then
2 the 20-foot buffer between the properties.

3 I think it clearly -- the -- how they displayed
4 this as well clearly shows that this construction
5 project is really contained to the undeveloped
6 portion of the adjacent property to the north, and
7 so that the existing temple is status quo on the
8 Bayshore-facing sides of both of these properties.
9 It's not -- it's complete status quo.

10 It's interesting because we look at the -- we
11 had some testimony from the public about the Altura
12 property, and you look at the lack of step down. It
13 really goes vertical right off the property line,
14 and there's no buffer at all. I mean, it's just --
15 it's very dramatic when you look at that Altura --
16 the Altura property that -- I didn't approve it,
17 you-all did. But -- so I mean, that's really kind
18 of dramatic.

19 I -- and I think one of the things is
20 interesting, because the other day I was driving
21 down -- you know, you-all know that I lived here. I
22 was driving down, south on Bayshore and I was
23 looking at these properties, and I was trying to
24 kind of see what they did. I was really impressed
25 with a few of them, how they had some maybe -- at



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1 the bottom to step down, or they used architectural
2 detail to buffer so that you envisioned -- or, like,
3 some of them did the, you know, wedding cake so that
4 it kind of gave a little bit of that Disney effect
5 where you had the optical illusion that the building
6 disappeared. Only one, which I think we actually
7 had somebody from that building here, went almost
8 straight vertical. It was one of the newer
9 buildings. It was that I was but there may have
10 been others, one, and obviously Altura.

11 That being said, something that my fellow
12 councilperson said earlier when we first spoke about
13 the verdict -- and I've said -- and I've said this
14 many times is, you know, when you buy in these
15 neighborhoods, you buy based on, you know, some
16 semblance of predictability on zoning and use, and
17 that weighs heavy on my soul, because, you know, if
18 I -- if I was living on Barcelona or living on
19 Ysabella and one of you said, I knew that the
20 property across from me was, you know, zoned this
21 specific zoning, that that's my predictability. I
22 bought there knowing that this property was going to
23 be developed at this density. And that's a tough
24 hurdle for me to overcome.

25 I also -- and this is something that I can't



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1 take this in -- and I'll be honest with you. Other
2 than that, I didn't see a lot of competent,
3 substantial evidence that -- I heard a lot of wishes
4 and desires, and I understand the angst and the --
5 and the -- and the anger or the frustration from a
6 lot of the folks that talked tonight, but it didn't
7 really rise to that level of competent substantial
8 evidence that I think we need for this to be able to
9 be upheld -- relevant, I think it possibly does.

10 I will say, though, and this is not something
11 I'm considering in my -- in my thing, but somehow I
12 don't have a crystal ball. I suspect the folks of
13 you-all that -- especially with the Garden Club and
14 other folks, somewhere down the line, you-all are
15 going to look back and say, dang. I wish we'd have
16 bought off on this deal, because I'm so -- I'm so
17 careful that what's going to end up happening, this
18 is a big piece of property. You take the entire low
19 profile building of the synagogue and you develop
20 it. I just -- I just don't see it retaining its use
21 as a full piece of property was available, and I'm
22 afraid it's going to go vertical a lot closer to
23 Bayshore than we're seeing right now, and the impact
24 will be much more dramatic. So in the -- in the
25 essence of, be careful what you ask for or you might



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1 -- you might get it, but I am empathetic with those
2 folks.

3 Also, one last point to make for other folks
4 that needs to be discussed. The height, I don't
5 know anybody that can sit on Ysabella or Barcelona
6 and determine how high some of these buildings are,
7 or any place on -- I can't, and I live -- I live in
8 the proximity of this as well. I -- the height
9 doesn't bother me, and I don't think the height
10 actually has an impact on anybody. Once you get to
11 a certain height, I mean, it's just -- it's just
12 high. I mean, it's just -- you know, you don't
13 notice it. You don't notice the height. It's just
14 high. But I do think the predictability of the
15 zoning is something that weighs heavy on me.

16 MR. MANISCALCO: Councilman Viera, Councilman
17 Hurtak.

18 MR. VIERA: Thank you very much. And I wanted
19 to build on -- I wasn't going to mention this, about
20 something Councilman Clendenin said, was about the
21 change that there were very substantial changes
22 between what I voted against and what we're seeing
23 right now. I just want to say that, and -- because,
24 again, I -- how shall I say this? I have no
25 preconceived dog in this fight, so to speak, right?



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1 I'm just a -- I'll explain what I'm looking for, but
2 I think originally there were 57 units before it was
3 served before counsel. Went to 50. Now we're at
4 42. Remove several floors. It's just things I
5 wrote down. Number of waivers -- including the
6 trees, landscape buffer fence, et cetera. Real,
7 real, real, substantial change between what I voted
8 against and what we're looking at.

9 Now, again, my big issue that I'm looking at
10 here is that massing of the building, and any
11 competent substantial evidence that has been
12 produced that shows that there is a real distinction
13 on what is there. It's obviously a tough vote on
14 these type of things. One of the things that I
15 always look at is, again, that judicial
16 accountability, because if we say no to this, again,
17 I feel like in the first round we wrote a check that
18 would've bounced, right? There always is judicial
19 accountability in these type of things. You have to
20 look for competent substantial evidence -- that's
21 the big issue for me in a case like this. Just to
22 give my thoughts.

23 MR. MANISCALCO: Again, thank you.

24 Councilman Hurtak?

25 Wait. Miranda, did you want to speak?



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1 MR. MIRANDA: I mean, we haven't made a motion.
2 There's no motion for the Court.

3 MS. WELLS: (indiscernible.) I'm going to make
4 one.

5 MR. MIRANDA: Pardon me?

6 MS. WELLS: I'm going to make one.

7 MR. MIRANDA: -- Counsel Member.

8 MS. HURTAK: Okay. Thank you. Oh, thank you.
9 I'm going to move to deny REZ-24-06 for the property
10 located at 2713 Bayshore Boulevard due to use the
11 failure of the applicant to meet its burden of proof
12 to provide competent and substantial evidence of the
13 development as conditions have been shown on the
14 site plan is consistent with the comprehensive plan
15 and city code.

16 I'm going to focus first on the plan
17 development criteria, Section 27-136 and Subsection
18 Number 1. I find that it does not promote the
19 efficient and sustainable use of land and
20 infrastructure with careful consideration of
21 potential adverse impacts to onsite natural
22 elements, surrounding impacted neighborhood, and
23 cultural resources. And this, to me, is the big
24 one. Cultural resources on this block, on this area
25 that future land use of R35 clearly shows this is a



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1 cultural resource area of Bayshore Boulevard.

2 Number -- subsection Number 5, I find it will
3 not maximize the preservation of natural resources.

4 Subsection Number 6, it does not promote and
5 encourage development where appropriate in location,
6 character, and compatibility with the surrounding
7 impacted neighborhoods, built environment, and
8 existing geography.

9 Please stop talking. Thank you. Also, it does
10 not -- LU Policy 1.2.6; it does not encourage small
11 or -- LU Policy 1.2.6 encourages small and medium
12 scale development, particularly of unique design, to
13 enhance Tampa's urban character. This is a unique
14 part of Bayshore. LU Policy. 1.2 .20, design new
15 structures to create transitions in form between
16 adjacent or nearby buildings or open space, and this
17 is not a transition. It is a -- just plopping down
18 this giant -- it's not -- it's not a gentle
19 transition. And LU Policy 8.14.1, development shall
20 not exceed the densities and intensities as defined
21 by the land use plan categories. And that's the big
22 one for me. This is a future land use of R35. You
23 are welcome to build eight-story structure with as
24 much as you can fit in it. You have that right.
25 But you do not have the right to a PD, and this



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1 counsel, or at least I'm --my motion is that it is
2 not --it is --it is not appropriate for this
3 particular cultural area of Bayshore Boulevard.

4 MR. CLENDENIN: I'll second and add, Mr. Chair,
5 the --in the comprehensive plan, the vision map
6 indicates where citizens and planners believe
7 additional growth and higher density should occur
8 and where neighborhoods should remain unchanged and
9 stable. There are six levels of intensity to
10 indicate where development should be focused. South
11 Tampa and New Tampa are level one, meaning no
12 significant change outside of this area. Some of
13 the testimony that was presented was that we need
14 affordable housing and we need more housing, but
15 this is very expensive housing, and it's not in the
16 area where this --where the --where the
17 comprehensive plan wants us to grow. The
18 comprehensive plan wants us to grow in the USF area.
19 So if this was presented in the USF area, there
20 probably --it wouldn't be this kind of objection,
21 at least in the land use plan.

22 And it talks --the plan talks about South
23 Tampa characteristics like environmental qualities
24 that would be compromised by increased urbanization,
25 so that it specifically, the comprehensive plan



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1 talks about the downside of urbanization because of
2 the sensitive economic -- sorry, environmental
3 nature of South Tampa, limited access to
4 transportation facilities, which we talked about
5 before, limited opportunities to create more
6 community facilities.

7 And then Policy 1.1.8 talks about diverse
8 housing. Again, this is high-end housing, which
9 there's a lot of in that area already, so it's not
10 creating more diversity. And it says that South
11 Tampa districts while -- should maintain the
12 character of established residential neighborhoods.
13 We see that in the immediate district. One of the
14 -- one of the folks talked about adjacent and nearby
15 uses. If you look at a broad context, yes, there's
16 higher density in the -- in -- all the way to
17 downtown, but in the immediate area, this is a
18 cultural area, an environmental area, an area with
19 lower density, and the net of it is a lot smaller
20 than some of the other areas. Plus, there's a
21 single-family residential neighborhood adjacent to
22 it.

23 Land Use Policy 1.2.28 says, limit the use of
24 planned development district zoning petitions to
25 allow development consistent with future land use



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1 designation but otherwise not permitted in current
2 standard zoning district.

3 Land Use Objective 2.1, regulate the levels of
4 building intensity. This is providing massive
5 intensity, and I think if this comes back as an
6 eight-story building or smaller one that fits the
7 current medium density or R35, it would be probably
8 nearly impossible to turn it down. But again, this
9 is -- in terms of predictability of zoning land use,
10 this is changing the rules where people who invested
11 in property, commercial and residential, around it,
12 had an expectation that it would not be like this.

13 Land Use Policy 2.1.1 talked about compatible
14 -- it needs to be compatible with the surrounding
15 character, which it is not.

16 Land Use Policy 9.2.2, the impacts of
17 development projects on existing physical and social
18 framework and character of the affected areas should
19 be recognized. We just talked about how this
20 particular area of Bayshore is completely different
21 than the rest of Bayshore.

22 Land Use Objective 9.3 talks about how
23 development should be compatible. Land Use Policy
24 9.3.8 talks about how new residential development
25 projects shall be minimally disruptive to adjacent



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1 areas. We heard lots of testimony about how this
2 would be disruptive, and some other properties that
3 were approved before my time have been disruptive.

4 Then there's a Bayshore Boulevard Lane Use
5 Objective 20.4. It says, "Continue to recognize
6 Bayshore Boulevard as regional attractor and major
7 community asset. Continue to preserve and enhance
8 the balance of the natural and physical environments
9 along Bayshore Boulevard in a manner, which will
10 continue to provide the city's residents, regional
11 neighbors, and national, international visitors with
12 a unique environmental experience in the core of the
13 urban area." All -- a lot of the testimony showed
14 that that -- this would do the opposite.

15 We also talked -- definitely talked about the
16 coastal high hazard area, and it -- and the CM
17 Objective 1.1 says direct future population
18 concentrated away from the coastal high hazard area.
19 All -- pretty much all the Peninsula of South Tampa
20 is in the coastal high hazard area, and the impact
21 of that is that people cannot easily get out of
22 there during hurricanes and other kinds of storms,
23 so that this objective 1.1 says no net increased
24 overall residential density within the CHHA.

25 CM Objective 1.7 talks about the lack of



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1 transportation and evacuation planning. CM Policy.
2 1.7.2 says that we need to ensure priority is placed
3 on maintaining the capacity of highways that are
4 designated regional evacuation routes. These routes
5 are over capacity, and we are due to hereby be
6 adding a lot more density. There was a lot more
7 that was presented on the record. That just adds
8 more to this motion.

9 MS. HURTAK: I will accept your amendment.

10 MR. CLENDENIN: Thank you.

11 MR. MANISCALCO: We have a motion from Counsel
12 Member Hurtak. We have a second from Counsel Member
13 Carlson with accepted amendments by the maker of the
14 motion. Let's have a roll call vote.

15 UNIDENTIFIED SPEAKER: Miranda?

16 MR. MIRANDA: Yes.

17 UNIDENTIFIED SPEAKER: Carlson?

18 MR. CARLSON: Yes.

19 UNIDENTIFIED SPEAKER: Hurtak?

20 MS. HURTAK: Yes.

21 UNIDENTIFIED SPEAKER: Clendenin?

22 MR. CLENDENIN: Yes.

23 UNIDENTIFIED SPEAKER: Henderson?

24 MS. HENDERSON: No.

25 UNIDENTIFIED SPEAKER: Viera?



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1 MR. VIERA: No.

2 UNIDENTIFIED SPEAKER: Maniscalco?

3 MR. MANISCALCO: Yes.

4 UNIDENTIFIED SPEAKER: Motion to Deny carried
5 with Henderson, Viera voting no.

6 MR. MANISCALCO: Thank you very much.

7 MS. WELLS: There's still one more, Counsel.

8 MR. MANISCALCO: We're not done yet.

9 MS. JOHNSON: Rebecca Johnson. Department
10 Item --

11 MR. MANISCALCO: I'm sorry. I can't -- I can't
12 hear you. Yes, ma'am?

13 MS. JOHNSON: Rebecca Johnson. Department Item
14 Number 9 can be withdrawn because it can't be heard.

15 MR. MANISCALCO: May I have a motion to
16 withdraw Item Number 9?

17 MR. SHELBY: Uh-huh. All in favor?

18 UNIDENTIFIED SPEAKER: Aye. (indiscernible.)
19 Mr. Shelby --

20 MR. SHELBY: Just a caution to senior counsel
21 that there is a 30-day appear period and to remain
22 mindful of not being able to discuss this to the
23 press or public during that period and sometime
24 thereafter.

25 MR. MANISCALCO: Thank you very much, Mr.



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Shelby.

MR. CLENDENIN: As you exit the room, please be quiet. We are still conducting business.

MR. MANISCALCO: And when you get outside, be quiet until you get down to the next floor, please.

(COUNCIL MEETING CONCLUDED AT 03:37 A.M ET)



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C E R T I F I C A T E

STATE OF FLORIDA)
COUNTY OF ORANGE)

I, LAURYN ROMERO, Court Reporter and Notary Public
for the State of Florida at Large, do hereby certify
that I was authorized to and did report the foregoing
proceeding, and that said transcript is a true record of
the said proceeding.

I FURTHER CERTIFY that I am not of counsel for,
related to, or employed by any of the parties or
attorneys involved herein, nor am I financially
interested in said action.

Submitted on: March 5, 2024.



LAURYN ROMERO
Court Reporter, Notary Public



Exhibit E



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[Agenda](#)

[Summary](#)

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*The Tampa City Council
Tampa City Council Chambers
City Hall
315 E. Kennedy Blvd, Third Floor
Tampa, Florida 33602*

PROPOSED EVENING ACTION SUMMARY/MINUTES

DATE: 05/11/2023

TIME: 5:01 P.M.

The City Council of the City of Tampa, Florida convened in an evening session at 5:07 p.m. on this the 11th day of May, 2023 with Guido Maniscalco, Chair, presiding. Members present upon roll call were: Henderson, Miranda, Viera, Hurtak, Clendenin and Maniscalco constituting a quorum. Carlson being absent.

Martin Shelby, Council Attorney, was in attendance.

The minutes were recorded and prepared by Denise Brown, City Clerk Support Technician/Office of the City Clerk, recording secretary for these proceedings.

Motion: (Viera-Miranda) That Council moves to open all public hearings. Motion carried unanimously with Carlson being absent.

5:01 P.M. – PUBLIC HEARINGS - (ITEM 1) - (Non-Quasi-judicial proceedings)

1. File No. TA/CPA 22-28

[\(Ordinance being presented for first reading consideration\)](#) - An Ordinance amending the Imagine 2040: Tampa Comprehensive Plan, Future Land Use Element, Future Land Use Map, for the property located at folio numbers 189779.0000, 189778.0000, 189777.0100, 189777.0000, 189774.0000, 189775.0000, 189776.0000, 189780.0000, 189864.0000, 189863.0100, 189863.0000, 189862.0000, 189864.0100, 189865.0000, 189866.0000, 189870.0100, 189872.0100, 189872.0000, 189871.0000, 190093.0000, 190087.0100, 189598.0000 and 189577.0020, from General Mixed Use-24 (GMU-24), Light Industrial (LI) and Heavy Industrial (HI) to Community Mixed Use-35 (CMU-35) and Urban Mixed Use-60 (UMU-60); Providing for repeal of all ordinances in conflict; Providing for severability; Providing an effective date. (Continued from March 23, 2023)

LaChone Dock, Zoning Supervisor, approached and requested that said public hearing be continued at the request of the applicant's representative.

Motion: (Viera-Miranda) That said public hearing be continued to [July 20, 2023 at 5:01 p.m.](#), per the email request of Alex Schaler, applicant's representative. Motion carried unanimously with Carlson being absent.

Email from Alex Schaler, applicant's representative, requesting that said public hearing be continued to July 20, 2023.

Motion: (Henderson-Miranda) That said email, be received and filed. Motion carried unanimously with Carlson being absent.

5:01 P.M. – PUBLIC HEARINGS - (ITEMS 2 THROUGH 8) – (Quasi-judicial proceedings require witness to be sworn in prior to testifying pursuant to Resolution No. 2004-667)

2. File No. REZ-22-76

Public Hearing on application of John Lum requesting to rezone property generally located at 2406 West North B Street from RM-16 (Residential Multiple-Family-16) to PD (Planned Development; Residential Single-Family Attached).

LaChone Dock, Zoning Supervisor, approached and requested that said public hearing be continued at the request of the applicant's representative.

Stephen Michelini, applicant's representative, approached and requested that said public hearing be continued.

The following individuals appeared before Council to make comment:

- Sandy Sanchez
- Stephanie Poynor

(Ordinance being presented for first reading consideration) - An Ordinance rezoning property in the general vicinity of 2406 West North B Street, in the City of Tampa, Florida, and more particularly described in Section 1, from zoning district classification(s) RM-16 (Residential, Multi-Family) to PD (Planned Development, Residential, Single-Family Attached); providing an effective date.

Motion: (Viera-Clendenin) That said public hearing be continued to August 17, 2023 at 5:01 p.m., per the verbal request of Stephen Michelini, applicant's representative; further, that Council waives the 180 days rule, and applicant be requested to re-notice. Motion carried unanimously with Carlson being absent.

Resolution approving a Bonus Provision Agreement (BPA) between Livistona Properties II, LP and the City of Tampa, in relation to REZ-22-76 for the property located at 2406 West North B Street; authorizing the execution thereof by the Mayor of the City of Tampa; providing an effective date **(Said resolution to be adopted after second reading and adoption of the ordinance)**.

5:01 P.M. – PUBLIC HEARINGS continued - (ITEMS 2 THROUGH 8) – (Quasi-judicial proceedings require witness to be sworn in prior to testifying pursuant to Resolution No. 2004-667)

3. File No. REZ-22-93

Public Hearing on application of Eric Fordin requesting to rezone property generally located at 2713 Bayshore Boulevard from RM-16 to PD (Church & Residential Multiple-Family).

LaChone Dock, Zoning Supervisor, approached and presented on behalf of the City.

Danny Collins, Planning Commission, approached and presented staff report.

Erin Maehr, Forester Examiner, approached and presented on said public hearing; and Jonathan Scott, Engineer III, appeared and answered questions by Council.

Applicant's representatives, Julia Mandell, Lloyd Stern and Ricky Peterika, approached and presented on said public hearing. Eric Fordin, applicant, approached and presented on said public hearing.

The following individuals appeared before Council to make comment:

- Todd Pressman
- Jane Graham
- Angela Weck
- Elizabeth Johnson
- Keenan Poole
- Dana Jasper
- Paula Perry
- Pamela Carpenter
- Haley Sasser
- Michele Valerio
- Kitty Wallace
- Courtney Humas
- Dr. Arkin Karakas
- Craig Newman
- Dr. Marcy Baker
- Laura Morwitz
- Jim Baker
- Warren Harris
- Patrick Cimino
- Paula Meckley
- Vance Smith
- Jonathan Moore
- Jack Ross

- Elisha Fishel
- Horasa Corecia

Item 3 – File No.REZ-22-93 continued:

- Ralph Markakis
- Jonathan Tannen
- Steven Silverman
- Steven Haubenstark
- Andrew Titan
- Bethann Carmaco
- Francine Levine
- Michael Meckley
- Bo Allen
- Laura Chrysler
- Pamela Jackson Haney
- Bob Whitmore
- Carroll Ann Bennett
- Lorraine Parrino
- Stephanie Poynor

Motion: (Hurtak-Viera) That said public hearing be closed. Motion carried unanimously with Carlson being absent.

(Ordinance being presented for first reading consideration) - An Ordinance rezoning property in the general vicinity of 2713 Bayshore Boulevard, in the City of Tampa, Florida, and more particularly described in Section 1, from zoning district classification(s) PD (Planned Development) to PD (Planned Development, Place of Religious Assembly and Residential, Multi-Family);providing an effective date.

Motion: (Hurtak-Clendenin) That Council moves to deny said petition due to the failure of the applicant to meet its burden of proof to provide competent and substantial evidence that the development, as shown on the site plan, is consistent with the Comprehensive Plan and City Code; further, it is not compatible with the surrounding neighborhoods with the amount they are requesting the increased density from 43 to 50. In addition, issues with the waivers, such as; reduction in the required vehicular use area, landscape buffer from 8 feet to 2 feet along Isabella and providing the alternative buffer within the right-of-way which is city property; further, concerned about the reduction Section 27-284.3.1 to reduce the 50% of tree retention on a non-wooded lot over one acre to 20%; further, concerned about the waiver Section 27-284.2.5 to remove three non-hazardous grand live oaks as shown on the two reasonable reconfiguration design alternatives, needs alternative way to save two of them; further, that Section 27-136, does not promote the efficient and sustainable use of land and infrastructure because it doesn't carefully consider the surrounding impacted neighborhood and the cultural resources in the area and doesn't encourage compatibility and overall site design and scale and that it doesn't maximize the preservation of natural resources that promotes and encourages and development where appropriate in location, character, and compatibility with the surrounding impacted neighborhood, environment and existing geography; further, finds that the waiver do substantially interfere with or injure the rights of others whose property would be affected by allowance of the waivers in Section 27-139(4), which are not in harmony to serve the general intent and purpose of applicable City of Tampa Land Development Regulations and the Tampa Comprehensive Plan. Motion carried unanimously by voice roll call vote of 6-0, with Carlson being absent.

Item 3 – File No.REZ-22-93 continued:

Resolution approving a Bonus Provision Agreement (BPA) between Congregation Rodeph Sholom, Inc., PRH 2713 Bayshore Aquisition, LLC and the City of Tampa, in relation to REZ-22-93 for the property located at 2713 Bayshore Boulevard; authorizing the execution thereof by the Mayor of the City of Tampa; providing an effective date.

Email from LaChone Dock, Zoning Supervisor, transmitting an updated staff report for said public hearing.

Motion: (Henderson-Miranda) That said staff report, be received and filed. Motion carried unanimously with Carlson being absent.

Motion: (Henderson-Miranda) That the PowerPoint presentation submitted by Pamela Carpenter, be received and filed. Motion carried unanimously with Carlson being absent.

Motion: (Henderson-Miranda) That the PowerPoint presentation submitted by Julia Mandell, applicant's representative, be received and filed. Motion carried unanimously with Carlson being absent.

Motion: (Henderson-Miranda) That the written comments submitted in opposition/support, be received and filed. Motion carried unanimously with Carlson being absent.

4. REZ-23-18 (Ord. approved on 1st reading – Carlson absent)

Public Hearing on application of Tyler Hudson requesting to rezone property generally located at 114, 110, 108, 106 W. Columbus Drive; 2510, 2500 N. Tampa Street; 101, 103 W. Amelia Avenue from CG and RM-24 to PD (Residential Multi-Family, Storefront Residential (Commercial/Office) Uses).

LaChone Dock, Zoning Supervisor, approached and presented on behalf of the City.

Danny Collins, Planning Commission, approached and presented staff report.

Erin Maehr, Forester Examiner, approached and answered questions.

Applicant's representatives, Tyler Hudson, Alex Schaler and Ricky Peterika, approached and presented on said public hearing. Greg Roth, applicant, approached and presented on said public hearing.

The following individuals appeared before Council to make comment:

- Camilo Soto
- Rubin Bryant

Motion:(Clendenin-Viera) That said public hearing be closed. Motion carried unanimously with Carlson being absent.

Item 4 – File No.REZ-23-18 continued:

(Ordinance being presented for first reading consideration) - An Ordinance rezoning property in the general vicinity of 2500 and 2510 North Tampa Street, 106, 108, 110 and 114 West Columbus Drive and 101 and 103 West Amelia Avenue, in the City of Tampa, Florida, and more particularly described in Section 1, from zoning district classification(s) RM-24 (Residential, Multi-Family) and CG (Commercial General) to PD (Planned Development, Storefront Residential and Commercial General Uses); providing an effective date.

Motion: (Clendenin-Viera) That said ordinance be approved on first reading by title only and published; further, that the proposed development is consistent with the anticipated intensity of the CMU-35 and UMC-60 future land use designations and will provide new housing on vacant and underutilized land to ensure that an adequate supply of housing is available to meet the needs of Tampa's present and future populations consistent with Housing Policies 1.3.1 and 1.3.4 and Infrastructure Policy 1.1.17 and 1.1.18 with Land Development Code, Section 27-136 with proposed development, as shown on the site plan, promotes or encourages development that is appropriate in location, character, and compatibility with the surrounding neighborhood, also the proposed use promotes the efficient and sustainable use of land and infrastructure; further, the design of the proposed development is unique and therefore in need of waivers, by the requested waivers will not substantially interfere with or injure the rights of others whose property would be affected by the waivers to include the revision sheet. The title of said ordinance was read in full. Motion carried unanimously by voice roll call vote of 6-0 with Carlson being absent. **(Second reading and adoption to be held on June 1, 2023 at 9:30 a.m.)**

Resolution approving a Bonus Provision Agreement (BPA) between Cura Gustavo Elias, Cura Yemille Life Estate, Nieto Michelle, Cura Leanne Klendworth, Tampa Heights MU I, LLC and the City of Tampa, in relation to REZ-23-18 for the property located at 2500 and 2510 North Tampa Street, 106,108,110 and 114 West Columbus Drive and 101 and 103 West Amelia Avenue; authorizing the execution thereof by the Mayor of the City of Tampa; providing an effective date. **(Said resolution to be adopted after second reading and adoption of the ordinance)**

Motion: (Maniscalco-Miranda) That the revised revision sheet submitted by LaChone Dock, Zoning Supervisor, be received and filed. Motion carried unanimously with Carlson being absent.

Motion: (Henderson-Miranda) That the written comments submitted in opposition/support, be received and filed. Motion carried unanimously with Carlson being absent.

5. File No. REZ-23-25

Public Hearing on application of John Hotchkiss requesting to rezone property generally located at 10 Ladoga Avenue from RS-75 (Residential Single-Family-75) to PD (Planned Development; Single-Family Detached).

LaChone Dock, Zoning Supervisor, approached and presented on behalf of the City.

Danny Collins, Planning Commission, approached and presented staff report.

Rebecca Kert, applicant's representative, approached and presented on said public hearing. John Hotchkiss and Karin Hotchkiss, applicants, approached and presented on said public hearing.

The following individuals appeared before Council to make comment:

- Sterling McLemore
- Michael Pelori
- Rob Nation
- Christie Nation
- Vincent Pelori
- Cynthia Holloway
- Evan Reubinson
- Bob Aberger
- Harry Hedges
- Arielle Milligan-remote

Motion: (Clendenin-Viera) That said public hearing be closed. Motion carried unanimously with Carlson being absent.

[\(Ordinance being presented for first reading consideration\)](#) - An Ordinance rezoning property in the general vicinity of 10 Ladoga Avenue, in the City of Tampa, Florida, and more particularly described in Section 1, from zoning district classification(s) RS-75 (Residential, Single-Family) to PD (Planned Development, Residential, Single-Family Detached); providing an effective date.

Item 5 – File No.REZ-23-25 continued:

Motion: (Hurtak-Henderson) That Council moves to deny said petition due to the failure of the applicant to meet its burden of proof to provide competent and substantial evidence that the development, as conditioned and shown on the site plan, is consistent with the Comprehensive Plan and City Code; further, while the proposed rezoning may be allowed for consideration under the existing future land use category and the Planning Commission staff concluded that the proposed rezoning is consistent with the development pattern anticipated under Residential-6 future land use category, in that the proposed rezoning is not compatible with the existing and predominant pattern of development categorized by residential lots that equal or exceed 75 feet width; further, as noted in the staff report, 76% of the zoning lots within the area of analysis have been developed with a width of 75 ft or greater. And the existing development pattern within the subject block, establishes that 74% of the lots are developed with a width of 75 ft or greater. This percentage increases to 78% when you study

the development pattern on the subject block face (the north side of Ladoga Avenue) with the Land Development Code, Section 27-136. Motion carried unanimously by voice roll call vote of 6-0, with Carlson being absent.

Motion: (Maniscalco-Miranda) That the rezoning sheet submitted by LaChone Dock, Zoning Supervisor, be received and filed. Motion carried unanimously with Carlson being absent.

Motion: (Henderson-Miranda) That the written comments submitted in opposition/support, be received and filed. Motion carried unanimously with Carlson being absent.

6. File No. REZ-23-26 (Ord. approved on 1st reading – Carlson absent)

Public Hearing on application of Ronald N. Hardin And Kathryn D. Valdes/trustees requesting to rezone property generally located at 1236 Channelside Drive from CD-2 (Channel District-2) to CD-2 (Channel District-2; Residential Multiple-Family, Storefront Residential (Commercial/Office) and Hotel Uses).

LaChone Dock, Zoning Supervisor, approached and presented on behalf of the City.

Danny Collins, Planning Commission, approached and presented staff report.

Alex Schaler, applicant's representative, approached and presented on said public hearing.

Motion: (Henderson-Viera) That said public hearing be closed. Motion carried unanimously with Carlson being absent.

(Ordinance being presented for first reading consideration) - An Ordinance rezoning property in the general vicinity of 1236 Channelside Drive, in the City of Tampa, Florida, and more particularly described in Section 1, from zoning district classification(s) CD-2 (Channel District-2) to CD-2 (Channel District-2, Storefront Residential, Commercial General Uses and Hotel); providing an effective date.

Item 6 – File No. REZ-23-26 continued:

Motion: (Viera-Clendenin) That said ordinance be approved on first reading by title only and published; further, with the revised square footage which is in compliance with applicable Goals, Objectives and Policies in the Comprehensive Plan; further, is in compliance with the Land Development Code, Section 27-136 and amendment. (Second reading and adoption to be held on June 1, 2023 at 9:30 a.m.)

Resolution approving a Bonus Provision Agreement (BPA) between Valdes Kathryn D Trustee, Vela Channelside, LLC and the City of Tampa, in relation to REZ-23-26 for the property located at 1236 Channelside Drive; authorizing the execution thereof by the Mayor of the City of Tampa; providing an effective date. **(Said resolution to be adopted after second reading and adoption of the ordinance)**

Motion: (Henderson-Miranda) That the written comments submitted in opposition/support, be received and filed. Motion carried unanimously with Carlson being absent.

7. File No. REZ-23-33 (Ord. approved on 1st reading – Carlson absent)

Public Hearing on application of Joseph Gibbons requesting to rezone property generally located at 1509 North Morgan Street from RM-24 (Residential Multiple-Family-24) to PD (Planned Development; Residential Single-Family Semi-Detached).

LaChone Dock, Zoning Supervisor, approached and presented on behalf of the City.

Danny Collins, Planning Commission, approached and presented staff report.

Joseph Gibbons, applicant, approached and presented on said public hearing.

Motion: (Clendenin-Miranda) That said public hearing be closed. Motion carried unanimously with Carlson being absent.

(Ordinance being presented for first reading consideration) - An Ordinance rezoning property in the general vicinity of 1509 North Morgan Street, in the City of Tampa, Florida, and more particularly described in Section 1, from zoning district classification(s) RM-24 (Residential, Multi-Family) to PD (Planned Development, Residential, Single-Family Semi-Detached); providing and effective date.

Motion: (Miranda-Hurtak) That said ordinance be approved on first reading by title only and published; further, that the rezoning is in compliance to allow better utilization of land considered with a density application and revision sheet. (Second reading and adoption to be held on June 1, 2023 at 9:30 a.m.)

8. File No. REZ-23-13 (Not heard; Mis-noticed)

Public Hearing on application of Maria Cury-Sanchez requesting to rezone property generally located at 5825 & 5827 East Columbus Drive from CI (Commercial-Intensive) to IG (Industrial-General).

LaChone Dock, Zoning Supervisor, approached and requested that said public hearing be removed from the agenda.

Motion: (Viera-Clendenin) That said public hearing to be removed from agenda per the verbal request of LaChone Dock, Zoning Supervisor. Motion carried unanimously with Carlson being absent.

INFORMATION REPORTS AND NEW BUSINESS BY COUNCIL MEMBERS

9. File No. E2023-48 – RESOLUTION NO. 2023-465

Resolution recognizing and affirming the value of National Stuttering Awareness Week and urging citizens to promote understanding and tolerance for all; providing an effective date.

Motion: (Viera-Hurtak) That Council adopts said resolution. Motion carried unanimously with Carlson being absent.

10. File No. E2023-48

Motion: (Clendenin-Miranda) That Council be requested to present a commendation Cathy Bartolotti for her contribution to the City of Tampa for her service as an officer for Las Damas del Centro Asturiano; further, that said commendation be presented offsite in June. Motion carried unanimously with Carlson being absent.

11. File No. CM23-81793

Motion: (Viera-Hurtak) That Staff be requested to have a plan of action on feasibility areas where there are Low Income Low Access (LILA) locations including East Tampa and Sulphur Springs, to include looking at existing and proposed and future developments that could include grocery stores within these areas; further, that said written report be provided on October 19, 2023 under Staff Reports and Unfinished Business. Motion carried unanimously with Carlson being absent.

12. File No. CM23-81794

Motion: (Viera-Clendenin) That Staff be requested to appear on July 13, 2023 under Staff Reports and Unfinished Business, to report on the possibility of making Ahmdabad, India one of the City of Tampa Sister Cities. Motion carried unanimously with Carlson being absent.

MOTION TO RECEIVE AND FILE ALL DOCUMENTS

13. Motion: (Henderson-Miranda) That the speaker sign-in sheets presented by Chair Maniscalco, be received and filed. Motion carried unanimously with Carlson being absent.

ADJOURNMENT

There being no further business to come before the Council at this time, Chair Maniscalco adjourned said meeting at 12:33 a.m. on this the 12th day of May 2023.

CHAIR, CITY COUNCIL

CITY CLERK

DISCLAIMER

Any person who decides to appeal any decision of the City Council with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose, may need to

hire a court reporter to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Office of the City Clerk does not prepare verbatim transcripts of the proceedings of the City Council.

Upon request, a DVD of the actual proceeding is available from the Office of Cable Communication for a fee. Their telephone number is (813) 274-8217.

Video recordings of a limited number of more recent City Council Meetings may be viewed under the Quick Link for "Meetings on Demand" on City Council's webpage at: <https://www.tampa.gov/city-council>. The closed captioning transcripts for the hearing impaired are also available on the same webpage, under the Quick Link for "Meeting Transcripts."



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Exhibit F

2713 BAYSHORE BLVD
PD REZONING
(REZ-24-6)

City of Tampa
City Council
February 8, 2024



EXPERIENCED APPLICANT TEAM

DEVELOPMENT
FIRM



PROPERTY OWNER



LEGAL &
LAND PLANNING



CIVIL ENGINEERING



ARBORIST



ARCHITECTS



LANDSCAPE ARCHITECTS



TRANSPORTATION
ENGINEER



The Project

- **Mixed use**
- **Retains Religious Place of Assembly – Rodeph Sholom Synagogue**
- **Co-located with 42 condo units**
 - Exceeds LDC standards
 - No new waivers whatsoever
 - Removes one existing waiver (fully parked)
 - Offsite mobility improvements
 - Fred Ball Park improvements
 - Height deed restriction





Large White Sculpture Of A Menorah (7-Branded Candelabra)
 ... perches atop new Rodoph Sholom Synagogue at Barcelona and Bayshore

It Dominates

Striking Rodoph Sholom Synagogue to be ready for Yom Kippur

By ELAINE LANE
 Tribune Staff Writer

Modern interpretations of ancient Jewish symbols decorate the arrow-shaped Rodoph Sholom synagogue nearing completion at 2713 Bayshore Blvd.

The striking white building by architects Ranon, McIntish, Bernardo and Rados is getting finishing touches coincidentally with celebration next Monday of Yom Kippur, the day of Atonement — Most solemn of the high holidays on the Jewish calendar. Monday's all-day services will be held in the new structure.

THE OUTSTANDING architectural aspect for drivers along the Bayshore is a massive cement Menorah "crown" surrounding the building and visible from all directions. The Menorah, a seven-branched candelabra, symbolizing the seven days of creation. Cast in quadrants, it was designed by Prof. Wiley Tillman of the University of Florida's architecture department.

Tillman did all of the ornamental symbolic sculpture including a metal abstraction of a human hand which hangs in the sanctuary to hold the eternal light. The light burns continuously to represent the light which burned in the wilderness and in the tabernacles of Jerusalem.

The doors of the ark (pulpit cabinet which houses the Torah, the sacred scrolls of the law) have handles by Tillman which are a free form in metal incorporating a Shin, the first letter of Shaddai, God's name.

THE SANCTUARY, which can seat 1,000, is divided across the back by sound resistant folding doors, providing a chapel and meeting room adjacent to the kitchen. Eight religious training school rooms are a particularly pride of Rabbi Stanley Kazan, because they are spacious, each with a view of the



Handles On Doors Of Ark

... sculptured in metal by Wiley Tillman. Prof. Don Halperin at University of Florida designed the beams (pulpit).

outdoors, and each designed for multi-purpose use. Offices, studies and a library complete the facilities of the half million dollar project, which was built by Ranon and Jirnsed, Inc.

—Staff Photos by Bill Lanneck

New Synagogue Construction Started Here

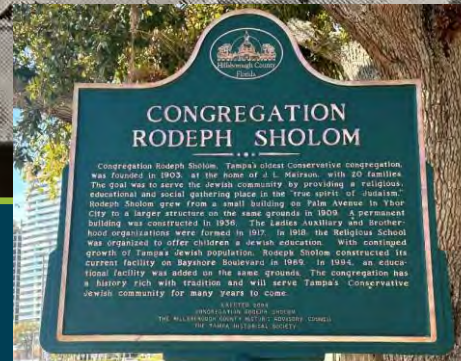
The \$400,000 construction project of the new Rodoph Sholom Synagogue is under way on Bayshore Boulevard near Barcelona Street, formerly the site of the Chicken Basket Restaurant.

Groundbreaking ceremonies conducted by Eugene Eisen, chairman of the building committee, were held earlier this month.

The synagogue is expected to be ready for occupancy next April.

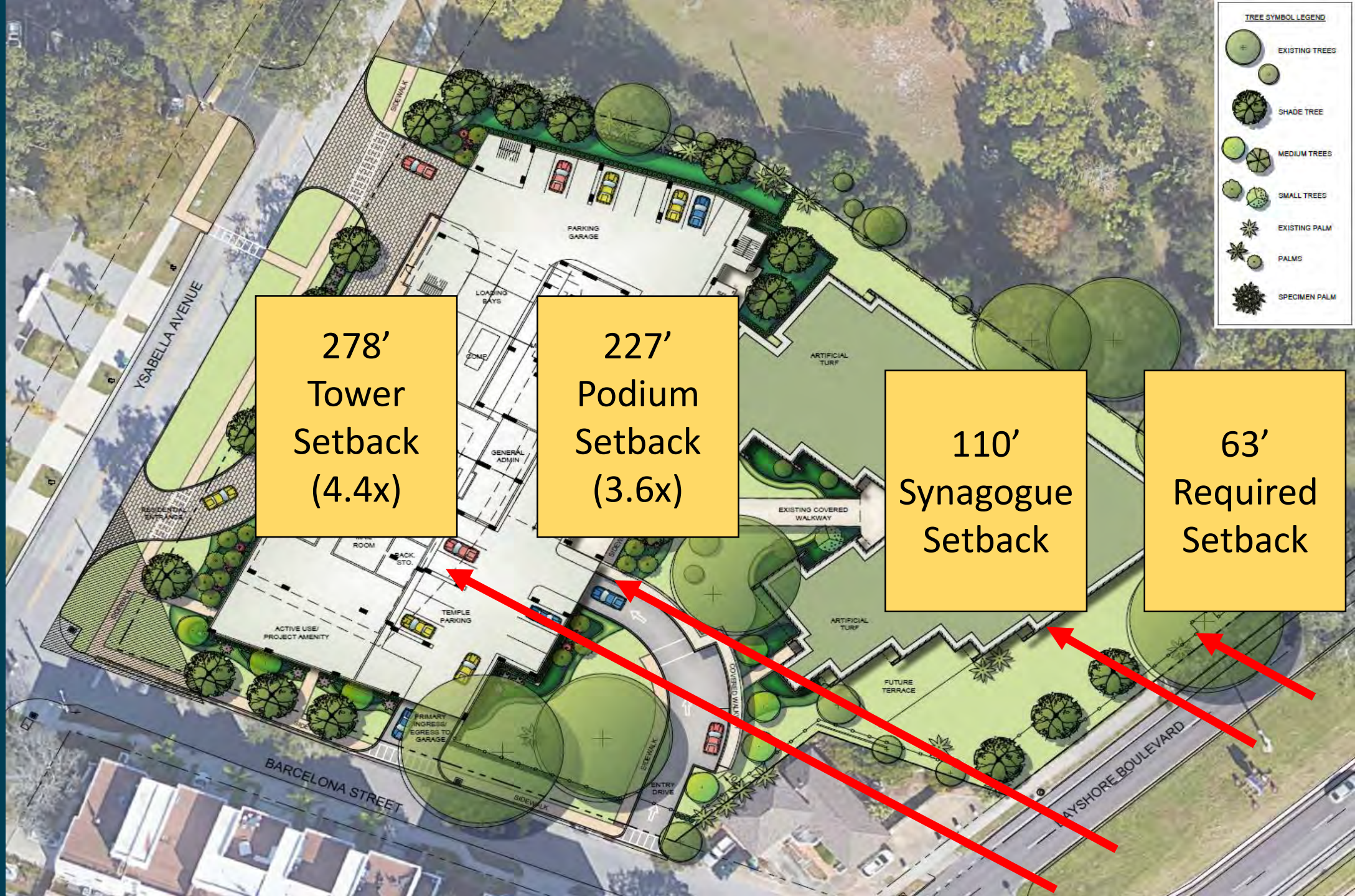
The big Bayshore Presbyterian Apartment complex is under construction in the background.

Photo by Morris
 of SELBYPIC



History of Rodeph Sholom

Unique Opportunity



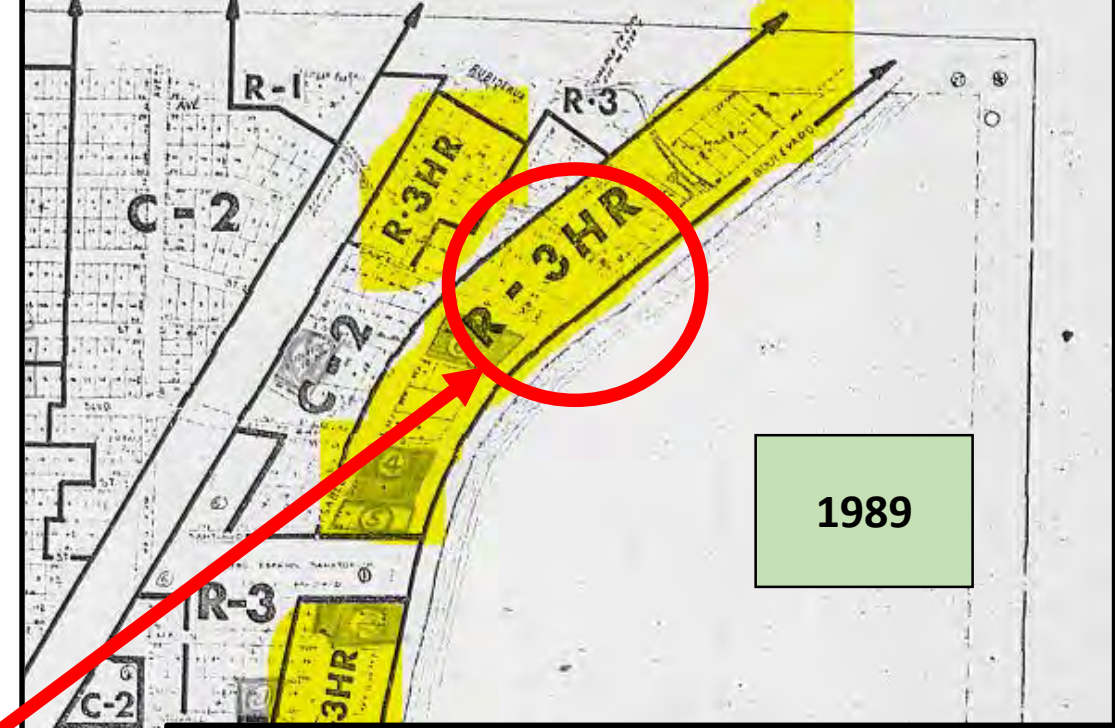
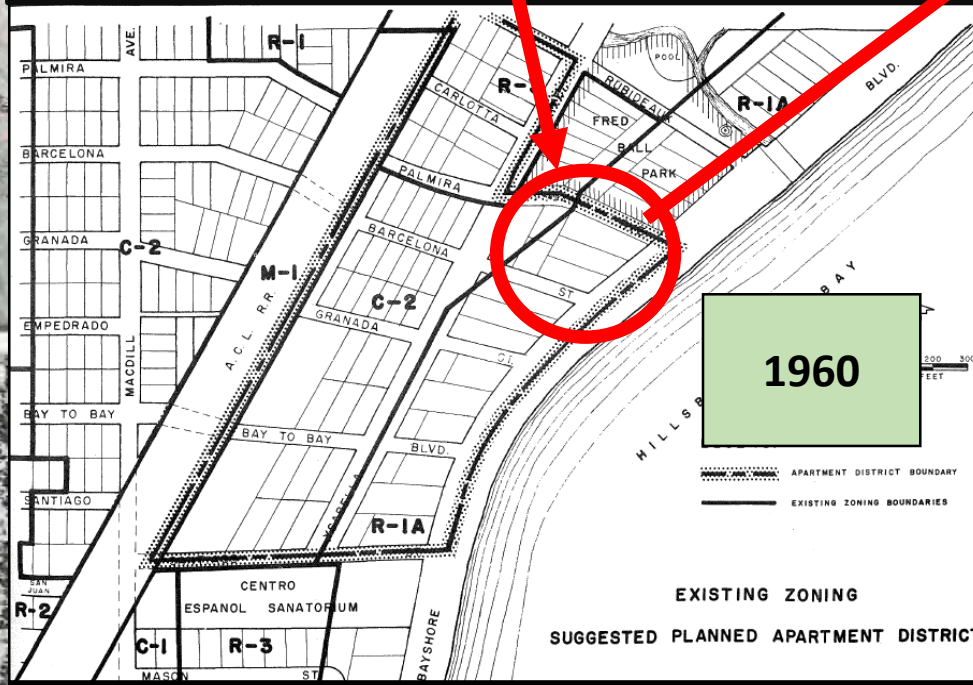
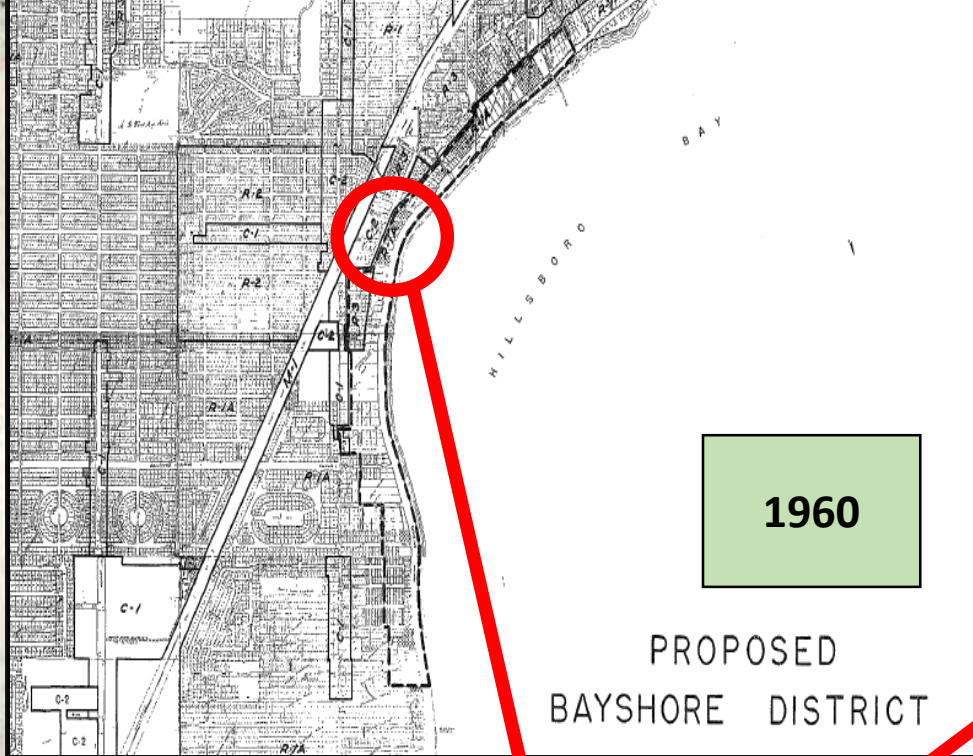
Unique Opportunity



**FUTURE BUILDING
FOOTPRINT**

**63'
Required
Setback**

TREE SYMBOL LEGEND	
	EXISTING TREES
	SHADE TREE
	MEDIUM TREES
	SMALL TREES
	EXISTING PALM
	PALMS
	SPECIMEN PALM

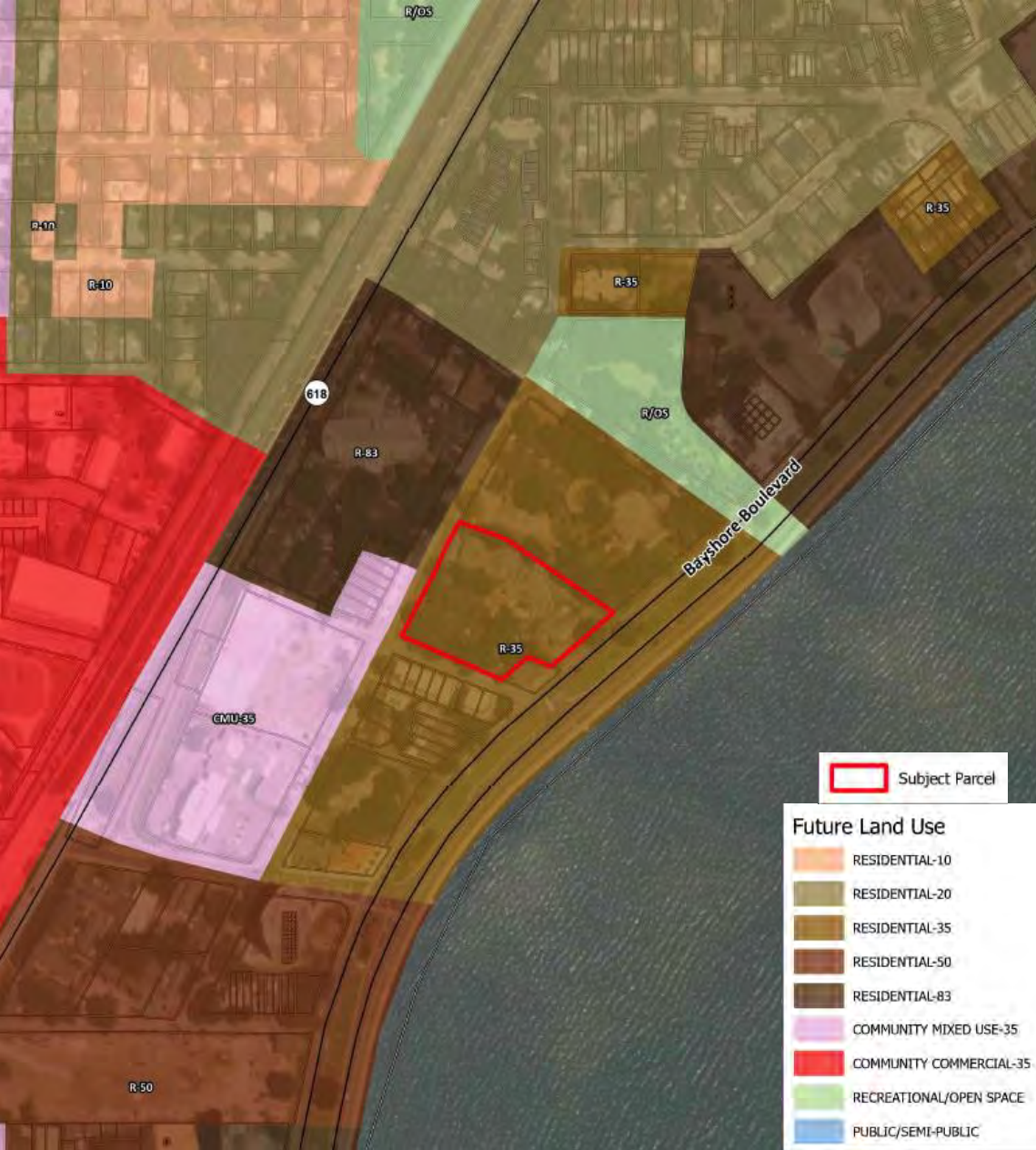


(B) Building height regulations.

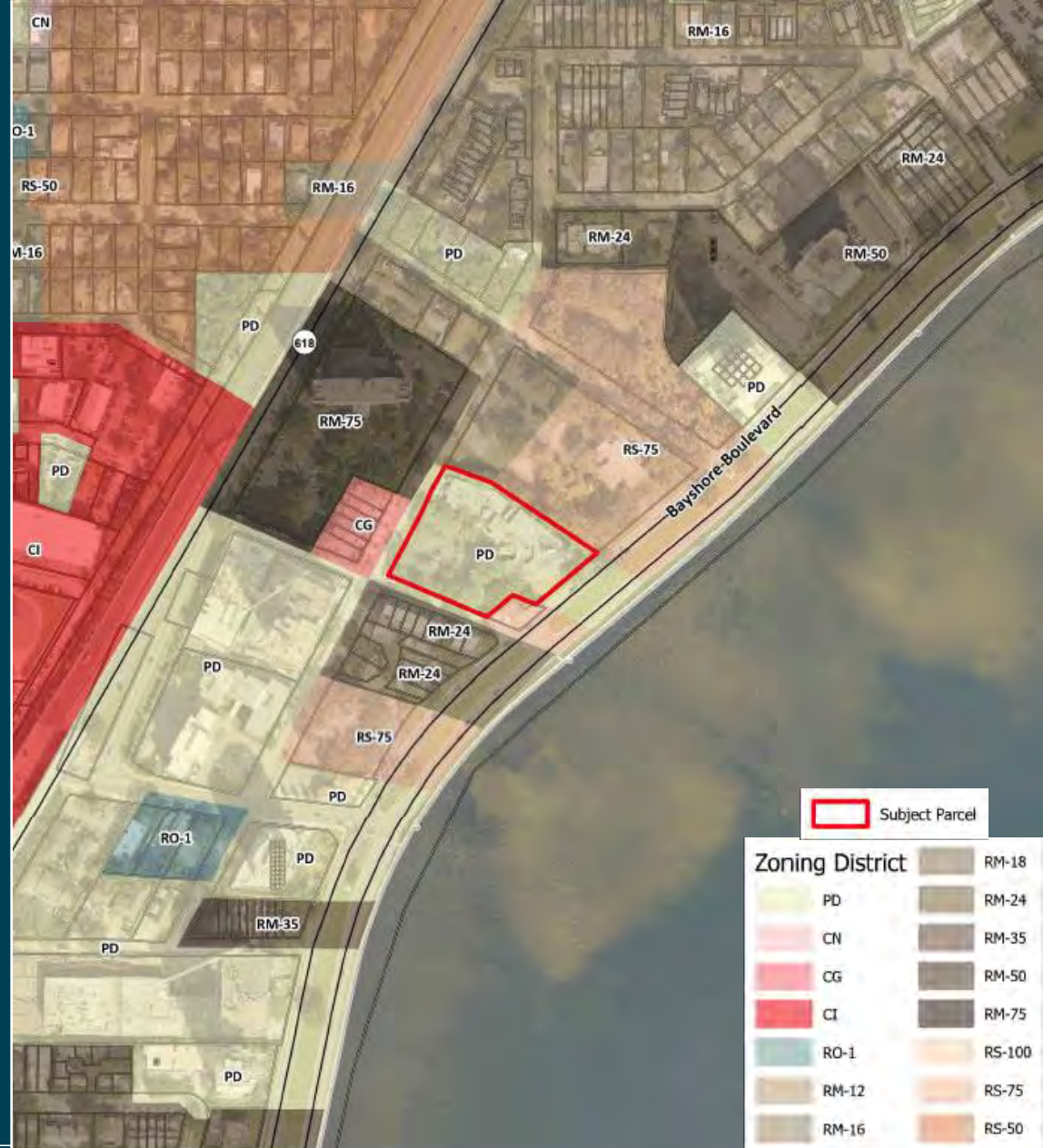
No maximum limit. All proposed buildings in excess of one hundred feet (100') shall be equipped with a fire control system satisfactory to the Tampa fire department.

The minimum height for apartment buildings shall be six (6) stories.





FUTURE LAND USE



ZONING

Existing Pattern



 Subject Parcel



Compatibility



Compatibility



Bayshore
Diplomat Condos
(18 Stories, 1974)

The Sanctuary
(18 Stories, 2021)

Synagogue Project
(26 Stories)

The Ritz Residences
Ph. 1 (27 Stories, U/C)

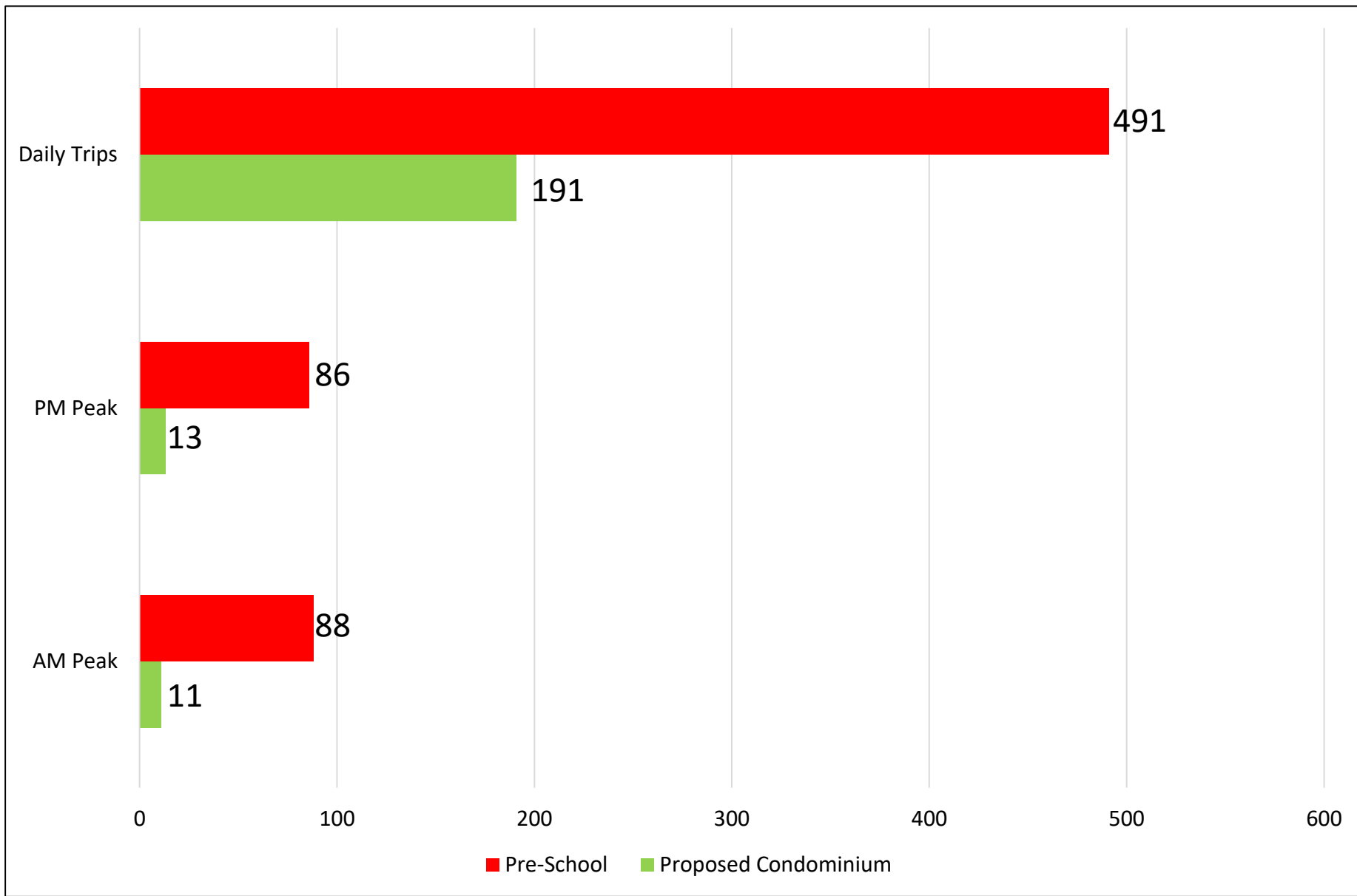
Aquatica on Bayshore
(15 Stories, 2020)

Altura Bayshore
(24 Stories, U/C)

Bayshore Presbyterian
Apartments
(15 Stories, 1969)

The Ritz Residences
Ph. 2 (30 Stories, U/C)

Compatibility



Trip Generation



WE WANT YOUR INPUT ON THE
FUTURE OF THE NEIGHBORHOOD!



NOTICE OF NEIGHBORHOOD MEETING

The Related Group
2713 Bayshore Boulevard, Tampa, Florida
Rezoning Application REZ-24-6

January 24, 2024 | 5:30 p.m.
Glazer Family JCC
522 N Howard Ave., Tampa, FL 33606

Please help us plan ahead.
To RSVP, scan QR code or visit:
<https://bit.ly/47wgX12>



STEARNS WEAVER MILLER



Two Open Houses, Many Conversations

Then

PREVIOUSLY APPROVED WAIVERS:

1. SECTION 27-283.7: TO REDUCE THE REQUIRED PARKING FROM 84 TO 54 (36% REDUCTION).
2. SECTION 27-246: TO ALLOW ACCESS TO LOCAL STREETS (YSABELLA AVENUE AND BARCELONA STREET).

PROPOSED WAIVERS:

1. SECTION 27-283.14: TO ESTABLISH ALTERNATIVE LOADING STANDARDS AS LISTED IN THE SITE DATA TABLE.
2. SECTION 27-284.3.3: TO REDUCE REQUIRED VEHICULAR USE AREA (VUA) LANDSCAPE BUFFER FROM 8' TO 2' ALONG YSABELLA AVENUE AND PROVIDE ALTERNATE BUFFER WITHIN RIGHT OF WAY.
3. SECTION 27-284.3.1: TO REDUCE THE REQUIRED 50% TREE RETENTION ON A NO-WOODED LOT OVER 1 ACRE TO 20%.
4. SECTION 27-284.2.5: TO REMOVE THREE (3) NON-HAZARDOUS GRAND LIVE OAKS (TREE #38 - 35" DBH LIVE OAK RATED C-7; TREE #29 - 33" DBH LIVE OAK RATED B-5; AND TREE #36, A 50" DBH LIVE OAK RATED C-4); AS SHOWN ON THE TWO REASONABLE RECONFIGURATION DESIGN ALTERNATIVES.
5. SECTION 27-290.1(e): TO ALLOW AN INCREASE IN THE ALLOWED FENCE / WALL IN THE FRONT YARD (BAYSHORE BOULEVARD AND BARCELONA STREET) FROM 3' TO 6'.

Now

PREVIOUSLY APPROVED WAIVERS:

1. SECTION 27-246: TO ALLOW ACCESS TO LOCAL STREETS (YSABELLA AVENUE AND BARCELONA STREET).

Fully Parked and No New Waivers



Then

PROPERTY DATA	
CURRENT ZONING	PD (Z05-148) PLANNED DEVELOPMENT
ZONING REQUEST	PD - PLANNED DEVELOPMENT
FUTURE LAND USE	RESIDENTIAL- 35
OVERLAY DISTRICT	N/A
CURRENT USE	PLACE OF RELIGIOUS ASSEMBLY & PRE-SCHOOL
PROPOSED USE	PLACE OF RELIGIOUS ASSEMBLY & MULTI-FAMILY RESIDENTIAL
PROPERTY ADDRESS	2713 BAYSHORE BLVD. TAMPA, FL 33629
FOLIO NUMBERS	127099-0000
SITE AREA	TOTAL: +/-92,463 SF (+/-2.12 AC)
BUILDING OCCUPANCY	MFR CLASS B
TOTAL PERVIOUS AREA	+/-24,346 SF (+/-0.56 AC)
TOTAL IMPERVIOUS AREA	+/-68,117 SF (+/-1.56 AC)
STRUCTURE DATA	
MAXIMUM DENSITY ALLOWED UNDER R-35	35 UNITS / 1.0 ACRE (W/ BONUS)
MAXIMUM UNITS ALLOWED	50 UNITS (1.43 AC W/ BONUS)
PROPOSED UNITS	TOTAL: 50 UNITS

34.9 units/acre

Now

PROPERTY DATA	
CURRENT ZONING	PD (Z05-148) PLANNED DEVELOPMENT
ZONING REQUEST	PD - PLANNED DEVELOPMENT
FUTURE LAND USE	RESIDENTIAL- 35
OVERLAY DISTRICT	N/A
CURRENT USE	PLACE OF RELIGIOUS ASSEMBLY & PRE-SCHOOL
PROPOSED USE	PLACE OF RELIGIOUS ASSEMBLY & RESIDENTIAL, MULTI-FAMILY HIGH-RISE
PROPERTY ADDRESS	2713 BAYSHORE BLVD. TAMPA, FL 33629
FOLIO NUMBERS	127099-0000
SITE AREA	TOTAL: +/-92,463 SF (+/-2.12 AC)
BUILDING OCCUPANCY	MFR CLASS B
EXISTING IMPERVIOUS AREA	+/-58,296 SF (+/-1.34 AC)
PROPOSED PERVIOUS AREA	+/-34,176 SF (+/-0.78 AC)
PROPOSED IMPERVIOUS AREA	+/-58,287 SF (+/-1.34 AC)
STRUCTURE DATA	
MAXIMUM DENSITY ALLOWED UNDER R-35	30 UNITS / 1.0 ACRE (WITHOUT BONUS)
MAXIMUM UNITS ALLOWED	42 UNITS (1.43 AC; WITHOUT BONUS)
PROPOSED UNITS	TOTAL: 42 UNITS

29.3 units/acre

Unit Count and Density Decreased



Then

PROPERTY DATA	
CURRENT ZONING	PD (Z05-148) PLANNED DEVELOPMENT
ZONING REQUEST	PD - PLANNED DEVELOPMENT
FUTURE LAND USE	RESIDENTIAL- 35
OVERLAY DISTRICT	N/A
CURRENT USE	PLACE OF RELIGIOUS ASSEMBLY & PRE-SCHOOL
PROPOSED USE	PLACE OF RELIGIOUS ASSEMBLY & MULTI-FAMILY RESIDENTIAL
PROPERTY ADDRESS	2713 BAYSHORE BLVD. TAMPA, FL 33629
FOLIO NUMBERS	127099-0000
SITE AREA	TOTAL: +/-92,463 SF (+/-2.12 AC)
BUILDING OCCUPANCY	MFR CLASS B
TOTAL PERVIOUS AREA	+/-24,346 SF (+/-0.56 AC)
TOTAL IMPERVIOUS AREA	+/-68,117 SF (+/-1.56 AC)
STRUCTURE DATA	
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MAXIMUM UNITS ALLOWED	50 UNITS (1.43 AC W/ BONUS)
PROPOSED UNITS	TOTAL: 50 UNITS

Now

PROPERTY DATA	
CURRENT ZONING	PD (Z05-148) PLANNED DEVELOPMENT
ZONING REQUEST	PD - PLANNED DEVELOPMENT
FUTURE LAND USE	RESIDENTIAL- 35
OVERLAY DISTRICT	N/A
CURRENT USE	PLACE OF RELIGIOUS ASSEMBLY & PRE-SCHOOL
PROPOSED USE	PLACE OF RELIGIOUS ASSEMBLY & RESIDENTIAL, MULTI-FAMILY HIGH-RISE
PROPERTY ADDRESS	2713 BAYSHORE BLVD. TAMPA, FL 33629
FOLIO NUMBERS	127099-0000
SITE AREA	TOTAL: +/-92,463 SF (+/-2.12 AC)
BUILDING OCCUPANCY	MFR CLASS B
EXISTING IMPERVIOUS AREA	+/-58,296 SF (+/-1.34 AC)
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PROPOSED IMPERVIOUS AREA	+/-58,287 SF (+/-1.34 AC)
STRUCTURE DATA	
MAXIMUM DENSITY ALLOWED UNDER R-35	30 UNITS / 1.0 ACRE (WITHOUT BONUS)
MAXIMUM UNITS ALLOWED	42 UNITS (1.43 AC; WITHOUT BONUS)
PROPOSED UNITS	TOTAL: 42 UNITS

Eliminated Bonus Density Agreement

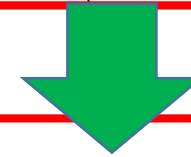


Then

STRUCTURE DATA	
MAXIMUM DENSITY ALLOWED UNDER R-35	35 UNITS / 1.0 ACRE (W/ BONUS)
MAXIMUM UNITS ALLOWED	50 UNITS (1.43 AC W/ BONUS)
PROPOSED UNITS	TOTAL: 50 UNITS
BUILDING FOOTPRINT / LOT COVERAGE	+/-49,797 SF / 53.9%
GFA APARTMENTS AND AMENITIES	275,028 SF
LAND REQUIRED FOR RELIGIOUS ASSEMBLY	30,023 SF
TOTAL REQUIRED RELIGIOUS ASSEMBLY AREA / FAR	18,014 SF / 0.60
EXISTING SETBACK(S)	(NORTH) SIDE: 13.5' (EAST) FRONT: 43.9' (SOUTH) FRONT: 113.7' (WEST) SIDE: N/A
PROPOSED SETBACKS (MINIMUM SETBACK)	(EAST) FRONT: 10.0' (WEST) FRONT: 15.0' (NORTH) SIDE: 10.0' (SOUTH) FRONT: 10.0'
EXISTING RELIGIOUS ASSEMBLY BUILDING HEIGHT	30.0' (WITH 10.0' ORNAMENTAL ROOFTOP)
PROPOSED BUILDING HEIGHT	354' 8" (HIGHEST POINT) / 329' 0" (TOP FLOOR) EXISTING RELIGIOUS ASSEMBLY BUILDING MAX HEIGHT: 30.0' (WITH 10' ORNAMENTAL ROOFTOP)

Now

STRUCTURE DATA	
MAXIMUM DENSITY ALLOWED UNDER R-35	30 UNITS / 1.0 ACRE (WITHOUT BONUS)
MAXIMUM UNITS ALLOWED	42 UNITS (1.43 AC; WITHOUT BONUS)
PROPOSED UNITS	TOTAL: 42 UNITS
BUILDING FOOTPRINT / LOT COVERAGE	+/-45,803 SF / 49.5%
GFA APARTMENTS AND AMENITIES	275,028 SF
LAND REQUIRED FOR RELIGIOUS ASSEMBLY	30,023 SF
TOTAL REQUIRED RELIGIOUS ASSEMBLY AREA / FAR	18,014 SF / 0.60
EXISTING SETBACK(S)	(NORTH) SIDE: 13.5' (EAST) FRONT: 43.9' (SOUTH) FRONT: 113.7' (WEST) SIDE: N/A
PROPOSED SETBACKS (MINIMUM SETBACK)	(EAST) FRONT: 10.0' (WEST) FRONT: 25.0' (NORTH) SIDE: 20.0' (SOUTH) FRONT: 20.0'
EXISTING RELIGIOUS ASSEMBLY BUILDING HEIGHT	30.0' (WITH 10.0' ORNAMENTAL ROOFTOP)
PROPOSED BUILDING HEIGHT	317' (TOP FLOOR) 26 FLOORS



Reduced Height



Then

Now

SITE DATA

SITE DATA

USE GREENSPACE REQUIRED (PER CODE CH. 27-284.3.3) 30% OF PARCEL EXCLUDING AREA OF BUILDING FOOTPRINT AND WETLANDS = +/-12,800 SF

USE GREENSPACE PROVIDED +/-24,346 SF

REQUIRED TREES (PER CODE CH. 27-284.3.3) 1 TREE / 1,500 SF OF PARCEL NOT COVERED BY STRUCTURE, VUA, OR WETLAND = 20 TREES

PROPOSED TREES 20 TREES

VUA GREENSPACE REQUIRED (PER CODE 27-284.3.3) 20% OF VUA (+/-14,620 SF) = +/-2,924 SF

VUA GREENSPACE PROPOSED +/-2,924 SF

VUA TREES REQUIRED (PER CODE CH. 27-284.3.3) 1 VUA TREE / 40 LF (+/- 194 LF TOTAL) OF VUA FRONTAGE ALONG THE RIGHT-OF-WAY = 5 VUA TREES
1 TREE/1,500 SF OF VUA (+/-14,620 SF) = 10 VUA TREES
1 TREE / 5,000 SF (+/- 720 SF TOTAL) OF LOADING DOCKS = 1 VUA TREE
TOTAL REQUIRED = 16 VUA TREES

VUA TREES PROPOSED 16 VUA TREES

TOTAL TREES REQUIRED 36 VUA TREES

TOTAL TREES PROPOSED 36 VUA TREES

FLOOD ZONE ZONE X & ZONE AE / PANEL 12057C0361J

MULTI-FAMILY USE GREENSPACE REQUIRED (PER CODE CH. 27-284.3.3) 30% OF PARCEL EXCLUDING AREA OF BUILDING FOOTPRINT AND WETLANDS = +/-13,998 SF

USE GREENSPACE PROVIDED +/-34,791 SF

REQUIRED TREES (PER CODE CH. 27-284.3.3) 1 TREE / 1,500 SF OF PARCEL NOT COVERED BY STRUCTURE, VUA, OR WETLAND = 27 TREES

PROPOSED TREES 73 TREES

VUA GREENSPACE REQUIRED (PER CODE 27-284.3.3) 20% OF VUA (+/-7,129 SF) = +/-1,426 SF

VUA GREENSPACE PROPOSED +/-1,426 SF

VUA TREES REQUIRED (PER CODE CH. 27-284.3.3) 1 VUA TREE / 40 LF (+/- 199 LF TOTAL) OF VUA FRONTAGE ALONG THE RIGHT-OF-WAY = 5 VUA TREES
1 TREE/1,500 SF OF VUA (+/- 7,129 SF) = 5 VUA TREES
1 TREE / 5,000 SF (+/- 720 SF TOTAL) OF LOADING DOCKS = 1 VUA TREE
TOTAL REQUIRED = 11 VUA TREES

VUA TREES PROPOSED 11 VUA TREES

TOTAL TREES REQUIRED 38 TREES

TOTAL TREES PROPOSED 84 TREES

FLOOD ZONE ZONE X & ZONE AE / PANEL 12057C0361J

Greenspace Increased to 2.5x Required



Then

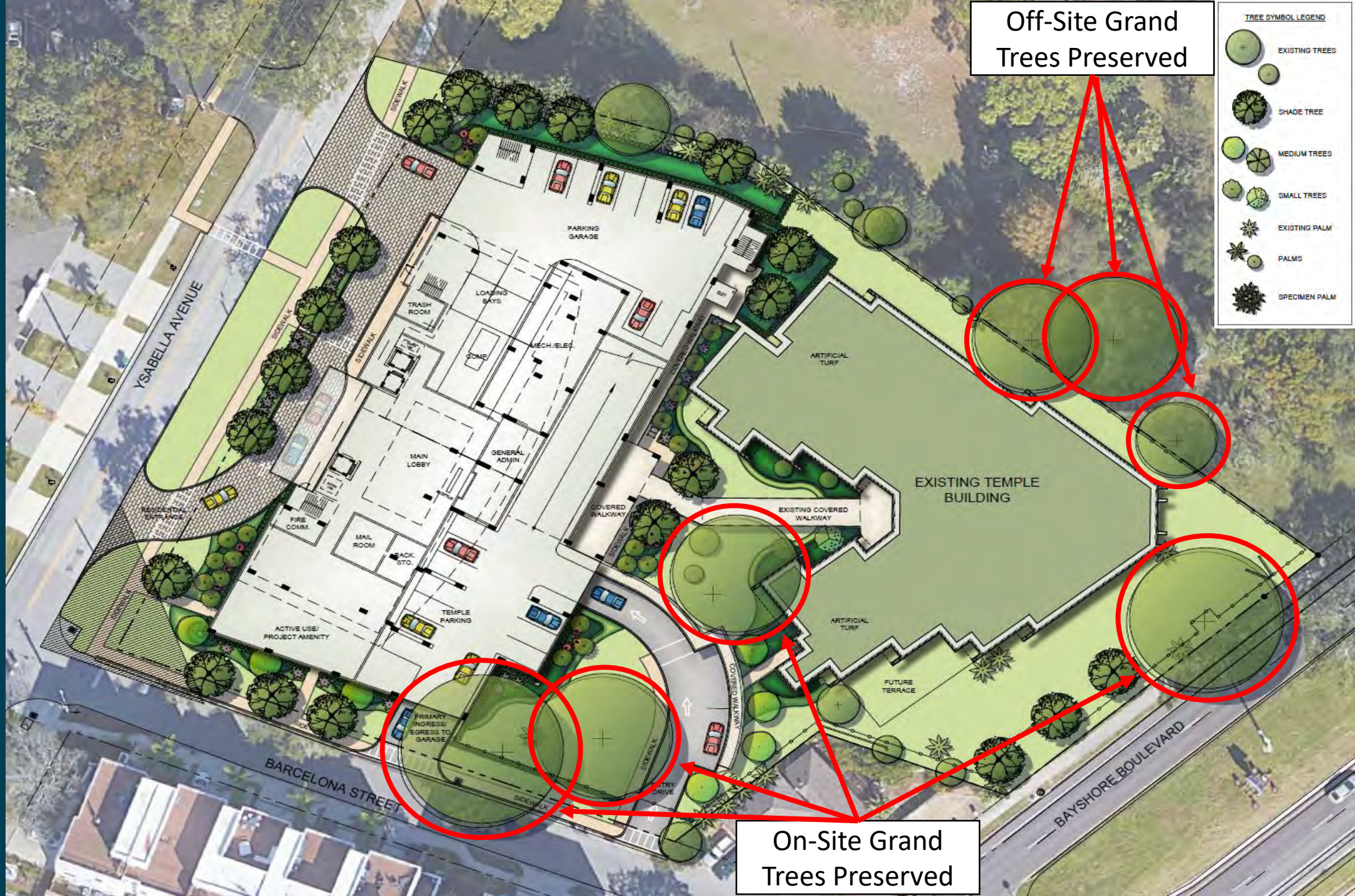
INVENTORY METRICS		
GRAND TREES REMOVED?	RETENTION % REQUIRED	FAIR OR BETTER % PRESERVED
YES	50% <i>(Non-Res, Non-wooded)</i>	24% <i>(16) / (66)</i>
TOTAL ONSITE TREES	ONSITE JURISDICTIONAL TREES	MITIGATION TREES REQUIRED
73	68	70 <i>(33 trees/acre)</i>
JURISDICTIONAL TREES BY CR	FAIR OR BETTER (A-B-C) TREES	POOR OR WORSE (D-F) TREES
TYPE 1, 2, & 3 TREES	36	1
PALMS	30	1
SUBTOTAL	66	2 <i>not included in retention %</i>
A-B-C TREES BY SIZE CLASS	PRESERVED OR RELOCATED	REMOVED
NON-HAZARDOUS GRANDS	1	3
HAZARDOUS GRAND TREES	0	0
PROTECTED & SPECIMEN	15	47
SUBTOTAL	16	50

Now

INVENTORY METRICS		
GRAND TREES REMOVED?	RETENTION % REQUIRED	FAIR OR BETTER % PRESERVED
NO	50% <i>(Non-Res, Non-wooded)</i>	54% <i>(34) / (63)</i>
TOTAL ONSITE TREES	ONSITE JURISDICTIONAL TREES	MITIGATION TREES REQUIRED
70	65	0 <i>(0 trees/acre)</i>
JURISDICTIONAL TREES BY CR	FAIR OR BETTER (A-B-C) TREES	POOR OR WORSE (D-F) TREES
TYPE 1, 2, & 3 TREES	35	1
PALMS	28	1
SUBTOTAL	63	2 <i>not included in retention %</i>
A-B-C TREES BY SIZE CLASS	PRESERVED OR RELOCATED	REMOVED
NON-HAZARDOUS GRANDS	4	0
HAZARDOUS GRAND TREES	0	0
PROTECTED & SPECIMEN	30	29
SUBTOTAL	34	29

Keeping More Trees & No Grand Removal

Landscaping Plan

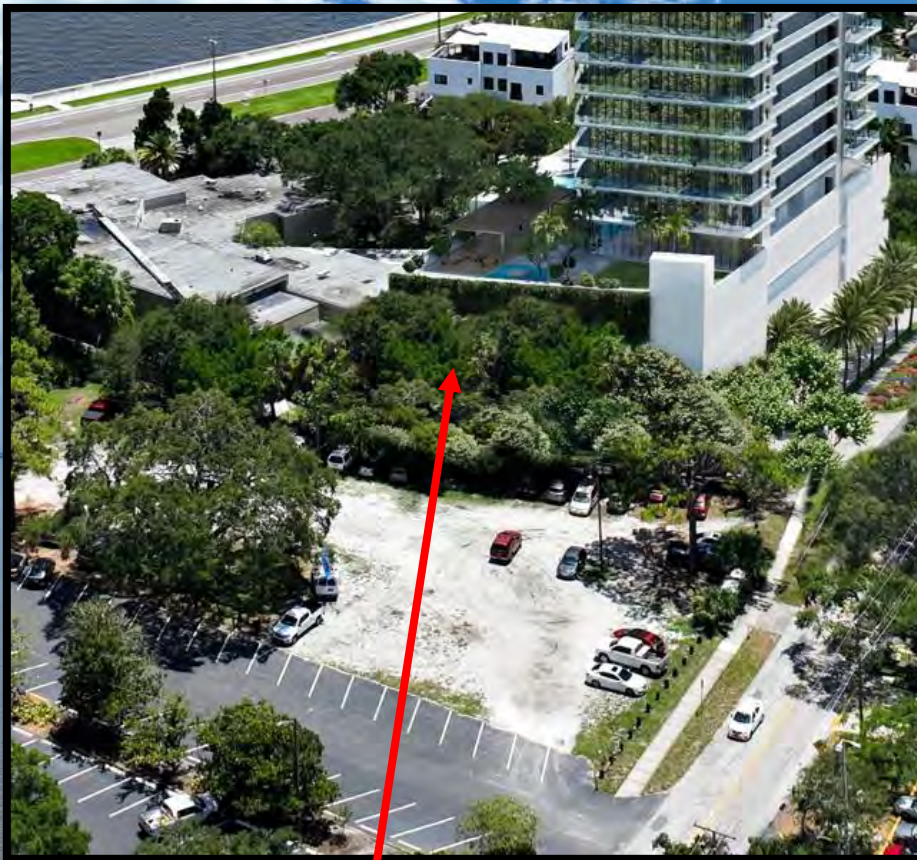


Off-Site Grand Trees Preserved

TREE SYMBOL LEGEND	
	EXISTING TREES
	SHADE TREE
	MEDIUM TREES
	SMALL TREES
	EXISTING PALM
	PALMS
	SPECIMEN PALM

On-Site Grand Trees Preserved

Green Wall

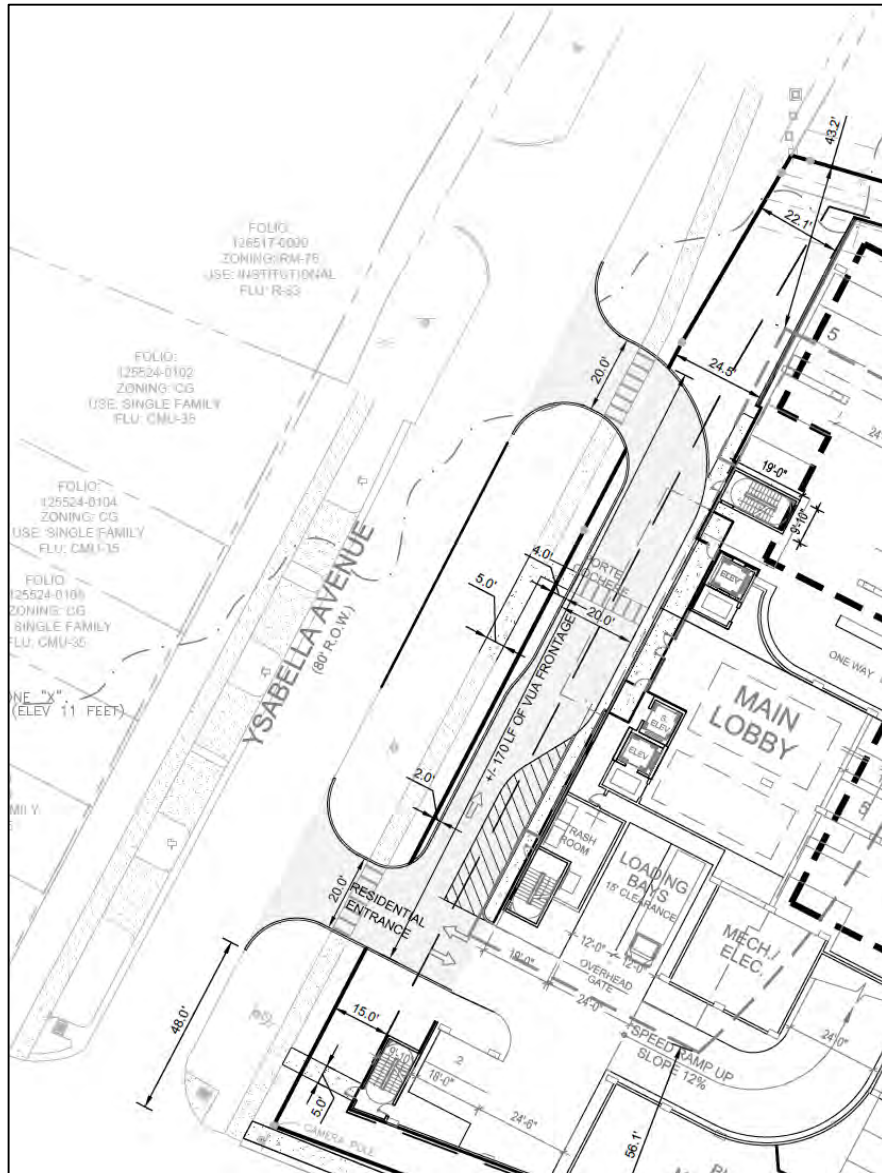


Thick Tree Canopy

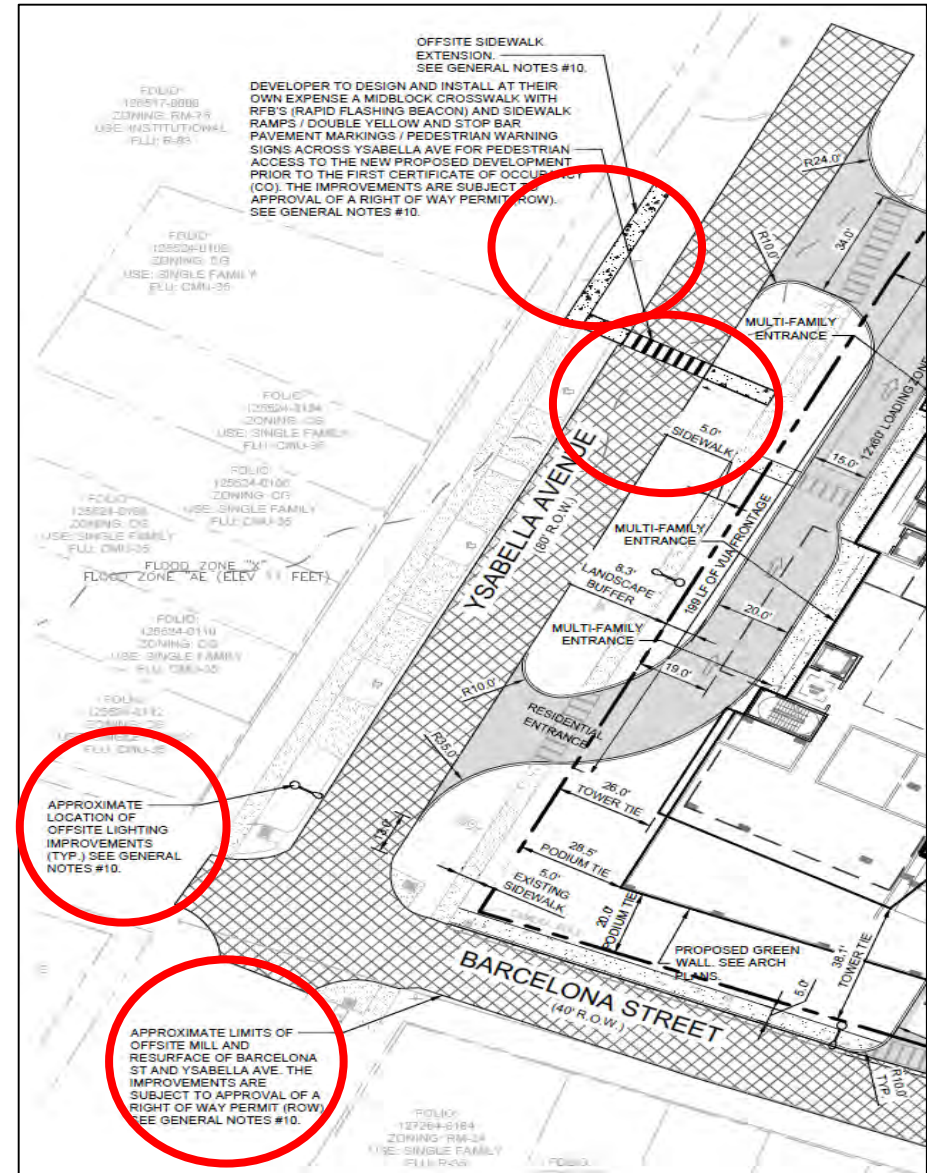
Paved Surface Parking

Dirt Surface Parking

Then



Now



Offsite Mobility Enhancements



Fred Ball Park Today



FRED BALL PARK

SCHEMATIC PLAN SCALE: 1"=20'-0"



CONCLUSION

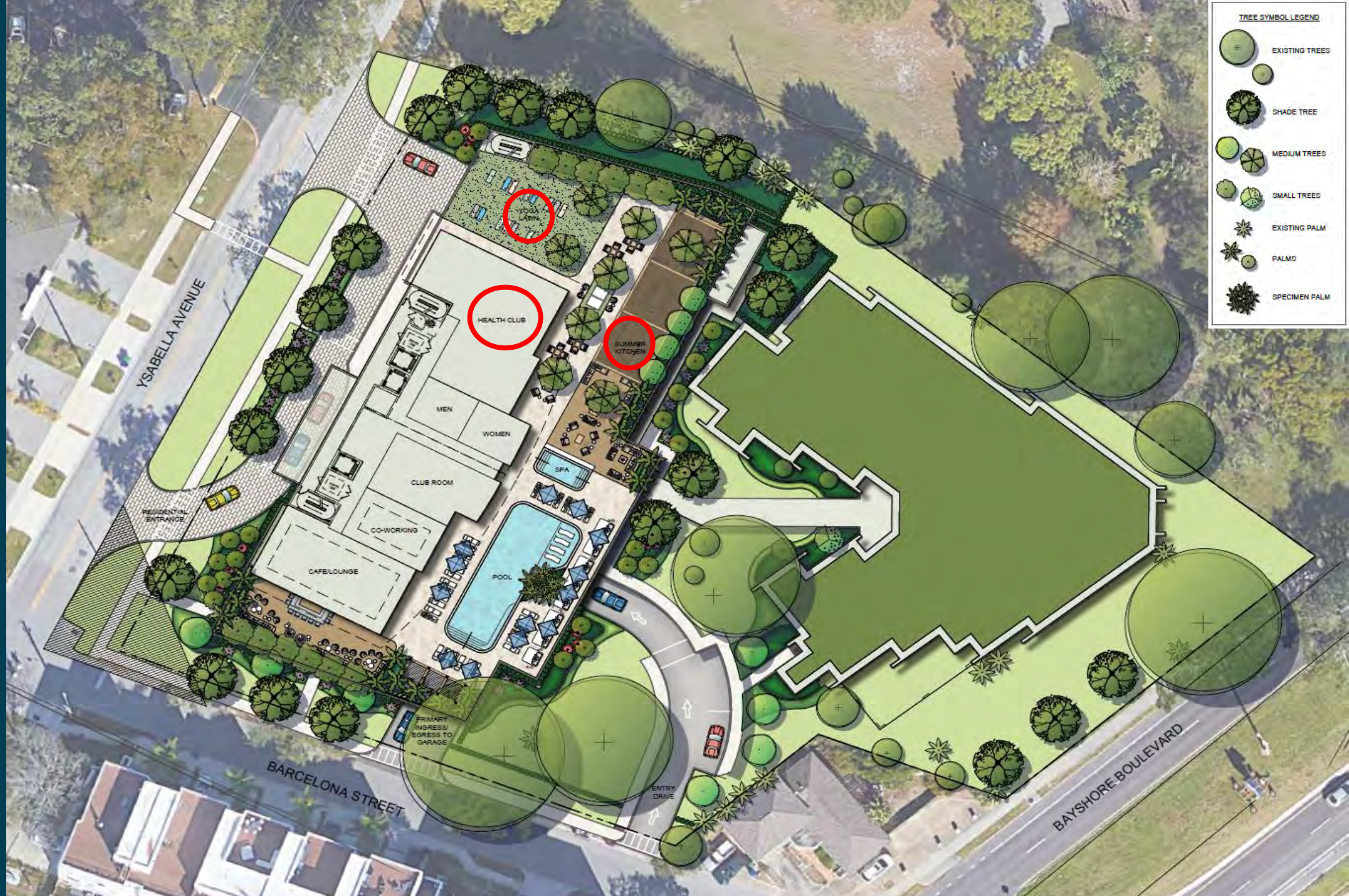




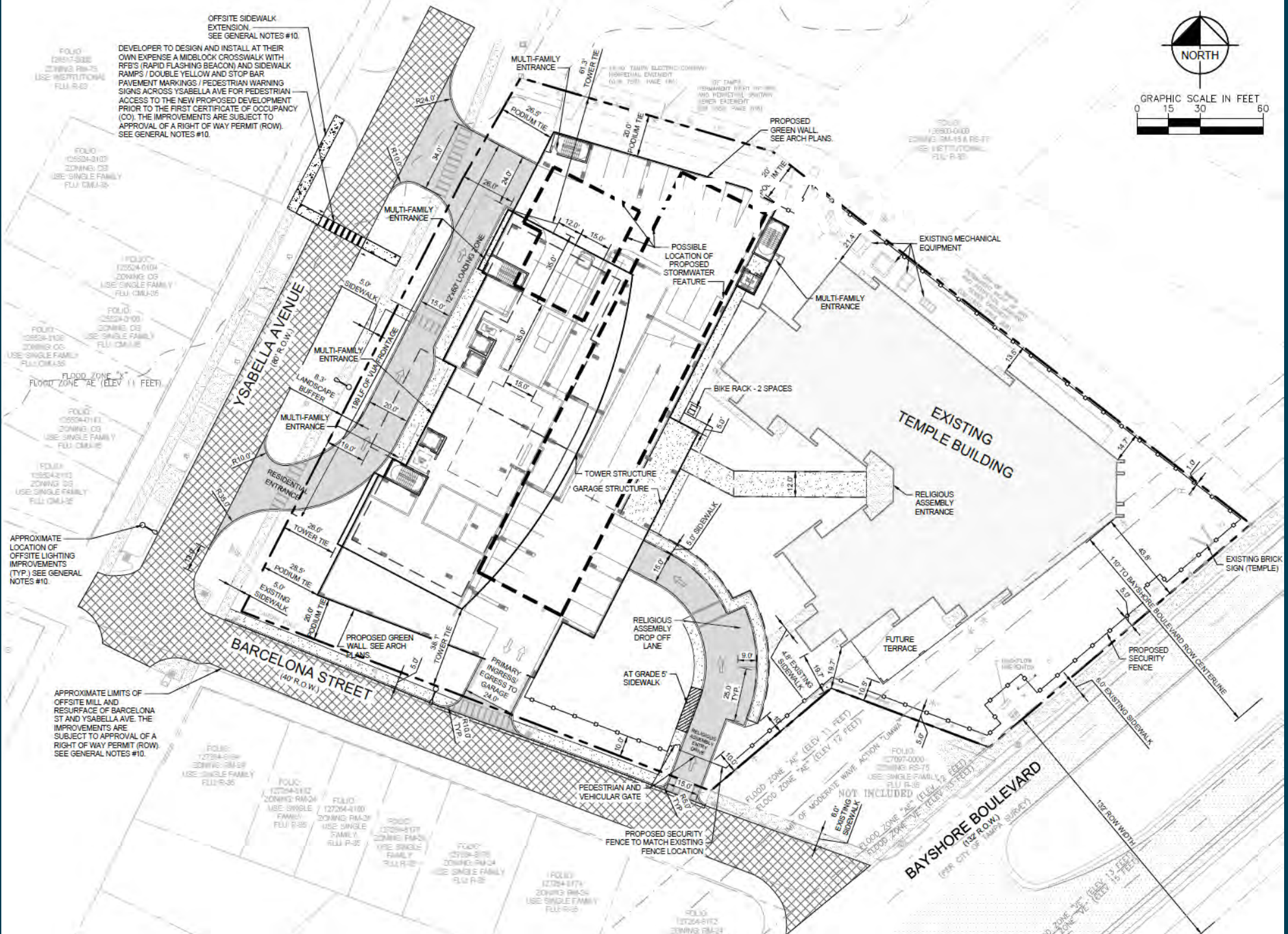
PROJECT PARCEL

- 2713 Bayshore Blvd, Tampa, FL 33629
- Folio 127099.0000
- Acres: +/- 2.1
- Location
 - West of Bayshore Blvd
 - North of West Barcelona Street
 - East of South Ysabella Avenue
 - South of Rubideaux Street

Amenity Areas



Project Site Plan

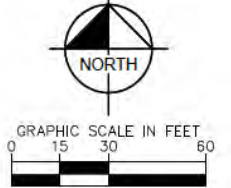


OFFSITE SIDEWALK EXTENSION. SEE GENERAL NOTES #10.

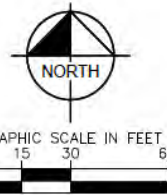
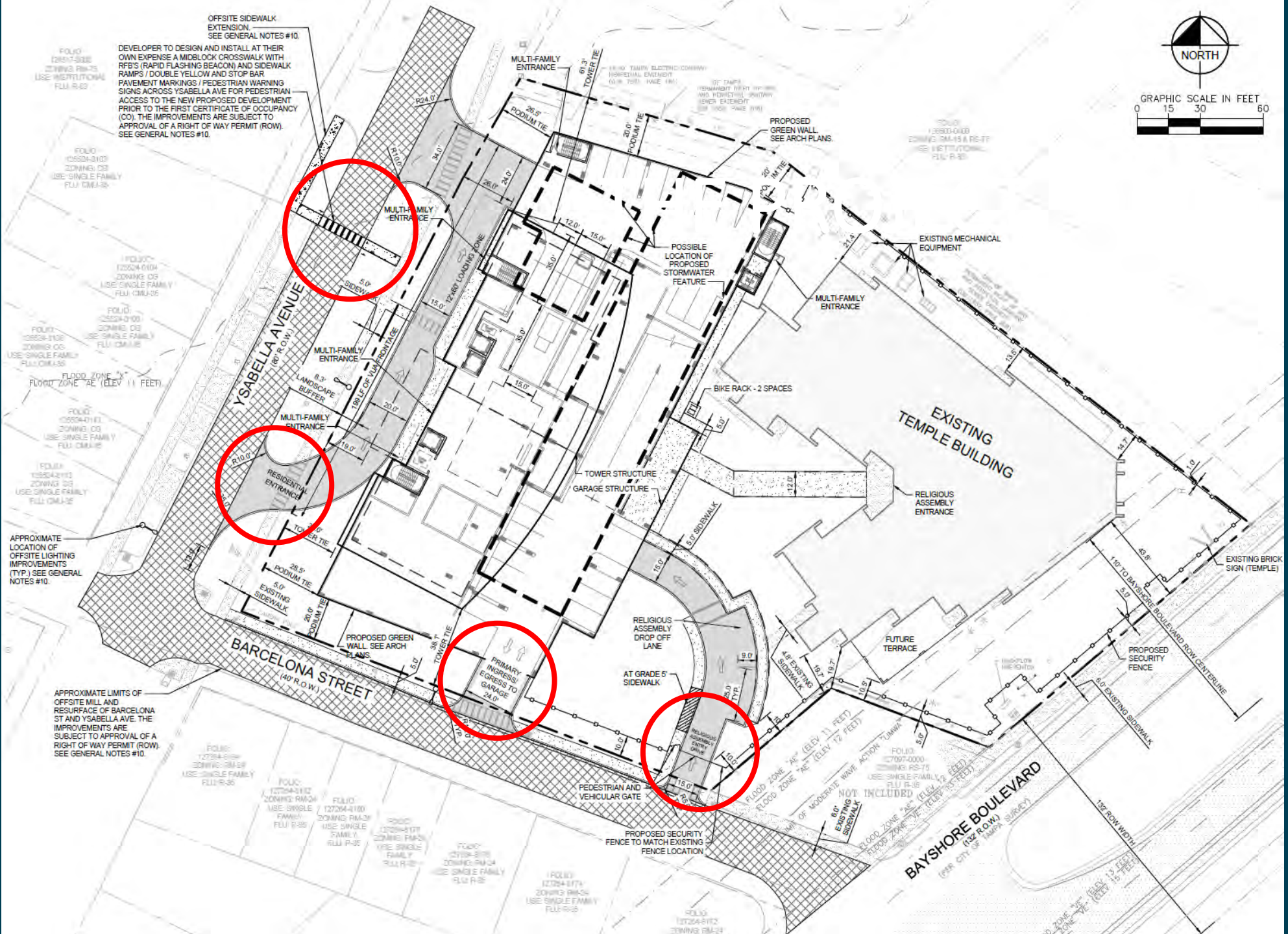
DEVELOPER TO DESIGN AND INSTALL AT THEIR OWN EXPENSE A MIDBLOCK CROSSWALK WITH RFB'S (RAPID FLASHING BEACON) AND SIDEWALK RAMP'S (DOUBLE YELLOW AND STOP BAR PAVEMENT MARKINGS) / PEDESTRIAN WARNING SIGNS ACROSS YSABELLA AVE FOR PEDESTRIAN ACCESS TO THE NEW PROPOSED DEVELOPMENT PRIOR TO THE FIRST CERTIFICATE OF OCCUPANCY (CO). THE IMPROVEMENTS ARE SUBJECT TO APPROVAL OF A RIGHT OF WAY PERMIT (ROW). SEE GENERAL NOTES #10.

APPROXIMATE LOCATION OF OFFSITE LIGHTING IMPROVEMENTS (TYP.) SEE GENERAL NOTES #10.

APPROXIMATE LIMITS OF OFFSITE MILL AND RESURFACE OF BARCELONA ST AND YSABELLA AVE. THE IMPROVEMENTS ARE SUBJECT TO APPROVAL OF A RIGHT OF WAY PERMIT (ROW). SEE GENERAL NOTES #10.



Connectivity



OFFSITE SIDEWALK EXTENSION. SEE GENERAL NOTES #10.

DEVELOPER TO DESIGN AND INSTALL AT THEIR OWN EXPENSE A MIDBLOCK CROSSWALK WITH RFB'S (RAPID FLASHING BEACON) AND SIDEWALK RAMP'S (DOUBLE YELLOW AND STOP BAR PAVEMENT MARKINGS) / PEDESTRIAN WARNING SIGNS ACROSS YSABELLA AVE FOR PEDESTRIAN ACCESS TO THE NEW PROPOSED DEVELOPMENT PRIOR TO THE FIRST CERTIFICATE OF OCCUPANCY (CO). THE IMPROVEMENTS ARE SUBJECT TO APPROVAL OF A RIGHT OF WAY PERMIT (ROW). SEE GENERAL NOTES #10.

APPROXIMATE LOCATION OF OFFSITE LIGHTING IMPROVEMENTS (TYP.) SEE GENERAL NOTES #10.

APPROXIMATE LIMITS OF OFFSITE MILL AND RESURFACE OF BARCELONA ST AND YSABELLA AVE. THE IMPROVEMENTS ARE SUBJECT TO APPROVAL OF A RIGHT OF WAY PERMIT (ROW). SEE GENERAL NOTES #10.

- Policy 1.1.8: diverse housing opportunity
- Objective 1.2: inspired urban design
- Policy 2.1.1: compact, higher-density development compatible with surrounding character
- Policy 2.1.2: efficient use of land resources
- Objective 4.2: improve pedestrian experience
- Policy 4.3.6: connect sidewalks
- Policy 8.14.1: consistent with Comp Plan densities
- Objective 9.2/Policy 9.2.1: accommodate projected population growth
- Objective 9.3: provide compatible development and redevelopment to sustain neighborhoods and ensure social and economic health of the City
- Objective 9.4/Policy 9.4.1: concentrate housing in pedestrian-oriented urban areas
- Objective 9.8/Policy 9.8.1: provide housing near transit and local services
- Policy 9.8.4: accommodate densities to promote pedestrian activity and transit service and support local neighborhood services
- Objective 20.4: recognize Bayshore Blvd as a regional attractor and major community asset
- Policy 20.4.2: promote pedestrian connectivity by completing improvements and sidewalks
- NE Policy 1.3.9: relate new buildings to context of neighborhood and community
- HSG Objective 1.3: ensure adequate housing supply to meet Tampa's future needs
- HSG Policy 1.3.1: designate sufficient land for regional household growth
- HSG Policy 1.3.3: monitor residential development to accommodate demand
- HSG Policy 1.3.4: encourage new housing on vacant, infill, or underutilized land

Consistency with Comprehensive Plan

Then

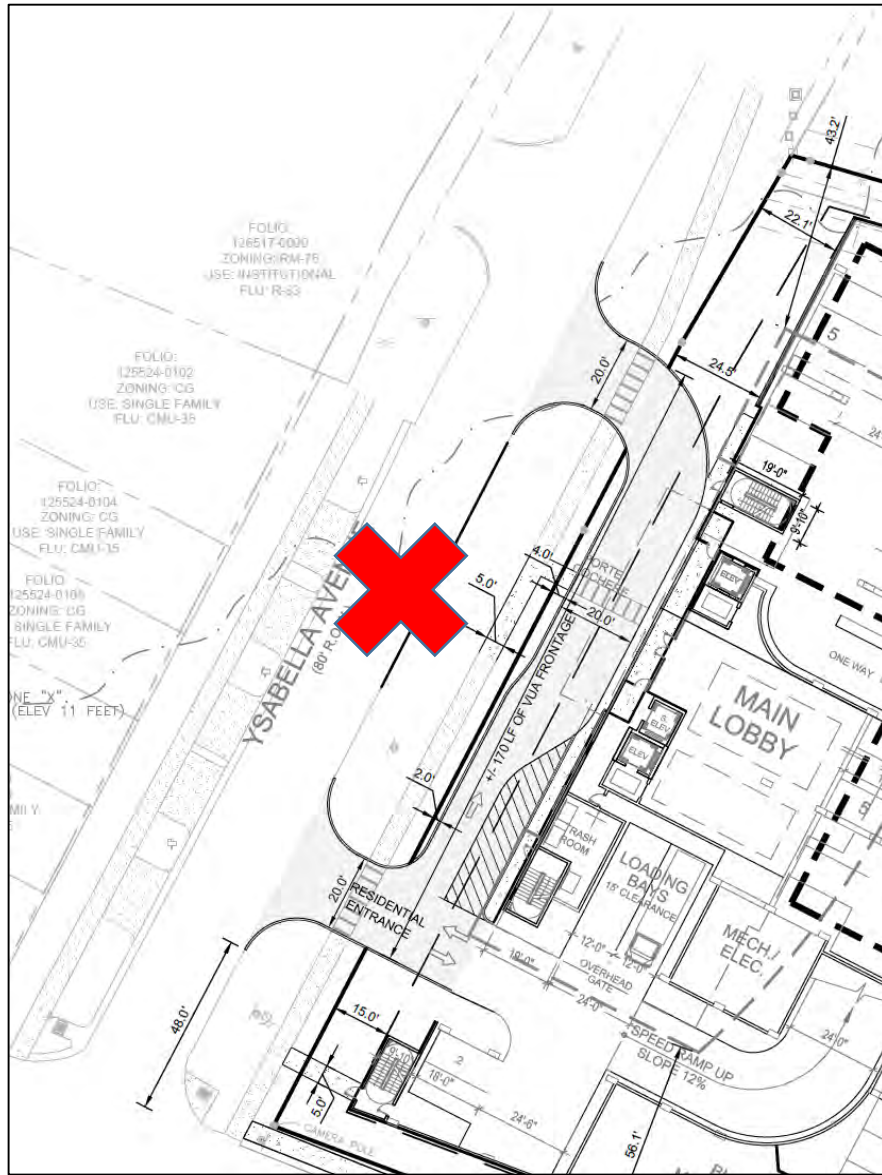
Now

SITE DATA	
USE GREENSPACE REQUIRED (PER CODE CH. 27-284.3.3)	30% OF PARCEL EXCLUDING AREA OF BUILDING FOOTPRINT AND WETLANDS = +/-12,800 SF
USE GREENSPACE PROVIDED	+/-24,346 SF
REQUIRED TREES (PER CODE CH. 27-284.3.3)	1 TREE / 1,500 SF OF PARCEL NOT COVERED BY STRUCTURE, VUA, OR WETLAND = 20 TREES
PROPOSED TREES	20 TREES
VUA GREENSPACE REQUIRED (PER CODE 27-284.3.3)	20% OF VUA (+/-14,620 SF) = +/-2,924 SF
VUA GREENSPACE PROPOSED	+/-2,924 SF
VUA TREES REQUIRED (PER CODE CH. 27-284.3.3)	1 VUA TREE / 40 LF (+/- 194 LF TOTAL) OF VUA FRONTAGE ALONG THE RIGHT-OF-WAY = 5 VUA TREES 1 TREE/1,500 SF OF VUA (+/-14,620 SF) = 10 VUA TREES 1 TREE / 5,000 SF (+/- 720 SF TOTAL) OF LOADING DOCKS = 1 VUA TREE TOTAL REQUIRED = 16 VUA TREES
VUA TREES PROPOSED	16 VUA TREES
TOTAL TREES REQUIRED	36 VUA TREES
TOTAL TREES PROPOSED	36 VUA TREES
FLOOD ZONE	ZONE X & ZONE AE / PANEL 12057C0361J

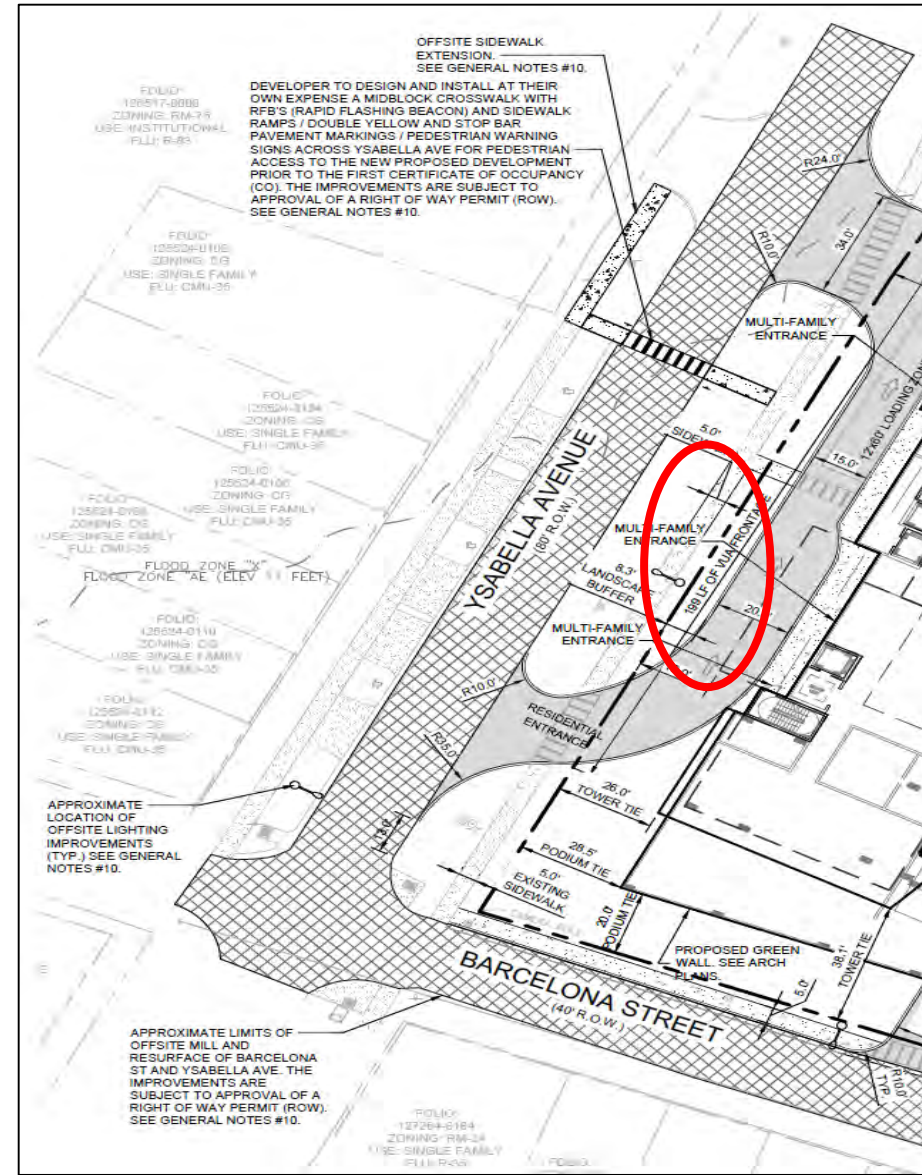
SITE DATA	
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USE GREENSPACE PROVIDED	+/-34,791 SF
REQUIRED TREES (PER CODE CH. 27-284.3.3)	1 TREE / 1,500 SF OF PARCEL NOT COVERED BY STRUCTURE, VUA, OR WETLAND = 27 TREES
PROPOSED TREES	73 TREES
VUA GREENSPACE REQUIRED (PER CODE 27-284.3.3)	20% OF VUA (+/-7,129 SF) = +/-1,426 SF
VUA GREENSPACE PROPOSED	+/-1,426 SF
VUA TREES REQUIRED (PER CODE CH. 27-284.3.3)	1 VUA TREE / 40 LF (+/- 199 LF TOTAL) OF VUA FRONTAGE ALONG THE RIGHT-OF-WAY = 5 VUA TREES 1 TREE/1,500 SF OF VUA (+/- 7,129 SF) = 5 VUA TREES 1 TREE / 5,000 SF (+/- 720 SF TOTAL) OF LOADING DOCKS = 1 VUA TREE TOTAL REQUIRED = 11 VUA TREES
VUA TREES PROPOSED	11 VUA TREES
TOTAL TREES REQUIRED	38 TREES
TOTAL TREES PROPOSED	84 TREES
FLOOD ZONE	ZONE X & ZONE AE / PANEL 12057C0361J

Required Trees

Then



Now



Ysabella VUA Buffer

Then

PARKING REQUIRED - RELIGIOUS ASSEMBLY (PER SUB 16-02)	STANDARD (9'x18') = 50 SPACES ACCESSIBLE (12'X18') = 4 SPACES
PARKING REQUIRED - RESIDENTIAL (PER CODE CH. 27-283.7)	UNIT A (4 BR) - 25 UNITS UNIT B (5 BR) - 25 UNITS 2 SPACE PER UNIT x 50 UNITS = 100 SPACES (MULTI-FAMILY - 3-BR OR MORE)
TOTAL PARKING REQUIRED	0.25 GUEST SPACES PER UNIT x 50 UNITS = 13 SPACES TOTAL = 167 SPACES
TOTAL PARKING PROPOSED	STANDARD (9'X18') = 198 SPACES ACCESSIBLE (12'X18') = 3 SPACES TOTAL PROVIDED: 201 SPACES

Now

PARKING REQUIRED - RELIGIOUS ASSEMBLY	0.3 SPACES PER SEAT x 280 SEATS = 84 SPACES BICYCLE PARKING: 0.05 SPACE / EMPLOYEE = 1 BICYCLE SPACES
PARKING REQUIRED - RESIDENTIAL (PER CODE CH. 27-283.7, 27-283.12, AND 27-283.16)	UNIT A (4 BR) - 21 UNITS UNIT B (5 BR) - 21 UNITS 2 SPACE PER UNIT x 42 UNITS = 84 SPACES (MULTI-FAMILY - 3-BR OR MORE) 0.25 GUEST SPACES PER UNIT x 42 UNITS = 11 SPACES BICYCLE PARKING: 0.1 SPACE / UNIT = 5 BICYCLE SPACES
TOTAL PARKING REQUIRED	TOTAL = 179 SPACES (5% / 9 SPACES ELECTRIC VEHICLE CAPABLE)
TOTAL PARKING PROPOSED	STANDARD (9'X18') = 183 SPACES ACCESSIBLE (12'X18') = 6 SPACES BICYCLE PARKING = 6 SPACES (4 BICYCLE SPACES TO BE PROVIDED ON SECOND STORY OF PARKING STRUCTURE) TOTAL PROVIDED: 189 SPACES (5% / 10 SPACES ELECTRIC VEHICLE CAPABLE)

More Parking Than Required



Existing Measurements



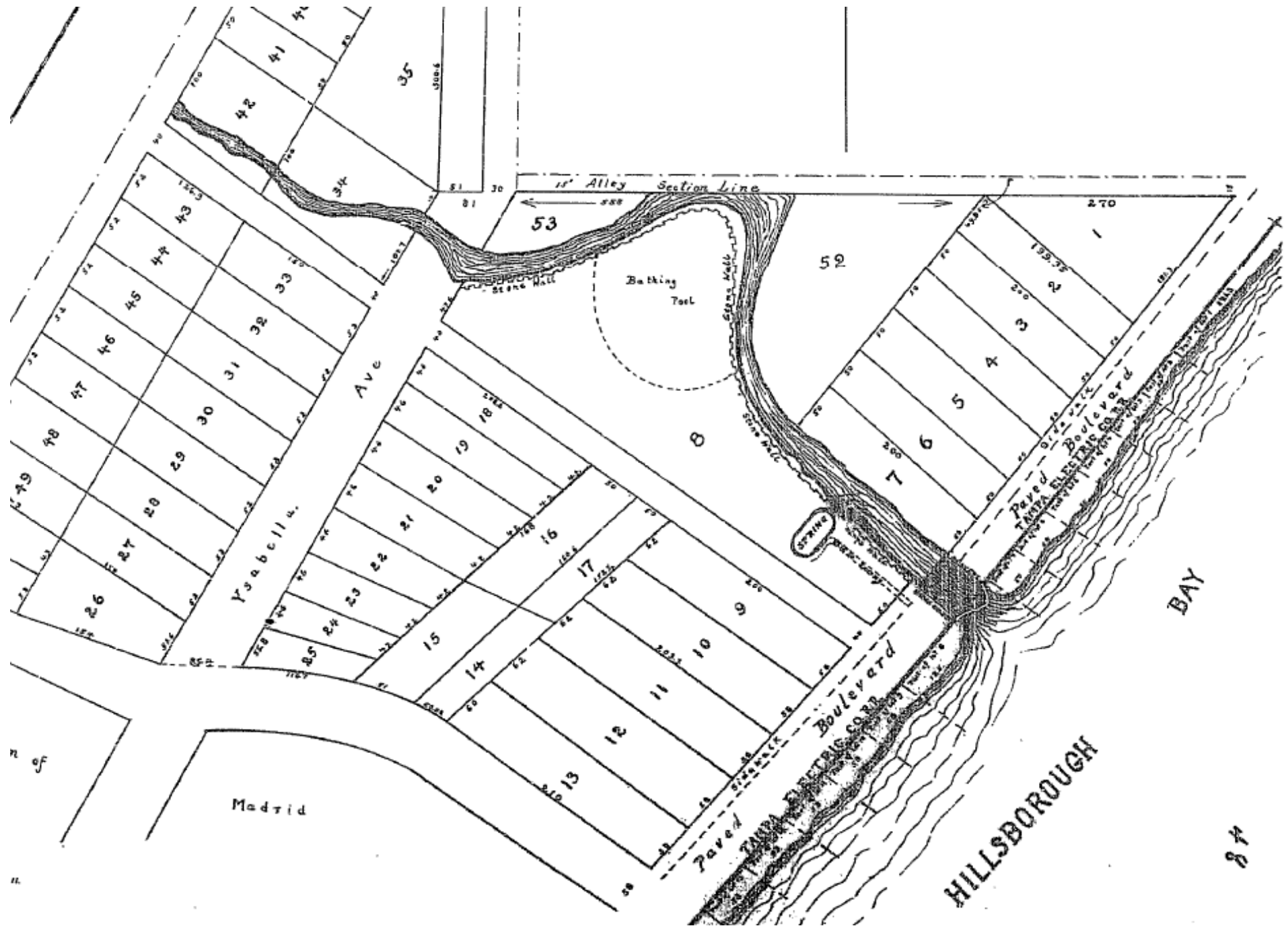
Existing Measurements

Existing Pattern



 Subject Parcel

This map is a general depiction of boundaries obtained from public records and is not a legal description or survey.



87

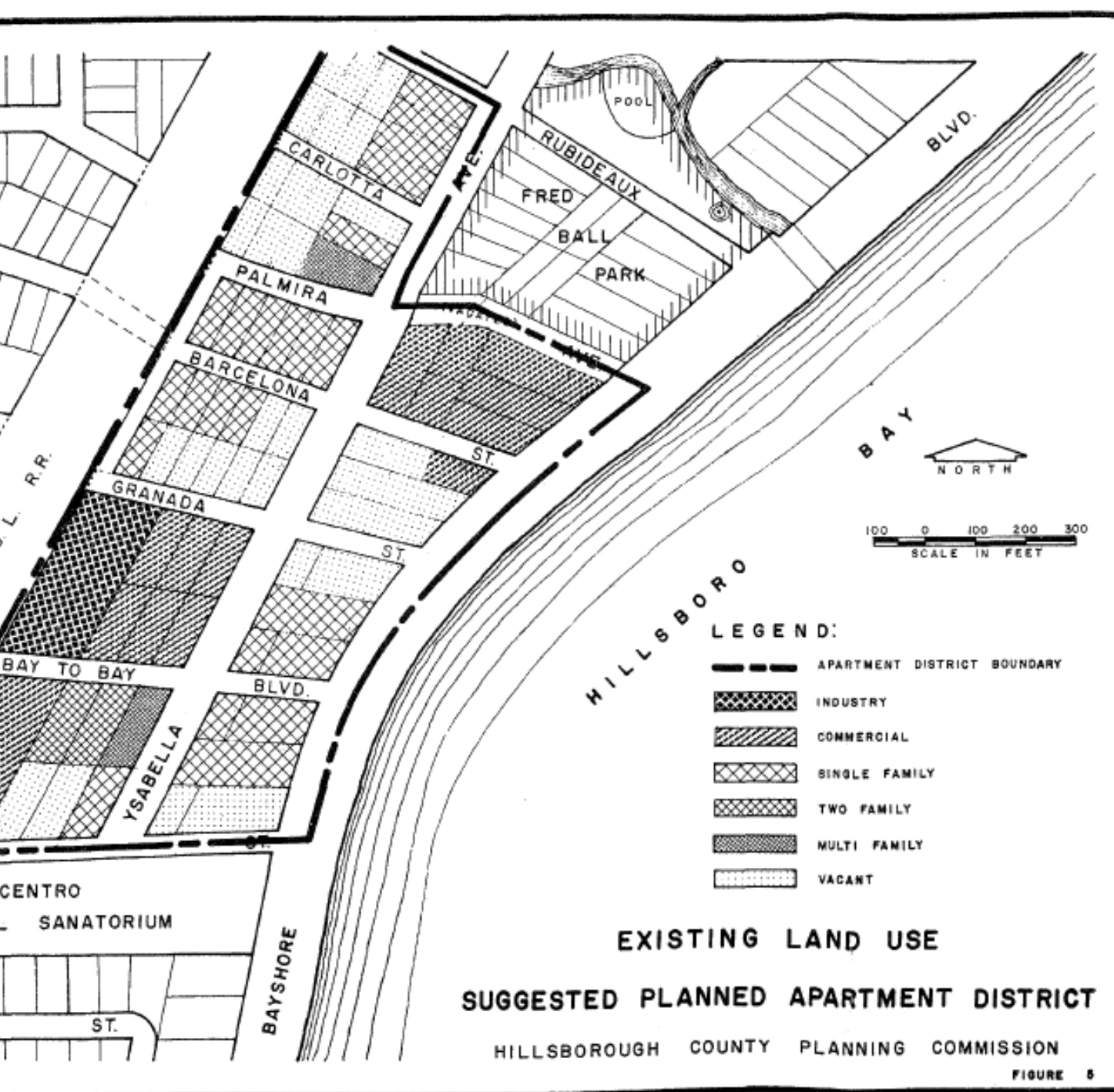


FIGURE 5



Walkability



Intense Event Venue on Busy Bayshore



Sarasota Ritz



Tampa Marriott Waterside



Urban Weddings Under Hotel Towers



Surface Parking Next to Proposed Tower



Intense Neighboring Event Venue Parking



Altura Tower Adjacent to Proposed Tower

Unique Opportunity



**FUTURE BUILDING
FOOTPRINT**

**63'
Required
Setback**

TREE SYMBOL LEGEND	
	EXISTING TREES
	SHADE TREE
	MEDIUM TREES
	SMALL TREES
	EXISTING PALM
	PALMS
	SPECIMEN PALM

Exhibit G



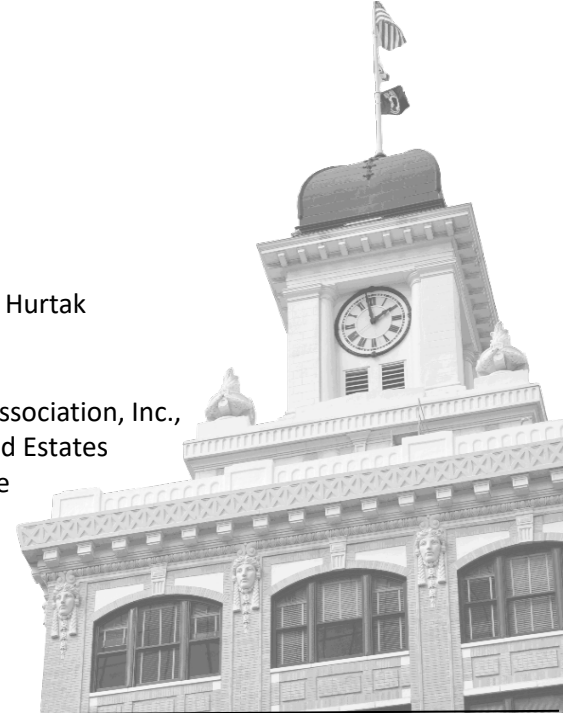
REZONING STAFF REPORT REZ-24-0000006

PROPERTY ADDRESS: 2713 Bayshore Boulevard
APPLICANT: Eric Fordin
PROPERTY OWNER: Congregation Rodeph Sholom Inc.
AUTHORIZED AGENT: Jacob Cremer
RELATED APPLICATIONS: None
PRIOR APPLICATIONS: REZ-22-0000093
FUTURE LAND USE: R-35 (Residential-35)
HISTORIC LANDMARKS: Local: None; National: LeClair Apartments

CITY COUNCIL DISTRICT & REP. MEMBER: District #4 – Carlson
CITY COUNCIL AT-LARGE (CITY-WIDE) MEMBERS: Clendenin, Maniscalco, Hurtak

OVERLAY DISTRICT: None
NEIGHBORHOOD ASSOCIATION: Bayshore Gardens Neighborhood Association, Inc., SOHO Business Alliance, 345 Bayshore Condominium Association, Parkland Estates Civic Club Inc., Bayshore Beautiful Neighborhood Association, Inc., Bayside West Neighborhood Association Inc.

HEARING DATE: 02/08/2024
DATE OF REPORT: 02/01/2024
DATE OF SITE PLAN: 12/28/2023



CURRENT ZONING:

PD (Planned Development)
 (File # Z05-148; Place of Religious Assembly)

REQUESTED ZONING:

PD (Planned Development)
 (Place of Religious Assembly & Residential Multi-Family)

PREVIOUSLY APPROVED WAIVERS (File # Z05-148; Ordinance 2006-10):

1. Section 27-283.7: To reduce the required number of parking spaces from 84 to 54 (36% reduction).
2. Section 27-246: To allow access to local streets (Ysabella Avenue and Barcelona Street).

NEW WAIVERS REQUESTED:

No new waivers are requested.

FINDINGS:

The Development Review and Compliance staff has reviewed the application and finds the request **CONSISTENT** with the City of Tampa Code of Ordinances. Should it be the pleasure of City Council to approve the waivers as identified in the report and approve the application, further modifications to the site plan must be completed by the applicant in between 1st and 2nd Reading of Ordinance as stated on the revision sheet.

REZONING STAFF REPORT REZ-24-0000006

LOCATION MAP:



PROJECT INFORMATION:

Commercial Development SF	Not Applicable
Residential Unit Count (Maximum)	42 Units
Non-Residential Development SF	Place of Religious Assembly – 18,014 SF
Lot Area (SF/Acreage)	92,463 SF (or 2.12 Acres)
Maximum Building Height	317' (26 Floors)
Setbacks	North and South – 20', West – 25' and East – 10'
Existing Use of Property	Rodeph Sholom temple and Jewish Community Center Preschool
Parking Spaces Required	179 spaces
Parking Spaces Provided	189 spaces

SURROUNDING USE INFORMATION*:

LOCATION	ZONING	CURRENT USE
North	RM-16 and RS-75	Garden Club, Fred Ball Park
South	RM-24	Residential Single Family Attached
West	CG and RM-75	Residential Single Family Attached and Residential Multi-Family
East	Not Applicable	Bayshore Boulevard

* RM-Residential Multi-Family, RS-Residential Single Family, CG-Commercial General

SUMMARY OF REQUEST:

The subject site is located on the northeast corner of South Ysabella Avenue and West Barcelona Street. The parcel contains approximately 2 acres (or 92,463 SF) and extends from South Ysabella Avenue to Bayshore Boulevard.

There is an existing 18,014 SF temple building, built in 1969, on the north and northeast section of the site with Bayshore Boulevard on the east. The temple building will remain in its current location on site, with the new residential multi-family

REZONING STAFF REPORT REZ-24-0000006

structure proposed along the western portion of the site near Ysabella Avenue. The proposed residential tower contains the following amenities: health club, game room, business center, pool, and spa and lounge.

The project site plan proposes two structures: the existing temple building to remain at a maximum height of 30’ and the residential tower to be developed at a maximum height of 317’ or 26 floors (with an allowable 10’ encroachment for ornamental rooftop structure). The proposed uses require 179 parking spaces, and 189 parking spaces are proposed. Two points of vehicular access are proposed on Barcelona Street and Ysabella Avenue for the residential tower with a Porte Cochere located along the west allowing for a vehicle arrival plaza to the main lobby entrance. Surface parking is provided in front of the temple building, which is accessed from Barcelona Street. Vehicular access to the temple is proposed on Barcelona Street with one-way entry to the site and a drop off lane provided for the temple building.

This site has a future land use designation of R-35, which allows for development of up to 30 dwelling units per acre by right and up to 35 dwelling units per acre with a bonus provision agreement or a floor area ratio (FAR) up to 0.6. The minimum land area needed for the existing place of religious assembly is 30,023 SF (or .69 acres), which leaves 62,439 SF (or 1.43 acres) of land entitlement for the proposed residential development. The site can be considered for a maximum of 43 units and the applicant proposes a total of 42 units, eliminating the need for a bonus agreement.

The applicant previously applied to rezone this property under File # REZ-22-93. This application was a request to allow the addition of the use of Residential Multi-family to the existing place of religious assembly use on site. This case was heard before Tampa City Council on May 11, 2023. At that time the case was denied. On October 4, 2023, prior to [the current this](#) application being filed, the applicant received approval from the Zoning Administrator through [the](#) review procedure pursuant to Sec. 27-150, it was this determination which allowed the application to re-apply for PD site plan rezoning given the site plan was amended to address the grounds for denial.

GENERAL REQUIREMENTS OF CODE/STAFF FINDINGS:

<p>Development Coordination</p> <p>Site Plan Modifications:</p> <ul style="list-style-type: none"> • Add and clearly label the fence height and material on the site plan for all fencing proposed. • Add the building height on the elevations for the entire height of the structure. 	<p>Consistent</p>
<p>Natural Resources</p> <p>Natural Resources has reviewed the above referenced rezoning with respect to Landscaping, Tree Removal and Site Clearing Regulations of Chapter 27. Natural Resources finds the rezoning site plan consistent with conditions</p> <p>Site Plan Modifications:</p> <ul style="list-style-type: none"> • Trees need to be a minimum 2.5” caliper; L-1 page shows 2”. Amend the tree size to be planted. Or request a waiver to the caliper size that is required by code. • Call out on grade permeable paving where any sidewalks or hardscapes encroach into a tree’s protective radius specifically for tree #38, #36, #29, #39. 	<p>Consistent</p>
<p>Transportation</p>	<p>Consistent</p>

REZONING STAFF REPORT REZ-24-0000006

Hillsborough County City/County Planning	Consistent
Solid Waste	Consistent
Stormwater	Consistent
Wastewater	Consistent
Water	Consistent
Urban Design	Consistent
Tampa Fire Rescue	Consistent

APPLICATION CRITERIA/ANALYSIS: City Council must consider the purpose for a site plan-controlled rezoning when deciding the outcome of a rezoning case:

Sec. 27-132. Regulations governing individual special uses

Place of religious assembly. The following specific standards shall be used in deciding an application for approval of these uses:

- a. All required yards shall be forty (40) feet, except that front yards may meet the requirement in the district in which it is located. ***This standard is met.***
- b. Minimum lot size of twenty thousand (20,000) square feet shall be provided. ***This standard is met, the site contains 92,463 SF.***
- c. The site shall have direct access to an arterial or a collector street as shown on the major street map. ***The applicant has received prior approval of this standard in 2005, File # Z05-148 (see previously approved waiver listed on page 1 of staff report).***
- d. A place of religious assembly may be constructed in excess of the height limitations of the zoning district in which it is located provided the applicant can demonstrate that the height of the place of religious assembly does not adversely affect adjoining and nearby properties. In determining whether height has an adverse effect, the relationship of the place of religious assembly to the surrounding neighborhood, including yards, distance from streets and distance from existing residential dwellings and other structures shall be considered. Other special conditions may also be established to ensure the compatibility of the height of the place of religious assembly with the surrounding residential neighborhood. ***The place of religious assembly will remain as it exists today and as it was approved in 2015, no additional height is requested.***
- e. One (1) wall, pylon, or ground sign may be located at street frontage provided all of the following are met: 1. The height of the sign shall be limited to eighteen (18) feet on an arterial street or a collector street and ten (10) feet on a local street. 2. The sign shall not exceed thirty-two (32) square feet on display area. 3. Such shall be setback fifteen (15) feet from the right-of-way line and thirty (30) feet from the intersection of right-of-way. Acknowledged. ***No waivers have been requested to this standard.***

Sec. 27-136. Purpose

The purpose of this article is to provide for zoning districts that recognize unique conditions, allow design flexibility, and promote planned diversification and integration of uses and structures, which other zoning districts cannot accommodate. Through this process City Council retains authority to establish such limitations and regulations as it deems necessary to protect the public health, safety, and general welfare, with the exception of standard technical requirements, as described in this section. The intent of these site plan zoning districts is to provide standards and requirements which:

- (1) Promote the efficient and sustainable use of land and infrastructure, with careful consideration of potential adverse impacts to onsite natural elements, surrounding impacted neighborhood(s), and cultural resources. ***This***

REZONING STAFF REPORT REZ-24-0000006

project has a total tree requirement to provide 37 trees and the applicant proposes more than enough trees to meet this requirement by providing 20 x 10" caliper live oaks, which far exceeds their tree requirements. In addition, they are planting additional trees on site. For reference, 1 x 10" caliper tree is equivalent to 4 x 2.5" caliper trees equivalent and 20 is equivalent to 80 x 2.5" caliper trees.

The project is providing and exceeding the code required greenspace. Code requires 15,424 SF for multi-family greenspace and VUA greenspace combined. The project is providing 34,791 SF over the entire site. The project is preserving all non-hazardous grand trees on site and providing much of the protective radius for encroachments like sidewalks and roadways. The project is retaining 54% of the preservation quality trees on site and exceeding the code requirement of 50% for a non-wooded site over 1 acre.

The applicant has provided a Protection Plan for grand tree #38 which is proximal to the new building. In addition to meeting ANSI A300 pruning guidelines, this protection plan ensures there is no structural disturbance to the protected root zone of the tree.

The project requires a 10' use to use landscape buffer to the north and to the east and is providing a 20' setback to the north and a 20' setback to Barcelona Street. This setback allows for the site to accommodate a 10" caliper replacement tree which has a sizeable rootball. The project as submitted, promotes efficient and sustainable use of land and infrastructure and provides careful consideration of impacts to onsite natural elements.

- (2) Allow the integration of different land uses and densities in one (1) development that would not otherwise be provided for or allowed under general zoning districts established in this chapter, which encourage compatibility in overall site design and scale, both internal and external to the project site. ***The applicant requests to add a residential use to a property that has historically been the home to Congregation Rodeph Sholom and the JCC Preschool. The current approval for this parcel is for a place of religious assembly, this PD site plan request allows for the integration of both uses with a total of 42 residential dwelling units. The residential tower and units proposed in this rezoning application would not be allowed in the current approved PD, as such a new rezoning PD site plan application is required.***
- (3) Provide a procedure which can relate the type, design and layout of residential and nonresidential development to the particular site. ***Not Applicable.***
- (4) Acknowledge changing needs, technologies, economics and consumer preferences and allows for ingenuity and imagination in the planning and development of relatively large tracts under unified control as well as allowing flexibility in the redevelopment of older areas of the city. ***This PD request allows for development of the western portion this parcel with a residential tower. This request allows opportunity to develop and incorporate residential multi-family units on site while allowing for the existing temple to remain as established on site.***
- (5) Encourage flexible land development which reduces transportation needs, conserves energy, and will maximize the preservation of natural resources, such as streams, lakes, floodplains, groundwater, wooded areas, uplands, and areas of unusual beauty or importance to the natural ecosystem; open space; greenspace; and, historical and archaeological sites. ***Greenspace provided of 34,791 SF exceeds the minimum required of 13,998 SF or 30% of the parcel. The development requires a total of 27 trees provided on site and the site plan submitted identifies 73 trees provided. The landscape buffer provided on the north has been increased to provide 20' to minimize possible impacts from proposed development. VUA greenspace is required and provided at 1,426 SF. VUA trees are required at 38 trees and 84 trees are provided. The applicant has met and exceeded natural resources requirements both in preserving and contributing to the natural environment.***

REZONING STAFF REPORT REZ-24-0000006

- (6) Promote and encourage development where appropriate in location, character, and compatibility with the surrounding impacted neighborhood(s), built environment, and existing geography. ***The subject site is located on Bayshore Boulevard and is surrounded with similar uses as proposed in this PD site plan request. Within ½ mile from this site there are eleven (11) towers of varying heights which range from 198' to 349'. The surrounding uses include a residential multi-family tower located northwest of this site with the Garden Club located to the north and Fred Ball Park located further north of this parcel. This site is currently approved for the use of place of religious assembly, therefore this application seeks to add the use of a 26-story residential multi-family tower, at a proposed density of 42 units, to this site. The applicant proposes development within the allowable maximum density allowed in the R-35 Future Land Use category, therefore a bonus agreement is not required. The provided buffers assist in minimizing potential impacts to surrounding properties. The proposed uses of residential multi-family and place of religious assembly are compatible with the surrounding uses.***
- (7) Promote more desirable living and working environments than would be possible through the strict application of minimum requirements of other zoning districts. ***The current PD approval does not allow for residential development, the approval allows for place of religious assembly and associated pre-school uses. The addition of 42 residential units to be constructed in a 26 story residential tower is not a permitted use and can only be achieved through submittal of a new PD site plan rezoning request.***
- (8) Promote architectural features and elements, which complement the surrounding community and enhance the overall quality of the development. ***Elevations provided depict a structure with design elements complementary to the surrounding community. Site photos are submitted of the existing temple building complementary to the surrounding community. The proposed residential tower has incorporated external façade elements of a green wall on the north and south elevations, on the first four levels which contain garage parking, enhancing the façade and adding natural elements .***
- (9) Promote the retention and reuse of existing building stock. ***The existing structure on site will remain with the applicant proposing to construct residential multi-family units on site and maintain the existing use of religious place of assembly.***

Sec. 27-139(4) Waivers

The following are the criteria for consideration of a waiver through a site plan-controlled rezoning:

- a. The design of the proposed development is unique and therefore is in need of waiver(s); however, with waiver(s) granted, the purpose and intent this article stated in Section 27-136 is met.
- b. The waiver, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the waiver.
- c. The waiver is in harmony with and serves the general intent and purpose of this Chapter, other applicable City of Tampa land development regulations, and the adopted Tampa Comprehensive Plan.
- d. Allowing the waiver will result in substantial justice being done, considering both the public benefits intended to be secured by this Chapter, other applicable City of Tampa land development regulations, the Tampa Comprehensive Plan, and the individual hardships that will be suffered by a failure of City Council to grant a waiver.

Submitted & Completed by:

**LaChone Dock
Zoning Supervisor
Development Coordination**

REZONING STAFF REPORT REZ-24-0000006

REVISIONS SHEET

Development Coordination

- Add and clearly label the fence height and material on the site plan for all fencing proposed.
- Add the building height on the elevations for the entire height of the structure.

Natural Resources:




- Trees need to be a minimum 2.5" caliper; L-1 page shows 2". Amend the tree size to be planted. Or request a waiver to the caliper size that is required by code.
- Call out on grade permeable paving where any sidewalks or hardscapes encroach into a tree's protective radius specifically for tree #38, #36, #29, #39.



City of Tampa

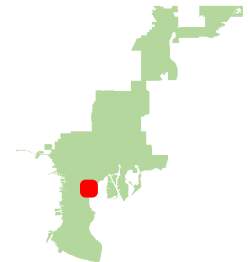
REZ-24-000006
 2713 Bayshore Blvd
 From: PD to PD

Residential Multiple-Family &
 Place of Religious Assembly

 Subject Property
 Zoning  1,000' Buffer

- ★ Historic Landmark Local
None
- ★ Historic Landmark National
LeClair Apartments

Area of Interest



DISCLAIMER: information represented on this map is for reference only. Every effort has been made to verify the information. However, the data is dynamic and accuracy is not guaranteed. Users are urged to report inconsistencies so updates can be made accordingly.

Prepared by Development & Growth Management
 Right of Way & Mapping Section

February 8, 2024



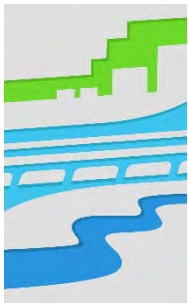
Jane Castor, Mayor

2023 Aerial



**Hillsborough County
City-County
Planning Commission**

City of Tampa Rezoning	
Hearing Date: February 8, 2024 Report Prepared: January 30, 2024	Petition: REZ 24-06 2713 Bayshore Boulevard <i>Located northeast of the intersection of West Barcelona Street and Bayshore Boulevard</i>
Summary Data:	
Comprehensive Plan Finding:	CONSISTENT
Adopted Future Land Use:	Residential-35 (35 du/ga; 0.6 FAR)
Planning Area:	South Tampa Planning District
Zoning:	Planned Development (PD) to a Planned Development (PD) to permit 42 multi-family residential units and a place of religious assembly
Parcel Size (Approx.):	92,463± sq. ft. (2.12± acres)
Street Functional Classification:	South Ysabella Avenue– Local West Barcelona Street – Local Bayshore Boulevard – Arterial
Other Considerations:	The subject site is within the Coastal High Hazard Area (CHHA)



Context:

The applicant proposes to rezone 2.12± acres from Planned Development (PD) to a Planned Development (PD) to permit 42 multi-family residential units and to retain an existing 18,014 square-foot place of religious assembly. The applicant intends to retain the existing place of religious assembly and develop an approximately 317-foot residential building.

- The subject site is within the South Tampa Planning District, and more specifically, the Bayshore Gardens neighborhood.
- The subject site is within the Residential-35 designation. This designation supports medium-density residential uses including multi-family and small-lot single-family uses (duplexes condominiums, and townhomes).
- The existing place of religious assembly, as listed on the site plan, is 18,014± square feet. Given the size of the place of religious assembly, the minimum lot size needed for the place of religious assembly to be considered conforming is 30,023± square feet (0.69± acres) leaving 62,439± square feet (1.43± acres) eligible for residential development. Based on 1.43± acres, under the Residential-35 designation, the site can be considered for 43 dwelling units (30 du/ga) by-right or 50 (35 du/ga) with a Bonus Provision Agreement (BPA).
- The surrounding area contains a mixture of uses. This segment of Bayshore Boulevard, between South Carolina Avenue and West Bay to Bay Boulevard, contains light commercial, single-family residential, public, and multi-family residential uses. The Bayshore Presbyterian Apartments and an office are west of the subject site. There are several towers within proximity of the subject site along Bayshore Boulevard with heights ranging from 15 to 18-stories. There are several taller structures further north of the subject site along Bayshore Boulevard.
- Fred Ball Park is the closest public recreational facility located one block north of the subject site.
- This portion of Bayshore Boulevard is served by Hart Route 14. This route provides service to Britton Plaza and the Yukon Transfer Center.
- The subject site is located within the Coastal High Hazard Area (CHHA) and the Coastal Planning Area, specifically Evacuation Zone A. Rezonings that increase the number of residential units within the Coastal Planning Area shall mitigate the impact on shelter space demands (*CM Policy 1.2.2*).

Compliance with the Comprehensive Plan:

The following Objectives and Policies apply to this rezoning request and are used as a basis for a consistency finding.

Goals, Objectives, and Policies of the Tampa Comprehensive Plan

Livable City – Goals, Objectives, and Policies

LU Objective 1.1: Recognize that the City is comprised of five unique districts: University, Central Tampa, Westshore, New Tampa, and South Tampa.

Policy 1.1.8: Provide diverse housing opportunities that are efficiently served by transit in the New Tampa and South Tampa Districts while maintaining the character of established residential neighborhoods.

City Design

LU Objective 1.2: Create inspired urban design while respecting Tampa’s human scale, unique history, aesthetics, natural environment, and sense of community identity as the City changes and evolves.

LU Policy 1.2.3: Relate new buildings and development to the context of the neighborhood and community.

City Planning Strategy

LU Objective 2.1: Regulate the levels of building intensity according to the standards and land use designations, in order to accommodate the projected population increase of 150,000 people and 157,000 employees by 2040.

LU Policy 2.1.1: Encourage compact, higher-density development that is compatible with its surrounding character.

LU Policy 2.1.2: Use limited land resources more efficiently and pursue a development pattern that is more economically sound, by encouraging infill development on vacant and underutilized sites.

The Public Realm

LU Objective 4.3: Improve the pedestrian experience through excellent urban design.

LU Policy 4.3.6: Ensure that sidewalks interconnect with existing or future sidewalks on adjacent properties and on the public right-of-way.

Land Development Regulations – Goals, Objectives, and Policies

LU Objective 8.14: All existing and future land development regulations shall be made consistent with the Comprehensive Plan, and all development approvals shall be consistent with those development regulations as per the timeframe provided for within Chapter 163, Florida Statutes.

LU Policy 8.14.1: Development shall not exceed the densities and intensities as defined by the land use plan categories, and incorporated herein as reference.

LU Policy 8.14.2: Each land use plan category shall have a unique set of zoning districts that may be permitted within the land use plan category, as adopted in the Zoning Code. Zoning districts which are not included in the table/ matrix shall neither be applied for, nor approved.

Overall Residential Development and Redevelopment

LU Objective 9.2: Ensure that there is an adequate amount of land planned for residential purposes to accommodate the projected population.

LU Policy 9.2.2: The impacts of (re)development projects on the existing, physical and social framework and character of the affected area should be recognized and discussed during the development review process.

LU Policy 9.2.6: Encourage single family attached and multi-family developments to be designed to include orientation of the front door to a neighborhood sidewalk and street.

LU Objective 9.3: Compatible development and redevelopment to sustain stable, neighborhoods and ensure the social and economic health of the City.

LU Policy 9.3.8: It is the intent of the City that new residential redevelopment projects shall be minimally disruptive to adjacent areas. To achieve this, the City shall assess the potential positive and negative impacts of residential development projects on the physical development pattern and the character of the surrounding area, and require mitigation of negative off-site impacts.

LU Objective 9.4: Accommodate the greatest concentration of housing in desirable, pedestrian-oriented urban areas having convenient access to regional transit stations, where the mix of activity provides convenient access to a full range of residential services and amenities, and opportunities for people to live within walking distance of employment.

LU Policy 9.4.1: Encourage higher-density multifamily development in pedestrian-oriented urban areas with access to transit, a broad range of services and amenities and access to employment to:

- *Encourage housing development of a medium to large scale with heights greater than those in low rise areas;*
- *Accommodate larger scale structures while maintaining the livability of these communities, including measures which minimize the appearance of bulk; or*
- *Promote high-density residential development in Business Centers and Urban Villages.*

Moderate Density Multifamily Areas

LU Objective 9.8: Provide for the concentration of housing in areas where public transit and local services are conveniently available and accessible for pedestrians.

LU Policy 9.8.1: Use moderate-density multifamily zones in multifamily areas to provide additional housing opportunities, by:

- *Encouraging infill projects and conversions of existing buildings which are compatible with existing mixes of houses and small-to-moderate scale apartment buildings; or*

- *Providing for new residential development at moderate densities which can fill in vacant or underdeveloped sites in neighborhoods with existing moderate density residential structures.*

LU Policy 9.8.4: Accommodate housing at densities sufficient to promote pedestrian activity and frequent transit service, as well as support local businesses providing neighborhood services.

Bayshore Boulevard

LU Objective 20.4: Continue to recognize Bayshore Boulevard, from Brorein Street to Gandy Boulevard (“Bayshore Boulevard”), as a regional attractor and a major community asset. Continue to preserve and enhance the balance of the natural and physical environments along Bayshore Boulevard in a manner which will continue to provide the City’s residents, regional neighbors, and national/ international visitors with a unique environmental experience in the core of the urban area.

LU Policy 20.4.2: Promote pedestrian connectivity by completing improvements as feasible and practical to existing sidewalk segments.

Neighborhood/Community Plans – Goals, Objectives, and Policies

NE Objective 1.3: Engage neighborhood residents and organizations in collaborative efforts to share information, solve problems and plan for the future.

NE Policy 1.3.9: Relate new buildings to the context of the neighborhood and community.

Adequate Sites to Accommodate Housing Needs

HSG Objective 1.3: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of Tampa’s households now and in the future in all neighborhoods.

HSG Policy 1.3.4: Encourage new housing on vacant, infill, or underutilized land.

Hurricane Evacuation and Shelters

CM Objective 1.2: Maintain and reduce hurricane clearance times within the City as a component of maintaining and reducing evacuation times for Hillsborough County and the Region.

CM Policy 1.2.2: Rezoning in the Coastal Planning Area that increase the number of residential units shall mitigate the impact on shelter space demands based on the shelter space LOS.

Staff Analysis of Goals, Objectives, and Policies:

The applicant proposes to rezone 2.12± acres from Planned Development (PD) to a Planned Development (PD) to permit 42 multi-family residential units and to retain an existing 18,014 square-foot place of religious assembly. The applicant intends to retain the existing place of religious assembly and develop an approximately 317-foot-tall residential building.

The subject site is recognized under the Residential-35 Future Land Use designation, which allows consideration of medium-density residential uses including multi-family and small-lot single-family uses (duplexes, condominiums, and townhomes). Multi-family uses and a place of religious assembly, as proposed through this Planned Development (PD), can be considered within the Residential-35 designation (*LU Policy 8.14.2*). The minimum lot size required to retain the 18,014± square foot place of religious assembly, under the Residential-35, is 30,023± square feet (0.60 FAR). After subtracting the minimum lot size required to retain the place of religious assembly, approximately 62,439± square feet (1.43± acres) can be considered for residential development. The PD proposes 42 dwelling units (29.37 du/ga) on the remaining 1.43± acres. Since the PD is below 30 du/ga, a Bonus Provision Agreement (BPA) is not required. Planning Commission staff finds the request consistent with the density and intensity anticipated under the Residential-35 designation (*LU Policy 8.14.1*).

The Planning Commission staff reviewed the existing densities of the surrounding area. Residential-35 designated parcels are generally north of West Bay to Bay Boulevard, east of South Ysabella Avenue, and south of Rubideaux Street. The existing density of these Residential-35 designated parcels is 14.27 dwelling units per acre (based on 15 sample sites), or 40% of the density anticipated under the Residential-35 designation. Approximately 4.07 acres to the west and northwest of the subject site are parcels designated as Residential-83. This area has an existing density of 16.12 dwelling units per acre (based on five sample sites) or 19% of the density anticipated under the Residential-83 designation. Given the density and intensity anticipated in this area of the City, the surrounding area can be considered underdeveloped. The Bayshore Presbyterian Apartments, a 15-story multi-family development recognized under the Residential-83 designation, is to the west and northwest of the site on South Ysabella Avenue. Altura Bayshore, a 22-story high-rise recognized under the Community Mixed Use-35 designation, is directly southwest of the site. Additionally, there are several 15 to 18-story towers near the subject site along Bayshore Boulevard, and several taller structures north of the subject site along Bayshore Boulevard. Planning Commission staff finds that the request will not alter the character of the surrounding area (*LU Policies 9.2.2, 9.8.1; NE Policy 1.3.9*). Furthermore, the request supports LU Policy 2.1.1 which seeks to encourage compact, higher-density development that is compatible with its surrounding character.

Bayshore Boulevard runs along the eastern boundary of the subject site. The Comprehensive Plan seeks to promote pedestrian connectivity along Bayshore Boulevard (*LU Policies 4.3.6, 20.4.2*). Sidewalks are provided along all adjacent public rights-of-way, and building entrances to the residential building are oriented toward Ysabella Avenue (*LU Policy 9.2.6*). Additionally, the applicant proposes internal pedestrian connections and a crosswalk from the place of religious assembly's entrance to the sidewalk on Barcelona Street. Though the proposed pedestrian connections will help ensure pedestrian safety and accessibility, there is a proposed security fence that runs along the east boundary and a portion of the southern boundary of the site. The applicant should ensure that gates are provided where any sidewalks and fences meet to ensure the place of religious assembly is accessible to pedestrians.

The Comprehensive Plan encourages high-density multifamily development in pedestrian-oriented urban areas with access to transit, services, employment, and amenities (*LU Policies 1.1.8, 9.4.1, 9.8.4*). The PD supports this policy direction because the site is adjacent to transit services along Bayshore Boulevard and is within ¼ mile of West Bay to Bay Boulevard and South MacDill Avenue, roadways containing commercial services and amenities. Additionally, the subject site is within proximity of two public parks. Fred Ball Park is one block northeast, and Palm Ceia Park is approximately ¾ mile north of the subject site.

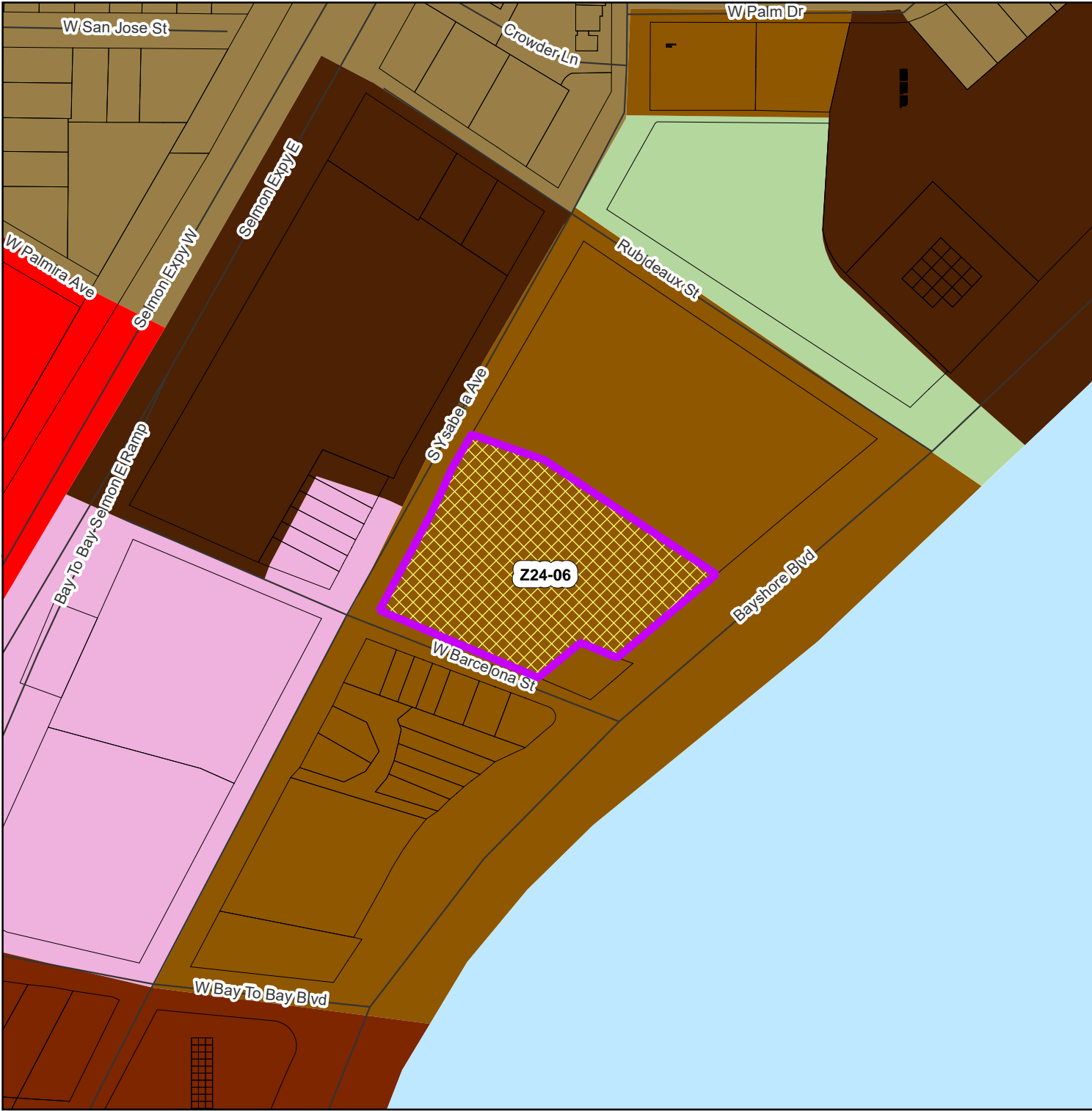
The request supports policies in the Comprehensive Plan as it relates to housing the city's population. As stated previously, the surrounding area is developed well below the density anticipated in this area of the city. The Tampa Comprehensive Plan encourages new housing on vacant and underutilized land to ensure an adequate housing supply is available to meet the needs of Tampa's present and future populations (*HSG Policy 1.3.4*). The request will provide additional housing choices in the Bayshore Gardens neighborhood.

The subject site is within the Coastal High Hazard Area and the Coastal Planning Area, specifically Evacuation Zone A. As such, the applicant must work with the City of Tampa and other regulatory agencies to ensure any residential development mitigates its impact on shelter space (*CM Policy 1.2.2*).

In conclusion, the request is consistent with the density anticipated under the Residential-35 designation and is comparable and compatible with the surrounding area. Additionally, the request is consistent with the Bayshore Boulevard and housing-related policies. (*LU Policies 1.2.3, 2.1.2, 9.3.8*)

Recommendation:

Based on the above considerations, the Planning Commission staff finds the proposed Planned Development **CONSISTENT** with the provisions of the *Tampa Comprehensive Plan*.



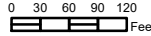
CITY OF TAMPA
 Future Land Use
Z24-06
 2713 Bayshore Blvd.
 From: PD (Planned Development)
 To: PD (Planned Development)

- Legend**
- Rezoning**
- <all other values>
- STATUS**
- APPROVED
 - CONTINUED
 - DENIED
 - WITHDRAWN
 - PENDING
- Service**
- Tampa Service
 - Urban Service
- Boundary**
- Shoreline
 - County Boundary
 - Jurisdiction Boundary
- Infrastructure**
- Roads
 - Parcels
 - WATER
 - wam.WATER.MajorRivers_Line
 - wam.NATURAL.Bay_Poly
 - wam.NATURAL.LULC_Wet_Poly
- Land Use**
- RURAL ESTATE-10 (.25 FAR)
 - RESIDENTIAL-3 (.35 FAR)
 - RESIDENTIAL-6
 - RESIDENTIAL-10 (.35 FAR)
 - RESIDENTIAL-20 (.50 FAR)
 - RESIDENTIAL-35 (.60 FAR)
 - RESIDENTIAL-50 (1.0 FAR)
 - RESIDENTIAL-63 (.65 FAR)
 - SUBURBAN MIXED USE-3 (.25 FAR)
 - SUBURBAN MIXED USE-6 (.50 FAR)
 - NEIGHBORHOOD MIXED USE-18 (.50 FAR NONRESIDENTIAL USES, .75 FAR VERTICAL MIXED-USE OR RESIDENTIAL ONLY)
 - NEIGHBORHOOD MIXED USE-24 (.75 FAR NONRESIDENTIAL USES, 1.0 FAR VERTICAL MIXED-USE OR RESIDENTIAL ONLY)
 - NEIGHBORHOOD MIXED USE-35 (1.0 FAR NONRESIDENTIAL USES, 1.5 FAR VERTICAL MIXED-USE OR RESIDENTIAL ONLY)
 - GENERAL MIXED USE-24 (1.5 FAR)
 - URBAN MIXED USE-60 (3.25 FAR)
 - COMMUNITY MIXED USE-35 (2.0 FAR)
 - TRANSITIONAL USE-24 (1.5 FAR)
 - REGIONAL MIXED USE-100 (3.5 FAR)
 - MUNICIPAL AIRPORT
 - COMMUNITY COMMERCIAL-35 (2.0 FAR)
 - LIGHT INDUSTRIAL (1.5 FAR)
 - HEAVY INDUSTRIAL (1.5 FAR)
 - RECREATIONAL/OPEN SPACE
 - PUBLIC/SEMI-PUBLIC
 - MAJOR ENVIRONMENTALLY SENSITIVE AREAS
 - CENTRAL BUSINESS DISTRICT
 - MAC DILL AIR FORCE
 - WATER
 - RIGHT OF WAY
 - TRANSITIONAL AREA (DUE TO

DATA SOURCES: Rezoning boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser.

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ACCURACY: It is intended that the accuracy of the base map comply with U.S. national map accuracy standards. However, such accuracy is not guaranteed by the Hillsborough County City-County Planning Commission. This map is for illustrative purposes only. For the most current data and information, see the appropriate source.



Map Printed from Rezoning System: 1/5/2024
 Author: Jerid McAdoo
 File: C:\Users\jmcadoo\Desktop\Rezoning.mxd

