



**CITY OF ST. PETERSBURG
PLANNING & DEVELOPMENT DEPT.
DEVELOPMENT REVIEW SERVICES DIVISION**

**DEVELOPMENT REVIEW COMMISSION
STAFF REPORT**

**SPECIAL EXCEPTION
PUBLIC HEARING**

According to Planning & Development Services Department records, no **Commission member** resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on **Wednesday, February 3, 2021 at 1:00 P.M.** at Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida. Procedures will be implemented to comply with the CDC guidelines during the Public Hearing, including mandatory face coverings and social distancing with limitations on the number of attendees within Council Chambers. The City's Planning and Development Services Department requests that you visit the City website at www.stpete.org/meetings for up-to-date information.

CASE NO.: 20-32000019 PLAT SHEET: G-22

REQUEST: Approval of a modification to an approved Special Exception for a House of Worship use in the NS-1 zoning district.

OWNER: Allendale United Methodist Church, Inc.
c/o Beth Jones (Agent)
3803 Haines Road North
Saint Petersburg, Florida 33703

ADDRESS: 3803 Haines Road North

PARCEL ID NO.: 01-31-16-00558-007-0010

LEGAL DESCRIPTION: On File

ZONING: Neighborhood Suburban Single-Family (NS-1)

SITE AREA TOTAL: 96,558 square feet or 2.2167 acres

GROSS FLOOR AREA:

Existing:	23,246 square feet	.24 F.A.R.
Proposed:	23,246 square feet	.24 F.A.R.
Permitted:	33,795 square feet	.35 F.A.R.

BUILDING COVERAGE:

Existing:	23,246 square feet	24.1 % of Site MOL
Proposed:	23,246 square feet	24.1 % of Site MOL
Permitted:	N/A square feet	N/A % of Site MOL

IMPERVIOUS SURFACE:

Existing:	55,601 square feet	57.6 % of Site MOL
Proposed:	55,601 square feet	57.6 % of Site MOL
Permitted:	57,934 square feet	60.0 % of Site MOL

OPEN GREEN SPACE:

Existing:	37,344 square feet	38.7 % of Site MOL
Proposed:	37,344 square feet	38.7 % of Site MOL

PAVING COVERAGE:

Existing:	32,355 square feet	33.5 % of Site MOL
Proposed:	32,355 square feet	33.5 % of Site MOL

APPLICATION REVIEW:

I. **PROCEDURAL REQUIREMENTS:** The applicant has met and complied with the procedural requirements of Section 16.70.040.1.5. of the Municipal Code for a House of Worship which is a Special Exception use within the NS-1 Zoning District.

II. **DISCUSSION AND RECOMMENDATIONS:**

The Request: The applicant seeks approval of a special exception modification to add two raised garden beds on the property to grow vegetables. The garden beds are 15' x 10'7" and 45' x 15'10" in size and located internally within the footprint of the existing Church campus and on the east side of the property along 11th Street North, respectively.

History: The subject property is home to the Allendale United Methodist Church (Church). City records show the Church has existed on the property since at least 1926. The Church originally held the property on Lot 1 on 38th Ave N and have since expanded northward including the adjacent Lots 2 through 5 and Lots 34 through 36 as well as the property to the southwest across Haines Rd. which serves as a surface parking lot for the Church.

The Church previously requested two related Special Exceptions in 1983:

- **January 14, 1983 (SE-694)** – Approval of a Special Exception and related Site Plan for the addition of a Fellowship Hall, new offices, classrooms, and a new chapel to the existing church with related variances to required setbacks, land area, and parking. After

discussion at the January 14th meeting, a variance to a contemporary requirement for a buffer wall was raised and the item was deferred to the February 16th meeting to include a variance to the buffer wall requirement. The variances were granted by the Commission; however the Special Exception request was denied and the Site Plan was tabled in “anticipation of a modification” to the request.

- **April 20, 1983 (SE-718)** – Approval of a Special Exception and related Site Plan for the addition of a Fellowship Hall, new offices, classrooms, and a new chapel to the existing church with related variances to required setbacks, land area, parking, and buffer walls. The request is similar to SE-694 but presented with a revised Site Plan. The variances and revised Site Plan were approved by the Commission.

Current Proposal: The Applicant proposes to maintain two raised garden beds that were established on the property in 2020 without prior permits or approvals. One bed is located centrally on the property in between the existing Church buildings and the other bed is located along 11th Street North, partially encroaching into the public right-of-way.

The primary concern of the proposal is the garden bed located on 11th Street North. On the opposite side of 11th Street North are single-family residential uses and the bed is encroaching into the public right-of-way that serves as a location for utilities and public transportation facilities. This garden bed is currently unsecured which could pose a liability to the Church and visually unsecured which could pose a potential visual blight to the neighboring property owners if the bed is not given proper attention and regular maintenance. The location of the bed and existing and future facilities in the public right-of-way poses a potential conflict.

The establishment and use of raised garden beds on the property as an accessory use to the primary House of Worship use is permissible per Code, however the beds need to be properly located on the property for optimal function and to help mitigate visual blight.

Public Comments: Comments of support and opposition have been received by Staff. At the time of this report, seven (7) parties support the request and two (2) parties oppose the request. The subject property is located in the Allendale Crime Watch Association and is immediately adjacent to both the Allendale Terrace Neighbors United Neighborhood Association to the south and the Magnolia Heights Neighborhood Association to the southwest.

The Allendale Crime Watch Association and the Magnolia Heights Neighborhood Association have not commented on the request. The Allendale Terrace Neighbors United Neighborhood Association has signed a public participation report document (included in the application submission) stating they are unable to comment on the proposal at the time of review.

III. RECOMMENDATION:

- A. Staff recommends APPROVAL of the continued maintenance of the 15' x 10'7" garden bed located centrally on the subject property. Staff recommends DENIAL of the continued maintenance of the 45' x 15'10" garden bed located on the eastern edge of the property along 11th Street North.
- B. SPECIAL CONDITIONS OF APPROVAL:
 1. Should the Development Review Commission approve the request, Staff recommends all conditions of approval of this Special Exception/Site Plan shall be met no later than February 3rd, 2022. A request for extension must be filed in writing prior to the expiration date.

2. The Applicant shall consult with private providers and the City's Engineering & Capital Improvements Department to ensure that the garden beds are located in a way as to not interfere with current and future facilities located in the public right-of-way.
3. Placement of landscaping features within the public right of way will be subject to removal if necessary to facilitate any future capital improvement project or registered utility provider's need for the use of the public right-of-way for utility infrastructure.
4. The garden beds shall be for the Church's use only and Public access shall be prohibited.
5. The garden beds shall be reconstructed using materials to match the existing Church structures.

C. STANDARD CONDITIONS OF APPROVAL

(All or Part of the following standard conditions of approval may apply to the subject application. Application of the conditions is subject to the scope of the subject project and at the discretion of the Zoning Official. Applicants who have questions regarding the application of these conditions are advised to contact the Zoning Official.)

ALL SITE PLAN MODIFICATIONS REQUIRED BY THE DRC SHALL BE REFLECTED ON A FINAL SITE PLAN TO BE SUBMITTED TO THE PLANNING & DEVELOPMENT SERVICES DEPARTMENT BY THE APPLICANT FOR APPROVAL PRIOR TO THE ISSUANCE OF PERMITS.

Building Code Requirements:

1. The applicant shall contact the City's Construction Services and Permitting Division and Fire Department to identify all applicable Building Code and Health/Safety Code issues associated with this proposed project.
2. All requirements associated with the Americans with Disabilities Act (ADA) shall be satisfied.

Zoning/Planning Requirements:

2. The applicant shall submit a notice of construction to Albert Whitted Field if the crane height exceeds 190 feet. The applicant shall also provide a Notice of Construction to the Federal Aviation Administration (FAA), if required by Federal and City codes.
3. All site visibility triangle requirements shall be met (Chapter 16, Article 16.40, Section 16.40.160).
4. No building or other obstruction (including eaves) shall be erected and no trees or shrubbery shall be planted on any easement other than fences, trees, shrubbery, and hedges of a type approved by the City.
5. The location and size of the trash container(s) shall be designated, screened, and approved by the Manager of Commercial Collections, City Sanitation. A solid wood fence or masonry wall shall be installed around the perimeter of the dumpster pad.

Engineering Requirements:

1. The site shall be in compliance with all applicable drainage regulations (including regional and state permits) and the conditions as may be noted herein. The applicant shall submit drainage calculations and grading plans (including street crown elevations), which conform with the quantity and the water quality requirements of the Municipal Code (Chapter 16, Article 16.40, Section 16.40.030), to the City's Engineering Department for approval. Please note that the entire site upon which redevelopment occurs shall meet the water quality controls and treatment required for development sites. Stormwater runoff release and retention shall be calculated using the rational formula and a 10-year, one-hour design storm.
2. All other applicable governmental permits (state, federal, county, city, etc.) must be obtained before commencement of construction. A copy of other required governmental permits shall be provided to the City Engineering & Capital Improvements Department prior to requesting a Certificate of Occupancy. Issuance of a development permit by the City does not in any way create any rights on the part of the applicant to obtain a permit from a governmental agency and does not create any liability on the part of the City of St. Petersburg for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by other governmental agencies or undertakes actions that result in a violation of state or federal law.
3. A work permit issued by the Engineering Department shall be obtained prior to commencement of construction within dedicated rights-of-way or easements.
4. The applicant shall submit a completed Storm Water Management Utility Data Form to the City's Engineering Department for review and approval prior to the approval of any permits.
5. Curb-cut ramps for the physically handicapped shall be provided in sidewalks at all corners where sidewalks meet a street or driveway.

Landscaping Requirements:

1. The applicant shall submit a revised landscape plan, which complies with the plan approved by the DRC and includes any modifications as required by the DRC. The DRC grants the Planning & Development Services Department discretion to modify the approved landscape plan where necessary due to unforeseen circumstances (e.g. stormwater requirements, utility conflicts, conflicts with existing trees, etc.), provided the intent of the applicable ordinance(s) is/are maintained. Landscaping plans shall be in accordance with Chapter 16, Article 16.40, Section 16.40.060 of the City Code entitled "Landscaping and Irrigation."
2. Any plans for tree removal and permitting shall be submitted to the Development Services Division for approval.
3. All existing and newly planted trees and shrubs shall be mulched with three (3) inches of organic matter within a two (2) foot radius around the trunk of the tree.
4. The applicant shall install an automatic underground irrigation system in all landscaped areas. Drip irrigation may be permitted as specified within Chapter 16, Article 16.40, Section 16.40.060.2.2.

5. Concrete curbing, wheelstops, or other types of physical barriers shall be provided around/within all vehicular use areas to protect landscaped areas.
6. Any healthy existing oak trees over two (2) inches in diameter shall be preserved or relocated if feasible.
7. Any trees to be preserved shall be protected during construction in accordance with Chapter 16, Article 16.40.060.5 and Section 16.40.060.2.1.3 of City Code.

IV. RESPONSES TO RELEVANT CONSIDERATIONS BY THE DEVELOPMENT REVIEW COMMISSION FOR REVIEW (Pursuant to Chapter 16, Section 16.70.040.1.4 (D)):

- A. The use is consistent with the Comprehensive Plan. The House of Worship use is an allowable Special Exception Use in the NS-1 Zoning District.
- B. The subject property has valid and appropriate land use and zoning designations for the House of Worship use.
- C. The eastern raised garden bed along 11th Street North is located partially in the public right-of-way posing a potential conflict with pedestrian traffic if the existing sidewalk was extended northward in the future.
- D. Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping have been reviewed and no adverse impacts have been identified.
- E. A traffic impact report is not required for the scope of this project as identified by the City's Transportation & Parking Department.
- F. No adverse drainage impacts were identified by the City's Engineering Department. Final engineered plans and permits will be required to ensure compliance with all required codes.
- G. Signs, if presented by the applicant, are required to comply with the City's Sign Regulations.
- H. Orientation and location of the buildings, improvements, and open space have been evaluated in relationship to the neighborhood and the characteristics of the site. The raised garden bed located on the eastern edge of the property could pose a potential blight on the neighborhood if not properly maintained. The stated conditions of approval are appropriate in the balancing of these considerations.
- I. The use of the eastern garden bed is incompatible with the natural environment and neighborhood as it is unsecured and partially encroaching into the public right-of-way.
- J. There is no identifiable concentration of similar uses within the immediate vicinity and therefore no detrimental effects on nearby property values.
- K. The lack of visual and/or physical screening of the eastern garden bed does not adequately preserve external harmony and compatibility with uses outside of the development.
- L. Land area is sufficient to accommodate the proposed use without the creation of identifiable adverse impacts.

- M. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation are considered and protected in the proposed project.
- N. Sensitivity of the development to on-site and adjacent (within two-hundred (200) feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;
 - 1. The site is **not within** an Archaeological Sensitivity Area (Chapter 16, Article 16.30, Section 16.30.070).
 - 2. The property is **not within** a flood hazard area (Chapter 16, Article 16.40, Section 16.40.050).
- O. The request does not affect the availability or capacity of hurricane evacuation facilities.
- P. The request meets adopted levels of service and the requirements for a Certificate of Concurrence by complying with the adopted levels of service for:
 - a. Water.
 - b. Sewer.
 - c. Sanitation.
 - d. Parks and recreation.
 - e. Drainage.

The land use of the subject property is: Residential Urban (RU)

The land uses of the surrounding properties are:

North: Residential Urban (RU)

South: Residential Medium (RM)

East: Residential Urban (RU)

West: Planned Redevelopment Residential (PR-R)

REPORT PREPARED BY:



Michael Larimore, Planner I
Development Review Services Division
Planning and Development Services Department

1/27/2021

DATE

REPORT APPROVED BY:



Jennifer Bryla, AICP, Zoning Official (POD)
Development Review Services Division
Planning and Development Services Department

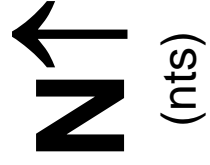
1.27.2021

DATE

Attachments: Location Map; Application Package including Data Sheets, Public Participation Reports, Narrative, Correspondence, Site Plan, Aerial Photo, and Photographs; Engineering Memorandum dated January 11th; Duke Energy Email dated January 14th; Public Comments (received before time of publishing)



Project Location Map
City of St. Petersburg, Florida
Planning and Development Services
Department
Case No.: 20-3200019
Address: 3803 Haines Road North





SPECIAL EXCEPTION
 SITE PLAN REVIEW

Application No. 20-32000019

All applications are to be filled out completely and correctly. The application shall be submitted to the Development Review Services Division, located on the 1st floor of the Municipal Services Building, One Fourth Street North.

GENERAL INFORMATION	
NAME of APPLICANT (Property Owner): ALLENDALE UNITED METHODIST CHURCH, INC	
Street Address: 3803 HAINES RD	
City, State, Zip: ST. PETERSBURG, FL, 33703	
Telephone No: 727-527-6695	Email: BETH@ALLENDALEUMC.ORG
NAME of AGENT OR REPRESENTATIVE: BETH JONES OR JIM BENNETT OR ANDY OLIVER	
Street Address: 3803 HAINES RD N ST PETERSBURG FL 33703	
City, State, Zip: 3803 HAINES RD N ST PETERSBURG FL 33703	
Telephone No: 727-527-6695	Email: BETH@ALLENDALEUMC.ORG
NAME of ARCHITECT or ENGINEER:	
Company Name: NA	Contact Name: NA
Telephone No: NA	
Website: NA	Email: BETH@ALLENDALEUMC.ORG
PROPERTY INFORMATION:	
Address/Location: 38TH AVE N AND HAINES	Email: BETH@ALLENDALEUMC.ORG
Parcel ID#(s): LOTS 1,2,3,4,5,34,36, BLOCK G, NW QUARTER ALLENDALE TERRACE, AC NO 1-13-16-00000-001-0010	
DESCRIPTION OF REQUEST: USE OF VEGETABLE GARDENS TO GROW FOOD FOR THOSE WHO ARE HUNGRY	
PRE-APP MEETING DATE:	STAFF PLANNER:

FEE SCHEDULE

	<u>SPECIAL EXCEPTION (SE)</u>		<u>SITE PLAN REVIEW (SPR)</u>
Special Exception (SE), General Application:	\$1,250.00	Site Plan Review (SPR), General, By Commission	\$1,250.00
Special Exception (SE), Modification:	\$ 500.00	Site Plan Review (SPR), General, By POD	\$ 500.00
Concurrency	\$ 25.00	Site Plan Review (SPR), General, Related to SE	\$ 0.00
		Site Plan Review (SPR), Modification, By Commission	\$ 500.00
VARIANCES		Site Plan Review (SPR), Modification, By POD	\$ 250.00
Each Variance Requested for SE/SPR	\$ 200.00		

Cash, credit, and checks made payable to the "City of St. Petersburg"

AUTHORIZATION

City staff and the designated Commission may visit the subject property during review of the requested variance. Any Code violations on the property that are noted during the inspections will be referred to the City's Codes Compliance Assistance Department. The applicant, by filing this application, agrees he or she will comply with the decision(s) regarding this application and conform to all conditions of approval. The applicant's signature affirms that all information contained within this application has been completed and that the applicant understands that processing this application may involve substantial time and expense. Filing an application does not guarantee approval, and denial or withdrawal of an application does not result in remittance of the application fee.

NOTE: IT IS INCUMBENT UPON THE APPLICANT TO SUBMIT CORRECT INFORMATION. ANY MISLEADING, DECEPTIVE, INCOMPLETE OR INCORRECT INFORMATION MAY INVALIDATE YOUR APPROVAL.

Signature of Owner/Agent*: Beth Jones 11-4-2020
 *Affidavit to Authorize Agent required, if signed by Agent. Date



SPECIAL EXCEPTION
 SITE PLAN REVIEW

DATA SHEET

ONLY COMPLETE APPLICATIONS WILL BE ACCEPTED. FAILURE TO COMPLETE THIS FORM WILL RESULT IN DEFERRAL OF YOUR APPLICATION.

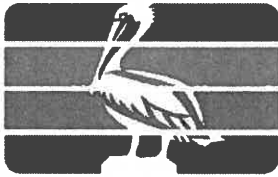
DATA TABLE						
1.	Zoning Classification: RS-100					
2.	Existing Land Use Type(s): Church					
3.	Proposed Land Use Type(s): Church					
4.	Area of Subject Property: 2.134 Acres					
5.	Variance(s) Requested: minor exception					
6.	Gross Floor Area (total square feet of building(s))					
	Existing: 23246	Sq. ft.	23246			
	Proposed: 23246	Sq. ft.	23246			
	Permitted: 23246	Sq. ft.	23246			
7.	Floor Area Ratio (total square feet of building(s) divided by the total square feet of entire site)					
	Existing: 25.01%	Sq. ft.	23246			
	Proposed: 25.01%	Sq. ft.	23246			
	Permitted: 25.01%	Sq. ft.	23246			
8.	Building Coverage (first floor square footage of building)					
	Existing:	23246	Sq. ft.	23246	% of site	25.01%
	Proposed:	no change	Sq. ft.	no change	% of site	no change
	Permitted:		Sq. ft.		% of site	
9.	Open Green Space (include all green space on site; do not include any paved areas)					
	Existing:	37344	Sq. ft.	37344	% of site	40.17%
	Proposed:	no change	Sq. ft.	no change	% of site	no change
10.	Interior Green Space of Vehicle Use Area (include all green space within the parking lot and drive lanes)					
	Existing:	na	Sq. ft.	na	% of vehicular area	
	Proposed:	no change	Sq. ft.	no change	% of vehicular area	
11.	Paving Coverage (including sidewalks within boundary of the subject property; do not include building footprint(s))					
	Existing:	32355	Sq. ft.	32355	% of site	34.81%
	Proposed:	no change	Sq. ft.	no change	% of site	no change



SPECIAL EXCEPTION
 SITE PLAN REVIEW

DATA SHEET

DATA TABLE (continued page 2)					
12.	Impervious Surface Coverage (total square feet of all paving, building footprint and other hard surfaced areas)				
	Existing:	55601	Sq. ft.	55601	% of site 59.83%
	Proposed:	no change	Sq. ft.	no change	% of site no change
	Permitted:		Sq. ft.		% of site
13.	Density / Intensity				
	<u>No. of Units</u>		<u>No. of Employees</u>		<u>No. of Clients (C.R. / Home)</u>
	Existing:	na	Existing:	10	Existing: na
	Proposed:	no change	Proposed:	no change	Proposed: no change
	Permitted:				
14 a.	Parking (Vehicle) Spaces				
	Existing:	127	includes	10	disabled parking spaces
	Proposed:	no change	includes	no change	disabled parking spaces
	Permitted:		includes		disabled parking spaces
14 b.	Parking (Bicycle) Spaces ⁰				
	Existing:	6	Spaces	5%	% of vehicular parking
	Proposed:	no change	Spaces	no change	% of vehicular parking
	Permitted:		Spaces		% of vehicular parking
15.	Building Height				
	Existing:	22 ft	Feet 22		Stories 2
	Proposed:	no change	Feet no change		Stories no change
	Permitted:	50	Feet		Stories
16.	Construction Value				
	What is the estimate of the total value of the project upon completion? \$				
	0				
	<i>Note: See Drainage Ordinance for a definition of "alteration." If yes, please be aware that this triggers Drainage Ordinance compliance. Please submit drainage calculations to the Engineering Department for review at your earliest convenience. The DRC must approve all Drainage Ordinance variances.</i>				

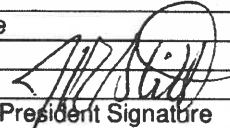


st.petersburg
www.stpete.org

PUBLIC PARTICIPATION REPORT

Application No. _____

In accordance with LDR Section 16.70.040.1.F, "It is the policy of the City to encourage applicants to meet with residents of the surrounding neighborhoods prior to filing an application for a permit requiring review and public hearing. The applicant, at his option, may elect to include neighborhood mediation as a preparatory step in the development process. Participation in the public participation process prior to required public hearings will be considered by the decision-making official when considering the need, or request, for a continuance of an application. It is not the intent of this section to require neighborhood meetings, but to encourage meetings prior to the submission of applications for approval and documentation of efforts which have been made to address any potential concerns prior to the formal application process.

APPLICANT REPORT	
Street Address: 3803 HAINES RD N ST PETERSBURG FL 33703	
1. Details of techniques the applicant used to involve the public	
(a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal	
3 OPEN MEETINGS WERE HELD; 2 VIRTUALLY ON ZOOM, ONE IN PERSON	
(b) Content, dates mailed, and number of mailings, including letters, meeting notices, newsletters, and other publications	
EMAIL	
(c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located	
EMAIL	
2. Summary of concerns, issues, and problems expressed during the process	
- ONE NEIGHBOR TO OUR NORTH (WHO CANT SEE THE GARDEN FROM HIS PROPERTY) REFUSES TO COMMUNICATE IN PERSON AND WILL NOT SUPPORT THE PROJECT;	
- THE NEIGHBORS CLOSEST TO THE GARDEN (STORMS) WHO CAN SEE IT FROM THEIR PROPERTY ARE IN FULL SUPPORT OF THE GARDEN	
3. Signature or affidavit of compliance - President or vice-president of any neighborhood associations	
Check one: <input type="checkbox"/> Proposal supported	
<input type="checkbox"/> Do not support the Proposal	
<input checked="" type="checkbox"/> Unable to comment on the Proposal at this time	
<input type="checkbox"/> Other comment(s):	
ALLENDALE NEIGHBORHOOD ASSOC.	
Association Name	President or Vice-President Signature
If the president or vice-president of the neighborhood association are unavailable or refuse to sign such certification, a statement as to the efforts to contact them and (in the event of unavailability or unwillingness to sign) why they were unable or unwilling to sign the certification.	



PUBLIC PARTICIPATION REPORT

Application No. _____

In accordance with LDR Section 16.70.040.1.F., "It is the policy of the City to encourage applicants to meet with residents of the surrounding neighborhoods prior to filing an application for a decision requiring a streamline review or public hearing. Participation in the public participation process prior to required public hearings will be considered by the decision-making official when considering the need, or request, for a continuance of an application. It is not the intent of this section to require neighborhood meetings, (except when the application is for a local historic district) but to encourage meetings prior to the submission of applications for approval and documentation of efforts which have been made to address any potential concerns prior to the formal application process."

NOTE: This Report may be updated and resubmitted up to 10 days prior to the scheduled Public Hearing.

APPLICANT REPORT	
Street Address: <u>3802 Haines Rd 33703</u>	
1. Details of techniques the applicant used to involve the public	
(a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal	
<u>- Open MEETINGS; 2 virtually, one in person</u>	
(b) Content, dates mailed, and number of mailings; including letters, meeting notices, newsletters, and other publications	
<u>Email</u>	
(c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located	
<u>Email</u>	
2. Summary of concerns, issues, and problems expressed during the process	
<u>- See addendum -</u>	
NOTICE OF INTENT TO FILE	
A minimum of ten (10) days prior to filing an application for a decision requiring Streamline or Public Hearing approval, the applicant shall send a copy of the application by email to the Council of Neighborhood Associations (CONA) (c/o Judy Landon at variance@stpetecon.org), by standard mail to Federation of Inner-City Community Organizations (FICO) (c/o Kimberly Frazier-Leggett at 3301 24 th Ave. S., St. Pete 33712) and by email to all other Neighborhood Associations and/or Business Associations within 300 feet of the subject property as identified in the Pre-Application Meeting Notes. The applicant shall file evidence of such notice with the application.	
<input checked="" type="checkbox"/> Date Notice of Intent to File sent to Associations within 300 feet, CONA and FICO: <u>10/29/20</u>	
<input checked="" type="checkbox"/> Attach the evidence of the required notices to this sheet such as Sent emails.	

Dear City of St. Petersburg:

This is our application for a Minor Modification. According to your code: "the POD may approve minor modifications, provided that the basic purpose and intent of the Commission's action and the ordinances of the City are met and effectuated."

The conditions for a minor modification are:

- modifications not involving an increase of more than ten percent of the gross floor area and in no event more than 6,000 square feet in the case of buildings or five percent of the lot area in the case of parking or landscaping modifications.

The square footage of our proposed garden falls well under the 5% allowed for modification per code.

I also want to highlight, that per code: **Public notice of these minor modifications is not required.**

Furthermore, City Review of the proposed project has failed to demonstrate that any variance from any provisions of the City Code is required, it does not waive any condition expressly specified by the Commission and does not change the basic intent of the approved site plan.

I have pasted the applicable code for your convenience:

16.70.040.1. - Planning and zoning decisions, generally.

H. Modifications. Any request for modification to a special exception or a site plan review previously approved by the POD or the commission designated in the Decisions and Appeals Table, shall be subject to review and approval in the same manner as a new application, except that the POD may approve minor modifications, provided that the basic purpose and intent of the Commission's action and the ordinances of the City are met and effectuated.

A. Minor modifications. "Minor modification" shall mean the following:

1. Any modifications that reduce density, building square footage or degree of variance, or modifications not involving an increase of more than ten percent of the gross floor area and in no event more than 6,000 square feet in the case of buildings or five percent of the lot area in the case of parking or landscaping modifications. Public notice of these minor modifications is not required.

2. Any modifications involving an increase of more than ten percent, but not more than 20 percent, of the gross floor area and in no event more than 15,000 square feet in the case of buildings or 20 percent of the lot area in the case of parking or landscaping modifications. Mailed notice should be provided as set forth in the notices section.

3. Minor modifications shall not cause a variance from any provisions of the City Code, shall not involve a change in principal use or an increase in residential density, shall not waive any condition or conditions expressly specified by the Commission, and shall not change the basic intent of the approved site plan.

We have held 3 public meetings for surrounding neighbors. Two have voiced complete support, including the neighbor who lives closest to the project. One neighbor to our north is vehemently opposed, but it is important to note that he is unable to see the garden plot from his property.



Two other neighbors have informed the neighborhood president they are opposed. Mr. Storm (our adjacent neighbor) pointed out that they all have Trump flags/signs in their yard and he feels this is more about our congregation's religious witness for the marginalized than it is about the garden itself.

Public Participation addendum

- Allendale held three open meetings for any immediate neighbors to address concerns over the garden. Notice was sent via email. Two were via zoom. One was in person.
- The Storms, the property closest and adjacent to the garden have no issues with the garden and are in full support. They said they believe the objections have come from two people who are more upset over the political leanings of the church than the garden itself.
- The only vocal objection to the garden project has come from our neighbor to the North. He can't even see the garden from his property. Attached is an image from the very corner of his property from the curb. From there you can barely make out the painted border.



From: Andy Oliver andy@allendaleumc.org
Subject: Fwd: Notice of Intent to File
Date: November 3, 2020 at 5:23 PM
To:



From: Cathy Storms <ctecca@tampabay.rr.com>
Subject: Re: Notice of Intent to File
Date: October 28, 2020 at 1:08:59 PM EDT
To: George Wilsey <gfwilsey@gmail.com>
Cc: Jim Stitt <jimstitt1@gmail.com>, Marcia Jacobs <marcijac@gmail.com>, Cheryl Landwehr <clandwehr4747@gmail.com>, Cathy Sue Stevens <suzique33@gmail.com>, Andy Oliver <andy@allendaleumc.org>

John and I support the garden project and are happy to attend a meeting if needed.

Thank you
Cathy

From: Cheryl Landwehr clandwehr4747@gmail.com

Subject: Re: Notice of Intent to File

Date: November 3, 2020 at 7:17 AM

To: Jim Stitt jimstitt1@gmail.com

Cc: Marcia Jacobs marcijac@gmail.com, Cathy Sue Stevens suzique33@gmail.com, John Storms ctecca@tampabay.rr.com, George Wilsey gfwilsey@gmail.com, Andy Oliver andy@allendaleumc.org

CL

Hi Jim

~~Me and Tim support the garden, lmk if you need me to attend the meeting~~

On Wed, Oct 28, 2020 at 11:09 AM Jim Stitt <jimstitt1@gmail.com> wrote:

Hi folks,

Please see the email below from Rev. Andy Oliver stating his intent to file for City approval for the community garden on the Allendale Methodist Church property facing 11th Street. Andy has asked me to help arrange a meeting with you to go over his plans and to address any questions or concerns you may have. Please let me know if you would like to participate in the meeting.

Thanks,
Jim Stitt
727-452-1239

Begin forwarded message:

From: Andy Oliver <andy@allendaleumc.org>
Subject: Notice of intent to File
Date: October 26, 2020 at 4:41:38 PM EDT
To: Jim Stitt <jimstitt1@gmail.com>, variance@stpetecona.org

CC standard mail: Kimberly Frazier-Leggett at 3301 24th Ave. S., St. Pete 33712

This is a notice of intent to file a request for a minor modification to add vegetable gardens at Allendale United Methodist Church (3803 Haines Rd N) for the purpose of feeding hungry people at distribution centers around the city

If you have any questions, feel free to reach out via cell to me at 727-200-1522.

Thanks,

Rev. Andy Oliver

--

Allendale United Methodist Church www.allendaleumc.org
<<http://www.allendaleumc.org>>
727-527-6694

Cheryl Landwehr
REALTOR®
Smith & Associates Real Estate
Cell 727-804-4747
Office 727.342.3800
1100 4th Street N
St. Petersburg, FL 33701
Web www.clandwehr.com

Blog

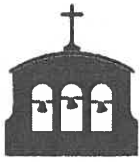


in



5-STAR
PREMIER AGENT





ALLENDALE
UNITED METHODIST CHURCH

October 26, 2020

This is a notice of intent to file a request for a minor modification to add vegetable gardens at Allendale United Methodist Church (3803 Haines Rd N) for the purpose of feeding hungry people at distribution centers around the city.

If you have any questions, feel free to reach out via cell to me at 727-200-1522.

Thanks,

Rev. Andy Oliver
Sincerely,

Rev. Andy Oliver
Pastor of Allendale United Methodist Church

office@allendaleumc.com
(727) 527-6694

Allendale United Methodist Church
3803 Haines Road North
Saint Petersburg, Florida 33703

www.allendaleumc.org

From: Andy Oliver andy@allendaleumc.org
Subject: Notice of Intent to File
Date: October 26, 2020 at 4:41 PM
To: Jim Stitt jimstitt1@gmail.com, variance@stpetecon.org



CC standard mail: Kimberly Frazier-Leggett at 3301 24th Ave. S., St. Pete 33712

This is a notice of intent to file a request for a minor modification to add vegetable gardens at Allendale United Methodist Church (3803 Haines Rd N) for the purpose of feeding hungry people at distribution centers around the city.

If you have any questions, feel free to reach out via cell to me at 727-200-1522.

Thanks,

Rev. Andy Oliver

Pastor Andy Oliver
 sent standard mail -
 Beth Jones followed up
 w/ certified mail -



EUCLID
 901 34TH AVE N
 SAINT PETERSBURG, FL 33704-9998
 (800)275-8777

11/05/2020 01:06 PM

Product	Qty	Unit Price	Price
First-Class Mail® Letter	1		\$0.55
- Saint Petersburg, FL 33712			
Weight: 0 lb 0.30 oz			
Estimated Delivery Date			
Mon 11/09/2020 -			
Certified Mail®			\$3.55
Tracking #:			
70201290000230943499 -			
Total			\$4.10
Earth Day	10	\$11.00	\$110.00



Grand Total: \$114.10

Credit Card Remitted \$114.10

Card Name: VISA
 Account #: XXXXXXXXXXXX1625
 Approval #: 52245G
 Transaction #: 795
 AID: A0000000031010 Chip
 AL: Visa
 PIN: Not Required

 Due to limited transportation availability as a result of nationwide COVID-19 impacts package delivery times may be extended. Priority Mail Express® service will not change.

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

Preview your Mail
 Track your Packages
 Sign up for FREE @
www.informedelivery.com

All sales final on stamps and postage. Refunds for guaranteed services only. Thank you for your business.

Tell us about your experience. Go to: <https://postalexperience.com/Pos> 840-5335-0054-004-00036-29167-02 or scan this code with your mobile device.



or call 1-800-410-7420.

 Due to limited transportation availability as a result of nationwide COVID-19 impacts package delivery times may be extended. Priority Mail Express® service will not change.

 Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

Preview your Mail
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Tell us about your experience. Go to: <https://postalexperience.com/Pos> 840-5335-0054-004-00036-29167-02 or scan this code with your mobile device.



or call 1-800-410-7420.

UFN: 118254-0704
 Receipt #: 840-53350054-4-3629167-2
 Clerk: 98

Sent to:
 FICO
 % Kimberly Frazier-Leggett
 3301 24th Ave S.
 St. Pete 33712

Beth Jones

From: DoNotReply@ereceipt.usps.gov
Sent: Thursday, November 05, 2020 1:07 PM
To: BETH@ALLENDALEUMC.ORG
Subject: USPS eReceipt



EUCLID
901 34TH AVE N
SAINT PETERSBURG, FL 33704-9998
(800)275-8777

11/05/2020 01:06 PM

Product	Qty	Unit Price	Price
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First-Class Mail® Letter	1		\$0.55
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Saint Petersburg, FL 33712

Weight: 0 lb 0.30 oz

Estimated Delivery Date

Mon 11/09/2020

Certified Mail®			\$3.55
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Tracking #:

70201290000230943499

Total			\$4.10
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Earth Day	10	\$11.00	\$110.00
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Grand Total:			\$114.10
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Credit Card Remitted			\$114.10
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Card Name: VISA

Account #: XXXXXXXXXXXXX1625

Approval #: 52245G

Transaction #: 795

AID: A000000031010 Chip

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PIN: Not Required

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Track your Packages
Sign up for FREE @
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All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
Go to: <https://postalexperience.com/pos?mt=9>

or call 1-800-410-7420.

UFN: 118254-0704
Receipt #: 840-53350054-4-3629167-2
Clerk: 98

Privacy Act Statement: Your information will be used to provide you with an electronic receipt for your purchase transaction via email. Collection is authorized by 39 USC 401, 403, and 404. Providing the information is voluntary, but if not provided, we will be unable to process your request to receive an electronic receipt. We do not disclose your information to third parties without your consent, except to facilitate the transaction, to act on your behalf or request, or as legally required. This includes the following limited circumstances: to a congressional office on your behalf; to financial entities regarding financial transaction issues; to a U.S. Postal Service auditor; to entities, including law enforcement, as required by law or in legal proceedings; to contractors and other entities aiding us to fulfill the service (service providers); to process servers; to domestic government agencies if needed as part of their duties; and to a foreign government agency for violations and alleged violations of law. For more information on our privacy policies visit www.usps.com/privacypolicy.

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Track Another Package +

Tracking Number: 70201290000230943499

Remove X

Your item was delivered to an individual at the address at 3:38 pm on November 7, 2020 in SAINT PETERSBURG, FL 33712.

Delivered

November 7, 2020 at 3:38 pm
Delivered, Left with Individual
SAINT PETERSBURG, FL 33712

11/7/20 3:38 PM

Get Updates v

Text & Email Updates



Tracking History



Product Information



See Less ^

Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.

FAQs



15'

10'7''

12' from road

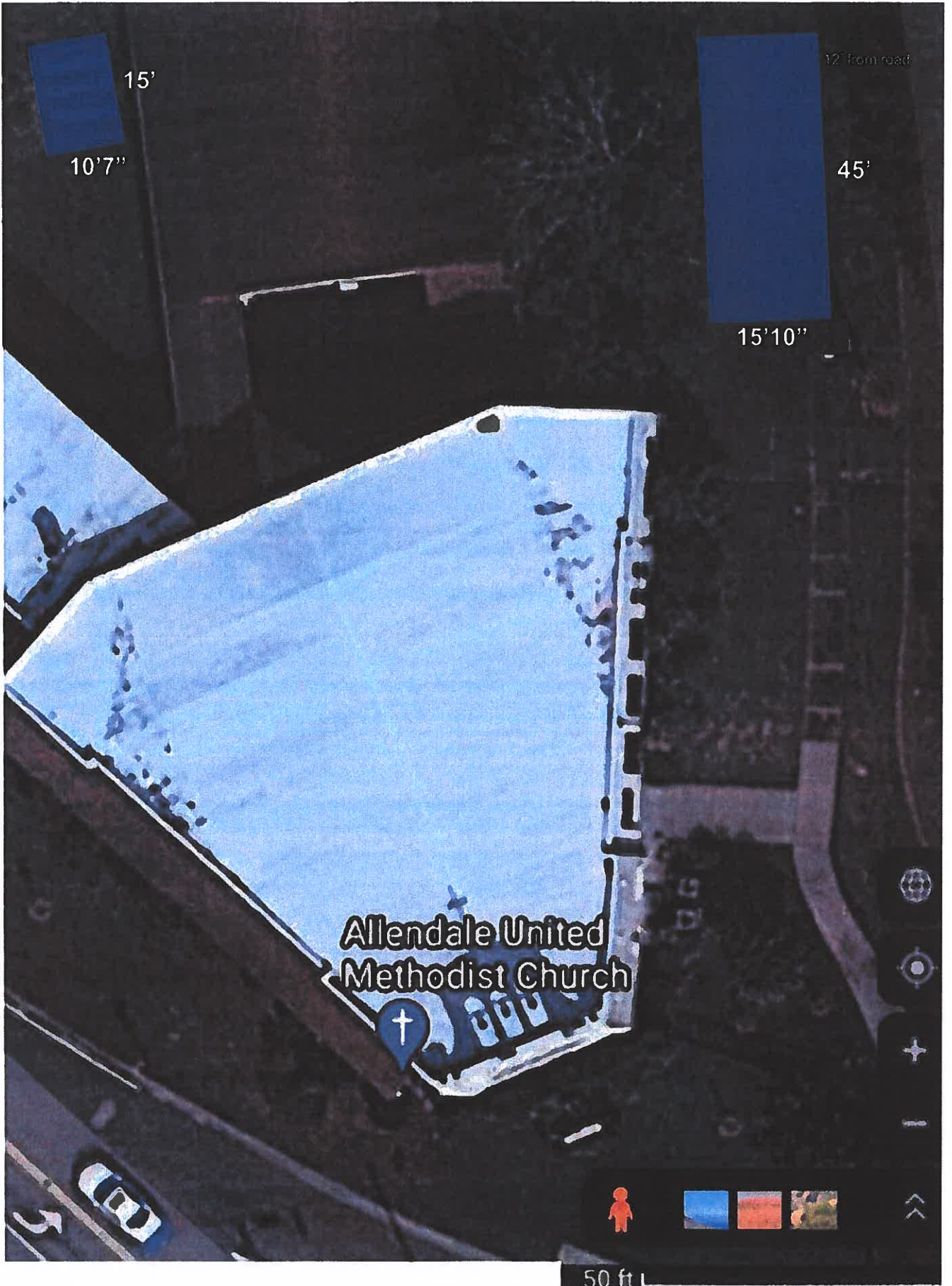
45'

15'10''

Allendale United
Methodist Church



50 ft

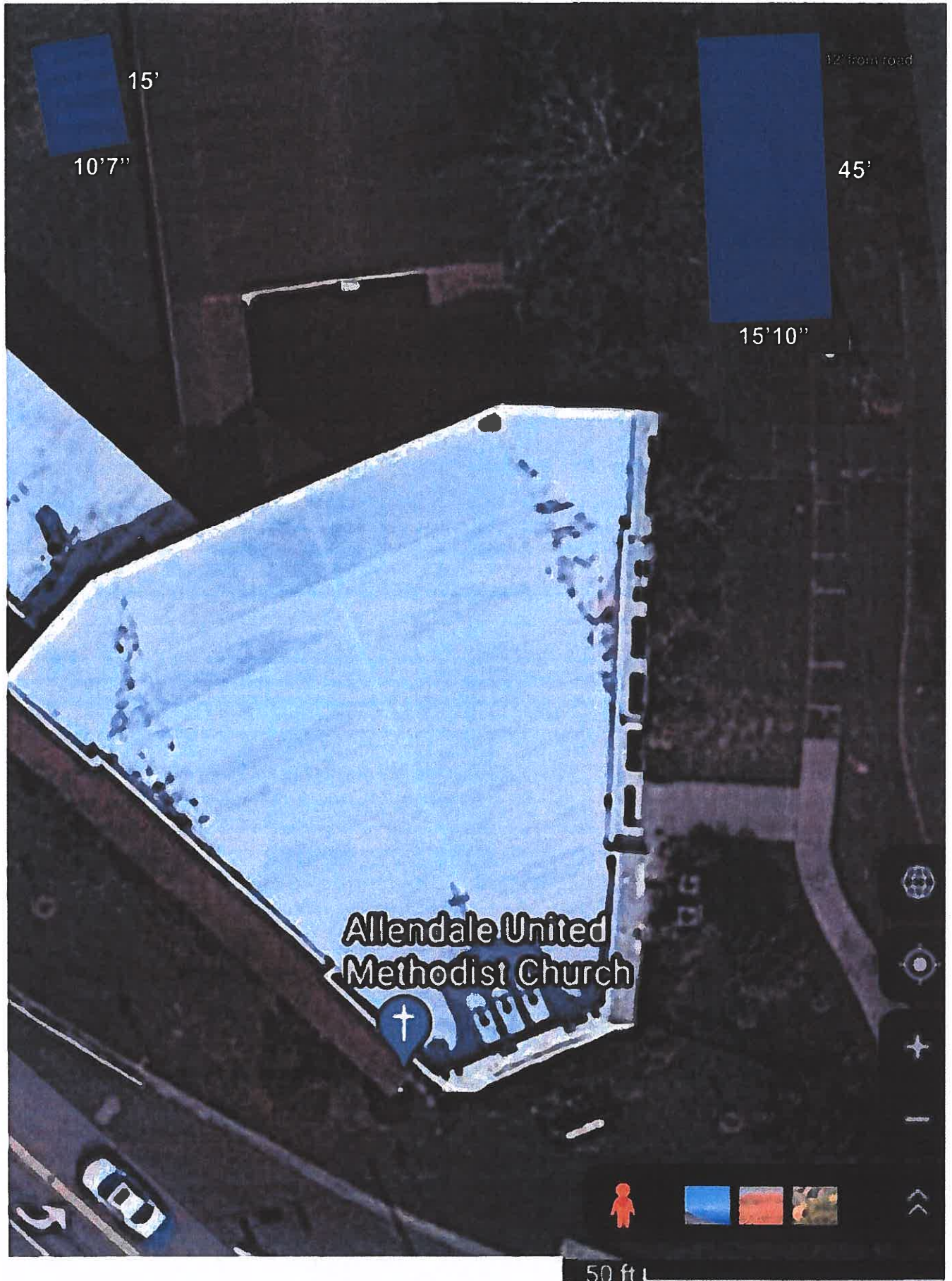


15'
10'7"

12' from road
45'
15'10"

Allendale United
Methodist Church

50 ft



15'

10'7"

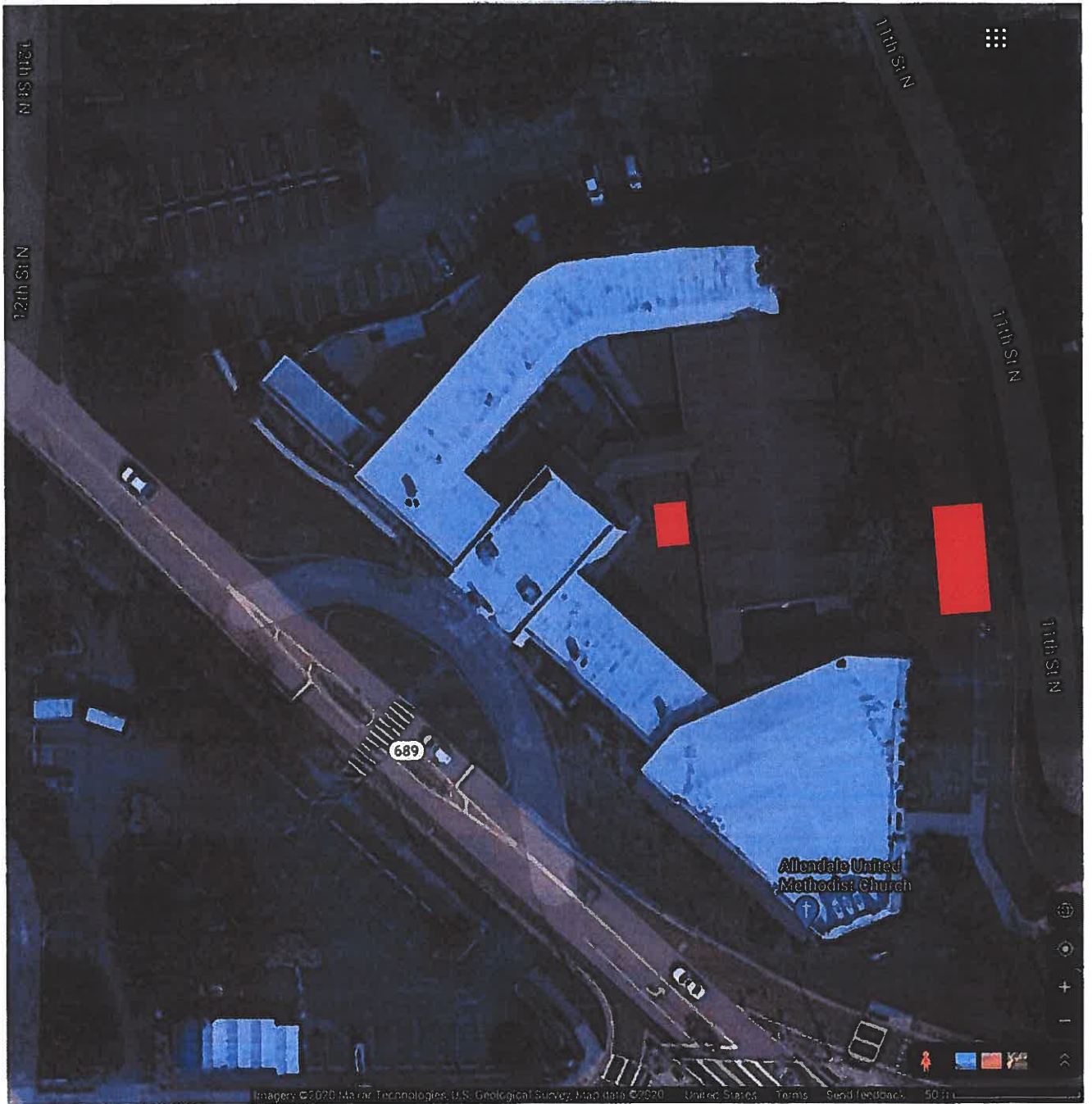
12' from road

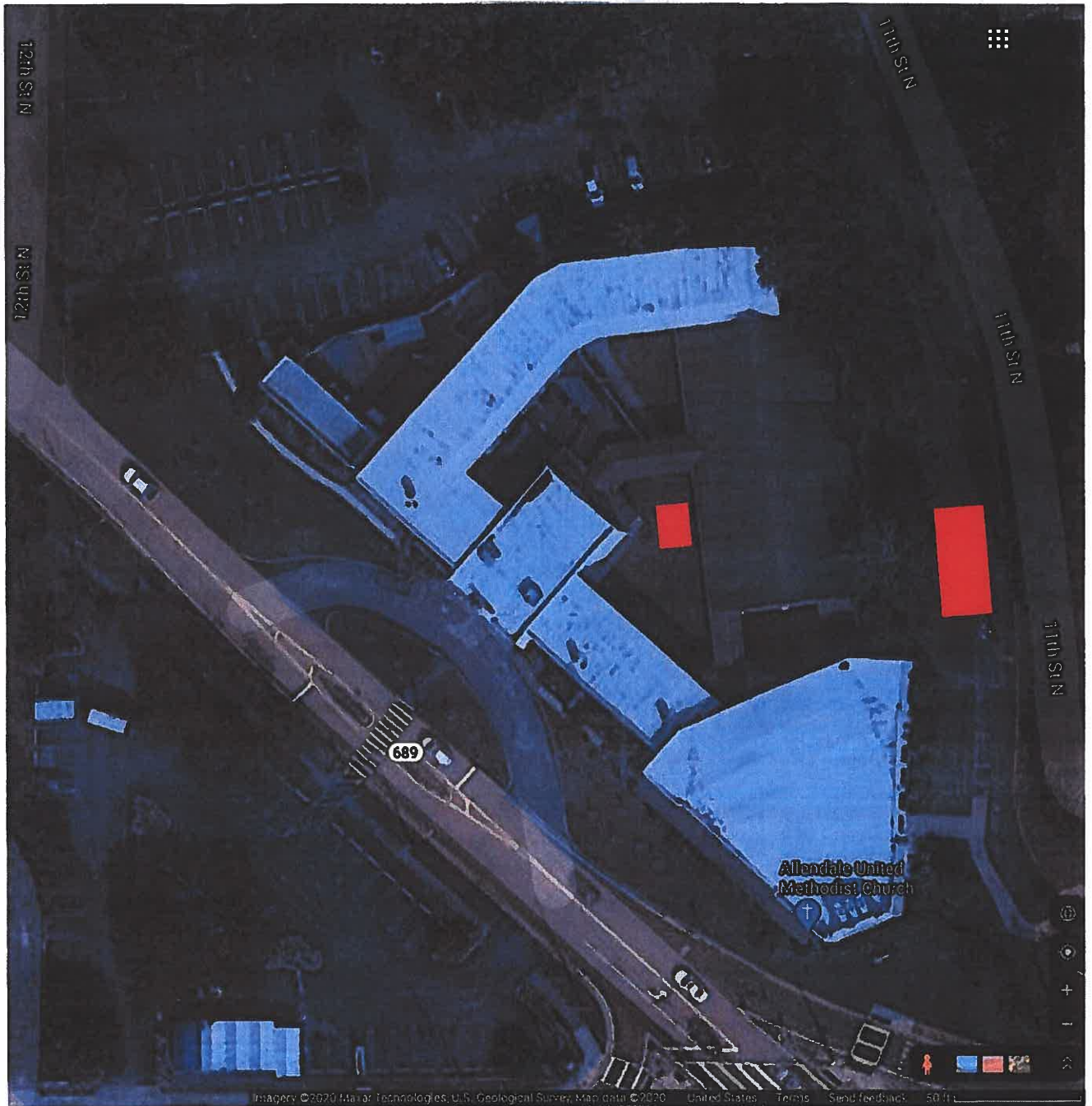
45'

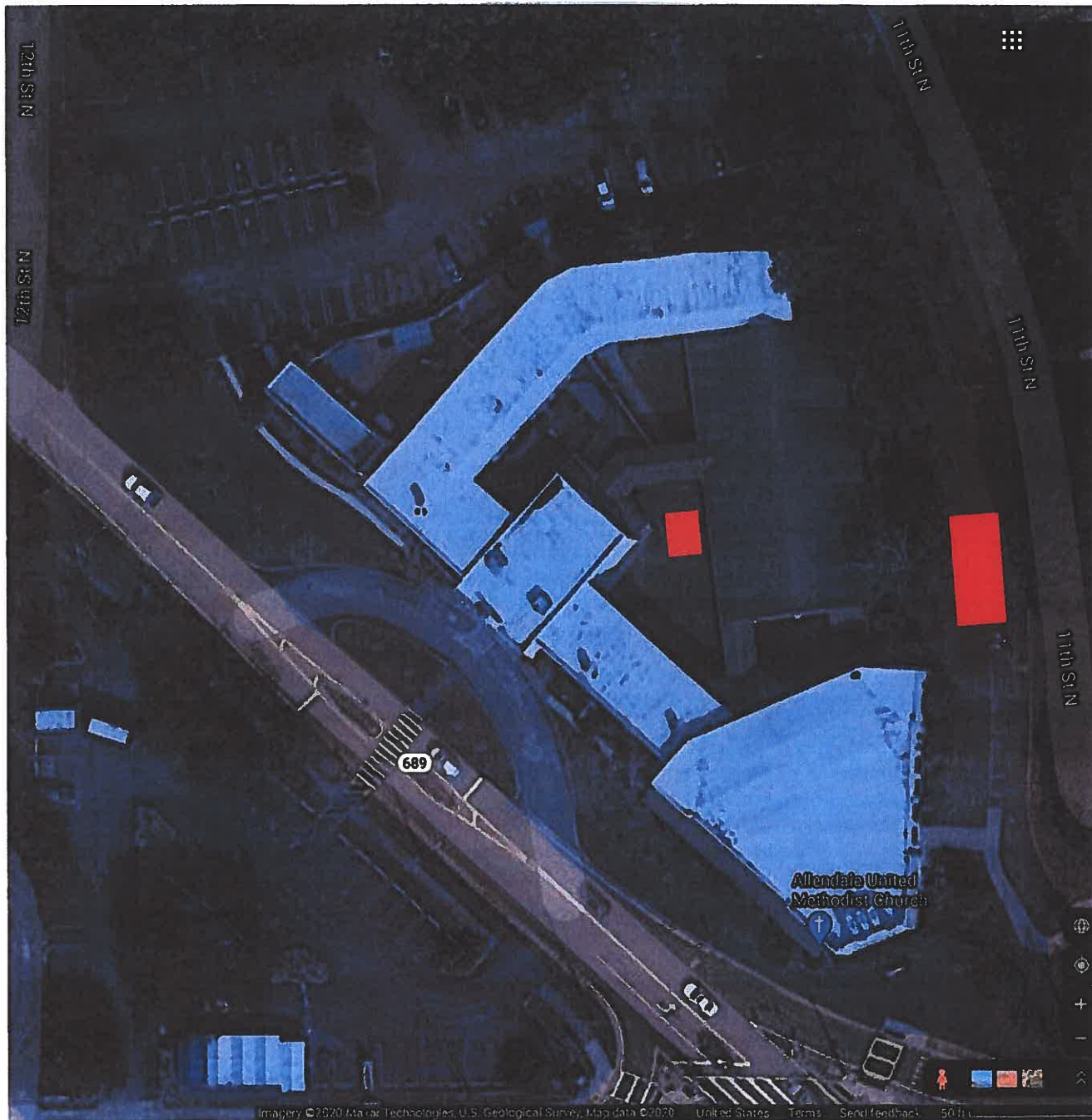
15'10"

Allendale United
Methodist Church

50 ft











Beth Jones

From: Beth Jones
Sent: Thursday, November 05, 2020 12:21 PM
To: 'maghtsnews@gmail.com'
Cc: Oliver, Andy (andy@allendaleumc.org)
Subject: Notice of Intent - Allendale UMC
Attachments: Notice of Intent Garden Allendale UMC.pdf

Ms. Ashley Sica (Magnolia Heights N.A.)

Please see the attached letter from Pastor Andy Oliver - Notice of Intent to file a request for a minor modification to add vegetable gardens at Allendale United Methodist Church located at 3803 Haines Road N for the purpose of feeding hungry people at distribution centers around the city.

If you have any questions, please feel free to reach out via email to beth@allendaleumc.org.

Blessings,

Beth Jones (*She, Her, Hers*)
Church Administrator



ALLEDALE
UNITED METHODIST CHURCH

3803 Haines Rd. N
St. Petersburg, 33703
<http://www.allendaleumc.org/>
beth@allendaleumc.org
727-527-6694 office
727-528-8364 fax

Beth Jones

From: MHNA <maghtsnews@gmail.com> on behalf of MHNA
Sent: Thursday, November 05, 2020 1:34 PM
To: Beth Jones
Cc: Oliver, Andy
Subject: Re: Notice of Intent - Allendale UMC

Wonderful! Thank you for all the great work you do for our community!

Ashley

On Thu, Nov 5, 2020 at 12:21 PM Beth Jones <beth@allendaleumc.org> wrote:

~~Ms. Ashley Sica (Magnolia Heights N.A.)~~

Please see the attached letter from Pastor Andy Oliver - Notice of Intent to file a request for a minor modification to add vegetable gardens at Allendale United Methodist Church located at 3803 Haines Road N for the purpose of feeding hungry people at distribution centers around the city.

If you have any questions, please feel free to reach out via email to beth@allendaleumc.org.

Blessings,

Beth Jones (*She, Her, Hers*)

Church Administrator



3803 Haines Rd. N

St. Petersburg, 33703

<http://www.allendaleumc.org/>

beth@allendaleumc.org

727-527-6694 office

727-528-8364 fax

Allendale United Methodist Church
www.allendaleumc.org
727-527-6694

--

Sent on behalf of the Magnolia Heights Neighborhood Association

EMAIL: maghtsnews@gmail.com
PHONE: (727) 490-9417
WEBSITE: magnoliaheightsneighborhood.com
FACEBOOK: <https://www.facebook.com/groups/maghts/>
SEECLICKFIX: [Magnolia Heights](#)
NEXTDOOR: [Magnolia Heights](#)

This email is being sent on behalf of the Magnolia Heights Neighborhood Association. Receiving this email means you responded to one of our communications or contacted us about your interest in helping us build a sense of community within our neighborhood. To be removed from our mailing list, please reply with the word "remove" in the subject line.

Beth Jones

From: Beth Jones
Sent: Thursday, November 05, 2020 12:18 PM
To: 'Wihess@shorecrest.org'
Cc: Oliver, Andy (andy@allendaleumc.org)
Subject: Notice of Intent Garden Allendale UMC.pdf
Attachments: Notice of Intent Garden Allendale UMC.pdf

Mr. William Hess (Allendale Terrace Neighbors United N.A.),

Please see the attached letter from Pastor Andy Oliver - Notice of Intent to file a request for a minor modification to add vegetable gardens at Allendale United Methodist Church located at 3803 Haines Road N for the purpose of feeding hungry people at distribution centers around the city.

If you have any questions, please feel free to reach out via email to beth@allendaleumc.org.

Blessings,

Beth Jones (*She, Her, Hers*)
Church Administrator



ALLENDALE
UNITED METHODIST CHURCH

3803 Haines Rd. N
St. Petersburg, 33703
<http://www.allendaleumc.org/>
beth@allendaleumc.org
727-527-6694 office
727-528-8364 fax

LINDSEY M. PORTER, P.A.
ATTORNEYS AT LAW

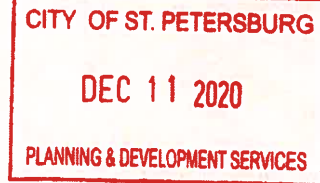
LINDSEY M. PORTER
MAILING ADDRESS:
POST OFFICE BOX 21518
ST. PETERSBURG, FL 33742

SUITE 215
7901 FOURTH STREET NORTH
ST. PETERSBURG, FLORIDA 33702

OF COUNSEL:
CLAUDOS G. SPEARS
ST. PETERSBURG 727.577.9646
TAMPA 813.229.9496
FAX 727.578.2097

December 8, 2020

Development Review Services Division
City of St. Petersburg
Municipal Services Building, 1st Floor
One Fourth Street North
St. Petersburg, FL 33701



Re: Proposed Community Garden;
Allendale United Methodist Church

Dear Sir or Madam:

My family and I reside at 4000 11th St N. My family has deep roots in Allendale, having owned and occupied this residence for sixty years.

It has come to my recent attention that Allendale United Methodist Church (AUMC) has constructed a large, unsightly structure, a significant portion of which lies in the City right of way of 11th Street North. The structure currently is an eyesore, consisting only of used wood and used mulch.

It is my understanding and belief that AUMC intends for this structure to become a community garden. If that is the case then AUMC most assuredly did not properly apply for and obtain a proper community garden permit before beginning construction. Rather, AUMC proceeded to construct the structure in violation of City ordinances. Then, when objected to by some Allendale neighbors, purportedly threatened to leave the structure "barren", apparent retaliation for neighbors having objected to AUMC's unpermitted, unlawful action. A business named Wunderfarms seems to have put the cart before the horse, bragging on its website (wunderfarms.com) that it has "just finished a new Ecological Garden" at AUMC.

Development Review Services Division
December 8, 2020
Page Two

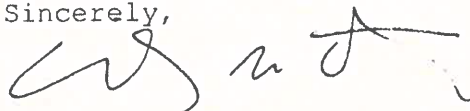
If AUMC now intends to apply for a community garden permit then it must comply with each and every requirement and procedure required by City Ordinance 16.70.030.1.13 (community garden permit). Thus far I have not received any notice from AUMC or from the City regarding such a permit application.

If an application is submitted, then I strongly object to the current location. As previously noted, it is located partially in the City right of way on a quiet residential street. Located just 13 feet from the curb, it is directly across the street from a private residence and near many other private residences, including my family's. I have not yet taken an extensive survey of neighbors' sentiments but I know firsthand of several neighbors who have strong objections to this ugly structure, very ill-suited to its current location.

A far better solution is available to AUMC if it wishes to properly construct and operate a community garden operation. AUMC owns the triangle-shaped property ("Triangle") at the northwest corner of the intersection of Haines Road and 38th Avenue North. AUMC also owns two adjacent residential parcels to the immediate northwest of the Triangle. AUMC has demonstrated this location would be a superior location for a community garden as it already permits that property to be used annually for Christmas tree sales. The Triangle site has existing paved parking spaces for those working in or visiting the garden. Lastly, it affords high visibility, including existing signage, to passing motorists, thus making this much more of a "community" garden if situated there.

For the time-being, please take notice of my opposition. Please advise me of the legal status of the current structure and whether and when AUMC will be required to remove it.

Sincerely,



Lindsey M. Porter

cc: Pastor Andy Oliver, First United Methodist Church

**CITY OF ST. PETERSBURG
MEMORANDUM
ENGINEERING DEPARTMENT**

TO: Iris Winn, Administrative Clerk, Development Review Services
Jennifer Bryla, Planning & Development Services Department, Zoning Official
Michael Larimore, Planner I, Development Review Services

FROM: Nancy Davis, Engineering Plan Review Supervisor

DATE: January 11, 2021

FILE: 20-32000019

LOCATION 3803 Haines Road North
AND PIN: 01/31/16/00558/007/0010
ATLAS: G-22
PROJECT: Special Exception

REQUEST: Approval of a minor modification to an approved Special Exception for a House of Worship use in the NS-1 zoning district

The Engineering and Capital Improvements Department (ECID) has no objection to the proposed Special Exception and Site Plan provided the following special conditions and standard comments are added as conditions of approval:

SPECIAL CONDITIONS OF APPROVAL:

1. Placement of landscaping features within the public right of way will be subject to removal if necessary to facilitate any future capital improvement project or registered utility provider's need for the use of the public right of way for utility infrastructure.

Michael W. Larimore

From: Kasper, Jonathan <Jonathan.Kasper@duke-energy.com>
Sent: Thursday, January 14, 2021 8:31 AM
To: Michael W. Larimore
Subject: RE: [EXTERNAL] FOR REVIEW - Case # 20-32000019 - Allendale United Methodist Church Modification

Follow Up Flag: Follow up
Flag Status: Flagged

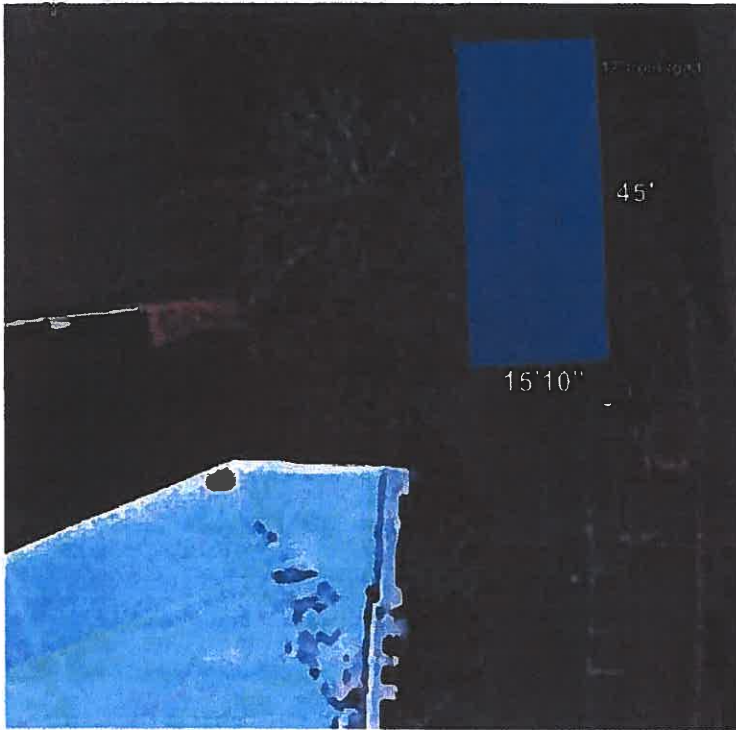
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Michael,
Duke Energy doesn't necessarily have an issue with the Garden itself; however, there are some concerns to the below 45'x15'10" area as it is near a pole that provides underground to the building (shown by red arrow- not to scale). I do see that the Garden is raised, but we wouldn't want any part of the garden over the underground cable or close to where digging occurs.
If locates were done and cable was a safe distance away per our standards and NESC, we wouldn't have an issue. But until then, out of abundance of caution, we will need to object for the time being.

Further, if a part of this garden is in Right of Way this could pose some issues with utility providers in general.

Thank you





Jonathan Kasper
Land Representative
Duke Energy - Florida
Office-727-893-9262
2401 25th St. N., SP-15
St. Petersburg, FL 33713
Jonathan.Kasper@Duke-Energy.com



**REGISTERED OPPONENT
MATERIALS**

20-32000019



PLANNING & DEVELOPMENT SERVICES DEPARTMENT
DEVELOPMENT REVIEW SERVICES DIVISION

DEVELOPMENT REVIEW COMMISSION

REGISTERED OPPONENT FORM

(Registration available only for Applications, or for Appeals in which Appellant is the Owner/Applicant)

Contact Information

Name	George F. Wilsey
Street Address	3950 11 th St No
City ST ZIP Code	St. Petersburg FL 33703
Telephone	727-525-7493
Email Address	gfwilsey@gmail
Signature	<i>George F. Wilsey</i> Date

Date of Hearing

Date of Hearing	2/3/2021
-----------------	----------

Case No.

Case No.	20-32006019
----------	-------------

Case Address

Case Address	3803 Haines Rd. No.
--------------	---------------------

Special Requirements

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Information on Procedures for Hearing

- 1) Staff, applicant, and, registered opponent (if applicable) will have a total of ten (10) minutes each to present their case.
- 2) The cross-examination phase allows each participant five (5) minutes to ask questions of any individual or party that presented testimony in the presentation phase or public hearing. All questions shall be directed to the Chair who will direct the question to the appropriate person.
- 3) The rebuttal/closing statements phase allows each participant five (5) minutes to rebut prior arguments and make closing statements.
- 4) The Commission Chair will then close the proceedings and go into Executive Action and make a decision. The Commission members may ask questions at any time during the Quasi-Judicial process.

Return form to Clerk of DRC Commission, iris.winn@stpete.org, at least one week prior to the scheduled public hearing or within 48 hours after the City Staff Report for the public hearing has been published (whichever is later).

Development Review Commission
City of St. Petersburg
Public Hearing February 03, 2021



Subject: Case Number: 20-320000-19
Application of Allendale United Methodist Church for Special Exception to Install and Operation "Vegetable Garden" on the West Side of 11th Street, Just North of 39th Avenue.

Opposition to such application:
George F. Wilsey
3950 11th Street North
St. Petersburg, FL 33703
(727) 525-7493

This objection is in two parts. First: the objection and Second: the history of the case supporting the objection.

THE OBJECTION

I have been a resident of Allendale, residing at the above address, for more than fifty years. The south boundary of my property adjoins the north boundary of the applicant's property.

The applicant and I have enjoyed an excellent relationship until the applicant installed a "planter mulch box" about June 2020 at the above location, directly across the street from residences without notice to any neighbors or to the city.

This "planter box" is about (45) feet long by (15) feet wide and of which about 1/3 encroaches into the right of way for 11th Street North. It is made of scrap lumber and would be considered ugly in this location by most people and is inappropriate by its intrusion into a residential neighborhood.

I am providing a packet containing photographs and over sixty (60) signed objections by neighbors in the vicinity and several longtime former residents of Allendale who are proud to have lived here.

The history in this case reflects that no consideration was given by the City Departments involved as to the adverse effects of a "vegetable garden" and planter mulch box installed in a location significantly encroaching on city right of way and facing a residential neighborhood. I

recognize the departments have many things to do, I do not wish to offend any department, but do express my disappointment that no one took the time to respond to my inquires or point out why they were right and I and others were wrong. The only exception is the Zoning Department which recognized the potential adverse effect and required public notice to be given.

However, this Commission, in reviewing the application, is governed by the Standards of Review, set forth in Code 16.60.040.1.E. and 16.70.040.1.5(D)(8-12). Sections 8-12 provide:

“8. Orientation and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development and surrounding landscape;

9. Compatibility of the use with the existing natural environment of the site, historic and archaeological sites, and with properties in the neighborhood as outlined in the City's Comprehensive Plan;

10. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;

11. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on living or working conditions in the neighborhood;

12. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisance.” (underlines added)

The members of the Commission are undoubtedly much more knowledgeable of the provisions than I. I quote the provisions just as a reminder that the interest of adversely affected residents is an important consideration.

I do not feel any prolonged discussion is required to point out that the construction and use of the present site for a “vegetable garden” is not consistent with the character of the neighborhood, is not compatible with the properties in the neighborhood, has substantial and detrimental effects, including property values in the neighborhood, on living conditions in the neighborhood, has insufficient setbacks, screens and buffers to preserve harmony and lacks compatibility with uses outside the site involved. I have attached a number of photographs which illustrate the point.

It should also be recognized that granting the application is permission to install more such planter boxes and gardens on the 11th Street site and right of way encroachment and could

be considered a precedent for such conduct anywhere in the city with no notice or permit required. The application refers to gardens in the plural.

I ask the Development Review Commission to deny the applicant's application for special exception. Because the applicant has installed the "planter box" in the present site with no notice or permit and has asserted a number of times that the "planter mulch box will remain as is: barren," if the application is denied, I asked that the Commission consider the matters set forth in the history of this case and determine:

1. The planter mulch box must be timely removed by the applicant at the applicant's expense and Code Compliance may enforce this determination.
2. The encroachment of a structure, including a planter mulch box or similar item, is not landscaping and is not permitted in the city right of way, unless a proper permit is issued.

HISTORY OF CASE SUPPORTING OBJECTION

In July 2020, I delivered a note to Andy Oliver's (Pastor) office at the church, expressing my concerns and the fact the church had a site which would be more appropriate. The note is Exhibit A in the packet accompanying this objection. I received no reply although Mr. Oliver later indicated he came to my door several times, but I have no knowledge of that. He has acknowledged he received the note.

The first real notice of what was happening occurred on October 26, 2020, when Andy Oliver notified the Allendale Neighborhood Association president of the "intent to file a request for a minor modification to add vegetable gardens (in the plural) at the church" with no indication of the exaction location. (Exhibit B)

That notification was followed up by an email by Andy Oliver on October 28, 2020, to six neighbors close to the intended site.

That email (Exhibit C) speaks of how beautiful plants are, the site will be kept tidy, etc., and includes this message:

- (1) "If we are declined for the exception this mulch planter will remain as is: barren."
- (2) "The church is not interested in any other garden locations (in the plural) due to the more visible spaces on the other side of our property are ripe for vandalism." (Parenthesis added)
- (3) "Finally (again) it is in everyone's best interest to let us beautify this planter with plants. The alternative is a barren mulch pit that the city states breaks no rules." (The parenthesis by Applicant)

What one has done in the past is often an indicator of what will be done in the future. The church maintenance of its planting and landscape has been miserable. Allendale residents volunteered in past years and did clean up the 11th Street area. There are attached photographs taken the latter part of 2020 which show the neglect, which has persisted over the past few years. There is substantial clean up in progress now, as the date of this hearing is approaching.

The result of the notice (Exhibit C) was a series of emails between me and Andy Oliver summarized as follows:

- (1) Exhibit D: October 9, 2020, I advised Andy Oliver that because of his firm conviction that the planter "will remain as is: barren," if the exception was not granted, I saw no reason to meet.
- (2) Exhibit E: A series of emails on November 2, 2020, in which I advised Andy Oliver I prefer future communications be in writing, his response referring to the church permitting tree removal people to come on church property to deal with trees I was removing, commenting "It's really going to be a shame the next time you need something like that" and my response that the single tree removed leaned over the hedge and above church parking spaces and was a hazard removed to prevent harm to church attendees.

I made over fifteen calls to various city departments, Code Compliance, Zoning and Engineering, attempting to ascertain the status of the planter box and "vegetable garden," and voice my objection. Everyone was kind but it seemed that I was always referred to another department. It was not until December 2, 2020, that I received significant information from Code Compliance, concerning the matter. A code violation had been issued in regard to the planter box which was going to be enforced October 29, 2020, but was instead closed, based on an October 14, 2020 email by Nancy Davis, Engineering Plan Review Supervisor, to James Corbet, Code Compliance Director, which concluded the planter box encroaching on the right of way "could be classified as a 'minor landscaping feature' which would not require issuance of a minor

easement permit." A copy of the email by Nancy Davis, Engineering Plan Review Supervisor, is attached as Exhibit F. That email was in response to James Corbet's email to Nancy Davis of October 13, 2020, which indicated the encroachment on the right of way "must be removed unless a permit is granted by engineering." (Exhibit G) The Code Compliance case history report reflects the opening of the civil code file and reflects closure on November 5, 2020, by an entry made a month later on December 4, 2020. (Exhibit I)

On December 7, 2020, I emailed Nancy Davis expressing my opinion the code section permits only plantings in the right of way and requested a reply, which I never received. (Exhibit H)

It is not my intent to bore you with trivia, but simply to let you know that everything that has occurred, has occurred without consideration of or participation by concerned residents adversely affected by this application.

It is to the credit of Zoning that public notice of this application was given to affected Residents. That department is accorded the discretion to require public notice, even though in the application for exception, the applicant points (complains) that:

"I also want to highlight, that per code: **Public notice of these minor modifications are not required.**" (Font size is by Applicant)

What the applicant is implying is this: No need to consider objections in a case where notice is not required.

Mr. Oliver's notice to his congregation of January 21, 2021, continues his distain for public notice, stating:

"Following complaints from a few neighbors (who happened to also be Trump supporters), Allendale is being forced by city staff to go through an arduous process of amending our site plan. We will be appearing before the Development Review Commission for a quasi-judicial hearing on Wednesday, February 3 at 1 PM." (Exhibit O)

The repeated reference to "Trump supporters" appears to be an assertion that politics should determine the outcome of these proceedings.

I am reluctant to discuss the next matter, which is the applicant's attempt to direct attention from the merits, but have no choice since lack of response may be misconstrued. In the application, I believe page (2), but not numbered, the applicant states:

"Two other neighbors have informed the neighborhood president they are opposed. Mr. Storm (our adjacent neighbor) pointed out that they all have Trump flags/signs in their yard and he feels this is more about our congregation's religious witness for the marginalized than it is about the garden itself."

To make certain you do not miss the point, the applicant repeats the point on an unnumbered page, I believe to be page (5), the following:

"The Storms, the property closest and adjacent to the garden, have no issues with the garden and are in full support. They said they believe the objections come from two people who are more upset over the political leanings of the church than the garden itself.

The only vocal objection to the garden project has come from our neighbor to the North. He can't even see the garden from his property. Attached is an image from the very corner of his property from the curb. From there you can barely make out the painted border."

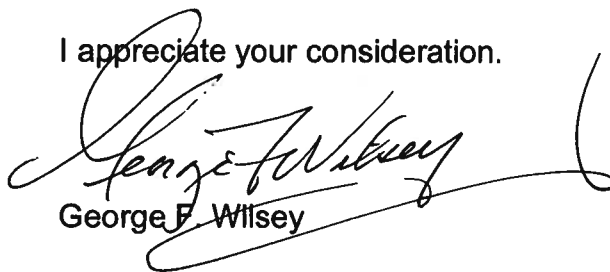
The person referred to as the "vocal objector" is me.

Mr. Storm does not know me and we have had no conversations. I have written to him about the above reference which I consider offensive but received no reply. I am an attorney, I have served as an arbitrator for the American Arbitrator Association, and as a Certified Circuit Court Mediator. In my experience of more than (50) years, I have come to realize that when a party attacks the reputation and motives of another party, it is usually because they have weak or no meritorious arguments to present. As a Kiwanian, I have regularly volunteered to work with Pack-a-Sack, to pack lunches for use by needy children on weekends when school lunches are not available. I am a contributor to Metropolitan Ministries, whose mission is to provide food to the needy. I was President of the St. Petersburg Legal Aid Society in the time when there was no federal or state programs. I was successful in procuring office space in the City Annex Building and funding sufficient to provide a full-time attorney and staff to provide free legal service to the needy.

For Mr. Storm to declare (and for the church to endorse his declarations to support the application for exemption) that I am more opposed to the Church's witness for the marginalized

than I am in my opposition to this clearly inappropriate site for an unsightly planter box is offensive and an insult. I approve and applaud all who contribute their time and money to assist the needy and particularly, children. The political position of the church and its congregation are of no concern to me. There is a time and place for everything but this is not the time or place for the exception the applicant requests.

I appreciate your consideration.

A handwritten signature in black ink, appearing to read "George F. Wilsey". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

George F. Wilsey

ATTACHMENTS

- EXHIBIT A** July 2020 -- George Wilsey's note to Andy Oliver, Pastor, requesting church reconsider location of the planter box.
- EXHIBIT B** October 26, 2020 – Emails to Andy Oliver, Notice of Intent to request modification to add vegetable gardens. (In the plural)
- EXHIBIT C** October 28, 2020 – Email by Andy Oliver to clarify situation; "If exemptions denied the mulch planter will remain as is: barren."
- EXHIBIT D** October 8, 29 & 31, 2020 – Wilsey reply to the "barren" comment.
- EXHIBIT E** November 2, 2020 – Emails reflecting Andy Oliver's attitude and reply.
- EXHIBIT F** October 14, 2020 – Nancy Davis email to John Corbett declaring opinion planter box to be a "minor landscaping" feature.
- EXHIBIT G** October 13, 2020 – Email from James Corbett to Nancy Davis regarding code violation.
- EXHIBIT H** November 7, 2020 – Letter to Nancy Davis regarding her opinion.
- EXHIBIT I** Code Violation: Master Inquiry, Case 20-00024336
- EXHIBIT J** Photo -- View of planter box from side yard of 1048 11th St. N. (taken January 2021).
- EXHIBIT K** Photo -- View of planter box from sunroom window of 1038 39th Ave. N. (taken January 2021).

- EXHIBIT L** Photo -- (3) views of planter box and site (taken December 2020).
- EXHIBIT M** Photo -- (3) views of planter box (taken December 2020).
- EXHIBIT N** Photo – View of planting in applicant’s parking lot.
- EXHIBIT O** Andy Oliver’s Notice to congregation, January 21, 2021, complaints by Trump supporters.
- EXHIBIT P** Map of Objectors within close proximity to the planter box. There are multiple other Objectors.

Allendale Methodist Church

To: Pastor Andy Oliver

It troubles me that I feel compelled to advise you that the installment of what I believe to be a community garden on the East side of the Church, adjacent to 11th Street, is unsightly and inappropriate. The church has always been a good neighbor and I understand the desire to provide such a facility to the community. However, I believe there was little notice and little consideration given to the impact of the facility on the residential neighborhood. My home is located at 3950 11th Street No , and shares the north boundary of the church property.

I suggest to you that the installation of this facility immediately adjacent to Allendale residential neighborhood should be reconsidered. If you observe the site from the east side of 11th Street, I believe you will recognize that this is not a great place for a community garden.

I believe the Church is the owner of the parcel across Haines Road known as BSA Eagle Project, which is a vacant parcel of considerable size, sunny, accessible to adjacent off road parking and not facing the front of residences. I respectfully urge that the powers that be of the Church reconsider the location of this pending project.

George F Wilsey

Tel: 525 7493



Forward: Notice of Intent to File

message

Jim Stitt <jimstitt1@gmail.com>

Wed, Oct 28, 2020 at 11:11 AM

To: Marcia Jacobs <marcijac@gmail.com>, Cheryl Landwehr <clandwehr4747@gmail.com>, Cathy Sue Stevens <suzique33@gmail.com>, John Storms <ctecca@tampabay.rr.com>, George Wilsey <gfwilsey@gmail.com>
Cc: Andy Oliver <andy@allendaleumc.org>

Hi folks,

Please see the email below from Rev. Andy Oliver stating his intent to file for City approval for the community garden on the Allendale Methodist Church property facing 11th Street. Andy has asked me to help arrange a meeting with you to go over his plans and to address any questions or concerns you may have. Please let me know if you would like to participate in the meeting.

Thanks,
Jim Stitt
727-452-1239

Begin forwarded message:

From: Andy Oliver <andy@allendaleumc.org>
Subject: Notice of Intent to File
Date: October 26, 2020 at 4:41:38 PM EDT
To: Jim Stitt <jimstitt1@gmail.com>, variance@stpetecona.org

CC standard mail: Kimberly Frazier-Leggett at 3301 24th Ave. S., St. Pete 33712

This is a notice of intent to file a request for a minor modification to add vegetable gardens at Allendale United Methodist Church (3803 Haines Rd N) for the purpose of feeding hungry people at distribution centers around the city.

If you have any questions, feel free to reach out via cell to me at 727-200-1522.

Thanks,

Rev. Andy Oliver

—
Allendale United Methodist Church www.allendaleumc.org
<<http://www.allendaleumc.org>>
727-527-6694



From: Andy Oliver

Sent: Wednesday, October 28, 2020 3:16 PM

To: Cathy Storms; George Wilsey; Jim Stitt; Marcia Jacobs; Cheryl Landwehr; Cathy Sue Stevens

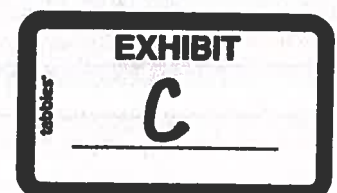
Subject: Church Garden meetings

Hi neighbors!

I wanted to reach out to you all to listen to your concerns with the garden, and to clarify our situation. Below I have listed 2 times I will make myself available on Zoom, and 1 time I will make myself available in person (masked) outside by the garden. I am hoping each of you will be available for one of those times, and that you will pass along an invite to anyone who might be interested.

Our current situation:

- Allendale is NOT desiring to have a "community garden," but simply a vegetable garden
- Allendale currently has one vegetable garden on the interior of our property and a plot on the exterior of our property on 11th currently filled with mulch.
- The city has stated that there is no issue with the garden structure on 11th as is. We offered to apply for a permit and engineering said there is no need for a permit. In order to plant vegetables in the garden we will need a minor exception to our exemption, which is an administrative decision.
- If we are declined for the exception, the mulch planter will remain as is: barren. The garden plot will be much more beautiful filled with plants! (See below for a picture of our interior garden).
- Should we be allowed to move forward with the garden, it will be maintained and kept tidy.
- The harvest of the garden will be distributed to area Food Banks. Any of our immediate neighbors who wish to take part, have a small section, or a small sampling of each harvest can coordinate through our lead gardener. We are NOT intending this to be an open community garden.
- The church is not interested in any other garden locations due to the more visible spaces on the other side of our property are ripe for vandalism.
- We have planted over 100 flowers on the 11th side of our property. If we move forward with the garden, the planter will be filled with soil and beautiful green veggies. The planter will be surrounded with flowers (see pic below)
- The garden we are proposing is permissible by state law in ANY of your front yards as well. We are not asking to do something that isn't allowed in residential spaces.
- We have compromised with our neighbors recently to have a fence put in on our property which we were not desiring to have. We did it because it was important to our neighbors. We also offer free meeting space for our neighborhood meetings. I hope we can continue this relationship with a garden in place.
- Finally, (again) it is in everyone's best interest to let us beautify this planter with plants. The alternative is a barren mulch pit that the city now states breaks no rules.



From: [Andy Oliver](#)
Sent: Saturday, October 31, 2020 2:21 PM
To: [George Wilsey](#)
Subject: Re: garden meeting

Hi George,

It is our preference not to leave it barren. The city has said there is no problem remaining as is. We would prefer to beautify it with a garden. That's your choice

I certainly don't care for the Trump flags you choose to put in your yard. I would however fight for your right to have it there as it is your right.

I hope you will take me up on my request for a conversation.

Andy

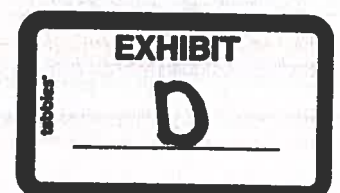
On Oct 29, 2020, at 5:43 PM, George Wilsey <gfwilsey@gmail.com> wrote:

Pastor Oliver: I note that you apparently did receive the letter I left at your office several months ago. I have reviewed your comments about the current garden situation, to consider whether there could be some amiable resolution. I do not want to waste your time or mine. You appear absolutely firm in your conviction that if the Church request for modification is denied "the mulch planter will remain as is: barren" Given that attitude, I see no reason to meet. File your request for modification and I will file my objection.

Sent from [Mail](#) for Windows 10

Allendale United Methodist Church
www.allendaleumc.org
[727-527-6694](tel:727-527-6694)

Allendale United Methodist Church
www.allendaleumc.org
[727-527-6694](tel:727-527-6694)



From: George Wilsey
Sent: Monday, November 2, 2020 5:41 PM
To: Andy Oliver
Subject: RE: garden meeting

WOW! I am sure you do not want to remember that the single tree involved was old, decayed and leaning over the hedge, with a large portion extending above several church parking spaces. I felt it was becoming a hazard to attendees using those parking spaces, not to me. I did not ask to use Church property to park the tree removal trucks. I assume the tree removal people asked and pointed out the removal would be for the church's benefit. I don't recall any trucks being on church property or, because of the small area involved, a need for all the members in preschool to move their vehicles. Could be but I did not see it. By the way I can see the planter from my front yard and every time I walk or drive up 11th street.

Sent from for Windows 10

From:
Sent: Monday, November 2, 2020 1:42 PM
To:
Subject: Re: garden meeting

I'm sure you remember a few months ago when you needed trucks to park on our property to deal with some of your trees. We had all in our preschool move their vehicles to accommodate your need.

It's really going to be a shame the next time you need something like that... and all over a garden you can't even see from your yard.

Take care,

Andy

On Nov 2, 2020, at 8:20 AM, George Wilsey <gfwilsey@gmail.com> wrote:

It seems we have some difficulty communicating. I will be blunt . You have asserted that if a minor exemption you need is declined by the city , "the mulch planter will remain as it is: barren" You now assert that it is my choice to either accept a garden or the existing ugly mulch structure will remain in place. To be clear, it is not my obligation to decide between two unacceptable choices defined by you. Subject to whatever action governmental authorities may require, whether the existing mulch planter remains in place is YOUR choice, YOUR decision and YOUR responsibility. Under the circumstances I see no purpose to e served by a conversation. I prefer that future communications, if any, be in writing.

Sent from for Windows 10



From: Nancy Davis < >
Sent: Wednesday, October 14, 2020 3:16 PM
To: James A. Corbett < >
Cc: Brejesh Prayman < >
Subject: FW: Please help

Good Afternoon James,

Brejesh has copied me on a few of the latest emails regarding this subject. I checked with my permitting staff and nobody recalls speaking to anyone about this planter. Yesterday our clerk Martha Hegenbarth received a phone message from Ray Wunderlich (phone 727-410-2784) who requested information on how to obtain a right of way permit for the planter.

As a result, I wanted to further explain ECID's policy regarding above ground fixed objects placed in the public right of way. As you previously stated, without survey we can only estimate the boundary of the right of way. For general information, I usually look at our water intersection details which often give a measurement from the road curb to the right of way boundary. In this case, I attached City water intersection detail 23 / G-2 which indicates that the western parkway of 11th Street extends 18-feet behind the road curb. Based on the photos you provided, it does appear that a portion of the box extends into the right of way, since the edge of the planter appears to be 11 or 12 feet behind the road curb (judging from photographs only).

Based on ECID's current policy, a minor easement permit is not required for minor landscaping features placed in the right of way which are not considered hazardous and do not impact public infrastructure (there is no city owned underground infrastructure in this location). Generally, parkways may contain surface landscaping and landscaping features (borders, edging, etc.) provided they are no higher than 6" when within 4-feet behind the face of the vertical road curb so as not to impact cars parked on the roadway from opening the car door, and to keep elevated fixed object's outside the roadway clear zone for public safety. When placed outside the roadway clear zone, landscaping in the right of way may extend up 24" in height based on City Code 16.40.060.2.1.3(D)(7). This planter box appears to be about 12" in height.

Though the location of the box in the alignment of a future sidewalk extension is not ideal and would not be recommended by ECID, the remaining parkway appears wide enough to divert the sidewalk around the planter or the planter could easily be removed if a sidewalk project is initiated, to facilitate installation in the current alignment. In any case there is still plenty of space in the parkway to allow a pedestrian to pass along the grassed area of the parkway.

For these reasons, ECID would classify this planter box as a minor landscaping feature which would not require the issuance of a Minor Easement Permit. Please respond to let me know if you concur with this analysis and we will then respond to the inquiry we have received from Mr. Wunderlich to let him know that ECID will not require a right of way permit approval to allow the raised planter to remain in the right of way until such time as a public need for the space in the right of way is identified. Otherwise if you prefer to remain the single point of contact to provide this information to Mr. Wunderlich and to the church just let me know.

Thank you,
Nancy E. Davis
Engineering Plan Review Supervisor

Engineering and Capital Improvements Department
City of St. Petersburg
One Fourth Street North, 7th Floor Engineering Dept.
St. Petersburg, FL 33701-2842

Office Phone: 727-893-7863
Fax: 727-892-5476
Email:



From: James A. Corbett < >
Sent: Tuesday, October 13, 2020 2:16 PM
To: Nancy Davis < >
Subject: RE: Please help

Hi Nancy, attached are two pictures of the planter box. Based on my measurement, the box is about 6 feet in the right of way. You can't see from the angle the photo was taken but the planter is directly in line with the sidewalk. The private property lines are slightly off on the map that Andy is referencing, you can see the private property line is going directly through the building on the lower side of the structure. If the private property line was shifted to the left to be more accurate, it would show the box on the map is in the right of way.

It is my understanding the Church originally intended to put in a Community Garden. This matter was discussed and it was determined because the church required a Special Exception to operate, the provision within the Community Garden code that provides an exemption to houses of worship would not be applicable. The Zoning Official determined to obtain approval for a Community Garden an update to include the accessory use with the Special Exception would be required. Ms. Bryla could provide additional detail on what that process would entail. It is also my understanding after you spoke with Ms. Bryla and she informed you of the required steps to get approval for a Community Garden a determination was made that the Church would not explore pursuing that option. I believe you then asked would you be allowed to plant flowers or other vegetation in the subject location and were advised there is nothing that prohibits the Church from planting vegetation but if the use became consistent with what's defined as a Community Garden, Codes would cite for the Community Garden operating without the required permit. We did not observe any additional work being performed at the planter bed so no additional action was taken by Codes.

The next issue is the actual planter bed. I visited the property Monday, October 5th. The right of way in this location is 60 feet wide. Based upon my measurements at least 6 feet of the posts and wood boards for the elevated bed are located in the City right of way. The green square in the photo provided below is not an accurate depiction of where the planter bed is located. Based on my measurement, approximately half of the raised wood structure is located in the right of way. If the sidewalk, which is located in the right of way was extended it would run directly into the planter. Lastly, the planter has sunken posts with attached wood boards creating a raised barrier, in these instances we are applying the code in the same manner that we would for a fence or a mailbox which have similar installation methods and are prohibited in the right of way.

To summarize for clarity:

- A Community Garden in this location would require Zoning approval
- The raised structure used to create the planter bed is approximately 6 feet in the right of way and must be removed unless a permit to allow the structure in the right of way is issued by the Engineering Department
- If the planter bed is located entirely on private property and is used to plant vegetation not consistent with the definition of a Community Garden this matter would be resolved.

James A. Corbett
Director, Codes Compliance Assistance
City of St. Petersburg
727.892.5390



To: Nancy E. Davis Engineering Plan Review Supervisor

Dec. 7, 2020

This letter is in reference to your email of Oct. 24, 2020 to James Corbett, relating to a mulch planter installed by Allendale United Methodist Church at the West side of 11th Street North, just North of 39th Ave. A copy of your email is enclosed.

I have objected to this structure, which is 44 feet by 15 feet 8 inches (660 square feet), since July, when it was initially installed. A copy of my objection delivered to Andy Oliver's (the pastor) office is enclosed. A substantial portion of the structure, about 44 feet by 5 1/2 feet is in the city right of way of 11th Street.

Since July I have contacted multiple City Departments, Code Compliance, permits, zoning, urban design and engineering to voice my objection but was always referred to other departments. Finally on December 4th I was advised that your email of October 24th was the determining factor to close Code Violation 20-00024336. I enclose a copy of the Code Department entry on December 4th reflecting: "Engineering has decided that the planter Box is not closer than four feet to the street curb and is less than 24 inches in height, so engineering approval is not required. Close case"

I believe that City Code 16.40.060.2.1.3(d)(7) has been misconstrued in your email and misinterpreted by Code Violation Department.

The only portion of sub section (7) that is applicable to this case is the first sentence, which applies to landscaping in the right of way which is NOT within four feet of the curb. That sentence reads:

"7. Landscaping within the adjoining right of way.

- a. Landscaping within the adjoining right of way shall be provided in accordance with an approved streetscape plan or, when an approved streetscape plan does not exist, plantings shall be composed of low growing shrubs, accent plants, ornamental grasses, ground cover or sod in any combination)

The balance of (7a) refers to landscaping within four feet of the curb and is not applicable to the installed structure, which is 13 feet from the curb. The right of way extends about 18 feet from the curb.

Nowhere in the subsection is there any indication that landscaping refers to anything other than "growing shrubs, accent plants, ornamental grasses, ground cover or sod. Your references to "landscaping features" ignores the fact that the mulch box is a structure. It is made of scrap lumber and scrap mulch. It is not a plant. The purpose of the box mulch structure was never landscaping or intended to landscaping.

The intended use as described by Andy Oliver (the pastor) in an email sent to a few residents of Allendale on October 28th describes the use as, inter alia, "This is a notice of intent to file a request for a minor modification to add vegetable gardens" and "Allendale is not desiring a community garden but simply a vegetable garden" and "if we are denied for an exception the mulch planter will remain as is: barren"

Given the intent expressed by Mr. Oliver I do not understand how your department or the Code Compliance Department could classify this ugly structure as landscaping.

EXHIBIT

H

tabbies

Simply stated, this mulch planter was constructed within the City right of way with no apparent effort to contact the pertinent City Departments or residents affected until months after the installation. Mr. Oliver's comment the mulch planter will remain in place as a barren structure should be rejected and the Code compliance Department notified it may reopen and proceed with the code violation enforcement

I suggest that you may wish to confer with someone in the City Attorney's office in regard to the provisions of subsection(7a).

I would be pleased to meet with you or communicate by phone or email, if you wish to do so. Your reply would be appreciated.

Respectfully submitted.

George F Wilsey

3950 11th St. No

Cell: 7274880657

Land line: 7275257493

Email: ~~gfwilsey@earthlink.net~~

CC: Andy Oliver

Code Compliance

PREPARED 12/03/20, 11:34:32
 PROGRAM CE200L
 City of St. Petersburg, Florida

CASE HISTORY REPORT
 CASE NUMBER 20-00024336

CASE TYPE Parcel Identification Nbr
 DISPOSITION DATE ESTABLISHED INSPECTOR TENANT NAME STATUS
 STATUS DATE

CIVIL CITATION 01/31/16/00558/007/0010/
 3803 HAINES RD N Public 10/06/20
 SAINT PETERSBURG FL 337035625 TERESA L MYRICK 892-5519
 CASE DATA: OWNER TENANT X
 DRIVERS LICENSE/ID #
 DOB
 SEX

NARRATIVE: October 6, 2020 10:53:59 AM a4brown.
 Raised flower bed on east side of church is encroaching into
 the right-of-way. 10/06/20
 10/06/20

NOTICE NAMES: ALLENDALE UNITED METHODIST CHURCH OWNER
 ALLENDALE UNITED METHODIST CHURCH REGISTERED AGENT
 PUBLIC PRINT PIN# IN LETTERS: Yes
 PUBLIC PRINT PIN# IN LETTERS: Yes

HISTORY:	SCHEDULED ACTION	STATUS	RESULTED	DISPOSITION	INSPECTOR	TIME
	10/06/20 INITIAL INSPECTION	COMPLETED	10/06/20	Private	ANDREA BROWN 892-5155	10/06/20
	RSULT TEXT: October 6, 2020 10:58:17 AM a4brown. Upon inspection and measurement it appears that roughly half of the raised flower bed located on the east side of the property is in the right-of-way.					10/06/20 10/06/20 10/06/20
	10/06/20 RECORD CHECK	COMPLETED	10/06/20	Private		10/06/20
	NARRATIVE: October 6, 2020 11:02:12 AM a4brown. ALLENDALE UNITED METHODIST CHURCH INC. 3803 HAINES RD N ST PETERSBURG FL 33703-5625 01076/0590					10/06/20 10/06/20 10/06/20 10/06/20
	10/06/20 VIOLATION NOTICE	ISSUED	10/06/20	Private		10/06/20
	Respond to: OWNER Send to: MAIL CRACKING #: Name/address: ALLENDALE UNITED METHODIST CHURCH 3803 HAINES RD N SAINT PETERSBURG, FL 33703-5625 Telephone: ALLENDALE UNITED METHODIST CHURCH C/O RADIGAN, CHARLES 1154 42ND AVE NE SAINT PETERSBURG, FL 33703 Fax: 10/09/20 Email: 10/09/20					10/09/20
	TELEPHONE CONVERSATION	COMPLETED	10/09/20	Private		10/09/20
	NARRATIVE: October 9, 2020 1:24:09 PM a4brown.					



PREPARED 12/03/20, 17:34:32
 PROGRAM CE200L
 City of St. Petersburg, Florida

CASE HISTORY REPORT
 CASE NUMBER 20-00024336

CASE TYPE
 Parcel Identification Nbr
 ADDRESS

DISPOSITION DATE ESTABLISHED STATUS
 INSPECTOR TENANT NAME CASE CLOSED
 PUBLIC 10/06/20

CIVIL CITATION
 01/31/16/00558/007/0010/
 3803 HAINES RD N
 SAINT PETERSBURG

FL 337035625
 10/09/20
 TELEPHONE CONVERSATION
 NARRATIVE: Spoke with Pastor Oliver/200-1522, and let him know he would need to produce a survey that showed the planter box was not in the right-of-way, or he would need to remove, relocate are get a minor easement permit.

10/29/20 REINSPECTION
 RESULT TEXT: November 4, 2020 11/04/20 Private
 Permit is in process. Will continue to monitor

12/04/20 REINSPECTION
 RESULT TEXT: November 5, 2020 2:34:40 PM 4brown.
 Management has gotten with Engineering and it has been decided that the planter box is not closer than 4 feet to the street and is less than 24 inches in height so Engineering approval is not required. Close case.

11/05/20 CLOSE CASE
 COMPLETED 11/05/20 Private

VIOLATIONS: DATE DESCRIPTION
 10/06/20 STRUCTURE ON RIGHT-OF-WAY
 LOCATION: 1 142
 NARRATIVE: Half of raised planter bed on east side of property is in the public right-of-way and requires removal or relocation.

TENANT NBR STATUS IN COMPLIANCE TOTAL TIME:
 11/05/20 10/06/20 10/06/20
 11/04/20 11/04/20 11/05/20
 11/04/20 11/04/20 11/05/20
 11/05/20 11/05/20 11/05/20

Note by Objector:

It appears that closing of the Code Violation occurred on 11/5/20 but the entry was not made until 12/04/20.

Property Information

Address: 3803 HAINES RD N
SAINT PETERSBURG, FL 337035625
Location ID: 197911
Parcel Identification Nbr: 01/31/16/00558/007/0010/
Old account number: 10000210
Zoning: NA NOT APPLICABLE
Subdivision:

Case General Information

Case status: AC ACTIVE
Status date: 10/06/2020
Case type: CVCT CIVIL CITATION
Reported date: 10/06/2020
Originator: CF CODES FOLLOW-UP
Default inspector: TLM TERESA L MYRICK 892-5519
Credit balance: .00
Disposition: Public
Pin number: 166896

Owner Information

Owner name: ALLENDALE UNITED METHODIST CHU
Address: 3803 HAINES RD N
City: SAINT PETERSBURG, FL 337035625
Phone: 0
Notice: Y
Flip:

Violations

Type	Status	Location	Quantity	Date Established	Date Resolved
STRUCTURE ON RIGHT-OF-WAY	AC		1	10/06/2020	

Case Data

Description: Data
OWNER X
TENANT
DRIVERS LICENSE/ID #
DOB
SEX

Active Inspections

Type	Insp ID	Schedule Date
REINSPECTION	TLM	10/29/2020

Type Case narrative

Text
October 6, 2020 10:53:59 AM a4brown.
Raised flower bed on east side of church is encroaching into
Date 10/06/2020
10/06/2020



Type

Text

Date

(Continued)
 the right-of-way.

10/06/2020

Violation comments
 STRUCTURE ON RIGHT-OF-WAY

Half of raised planter bed on east side of property is in the public right-of-way and requires removal or relocation.

10/06/2020
 10/06/2020

Inspection comments
 001 - INITIAL INSPECTION
 Results status INSPECTI

October 6, 2020 10:58:17 AM a4brown.
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10/06/2020
 10/06/2020
 10/06/2020

002 - REINSPECTION
 Board meeting comments
 Other action comments
 001 - RECORD CHECK

October 6, 2020 11:02:12 AM a4brown.
 ALLENDALE UNITED METHODIST CHURCH INC
 3803 HAINES RD N
 ST PETERSBURG FL 33703-5625
 01076/0590

10/06/2020
 10/06/2020
 10/06/2020
 10/06/2020
 10/06/2020

002 - TELEPHONE CONVERSATIO
 Land Management information
 Legal description

October 9, 2020 1:24:09 PM a4brown.
 Spoke with Pastor Oliver/200-1522, and let him know he would need to produce a survey that showed the planter box was not in the right-of-way, or he would need to remove, relocate are get a minor easement permit.

10/09/2020
 10/09/2020
 10/09/2020
 10/09/2020

ALLENDALE TERRACE
 BLK G, LOTS 1, 2, 3, 4, 5,
 34, 35 & 36 LESS ST & 1/2
 VAC PT OF 11TH ST ADJ ON

Lien information

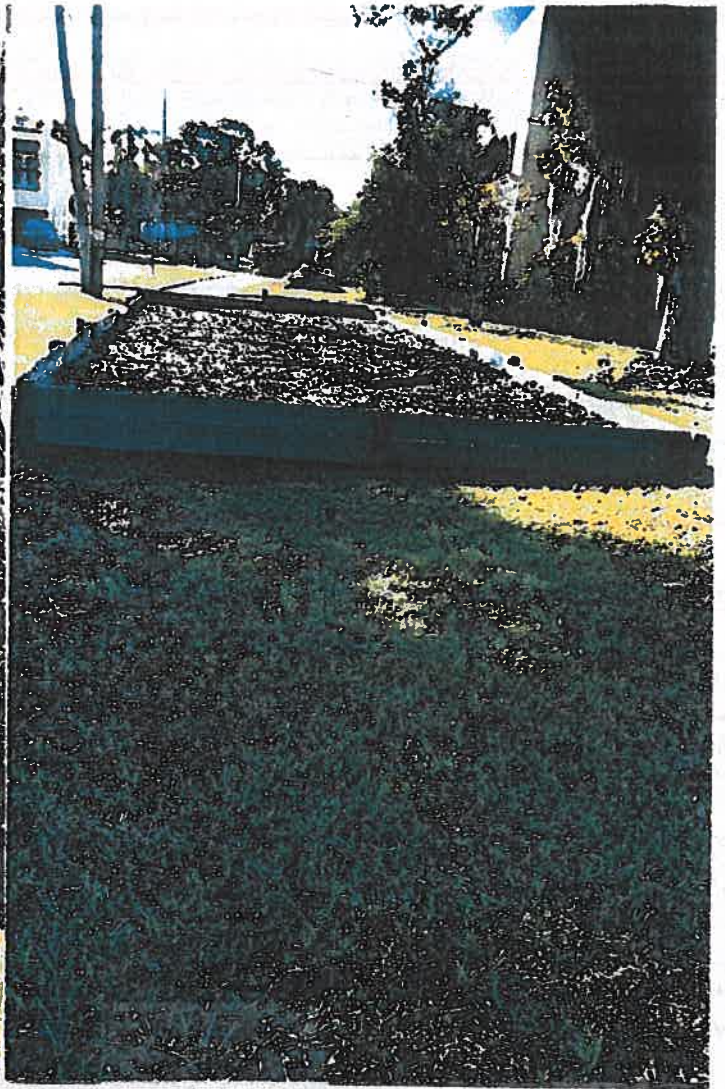


View from side yard of 1048 11th Street North

EXHIBIT
J

View of planter box from sunroom at 1038 39th Avenue North



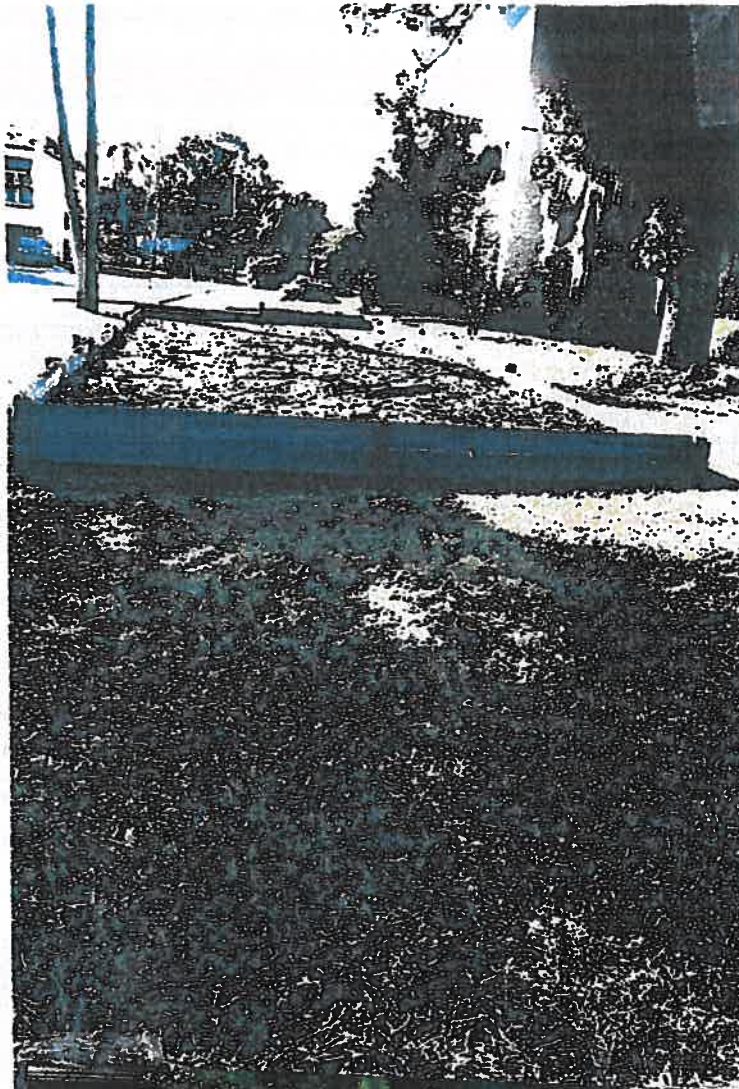


**TOP LEFT -
View of church
wall south of
planter box.**

**TOP RIGHT -
View looking
south.**

**BOTTOM -
View of church
wall south of
planter box.**

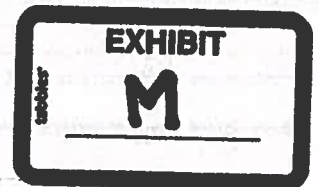


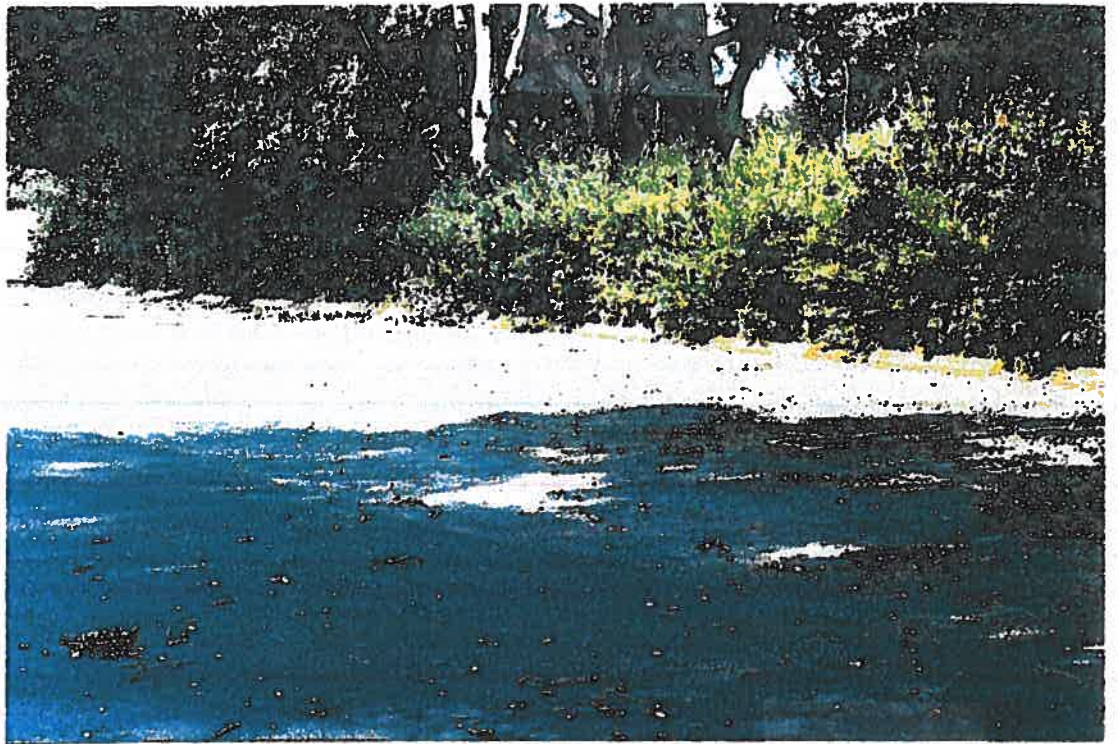


TOP LEFT -
View of planter box looking south.

TOP RIGHT -
View of planter box right of way
encroachment.

BOTTOM -
View of planter box looking north.





View of hedge in church parking lot to reflect lack of maintenance for months.



1/21/2021

Yahoo Mail - I need your help to save our garden!

I need your help to save our garden!

From: Andy Oliver (andy@allendaleumc.org)

To: [REDACTED]

Date: Thursday, January 21, 2021, 02:08 PM EST

Dear [REDACTED]

Allendale wants to garden to grow food for those who are hungry. Following complaints from a few neighbors (who happened to also be Trump supporters), Allendale is being forced by city staff to go through an arduous process of amending our site plan. We will be appearing before the Development Review Commission for a quasi-judicial hearing on Wednesday, February 3 at 1 PM. You can help assure that the garden is approved by either writing an email by January 24 or by appearing in-person for the hearing to make public comment.

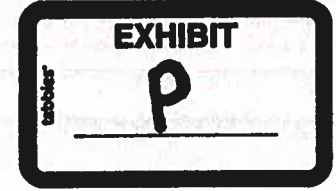
Please visit www.allendaleumc.org/garden to take action!

Pastor Andy

This is a note sent to the congregation.

The same reference to "Trump Supporters" is made in church notice of the hearing to its congregation.





Project Location Map
 City of St. Petersburg, Florida
 Planning and Development Services
 Department
 Case No.: 20-3200019
 Address: 3803 Haines Road North



--- Approximate Locations ---
 "BS" Eagle Site* - Possible Site for Garden
 Planter - Note to scale, to show location
 Storms - Supporters

--- ORANGE TABS --- Opposed; Petition Signers

THIS DEPICTS THE APPROXIMATE LOCATION OF (24) OBJECTOR'S SITES
 IN THE AREA OF THE PROJECT LOCATION MAP. THE TOTAL OBJECTORS
 IS OVER SIXTY (60).

**CITY OF ST. PETERSBURG
PLANNING & DEVELOPMENT DEPARTMENT
Development Review Services Division**

OBJECTIONS

RE: Case No. 20-32000019

Modification to an approved Special Exception for a House of Worship use in the NS-1 zoning district.

Public Hearing -- February 3, 2021 at 1:00 P.M.

The attached objections are submitted for consideration at the above hearing.



TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
Vegetable Garden on west side of 11th Street
North, north of 39th Avenue

OBJECTION

The undersigned has received and reviewed a copy of the staff worksheet, the special exception application, neighborhood worksheet and the documents attached to the application, and have personally observed the site involved. I am opposed to the application and request the Commission deny the requested exception and to also, if permitted:

1. Direct the planted box placed on the city right of way without a permit or notice to the city, be removed from the right of way by the applicant whether the exception is denied or granted.
2. If the exception is denied, to direct the planter box be removed from its present location, by the applicant.
3. Determine that City Code 16.40.060.2.1.3(d)(7), which provides:

"7. Landscaping within the adjoining right of way.

- a. Landscaping within the adjoining right of way shall be provided in accordance with an approved streetscape plan or, when an approved streetscape plan does not exist, plantings shall be composed of low growing shrubs, accents plants, ornamental grasses, ground cover or sod in any combination."

does not allow the construction or installation of structures including, planter boxes, in the right of way.

The proposed vegetable garden is unsightly and inappropriate for location at this site, is not landscaping, and is contrary to the code provision relating to landscaping.

Cheryl Landwehr
Name

1035 39th Ave N.
Resident Address

727-804-4747.
Contact Number

Additional Comments:

I do not support the garden. It is an eye sore the church created without considering adjacent neighbors. It needs to be relocated.

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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Name
1035 39th Ave North

Resident Address
727 430 1900

Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

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Steve Fawcett
Name

3950 11 ST N.
Resident Address

727 525-7493
Contact Number

Additional Comments:

My property borders the Church on the north side. I have lived there over 50 years.

I have opposed this ugly and inappropriate planter box since July 2010 when it was installed with no permit or notice. I believe in providing food for the needy - I participate with Meals on Wheels and church. But this is not the time or place to impose such an objectionable object into a residential area.

TO: Development Review Commission
City of St. Petersburg

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RE: Application for special exception to permit
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Andra Saneja
Name

4031 11th St. N
Resident Address

727-459-6224
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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Steven Harper

Name

4020 11th St. N, St. Petersburg, FL 33703

Resident Address

727-512-0900

Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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MARJORIE HARPER

Name

4020 11th St N. St Pete 33708

Resident Address

727 479 -4507

Contact Number

Additional Comments:

We moved to Allendale for the safety of little children and feel the garden may promote more traffic as well as crime.

Thank you for listening to our concerns!

Sincerely,
Marjorie Harper

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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North, north of 39th Avenue

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Lindsey M. Porter

Name

4000 - 11th St. N.

Resident Address

727-504-3421

Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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North, north of 39th Avenue

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Neil E. Shoaf
Name

4231 12th ST. N. ST. Pete
Resident Address 33703

727-798-8787
Contact Number

Additional Comments:

Eye sore
Respect your
neighbors

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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North, north of 39th Avenue

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Janet Shoof
Name

4231 12th St N.
Resident Address

727-463-0969
Contact Number

Additional Comments:

1 Corinthians 1:10
Romans 12:16

TO: Development Review Commission
City of St. Petersburg

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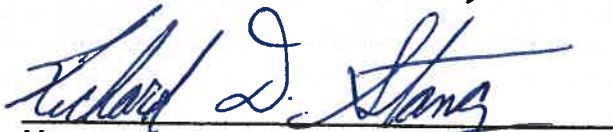
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Name

4048 12th St. N. St. Pete
Resident Address

727-580-1036
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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North, north of 39th Avenue

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Elizabeth A. Stang
Name
4048 12th St. No.
Resident Address
727-710-0675 33703
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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Ronald L. Cray
Name
4070 - 12th St N
Resident Address
727-521-3319
Contact Number

Additional Comments:

We should not be put
in the position of
having to protect our
neighborhood -
Dulian

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
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does not allow the construction or installation of structures including, planter boxes, in the right of way.

The proposed vegetable garden is unsightly and inappropriate for location at this site, is not landscaping, and is contrary to the code provision relating to landscaping.

Dana Helms
Name

925 39th Ave N
Resident Address

407-256-6028
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
Vegetable Garden on west side of 11th Street
North, north of 39th Avenue

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Barbara Copeland
Name

945 39th Ave. W. St. Peter, FL
Resident Address 33723

525-4991
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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Marci Jacobs

Name

1038 39 Ave. No

Resident Address

727-526-5830

Contact Number

Additional Comments:

I have lived in Allendale since 1968. My sunroom faces onto the Mulch garden which I view daily. This garden is inappropriate and if the church feels the need to create a garden, it certainly has the space on 12th St. I very much appreciate it

TO: Development Review Commission
City of St. Petersburg

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Scott Burgess

Name

3822 9th St N.

Resident Address

774-470-1265

Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

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LEE BURGESS

Name

3822 9th St North

Resident Address

727 528 0214

Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

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RE: Application for special exception to permit
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Brooke Jones
Name
1045 39th Ave N.
Resident Address
(941) 525-3135
Contact Number

Additional Comments:

Tenant in lot directly
facing the structure.

TO: Development Review Commission
City of St. Petersburg

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Annemarie Anders
Name

950 39th Ave N. St. Pete FL 33708
Resident Address

727-422-6730
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

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RE: Application for special exception to permit
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Andrew Johnson
Name

950 39th Ave N St. Pete FL 33713
Resident Address

727-417-3549
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

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Margaret A. McQueen
Name

950-39th Ave. N.
Resident Address

727-422-6770
Contact Number

Additional Comments:

Built without a
PERMIT & AN
EYESORE.

TO: Development Review Commission
City of St. Petersburg

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SHAWN COPELAND

Name

945 39TH AVE. N.

Resident Address

727-525-4995

Contact Number

Additional Comments:

THIS IS UNSIGHTLY
AND DEVALUES
PROPERTY VALUES.

TO: Development Review Commission
City of St. Petersburg

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Judith Walden
Name

1017 39TH AVE NO
Resident Address

727-5254935
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

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Mari Blaquiere
Name

1017 39th AV N
Resident Address

727-515-0072
Contact Number

Mari Blaquiere

Additional Comments:

I live w/in 300 ft of the church and the raised mulch box. I see it all the time, and it is quite unsightly. I worry about excess pests & vermin in the neighborhood.

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
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Marion Mathiason
Name

4000 11th St. N., St. Petersburg, FL
Resident Address 33703
Beneficial Party Owner

813-966-5632
Contact Number

Additional Comments:

See attached

January 21, 2020

To Whom it May Concern:

My name is Marion Mathiason. I was born and raised in St. Petersburg, at the home located at 4000 11th St. North. After the passing of my mother, Eleanor Porter, last year, I am now a beneficial part owner of the home. My brother, Lindsey Porter, and his family currently reside there.

I strongly object to the unsightly structure that was illegally placed in the right-of-way of our quiet residential street without a permit or notice. The law only allows "landscaping" in the public right-of-way. The City Code is very specific about what is permitted - "low growing shrubs, accent plants, ornamental grasses, ground cover or sod in any combination." The wooden structure is clearly *not* a plant or landscaping. There is simply no way to get around this basic fact. In addition, the structure is an eyesore, borders on a commercial use, and detracts from the residential nature of the neighborhood. This is exactly the type of thing that the City Code was designed to protect against.

In my view, the one of the City's core purposes is to preserve and protect the character and value of neighborhoods in the City, which enhances the City as a whole. If this special exception is approved, you will harm the character of the Allendale neighborhood and decrease the value of everyone's home in the neighborhood. I urge you instead to follow the plain meaning of the law, which will help protect and preserve the value and character of the neighborhood. This is what homeowners and taxpayers in the City expect from their local government. I urge you to deny the special exception and require the structure to be removed from the right-of-way.

Finally, this has zero to do with politics, and any suggestion otherwise is baseless and offensive.

Sincerely,

Marion P. Mathiason

Marion P. Mathiason

TO: Development Review Commission
City of St. Petersburg

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Brenna Comy
Name

1045 39th Ave N
Resident Address

(941) 320-1322
Contact Number

Additional Comments:

Owner

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
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Lee-Ann Carry
Name
1045 39th Ave N
Resident Address
(941) 350-2591
Contact Number

Additional Comments:

Owner w/ Brenna
Carry

TO: Development Review Commission
City of St. Petersburg

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Megh Malini
Name
1038 40th Ave N.
Resident Address
860.304.8490
Contact Number

Additional Comments:

I believe the Church should be engaging in community building - not alienating its neighbors.

TO: Development Review Commission
City of St. Petersburg

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Edmund D Wilson
Name
955 40TH AVE N
Resident Address
727 424 8582
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

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B D Wilson
Name

955 40th Ave N.
Resident Address

725-526-7549
Contact Number

Additional Comments:

TO: Development Review Commission
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Name Chetna Patel
1037 40th Ave. N.
Resident Address St. Pete, FL 33703
727-776-5478
Contact Number

Additional Comments:

I feel this does not fit the neighbourhood.

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
Vegetable Garden on west side of 11th Street
North, north of 39th Avenue

OBJECTION

The undersigned has received and reviewed a copy of the staff worksheet, the special exception application, neighborhood worksheet and the documents attached to the application, and have personally observed the site involved. I am opposed to the application and request the Commission deny the requested exception and to also, if permitted:

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"7. Landscaping within the adjoining right of way.

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does not allow the construction or installation of structures including, planter boxes, in the right of way.

The proposed vegetable garden is unsightly and inappropriate for location at this site, is not landscaping, and is contrary to the code provision relating to landscaping.

Name *Mr. Josh Part C 1*
1037 40th Ave. N.
Resident Address *St. Pete, FL 33708*
727-776-3255
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
Vegetable Garden on west side of 11th Street
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Cathy Sue Stevens
Name
1046 40th Avenue N.
Resident Address
727 - 385 - 0323
Contact Number

Additional Comments:

I am across
the street from
the church.

Mr. James Corbett
Director of Codes Compliance
One 4th Street North
St. Petersburg, Florida 33701

December 15, 2020

Re: Code violation 20-00024336

Dear Mr. Corbett,

I own the home across the street from Allendale United Methodist Church, at 1046 40th Avenue North. My family has owned this home for about 55 years. I am also a board member of the Allendale Neighborhood Association.

I am writing to oppose the community garden structure at AUMC on 11th Street North in Allendale. This 44 foot structure was built poorly and is unsightly. The graffiti that I see when I walk by is not appropriate in any neighborhood in St. Petersburg.

The neighbors were never notified about the plan for this structure because a permit was never pulled and this structure was built over six months ago. Several neighbors have opposed this community garden and structure to several city departments since July via many emails and phone calls.

I believe the city code 16.40.060.2.1.3 was misinterpreted and the closure of this case should be reopened. Please reconsider the decision to close the case of this code violation and require the structure to be removed from the right of way on 11st Street North.

Your consideration of this matter is appreciated.

Thank you,

A handwritten signature in cursive script that reads "Cathy Sue Stevens". The signature is written in black ink and is positioned above the printed name.

Cathy Sue Stevens

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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Brian K. Smith
Name

935 41ST Ave N
Resident Address

727. 482. 0190
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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Thomas R. [Signature]

Name

1015 41st Av N

Resident Address

St Pete 727-204-6880

Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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TIFFANY WEBB

Name

1055 41 Ave N

Resident Address

(727) 526-2550

Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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A. Connor Koup Legasse

Name

950 41ST AVENUE

Resident Address

418-6210

Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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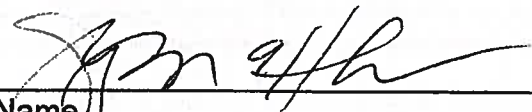
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Name

1020 11th Ave ✓
Resident Address

427. 743 8185
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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Toni C. Trumble
Toni C. Trumble
Name
1038 41st Ave. North
Resident Address
727-463-4680
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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Name

Resident Address

Contact Number

Additional Comments:

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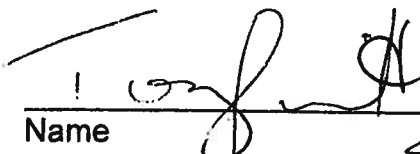
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Name _____
1038 40th Aven. St. Pete,
Resident Address _____ FL 33703
770-365-8354
Contact Number _____

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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Janette Grasso
Name

1498 42nd Ave N
Resident Address

727-321-6545
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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North, north of 39th Avenue

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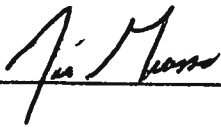
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Nick GRASSO 
Name
1498 42nd N
Resident Address
727-455-3149
Contact Number

Additional Comments:

TO BE A GOOD NEIGHBOR YOU MUST BE A GOOD NEIGHOR. THIS CHURCH HAS NOT BROUN THIS. THERE IS AN ALTERNATIVE SITE FOR A GARDEN AND I PERSONALLY WOULD CONTRIBUTE. THIS IS A WORNY AND LOCATION AND NOT A RESPECTIVE ATTITUDE. THIS IS 110% WRONG TO THIS CLOSEST NEIGHBORS.

TO: Development Review Commission
City of St. Petersburg

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Wilma J. Light
Name

940 42nd AVE N. 33703
Resident Address

(727) 522-4485
Contact Number

Additional Comments:

Community gardens are okay as long as they do not impede an established highend neighborhood. They should be placed near a busy Road that is not surrounded by private residences
ML

Mr. James Corbett
Director of Codes Compliance
One 4th Street North
St. Petersburg, Florida 33701

RE: Code Violation: 20-00024336

December 14, 2020

Dear Mr. Corbett,

For the past fourteen plus years, I have been riding Crime Watch in the Allendale Neighborhood Association. Jim Stitt took over as President, as I am disabled and the work load became too much for me. However, I still ride Crime Watch of a regular basis and stay in contact, when needed, with our Police Department. I have chased many protestors away from Allendale United Methodist Church that have disrupted our area because they do not believe in what Pastor Oliver is doing. I have absolutely no prejudice against anyone in his congregation or their beliefs. However, I do have a problem with anyone who violates the City Codes, which Pastor Oliver has done.

For over a month, a pile of nasty old boards sat on the property, in the City right of Way. Finally, a planter box was built and all the graffiti was exposed. Weeks later, the boards were painted and the box was filled with dirt. It has been that way since the complaints from neighbors started coming in. When we looked up the LDR codes, it said that every community garden, (including Churches), must have a permit in order to install. No permit was ever pulled, and when the neighbors called, they were told that the church would be liable for putting the structure in without a permit and would have to pay for an additional permit if the community garden was approved. This garden has been erected on a residential street in an upscale community with some million dollar homes that continue to be built. Most of the residents find it distasteful and said that it should have been erected behind the parking lot on the other side of Haines Road where it would not have any negative effects on our beautiful neighborhood. If all the homeowners put a community garden in front of their home, would we have to get a permit or would we be fined and made to tear it down? The neighbors feel that this is devaluating their homes and is an eyesore to their residences. They were never asked to sign off a compliance letter to allow this to happen.

Pastor Oliver has done some good things for our community and we have helped him with our Carefest project for two years. The residents that helped, feel that this is a not right. We have all donated to various city causes and the plight of the homeless. We do not want strangers coming in at night to pick vegetables and see what they can easily take from our homes. This is more crime in our area waiting to happen.

Please reconsider, granting this community garden, to be placed on a residential street in an upscale community. Move it to where it is not so visually obvious.

Thank you, in advance, for considering the opinion of many residents here.
Sincerely,

Nina Light, 940 42nd Avenue North, 33703 522-4485 ninalight100@yahoo.com

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
Vegetable Garden on west side of 11th Street
North, north of 39th Avenue

OBJECTION

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PAT ACKLIN
Name

1110 42nd AVE N
Resident Address

727-527-0361
Contact Number

Additional Comments:

IF APPROVED, THE PLANTER
SHOULD BE RE-LOCATED
TO THE PARKING LOT

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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E. RAYP ACKLIN
Name

1110.. 42ND AVE N
Resident Address

727-527-0361
Contact Number

Additional Comments:

HAVING A GARDEN AT ALLENDALE
METHODIST CHURCH SEEMS LIKE
A GOOD GOAL, AS LONG AS IT
MEETS CITY CODES. I BE-
LIEVE THE CURRENT LOCATION
IS BAD... AN EYE SORE.
THOUGHT BE GIVEN TO MOVING
IT THE PARKING LOT WITH
NEW MATERIAL FOR THE
PLANTER

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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Meghann Dubie
Name

1038 Monticello Blvd. N.
Resident Address St. Pete., FL 33703

727-289-1537
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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3. Determine that City Code 16.40.060.2.1.3(d)(7), which provides:

- "7. Landscaping within the adjoining right of way.
 - a. Landscaping within the adjoining right of way shall be provided in accordance with an approved streetscape plan or, when an approved streetscape plan does not exist, plantings shall be composed of low growing shrubs, accents plants, ornamental grasses, ground cover or sod in any combination."

does not allow the construction or installation of structures including, planter boxes, in the right of way.

The proposed vegetable garden is unsightly and inappropriate for location at this site, is not landscaping, and is contrary to the code provision relating to landscaping.

Justin Dubiel

Name

1038 Monticello Blvd

Resident Address

727 288 7291

Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
Vegetable Garden on west side of 11th Street
North, north of 39th Avenue

OBJECTION

The undersigned has received and reviewed a copy of the staff worksheet, the special exception application, neighborhood worksheet and the documents attached to the application, and have personally observed the site involved. I am opposed to the application and request the Commission deny the requested exception and to also, if permitted:

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Brian Stucker

Name

1201 Monticello Blvd N

Resident Address

727-638-3637

Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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Karel Stucker
Name

1201 Monticello Blvd N
Resident Address

727-434-0765
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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North, north of 39th Avenue

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Name

4538 15th St. N. 33703
Resident Address

(727) 465-8015
Contact Number

Stephen Thompson

Additional Comments:

Mr. James Corbett
Director of Codes Compliance
One 4th Street North
St. Petersburg, Florida 33701

December 15, 2020

Re: Code violation 20-00024336

Mr. Corbett,

I have lived on 40th Avenue North close to the Allendale United Methodist Church and now at my current address in Allendale for over fifty years.

It is my understanding this community garden can't be in the right of way based on code 16.40.060.2.1.3. Furthermore, it is unsightly and it is built with uneven sides and has graffiti that is visible from the street, which is not appropriate for Allendale.

I urge you to reconsider the closure of the code violation 20-00024336 and have this structure removed from the right of way on 11th Street North.

Sincerely,
Stephen Thompson

A handwritten signature in black ink, appearing to read 'Stephen Thompson', written over a horizontal line.

4538 15th Street North
St. Petersburg, FL 33703

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
Vegetable Garden on west side of 11th Street
North, north of 39th Avenue

OBJECTION

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The proposed vegetable garden is unsightly and inappropriate for location at this site, is not landscaping, and is contrary to the code provision relating to landscaping.

Ed Low

Name

4161 14th ST N

Resident Address

727 385 5867

Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
Vegetable Garden on west side of 11th Street
North, north of 39th Avenue

OBJECTION

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Chad Altman

Chad Altman

Name

4141 14th St N, St Pete FL 33703

Resident Address

727-244-3930

Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
Vegetable Garden on west side of 11th Street
North, north of 39th Avenue

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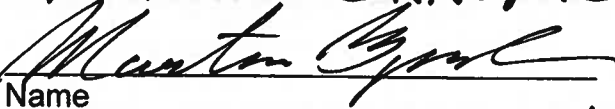
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The proposed vegetable garden is unsightly and inappropriate for location at this site, is not landscaping, and is contrary to the code provision relating to landscaping.

MARTIN BANSPACH


Name

4140 - 14th St. N, St. Pete
Resident Address FL 33703

(727) 894-8888
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
Vegetable Garden on west side of 11th Street
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ROGER JONES

Name

4180-14 ST N.

Resident Address

727-424-9466

Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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Arin Altman

ARIN ALTMAN

Name

4141 14th ST. N.

Resident Address

727-424-2840

Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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Sharon Jones Sharon Jones
Name

4180 14th ST N
Resident Address

727-744-2962
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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Conrad Banspach, Jr.
Name

4140 - 14th Street N.
Resident Address St. Pete, FL 33703

(727) 526-1318
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
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Cynthia Lance

Name

1203 42nd Ave N.

Resident Address

727-423-7901

Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
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DAVE DeSnoor

Name

4322 10th ST. N

Resident Address

727 637 7361

Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
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Nancy Klaus
Name

1495 42 AVE. N.
Resident Address

727-525-3711
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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Hollyanne Nuss
Name

1423 42nd Ave N
Resident Address

415-845-1095
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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Dorinda Klam
Name

1497 - 42nd N.
Resident Address

727-525 3711
Contact Number

Additional Comments:

TO: Development Review Commission
City of St. Petersburg

APPLICANT: Allendale United Methodist Church
RE: Application for special exception to permit
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Daniel Lance
Name

1203 42nd Ave N.
Resident Address

727.224.8408
Contact Number

Additional Comments:

PUBLIC COMMENT - SUPPORT

20-32000019

Michael W. Larimore

From: Iris L. Winn
Sent: Thursday, January 21, 2021 2:48 PM
To: 'Lashley Marks'; DRC
Cc: Michael W. Larimore
Subject: RE: Allendale Community Garden

Good afternoon, Ms. Marks –

Thank you for providing your feedback. We will add your comments to the record.

Iris Winn
Administrative Clerk
Planning and Development Services Department
City of St. Petersburg
727.892.5498
Iris.Winn@stpete.org

[Under Florida Statute 119 (Public Records) your email communications may be subject to public disclosure.]

From: Lashley Marks <lashfea@gmail.com>
Sent: Thursday, January 21, 2021 2:17 PM
To: DRC <DRC@stpete.org>
Subject: Allendale Community Garden

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Development Review Committee,
I understand that you are in the position to ensure that the Allendale United Methodist Church community garden remains available to the community.

I implore you to take this opportunity, as the garden will help to feed those in the community who may be in need. It has been approved by both the City Engineering Department and the City's Code Enforcement. It will not require resources or staff from others in the community, and will be maintained by and within the campus of the house of worship.

It is my hope that this garden can help our beloved community to care for those in need, particularly during the pandemic.

Thank you for your time and consideration,
Lashley Marks

Michael W. Larimore

From: Iris L. Winn
Sent: Thursday, January 21, 2021 2:46 PM
To: 'Miranda Day'; DRC
Cc: Michael W. Larimore
Subject: RE: Allendale Garden: Case No. 20-32000019

Good afternoon, Ms. Day –

Thank you for your feedback. We will add this to the record.

Iris Winn
Administrative Clerk
Planning and Development Services Department
City of St. Petersburg
727.892.5498
Iris.Winn@stpete.org

[Under Florida Statute 119 (Public Records) your email communications may be subject to public disclosure.]

From: Miranda Day <mdmirandaday@gmail.com>
Sent: Thursday, January 21, 2021 1:46 PM
To: DRC <DRC@stpete.org>
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello DRC,

I am a homeowner in district 4. A church in my neighborhood, Allendale UMC, is seeking to create a garden to feed the homeless. I think this is a wonderful idea and I fully support it. Our local homeless neighbors are regularly neglected by city government, and this is one small step where you can begin to turn the tide and take care of all St. Pete residents, not just housed ones, at no cost to the city. Furthermore, Allendale UMC is a pillar of our community. While I am not Christian, Allendale UMC is a beacon of morality for people of all faiths.

Let Allendale UMC grow their garden.

Thank you.

- Miranda Day
she/her

Michael W. Larimore

From: Iris L. Winn
Sent: Thursday, January 21, 2021 2:49 PM
To: 'Justin Miller'; DRC
Cc: Michael W. Larimore
Subject: RE: Allendale Garden: Case No. 20-32000019

Good afternoon, Mr. Miller –

Thank you for providing your feedback. We will add your comments to the record.

Iris Winn
Administrative Clerk
Planning and Development Services Department
City of St. Petersburg
727.892.5498
Iris.Winn@stpete.org

[Under Florida Statute 119 (Public Records) your email communications may be subject to public disclosure.]

From: Justin Miller <justinpaulmiller@protonmail.com>
Sent: Thursday, January 21, 2021 2:33 PM
To: DRC <DRC@stpete.org>
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I am writing in support of Allendale UMC being permitted to grow and maintain a garden on its property.

As a member of the church, and one who helps with its other gardens, I can attest to the great morale boost that comes from outdoor work, particularly in this time of social distancing.

This new garden -- to be used to grow food -- provides the church an opportunity to help those who struggle with food insecurity. Such families often have a hard time obtaining fresh fruits and vegetables, for which canned items are no substitute.

Much as victory gardens (https://en.wikipedia.org/wiki/Victory_garden) were encouraged during the world wars, now is an appropriate time to set aside concerns of appearance for the more critical issues of mental health and nutrition.

Thank you for considering my input.

Justin Miller
1500 14th St. N
St Pete, 33704
727.492.7001

Michael W. Larimore

From: Iris L. Winn
Sent: Thursday, January 21, 2021 2:52 PM
To: 'jenna maridon'; DRC
Cc: Michael W. Larimore
Subject: RE: Allendale Garden: Case No. 20-32000019

Good afternoon, Ms. Maridon –

Thank you for providing your feedback. We will add your comments to the record.

Iris Winn
Administrative Clerk
Planning and Development Services Department City of St. Petersburg
727.892.5498
Iris.Winn@stpete.org

[Under Florida Statute 119 (Public Records) your email communications may be subject to public disclosure.]

-----Original Message-----

From: jenna maridon <jennybenny0096@hotmail.com>
Sent: Thursday, January 21, 2021 2:42 PM
To: DRC <DRC@stpete.org>
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

Please approve this community garden! Resources are already sparse, so having another opportunity for hungry people to be fed is NECESSARY for our community. This garden has no cons, only pros.

Thank you for your consideration,
Jenna Maridon
A very concerned citizen
727-501-4089

Michael W. Larimore

From: Nicole DeVore <nicoledevore@gmail.com>
Sent: Thursday, January 21, 2021 2:48 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Allendale wants a garden to grow food for those who are hungry. I don't think we should have to amend our site plan to have our garden approved because a few of our "neighbors" don't agree with our mission to help others. We are acting in line with City Ordinances, Code Enforcement and the City's Engineering Department none of which require us to have a permit. Please allow us as an expression of our faith to care for the environment and those who hunger and let our garden grow.

During this pandemic, feeding people who are hungry is essential to "getting through this together". Not all people have the privilege of food at their disposal. Thank you for your time and consideration.

Nicole DeVore

Michael W. Larimore

From: Colleen Esposito <colleenesposito@gmail.com>
Sent: Thursday, January 21, 2021 2:54 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good day, I am writing in support of the garden at Allendale being used to support those who are hurting in the current economic crisis and beyond. I'm not a member of Allendale, however I support what they're doing for our community.

Please consider this as a full endorsement for the garden.

Take care,

Colleen Esposito
Board member of the Riviera Bay Community Association

Sent from my iPhone

Michael W. Larimore

From: Rita DeVore <ritardevore@gmail.com>
Sent: Thursday, January 21, 2021 3:07 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As a citizen of St.Petersburg for 65 years and as a member of Allendale United Methodist Church, I would request that you approve the church's proposed garden. Our existing interior garden has proved beneficial to our citizens needing food, especially during this pandemic. Please approve our request!

Thank you!

For I was hungry and you gave me something to eat..." – Matthew 25:35

Kind regards,
Rita R. DeVore
416 41st Avenue NE
St. Petersburg, FL 33703

Michael W. Larimore

From: M R <mnrradoll@gmail.com>
Sent: Thursday, January 21, 2021 3:34 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,
I'm writing to encourage you to streamline the permitting of the Allendale Garden. A community church wanting to provide sustainable food for the parish is a wonderful thing to do. This permit should be pushed through with all speed before the planting season begins.

Margie Radoll

Michael W. Larimore

From: Rabbi Philip Weintraub <rabbiweintraub@cbistpete.org>
Sent: Thursday, January 21, 2021 3:48 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I support the Allendale Community Garden. Amidst a global pandemic, I support any way of providing food assistance to those in need. If a community garden can feed one person, it is a blessing. That is all. Wishing blessings to you.

--

Rabbi Philip Weintraub
Congregation B'nai Israel
300 58th St N
St. Petersburg, FL 33710
(727) 381-4900

May each day feel like a blessing!

<https://www.facebook.com/RabbiPhil>

<https://twitter.com/tweetedtalmud>

TorahMinHaMayim.com

Michael W. Larimore

From: mark wendt <where_2@yahoo.com>
Sent: Thursday, January 21, 2021 4:27 PM
To: DRC
Subject: Allendale UMC Garden

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear DRC,

I respectfully request your acceptance of Allendale UMC's request to plant and cultivate a garden on a portion of the property the congregation presently operates as a house of worship.

As a Land Surveyor, licensed in the State of Florida, I fully grasp the necessity to have ordinances and restrictions on urban properties to promote unity in neighborhoods and preserve property values for all. However, I see no incompatibility with Allendale UMC's request to cultivate a garden on their private property with property rights afforded to the neighboring residential properties in your NS-1 zoning. Clearly our Florida Legislature in writing Florida Statute 604.071 intended to encourage Florida residents to grow bountiful gardens of vegetables and fruits on their properties. What more appropriate gesture of caring can be shown to those around us than to share our food with them?

Florida residents hit the hardest during this ongoing pandemic, are those whose jobs have been lost, or work hours cut as a result of ongoing efforts to control the spread of Covid-19. In the midst of a pandemic, in a state blessed by a warm climate, and abundant sunshine, what better way can anyone promote unity in residents and cooperation within their community to help strengthen the community than offering the edible fruits of their garden to those around them while working outdoors? Allendale envisions a garden, tended by their congregation, where ideas and knowledge of gardening can be shared as crops are tended. Your city vision is to be "A city of opportunity where the sun shines on all who come to live, work, and play..." Your Vision shows "impactful service" and "community engagement" as pathways to reach your vision for St. Petersburg. Allendale UMC wishes to provide impactful service and community engagement through the use of a portion of their property as a vegetable garden. I see no incompatibility with the adjoining residential NS-1 zoning in this request.

Mark R. Wendt, PSM
Florida Licensed Surveyor #6163

Michael W. Larimore

From: Thomas Kenning <tkenning@gmail.com>
Sent: Thursday, January 21, 2021 4:31 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I write today to add a voice in support of Allendale Methodist Church's plan to increase garden space on their property. I live just a few blocks from the church at 1254 36th Ave N, St. Petersburg, FL 33704 and value the community service that this church continually brings to the neighborhood. This philanthropic effort will also increase the greenery and fresh air in the neighborhood- this is a win for the whole community.

Please approve their application as soon as possible!

Thank you!

Thomas Kenning

Michael W. Larimore

From: Tammy Meyer <tlmeyer1115@yahoo.com>
Sent: Thursday, January 21, 2021 5:07 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello—

I live three houses down from the proposed garden at Allendale UMC and am highly supportive of the effort. I am honestly appalled that neighbors in my community object to such a worthy and needed effort to help others. I became aware of complaints, which I was told were largely driven by a neighbor directly across the street from the church (and who has since moved), and I believe they are all baseless.

We have lived in the neighborhood for 6 years and have **never** had any traffic or other concerns with the church and its activities. They do wonderful things for the community, have ample parking, host activities on site, all without issue. Moreover they block the exit from their lot into the residential neighborhood to avoid any traffic issues and route people out to Haines Road. The garden is a small box on the property and is aesthetically pleasing. In sum, they are an outstanding neighbor.

The people complaining in my opinion have ZERO basis for doing so. I am saddened by what I see to be a small minded attack on this effort to help people less fortunate than those the church hopes to serve. I believe these efforts may be politically motivated by people in the neighborhood who do not agree with positions the church takes on social issues. These neighbors should take a long look into their hearts and this project should go forward.

Please call me at 269-352-7602 if you need any further information.

Regards,

Tammy Meyer

Michael W. Larimore

From: hendersoncarol66@gmail.com
Sent: Thursday, January 21, 2021 5:12 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is a plea to City Council to permit Allendale UMC to plant vegetables to help feed the hungry during this awful pandemic. Surely you must agree that this project deserves an exception or whatever is needed to proceed. Thank you for your time.
Carol Henderson

Michael W. Larimore

From: John M Kraps II <jkraps2@gmail.com>
Sent: Thursday, January 21, 2021 6:25 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening,

My name is John Kraps and I used to be the Youth Director at Christ UMC and St. James UMC. We used to do joint youth group events with Allendale. I've learned that they genuinely care about their community.

Local gardens do more than help those who live in "food deserts" where fresh fruit and veggies are hard to come by. Gardens provide a peaceful activity that brings people together.

While I do have disagreement with Allendale's politic, I know them to be honest, and people who only want to do good in this world.

The city needs more gardens.

Thank you for your consideration.

John Kraps II

Michael W. Larimore

From: Tina Shurtz <ajms7807@yahoo.com>
Sent: Thursday, January 21, 2021 7:31 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Keep. Allendale umc garden alive and growing!

This is great for the community,environment and basic well being for the city as a whole progressive movement.

Sincerely,

Alice Shurtz

6919 grande vista way

Sent from my iPad

Michael W. Larimore

From: Brooke Lyons <brookelyons6@gmail.com>
Sent: Thursday, January 21, 2021 7:57 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please let the people garden! Fresh food! What is wrong with that?

Michael W. Larimore

From: Stephanie Lindeman <slindeman@mail.usf.edu>
Sent: Thursday, January 21, 2021 8:35 PM
To: DRC
Subject: Allendale Garden: Case No. 20-3200019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom This May Concern,

I'm writing to ask you to grant Allendale Methodist Church the access they need to begin planting their garden. I ask that you remember this country has lost over 400,000 souls in the middle of an ever-evolving pandemic that is leaving families jobless, homeless, and foodless.

I understand there are rules, regulations, and laws as well as the expression and enforcement of them. Perhaps in your evaluations, you can factor in this local and global context. Also, it takes at least 90 days for most plants to bear fruit or vegetables, so the longer this is delayed, the longer it will take hungry people in St. Petersburg to have food. Certainly we can do better than this.

Thank you for your time.

Stephanie

Stephanie Lindeman, M.S., M.A.

Registered Mental Health Counselor Intern

Registered Marriage and Family Therapy Intern

slindeman@mail.usf.edu

Michael W. Larimore

From: Natalia Spytek <nspytek@icloud.com>
Sent: Thursday, January 21, 2021 8:36 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, it's very upsetting to hear pastor Andy Oliver has had to work so hard to feed the poor with a garden on the church's premises. Seriously, we are going to red tape church feeding the poor? Can we please focus our efforts at preventing some real problematic issues? This is a disgrace that needs to be remedied ASAP. I'm a mother of four children, don't make me go down there in the pandemic. I will if I have to. FIX IT.

Natalia

Michael W. Larimore

From: Patti Helton <patti.helton@gmail.com>
Sent: Thursday, January 21, 2021 8:45 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I will not be appearing in person because of COVID19 but we support the Allendale Garden and do not understand how feeding folks that need food could possibly be paused or stopped. It's a garden - let it grow!
Please approve the Allendale Garden request.

Thank you,
Patricia S. Helton

Michael W. Larimore

From: Christy M. Foust <christymfoust@gmail.com>
Sent: Thursday, January 21, 2021 8:53 PM
To: DRC
Subject: Allendale UMC Garden

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear St. Petersburg Development Review Commission:

I hope you will allow Allendale United Methodist Church to complete their garden. The below facts are compelling for the allowance of the garden.

- The City Ordinance on gardens exempts Houses of Worship from needing a permit
- Allendale currently has a garden on the interior of our property. The garden in question is on the East side of the property facing the neighborhood
- This hearing is for the "approval of a modification to an approved Special Exception for a House of Worship use in the NS-1 zoning district
- Per state law, all of the residential parcels of land surrounding Allendale UMC would be allowed to have this same garden on their property
- The garden is an expression of Allendale UMC's [first amendment free speech right to feed the hungry](#)
- The garden is an expression of Allendale UMC's [faith to care for the environment and those who hunger](#)
- During this pandemic, feeding people who are hungry is essential to "getting through this together"
- Allendale is not seeking to have an open "community garden," but one that is neatly maintained by a handful of volunteers
- Allendale feels this is the best space on our property to have such a garden as it is more protected from every-day traffic
- The City's Engineering Department has ruled that the garden structure does not need a permit
- The City's Code Enforcement has ruled that the garden plot with mulch is not in violation, only if vegetables are planted in it would it become in violation

Thank you for your consideration.

Sincerely,
Christy M. Foust, Ph.D.
Zip Code: 33701

Michael W. Larimore

From: Greg Brecht <greg.brecht@gmail.com>
Sent: Thursday, January 21, 2021 10:46 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I would like to voice my support for Allendale's garden. I'm a member of the congregation at the church, so I'm biased.

But it seems to me that the garden represents an articulation of faith, feeding the hungry. I think that Pastor Andy Oliver truly walks in the footsteps of Christ, and has led us in the congregation into actions and activities that make us better Christians, better citizens, and yes, better neighbors.

Please understand the garden in its religious context. I fail to see how neighbors can find it objectionable.

Sincerely,

Greg Brecht
2010 28th Ave N #5
St Petersburg 33713

Sent from [Mail](#) for Windows 10

Michael W. Larimore

From: sholtzclaw1@gmail.com
Sent: Friday, January 22, 2021 12:16 AM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I'm writing in support of the Allendale Methodist garden. I would have thought churches would be exempt, but in case not, I'm in favor of the garden on their property. Not only would it be in keeping with the churches focus on providing "fruit of the spirit" but also it would be a good example for the larger community.

Thanks for reading,
Sandi Holtzclaw

Michael W. Larimore

From: Seth Tigarian <seth.tigarian@gmail.com>
Sent: Friday, January 22, 2021 2:12 AM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

Let Allendale Garden.

Sincerely,

Seth Tigarian
St. Pete born & raised

Michael W. Larimore

From: Marianne Slote <marianneslote@gmail.com>
Sent: Friday, January 22, 2021 7:53 AM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good moorning,

I am writing to encourage approval for the Allendale United Methodist Church garden.

I can't imagine that this great, progressive and inclusive city of ours would not allow such a giving project. Let's not forget who we are. We are a city of love. We must not turn our backs on those who may struggle for healthy food. What better way to support our community than with nature's bounty.

Warm regards,
A neighbor of Allendale,
Marianne Slote

"All the Flowers of Tomorrow are in the Seeds of Today"

Michael W. Larimore

From: Lynn Fruit <lfruit@icloud.com>
Sent: Friday, January 22, 2021 9:44 AM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Staff,

The city ordinance on gardens exempts Houses of Worship from needing a permit. We urge approval of the modification to the approved Special Exception for a House of Worship use in the NS-1 zoning district.

- The City Ordinance on gardens exempts Houses of Worship from needing a permit
- Allendale currently has a garden on the interior of our property. The garden in question is on the East side of our property facing the neighborhood
- This hearing is for the "approval of a modification to an approved Special Exception for a House of Worship use in the NS-1 zoning district
- Per state law, all of the residential parcels of land surrounding us would be allowed to have this same garden on their property
- The garden is an expression of our **first amendment free speech right to feed the hungry**
- The garden is an expression of our **faith to care for the environment and those who hunger**
- During this pandemic, feeding people who are hungry is essential to "getting through this together"
- Allendale is not seeking to have an open "community garden," but one that is neatly maintained by a handful of volunteers
- Allendale feels this is the best space on our property to have such a garden as it is more protected from every-day traffic
- The City's Engineering Department has ruled that the garden structure does not need a permit
- The City's Code Enforcement has ruled that the garden plot with mulch is not in violation, only if vegetables are planted in it would it become in violation

Thank you for your consideration.

Lynn Fruit

Sent from my iPhone

Lynn Fruit
813-373-9977

Michael W. Larimore

From: PHILIP DINKINS <pdinkins@aol.com>
Sent: Friday, January 22, 2021 10:25 AM
To: DRC
Cc: Andy Oliver
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom In May Concern:

I write this in support of the proposed Allendale United Methodist Church garden. In times like these with hunger being experienced by a proportion of our population that is reaching unimaginable numbers, the desire by an organization or individuals to do something to help should be applauded, encouraged and facilitated. Road blocks of these efforts should be eliminated. How the desire of a church to grow food to help feed people is controversial is beyond me.

I hope that the city of Saint Petersburg will step up to the plate and show leadership and compassion as they've always done before in matters that are important in our community.

Sincerely,

Philip Dinkins
1325 Snell Isle Blvd NE Unit 803,
St. Petersburg, FL 33704
813-727-0485

Sent from my iPhone

Michael W. Larimore

From: tonylew48@gmail.com
Sent: Friday, January 22, 2021 12:16 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Commissioners please consider granting approval for Allendale UMC'S proposed garden. This garden will provide vegetables for a number of St Pertersburg charities that feed the needy in our community. I'm sure you think this is a worthwhile endeavor and will be a benefit to those less fortunate than us.
Thank you

Sent from my iPhone

Michael W. Larimore

From: Cynthia Brower <crimsonleavesdesign@yahoo.com>
Sent: Friday, January 22, 2021 2:23 PM
To: DRC
Subject: Allendale UMC Community Garden

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am writing in support of approving the permits for the Allendale UMC community garden.

- The City Ordinance on gardens exempts Houses of Worship from needing a permit
- Allendale currently has a garden on the interior of our property. The garden in question is on the East side of our property facing the neighborhood
- This hearing is for the "approval of a modification to an approved Special Exception for a House of Worship use in the NS-1 zoning district
- Per state law, all of the residential parcels of land surrounding us would be allowed to have this same garden on their property
- The garden is an expression of our **first amendment free speech right to feed the hungry**
- The garden is an expression of our **faith to care for the environment and those who hunger**
- During this pandemic, feeding people who are hungry is essential to "getting through this together"
- Allendale is not seeking to have an open "community garden," but one that is neatly maintained by a handful of volunteers
- Allendale feels this is the best space on our property to have such a garden as it is more protected from every-day traffic
- The City's Engineering Department has ruled that the garden structure does not need a permit

Thank you,

Cynthia Brower, St Petersburg resident

Michael W. Larimore

From: Hannah Newton <hannahkn20@gmail.com>
Sent: Friday, January 22, 2021 6:17 PM
To: DRC
Subject: Allendale Garden: Case No. 20-3200019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear St. Petersburg Development Review Commission,

Firstly, thank you for taking the time to review this email as well as all other correspondence related to this case. As a committed participant at Allendale United Methodist Church, I would like to offer some words to the conversation regarding this matter. Per Allendale's welcome statement, we "...strive to practice Christ's example of unconditional love without exclusion." We feel that this garden will be a physical expression of our love for all of God's beloved's and a way to tend to the environment and our siblings that hunger.

The space that Allendale has chosen for this garden is not random. We feel that this is the best space on the property to have a garden so that it is protected and removed from high traffic areas. It is also important to note that the location of this garden would allow for all people to feel welcome and aware of available food resources, without ever having to step foot in a church. Consider that not everyone is entirely comfortable to walk into a church in order to receive food. Having a visible garden would allow for any and all people to take what they need without pressure and implications that may come with the Church. During a time when jobs are not secure for many people and many are struggling to provide for their families, having healthy, available options are crucial.

As a church, we are called to love outwardly and to love in a way that may not be what some would deem as "normal". To some, this garden may seem as an infringement on their neighborhood. However, we must remember that we are called to be caretakers of the earth and all those who inhabit it. We believe that means taking care of not only the physical earth but those who hunger and thirst as well. This garden is how we believe we can do that to the best of our ability.

We appreciate your attention to this matter.

Blessings,

Allendale UMC Attendee

Michael W. Larimore

From: Sarah Gotlieb <sarahcgotlieb@gmail.com>
Sent: Friday, January 22, 2021 9:09 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Why would you stop an organization from helping during this time? Why would you not encourage more communities to help grow healthy food to better the lives of others?

Please show true leadership by approving this generous community's garden.

Thanks for all you do to make st petersburg such a great city.

Sarah

January 23, 2021

Re: Allendale Church Garden

Dear Commission members,

Please accept this letter in support of Allendale United Methodist Church's right to establish a garden on its property at 3803 Haines Road North. We live in Allendale and are disappointed to learn that a small number of our neighbors have mounted a campaign against the garden.

As the letter Jeremy Reynolds submitted to the Commission correctly points out, the Church's basic property rights include the ability to establish a garden on their land. It is troubling to hear that certain neighbors are asking our local government to impose restrictions on the Church that these same individuals certainly would not tolerate if it were their property.

This Commission and the City as a whole have put a great deal of effort into creating a framework that allows us to optimize property and greenspace to support our community the best way possible. The Church and its Garden are a prime example of the Commission and the City's missions at work. The Church's efforts should be recognized in a positive way for their innovative approach to maximizing the use of its land and furthering its and our City's missions. This is the epitome of these efforts and putting roadblocks in the way of such a quintessential demonstration of our community's beauty could have detrimental effects going forward.

Thank you for your consideration of this important matter.

Sincerely,

/Meredith L. Gauce

Meredith L. Gauce
Gauce Law, PLLC
meredith@gaucelaw.com

cc: Allendale United Methodist Church

Michael W. Larimore

From: Lori Auletta <loriauletta@gmail.com>
Sent: Saturday, January 23, 2021 7:56 AM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City of St Petersburg,

I support the proposed garden at the Allendale Methodist Church, which supports their mission to serve the community. The Pastor, Andy, and the garden supervisor, Ray, have been working tirelessly to arrange the most efficient and well organized gardening situation for the site. It will be unobtrusive and well maintained due to Ray Wunderlich's extensive experience in his field. I urge you to support this generous and much needed resource for our community.

Best,
Lori Auletta

Sent from my iPhone

Michael W. Larimore

From: Ann Whitlock <awhitlock@tampabay.rr.com>
Sent: Saturday, January 23, 2021 9:12 AM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

I am writing in support of the approval of a modification to an approved Special Exception for a house of Worship use in the NS-1 zoning district.

I am a long standing resident of this neighborhood and am impressed with the care and concern that Allendale United Methodist Church has maintained its property to be in accordance with the norms and standards of the surrounding properties. Allendale UMC has been a good neighbor and has worked to be a community partner as evidenced by providing meeting space for the Allendale Crime Watch and Neighborhood Association over many years prior to the pandemic.

Their desire to have a garden to provide a sustainable source of healthy food for those people who are most in need is laudable and should be encouraged. Rather than being a detraction from the neighborhood, this garden will be an enhancement and a visible sign of care and concern for those in need. The Allendale Neighborhood is an affluent community and one that can well afford to be a visible sign of outreach and support of those who struggle with inadequate sources of healthy food.

It is unfortunate that a few neighbors are taking exception to Allendale UMC's desire to develop a garden on their property which will not have any consequence to the overall quality of life in the neighborhood.

I strongly urge the Development and Review Commission to approve this Special Exception for a house of worship use in the NS-1 zoning district.

Respectfully,

Ann Clark-Whitlock
949 41st Avenue North
St. Petersburg, FL 33703

Michael W. Larimore

From: Aileen Carey <aileenhcarey@gmail.com>
Sent: Saturday, January 23, 2021 12:13 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Development Review Committee,

I am writing to urge you to allow Allendale UMC to have a community garden to grow food for those who are hungry as a member of the neighborhood and church. I think it is ridiculous that the church is having to go through this process of special exemption as the City Ordinance on gardens exempts Houses of Worship from needing a permit and the City's Engineering Department has ruled that the garden structure does not need a permit.

This garden is a way for Allendale to serve the community in need, in a time of pandemic where people need food more than ever due to recorded un and underemployment. Allendale is stepping in to do our part.

You are all on this committee to serve the residents of the City. Do you really want o be the committee that takes food from the hungry? Please put this issue behind us and do the right thing by allowing the garden to stay and grow food for people in need.

Thank you
Aileen Carey

Michael W. Larimore

From: Mary Babineau <mellowmary43@gmail.com>
Sent: Saturday, January 23, 2021 12:23 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My husband Al and I are in favor of a community garden at Allendale United Methodist Church. It's a great idea, especially during the pandemic and economic crisis, for fresh food to be grown to help people in need. That's what community is all about.

- Mary Babineau

Sent from my iPhone

Michael W. Larimore

From: Glenda Morgan <glendamorgan1@gmail.com>
Sent: Saturday, January 23, 2021 12:41 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing today in support of the Allendale garden. I am a member of Allendale UMC and I cannot imagine a more appropriate use of our property for helping those in need in our community. I have seen how beautiful and well maintained these gardens are in our community. I have volunteered to deliver fresh produce to Daystar from another community garden Ray has been involved with and Daystar is delighted to pass it on to help feed the food insecure among our neighbors here in St. Petersburg. Why waste our precious soil on our property when it can be used to carry out God's mission of mercy?

Sincerely,
Glenda Morgan

Michael W. Larimore

From: Brandon Ransbottom <brandonrans@gmail.com>
Sent: Saturday, January 23, 2021 5:32 PM
To: DRC
Subject: Re: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, I imagine this isn't necessary, but I do like to represent myself in as accurate a fashion as possible. I've review my previous statement, and would like to amend it. Below is my updated message. Again, not that it probably matters to anyone else, but I know that I was being overly judgmental of people's motivations that I do not know. That's just as bad as anything else, so I hope you will take this message as my amended and approved final:

To Whom It May Concern,

My name is Brandon Ransbottom, and I'm writing as a concerned citizen in St Petersburg. I do not attend Allendale's church services, but I know many of the members personally and was made aware of this blatant waste of my tax money, your time, and frankly the energy of people who are trying to make a difference in the world. **I am writing in support of Allendale UMC.**

I do not know the individuals who are leading the charge against the church, but it is repugnant. We are in the middle of a worldwide pandemic, and these individuals are spending their time, and the time of the church and our local government, to PREVENT a garden that would feed people?! Absolutely abhorrent. Their "crusade" against a church that wants to practice its first amendment right to care for those less fortunate is at best a waste of energy and at worst offensive and damaging. I have no sympathy for people concerned about the aesthetics of their neighbor's property when said aesthetic decisions are not negatively affecting anyone. Also, wouldn't a garden improve their all important home value more than a bunch of weeds or underdeveloped land?

The fact that this case has taken MONTHS to resolve is a microcosm of the issues that, if left unattended, will destroy this country. I understand that there are mechanizations in our United States to allow all citizens to let the government sort out our petty problems, but this is absolute lunacy. To be clear, this is not an accusation against you; I know you are simply doing your duty. But is dragging a house of worship, and local citizens, through the mud because they want to build a garden, a good use of your time? Of their time? Does this make St Petersburg a better place?

What WOULD make St Pete better is allowing people with big hearts to exercise their God given rights to be human beings.

In summation, I hope that Allendale will be granted the ability to re-zone or whatever buffoonery that they are being forced to jump through. I also hope that the handful of citizens that have used their energy during this pandemic to keep people from getting food will at some point see the error of this way of thinking. But what I don't understand is, in this nation that's apparently great, this is what we do to each other. In a word, it is sinful. It is petty. It is disgusting. Buying into the illusion that anyone is better than someone who needs food from a church's garden is what tears us apart. We must be better people than this. Please allow this garden to be built, and allow our community to grow and heal.

Michael W. Larimore

From: Virginia Anderson <Seawordsgtw@aol.com>
Sent: Saturday, January 23, 2021 6:53 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

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Please consider seriously the beneficial impact a community garden can give us. Not only does it invite the community into the gardening experience, it provides much needed contributions of food to those in need especially important at this time.

Thank you,
Virginia Anderson
Volunteer

Sent from my iPhone

Michael W. Larimore

From: Nick Carey <nscarey2@gmail.com>
Sent: Saturday, January 23, 2021 9:14 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Development Review Committee,

I am writing to urge you to allow Allendale UMC to have a community garden to grow food for those who are hungry as a member of the neighborhood and church. I think it is ridiculous that the church is having to go through this process of special exemption as the City Ordinance on gardens exempts Houses of Worship from needing a permit and the City's Engineering Department has ruled that the garden structure does not need a permit.

This garden is a way for Allendale to serve the community in need, in a time of pandemic where people need food more than ever due to recorded un and underemployment. Allendale is stepping in to do our part.

You are all on this committee to serve the residents of the City. Do you really want o be the committée that takes food from the hungry? Please put this issue behind us and do the right thing by allowing the garden to stay and grow food for people in need.

Thank you
Nick Carey

Michael W. Larimore

From: Jenny Connor <connorjenny8@gmail.com>
Sent: Sunday, January 24, 2021 11:46 AM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Development Review Committee,

I am writing to urge you to allow Allendale UMC to have a community garden to grow food for those who are hungry as a member of the neighborhood and church. I think it is ridiculous that the church is having to go through this process of special exemption as the City Ordinance on gardens exempts Houses of Worship from needing a permit and the City's Engineering Department has ruled that the garden structure does not need a permit.

This garden is a way for Allendale to serve the community in need, in a time of pandemic where people need food more than ever. Allendale is stepping in to do our part.

You are all on this committee to serve the residents of the City. Do you really want to be the committee that takes food from the hungry? Please put this issue behind us and do the right thing by allowing the garden to stay and grow food for people in need.

Thank you
Jenny Connor

--
Jenny Connor
connorjenny8@gmail.com

Michael W. Larimore

From: Judy Davis <judysailfree@yahoo.com>
Sent: Sunday, January 24, 2021 1:27 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom this may concern,

I am in favor of letting Allendale UMC growing and providing food for the needy in our community.
I really don't understand why anyone in our community would be against helping people in need.

Thank you,

Judy Davis
727-385-3935

Michael W. Larimore

From: Amanda Matthews <matthewsam96@icloud.com>
Sent: Sunday, January 24, 2021 3:22 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern regarding the Allendale Garden:

My name is Amanda Matthews and I have participated in local organic gardening for over ten years. Recently, I have been volunteering at the Allendale Garden and I am thrilled to express the benefits that expanding this garden will provide. The church will be able to increase the amount of organic produce donated to homeless shelters, domestic violence shelters, and local underserved populations with this garden. Additionally, this garden strengthens our connection to the Earth and allows for a plethora of education opportunities. The value of providing nutritious (free!) food during the pandemic cannot be overstated.

Although I understand the concerns of the neighboring houses, ultimately this will not be an open community garden. Rather, it will be a small group of volunteers pursuing a very specific goal, which is creating vegetable abundance and education opportunities. Additionally, this garden is protected under our freedom of expression, as it is church property.

Please consider these factors when reviewing the status of the garden and deciding it's fate.

Thank you,

Amanda Matthews

Michael W. Larimore

From: laura crabtree <ecologicalevents@outlook.com>
Sent: Sunday, January 24, 2021 4:46 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I'm sending this email to voice my support for the Allendale Church and their mission to grow vegetables on their property. I am a resident and live near the church. Please recommend to the City Council to grant the church permission. Thank you for your time.

Sincerely,

Laura Crabtree

Sent from my iPhone

Michael W. Larimore

From: Suzanne Hutto <shutto1@icloud.com>
Sent: Sunday, January 24, 2021 7:24 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to ask for the approval of the proposed zoning modification which would allow Allendale United Methodist Church to establish a vegetable garden on the east side of the church property. As a member of Allendale UMC and as a volunteer with a community garden located in the Edgemoor neighborhood, I appreciate that the Allendale garden would support the St. Pete Integrated Sustainability Action Plan goal of St. Pete becoming a more sustainable city. This garden will promote both health equity and environmental stewardship in our community. Volunteers with the Edgemoor Garden which is located on property belonging to Faith Covenant Church and is adjacent to the Edgemoor neighborhood have harvested over 50 pounds of fresh organic produce each week during the past few months. This produce was then donated to DayStar Life Center which provides resources to families and individuals to reduce food insecurity in our community. As you make your decision, please consider the many benefits which an Allendale garden would provide to our community Thank you.

Suzy Hutto
6326 Bahama Shores Drive
St. Petersburg

Michael W. Larimore

From: Savanna Carrigan <savannacarrigan14@gmail.com>
Sent: Sunday, January 24, 2021 10:50 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to show **SUPPORT** for the Allendale United Methodist Church's petition for approval of a modification to an approved Special Exception for a House of Worship use in the NS-1 zoning district.

The Allendale United Methodist Church being able to grow fresh produce in their garden would have a very positive impact on the community of Saint Petersburg. It would be especially beneficial to those residing in Southside Saint Petersburg which is a USDA designated food desert. The church will not be selling the produce for a profit, but giving it away to people in the community.

The garden would not bring foot traffic to the neighborhood, as it will not be an open community garden, but it will be neatly maintained by a handful of volunteers.

All the church is trying to do is help more people in the community have access to fresh food. This is why I urge the commission to approve the Allendale United Methodist Church's petition of approval of a modification to an approved Special Exception for a House of Worship use in the NS-1 zoning district.

Michael W. Larimore

From: Brandon D. Shuler, Ph.D <brandon.shuler.phd@gmail.com>
Sent: Sunday, January 24, 2021 11:30 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Chairman Cuevas & esteemed commission:

I strongly urge the Development Review Commission (DRC) approve Allendale United Methodist Church's petition for approval of a modification to an approved Special Exception for a House of Worship use in the NS-1 zoning district.

Currently, city ordinance on gardens exempts Houses of Worship from a required permit to maintain and grow gardens on their property. The City's Engineering Department has ruled that the garden structure does not require permitting.

Unfortunately, due to limited and misguided disagreement with one neighbor, the City's Code Enforcement has ruled that the garden structure and its mulched landscape is not in violation of the city's code, but could become so only if vegetables are planted.

The parish is asking for approval to fulfill its biblical errand. 1 John 3:17-18 states that "if anyone has the world's goods and sees his brother in need, yet closes his heart against him, how does God's love abide in him? Let us not love in word or talk but in deed and in truth." The parish's congregation has volunteers and means to build a garden that will generate produce for local food pantries and the most vulnerable in our community. The church is not seeking compensation nor profit, only to provide comfort to those in need.

With the nation struggling with joblessness and food insecurity due to the CoVid pandemic, it is every St Petersburg's citizen's duty to come together and help provide for each other during these trying times. This is the parish's goal to not love our neighbor by word, but by action.

Approval of this petition is a first step to making St Petersburg truly the Sunshine City by sharing the light of love for those that need it most in our community.

I strongly urge and respectfully request that the commission approve the Allendale United Methodist Church's petition for approval of a modification to an approved Special Exception for a House of Worship use in the NS-1 zoning district.

Michael W. Larimore

From: Kok, Tara <tarak1@usf.edu>
Sent: Sunday, January 24, 2021 11:43 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

I am writing to show SUPPORT for the Allendale United Methodist Church's petition for approval of a modification to an approved Special Exception for a House of Worship use in the NS-1 zoning district.

Job loss and contributing economic circumstances associated with the coronavirus pandemic have raised the rate of food insecurity here in St. Petersburg and throughout the country. Although food insecurity is not just a pandemic problem, during these times it is even more important to encourage any form of food distribution when there is such a tremendous need for it.

Allendale wanting to grow food for those who are hungry on a neatly maintained garden plot through the help of a few volunteers is a simple and honest attempt to make a connection between the greater problems of the world and helping those in their local community. Rev. Oliver and his congregation are amongst many individuals and organizations that have taken steps to help the growing number of families facing hunger, and support for this garden demonstrates a support for a larger movement for food justice within our city.

Gardens cannot fix all the current problems that we face concerning our community's economic and food scarcity issues, but they allow a space for people to learn, support, and build respectful relationships with the land and the people around us. Solutions for food insecurity are found through working together, not against each other, and that is why I respectfully urge the commission to approve this petition.

Sincerely,
Tara Kok

Michael W. Larimore

From: Kathryn Smith <kathryn.el.smith@gmail.com>
Sent: Monday, January 25, 2021 7:40 AM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

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I support the UMC Allendale community garden. Thank you,
Kathryn Smith
St Petersburg resident

Michael W. Larimore

From: DRC
Sent: Monday, January 25, 2021 3:11 PM
To: Michael W. Larimore
Subject: FW: Allendale Garden: Case No. 20-32000019

FYI

Jennifer C. Bryla, AICP
Zoning Official
Development Review Manager
City of St. Petersburg, FL
Planning and Development Services Department
O: 727.892.5344 E: Jennifer.Bryla@stpete.org

From: Jeremy Reynolds <tannis11@gmail.com>
Sent: Monday, January 25, 2021 11:05 AM
To: DRC <DRC@stpete.org>; Andy Oliver <andy@allendaleumc.org>
Subject: Allendale Garden: Case No. 20-32000019

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January 23, 2021

VIA EMAIL: drc@stpete.org

Re: Allendale Church Garden

Dear Commission members,

It is my understanding that a Complaint has been filed seeking to prohibit the Allendale United Methodist Church ("Church") from establishing a garden for the purpose of cultivating food for the low-income community ("Garden"). Principally, the complaint alleges that the Garden is "large... unsightly...ugly... an eyesore... and unpermitted."

Please accept this letter as a response to the complaint letter.

Putting aside the overall disappointment that any human being would have an objection to the Garden, the impetus for creating it, and the value it would add to the community as a whole, the Church should be permitted to construct the Garden for the following reasons:

1. The permitting question and process are not applicable. Section 16.50.085 of the City of St. Petersburg Code of Ordinances ("Code") states: "This section shall not apply to a garden which is accessory to a principal use. Garden uses are often accessory uses to many principal uses, including residential uses, educational uses, restaurant uses, café uses, and house of worship uses." If the church were to use other properties as suggested in the complaint letter those would require permitting. However, as the Garden is an accessory to the house of worship, this section does not apply.
2. When an ambiguity in the Code exists, and we do not think it does here, we must next look to the city's comprehensive plan. The conservation elements as well as land use elements demonstrate the policy

objectives of creating and enhancing green space and the environmental benefits of such. This is addressed in detail below. Further, any ambiguity in the code must be construed in a way to protect the rights of property owners.

3. There is a strong argument based on applicable case law that a garden is a demonstration of the Church's right to free speech, and any attempt to impede such would be a First Amendment violation.

4. If a permit were required pursuant to the Code, it would be approved as all considerations and factors favor approval as explained in detail below.

5. Pushing the Church to pursue a zoning change or permit is not the appropriate course of action even if all above arguments are unpersuasive. A variance would be the next logical avenue, and the complaints' attempts to direct otherwise is in bad faith and ripe for appeal should the Commission find in their favor. Further, as the change in the landscaping in the context of the larger site is *de minimus*, the change is a non-substantial change approvable without public hearing.

The question of whether a garden is imparted as a land use right for a zoning designation of house of worship is somewhat ambiguous within the Code, and this is what we believe has been the source of confusion. The inherent contradiction lies between Section 16.70.030.1.13 which provides that permits shall be required for community gardens and Section 16.50.085.1 which states that houses of worship where gardening is an accessory land use are exempt from the entire section. This is further compounded by Section 16.50.085.3 that stating that gardening uses are allowed in *all* zones.

However, beyond the obvious ordinance and comprehensive plan there is a strong argument that a garden is a demonstration of the Church's right to free speech. Such was the issue in *Fort Lauderdale Food Not Bombs v. City of Fort Lauderdale*, 901 F.3d 1235, 2018 U.S. App. LEXIS 23562, 27 Fla. L. Weekly Fed. C 1229 (11th Cir. 2018). The issue raised on appeal was whether a house of worship meeting in a public place and sharing food was a protected expression of free speech. The Court considered several factors including: was a message conveyed by the activity, was there a social context to the activity, public availability of the activity, and was the activity essential to convey a message. The court was clear that the activity need not be combined with some other speech; The activity itself denotes a message. The Court also specified that the message need not be specific and could be open to the interpretation of the observer. So long as the surrounding circumstances would lead the reasonable observer to view the conduct as conveying some sort of message; Then the activity is a message. The Court further noted that the consumption and sharing of food was inherently social, concluding: "The significance of sharing meals with others dates back millennia. The Bible recounts that Jesus shared meals with tax collectors and sinners to demonstrate that they were not outcasts in his eyes. See Mark 2:13-17; Luke 5:29-32. In 1621, Pilgrims and Native Americans celebrated the harvest by sharing the First Thanksgiving in Plymouth. President Abraham Lincoln established Thanksgiving as a national holiday in 1863, proclaiming it as a day of "Thanksgiving and Praise to our beneficent Father" in recognition of blessings such as "fruitful fields and healthful skies." John G. Nicolay & John Hay, 2 Abraham Lincoln: Complete Works 417-418 (1894). Americans have celebrated this holiday ever since, commonly joining with family and friends for traditional fare like turkey and pumpkin pie."

In this paramount and key case as in the Church's plan here, the food was shared in a forum that was open to the public. This was a critical deciding factor to the Court in *Food Not Bombs*. The sole purpose of the Garden is to provide food for the hungry, the public. The Court was careful to denote that there was concern over hunger in the community at the time the church in *Food Not Bombs* established its garden. The parallels do not escape St. Petersburg, especially during a pandemic where unemployment and homelessness have increased significantly.

Further, even if the Garden did require a permit, applying the standard for review below, the Garden would qualify for a permit as *all of* the considerations lean in favor of approval as addressed in detail below. In addition to the standards of review for a zoning and planning decision generally, a decision rendered under this section shall be guided by the following factors:

1. The use is consistent with the Comprehensive Plan;

Church Response: The use of garden beds is consistent with Florida State law for single family residential neighborhoods per Florida Statute 604.71. Not only is the Church directly adjacent to a residential neighborhood but the Garden provides a transitional element for beautification between the residential and existing land use designation.

2. The property for which a special exception is requested shall have valid land use and zoning for the proposed use prior to the public hearing;

Church Response: The designated land use is consistent with the existence of landscaping and in some instances is actually a required use. The Garden would not be subject to any Municipal regulation on the directly adjacent properties, and this conflict is addressed under the city's variance ordinance in the event there was a conflict.

3. Ingress and egress to the property and proposed structures with particular emphasis on automotive and pedestrian safety, separation of automotive and bicycle traffic and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe and emergency. Access management standards on State and county roads shall be based on the latest access management standards of FDOT or the county, respectively;

Church Response: The Garden improves pedestrian and traffic safety by creating a more definitive visual barrier between the street and the Church building. In the event of an automobile running off of the road, the Garden beds provide a means to slow traffic before it impacts the Church or a pedestrian.

4. Location and relationship of off-street parking, bicycle parking, and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive, bicycle, and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping;

Church Response: Current garden beds increase overall safety and have little to no impact of omni modal transportation based on their design and location.

5. Traffic impact report describing how this project will impact the adjacent streets and intersections. A detailed traffic report may be required to determine the project impact on the level of service of adjacent streets and intersections. Transportation system management techniques may be required where necessary to offset the traffic impacts;

Church Response: Not applicable as the Garden beds do not impede any traffic, parking and or sidewalk.

6. Drainage of the property with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the use of on-site retention systems. The Commission may grant approval of a drainage plan as required City ordinance, county ordinance, or SWFWMD;

Church Response: Garden beds improve the water filtration and retention quality of the property.

7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with adjacent properties;

Church Response: Garden beds even at 6 to 8 feet of height would not block any needed visibility for traffic concerns and is so in harmony with residential land uses that the Florida Legislature has precluded their regulation on directly adjacent properties.

8. Orientation and location of buildings, recreational facilities and open space in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the building with adjacent development and surrounding landscape;

Church Response: The Garden enhances the overall aesthetic of the current Church landscape scheme and provides buffering and a land use transition from the residential land use across the street.

9. Compatibility of the use with the existing natural environment of the site, historic and archaeological sites, and with properties in the neighborhood as outlined in the City's Comprehensive Plan;

Church Response: Garden beds help contribute to the city's comprehensive plan in the following areas:

a. Conservation 4.2(c) "The City of St. Petersburg shall protect, conserve, responsibly manage and, where appropriate, restore or enhance the quality of air, water, vegetative and land resources and natural systems in St. Petersburg. Increased greenery leads to lower ambient air temperatures and filters air pollution.

b. Stormwater Objective C2: "The City of St. Petersburg shall work toward reducing the existing quantity and improving the quality of Stormwater runoff to surface water bodies and improving water quality in Tampa Bay." Retaining and filtering water is a distinct advantage of urban gardens.

c. Greenspace Objective C4.1 "The City shall preserve and increase vegetation (trees, shrubs, herbaceous plants) through enforcement of the existing Land Development Regulations and promote further restoration of native vegetation to produce oxygen and filter air pollutants." Almost by definition, increasing the use of urban gardens will help accomplish the city's comprehensive plan goals.

d. Greenspace Objective C4.2 "The City shall maintain and seek to expand the City's inventory of green permeable open space so as to provide maximum area for shallow aquifer recharge and Stormwater filtration/percolation, oxygen production, visual buffer and wildlife habitat." "Green permeable open space" is a great adjective for urban gardening.

10. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on property values in the neighborhood;

Church Response: The use of Garden beds on this property would have no more of a detrimental effect on property values as exists all around the Church. Existing Florida law grants gardening as a land use right. Any of the Church's neighbors can put garden beds wherever they wish on their properties.

11. Substantial detrimental effects of the use, including evaluating the impacts of a concentration of similar or the same uses and structures, on living or working conditions in the neighborhood;

Church Response: Every residence in the neighborhood is permitted to establish a garden and the City is prohibited from regulating it by state law.

12. Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;

Church Response: As adjacent properties have gardening as a land use right, the peril of concerns mentioned in this list of factors is not unique to a garden at the Church and are daily possibilities for any adjacent properties.

13. Land area is sufficient, appropriate and adequate for the use and reasonably anticipated operations and expansion thereof;

Church Response: The total square footage of the Garden is less than 6% of overall area on the property.

14. Landscaping and preservation of natural manmade features of the site including trees, wetlands, and other vegetation;

Church Response: Gardens enhance vegetative value of the property and contribute towards environmental goals and objectives outlined in the city's comprehensive plan.

15. Sensitivity of the development to on-site and or adjacent (within 200 feet) historic or archaeological resources related to scale, mass, building materials, and other impacts;

Church Response: The only applicable objection made in the complaint letter was the use of "wood and mulch." The city itself uses these elements extensively in its own landscaping and vegetative management practices. They are both prime examples of best practices in urban agriculture.

16. Availability of hurricane evacuation facilities for developments located in the hurricane vulnerability zones;

Church Response: Not applicable. In fact, in the event of a natural disaster the Garden could provide some recovery sustenance for the local neighborhood and or city as a whole.

17. Meets adopted levels of service and the requirements for a certificate of concurrency by complying with the adopted levels of service for:

- a. Water. **Church Response:** The city encourages the use of rain catchment barrels to aid in the responsible use of water resources.
- b. Sewer. **Church Response:** Not Applicable.
- c. Sanitation. **Church Response:** The City should require that the church maintain the garden.
- d. Parks and recreation. **Church Response:** Encouraging other community faith organizations to undertake similar practices by enacting an ordinance imparting gardening rights to places of worship or clarifying what seems to be a point of confusion in the Code is in line with this interest.
- e. Drainage. **Church Response:** Gardens are on earth and not concrete and they present a drainage retention and filtration benefit.

Further Section 16.70.040.1.6 of the Code states: "...no property, because of the special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same zone and vicinity." In this instance, the special circumstances applicable to the property is the existing special exception allowing the Church's land use. At a minimum, this matter has been brought forward in an improper manner to harass the Church and its congregation. At most, even if the Commission does not agree with any of the other points in support of the Garden, the Church should be required to obtain a variance for the Garden. The reason this matter was brought forth as a major modification to the existing special exception was to decrease the likelihood of approval and unduly subject the Church to burdensome regulations. Denying this request would deprive the church of the privilege of gardening enjoyed by every surrounding property owner.

Subjecting the Church to a major modification to the existing special exception when a variance would be more appropriate is a clear violation of due process rights. Any decision made by the city to the contrary would be ripe for appeal where prevailing party costs are likely. If a Board's actions are determined to be quasi—judicial, those actions are "subject to review by certiorari and will be upheld only if they are supported by substantial competent evidence." *In Park of Commerce Associates, etc. v. City of Delray Beach*, 636 So. 2d 12 (1994).

CONCLUSION: Before a quasi-judicial board tasked with approving a permit for a garden on the property of an established house of worship in the City of St. Petersburg, there need not be any permitting, variance or application process. The majority of the Code directly or indirectly infers a land use right to a garden for a house of worship. This coupled with the applicable case law cited above demonstrates that forcing the Church to change zoning, obtain permits, or submit applications for a major modification in order to plant a Garden is a vast over-reach of government regulation and an infringement on the Church's protected right to expressive free speech. Consideration should also be given to the impacts of denying the land use right to a garden. This would be an appealable decision to the 6th circuit and if the City were to lose, it would be required to pay the legal fees incurred by the Church pursuant to Florida Statute 57.112. Please note that these costs would be significantly higher if the Church petitioned for the matter to be removed to Federal District Court sighting the above argued First Amendment issue.

Thank you for your consideration in this important matter.

Sincerely,

Jeremy Reynolds, Paralegal

CC: Allendale United Methodist Church

Michael W. Larimore

From: DRC
Sent: Monday, January 25, 2021 3:13 PM
To: Michael W. Larimore
Subject: FW: Allendale Garden: Case No. 20-32000019

FYI

Jennifer C. Bryla, AICP
Zoning Official
Development Review Manager
City of St. Petersburg, FL
Planning and Development Services Department
O: 727.892.5344 E: Jennifer.Bryla@stpete.org

From: Beth Potter <beth.potter@flumc.org>
Sent: Monday, January 25, 2021 9:29 AM
To: DRC <DRC@stpete.org>
Cc: Beth Potter <beth.potter@flumc.org>
Subject: Allendale Garden: Case No. 20-32000019

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Ladies and Gentlemen.

We ask that you fully consider the request before you, the "approval of a modification to an approved Special Exception for a House of Worship use in the NS-1 zoning district.

Allendale United Methodist Church is a vital worshipping community who faithfully works to answer the call of Christ to love your neighbor as yourself. The pandemic and economic times in which we find ourselves, calls the church, and all of us, to be true to the call, to reach out to help in all ways possible to support those lacking in basic human needs—including food.

The garden which Allendale proposes is one where church members have worked to design a space that respects the neighborhood while supporting the community at large. As you read the proposal and hear all the comments shared at the hearing, please remember to consider this is not an "us-against-them" situation. This is one in which the role of the church has long been established. This is one that city ordinances have previously addressed. This is one where people can work together to support those in need in our community.

Thank you for your consideration and service in this great time of need.

Blessings,

Beth Potter

Beth Potter
Gulf Central District
Florida Annual Conference of the United Methodist Church
Congregational Vitality
813-220-5379
beth.potter@flumc.org

Michael W. Larimore

From: Deborah Bennett <shire19@msn.com>
Sent: Monday, January 25, 2021 4:06 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We have lived in the Allendale neighborhood for over 40 years. During those 40 years we have always had a vegetable garden and have been active participants in Church Garden ministries at other churches. We are familiar with Allendale United Methodist Church's garden ministries. We have followed, with interest, the development of the Allendale garden and of the unfortunate mis-directioned roadblocks that the city has placed in front of the church. At most, this should have been a simple minor modification to its special exception, without public hearing, to enable them to do what every residentially zoned property, including the complainants, can do as a matter of right. Please clear the path for this worthy ministry which is a point of pride for our neighborhood. Jim and Deborah Bennett

Sent from [Mail](#) for Windows 10a

Michael W. Larimore

From: Marilyn Guerra <merilynaguerra@gmail.com>
Sent: Monday, January 25, 2021 9:21 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

During this pandemic we have so many people here in our city who are food insecure. This garden is one small step to help in this fight. Please allow Allendale UMC to continue their garden expansion.

Michael W. Larimore

From: Lynda beltz <gramombeltz@gmail.com>
Sent: Tuesday, January 26, 2021 11:54 AM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

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As a member of Allendale UMC, we are asking for the exemption to amending the site plan be given. This garden is being built to help with efforts in feeding our community and is a perfect use for an otherwise waste of good land as it is now. We have dedicated volunteers who are cultivating our other gardens & have already been supplying fresh vegetables for this need. Thanking you in advance, Lynda Beltz

Sent from my iPad

Michael W. Larimore

From: Scott Bitterli <sbitterli@ivygroupconsultants.com>
Sent: Tuesday, January 26, 2021 12:43 PM
To: DRC
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Commissioners,

I whole heartedly support the Allendale UMC in their rights to use their property as a food producing garden within the framework of the current codes/laws. The requirement to amend their site plan or ask for a modified special exception does not seem warranted or necessary. Any further due diligence required by the City would be a waste of our resources and could end up being harmful to our existing zoning plans and land use regulations.

I understand and agree that their position below is accurate and supports their interpretation.

- The City Ordinance on gardens exempts Houses of Worship from needing a permit
- Allendale currently has a garden on the interior of our property. The garden in question is on the East side of our property facing the neighborhood
- Per state law, all of the residential parcels of land surrounding us would be allowed to have this same garden on their property
- The garden is an expression of our first amendment free speech right to feed the hungry
- The garden is an expression of our faith to care for the environment and those who hunger
- During this pandemic, feeding people who are hungry is essential to "getting through this together"
- Allendale is not seeking to have an open "community garden," but one that is neatly maintained by a handful of volunteers
- Allendale feels this is the best space on our property to have such a garden as it is more protected from every-day traffic
- The City's Engineering Department has ruled that the garden structure does not need a permit
- The City's Code Enforcement has ruled that the garden plot with mulch is not in violation, only if vegetables are planted in it would it become in violation

Thank you,

SCOTT BITTERLI, CDT

Managing Director

E: sbitterli@ivygroupconsultants.com

T: 727.895.3363

C: 727.643.2530

www.ivygroupconsultants.com

Michael W. Larimore

From: DRC
Sent: Wednesday, January 27, 2021 9:47 AM
To: Michael W. Larimore
Subject: FW: Allendale Garden: Case No. 20-32000019

FYI

Jennifer C. Bryla, AICP
Zoning Official
Development Review Manager
City of St. Petersburg, FL
Planning and Development Services Department
O: 727.892.5344 E: Jennifer.Bryla@stpete.org

From: Amy Mormino <amykatsouris@gmail.com>
Sent: Tuesday, January 26, 2021 8:16 PM
To: DRC <DRC@stpete.org>
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am just writing to express my support for Allendale UMC and its efforts to build a garden on its side lawn. The garden would be well-tended to by members and volunteers and is intended to help those in need. It is in line with City Ordinance rules as well as being under the guidelines of St. Petersburg's Engineering Department. I hope that you will let the garden go through.

Sincerely,
Dr. Amy Mormino

Michael W. Larimore

From: DRC
Sent: Wednesday, January 27, 2021 11:21 AM
To: Michael W. Larimore
Subject: FW: Allendale Garden: Case No. 20-32000019

FYI

Jennifer C. Bryla, AICP
Zoning Official
Development Review Manager
City of St. Petersburg, FL
Planning and Development Services Department
O: 727.892.5344 E: Jennifer.Bryla@stpete.org

From: Jonna Hunt <jonnabhunt@gmail.com>
Sent: Wednesday, January 27, 2021 10:57 AM
To: DRC <DRC@stpete.org>
Cc: Keith Glasscock <kglass02148@yahoo.com>
Subject: Allendale Garden: Case No. 20-32000019

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We are called to help those in need.
We are called to be a beacon of light in our community.
We are called to feed the hungry.
We are called to be good stewards of our planet and our land.
We are called to love one another and our neighbors.
We are called to do the right thing.

Please grant permission for Allendale United Methodist Church to move forward with planting our community garden on our church grounds to feed the hungry with healthy options.
During these trying times, it is more important than ever to help meet the needs of our St. Petersburg citizens and families. It is our hope and prayer that you do not block this vital initiative.

Kind Regards,
Jonna Hunt & Keith Glasscock
841 4th Ave North #24
St Petersburg, FL 33701
941 465 8240

PUBLIC COMMENT - OBJECTION

20-32000019

Michael W. Larimore

From: Joseph Marini <joseph@athomewithjoseph.com>
Sent: Sunday, January 24, 2021 3:59 PM
To: Michael W. Larimore
Subject: Re: Case #: 20-32000019 Allendale United Methodist Church

Follow Up Flag: Flag for follow up
Flag Status: Completed

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Mr. Larimore,

Thank you for your quick response.

I would appreciate it if you would include into the record that I am opposed to the current "garden bed" that was erected without permit approval, and would like it removed. I am also opposed to the installation of more of them on the back side of the church that borders our neighborhood of Allendale Terrace. We have a very well respected and well maintained community in St. Pete that is not only desirable with regards to real estate, but also with regards to the value of the real estate within our small community. As a homeowner who invested a considerable amount of money to live in this neighborhood and as a taxpayer, I feel that this type of structure built on the church grounds only serves to lessen the quality and appeal of our community, thereby decreasing the future value of our properties. I did not buy in Allendale Terrace to be living near a public community garden. It is my understanding that a private company will be planting, tending to this garden and profiting from what will be grown on the site of the church. This furthers to lessen the value of our community. These people would not have the interest of our community in their best interest. It seems to me the church has gone about this endeavor without being a good neighbor by not including the adjacent neighbors into the decision making, planning and agreement of this. Nor, to my understanding, did they receive the necessary permits to do so and are now seeking an exception. Please do not let this be a situation of "act first, beg for forgiveness later." I am truly concerned with the impact this will have on the real estate values of our neighborhood. The garden plot that has already been erected looks like an unsightly, oversized, decrepit sandbox with weeds growing in it. It is not attractive by any stretch of the imagination and does not reflect the pride that our community takes in our surroundings. I am of the mindset that if you want to do something, do it well. Do it in a manner that will only serve to uplift the community around you, not just for your own personal gain, which I believe the church is doing. I would love to support the church as it is a part of our community, but only if they acted in a manner that included participation from neighbors in the community in which they exist. I would like to propose if they are allowed to keep the dirt patch that the church be required to plant a thick, enclosed hedge border, such as a podocarpus, which is maintained at a 6' height along 10th to shield the neighbors from the unsightly garden, and to discourage future traffic and parking of cars and trucks of those tending to the garden in our residential neighborhood. Allowing the structure to stay where it is only encourages car and pedestrian traffic of those individuals who will have to maintain and harvest the garden daily on both 39th Ave and 40th Ave, which I'm sure you know are populated with children who regularly play outside. Last, but certainly not least, I have participated in community gardens for many years, both in residential areas and in more rural areas, and I can tell you without any reservation that these gardens often get neglected, thereby allowing weeds to grow tall, crops to look haggard, garden supplies, buckets, hoses, tarps, stones, bricks, etc to be left laying around in an unsightly manner. They are often built on a shoe-string budget and rarely have financial backing to make them look attractive, as evidenced by what is already constructed in place. Not to mention the increased rodent population that it will attract. Rodents tend to nest 25 to 100 feet from its food source. Please help us to preserve the beauty of Allendale Terrace, moreover the beauty of St. Pete, and require the church to relocate this and future garden plots to an area that does not affect its neighbors in close proximity.

Thank you, and should you need any further correspondence please do not hesitate to ask.

With Kind Regards,
Joseph Marini



TEL: 860.304.8490
IG: @ATHOMEWITHJOSEPH
ATHOMEWITHJOSEPH.COM

On Thu, Jan 21, 2021 at 1:53 PM Michael W. Larimore <Michael.Larimore@stpete.org> wrote:

Hello Mr. Marini,

I can add your email/comments to the record and make note of your objection in my report and presentation if you wish. You may send me any other documentation electronically by email or by mail.

Please let me know if there is anything else I can assist with or if you need the physical address for mail.

Mike Larimore

Planner I

City of St. Petersburg

From: Joseph Marini <joseph@athomewithjoseph.com>
Sent: Thursday, January 21, 2021 1:36 PM
To: Michael W. Larimore <Michael.Larimore@stpete.org>
Subject: Case #: 20-32000019 Allendale United Methodist Church

Dear Mr. Larimore,

I received notice of a public hearing on February 3rd at 1pm for a review of a request that the church in my neighborhood is bringing forward for approval.

The letter doesn't specifically state what the request is, so I am only to assume that it is in regards to the plot of dirt that borders our neighborhood, which to my knowledge, was surreptitiously built either by the church or by a private company which has sought to use the church land for their gardening and/or enterprising purposes. To my understanding this has not been fully vetted.

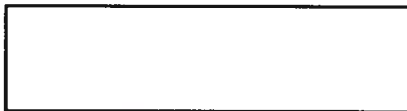
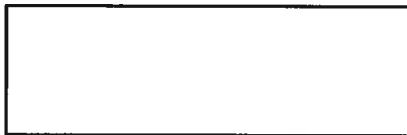
Due to Covid, I will not be attending the hearing for the safety of myself and my family, however, I would like to register my rejection to the proposed request with a basis on why.

Can this letter be emailed to you, or what would be the process for submitting it in order to have it entered into the minutes of the hearing?

With Kind Regards,

Joseph Marini

1038 40th Ave. N



TEL: 860.304.8490

IG: @ATHOMEWITHJOSEPH

ATHOMEWITHJOSEPH.COM