VACATION OF RIGHT-OF-WAY
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, December 2, 2020 at 10:00 A.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.: 18-33000010  PLAT SHEET: K-10
REQUEST: Approval to vacate a 16-foot east/west alley adjacent to Lots 1-8 and 9-16, Block 2 Corson’s Subdivision, located between 38th Street North and 39th Street North and between 16th Avenue North and 17th Avenue North.
OWNER: Calvary Chapel Fellowship St. Pete, Inc.
3800 17th Avenue North
Saint Petersburg, Florida 33713
AGENT: Jehrica Fehrman
Parsley Development, Inc.
2325 Dr. MLK Jr. Street North
Saint Petersburg, Florida 33704
ADDRESS & PARCEL ID NO.: 3800 17th Avenue North 15-31-16-18288-002-0010
3827 16th Avenue North 15-31-16-18288-002-0120
3843 16th Avenue North 15-31-16-18288-002-0110
3853 16th Avenue North 15-31-16-18288-002-0010
3863 16th Avenue North 15-31-16-18288-002-0090
ZONING: Neighborhood Traditional – 1 (NT-1)
DISCUSSION AND RECOMMENDATION:

Request. The request is to vacate a 16-foot east/west alley adjacent to Lots 1-8 and 9-16, Block 2 Corson’s Subdivision, located between 38th Street North and 39th Street North and between 16th Avenue North and 17th Avenue North (see Attachment A for the Project Location Map, Attachment B for Sketch & Legal Description and Attachment C for the Application).

The purpose of the vacation is to effectuate the development of the Church’s Special Exception and Site Plan application which was approved by the Development Review Commission on October 7, 2020 (DRC Case #20-3200009). That plan entails construction of a two-story 11,214 square foot multi-purpose building used for a childcare facility up to 60 children. Additional on-site parking and a playground are also part of the plan. See Attachment D for the Approved Site Plan and Attachment E for photos of the existing alley.

Analysis. Staff’s review of a vacation application is guided by:

A. The City’s Land Development Regulations (LDR’s);
B. The City’s Comprehensive Plan; and
C. Any adopted neighborhood or special area plans.

The applicant bears the burden of demonstrating compliance with the applicable criteria for vacation of public right-of-way. In this case, the material submitted by the applicant does provide background or analysis supporting a conclusion that vacating the subject right-of-way would be consistent with the criteria in the City Code, the Comprehensive Plan, or any applicable special area plan.

A. Land Development Regulations

Section 16.40.140.2.1.E of the LDR sets forth the criteria for the review of proposed vacations. The criteria are provided below in italics, followed by itemized findings by Staff.

1. The need for easements for public utilities including stormwater drainage and pedestrian easements to be retained or required to be dedicated as requested by the various departments or utility companies.
   • The application was routed to City Departments and Private Utility Providers. City Water Resources objects to the application due to the presence of a City sewer main in the alley. Engineering does not object so long as the vacated alley plus an additional four (4) feet is retained as Public Utility Easement for the sewer main (see Attachment F - Engineering Review Memo dated November 6, 2020 and Attachment G – Water Resources Objection).
   • Spectrum/Bright House Networks and Frontier Communications have reported facilities in the area to be vacated. It is a Condition of Approval at the end of this report that relocation or removal of these facilities be coordinated with the utility companies. Because the alley would be required to be retained as Public Utility Easement, Duke Energy has no objection to the vacation although Duke has facilities in the alley.

2. Whether the vacation would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record.
   • Access to lots of record will not be impaired or denied.

3. Whether the vacation would adversely impact the existing roadway network, such as creating dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or districts.
• The vacation will not impact the existing roadway network or create dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or neighborhoods.

4. Whether the easement is needed for the purpose for which the City has a legal interest and, for rights-of-way, whether there is a present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.
   • The City still has need for this right-of-way because it contains a City sewer main. A public utility easement will be required over the right-of-way for utility purposes.

5. The POD, Development Review Commission, and City Council may also consider any other factors affecting the public health, safety, or welfare.
   • Vacation of the right-of-way would facilitate the construction of a DRC-approved Special Exception and site plan.
   • A replat of the area is not required per 16.40.140.2.1.F because the application is located in a Neighborhood zoning district.

B. Comprehensive Plan

Goals, Objectives and Policies from the Transportation Element applicable to the subject application include:

Obj. T2: The City shall protect existing and future transportation corridors from encroachment.

Policy T2.4 The City should preserve the historical grid street pattern, including alleys, and shall not vacate public right-of-way until it is determined that the right-of-way is not required for present or future public use.

Response to TE Policy T2.4: Approval of the application would not impair the intent and purpose of this policy because all the abutting properties are owned by the same entity, and an internal driveway will be created.

C. Adopted Neighborhood or Special Area Plans

The area is located in the Disston Heights neighborhood. There is no City-accepted neighborhood plan for this area.

D. Comments from Organizations and the Public

As of November 18, 2020, City Staff received two objections to the application from the public including Lisa Johnson and Avery Bredice. These residents also objected to the Special Exception and site plan which was approved by the DRC in October 2020. Staff received no comments from the Disston Heights Civic Association, the Council of Neighborhood Associations (CONA) or the Federation of Inner-City Community Organizations (FICO).

RECOMMENDATION. Staff recommends APPROVAL of the proposed right-of-way vacation, and the following conditions of approval:

1. Prior to recording of the vacation ordinance, the applicant shall coordinate directly with Spectrum/Bright House Networks and Frontier to obtain Letters of No Objection from them.
2. The applicant shall comply with the comments in the Engineering Review Memo dated November 6, 2020.

3. Any required easements and relocation of existing City utilities shall be at the expense of the applicant. The applicant shall be responsible for all plans, permits, work inspections and costs associated with the vacation(s).

4. As required by City Code Section 16.70.050.1.1.F, approval of right-of-way vacations shall lapse and become void unless the vacation ordinance is recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

REPORT PREPARED BY:

/s/ Cheryl Bergaiolo 11/18/20
Cheryl Bergaiolo, AICP, LEED Green Assoc., Planner II
Development Review Services Division
Planning & Development Services Department

REPORT APPROVED BY:

[Signature] 11.18.2020
Jennifer Brada, AICP, Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department

Attachments: A – Location Map, B – Sketch & Legal Description, C – Application, D - Approved Site Plan, E – Photos, F – Engineering Memo dated November 6, 2020
LEGAL DESCRIPTION:

A 16 FEET ALLEY LYING BETWEEN LOTS 1 THROUGH 8 AND LOTS 9
THROUGH 16, BLOCK 2, CORSON'S SUBDIVISION, ACCORDING TO THE MAP
OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 94, OF THE
PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. AFOREMENTIONED 16
FEET ALLEY TO BE USE AS A 16 FEET UTILITY EASEMENT AND BEING
MORE PARTICULARLY DESCRIBED AS FOLLOW:

BEGIN AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 2, SAID CORSON'S
SUBDIVISION; THENCE SOUTH ALONG THE WEST RIGHT-OF-WAY OF
38TH STREET NORTH (A 60 FOOT RIGHT-OF-WAY), A DISTANCE OF 16.0
FEET TO THE NORTHEAST CORNER OF LOT 16, BLOCK 2, SAID CORSON'S
SUBDIVISION; THENCE WEST ALONG THE NORTH BOUNDARY LINE OF
SAID LOTS 9 THROUGH 16, BLOCK 2, A DISTANCE OF 380.0 FEET TO
THE NORTHWEST CORNER OF LOT 9, BLOCK 2, SAID CORSON'S
SUBDIVISION; THENCE NORTH ALONG THE EAST RIGHT-OF-WAY OF 39TH
STREET NORTH (A 60 FOOT RIGHT-OF-WAY), A DISTANCE OF 16.0 FEET
TO THE SOUTHWEST CORNER OF LOT 8, BLOCK 2, CORSON'S
SUBDIVISION; THENCE EAST ALONG THE SOUTH BOUNDARY LINE OF
LOTS 1 THROUGH 8, BLOCK 2, SAID CORSON'S SUBDIVISION, A
DISTANCE OF 380.0 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 6080 SQUARE FEET OR 0.14 ACRES MORE OR
LESS.
All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg's Development Review Services Division, located on the 1st floor of the Municipal Services Building, One 4th Street North.

**Application Type:**
- Lot Line Adjustment
- Lot Split
- Vacating – Street Right-of-Way
- Vacating – Alley Right-of-Way
- Lot Refacing
- Vacating – Walkway Right-of-Way
- Street Name Change
- Vacating – Easement
- Street Closing
- Vacating – Air Rights

### GENERAL INFORMATION

**NAME of APPLICANT (Property Owner):** Calvary Chapel Fellowship

- **Street Address:** 3800 17th Ave N
- **City, State, Zip:** St Petersburg, FL 33713
- **Telephone No:** 727-317-9024
- **Email Address:** Dennyhodges521@gmail.com

**NAME of AGENT or REPRESENTATIVE:** Jemica Fehrman/ Parsley Development Inc

- **Street Address:** 2325 Dr MLK Jr St N
- **City, State, Zip:** St Petersburg, FL 33704
- **Telephone No:**
- **Email Address:** parsleydevelopment@gmail.com

**PROPERTY INFORMATION:**

- **Street Address or General Location:** alley south of 3800 17th Ave N and north of 3827, 3843, 3853, 3863 16th Ave N

**DESCRIPTION OF REQUEST:**

Vacate alley south of 3800 block of 17th Ave N, replace utility easement/pedestrian walkway

**PRE-APPLICATION DATE:** 8/22/18

**PLANNER:** Kathryn Younkin

### FEE SCHEDULE

<table>
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<tr>
<th>Description</th>
<th>Fee</th>
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<tbody>
<tr>
<td>Lot Line &amp; Lct Split Adjustment Administrative Review</td>
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<tr>
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<td>Vacating Air Rights</td>
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<tr>
<td>Street Name Change</td>
<td>$1,000.00</td>
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<tr>
<td>Street Closing</td>
<td>$1,000.00</td>
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</tbody>
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Cash, credit, and checks must be 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 the 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:**

**Date:** 10/15/18

**Typed name of Signatory:** Jemica Fehrman
I am (we are) the owner(s) and record title holder(s) of the property noted herein

Property Owner’s Name: Calvary Chapel Fellowship

This property constitutes the property for which the following request is made

Property Address: ALLEY SOUTH OF 3800 17TH AVE AND NORTH OF 3827, 3843, 3853, 3863 16TH AVE

Parcel ID Number: VACANT ALLEY SOUTH OF 3800 17TH AVE AND NORTH OF 3827, 3843, 3853, 3863 16TH AVE

Request:

The undersigned has(have) appointed and does(do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s)

Agent’s Name(s): JEHRIKA FEHRMAN

This affidavit has been executed to induce the City of St. Petersburg, Florida, to consider and act on the above described property.

I (we), the undersigned authority, hereby certify that the foregoing is true and correct.

Signature (owner):

Printed Name: Danny Hodges

Sworn to and subscribed on this date

Identification or personally known: PERSONALLY KNOWN

Notary Signature: (Print): SuZanne Ellen Wieden

Date: 8-16-18

Commission Expiration (Stamp or date):

City of St. Petersburg – One 4th Street North – PO Box 25224 – St. Petersburg, FL 33731-2542 – (727) 893-7471

www.stpete.org/DE
Applicants are strongly encouraged to obtain signatures in support of the proposal(s) from owners of property adjacent to or otherwise affected by a particular request.

<table>
<thead>
<tr>
<th>NEIGHBORHOOD WORKSHEET</th>
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<tbody>
<tr>
<td><strong>Street Address:</strong> 3800 17TH AVE. NORTH</td>
</tr>
<tr>
<td><strong>Description of Request:</strong> VACATE ALLEY SOUTH OF 3800 BLOCK AT 17TH AVE NORTH.</td>
</tr>
</tbody>
</table>

The undersigned adjacent property owners understand the nature of the applicant's request and do not object (attach additional sheets if necessary):

1. **Affected Property Address:** 3800 17TH AVE NORTH ST. PETERSBURG FL 33713  
   Owner Name (print): CALVARY CHAPEL FELLOWSHIP ST. PETE INC.  
   Owner Signature: [Signature]

2. **Affected Property Address:** 3827 16TH AVE SOUTH ST. PETERSBURG FL 33713  
   Owner Name (print): CALVARY CHAPEL FELLOWSHIP ST. PETE INC.  
   Owner Signature: [Signature]

3. **Affected Property Address:** 3843 16TH AVE NORTH ST. PETERSBURG FL 33713  
   Owner Name (print): CALVARY CHAPEL FELLOWSHIP ST. PETE INC.  
   Owner Signature: [Signature]

4. **Affected Property Address:** 3853 16TH AVE NORTH ST. PETERSBURG FL 33713  
   Owner Name (print): CALVARY CHAPEL FELLOWSHIP ST. PETE INC.  
   Owner Signature: [Signature]

5. **Affected Property Address:** 3863 16TH AVE NORTH ST. PETERSBURG FL 33713  
   Owner Name (print): CALVARY CHAPEL FELLOWSHIP ST. PETE INC.  
   Owner Signature: [Signature]

6. **Affected Property Address:**  
   Owner Name (print):  
   Owner Signature:

7. **Affected Property Address:**  
   Owner Name (print):  
   Owner Signature:

8. **Affected Property Address:**  
   Owner Name (print):  
   Owner Signature:
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:
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
   Pastor Danny Hodges of Calvary Chapel Fellowship presented a proposal to the Diston Heights Neighborhood Association at their Oct. 9, 2018 meeting. The proposal was unanimously approved. On Sept. 24, 2020 we hosted an open house for the neighborhood residents in which we communicated our renovation plans. On Oct. 7, 2020 we submitted a site plan application to the City Review Committee and it was approved.

   (b) Content, dates mailed, and number of mailings; including letters, meeting notices, newsletters, and other publications

   (c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located

2. Summary of concerns, issues, and problems expressed during the process

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@stpetecona.org), by standard mail to Federation of Inner-City Community Organizations (FICO) (c/o Kimberly Frazier-Leggett at 3301 24th 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.

☐ Date Notice of Intent to File sent to Associations within 300 feet, CONA and FICO:________________________
☐ Attach the evidence of the required notices to this sheet such as Sent emails.
Written Narrative

RE: Calvary Chapel Fellowship
3800 17th Ave. N, St. Petersburg, FL

We would like to vacate the alley on the church property of the 3800 block south of 17th Ave. N to allow us to build as far south as possible and convert the alley to a pedestrian walk way and bury all the overhead lines.

This is how the criteria from the email that was provided by Kathryn Younkin will be met:

1. The alley will be replaced with a 16’ utility easement to allow pedestrian traffic between the church buildings. We will not be building over the easement and will grant access for sewer, phone, cable, and power companies. This will allow us to eliminate rear property line setbacks with any future construction projects as well.

2. The church owns the entire block which will not cause any substantial detrimental effect or impair and deny access to any lot of record. All properties have 17th Avenue or 16th Avenue access.

3. In our opinion, this will not adversely affect the roadway network and makes it a safer place for the church members and kids.

4. We need to vacate the alley in order to complete the renovations approved in our site plan.
LEGAL DESCRIPTION:

A 16 FEET ALLEY LYING BETWEEN LOTS 1 THROUGH 8 AND LOTS 9 THROUGH 16, BLOCK 2, CORSON'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 94, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. AFOREMENTIONED 16 FEET ALLEY TO BE USE AS A 16 FEET UTILITY EASEMENT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOW.

BEGIN AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 2, SAID CORSON'S SUBDIVISION; THENCE SOUTH ALONG THE WEST RIGHT-OF-WAY OF 38TH STREET NORTH (A 60 FOOT RIGHT-OF-WAY), A DISTANCE OF 16.0 FEET TO THE NORTHEAST CORNER OF LOT 16, BLOCK 2, SAID CORSON'S SUBDIVISION, THENCE WEST ALONG THE NORTH BOUNDARY LINE OF SAID LOTS 9 THROUGH 16, BLOCK 2, A DISTANCE OF 380.0 FEET TO THE NORTHWEST CORNER OF LOT 9, BLOCK 2, SAID CORSON'S SUBDIVISION; THENCE NORTH ALONG THE EAST RIGHT-OF-WAY OF 39TH STREET NORTH (A 60 FOOT RIGHT-OF-WAY), A DISTANCE OF 16.0 FEET TO THE SOUTHWEST CORNER OF LOT 8, BLOCK 2, CORSON'S SUBDIVISION; THENCE EAST ALONG THE SOUTH BOUNDARY LINE OF LOTS 1 THROUGH 8, BLOCK 2, SAID CORSON'S SUBDIVISION, A DISTANCE OF 380.0 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 6080 SQUARE FEET OR 0.14 ACRES MORE OR LESS.
View to alley from 39th Street N. (from Google Street Scene)

View to alley from 38th Street N. (from Google Street Scene)
TO: Iris Winn, Administrative Clerk, Development Services
    Jennifer Bryla, Zoning Official, Development Review Services
    Cheryl Bergailo, Planner II, Development Review Services
FROM: Nancy Davis, Engineering Plan Review Supervisor
DATE: November 6, 2020
SUBJECT: Alley - Vacation
FILE: 18-33000010 R1

LOCATION AND PIN: 3800 17th Avenue North; 15/31/16/18288/002/0010
ATLAS: K-10
PROJECT: Alley - Vacation
REQUEST: Approval of a vacation a 16-foot east/west alley adjacent to lots 1-8 and 9-16, Block 2 Corson’s Subdivision, located between 38th Street North and 39th Street North and between 16th Avenue North and 17th Avenue North.

COMMENTS: The Engineering Department is providing the following comments and recommendations for conditions of approval.

1. Though City WRD has objected to this vacation request and for a main this deep right of way is preferred, if the vacation is approved, ECID recommends that as a minimum the entire 16-foot wide vacated alley right-of-way be retained as a Public Utility Easement and in addition to this 16-foot width, an additional 4-feet of Public Utility Easement must be dedicated parallel and adjacent to the 16-foot wide vacated alley to provide an overall 20-foot wide Public Utility Easement for the existing 14-foot deep, 12” sanitary sewer main.

2. If the applicant wishes to use this former alley in the future for pedestrians or vehicles then a private or public ingress/egress easement should also be provided in place of the alley along with the 20-foot wide Public Utility Easement.

NED/MJR/meh

pc:     Kelly Donnelly
         Correspondence File
TO: Jennifer Bryla, Zoning Official

FROM: Kirsten Corcoran, Engineering Clerk, Water Resources

DATE: October 28, 2020

SUBJECT: Approval of a vacation a 16-foot east/west alley adjacent to lots 1-8 and 9-16, Block 2 Corson’s Subdivision, located between 38th Street North and 39th Street North and between 16th Avenue North and 17th Avenue North.

PLAT: K-10

CASE: 18-33000010

LOCATION:
- 3800 17th Avenue North 15-31-16-18288-002-0010
- 3827 16th Avenue North 15-31-16-18288-002-0120
- 3843 16th Avenue North 15-31-16-18288-002-0110
- 3853 16th Avenue North 15-31-16-18288-002-0010
- 3863 16th Avenue North 15-31-16-18288-002-0090

REMARKS: Water Resources OBJECTS to the above referenced subject due to the deep sanitary sewer gravity line within the requested area.

Project file