



# Special Exception Staff Report

City of New Port Richey, FL

City Council

July 8, 2023

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## **REZONING APPLICATION**

**Ordinance:** Ord. No. 2023-2276 Special Exception for 5928 Central Ave (SE-23-03-0001)  
*See companion application - Ord. No. 2023-2275 Rezoning (REZ-23-03-0004)*

**Owner/Applicant:** Capital Towers II, LTD  
**Property Location:** 0.229 acres located on at 5928 Central Avenue  
**Parcel ID:** 05-26-16-0030-07300-0070  
**Request:** Special Exception for Townhome Development in a R-3

## **SITE INFORMATION**

**Existing Future Land Use:** Downtown  
**Existing Zoning:** MF-14  
**Proposed Zoning:** R-3 (pending) with a Special Exception  
**Existing Use:** Single Family Residential  
**Existing Surrounding Uses:** North: SF Residential  
South: SF Residential  
East: SF Residential  
West: SF Residential

## **Analysis**

### **Proposal:**

The applicant desires to construct four (4) townhomes on the property.

Each townhome will share at least one common wall and be placed on an individual 25' wide lot. The proposed configuration will require the property to be subdivided back to the original lot of record (Lots 7, 8, 9, & 10). The townhomes will be two-stories, with the two middle units having a minimum gross floor area of 2,108 square feet and the end units having a minimum gross floor area of 1,736 square feet (see Attachment 2: Updated Conceptual Site Plan).

An application for both a Rezoning and a Special Exception has been submitted for consideration.

The proposed development standards for the townhome project were collected from the application materials and are as follows:

Front Setback	25 feet to main building structures
Side Setback	Shared walls; 5 feet to adjacent property lines
Rear Setback	18 feet to garage
Impervious Area	70% of 10,000 square feet
Building Height	30 feet (2 stories)
Parking	2 spaces per townhome including garage (8 total)
Landscaping	Subject to landscape plan approval by Staff
Building Façade Design	Shown on elevation plan (see Attachment 3)

#### **Compatibility with Zoning and the Comprehensive Plan:**

The following guidelines from Section 5.02.10 of the Land Development Code (LDC), depicted with underlined text, must be addressed when considering a special exception:

- 1) That the exception is specifically permitted in the zoning district:  
Staff comment: Townhomes may be considered within the R-3, Residential zoning district, with approval of a special use application.
- 2) That the granting of any exception, will not adversely affect the public health safety, or welfare of the community:  
Staff comment: This number of addition residential units should have a negligible effect on the neighborhood.
- 3) The granting of an exception use is consistent with the intent of the zoning district:  
Staff comment: The proposed use is consistent with the City Zoning Ordinance. The process for granting a special exception is intended to consider each specific request and determine compatibility and assign conditions as necessary or appropriate.

- 4) The requirements of the district in which the use is to be located shall be complied with:  
Staff comment: The site can accommodate this number of residential units.
- 5) Excessive traffic will not be generated on residential streets:  
Staff comment: This number of addition residential units should have a negligible effect on traffic in the area.
- 6) The proposed use will not adversely affect the residential character of existing neighborhoods:  
Staff comment: There are no townhomes along Central Avenue between Jefferson Street and Madison Street, however there are townhomes under development on the same side of the street at the intersection of Madison Street and Central Avenue.
- 7) A vehicular parking or traffic problem is not created:  
Staff comment: This number of residential units should have a negligible effect on the traffic in the neighborhood and parking is provided on each proposed lot.

Attached single-family projects (townhomes) are a permitted use in the R-3 zoning district as a Special Exception (LDC Sec. 7.03.03.4.c.) and are depicted with underlined text as follows:

- i. The subject property must be located within the Downtown or Downtown Core future land use classification of the City's Future Land Use Map.  
Staff comment: The subject property is within the Downtown future land use classification.
- ii. The density of the project may not exceed the maximum density of subject property's adopted future land use classification.  
Staff comment: The proposed project does not exceed the maximum density allowed in the future land use for this classification.
- iii. The minimum property size for the project must be 5,000 square feet.  
Staff comment: The proposed project exceeds the minimum property size.
- iv. Each townhome shall be located on a lot of no less than 2,500 square feet.  
Staff comment: The proposed project meets the minimum lot size.
- v. The underlying lot of each townhome shall be consistent with the parcel of record as recorded in the public records of Pasco County, Florida.  
Staff comment: The proposed property would be reconfigured to the original plat arrangement thus meeting this requirement.

- vi. Site development standards shall be established by City Council through the special exception approval process.

Staff comment: Recommended Site Development Standards are included in this report.

**Recommendations:**

LDRB and Staff considered all the guidelines for granting a special exception and recommends that City Council approve Ord. No. 2023-2276 for a Special Exception at 5928 Central Avenue with the listed Site Development Standards.

*It is important to note that the Rezoning and Special Exception applications should be considered as a set and approved or denied collectively.*

**Attachments:**

1. Special Exception Application
2. Updated Conceptual Site Plan
3. Conceptual Architectural Rendering



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**ATTACHMENT 1 - SPECIAL EXCEPTION APPLICATION**  
**5928 Central Ave**  
**SPECIAL EXCEPTION Ord. No. 2023-2276 (SE-23-03-0001)**

City of New Port Richey  
Development Department  
City Hall, 5919 Main Street, 1<sup>st</sup> Floor  
New Port Richey, FL 34652  
Phone (727) 853-1047 \* Fax (727) 853-1052



- ☒ Submit original signed and notarized application
- ☒ Submit 1 set of plans (collated and folded surveys/site plan, etc.) and 1 electronic file
- ☒ Submit application fee - \$750 (check made payable to the *City of New Port Richey*)
- ☐ Submit supplemental information for Bed and Breakfast facility

**Property Owner and Representative Information:**

Current Property Owner(s): <b>Capital Towers II, LTD</b> <b>David Lee Curry</b>		Phone: <b>512-801-8818</b>
Owner Address: <b>6003 Perrine Ranch Rd.</b> <b>New Port Richey, FL 34655</b>		
Owner Email Address: <b>David@texastowerservice.com</b>		
Owner's Representative(s): <b>Evan T Maconi</b> <b>Maconi Homes, LLC</b>	Relationship to Owner:	
Representative Mailing Address: <b>3042 Eastland Blvd. #H208</b> <b>Clearwater, FL 33761</b>		
Representative Email Address: <b>Maconi.evan@yahoo.com</b>	Phone: <b>727-967-0149</b>	
Primary contact: <i>(This is the <u>one</u> person to whom the City will send all communication regarding this application)</i> <b>Evan Maconi - 727-967-1049 - Maconi.Evan@yahoo.com</b>		

**Property Information:**

Site Address: <b>5928 Central Ave. New Port Richey, FL 34652</b>	
Legal Description of Subject Property: (*An electronic copy of the legal description, in Word format, is required as part of this application submittal) <b>NPR PB 4 (G) PG 49 LOTS 7 TO 10 INCL BLK 73 OR 9283 PG 2224</b>	
Parcel Number(s): <b>16-26-05-0030-07300-0070</b>	
Zoning District <i>(check with Development Department):</i> <b>MF14</b>	Future Land Use Category <i>(check with Development Department):</i>

Existing Use (Include number of residential units/ and or square footage of non-residential uses):

**1 Single Family Home - 1000 SF**

Proposed Use: (Provide details about the specific use requested)

The applicant wishes to build a two story 4 unit townhome building, (or two, two unit buildings) with attached garages which will be accessed from the alley. The units will be 3 bed, 2.5 bath, and roughly 2000 SF. The property is currently zoned MF14 which will allow 3 units to be built. The applicant is requesting a special exception to change the zoning to R3 so 4 units can be built.

Additional Information: (as applicable)

Hours of operation: <b>8 AM - 5 PM</b>	Days of operation: <b>MON-SAT</b>
Maximum number of employees at one time: <b>2</b>	Proposed number of shifts: <b>N/A</b>
<b>Additional information may be requested by the Development Review Committee</b>	

**Guidelines for Granting Conditional Use/Special Exception:** The following criteria shall be addressed. City Council is not bound to grant a conditional use or special exception simply because a request is made. It must find that the use will not adversely affect the public interest. *(Please fill in blanks with complete responses.)*

1. That this conditional use/special exception is specifically permitted in the zoning district regulation:  
**Special exception is permitted in R3 Zoning**
2. That the granting of this conditional use/special exception, will not adversely affect the public health, safety or welfare of the community:  
**This property is currently zoned multi-family, we will continue to be multi-family in nature, the project will not be a detriment to current area**
3. That the granting of this conditional use/special exception, is consistent with the intent of the zoning district:  
**Allowing 4 units on this property will be consistant with the new construction that is currently being built, we will provide driveways and garages with adequate parking.**
4. That the requirements of the district in which the use is to be located shall be complied with:  
**We would meet all requirements of the zoning district.**
5. That excessive traffic will not be generated on residential streets:  
**Adaquate parking will be in place, this project would not cause any excessive traffic. Parking and entry will be from the ally.**
6. That the proposed use will not adversely affect the residential character of existing neighborhoods:  
**The project will bo consistant with the new homes being currently built, in regards to size and architectural style**

How is the proposal consistent with the goals and objectives of the Comprehensive Plan?

This new construction will be consistent with policy LIV-1.1.1

#### Submittal Information:

Please submit **1** collated, stapled, folded **set** of the following information & **1** digital copy (attach this to completed application):

	Completed, notarized application - this form (one original and 9 copies)
	Current survey (not to exceed 24"x36") that identifies the dimensions, area and location of the property prepared, signed and sealed by a land surveyor currently registered in the State of Florida.
	Proof of ownership in the form of a copy of the deed, title insurance policy, or other instrument
	Site Plan (not to exceed 24"x36") with the information listed below:
	<ul style="list-style-type: none"><li>• Index Sheet referencing individual sheets included in package (if needed);</li></ul>
	<ul style="list-style-type: none"><li>• Site plan name;</li></ul>
	<ul style="list-style-type: none"><li>• Property owner's name, address, telephone number and designated representative;</li></ul>
	<ul style="list-style-type: none"><li>• Architect, landscape architect and engineer's name, address and telephone numbers;</li></ul>
	<ul style="list-style-type: none"><li>• Legal description;</li></ul>
	<ul style="list-style-type: none"><li>• Footprint and size of all PROPOSED buildings and structures;</li></ul>
	<ul style="list-style-type: none"><li>• All required setbacks;</li></ul>
	<ul style="list-style-type: none"><li>• All parking areas for employees and customers, drop-off and pick-up areas and all other vehicular use areas;</li></ul>
	<ul style="list-style-type: none"><li>• Proposed method of water supply and sewage disposal (if needed);</li></ul>
	<ul style="list-style-type: none"><li>• Conceptual drainage and utility plan with flow direction and method of disposition (if needed).</li></ul>
	<ul style="list-style-type: none"><li>• Flood zone for site and base flood elevation;</li></ul>
	Location of all refuse collection facilities, including screening to be provided.
	Application fee \$750 (checks made payable to the City of New Port Richey)

#### Process:

A pre-application meeting must be held with City Staff to ensure the application is complete. Applications must be submitted on Friday by 10:00 am. Once deemed complete, the application will be scheduled for review by the Development Review Committee (DRC). The DRC will review the application for compliance with codes and regulations. Changes may be suggested and additional reviews by the DRC may be necessary. Following the DRC, the case will be scheduled for review by the Land Development Review Board (LDRB) or City Council.

The LDRB will review all conditional use requests in the Highway Commercial and Office Districts and make a recommendation to the City Council. Conditional uses differ from special exceptions in that the use may not be appropriately placed in all areas of commercially zoned districts and may have little to no impact on residential uses.

The City Council will make the final decision on all Conditional Use and Special Exception requests.

The hearing process to review this application is considered quasi-judicial and operates much like a court of law. The LDRB and City Council members act in a similar capacity as a judge and must govern themselves in accordance with the basics of due process in making decisions. Contact with any of these members about this application should be avoided. These members have been instructed to avoid all such conversations with applicants or people in opposition to or support of any Conditional Use/Special Exception Application. Decisions will be made based on evidence and testimony that is presented at scheduled public hearings and not on information gathered outside of these hearings.

Check Applicable Zoning District		Listing of Allowable Conditional Use and Special Exceptions	Required Approvals	
	Zoning District	Land Development Code Section	Land Development Review Board (LDRB)	City Council
	R-1	7.01.02(4)		✓
	R-2	7.02.04(4)		✓
	R-3	7.03.02(4)		✓
	MF-10	7.04.02(5)		✓
	MF-14	7.05.02(5)		✓
	MF-30	7.06.02(2)		✓
	C-1	7.07.02		✓
	HC	7.09.02	✓	✓
	Office			
	Conditional Use	7.10.02	✓	✓
	Special Exception	7.10.03		✓
	Downtown	7.11.02.1		✓
	Light Industrial	7.12.02		✓
	Conservation	7.13.02		✓
	Government	7.14.02		✓
	R/O	7.19.02		✓
	R/O/R	7.20.02		✓

**Consistency with concurrency:** The following calculations shall be used to **determine the projected demand** of the proposed project on the applicable public facility/service. The calculations are listed by facility/service type. *(Please fill in blanks.)*

**POTABLE WATER** - Adopted level of service (LOS) = 152 gal/day/capita (nonresidential uses are included in the adopted LOS).

**Residential:**

**Single-family:** 152 gal × 2.12 persons/household × \_\_\_\_\_ units = \_\_\_\_\_ gal/day/capita (demand)

**Multi-family:** 152 gal × 1.90 persons/household × 4 units = 1155.20 gal/day/capita (demand)

**Commercial:** See Table I below from the Land Development Code for estimated water/sewage flows.

**WASTEWATER** - Adopted level of service (LOS) = 114 gal/day/capita (nonresidential uses are included in the adopted LOS).

**Residential:**

**Single-family:** 114 gal × 2.12 persons/household × \_\_\_\_\_ units = \_\_\_\_\_ gal/day/capita (demand)

**Multi-family:** 114 gal × 1.90 persons/household × 4 units = 866.40 gal/day/capita (demand)

**Commercial:** See Table I below from the Land Development Code for estimated water/sewage flows.



**SOLID WASTE** - Adopted level of service (LOS) = 6.3 lbs/day/capita (nonresidential uses are included in the adopted LOS).

**Residential:**

**Single-family:** 6.3 lbs × 2.12 persons/household × \_\_\_\_\_ units = \_\_\_\_\_ bs/day/capita (demand)

**Multi-family:** 6.3 lbs × 1.90 persons/household × 4 units = 47.88 lbs/day/capita (demand)

**Commercial:** See Table I below from the Land Development Code for estimated water/sewage flows.

**RECREATION/OPEN SPACE** - Refer to the New Port Richey Comprehensive Plan for adopted level of service standards.

**Single-family:** \_\_\_\_\_ units × 2.12 persons/household = \_\_\_\_\_ (population projection)

**Multi-family:** 3 units × 1.90 persons/household = 5.70 (population projection)

Sites over five acres in area and zoned MF-30 District shall provide five percent of the total net acreage of the development for recreational purposes. Refer to Section 7.06.07 of the Land Development Code.

**Stormwater Management.** Refer to the Stormwater Management and Erosion Control Policy and Procedures Manual for standards necessary to comply: LOS = 25-year, 24-hour storm event.

**Transportation.** Refer to the New Port Richey Comprehensive Plan for the adopted Level of Service Standards. Refer to the Land Development Code for the **requirements of a Transportation Study.**

1. Determine the number of trips generated by the proposed project during the **PM PEAK** hour using the most recent edition of the ITE "Trip Generation" report with no adjustments for internal capture or passerby trips. **Include your calculation(s) here:** \_\_\_\_\_.
2. If the total number of trips is equal to or greater than 50 trips, then a transportation study shall be prepared. The report shall be signed and/or sealed by either a registered professional engineer or a member of the American Institute of Certified Planners.
  - a. If no study is required, the applicant is required to provide only the existing directional **PM PEAK** hour traffic volumes and level of service for the roadways link to which project driveways connect. This information shall include project traffic. **Provide this information here:** \_\_\_\_\_.
  - b. The data shall be in conformance with Notes 3a and 3b of "Existing Conditions" contained in the Land Development Code.
3.
  - a. Existing directional **PM PEAK** hour traffic volumes and LOS on all existing collectors/arterials in study area. **Provide information here:** \_\_\_\_\_.
  - b. Existing turning movement volumes at the impacted intersection(s) and intersection LOS.

**Attendance at meetings:**

The applicant or applicant's representative shall be present at all meetings including DRC, LDRB and City Council, as applicable. Call Development Department Staff at 727-853-1047 to find out when this case will be scheduled for these meetings.

**Authorization to visit the property:**

Site visits to the property by City representatives are essential to process this application. The Owner/Applicant, as notarized below, hereby authorizes the City representatives to visit, photograph and post a notice on the property described in this application.

Authorization for owner's representative(s):

I David Lee Curry, the owner, hereby authorize Evan Taylor Maconi - Maconi Homes, LLC to act as my representative(s) in all matters pertaining to the processing and review of this application, including modifying the project. I agree to be bound by all representations and agreements made by the designated representative.

Signature of Current Property Owner(s) [Signature]

Date: 1-12-22

Subscribed and sworn to before me this 12 day of January, 2023

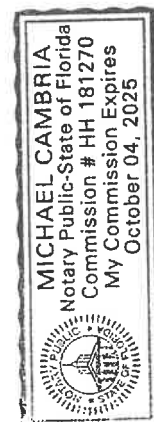
who is personally known to me and/or produced Drivers License as identification.

STATE OF FLORIDA, COUNTY OF PASCO

Notary Public: [Signature]

Michael Cambria

My Commission Expires: 10-04-25



Applicant's Affidavit:

I Evan Taylor Maconi, the owner or authorized representative, certify that I have read and understand the contents of this application. The information contained in this application, attached exhibits and other information submitted is complete and in all aspects true and correct, to the best of my knowledge. It is also acknowledged that the filing of this application does not constitute automatic approval of the request and, further, if the request is approved, I will obtain all necessary permits to comply with all applicable orders, codes, conditions, and rules and regulations pertaining to the use of the subject property. (Applications which are filed by corporations must bear the seal of the corporation over the signature of an officer authorized to act on behalf of the corporation.)

Signature of Owner or Authorized Representative: [Signature]

Date: 1/17/23

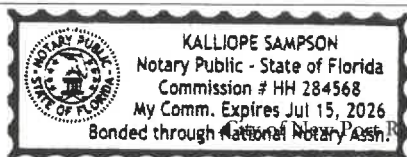
Subscribed and sworn to before me this 23 day of Jan, 2023

who is personally known to me and/or produced FLDL as identification.

STATE OF FLORIDA, COUNTY OF PASCO

Notary Public: [Signature]

My Commission Expires: 7-15-26



ATTACHMENT 2 - UPDATED CONCEPTUAL SITE PLAN  
5928 Central Ave  
SPECIAL EXCEPTION Ord. No. 2023-2276 (SE-23-03-0001)





**ATTACHMENT 3 - CONCEPTUAL ARCHITECTURAL RENDERING**  
**5928 Central Ave**  
**SPECIAL EXCEPTION Ord. No. 2023-2276 (SE-23-03-0001)**

