



## Staff Report

City of New Port Richey, FL  
Land Development Review Board  
December 15, 2022

**Revised City Council – April 18, 2023**

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### **REZONING APPLICATION**

**Case:** Rezoning REZ- 22-04  
**Owner/Applicant:** JCR DEVELOPMENT LLC  
**Property Location:** 3.67 acres located on Pinewood Drive south of Petunia Court  
**Request:** Rezoning from MF-10, Multifamily-10 to PDD, Planned Development District (Residential Planned District Subcategory)

### **SITE INFORMATION**

**Existing Future Land Use:** MDR-10, Medium Density Residential  
**Existing Zoning:** MF-10, Multifamily-10  
**Proposed Zoning:** PDD, Planned Development District (Residential Planned District Subcategory)  
**Existing Use:** Undeveloped  
**Existing Surrounding Uses:** North: Single-family residential  
South: Vacant (a multi-family site plan has been submitted for development)  
East: Vacant  
West: Multi-family residential

### **Analysis**

#### **Existing Conditions:**

The subject property is 3.67 acres located on Pinewood Drive south of Petunia Court. The property is currently platted for 20 lots and is undeveloped. The allowed density is 51 dwelling units. The property is located in Flood Zone AE 10.

#### **Proposal:**

The applicant is requesting to rezone the property from MF-10 to PDD (residential). The use will remain multifamily. The applicant is proposing to replat the property from 20 lots to 28 lots to accommodate a townhome development. The density will increase from 20 to 28 which is less than the 51 allowed.

A Planned Development District was created to provide an alternative method of land development not available within the framework of other zoning districts. This zoning district is intended to support innovative design techniques to preserve/protect environmental features,

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accommodate a mixture of uses, or facilitate future goals of the Comprehensive Plan. A PDD is to be comprised of a subcategory (e.g. Residential Planned Development District) that defines its preferred land use.

In 2021 the city adopted design guidelines for multi-family developments in order to encourage quality developments that meet the community standard. The proposed development does meet the City's design standards and is demonstrated by the additional requirements placed on the developer as listed below:

- A minimum of one amenity
- Sculpted and landscaped retention ponds
- Architecturally styled building to be compatible with the neighborhood

The preliminary site plan submitted includes 28 townhomes. An image of the design of the building is attached.

A right-of-way for Petunia Court exists from Oelsner Street through to the eastern edge of the subject property. However, the paving for Petunia Court currently ends at Oakwood Drive. To create a better circulation system and maintain the level of service in the area, the road should be connected in the available rights-of-way. Therefore, the proposed development should be required to design and construct Petunia Court within the public right-of-way to City standards from the current termination at Oakwood Drive to the subject property's easternmost property line. This stipulation has been added to the development standards for Council consideration.

The development standards as part of the PDD will include:

1. Density: 28 townhomes
2. Building Setback: 20 feet front, 10' rear and 5' side from property lines
3. Retention Pond: shall be in compliance with Southwest Florida Water Management District requirements
4. Building Height: Not to exceed 35 feet height from Base Floor Elevation
5. Multi-family Design Standards: City's Multi-family Design standards shall be complied with consistent with the illustrations presented on Exhibit B
6. Vehicular Circulation: Prior to issuance of first certificate of occupancy, developer shall design and construct Petunia Court within the public right-of-way to City standards from the current termination at Oakwood Drive to the easternmost property line of the subject property of this ordinance.
7. Parking: a minimum of 2 spaces per dwelling unit
8. Impermeable Surface Ratio shall not exceed 62%
9. Sidewalks
  - a. External – public sidewalk, minimum five-foot width, *along the entire length of Petunia Drive from property line to property line*
  - b. Internal
    - i. Sidewalk (Minimum 5' width) – along at least one side of Pinewood Drive
    - ii. Crosswalks: High visibility type of contrasting pavement, installed at all crossing locations

10. Site Amenities

- a. Lighting: to be located along property sidewalks to adequately provide illumination for safety and security. Fixtures to be approved by the city.
- b. Benches: to be located adjacent to sidewalks and near landscaping local points
- c. Gazebo/viewing station: a gazebo or viewing station must be located at the retention pond

11. Landscaping: shall meet the City's minimum landscaping requirements

12. Stormwater design shall incorporate Low Impact Design Standards

- a. Stormwater Ponds: shall be of a natural, free form undulating design and must incorporate wetland vegetation
- b. Utilization of porous pavement, infiltration trenches and/or vegetative swales may be incorporated in the design, as approved by City Staff

**Compatibility with Comprehensive Plan:**

The proposal is consistent with the objectives and policies of the following Comprehensive Plan Future Land Use, Housing, Conservation, Coastal Management, and Livable city elements.

Future Land Use Policy 1.1.1 – The City shall continue to implement and enforce regulations which recognize the limitations of development in the coastal zone.

Future Land Use Policy 1.1.2 – the City shall promote the efficient use of natural resources and public facilities and services by encouraging the use of innovative land development techniques such as planned development, clustering of land uses and mixed-use development.

Future Land Use Policy 1.2.2 – The City shall encourage a balanced land use mix providing for a variety of housing styles, densities and open space.

Objective HOU 1.1 - Ensure a sufficient supply and variety of sound, safe, and affordable housing units for existing and future City residents.

Housing Policy 1.1.5 – The City shall continue to allow a variety of residential densities and housing types through the Future Land Use Map and Land Development Code.

Objective HOU 1.3 - Increase the opportunity for all citizens of the city and surrounding areas to purchase or rent decent, safe and sanitary housing which they can afford, free from arbitrary discrimination because of race, sex handicap, ethnic background, age, marital status or household composition.

Conservation Policy 1.7.11 – In combination with other goals, objectives and policies of the Comprehensive Plan, the City shall protect and conserve wetlands by redirecting incompatible uses away from wetlands.

Coastal Management Policy 2.2.1 – The City shall maintain or reduce allowable density in

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the Coastal High Hazard Area consistent with the Future Land Use map of the Comprehensive Plan.

Livable Cities Policy 3.6.6 – Encourage developments to provide bicycle facilities on-site.

**Summary and Recommendation:**

The Development Review Committee (DRC) reviewed the request and found that rezoning to Planned Development District (residential) is consistent with the Comprehensive Plan and Future Land Use Map and therefore **recommends approval** of the revised preliminary site plan and **updated** development standards for a PDD, Planned Development District (Residential).

**LDRB Review:**

The Board conducted a quasi-judicial review of this case at its December 15, 2022, meeting. The board heard testimony and evidence. The Board voted 5-1 to recommend approval of the rezoning request from MF-10 to PDD.

**Attachments:**

1. Rezoning Application
2. Location Map
3. Future Land Use and Zoning Maps
4. Proposed site plan
5. Survey



# REZONING APPLICATION

City of New Port Richey  
Planning and Development Department  
City Hall, 5919 Main Street, 1<sup>st</sup> Floor  
New Port Richey, FL 34652  
Phone (727) 853-1044 \* Fax (727) 853-1052

Case #: \_\_\_\_\_  
 Send copy to Pasco County, if w/in 1 mile  
 Send to Pasco Schools, if residential

DRC Date: \_\_\_\_\_  
LDRB Date: \_\_\_\_\_  
Date Received: \_\_\_\_\_



- Submit one original signed and notarized application
- Submit original signed and sealed survey
- Submit 1 digital version of application
- Submit application fees: \$850 for rezoning; \$2,500 for rezoning-PDD; \$1,250 for rezoning-PDD (Amendment)  
(Checks made payable to the *City of New Port Richey*)

### Property Owner and Representative Information:

Current Property Owner(s): <b>JCR Development LLC</b>		Phone:
Owner Address: <b>1121 Dripping Springs Dr.</b>		
Owner Email Address:		
Owner's Representative(s): <b>David Bell</b>	Relationship to Owner: <b>Engineer</b>	
Representative Mailing Address: <b>8515 Palm River Rd, Tampa, FL 33619</b>		
Representative Email Address: <b>dwb@lpsc.com</b>	Phone: <b>813-621-7841 x 131</b>	
Primary contact: <i>(This is the one person to whom the City will send all communication regarding this application)</i> <b>David Bell</b>		

### Property Information:

Street Address: <b>Petunia Court &amp; Pinewood Dr.</b>		
General Location: <b>South of Petunia Court &amp; East of Oelsner St.</b>		
Size of Site:	Square Feet:	Acres: <b>3.67</b>
Legal Description of Subject Property: <i>(*An electronic copy of the legal description, in Word format, is required as part of this application submittal)</i> <b>see attached survey</b>		
Parcel Number(s):		

Zoning District:  MF-10	Proposed Zoning District:  PDD
Future Land Use Category:  MDR-14	Proposed Future Land Use Category:  MDR-14
Existing Use: <i>(Include # of residential unit and/ or square footage of non-residential uses):</i>  vacant	Proposed Use: <i>(Include # of residential units and/ or square footage of non-residential uses):</i>  multifamily townhomes

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

The proposal provides for a variety of housing.

**Submittal Information:**

*(Please address the following information on a separate sheet and attach to this application)*

**Guidelines for Granting a Rezoning. LDC § 5.01.11.**

The development department, development review committee, and land development review board shall consider all of the following guidelines when making a recommendation to the city council on a rezoning application, and the city council shall consider all these guidelines in determining whether to adopt an ordinance granting such rezoning:

1. Whether the proposed zoning district is one (1) of the zoning districts intended to implement or be consistent with the future land use map designation of the property;
2. If more than one (1) zoning district implements or is consistent with the future land use map designation of the property, whether the proposed zoning district is the most suitable zoning district;
3. Whether there are substantial reasons why the property cannot be used in accordance with its present zoning district, or the existing zoning district is otherwise unsuitable;
4. Whether the proposed zoning district is consistent with the character of the existing land use pattern;
5. Whether the proposed zoning district abuts a property with a zoning district similar in intensity to the proposed zoning district, or serves as a suitable transition zoning district between two (2) or more different abutting zoning districts;
6. Whether there are substantial changed or changing conditions in the character of the area where the property is located so that the proposed zoning district is now suitable;
7. Whether based upon the property's size, shape, or characteristics the proposed zoning district is out-of-scale with the surrounding area;
8. Whether the proposed zoning district is premature, based upon the existing conditions in the surrounding area;
9. Whether there is a substantial public need or purpose for the proposed zoning district consistent with the public health, safety and general welfare;
10. Any other factors that may be relevant to the rezoning, such as its location within an enclave, recent annexation into the city, or to conserve the value of buildings and natural resources;
11. The totality of the circumstances; and
12. Any competent substantial evidence presented at the public hearings.

**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.)*

<p><b>POTABLE WATER</b> - Adopted level of service (LOS) = 152 gal/day/capita (nonresidential uses are included in the adopted LOS).</p> <p><b>Residential:</b></p> <p><b>Single-family:</b> 152 gal × 2.12 persons/household × _____ units = _____ gal/day/capita (demand)</p> <p><b>Multi-family:</b> 152 gal × 1.90 persons/household × _____ units = _____ gal/day/capita (demand)</p> <p><b>Commercial:</b> See <u>Table I</u> below from the Land Development Code for estimated water/sewage flows.</p>	<p><b>WASTEWATER</b> - Adopted level of service (LOS) = 114 gal/day/capita (nonresidential uses are included in the adopted LOS).</p> <p><b>Residential:</b></p> <p><b>Single-family:</b> 114 gal × 2.12 persons/household × _____ units = _____ gal/day/capita (demand)</p> <p><b>Multi-family:</b> 114 gal × 1.90 persons/household × _____ units = _____ gal/day/capita (demand)</p> <p><b>Commercial:</b> See <u>Table I</u> below from the Land Development Code for estimated water/sewage flows.</p>
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<p><b>SOLID WASTE</b> - Adopted level of service (LOS) = 6.3 lbs/day/capita (nonresidential uses are included in the adopted LOS).</p> <p><b>Residential:</b></p> <p><b>Single-family:</b> 6.3 lbs × 2.12 persons/household × _____ units = _____ lbs/day/capita (demand)</p> <p><b>Multi-family:</b> 6.3 lbs × 1.90 persons/household × _____ units = _____ lbs/day/capita (demand)</p> <p><b>Commercial:</b> See <u>Table I</u> below from the Land Development Code for estimated water/sewage flows.</p>	<p><b>RECREATION / OPEN SPACE</b> - Refer to the New Port Richey Comprehensive Plan for adopted level of service standards.</p> <p><b>Single-family:</b> _____ units × 2.12 persons/household = _____ (population projection)</p> <p><b>Multi-family:</b> _____ units × 1.90 persons/household = _____ (population projection)</p> <p>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.</p>
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**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.

**Process:**

A pre-application meeting will 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) and City Council.

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 my 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 Land Use Plan Amendment. 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.

**Attendance at meetings:**

The applicant or applicant's representative needs to be present at all meetings including DRC, LDRB and/or City Council. Call Development Department Staff at 727-853-1039 to find out when this case will be scheduled for these meetings.

**Submittal Information 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.

# LOCATION MAP



# Zoning Map

# Future Land Use Map





