



NEW PORT RICHEY

5919 MAIN STREET • NEW PORT RICHEY, FL 34652 • (727) 853.1016

Land Development Review Board (LDRB) - Minutes

Date: July 20, 2017
Time: 2:00 pm
Location: City Council Chambers
First Floor, City Hall, 5919 Main Street, New Port Richey, FL 34652

Any person desiring to appeal any decision made by the LDRB, with respect to any matter considered at any meeting or hearing, will need a record of the proceedings and may need to insure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based. The law does not require that the Secretary transcribe verbatim minutes, therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense (FS 286.0105).

I. Roll Call & Pledge of Allegiance:

Members Present:

John Grey, Chairperson
Dr. Cadle, Jr., Vice Chairperson
Mary Moran
Nancy MacDonald, Alternate Member

Members Absent:

Dan Maysilles
Judy Michel
Louis Parrillo
Bob Smallwood, Alternate Member
Greg Smith

Others Present:

Lisa L. Fierce, Development Director
Chris Mettler, Senior Planner
Timothy P. Driscoll, City Attorney
Melanie Tyler, Permit Technician

II. Approval of Minutes:

Mr. Grey chaired the meeting. Dr. Cadle made the motion to approve the June 22, 2017 minutes as presented which was seconded by Ms. Moran. The motion carried and the Board approved the minutes (4-0).

Ms. Fierce noted that the rezoning applicant's representative is not present in the Chamber and suggested the Board hear the medical cannabis dispensary code amendment first. The Board concurred.

III. Code Amendment COD2017-03

Case: Code Amendment COD2017-03 – Medical Cannabis Dispensaries
Applicant: City of New Port Richey, Debbie L. Manns, City Manager, 5919 Main Street, New Port Richey, FL 34652
Request: Review and recommendation of an amendment to the Land Development Code adding Medical Cannabis Dispensaries as a Permitted Use in Multiple Commercial

Zoning Districts and Removing Drug Stores as a Permitted Use in the Downtown
Zoning District (Ordinance #2017-2116)

Staff Contact: Chris Mettler, Senior Planner, 727-853-1044, mettlerc@cityofnewportrichey.org

Mr. Mettler said that medical marijuana had been legalized in the State of Florida via Amendment 2, the constitutional amendment approved by the electorate in November 2016. He said the City Council held two public workshops to discuss the issue, ultimately directing staff to draft an ordinance allowing medical cannabis dispensaries as conditional uses, subject to public hearings and development standards, in the C-1, C-2, Highway Commercial and Office Districts. They did not request dispensaries in the Downtown District. However, the State bill the Governor signed allows local jurisdictions to either ban medical cannabis dispensaries or allow them, with regulations no more restrictive than those governing pharmacies.

He said the proposed ordinance would allow medical cannabis dispensaries in the C-1, C-2, Highway Commercial, Office and Light Industrial Zoning Districts (all districts that allow pharmacies). The ordinance would remove “drug stores” as a use in the Downtown District, which also prohibits drug paraphernalia.

He reviewed the definition for “medical cannabis dispensary,” the change to the definition of “restricted personal service use” to no longer include cannabis uses and the repeal of the cannabis moratorium. He said the staff would, if the ordinance was approved, later draft an ordinance providing development standards for dispensaries and pharmacies.

Ms. MacDonald asked for clarification that a local jurisdiction could ban the use. Mr. Mettler said that was an option provided by the State legislation. She said she did not think the City should allow the use. Mr. Grey asked if this meant no pharmacies or dispensaries would be allowed Downtown. Mr. Mettler said existing pharmacies would become legally nonconforming uses. Mr. Grey asked if Walgreen’s is in the Downtown District and, if so, could it be rezoned. Mr. Mettler said that it is and rezoning the property would be an option.

Dr. Cadle asked for the rationale for not allowing the uses in the Downtown District. Mr. Mettler said that was the direction provided by the Council at the last workshop and, also, the Code prohibits drug paraphernalia in the zoning district. Dr. Cadle questioned whether medical marijuana could be classified as drug paraphernalia and if the recommendation from the Board can include an amendment to the ordinance. Ms. Fierce affirmed that the recommendation could include an amendment to the ordinance.

Denise Huston, Virginia Avenue, said she was a resident, a cancer survivor, and has been prescribed medical cannabis. She described the complex process for getting a medical cannabis prescription. She questioned why dispensaries would be prohibited Downtown when there were already so many bars. She recommended that dispensaries be allowed in the Downtown District.

Greg Smithwick, 12734 First Isle, Hudson, Florida, said the drug paraphernalia concern was not applicable as medical cannabis cannot be smoked per the State legislation and the use is medical not recreational.

Mary Young, 6518 Trouble Creek Road, said she was a resident and will want to have dispensaries close by so she does not have to travel far to one or have it delivered. Ms. Fierce said that there are many locations where the use will be permitted, based on the proposed ordinance.

Mr. Driscoll noted that while there are no development standards proposed, the State legislation prohibits dispensaries within 500 feet of a school.

Dr. Cadle said he wants pharmacies Downtown to be in walking distance for Downtown residents. He asked if he needed to recuse himself because his sister had been prescribed medical cannabis. Mr. Driscoll said he did not need to recuse himself.

Dr. Cadle made the motion to recommend approval of the code amendment, amended to allow pharmacies and medical cannabis dispensaries in the Downtown District, which was seconded by Ms. Moran. Roll call vote: Ms. Moran, yes; Mr. Grey, no; Ms. MacDonald, no; and Dr. Cadle, yes. The motion failed (2-2).

Mr. Grey asked if they could except existing Downtown pharmacies in a motion. Mr. Driscoll said no.

Ms. MacDonald made the motion to recommend denial of the code amendment, which failed due to lack of a second.

Dr. Cadle made the motion to recommend approval of the code amendment, with comments to be shared with the Council that two Board members would recommend an amendment allowing pharmacies and medical cannabis dispensaries in the Downtown District, which was seconded by Ms. Moran. Roll call vote: Ms. Moran, yes; Mr. Grey, no; Ms. MacDonald, no; and Dr. Cadle, yes. The motion failed (2-2). Mr. Driscoll said the vote meant no action had been taken.

IV. Rezoning Application REZ2017-02

Case: Rezoning Application REZ2017-02 – 5425 Grand Boulevard – Family Dollar
Property Location: 1.02 acres located west of Grand Boulevard, south of Gulf Drive and north of Crest Street.
Applicant: Ross Mor Trust (Michael Guju, Trustee) and Frank Kontis Revocable Trust (Frank Kontis, Trustee).
Request: Rezoning from Office District to C-2, General Commercial District (Ordinance #2017-2119).
Proposed Use: A Family Dollar retail store.
Staff Contact: Chris Mettler, Senior Planner, 727-853-1044, mettlerc@cityofnewportrichey.org.

Mr. Mettler reminded the Board that this rezoning case is to receive a quasi-judicial hearing. The Board members affirmed they had no ex-parte communications to disclose. Mr. Mettler provided a powerpoint presentation. He said the site is a 1.02-acre property located west of Grand Boulevard, south of Gulf Drive and north of Crest Street. The request is to rezone the property from the Office Zoning District to C-2, General Commercial Zoning District. The proposed use is a Family Dollar retail store, which is not allowed in the Office Zoning District. He said the area is characterized with office and retail commercial uses, and vacant buildings. He showed photographs of the site and the surrounding area. He said the site plan has been approved by DRC, subject to the approval of this rezoning. He reviewed the proposed site layout and building elevations. The entrance is oriented to the north, with access to Gulf Drive and Grand Boulevard.

Mr. Mettler asked the Board to recommend approval with a condition that the City enter into a development agreement with the applicant to address the City's surrender of mineral rights on the property and to establish development standards. He said the proposed rezoning is consistent with the comprehensive plan, the Future Land Use Map designates the site with the General Commercial Category.

Dr. Cadle asked about the traffic study. Mr. Mettler said the traffic study indicated the local roadways could accommodate the additional trips.

Ms. MacDonald said she thought the proposed use would be useful to residents and workers in the area.

Ms. Moran asked for clarification regarding the building construction. Chris Stephens, the applicant's representative, described the building materials, including the combination of steel and stemwall with a brick look, utilized to keep costs down and keep the project financially feasible. Ms. MacDonald said this would be the most attractive Family Dollar store. Ms. Moran asked if the side facing Grand Boulevard is metal and if it could have cement panels. Mr. Stephens said it is not financially feasible to do so. Ms. Fierce noted that building would be partially screened with foundation plantings.

Dr. Cadle noted the proposed path for the delivery trucks and asked if these would be semi-trucks. Mr. Stephens said they had modeled the trucks' turns on the site in order to design the access point to accommodate the trucks. He noted it was a challenging site and the prototype building to be developed on the site was the smallest Family Dollar allows. Mr. Stephens said Family Dollar expects to do well at this location.