



# NEW PORT RICHEY

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

## Land Development Review Board (LDRB) - Minutes

**Date:** September 21, 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  
Mary Moran  
Nancy MacDonald, Alternate Member  
Bob Smallwood, Alternate Member  
Greg Smith

#### Members Absent:

Dr. Cadle, Jr., Vice Chairperson  
Dan Maysilles  
Louis Parrillo

#### Others Present:

Lisa L. Fierce, Development Director  
Chris Mettler, Senior Planner  
Erica Lindquist, Planner  
Timothy P. Driscoll, City Attorney  
Melanie Tyler, Development Technician  
Nathan Glasgow, IT Help Desk Operator

### **II. Approval of Minutes:**

Mr. Grey chaired the meeting. Mr. Smith made the motion to approve the July 20, 2017 minutes as presented which was seconded by Mr. Smallwood. The motion carried and the Board approved the minutes (5-0).

### **III. Rezoning Application REZ2017-03**

**Case:** Rezoning Application REZ2017-03 – 5718 Grand Boulevard – Esther’s School  
**Property Location:** 1.52 acres located on the southeast corner of Grand Boulevard and Louisiana Avenue.  
**Applicant:** Greathearts Fortyniners, LLC.  
**Request:** Rezoning from R-3, Residential District to MF-30, High Density Residential District (Ordinance #2018-2123).  
**Proposed Use:** Private school for 60 students.

Staff Contact: Chris Mettler, Senior Planner, 727-853-1044, [mettlerc@cityofnewportrichey.org](mailto:mettlerc@cityofnewportrichey.org).

Mr. Grey stated that the rezoning request has been postponed.

#### **IV. Code Amendment COD2017-06**

Case: Code Amendment COD2017-06 – Medical Marijuana Treatment Center Dispensing Facility and Pharmacy Development Standards

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 establishing development standards for medical marijuana treatment center dispensing facilities and pharmacies and amending the list of prohibited uses in the Downtown Zoning District (Ordinance #2018-2125)

Staff Contact: Chris Mettler, Senior Planner, 727-853-1044, [mettlerc@cityofnewportrichey.org](mailto:mettlerc@cityofnewportrichey.org)

Mr. Mettler said the ordinance before the Board provides development standards for medical marijuana treatment center dispensaries (“dispensaries”) and pharmacies, amends the list of prohibited uses in the Downtown District and provides an amended definition for “convenience store” and establishes definitions for “grocery store” and “pharmacy.”

He said that dispensaries are now permitted uses in the C-1, C-2, Highway Commercial, Office and Light Industrial Districts. City Council asked for development standards for pharmacies and dispensaries; the State requires that local jurisdictions who allow dispensaries regulate them no more restrictively than they do pharmacies. Therefore, this ordinance provides development standards for both dispensaries and pharmacies, addressing building setbacks, minimum lot area, minimum lot width, building height, off-street parking requirements and design criteria. He reviewed the design criteria with the Board.

The ordinance adopted by the City Council in August did not permit dispensaries in the Downtown District and deleted “drug stores” as a permitted use in the District. This ordinance explicitly prohibits “dispensaries” and “pharmacies” in the District. It also prohibits “restricted personal service uses.” He said that uses that are classified as “restricted personal service uses” have been deleted to avoid duplication. Mr. Grey sought clarification. Mr. Mettler explained that the uses prohibited in the Downtown District that are classified as “restricted personal service uses” are prohibited as “restricted personal service uses.” Ms. Fierce reviewed the changes to the list of prohibited uses in the Downtown District. Mr. Smallwood said he did not see a definition for “restricted personal service uses” in the ordinance. Ms. Fierce said it was already in the Code. Mr. Driscoll said only changes are reflected in the ordinance. Mr. Mettler read the definition.

Mr. Mettler reviewed the amended definition for “convenience store” and the definitions established for “grocery store” and “pharmacy.” He reiterated that the ordinance provides development standards for dispensaries and pharmacies, amends the list of prohibited uses in the Downtown District, provides an amended definition for “convenience store” and establishes definitions for “grocery store” and “pharmacy.”

Ms. MacDonald suggested changing the term from “medical marijuana treatment center dispensing facility” to “low-THC cannabis dispensary” to reflect wording from the Compassionate Care Act of 2014; Mr. Mettler said the definition currently in the Code is consistent with the State bill. Ms. MacDonald said she was concerned about the future location of medical marijuana dispensaries. Mr. Mettler said the location issue had been settled by the ordinance already adopted by the City Council, which established the zoning districts where dispensaries are now permitted uses. Mr. Grey said he thought the dispensaries were prohibited in the Downtown District. Mr. Mettler affirmed and stated the list of commercial districts that allow dispensaries as a permitted use. Ms. Fierce said the ordinance addresses development standards for dispensaries and pharmacies. Ms. MacDonald asked if they could address dispensary locations. Ms. Fierce said the issue has been addressed in a previous ordinance.

Mr. Smallwood asked if the development standards addressed sign regulations. Mr. Mettler said the dispensary signs would be subject to the City sign regulations. Ms. Fierce noted that the sign regulations address everything but content, as required by law.

Mr. Smith asked if the dispensaries would be required to maintain a minimum separation distance from schools. Mr. Mettler reviewed the ordinance language, which he said came from the State bill, requiring a minimum 500-foot separation distance from schools but allowing the City Council to determine at public hearing that a reduced separation distance promotes the public health, safety and welfare.

Mr. Grey asked what the Board is expected to do. Ms. Fierce said the Board could recommend approval, denial or recommend amendments to the proposed ordinance. She invited the Board to consider the development standards and design criteria and share their thoughts.

Mr. Smith asked how the City will regulate dispensaries and monitor inventories. Ms. Fierce said the State regulations are restrictive and the City police will be monitoring them. Mr. Mettler noted the State will maintain registries of doctors and users. Ms. MacDonald said the State system is weak.

Mr. Driscoll reminded the Board the issue before them is not dispensary locations, terminology or separation distances. The City Council has adopted an ordinance that allows the use in specific zoning districts and the State has established terminology and the minimum separation distance from schools. He said the issue before the Board was to consider the proposed development standards for dispensaries and pharmacies. He reminded the Board that the State requires local governments to treat dispensaries and pharmacies the same.

Mr. Grey asked what would happen if someone wanted a pharmacy in a convenience store. Mr. Driscoll said that would not be permitted because per the definitions they would be mutually exclusive.

Mr. Smallwood recommend changing the “grocery store” definition, to refer to “occupies an area” instead of “operates in a building,” for multi-tenant buildings. Ms. Fierce concurred.

Mr. Smallwood expressed frustration that the term “restricted personal service uses” is not defined in the ordinance. Ms. Fierce noted it is already defined in the Code. Mr. Smallwood said he would request the ordinance be amended to state the “restricted personal service uses” definition. Mr. Driscoll explained that by law the ordinance only indicates the proposed changes to the Code.

Ms. Moran made a motion to recommend approval of the ordinance with the amendment to the “grocery store” definition, which was seconded by Mr. Smallwood. Roll call vote: Ms. Moran, yes; Mr. Grey, no; Ms. MacDonald, no; Mr. Smith, yes; and Mr. Smallwood, no. The motion failed (2-3).

Mr. Driscoll said the Board needed to make another motion to provide a recommendation to City Council. Mr. Grey acknowledged that this is an opportunity for the Board to have input on the proposed development standards and the definition of “grocery store.” Ms. Fierce said the Board could recommend denial, approval or reconsider the prior motion.

Ms. Moran made the motion again to recommend approval of the code amendment, with Mr. Smallwood’s amendment to the “grocery store” definition, which was seconded by Mr. Smallwood. Roll call vote: Ms. Moran, yes; Mr. Grey, yes; Ms. MacDonald, yes; Mr. Smith, yes; and Mr. Smallwood, yes. The motion passed (5-0).

#### **V. Adjourn:**

Ms. Fierce introduced Erica Lindquist, formerly the Housing Rehabilitation Grant Specialist, recently promoted to Planner. Ms. Fierce discussed the Cyclovia event scheduled for October 7<sup>th</sup>. She thanked the Board members for attending the meeting stating the next meeting will be held on October 19, 2017.

The meeting adjourned at 2:40 p.m.

Respectfully submitted,



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Chris Mettler, Senior Planner