



## Land Development Review Board (LDRB) - Minutes

**Date:** May 16, 2019  
**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  
Don Cadle, Jr., Vice Chairperson  
Dan Maysilles  
Mary Moran  
Louis Parillo  
Beverly Barnett, Alternate Member

#### Members Absent:

Bob Smallwood  
Nancy MacDonald, Alternate Member

#### Others Present:

Debbie Manns, City Manager  
George Romagnoli, Planning & Development Director  
Christopher Bowman, Planner  
Nathan Glasgow, IT Help Desk Operator

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

Mr. Grey chaired the meeting. Mr. Maysilles made a motion to approve the March 21, 2019 minutes, which was seconded by Dr. Cadle. The motion carried, and the Board approved the minutes6-0.

### **III. Presentation: Variance VAR2019-03**

Case: Variance Application– VAR2019-03 – Bay Care Health Systems – 6600 Madison Street  
Applicant: Morton Plant Hospital Association, Inc., 303 Pinellas Street, Suite 310, Clearwater, FL 33756  
Request: A four-foot variance to increase the dumpster fence height, from the maximum six-foot, to ten-foot.  
Staff Contact: Chris Bowman, City Planner, 727-853-1044,  
Bowmanc@cityofnewportrichey.org

Mr. Bowman said that the applicant submitted a 4-foot variance request to increase the six-foot maximum height for a dumpster enclosure to ten feet to enclose their nine-foot dumpsters. Ordinance 2018-2144 states that all dumpsters located in the city shall be screened in accordance with regulations of this section. Mr. Bowman displayed a slide of the subject property located at 6600 Madison Street, which is a 15.41 acre property. The subject property is located on the east side of Madison Street, approximately 25 feet north of Indiana Avenue, the north side of the property borders Kentucky Avenue, and the east side of the property borders Forest Avenue. The west side of the subject property are business and professional offices in the Office Zoning District, to the east of the subject property the parcels are in the Planned Development District and Residential/Office Zoning District, to the north of the subject property the parcels are in the Planned Development District, Office and Residential District, to the south of the subject property is Planned Development District and Residential/Office Zoning. The subject site is zoned Planned Development District (PDD) and Commercial Planned Development (CPD). Mr. Bowman said that the applicant requested to build a ten-foot high enclosure 15-feet west of Forest Ave and approximately 275 feet north of Indiana Avenue.

Mr. Bowman displayed the current conditions of the three nine-foot dumpsters and one smaller dumpster in the back of the photos. Mr. Bowman then displayed the proposed dimensions of the enclosure. The proposed enclosure will come across and go down about two-three feet away from the adjacent dumpster and will have a 20-foot roll gate in the back for the smaller dumpster. The only concern from the fire department with the enclosure is being able to reach the fire water systems in case of emergency. The development review committee (DRC) did review this request and recommends approval.

Dr. Cadle made a motion to recommend approval of the variance. Ms. Moran seconded the motion. Roll call vote: Ms. Barnett, Yes; Mr. Maysilles, Yes; Ms. Moran, Yes; Dr. Cadle, Yes; Mr. Grey, Yes; Mr. Parillo, Yes. The motion passed (6-0).

#### **IV. Presentation: Variance VAR2019-02:**

|                |  |
|----------------|--|
| Case:          | Variance Application – VAR2019-02 – 5431 Foley Square  |
| Applicant:     | Allan G. Safranek, III, 5431 Foley Square, New Port Richey, FL 34652   |
| Request:       | A 22-foot variance to reduce the rear setback from 40 feet from the river bank to 18 feet from the river bank. |
| Staff Contact: | Chris Bowman, City Planner, 727-853-1044, Bowmanc@cityofnewportricher.org                                      |

Mr. Bowman said that the applicant filed for an 18-foot variance request inside the 40-foot river setback, which will reduce the setback to 22 feet from the seawall, to install a pool and decking at the rear of the property. Mr. Bowman displayed a slide showing the location of the property on Foley Square which resides on 0.31 acres. The property is located on the north side of Foley Square and the property boundary is south of the Pithlachacotee River. There are two empty lots, one to the east and one to the west of the property which are both zoned Residential Zoning District (R-1), and the subject property has a boat dock on the north side of the boundary line. The site contains a 2,430 square foot one-story single family home built in the 1960s. The front of the primary structure faces towards Foley Square and is setback 26.5 feet from the property line. The rear of the house faces the river and is 60 feet from the river. The subject property has a 12.2 side setback along the west side and a 12.6 side setback along the east side. Mr. Bowman displayed the property survey with the pool shown as a 26' x 16' in ground swimming pool. The pool sits 10 feet north of the primary structure, 22 feet from the riverbank, 37 feet from the east property line, and 10 feet away from the west property line. There will be 350 square feet of paver decking installed around the perimeter of the pool and the request is to reduce the rear north setback from 40 feet to 22 feet.

Mr. Bowman displayed the R-1 Zoning District minimum setback and swimming pool requirements. The applicant has worked with the Development Review Committee (DRC) to meet variance requirements needed to construct a typical pool on the property. The DRC recommends approval of the request.

Ms. Barnett made a motion to recommend approval of the variance. Ms. Moran seconded the motion. Roll call vote: Ms. Barnett, Yes; Mr. Maysilles, Yes; Ms. Moran, Yes; Dr. Cadle, Yes; Mr. Grey, Yes; Mr. Parillo, Yes. The motion passed (6-0).

**V. Code Amendment – Ordinance 2019-2157:**

Case: Code Amendment – Ordinance 2019-2157 – Ordinance expanding the use and type of Accessory Dwelling Units (ADU)  
Applicant: City of New Port Richey, 5919 Main Street, New Port Richey, FL 34652  
Request: Review and recommendation of an Ordinance and Comprehensive Plan Amendment to City Council.  
Staff Contact: George Romagnoli, AICP, Planning and Development Director, 727-853-1038, Romagnolig@cityofnewportricher.org

Mr. Romagnoli said that accessory dwelling units (ADU) are additional units on a property and can take several forms. The buildings can be detached, attached, interior (upper level), interior (lower level), above the garage, or a garage conversion of the primary structure. The city's current ordinance only allows for the attached units, which must be part of the existing unit by, the dividing of the existing unit, or an addition, and cannot be connected by a breezeway or roofed passage. Changing and giving more flexibility within the ordinance for property owners is the goal for this amendment. For the proposed ordinance, units will be allowed to be both attached and detached, land parcel must be at least 7,500 square feet, the unit must have a kitchen and bathroom, the unit must be between 360-1,001 square feet in size, and it must be connected to public utilities. There must be sufficient parking on the property so that off-street parking doesn't become a major issue when permitting the ADU. The combined impervious surface ratio for the unit and the principal structure shall not exceed sixty percent (60%). The new ADU must meet setback requirements for the zoning district in which the parcel is located. Mobile homes or recreational vehicles will not be permitted as an ADU.

Mr. Romagnoli said that the proposed Comprehensive Plan amendment will address the Ordinance as it calls for allowance of ADUs despite density. To the extent permitted by the City's Comprehensive Future Land Use Plan, ADUs shall not be considered an additional dwelling unit in the gross residential density calculations, for the zoning district, in which located. This is not allowed by the Comprehensive Plan so the Future Land Use Element must be amended to allow each residential lot, up to one (1) accessory dwelling unit, as defined in the Land Development Code, and shall not be counted as a dwelling unit for the purpose of calculating residential density. The proposed amendment will allow for a greater density on parcels that are greater than 7,500 square feet. This would not be an over saturation of building and most lots that are 7,500 square feet or more are located in the downtown district, which is already allowed.

Ms. Manns inquired as to why the ADU would not be counted and asked for more elaboration on what being counted means.

Mr. Grey said that provided it doesn't exceed the footprint of 60% the ADU would be allowed. Mr. Grey asked if ADUs are allowed in every zoning district in the City including residential and mixed use districts. For the residential units, if it is rented or owner occupied only, would it make any difference in the allowance of an ADU. He voiced concern over the rental problems that the City is already encountering and Mr. Maysilles concurred. The setbacks, size of coverage, and impervious surfacing should limit the amount of ADUs on a property. As an example, Mr. Grey asked if he would be able to convert his three-car garage into a living space if he so desired. Mr. Grey said that he doesn't believe the ADU to be a good idea and questioned what benefit this would provide. Having neighbors who could rent out these additions would not be pleasing to homeowners that would have an influx of renters living next to them and would only exacerbate the problem the City already has. Mr. Grey's belief is that in the case of a home with an existing ADU, later sold and purchased by a rental company, would be then grandfathered in as an existing non-conforming structure.

Mr. Romagnoli said that it would not make a difference if it is a rented space or owner occupied space. The ADU must meet the requirements of having restrooms and a kitchen unit to be considered safe and sanitary housing. If the unit is rented it will have to meet the City's Residential Rental Inspection requirements. There are possibilities that renting out the ADU may encounter occupancy issues, but that this will be observed closely to try and prevent any problems that may occur. The accessory buildings have to be similar in nature

to the house that's currently on the lot and maintain the character to the neighborhood in which the building resides. The downtown area does not have the density it needs to support the businesses that are currently there. Property owners can build an ADU on their land as long as it is attached to the main building, and multiple ADUs on their property could be possible. Many of the lots that are 10,000-12,000 square feet, could build several ADUs if they so desired. Many of the downtown buildings are zoned multi-family and could build an ADU on their property and could build up to 14 units per acre. The proposed amendment would then limit the addition of ADUs to only one unit. Mr. Romagnoli stated that the proposed driveway ordinance would not apply to this ordinance because the crushed stone or gravel is not counted towards the 60% calculations for impervious ratios.

Ms. Moran said that the addition of an ADU would be fine, but the unit should be strictly for the homeowner and not for rental purposes. Ms. Moran believes that instead of having elderly parents under the same "roof", building an addition on the back of the property would be a great solution. Ms. Moran stated that allowing leasing companies to control the additions would generate more problems within the community. There are plenty of people who do not reside in the city that come in and visit the City's businesses, which generates revenue. There is never a guarantee of the type of person that one could rent to. If it is a homeowner and is homesteaded to the property and they wanted to put a detached or attached living space on the property for a family member, it would be a non-issue. The addition of a breezeway would be a better solution to the attachment problem for the families that would prefer to have a detached living space. There could be rules set in place for the case that if a homeowner with an existing ADU sells the property to a rental company, that they would then not be allowed to rent out the existing addition.

Mr. Maysilles said that the fallacy with what Mr. Romagnoli stated, that people are going to look out for the property because they live there, is that the rental companies are buying the main home and the Development Department is going to allow for several units to be built at 360 square feet. The concern is what kind of people or renters will be attracted to reside in a 360 square foot unit, and that it may be people who cannot rent something larger. It is Mr. Maysilles's belief that this would cause a multitude of negative impacts to the City if this ordinance was to be passed. The density is a major issue with which we currently have. The impervious surface ratio would have to apply to this situation and certain types of driveways are considered part of the impervious surface.

Ms. Barnett said that she works with the elderly frequently and understands that they cannot afford to rent an apartment. They are the type of people who would look for a living space like an ADU and would be considered a desirable client. The homestead would remain on the main residence and, in the case of a detached ADU, it would not apply to the addition. When the Comprehensive Plan was being composed originally, the areas such as River Road and the duplexes across the street were considered a progression of zoning, as the street is a natural buffer.

Mr. Parillo said that once the property owner installs/builds an ADU it would change zoning to a multi-occupancy zoning district and asked what would happen to the homestead exemption.

Mr. Romagnoli said he understands that the general consensus of the Board is that the properties must be homesteaded property and could then have an ADU.

Dr. Cadle made the motion to not amend to allow accessory units. Mr. Maysilles seconded the motion. Roll call vote: Ms. Barnett, No; Mr. Maysilles, Yes; Ms. Moran, Yes; Dr. Cadle, Yes; Mr. Grey, Yes; Mr. Parillo, Yes. The motion passed (5-1).

#### **VI. Code Amendment – Ordinance 2019-2164:**

|                |   |
|----------------|---|
| Case:          | Code Amendment – Ordinance 2019-2164 – Ordinance pertaining to off-street parking spaces  |
| Applicant:     | City of New Port Richey, 5919 Main Street, New Port Richey, FL 34652  |
| Request:       | Review and recommendation of an Ordinance to City Council.  |
| Staff Contact: | George Romagnoli, AICP, Planning and Development Director, 727-853-1038, <a href="mailto:Romagnolig@cityofnewportriches.org">Romagnolig@cityofnewportriches.org</a> |

Mr. Romagnoli said that this ordinance was created at the request of the City Council to address parking spaces. A citizen brought before council a recommendation that off-street parking spaces or additional parking spaces could also be made of a crushed stone, mulch, gravel, etc., and should be counted as pervious material. It should not be counted against the 60% ratio for parking. The materials suggested are currently listed in the Ordinance as impervious. Mulch is currently considered to be one of the only pervious materials, as it allows for water to pass through. The Ordinance would not consider off-street parking as a substitute for driveways and that it is still recommended by both Council and the Development Department that permits are required. The permit would require specific depths and would ensure compliance.

Mr. Maysilles said that he disagrees with this Ordinance because it allows for property owners to use substrates such as crushed stone and gravel, rather than paver or concrete driveways. Weeds and landscaping could become an issue for the general appearance of additional parking. Mr. Maysilles is concerned that the Ordinance would allow people to over utilize the size of the lots or that it could potentially create code compliance issues. Mr. Maysilles said that the ordinance should have no change and that the ratio stay at 60% to keep control of additional parking by limiting how much of the property becomes parking space.

Mr. Grey said that if someone took overburden from a concrete plant and rolled it to make a parking area it would become so strong that it would act as an impervious substance such as concrete. Crushed stone and lime rock is frequently used a base for driveways. Neither substrate will allow water to pass through and would be considered impervious. Mr. Grey requested that there will be a definition of pervious and impervious displayed in the ordinance and that the materials be listed in each category, ensuring that the pervious materials truly allow water to pass through the substrate.

Ms. Barnett said that water can pass through crushed shell, making it another option for a pervious substrate. Updating the ordinance to allow different materials to be used for parking rather than destroying lawn space would be a better option.

Mr. Parillo asked Ms. Manns if this Ordinance was already brought before council roughly two years ago and if it was decided then that this was allowable.

Ms. Manns said that this ordinance had been approved through Council several years ago and that it is being brought back before the Board again to gain the opinion of the one specific change to the Ordinance.

Mr. Maysilles made a motion to not make any changes to the ordinance. Mr. Parillo seconded the motion. Roll call vote: Ms. Barnett, No; Mr. Maysilles, Yes; Ms. Moran, Yes; Dr. Cadle, Yes; Mr. Grey, Yes; Mr. Parillo, Yes. The motion passed (5-1).

## **VII. Open Discussion:**

Dr. Cadle said that two to three years ago he had asked staff to look into rezoning along River Road so that if the triplexes and duplexes change ownership then the city could go back to single family dwellings on those properties. In that time there have been many ownership changes and no updates to the zoning of the properties. But as the properties start selling again, it would be beneficial to start making improvements to the neighborhood at that time.

Mr. Romagnoli said that the Development Department will look into the rezoning of the River Road area and that he would consult with the City attorney, Mr. Driscoll. There is a law called the Burt Harris Act which talks about government reducing the profitability of the property which will have to be reviewed and he will look into it on Dr. Cadle's behalf. Mr. Romagnoli said that a citizen had come to the Development Department wanting to put in a shipping container on a property on River Road and was told that they could not place one because of the style and compatibility with the surrounding neighborhood.

Ms. Barnett said that if the zoning is changed on a property and someone gets into a crisis where they have to sell the property, they would then feel obligated not to sell because the property would no longer be allowed to be used for the same zoning. Ms. Barnett inquired if any citizens have asked about using shipping containers as additional structures on their properties.

Mr. Grey said that if the zoning was changed on the River Road properties all the duplexes and triplexes would then be considered non-confirming existing structures and could continue to operate as they are until they get to a point of deterioration, burned, or destroyed. At that point the property owner would not be able to rebuild that type of building on that lot. The owners of rental properties have not been keeping up with the maintenance of the lot and that is a concern being voiced with the new apartments being constructed. The City needs to start holding the owners responsible for the illegal dumping on their properties and keeping them maintained properly.

Mr. Maysilles said that he understands the presentation of the expansion of the downtown density. But instead of looking at the residential areas we should concentrate more on the expansion of the downtown area on a quarter type basis instead of all over the city. Mr. Maysilles would be more in favor of something that would be contained and moving in a positive direction than having a variety of densities across the city. He said that if the city could enforce higher penalties for illegally dumping it would help clean up the areas that are no longer well maintained. This would improve the entire structure because it would cause the landowners to take responsibility. Mr. Maysilles said that he would like to see if the city can draft an ordinance that will address the dumping and work on enforcing this consistently.

Ms. Moran said that if there were more enforcement of the illegal dumping laws and if there was a certain time frame allowed to address the dumping, then that would be something that she could get behind.

Ms. Manns said that she agreed with Mr. Maysilles and that the discussion of the accessory structure ideas and the craze of the tiny houses, neo-urbanism, and getting away from form based codes is all part of why the City is presenting these ideas to the Board. The responses from the Board helped gauge what the sentiment was for this type of structure. Ms. Manns said that from her perspective the City wants to wait until the new apartments have been constructed to see the outcome before the City introduces any further development in downtown. Another project proposed was small shopettes that would be made of shipping containers in Railroad Square and it was not met with a warm welcome. It would have been for small retailers that don't have the ability to finance a rental of a storefront. The food truck ordinance has been causing some uproar with the local shop owners who have put finances and time into growing their business, because the food trucks take away from the permanent shops in downtown. Pertaining to the illegal dumping, there is more authority than in the past with Municipal Civil Infractions Program. For example, we can give them one day to rectify the problem and can come back the next day to inspect and issue an immediate fine if the problem was not fixed.

Mr. Maysilles moved to adjourn the meeting. Mr. Grey seconded the motion.

#### **VIII. Adjournment:**

The meeting adjourned at 3:46pm.

Respectfully submitted,

---

Chris Bowman, Planner