



NEW PORT RICHEY

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

Land Development Review Board (LDRB) - Minutes

Date: August 15, 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
Dan Maysilles
Bob Smallwood
Louis Parillo
Nancy MacDonald, Alternate Member
Beverly Barnett, Alternate Member

Members Absent:

Mary Moran
Don Cadle, Jr., Vice Chairperson

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 June 20, 2019 minutes, which was seconded by Mr. Smallwood. The motion carried, and the Board approved the minutes 6-0.

III. Presentation: Variance VAR2019-06

Case: Variance Application VAR2019-06 – 6844 Grand Boulevard.
Property Location: 0.29 acres located approximately 15 feet east of Grand Boulevard and 17 feet south of Vermont Avenue.
Owner/Applicant: John Ellwood, 6844 Grand Boulevard, New Port Richey, FL 34652.
Request: A 5' variance to reduce the side setback from 25' to 20'.
Staff Contact: Chris Bowman, City Planner, 727-853-1044, bowmanc@cityofnewportrichey.org.

Mr. Bowman said that the subject property for variance application VAR2019-06, is located at 6844 Grand Boulevard. Mr. Ellwood, the property owner, is proposing a five foot variance to reduce the side north

setback from 25 feet to 20 feet to construct a 26x26 (676 sq. ft.) accessory detached garage. The south and east side of the property borders R-2 residential zoned properties. The primary structure (1,700 sq. ft.), built in 1942, is 7.5 feet from the front setback property line, 46 feet from the north side setback, 30 feet from the south side setback and 50 feet from the rear setback property line. The existing detached garage is currently 8.5 feet from the front yard property line and 4.3 feet from the north side property line. There is a utility pole south of the proposed garage and is approximately eight feet from the guywires and approximately ten feet from the utility pole. Duke energy's recommendation is that the structure needs to be five to seven feet from the power pole. The reason for the proposed garage is that the foundation for the existing garage is failing and the owner needs to rebuild. Section 7.02.11 (4) – R-2 Residential Zoning District - requires a 25-foot setback for properties that abut an avenue or street. Section 12.03.00 (2) requires that the detached accessory structures, be permitted only in the side and rear yards, and not encroach into any building setback from an abutting road or property line. The Development Review Committee (DRC) reviewed the proposal and determined that the five foot variance request is the minimum in order to meet safety requirements of 5' buffer from a utility pole and/or underground electric lines at the rear of the property. The applicant's proposed garage will be 10' from the utility pole and 8' from the guywire. The DRC recommends approval of the request.

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

IV. Presentation: Variance VAR2019-07

Case: Variance Application VAR2019-07 – 5436 Tropic Drive.
Property Location: 0.32 acres located approximately 12 feet east of Tropic Drive and 12 feet North of Warren Avenue.
Owner/Applicant: Daniel Eads, 5436 Tropic Drive, New Port Richey, FL 34653.
Request: A 10" variance to increase the fence height from 48" to 58".
Staff Contact: Chris Bowman, City Planner, 727-853-1044, bowmanc@cityofnewportrichey.org.

Mr. Bowman said that the subject property for variance application VAR2019-07, is located at 5436 Tropic Drive. Mr. Eads, the property owner, is proposing a 10 inch variance to install a vinyl picket fence with a height of 58 inches. To the north, south and west of the parcel is properties zoned R-3 residential district. To the east (rear) of subject property is a canal. The primary structure (2,100 sq. ft.), was built in 1965. The front setback is 27.2 feet from property line, 6 feet from the north side setback, 39.6 feet from the south side setback and 5 feet from the rear setback property line. The fence will be located on the north side of the property line and runs 74' from the west side of the pool deck to the canal. The applicant is requesting this variance for an increase in fence height because Section 12.05.00(j) states that no fence or hedge, planted in conjunction with or in place of a fence, located in a waterfront yard shall exceed four (4) feet in height. The Development Review Committee reviewed the request and the variance criteria. The proposal represents the minimum variance needed in order to construct a fence on the property. The DRC recommends approval of the request.

Mr. Parillo asked is the measurement of 74 feet for the fence line is correct. The screened pool area only takes up 24 feet so the concern was that the measurement is off on the displayed survey.

Mr. Eads, 5436 Tropic Drive, said that the fence measures roughly 74 feet as it comes past the pool deck and runs to the back corner of the house. The fence at the corner of the house is measured at four feet in height and is sloped towards the canal for water run-off. A small portion of the existing wall is unable to be removed.

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

V. Presentation: Rezoning REZ2019-01

Case: Rezoning Ordinance – ORDINANCE #2019-2168 - Northeast Industrial Area.
Property Location: 30.51 acres generally located on east of Congress Street, west and south of city boundaries, and north of Lomand Avenue.

Owner/Applicant: City of New Port Richey, 5919 Main Street, New Port Richey, FL 34652
Request: Review and recommendation to the proposed rezoning ordinance, for the Northeast Industrial Area, from C-2 Commercial District to Light Industrial.
Staff Contact: George Romagnoli, AICP, Planning and Development Director, 727-853-1038, romagnolig@cityofnewportrichey.org

Mr. Romagnoli said that the PowerPoint presentation being shown to the board is what was presented to the land owners when a meeting was held to discuss the proposed rezoning. The future land use map should bring together all of the elements of the comprehensive plan such as natural resources, economic development, housing and transportation. Generally a zoning map is created by a zoning ordinance and is always kept current. Zoning map will show the number of districts, into which the locality is divided, and the status and usage of each district. There are many cases where the zoning and land use are of a parcel are different, so the city's goal is to make both maps match. Mr. Romagnoli displayed the future land use map of the northeastern part of the city where it shows the industrial area zoned for light industrial. The current zoning map shows that the industrial area is mostly zoned C-2 Commercial District. Mr. Romagnoli displayed a list of permitted uses for light industrial zoning such as manufacturing, research and development, wholesaling/distributing, indoor storage and/or warehousing, indoor retail sales, restaurants, adult use establishments, telecommunications towers, urban agriculture, medical marijuana treatment center dispensing facility, beer gardens, tap rooms, brewpubs, nanobreweries, microbreweries, and breweries, and all other uses determined by the Development Review Committee (DRC). This change would not affect any of the existing businesses and would only apply to new businesses entering into this industrial area. The city currently has three different commercial districts which are C-2, C-1, and Highway Commercial. C-2 is more intense, meaning it would have a business like a hardware store or grocery store, than a C-1, which would have a business like a bakery or a tailor.

Mr. Maysilles requested a list of the current types of businesses allowed in the C-2 District to compare to the list of business types allowed in the Light Industrial District. It would be necessary to have the list of the C-2 District business types to compare to adequately address the proposed rezoning.

Mr. Smallwood said primarily any kind of big retail type complex is not able to be built in a light industrial area. Mr. Smallwood wanted to verify that the new zoning would not affect the current businesses in the industrial area that are zoned for C-2.

Mr. Romagnoli said that the C-2 District would have businesses such as a restaurant with the ability to have live entertainment, bowling alley, mechanical garage, gas stations, shopping centers/malls, and churches. The main difference between the Highway Commercial District and C-2 is that the auto dealerships are only allowed in the Highway Commercial District. Preserving the Industrial uses is highly important to the City as it provides high paying jobs and brings in more work for the population which in turn boosts the economy. The business owners and property owners were noticed and invited to have a meeting discussing the possible rezoning prior to it being brought before the board.

Ms. Barnett asked if there were any objections to the possible rezoning and would it cause any problems for the existing businesses there. There are warehouses in C-2 zoning that are currently non-conforming today. Ms. Barnett asked if there any businesses that are meant to be zoned C-2 and will not benefit from the change.

Mr. Parillo asked if the boundary displayed on the map where it shows Franko Court is the most eastern boundary of the city.

Mr. Romagnoli said that the boundary is very close, if not exactly, the eastern boundary line. Many people who live to the east of the boundary are part of Pasco County's jurisdiction. As businesses close down, the new businesses would have to conform to the new zoning for Light Industrial. The survey of the current businesses in this area, showed that they are all industrial type businesses.

Mr. Grey said that this means the current businesses would be considered existing non-conforming use of a structure. If they decide they want to sell their property, then they wouldn't be able to keep the business the same. If someone owns an existing non-conforming use building, they would never be able to rebuild with what was previously on the property due to a zoning change.

Ms. Manns said all business that are all bounded by this rezoning are currently existing non-conforming and this change would bring them all into conformance.

Matt Montague, 7908 Rutillio Court, is an owner of a business in this area is in favor of the Light Industrial zoning. He has had many businesses interested in his building, but due to the C-2 zoning it has restricted what kind of business is allowed. Mr. Montague said that with the zoning change it will allow for businesses like a welding shop. The building was built by Mr. Montague's father and was previously used for Frito-Lay.

Mr. Maysilles made a motion to recommend the rezoning be tabled until next meeting. Ms. Barnett seconded the motion Roll call vote: Mr. Grey, Yes; Mr. Maysilles, Yes; Mr. Parillo, Yes; Mr. Smallwood, Yes; Ms. MacDonald, Yes; Ms. Barnett, Yes. The motion passed (6-0).

VI. Presentation: Rezoning REZ2019-04 & Comprehensive Plan Amendment

Case: Rezoning Application REZ2019-04 – 6300 U.S. Highway 19 - Famous Tate.
Property Location: 1.48 acres located on the southeast corner of Main Street and U.S. Highway 19.
Owner/Applicant: Encore Main, LLC, 100 Main Street. STE 302, Safety Harbor, FL 34695.
Primary Contact: Tim Butler, Barkett Realty, 615 9th St. N, St Petersburg, FL 33701.
Request: Rezoning approval from Downtown to Highway Commercial.
Staff Contact: Chris Bowman, City Planner, 727-853-1044, bowmanc@cityofnewportrichey.org.

Mr. Grey declared a conflict of interest and vacated his position and Mr. Maysilles chaired for this presentation.

Mr. Romagnoli said the subject property was the former Walgreens located at 6300 US Highway 19. The subject site is divided between two different land use categories and zoning districts; with the northern section in the Downtown District and the southern section in the Highway Commercial District. The proposal is to renovate the building and convert to a Famous Tate retail store, which sells appliances and bedding. This type of business is not eligible as Downtown use, but eligible as Highway Commercial. It is recommended that both the zoning and land use be changed. Famous Tate has submitted renderings of a landscaping plan, the plans for taking out the drive-thru, and are prepared to update the current structure for their business. The Development Review Committee reviewed the request and recommends approval. It is not spot zoning, and it is compatible with both the past use of the building and surrounding uses currently. The agreement with Pasco County is if any properties are within one mile of the city they are asked to give comments on the proposed project, which was provided to all the members.

Mr. Smallwood asked what the difference is in retail business between the Downtown District and the Highway Commercial District. He understands that there are limitations to having it designated as a Downtown zoned building, but would much rather see this property be used than be left vacant and unkempt for a long period of time.

Mr. Romagnoli said that the Downtown retail uses are very specific such as businesses like a large restaurant. Mr. Romagnoli said that the orientation of the entrance to the building that is facing Main Street would be considered for the Downtown zoning, but a building facing US Highway 19 would be considered for the Highway Commercial zoning. This particular building has always been oriented as a US Highway 19 business.

Ms. Barnett said that previous to the Walgreens being built, the property was divided between the Downtown District and Highway Commercial so that everything was designated Downtown on Main Street. Ms. Barnett feels that Famous Tate is an enhancement for the city.

Mr. Maysilles said that the initial intent was likely to have continuous zoning that goes down Main Street to the highway, creating the Downtown Corridor, which is an entry point to Main Street. If rezoned to Highway Commercial, then the City is breaking that point of entrance to the Downtown District. This would allow any commercial business to reside at the entrance to Main Street. Mr. Maysilles said that he feels the board should also consider the future of this location and what would be best for the City.

Tim Butler, 11385 4th Street East, Treasure Island, is the real estate agent representing Famous Tate. Mr. Butler said regarding the Downtown District use, if a business would like to come in and utilize the space under this zoning, a home furnishing business is allowable.

Mr. Smallwood made a motion to recommend approval of the Comprehensive Plan Amendment. Ms. Barnett seconded the motion. Roll call vote: Mr. Maysilles, No; Mr. Parillo, Yes; Mr. Smallwood, Yes; Ms. MacDonald, Yes; Ms. Barnett, Yes. The motion passed (4-1).

Mr. Smallwood made a motion to recommend approval of the rezoning. Ms. Barnett seconded the motion. Roll call vote: Mr. Maysilles, Yes; Mr. Parillo, Yes; Mr. Smallwood, Yes; Ms. MacDonald, Yes; Ms. Barnett, Yes. The motion passed (5-0).

VII. Presentation: Ordinance ORD#2019-2166

Case: Code Amendment – ORDINANCE #2019-2166 – Ordinance regulating automotive and truck sales.
Property Location: U.S. Highway 19 Commercial Corridor.
Owner/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, romagnolig@cityofnewportrichey.org.

Ms. Manns said that City Council effectuated a 180 day moratorium on April 23, 2019. The City has a proliferation of used car dealerships on US Hwy 19, and all have varying degrees of stewardship. From the right-of-way the appearance is poor, and the dealerships have an impact on property values in the area. The reason for their poor appearance is because they are storing too much stock on their properties, and have no regard for landscaping, customer parking, or signage. Ms. Manns has been working with the Planning and Development Department and business owners to come up with standards that we feel comfortable recommending to the board. We have been thoughtful in the approach, standards, and the implementation strategy. The City is also offering financial incentives for making improvements to the property.

Mr. Romagnoli said that the moratorium was created to review current regulations on all used car dealerships. In the research that was done over the last six months, it was determined that the regulations should only apply towards used car dealerships. There are only two new car dealerships that have to follow regulations from the manufacturers to have the cars sold on their lots. These two dealerships are the Volkswagen and the Kia Dealership. There was wide spread concern as to why the city is making more regulations and it affecting the economic quality of the city. When the Planning and Development staff researched the issue they sought out information from other communities. There were group or individual meetings held with dealers to discuss possible regulations. The Ordinance written and reviewed by City's Planning Consultant and City Attorney. Some of the proposed Ordinance regulations are that dealerships are limited to Highway Commercial zoning, having a one acre minimum lot size for new dealerships, having a minimum 100 foot frontage along US Hwy 19, having outdoor inventory on paved surfaces, and outdoor inventory areas must be landscaped and have trees in parking and inventory area. Inventory cannot be parked in a way that restricts access to lot, cannot be located in a buffer or landscape area, and can only be on lots approved by the City. Sales and rental office buildings shall be at least 1,000 gross square feet in size. The use of balloons, decorative flags banners, streamers, search and beacon lights, and wind-blown or inflatable attention devices are prohibited. Inoperable vehicles, disassembled or partially disassembled vehicles shall not be parked, stored, or displayed in the vehicle display area nor in any buffer areas or landscaped areas. These vehicles must be parked or stored, and screened from the view from outside of the property, or stored or parked within a building. Service areas shall be oriented away from residential areas. There will be parking standards created for customer parking. The new separation requirements will state that there cannot be any new used car dealerships allowed within 1,000 linear feet of each other. Existing businesses will not have to comply with lot size requirements, sales office size, and separations requirements. They must comply within one year with all other requirements from City Council approval.

Mr. Smallwood asked if the 1,000 square foot size of the office would have to be brick and mortar or be two double wide trailers put together. The concern is that it will be a temporary fix to having an office space and become a visual blight. Mr. Smallwood asked if most the dealership land is owned or leased, and if the incentives are presented to the landowners, would it help with bringing them in by compliance.

Mr. Romagnoli said that a double wide modular building is not allowed in any Commercial District. But if it were an approved state modular building, then it would be an allowable structure. This rule would not apply to the existing businesses.

Ms. Barnett asked if the used car lots would have to comply with the 1,000 square foot office space within one year. Another concern is that the new dealerships are not included in this ordinance to be regulated for landscaping, spacing, and having huge lots. To make these changes and updates to the smaller dealerships can cause a financial hardship on their livelihood. Ms. Barnett asked about what ordinance the Kia dealership will have to operate under if this is still in discussion.

Ms. Manns said that the Kia dealership has made promise to the City that they are planning on constructing a new building and will come into compliance with the standards. But, this has not occurred. So as a result, the City is currently in negotiations with the Kia dealership owner Mr. Gillis, for a letter of agreement to bring the property into compliance. The Kia dealership is parking within the required landscape areas and has a lack of landscaping on the entire property. The Kia dealership follows the off-street parking and loading code for all their stock and will have to comply with the landscaping code.

Mr. Grey said that the diesel truck parking lot is completely in compliance and keeps it extremely clean and maintained.

Ms. MacDonald said that she wants this district to be cleaned up and look nicer for those who visit the City of New Port Richey.

Mr. Maysilles said that when the new car dealerships are not included in these conversations and are not held to the same standards it creates a negative situation. There are some abuses that have not been corrected with the larger dealerships and to allow them to agree to a letter without complying with the same standards is unacceptable. We need to hold all dealerships to these standards and enforce the new requirements equally.

Mr. Maysilles made a motion to table the Ordinance until the city can include all dealerships. Mr. Parillo seconded the motion. Roll call vote: Mr. Grey, Yes; Mr. Maysilles, Yes; Mr. Parillo, Yes; Mr. Smallwood, Yes; Ms. MacDonald, Yes; Ms. Barnett, Yes. The motion passed (6-0).

VIII. Adjournment:

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

The meeting adjourned at 3:22pm.

Respectfully submitted,

Chris Bowman, Planner