



DEVELOPMENT DEPARTMENT REPORT

The agenda request before the City Council is an Ordinance amending the 2030 Comprehensive Plan's Future Land Use Element. The agenda request is before the City Council because Florida Statutes § 163.3184 requires the City Council hold duly noticed public hearings subsequent to a Local Planning Agency (LPA) hearing on a Comprehensive Plan amendment and the Land Development Review Board, sitting as the LPA, held on February 20th, 2020, a duly noticed public hearing on the amendment. *The Development Department Director recommends the Council approve the staff recommendation.*

I. BACKGROUND

The Development Department is initiating amendments to Future Land Use Element (FLUE) Table FLU 1.1.3 in order to allow two proposed developments to move forward and to make other changes to facilitate future development. The first proposed development consists of six vacant lots at 6414 Madison Street totaling 15,000 square feet or 0.34 acres (See Attachment A). Each lot has 25 lineal feet of street frontage with 100 lineal feet of depth and a size of 2,500 square feet. On this 0.34-acre property, the Applicant desires to construct a mixed use

development consisting of eight (8) dwelling units and 2,000± square feet of office space. The Future Land Use Map (FLUM) shows that property is located within the Downtown category (See Attachment B) and the FLUE, FLU Table 1.1.3 (See Attachment C), allows a maximum 15 dwelling units per acre and a maximum 2.0 floor area ratio (FAR). Based on the size of the property, the Downtown category would allow 5 dwelling units and 30,000 square feet of commercial space to be constructed on the property.

The City's Zoning District Map (ZDM) shows the property is located within the Residential 3 (R-3) zoning district (See Attachment D). The R-3 zoning district establishes a minimum lot size of 5,000 square feet with a minimum 50 lineal feet of street frontage (See Attachment E). Based on these regulations, three (3) dwelling units could be constructed but commercial development would be prohibited.

The Comprehensive Plan's Livability Element, Policy LIV 2.3.2 (See Attachment F) provides that "The frontage along Madison Street between Main Street and Massachusetts Avenue should be designed to strengthen the connection between the North Bay Hospital Employment District and Downtown." Further, Objective LIV 1.2 (See Attachment G) provides for "Mixed-use developments that create living and attractive destinations through synergistic relationships between buildings, spaces and the pedestrian-oriented transportation system."

In order to allow a mixed use development with eight (8) dwelling units and commercial space on this site and to strengthen the connection between North Bay Hospital and Downtown, the Downtown category provisions in FLUE Table FLU 1.3.3 would need to be amended to change the maximum residential density from 15 to 24 dwelling units per acre. In addition, the property most likely would need to undergo a Zoning District Map or rezoning amendment.

The second development consists of the redevelopment of three parcels totaling 4.68 acres on the southeast corner of Main Street and US 19, which is the gateway into Main Street and the City's downtown. The property consists of the vacant Walgreens building, a restaurant (which has been demolished), and a vacant strip shopping center (See Attachment H). The Kaiser University Conceptual Site Development Plan calls for the Walgreen's site and a portion of the shopping center site totaling 1.97 acres to be redeveloped for a 40,000 square foot university, which is a Public/Semi-public use (See Attachment I). Kaiser University, a private non-profit university based in Florida that provides educational programs at the undergraduate, graduate, and doctorate levels in both traditional and online delivery formats, is the proposed tenant. The Conceptual Site Development Plan also proposes a multi-level garage on 1.45 acres while reserving the remaining 1.26 acres for future development, which could include a hotel.

The FLUM shows the property is located within both the Downtown and Highway Commercial categories (See Attachment J). FLUE FLU Table 1.1.3 (See Attachment C) shows that in the Downtown category Public/Semi-public uses are allowed as a primary use but the Gross Density/Intensity and Locational Criteria provides that sites greater than 1.0 acre are required to incorporate a residential component. In the Highway Commercial category, Public/Semi-public uses are prohibited as a primary use but allowed as a secondary use. Economic studies have shown that universities and college can revitalize a downtown because it contributes toward the knowledge economy. The knowledge economy (or the knowledge-based economy) is the use of knowledge to create goods and services. In order to allow this development to move forward, amendments to FLUE Table 1.3.3 are needed.

The Official Zoning District Map (OZDM) shows the property is located within the Downtown and Highway Commercial zoning district (See

Attachment K). Although the Downtown zoning district allows public and private schools, it does not allow a university. Likewise, the Highway Commercial zoning district does not allow a university. A companion agenda request has been prepared to address the zoning district issues.

Finally, in order to allow and encourage developers to make substantial investments within the City's Downtown Core and in order to provide a sufficient number of persons to make downtown businesses profitable, it is necessary to increase the maximum allowable density. FLUE Table FLU 1.3.3 currently restricts maximum densities to 30 dwelling units per acre and allows a 2.0 FAR. The Development Department proposes allowing the conversion of 0.1 FAR to one dwelling unit per acre up to 40 dwelling units per acre. Densities can be increased from 40 to 50 dwelling units per acre through the Transfer of Development Rights (TDR) program. This program allows the transfer of residential units from the Coastal High Hazard Area to areas less subject to flooding and future sea level rise.

II. PROPOSED ORDINANCE

Attachment L is an Ordinance of the City of New Port Richey, Florida amending the 2030 Comprehensive Plan, Future Land Use Element (FLUE); amending Table FLU 1.1.3., Future Land Use Categories and revising the Downtown, Downtown Core and Highway Commercial categories by modifying primary and secondary uses, increasing gross density through the conversion of floor area ratio and Transfer of Development Rights, creating an exception for public/semi-public uses, and making editorial corrections; providing for conflicts; providing for severability; and providing for an effective date.

III. DATA & ANALYSIS

Florida Statutes § 163.3177(f) provides all mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the comprehensive plan or plan amendment. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue.

Florida Statutes § 163.3177(f)2 provides data must be taken from professionally accepted sources. The application of a methodology utilized in data collection or whether a particular methodology is professionally accepted may be evaluated. However, the evaluation may not include whether one accepted methodology is better than another. Original data collection by local governments is not required. However, local governments may use original data so long as methodologies are professionally accepted.

This staff report is intended to serve as the data and analysis needed to support adoption of the ordinance amending FLU Table 1.3.3.

A. Section-by-section analysis. The Ordinance contains one (1) substantive section and three procedural sections (conflicts, severability, and effective date). This part of the staff report addresses the substantive section.

1. *Section 1.* The proposed Ordinance amends FLU Table 1.3.3 by making changes to three different FLUM categories: Downtown, Downtown Core, and Highway Commercial.

- a. Downtown. The Ordinance proposes five (5) changes to this category. First, it replaces the word “Transient Accommodation” with “Public” accommodation. This change is being made because the Land Development Code was recently amended to create a new land use called “Transient Residential Lodging”, which is defined as the leasing or letting of rooms in any facility that does not contain a full kitchen to persons who typically do not have another primary residence. The change is intended to differentiate these types of facilities from other public accommodations, such as resorts, hotels, motels, and similar facilities.

Second, it allows as a primary use parking lots and structures. The Kaiser University Concept Site Development Plan proposes a parking lot or parking structure but this category does not list those uses as a primary use. The proposed amendment addresses this omission.

Third, it allows for the increase of residential density from 15 to 25 dwelling units per acre. The first nine du/ac (i.e., 16 to 24) can be achieved by converting floor area ratio to dwelling units as is shown below.

**DOWNTOWN CATEGORY CONVERSION RATE PER ACRE
FROM FLOOR AREA RATIO TO DWELLING UNITS**

FLOOR AREA RATIO	SQUARE FEET	NUMBER OF DWELLING UNITS
2.00	87,120	15
1.87	81,312	16
1.73	75,504	17
1.60	69,696	18
1.47	63,888	19

FLOOR AREA RATIO	SQUARE FEET	NUMBER OF DWELLING UNITS
1.33	58,080	20
1.20	52,272	21
1.07	46,464	22
0.93	40,656	23
0.80	34,848	24

This change addresses one of the Comprehensive Plan issues related to the proposed development on Madison Street. An additional dwelling unit (the 25th unit) can be achieved by purchasing units through the Transfer of Development Rights program.

Fourth, an exception to the requirement a site greater than one acre incorporate a residential component is provided for Public/Semi-public uses. This change supports the proposed Keiser University development.

Fifth, retail uses are changed to commercial uses. This provides greater flexibility by allowing offices on the ground floor.

- b. Downtown core. The Ordinance proposes three changes to this category that are similar to the first three changes proposed in the Downtown category. The key differences are that the density increases from 30 to 50/du acre: units 31 through 40 are achieved by converting 0.1 floor area ratio for each dwelling unit.

**DOWNTOWN CATEGORY CONVERSION RATE PER ACRE
FROM FLOOR AREA RATIO TO DWELLING UNITS**

FLOOR AREA RATIO	SQUARE FEET	NUMBER OF DWELLING UNITS
2.00	87,120	30

FLOOR AREA RATIO	SQUARE FEET	NUMBER OF DWELLING UNITS
1.9	82,764	31
1.8	78,408	32
1.7	74,052	33
1.6	69,696	34
1.5	65,340	35
1.4	60,984	36
1.3	56,628	37
1.2	52,272	38
1.1	47,916	39
1.0	43,560	40

Units 41 through 50 are obtained by purchasing units through the Transfer of Development Rights program. These changes are intended to provide incentives for developers to build additional residential units in the Downtown core.

- c. Highway Commercial. The Ordinance proposes three changes to this category. First, it replaces the word “Transient” Accommodation” with “Public” accommodation. Second, it makes Public/Semi-public uses a primary use instead of a secondary use. Third, it allows parking lots and structures as a primary use. These changes are designed to facilitate the development of the university.

B. Comprehensive Plan consistency. The Development Department concludes the Ordinance is generally consistent with the following Comprehensive Plan provisions:

- 1. Future Land Use Element GOAL FLU 1, which provides “To promote compatible land uses which will maximize, enhance and preserve New Port Richey’s unique and attractive characteristics in a manner consistent with the economic,

physical, ecological and social needs, capabilities and desires of the community.”

Analysis: The proposed Ordinance maximizes the City’s economic needs by allowing for the conversion of floor area ratio to residential density and by allowing parking lots and structures on property within the Downtown and Highway Commercial categories.

2. FLU Policy 1.1.3, which provides “Future development and redevelopment in the City shall be consistent with the requirements of the Future Land Use Map categories set forth in the companion table to this policy (see Table FLU 1.1.3). Only those land uses, densities and intensities specified for the Future Land Use Map category are permitted unless uses, densities and intensities specified in the zoning regulations are more restrictive. In such cases, the zoning regulations shall prevail.”

Analysis: The proposed Ordinance amends FLUE Table FLU 1.3.3 to encourage redevelopment of the Downtown and Downtown Core categories.

3. FLU Policy 1.2.2, which provides “The City shall encourage a balanced land use mix providing for a variety of housing styles, densities and open space.”

Analysis: The proposed Ordinance encourages a mix of land uses and provides for higher densities within the Downtown and Downtown Core categories.

4. FLU Policy 1.6.1, which provides “In order to encourage the best use of the Highway Commercial, General Commercial,

Downtown, Downtown Core, Residential/Office and Residential/Office/Retail land use categories, the City shall establish incentives which enhance the opportunities for mixed use development in these categories.”

Analysis: The proposed Ordinance encourages the best use of the Downtown and Downtown Core categories through an incentive that allows the conversion of FAR to higher residential densities. It also encourages the best use of the Highway Commercial category by removing an obstacle which would prohibit the location of a university.

- C. Public notice.** Florida Statutes § 166.041(2) provides each ordinance shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act or section or subsection or paragraph of a section or subsection.

Florida Statutes § 166.041(3) provides a proposed ordinance may be read by title, or in full, on at least 2 separate days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

The proposed Ordinance is in writing and it embraces a single subject, an amendment to the Comprehensive Plan’s Future Land

Use Element. The proposed Ordinance has been noticed in the Tampa Bay Times, a newspaper of general circulation within the City of New Port Richey, and a copy of the proof of publication is included within the February 20, 2020 LDRB agenda package. The notice states the date, time and place of the LDRB and City Council meetings, the ordinance titles, where the ordinance can be inspected, and advises that interested parties may appear at the meeting and be heard.

Florida Statutes § 163.3184(1)(b)1 provides “The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment as follows:

1. The first public hearing shall be held at the transmittal stage. It shall be held on a weekday at least 7 days after the day that the first advertisement is published pursuant to the requirements of chapter 125 or chapter 166.
2. The second public hearing shall be held at the adoption stage. It shall be held on a weekday at least 5 days after the day that the second advertisement is published pursuant to the requirements of chapter 125 or chapter 166.

The proof of publication shows the City Council’s first public hearing will be held on March 3rd, 2020 and the second will be held at the adoption stage. Based upon the above, it is conclude the application has been processed consistent with public notice requirements.

IV. ATTACHMENTS

Attachment A: Aerial photograph of 6414 Madison Street

Attachment B: Future Land Use Map, Excerpt

Attachment C: FLUE Table 1.3.3, Future Land Use Map Categories, Excerpt

Attachment D: Official Zoning District Map, Excerpt

Attachment E: Land Development Code § 7.03.00, R-3 Residential District, Excerpt

Attachment F: Livability Element, Objective LIV 2.3 on Employment Districts

Attachment G: Livability Element, Objective 1.2 on Mixed Use Development

Attachment H: Aerial photograph of southeast corner of Main Street and US Highway 19

Attachment I: Kaiser University Conceptual Site Plan

Attachment J: Future Land Use Map, Excerpt

Attachment K: Official Zoning District Map, Excerpt

V. FINDINGS AND CONCLUSIONS

Based upon the information contained in this Development Department Report, the following findings of fact and conclusions of law are offered:

- A. Future Land Use Element (FLUE) Table FLU 1.3.3 prohibits the location of a university or college within the Downtown and Highway Commercial Future Land Use Map (FLUM) categories.
- B. The City has an opportunity to revitalize its downtown by attracting a university to locate at the gateway into Main Street and downtown.
- C. In order to allow a university at this location, it is necessary to amend FLUE Table 1.3.3 Downtown and Highway Commercial categories. Further, changes to the Downtown Core category are needed to encourage higher densities. The proposed Ordinance makes changes to these categories in order to allow both the university and a mixed use development to move forward.
- D. The proposed ordinance is consistent with the Comprehensive Plan and has been processed consistent with the public notice requirements.

VI. ALTERNATIVE ACTIONS

The LDRB has one of the following alternative actions at its disposal:

- A. Enter the Development Review Report and all competent substantial evidence presented at the hearing into the record and forward the record to the Council with a recommendation the Ordinance be adopted as submitted.
- B. Enter the Development Review Report and all competent substantial evidence presented at the hearing into the record, amend the record to support changes, and forward the record to

the Council with a recommendation the Ordinance be adopted with changes, such as:

1. Within the Downtown Future Land Use Map (FLUM) category, the change allowing ground floor commercial use (which includes offices) instead of retail use should not be changed.
- C. Enter the Development Review Report and all competent substantial evidence presented at the hearing into the record and forward the record to the Council with a recommendation the Ordinance be denied for one or more of the following reasons:
1. The amendment allowing the maximum allowable density in the Downtown FLUM category from 15 to 25 dwelling units per acre is too high; or
 2. The amendment allowing the maximum allowable density in the Downtown Core FLUM category from 30 to 50 dwelling units per acre is too high; or
 3. Public/Semi-public uses should not be allowed as a primary use in the Highway Commercial FLUM category.
- D. Enter the Development Review Report and all competent substantial evidence presented at the hearing into the record and forward the record to the Council with a recommendation the Ordinance be continued until such time as additional information is brought back to support.

VII. RECOMMENDED ACTION

- A. Recommendation. The Development Department recommends the Land Development Review Board enter this staff report and all other competent substantial evidence presented at the hearing into the record, and forward the record to the City Council with a recommendation the Ordinance be adopted as submitted.
- B. Board action. Scheduled for the February 20th, 2020 LDRB public hearing.
- C. City Council first reading. Scheduled for the March 3rd, 2020 City Council public hearing.
- D. City Council second reading and adoption. Date will be scheduled after receipt of the state planning agencies objections, recommendations, and comments report.