

**LAND DEVELOPMENT REVIEW BOARD SPECIAL PUBLIC HEARING
HELD ON May 21st, 2020 AT 2:00 P.M.
IN THE CITY HALL COUNCIL CHAMBERS
NEW PORT RICHEY, FLORIDA**

I. CALL TO ORDER

Vice-Chairperson Dr. Donald Cadle, Jr. called the May 21st, 2020 Land Development Board (LDRB) public meeting and hearing to order at 2:00 p.m. The meeting/hearing was conducted through the use of Communications Media Technology.

II. PLEDGE OF ALLIGIANCE

Vice-Chairperson Dr. Cadle, Jr. led the LDRB in the pledge of allegiance.

III. ROLL CALL

Vice-Chairperson Dr. Cadle, Jr. requested Development Department Director Earl R. Hahn to call the roll and the following persons were in attendance:

Members in Attendance

Chairperson, John Grey
Vice Chairperson, Donald Cadle, Jr.
Dan Maysilles
Nancy McDonald
Louis Parillo
Bob Smallwood
Frank Starkey

Others in Attendance

Debbie Manns, City Mgr.
Lisa Algieri, Senior Planned
Chris Bowman, City Planner
Earl R. Hahn, Dev. Dept. Dir.

Members Absent

Beverley Barnett

Director Hahn announced a quorum was present. Vice Chairperson, Donald Cadle, Jr. was the only LDRB physically present.

IV. SET OR AMEND THE AGENDA

Vice-Chairperson Dr. Cadle, Jr. requested a motion to set or amend the agenda. Mr. Parillo moved to set the agenda, which was seconded by Ms. McDonald and approved unanimously 7-0.

V. DECEMBER 19th, 2019 MINUTES: REQUEST MOTION TO APPROVE

Vice-Chairperson Dr. Cadle, Jr. requested a motion to approve the December 19th, 2019, January 16th, 2020, February 3rd, 2020 and February 20th, 2020 meeting minutes. Ms. McDonald moved to approve, which motion was seconded by Mr. Smallwood and approved unanimously 7-0.

VI. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Vice-Chairperson Dr. Cadle, Jr. opened the floor to the public so that they could address the LDRB on any non-agenda items. There being no public comments, the Chairperson closed the public forum.

VII. PROOF OF PUBLICATION: REQUEST MOTION TO RECEIVE AND FILE

Vice-Chairperson Dr. Cadle, Jr. requested a motion to receive and file proof of publication into the public record. Chairman Grey moved to receive and file proof of publication, which motion was seconded by Mr. Starkey and which passed unanimously 7-0.

VIII. DEVELOPMENT DIRECTORS COMMENTS

Development Director Earl R. Hahn introduced himself and the other members of the Planning and Zoning Division and stated the agenda includes four quasi-judicial and two legislative agenda request. He briefly outlined the difference between the two procedures.

Director Hahn stated that that the Land Development Code 5.01.10 provides that an applicant shall attend all hearings in reference to the application for zoning or rezoning which the applicant has filed. In addition, the quasi-judicial procedures require all persons offering testimony to be sworn-in and grant the applicant the right to cross-examine witnesses. In order to facilitate the LDRB meeting, the Department sent the applicants an email allowing them to consent to the following: waiving the right to be present, accepting staff as an expert witness, accepting the staff report as evidence into the record, and waving the right to cross-examine witnesses. Mr. Hahn stated the Department received emails from the two applicants seeking a rezoning to Light Industrial (LI) district consenting to the above-described terms and those emails were entered into the record.

Director Hahn then asked all persons who will be testifying to stand up and be sworn and Senior Planner Lisa Algieri, Planner Chris Bowman, and Mr. David Hackett were sworn-in. Mr. Paul Steinmann was in the audience and he was asked if he wanted to be sworn-in so he could testify but he declined to do so.

IX. ACTION ITEMS

- A. **Ordinance No. 2020-2179:** *An Ordinance of the City of New Port Richey, Florida amending the Land Development Code (LDC) Zoning District Map; granting to the Owner RNTC, LLC a development order (RES 2019-07) approving a change in the zoning district as is displayed in Exhibit A from General Commercial (C-2) to Light Industrial (LI) for a 0.726 acre property, the street address being 6656 and 6700 Orchid Lake Road, the parcel identification number being 33-25-16-015A-00000-0240, and the legal description provided in Exhibit B; and providing for an effective date.*

Director Hahn read the title of the Ordinance into the record and introduced Senior Planner Lisa Algieri, who made the staff presentation on the application. Ms. Algieri summarized her educational background and her decades of experience in the planning profession and she was accepted as an expert witness without objection. Senior Planner Algieri guided the LDRB members through the staff report and the conclusion the application was consistent with the guidelines for a rezoning. Subsequently, she requested the LDRB move to recommend to the City Council the proposed Ordinance be adopted. At the

conclusion of the presentation, Senior Planner Algieri stated she would entertain any questions.

Discussion subsequently ensued. The members noted that since the property was in an area shown on the Future Land Use Map (FLUE) as Industrial, why the zoning for that entire area wasn't changed to Light Industrial district. In addition, an issue relating to the differences in the allowable land uses between the General Commercial (C-2) and the LI district was raised. There being no further discussion, Chairman Grey moved to recommend the City Council approve the Ordinance, which motion was seconded by Mr. Maysilles, and which passed unanimously 7-0.

After the vote, Mr. Steinmann complained he was not allowed to offer his comments. Vice-Chairperson Dr. Cadle, Jr. requested Director Hahn give Mr. Steinmann the oath and Mr. Steinman was sworn in. Mr. Steinmann is the owner of the adjoin property located at 6722 Orchid Lake Road and raised three issues: that the granite stone company was spilling granite filled water into his yard; that the grass behind his building was cut and he is fearful a dumpster will be placed there; and concerns about a fence. Subsequently, some LDRB members expressed concern about taking a vote on the ordinance before receiving public testimony. Vice-Chairperson Dr. Cadle, Jr. noted Mr. Steinmann was given the opportunity to be sworn-in and provide testimony but he declined to do so. In addition, the issues he raised pertained to code enforcement issues and did not relate to any of the rezoning guidelines and, therefore, was a harmless procedural error.

- B. ***Ordinance No. 2020-2187: An Ordinance of the City of New Port Richey, Florida amending the Land Development Code (LDC) Zoning District Map; granting to the Owner Unicam Group II, Inc. a development order (REZ 2020-01) approving a change in the zoning district as is displayed in Exhibit A from General Commercial (C-2) to Light Industrial (LI) for a 0.46 acre property, the street address being 6626 Orchid Lake Road, the parcel identification number being 33-25-16-015A-00000-0200, and the legal description being Lot 20 and the East 1.0 foot of Lot 19, ORTERO & FRANCINE COMMERCIAL CENTER, FIRST ADDITION, according to the plat thereof, as recorded in Plat Book 23, Pages 131-134, in the public records of Pasco County, Florida; and providing for an effective date.***

Senior Planner Algieri made the staff presentation on the application. She guided the LDRB members through the staff report and the conclusion the application was consistent with the guidelines for a rezoning. Subsequently, she requested the LDRB move to recommend to the City Council the proposed Ordinance be adopted. At the conclusion of the presentation, Senior Planner Algieri stated she would entertain any questions.

Once again the members noted that since the property was in an area shown on the FLUE as Industrial, why wasn't the zoning for that entire area changed to Light Industrial district? Another issue raised was whether some expedited process could be used for these types of rezoning. Ms. Algieri noted the land uses allowed in the C-2 zoning district were different that that allowed in the LI zoning district and a blanket rezoning of the area would make many businesses

non-conforming uses. Another procedural error was raised noting that staff had failed to read the title of the Ordinance into the record. There being no further discussion, Mr. Smallwood moved to recommend the City Council approve the Ordinance, which motion was seconded by Chairman Grey, and which passed unanimously 7-0

- C. ***Ordinance No. 2020-2188: An Ordinance of the City of New Port Richey, Florida amending the Land Development Code (LDC) Zoning District Map; granting to the Owner City, of New Port Richey, a development order (REZ 2020-02) approving a change in the zoning district as is displayed in Exhibit A from Office (O) to Public/Semi-Public (P/SP) for a 1.18± acre property, the street address being 5220 Grand Boulevard, the parcel identification number being 08-26-16-0010-04500-0020, and the legal description provided in Exhibit B; and providing for an effective date.***

Director Hahn read the title of the Ordinance into the record and introduced Planner Chris Bowman, who made the staff presentation on the application. Mr. Bowman summarized his educational background and professional planning experience and was accepted as an expert witness without objection. Planner Bowman guided the LDRB members through the staff report and the conclusion the application was consistent with the guidelines for a rezoning. Subsequently, he requested the LDRB move to recommend to the City Council the proposed Ordinance be adopted. At the conclusion of the presentation, Planner Bowman stated he would entertain any questions.

Mr. Parillo noted the City had acquired the property through a gift from the estate of the late Mr. Boleslaw Kulhawik. He believed the City should acknowledge this gift through some type of memorialization. The LDRB was in agreement and subsequently Chairman Grey moved to recommend the City Council approve the Ordinance subject to providing some memorialization of the bequest, which motion was seconded by Mr. Parillo and which passed unanimously 7-0.

- D. A Resolution of the City of New Port Richey, Florida Land Development Review Board granting to Mr. David Hackett a variance from Land Development Code Section 7.04.02 to allow within the Residential Multi-Family 10 (MF-10) zoning district a reduction of the required rear yard setback from 10 feet to 7 feet in order to allow the expansion from 72 to 144 square feet of an enclosed rear yard patio on a 0.076-acre property located at 6226 Emerson Drive, the Property Identification Number being 33-25-16-0140-00000-0530, and legally described as Lot 53, THE PINES OF NEW PORT RICHEY, according to the plat thereof, as recorded in Plat Book 22, Pages 31 through 33 inclusive, in the public records of Pasco County, Florida; providing for an effective date.

Director Hahn read the title of the Ordinance into the record and Senior Planner Algieri made the staff presentation on the application. She guided the LDRB members through the staff report and the conclusion the application was consistent with the guidelines for a variance. Subsequently, she requested the LDRB move to recommend to the City Council the proposed Ordinance be adopted. At the conclusion of the presentation, Senior Planner Algieri stated she would entertain any questions.

There being no questions, Mr. David Hackett introduced himself and stated he supported the staff recommendation. Mr. Hackett then inquired if the LDRB approved the variance, when he would be able to commence construction. Director Hahn stated that if approved, he would have his building permit released today and that he would instruct his staff to call the contractor and inform him the permit is ready for pick up. There being no questions of the Applicant, Mr. Maysilles moved to recommend the Resolution be adopted, which motion was seconded by Mr. Smallwood and which passed unanimously 7-0.

After the vote, Vice-Chairman Dr. Cadle, Jr. announced he no longer would be able to continue to chair the meeting and proposed the remaining two agenda requests be continued to the next LDRB meeting. Director Hahn noted the next LDRB meeting is scheduled for June 4th, 2020. The meeting was adjourned without objection.

X. ADJOURNMENT

The public hearing was adjourned at 3:12 p.m.

Approved by: _____
John Grey, Chairperson

Date: June 4th, 2020