



**Land Development Review Board Minutes
New Port Richey City Hall, Council Chambers
5919 Main Street, New Port Richey, Florida 34652
December 17, 2020**

Call to Order – Roll Call

Chairman John Grey called the December 17, 2020 Land Development Review Board (LDRB) public meeting and hearing to order at 2:00 pm.

Chairman Grey requested a roll call of members present be conducted and Lisa Algieri declared the following persons were in attendance:

Members in Attendance

Chairman John Grey
Vice-Chairman Dr. Donald Cadle, Jr.
Bob Smallwood
Nancy MacDonald
Dan Maysilles
Louis Parillo
Frank Starkey
Marilyn deChant

Others in Attendance

Debbie L. Manns, City Manager
Lisa Algieri, Sr. Planner
Chris Bowman, Planner
Tim Driscoll, City Attorney
Brad Cornelius, Wade Trim, Consultant

Members Absent

Beverly Barnett

Ms. Algieri announced a quorum present and Mr. Starkey, 1st alternate, would be voting.

Pledge of Allegiance

Chairman Grey led the LDRB in the pledge of allegiance

Approval of Minutes: November 19, 2020

Mr. Starkey made a motion to approve the minutes and Mr. Smallwood seconded the motion. Approved unanimously 7-0.

Case: Land Use Map Amendment
Applicant: VS NP RICHEY, LLC
Representative: Brian Aungst

Location: 6120 Congress Street
Proposed Use: Higher density Assisted Living Facility
Request: Amend the Future Land Use Map from LMDR-10 to HDR

Brad Cornelius made a Power Point presentation of the staff report. The current property has 126 beds which was built prior to the adoption of the Comprehensive Plan making the property legally non-conforming. Based on the Future Land Use Map the permitted number of beds is 39. If approved, the number of beds permitted will be 177. Mr. Cornelius informed the LDRB of how staff analyzed the request including historical context, Future Land Use Policies, and surrounding development patterns. He reported that the Development Review Committee reviewed the case on October 29, 2020 and recommended denial for the following three reasons:

1. The future land use of a property determines the appropriate zoning. It is not correct that the zoning of a property determines the future land use of a property.
2. The increase of density to HDR-30 is not consistent with the surrounding land uses to the north (LMDR-10 and Public/Semi-Public), south (Pasco County – Residential-12 du/acre), and west (LMDR-10).
3. The increase of density outside of the City's Downtown and Downtown Core is not consistent with the stated intent of the City to promote increased density within the Downtown and Downtown Core.

Mr. Brian Aungst, representing the owners, made a presentation to the Board in favor of the request. He noted that the ability to rebuild in the event of loss of structure is only when there is a disaster. In the event of a crime, the building could not be rebuilt at the current 126 beds. He also noted that the ability to rebuild is subject to City Council approval.

Mr. Robert Pergolizzi, Planning Consultant, representing the owners, addressed the LDRB. He also noted the limited ability to rebuild. He also informed the Board that there is a mix of uses in the area including commercial, Post Office and the Wilds. Based on the mixed use he believes that the requested Land Use Map amendment is appropriate. He also informed the Board that he had conducted a parking study of the property which would limit the number of beds to 150. Finally, he stated that the request is consistent with several Comprehensive Plan policies.

John Moshno, owner, spoke about the investment made in the property. He informed the Board that \$4M had been invested and the current number of employees is 90 with a payroll of \$2M. If approved he anticipates ten employees will be added to the payroll.

There was no opposition from the public.

Mr. Starkey questioned the bed multiplier and if it would be better to make that change. Mr. Driscoll informed the Board that there are several factors that go into determining the bed multiplier and that it is not a direct correlation to a single-family dwelling unit. Other comments addressed setting a precedent and the lack of sufficient parking. Dr. Cadle made a motion to recommend denial of the request seconded by Ms. MacDonald. The motion failed 4-3.

Mr. Starkey made a motion to recommend approval of the request seconded by Mr. Parillo. The motion passed 4-3.

Case: Vacation of Tasmin Lane ROW

Applicant: Elizabeth Colligan
Representative: Elizabeth Colligan
Request: Vacate Tasmin Lane

Brad Cornelius made a Power Point presentation of the staff report. He presented a history of the property showing that the previous owner of 6049 Oleander Avenue had obtained a permit to construct a driveway in the Right-of-Way (ROW) of Tasmin Lane and that Mr. Burdick, owner of 6061 Oleander Avenue had recently obtained a building permit to construct a single family home utilizing Tasmin Lane for access. He informed the Board that the consideration to vacate a ROW it must be demonstrated there is no longer a public purpose for the ROW. He reported that Duke Energy and City Public Works would require a utility easement. He also reported that Mr. Burdick, the adjacent property owner, is opposed to the vacation. Mr. Cornelius presented photos of the ROW and informed the Board that the Development Review Committee reviewed the request on December 3, 2020 and found that there was no public benefit in vacating the ROW and recommends denial of the request.

Ms. Colligan, owner 6049 Oleander Avenue, spoke in support of the request. She informed the Board that she had five reasons for making the request.

1. She has maintained the driveway for ten years.
2. She always thought the driveway was her property.
3. Sharing a driveway will create a hardship.
4. She believes it was short-sighted on Mr. Burdick to utilize the driveway for access to his garage.
5. It is an inconvenience to share the driveway and will reduce her property value.

Mr. Donald Burdick, owner of 6061 Oleander Avenue, spoke in opposition to the request. He informed the Board that he has a narrow lot and designed his house to utilize Tasmin Lane as access. He noted that he informed Ms. Colligan of his intent. He also noted that many people share driveways. His builder informed him that if vacated, there would not be sufficient room to make a turn into the garage. The cost of expanding the driveway would be expensive. Additionally, he noted that he owns the back lot on the river and the only access to that lot is through Tasmin Lane. If he decides to sell the back lot there would be no access.

Mr. Greg Sawya, General Contractor for Mr. Burdick, addressed the Board. He spoke in opposition to the request. He informed the Board that the garage is ten feet from the ROW and if vacated there is not enough room to access the garage. He also noted that it is not a shared driveway but a ROW that both property owners utilize.

The Board members discussed the matter. Ms. deChant asked about the need to remove trees if the driveway has to be expanded and Ms. Manns informed the Board that a tree removal permit would be required. Mr. Starkey made a motion to recommend denial of the request and Mr. Smallwood seconded the motion. The motion passed 7-0.

Case: **Ordinance:** **Amend definition of Restricted Personal Use**
Applicant: **City of New Port Richey**
Request: **Add Smoke Shops and Cannabidiol Vendors to definitions**

Mr. Brad Cornelius made a Power Point presentation of the staff report. He reported that the request is to amend the definitions of Restricted Personal Service Uses to add smoke shops and cannabidiol vendors. He informed the Board that proliferation of these businesses could contribute to blight and detriment to the public and including them in the category of restricted personal use would limit the clustering of these businesses in the Highway Commercial zoning district. He stated the proposed ordinance is consistent with policies of the Comprehensive Plan and that staff recommends approval of the request.

The Board members discussed the matter. There was concern that the definition was overreaching and would cause businesses that sell CBD as an ancillary product would be in violation of the code. It was agreed that adding the word “primarily” in the definition would eliminate the problem. Mr. Parillo made a motion to recommend approval of the ordinance as amended and Mr. Starkey seconded the motion. The motion passed unanimously.

Meeting adjourned at 3:45 pm.