



Staff Report
City of New Port Richey, FL
Land Development Review Board
May 20, 2021

Case: Special Exception
Owner: 6016 Delaware Avenue Land Trust
Applicant: Leander Koutsas, representing Lighthouse Baptist Church
Request: A Special Exception to allow a church in R-3 zoning district
Proposed Use: Church
Staff Contact: Lisa Algiere, Senior Planner, 727-853-1050, algierel@cityofnewportrichey.org.

Statements of Fact

Property Location: 0.86 acres located on the Southeast corner of Delaware Avenue and Madison Street.
Zoning: Residential District (R-3).
Future Land Use: Low Medium Density.
Existing Use: Vacant, previously the American-Finnish Club
Code References: Chapter 7 - Sections 7.03.00(4) and Chapter 5 - Section 5.02.00 of the New Port Richey Land Development Code

Existing Conditions:

Subject property is located at the Southeast corner of Delaware Avenue and Madison Street. The Future Land Use designation is Low Medium Density and the zoning is R-3 Residential. The permissible uses are detached single-family, accessory buildings and urban agriculture. Special exceptions may be allowed for places of worship and bed and breakfast operations.

The subject property consists of 0.86 acres and contains an existing 5,149 sf masonry building constructed in 1950. The building housed the American-Finnish Club for many years. The use of the property for a club was nonconforming and since it has been vacant for more than 12 months, the nonconforming status has been abandoned and all future uses must conform to the R-3 standards.

Proposal:

The applicant is proposing to locate a church on the subject property. The church intends to renovate the building and improve the parking lot. The congregation has approximately 96 members with 60 regularly attending on Sunday. The general assembly area measures 1,400 square feet. Hours of operation are Sunday mornings and two weekday mornings. Seating is estimated at 70.

Criteria

In order to grant any special exception to the zoning ordinance, the City Council must find:

1. That the exception is specifically permitted in the zoning district regulations;

Churches, synagogues, temples or similar places of worship and their accessory uses are permitted in R-3 zoning district upon approval of a special exception.

2. That the granting of any exception, will not adversely affect the public health, safety, or welfare of the community;

The church will conduct indoor services for a general assembly, which will not adversely affect the public health, safety, or welfare of the community. The use of the property as a church is similar in impacts to the previous use of the property as a social club.

3. The granting of any special exception is consistent with the intent of the zoning district.

The intent of the R-3 zoning district is to create a residential area for single-family houses and to allow other uses as special exceptions that are compatible with the neighborhood.

4. That the requirements of the district in which the use is to be located shall be complied with;

The applicant can meet all requirements of the R-3 zoning district, no variances are required.

5. Excessive traffic will not be generated on residential streets;

The subject property is located on the corner of Madison Street and Delaware Avenue. The anticipated traffic is approximately 30-40 cars on Sunday morning and approximately 10 cars on two weekday mornings. The average daily traffic count on Madison Street is 3,452 cars per day. The increased traffic on Sunday is less than 1% and is not excessive for this neighborhood.

6. The proposed use will not adversely affect the residential character of existing neighborhoods;

Places of worship are considered a positive element in a neighborhood. Churches typically provide a public service to the surrounding community. According to the Congress of New Urbanism, some of the most high-profile communities and planning efforts include churches as a critical component of urban design.

Also, current perimeter landscaping requirements must be met.

7. A vehicular parking or traffic problem is not created.

Based on the 1,400 square footage of the general assembly area, the required number of parking spaces is 40 (1 space per 35 square feet in the main auditorium). Sufficient space for expanding the existing parking on the subject property exists and will not create a traffic problem.

Summary and Recommendation:

The Development Review Committee (DRC) met on May 6, 2021, and reviewed the request. The DRC **recommends approval** subject to parking lot improvement and perimeter landscaping to meet current City requirements.

Notices

Letters were sent to 128 property owners within 500 feet of the subject property on May 10, 2021. A sign was posted at the subject property on May 10, 2021. A legal advertisement ran in the Tampa Times on May 16, 2021. One response was submitted in opposition.

Attachments:

- Special Exception Application SPE2021-01
- DRC Minutes
- Future Land Use Map
- Zoning Map
- Photo of subject site
- email in opposition to Special Exception



SPECIAL EXCEPTION APPLICATION

City of New Port Richey
Development Department
City Hall, 5919 Main Street, 1st Floor
New Port Richey, FL 34652
Phone (727) 853-1047 * Fax (727) 853-1052

CASE #

☐ Special Exception Application

Date Received:

- ☐ Submit original signed and notarized application
- ☐ Submit 1 set of plans (collated and folded surveys/site plan, etc.) and 1 electronic file
- ☐ Submit application fee - \$750 (check made payable to the City of New Port Richey)
- ☐ Submit supplemental information for Bed and Breakfast facility

Property Owner and Representative Information:

Current Property Owner(s):

Phone:

6016 Delaware Avenue Land Trust

813 909 2100

Owner Address:

2019 OSPREY LN Suite C

Owner Email Address:

lampabaycommercial@gmail.com

Owner's Representative(s):

Relationship to Owner:

Leander Koutsos

Agent

Representative Mailing Address:

Representative Email Address:

Phone:

Primary contact: (This is the one person to whom the City will send all communication regarding this application)

Property Information:

Site Address:

6016 Delaware Ave New Port Richey

Legal Description of Subject Property: (*An electronic copy of the legal description, in Word format, is required as part of this application submittal)

Parcel Number(s):

04-26-16-0030-13500-0040

Zoning District (check with Development Department):

R3

Future Land Use Category (check with Development Department):

LMP

Existing Use (Include number of residential units / and or square footage of non-residential uses):

CLUB

Proposed Use: (Provide details about the specific use requested)

CHURCH

Additional Information: (as applicable)

Hours of operation:

Sun. 9-11 Wed & Thu. 9:30-11:30

Days of operation:

Wed. Thu. Sun.

Maximum number of

employees at one time:

2

Proposed number of shifts:

1

Additional information may be requested by the Development Review Committee

Guidelines for Granting Conditional Use/Special Exception: The following criteria shall be addressed. City Council is not bound to grant a conditional use or special exception simply because a request is made. It must find that the use will not adversely affect the public interest. (Please fill in blanks with complete responses.)

1. That this conditional use/special exception is specifically permitted in the zoning district regulation:
R-3 permits churches as special exception
2. That the granting of this conditional use/special exception, will not adversely affect the public health, safety or welfare of the community:
church services are held indoors as a general assembly which does not affect the public health, safety or welfare.
3. That the granting of this conditional use/special exception, is consistent with the intent of the zoning district:
The intent of R-3 zoning is to allow churches with approval of city council
4. That the requirements of the district in which the use is to be located shall be complied with:
The existing building meets setbacks & parking will follow the code.
5. That excessive traffic will not be generated on residential streets:
Approximately 30 cars at peak time. Does not interfere with normal work & school traffic.
6. That the proposed use will not adversely affect the residential character of existing neighborhoods:
churches are a compatible use in residential neighborhoods

How is the proposal consistent with the goals and objectives of the Comprehensive Plan?

churches contribute to the character of a neighborhood

Submittal Information:

Please submit 1 collated, stapled, folded set of the following information & 1 digital copy (attach this to completed application):

✓ Completed, notarized application - this form (one original and 9 copies)

Current survey (not to exceed 24"x36") that identifies the dimensions, area and location of the property prepared, signed and sealed by a land surveyor currently registered in the State of Florida.

✓ Proof of ownership in the form of a copy of the deed, title insurance policy, or other instrument

Site Plan (not to exceed 24"x36") with the information listed below:

- Index Sheet referencing individual sheets included in package (if needed);
- Site plan name;
- Property owner's name, address, telephone number and designated representative;
- Architect, landscape architect and engineer's name, address and telephone numbers;
- ✓ Legal description;
- ✓ Footprint and size of all PROPOSED buildings and structures;
- All required setbacks;
- All parking areas for employees and customers, drop-off and pick-up areas and all other vehicular use areas;
- Proposed method of water supply and sewage disposal (if needed);
- Conceptual drainage and utility plan with flow direction and method of disposition (if needed);
- Flood zone for site and base flood elevation;

Location of all refuse collection facilities, including screening to be provided.

Application fee \$750 (checks made payable to the City of New Port Richey)

Process:

A pre-application meeting must be held with City Staff to ensure the application is complete. Applications must be submitted on Friday by 10:00 am. Once deemed complete, the application will be scheduled for review by the Development Review Committee (DRC). The DRC will review the application for compliance with codes and regulations. Changes may be suggested and additional reviews by the DRC may be necessary. Following the DRC, the case will be scheduled for review by the Land Development Review Board (LDRB) or City Council.

The LDRB will review all conditional use requests in the Highway Commercial and Office Districts and make a recommendation to the City Council. Conditional uses differ from special exceptions in that the use may not be appropriately placed in all areas of commercially zoned districts and may have little to no impact on residential uses.

The City Council will make the final decision on all Conditional Use and Special Exception requests.

The hearing process to review this application is considered quasi-judicial and operates much like a court of law. The LDRB and City Council members act in a similar capacity as a judge and must govern themselves in accordance with the basics of due process in making decisions. Contact with any of these members about this application should be avoided. These members have been instructed to avoid all such conversations with applicants or people in opposition to or support of any Conditional Use/Special Exception Application. Decisions will be made based on evidence and testimony that is presented at scheduled public hearings and not on information gathered outside of these hearings.

Check Applicable Zoning District	Listing of Allowable Conditional Use and Special Exceptions		Required Approvals	
	Zoning District	Land Development Code Section	Land Development Review Board (LDRB)	City Council
	R-1	7.01.02(4)		
	R-2	7.02.04(4)		✓
	R-3	7.03.02(4)		✓
	MF-10	7.04.02(5)		✓
	MF-14	7.05.02(5)		✓
	MF-30	7.06.02(2)		✓
	C-1	7.07.02		✓
	HC	7.09.02		✓
	Office		✓	✓
	Conditional Use	7.10.02		
	Special Exception	7.10.03	✓	✓
	Downtown	7.11.02.1		✓
	Light Industrial	7.12.02		✓
	Conservation	7.13.02		✓
	Government	7.14.02		✓
	R/O			✓
	R/O/R	7.20.02		✓

Consistency with concurrency: The following calculations shall be used to determine the projected demand of the proposed project on the applicable public facility/service. The calculations are listed by facility/service type. (Please fill in blanks.)

POTABLE WATER - Adopted level of service (LOS) = 152 gal/day/capita (nonresidential uses are included in the adopted LOS).

Residential:

Single-family: 152 gal × 2.12 persons/household × _____ units = _____ gal/day/capita (demand)

Multi-family: 152 gal × 1.90 persons/household × _____ units = _____ gal/day/capita (demand)

Commercial: See Table I below from the Land Development Code for estimated water/sewage flows.

WASTEWATER - Adopted level of service (LOS) = 114 gal/day/capita (nonresidential uses are included in the adopted LOS).

Residential:

Single-family: 114 gal × 2.12 persons/household × _____ units = _____ gal/day/capita (demand)

Multi-family: 114 gal × 1.90 persons/household × _____ units = _____ gal/day/capita (demand)

Commercial: See Table I below from the Land Development Code for estimated water/sewage flows.

SOLID WASTE - Adopted level of service (LOS) = 6.3 lbs/day/capita (nonresidential uses are included in the adopted LOS).

Residential:

Single-family: 6.3 lbs × 2.12 persons/household × _____ units = _____ lbs/day/capita (demand)

Multi-family: 6.3 lbs × 1.90 persons/household × _____ units = _____ lbs/day/capita (demand)

Commercial: See Table I below from the Land Development Code for estimated water/sewage flows.

RECREATION/OPEN SPACE - Refer to the New Port Richey Comprehensive Plan for adopted level of service standards.

Single-family: _____ units × 2.12 persons/household = _____ (population projection)

Multi-family: _____ units × 1.90 persons/household = _____ (population projection)

Sites over five acres in area and zoned MF-30 District shall provide five percent of the total net acreage of the development for recreational purposes. Refer to Section 7.06.07 of the Land Development Code.

Stormwater Management. Refer to the Stormwater Management and Erosion Control Policy and Procedures Manual for standards necessary to comply: LOS = 25-year, 24-hour storm event.

Transportation. Refer to the New Port Richey Comprehensive Plan for the adopted Level of Service Standards. Refer to the Land Development Code for the requirements of a Transportation Study.

1. Determine the number of trips generated by the proposed project during the **PM PEAK** hour using the most recent edition of the ITE "Trip Generation" report with no adjustments for internal capture or passerby trips. **Include your calculation(s) here:** _____.
2. If the total number of trips is equal to or greater than 50 trips, then a transportation study shall be prepared. The report shall be signed and/or sealed by either a registered professional engineer or a member of the American Institute of Certified Planners.
 - a. If no study is required, the applicant is required to provide only the existing directional **PM PEAK** hour traffic volumes and level of service for the roadways link to which project driveways connect. This information shall include project traffic. **Provide this information here:** _____.
 - b. The data shall be in conformance with Notes 3a and 3b of "Existing Conditions" contained in the Land Development Code.
3.
 - a. Existing directional **PM PEAK** hour traffic volumes and LOS on all existing collectors/arterials in study area. **Provide information here:** _____.
 - b. Existing turning movement volumes at the impacted intersection(s) and intersection LOS.

Attendance at meetings:

The applicant or applicant's representative shall be present at all meetings including DRC, LDRB and City Council, as applicable. Call Development Department Staff at 727-853-1047 to find out when this case will be scheduled for these meetings.

Authorization to visit the property:

Site visits to the property by City representatives are essential to process this application. The Owner/Applicant, as notarized below, hereby authorizes the City representatives to visit, photograph and post a notice on the property described in this application.

Authorization for owner's representative(s):

I Karen Forbes, as trustee the owner, hereby authorize Leander Kayson to act as my representative(s) in all matters pertaining to the processing and review of this application, including modifying the project. I agree to be bound by all representations and agreements made by the designated representative.

Signature of Current Property Owner(s): Karen Forbes, as trustee

Date: 4/22/2021

Subscribed and sworn to before me this 22nd day of April, 20 21

who is personally known to me and/or produced _____ as identification.

STATE OF FLORIDA, COUNTY OF PASCO

Notary Public: [Signature]



My Commission Expires: _____

JAMES O'BRIEN
Commission # HH 072028
Expires December 14, 2024
Bonded Three Budget Notary Services

Applicant's Affidavit:

I _____, the owner or authorized representative, certify that I have read and understand the contents of this application. The information contained in this application, attached exhibits and other information submitted is complete and in all aspects true and correct, to the best of my knowledge. It is also acknowledged that the filing of this application does not constitute automatic approval of the request and, further, if the request is approved, I will obtain all necessary permits to comply with all applicable orders, codes, conditions, and rules and regulations pertaining to the use of the subject property. (Applications which are filed by corporations must bear the seal of the corporation over the signature of an officer authorized to act on behalf of the corporation.)

Signature of Owner or Authorized Representative: _____

Date: _____

Subscribed and sworn to before me this _____ day of _____, 20 _____

who is personally known to me and/or produced _____ as identification.

STATE OF FLORIDA, COUNTY OF PASCO

Notary Public: _____

My Commission Expires: _____



NEW PORT RICHEY

5919 MAIN STREET • NEW PORT RICHEY, FL 34652 727.853.1039

Development Review Committee (DRC) – Minutes

Date: Thursday, May 6, 2021
Time: 10:00 am
Location: City Council Chambers
First Floor, City Hall, 5919 Main Street, New Port Richey, FL 34652

Members Present: Brad Cornelius, Charles Rudd, Debbie Manns, Barret Doe, Adam Darling, Eric Jay, Paul Smalley, Lisa Algiere, Chris Bowman, Matthew Ivie

Case: Variance – 5939 Grand Blvd

Property Location: 0.22 ac on the southwest corner of Illinois Ave & Grand Blvd

Property Owner: Frank Starkey

Request: Variance to reduce setback from 5' to 3' for pool enclosure

Proposed Use: Residential

The following comments were provided by the members:

Wade Trim, Planning Consultant

• In order to authorize any variance from the terms of an ordinance, the board of adjustments and appeals and the city council must find:

1. That special conditions or circumstances that exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

The house was constructed with an excessive front setback which limits the buildable area/setback to the west side property line.

2. That the special conditions and circumstances do not result from the actions of the applicant;

The applicant did not build the structure, it was purchased as such.

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district;

It will not.

4. That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance would work unnecessary and undue hardships on the applicant;

The literal interpretation limits the applicant's rights commonly enjoyed by other properties in the same zoning district.

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

Yes, applicant is asking for the minimum variance possible.

6. That the grant of the variance will be in harmony with the general intent and purpose of the ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

It will be in harmony and will not be injurious to the area involved or otherwise detrimental to the public welfare.

Matthew Ivie, Ayers Associates (City Engineer)

1. This variance is requested to reduce the side setback by 3' to allow the renovation of the existing non-conforming pool enclosure and appears to meet the definition of an unnecessary hardship.
2. However, neighboring properties do not appear to have similar setback variances.
3. Recommend for approval.

Case: Variance – Special Exception for Church in R-3

Property Location: 0.87 ac on the southeast corner of Madison St and Delaware Ave

Property Owner: 6016 Delaware Avenue Land Trust

Request: Special Exception to allow a church in R-3 zoning district

Proposed Use: Church

The following comments were provided by the members:

Wade Trim, Planning Consultant

1. Applicant needs to provide a site plan.
2. Applicant needs to provide the number of fixed seating. If there are no fixed seats, the applicant needs to provide the total square footage of the main auditorium.
3. Landscaping requirements:
 - 3 ft width between right-of-way and neighboring residential properties.
 - Should include 1 tree for every 35 linear feet
 - Hedge or other durable landscaped barrier to run the entire barrier

Matthew Ivie, Ayers Associates (City Engineer)

- Provide a boundary survey that identifies the dimensions, area, and location of the property that has been prepared by a currently registered Land Surveyor in the state of Florida.
- Provide site acreage to accompany the legal description.
- Provide a Site Plan per the application.

Members discussed the need for a survey. Mr. Lee Koutsas, a realtor representing the applicant, informed the members that he has obtained a recent survey and would forward it to the City. Members also discussed the occupancy, parking requirements and traffic. The required parking spaces will be determined by the maximum seating capacity of the auditorium, to be established by the Fire Marshall.

Members determined that the increase in traffic would be less than 1% which would be minimal and would not create a negative impact on the neighborhood.

Members also discussed the need for landscaping. Perimeter landscaping will be required per code. Members recommend approval of the special exception with the following conditions:

1. That parking lot improvements meet current city code and;
2. That perimeter landscaping meet current city code.

Case: Relocation of Red Light Camera on Main Street & Utilization of ROW for electrical utilities

Property Owner: City of New Port Richey

Request: Relocate red light camera due to construction of 7-Eleven

Barret Doe informed the DRC that the red light cameras on Main Street would need to be relocated due to the construction of the 7-Eleven. Paul Smalley with the Police Department informed the DRC that he is coordinating with ATS, the red light camera vendor. ATS will remove the cameras and will reinstall when the 7-Eleven project is complete in the sidewalk area.

Barret Doe also informed the DRC that 7-Eleven developers were asking for an electrical easement. It was agreed that there is sufficient space on the property without the need for an easement. The members denied the request.

Case: Oyster Bayou Plat Revision

Property Location: Green Key Road

Property Owner:

Request: Plat amendment

Brad Cornelius presented to the DRC the revisions to Oyster Bayou plat. Pasco County is requiring that Heaven's Way maintain a 50' Right-of-Way, which causes a reduction in the size of Lot 1 and Pond 4. Mr. Phil Dumas, developer of Oyster Bayou, informed the DRC that Pond 3 will be enlarged to compensate for the reduction in Pond 4.

The revision depicts a cottage on Lot 1, however, there is not room for RV parking. Mr. Dumas indicated that it could be used for small campers or to be used by maintenance personnel. Ms. Manns was not in favor of those uses. Mr. Dumas then offered that it could be a guest cottage for other residents to use. This idea was met with approval. Mr. Dumas will make the necessary changes to his plat and covenants and submit to the City Council for final approval.

ZONING MAP



FUTURE LAND USE MAP





Legend

- Street (Labels)
- Parcel (Lines)
- Subdivision (Boundaries and Labels)
- Parcels (Clickable Info)
- Blocks (Boundaries and Labels)
- Lot (Labels)
- Lot (Lines)



Mike Wells
Property Appraiser
Proudly Serving Pasco County, Florida

5/20/2021, 9:01:21 AM



Pasco County Property Appraiser





Lisa Algieri

From: Charles Weibel <charlesweibel@gmail.com>
Sent: Monday, May 10, 2021 4:24 PM
To: Lisa Algieri
Subject: RE: Special Exception

Hey thanks for your great and timely reply.

No wonder people hate the government, when you can't even take a few seconds out of your week to do the job you were assigned.

Thanks,

Charles Weibel

6017 Delaware Ave

From: [Charles Weibel](#)
Sent: Tuesday, May 4, 2021 11:19 AM
To: algierel@cityofnewportrichy.org
Subject: Special Exception

I received a letter today about a "special exception" and the prospect of a church moving into 6016 Delaware Ave. directly across the street from my house. My vote is ABSOLUTLY not!

I would rather a garbage dump be placed across the street as approving this exception will lower the value of my home and draw unwanted riff raff into my neighborhood.

Please let me know what I have to do to STOP this action as allowing this, I feel would be a failure on the city's part to protect the value of my new home that we built in the downtown area of the city.

Thank you,

Charles Weibel
6017 Delaware Ave