

ORDINANCE NO. 2022-2263

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA PROVIDING FOR AMENDMENT OF THE LAND DEVELOPMENT CODE (LDC) ZONING DISTRICT MAP; PROVIDING FOR REZONING OF APPROXIMATELY 0.41 ACRES OF PROPERTY, GENERALLY LOCATED AT 7920 Rutillio Court, HAVING PARCEL IDENTIFICATION NUMBER 33-25-16-015B-00000-0280, AS SHOWN ON THE MAP ATTACHED HERETO AS EXHIBIT "A" AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT DESIGNATION FOR SAID PROPERTY FROM GENERAL COMMERCIAL (C2) TO LIGHT INDUSTRIAL DISTRICT (LI); PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Chapter 163 requires each county and each municipality to adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan;

WHEREAS, on June 29, 1989, the City Council adopted Ordinance No. 1203, which approved the City's Comprehensive Plan, which includes a 2030 Future Land Use Map;

WHEREAS, on November 19, 1991, the City Council adopted Ordinance No. 1268, which enacted the City's Land Development Code (LDC), which provides for a Zoning District Map;

WHEREAS, The LDC addresses the procedure for obtaining a change to the Zoning District Map;

WHEREAS, the owner, Wright's Mechanical Services, LLC. filed with the Development Department a Zoning District Map (ZDM) amendment application (REZ 22-05-0002) to change from General Commercial (C-2) to Light Industrial (LI) the zoning designation of a 0.41 acre property located at 7920 Rutillio Court;

WHEREAS, the Development Department has reviewed the ZDM amendment application and concludes it is consistent with the application filing requirements in the LDC;

WHEREAS, the Development Review Committee (DRC) has reviewed the ZDM amendment application and has concluded it is consistent with the LDC, and has recommended the Land Development Review Board (LDRB) forward a recommendation to the City Council that the ZDM amendment application be approved;

WHEREAS, the Development Department has prepared a staff report and reviewed the ZDM amendment application against the guidelines in the LDC, and concludes the ZDM amendment application is in conformance with those requirements and that the LDRB should forward a recommendation to the City Council that the Ordinance approving the ZDM amendment application be adopted;

WHEREAS, at the duly noticed LDRB regular public hearing held on June 16, 2022, the LDRB sitting as the Local Planning Agency considered the Development Department staff report and recommendation and all competent substantial evidence presented at the hearing, and forwarded the record to the City Council with a recommendation the Ordinance be adopted;

WHEREAS, at a duly noticed City Council regular public hearing, the City Council on first reading considered the Development Department and LDRB staff reports and recommendations and all competent substantial evidence presented at the hearing, and approved the Ordinance;

WHEREAS, at a duly noticed City Council regular public hearing, the City Council on second reading considered the evidence presented at first reading and all competent substantial evidence presented at the hearing, and adopted the Ordinance;

WHEREAS, notice of this Ordinance and the hearings conducted hereunder has been provided in accordance with Florida law; and

WHEREAS, the City Council has conducted a quasi-judicial hearing, has received evidence pertaining to the rezoning, and has found that the rezoning of the property as provided herein is consistent with the adopted Comprehensive Plan Future Land Use Map designation for the property, is compatible with the use and zoning of the surrounding properties, is consistent with the adopted Comprehensive Plan and the Land Development Code of the City, meets all of the rezoning criteria of the Land Development Code, and is supported by competent substantial evidence.

NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:

Section 1. Ratification. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

Section 2. Rezoning approved. The Land Development Code Zoning District Map of the City of New Port Richey is hereby amended to amend the Zoning Designation for the property described herein General Commercial (C-2) to Light Industrial (LI), as shown in Exhibit “A” attached hereto.

Section 3. Property description. The property subject to this Zoning District Map amendment is located at 7920 Rutillio Court, and is legally described as follows:
Lot 28, ORETO AND FRANCINE COMMERCIAL CENTER, FIRST ADDITION
PARTIAL REPLAT, according to the map or plat thereof as recorded in Plat Book 27,
Page 119 and 120, of the Public Records of Pasco County, Florida.

Parcel ID: 33-25-16-015B-00000-0280

THE ABOVE DESCRIBED PARCEL CONTAINS 17,799 SQUARE FEET MORE OR LESS.

Section 4. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 5. Conflicts. All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

Section 6. Effective date. This Ordinance shall be effective upon its adoption as provided by law.

The above and foregoing Ordinance was read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this ____ day of _____, 2022.

The above and foregoing Ordinance was read and approved on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this ____ day of _____, 2022.

ATTEST:

CITY OF NEW PORT RICHEY, FLORIDA

Judy Meyers, CMC, City Clerk

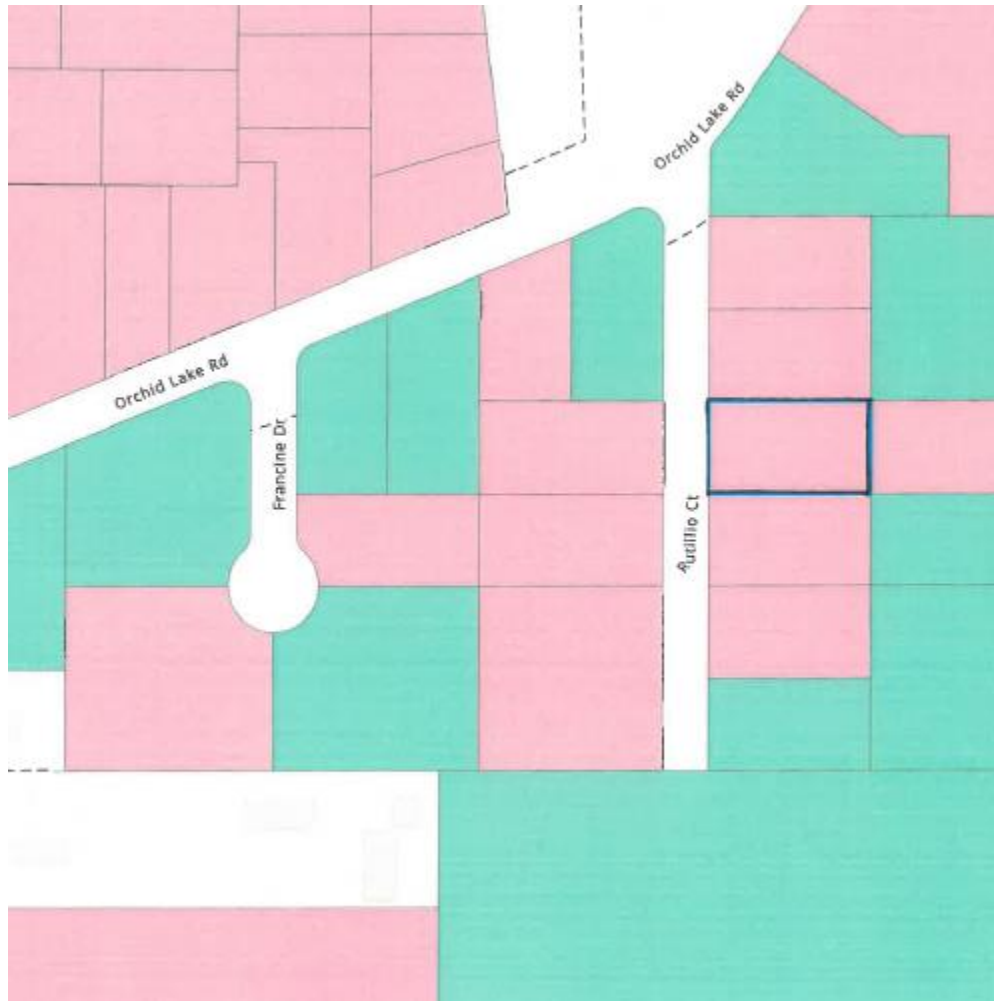
Rob Marlowe, Mayor – Councilmember

(SEAL)

APPROVED AS TO LEGAL FORM AND CONTENT

Timothy P. Driscoll, City Attorney

Exhibit A
Zoning District Map Change
(Subject Property – 7920 Rutillio Court)





**Land Development Review Board (LDRB) – Minutes
New Port Richey City Hall, Council Chambers
5919 Main Street, New Port Richey, Florida 34652
June 16, 2022**

Call to Order – Roll Call

Chairman John Grey called the June 16, 2022, Land Development Review Board (LDRB) public meeting and hearing to order at 2:00 pm.

Mr. Grey led the pledge of allegiance.

Mr. Grey requested a roll call of members present be conducted and Lisa Algieri stated the following persons were in attendance constituting a quorum.

Members in Attendance

John Grey, Chairman
Dr. Cadle
Louis Parillo
Allan Safranek
Marilynn deChant
Dan Maysilles

Staff in Attendance

Dale Hall, Development Director
Lisa Algieri, Senior Planner
Chris Bowman, Planner

Approval of Minutes: April 21, 2022

Mr. Maysilles made a motion to approve the minutes as presented. Mr. Safranek seconded the motion. The motion was approved unanimously 6-0.

Case: Rezoning – REZ-22-05-0001

Property Owner: Munro Investments LLC

Property Location: 5845 Main Street

Request: Rezone from MF-14 to Downtown

Proposed Use: Commercial

Lisa Algieri presented the staff report. She informed the board that the request met policies FLU 1.4.3 and FLU 1.3.3 of the Comprehensive Plan and the Future Land Use designation of Downtown. She reported that the Development Review recommended approval of the request.

Dr. Cadle made a motion to recommend approval of the rezoning request from MF-14 to Downtown to the City Council. Mr. Parillo seconded the motion. The motion was approved 6-0.

Staff Report
City of New Port Richey, FL
Land Development Review Board
June 16, 2022

Case: Rezoning (REZ- 22-05-0002 — 7920 Rutillio Court)
Owner/Applicant: Wrights Mechanical Services LLC
Request: Rezoning from C-2, General Commercial District to LI, Light Industrial
(Ordinance #2022-2263)
Proposed Use: LI, Light Industrial
Staff Contact: Lisa Algiere, Senior Planner

Statements of Fact

Property Location: 0.41 acres located south of Orchid Lake Rd.& east of Rutillio
Zoning: Court C-2, General Commercial District
Future Land Use: LI, Light Industrial
Existing Use: Vacant Land
Code References: Chapter 7 - Sections 7.08.00 and 7.12.00 of the Land Development Code
(LDC)

Analysis

Background:

Wright's Mechanical Services, LLC purchased the 0.41 acre property on August 13, 2020. The vacant lot is surrounded by industrial uses. The owner desires to construct a warehouse building for industrial use.

A warehouse is not allowed in C-2 zoning, so a rezoning to LI (Light Industrial) would be required for the property owner to proceed as planned.

Existing Conditions:

The 0.41 acre property is located on Lot 28 of Oreto Industrial Park, on the east side of Rutillio Court, 260 feet south of Orchid Lake Road.

The Future Land Use Map shows the property is located within the Industrial category. The Future Land Use Element provides the primary uses allowed in this category are light warehousing, wholesaling, manufacturing, and processing while ancillary retail, ancillary office, and urban agriculture are allowed as secondary uses.

The Zoning District Map shows the property is located within the General Commercial (C-2) zoning district. According to LDC § 7.08.00, the purpose of the General Commercial (C-2) zoning district is to provide for the development of the uses necessary to meet the community and regional needs for general commercial and service oriented activities. The General Commercial (C-2) zoning does not include the operation of a metal fabrication business within the zoning district.

Proposal:

The request is to rezone the property from the General Commercial (C-2) District to the Light Industrial (LI) District. This is consistent with the underlying future land use. The Light Industrial (LI) District is the proper zoning district for an industrial warehouse.

Compatibility with Comprehensive Plan:

The proposal is consistent with the following Comprehensive Plan objectives and policies:

- Future Land Use Policy 1.4.3 — The development of residential, commercial and industrial uses shall be timed and stage in conjunction with provision of supporting community facilities (e.g. streets, utilities, police and fire protection, emergency medical service and public schools).
- Future Land Use Policy 1.7.2 — Industrial land uses shall be restricted to those areas which have adequate transportation service for needed labor supply, materials and product shipment.
- Future Land Use Policy 1.7.3 — Supporting and complementary industries and ancillary commercial services should be located in proximity to each other to accomplish a linkage between industries and services.

Summary and Recommendation:

The Development Review Committee (DRC) reviewed the request and found that rezoning to Light Industrial is consistent with the Comprehensive Plan and Future Land Use Map and therefore recommends approval of the rezoning from General Commercial (C-2) to the Light Industrial (LI) zoning district.

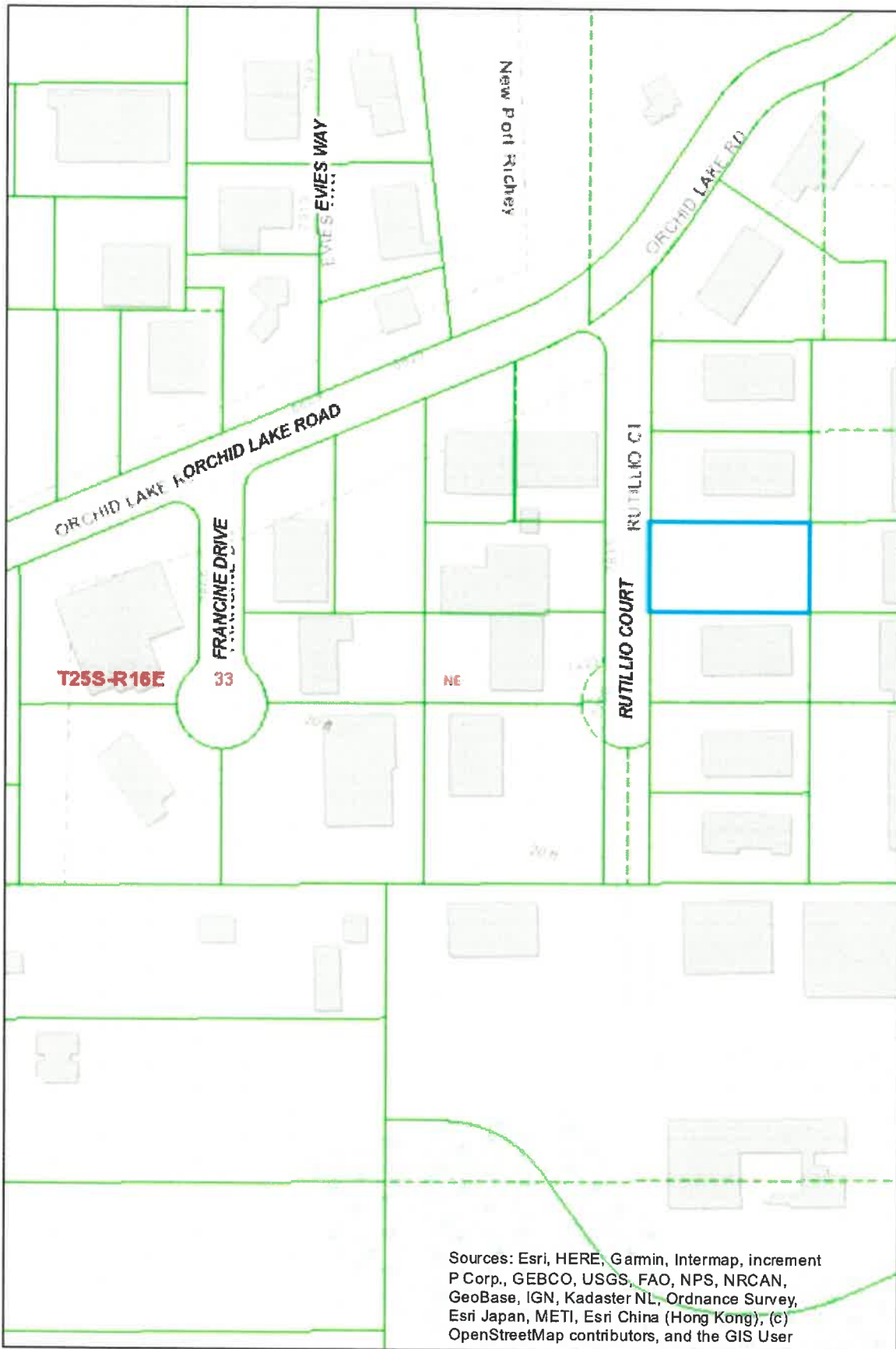
LDRB Review:

The Board is to conduct a quasi-judicial review of this case at its June 16, 2022, meeting. Ex parte communication shall be disclosed at the beginning of the meeting. The Board may approve the request, approve with conditions, or deny the request.

The LDRB shall make a recommendation to the City Council on this rezoning. The City Council shall make the final decision on this rezoning.

Attachments:

- Rezoning Application



Legend

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

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User



Mike Wells
Property Appraiser
 Proudly Serving Pasco County, Florida

Pasco County Property Appraiser

0 0.0175 0.035 0.07 mi



Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA |

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Legend

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



Mike Wells
Property Appraiser
 Proudly Serving Pasco County, Florida

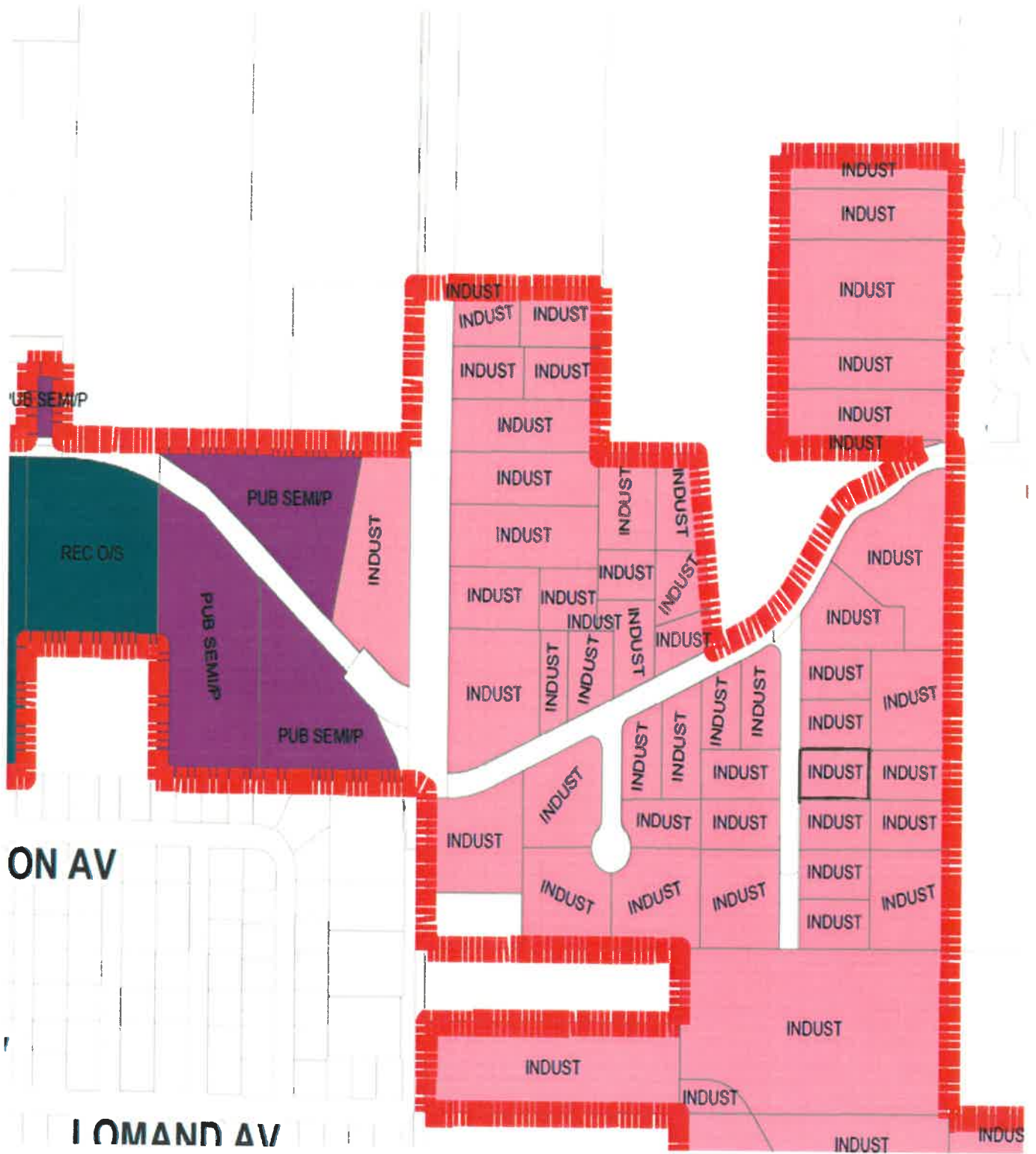
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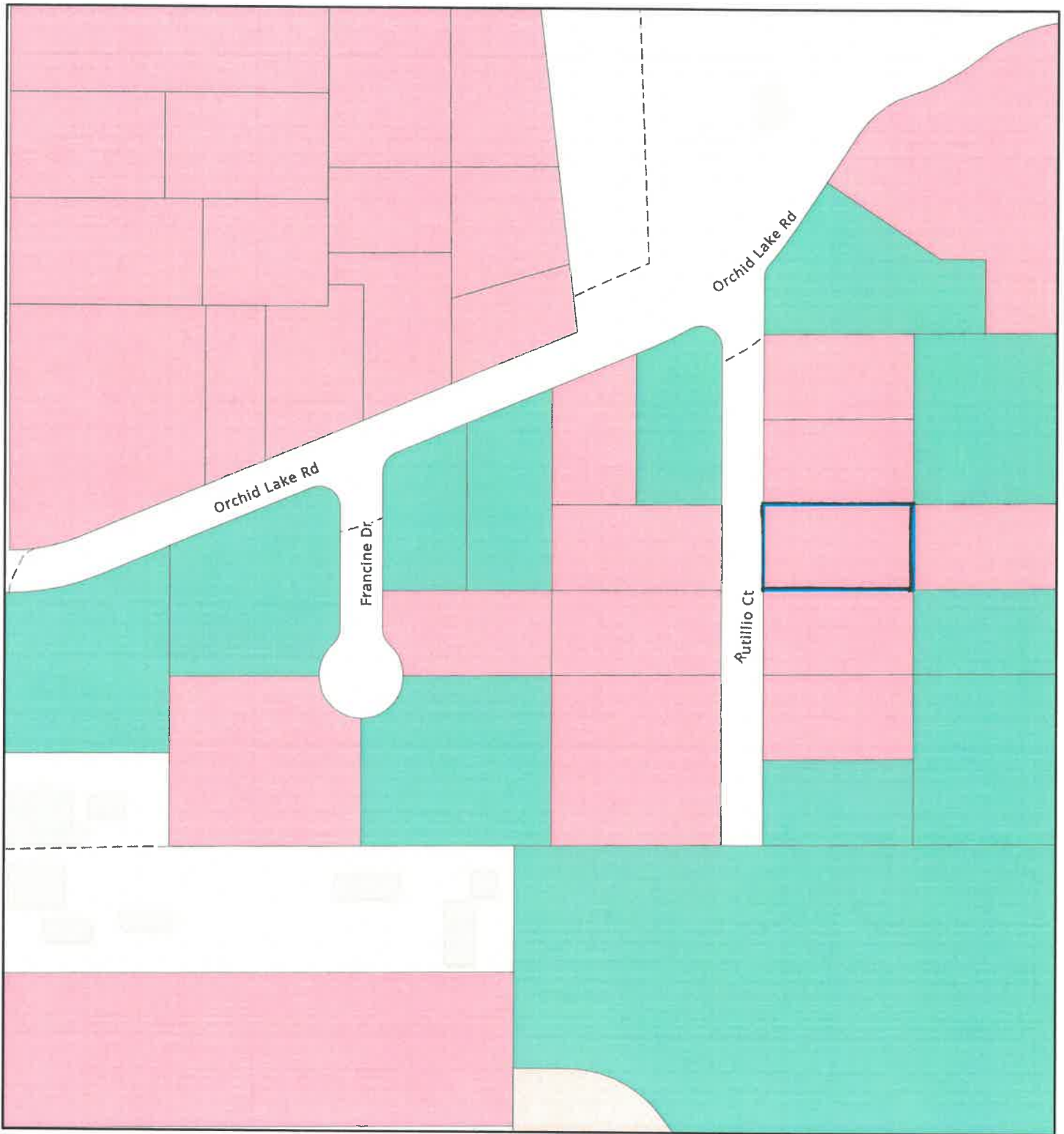


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Future Land Use Map



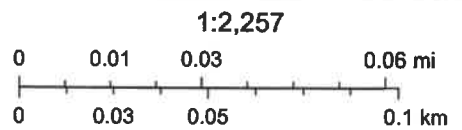
Zoning Map



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Zoning - Zones

-  C-2
-  INDUST
-  MHP



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastyrrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau,



REZONING APPLICATION

City of New Port Richey
 Planning and Development Department
 City Hall, 5919 Main Street, 1st Floor
 New Port Richey, FL 34652
 Phone (727) 853-1044 * Fax (727) 853-1052

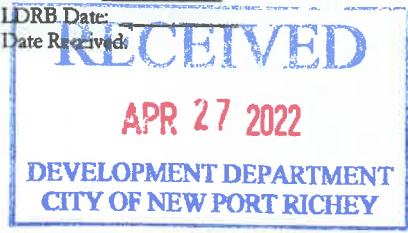
Case #: REZ-22-05-0002

- Send copy to Pasco County, if w/in 1 mile
- Send to Pasco Schools, if residential

DRC Date: 5-26-22

LDRB Date:

Date Received:



- Submit one original signed and notarized application
- Submit original signed and sealed survey
- Submit 1 digital version of application
- Submit application fees: \$850 for rezoning; \$2,500 for rezoning-PDD; \$1,250 for rezoning-PDD (Amendment)
 (Checks made payable to the *City of New Port Richey*)

Property Owner and Representative Information:

Current Property Owner(s): <u>WRIGHT'S MECHANICAL SERVICES, LLC / CHRISTOPHER T. WRIGHT</u>		Phone: <u>813.493.2033</u>
Owner Address: <u>6241 HIGH ST., NEW PORT RICHEY, FL. 34653</u>		
Owner Email Address: <u>Todwright1@gmail.com</u>		
Owner's Representative(s):	Relationship to Owner:	
Representative Mailing Address:		
Representative Email Address:	Phone:	
Primary contact: <i>(This is the one person to whom the City will send all communication regarding this application)</i> <u>Tod WRIGHT 813.493.2033 Todwright1@gmail.com</u>		

Property Information:

Street Address: <u>7920 RUTILIO CT., NEW PORT RICHEY, FL. 34653</u>		
General Location: <u>CLOSE TO ORCHID LAKE RD. & NEXT TO GRALE PROSTHETIC FABRICATION, INC.</u>		
Size of Site:	Square Feet: <u>17,799 FT²</u>	Acres: <u>0.41 ACRES</u>
Legal Description of Subject Property: (*An electronic copy of the legal description, in Word format, is required as part of this application submittal) <u>ORETO AND FRANCINE COMMERCIAL CENTER FIRST ADDITION PARTIAL REPLAT PB27 PGS 119-120 LOT 28 ASSESSED IN SECTION 33, TOWNSHIP 25 SOUTH, RANGE 16 EAST OF PASCO COUNTY, FLORIDA</u>		
Parcel Number(s): <u>33-25-16-015B-00000-0280</u>		

Zoning District: <p style="text-align: center;">C2</p>	Proposed Zoning District: <p style="text-align: center;">INDUST</p>
Future Land Use Category: <p style="text-align: center;">INDUST</p>	Proposed Future Land Use Category: <p style="text-align: center;">INDUST</p>
Existing Use: <i>(Include # of residential unit and/ or square footage of non-residential uses):</i> <p style="text-align: center;">VACANT LAND</p>	Proposed Use: <i>(Include # of residential units and/ or square footage of non-residential uses):</i> <p style="text-align: center;">WAREHOUSE BUILDING</p>

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

Submittal Information:

(Please address the following information on a separate sheet and attach to this application)

Guidelines for Granting a Rezoning. LDC § 5.01.11.

The development department, development review committee, and land development review board shall consider all of the following guidelines when making a recommendation to the city council on a rezoning application, and the city council shall consider all these guidelines in determining whether to adopt an ordinance granting such rezoning:

1. Whether the proposed zoning district is one (1) of the zoning districts intended to implement or be consistent with the future land use map designation of the property;
2. If more than one (1) zoning district implements or is consistent with the future land use map designation of the property, whether the proposed zoning district is the most suitable zoning district;
3. Whether there are substantial reasons why the property cannot be used in accordance with its present zoning district, or the existing zoning district is otherwise unsuitable;
4. Whether the proposed zoning district is consistent with the character of the existing land use pattern;
5. Whether the proposed zoning district abuts a property with a zoning district similar in intensity to the proposed zoning district, or serves as a suitable transition zoning district between two (2) or more different abutting zoning districts;
6. Whether there are substantial changed or changing conditions in the character of the area where the property is located so that the proposed zoning district is now suitable;
7. Whether based upon the property's size, shape, or characteristics the proposed zoning district is out-of-scale with the surrounding area;
8. Whether the proposed zoning district is premature, based upon the existing conditions in the surrounding area;
9. Whether there is a substantial public need or purpose for the proposed zoning district consistent with the public health, safety and general welfare;
10. Any other factors that may be relevant to the rezoning, such as its location within an enclave, recent annexation into the city, or to conserve the value of buildings and natural resources;
11. The totality of the circumstances; and
12. Any competent substantial evidence presented at the public hearings.

Authorization for owner's representative(s):

I _____, the owner, hereby authorize _____ 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): _____

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: _____

Applicant's Affidavit:

I CHRISTOPHER TOD WRIGHT, 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: [Signature] Date: 4.18.2022

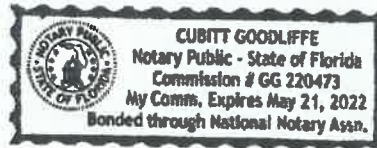
Subscribed and sworn to before me this 18TH day of APRIL, 2022

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

STATE OF FLORIDA, COUNTY OF PASCO

Notary Public: [Signature]

My Commission Expires: 5/21/2022



Case: Rezoning – REZ-22-05-0002
Property Owner: Wright’s Mechanical Services LLC
Property Location: 7920 Rutilio court
Request: Rezone from C-2 to LI
Proposed Use: Industrial Warehouse

Lisa Algieri presented the staff report. She informed the board that the request met policies FLU 1.7.2 and FLU 1.7.3 of the Comprehensive Plan and the Future Land Use designation of Industrial. She reported that the Development Review Committee recommends approval of the request to rezone from C-2 to Light Industrial.

Mr. Chris Wright, owner of the property, spoke in favor of the request and informed the board that he intends to store his air conditioning equipment in the building. Mr. Chopper Davis, former City Councilman, informed the board that the City in the past did not want to rezone the entire area at one time and instead wanted to address each property individually. He expressed support for the rezoning request.

Dr. Cadle made a motion to recommend approval of the rezoning request from C-2 to Light Industrial to the City Council. Mr. Maysilles seconded the motion. The motion was approved unanimously 6-0.

Meeting adjourned at 2:14 pm.