

REGULAR COUNCIL MEETING

A Regular Council Meeting was held on March 14, 2022 at 6:00 p.m. in the Council Chambers of City Hall.

President Knight called the meeting to order. Roll call was taken. Present were members Kenneth Burgess, Alan Knight, Charles Proctor, Lance Smith and Mayor Whitfield. Jodi Wilkeson was absent. City Manager William Poe was present. City Attorney Matthew Maggard arrived at 6:05 p.m.

Staff present: Police Chief Derek Brewer, Public Works Director Shane LeBlanc, Planning Director Todd Vande Berg, Utilities Director John Bostic, IT Director Mike Panak, Finance Director Ted Beason, Public Information Officer Kevin Weiss, Senior Planner Rodney Corriveau, Historic Preservation Specialist and Community Planner Audrey McGuire, GIS Technician and Community Planner Kevin Kelley, Water Treatment Plant Operator Eric Martin and City Clerk Lori Hillman.

Alan Knight asked for a moment of silence for the people of Ukraine prior to delivering the Invocation. The Pledge of Allegiance followed.

1. MAYOR

1.1 Taylor Boyd Proclamation

Mayor Whitfield introduced Katy Boyd, Taylor Boyd's stepmother, who read from a script she prepared summarizing Taylor's soccer years. City Clerk Lori Hillman read aloud a proclamation that was presented to Taylor Boyd by Mayor Whitfield.

2. CONSENT ITEMS

2.1 Approval of February 28, 2022 Regular Meeting Minutes

2.2 Approval of Stormwater Professional Services Piggyback Agreement 41-22-11 with Pasco County Bid RSQ-RH-21-026

3.2 Approval of Piggyback Agreement 41-22-03 with Zephyr Lakes CDD for Dairy Road Paving Services with B.R.W. Contracting

Lance Smith moved to approve the Consent Items. Seconded by Kenneth Burgess. Motion passed unanimously, 4-0.

BUSINESS ITEMS

3. PLANNING DIRECTOR'S REPORT

3.1 Development / Water Use Permit Discussion

Planning Director Todd Vande Berg began a water discussion by stating the City is experiencing a tremendous amount of growth with the resource of water becoming more diminishing throughout the state of Florida. The planning department, utilities department, city manager and utility consultants are meeting daily to discuss and update realistic development trends associated with water usage and the anticipated development buildout of entitlements in an effort to creatively work toward a proactive approach to the critical water situation. The Southwest Florida Water Management District (SWFWMD) is the entity that reviews the City's water use permit and regulates the amount of water. Staff has met with utility consultants to prioritize a meeting with SWFWMD to confirm calculations and credits for development entitlements based on the last water use permit. He explained for purposes of this discussion, property is entitled upon construction plan, PUD, and/or plat approval and the water related to the entitlements is estimated at 250 to 300 gallons per unit. Currently, the City has sufficient water to provide services to all development entitlements.

Mr. Vande Berg said in an effort to be prudent, staff has looked at developments with no entitlements that have shown a strong interest within the City's boundary area and/or joint planning area (JPA) and there is approximately 566,000 gallons of water required per day which puts the City over capacity with the water use permit. Staff is in a position of continually receiving pre-application meeting requests from developers and are looking for direction from Council moving forward to assure the planning department is transparent and sending a clear message. He said staff is not in favor of a moratorium but has concerns with development pending answers from SWFWMD. Staff suggested a pause to set-up a meeting with SWFWMD

and bring back information to Council to begin a game plan. He recapped information from the City Council/Planning Commission Workshop and said the planning department will work with the Utilities Department to review City policies and standards to make development standard priorities and decisions. Staff will work closely with consultants to identify strategies and solutions moving forward within the basin of special concern.

Councilman Burgess said he researched how other communities are handling explosive growth and found solutions of moratoriums, limiting building permits, raising or imposing impact fees, and implementing special assessment districts. He suggested a pause to address the water situation. He said he is not anti-development by any means but there are quite a few entitlements on the books.

Spoke from the Floor: Clarke Hobby – Hobby & Hobby, P.A. - 109 N. Brush Street – Tampa, Florida 33602

Attorney Hobby asked Council, on behalf of his clients that are interested in annexing or requesting services from the City, if the City has water and sewer capacity. He does not want to negotiate a contract and proceed through the zoning process to find out the City doesn't have the capacity to serve and has urged his clients to be cautious.

Attorney Hobby addressed two issues. First, he said everyone involved needs to play a role in the planning mechanism which will be ongoing with a lot of communication. He said if the planning department and water department are not on the same page, there will be a disconnect with major problems. In addition, there is tracking and actual concurrency involved with planning and they are different issues. Secondly, he asked if the City was committed to serving projects that are part of the analysis and if so, when will this occur. He said in Pasco County, if you want an actual right to water, you are required to prepay 50% of the potable water impact fee.

Attorney Hobby said one item he did want to mention on the record is a large project he and his clients have considered might be a property to be served or annexed has a large amount of agriculture wells. He said an agreement would have to be secured with SWFWMD to be effectively traded.

Lastly, Attorney Hobby said the conditional use items on the agenda have nothing to do with water capacity. He said if the City were to proceed in the next couple of weeks, the City would need to make sure there is a process in place to create concurrency certificates. He advised the City to actively track capacity and who has an actual right to the water.

City Attorney Matthew Maggard said moratoriums are for a short period of time, they are not a fix. He and the City Manager have discussed changing the ordinance to require a utility service agreement with prepayment of impact fees.

3.2 Nick Apartments: Conditional Use to Exceed Height Limitations of R4 Zoning District

Historic Preservation Specialist/Community Planner Audrey McGuire said this project is located off Fort King Road directly north of the existing four story Summerset Apartments and adjacent to the existing three story Fort King Colony Apartments. Applicants are proposing four story market rate apartments with two in/out access points at the north and south end of the project off Fort King Road with 288 parking spaces for 144 proposed units.

Ms. McGuire said the City's Land Development Code (LDC), Subsection 7.01.01.04, allows for heights in excess of the maximum established for the zoning district to be considered as a conditional use for mid-rise structures between three and five stories. A four story mid-rise structure requires an increase in the setback of one additional foot for each additional two feet of building height above 30 feet and the applicant has provided a concept plan with the required setbacks. This project has a significant amount of wetlands and retention setbacks on the north end. Staff did not find any adverse impacts contributing to the deterioration of life or property in the immediate neighborhood as the buildings will be set back significantly from the mobile home community to the north. Additional drainage has been accounted for in the applicant's drainage study due to the project being located in the basin of special concern and the applicant will be required to undergo a traffic study analysis to determine turn lanes and other intersection analysis improvements. The Planning Commission recommended approval with a condition that a left and right turn lane be added at Fort King Road along with suitable drainage. Residents attending

the Planning Commission meeting had concerns with increased traffic, crime and safety, an increase in density and overall implementation of additional multi-family units. Staff and the Planning Commission recommended approval with conditions.

Councilman Smith said the last apartment complex built in the City of Zephyrhills that was not subsidized was 1995. He said there are a lot of single family homes within the City but not a lot of one bedroom apartments. He is concerned about the water and the increased traffic but from a product mix standpoint, there is a need for market rate apartments.

Councilman Proctor said the City is experiencing critical growth and he is concerned with water and traffic.

Councilman Burgess said he is not opposed to the height of a building. His concern is density and he will be opposing all conditional uses and variances for the time being. He said he is not anti-development, he simply needs more answers. He said the City is exploding right now and the City needs to take "pump the brakes." He said the developer can build what they originally intended to build when they purchased or annexed the property. He said they have open space today and it might be called Phase II tomorrow. He said he understands the amount of units and asked why they don't proceed with the original plan.

Spoke from the floor: Civil Engineer Christine Hall - EXO Limited - 4776 New Broad Street, Suite 100 - Orlando, Florida 32814

Christine responded to Councilman Burgess and said her client is concerned about the neighboring residents to the north and the amount of fill needed for the flood plain. She said the proposed density is under the allowed with green space between the northern mobile home community since the site will not be built out completely. The site allows up to 20 units per acre and they are proposing 13.5 units per acre. She said they did their due diligence and met the zoning requirements and are requesting 4 four story apartments with significantly less density. She said the difference is 3 four story buildings or 6 two story buildings.

City Attorney Matthew Maggard reminded Council that as part of the conditional use, the applicant is requesting to increase the height of the building, not the density so water is not a factor that can be considered. He said the applicant is requesting less units than they are entitled overall. He said this item is under the Planning Report and staff is looking for direction from Council.

Planning Director Todd Vande Berg said Councilwoman Wilkeson is absent tonight but they had a conversation relating to conditions as part of the conditional use. She requested a right hand turn lane on Fort King Road, landscape screening to buffer the street view with ideas on the context of the buildings.

Mayor Whitfield requested a school bus stop be located off the highway at the entrance as a condition.

Councilman Smith requested a turn lane at Fort King Road as a condition.

3.3 Pretty Pond Apartments: Conditional Use to Exceed Height Limitations of R4 Zoning District

Historic Preservation Specialist/Community Planner Audrey McGuire said the applicant is proposing four story buildings directly north of the existing three story American House Assisted Living Facility on Pretty Pond Road, the existing three story Crestview Hills Apartments on Wire Road and adjacent to the existing single-story, single family homes in Abbot Park Subdivision at Pretty Pond Road and Wire Road. The project is proposing two access points; one on Pretty Pond Road and one on Wire Road. There will be a perimeter landscaping buffer and screening that can be increased by Council. The proposed signage and lighting will be reviewed for conformance with current plans to assure there is no spillage onto the adjacent areas or roadways and minimum parking requirements have been met.

Ms. McGuire said the City's Land Development Code (LDC), Subsection 7.01.01.04, allows for heights in excess of the maximum established for the zoning district to be considered as a conditional use for mid-rise structures between three and five stories. A four story mid-rise structure requires an increase in the setback of one additional foot for each additional two feet of building height above 30 feet. The applicant has exceeded the requirement with a 95' front setback and has submitted a concept plan. The applicant is required to go undergo a traffic study

and impact analysis. The applicant will submit information to the Federal Aviation Administration (FAA) to make sure the proposed buildings do not exceed the height limitations determined to protect the approach and clear zones of the Zephyrhills Municipal Airport. Staff has discussed a roundabout concept with Pasco County at the intersection of Pretty Pond Road and Wire Road for increased access. Staff did not find any adverse impacts contributing to the deterioration of life or property in the immediate neighborhood based on the character of the existing land use patterns and topography of the area. Staff recommended approval.

Spoke from the Floor: Clarke Hobby – Hobby & Hobby, P.A. - 109 N. Brush Street – Tampa, Florida 33602

Attorney Hobby said when Council views a conditional use, they must make a decision based on the evidence educed at the hearing. He said this site is uniquely situated in the Zephyr Lakes and Zephyr Commons area with an approximate 100 foot elevation difference from the site and the hill to the south and a 70 foot elevation difference to the east. He said the increase to four story has allowed the developer to create enormous setbacks. He urged Council to look at this conditional use cautiously and individually.

Planning Director Todd Vande Berg said Craig Cornelison, Civil Engineer, laid down a sample roundabout at the Pretty Pond Road and Wire Road intersection that has been sent to Pasco County for review.

Councilman Burgess said for reasons stated previously such as density and the amount of units, he will be opposing all conditional uses for the time until he receives more answers.

Councilman Smith said he is hopeful the traffic study will show that installing the lights at Pretty Pond Road and US-301has benefited the area.

Councilman Knight said Council has reviewed a lot of angles and has decisions to make on these two apartments. He thanked everyone for their comments.

CITIZEN COMMENTS

MAYOR ANNOUNCEMENTS – N/A

CITY MANAGER ANNOUNCEMENTS – N/A

CITY ATTORNEY ANNOUNCEMENTS – N/A

CITY COUNCIL COMMENTS – Councilman Proctor said Council is facing some tough decisions but he likes the idea of a roundabout. He said he is firm with his decision on the conditional use items.

Councilman Smith said looking at the whole residential picture, the City has a ton of single family homes but needs market rate apartments. He said the Pigz in Z'hills was a great event. He said the City needs to rethink projects with massive amounts of landscaping that are thirty for water. He urged everyone to be careful with the reclaim water because it will be valuable one day.

Councilman Burgess said he has made his stance known. He acknowledged Todd, Rodney, Audrey and Kevin in the planning department for their efforts to be proactive. He congratulated City Manager Billy Poe's daughter, Madison Poe, for achieving Salutatorian of her senior class.

Council President Knight said Council is facing some crucial issues. He said if water continues to be pulled out of the ground it will become critical and overflow to the growth. He echoed Councilman Burgess' suggestion to "pump the brakes."

4. NOTED ITEMS

4.1 cgi Digital Community Showcase Video Program

4.2 RFQ for Branding & Marketing

Meeting adjourned: 7:33 p.m.
Submitted by Lori Hillman