

## **REGULAR COUNCIL MEETING**

A Regular Council Meeting was held on March 28, 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, Jodi Wilkeson and Mayor Whitfield. City Manager William Poe and City Attorney Matthew Maggard were present.

Staff present: Police Chief Derek Brewer, Public Works Director Shane LeBlanc, Planning Director Todd Vande Berg, IT Director Mike Panak, Airport Manager Nathan Coleman, Building Official Bill Burgess, 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 Superintendent C.J. Funnell, Water Treatment Plant Operator Eric Martin, Water Treatment Plant Operator Cody Bowden, Water Treatment Plant Operator Trainee Tommy Sheffler 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 Water Conservation Proclamation**

City Clerk Lori Hillman read aloud a Water Conservation Proclamation that was presented to John Bostic by Mayor Whitfield.

#### **1.2 Presentation of Plant Operations Excellence Award**

Mayor Whitfield presented a 2021 Plant Operations Excellence Award to Utilities Director John Bostic, Water Superintendent C.J. Funnell, Water Treatment Plant Operator Eric Martin, Water Treatment Plant Operator Cody Bowden and Water Treatment Plant Operator Trainee Tommy Sheffler in recognition of outstanding operation through dedicated professionalism.

#### **1.3 Tartan Day Proclamation**

City Clerk Lori Hillman read aloud a Tartan Day Proclamation that was presented to Cliff McDuffie by Mayor Whitfield.

### **2. CONSENT ITEMS**

2.1 Amendment No. 1 Nieman Electric Motor Co. Agreement No. 41-22-06

2.2 Amendment No. 1 Ferguson Enterprises, Inc. Piggyback Agreement No. 41-21-23

2.3 Infotect Design Solutions Inc. Agreement No. 41-22-12 Piggyback with Tampa-Hillsborough County Expressway Authority for General Information Technology Network Support Services

2.4 Approval of B.R.W. Contracting, Inc. Change Order No. 1 for Reclaimed Water Pipeline Extension – Phase I

Lance Smith moved to approve the Consent Items. Seconded by Jodi Wilkeson. Motion passed unanimously.

### **BUSINESS ITEMS**

### **3. PUBLIC HEARING**

3.1 First Reading **RESOLUTION NO. 790-22 - "A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS RELATED TO HEIGHT; APPROVING A CONDITIONAL USE TO EXCEED THE HEIGHT LIMITATIONS OF THE R4 (MULTI-FAMILY RESIDENTIAL) ZONING DISTRICT ON PARCEL NO. 03-26-21-0010-02000-0010; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; AND PROVIDING AN EFFECTIVE DATE."**

City Attorney Matthew Maggard read Resolution No. 790-22 by title. Historic Preservation Specialist and Community Planner Audrey McGuire said the applicant is requesting a four story building on the west side of Fort King Road, directly north of the existing four story

**Summerset Apartments.** The current height limitations are two story or 30 feet in the R4 zoning district. 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. 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 reviewed the conditional use and applicable zoning district standards as well as suitable access, drainage, parking, and screening / buffering of the site and found no adverse effects to the health, safety and welfare to the surrounding community. Four (4) conditions were added to Resolution No. 790-22 to include screening and buffering enhancements, the creation of a Conservation Easement on the wetlands and storm water areas, turn lanes on Fort King Road into the proposed site and turn lane improvements at the intersection of Fort King Road and Eiland Blvd. Staff recommended approval.

Councilman Burgess stated his position in opposition of all conditional use and variances moving forward until he receives additional information. He said he understands these items can be approved on a project by project basis but is concerned that approval will facilitate more requests. He said the City increased units per acre from 14 to 20 a few years ago to conform with market conditions and proposed reverting back to 14 units per acre. He said the City's height requirement are in conflict with the 20 units per acre allowed and the City is sending mix messages.

Historic Preservation Specialist and Community Planner Audrey McGuire stated the developer's initial plan was approved for 166 two story townhome units. The proposed project is for 144 four story apartments units which equates to 13.4 units per acre.

Councilwoman Wilkeson said she prefers the proposed concept over the original design. She said the rendering depicts open space between the four story apartment buildings and the Valleydale Community to the north. She said the developer is entitled to 166 units per acre and are proposing 144 units, which is less density. She said the benefit of allowing a taller building is the ability to negotiate for increased buffering, improved landscaping plans, screening for parking and turn lanes.

Councilman Smith said the City needs market rate apartments for young people and employees to live local.

Councilman Proctor said he has approved every conditional use that has come before Council but is concerned with solving serious issues prior to moving forward.

City Attorney Matthew Maggard said from a legal standpoint, the developer is requesting to change code and they are not entitled to a conditional use. He said if Council approves a conditional use, it will not set precedent in his opinion from a legal perspective. He reminded Council although there are concerns with future water use and growth, the conditional use is strictly for height. A formal site plan will be brought to Council at a future date for final approval.

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

Christine was available to answer questions and stated the developer has agreed to transportation upgrades and will visit a school bus stop on site.

A public hearing was held and the following individuals spoke from the floor: Margaret Coughlin of 6772 Erin Circle in Zephyrhills, Florida read aloud a prewritten letter (attached to minutes) in opposition to Nick Apartments; Randy York of 6764 Erin Circle in Zephyrhills, Florida read aloud a prewritten letter (attached to minutes) in opposition to Nick Apartments; Kevin Bahr of 37545 Sky Ridge Circle in Dade City, Florida said he is on the Planning Commission and approved the height for this conditional use and said he appreciates the developer lowering the density. He said it is time for the City to dictate what they will allow and thanked Council for what they do and the decisions they are facing.

City Manager William Poe clarified comments made during the Public Hearing. He said not all residents of Valleydale received letters about the proposed project as only those residents living within 400 feet of the proposed development are required to receive notification. The gopher tortoises and wetlands will be addressed in accordance with the environmental plan. The onsite bus stop will be a conversation with the developer's engineer and the Pasco County School Board in coordination with their transportation department. He said a comment was made that the density would double if the developer was allowed to build a four story building and said that was not the case. He said the original plan was approved for 166 two story townhome units and the proposed plan is for 144 four story apartment units. The density and the number of cars will not increase.

Lance Smith moved to approve Resolution No. 790-22 with conditions. Seconded by Jodi Wilkeson. Motion passed 3-2, opposed Kenneth Burgess and Charles Proctor.

3.2 First Reading **RESOLUTION NO. 791-22 - "A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS RELATED TO HEIGHT; APPROVING A CONDITIONAL USE TO EXCEED THE HEIGHT LIMITATIONS OF THE R4 (MULTI-FAMILY RESIDENTIAL) ZONING DISTRICT ON PARCEL NO. 35-25-21-0010-04400-0000; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; AND PROVIDING AN EFFECTIVE DATE."**

City Attorney Matthew Maggard advised the developer has requested to postpone this item to April 25, 2022.

Councilwoman Wilkeson moved to postpone Resolution No. 791-22 to April 25, 2022. Seconded by Lance Smith. Motion passed unanimously.

#### **CITIZEN COMMENTS**

**MAYOR ANNOUNCEMENTS – N/A**

**CITY MANAGER ANNOUNCEMENTS – N/A**

**CITY ATTORNEY ANNOUNCEMENTS – N/A**

**CITY COUNCIL COMMENTS** – Councilwoman Wilkeson commended Main Street on their recent downtown market and community art project in Transplant Park, and advised the Rotary Club had a great turnout for their Rotary Reading in the Park. She said serving as a councilmember is not an easy job and thanked fellow Councilmembers for working hard to protect the interests of the City, residents and business owners.

Councilman Proctor said tonight's decision was not an easy decision. He has never been against growth but feels the City needs to address some serious issues.

Councilman Smith said this was a difficult decision and respects everyone's opinion on Council. He acknowledged Main Street for doing a great job.

Councilman Burgess said he is a big believer in discussing issues. He acknowledged Main Street for the continuous activity on 5<sup>th</sup> Avenue and said Hercules Park and the Little But Loud venue discussed at the CRA Meeting will be great additions to the City.

Councilman Knight said when Council makes a decision like this evening, Council receives flack because everyone wants to go back to 1960 but those days are gone.

#### **4. NOTED ITEMS**

4.1 March 7, 2022 Council/Planning Commission Workshop Minutes

4.2 Mary Cypert Proclamation

4.3 Provide reconfiguration Flight Inspection of the PAPI on Runway 01 through Department of Transportation Federal Aviation Administration Agreement 41-22-13

Meeting adjourned: 7:19 p.m.  
Submitted by Lori Hillman

Attachments: Valleydale Opposition Letters - Margaret Coughlin / Randy York

PLEASE SUBMIT THIS LETTER TO THE PLANNING COMMISSION AND CITY  
COUNCIL AND HAVE COMMENTS READ INTO THE RECORD

SUBJECT: NICK APARTMENTS #03-26-21-0010-02000-0010

As one of many fulltime Valleydale residents of Zephyrhills, my concerns for this registered project proposal are as follows:

Valleydale is a resident owned community. Each household is a member of the Association. An equal owner of the land. Not all owners received a letter regarding this proposal. Only owners near the proposed site received letters and this proposal effects all owners who use Fort King Road. We all should have received the notice letters.

I heard at one time this property in question contains a gopher tortoise habitat and considered a wet land.? Is that true? I know they are protected under State Law Regulations.

I do not want another multifamily housing established on Fort King Road.

It is already a hazard for our residents on this road. Emergency vehicles cannot get through when vehicles are in both lanes of this road.

We have this year we have already noticed an increase in vehicles (heading for Eiland Blvd.) often backed up in front of our park entrance with the result of delay entering Fort King Road due to the amount of traffic and the lights on Eiland Blvd.

There are two school bus stops on this road as well as a transit bus stop as well creating delays.

The chance of fire or other emergency responses multiply when such multifamily residents exist. How are the cars going to move off the road to allow emergency vehicles through? That puts all residents at risk.

With all the traffic, I am sure due to the backups accidents will happen. Such as people cutting into the bank entrance off Eiland Blvd. to miss the traffic light, people exiting and turning into the other multifamily apts. Or all going and coming from the fitness center, the bushel-stop during traffic light changes and not to mention, the VA Clinic traffic that will develop soon.

It was my understanding we did not receive letters because this project it would not affect us, but it is now and will grow worse.

Our tiny part of Fort King Road is already congested and additions like this will decrease safety for current residents of Zephyrhills. I do not think these proposed changes will make any Improvements to our lives. We pay taxes and are proud of the downtown changes made and the growth of our city.

Focus should be made to cleanup areas at all the entrances to our city that need changes to present a progressive, clean, growing city and compliment the downtown. We all want a city to be proud of.

Regards,  
  
Maggie Coughlin, 6772 Erin Circle

March 28, 2022

Re: Nick Apartments 03-26-21-0010-02000-0010

Please submit this letter to the Planning Commission and City Council, and have comments read into the record of public testimony

Dear Planning and Zoning Department,

We, the undersigned residents of Valleydale RO Association, located at 37501 Martindale Avenue, Zephyrhills, want to express our opposition to the approval of a zoning variance "building height increase" proposed for Parcel No. 03-26-21-0010-02000-0010 by D32 Invest, LLC for Nick Apartments located at approximately 6655 Fort King Road.

After viewing the conceptual project plans which show three "four-story" apartment structures/parking lots and related amenities and buildings, we feel the project is too dense for the property size and surrounding area. Some serious concerns are listed below.

- Entering and exiting Valleydale Park already proposes significant wait times, and more importantly, oftentimes dangerous traffic conditions. Increasing the density of this project from a 2-story height to a 4-story height greatly multiplies the number of cars entering/exiting and traveling on this section of Fort King Road.
- Parking areas for the project would be significant at 2 stories. Doubling the number of units will necessitate creating more impermeable surface, more storm water runoff, tighter parking spaces, less usable open space, and a less attractive project overall. Other road issues that will undoubtedly surface are the need for sidewalks along Fort King Road, potential school bus stops, and pedestrian safety measures. These issues need further discussion and an action plan.
- Traffic noise and light pollution generated from three large buildings needs to be addressed.
- There are no details concerning adequacy landscape buffers around the entire project, which and how many historic oak trees would/could be preserved, and generally how the overall appearance of the project, as experienced from Valleydale Park, will be considered and addressed.

We respectfully ask that the commission deny the height variance and maintain the currently permitted 2-story zone. Alternatively, if the commission approves the 4-story variance, we ask that the number of buildings be reduced to two, but preferably one. We also ask that a high growing, coniferous evergreen tree border be placed around the entire northwestern portion of the project.

Respectfully submitted,

Royce and Randy York  
6764 Erin Circle

*Randy York*  
*Margaret Loughlin*  
*John Loughlin*  
*John Loughlin*  
*Bonnie Lewis*  
*Judy Mahoney*  
*Sandy Tarbell*  
*Linda Daffin*  
*Pat Robinson*  
*Carol York*  
*Bernadette May*  
*Sue Blakeslee*  
*Donna Blakeslee*  
*(SEE REVERSE)*

Richard Gough  
Rico Ader  
Carol Smick

Peter J. Smith  
Carol LaCourse  
Dany LaCourse  
Jo Ann Walls  
Dean Walls,  
Gene McNamee  
Al + Holly Schave  
George + Libby Hetchman  
Sandra R. Hauner

DEK 94  
Catherine Shipley  
Henry Finley  
Joan Ochensider  
Larry Lunn  
Dyinda Price  
Thomas Price  
Lela MacLeod  
Cheri MacLeod  
Ann Skrauger

David T. Kunt  
Mary Webster  
Ruth Peterson  
Nancy Deal  
Elizabeth Hetchman  
George Neato  
Margaret Johnson  
M. Kunt

Sandra Rendall  
Margaret Summers  
Linda A. Corson  
Clyde H. Bass  
Don A. Corson  
Tom M. Lunn  
Linda Blodgett  
Rose Henry  
Sandra H. Corson  
Richard Z. Zann