City of Zephyrhills

Planning Commission

Council Chambers – City Hall | 5335 8th Street, Zephyrhills, FL 33542
Tuesday, October 18, 2022

- MINUTES-

I. CALL TO ORDER

A Regular meeting of the Planning Commission was called to order by Mayor Gene Whitfield at 6:00 PM in Council Chambers of City Hall, 5335 8th Street, Zephyrhills.

II. ROLL CALL

Commission: Mayor Gene Whitfield, David Armstrong, Tracy Sullivan, Beth Aker, Christian Ryman, Thomas Vanater, Christa Remington (Alt. 1), Dr. Randy Stovall (Alt. 2), Matt Maggard (City Attorney)

Staff Present: Todd Vande Berg, Rodney Corriveau, Kevin Kelley, Audrey McGuire, Carlos Maldonado

III. PLEDGE OF ALLEGIANCE

IV. INVOCATION

Christian Ryman

V. BUSINESS ITEM(S)

1. ANX/FLU/RZ - 0012-22 ACME Development Corp

Application submitted by ACME Development Corp for simultaneous review of petitions to annex 9.98 acres; Large scale future land use map amendment, changing the FLU classification of 110.32 acres from City IN (Industrial) to City MU (Mixed Use); and rezoning from City LI (Light Industrial) to City PUD (Planned Unit Development) pertaining to +/-120 acres of real property generally located north of Chancey Road on the east side of SR 39.

Commissioners Christian Ryman and Thomas Vanater recused themselves from this item.

Justina Gale of Florida Design Consultants addressed the Commission on behalf of the applicants. Ms. Gale gave a presentation on the project, which included a rezoning from industrial to mixed-use residential, and discussed the potential benefits of the project. She also addressed the annexation and future land use map amendments, as well as the compatibility analysis for the PUD which focused on mixed-use as a benefit to the city by providing more opportunities for employment and increasing the tax base. Ms. Gale stated the project was compatible due to other residential projects approved in the area. The proposed PUD project includes 30,000 square feet of non-residential, 400 multi-family units, 110 townhomes, and 200 single-family units. The PUD will feature a park system (3-acres), trail and enhanced buffering along the CSX corridor and SR 39. Ms. Gale stated that a utility impact analysis was conducted and found that the proposed land use would generate less demand for water and wastewater at buildout than potential industrial uses. It was stated that a traffic study was conducted

and showed the project will not increase traffic for the area, and that a buildout, the project was anticipated to generate fewer trips than industrial uses. The traffic study indicated turn lanes into the project would likely be warranted.

Clark Hobby of Hobby and Hobby, PA, attorney for the applicants, addressed the Commission. He stated that the proposed project was possible as the zoning for the subject property was residential back in 2005. He stated the applicants were approached by the City and agreed to rezone the subject property to industrial. He noted that the site had not had an interested buyer since 2007 and that the rezoning could benefit the city by providing affordable housing for workers nearby.

Todd Vande Berg, Planning Director, addressed the Commission and gave a presentation on the project. Mr. Vane Berg discussed compatibility issues with the site, including proximity to the CSX Railroad. He stated he had reached out to CSX Railroad Manager Aubrey Brown he expressed concerns with the proximity of residential to the railroad and potential noise-related issues as the main line is seeing an increasing number of trips, and two crossings are adjacent to the site. Another compatibility concern noted by Mr. Vande Berg was the project's proximity to the airport. Noise from adjacent industrial businesses was of a concern, with audio video being shown of the noise. Morrow Steel, Old Castle Stone, and Wheel Blast (adjacent businesses) all expressed their concern with intrusion of residential and potential noise complaints. It was noted that the nearby new Pasco County development, Bristol Meadows, had made several complaints of noises coming from the industrial uses along Copeland Drive.

Mr. Vande Berg stated that another key concern for the city with regards to land use was the inundation of residential (now at 44% of total lands in the city), and lack of jobs being created.

Mr. Vande Berg addressed city service concerns. He stated that the applicants were using a calculation of 215 gallons per unit per day, while the city utilizes a standard of 300 gallons per unit per day, which increases the potential potable water impact shown by the applicants. Mr. Vande Berg also noted the impacts on the police department, requiring an additional 5 officers to cover the project alone, and sanitation department. The potential impact to the Pasco County School District, and nearby elementary, middle and high schools, was also of concern.

Todd Vande Berg stated that the recommendation of staff and the Site Plan Review Committee was for denial of the project.

Richard Tonnello, Pasco County School Board Planner, addressed the Commission. Mr. Tonnello described the school concurrency process. He commented on the proposed development and solutions for high-capacity schools, with new school sites being proposed which could be built within 2 to 3 years. He stated other considerations for increasing school capacity were additions to existing schools. Mr. Tonnello stated that student generation rates determine a rough estimate of 400 children out of every 1,000 new homes. Commissioner Aker inquired about the likelihood of an increase in school development within the next 5 years, what is the timeframe? Mr. Tonnello stated the School Board has property on Otis Allen Road for another school to be built. He again noted the school concurrency review and stated that the increase in students would be phased over several years. He also noted that charter schools also come into play. Commissioner Sullivan inquired how the School Board determines how many studens a development generates. Mr. Tonnello stated it is the school generation rates, and utilizing GIS data and historical information, are able to determine an estimate for new development. He stated that the genration rate for elementary is 0.18, middle school is 0.95, and high school is 1.23.

Clark Hobby addressed the Commission again, stating for the record that Mr. Vande Berg had indicated the proposed project was massive, but that Abbott Square was an approved PUD of a similar size development. He also inquired that if industrial uses across the tracks are such an issue, does the city want more of that type of industrial uses? Mr. Hobby also stated that city staff had recommended

approval of the Gagne PUD immediately south of the subject property for residential purposes. He stated he felt that that Pasco County Economic Development and city staff wanted to keep the area industrial because they believe it may generate jobs, but that industrial uses are locating near interstate 75 instead and questioned the importance of rail. Mr. Hobby stated the closes part of the subject property to the airport was over 4,000 feet away from, and was not really an issue.

Commissioner Sullivan inquired about the potable water rates shown by Florida Design Consultants. Mr. Hobby stated that during planning purposes, assumptions were made, and their analysis showed what the potential buildout scenarios were. Commissioner Sullivan expressed her concern with the potential water usage. Mr. Hobby stated that they are aware the city has water issues and the applicants are willing to pay 100% of their water fees upfront. He noted he was aware the city had put time and effort into designating the subject property as a Readiness Site and that they were willing to pay back the city a quarter of a million dollars for their effort over the years.

Commissioner Aker inquired why the developer would want to subject potential homebuyers to some of the compatibility issues brought up and commented on by utility companies and surrounding neighbors. Mr. Hobby stated that the planning decisions should not be a popularity contest and that for all they knew, adjacent properties may not be meeting city noise ordinance requirements. He stated you had to consider the totality of the circumstances, but that it is not about the opinion of the neighbors and their business versus others. Commissioner Aker noted that she has to look at the totality of the project and that they a responsibility to potential homebuyers ensure their due diligence is conducted. Mr. Hobby stated that if the subject property develops for industrial uses, it will be introducing uses which staff thinks are improper for the existing uses already in place.

Kevin Ryman, 6814 Oakcrest Way, on behalf of ACME Development Corp., addressed the Commission stating that the subject property was once zoned for residential and that the developer was willing to work with the city to meet all its needs. He noted that the property was zoned residential in the past and that they had been approached to rezone it to industrial, and since then they had not had any offers on the property. Mr. Ryman asked how much longer he has to hold on to the property and felt industrial uses were more suited east of the railroad tracks. He added that he believes it to be more appealing for people driving into the city to see residential than industrial uses. Commissioner Aker inquired how he had been approached to rezone in the past. Mr. Ryman stated that he believed it was the city, and late the county who had approached him. Commissioner Aker inquired whether the businesses [business along Copeland drive) were already in existence to which Mr. Ryman stated yes.

Mayor Whitfeld opened the meeting for public comment.

Ed Boudreau, 3749 Copeland Drive, addressed the Commission on behalf of Old Castle. Mr. Boudreau discussed the operations of Old Castle. Mr. Boudreau stated that when Bristol Meadows developed, they received noise complaints. Old Castle worked with the city Code Enforcement on testing and it was found they did not exceed permitted levels. He stated even though they were within permitted levels, Old Castle spent over $200,000 on noise reduction in an effort to be a good neighbor. He stated he feels property owners should be made aware of existing industrial uses in the area. He stated that Old Castle would like to grow and improve, and work with the city and surrounding uses. Mr. Boudreau stated he objected to the rezoning.

Craig Henry, VP of operations for Old Castle, 3749 Copeland Drive, addressed the Commission. He stated Oldcastle was under their permitted noise levels and welcomed dust testing. He stated one of Old Castle's values was to be a good neighbor. Mr. Henry stated they objected to residential uses as the business produced noise 24/7 and that noise could still travel. He discussed business operations and noted that they may not further invest in Zephyrhills if additional residential were to be introduced into the area. He stated he supports commercial uses but that, from experience in other areas of the

country, residential could cause reductions in their operations which may lead to relocation of the business. Mr. Henry stated he was opposed to residential.

Daniel Germond, 38936 Tucker Road, addressed the Commission stating his concerns for noise and emissions produced by Wheel Blast and Old Castle on Copeland Drive. He stated his concern for potential flooding and privacy with the introduction of residential uses.

Todd Vande Berg stated that land use decisions are not short term, they're long-term decision and its important to consider all the facts.

Mayor Whitfield asked if anyone else would like to speak to the item.

Joan Wikel, Cogg Hill Loop, Majestic Oaks, addressed the Commission stating that although it had improved greatly over the past few years, the 24/7 industrial operations were noisy and dusty. She expressed concern for potential residential uses.

Commissioner Stovall shared conversations had with PEDC who helped the city with the Site Readiness project and working with industrial developers. He stated you can't get more land and once you get rid of the land use for another purpose, then the city can never generate the additional jobs it may create. He stated he believes the city's time is coming for industrial.

Commissioner Aker stated she was not supportive of residential nor industrial uses on the property, and felt for Mr. Ryman's position.

Commissioner Armstrong noted this was a hard decision, but he did not want to see several hundred more families coming in to complain.

Commissioner Armstrong moved to recommend denial. Motion seconded by Commissioner Sullivan. Motion carried unanimously.

2. <u>RZ-0014-22 Agape Baptist Rezoning</u>

Application to rezone from OP (Office Professional) to C3 (General Commercial) submitted by Gulf Coast Construction for a 10 acre parcel at Chancey Road and Laurel Valley Boulevard, approximately 1,500 feet east of Copeland Drive.

Rodney Corriveau, Senior Planner (staff) introduced the item. He stated the application was for a rezoning only, converting the property from OP to C3, [General] Commercial, noting that the subject property was in an industrial area and abutting a mobile home and RV park. Staff provided a description of industrial flex space, such as a solar business with office and staging, shipping facilities and medical supply facilities which would be allowed under code. He noted that uses like publishing and printing could also be considered. Mr. Corriveau stated pedestrian and vehicle traffic would be minimal, and that the water study showed a low potable water usage. Connection to Laurel Valley Boulevard warranted further review.

Commissioner Armstrong inquired whether there was a list of allowed C3 uses included in the package and whether "noise makers" were on the list. Mr. Corriveau gave an example of a use that could be considered and noted that any heavier uses would have to be approved as a conditional use. He noted the proposed uses were generally low-traffic generators and referenced the proposed storage use at the back of the property. He stated that a traffic study would be required to further analyze turn lanes and roadway improvements.

Commissioner Sullivan asked if water usage would be similar to the existing use as a church? Mr. Corriveau stated staff coordinated with the Utilities Department and that a use like this was typically less than residential use, noting that self-storage uses are generally low water users. He stated the Utilities Department did not have any issues with the potential growth of the subject property.

Mayor Whitfield opened the floor for public comment.

Mike Chaney, 3818 Royal Troon Way, Majestic Oaks, addressed the Commission. He stated he was against the change from Office Professional to General Commercial. He expressed concern with being adjacent to the industrial on both sides of Majestic Oaks, light and noise pollution, stormwater, and access to the site. He stated he would like to see it stay office professional.

Sandra Pratt, addressed the Commission and expressed concern with access to the site. Commissioner Sullivan inquired if the road in question was Laurel Valley Boulevard to which Ms. Pratt stated yes and that it was a private road. Mr. Corriveau stated it was staff's understanding it was a public road, but that they would have to do further research. He noted that if it was a public right-of-way, the property owner would have all rights to utilize it; however, if it was private, the applicant would have to design ingress/egress based upon a private right-of-way or off of Chancey which would require a County Right-of-Way Use permit.

Commissioner Aker inquired if there were interested parties in developing the concept plan? Shelly Johnson of Shelly Johnson, PA, 6400 Madison Street, New Port Richey, addressed the Commission on behalf of the applicants. Ms. Johnson noted there were not currently any buyers for the property and that the rezoning request was to position the property for future infill development.

Ms. Johnson stated the applicants would look into the issue with Laurel Valley Boulevard before the City Council meeting and felt there would be no issue providing access to the site whether by easement on the private road or via Chancey Road.

Matt Maggard, City Attorney, noted that this application was for rezoning only and that a plan would not come back to the Commission if permitted by right, only Conditional Uses would go back.

Commissioner Armstrong stated that the Commission would not see the project back with Euclidean Zoning. Staff clarified that if a conditional use was required by the land use table, or a use exceeded the height limitations of the zoning/use, it could come back to the Commission.

Craig Randy, resident of Majestic Oaks RV Park, addressed the Commission stating his concern that if the area gets approved for warehouse uses, increased noise from trucks and traffic was possible. Mr. Randy stated he was not in favor of the rezoning.

Terry Lockner, resident of Majestic Oaks addressed the Commission, inquiring if it would be all buildings and asphalt, and where drainage would be. He stated concerns with existing flooding in the area. Mayor Whitfield stated the applicants would be required to retain the water on their property and a drainage plan would be required.

Commissioner Vanater moved to recommend approval. Motion seconded. Motion passed unanimously.

3. **ANX/FLU/RZ-0014-22 Blue Triton**

Application submitted by Blue Triton for simultaneous review of petitions for annexation; Small scale future land use map amendment, changing the FLU classification from Pasco County RES-3 to City IN (Industrial); and rezoning from Pasco County R1 to City LI (Light Industrial) pertaining to +/-8.43 acres of real property generally located on 20th Street immediately south of the existing facility.

Rodney Corriveau, Senior Planner (staff) addressed the commission. He gave a brief overview of the applications, noting that Blue Triton, formerly known as Nestler Waters, were proposing to annex, amend the future land use and rezone for the purpose of expanding their existing parking area. Mr. Corriveau noted the applicant was willing to work with the adjacent residential community on additional buffering and noted the city's minimum code requirement. He stated the applicants had submitted an application to Pasco County to vacate a portion of Leaf Lane.

Commissioner Sullivan inquired about the height of the proposed fence. Staffs stated the LDC required a 6-foot-high fence.

Linda Pierson, Planner representing the applicants, addressed the Commission beginning with a history and business information of the plant itself, benefits of the expansion, proposed project and criteria for annexation, FLU and rezoning. Ms. Pierson stated the expansion for the parking lots was related to parking for trailers and that any future building expansion would occur to the east of the existing building. Referencing Leaf Lane, she stated that the right-of-way was originally platted over 100 years ago and never accepted by Pasco County. She stated the application for right-of-way vacation (through Pasco County) does not have anything to do with what current and historical access to and used by the nearby residents, it is just housekeeping.

Ms. Pierson described the type C landscape buffer and indicated the actual design was being conducted by the landscape architect and the city. She stated a 20-foot buffer with two rows of trees and shrubs was required. She stressed the need for security on the site, stating that a solid buffer was needed and wood fence would not suffice.

Ms. Pierson addressed the concern for water. Referencing a study by George Mason University entitled "Does Land Development Pay for Itself?", she stated the findings showed that industrial users showed the lowest demand on city services/facilities.

Ms. Pierson stated that stormwater layout and sizing shown was what was believed to be the maximum needed, but had not yet been finalized.

Commissioner Sullivan inquired what type of fencing would be proposed. Ms. Pierson described the types of screening, including a wall, that would likely be used.

Commissioner Sullivan inquired about lighting at night for the proposed parking area. *[Public comment from the audience stated it was very bright.]* Ms. Pierson stated improved lighting design could be directed down into the parking lot versus out onto adjacent properties.

Ms. Pierson stated that the applicants are willing to work with the residents to determine if either fence or wall would be installed, and other landscape improvements were discussed. It was noted that potable water and wastewater demands were anticipated to be lower than for residential uses.

Commissioner Vanater asked for clarification on where the building expansion would be. Ms. Pierson stated it was not a part of the subject properties and would occur on the north east side of the plant. Parking would be expanded on a portion of the existing site.

Commissioner Vanater inquired about water usage. Ms. Pierson stated they purchase water from the City and a portion came from Crystal Springs. Matthew Maggard, City Attorney, noted that the purified water came from the city.

Ms. Pierson stated they had not finalized the design of the wall (solid buffer) because they were waiting to hear from the community. Mr. Corriveau clarified that chain-link fencing was allowed in LI zoning but that the location of the wall or fence (inside or outside the buffer) could be worked out with the community.

Mr. Corriveau noted there were conditions in the City's code for light pollution.

Mr. Corriveau stated that the anticipated project buildout is 5 years and that the applicants were working with the city to increase the water use permit. He noted that water usage for industrial and residential uses fall within different categories for usage. Mr. Corriveau stated the projected water use at buildout would be 128,000 gallons per day. Commissioner Armstrong inquired whether the 128,000 gallons per day was the additional, or entire plant. Staff stated it was for the additional. Mr. Maggard stated that industrial uses were calculated on the permit differently than residential.

Commissioner Sullivan inquired whether trees would be maintained. Ms. Pierson stated yes.

Jim Willis, 4142 Breezewood Drive, addressed the Commission with his concerns.

[LOSS OF AUDIO]

Discussion was had [*Public comment from the audience]* on the concerns of nearby residents who complained of noise, light, and littering issues resulting from the plant.

Commissioner Sullivan inquired how much room was between the fence and parking expansion area. Mayor Whitfield inquired whether they could provide a double buffer around the parking lot and stated his concerns with lighting intrusion onto nearby residents.

Vincent Stokes, 4128 Breezewood Drive, addressed the Commission with his concerns on the project.

[LOSS OF AUDIO]

Commissioner Ryman left the meeting at 9:18 PM.

Commissioner Aker addressed a resident's concern with mosquitos resulting from existing and proposed retention ponds. Ms. Pierson recommended that they contact Pasco County Mosquito Control. Commissioner Aker also asked that residents' concerns, specifically with litter from truck drivers be addressed and suggested installation of security cameras. Ms. Pierson stated that to her knowledge the company had not received those types of complaints, and residents [*from the audience]* indicated the company was not easily reached.

Mayor Whitfield called for a motion. A motion was made to approve. Motion died from lack of second.

Motion to move forward without a recommendation. Motion seconded. Motion carried unanimously.

VI. ADJOURNMENT

Mayor Whitfield adjourned the meeting at 9:29 PM.