

REGULAR COUNCIL MEETING

A Regular Council Meeting was held on October 10, 2022 at 6:00 p.m. in the Council Chambers of City Hall and via GoToMeeting +1 (646) 749-3122 - Access Code: 855-325-901.

Council President Wilkeson called the meeting to order. Roll call was taken. Present were members Alan Knight, Charles Proctor, Jodi Wilkeson, Lance Smith, Kenneth Burgess 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, Building Official Bill Burgess, Utility Director John Bostic, Airport Manager Nathan Coleman, Public Information Officer Kevin Weiss, IT Director Mike Panak, Historic Preservation Specialist and Community Planner Audrey McGuire and Finance Supervisor Jessica Carter.

Alan Knight asked for a moment of silence for the family of Nelson Ryman. He said Nelson was always smiling, never missed a football game, raised two fine young men and will be greatly missed.

Reverend Jennifer Bennett with the Pasadena Baptist Church delivered the invocation. The Pledge of Allegiance followed.

1. CONSENT ITEMS

1.1 Change Order No. 1 to Ajax Paving Construction Agreement No. 25-21-06 Taxiway A Rehabilitation Time Extension

1.2 Request Council approval for Jones Edmunds Task Assignment JE-23-02 – South 301 Sewer/Water Phase I Project

1.3 Request Council approval for Jones Edmunds Task Assignment JE 23-03 – Reclaim Water to Abbott Square and Pasco County

1.4 Request Council approval for Jones Edmunds Task Assignment JE 23-04 – Northside Phase 3 Force Main/Water Main

1.5 Request Council approval for Jones Edmunds Task Assignment JE 23-05 – WWTP Effluent Pump Station Upgrade

1.6 Notification to Council for the Purchase of an Emergency Generator and Transfer Switch at Well 5 through RCM Utilities

1.7 Notification to City Council to utilize the services of R&M Service Solutions for Annual Hydrant Maintenance

Kenneth Burgess moved to remove Items 1.2, 1.3 and 1.4 for future discussion.

Seconded by Charles Proctor. Motion passed unanimously.

Lance Smith moved to approve Consent Items 1.1, 1.5, 1.6 and 1.7. Seconded by Alan Knight. Motion passed unanimously.

CONSENT ITEMS 1.2, 1.3 AND 1.4

Kenneth Burgess said Consent Items 1.2, 1.3 and 1.4 will involve digging and directed staff to make sure all utilities are located to eliminate possible cost overruns.

Kenneth Burgess moved to approve Consent Items 1.2, 1.3 and 1.4. Seconded by Lance Smith. Motion passed unanimously.

2. BUSINESS ITEMS/PUBLIC HEARING

2.1 ACME Development on Wire Road North of C.R. 54

First Reading **ORDINANCE NO. 1443-22 - "AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA ANNEXING ADDITIONAL TERRITORY TO BE INCLUDED WITHIN THE BOUNDARIES OF SAID CITY DESCRIBED AS PARCEL NUMBERS 02-26-21-0010-03600-0000 AND 02-26-21-0010-03600-0010 LOCATED AT 6700, 6712, AND 6718 WIRE ROAD, ZEPHYRHILLS FLORIDA 33542 IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES, AS AMENDED."**

City Attorney Matthew Maggard read Ordinance No. 1443-22 by title. Senior Planner

Rodney Corriveau said this item came before Council approximately six months ago and Council instructed the applicant to work with Pasco County on a right-of-way use permit. The proposed project is for annexation into the City with a future land use designation of residential urban and a R4 zoning designation. A proposed site plan was presented that is exempt from access management (left and right turn lanes); however, there is a 15' right-of-way entitlement for Wire Road future improvements. The applicant imposed a voluntary deed restriction of 55 townhome units and will be required to install a sidewalk on the west side of the road as part of the right-of-way application process. He said the traffic study was based on peak hour travel and the applicant understands the importance of landscaping and buffering in a developed area adjacent to existing properties and right-of-way. The applicant has begun the process of working with Pasco County Fire Rescue to assure accessibility with one entry and one exit.

City Manager William Poe said there is a sidewalk trail along Abbott Park and a sidewalk trail is being constructed in front of the Duke Energy substation. Pasco County has been working with the City to make the connection from Daughtery Road south to CR-54 with the constrained right-of-way issue. A public hearing was held.

Spoke from the Floor: Kim Adams – 38754 Vulcan Circle, Zephyrhills, FL

Mr. Adams voiced his concern about his home flooding and the location of a retention pond since his site is located three feet below the proposed project. He added the land on Wire Road is six feet higher than the bottom of his trailer that is two feet off the ground. He said he currently has problems with hot and cold water along with water pressure and is concerned it will get worse when additional homes are added. He addressed the presence of matting gopher turtles with babies and a fletted woodpecker nest on the property that are protected.

Spoke from the floor: Gwen Stein of 38754 Vulcan Circle, Zephyrhills, FL

Ms. Stein said she does not want to come before Council like the lady who was before Council last month (Kim Earle). She asked if the applicant would leave a barrier between the project or if they will build up to the fence line.

Senior Planner Rodney Corriveau said he spoke with Utilities Director John Bostic who said he is not aware of water pressure issues in the area. He said there have been a couple gopher tortoises identified through the endangered species report and permits cannot be issued until all protected species are identified and relocated. The applicant is committed to buffering the property, the site will be graded and the water will be sluiced into a retention pond. There is a 20' setback with a 10' buffer along the eastern boundary line.

Spoke from the floor: Scott Stannard - Commercial Site Solutions (CSS) – 21764 FL-54 – Lutz, FL

Mr. Stannard addressed the question on buffering and said a combination of plantings and an opaque PVC fence will be implemented to provide separation. The proposed project has been capped at 55 dwelling units rather than the allowable and will provide additional buffering with a playground and open space to make the area less dense. He referred to the topographic survey which shows the drainage peaks on the eastern side and drains west towards Wire Road away from the mobile homes in the existing low area. The pond is located on the western side next to the road so the collection system will pipe the water to the stormwater pond. He said state law requires that water be treated for contaminants and requires attenuation of the larger storms to the predeveloped rates to avoid overloading the ditches and the remaining stormwater system. He said there is an interim period during construction where the runoff will be different than what you see in the finished condition. He said as the engineer, he has to take that into account. For ten months or so while these homes are being built out, there is an interim condition where construction will be phased and the pond will be built first so that all the water will flow to the pond which is designed to capture and treat the water.

Kenneth Burgess moved to approve Ordinance No. 1443-22 on the First Reading. Seconded by Charles Proctor. Motion Passed Unanimously.

2.2 Zephyrhills Storage LLC on US-301 South of Daughtery Road

First Reading **ORDINANCE NO. 1445-22 - "AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA ANNEXING ADDITIONAL TERRITORY TO BE INCLUDED WITHIN THE BOUNDARIES OF THE CITY OF ZEPHYRHILLS PURSUANT TO THE REQUEST OF THE OWNERS OF SUCH LANDS AND IN ACCORDANCE WITH SECTION 171.044, FLORIDA STATUTES, AS AMENDED.**

City Attorney Matthew Maggard read Ordinance No. 1445-22 by title. A public hearing was held and Kimberly Yothers of 292 Terrace Road, Tarpon Springs, FL 34689 spoke from the floor stating she is a student at St. Petersburg College in Public Policy and Administration and is present to speak on a first reading. She said she reviewed the project, met with Mr. Vande Berg, and said this project will bring some tax base with little impact to the City.

Planning Director Todd Vande Berg said this is the first reading of an annexation of 3.4 acres, a partial enclave that will be eliminated within the City's Joint Planning Area (JPA) and Utility Service Area boundary. The Site Plan Review Committee and Planning Commission recommended Council's approval.

Lance Smith moved to approve Ordinance No. 1445-22 on the First Reading. Seconded by Kenneth Burgess. Motion passed unanimously.

City Manager William Poe requested Planning Director's Report Items 3.1, 3.2 and 3.3 be moved following the City Attorney's report.

Kenneth Burgess requested to move Business Items 3.1, 3.2 and 3.3 following the City Attorney's Report. Seconded by Lance Smith. Motion passed unanimously.

3. **PLANNING DIRECTOR'S REPORT**

3.1 Abbott Square Phase 2 Final Plat

3.2 Eiland Blvd. Mixed Use PUD – Annexation, FLUMA & Rezoning Planning Report

3.3 Zephyr Storage, LLC Conditional Use/Planning Report

4. **CITY ATTORNEY'S REPORT**

4.1 ACME Development on Wire Road North of C.R. 54

First Reading **ORDINANCE NO. 1444-22 - "AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA PROPOSING AN AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE MAP CHANGING FROM COUNTY RES-6 (RESIDENTIAL 6 D/U PER ACRE) TO CITY RU (RESIDENTIAL URBAN) AND THE ZONING DESIGNATION FROM COUNTY AR (AGRICULTURAL-RESIDENTIAL) TO CITY R-4 (HIGH-DENSITY RESIDENTIAL) FOR APPROXIMATELY 4.95 ACRES OF REAL PROPERTY LOCATED ON WIRE ROAD AND APPROX. 1,000 FEET NORTH OF COUNTY ROAD 54 AND HAVING PARCEL NUMBERS 02-26-21-0010-03600-0000 AND 02-26-21-0010-03600-0010 LOCATED AT 6700, 6712, AND 6718 WIRE ROAD, ZEPHYRHILLS FLORIDA 33542; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE."**

City Attorney Matthew Maggard read Ordinance No. 1444-22 by title. He said this is the same piece of property on Wire Road that was addressed in Business Item 2.1.

Lance Smith moved to approve Ordinance No. 1444-22 on the First Reading. Seconded by Charles Proctor. Motion passed unanimously.

4.2 Zephyr Storage LLC on US-301 South of Daughtery Road

First Reading **ORDINANCE NO. 1446-22 - "AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA APPROVING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN,**

CHANGING THE FUTURE LAND USE CLASSIFICATION FROM COUNTY ROR (RETAIL/OFFICE/RESIDENTIAL) TO CITY MU (MIXED USE); AND AMENDING THE CITY'S OFFICIAL ZONING MAP, CHANGING THE ZONING DESIGNATION FROM COUNTY C2 TO CITY C2 (COMMUNITY COMMERCIAL), FOR PARCEL 03-26-21-0010-00100-0020; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE."

City Attorney Matthew Maggard read Ordinance No. 1446-22 by title. He said this is the same piece of property (FLUMA) that was addressed in Business Item 2.1 and 4.1.

Lance Smith moved to approve Ordinance No. 1446-22 on the First Reading. Seconded by Alan Knight. Motion passed unanimously.

4.3 Park Place Boat & RV Storage, LLC Conditional Use

First Reading **RESOLUTION NO. 803-22 - "A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS; APPROVING A CONDITIONAL USE FOR RECREATIONAL VEHICLE STORAGE IN THE LI (LIGHT INDUSTRIAL) ZONING DISTRICT ON PARCELS 19-26-22-0010-00000-0110 AND 19-26-22-0010-00000-0120; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; AND PROVIDING AN EFFECTIVE DATE."**

City Attorney Matthew Maggard read Resolution No. 803-22 by title. Historic Preservation Specialist and Community Planner Audrey McGuire said this property is located in the Park Place Industrial Park and all uses surrounding the property are industrial or associated with the Zephyrhills Municipal Airport. Currently, the City's Land Development Code requires that recreational storage use be considered as a conditional use in the light industrial zoning district and staff recommended approval.

Kenneth Burgess moved to approve Resolution No. 803-22 on the First Reading. Seconded by Lance Smith. Motion passed unanimously.

Business Items 3.1, 3.2 and 3.3 were moved to this place on the agenda.

3. **PLANNING DIRECTOR'S REPORT**

3.1 Abbott Square Phase 2 Final Plat

Planning Director Todd Vande Berg presented a final plat submitted by Lennar for Abbott Square Phase 2 located west of Simons Road with a mixture of single-family residential. The majority of homes will be one-story attached villas with a few two story units. The PUD Master Plan includes the preservation of many existing oak trees. The plat is consistent with the approved Abbott Square construction plans and the land development code standards for platting. The City's Engineer of Record, David Armstrong, has reviewed the final plat for compliance with Florida Statute Planning Standards set forth in Florida Statute 177. A traffic signal will be located at Eiland Blvd. and Simons Road with a dedicated right hand turn lane. Construction will begin in November 2022 with completion in the Spring 2023. A mylar and Subdivider's Agreement were available for signature, if approved by Council. A performance bond will be recorded with the engineer's estimate included in the Subdivider's Agreement as the infrastructure is incomplete. Staff recommended approval of the Abbott Square Phase 2 Final Plat.

Charles Proctor moved to approve Business Item 3.1. Seconded by Lance Smith. Motion passed unanimously.

3.2 Eiland Blvd. Mixed Use PUD – Annexation, FLUMA & Rezoning Planning Report

Historic Preservation Specialist and Community Planner Audrey McGuire presented a multi-step project for a partial annexation, partial future land use classification change and PUD rezoning for the entirety of the project located on Eiland Blvd, west of Fort King Road. The annexation portion is approximately 11.75 acres, the future land use map amendment will consist of 21.92 acres and the rezoning of the entire project site is approximately 29.38 acres and qualifies as a small scale map amendment. The two parcels to be annexed are in an enclave area comprising 11.75 acres located within the Joint Planning Area (JPA) and Utility Service Area

and meet the standards of Florida Statute Chapter 171 for annexation. The 10.17 northern acres have a City residential urban land use classification, the property located in Pasco County have a RES-6 and RES-9 land use classification and the remainder of the property has a mixed use classification. All parcels will be amended to City mixed use. The proposed density is 20 units per acre with a max of 1.0 FAR under the future land use classification. The proposed property is consistent with the City's LDC requirements and surrounding land uses in the area, is a small scale comprehensive plan amendment and is consistent with the requirements of Florida Statutes Chapter 163.

Ms. McGuire provide a character analysis stating the property to the north are mobile home RV with a density of 5 to 18 dwelling units per acre. Additional properties to the north are RU (residential urban) with a density up to 20 units per acre. Properties to the south are County RES-9 and County RES-9. Properties to the east, across Fort King Road, have a City future land use classification of MU with a density of up to 20 units per acre. Mobile homes to the west are residential urban and one parcel of very low density residential. The parcels along Eiland Blvd. are City OP (Office Professional) with AC and AR for County parcels. All parcels will be rezoned to Planned Unit Development (PUD). The project is located within the basin of special concern and will need to meet additional stormwater water capacity requirements. A significant portion of the northern parcels will be slated for wetland mitigation and retention area. A total of 347 maximum units is proposed which is 11.98 dwelling units per acre. Multi-family buildings will be four stories in the multi-family residential section with two story buildings fronting Eiland Blvd. Non-residential uses will be medical office, small cafes, and restaurants limited in size. The applicant has requested a drive-thru restaurant use for a possible Starbucks or Dunkin Donuts. Staff recommends removing the drive-thru restaurant use from the plan, stating the use is too intense.

Ms. McGuire stated the Planning Commission recommended Council's approval with the condition traffic concerns at the intersection of Eiland Blvd. and Fort King Road be addressed. Turn lanes are anticipated at all driveway entrances with a right of way dedication along Fort King Road. The zoning is consistent with the proposed future land use classification of MU, meets the size requirements to establish a PUD, is consistent with the development patterns and surrounding uses of the area and meets the City's LDC goals, objectives, policies and COMP plan requirements. Building typologies along Eiland Blvd. have been designed to be more of a downtown setting so parking would be interior to the site with buildings out towards Eiland Blvd. with a store front and walkability feel. Staff, the Site Plan Review Committee and Planning Commission recommended approval with a contingency that staff look carefully at the traffic related concerns. Staff met with the City's engineering consultants, Kimley Horn, and the applicant's consultants to discuss the intersection; specifically, the light timing and sequencing, and turn lane improvements.

City Manager William Poe said he is confident staff can work out an equitable resolution for a proportionate contribution share toward the dedicated right hand turn lane at Eiland Blvd. for future projects moving forward.

Council President Wilkeson said this is a PUD where everything is negotiable, the City is in a position to ask for what they need. She would like to see a relationship between access to residential shops from Summerset Apartments for pedestrian and bike uses and address turn lanes and improvements to the intersection of Eiland Blvd. and Fort King Road.

Lance Smith moved to approve Business Item 3.2 with staff's recommendation to remove the drive-thru restaurant use. Seconded by Charles Proctor. Motion passed unanimously.

3.3 Zephyr Storage, LLC Conditional Use/Planning Report

Planning Director Todd Vande Berg presented a conditional use petition submitted by Zephyr Storage, LLC for the construction of a proposed Indoor Storage Facility pursuant to Section 709.16 of the Land Development Code for indoor storage facilities outside the CRA and Formed Based Code exceeding one story or 15 feet. He narrated a PowerPoint presentation of the subject property stating staff is working with the applicant to maximize tree preservation around the perimeter and proposing a connection from Daughtery Road with an emergency access Knox Box. Drainage calculations and stormwater retention are in the process with the proposed project in the basin of special concern (part of the property is in a flood zone). He

displayed a view from US 301 with a smaller 29' height building that is in character with the height of other buildings along US 301, the higher building from 39' to 41' (with the facade architectural elements) in the back with a drive access connected to US 301. There is an enhanced buffer along the perimeter and a decorative fence with landscaping along the building. He said the three story structure in the back is limited in view from US 301 based on landscaping and the 29' building in the front. The applicant will be adding brick treatments and is open to any color of brick. He said there is virtually no water impact and minimal traffic generated based on the use. The applicant's representative was present to answer questions.

Lance Smith moved to approve Business Item 3.3. Seconded by Charles Proctor.
Motion passed unanimously.

4. CITIZEN COMMENTS

Spoke from the floor: Executive Director Bobby Green – Ridge League of Cities
Mr. Green bestowed greetings to Council on behalf of the Ridge League of Cities. He said this is his first year as Executive Director with the Ridge League of Cities and wanted to introduce himself. He presented a brief synopsis of the Ridge League of Cities' history, purpose, and upcoming dinner in Haines City on December 8th.

Cadet Lieutenant Colonel Parker Stuckey, Battalion Commander, with the Zephyrhills High School JROTC Program – 6335 12th Street – Zephyrhills, FL

Cadet Lieutenant Colonel Parker Stuckey said JROTC's mission is to motivate young people to be better citizens and scholars and as Battalion Commander, to provide quality citizenship, character, service, and leadership development programs. He narrated a PowerPoint presentation and highlighted upcoming service projects to include a coastal cleanup at Zephyr Park, Veterans' Day Parade, and Wreaths Across America. He said the Army changed their uniform in 2017 from ACU's to OCP's and the group is trying to outfit all cadets with the new uniform. He said JROTC's Project Patriotism project will be cleaning graves at Oakside Cemetery and hosting a flag retirement ceremony and requested funding support from the City.

Council Vice President Smith requested the City provide a \$1,000 donation with the option for Council to donate personally.

MAYOR ANNOUNCEMENTS – Mayor Whitfield thanked Public Works Director Shane LeBlanc and his crew on the completion of the 7th Street project. He said 7th Street is a nice ride without humps in the middle of the road.

CITY MANAGER ANNOUNCEMENTS – City Manager William Poe thanked Mr. Green for speaking on behalf of the Ridge League of Cities and thanked all employees for their work in preparation for Hurricane Ian.

CITY ATTORNEY ANNOUNCEMENTS – City Attorney Matthew Maggard said Nelson Ryman was a fellow Rotarian and every time there was a fundraiser he would show up at his office and refuse to leave without a check. He sent his condolences to the family and said Nelson will be missed.

CITY COUNCIL COMMENTS – Councilman Burgess said he enjoys driving down 7th Street with the change and thanked Mr. Green for speaking. He addressed Kossik Road and said there is a Developer's Agreement that states the completion of Kossik Road will be December 31, 2022. As the City moves forward, a mechanism needs to be put in place to hold developer's accountable.

City Manager William Poe said the City will not approve any future plats until the City receives a guarantee of road construction.

City Attorney Matthew Maggard said a Developer's Agreement is an agreement that the City can take action to enforce. He advised Council to wait until the deadline passes and make a decision whether to take legal action.

Council Vice President Smith said if the developer was unable to obtain a Certificate of Occupancy for an existing plat, that would be pretty good motivation. He said the same with construction, if someone is flooded there should be recourse. He said there may be some bonding that can be acquired for damages.

Council President Wilkeson said Council needs to implement internal deadlines to begin implementing code and ordinances to protect people like Ms. Earle.

Councilman Proctor agreed with Council Vice President Smith and Council President Wilkeson.

Councilman Knight thanked the JROTC for their presentation and said he was proud of them. He thanked Chief Brewer and Shane LeBlanc for their efforts during the hurricane. He addressed food vendors along 5th Avenue on Friday and Saturday nights and asked if they had a license.

Historic Preservation Specialist and Community Planner Audrey McGuire said the City has an ordinance in place that outlines zoning districts for food vendors in the down town area and parks. The City is not allowed to license or otherwise register food vendors, per state statute, as long as they adhere to the state's requirements for licensing. Food vendors are limited to three days a week in one location. The City reserves the right to inspect all food vendors and can request to see their license, insurance and health information if they are reported by a citizen.

Councilwoman Wilkeson said Ryman Nelson was a founding member of the Daybreak Rotary Club and was the best fundraiser. Rotary supported Nelson's Haiti commitment as their international project for 30 years and said he will be sorely missed. Nelson was a very special person and leaves a big hole in our collective hearts.

5. NOTED ITEMS

6.1 JE TA 23-01 Water/WasteWater System Support Services

6.2 Depository Deposit Listing

Meeting adjourned: 8:01 p.m.
Submitted by Lori L. Hillman
Not Present at Meeting